



# CITY OF SALEM

555 Liberty St SE  
Salem, OR 97301

## Meeting Agenda

### City Council

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**Monday, January 23, 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**

**5:15 p.m. - 5:40 p.m. - City Council**

**ORS 192.660(2)(f) - Records Exempt from Public Disclosure**

**5:40 p.m. - 5:50 p.m. - City Council**

**ORS 192.660(2)(d) - Labor Negotiations**

### **WORK SESSION**

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

**Call to Order**

**Roll Call**

**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.** [23-30](#) January 9, 2023 Draft City Council Minutes

**Attachments:** [1-9-23 Draft Council Minutes.pdf](#)

**3.1b.** [23-39](#) January 17, 2023 City Council Work Session Minutes

**Attachments:** [1-17-23 Draft Council Work Session Minutes.pdf](#)

**3.2 RESOLUTIONS****3.3 ACTION ITEMS**

**3.3a.** [22-563](#) Ground lease with On Any Sundae, Inc. for City owned real property located in the 1100 block of Edgewater Street NW.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): WSNA

Result Area(s): Good Governance; Strong and Diverse Economy;

Welcoming and Livable Community

**Recommendation:**

Authorize the City Manager to execute a ground lease with Lessee.

**Summary:**

The City of Salem owns property in the 1100 block of Edgewater Street NW identified as Tax Lot #073W21DC05600 (Property). The adjacent business, On Any Sundae Inc. (Lessee), owns and operates an ice cream parlor on the premises and desires to construct an outdoor seating area on the Property.

**Attachments:** [Lease](#)

**3.3b.** [22-573](#) Addendum to Purchase and Sale Agreement with Discount Nursery Supplies, LLC for the sale of real property located at the Salem Business Campus.

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

**Recommendation:**

Authorize the City Manager to execute the attached Addendum to extend the closing date of the Property.

**Summary:**

On November 9, 2020, City Council authorized the City Manager to execute a Purchase and Sale Agreement (as amended) (Agreement) with Discount Nursery Supplies, LLC (Nuo Chen, Manager) for the sale of Lot 2 at Salem Business Campus (Property). Permitting and land use issues are taking longer than expected and it is necessary to extend the closing date of the transaction to July 30, 2023.

**Attachments:** [Agreement](#)  
[Addendum](#)

**3.3c. [23-2](#)**

Agreement for transfer of real property with the State of Oregon.

Ward(s): 2  
Councilor(s): Nishioka  
Neighborhood(s): NESCA  
Result Area(s): Good Governance; Natural Environment  
Stewardship; Welcoming and Livable Community

**Recommendation:**

Authorize the City Manager to execute the Agreement with the State of Oregon for transfer of real property.

**Summary:**

The City of Salem currently operates Geer Community Park via a land lease (Lease) (Attachment 1) with the State of Oregon. Underlying/surrounding property includes the Oregon State Hospital, the Oregon State Penitentiary, and a City-owned former rail spur. State and City staff have come to terms on an agreement (Agreement) (Attachment 2) to transfer various properties and property rights between the parties to allow for fee title ownership of Geer Park by the City (and additional access easements) and State ownership of property where identified.

**Attachments:** [Lease](#)  
[Agreement](#)

**3.3d. [23-13](#)**

Approval to submit two grant applications to the Oregon Community Paths Program to: (1) construct the Pringle Creek Path connection, and (2) develop a refinement plan for a pedestrian bridge over OR 22 east of Lancaster Drive SE.

Ward(s): 1, 2, and 3

Councilor(s): Stapleton, Nishioka, and Phillips

Neighborhood(s): CANDO and SEMCA

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

**Recommendation:**

Authorize the City Manager to submit the following two applications to the Oregon Community Paths Program and, if successful, enter into agreements with ODOT to accept the funds.

1. Construct the Pringle Creek Path connecting under Commercial Street SE to Riverfront Park; and
2. Develop a refinement plan for a pedestrian bridge over OR 22 east of Lancaster Drive SE.

**Summary:**

The Oregon Community Paths Program is accepting grant applications to support investments in multi-use paths that serve a transportation purpose and are not on a roadway. This report authorizes submittal of two applications, one to construct the Pringle Creek Path connection between Civic Center and Riverfront Park, and the other to develop a refinement plan for a pedestrian overcrossing of Oregon Highway 22 (OR 22) east of Lancaster Drive SE. If awarded, the projects would be included in future budgets and proceed to completion within three years of award.

**Attachments:** [Pringle Creek Path Concept](#)  
[OR 22 Pedestrian Overcrossing Vicinity Map](#)  
[Public Comments received by 3:00 p.m., 1-23-2023](#)

*Add - Written Testimony.*

**3.3e. [23-18](#)**

Amendment to lease with Salem-Keizer School District 24J for City-owned property located at 360 Commercial Street NE.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

Result Area(s): Good Governance

**Recommendation:**

Authorize the City Manager to execute the attached lease amendment with Lessee.

**Summary:**

Salem-Keizer School District 24J (Lessee) leases space in the City-owned Chemeketa Parkade. Lessee desires to amend its lease to allow for an additional year of tenancy.

**Attachments:** [Lease](#)  
[Amendment](#)

**3.3f. [23-27](#)**

Support for commuter rail study proposal to extend TriMet's Westside Express Service commuter line to Salem, in 2023 Oregon Legislative Session.

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.

**Recommendation:**

Approve the Legislative Committee's recommendation the 2023 Oregon Legislative Session recommendation to support commuter rail study proposal to extend TriMet's Westside Express Service commuter line to Salem, in 2023 Oregon Legislative Session.

**Summary:**

The 2023 Oregon Legislative Session is set to begin January 17, 2023 and end by June 25, 2023. On September 26, 2022, the Salem City Council adopted Legislative Committee recommended priorities to pursue during the session and policy statements to guide Salem's response to draft legislation during the 2023 Session. When the subject of proposed legislation is outside the scope of the policy statements, the City Council's Legislative Committee reviews bills identified as critical by City staff and recommends to City Council the position the City should take on critical bills.

**Attachments:** [House Bill 2662, proposed for 2023 Legislative Session](#)  
[Fact Sheet: commuter rail study proposal to extend TriMet's Westside Express commu](#)  
[Public Comments received by 3:00 p.m., 1-23-2023](#)

*Add - Written Testimony.*

## 4. PUBLIC HEARINGS

**4.a. [23-5](#)**

Amendment #6 to 2019 Annual Action Plan -- Reallocation of Community Development Block Grant (CDBG) Covid Grants

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Welcoming and Livable Community

**Recommendation:**

Approve Amendment #6 to the 2019 Annual Action Plan

reallocating \$279,260 to Marion-Polk Food Share Meals on Wheels.

**Summary:**

The Amendment reallocates CDBG-CARES Act funds from projects that did not come to fruition. The CDBG-CV amendment combines \$279,260 from four cancelled projects and reallocates the full amount to Marion-Polk Food Share Meals on Wheels.

**Attachments:** [AAP 2019 Amend #6 presentation.pptx](#)

[CDBG CV reallocation memo.docx](#)

[DRAFT Amendment #6 AAP 2019.docx](#)

[Public Comment received by 3:00 p.m., 1-23-2023](#)

*Add- Written Testimony.*

**4.b.** [23-14](#)

Supplemental Budget 1 for unanticipated City expenses related to operation of the City medic unit.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe Community

**Recommendation:**

Adopt Resolution No. 2023-3, Fiscal Year Supplemental Budget (1), increasing Emergency Medical Services Fund and General Fund resource and expenditure appropriation authority for unanticipated revenue and expenses related to operation of the City medic unit.

**Summary:**

The City began operating a medic unit to assist Falck ambulance with emergency medical response in February 2022. The plan was for the City medic service to end in fiscal year 2022, but circumstances warranted continuation of the service. A supplemental budget is needed since the revenue and expenses associated with the City medic were not included in the fiscal year 2023 adopted budget.

**Attachments:** [Resolution No. 2023-3](#)

[Resolution No. 2023-3, Exhibit A](#)

[Resolution No. 2023-3, Exhibit B](#)

**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.** [23-3](#)

Salem Parks and Recreation Advisory Board Annual Report and

Presentation.

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.

**Recommendation:**

Information only.

**Summary:**

The report highlights the accomplishments of the Salem Parks and Recreation Advisory Board in 2022. In addition, the report highlights endorsements and support of programs and activities and presents recommendations for consideration by City Council.

**Attachments:** [2022 SPRAB Annual Report](#)

[2022 SPRAB Presentation](#)

**5.b. [23-37](#)**

Motion from Councilor Virginia Stapleton modifying the scope of the Salem Transportation System Plan update.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Public Comments received by 3:00 p.m., 1-23-2023](#)

*Add - Written Testimony.*

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

**6.a. [23-19](#)**

Purchases approved administratively from December 1, 2022 through December 31, 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 December. Included in the report are procurement contracts and

public contracting activities with a current fiscal year impact and annual contracts.

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

**6.b. [23-32](#)**

Hearings Officer Decision - Proposed four-lot subdivision with improvements - Approved.

Conditional Use / Subdivision Tentative Plan / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No.  
CU-SUB-ADJ-DAP22-05 - James Cain and James Tokarski - 1300 Block of Mildred Lane SE

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

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision CU-SUB-ADJ-DAP22-05](#)

**6.c. [23-33](#)**

Hearings Officer Decision - To replace an existing reader board sign - Approved.

Sign Conditional Use / Sign Permit Case No. CU-SI22-06 - Salem Keizer School District 24J - 5500 Reed Lane SE.

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

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision CU-SI22-06](#)

## **7. ORDINANCES**

### **7.1 FIRST READING:**

### **7.2 SECOND READING:**

**7.2a. [23-17](#)**

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:**



Enact Ordinance Bill No. 1-23, which vacates Cross Street SE west of 20th Street SE.

**Summary:**

The City of Salem received a petition from DEW Investments, LLC (Petitioner) to vacate Cross Street SE west of 20th Street SE. 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](#)

**7.2b. [23-24](#)**

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:**

Pass 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](#)

[Ordinance Bill No. 2-23](#)

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

**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. [23-25](#) 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:

2021 Annual Action Plan - Substantial Amendment #2 to 2021 Annual Action Plan; Substantial Amendment #1 to 2022 Annual Action Plan  
Monday, February 13, 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:

## BUDGET COMMITTEE MEETINGS

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 - Time - Councilor

South Gateway February 9, 2023 6:45 p.m. - Councilors Gwyn,  
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. - Councilors Nordyke,  
Gwyn

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: [Imanderson@cityofsalem.net](mailto:Imanderson@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.

