



# CITY OF SALEM

## Meeting Agenda

### City Council

555 Liberty St SE  
Salem, OR 97301

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**Monday, May 24, 2021**

**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 view 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. Please pre-register between 8:00 a.m. and 2:00 p.m. on the day of the meeting at the following link: <https://www.cityofsalem.net/Pages/Public-Comment-at-Salem-City-Council-Meeting.aspx>.**

#### **EXECUTIVE SESSION**

**Urban Renewal Agency**

**5:15 p.m. - ORS 192.660(2)(e) Real Property Transactions**

**City Council**

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

**City Council**

**5:45 p.m. - ORS 192.660(2)(h) Current/Pending Litigation**

#### **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. [21-223](#) Proclamation recognizing Pride Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Recommendation:** Information Only.

**Attachments:** [Proclamation - Pride Month](#)

### 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. [21-218](#) May 10, 2021 Draft Council Minutes

**Attachments:** [5-10-21 Draft City Council Minutes](#)

- 3.1b. [21-234](#) May 17, 2021 Draft City Council Work Session Minutes

**Attachments:** [5-17-21 Draft Council Work Session Minutes.pdf](#)

### 3.2 RESOLUTIONS

- 3.2a. [21-202](#) Dedication of City Property as Public Right-of-Way on Lansing Avenue NE and Silverton Road NE.

Ward(s): 5

Councilor(s): Gonzalez

Neighborhood(s): Lansing

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

**Recommendation:** Adopt Resolution No. 2021-17 dedicating property received by the City of Salem along east side of Lansing Avenue NE and south side of Silverton Road NE.

**Attachments:** [Resolution No. 2021-17](#)

[Exhibit A.pdf](#)

- 3.2b. [21-203](#) Dedication of the Westerly 30 feet of Fairview Park as Public Right-of-Way for Lindburg Road SE .

Ward(s): 3  
Councilor(s): Phillips  
Neighborhood(s): Morningside  
Result Area(s): Safe, Reliable and Efficient Infrastructure.

**Recommendation:** Adopt Resolution No. 2021-18 dedicating a 30-foot-wide strip of land along the westerly boundary of Fairview Park as public right-of-way for Lindburg Road SE.

**Attachments:** [Resolution 2021-18](#)  
[Exhibits A and B](#)

- 3.2c. [21-204](#) Dedication of City Property as Public Right-of-Way on Village Center Drive SE.

Ward(s): 3  
Councilor(s):Phillips  
Neighborhood(s): Morningside  
Result Area(s): Safe, Reliable and Efficient Infrastructure.

**Recommendation:** Adopt Resolution No. 2021-19 dedicating property received by the City of Salem for the construction of Village Center Drive SE north of Strong Road SE.

**Attachments:** [Resolution No. 2021-19](#)  
[Exhibit A.pdf](#)

### 3.3 ACTION ITEMS

- 3.3a. [21-197](#) Petition-initiated vacation of a portion of an alley and a portion of unopened right-of-way for 12th Street NE adjacent to the railroad northeast of D Street NE.

Ward(s): 1  
Councilor(s): Stapleton  
Neighborhood(s): Grant  
Result Area(s): Safe, Reliable, and Efficient Infrastructure

**Recommendation:** Accept a petition to vacate a portion of an alley and a portion of unopened right-of-way for 12th Street NE adjacent to the railroad northeast of D Street NE and direct the City Manager to set a public hearing to consider the request.

**Attachments:** [Vicinity Map](#)  
[Legal Description & Map](#)

- 3.3b. [21-198](#) 2021 Geer Park Master Plan Adoption.

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

Result Area(s): Natural Environment Stewardship; Welcoming and Livable Community.

**Recommendation:** Adopt the 2021 Geer Park Master Plan.

**Attachments:** [Draft Geer Park 2021 Master Plan Site Plan](#)  
[SPRAB Action Sheet March 2021](#)  
[2003 Geer Park Phase Plan](#)  
[2016 Geer Park Master Plan](#)  
[Public Comment](#)  
[Additional Public Comments received by 5:00 p.m. 5-19-21.pdf](#)  
[Public Comments received by 3:00 p.m. 5-24-21.pdf](#)  
[Additional Public Comment received by 5:00 p.m. 5-24-21.pdf](#)

*Add - Written Testimony.*

- 3.3c.** [21-199](#) Petition-initiated vacation of a portion of an easement over previously vacated George Street NW.

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

**Recommendation:** Accept a petition to vacate a portion of an easement over previously vacated George Street NW and direct the City Manager to set a public hearing to consider the request.

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

- 3.3d.** [21-207](#) Intergovernmental Agreement Between the City of Salem and Oregon Military Department for Airport Compass Rose Recalibration Expenses

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

**Recommendation:** Authorize the City Manager to execute the attached Intergovernmental Agreement with the Oregon Military Department for the cost-sharing expenses associated with the recalibration of the Airport Compass Rose.

**Attachments:** [State of Oregon Intergovernmental Agreement #24800-21-003](#)

- 3.3e.** [21-210](#) Real Estate Agreement with United Way of the Mid-Willamette Valley, Inc. for the sale of City surplus real property at 4396, 4408, 4432, 4446, and 4480 Market Street NE

Ward(s): 6  
 Councilor(s): Hoy  
 Neighborhood(s): ELNA  
 Result Area(s): Good Governance; Strong and Diverse Economy;  
 Welcoming and Livable Community

**Recommendation:** Authorize the City Manager to execute the attached Real Estate Agreement with United Way of the Mid-Willamette Valley, Inc. for the sale of surplus City real property identified as Tax Lot 072W19AC01701, 4396, 4408, 4432, 4446, and 4480 Market Street NE.

**Attachments:** [Real Estate Agreement United Way.docx](#)

**3.3f.** [21-214](#) Purchasing from a City Employee Owned Business.

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

**Recommendation:** Authorize the City Manager to execute a contract with a City employee-owned business, Northwest Rock Inc., doing business as Salem Mobile Mix, to provide backfill materials, ditch cleaning, and street excavation hauling services.

**3.3g.** [21-216](#) Sidewalk Café/On-Street Platform Program

Ward(s): 1  
 Councilor(s): Stapleton  
 Neighborhood(s): CANDO  
 Result Area(s): Strong and Diverse Economy

**Recommendation:** Approve the attached Sidewalk Cafe/On-Street Platform Program.

**Attachments:** [City of Salem Platform Design Guidelines](#)

[Sidewalk Cafe Permit Application.pdf](#)

[Revocable License Application.pdf](#)

## 4. PUBLIC HEARINGS

**4.a.** [21-200](#) 2021 Annual Action Plan for CDBG and HOME Funding and Amendments to 2019 and 2020 Annual Action Plans

Ward(s): All Wards  
 Councilor(s): All Councilors  
 Neighborhood(s): All Neighborhoods  
 Result Area(s): Natural Environment Stewardship; Safe Community;  
 Strong and Diverse Economy; Welcoming and Livable Community

**Recommendation:** Adopt Amendment #4 to the 2019 CDBG Annual Action Plan, Amendment #3 to the 2020 CDBG Annual Action Plan and adopt the 2021-2022 Housing and Community Development Annual Action Plan (AAP) and direct staff to submit required forms to the U.S. Department of Housing and Urban Development.

**Attachments:** [2019 Amendment #4 and 2020 Amendment #3](#)  
[2021-2022 Annual Action Plan](#)

- 4.b. [21-208](#) Exemption from Competitive Bidding Process and Authorization of an Alternative Contracting Method for the Geren Island Water Treatment Plant Filter No. 2 Reconstruction Project.

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

**Recommendation:** Adopt Resolution No. 2021-20 in support of an exemption from the competitive bidding process and use of a CM/GC contracting method for the Geren Island Water Treatment Plant Filter No. 2 Reconstruction Project.

**Attachments:** [Resolution No 2021-20](#)  
[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. [21-213](#) Extension and amendment of the Emergency Declaration related to COVID-19

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. 2021-21 to extend the declaration of emergency related to COVID-19 until December 13, 2021 and rescind the allowance for camping in Cascades Gateway and Wallace Marine parks.

**Attachments:** [Res 2021 21 DRAFT V3.docx](#)  
[Public Comments received by 3:00 p.m. 5-24-21.pdf](#)  
[Additional Public Comments received by 5:00 p.m. 5-24-21.pdf](#)

*Add - Written Testimony.*

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

- 6.a. [21-211](#) Planning Administrator Decision - To divide two existing properties into four parcels - Approved.

Subdivision Case No. SUB21-02 - Servando Garcia - 1020 Arthur Way NW.

Ward(s): 1  
Councilor(s): Stapleton  
Neighborhood(s): WSNA

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision SUB21-02](#)

- 6.b.** [21-227](#) Planning Administrators Decision - An application for the development of a proposed 60-lot subdivision. - Approved.

Subdivision / Class 1 Adjustment Case No. SUB-ADJ21-04 - State Street Homes, Inc. (Mark Wilde) - 5826 Battle Creek Rd SE.

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

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision SUB-ADJ21-04](#)

- 6.c.** [21-235](#) Youth Development CAREcorps Program

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

**Recommendation:** Information Only

- 6.d.** [21-237](#) Planning Administrator Decision - A subdivision tentative plan to divide approximately 4.96 acres into 16 lots with lots ranging in size from 8,010 square feet to 27,325 square feet. The applicant is requesting an alternative street standard to reduce the street width from 60-feet to 50-feet. - Approved.

Subdivision Case No. SUB21-03 - Gerald Horner, Willamette Engineering Inc., on behalf of Robert and Maria Noyes - 430 Turtle Bay Court SE.

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

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision SUB21-03](#)

## 7. ORDINANCES

### 7.1 FIRST READING:

### 7.2 SECOND READING:

- 7.2a. [21-224](#) Petitioner-Initiated Annexation of Territory Located at 2527 and 2547 Robins Lane SE - 97306 (Annexation Case No. C-730)

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): SGNA

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

**Recommendation:**

Conduct second reading of and approve Ordinance Bill No. 4-21 annexing, applying City of Salem RA (Residential Agriculture) zoning from Marion County UT-5 (Urban Transition - 5 Acres) and Marion County UT-10 (Urban Transition - 10 Acres), withdrawing from Salem Suburban Rural Fire Protection District and Turner Fire District, and approving annexation for a 47.23-acre property located at 2527 and 2547 Robins Lane SE - 97306 subject to three conditions proposed by the petitioner as mitigation for tree removal conducted through a lawful timber harvest between April, 2018 and June, 2018:

- (1) Any future development of the Subject Property shall require compliance with SRC 808.050 tree planting requirements; however, the minimum diameter of the trees to be planted shall be increased from a 1.5-inch caliper to a 2-inch caliper standard and replacement tree diversity shall be increased by planting not less than five species authorized in the City's Tree and Vegetation Technical Manual; and
- (2) Prior to recordation of a final plat for any partition, subdivision, or planned unit development, or occupancy of a commercial development, the applicant shall grant \$15,000 to the Salem City Tree Fund; and
- (3) Prior to submittal of any application for a land use approval, limited land use approval, or permit for developing the Subject Property, Applicant shall enter into an agreement with the City of Salem acknowledging and agreeing that the City of Salem will not record a final plat for any partition, subdivision, or planned unit development on or before July 1, 2023.

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

[Ordinance Bill No. 4-21](#)

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

- 7.2b. [21-225](#) Petitioner-Initiated Annexation of Territory Located at 3880 Croisan Creek Road South and City Owned Lands - 97302 (Annexation Case No. C-738)

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): SWAN



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

**Recommendation:**

Conduct second reading of and approve Ordinance Bill No. 5-21 annexing, applying City of Salem RA (Residential Agriculture) zoning from Marion County UT-5 (Urban Transition - 5 Acres), withdrawing from Salem Suburban Rural Fire Protection District, and approving annexation for a 2.65-acre property located at 3880 Croisan Creek Road South and City Owned Lands.

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

[Ordinance Bill No. 5-21](#)

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

## 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.**

**FUTURE AGENDA ITEM****To appear on the June 14, 2021 agenda:**

- a. [21-201](#) Proposed FY 2022 Master Fee Schedule

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

***Recommendation:*** Adopt Resolution No. 2021-22, setting fees and charges for the City of Salem as set forth in Exhibit A to Resolution No. 2021-22.

***Attachments:*** [Resolution No. 2021-22](#)  
[Resolution No. 2021-22, Exhibit A Proposed FY 2022 Master Fee Schedule.pdf](#)

**UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS**

- b. [21-217](#) 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.

**CITY COUNCIL PUBLIC HEARINGS:**

FY 2022 Recommended City of Salem Budget  
Monday, June 14, 2021 at 6:00 p.m.

State Revenue Sharing Funds  
Monday, June 14, 2021 at 6:00 p.m.

Petitioner-initiated vacation to vacate a portion of an alley, and of the 12th Street NE right-of-way along the railroad north east of D Street NE  
Monday, June 28, 2021 at 6:00 p.m.

Petitioner-initiated vacation to vacate an easement over a portion of the previously vacated George Street NW  
Monday, June 28, 2021 at 6:00 p.m.

Climate Action Plan  
Monday, December 6, 2021 at 6:00 p.m.

**SALEM HOUSING AUTHORITY PUBLIC HEARINGS:****URBAN RENEWAL AGENCY PUBLIC HEARINGS:**

FY 2022 Recommended Urban Renewal Agency Budget  
Monday, June 14, 2021 at 6:00 p.m.

**WORK SESSIONS:**

City Council  
Climate Action Plan  
Monday, September 20, 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  
SCAN - June 9 - Nordyke, Andersen  
Highland - June 10 - Stapleton

**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.

