

# CITY OF SILVERTON

## CITY COUNCIL AGENDA

**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

### NOTES

#### I. OPENING CEREMONIES: Call to Order & 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.

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

#### IV. CONSENT AGENDA

##### 4.1 Contract Award – Biosolids Price Adjustment

**Summary:** Agri-Tech Inc. of Oregon is under contract until 2013 with the City of Silverton for the annual land application of biosolids produced at the wastewater treatment plant. The contract is reviewed and extended on an annual basis, if agreed upon by both parties, effective July 1<sup>st</sup> of each calendar year. Annual renewals of the contract may include a price adjustment if agreed upon by both parties, based on evidence for a fuel cost increase.

**Recommendation:** Staff recommends Council approve the contract extension and unit price proposed by Agri-Tech Inc. of Oregon.

#### V. DISCUSSION/ACTION

##### 5.1 Sign Variance for Maps Credit Union

**Summary:** A Sign Variance application was submitted by Debra Weigel on behalf of Maps Credit Union located at 307 East Main St requesting a sign variance to allow an Electronic Message Sign to change messages more than one time in any given hour for the purpose of displaying the time and temperature.

**Recommendation:** Staff recommends Council discuss and approve or deny the requested Sign Code Variance Application.

**5.2 City Pool Cover Removal**

**Summary:** The cover is required to be removed by fire code each summer season, but due to deterioration and shrinking from sun damage, only one of the panels can be manually removed. PW staff had originally included a replacement cover in the upcoming budget but the City Manager removed it to reduce the draw down on the General Fund cash reserves. These cuts would save at least \$208,000 in FY 2012-13 budget and a minimum of \$118,000 each year thereafter. In order to remove the panels to maintain a safe swimming environment for patrons and to comply with fire code standards, the panels must be cut and removed in sections during the May shutdown.

**Recommendation:** Staff recommends a motion for the Council to authorize staff to remove the pool cover in May 2012.

**5.3 Citizens United v. FEC Resolution**

**Summary:** Representatives have spoken at prior Council meetings representing a local "Move to Amend" group. The goal of this group is to get a U.S. Constitutional amendment to abrogate the Citizens United v. FEC court case. This group asked that a Resolution be placed on the May 7 Council agenda. The Mayor approved placing the Resolution on the agenda and a draft is attached.

**Recommendation:** Staff makes no recommendation on this agenda item.

**VI. COUNCIL DISCUSSION**

**6.1 City Manager Update**

**6.2 Council Communications**

**VII. ADJOURNMENT**

## AGENDA ITEMS

# CITY OF SILVERTON CITY COUNCIL MINUTES

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

**MONDAY, APRIL 2, 2012, 7:00 PM**

## AGENDA ITEMS

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

Mayor Rasmussen called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

Stu Rasmussen – Mayor

Scott Walker – Councilor  
Bill Cummins– Councilor  
Kyle Palmer – Councilor

Judy Schmidt – Councilor (Excused)  
Laurie Carter- Councilor  
Randal Thomas - Councilor

### II. PRESENTATIONS

#### 2.1 Marion County Courthouse Display

Gus Frederick explained that the Marion County courthouse has been remodeled and as part of the open house celebration, all Marion County cities have been invited to display a visual presentation representing their City. Mr. Frederick unveiled the City of Silverton's display and informed the Council that it can be viewed, along with other City displays, at the Marion County Courthouse during an open house to be held on April 11<sup>th</sup> beginning at 5:30 p.m.

### III. MINUTES - Councilor Carter made a motion, seconded by Councilor Cummins and carried as follows to approve minutes from the March 5, 2012 regular meeting and March 19, 2012 work session.

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

### IV. PROCLAMATIONS

#### 4.1 Celebration of Cultures Month

Mayor Rasmussen proclaimed April 2012, Celebration of Cultures Month within the City of Silverton.

#### 4.2 Child Abuse Prevention Month

Mayor Rasmussen proclaimed April 2012 Child Abuse Prevention Month within the City of Silverton.

### V. PUBLIC COMMENT – Items not on this Agenda

Lawrence Stone, 414 W Main St:

## AGENDA ITEMS

Mr. Stone expressed that there may be significant public interest regarding the Police Chief's replacement. He suggested a public announcement be made detailing current recruitment plans and soliciting public input.

Greg Sheesley, 732 S Water:

Mr. Sheesley expressed kudos to the Chamber of Commerce and Stacy Palmer for their first Friday success, to the City Council for their scaled back version of the East Bank trail to a 6' wide gravel path, to Steve Kay's contributions to the Citizen Involvement Meetings, and to the City Council for their contribution to the poetry festival. Mr. Scheesley read a poem.

At the end of the public comment period, Mayor Rasmussen noted that the hiring decision for succession of Police Chief is made by the City Manager, and Jeff Fossholm is slated to succeed Chief Lewis through an internal promotion. CM Willoughby said the time for community involvement is now. Citizens should take the time to get to know Jeff Fossholm and begin asking questions. CM Willoughby invited the public to get in touch with him with comments and questions, if desired.

Mr. Lawrence suggested that an evening meet-and-greet would be a good opportunity for the community to get to meet Mr. Fossholm and get to know him. CM Willoughby agreed to look into holding such an event.

### VI. CONSENT AGENDA

**6.1 Contract Award – Biosolids Hauling**

**6.2 Contract Award – Pool Feasibility Study**

**6.3 Tourism Promotion Committee Resolution**

Councilors Palmer and Walker requested Consent Agenda Item 6.3 be removed from the consent agenda for further discussion.

Councilor Thomas moved, seconded by Councilor Walker and carried as follows to adopt the Consent Agenda consisting of Agenda Items 6.1 and 6.2:

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

Regarding Item 6.3, Councilor Palmer suggested that five people on the TPC committee will not be enough for the committee. Councilor Carter agreed that ten committee members are not too few. Council discussed the possibility to expand the committee membership to ten, including one Council representative and nine business representatives. Walker suggested including two councilors as committee members.

Councilor Palmer moved to return the make-up of the committee to its original form with only one Council member participating, which would result in a committee of 8 people. The motion was seconded by Councilor Thomas and carried as follows:

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

### VII. DISCUSSION/ACTION

## AGENDA ITEMS

### 7.1 City Pool Cover Removal

Public Works Director Gerald Fisher presented the staff report. Mr. Fisher informed the Council that the pool's cover is in such a state that it is impossible to remove it without cutting it off. If the cover is removed, a brand new cover will need to be installed in order to maintain year round use of the pool, but no money has been budgeted in this or next year's budget. A new cloth cover is approximately \$90,000. CM Willoughby explained that if the cover is removed during the year, it is a temporary structure and subject to the Fire Code; if it is left up year-round, it becomes a permanent structure and is subject to the Building Code. Compliance with either Code requires significant expenditures which are not budgeted.

After some discussion, Council requested staff obtain additional information for presentation at the May 7<sup>th</sup> meeting. Mr. Fisher and Mr. Willoughby will further research the issues with the Fire Marshall and the Building Official and bring additional information to the Council at the regular May Council meeting.

Councilor Palmer moved to table Item 7.1 until the May 7<sup>th</sup> Council meeting, seconded by Councilor Carter and carried as follows:

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

### 7.2 Building Permit Fee Resolution

Community Development Director Steve Kay presented the staff report. The City is looking at contracting out building inspections until the reserve can be built back up in the Building Fund and the Electrical Fund. In order to expedite this recovery process, it is necessary to increase building permit fees.

Mayor Rasmussen invited members of the public to speak regarding this issue.

Victor Madge, 760 Mill St: Mr. Madge is disappointed that the City is losing its in-house inspectors. They provide stellar customer service which the community will lose, as a result of this change. Mr. Madge would like to see any contract for inspection services go to the County. He believes the City would be well-served by the County. Mr. Madge expressed that the fee increase is driven by financial necessity and he had no comment regarding the proposed increase.

CM Willoughby noted that the Building Official will stay with the City and the same clerical staff will also remain. Mr. Willoughby has solicited requests for proposal for a personal services contract to provide plan review and inspection services inside the city.

Mr. Kay noted that with any contract inspection service, there will be some diminished level of service. They may not have the immediate access to the inspector, walk-in inquiries at the counter will not be available, and the same level of flexibility in scheduling may not be available.

Mr. Madge noted that the County facilities are relatively close to the City, which may alleviate some of the service concerns.

Dennis Downey, 111 S First St: Mr. Downey discussed the total fee package including building permit fees and SDC fees. He noted that Building permit fees should probably be increased; however, all of the ancillary fees that come along with building including SDC fees are what makes fees so high and gives Silverton the reputation of having high building costs.

Councilor Palmer noted that the Council will discuss SDC fees later on in the meeting.

Mr. Downey also commented on the pool cover removal. He suggested the option of removing the end panels and leaving the middle panels on.

## AGENDA ITEMS

Councilor Palmer moved to adopt Resolution No. 12-12, seconded by Councilor Walker and carried as follows:

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

### 7.3 Update of Transportation SDC CIP and Fee

Mayor Rasmussen invited public comment regarding this issue: no members of the public came forward with public comment.

Councilor Carter asked for an explanation regarding what transportation SDC fees are used for. Public Works Director Fisher said Transportation SDC fees are used to fund CIP projects identified through the transportation plan. Mr. Fisher noted that he reviewed current projects on the CIP project list and removed some of the projects that were not strictly capacity related. Some of the projects removed may be more appropriately funded through LIDs or other sources. Because those projects are now removed from the CIP list the total dollars needed are reduced, thereby reducing the need for SDC funds and the SDC fee.

City Attorney Courtney Lords further explained that SDCs are intended for times when there is new development or expansion of existing systems. When a new development is built, there is typically not adequate infrastructure in place. SDC fees are set up so that anytime a developer adds to capacity or needed capacity, SDC fees may be used to help pay for the infrastructure to accommodate that need. SDC methodology must remain consistent even if the CIP list is modified. The City's CIP list has acted as an overall wish list. It included what was needed and what was nice to have, so some of the items that were more in the category of nice-to-haves were removed from the plan. Councilor Carter noted that some of the nice-to-have items are what make a difference between livability and non-livability.

Mayor Rasmussen noted that when the CIP list was adopted five or six years ago, times were booming. Now, times have changed and this is a good opportunity to review the CIP list. At a later day, the CIP list can be reviewed again as times change.

Councilor Walker moved to adopt Resolution No. 12-13, seconded by Councilor Palmer and, after further discussion, the motion carried as follows:

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

### 7.4 Downtown Signage Master Plan Improvements

Community Development Director Kay presented the staff report. As directed by Council, staff reconvened the Downtown Master Plan Signage Committee. Jason Gottgetreau presented the Committee's recommendation to the Council.

Councilor Carter moved to direct staff to prepare an RFP for the manufacture and installation of wayfinding sign improvements, seconded by Councilor Thomas.

The Council discussed funding sources slated to pay for the sign improvements. This project would be funded by allocating \$14,663 from the Transient Tax Fund and \$42,153 from the Urban Renewal Fund in next year's budget. Committee member Victor Madge spoke in favor of the signage improvements.

## AGENDA ITEMS

The motions carried as follows:

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

### 7.5 Recession Extension for Land Use Approvals

Community Development Director Kay presented the staff report. Mayor Rasmussen inquired when the next review of the development code will be completed. Mr. Kay noted that the Planning Commission is currently reviewing the code and there will likely be a joint Council/Commission meeting this summer. Councilor Walker inquired whether any modifications made in the code would affect the extensions, if granted. Mr. Kay responded that they would not.

Councilor Thomas moved to adopt Resolution No. 12-11, seconded by Councilor Cummins and, after further discussion, the motion fails as follows:

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

## VIII. COUNCIL DISCUSSION

### 8.1 City Manager Update

- “Balancing” Next Year’s Budget

CM Willoughby expressed his concerns about the upcoming budget to the Council. Cash reserves have been utilized to balance the current budget and are being reduced as a result. If the City continues to utilize reserve funds for operations, the city will have no funds in cases of emergency. CM Willoughby expressed that operations should be able to be supported by existing revenue sources – rather than living off of the reserve funds. Revenues have been declining and, therefore, expenses need to be reduced as fast, or faster, than the decline in revenues. Several funds are affected by this discussion including the general fund.

As a result of the budget issues, several personnel decisions have been made, including one employee lay-off and a hiring freeze on new hires. The budget for the upcoming fiscal year is based on the assumption that property tax revenues will be the same as the previous year.

Due to the strong financial position of the City over the years, it is fortunate we have not experienced financial pinch before now. We are experiencing the crunch later than most other local governments. The current plan is to deal with this shortfall through attrition and cost cutting/saving measures. Cost cutting and savings measures will be applied to spending and programs that are not essential to the City’s core mission.

Mr. Willoughby reported that the School Resource Officer (SRO) assigned to the School District is an example of a non-essential expenditure. When the police chief retires this year, the proposed budget for next year does not include funding the SRO position and the hiring freeze will be applied. CM Willoughby gave the Council a copy of a letter from the School Superintendent expressing concern for the potential loss of the SRO. He also provided a copy of an e-mail from the Oregon Garden expressing concern about another possible cost-saving measure. He advised the Council to expect similar communications from others affected by cut-backs and savings measures as some of these will impact popular programs and things that affect the quality of life in the city.

## AGENDA ITEMS

CM Willoughby reported that two initiative positions, to modify the charter, have been filed with the CM's Office by the Mayor. One deals with condemnation and the other with annexation. The petitions are currently being reviewed by the City Attorney's office for legal and constitutional sufficiency.

### 8.2 Council Communications

Councilor Thomas - None

Councilor Cummins - None

Councilor Palmer –

Invited the community to the project graduation dodge ball fund raiser this Saturday at the high school.

Expressed to the Council that in terms of the perception of City expenses, it is critical the Council be united in helping the public understand how public funding works.

Noted that members of the Council all received a packet from a gentleman last week. One of the documents included in that packet was a recall petition against the Mayor. Councilor Palmer urged the governing body and the public to reject recall proceedings. CM Willoughby noted that the recall document was not complete or signed, so an official recall petition was not filed.

Councilor Carter –

Thanked everyone for their patience related to her misunderstanding of the Systems Development Charge.

Councilor Walker –

Explained that at the work session he had given everyone a summary of the parks development plan. He expressed concern that based on the Parks and Recreation plan, the Westfield property includes a 20,000 square foot community recreation center, containing a multi-purpose gymnasium, multi-purpose rooms, fitness wellness center, concessions, and amenities. Mr. Walker wants to remove this facility from the plan so the entire property can be planned for other uses.

Councilor Walker moved to strike from the parks and recreation plan the proposal for a 20,000 square foot community recreation center. Mayor Rasmussen seconded the motion and opened the matter for further discussion.

City Attorney Lords reminded the Council of public meeting laws and stated that under ORS 192.640, the City is supposed to publish, in advance, an agenda for a Council meeting that lists any and all proposed action items. She noted that the topic under discussion was not on the published agenda.

Councilor Walker modified his initial motion and stated it as follows: to bring this item back to a subsequent meeting of the Council in order to take public input and requested staff prepare a resolution to amend the park plan for removal of the 20,000 square foot building on the Westfield property. Mayor Rasmussen reaffirmed his second of the motion. The motion failed as follows:

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

Mayor Rasmussen – None

**IX. ADJOURNMENT:** Mayor Rasmussen adjourned the meeting at 9:43 pm.

Respectfully Submitted By:

## AGENDA ITEMS

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Ruth S. Mattox, Administrative Services Manager

# CITY OF SILVERTON

## CITY COUNCIL/PLANNING COMMISSION

### JOINT WORK SESSION MINUTES

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

MONDAY, APRIL 16, 2012, 6:00 PM

#### AGENDA ITEMS

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

Mayor Rasmussen called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

Stu Rasmussen – Mayor

Scott Walker – Councilor

Judy Schmidt - Councilor

Bill Cummins– Councilor

Laurie Carter- Councilor

Kyle Palmer – Councilor

Randal Thomas – Councilor

#### **Planning Commissioners Present:**

Clayton Flowers – Commissioner

Jeff DeSantis – Commissioner

Jason Freilinger – Commissioner

Victor Madge - Commissioner

Stacy Posegate - Commissioner

#### **Staff Present:**

Bob Willoughby – City Manager

Kathleen Zaragoza – Finance Director

Gerald Fisher – Public Works Director

Steve Kay – Community Development Director

Ruth Mattox – Administrative Support Manager

#### II. PUBLIC COMMENT – Items not on this Agenda

No Public Comment

#### III. PETTIT PROPERTY

CM Willoughby provided a brief history as to why this item is on the agenda. He explained that, shortly after his arrival, Community Development Director Kay communicated that Mr. Kay had been directed by the City Council to begin park master planning for the Pettit property. After some inquiries into the matter, CM Willoughby found that the property had been purchased with sewer SDC funds. Because of the restricted use prescribed for SDC funds, further questions arose as to plans for appropriately allocating funding for the property's use for non-sewer related activities. Because of these unanswered questions, CM Willoughby thought it best to bring the item to the Council for discussion at a work session.

Finance Director Zaragoza communicated some financial history for the property. She explained that in 2002, the property was purchased with money from the City's Sewer Reserve Fund. She noted that because the Sewer Reserve Fund contained Sewer SDC funds, it was later renamed the Sewer Reimbursement SDC Fund. Ms. Zaragoza reported that she found a letter, dated February 2003, from the City to Congresswoman Hooley requesting financing for the property purchase as a partnership with the Oregon Garden and if financing could not be found the City planned to sell the property.

Councilor Carter noted that an 18 month period was set for making payment to the sewer fund. She also inquired as to the total amount paid for the property. Ms. Zaragoza and CM Willoughby noted that the total amount paid for the property was a little under \$1.2M which included environmental clean-up and closing costs.

The Council discussed that the property has been treated as an asset of the City for the sewer fund that can be sold to repay the fund. Councilor Palmer recalled that the property may have been financially encumbered to the Oregon Garden and a couple of payments forgiven to satisfy the debt. Ms. Zaragoza explained that, separate from the Pettit property purchase, the City had incurred a debt to help the Garden and had made financial arrangements with the Garden for repayment of the debt.

CM Willoughby indicated that the City has received communications from parties potentially interested in purchasing the property, one of which is associated with the Oregon Garden. Councilor Thomas recalled that the Oregon Garden was to be given first rights to purchase the property.

Ms. Zaragoza noted the primary issue at hand is that the sewer fund owns the property and in order to do anything with it other than for a sewer purpose, a funding source for repaying the sewer fund must be found. Councilor Carter suggested that if the City developed the property for any reason other than for sewer purposes, the City would be on shaky ground. CM Willoughby concurred. In addition, CM Willoughby stated that if the City holds on to the property for sewer purposes if there is not a need within the sewer fund the City could also be on shaky ground. As such, he suggested there is some urgency in determining a plan for the property and outlining a specific time frame.

Councilor Thomas presented some clarification regarding the history of the property's ownership as well as the ownership of the Oregon Garden property.

CM Willoughby emphasized that when all this happened, it was perfectly legitimate; there was a project being developed that was required for the sewer treatment plant and there was a plan in place. At some point, it either needs to be used for a sewer purpose or, if it becomes clear that there is no sewer purpose, we need to do something with the property to get the sewer fund reimbursed.

Public Works Director Fisher explained that, during the summer months when there is no ground water, there is no water, to speak of, going into the ponds; and that is just about the time when the Garden needs the water to irrigate but there is not enough water to meet the needs of the existing grounds.

He further explained that sewer operations may be better served by making upgrades to the existing treatment plant facility. There are additional improvements and equipment that could be funded with reimbursement SDCs currently tied up in the Pettit property. PW Director Fisher

noted the following examples of projects that could be completed with the funds: screw press, pump repairs or replacement, deferred maintenance items, and equipment purchases.

Councilor Carter expressed that if the property is sold, it is gone forever. CM Willoughby and CD Director Kay informed the group that there have been several inquiries by parties interested in purchasing the property. CM Willoughby further expressed that before the property can be used for any other purpose, the sewer fund must be reimbursed. Councilor Thomas suggested that there are several options for the property that could result in keeping some of it open for a public use, including selling only a portion of the property to replenish the sewer SDC fund.

After additional discussion, CM Willoughby explained his understanding that the last direction staff received from the Council was to begin with park master planning for the property. He requested permission from the Council for staff not to proceed with the park master planning, because at some point, there could be a line crossed that could result in an inappropriate use of the property. In addition, he expressed a desire that the Council direct staff to explore options for the future of the property that could result in a win-win situation, wherein the sewer SDC funds could be replenished and the property could be preserved for public use.

Christine Diacetic, 537 Eureka Ave, spoke on behalf of Moonstone Properties, the operator of the Oregon Garden. She noted that Dirk Winter is aware of the issues and needs of the sewer fund. He is very interested in the property. At the time he built the Oregon Garden resort, he developed a broad level master plan which incorporated the Pettit property. He would maintain public access and entertain offering admission at no charge to Silverton residents. He does not want to own the property, but desires to incorporate it into the Garden under the Foundation. Because of the immediate need, he is willing to work out the financing in cooperation with the City and the Foundation.

Council suggested that park master planning cannot be continued and requested staff return to a regular Council meeting with some options for the property.

#### **IV. WEST-SIDE LAND USE AND TRANSPORTATION PLAN UPDATE**

Community Development Director Kay introduced the discussion, noting the desire to update the Council and Commission on the progress of west-side land use and transportation planning and to obtain input on the project.

Mr. Kay described the project area, noting a total of 230 acres within the project area; all of which is located within the urban growth boundary and half within the city limits. He explained that the area is the western gateway to the City and a high visibility area with potential for development in the next ten years. In addition, the area has been developed piece meal in the past. The City is required to adopt a comprehensive plan which must be reviewed every seven years and, as part of the comprehensive plan, a transportation systems plan must also be developed.

As part of the planning process, two community meetings have been held thus far. The first meeting was held on January 12th with the goal to obtain public input on visioning for the area. The visioning concepts produced during the January meeting were presented at the second meeting, held on March 22<sup>nd</sup>. Citizens were invited to review the land use and transportation concepts and determine whether the concepts met their needs and ideas for the area. Approximately 50 participants attended the January meeting and approximately 60 attended the March meeting.

Mr. Kay described the comments received at the community meetings and informed the group that Council and Commission feedback is desired prior to going forward with the next steps. Mr. Kay outlined the planning process as follows:

- Prepare the draft Land Use and Transportation Plan
- Advertise and hold a Project Advisory Committee/Public Meeting (May 24<sup>th</sup>)
- Make refinements to the plan based on public feedback
- Present the plan to the public at a public hearing before the Planning Commission (July 10<sup>th</sup>)
- Make additional refinements to the plan based on Planning Commission action
- Hold a public hearing before the City Council (August 6<sup>th</sup>) and adopt the final Plan

Commissioner DeSantis noted that it may not make sense to improve James Street without associated improvements on nearby streets. Mr. Kay responded that James Street will not be improved without associated improvements on related streets.

Councilor Cummins inquired if the consultant overpowered the discussions and overly influenced the output of the community information. Mr. Kay noted that all the reports have been reviewed for accuracy and alignment with actual community feedback. Councilors Walker and Carter suggested that the reports may not accurately reflect responses from the community groups. Mr. Kay noted that the data will be reviewed and will be double-checked for accuracy at the next Project Advisory Committee. He invited the group to provide him with specific information about any discrepancies so he can communicate with the consultant.

Mr. Kay requested specific feedback from Councilors and Commissioners.

Councilor Cummins responded that he is in favor of the recommended light-industrial zoning.

Mayor Rasmussen noted that some of the specific elements of the plan may not be realistic to implement right now. He suggested that consideration be given to being realistic in light of the current economy and factor that into existing planning. Then, modifications to the plan can be made when the economy turns around. Mayor Rasmussen expressed concern about negatively affecting SDC fees through creation of the plan. Community Director Kay noted that the city is required, per state law, to plan ahead 20 years in the future and asked for feedback from Council and Commissioners, before the draft plan is formalized. Councilor Cummins suggested that creating the plan does not mean it is the time to make all the improvement, or that there are funds available to make them; the plan is a vision for the community. It is a 20-year plan to prevent piece meal development. He also expressed concern about negatively affecting SDC fees. Commissioner Flowers expressed the importance of having a plan as a framework within which to grow and develop.

Councilor Carter suggested that improving Brown Street is one idea that could be implemented. Council and Commission discussed possibilities for traffic flow in that area, including options for crossing Silver Creek.

Councilor Palmer said he is not in favor of constructing a roundabout as illustrated, due to the need to purchase property. Public Works Director Fisher indicated that the footprint could be smaller since the James/Pine Street intersection is under City jurisdiction.

Mayor Rasmussen suggested one alternative may be to improve and extend Pine Street through the commercial area so that it directly connects to N. Water Street. Commissioner Posegate inquired about traffic needs and patterns and concluded that based on the information she has, the additional bridge makes sense to her.

The group discussed an aversion to constructing the bridge because including it in the Capital Improvement Plan potentially affects SDC fees. Commissioner Freilinger and Councilor Carter expressed that they are in favor of redirecting traffic within the James/Brown Street area.

Community Development Director Kay expressed that because there is no certainty regarding whether the group is generally in favor of constructing a new bridge or making intersection improvements in the James street area, staff will continue exploring all options, including the extension of Pine Street. Estimated costs for the alternatives will be presented to the community on May 24<sup>th</sup>.

**V. ADJOURNMENT**

The work session adjourned at 8:02 p.m.

# CITY OF SILVERTON CITY COUNCIL MINUTES

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

**MONDAY, APRIL 16, 2012, 7:30 PM**

## AGENDA ITEMS

### **I. OPENING CEREMONIES: Call to Order**

Mayor Rasmussen called the meeting to order at 8:03 p.m.

	Stu Rasmussen – Mayor	
Scott Walker – Councilor		Judy Schmidt - Councilor
Bill Cummins– Councilor		Laurie Carter- Councilor
Kyle Palmer – Councilor		Randal Thomas - Councilor

### **II. PUBLIC COMMENT – None**

### **III. DISCUSSION/ACTION**

#### **2.1 Intergovernmental Agreement with Marion County for Building Inspection Services**

Mayor Rasmussen introduced the subject. CM Willoughby noted that the negotiations with Marion County are not yet completed and are ongoing. He handed out a draft of the IGA noting a change that had been made to the document after an earlier draft had been sent to the Council by email on Friday April 13, 2012. CM Willoughby advised the Council that additional, non-substantive items, may change before the agreement is ready to sign. Proposed changes are being reviewed by the City Attorney and Marion County’s attorney. If substantive changes are made to the agreement, CM Willoughby assured the Council he will return to them for their approval. If there are no changes or the changes are not substantive, he is requesting authority to sign the IGA once the negotiations are completed.

Councilor Thomas moved to authorize the City Manager to sign an Intergovernmental Agreement with Marion County for building inspection services, with the assurance that any proposed substantive changes to the agreement will be returned to the Council for review. The motion was seconded by Councilor Schmidt and carried as follows:

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

### **IV. ADJOURNMENT**

The meeting adjourned at 8:06 p.m.

**CITY COUNCIL REPORT: CITY OF SILVERTON  
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

306 S. Water Street----(503) 873-5321

	<b>Agenda Item No.:</b> 4.1	<b>Topic: 2012 Biosolids Application Price Adjustment</b>
	<b>Report No.:</b> 12-32	
	<b>Agenda Type:</b> CONSENT AGENDA	
	<b>Meeting Date: May 7, 2011</b>	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prepared By: Steve Starner</b>	<b>Reviewed By: Gerald Fisher, PE</b>	<b>Approved By: Bob Willoughby</b>

**RECOMMENDED MOTION:**

Staff recommends Council approve the contract extension and unit price proposed by Agri-Tech Inc. of Oregon.

**BACKGROUND:**

Agri-Tech Inc. of Oregon is under contract until 2013 with the City of Silverton for the annual land application of biosolids produced at the wastewater treatment plant. The contract is reviewed and extended on an annual basis, if agreed upon by both parties, effective July 1<sup>st</sup> of each calendar year. Annual renewals of the contract may include a price adjustment if agreed upon by both parties, based on evidence for a fuel cost increase.

For the 2012 land application project, Agri-Tech has proposed a 3.5% price increase from 2011 due to the rising cost of diesel fuel. Since last summer (July 2, 2011) through April 20, 2012, the cost of crude oil has risen 7.6% and the cost of fuel has increased 8.6%.

The proposed Agri-Tech price of \$0.0425 per gallon will allow the City to dispose of up to 1.18 million gallons of biosolids within the draft FY 2012-13 Sewer Operating budget.

**BUDGET IMPACT:**      **FY(s):** 2012-2013      **Funding Source:** Sewer Operations

**Attachments:**

1. April 11, 2012, Agri-Tech correspondence
2. Water Quality Supervisor report

April 11, 2012

City of Silverton  
Waste Water Treatment Plant  
400 Schemmel Lane  
Silverton, OR 97381



AGRI-TECH INC., of OREGON

Attn: Steve Starner, Water Quality Supervisor

Re: **Price for loading, transporting and land application of biosolids for 2012.**

Dear Mr Starner,

Agri-Tech Inc. of Oregon proposes a price of \$.0425 per gallon for loading, transporting and land applying approximately 1,000,000 gallons of liquid biosolids to grass seed fields owned by Ted Klopenstein Farms. This price represents a slight increase over the last two years due to increased fuel costs.

We have experienced an increase in fuel cost of \$3.30 per gallon in 2011 to almost \$4.00 per gallon this year. Agri-Tech Inc. of Oregon values its long-term partnership with the City of Silverton and our commitment to work together with our customers in the continued challenging economy.

**Loading, transporting and land application of biosolids:**

Price per gallon-	<u>Proposed Price</u>	<u>2011 Price</u>	<u>2010 Price</u>
	<b>\$.0425</b>	\$.0410	\$.0389

Agri-Tech Inc. of Oregon looks forward to working with the City of Silverton, starting on or about August 1, 2011, shall the City of Silverton choose to accept the proposed price of \$.0425, per gallon, for loading, transporting and land application of approximately 1,000,000 gallons of liquid biosolids.

Please feel free to contact me with any questions you may have with this proposal

Sincerely,

*Jeff Barcenas*

Jeff Barcenas  
Operations Supervisor

**City of Silverton  
Public Works Department  
Water Quality Division**

**To: Gerald Fisher, PE  
Public Works Director**

**From: Steve Starner  
Water Quality Supervisor**



**Date: April 24, 2012**

**RE: WWTP 2012 Biosolids Land Application Project  
Agri-Tech Contract Renewal**

**BACKGROUND**

A review of the history of Silverton WWTP biosolids land application projects may be summarized as follows:

<u>Year</u>	<u>Cost per gallon</u>	<u>Contractor</u>	<u>Gallons Hauled</u>
2000	\$0.0345	Sumas	899,000
2001	\$0.0286	Agri-Tech	1,100,000
2002	\$0.0261	Sumas	1,010,600
2003	\$0.0262	Agri-Tech	1,086,300
2004	\$0.0291	Behrman	1,383,000
2005	\$0.0352	Agri-Tech	1,082,500
2006	\$0.0359	Agri-Tech	1,425,036
2007	\$0.0366	Agri-Tech	1,318,000
2008	\$0.0401	Agri-Tech	986,000*
2009	\$0.0389	Agri-Tech	1,234,000
2010	\$0.0389	Agri-Tech	1,217,500
2011	\$0.0410	Agri-Tech	1,316,000

\*In 2008, lack of sufficient liquid biosolids storage facilities forced operators to divert material into the 4.0 MG Equilization Basin, which not designed for the storage and removal of biosolids. Some of the biosolids were left in the Basin at the end of the Application Project, thereby reducing the amount land applied by contract that year.

Also in 2008, the City conducted an advertised Public Hearing and agreed to enter into an annual contract with Agri-Tech for biosolids land application purposes. The contract may be extended annually, for no more than 4 (four) years, if agreed upon by both the City and the Agri-Tech. Annual renewals of the contract may include a price adjustment for a fuel cost increase, if agreed to by both parties.

**2012 Land Application Project**

For the 2012 Land Application Project (and the last renewal year allowed by the 2008 agreement) Agri-Tech has proposed to charge \$0.0425 per gallon. Given the cost of fuel has risen approximately 8.6% since the 2011 land application project, the proposed 3.5% cost increase is justified. Also, recent competitive bids for hauling untreated municipal sludge from Silverton to Salem resulted in the following cost per gallon comparison:

Agri-Tech	\$0.500
Behrman Transport	\$0.045
Bravo Environmental	\$0.044

After hauling untreated sludge to Salem during the WWTP construction project, there will still be approximately 1,000,000 gallons of stored biosolids, treated to meet Class B disposal regulations, available for land application in conjunction with the timing for the next grass seed harvest, in August, 2012.

(For the 2013 Land Application Project, competitive bids will be solicited and a new contractual agreement will be established.)

**CITY COUNCIL REPORT: CITY OF SILVERTON  
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

306 S. Water Street (503) 874-2207

	<b>Agenda Item No.:</b> 5.1	<b>Topic:</b> Sign Code Variance Application For Maps Credit Union, SV-12-01
	<b>Report No.:</b> 12-33	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> May 7, 2012	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prepared By:</b> Jason Gottgetreu	<b>Reviewed By:</b> Steve Kay	<b>Approved By:</b> Bob Willoughby

**RECOMMENDED MOTION:**

Staff recommends Council discuss and approve or deny the requested Sign Code Variance Application.

**BACKGROUND:**

A Sign Variance application was submitted by Debra Weigel on behalf of Maps Credit Union located at 307 East Main St requesting a sign variance to allow an Electronic Message Sign to change messages more than one time in any given hour for the purpose of displaying the time and temperature.

**BUDGET IMPACT:**      **FY(s):**           N/A                **Funding Source:**           N/A          

**Attachments:**

1. City Council Staff Report and Findings - SV-12-01



City of Silverton  
Community Development  
306 South Water Street  
Silverton, OR 97381

## STAFF REPORT

**SIGN DISTRICT:**

COMMERCIAL

**PROPERTY DESCRIPTION:**

**ASSESSOR MAP#:** 061W35BC

**LOT#:** 11800

**ADDRESS:** 307 E MAIN ST

**CASE FILE:** SV-12-01

**APPLICANT:**

Maps Credit Union

P.O. Box 12398

Salem, OR 97309

**APPLICANT'S REPRESENTATIVE**

Debra Weigel

P.O. Box 12398

Salem, OR 97309

**CONTACT PERSON:**

Debra Weigel, 503-588-0181 ext. 3308

**OWNER:**

Terry Caster

11990 Butte Creek Rd NE

Scotts Mills, OR 87375

**LOCATION:** On the north side of E Main St  
Between N 1<sup>st</sup> St and N 2<sup>nd</sup> St.

**PROPOSED ACTION:** A SIGN VARIANCE TO ALLOW AN ELECTRONIC MESSAGE SIGN TO CHANGE MESSAGES MORE THAN ONE TIME IN ANY GIVEN HOUR FOR THE PURPOSE OF DISPLAYING THE TIME AND TEMPERATURE.

DATE: APRIL 23, 2012

Attachments

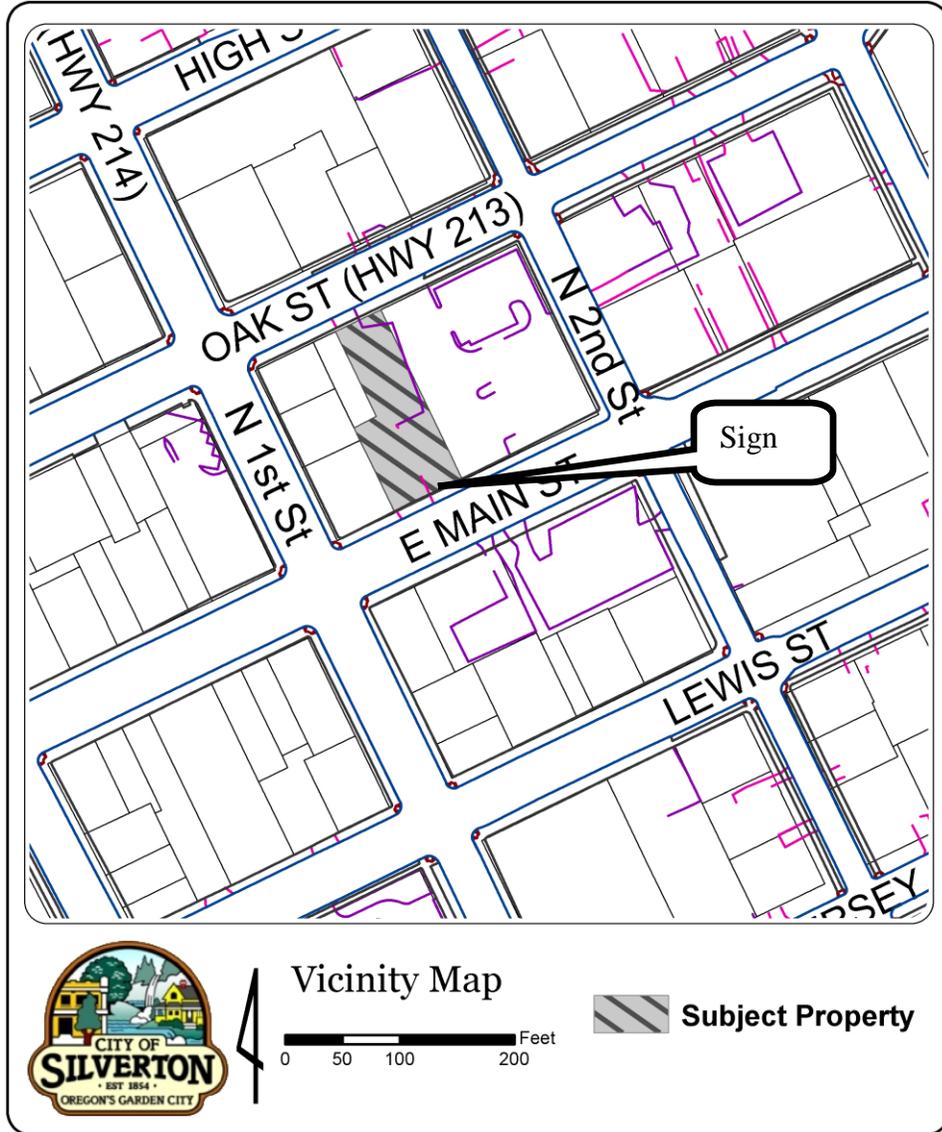
- A. Vicinity Map, Sign Elevation & Review Criteria
- B. Applicant's Findings
- C. Staff Report

# ATTACHMENT A: VICINITY MAP, SIGN ELEVATION & REVIEW CRITERIA

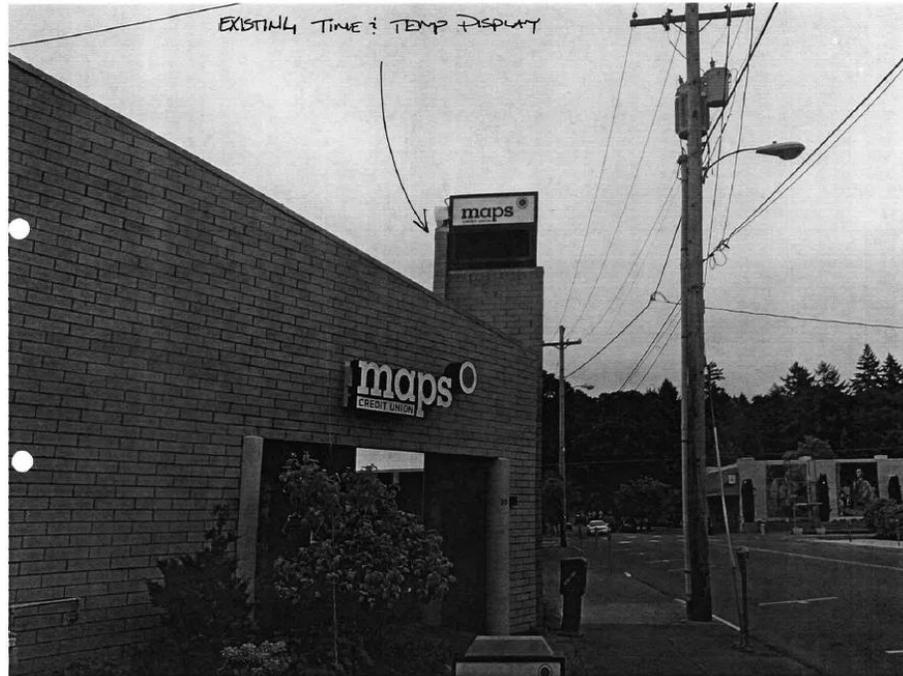
## Case File: SV-12-01

Vicinity Map and Surrounding Land Use Districts

- North – DC (Downtown Commercial)
- East – DC (Downtown Commercial)
- South – DC (Downtown Commercial)
- West – DC (Downtown Commercial)



## Sign Elevation



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### PROPOSED NEW D/F Digital Time and Temperature Display

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#### SPECIFICATIONS

Daktronics DATATIME Time and Temperature  
2' 0" h x 5' 0" w x 6" d, Amber

**REVIEW CRITERIA:** The criteria listed in Section 15.16.620 (Variances) of the Silverton Municipal Code require that findings of fact substantiate compliance with the following:

- A. **Variances.** *Requests for variances shall be filed with the City, on a form provided by the Community Development Department, and accompanied by a fee as established by the City Council. The request shall include the information required for a sign permit, as specified in Section 15.16.030 of this chapter, the specific standard from which the variance is requested, the numeric amount of the variance, and written responses to the following review criteria:*
1. *Strict application of the code requirement would deny the applicant a reasonable opportunity to communicate by sign in a manner similar to like persons or uses because of an unusual or unique circumstance relating to the property or the proposal, such as site or building location, building design, physical features on the property, or some other circumstance.*
  2. *The sign which would result from the variance will not affect the surrounding neighborhood or other property affected by the request in a manner materially inconsistent with the purpose of the Sign Code as stated in 15.16.010.*
  3. *The degree of the variance is limited to that reasonably necessary to alleviate the problem created by the unique or unusual circumstance identified pursuant to subsection (1) of this section.*

## ATTACHMENT B: APPLICANT'S FINDINGS



March 22, 2012

MAPS Credit Union  
307 E Main St  
Silverton OR 97381

Re: Time & Temperature Display

Proposal to replace the existing bulb style time and temperature display with a new L.E.D. display of the same size: See Sketch #10043-11

Narrative:

- A. The existing and the new proposed replacement display will be used as a public service to display time and temperature for the surrounding community. By displaying only the time and temperature, the replacement of the display will not create an advantage in advertising over surrounding businesses.
- B. The above address/display location is outside the historic district and within the downtown sector.
- C. The new display is proposed the same size as the existing and is sized as needed to be readable from the public right of way.

Sincerely

Corey Spady, Vice President  
Salem Sign Co., Inc.

## ATTACHMENT C: STAFF REPORT

### **I. APPLICABLE STANDARDS**

Silverton Sign Code:  
Section 15.16.200 Commercial Sign District  
Section 15.16.620 Variances

### **II. FINDINGS**

#### **A. Background Information:**

1. The applicant requests a sign variance to allow an Electronic Message Sign to change messages more than one time in any given hour for the purpose of displaying the time and temperature in the Commercial Sign District.
2. The proposed sign will be a 10 square foot LED display to alternate between the time and temperature.
3. The proposal is to replace the existing bulb style Time & Temperature Display with a new LED display of the same size. The existing Time & Temp Display is a Nonconforming sign. Nonconforming signs cannot be modified unless the modification brings the sign into compliance with the Sign Code. Modifying a sign includes changing the signs materials and illumination. The Code has a standard stating the electronic message portion of the sign may not change messages more than one time in any given hour.
4. The Sign Code defines a “Numeric Information Sign” as a sign only displaying numeric measurements such as time, date, temperature, or stock indices. There is no other reference to a Numeric Information Sign within the Sign Code other than in the definition section.

#### **B. Silverton Sign Code:**

##### **Section 15.16.200 Commercial Sign District**

*Within the commercial sign district, signs are limited in the number and type of signs allowed. The sum of the area of all signs permitted by the code except monument, ground, awning, marquee, temporary, and canopy signs shall not exceed one square foot of signage per one lineal foot of business frontage with a maximum of 100 square feet of signage per building face allowed. Where the use has multiple building frontages, the total signage area on secondary building frontages shall be computed at a rate of one-half square foot of signage per one lineal foot of building frontage, with a maximum sign area of 50 square feet*

*(resulting in a total sign area of 150 square feet for a building with multiple frontages). A sign area of 16 square feet per building face shall be permitted for a business frontage that is less than 16 lineal feet.*

*One single- or double-faced electronic message sign per site may be incorporated into a pole, monument, or ground sign. The electronic message portion of the sign may not change messages more than one time in any given hour*

**Findings:** The proposed sign is a 10 square foot LED display to alternate between the time and temperature. The applicant is requesting a variance to allow the message to change more frequently than one time in any given hour.

### **Section 15.16.620                      Variances**

*Requests for variances shall be filed with the City, on a form provided by the Community Development Department, and accompanied by a fee as established by the City Council. The request shall include the information required for a sign permit, as specified in Section 15.16.030 of this chapter, the specific standard from which the variance is requested, the numeric amount of the variance, and written responses to the following review criteria:*

- 1. Strict application of the code requirement would deny the applicant a reasonable opportunity to communicate by sign in a manner similar to like persons or uses because of an unusual or unique circumstance relating to the property or the proposal, such as site or building location, building design, physical features on the property, or some other circumstance.*

**Findings:** The proposed sign will be a 10 square foot LED display to alternate between the time and temperature. The sign is not intended to communicate a commercial message or to directly advertise the business onsite. The sign is defined as a Numeric Informational Sign. As noted in the Applicant's findings the sign is intended to communicate a public service by displaying the time and temperature to the surrounding and not create an advertising advantage over surrounding businesses. Requesting a variance for a sign that does not convey advertising is an unusual circumstance due to the typical commercial aspect of signage.

- 2. The sign which would result from the variance will not affect the surrounding neighborhood or other property affected by the request in a manner materially inconsistent with the purpose of the Sign Code as stated in 15.16.010.*

**Findings:** The purpose of the sign code is to protect the health, safety, property, and welfare of the public; to provide a neat, clean, orderly, and attractive appearance for the community; to improve the effectiveness of signs; to provide for safe construction, location, erection, and maintenance of signs; to prevent proliferation of signs and sign clutter; to minimize adverse visual safety factors to travelers on public streets and on private areas open to public travel; and to achieve this purpose in a manner consistent

with state and federal constitutional limits. The proposed sign is located within the Downtown Commercial district where commercial signage is character of the neighborhood. A time and temperature display is a common sign among banks and is not out of character in the area.

3. *The degree of the variance is limited to that reasonably necessary to alleviate the problem created by the unique or unusual circumstance identified pursuant to subsection (1) of this section.*

**Findings:** The requested variance is to allow an electronic message sign to change messages more than one time an hour. The display will change from time to temperature, which constitutes two messages. One additional message is the smallest degree of increase available.

### **III. SUMMARY AND CONCLUSION**

Staff recommends that the Silverton City Council discuss the proposed sign variance and approve or deny the application by issuing a decision in writing explaining the reasons why the variance was approved.

#### **City Council Options:**

1. APPROVAL of the proposed sign variance by issuing a decision in writing explaining the reasons why the variance was approved.
2. DENIAL of the proposed sign variance by issuing a decision in writing explaining the reasons why the variance was denied.
3. MODIFICATION of the proposed sign variance by imposing conditions deemed necessary to mitigate any adverse impacts which may result from approving the variance and issuing a decision in writing explaining the reasons why the variance was approved.

**CITY COUNCIL REPORT: CITY OF SILVERTON  
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

306 S Water Street---- (503) 873-5321

	<b>Agenda Item No.:</b> 5.2	<b>Topic: Council Decision Regarding Removal of Pool Cover for 2012 Summer</b>
	<b>Report No.:</b> 12-31	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date: May 7, 2012</b>	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prepared By:</b> Gerald Fisher	<b>Reviewed By:</b> Gerald Fisher	<b>Approved By:</b> Bob Willoughby

**RECOMMENDED MOTION:**

Staff recommends a motion for the Council to authorize staff to remove the pool cover in May 2012.

**BACKGROUND:**

To recap from the last staff report, during the budgeting process for FY 2012-13, staff discussed several items associated with the pool cover. The existing cover only had a 6-year life expectancy when installed 9 years ago. It was noted that the cover was showing signs of failure where rips and holes had formed posing a safety hazard to the public. The cover is required to be removed by fire code each summer season, but due to deterioration and shrinking from sun damage, only one of the panels can be manually removed. PW staff had originally included a replacement cover in the upcoming budget but the City Manager removed it to reduce the draw down on the General Fund cash reserves. Also removed was the funds to operate the pool in the winter of 2013 and funds that were to be set aside for purchase of a new replacement cover in 7 years. These cuts would save at least \$208,000 in FY 2012-13 budget and a minimum of \$118,000 each year thereafter. In order to remove the panels to maintain a safe swimming environment for patrons and to comply with fire code standards, the panels must be cut and removed in sections during the May shutdown. With the removal of the replacement cover from the City Manager's proposed budget, when the cover is removed in May the pool would have to close in September 2012 for the winter.

At the April 2 Council meeting, staff was directed to verify once more with the Fire District whether the cover could remain in place for one more winter and determine what the cost of that option would be. Staff was also asked to verify what a replacement would cost if the cover had to be removed. On April 23, staff met with a representative from the State Fire Marshal's office to discuss the pool cover issue. The Fire Marshal noted that the local fire district had given a one-time 30-day extension to the required cover removal to keep the structure within the temporary cover classification. He also noted that the cover is not in compliance with fire, life, safety requirements and that it would have to be removed by the 3<sup>rd</sup> week in May during our regularly scheduled shutdown. Attached is a memo from the Maintenance Division with the cost of leaving the cover in place. Also attached is a letter from the State Fire Marshal ordering the City to remove the cover because its current condition makes it unsafe to leave up. The Maintenance Division memo estimates that leaving the current cover up would cost between \$87,000 to \$103,000 to install a sprinkler system and fire alarm. However, due to the order from the State Fire

Marshal the cover will have to be removed due to fire, life, safety requirements so this is no longer an option and these costs are moot. Staff received an approximate cost estimate from the original manufacturer and a local contractor to replace only the seven top panels in the pool cover, install the panels in the fall, remove and clean the panels next spring, and clean and store the panels over next summer's swimming season. The total cost is approximately \$45,000. These new panels would have a life expectancy of 5 to 6 years. Clearly, this is the lowest cost option for maintaining a year round pool for at least one more year.

### **BUDGET OPTIONS:**

Staff will ask the Budget Committee to approve a swimming pool budget of \$245,900 for next year. This will be enough to purchase 7 new top sections for the cover (\$48,000) and operate a year round pool for one more year (\$197,900). If the BC does not approve this level of expenditure for the swimming pool, it will have to be operated as a summer only pool in FY 12/13.

For FY 13/14, a 5 year special levy (or levies if capital expenditures must be on a separate levy from operating costs) will have to be approved by the voters for operation of the pool beyond July 1, 2013. The final amount of the levy will not be known until the report from the pool consultant is received. The timing is good for imposing a special levy for the pool starting in FY 13/14. The existing bonds will be paid off this year. If a new special levy is added to our tax roll, that will happen just after the levy for the bonds comes off of the tax roll. For the details of how a 5 year special levy will impact voters compared to what they are paying now for the bonds, see Kathleen Zaragosa's attached memo to the CM. This year, the voters are paying \$196,768 for the last payment on the pool bonds. If the 5 year special levies are set at \$339,059 per year for both operations and capital expenditures, the net increase to voters if the special levy passes is calculated in Kathleen's attached memo. For a \$150,000 house, residents are paying \$48 for the pool this year and would pay \$84 if the levy passes in November. This is an increase of \$36 per year over what people are paying for the pool this year to keep the pool open for at least 5 more years. For a \$200,000 house, this increase is \$48 per year (\$112 vs. \$64). If the capital needs identified by the pool consultant are \$60,000 per year or less, it would cost the taxpayers only \$3 or \$4 per month to keep the pool open after July 1, 2013.

**BUDGET IMPACT:** FY(s): 2011/12    **Funding Source:** Pool Operations & Special Levy

#### **Attachments:**

1. Maintenance Division Memo
2. State Fire Marshal Letter
3. Finance Director Memo



## **MEMORANDUM**

### **SILVERTON PUBLIC WORKS**

To: Gerald Fisher, Public Works Director

From: Daryl Jones, Building Official/Maint Supervisor

Date: 04/12/12

Re: Pool cover

At the time of construction the city had a choice on how the structure was to be used which determines the level of compliance required. It was determined by a committee that the pool would be open top to the sky during the summer months and closed during the winter weather months. Based on this information the structure was reviewed as a membrane structure for less than 180 days (6 months) falling under the fire code.

The City made a request for an alternate from the Silverton Fire department based on the UBC 1997 code edition to allow the membrane structure to remain for 7 months. This waived the requirements for smoke detection and fire suppression system based on a 300 occupant load. Note: Due to the corrosive environment from the chlorine it requires protective coatings and special heads.

I have reviewed the current code 2010 Oregon Structural Specialty Code Based on the 2009 International Code and the fire suppression and alarms are still required if the roof structure was to remain year round.

A verbal guestimate from CJ Hansen is for \$75,000-\$85,000 for the fire suppression system using schedule 40 galvanized pipe and wax covered heads. The detection system is going to run \$12,000 - \$18,000 for a silent night system with notification.



# Oregon

John A. Kitzhaber, MD, Governor

## Department of State Police

Office of State Fire Marshal

April 26, 2012

4760 Portland Road NE  
Salem, OR 97305-1760  
(503) 378-3473

FAX (503) 373-1825  
TTY (503) 390-4661

Oregon.sfm@state.or.us  
www.oregon.gov/osp/sfm

City of Silverton  
Attn: Gerald Fisher, Public Works Director  
306 S. Water St.  
Silverton OR 97381

RE: Swimming Pool Cover

Dear Mr. Fisher,

This letter is in response to our meeting on April 23, 2012 regarding the issue involving the swimming pool cover and its installation as a temporary structure. During those conversations, the following were discussed;

- The cover was originally installed approximately nine years ago.
- In its original configuration as a temporary structure (as defined in the 1997 Oregon Fire Code, Chapter 32), the maximum length of time the cover was originally allowed to be in place and was limited to six months with a single 30 day extension as allowed by Silverton Fire District in a letter to Daryl Jones, Building Official for the City of Silverton dated August 5, 2003.
- The conditions outlined in the original letter was reconfirmed in a letter to Rob Charles, Public Works Director dated June 21, 2010.
- As an interim measure, Silverton Fire District allowed only portions of the cover to be removed during the 2010 and 2011 summers with the understanding this was a temporary allowance until the City of Silverton resolved the cover issues on a permanent basis.
- There is a request to allow the cover to remain in place through the summer of 2012 which is why the State Fire Marshal was asked to become involved in this issue. The reason was due to improper installation of the sections in the structural framework which would cause irreparable damage to the cover if removed.
- The description of the cover and its associated attachment system indicates visible fraying where the cover is held in the channel and that holds the cover to the framework. In checking with the manufacturer, the City of Silverton was advised by them that this damage indicated the system as beyond its serviceable life which was indicated as approximately five years.



## MEMORANDUM

DATE: April 25, 2012  
TO: Bob Willoughby, City Manager  
FROM: Kathleen Zaragoza, Finance Director  
RE: Pool Operations

The actual costs for pool operations for the last six years are provided below. The costs do not include capital costs.

Fiscal Year 2010-2011	\$ 181,617
Fiscal Year 2009-2010	190,951
Fiscal Year 2008-2009	188,868
Fiscal Year 2007-2008	178,470
Fiscal Year 2006-2007	196,505
Fiscal Year 2005-2006	186,062

The data above shows that the highest cost year was fiscal year 2006-2007, which was mostly the result of high gas and electric costs for \$99,076. These types of costs have been better controlled for the last six years with the fiscal year ending 2010 and 2011 being below \$80,000. To operate the pool for the \$196,505, have capital funds of \$60,000 (each year) and a 15% contingency there would need to be \$294,981 in available resources. If the City were to go out for a levy, we would need to request a levy of \$339,059 per year. The total levy would be 56 cents per \$1,000 of assessed valuation as based on the 2011 assessed valuation. So, for a home valued at \$150,000 it would be \$84 per year.

The pool General Obligation Bond is scheduled to be fully paid during the 2012-2013 fiscal year. The final payment is \$171,188 and requires a levy of \$196,768. The levy would be 32 cents per \$1,000 of assessed valuation as based on the 2011 assessed valuation. So, for a home valued at \$150,000 it would be \$48 per year.

Based upon the information included in this letter, the decision of the Oregon State Fire Marshal is as follows;

1. The existing pool cover is deemed unsafe as specified in OAR 837-040-0010; OFC 110.1 (If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition. Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance shall be deemed unsafe and shall be remedied in accordance with ORS 479.160, 479.170 and 479.195.)
2. The existing pool cover shall be removed on or before May 26, 2012 as specified in OAR 837-040-0010; OFC 110.4 (The owner, operator, or occupant of a building or premises deemed unsafe as specified in OFC section 110.1 as determined by the fire code official, shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.)
3. In addition, the existing pool cover shall not be reinstalled unless confirmed in writing by a Fire Code Official approved third-party technical specialist as structurally safe in accordance with OAR 837-040-0010; OFC 107.1 (Whenever or wherever any device, equipment, system, condition, arrangement, level of protection or any other feature required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.)

If the City of Silverton wants to install a pool cover for more than 180 days, it will be deemed permanent as specified in OAR 837-040-0010; OFC 2403.5 (Temporary tents, air-supported, air-inflated or tensioned membrane structures shall not be erected for a period of more than 180 days within a 12-month period on a single premises.) and shall be required to comply with the requirements for a Group A occupancy as specified within the Building Code (Oregon Structural Specialty Code).

If you have further questions regarding this decision, please contact me.

Cordially,

s/

George A. Crosiar  
Deputy State Fire Marshal  
3400 Spicer Rd.  
Albany OR 97322  
541-967-2043  
[george.crosiar@state.or.us](mailto:george.crosiar@state.or.us)

c: Silverton Fire District  
file

**CITY COUNCIL REPORT: CITY OF SILVERTON  
TO THE HONORABLE MAYOR AND CITY COUNCILORS**

306 S Water Street---- (503) 873-5321

	<b>Agenda Item No.:</b> 5.3	<b>Topic:</b> <u>Citizens United v. FEC Resolution</u>
	<b>Report No.:</b> 12-34	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> May 7, 2012	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prepared By:</b> Bob Willoughby	<b>Reviewed By:</b> Bob Willoughby	<b>Approved By:</b> Bob Willoughby

**RECOMMENDED MOTION:**

Staff makes no recommendation on this agenda item.

**BACKGROUND:**

Representatives have spoken at prior Council meetings representing a local “Move to Amend” group. The goal of this group is to get a U.S. Constitutional amendment to abrogate the Citizens United v. FEC court case. This group asked that a Resolution be placed on the May 7 Council agenda. The Mayor approved placing the Resolution on the agenda and a draft is attached.

**BUDGET OPTIONS:**

Not Applicable

**BUDGET IMPACT:** FY(s): 2011/12 None

**Attachments:**

1. Draft Resolution
2. Material about the Citizens United v. FEC U. S. Supreme Court case

**CITY OF SILVERTON  
RESOLUTION NO. 12-14**

**A RESOLUTION URGING CONGRESS TO RATIFY A CONSTITUTIONAL AMENDMENT ABROGATING THE CITIZENS UNITED V. FEC U.S. SUPREME COURT DECISION**

**WHEREAS**, the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations; and

**WHEREAS**, a bare majority of U.S. Supreme Court Justices have willfully imposed an unsupported interpretation of the Bill of Rights as immunizing corporations from reasonable and necessary limits on their political power; and,

**WHEREAS**, the United States Supreme Court's ruling in Citizens United v. FEC overturned longstanding precedent prohibiting corporations from dominating local, state and federal elections; and

**WHEREAS**, the United States Supreme Court's ruling in Citizens United v. FEC presents a serious and direct threat to a democratic republic; and

**WHEREAS**, the people of the United States have previously used the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our sovereignty and right to self-governance.

**NOW, THEREFORE BE IT RESOLVED**, that we the City Council of the City of Silverton, call upon the United States Congress to pass and send to the States for ratification a Constitutional Amendment stating that: the rights protected by the Constitution of the United States are the rights of natural persons only and that money spent to influence elections is not speech and can be regulated.

Upon a motion duly made and seconded, the foregoing resolution was adopted on the 7<sup>th</sup> day of May 2012.

\_\_\_\_\_  
Mayor, Stu Rasmussen

ATTEST:

\_\_\_\_\_  
City Manager/City Recorder

## **Stealing America: Wealthy interests are taking over our political system**

By Michael Cudahy and Jock Gill /

If ever there was a moment for Americans to pay attention to the state of their democracy -- or what is left of it -- that time is now. As this country staggers out of the worst economic crisis since the Great Depression, the pathetic response from many political leaders has been coarse and irrational partisan attacks, and legislative gridlock.

Dysfunctional behavior is undermining America's role as a global leader and is laying the groundwork for crippling institutional failures.

In their new book, "Why Nations Fail," economists James Robinson from Harvard and Daron Acemoglu from MIT, answer the question with a one-word answer, "Politics."

What they mean is that prosperous, successful countries succeed because of their ability to develop "inclusive" systems designed to protect and strengthen their entire populations. Nations fail when their institutions become "extractive," designed to loot wealth for just a few.

In what reality are many of our legislative leaders living? It would seem to be a gated community where the sun always shines, people never get sick and everyone's children go to expensive private colleges.

To millions of Americans, the global environment of the 21st century is unfamiliar and frequently hostile. They long to return to a safer, more innocent time, when education and health care were affordable, jobs were plentiful and the outside world seemed farther away. It is a moment when thoughtful leadership is required to restore the country's social and economic balance.

Instead, the country is saturated with bitter and divisive partisan rhetoric designed to exploit the fears of a rapidly contracting middle class. Many politicians seem content to serve the interests of lobbyists and wealthy contributors. The consequence is a plutocratic form of government that weakens the country. It is profoundly undemocratic.

In the last few months we have witnessed GOP presidential debate audiences cheer appalling state execution rates, a person's right to die broke and uninsured, and indentured servitude for the nation's poor children.

These outbursts do not represent America's character; they reflect the cynical tactics of political operatives seeking to manipulate the electoral process.

In his 1964 article, "The Paranoid Style in American Politics," historian Richard Hofstadter wrote, "American politics has often been an arena for angry minds. In recent years we have seen angry minds at work mainly among extreme right-wingers, who have now demonstrated in the Goldwater movement how much political leverage can be got out of the animosities and passions of a small minority."

Today, these forces are no longer a small minority living on the fringes. They are heavily funded major players with the ability to paralyze the political system -- supported by right-wing media who live in an alternate reality unfettered by facts. They are aided by a "mainstream" media unwilling to push back -- wrapping themselves in the shroud of balanced reporting. Economist Paul Krugman mocked this philosophy as being the "centrist cop-out" when he joked, "If one party declared that the earth was flat, the headlines would read 'Views Differ on Shape of Planet.' "

At the same time, we have lost our national sense of stewardship.

Over the last 80 years, Americans have survived the Great Depression, won a terrible World War, made significant progress in protecting the rights of minorities and women, supported landmark legislation enacting Social Security and Medicare, and implemented critical environmental protections. Today these achievements that defined America's character and won us the affection and respect of many countries around the world are under full-scale assault.

Our public dialogue has become infected with anger and fear, which is destroying our brilliantly designed governmental system of checks and balances. This system has prevented minorities from gaining tyrannical power. It has allowed heated debate and rational compromise. It has endowed the country with a remarkable ability to adapt politically, even when few of its citizens -- Republican or Democrat -- have been politically active.

When the Supreme Court anointed corporations with the privileges and powers of personhood in its 2010 Citizens United decision, it undermined our constitutional protections and threatened the legitimacy of our democracy. Ordinary citizens must now be constantly and intensively active to fight off wealthy, well-organized special interests.

These interests make up a minority that owns significant portions of the broadcast and electronic media and is now moving to solidify its control of the American government. Hundreds of millions of dollars will be spent in this election cycle by a handful of enormously wealthy Americans intending to exploit the political system and advance their own personal agendas.

In an interview with the Chicago Tribune, billionaire Mitt Romney supporter Ken Griffin, founder of the hedge fund Citadel, said that he believed he had "insufficient influence" on the political system and should be allowed to make unlimited donations to candidates and political action committees. To date, Mr. Griffin has contributed \$200,000 to Mr. Romney's Restore Our Future super-PAC alone, which had raised \$43.2 million as of Feb. 29. Private-equity and hedge-fund honchos have donated more than half of that amount. These executives anticipate a significant return on their investment because the reelection of President Barack Obama might mean higher taxes on America's wealthiest 1 percent.

In 1831, Alexis de Tocqueville wrote in his book "Democracy in America" that "the position of Americans is quite exceptional." He marveled at a system that was not ruled by a sovereign, but was governed instead by America's large, industrious middle class. He worried, however, that our citizens

could become so enamored with the pleasures of the present that they would forget about future generations. He feared the country would allow itself to be "led in ignorance by a despotic force all the more powerful because it did not resemble one."

Moving quietly at first, and now shamelessly, America's wealthy special interests and their allies with uncompromising views are taking over this country's political establishment. Yesterday's lunatic outliers now control the Republican Party and exert surprising influence over the Democrats. Distorting the words of our founding fathers, they prey on the fears of millions of frightened, angry Americans. Waging an ideological war that deeply divides the country, they deride government at every turn and undermine people's confidence in their democratic institutions. They are redefining America's spirit from one of generosity and concern to that of cold-blooded and destructive exploitation.

That is not who Americans are. We have always been admired for our boundless goodwill and almost naive sense of optimism. Even in the worst of times, we have had the courage to look after each other and our friends around the world. We are not predators. We are creators. These qualities in our national character have defined us for generations. We must not let them be taken away, and if we do, we might not be able to get them back.

Michael Cudahy is an Ireland-based writer, business development consultant and former Republican political operative who worked for George H.W. Bush and other candidates. Jock Gill, an Internet communications consultant, served in President Bill Clinton's Office of Media Affairs.

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**Subject:** So Goes Vermont, So Goes the Nation?  
**From:** Move to Amend (info@MoveToAmend.org)  
**To:** nelsondon45@yahoo.com;  
**Date:** Friday, April 20, 2012 9:55 AM

***The National Campaign to End Corporate Personhood and Demand Real Democracy!***



FOR IMMEDIATE RELEASE: April 20, 2012

**Vermont Legislature Calls for a Constitutional Amendment to End Corporate Personhood and Doctrine of Money as Speech**

MONTPELIER, VT – With yesterday's vote in the state house, Vermont is now the first state to call for an amendment to abolish the doctrine known as "Corporate Personhood" which gives corporations constitutional rights meant to protect people.



Hawaii and New Mexico have passed resolutions against the Citizens United v. FEC ruling by the Supreme Court, but the Vermont resolution goes beyond simply overturning that case and aims to remove corporations from the constitution altogether and make clear that money is not speech and that campaign spending and political contributions can be regulated by government.

Support for the resolution in the state legislature comes from a mandate set forth by Vermont's citizens. Last month 65 town meetings passed similar resolutions, calling on the legislators in the state to stand up and urging Congress to send an amendment to the states for ratification.

"Americans of all political persuasions are tired of the big money in politics and tired of corporations running the country," said David Cobb, spokesperson for the Move to Amend coalition, a grassroots national organization spearheading resolution efforts across the country. "We salute the good people of Vermont for standing up first to make clear that an amendment that addresses this issue at its core is what's needed now."

While Vermont is the first state to clearly call for an end to corporate constitutional rights, this is far from the first resolution passed. Nearly half of the states have seen passage of resolutions at the local level through city and county councils, and a handful of cities have also passed measures using the initiative process. This week Salt Lake City, Utah became the latest city to join the effort when Move to Amend volunteers turned in 11,400 signatures collected in 60 days to qualify a resolution for the ballot in their town.

“Communities across the country are standing up to show their outrage and to demand that their legislators pass an amendment to overrule the Court,” stated Kaitlin Sopoci-Belknap, National Field Organizing Director for Move to Amend. “We recognize that an amendment is a big task, but Move to Amend’s volunteers are ready to rise to the challenge.”

#### WHAT YOU CAN DO:

- **SPREAD THE WORD! Share the graphic in this email on your Facebook and Twitter page.** Or go to our Facebook page and share it directly from there: <http://facebook.com/Move2Amend>
- **DONATE TO KEEP THE MOMENTUM GOING!** Make a donation to Move to Amend to support our grassroots organizing all over the USA!
- **START A MTA GROUP!** Involve your community in the movement to amend the Constitution: <http://MoveToAmend.org/start-group>

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#### MOVE TO AMEND

PO Box 610, Eureka CA 95502 | (707) 269-0984 | [www.MoveToAmend.org](http://www.MoveToAmend.org)

*We, the People of the United States of America, reject the U.S. Supreme Court's Citizens United ruling, and move to amend our Constitution to firmly establish that money is not speech, and that human beings, not corporations, are persons entitled to constitutional rights.*



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