

CITY OF SILETZ
City Council Regular Meeting
July 11, 2022 –Monday, 7:00 PM
Siletz City Hall -215 W. Buford Ave

Present: Mayor Worman, T. Retasket, L. Fawver

Present Telephonically: S. Trachsel

Staff: Public Works D. Viar, City Recorder B. Chestler, City Attorney D. Holbrook, Interim City Planner K. Cronin.

1. Pledge of Allegiance

Mayor Worman led the Pledge of Allegiance.

Councilor Fawver gave to the mayor her letter of resignation. Mayor Worman read her resignation into the record and accepted the resignation.

2. Call Meeting to Order and Establish a Quorum

Mayor Worman declared for this meeting he would be a voting member to establish a quorum.

Mayor Worman called the meeting to order at 7:00 PM and established a quorum.

3. Approve Minutes: June 27, 2022, Regular Meeting Minutes

Motion 1: Retasket moved to approve the minutes as presented. Trachsel seconded the motion.

Mayor Worman declared it was moved and seconded and called for discussion. There was none.

Vote: Motion 1 passed

Ayes: All were in favor

4. Accounts Payable-Financial Report: July 11, 2022

Motion 2: Retasket moved to approve the accounts payable as presented. Trachsel seconded the motion.

Mayor Worman declared it was moved and seconded and called for discussion. There was none.

Vote: Motion 1 passed

Ayes: All were in favor

5. Special Orders

A) City Council Position No. 2 – Mark Cummiskey

Mayor Worman said this was the third time Mr. Cummiskey had come before the council to fill a vacancy and has been interviewed extensively by this council and waived another interview.

Motion 3: Retasket moved to approve Mr. Mark Cummiskey to the unexpired Council Position NO. 2. Trachsel seconded the motion.

Mayor Worman declared it was moved and seconded and called for discussion.

Vote: Motion 3 passed
Ayes: All were in favor

Attorney Holbrook swore in Mr. Cummiskey. Mayor Worman requested Mr. Cummiskey take his seat with the council.

B) Public Hearing for Rezone Application 2022-01; Siletz Tribe's Recreation Center

At 7:10 PM Mayor Worman opened the public hearing for ZC 22-01 -Zone Change Application: General Residential to General Commercial. The mayor read into the record:

- 1) The nature of the hearing was to hear a request for a zone change on a parcel located at 477 SW Ferry Ave that is currently zoned as residential.
- 2) The identity of the applicant and the general nature of the proposal is the Confederated Tribes of the Siletz Indians requested a zone change from residential to commercial to facilitate the construction of a new recreation center.
- 3) The rules of the hearing were given. The testimony and evidence must be directed toward the criteria described above or, other criteria in the comprehensive plan and its implementing ordinances which the person believes to apply to the decision.
- 4) The mayor called for any conflicts of interest, ex parte contacts, or site visits by members of the council and inquired of the council if any member thereof wished to abstain from participation in the hearing.

None were heard.

- 5) The mayor inquired of the audience if there were any objection to the jurisdiction of the city council to hear the matter.

None was heard.

- 6) Mayor Worman called for the Staff Report.

Kevin Cronin introduced himself as the Contract Planner for the City. He advised this was his first opportunity to meet everyone and as well as see the community. He reported he did take the opportunity to visit the subject property on Ferry Avenue. He asked the council if they had taken the same opportunity

recently. Mr. Cronin stated the reason he asked was that it could be construed as an ex parte contact. None were noted.

He stated before them was a request for a zone change from the Siletz Tribe, which would allow a new recreation center to be built on what is currently residential land. Mr. Cronin offered zone changes are an interesting animal in the land use arena. They request that a quasi-judicial hearing be conducted just like a conditional use permit for new development, but different criteria is used and that the applicable criteria can be found in the staff report. He stated this case rests on three criteria, whereby the Council as representatives of the community needed to decide to warrant a zone change.

1. Has the subject area seen significant changes since the zoning was put in place?
2. Was the original zoning made in error?
3. Is there a stated need for a recreation by policy?

Mr. Cronin advised the council If they can make findings or at least provide direction to staff on those critical questions, then a decision can be made. He further advised that once a decision has been made, he would bring a final set of findings and conclusions to the council's next meeting for consideration. He called for any questions. There were none.

7) Mayor Worman called for Proponent's Testimony.

Mr. Kurtis Barker the General Manager of the Confederated Tribes of the Siletz Indians handed out a PDF presentation called the CTSI Recreation Center. It covered, the Conceptual Illustrations of the Recreation Center, the Purpose of the Community Recreation Center, Benefits of Community Recreation Centers, Recreation Center Details, Change of zoning request and the Positive impact to the Siletz Community. (Document is attached to these minutes).

No other testimonies were heard.

8) Mayor Worman called for any Opponents Testimony.

Mr. John Mosier questioned if neighbors were included in the public notification. The planner advised the bylaws required neighbors of a certain radius had to be noticed. A list of those noticed was provided. He requested if there were bathrooms. He noted sewer and utilities would require a great deal of planning and wanted to know what the impact to city's utilities this would have. Further questions were what the needed amount of parking would be needed, and the increased traffic to Ferry Avenue. It was noted that the planner had referenced Ferry Ave, when the access and egress would be Swan Ave. and improvements would be required on Swan Ave. Mr. Mosier asked if this recreational center was going to be the same as the Newport Recreational Center, how many people would it employ, was it the intent to close the existing recreation facility. The Siletz Fire Chief offered the fire department will be working with the applicant on the details of the fire oppression and monitoring systems when construction started. Mayor Worman called for any further public comments, there was none. He closed the public hearing at 7:36 PM and entered back into the open regular meeting.

9) Mayor Worman announced that the council would enter deliberations. He stated the applicable criteria for the city council to make a decision was.

1. If there was a mistake in the original zoning ordinance.
2. Is there change of conditions within the immediate neighborhood in which the use or development is proposed.
3. All factors pertinent to the preservation and promotion of the public health, safety, and general welfare, including but not limited to the character of the area involved, its peculiar suitability for uses, the conversation of property values and the direction of building development.

Mayor Worman told the council they should adopt findings of fact that support their decision. If there are no findings available to support their decision, the approving authority should call for the preparation of findings of fact by the proponent, opponent, staff, or any combination of each to be presented at the next regularly scheduled meeting. If mutually agreed upon, findings of fact may be presented at a future meeting other than the next regularly scheduled meeting. With the consent of the proponent, the one-hundred-twenty-day time limit for a decision shall be waived.

The council discussion included the generous and graciousness of the tribe with use of their facilities. The need for a healthy lifestyle and the benefits for families in the community. The council discussed there was buildable land for housing. They noted there is a shortage of commercial land. Discussed was the use of the land has been farmland, commercial land does add value, and buildable land for housing as laid out in the comprehensive plan is adequate and removing this land from residential does not deplete the inventory for housing. It was felt the comprehensive plan had been too conservative on the allowance of commercial land. The traffic flow needed further discussion but could be done in the planning stage of the project.

Motion 4: Retasket moved to approve the application and directed staff to prepare the findings of facts and submit the findings at the next regular scheduled meeting. Cummiskey seconded the motion.

Mayor Worman declared it was moved and seconded and called for discussion. There was no further discussion.

Vote: Motion 4 passed
Ayes: All were in favor

1. Oregon Cascades West Council of Governments (OCWCOG) – Ryan Vogt

Mr. Vogt introduced himself as the Executive Director of the OCWCOG. He gave a snapshot of the services they provide. Senior and Disability Services, Community Service Programs such as Meals on Wheels, Money Management for Seniors, Community and Economic Development, which included Non-Emergent Medical Transportation for physical, dental, drug, and alcohol and mental health treatment and the Cascades West Area commission on Transportation that provides input for local governments to collaborate on local, regional, and State transportation issues in the area. The COG provides Technology Service Contracts as well, which the city

has taken part in. He offered the city currently does not have a designated board member and invited representation from the council.

6. Reports of Officers, Boards, or Standing Committees, Staff Reports

- Library

Mary Kay Dahlgreen thanked the council and budget committee for giving the library the boost in the city's budget regarding the water and sewer bills waiver. She said it felt like a partnership was forming. She gave a brief overview of the summer programs at the library, the summer reading program of the Quest Book, from the Oregon Sea Grant Program and gave the summer hours the library was open.

- Fire Department

Fire Chief Lapof reported there would be a strategic planning event with the Special Districts Association Organization (SDAO) on Wednesday July 29, 2022 at 6:00 PM; the Logsden fire building has been painted; the Blue Grass Festival in Logsden is scheduled for Saturday the 16th of July, receipt of new funding that would allow for staff and volunteer positions to be paid, and the National Night out participation planned for August 2, 2022.

- Staff Reports

Public Works Darin Viar reported 1) Back flow testing had been completed, 2) The restroom door at the park had been repaired, 3) The trees in the right of way on the Siletz River Drive had been removed, 4) Dyer Partnership has finished the wastewater discharge permit, 5) The inventory has been completed, 6) No. 1 influent pump at the wastewater plant failed, the spare was put in and the other sent out for repairs to Coast Range Equipment, 7) The recent power outage, did not affect the plants, 8) Preconstruction meeting for the SW Swan paving project, 9) Lead and copper samples, 8 out of 10 have been completed the remaining samples will be collected when customers return from vacation. 10) Cattle got into the waste water treatment plant and staff helped returned to the farmer, 11) Dust inhibitor being applied to the roads, and 12) Land owner agreement for water plant backwash pond solids signed.

Mayor Worman asked that the Swan Avenue project be posted so folks would be aware of the work. The materials in the dust inhibitor were discussed and landowners' responsibility to mow ditches. The ordinance was requested so that it would be enforced.

- Parks

Chair Retasket reported the minutes, agenda and budget were submitted to the packet. She asked that the council approve the parks budget, which were funds that had been approved at the budget hearings.

Motion 5: Worman moved to approve the Parks Committee budget for expenditures of funds previously budgeted during the budget cycle. Cummiskey seconded the motion.

Mayor Worman declared it was moved and seconded and called for discussion. Chair Retasket stated this was so the committee could move forward with expenditures. Retasket declared she would be abstaining from voting, due to being the chair of the committee.

Vote: Motion 5 passed

Ayes: All were in favor

7. Public Comments

John Moiser said he was present to request to fill Leslie Fawver's position. Mayor Worman overviewed the process of filling the seat and said that this seat, Council Seat No. 4 was up for election this year.

8. Unfinished Business

A) Job Descriptions and Posting Job Announcements

Discussed was taking out the hours of operation on the postings and just list the positions as part time. Mayor Worman requested staff to post the positions.

Motion 6: Worman moved to post the job announcements as amended, not specifying the days or hours. Cummiskey seconded the motion.

Mayor Worman declared it was moved and seconded and called for discussion. There was none.

Vote: Motion 6 passed
Ayes: All were in favor

9. New Business

A) Vision MS Software Visit

City Recorder Chestler discussed the need for Vision to come and do training with staff, work on software concerns, upgrades and potentially implementing new modules to the program. She said that she did not have actual cost of the trip yet and that they were trying to combine it with other cities to help reduce the cost.

Motion 7: Retasket moved to approve up to \$5,000 in travel expenses for VisionMS Software to provide office staff training and support. Cummiskey seconded the motion.

Mayor Worman declared it was moved and seconded and call for discussion. There was none.

Vote: Motion 7 passed
Ayes: All were in favor.

B) Introduction and 1st Reading - Ordinance 203-22 An Ordinance Amending Ordinance No. 16 (Which Granted the Central Lincoln People's Utility District a Franchise) Revising Section 20: Consideration, The Franchise Fee.

Motion 8: Cummiskey moved to introduce Ordinance 203-22 by title only. Retasket seconded the motion.

Mayor Worman declared it was moved and seconded and called for discussion. There was none.

Vote: Motion 8 passed
Ayes: All were in favor

Mayor Worman read Ordinance 203-22 into the record by title only. An Ordinance Amending Ordinance No. 16 (Which Granted the Central Lincoln People's Utility District a Franchise) Revising Section 20: Consideration, The Franchise Fee.

Motion 9: Retasket moved to approve the second reading and public hearing of Ordinance No. 203-22 by title only. Cummiskey seconded the motion.

Mayor Worman declared it was moved and seconded and called for the discussion. There was none.

Vote: Motion 9 passed

Ayes: All were in favor

Mayor Worman read Ordinance 203-22 into the record by title only. An Ordinance Amending Ordinance No. 16 (Which Granted the Central Lincoln People's Utility District a Franchise) Revising Section 20: Consideration, The Franchise Fee.

Mayor Worman opened the public hearing. There were no public comments.

Motion 10: Cummiskey moved to adopt Ordinance 203-22 as presented. An Ordinance Amending Ordinance No. 16 (Which Granted the Central Lincoln People's Utility District a Franchise) Revising Section 20: Consideration, The Franchise Fee. Retasket seconded the motion.

Mayor Worman declared it was moved and seconded and called for discussion. There was none

Vote: Motion 10 passed

Ayes: All were in favor

10. Correspondence

There was no correspondence.

11. Council Comments

Retasket: Brought up the Urban Growth Boundary and the city should consider incorporating The Oak Flats tribal housing development into the city limits. She stated the city could be realizing franchise fees from this section of town. Discussion ensued about substandard water and sewer projects in that area and establishing a subcommittee to look at annexing them back into the city. Other concerns she expressed was the only active committees is the parks and recreation committee and she would like the city to pursue recruiting to fill the committees. She would like to see other committees re-energized.

Worman: Discussed the water, sewer agreement with the tribe and gave a brief overview of the details of the agreement.

Trachsel: Did not have any comments.

Cummiskey: Provided an attorney phone number for potential outreach, when the city starts looking for a new attorney.

12. Adjourn

Motion 11: Retasket moved to adjourn the meeting at 9:25 PM. Cummiskey seconded the motion.

There being no further business to come before the council Mayor Worman adjourned the meeting at 9:25 PM.



Mayor Will Worman

ATTEST:



City Recorder Chestler