

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, June 6, 2016

6:30 PM

Council Chambers

City Council

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

Call to Order

7:05 p.m.

Roll Call

Present: 9 - Councilor Bennett, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Dickey, Councilor Benjamin, Councilor Bednarz, Councilor Lewis, and Mayor Peterson

Present: Guest Councilor Joan Lloyd for Councilor Bennett.

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor McCoid and seconded by Councilor Bednarz to re-order the agenda to hear items 4a. and 4b. immediately after agenda item 2. Public Comment. The motion was carried by the following vote:

Aye: 9 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Questions or Comments by: Councilor Bednarz, Andersen, McCoid, Nanke, Mayor Peterson, and City Manager Steve Powers.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

None.

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

None.

4. PUBLIC HEARINGS

a. Public Hearing on the FY 2016-17 City of Salem Budget.

Ward(s): All Wards

Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

Attachments: [City of Salem Final Additions, Deletions, and Changes Recommended by the Budget Committee](#)
[City of Salem Budget Committee Recommended FY 2016-17 Budget](#)

Persons Testifying:
Support: Ken Bierly, 2308 Ptarmigan Street NW
Oppose:
Neutral:

Organizations: None.
Support:
Oppose:
Neutral:

Evidence Received From: None.
Support:
Oppose:
Neutral:

Questions or Comments by: Councilors Andersen, and Nanke.

A motion was made by Councilor McCoid, seconded by Councilor Bednarz to direct staff to return on June 27, 2016, with a resolution to adopt the FY 2016-17 City of Salem budget and increase appropriation authority in the Building and Safety Fund, Community Development Department budget by \$173,380 to provide for the addition of two full-time equivalent positions.

A motion was made by Councilor Dickey, seconded by Councilor Bednarz to amend the motion to add \$1.7 million to the fire department budget for the purpose of increasing fire staffing levels.

Questions or Comments by: Councilors Dickey, Lewis, Bednarz, McCoid, Nanke, Andersen, Benjamin, and City Manager Steve Powers.

A motion was made by Councilor Andersen, seconded by Councilor Benjamin to amend to the amendment main motion to add \$546,500 to fire department budget to allow for the recruitment, hiring, training and cost of 3 employees for 9 months, and the cost of over time beginning July 1st for 3 months, to provide an additional 40 hours per week of coverage within the city at the discretion of the Fire Chief and the City Manager.

Questions or Comments by: Councilors Andersen, and Benjamin.

**The motion to amend the amended motion failed by the following vote:
Aye: 2 - Andersen, and Benjamin
Nay: 7 - Bennett, Nanke, McCoid, Dickey, Bednarz, Lewis, and Peterson.**

Questions or Comments by: Councilor Dickey, Lewis, Andersen, Bednarz, McCoid, Nanke, Benjamin, and Peterson.

The motion to amend the main motion carried by the following vote:

Aye: 8 - Bennett, Andersen, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson.

Nay: 1 - Nanke.

A motion was made by Mayor Peterson, seconded by Councilor McCoid to direct that an update to the 2011 Standards of Cover be completed, and the update include a review of goals and measures for fire and emergency medical services and best practices to meet the goals and measures, and for the work to begin as quickly as possible.

Questions or Comments by: Councilors Bednarz, Dickey, Mayor Peterson, and City Manager Steve Powers.

The motion carried by the following vote:

Aye: 9 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson.

Questions or Comments by: Councilor Bednarz, City Attorney Dan Atchison, and City Manager Steve Powers.

The motion as amended to direct staff to return on June 27, 2016, with a resolution to adopt the FY 2016-17 City of Salem budget; and

1. Increase appropriation authority in the Building and Safety Fund, Community Development Department budget by \$173,380 to provide for the addition of two full-time equivalent positions; and

2. Add \$1.7 million to the fire department budget for the purpose of increasing fire staffing levels, carried by the following vote:

Aye: 8 - Bennett, Andersen, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 1 - Nanke

Abstain: 0

Councilor Bennett left the meeting 7:55 p.m.

Recess.

Roll Taken:

Present: 8 - Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Dickey, Councilor Benjamin, Councilor Bednarz, Councilor Lewis, and Mayor Peterson

Absent: 1 - Councilor Bennett

b. Public Hearing on State Revenue Sharing Funds.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Resolution No 2016-19, State Revenue Sharing](#)

Persons Testifying: None.

Support:

Oppose:

Neutral:

Organizations: None.

Support:

Oppose:

Neutral:

Evidence Received From: None.

Support:

Oppose:

Neutral:

A motion was made by Councilor McCoid, seconded by Councilor Bednarz to approve Resolution No. 2016-19 electing to receive a share of certain revenues from the State of Oregon general fund. The motion carried by the following vote:

Aye: 8 - Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Absent: 1 - Bennett

Abstain: 0

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

A motion was made to approve the Consent Agenda with the pull of item 3.3d. by Councilor Andersen.

Questions or Comments by: Councilor McCoid.

The motion carried by the following vote:

Aye: 8 - Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Absent: 1 - Bennett

Abstain: 0

3.1 MINUTES

a. May 23, 2016

Attachments: [5-23-16 Council Minutes](#)

Action: Approved.

3.2 RESOLUTIONS

- a. Adopting the Downtown Parking District FY 2016-17 budget and setting the business paid parking tax

Ward(s): Ward 1
Councilor(s): Bennett
Neighborhood(s): CANDO

Attachments: [Resolution No. 2016-9.docx](#)
[Resolution No. 2016-9 Exhibit A.pdf](#)

Adopted Resolution No. 2016-9 adopting the Downtown Parking District FY 2016-17 budget and setting the business paid parking tax.

- b. Airport Fee Resolution

Ward(s): 2
Councilor(s): Andersen
Neighborhood(s): SESNA

Attachments: [Appraisal Summary and Airport Analysis](#)
[Resolution No. 2016-17](#)
[Resolution No. 2016-17 Exhibit A- Airport Rate and Fee Sheet 2016](#)

Adopted Resolution No. 2016-17 establishing fees and charges, including rental rates for ground leases, for the Salem Municipal Airport.

- c. Setting fees and charges for all prehospital emergency and non-emergency medical treatment and ambulance transport services provided by Salem Fire Department.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

Attachments: [Resolution No. 2016-18](#)
[Resolution No. 2016-18 Exhibit 1 EMS Fee Schedule](#)

Adopted Resolution No. 2016-18 increasing fees and charges for prehospital emergency and non-emergency medical treatment and ambulance transport services provided by Salem Fire Department by 1.19 percent.

3.3 ACTION ITEMS

- a. Amendment to the Intergovernmental Agreement with the Salem-Keizer School District for Police Services for the 2015/2016

School Year

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Amendatory Agreement No 1 to IGA between COS and SK School District](#)

Authorized the City Manager to execute the attached Amendatory Agreement No. 1 to the IGA with the District in order for the City to provide police services within the District's schools during the 2016 summer school session.

b. Purchasing from City Employee-Owned Business

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute annual renewable contracts with Northwest Rock, Inc., dba Salem Mobile Mix, a City employee-owned firm, as primary provider for CDB and for truck hauling services. CDB is used in backfilling excavations in accordance with City of Salem construction standards during regular business hours on a routine basis. Hauling services are intended for ditch cleaning and repair excavation material removal in accordance with City of Salem construction standards during regular business hours on a routine basis.

Questions or Comments by: Councilor Andersen.

c. Application for funding from the Energy Trust of Oregon for Rebuilding the South Primary Effluent Pump at the Willow Lake Water Pollution Control Facility.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Economic Summary](#)

Authorized the City Manager to apply for and, if granted, accept up to \$40,000 in grant funding from the Energy Trust of Oregon to offset the costs to of rebuild an existing primary pump at the Willow Lake Water Pollution Control Facility.

d. Intergovernmental Agreement for Right-of-Way Services with the Oregon Department of Transportation for the 12th Street SE Southbound Widening Improvement Project

Ward(s): 1

Councilor(s): Bennett

Neighborhood(s): CANDO, Grant, Highland, NEN, and West Salem

Attachments: [Intergovernmental Agreement for Right-of-Way Services Agreement](#)
[Vicinity Map](#)

Action: Pulled by Councilor Andersen - see agenda item 5a.

- e. Intergovernmental Agreement with the Salem-Keizer School District for Police Services for the 2016-2017 School Year.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [School District 2016-17 IGA](#)

Authorized the City Manager to execute the attached IGA with the District and any amendments to the IGA in order to provide police services within the District's schools during the 2016/2017 school year.

- f. Extension agreement for Cooperative Facility Use with Salem-Keizer School District

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [2016 Extension Agreement](#)
[2013 Cooperative Facility Use Agreement](#)

Authorized the City Manager to execute an extension agreement to continue the Cooperative Facility Use Agreement between the City of Salem and School District 24J.

4. PUBLIC HEARINGS

The agenda was re-ordered and Public Hearings were conducted after agenda item 2. Public Comment.

5. SPECIAL ORDERS OF BUSINESS: (Includes consideration of items deferred from the Consent Calendar and any action item which requires a selection among options, consideration of matters of special importance to the Council, and management reports; formal presentations by city boards, city commissions, city committees and by outside agencies providing services or engaged in other activities with the City)

- a. Intergovernmental Agreement for Right-of-Way Services with the Oregon Department of Transportation for the 12th Street SE Southbound Widening Improvement Project

Ward(s): 1

Councilor(s): Bennett

Neighborhood(s): CANDO, Grant, Highland, NEN, and West Salem

Attachments: [Intergovernmental Agreement for Right-of-Way Services Agreement](#)
[Vicinity Map](#)

Councilor Bednarz recused himself due to a conflict of interest.

Questions or Comments by: Councilor Andersen.

A motion was made by Councilor Andersen, seconded by Nanke to authorize the City Manager to execute the attached Intergovernmental Agreement for Right-of-Way Services (Attachment 1) with the Oregon Department of Transportation for the 12th Street SE (Hoyt Street SE to Fairview Avenue SE) Southbound Widening Improvement Project.

Questions or Comments by: Councilors Andersen, and Nanke.

The motion carried by the following vote:

Aye: 7 - Andersen, Nanke, McCoid, Dickey, Benjamin, Lewis, and Peterson

Nay: 0

Absent: 1 - Bennett

Abstain: 0

Recused: 1 - Bednarz

6. INFORMATION REPORTS: (Items that require no Council action)

- a.** Hearings Officer Decision - Conditional Use - Class 3 Site Plan Review Case No. CU-SPR16-04 - Approved - Tyler Clark, Clark Commercial Industries LLC - 560 21st Street SE - An application to change part of an existing building to a recreational marijuana extraction facility and add parking spaces in an existing parking lot.

Note: The approved use is a recreational marijuana extraction facility, an industrial use under the UDC. It is not recreational marijuana retail sales.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SESNA

Attachments: [CU-SPR16-04 Decision.pdf](#)

This matter was received and filed

- b. State and Local Regulation of Unmanned Aircraft Systems

Ward(s): All Wards
 Councilor(s): All Councilors
 Neighborhood(s): All Neighborhoods

Attachments: [State and Local Regulation of UAS Fact Sheet Final 12172015](#)

This matter was received and filed

7. ORDINANCES

7.1 FIRST READING:

- a. Proposed amendments to the Salem Revised Code to allow physical fitness instructional uses in the CO zone, allow the rebuilding of existing duplexes in various commercial and industrial zones, and allow self-service storage in the Riverfront Overlay Zone. (CA 16-01)

Ward(s): All Wards
 Councilor(s): All Councilors
 Neighborhood(s): All Neighborhoods

Attachments: [Planning Commission Recommendation](#)
[Comments from Grant Neighborhood Assoc](#)
[Comments from SCAN \(South Central Assoc of Neighbors\)](#)
[Ordinance Bill No. 07-16](#)

A motion was made by Councilor McCoid, seconded by Councilor Nanke to conduct first reading and advance to second reading for enactment Ordinance Bill No. 7-16, which amends Salem Revised Code Chapter 521, 522, 523, 551, 553, 554, and 617 to:

- 1) Allow dance studios and similar physical fitness instructional activities in the Commercial Office (CO) zone;**
- 2) Allow the alteration, expansion, or rebuilding of existing two family residential uses, such as duplexes, in the Retail Commercial (CR), General Commercial (CG), Industrial Commercial (IC), Industrial Park (IP), and General Industrial (IG) zones; and**
- 3) Allow self-service storage in the Riverfront Overlay Zone.**

The motion carried by the following vote:

Aye: 8 - Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Absent: 1 - Bennett

Abstain: 0

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. NEW BUSINESS

None.

9.1 MAYOR'S ITEMS:

None.

9.2 COUNCILOR'S ITEMS:

None.

10. ADJOURNMENT

8:25 p.m.