



# **CITY OF SALEM**

## **Meeting Agenda**

### **City Council**

555 Liberty St SE  
Salem, OR 97301

---

**Monday, August 28, 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](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 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**

**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.** [23-334](#) August 14, 2023 Draft City Council Minutes

**Attachments:** [8-14-23 Draft Council Minutes.pdf](#)

**3.2 RESOLUTIONS**

**3.2a.** [23-326](#) Internal Borrowing from the City's Utility Fund to the Airport Fund for property acquisition and capital improvements.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Recommendation:**

Adopt Resolution No. 2023-27, approving an internal borrowing from the City's Utility Fund to the Airport Fund for property acquisition and capital improvements in an amount not to exceed \$1,839,000 to expand available parking at the Airport.

**Summary:**

The City Council is considering a property purchase at 2790 25th Street SE adjacent to the Salem Municipal Airport. The intent of the property acquisition is to create additional parking capacity to support increased activity with commercial air service and other potential use of the buildings. To make this purchase, an internal loan is needed. Approval of this resolution will execute a loan between the Utility Fund and the Airport Fund in the amount not to exceed \$1,839,000.

**Attachments:** [Resolution No. 2023-27](#)  
[Resolution No. 2023-27, Exhibit A, 2023 Utility Fund / Airport Fund Interfund Loan Agreement](#)  
[Public Comments received by 2:30 p.m., August 28, 2023](#)

*Add - Written Testimony.*

**3.2b.** [23-327](#) Transfer of appropriations within the City's Fiscal Year 2024 Budget for unanticipated changes.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Recommendation:**

Adopt Resolution No. 2023-28 authorizing a transfer of appropriations within the City's fiscal year 2024 budget for unanticipated changes.

**Summary:**

An appropriations transfer is needed to move forward with the internal loan between the Utility and Airport funds to purchase and improve property adjacent to the Salem Municipal Airport for parking.

**Attachments:** [Resolution No. 2023-28](#)

**3.2c. [23-320](#)**

Acquisition of Property for the Macleay Road SE /Caplinger Road SE Pedestrian Improvement Project.

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): SEMCA

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

**Recommendation:**

Adopt Resolution No. 2023-29, declaring a public need to acquire and the City of Salem's intent to negotiate for the acquisition of right-of-way and easements for the Macleay Road SE at Caplinger Road SE Pedestrian Improvement Project.

**Summary:**

The Macleay Road SE at Caplinger Road SE Pedestrian Improvement Project includes construction of curb, ADA-compliant sidewalk, minor asphalt widening on the south side of Caplinger Road SE, and a pedestrian crossing with a center-island refuge on Macleay Road SE at Caplinger Road SE (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. 2023-29](#)  
[Exhibit 1 to Resolution](#)

**3.2d. [23-322](#)**

Acquisition of Property for the 2024 Pavement Rehabilitation Project: Commercial Street SE from Fabry Road SE to the Interstate-5 Ramps.

Ward(s): 4

Councilor(s): Gwyn

Neighborhood(s): SGNA

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

**Recommendation:**

Adopt Resolution 2023-30, declaring a public need to acquire and the City of Salem's intent to negotiate for the acquisition of right-of-way and permanent easements for the 2024 Pavement Rehabilitation Project.

**Summary:**

The 2024 Pavement Rehabilitation Project includes asphalt pavement removal and replacement. This creates an ideal time to bring existing curb ramps into compliance with current standards (Attachment 1, Project Location Map). The project is currently in design with construction scheduled for 2024.

**Attachments:** [Project Location Map](#)  
[Resolution No. 2023-30](#)  
[Exhibit 1 to Resolution](#)

### 3.3 ACTION ITEMS

**3.3a. [23-332](#)**

Adoption of Final Order No.

2023-1-SUB-UGA-SPR-ADJ-TRV-DR23-02 following City Council's vote to 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, three Class 2 Adjustments, Tree Regulation Variance, and Class 1 Design Review Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02 for property located at the 2100 Block of Doaks Ferry Road NW.

Ward(s): Ward 8

Councilor(s): Varney

Neighborhood(s): West Salem Neighborhood Association

Result Area(s): Welcoming and Livable Community

**Recommendation:**

Adopt the Final Order to 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, three Class 2 Adjustments, Tree Regulation Variance, and Class 1 Design Review Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02.

**Summary:**

On July 24, 2023, the City Council held a public hearing, received testimony, and closed the public hearing but left the record open for additional evidence and testimony and the applicant's final written

argument. The City Council conducted deliberations on August 14, 2023, and voted to 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, three Class 2 Adjustments, Tree Regulation Variance, and Class 1 Design Review Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02.

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

[Order 2023-1-SUB-UGA-SPR-ADJ-TRV-DR23-02](#)

[Exhibit 1](#)

**3.3b. [23-333](#)**

Purchase and Sale Agreement and lease assumption with West One Automotive Group, Inc. for personal property located at 2780-2790 25th Street SE, located at the Salem Municipal Airport.

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): SEMCA

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

Welcoming and Livable Community

**Recommendation:**

Authorize the City Manager to execute the attached Agreement and assume/modify the Lease.

**Summary:**

West One Automotive Group, Inc. (Shirley Anderson, President and Dave Brown, Secretary) (Seller) listed the personal property (buildings, parking lot, site improvements, etc.) (collectively the "Improvements") it owns via a ground lease at the Salem Municipal Airport for sale. At City Council direction, staff submitted an offer to purchase the property and staff and Seller have come to terms on a Purchase and Sale Agreement (Agreement) to acquire the Improvements and assume and modify the existing ground lease (Lease) with Carpenter Commercial Properties L.L.C. (Carpenter Management Services, Inc., Manager, Virginia L. Carpenter, President) (Lessor).

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

[Exhibit B to Agreement](#)

[Exhibit C to Agreement](#)

[Exhibit D to Agreement](#)

[Amendment](#)

## 4. PUBLIC HEARINGS

**4.a. [23-325](#)**

Supplemental Budget 1 for unanticipated City expenses related to

the Airport and Cultural & Tourism funds.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Healthy Community; Strong and Diverse Economy

**Recommendation:**

Adopt Resolution No. 2023-26, Fiscal Year 2024 Supplemental Budget (1), increasing Airport Fund and Cultural & Tourism Fund resource and expenditure appropriation authority for unanticipated revenue and expenses.

**Summary:**

Since the adoption of the FY 2024 budget, there have been unanticipated expenses for the Airport and Cultural & Tourism funds. Also on the August 28, 2023, City Council agenda for approval is a report to consider an internal loan between the Utility Fund and the Airport Fund for the purchase of a property next to the Airport that would create additional parking, and provide needed administrative space. If approved, the Airport Fund needs to add budget authority in the debt service category to begin repaying the Utility Fund this fiscal year. Additionally, the Cultural & Tourism fund is experiencing more activity than anticipated during budget development for overnight stays in Salem. With this increase in revenue, additional expenses not known at the time of budget development will be incurred resulting in the need for a budget adjustment.

**Attachments:** [Resolution No. 2023-26](#)  
[Resolution No. 2023-26, Exhibit A](#)  
[Resolution No. 2023-26, 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. [23-331](#) Motion from Councilor Julie Hoy to repeal of the Safe Salem Payroll Tax ordinance

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [ORDINANCE BILL Repeal of Ord No 12-23.docx](#)

[Public Comments received by 2:30 p.m., August 28, 2023](#)

[Additional Public Comment received by 5:00 p.m., August 28, 2023](#)

*Add - Written Testimony.*

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

- 6.a. [23-310](#) Purchases approved administratively from July 1, 2023 through July 31, 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 July. Included in the report are procurement contracts and public contracting activities with a current fiscal year impact and annual contracts.

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

- 6.b. [23-328](#) Economic development quarterly information report.

Ward(s): All

Councilor(s): All

Neighborhood(s): All

Result Area(s): Strong and Diverse Economy

**Recommendation:**

Information only.

**Summary:**

City Council requested economic development reports from the Urban Development Department. This report includes activity from quarter two of calendar year 2023.

## 7. ORDINANCES

### 7.1 FIRST READING:

- 7.1a. [23-329](#) Revisions to the Salem Revised Code 58.001, 58.003, 58.004, 58.185, 58.190, 58.325, and 58.334 related to the Fire Prevention Code.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Healthy Community

**Recommendation:**

Conduct the first reading and advance to the second reading Ordinance No. 13-23 for the purpose of amending SRC 58.001, 58.003, 58.004, 58.185, 58.190, 58.325, and 58.334 to enforce the most current Oregon Fire Code adopted by the State of Oregon with local modifications.

**Summary:**

The Fire Prevention Code currently adopted is from the 2014 edition of the Oregon Fire Code. The State has adopted a new code, the 2021 edition of the International Fire Code, with Oregon amendments. Revisions to the City's Fire Prevention Code will align it with the code adopted by the State of Oregon with local modifications.

**Attachments:** [Ordinance Bill 13-23](#)

[Attachment A to Ordinance Bill 13-23](#)

**7.1b. [23-338](#)**

First reading of Ordinance Bill No. 14-23, repealing the Safe Salem Employee Payroll Tax; Repealing Ordinance No. 12-23 containing 39.001, 39.005, 39.010, 39.015, 39.020, 39.025, 39.030, 39.035, 39.040, 39.990; and declaring an emergency.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment

Stewardship; Safe and Healthy Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

**Recommendation:**

Advance Ordinance Bill No. 14-23 to second reading for enactment.

**Summary:**

First reading of Ordinance Bill No. 14-23 will be conducted if City Council approves Councilor Hoy's motion to repeal Ordinance No. 12-23 (item 5.a on tonight's agenda).

**Attachments:** [ORDINANCE BILL 14-23](#)

[Public Comment received by 2:30 p.m., August 28, 2023](#)

*Add - Written Testimony.*



**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. [23-339](#) 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:**

Sign Code Update

Monday, October 23, 2023 at 6:00 p.m.

**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)

Revised FY 2024 Budget

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](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.

