

CITY OF SILVERTON

CITY COUNCIL REGULAR MEETING – 7:00 p.m., Monday, October 1, 2018

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

Americans with Disabilities Act – The City of Silverton intends to comply with the A.D.A. The meeting location is accessible to individuals needing special accommodations such as a sign language interpreter, headphones, or other special accommodations for the hearing impaired. To participate, please contact the City at 503-874-2204 at least 48 hours prior to the meeting.

A copy of the full packet is available for review Monday through Friday 8:00 am to 5:00 pm in the City Manager's Office at the Silverton City Hall, located at 306 South Water Street. All documents will be available on our website at www.silverton.or.us.

AGENDA

- I. OPENING CEREMONIES – Call to Order, Pledge of Allegiance and Roll Call**
- II. APPROVAL OF MINUTES** – Minutes from the Special City Council meeting held on August 20, 2018; the Town Hall held on August 30, 2018; and the regular City Council meeting held on September 10, 2018
- III. OATHS OF OFFICE/PUBLIC RECOGNITION** – None Scheduled
- IV. PUBLIC COMMENTS** – This is a business meeting of the City Council. The City values and welcomes public input. Please address the Council as a whole and not individual Council Members. Do not address Staff or members of the audience. Council action on items brought up in Public Comment is limited by the Open Meeting Law. The Council may direct Staff to study the matter and reschedule for further consideration at a later date. Items on the agenda will not be heard or discussed during Public Comment, but will be accepted at that place on the Agenda. Individuals are limited to three (3) minutes.
- V. SCHEDULED PRESENTATIONS**
 - 5.1 Silverton Chamber of Commerce Monthly Update – Stacy Palmer**
 - 5.2 Presentation of National WaterReuse Association Community Water Champion Award to the City of Silverton - Steve Starnier**
- VI. PUBLIC HEARINGS**
 - 6.1 Ordinance No. 18-24 – Public Hearing to consider an annexation application to annex 440 Eureka**
- VII. CONSENT AGENDA**
 - 7.1 Community Center Lease Agreement with Silverton Area Community Aid**
 - 7.2 Agreement with Silver Falls School District for video production services**
 - 7.3 Resolution No. 18-22 – Approving an addition to the City's Stormwater Capital Improvement Program**
 - 7.4 Approval to Rebuild Wastewater Treatment Plant (WWTP) Secondary Clarifier Gear Drive Unit**
- VIII. DISCUSSION/ACTION**
 - 8.1 Ordinance No. 18-22 – Development Code Amendment relating to transitional housing accommodations by creating a definition, determining where and how such a use could locate, and drafting regulations and standards for approval**

- 8.2 Resolution No. 18-23 – Amending the Business License Fee Schedule**
- 8.3 Authorize the City Manager to enter into a MOU and Transient Tax Grant for continued operation of the Oregon Garden**
- 8.4 Change order to contract with NorthStar CG, LP for the Civic Center Property Asbestos Abatement and UST Decommissioning and Removal project**

IX. APPOINTMENTS TO COMMITTEES AND ADVISORY GROUPS

- 9.1 Appointments to the Selection Committee for the City Flag Contest**

X. CITY MANAGER UPDATE

XI. COUNCIL COMMUNICATIONS

XII. ADJOURNMENT

1 CITY OF SILVERTON
2 **CITY COUNCIL SPECIAL MEETING MINUTES**

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

4
5 **August 20, 2018, 7:00 PM**
6

7 **I. OPENING CEREMONIES – Call to Order, Pledge of Allegiance & Roll Call**
8

9 Mayor Palmer called the meeting to order at 7:00 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	_____	Rhett Martin

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27 Staff Present:

28 City Manager, Christy Wurster; Public Works Director, Petra Schuetz; Community Development Director,
29 Jason Gottgetreu; Assistant to the City Manager/City Clerk, Angela Speier; and City Attorney, Spencer
30 Parsons
31

32 **II. APPROVAL OF MINUTES**
33

34 Councilor Freilinger made a motion to approve the minutes of the March 12, 2018 Special City Council
35 meeting. Councilor Sears seconded the motion. Councilor Carter wished to clarify that she arrived late,
36 due to recusing herself from the Oregon Garden Foundation presentation, because she is on the
37 Foundation Board. The motion passed with five ayes with Councilor Smith and Councilor Plummer
38 abstaining.
39

40 **III. OATHS OF OFFICE/PUBLIC RECOGNITION**
41

42 City Manager Christy Wurster introduced Petra Schuetz the City's new Public Works Director.
43

44 **IV. PUBLIC COMMENTS - None**
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46 **V. SCHEDULED PRESENTATIONS – None Scheduled**
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48 **VI. PUBLIC HEARINGS**
49

50 **6.1 Public Hearing (Appeal) – Subdivision SU-18-01-608 N. James St. Silverton**

51 This appeal is a subdivision denial to divide 608 North James Street into 40 lots. The site contains a total
52 area of 9.51 acres and was proposed to be divided into 40 lots with 7 lots being designated as duplex lots
53 for an overall density of 5.0 units per acre. City Attorney Spencer Parsons said that Council needs to
54 decide to hear the appeal on the record or on the record with oral arguments. The oral arguments would

1 include those individuals who have standing and as it relates to the record. The Council could also
2 choose to allow new testimony. Councilor Freilinger moved to hear the appeal on the record with oral
3 argument. Councilor Smith seconded the motion. Mr. Parsons explained that the information presented
4 has to pertain to the information that is in the record, it would allow for questions regarding the material
5 and for people to reemphasize the information (evidence and argument) already presented. The motion
6 passed 6-1 with Councilor Plummer voting nay. Accordingly, the Council summarily rejected any evidence
7 not before the Planning Commission.
8

9 **Public testimony**

10 Mayor Palmer announced that applicant will be allowed ten minutes to testify. Individuals with standing
11 will be allowed three minutes and there will be five minutes allotted for a rebuttal. Mayor Palmer opened
12 the public hearing on SU-18-01 at 7:16 p.m.
13

14 No members of the Council wished to abstain or declare a conflict of interest. In regards to exparte
15 contact, Councilor Carter indicated that she had a morning conversation with Terry Caster and Rick
16 Lewis. The conversation with Representative Lewis was in regards to the land use planning discussions
17 at the state legislature and it will not impact her decision. Councilor Freilinger noted that Terry Caster
18 tried to talk to him several times while he was at work today, but was not successful and those attempts
19 will not impact his decision. Mayor Palmer talked to a citizen last week about the property in question and
20 he received an email from a citizen without standing today, but those will not impact his decision.
21 Opportunity to rebut disclosures was provided but no members of the audience wished to challenge the
22 Council for jurisdiction to hear this matter or challenge individual Councilors. Mayor Palmer read the
23 notice advising the audience of the steps to establish the right to appeal this matter to the Land Use
24 Board of Appeals.
25

26 Community Development Director Jason Gottgetreu presented the staff report. He indicated that before
27 Council is an appeal of a subdivision application request to divide 608 North James Street into 40 lots.
28 The site contains a total area of 9.51 acres and will be divided into 40 lots ranging in size from 7,000
29 square feet to 10,482 square feet with seven lots being designated as duplex lots for an overall density of
30 five units per acre. The site is located on the northeast side of the Jefferson Street and North James
31 Street intersection.
32

33 The Planning Commission denied the application due to lack of compliance with transportation level of
34 service standards and the applicant has appealed that decision. Mr. Gottgetreu reviewed the criteria and
35 stated that the application was denied due to not meeting Silverton Development Code (SDC) Review
36 Criterion A.1 or B.7. He explained that City performance standards are used to evaluate developments
37 impacting City or County facilities. He further described how the level of service standard is based and
38 applied. Level of Service D is a standard that applies to both Marion County facilities and City facilities.
39 Both Jefferson Street and Hobart Road are Marion County facilities and N 1st Street is an ODOT facility.
40 The Level of Service is not met at either of those intersections. Both the intersections are currently
41 operating at failing levels.
42

43 Mr. Gottgetreu explained the basis of the Applicant's appeal included an argument that the City's
44 allegedly misinterpreted the level of service standards for the intersections of Oregon State Highway 214
45 and Hobart Rd. NE, and Oregon State Highway 214 and Jefferson Street and misapplied local policies
46 and laws. The Applicant also indicated that the City's development standards are overly broad, and in
47 violation of ORS 197.195(1) and subsequent case law. Mr. Gottgetreu stated that the City is using the
48 Level of Service Standard that is included in the Transportation System Plan (TSP) which is incorporated
49 into the SDC as adopted in 2008. The appellant (Applicant) also stated that the City's decision violates
50 ORS 197.307 because it has not applied a clear and objective standard required for development of
51 needed housing, and the proposed condition. The only actual way to meet the level of standard would be
52 to install a traffic signal at 1st and Hobart, which ODOT would not allow. The applicant offered as a
53 compromise, a condition to construct a westbound left turn lane at the 1st and Hobart Streets intersection.
54 The Planning Commission found that the record lacked evidence that the turn lane could feasibly be
55 constructed due to alignment issues, and that no preliminary design had been provided for review or
56 comment by the agencies (Marion County and ODOT) that would be approving such an improvement. If

1 the proposed left turn lane were to be deemed unfeasible by Marion County and/or ODOT then the
2 applicant would provide the City with a proportionate fee in lieu of the improvement of \$29,391.53. Staff
3 noted that the City did not propose a condition that required the development to pay the entire cost of the
4 improvements to the intersection, but it is up to the applicant to prove that the development would not
5 negatively impact the intersections.
6

7 In closing Mr. Gottgetreu reviewed the City Council's options moving forward: 1) Re-affirm the Planning
8 Commission's denial of Subdivision SU-18-01 based on findings of non-compliance with the SDC; 2)
9 Reverse the Planning Commission's denial of Subdivision SU-18-01 and approve the application based
10 on findings of compliance with the SDC; or 3) Reverse and modify the Planning Commission's denial of
11 Subdivision SU-18-01 by adding additional conditions of approval to ensure compliance with the SDC. If
12 Council decides to move forward with option 3, staff recommends that a condition be added that requires
13 the appellant to construct the westbound left turn lane and remove the fee in lieu of language at the end
14 of the condition, which would remove the lack of feasibility for that part of the Applicant's proposed
15 condition of approval. Councilor Sears asked if there was any consideration given to improvements at the
16 Jefferson Street intersection. Staff noted that there is an ongoing ODOT project that was looking at turn
17 lanes at that intersection, so the focus was on an improvement to Hobart Street.
18

19 **Applicant Testimony**

20 Alan Sorem, Attorney and Natalie Janney were representing the applicant and both testified at the
21 Planning Commission. Mr. Sorem said that there are five assignments of error that make up the appeal.
22 He said that the applicant did propose to pay the proportionate share for the traffic impacts at the two
23 intersections, which are currently failing without the proposed subdivision. He also stated that according
24 to the Traffic Impact Analysis the proposed subdivision would not generate that many more trips through
25 the intersections.
26

27 He said that development codes need to be codified and not cross referenced with different plans. The
28 City cannot cross reference its TSP within the SDC, because it is not allowed through case law. The
29 needed housing statute states that conditionals of approval can't be unreasonable through cost or delay.
30 The left turn lane was an attempt by the applicant after discussions with staff to try and find a path
31 forward with a solution that helps the traffic flow at the intersection. The applicant was open to that idea
32 even though it would cost twice as much than the proportionate share analysis. Mr. Sorem is asking that
33 Council reverse the Planning Commission's denial subject to the conditions of approval as the applicant
34 had outlined--either they would pay the fee in lieu of improvements or construct the left turn lane. The
35 project should also be added to the CIP list which would make it eligible for Systems Development
36 Charge reimbursements. If Council doesn't reverse the decision they will most likely go to LUBA and
37 argue these issues. If LUBA reverses the decision then there would not be a condition of approval or a
38 proportionate share fee and the applicant will ask for their fees to be reimbursed.
39

40 Mayor Palmer reminded the audience that only individuals with standing can testify and the testimony
41 needs to be limited to the five errors that the applicant has based their appeal.
42

43 Proponent Testimony - none
44

45 Opponent Testimony
46

47 Kellen Nero, 550 N James St. Mr. Nero doesn't think that people are opposed to the subdivision, but the
48 road is overworked and it isn't fair to make the City pay for all the improvements with little money from the
49 applicant. He knows that there will be a subdivision there eventually, but wants to make sure that it is
50 done right.
51

52 Mary Rose Brandt, 659 N James. Ms. Brandt is speaking in favor of the decision to deny the project. She
53 said that the proposal did not meet what she thought were clear and objective standards regarding the
54 impact to traffic. She said an easy way to cut down on the traffic impact would be to propose fewer lots in
55 the subdivision. She urged the Council to consider the impact that the development would have to the
56 area. She indicated that she raised other issues (before the Planning Commission) demonstrating that the

1 application failed to meet other criteria. The Mayor reminded Ms. Brandt to stay within the scope of oral
2 argument.
3

4 Carol Sandaal, 13122 Hobart NE. Ms. Sandaal said that the traffic at the Hobart intersection is terrible
5 especially during the school year. She said that the neighborhood calls that intersection “crash corner”
6 and it’s not an ideal situation presenting issues of safety.
7

8 The Mayor provided the Applicant an opportunity to rebut, but the Applicant chose not to provide a
9 rebuttal.
10

11 Councilor Carter made a motion to close the public hearing. Councilor Smith seconded the motion. There
12 was no discussion and the motion passed unanimously. Mayor Palmer closed the public hearing at 8:05
13 p.m. Staff noted that traffic counts were taken during the school year and the analysis was submitted in
14 July. ODOT indicated that the intersection doesn’t meet the traffic threshold for a signal. Councilor Sears
15 indicated that Council should look at amending the subdivision code as it applies to fencing requirements.
16 He would also like to see more attention be given to the intersection at Jefferson Street. The fee in lieu
17 could be used at the Jefferson intersection to make improvements. City Attorney Parsons indicated that
18 the Planning Commission in this case acknowledged that the fee in lieu was not enough to satisfy the
19 Level of Service criteria. The Planning Commission did not consider using the fee in lieu at the Jefferson
20 Street intersection.
21

22 Councilor Smith said that there is no ambiguity within the TSP and the City’s development code regarding
23 the applicable criteria. Discussion ensued on the needed housing issue which can only be applied on
24 clear and objective approval criteria. The staff’s oral and written presentation indicated that the TSP is
25 clearly incorporated by reference into the SDC standards. The City applies the TSP standards the Level
26 of Service, and the standards are not met in this application. The applicant is arguing that the TSP is not
27 clear and objective because those standards are not incorporated into the development code and only
28 referenced.
29

30 Mr. Gottgetreu explained where the proposed sidewalks would be and the property boundaries.
31

32 Councilor Carter noted that she doesn’t see the development as causing a big safety issue.
33

34 Mayor Palmer doesn’t feel that the City should add traffic to an already failing intersection.
35

36 Councilor Freilinger said his ultimate concern is safety and reliable infrastructure and he doesn’t see the
37 money in lieu as getting the City to the needed standard. The roads serving this area are failing farm
38 roads and he can’t support moving forward with allowing development on failing infrastructure. He noted
39 that this property was forced on the City during a recent annexation decision.
40

41 Councilor Sears noted that according to the traffic impact the subdivision wouldn’t add that many more
42 vehicles. He doesn’t feel that there is enough money or a viable solution to solve the failing intersection,
43 so he is leaning towards imposing the payment and using that money at either of the two intersections.
44 Council discussed the impact of the development and if the reasons the subdivision was denied were
45 strong enough to support. Councilors Plummer and Freilinger indicated that they are not anti-growth; they
46 just want to make sure that it is smart growth.
47

48 Councilor Carter said that the City needs to look ahead and make sure that livability and aesthetics
49 conditions are met before an application is made and that developments are well planned. She doesn’t
50 feel that there is anything that Silverton can do about the highway, because it isn’t the City’s jurisdiction.
51

52 Councilor Sears said that he thinks Council should treat this application fairly with what has been
53 approved in the past, because the City has taken fee in lieu of payments in the past. The standard
54 seems too high in this case.
55

1 Councilor Plummer moved to uphold the Planning Commission decision and deny the appeal. Councilor
2 Smith seconded the motion. The motion passed 4-3, with Councilors Sears, Martin, and Carter voting
3 nay.
4

5 **VII. CONSENT AGENDA**
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7 Councilor Smith made a motion to approve the consent agenda consisting of item 7.1. Councilor
8 Plummer seconded the motion. There was no discussion and the motion passed unanimously.
9

10 **7.1 Appoint Voting Delegate to the League of Oregon Cities Business Meeting**
11

12 **VIII. CITY MANAGER UPDATE**
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14 City Manager Christy Wurster reminded the Council that the community will be hosting the 26th Annual
15 Community Picnic which was sponsored by the Silverton Senior Center, Silverton Together, Silverton
16 Kiwanis Club, Silverton Family YMCA, and the City of Silverton. The event will take place on Friday,
17 August 24, 2018 at 5:00 p.m. The Town Hall meeting is scheduled for Thursday, August 30, 2018 at 7:00
18 p.m. in the High School Auditorium. Lastly, she invited the public and Council to the dedication of the
19 Silverton Mosaic Fountain hosted by the Silverton Mosaic Society at 5:30 p.m. on September 5, 2018.
20

21 Public Works Director Petra Schuetz provided a water update and indicated the flow levels of Silver
22 Creek and Abiqua. The City is in good shape and is not required at this time to release water from Silver
23 Creek. Councilor Sears asked if the voluntary conservation efforts have made an impact in the water
24 usage data. Ms. Schuetz will provide that information at the next Council meeting.
25

26 **IX. COUNCIL COMMUNICATIONS**
27

28 Councilor Carter asked about the City's award for the water reuse project. Staff will receive the award on
29 September 10th and at that time will prepare a press release. Steve Starner will give a presentation about
30 the project at the Town Hall. The wetland dredging will begin when the creek flow changes.
31

32 Councilor Plummer asked about the schedule for the Eugene Field asbestos abatement. Ms. Wurster
33 said the contract has not been signed. He also asked about the status of the plastic bag and Styrofoam
34 ban. Councilor Smith indicated that the Environmental Management Committee has proposed language
35 to ban both items, it is being reviewed by Public Works staff and could come back for discussion anytime
36 there is room on an agenda. He also announced the joint meeting between the Transportation Advisory
37 Committee and the Project Advisory Committee on August 28, 2018 to discuss the TSP goals and adding
38 objectives.
39

40 Councilor Sears asked about the school district closing the roadway in front of Mark Twain. Ms. Schuetz
41 said that there is a meeting scheduled next week to discuss the issue and Councilor Sears should be on
42 the invite list. He also asked about ways to get additional information out to residents about Eugene Field.
43 Mayor Palmer indicated that he will try to get his response into Our Town and staff will be posting fact
44 sheet on the City's website tomorrow. He would like the City to look into adding crosswalk striping into the
45 review and checklist after slurry seals and/or road improvements have been made. It could be that the
46 crosswalk is no longer necessary at that location.
47

48 Mayor Palmer would like to look at amending the development code in some way that doesn't allow for
49 long lines of fencing in subdivisions, because fences don't have curb appeal and can become dilapidated.
50 Mr. Gottgetreu explained the current fencing standards. Staff will look into other options and present
51 those to Council at a later date. He announced that he would like to schedule a Eugene Field alumni
52 photo prior to the demolition. Council discussed broadening the opportunity to additional community
53 members with an attachment to the facility.
54
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56

1 **X. ADJOURNMENT**

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3 The meeting adjourned at 9:32 p.m.

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5 Respectfully submitted by:

6
7
8 /s/Angela Speier, Assistant to the City Manager/City Clerk

DRAFT

1 CITY OF SILVERTON
2 **TOWN HALL MINUTES**

3 **Silverton High School – Auditorium – 1456 Pine Street, Silverton, OR 97381**

4
5 **August 30, 2018, 7:00 p.m.**

6
7 **I. OPENING CEREMONIES**

8
9 Mayor Palmer welcomed attendees to the Town Hall and introduced City Council members and the City
10 staff.

Present	Absent	
<u> X </u>	<u> </u>	Mayor Kyle Palmer
<u> X </u>	<u> </u>	Council President Jason Freiling
<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>	Rhett Martin

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28 **Staff Present:**

29 City Manager, Christy Wurster; Public Works Director, Petra Schuetz; Finance Director, Kathleen
30 Zaragoza; Community Development Director, Jason Gottgetreu; Police Chief, Jeff Fossholm; Water
31 Quality Division Supervisor, Steve Starnier; Assistant to the City Manager/City Clerk, Angela Speier; and
32 Assistant to the City Manager/HR Director, Elizabeth Gray

33
34 **City of Silverton Water Reuse/Oregon Garden Foundation Wastewater Recycling Partnership**

35 Water Quality Division Supervisor, Steve Starnier and Mayor Palmer described the City's water reuse
36 program at the Oregon Garden. Mayor Palmer explained how the partnership between the City and the
37 Oregon Garden was formed. Mr. Starnier noted that this was the first project of its kind in Oregon. He
38 explained the regulatory permits that were obtained in order to pursue this project, as well as the sewer
39 plant upgrades that took place to treat the wastewater. The City uses an UV disinfection system prior
40 discharge into the wetlands. He described the wetland channels throughout the Oregon Garden and the
41 various buildings and garden areas.

42
43 Mr. Starnier explained the partnership with Moonstone Properties which built a resort on 11 acres of the
44 property. The resort has helped draw more tourists and revenue to the Oregon Garden. He announced
45 that the City has been selected for a 2018 Water Reuse Award for Excellence for this project. The City
46 was chosen as a winner in the category of Community Water Champion. Allison Pennell, Development
47 Director for the Oregon Garden Foundation noted that the Foundation is very excited about the award
48 and congratulated staff.

49
50 **Republic Services – Recycling Information**

51 Therese McLain, Municipal Relations Manager and Drew Spainhower, Municipal Contract Administrator
52 with Republic Services gave a short presentation on the recycling changes and answer questions. Ms.
53 McLain described "China Sword" and how China has ramped up its contamination policies and is no
54 longer accepting a number of materials. She stressed that this is a global issue with local impacts.

1 Drew Spainhower described the impact at the local level, including the commodity pricing; Republic
2 Services used to sell recyclable materials to processors and now have to pay processors to take the
3 materials. He explained the items that are still allowed to be placed in the recycling container and urged
4 people to make sure that containers are empty, clean, and dry. Mr. Spainhower explained why Oregon
5 switched to a mixed recycling system. He said that they are working closely with Marion County to
6 produce educational materials for consumers.
7

8 **2018-2019 City Council and Urban Renewal Agency Goals**

9 City Manager Christy Wurster explained that the City Council establishes goals each fiscal year. Ms.
10 Wurster reviewed the goals and provided a status update on the five Council goals and objectives for the
11 current year. She noted that the entire list of City Council goals and objectives is available to attendees
12 tonight. The FY 2018-19 City Council Goals include:
13

- 14 1. **Develop a 10-year Strategic Plan.** This goal will be addressed during the current fiscal year if time
15 allows.
- 16 2. **Improve and expand public outreach, communication and participation.** Ms. Wurster reviewed
17 the avenues for residents to “stay connected” through the city’s website and emergency alert
18 systems. She also noted that staff will be looking to reconvene the Citizen Involvement Committee
19 and exploring the feasibility of a Youth Advisory Council.
- 20 3. **Maintain and improve infrastructure and facilities for current and future citizens in an**
21 **efficient manner.** Included in this goal is the construction a new Police Station within four years
22 and possibly a City Hall within nine years. She provided a brief timeline of the Eugene Field School
23 demolition/deconstruction and upcoming stakeholder meetings seeking public input for future uses
24 of that site. She noted that also available tonight is a Fact Sheet and timeline regarding the Former
25 Eugene Field School. This goal also includes the finalization of an updated Transportation Master
26 Plan and a number of capital projects.
- 27 4. **Implement policies and programs to maintain safety and quality of life.** This goal includes
28 further development and implementation strategies for affordable housing. The Environmental
29 Management Committee is looking into ordinances that would ban plastic shopping bags, food
30 grade styrofoam, and create a smoke-free downtown. Staff will work with Sustainable Silverton to
31 develop a Sustainability Plan. Lastly, the City will explore ways to increase high speed data options
32 in the City.
- 33 5. **Provide efficient and fiscally sound municipal services.** Staff will be updating the long-range
34 financial plan using data from the FY 2017-18 audit. The City will also be assessing the practicality
35 and feasibility of establishing a Parks and Recreation District. Ms. Wurster provided an update on
36 an Economic Development Assistance (EDA) grant for the Silver Creek Raw Water Line.
37

38 In closing, Ms. Wurster thanked everyone for attending and said that all the materials from tonight's
39 presentation will be posted on the City's website.
40

41 **Community Inquiries/Questions**

42 Council and staff responded to questions from the audience regarding the demolition/deconstruction of
43 the Eugene Field School. Audience members encouraged staff to look into reusing materials from
44 Eugene Field deconstruction; it could be used for building a bandstand at Coolidge-McClaine Park or a
45 floating dock at the reservoir. Staff explained the public outreach process that will occur to determine the
46 community's vision for the Eugene Field site. Additional questions were asked regarding the prioritization
47 of the Council goals and how often the document is updated. It was encouraged to keep Silverton a
48 walkable and bike friendly community.
49

50 The Town Hall concluded at 8:55 p.m.

1 CITY OF SILVERTON
2 **CITY COUNCIL MINUTES**

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

4
5 **September 10, 2018, 7:00 PM**

6
7 **I. OPENING CEREMONIES – Call to Order, Pledge of Allegiance & Roll Call**

8
9 Mayor Palmer called the meeting to order at 7:00 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	_____	Rhett Martin

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27 Staff Present:

28 City Manager, Christy Wurster; Police Chief, Jeff Fossholm; Public Works Director, Petra Schuetz;
29 Community Development Director, Jason Gottgetreu; Assistant to the City Manager/City Clerk, Angela
30 Speier; and City Attorney, Spencer Parsons

31
32 **II. APPROVAL OF MINUTES**

33 Councilor Carter moved to approve the minutes from the City Council Work Sessions held on March 19,
34 2018, April 16, 2018, and July 16, 2018 and the minutes from the regular City Council meeting held on
35 August 6, 2018. Councilor Freilinger seconded the motion. The motion passed unanimously. Councilor
36 Freilinger made a motion to approve the minutes from the regular City Council meeting held on July 2,
37 2018. Councilor Smith seconded the motion. The motion passed 6-0, with Councilor Carter abstaining.

38
39 **III. OATHS OF OFFICE/PUBLIC RECOGNITION – None Scheduled**

40
41 **IV. PUBLIC COMMENTS**

42
43 Dan Wren introduced himself to the Council and said that he is running for Marion County Circuit Judge.
44 He explained his background, qualifications, and the endorsements that he has received for the election.
45 Councilor Carter thanked Mr. Wren for taking the time to introduce himself to the Council and Silverton.

46
47 Gerald Williams, 180 Westfield Street. Mr. Williams would like Council to reopen the discussion regarding
48 the cost of running a food cart in Silverton. The annual business license fee is \$75, but the annual fee to
49 run a food cart is \$800. He would like to know the reason why it is so much higher. Staff noted that this
50 issue is currently scheduled for Council consideration during the October 1, 2018 meeting.

51
52 Bill Klein, 207 Jersey Street. Mr. Klein is the owner of Loco Ono BBQ which is a permanent food cart
53 located in Silverton. He voiced similar concerns as Mr. Williams regarding the annual fee to operate a
54 food cart in town. Loco Ono is an established business in the community and is not “transient”.

1 Stu Rasmussen, 417 N. Water Street. Mr. Rasmussen provided an overview of his calculations for
2 building a civic center on the Eugene Field Property, as well as submitted 300 signatures from people
3 who indicated that they would like to wait for funding before demolishing the building. In closing, Mr.
4 Rasmussen feels that the Council is moving too fast without community backing and asked Council to
5 postpone both the decisions to demolish Eugene Field and modifying the development code to allow
6 transitional housing until there is solid community support.
7

8 Raymond Kaser, 828 Sun Valley Court. Mr. Kaser referred to various media articles regarding Eugene
9 Field School and was wondering why the City would need a civic center when Silverton already has a
10 Senior Center, high school auditorium, a library, and a swimming pool for those kinds of activities. He also
11 quoted Mayor Palmer regarding the purchase of property for a civic center. Mayor Palmer indicated that
12 he was just as confused, because that is not what he said and clarified his comment to the paper. He also
13 responded that the term civic center started being used to incorporate both Council goals to build a Police
14 Station and a City Hall. Mr. Kaser indicated that he favors the path that Council is taking.
15

16 Gene Pfeifer, 1392 S. Water. Mr. Pfeifer gave an update on the condition of Silver Creek and indicated
17 that the water in the creek is hot and low. He requested that the Council move forward quickly with the
18 installation of a Silver Creek transmission line. Mr. Pfeifer said the last four summers the water
19 temperature has measured 84 degrees Fahrenheit in July. He also indicated that the flow is two cubic feet
20 per second (cfs). The City Manager stated that the State Water Master had been out to take flow
21 measurements and they aligned with the staff's measurements closer to 5 cfs.
22

23 Greg Sheesley, 732 S. Water. Mr. Sheesley commented on the wonderful dedication of the Leo Martin
24 Rumely wading pool. He said that it is an attractive and aesthetically pleasing addition to the town. It was
25 great to honor the hard work of the volunteers and see the children playing in the water again.
26

27 V. SCHEDULED PRESENTATION

28 5.1 Silverton Chamber of Commerce Monthly Update – Stacy Palmer

29 Stacy Palmer provided the monthly Chamber of Commerce report. She indicated that the Silverton High
30 School Auto Shop teacher Josh Tjarda and his classes have refurbished the entry sign and Chamber
31 volunteers will be pressure washing and painting the monument portion of the sign. The flower baskets
32 will be removed during the week of September 17, 2018. The Chamber is looking for volunteers to watch
33 the crosswalks downtown during the Silverton Goblin Walk taking place on Halloween. The Chamber is
34 also offering residents and businesses garland to help decorate the town for the holidays. The Chamber
35 is hosting a candidate forum for individuals running for City Council on Friday, October 12th at 11:45 a.m.
36 at the Conference Room at Silverton Health.
37

38 VI. PUBLIC HEARING

39 6.1 Ordinance No. 18-22 – Public Hearing to amend Silverton Municipal Code and Zoning Map 40 relating to transitional shelter communities by creating a definition, determining where and 41 how such a use could locate, and drafting regulations and standards for approval 42

43 Public testimony

44 Mayor Palmer reconvened the public hearing on Ordinance No. 18-22 at 7:43 p.m. He explained that City
45 Council has not begun deliberation on the ordinance. The public record is still open and testimony will be
46 allowed for individuals who did not testify at the July or August City Council meetings.
47

48 Donna Brown, 209 Sweden Circle. Ms. Brown distributed written testimony to the council and indicated
49 that she is in support of the code change with the modifications included in her written testimony. She
50 reviewed the modifications that she would like to see in the code language.
51

52 Joy Flower, 411 1st Street. Ms. Flowers said that in 2017 the Silverton City Council established the
53 Homeless Commission, because of the increasing number of homeless people in the city. The problem is
54 not going to get better on its own. Rents are increasing and the wait to get onto Section 8 can be 18
55
56

1 months. She indicated that number of residents are aging and on fixed incomes with little or no family to
2 help them. A number of smaller cities have started addressing this issue and its time Silverton did.

3
4 Councilor Freilinger made a motion to close the public hearing. Councilor Sears seconded the motion.
5 There was no discussion and Mayor Palmer closed the public hearing at 7:54 p.m.
6

7 Councilor Plummer reviewed his list of recommended changes and questions regarding Ordinance No.
8 18-22. The City Council decided to review each of the standards listed in section SDC.2.2.200 N.
9

10 Mayor Palmer would like to see the code include a sunset clause, so City Council will be forced to revisit
11 the issue and determine if it is successful or not. Councilor Freilinger made a motion to sunset the
12 ordinance in 12 months. Councilor Smith seconded the motion. Council discussed the motion and
13 Councilor Carter indicated that she disagrees; she is not opposed to revisiting the ordinance, but does not
14 want to start the process completely over again. Mayor Palmer said that this would be reassurance to the
15 public that the City Council will revisit it at a date certain. City Manager Christy Wurster reminded Council
16 that this language is predicated on a conditional use application, which staff is not sure when that
17 application would occur. Councilor Freilinger modified his original motion to require that a review occur
18 one-year after the first application for a transitional housing shelter is made. Councilor Smith doesn't feel
19 that one year is a long enough time frame. Councilor Freilinger withdrew the motion with Councilor
20 Smith's approval. Councilor Freilinger made a motion to require a review by City Council to occur 12
21 months after the first transitional housing unit is occupied. Councilor Carter seconded the motion.
22 Discussion ensued on the conditional use process and the length of stay for a participant, which is 18
23 months. Councilor Freilinger modified the motion to require a review by City Council to occur 18 months
24 after the first transitional housing unit is occupied. Councilor Smith seconded the motion. The motion
25 passed 5-2, with Councilors Carter and Plummer voting nay.
26

27 Council took a break at 8:48 p.m. and returned to regular session at 8:55 p.m.
28

29 ***Section A: Transitional shelter communities are allowed on land that is currently in use as a***
30 ***Religious institution or place of worship per SDC 1.6.490 in the Residential Zones, and within the***
31 ***Industrial, Commercial, and Public Zones.***

32 Councilor Plummer made a motion to amend the language to allow transitional shelter communities only
33 on land that is currently used as a religious institution or place of worship per SDC 1.6.490 regardless of
34 the Zone. Councilor Freilinger seconded the motion. The motion passed 6-1, with Councilor Carter voting
35 nay.
36

37 ***Section B: Shelter Unit Type: Shelter units shall be stick-built structures or prefabricated***
38 ***structures but may not have fabric walls or roofs (e.g., tents, yurts, and membrane structures).***
39 ***Shelter units may not be vehicles, residential trailers, or manufactured dwellings. Each shelter***
40 ***unit shall be detached from any other shelter unit. Design of the units shall be compatible with***
41 ***the surrounding area.***

42 Council indicated that the language provided is okay.
43

44 ***Section C: Maximum Building Floor Space: The maximum building floor space for each shelter***
45 ***unit is 200 square feet.***

46 Councilor Plummer moved to set the maximum building floor space for each shelter unit to 100 square
47 feet. Mayor Palmer seconded the motion. The motion failed 2-5 with Councilors Sears, Smith, Carter,
48 Freilinger, and Martin voting nay.
49

50 ***Section D: Maximum number of units: The maximum number of units per parcel is one for every***
51 ***10,000 square feet of area of the site the units are to be located on, rounded to the nearest whole***
52 ***number, or 10 units, whichever is less.***

53 Councilor Carter moved to reduce the maximum number of units per parcel to be one for every 6,000
54 square feet. Councilor Smith seconded the motion. The motion failed 1-6, with Councilors Sears,
55 Plummer, Smith, Freilinger, Martin, and Mayor Palmer voting nay.

1 Councilor Plummer moved to change the maximum number of units per parcel to one for every 10,000
2 square feet of area of the site the units are to be located on, rounded to the nearest whole number, or
3 four units, whichever is less. Mayor Palmer seconded the motion. The motion passed 4-3 with Councilors
4 Smith, Carter, and Sears voting nay.

5
6 **Section E: Maximum number of sites. Only two sites in the City are allowed to be operated as a
7 Transitional Shelter Community at any one time.**

8 Council indicated that the language provided is okay.
9

10 **Section F: Length of Stay is limited to 18 months for each participant.**

11 Council indicated that the language provided is okay.
12

13 **Section EG: Bathrooms and Kitchens: Bathrooms and kitchens are prohibited in the shelter units.
14 Instead, common permanent bathroom facilities available all hours of all days shall be provided
15 for the residents and kitchen facilities may be provided to residents.**

16 Council discussed the pros and cons of requiring plumbing, as well as defining what a kitchen facility
17 includes. Council indicated that the language provided is okay.
18

19 **Section F H: Utilities: Water service, sanitary sewer service, natural gas service, and generators
20 are prohibited in the shelter units but are permitted in common facilities.**

21 The units would have to meet electrical code. There was Council consensus that garbage and recycling
22 receptacles be provided within the vicinity of the units to ensure that residents have access to them.
23 Propane heaters should also be listed as a prohibited material.
24

25 **Section G I: Storage: No outdoor storage is permitted. Residents shall be provided with enclosed,
26 secure storage facilities for their belongings.**

27 There was consensus to make sure that bikes are excluded from the outdoor storage prohibition. It would
28 be up to the applicant to figure out the best way to secure the bikes.
29

30 **Section H J: Fencing: The transitional shelter community shall be fenced from abutting properties
31 (does not include adjacent properties) with sight-obscuring fencing a minimum of six feet in
32 height.**

33 Council indicated that the language provided is okay.
34

35 **Section I K: Minimum Rear and Side Yard Depth: The minimum rear and side yard depth is five
36 feet, except that if the rear or side yard abuts a Residential District, the minimum shall be 20 feet
37 from the abutting lot line.**

38 Council indicated that the language provided is okay.
39

40 Councilor Sears made a motion to continue the meeting past 10:00 p.m. Councilor Smith seconded the
41 motion. There was no discussion and the motion passed unanimously.
42

43 **Section J L: Minimum Structure Separation: Structures shall be separated from one another by a
44 minimum of 6 feet.**

45 Council indicated that the language provided is okay.
46

47 **Section K M: Conditional Use: Transitional shelter communities shall be reviewed as a Conditional
48 Use, however no fee shall be charged for such review.**

49 Council indicated that the language provided is okay.
50

51 **Section L N: Periodic Review and Renewal. Transitional shelter communities shall require
52 periodic review and renewal. The first periodic review and renewal shall be conducted 6 months
53 from occupancy and shall follow the Conditional Use review procedure. If renewal is approved,
54 periodic review and renewal shall be conducted annually from that point, following the
55 Conditional Use review procedure.**

56 Council indicated that the language was amended in a prior section.

1
2 **Section M O: A financial security (bonds, petitions, cash, etc.) to ensure the removal of the**
3 **improvements should approval not be renewed shall be provided to the City.**

4 Staff will add clarification that financial security is required prior to occupancy.
5

6 **Section N P: The person in charge (owner-occupant, tenant, lessee or person other than an owner**
7 **who has possession and/or control of the property) shall provide Local Contact Information, name**
8 **and telephone number, to all property owners and residents within 500 feet of the site on an**
9 **annual basis. The local contact person must be available to accept and immediately respond to**
10 **telephone calls on a 24 hour basis at all times. Any change in local contact person must be**
11 **reported to the City at least 7 days prior to the date the change takes effect.**

12 There was Council consensus to modify the second sentence to ensure that the local contact person
13 must be available to accept and respond to telephone calls during business hours. The agency must also
14 provide notice to the city and property owners within 500 feet regarding who is responsible at the site and
15 that person needs to be available to take calls from the Police and Fire Department on a 24 hour basis.
16

17 **Section O Q: Tenants in a transitional shelter community shall provide a signed receipt**
18 **acknowledgement form regarding the Noise Disturbance standards of SMC 8.04.055, the Chronic**
19 **Nuisance Property standards of SMC 8.06, and the Periodic Review and Renewal timetable.**

20 Council decided to combine this section with the Code of Conduct section below. Tenants would receive
21 one code of conduct packet that would act as a tenant manual with acknowledgement of receipt. The
22 code of conduct packet/tenant manual would be provided to the City for review and approval.
23

24 **Section P R: An operations and security plan for the transitional shelter community shall be**
25 **submitted to the city at the time of application for review and approval.**

26 Councilor Smith indicated that this plan has to include some level of case management. Chief Fossholm
27 noted that the Police Department would do a walk through with the applicant and provide
28 recommendations related to security.
29

30 **Section Q S: Code of Conduct. The managing agency shall provide to all residents of the**
31 **transitional shelter community a code of conduct for living at the transitional shelter community.**
32 **A copy of the code of conduct shall be submitted to the city at the time of application.**

33 Council decided to merge this into Section Q above.
34

35 **Section R T: Priority should be given to individuals that have been living within or near Silverton**
36 **for the past year.**

37 City Attorney Parsons indicated that landlord tenant laws do not apply to transitional housing facilities.
38 Council indicated that the language provided is okay.
39

40 Council discussed the appropriate number of people allowed per unit. Councilor Plummer made a motion
41 to add a standard to limit occupancy to one adult per unit. Councilor Freilinger seconded the motion.
42 Councilors Carter and Smith said that they would like to leave the number of individuals per unit up to the
43 sponsoring agency. There was no further discussion and the motion passed 4-3, with Councilors Sears,
44 Smith, and Carter voting nay.
45

46 Staff will make the changes discussed and bring back Ordinance 18-22 to City Council at the October 1,
47 2018 meeting for the first reading.
48

49 VII. CONSENT AGENDA

50 51 **7.1 Resolution No. 18-20 – Authorizing a “Burn to Learn” by the Silverton Fire District of a single** 52 **family residential structure at 907 Reserve Street; a city owned parcel**

53 Charles Baldwin, 3301 Seminole Road. Mr. Baldwin suggested Council use this residence as a
54 transitional housing facility until such time the City needs the property. He said that he has been told that
55 the building is inhabitable due to code issues, so he is recommending that the City bring the residence up
56 to code or lease it to a nonprofit who could take on the responsibility of making the needed repairs.

1 Community Development Director Gottgetreu indicated that this type of facility would be allowed under
2 the Public Zone.
3

4 Councilor Smith indicated that she has had conversation with City staff regarding the property and a
5 number of modifications that have been made without permits. She would like to see the City take out all
6 the appliances and donate them to a local nonprofit. Staff indicated that Fire District has made the
7 determination that a burn to learn is possible at this location. Council discussed Mr. Baldwin's suggestion
8 and determined that the City should not put money into the building, but would like staff to reach out to
9 area nonprofits to see if they would be interested in rehabbing the building for that interim purpose. City
10 Manager Wurster indicated that staff did look into renting the residence until the City needed the property
11 for the construction of the plant, but at that time the Building Official indicated that it is not structurally
12 sound and could not be habitable. The Council indicated if an agency is willing to do the necessary
13 repairs then the City would not charge them rent, but would be responsible for the cost of utilities.
14

15 Councilor Freilinger made a motion to grant the City Manager the authority to pursue a nonprofit willing to
16 make the necessary repairs in order to make 907 Reserve Street habitable for a transitional housing
17 facility at no cost to the City. If that nonprofit is not found within 30-days the City Manager can move
18 forward with the burn to learn. Councilor Plummer seconded the motion. There was no discussion and the
19 motion passed unanimously.
20

21 VIII. DISCUSSION/ACTION ITEMS

22 8.1 Resolution 18-21 – Establishing a City of Silverton Flag Contest

23 Assistant to the City Manager/City Clerk Angela Speier explained that Resolution No. 18-21, establishes
24 a City Flag Contest. The date for design and application submittals is set for November 30, 2018 to allow
25 for plenty of time to advertise the contest. A Selection Committee would be formed to review the designs
26 and submit the top three to City Council, who would choose the winner. Council discussed the
27 membership of the committee and would like to see a representative from the Silverton Arts Association
28 and from the Silverton Country Historical Society.
29

30 Councilor Freilinger moved to pass Resolution No. 18-21, establishing a City Flag Contest with a
31 Selection Committee comprised of five members: two City Councilors, a representative from the Chamber
32 of Commerce, the Silverton Country Historical Society, and from the Silverton Arts Association. Councilor
33 Carter seconded the motion. There was no discussion and the motion passed unanimously. Gus
34 Frederick was suggested as the representative from the historical society.
35

36 8.2 Staff update on former Eugene Field School demolition/deconstruction contract

37 Ms. Wurster indicated that Gus Frederick submitted written comments regarding the wood salvage.
38

39 Gene Pfeifer, 1392 S. Water Street. Mr. Pfeifer feels that the building could be preserved and sold to a
40 private developer to be turned into a Senior Housing Facility or used for another purpose. This would end
41 up saving the City money through not having to pay for the demolition.
42

43 Public Works Director Petra Schuetz described the type of recycled materials included in the bid
44 specifications. She would like direction on other materials that could be added into an addendum. There
45 is a mandatory site visit scheduled for September 13, 2018, which would be a good time to update the
46 potential contractors. She would also like direction on how the salvaged material could be distributed and
47 stored.
48

49 Council would like to move forward with an addendum process, to solicit bids to save the play structure,
50 rafter materials in the roof structure, the light sconces in the front, and timbers. Councilor Smith would like
51 to see the shrubs removed and relocated prior to the demolition. Mayor Palmer feels that any materials
52 not used by the City should be donated to nonprofits who could auction them off. Staff provided an update
53 on the asbestos abatement process.
54
55
56

1 **IX. CITY MANAGER UPDATE**

2
3 City Manager Wurster said that the City will be executing the contract with Portland State University to
4 perform a Parks and Recreation Study. Staff will work with Silverton High School to schedule a second
5 2018 Town Hall sometime during the first two weeks in December.
6

7 **X. COUNCIL COMMUNICATIONS**

8
9 Councilor Martin announced that he will not be seeking election in November.

10
11 Councilor Freilinger said that he would like to look into a code change that would allow for more
12 broadband options in the community. There was Council consensus to allow the Planning Commission to
13 look into drafting code language to amend the Development Code to allow for additional broadband
14 facilities. He also asked for an update on the Styrofoam, plastic bag, and smoking ban ordinances. Staff
15 indicated that they have been sent to legal for review. Councilor Smith said that the smoking ban
16 ordinance was not advanced by the Environmental Management Committee.
17

18 Councilor Smith said that at the September meeting of the Environmental Management Committee they
19 will be discussing the fossil free Silverton issue with Sustainable Silverton. She said that Republic
20 Services has donated 200 reusable bags to give away to residents. She requested staff to cover the top
21 of the arches at Coolidge-McClaine Park. She said that coming up the stairs from the footbridge to the
22 pool parking lot that the sidewalk and the top of the stairs are undermining, because the concrete was not
23 poured thick enough.
24

25 Councilor Plummer said that the pump is not protected and swimmers are climbing and jumping off of it.
26 The fence at Salamander Island has been vandalized. Some handholds on the climbing wall at Coolidge-
27 McClaine Park are broken and need to be replaced. He also noted that there were a number of cars
28 parked at the pavilion. Staff will address that issue on future permits. He would like to see a connection of
29 the footbridge path to the pedestrian path at Coolidge-McClaine Park, so people are not walking into the
30 vehicle lane off the footbridge. He updated Council that the Marion County Commission decided not to
31 pass a countywide tobacco licensing fee, but will be encouraging the legislature to pass one statewide.
32

33 Mayor Palmer thanked the volunteers who participated in the Silver Creek Cleanup Event and the
34 volunteers who painted over the graffiti under the Main Street Bridge. He thanked the City staff for the
35 coordination of the Mosaic Fountain Dedication and organizing the Town Hall. He thanked City staff, staff
36 from the Silverton Fire District, and Dennis Sherwood from Portrait Express for their participation in the
37 community photo at Eugene Field.
38

39 **XI. ADJOURNMENT**

40
41 The meeting adjourned at 11:58 p.m.

42
43 Respectfully submitted by:

44
45
46 /s/Angela Speier, Assistant to the City Manager/City Clerk

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	5.2	Presentation of National WaterReuse Association Community Water Champion Award to the City of Silverton
	Agenda Type:	
	Scheduled Presentation	
	Meeting Date:	
October 1, 2018		
Prepared by:	Reviewed by:	Approved by:
Steve Starner	Petra Schuetz	Christy Wurster

Recommendation:

Presentation only. No action required.

Background:

The WaterReuse Association presented the Annual Awards for Excellence on Monday, September 10, 2018, during the 33rd Annual WaterReuse Symposium in Austin, Texas. The program recognizes projects that have made significant contributions in support of greater adoption of water reuse. Recipients are successfully advancing the development of alternative water supplies or developing a novel approach to meet water needs through the use of water reuse systems or approaches.

The Community Water Champion award was presented to the City of Silverton by Paul Jones IV, President of the WaterReuse Association. The City and its Oregon Garden Foundation partners were recognized for having met wastewater reuse project goals by providing aquatic features for educational demonstration; providing an example of water stewardship in the use of recycled, treated wastewater; providing a diverse wildlife habitat; and demonstrating the variety, value, and beauty of Oregon native wetland nursery plants. “As demonstrated by the City of Silverton, our membership of water utilities, businesses, government agencies and not-for-profit organizations is dedicated to recycling water to ensure communities have a safe, reliable and cost-effective supply of water, which is necessary to sustain a high standard of living and a robust economy”, said Paul Jones.

Budget Impact	Fiscal Year	Funding Source
\$0	2018-2019	NA

Attachments:

None

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	6.1	Public Hearing to consider an annexation application to annex 440 Eureka Avenue.
	Agenda Type:	
	Public Hearing	
	Meeting Date:	
October 1, 2018		
Prepared by:	Reviewed by:	Approved by:
Jason Gottgetreu	Christy S. Wurster	Christy S. Wurster

Recommendation:

Staff and the Planning Commission recommend the City Council approve the annexation request by passing Ordinance 18-24.

Background:

Annexation application to annex 440 Eureka Avenue into the City Limits and zone the property R-1, Single Family Residential. The property is 11,968 square feet in area and is developed with a single family home and an accessory dwelling unit. The annexation request is to connect to City sewer due to a failing septic system. The property is already connected to City water.

Budget Impact	Fiscal Year	Funding Source
None	2018-2019	N/A

Attachments:

1. AN-18-04 Staff Report
2. September 11, 2018 Draft Planning Commission Minutes
3. PC Resolution 18-10
4. City Council Ordinance No. 18-24

Attachment 1 to Agenda Item No. 6.1



City of Silverton
Community Development
306 South Water Street
Silverton, OR 97381

STAFF REPORT

PROCEDURE TYPE IV

FILE NUMBER: AN-18-04

LAND USE DISTRICT:
UT-5, URBAN TRANSITION – 5 ACRE

PROPERTY DESCRIPTION:
ASSESSOR MAP#: 071W03AA
LOTS #: 01900
SITE SIZE: 11,968 SQ. FT.
ADDRESS: 440 EUREKA AVENUE

PROPOSED DEVELOPMENT ACTION: ANNEXATION APPLICATION TO ANNEX 440 EUREKA AVENUE INTO THE CITY LIMITS AND ZONE THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL. THE PROPERTY IS 11,968 SQUARE FEET IN AREA AND IS DEVELOPED WITH A SINGLE FAMILY HOME AND AN ACCESSORY DWELLING UNIT. THE ANNEXATION REQUEST IS TO CONNECT TO CITY SEWER DUE TO A FAILING SEPTIC SYSTEM. THE PROPERTY IS ALREADY CONNECTED TO CITY WATER.

DATE: SEPTEMBER 17, 2018

- Attachments
- A. Vicinity Map and Review Criteria
 - B. Applicant's Findings
 - C. Conditions of Approval
 - D. Staff Report
 - E. Testimony

APPLICANT:
KATHRYN MCKEOWN
440 EUREKA AVENUE
SILVERTON, OR 97381

PROPERTY OWNER:
KATHRYN & ROBERT MCKEOWN
440 EUREKA AVENUE
SILVERTON, OR 97381

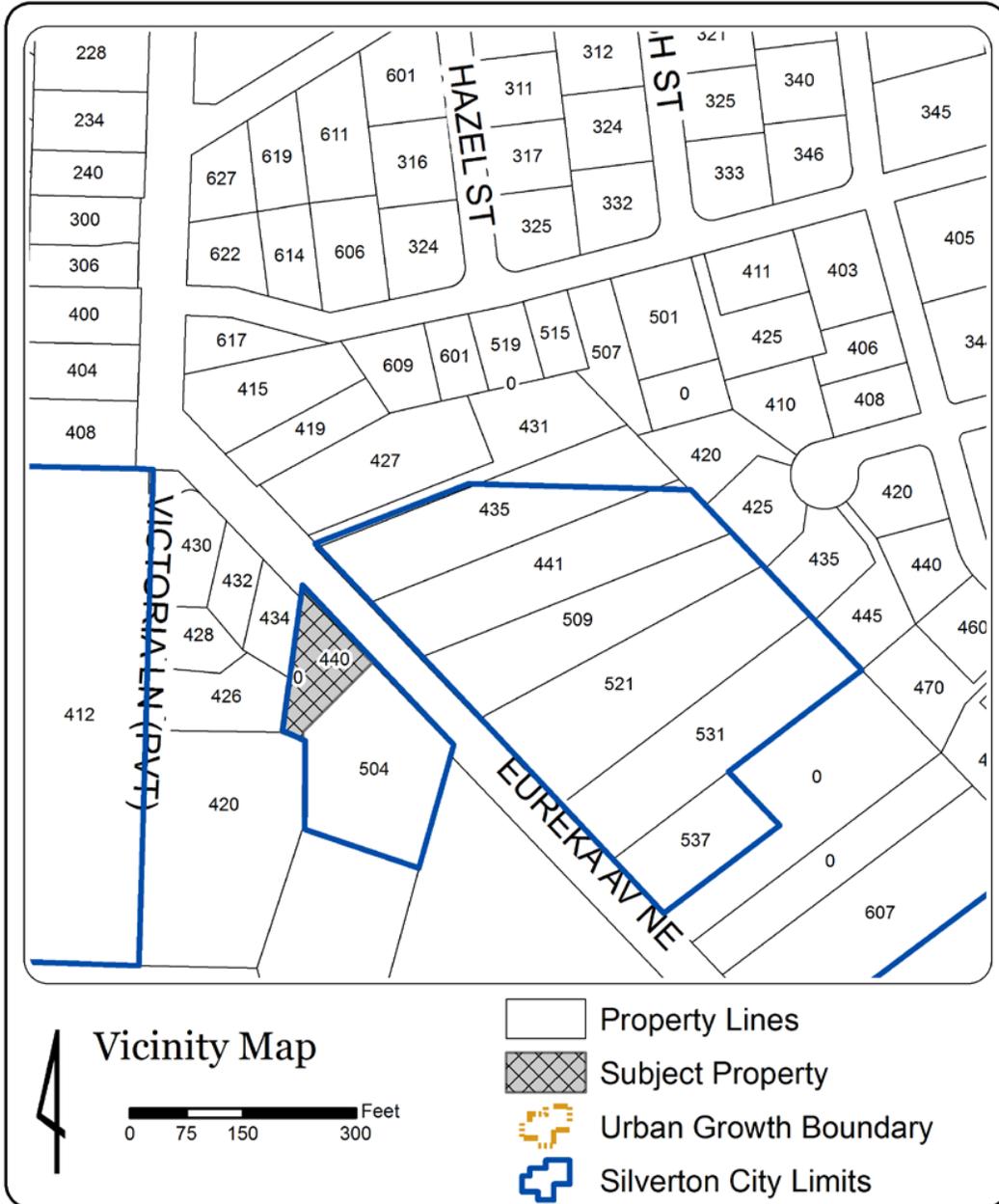
LOCATION: LOCATED ON THE SOUTH SIDE OF EUREKA AVENUE AT 440 EUREKA AVENUE

ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

Case File: AN-18-04

Vicinity Map and Surrounding Land Use Districts

- North – R-1, Single Family Residential
- East – UT-5, Urban Transition – 5 Acre
- South – R-1, Single Family Residential
- West – R-1, Single Family Residential



REVIEW CRITERIA:

4.10.140 Review Criteria. When reviewing a proposed annexation of land, the Planning Commission and City Council will consider the following standards and criteria:

1. Adequacy of access to the site; and
2. Conformity of the proposal with the city's comprehensive plan; and
3. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. If extension or upgrading of any improvement is necessary to serve the area, such extension must be consistent with the city's infrastructure plans and must be an orderly and efficient arrangement for the extension of public services; and
4. 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, including sidewalks, sanitary sewer, water, storm drainage); and
5. The area to be annexed is contiguous to the city and represents a logical direction for city expansion; and
6. The area is within the urban growth boundary, unless a health hazard due to failing septic systems or groundwater supplies is found to exist; and
7. The proposed use of the property is consistent with the applicable comprehensive plan designation; and
8. The proposed annexation shall be consistent with all applicable goals and policies of the Silverton comprehensive plan; and
9. Shall be in compliance with applicable sections of ORS Chapter 222; and
10. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes, have been addressed by applicant's conceptual development plan; and
11. Urbanization of the subject property shall not have a significant adverse effect on areas identified or designated in the comprehensive plan as open space or as significant scenic, historic or natural resource areas; and
12. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole; and
13. 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 units per acre within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the housing element of the comprehensive plan. If there is more than a five-year supply but less than an eight-year supply, the city may consider additional

factors, such as the likelihood of vacant parcels being developed in the near future, to determine if the public good would be served by the annexation. Properties proposed for annexation that have a current or probable public health hazard due to lack of full city water or sanitary sewer may be exempt from this criterion; and

14. Promotes the timely, orderly and economic provision of public facilities and services; and

15. The annexation is reasonable and that the public interest, present and future, will be best served by annexing the property.

ATTACHMENT B: APPLICANT'S FINDINGS

August 16, 2018

Jason Gottgetreu
Community Development Director
City of Silverton
306 S. Water Street
Silverton, OR 97381
503-874-2212

Re: 440 Eureka Avenue, Silverton, Minor Annexation Request

Dear Mr. Gottgetreu:

Please accept this application request for a minor annexation of 440 Eureka Avenue, Silverton, OR 97381.

The property in question is currently on City Water and private septic that has failed miserably. The property size (.27 acres) is prohibitive to re-structure the septic system and drain field according to the County. Parts of the sewage is in an open pit.

The sellers are in default on the property and there is a scheduled foreclosure date of November 7, 2018. We are helping them sell the home as a short sale, with the lien-holder being On-Pointe Credit Union. There are several liens on the property that will be retired if the sale goes through successfully. We have an accepted offer on the property under a conventional rehab loan, but the lender will not approve and close on the loan until the annexation is approved by the City of Silverton. If this application is accepted for the September Planning Commission meeting, and approved, and is approved at the October City Council, even with the 21-day appeal period, we could close on the transaction before the property is foreclosed on. That process can take several months, leaving an open cesspool and failed system, which is a safety and environmental hazard.

Since the property abuts City Sewer lines (the Scott Property immediately to the west is the last sewer hook-up and home in City limits) and is already on City water, it seems to make perfect sense to approve this annexation request, collect \$2750 in application fees, and another \$7,000 or so in permits and SDC charges, a \$10,000 approximate estimate you were kind enough to give me earlier this month. The estimated cost to extend the sewer line to the end of the property as required is approximately \$30,000, or \$200 per lineal foot.

This has been a very problematic property for all parties involved, and in our opinion, it is in everyone's best interest to annex it into the City, hook up to City Sewer, and vacate the septic system that has failed and remains a hazard.

I am not an artist, so I have included information and plat maps of the property provided by the Title Company (Amerititle) that clearly shows the lot size, house position, property lines, and other necessary information as required by the annexation criteria.

Site Plan:

- A. The home is located as shown on the Photo Map, Item 1. There is a small apartment at the back (SW) of the property that was approved by the County as a beauty Salon.

- B. Eureka is immediately in front of the home. The sanitary sewer line is immediately next door at the City limit edge. The property is on City water, PGE, NWNG, cable, etc. I have no idea about the storm drainage.
- C. There are no water features on or near the property. The house is serviced by City Water and all local utilities. It is not in the flood plain. The current septic is in the side and back of the house and the County is not willing to have it replaced or corrected, according to conversations the owners have had with that office. By the time it even could be repaired or replaced, if that were even possible, the house would be foreclosed on.
- D. Photo Map item 1 shows the home placement on the site. The apartment is at the back of the property close to the Southern/Western property line. The septic is in the back yard/side and drain field up front far from the neighboring property line to the West.
- E. Not really applicable. No trees will be removed or affected.
- F. We do not have access to that information. The lot is relatively flat and slopes in the front to the South, very slightly.
- G. No development. Just an existing home and ADU type structure of perhaps 400 s.f.

The narrative is simple. The home owners are losing their home to foreclosure unless it is sold as a short sale prior to November 7, 2018. We have an offer on it that the bank will accept. The home has a failed septic system that the County is not interested in having repaired or replaced, and the lot size to do so is prohibited anyway. The home has a value currently of about \$275,000. Without a septic or hookup to sewer, it cannot finance, and the buyer is getting a conventional rehab loan. The roof will be replaced, the sewer will be hooked up to coincide with the City water already hooked up, the landscaping will be tidied up, and the septic tank removed or decommissioned. If the annexation is not approved, it will go into foreclosure for several months and the open cesspool will remain as an environmental hazard. It is clearly in the best interest of all parties, including the City, to annex it in, eliminate the septic hazard, get the place attractive again under new owners, and improve the neighborhood by upgrading what is becoming an eyesore. Because the property is already on City Water, and the Sewer line is right there at the beginning of the west property corner adjacent to the City limits and last home in the City limits, it just makes sense. Thank you for your consideration.

Dwight N. Bledsoe
Applicant Representative
503-602-4320
503-874-4666

200606924
TICOR TITLE



After Recording Return To:
Robert C. Mckeown
Kathryn S. Mckeown
440 Eureka Street
Silverton OR 97381

Send Tax Statements To:
Robert C. Mckeown
Kathryn S. Mckeown
440 Eureka Street
Silverton OR 97381

Title Order No. 200606924
Escrow No. 200606924
Tax Account No. 021046 071W
3AA 2000, R21044 071W 3AA
1900

WARRANTY DEED
(ORS 93.850)

Deborah Harroun, an estate in fee simple, Grantor, conveys and warrants to Robert C. Mckeown and Kathryn S. Mckeown, Husband and Wife, Grantee, the following described real property:

See Exhibit 'A' attached hereto and by reference made a part hereof.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

The true consideration for this conveyance is \$270,000.00.

Dated this 4th day of April, 2006
Deborah Harroun
Deborah Harroun



State of OR, County of Marion)ss.

This instrument was acknowledged before me on 4/4, 2006
by Deborah Harroun
Rhonda M Parent
Notary Public My commission expires: 1/27/2007

EXHIBIT 'A'

Legal Description:

A parcel of land in the Northeast quarter of Section 3, Township 7 South, Range 1 West of the Willamette Meridian, City of Silverton, Marion County, Oregon, said parcel bound by the following:

Beginning at a 5/8 inch rebar with a yellow plastic cap which marks the Southeast corner of Parcel 2, Partition Plat No. 2000-10, Record of Partition Plats for said county; thence North 07°47'45" East, on the West line of land described in Reel 1285, Page 714, Deed Records for said County, 221.16 feet; thence South 45°08' East, in the middle of Eureka Street, 2.274 chains; thence South 44°30' West 2.38 chains, more or less, to a 5/8 inch rebar with a yellow plastic cap; thence South 00°38'54" East, on the most Easterly line of Parcel 3 of the said Partition, 11.41 feet; thence North 69°49'14" West 32.10 feet to the point of beginning.

Subject to:

The said property is free from encumbrances except:

The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.

An Easement created by instrument, including the terms and provisions thereof,

In favor of: Charlotte L. Macy
For: Use and Maintenance of Water Pipeline
Dated: May 7, 1966
Recorded: May 10, 1966
Volume: 616 Page: 423
in Marion County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,

In favor of: Dixon H. Bledsoe and Lisa A. Bledsoe
For: Roadway and Maintenance Agreement
Dated: February 1, 2000
Recorded: February 1, 2000
Reel: 1667 Page: 14
in Marion County, Oregon.

ATTACHMENT C: CONDITIONS OF APPROVAL

1. Utility work in the public right-of-way requires permits from MCPW Engineering and an Access Permit is required from Marion County for access to Eureka Avenue.
2. Extensions of all lines will be to the far end of the property requesting service.
3. A Petition for Improvement / Waiver of Remonstrance for roadway improvements along the site's frontage of Eureka Avenue including a half street improvement with curbs and sidewalks shall be signed prior to the signing of the Ordinance.

ATTACHMENT D: STAFF REPORT, AN-18-04

FINDINGS OF FACT

A. Background Information:

1. The applicant submitted an application on August 16, 2018 to annex 440 Eureka Avenue into the City Limits and zone the property R-1, Single Family Residential. The property is 11,968 square feet in area and is developed with a single family home and an accessory dwelling unit. The annexation request is to connect to City sewer due to a failing septic system. The property is already connected to City water.
2. Notice was mailed to all property owners within 700 feet of the subject area on August 22, 2018. As of this writing, September 4, 2018 no written testimony has been received. The notice was published in the Silverton Appeal on August 29, 2018. The site was posted on August 31, 2018. The Planning Commission reviewed the application at their September 11, 2018 meeting and recommends the Council approve the request.
4. The City Council passed Resolution 18-06 on February 5, 2018 that stated in part, When annexation applicants refuse to authorize the City to submit the annexation proposal to the City electorate, and the area proposed for annexation is greater than two (2) acres in size, the City shall place a hold on consideration of the proposed annexation for the sooner of one year after the date of said refusal or the final adjudication of SB 1573. The subject area is less than two acres in size and not subject to the hold.

B. Silverton Development Code (SDC):

1. Article 4 – Administration of Land Use and Development

Section 4.1.500 Type IV Procedure

A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications

Findings: This application is being reviewed through a Type IV procedure. The applicant submitted an application on August 16, 2018 meeting Criterion A. A public notice for this request was mailed to all property owners within 700 feet of the site on August 22, 2018. The notice was published in the Silverton Appeal on August 29, 2018. The site was posted on August 31, 2018. The application was reviewed by the Planning Commission September 11, 2018 and will be before the City Council October 1, 2018.

Unless mandated by state law, annexation, delayed annexations, and/or extension of city services may only be approved by a majority vote among the electorate. On March 15, 2016, the State enacted SB 1573 that states that the legislative body of a city shall annex a territory petitioning annexation without submitting the proposal to the electors of the city if the territory is within the Urban Growth Boundary, the territory upon annexation will be subject to the acknowledged comprehensive plan, the territory is contiguous to the city

limits and the proposal conforms to all other requirements of the city's ordinances. The territory is within the UGB, is contiguous to the city limits and would be subject to the comp plan upon annexation.

The City Council passed Resolution 18-06 on February 5, 2018 that stated in part, When annexation applicants refuse to authorize the City to submit the annexation proposal to the City electorate, and the area proposed for annexation is greater than two (2) acres in size, the City shall place a hold on consideration of the proposed annexation for the sooner of one year after the date of said refusal or the final adjudication of SB 1573. The subject property is less than two acres in size and not subject to the hold. City Staff were directed in all other regards to comply with the Charter, Comprehensive Plan, Development Code and all other applicable land use laws in processing annexation proposals. This staff report will review the proposal for conformity with all other requirements of the city's ordinances.

Section 4.10.140 Review Criteria – Annexation

When reviewing a proposed annexation of land, the Planning Commission and City Council will consider the following standards and criteria:

1. Adequacy of access to the site; and

Findings: The site is located on the south side of Eureka Avenue. The site is 11,968 square feet in area and is developed to the fullest potential. Eureka Avenue is under Marion County jurisdiction.

Utility work in the public right-of-way requires permits from MCPW Engineering and an Access Permit is required from Marion County for access to Eureka Avenue (**Condition 1**). Criterion 1 is met.

2. Conformity of the proposal with the City's Comprehensive Plan; and;

Findings: The parcel to be annexed is located within the UGB and is designated Single Family. The zoning of the site will be R-1, Single Family Residential. The existing single family home and ADU are in conformance with the Comprehensive Plan (Comp Plan).

The Goal of the Urbanization Element of the Comprehensive Plan is to: "Provide adequate land to meet anticipated future demands for urban development in a logical and orderly manner." And has Objectives to, maintain a supply of buildable residential, commercial and industrial land within the City's UGB as allowed by state law; Continue to work with Marion County to manage land development between the city limits and UGB; and Consistently apply and enforce the City' development policies, codes, and standards.

The Goal of the Air, Water and Land Resources Quality seeks to "Maintain and improve the quality of the area's air, water, and land resources." The area proposed for annexation is developed with a single family home and an accessory dwelling unit. The annexation request is to connect to City sewer due to a failing septic system. The property is already connected to City water. As such, this annexation and subsequent connection to the City's sewer system will comply with the goals and policies within the Air, Water and Land Resources Quality and will not lead to the degradation of the natural resources.

A Goal of the Transportation Element is to “Provide a safe, convenient, aesthetic and economical transportation system.” Any development of the site will be required to meet transportation, access and circulations, and roadway standards.

Eureka Avenue is under Marion County jurisdiction. Condition 1 indicates a permit will be required from Marion County for work within the Right-of-Way. This may also include a requirement from Marion County to close one of the legs of the tow driveway accesses onto Eureka Avenue.

The Goal of the Housing element is to “Meet the projected housing needs of citizens in the Silverton area.” The Objectives of the Housing Element are to, Encourage a “small town” environment; Encourage preservation, maintenance and improvement of the existing housing stock; Encourage new housing in suitable areas to minimize public facility and service costs and preserve agricultural land; and Encourage an adequate supply of housing types necessary to meet the needs of different family sizes and incomes.

The requested annexation will be consistent with the goals and policies of the Economy element of the Comprehensive Plan. This element largely speaks to encouraging the diversification of the local economy and the proposed annexation and connection of a single family home to the sanitary sewer system will not have an impact upon this element.

With the public hearing held before the Planning Commission and City Council the requested annexation will satisfy the goal and policies of the Citizen Involvement element of the Comprehensive Plan. The purpose of the public hearing is to solicit and involve the public in the decision making process. The public hearing was published, posted, and notices were mailed in accordance with all requirements.

The Goal of the Public Facilities and Services Elements of the Comprehensive Plan is to “Provide orderly and efficient public facilities and services to adequately meet the needs of Silverton residents.” The water system, storm water system, and transportation network exist adjacent to the site. A sanitary sewer mainline exists at the northwest corner of the property in Eureka Avenue and will have to be extended to the far end of the property for connection.

Per SMC 13.12.046, Extensions of all lines will be to the far end of the property requesting service (**Condition 2**). If, however, the terrain or other physical features prevent future extensions of the sewer line beyond the property, then the sewer extension may terminate at a point perpendicular to the last possible developable site.

3. *Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. If extensions or upgrading of any improvement is necessary to serve the area, such extension must be consistent with the city’s infrastructure plans and must be an orderly and efficient arrangement for the extension of public services; and*

Findings: The applicant is requesting annexation in order to connect to city sewer facilities. There are no identified Master Plan projects identified to serve the site. The water system, storm water system, and transportation network exist adjacent to the site. A sanitary sewer mainline exists at the northwest corner of the property in Eureka Avenue

and will have to be extended to the far end of the property for connection. Each of the utilities is the standard size for residential development. Public facilities are planned to be provided to serve the site; thereby meeting Criterion 3.

- 4. 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, including sidewalks, sanitary sewer, water, storm drainage); and*

Findings: The applicant is requesting annexation in order to connect to city sewer facilities. There are no identified Master Plan projects identified to serve the site. The water system, storm water system, and transportation network exist adjacent to the site. A Petition for Improvement / Waiver of Remonstrance for roadway improvements along the site's frontage of Eureka Avenue including a half street improvement with curbs and sidewalks shall be signed prior to the signing of the Ordinance (**Condition 3**). Development of the site will require the public facilities to be extended into the site in accordance with Public Works Design Standards to serve the home. Therefore Criterion 4 is met.

- 5. The area to be annexed is contiguous to the city and represents a logical direction for city expansion; and*

Findings: The area is contiguous to the City. The site abuts the City Limits along the northern, southern, and western property lines. The annexation represents a logical direction for city expansion, meeting Criterion 5.

- 6. The area is within the urban growth boundary, unless a health hazard due to failing septic systems or groundwater supplies is found to exist; and*

Findings: The area considered for annexation is inside the Urban Growth Boundary. The criterion is met.

- 7. The proposed use of the property is consistent with the applicable comprehensive plan designation; and*

Findings: The use of the property will continue to be a single family dwelling with an accessory dwelling, permitted uses. It is designated Single Family of the Comprehensive Plan Map and will be zoned R-1, Single Family Residential, thereby meeting Criterion 7.

- 8. The proposed annexation shall be consistent with all applicable goals and policies of the Silverton Comprehensive Plan; and*

Findings: The proposed annexation has been reviewed for conformity with the city's comprehensive plan earlier in the report.

- 9. Shall be in compliance with applicable sections of ORS Chapter 222; and*

Findings: ORS 222 provides for a means of annexation by election or by action of the governing body. However, as noted above the City is no longer allowed to submit proposals for annexation to the electors of the city for their approval or rejection.

The proposal is following the Type IV procedure, consistent with ORS 222 for annexation procedures.

This application has been found to be in compliance with the applicable sections of ORS Chapter 222 and will follow all applicable state and local procedures. Therefore, this criterion has been met.

10. Natural hazards identified by the City, such as wetlands, floodplains and steep slopes have been addressed; and

Findings: There are no wetlands on the site and the site is not located within the floodplain. The site is flat. Natural hazards of the site have been addressed. The criterion is met.

11. Urbanization of the subject property shall not have a significant adverse effect on areas identified or designated in the Comprehensive Plan as open space or as significant scenic, historic or natural resource areas; and

Findings: There are no areas on the site identified or designated in the Comprehensive Plan as open space or as significant scenic, historic or natural resource areas. The criterion is met.

12. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

Findings: The annexation will add an existing single family home with an accessory dwelling to the City Limits. The request is to be able to connect the existing dwellings to city sewer facilities. The applicant will be required to extend and connect to the sewer system to serve the property and will pay the Sewer System Development Charge for the impact to the system. The standard is met.

13. 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 units per acre within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the housing element of the comprehensive plan. If there is more than a five-year supply but less than an eight-year supply, the city may consider additional factors, such as the likelihood of vacant parcels being developed in the near future, to determine if the public good would be served by the annexation. Properties proposed for annexation that have a current or probable public health hazard due to lack of full city water or sanitary sewer may be exempt from this criterion; and

Findings: The most recent adopted Comprehensive Plan amendments have used a growth rate of 2% over the 20 year planning horizon. Given a 2% growth rate over the next 5

years with an average household size of 2.65 per the 2010 census, the 5 year supply of vacant and redevelopable land is 412 lots and the 8 year supply is 680 lots. The current amount of shovel ready lots in Silverton is 81 and the amount of redevelopable land amounts to 583 lots for a total supply of 664. The City is between the 5 year and 8 year supply which allows the City to consider additional factors when reviewing the annexation. The annexation is small in scale and is in an area that is nearly surrounded by the City Limits. The site is fully developed and no additional dwellings could be added. The public good will not be harmed. This review criterion is subjective in nature and the Planning Commission is able to make its own interpretation as to if it is met or not. If there is evidence in the record that could support approval and evidence that could support denial, and where the review criteria are subjective, the City Council gets to decide which evidence they find more persuasive. As long as a reasonable trier of fact could believe the evidence relied on for a decision, the approval or denial will stand.

14. Promotes the timely, orderly and economic provision of public facilities and services; and

Findings: The property is requesting annexation to connect to the sewer system due to a failing septic system, making the annexation timely.

15. The annexation is reasonable and that the public interest, present and future, will be best served by annexing the property.

Findings: The annexation will allow a dwelling with a failing septic system to connect to city sewer, which is in the public interest. This review criterion is subjective in nature and the City Council is able to make its own interpretation as to if it is met or not.

III. SUMMARY AND CONCLUSION

Findings have been made for all of the applicable Code sections. The proposed annexation may meet applicable Silverton Development Code Review Criteria and Standards.

The Planning Commission held a public hearing to evaluate the proposed annexation and recommends the City Council approve the application.

Once the City Council receives Planning Commission's recommendation on the annexation, the Council will review the findings and the recommendation in a public hearing.

Staff and the Planning Commission finds the application, as presented, meets or can meet the applicable City codes and requirements.

City Council Options:

The City Council shall:

- a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to the application, or remand the application to the planning commission for rehearing and reconsideration on all or part of the application;

- b. Consider the recommendation of the planning commission; however, the city council is not bound by the commission's recommendation; and
- c. Act by ordinance, which shall be signed by the mayor after the council's adoption of the ordinance.

ATTACHMENT E: TESTIMONY

None Received.

Attachment 2 to Agenda Item No. 6.1

CITY OF SILVERTON
PLANNING COMMISSION MINUTES

7:00 P.M.

September 11, 2018

The Planning Commission of the City of Silverton met at the Silverton Community Center on September 11, 2018 at 7:01 p.m. with Chairman Flowers presiding.

9I. ROLL CALL:

Present	Absent	
<u> X </u>	<u> </u>	Chairman Clay Flowers
<u> X </u>	<u> </u>	Vice-Chairman Jeff DeSantis
<u> X </u>	<u> </u>	Morry Jones
<u> </u>	<u> X </u>	Chris Mayou
<u> X </u>	<u> </u>	Gus Frederick
<u> X </u>	<u> </u>	Rich Piaskowski
<u> </u>	<u> X </u>	Tasha Huebner

STAFF PRESENT:

Community Development Director, Jason Gottgetreu.

9II. APPROVAL OF THE MINUTES FROM THE MEETING HELD JUNE 12, 2018:

Commissioner Desantis moved to approve the minutes of July 10, 2018 as presented. Commissioner Piaskowski seconded the motion and it carried unanimously.

9III. BUSINESS FROM THE FLOOR:

None

9IV. AGENDA ITEMS:

1. Case: Annexation 440 Eureka Ave
Filed by: Dixon Bledsoe
Planning Department File No.: AN-18-04

Chairman Flowers opened the hearing and asked for declarations of ex parte contacts, conflicts of interest, and site visits. No Commissioners declared ex parte contacts or conflicts of interest and they all viewed the site.

Chairman Flowers reviewed the Public Hearing procedures and asked for public testimony at 7:05 pm.

1
2 Chairman Flowers noted the review criteria pertinent to annexation applications as listed in the
3 staff report.

4
5 **Staff Report:**

6 Community Development Director Jason Gottgetreu presented the staff report for this
7 application to annex 440 Eureka Avenue into the City limits and zone the property R-1, Single
8 family Residential. The property is 11,968 square feet in area and is developed with a single
9 family home and an accessory dwelling unit. The annexation request is to connect to City sewer
10 due to a failing septic system. The property is already connected to City water..

11
12 Director Gottgetreu reviewed the background and restrictions on annexation procedures; this
13 request is less than 2 acres and therefore not subject to the hold. The applicant's narrative was
14 presented requesting approval to build a single family residence and connect to city sewer.
15 Eureka does not have sidewalks, so a waiver of remonstrance will be required. The property is
16 contiguous to city limits, within the urban growth boundary, and the Comprehensive Plan
17 designates the parcel as single family residential. Sanitary sewer abuts the site. There are no
18 other significant Natural Hazard or Urbanization issues.

19
20 There were no questions from the Commissioners.

21
22 **Applicants Testimony:**

23
24 Dixon Bledsoe, 1309 Frontier Street Silverton, Oregon Mr. Bledsoe is the representative of the
25 current property owner who are selling the property. He described the property and noted that
26 the septic system is in failure and they cannot repair the system due to site limitations. He
27 indicated the lack of a sewer system is an issue needed to be remedied prior to the sale being
28 final which requires the property to be annexed into the City.

29
30 **Public Testimony:**

31
32 **Proponent Testimony:** None

33
34 **Opponent Testimony:** None

35
36 **Neutral Testimony:** None

37
38 **Written Testimony:** None

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41 **Rebuttal:** None

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43
44 Commissioner Fredrick motioned to close the public hearing. Commissioner Jones seconded the
45 motion, it carried unanimously, and Chairman Flowers closed the Public Hearing at 7:15 pm

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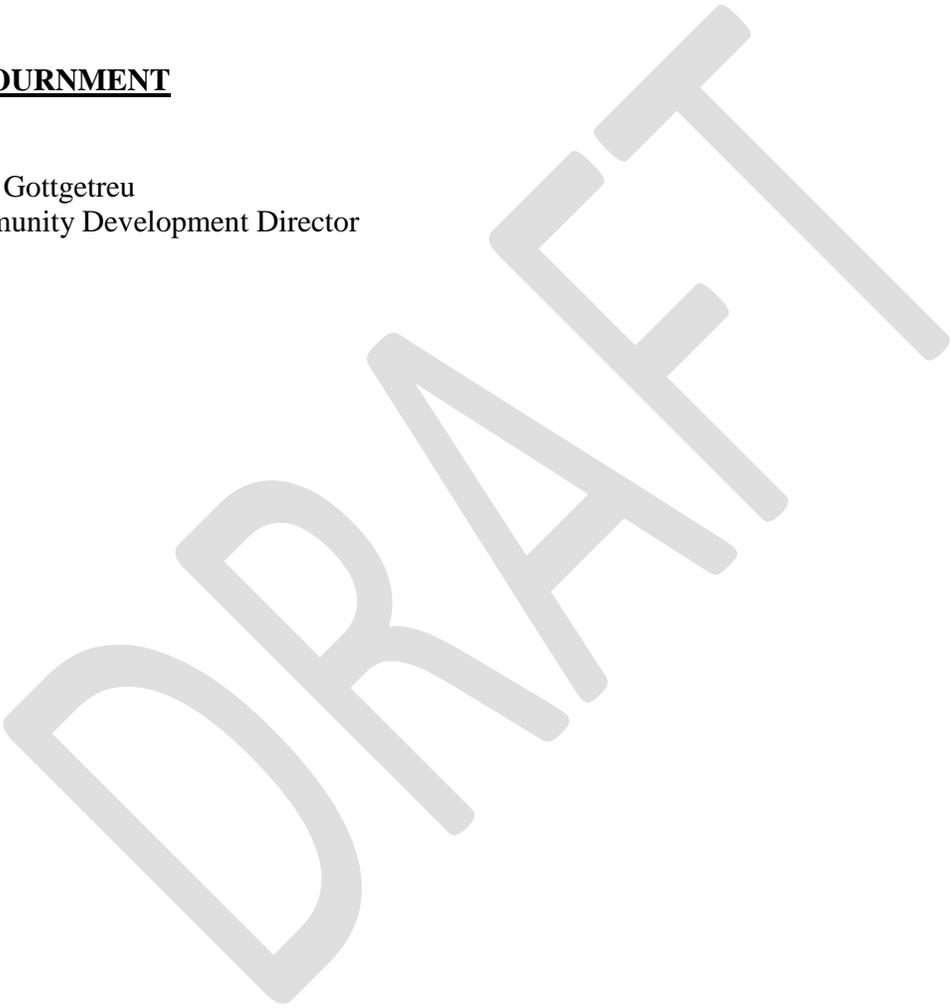
Amendments to conditions: None

Commissioner Desantis made the motion to recommend approval as the application meets the review criteria. Commissioner Fredrick seconded the motion and it carried unanimously.

REPORTS AND COMMUNICATIONS

ADJOURNMENT

Jason Gottgetreu
Community Development Director



**CITY OF SILVERTON
PLANNING COMMISSION**

RESOLUTION NO. PC-18-10

A RESOLUTION IN THE MATTER OF AN ANNEXATION APPLICATION REQUEST TO ANNEX 440 EUREKA AVENUE INTO THE CITY LIMITS AND ZONE THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL. MARION COUNTY ASSESSOR'S MAP 071W03AA TAX LOT 01900.

WHEREAS, an annexation application (AN-18-04) was made by Kathryn & Robert McKeown, 440 Eureka Avenue, Silverton OR 97381; and

WHEREAS, the Planning Commission met in a duly advertised public hearing on September 11th, 2018 to consider the application, evidence in the record, and testimony received; and

WHEREAS, the Planning Commission after review of the annexation (AN-18-04) application, testimony, and evidence in the record, found that the application met the annexation criteria and recommend that the Silverton City Council approve the annexation; and

WHEREAS, the City Council will hold a public hearing on the annexation at a regularly scheduled meeting;

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SILVERTON, AS FOLLOWS:

Section 1: That based on evidence in the record and the Findings of Fact, identified as Exhibit "A" located within the above noted case files are incorporated by reference, and adopted in support of the recommendation that the City Council approve the annexation.

Section 2: That this resolution is and shall be effective after its passage by the Planning Commission.

Resolution adopted by the Planning Commission of the City of Silverton, this 11th day of September, 2018.



Silverton Planning Commission, Chairman

ATTEST:



City Manager, Christy S. Wurster

CITY OF SILVERTON
ORDINANCE
18-24

AN ORDINANCE OF THE SILVERTON CITY COUNCIL ANNEXING 0.27 ACRES OF LAND LOCATED AT 440 EUREKA AVENUE INTO THE CITY LIMITS OF THE CITY OF SILVERTON, OREGON AND ZONING THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL. MARION COUNTY ASSESSOR'S MAP 071W03AA TAX LOT 01900.

WHEREAS, the City of Silverton has been petitioned to annex 440 Eureka Avenue into the City Limits of the City of Silverton, Oregon and zone the property R-1, Single Family Residential. Marion County Assessor's Map 071W03AA Tax Lot 01900.

WHEREAS, the area proposed for annexation is described as a tract of land situated in Section 3, T7S, R1W, W.M. Marion County Oregon and more particularly described as follows:

Beginning at a 5/8 inch rebar with a yellow plastic cap which marks the Southeast corner of Parcel 2, MCSR Partition Plat No. 2000-10.

- (1) Thence North 07° 47' 45" East 221.16 feet;
- (2) Thence South 45° 08' East 2.274 chains;
- (3) Thence South 44° 30' West 2.38 chains;
- (4) Thence South 00° 38' 54" East 11.41 feet;
- (5) Thence North 69° 49' 14" West 32.10 feet to the point of beginning.

NOW, THEREFORE THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1. **Legislative Annexation.** In accordance with ORS 222.120:

(1) The Silverton City Council cannot submit this proposal for annexation of territory to the electors of the city for their approval or rejection. A public hearing before the Council was held October 1, 2018, at which time the electors of the city had an opportunity to appear and be heard on the question of annexation.

(2) The area described above and as shown on Exhibit "B" is hereby annexed to the City of Silverton, effective October 31, 2018.

Section 2. **Consent to Annexation.** In accordance with ORS 222.125 the Council finds there is no need to hold an election in the city or in any contiguous territory proposed to be annexed as all of the owners of land in that territory, and not less than 50 percent of the electors, if any, residing in the territory, have consented in writing to the annexation of the land in the territory and statement of their consent is filed with the Council.

Section 3. **Timing of Consents.** The Council finds that only statements of consent to annexation

which are filed within any one-year period prior to the hearing have been submitted and describes the 0.27 acres of real property, all located in Marion County, Oregon that shall be annexed to the City of Silverton upon recording with the Secretary of State.

Section 4. **Notice to Utilities.** In accordance with ORS 222.005 the City Recorder shall, no later than 10 working days after passage of this ordinance approving the proposed annexation, provide by certified mail to all public utilities, electric cooperatives and telecommunications utilities operating within the city, each site address to be annexed as recorded on county assessment and tax rolls, a legal description and map of the proposed boundary change and a copy of the City Council's resolution or ordinance approving the proposed annexation.

Section 5. **Notice to County.** In accordance with ORS 222.010, the City Recorder shall report to the Marion County Clerk and County Assessor all changes in the boundaries or limits of the city. The report shall contain a detailed legal description of the new boundaries established by the city. The report shall be filed by the city within 10 days from the effective date of the change of any boundary lines.

Section 6. **Assessor Valuation.** In accordance with ORS 222.030 the Recorder shall request that the Assessor shall furnish within 20 days, a statement showing for the current fiscal year the assessed valuation of the taxable property in the territory to be annexed.

Section 7. **Notice to Secretary of State.** In accordance with ORS 222.177 the City Recorder shall transmit to the Secretary of State:

- (1) A copy of this ordinance proclaiming the annexation.
- (2) An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation.
- (3) If electors or landowners in the territory annexed consented to the annexation under ORS 222.125 or 222.170, a copy of the statement of consent.
- (4) A copy of the ordinance issued under ORS 222.120 (4).
- (5) An abstract of the vote upon the referendum, if a referendum petition was filed, with respect to the ordinance adopted under ORS 222.120.

Section 8. **Exhibits.** The City Council adopts the Findings of Fact, attached hereto as “Exhibit A”, a map of the area being annexed as Exhibit “B”, and by this reference all incorporated herein.

Section 9. **Zone Designation.** Upon annexation the property shall have a City of Silverton zoning designation of **R-1 (Single Family Residential)**.

Section 10. **Effective Date.** In accordance with ORS 222.180 the effective date of annexation shall be October 31, 2018.

Ordinance adopted by the City Council of the City of Silverton, this 1st day of October, 2018.

Mayor, City of Silverton
Kyle Palmer

ATTEST:

City Manager/Recorder, City of Silverton
Christy S. Wurster

Exhibit 'A'



City of Silverton
Community Development
306 South Water Street
Silverton, OR 97381

STAFF REPORT

PROCEDURE TYPE IV

FILE NUMBER: AN-18-04

LAND USE DISTRICT:
UT-5, URBAN TRANSITION – 5 ACRE

PROPERTY DESCRIPTION:
ASSESSOR MAP#: 071W03AA
LOTS #: 01900
SITE SIZE: 11,968 SQ. FT.
ADDRESS: 440 EUREKA AVENUE

PROPOSED DEVELOPMENT ACTION: ANNEXATION APPLICATION TO ANNEX 440 EUREKA AVENUE INTO THE CITY LIMITS AND ZONE THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL. THE PROPERTY IS 11,968 SQUARE FEET IN AREA AND IS DEVELOPED WITH A SINGLE FAMILY HOME AND AN ACCESSORY DWELLING UNIT. THE ANNEXATION REQUEST IS TO CONNECT TO CITY SEWER DUE TO A FAILING SEPTIC SYSTEM. THE PROPERTY IS ALREADY CONNECTED TO CITY WATER.

DATE: SEPTEMBER 17, 2018

- Attachments
 - A. Vicinity Map and Review Criteria
 - B. Applicant’s Findings
 - C. Conditions of Approval
 - D. Staff Report
 - E. Testimony

APPLICANT:
KATHRYN MCKEOWN
440 EUREKA AVENUE
SILVERTON, OR 97381

PROPERTY OWNER:
KATHRYN & ROBERT MCKEOWN
440 EUREKA AVENUE
SILVERTON, OR 97381

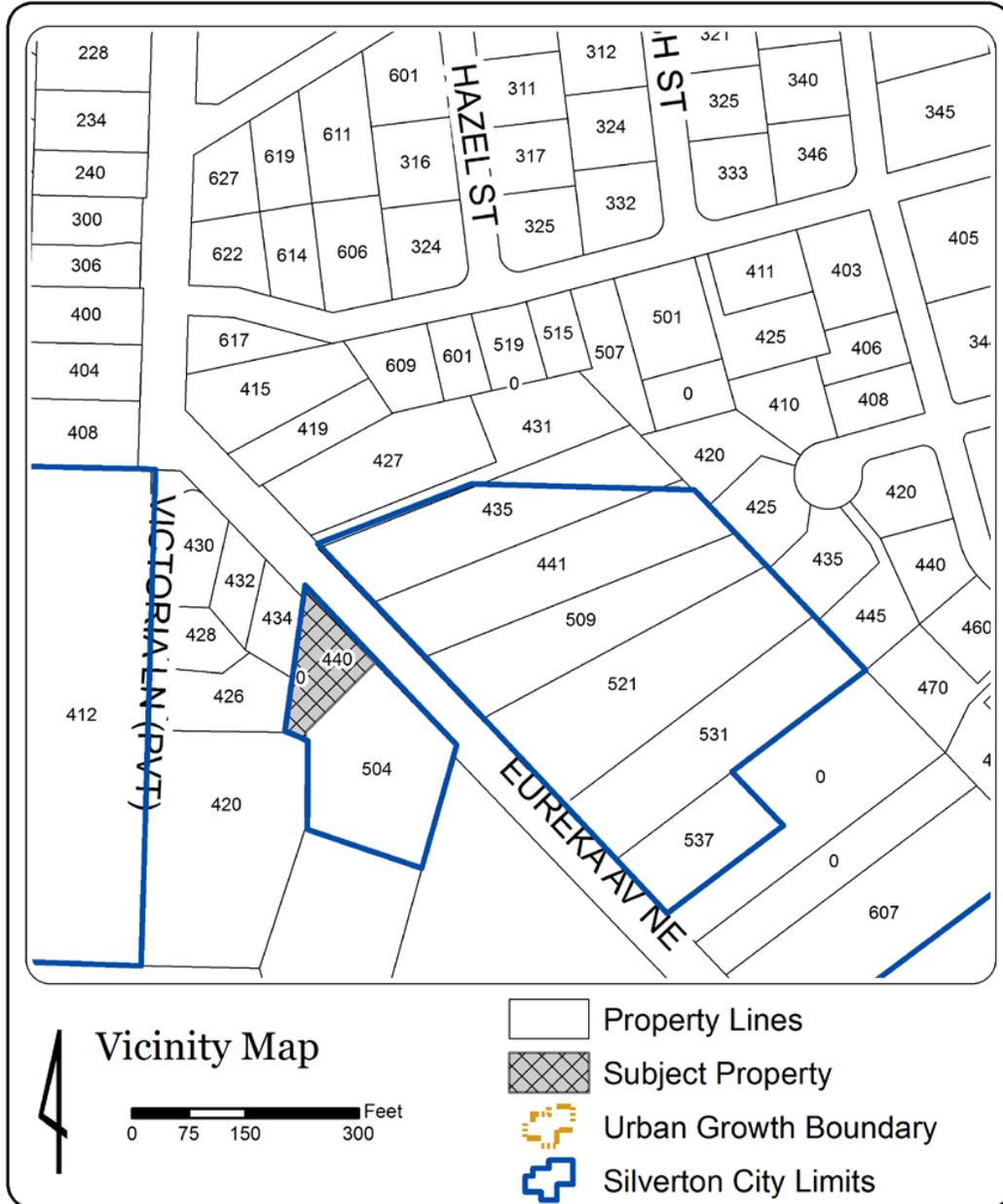
LOCATION: LOCATED ON THE SOUTH SIDE OF EUREKA AVENUE AT 440 EUREKA AVENUE

ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

Case File: AN-18-04

Vicinity Map and Surrounding Land Use Districts

- North – R-1, Single Family Residential
- East – UT-5, Urban Transition – 5 Acre
- South – R-1, Single Family Residential
- West – R-1, Single Family Residential



REVIEW CRITERIA:

4.10.140 Review Criteria. When reviewing a proposed annexation of land, the Planning Commission and City Council will consider the following standards and criteria:

1. Adequacy of access to the site; and
2. Conformity of the proposal with the city's comprehensive plan; and
3. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. If extension or upgrading of any improvement is necessary to serve the area, such extension must be consistent with the city's infrastructure plans and must be an orderly and efficient arrangement for the extension of public services; and
4. 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, including sidewalks, sanitary sewer, water, storm drainage); and
5. The area to be annexed is contiguous to the city and represents a logical direction for city expansion; and
6. The area is within the urban growth boundary, unless a health hazard due to failing septic systems or groundwater supplies is found to exist; and
7. The proposed use of the property is consistent with the applicable comprehensive plan designation; and
8. The proposed annexation shall be consistent with all applicable goals and policies of the Silverton comprehensive plan; and
9. Shall be in compliance with applicable sections of ORS Chapter 222; and
10. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes, have been addressed by applicant's conceptual development plan; and
11. Urbanization of the subject property shall not have a significant adverse effect on areas identified or designated in the comprehensive plan as open space or as significant scenic, historic or natural resource areas; and
12. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole; and
13. 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 units per acre within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the housing element of the comprehensive plan. If there is more than a five-year supply but less than an eight-year supply, the city may consider additional

factors, such as the likelihood of vacant parcels being developed in the near future, to determine if the public good would be served by the annexation. Properties proposed for annexation that have a current or probable public health hazard due to lack of full city water or sanitary sewer may be exempt from this criterion; and

14. Promotes the timely, orderly and economic provision of public facilities and services; and
15. The annexation is reasonable and that the public interest, present and future, will be best served by annexing the property.

ATTACHMENT B: APPLICANT'S FINDINGS

August 16, 2018

Jason Gottgetreu
Community Development Director
City of Silverton
306 S. Water Street
Silverton, OR 97381
503-874-2212

Re: 440 Eureka Avenue, Silverton, Minor Annexation Request

Dear Mr. Gottgetreu:

Please accept this application request for a minor annexation of 440 Eureka Avenue, Silverton, OR 97381.

The property in question is currently on City Water and private septic that has failed miserably. The property size (.27 acres) is prohibitive to re-structure the septic system and drain field according to the County. Parts of the sewage is in an open pit.

The sellers are in default on the property and there is a scheduled foreclosure date of November 7, 2018. We are helping them sell the home as a short sale, with the lien-holder being On-Pointe Credit Union. There are several liens on the property that will be retired if the sale goes through successfully. We have an accepted offer on the property under a conventional rehab loan, but the lender will not approve and close on the loan until the annexation is approved by the City of Silverton. If this application is accepted for the September Planning Commission meeting, and approved, and is approved at the October City Council, even with the 21-day appeal period, we could close on the transaction before the property is foreclosed on. That process can take several months, leaving an open cesspool and failed system, which is a safety and environmental hazard.

Since the property abuts City Sewer lines (the Scott Property immediately to the west is the last sewer hook-up and home in City limits) and is already on City water, it seems to make perfect sense to approve this annexation request, collect \$2750 in application fees, and another \$7,000 or so in permits and SDC charges, a \$10,000 approximate estimate you were kind enough to give me earlier this month. The estimated cost to extend the sewer line to the end of the property as required is approximately \$30,000, or \$200 per lineal foot.

This has been a very problematic property for all parties involved, and in our opinion, it is in everyone's best interest to annex it into the City, hook up to City Sewer, and vacate the septic system that has failed and remains a hazard.

I am not an artist, so I have included information and plat maps of the property provided by the Title Company (Amerititle) that clearly shows the lot size, house position, property lines, and other necessary information as required by the annexation criteria.

Site Plan:

- A. The home is located as shown on the Photo Map, Item 1. There is a small apartment at the back (SW) of the property that was approved by the County as a beauty Salon.

- B. Eureka is immediately in front of the home. The sanitary sewer line is immediately next door at the City limit edge. The property is on City water, PGE, NWNG, cable, etc. I have no idea about the storm drainage.
- C. There are no water features on or near the property. The house is serviced by City Water and all local utilities. It is not in the flood plain. The current septic is in the side and back of the house and the County is not willing to have it replaced or corrected, according to conversations the owners have had with that office. By the time it even could be repaired or replaced, if that were even possible, the house would be foreclosed on.
- D. Photo Map item 1 shows the home placement on the site. The apartment is at the back of the property close to the Southern/Western property line. The septic is in the back yard/side and drain field up front far from the neighboring property line to the West.
- E. Not really applicable. No trees will be removed or affected.
- F. We do not have access to that information. The lot is relatively flat and slopes in the front to the South, very slightly.
- G. No development. Just an existing home and ADU type structure of perhaps 400 s.f.

The narrative is simple. The home owners are losing their home to foreclosure unless it is sold as a short sale prior to November 7, 2018. We have an offer on it that the bank will accept. The home has a failed septic system that the County is not interested in having repaired or replaced, and the lot size to do so is prohibited anyway. The home has a value currently of about \$275,000. Without a septic or hookup to sewer, it cannot finance, and the buyer is getting a conventional rehab loan. The roof will be replaced, the sewer will be hooked up to coincide with the City water already hooked up, the landscaping will be tidied up, and the septic tank removed or decommissioned. If the annexation is not approved, it will go into foreclosure for several months and the open cesspool will remain as an environmental hazard. It is clearly in the best interest of all parties, including the City, to annex it in, eliminate the septic hazard, get the place attractive again under new owners, and improve the neighborhood by upgrading what is becoming an eyesore. Because the property is already on City Water, and the Sewer line is right there at the beginning of the west property corner adjacent to the City limits and last home in the City limits, it just makes sense. Thank you for your consideration.

Dustin H. Bledsoe
Applicant Representative
 503-602-4320
 503-874-4666

2006 09 002



After Recording Return To:
Robert C. Mckeown
Kathryn S. Mckeown
440 Eureka Street
Silverton OR 97381

Send Tax Statements To:
Robert C. Mckeown
Kathryn S. Mckeown
440 Eureka Street
Silverton OR 97381

Title Order No. 200606924
Escrow No. 200606924
Tax Account No. 021046 071W
3AA 2000, R21044 071W 3AA
1900

WARRANTY DEED
(ORS 93.850)

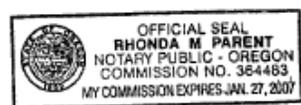
Deborah Harroun, an estate in fee simple, Grantor, conveys and warrants to **Robert C. Mckeown and Kathryn S. Mckeown, Husband and Wife, Grantee,** the following described real property:

See Exhibit 'A' attached hereto and by reference made a part hereof.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

The true consideration for this conveyance is \$270,000.00.

Dated this 4th day of April, 2006
Deborah Harroun
Deborah Harroun



State of OR, County of Marion)ss.

This instrument was acknowledged before me on 4/4, 2006
by Deborah Harroun
Rhonda M Parent
Notary Public My commission expires: 1/27/2007

EXHIBIT 'A'Legal Description:

A parcel of land in the Northeast quarter of Section 3, Township 7 South, Range 1 West of the Willamette Meridian, City of Silverton, Marion County, Oregon, said parcel bound by the following:

Beginning at a 5/8 inch rebar with a yellow plastic cap which marks the Southeast corner of Parcel 2, Partition Plat No. 2000-10, Record of Partition Plats for said county; thence North 07°47'45" East, on the West line of land described in Reel 1285, Page 714, Deed Records for said County, 221.16 feet; thence South 45°08' East, in the middle of Eureka Street, 2.274 chains; thence South 44°30' West 2.38 chains, more or less, to a 5/8 inch rebar with a yellow plastic cap; thence South 00°38'54" East, on the most Easterly line of Parcel 3 of the said Partition, 11.41 feet; thence North 69°49'14" West 32.10 feet to the point of beginning.

Subject to:

The said property is free from encumbrances except:

The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.

An Easement created by instrument, including the terms and provisions thereof,

In favor of: Charlotte L. Macy
For: Use and Maintenance of Water Pipeline
Dated: May 7, 1966
Recorded: May 10, 1966
Volume: 616 Page: 423
in Marion County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,

In favor of: Dixon H. Bledsoe and Lisa A. Bledsoe
For: Roadway and Maintenance Agreement
Dated: February 1, 2000
Recorded: February 1, 2000
Reel: 1667 Page: 14
in Marion County, Oregon.

ATTACHMENT C: CONDITIONS OF APPROVAL

1. Utility work in the public right-of-way requires permits from MCPW Engineering and an Access Permit is required from Marion County for access to Eureka Avenue.
2. Extensions of all lines will be to the far end of the property requesting service.
3. A Petition for Improvement / Waiver of Remonstrance for roadway improvements along the site's frontage of Eureka Avenue including a half street improvement with curbs and sidewalks shall be signed prior to the signing of the Ordinance.

ATTACHMENT D: STAFF REPORT, AN-18-04

FINDINGS OF FACT

A. Background Information:

1. The applicant submitted an application on August 16, 2018 to annex 440 Eureka Avenue into the City Limits and zone the property R-1, Single Family Residential. The property is 11,968 square feet in area and is developed with a single family home and an accessory dwelling unit. The annexation request is to connect to City sewer due to a failing septic system. The property is already connected to City water.
2. Notice was mailed to all property owners within 700 feet of the subject area on August 22, 2018. As of this writing, September 4, 2018 no written testimony has been received. The notice was published in the Silverton Appeal on August 29, 2018. The site was posted on August 31, 2018. The Planning Commission reviewed the application at their September 11, 2018 meeting and recommends the Council approve the request.
4. The City Council passed Resolution 18-06 on February 5, 2018 that stated in part, When annexation applicants refuse to authorize the City to submit the annexation proposal to the City electorate, and the area proposed for annexation is greater than two (2) acres in size, the City shall place a hold on consideration of the proposed annexation for the sooner of one year after the date of said refusal or the final adjudication of SB 1573. The subject area is less than two acres in size and not subject to the hold.

B. Silverton Development Code (SDC):

1. Article 4 – Administration of Land Use and Development

Section 4.1.500 Type IV Procedure

A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications

Findings: This application is being reviewed through a Type IV procedure. The applicant submitted an application on August 16, 2018 meeting Criterion A. A public notice for this request was mailed to all property owners within 700 feet of the site on August 22, 2018. The notice was published in the Silverton Appeal on August 29, 2018. The site was posted on August 31, 2018. The application was reviewed by the Planning Commission September 11, 2018 and will be before the City Council October 1, 2018.

Unless mandated by state law, annexation, delayed annexations, and/or extension of city services may only be approved by a majority vote among the electorate. On March 15, 2016, the State enacted SB 1573 that states that the legislative body of a city shall annex a territory petitioning annexation without submitting the proposal to the electors of the city if the territory is within the Urban Growth Boundary, the territory upon annexation will be subject to the acknowledged comprehensive plan, the territory is contiguous to the city

limits and the proposal conforms to all other requirements of the city's ordinances. The territory is within the UGB, is contiguous to the city limits and would be subject to the comp plan upon annexation.

The City Council passed Resolution 18-06 on February 5, 2018 that stated in part, When annexation applicants refuse to authorize the City to submit the annexation proposal to the City electorate, and the area proposed for annexation is greater than two (2) acres in size, the City shall place a hold on consideration of the proposed annexation for the sooner of one year after the date of said refusal or the final adjudication of SB 1573. The subject property is less than two acres in size and not subject to the hold. City Staff were directed in all other regards to comply with the Charter, Comprehensive Plan, Development Code and all other applicable land use laws in processing annexation proposals. This staff report will review the proposal for conformity with all other requirements of the city's ordinances.

Section 4.10.140 Review Criteria – Annexation

When reviewing a proposed annexation of land, the Planning Commission and City Council will consider the following standards and criteria:

1. Adequacy of access to the site; and

Findings: The site is located on the south side of Eureka Avenue. The site is 11,968 square feet in area and is developed to the fullest potential. Eureka Avenue is under Marion County jurisdiction.

Utility work in the public right-of-way requires permits from MCPW Engineering and an Access Permit is required from Marion County for access to Eureka Avenue (**Condition 1**). Criterion 1 is met.

2. Conformity of the proposal with the City's Comprehensive Plan; and;

Findings: The parcel to be annexed is located within the UGB and is designated Single Family. The zoning of the site will be R-1, Single Family Residential. The existing single family home and ADU are in conformance with the Comprehensive Plan (Comp Plan).

The Goal of the Urbanization Element of the Comprehensive Plan is to: "Provide adequate land to meet anticipated future demands for urban development in a logical and orderly manner." And has Objectives to, maintain a supply of buildable residential, commercial and industrial land within the City's UGB as allowed by state law; Continue to work with Marion County to manage land development between the city limits and UGB; and Consistently apply and enforce the City' development policies, codes, and standards.

The Goal of the Air, Water and Land Resources Quality seeks to "Maintain and improve the quality of the area's air, water, and land resources." The area proposed for annexation is developed with a single family home and an accessory dwelling unit. The annexation request is to connect to City sewer due to a failing septic system. The property is already connected to City water. As such, this annexation and subsequent connection to the City's sewer system will comply with the goals and policies within the Air, Water and Land Resources Quality and will not lead to the degradation of the natural resources.

A Goal of the Transportation Element is to “Provide a safe, convenient, aesthetic and economical transportation system.” Any development of the site will be required to meet transportation, access and circulations, and roadway standards.

Eureka Avenue is under Marion County jurisdiction. Condition 1 indicates a permit will be required from Marion County for work within the Right-of-Way. This may also include a requirement from Marion County to close one of the legs of the tow driveway accesses onto Eureka Avenue.

The Goal of the Housing element is to “Meet the projected housing needs of citizens in the Silverton area.” The Objectives of the Housing Element are to, Encourage a “small town” environment; Encourage preservation, maintenance and improvement of the existing housing stock; Encourage new housing in suitable areas to minimize public facility and service costs and preserve agricultural land; and Encourage an adequate supply of housing types necessary to meet the needs of different family sizes and incomes.

The requested annexation will be consistent with the goals and policies of the Economy element of the Comprehensive Plan. This element largely speaks to encouraging the diversification of the local economy and the proposed annexation and connection of a single family home to the sanitary sewer system will not have an impact upon this element.

With the public hearing held before the Planning Commission and City Council the requested annexation will satisfy the goal and policies of the Citizen Involvement element of the Comprehensive Plan. The purpose of the public hearing is to solicit and involve the public in the decision making process. The public hearing was published, posted, and notices were mailed in accordance with all requirements.

The Goal of the Public Facilities and Services Elements of the Comprehensive Plan is to “Provide orderly and efficient public facilities and services to adequately meet the needs of Silverton residents.” The water system, storm water system, and transportation network exist adjacent to the site. A sanitary sewer mainline exists at the northwest corner of the property in Eureka Avenue and will have to be extended to the far end of the property for connection.

Per SMC 13.12.046, Extensions of all lines will be to the far end of the property requesting service (**Condition 2**). If, however, the terrain or other physical features prevent future extensions of the sewer line beyond the property, then the sewer extension may terminate at a point perpendicular to the last possible developable site.

3. *Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. If extensions or upgrading of any improvement is necessary to serve the area, such extension must be consistent with the city’s infrastructure plans and must be an orderly and efficient arrangement for the extension of public services; and*

Findings: The applicant is requesting annexation in order to connect to city sewer facilities. There are no identified Master Plan projects identified to serve the site. The water system, storm water system, and transportation network exist adjacent to the site. A sanitary sewer mainline exists at the northwest corner of the property in Eureka Avenue

and will have to be extended to the far end of the property for connection. Each of the utilities is the standard size for residential development. Public facilities are planned to be provided to serve the site; thereby meeting Criterion 3.

4. *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, including sidewalks, sanitary sewer, water, storm drainage); and*

Findings: The applicant is requesting annexation in order to connect to city sewer facilities. There are no identified Master Plan projects identified to serve the site. The water system, storm water system, and transportation network exist adjacent to the site. A Petition for Improvement / Waiver of Remonstrance for roadway improvements along the site's frontage of Eureka Avenue including a half street improvement with curbs and sidewalks shall be signed prior to the signing of the Ordinance (**Condition 3**). Development of the site will require the public facilities to be extended into the site in accordance with Public Works Design Standards to serve the home. Therefore Criterion 4 is met.

5. *The area to be annexed is contiguous to the city and represents a logical direction for city expansion; and*

Findings: The area is contiguous to the City. The site abuts the City Limits along the northern, southern, and western property lines. The annexation represents a logical direction for city expansion, meeting Criterion 5.

6. *The area is within the urban growth boundary, unless a health hazard due to failing septic systems or groundwater supplies is found to exist; and*

Findings: The area considered for annexation is inside the Urban Growth Boundary. The criterion is met.

7. *The proposed use of the property is consistent with the applicable comprehensive plan designation; and*

Findings: The use of the property will continue to be a single family dwelling with an accessory dwelling, permitted uses. It is designated Single Family of the Comprehensive Plan Map and will be zoned R-1, Single Family Residential, thereby meeting Criterion 7.

8. *The proposed annexation shall be consistent with all applicable goals and policies of the Silverton Comprehensive Plan; and*

Findings: The proposed annexation has been reviewed for conformity with the city's comprehensive plan earlier in the report.

9. *Shall be in compliance with applicable sections of ORS Chapter 222; and*

Findings: ORS 222 provides for a means of annexation by election or by action of the governing body. However, as noted above the City is no longer allowed to submit proposals for annexation to the electors of the city for their approval or rejection.

The proposal is following the Type IV procedure, consistent with ORS 222 for annexation procedures.

This application has been found to be in compliance with the applicable sections of ORS Chapter 222 and will follow all applicable state and local procedures. Therefore, this criterion has been met.

10. Natural hazards identified by the City, such as wetlands, floodplains and steep slopes have been addressed; and

Findings: There are no wetlands on the site and the site is not located within the floodplain. The site is flat. Natural hazards of the site have been addressed. The criterion is met.

11. Urbanization of the subject property shall not have a significant adverse effect on areas identified or designated in the Comprehensive Plan as open space or as significant scenic, historic or natural resource areas; and

Findings: There are no areas on the site identified or designated in the Comprehensive Plan as open space or as significant scenic, historic or natural resource areas. The criterion is met.

12. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

Findings: The annexation will add an existing single family home with an accessory dwelling to the City Limits. The request is to be able to connect the existing dwellings to city sewer facilities. The applicant will be required to extend and connect to the sewer system to serve the property and will pay the Sewer System Development Charge for the impact to the system. The standard is met.

13. 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 units per acre within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the housing element of the comprehensive plan. If there is more than a five-year supply but less than an eight-year supply, the city may consider additional factors, such as the likelihood of vacant parcels being developed in the near future, to determine if the public good would be served by the annexation. Properties proposed for annexation that have a current or probable public health hazard due to lack of full city water or sanitary sewer may be exempt from this criterion; and

Findings: The most recent adopted Comprehensive Plan amendments have used a growth rate of 2% over the 20 year planning horizon. Given a 2% growth rate over the next 5

years with an average household size of 2.65 per the 2010 census, the 5 year supply of vacant and redevelopable land is 412 lots and the 8 year supply is 680 lots. The current amount of shovel ready lots in Silverton is 81 and the amount of redevelopable land amounts to 583 lots for a total supply of 664. The City is between the 5 year and 8 year supply which allows the City to consider additional factors when reviewing the annexation. The annexation is small in scale and is in an area that is nearly surrounded by the City Limits. The site is fully developed and no additional dwellings could be added. The public good will not be harmed. This review criterion is subjective in nature and the Planning Commission is able to make its own interpretation as to if it is met or not. If there is evidence in the record that could support approval and evidence that could support denial, and where the review criteria are subjective, the City Council gets to decide which evidence they find more persuasive. As long as a reasonable trier of fact could believe the evidence relied on for a decision, the approval or denial will stand.

14. Promotes the timely, orderly and economic provision of public facilities and services; and

Findings: The property is requesting annexation to connect to the sewer system due to a failing septic system, making the annexation timely.

15. The annexation is reasonable and that the public interest, present and future, will be best served by annexing the property.

Findings: The annexation will allow a dwelling with a failing septic system to connect to city sewer, which is in the public interest. This review criterion is subjective in nature and the City Council is able to make its own interpretation as to if it is met or not.

III. SUMMARY AND CONCLUSION

Findings have been made for all of the applicable Code sections. The proposed annexation may meet applicable Silverton Development Code Review Criteria and Standards.

The Planning Commission held a public hearing to evaluate the proposed annexation and recommends the City Council approve the application.

Once the City Council receives Planning Commission's recommendation on the annexation, the Council will review the findings and the recommendation in a public hearing.

Staff and the Planning Commission finds the application, as presented, meets or can meet the applicable City codes and requirements.

City Council Options:

The City Council shall:

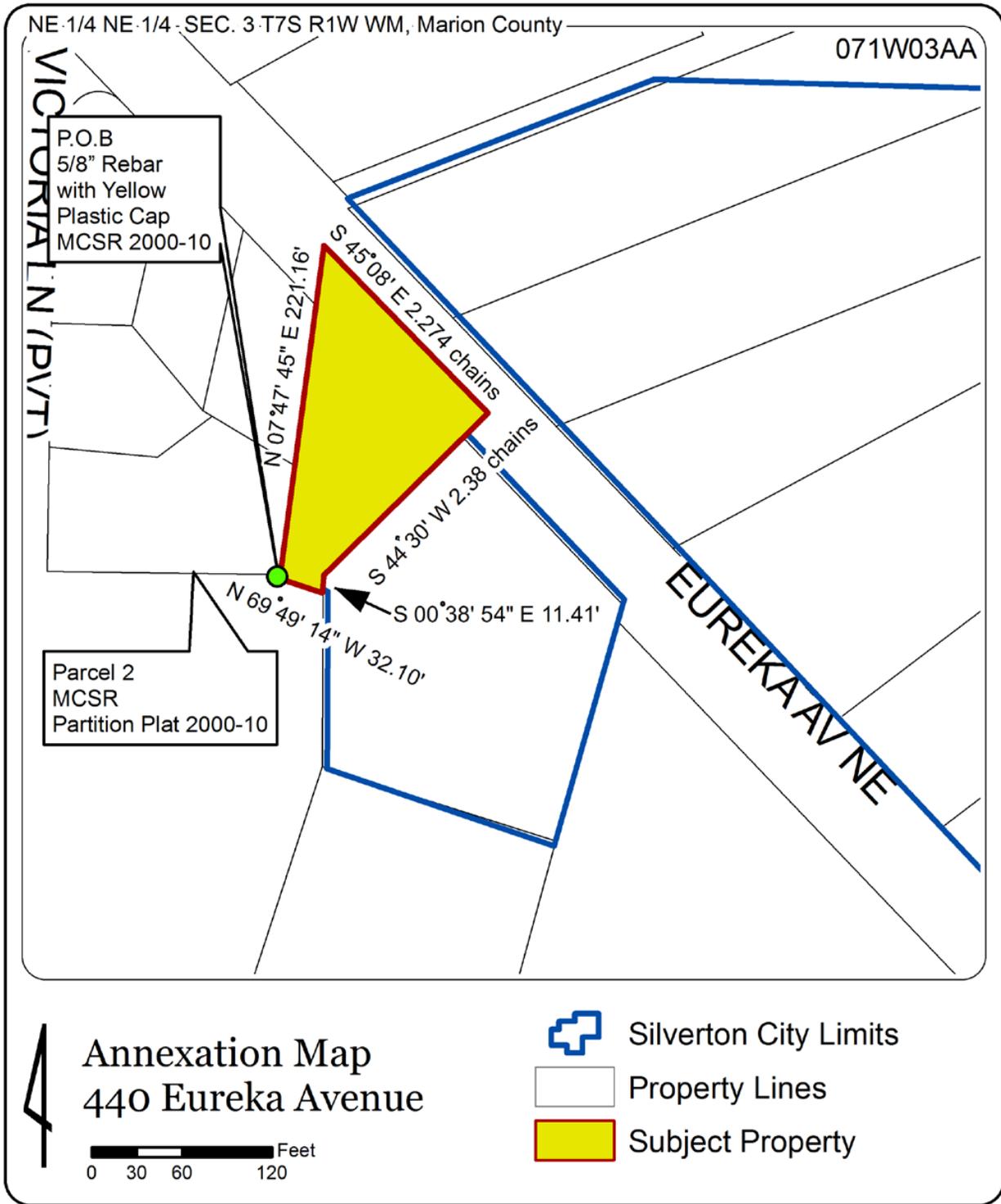
- a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to the application, or remand the application to the planning commission for rehearing and reconsideration on all or part of the application;

- b. Consider the recommendation of the planning commission; however, the city council is not bound by the commission's recommendation; and
- c. Act by ordinance, which shall be signed by the mayor after the council's adoption of the ordinance.

ATTACHMENT E: TESTIMONY

None Received.

Exhibit 'B'



**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	7.1	Community Center Lease Agreement with Silverton Area Community Aid
	Agenda Type:	
	Consent Agenda	
	Meeting Date:	
October 1, 2018		
Prepared by:	Reviewed by:	Approved by:
Chelsea Starner	Petra Schuetz	Christy S. Wurster

Recommendation:

Staff recommends a motion to authorize the City Manager to execute a lease agreement with Silverton Area Community Aid (SACA) for continued use of office and storage space located at the Silverton Community Center.

Background:

Silverton Area Community Aid provides food and emergency aid to low income people in the Silverton community. SACA has been housed in the Silverton Community Center for a number of years, sharing the common areas of the building with several other non-profits and the City. The latest agreement with SACA expired on June 30, 2018. The term of the new agreement will be two (2) years, beginning retroactively from July 1, 2018 and extending through June 30, 2020. SACA will continue to pay an annual lease amount of \$1.00 as well as a monthly payment of \$500.00 to cover a portion of utilities used by the organization.

The attached lease agreement will allow the continued use of the space for office purposes and food storage relating to the SACA program. The contract format has been updated to be consistent with the current lease agreement format used by the City.

Budget Impact	Fiscal Year	Funding Source
None	2018-2019	N/A

Attachments:

1. Lease Agreement between Silverton Area Community Aid and the City of Silverton, Oregon

Attachment 1 to Agenda Item No. 7.1

LEASE AGREEMENT between SILVERTON AREA COMMUNITY AID and the CITY OF SILVERTON, OREGON

This Agreement is between Silverton Area Community Aid (SACA), hereinafter called "Tenant", and the City of Silverton, Oregon, hereinafter called "Landlord", for the use of Room 103 and adjacent storage room (hereinafter referred to as "Premises"), of the Silverton Community Center located at 421 S. Water Street, Silverton, Oregon.

I. LEASE OF PREMISES

The Premises will be used only for office space, food storage and other purposes related to Silverton Area Community Aid services.

II. TERM OF AGREEMENT

Term of this lease shall be for two (2) years, commencing retroactively from July, 1, 2018, and continuing through June, 30, 2020, unless sooner terminated as hereinafter provided.

III. CONSIDERATION

A. Lease Amount. Tenant agrees to pay a yearly lease amount of one dollar (\$1.00) by the first day of each year beginning January 1, 2018, and continue the first day of each year thereafter. Payments are to be made payable to the City of Silverton.

B. Premises Monitoring and Services. Tenant shall monitor the Premises for public safety reasons and notify the Silverton Police Department whenever such problems arise, and monitor the Premises for general maintenance and notify the Silverton Public Works Department whenever such problems arise.

Tenant will monitor, clean and sanitize women's and men's restrooms located on basement floor of the Community Center, Monday through Friday. Operational supplies for restroom cleaning such as chemical disinfectants, restroom supplies and cleaning supplies shall be provided by Landlord.

IV. UTILITIES

Tenant is responsible for all telephone, cable and internet services. Landlord is responsible for all other utilities, including electricity and natural gas, and will provide water and sewer services, provided, however, that tenant will pay Landlord \$500 per month as partial repayment for these other utilities supplied to the Premises. The City Manager may reduce this reimbursement payment for other utilities by up to \$500 per month if requested in writing to do so by Tenant because of

Tenant's financial hardship. Landlord will continue to provide solid waste disposal services as long as it continues to be donated to the City by franchised waste hauling provider.

V. PERMITTED USE

Tenant shall only use Premises in a manner consistent with the purpose of this Agreement. Tenant may not assign, sublet or encumber the Premises without prior written authorization from Landlord. Additional provisions may be required at the time of renewal, as negotiated by the parties to the Agreement.

Landlord may provide tenant free use of the gym or areas in common, in the Community Center, for Tenant events, programs or storage, subject to availability. Tenant will request of the designated person at the City the use of desired space, in writing, as far in advance of the event or program as practical.

VI. MAINTENANCE

A. Tenant Responsibilities.

- i.** Any minor repairs and maintenance of interior walls (including painting), ceilings, doors and windows and related hardware, light fixtures, switches and other permanent fixtures of the Premises.
- ii.** Any repairs necessitated by negligence of Tenant, its agents, employees and invitees, except as provided in this Agreement.
- iii.** Any repairs or alterations required under Tenant's obligation to comply with laws and regulations.
- iv.** All other repairs to the Premises which Landlord is not required to make per Agreement.

B. Landlord Responsibilities.

- i.** Repairs and maintenance of the Community Center, including roofs and gutters, exterior walls (including painting), bearing walls, structural members, foundation, entry steps and foyer area, and replacement of doors and windows as part of any general building improvement effort.
- ii.** Repairs of sidewalks, curbs and areas within the Community Center used in common by Tenant and Landlord.
- iii.** Repair and maintenance of exterior water, sewer, gas and electric services up to the point of entry into the Premises.
- iv.** Repair of interior electrical panels, wiring, plumbing, and the heating and air conditioning systems.

VII. ALTERATIONS AND IMPROVEMENT

Tenant may not construct any structural improvements or alterations on the Community Center without prior written approval by the Landlord. This prohibition extends to the grounds surrounding the Community Center.

VIII. ENTRY ON PROPERTY

- A. **Right to Inspect.** The Landlord shall have the right to enter the Premises at any reasonable time or times to examine the condition of the Premises or Tenant's compliance with the terms of this Agreement.
- B. **Access.** The Landlord retains the right to enter the Community Center and grounds at any reasonable time or times to repair or modify City facilities located upon the property or to conduct repairs or other work on the property.

IX. USE RESTRICTIONS

- A. **Conformance with Laws.** Tenant shall conform to all applicable laws and regulations, municipal, state and federal, affecting the property and the use thereof.
- B. **Nuisance.** Tenant shall not use or permit the use or occupancy of the property for any illegal or immoral purposes, or commit or permit anything which may constitute a menace or hazard to the safety of persons using the property, or which would tend to create a nuisance.
- C. **Hazardous Materials.** Tenant shall not store or handle on the property or discharge onto the property any hazardous wastes or toxic substances, as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9675, and as further defined by state law except upon prior written notification to the Landlord and in strict compliance with rules and regulations of the United States and the State of Oregon and in conformance with the provisions of this Agreement. Any violation of this section may, at the Landlord's option, cause this Agreement to be immediately terminated in accordance with the provisions of Section XXII of this Agreement. Tenant shall be responsible for conformance with OSHA SHARPS Program, if applicable.

X. ASSIGNMENT AND SUBLETTING

The Tenant shall not assign any of its rights or responsibilities under this Agreement or sublet any portion of the Premises without the prior written consent of the Landlord, provided, however, that the Landlord shall not unreasonably withhold such consent.

XI. LANDLORD LIABILITY

The Landlord shall include the premises of the Community Center in its general liability insurance policy.

XII. INSURANCE

- A. **General Liability.** Tenant agrees to carry general liability insurance for the duration of occupancy with at least the following limits: \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury and property damage with the City of Silverton listed on the

policy as additional insured, with respects to Tenant's activities at the Community Center. Tenant shall provide evidence of said coverage in the form of a Certificate of Insurance to be furnished annually to the Landlord, in January. Tenant is responsible for its own property and contents stored at the Community Center.

- B. Indemnification.** Subject to the limitations of the Oregon Tort Claims Act and the Oregon Constitution, Tenant agrees to indemnify, defend, and hold harmless the Landlord, and its officers, agents, elected officials, and employees against any claim, liability, damage, or loss or any cost or expense in connection therewith (including reasonable attorney fees), whether suffered directly or from a third-party claim arising out of (a) any damage to any person or property occurring in, on or about the Leased Premises, the property, (b) use by Tenant or its agents, invitees, or contractors of the Leased Premises and/or (c) Tenant's breach or violation of any term of this lease.

XIII. DEFAULT

- A. Declaration of Default.** Except as otherwise provided in this Agreement, the Landlord shall have the right to declare this Agreement terminated and to re-enter the property and take possession upon either of the following events:
- i. Payments.** If payment obligations, including but not limited to utility bills, remains unpaid for a period of sixty (60) days after it is due; or
 - ii. Other Obligations.** If any default is made in this Agreement, by Tenant, and is not corrected after sixty (60) days written notice to the Tenant. Where the default is of such nature that it cannot be reasonably remedied within the 60 days period, the Tenant shall not be deemed in default if the Tenant proceeds with reasonable diligence and good faith to effect correction of the default.
- B. Court Action.** It is understood that either party shall have the right to institute any proceeding at law or in equity against the other party for violating or threatening to violate any provision of this Agreement. Proceedings may be initiated against the violating party for a restraining injunction or for damages or for both. In no case shall a waiver by either party of the right to seek relief under this provision constitute a waiver of any other or further violation.

XIV. AMENDMENT OF AGREEMENT

The terms of this Agreement shall not be altered, waived, modified, supplemented or amended in any manner whatsoever except by written instrument signed by the parties.

XV. INTERPRETATION OF TERMS

Words, term, phrases that are not specifically defined in this Agreement shall have the ordinary meaning ascribed to them unless the context clearly indicates otherwise. When not inconsistent with the context, words used in the present tense include the future, words in the plural number

shall include the singular and words in the singular include the plural. The word "shall" is mandatory and not merely directive.

XVI. CONSTRUCTION

The provisions of this Agreement shall be construed in accordance with the laws of the State of Oregon. Any action or suits involving any question of construction arising under this Agreement must be brought in an appropriate court in the State of Oregon.

XVII. SEVERABILITY

The parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

XVIII. ASSIGNMENTS AND RELATION TO OTHER AGREEMENTS

The provisions of this Agreement shall bind and shall insure to the benefit of the parties and their respective successors and assigns.

XIX. IMPOSSIBILITY OF PERFORMACE

Neither party shall be liable or deemed to be in default for any delay or failure to perform under this Agreement resulting from Acts of God, civil or military authority, acts of public enemy, war, civil disturbances, accidents, fires, explosions, floods, energy shortages, material disruptions, transportation contingencies or any other causes beyond its control.

The City of Silverton is a municipal corporation and is obligated under the budget laws of the State of Oregon known as Local Budget Law. Any provision of this Agreement which is not in conformance with the Local Budget Law is null and void. Further, the City of Silverton cannot expend monies beyond the revenues received. The City of Silverton authorizes expenditures in accordance with its budget and revenue projections. If the City of Silverton does not receive revenues in accordance with its projections, expenditures must be decreased. If the City Council determines that it is in the best interest of the City of Silverton, due to budgetary reasons, not to make expenditure, the City of Silverton may withhold payment.

XX. WAIVER

The failure of either party to enforce any provision of this Agreement shall not constitute a waiver by the party of that or any other provision.

XXI. ATTORNEY FEES

If any action, suit or proceeding is brought to enforce the provisions of this Agreement, the prevailing party shall be entitled to such additional sums as the court may adjudge for reasonable attorney fees and costs in such action, suit or proceeding and in any appeal therefrom.

XXII. DISCRIMINATION

The parties agree not to discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, age, mental or physical disability, veteran's status, genetic information or any other protected status or activity in accordance with applicable law in the performance of this Agreement.

XXIII. TERMINATION

- A. Immediate Termination.** Where a specific violation of the Agreement gives the Landlord the option to terminate this Agreement immediately, this Agreement shall be terminated upon written notification to the Tenant.
- B. Termination with 30 Days' Notice.** This Agreement may be terminated for any reason by either party by providing the other party with thirty (30) days written notice of intent to terminate.
- C. Surrender Upon Termination.** Upon termination or the expiration of the term of the Agreement, the Tenant will quit and surrender the property to the Landlord in as good order and condition as it was at the time the Tenant first entered and took possession of the property under this or a prior Agreement, usual wear and damage by the elements excluded.
- D. Restoration of Property.** Upon termination or expiration of this Agreement or Tenant's vacating the premises for any reason, the Tenant shall, at its own expense, remove and properly dispose of all tanks, structures, and other facilities containing waste products, toxic, hazardous, or otherwise, which exist on the property or beneath its surface. Tenant shall comply with all applicable state and federal requirements regarding the safe removal and proper disposal of said facilities containing waste products. If the Tenant fails to comply or does not fully comply with this requirement, the Tenant agrees that the Landlord may cause the waste products and facilities to be removed and properly disposed of, and further agrees to pay the cost thereof with interest at the legal rate from the date of expenditure.
- E. Holding Over.** No holding over upon expiration of this Agreement shall be construed as a renewal thereof. Any holding over by the Tenant after the expiration of the term of this Agreement or any extension thereof shall be as a tenant from month-to-month only and not otherwise.

XXIV. NOTICES

The City Manager is hereby appointed as Landlord's agent and the Board President is hereby appointed as Tenant's agent for the purposes of administering this Agreement. All notice shall be provided to the parties as follows:

NOTICE TO LANDLORD

Attention: Christy Wurster
Title: City Manager
Agency: City of Silverton
Address: 306 S. Water Street
Silverton, OR 97381

Phone: 503-874-2205
FAX: 503-873-3210
E-mail: cwurster@silverton.or.us

NOTICE TO TENANT

Mike Grady
Board President
Silverton Area Community Aid
421 S. Water Street
PO Box 1305
Silverton, OR 97381

503-873-3446
503-873-2276
saca.director@gmail.com

CITY OF SILVERTON

City Manager Date

SILVERTON AREA COMMUNITY AID

 9/14/18

Board President Date

ATTEST:

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

 9/10/18

Sarah DeSantis, Executive Director Date

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	7.2	Agreement with Silver Falls School District for video production services
	Agenda Type:	
	Consent Agenda	
	Meeting Date:	
October 1, 2018		
Prepared by:	Reviewed by:	Approved by:
Elizabeth Gray	Christy S. Wurster	Christy S. Wurster

Recommendation:

Motion authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) with the Silver Falls School District (SFSD) to continue video production services by SCAN-TV.

Background:

The City previously entered into an IGA with SFSD for video production services from October 1, 2015 through September 30, 2018. SFSD, through SCAN-TV, provides both live TV and online streaming coverage of public meetings, including regular City Council meetings, Urban Renewal meetings, Planning Commission meetings, Budget Committee meetings, and special public meetings such as Town Halls. SFSD also provides post-production services before posting the recordings in an online repository, and pre-meeting set-up previously provided under contract by another community member.

Staff met with representatives from SFSD to review the IGA and agreed to sign a two-year agreement. Obligations remain similar to the past contract and reciprocal indemnification clauses have been added at the advice of the City Attorney. Payments are proposed as follows:

Date Range	10/1/2017-9/30/18 (last year of 2015-2018 agreement)	10/1/2018-9/30/19 (Year 1 of 2)	10/1/2019-9/30/20 (Year of 2 of 2)
Payment for production services	\$4,000	\$4,100	\$4,300
Payment for up to 30 minutes of pre-event set-up	n/a	\$250	\$250
Total for contract term	\$4,000 annually, to be paid quarterly	\$4,350 annually, to be paid quarterly	\$4,550 annually, to be paid quarterly

Additionally, SFSD requested to bill for staff time when recording runs past scheduled meeting times, and Staff has included this provision in the IGA.

Budget Impact	Fiscal Year	Funding Source
As outlined above	2018-2019	General Fund

Attachments:

1. Intergovernmental Agreement between SFSD and City of Silverton

Attachment 1 to Agenda Item No. 7.2

INTERGOVERNMENTAL AGREEMENT

VIDEO PRODUCTION SERVICES

This Agreement is between the City of Silverton, Oregon, hereinafter called "CITY" and the Silver Falls School District hereinafter called "DISTRICT".

WHEREAS, CITY owns video production equipment located in the Community Center; and

WHEREAS, DISTRICT is a governmental entity as defined by ORS 190.010; and

WHEREAS, ORS 190.010 provides that a unit of local government may enter into a written agreement with any other unit of local government for the performance of any or all functions that are party to the agreement, its officers and agencies have the authority to perform; and

WHEREAS, DISTRICT appears able to provide video production services and to operate the CITY's video production equipment in an efficient manner; and

WHEREAS, the purpose of this Agreement is to use the CITY's video production equipment in a manner which conserves public resources, avoids duplication of effort, and meets the needs of the CITY, DISTRICT and the general public;

NOW, THEREFORE, in consideration of the terms, conditions and covenants and performances contained herein, the parties agree as follows:

DISTRICT OBLIGATIONS:

1. DISTRICT agrees to operate for CITY the video production equipment installed in the Community Center and to provide CITY with the video production services stated in this Agreement. DISTRICT shall operate said equipment in such a manner as to ensure optimum performance and the highest level of broadcast/technical standards available with the installed equipment.
2. DISTRICT agrees to cablecast "live," and record for later cablecast and streaming within seven (7) CITY business days the following events using CITY's video production equipment:
 - a. A maximum of two (2) City Council meetings per month
 - b. A maximum of two (2) Urban Renewal Agency meetings per month (generally held immediately preceding the City Council Meetings)
 - c. A maximum of one (1) Planning Commission meeting per month
 - d. A maximum of three (3) Budget Committee meetings per year
 - e. Additional hours of other government related programming per year, as requested by CITY, provided that reasonable notice is given to DISTRICT, and DISTRICT is capable of providing said programming based upon available staffing.

3. Any other event not specified in paragraph 2 above that CITY requests DISTRICT to have taped or cablecast shall be considered separate from this Agreement. DISTRICT will consider such requests for productions not specified above, provided that DISTRICT has personnel, programming, and other resources available, and that at least two weeks' notice is given to DISTRICT by CITY. DISTRICT reserves the right to refuse any additional production requests if resources are not available to cover the event.
4. DISTRICT shall maintain a list of qualified operators to run CITY's video production equipment. Such operators shall be trained by DISTRICT staff. DISTRICT agrees to assume responsibility for these operators, who shall not be employees of the CITY.
5. DISTRICT and CITY agree to keep in-house log of equipment use, along with discrepancy report, with the operator's initials for all operators who use the video equipment. A schedule of events and upcoming usage schedule shall be provided to the City on a regular schedule to be posted on the City's website.
6. DISTRICT agrees to conduct (with CITY assistance) an initial inventory, and to provide CITY with an annual inventory thereafter, including model and serial numbers, for all video production equipment.
7. DISTRICT agrees to obtain all necessary licenses, permits and/or permissions for the use of any copyrighted material or any other material otherwise protected by intellectual property rights, regardless of the manner of use of the material and regardless of whether DISTRICT receives any consideration for the use of the material.
8. DISTRICT agrees to indemnify, defend, and hold harmless the CITY, its officers, elected officials, agents and employees against all liability, loss, and costs (including reasonable attorneys' fees) arising from actions, suits, claims, or demands originating from the DISTRICT's performance of this Agreement.

CITY OBLIGATIONS

9. DISTRICT shall receive all SCAN-TV revenue for the operation of the CITY's video production equipment. Such payment shall be made quarterly. Said monies shall be dedicated by DISTRICT for the provision of video production services. At a minimum, CITY shall provide \$4,100 annually to DISTRICT for production. This amount will increase by \$200 annually. CITY shall also provide DISTRICT with \$250 annually to cover up to thirty (30) minutes of set-up time per event. The following table summarizes the payment arrangement:

Date Range	October 1, 2017 – September 30, 2018	October 1, 2018 – September 30, 2019	October 1, 2019 – September 30, 2020
Payment for production services	\$4,000	\$4,100	\$4,300
Payment for up to 30 minutes of pre-event set-up	n/a	\$250	\$250
Total for contract term	\$4,000 annually, to be paid quarterly	\$4,350 annually, to be paid quarterly	\$4,550 annually, to be paid quarterly

10. CITY shall be responsible for additional SCAN-TV staff hours when recording of CITY events exceeds the scheduled meeting time. To request this payment, DISTRICT shall provide CITY with itemized receipts for the time spent and the pay rate of applicable staff member.
11. CITY shall assume financial responsibility for future city-owned equipment upgrades and purchases (for use by CITY) and CITY shall be responsible for any costs incurred due to fire, theft, vandalism, or loss incurred due to equipment failure beyond normal repair or replacement.
12. City shall invest sufficient resources into SCAN-TV equipment to allow DISTRICT to fulfill its obligations.
13. City shall provide DISTRICT an annual calendar of meetings for its City Council, Planning Commission and Budget Committee. City shall provide a minimum of two weeks' notice for additional meetings, but not to exceed the number of meetings per entity listed in Section 2.
14. CITY agrees to indemnify, defend, and hold harmless the DISTRICT, its officers, elected officials, agents and employees against all liability, loss, and costs (including reasonable attorney's fees) arising from actions, suits, claims or demands originating from the CITY's performance under this Agreement.

GENERAL PROVISIONS

15. **Term.** The term of this Agreement shall be from October 1, 2018 to September 30, 2020. This Agreement may thereafter be renewed by mutual agreement of the parties for successive one year terms. Renewals of this Agreement shall be by a written memorandum signed by the City Manager and Silver Falls School District Superintendent or designee.
16. **Contacts.** DISTRICT's designate and primary contact shall be its Superintendent or designee. CITY's primary contact shall be its City Manager or designee. Any notices required by this Agreement shall be in writing and mailed or personally delivered to these contacts at their business address.
17. **Termination.** Any agreement between CITY and DISTRICT may be terminated by either party by giving the other party 60-day written notice. In the event such agreement is terminated in mid-quarter, DISTRICT agrees to refund/reimburse CITY an agreed, pro-rated amount of monies covering the length of service remaining in the current quarter for productions scheduled to be covered.
18. **Worker's Compensation Insurance.** DISTRICT is a subject employer under the Oregon worker's compensation law and shall comply with ORS 656.017 which requires it to provide worker's compensation coverage for all their subject workers, unless otherwise exempted by state law.

CITY OF SILVERTON

SILVER FALLS SCHOOL DISTRICT

By: _____



Dated: / /

9 / 20 / 2018

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	7.3	Resolution No. 18-22 Approving an addition to the City's Stormwater Capital Improvement Program
	Agenda Type:	
	Consent Agenda	
	Meeting Date:	
October 1, 2018		
Prepared by:	Reviewed by:	Approved by:
Petra Schuetz	Christy S. Wurster	Christy S. Wurster

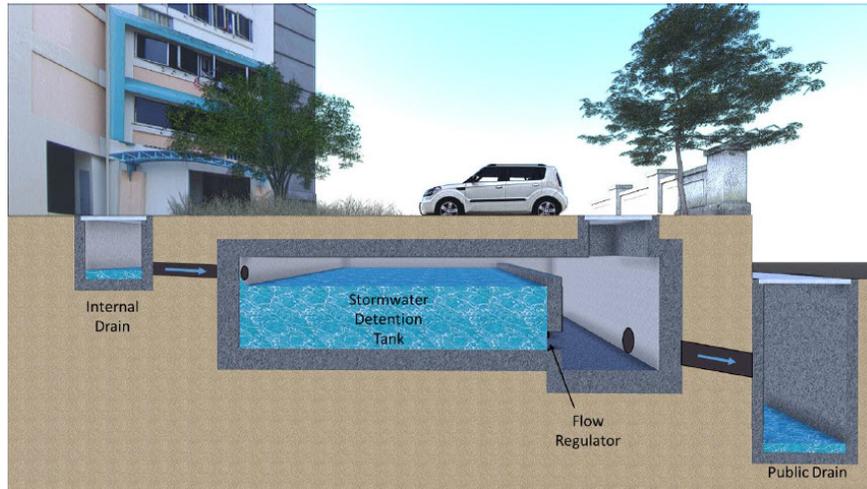
Recommendation:

Consider approving the addition of a stormwater project to the Stormwater Capital Improvement Plan (CIP).

Background:

Onsite Detention

When commercial, industrial, multifamily and manufactured home developments exceed 10,000 square foot of impervious area, they are generally required to provide an onsite underground detention system that meets City standards. In meeting this standard, an SDC credit of up to 60% of the storm Improvement SDC can be approved.



Example of simple stormwater detention system.

In a recent case, Pioneer Village Phase IV oversized the stormwater pipe related to the detention system; meeting the minimum requirement to support future development and was administratively credited 60% of the Stormwater Improvement SDC. When this type of public improvement is made, the City is required to update the respective CIP in a timely manner.

Improvement SDCs

The storm system improvement SDC is specifically based on the City of Silverton's 20-Year Capital Improvements Plan (see Attachment 2). The methodology used commonly for setting the basis of storm drainage improvement SDC's is estimated impervious area created by the particular development or development type. Since storm drainage is mainly a need created by added storm water run-off, it follows that the amount of change in the impervious area is directly

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

related to the extent of capacity improvements needed, therefore the breakdown of projected units of development and estimated square footage of impervious becomes the basis of the calculation.

Stormwater Systems Development Charges Overview

ORS 223.297 through 223.314 establishes a uniform framework for governmental units to impose systems development charges (SDC)s to pay for capital improvements, including facilities or assets used for stormwater. Such charges may be assessed or collected "at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital "improvement." ORS 223.299(4)(a). The statute allows imposition of systems development charges for costs associated with capital improvements to be constructed ("improvement fees") and capital improvements already constructed or under construction ("reimbursement fees") ORS 223.304.

The statute also provides for credits against fees for the construction of qualified public improvements. ORS 223.304 (3),(4). Under ORS 223 .304(1), reimbursement fees must be established by ordinance or resolution setting forth a methodology that considers the cost of the existing facility or facilities, prior contributions by existing user, the value of unused capacity, rate-making principles employed to finance publicly owned capital improvements and other relevant factors identified by the local government imposing the fee. The methodology shall promote the objective of further system users contributing no more than and equitable share to the cost of existing utilities.

As relevant to the City's proposed SDC, ORS 223.307(2) authorizes improvement fees on new development to help cover the costs of capacity increasing capital improvements. Under (ORS 223.309(1), such improvements must be identified in a capital improvement plan, public facilities plan, or similar plan which lists the capital improvements which may be funded with improvement fee revenues and the estimated cost and timing for each improvement. Consistent with ORS 223.307(2), the capital improvements identified in this report are limited to those which are capacity increasing. Their inclusion in a plan as defined in ORS 223.309(1) assures compliance with that requirement of the statute.

Under ORS 223.304(2), improvement fees must be established by ordinance or resolution setting forth a methodology that considers the costs of the projected capital improvements needed to increase the capacity of the systems to which the fee is related. The statute requires no specific methodology. However, there must be a rational basis for the charge, i.e. the costs imposed on development must reasonably relate to the impacts created by the development and the overall costs of the improvements. Silverton uses a methodology based on the potential rate of demand on the storm system by a particular development. This potential is directly related to the same basis of demand used in developing the water and sewer units of equivalency, namely the water meter size equivalency together with some consideration of the use characteristics of the development. This methodology reasonably provides for the fair and equitable distribution of costs, and therefore, satisfies the requirements of the state law.

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

Budget Impact	Fiscal Year	Funding Source
None	2018-2019	N/A

Attachments:

1. Draft Resolution No. 18-22

Attachment 1 to Agenda Item No. 7.3

CITY OF SILVERTON
RESOLUTION

18-22

A RESOLUTION OF THE SILVERTON CITY COUNCIL ADOPTING AN UPDATED CAPITAL IMPROVEMENT PLAN (CIP) FOR STORMWATER IMPROVEMENTS

WHEREAS, the City adopted a Stormwater Capital Improvement Plan (CIP) in 2012 which did not include Pioneer Village IV related stormwater improvements; and

WHEREAS, there is a significant stormwater component in the Pioneer Village IV improvements Project that is capacity increasing; and

WHEREAS, the City desires to accurately reflect new infrastructure improvements associated with the significant impact since 2012 in the South East area of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SILVERTON, AS FOLLOWS:

Section 1: The Stormwater Capital Improvement Plan (CIP) is updated by adding stormwater improvements on Water Street.

Section 2: That this resolution is and shall be effective after its passage by the City Council.

Resolution adopted by the City Council of the City of Silverton, this 1st day of October, 2018.

ATTEST

Mayor, City of Silverton
Kyle Palmer

City Manager/Recorder, City of Silverton
Christy S. Wurster

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	7.4	Approval To Rebuild Wastewater Treatment Plant (WWTP) Secondary Clarifier Gear Drive Unit
	Agenda Type:	
	Consent Agenda	
	Meeting Date:	
October 1, 2018		
Prepared by:	Reviewed by:	Approved by:
Steve Starner	Petra Schuetz	Christy Wurster

Recommendation:

A motion to authorize the City Manager to enter into Purchasing Proposal No. Q121617 with Rebuild-it Services Group in the amount of \$57,759.00 for the purpose of repairing the 1983 secondary clarifier drive unit.

Background:

The bridge supported worm gear drive unit in the No. 1 secondary clarifier at the WWTP failed in February, 2018, after 35 years of continuous duty service. The gear drive is manufactured by Walker Process Equipment. The only representative of Walker Process Equipment in Oregon is Beaver Equipment Specialty Company, Inc. Rather than replacing the gear drive with new equipment, at a cost of \$219,484.20, Rebuild-it Services Group (working under Beaver Equipment) is capable of refurbishing the drive unit and providing a two year warranty for the repair work.

Budget Impact	Fiscal Year	Funding Source
\$57,759.00	2018-2019	030-030-81003

Attachments:

1. Public Works memo
2. Purchase Proposal No. Q121617
3. Sole source letter from Beaver Equipment

Attachment 1 to Agenda Item No. 7.4

City of Silverton

Public Works Department

To: Petra Schuetz, Public Works Director
From: Steve Starner, Water Quality Supervisor
Date: September 20, 2018
RE: WWTP No. 1 Secondary Clarifier Drive Unit Repair

In February, 2018, after 35 years of service, the components of the clarifier drive unit succumbed to metal fatigue and failed to operate. Operators took the clarifier out of service and switched all treatment flow to clarifier no. 2.

The equipment manufacturer, Walker Process Equipment, was notified of the performance problems, and directed operators to contact the local representative, Beaver Equipment Specialty Company. After a site visit, Beaver Equipment determined the major components of the drive could be machined and reused rather than replacing the entire unit with brand new equipment. On that basis, a price quote was submitted and used for budgeting purposes, specifically during the May 17, 2018 Budget Committee meeting.

With the completion of the UV reaction chamber and controls replacement project, the Rebuild-it Services Group is ready to mobilize and begin the repairs to the clarifier drive. Having the clarifier in service for wet weather will improve the detention time for wastewater treatment and ensure good effluent quality.

Rebuild-it Services Group
6810 South 300 West, Suite 8
Midvale, UT 84047
www.rebuild-it.com



PROPOSAL DATE: February 10, 2018

PROPOSAL NUMBER: Q121617

PREPARED FOR:

Silverton, OR WWTP
Silverton, OR

SCOPE OF WORK:

Rebuild an existing Walker drive with turn-key labor services.

PREPARED BY:

Rebuild-it Services Group, LLC.
6810 South 300 West, Suite 8
Midvale, Utah 84047
Terry A. Reyburn
Main: (888) 709-5676
Direct: (385) 235-6924
Mobile: (801) 828-5369
E-Mail: treyburn@rebuild-it.com
Website: rebuild-it.com

REPRESENTED BY:

Ken Black
Beaver Equipment
Oregon City, OR
503-351-2992
Kenb@beaver-equipment.com

P R O P O S A L



Proposal No. Q121617

PROJECT SUMMARY:

Rebuild-it Services Group, LLC. (RSG) is pleased to provide the following proposal to rebuild (1) existing Walker 42A Drive unit for the Silverton, OR WWTP. This rebuild is for an existing 80' dia. Sightwell Clarifier # UW33501, 1983.

REBUILD SCOPE OF WORK:

***Option 1 will include the following:**

- Site mobilization and travel time to the job site
- Removal of the existing 42" drive unit.
- Rebuilding of the Walker 42" drive unit. Includes the following:
 - Disassemble and inspect the drive unit
 - Steam Clean and evaluate all parts
 - Provide an inspection report indicating the condition of the parts and provide a final recommendation for the drive rebuild.
 - Blast and clean all major reused parts for the drive unit; which includes the main gear, base or housing(s), pinion, worm gear, end cap and covers.
 - Replace all wear items; such as bearings, seals, gaskets, keys, retaining rings, gauges, site glasses, piping and fasteners.
 - Machine and polish all re-useable parts as needed.
 - New motor and components
 - Re-assemble, paint, inspect and test the drive unit.
 - Rebuild torque control device.
 - Painting: Inside and out. (2) Coats Themec epoxy paint @ 3-5 mils each coat. SSPC-6 blast and metal prep is applied.
 - Freight to and from the job site. (included in turn-key job)
 - Warranty on parts and workmanship.

Item that are not included:

- Major components that are typically re-used as part of the rebuild scope. Pinions, worm gear, main gear, housings, shafts and covers. (unless otherwise indicated)
- Special paint or lubricants.
- Operation and maintenance manual.

Note: This pricing is based on a typical (standard) rebuild and does not include the replacement of major components, i.e. gears, precision bearing, pinion, housings and covers. If any other these items are deemed to be replaced, there will be an additional charge for these item(s).

- Demobilization of personnel and equipment.
- Support of superstructure as needed

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- Crane, mats, rigging equipment as needed.
- Rake and drive leveling
- One shift – up to 10 hours per day.
- Field service start-up services.

Labor services do not include the following:

- Draining and cleaning of the tank
- Electrical connect or disconnect (optional pricing)
- Over-time work hours or additional days
- Disposing of old debris/parts
- Replacement of any clarifier part not mentioned above
- Lubrication for drive unit

PRICING:

Pricing to rebuild (1) Walker 42" drive and labor services as described above.....\$57,759.00

Estimate lead time is 1-2 days to remove the drive; 3-4 weeks to rebuild the drive and 2 days to re-install it.

RSG will rebuild this drive in Midvale, Utah and the pricing includes the freight each way.

The work to be performed in (2) mobilizations.

Optional pricing for electrical disconnect and re-connect \$ 5,100.00

Please be sure to reference this quotation number and date on your purchase order. Remit order to:

Rebuild-it Services Group, LLC.
 P.O. Box 651206
 Salt Lake City, Utah 84165
 Attention: Candace King, cking@rebuild-it.com

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Proposal No. Q121617

PRICING AND PAYMENT TERMS:

We appreciate the opportunity to offer our parts & services. Upon receipt of an order, we assure you of our continued interest and service. RSG will provide the best service possible to ensure we exceed your expectations.

This proposal, including all terms and conditions contained herein, shall become part of any resulting contract or purchase order. Changes to any terms and conditions, including but not limited to submittal and shipment days, payment terms, and escalation clause shall be negotiated at order placement, otherwise the proposal terms and conditions contained herein shall apply.

Terms: If not outline otherwise in the proposal, terms for the parts and/or equipment are 100% due after shipment or service is completed. Net 30 days from shipment or after service is completed. The prices are good for 60 days.

Sales Tax: No sales taxes, use taxes, or duties have been included in our pricing. Unless you live in Utah, we are not registered to collect sales tax in your state. If you are not tax exempt, please remit taxes directly to the governing authorities.

Freight: Prices quoted are F.O.B. shipping point with freight prepaid and added to a readily accessible location nearest to jobsite, unless otherwise indicated. All claims for damage or loss in shipment shall be initiated by purchaser.

Shipment: Shipping times noted within this proposal are estimated and will be finalized once an order has been received and accepted.

Field Service: Prices do not include field service unless noted in the rebuild scope of work description. Additional field service is available at \$900.00 per day plus expenses.

OEM Parts: If applicable RSG will quote OEM factory parts furnished by FLSmidth USA, Inc. FLSmidth owns EIMCO® and Dorr-Oliver™ registered trademarks. FLSmidth is the sole owner of EIMCO® and Dorr-Oliver® registered trademarks and brand names.



EIMCO & Dorr-Oliver: RSG is the only authorized distributor for EIMCO and Dorr-Oliver parts and services for FLSmidth in the municipal market. No other company is authorized to use the EIMCO or Dorr-Oliver name or trademark unless approved by FLSmidth or Rebuild-it Services Group.

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WARRANTY & TERMS AND CONDITIONS:

Parts and/or Equipment manufactured or rebuilt and sold by Rebuild-it Services Group, once paid for in full, is backed by the following warranty:

For the benefit of the original user, RSG warrants all new parts and equipment sold or rebuilt RSG, LLC. to be free from defects in material and workmanship, and will replace or repair, F.O.B. its factories or other location designated by it, any part or parts returned to it which RSG's examination shall show to have failed under normal use and service by the original user within two (2) years following initial start-up, or two (2) years and six (6) months from shipment to the purchaser, whichever occurs first.

Such repair or replacement shall be free of charge for all items except for those items such as resin, filter media and the like that are consumable and normally replaced during maintenance, with respect to which, repair or replacement shall be subject to a pro-rata charge based upon RSG's estimate of the percentage of normal service life realized from the part. RSG's obligation under this warranty is conditioned upon its receiving prompt notice of claimed defects, which shall in no event be later than thirty (30) days following expiration of the warranty period, and is limited to repair or replacement as aforesaid.

This warranty is expressly made by RSG and accepted by purchaser in lieu of all other warranties, including warranties of merchantability and fitness for particular purpose, whether written, oral, express, implied, or statutory. RSG shall not be liable for normal wear and tear, corrosion, or any contingent, incidental, or consequential damage or expense due to partial or complete inoperability of its equipment for any reason whatsoever.

This warranty shall not apply to equipment or parts thereof which have been altered or repaired outside of a RSG factory, or damaged by improper installation, application, or maintenance, or subjected to misuse, abuse, neglect, accident, or incomplete adherence to all manufacturer's requirements, including, but not limited to, Operations & Maintenance Manual guidelines & procedures.

This warranty applies only to equipment made or sold by Rebuild-it Services Group, LLC (RSG).

RSG makes no warranty with respect to parts, accessories, or components purchased by the customer from others. The warranties which apply to such items are those offered by their respective manufacturers.

CONFIDENTIALITY:

All the information in this quotation is confidential and has been prepared for your use solely in considering services described. Transmission of all or any parts of this information to others or use by you for other purposes is unauthorized without our written consent.

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Proposal No. Q121617

TERMS AND CONDITIONS:

Terms and Conditions appearing in any order based on this proposal which are inconsistent herewith shall not be binding on Rebuild-it Services Group (RSG). The sale and purchase of equipment described herein shall be governed exclusively by the foregoing proposal and the following provisions:

1. **SPECIFICATIONS:** RSG is furnishing its standard equipment as outlined in the proposal and as will be covered by final approved drawings if applicable. The equipment will, however, meet the general intention of the mechanical specifications of these documents.
2. **ITEMS INCLUDED:** This proposal includes only the equipment specified herein and does not include erection, installation, accessories, nor associated materials such as controls, piping, etc., unless specifically listed.
3. **PRICE AND DELIVERY:** All selling prices quoted are subject to change without notice after 30 days from the date of this proposal unless specified otherwise. Unless otherwise stated, all prices are F.O.B. RSG or its supplier's shipping points. All claims for damage, delay or shortage arising from such equipment shall be made by Purchaser directly against the carrier. When shipments are quoted F.O.B. job site or other designation, Purchaser shall inspect the equipment shipped, notifying RSG of any damage or shortage within forty-eight hours of receipt, and failure to so notify RSG shall constitute acceptance by Purchaser, relieving RSG of any liability for shipping damages or shortages.
4. **PAYMENTS:** All invoices are net 30 days. Delinquencies are subject to a 1.5 percent service charge per month or the maximum permitted by law, whichever is less on all past due accounts. Pro rata payments are due as shipments are made. If shipments are delayed by the Purchaser, invoices shall be sent on the date when RSG is prepared to make shipment and payment shall become due under standard invoicing terms. If the work to be performed hereunder is delayed by the Purchaser, payments shall be based on the purchase price and percentage of completion. Products held for the Purchaser shall be at the risk and expense of the Purchaser. Unless specifically stated otherwise, prices quoted are for equipment only. These terms are independent of and not contingent upon the time and manner in which the Purchaser receives payment from the owner.
5. **INSTALLATION SUPERVISION:** Prices quoted for equipment do not include installation supervision, unless otherwise noted. RSG recommends and will, upon request, make available, RSG's then current rate, an experienced installation supervisor to act as the Purchaser's employee and agent to supervise installation of the equipment. Purchaser shall at its sole expense furnish all necessary labor equipment, and materials needed for installation.

Responsibility for proper operation of equipment, if not installed by RSG or installed in accordance with RSG or original manufacture instructions, and inspected and accepted in writing by RSG or manufacture representing RSG.

RSG will supply the safety devices described in this proposal or shown in RSG's or manufacture represented drawings furnished as part of this order but excepting these, RSG shall not be required to supply or install any safety devices whether required by law or otherwise. The Purchaser hereby agrees to indemnify and hold harmless RSG from any claims or losses arising due to alleged or actual insufficiency or inadequacy of the safety devices offered or supplied hereunder, whether specified by RSG or Purchaser, and from any damage resulting from the use of the equipment supplied hereunder.
6. **ACCEPTANCE OF PRODUCTS:** Products will be deemed accepted without any claim by Purchaser unless written notice of non-acceptance is received by RSG within 30 days of delivery if shipped F.O.B. point of shipment, or 48 hours of delivery if shipped F.O.B. point of destination. Such written notice shall not be considered received by RSG unless it is accompanied by all freight bills for said shipment, with Purchaser's notations as to damages, shortages and conditions of equipment, containers, and seals. Non-accepted products are subject to the return policy stated below.
7. **TAXES:** Any federal, state, or local sales, use or other taxes applicable to this transaction, unless specifically included in the price, shall be for Purchaser's account.
8. **INSURANCE:** From date of shipment until the invoice is paid in full, Purchaser agrees to provide and maintain at its expense, but for RSG benefit, adequate insurance including but not limited to, builders risk insurance on the equipment against any loss of any nature whatsoever.
9. **SHIPMENTS:** Any shipment of delivery dates recited represent RSG's best estimate but no liability, direct or indirect, is assumed by RSG for failure to ship or deliver on such dates.

RSG shall have the right to make partial shipments; and invoices covering the same shall be due and payable by Purchaser in accordance with the payment terms thereof. If Purchaser defaults in any payment when due hereunder, RSG may, without incurring any liability therefore to Purchaser or Purchaser's customers, declare all payments immediately due and payable with maximum legal interest thereon from due date of said payment, and at its option, stop all further work and shipments until all past due payments have been made, and/or require that any further deliveries be paid for prior to shipment.

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If Purchaser requests postponements of shipments, the purchase price shall be due and payable upon notice from RSG that the equipment is ready for shipment; and thereafter any storage or other charge RSG incurs on account of the equipment shall be for the Purchaser's account.

If delivery is specified at a point other than RSG or its supplier's shipping points, and delivery is postponed or prevented by strike, accident, embargo, or other cause beyond RSG reasonable control and occurring at a location other than RSG or its supplier's shipping points, RSG assumes no liability in delivery delay. If Purchaser refuses such delivery, RSG may store the equipment at Purchaser's expense. For all purposes of this agreement such tender of delivery or storage shall constitute delivery.

10. SURFACE PREPARATION AND PAINTING: If furnished, shop primer paint is intended to serve only as minimal protective finish. RSG will not be responsible for the condition of primed or finish painted surfaces after equipment leaves its shops. Purchasers are invited to inspect paint in shops for proper preparation and application prior to shipment. RSG assumes no responsibility for field surface preparation or touch-up of shipping damage to paint. Painting of fasteners and other touch-up to painted surfaces will be by Purchaser's painting contractor after mechanism installation.

11. RETURN OF PRODUCTS: No products may be returned to RSG without RSG's prior written permission. Said permission may be withheld by RSG at its sole discretion.

12. BACK CHARGES: RSG will not approve or accept back charges for labor, materials, or other costs incurred by Purchaser or others in modification, adjustment, service, or repair of RSG furnished materials unless such back charge has been authorized in advance in writing by a RSG employee and a purchase order, or work requisition signed by RSG.

13. INDEMNIFICATION: Purchaser agrees to indemnify RSG from all costs incurred, including but not limited to court costs and reasonable attorney fees, from enforcing any provisions of this contract, including but not limited to breach of contract or costs incurred in collecting monies owed on this contract.

14. ENTIRE AGREEMENT: This proposal expresses the entire agreement between the parties hereto superseding any prior understandings, and is not subject to modification except by a writing signed by an authorized officer of each party.

15. EXTENDED STORAGE: Extended storage instructions will be part of information provided to shipment. If equipment installation and start-up is delayed more than 30 days, the provisions of the storage instructions must be followed to keep WARRANTY in force.

16. LIABILITY: Professional liability insurance, including but not limited to, errors and omissions insurance, is not included. In any event, liability for errors and omissions shall be limited to the lesser of 25,000USD or the value of the particular piece of equipment (not the value of the entire order) supplied by RSG against which a claim is sought.

17. ARBITRATION NEGOTIATION: Any controversy or claim arising out of or relating to the performance of any contract resulting from this proposal or contract issued, or the breach thereof, shall be settled by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered to any court having jurisdiction.

ACCEPTED BY PURCHASER

Customer Name: _____ Customer Address: _____
 _____ Contact Name: _____
 Contact Phone: _____ Contact Email: _____
 Signature: _____ Printed Name: _____
 Title: _____ Date: _____

PROPOSAL

Attachment 3 to Agenda Item No. 7.4



Division of McNish Corporation

Dedicated to the
Water and
Wastewater Industry

Walker Process Equipment

840 North Russell Avenue
Aurora, Illinois 60506-2853

E-Mail: walker.process@walker-process.com

Website: www.walker-process.com

Phone: 630-892-7921

Fax: 630-892-7951

July 18, 2018

To Whom it May Concern:

This letter is to confirm that Beaver Equipment Specialty Company, Inc. is the Sole Sales Representative of Walker Process Equipment, Division of McNish Corporation (WPE), for the Sale of WPE products and buy-out items within the Entire State of Oregon.

Sincerely,
WALKER PROCESS EQUIPMENT
Division of McNish Corporation

Daniel E. Harker, P.E.
Regional Sales Manager

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	8.1	Development Code Amendment relating to transitional housing accommodations by creating a definition, determining where and how such a use could locate, and drafting regulations and standards for approval.
	Agenda Type:	
	Discussion/Action	
Meeting Date:		
	October 1, 2018	
Prepared by:	Reviewed by:	Approved by:
Jason Gottgetreu	Christy S. Wurster	Christy S. Wurster

Recommendation:

Motion to approve the Development Code Amendments by passing Ordinance 18-22.

Background:

The City Council directed Staff to draft Code language at the March 5, 2018 City Council meeting relating to transitional shelter communities. The Planning Commission held a work session on March 27, 2018 to discuss possible language and wanted there to be a neighborhood meeting held near the area of a proposed transitional housing project to see what issues would arise in order to draft standards to address and mitigate the issues. A neighborhood meeting was held on April 19, 2018.

The Planning Commission held a public hearing at the May 8, 2018 meeting to accept testimony regarding the code language and continued the Hearing to the June 12, 2018 Planning Commission meeting. The Planning Commission made modifications to the language and recommends the City Council adopt the Development Code Amendments.

The City Council held Public Hearings and received testimony at the July 2, 2018, August 6, 2018, and September 10, 2018 meetings. Following closure of the Public Hearing at their meeting on September 10, 2018 the City Council discussed the draft Ordinance and directed Staff to bring back a revised Ordinance for consideration at the October 1, 2018 meeting.

Budget Impact	Fiscal Year	Funding Source
None	2018-2019	N/A

Attachments:

1. City Council Ordinance No. 18-22

CITY OF SILVERTON
ORDINANCE
18-22

AN ORDINANCE OF THE SILVERTON CITY COUNCIL APPROVING AN AMENDMENT TO SILVERTON MUNICIPAL CODE; TITLE 18, DEVELOPMENT CODE AND ZONING MAP RELATING TO TRANSITIONAL SHELTER COMMUNITIES BY CREATING A DEFINITION, DETERMINING WHERE AND HOW SUCH A USE COULD LOCATE, AND DRAFTING REGULATIONS AND STANDARDS FOR APPROVAL.

WHEREAS, the City Council directed Staff to draft Code Language at the March 5, 2018 City Council meeting relating to transitional shelter communities; and

WHEREAS, the Planning Commission held a work session on March 27, 2018 to discuss possible language; and

WHEREAS, the Planning Commission held a public hearing at the May 8, 2018 meeting to accept testimony regarding the code language and continued the Hearing to the June 12, 2018 Planning Commission meeting and reviewed the proposed text amendment to Title 18, Development Code and Zoning Map, of the Silverton Municipal Code and made certain modifications to the proposed amendments; and

WHEREAS, following public testimony, the Planning Commission deliberated and voted to recommend the City Council approve the proposed Development Code amendment; and

WHEREAS, after proper legal notice, a Public Hearing before the City Council was held on July 2, 2018 and the Public Hearing was continued to August 6, 2018 and September 10, 2018 to consider the Development Code Amendment application, DC-18-01. All interested parties participated and had an opportunity to be heard. The City Council reviewed all matters presented to it including the recommendations of the Planning Commission.

NOW THEREFORE THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: Section 1.5.300 of the Silverton Development Code is amended by adding the following definition:

“Transitional Shelter Communities”. Per ORS 446.265. Accommodations that may consist of separate facilities, in the form of sleeping pods or other approved structures, for use as living units by one or more individuals or by families. The person establishing the accommodations shall provide access to water and toilet through separate or shared facilities, and may provide access to shower, laundry, cooking, telephone or other services either through separate or shared facilities. The accommodations shall provide parking facilities and walkways. Transitional housing accommodations shall be limited to persons who lack permanent shelter and cannot be placed in other low income housing.

Section 2: Section 2.2.110 of the Silverton Development Code is amended by adding the following Use Category with the new language in italics:

Section 2.2.110

Uses Use Categories (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC.)	Status of Use in District			
	Single-Family Residential (R-1)	Low Density Residential (R-5)	Multiple-Family Residential (RM-10)	Multiple-Family Residential (RM-20)
Religious institutions and houses of worship - Facilities lawfully established as of November 5, 2008 - New facilities - <i>Transitional Shelter Communities</i> <i>Per the standards in SDC 2.2.200</i>	P CU <i>CU</i>	P CU <i>CU</i>	P CU <i>CU</i>	P CU <i>CU</i>

Section 3: Section 2.8.150 of the Silverton Development Code is amended by adding the following Use Category with the new language in italics:

Public District
2.8.150 Allowed uses.

Use Categories (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC.)	Public (P)
Other Categories	
Religious institutions and houses of worship - <i>Transitional Shelter Communities</i> <i>Per the standards in SDC 2.2.200.N</i>	CU <i>CU</i>

Section 4: Section 2.3.110 of the Silverton Development Code is amended by adding the following Use Category with the new language in italics:

Table 2.3.110 – Uses Permitted in Commercial Districts

Use Categories (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC)	Downtown Commercial (DC)	General Commercial (GC)	Downtown Commercial (DCF)
Religious institutions and houses of worship	P	P	P
- Lawfully existing as of November 5, 2008			
- New facilities	CU	CU	CU
- <i>Transitional Shelter Communities</i> <i>Per the standards in SDC 2.2.200</i>	<i>CU</i>	<i>CU</i>	<i>CU</i>

Section 5: Section 2.4.110 of the Silverton Development Code is amended by adding the following Use Category with the new language in italics:

Table 2.4.110

Uses (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC)	Status of Use in District		
	Industrial (I)	Light Industrial (LI)	Industrial Park (IP)
<i>Institutional Categories</i>			
Religious institutions and houses of worship			
- Lawfully existing as of November 5, 2008	P	P	P
- New facilities	N	N	N
- <i>Transitional Shelter Communities</i> <i>Per the standards in SDC 2.2.200.N</i>	<i>CU</i>	<i>CU</i>	<i>CU</i>

Section 6: Section 2.2.200.N of the Silverton Development Code is created by adding the following:

SDC.2.2.200 N - Transitional Shelter Communities. Transitional shelter communities shall comply with the following standards:

- A. Transitional shelter communities are allowed on land that is currently in use as a Religious institution or place of worship per SDC 1.6.490.
- B. Shelter Unit Type: Shelter units shall be stick-built structures or prefabricated structures but may not have fabric walls or roofs (e.g., tents, yurts, and membrane structures). Shelter units may not be vehicles, residential trailers, or manufactured dwellings. Each shelter unit shall be detached from any other shelter unit. Design of the units shall be compatible with the surrounding area.
- C. Maximum Building Floor Space: The maximum building floor space for each shelter unit is 200 square feet.
- D. Maximum number of units: The maximum number of units per parcel is one for every 10,000 square feet of area of the site the units are to be located on, rounded to the nearest whole number, or four units, whichever is less.
- E. Maximum number of sites. Only two sites in the City are allowed to be operated as a Transitional Shelter Community at any one time.
- F. Length of Stay is limited to 18 months for each participant.
- G. Bathrooms and Kitchens: Bathrooms and kitchens are prohibited in the shelter units. Instead, common permanent bathroom facilities available all hours of all days shall be provided for the residents and kitchen facilities may be provided to residents.
- H. Utilities: Water service, sanitary sewer service, natural gas service, propane heaters, and generators are prohibited in the shelter units but are permitted in common facilities. Adequate trash and recycling service is to be provided in the vicinity of the use.
- I. Storage: No outdoor storage is permitted, excluding bicycles. Residents shall be provided with enclosed, secure storage facilities for their belongings.
- J. Fencing: The transitional shelter community shall be adequately fenced from abutting properties (does not include adjacent properties) with sight-obscuring fencing a minimum of six feet in height.
- K. Minimum Rear and Side Yard Depth: The minimum rear and side yard depth is five feet, except that if the rear or side yard abuts a Residential District, the minimum shall be 20 feet from the abutting lot line.
- L. Minimum Structure Separation: Structures shall be separated from one another by a minimum of six feet.
- M. Conditional Use: Transitional shelter communities shall be reviewed as a Conditional Use, however no fee shall be charged for such review.

- N. Periodic Review and Renewal. Transitional shelter communities shall require periodic review and renewal. The first periodic review and renewal shall be conducted six months from occupancy and shall follow the Conditional Use review procedure. If renewal is approved, periodic review and renewal shall be conducted annually from that point, following the Conditional Use review procedure.
- O. Financial security (bonds, petitions, cash, etc.) to ensure the removal of the improvements should approval not be renewed shall be provided to the City prior to occupancy.
- P. The person in charge (owner-occupant, tenant, lessee or person other than an owner who has possession and/or control of the property) shall provide Local Contact Information, name and telephone number, to all property owners and residents within 500 feet of the site on an annual basis. The local contact person must be available to accept and immediately respond to telephone calls during business hours. Any change in local contact person must be reported to the City and property owners and residents within 500 feet of the site at least seven days prior to the date the change takes effect.
- Q. An operations, security, and case management plan for the transitional shelter community shall be submitted to the city at the time of application for review and approval.
- R. Code of Conduct. The managing agency shall provide to all residents of the transitional shelter community a code of conduct for living at the transitional shelter community, including information regarding the Noise Disturbance standards of SMC 8.04.055, the Chronic Nuisance Property standards of SMC 8.06, and the Periodic Review and Renewal timetable. A copy of the code of conduct shall be submitted to the city at the time of application for review and approval.
- S. Priority should be given to individuals that have been living within or near Silverton for the past year.
- T. Occupancy shall be limited to one person per shelter unit.

Section 7: A full copy of all text amendments and findings of fact can be found in file DC-18-01, located in the Community Development Department at City Hall.

Section 8: This ordinance shall be reviewed by the City Council within 18 months after occupancy has been granted for the first Transitional Shelter Community.

Section 9: This ordinance shall be effective upon and from 30 days of adoption.

Ordinance adopted by the City Council of the City of Silverton, this 1st day of October, 2018.

Mayor, City of Silverton
Kyle Palmer

ATTEST:

City Manager/Recorder, City of Silverton
Christy S. Wurster

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	8.2	Resolution No. 18-23 – Amending the Business License Fee Schedule
	Agenda Type:	
	Discussion/Action	
	Meeting Date:	
October 1, 2018		
Prepared by:	Reviewed by:	Approved by:
Jason Gottgetreu	Christy S. Wurster	Christy S. Wurster

Recommendation:

Staff recommends the City Council approve the attached Resolution 18-23 updating the Business License Fee Schedule.

Background:

The City Council met on July 16, 2018 to discuss the fee structure and categories for Transient Merchants and directed staff to draft language that would place mobile food vendors into a separate license category.

Budget Impact	Fiscal Year	Funding Source
Minimal	2018-2019	N/A

Attachments:

1. Transient Merchant Staff Memo, September 17, 2018
2. Resolution 18-23

City of Silverton
Community Development Department
306 South Water Street
Silverton, OR 97381
(503) 874-2207
Jgottgetreu@silverton.or.us



MEMO

DATE: September 17, 2018
FROM: Jason Gottgetreu, Community Development Director
TO: City Council
RE: Transient Merchant Review

The City Council met on July 16, 2018 to discuss the fee structure and categories for Transient Merchants and directed staff to draft language that would place mobile food vendors into a separate license category. Mobile food vendor, means any kiosk, shed, shelter, trailer, vehicle, wagon, or other similar device which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, drive-through, curbside, or walk-up service that remains in or on any one site or tax lot. Mobile food vendors are governed in part by Silverton Development Code section 2.3.160.B, which requires that a city transient merchant permit is obtained pursuant to Chapter 5.40 Regulation of Transient Businesses Silverton Municipal Code.

Transient business means any person selling goods, wares, services or merchandise at a fixed temporary location or door-to-door on public or private property or otherwise conducts business for a fixed temporary period of time regardless of whether they associate temporarily with any local dealer, trader, merchant or auctioneer or by conducting such temporary business in connection with or as a part of or in the name of any local dealer, trader, merchant, or auctioneer. A transient business license shall expire no later than 90 days of the date the license was issued.

The Council discussion centered on Mobile Food Vendors that are fairly static in their operations. The direction was to create a separate category that dealt with vendors that had a minimum of a one year lease and that did not move around to different sites. The most efficient way to provide a new category is within the Fee Schedule that is adopted by resolution. The SDC standard requires a transient merchant permit and the SMC standard requires the transient license to expire 90 days from the date it was issued.

The staff proposal is to allow a category in the Fee Schedule that allows a Transient Merchant to apply for a permit and prepay for 3 renewals, provided they submit a minimum one year lease as part of the application. This allows staff to review the license once for compliance with standards and provides assurance that the use will locate in the same manner on the site for at least one year. This reduces staff review time by conducting one review a year as opposed to one each 90 day renewal.

The application fee is proposed to be the same amount, given there would only be one staff review for the year timeframe. The amount of review time would be the same as a 90 day permit, the tangible difference in a 90 day transient business versus an annual transient business is the impact on the transportation system, which is why the approach is set up to charge an additional transportation fee rather than have an increased application fee.

Approving a business use for a one year period has more than a temporary impact on traffic, though still not the long term impact of a permanent structure. The proposal is to charge a \$250 Street Maintenance Fee along with the application fee for the direct and indirect use of or benefit derived from use of city's streets. The \$250 fee is the estimated annual impact on the transportation system of a mobile food vendor using the ITE trip generation estimates for a High-Turnover Sit-Down Restaurant and a Fast-Food with Drive-through and No Indoor Seating use.

The total annual fee for a Transient Merchant that locates on a site for at least one year, as evidenced by a lease for a minimum of one year, is proposed at \$450.

Attachment 2 to Agenda Item No. 8.2

CITY OF SILVERTON
RESOLUTION

18-23

A RESOLUTION OF THE SILVERTON CITY COUNCIL AMENDING THE BUSINESS FEE TYPES SET FORTH UNDER THE BUSINESS LICENSE FEE SCHEDULE

WHEREAS, the City Council directed staff to implement a new type of fee for longer term Transient Merchants as set forth in the City’s Business License Fee Schedule; and

WHEREAS, the City Council allowed public comment on the new business license fee at its regular October 1, 2018 City Council meeting; and

WHEREAS, Chapter 5.12 of the Silverton Municipal Code requires license fees to be set by City Council resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF SILVERTON, AS FOLLOWS:

Section 1: The City of Silverton City Council hereby amends the City’s Business License Fee Schedule as set forth below (additions in italics):

Fee Type	Amount	Time Period
Business License 0-4 Full Time Employees, pro-rated quarterly	\$75.00	1 year
Business License 5+ Full Time Employees, pro-rated quarterly	\$125.00	1 year
Transient Merchant less than 3 days	\$100.00	Less than 3 days
Transient Merchant 90 days	\$200.00	90 days
<i>Transient Merchant – Mobile Food Vendor 90 days with 3 prepaid renewals included (minimum one year lease required) and a Street Maintenance Fee</i>	<i>\$200.00 \$250.00 Street Maintenance Fee</i>	<i>90 days (Includes 3 90-day renewals)</i>
Transient Merchant – Non-Profit	Free	90 days
Home Occupation, pro-rated semi-annually	\$50.00	1 year
Tobacco Store	\$50.00 surcharge on business license	1 year

Section 2: That Resolution 09-31 Amending the Business License Fee Schedule is hereby repealed.

Section 3: That this resolution is and shall be effective after passage by the City Council.

Resolution adopted by the City Council of the City of Silverton, this 1st day of October, 2018.

Mayor, City of Silverton
Kyle Palmer

ATTEST

City Manager/Recorder, City of Silverton
Christy S. Wurster

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	8.3	Authorize the City Manager to enter into a MOU and Transient Tax Grant for continued operation of the Oregon Garden
	Agenda Type:	
	Discussion/Action	
	Meeting Date:	
October 1, 2018		
Prepared by:	Reviewed by:	Approved by:
Kathleen Zaragoza	Christy S. Wurster	Christy S. Wurster

Recommendation:

Motion authorizing the City Manager to enter into a Memorandum of Understanding (MOU) (in substantial form) with Moonstone Garden Management (MGM), The Oregon Garden Foundation (The OGF), and Marion County addressing divestment by Marion County and continued operation of the Oregon Garden.

Motion authorizing the City Manager to enter into a Grant Agreement (in substantial form) with the Oregon Garden Foundation (The OGF) for a Transient Tax Grant.

Background:

Marion County proposes to forgive all remaining revenue bond principal and interest, receivership costs and interest, and will divest itself from any secured interest in the property owned by the City of Silverton and operated as the Oregon Garden to ensure that it remains a long-term asset for the City of Silverton. The City, County, the Oregon Garden Foundation, and Moonstone Garden Management, Inc. have been working on an agreement to address the remaining debt owed by the Oregon Garden Foundation as part of the proposal. The parties have now reached a tentative agreement which is encompassed in the attached Memorandum of Understanding.

The City previously entered into an Intergovernmental Agreement (IGA) and Grant Agreement with Marion County and the Oregon Garden Foundation (OGF). This agreement expired September 30, 2018. The continued use of the transient tax funds would provide funding for the OGF to pay the remaining uncollateralized debt owed to the City and others. The new grant agreement will expire on September 30, 2026 or when the receivership debt has been fully repaid to the City and other indebted parties, whichever occurs first.

Budget Impact	Fiscal Year	Funding Source
Outlined in Agreements	2018-2019	Transient Occupancy Tax

Attachments:

1. Memorandum of Understanding Divestment by Marion County and Continued Operation of Oregon Garden
2. Transient Tax Grant Agreement
3. Correspondence from Allison Pennell, Development Director, and Mary McNatt, President, Oregon Garden Foundation

Attachment 1 to Agenda Item No. 8.3

Memorandum of Understanding Divestment by Marion County and Continued Operation of Oregon Garden

A. Parties to the Memorandum of Understanding (MOU):

- Moonstone Garden Management, Inc. (“MGM”);
- The Oregon Garden Foundation (“The OGF”)
- Marion County (“County”); and
- City of Silverton (“City”).

B. Purpose:

This MOU formalizes the relationship, expectations, and responsibilities of the Parties as they work to continue economic success and development of the Oregon Garden, and setting out the obligations for the Oregon Garden that will continue to exist between the remaining three parties: City, The OGF, and MGM.

C. The Parties acknowledge and agree to the Recitals set out as follows:

1. In 1995, the City leased 140 acres to The OGF for a term of 99 years for the purpose of establishing Oregon Garden (the Master Lease). The Master Lease also sets out standards for the City’s effluent reuse. Oregon Garden is a botanical garden open to the public while also providing for the City’s wastewater treatment, irrigation water, and wetlands mitigation. The City is the fee title owner of the property where the Oregon Garden is located.
2. In 2002, at the request of The OGF and the City, in exchange for a secured interest in part of the property (61 acres), the County issued revenue bonds in the amount of \$5,000,000 (“Revenue Bonds”) to be used for economic development in connection with Oregon Garden.
3. The OGF defaulted on its payment obligations, and, in 2005, the County filed in Circuit Court for Receivership against The OGF, the City, and other creditors of The OGF. A Receiver was appointed by the court to take control of The OGF and its assets. A final Receivership Order was entered on February 14, 2008, including a Distribution Plan that covers all revenue received by The OGF, with a prioritization of payment to creditors.
4. Pursuant to the Receivership Order, daily management of Oregon Garden was assigned to MGM under a long term Management Services Agreement. In 2013, the Parties revised the Agreement and entered into the Second Restated Management Services Agreement.

5. Pursuant to the Receivership Order and Second Restated Management Services Agreement, without further action by the County, it will take The OGF an estimated 37 years to repay the non-interest bearing Revenue Bonds to the County. The OGF is also indebted to the County and City for receivership costs, as well as to unsecured creditors and to the City for the Special Public Works Fund (SPWF) loan.
6. The Oregon Garden is a tourism attraction for the City and does bring economic benefits to the City and the region. The City is the fee owner of the property where the Oregon Garden is located, and the past and present economic development dollars invested by the County in Oregon Garden, also benefit Silverton, in addition to the County.
7. The City's agreement to pay six-tenths of the total net Transient Occupancy Tax (TOT) revenues collected each year from the Garden Resort, LLC (Resort), as a grant to The OGF, expires in September 2018. Loss of this revenue will further impair the ability of The OGF to repay any debt.
8. Current legal descriptions in the Second Restated Management Agreement and the Master Lease, do not match stated intent or the area/property that is being used, open to the public, or maintained as Oregon Garden, thus creating ambiguities and liabilities.
9. All Parties share the goals of allowing for continued economic success and development of Oregon Garden.

D. NOW, THEREFORE, the Parties agree as follows:

1. Within 30 days of the date this MOU is signed by all the parties, the Marion County Board of Commissioners will adopt an Order to waive the debt owed by The OGF to the County (Order Adoption Date).
2. Subject to review and approval by all parties and within fifteen (15) days of the Order Adoption Date, The County will file with the Marion County Circuit Court (Court), a satisfaction of the debt and amendment to modify the Court Order and Distribution Plan.
3. Within forty-five (45) days of the Court Order and Distribution Plan being approved by the Court, the County will record the Court Order in the deed records where the original Court Order is recorded. The Leasehold Deeds of Trust and Fee Deeds of Trust held by the County and recorded in the deed records, will also be released and recorded in the deed records.

4. The City agrees to freeze the accrued interest due for the receivership costs at \$131,535 (Receivership Interest). The City agrees to defer the remaining principal balance of the receivership costs owed to the City, without further interest, in the sum of \$118,500 (Principal Balance). Repayment by OGF will be in the following order: (1) Receivership Interest owed to the City; (2) debts owed to Unsecured Creditors of OGF totaling \$1,492,967.42 of which some debts may remain unpaid in the event the debt has been forgiven by the Unsecured Creditor; (3) City SPWF loan in the amount \$452,712 owed to the City; and (4) Principal Balance owed to the City.
5. The Head Lease and the Sub Lease between the County and The OGF terminate upon extinguishment of the County debt. The OGF will still hold the Master Lease with the City.
6. The Second Restated Management Services Agreement will be amended to remove the County as a party with a waiver of the debt and termination of the Head Lease and Sub Lease. The remaining Parties will still be bound by its terms, unless otherwise amended.
7. Subject to approval by all the parties, the County will direct county staff to update the legal description of Oregon Garden's lot lines.
8. The City agrees to extend its current agreement for payment of the TOT as set forth in C7 above to The OGF through 2026, or upon full debt repayment of the debts owed by The OGF listed in the Receivership Order, whichever occurs first.
9. Beginning the calendar year after the Receivership Interest has been repaid to the City by the OGF, the OGF agrees to pay the City \$7,500 each calendar year pursuant to the Master Lease to rent the Oregon Garden until all the remaining debts listed in D4 above are satisfied. For example, if OGF makes its last Receivership Interest payment to the City on July 1, 2019, OGF shall pay \$7,500 to the City on January 1, 2020 to rent the Oregon Garden for the calendar year 2020. The rent shall be payable the first business day following January 1 of each year, to cover the rent for the following calendar year. The OGF and the City agree to review the rent amount when the MOU is reviewed as specified below.
10. MGM agrees that it will collect 10% of paid admissions for public events that are not hosted or run by MGM that are held at the Oregon Garden, including but not limited to Christmas in the Garden, which amount is to be remitted to MGM as a form of Garden Royalty Fees as set out under the Second Restated Management Agreement.

11. Within five (5) years of the Effective Date, MGM, City, and the OGF agree to review the terms of the Second Restated Management Agreement and to make any necessary updates. The Second Restated Management Agreement, as amended, will expire December 31, 2026.

E. General terms:

1. This MOU shall be effective upon the date of execution by all Parties (Effective Date).
2. This MOU may be amended only by prior written mutual agreement of the City, MGM and the OGF.

IN WITNESS WHEREOF, each of the Parties has caused this Memorandum of Understanding to be executed on its behalf by its duly authorized agent.

Moonstone Garden Management, Inc.

By: _____
Dirk Winter, President (Date)

The Oregon Garden Foundation

By: _____
Mary McNatt, Chair (Date)

Marion County

By: _____
John Lattimer, Chief Administrative Officer (Date)

City of Silverton

By: _____
Christy Wurster, City Manager (Date)

Attachment 2 to Agenda Item No. 8.3

GRANT AGREEMENT WITH THE OREGON GARDEN FOUNDATION AND THE CITY OF SILVERTON FOR TOURISM DEVELOPMENT

This Grant Agreement (Agreement) is entered into between the Oregon Garden Foundation (OGF) and the City of Silverton, Oregon, hereafter called "City" for a grant to fund tourism development of the Oregon Garden.

WHEREAS:

The Council of the City of Silverton, Oregon has adopted an ordinance creating a Transient Occupancy Tax in Ordinance 08-05, which created Chapter 3.12 Transient Occupancy Tax (TOT) in the Silverton Municipal Code and on March 5, 2018 the City Council amended Chapter 3.12 by adoption of Ordinance 18-06. The TOT is applicable to all lodging facilities operating in the City; and

Seven-tenths of the revenue received from the City TOT are statutorily dedicated to fund tourism related purposes as defined in ORS 320.350(6); and

The largest tourist attraction currently located within the city is the Oregon Garden.

The Oregon Garden Foundation is a §501(c)(3) organization that is dedicated to the promotion and maintenance of the Oregon Garden; and

OGF and the City agree to the following terms and conditions:

Part I. PAYMENTS

City hereby grants OGF six-tenths of the TOT revenue collected by the City each fiscal year (Grant Money) from the Oregon Garden Resort located adjacent to the Oregon Garden.

Payments of the Grant Money shall be paid quarterly after all TOT payments from the Oregon Garden Resort for the quarter have been received by the City.

Part II. SCOPE OF WORK

OGF agrees to dedicate and expend all Grant Money on debt repayment for debt remaining in the receivership after waiver of the debt owed to Marion County by OGF. Grant Money expenditures will be consistent with ORS 320.350(6) and this Agreement. The City may request that OGF submit a report to the City demonstrating how Grant Money was expended.

Part III. TERM

Grant Money shall be provided to OGF during the period from October 1, 2018 to September 30, 2026 or when the receivership debt remaining after waiver of debt owed to Marion County has been paid in full, whichever comes first upon which date this Agreement is terminated.

Part IV. INSPECTION AND RETENTION OF RECORDS

OGF agrees that City, or any agent designated by City, may at its discretion, inspect any financial or program records related in any way to the use of the Grant Money in the performance of this Agreement, at any reasonable time during business hours.

OGF shall retain all financial records, supporting documents, statistical records and other records pertaining to receipt and use of Grant Money in performance of this Agreement for a minimum of three years after the Agreement terminates.

Part V. TERMINATION

The City may terminate this Agreement in the event of malfeasance, insolvency, failure to use the Grant Money in accordance with ORS 320.350(6), failure to make payments as per this Agreement, or as directed by the Silverton City Council. The OGF may terminate this agreement with at least a 90 day written notice to the City.

Part VII. OTHER PROVISIONS

No person shall be denied or subjected to discrimination in receipt of the benefits of any services or activities made possible by or resulting from the Grant Money provided under this Agreement on the grounds of race, color, religion, gender, sexual orientation, national origin, disability, age, or marital status. Violation of this provision may be deemed a material breach of the Agreement.

The Grant Money provided under this Agreement is a grant. The OGF is not an agent of the City and shall not represent itself as such. OGF shall hold harmless, indemnify and defend the City, its officers, elected officials, employees and agents against any claim or cause of action arising or resulting from the actions or inaction of OGF under this Agreement or relating to the Grant Money allocated herein.

This Agreement may be amended if agreed upon in writing by City and the OGF.

The failure of either party to enforce any provision of this contract shall not constitute a waiver by the party of that or any other provision.

The undersigned represent and warrant that they are duly authorized to execute and bind their respective principals.

CITY OF SILVERTON:

OREGON GARDEN FOUNDATION:

CHRISTY S. WURSTER, CITY MANAGER

BOARD CHAIRPERSON

DATE

DATE

Attachment 3 to Agenda Item No. 8.3

Submitted to Christy Wurster, City Manager, City of Silverton

By Allison Pennell, Development Director, and Mary McNatt, President, Oregon Garden Foundation

Request to City Council of Silverton, Oregon to approve the extension of the transient occupancy tax agreement that expired in September 2018 between Oregon Garden Foundation and City of Silverton

For review at City Council meeting on October 1, 2018

This should follow the explanation of the MOU between all parties

Historical Context: As outlined in the MOU the Council is also reviewing at this meeting, Marion County is forgiving the debt Oregon Garden Foundation owed Marion County. This debt includes both the bond and receivership costs that accrued in the early 2000's by the Oregon Garden Foundation in the early years of operating The Oregon Garden, prior to the construction of The Oregon Garden Resort.

In order to have an income stream to repay the remaining debt OGF owes in the near future, OGF requests the City of Silverton extend the agreement to pay 60% of the Oregon Garden Resort's TOT tax to OGF, allowing OGF to use that as revenue for debt repayment until all debts are paid. In the existing management agreement between all parties, it also outlines royalties that are paid to OGF from revenue at The Oregon Garden. The City's contribution will be approximately half of the annual debt repayment income coming into OGF annually.

Based on projections by Marion County when initially considering forgiving the debt, OGF debt would not be repaid until about 80 years from now. Based on this generous action by Marion County OGF debt could be paid back in 6-8 years from this point. Had Marion County not forgiven the bond debt, the debt to City of Silverton would have begun to be repaid until over 75 years from now after the Marion County debt was repaid first.

The first debt OGF will pay is interest owed to the City, so this is of immediate benefit to the City, whereas this arrangement enables the City to use TOT dollars to pay OGF, as OGF repays the debt, the City has the freedom to use these dollars for other City directed projects unrelated to tourism.

The Oregon Garden and Oregon Garden Resort are the biggest tourist attraction in the City. They bring significant economic activity and benefit the members of the Silverton community. We request that the TOT agreement to pay 60% of TOT taxes generated by the OGR to OGF for debt repayment, be extended until the duration of OGF debt is paid in full.

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	8.4	Change order with NorthStar CG, LP for the Civic Center Property Asbestos Abatement and UST Decommissioning and Removal project
	Agenda Type:	
	Discussion/Action	
	Meeting Date:	
October 1, 2018		
Prepared by:	Reviewed by:	Approved by:
Petra Schuetz	Christy S. Wurster	Christy S. Wurster

Recommendation:

Consider Change Order for environmental abatement process for former Eugene Field School.

Background:

The City continues the environmental materials abatement and deconstruction process of the former Eugene Field structures. There has been daily monitoring of the work. Throughout the process, new contaminated materials have been identified and include new locations. City Staff remains in the middle of the negotiation process with Northstar to safely remove all contaminants, but the entire scope of the mitigation is unknown. Staff anticipates completing the final scoping efforts around the time of the October 1, 2018 City Council meeting. Staff will prepare a to-date Change Order by October 1st (possibly sooner).



Budget Impact	Fiscal Year	Funding Source
Unknown	2018-2019	Special Projects – Civic Center

Attachments:

1. None

**SILVERTON CITY COUNCIL STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

	Agenda Item No.:	Topic:
	9.1	Appoint members to the Selection Committee for the City Flag Contest
	Agenda Type:	
	Appointments to Committees and Advisory Groups	
	Meeting Date:	
October 1, 2018		
Prepared by:	Reviewed by:	Approved by:
Angela Speier	Christy S. Wurster	Christy S. Wurster

Recommendation:

Staff recommends that Council appoint members to the Selection Committee for the City Flag Contest.

Background:

At the September 10, 2018 meeting Council approved Resolution 18-21, establishing a City of Silverton Flag Contest. Section 1 of the Resolution establishes a Selection Committee to review the flag submittals and select the top three flags to be presented to the City Council. The following individuals have expressed interest in serving on the Selection Committee:

- Stacy Palmer, Silverton Chamber of Commerce Representative
- Gus Frederick, Silverton Country Historical Society Representative
- Liz McIntire, Silverton Arts Association Representative

In addition to the three members above, two City Councilors also need to be appointed to the Committee.

Budget Impact	Fiscal Year	Funding Source
Minimal	2018-2019	General Fund

Attachments:

1. Resolution 18-21, Establishing a City of Silverton Flag Contest

Attachment 1 to Agenda Item No. 9.1

CITY OF SILVERTON
RESOLUTION

18-21

A RESOLUTION OF THE SILVERTON CITY COUNCIL ESTABLISHING A CITY OF SILVERTON FLAG CONTEST

WHEREAS, The City of Silverton was incorporated in 1885 and is rich in history and historical landmarks; and

WHEREAS, Silverton is home to a vibrant art community that includes 26 murals citywide and is host to a number of festivals that promote the culture and livability of the community; and

WHEREAS, it is the desire of the Silverton City Council to allow the community to create a City flag that represents the identity and culture of Silverton.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF SILVERTON, AS FOLLOWS:

Section 1: The City of Silverton City Council hereby creates a Selection Committee comprised of two city councilors, a Silverton Chamber of Commerce representative, a member of the Silverton Arts Association, and a member of the Silverton Historical Society to review the flag submittals and select the top three flags to be presented to the City Council for the final selection; and

Section 2: The Council hereby adopts the Silverton Flag Contest Application and Release form and guidelines attached hereto as Exhibit 'A'; and

Section 3: Authorizes the City Manager to implement and make minor adjustments to the form and guidelines.

Resolution adopted by the City Council of the City of Silverton, this 10th day of September, 2018.



Mayor, City of Silverton
Kyle Palmer

ATTEST



City Manager/Recorder, City of Silverton
Christy S. Wurster

Exhibit 'A'



Application and Release

Please complete this application and attach it to each design submitted.

Name: _____ Age if under 18: _____

Address: _____ City/State/Zip: _____

Phone: _____ Email: _____

Please describe the meaning and symbolism contained in the design and why you think it represents the City of Silverton (attach extra sheet if needed).

Required release: All entries submitted to the City for consideration shall become the property of the City of Silverton, and may be modified, reproduced, and published at the City's sole discretion. The City of Silverton assumes no responsibility for the artwork submitted and is not responsible for damage of the entries. Entry into this contest assumes all acceptance of the rules and consent to use of the entrant's name and artwork as permitted by law without compensation. (See complete rules on back).

Signature

Date

Parent/guardian signature if under 18

Submit your design by November 30, 2018 at 5:00 p.m. in the following formats:

- By mail, send the signed application with design in digital format accompanied by an 8.5 x 11 inch color printed version paper copy to:
City of Silverton
Attn: Administration Department
306 S Water Street
Silverton, OR 97381
- In person, drop off your signed application with design in digital format accompanied by an 8.5 x 11 inch color printed paper copy at City Hall 306 S. Water Street.
- By email, send the signed application in Word or PDF with design in digital format to aspeier@silverton.or.us with subject line "City Flag Contest."



City of Silverton Flag Contest Rules of Entry

The Silverton City Council would like to thank you for your participation in the first ever Flag Contest. It is the desire of the Council to allow the community to create a flag that represents the unique history and bounty that Silverton has to offer.

All entries will be reviewed by a five member Selection Committee composed of two city councilors, a representative from the Silverton Chamber of Commerce, the Silverton Arts Association, and the Silverton Historical Society. The Selection Committee will choose the top three flags to be reviewed by the Silverton City Council, who will make the final flag selection.

The following are tips and suggestions for your flag design:

- Designs need to be in color and should be simple. All entries need to have the ability to be enlarged to fit a standard 3' x 5' ratio.
- The flag needs to be an original work of the artist.
- Avoid a lot of lettering or seals that can make the flag appear cluttered.
- Entries can be rejected if they are not positive in nature.
- An application and release form must be included with each flag design.

Designs can be submitted one of three ways:

- By mail, send the signed application with design in digital format (JPEG) accompanied by an 8.5 x 11 inch color printed version paper copy to:
City of Silverton
Attn: Administration Department
306 S Water Street
Silverton, OR 97381
- In person, drop off your signed application with design in digital format (JPEG) accompanied by an 8.5 x 11 inch color printed paper copy at City Hall, Administration Department 306 S. Water Street.
- By email, send the signed application in Word or PDF with design in digital format (JPEG) to aspeier@silverton.or.us with subject line "City Flag Contest."

The top three flag designs will be forwarded to the Silverton City Council, where the designers will be asked to present their flags to the Council. The winner will be announced and recognized at a Silverton City Council meeting. The flag will be displayed at City Hall.

CITY OF SILVERTON
FY 2018-2019 CITY COUNCIL GOALS
Adopted April 2, 2018



Mission Statement

To provide exceptional public service that ensures safety, maintains infrastructure, preserves our unique heritage, and protects natural resources while proactively pursuing emerging opportunities to enhance our quality of life.

Vision Statement – Vision for Silverton in 2035

We envision a Silverton that honors its history, traditions and heritage, embraces diversity, encouraging thoughtful change while celebrating our past, present and future. Our future Silverton is a connected community with broad citizen engagement, a clear vision for the future, and a detailed plan of action to achieve it. We envision a Silverton with a strong economy and viable, locally owned businesses, carefully balancing economic growth with our continued small-town livability, quality of life and affordability. Our Silverton is guided by a comprehensive plan for our future growth, with strong leadership, meaningful public involvement, informed decisions, and agreement on our community’s key directions. We envision a Silverton that meets the basic needs of all of its residents, including quality jobs, affordable housing, accessible health care, and community safety. Education in our Silverton is a top priority for the entire community, providing our students with the best start in life, driving our community’s progress, and shaping its future.

GOAL 1: Develop a 10-year Strategic Plan			
	Objective	Time Frame	Progress Details (July 1 – Sept. 30, 2018)
1.1	Develop a 10-year Strategic Plan that encompasses the following elements: mission, vision, organizational values, significant issues and challenges facing the organization, goals and objectives, and actions and/or strategies. (Note: This goal is important to the City Council, but not time urgent. Council wants to minimize the cost of completion of the strategic plan.)	FY 2018-19 if time allows	<ul style="list-style-type: none"> • To be addressed in FY 18-19 if time allows.

Goal 2: Improve and expand public outreach, communication and participation

	Objective	Time Frame	Progress Details (July 1 – Sept. 30, 2018)
2.1	Provide regular updates from the Mayor including city newsletter articles, State of City message, weekly coffee with the Mayor, Chamber business meetings, etc.	FY 2018-19	<ul style="list-style-type: none"> • Mayor prepares quarterly newsletter articles. • Mayor provides regular updates via social media through Facebook and Nextdoor Silverton. • City Manager spoke at several weekly downtown business meetings.
2.2	Quarterly city newsletter	FY 2018-19	<ul style="list-style-type: none"> • Staff prepared quarterly newsletter for August and October publications.
2.3	Quarterly community partners meetings to discuss issues of mutual concern	FY 2018-19	<ul style="list-style-type: none"> • Councilor Smith and City Manager attended regional meeting with community partners. • Mayor, City Manager and Police Chief attend Silverton Together Board meetings.
2.4	Update city website and provide an increased social media presence	FY 2018-19	<ul style="list-style-type: none"> • Website team held meetings to improve website presence. Staff working on adding elements to the “Stay Connected” feature on the website.
2.5	Provide presentations to service clubs, civic groups and partners	FY 2018-19	<ul style="list-style-type: none"> • City Manager gave a presentation to the Silverton Kiwanis Club in July. • Mayor, Police Chief, and City Manager gave presentations to the Apple Tree Program. • City Manager spoke at several weekly downtown business meetings. • Mayor gave a presentation to the Silverton Kiwanis Club.

2.6	Reconvene Citizen Involvement Committee to make recommendations on the formation and support of neighborhood associations	FY 2018-19	<ul style="list-style-type: none"> Assigned to Assistant to the City Manager/HR Coordinator.
2.7	Hold at least two Town Hall Meetings (July and December)	FY 2018-19	<ul style="list-style-type: none"> Town Hall meeting conducted Aug. 30.
2.8	Explore opportunity to include camera on the City's website	FY 2018-19	<ul style="list-style-type: none"> To be assigned.
2.9	Explore feasibility of creating and supporting a Youth Advisory Council	FY 2018-19	<ul style="list-style-type: none"> Mayor Palmer and Councilor Martin to proposed options for creation Oct. 1. Working with Assistant to City Manager/HR Coordinator

Goal 3: Maintain and improve infrastructure and facilities for current and future citizens in an efficient manner (Note: "Efficient manner" includes correct construction sequencing)			
	Objective	Time Frame	Progress Details (July 1 – Sept. 30, 2018)
3.1	<p>Continue planning for and build new Police Station within four (4) years, with plans to incorporate City Hall within nine (9) years to include:</p> <ul style="list-style-type: none"> Determine future use with public input of facility (if it remains) or raze Develop construction funding plan Conduct hazardous material abatement Conduct facility needs assessment for civic center/city hall Consider economy of scale by developing both facilities at the same time vs separate construction Hire architectural firm to create conceptual ideas up to and including final full scale all-encompassing civic building with interconnection and design Develop Master Plan (City Hall/Police Station/Park) 	FY 2018-19	<ul style="list-style-type: none"> Community Development Director applied for and the City was awarded a \$35,000 Transportation and Growth Management Program Quick Response grant to support redevelopment of the former Eugene Field School property into a Civic Center consisting of a new Police Station and City Hall. The City will contribute \$10,000 toward the project that will consist of stakeholder meetings and public input to determine future uses at the site. August - City Council authorized the City Manager to enter into a contract with NorthStar CG, LP for asbestos abatement and underground storage tank (UST) decommissioning and removal in the sum of \$144,171, including a 20% contingency, for a total of \$173,005.

			<ul style="list-style-type: none"> City staff completed bid documents August 29th for the demolition of the former Eugene Field School. Current engineering estimate is \$150,000-\$200,000. Bid document pulled following demolition walk-thru with contractors. Target repost date Oct 16th
3.2	Finalize the updated Transportation Master Plan and begin implementation	FY 2018-19	<ul style="list-style-type: none"> Council held a work session on July 16th to discuss the goals and objectives. The TAC and PAC met August 28th to discuss the goals and objectives. The Council, TAC, & TAC will meet to prioritize the objectives.
3.3	Perform SDC analysis for transportation, water, waste water and storm water and related rate studies as appropriate	FY 2018-19	<ul style="list-style-type: none"> On Public Works work plan for January 2019. Plan to add Parks to analysis.
3.4	Identify funding strategies and implement the development of infrastructure (sidewalks, bike paths, street lights and stormwater) to provide infill and connectivity between developed areas generally.	FY 2018-19	<ul style="list-style-type: none"> Staff submitted Safe Routes to Schools application for sidewalks on N. James Street.
3.5	Complete Old Mill Park improvements	FY 2018-19	<ul style="list-style-type: none"> Bids received significantly above initial estimates. Project to be value engineered and likely reposted at more favorable bid environment.
3.6	Update street signage in compliance with MUTCD requirements	FY 2018-19	<ul style="list-style-type: none"> About 80% complete
3.7	Install 100% radio read water meters within two (2) years	FY 2018-19	<ul style="list-style-type: none"> As of August 27, 2018 92% of the meters in the utility billing system are radio read.
3.8	All major residential areas to be connected for safe travel (streetlights, sidewalks, and bike lanes/paths) to schools and downtown	FY 2018-19	<ul style="list-style-type: none"> Conditions to be identified with development applications.
3.9	Reconstruct McClaine Street	FY 2018-19 / 2019-20	<ul style="list-style-type: none"> July – Contract awarded to Keller Associates for the predesign. Survey work completed.
3.10	Improve streetscape and multi-modal connections to South Water Street	FY 2019-20	<ul style="list-style-type: none"> Project significantly over budget. ODOT has project on hold for reassignment to new staff.

3.11	Begin recommended pool facility improvements, including a slope stability study of the adjacent stream bank.	FY 2018-19	• No work to date.
3.12	Improve Second Street between the railroad tracks towards Jefferson Street	FY 2018-19	• No action to date.
3.13	Use the Northside Addition as a focus area to create a model to assess overall improvements needed, create a cost analysis, provide funding options to move forward and use that model in other areas of Silverton	Begin FY 2018-19	• No action to date.
3.14	Begin public process for determining future use of Pettit Property	Begin FY 2018-19	• Staff applied for, but was not successful in obtaining a Marion County Economic Development grant for the public process.
3.15	Assist the URA in developing the scope of the redevelopment of the Westfield property, including possible use as affordable housing and/or assisted living	FY 2018-19	• Public outreach to begin following Eugene Field property public process.
3.16	Develop Master Plan for the Ike Mooney Property (Park and Fire Substation)	FY 2018-19	• No action to date.
3.17	Begin housing needs analysis and evaluate other comprehensive plan elements needing amendment.	FY 2018-19	• Staff applied for, but was not successful in obtaining a DLCD grant to conduct the study.
3.18	Consider land acquisition to connect Anderson Drive pedestrian pathway.	FY 2018-19	• On staff work plan for later this fiscal year.
3.19	Evaluate the structural condition of the Abiqua Dam and fish ladder and develop CIP for improvements (WTP)	FY 2018-19	• No work to date.
3.20	Work with the Army Corps of Engineers to develop a plan to restore storage capacity at the Silverton Reservoir	FY 2018-19	• Survey being developed.
3.21	Identify a city-funded sidewalk infill project with a specified funding source	FY 2018-19	• \$50,000 budgeted for this project. Funds will likely be used as match for Safe Routes to School Grant.

Goal 4: Implement policies and programs to maintain safety and quality of life

	Objective	Time Frame	Progress Details (July 1 – Sept. 30, 2018)
4.1	Further develop and implement strategies for affordable housing	FY 2018-19	• Homeless / Housing Task Force will continue meetings as needed.

4.2	Consider ordinances setting out: (1) smoke-free downtown area, (2) ban on plastic shopping bags, and (3) ban on food grade Styrofoam. Work with solid waste franchisee to implement commercial composting program.	FY 2018-19	<ul style="list-style-type: none"> Assigned to the Environmental Management Company. Awaiting recommendations to City Council.
4.3	Continue emergency preparedness outreach	FY 2018-19	<ul style="list-style-type: none"> Police Dept. and Silverton CERT Members continue to encourage citizens to sign up for Everbridge Emergency Alerts.
4.4	Examine means and methods for increasing street trees in areas that lack them; follow up on compliance with existing landscape development standards in new developments.	FY 2018-19	<ul style="list-style-type: none"> To be considered with future street improvements. Staff initiative of compliance with street tree ordinance. Met with Oregon Department of Forestry in September. Considering Tree City USA designation
4.5	Study ways with community partners to implement sustainable energy program to lesson carbon footprint and achieve energy sustainability goals	FY 2018-19	<ul style="list-style-type: none"> Staff coordinated with NW Natural and PGE to obtain use data for an energy study. Sustainable Silverton presented draft study to Environmental Management Committee, PGE & NW Natural to prepare a plan for Silverton.
4.6	In partnership with community organizations, evaluate ways to enhance beautification of city's entry gateways	FY 2018-19	<ul style="list-style-type: none"> Chamber of Commerce and Silverton High School working on refurbishing gateway signage at Silverton Road entrance into City. Silverton Garden Club working on planting improvements in partnership with Boy Scouts to delineate planting area from natural area surrounding entry signage. Work said to be completed by mid-September.
4.7	Explore ways to increase high speed data options in the city by removing barriers to entry in the city code for installation of high speed wired or wireless data networks	FY 2018-19	<ul style="list-style-type: none"> Councilor Freilinger exploring options for bringing additional carriers to Silverton. Proposed code amendment consideration to facilitate.

Goal 5: Provide efficient and fiscally sound municipal services			
	Objective	Time Frame	Progress Details (July 1 – Sept. 30, 2018)
5.1	Update long-range financial plan	FY 2018-19	<ul style="list-style-type: none"> • Staff will be using the data from Fiscal Year End of June 30, 2018 to update the information. The City audit will begin the first week in October 2018.
5.2	Assess the practicality and feasibility of establishing a Parks and Recreation District	FY 2018-19	<ul style="list-style-type: none"> • City Council authorized the City Manager to enter into a contract with Portland State University to complete a feasibility study. Contract pending.
5.3	Determine strategy to repay the Sewer SDC Fund for purchase of the remaining portion of the Pettit property	FY 2018-19	<ul style="list-style-type: none"> • Staff working on proposals for presentation to the City Council in October or November.
5.4	Aggressively pursue funding opportunities for large scale water improvement projects (Silver Creek Raw Water Line, Water Treatment Plant upgrade and 2 MG West-side Reservoir)	FY 2018-19	<ul style="list-style-type: none"> • Staff has applied for an Economic Development Assistance (EDA) grant for the Silver Creek Raw Water Line. The City has progressed to the final stages for grant approval and anticipates notification on whether grant will be awarded later this Fall. • Staff has identified a package water treatment plant that could be utilized within the existing site of city-owned property; saving the City significant funds.

COMMUNITY DEVELOPMENT DEPARTMENT MONTHLY REPORT

For The October 1, 2018 City Council Meeting

Planning Division

- The Planning Commission reviewed the following at the September 11th meeting.
 - AN-18-04. Annexation application to annex 440 Eureka Avenue into the City Limits and zone the property R-1, Single Family Residential. Recommend Council Approval.
 - MO-18-01. Major Modification request to alter a condition of approval for the Points Beyond Design Review approval, DR 16-03 (FKA Evans Oaks Cottages) by modifying the screening and buffering standards through the Performance Option review for the north property line bordering 1222 E Main Street and the west property line bordering 1144 E Main Street. The modification request for the north property line is to allow a 5' setback between the garages and 1222 E Main Street without a fence. The modification request for the west property line is to allow a 20' setback for a portion of building K and 1144 E Main Street. Planning Commission approved.
- The Planning Commission will be reviewing the following at the October 9th meeting.
 - Pioneer Village Phase VI subdivision - Subdivision application request to divide 4762 & 4760 Ike Mooney Road into 36 lots. The site contains a total area of 8.93 acres and will be divided into 36 lots ranging in size from 7,004 square feet to 14,624 square feet for an overall density of 4.0 units per acre.
- Staff and DLCD selected the consultant for the Eugene Field Public Outreach Project. DLCD added an additional \$5,000 for the project for a DLCD share of \$25,000 and a City share of \$10,000 for a total project of \$35,000. The contract is currently being negotiated.
- Staff approved a partition to divide 1042 Oak Street into two lots.
- Staff attended a training at PSU regarding survey design and analysis.
- Staff is interviewing for a Planning and Permit Assistant position.

SILVERTON POLICE ACTIVITY REPORT

Aug-18

OFFENSES	AUG	YTD	ARRESTS	AUG	YTD	CITATIONS	AUG	YTD			
Arson	0	0	Arson	0	0	Traffic Crimes					
Assist Other Agency	32	206	Assault/Including Attempt	7	24	DUII	1	16			
Attempt to Locate	20	138	Burglary/Including Attempts	0	6	DWS-Misd./Felony Level	1	11			
Auto Theft/Including Attempt	2	23	Drug	4	17	Traffic Violations					
Burglary	1	16	Forgery/Fraud/Counterfeit	0	0	All Other	115	698			
Deaths-Natural	0	4	Juv-Curfew	0	1	Warnings	88	780			
Suicide/ Including Attempts	4	42	Runaway	1	7	Violations					
Disturbance	14	65	Kidnap	0	0	MIP Alcohol	0	6			
Family Disturbance	8	72	Furnishing Liquor	0	1	MIP Tobacco	0	7			
Fraud/Forgery/Counterfeit	4	25	Menacing/Inc. Dom. Viol.	0	1	MIP Marijuana	0	10			
Harassment	7	42	Murder/Criminal Death	0	0	Civil Infractions					
Ordinance Violations	51	286	Rape	0	1	Dogs-Noise/Leash/Vicious	0	1			
Prowler/Trespass	20	98	Robbery	0	0	TOTAL CITATIONS ISSUED	205	1526			
Public Assist	44	276	Sex Crimes-Other	0	2						
Rape	0	0	Stalking	0	0						
Robbery/Including Attempts	0	0	Theft/ Including Attempts	3	22						
Runaway	3	11	Trespassing	0	14						
School Resource	0	190	UUMV/Including Attempts	0	6						
Sex Crimes	1	14	Vandalism	0	7						
Shots Fired	0	1	Violation of Court Orders	3	34						
Stalking	0	1	Weapons Violations	0	1	3 YEAR COMPARISON					
Suspicious	80	545	Misc./Other Crimes	27	168	Arson	0	0	2016	2017	2018
Theft/Including Attempts	23	121				Auto Theft/Include Attempts	7	28	0	23	0
Weapons	0	1	TOTAL ARRESTS	45	281	Burglary	19	28	7	28	16
Vandalism	8	42	ADULT ARRESTS	42	280	School Resource	164	143	19	143	190
Misc./Other	191	1282	JUVENILE ARRESTS	3	31	Rape	1	2	1	2	0
TOTAL OFFENSES	513	3501				Robbery	2	1	2	1	0
						Vandalism	38	55	38	55	42
						CALLS FOR SERVICE	3749	3714	3749	3714	3501
						TOTAL ARRESTS	332	455	332	455	281
						TOTAL CITATIONS	1897	2392	1897	2392	1526

Working in a proactive partnership with our community to solve problems and enhance the quality of life for our citizens.



Memorandum

September 20th, 2018

To: Jeff Fossholm, Chief of Police
Christy Wurster, City Manager
From: Sean Farris, Community Service Officer
Re: September CSO Report

25 hours a week, split time between parking and code enforcement as needed.

The following is an accounting of the number and types of complaints received and pursued from August 31st, 2018 to September 20th, 2018.

Code Enforcement Complaints from 8-31-18 to 9-20-18

Total Cases this Month	09 (YTD 142)
YTD Cases Resolved	131
YTD Cases Unresolved	08

Breakdown of Complaints Taken 8-31-18 to 9-20-18

Abandoned Vehicle	02
Storage in Right-of-Way	01
Business License	01
Residential parking issue	01
Excessive Yard Sales	01
Noise	01
Depositing Oil on to Street	01
Shed setback	01

Total Parking Citations from 8-31-18 to 9-20-18

\$5 Meter Violations, 2 hour limit, etc.	77 (YTD 822)
\$25 Loading Zone Cites	01



MEMORANDUM

SILVERTON PUBLIC WORKS

DATE: September 21, 2018

TO: Christy Wurster and City Council

FROM: Petra Schuetz, Public Works Director

**RE: PUBLIC WORKS DEPARTMENT
UPDATE FOR OCTOBER 1, 2018 MEETING**

ENGINEERING DIVISION:

Public Projects:

- Transportation System Plan Update (TSP): participating in project weighting and criteria process
- Silver Creek Overlook: Will likely be reposted in the Winter for more favorable bid environment with some value engineering applied
- McClaine Street Assessment: The preliminary design phase has been awarded to Keller & Associates. Their subcontractor, Project Delivery Group, has started the topo and boundary survey for this project.
- Economic Development Administration (EDA) Raw Water Grant: Continue to wait for formal award announcements
- Civic Center Asbestos Abatement and UST Decommissioning/Removal: NorthStar CG, LP was awarded this project. Work is underway with removal of asbestos related items and the underground oil tank. While performing their work, the contractor discovered additional asbestos that needs to be remediated: VCT flooring in class rooms and bathrooms, 4" TSI pipe found in attic, pipes with Asbestos Containing Materials (ACM) insulation in the crawl space under the school, ACM debris in attic, and suspect wiring that requires testing. Fluorescent bulbs and ballasts are considered a hazard and will need to be removed and disposed of properly.
- Downtown Infrastructure Assessment: Pacific Int-R-Tek finished up the CCTV of the sanitary sewer mains in the downtown core at the end of August. The sewer pipes consist of clay tile and concrete. The clay sewer pipes contain a fair amount of oil and grease in areas near restaurants and several large root balls were found at pipe joints and lateral connections. Circumferential and longitudinal cracking was discovered in several locations.
- Gateway/Monument Signs: The Chamber of Commerce intends to complete their work to restore monument by the end of September with assistance from the Fire District

- Downtown Tree Lighting: Request for Quotes posted for new vendor
- Mosaic Fountain: Revisiting stormwater drainage solutions
- SDC Methodologies Update RFP: Gathering background information

Private Projects:

- Blackberry Preserve Subdivision: Plans have been reviewed and approved by staff. Waiting on developer to start construction.
- 1504 Mill Street Mini-Storage: Remains under construction
- Jefferson Street Partition: No Public Works issues this month
- Points Beyond Cottages (PUD): No Public Works issues this month
- Pioneer Village Phase VI: Received
- Pioneer Village Phase V: Under site review; pre-construction meeting; grading permit
- Pioneer Village Phase IV: SDC credit consideration. See separate agenda item.
- Hobart Mini-Storage: Project is in design review
- Lifehouse Apartments: Project is in design review

MAINTENANCE DIVISION:

Streets:

- Right-of-way mowing and vegetation management
- Monthly street sweeping
- Responded to over fifty locate tickets to mark City sewer, storm and water lines for contractors and customers

Sewer:

- Repaired sewer line on E Main Street
- Responded to customer sewer related calls
- Worked with contractors on new sewer service installations

Water:

- Installed and changed out water meters for new construction and failed meters
- Completed monthly water meter reading routes
- Installed new water services
- Continued our water meter conversion program

Facilities:

- Maintenance on buildings and grounds including equipment maintenance and right-of-way mowing and vegetation management

Parks:

- Worked on coordination of special event permits
- Maintenance on buildings and grounds including mowing and vegetation management

Pool:

- Responded to pool staff calls for service

WATER QUALITY DIVISION:**Water Treatment**

- The community demand for drinking water has dropped to 1.45 MGD, nearly average for winter flow rates.
- The Oregon Health Authority is in the process of implementing new rules for harmful algal blooms and cyanotoxin monitoring. Silver Creek is considered a water source susceptible to cyanotoxins as it is listed in the Oregon DEQ Clean Water Act Section 303(d) list for not meeting water quality standards for dissolved oxygen, May 1 through October 31. As proposed, raw water samples must be collected at least every two weeks during the time period of concern and analyzed for cyanotoxins. When it has been officially determined Silverton is serving a population greater than 10,000 people, samples must be collected in the alternate weeks and tested for cyanotoxin-producing genes. An exemption for monitoring may be obtained if data collected over three years demonstrates cyanotoxins and cyanotoxin-producing genes has not been detected.

Wastewater Treatment

- Flows into the treatment plant have been averaging 0.74 MGD. Diana Foods is continuing to process corn on a 24-hour basis. Our operators frequently monitor the industrial discharges for pH compliance.
- 932,000 gallons of biosolids were successfully land applied to grass seed fields.

Swimming Pool

- Routine operations, including daily chemical adjustments to the water, filter backwashing, recirculation pump maintenance, and housekeeping.

TMDL Implementation

- Annual report preparation is underway to meet the September 28 DEQ submittal deadline.
- The Pudding River Watershed Council is assisting the City of Aurora with vegetation clearing on a city-owned 8-acre parcel to be used as a future city park. Funding for the project comes from a DEQ civil penalty imposed on Aurora due to wastewater treatment noncompliance.

2017 Annual Report of the Oregon Garden Foundation

Our Mission:

The mission of the Oregon Garden Foundation is to advance the growth and sustainability of the Oregon Garden through philanthropy and thoughtful oversight.

Beginning in 2018 The Oregon Garden and Oregon Garden Foundation will be operating under the same mission to enhance the Garden: Our mission is to welcome and inspire all visitors with an appreciation for the extraordinary ecology of the Pacific Northwest, and to provide a meaningful educational experience for gardeners of all skill levels and ages.

Oregon Garden Foundation Values:

- 🌱 Physical well-being of all people
- 🌱 Healthier and more satisfying lives
- 🌱 Empower communities
- 🌱 Commitment to Education
- 🌱 A strong sense of belonging to every person we serve

Our Programs:

🌱 **Horticultural Enhancement Fund**

The HEFund was developed to be a growing and sustaining financial source to fund horticulture enhancement in continually improving The Oregon Garden's plant collection and enhancing existing garden areas in plant material. This fund is intended to grow and no more than 25% will be extracted for plant needs.

The 2017 Goal was to raise \$20,000 and \$8,656.74 was raised, nearly half the goal given the Foundation had staff for less than 6 months of the year.

🌱 **Pathways to Giving, Commemorative Bricks Program**

2017 Funds from the Pathways \$2,282.20.

🌱 **Natural Resource Education Program**

Over 5,000 children came to the Natural Resource Education Field trips at The Oregon Garden, these trips are entirely free of charge to schools and over half of the students come from low-income communities. (Title 1 Schools)

🌱 **Volunteer Service at the Garden**

Over 75 active volunteers assisted with horticulture, events and office work during 2017 spending 10,000 hours in volunteer time.

🌱 **Membership and Admission continues to grow**

The Garden had over 2,100 members and about 41,000 visitors in 2017

🌱 **OGF's Year End Appeal**

OGF's Year End Appeal generated over \$7,000.00

Community Events FREE to Silverton residents

The Oregon Garden continues to support the community by offering Earth Day and The 3rd of July as open garden days entirely free to Silverton residents. Earth Day is sponsored by Marion County.

- 🌱 Earth Day 2017 brought about 3,278 attendees to the Garden
- 🌱 July 3rd Fireworks raised over \$9,000 in donations and over 6,800 attendees. Community support via Silverton businesses and Roth's Fresh Markets to provide fireworks.
- 🌱 The Oregon Garden was also the site for the Petal Pedal, BrewFest and Christmas in the Garden.

Foundation Operations:

Accomplishments: Hiring of Development Director in December 2017. Foundation was operating without staff from April 2017-December 2017. Although during this period a bookkeeper was contracted to thoroughly improve and vet OGF's accounting systems and financial processes.

Meet "Ali" Allison Pennell who joins Oregon Garden Foundation staff as the Development Director. In addition to experience working at non-profit associations. Allison has nearly twenty years in horticulture experience, from propagating geraniums to shipping and receiving specimen trees.

Oregon Garden Foundation Board Members also updated the Foundation Bylaws, to provide clearer language and reflect the current operating structure. This expanded the OGF Board to a 7 seat from a 5-member board. The 2 new seats can be appointed by the OGF existing board. As it stands now 3 seats are appointed by Marion County and 2 by City of Silverton. In the event that Marion County is no longer a partner, 4 will be appointed by City of Silverton and 3 by the OGF internally.

Board Member Sue Thompson left the OGF Board in 2017 and her seat was appointed by Marion County to Gloria Roy in early 2018.

OGF currently has 6 directors and is seeking a 7th Director that lives outside of the immediate community to expand the presence of The Oregon Garden to have a greater state-wide footprint.

- Mary "Bunny" McNatt, Board Chair – Garden Advocate, Community Volunteer (Marion County)
- Sam Brentano, Vice Chair – Marion County Commissioner (Marion County)
- Laurie A. Carter, Secretary/Treasurer – Owner of Apples to Oranges, City Council Member for the City of Silverton (City of Silverton)
- Randal Thomas – Oregon Department of Transportation (City of Silverton)
- Gloria Roy – Former Counsel to Marion County, Retired, NEW in 2018 (Marion County)
- Verl Holden – Garden Founder, Holden Wholesale Growers, Inc., NEW in 2018 (OGF)
- *Seventh Seat Currently Open*

2018 Priorities:

New Programs:

- 🌱 Cultivate Color
Cultivate Color is a new revenue stream for the Foundation to sponsor our annual planting beds.
- 🌱 Peer to Peer fundraising
- 🌱 Golf for Education
- 🌱 Grant Seeking for Garden Projects and Education Funding
- 🌱 Capital Campaign
- 🌱 Garden Visioning Committee

Debt Forgiveness Proposal: Marion County generously offered to forgive the Bond debt OGF accrued in 2008. The remaining partners are in process of amending an operations agreement to pay back the remaining debt owed to individuals and City of Silverton. Moonstone Garden Management, City of Silverton and Oregon Garden Foundation are nearing a solution with existing mechanisms for debt repayment in place to fund the remaining debt OGF owes.



2017 Oregon Garden Foundation Annual Report

Presented to City of Silverton

The Oregon Garden Foundation Mission

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Pathways to Giving Commemorative Bricks Program

- ▶ 2017 Funds from the Pathways \$2,282.20.
- ▶ Bricks are placed at the Visitor's Center and along the Garden Green

Natural Resource Education Program

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- ▶ The Garden had over 2,100 members and about 41,000 visitors in 2017

OGF's Year End Appeal

- ▶ OGF's Year End Appeal generated over \$7,000.00
- ▶ The Year End Appeal went to fund the Spring 2018 Natural Resources Education Program

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- ▶ *Seventh Seat Currently Open*

City Council Issue Tracker

PROCESS

- 1) ASD adds tasks after council meetings
- 2) Directors fill in Update/Completion Date & Council Notification Date columns on an ongoing basis with final updates by the end of each Monday
- 3) ASD gives copy to CM on Tuesday before Mayor's meeting and before Council Packet
- 4) ASD removes Task when Notification Date is filled in.
- 5) Location: S/City Council Packets/Working Documents/Council Tracking Form

Council Mtg. Date	Issue/Task	Synopsis	Person(s)	Update/Completion Date
1.23.17 W.Session	Financial Plan	Councilor Sears asked for the Council to revisit the financial plan.	Christy Kathleen	KZ is currently putting worksheets together for financial data. Discussed plan at October 16 work session. Information presented at the 1/22/2018 Work Session. Additional information to be presented to the City Council in 07/2018 after the budget has been adopted for FY 2018-2019. (5/31/2018) Staff will utilize FY 17-18 audited figures to build the plan. The audit will begin the first week in October 2018. (09/05/2018)
1.23.17 W.Session	Council Goal Issues with budget Impact Growth Management Study	Councilor Smith suggested the City have an evaluation on how SDCs are determined. Councilor Carter said before the City pays for more studies completed, she would like to see what previously completed studies are scheduled for review, such as the long-range financial plan. After further discussion there was a consensus to look at the growth management study.	Jason Christian Petra	Staff is including a SDC study in the upcoming 2017/18 budget. In addition, utility rates and permit fees will be evaluated in FY 17-18. SDC and Utility Rate Study background information being collected. Target RFP post January 2019.
2/6/2017 Council Mtg.	Urban Renewal District	Council directed staff to initiate the process for expanding the Urban Renewal District in accordance with ORS chapter 457 to include the areas on the map on West First, East First, (including areas abutting Second Street), the Pub, and connecting on Jefferson.	Jason	Staff has been directed to begin the process to expand the URD. Currently planned in FY 17-18. 12/2017: Information letter sent to taxing districts. Planning Commission public hearing scheduled for November 2018 (9/18/18).
3.01.17	Moonstone Properties	Purchase Agreement	Christy	Moonstone Properties addressing infrastructure needs before moving forward
4/3/2017 Council Mtg.	Second St.	Councilor Plummer request Second St. be considered during TSP update	Jason	Awaiting recommendation memo for review and comment, will address at that time. Work Session to be held in 2018 (5/31/18). Pedestrian and bike improvements included in solutions memo (9-18-18)

Council Mtg. Date	Issue/Task	Synopsis	Person(s)	Update/ Completion Date
5/1/2017	Housing / Homeless	Mayor Palmer directed staff to form a Task Force to address this issue as it relates to homeless and housing	Jeff Jason	Meeting Set with Mayor for June 6. On July 13, 2017 Mayor provided list for Task Force. Question to CM on Task Force/Ad Hoc/ or just Com Group? Task force to be appointed August 7. First meeting tentatively set for August 23rd. 11/27/2017 subcommittee to review local service needs, model programs & warming center & report back to committee. Next meeting to be scheduled during January 2018. Council directed staff to draft language to facilitate a sleeping pod on church property. Next Task Force Meeting set for June 21, 2018. Committee decided to continue to meet about affordable housing on quarterly basis. No meeting date was set. (June 25, 2018) . Meetings will continue as needed. (09/05/18)
6/5/2017	Planning Comm.	Planning Commission to review code for annexation language to match Zone change application, and include container homes	Jason	Work Session held in August to address zone change review criteria, affordable housing, and container homes. Joint Work Session held September 18th. Work session scheduled for October 2018. (9/18/18)
7/17/2017	EMC Ordinances	Prepare 4 Ordinances for Council review	Christy	City Attorney has completed draft ordinances. (09/06/17) Discussed in Work Session on 09/18/17. Public Hearings scheduled for smoking Ordinances scheduled for December 2017 meeting. Single Use Plastic Bags and Polystyrene Ordinances scheduled for January 2018 meeting. June EMC Ordinance prohibiting smoking and vaping in city parks approved at January 2018 meeting. Ordinance prohibiting smoking and vaping in downtown core was tabled. Single Use Plastic Bags and Polystyrene Ordinances re-scheduled for March 2018 meeting. Council decided to refer back to the EMC to see if alternate solutions are possible. June 2018 Council requested that staff include Juul in any future proposed Ordinance on smoking. Recommendation pending. 09/2018 - PW Director sent draft Ordinances to legal for review.
7/17/2017	Outdoor Fitness	Mayor Palmer would like staff to review installing outdoor fitness stations in Silverton	Christian Petra	Update Parks Master Plan FY18-19; Council discussions continuing. Two options presented with a work session scheduled (07/30/18)

Council Mtg. Date	Issue/Task	Synopsis	Person(s)	Update/ Completion Date
8/7/2017	Stream Gauge	Councilor Sears inquired about the completion of the stream gauge repairs.	Christian Petra	Funds budgeted in FY18/19 for gauge operation and maintenance. Agreement executed, however gauge monitoring not available at this time on USGS site. (07/30/18).
11/20/2017	SDC	SDC Methodology	Christian Petra	Funds budgeted in FY18/19 for SDC and Utility Rate Study (05/23/18). Target RFP January 2019. Implement
11/20/2017	High Speed Data	Councilor Carter requested staff review high speed data in Silverton	Jason	In progress through potential new franchise agreements. In progress (5/31/18)
3/5/2018	City Flag	Develop a public process to design a city flag	Angela	Applicants for Assistant to the City Manager/City Clerk position prepared staff reports on this item. Angela Speier will present a staff report in September. DONE
3/5/2018	Gateway Signs	Review gateway signage/coordinate with Chamber	CS-Petra	Meeting to be scheduled with Chamber representative this summer (06/21/18). July - Work to begin week of July 23. Silverton Garden Club working on planting improvements in partnership with Boy Scouts to delineate planting area from natural area surrounding entry signage. (09/05/18).Chamber to complete work by the end of September. City contribution complete (09/17/18). DONE
3/5/2018	PODS	Review/revise code to allow transitional housing	Jason	Planning Commission held a work session in March, a neighborhood meeting was held in April, the Planning Commission held a public hearing and recommends adoption. Council held public hearing in July and August and continued to September 10, 2018. Ordinance up for adoption at Oct 1
3/5/2018	Utilities	Review utility fees on/offers, shutoffs, late fees	Kathleen	This will be part of the Utility Rate Study.
4/2/2018	Utilities	Decreased water pressure	Petra	Pending. Staff has completed testing of pressure in the E. Main area. Pressure has dropped, and even though it is still within State standards, it needs to be improved. Staff will hire consultant to determine what improvements are needed to improve pressure in FY18/19. (07/30/18)
4/2/2018	Comm. Group	Sustainable Silverton to work with EMC	CS-Paul	Utility usage info provided to EMC who is coordinating with Sustainable Silverton. (05/23/18)
4/2/2018	Broadband	Follow up with Broadband study	Jason	Councilor Freilinger, City Manager, and Community Development Director attended informational meeting held on April 4. In progress (5/31/18). Councilor Freilinger exploring options for bringing additional carriers to Silverton. (09/05/18) Staff directed to begin process to consider code amendments to introduce technology into residential areas. (09/10/18)
8/6/2018	URA	Revisit URA Plan	Jason	

Council Mtg. Date	Issue/Task	Synopsis	Person(s)	Update/Completion Date
8/8/2018	Historical Podiums	Present map of existing locations as well as additional 8 locations proposed at a future work session.	Petra	Work session is scheduled for 9/17/18, with tentative presentation by Historical Society representative. DONE
8/8/2018	C-M Park	Consider dispenser containers in women's restroom.	Petra	They have been ordered and will be installed upon arrival. DONE
8/8/2018	Olson Ditch	Follow up on irrigation system - not functioning	Petra	Paragon on 8/30/18 has confirmed the irrigation system is working properly, live stakes and shrubs are growing, and that he removed blackberry vines and weeded around the shrubs. The work in Olson Ditch was permitted by DSL and required the City to monitor the plants survival and submit a written report for two years. A report to DSL will be due in December of this year. DONE
8/20/2018	Development Code	Consider amendments to the development code to address fencing standards.	Jason	Added to development code amendment update list
9/10/2018	C-M Park	Look at parking access/restriction. Consider signage and notification with permits.	Petra	Looking at parking access/restriction. Chelsea is ordering proper signage to be installed in the next couple weeks.
9/10/2018	C-M Park	Arches - Suggest covering tops before winter.	Petra	Looking into options
9/10/2018	C-M Park	Footbridge to pool sidewalk/inspect stairs undermining	Petra	Should be complete by September 27th
9/10/2018	C-M Park	Pump not protected and swimmers jumping off	Petra	Replacement of pump in CIP. Will likely coordinate a permanent solution with pump replacement
9/10/2018	C-M Park	Fence at Salamander Island damaged	Petra	Should be complete by September 27th
9/10/2018	C-M Park	Hand holds on playground climbing wall damaged/missing.	Petra	DONE
9/10/2018	C-M Park	Pathway at end of bridge into park is in lane of vehicle traffic. Consider improvements.	Petra	This is not a project in Parks Master Plan. The first step would be for City Council to endorse Master Plan amendment. Staff recommends waiting until after the SDC methodology/project list updates i.e. FY20

Supplemental Information
Distributed at the City
Council Meeting



MEMORANDUM

SILVERTON PUBLIC WORKS

DATE: October 1, 2018

TO: Christy Wurster and City Council

FROM: Petra Schuetz, Public Works Director

RE: **WATER DEMAND UPDATE**

Background:

From the September City Council meeting, there was a question what impact the voluntary water conservation effort, initiated the second week of August, may have had on overall demand. Total consumption in August was 9,312,225 cubic/feet and September was 6,547,778 cubic/feet. Whether any of the difference is attributable to the voluntary effort is not known. A comparison was also made between consumption this year and last year over the same two month period. Again, September consumption was considerably lower. This is a normal trend between the two months.

Table A. Silverton water demand August & September, 2018 & 2017

	August	September
2018	9,312,225 cf	6,547,778 cf
2017	8,832,446 cf	6,639,209 cf

Further, as of Sept. 17th, community daily water demand has dropped to a winter flow rate of 1.45 MGD (million gallons per day) or 2.2 cfs (cubic feet per second). Public Works took the (old) Plant No. 1 off-line on Wednesday, Sept. 19th.

Silver Creek flow rate has increased to 8.0 cfs. Abiqua Creek, above our intake, is up to 10.34 cfs. Abiqua Creek at the Hwy 214 gage is showing 19.0 cfs. The difference in flow between the two Abiqua gages is attributed to tributary flow coming in from Powers Creek and storm water run-off coming from the Kramer Nursery.

Attachments:

1. None



MEMORANDUM

SILVERTON PUBLIC WORKS

DATE: October 1, 2018

TO: Christy Wurster and City Council

FROM: Petra Schuetz, Public Works Director

RE: FORMER EUGENE FIELD SCHOOL ENVIRONMENTAL ABATEMENT FOR ASBESTOS CHANGE ORDER #2

The contract for environmental abatement of asbestos at the Former Eugene Field School is over 50% complete. Four additional materials testing site visits have been required by contractor Terracon as the abatement contractor, Northstar Environmental and Marine Services, has revealed new 'layers' of the buildings and accessed the underground tank. Some of the previously unidentified material has tested positive; increasing the scope of the project. These materials are required to be removed before deconstruction/demolition may proceed. The following cost estimates have been received from Northstar and reviewed by the City Engineer/Project Leader and Public Works Director as reasonable to expect.

Original Northstar Contract	\$144,171
Change Order #1	<u>\$ 24,826</u>
	\$168,997
Remaining Contingency	\$4,008

Proposed

1. Remove ACM debris in attic. Original ROM = \$23,041 + 30%	\$29,953
2. Remove pipe and debris under crawl space (ROM) + 20%	\$55,656
3. Additional 3,720sf VCT flooring (lump sum)	\$31,067
4. Additional 937lf of 4" TSI Pipe (lump sum)	\$20,738
5. Cost to remove and dispose of gravel and oil in tank +20%	\$64,800
6. Cost to remove tree*. Not sure if tree needs to go. + 20%	<u>\$ 3,000</u>
Contingency	- \$4,008
	\$201,206

*If overly damaged by tank removal

The Terracon contract is not subject to the same procurement and contracting process as the NorthStar contract. However, the following is a summary of this component of the project for reference.

Original Terracon Contract	\$7,700
Separate contract for UST testing	\$8,800
Separate contract Additional tests #1	\$1,800
Separate contract for Additional tests #2	<u>\$1,000</u>
	\$19,300

Proposed

1. Additional cost for Terracon testing (estimated)	\$10,000
2. Additional cost for Terracon – Help with lead specifications (estimated)	<u>\$ 5,000</u>
	\$15,000