

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, May 13, 2024

6:00 PM

Council Chambers / Hybrid Meeting

City Council

City Council

City Manager's Conference Room 5:15 p.m.

Real Property Transactions ORS 192.660 (2) (e)

WORK SESSION

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

Call to Order

6:04 p.m.

Roll Call

Councilor Nordyke left the meeting at 9:00 p.m.

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

Absent: 1 - Councilor Phillips

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

None.

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: guest Councilor Soltz, Councilors Nordyke, Stapleton, Nishioka, Varney, Hoy and Mayor Hoy

1.3 PROCLAMATIONS

1.3a. [24-119](#) Proclamation - Fill the Boot Days 2024

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

Mayor Hoy read the proclamation.

1.3b. [24-193](#) Proclamation - Public Works Week

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Councilor Stapleton read the proclamation.

1.4 PRESENTATIONS

None.

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

Apperances by:

- Lyle Schellenbera 672 Halzeltiyne Avenue SE Agenda Item 5.a 24-114
- Chris McGhee Eugene, OR Agenda Item 5.a 24-114
- Jonathon Rodriquez 1636 E Portland Or Agenda Item 5.a 24-114
- Trampas Simmons 300 Market Street Agenda Item 5.a 24-114
- Steve Deacon Portland Agenda Item 5.a 24-114
- Beth Schmidt Salem Agenda Item 3.2a and 3.3d 24-174 and 24-182
- Jim Scheiss Ward 8 Agenda Item 5.a 24-114
- Mike Erdmann 2075 Madrona Avenue SE Agenda Item 5.a 24-114
- Tom Hoffert 1110 Commercial NE Agenda Item 5.a 24-114

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

A motion was made by Councilor Stapleton, seconded by Mayor Hoy to approve the consent calendar with a pull of item 3.3a by Councilor Gwyn. see Item 5.d

The motion carried by the following vote:

- Aye:** 7 - Hoy, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn
- Nay:** 0
- Absent:** 2 - Nordyke, and Phillips
- Abstain:** 0

3.1 MINUTES

3.1a. [24-162](#) April 22, 2024 Draft City Council Minutes

Action: approved

3.2 RESOLUTIONS

3.2a. [24-174](#) Acquisition of Property for the Pedestrian Safety Crossings Project

Ward(s): Wards 1, 2, 5, 6.
Councilor(s): Stapleton, Nishioka, Gonzalez, Hoy
Neighborhood(s): East Lancaster Neighborhood Association,
Highland Neighborhood Association, Northeast Neighbors
Neighborhood Association, Northeast Salem Community Association,
Southeast Salem Neighborhood Association
Result Area(s): Safe, Reliable and Efficient Infrastructure

**Adopted Resolution Nos. 2024-18, 2024-19, 2024-20, 2024-21, 2024-22,
and 2024-23 declaring a public need to acquire; the City of Salem's intent
to negotiate; and if necessary, authorizing the City Attorney to commence
eminent domain proceedings for the acquisition of right-of-way and
easements for the Pedestrian Safety Improved Crossings Project.**

3.2b. [24-191](#) Internal Borrowing from the City’s Building & Safety Fund to the
Emergency Services Fund for capital improvements.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe and Healthy Community.

**Adopted Resolution No. 2024-24, approving an internal borrowing from the
City’s Building & Safety Fund to the Emergency Services Fund for capital
expenses in an amount not to exceed \$6,000,000.**

3.3 ACTION ITEMS

3.3a. [24-165](#) Appointments to the Community Police Review Board, Salem Parks
and Recreation Advisory Board, and Salem Public Library Advisory
Board, and recommending an appointment to the Salem Planning
Commission without an interview.

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

Item 3.3a was pulled by Councilor Gwyn, see Agenda Item 5.d

3.3b.. [24-171](#)

Third Amendment to the Lease Agreement between the City of Salem and Capitol Community Television.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Healthy Community.

Authorized the City Manager to execute Third Amendment to the Lease Agreement with Capital Community Television to waive their rent obligation under the existing lease through April 30, 2026.

3.3c. [24-181](#)

Petition to vacate a public sanitary sewer easement located near Orchard Heights Road NW and Linwood Street NW.

Ward(s): Ward 8

Councilor(s): Councilor Varney

Neighborhood(s): West Salem Neighborhood Association

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

Accepted a petition to vacate a public sanitary sewer easement located near Orchard Heights Road NW and Linwood Street NW and direct the City Manager to set a public hearing to consider the request.

3.3d. [24-182](#)

Safe Streets and Roads for All grant application for pedestrian crossing improvement projects.

Ward(s): Wards 1, 2, 3, 5, 6

Councilor(s): Councilors Stapleton, Nishioka, Phillips, Gonzalez, and Hoy

Neighborhood(s): East Lancaster Neighborhood Association, Grant Neighborhood Association, Highland Neighborhood Association, Northeast Neighbors Neighborhood Association, North East Salem Community Association, North Lancaster Neighborhood Association, Northgate Neighborhood Association, Morningside Neighborhood Association, South Central Association of Neighbors

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

Authorized the City Manager to apply for federal funding up to \$10 million through the SS4A program, using up to \$2.5 million of Safety and Livability Bond funds as match, to construct a series of pedestrian crossing improvement projects and further authorize the City Manager to enter into an agreement with the US DOT to accept the funds.

3.3e. [24-175](#)

Oregon Department of Transportation Local Agency Certification Program Agreement

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Authorized the City Manager to execute a Local Agency Certification Program Agreement and all associated Supplemental Project Authorizations with the State of Oregon Department of Transportation.

3.3f. [24-153](#)

Ground lease with WLS Enterprises, LLC for property located at Salem Municipal Airport.

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): SEMCA

Result Area(s): Good Governance; Strong and Diverse Economy.

Authorized the City Manager to execute the attached ground lease with WLS Enterprises, LLC for property at the Salem Municipal Airport.

4. PUBLIC HEARINGS

4.a [24-183](#)

City Council review of an appeal filed by a neighboring property owner following the Planning Administrator’s decision approving a 405-unit multi-family residential development, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 and Class 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03 for property located at 4650 Hazelgreen Road NE.

Ward(s): 5
Councilor(s): Gonzalez
Neighborhood(s): Northgate Neighborhood Association
Result Area(s): Welcoming and Livable Community

Staff Presentation by Aaron Panko, Planner III.

Persons Testifying:

- Zach Peltz 2700 River Road N, Agenda Item 4.a. 24-183**
- Yasha Renner 429 N. Water Street Silverton Agenda Item 4.a 24-183**
- Brent Morace 2756 Hazelgreen Road NE Agenda Item 4.a. 24-183**
- Steven Shulke 2795 Hazelgreen Road Agenda Item 4.a 24-183**

Questions and Comments by: Councilors Gwyn, Stapleton, Nishioka, Guest Councilor Soltz and Mayor Hoy.

A motion was made by Councilor Gonzalez, seconded by Councilor Stapleton to: Affirm the Planning Administrator’s decision approving Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 and Class 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03 with the addition of a fence. Conditon 23: A minimum six-foot-tall, decorative, sight-obscuring fence meeting the requirements of SRC Chapter 702.020(b)(2) shall be provided along the south property line, between the site’s west property line and the planned westerly right-of-way of Lunar Drive, to buffer between the multiple family development and the abutting RS zoned property to the south.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Phillips

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. [24-114](#)

Multiple Unit Housing Tax Incentive Program application by Deacon Development, LLC seeking a 10-year property tax exemption for a 105-unit apartment development located at 277 High Street NE.

Ward(s): Ward 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community

Questions and Comments by: Councilors Nordyke, Varney, Stapleton, Hoy, Nishioka and Mayor Hoy.

A motion was made by Councilor Stapleton, seconded by Councilor Gonzalez to (1) Adopt Resolution No. 2024-15 approving an application by Deacon Development, LLC for tax exemption under the City's Multiple Unit Housing Tax Incentive Program; and

(2) Direct staff to make a request to boards of other taxing districts to adopt a resolution agreeing with the policy of providing a tax exemption for the project, therefore exempting the multiple family residential portion of the project's full property tax liability.

An amended motion was made by Mayor Hoy, seconded by Councilor Stapleton to amend the motion to require transparency documentation to include the identity of each contractor, subcontractor and all companies performing work on the project whether a sole proprietor, independent contractor, company or other entity, be filed with the city at the time building permits are acquired, that the list be posted on the job site and updated monthly and a final list be filed with the city upon completion of the project.

For each contractor and subcontractor so identified the following information will be listed:

- 1. Scope of Inspected Work to be performed.**
- 2. State contractor's license number, license category, and license expiration date, if a license is required to perform the identified scope of work.**
- 3. State and federal tax identification numbers.**
- 4. Valid worker's compensation insurance information, including policy number and expiration date.**

The amended motion carried by unanimous vote.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Phillips

Abstain: 0

5.b. [24-134](#) Annual Historic Landmarks Commission Report.

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

Presentation by Kristin Straus, Chair of the Historic Landmarks Commisison.

Questions and Comments by: Councilor Nishioka

5.c. [24-190](#) Information on Salem Fire Department Implementing the approved Ambulance Operator Model with Fire Department Oversight.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe and Healthy Community

Presentation by Mike Niblock, Fire Chief

Questions and Comments by: Councilors Nordyke, Varney, Stapleton and Guest Councilor Soltz

5.5d [24-165](#) Appointments to the Community Police Review Board, Salem Parks and Recreation Advisory Board, and Salem Public Library Advisory Board, and recommending an appointment to the Salem Planning Commission without an interview.

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

A motion was made by Councilor Gwyn, seconded by Councilor Nordyke to appoint the applicants to the Community Police Review Board, Salem Parks and Recreation Advisory Board and the Salem Public Library Advisory board and interview the top three candidates for Planning Commission.

Questions and Comments by: Councilors Gwyn, Nordyke, Stapleton, Nishioka and Hoy.

An amended motion was made by Councilor Gwyn, seconded by Councilor Nishioka to appoint all of the applicants except the planning commission.

The amended motion carried by unanimous vote.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Phillips

Abstain: 0

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

6.a. [24-161](#) Notice of proposed administrative rulemaking for the Watershed Protection and Preservation Grant Program.

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

This information report was received and filed

6.b. [24-166](#) Appointments to the Salem Human Rights Commission, Center 50 Advisory Commission, Salem Cultural and Tourism Promotion Advisory Board, and Salem Public Art Commission.

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

This information report was received and filed

6.c. [24-167](#) Planning Administrator Decision - A tentative partition plan to create three parcels - Approved.

Partition Tentative Plan Case No. PAR24-05 - Karl Goertzen - 3370 Darrin St NW.

Ward(s): 8
Councilor(s): Varney
Neighborhood(s): WSNA

This information report was received and filed

6.d. [24-168](#)

Changes to City Council Committee Assignments

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This information report was received and filed

Questions and Comments by: Councilors Stapleton and Gwyn

6.e. [24-169](#)

The City of Salem is partnering with the University of Oregon's Sustainable City Year Program for the 2023 - 2024 academic year to advance City Council and community priorities.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Result Areas - Good Governance; Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

This information report was received and filed

6.f. [24-173](#)

Planning Administrator Decision - To divide 21.55 acres into 100 lots - Approved.

Phased Subdivision Tentative Plan / Class 2 Adjustment Case No. SUB-ADJ24-02 - Andrew Fields, James Fields, Brenda A. Young, Paul Duchateau, Oregon Conference Adventist Churches - 5012 to 5122 Hayesville Drive NE and 4625 Cordon Road NE

Ward(s): 5

Councilor(s): Gonzalez

Neighborhood(s): Northgate

This information report was received and filed

6.g. [24-184](#)

Planning Administrator Decision - To divide 0.46 acres into two parcels - Approved.

Tentative Partition Plan Case No. PAR24-04 - Christopher Ream, Karl Goertzen - 995 Fairview Ave SE.

Ward(s): 2
Councilor(s): Nishioka
Neighborhood(s): SCAN

This information report was received and filed

6.h. [24-189](#)

Planning Administrator Decision - To remove eight significant trees on a vacant lot to allow construction of one house - Approved.

Tree Variance Case No. TRV24-01 - Lisa Heller - 3924 Croisan Mountain Dr S.

Ward(s): 7
Councilor(s): Nordyke
Neighborhood(s): SWAN

This information report was received and filed

7. ORDINANCES

7.1 FIRST READING:

7.1a. [24-176](#)

Amending Salem Revised Code Chapter 41 (System Development Charges) Relating to Accessory Dwelling Units Exemptions

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe and Reliable Infrastructure
ISSUE:

Shall City Council conduct first reading of Ordinance Bill No. 5-24 amending Chapter 41 (System Development Charges) of the Salem Revised Code and advance it to second reading?

RECOMMENDATION:

A motion was made by Councilor Stapleton, seconded by Councilor Hoy to Conduct first reading of Ordinance Bill No. 5-24 amending Chapter 41 (System Development Charges) of the Salem Revised Code and advance it to second reading.

Question and Comments by: Councilor Stapleton and Mayor Hoy

The motion carried by the following vote:

Aye: 7 - Hoy, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 2 - Nordyke, and Phillips

Abstain: 0

7.1b. [24-170](#)

Annexation of an approximately 1.32-acre territory located at 4785 and 4815 Auburn Road NE (ANXC-757).

Ward(s): Ward 6
Councilor(s): Hoy
Neighborhood(s): ELNA
Result Area(s): Welcoming and Livable Community

A motion was made by Councilor Hoy, seconded by Councilor Stapleton to Advance Ordinance Bill No. 4-24, approving annexation, applying City Zoning, and approving withdrawal from the Marion County Fire District #1 and the East Salem Sewer and Drainage District, for a territory located at 4785 and 4815 Auburn Road NE, and advance to second reading.

The motion carried by the following vote:

Aye: 7 - Hoy, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 2 - Nordyke, and Phillips

Abstain: 0

7.2 SECOND READING:

8. PUBLIC COMMENT: (Other than agenda items)

Maxine Ward 1 Gaza Ceasefire
Mezzli Ward 3 Gaza Ceasefire
Kaire Doinin Ward 4 Gaza Ceasefire
Sabrina Ward 3 Gaza Ceasefire
Enam Ward 1 Ceasefire res
Clifford Eiffler-Rodriquez Ward 7 Ceasefire
Jessenya Salinas Ward 1 Ceasefire
Margaret Manoogian Ward 3 Center 50+
Samiyah Foster Ward 1 Democracy and humane rights related to Salem
civic values
Allyssa Cokinis Ward 2 Ceasefire Resolution

9. ADJOURNMENT

9:30 p.m.