



# CITY OF SALEM

555 Liberty St SE  
Salem, OR 97301

## Meeting Agenda

### City Council

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**Monday, September 23, 2019      6:00 PM**

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**Council Chambers**

#### **EXECUTIVE SESSION**

**5:30 p.m. City Manager Conference Room**  
**Real Property Transactions - ORS 192.660(2)(e)**

#### **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**

**1.4a. [19-434](#)**      U.S. Decennial 2020 Census Update

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

**Recommendation:**

Information only.

**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.** [19-456](#) September 9, 2019 Draft City Council Minutes

**Attachments:** [9-9-19 Draft Council Minutes](#)

#### **3.2 RESOLUTIONS**

**3.2a.** [19-454](#) Authorizing the Approval of Revenue Bonds Issued by the Hospital Facility Authority of the City of Salem in an Aggregate Principal Amount not to Exceed \$305,000,000.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Adopt Resolution No. 2019-78 authorizing the approval of revenue 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 \$305,000,000, 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:** [Memo Authority Duties and Responsibilities](#)

[Conduit Financing Primer](#)

[City of Salem Bond Counsel Letter](#)

[City of Salem Resolution-Salem Health 2019 Bonds](#)

[Public Hearing Report-Exhibit B](#)

[HFA Resolution and Attachment - Signed](#)

[Agreement with City-Costs and Liabilities](#)

[Public Hearing Notice-Exhibit A](#)

#### **3.3 ACTION ITEMS**

**3.3a.** [19-393](#) Agreement for sale of surplus real property to Axiom Construction, Inc.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): Morningside

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

**Recommendation:** Authorize the City Manager to execute the attached Purchase and Sale Agreement for disposition of City-owned surplus real property to Axium Construction, Inc.

**Attachments:** [Proposed Agreement](#)  
[Exhibit B to Agreement](#)

- 3.3b.** [19-422](#) Second amendment to lease with Rudy's Steakhouse LLC for property located at 315 Chemeketa Street NE

Ward(s): 1  
Councilor(s): Kaser  
Neighborhood(s): CANDU  
Result Area(s): Good Governance; Strong and Diverse Economy;  
Welcoming and Livable Community.

**Recommendation:** Authorize the City Manager to execute the attached lease amendment with Rudy's Steakhouse LLC.

**Attachments:** [Current Lease](#)  
[Proposed Amendment](#)

- 3.3c.** [19-423](#) First amendment to lease with Strawberry Seed, LLC for property located at 333 Chemeketa Street NE

Ward(s): 1  
Councilor(s): Kaser  
Neighborhood(s): CANDU  
Result Area(s): Good Governance; Strong and Diverse Economy;  
Welcoming and Livable Community.

**Recommendation:** Authorize the City Manager to execute the attached lease amendment with Strawberry Seed, LLC.

**Attachments:** [Current Lease](#)  
[Proposed Amendment](#)

- 3.3d.** [19-437](#) Intergovernmental Agreement and State Sponsorship Agreement with State of Oregon Department of Aviation

Ward(s): 2  
Councilor(s): Andersen  
Neighborhood(s): SEMCA  
Result Area(s): Reliable and Efficient Infrastructure; Strong and Diverse Economy

**Recommendation:** Authorize the City Manager to sign an Intergovernmental Agreement and State Sponsorship Agreement (Attachments 1 and 2) with the State of Oregon Department of Aviation in support of the Salem Airport's Pavement Maintenance Program (PMP).

**Attachments:** [Intergovernmental Agreement](#)  
[State Sponsorship Agreement](#)

**3.3e. [19-439](#)**

Providing sewer service beyond City limits for property at 3880 Croisan Creek Road S.

Ward(s): Currently outside City Limits, Ward 7 (upon annexation)

Councilor(s): All Councilors

Neighborhood(s): Southwest Association of Neighbors (SWAN) (upon annexation)

**Recommendation:**

Authorize a sewer service connection to an existing single-family residence on a parcel that is outside of, but contiguous to, the current City limits, conditioned on the property owner filing a complete application for annexation, an annexation agreement, and paying all usual and customary fees and service charges.

**Attachments:**

[Location Map 3880 Croisan Creek Road S](#)

[Request for Service 3880 Croisan Creek Road](#)

**3.3f. [19-440](#)**

Local Agency Agreement with the Oregon Department of Transportation for improvements at the Kuebler Boulevard SE and Turner Road SE intersection

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

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

**Recommendation:**

Authorize the City Manager to execute a Local Agency Agreement with the Oregon Department of Transportation (ODOT) to fund the design and construction of improvements at the Kuebler Boulevard SE and Turner Road SE intersection through the State Funded Local Project Program

**Attachments:**

[Project location Map](#)

[Local Agency Agreement Number 32987](#)

**3.3g. [19-446](#)**

Intergovernmental Agreement with the Oregon Department of Fish and Wildlife for Minto-Brown Island Park turtle habitat restoration.

Ward(s): Ward 7

Councilor(s): Councilor Cook

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship

**Recommendation:**

Authorize the City Manager to enter into an Intergovernmental Agreement with the Oregon Department of Fish and Wildlife (ODFW) for native turtle habitat restoration at Minto Brown Island Park.

**Attachments:**

[205-19 City of Salem and ODFW IGA](#)

**3.3h. [19-452](#)**

Grant Agreement between the Housing Authority of the City of Salem and City of Salem for the Homeless Rental Assistance Program.

Ward(s): All Wards

Commissioners(s): All Commissioners  
Neighborhood(s): All Neighborhoods  
Result Area(s): Welcoming and Livable Community.

**Recommendation:** Authorize the attached grant agreement between the Housing Authority of the City of Salem and the City of Salem to provide \$700,000 of committed funds to the Housing Authority for the Homeless Rental Assistance Program.

**Attachments:** [Housing Authority of the City of Salem and City of Salem Grant Agreement](#)  
[FY 2019-20 HRAP Budget](#)

**3.3i. [19-458](#)**

Order for the appeal of the Planning Commission's decision for Fairview Refinement Plan / Class 2 Adjustment / Subdivision 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): 3  
Councilor(s): Nanke  
Neighborhood(s): Morningside  
Result Area(s): Welcoming and Livable Community

**Recommendation:** Adopt the order to affirm the decision of the Planning Commission for Fairview Refinement Plan / Class 2 Adjustment / Subdivision Case No. FRP-ADJ-SUB19-01.

**Attachments:** [City Council Order No. 2019-10 FRP-ADJ-SUB19-01](#)  
[Exhibit 1 - Planning Commission Decision \(July 26, 2019\)](#)  
[Exhibit 2 - Supplemental Findings](#)

**3.3j. [19-460](#)**

Order for City Council decision denying formation of the Aspen Grove Reimbursement District for property located at 1950 Wallace Road NW.

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

**Recommendation:** Adopt Order 2019-11-RD denying formation of the Aspen Grove Reimbursement District.

**Attachments:** [Final Order Aspen Grove RD](#)

## 4. PUBLIC HEARINGS

**4.a. [19-412](#)**

City Council review of the Planning Commission August 7, 2019 decision approving a consolidated application for development of a three-unit multi-family use for property located in the 1175 Nebraska Avenue NE.

Ward(s): Ward 1

Councilor(s): Kaser

Neighborhood(s): Grant Neighborhood Association

Result Area(s): Welcoming and Livable Community

**Recommendation:** Staff recommends that the City Council AFFIRM the August 7, 2019 Planning Commission's Decision.

**Attachments:** [Vicinity Map](#)  
[Site Plan and Elevations](#)  
[Planning Commission Decision](#)  
[Appeal](#)  
[Public Comments received by 5:00 pm on 9/18/19](#)

- 4.b.** [19-425](#) Public hearing regarding vacation of a portion of Dogwood Drive S.

Ward(s): 7

Councilor(s): Cook

Neighborhood(s): SWAN

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

**Recommendation:** Approve the vacation of a portion of Dogwood Drive S and waive the assessment of special benefit subject to the following condition:

\* Final approval of the Dogwood Heights Phase 2 Subdivision Plat, or

\* Provision of easements for the construction, maintenance, repair, and replacement of existing municipal utilities proposed to remain within the current right-of-way in a form and location acceptable to the City.

**Attachments:** [Vicinity Map \(Dogwood Drive S Vacation\)](#)  
[Legal and Map \(Dogwood Heights\)](#)  
[Site Plan](#)  
[Explanation of Assessment of Special Benefit](#)  
[Assessor's Map](#)

## **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.** [19-398](#) Establishing an operating fee to fund City services

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:** Advance Ordinance Bill No. 12-19, creating Salem Revised Code (SRC) chapter 40 establishing an operating fee and amending SRC chapter 70.250, to first reading.

**Attachments:** [Ordinance Bill No. 12-19](#)  
[Exhibit A to Ordinance Bill No. 12-19](#)  
[Utility Rate Relief Program Status Report](#)  
[Public Comments received by 3:30 p.m. 9-23-19](#)

*Add - Written Testimony.*

**5.b.** [19-462](#) Declaring the Ward 7 Council Position vacant.

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:** Accept the resignation of City Councilor Sally Cook and declare the Ward 7 Council Position vacant effective October 1, 2019.

**Attachments:** [Ward 7 Councilor Cook Letter.pdf](#)

*Add - Added New Report.*

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

**6.a.** [19-424](#) Purchases approved administratively from August 1, 2019 through August 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 August 2019](#)

**6.b.** [19-438](#) NOTICE OF APPEAL RECEIVED - An appeal has been received for the below cited application and this case will be heard by the City Council at a later date.

Planning Commission Decision - An application to change the Comprehensive Plan Map designation and/or zoning for several tax lots to accommodate future commercial and mixed use development- Approved.

Comprehensive Plan Change / Zone Change / Zone Change Case  
No. CPC-ZC-ZC19-10 - 3030 Riverbend, LLC (Scott Martin)- 2465,  
2499, 2501 & 2519 Wallace Rd NW & 1221 Riverbend Rd NW

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

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision CPC-ZC-ZC19-10](#)  
[Appeal Application and Argument CPC-ZC-ZC19-10.pdf](#)

*Revised - Report Revised.*

- 6.c. [19-445](#) Planning Administrator Decision - A proposed partition to divide a lot at 1245 Madrona Avenue SE into three parcels. The existing single family residence would remain on Parcel 3. - Approved.

Partition Case No. PAR19-10 - Camala Lapray - 1245 Madrona Avenue SE.

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

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision PAR19-10](#)

- 6.d. [19-448](#) Planning Administrator Decision - A proposal to replace an existing light pole with a light pole with a top-mounted antenna and internally mounted equipment for wireless communications. - Approved.

Class 2 Wireless Siting Permit Case No. WS219-02 - Melissa Juel and Gibran Hashmi on behalf of Mastec Network Solutions, LLC (Corporation Service Co. and Mastec, Inc.) - 665 Winter St SE

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

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision WS219-02](#)

- 6.e. [19-449](#) Planning Administrator Decision - A proposal to replace an existing light pole with a light pole with a top-mounted antenna and internally mounted equipment for wireless communications. - Approved.



Class 2 Wireless Siting Permit Case No. WS219-03 - Melissa Juel and Gibran Hashmi on behalf of Mastec Network Solutions, LLC (Corporation Service Co. and Mastec, Inc.) - 3850 Hagers Grove Rd SE.

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

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision WS219-03](#)

- 6.f. [19-459](#) Planning Administrator Decision - A proposal to validate one land area that was created through a sale by deed in 1970. - Approved.

Validation of Units of Land Case No. VUL19-06 - Lazarus Properties, LLC (Levi Wilson) - 483 Idylwood Dr SE

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

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision VUL19-06.pdf](#)

## 7. ORDINANCES

### 7.1 FIRST READING:

- 7.1a. [19-427](#) Petitioner-Initiated Annexation of Territory Located at 4980 Center Street NE - 97301 (Annexation Case No. C-731)

Ward(s): 6  
Councilor(s): Hoy  
Neighborhood(s): ELNA  
Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure

**Recommendation:** Conduct first reading of Ordinance Bill No. 5-19 annexing, applying City of Salem RA (Residential Agriculture) zoning from Marion County UT-5 (Urban Transition - 5 Acres), and withdrawing from the Marion County Fire District #1, for a 4.22-acre property located at 4980 Center Street NE.

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

[Ordinance Bill No 5-19](#)

[Exhibit A - Territory Legal Description and Map](#)

- 7.1b. [19-428](#) Petitioner-Initiated Annexation of Territory Located at the

4400-4600 Blocks of Hazelgreen Road NE - 97305 (Annexation  
Case No. C-735)

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

Result Area(s): Good Governance; Safe Community; Safe, Reliable  
and Efficient Infrastructure

**Recommendation:**

Conduct first reading of Ordinance Bill No. 14-19 annexing, changing the Salem Area Comprehensive Plan map designation from "Industrial" to "Parks, Open Space, and Outdoor Recreation," changing the zoning from Marion County UT-20-IND (Urban Transition - 20 Acre - Industrial) to City of Salem PA (Public Amusement), and withdrawing from the Marion County Fire District #1, for a 47.44-acre property located at the 4400-4600 Blocks of Hazelgreen Road NE.

**Attachments:**

[Vicinity Map](#)

[Ordinance No 14-19](#)

[Exhibit A - Territory Legal Description and Map](#)

**7.1c. [19-441](#)**

Amending Salem Revised Code Chapter 601, Floodplain Overlay  
Zone

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community, Natural Environment Stewardship

**Recommendation:**

Conduct first reading of Ordinance Bill No. 17-19, amending Chapter 601 (Floodplain Overlay Zone) of the Salem Revised Code, and after a public hearing and advance it to second reading

**Attachments:**

[SRC Chapter 601 Ordinance Bill 17-19 9-4-19](#)

[Exhibit A to Ordinance Bill No. 17-19](#)

[Oregon Model NFIP ordinance](#)

[REVISED - SRC Chapter 601 Ordinance Bill No. 17-19](#)

[REVISED - Exhibit A to Ordinance Bill No. 17-19](#)

*Revised - Revised Attachments 1 and 2.*

**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. [19-450](#)****CITY COUNCIL PUBLIC HEARINGS**

Held in the Council Chambers unless otherwise noted

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

City Council Review of the Hearing's Officer Decision Approving a  
Conditional Use / Class 3 Site Plan Review Case No. CU-SPR19-04,  
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 located at 3625 Portland Rd NE.  
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 Council Chambers, unless otherwise  
noted

Special Note: Marion County Board of Commissioners has invited Salem  
City Council and Linn County Board to attend a work session relating to  
Santiam Canyon Sewer System Update. The work session will be held  
Thursday, October 10, 2019 from 4:00 p.m. to 6:00 p.m. in the  
Commissioner's Board Room, 5th Floor, Courthouse Square, 555 Court  
Street NE.

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

City Council  
Council Policy Agenda Priorities  
Monday, November 18, 2019 at 6:00 p.m.

City Council  
Council Policy Agenda  
Tuesday, January 21, 2020 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

**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: [Imanderson@cityofsalem.net](mailto:Imanderson@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.

