

CITY OF SILVERTON  
CITY COUNCIL MINUTES

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

February 4, 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.

<b>Present</b>	<b>Absent</b>	
<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; Finance Director, Kathleen Zaragoza; and Assistant to the City Manager/City Clerk, Angela Speier

Mayor Palmer announced that Agenda Item 5.4 was cancelled and that he would hear Agenda Item 8.3 after the Consent Agenda.

**II. APPROVAL OF MINUTES**

Councilor Freilinger made a motion to approve the minutes from the Special and Regular City Council Meetings held on January 7, 2019. Councilor Sears seconded the motion. Councilor Carter asked that staff include a question in the minutes that she asked which was whether there were other funds available for the railroad connectivity that might be more appropriate for the development of a foot path instead of using urban renewal. There was no further discussion and the motion passed unanimously as amended.

**III. OATHS OF OFFICE/PUBLIC RECOGNITION – None scheduled.**

**IV. PUBLIC COMMENT**

Paul Zenchenko, 3062 Seminole Rd. Mr. Zenchenko representing American Legion Post 7 Delbert Reeves would like approval to organize volunteer groups citywide to do a cleanup of the Memorial Plaza prior to Memorial Day events. He would like to be able to tell other organizations that the American Legion has City Council approval and start advertising the cleanup event on social media. Councilor Freilinger thanked Mr. Zenchenko and asked staff if there are any conflicts with allowing this. City Manager Christy Wurster asked Mr. Zenchenko to send the list of volunteers to the City prior to the event for City record and thanked him for his efforts on the memorial and making it something that all citizens

can be proud of. Mayor Palmer thanked Mr. Zenchenko and asked that he let City Council know when the cleanup day is scheduled so he could participate.

Sadie Carney, 1595 5<sup>th</sup> Street NE. Ms. Carney representing the Marion County Democrats and thanked Council for their volunteer service to the Silverton community. She provided background information about the organization and invited Silverton residents to attend their general meetings held on the third Thursday of the month in Salem.

## **V. SCHEDULED PRESENTATIONS**

### **5.1 Silverton Chamber of Commerce Monthly Update – Stacy Palmer**

Ms. Palmer distributed the monthly Chamber report. She reviewed the January visitor numbers and the upcoming schedule for the monthly business meetings. Tickets for the First Citizen Banquet on Saturday, February 16, 2019 are on sale. She explained that the Chamber Board met with a facilitator last month to perform strategic and long range planning. The three key areas of focus for the Chamber are recruitment of businesses, retention of businesses, and advocacy. She explained that the Chamber is working with the High School to help create a relationship between the students in several CTE (Career and Technical Education) classes and the business community. The Silverton Chamber is working with the State Chamber of Commerce throughout the legislative session to track bills that impact the business community.

### **5.2 City Flag Contest Finalist Presentations – Benjamin Blair, Connor Hill, and Dmitry White**

Mayor Palmer noted that Dmitry White was unable to attend the meeting tonight due to a family emergency. The first flag design was presented by Benjamin and Eliah Blair. They explained that their flag represents Silverton in several ways including the blue and white stripe that represents Silver Creek flowing through the heart of the City in the shape of an “S”. The green background is indicative to the greenery and nature that is central to Silverton’s identity. The symbols on the flag are perennial meaning that they will carry significance no matter what happens in town. Councilor Plummer explained that the flag contest was brought about by the Blair’s who presented their design about one year ago to City Council. He thanked them for the initial thought of a City flag and for entering their design in the contest. Councilor Carter said she was impressed by all three entries and it shows that they studied heraldry.

Connor Hill explained that the green pine tree and back drop behind the fox represent Silverton’s history as a logging town and being known as the garden city. The silver stripe represents Silver Creek and how it cuts through the town. The blue background is the same color as the state flag representing unity with the state. The black fox head represents the Silverton High School and that the City isn’t just about preserving the past, but is also pushing towards a brighter future. The fox is also indicative of the wildlife that surrounds the city.

Mayor Palmer explained the symbolism of Dmitry White’s flag which included a white silhouette of the Oregon White Oak and a white stripe representing Silver Creek. Councilor Sears said that he is excited about the concept and the potential of the three contestants working together to design a flag. He also indicated that some of the designs are little abstract for his taste. He would like to see a little more of a garden representation in the flags since Silverton is known as the “Garden City.” Councilors Freiling and Plummer explained the Selection Committee’s thought process and why these flags were chosen. Council discussed the Selection Committee’s recommendation to have the three finalists work together to design a flag and expressed their desire to move forward with that recommendation. Staff will work the finalists who will present their design to Council at a later date.

### **5.3 Bicycle Friendly Community Bronze Designation – Charles Baldwin, Bike Alliance**

Community Development Director Jason Gottgetreu and Charles Baldwin, President of the Friends of East Side Trails reported that Silverton received a bicycle friendly community bronze designation through the League of American Bicyclists. Director Gottgetreu explained that in 2013 the City was approached by a community group that wanted to increase bicycle tourism in Silverton. After two failed attempts the City was successful in getting this designation in 2018.

Mr. Baldwin thanked the Council for their support and explained that it has been an ongoing process for five years. He also thanked the volunteers who have worked diligently on this project. The volunteers developed 17 recommendations for the Council to pursue in regards to bicycle tourism, created the nonprofit Friends of Eastside Trails, and started a number of community events. He explained that a number of the individuals who helped with this project are now members of the City's Transportation Advisory Committee and TSP Project Advisory Committee. This award is for four years and in that time Council can make additional strides in connectivity, bike parking, etc. to move towards an even better designation. City Council congratulated and thanked Mr. Baldwin for his hard work on this project.

#### **5.4 Highway 214 and South Water Street Project – AJ Blair, ODOT**

AJ Blair was not able to attend the meeting. His presentation will be rescheduled for a future Council meeting.

### **VI. PUBLIC HEARING**

#### **6.1 Ordinance No. 19-01 – Approving the Urban Renewal District expansion and directing that notice of approval be published**

Mayor Palmer announced that this is a continuation from the public hearing held on January 7, 2019 and continued the public hearing at 7:53 p.m. He explained that there have been changes to the proposed expansion areas. No member of Council wished to abstain. Councilor Carter declared a potential conflict of interest, because she owns a business within the Urban Renewal District. Mayor Palmer declared that he has had exparte contact with Bob Knodel, owner of Silver Creek Auto Body who has expressed his support for the expansion. No members of the audience wished to challenge the Council for jurisdiction to hear this matter or challenge any individuals. Mayor Palmer read the notice advising the audience of the steps to establish the right to appeal this matter to the Land Use Board of Appeals.

Director Gottgetreu explained that the expansion is an Urban Renewal Agency goal for this fiscal year. At the January 7, 2019 meeting Council asked staff to prepare a revised ordinance that included the 2.89 acre commercial property on the northeast corner of Jefferson and North First Street as well as the Jefferson Street right-of-way between North Second Street and Mill Street and the old rail right-of-way between North Second Street and Mill Street. Councilor Carter inquired about the rationale for including the abandoned railroad since there are other funds available for that project. Director Gottgetreu explained that it is being looked at in the Transportation System Plan (TSP) as a potential walkway or bikeway and by including it in the expansion area urban renewal funds could be utilized for the project. Discussion ensued regarding if this project would be eligible for Parks SDCs, staff indicated that it would have to be included in the Parks Capital Improvement Plan.

#### **Public Testimony**

Brian Mattox, 909 Oak Street. Mr. Mattox is the owner of 503 N. 2<sup>nd</sup> Street and would like to see the property be included in the district. He feels that his property could add to the vibrant downtown core and it seems to be prudent to include the property in the expansion area now.

Councilor Smith made a motion to close the public hearing. Councilor Sears seconded the motion. There was no discussion and Mayor Palmer closed the public hearing at 8:05 p.m. Council discussed the proposed expansion area and if it is taking away from the original intent of the district. Councilor Sears explained the reasons he is not supportive of the expansion and distributed a document explaining his concerns. He asked that if Council decides to move forward with the expansion to limit the funds available to the expanded area, remove the residential zoned property from the expanded area, and to not to include the old railway line; however, if it is the desire to include park land then the Pettit property should also be considered. Mayor Palmer said that he would be satisfied scaling the ordinance back to the original proposal and indicated that the commercial properties at 1<sup>st</sup> and Jefferson are blighted and he would like to see them become more attractive as the gateway to the community. He also indicated that he doesn't see the need to limit the amount of funds available to the properties, because the URA can do that through the application process. He added that just because an application is submitted doesn't mean that the project will automatically get funded.

Councilor Carter said that she objects to the proposed expansion and agrees with Councilor Sear's comments. She also agrees with the Mayor that the properties at 1<sup>st</sup> and Jefferson are blighted and it creates an unfavorable impression of Silverton as you enter town. She expressed her concern with expanding the district to include properties that are not directly contiguous to downtown, because it creates an impression that the City is excluding other blighted properties. She said that Councilors need to be able to explain and give rationale for the decisions they make. She also feels that if the Agency is going to be giving away large grants that there should be criteria associated with the program that requires a renewable energy component, aesthetic elements, and a green canopy. The requirements should not be just that it meets the code. In closing, she doesn't feel that this expansion fits the fairness test. Councilor Smith said that she feels that Jefferson Street to Mill Street needs to be improved due to the high volume of traffic.

Councilor Freilinger said he wished this discussion took place during the goal session last year, because now he is wondering if the expansion should have been a goal at all. The Urban Renewal Advisory Committee (URAC) feels that there needs to be better criteria for the grant and loan program and is looking to the URA for guidance.

Councilor Plummer said that the process is fair, it is a large district and everyone included in it can apply for grant and loan money. He feels the 1<sup>st</sup> and Jefferson area should have been included when the district formed. He also agrees with Councilor Smith that Jefferson Street to Mill Street should be included. He is supportive of including the old railway, because by including it doesn't mean that urban renewal money will be spent on the project. He is also favorable to adding 503 N. 2<sup>nd</sup> into the expansion area, because the owner took the time to make the request, whereas no other property owner did. Councilor Sears expressed his concern with adding Jefferson Street, because it will take away funding options from streets already in the district including McClaine Street which is estimated to cost \$5 million.

Councilor Carter made a motion to expand the Urban Renewal District to include the North 1<sup>st</sup> corridor, not including the residential properties, and the triangle piece of property north of Jefferson. The motion died due to the lack of a second. Councilor Smith made a motion to adopt the previous recommended area on page 30 of the packet and add Jefferson Street to Mill Street. Councilor Plummer seconded the motion. The motion passed 4-3 with Councilors Sears, Carter, and Neideigh voting no.

Staff will amend Ordinance No. 19-01 to reflect those changes for Council consideration at the March meeting.

Council took a break at 8:54 p.m. and reconvened the meeting at 9:03 p.m.

## **VII. CONSENT AGENDA**

There was no public comment regarding the Consent Agenda. Councilor Freilinger made a motion to accept the Consent Agenda consisting of agenda items 7.1 and 7.2. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously.

- 7.1 Approval of the 2019 Budget and Capital Improvement Plan for the Oregon Garden Foundation**
- 7.2 OLCC Liquor License for New Retail On-Premises Sales for Roth's IGA Foodliner, Inc. dba: Roth's Fresh Market**

## **VIII. DISCUSSION/ACTION ITEMS**

### **8.1 Community Pool Therm Analysis and Energy Trust of Oregon Recommendations**

Public Works Director Petra Schuetz explained that this is the next step for the community pool enhancements and repairs. Staff has been working with Energy Trust of Oregon to conduct this analysis; the report in the packet is preliminary recommendations for energy efficient improvements to the pool. Staff is looking for the Council's endorsement to work with Energy Trust to consider these improvements, which would allow the City to utilize their incentive program to make the capital improvements. The program could provide up to \$75,000 per project. Mayor Palmer clarified that an endorsement doesn't

mean that Council is agreeing to spend any amount of money on these improvements. Staff responded that is correct and that by working with the budget analyst at Energy Trust it will help to develop better cost estimates for the FY 2020 budget. Councilor Sears voiced his concerns about the payback period being longer than the current levy. He asked about the slope stability study and that he would like to explore the potential of a new indoor pool facility to be located at the Civic Center property. Staff indicated that the slope stability study is complete, but the final report has not been released. Councilor Smith indicated that she would like to see the slope study prior to making decisions on these recommendations.

Councilor Sears made a motion to continue working with Energy Trust on the recommendations. Councilor Smith seconded the motion. There were no comments and the motion passed unanimously.

## **8.2 Approval of the Updated Long-Range Financial Plan**

Finance Director Kathleen Zaragoza presented an updated Long-Range Financial Plan. She indicated that there is a correction on page three of the report regarding the population number. The report is based on the July 1, 2017 estimated population of 10,313. She explained that the forecast has been implemented with 2017-18 audited numbers and only addresses the major operating funds. She provided an overview of the each of the funds in the plan. The Building Operation Fund needs to be watched closely due to its volatile nature and if you take out the beginning fund balance and contingencies the revenue generated year-to-year is not keeping pace with expenditures. Included in the Street Fund is the City implemented local motor vehicle fuels tax which began on January 1, 2018. She explained that the original projection at the time of the ballot measure will not be reached. Staff monitors the revenue from the Silverton gas stations, but will ask the state for historical revenue numbers prior to the implementation of the local gas tax. Staff will also ask the state if they have any information for other jurisdictions and if their estimated revenues are coming back lower than originally projected at the time of the ballot measure. Director Zaragoza provided an overview of the Sewer and Water Funds and explained that the funds are not meeting the contingency and reserve policy, but the City will meet that goal next year. She explained that both funds have been transferring revenue for capital improvements. Lastly, she provided an overview of the City debt and will continue to look at refinancing options.

Councilor Carter made a motion to accept the updated Long-Range Financial Plan with the minor modification discussed by the Finance Director. Councilor Freilinger seconded the motion. There was no further discussion and the motion passed unanimously.

## **8.3 Consideration of request to seek proposals for solid waste services**

Mayor Palmer indicated that this item is on the agenda due to an interest of a City Councilor to bid the solid waste contract.

Julie Jackson, Municipal Service Manager and Jay Lawson, Operations Manager with Republic Services thanked the City Council for moving them up in the agenda and expressed appreciation on behalf of his drivers that are in attendance. Mr. Lawson indicated that Republic Services will be making a formal presentation to City Council in March. He reviewed the partnerships that Republic Services has with City. He explained that a number of the complaints received have to do with their national call center, they are now handling fifty percent of those calls locally and expect that to increase as more training takes place. He said that he personally called each of the individuals who have submitted emails to the City regarding their service. Tonight they are asking for the City Council to postpone this decision until after their March presentation. Ms. Jackson explained that Oregon is over 90 percent franchised and it is a system that works well. A franchise provides uniform service and rates with local oversight. Ms. Jackson explained moving forward the two groups should look at the franchise as more of a partnership and look at the services that the City wants to have and work to include those in the 10 year contract. Republic hasn't requested a rate increase since 2016. She said that prior to this decision Republic Services would like to have the opportunity to meet with staff and the community to address concerns and to get feedback moving forward.

Councilor Carter thanked Mr. Lawson for meeting with her this morning and indicated 41 years of good service from Republic Services. She also thanked the drivers in attendance for coming and their hard work. She would like to see better education about the new recycling standards prior to residents being

threatened with fines. Councilor Smith said that she appreciates Republic Services working with the Environmental Management Committee (EMC) in a collaborative partnership. Councilor Freilinger said that he also met with Mr. Lawson and commended Republic Service's presence tonight and for them showing concern about the issues raised by citizens. He asked for this item to be on the agenda and indicated that it started with Republic Services request for a recycling surcharge. He said that overall his experience over the last 30 years has been relatively good with Republic Services, but there have been a number of concerns raised about their service on social media. He said that moving the call center back to Oregon will be a huge win. He would like to see a future contract that has standards for customer service, has community surveys, and flexibility when looking at the dynamics of the external recycling market and rates. Mr. Lawson said that there are franchises in place in other communities that are very similar. Councilor Freilinger encouraged them to continue to reach out to customers that have concerns.

Ms. Jackson described Republic Services Community Grant Program and how Silverton could apply for a grant to help with park improvements and community events. Mayor Palmer thanked them for their support of Homer Davenport Festival over the years. Councilor Smith made a motion to table this decision until the March meeting. Councilor Carter seconded the motion. Councilor Plummer said he would like to see the City put pressure on Marion County Commissioners to see what they are willing to do to make waste a priority. There was no further discussion and the motion passed unanimously.

## **IX. APPOINTMENTS TO COMMITTEE AND ADVISORY GROUPS**

Councilor Freilinger made a motion to continue the meeting past 10:00 p.m. The motion was seconded by Councilor Sears. There was no discussion and the motion passed unanimously.

### **9.1 Reappointments to the Environmental Management Committee**

Councilor Freilinger made a motion to reappoint Councilor Dana Smith and Dawn Hemstreet to the Environmental Management Committee for terms expiring February 6, 2022. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously.

### **9.2 Appointment to the Affordable Housing Task Force**

Mayor Palmer explained that Stephanie Stoneking was appointed to the Affordable Housing Task Force to represent Habitat for Humanity. Habitat has since hired Kari Johnsen as their Executive Director and Ms. Stoneking would like Council to appoint Ms. Johnsen in her place. Councilor Freilinger made a motion to appoint Kari Johnsen to the Affordable Housing Task Force. Councilor Smith seconded the motion. There was no discussion and the motion passed unanimously.

## **X. CITY MANAGER UPDATE**

City Manager Wurster reminded Council about the goal session setting taking place on Wednesday, February 6, 2019 at 6:00 p.m. The February Work Session will take place on Monday, February 25, 2019 due to a conflict with President's Day.

Located in the Council packet are two alternatives for the McClaine Street project. Mark Owens, Engineer with Keller Associates is in attendance to answer questions. Staff is looking for feedback from Council on if they are supportive of moving forward with the staff recommended alternative. This direction is needed in order to budget next fiscal year for the 90 percent engineering review and design for the project. Director Schuetz explained that the original scope of the project needed to be expanded to accommodate removing the existing lift station in Main Street and putting new storm drainage on James Street. She explained that the first option would have a parking strip with trees and lighting on both sides of the roadway. The second option would have a parking strip with lighting on the east side, and on the west side there would be an 8' wide sidewalk with trees and lighting. The second option is the preferred alternative for staff.

Councilor Sears explained that he would prefer to have a bike path on both sides of the street and underground the utilities. Director Schuetz said that staff has met with PGE and they will not pay for the undergrounding, because their standard is still above ground. She explained the process of

undergrounding and other issues associated with it. Mr. Owens said that the cost estimate by PGE is at plus or minus 50 percent, once the 90 percent engineering is completed the numbers will get more accurate. He said that the undergrounding estimate is \$650,000. Discussion ensued about undergrounding the utilities and ideas to help alleviate the tightness of the road. Councilor Sears would like to see a traffic circulation study take place and asked about the potential of closing the section of James Street at McClaine Street. Mr. Owens reviewed the plan for the storm drainage system. Councilor Plummer expressed his support of undergrounding the utility lines for the project and asked if the bike lane was removed would there be enough room for 8' multi-use paths with greenways on both sides of the street. He also indicated his support of a traffic circulation study. Discussion ensued regarding the multi-use path and how to indicate bike traffic from pedestrian traffic.

There was Council consensus on looking at a design that eliminates the bike path on one side of the street in favor of 8' multi-use paths and greenways on both sides of the street. They would also like to look at undergrounding the utilities and complete a circulation study to determine if that section of James Street could be eliminated. Staff will look at the current contract with Keller and Associates for the 30 percent design and see if there are any funds available to expand the scope. If needed, the increase in scope will come back to City Council for their recommendation to move forward with the 90 percent design. Staff will include the circulation study in the FY 2020 budget.

## **XI. COUNCIL COMMUNICATIONS**

Councilor Sears asked if staff could write an article for the next edition of Our Town regarding fence standards. He asked if staff could paint a pedestrian only path at Coolidge-McClaine Park in order to keep the cars out of that area. He inquired about the project in the Council Tracker regarding the timing of the traffic signal on C Street and stop signs on Pine and James Streets. It is marked as complete, but he doesn't think that is the case. Director Schuetz indicated that those items will likely be looked at during the traffic circulation study. He said that it would be nice to address it prior to the bridge closure. He voiced his concern about a possible drought and asked about the construction timeline for the larger transmission line from Silver Creek to the Water Treatment Plant. He would like to dredge the reservoir to add additional storage capacity and potentially relooking at ASR for underground water storage.

Councilor Plummer said that he is hoping that the City will commit to no single use items as an internal practice, such as using biodegradable utensils and compostable paper plates. He would also like the City to make a request to Marion County to recognize the waste recycling crisis the county is in and convey the lack of activity on their part to find a solution to the waste issue.

Councilor Smith explained that Republic takes Silverton recycling to Pioneer where most other haulers use Garten Services in Marion County. Pioneer is still accepting smaller items such as yogurt tubs, because they still have a market for them, but Garten Services does not. Marion County would like to have a uniform message for all haulers in the county thus they are using Garten Services standards and Republic is not allowed to accept items in Silverton that they can in other counties. She voiced her frustration with the joint Work Session hosted by the Silver Falls School Board. She followed up with the county on the overflow parking lot located on Grant Street proposed by the School District. The School District keeps modifying it in order to get approval from the county. The county has approved it, because they were told it would be a non-paved seasonal lot. She expressed her concern that it will be used more frequently than that, which will only increase the traffic in the residential neighborhoods surrounding the high school.

Council discussed the possibility of taking over jurisdiction of Western Avenue from Marion County.

Councilor Freilinger indicated that he is supportive of sending a letter to Marion County regarding recycling. He is also concerned with the School District adding an overflow parking lot. He voiced his support on acquiring Western Avenue. He asked for an update on the Planning Commission Work Session on January 22, 2019 regarding the broadband code changes. Community Development Director Gottgetreu indicated that the next step is for staff to draft the code language for Planning Commission review at their next Work Session which will likely be scheduled later this month.

Councilor Carter inquired about the lighting at the Lewis Street Parking lot. She said that not all the lights are on at the same time and two of them are very dim. Director Schuetz said that she will look into it further. Councilor Carter reported that the Oregon Garden Foundation is currently negotiating the pavilion rental agreement with Moonstone Management. Currently the agreement doesn't include who is responsible for the maintenance and capital projects of the pavilion. There is a small pond located east of the garden that the City owns which has been mentioned as an additional reservoir. She said that the area is overrun with blackberries and needs to be improved. City Manager Wurster said that she will follow up with staff for additional input on that piece of property. Council discussed the use of social media and staff reminded Councilors that four or more responses from Council constitute a quorum. Councilor Carter advocated for adding criteria into urban renewal funded construction projects that encourage reduced energy consumption, seismic retrofitting, and/or items that are really going to make an improvement to the building or the neighborhood. She feels that the Agency is missing an opportunity to ensure that new buildings are environmentally friendly, increase the livability of the area, and create a positive addition to the community for future generations.

Councilor Neideigh said that she is supportive of the City looking into taking over Western Avenue and adding undulations, which she feels would help slow down the traffic in the area and detour drivers back on to Pine Street.

Mayor Palmer agreed to making a statement regarding recycling to Marion County. He reminded everyone to register for the Annual First Citizens Banquet.

## **XII. ADJOURNMENT**

Councilor Freilinger made a motion to adjourn the meeting and Mayor Palmer adjourned the meeting at 11:41 p.m.

Respectfully submitted by:

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