

CITY OF SILVERTON  
**CITY COUNCIL WORK SESSION MINUTES**

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

February 25, 2019, 7:00 PM

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

Mayor Kyle Palmer called the Work Session to order at 7:02 p.m.

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

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

**II. DISCUSSION ITEMS**

**2.1 Presentation of Pay Equity Study results for the City of Silverton – Jillian Girard, Portland State University**

Mayor Palmer announced that Agenda Item 2.1 has been removed from the discussion items and will be rescheduled for a future date.

**2.2 Review of the Utility Assistance Program (UAP)**

Finance Director Kathleen Zaragoza explained that this is a request to review the UAP. The City provides \$5,000 annually to Silverton Area Community Aid (SACA) to administer the UAP. SACA is requesting that the City remove the cap per household or at least increase the cap from \$125 to \$150 per year. She explained that she would prefer to see a cap per household, because if it is removed than the City would be assisting less people and the money could be used up quickly.

Mayor Palmer said that he understands staff’s perspective, but believes that SACA should decide who needs assistance and at what level. He sees it as SACA’s program and their money to give out the way they see fit, because they are the experts.

Councilor Carter would like to see the City provide an annual cost of living adjustment to the overall amount given to SACA and to the cap. She indicated that she is in favor of the \$150 cap.

Councilor Sears indicated that he would like to see the money spread out to more people and would be comfortable with increasing the cap to \$150. He said that looking at the numbers 2/3 of the money

distributed is at the cap level and if there was no cap then the money wouldn't get spread across the customer base.

Councilor Plummer stated that his wife is the executive director of SACA. He said that they have not turned anyone away for assistance; once the UAP cap is met they supplement the household with other funds. He said that he sees this as a grant to SACA for them to do what they do best. He would advocate for no cap, because they have their own criteria and limits. He doesn't see it as the City's role to get involved with how they administer their program. He said that 2019 could serve as a test case for the removal of the cap and the agreement could be reevaluated next year.

Councilor Freilinger said that he understands that this is SACA's area of expertise, but the City's objective is to help the most people. He would advocate for a \$150 cap.

Councilor Neideigh said that she is for the \$150 cap in order to see more households receive help.

Staff will prepare an amendment to the UAP agreement with SACA to increase the maximum cap per household to \$150. City Manager Christy Wurster indicated if SACA doesn't expend the entire \$5,000 the remaining money rolls over year to year.

### **2.3 Council Goal 2.8 Explore Opportunity of Camera on City's Website**

Chief of Police Jeff Fossholm reviewed the options for a camera on the City's website. He said that the easiest and most affordable would be to purchase a weatherproof permanent mounted camera on City Hall, which would also require a computer and wiring. He provided an example of a similar camera mounted on the Woodburn Public Library. The cost is estimated at \$3,400 and is not budgeted for the current fiscal year. The money could be taken out of contingency this year or it could be placed in the FY 2019-2020 budget. Council discussed if the cost of the camera would be worth the expense and who would use it. Councilor Plummer explained that he proposed this goal, but was thinking about having a camera looking down on Town Square Park or Main Street. He recommended waiting to mount the camera at the new Civic Center and Council was agreeable to that proposal.

### **2.4 Small cell towers within the right-of-way**

Community Development Director Jason Gottgetreu explained that this in response to a FCC order that sets deadlines for the City's ability to limit design/construction standards and set fees related to small cell wireless facilities (SWFs). He provided an overview of SWFs, which are now more than 28 cubic feet in volume or roughly the size of a refrigerator. The order caps fees that municipalities can charge related to permit applications and annual ROW access fees and/or attachment fees. These facilities are needed to roll out 5G. He explained that 5G requires smaller cell phone towers; each carrier would need one approximately every 300 feet.

The order preempts aesthetic requirements for SWF unless they are 1) reasonable; 2) no more burdensome than those applied to other types of infrastructure deployments; 3) objective; and 4) published in advance. The requirement that all wireless facilities be deployed underground is preempted in this order. The City's current standard requires these facilities to be underground. The City needs to adopt new standards by April 15, 2019 before this order becomes effective. Most likely minimum spacing requirements would not be allowed in the new standards. The order imposes a shot clock of 60 days for SWFs to be added to existing structures and 90 days for SWFs using a new structure. This creates a short timeline for the City to review the permit, thus staff is going to need a good process in place for these proposals. Council reviewed pictures of the facilities and how they attach to existing poles verse new poles, as well as what ground facilities look like.

Included in the packet are sample standards from the City of Tigard. Tigard is trying to get their standards adopted by other jurisdictions so cities will have a unified approach moving forward. He reviewed the key elements of Tigard's standard; including, 1) a separation standard; 2) equipment must be concealed if it is located on a new pole; 3) it doesn't allow for ground mounted equipment; 4) there is a color match requirement; 5) conduit must be inside the pole or flush mounted with the pole; and 6) there are noise standards regarding what the facility can emit.

Councilor Sears asked if Silverton's franchise with PGE states that the poles are an exclusive use for their services. The SWF carriers would have to get permission to install their facility from PGE and the City. Staff noted that the franchise with PGE states that the City is not entitled to any pole attachment fees. Councilor Sears stated that he would like to see language included that if the pole needs to be moved due to the City needing to widen the road, or another circumstance, that the carrier needs to pay for the relocation expenses. Staff will include that in Silverton's standard. Council would also like to add language that if a new pole is required to be installed in between the existing poles than it be solar lighted. Discussion also ensued about requiring a banner mount or other items such as street signage in order to hide the equipment. Staff will draft an ordinance for City Council consideration in April.

City Manager Wurster said that the League of Oregon Cities has initiated a lawsuit on this matter under home rule authority and cities ability to set their own design standards; however, Silverton still needs to adopt standards before April 15, 2019.

Councilor Freilinger asked about how this correlates with what the Planning Commission is looking at allowing smaller antennas on residential homes for better internet service. Director Gottgetreu explained that they are trying to tailor the development code to not allow 5G facilities to be attached to a wireless use in the R-1 zone.

## **2.5 Westfield properties solicitation for proposals**

Councilor Freilinger requested that this agenda item be heard before Agenda Item 2.4 and Council was agreeable to that change. Community Development Director Jason Gottgetreu reviewed a map of the Westfield property. He explained that the City is considering putting out a solicitation for developers to show what could be developed on the Westfield site. The property is currently zoned public and R-1 single family residential. This would allow a density of between two and six units per acre. He said that the site could be developed through the Planned Unit Development (PUD) process which would allow 20 percent of the property to be used for commercial purposes. He provided an overview of the utilities located on the site, the change in elevation, and the challenges facing the site. He indicated that the parcel to the Northwest of the property has been approved as a PUD and will be developed in three phases over the next five years.

Director Gottgetreu directed Council to the draft solicitation in the packet that outlines the parameters for development. He would like to receive more direction from the Council regarding what they would like to see on the site. Currently the zoning would allow for 48 dwelling units. He provided examples of what senior housing, apartments, and commercial buildings could look like on the eight acre site. Staff would like to hear Council feedback on the density of the site, what the uses should be, what features/amenities should be included, and what would make a desirable proposal verses an unpalatable one.

Councilor Freilinger would like the proposals to focus on residential and affordable development. He would also like the structures to be LEED certified. He said that Silverton has plenty of commercial land available, but wouldn't be opposed to mixed use with some livability elements.

Councilor Carter said that she agrees with Councilor Freilinger regarding not needing commercial land on the site. She would like to see it as senior housing due to the proximity of shopping, the hospital, and the Senior Center. She likes the idea of allowing more density with three story buildings and green space.

Councilor Sears said that he agrees with Councilors Freilinger and Carter. He would like to see some kind of affordable housing and questioned if homeless housing could be addressed on the site as well.

Mayor Palmer indicated that he is not interested in the commercial aspect, but could see some benefit in a beauty salon or barber shop to serve the residents and senior center. He reminded Council that the 18-30 year old generation is also having a difficult time finding affordable housing in Silverton.

Council discussed the role that Marion County Housing Authority has in regards to affordable housing, how Section 8 vouchers work, and the definition of affordable housing. Director Gottgetreu explained that

a commonly accepted guideline for housing affordability is a housing cost, including utilities that do not exceed 30 percent of a household's gross income. If you are spending more than 30 percent of your gross income on rent and utilities you are considered rent burdened. Silverton's median household income is \$60,603 if a household is at 60 percent of the median income than their rent and utilities would have to be \$909 or purchase a \$135,000 house to be considered affordable. If the household is at 80 percent it would need to spend \$1,200 in living expenses or purchase a \$180,000 house to be affordable. If a household is at the area median income then living expenses would need to be \$1,515 or purchase a \$250,000 house. In 2018, the average sale price of a house was \$333,000 in Silverton. He said that in this proposal it would be helpful to tell the developer which of the percentages the City Council deems as affordable, such as using the 60 percent or 80 percent number for rent prices.

Councilor Freilinger said that he would like to see the amount set at the very least 60 percent of the median household income or lower. Director Gottgetreu explained that offering a density bonus to the developers could be a good way to entice them. He further explained that under the current zoning 48 units is the maximum allowed, but if Council decides to rezone the property 240 units could be allowed under the high density R-5 zone. He would like to get feedback on what number of units would be acceptable to the Council.

Councilors Freilinger and Carter indicated that they would like to see a R-10 zone. Councilor Plummer said that he would like to see high density and would be in favor of neighborhood stores and small businesses with no office space. He would also like to see the RFP incentivize green building requirements. Mayor Palmer explained that he feels higher density is appropriate for senior housing, but 240 units might be too high for other housing options.

City Manager Wurster said that the RFP will indicate that the City is willing to entertain proposals up to and including a maximum density of R-10 if affordability, sustainable building practices, and other elements are met. It will also indicate that the City is open to smaller accessory type businesses that would primarily serve the residents in the development. Council discussed the need to require the proposals provide affordable housing and then leaving the rest open in order to receive creative ideas from the development community. A portion of the property could be designated for a Habitat for Humanity project as well. Councilor Plummer suggested adding verbiage that the proposal doesn't need to utilize the entire property. Councilor Neideigh said that she would like to see the property developed for senior housing.

### **III. CITY MANAGER UPDATE**

City Manager Wurster said that the State Legislature is considering House Bill (HB) 2509 that would adopt a statewide plastic bag ban. The League of Oregon Cities is looking for feedback from cities that have adopted their own regulations. Council would like to see language that would grandfather in existing ordinances. Councilor Sears indicated that he doesn't like that HB 2509 doesn't allow cities to be more restrictive in their ordinances, he feels that cities should be able to exceed the statewide minimum if they choose to do so. Councilor Plummer said that he would be interested in testifying on behalf of the City if the Bill gets a hearing.

City Manager Wurster received an email from SCAN-TV regarding regular City Council meetings extending beyond 10:00 p.m. The current student assigned to cover Council meetings has a requirement that they leave by 10:00 p.m. The contract with the School District allows for this, but it means that they have to bring in a different student or staff person to cover the rest of the meeting and they are compensated for doing so. Council discussed the valuable partnership, but it will be difficult to set an adjournment time of 10:00 p.m. every meeting. Staff will notify SCAN-TV to expect all regular meetings to extend beyond 10:00 p.m.

Lastly, City Manager Wurster indicated than an additional 10 feet of asbestos has been found at Eugene Field. It has been sent to DEQ for their approval to remove it. This will require an additional change order. The demolition contractor is working on the opposite side of the site.

#### **IV. COUNCIL COMMUNICATIONS**

Councilor Carter said that she, Mayor Palmer, and Councilor Freilinger presented to Silverton High School students last week about city issues. She indicated that it was a really good experience and was happy to participate. Her presentation focused on how small cities can combat global warming and one way is through code changes. She said that she would like to see the city ban black roofs in the code, because they increase air conditioning costs in the summer by as much as 50 percent.

Councilor Freilinger said that presenting to the high school students was a great experience. He presented on broadband implementation and was encourage by the response he received. The topic generated a lot of excitement from the students. He said that he hopes Council will stay focused on finding Wi-Fi solutions for better internet and video services.

Councilor Plummer said that he would like the City to explore utilizing the City's gravity fed waterlines for power generation. He will follow-up with additional information. He updated the Council about a roundtable discussion with Congressman Schrader that he attended.

Councilor Sears requested that Council appropriate funds to begin the circulation study this year, in order to ensure that the design for McClaine Street is not impacted. City Manager Wurster said that Public Works Director Petra Schuetz is planning on providing an update on the McClaine Street project at the March Work Session and Council can discuss the circulation study at that time. Due to the timing of the improvement, he asked if Public Works could look into shifting the center line of McClaine back towards the south, because the north side is in rough condition. This would take the traffic off the worst part of the street which would help prolong the road and make it safer until the project can begin.

Mayor Palmer enjoyed the opportunity to talk to the high school sophomores. He said that Councilors did get grilled on safe routes to school. He asked staff to provide an update about how the talks with Marion County are going regarding Grant and Western Avenue at the next City Council meeting. Lastly, he said that he left the school thinking that the next Town Hall should be held at 3:00 p.m. at the High School and organized by the Government and Politics Club. This would help capture the high school body who is interested in attending. It would have to be held in May or October. Council was agreeable to exploring this as an option.

#### **V. ADJOURNMENT**

Councilor Freilinger made a motion to adjourn the meeting and Mayor Palmer adjourned the meeting at 9:08 p.m.

Respectfully submitted by:

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