

**CITY OF SILVERTON
CITY COUNCIL MINUTES**

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

September 9, 2019, 7:00 p.m.

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

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

Present	Absent	
<u> X </u>	<u> </u>	Mayor Kyle Palmer
<u> X </u>	<u> </u>	Council President Jason Freilinger
<u> X </u>	<u> </u>	Jim Sears
<u> X </u>	<u> </u>	Matt Plummer
<u> </u>	<u> Excused </u>	Dana Smith
<u> </u>	<u> Excused </u>	Laurie Carter
<u> X </u>	<u> </u>	Crystal Neideigh

Staff Present:

City Manager, Christy Wurster; Chief of Police, Jeff Fossholm; Finance Director, Kathleen Zaragoza; Public Works Maintenance Division Supervisor, Travis Sperle; 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 August 5, 2019. Councilor Plummer seconded the motion. The motion passed 4-0 with Councilor Neideigh abstaining.

III. OATHS OF OFFICE/PUBLIC RECOGNITION

3.1 Proclamation – National Preparedness Month

Mayor Palmer read the proclamation and declared September as National Preparedness Month.

IV. PUBLIC COMMENT

Bill Long, 1015 Oak Street. Mr. Long is concerned about the ditch near his property. Three years ago he signed an easement with the City in order to repair the ditch and stop the erosion that was occurring. At that time they were told the City would continue to maintain the ditch, but it has only been cleaned out twice. He said there have been weeds three feet high and the neighbors are concerned about it being a fire hazard. The City has since gone out and performed some maintenance, but it took three months after he and his wife complained about it. He appreciates the work that was done to get the ditch corrected, but would like to see the City be more proactive in the maintenance. Councilor Freilinger asked if the recent maintenance the City performed was sufficient. Mr. Long explained there are trees growing in the ditch to help slow down the water, but the grass is still high in some places.

Public Works Maintenance Division Supervisor Travis Sperle explained when the bank stabilization project was performed they did a lot of planting at the time. That vegetation needed to become established in order to stabilize the bank through their root system. Mayor Palmer thanked Mr. Long for being diligent on this issue.

Daniel Kohler, Cedar Bluff Circle, Keizer and Jim Squires, 1209 Mill Street. Mr. Kohler is the Director of Public Affairs with the Church of Jesus Christ of Latter-day Saints and announced his congregation and other community volunteers will be removing unsightly vegetation along the East Bank Trail Saturday, September 14, 2019. He invited City Council and other community members to join them in the event and for a picnic in the park afterwards. He thanked City staff for helping to identify the project and several equipment rental companies that will be donating track hoes. Mr. Squires said there will be close to 200 people volunteering for this clean-up project, not only from Silverton, but also Keizer and Salem. The City Council thanked them for coordinating this project.

Poppy Shell, 469 Edgewood Drive. Ms. Shell stated she is attendance with her friends who are all pickleball players. She requested City Council place the idea of building a pickleball park on a future agenda. She explained it is a healthy and fun outdoor activity for people of all ages. Currently interested teams play in the Community Center Gym through the YMCA, but they would like to be able to play outdoors. If they want to play outdoors they use the Middle School tennis courts which will not be possible during school. She provided written testimony to City Council explaining what the group is hoping to achieve through outdoor courts.

Jim Borzin, 301 Edgewood Drive. Mr. Borzin explained his background and has been a resident of Silverton for 14 years. He read two poems that he has written while living in Silverton. He reproduced one of the poems in a large format that he had framed and presented it to City Council.

V. SCHEDULED PRESENTATIONS

5.1 City Flag Unveiling

Mayor Palmer explained the background of the City Flag Contest and presented Connor Hill, Benjamin Blair and Eliah Blair with their own flag.

5.2 Eugene Field Commons Concept Plan - MIG

Community Development Director Jason Gottgetreu introduced Alex Dupey, Project Manager for MIG and Ali Turiel, Land Use and Transportation Planner for the Department of Land Conservation and Development (DLCD). Mr. Dupey described the history of the Eugene Field Commons site and the stories they heard from the community. He explained the site has two gateway corners which will be an important element to consider when designing the site and Civic Center.

Mr. Dupey described the Community Workshop held in January which allowed the community to provide input on how they would like to see the site developed. The common themes from the workshop included: complement the historic downtown (brick, wood, glass), should be multi-story, mix of uses on site, use of green construction methods, provide affordable housing, underground parking, and an auditorium. The community would also like to see spaces for kids and teens, a location for the farmer's market, public art, community or edible gardens, and outdoor community gathering areas.

From the feedback received, MIG developed four site concepts for Council consideration. These concepts were created by evaluating the overall use of the site and how to best maximize space. Mr. Dupey explained moving forward Council should consider the building's relationship as a gateway to downtown, identify the public amenity needs versus desires, and identify spaces for community services. The critical steps moving forward will be to identify how the city is going to pay for the Civic Center and if it will be one or two buildings. Also a space needs analysis for City Hall should be completed. The first step will be to develop a request for qualifications for a concept plan that identifies the level of public engagement, sustainable design requirements, and the public spaces. After step one the City will move into the contractor procurement phase.

5.3 Silverton Chamber of Commerce Monthly Update – Stacy Palmer

Stacy Palmer, Executive Director of the Silverton Chamber of Commerce provided their monthly visitor numbers and the number of visitors to their website. She invited City Council to attend the weekly business meeting. Ms. Palmer encouraged everyone to attend the 5th Annual Judy's Party on Saturday, October 12, 2019. This event has given over \$50,000 to area non-profits since its inception.

VI. PUBLIC HEARINGS – None

VII. CONSENT AGENDA

Councilor Freilinger made a motion to accept the consent agenda consisting of agenda items 7.1, 7.2, 7.3, and 7.4. Councilor Plummer seconded the motion. There was no discussion and the motion passed unanimously (5-0).

7.1 Pettit Property Rent Increase

7.2 Approve Master Agreement for Sustainable City Year Program

7.3 Purchase Award – Community Pool Energy Trust of Oregon Project Double Layer Canvas

7.4 Wastewater Treatment Plant Magnesium Hydroxide Dosing Facility Construction

VIII. DISCUSSION/ACTION ITEMS

8.1 Resolution No. 19-35, amending water user rates and charges and Resolution No. 19-36, amending sewer user rates and charges

Finance Director Kathleen Zaragoza reviewed the changes to the rate structure after the August 19, 2019 Work Session. The changes include reducing the debt coverage percentage from 200 percent to 150 percent and reduce the rate for BOD and TSS for sewer industrial customers from the recommended \$1.00 per pound over the next five years to \$0.80 per pound. She explained the rate study used capital projects expected to take place over a five year period, a three percent inflation factor for materials and services, and estimated increases to personnel costs. She further explained the City is by law required to set rates that are sufficient to cover operating, capital, debt, and debt service requirements.

Resolution No. 19-35 if passed would set the water rates for the next five years. There would be an increase of eight percent the first three years and a five percent increase the last two years. Director Zaragoza explained how the per dwelling unit fixed cost is calculated for multifamily structures. Mayor Palmer explained why he feels that cost is unfair, because a family of four living in an apartment will use the same amount of water as a family of four living in a single family home, so the per unit cost should not be that much different. Director Zaragoza provided an example for a duplex which would pay the base rate for their meter size plus the per dwelling unit fixed cost for each unit.

Councilor Sears asked if the CPI has already been worked into rates. Director Zaragoza responded staff did include a three percent CPI in the five year rate structure. She further explained the annual CPI will continue if another rate study is not performed in a timely manner and new rates are not established after the July 1, 2023 adjustment. She explained the rates will be reviewed at the Budget Committee in order to make sure they are adequate to cover the City's infrastructure needs. Mayor Palmer said he feels that is binding future Councils and limits the opportunity for public comment.

Councilor Sears voiced his concern on what the potential impact would be to the rates if one or both industrial users were to leave. Director Zaragoza explained the impact would be approximately \$550,000 per year with the majority of the impact to the sewer fund. She said there is a potential to look at expenditures in order to help make up the difference. This resolution does not mean the City Council could not adjust the rates if needed prior to July 1, 2023. Councilor Freilinger said the City should build a model based on what is known and can revisit it in the future if needed.

Councilor Freilinger made a motion to approve Resolution No. 19-35 amending water user rates and charges. Councilor Sears seconded the motion. Mayor Palmer voiced his support for the first year increase, but will be voting against the motion, because the public has the right and Council has the

responsibility to give them an opportunity to comment on future rate increases. There was no further discussion and the motion passed 4-1 (Yes: Councilors Freilinger, Sears, Plummer, and Neideigh; No: Mayor Palmer).

Director Zaragoza described the modifications on how the City is billing customers. The base rate for Commercial I – IV and Industrial customers will now be based on their meter size. Currently these customer classes are paying to same base rate as residential customers. She reviewed the meter equivalent factors that are listed in the resolution. Mayor Palmer voiced his concerns regarding the change to using meter equivalent factors to set the base rate for commercial and industrial customers. Staff said this item was discussed with the industrial customers and neither raised a concern with the adjustment. The amounts are based on industry standards and were recommended by the consultant.

Mayor Palmer does not want to see commercial and industry being treated differently than anyone else and would like to see the meter equivalent factor mirror what has been approved on the water side. Council discussed the rationale behind using the meter equivalent factor. City Manager Christy Wurster explained if City Council decides to change the base charge, staff would need to run the numbers through the revenue model in order to see what the impact would be to the rates. Director Zaragoza explained the base rate helps to pay for the fixed costs associated with sewer treatment and this resolution calls for a five percent increase to the base rate and a 2.5 percent increase to the user charge. If there are changes made to lessen the adjustment on the base rate it would mean the user charge would have to go up more than 2.5 percent. Councilor Sears explained if the user charge were to be increased it would be even more detrimental to customers, because the base rate is a small part of a sewer bill.

Councilor Freilinger made a motion to approve Resolution No. 19-36 amending sewer user rates and charges. Councilor Sears seconded the motion. There was no further discussion and the motion passed 4-1 (Yes: Councilors Freilinger, Sears, Plummer, and Neideigh; No: Mayor Palmer).

8.2 Report on Neighborhood Associations and Neighborhood-Based Groups – Council Goal 2.2

Community Development Director Jason Gottgetreu and Assistant to the City Manager/HR Coordinator Elizabeth Gray provided an overview of neighborhood discussions that have taken place since 2009. Staff met with the Planning Commission and interested members of the Citizen Involvement Committee in May and July to discuss the City's role in neighborhood associations. The Planning Commission is recommending the City recognize existing groups on the City website. This will allow staff to maintain a list of area representatives in order to disseminate information and will allow community members to find a contact for their area. The target size for these groups would be a minimum of 100 households, but staff would not determine the boundary lines. Staff reviewed the proposed criteria for recognition on the City website. The Planning Commission also recommended the City create a "Neighborhood Resources" page and offer localized groups the opportunity to be included. Staff can also share resources through other City media and will revisit practices as needed. The Planning Commission and the Citizen Involvement Committee were in consensus that local groups lead the way in organizing themselves. The City will provide clarity around City resources and opportunities to engage with the City around community issues.

Mayor Palmer asked if smaller neighborhood groups would be able to work with staff for recognition on the website. Staff said they would be open to allowing smaller groups.

Councilor Sears said he thinks this is a good first step, but the process seems a little too informal. He agrees with the recommendation to reevaluate the process in the future. He would like to see flexibility in the numbers, because the groups will likely start small and grow over time. He would also like to see regular interaction between the neighborhood associations and staff built into the process and included as a component of the program. Director Gottgetreu explained staff would be available to attend a neighborhood meeting if there is a specific area of concern they would like addressed. Councilor Sears requested staff be proactive with reaching out to the neighborhood leaders to let them know when something might impact them, such as a land use notice. Staff explained part of this process is getting neighbors connected with each other in order to disseminate information.

Mayor Palmer said he feels this should be a neighborhood driven process not City driven, because he is concerned that neighborhood groups would become too reliant on staff to provide them information. He is also concerned with the amount of staff time required through a more formal process.

Councilor Sears made a motion to accept Planning Commission Resolution No. 19-08. Councilor Freilinger seconded the motion. There was no further discussion and the motion passed unanimously (5-0).

IX. APPOINTMENTS TO COMMITTEE AND ADVISORY GROUPS

9.1 Appointment to the Tourism Promotion Committee

Councilor Freilinger made a motion to appoint Norm English to the Tourism Promotion Committee (TPC) as the Silverton Mural Society representative. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (5-0).

X. CITY MANAGER UPDATE

City Manager Wurster reminded City Council about the Work Session scheduled on Monday, September 16, 2019. She referred Council to the Silver Creek Reservoir Survey which is located in the packet as an attachment to the Public Works Monthly Report. The survey indicated the size of the reservoir is much smaller than what was originally anticipated and less sediment has accumulated in the basin than what was originally thought. Based on this study staff is recommending the City focus on the water transmission intake project as a priority and to set this survey aside. Councilor Sears said it appears the reservoir has lost 40 percent of its capacity. Mr. Sperle explained the capacity has always been approximately 780 acre feet and there must of have been a misconception regarding the original design of 1,300 acre feet. He said the City has never exceeded the capacity and there is sufficient amount of water in the reservoir to meet the demand, thus staff is more concerned with getting the water to the treatment plant. Mayor Palmer asked what the inundation zone projections are based on. Director Gottgetreu said it is based on the probable maximum failure (pmf) which is measured on a cubic feet per second calculation and not on volume only. Staff explained the City will be utilizing a consultant to update the inundation zone model, who will take the worst case scenario into account.

Also included in the Public Works report was various park sign options for City Council feedback. The majority of the Council indicated their preference for the first design option in the packet located on page 174.

City Manager Wurster said the Communications Team has prepared a memorandum regarding improvements they would like to make to the City's website. They are looking for Council feedback on the suggested changes. She provided information regarding the upcoming Emergency Preparedness Fair taking place on Saturday, September 21, 2019. The City will be participating in the event and is happy to partner with the Church of Jesus Christ of Latter-day Saints to educate residents on preparedness.

Lastly, the developer of Pioneer Subdivision Phase 5 has hit rock while performing the installation of City infrastructure which will require them to do some blasting work. They notified the City they will be sending a notification to residents within a 300 foot radius of the development. She explained there will be a horn sound prior to and after each blast. Council requested staff place a notice on the website and social media.

XI. COUNCIL COMMUNICATIONS

Councilor Sears asked for an update on the thermoplastic sign for the walk your wheels in downtown. Public Works staff is working on finding a company that can match the metal upright signs. Councilor Sears asked if staff has contacted Marion County's sign shop. He asked about the status of the gate in the High School parking lot. Director Gottgetreu said staff will be performing additional traffic counts at the end of the week to see how traffic is functioning in the area. Councilor Sears asked if there was any movement on the James Street pedestrian railroad crossing. Director Gottgetreu said staff met with

ODOT Rail and Union Pacific has a new procedure where the City would have to enter into a retainer contract with Union Pacific for \$25,000 in order for them to review submittals for the design of the proposed walkway. So essentially the City would be paying their legal and engineering review for the improvement, but ODOT Rail said there is a possibility the improvement could be done without having to rip up the entire crossing. Unfortunately the procedure with Union Pacific has gotten more difficult due to their restructuring. Councilor Sears asked if Council was agreeable to look at restructuring the Council meetings in order to get done earlier in the evening. He asked if there was support to discuss the matter further and either adjust the start time of the regular meeting or hold a regular meeting before the Work Session each month. Mayor Palmer voiced his concern regarding the staff time it would take to prepare two regular meeting agendas and Council would probably end up having two meetings that run long. Councilor Sears said Council could be better about adhering to 10:00 p.m. cap and not start a new agenda item after 10:00 p.m. to ensure the meetings do not run past 11:00 p.m. Council discussed possible changes to the schedule, such as starting the regular meetings at 6:00 p.m. and asked staff to schedule this topic for further discussion during the October Work Session.

Councilor Plummer asked staff for an update on the Transportation System Plan. Director Gottgetreu said he has a summary of the proposed projects and will be scheduling a meeting to go over results.

Councilor Freilinger said he would like to see an application cycle for annexations, similar to what is being discussed for the Urban Renewal Agency. He would like to see an annual window with competitive review criteria in order to evaluate the merits and the benefit to the community between different annexation applications. He feels the applicant should have to build a case as to why their annexation is a benefit to the community. Director Gottgetreu explained annexations are not subject to the 120 day rule, but he will need to confer with Legal Counsel regarding this idea. Council discussed the concept and agreed to allow staff to receive a legal review.

Mayor Palmer said the Oregon Mayor's Association (OMA) is seeking bids to host the Mayors Conference in 2021 and the Oregon Garden is interested in hosting the conference. There will be some cost to the host city, including 80 gift bags for attendees and hosting a reception for 125 guests, but if Silverton is selected this will be included in a future budget. Council was supportive of Silverton hosting the conference. He provided an update on the Community Conversation Project, Can We Get Along and asked if Council would be agreeable to continuing this topic in the Town Hall for this fall. Mayor Palmer said it is his hope to engage the middle group of society, who has historically assumed everyone lives the same life as they do and get them mobilized. Through this mobilization it will make it harder for people with hate to live in Silverton. Council was supportive to making this the focus of the Town Hall in the fall. He said former Mayor Ken Hector has voiced his concern regarding the contamination that is falling off the railroad bridge at C Street. Staff has had a conversation with ODOT Rail regarding that bridge and the one over the Abiqua and will follow up with DEQ. Mayor Palmer expressed his condolences to Gregg Sheesley's family who passed away a couple days ago and will be greatly missed.

XII. ADJOURNMENT

Councilor Freilinger made a motion to adjourn and Mayor Palmer adjourned the meeting at 10:18 p.m.

Respectfully submitted by:

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