



CITY OF SALEM

Meeting Agenda

City Council

555 Liberty St SE
Salem, OR 97301

Monday, September 26, 2016	6:30 PM	Council Chambers
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EXECUTIVE SESSION

None.

WORK SESSION - 5:30 p.m. in the City Council Chambers

1. Interview Budget Committee Candidate

2. Community-Focused Website Redesign

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. [16-204](#) September 12, 2016 Council Minutes

Attachments: [9-12-16 Council Minutes.pdf](#)

3.2 RESOLUTIONS

- 3.2a. [16-212](#) Resolution No. 2016-41 dedicating public right-of-way lands acquired from Marion County District 24J commonly known as Salem-Keizer School District 24J, described in Polk County Book of Records Document Numbers 2016-004738 and 2016-004739.

Ward(s): 8
Councilor(s): Jim Lewis
Neighborhood(s): West Salem

Recommendation: Adopt Resolution No. 2016-41 that dedicates the lands acquired from Marion County District 24J, commonly known as Salem-Keizer School District 24J, described in Polk County Book of Records Document Numbers 2016-004738 and 2016-004739, to the public for right-of-way.

Attachments: [Resolution No. 2016-41](#)
[Resolution No. 2016-41 Exhibit 1](#)

- 3.2b. [16-244](#) Resolution No. 2016-47 Authorizing the Approval of Revenue Refunding Bonds Issued by the Hospital Facility Authority of the City of Salem, Oregon, in an Aggregate Principal Amount not to Exceed \$225,000,000, to allow Salem Health to refinance certain bonded indebtedness

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

Recommendation: Adopt Resolution No. 2016-47 authorizing the approval of revenue refunding bonds, in one or more series, to be issued by the Hospital Facility Authority of the City of Salem, Oregon, in an aggregate principal amount not to exceed \$225,000,000, and authorizing the City Manager to enter into an agreement with Salem Health indemnifying the City from all claims arising from the City's participation in the approval and use of the bonds.

Attachments: [Memorandum from Douglas Goe, Bond Counsel](#)
[Resolution No. 2016-47](#)
[Affidavit of Publication of the Public Hearing](#)
[Salem Health Hearing Officer Report](#)
[Agreement Regarding City Costs and Liabilities](#)

- 3.2c. [16-275](#) Resolution No. 2016-45 Amending City Council Transient Occupancy Tax Policy C-1

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

Recommendation: Adopt Resolution No. 2016-45 amending City Council Policy C-1 adopted September 26, 2016.

Attachments: [Resolution 2016-45 Council Policy C-1](#)
[EXHIBIT 1 - City Council Policy C-1](#)
[9-28-15 TOT non-501c Exception](#)
[Event Grant App Non-501\(c\) 2](#)

3.3 ACTION ITEMS

- 3.3a. [16-208](#)** Approval to fund the development of 288 affordable housing units with FY 2017-2018 and FY 2018-2019 HOME Investment Partnership program funding.

Ward(s): Ward 3 and 5
Councilor(s): Nanke and Dickey
Neighborhood(s): Northgate, Highland, and SEMCA

Recommendation: Approve a set aside of \$400,000 from the FY 2017-2018 and \$100,000 from the FY 2018-2019 U.S. Department of Housing and Urban Development HOME Investment Partnership (HOME) allocations.

Attachments: [Portland Road Site Plan](#)
[Caplinger Site Plan](#)

- 3.3b. [16-239](#)** I-5 at Kuebler Boulevard SE
Southbound Ramps-Sound Wall Access
Intergovernmental Agreement with Oregon Department of Transportation

Ward(s): 3, 4
Councilor(s): Nanke, McCoid
Neighborhood(s): South Gateway

Recommendation: Council authorize the City Manager to execute an Intergovernmental Agreement with the Oregon Department of Transportation for access necessary along a City right-of-way for constructing and maintaining a required sound wall; and further authorize the City Manager to sign any additional supplements and amendments as needed for the work.

Attachments: [I-5 at Kuebler SB Ramps - Sound Wall Access - ODOT Agreement No31343 Staff Repo Intergovernmental Agreement](#)

- 3.3c. [16-279](#)** Appointment to the Citizen Budget Committee

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

The Council Board and Commission Appointments Committee recommends Council interview and appoint Vanessa Nordyke to the Citizen Budget Committee to fill the at-large vacancy to a term expiring June 30, 2019.

Attachments: [Vanessa Nordyke Application](#)

3.3d. [16-267](#)

Purchase and Sale Agreement with Brandon Fahlman for surplus property located at 4333 Liberty Road South.

Ward(s): 7

Councilor(s): Bednarz

Neighborhood(s): Sunnyslope

Recommendation:

Authorize the City Manager to execute the attached Purchase and Sale Agreement with Brandon Fahlman for property located at 4333 Liberty Road South.

Attachments: [Site Map](#)
[Proposed Agreement](#)

3.3e. [16-142](#)

Intergovernmental Agreement for transfer of real property between the City of Salem and Salem-Keizer School District 24J

Ward(s): 1, 2, 3, 4, 5, 7, and 8

Councilor(s): Bennett, Andersen, Nanke, McCoid, Dickey, Bednarz, Lewis

Neighborhood(s): Faye Wright, Grant, Highland, NEN, Northgate, SCAN, SESNA, South Gateway, Sunnyslope, West Salem

Recommendation:

Authorize the City Manager to execute the attached Intergovernmental Agreement with Salem-Keizer School District 24J transferring multiple properties between the City of Salem and Salem-Keizer School District 24J.

Attachments: [Map and Table of Properties](#)
[City SKSD IGA Property Transfer with Exhibits](#)
[Summary of Neighborhood Association Feedback](#)
[SPRAB Resolution on Property Transfer](#)
[Written Testimony 1-5](#)

Add - Written Testimony

3.3f. [16-190](#)

Surplus property sale - 1660 Snowbird Court NW

Ward(s): Ward 8

Councilor(s): Lewis

Neighborhood(s): WSNA

Recommendation:

Approve the proposed minimum terms for the sale of surplus property located at 1660 Snowbird Ct. NW.

Attachments: [Location Map](#)

4. PUBLIC HEARINGS**4.a.** [16-237](#)

Community Development Block Grant and HOME Investment Partnership Programs Consolidated Annual Performance and Evaluation Report

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Approve submittal of the 2015-2016 Program Year Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant and HOME Investment Partnership Programs to the US Department of Housing and Urban Development (HUD) no later than September 30, 2016.

Attachments: [CAPER](#)

[Presentation](#)

[Written Testimony 1](#)

Add - Written Testimony

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)

6. INFORMATION REPORTS: (Items that require no Council action)**6.a.** [16-249](#)

Notice of proposed administrative rulemaking by the Fire Department to establish a matrix for the imposition of civil penalties for violations of the City's Fire Code.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Recommendation:

Information Only.

Attachments: [Administrative Rules for Fire Code Enforcement](#)**6.b.** [16-253](#)

Hearings Officer Decision - Conditional Use/Class 3 Site Plan Review/Class 2 Zoning Adjustment/Class 2 Driveway Approach

Permit No. CU-SPR-ADJ-DAP16-07 - Approved - WSH LLC (Jayne Downing, Caleb A. Williams) - 1530 Gabriela Court NE - To allow a non-profit shelter with an adjustment to reduce the minimum number of parking spaces from 12 spaces to 6 spaces.

Ward(s): 6
Councilor(s): Benjamin
Neighborhood(s): ELNA

Recommendation: Information Only.

Attachments: [CU-SPR-ADJ-DAP16-07 REVISED Decision](#)

- 6.c. [16-254](#) Hearings Officer Decision - Conditional Use/Class 3 Site Plan Review No. CU-SPR16-08 - Approved - Tyler Clark & Jason Schneppe - 560 21st Street SE, Suite 120 - To change part of an existing building to a recreational marijuana extraction facility and add parking spaces in a new paved parking lot.

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

Recommendation: Information Only.

Attachments: [CU-SPR16-08 Decision](#)

- 6.d. [16-270](#) Planning Commission Decision - Zone Change / Class 3 Site Plan Review No. CPC-ZC-SPR16-07 - Approved - AD IN LLC (Craig Horn) - Salem Tennis and Swim Club 4318 Lone Oak Road SE

Ward(s): 3
Councilor(s): Nanke
Neighborhood(s): Faye Wright

Recommendation: Information Only.

Attachments: [Land Use Decision CPC-ZC-SPR 16-07](#)

- 6.e. [16-272](#) Planning Administrator's Decision - Time Extension Case No. DR-ZC-VAR-SPR12-04EXT2 - Approved - Harmon Com LLC (Elizabeth R. Harmon) - 910 Front Street NE

Ward(s): 1
Councilor(s): Bennett
Neighborhood(s): CANDO

Recommendation: Information Only.

Attachments: [Land Use Decision DR-ZC-VAR-SPR12-04EXT2](#)

- 6.f. [16-273](#) Planning Commission Decision - Class 3 Design Review / Class 3 Site

Plan Review / Class 2 Adjustment / Class 1 Adjustment / Class 2 Driveway Approach Permit Case No. DR-SPR-ADJ-DAP16-02 - Approved - Reserve at Red Leaf LLC (Greg Huston, Todd Woodley & Stephen Flett) - 5710 Red Leaf Drive S - A Design Review, Site Plan Review, Adjustments, and Driveway Approach Permit for adjustments to street setbacks, side vehicle use area setbacks, and number of driveways from property to Red Leaf Drive S to allow a 127-unit multi-family use on the subject property.

Ward(s): 4
Councilor(s): McCoid
Neighborhood(s): Sunnyslope

Recommendation: Information Only.

Attachments: [Land Use Decision DR-SPR-ADJ-DAP16-02](#)

- 6.g.** [16-274](#) Appeal received for Planning Commission Decision - DR-SPR16-03 - 152-172 Pembroke Street SE & 4752 Liberty Road S - Design Review and Site Plan Review approval of an 88-unit multi-family development.

Faye Wright Neighborhood Association submitted an appeal. It will be scheduled for a public hearing before the City Council.

Ward(s): 7
Councilor(s): Bednarz
Neighborhood(s): Faye Wright

Recommendation: Information Only.

Attachments: [Land Use Decision DR-SPR16-03](#)
[Appeal letter](#)

Revised - Planning Commission Decision Appealed

7. ORDINANCES

7.1 FIRST READING:

- 7.1a.** [16-235](#) Amending SRC Chapter 12 - Ethics, and assigning the duties to issue advisory opinions and interpretations to the Salem Hearings Officer.

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

Recommendation:

Conduct first reading of Ordinance Bill No. 13-16, which amends SRC Chapter 12 - Ethics, to assign the duties to issue advisory opinions and interpretations regarding the City's Ethics Code to the Salem Hearings Officer, and disbands the Board of Ethics.

Attachments: [Ordinance bill no 13-16 SRC 12 board of ethics](#)**7.1b. [16-276](#)**

Proposed Comprehensive Plan Map Change - "Single Family Residential" to "Parks, Open Space and Outdoor Recreation" for 4318 Lone Oak Road SE.

Ward(s): Ward 3

Councilor(s): Nanke

Neighborhood(s): Faye Wright

Recommendation:

Conduct first reading of Ordinance Bill No. 15-16 changing the Comprehensive Plan Map designation from "Single Family Residential" to "Parks, Open Space and Outdoor Recreation" for 4318 Lone Oak Road SE.

Attachments: [Vicinity Map](#)

[Planning Commission Recommendation](#)

[Planning Commission Zone Change Approval](#)

[Ordinance 15-16](#)

[Ordinance 15-16 Exhibit 1](#)

[Ordinance 15-16 Exhibit 2](#)

7.2 SECOND READING:**8. PUBLIC COMMENT: (Other than agenda items)****9. NEW BUSINESS****9.1 MAYOR'S ITEMS:****9.2 COUNCILOR'S ITEMS:****9.2a. [16-283](#)**

Study of City Council Compensation in Comparable Oregon Cities

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

10. 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. [16-280](#) PUBLIC HEARINGS**

2017-2018 Utility Rate Proposal ~ Monday, October 10 at 6:30 p.m.

Joint Public Hearing with the City of Keizer, Marion County, and Polk County Regarding Land Use Actions to Support the Salem River Crossing Preferred Alternative ~ Location: Center 50+, 2615 Portland Rd NE, Salem, Wednesday, October 12 at 6:00 p.m.

WORK SESSIONS - Held in the Council Chambers unless otherwise noted

Urban Renewal Agency Work Session - Downtown Focus Group Update ~ October 17 at 6:30 p.m.

Joint City Council/Urban Renewal Agency/SEDCOR - Economic Development Update ~ November 21 at 6:30 p.m.

BUDGET COMMITTEE MEETINGS - Held in the Council Chambers unless otherwise noted

Budget Committee Meeting - November 16 at 6:00 p.m.

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor

NOLA - October 12 - Benjamin

WSNA - October 17 - Lewis, Bennett

NESCA - October 18 - Bennett, Andersen, Benjamin

SESNA - October 25 - Andersen

SWAN - November 3 - Bednarz

South Gateway - November 10 - McCoid

MEETING PROCEDURES

City Council meets on the second and fourth Mondays of each month at 6:30 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: www.cityofsaalem.net/Departments/Legal/Pages/CouncilRules.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 5:00 pm on the day of the City Council meeting when the item will be considered. 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 205, Salem, OR, or by e-mail to:

manager@cityofsalem.net.

PUBLIC HEARINGS

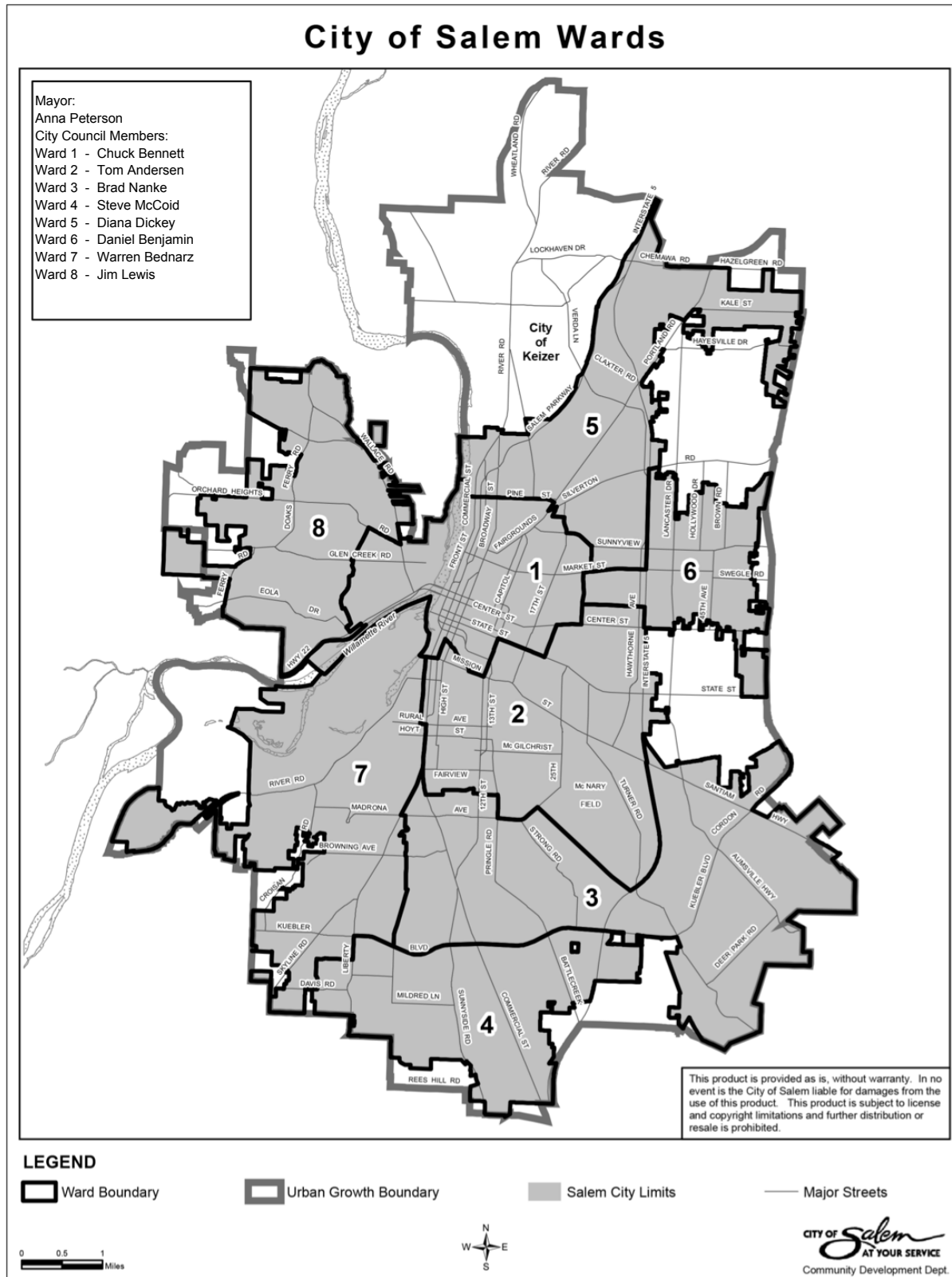
The City Council can hold public hearings to consider legislative, quasi-judicial or administrative matters. To testify at a hearing, you may sign up on the Hearing Roster located near the east entrance to the Council Chambers before the Mayor convenes the meeting. At the time for the hearing on the 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.



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