



CITY OF SALEM

555 Liberty St SE
Salem, OR 97301

Meeting Agenda

City Council

Monday, February 13, 2023

6:00 PM

**Hybrid Meeting / Council
Chambers**

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

EXECUTIVE SESSION

City Council

5:15 p.m. - 5:45 p.m. - City Manager's Conference Room

ORS 192.660(2)(d) - Labor Negotiations

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

Roll Call

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

1.2 COUNCIL AND CITY MANAGER COMMENT

1.3 PROCLAMATIONS

1.3a. [23-54](#)

Proclamation recognizing Salem National Association of Women in

Construction Chapter 198.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Information Only.

Attachments: [Women in Construction Proclamation](#)

1.3b. [23-55](#)

Proclamation for Black History Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Information Only.

Attachments: [BHM Proclamation.pdf](#)

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. [23-49](#)

January 23, 2023 Draft City Council Minutes

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

3.2 RESOLUTIONS

3.3 ACTION ITEMS

3.3a. [23-26](#)

Compensation adjustment for sworn police employee ranks and the non-represented Executive Assistant and Recreational seasonal job classifications.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance.

Recommendation:

Approve a three percent salary adjustment to all sworn police employee ranks, Police Officer through Deputy Police Chief, retroactive to January 1, 2023, and compensation adjustments to the non-represented Executive Assistant classification and Recreational seasonal job classifications effective February 13, 2023.

Summary:

The Police Department is facing severe staffing issues in hiring and retaining sworn police employees in all ranks. This is having measurable impact in the department's ability to maintain minimum staffing levels and the delivery of public safety services. A compensation adjustment is recommended for all sworn police employee ranks (Officer through Deputy Police Chief) to improve market competitiveness in the City's mission to attract and retain qualified employees, while recognizing and supporting current employees who continue to perform essential job duties, and absorb additional workload caused by a high vacancy rate to meet our community's public safety needs. In addition, compensation adjustments to the non-represented Executive Assistant and Recreational seasonal job classifications are requested to improve current market competitiveness.

Attachments: [Public Comments received by 3:30 p.m., 2-13-2023](#)

Add - Written Testimony.

3.3b. [23-41](#)

Amendment to lease for real property with 471 Salmon LLC for City-leased space at 471 High Street SE.

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): CANDO

Result Area(s): Good Governance

Recommendation:

Authorize the City Manager to execute the attached lease amendment with 471 Salmon LLC.

Summary:

The City of Salem (Lessee) has leased office space from 471 Salmon LLC (Lessor) at 471 High Street SE since 2004 (Lease) (Attachment 1) to house Public Works Department staff. With the upcoming completion of the new Public Works building it is necessary to amend the lease to allow for termination upon completion of the new building and vacation of the Lease premises.

Attachments: [Lease](#)[First Amendment to Lease](#)**3.3c. [23-42](#)**

Appointment of Melissa Parker as Municipal Judge Pro Tempore

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community

Recommendation:

Appoint Melissa Parker as a Municipal Judge Pro Tempore for the Salem Municipal Court for a two-year term.

Summary:

Municipal Judge Beatty is recommending the appointment of Melissa Parker as a municipal judge pro tempore for a term of two years. Melissa Parker is experienced and meets the qualifications for Municipal Judge Pro Tempore in the Salem Revised Code. Council approval will appoint Melissa Parker as Municipal Judge Pro Tempore for a two-year term.

Attachments: [Melissa Parker Resume 2023.doc](#)**3.3d. [23-43](#)**

Intergovernmental Agreement (IGA) for the exchange of services between the City of Salem Fire Department and Chemekta Community College Emergency Services Program.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community

Recommendation:

Authorize the City Manager to sign the IGA between the City of Salem and Chemeketa Community College to establish the terms and conditions under which both parties shall share public resources to provide work experience for fire students in exchange for training and facilities.

Summary:

The IGA between the City of Salem and Chemeketa Community College is to establish the terms and conditions under which both parties shall share public resources to provide work experience for fire students in exchange for training and facilities.

Attachments: [IGA WITH THE CITY OF SALEM AND CCC \(IGA\)](#)**3.3e. [23-46](#)**

Priorities proposed for the City Council's annual work plan, the 2023 City Council Policy Agenda.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Recommendation:

Approve the 2023 City Council Policy Agenda.

Summary:

Through its annual Policy Agenda, City Council makes its priorities for action clear to staff and the community and provides direction on aligning resources towards the Strategic Plan Policy areas through the City's budgeting process. Each fall, City Council develops a framework for its policy priorities and considers progress achieved on earlier priorities, community feedback from the Community Satisfaction Survey, and updates on major initiatives in an annual Community Report.

For 2023, City Council's Policy Agenda priorities are concentrated in four areas: (1) responding to our sheltering crisis; (2) planning for our future; (3) engaging our community; and (4) sustaining infrastructure and services.

Attachments: [2023 Policy Agenda](#)

3.3f. [23-66](#)

Updated priorities for 2023 Oregon Legislative Session and recommended positions on specific priority bills.

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 an updated listing of City of Salem's priorities and policy statements, and positions on specific bills for the 2023 Oregon Legislative Session.

Summary:

The 2023 Oregon Legislative Session is began January 17, 2023. In September 2022, the City Council approved a set of priorities to pursue during the session and policy statements to guide Salem's response to draft legislation. 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: [2023 Legislative Policy Statements Revised 1.27.23](#)
[Legislative Committee Recommended Bill Positions](#)

4. PUBLIC HEARINGS

- 4.a. [23-56](#) 2021 Annual Action Plan Substantial Amendment #2 and 2022 Annual Action Plan Substantial Amendment #1 - HOME Funds

Ward(s): Wards 1, 5
Councilor(s): Stapleton, Gonzalez
Neighborhood(s): Highland, Grant, West Salem
Result Area(s): Welcoming and Livable Community

Recommendation:

Approve 2021 Annual Action Plan Amendment #2 and 2022 Annual Action Plan Amendment #1 to reallocate \$450,000 to the Sequoia Crossings Apartment project and \$650,000 to the Cottage Apartments project.

Summary:

These amendments reallocate \$1.1M of HOME Investment Partnership funds from the Applegate Terrace Veterans Housing project to Sequoia Crossings and Cottage Apartments. Sequoia Crossings' allocation will be \$450,000. Cottage Apartments' allocation will be \$650,000. Both projects are underway.

Attachments: [AAP 2021 Amendment #2, AAP 2022 Amendment #1--HOME Funds 02.13.2023.pptx](#)
[2021 Annual Action Plan Amendment #2.docx](#)
[2022 Annual Action Plan Amendment #1.docx](#)

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. [23-58](#) The Planning Commission's 2022 Annual Report.

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

Recommendation:

Information Only.

Summary:

The Planning Commission's 2022 Annual report summarizes work over the past calendar year.

Attachments: [2022 Planning Commission Annual Report](#)
[Public Comments received by 3:30 p.m., 2-13-2023](#)

Add- Written Testimony.

5.b. [23-59](#)

Motion from Mayor Chris Hoy regarding engaging a federal lobbyist

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

5.c. [23-74](#)

Motion from Councilor Linda Nishioka regarding short-term rentals in residential neighborhoods

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

Attachments: [Public Comments received by 3:30 p.m., 2-13-2023](#)

Add - Written Testimony.

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

6.a. [22-585](#)

Notice of proposed amendments to Administrative Rule 109-600-001, Minto Island Conservation Area Restrictions for Events

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

Recommendation:

Information only.

Summary:

The proposed amendments to Administrative Rule 109-600-001 change the number and size of large events allowed within the Minto Island Conservation Area (MICA) during the 2022 and 2023 bird nesting seasons. Specifically, the change allows two large events per nesting season (previously limit was one large event), with a participation limit of 3,000 individuals per event (previously 1,000 participants). Nesting season is defined as March 1 through

August 31. This notice is given pursuant to *Salem Revised Code* (SRC) 20J.040(a)(3).

Attachments: [BPA Land Use Agreement](#)

[Amendments to Admin Rule - MICA Events](#)

[Notice of Proposed Rule - MICA Events](#)

6.b. [23-28](#)

Fiscal Year (FY) 2022 Financial Audit of the City of Salem, Oregon

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance.

Recommendation:

Information Only.

Summary:

The certified public accounting firm of Grove, Mueller & Swank, PC, completed the annual financial audit of the City for the fiscal year ending June 30, 2022. There were no formal findings or recommendations for improvement as a result of the audit.

6.c. [23-31](#)

Fiscal Year (FY) 2022 Urban Renewal Agency (URA) Annual Financial Report as submitted by the Urban Renewal Agency Board.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance.

Recommendation:

Information Only.

Summary:

Under Oregon Revised Statutes (ORS) 457.460, each year an urban renewal agency must prepare a report on its finances and file that report with the governing body of the municipality where the agency is located. The report will be provided to the Urban Renewal Agency Board (Board) at its meeting on February 13, prior to the City Council meeting. The Board is anticipated to approve the report during this meeting.

6.d. [23-40](#)

Planning Administrator Decision - A partition to create three parcels
- Approved.

Partition Tentative Plan Case No. PAR22-09 - City of Salem - 681
Rees Hill Rd SE.

Ward(s): 4

Councilor(s): Gwyn

Neighborhood(s): SGNA

Recommendation:

Information Only.

Attachments: [Revised Land Use Decision PAR22-09](#)

6.e. [23-44](#)

Hearings Officer Decision - Development of a motor vehicle sales use - Approved.

Conditional Use / Class 3 Site Plan Review / Class 2 Driveway Approach Permit / Class 1 Design Review Case No. CU-SPR-DAP-DR22-07 - Angie and Tyrone Jones - 2410 Fairgrounds Rd NE.

Ward(s): 1
Councilor(s): Stapleton
Neighborhood(s): Highland

Recommendation:

Information Only.

Attachments: [Land Use Decision CU-SPR-DAP-DR22-07](#)

6.f. [23-51](#)

Hearings Officer Decision - A new four-family residential use within the Willamette Greenway Overlay Zone, and a lot line consolidation - Approved.

Class 2 Willamette Greenway Permit / Tentative Replat Case No. WGP-REP22-02 - Randy Fultz - 1887 Water St NE

Ward(s): 1
Councilor(s): Stapleton
Neighborhood(s): Highland

Recommendation:

Information Only.

Attachments: [Land Use Decision WGP-REP22-02](#)

6.g. [23-52](#)

Hearings Officer Decision - To allow an existing single-family dwelling to be used as a short term rental - Approved.

Conditional Use / Class 2 Adjustment Case No. CU-ADJ22-04 - Brandon Fahlman and Quinn Burke - 795 Church St SE

Ward(s): 2
Councilor(s): Nishioka
Neighborhood(s): SCAN

Recommendation:

Information Only.

Attachments: [Land Use Decision CU-ADJ22-04](#)

7. ORDINANCES

7.1 FIRST READING:

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 at least two business days in advance.

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

FUTURE AGENDA ITEM

The following item will appear on the **February 27, 2023** agenda:

- a. [23-50](#) Designation of the Civic Center as a Salem Local Historic Resource
- Ward(s): 2
Councilor(s): Nishioka
Neighborhood(s): Central Area Neighborhood Development
Organization (CANDO)
Result Area(s): Welcoming and Livable Community

Recommendation:

Information only.

Summary:

The Salem Civic Center is eligible for listing as a local historic resource due to its significance as an excellent local example of Brutalist architecture. The Civic Center meets the applicable criteria in SRC 230.010 for age, integrity and significance, especially for its association with Salem's community planning efforts in the late 1960s and early 1970s.

Attachments: [HLC Recommendation HIS22-30](#)

UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS

- b. [23-45](#) 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:

2023 Annual Action Plan and Notice of Funding Available (NOFA) 2023 Subrecipients
Monday, April 10, 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:

Revenue Options to Sustain City Services
Tuesday, February 21, 2023 at 6:00 p.m.
Main Library, Anderson Rooms, 585 Liberty Street SE

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
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.

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.

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.

