

*585 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, September 9, 2024

6:00 PM

Council Chambers / Hybrid Meeting

City Council

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

5:00 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

6:03 a.m.

Roll Call

Present: 8 - Councilor Hoy, Councilor Nordyke, Councilor Phillips, Councilor Stapleton, Councilor Varney, Councilor Nishioka, Mayor Hoy, and Councilor Gwyn

Absent: 1 - Councilor Gonzalez

Councilor Stapleton joined the meeting at 6:17 p.m.

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Nishioka, seconded by Councilor Phillips to approve the additions and deletions to the agenda.

The motion carried by the following vote:

Aye: 7 - Hoy, Nordyke, Phillips, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 2 - Stapleton, and Gonzalez

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by:

Guest Councilor Angulo, Councilors Nordyke, Varney, Hoy, Nishioka, Mayor Hoy, City Manager Stahley and Police Chief Womack.

1.3 PROCLAMATIONS

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

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Hoy read the proclamation, accepted by Tracey Morgan, executive director for the Alzheimers Association.

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

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Councilor Nordyke read the proclamation

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

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Councilor Nishioka read the proclamation, accepted by Matthew Boulay, executive director of the Salem Art Association.

1.4 PRESENTATIONS

None.

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

Appearances by:

Phillip Devan 615 Comercial Street NE More policing
Robin Jennings PO Box 2612 AFSCME bargaining
Hannah Brostrom 765 Dian Avenue NW AFSCME bargaining
Steve Hall 3978 Hertel Drive S AFSCME bargaining
Jim Scheppke 1840 E Nob Hill Agenda Item 3.2B (24-369)

Questions and Comments by Councilor Nishioka

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

A motion was made by Councilor Nishioka, seconded by Councilor Phillips to approve the consent calendar.

The motion carried by the following vote:

Aye: 8 - Hoy, Nordyke, Phillips, Stapleton, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 1 - Gonzalez

Abstain: 0

3.1 MINUTES

3.1a. [24-357](#) August 19, 2024 Draft City Council Work Session Minutes

Action: Approved

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

Action: approved

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.

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

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.

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

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

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

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

Authorized 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.**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

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

Authorized 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.**3.3e.** [24-367](#)

Claim Settlement Authorization

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

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

Staff Presentation by Eunice Kim, Long Range Planning Manager.

Persons Testifying:

E.M. Easterly Ward 8

Brittnay Randall, Ward 2

Ben Fryback Ward 3

Steve Anderson West Salem Neighborhood Association

Questions and Comment by: Councilors Nordyke, Gwyn, Nishioka, Hoy, Phillips, Stapleton and Mayor Hoy

A motion was made by Councilor Nishioka seconded by Councilor Phillips to Engross Ordinance Bill No. 8-24 and advance it to second reading.

The motion carried by the following vote:

Aye: 8 - Hoy, Nordyke, Phillips, Stapleton, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 1 - Gonzalez

Abstain: 0

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

Staff Presentation by Jamie Donaldson, Planner.

Persons testifying:

None.

Questions and Comments by Councilor Gwyn

A motion was made by Councilor Nordyke, seconded by Councilor Phillips to 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.

The motion carried by the following vote:

Aye: 8 - Hoy, Nordyke, Phillips, Stapleton, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 1 - Gonzalez

Abstain: 0

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

A motion was made by Councilor Hoy seconded by Councilor Gwyn that all current applications for the Salem Planning Commission be provided to all City Council members, and that City Council, at the October 14, 2024 City Council meeting, determine if additional applicants, beyond those recommended by the Boards and Commissions Committee, be interviewed for potential appointment to the three vacant Planning Commission positions.

A motion was made by Councilor Gwyn seconded by Councilor Nordyke to suspend the rules to consider Councilor Hoy's motion this evening.

The motion to suspend failed by the following vote

Aye: 5 - Hoy, Nordyke, Stapleton, Hoy, and Gwyn

Nay: 3 - Phillips, Varney, and Nishioka

Absent: 1 - Gonzalez

Abstain: 0

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

None.

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

A motion was made by Councilor Stapleton, seconded by Councilor Nordyke to Conduct first reading of Ordinance Bill No. 10-24 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.

The motion carried by the following vote:

Aye: 8 - Hoy, Nordyke, Phillips, Stapleton, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 1 - Gonzalez

Abstain: 0

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

A motion was made by Councilor Nishioka, seconded by Councilor Phillips to 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.

The motion carried by the following vote:

Aye: 8 - Hoy, Nordyke, Phillips, Stapleton, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 1 - Gonzalez

Abstain: 0

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

See Agenda Item 2

9. ADJOURNMENT

8:05 p.m.