



CITY OF SALEM

Meeting Agenda

City Council

555 Liberty St SE
Salem, OR 97301

Monday, September 28, 2020 6:00 PM

Virtual Meeting

****Due to the COVID-19 Pandemic, this meeting is being conducted virtually, with remote attendance by the governing body. No in-person attendance is possible. Interested persons may attend the meeting online at City of Salem Facebook, on CC:Media You Tube Channel, or watch on Comcast Cable 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. Public comment and testimony may also be provided during the meeting via Zoom at this link:
<https://www.cityofsalem.net/Pages/Public-Comment-at-Salem-City-Council-Meeting.aspx>**

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. [20-371](#) September 14, 2020 Draft City Council Minutes

Attachments: [9-14-20 Draft Council Minutes.pdf](#)

3.2 RESOLUTIONS

3.2a. [20-368](#) Authorizing a transfer of FY 2021 Willamette Valley Communications Center fund budget appropriations

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe Community

Recommendation: Adopt Resolution No. 2020-45, authorizing a transfer of appropriations within the Willamette Valley Communications Fund Budget to purchase the phone equipment for two additional stations to comply with social distancing requirements.

Attachments: [Resolution No. 2020-45](#)

3.3 ACTION ITEMS

3.3a. [20-289](#) Sale of three (3) acres of City-owned land at the Salem Business Campus to Tim Bush

Ward(s): Ward 3

Councilor(s): Nanke

Neighborhood(s): Southeast Mill Creek Association

Result Area(s): Strong and Diverse Economy

Recommendation: Authorize the City Manager to execute the attached Purchase and Sale Agreement with Tim Bush for three (3) acres of City-owned land at the Salem Business Campus totaling \$444,000.

Attachments: [Map](#)
[Purchase and Sale Agreement](#)

3.3b. [20-357](#) Intergovernmental Agreement with the Drug Enforcement Administration for Narcotics Task Force Operations

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 between the United States Department of Justice, Drug Enforcement Administration and the City of Salem for the operation of a narcotics task force in FY 20/21.

Attachments: [Program Funded State and Local Task Force Agreement - FY 21 SPD](#)
[Public Comment received.pdf](#)

Add - Written Testimony.

- 3.3c.** [20-359](#) Sale of property at the Salem Business Campus to Peninsula Truck Lines, Inc. and authorizing street improvements

Ward(s): Ward 3
Councilor(s): Councilor Nanke
Neighborhood(s): Southeast Mill Creek Association (SEMCA)
Result Area(s): Strong and Diverse Economy

Recommendation: Authorize the City Council to authorize the City Manager 1) to execute the attached Purchase and Sale Agreement with Peninsula Truck Lines, Inc., selling 8.2 acres of City land at the Salem Business Campus for \$989,422, and 2) authorize the expenditure of \$942,000 on improvements to the Gaia Street cul-de-sac.

Attachments: [Map - proposed tentative subdivision layout](#)
[Purchase and Sale Agreement](#)

4. PUBLIC HEARINGS

- 4.a.** [20-338](#) Public Hearing on Amendment to Salem's Stormwater Master Plan.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Natural Environment Stewardship; Safe Community;
Safe, Reliable and Efficient Infrastructure.

Recommendation: Advance Ordinance Bill No. 11-20, which amends Salem's Stormwater Master Plan, to first reading.

Attachments: [Ordinance Bill 11-20](#)
[SWMP Amendment 2020](#)
[Battle Creek Basin Plan 2019](#)
[Mill Creek Basin Plan 2019](#)
[Pringle Creek Basin Plan 2019](#)
[SWMP Plan Virtual Open House Comments](#)
[Questions+Answers](#)
[Public Comments received by 9-17-20](#)
[Responses to Comments](#)
[Public Comments received by 9-23-20](#)
[Additional Public Comments received](#)

Add - Written Testimony.

- 4.b.** [20-355](#) Public Hearing - Exemption from Competitive Bidding Process and Authorization of an Alternative Contracting Method for the Salem Public Works Operations Building.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SESNA

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

Recommendation: Adopt Resolution No. 2020-43 in support of an exemption from the competitive bidding process and use of a Design Build contracting method for the Salem Public Works Operations Building project.

Attachments: [Resolution No 2020-43](#)
 [Exhibit A - Findings of Fact](#)

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.** [20-360](#) COUNCIL DELIBERATIONS ONLY, no public comment or testimony is allowed.
City Council action on remand of the Class 3 Site Plan Review / Class 2 Driveway Approach Permit Case No. SPR-DAP18-15 for development of the Kuebler Gateway Shopping Center, including Costco, a retail fueling station, and four new retail shell buildings.

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): South Gateway Neighborhood Association

(SGNA)

Result Area(s): Welcoming and Livable Community

Recommendation:

Staff recommends that the City Council APPROVE the Class 3 Site Plan Review and Class 2 Driveway Approach Permit Case No. SRP-DAP18-15 for development of the Kuebler Gateway Shopping Center, including Costco, a retail fueling station, and four new retail shell buildings.

Attachments:

[Vicinity Map](#)

[Proposed Site Plan](#)

[Request for Remand 6-16-2020](#)

[Public Testimony](#)

[Applicant's Testimony and Final Argument](#)

[Memo to Dan Atchison re vested rights analysis.pdf](#)

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

6.a. [20-320](#)

Planning Commission Annual Report

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community

Recommendation:

Information Only.

Attachments:

[Planning Commission 2020 Annual Report](#)

6.b. [20-362](#)

Public Works Department Strategic Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment

Stewardship; Safe, Reliable and Efficient Infrastructure; Strong and

Diverse Economy; Welcoming and Livable Community.

Recommendation:

Information only.

Attachments:

[Strategic Plan 2021](#)

6.c. [20-365](#)

Hearings Officer Decision - To convert a single-family dwelling into a room and board residence - Approved with Conditions.

Conditional Use / Class 2 Zoning Adjustment Case No.

CU-ADJ20-05 - Mark Bulgin -

320 14th St NE

Ward(s): Ward 1
Councilor(s): Kaser
Neighborhood(s): Northeast Neighbors

Recommendation: Information Only.

Attachments: [Land Use Decision CU-ADJ20-05](#)

7. ORDINANCES

7.1 FIRST READING:

7.1a. [20-339](#) Amendment to Salem's Stormwater Master Plan.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Natural Environment Stewardship; Safe Community;
Safe, Reliable, and Efficient Infrastructure.

Recommendation: Advance Ordinance Bill No. 11-20, which amends Salem's Stormwater Master Plan, to second reading.

Attachments: [Ordinance 11-20](#)
[SWMP Amendment 2020](#)
[Battle Creek Basin Plan 2019](#)
[Mill Creek Basin Plan 2019](#)
[Pringle Creek Basin Plan 2019](#)
[Public Comments received by 9-17-20.pdf](#)
[Responses to Comments](#)
[Public Comments received by 9-23-20](#)
[Additional Public Comments received](#)

Add - Written Testimony.

7.2 SECOND READING:

7.2a. [20-333](#) Amending Salem Revised Code Chapter 70 (Utilities), Chapter 71 (Stormwater), and Chapter 601 (Floodplain Overlay Zone).

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Natural Environment Stewardship.

Recommendation: Conduct second reading and enact Engrossed Ordinance Bill No. 8-20, amending Chapter 70 (Utilities), Chapter 71 (Stormwater), and Chapter 601 (Floodplain Overlay Zone) of the Salem Revised Code.

Attachments: [SRC 71 Engrossed Ordinance 8-20](#)
[SRC 71 Exhibit A Ordinance 8-20](#)
[Public Comments received 9-14-20.pdf](#)
[Additional Public Comments received](#)

Add - Written Testimony.

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. [20-364](#) CITY COUNCIL PUBLIC HEARINGS**

Due to the COVID-19 Pandemic, and until further notice, all meetings, public hearings, and work sessions will be conducted virtually. Real-time remote viewing is available online on the City of Salem Facebook page, CC:Media You Tube Channel, and is also available on Comcast Cable CC:Media Channel 21.

Petition-initiated vacation for an alley near the intersection of Pine St. NE and Front St. NE
Monday, October 12, 2020 at 6:00 p.m.

Proposed Fees and Charges for Utility Service Rates (Wastewater, Water, and Stormwater)
Monday, October 12, 2020 at 6:00 p.m.

City Council Review of comprehensive plan change/neighborhood plan change/zone change application submitted by ODOT (Case No. CPC-NPC-ZC20-04) for property located in the 2400 Blocks of Commercial Street and Liberty Street NE
Monday, October 12, 2020 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS**URBAN RENEWAL AGENCY PUBLIC HEARINGS****WORK SESSIONS**

City Council
Salem's City Trees and Programs
Monday, October 19, 2020 at 6:00 p.m.

City Council
Strategic Plan Update: Priorities for 2020-2023
Monday, November 16, 2020 at 6:00 p.m.

City Council
Review of Strategic Plan Draft and Policy Agenda
Tuesday, January 19, 2021 at 6:00 p.m.

City Council
Long-Term Airport Planning

Tuesday, February 16, 2021 at 6:00 p.m.

BUDGET COMMITTEE MEETINGS

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

*Please check with the association to determine if the meeting will be held virtually or in-person

Neighborhood - Annual Meeting Date - Councilor

West Salem - October 19 - Kaser, Lewis

SESNA - October 27 - Andersen, Nanke

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: 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.

