

**CITY OF SILVERTON
CITY COUNCIL MINUTES**

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

November 5, 2018, 7:00 PM

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

Mayor Palmer called the meeting to order at 7:02 p.m.

Present	Absent	
X	_____	Mayor Kyle Palmer
X	_____	Council President Jason Freilinger
X	_____	Jim Sears
X	_____	Matt Plummer
X	_____	Dana Smith
X	_____	Laurie Carter
X	_____	Rhett Martin

Staff Present:

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

II. APPROVAL OF MINUTES

Councilor Freilinger made a motion to approve the minutes from the Work Session held on October 16, 2017, the Special Meeting held on October 23, 2017, the Work Session held on September 17, 2018, the Regular Meeting held on October 1, 2018, and the Work Session held on October 15, 2018. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously.

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

IV. PUBLIC COMMENT

Gene Pfeifer, 1392 S. Water Street. Mr. Pfeifer voiced his concerns regarding the fiscal responsibility of the City. He also doesn't think the City should tear down Eugene Field to build a police facility due to its location in the inundation zone and listed possible uses for the facility. He explained what could happen if the dam fails. He said that he is still waiting for an Emergency Action Plan and feels that the City needs to make property owners aware that they are located in the inundation zone through title reports.

Stu Rasmussen, 417 N. Water Street. Stu Rasmussen indicated that according to Alan Miller at the time of its construction Eugene Field was a radically modern building and became the standard for comparison for new school construction throughout the area. He said that it is probably the only public building of architectural significance left in Silverton. In September he provided over 300 signatures of Silverton

residents asking the Council to wait for the demolition until there is money to fund the new construction. He requested that Council table the demolition bid award until the December City Council meeting.

Olaf Bahr, 510 Gregory Ct. Mr. Bahr explained his concerns regarding safety on his road. He said that there is going to be a death if something isn't done. People are driving too fast and say they are unaware that it is a residential street, because there are no speed signs. The street doesn't have street lights, road markings, or sidewalks making it unsafe for pedestrians. He said that school traffic has moved away from Pine and Florida Streets and Western Avenue is becoming a thoroughfare.

Dennis Satrum, 1115 Western Avenue. Mr. Satrum lives on the corner of Western and Grant. He said that he has witnessed multiple times bus drivers having to honk to get people to stop for them. He asked for speed bumps to help slow down traffic and requested that Western Avenue become a school zone. He feels that drivers are using Western Ave. and Grant Street as a bypass around Pine Street.

Eric Druliner, 1103 Western Avenue. Mr. Druliner also voiced his concern about traffic on Western Avenue. When he first moved onto the street he contacted Marion County as to why it hasn't been developed. The traffic engineer said that they thought that Florida would be the primary route to the high school. He would like to see temporary speed bumps installed on the street. He presented Council with pictures and a video of a driver passing another driver while a pedestrian was riding their bike. Mayor Palmer indicated that this is not a new issue, but it is a county road and the school district didn't originally have the gate open for student parking on Western Avenue [the north end of the parking area]. He said that he feels that both Florida and Grant should be school zones. There has been a police presence, but it only helps when they are actually parked there. Mr. Druliner closed his comments with the hope that this issue becomes a high priority after they leave here.

Joe Craig, 617 Hicks Street. Mr. Craig said people move to Silverton because it is small and easy to get around. He said that it should be a walkable town, but it isn't. He has heard from residents that they don't feel safe walking and riding their bikes in town, because of careless drivers. He feels that the speed limits should be lowered and there should be more crosswalks, bike lanes, and share-arrows downtown. It would promote better health for the community and reduce traffic. Councilor Plummer told Mr. Craig about the Transportation Plan updates occurring and weighting of the projects. He said that pedestrian and bike safety is a high priority for the Transportation Advisory Committee. He listed various traffic calming mechanisms that will be discussed as well.

V. SCHEDULED PRESENTATION

5.1 Silverton Chamber of Commerce Monthly Update – Stacy Palmer

Stacy Palmer, representing the Silverton Chamber of Commerce distributed their monthly report and reviewed the visitor numbers. She indicated that the entry sign on Silverton Road is completed and thanked the volunteers involved in the project. Judy's Party raised \$12,000 for community nonprofits. She thanked the Silverton Fire Department Explorers who helped with traffic during the Goblin Walk. She said that there are 41 merchants signed up for Shop Hop this year, this event generated over \$7,000 to the participating merchants last year. The Tree Lighting will take place on Friday, December 7, 2018 beginning at 6:00 p.m. This year Silverton Sheltering Services will be launching a new event the Silverton Children's Lantern Parade. The Chamber is working on workforce development and housing opportunities, long-range strategic planning, and advocacy work. Council thanked Ms. Palmer for her work on the entry sign and the Goblin Walk.

5.2 Coolidge-McClaine Park Amphitheater Concept – Jim DeSantis

Jim DeSantis and Beth Carey presented their amphitheater concept for Coolidge-McClaine Park. Mr. DeSantis explained his background in the timber industry and how he has wanted to build an amphitheater in Silverton for 19 years. Beth Carey introduced herself and described her background. They have a number of interested volunteers that have committed to help with project. Mr. DeSantis reviewed the concept design, budget, and the potential timeline. He said that this project would be made through a timber frame workshop that will also teach individuals about the craft.

Ms. Carey explained the multiple sources that will be considered for fundraising. Mayor Palmer voiced his support and explained how it could be utilized for the Homer Festival and how the festival could participate in the project. Staff indicated that since this project is listed in the Coolidge-McClaine Park Master Plan that it could be eligible for a portion of Parks System Development Charges (SDCs). Councilor Smith recommended that they look into forming or partnering with a nonprofit for fundraising purposes. Council discussed additional details that need to be worked out prior to approval. City Manager Christy Wurster recommended that Mr. DeSantis and Ms. Carey work with Public Works Director Petra Schuetz to further refine the project. She also indicated that the City will be updating the Capital Improvement Plan. The Parks and Recreation Committee will prioritize the projects in the plan and make funding recommendations to City Council.

5.3 Commercial Air Service in Salem – Art Bobrowitz, Salem Airport Commercial Aviation Committee

Art Bobrowitz explained his passion for flying and the Willamette Valley. He indicated that a citizen led committee has been formed to bring back commercial air service to Salem. He said that the Air Service Committee hosted a kickoff party on June, 11, 2018 with a number of stakeholders to discuss what is needed to achieve this goal. He explained the reasons why the Willamette Valley is ready for commercial air service and the costs associated with having to drive to PDX. The committee has raised \$500,000 to-date for the endeavor. He asked for a letter of support from the Silverton City Council to bring back commercial air service to Salem and the Willamette Valley. Councilor Freilinger asked if Alaska and/or United are interested in coming to Salem. Mr. Bobrowitz said that showing the support from a variety of organizations in the Willamette Valley will help speed up the process. Council will discuss writing a letter under Council Communications.

The City Council took a break at 8:27 p.m. and returned to regular session at 8:34 p.m.

VI. PUBLIC HEARING – None scheduled.

VII. CONSENT AGENDA

There was no public comment related to the Consent Agenda. Councilor Smith made a motion to approve the consent agenda consisting of Agenda Item 7.1. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously.

7.1 Return Activated Sludge Pump Replacements (2) for the Wastewater Treatment Plant

VIII. DISCUSSION/ACTION ITEMS

8.1 Ordinance No. 18-25 – Adding Transitional Housing Standards to Chapter 15 of the Silverton Municipal Code

Community Development Director Jason Gottgetreu explained that Ordinance No. 18-25 will amend the Silverton Municipal Code to add provisions for transitional housing standards. The City Council met in a Work Session in order to discuss the additional provisions that should be included in the state model code that was adopted in 2017. The direction from Council was to add provisions regarding inspection and permit fees as well as alternative methods and materials. He explained that the alternative methods and materials give the Building Official greater flexibility to approve alternative designs for items such as the foundation.

Councilor Carter moved to have the first reading of Ordinance No. 18-25, by title only. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously. City Manager Christy Wurster read Ordinance No. 18-25 by title only.

Chris Mayou, 585 Shelokum Way. Ms. Mayou expressed her support for the ordinance and urged approval.

Councilor Carter moved to pass Ordinance No. 18-25, on its first reading. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously.

Councilor Carter moved to have the second reading of Ordinance No. 18-25, by title only. Councilor Freilinger seconded the motion. There was no discussion and motion passed unanimously. City Manager Wurster provided the second reading of Ordinance No. 18-25 by title only.

Councilor Carter moved to adopt Ordinance No. 18-25 on its second and final reading. Councilor Freilinger seconded the motion. There was no discussion and the motion passed unanimously.

8.2 Ordinance No. 18-26 – Regulating the use of single use plastic bags

Public Works Director Petra Schuetz said that the Silverton community has been having ongoing discussions since 2014 regarding the regulation of single use plastic bags. These products are petroleum based, challenging to recycle and are harming the environment. The Environmental Management Committee (EMC) has been discussing this matter and developed the draft ordinance for Council consideration. Over 250 Silverton businesses were given notice through a direct mailing and email. Councilor Plummer inquired about the enforcement date and if 30 days is enough time for businesses to adapt to the new regulations. Council discussed making the enforcement date six months after passage. Staff indicated that the library would be excluded from the ordinance, because it is not a retail establishment.

Joe Craig, 617 Hicks Street. Mr. Craig indicated that the environmental concerns surrounding plastic bags have been going on for a long time and it is getting worse. Plastic bags are everywhere and they are made from nonrenewable uses and are not biodegradable. The bags disintegrate into smaller molecules and are contaminating fish. He urged Council to adopt Ordinance No. 18-26 and Ordinance 18-27; it is easy to replace the product with paper bags which are made locally or reusable bags.

Tim Richardson, 411 N. Water Street. Mr. Richardson owns and operates Acorn Dental for children. He has locations in other communities and if he were to implement this ordinance in all locations it will cost his business \$10,000 annually. This expense will likely get passed on to the patient. He indicated his support for the ordinance and feels that businesses should be doing their part to reduce the environmental impact.

Mary Anne Miller, 345 Westfield. Ms. Miller and her husband own Mr. Delivery. This ordinance would not directly impact their business, but would impact the restaurants and customers that they serve. It will increase the cost for the restaurants, which are already struggling. Those costs will ultimately get passed down to the customers purchasing the food.

Chris Mayou, 585 Shelokum Way. Ms. Mayou urged City Council to take this small step to helping the environment and doesn't believe that there is a negative impact to the citizens. Councilor Smith thanked Ms. Mayou for her comments back on the draft ordinance and asked for clarification on the last comment. She indicated that the rest of the comment can be found in the EMC meeting minutes.

Josh Nightingale, 628 W. Main Street. Mr. Nightingale owns Live Local in downtown Silverton. He has also been in the grocery industry for 10 years and explained that he is in favor of banning single use plastic bags, but by allowing corporations to charge customers for paper bags they will be making an even bigger profit. He encouraged Council to look into banning the single use plastic produce and meat bags as well. The ordinance should include nonprofits and government agencies which would make it an even playing field for everyone. Councilor Smith indicated that the EMC was trying to make the regulation as painless as possible and is aware that it isn't a perfect solution, but it's a start. Councilor Plummer sees this as a first step and urged Mr. Nightingale to assist Council with the possibility of drafting additional policy around this issue, because of his expertise in the grocery industry. Mr. Nightingale feels that banning the single use produce bags and meat wrappers would have a bigger impact to the environment and have less of a negative impact to Silverton residents. He would rather see incentives for residents to meet established goals to reduce the use of plastic over time, instead of banning the

products. Councilor Sears said that he sees this as an incentive for individuals to start bringing reusable bags so they don't get charged an additional fee.

Beth Finnon, 408 E. Main Street. Ms. Finnon said that she is participating in a Master Recycler Class through Marion County. She is in support of the ordinance. She described a recent field trip to Covanta where the class learned that the facility can only handle 60 percent of the garbage produced in Marion County; the rest goes to the landfill. She explained that people try to recycle the bags, but they clog the machines used at recycling facilities.

Daniele Keating, 243 Cherry Street. Ms. Keating is in favor of the ban of single use plastic bags. Globally 16 countries in Africa have banned plastic bags. She said that plastic pollution is the second greatest global issue the world is facing next to climate change. The world has to reduce its dependence on fossil fuels and plastics; we are on track to produce five trillion plastic bags this year. She said that scientists are finding micro plastics in places like Antarctica and the Swiss Alps where people are not living.

Stacy Palmer, Silverton Chamber of Commerce. Ms. Palmer reminded Council of the survey that the Chamber of Commerce produced that indicated that members would prefer a three to six month time frame prior to enforcement in order to use their current stock of bags. They would also like to see the ban apply to nonprofits and all organizations in the city.

Robin Kuhn, 1386 S. Water Street. Ms. Kuhn is representing herself and the Silverton Grange and spoke in support of the two ordinances. A written letter of support from the Grange was submitted last month.

Drew Spainhower, 10295 SW River Road, Wilsonville. Mr. Spainhower said that he recently attended a walk through at Lake Oswego's library, they have a bin labeled "give a bag take a bag." Patrons can drop off their plastic bags at the library and grab one if needed to carry their books home.

Shahoney Mosely, 1115 Mill Street, Unit #15. Ms. Mosely indicated that she does not consider the bags talked about tonight as single use. They can be reused for a number of purposes.

Councilor Plummer said that he sees this as a first step in the process. Councilor Smith would like to see the list of comments from the EMC Committee meeting and prefers allowing a six month grace period. She sees this as the first step in educating residents about the impact of plastics and indicated that a number of other cities have passed similar ordinances in the state. Councilor Carter voiced her approval of the ordinance applying to all businesses and a three month grace period should be ample. Councilor Sears sees this as a start and would like the City to move ahead with the ordinance. Discussion ensued about changes that might need to be added to the ordinance and if they are significant enough to postpone the first reading. Councilor Carter asked why the five cent charge only applies to barrel size paper bags and not any size paper bag.

Councilor Sears made a motion to table the ordinance and schedule a work session in November with the goal of having the first reading at the December Council meeting. Councilor Freiling seconded the motion. There was no discussion and the motion passed 6-1 with Councilor Plummer voting nay.

8.3 Ordinance No. 18-27 – Prohibiting the use of polystyrene foam containers

Public Works Director Schuetz reviewed the environmental concerns regarding polystyrene. The EMC has proposed the draft ordinance for Council consideration. Stakeholders were notified about this ordinance as well.

Chris Mayou, 585 Shelokum Way. Ms. Mayou said that this ordinance would put all the retailers on a level playing field. She said that the allowable containers will likely cost more, but the impacted individuals are choosing to get take out containers.

Joe Craig, 617 Hicks Street. Mr. Craig urged Council to take a stand and adopt the ordinance. The ordinance doesn't have to be perfect and can be revisited three months later if needed.

Josh Nightingale, 628 W. Main Street. Mr. Nightingale explained the price difference between a polystyrene takeout container and a compostable container. He said that compostable containers can be hard to find and what would happen if the business ran out and could not find them. Would they have to tell people that they are not able to deliver food or get items to go? He also said that it is the same material used to put meat products on at the grocery store and the ban should be across the board.

Mayor Palmer indicated that he doesn't see regulating these items as the government's role, but he does understand that there is not a secondary use for these types of containers. Council discussed why grocery stores are exempted by the ordinance. Councilor Sears distributed suggested language that he proposes replace Section 5.50.040. He would like to see a definition for prepared food. He also feels that Section 5.50.040 B. should be removed and/or combined into Section 5.50.040 A. Council discussed adding language that would not allow for food being packaged in Silverton to be placed in a polystyrene container. Food items shipped from a supplier already in a polystyrene container would be exempted.

Councilor Sears made a motion to table the ordinance and schedule a work session in November with the goal of having the first reading at the December Council meeting. Councilor Freilinger seconded the motion. Councilor Smith apologized to the EMC members who invested a lot of time in the issue just to see it carried over. The Council thanked the EMC for their efforts and said it is a complicated issue and thought this language was a good starting point for the discussion. There was no further discussion and the motion passed 6-1, with Councilor Plummer voting nay.

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

8.4 Resolution No. 18-24 – Supporting the Establishment of a City of Silverton Mayor's Youth Council and authorizing the City Manager to enter into a Memorandum of Understanding with the Silver Falls School District

Assistant to the City Manager/HR Coordinator Elizabeth Gray explained that the name change to the Mayor's Youth Council was due to the fact that the original language would have required that public meetings law apply to the SHS Government and Politics Club. This language allows flexibility for the Club to continue with their original mission, but have a more formal recognition for their work with the Silverton City Council. Mayor Palmer thanked Councilor Martin and Jason Orr for their work on the formation of a Youth Council.

Councilor Martin made a motion to pass Resolution 18-24, supporting the establishment of a City of Silverton Mayor's Youth Council and authorizing the City Manager to enter into a Memorandum of Understanding with the Silver Falls School District. Councilor Carter seconded the motion. There was no discussion and the motion passed unanimously.

8.5 Resolution No. 18-25 – Approving a Temporary Recycling Surcharge by Republic Services

Public Works Director Schuetz indicated that this item was discussed at the Town Hall and at the last EMC meeting. Republic Services is seeking solutions to the increased recycling costs they are facing and is asking that Council approve a surcharge that would be an average of \$2.00 per user.

Republic Services General Manager Jason Jordan thanked Council, staff, and the EMC for tackling the plastic bag discussion. He explained the contamination threshold has dropped to 0.5 percent. The surcharge is based on the recycling container size.

Drew Spainhower with Republic Services explained how glass recycling is not impacted by this surcharge because it is separated from the comingled container. The China threshold was imposed on comingled recycling which is indicated on the Recycle Right poster distributed to City Council tonight. The cost increase is largely due to staff having to manually separate non-recyclable contaminated items that people are still placing in their recycle bin. They have to do this in order to meet the new threshold.

Councilor Sears asked why the 90 gallon cart surcharge is greater than \$2.00. It is also not clear on the commercial rates the size of the recycling containers that they are providing for the different services. Mr.

Jordan indicated that they will provide that information at a later date. Councilor Sears stressed that the surcharge should be the same for the same size can. He also asked about consideration for communities that ban plastic bags, and question whether those communities should receive a lower surcharge. Mr. Jordan explained that would require Silverton materials be processed separately from other communities, which is not an option. He reminded Council that the surcharge has a sunset review period in June, 2019 in order to evaluate how much the contamination has decreased. Mr. Spainhower indicated that historically the garbage rates have the recycling container built into them in order to encourage recycling.

Councilor Freilinger asked why Republic Services doesn't pick up the recycling less frequently now that there are a lot less items that people can recycle. It takes his household three months to fill a container now and feels that it is a waste to have the trucks on the road as frequently as they are. Mr. Jordan said that isn't the case for every household, while some households don't fill up the container others do which still requires the trucks to pick up the containers.

Councilor Smith indicated that the EMC had an extensive discussion about this topic. She said that if people are recycling right then the quantity should be going down, but they have not seen a decrease in the materials. Republic Services does penalize people, who are not recycling right, but they don't like doing it and a number of the charges get dropped. They try instead to educate people regarding what materials they tried to recycle but can't under the new rules. Councilor Smith also said that the EMC was told that the same trucks that service Silverton also collect in other communities, so even if Silverton went to once a month collection the trucks would still be on the road. Mayor Palmer said that it seems by not driving through Silverton it would save money and also provide incentive to people to start recycling correctly. Mr. Jordan said that they could look into that as well to see how that would offset the surcharge rate. Councilor Sears indicated that in order to encourage recycling it has always been convenience. Instead of picking up less maybe they should look at encouraging people to use smaller cart sizes. He said that for the current discussion, however, he would like to see the \$2.00 be applied consistently across the board.

Councilor Carter made a motion to approve a temporary recycling surcharge for Republic Services to sunset in June, 2019. Councilor Smith seconded the motion. The motion failed 3-4, with Mayor Palmer and Councilors Sears, Plummer, and Freilinger voting no. Mayor Palmer said given the discussion he suggested that they bring back different numbers for Council to consider.

8.6 Contract Award for Former Eugene Field School Demolition and Deconstruction

Public Works Director Schuetz said that staff is recommending that Council authorize the City Manager to enter into a contract with Groat Bros. Inc. for the former Eugene Field School demolition and deconstruction. There were 13 qualified contractors who participated in the site walk through and the City received seven qualified bids. The contract amount for the low certified bidder was \$283,110 and the bid alternative for the items to be salvaged was \$10,000 for a total of \$293,110. The items to be salvage include the wooden columns, metal columns, and wood beams located in the playground structure. It is also recommended to include a 20 percent contingency for a total of \$351,732. This contract and the abatement cost are still under the amount budgeted for the total project. Staff has performed their due diligence through background and reference checks. There was no public comment on this agenda item.

Councilor Freilinger made a motion to authorize the City Manager to enter into a contract with Groat Bros., Inc. for the former Eugene School demolition and deconstruction for \$293,110 plus a 20 percent contingency. Councilor Carter seconded the motion. Mayor Palmer indicated that there has been a lot of discussion about this issue and he believes that the Council has done its due diligence and this building is not safe, habitable, or salvageable. He is very excited to go through the public process to see what will be built there. There was no further discussion and the motion passed unanimously.

IX. CITY MANAGER UPDATE

City Manager Christy Wurster provided information about Veteran's Day events occurring in the community. There will be Joint TAC and PAC meeting on Monday, November 26, 2018. Staff has been notified that there is a conflict on December 10, 2018 with the High School Auditorium for the Town Hall.

The School District has offered the use of the Choir Room as an alternative location. Council was fine with using the Choir Room for the event. Staff is looking to schedule the Goal Setting Session for Wednesday, February 6, 2019. There was Council consensus for staff to draft a letter of support for commercial air service in Salem.

X. COUNCIL COMMUNICATIONS

Councilor Carter asked if complaints can be made in the downtown core related to barking dogs. Staff indicated that yes those complaints can be made as long as it isn't associated with a permitted business use, such as dog grooming. She also asked to be excused from the November 19, 2018 Work Session, because she will be out of town for Thanksgiving.

Councilor Freilinger thanked Community Development Director Gottgetreu for scheduling a broadband discussion with the Planning Commission in November. He referred Council to a memo that was distributed prior to the meeting regarding the Urban Renewal Advisory Committee. He reviewed the key areas that the URAC would like to be involved with in the future. There was Council consensus to allow the URAC to move forward with the goals outlined by Councilor Freilinger, except they would like to hold a joint meeting between the URA and the URAC outside of the goal session meeting.

Councilor Plummer announced that Silverton Hospital is offering free flu shots to anyone over six months old.

Councilor Sears discussed the traffic concerns raised during public comment and what the City can do to solve the issue, such as taking over the jurisdiction from the county and placing the speed camera on the street to collect data. Council discussed having a conversation with the School District regarding the parking changes. This topic will likely come up during the joint City Council and School Board meeting in January.

Mayor Palmer announced a Veteran's Day event taking place at 11:00 a.m. on Sunday, November 11, 2018 at the Davenport Place.

XI. ADJOURNMENT

Councilor Freilinger made a motion to adjourn and Mayor Palmer adjourned the meeting at 11:45 p.m.

Respectfully submitted by:

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