



CITY OF SALEM
Meeting Agenda
City Council

555 Liberty St SE
Salem, OR 97301

Monday, September 9, 2019

6:00 PM

Council Chambers

EXECUTIVE SESSION

5:30 p.m. City Manager Conference Room
Labor Negotiations - ORS 192.660(2)(d)

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

1.3 a. [19-395](#) Proclamation recognizing 9/11 Day of Remembrance

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

Recommendation: Information Only.

Attachments: [Proclamation - 9-11 Day of Remembrance](#)

1.3 b. [19-408](#) Proclamation recognizing Constitution Week

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

Neighborhood(s): All Neighborhoods

Recommendation: Information Only.

Attachments: [Proclamation - Consitution Week](#)

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

3.1 a. [19-417](#) August 19, 2019 Draft City Council Work Session Minutes

Attachments: [8-19-19 Draft City Council Work Session Minutes](#)

3.1 b. [19-418](#) August 26, 2019 Draft City Council Minutes

Attachments: [8-26-19 Draft Council Minutes](#)

3.2 RESOLUTIONS

3.2 a. [19-389](#) Property acquisition for the Rosemont Avenue NW Sidewalk Reconstruction Project.

Ward(s): 1, 8

Councilor(s): Kaser, Lewis

Neighborhood(s): West Salem

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

Recommendation: Adopt Resolution No. 2019-27, declaring a public need to acquire and negotiate for the acquisition of right-of-way and easements to construct the Rosemont Avenue NW Sidewalk Reconstruction Project.

Attachments: [Attachment 1 - Project Location Map](#)

[Attachment 2 - Identified Properties](#)

[Resolution 2019-27](#)

3.3 ACTION ITEMS

3.3 a. [19-396](#) Order for City Council review of the Planning Administrator's decision approving a Tentative Subdivision Review with a Class 1 Adjustment application for Permit Case No. SUB-ADJ19-02 for property located at the 575 Salem Heights Avenue S.

Ward(s): 7

Councilor(s): Cook

Neighborhood(s): Southwest Association of Neighbors

Result Area(s): Welcoming and Livable Community

Recommendation:

Staff recommends that the City Council adopt the order affirming the decision of the Planning Administrator for Subdivision / Class 1 Adjustment Case No. SUB-ADJ19-02.

Attachments: [June 6, 2019 Planning Administrator Decision](#)

[Order 2019-9 SUB-ADJ19-02](#)

[Exhibit 1](#)

3.3 b. [19-400](#)

Intergovernmental Agreement with Polk County for Mobile Crisis Response Team services

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community.

Recommendation:

Authorize the City Manager to execute the attached IGA (Attachment 1) with Polk County and any amendments to the IGA, in order to provide Mobile Crisis Response Team services during the Fiscal Year 2019-2020.

Attachments: [IGA Polk County MCRT Services](#)

3.3 c. [19-407](#)

Creating a Development Council to Oversee and Manage Development of a Continuum of Care for the Mid-Willamette Region

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community.

Recommendation:

Authorize the City Manager to execute the attached Memorandum of Agreement to create a Development Council to oversee and manage development of a Regional Continuum of Care for the Mid-Willamette Region.

Attachments: [Memorandum of Agreement](#)

[Financial Contributions Table](#)

3.3 d. [19-411](#)

Recommended appointment to the Downtown Advisory Board

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Recommendation:

Appoint the applicant listed in the Facts and Findings section to the Downtown Advisory Board.

Attachments: [Linda T. Nishioka Application Redacted](#)

4. PUBLIC HEARINGS

4. a. [19-405](#) Community Development Block Grant and HOME investment partnership programs Consolidated Annual Performance and Evaluation Report (CAPER)

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

Recommendation: Approve submittal of the 2018-2019 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).

Attachments: [CAPER](#)

4. b. [19-409](#) Reconsideration of City Council's denial to form the Aspen Grove Reimbursement District.

Ward(s): 8
Councilor(s): Jim Lewis
Neighborhood(s): West Salem Neighborhood Association
Result Area(s): Safe, Reliable and Efficient Infrastructure.

Recommendation: Adopt Resolution No. 2019-26, approving the formation of Aspen Grove Reimbursement District to collect funds for reimbursement of the developer's costs associated with constructing public infrastructure.

Attachments: [Resolution - Aspen Grove Reimbursement District](#)
[Exhibit 1 - Aspen Grove Reimbursement Application](#)
[Exhibit 2 - Aspen Grove Reimbursement District Boundary](#)
[Exhibit 3 - Properties within District Boundary](#)
[Aspen Grove Sewer Reimbursement Certification of Costs](#)
[Cost Allocation Map](#)
[Written Testimony](#)
[Written Testimony 1](#)

Add - Written Testimony

4. c. [19-420](#) Appeal of the Planning Commission's decision approving Fairview Refinement Plan / Class 2 Adjustment / Tentative Subdivision Plan Case No. FRP-ADJ-SUB19-01 for property located in the 4100 to 4200 blocks of Pringle Road SE and the 4200 Block of Battle Creek Road SE.

Ward(s): Ward 3

Councilor(s): Nanke
 Neighborhood(s): Morningside
 Result Area(s): Welcoming and Livable Community

Recommendation: Affirm the July 26, 2019, Planning Commission's decision approving the Fairview Refinement Plan, Class 2 Adjustment, and Tentative Subdivision Plan.

Attachments: [Attachment 1 - Vicinity Map](#)
[Attachment 2 - Fairview Woods Refinement Plan](#)
[Attachment 3 - Tentative Subdivision Plan](#)
[Attachment 4 - Planning Commission Decision \(July 26, 2019\)](#)
[Attachment 5 - Notice of Appeal Submitted by Jerry Mumper](#)
[Attachment 6 - Neighborhood Association Comments](#)
[Attachment 7 - Public Comments](#)
[Attachment 8 - Fairview Training Center Redevelopment Master Plan](#)
[Attachment 9 - Fairview Plan Street Network Plan](#)
[Attachment 10 - Street Network Plan Compared with Subject Property
 Written Testimony](#)

Add - Written Testimony

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)

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

6.a. [19-390](#) Purchases approved administratively from July 1, 2019 through July 31, 2019.

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

Recommendation: Information only.

Attachments: [Purchases approved administratively July 2019](#)

6.b. [19-404](#) City's legislative activities during the 2019 session of the Oregon State Legislature.

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

Neighborhood(s): All Neighborhoods

Recommendation: Information only.

Attachments: [2018-19 Salem Legislative Policy Statements](#)
[City of Salem, 2019 Session Overview, as submitted by Perseverance Strategies, Inc.](#)

- 6.c. [19-406](#) Planning Commission Decision - A Minor Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment, and Zone Change from RA (Residential Agriculture) to IC (Industrial Commercial). - Approved.

Comprehensive Plan Map Change / Neighborhood Plan Map Change / Zone Change; Case No. CPC-NPC-ZC19-09 - Mark Shipman, Saalfeld Griggs, PC, on behalf of Nature's Kick Corp. (Glenn Peters and Kim Peters) - 1443 45th Avenue NE.

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

Recommendation: Information Only.

Attachments: [Land Use Decision CPC-NPC-ZC19-09](#)

- 6.d. [19-410](#) Annual Evaluation of the City of Salem Floodplain Management Plan

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

Recommendation: Information only.

Attachments: [Status Summary](#)
[Annual Evaluation Report 2019](#)

- 6.e. [19-413](#) Planning Administrator Decision - A partition to consolidate several underlying units of land into one parcel for 451 Division St NE and one parcel for 465 Division St NE - Approved.

Partition Case No. PAR19-09 - John Shirley, Anderson Shirley Architects, on behalf of Traci Kendall, MAPS Credit Union - 451 and 465 Division St NE

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

Recommendation: Information Only.

Attachments: [Land Use Decision PAR19-09](#)

- 6.f. [19-414](#) Planning Administrator Decision - A modification to a previously approved phased subdivision, resulting in a reduction of the amount of development land and preservation of Oregon white oak groves - Approved.

Modification of Subdivision Case No. SUB09-02MOD1 - City of Salem - 5730 Culver Drive SE.

Ward(s): 3
Councilor(s): Nanke
Neighborhood(s): SEMCA

Recommendation: Information Only.

Attachments: [Land Use Decision SUB09-02MOD1](#)

- 6.g. [19-426](#) Planning Administrator Decision - A tentative partition to divide approximately 7.56 acres into three parcels, with parcel 1 consisting of 5.21 acres located at 5611 Woodside Dr SE - Approved.

Partition Case No. PAR19-11 - Brandie Dalton, Multi Tech Engineering Services, on behalf of Empire Builders of Oregon, LLC (James A Helton) - 5611 Woodside Dr SE

Ward(s): 4
Councilor(s): Leung
Neighborhood(s): South Gateway

Recommendation: Information Only.

Attachments: [Land Use Decision PAR19-11.pdf](#)

- 6.h. [19-429](#) Hearings Officer Decision - Conversion of an existing medical marijuana grow site to a facility for production of recreational marijuana, a conditional use in the IC (Industrial Commercial) zone. - Approved.

Conditional Use / Class 3 Site Plan Review Case No. CU-SPR19-04 - ESDE Building and Construction, LLC (Erik Scholtes), for KSB Holdings, LLC (Kelly Bence) - 3625 Portland Rd NE.

Ward(s): 5
Councilor(s): Ausec
Neighborhood(s): Northgate

Recommendation: Information Only.

Attachments: [Land Use Decision CU-SPR19-04](#)

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.

UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS

a. [19-416](#)

CITY COUNCIL PUBLIC HEARINGS

Held in the Council Chambers unless otherwise noted

Appeal of the Planning Commission's Decision approving Design Review / Site Plan Reve / Class 2 Adjustment Case No. DR-SPR-ADJ19-07 for property located at 1175 Nebraska Avenue NE Monday, September 23, 2019 at 6:00 p.m.

Revisions to Salem Revised Code Chapter 601, Floodplain Overlay Zone Monday, October 14, 2019 at 6:00 p.m.

Proposed Solid Waste Collection Service Rates Monday, October 28, 2019 at 6:00 p.m.

Tourism Promotional Area Monday, October 28, 2019 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS

URBAN RENEWAL AGENCY PUBLIC HEARINGS

WORK SESSIONS Held in the Anderson Rooms at the Salem Public Library, 585 Liberty Street SE, unless otherwise noted

City Council
Economic Development and Urban Renewal
Monday, October 21, 2019 at 6:00 p.m.

BUDGET COMMITTEE MEETINGS
Held in the Council Chambers unless otherwise noted

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS
Neighborhood - Annual Meeting Date - Councilor
Northgate - September 19 - Ausec

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.

