

CITY OF SILVERTON
CITY COUNCIL MINUTES

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

April 6, 2020, 6:00 p.m.

I. OPENING CEREMONIES – Call to Order & Roll Call

Mayor Palmer called the meeting to order at 6:00 p.m. All City Councilors were present through the virtual meeting platform Zoom. Mayor Palmer explained this meeting is being held through Zoom due to Governor Brown’s Executive Order 20-12.

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

Staff Present:

City Manager, Christy Wurster and Assistant to the City Manager/City Clerk, Angela Speier; Community Development Director, Jason Gottgetreu (Zoom); and Public Works Director Petra Schuetz (Zoom)

II. STATE OF EMERGENCY DECLARATION

2.1 Resolution No. 20-07 – Ratifying the Mayor’s State of Emergency Declaration

City Manager Christy Wurster explained that Governor Brown declared a state of emergency due to the COVID-19 virus on March 8, 2020. On March 16, 2020 Marion County also declared a state of emergency in order to respond to the rapidly changing conditions. On March 23, 2020 Mayor Palmer declared a state of emergency pursuant to Chapter 2.44 of the Silverton Municipal Code. This declaration allows the City additional flexibility to take any and all necessary steps to coordinate a response to this emergency. The declaration will remain in effect until at least May 4, 2020 and if deemed necessary the City Council can extend the declaration at the May 4 City Council meeting.

City Manager Wurster further explained the City received a confirmation earlier this month that a member of the Silverton Police Department tested positive for COVID-19. This individual is self-quarantining, has not been severely ill and has not been to work since March 27, 2020. City Hall has not been open to the public since March 18, 2020 and the individual has had limited contact with the public. The City has taken all necessary precautions to clean City Hall and is taking additional steps recommended by the CDC, OHA, and Marion County Health Department. At this point the President of the United States has urged the nation to continue to help stop the spread of COVID-19 through April 30, 2020. She said everyone plays a key role in helping to slow the spread of the virus and keep the most high risk population safe. Staff is asking for City Council to ratify the Mayor’s emergency declaration issued on March 23, 2020.

Councilor Carter made a motion to adopt Resolution No. 20-07 ratifying the Mayor's state of emergency declaration. Councilor Neideigh seconded the motion. There was no discussion and the motion passed unanimously (7-0).

III. APPROVAL OF MINUTES

Councilors Neideigh and Smith noted they will be abstaining from the vote on the March 2, 2020 minutes, because they were excused from the meeting.

Councilor Smith noted the word "lesson" on page 3 (line 39) of the February 25, 2020 minutes needs to be changed to "lessen." Councilor Smith made a motion to approve the minutes as amended. Councilor Carter seconded the motion. There was no further discussion and the motion passed unanimously (7-0).

Councilor Carter requested staff provide follow-up information regarding comments made by Gary King on page 2 of the March 2, 2020 minutes. Staff will follow-up with the Chief of Police regarding the incident Mr. King spoke about and add a footnote at the bottom of the minutes. Councilor Carter made a motion to approve the minutes with the suggested amendment. Councilor Sears seconded the motion. There was no further discussion and the motion passed unanimously (5-0) with Councilors Neideigh and Smith abstaining.

IV. OATHS OF OFFICE/PUBLIC RECOGNITION

4.1 Proclamation – Arbor Day

Mayor Palmer read the proclamation and proclaimed April 24, 2020 as Arbor Day.

4.2 Proclamation – Child Abuse Awareness Month

Mayor Palmer read the proclamation and proclaimed April Child Abuse Prevention Month.

V. PUBLIC COMMENT – None.

VI. SCHEDULED PRESENTATIONS

6.1 Silverton Chamber of Commerce Monthly Update – Stacy Palmer

Executive Director Stacy Palmer provided a written report which was included in the Council packet.

VII. PUBLIC HEARINGS - None

VIII. DISCUSSION/ACTION ITEMS

8.1 Ordinance No. 20-05 – Amending and extending the duration of the Solid Waste Management Ordinance and declaring an emergency

City Manager Wurster explained this is a three month extension to the City's franchise agreement with Republic Services. Staff explained the pandemic facing the community has delayed the negotiations. The City has provided comments on the proposed franchise to Republic Services, but has not received any communication from them in return, nor has the City received their proposed rates. Councilor Smith said she would like to have input in advance from Republic Services prior to them presenting at a future meeting. This would ensure past questions raised by City Council are addressed.

Councilor Sears made a motion to have the first reading of Ordinance No. 20-05, by title only. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Manager Wurster read Ordinance No. 20-05 by title only.

Councilor Sears made a motion to pass Ordinance No. 20-05 on its first reading. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously (7-0).

Councilor Sears made a motion to have the second reading of Ordinance No. 20-05, by title only. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Manager Wurster provided the second reading of Ordinance No. 20-05 by title only.

Councilor Sears made a motion to adopt Ordinance No. 20-05 on its second and final reading. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously (7-0).

8.2 Authorize the City Manager to enter into a contract for architectural services for the Silverton Civic Center

Mayor Palmer noted this agenda item has been revised and additional information was added to the Council packet earlier today. City Manager Wurster explained this is a request to authorize the City Manager to enter into a contract with Mackenzie Engineering Incorporated for architectural services for the Silverton Civic Center. On January 30 the City issued a request for proposals (RFP) for architectural services to design the Police Station, City Hall, Municipal Court and Council Chambers. The RFP closed on February 26 and the City received nine qualified proposals. A selection team comprised of City staff and Councilor Smith conducted interviews with the nine firms on March 12 and March 13. The top three ranked firms were invited to provide pricing proposals. City Manager Wurster reviewed the pricing proposals listed in the staff report. Mackenzie was the highest ranked firm in every round. Following the pricing structure the City Manager has been engaged with Mackenzie on negotiating a contract which is located in the revised City Council packet. Staff is seeking City Council's consent to complete the contract in substantial form as it is submitted and to move forward with the intent to award the contract to Mackenzie Engineering Incorporated.

Councilor Sears asked since the contract is in substantial form if there would be some minor adjustments. City Manager Wurster noted that was correct if there is something identified as substantial by the City's legal counsel staff would need to bring that item back to Council for approval. Councilor Sears asked if there will be an opportunity for Council to submit possible revisions that are not substantial. City Manager Wurster said they can be submitted, but she cannot guarantee they will be included in the final draft. The contract has been reviewed by the City Attorney and the major provisions have been agreed upon by both parties.

Councilor Freilinger asked if City Council were to come to the conclusion that the scope of this project is more than what the City can afford, it would still be possible to modify the scope and not build on the entire Eugene Field Commons site. He would like to ensure the Council can trim the project back if necessary. City Manager Wurster said that is correct and the agreement includes a public engagement process, additional interviews, and meetings with the City Council where any concerns can be vetted.

Councilor Smith made a motion to authorize the City Manager to enter into an agreement with Mackenzie for architectural services in substantial form to AIA Document B101 for the Silverton Civic Center in the amount of \$467,879 following the expiration of the seven day period for protest. Councilor Carter seconded the motion. There was no further discussion and the motion passed unanimously (7-0).

IX. CONSENT ITEMS

Mayor Palmer noted Councilor Sears would like to pull consent agenda item 9.4. Councilor Carter made a motion to approve the remaining consent agenda items consisting of items 9.1, 9.2, 9.3, and 9.5. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (7-0).

- 9.1 OLCC Liquor License for Graystone Empire LLC dba: Graystone Lounge (Old Towne House) with New Ownership**
- 9.2 Authorize the City Manager to extend an Intergovernmental Agreement with Marion County for ballot box placement**
- 9.3 Ratify signed contract agreement no. 33999 with ODOT for the S. Water Street sidewalk extension**

9.5 Authorize the City Manager to extend the sublease agreement with Silverton Sheltering Services for use of space at the Community Center

9.4 Approve power utility relocation approach for McClaine Street

Councilor Sears asked for this item to be pulled because this would exclude the City's ability to underground utilities while performing the reconstruction of McClaine Street from C Street to Main Street. He explained during previous discussions there could be a potential savings of \$500,000 if the City Council decided not to improve James Street during this project. This savings could potentially be used to help offset the cost for undergrounding the utilities. The City decided to further explore the possibility of vacating James Street through a Circulation Study, which the results of that study have not been released. He further explained the City requires undergrounding utilities for new streets, so this recommendation goes against what the City typically requires for street construction. He said the City Council Goals also task staff to look into undergrounding utilities downtown. For consistency purposes he feels the City should seriously look at undergrounding the utilities for the McClaine Street project. The cost estimate also shows a 30 percent contingency for the project, which seems high. He sent Public Works Director Petra Schuetz questions regarding this agenda item earlier today. He said if there is not Council support to look at undergrounding the utilities, he feels at a minimum conduit should be provided in order to plan for the future. In addition, if full undergrounding cannot occur he would like to explore removing the poles on the south side of the street.

Public Works Director Schuetz said she worked with Shannon Williams, Project Manager with Keller Associates to answer Councilor Sears's questions. Ms. Williams introduced herself to Council and provided the following answers to Councilor Sear's questions:

1. Were the cost estimates for each utility/franchisee prepared by them or Keller? Ms. Williams explained it was a combination of both. The utilities provided an estimate for undergrounding in the public right of way and Keller provided an estimate for private property.
2. Why is there a 30 percent contingency? Ms. Williams explained this is standard for programming cost estimates.
3. Why is Keller doing the design work for the utility/franchisee? Is this standard practice? Would this not normally be done by the utility/franchisee and be included in their pricing? Ms. Williams explained Keller is doing some of the design work for the utility, because this is a forced relocation by the City.
4. Does the utility/franchisee estimates take into account an offset for the cost they will incur if the lines remain above ground? Ms. Williams said no they did not.
5. If we remove the 30 percent contingency, the cost is around \$654,640. We discussed the closure of James Street. This potentially would offset the undergrounding? Director Schuetz explained the only public improvement slated for James Street is a new sewer line and removing the contingency is not recommended.
6. The Council approved moving ahead with the circulation study early in order to look at the closure of James Street. What did the study say? Director Schuetz said there is an internal draft completed for this study which will be available to the transportation committees in approximately two weeks. The draft report does not recommend vacating James Street.
7. I understand that fire and police are concerned about the closure of James Street. Are there specific reasons that there is concern? Can these concerns be addressed in another way, such as using other access points that are available between C and McClaine Streets? Director Schuetz explained Chief Fossholm's concerns with closing the street.
8. We require undergrounding the utilities for development in our community. I would think we would want to obtain the same level of improvements as we require. Director Schuetz said she agrees with this statement, but that is written for new development. This project would be a relocate/retrofit of the existing utilities and the extreme cost difference between the two options has played into the recommendation not to underground. There are still some unknowns in the cost estimate and does not feel it is worth the taxpayer's money to do the undergrounding at this time.
9. If the decision is to continue with overhead utilities, can we still install the conduit at this time and not make the connections or pull the cable, so that it is available at a future date so that street improvements are not disturbed? If so, would it be less of a cost and how much? Ms. Williams

said installing conduit is a feasible solution. PGE, Wave and Frontier would have some engineering costs associated with it which would require the City to reimburse them for those costs. Keller would also have some additional costs, but it would save approximately 50 percent of the undergrounding cost estimate which is about \$500,000.

10. There are poles on the north and south side of the street. At a minimum, can we require that poles only be on the north side and have frontier relocate to these poles? Ms. Williams explained this would still be considered a forced relocation and the City would be responsible for Frontier's engineering and construction cost. In addition, PGE would need to assess the capacity of their poles and if they did not have the capacity to hold Frontier's equipment the City would have to pay for them to be upgraded. She explained the utilities have not begun their engineering, because they are waiting for this decision to be made. This delay is starting to impact the construction schedule for the project. Her recommendation is to treat the utilities consistently and not make one relocate and not the others.

Councilor Sears asked if PGE would need to put new poles in to accommodate the new sidewalks. Ms. Williams said there will be a combination of new poles needing to be installed where the old ones cannot be accommodated, but was unsure of the number of new poles that would be needed.

Councilor Sears asked if the improvements made to James Street includes an overlay. Director Schuetz said that was taken out of the project. She said the sanitary sewer will be upsized which will require a cut and a repair.

Councilor Sears thanked Director Schuetz and Keller for taking the time to answer these questions. It will help City Council make an informed decision on the project. He would still advocate for removing some of the poles on the south side of the street. Council discussed the cost to underground the utilities, the construction timeline and explained their preference moving forward. They did not want to require anything that would cause the project to be delayed any further. Director Schuetz explained a decision needs to be made on this issue tonight for this project to move forward during the 2020 construction season. Ms. Williams briefly explained the construction timeline.

Councilor Freilinger made a motion to authorize the Public Works Director to proceed with above-ground utility relocation for the McClaine Street reconstruction project due to considerable cost savings, while also considering the installation of conduit. Councilor Smith seconded the motion. There was no further discussion and the motion passed unanimously (7-0).

X. APPOINTMENTS TO COMMITTEE AND ADVISORY GROUPS - None

XI. CITY MANAGER UPDATE

Mayor Palmer thanked City staff for their continued operations in an environment that changes daily. He said this is an unprecedented time and has been impressed with how business has been conducted at the City staff level. He thanked City Council for their presence tonight in this atypical meeting format and their calm response to the pandemic. He thanked the medical providers, first responders, grocery store employees, and all the essential workers keeping things moving. He also thanked the citizens of Silverton for doing their part during this pandemic and putting the message "Stay Home. Save Lives." into their daily reality. He is proud of the community's response despite what they have been asked to give up. He stressed we are all in this together.

City Manager Wurster echoed the Mayor's statements and expressed her gratitude to the City staff for their work in this challenging environment. Marion County has delayed their bridge project that will close a portion of Silverton Road until 2021. She provided a service update for Cherriots transit. She reminded City Council and Planning Commission members of the requirement to file a Statement of Economic Interest (SEI) by April 15. She asked Council's preference on holding a Work Session in April or cancelling due to the COVID-19 pandemic. She explained while some people can remote into the meeting a limited number of staff have to be present in the Council Chambers in order to allow for the

public to attend if they have no other way to access the meeting. City Council decided to cancel the April Work Session, because the items on the agenda are not urgent at this time.

XII. COUNCIL COMMUNICATIONS

Councilor Neideigh urged the community to continue staying home and social distancing. This is making a big difference in the ER and Urgent Care facilities. She explained the medical field is expecting a surge in COVID-19 cases in mid to late April.

Councilor Carter said it was refreshing to see the Saturday Market open and was happy to report everyone was following the social distancing requirements. She feels this is a healthy alternative to going to the big box stores. She said local businesses need the community's support more than ever.

Councilor Freilinger thanked staff and the front line medical and grocery store employees. He said the Saturday Market is a grocery store and is a vital service to the community. He does not see an issue with the market being open as long as they are adhering to the same safety precautions as grocery stores.

Councilor Smith signed off at 7:44 p.m. due to a low battery.

Councilor Plummer echoed his thanks for staff and essential employees. He shined a light on the positive efforts that are occurring in the community and the organizations that are stepping up to help people in need. He asked if the City should increase the funding available in the utility assistance program. City Manager Wurster explained staff is recommending an increase to that program in the upcoming budget. She also suspended shut-offs and late fees throughout the emergency declaration. He said it is anticipated the need will continue to increase as the number of cases in Oregon rise later this month.

Councilor Sears said he is thankful to the heroes that are on the front line every day. He is concerned as the weather gets nicer people will be more active and not be thinking about social distancing. He encouraged the City to continue to help spread the "Stay Home. Save Lives." message.

Mayor Palmer thanked SCAN-TV for being on site to live stream the meeting to the public. He reported on weekly meetings the city is having with a number of service providers in the community to keep up to speed on what is happening in their respective areas.

XIII. ADJOURNMENT

Councilor Sears made a motion to adjourn. Councilor Carter seconded the motion and Mayor Palmer adjourned the meeting at 7:54 p.m.

Respectfully submitted by:

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