

CITY OF SILVERTON
CITY COUNCIL MINUTES

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

September 14, 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	
<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; Chief of Police, Jim Anglemier; Finance Director, Kathleen Zaragoza; Community Development Director, Jason Gottgetreu; 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. STATE OF EMERGENCY DECLARATION

2.1 Resolution No. 20-23 – Ratifying the Mayor’s State of Emergency Declaration

Mayor Palmer declared a state of emergency on September 8, 2020 related to the wildfires which posed a threat to life, safety and property in Silverton. Member Smith made a motion to adopt Resolution No. 20-23 ratifying the Mayor’s state of emergency declaration. Member Carter seconded the motion. There was no discussion and the motion passed unanimously (7-0).

III. APPROVAL OF MINUTES

Councilor Carter made a motion to approve the minutes from the regular meeting held on August 3, 2020. Councilor Smith seconded the motion. There was no discussion and the motion passed unanimously (7-0).

IV. OATHS OF OFFICE/PUBLIC RECOGNITION

4.1 Proclamation – National Preparedness Month

Mayor Palmer read the proclamation and proclaimed September 2020 as National Preparedness Month. He thanked the commercial contractors and heavy equipment operators who mobilized their equipment to save property in the Scotts Mills, Drakes Crossing, and Molalla area.

V. PUBLIC COMMENT

Mayor Palmer noted a written comment was received from Michael Grady and was distributed to City Council prior to the meeting (see attachment 1).

Michael Grady, 410 Weiby Ave. Dr. Grady explained staff sent him links to a past City Council meeting where the City Council discussed police policies and protocols. He said this addressed a number of his concerns and the Silverton Police Department is ahead of the police reform process at the state and national level. He expressed his disappointment with what is happening at the federal and state levels. He was pleased to see the department rejects the use of choke holds, because those actions are very dangerous. In addition, he was happy to see the policy related to the use of pepper spray and not using it to just disperse people who are not in the act of committing a crime. Lastly, he was pleased to see the policy stating an officer has the duty to intercede if they see another officer using force that is beyond reasonable. Councilor Carter thanked Dr. Grady for his humanitarian interventions and was pleased he brought this issue forward.

Aaron Huddart, 4206 Edison Road. Mr. Huddart thanked Mayor Palmer and City staff for the positive information over the last week through Facebook and the website. He appreciated the quality and timeliness of the communication provided to the citizens. Mayor Palmer thanked Mr. Huddart for his feedback.

VI. SCHEDULED PRESENTATIONS

6.1 Large City Leadership Award Presented to Mayor Kyle Palmer

City Manager Christy Wurster recognized the numerous and extraordinary contributions Mayor Palmer has made to local government and announced he was awarded the Large City Leadership Award during the Oregon Mayor's Association Annual Conference. City Manager Wurster presented Mayor Palmer with the award and thanked him for his leadership.

6.2 Report on SCYP Stormwater mitigation at the Silverton Community Pool

Public Works Director Petra Schuetz introduced Shannon Williams. Ms. Williams is an engineer with Keller Associates and serves as the project manager for the EDA grant the City received for the Silver Creek water intake and water line upgrades. She explained part of the permitting requirement for the project includes mitigation for stormwater on the site. The City worked with the Sustainable City Year Program (SCYP) and the Capstone Program through Portland State University (PSU) to study stormwater mitigation at the intake property which includes the Silverton Municipal Pool.

Ms. Williams said the scope of this project was to add low impact development facilities at the Silverton Municipal Pool parking lot. She reviewed the permitting requirements, site plan and conceptual design for the intake. She also reviewed potential parking lot improvements that could be done in conjunction with this project.

6.3 Report on SCYP Climate Action Planning Course and Next Steps

Assistant to the City Manager/HR Coordinator Elizabeth Gray showed City Council how to access the reports and course work from the SCYP on the City's website. She reviewed how this project aligns with the FY 2019-2020 City Council goal to include a sustainability component in future strategic planning. She further described how the University of Oregon (UO) students worked with Sustainable Silverton and City staff to study five areas of impact. She reviewed the implementation tables for each of the areas of impact. Director Schuetz said the Climate Action Plan has a number of great recommendations that community groups such as Sustainable Silverton and Public Works staff will use to develop a sustainable work plan for the City.

6.4 Silverton Chamber of Commerce Monthly Update – Stacy Palmer

This item was taken before agenda item 6.2. Stacy Palmer, Executive Director with the Silverton Chamber of Commerce presented her monthly report. The Chamber office has remained closed due to poor air quality. She thanked the City's fast tracking of the outdoor dining option in downtown. She also thanked the first responders, local businesses and citizens who have stepped up to support the fire efforts. She said Les Schwab and several local churches are accepting donations. She provided a list of needed items and those items that are no longer needed. The Chamber is moving ahead with a "trunk-or-treat" Halloween event this year on Saturday, October 31, 2020. Discussion ensued about the various ongoing rescue efforts and the proper way to handle the cleanup of ash.

VII. PUBLIC HEARINGS

7.1 Ordinance No. 20-09 – Amending the Comprehensive Plan and adopting the 2020 Silverton Transportation System Plan (TSP) and Circulation Plan as a support document to the Comprehensive Plan and amending the Silverton Development Code as needed to implement the updated TSP

Mayor Palmer called the public hearing regarding Ordinance No. 20-09 amending the Comprehensive Plan and adopting the 2020 Silverton TSP and Circulation Plan as a support document to the Comprehensive Plan and amending the Silverton Development Code as needed to implement the updated TSP to order at 7:02 p.m. No members of the City Council wished to abstain or declare a conflict of interest. Community Development Director Jason Gottgetreu said tonight is the second public hearing on the TSP and development code amendments. He said the Circulation Plan was included in the City Council packet and was available for public review and comment. There was no public testimony. Councilor Freilinger made a motion to close the public hearing. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (7-0). Mayor Palmer closed the public hearing at 7:06 p.m.

Councilor Sears raised concern about the extension from Pine to James Street that connected to Brown and Water Street being removed from the TSP. He would like to see the City have a placeholder for the project that could allow for more detailed engineering to be performed. He said there was extensive public outreach done around this project and the City purchased property on the corner of Brown and Water Street for the project. He would like to see this project stay in the TSP. He would like to do further analysis on interim measures the City can take to improve the circulation of those intersections, because there will be increased traffic to that area when the County shuts down Silverton Road for bridge repairs. Lastly, he said B Street from 2nd to Mill Street should be designated as a neighborhood collector.

Councilor Smith said she is also concerned about the removal of Pine and James Street extension. She supports the other concerns raised by Councilor Sears. Councilor Freilinger said he supports all of Councilor Sears recommendations as well. Mayor Palmer said he also agrees with the concerns raised by Councilor Sears and was surprised City Council did not play a role in its removal from the TSP. Councilor Plummer said he is also supportive of Councilor Sears comments. Councilor Carter is also supportive. Director Schuetz explained the procedural changes that will be required to add this project. She will need to reengage the consultants and City Council will hold an additional public hearing and the first reading of the ordinance at their next meeting.

Councilor Freilinger made a motion to direct staff to make the recommended adjustments to Ordinance No. 20-09 based on the discussion regarding the extension of Pine to Brown Street and ultimately to Water Street be incorporated into the ordinance. Staff should also change the designation of B Street from 2nd to Mill Street. Councilor Sears seconded the motion. There was no discussion and the motion passed unanimously (7-0).

VIII. DISCUSSION/ACTION ITEMS

8.1 Civic Center Status Update and Discussion – Mackenzie Engineering, Inc.

City Council took a break at 8:19 p.m. and returned to regular session at 8:25 p.m.

Assistant to the City Manager/HR Coordinator Elizabeth Gray introduced the team from Mackenzie Engineering, Inc. Cathy Bowman, Project Manager said the presentation will cover refinements the team has made to the schematic design. These floor plans do not incorporate the changes submitted by City staff, but are the floor plans used to develop the cost estimates. She reviewed the site plan for the northern portion of the site and noted the park will be allocated in a different funding source. She said the building elevation has been reduced by 0.4 feet. The floor plans were reviewed and an updated perspective from the plaza was shared. Councilor Smith asked about the lack of powerlines in the rendering. Ms. Bowman said they have an add alternate cost item to remove the powerlines from the Water Street side. Ms. Bowman provided an update on the first meeting of the Civic Center Equity and Inclusion Task Force and reviewed a series of word clouds.

Mayor Palmer asked about the status of the recommendation from the Civic Center Equity and Inclusion Task Force regarding separate entrances for the Police Department and City Hall. The members voiced their concern about having to walk past the Police Department in order to access the other departments. Ms. Bowman said the discussion from the Task Force meeting was shared with City staff and the conclusion was they felt there would be a level of transparency by showing the Police Department as well as increased security for City Hall staff. So right now the entrances are still the same from the front entry point. She reviewed the layout of lobby area. Mayor Palmer said he expects the decision to keep the same entrance will be met with great disappointment from the Task Force members. Discussion ensued on the idea of a separate entrance for the Police Department and ways to make the lobby more welcoming. Jeff Humphreys, Principal in Charge explained nothing has been finalized and the team can continue to make changes in the lobby area including adding a greeter and/or concierge. Councilor Sears questioned if the amount foot traffic in City Hall would warrant a greeter in the lobby.

Ms. Bowman reviewed the revised high and low cost estimates which are \$19.05 and \$18.8 million. The estimates were broken into construction, consultants, and owner costs. She reviewed the add alternates and value engineering options Mackenzie is recommending, and noted these items still need to be discussed with the design team. The estimated savings through the value engineering exercise was approximately \$2.5 million. Mayor Palmer said he is not willing to approve all the value engineering options Ms. Bowman reviewed.

Councilor Sears asked about the timing of phase 2 and if the parking lot is going to be a two-way entrance. Ms. Bowman said Mackenzie will be performing the master planning of the park area. She also said the parking entrances are meant to be two-way. Councilor Carter made a motion to approve Festival Street to be one-way with angled parking spaces. Councilor Sears seconded the motion. Councilor Smith said she does not agree, because Water and 1st Street are one-way so there would not be a clear direction on which way would be the better access. Mayor Palmer said it needs to be a two-way street and he is not convinced there is enough parking. Councilor Freilinger said it has to be a two-way road. The motion failed 1-6 (Yes: Councilor Carter; No: Mayor Palmer and Councilors Freilinger, Neideigh, Plummer, Sears and Smith).

Councilor Freilinger made a motion to approve the site plan, evaluation and perspectives, the cost summary, the floor plan with modification options for the entry to be presented later, and pending value engineering recommendations from staff. Councilor Smith seconded the motion. There was no discussion and the motion passed unanimously (7-0).

8.2 Utility billing as lien on property

Mayor Palmer heard this agenda item prior to item 8.1. Finance Director Kathleen Zaragoza explained City Council requested staff bring back additional information regarding utility bills being liens on the property and the utility bill being the responsibility of the landlord. She said on December 18, 1978 City Council passed an ordinance making the property owner the responsible party for any unpaid utility bill. The utility code was revamped in 2015 and passed in 2016 with this provision still in place. Located in the packet was staff's research on how other communities in the area handle unpaid bills and all nine place liens on the property. She said staff communicates with landlords and property management companies

when tenants receive their final bill. This gives them time to see if they need to retain some of their deposit to cover the final bill.

Dean Oster, 239 Rock Street. Mr. Oster said he brought this issue to City Council at the July meeting. He was not surprised to see the nine cities in the area have the same bad policy Silverton does. He said it is unfair to charge a third party landlord who never used a drop of water on the property to pay for their renter's bill. He said the City charges a deposit on new accounts and suggested increasing the deposit to fully cover nonpayment. Councilor Freilinger asked if Mr. Oster has this situation with other utilities. Mr. Oster said he does not.

Director Zaragoza explained the City is a nonprofit entity unlike other utilities that are private enterprises and can write off bad debt and therefore reduce their taxable liability. The City does not have a taxable liability and the only way to make up for unpaid debts is to send it to a collection agency who will keep at least 25 percent or more and it can be difficult to collect. She said the City would likely have to raise utility rates in order to offset the additional costs due to the unpaid bills. The City charges the deposit in order to help mitigate the additional costs to the landlord when a person terminates an account and does not pay.

Council discussed the fairness of the policy and how it could be modified. Councilor Carter does not want to see the deposit increased, because it would be less affordable for renters. Councilor Plummer said it doesn't make sense to bring the property owner into the mix, because the agreement is between the City and the user. He said the collection agency might be the fairest way to go. Councilor Sears asked how big the problem is and how many times the City enforces this policy. Director Zaragoza said that will require additional research. Councilor Smith said she agrees it is unfair, but doesn't see how the City can justify not collecting the money from the property owner who is ultimately responsible for the property. Director Zaragoza explained the lien process and how the city collects money through liens. She explained the City does not build the potential loss of revenue into the rate structure.

Aaron Huddart, 4206 Edison Road. Mr. Huddart said as a landlord he has run into this situation and it is unfortunately rather typical when people get into a place where they are running behind on utilities the maintenance on the property also suffers. The landlord then has maintenance issues they need to address and the unpaid utility bill adds more cost to the landlord's recovery from a bad tenant. This impacts what landlords have to charge for rent. He said the advantage of a collection agency is the unpaid bill then goes on the tenant's credit history. He does not think putting the responsibility onto the landlord is the best way to go about it.

Councilor Freilinger asked if an individual can be denied utility service due to bad credit. Director Zaragoza said the City does not do credit checks and it is not a standard process for a local government to do them. He asked if a City could legally do that. Director Zaragoza said she was unsure of the legal aspects. Councilor Plummer asked if staff could research other options to see if municipalities are handling this issue differently than Silverton. Mayor Palmer said he would be interested in hearing how often this situation occurs. Director Zaragoza worked for a City that used a collection agency and it is not the financially prudent way to do it. Council said it comes down to fairness and directed staff to do additional research on other options as well as provide information on how often it happens with costing detail. Councilor Freilinger said he would like to know the legality of the City denying service to someone who has already signed a lease on a piece of property.

8.3 COVID-19 update and authorize City Manager to approve proposed expenditures for Coronavirus Relief Fund (CRF) – CARES Act Grant

Councilor Freilinger made a motion to extend the meeting past 10:00 p.m. Councilor Smith seconded the motion. There was no discussion and the motion passed unanimously (7-0). City Council took a break at 10:02 p.m. and returned to regular session at 10:09 p.m.

City Manager Christy Wurster provided an update on COVID-19 regulations and case numbers. Director Zaragoza presented an update on funds made available to the City through the CARES Act grant and how the City is proposing to spend the grant funding. She said any expenditure over \$10,000 would be brought back to City Council for approval.

Councilor Freilinger made a motion to authorize the City Manager to approve expenditures for the Coronavirus Relief Fund (CRF) – CARES Act grant. Councilor Smith seconded the motion. There was no discussion and the motion passed unanimously (7-0).

IX. CONSENT ITEMS

Councilor Carter made a motion to approve the consent agenda consisting of items 9.1 – 9.8. Councilor Neideigh seconded the motion. There was no discussion and the motion passed unanimously (7-0).

- 9.1 Resolution No. 20-24 – Adopting a supplemental budget**
- 9.2 Ratify OLCC Liquor Licenses for extensions of licensed premises to outdoor sidewalk cafes at various locations**
- 9.3 Approve an increase of City contributions to a Health Savings Account for Unrepresented employees covered by the CIS Regence High Deductible Health Plan**
- 9.4 Renewal of agreement with Silverton Area Seniors, Inc. (SASI)**
- 9.5 Ratify the authority for the City Manager to enter into an agreement for Electronic Records Management Services**
- 9.6 Extension of current agreement with Silver Falls School District for video production services**
- 9.7 Revised Utility Assistance Program (UAP) Agreement**
- 9.8 Approval of RFP contract for Stormwater Master Plan**

X. APPOINTMENTS TO COMMITTEE AND ADVISORY GROUPS

10.1 Appointment to the Homeless/Housing Task Force

Councilor Smith made a motion to appoint Jennifer Hannan to the Homeless/Housing Task Force as the Silver Falls School District representative. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously (7-0).

XI. CITY MANAGER UPDATE

City Manager Wurster said she would like to echo the comments earlier about the professionalism and heroes in the community who have stepped up in light of the wildfires that surrounded the Silverton area. She was impressed by how the Emergency Operations Center (EOC) was activated and ran throughout the emergency. She thanked the firefighters, private contractors, farmers and volunteers who worked to save the community. She said the franchise negotiation with Republic Services is ongoing and the City just received information from them today so there is not enough time to get a discussion ready for the Work Session next week. She recommended the Work Session be cancelled for Monday, September 21, 2020.

XII. COUNCIL COMMUNICATIONS

Councilor Freilinger thanked the first responders from firefighters, police, farmers and contractors who helped contain the fires. He thanked Elizabeth Gray and Christy Wurster for providing him with the police contract, employee handbook and city procedures. He said there were no red flags he saw in the documents.

Councilor Sears thanked the first responders and volunteers who pitched in to help the Silverton community. He said often times these situations bring out the best in people and Silverton got to observe that and benefit from their efforts.

Councilor Smith said staff has been really challenged this year and she is grateful the staff is here for the residents.

Councilor Plummer thanked everyone for their support at all levels and reminded everyone the fires are not out. There are still many people fighting them. He said SACA reopened today and are asking people to call ahead to place their orders. Then volunteers will deliver their boxes to their car in order to limit outdoor exposure.

City Manager Wurster said Silverton missed the devastation as a whole, but an employee for the City did lose their home to the fires. So the City was not completely untouched and our hearts go out to the individual and their family as well as others who have endured tremendous loss.

Councilor Neideigh echoed the comments regarding the first responders and the community was very blessed with the number of responders that came both from local and far.

Councilor Plummer said Aurora Fire District is donating a fire truck to the Idanha-Detroit Fire District, because they lost theirs this week. He asked if Silverton could do something to support neighboring communities.

Councilor Carter said there are a lot of unrecognized heroes in the community, particularly Joel Autry who has been quietly preparing meals. She thanked City staff and all the public servants.

Mayor Palmer said he is responsible for 33 horses and decided to evacuate them. He described the outpouring of support received to help haul the horses to Newberg, most of whom he did not even know. He said people were doing that all over the state. He recognized the community members for not panicking and having faith in the first responders. He appreciated everyone's efforts and knows we have not seen the last of the community support.

XIII. ADJOURNMENT

Councilor Smith made a motion to adjourn and Mayor Palmer adjourned the meeting at 10:32 p.m.

Respectfully submitted by:

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

Attachment 1

September 13, 2020

Dear Council Members,

It has been three months since 400 Silverton residents peacefully gathered to protest the killing of George Floyd and endorse Black Lives Matter. Since then I have been hopeful that at the national or state level, the enactment of meaningful review and reform of policing would begin the process of ending the foundational and endemic racism of our society. Since we gathered, the killing and maiming of black citizens by white police officers has continued with the horrific attempted murder of Jacob Blake being only the most dramatic. A strong majority of Americans (57%) believe that police officers are more likely to use excessive force against black suspects than they are against white ones. As protests around the country mounted this summer, law enforcement officers have compounded this negative perception by the public with the indiscriminate and disproportionate use of force.

The response by the federal government has been the kind of drivel that is probably the best we can expect from that body. The Oregon Legislature has not been much better, failing to pass any substantive reform in its two summer sessions. One bill establishing a statewide database of suspension and revocation of certifications of police officers being the sole exception. That they could not even bring themselves to ban chokeholds (not part of training of police officers generally) or tear gas (a weapon of war banned by the Geneva Convention) makes me doubt the ultimate success of any of the eight bills that might be introduced in the 2021 session.

As a result of this failure of meaningful reform at the state and federal level, it is incumbent on each community to conduct its own review of local police policy and practice, preferably by independent audit. The Salem PD has announced it will be

conducting such a review. I am calling on the City of Silverton to do the same. The audit should include but not be limited to: use of force guidelines; new hire background check procedures; disciplinary procedures; the feasibility of body cameras; use of crowd control techniques, etc. A separate citizen task force perhaps could examine if there are opportunities within the police budget for investment in social service or mental health resources. Does every 911 call regarding behaviors of homeless, mentally ill or intoxicated persons require a response by someone with a gun?

I have absolutely no reason to suspect any overt racist or “over policing” behaviors by our local police. But law enforcement departments everywhere in this country have lost the presumption of always and only acting to “serve and protect”. If our officers do not want bystanders pulling out their phones and recording every police interaction with their fellow citizens, then all of us in this community, especially the 400 of us who assembled in June, deserve the transparency that a thorough review of current police policy and practice would provide.

If, due to civic inattentiveness, I have missed recent discussion or action taken by the Council on this matter, I apologize and would like to be directed to it.

Thank you.

Michael Grady

[REDACTED]

Silverton

[REDACTED]