



# CITY OF SALEM

555 Liberty St SE  
Salem, OR 97301

## Meeting Agenda

### City Council

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**Monday, January 9, 2023**

**6:00 PM**

**Hybrid Meeting / Council  
Chambers**

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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](mailto: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 2:00 p.m. on the day of the meeting using this link <https://bit.ly/COScomment>.

#### **EXECUTIVE SESSION**

*None.*

#### **WORK SESSION**

*None.*

#### **1. OPENING EXERCISES:**

##### **Call to Order**

##### **Swearing-in / Oaths of Office:**

**Ward 2, City Councilor, Linda Nishioka**

**Ward 4, City Councilor, Deanna Gwyn**

**Ward 6, City Councilor, Julie Hoy**

**Ward 8, City Councilor, Micki Varney**

**Mayor, Chris Hoy**

**Municipal Court Judge, Eleanor Beatty**

**Roll Call****Pledge of Allegiance****Election of Council President****1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA****1.2 COUNCIL AND CITY MANAGER COMMENT****1.3 PROCLAMATIONS****1.4 PRESENTATIONS****2. PUBLIC COMMENT: (Comment on agenda items other than public hearings and deliberations)****3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)****3.1 MINUTES**

3.1a. [23-9](#) December 12, 2022 Draft City Council Minutes

***Attachments:*** [12-12-22 Draft Council Minutes.pdf](#)

**3.2 RESOLUTIONS**

3.2a. [23-10](#) Transfer of fiscal year 2023 budget appropriations for a State of Oregon Land Use Board of Appeals attorney fee award.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

***Recommendation:***

Adopt Resolution No. 2023-1 authorizing a transfer of appropriations within the City's fiscal year 2023 budget for attorney fees awarded by the Land Use Board of Appeals.

***Summary:***

On May 9, 2022, City Council voted to adopt the staff recommendation and affirm a Hearings Officer decision to deny a conditional land use permit for a multi-family apartment complex in a commercial zone. The State Land Use Board of Appeals (LUBA) reversed the City's decision and ordered the City to pay attorney fees in the amount of \$47,384. A transfer from General Fund contingency is needed to create budget authority for this unanticipated expense.

***Attachments:*** [Resolution No. 2023-1](#)

### 3.3 ACTION ITEMS

3.3a. [22-582](#) Federal Emergency Management Agency Performance Grant.

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

***Recommendation:***

Authorize the City Manager to accept the Federal Emergency Management Agency Performance Grant to support the City's emergency management program for the Fiscal Year 2022/2023.

***Summary:***

The Federal Emergency Management Agency (FEMA) provides Emergency Management Performance Grant (EMPG) funds to states to support state and local emergency management planning activities. This grant funding continues to maintain the City's level of readiness and resilience.

***Attachments:*** [EMPG Agreement 22-540 with the City of Salem](#)  
[EMPG Cover Sheet - FY22](#)

3.3b. [23-4](#) Intergovernmental Agreement with Salem Area Mass Transit District (SAMTD/Cherriots) for Youth Fare Program.

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

***Recommendation:***

Authorize the City Manager to execute the attached Intergovernmental Agreement (IGA) with Salem Area Mass Transit District (Cherriots) for the Youth Fare Program to support youth rideshare.

***Summary:***

During the adoption of the FY 2023 budget, City Council approved a modification to the budget to provide free ridership for youths under 18 in partnership with Cherriots. The pilot program is known as the Youth Fare Program.

**Attachments:** [IGA with SAMTD](#)

[SKPS Ridership Report - Oct. 2021-2022](#)

[SKPS Ridership Report - Nov. 2021-2022](#)

**3.3c. [23-6](#)**

Recommended appointments and reappointments to the Citizen Budget Committee, Citizens Advisory Traffic Commission, Community Police Review Board, Downtown Advisory Board, Salem Cultural and Tourism Promotion Advisory Board, Salem Parks and Recreation Advisory Board, Salem Planning Commission, Salem Public Art Commission, Salem Public Library Advisory Board.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

**Recommendation:**

Appoint and reappoint the recommended applicants to the Citizen Budget Committee, Citizens Advisory Traffic Commission, Community Police Review Board, Downtown Advisory Board, Salem Cultural and Tourism Promotion Advisory Board, Salem Parks and Recreation Advisory Board, Salem Planning Commission, Salem Public Art Commission, Salem Public Library Advisory Board.

**Summary:**

The City Council's Board and Commission Appointments Committee convened on December 14, 2022, to review applications and requests for reappointment.

**Attachments:** [William Dixon application redacted.pdf](#)

[Andrea Madison Application Redacted.pdf](#)

[Sara Ngo Application Redacted.pdf](#)

[Rian Fechtel Application Redacted.pdf](#)

[Roger Williams Application Redacted.pdf](#)

[Jackie Leung Application Redacted.pdf](#)

**3.3d. [23-11](#)**

Application for project funding under the Culvert Removal, Replacement, and Restoration grant program issued by the U.S. Department of Transportation.

Ward(s): 2, 3, 5

Councilor(s): Nishioka, Phillips, Gonzalez

Neighborhood(s): Morningside, Northgate, SESNA, SCAN

Result Area(s): Natural Environment Stewardship; Safe, Reliable,

and Efficient Infrastructure.

**Recommendation:**

Authorize the City Manager to apply for funding to design and construct the following three projects, through the U.S. Department of Transportation and, if successful, authorize the City Manager to enter into an agreement with the Federal Highway Administration to accept these funds.

- Replacement of Railroad and McGilchrist Street SE Culverts on West Fork Pringle Creek;
- Clark Creek at Ratcliff Drive SE Culvert Replacements; and
- Deerhaven Drive NE Culvert Replacement.

**Summary:**

The National Culvert Removal, Replacement, and Restoration grant program makes federal funds available to states, local governments, and Indian Tribes for the replacement, removal, repair, and improvement of culverts or weirs that would meaningfully improve or restore fish passage for anadromous fish. City staff have identified three suitable projects for this grant funding.

**Attachments:** [U.S. Department of Transportation Notice of Funding Opportunity FY 2022 Replacement of Railroad and McGilchrist Culverts on West Fork Pringle Creek Vicinity Map](#)  
[Clark Creek at Ratcliff Drive SE Culvert Replacement Vicinity Map](#)  
[Deerhaven Culvert Replacement Vicinity Map](#)

## 4. PUBLIC HEARINGS

## 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. [22-580](#) Commercial Air Service Project Update for the Salem Municipal Airport.

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): SEMCA

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

SUMMARY:

**Recommendation:**

Information Only.

**Summary:**

The City of Salem must complete several tasks before the Federal Aviation administration (FAA) and Transportation Security Administration (TSA) will federalize the Salem Municipal Airport and authorize the start of commercial air service. These tasks include capital improvements to the passenger terminal building, addition of required staffing (police, fire, and airport) for commercial service operations, and development and federal approval of a new Airport Security Program. Preliminary design (30% level) of the terminal has been completed and cost estimates and schedules have been updated to identify the costs and timelines for commercial air service

**Attachments:** [Salem Airport Terminal Concept Design](#)

[Total Capital Project Cost Estimate Airport Terminal](#)

[Salem Airport Development Project Schedule](#)

[Revenue and Expense Assumptions](#)

[Public Comments received by 1-4-2023.pdf](#)

[Public Comments received by 2:00 p.m., 1-9-2023](#)

[Public Comment received by 5:00 p.m., 1-9-2023](#)

*Add - Written Testimony.*

**5.b.** [23-15](#)

Transfer of appropriations within the City's Fiscal Year 2023 Budget for Airport related staff and construction costs, and the addition of 9.0 FTE to accommodate commercial air service.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Recommendation:**

Adopt Resolution No. 2023-2 authorizing a transfer of appropriations within the City's Fiscal Year 2023 budget for the cost of new Airport related staff and terminal improvement costs, and the addition of 9.0 FTE to accommodate commercial air service.

**Summary:**

An appropriations transfer is needed to move forward with preparations at the Salem Municipal Airport to support commercial air service. The resolution authorizes a transfer of \$2,366,000 from the General Fund for costs to add staff in the Airport Fund and

renovate the Airport Terminal in fiscal year 2023. The resolution also authorizes the addition of 5.0 FTE in the Airport Fund and 4.0 FTE in the General Fund to support this effort.

**Attachments:** [Resolution No. 2023-2](#)

[Public Comments received by 2:00 p.m., 1-9-2023](#)

[Additional Public Comments received by 5:00 p.m., 1-9-2023](#)

*Add - Written Testimony.*

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

- 6.a. [22-589](#) Purchases approved administratively from November 1, 2022 through November 30, 2022.

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

**Recommendation:**

Information only.

**Summary:**

Specific awards and the sources of funds for all contracts administratively awarded, renewed, or modified during the month of November. Included in the report are procurement contracts and public contracting activities with a current fiscal year impact and annual contracts.

**Attachments:** [Purchases approved administratively November 2022.pdf](#)

- 6.b. [23-1](#) Planning Administrator Decision - Tree Regulation Variance for the removal of one significant trees associated with the development of a single-family dwelling. - Approved.

Tree Regulation Variance Case No. TRV22-05 - 281 Stoneway Dr NW - Celtic Homes LLC (Jason Flores, Keri Flores).

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

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision TRV22-05](#)

- 6.c. [23-7](#) Appointments to the Airport Advisory Commission, Center 50+ Advisory Commission, Historic Landmarks Commission, and Salem

Human Rights Commission.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

**Summary:**

Announcing appointments to the Airport Advisory Commission, Center 50+ Advisory Commission, Historic Landmarks Commission, and Salem Human Rights Commission.

**Attachments:** [Christopher Burkholder Application Redacted.pdf](#)

[Scott Harper Application Redacted.pdf](#)

[Karen Bollinger Application Redacted.pdf](#)

[Kirsten Straus Application Redacted.pdf](#)

[Chris Morris Application Redacted.pdf](#)

[Ezekiel J Druker Application Redacted.pdf](#)

[Lisa A Novak Application Redacted.pdf](#)

[Penelope Miles Application Redacted.pdf](#)

**6.d.** [23-16](#)

Planning Administrator Decision - An Urban Growth Area Preliminary Declaration to determine the public facilities required to serve property approximately 15 acres in size for future development. - Approved.

Urban Growth Area Preliminary Declaration Case No. UGA22-03 - 4195 Aumsville Highway SE - Multi-Tech Engineering Inc. on behalf of Cascade Legacy Properties LLC (Ken Rasmussen).

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): SEMCA

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision UGA22-03](#)

## 7. ORDINANCES

### 7.1 FIRST READING:

**7.1a.** [23-8](#)

Vacation of Cross Street SE west of 20th Street SE.

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): Southeast Salem Neighborhood Association

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

**Recommendation:**

Conduct first reading of Ordinance Bill No. 1-23, which vacates Cross Street SE west of 20th Street SE, and advance Ordinance Bill No. 1-23 to second reading for enactment.

**Summary:**

The City of Salem received a petition from DEW Investments, LLC (Petitioner) to vacate Cross Street SE west of 20th Street SE as shown in the attached figures. Petitioner seeks to vacate this area to allow the neighboring Hyundai Dealership to use the right-of-way for secured parking and storage of vehicles. On December 5, 2022, Council approved vacating Cross Street SE.

**Attachments:** [Ordinance Bill No. 1-23](#)

[Legal Description and Map](#)

**7.1b. [23-12](#)**

Annexation of Territory Located at 4650 & 4680 Hazelgreen Road NE and land adjacent (Annexation Case No. C-749)

Ward(s): 5

Councilor(s): Gonzalez

Neighborhood(s): Northgate

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

**Recommendation:**

Advance Ordinance Bill No. 2-23, which contains a revised legal description for the annexation of 4650 & 4680 Hazelgreen Road NE and land adjacent, to second reading for enactment.

**Summary:**

A revised legal description for the annexation of 4650 & 4680 Hazelgreen Road NE and land adjacent.

**Attachments:** [Vicinity Map](#)

[ord 2-23.doc](#)

[Exhibit A - Territory Legal Description and Map](#)

## 7.2 SECOND READING:

## 8. PUBLIC COMMENT: (Other than agenda items)

## 9. ADJOURNMENT

**Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 48 hours prior to the meeting. To request accommodations or services, please call 503-588-6255 or 503-588-6003 (TTD/TTY 503-588-6439), or by e-mail at: [cityrecorder@cityofsalem.net](mailto:cityrecorder@cityofsalem.net) at least two business days in advance.**

**Si necesita ayuda para comprender esta información, por favor llame 503-588-6003.**

**UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS**

- a. [22-587](#) Unless otherwise noted, all meetings, public hearings, and work sessions will be conducted in Council Chambers, located at City Hall, 555 Liberty Street SE, Room 240, with the option for remote attendance. Please see the meeting agenda header for more details on remote attendance. The meetings are also available to watch in real-time online at CC:Media YouTube Channel, as well as Comcast Cable CC:Media Channel 21.

## CITY COUNCIL PUBLIC HEARINGS:

Amendment #6 to 2019 Annual Action Plan (AAP) - Reallocation of Community Development Block Grant (CDBG) Covid Grants; 2019 Annual AAP Amendment  
Monday, January 23, 2023 at 6:00 p.m.

Supplemental Budget 1 for unanticipated City expenses related to operation of the City medic unit  
Monday, January 23, 2023 at 6:00 p.m.

FY 2024 Recommended Budget  
Monday, June 12, 2023 at 6:00 p.m.

State Revenue Sharing  
Monday, June 12, 2023 at 6:00 p.m.

## SALEM HOUSING AUTHORITY PUBLIC HEARINGS:

## URBAN RENEWAL AGENCY PUBLIC HEARINGS:

FY 2024 Recommended Budget  
Monday, June 12, 2023 at 6:00 p.m.

## CITY COUNCIL WORK SESSIONS:

2023 Council Policy Agenda and New State Rules on Sheltering in Public Spaces  
Tuesday, January 17, 2023 at 6:00 p.m.

## BUDGET COMMITTEE MEETINGS

Presentation of the FY 2024-2028 Five-Year Forecast  
Wednesday, January 11, 2023 at 6:00 p.m.

City Manager Presents Proposed FY 2024 Budget to Budget Committee  
Result Areas Reviewed: Welcoming and Livable Community, Natural  
Environment Stewardship  
Wednesday, April 19, 2023 at 6:00 p.m.

Budget Committee Review - Result Areas Reviewed: Strong and Diverse  
Economy, Urban Renewal Agency, Safe Reliable and Efficient  
Infrastructure, and CIP Public Hearing  
Wednesday, April 26, 2023 at 6:00 p.m.

Budget Committee Review - Result Areas Reviewed: Safe Community,  
Good Governance  
Wednesday, May 3, 2023 at 6:00 p.m.

Budget Committee Recommends FY 2024 Budget to City Council /  
Urban Renewal Agency  
Wednesday, May 10, 2023 at 6:00 p.m.

#### SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor

South Gateway February 9, 2023 6:45 p.m. Councilor Nordyke  
SEMCA March 11, 2020 10:00 a.m. Councilors Nishioka, Phillips  
Morningside May 10, 2023 6:30 p.m. Councilors Nishioka, Phillips  
ELNA Jun 1, 2023 7:00 p.m. Councilor Hoy  
SCAN June 14, 2023 6:30 p.m. Councilors Nishioka, Nordyke,  
Phillips  
Grant July 6, 2023 6:15 p.m. Councilor Stapleton  
Highland August 10, 2023 7:00 p.m. Councilors Gonzalez,  
Stapleton  
Faye Wright August 10, 2023 7:00 p.m. Councilors Nordyke,  
Phillips  
Northgate September 21, 2023 6:00 p.m. Councilor Gonzalez  
West Salem October 4, 2023 7:00 p.m. Councilors Stapleton, Varney  
NOLA October 4, 2023 6:30 p.m. Councilors Hoy, Gonzalez  
NESCA October 17, 2023 7:00 p.m. Councilors Hoy, Nishioka,  
Stapleton  
CANDO October 17, 2023 6:00 p.m. Councilors Nishioka, Stapleton  
Sunnyslope October 19, 2023 7:00 p.m. Councilor Nordyke  
SWAN November 7, 2023 6:30 p.m. Councilors Nishioka, Stapleton  
NEN November 14, 2023 6:30 p.m. Councilors Nishioka, Stapleton  
SESNA November 28, 2023 7:00 p.m. Councilors Nishioka, Phillips

**MEETING PROCEDURES**

City Council meets on the second and fourth Mondays of each month at 6:00 p.m. All meetings are in the Council Chambers, Room 240, 555 Liberty St. SE.

The Mayor, who is the presiding officer, is elected at large for a term of two years. Councilors are elected for four year terms for each of the City's eight Wards. These nine officers comprise the Council who make the policy decisions for municipal activity and pass its ordinances and regulations.

Because the Mayor and Councilors' positions are part time, without pay, the Council appoints a City Manager who is responsible for the administration and execution of the City's policies and ordinances.

The City Council generally follows Robert's Rules of Order, but has adopted supplementary rules that may be found on the City's website at:  
[http://www.cityofsalem.net/Pages/council rules.aspx](http://www.cityofsalem.net/Pages/council%20rules.aspx).

**THE CONSENT CALENDAR**

The Consent Calendar allows the Council to save time by acting on everything listed on that part of the agenda with one motion instead of considering each item separately. If a City Councilor believes a matter on the Consent Calendar deserves further discussion, the Councilor can request that item be removed from the Consent Calendar and considered separately under "Special Orders of Business."

**PUBLIC COMMENT**

There are two times at every regular City Council meeting when the public has an opportunity to address the City Council. The first time is immediately prior to the Consent Calendar. This time is reserved for questions or statements regarding items appearing on the agenda, except public hearings and the merits of land use issues. The second time is at the end of the agenda. At this time, you can address the City Council on any matter of public concern, other than an agenda item. The Mayor will announce the time for public comment, and invite persons to address the City Council. Each person has three minutes to address the City Council. The time light on the podium will flash yellow when you have one minute left, and will turn red when your time has expired.

**HOW TO GET YOUR COMMENTS INCLUDED AS PART OF THE AGENDA**

Any written comments that you wish to be given to the City Council that are about an item on an agenda must be submitted to the City Recorder by 3:30 p.m. on the day of the City Council meeting when the item will be considered. For complete information on submitting communications to Council, please refer to Council Rule 6: Communications:  
[https://www.cityofsalem.net/Pages/council rules.aspx](https://www.cityofsalem.net/Pages/council%20rules.aspx).

If you have some matter that you wish to have the City Council consider in the future, you are encouraged to submit your suggestion in writing to the City Manager at 555 Liberty Street SE, Room 220, Salem, OR, or by e mail to: [manager@cityofsalem.net](mailto:manager@cityofsalem.net).

**PUBLIC HEARINGS**

The City Council can hold public hearings to consider legislative, quasi judicial or administrative matters. To testify at a hearing, you may sign up on the Hearing Roster located near the east entrance to the Council Chambers before the Mayor convenes the meeting. At the time for the hearing on the agenda, the Mayor will announce when the public hearing is open. If you have signed up to speak, come forward to the podium when the Mayor calls your name. State your name and either your address or the ward you live in. If you wish to receive notice of any written decision reached at the hearing, you must provide the City Recorder your address. When you have finished speaking, the Mayor will ask the Council if there are any questions for you, so please remain at the podium for a moment.

The time limit is 3 minutes per person for legislative and administrative hearings. The time limits for quasi judicial hearings in non land use cases are as follows:

1. Staff Presentation – 15 minutes
2. Affected Party – 15 minutes
3. Neighborhood Associations – 5 minutes
4. Other Interested Persons – 3 minutes per person
5. Rebuttal by Affected Party – 7 minutes

Time limits for quasi judicial land use hearings are governed by Rule 19 of the Council Rules. Parties to land use cases are encouraged to review that rule as time limits vary depending on the nature of the hearing. Further information can be obtained by contacting the Planning Administrator at 503 588 6173 or email at: [lmanderson@cityofsalem.net](mailto:lmanderson@cityofsalem.net).

Timer lights are located on the podiums. A flashing yellow light means you have one minute left; a red light means your time has expired.

