

CITY OF SILVERTON
CITY COUNCIL MINUTES

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

February 3, 2020, 6:00 p.m.

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

Mayor Palmer called the meeting to order at 6:00 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; 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 Regular Meeting held on January 6, 2020. Councilor Sears seconded the motion. Councilor Smith said the word “July’s Party” on page 2 needs to read “Judy’s Party.” There were no further changes and the motion passed as amended 7-0.

III. OATHS OF OFFICE/PUBLIC RECOGNITION - None

IV. PUBLIC COMMENT

Susan McLauchlin, Marion County Health. Susan McLauchlin is a member of the Marion County Prevention Team. The Prevention Team has been doing extensive surveying in order to produce snapshots of health indicators in the community. Four years ago the City of Silverton did a jurisdictional readiness survey which led to the Council discussion on smoke free policies. They would like to repeat the survey with Silverton. Ms. McLauchlin distributed a handout asking the City Council to participate in a Tobacco and Substance Misuse Prevention Survey. Councilor Plummer said City staff should connect the City’s intern from Willamette University who is studying options for a smoke free downtown with Ms. McLauchlin. City Manager Christy Wurster indicated staff will make sure the two groups get connected.

Daniel Lliteras, 3926 Briar Knob Loop. Daniel Lliteras representing the Silverton Farmers Market requested the City look into closing Fiske Street for the Saturday Farmers Market. This would be the section adjacent to Main Street Park where the Farmers Market is currently located. Last year the market reached the capacity for how many vendors could fit in the current area. The group reached out to the

City and was offered alternative locations, but would prefer to stay in the current location. Closing the road would allow them to accommodate more vendors. Mr. Llitas said a group of volunteers canvassed the neighborhood in order to gauge the neighbor's support and the majority of the neighbors are supportive of closing this section of Fiske for the weekly event. He said there were a couple neighbors who voiced their concerns and were not supportive. The Market runs from mid-May through mid-October on Saturdays from 9:00 a.m.-1:00 p.m. they would likely need an hour before the event starts for set-up and an hour after. Council voiced concerns about access for emergency vehicles and asked if the vendors could set up on the sidewalk to accommodate the potential need for emergency vehicles to get through the area. Mr. Llitas did not see that as a viable option due to the parking meters and the size of the street. Councilor Carter asked if the Market has approached the Methodist Church to see if they could expand into their parking lot. Mr. Llitas said they have not, because there are a number of reasons why they like the current location and they are able to use the church lot for customer parking. Councilor Plummer said he feels this this is worth a deeper discussion with the Police and Fire Chiefs. Staff will add this topic to the list for future discussion.

V. SCHEDULED PRESENTATIONS

5.1 Fiscal Year 2018-2019 Audit Presentation – Boldt, Carlisle, & Smith

Brad Bingenheimer introduced Nicole Bourne who was the supervisor on site for the Silverton audit. Mr. Bingenheimer distributed a brief presentation that provided an overview of the larger audit. The audit report has been issued for the City and he reviewed the two sets of auditing standards that were applied. He explained the City is in good financial health and described the positive trends the auditors saw, including total revenues increasing by \$1 million in Fiscal Year 2019. One area the City can improve upon is related to internal controls and the segregation of duties. Ms. Bourne thanked the Finance Department staff for always answering the auditor's questions in a timely manner and being great to work with.

5.2 Pirate ship play structure in the Children's Garden – Rich Meganck, Oregon Garden Foundation Board Member

Rich Meganck and Allison Pennell with the Oregon Garden Foundation asked for City Council's non-financial support in building a new pirate ship play structure in the Children's Garden at the Oregon Garden. Ms. Pennell has raised a significant amount of the money needed for the play structure. The structure would be built and outfitted by volunteers including retired builders. The lower level of the pirate ship would meet all ADA requirements. Ms. Pennell explained there is already a pirate ship like platform in the proposed location. She also explained this project is attainable and it would be great for kids to have a new play element. Councilor Carter explained Rich Meganck is a hydrologist and has been a great addition to the Foundation Board. Staff noted Council will be considering this item under the consent agenda later tonight.

5.3 Silverton Chamber of Commerce Monthly Update – Stacy Palmer

Stacy Palmer, Executive Director of the Silverton Chamber of Commerce gave her monthly report. Ms. Palmer reviewed the January visitor numbers. The Chamber launched a new website last month and she showed City Council how to navigate the new site. The grant selection team will be awarding grants from Judy's Party proceeds this week. Attached to the monthly report are the legislative priorities for the State Chamber of Commerce. She also reminded everyone the tickets are on sale for the First Citizen Banquet.

VI. PUBLIC HEARINGS - None

VII. DISCUSSION/ACTION ITEMS

7.1 Ordinance No. 20-01 – Denying a request to change the Comprehensive Plan designation of 801-809 Davenport Lane from Public to Multi-Family Residential with a concurrent Zone Change to change the base zone to RM-10

Community Development Director Jason Gottgetreu explained this was a staff initiated zone change application to facilitate potential development proposals for the Westfield site. The redevelopment of the Westfield site is a City Council goal. The Planning Commission met on November 12, 2019 and December 10, 2019 to consider the application and is recommending the City Council deny the request.

The City Council held a public hearing and approved the denial during their first reading of the ordinance. Since that meeting the Silverton Urban Renewal Advisory Committee (URAC) reviewed the potential development proposals in a public meeting on January 21, 2020. If a Councilor has seen the development proposals and has changed their vote on the denial ordinance based on the proposals, then that Councilor would be relying on new evidence to form their decision and the record would have to be reopened to admit new evidence. This would require an additional public hearing be scheduled during the March City Council meeting. Mayor Palmer and Councilors Freilinger, Carter, and Neideigh declared they have seen the proposals, but they did not impact their decision on the matter.

Councilor Carter said she has seen the proposals and made a motion to reopen the record based on the new information. Councilor Freilinger seconded the motion. He would like to see the record reopened, because the information is extensive and highly relevant. He felt last month City Council was feeling forced to make a decision without having all the information, by reopening the record Council could review all the information pertinent to the issue. He said this is a very important issue and he would like to see more discussion and meetings held regarding this item. Councilor Plummer does not understand how seeing the proposals should impact the City Council's action in the way of zoning. He also feels this process has been taken out of order. He would like to see some sort of affordable housing project on the property, but does not understand why the zoning needs to be changed before accepting any of the proposals. He does not feel the record should be reopened. Councilor Freilinger said reopening the record is needed to make sure the City Council makes an informed decision. The Council is already scheduled to review the proposals and if this ordinance passes than Council would be starting over from scratch. If the record is reopened it would allow for the process to continue with more public meetings and discussion. Mayor Palmer said he will not vote in support of reopening the record. The proposals did not change his decision, because he would prefer to see a different zone on the property. He explained why he feels the Planning Commission decision should be upheld and he would like to see something small and would not support a large scale development. Councilor Smith asked if Council would have to wait one year before they could reconsider. Director Gottgetreu said Council would have to wait a year only if it is the same land use application. If an application were to designate it a different zone then Council could consider that application. Councilor Smith said she has not seen the proposals, but the City Council is not bound to accept them if they do not like any of them. She said if the record is not reopened Council would be closing the door on additional information and that is not in the best interest. Councilor Freilinger commented on why he feels City Council could vote differently than what the Planning Commission recommended. He said after the vote last month he was concerned about the way he voted. The Planning Commission has a specific narrow charter which is to uphold the Silverton Municipal Code and make recommendations on precedent. When it comes to changes in policy and the outlook for the City it is City Council's job to make those decisions which is why City Council has to hear zone changes in addition to the Planning Commission. He thinks Council should consider all relevant information before a vote takes place. Councilor Carter said she felt like she made a mistake at the last meeting and thinks this issue needs to be reexamined. Councilor Sears voiced his concern about the density. The motion failed 3-4 (Yes: Councilors Carter, Freilinger and Smith; No: Mayor Palmer and Councilors Sears, Plummer and Neideigh).

Councilor Carter stated she would like to change the way she voted at the last meeting and will be voting no on the second reading. The change was not due to the fact she reviewed the proposals.

Councilor Smith made a motion to have the second reading of Ordinance No. 20-01, by title only. Councilor Plummer seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Manager Wurster read Ordinance No. 20-01 by title only.

Councilor Smith made a motion to pass Ordinance No. 20-01 on the second and final reading. Councilor Carter seconded the motion. Councilor Carter explained why she will not be supporting the passage of Ordinance No. 20-01. She said there is an inadequate amount of low cost housing and Silverton has a population of 100 known unsheltered individuals. The world's population is increasing and Oregon has become a popular state for relocation. She also provided reasons why the Westfield site offers an ideal location for high density housing.

Councilor Plummer agreed with Councilor Carter's statement, but said City Council is not voting on a project. He said the City Council is voting to change the zoning only to consider bids and look at the process further. He does not feel this is the correct time to change the zone of the property. In most cases it would be up to the new owners to apply for a zone change after the property has changed hands. He also explained he does not see why the City Council should have to change the zone in order for a developer to be able to apply for a grant. He thinks the process has been done out of order. Currently he does not see a specific reason to change the zoning.

Councilor Freilinger said his understanding is funding for affordable housing is contingent on the land being zoned multifamily. He said he does not think the City will ever get affordable housing unless they have land zoned RM-10. He feels the process has been done exactly the way it should have been done. Since the City owns the property the Council can ensure it is not developed unless it is for an affordable housing project. He said at some point the City Council will need to rezone property if affordable housing is ever going to be built in Silverton. One of the recommendations that will likely come from the Affordable Housing Task Force is City Council seeking out property that could be rezoned to RM-10. He said the Task Force is also looking at more middle of the road approaches such as allowing smaller lot sizes and encouraging cottage development, but he does not see that actually leading to affordable housing. He further said the person who makes your coffee or hamburger deserves to be able to live here. Too many people in town work fulltime and are homeless or partially housed. There needs to be a different housing scenario and it cannot be an incremental small change. The Chamber is concerned about workforce housing, showing the business community knows their employee's needs are not being met. He said the time is now and the process was done correctly. He urged the City Council to reject the Planning Commission's recommendation.

Councilor Smith said in order for housing to be affordable there has to be a certain density. Having the density does not mean it has to look like mega complexes, a city can have higher density and have it look attractive and appropriate for the area. As the owner of the property the City will be able to control what the development looks like. She envisions the City holding a land trust with someone else doing the development. This concept would keep the City in an ownership role allowing the Council to always have a say on what happens on the property.

Councilor Sears feels the City has the cart before the horse. The City started with the idea to see what developers would propose on the site. Then City Council would have a proposal they could evaluate with the public. Now all of a sudden that is not going to work because of the possibility of grants. City Council should figure out what they want to have developed there and then talk about the zoning needs. He said it is troubling to move ahead with a zone change without first having a vision on what the development would look like. Councilor Smith said this is past the point of this being about grants, but City Council is now in a place where it could be locked out of allowing for an RM-10 zone change for an entire year. If the RM-10 is approved it would allow for more flexibility and could be built to a smaller density.

Mayor Palmer asked if City Council decided to split the property and carve off a certain amount to be zoned RM-10 could that happen sooner than one year. Director Gottgetreu said the application would have to be substantially different than this one. Councilor Smith asked if there is a minimum density in RM-10. Director Gottgetreu said the minimum density is 10 units per acre, unless there are significant issues with the site that does not allow it to be built to that density. Councilor Smith explained why she felt RM-10 might offer greater flexibility. Mayor Palmer has operated on the assumption that the City cannot create affordable housing by simply addressing it by supply. The City cannot just build its way into affordability; the problem will need to be fixed differently here. He said the community does not want to take the whole property and build units that quickly. He would rather see a 10-15 unit small pilot project and build from there. He agreed with Councilor Plummer regarding the process and felt that was part of the reason the Planning Commission did not feel prepared to make a decision. He does not feel the City Council should continually decide against an advisory body. He would rather fix this problem in a manner that allows everyone to be on the same page moving forward. People expect the growth in town to be well planned and thoughtful. The public does not want to see large scale developments that will impact traffic and the quality of life. He is supportive of affordable housing and thinks all the code changes discussed at the Affordable Housing Task Force will be tools to help solve the affordable housing issue in

Silverton. The demand problem cannot be solved by supply. The motion passed 4-3 (Yes: Mayor Palmer and Councilors Sears, Plummer and Neideigh; No: Councilors Smith, Freilinger and Carter).

Molly Ainsley, 1115 Mills Street. Molly Ainsley asked who initiated the RFP for the proposals. Mayor Palmer said the City of Silverton staff issued the RFP. She asked if it was made clear in the RFP that City Council was just trying to get ideas on possible development concepts or was the assumption a potential contract would be issued for one of the proposals. Director Gottgetreu said the RFP was vague and did not offer any assurances the City would move forward with a project.

City Council took at a break at 7:41 p.m. Councilor Carter was excused from the meeting at 7:41 p.m. Council returned to regular session at 7:51 p.m.

7.2 Ordinance No. 20-03 – Repealing Chapter 5.45 of the Silverton Municipal Code

Assistant to the City Manager/City Clerk Angela Speier said on January 6, 2020 the City Manager discussed the new statewide plastic bag ban and the differences between the City's ordinance and the state legislation. This ordinance repeals the section of the Silverton Municipal Code that regulates plastic bags allowing the City to enforce the state regulations.

Councilor Plummer made a motion to have the first reading of Ordinance No. 20-03, by title only. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (6-0). City Manager Wurster read Ordinance No. 20-03 by title only.

Councilor Plummer made a motion to pass Ordinance No. 20-03 on its first reading. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (6-0).

Councilor Plummer made a motion to have the second reading of Ordinance No. 20-03, by title only. Councilor Smith seconded the motion. There was no discussion and the motion passed unanimously (6-0). City Manager Wurster provided the second reading of Ordinance No. 20-03 by title only.

Councilor Plummer made a motion to adopt Ordinance No. 20-03 on its second and final reading. Councilor Sears seconded the motion. Mayor Palmer reiterated this still means paper bags will cost five cents, the City is just lining up with the state law. There was no further discussion and the motion passed unanimously (6-0).

VIII. CONSENT ITEMS

Councilor Sears made a motion to pass the consent agenda consisting of agenda items 8.1, 8.2, 8.3, 8.4, 8.5, and 8.6. Councilor Plummer seconded the motion. There was no discussion and the motion passed unanimously (6-0).

- 8.1 Approval of the construction of a pirate ship play structure in the Children's Garden at The Oregon Garden**
- 8.2 Approval of the 2020 Draft Budget for the Oregon Garden Foundation**
- 8.3 Ratifying the City Manager's approval of the annexation agreement for 148 Cambridge Avenue**
- 8.4 Authorize the City Manager to sign the Intergovernmental Agreement between Marion County and the City of Silverton for Community Prosperity Initiative**
- 8.5 Resolution No. 20-02 – Adopting a Plan of Action for the City of Silverton**
- 8.6 Resolution No. 20-03 – To increase the appropriation authority related to Non-Departmental Transfers and City Council**

IX. APPOINTMENTS TO COMMITTEE AND ADVISORY GROUPS

- 9.1 Appointment to the Oregon Garden Foundation, the Environmental Management Committee and the Transportation Advisory Committee**

Mayor Palmer said City Council will not be making an appointment to the Transportation Advisory Committee. He is recommending City Council appoint Ken Hector to the Oregon Garden Foundation and Beth Finnson to the Environmental Management Committee.

Councilor Smith made a motion to appoint Ken Hector to the Oregon Garden Foundation for a term expiring on December 31, 2022. Councilor Plummer seconded the motion. There was no discussion and the motion passed unanimously (6-0).

Councilor Smith made a motion to appoint Beth Finnson to the Environmental Management Committee for a term expiring on February 6, 2023. Councilor Plummer seconded the motion. There was no discussion and the motion passed unanimously (6-0).

X. CITY MANAGER UPDATE

City Manager Wurster reminded City Council about the First Citizen Banquet taking place on February 8 and to let staff know if you would like to attend. Republic Services has been scheduled on April 20 to present on their proposed rate schedule and franchise agreement with final adoption on May 4. Staff sent City Council information on an election training hosted by Marion County. On February 24 the URA will be meeting to review three façade and building improvement applications and the proposals for the Westfield site. City Council will conduct their goal setting on February 25. Starting next week the Public Work Maintenance Division will be distributing tree notices for non-compliant street trees.

Councilor Smith asked if the compliance is for trimming or for properties that do not have a street tree, but should have one. Director Gottgetreu said this notice is for trimming for sidewalk and roadway clearance. She asked if staff is planning to address the illegal removal of street trees in some areas. Director Gottgetreu said that is something staff has been considering. Council discussed the notices and ensuring they are specific on what the property owner needs to do.

XI. COUNCIL COMMUNICATIONS

Councilor Neideigh asked about the additional signage on Adams Street. City Manager Wurster looked at the street and staff has agreed to add a "Not a Through Street" sign to be visible when a driver turns onto the street. It is a very narrow street and if people park on both sides it would be very difficult for an emergency vehicle to get through. There is a plan to do some additional striping as well. The property owner also expressed concern about the lack of turnaround, but after further evaluation adding a turnaround will likely not be possible.

Councilor Freilinger said he hopes something can be done on the Westfield property.

Councilor Plummer provided an update on the Transportation Advisory and TSP Project Advisory Committee meeting that took place last week.

Councilor Sears asked about the traffic counts on Western Avenue and if the new parking lot had been fully utilized in October when the counts took place. Director Gottgetreu said he would follow-up with the staff member who performed the counts and said staff will continue to do traffic counts in order to capture the second half of the year when there are usually more student drivers. Councilor Sears asked why the lights are going out on the downtown street trees. City Manager Wurster said weather events still impact the lighting and staff has to reset them. In some cases they are getting unplugged. She explained when the Downtown Plan is done the electrical plug will be located at the base of the trees which will help resolve some of the problems. Lastly, he inquired about the possible gateway project on the corner of Westfield and McClaine Street. Director Gottgetreu said staff has reached out, but will follow-up with the developer.

Mayor Palmer asked if the joint meeting between the City Council and Planning Commission has been scheduled. City Manager Wurster said it will be scheduled in July after the City Council goals are adopted. She said staff would like to schedule joint meetings with the School Board, Planning

Commission and the URAC. Mayor Palmer said he would like to discuss the Westfield property with the Planning Commission before July. Staff indicated the April Work Session could be a good option. Mayor Palmer said he would like to split off a portion of the property and ask for proposals on a specific piece of the property. He would like to make sure the public understands the Dog Park and Skate Park will remain on the property. He would like the proposals to have some layer of creativity and not just show the highest density possible for the property. Councilor Freilinger said he likes the idea of partitioning the property and agrees the City can never build enough affordable housing to meet the demand. His biggest concern is actually getting affordable housing constructed and he does not believe the City can get there through building duplexes and cottages. Council discussed the next steps for the Westfield property and asked staff to invite the Planning Commission to their URA meeting on February 24 when the Agency reviews the development proposals for the site. Mayor Palmer said the Council Chambers has had a lot of technical issues lately and asked if there is a possible alternative location at the High School the City Council could hold their meetings at. Staff will inquire with the School District to see if that is a possibility.

XII. EXECUTIVE SESSION – ORS 192.660(2)(i) To review and evaluate the employment-related performance of the chief executive officer or any public body, a public officer, employee or staff member who does not request an open hearing

Mayor Palmer read the executive session script and recessed into executive session at 8:29 p.m.

12.1 If necessary, take action on any matter discussed or deliberated on during the Executive Session

City Council entered back into regular session at 9:38 p.m. Mayor Palmer stated the City Manager's evaluation was received and provided to her by the Council and indicated the results were favorable.

XIII. ADJOURNMENT

Councilor Smith made a motion to adjourn. Councilor Sears seconded the motion and Mayor Palmer adjourned the meeting at 9:39 p.m.

Respectfully submitted by:

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