



CITY OF SALEM

555 Liberty St SE
Salem, OR 97301

Meeting Agenda

City Council

Monday, August 14, 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 4:00 p.m. on the day of the meeting using this link <https://www.cityofsalem.net/comment-at-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

Roll Call

Pledge of Allegiance

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. [23-305](#) July 17, 2023 Draft City Council Work Session Minutes

Attachments: [7-17-23 Draft Council Work Session Minutes.pdf](#)

- 3.1b. [23-306](#) July 24, 2023 Draft City Council Minutes

Attachments: [7-24-23 Draft Council Minutes.pdf](#)

3.2 RESOLUTIONS

- 3.2a. [23-302](#) Acquisition of Property for the State Street at 25th Street SE Intersection Improvement Project

Ward(s): Ward 2

Councilor(s): Councilor Nishioka

Neighborhood(s): NEN, SESNA

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

Recommendation:

Adopt Resolution 2023-25 declaring a public need to acquire the easements and the City of Salem's intent to negotiate for the acquisition of easements for the State Street at 25th Street SE Intersection Improvement project.

Summary:

The State Street at 25th Street SE Intersection Improvement project includes construction of Americans with Disabilities Act (ADA) compliant ramps, one ADA-compliant driveway, installation of a cut-through median island, modification and extension of an existing median island, installation of street lighting, and signal improvements (Attachment 1, Project Location Map). The project is currently in the design phase and construction is scheduled for 2025.

Attachments: [Project Location Map](#)

[Resolution No. 2023-25](#)

[Identified Properties](#)

3.3 ACTION ITEMS

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. (file 23-308) Deletion: Motion from Councilor Linda Nishioka concerning open house events was removed from the agenda.

5.b. [23-271](#) Motion from Councilor Vanessa Nordyke regarding a south Salem townhall.

Ward(s): Ward 2, 3, 4, and 7

Councilor(s): Councilors Gwyn, Nishioka, Nordyke and Phillips

Neighborhood(s): Faye Wright, Morningside, SCAN, SEMCA, SGNA, SSNA, Sunnyslope, and SWAN

Attachments: [South Salem Townhall TENTATIVE AGENDA.docx](#)

[Public Comments received by 3:00 p.m., July 24, 2023.pdf](#)

[Additional comment received by 5:00 p.m., July 24, 2023](#)

5.c. [23-317](#) Deliberations only for City Council review for the appeal of Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, four Class 2 Adjustments, Tree Regulation Variance, and Class 1 Design Review approval (Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02) located at the 2100 Block of Doaks Ferry Rd NW.

No written or oral public testimony or comment will be taken at this meeting.

Ward(s): Ward 8

Councilor(s): Varney

Neighborhood(s): West Salem Neighborhood Association

Result Area(s): Welcoming and Livable Community

Recommendation:

Affirm the Planning Administrator's decision to conditionally approve the consolidated application for Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, four Class 2

Adjustments, Tree Regulation Variance, and Class 1 Design Review.

Summary:

The public hearing was closed on July 24, 2023. The record was open until July 31st for new evidence, until August 7th for rebuttal testimony, and August 14th for the applicant's final written argument.

The Planning Administrator issued a decision approving a consolidated application request for a proposed six-lot subdivision for Titan Hill Estates in conjunction with a proposed multi-family development of 436 units for Titan Hill Apartments, subject to conditions of approval. The West Salem Neighborhood Association (WSNA) appealed the Planning Administrator's decision. City Council may affirm, modify, or reverse the Planning Administrator's decision for Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02.

Attachments: [Memo of Open Record Comments received by July 31, 2023](#)

[Memo of Final Public Comments received by August 7, 2023.pdf](#)

[Titan Hill Appeal Final Argument, 4877-2078-1175, 2.pdf](#)

Add - Final Written Rebuttal from Applicant.

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

- 6.a. [23-289](#) Purchases approved administratively from June 1, 2023 through June 30, 2023.

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 June. Included in the report are procurement contracts and public contracting activities with a current fiscal year impact and annual contracts.

Attachments: [Purchases approved administratively June 2023.pdf](#)

- 6.b. [23-313](#) End of session report summarizing the City's legislative activities during the 2023 session of the Oregon State Legislature.

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:

End of session report summarizing the City's legislative activities during the 2023 session of the Oregon State Legislature.

Attachments: [2023 Legislative Policy Statements rev 3.24.23.pdf](#)
[CityofSalem 2023 LegislativeReport finalversion v2.pdf](#)

- 6.c. [23-314](#) Referendum Petition for Ordinance No. 12-23, the Safe Salem Employee Payroll Tax

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

Recommendation:

Information only.

Summary:

On August 1, 2023, petitioner Preston Mann submitted, to the City Recorder, signature sheets containing over 10,000 signatures for the referendum petition concerning Ordinance No. 12-23, the Safe Salem Employee Payroll Tax. Petitioner needs 3,986 valid signatures to qualify the referendum for election. The City Recorder's office reviewed the sheets for compliance with state election law and over August 2nd and 3rd delivered the sheets to the Marion County elections official for review and verification. Upon completion of Marion County's review, it will determine whether an adequate number of signatures have been submitted, and if so, certify the measure for the November 7, 2023 election.

Attachments: [Prospective Petition for Referendum received from Preston Mann on 7-14-2023.pdf](#)
[Notice of Ballot Title - July 24, 2023 Statesman Journal Publication.pdf](#)
[Public Comments received by 3:30 p.m., August 14, 2023](#)

Add - Written Testimony.

- 6.d. [23-315](#) Planning Administrator Decision - A 24-unit multi-family development - APPEALED.

Class 3 Site Plan Review / Class 1 Design Review Case No.
 SPR-DR23-21 - Brandon Fahlman, Whitney Fahlman, Luke Glaze,

Jocelyn Glaze - 1341 Waller St SE.

This case has been APPEALED by the applicant and will go before the Hearings Officer unless called up by City Council.

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

Recommendation:

Information Only.

Attachments: [Land Use Decision SPR-DR23-21](#)

[Appeal](#)

- 6.e. [23-316](#) Summary of recent activity and progress on 2022 voter-approved Safety and Livability Bond measure.

Ward(s): All Wards
 Councilor(s): All Councilors
 Neighborhood(s): All Neighborhoods
 Result Area(s): Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

Recommendation:

Information only.

Summary:

The City has established an oversight committee for the spending and projects to be funded with the voter-approved Safety and Livability Bond measure. Construction on projects funded - in part - within the Bond is underway on the Union Street Family Friendly Bikeway and anticipated to begin soon for the first phase of the McGilchrist Complete Street. Design work is underway for several pavement replacement projects, the first of three bond sales has occurred, and fire trucks and equipment have been purchased. Other projects underway include paving two parking lots at Minto Brown Island Park, and initial conversations about potential priorities for future investment in sidewalks, safer pedestrian crossings, and mixed use paths and trails.

- 6.f. [23-318](#) Planning Administrator Decision - A new 75-unit multi-family housing development - Approved.

Urban Growth Preliminary Declaration / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit / Class 1 Design Review Case No. UGA-SPR-ADJ-DAP-DR23-03 - James F Conser, Mary K Conser, Gregory J Conser, Matthew J Conser, Stuart T Conser, Weatherford Thompson, P.C. - 5080 MacLeay Rd SE

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

Recommendation:

Information Only.

Attachments: [Land Use Decision UGA-SPR-ADJ-DAP-DR23-03](#)

6.g. [23-324](#) Hearings Officer Decision - To increase the amount of wall signs allowed from two to three - Approved.

Sign Variance / Sign Permit Case No. VAR-SI23-01 - Walmart Real Estate Business Trust - 3025-3033 Lancaster Dr NE.

Ward(s): 6
Councilor(s): Hoy
Neighborhood(s): NOLA

Recommendation:

Information Only.

Attachments: [Land Use Decision VAR-SI23-01](#)

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.

UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS

- a. [23-303](#) Unless otherwise noted, all meetings and public hearings 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:

SALEM HOUSING AUTHORITY PUBLIC HEARINGS:

URBAN RENEWAL AGENCY PUBLIC HEARINGS:

CITY COUNCIL WORK SESSIONS:

(Unless otherwise noted, work sessions are held in the Anderson Rooms at Salem Public Library, 585 Liberty St SE)

Tentative Work Session

Monday, September 18, 2023 at 6:00 p.m.

2024 City Council Policy Agenda - Kick Off

Monday, November 20, 2023 at 6:00 p.m.

BUDGET COMMITTEE MEETINGS:

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS:

Neighborhood - Annual Meeting Date - Time - Councilor

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, Nordyke

NEN November 14, 2023 6:30 p.m. - Councilors Nishioka,
Stapleton

SESNA November 28, 2023 7:00 p.m. - Councilor Nishioka

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.

