

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, July 25, 2016

6:30 PM

Council Chambers

City Council

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

Call to Order

6:46 p.m.

Roll Call

Present: 8 - Councilor Bennett, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Dickey, Councilor Benjamin, Councilor Bednarz, and Councilor Lewis
Absent: 1 - Mayor Peterson

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Bennett, seconded by Councilor Nanke to approve the Additions and Deletions to the agenda.

Questions or Comments by: Councilor Andersen.

The motion carried by the following vote:

Aye: 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, and Lewis

Nay: 0

Absent: 1 - Peterson

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Questions or Comments by: Councilors Nanke, Lewis, Bednarz, and City Manager Steve Powers.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

None.

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

Eric Grindy, State of Oregon DAS Real Estate Services, 1225 Ferry Street - Item 6b , File 16-125
Chad Freeman, SEDCOR, 626 High Street - Item 5a, File 16-158

Tony Lucarelli, Henningsen Cold Storage Item 5a, File 16-158
Spencer Ruckwell, 3399 Deer Lake Court - Item 5b, File 16-152

Questions or Comments by: Councilors Lewis, Nanke, Andersen, and Benjamin.

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

A motion was made by Councilor Bennett, seconded by Councilor Nanke to approve the consent calendar with the pull of item 3.2a by Councilor Andersen.

Questions or Comments by: Councilor Bennett.

The motion carried by the following vote:

Aye: 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, and Lewis

Nay: 0

Absent: 1 - Peterson

Abstain: 0

3.1 MINUTES

3.1 a. July 11, 2016

Attachments: [7-11-16 Council Minutes](#)

Action: approved.

3.2 RESOLUTIONS

3.2 a. Enterprise Zone extended tax abatement for the proposed Henningsen Cold Storage development at the Mill Creek Corporate Center

Ward(s): Ward 3
Councilor(s): Councilor Nanke
Neighborhood(s): SEMCA

Attachments: [Resolution 2016-32.docx](#)
[SEDCOR Letter of Recommendation](#)
[Exhibit 1 - HENNINGSEN Letter of Request and Application new](#)
[Exhibit 2- Salem Enterprise Zone Extended Abatement Agreement.docx](#)

Pulled by Councilor Andersen - See agenda item 5a.

3.3 ACTION ITEMS

3.3 a. Emergency Water Supply Agreement with the City of Keizer

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

Attachments: [Salem Keizer Emergency WaterSupply Agreement](#)
[Exhibit A - Vicinity Map](#)
[Exhibit B - Cherry Ave Pump Station](#)
[Exhibit C - Wiessner Pump Station](#)
[Exhibit D - Easement](#)

Authorized the City Manager to rescind an existing emergency water supply agreement, and execute a new emergency water supply agreement with the City of Keizer.

3.3 b. Satisfaction of Turner Road Deferral Agreement

Ward(s): Ward 2
Councilor(s): Andersen
Neighborhood(s): SEMCA

Attachments: [Deferral Agreement Satisfaction](#)
[Vicinity Map](#)
[Agreement](#)
[Letter to Property Owners](#)

Authorized the City Manager to approve a Satisfaction of Deferral Agreement (Attachment 1) for street improvements along Turner Road SE.

3.3 d. Intergovernmental Agreement with the State of Oregon to allow Radio System Interoperability

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

Attachments: [Frequency Access Intergovernmental Agreement](#)
[Exhibit A Frequency Access Intergovernmental Agreement](#)

Authorized the City Manager to execute the attached IGA with the State of Oregon for the installation of radio control equipment to allow interoperability with the City of Salem's radio system during emergencies.

3.3 e. Amending the Geer Park Master Plan to allow for a bicycle pump track

Ward(s): Ward 2

Councilor(s): Councilor Andersen
Neighborhood(s): NEN

Attachments: [Geer Park 2003 Master Plan Color](#)
[Geer Park Phases One and Two](#)
[Geer Park Track Location](#)
[Geer Park Track Concept Plan](#)
[Geer Park Master Plan - July 2016.pdf](#)

Approved an amendment to the Geer Park Master Plan to allow for a bicycle pump track.

3.3 f. Salem Municipal Airport ground lease with Ponderosa Financial Services, LLC

Ward(s): 2
Councilor(s): Andersen
Neighborhood(s): SEMCA

Attachments: [Proposed Lease](#)

Authorized the City Manager to execute the attached ground lease with Ponderosa Financial Services, LLC to construct a new hangar at Salem Municipal Airport.

Removed Announce Appointments to the Historic Landmarks Commission

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

Attachments: [Alexandra Costic Application](#)

Removed from the agenda due to applicant withdrawing application.

3.3 h. Appointments and reappointments to the Citizen Budget Committee, Downtown Advisory Board, Salem Cultural and Tourism Promotion Advisory Board, Salem Public Library Advisory Board, Salem Urban Development Community Services and Housing Commission.

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

Attachments: [Attachment 1: Raquel Moore Green Reappointment](#)
[Attachment 2: Vanessa Nordyke Application](#)
[Attachment 3: Jesse Yoshiya Hayes Application](#)
[Attachment 4: Jenn Columbus Reappointment.](#)
[Attachment 5: Barb Hacke Resch Application](#)
[Attachment 6: Sigrid Olsen Reappointment](#)
[Attachment 7: Kimberly Lemman Reappointment](#)
[Attachment 8: Nate Levin Application](#)

Appointed/reappointed the applicants listed in the Facts and Findings section to the Downtown Advisory Board, Citizen Budget Committee, Salem Cultural and Tourism Promotion Advisory Board, Salem Public Library Advisory Board, Salem Urban Development Community Services and Housing Commission, and direct staff to initiate amendments to the Intergovernmental Agreement for the Creation of the Downtown Advisory Board to 1) remove the non-voting, ex-officio members of the Downtown Advisory Board and 2) provide that the six Council appointments to the Downtown Advisory Board be business or property owners within the "Riverfront Downtown Urban Renewal Area" rather than the "Downtown Parking District."

3.3 i. Position on Legislative Priorities

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

Attachments: [League of Oregon Cities Request for Input on 2017 Legislative Agenda](#)

Ratified Salem’s slate of four priorities for the League of Oregon Cities as recommended by the Council Legislative Committee.

A motion was made by Councilor Nanke, seconded by Councilor Andersen to reorder the agenda to consider Item 5. Special Orders of Business, before item 4. Public Hearings.

The motion carried by the following vote:

- Aye:** 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, and Lewis
- Nay:** 0
- Absent:** 1 - Peterson
- Abstain:** 0

5. SPECIAL ORDERS OF BUSINESS: (Includes consideration of items deferred from the Consent Calendar and any action item which requires a selection among options, consideration of matters of special importance to the Council, and management reports; formal presentations by city boards, city commissions, city committees and by outside agencies providing services or engaged in other activities with the City)

5.a. Enterprise Zone extended tax abatement for the proposed Henningsen Cold Storage development at the Mill Creek Corporate Center

Ward(s): Ward 3
Councilor(s): Councilor Nanke
Neighborhood(s): SEMCA

Attachments: [Resolution 2016-32.docx](#)
[SEDCOR Letter of Recommendation](#)
[Exhibit 1 - HENNINGSEN Letter of Request and Application new](#)
[Exhibit 2- Salem Enterprise Zone Extended Abatement Agreement.docx](#)

A motion was made by Councilor Andersen, seconded by Councilor Nanke to adopt Resolution No. 2016-32 (Attachment 1) to authorize the City Manager to execute the Agreement to extend the duration of the property tax abatement benefit period from the standard three years to five years for Henningsen Cold Storage; pursuant to ORS 285C.160.

Questions or Comments by: Councilors Andersen, Bennett, Nanke, and Bednarz.

Aye: 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, and Lewis

Nay: 0

Absent: 1 - Peterson

Abstain: 0

4. PUBLIC HEARINGS

4. a. Proposed amendments to the Salem Revised Code to allow the commercial growing of recreational marijuana as a conditional use in the Industrial Commercial (IC) and the Industrial Park (IP) zones

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

Neighborhood(s): All Neighborhoods

Attachments: [Proposed Code Amendment \(Ordinance Bill No. 10-16\)](#)

Persons Testifying: None.

Support:

Oppose:

Neutral:

Organizations: None.

Support:

Oppose:

Neutral:

Evidence Received From: None.

Support:

Oppose:

Neutral:

Questions or Comments by: Councilors Lewis, Dickey, and Bednarz.

A motion was made by Councilor Bennett, seconded by Councilor Dickey to adopt the facts and findings of this staff report and to direct staff to engross Ordinance Bill No. 10-16 to;

(1) add new section to the ordinance bill to prohibit medical marijuana facilities and recreational marijuana retailers from the Central Business zoning district, and

(2) direct staff to bring back an engrossed ordinance at a future meeting for Council's consideration.

Questions or Comments by: Councilor Bennett, Bednarz, Dickey, Lewis, Andersen, and City Attorney Dan Atchison.

The motion carried by the following vote:

Aye: 7 - Bennett, Andersen, McCoid, Dickey, Benjamin, Bednarz, and Lewis

Nay: 1 - Nanke

Absent: 1 - Peterson

Abstain: 0

4. b. Proposed Solid Waste Collection Service Rates

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Future Report for Public Hearing on Proposed Solid Waste Collection Rates.docx](#)
[Letter from Bell & Associates, Inc., Solid Waste COSA.docx](#)
[Marion County Environmental Services Rate Increase Summary.pdf](#)
[Mid-Valley Comparative Rate Summary.docx](#)
[Comparison of Current and Proposed Solid Waste Collection Rates.pdf](#)
[Resolution No. 2016-30.docx](#)
[Exhibit A - Resolution No. 2016-30.pdf](#)
[Additional Information - 2016 Environmental Services FAQ](#)
[Written Testimony - 1](#)
[Written Testimony - 2](#)
[Written Testimony - 3](#)
[Written Testimony - 4](#)
[Written Testimony - 5](#)
[Written Testimony - 6](#)

Persons Testifying:

Support:

Estle Harlan, Solid Waste Consultant
Marion County Commissioner Sam Brentano

Oppose:

Neutral:

Organizations: None.

Support:

Oppose:

Neutral:

Evidence Received From: None.

Support:

Oppose:

Neutral:

Questions or Comments by: Councilors Benjamin, Andersen, Bennett, Bednarz, Lewis, Nanke, and McCoid.

A motion was made by Councilor Bennett, seconded by Councilor Bednarz to adopt Resolution No. 2016-30 establishing new solid waste management service rates and rescinding Resolution No. 2014-69.

A motion to amend was made by Councilor McCoid, seconded by Councilor Benjamin to propose an increase to the low income discount from \$1.00 to \$2.00.

Questions or Comments by: Councilors McCoid, Benjamin, Nanke, Bednarz, and Dickey.

The motion to amend carried by the following vote:

Aye: 7 - Andersen, Bennett, Nanke, McCoid, Dickey, Benjamin, Lewis.

Nay: 1 - Bendarz

The amended motion carried by the following vote:

Aye: 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, and Lewis

Nay: 0

Absent: 1 - Peterson

Abstain: 0

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

6. a. Fiscal year 2015-16 economic development update: urban renewal area efforts, State Street corridor plan, business retention and marketing efforts, Salem Airport taxiway "C" rehabilitation, and Oregon State approval of the enterprise zone boundary change and industrial site certifications.

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

This Informational Report was received and filed.

6. b. Mitigation Plan for the demolition of buildings on the Oregon State Hospital North Campus property

Ward(s): Ward 1, 2, 6
Councilor(s): Councilors - Bennett, Anderson, Benjamin
Neighborhood(s): NESCA

Attachments: [North Campus Map](#)
[Memo and MOA from DAS dated June 2, 2016.pdf](#)
[City Manager Letter](#)

This Informational Report was received and filed.

6. c. Planning Administrator Decision - Subdivision Time Extension Case No. SUB12-01EXT2 - Approved - Simpsons Hill LLC (Premier Management Services Corp.) - north of the intersection of Battle Creek Road SE and Reed Road SE - A Class 2 Extension to extend the approval for a tentative subdivision plan (Subdivision Case No. SUB12-01) by two years to December 21, 2018. SUB12-01 granted approval to divide approximately 103 acres into 5 lots ranging in size from 7.35 acres to 31.19 acres.

Ward(s): 3
Councilor(s): Nanke

Neighborhood(s): Morningside

Attachments: [SUB12-01EXT2_Decision](#)

This Informational Report was received and filed.

Questions or Comments by: Councilor Nanke.

7. ORDINANCES

7.1 FIRST READING:

7.1 a. Amending SRC 20E Salem Senior Center Advisory Commission

Ward(s): All

Councilor(s): All

Neighborhood(s): All Neighborhoods

Attachments: [Ordinance Bill No. 11-16](#)

A motion was made by Councilor Bennett, seconded by Councilor Bednarz to conduct first reading of Ordinance Bill 11-16, which amends SRC 20E to recognize changes in the facility name, commission membership, and partner agencies.

Questions or Comments by: Councilor Bednarz.

The motion carried by the following vote:

Aye: 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, and Lewis

Nay: 0

Absent: 1 - Peterson

Abstain: 0

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

Cindy Cusick, Ward 4 - Marijuana Regulation

9. NEW BUSINESS

None.

9.1 MAYOR'S ITEMS:

None.

9.2 COUNCILOR’S ITEMS:

9.2 a. Councilor Motion to provide an annual allocation of 25% of the receipts of the Transient Occupancy Tax to the City’s Destination Marketing Organization, currently Travel Salem

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

A motion was made by Councilor McCoid, seconded by Councilor Lewis to direct staff to prepare for Council’s consideration amendments to SRC Chapter 37 to provide for an annual allocation of 25% of the current fiscal year total receipts of the City’s Transient Occupancy Tax to Travel Salem, the City’s Destination Marketing Organization, and to prepare amendments to the City’s agreement with Travel Salem to implement the code changes.

Questions or Comments by: Councilor McCoid.

The motion carried by the following vote:

Aye: 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, and Lewis

Nay: 0

Absent: 1 - Peterson

Abstain: 0

A motion was made by Councilor Andersen, seconded by Councilor Lewis to suspend Council Rules and schedule a worksession on the Salem River Crossing Project on Monday August 1st at 5:30 p.m. and vote on the issue tonight.

Questions or Comments by: Councilors Andersen, Bennett, McCoid, Nanke, Lewis, Bednarz, Dickey and City Attorney Dan Atchison.

The motion was carried by the following vote:

Aye: 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, and Lewis

Nay: 0

Absent: 1 - Peterson

Abstain: 0

10. ADJOURNMENT

9:20 p.m.