

# CITY OF SILVERTON CITY COUNCIL MINUTES

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

The Silverton Community Center – Council Chambers is handicapped- accessible. Please contact Ruth Mattox at 503-874-2204 by 5:00 p.m. on the business day prior to the meeting date if you will need special accommodation to attend the meeting.

**MONDAY, May 7, 2012, 7:00 PM**

## AGENDA ITEMS

### I. OPENING CEREMONIES: Call to Order & Pledge of Allegiance

Mayor Rasmussen called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

Stu Rasmussen - Mayor

Scott Walker - Councilor  
Bill Cummins- Councilor  
Kyle Palmer - Councilor

Judy Schmidt - Councilor  
Laurie Carter- Councilor  
Randal Thomas - Councilor

### II. MINUTES - Approval of minutes from the April 2, 2012 regular meeting, April 16, 2012 work session, and April 16, 2012 special meeting.

Councilor Palmer moved, seconded by Councilor Walker to approve minutes from the April 2, 2012 regular meeting, April 16, 2012 work session, and April 16, 2012 special meeting. The motion carried as follows:

Aye: Walker, Carter, Palmer, Rasmussen, Cummins, Thomas, and Schmidt  
Nay: None  
Abstain: None  
Absent: None

#### 5.2 City Pool Cover Removal

Due to the number of public in attendance at the meeting and interested in this agenda item, Mayor Rasmussen inquired whether anyone would object to discussing it first. As no objections were expressed, Mayor Rasmussen moved forward with discussion/action for Agenda Item 5.2.

CM Willoughby presented the staff report. CM Willoughby noted that the State Fire Marshal has ordered removal of the pool cover in May of 2012. He reported that there are options for replacing portions of the cover in order to keep the pool open for the 2012-2013 fiscal year and that options need to be considered for keeping the pool open long-term. He noted that the City will be receiving a consultant's report in June or July 2012 and when that information is available, recommended the City have conversations with the public to determine options for the pool going forward. CM Willoughby encouraged any public interested in being involved in considering solutions going forward to include their name and contact information on one of the sign-in sheets used for public comment sign-in. PW Director Fisher provided an update on the status of the pool cover and projected removal/reinstallation plans. The Council briefly discussed the idea of forming a swimming pool task force. Mayor Rasmussen invited public comment.

Gene Pfeifer, 1392 S Water St.: Mr. Pfeifer proposed to the Council the City work with the State Fire Marshal to determine options for leaving the pool cover on and implementing conditions in lieu of its removal; such as discontinuing use of the pool in inclement weather.

David Botieff, 361 Anderson Dr.: Mr. Botieff suggested that it is a great idea to put together a task force and get

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some momentum from the community by including participation from people who can look at the factors involved and find creative solutions. Mr. Botieff suggested the Council consider increasing user fees. Mr. Botieff presented a worksheet to the Council with information related to pool usage and provided information regarding average summer usage for 2010 and 2011, based on data received from the Silver Falls YMCA. He also suggested marketing the pool to more user groups, and informed the Council that he is the Assistant Swim Coach for Silverton High School.

Sister Hilda Kleiman, 840 S Main St, Mt Angel: Sister Kleiman informed the Council that she is one of the Benedictine Sisters at Mt. Angel. She explained that as a non-resident of Silverton, she pays a higher user fee and expressed recognition that as a non-resident, she is also being served by the facility.

Ruth Fredine, 11855 SW, Cheshire Rd., Beaverton: Ms. Fredine informed the Council that although she is not a resident of Silverton, she is the mother and grandmother of Silverton residents. She thanked the Council and staff for working so hard to keep the pool open one more year in order to provide time to research options. Ms. Fredine asked the Council to consider offering the opportunity for organizations to sponsor the pool. She further expressed that people from outside Silverton are affected by the facility.

No further public comment was presented.

After further discussion, Councilor Thomas moved, seconded by Councilor Cummins to direct staff to remove the pool cover, to replace or repair any damaged panels, to reinstall the panels in September 2012, and to organize a task force, through the Mayor, to consider future options for operation of the pool.

The Council discussed the possibility of holding a vote for a pool operating Levy. Ms. Mattox agreed to research the timeline for a City referred ballot measure.

The motion carried as follows:

Aye:	Walker, Carter, Palmer, Rasmussen, Cummins, Thomas, and Schmidt
Nay:	None
Abstain:	None
Absent:	None

Mayor Rasmussen called for a recess at 7:51 p.m. and reconvened the meeting at 7:56 p.m.

### III. PUBLIC COMMENT - Items not on this Agenda

Victoria Sage, 313 N James.: Ms. Sage read a prepared statement, requesting the Council place a moratorium on issuance of business licenses to all business housed in a non-permanent structure and to consider a more equitable policy for SDC charges for all businesses.

Amy Knudsen, 26 Denmark Loop: Ms. Knudsen suggested to the Council that implementing a moratorium, as requested by Ms. Sage, would discourage economic development and revenue for the City. She further suggested that doing so may be economic/class discrimination.

David Gortner, 218 Sweden Circle: Mr. Gortner inquired about zoning requirements for businesses housed in non-permanent structures. Mayor Rasmussen indicated that the structure is required to locate on an appropriately zoned property.

Glenn Barker, 301 Pioneer Dr: Mr. Barker approached the Council as a representative of the Rotary Club and Homer Davenport Community Festival. Mr. Barker requested the City waive fees for use of the City park for the Strawberry Festival, to be held on June 17<sup>th</sup> and The Homer Davenport Festival to be held Aug 2<sup>nd</sup> - 5<sup>th</sup>.

Molly Murphy, 869 W Main Street: Ms. Murphy approached the Council as a representative of the Gordon House. Ms. Murphy expressed to the Council that the Gordon House uses effluent pumped by the City for their heating system. She noted that if the City discontinues the pumping of effluent to the Gordon House it will be required for them to install a new heating system. The Gordon House is requesting a one-time grant donation of approximately \$15,000 from the City for assistance to install the new system. She

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further noted that since the City would save approximately \$12,000 per year as a result of not pumping the effluent, the City would reap significant savings on an annual basis. Ms. Murphy expressed that she is interested in participating in an open dialogue regarding this issue.

### IV. CONSENT AGENDA

#### 4.1 Contract Award - Biosolids Price Adjustment

Councilor Palmer moved, seconded by Councilor Carter, and carried as follows to adopt the Consent Agenda consisting of Agenda Item 4.1.

Aye: Walker, Carter, Palmer, Rasmussen, Cummins, Thomas, and Schmidt  
Nay: None  
Abstain: None  
Absent: None

### V. DISCUSSION/ACTION

#### 5.1 Sign Variance for Maps Credit Union

Jason Gottgetreau presented the Staff report.

Councilor Thomas moved, seconded by Councilor Cummins, and carried as follows to approve the requested Sign Code Variance Application.

Aye: Walker, Carter, Palmer, Rasmussen, Cummins, Thomas, and Schmidt  
Nay: None  
Abstain: None  
Absent: None

#### 5.3 Citizens United v. FEC Resolution

Don Nelson, 4026 Edison Rd NE: Mr. Nelson indicated he was speaking as a representative of Citizens United. Mr. Nelson informed the Council that transnational organizations have been provided citizenship and have used their influence to destroy local business, and it is necessary to get money out of politics. Mr. Nelson requested that the Council approve Resolution 12-14.

Councilor Walker moved, seconded by Councilor Palmer to approve Resolution 12-14.

Mayor Rasmussen opened the item for further discussion. The Council discussed whether or not items of this nature are within its purview for consideration.

Some members of the public requested to be allowed to make public comment. After some consideration by the Council, Mayor Rasmussen allowed those who had signed in, and had not had the opportunity, to provide public comment.

Barry Shapiro, 5374 Forest Ridge Road NE: Mr. Shapiro informed the Council that numerous public bodies have voted in favor of such a resolution, and expressed that this is an issue within the purview of the Council.

Lee Mercer, 540 Edgewood Drive. Mr. Mercer is with Main Street Alliance of Oregon. He informed the Council that he has been surveying businesses throughout the State regarding this issue over the last three months, and, as of today, about 70% of businesses he has surveyed are in favor of a constitutional amendment on corporate personhood. He explained that in Silverton he has surveyed In Silverton, he surveyed 21 merchants, 14 of which are in support, 4 of which are against, and 3 of which are undecided. A number of cities in Oregon have already passed such a resolution or are considering passage.

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David Gortner, 218 Sweden Circle: Mr. Gortner noted that over 100 municipalities, counties, and states have passed such a resolution to this affect and over 100 resolutions are pending passage.

No further public comments were made, and after further discussion by the Council, the motion carried as follows:

Aye: Walker, Carter, Palmer, Rasmussen,  
Nay: Cummins, Thomas, and Schmidt  
Abstain: None  
Absent: None

### VI. COUNCIL DISCUSSION

#### 6.1 City Manager Update

CM Willoughby requested some direction from Council regarding purchase of meals for meetings. After some discussion, Council expressed that no meals will be served at future meetings.

CM Willoughby reported that the Police Department records management system, and as a result the reports the Council receives, are presented in a new format. He inquired if the Council had any questions regarding the new format and presentation of the information. Council had no questions.

CM Willoughby commented that he participated in the Senior Clean Up Day and helped the seniors work on the West Bank Trail. He was impressed with the number of kids who participated and the amount of work they performed. Mr. Willoughby expressed that Senior Clean Up Day is a good program.

CM Willoughby reported to the Council that Councilor Walker has been appointed to the Mid-Willamette Valley Area Commission on Transportation (ACT). He noted that it is important that we have a seat at the table and that Councilor Walker is representing small cities in three counties..

#### 6.2 Council Communications

Councilor Schmidt: Thanked the Public Works staff for their good work, their attention to detail, and the pride they take in their work.

Inquired if there is an update on the status of park trees as related to disease. PW Director reported that the Maintenance Division Supervisor/Building Official, Daryl Jones, is working to coordinate with graduate students at Oregon State University's Forestry Department to evaluate the trees and provide a written report with recommendations for next steps.

Reported that the Silverton Health Fun Run is this Saturday, and expressed thanks to all those participating from the City

Councilor Thomas: Reported that Saturday, May 19<sup>th</sup> at 10:00 a.m. is the Kiwanis Pet Parade. Anyone interested in participating as a banner carrier is invited to show up at Coolidge and Apple Street the day of the parade to volunteer. Following the parade is Healthy Kids Day at Eugene Field School. Also on May 19<sup>th</sup> the Farmers Market will be open, the Wine and Jazz Festival will be held, as well as High School May Madness.

Councilor Cummins: Thanked City Staff for making major progress in filling potholes.

He also noted that he is not certain where the discussion about food carts and such left off. He noted that he concern about such business is clearly not discriminatory. His concern is a fundamental difference between businesses operated in non-permanent structures and bricks and mortar operations that pay property taxes and SDCs. He further noted that such consideration is not arbitrary and discriminatory and requested that the issue be looked into further.

Councilor Palmer: Thanked City Staff for the work done on McClain Street and noted that it looks like the

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work is being done properly.

He echoed the comments of Councilor Cummins about transient businesses and agreed that the issue is in need of being addressed.

Reported that the May Madness Event being held on May 19<sup>th</sup> is an annual Rotary event to support the scholarship fund.

Made a motion to direct Staff to bring back any information necessary to waive fees as requested by Mr. Barker during the public comment period. The motion was seconded by Councilor Thomas and the motion passed unanimously.

Councilor Carter: Wanted to clarify that the Council is asking staff to investigate the fee structure for transient merchants. Community Development Director Kay noted that he will present several options to the Council for consideration.

Reported that a mural is being dedicated on May 12<sup>th</sup> at 2:00 p.m. at the airport.

Expressed the sense that the Council has not really weighed in on the Gordon House's heating system issue. Councilor Carter suggested that further discussion is needed and that the City should be investigating what can be done to help the Gordon House. She further expressed that it is important for the City to support the Gordon House if possible.

Councilor Walker: Requested that at the next meeting, the PW Director and Councilor Thomas report back regarding any progress that has been made in discussions relative to solving the issues with the effluent pumping to the Gordon House and Oregon Garden.

Expressed the need to more effectively and fully utilize volunteer services within the City. He is interested in creating a job inventory of tasks that citizen volunteers can perform.

Council further discussed the Gordon House issue. PW Director Fisher noted that pumping is currently factored into the 2012-2013 as continuation of the current levels of operation and maintenance costs. CM Willoughby noted that he is looking for ways to cut costs and ways to reduce expenses. Council and Staff expressed willingness participate in cooperative conversations with the Gordon House and Oregon Garden regarding the pumping issues.

Mayor Rasmussen: Invited Cara Pallone to inform the Council of changes happening at the Appeal Tribune. Ms. Pallone introduced Tiffany Vu as the new Appeal Tribune reporter, effective today. Ms. Pallone will be working with Ms. Vu for two weeks, after which she will begin working with the Statesman Journal on May 21<sup>st</sup>.

**VII. ADJOURNMENT:** Mayor Rasmussen adjourned the meeting at 9:26 p.m.

Respectfully Submitted By:

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Ruth S. Mattox, Administrative Support Manager