

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, November 27, 2023

6:00 PM

Hybrid Meeting / Council Chambers

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

5:30 p.m. - 5:45 p.m. - City Manager's Conference Room

Current or Pending Litigation - ORS 192.660(2)(h)

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

6:26 p.m.

Roll Call

Councilor Gonzalez attended the meeting remotely.

Present: 9 - Councilor Hoy, Councilor Nordyke, Councilor Phillips, Councilor Stapleton, Councilor Gonzalez, Councilor Varney, Councilor Nishioka, Mayor Hoy, and Councilor Gwyn

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Stapleton, seconded by Councilor Phillips to approve the addition to the agenda. The addition corrects the ward number listed on agenda item 6.b (file 23-432) from Ward 7 to Ward 4.

Comments by Councilor Stapleton.

The motion CARRIED by the following vote:

Aye: 9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Mayor Hoy, Councilors Nordyke and Hoy, and City Manager Keith Stahley.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

None.

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

The following individuals provided comments:

Kelly Thomas, 664 Breys Avenue NE, Item 5.a, File 23-459
Roger Bell, Ward 4, Item 7.2a, File 23-449

Item 8, Public Comment, was also heard at this time:

Tim Cowan, 1160 Schurman Avenue NE, Payroll tax and Budget

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 Councilor Nishioka to approve the consent calendar with the pulls of item 3.2a by Councilor Varney and item 3.3a by Councilor Hoy.

Questions or Comments by: Councilors Stapleton and Hoy, Mayor Hoy, and Councilor Nishioka.

The motion CARRIED by the following vote:

Aye: 9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Abstain: 0

3.1 MINUTES

- 3.1a. [23-445](#) November 13, 2023 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

- 3.2a. [23-422](#) Modification or addition of certain fees related to climate mitigation in the Planning Division and parking fees at the Salem Municipal Airport.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Pulled by Councilor Varney - See item 5.b.

- 3.2b. [23-434](#) Update to the Natural Hazards Mitigation Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Healthy Community

Adopted Resolution No. 2023-36, updating the City of Salem Natural Hazards Mitigation Plan.

3.3 ACTION ITEMS

- 3.3a. [23-411](#) Purchase and Sale Agreement with East Park, LLC for the acquisition of a 6.63-acre future park property.

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

Result Area(s): Natural Environment Stewardship; Safe and Healthy Community; Welcoming and Livable Community.

Pulled by Councilor Hoy - See item 5.c.

3.3b. [23-438](#)

Purchase and Sale Agreement with Beckwith Family Trust for acquisition of property related to the Shelton Ditch Improvement Project.

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): SESNA

Result Area(s): Good Governance; Natural Environment Stewardship; Safe, Reliable and Efficient Infrastructure.

Authorized the City Manager to execute the Purchase and Sale Agreement with Beckwith Family Trust.

4. PUBLIC HEARINGS**4.a.** [23-417](#)

Exemption from Competitive Bidding Process and Authorization of an Alternative Contracting Method for the Willow Lake Water Pollution Control Facility North Primary Anaerobic Digesters No. 1 and No. 2.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Staff presentation by James Winslow, Assistant Traffic Engineer, Public Works.

Persons testifying: None.

Questions for staff: Councilors Phillips and Gwyn, and City Attorney Dan Atchison.

A motion was made by Councilor Stapleton, seconded by Councilor Phillips to adopt Resolution No. 2023-33, in support of an exemption from the competitive bidding process and use of a CM/GC contracting method for the Willow Lake Water Treatment Facility Anaerobic Digesters No. 1 and No. 2 Rehabilitation Project.

Comments by: Councilors Stapleton and Nishioka.

The motion CARRIED by the following vote:

Aye: 9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Abstain: 0

4.b. [23-431](#)

Public Hearing for a Salem Transportation System Plan Amendment
Relating to Colorado Drive NW and Landaggard Drive NW.

Ward(s): 8

Councilor(s): Varney

Neighborhood(s): West Salem Neighborhood Association

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

**Staff presentation by Julie Hanson, Transportation Planning Manager,
Public Works.**

**Advance Ordinance Bill No. 15-23 (Attachments 2 and 3) to second reading
for enactment.**

Persons testifying remotely:

Joaquin Lara Midkiff, Ward 8

In-person testimony from the following individuals:

James Pavelek, 2825 Colorado Drive NW

Questions or Comments by: Mayor Hoy.

**Steven Anderson, Land Use Chair, West Salem Neighborhood Association,
Ward 8**

E.M. Easterly, Ward 8

**Questions for staff: Mayor Hoy, Public Works Director Brian Martin,
Councilor Stapleton, Planning Administrator Lisa Anderson-Ogilvie,
Transportation Planning Manager Hanson, Councilors Hoy, Nishioka, and
Gwyn, and City Attorney Dan Atchison.**

**A motion was made by Councilor Varney, seconded by Councilor Stapleton
to engross Ordinance Bill No. 15-23, by adding the following finding to
Section 1(C) of the ordinance bill:**

**"The Public Works Design Standards provide for a maximum 8% grade for
collector streets. City Council approved an alternative street standard of
up to 12% for the new collector street in the consolidated land use
decision for the six-lot subdivision for Titan Hill Estates and Titan Hill
Apartments. While the extension of Colorado Drive, NW as a collector
street meets the applicable criteria, a collector street grade exceeding 8%
is not supportive of the goal of serving the mobility and multimodal travel
needs of all abilities," and advance the ordinance bill, as engrossed, to
second reading for enactment.**

**Questions or Comments by: Mayor Hoy, Councilors Varney, Stapleton,
Nordyke, and Phillips, City Attorney Dan Atchison, and Councilor Hoy.**

At 7:49 p.m., Mayor Hoy called a five-minute recess; the meeting resumed

at 7:57 p.m.

The motion, as engrossed, **CARRIED** by the following vote:

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

Nay: 1 - Nordyke

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. [23-459](#) Revenue Task Force discussion and information

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Opening remarks by City Manager Keith Stahley.

Revenue Task Force presentation by Colleen Rozillis, Moss Adams Consulting.

Questions or Comments by: Mayor Hoy, Councilor Nordyke, Colleen Rozillis, Councilors Varney, Stapleton, Nishioka, Phillips, Gonzalez, Hoy, and Gwyn, City Manager Keith Stahley, Chief Financial Officer Josh Eggleston, and City Attorney Dan Atchison.

A motion was made by Councilor Stapleton, seconded by Councilor Nishioka to approve the formation of a Revenue Task Force to explore revenue options for the General Fund.

Comments by Councilor Stapleton.

The motion CARRIED by the following vote:

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

Nay: 1 - Hoy

Abstain: 0

Item 5.a., Additional Comments or Questions by: Mayor Hoy and City Manager Stahley.

**5.b. [23-434](#)
(3.2.a)**

Update to the Natural Hazards Mitigation Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Healthy Community

A motion was made by Councilor Varney, seconded by Councilor Nishioka to adopt Resolution No. 2023-36, updating the City of Salem Natural Hazards Mitigation Plan.

Questions or Comments by: Councilor Varney, Mayor Hoy, Public Works Director Brian Martin, and Chief Financial Officer Josh Eggleston.

The motion CARRIED by the following vote:

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

Nay: 2 - Stapleton, and Gwyn

Abstain: 0

**5.c. [23-438](#)
(3.3.a)**

Purchase and Sale Agreement with Beckwith Family Trust for acquisition of property related to the Shelton Ditch Improvement Project.

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): SESNA

Result Area(s): Good Governance; Natural Environment Stewardship; Safe, Reliable and Efficient Infrastructure.

A motion was made by Councilor Hoy, seconded by Mayor Hoy to table the purchase of this property for further discussion.

Questions or Comments by: Councilor Hoy, Chief Financial Officer Josh Eggleston, Mayor Hoy, and Councilor Stapleton.

A substitute motion was made by Councilor Stapleton, seconded by Councilor Phillips to authorize the City Manager to execute the Purchase and Sale Agreement with Beckwith Family Trust.

Questions or Comments by: Mayor Hoy, Councilor Gwyn, Deputy City Manager Scott Archer, Parks Planning Manager Rob Romanek, and Councilors Stapleton, Hoy, Varney, and Nordyke.

The substitute motion CARRIED by the following vote:

Aye: 9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Abstain: 0

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

- 6.a. [23-430](#) Oregon Department of Transportation Local Bridge Program Project Requests for the 2027-2030 Statewide Transportation Improvement Program

Ward(s): 1, 2, 3, 4, and 7

Councilor(s): All Councilors

Neighborhood(s): CANDO, SCAN, Southeast Mill Creek, and Southeast Salem

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

This Informational Report was received and filed.

- 6.b. [23-432](#) Hearings Officer Decision - A zone change to realign boundaries between existing zones along a private street - Approved.

Zone Change Case No. ZC23-01 - Thomas Wettlaufer, Gordon Satrum, Dirk Stangier, Douglas Sproul - 2900 Block of Kuebler Blvd SE.

Correction: The ward number was changed from Ward 7 to Ward 4.

Ward(s): 4

Councilor(s): Gwyn

Neighborhood(s): SGNA

This Informational Report was received and filed.

- 6.c. [23-451](#) Planning Administrator Decision - A tentative partition to divide one parcel in two - Approved.

Tentative Partition Plan / Class 2 Adjustment Case No. PAR-ADJ23-08 - Mark Gehrke - 735 Madrona Ave S

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): SWAN

This Informational Report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

7.1a. [23-448](#)

First Reading of a Code Amendment (Case No. CA23-03) to Salem Revised Code Chapter 900 (Sign Code) and Chapter 300 (Procedures for Land Use Applications and Legislative Land Use Proposals).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

First reading was conducted, and a motion was made by Councilor Stapleton, seconded by Councilor Phillips to advance Ordinance Bill No. 16-23, for the purpose of amending Salem Revised Code Chapter 900 (Sign Code) and Chapter 300 (Procedures for Land Use Applications and Legislative Land Use Proposals) to second reading.

Comments by Councilor Stapleton and Mayor Hoy.

The motion CARRIED by the following vote:

Aye: 9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Abstain: 0

7.1b. [23-393](#)

Revisions to the Salem Revised Code Sections 2.870, 2.880, 2.890, 2.900, and 2.910 related to the Salem Non-Profit Corporation Low Income Housing Tax Exemption Program.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Healthy Community; Welcoming and Livable Community.

First reading was conducted, and a motion was made by Councilor Stapleton, seconded by Councilor Phillips to advance Ordinance Bill 17-23 to a second reading.

The motion CARRIED by the following vote:

Aye: 9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Abstain: 0

7.1c. [23-437](#)

An Annexation of an approximately 48-acre territory located at 7006 Sunnyside Road SE and 7102 Cains Place SE.

Ward(s): 4

Councilor(s): Gwyn

Neighborhood(s): South Gateway

Result Area(s): Welcoming and Livable Community

First reading was conducted, and a motion was made by Councilor Gwyn, seconded by Councilor Nishioka to advance Ordinance Bill No. 18-23, approving annexation, applying City zoning, and approving withdrawal from the Salem Suburban Rural Fire Protection District, for a territory at 7006 Sunnyside Road SE and 7102 Cains Place SE, to second reading for enactment.

Comments by: Councilor Gwyn and Mayor Hoy.

The motion CARRIED by the following vote:

Aye: 9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Abstain: 0

7.2 SECOND READING:**7.2a.** [23-449](#)

Second Reading of a Code Amendment to Implement the State's Climate Friendly and Equitable Communities Parking Lot Requirements and Allow Single-Room Occupancy Housing More Broadly

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Second reading was conducted, and Ordinance Bill No. 7-23, for the purpose of amending Salem Revised Code (SRC) to comply with the State's Climate Friendly and Equitable Communities rules related to parking lot regulations, allow single-room occupancy housing more broadly, and make other related code changes, PASSED by the following vote:

Aye: 9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

See item 2, Public Comment.

9. ADJOURNMENT

9:17 p.m.