



# CITY OF SALEM

555 Liberty St SE  
Salem, OR 97301

## Meeting Agenda

### City Council

---

**Monday, September 9, 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](mailto: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**

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

#### **WORK SESSION**

**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 PROCLAMATIONS**

**1.3a.** [24-336](#) Proclamation - National Senior Center Month

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

**Recommendation:**

Information Only.

**Attachments:** [Proclamation - National Senior Center Month.pdf](#)

1.3b. [24-360](#) Proclamation - Hispanic Heritage Month 2024

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

**Recommendation:**

Information Only.

**Attachments:** [Proclamation Hispanic Heritage Month 2024.pdf](#)

1.3c. [24-361](#) Proclamation - Salem Art Fair

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

**Recommendation:**

Information Only.

**Attachments:** [Proclamation - Salem Art Fair.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. [24-357](#) August 19, 2024 Draft City Council Work Session Minutes

**Attachments:** [8-19-24 Draft Council Work Session Minutes.pdf](#)

3.1b. [24-365](#) August 26, 2024 Draft City Council Minutes

**Attachments:** [8-26-24 Draft Council Minutes.pdf](#)

## 3.2 RESOLUTIONS

- 3.2a.** [24-276](#) Updates to the City's Civil Rights Act Title VI plan to uphold anti-discrimination measures consistent with federal law. Resolution No. 2024-40.

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

**Recommendation:**

Adopt Resolution No. 2024-40 updating the City's Civil Rights Act Title VI Plan.

**Summary:**

The City of Salem is required by the Oregon Department of Transportation to update its Civil Rights Act Title VI plan every three years. This plan articulates actions taken to ensure compliance with state and federal regulation related to non-discrimination.

**Attachments:** [Resolution 2024-40 - Title VI Plan.docx](#)

- 3.2b.** [24-369](#) Transfer of appropriations within the City's Fiscal Year (FY) 2025 Budget for community engagement.

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

**Recommendation:**

Adopt Resolution No. 2024-41 authorizing a transfer of \$10,000 in appropriations within the City's FY 2025 budget for community engagement.

**Summary:**

A transfer of \$10,000 in appropriations from General Fund Contingency is needed to advance community engagement as part of an initial workplan to understand the community's priorities for City services. As this expense was not included in the FY 2025 budget, a transfer of appropriation is required.

**Attachments:** [Resolution 2024-41](#)

[Written Testimony](#)

*Add - Add Written Testimony*

### 3.3 ACTION ITEMS

- 3.3a.** [24-343](#) Third amendment to the ground lease with WattEV Salem, Inc. for real property located at the Salem - Willamette Valley Airport.

Ward(s): 3  
Councilor(s): Phillips  
Neighborhood(s): SEMCA, SESNA  
Result Area(s): Strong and Diverse Economy

**Recommendation:**

Authorize the City Manager to execute the attached third lease amendment with WattEV Salem, Inc.

**Summary:**

On October 23, 2023, City Council authorized the City Manager to execute a ground lease (Attachment 1, Lease) with WattEV Salem Inc. for property at the Salem - Willamette Valley Airport. On May 28, 2024, City Council authorized the City Manager to execute the first amendment to the Lease (Attachment 2, First Amendment) extending the due diligence period to July 1, 2024. On August 12, 2024, City Council authorized the City Manager to execute the second Amendment to the Lease (Attachment 3, Second Amendment) adjusting the leased acreage. Lessee has not yet completed its due diligence and is requesting additional time, the third amendment (Attachment 4, Third Amendment) extends the due diligence period to October 31, 2024.

**Attachments:** [Lease.pdf](#)

[First Amendment.pdf](#)

[Second Amendment.pdf](#)

[Third Amendment.pdf](#)

- 3.3b.** [24-349](#) Critical Oregon Airport Relief (COAR) Grant Applications

Ward(s): 2  
Councilor(s): Nishioka  
Neighborhood(s): SEMCA, SESNA  
Result Area(s): Reliable and Efficient Infrastructure; Strong and Diverse Economy

**Recommendation:**

Authorize the City Manager to apply for and accept two Critical Oregon Airport Relief (COAR) grants to support federally funded capital improvement projects at the Salem-Willamette Valley Airport.

**Summary:**

The Salem-Willamette Valley Airport seeks to apply for and accept

two State of Oregon grants to supplement federally funded airport capital improvement projects in 2025.

**3.3c.** [24-354](#)

Ground lease with Lulay's Aviation, LLC for property located at the Salem-Willamette Valley Airport.

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): SEMCA, SESNA

Result Area(s): Strong and Diverse Economy

**Recommendation:**

Authorize the City Manager to execute a ground lease with Lulay's Aviation, LLC for property located at the Salem-Willamette Valley Airport.

**Summary:**

Lulay's Aviation, LLC (Tenant) desires to enter into a ground lease with the City of Salem to construct an aircraft hangar and associated improvements at the south end of the airport.

**Attachments:** [Attachment 1 - 3980 Ground Lease with Lulay's Aviation, LLC-SIGNED 08.21.2024.pdf](#)

**3.3d.** [24-356](#)

Application for project funding under the Culvert Removal, Replacement, and Restoration grant program issued by the U.S. Department of Transportation.

Ward(s): Wards 2, 3, 5

Councilor(s): Nishioka, Phillips, and Gonzalez

Neighborhood(s): Morningside, Northgate, South Central, and Southeast Salem

Result Area(s): Safe, Reliable and Efficient Infrastructure; Natural Environmental Stewardship

**Recommendation:**

Authorize the City Manager to apply for U.S. Department of Transportation funding to design and construct the Replacement of Railroad and McGilchrist Street SE Culverts on the West Fork of Pringle Creek and, if successful, authorize the City Manager to enter into an agreement with the Federal Highway Administration to accept these funds.

**Summary:**

The National Culvert Removal, Replacement, and Restoration grant program makes federal funds available to states, local governments, and Indian Tribes for the replacement, removal, repair, and improvement of culverts or weirs that would meaningfully improve or restore fish passage for anadromous fish. City staff has identified the Replacement of Railroad and McGilchrist Street SE Culverts on the West Fork of Pringle Creek as a suitable project for this grant funding.

**Attachments:** [Attachment 1 - U.S. Department of Transportation Notice of Finding.pdf](#)  
[Attachment 2 - Opportunity FY 2024 Vicinity Map.pdf](#)

**3.3e.** [24-367](#) Claim Settlement Authorization

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

**Recommendation:**

Authorize the City Manager to resolve this matter with a payment not to exceed \$142,637.73 and execution of a release agreement.

**Summary:**

This matter involves flooding to a home due to work being performed by the City of Salem. The home is owned by Lori Festa and Bill Doty. A settlement in the amount of \$142,637.73 has been agreed upon to resolve this claim and a release agreement.

## 4. PUBLIC HEARINGS

**4.a.** [24-335](#) Public hearing for proposed code amendment related to housing and other issues.

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

**Recommendation:**

Engross Ordinance Bill No. 8-24 and advance it to second reading.

**Summary:**

The proposed code amendment (CA24-01), 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:** [Historic Landmarks Commission Notice of Recommendation](#)  
[Planning Commission Notice of Recommendation](#)  
[Ordinance Bill No. 8-24](#)  
[Exhibit A of Ordinance Bill No. 9-24 Proposed code amendment](#)  
[Public Comments for Planning Commission and Historic Landmarks Commission Joint F](#)  
[Exhibit B of Ordinance Bill No. 8-24 Findings](#)  
[Written Testimony 1](#)  
[Written Testimony 2](#)  
[Written Testimony 3](#)

*Add - Add Written Testimony*

**4.b.**    [24-351](#)

An 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:**

Approve the annexation of the territory located at 2355 Davis Road S and Land Adjacent, including the withdrawal from the Salem Suburban Rural Fire Protection District, and the application of RA (Residential Agriculture) zoning and forward to first reading.

**Summary:**

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

**Attachments:**

- [Vicinity Map](#)
- [Territory Legal Description and Map](#)
- [Development Services Memo](#)
- [Finance Memo](#)
- [Salem-Keizer Public Schools Memo](#)

**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)**

**5.a.**    [24-373](#)

Motion from Councilor Julie Hoy regarding Council consideration of Planning Commission applicants.

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

*Add - Report Added*

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

**7. ORDINANCES**

**7.1 FIRST READING:**

**7.1a.** [24-350](#) 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 first reading of Ordinance Bill No. 10-24 (Attachments 1 and 2), which vacates a portion of the right-of-way for 1st Street NW, and advance Ordinance Bill No. 10-24 to second reading for enactment.

**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](#)

**7.1b.** [24-352](#) Amending Salem Revised Code Chapter 75 (Erosion Prevention and Sediment Control) Relating to Erosion Control Permit Exemptions

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Reliable Infrastructure

**Recommendation:** Conduct first reading of Ordinance Bill No. 11-24 amending *Salem Revised Code* Chapter 75 (Erosion Prevention and Sediment Control) and advance it to second reading.

**Attachments:** [Ord. 11-24 Chapter 71 EC Permit Exemptions.docx](#)

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

## 7.2 SECOND READING:

## 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](mailto: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. [24-358](#) 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:

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.

## PLANNING COMMISSION INTERVIEWS:

Monday, September 16, 2024 at 6:00 p.m. in Council Chambers

## 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 - Fall Meeting 1 (Preliminary General Fund Forecast Presentation)  
Wednesday, October 30, 2024 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](mailto: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

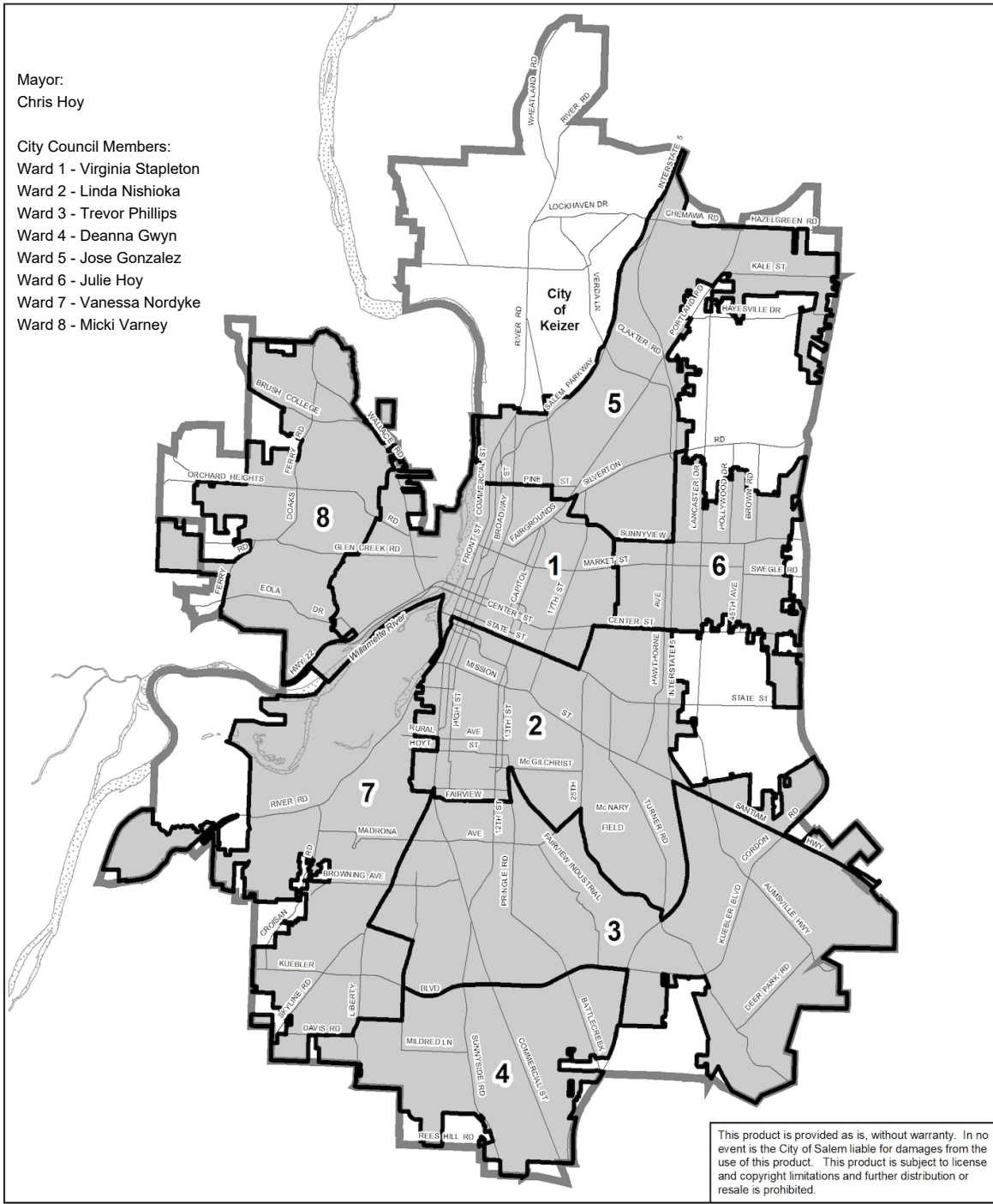
Time limits for quasi judicial land use hearings are governed by Rule 19 of the Council Rules. Parties to land use cases are encouraged to review that rule as time limits vary depending on the nature of the hearing. Further information can be obtained by contacting the Planning Administrator at 503 588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



**LEGEND**

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



N:\CD\Proj\GIS\Public\Wards\Wards\_B\_W\_ANSI-A.mxd - 1/3/2024 @ 10:31:52 AM