

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, March 26, 2018

6:00 PM

Council Chambers

City Council

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**

6:25 p.m.

Roll Call

Present: 9 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Ausec, Councilor Cook, Councilor Lewis, Councilor Hoy, and Mayor Bennett

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

None.

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: City Manager Powers.

1.3 PROCLAMATIONS

1.3 a. 18-128 Proclamation recognizing Arbor Week

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Bennett read and presented the proclamation to Jan Staszewski, Urban Forester, City of Salem and Kasia Quillinan, Chair, Salem Parks and Recreation Advisory Board.

1.3 b. [18-129](#)

Proclamation recognizing Wyland Mayor's Water Conservation Challenge Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Bennett read and presented the proclamation to Ron Crouse, Coordinator for Marion Soil and Water Conservation District, and City staff Deborah Topp, Natural Resources Outreach Specialist, Lacey Goeres-Priest, Water Quality Supervisor, and Brandin Krempasky, Watershed Program Coordinator.

1.3 c. [18-130](#)

Proclamation recognizing Child Abuse Prevention Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Bennett read and presented the proclamation to members of the Child Abuse Prevention Committee: Sue Bloom, Salem Boys & Girls Club, Julie Hilty, Family Building Blocks, Tricia Ratliff, HOME Youth & Resources, Mary Grim, Marion County.

1.4 PRESENTATIONS

None.

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

Agenda item 8, Public Comment, heard at item 2.

Appearances by:

Dan Wren, no address provided, Announcing candidacy for Marion County Circuit Court Judge.

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

A motion was made by Councilor McCoid, seconded by Councilor Nanke to approve the consent calendar.

Comments by: Councilor McCoid.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

3.1 MINUTES

3.1 a. [18-140](#) March 12, 2018 Draft Council Minutes

Action: Approved.

3.2 RESOLUTIONS

3.2 a. [18-93](#) Initiation of eminent domain/condemnation proceedings related to the Fisher Road NE Improvements Project.

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): NESCA

Adopted Resolution 2018-16 authorizing the use of eminent domain to acquire right-of-way from one remaining property owner for construction of the Fisher Road NE Extension Improvements project.

3.2 b. [18-135](#) Amending Council Policy No. C-7, Investment Policy and Portfolio Guidelines.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Adopted Resolution No. 2018-17 amending Council Policy No. C-7, Investment Policy and Portfolio Guidelines.

3.3 ACTION ITEMS

3.3 a. [18-113](#)

Intergovernmental Agreement with the State of Oregon regarding real property in the 4100 block of Fisher Road NE.

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

Authorized the City Manager to execute the attached third amendment to the Intergovernmental Agreement with the State of Oregon, extending the closing date for the acquisition of real property in the 4100 block of Fisher Road NE.

3.3 b. [18-115](#)

Transfer of real property between the City of Salem and Salem-Keizer School District

Authorized the City Manager to execute the attached amendment to the Intergovernmental Agreement with SKSD, extending the closing date to September 28, 2018 for transferring multiple properties between the City and SKSD.

4. PUBLIC HEARINGS

4. a. [18-132](#) Reconsideration of the Lone Oak Reimbursement District

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

Staff presentation by: Glenn Davis, Engineer, Public Works Planning and Development.

Testifying on behalf of South Gateway Neighborhood Association: Jerry Bennett, Board Member, Ward 4.

Mark Shipman testified on behalf of applicant Garrett and Alice Berndt.

Questions or Comments by: Councilors Andersen, Hoy, McCoid, and Mayor Bennett.

Other persons testifying:

Debbie Quady, 1137 Newport Road

Steve Quady, 1137 Newport Road

Brian Hines, 10371 Lake Drive SE

Dan Dorn, no address provided

John Shepard, Ward 4

Lora Meisner, Ward 4

Bill Dalton, Ward 4

Rich Fry, Ward 4

Jackie Leung, Ward 4

Kathi Schie, 6608 Devon Avenue

Dan Schie, 6608 Devon Avenue

Sam Quady, 414 Rees Hill

Mike Brewer, 6710 Devon Avenue

Questions or Comments by: Councilors Andersen, Hoy, McCoid, Nanke, Cook, Kaser, Lewis, and Mayor Bennett.

Rebuttal: None.

A motion was made by Mayor Bennett, seconded by Councilor McCoid to postpone deliberations to April 23, 2018.

Questions or Comments by: Mayor Bennett, Councilors Anderson and Kaser.

A second motion was made by Councilor Kaser, seconded by Councilor Cook to provide written notification of the April 23, 2018 hearing to all affected property owners and the neighborhood association.

The second motion carried by a unanimous vote.

The original motion to postpone deliberations to April 23, 2018 carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

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)

None.

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

6. a. 18-90 Annual Planning Commission Report

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This Informational Report was received and filed.

6. b. 18-127 Hearings Officer Decision - Conditional Use Case No. CU18-01 - Approved - Eric Kittleson and Carole Smith - 1415 Jefferson Street NE - A conditional use application for a short term rental use in a single family dwelling.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): NEN

This Informational Report was received and filed.

Questions or Comments by: Councilor Andersen.

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6. c. [18-133](#)

Planning Administrator Decision - Class 3 Site Plan Review / Class 2 Driveway Approach Permit / Tree Regulation Variance / Class 1 Adjustment / Class 1 Design Review Case No. SPR-DAP-TRV-ADJ-DR17-29 - Approved - Jeff Gordon for Orchard Heights Apartments LLC (CH Registered Services, LLC (Gretchen Barnes, Cable Huston LLP ((Clark I. Balfour, Robert T. Huston, Thomas M. Grim, James S. Kincaid, Gretchen S. Barnes, Tommy A. Brooks, Lauar J. Walker, Anita H. Grinich, Jan K. Kitchel, Richard G. Lorenz, Laura Maffei, Jon W. Monson, Casey M. Nokes, Chad M. Stokes, Nikki Swift, Katherine O. Vanzanten, James E. Benedict, G. Kevin Kiely, Jonathan J. Cavanagh)), Investment Development Management LLC, Otto E. Gaither, JR) - 1800-2000 Block of Linwood Street NW - Proposed development of a new 322 dwelling unit multi-family apartment complex.

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): West Salem

This Informational Report was received and filed.**Questions or Comments by: Councilors Andersen and Kaser.****6. d. [18-134](#)**

City's legislative activities during the 2018 session of the Oregon State Legislature.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This Informational Report was received and filed.**6. e. [18-139](#)**

Tax Collection Agreement with Airbnb

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This Informational Report was received and filed.

6. f. [18-143](#)

Planning Administrator Decision - Modification of Tentative Phased Subdivision Plan Case No. SUB-PLA14-02MOD1 - West Coast Home Solutions, LLC (Eugene V. Labunsky) - 2825 Brush College Road NW - A modification of the approval of SUB-PLA14-02 (the "Brush College Hills" phased subdivision) to reconfigure street intersection grades within phases 3 and 4 of the subdivision to comply with American with Disabilities Act (ADA) requirements. The required reconfiguration of street intersection grades within these phases consequently requires modification of the alignment of the internal streets and the configuration of lots. The modification results in two additional lots within phase 3; no additional lots are created in phase 4.

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): West Salem

This Informational Report was received and filed.

7. ORDINANCES**7.1 FIRST READING:**

None.

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

See agenda Item 2.

9. ADJOURNMENT

9:11 p.m.