



# CITY OF SALEM

555 Liberty St SE  
Salem, OR 97301

## Meeting Agenda

### City Council

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**Monday, August 9, 2021**

**6:00 PM**

**Hybrid Meeting: Council  
Chambers and Virtual**

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**\*\* Due to Covid-19, this meeting is being conducted both in-person and virtually, with the potential for remote attendance by the governing body and attendees. In-person attendance may be limited due to occupancy restrictions and interested persons are encouraged to view the meeting online at CC:Media You Tube Channel or watch on Comcast Cable CC:Media Channel 21. The public may submit comments via email on agenda items by 5:00 p.m., or earlier, on the day of the meeting at [cityrecorder@cityofsalem.net](mailto:cityrecorder@cityofsalem.net), or in person at the meeting. Public comment and testimony may also be provided during the meeting, either in-person or via Zoom. If attending the meeting in-person, please sign up to speak up at the meeting; If attending the meeting virtually and would like to provide remote testimony 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**

*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.** [21-327](#) July 26, 2021 Draft City Council Minutes

**Attachments:** [7-26-21 Draft Council Minutes.pdf](#)

**3.2 RESOLUTIONS**

**3.2a.** [21-353](#) Corrected Amendments to the Parks, Water, and Wastewater System Development Charge Eligible Project Lists.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Reliable Infrastructure

**Recommendation:**

Rescind Resolution No. 2021-30 and adopt Resolution No. 2021-32, amending the Parks, Water, and Wastewater System Development Charges Eligible Project Lists.

**Summary:**

On July 26, 2021, Council approved Resolution 2021-30 amending the System Development Charges (SDCs) Eligible Project Lists for parks, water, and wastewater. Exhibit 1 to Resolution 2021-30 was incorrect. Resolution 2021-32 rescinds Resolution 2021-30 and corrects the errors on Exhibit 1 to Resolution 2021-30.

**Attachments:** [Resolution No. 2021-32.doc](#)

[309 List Jan 2021 Exhibit](#)

**3.2b.** [21-359](#) Proposed changes to Council Rules to accommodate virtual participation at council meetings.

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

**Recommendation:**

Information only.

**Summary:**

The proposed changes to Council Rules conform to direction from the Council Rules Committee to accommodate virtual participation at council meetings in compliance with House Bill 2560 (2021).

**ISSUE:**

Information only.

**RECOMMENDATION:**

**Attachments:** [Resolution No. 2021-33.docx](#)  
[Exhibit A - Changes to Council Rules.docx](#)  
[HB 2560](#)

### 3.3 ACTION ITEMS

**3.3a. [21-269](#)**

First amendment to the Purchase and Sale Agreement with Peninsula Truck Lines Inc., LLC for City owned land (lot 5) at the Salem Business Campus, clarifying the closing date and increasing the purchase price.

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

**Recommendation:**

Authorize the City Manager's execution of the attached First Amendment to the Purchase and Sale Agreement with Peninsula Truck Lines, Inc., for 8.24 acres of City owned land at the Salem Business Campus, modifying the closing date and increasing the purchase price to \$1,064,422.

**Summary:**

Peninsula Truck Lines will purchase 8.24 acres of land from the City for \$1,064,422, which includes \$50,000 towards the construction of Gaia Street, SE extension, and \$25,000 towards the purchase of wetland mitigation credits for wetland impacts on the parcel. Closing will occur within 15 calendar days of the Oregon

Department of State Lands and U.S. Army Corps of Engineers approving a joint permit application for 0.40 acres of wetland impacts on Lot 5, expected in February 2022.

**Attachments:** [Purchase and Sale Agreement](#)  
[First Amendment to the Purchase and Sale Agreement](#)

**3.3b. [21-349](#)**

Third Addendum to the Purchase and Sale Agreement with Discount Nursery Supplies, LLC for City owned land (lot 2) at the Salem Business Campus, extending the closing date and increasing the acreage to 2.53 acres.

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

**Recommendation:**

Authorize the City Manager's execution of the attached Third Addendum to the Purchase and Sale Agreement with Discount Nursery Supplies, Inc. for 2.53 acres of City owned land at the Salem Business Campus, extending the closing date and increasing the purchase price to \$374,703 for the larger lot.

**Summary:**

Discount Nursery Supplies would like to purchase a larger lot with space for their building layout and driveway access. The closing date will be extended until after the City receives an approved Joint Permit Application for approximately 0.40 acres of wetland impacts on the site. In June, Council approved a companion Purchase and Sale Amendment with the adjacent (Lot 3) buyer, reducing their acreage to provide space for Discount Nursery Supplies.

**Attachments:** [Executed Purchase and Sale Agreement and Addendum 1 and 2](#)  
[Third Addendum to the Purchase and Sale Agreement.pdf](#)  
[Recorded Subdivision Plat Map](#)

## **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. [21-373](#)**

Motion from Councilor Vanessa Nordyke regarding amending the agenda to allow consideration of a fee waiver.

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

*Add - New report added.*

**5.b.**     [21-374](#)

Waiver of the \$1,150 facility use fee for the Riverfront Park Amphitheater for Salem Capitol Pride event.

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

**Attachments:**   [Capital Pride Permit Application Redacted.pdf](#)

*Add - New report added.*

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

**6.a.**     [21-346](#)

Planning Administrator Decision - To partition an existing parcel into two parcels with a private street - Approved.

Partition Case No. PAR21-02 - Paul Beals, Norman L. Brenden, Patrick F. Kennedy, Joseph R. Fox - 3755 Cascadia Canyon Ave SE.

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

**Recommendation:**

Information Only.

**Attachments:**   [Land Use Decision PAR21-02](#)

**6.b.**     [21-351](#)

Purchases approved administratively from June 1, 2021 through June 30, 2021.

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

**Recommendation:**

Information only.

**Summary:**

The purpose of this report is to inform the Council of the specific awards and the sources of funds for all contracts administratively awarded, renewed, or modified during the month of June. Included in the report are procurement contracts and public contracting

activities with a current fiscal year impact and annual contracts.

**Attachments:** [Purchases approved administratively June 2021](#)

**6.c. [21-352](#)**

Planning Administrator Decision - To consolidate five existing properties into one - Approved.

Replat Case No. REP21-02 - Joel Smallwood, Salem Keizer School District 24J - 5260 Gaffin Rd SE.

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

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision REP21-02.pdf](#)

**6.d. [21-355](#)**

Planning Administrator Decision - To divide approximately 7.35 acres into 36 lots - Approved.

Subdivision / Class 2 Adjustment Case No. SUB-ADJ21-07 - Don Lulay Homes Inc. - 500 Block Mildred Lane SE.

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

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision SUB-ADJ21-07.pdf](#)

**6.e. [21-356](#)**

Planning Administrator Decision - Replace an existing utility pole and install a small cell wireless communications facility on the replacement pole. - Approved.

Class 2 Wireless Siting Permit Case No. WS221-04 - Meredith Hewett on behalf of New Cingular Wireless PCS LLC (AT&T) - 100-199 Bush St S.

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

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision WS221-04.pdf](#)

**6.f. [21-360](#)**

Planning Administrator Decision - A tentative partition plan to create

two parcels, with Parcel 1 consisting of approximately 14,965 square feet and Parcel 2 consisting of approximately 7,035 square feet. - Approved.

Partition Case No. PAR21-08 - Brandie Dalton, Multi Tech Engineering, on behalf of Fisher Road Properties LLC (Peter Ivanov, Mike Ivanov) and Amber Rogers - 2410 & 2416 Fisher Road NE

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

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision PAR21-08.pdf](#)

## 7. ORDINANCES

### 7.1 FIRST READING:

### 7.2 SECOND READING:

- 7.2a. [21-343](#) Vacation of a portion of an alley and a portion of an 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 and Reliable Infrastructure

**Recommendation:**

Conduct second reading of Ordinance Bill No. 8-21, which vacates an alley and a portion of an unopened right-of-way for 12th Street NE adjacent to the railroad northeast of D Street NE, and not waive the assessment of special benefit.

**Summary:**

The City of Salem received a petition from Salem Keizer School District 24J (Petitioner) to vacate a portion of an alley and a portion of an unopened right-of-way for 12th Street NE adjacent to the railroad northeast of D Street NE. The property is needed for construction of the North Salem High School tennis courts.

**Attachments:** [Ordinance 8-21](#)  
[Legal Description & Map](#)

- 7.2b. [21-344](#) 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 and Reliable Infrastructure

**Recommendation:**

Conduct second reading of Ordinance Bill No. 9-21, which vacates a portion of an easement over previously vacated George Street NW and waive the assessment of special benefit.

**Summary:**

The City of Salem received a petition from The Family Life Church (Petitioner) to vacate a portion of an easement over previously vacated George Street NW. The Petitioner seeks to construct a building over the area currently occupied by this easement.

**Attachments:** [Ordinance 9-21](#)

[Legal & 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.**



**UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS**

- a. [21-354](#) Due to COVID-19, and until further notice, all meetings, public hearings, and work sessions may be conducted both in-person and virtually. Real-time remote viewing is available online at CC:Media YouTube Channel and can also be viewed on Comcast Cable CC:Media Channel 21.

**CITY COUNCIL PUBLIC HEARINGS:**

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

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

City Council  
Climate Action Plan  
Monday, September 20, 2021 at 6:00 p.m.

Joint City Council and Planning Commission  
Our Salem Project  
Monday, October 18, 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  
ELNA - September 2, 2021 - Hoy  
Northgate - September 16, 2021, - Gonzalez  
Sunnyslope - September 16, 2021 - Leung, Nordyke

**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.

