

CITY OF SILVERTON
CITY COUNCIL MINUTES

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

January 7, 2019, 7:00 PM

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

Mayor Palmer called the meeting to order at 7:19 p.m.

Present	Absent	
X	_____	Mayor Kyle Palmer
X	_____	Council President Jason Freilinger
X	_____	Jim Sears
X	_____	Matt Plummer
X	_____	Dana Smith
X	_____	Laurie Carter
X	_____	Crystal Neideigh

Staff Present:

City Manager, Christy Wurster; Chief of Police, Jeff Fossholm; Public Works Director, Petra Schuetz; Community Development Director, Jason Gottgetreu; Assistant to the City Manager/HR Coordinator Elizabeth Gray; Finance Director, Kathleen Zaragoza; and Assistant to the City Manager/City Clerk, Angela Speier

II. APPROVAL OF MINUTES

Councilor Smith made a motion to approve the minutes from the Regular Meeting held on December 3, 2018 and the Town Hall held on December 10, 2018. Councilor Freilinger seconded the motion. Councilor Carter asked that the word onerous on page 3 of the December 3, 2018 minutes be changed to onus. There was no further discussion and the motion passed unanimously as amended.

III. OATHS OF OFFICE/PUBLIC RECOGNITION

3.1 Recognize Jeff DeSantis – Outgoing Budget Committee Member and Planning Commissioner
Mayor Palmer recognized Jeff DeSantis for his tenure on the Budget Committee and Planning Commission. Mr. DeSantis was presented with a certificate and received a standing ovation.

IV. PUBLIC COMMENT

Scott Walker, 717 Eureka Avenue. Mr. Walker encouraged Council to be specific on what goals they would like to see accomplished next fiscal year. He advocated for one of the goals to be the completion of a Master Plan for the Pettit Property.

V. SCHEDULED PRESENTATION

5.1 Silverton Chamber of Commerce Monthly Update – Stacy Palmer

Silverton Chamber of Commerce Executive Director Stacy Palmer distributed her monthly report. She reviewed the points of contact and new members for the month. She invited Council to attend the Wednesday Business Group meeting weekly at 8:00 a.m. Mayor Palmer announced that the Annual First Citizen Banquet will take place on Saturday, February 16th at the Festhalle and reviewed the list of winners, including:

- First Citizen – Kevin and Stacy Palmer
- Distinguished Service – Sarah White
- Business of the Year – Bledsoe Santana Team Realty
- Judy Schmidt Lifetime Achievement – Elmer Valkenaar

Ms. Palmer updated Council on the Shop Hop program over the holiday season. The tree lights will be taken down on Tuesday, January 8, 2019 and the remaining lights in the park will be removed over the weekend. She thanked Victoria & Sons and Premier Towing & Recovery for providing the workers to help decorate and take down the lights.

5.2 Silverton Road Bridge Project Update – Brian Nicholas, Marion County

Brian Nicholas, Director of Marion County Public Works introduced himself to Council. Mr. Nicholas explained that this presentation is an update to the presentation that he gave seven months ago. Marion County will be replacing the bridge on Silverton Road located between Salem and Howell Prairie Road. The majority of the project will be funded through federal funds. The design phase is wrapping up and the county is in the easement acquisition process. The county would like to go out to bid in the next couple months and is looking to start the project in June. The new bridge will be widened to account for new sidewalks, bike shoulders, and a turn lane.

Mr. Nicholas explained that the preferred approach is to close Silverton Road completely which will allow for a shorter construction period. The analysis for detour routes has been completed and Mr. Nicholas reviewed the preferred routes. He also indicated how the impacted intersections will be reconfigured in order for the detour to function better with the increased traffic. There will be two temporary signals installed, one at the intersection of Howell Prairie Road and Silverton Road and the second at the intersection of Cordon and Hazelgreen Road. They will also be looking at reconfiguring a few intersections in the detour route.

Councilor Sears asked about the funding for a potential roundabout at the Howell Prairie and Silverton Road intersection. Mr. Nicholas said that the analysis on that has not been completed, but the county is in the middle of updating their Rural Transportation Plan and there are key areas between Salem and Silverton that will be reprioritized in the updated plan. Councilor Sears explained that this project is going to have an impact on Pine Street and indicated that the City should look at the intersections of Pine and James and James and N. Water Street to allow for right turns without stopping at the intersections to help facilitate traffic. He also stressed that the City, Marion County and ODOT need to look at the timing at the 1st Street and N. Water signal.

Lastly, Mr. Nicholas explained that the construction schedule has to be extended, because the geotechnical analysis showed that the site has liquefiable soils. The foundation of the bridge had to be redesigned and a month will need to be added to the construction phase of the project. This means that Silverton Road will likely be closed for seven months. Mr. Nicholas would like Council feedback on the timing of the construction. Currently the construction is scheduled to begin in June 2019 and be completed in January 2020. He said that now would be the time to make adjustments in order to avoid impacts to the holiday season. This project is a top priority, but the process to acquire the right of way is going to take some time and it will not allow for an earlier start date. Councilor Smith stressed the need for advanced signage before the detour in order to warn drivers it is coming. Councilor Carter asked about closing the left turn lane on McClaine Street at the C Street intersection.

City Manager Christy Wurster thanked Mr. Nicholas for presenting and asked about a previous proposal which was to maintain one lane of traffic over the bridge through the construction period. Mr. Nicholas explained that would extend the construction period 15 – 16 months and the cost would be higher due to having to mobilize equipment twice. The project has been budgeted based on the full closure. Mr. Nicholas sees the two options being to move ahead as planned and the bridge would be closed during the holiday season, or to push the project to the beginning of 2020. Ms. Wurster reiterated that this is a critical bridge for the Silverton community. If the Council would like to push the project back it would not cause the project to go outside the current budget. Mr. Nicholas will follow-up with City staff on the timing.

5.3 Fiscal Year 2017-2018 Audit Presentation – Boldt, Carlisle, & Smith

Brad Bingenheimer, Partner with Boldt, Carlisle, & Smith presented the audit for the year ending June 30, 2018. He explained the set of auditing standards that were applied through the auditing process. He reviewed the financial highlights of the audit. He said that there is a separate report regarding the Oregon Minimum Standards that address compliance with specific Oregon laws and regulations as well as internal controls. There were no violations reported. In closing, Mr. Bingenheimer thanked city staff for their readiness and willingness to answer questions. The Urban Renewal Agency was also audited in a separate report.

Mayor Palmer polled the audience and Council decided to move directly to the Discussion/Action Items.

VI. PUBLIC HEARING

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

Mayor Palmer opened the public hearing regarding Ordinance No. 19-01 at 9:00 p.m. No member of Council wished to abstain or declare a conflict of interest. Councilor Smith declared an ex parte contact with Sue Countryman who expressed her support of Ordinance No. 19-01. Mayor Palmer indicated that he has had numerous conversations with Bob Knodel, owner of Silver Creek Auto Body who has expressed his support and would like to make façade improvements to his building. Councilor Freilinger stated that he is a member of the Urban Renewal Advisory Committee (URAC) which has already reviewed the proposed expansion. No members of the audience wished to challenge the Council for jurisdiction to hear this matter or challenge any individuals. Mayor Palmer read the notice advising the audience of the steps to establish the right to appeal this matter to the Land Use Board of Appeals.

Community Development Director Jason Gottgetreu explained that before Council is a proposal to expand the Urban Renewal District. The district was created in 2004 and a goal of the URA this fiscal year is to expand the district. He explained the substantial amendment process and the public notice that was distributed city-wide. The proposed expansion has gone before the Planning Commission, the URAC, the URA and now City Council as the governing body. The proposed expansion area consists of 25 properties totaling 19.77 acres and is zoned mainly industrial and commercial. The expansion area is generally bounded by the north right-of-way (ROW) line of Jefferson Street, the east ROW line of N. 2nd Street, the northern boundary of the existing Urban Renewal District to the south, and the eastern rail ROW line to the west. An additional property on the southwest corner of Jefferson Street and Mill Street intersection is also proposed to be added. Director Gottgetreu reviewed the taxable value of the properties located in the proposed expansion area. The purpose of the expansion is to allow the properties within the expansion area to apply for grants and loans through the existing URA programs.

Testimony was received from the property owner at 503 N. 2nd Street who requested to be included in the expansion area. The Planning Commission recommended the approval of the original area (as proposed above). The URAC recommended the original area plus a 2.89 acre property zoned General Commercial located on the northeast corner of the intersection of North 1st Street and Jefferson Street. Councilor Freilinger explained that the URAC also discussed adding a portion of an old railroad line that could be developed into a foot path for pedestrians. The URAC also talked about an additional piece of industrial property by Mark Twain Elementary School. Councilor Sears explained that in 2002 the Downtown Revitalization Committee was formed due to the concern of the declining downtown core. Other properties were included in order to generate sufficient revenue to make improvements. If other pieces of

property are added it takes away the original intent which was to focus on the downtown core. He further explained that there is a limited amount of money left for grants and he would like to see that money be spent in the downtown.

Public Testimony

Charles Baldwin, 3301 Seminole Road NE. Mr. Baldwin explained the findings that the Bike Committee made regarding two neighborhoods that are on either side of the industrial park that are not serviced by a road or trail system that connects them to the downtown area. The Bike Committee recommended that a trail system connect the two neighborhoods. The Anderson neighborhood is also lacking a trail system and a city road to downtown. The City acquired five acres near the Anderson neighborhood which Mr. Baldwin feels should also be added into the expansion area to allow for the development of a trail system.

Stacy Palmer, Silverton Chamber of Commerce. Ms. Palmer is a member of the URAC and encouraged Council to add the triangle piece off Jefferson that the URAC recommended. She also encouraged the inclusion of the industrial zoned property near Mark Twain Elementary School in order to incentivize the development.

Ammon Benedict, 717 Thyme Loop. Mr. Benedict said a big concern for the Budget Committee has been safe routes to school. He asked if these areas are added into the district whether the City would be able to lower the speed limits and add sidewalks. The inclusion of the property discussed would allow for more connectivity between neighborhoods and to downtown while improving pedestrian safety, but Mr. Benedict asked how the City will tie everything together. Mayor Palmer said that the connections need to take place piece-by-piece and that urban renewal funds can be used for infrastructure improvements. In closing, Mr. Benedict encouraged specific goals with timelines for each of the pieces that Council would like to see accomplished.

Councilor Freilinger made a motion to close the public hearing. Councilor Carter seconded the motion. Discussion ensued about adding additional property and the need to amend the proposed ordinance. Councilor Freilinger amended his motion to continue the public hearing to the February 4, 2019 City Council meeting. Councilor Smith seconded the motion. There was no discussion and the motion passed 6-1 with Councilor Carter voting no, because she is in favor of the proposed expansion area in Ordinance No. 19-01.

Council discussed the potential benefits and potential downfalls of adding the additional pieces of property as discussed into the Urban Renewal District. The need to produce firm goals and priorities during the URA Goal Setting meeting as well as creating additional debt for the agency was also discussed. Councilor Carter asked if other funds are available for the railroad property that might be more appropriate to use for funding a foot path instead of urban renewal funds. Councilor Freilinger made a motion to direct staff to amend Ordinance No. 19-01 to include the current proposed expansion area and to add the following properties:

- The property north of the proposed area off Jefferson Street (recommended by the URAC);
- The railroad area south of Whittier Street for connectivity purposes; and
- Jefferson Street between Mill and 1st Street.

Councilor Smith seconded the motion. There was no further discussion and the motion passed 5-2 with Councilors Carter and Sears voting no. Staff will make the amendments to Ordinance No. 19-01 and place it on the February 4, 2019 agenda for Council consideration.

Councilor Plummer moved to extend the meeting past 10:00 p.m. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously.

VII. CONSENT AGENDA

There was no public comment regarding the Consent Agenda. Councilor Carter made a motion to accept the Consent Agenda consisting of agenda items 7.1, 7.2, 7.3, 7.4, 7.5, and 7.6. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously.

7.1 Approval of 2019-2020 Budget Calendar

7.2 Resolution No. 19-01 – Increasing the appropriation authority for the Civic Center Capital Outlay

7.3 Authorize the City Manager to execute sublease agreements for the Silverton Community Center

7.4 Authorize the City Manager to execute a lease agreement with Silverton Chamber of Commerce

7.5 Resolution No. 19-02 – Approving the Silver Trolley's Title VI Report

7.6 Resolution No. 19-03 – Authorizing a budget transfer in the sum of \$5,145

VIII. DISCUSSION/ACTION ITEMS

This agenda item was taken out of order and discussed after the scheduled presentations.

8.1 Ordinance No. 18-26 – Regulating the use of Plastic Bags

Mayor Palmer explained that the first reading of Ordinance No. 18-26 took place last month. Since there was one "no" vote the second reading has been scheduled tonight.

Councilor Freilinger moved to have the second reading of Ordinance No. 18-26 by title only. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously. City Manager Wurster read the ordinance by title only.

Councilor Freilinger moved to adopt Ordinance No. 18-26, on its second and final reading. Councilor Sears seconded the motion. Councilor Plummer explained that he does not agree with the pass through charge, but if it is going to be used as an incentive he would like to see the fee increased to 10 cents. Councilor Plummer made a motion to amend the ordinance to increase the pass through charge from 5 cents to 10 cents. Councilor Sears seconded the motion. Councilor Carter declared a potential conflict of interest due to her ownership of a small business that provides paper bags to customers. There was no challenge to her participation in this agenda item. The motion failed 1-6, with Councilor Plummer voting yes.

Councilor Smith made a motion to remove Section 5.45.050 (D) from the ordinance. Councilor Plummer seconded the motion. Councilor Smith explained that she feels that if a retailer chooses to give away a bag they should be allowed to do so without fear of a code violation. The motion failed 3-4 with Councilors Plummer, Smith, and Neideigh voting yes.

Councilor Freilinger called for question on his motion to adopt Ordinance No. 18-26 on the second and final reading. The motion passed 5-2, with Mayor Palmer and Councilor Neideigh voting no.

8.2 Ordinance No. 19-02 – Prohibiting the use of polystyrene food service products

City Manager Wurster provided an overview of Ordinance No. 19-02 which includes two timetables. She explained that if the Council approves the ordinance it will go into effect in 30 days; however, the enforcement provisions would not take place until July 1, 2019 for the polystyrene takeout containers and January 1, 2020 for the raw meat and seafood polystyrene packaging.

Michael Roth, 918 First Street. Mr. Roth explained the Roth's is a certified Earthwise business and cares deeply for the environment. He indicated that Roth's has eliminated the majority of polystyrene containers throughout their stores. He voiced his support for the ordinance and explained that Roth's will be eliminating all polystyrene from their stores in the near future. If Council chooses to adopt this ordinance it would put all grocery stores on a level playing field. He explained that Roth's is also looking at supplying paper straws at their stores.

Chris Mayou, 585 Shelokum Drive. Ms. Mayou said that she feels that this regulation is an appropriate role for the government and it would place all businesses on a level playing field.

Laurie Chadwick, 600 Lone Oak Loop. Ms. Chadwick said that it would be nice if the government didn't have to get involved, but she thinks that we owe it to our children and grandchildren. She thanked Roth's for the steps that they are taking and other restaurants in town that have stopped using polystyrene and urged the passage of Ordinance No. 19-02.

Robin Kuhn, 1386 S. Water Street. Ms. Kuhn voiced her support of Ordinance No. 19-02 and said that the earth doesn't need more polystyrene.

Ammon Benedict, 717 Thyme Loop. Mr. Benedict said that he is concerned about government regulating businesses and people's personal behavior, but he is also an environmentalist. He urged Council to take an even deeper look into the issue and set goals to completely eliminate plastic within the City. He also expressed the need for the City to be setting a good example.

Councilor Carter moved to have the first reading of Ordinance No. 19-02, by title only. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously. City Manager Wurster read Ordinance No. 19-02 by title only.

Councilor Carter moved to pass Ordinance No. 19-02, on its first reading. Councilor Sears seconded the motion. Mayor Palmer indicated that he doesn't see this as government's role and is encouraged to see that businesses are moving in this direction without government regulation. He said that he is willing to withhold his "no" vote for the second reading. There was no further discussion and the motion passed unanimously.

Councilor Carter moved to have the second reading of Ordinance No. 19-02, by title only. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously. City Manager Wurster read Ordinance No. 19-02 by title only.

Councilor Carter moved to adopt Ordinance No. 19-02, on its second and final reading. Councilor Sears seconded the motion. There was no further discussion and the motion passed 6-1 with Mayor Palmer voting no.

8.3 Elect a Council President

Mayor Palmer made a motion to appoint Councilor Freilinger as Council President for a two-year term. Councilor Smith seconded the motion. There was no discussion and the motion passed unanimously.

Council took a break at 8:46 p.m. and returned to regular session at 8:59 p.m.

IX. APPOINTMENTS TO COMMITTEE AND ADVISORY GROUPS

9.1 Appointments to the Transportation Advisory Committee and Tourism Promotion Committee

Mayor Palmer recommended appointing Dodie Brockamp to the Transportation Advisory Committee; and to appoint Christine Diacetis and reappoint Forest Freed to the Tourism Promotion Committee. Councilor Carter made a motion to approve the appointments as recommended by Mayor Palmer. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously.

9.2 Create an Affordable Housing Task Force (Ad Hoc Committee)

Mayor Palmer referred Council to the revised staff report located at their station. He explained that the current members of the Homeless/Housing Task Force were polled and those interested in serving on the Affordable Housing Task Force are included in the staff report. The Mayor is recommending 14 individuals be appointed to the Affordable Housing Task Force which are all listed in the staff report. Councilor Freilinger made a motion to create and appoint the 14 individuals to the Affordable Housing Task Force as recommended by Mayor Palmer. Councilor Smith seconded the motion. There was no discussion and the motion passed unanimously.

X. CITY MANAGER UPDATE

City Manager Wurster reminded Council that the League of Oregon Cities will be hosting City Day at the Capitol on January 24, 2019. The regional breakfast meeting will also be taking place that day. On Monday, January 28th City Council and the School Board will hold a Joint Work Session. A series of stakeholder meetings regarding the Eugene Field property will be taking place on January 10, 2019 and a community outreach meeting has been scheduled for January 31, 2019 at the High School Cafeteria. The Council Goal Setting Session is scheduled for Wednesday, February 6, 2019 at 6:00 p.m. The Annual Council of Governments Dinner is scheduled for February 20, 2019. She explained that she would like to issue a RFP to the development community regarding potential uses for the Westfield property. The City will also look to replicate the public process currently happening for the Eugene Field property with the Pettit property. Lastly, Representative Lewis will be following up with ODOT regarding pedestrian safety projects that are scheduled to take place in Silverton.

XI. COUNCIL COMMUNICATIONS

Councilor Sears would like to see the Public Works Department take a look at the stop signs discussed earlier and the light sequencing on C Street, which are recommendations from a traffic study. He would prefer the bridge project to begin after the 2019 holiday season.

Councilor Plummer would prefer to move ahead as scheduled for the bridge project. He provided an update on the Transportation System Plan scoring process.

Councilor Smith would prefer the bridge project to begin after the 2019 holiday season. She voiced her concern regarding the deterioration of Water Street downtown.

Councilor Freilinger thanked Council for their vote of confidence. He would prefer to not see Silverton Road closed at all. He is supportive of the Westfield and Pettit process laid out by the City Manager. He also urged Council to continue to consider the idea about putting the garbage service out to bid.

Councilor Carter explained that the lighting in the Lewis Street parking lot is very poor and would like to see it addressed. She asked about the timing for Council discussion on the Community Forestry Program. City Manager Wurster explained that a piece of the program will require a development code change and is included in the review process that the Planning Commission is currently working on. The City is hoping to have everything ready to apply for the Tree City USA program next year. Councilor Carter recommended that part of the Community Forestry Program be tree planting on 1st Street through the new area. She said that she would prefer to keep the bridge open, but if that is not possible to begin the project after the 2019 holiday season.

Councilor Neideigh would prefer to keep one lane of the bridge open, but if that is not possible to begin the project after the 2019 holiday season.

Mayor Palmer thanked Portrait Express for taking the Council picture. He also thanked the Police Department for their role in the school lockdown that occurred. He wished everyone a Happy New Year and welcomed Councilor Neideigh. He voiced his support of the Westfield process and would prefer to keep one lane of the bridge open, but if not to move ahead as scheduled.

XII. ADJOURNMENT

Councilor Sears made a motion to adjourn the meeting. Councilor Freilinger seconded the motion and Mayor Palmer adjourned the meeting at 10:52 p.m.

Respectfully submitted by:

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