

CITY OF SILVERTON  
**CITY COUNCIL MINUTES**

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

July 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. Mayor Palmer and City Clerk Angela Speier attended in the City Council Chambers. The rest of City Council and staff 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 20-16 and House Bill 4212.

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

Staff Present:

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

**II. APPROVAL OF MINUTES**

Councilor Smith made a motion to approve the minutes from the regular meeting held on June 1, 2020, the work session held on June 8, 2020, and the special meeting held on June 15, 2020. Councilor Carter seconded the motion. Councilor Carter requested “until the State requires them” to be added to page two of the June 8, 2020 minutes on line six. The sentence will be modified to read Councilor Carter said it is not feasible to require face coverings city-wide until the State requires them. There was no further discussion and the motion passed unanimously (6-0) with the addition to the June 8, 2020 minutes.

**III. OATHS OF OFFICE/PUBLIC RECOGNITION – None scheduled**

**IV. PUBLIC COMMENT**

Kelly Morehouse. Ms. Morehouse said she has been working with Officer Hein regarding excessive traffic noise caused from modified vehicles. She said it is especially disruptive up Danger Hill as well as downtown. She suggested the City create some policies or signage in order to make people aware this type of noise is against the noise ordinance. Ms. Morehouse submitted written comments that were

distributed to City Council and included as attachment 1. Councilor Carter said she has noticed it on Main Street typically between 10:00 – 11:00 p.m. and suggested more officer presence in the area.

Mayor Palmer read written testimony submitted by Carole DeMar and Jeff Tinkham into the record (attachment 2). Ms. DeMar is requesting City Council's support and approval for "*Flags of Hope,*" a collaborative community art project designed to spread hope, goodwill and kindness one flag at a time. Staff will reach out to Ms. DeMar and Mr. Tinkham to discuss this idea and ways to move forward.

Dean Oster, 239 Rock Street. Mr. Oster voiced his opposition to a policy regarding delinquent water and sewer payments. He explained the typical policy (outside of the administrative policy approved due to COVID-19) is that a household can get their water shut-off if they are late on their payment. The issue regarding non-owner occupied residences is that if a renter does not pay the bill and leaves the residence the owner of the property is then responsible to pay for the water they used. He said this is unfair to anyone in this position, because no other utility companies would demand payment from the owner of the property. If a tenant does not pay their bill then other utilities go after the tenant for payment. He would like to see the City Council discuss this issue and consider changing the policy.

## **V. SCHEDULED PRESENTATIONS**

### **5.1 Silverton Chamber of Commerce Monthly Update – Stacy Palmer**

Stacy Palmer, Executive Director of the Silverton Chamber of Commerce provided their monthly update. Ms. Palmer said the Chamber office remains closed, but staff is available by appointment, email and phone. She said local businesses have been sharing their hardships associated with supplying masks to customers. Marion County has provided the Chamber with additional masks to distribute to local businesses. The Chamber also has four gallons of hand sanitizer available for businesses to fill their own containers. She said the Wednesday business group meetings are taking place virtually and thanked Chief Anglemier for his presentation last week about police training and protocols. She highlighted their new members and said Visitor Guides are now available. She provided an update on the number of COVID-19 cases in Marion County and Silverton. The Chamber is also educating businesses on their right to enforce the state's face covering mandate by refusing service and providing an alternative way to serve customers who do not have a face covering.

## **VI. PUBLIC HEARINGS - None scheduled**

## **VII. DISCUSSION/ACTION ITEMS**

### **7.1 Civic Center Status Update and Discussion – Mackenzie Engineering, Inc.**

City Manager Wurster said the City entered into a contract with Mackenzie in April. Mackenzie presented three predesign schemes for City Council consideration at the June 15 meeting. Following that meeting a survey was developed and posted on the City's website and Facebook page. In addition, paper copies were also distributed via the Meals on Wheels Program, at Silvertowne I & II, Twilight Courts, Colonia Jardines and Somos Hispanas Unidas. Posters were given to Pacific Crest Apartments, Silver Cliff Estates, Silverplace Apartments, and hung throughout downtown and City Hall.

Cathy Bowman, Seth Bradshaw, and Jeff Humphreys with Mackenzie walked City Council through the results of the survey. There were 478 total responses. The top four preferred site elements were: 1) gathering space; 2) preservation of trees; 3) festival street; and 4) splash pad. The least preferred site elements were: 1) stadium seating; 2) bandstand; 3) splash pad; and 4) hydrological elements.

The second set of images asked respondents to select the architectural building style that best represents Silverton. The top four preferred styles were: 1) Wolf Building; 2) Masonic Hall; 3) Silver Creek; and 4) Silver Falls Lodge. The least preferred were: 1) Silverton High School; 2) Gordon House; 3) City Hall; and 4) Eugene Field Elementary.

The next set of images was samples of other Pacific Northwest Civic Centers. The top four preferred buildings were: 1) Mukilteo Community Center; 2) Bainbridge Island City Hall; 3) Keizer City Hall; and 4) a

sample Civic Center. The least preferred were: 1) a sample school; 2) Toronto Library; 3) Terracotta; and 4) Albany Police Station.

Last month Mackenzie reviewed three site options with City Council and those site plans were also included in the survey for feedback. Option 2 received the highest number of votes with 44 percent (171) of the people preferring this site plan. Option 2 was also the favorite for its building massing.

Jeff Humphreys reviewed the cost estimates for the three site options and explained how those estimates were achieved. The first round of cost estimates for the three options ranged from \$26.8 million to \$30.3 million. City staff serving on the design team indicated that was more than the City was willing to spend on the project. Mr. Humphreys reviewed the value engineering exercise taken to trim the cost estimates, including removing the underground parking structure, reducing the height of the building, and changing the building materials. By making these changes the revised cost estimates range from \$18.9 million to \$19.6 million on the high end and \$18.2 million to \$18.9 million on the low end. The target cost staff would like to see is between \$17 and \$18 million. Mr. Humphreys reviewed a modified option 2 with the parking being on site instead of underground, which caused a reduction in the amount of green space by approximately 65 square feet. The modified option does not use the north lot across A Street, by not developing this lot there are less off-site improvements that will need to be made. Ms. Bowman said Mackenzie recommends City Council authorize the firm to proceed with final schematic design for option 2.

Councilor Carter said she is disappointed with the decrease in the public green space due to losing the underground parking in the modified design and with the street cutting through the property.

Councilor Sears said he is concerned the characteristic of building will change due to the reduction of the height and glazing. He was also disappointed with losing the underground parking. Ms. Bowman said the glazing was reduced by five percent mainly because the building was right-sized. She does not think the reduction will be a design issue and they will be looking to capitalize on natural light. Mr. Humphreys explained the original plan showed a 10 foot first floor, because that is a reasonable height for a parking garage. The modified plan reduces the building by six feet, because there will be a four foot pad so there will still be a berm around the building offering a presence to the structure. This will allow for some stadium seating. Councilor Sears asked what the net change is by moving the underground parking to surface parking. He said he would like to see more park area and was wondering why the empty lot on the north side of A Street will not be utilized for parking. Ms. Bowman said the cost savings by eliminating the underground parking is \$2.3 to \$3 million. She explained the lot on A Street could be utilized for the secure police parking, but it would create a longer response time for the police and it would require frontage improvements. The site design has not been fully developed and the design team can look at ways to increase the green space on the site. Councilor Sears asked about vacating A Street which would allow for a better response time and would not require the frontage improvements. He also asked how the contingency costs are calculated, because they seem high. Mr. Humphreys walked through each of the contingency costs which are separate for each pool of money. Councilor Sears would like to include add options for amenities in the bid documents.

Councilor Freilinger would like to see a more classical and historical feel that ties into the downtown. He noted he is still concerned about the cost and would never consider building anything over \$20 million and feels the contingency for the project should not be lowered. He said the amount of glass makes it seem too modern. He voiced his support for moving forward with the modified option 2 site plan. He would like City Council to consider selling the empty lot across A Street.

Councilor Carter would like to see City Council consider vacating A Street and does not want minimize the amount of glass used on the building. She would like to see the parking/festival area smaller in order for the site to have more green space.

Councilor Plummer was pleased to see the option 2 garner the most votes in the survey, because that was also City Council's preferred site plan and the budget seems to be favoring that option as well. He would like to see more green space located on the southern end of the site and would prefer to see the

parking on the north side of A Street, which would allow for everything to shift north in order to expand the green space. He would be fine with vacating A Street if there are no constraints to doing so. He would like to see barriers or traffic calming devices that would deter people from driving through Festival Street and would like to see some elevation of the building.

Mayor Palmer would not be in favor of pursuing the sale of the property north of A Street and would not mind seeing it used for parking. He is happy option 2 seems to be rising to the top, but still has questions about the value engineering piece and what is still included as part of the building. He is worried about how these alternations will impact the appearance of the building. He feels it might be too modern and would like to see it more complimentary to the downtown. He would also like to see more green space.

Councilor Smith said she likes the look of the Wolf Building's windows instead of long stripes of windows. She said the public was not supportive of the stadium seating and it consequently saves money. The amount of green space south of Festival Street is not much different than what was presented at the prior meeting. The design team will be able to find ways to increase the green space without having to utilize the lot north of A Street. She recommends not utilizing that lot for parking, because of the increase in development costs associated with doing so and the flexibility it could provide in the future. Councilor Smith said the design team also figured out that one of the rows of parking could be removed and the City would still meet the number of necessary spaces for the site.

Council discussed the possibility of vacating A Street and incorporating it as parking. By doing this it would make the block length approximately 675 feet with the standard block length being 500 feet.

Mayor Palmer asked what the next steps are in regards to public input. Ms. Bowman explained a lot of the feedback received was ensuring the community is available to all diversities and inclusive to everyone. Another common question was what will policing look like in the future. Mackenzie has been discussing implementing a Diversity, Equity and Inclusion Community Task Force for this project. City Manager Wurster said public engagement will continue to be a priority as the project moves forward.

Councilor Carter made a motion to proceed with the modified option 2 for the building design. Councilor Sears seconded the motion. Mayor Palmer said he hopes that at some point City Council has an opportunity to do their own value engineering exercise of the layout, amenities, and number/size of rooms. There was no further discussion and the motion passed unanimously (6-0).

City Council took a break at 8:14 p.m. and returned to regular session at 8:19 p.m.

Councilor Sears made a motion to look at vacating A Street and moving the building and parking north in order to increase the green space to the south. Councilor Plummer seconded the motion. Councilor Plummer said he would like to know the cost estimate associated with doing this before making a final decision. Ms. Bowman said this would likely cause the schedule to be extended. Councilor Freilinger does not see the need to vacate A Street due to the likely financial impact. Councilor Smith said vacating A Street is not a good idea due to the block length and the cost of developing the empty lot would be a significant increase. She is confident the design team can create a nice size park and building on the current block and is not supportive of the motion. She does not want to see the schedule extended due to this change. Mayor Palmer asked about the number of rows for parking and if it could be reduced to three, which would allow for more green space. Mr. Humphreys said it is possible to remove a row of parking and look at modifying Festival Street to allow for more green space. The parking requirements would still be met. Mr. Humphreys said it will cost approximately \$450,000 in necessary on-site improvements in order to develop the empty lot north of A Street into a parking lot. There would also be additional cost for offsite improvements. Councilor Plummer said he would like to see the lot used for a community garden or orchard. Councilor Sears pointed out the cost for the needed street improvements to A Street would help to offset the cost of vacating the street. There was no further discussion and the motion failed 2-4 (Yes: Councilors Sears and Carter; No: Mayor Palmer and Councilors Freilinger, Plummer and Smith).

Councilor Smith made a motion to authorize Mackenzie to move forward with the recommended pre-design scheme and the completion of the schematic design. Councilor Freilinger seconded the motion. Councilor Plummer asked Mackenzie to verify if this includes moving forward with three rows of parking instead of the four shown. Ms. Bowman indicated yes, they will proceed with three rows of parking on site. Councilor Sears indicated his opposition due to consistency, but said he does want to move forward with the project. There was no further discussion and the motion passed 5-1 (Yes: Mayor Palmer and Councilors Freilinger, Carter, Plummer and Smith; No: Councilor Sears).

## **7.2 Ordinance No. 20-07 – Amending and extending the duration of the Solid Waste Management Ordinance and declaring an emergency**

City Manager Wurster provided background information on the franchise and rate negotiations with Republic Services. Ordinance No. 20-07 extends the current solid waste franchise through December in order to allow additional time for staff to work with Republic Services on the terms of a new franchise. Additional information about the franchise and rate structure will be presented to City Council during the September Work Session.

Councilor Sears made a motion to have the first reading of Ordinance No. 20-07 by title only. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously (6-0). City Manager Wurster provided the first reading of Ordinance No. 20-07.

Councilor Carter made a motion to pass Ordinance No. 20-07 on its first reading. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously (6-0).

Councilor Carter made a motion to have the second reading of Ordinance No. 20-07 by title only. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously (6-0). City Manager Wurster provided the second reading of Ordinance No. 20-07.

Councilor Carter made a motion to pass Ordinance No. 20-07 on its second and final reading. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously (6-0).

## **7.3 Order requiring face coverings for all individuals in City-owned facilities**

City Manager Wurster explained this order requires all City employees and the public to wear face coverings while in City-owned facilities and to maintain a minimum of six feet of distance between non-household groups. She reviewed the exemptions in the order. She noted the results from the Silverton Chamber of Commerce business survey were attached to the staff report. Businesses have been notified that they can pick up additional masks at the Chamber Office. Chief Anglemier was successful in receiving a grant for 5,000 additional masks through FEMA which can be used at City Hall and distributed throughout the business community.

Councilor Sears asked about the definition of City-owned facilities and why it does not include all the facilities owned by the City, such as the Community Center and Library. City Manager Wurster explained the facilities listed were directed by City Council during the June 8 Work Session. She explained the organizations that operate in City owned facilities have plans in place regarding face coverings once they reopen. Councilor Plummer asked if language should be included that refers to the public areas of the Community Center. City Manager Wurster said City Council could choose to add that language tonight.

Councilor Plummer made a motion to require face coverings for all individuals in City-owned facilities, including employees, to help prevent the spread of COVID-19, with the amendment to include the public spaces in the Community Center. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously (6-0).

## **7.4 Ordinance No. 20-08 – Repealing Chapter 2.10 of the Silverton Municipal Code and Ordinance No. 17-10**

City Manager Wurster said approval of this Ordinance would disband the Transportation Advisory Committee (TAC) and repeal the ordinance that created the TAC.

Councilor Carter made a motion to have the first reading of Ordinance No. 20-08 by title only. Councilor Plummer seconded the motion. There was no discussion and the motion passed unanimously (6-0). City Manager Wurster provided the first reading of Ordinance No. 20-08.

Councilor Carter made a motion to pass Ordinance No. 20-08 on its first reading. Councilor Sears seconded the motion. Councilor Plummer thanked the current members of the TAC; including, Dodie Brockamp, Robert Barnes, Molly Ainsley, Chris Linn and Joyce Ryan Metz for their service. He reached out to each of the members letting them know City Council was considering this and encouraged them to contact him with any questions or concerns. He said no concerns were raised. There was no further discussion and the motion passed unanimously (6-0).

Councilor Carter made a motion to have the second reading of Ordinance No. 20-08 by title only. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously (6-0). City Manager Wurster provided the second reading of Ordinance No. 20-08.

Councilor Sears made a motion to pass Ordinance No. 20-08 on its second and final reading. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously (6-0).

#### **7.5 Reinstatement of late and delinquent fees on utility accounts**

Finance Director Kathleen Zaragoza explained staff is recommending reinstating late and delinquent fees on utility accounts. These fees have been suspended since mid-March and the City has forgone over \$32,000 in water revenue. Staff is not recommending shutting off households due to nonpayment, but is hopeful by reinstating late charges it will provide an incentive for people to pay their bill on-time. She explained a phased in approach that could be used when the City decides to reinstate shut-offs. The City has given additional money to Silverton Area Community Aid (SACA) and is referring people who have been struggling to pay their utility bill there. The further people get behind the harder it will be for them to catch up on their payments.

Councilor Carter made a motion to reinstate late and delinquent fees for utility accounts beginning July 15, 2020. Councilor Smith seconded the motion. Councilor Plummer encouraged the City to reevaluate the restrictions placed on the assistance provided through SACA. This could include looking at increasing the cap amount provided for each account. Staff will work with SACA to figure out the most appropriate way to distribute the additional funding granted by City Council. There was no further discussion and the motion passed unanimously (6-0).

#### **7.6 League of Oregon Cities Legislative Priorities Survey**

Councilor Smith made a motion to forward priorities D, H, Q, and J to the League of Oregon Cities. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously (6-0).

#### **7.7 COVID-19 Update**

City Manager Wurster explained the City is still operating under an emergency declaration and provided a status update on City facilities. She reviewed the grants the City has been awarded and the number of COVID-19 cases in Silverton and statewide.

### **VIII. CONSENT ITEMS**

Councilor Freilinger made a motion to approve the consent agenda consisting of items 8.1 – 8.11. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (6-0).

**8.1 Contract Extended via Amendment – Visitor Center Contract with the Silverton Area Chamber of Commerce**

**8.2 Authorize signature of the Collective Bargaining Agreement between the City of Silverton and Silverton Police Officers Association**

- 8.3 **OLCC Liquor License for Emery Roberts of E & E Investments, LLC., dba: Your Break Tavern**
- 8.4 **Resolution No. 20-21 – Adopting a Capital Improvement Plan (CIP) Update for Wastewater and Stormwater**
- 8.5 **Purchase Award – Authorize sole source purchase of radio read water meters from Core & Main**
- 8.6 **Approval to award McClaine Street Improvement Project contract to K & E Excavating, Inc.**
- 8.7 **Agreement Amendment – Department of Corrections Inmate Work Crew Services**
- 8.8 **Evacuation Routes Map Update**
- 8.9 **Resolution No. 20-22 – Updating the Silver Trolley Policies**
- 8.10 **Ratification of decision to repair leaks in the swimming pool surge tank**
- 8.11 **Approval to award Civic Center soils analysis contract to Geodesign, Inc.**

## **IX. APPOINTMENTS TO COMMITTEE AND ADVISORY GROUPS**

### **9.1 Appoint Mayor Palmer to the YMCA Leadership Council and Linda Chatfield to the Tourism Promotion Committee**

Councilor Carter made a motion to appoint Kyle Palmer to the YMCA Leadership Council and Linda Chatfield to the Tourism Promotion Committee. Councilor Freilinger seconded the motion. There was discussion and the motion passed unanimously (6-0).

## **X. CITY MANAGER UPDATE**

City Manager Wurster announced Jason Gottgetreu was successful in obtaining a grant for a new Silver Trolley. She said the Senior Center is interested in the existing Trolley. City Engineer Bart Stepp will be updating the Water Master Plan in-house which will bring a significant amount of savings for the City. Work on this project is scheduled to begin this fiscal year. Lastly, the Silver Falls School District has indicated they would like to continue with the utilization of a Student Resource Officer (SRO) during the upcoming school year.

## **XI. COUNCIL COMMUNICATIONS**

Councilor Plummer said he is not aware of an action City Council can take to reduce nuisance vehicle noise, because he does not want to install additional signage. Chief of Police Jim Anglemier said it is unreasonable noise and is considered a Class D Violation in the traffic code meaning an officer has to witness it. He will ask officers to patrol the area more. Councilor Plummer said he likes the general concept of the community flag project discussed earlier.

Councilor Freilinger thanked Directors Gottgetreu and Zaragoza for their efforts in obtaining grants. He said he is intrigued by the community flag project and would like to see the City's involvement. He would also like to further discuss the concern raised by Mr. Oster regarding landlords being responsible for their tenant's unpaid utility bills. Lastly, he asked Chief Anglemier who has jurisdiction over illegal fireworks. Chief Anglemier said generally it is the Oregon State Fire Marshal, but the police can cite people if they see it. Councilor Freilinger encouraged people to be respectful of their neighbors, pets and individuals suffering from PTSD.

Councilor Smith addressed an email sent to City Council regarding a Facebook post made by Councilor Carter and said she would not support a censure. She is looking forward to the flag project. She has been looking at drought data and asked how close Silverton is to reaching the threshold for implementing water restrictions. Public Works Director Petra Schuetz said staff has been following the Oregon Department of Agriculture's Seasonal Climate Forecast and they are predicting severe drought conditions this summer. It is predicted it will not be as hot as the last two summers and is anticipated September will be cooler and wetter than normal. Staff feels the City's water supply should be sufficient as long as the Silver Creek water source is available.

Councilor Carter apologized to City Council about the Facebook post in question and said she never intended it be inflammatory. She thanked Public Works for the new bike medallions on the sidewalks and said they look really nice. Public Works Director Schuetz said a map of the vertical signage and sidewalk signage for the “Walk Your Wheels” ordinance will be presented to City Council in August.

Mayor Palmer addressed the Facebook post in question and noted Councilor Carter’s role is not to speak for the City Council and the post had nothing to do with any item that was before the City Council. He does not feel it would qualify for a censure under any past threshold. He thanked City staff for the grants they have received. Lastly, he provided an update on the Small Business Relief Fund which has distributed over \$90,000 to local businesses.

## **XII. ADJOURNMENT**

Councilor Smith made a motion to adjourn and Mayor Palmer adjourned the meeting at 10:04 p.m.

Respectfully submitted by:

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