

CITY OF SILVERTON
CITY COUNCIL MINUTES

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

August 5, 2019, 7:00 p.m.

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

Mayor Palmer called the meeting to order at 7:04 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; Assistant to the City Manager/HR Coordinator, Elizabeth Gray; 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 July 1, 2019 and the Special Meeting held on July 15, 2019. Councilor Freilinger seconded the motion. Councilor Smith requested the following changes to the July 15, 2019 minutes: the word “magnetic” to be updated to “magma” on page 1 and remove the word “electricity” from page 6. There were no other changes and the motion passed as amended unanimously (7-0).

III. OATHS OF OFFICE/PUBLIC RECOGNITION – None Scheduled

IV. PUBLIC COMMENT

Mary Rose Brandt, 659 N. James Street. Ms. Brandt presented a petition requesting the City Council begin de-annexation procedures for the property located at 608 North James Street. She reviewed reasons why this request is being made and submitted the petition including approximately 50 signatures to the City Clerk.

Dodie Brockamp, 115 Westfield Street. Ms. Brockamp, Executive Director for the Silverton Senior Center noted that the Center’s Annual Report was located in the Council packet and asked if there were any questions. Councilor Carter said she appreciates Ms. Brockamp reaching out to make sure everyone is informed on the schedule of events at the Senior Center and is impressed with the communication system in place.

V. SCHEDULED PRESENTATIONS

5.1 Silverton Chamber of Commerce Monthly Update and Annual Report – Stacy Palmer

Stacy Palmer, Executive Director Silverton Chamber of Commerce reviewed the visitor numbers for July. She reminded City Council about the Silverton Business Group which meets on Wednesday at 8:00 a.m. She said there are multiple large groups who are planning extended stays in Silverton. She reported Judy's Party has been scheduled for Saturday, October 12 at 6:00 p.m. at the Festhalle and listed a number of community events that are occurring in August.

She referred to the Silverton Chamber of Commerce Annual Report located in the City Council packet and highlighted their collaboration with Mt. Angel. She explained the importance of advertising in national magazines as well as the trend of visitors switching to digital and mobile platforms to access information. In closing, she said the Chamber serves as Silverton's ambassador. She explained their budget and how they receive money from the City through Transient Occupancy Taxes (TOT).

Councilor Carter asked if the Silverton Business Group has talked about ways to reinvigorate First Friday participation. Director Palmer explained First Friday has never been a chamber event, but would like to hear Councilor Carter's suggestions for improving the event.

5.2 Parks and Recreation Special District Recommendation – Kent Robinson, PhD, Center for Public Policy at Portland State University

Dr. Kent Robinson introduced himself and noted he is a professor with the Public Administration Department at Portland State University (PSU). Dr. Robinson explained PSU has been working with the Parks and Recreation Task Force over the last eight months and they have completed their scope of work. He provided an overview of the project tasks and summarized the key findings. Some of the findings include the instability of the 5-year local option levy to fund the pool, shortage of athletic fields, trails in need of financial support, and the preference of the Task Force members for the City to retain ownership of property and facilities. He reviewed the findings from a public opinion survey that was conducted by PSU and sent to community members within the Silver Falls School District.

Dr. Robinson said as a result of their research and the meetings with the Task Force, PSU is recommending the formation of an independent special district as an appropriate solution. The voters must agree to form a special district with a property tax rate defined. He provided a high level overview of the election process that will be required. He explained PSU developed a number of staffing scenarios for the Task Force's review. The most recent scenario the Task Force reviewed would be a district made up of 3.5 FTE. PSU has provided a detailed budget that would include a revenue source of \$1.2 million annually and the City would retire the pool local option levy. He said Council should consider transferring the ownership of the pool facility to the new district. The district would also identify and develop a site for an athletic field complex. Lastly, the district should establish a nonprofit 501c(3) foundation for volunteer support and additional funding sources.

The Task Force is not ready to make a recommendation to the City Council at this time. They would like to continue working with staff to further define the boundary and budget. He explained Council must adopt a resolution allowing a district formation to proceed. After the passage of the resolution a citizen group must then advocate for a district.

VI. PUBLIC HEARINGS

6.1 Consider an annexation application to annex 5005 East View Lane into the city limits and zone the property R-1, Single Family Residential

Mayor Palmer opened the public hearing regarding annexation application AN-17-01 to annex 5005 East View Lane into the city limits at 7:53 p.m. Mayor Palmer asked if any member of City Council wished to abstain and/or declare a conflict of interest. Member Carter declared a conflict of interest due to owning two lots one located on Skookum Drive and one on Chikamin Loop that would be affected by this decision. She removed herself from the discussion and stepped down from the dais. Mayor Palmer asked if any Councilor had ex parte communications to report and reported that he spoke with people on two

different occasions that live in the general vicinity, but the comments were general in nature and about the annexation process, not this specific annexation. He said the communication would not impact his ability to make an impartial decision. Councilor Freilinger said people have approached him about this annexation and he told them he could not discuss the issue. No member of the audience wished to challenge the jurisdiction of the City Council to hear this matter or any individual member of the Council for bias or a conflict of interest.

Community Development Director Jason Gottgetreu explained the proposed application is to annex 5005 East View Lane into the city limits and zone the property R-1, Single Family Residential. The property is 17.41 acres and is developed with a single family home. He outlined the property's conformity to the annexation review criteria and restrictions that would be implemented if the property were annexed. He reviewed the adequacy of access to the site and its conformity with the City's Comprehensive Plan. The housing element of the plan is to "meet the projected housing needs of citizens in the Silverton area." This element projects an annual growth rate of about two percent and the goal is to meet the projected housing needs, not to exceed the need or to add as much housing to the city limits as quickly as possible. This is interpreted to mean only adding land into the city limits when it is necessary for the land to develop to meet the 20 year population projection based on annual growth. Adding land too quickly is not logical or orderly due to speeding up the timeline for capital projects necessary to serve future populations and reaching the 20 year population number at a faster growth rate and timeline than planned for.

Director Gottgetreu reviewed the natural hazards of the site and explained a significant portion of the site is within the Hillside Overlay District. This would apply different standards to the development, which would require larger lot sizes depending on the slope. He explained any slope in excess of a 34 percent grade cannot be built on and a portion of this property near Enstad Lane is over this threshold. The applicant did provide in their application that it is their intention to donate this steep hillside to the City of Silverton as a greenway with walking trails that will have connectivity to public streets on the westerly and easterly sides. This would need to be formalized through a development agreement as part of the annexation application. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. Some of the comments received were related to the water system and the lack of water pressure in the surrounding area. Director Gottgetreu explained the water system would have to be looped and the developer would likely be required to construct a booster pump station, at their expenses in order to serve the area. Other comments received were regarding the stormwater drainage and looking at the adequacy for public facilities in the area. He described the current drainage system in place and reviewed how a system could be installed to bypass the retention pond which is at maximum capacity.

Director Gottgetreu reviewed the conceptual subdivision, but noted it does not meet the hillside overlay standards and will require the lot sizes to be increased. These revisions would take place during the subdivision application process should the property be annexed. Another criteria reviewed is the amount of land supply currently in the city limits. He explained if the proposed area for annexation is to be residentially zoned, there must be less than a five year supply of vacant and redevelopable land in terms of dwelling unit per acre. Currently there are 649 vacant lots that could be redeveloped and Silverton is between the five year and eight year supply which allows the City to consider additional factors when reviewing the annexation; including, the likelihood of vacant parcels being developed in the near future, to determine if the public good would be served by the annexation. He reviewed a map of the current vacant property within the city limits.

The Planning Commission found the review criterion has not been met, because there is an excess of a five year supply of land within the city limits. They also found the public good would not be served by the annexation as there is land within the city limits that should be developed prior to adding more land into the city.

Applicant

Don Kelley, 110 N. 2nd Street. Mr. Kelley is representing the applicants Thomas and Deanna Moore. Mr. Kelley said the Moore's have lived in Silverton for over 15 years and on this property for over 12 years. He explained the subdivision plan was drafted a number of years ago prior to the approval of the Hillside

Overlay District and the number of lots shown would not be possible now. He said this annexation would give the City a park with walking trails. He said the applicants have a permit that would allow for tree removal; however, they would like to save the trees and donate the land to the City. The trail system would be connected to the subdivision next to the property as well as to the subdivision below. The applicant has met with Abiqua Heights Homeowner's Association (HOA) and one of their concerns is increased traffic. He explained a traffic study will need to occur prior to the development of the subdivision and does not see traffic congestion as an issue. An important issue is the water pressure. The applicant will be required to place a booster pump where it would do the most good for the City that will help this development and Abiqua Heights. He said stormwater runoff was also an issue discussed and there are ways the project can be engineered so this development would not add to the problem.

Mr. Kelley said there were only five Planning Commission members present at the July 9 meeting and the vote was split 3-2. He said this project will be better for the City through saving the trees which will help with the possibility of erosion and help solve the problems currently facing the Abiqua Heights subdivision. This would not accelerate the 20 year growth, after the eight year period it would slow down some. He urged the City Council approve the annexation request.

Testimony in favor

None.

Neutral Testimony

Dominic Carlow, 1017 Enstad Ct. Mr. Carlow asked if the mandate of the City Council is to care for the City. Mayor Palmer responded that it is. He said the trees are needed and it sounds like City Council is being put in a pickle, because the property owner is saying the trees will be cut down if you do not annex the property. It also sounds like City Council is getting pressure from outside sources and it is likely the City Council will be told in a couple years the annexation must happen; tonight would just be delaying the process.

Testimony Against

David Miller, 1005 Enstad Ct. Mr. Miller said he is a disabled veteran and has lived in Silverton since he has been out of the military. He distributed pictures of the wildlife that is present in his neighborhood. He lives at the base of the hillside and raised concerns regarding wildlife and erosion in the area. Over the past month he has been attempting to reach people at the government who would be willing to come forth on behalf of the neighborhood. He has been told that budgets have been cut and they do not have an investigator that can review the property at this time, but they can levy fines and investigate after the fact. He is concerned about erosion if the trees were to be removed. He said there are a lot of small children in the neighborhood and a lot of houses that could potentially be harmed if a park were to be placed in their backyard. He appreciates the idea of donating the non-buildable land to the City, but he does not want to see it developed as a park. He explained the definition of a greenway and would prefer to have the land be used as a "scenic area." The Forestry Department could intervene, but only after the trees are cut down. He doesn't think building trails and paths on the property makes sense and if the property is kept as a natural greenway there would not be any maintenance and personnel cost to the City. He said the houses above his are having water issues and referred to the Abiqua Heights HOA letter in opposition to the annexation.

Karen Trucke, 540 Tillicum Dr. Ms. Trucke explained her neighborhood was informed in 2006 of a stormwater drainage issue and it has been a struggle to get the City to address the issue. In November 2016 the Public Works Engineer informed them the storm system continued to fail, because there are several pipes that are undersized at 12 inches that should have been 21 inches. He said at a minimum the City would have to replace the two 12 inch storm lines that connect to the existing manhole next to the pond. Unfortunately, the homeowner located at 915 Chee Chee Court will continue to experience flooding during heavy rain events. It is her understanding the problem at Chee Chee Court is related to the two storm drains on Chikamin that are connected in sequence instead of each draining separately, thus the drainage capacity is cut in half. Heavy rains overwhelm the system causing the surface water to flow on the street. She is concerned that an additional development would cause more surface water to run down the street. She said residents on Tillicum have experienced low water pressure since 2006 and had to

install pumps at their own expense. She urged City Council to fix the issues at Abiqua Heights before annexing more property into an already overwhelmed system. The Moore's subdivision plan map doesn't meet requirements and negatively impacts the existing neighborhood. She asked City Council to not approve the annexation application for 5005 East View Lane.

Karen Garst, 1205 Tenino Dr. Ms. Garst is the President of the Abiqua Heights HOA and has already submitted written testimony. She said the City has sufficient land available to develop that does not present the challenges this piece of property does. She said some of their concerns, include water drainage and water pressure issues. The extra water cannot come down Tillicum, because there is already flooding and the HOA spent \$20,000 last year to dig out the pond in order to contain more water. The upsizing of the pipes needs to be addressed before additional homes get added in the area. Lastly, she said if you look at the development plan there is no fire access to the wooded land. She urged a no vote on the annexation, because the City has an adequate amount of developable land.

Tom Joste, 519 Eastview. Mr. Joste noted he sees a lot of traffic congestion during certain times of the day in downtown Silverton. He said it seems logical to not approve any more housing on the eastside of town until a better traffic plan gets put into place.

City Manager Christy Wurster noted a correspondence from Jay and Brenda Thompson that was emailed to City Council earlier supporting the decision of the Planning Commission. In addition, staff received a letter supporting the Planning Commission decision from Camryn Davis.

Applicant Rebuttal:

Don Kelley, 110 N. 2nd Street. Mr. Kelley offered comments on the testimony received. He said there is plenty of wildlife within the city limits. He likes Mr. Miller's idea of the greenway and noted that Mr. and Ms. Moore were going to develop some of the trails themselves, so it wasn't going to be a City expense, but if the greenway is preferred by City Council that could save the Miller's money. He said the problems that some residents are having with their stormwater is regrettable, but the issue tonight is if this property can be developed without adding to that problem. If it cannot be solved then the subdivision application would not pass, the issue has to be solved and staff explained ways it could be addressed. There were two people who said we have to fix the existing infrastructure prior to this annexation. Mr. Kelley explained this development can help, with private money, solve the City's problem. The City is in the five to eight year window, but having additional land added when the City is closer to eight years is not an issue. He said City Council is in a balancing act and needs to weigh the good to the City by having a greenway in the area versus 34 additional single family home lots. Lastly, the traffic issue in the downtown on Oak and Main Street is not a development criterion for this application.

Councilor Freilinger 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 8:56 p.m.

Councilor Freilinger stated his concerns with the ability to address the stormwater drainage, the ability to get increased water pressure, and the overall infrastructure on the east side of Silverton. He also knows the City does not need additional lots in order to meet the five year projected land supply. He further explained SDCs and property taxes do not come anywhere close to what the City has to pay for growth. He explained the burden of proof passes from the applicant to the City once an annexation is done. Annexations are the only place a City Council can make reasonable decisions without having a Land Use Board vetoing the decision. He said he served on the Abiqua Heights HOA for six months and he remembers dealing with the City regarding the water pressure issues and the storm drainage. He said he loves the downtown, but now bypasses it on his way home due to the congestion. Each development will impact traffic throughout town. He said he cannot in good conscience consider this annexation and it would be the last place he would want to develop, but as the City gets closer to meeting the five year land supply it might need to be revisited. He said he really likes the idea of the greenway and maybe in two to three years it could come back for discussion.

Councilor Plummer appreciates the struggle that people downhill will have with a new development. He understands that people do not want more houses, but the City has an affordable housing issue and if the

supply is increased with buildable property that should bring the cost down. He likes the idea of bringing a forest into the city limits and that the City could dictate what happens to it. It sounds like the City and the developer have answers to the issues raised. If the additional stormwater cannot be contained then the City could deny the development. He said it is very rare for him to be in bad traffic in Silverton.

Councilor Smith said she is intrigued with the concept of adding the greenway and walking path, but does not like the lack of connectivity other than pedestrian. She agrees with Councilor Freilinger the City should be closer to the five year buildable land mark prior to annexing this area and there are other areas that would give better connectivity. She said this would not come close to touching the affordable housing issue and just increasing the housing inventory would not change it to the level that is needed.

Councilor Freilinger said this will not do anything for the affordable housing issue, because Silverton is in an area of unlimited demand. Oregon is one of the fastest growing states in the nation and there is no way to build your way out of the increased need. If the City starts allowing an unlimited amount of subdivisions to be built on the outskirts of town it will cause water, sewer, and property taxes to increase.

Mayor Palmer said supply can't solve demand and the City would never be able to drive demand down to the level that is needed for affordable housing. He doesn't disagree with Councilor Plummer's statements, but the City is experiencing traffic changes. He said Silverton needs to grow, but it needs to be strategic growth with intent, which has not been the case. He explained the City has insufficient infrastructure in place to meet the needs. He likes the idea of the greenway, but that is not going to sway his decision.

Councilor Sears said he feels the City needs to have orderly and logical development. He explained this annexation would actually push the City outside the eight year buildable threshold. If all the buildable lots were developed that would increase the population by approximately 1,700 people representing a 15 percent increase. That would have a negative impact on the City's infrastructure. He voiced his concerns regarding the water supply and increased traffic on intersections already operating at a Level D and said he cannot support the annexation at this time.

Councilor Freilinger made a motion to have the first reading of Ordinance No. 19-10, by title only. Councilor Plummer seconded the motion. There was no discussion and the motion passed unanimously (6-0). City Manager Wurster read Ordinance No. 19-10 by title only.

Councilor Freilinger made a motion to pass Ordinance No. 19-10, on its first reading. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (6-0).

Councilor Freilinger made a motion to have the second reading of Ordinance No. 19-10, by title only. Councilor Neideigh seconded the motion. There was no discussion and the motion passed unanimously (6-0). City Manager Wurster provided the second reading of Ordinance No. 19-10 by title only.

Councilor Freilinger made a motion to adopt Ordinance No. 19-10, on its second and final reading. Councilor Sears seconded the motion. There was no discussion and motion passed unanimously (6-0).

Council took a break at 9:20 p.m. and returned to regular session at 9:28 p.m.

6.2 Consider an application changing the zoning of 811 South Water Street from R-5, Low Density Residential to RM-10, Multiple-Family Residential

Mayor Palmer opened the public hearing regarding application number ZC-19-02 changing the zoning of 811 South Water Street from R-5 to RM-10 at 9:30 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.

Director Gottgetreu explained the application is to change the zoning of 811 South Water Street from R-5, Low Density Residential to RM-10, Multiple-Family Residential. This is the location of the Twilight Courts development which consists of eight buildings with single bedroom four-plexes and there are 30 units on

the site in total. The site is 2.37 acres and was built in 1968. At the time of construction the site was zoned R-2. This was during the period when the City only had two residential zoning districts (R-1 and R-2). The R-2 Zone was the multi-family zoning district and did not have a density range. The site was compliant at the time of construction, but the R-5 designation only allows for 24 units, thus the site is currently non-conforming and could not be reconstructed in its current form if any of the units were destroyed. He explained the zoning designation is not consistent with the Comprehensive Plan designation and by changing it to a RM-10 it would be more consistent to the Comprehensive Plan designation. The RM-10 Zone allows densities ranging from 10-20 units per acre, which would allow this site to develop between 24 and 47 units. The plan is to renovate all the units and construct a four-plex in order to cycle the existing tenants through the new unit while their units are being renovated. When all the units are renovated they will be able to utilize the additional four-plex. There was testimony received regarding storm drainage in the area which the applicant will attempt to mitigate with a new stormwater collection system. The Planning Commission is recommending City Council approve the zone change.

Applicant

Terry Thomas, 1411 Princeton Avenue. Mr. Thomas is the President of the nonprofit organization that owns and operates Twilight Courts. He explained Twilight Courts is for senior citizens and disabled individuals who are very low income. Their first and foremost goal is to provide their residents with affordable housing. They have been in existence for over 50 years and are currently debt free. They have signed a contract with Marion County Housing Authority to ensure their tenants have affordable housing. They have recently hired a professional management company for day-to-day operations. He said the water and sewer systems are failing and there is no stormwater drainage. He explained they have obtained an easement that will allow them to plug into the Adams Street drainage system. These repairs will be done first and the nonprofit does have a construction manager in place for the project. He explained why the zone change is necessary and they have no intention of putting the maximum 47 units on the property. They just need to accommodate the seniors in order to make the necessary repairs to their units without disrupting their daily lives.

Testimony in favor

Chuck Rose, 16284 S Abiqua Rd. Mr. Rose has been a small builder in Silverton for over 40 years and is volunteering to supervise the reconstruction process at Twilight Courts. He said North Santiam Engineering is looking into the storm drainage issue and is designing a catch basin system to divert the water to the existing drain on Adams. He said this is a great opportunity to increase low income housing in Silverton.

Gene Oster, 6182 Cascade Highway NE. Mr. Oster said he sees this as a housekeeping issue due to the timing of when the units were built under the R-2 code. The nonprofit should not have to run the risk of losing assets, because it is not their fault the zoning standards changed and they are no longer in compliance. The City Council should support this zone change, because it is the right thing to do.

Sandy Sanford, 766 Woodland Drive. Ms. Sanford said her father lived at Twilight Courts during the last couple years of his life and they were very happy years for him. She is proud to be a part of the board.

Testimony in opposition

None.

Neutral testimony

None.

Applicant rebuttal

None.

Councilor Carter made a motion to close the public hearing. Councilor Sears seconded the motion. The motion was approved unanimously (7-0) and Mayor Palmer closed the public hearing at 9:57 p.m.

Mayor Palmer said he has never heard a complaint about this development. It is a community based development and he finds it to be an amazing model. This development is on the forefront of providing affordable housing in Silverton. He sees this as a housekeeping issue and is happy about the improvements being made to address the storm drainage problems.

Councilor Smith voiced her support for the zone change and is happy it gives them the opportunity to make the upgrades to the water, sewer, and stormwater systems. She welcomes the additional four units and would even encourage building up, so there could be more units.

Councilor Sears said he is in support of the proposal. He pointed out this zone change will run with the property long after this City Council is gone and someone could come in and develop 47 units that do not address low income or seniors. In order to address some density issues, he would like the Affordable Housing Task Force to look at amending the development code to include an additional zone that would allow for less density in certain areas. Councilor Carter said if the property is sold there is a 15-year period before it could be developed into anything else.

Councilor Carter made a motion to have the first reading of Ordinance No. 19-11, by title only. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Manager Wurster read Ordinance No. 19-11 by title only.

Councilor Carter made a motion to pass Ordinance No. 19-11, on its first reading. Councilor Smith seconded the motion. There was no discussion and the motion passed unanimously (7-0).

Councilor Carter made a motion to have the second reading of Ordinance No. 19-11, by title only. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Manager Wurster provided the second reading of Ordinance No. 19-11.

Councilor Carter made a motion to adopt Ordinance No. 19-11, on its second and final reading. Councilor Smith seconded the motion. There was no discussion and the motion passed unanimously (7-0).

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

VII. CONSENT AGENDA

Mayor Palmer said staff has asked Council pull agenda item 7.4. Mayor Palmer noted the draft minutes were incorrect in agenda item 7.1 and he actually voted no on the Oregon Garden grant application. Councilor Smith asked for agenda item 7.5 to be pulled and Councilor Freilinger requested agenda item 7.1 be pulled for further discussion.

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

7.2 Extend Long Term Disability (LTD) insurance to members of the City's Unrepresented group

7.3 Resolution No. 19-32 – Accepting the Silverton Energy Plan

7.1 Silverton Tourism Promotion Committee Grant Recommendations

Mayor Palmer explained the Oregon Garden grant application was requesting \$10,000 for plant material which he did not feel met the point, scope, direction, and spirit of the TOT program. He lobbied against the approval of the grant. He stressed he is fully supportive of the Oregon Garden, but felt this was a nonperforming grant application. There was a motion made and passed (5-1, with Mayor Palmer voting no) to award them \$5,000. He said he does not think the City Council should overturn the committee decision; but explained he believes this project is not within the scope of a tourism grant. Councilor Carter said as a business owner she relies on visitors who shop at her store, because they are in Silverton for the Oregon Garden. She explained visitors to the garden want to see new plantings. The foundation is

trying to enhance the plantings in order to bring in more tourism. Mayor Palmer said the TOT grant award process needs to have more scrutiny and it would have been more appropriate for the Garden to ask for grant money to help fund a new exhibit that could have been marketed. Councilor Carter further explained visitors like to see colorful annual plants and new plantings which help to bring back return visitors.

Councilor Freilinger made a motion to approve the four grant recommendations forwarded by the Silverton Tourism Promotion Committee. Councilor Smith seconded the motion. Councilor Plummer asked if City Council could request more specific criteria for the grant program moving forward. Council was agreeable to adding this item to the work session schedule. There was no further discussion and the motion passed unanimously (7-0).

7.4 Authorize the City Manager to enter into a Public Improvement Agreement with North Santiam Paving Co. for Steelhammer Roadway improvements

Director Gottgetreu referred to the revised agreement located at the City Council stations. The revised agreement would be between the City and the contractor, not the developer. He provided an overview of the project and explained the developer will need to do street improvements in front of their project. There is 100 feet that is outside the project frontage and their scope of work, but the City has the option to fund the remaining portion. The updated contract removes the developer as the middle man. Staff is looking for direction from City Council on if they would like to spend \$21,000 to extend the project 100 feet for the widening and curb.

Councilor Sears voiced his support for the project, but would like to add sidewalks. The funding source would be the same and the project is scheduled to happen eventually. Councilor Sears made a motion to authorize the City Manager to enter into an agreement with Santiam Paving Company with an option to add a sidewalk if funding is available. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously (7-0).

7.5 Resolution No. 19-33 – Adopting an updated Capital Improvement Plan (CIP) for Parks and Recreation Systems

Councilor Smith requested the Cowing Street Pedestrian Bridge be removed from the CIP. She explained it is not a realistic project to base the City's SDC's on given the structural cost, the grade difference between the banks, and the lengthy permitting process. Public Works Director Petra Schuetz explained City Council does not have the authority to amend the CIP tonight, it would require a CIP amendment process. She explained this fiscal year budget includes an update to the 2008 Parks Master Plan, which would be the appropriate time to amend the CIP. City Manager Wurster explained this is a housekeeping item, because the Parks CIP was combined into the original SDC Methodology Report. This removes it from the old methodology and would allow it to be its own separate CIP making it easier to update in the future.

Councilor Carter made a motion to approve agenda item 7.5, adopting Resolution No. 19-33. Councilor Smith seconded the motion. There was no discussion and the motion passed unanimously (7-0).

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

This item was taken prior to the consent agenda. Director Gottgetreu explained the ordinance has been revised to reflect the discussions that took place at the last City Council meeting and reviewed the relevant changes.

Councilor Freilinger made a motion to have the first reading of Ordinance No. 19-05, 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. 19-05 by title only.

Councilor Freilinger made a motion to pass Ordinance No. 19-05, 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. 19-05, by title only. Councilor Smith seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Manager Wurster provided the second reading of Ordinance No. 19-05 by title only.

Councilor Freilinger made a motion to adopt Ordinance No. 19-05, on its second and final reading. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously (7-0).

8.2 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

Mayor Palmer indicated this will be the second reading of Ordinance No. 19-08. Councilor Carter reiterated she is not in favor of the zone change and feels City Council is taking a short term approach if this gets approved. She said this is the junction where the City was hoping to make the road improvements and this would create a parking issue if it eventually becomes a four-plex. Director Gottgetreu explained if there was a four-plex proposed by adding an additional unit, the City could obtain any additional right of way needed for a traffic signal.

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

Councilor Freilinger made a motion to adopt Ordinance No. 19-08 on its second and final reading. Councilor Smith seconded the motion. Mayor Palmer said the best thing that could ever happen to this property is a complete redevelopment, but in short of that, just the fact that it has a new owner that sees this as important means the property could get some improvement. Instead of approving large apartment complexes, this is exactly the kind of increase in density he feels City Council should do. Councilor Carter said she is going to vote against it, because of the neighborhood objections and the location of the unit. There was no further discussion and the motion passed 5-2 (Yes: Mayor Palmer, Councilors Freilinger, Sears, Plummer, Smith and No: Councilors Carter and Neideigh).

8.3 Ordinance No. 19-12 – Amending Silverton Municipal Code; Title 5, adding Chapter 5.55 imposing a Nano Radio Frequency Transmission Facility License Fee

Director Gottgetreu said Ordinance No. 19-12 adds a new chapter to the Silverton Municipal Code (SMC). He explained the City's current franchise fee and licensing do not apply to Nano Radio Facilities and those types of developments. This ordinance is related to Ordinance No. 19-05 approved by City Council earlier and would allow the City to regulate these providers and collect a franchise fee, which is a percentage of gross revenues. Councilor Smith asked if the City collects franchise fees on solar arrays that are located on private property. Director Gottgetreu said this is specific to Nano Facilities, but Council could amend the SMC to allow for that type of collection.

Councilor Freilinger said he sees this as necessary in order to ensure a level playing field for all telecommunications providers. Councilor Sears referred to section 5.55.060 and recommended a location be added into the language. City Manager Wurster provided sample language that would allow for the City to examine the books of a facility within the city limits.

Councilor Freilinger made a motion to add the following sentence at the end of section 5.55.060 "Examination of the accounts must be made available within the city limits of the City of Silverton." Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (7-0).

Councilor Freilinger made a motion to have the first reading of Ordinance No. 19-12, by title only. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Manager Wurster read Ordinance No. 19-12 by title only.

Councilor Freilinger made a motion to pass Ordinance No. 19-12, on its first reading. Councilor Neideigh 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. 19-12, 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. 19-12 by title only.

Councilor Freilinger made a motion to adopt Ordinance No. 19-12, on its second and final reading. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (7-0).

8.4 Resolution No. 19-34 – Adopting an updated System Development Charge (SDC) Methodology and Schedule of Charges for the City’s Transportation, Water, Sanitary Sewer, Storm Sewer, and Parks System

Director Schuetz said at the June 3rd City Council meeting Steve Donovan presented the updated SDC Methodology and Schedule of Charges and answered a series of questions. She described the process required to update SDCs. The consultant did not recommend any changes to the methodology so it became more of a mathematical exercise based on updated cost estimates located in the respective CIPs. She referred to attachment 1 of the staff report that shows the current SDC rates and the recommended rates.

Councilor Freilinger noted he was surprised to see the recommendation to lower the charge for Wastewater and Street SDCs. Director Schuetz explained the wastewater charge is pretty close, but a couple projects were completed and removed from the CIP. There were a substantial number of transportation projects that were removed from the CIP at its last adoption which reduced the overall cost of the projects thus causing the SDC rate to go down.

Councilor Smith explained the Affordable Housing Task Force is looking at the possibility of a tiered approach to SDCs based on unit size. She reviewed the traditional method of calculating SDCs which do not consider the size, potential capacity, or lifestyles of the people within. This results in the same SDCs for an 800 square foot one bedroom cottage and a 2,500 square foot, five bedroom house. It makes it impractical to build small homes or Accessory Dwelling Units (ADUs), even though the occupants likely have very different lifestyles and impacts on the City’s infrastructure. Just because traditionally this is the way the City has always done it does not mean that it is fair and/or the right way to do it. She reiterated her objection to this methodology.

Councilor Freilinger said he shares the concerns raised by Councilor Smith and asked Director Gottgetreu to explain some of the code changes that are being discussed by the Planning Commission. Director Gottgetreu explained the difference between how SDCs are calculated for a single family home compared to a multifamily complex. He explained the housing types the Affordable Housing Task Force and the Planning Commission are looking at are multifamily units, which will pay about half the SDCs that a single family home pays. He explained how each category of SDC is charged for multifamily units.

Councilor Smith explained it goes back to capacity, a cottage that is less than 1,000 square feet or an ADU is more closely related to multifamily than it is to a single family dwelling. The only way you get reduced SDCs is when there are three or more units on a single lot. She further explained currently the City is comparing the engineering capacity and ignoring the living capacity.

Mayor Palmer said he does not find the logic and fairness in charging an apartment complex less in SDCs, because if two people live in one of the apartments they are taxing the system the same as a couple in a single family home.

Councilor Carter said she tends to agree with the tiered approach, because currently SDCs are calculated to encourage bigger houses and bigger lots, when the City should be rewarding people for having smaller homes. She said the current methodology seems regressive.

Councilor Freilinger asked how often the methodology is updated. Staff responded approximately every five years. He said it will likely be a few years before the development code is updated to reflect the changes discussed at the Affordable Housing Task Force.

Director Schuetz explained if the Council decides to move forward with researching an alternative methodology there is a 90 day public process and it likely take about six months before it could be adopted. It would also impact the water and sewer rates study, because SDC rates are an input to that study. So Council would not be able to make any changes to the water and sewer rates until the SDC methodology is adopted. Mayor Palmer said if City Council were to decide on a different methodology a consultant would have to be rehired, so it makes the most sense to pass this tonight in order for the City to start collecting the updated SDCs in the interim. Councilor Carter requested that City Council revisit this prior to the typical five year review period. Councilor Freilinger said City Council should adopt this tonight and then revisit it in a year or two once the Affordable Housing Task Force has completed their work on the development code amendments.

Councilor Carter made a motion to adopt Resolution No. 19-34 adopting an updated System Development Charge (SDC) Methodology and Schedule of Charges. Councilor Freilinger seconded the motion. There was no discussion and the motion passed 6-1 (Yes: Mayor Palmer, Councilors Freilinger, Sears, Plummer, Carter, Neideigh and No: Councilor Smith).

IX. APPOINTMENTS TO COMMITTEE AND ADVISORY GROUPS - None

X. CITY MANAGER UPDATE

City Manager Wurster reminded Council that tomorrow (August 6) is National Night Out and the Silverton Police Department will be partnering with the Silverton Fire District to serve hot dogs at Coolidge-McClaine Park beginning at 5:30 p.m. Mayor Palmer asked staff to advertise the event on social media. She congratulated the Silverton Police Department for receiving \$12,500 for a high visibility enforcement grant from ODOT.

She asked City Council thoughts on if they would like to increase the rent at the Pettit property house, because the current tenant has been there for one year. The City will begin paying property taxes if the tenant remains in the house starting January, 2020. Currently there is not an escalator built into the contract, but Council might want to consider that moving forward. The current rent is \$1,500 per month and Council felt an adjustment should be made. Staff will perform further analysis and add this item to a future agenda.

Lastly, she reminded Council about a Community Discussion that the City is cohosting with Silver Falls Library District. This is part of the Oregon Humanities statewide conversation project about how the Silverton community can connect with each other. This discussion is taking place on Wednesday, August 28 at 7:00 p.m. at the Silverton Library.

Director Schuetz provided an update on the water level which is about the same as last year at this time. The City has not hit the voluntary threshold based on the City's criteria, but Council could ask staff to encourage residents to voluntarily conserve water. Council recognizes Silverton is an agricultural community and would like to encourage residents to conserve water, in order to help the farms that depend on the water.

XI. COUNCIL COMMUNICATIONS

Councilor Plummer said he will be absent from the Work Session on August 19, 2019.

Councilor Carter asked about the status of the bike signs downtown. Director Schuetz said they had to wait until the beginning of the fiscal year and they are being redesigned. Staff is also looking into using a thermal plastic application. Councilor Carter spoke to a couple people in the audience earlier who implied that if City Council did not pass the annexation the property owner will be logging their property which could create a potential for landslides. She is wondering if the City could be proactive and check with the county and express concerns about logging the hillside. She also requested to place the SDC Methodology review on the City Council's 2020-21 Goals after the Affordable Housing Task Force has completed their work. She commended the Homer Davenport Days Committee for the great weekend. Lastly, she advocated for using a blend of brick and timber for the building materials for the new Civic Center. She encouraged Councilors to look into her request to remove the parking places downtown between Park and Main Street and move those parking meters closer to Eugene Field Commons.

Councilor Freilinger did a walk around Eugene Field Commons and observed 11 of the 13 buildings that surround the site have gabled roofs. He said the feel of the neighborhood is not the downtown and a Civic Center designed to look more like a downtown building would be completely out of place. He looked at the trees and if the road configuration is going to be changed he does not see any reason why the trees would have to be removed.

Councilor Neideigh said she was at work during the parade and was sorry she had to miss it. She will also be absent from the Work Session on August 19, 2019. She thanked City staff for installing a new stop sign on Grouse and Meadow; she has noticed a significant slowdown in the traffic coming into the Park.

Mayor Palmer thanked City staff for their support during the Homer Davenport Festival. He received an email from Aba Gayle regarding the Mosaic Society's request to place a sidewalk around the fountain. Council discussed the idea and would prefer to not take a piecemeal approach. They would like to see a holistic approach to improvements at the park. They did not support allowing the Mosaic Society to install it with their own funds. Councilor Sears responded other areas have been piecemealed and it might be a nice addition. If an entire site plan is required then all the sidewalks through the parks should be analyzed and replaced to ensure accessibility. Mayor Palmer will let Aba Gayle know the Council's response.

XII. ADJOURNMENT

Councilor Smith made a motion to adjourn the meeting and Mayor Palmer adjourned the meeting at 11:55 p.m.

Respectfully submitted by:

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