

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, December 13, 2021

6:00 PM

Virtual Meeting

City Council

****Due to the COVID-19 Pandemic, this meeting is being conducted virtually, with remote attendance by the governing body. No in-person attendance is possible. Interested persons may view the meeting online at CC:Media You Tube Channel or watch on Comcast Cable 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@cityofsaalem.net. Public comment and testimony may also be provided during the meeting via Zoom. Please pre-register between 8:00 a.m. and 2:00 p.m. on the day of the meeting at the following link: <https://www.cityofsaalem.net/Pages/Public-Comment-at-Salem-City-Council-Meeting.aspx>.**

EXECUTIVE SESSION

None.

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

6:15 p.m.

Roll Call

- Present:** 8 - Councilor Andersen, Councilor Lewis, Mayor Bennett, Councilor Leung, Councilor Nordyke, Councilor Phillips, Councilor Stapleton, and Councilor Gonzalez
- Absent:** 1 - Councilor Hoy

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Mayor Bennett, seconded by Councilor Stapleton to approve the addition to the agenda and to move item 5.a, Salem Public Art Commission Annual Report and Presentation, under Presentations, item 1.4b.

The addition was item 3.3e., Priorities for 2022 Oregon Legislative Session.

Comments by Mayor Bennett.

The motion CARRIED by the following vote:

- Aye:** 8 - Andersen, Lewis, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez
- Nay:** 0

Absent: 1 - Hoy

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilor Andersen, Mayor Bennett, City Manager Powers, Councilors Phillips, Leung and Nordyke.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

1.4a. [21-547](#)

Presentation of 2021 Volunteer Recognition awards: Special Mayor's, Richard Swyers Public Works, Vern Miller, and Willard C. Marshall.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Bennett announced the names of the recipients of the fourth and final installment of the 2021 Volunteer Recognition Awards, followed by a video presentation featuring the award recipients for the following categories:

***SPECIAL MAYOR'S AWARDS awarded to:**

The first of two Special Mayor's Awards is the Richard Sawyers Public Works Employee Award. This award is named after Richard Swyers, a former longtime Public Works employee, for his dedication and service to the City. The inaugural award was presented to Public Works Crew Leader Kevin Garcia;

The second Special Mayor's Award was awarded to:

David Beem, Community advocate for persons with disabilities.

***VERN MILLER AWARD awarded to:**

Ken Van Osdol and Barry Nelson, Salem Rotary, for the Jerry Frank Amphitheater Project.

***WILLARD C. MARSHALL AWARD awarded to:**

Jimmy Jones, Executive Director, Mid-Willamette Valley Community Action Agency and the ARCHES Project staff for their efforts to address homelessness.

Mayor Bennett also recognized Salem Police Department, Salem Code Compliance Officers and Jack Conwell of Affordable Towing for their recent work in helping to tag and clean up abandoned vehicles in the Claggett Creek Natural Area.

1.4b. [21-523](#)
(5.a)

Salem Public Art Commission Annual Report and Presentation

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community

Christine D’Arcy, Chair, Salem Public Art Commission presented the annual report, assisted by Heather Dimke, Management Analyst, Public Works.

Comments by Mayor Bennett.

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

The following individual provided comments via remote video:

Mark Wigg, No address provided, item 3.3b, file 21-541.

Comments by Councilor Lewis.

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

A motion was made by Mayor Bennett, seconded by Councilor Stapleton, to approve the consent calendar with the pull of item 3.3d by Councilor Andersen.

Questions or Comments by: Mayor Bennett, Councilors Andersen, Leung and Nordyke.

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Lewis, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Hoy

Abstain: 0

3.1 MINUTES

3.1a. [21-565](#)

December 6, 2021 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

3.2a. [21-527](#) Civil Rights Act Title VI Plan Update

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

Adopted Resolution No. 2021-51, approving the update to the City of Salem Civil Rights Act Title VI Plan Update.

3.3 ACTION ITEMS

3.3a. [21-532](#) Purchase of 2.72 acres of wetland credits from the Mud Slough Wetland Mitigation Bank for the Salem Business Campus

Ward(s): Ward 3
Councilor(s): Councilor Phillips
Neighborhood(s): SEMCA
Result Area(s): Natural Environment Stewardship; Strong and Diverse Economy

Authorized the City Manager to purchase 2.72 acres of wetland credits and utilize up to \$340,000 in unspecified FY 21-22 Salem Business Campus funding for the purchase.

3.3b. [21-541](#) Intergovernmental Agreement between the City of Salem and the Salem Housing Authority for property management services at City-owned property located at 1440, 1460, and 1508 Wallace Road NW.

Ward(s): 1 and 8
Councilor(s): Stapleton and Lewis
Neighborhood(s): West Salem Neighborhood Association
Result Area(s): Good Governance; Natural Environment Stewardship; Safe Community; Welcoming and Livable Community.

Authorized the City Manager to execute the attached Intergovernmental Agreement between the City of Salem and the Salem Housing Authority to provide property management services to City owned property located at 1440, 1460, and 1508 Wallace Road NW, Salem, OR 97304.

3.3c. [21-560](#)

Recommended appointments and reappointments to the Citizen Budget Committee, Citizens Advisory Traffic Commission, Downtown Advisory Board, Salem Cultural and Tourism Promotion Advisory Board, Salem Parks and Recreation Advisory Board, and Salem Planning Commission (recommended interviews), and Salem Public Art Commission.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Result Area - Good Governance

The following applicants were appointed or reappointed:

Citizen Budget Committee:

Appointed Andrew Cohen as the Ward 4 representative to a full term expiring on June 30, 2024.

Citizens Advisory Traffic Commission:

Reappointed Kenneth Adams to a term #2 expiring on December 31, 2024;

Reappointed Nick Cantowine to a term #2 expiring on December 31, 2024;

Appointed Kenneth Cannady-Shultz to a term #1 expiring on December 31, 2024.

Downtown Advisory Board:

Appointed Scott Hossner to a term #1 expiring on December 31, 2024.

Salem Cultural and Tourism Promotion Advisory Board:

Appointed Kelly Thomas to a term #1 expiring June 30, 2024; Appointed

Geoffrey Tiffany to a partial term expiring June 30, 2023.

Salem Parks and Recreation Advisory Board:

Reappointed Dylan McDowell to a term #2 expiring on December 31, 2024;

Appointed Alan Holland to a term #1 expiring on December 31, 2024;

Appointed Joan Lloyd to a term #1 expiring on December 31, 2024.

Salem Planning Commission:

The following candidates are approved to be interviewed on January 10, 2022 at 5:15 p.m.: Robert Bierma, Jordan Truitt, and Logan Lor for term #1 positions expiring on December 31, 2025.

Salem Public Art Commission:

Appointed Zachary Hull to a term #1 expiring on December 31, 2024.

3.3d. [21-561](#)

Grant Agreements with the Salem Housing Authority and the Mid-Willamette Valley Community Action Agency for State of Oregon funds

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Welcoming and Livable Community.

Pulled by Councilor Andersen - See Item 5.c.

3.3e. [21-569](#)

Priorities for 2022 Oregon Legislative Session

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Approved the City of Salem's priorities and policy statements for anticipated legislation resulting from the 2022 Oregon Legislative Session.

4. PUBLIC HEARINGS

4.a. [21-537](#)

Petitioner-Initiated Annexation of Territory Located at Ash Grove Subdivision and Adjacent Lands - Hollywood Drive, NE (Annexation Case No. C-741)

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): NOLA

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure

Staff presentation by Pamela Cole, Planner, Community Development Planning Services.

No Persons Testified.

No Organizations Testified.

Questions or Comments by: Councilor Stapleton and Pamela Cole.

A motion was made by Mayor Bennett, seconded by Councilor Andersen to adopt Order No. 2021-6 ANX determining that the proposal meets the applicable criteria, applying City zoning for the territory, and approving withdrawal of the territory from the East Salem Sewer and Drainage District and Marion County Fire District #1.

Comments by Mayor Bennett.

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Lewis, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Hoy

Abstain: 0

4.b. [21-536](#)

Resolution No. 2021-49 Establishing New Solid Waste Management Service Rates

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.

Staff presentation by Ryan Zink, Franchise Administrator.

The following individual provided testimony via remote video:

Phil Carver, 350 Salem, 1007 Newport Road SE.

Questions or Comments by: Mayor Bennett, Councilor Andersen, Phil Carver and Councilor Nordyke.

Questions for Staff: Councilor Nordyke, Ryan Zink, Mayor Bennett, City Manager Steve Powers, Councilors Andersen, Lewis, Phillips, Stapleton, and Tonya Moffitt, Solid Waste Consultant for the City.

A motion was made by Mayor Bennett, seconded by Councilor Lewis to adopt Resolution No. 2021-49 establishing solid waste management service rates effective January 1, 2022 and January 1, 2023, and rescinding Resolution No. 2019-82.

Additional Questions or Comments by: Councilor Nordyke, Mayor Bennett and Councilor Andersen.

A motion to amend was made by Councilor Andersen, seconded by Councilor Stapleton to only approve the 2022 rates and not provide for 95-gallon carts.

Questions or Comments by: Councilor Andersen, City Manager Steve Powers, Mayor Bennett, Councilors Stapleton, Lewis, Phillips, Gonzalez and Leung.

The motion to amend CARRIED by the following vote:

Aye: 5 Andersen, Leung, Nordyke, Phillips, and Stapleton

Nay: 3 Lewis, Gonzalez, and Bennett

Absent: 1 Hoy

Abstain: 0

Additional Comments by: Mayor Bennett, City Manager Powers, City Attorney Dan Atchison and Ryan Zink.

With the passage of the amendment, it was no longer necessary to adopt Resolution No. 2021-49, since no rate increase is proposed for 2022 and 95-gallon carts were removed from the original motion. The main motion, as

amended, CARRIED by the following vote:

Aye: 6 - Andersen, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 2 - Lewis, and Bennett

Absent: 1 - Hoy

Abstain: 0

4.c. [21-563](#)

Continued Public Hearing - 2021 Unified Development Code Update

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship;
Welcoming and Livable Community

**Opening remarks by Bryce Bishop, Planner, Community Development
Planning Services.**

The following individuals provided testimony via remote video:

**Laura Buhl, Land Use Chair, Northeast Neighbors Neighborhood Association
(NEN), No address provided.**

**Questions or Comments by: Councilor Lewis, Laura Buhl and Councilor
Leung.**

Marissa Theve, 845 Gaines Street NE

**Questions or Comments by: Mayor Bennett, Marissa Theve and Councilor
Stapleton.**

Michael Slater, Ward 7

**Questions or Comments by: Councilor Phillips, Michael Slater and Councilor
Andersen.**

**Mike Erdmann, Chief Executive Officer, Home Builder's Association of Marion
& Polk Counties, 2075 Madrona Avenue SE, Suite 100
Natalie Janney, Multi-Tech Engineering Services, Inc., 1155 13th Street SE**

**Questions or Comments by: Councilor Andersen, Natalie Janney and
Councilor Stapleton.**

Eric Olsen, 1520 Gwinn Street E, Monmouth, OR

**Questions or Comments by: Mayor Bennett, Councilor Andersen, Eric Olsen,
and Councilors Phillips and Stapleton.**

**A motion was made by Mayor Bennett, seconded by Councilor Leung to
close the public hearing and keep the record open to January 10, 2022 at
5:00 p.m., with Council to conduct deliberations and act on the ordinance
at its January 24, 2022 meeting.**

Additional Comments by: Mayor Bennett, Councilors Lewis and Phillips.

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Lewis, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Hoy

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. [21-523](#) Salem Public Art Commission Annual Report and Presentation

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community

This item was reordered - See item 1.4b.

5.b. [21-508](#) Operational Assessment of Salem Police Department’s responses to calls involving the threat of suicide

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community

**Opening remarks from Mayor Bennett and Police Chief Trevor Womack.
Presentation by Karin Houston, KLH Negotiations.**

Questions or Comments by: Councilor Nordyke, Karin Houston and Chief Womack.

This Information Report was received and filed.

5.c. [21-561](#)
(3.3d)

Grant Agreements with the Salem Housing Authority and the Mid-Willamette Valley Community Action Agency for State of Oregon funds

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Welcoming and Livable Community.

A motion was made by Councilor Andersen, seconded by Councilor Lewis to authorize the City Manager to execute the grant agreements with the Housing Authority of the City of Salem and the Mid-Willamette Valley Community Action Agency.

Questions or Comments by: Councilor Andersen, Urban Development Director Kristin Retherford and Josh Eggleston, Interim Chief Financial Officer.

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Lewis, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Hoy

Abstain: 0

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

6.a. [21-516](#)

Report on the February 12, 2021, Ice Storm Activities

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe, Reliable, and Efficient Infrastructure; Welcoming and Livable Community

This Informational Report was received and filed.

Questions or Comments by: Councilor Stapleton and Mark Becktel, Assistant Director, Public Works Operations.

- 6.b. [21-556](#) Purchases approved administratively from November 1, 2021 through November 30, 2021.

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

This Informational Report was received and filed.

- 6.c. [21-559](#) Appointments and reappointments to the Airport Advisory Commission, Center 50+ Advisory Commission, Historic Landmarks Commission, and Human Rights Commission.

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

The following applicants were appointed or reappointed to the following commissions:

Airport Advisory Commission:

**Reappointed John Foley to a term #2 expiring on December 31, 2024;
Reappointed Douglas Brenizer to a term #2 expiring on December 31, 2024;
Appointed Mike Morrow to a term #1 expiring on December 31, 2024.**

Center 50+ Advisory Commission:

**Reappointed David Haber to a term #1 expiring on December 31, 2024;
Appointed Ronald Rubel to a term #1 expiring on December 31, 2024.**

Historic Landmarks Commission:

**Reappointed Andrew Zimmerman to a term #2 expiring on December 31, 2024; Appointed David Holton to a term #1 expiring on December 31, 2024;
Appointed Juliana Inman to a term #1 expiring on December 31, 2024.**

Human Rights Commission:

**Reappointed David Rheinholdt to a term #1 expiring on December 31, 2024;
Appointed Leah Brooks to a term #1 expiring on December 31, 2024;
Appointed Amelia Knight to a term #1 expiring on December 31, 2024;
Appointed Susan McNaught to a term #1 expiring on December 31, 2024;
Appointed Bonnie Davidson to a partial term expiring on December 31, 2022.**

6.d. [21-562](#)

Planning Administrator Decision - A consolidated application to create 238-lots for single family development and open space lots (Headwaters Subdivision). - Approved.

Tentative Phased Subdivision Plan and Class 2 Adjustment Case No. SUB-ADJ21-10 - 5600 Block of Reed Road SE and Battle Creek Road SE - Pahlisch Homes INC on behalf of John Miller, Landau SFV LLC.

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

This Informational Report was received and filed.

Comments by: Councilor Leung and Mayor Bennett.

7. ORDINANCES

7.1 FIRST READING:

7.1a. [21-545](#)

Petitioner-Initiated Annexation of Territory Located at 6565 Sunnyside Road SE - 97302 (Annexation Case No. C-729)

Ward(s): 4
Councilor(s): Leung
Neighborhood(s): SGNA
Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure

A motion was made by Councilor Leung, seconded by Councilor Phillips to conduct First Reading and advance Ordinance Bill No. 15-21 approving annexation, applying City zoning, and approving withdrawal from Salem Suburban Rural Fire Protection District for a 1.18-acre territory located at 6565 Sunnyside Road SE to second reading for enactment.

Comments by Councilor Lewis.

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Lewis, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Hoy

Abstain: 0

7.1b. [21-546](#)

Petitioner-Initiated Annexation of Territory Located at 4120 Fisher Road NE and Adjacent Lands - 97305 (Annexation Case No. C-740)

Ward(s): 5

Councilor(s): Gonzalez

Neighborhood(s): Northgate

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure

A motion was made by Councilor Gonzalez, seconded by Councilor Stapleton to advance Ordinance Bill No. 16-21 approving annexation, changing the zoning, and approving withdrawal from the East Salem Sewer and Drainage District and Marion County Fire District #1 for a 4.35-acre territory located at 4120 Fisher Road NE and Adjacent Lands to second reading for enactment.

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Lewis, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Hoy

Abstain: 0

7.1c. [21-533](#)

Amending the criteria for a major, City-initiated, comprehensive plan map amendment.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

A motion was made by Mayor Bennett, seconded by Councilor Lewis to advance Ordinance Bill No. 17-21 and schedule a public hearing.

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Lewis, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Hoy

Abstain: 0

7.2 SECOND READING:

7.2a. [21-558](#)

Adoption of new City Council ward boundaries.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Conducted second reading of Ordinance Bill No 14-21, adopting new City Council ward boundaries and amending SRC 11.231 and 11.232 and Repealing SRC 11.233, 11.234, 11.235, 11.236, 11.237, 11.238 and 11.239.

Ordinance Bill No. 14-21 was APPROVED by the following vote:

Aye: 8 - Andersen, Lewis, Bennett, Leung, Nordyke, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Hoy

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

9:43 p.m.