

**CITY OF SILVERTON  
CITY COUNCIL MINUTES**

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**Silverton High School Library and Zoom Web Conference Platform**

**OCTOBER 4, 2021 6:00 PM**

**I. OPENING CEREMONIES – Call to Order & Roll Call**

Mayor Palmer called the meeting to order at 6:00 p.m. The City Council and staff were present through the virtual meeting platform Zoom. Mayor Palmer explained this meeting is being held through Zoom pursuant to House Bill (HB) 2560.

<b>Present</b>	<b>Absent</b>	
<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>	Jess Miller
<u>  X  </u>	<u>      </u>	Dana Smith
<u>  X  </u>	<u>      </u>	Elvi Cuellar Sutton
<u>  X  </u>	<u>      </u>	Crystal Neideigh

**Staff Present:**

City Manager, Ron Chandler; Chief of Police, Jim Anglemier; Community Development Director, Jason Gottgetreu; City Engineer, Bart Stepp; Public Works Director, Travis Sperle; Water Quality Supervisor, Troy Kemper; Assistant to the City Manager/City Clerk, Melissa Molek; and Assistant to the City Manager/Human Resources, Simone Stewart.

**II. APPROVAL OF MINUTES**

Councilor Freilinger made a motion to approve the minutes from September 13, 2021 and the Work Session on September 20, 2021. Councilor Sutton seconded. The motion carried unanimously (7-0). Councilor Neideigh abstained from the vote for approval of the minutes from September 20, 2021.

**III. OATHS OF OFFICE/PUBLIC RECOGNITION**

None.

**IV. PUBLIC COMMENT –**

Written comment was received from Bob Mohler and entered into the record.

No other public comment was received.

**V. SCHEDULED PRESENTATIONS**

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

Silverton Chamber of Commerce Director Stacy Palmer reported that the Chamber had 78 phone calls, 75 walk-ins, 161 emails, and 52 pieces of marketing material picked up in the month of September.

Noble Fox, Tiny Seed Tidying, Loan Depot, and Silver Falls Family YMCA are new members.

Breakfast is available for the Silverton Business Group meeting on Wednesdays at Silver Falls Brewery.

The Chamber of Commerce hosted their first job fair on September 28. There were twelve employers present and thirty job seekers signed in to receive updates. Fifteen transitional students from the high school attended as well. Three active applications resulted from the event.

*Half Sisters* will be filming in Silverton at the beginning of November. The Chamber is providing welcome bags for the crew with coupons, marketing materials, etc. The cast and crew have committed to shopping locally.

Assistant to the City Manager/HR Coordinator, Simone Stewart, shared that a film is currently being filmed in Silverton through October 16. The film is based on the musical *Stu for Silverton*.

The Goblin Walk will take place Halloween night from 4pm-6pm. United Methodist is hosting a Trunk-or-Treat drive-thru event that evening as well.

The Shop Hop is scheduled for November 26-December 14. At least sixty businesses will potentially participate. Shops in Silverton or Mt. Angel are eligible to participate.

The tree lighting in Town Square Park will also be broadcast live.

## VI. PUBLIC HEARING

### Quasi-Judicial Review – Application Number SU-21-01

#### **6.1 Consider an appeal of a Subdivision denial to divide a 5.15 acre parcel in the 500 block of Eureka Avenue (Marion County Assessor's Map and Tax Lot 071W03A 00600) into 22 lots**

The hearing was called to order at 6:21pm by Mayor Palmer.

There were no abstentions and no conflicts of interest or ex-parte contact by Council members.

There were no challenges to the jurisdiction, bias or conflict of interest of the Council from the audience.

Community Development Director Jason Gottgetreu and Spencer Parsons (City attorney) presented the proposal, which the Planning Commission had denied.

Discussion included:

- By including the alternative proposal in the record, the Council is curing the alleged procedural defects of the Planning Commission.
- Housing needs are determined on the state level.
- Provisions on lot sizing encourage larger lots to be located on the exterior of the site.
- Condition regarding the improvement of off-site sidewalks.
- City standards regarding trees and fencing.
- The ordinance protecting white oak trees only protects oak trees with a diameter of 30 inches or larger.
- The natural drainage flow in the area.

#### **Subdivision Applicant's Testimony:**

Applicant Alan Sorem presented an alternative design which would add an additional home to the project. Applicant Civil Engineer Grant Beam responded to questions.

Discussion included:

- Sewer engineering plans were discussed in greater detail.
- Fill dirt may be used on some lots.
- Storm drain may affect downhill properties.

**Testimony in opposition to the development:**

Marc van Anda of 617 Eureka Avenue testified that the application does not meet standards of Silverton Development Code regarding the removal of vegetation. He expressed concern for the impact on the existing wetlands and pedestrian safety. The development is incompatible with this parcel's environment.

Discussion included:

- Pedestrian traffic on Eureka

John Campen of 113 Eureka Avenue expressed concern with increased traffic flow on Eureka and pedestrian safety.

LaCinda Campbell of 631 Eureka Avenue testified about traffic and safety concerns for pedestrians. She expressed concern about access to the Oregon Garden and asked if busses would be able to get in and navigate the development.

**Written Testimony in favor of the development:**

City Manager Chandler read testimony submitted by Ms. Cox (no address given). She expressed a desire for the council to approve the development.

**Appellant Rebuttal:**

Appellant Sorem presented a rebuttal stating that the proposal complies with Development Code 3.4.400.

Mayor Palmer noted that there were 5 pieces of testimony submitted prior to the meeting and those were included in the packet for the record.

Community Development Director Gottgetreu clarified that the easements would meet the standards and the Oregon Gardens access will be a paved access and remain no parking.

Councilor Freilinger moved to close public hearing. The motion was seconded by Councilor Sutton. The motion passed unanimously (7-0). Mayor Palmer declared the public hearing closed at 7:56 p.m.

Councilor Freilinger asked the city attorney if, from a legal perspective, the applicants' changes meet the standards of the current code. City Attorney Parsons said that the standards apply to the date the application was submitted. Only clear and objective standards are relevant. With regards to storm water, he would defer to Community Development Director Gotgetreu's recommendations in the staff report which indicate that the standards have been met.

City Engineer Stepp stated that he does not evaluate the plans until final engineering plans are submitted.

Discussion included:

- Wetlands report is prepared by applicant as required by Department of State Lands (DSL).
- DSL will seek input from the city regarding mitigation requirements for wetlands.
- DSL will accept testimony from third party participants.
- The city has granted sidewalk waivers in the past when it made sense to do so.
- Possibility of sidewalk opposite the development to preserve the trees.
- Emergency egress for the Oregon Garden will not be changed.
- Frontage improvements are required by code.
- Concerns regarding adequate sight distance at the entrance to the cul-de-sac. Sight distance recommended by American Association of State Highway and Transportation Officials (AASHTO) is adequate at this location.
- Standard 1-year improvement bond would include maintenance.

Councilor Freilinger made a motion to grant approval for the subdivision with the thirty five recommended conditions and the implementation of the three optional conditions. The approval is for the proposal that

includes twenty one lots that meet the seven thousand square feet requirement; changing requirement 27 to be that the detention basin will have sustainable vegetation which does not require irrigation, is effective at reducing erosion, and will not increase fire danger; the route to the Oregon Garden will be a permeable surface that can handle vehicular traffic; and the applicant must submit different plans for the offsite sidewalk and the portion being moved toward the street to protect the oak trees to provide safety for pedestrians but may not be a solid sidewalk. Councilor Smith seconded. After some discussion, the motion passed (6-1). Mayor Palmer, Councilor Freilinger, Councilor Smith, Councilor Neideigh, Councilor Miller, and Councilor Sears voted yes. Councilor Sutton voted no.

Mayor Palmer read instructions for appeals.

*Mayor Palmer called 5 minute recess at 9:12pm.*

*Mayor Palmer called the meeting to order at 9:19pm.*

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

### **7.1 Railway Avenue Improvements**

City Engineer Stepp presented on Railway Avenue improvements and suggested changes to the agreement with Westrend Homes, LLC.

Councilor Freilinger motioned to approve Resolution 21-16, a resolution of the Silverton City Council adding the Railway Avenue Sidewalk Improvements Project to the Transportation System Capital Improvement Plan and approving a Public Facility Improvement Agreement as amended by staff with Westrend Homes, LLC. The motion was seconded by Councilor Sutton. Motion passed unanimously (7-0).

### **7.2 Affordable Housing Task Force Recommendation**

Community Development Director Gottgetreu presented the task force recommendation to solicit services to update the City's System Development Charge Methodology for Single Family Homes based on square footage.

Councilor Smith motioned to direct staff to advertise a Request for Proposal (RFP) to solicit services to update the City's System Development Charge Methodology for Single Family Homes to be based on square footage and impact to the systems. Councilor Freilinger seconded. After some discussion, the motion passed unanimously (7-0).

### **7.3 Review Requirements for Tourism Promotion Committee**

Mayor Palmer gave some background on the difficulty of filling certain positions on this committee. He made a few recommendations for changes.

Councilor Smith motioned for staff to revise the requirements for Tourism Promotion Committee and bring back a resolution for one member at large, and combining the current Hotel and B&B position to be any short-term rental owner. The motion was seconded by Councilor Sears. Motion passed unanimously (7-0).

### **7.4 Term adjustment for the high school appointee to the Environmental Management Committee**

Mayor Palmer gave some background about the Environmental Management Committee.

Discussion included:

- The length of the high school student's term should be one year.

Councilor Miller motioned to adjust one term to be an annual term beginning July 1 and ending June 30 of each year. The motion was seconded by Councilor Neideigh. Motion passed unanimously (7-0).

### **7.5 Storm Drain Improvements**

Public Works Director Sperle presented a proposal for storm drain improvements to Adams Avenue, Chee Chee Court, Chikamin Drive, and Jaysie Drive.

Discussion included:

- Pipe width for drainage is difficult to upsize in some locations.
- Side inlet grates would add to the cost.
- Staff will be painting the curbs yellow for easier access to the grates for cleaning by street sweepers and maintenance crews.

Councilor Sears motioned to authorize the City Manager to approve storm water improvements up to \$30,000 from account 028-028-8520. The motion was seconded by Councilor Smith. Motion passed unanimously (7-0).

*10:07pm – Councilor Sears motioned to continue meeting past 10:00pm. The motion was seconded by Councilor Freilinger. Motion passed unanimously (7-0).*

### **7.6 Western Avenue Project**

Public Works Director Sperle presented options for Western Avenue Improvements. Staff suggest a paved path as opposed to a gravel pathway.

Discussion included:

- Driveway approaches need to match the grade of existing driveways.
- There has been discussion with one of the abutting property owners.
- Outreach to residents will be conducted by staff.

Councilor Miller motioned to authorize city staff to complete Western Avenue Pedestrian Improvements consisting of a 5-6' paved path along the south side of Western. The motion was seconded by Councilor Neideigh. After some discussion, the motion passed (6-1). Mayor Palmer, Councilor Smith, Councilor Freilinger, Councilor Miller, Councilor Sutton, and Councilor Neideigh voted yes. Councilor Sears voted no.

## **VIII. CONSENT**

### **8.1 Tourism Promotion Committee Grant Award Approvals**

### **8.2 Contract Extension for Biosolids Hauling**

Councilor Sears moved to approve Consent Agenda Items 8.1 and 8.2. Councilor Neideigh seconded the motion. The motion passed unanimously (7-0).

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

### **9.1 Diversity, Equity, and Inclusion Task Force**

Councilor Freilinger motioned to appoint Arthur Brown to a term expiring April 30, 2022. Councilor Sears seconded the motion. The motion passed unanimously (7-0).

## **X. CITY MANAGER UPDATE**

City Council Goal Setting Session is scheduled for January 12 & 13 from 9:00am-4:00pm and could be conducted as a hybrid meeting.

Public Works Director Sperle provided an update on the pool boiler. The manufacturer is unable to build the unit right now and it could be up to a year. The contractor proposed the purchase of two boilers. The cost would be the same for the equipment, but there are additional installation costs. The two units are both energy efficient and will be redundant. Time frame for installation is about 6-7 weeks.

#### **XI. COUNCIL COMMUNICATIONS**

Councilor Smith gave an update on the Civic Center project. Costs were higher than expected and the reasons are being investigated. Councilor Smith asked about updated public works standards and wanted to know when and what was updated.

Councilor Miller asked about looking at codes that meet the intent of being sustainable, low environmental impact, pedestrian safety, etc. for the future.

Councilor Neideigh also expressed an interest in closing the gaps in codes during goal setting.

Councilor Sears had nothing to report.

Councilor Sutton mentioned the Homeless Task Force and the problem with people being able to speak freely. She would like to see more involvement by the city in helping these organizations. Mayor Palmer responded that it comes down to property. Woodburn was able to secure a grant to buy a property to house these organizations.

Councilor Freilinger agreed that the city should get all the groups to work together collaboratively. He would like to see codes addressing protection for trees, partnering with developers on sidewalk extensions, fill dirt expectations, storm water standards, and doing the environmental study in advance of approving subdivisions. The City needs clear and objective standards.

Mayor Palmer expressed that code language is reactive and should be more intentional. He would like to talk about the Council coming back in person. The Sidewalk Shindig was a great event.

#### **XII. ADJOURNMENT**

Councilor Smith made a motion to adjourn. Mayor Palmer adjourned the meeting at 10:57p.m.

Respectfully submitted by:



/s/Melissa Molek, Assistant to the City Manager/City Clerk