

**CITY OF SILVERTON
CITY COUNCIL REGULAR MEETING MINUTES**



Council Chambers 421 S Water Street and Zoom Web Conference Platform

December 04, 2023, 6:30 pm

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

Mayor Freilinger called the meeting to order at 6:30 p.m. The City Council and staff were present both in person and through the virtual meeting platform Zoom. Mayor Freilinger explained the meeting was being held in a hybrid format, pursuant to City of Silverton Resolution 22-06, adopted March 7, 2022.

Present	Absent	
_____ X _____	_____	Mayor Jason Freilinger
_____ X _____	_____	Council President Elvi Cuellar Sutton
_____ X _____	_____	Jess Miller
_____ X _____	_____	April Newton
_____ X _____	_____	Eric Hammond
_____ X _____	_____	Marie Traeger
_____ X _____	_____	Matt Gaitan

STAFF PRESENT:

City Manager Cory Misley, Community Development Director Jason Gottgetreu, Police Chief Jim Anglemier, Public Works Director Travis Sperle, Assistant to City Manager/Human Resources Coordinator Tammy Shaver.

II. APPROVAL OF MINUTES

Councilor Sutton moved to approve the November 6, 2023, Regular Session Meeting Minutes, and the November 20, 2023, Work Session Minutes. Councilor Hammond seconded. No discussion. Motion passed unanimously.

III. PUBLIC COMMENT

Paul Zenchenko, Silverton, OR

Mr. Zenchenko was present to represent the Silverton Chapter of the American Legion. Zenchenko provided some history of the American Legion, which was originally founded in 1919, and stated in their goals are to support Council, the infrastructure, the police and fire departments, and the schools. Zenchenko went on to say they work with non-profit organizations and the military and much of their focus is on educating and supporting children.

Zenchenko invited Council to attend the uncovering of the first Space Force flag, December 20, 2023, at 12:00 p.m. He requested Mayor Freilinger, or his representative, unroll the flag. Mayor Freilinger said he would be happy to perform the task. Zenchenko asked for one more person to assist, Councilor Traeger volunteered.

Councilor Newton confirmed the location, Town Square Park, also called the Freedom Plaza Memorial and asked for an update on the American Legion Flag Project. Zenchenko said they would have liked to have had it done for Homer Davenport Days however they are still working on obtaining a bid. It has been postponed with the hope they can start back up in May and get some of the flags out.

IV. PROCLAMATION

Kiwanis Club of Silverton Day – December 5, 2023

Mayor Freilinger read the Proclamation making December 5, 2023, Kiwanis Club of Silverton Day. Sarah Walling, President of the Kiwanis Club of Silverton, was present and thanked Council on behalf of the club and membership for the Proclamation. They will be holding an anniversary party in January. Ms. Walling invited anyone who wanted to attend to come to their club meetings which are the first and third Thursday of the month at 12:00 p.m. at the Main Street Bistro.

V. SCHEDULED PRESENTATIONS

5.1 Silverton Chamber of Commerce Executive Director, Stacy Palmer

Mrs. Palmer read the monthly update (Attachment A). The Silverton Business Group meets Wednesday mornings at 8:00 a.m. at Silver Falls Brewery, this month there will be no Lunch and Learn. Their next meeting is scheduled for December 13, 2023, during this meeting winners will be drawn for the Shop Hop. On December 20, 2023, the Chamber will have its annual Gift Exchange Holiday Party.

Mrs. Palmer let Council know the Chamber was awarded a grant from Marion County to assist in the creation and implementation of two regional tours. A “Bucket List” type tour for the Silverton area that will highlight the must-see attractions, businesses, and best food offerings in the community and a second tour focused on the holidays next year.

Access to the tours will be available online and through email or text. Downloading an app will not be required. Additionally, participating businesses will get feedback on attendance numbers and information on the origin of visitors to their establishments. The sign-up period for business participation is the first of the year and the Chamber looks forward to launching their first tour in the first quarter of 2024.

Mrs. Palmer thanked everyone who attended the Tree Lighting Ceremony. She also thanked their presenting sponsor, Astound Broadband powered by Wave. Silverton Police Department was thanked for handling traffic and crowd control and Silverton Fire Department for escorting Santa and taking him to the top of the tree.

It was mentioned the current tree has some health issues and an arborist will be scheduled to look at the tree after the lights are removed. Mrs. Palmer will keep Council updated on the next steps.

Mrs. Palmer wanted to remind everyone there is still a week left to Shop Hop. There are thirty-two (32) participating merchants in Silverton and Mt. Angel this year which means the grand prize is eight hundred dollars (\$800.00) in local gift certificates. They will also award thirty-two (32) additional prizes. They are encouraging everyone to SHOP LOCAL this holiday season.

Mrs. Palmer brought up dates to remember this holiday season:

Shop Hop now through December 12, 2023.

Ebenezer at the Brush Creek Playhouse over the next two weekends, Friday and Saturday shows at 7:00 p.m. and Sunday’s matinee starts at 2:00 p.m.

Lunaria Gallery hosts their Merry and Bright Exhibit through the end of the month.

December 9, 2023: The Holiday Foxathon 5k is a fundraiser for the Tree of Giving. Check in 8:00-9:15 a.m. and the race starts at 9:30 a.m.

December 9, 2023: Holiday Bazaar at the Senior Center 10:00 a.m. to 4:00 p.m.
Hear the Bells Children’s Choir at Immanuel Lutheran Church at 3:00 p.m.
Christmas Fest at the Community Center 1:00p.m. to 4:00 p.m.

December 10, 2023: Angel of Hope Vigil at 7:00 p.m.

December 13, 2023: Shop Hop Winners will be drawn at the Business Group Meeting at 8:00 a.m.

December 16 and 17, 2023: The Oregon Garden Holiday Bazaar 10:00 a.m. to 3:00 p.m.
The Community Nutcracker at Silverton High School at 7:00 p.m.

The Silverton Christmas Market at the Oregon Garden Resort runs through the end of the year. Tickets can be purchased online.

VI. PUBLIC HEARING

6.1 Zone Change

Request to change zoning at 602 Eureka Avenue from R-1 to R-5, and Planning Commission's recommendation.

Mayor Freilinger went over the rules for the two public hearings and opened the public hearing regarding the zone change at 602 Eureka Avenue at 6:53 p.m.

Jason Gottgetreu, Community Development Director, presented the Planning Commission's recommendation, explained the Comprehensive Plan requirements and the R-1 and R-5 designations for a zone change at 602 Eureka Avenue.

Gottgetreu provided some background information and explained the difference between R-1 and R-5 zoning, the applicant applied on October 10, 2023, requesting a zone change for 602 Eureka Avenue to change the zoning of the site from R-1, Single Family Residential to R-5, Low Density Residential. The site is five point one five (5.15) acres in area, located on the south side of Eureka Avenue, south of Keene Avenue and is vacant. The property is currently zoned single family on the Comprehensive Plan designation, both the single-family residential R-1 and the low-density residential R-5 are compatible zoning districts for the single-family Comprehensive Plan designation.

The Comprehensive Plan requires R-5 properties to develop at densities from five (5) to not more than ten (10) dwellings per acre. R-1 zone allows properties to develop at densities ranging from two (2) to six (6) units per acre.

The five point one five (5.15) acre site under the current zoning would allow between ten (10) and thirty-one (31) units to be developed, however when the State passed House Bill (HB) 2001, it changed how we do the math. This means, although the site has previous approval for a twenty-one (21) lot subdivision, through HB 2001, each of those lots could develop as a duplex lot even if it is above the maximum. Technically, the actual known development capacity of the site is forty-two (42) dwellings, which is above stated maximum density in the Silverton Development Code but is allowed by HB 2001. The State holds if you're counting maximum density, you count a duplex as one (1) unit even though there are two (2) dwelling units.

A zone change would allow the site to develop between twenty-six (26) and fifty-two (52) units, which would effectively change the site development capacity by ten (10) dwelling units from forty-two (42) units to potentially up to fifty-two (52) units.

A policy of the urbanization element indicates multiple family development will be encouraged, especially in, but not limited to, areas close to the central business district, or within walking distance of neighborhood commercial area or in areas designated for mixed use.

The City adopted a Housing Needs Analysis (HNA) in 2020 as a support document to the Comprehensive Plan which found that Silverton has an existing deficit of affordable housing for low-income households, which indicates a need for a wider range of housing types for renters and homeowners. Silverton has a shortage of land for three hundred and four (304) dwelling units in the Multifamily Plan designation (about seventeen [17] gross acres). Silverton's available land in its Multifamily Plan designation is zoned at densities consistent with the Single-Family Plan designation which cannot accommodate most multifamily housing types. Addressing this deficit is key to meeting Silverton's housing needs over the twenty (20) year period. Since the HNA, ninety-seven (97) units of multifamily housing have been approved but have yet to be built.

Gottgetreu went on to explain the potential traffic impact of the proposed zone change. The City uses The Institute of Transportation Engineers Trip Generation Manual, to determine the traffic impact for development. When looking at the transportation system, generally the PM Peak hour trip (PMPHT) is evaluated as it is considered the busiest time of the day and if your transportation system works at the busiest time of day, it should work at all other times of the day. When looking at any sort of traffic impact, this is the time period being focused on. A single-family dwelling typically adds one (1) PMPHT to the system. A duplex is counted as two (2) single family dwellings which is two (2) PMPHT. Apartments are estimated to add .62 PMPHT.

Looking at these estimates the previous twenty-one (21) lots in a family subdivision, if developed, which is still pending approval, would add twenty-one (21) PMPHT to the transportation system. If the twenty-one (21) lot subdivision were developed entirely as duplexes, as allowed per HB 2001, forty-two (42) PMPHT would be added to the transportation system. If the site were developed as a fifty-one (51) multifamily unit development, thirty-one (31) PMPHT would be added to the transportation system. There is some range within that, if some of the site is developed under the R-5 as a five thousand (5,000) square foot lot, single family development and some are developed as the multi-family development. Generally, the kind of estimated capacity or the potential capacity of the traffic impact is between forty-two (42) PMPHT which is under the current zone or thirty-one (31) or twenty-one (21) if we're looking at the different styles of housing that would be allowed under the R-5 zoning.

There are utilities adjacent, the water system is constructed on Eureka and traverses through the site to provide service to the Oregon Garden which would have to remain as well as the access and utility easement, regardless of the development. The sewer system is located north of the site about one hundred forty (140) feet northwest of the property's north corner and that would have to be extended to and through the site.

Gottgetreu then went on to discuss the Planning Commission's review of the application and their recommendation. The application was reviewed at the November 14, 2023, Planning Commission regular hearing. The Planning Commission's recommendation is a denial of this application. Some of the findings the Planning Commission relied on for their recommendation included their assessment it is less supportive of the Comprehensive Plan than the R-1 designation. The site the request is in is predominantly larger lots with lower than typical urban densities. The higher density development would not be more supportive, nor would it be consistent with the map pattern due to the larger than expected difference in density and would constitute an unacceptable negative impact. Further the Planning Commission found the public need identified by the 2020 HNA of an additional three hundred and four (304) units over the next twenty years, on a linear rate would be fifteen (15) units per year. We are currently three (3) years into that planning period. It would be expected at that linear rate, forty-five units would have been approved and/or built. Ninety-seven (97) units have been approved since the adoption of the Housing Needs Analysis (HNA). The Planning Commission did not find it critical this property be zoned to address that need. Looking at the policy of the urbanization element, the Planning Commission found the element indicates multiple family development would be encouraged in areas not limited to those which are close to the central business district, within walking distance of commercial areas or areas designated for mixed use. It is desired that multiple family developments should be scattered around the community and not concentrated within one area. Small developments which fit in the existing neighborhoods are preferred. The Planning Commission found the area does not currently have adequate pedestrian transportation networks, due to a lack of a sidewalk connection to the existing sidewalk on the eastern side.

Gottgetreu explained to Council they must consider the recommendation of the Planning Commission, but they are not bound by it and can make their own interpretation.

Mayor Freilinger opened the floor to Council for any questions.

Councilor Miller asked if there was a difference in the parking density at apartments between R-1 and R-5. Miller said he sees that as a bigger impact. Gottgetreu responded, the parking requirements for single family dwelling are effectively two (2) covered spaces and it is the same for a single family detached in the R-5 zone, a duplex in either the R-1 or R-5 would have the same minimum parking requirements. Gottgetreu continued to explain it is different in the multi-family designation where the amount of parking for an apartment project depends on the unit type of apartments being proposed. If it were all studios, it would be one point two five (1.25) spaces per studio. For a two (2) bedroom it is one point five (1.5) spaces per unit plus one (1) for every four (4) for the visitor space. For a three (3) bedroom it is two point two five (2.25) parking spaces plus one point four (1.4) for every fourth (4th) unit for a guest spot. It is a dynamic equation which would be based on the actual units being proposed. Additionally for apartments driveways and parking areas are being built versus a single-family development where you're building roads and driveways. When looking at the impervious surface, those are the two differences. Gottgetreu believes the R-5 has the larger overall development potential for impervious surfaces, however, it can be dependent on the unit type, which makes it a difficult question to answer. Miller asked since there's no existing connection to the transportation system if a development were placed there would it be incumbent upon the developer to correct it. Gottgetreu's response was yes, it would have to be proportional to the developments impact to the system, it wouldn't be one hundred percent (100%) their responsibility to build that network to the existing because of other dwellings and development potential within the area.

Councilor Hammond wanted to know how far from the sidewalk end this is located. Gottgetreu responded about seven hundred and thirty (730) feet just north of the water tower.

Mayor Freilinger requested the applicant come to the table to address Council. Brittany Randall, owner, and principal planner for Brand Land Use, was present to represent the client/applicant.

Randall stated there were eight criteria evaluated, they met those criteria and submitted findings. Randall focused on the HNA adopted in 2020. Randall reminded Council the Executive Summary starts by saying the City recognizes affordability is increasingly becoming a barrier to people staying in and moving to Silverton, longtime residents have been unable to purchase housing in Silverton and some are being priced out of the rental market. Randall referred to the staff presentation which showed the R-5 designation does afford a greater density providing more flexible housing types and units. Randall said she cannot provide a presentation or assertion to validate her claim, except additional housing types not found in the R-1 zone would be allowed in R-5. Randall drew Council's attention to the statement; the primary goals of the housing needs analysis were to project the amount of land needed to accommodate the future housing needs of all types within Silverton. Randall said throughout the HNA there's a deficit of units and although we have units approved, they have not been built. Randall stated it is a cost benefit analysis, do we count units built or do we count units which are approved. The HNA shows the need is real and Randall believes this project could help fill the need.

Next, Nick Rhoten, Attorney for the applicant, spoke. Rhoten directed Council's attention to the staff reports, saying the Staff Report the Planning Commission received is slightly different from the Staff Report Council received. In the original, the zone change from R-1 to R-5 meets or could meet all the standards and criteria set forth in the Silverton Development Code 4.7.300 and the applicant is asking Council to adopt that version of the Staff Report and those findings. Rhoten then explained more of the legal process of the quasi-judicial hearing, letting Council know they should base their decision on the preponderance of the evidence. Rhoten reiterated the application more than satisfies the applicable criteria and standards.

Councilor Newton asked if they could still put in only twenty-one (21) units or if they are required to have a minimum of twenty-five (25) under the R-5 zoning. Randall responded, if it is changed to R-5, the developer can still put in only twenty-one (21) units.

Mayor Freilinger then opened for public comments. No members of the audience wished to speak for or against the application. No members of the audience had questions about the application.

Staff had no further information or comments.

Attorney Nick Rhoten, spoke during the opportunity for rebuttal saying, the concerns stated are addressed at the development stage with the development standards provided for in Silverton's Development Code.

Mayor Freilinger then entertained a motion to close the public hearing. Councilor Miller made a motion to close the public hearing. Councilor Sutton seconded the motion. Motion passed unanimously. Mayor Freilinger closed the public hearing at 7:41 p.m.

Councilors Hammond and Traeger asked questions about the original Staff Report and what went to the Planning Commission. Gottgetreu told them what the Planning Commission received indicated the evidence could support an approval or denial.

Mayor Freilinger asked if there was any commentary regarding staff's beliefs all the criteria were met. Gottgetreu told the Mayor it was more the criteria could be met if the decision-making body weighed the evidence and, in their interpretation, found it to be met.

Councilor Newton asked Gottgetreu if he had an estimate of how many of the approved ninety-seven (97) dwelling units have been built. Gottgetreu responded the apartments on South James Steet are under construction and the Habitat for Humanity project is under construction.

Councilor Traeger said she looked at the past minutes and the Comprehensive Plan and heard what Mr. Rhoten said and felt she could use his analogy of one feather making it tilt one direction or another, she supports the Planning Commission's recommendation of the denial for R-5 zone and keeping it as an R-1, based primarily on the Comprehensive Plan.

Councilor Gaitan asked what process the developer goes through to get community feedback on the types of housing in a development. Gottgetreu responded it is part of the Development Code process, there are no required neighborhood meetings however they are encouraged. Public input is usually done using public comment through either a type two (2) procedure which would be a design review process or through a subdivision or type three (3) process, which would be a public hearing review in front of the Planning Commission. It would be determined based on exactly what type of development application the developer would be submitting. For any housing development, either R-1 or R-5, regardless, it is based entirely on clear objective standards. Even if there are members of the community or members of the Planning Commission which view an application and think either it doesn't feel right or doesn't quite fit, that isn't a clear and objective standard. The City can only consider those things which are clear and objective. Public input could be presented at the public hearing or through the planning process but only those that are specifically clear, and objective could be conditioned on the development. Some developers listen to and act on some of those minor additional changes or modifications based on community input, but it isn't a requirement.

Councilor Miller said he will be supporting the zone change. Miller stated his concerns have been sufficiently mitigated as far as the wetlands, impermeable surfaces, and transportation. With the additional data he's received, he feels most of those concerns will not be realized.

Mayor Freilinger asked for clarification as to the motion on the table. The motion was to uphold the Planning Commission's recommendation.

Councilor Traeger articulated a concern and question she has with the zone change, if it was rezoned from R-1 to R-5, would manufactured homes be allowed.

Councilor Newton confirmed her understanding that even with the R-1 zone manufactured homes could be placed on the lots.

Gottgetreu responded that any lot that allows a single-family home also allows a manufactured home to be placed on it. What is different in the R-5 zone is it allows manufactured home parks.

Councilor Hammond asked Gottgetreu what the distance was from the business core to the Habitat for Humanity project. Gottgetreu responded he does not know and advised caution about adding new evidence to the record. Hammond went on to say he did not think there were sidewalks to the Habitat's project or some other locations. Although Hammond said he didn't like it, he felt there was a preponderance of the evidence in support of the zone change.

Councilor Gaitan brought up comments from the Planning Commission. Gaitan said he did not approve of their word choices, such as using the word 'critical', in the context of the sentence it says they do not believe it is critical for the property to be designated R-5. Gaitan stated from an evidentiary standpoint he doesn't understand what they meant by critical. Gaitan said he disagrees with the reasons the Planning Commission used for denial, and he feels the criteria has been met to change the zone to R-5.

Councilor Newton shared that she also believes they met the criteria and supports the change to R-5.

Councilor Sutton asked Gottgetreu how the R-1 versus the R-5 would impact the sewer/water system. Gottgetreu responded it is viewed through a similar lens to transportation. Using the same type of equation, apartments have a lower occupancy and there's generally fewer people residing in them, like the transportation trips, it could be expected there would be fewer infrastructure impacts based on that. Sutton then asked about safety hazards, saying this is a cul-de-sac area, if it were R-1 with twenty-one (21) dwellings and R-5 with the maximum, could Gottgetreu speak to safety. Gottgetreu said with more traffic come more possible incidents. He does not think there's necessarily a difference between the two styles of development. Sutton asked what the speed zone is in that area. Gottgetreu responded it is forty-five (45) miles per hour (MPH).

Mayor Freilinger shared his thoughts, referencing the sidewalk timeline, he believes it is not accurate to say a sidewalk will be placed there if something is built. Mayor Freilinger does not have any traffic concerns. He does have concerns about water usage within the community as a whole. He referenced studies which have shown single family homes with a large lot use more water than apartments do. He stated he is leaning toward approving zone change.

Mayor Freilinger then asked for motions, explaining the motion will be to either accept the Planning Commission's recommendation to deny the application or a motion to not approve the Planning Commission's recommendation to deny the application.

Councilor Traeger made a motion to accept Ordinance number twenty-three dash zero seven (23-07) denying a zone change from R-1 to R-5 at 602 Eureka Avenue. Councilor Sutton seconded the motion. Motion did not pass. Two (2) ayes and five (5) nays.

Mayor Freilinger asked if there was another motion. Councilor Miller made a motion to deny the ordinance before Council and to direct staff to return with an ordinance that would accept the applicants request for zone R-1 to R-5 change. Councilor Newton seconded the motion. Motion passed. Five (5) ayes and two (2) nays.

Staff will bring an ordinance which approves the zone change to Council at the January 8, 2024, meeting.

6.2 Annexation

Request to annex 827 Railway Avenue into the City limits and zone the property GC, General Commercial.

Mayor Freilinger opened the public hearing at 8:08 p.m.

Community Development Director Jason Gottgetreu presented the proposal and listed the substantive approval criteria and standards. The total one point four eight (1.48) acres in size with the purpose of the annexation to connect the existing building and any future buildings on the site to city water and sewer. The property is located on the south side of Railway adjacent to the Silverton Fire District and the mini storage as you are coming into town off Silverton Road/McClaine Street. The property is considered an unannexed enclave as it is surrounded by the City limits. The site is designated commercial on the City's Comprehensive Plan, when annexed in it would come into the City as one of the commercial districts, zoned as General Commercial (GC). The Urbanization element, "Provide adequate land to meet anticipated future demands for urban development in a logical and orderly manner."

Adequate public facilities, services, and transportation are in place or are planned to be provided concurrently with the development of the property. The new area will meet City standards for any public improvements which may be necessary to serve the area (including but not limited to streets, sewer, sidewalks, sanitary, water, storm drainage); and the area to be annexed is contiguous to the City and represents a logical direction for City expansion; and the area is within the urban growth boundary. The proposed use of the property is consistent with the applicable Comprehensive Plan designation and the current uses are consistent with the General Commercial zone. The public facilities have been extended through the frontage of the site as part of the adjacent facility and it seems reasonable to allow the property to connect to the facilities which are already along the site's frontage and there is adequate capacity to serve the property. The Planning Commission recommends City Council approve the annexation.

Councilor Sutton asked what this would do to our infrastructure, the water line, specifically because this is commercial. Gottgetreu advised manufacturing plants generally just have restrooms for staff which does not create a large load. Sutton then asked if they built a larger structure on the property would it change the impact. Gottgetreu responded, the property could be further developed. There is a sewer line in front of it that does lead to a pump station which was built as part of the Silverton station development. Public Works Director Travis Sperle assured Sutton the pump station was adequate.

Councilor Traeger confirmed there are only two residences near that location which are outside of the city limits.

Mayor Freilinger then invited the applicant to address Council.

Steve Kay, Cascade Planning and Development Services, was present to speak to Council on behalf of the applicant. Kay let Council know the business has been in the Silverton community since 1956. Kay said this is a small “island” of property under County jurisdiction, but it is within the Urban Growth Boundary (UGB). The submitted concept plan demonstrates the property could be developed with a second warehouse. This could accommodate additional businesses when future development of this property occurs after annexation it would be subject to City standards which would require upgrades.

Applicants have reviewed the Staff Report concur with it.

Councilor Traeger asked about his statement referencing adding on in the future and how many potential jobs might be created. Kay said there are about fifteen (15) jobs in the current warehouse so there is the potential for about ten (10) more if there was an added six thousand (6,000) foot warehouse.

No member of the audience wished to speak for or against the application. No member of the audience wished to ask questions.

Staff had no additional information. The applicant had no rebuttal testimony.

Mayor Freilinger would entertain a motion to close or continue the hearing.

Councilor Sutton moved to close the public hearing. Councilor Newton seconded the motion. Motion passed unanimously. The public hearing closed at 8:22 p.m.

Councilor Traeger supports this annexation because it brings jobs into Silverton.

Mayor Freilinger also supports the application because of the economic opportunities.

Mayor Freilinger moved forward with the first reading.

Councilor Sutton made a motion to pass Ordinance No. 23-06 on its first reading. Councilor Gaitan seconded the motion. There was no discussion and the motion passed unanimously (7-0).

Councilor Sutton made a motion to have the second reading of Ordinance No. 23-06, by title only. Councilor Newton seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Manager Misley provided the second reading of Ordinance No. 23-06.

Councilor Sutton made a motion to adopt Ordinance No. 23-06 on its second and final reading. Councilor Newton seconded the motion. There was no discussion and the motion passed (7-0).

VII. DISCUSSION/ACTION

7.1 Water quality DEQ MAO Update

Brad Jensen, Water Quality Division Supervisor, presented. Jensen began by telling Council this was an update on the Mutual Agreement and Final Order (MAO) between the City and the Oregon Department of Environmental Quality (DEQ). Jensen informed Council they were in the final steps of completion of the MAO. One of the significant projects was code review. The review is in progress with Travis Sperle, Public Works Director, Cory Misley, City Manager and the City Attorney, Ashlie Dougall, Beery Elsner & Hammond LLP. The first draft has been submitted to DEQ for review, Jensen predicts the final draft, and the process may be completed by the first of the year. Jensen provided an update on current projects.

Accompanying Jensen were representatives from Water Dudes, Andrew Grant, and Mark Walter. They were hired to perform a Wastewater Treatment Plant evaluation, review industrial loading, and look at optimization. The MAO required the hiring of an independent expert for harvest season, from June until October. Water Dudes completed a plan evaluation. They evaluated the industrial loads from both Diane Foods and Tillamook, the two main feeds to the sewer system, they then took the information and worked with staff to optimize processes. They looked at plant maintenance, however the focus was on laboratory sampling. Through the optimization process, they identified data management as a challenge because of the plethora of avenues the data can and does come from.

Water Dudes went to the sites to check industrial loading. They stated it was obvious when Diane was up and running, you could tell visually and by the odor.

Mayor Freilinger asked if Diane Foods is communicating with the City. Jensen responded the City does have an open dialogue with Diane. Samples were focused on making the process work. The report completed by Water Dudes shows the City is doing well treating the water. The treatment process and projects Jensen are lining up will help the plant remain in compliance during the season. They worked with staff, focusing on, monitoring, and adjusting, and the aeration system, anaerobic digester and sludge feed. Optimization is a continual and an ongoing process. Water Dudes stated the City was at one hundred percent (100%) permit compliance through the harvest season.

When they evaluated staffing, they recommended an increase by one (1) or two (2) members.

Mayor Freilinger asked how the certification process was going. Jensen responded, he has been talking with his team and they are all willing to work toward certification and more advanced certification. Mayor Freilinger stated he was pleased they were making progress. One of the things Jensen wants to do is update the Operations and Maintenance Manual to aid his team in understanding how it all comes together. Mayor Freilinger then asked if there was something technological which might help the existing staff. Jensen responded, there really isn't anything, at this time.

VIII. CONSENT

A motion was made by Councilor Sutton to approve the Consent Agenda including agenda items 7.1-7.3. Councilor Gaitan seconded. No discussion. Motion passed unanimously.

- 7.1 Emergency Operations Plan Updates*
- 7.2 Civic Center Change Order Ratification*
- 7.3 Annual SDC Report FY 2022-2023*

IX. COMMITTEE APPOINTMENTS

9.1 Reappoint Darin Rybloom to the Oregon Garden Foundation (OGF).

Mayor Freilinger said he knew Mr. Rybloom and he was one of our official representatives on the Board. He recommended Rybloom's reappointment.

A motion was made by Councilor Sutton to approve the reappointment of Darin Rybloom to the Oregon Garden Foundation Board. Councilor Newton seconded. No discussion. Motion passed unanimously.

Mayor Freilinger told Council there were three (3) applicants for the Historic Landmark Commission, they are interested and highly qualified.

On the Planning Commission there are three (3) applicants for two (2) positions. He is working on interviewing for those positions.

X. CITY MANAGER UPDATE

City Manager Misley told Council he is committed to streamlining packets and material as much as possible to aid emphasize what is important versus what is reference material. He is working on scheduling a Management Team retreat in the next two-three weeks. He wants to get Management oriented on goals and teamwork. He has been working with everyone in all departments to get up to speed on everything, including special projects.

The Civic Center project is moving forward. There is progress. Misley said there is a lot involved in tracking different components of this process. He will be scheduling meetings with the Department Heads to focus on the move in and operations.

Misley met with Kyle Palmer, former mayor, and received good historical information. He also met with Scott Drue of the School District, they are postponing a joint meeting with Council and School. He attended a Rotary meeting and, last week, met with Business Oregon representative who could help connect the City with grants and loans.

The Main Street survey for the downtown improvement project started last week. Thus far, there have been four hundred (400) responses. The input will be provided to the Urban Advisory Committee.

Misley is looking forward to January and February for meeting dates. He hopes to schedule a goal setting session the last week of January.

Councilor Traeger asked if the timeline for the Civic Center has remained the same. Misley's response was, yes.

XI. COUNCIL COMMUNICATION

Councilor Hammond, regarding the Oregon Garden Foundation Board (OGF), asked if Council gets updates and information from their meetings? Mayor Freilinger said there are reports once a year. Mayor Freilinger advised the Council, when Kathleen Zaragoza was City Manager Pro Tem, she provided him with status updates. Hammond said he wants more interaction and believes if they are representing the City, they need Council's input.

City Manager Misley said he intends to attend some OGF meetings, if not, he will get information from Kathleen Zaragoza, Deputy City Manager/Finance Director to share with Council. He will try to add that to the City Manager reports.

Councilor Newton mentioned she is getting messages from residents about a conflict between the Palace Theater and the Laundromat. Newton said she did not know there was an issue. She further asked if this was known to staff. City Manager Misley responded he has spoken with some members of Council about it. Misley said there isn't anything for the City to report. Staff has been in contact with the new Palace Theater owner. There has been dialogue about this situation. Misley met with the owner on site and discussed it. Misley went on to say the matter is being addressed and the City is working with their attorney. At this time, Misley said this was something which needs to be handled from the administrative side. Mayor Freilinger stated Misley has done a great job and he has been in contact with the Theater owner. Misley encouraged everyone to remain outside of neighbor-to-neighbor

disputes. Misley said we are engaged. Newton also wanted to remind everyone of the Parks and Rec Open House tomorrow, December 5, 2023.

Councilor Miller expressed concerns about the new Civic Center being an attractive nuisance over the holidays and he wanted to know what, if any, plan was in place. City Manager Misley said staff is triangulating and coordinating on that.

Miller brought up there was no quorum for the Transportation Advisory Committee in November, and he wanted to remind everyone with the zone change discussion tonight about looking at clear and objective criteria or things which could be left open to interpretation such as tree preservation, park and green space requirements, maximum grading revisions, maximum fill, etc. Miller wants to be certain we have the codes in place to preserve the values of the citizens. Miller would like to propose a work session specifically on development codes.

Mayor Freilinger agreed this is an important topic. He concurs there need to be clear and objective standards regarding impact on water usage and how it impacts development. Standards on traffic flow, sidewalks, trees, drainage, etc. City Manager Misley agreed, saying take the vision about how we want Silverton to be as a community and make it have teeth in forms of enforceability. Misley recommends this should be a topic at goal setting.

Miller brought up an incident, which occurred before Thanksgiving, when he was travelling eastbound on C Street and while waiting to turn left onto James St. There was an adolescent north on James crossing the crosswalk, another vehicle presumably didn't see the adolescent in the crosswalk prior to impact. Miller said this intersection and the crosswalk have now become a priority.

Councilor Gaitan expressed his agreement with Councilor Miller's comments regarding the code. Gaitan said the Planning Commission is doing good work.

Gaitan said he felt they all look around the community for things which may need to be addressed such as an overflowing City garbage can and asked who they should contact for the little things to have staff take care of. City Manager Misley said to let him know and he will direct staff.

Councilor Traeger referred to Sarah White's presentation and reached out to Misley asking him to keep Council updated on the relationship between Sheltering Silverton and the City. Traeger also reached out to Chief Anglemier to get more information on what he had in his monthly report because she believes thefts have increased and wanted to know the dynamics.

Councilor Sutton agrees with Councilor Miller about a work session. She thinks a closer look at doing more to make the crosswalks safe is critical and wants the City to be more proactive.

Mayor Freilinger mentioned the codes and the steps involved. He told Council they will not get everything they want because of State mandates. However, we should do what we can. The County is concerned about the road, therefore if a pole with a light is put on the side of the road, the County will not mind. Mayor Freilinger went on to say we cannot change the road; it is their jurisdiction. He has been working to improve communication regarding the railroad tracks at the federal and state level and, to date, he has not been successful. The tracks are looked at as a viable future rail route and not considered abandoned. After speaking with one of the County Commissioners, he felt there was hope as she provided a different approach to the issues. He wanted to remind everyone to take the URA survey. He assured everyone one-way streets are not being considered. He reminded everyone of the Parks and Rec meeting tomorrow at the Senior Center.

Mayor Freilinger let everyone know Councilor Traeger volunteered to take point with ceremony for the opening of the Civic Center.

Mayor Freilinger said he'd entertain a motion to adjourn.

XII. ADJOURNMENT

A motion was made by Councilor Sutton to adjourn. Meeting Adjourned at 9:43 p.m.

Respectfully submitted by:

/s/Tammy Shaver – Assistant to the City Manager/Human Resources Coordinator