



CITY OF SALEM

555 Liberty St SE
Salem, OR 97301

Meeting Agenda

City Council

Monday, September 23, 2024 6:00 PM

**Council Chambers /
Hybrid Meeting**

This meeting is being conducted both in-person and remotely and allows remote attendance by the governing body, when requested. Interested persons may attend the meeting in Council Chambers or view the meeting in real-time on the City of Salem YouTube Channel, thanks to a partnership with CC:Media. Comcast Cable subscribers can watch on CC:Media Channel 21. Please submit comments on agenda items by 5:00 p.m., or earlier, on the day of the meeting at cityrecorder@cityofsalem.net. If attending the meeting remotely, public comment and testimony may be provided during the meeting via Zoom. Remote attendees must pre-register between 8:00 a.m. and 4:00 p.m. on the day of the meeting using this link: <https://www.cityofsalem.net/comment-at-council>

EXECUTIVE SESSION

City Council

**5:15 p.m. - 6:00 p.m. - City Manager's Conference Room
ORS 192.660(2)(h) - Current / Pending Litigation**

WORK SESSION

None.

1. OPENING EXERCISES: (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, ceremonial presentations, and Council comment)

Call to Order

Roll Call

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

1.2 COUNCIL AND CITY MANAGER COMMENT

**1.3 SWEARING-IN / OATH OF OFFICE FOR NEW FIRE CHIEF
DAVID GERBOTH**

1.4 PROCLAMATIONS

- 1.4a. [24-375](#) Proclamation - National Community Planning Month 2024

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Information Only.

Attachments: [Proclamation National Community Planning Month 2024.pdf](#)

1.4 PRESENTATIONS

2. PUBLIC COMMENT: (Comment on agenda items other than public hearings and deliberations)

3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)

3.1 MINUTES

- 3.1a. [24-380](#) September 9, 2024 Draft City Council Minutes

Attachments: [September 9, 2024 Draft City Council Minutes.](#)

- 3.1b. [24-386](#) September 16, 2024 Draft City Council Minutes

Attachments: [9-16-24 Draft Council Minutes.pdf](#)

3.2 RESOLUTIONS

3.3 ACTION ITEMS

- 3.3a. [24-355](#) Intergovernmental Agreement with Marion County for Construction of Mildred Lane SE.

Ward(s): Ward 7

Councilor(s): Nordyke

Neighborhood(s): Sunnyslope Neighborhood Association

Result Area(s): Safe, Reliable and Efficient Infrastructure

Recommendation:

Authorize the City Manager to execute an IGA with Marion County to establish terms and conditions under which the City will provide

on-going maintenance and repair of a portion of street improvements and public utilities within the limits of an early construction phase of Mildred Lane SE outside the Salem City Limits.

Summary:

The Intergovernmental Agreement (IGA) with Marion County establishes the terms and conditions under which the City will provide on-going maintenance and repair of a portion of street improvements and public utilities within the limits of an early construction phase of Mildred Lane SE outside the Salem City Limits (Attachment 1).

Attachments: [Project Location Map.pdf](#)
[Attachment 2 - Intergovernmental Agreement.pdf](#)

- 3.3b.** [24-374](#) Request approval to apply for a grant through the Oregon Department of Forestry Urban and Community Forestry Subaward Program to assist in dealing with the effects of Emerald Ash Borer in the City.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Natural Environment Stewardship.

Recommendation:

Authorize the City Manager to submit an application for grant funding through the Oregon Department of Forestry Urban and Community Forestry Subaward Program to support Emerald Ash Borer readiness and response.

Summary:

Since the first observation of the Emerald Ash Borer (EAB) in Oregon in 2022, City officials have been working with the Oregon Department of Forestry on a plan for responding to the arrival of this aggressive tree pest to slow its spread and reduce impacts to Salem's tree canopy, especially in disadvantaged communities. With the detection of EAB in Marion County in July 2024, it is imperative that the City take action to protect important ash trees through treatment, begin underplanting of other species in areas with ash, and conduct public outreach and awareness. The City has the opportunity to apply for up to \$750,000 over a period of three to four years to conduct work related to EAB and ash trees. The grant does not require matching funds; however, staff time will be needed to administer the grant.

Attachments: [Attachment 1 - Oregon Department of Agriculture Emerald Ash Borer Quarantine Alert](#)

- 3.3c.** [24-384](#) Appointments to the Citizen Budget Committee and Citizens Advisory Traffic Commission.

Ward(s): All Wards
 Councilor(s): All Councilors
 Neighborhood(s): All Neighborhoods
 Result Area(s): Good Governance

Recommendation:

Appoint applicants to the Citizen Budget Committee and Citizens Advisory Traffic Commission.

Summary:

Appointments to the Citizen Budget Committee and Citizens Advisory Traffic Commission.

RECOMMENDATION:

Attachments: [Beth Schmidt Application Redacted.pdf](#)

- 3.3d. [24-388](#)** Recommended policy statements and priorities to guide Salem’s Federal and State agenda, and Salem’s response to proposed legislation during the 2025 Oregon Legislative Session.

Ward(s): All Wards
 Councilor(s): All Councilors
 Neighborhood(s): All Neighborhoods
 Result Area(s): Good Governance; Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

Recommendation:

Approve policy statements and priorities to guide Salem’s Federal and State agenda, and Salem’s response to proposed legislation during the 2025 Oregon Legislative Session.

Summary:

During the interim between State legislative sessions, the City Council’s Legislative Committee meets monthly to consider priorities to guide Salem’s Federal and State agendas. The Oregon State Legislature will convene January 21, 2025 for its regular session. Before any official representing the City of Salem can attempt to influence legislation on a particular matter, during the interim or during a legislative session, the City Council must adopt an official position related to that matter.

On September 13, 2024, the City Council Legislative Committee met to consider amendments to Legislative priorities and policies to form Salem’s State and Federal agenda (Attachment 1). The Legislative Committee is comprised of Mayor Hoy and Councilors Stapleton,

Nordyke, and Nishioka, with Councilor Phillips serving as alternate.

Attachments: [2024-5 State and Federal Agenda 9.13.24.pdf](#)

- 3.3e.** [24-389](#) Recommended response to League of Oregon Cities (LOC) survey on priorities to inform the LOC's legislative priorities during the 2025 Oregon Legislative Session.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment

Stewardship; Safe Community; Safe, Reliable and Efficient

Infrastructure; Strong and Diverse Economy; Welcoming and

Livable Community.

Recommendation:

Approve the response to League of Oregon Cities (LOC) survey on priorities to inform the LOC's legislative priorities during the 2025 Oregon Legislative Session.

Summary:

During the interim between State legislative sessions, the City Council's Legislative Committee meets monthly to consider priorities to guide Salem's Federal and State agendas. On September 13, 2024, the City Council Legislative Committee met to consider a response to League of Oregon Cities (LOC) survey on priorities to inform the LOC's legislative priorities during the 2025 Oregon Legislative Session. The Legislative Committee is comprised of Mayor Hoy and Councilors Stapleton, Nordyke, and Nishioka, with Councilor Phillips serving as alternate.

Attachments: [2024-5 State and Federal Agenda 9.13.24.pdf](#)

- 3.3f.** [24-391](#) Second amendment to the purchase and sale agreement between the City and Green Light-Home First, LLC for the sale of the former Salem General Hospital site.

Ward(s): Ward 1

Councilor(s): Councilor Stapleton

Neighborhood(s): Northeast Neighbors Neighborhood Association

Result Area(s): Safe and Healthy Community; Safe, Reliable and

Efficient Infrastructure; Welcoming and Livable Community.

Recommendation:

Authorize a second amendment to the purchase and sale agreement between the City (Seller) and Green Light-HomeFirst, LLC (Buyer) to decrease the purchase price of one of the parcels and increase the purchase price of the other parcel to accommodate the financing requirements for Buyer.

Summary:

The proposed second amendment to the purchase and sale agreement would lower the purchase price of one of the two parcels (Phase 1) from \$3,000,000 to \$2,700,000 and increase the purchase price of the other parcel (Phase 2) from \$633,000 to \$933,000. The change is being requested to correspond to the appraised value for the Phase 1 property as determined by Green Light's lender.

Attachments: [Site Map - Attachment 1.docx](#)

4. PUBLIC HEARINGS**5. SPECIAL ORDERS OF BUSINESS: (Items deferred from the Consent Calendar; Mayor and Councilor Items; Items which require a selection among options; or of special importance to Council; management reports; presentations by City boards, commissions, committees, or outside agencies)****6. INFORMATION REPORTS: (Items that require no Council action)**

- 6.a. [24-370](#) Purchases approved administratively from July 1, 2024 through July 31, 2024.

Ward(s): All Wards
 Councilor(s): All Councilors
 Neighborhood(s): All Neighborhoods
 Result Area(s): Good Governance

Recommendation:

Information only.

Summary:

Specific awards and the sources of funds for all contracts administratively awarded, renewed, or modified during the month of July. Included in the report are procurement contracts and public contracting activities with a current fiscal year impact and annual contracts.

Attachments: [Purchases approved administratively July 2024.pdf](#)

- 6.b. [24-364](#) Planning Commission Decision -Proposed two-parcel Partition and Planned Unit Development-Subdivision creating 11 residential lots along with common open space - Approved.

Planned Unit Development / Subdivision Tentative Plan / Partition

Tentative Plan / Urban Growth Preliminary Declaration / Class 2
Adjustment Case No. PUD-SUB-PAR-UGA-ADJ24-01 - Larry
Tokarski - 700 to 800 Block of Creekside Dr SE.

This case has been Appealed (Attachment 2) and will be heard by
City Council.

Ward(s): 4
Councilor(s): Gwyn
Neighborhood(s): SGNA

Recommendation:

Information Only.

Attachments: [Final Land Use Decision PUD-SUB-PAR-UGA-ADJ24-01](#)
[Notice of Appeal PUD-SUB-PAR-UGA-ADJ24-01](#)

- 6.c. [24-376](#) Planning Administrator Decision -A tentative partition plan to create
three parcels - Approved.

Tentative Partition Plan Case No. PAR24-10 - Brandie Dalton - 3243
12th St SE

Ward(s): 3
Councilor(s): Phillips
Neighborhood(s): Morningside

Recommendation:

Information Only.

Attachments: [Land Use Decision PAR24-10](#)

7. ORDINANCES

7.1 FIRST READING:

- 7.1.a. [24-385](#) Annexation of a 4.1-acre territory for two properties located at 2355
Davis Road S and Land Adjacent (ANXC-758).

Ward(s): Ward 7
Councilor(s): Nordyke
Neighborhood(s): Sunnyslope
Result Area(s): Welcoming and Livable Community

Recommendation:

Advance Ordinance Bill No. 12-24, approving annexation, applying
City Zoning, and approving withdrawal from the Salem Suburban
Rural Fire Protection District, for a territory located at 2355 Davis
Road S and Land Adjacent, to second reading for passage.

Summary:

Annexation of a 4.1-acre territory for two properties located at 2355 Davis Road S and Land Adjacent (ANXC-758).

Attachments: [Vicinity Map](#)
[Ordinance Bill No. 12-24](#)
[Territory Legal Description and Map](#)

7.2 SECOND READING:

7.2a. [24-378](#) Engrossed Ordinance Bill No. 8-24 updates the Unified Development Code to promote housing development and address other issues.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Welcoming and Livable Community

Recommendation:

Pass Engrossed Ordinance Bill No. 8-24.

Summary:

Engrossed Ordinance Bill No. 8-24 updates the Unified Development Code (UDC) to promote housing development, comply with State rules and laws, and update other provisions of the code.

Attachments: [Engrossed Ordinance Bill No. 8-24](#)
[Exhibit A of Engrossed Ordinance No. 8-24 Proposed code amendment](#)
[Public Comments](#)
[Exhibit B of Engrossed Ordinance No. 8-24 Findings.docx](#)

7.2b. [24-362](#) Amending Salem Revised Code Chapter 70 (Utilities) and Chapter 71 (Stormwater).

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Natural Environment Stewardship; Reliable and Efficient Infrastructure.

Recommendation:

Enact Ordinance Bill No. 9-24, which amends *Salem Revised Code* Chapter 70 (Utilities) and Chapter 71 (Stormwater).

Summary:

In 2021, the Oregon Department of Environmental Quality (DEQ) issued to the City of Salem a permit authorizing discharges of stormwater from the City's municipal stormwater system into waters of the state. This permit, issued under the authority of the federal Clean Water Act, follows an earlier permit issued to the City in 2010. The new permit contains updated requirements related to

stormwater discharges from new development and redevelopment projects. To comply with the requirements of the new permit, the City must amend Salem Revised Code (SRC) Chapter 70 (Utilities) and SRC Chapter 71 (Stormwater) with an effective date of November 1, 2024. City Council conducted First Reading of Ordinance Bill No. 9-24 on July 8, 2024. A public hearing was conducted on August 26, 2024.

Attachments: [Att 1 Summary of Proposed Amends .pdf](#)

[Att 2 Ord Bill No 9-24.pdf](#)

[Att 3 Exhibit A to Ord Bill 9-24.pdf](#)

[Att 4 Confirmation of DLCD Notice.pdf](#)

[Att 5 Affidavit of Publication.pdf](#)

7.2c. [24-382](#)

Proposal to vacate a portion of right-of-way for 1st Street NW.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): West Salem NA

Result Area(s): Safe, Reliable, and Efficient Infrastructure

Recommendation:

Conduct second reading of Ordinance Bill No. 10-24 (Attachments 1 and 2), which vacates a portion of the right-of-way for 1st Street NW.

Summary:

The proposed action would vacate a portion of the right-of-way (approximately the northern 13 feet) for 1st Street NW, east of Murlark Street NW. The remaining right-of-way would be improved to an alternate street standard as an alley through development of adjoining properties. The area proposed for vacation is revised from what was previously considered in February 2023. Vacating this portion of right-of-way and improving the remaining right-of-way to an alternate street standard as an alley will help support development in the surrounding area.

Attachments: [Attachment 1 - Ordinance Bill No.10-24](#)

[Attachment 2 - Exhibit A to Ordinance Bill No. 10-24](#)

[Attachment 3 - Resolution No. 2023-04](#)

[Attachment 4 - Written Testimony](#)

7.2d. [24-372](#)

Amending Salem Revised Code Chapter 75 (Erosion Prevention and Sediment Control) Relating to Erosion Control Permit Exemptions

Recommendation:

Conduct second reading and enact Ordinance Bill No. 11-24 amending *Salem Revised Code* Chapter 75 (Erosion Prevention and Sediment Control).

Attachments: [Ord. 11-24 Chapter 75 EC Permit Exemptions.docx](#)

[Ord. Attachment A Sec. 75.050. Erosion control permits.docx](#)

8. PUBLIC COMMENT: (Other than agenda items)

9. ADJOURNMENT

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 48 hours prior to the meeting. To request accommodations or services, please call 503-588-6255 or 503-588-6003 (TTD/TTY 503-588-6439), or by e-mail at: cityrecorder@cityofsalem.net at least two business days in advance.

Si necesita ayuda para comprender esta información, por favor llame 503-588-6003.

UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS

- a. [24-377](#) Unless otherwise noted, all meetings and public hearings will be conducted in Council Chambers, located at City Hall, 555 Liberty Street SE, Room 240, with the option for remote attendance. Please see the meeting agenda header for more details on remote attendance. The meetings are also available to watch in real-time online at CC:Media YouTube Channel, as well as Comcast Cable CC:Media Channel 21.

CITY COUNCIL PUBLIC HEARINGS:

2023 Consolidated Annual Performance and Evaluation Report (CAPER) and Substantial Amendment to Program Year 2024 Annual Action Plan (AAP)

Monday, October 14, 2024 at 6:00 p.m.

Appeal of the Planning Commission’s Decision on a proposed two-parcel Partition and Planned Unit Development-Subdivision creating 11 residential lots along with common open space. Case No. PUD-SUB-PAR-UGA-ADJ24-01 - Larry Tokarski - 700 to 800 Block of Creekside Dr SE

Monday, October 14, 2024 at 6:00 p.m.

Proposed Fees and Charges for Utility Service Rates (Water, Wastewater, and Stormwater)

Tuesday, November 12, 2024 at 6:00 p.m.

Tourism Promotion Area

Monday, November 25, 2024 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS:

URBAN RENEWAL AGENCY PUBLIC HEARINGS:

CITY COUNCIL WORK SESSIONS: (Unless otherwise noted, work sessions are held in the Council Chambers, 555 Liberty Street SE.

Priorities for City Services and Preferences for Possible Future Funding
Monday, October 21, 2024 at 6:00 p.m.

Community Violence Reduction Initiative Policy Agenda
Monday, November 18, 2024 at 6:00 p.m.

BUDGET COMMITTEE MEETINGS: (Budget Committee meetings are held in Council Chambers, 555 Liberty Street SE, Room 240)

Budget Committee - Preliminary Five-Year Forecast
Wednesday, October 30, 2024 at 6:00 p.m.

Budget Committee - Five Year Forecast
Wednesday, January 8, 2025 at 6:00 p.m.

Budget Committee - City Manager Presents Proposed FY 2026 Budget to the Budget Committee - Result Areas Reviewed: Welcoming and Livable Community, Natural Environment Stewardship
Wednesday, April 16, 2025 at 6:00 p.m.

Budget Committee Review Meeting - Result Areas Reviewed: Strong and Diverse Economy, Urban Renewal Agency, Safe Reliable and Efficient Infrastructure, and CIP Public Hearing
Wednesday, April 23, 2025 at 6:00 p.m.

Budget Committee Review Meeting - Results Areas Reviewed: Safe Community, Good Governance
Wednesday, April 30, 2025 at 6:00 p.m.

Budget Committee Recommends FY 2026 Budget to the City Council / Urban Renewal Agency
Wednesday, May 7, 2025 at 6:00 p.m.

2024 NEIGHBORHOOD ASSOCIATION ANNUAL MEETING DATES:

Neighborhood - Annual Meeting Date - Time - Councilor
NOLA-----October 2-----6:30 p.m.-----Hoy, Gonzalez
West Salem-----October 3-----6:30 p.m.-----Stapleton, Varney
NESCA -----October 15-----7:00 p.m.-----Hoy, Nishioka,
Stapleton
CANDO-----October 15-----6:00 p.m.-----Nishioka, Stapleton
Sunnyslope-----October 17-----7:00 p.m.-----Nordyke, Gwyn
SWAN-----November 5-----6:30 p.m.-----Nishioka, Nordyke
NEN-----November 12----- 6:30 p.m.-----Nishioka, Stapleton
SESNA -----November 26-----7:00 p.m.-----Nishioka

MEETING PROCEDURES

City Council meets on the second and fourth Mondays of each month at 6:00 p.m. All meetings are in the Council Chambers, Room 240, 555 Liberty St. SE.

The Mayor, who is the presiding officer, is elected at large for a term of two years. Councilors are elected for four year terms for each of the City's eight Wards. These nine officers comprise the Council who make the policy decisions for municipal activity and pass its ordinances and regulations.

Because the Mayor and Councilors' positions are part time, without pay, the Council appoints a City Manager who is responsible for the administration and execution of the City's policies and ordinances.

The City Council generally follows Robert's Rules of Order, but has adopted supplementary rules that may be found on the City's website at:
[http://www.cityofsalem.net/Pages/council rules.aspx](http://www.cityofsalem.net/Pages/council%20rules.aspx).

THE CONSENT CALENDAR

The Consent Calendar allows the Council to save time by acting on everything listed on that part of the agenda with one motion instead of considering each item separately. If a City Councilor believes a matter on the Consent Calendar deserves further discussion, the Councilor can request that item be removed from the Consent Calendar and considered separately under "Special Orders of Business."

PUBLIC COMMENT

There are two times at every regular City Council meeting when the public has an opportunity to address the City Council. The first time is immediately prior to the Consent Calendar. This time is reserved for questions or statements regarding items appearing on the agenda, except public hearings and the merits of land use issues. The second time is at the end of the agenda. At this time, you can address the City Council on any matter of public concern, other than an agenda item. The Mayor will announce the time for public comment, and invite persons to address the City Council. Each person has three minutes to address the City Council. The time light on the podium will flash yellow when you have one minute left, and will turn red when your time has expired.

HOW TO GET YOUR COMMENTS INCLUDED AS PART OF THE AGENDA

Any written comments that you wish to be given to the City Council that are about an item on an agenda must be submitted to the City Recorder by 3:30 p.m. on the day of the City Council meeting when the item will be considered. For complete information on submitting communications to Council, please refer to Council Rule 6: Communications:
[https://www.cityofsalem.net/Pages/council rules.aspx](https://www.cityofsalem.net/Pages/council%20rules.aspx).

If you have some matter that you wish to have the City Council consider in the future, you are encouraged to submit your suggestion in writing to the City Manager at 555 Liberty Street SE, Room 220, Salem, OR, or by e mail to: manager@cityofsalem.net.

PUBLIC HEARINGS

The City Council can hold public hearings to consider legislative, quasi judicial or administrative matters. To testify at a hearing, you may sign up on the Hearing Roster located near the east entrance to the Council Chambers before the Mayor convenes the meeting. At the time for the hearing on the agenda, the Mayor will announce when the public hearing is open. If you have signed up to speak, come forward to the podium when the Mayor calls your name. State your name and either your address or the ward you live in. If you wish to receive notice of any written decision reached at the hearing, you must provide the City Recorder your address. When you have finished speaking, the Mayor will ask the Council if there are any questions for you, so please remain at the podium for a moment.

The time limit is 3 minutes per person for legislative and administrative hearings. The time limits for quasi judicial hearings in non land use cases are as follows:

1. Staff Presentation – 15 minutes
2. Affected Party – 15 minutes
3. Neighborhood Associations – 5 minutes
4. Other Interested Persons – 3 minutes per person
5. Rebuttal by Affected Party – 7 minutes

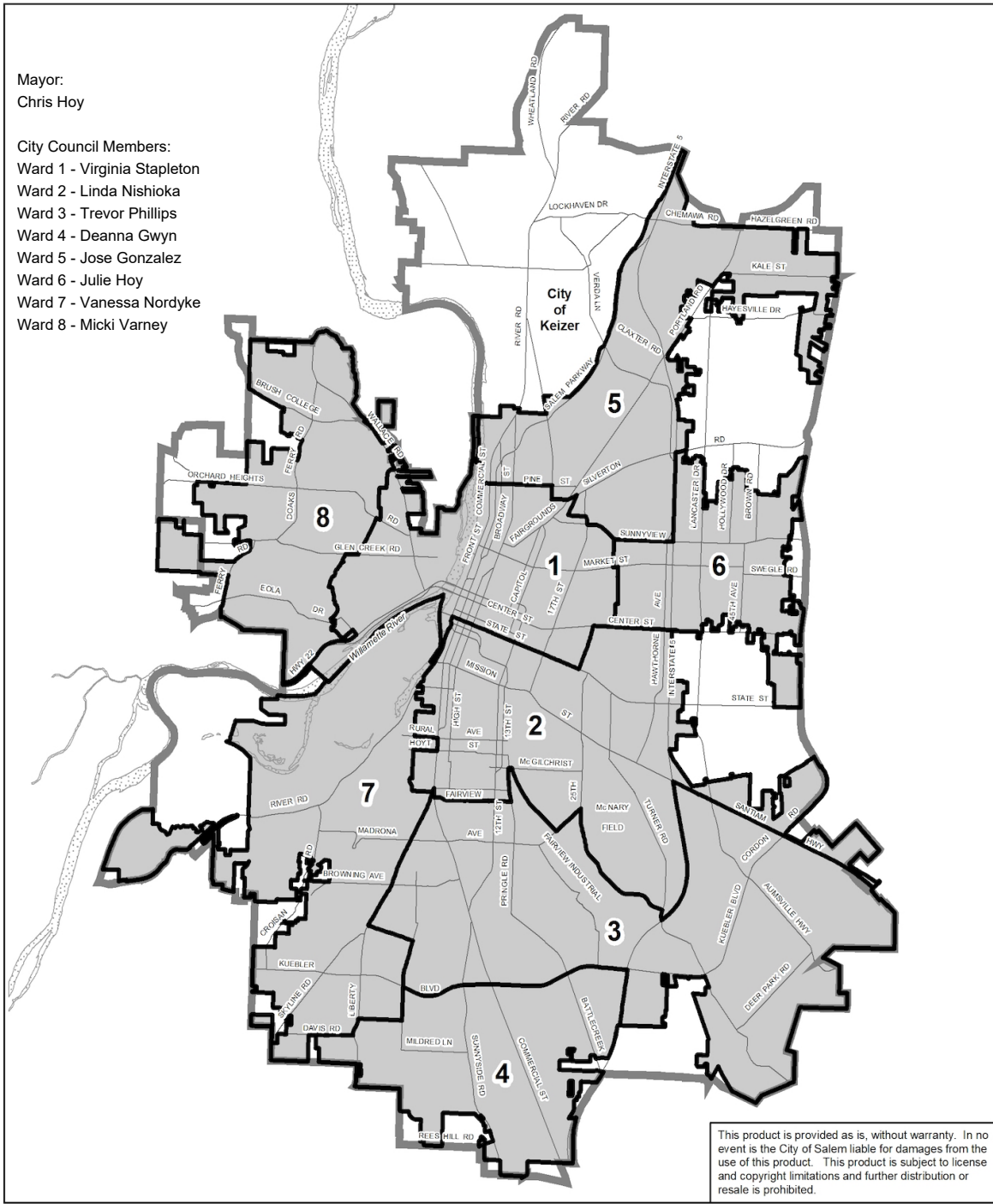
Time limits for quasi judicial land use hearings are governed by Rule 19 of the Council Rules. Parties to land use cases are encouraged to review that rule as time limits vary depending on the nature of the hearing. Further information can be obtained by contacting the Planning Administrator at 503 588 6173 or email at: lmanderson@cityofsalem.net.

Timer lights are located on the podiums. A flashing yellow light means you have one minute left; a red light means your time has expired.

City of Salem Wards

Mayor:
Chris Hoy

- City Council Members:
- Ward 1 - Virginia Stapleton
 - Ward 2 - Linda Nishioka
 - Ward 3 - Trevor Phillips
 - Ward 4 - Deanna Gwyn
 - Ward 5 - Jose Gonzalez
 - Ward 6 - Julie Hoy
 - Ward 7 - Vanessa Nordyke
 - Ward 8 - Micki Varney



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LEGEND

- Ward Boundary
- Urban Growth Boundary
- Salem City Limits
- Major Streets



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