



# CITY OF SALEM

## Meeting Agenda

### City Council

555 Liberty St SE  
Salem, OR 97301

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**Monday, November 9, 2020**

**6:00 PM**

**Virtual Meeting**

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**\*\*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 CC:Media YouTube 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](mailto: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**

**1.3a. [20-433](#)** Proclamation recognizing Veterans Day

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

***Recommendation:*** Information Only.

***Attachments:*** [Proclamation - Veterans Day 2020](#)

## 1.4 PRESENTATIONS

1.4a. [20-448](#) Presentation of 2020 Volunteer Recognition At Your Service awards

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

***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. [20-443](#) 10/26/20 Draft City Council Minutes

***Attachments:*** [10-26-20 Draft Council Minutes.pdf](#)

### 3.2 RESOLUTIONS

3.2a. [20-445](#) FY 2021 Supplemental Budget 2 for additional expenses related to mitigating the impact of the COVID-19 pandemic.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

***Recommendation:*** Adopt Resolution No. 2020-47 appropriating \$1,418,220 in the General Fund Non-Departmental and Parks Operations budgets for various expenses related to mitigating the impacts of the COVID-19 pandemic in Salem.

***Attachments:*** [Resolution No. 2020-47](#)

[Resolution No. 2020-47, Exhibit A](#)

[Resolution No. 2020-47, Exhibit B](#)

[Safe Camping Commitments](#)

### 3.3 ACTION ITEMS

- 3.3a.** [20-428](#) Intergovernmental Agreement with City of Portland for stormwater sample analysis.
- Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Natural Environment Stewardship; Safe, Reliable, and Efficient Infrastructure
- Recommendation:** Authorize the City Manager to execute an Intergovernmental Agreement with City of Portland (Attachment 1) for the analysis of surface water samples for contaminants and to sign any additional supplements and amendments as needed to complete the work.
- Attachments:** [Intergovernmental Agreement with City of Portland](#)
- 3.3b.** [20-430](#) Sale of 2 Acres at the Salem Business Campus to Discount Nursery Supplies, LLC
- 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 Discount Nursery Supplies, LLC for two acres of City owned land at the Salem Business Campus totaling \$300,000.
- Attachments:** [Proposed Subdivision Layout](#)  
[Purchase and Sale Agreement](#)  
[Addendum 1](#)  
[Addendum 2](#)  
[Vacant Land Disclosure Addendum](#)
- 3.3c.** [20-431](#) Sale of Six Acres at the Salem Business Campus to HD Fowler Co., Inc.
- 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 HD Fowler Co., Inc. for six acres of City owned land at the Salem Business Campus totaling \$888,624.
- Attachments:** [Proposed Subdivision Layout](#)  
[Purchase and Sale Agreement](#)
- 3.3d.** [20-435](#) Retail lease of property located at 311 Commercial Street NE

Ward(s): 1  
Board Member(s): Kaser  
Neighborhood(s): CANDO  
Result Area(s): Good Governance; Welcoming and Livable Community.

**Recommendation:** Authorize the City Manager to execute the attached lease for retail property with the Urban Renewal Agency of City of Salem.

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

- 3.3e.** [20-439](#) Order for the City Council decision for Class 3 Site Plan Review and Class 2 Driveway Approach Permit Case No. SPR-DAP18-15 for property located at the 2500-2600 Block of Boone Road SE.

Ward(s): 4  
Councilor(s): Leung  
Neighborhood(s): South Gateway Neighborhood Association (SGNA)  
Result Area(s): Welcoming and Livable Community

**Recommendation:** Adopt the order approving Class 3 Site Plan Review and 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.

**Attachments:** [City Council Order No. 2020-5 SPR-DAP18-15](#)

[Vicinity Map](#)

[Proposed Site Plan](#)

[Facts and Findings](#)

- 3.3f.** [20-442](#) Renewal of Intergovernmental Agreement with State of Oregon, Department of Consumer and Business Services, Building Codes Division

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Good Governance; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

**Recommendation:** Staff recommends that the City Council authorize the City Manager to execute Amendment #5 to IGA #90G000237 with the State of Oregon Department acting by and through its Department of Consumer and Business Services, Building Codes Division (BCD).

**Attachments:** [State BCD IGA Amendment No. 5](#)

[State BCD IGA No. 90G000237](#)

## 4. PUBLIC HEARINGS

**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. [20-407](#) Motion from Councilor Vanessa Nordyke regarding establishing a mobile response unit.

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

***Attachments:*** [Public Comments received.pdf](#)  
[Public Comments received by 2:00 p.m. 11-9-20](#)  
[Additional Public Comments received by 5:00 p.m. 11-9-20.pdf](#)

*Add - Written Testimony.*

- 5.b. [20-452](#) Extension and Restatement of the Emergency Declaration related to unsheltered residents (Resolution No. 2020-49)

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Good Governance; Safe Community; Welcoming and Livable Community.

***Recommendation:*** Adopt Resolution No. 2020-49 to extend the declaration of emergency until October 26, 2021, consolidate the emergency declarations related to unsheltered residents under one resolution, expands the authorization of emergency shelters and warming centers, and continues the vehicle camping pilot program, authorizing the City Manager to establish rules for the operation of the program.

***Attachments:*** [Res no 2020-49.docx](#)

- 5.c. [20-456](#) Acceptance of Resignation of Councilor Cara Kaser and declaring the Ward 1 seat vacant, and appointing Councilor-nominee Virginia Stapleton as guest councilor of Ward 1.

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

***Recommendation:*** Accept the resignation of Councilor Cara Kaser and declare the Ward 1 seat vacant, and appoint Councilor-nominee Virginia Stapleton as guest councilor of Ward 1.

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

- 6.a.** [20-424](#) Purchases approved administratively from August 1, 2020 through August 31, 2020.

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 2020](#)

- 6.b.** [20-427](#) Planning Administrator Decision - Validation of unit of land created through the recording of a deed in 1989 - Approved.

Validation of Unit of Land Case No. VUL20-03 - Keith Kohler, Barker Surveying on behalf of Scott Martin - 3950 Mainline Dr NE

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

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision VUL20-03](#)

- 6.c.** [20-432](#) Mayoral appointments to the Center 50+ Advisory Commission and Human Rights Commission

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

**Recommendation:** Information only.

**Attachments:** [Lisa Haines Application Redacted](#)  
[David Haber Application Redacted](#)  
[Abigail Allen Application Redacted](#)

- 6.d.** [20-437](#) Hearings Officer Decision - A Variance to increase the display surface of an existing sign - Approved.

Sign Variance / Sign Permit Case No. VAR-SI20-03 - Seth Garey and Michael Janusek

on behalf of Lancaster Development Company LLC (Margaret Kushner) - 827 Lancaster Dr NE

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

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision VAR-SI20-03](#)

- 6.e. [20-438](#) Hearings Officer Decision - Development of a new two building apartment complex with 24 dwelling units. - Approved.

Conditional Use / Class 3 Site Plan Review / Class 2 Driveway Approach Permit / Class 1 Design Review Case No. CU-SPR-DAP-DR20-06 - Brandie Dalton, Multi/Tech Engineering, on behalf of JCT Construction Group LLC (Mark Hoyt, James Tokarski, James Cain) - 5600 Block of Woodside Dr SE

Ward(s): 4  
 Councilor(s): Leung  
 Neighborhood(s): SGNA

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision CU-SPR-DAP-DR20-06](#)

- 6.f. [20-440](#) Planning Commission Decision - A consolidated application to change the Comprehensive Plan Map Designation, Neighborhood Plan Change and Zone change of an approximately ten acres land area from Developing Residential with RS (Single Family Residential) zoning to Multiple Family with RM-II (Multiple Family Residential) zoning. - Approved.

Comprehensive Plan Map Designation / Neighborhood Plan Change / Zone Change Case No. CPC-NPC-ZC20-07 - Brandie Dalton, Multi-Tech Engineering Services Inc., on behalf of Westwood Homes LLC (Todd Richard Boyce and Bill Wagoner) - 4800 Block of Battle Creek Road SE.

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

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision CPC-NPC-ZC20-07](#)

- 6.g.** [20-441](#) Planning Commission Decision - A consolidated application to change the Comprehensive Plan Map Designation, Neighborhood Plan Change and Zone change of an approximately 2.5 acres land area from Public Community Service Hospital with PH (Public and Private Health Services) zoning to Multiple Family with RM-II (Multiple Family Residential) zoning. - Approved.
- Comprehensive Plan Map Designation / Neighborhood Plan Change / Zone Change Case No. CPC-NPC-ZC20-08 - Brandie Dalton, Multi-Tech Engineering Services Inc., on behalf of Westwood Homes LLC (Todd Richard Boyce and Bill Wagoner) - 4200 Block of Strong Road SE.
- Ward(s): 3  
Councilor(s): Nanke  
Neighborhood(s): Morningside
- Recommendation:** Information Only.

**Attachments:** [Land Use Decision CPC-NPC-ZC20-08](#)

- 6.h.** [20-453](#) Planning Administrator Decision - Modification to a subdivision, adding one more phase and adjustment to increase maximum cul-de-sac length. - Approved.
- Modification of Tentative Subdivision / Class 2 Adjustment Case No. SUB-ADJ09-02MOD2 - Tory Banford on behalf of City of Salem, Urban Development Department - 5730 Culver Road SE
- Ward(s): 3  
Councilor(s): Nanke  
Neighborhood(s): SEMCA
- Recommendation:** Information Only.

**Attachments:** [Land Use Decision SUB-ADJ09-02MOD2](#)

- 6.i.** [20-454](#) Planning Administrator Decision - A tentative partition to create two parcels. - Approved.
- Partition Case No. PAR20-12 - Lyle Misbach - 2880 Doughton St S
- Ward(s): 7  
Councilor(s): Nordyke



Neighborhood(s): SWAN

***Recommendation:*** Information Only.

***Attachments:*** [Land Use Decision PAR20-12](#)

## 7. ORDINANCES

### 7.1 FIRST READING:

**7.1a.** [20-449](#)

Proposed revisions to Public Art Fund Allocations listed under Salem Revised Code Chapter 15 - Public Art (SRC 15) and Salem Public Art Commission Guidelines, Policies, and Procedures (SPAC Guidelines).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community.

***Recommendation:*** Staff recommends that the City Council advance Ordinance Bill No. 13-20, which removes existing percent allocations within the Public Art Fund under SRC Chapter 15 (Public Art) and revises SPAC Guidelines, to second reading.

***Attachments:*** [Ordinance Bill 13-20](#)

[Exhibit A SRC Chapter 15 Fund Revisions](#)

[Exhibit B SPAC Guidelines Fund Revisions](#)

### 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. [20-446](#) 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 at CC:Media You Tube Channel and can also be viewed on Comcast Cable CC:Media Channel 21.

Community Development Block Grant and HOME investment partnership programs Consolidated Annual Performance and Evaluation Report (CAPER)  
Monday, November 23, 2020 at 6:00 p.m.

Appeal of a consolidated application to change the Comprehensive Plan Map Designation, Neighborhood Plan Change and Zone change, which includes a Class 3 Site Plan Review, Class 1 Design Review and Class 2 Adjustments to develop a 19-unit multi-family complex for properties located at 905 and 925 Cottage Street NE  
Monday, November 23, 2020 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS

URBAN RENEWAL AGENCY PUBLIC HEARINGS

WORK SESSIONS

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  
NEN - November 10 - Kaser

**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.

