



# CITY OF SALEM

## Meeting Agenda

### City Council

555 Liberty St SE  
Salem, OR 97301

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**Monday, November 14, 2022      6:00 PM      Virtual Meeting**

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This meeting is being conducted virtually, with remote attendance by the governing body. In-person attendance is not possible at this time. Interested persons may view the meeting in real-time on the City of Salem YouTube Channel, thanks to a partnership with CC:Media. Comcast Cable subscribers can watch on 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@cityofsaalem.net](mailto:cityrecorder@cityofsaalem.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 using this link <https://bit.ly/COScomment>.

#### **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**

**1.3 a.** [22-525](#)      Proclamation recognizing National Runaway Prevention Month.

Ward(s): All Wards

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

**Recommendation:**

Information Only.

**Attachments:** [Proclamation - National Runaway Prevention Month](#)

- 1.3 b. [22-526](#) Proclamation recognizing Small Business Saturday, November 26, 2022.

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

**Recommendation:**

Information Only.

**Attachments:** [Proclamation - Small Business Saturday](#)

## 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

- 3.1 a. [22-434](#) October 24, 2022 Draft City Council Minutes

**Attachments:** [10-24-22 Draft Council Minutes.pdf](#)

- 3.1 b. [22-530](#) November 2, 2022 Draft City Council Minutes

**Attachments:** [11-2-22 Draft Council Minutes.pdf](#)

### 3.2 RESOLUTIONS

- 3.2 a. [22-511](#) Modification of Fire Department fees related to ambulance services.

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

**Recommendation:**

Adopt Resolution No. 2022-54 modifying specific fees and charges

for the Fire Department.

**Summary:**

Since the adoption of the annual Fee Schedule in June 2022, there have been some fees related to ambulance services that need to be modified. Adoption of this resolution will impact a total of 14 fees related to the Fire Department. All other fees in the master fee schedule, adopted through resolution no. 2022-27, will remain unchanged.

**Attachments:** [Resolution No. 2022-54](#)  
[Resolution No. 2022-54, Exhibit A](#)

- 3.2 b.** [22-512](#) A Resolution adopting Council Policy C-18, Post-Issuance Compliance Procedures Policy

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

**Recommendation:**

Adopt Resolution No. 2022-55 establishing Council Policy C-18, Post-Issuance Compliance Procedures Policy for debt issuances.

**Summary:**

When issuing debt (notes, general obligation bonds, revenue bonds, etc.) the City and Urban Renewal Agency have continuing disclosure responsibilities that occur post issuance and often until the debt is repaid. As a best practice for government finance, a post issuance compliance policy is recommended for adoption. This policy was approved and forwarded to City Council for subsequent approval by the Finance Committee at their meeting on October 24, 2022.

**Attachments:** [Resolution No. 2022-55](#)  
[Resolution No. 2022-55, Exhibit A - Draft Council Policy C-18, Post Issuance Compliance](#)

### 3.3 ACTION ITEMS

- 3.3 a.** [22-499](#) Appointment of Michelle Vlach-Ing as Municipal Judge Pro Tempore

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Safe Community

**Recommendation:**

Appoint Michelle Vlach-Ing as a Municipal Judge Pro Tempore for the Salem Municipal Court for a two-year term.

**Summary:**

Judge Aiken, Municipal Judge is recommending the appointment of Michelle Vlach-Ing as a municipal judge pro tempore for a term of two years. Michelle Vlach-Ing is experienced and meets the qualifications for municipal judge pro tempore in the Salem Revised Code. Council approval will appoint Michelle Vlach-Ing as Municipal Judge Pro Tempore for a two-year term.

**Attachments:** [Vlach-Ing Resume 10-2022.docx](#)**3.3 b. [22-517](#)** Appointment of Sara Williams as Municipal Judge Pro Tempore

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Safe Community

**Recommendation:**

Appoint Sara Williams as a Municipal Judge Pro Tempore for the Salem Municipal Court for a two-year term.

**Summary:**

Judge Aiken, Municipal Judge is recommending the appointment of Sara Williams as a municipal judge pro tempore for a term of two years. Sara Williams is experienced and meets the qualifications for municipal judge pro tempore in the Salem Revised Code. Council approval will appoint Sara Williams as Municipal Judge Pro Tempore for a two-year term.

**Attachments:** [Sara Williams Resume 10-2022.docx](#)**3.3 c. [22-500](#)** Electric vehicle charging infrastructure grant for City fleet vehicles.

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

**Recommendation:**

Approve applying for and accepting the grant funds from the Portland General Electric Make-Ready program and authorize the use of matching funds from the City.

**Summary:**

The future addition of electric vehicles to the City's fleet requires electric vehicle charging infrastructure at the shops complex and Library parkade with a projected cost of \$357,983. Portland General Electric has a "Make-Ready Infrastructure" grant program that would fund \$185,609 of the total cost. The program requires matching funds of \$172,373 from the City and a ten-year energy commitment.

**Attachments:** [SAMPLE Fleet MR Pilot Participation Agreement.pdf](#)  
[Fleet Partner Study - City of Salem - Shops Complex.pdf](#)  
[Fleet Partner Study - City of Salem - Library.pdf](#)  
[Series 7 - Dual Head Charger Product Sheet.pdf](#)  
[Fleet Services Business Plan 2022 2027.pdf](#)

- 3.3 d. [22-506](#) Ratification of Addendum to Purchase and Sale Agreement with Discount Nursery Supplies, LLC for the sale of real property located at the Salem Business Campus.

Ward(s): 3  
Councilor(s): Phillips  
Neighborhood(s): SEMCA  
Result Area(s): Strong and Diverse Economy

**Recommendation:**

Ratify the City Manager's execution of the attached Addendum #2 to extend the closing date of the Property.

**Summary:**

On November 9, 2020, City Council authorized the City Manager to execute a Purchase and Sale Agreement (as amended) (Agreement) with Discount Nursery Supplies, LLC (Nuo Chen, Manager) for the sale of Lot 2 at Salem Business Campus (Property). Permitting and land use issues are taking longer than expected and it was necessary to extend the October 28, 2022 closing date of the transaction.

**Attachments:** [Agreement and Addendum #1](#)  
[Addendum #2](#)

- 3.3 e. [22-521](#) Approve Transient Occupancy Tax (TOT) funding to pay City fees for a holiday parade and tree lighting.

Ward(s): Ward 1  
Councilor(s): Stapleton  
Neighborhood(s): CANDO  
Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community.

**Recommendation:**

Approve an allocation of \$15,200 from the Cultural Tourism Fund to cover the cost of City fees in support of a holiday parade and tree lighting event sponsored by the Salem Main Street Association, to be held on Saturday, November 26, 2022.

**Summary:**

Salem Main Street Association is in need of \$15,200 to pay City fees for a holiday parade and tree lighting event to be held on Saturday, November 26, 2022.

#### 4. PUBLIC HEARINGS

4. a. [22-494](#) Naming an unnamed connection between Rosewood Drive NW and Manorview Lane NW as Westside Circle NW (Street Name Change Case No. SNC22-01).

Ward(s): Ward 8

Councilor(s): Councilor Varney

Neighborhood(s): West Salem Neighborhood Association

Result Area(s): Safe Community

**Recommendation:**

Approve naming an unnamed connection between Rosewood Drive NW and Manorview Lane NW as Westside Circle NW and proceed to second reading of Ordinance Bill No. 23-22 (Attachment 1) for enactment.

**Summary:**

Capital Manor, a retirement community in west Salem, expanded its facilities to include new multi-family units. The units opened in 2020 and are referred to as the Westside Villas. The Westside Villas are currently addressed off Salem-Dallas Highway NW, which has caused confusion for first responders. Naming this connection between Rosewood Drive NW and Manorview Lane NW as Westside Circle NW will facilitate improved emergency response.

**Attachments:** [Ordinance Bill No. 23-22](#)  
[Resolution No. 2022-50](#)  
[Public Comment received by 5:00 p.m., 11/9/2022](#)

4. b. [22-497](#) Annexation of Territory Located at 5536 Skyline Road S (Annexation Case No. C-752)

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): Sunnyslope

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

**Recommendation:**

Adopt Order No. 2022-16 determining that the proposal meets the applicable criteria, applying City zoning for the territory, and approving withdrawal of the territory from the Salem Suburban Rural Fire Protection District.

**Summary:**

An annexation of territory approximately 1.95 acres in size located at 5536 Skyline Road S including a change in the Comprehensive

Plan map designation to "Multi-Family Residential" and concurrent change in zoning to RM-I (Multiple Family Residential).

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

[Order No 2022-16 ANX Adopting the Final Decision and Findings of Compliance](#)

[Exhibit A - Petition](#)

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

[Exhibit C - Findings for Order No. 2022-16 ANX](#)

[Public Works Department Parks Comments](#)

[Public Works Department Development Services Section Comments](#)

[Finance Department Comments](#)

**4. c. [22-501](#)** 2022 Unified Development Code Update

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): or All Neighborhoods

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

Welcoming and Livable Community.

**Recommendation:**

Engross Ordinance No. 22-22 and advance it to second reading for the purpose of amending the Unified Development Code to respond to a Land Use Board of Appeals decision, implement changes in State law and rules, add new temporary uses, and address other issues

**Summary:**

This proposed code amendment updates the Unified Development Code to respond to a Land Use Board of Appeals decision, implement changes in State law and rules, add new temporary uses, and address other issues that have recently arisen.

**Attachments:** [Engrossed Ordinance Bill No. 22-22](#)

[Exhibit A to Engrossed Ordinance Bill No. 22-22 - Code Amendment](#)

[Exhibit B to Engrossed Ordinance Bill No. 22-22 - Findings](#)

[Map of Impacted Properties](#)

[Public Comments](#)

[Additional Public Comments received by 5:00 p.m., 11/9/2022](#)

**4. d. [22-503](#)** Public hearing regarding a petition to vacate Cross Street SE west of 20th Street SE.

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): Southeast Salem Neighborhood Association

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

**Recommendation:**

Deny the vacation of Cross Street SE west of 20th Street SE.

**Summary:**

The City of Salem received a petition from DEW Investments, LLC (Petitioner) to vacate Cross Street SE west of 20th Street SE as shown in the attached figures. Petitioner seeks to vacate this area to allow the neighboring Hyundai Dealership to use the right-of-way for secured parking and storage of vehicles.

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

[Legal Description and Map](#)

[Cross Street SE - Local Street Connectivity](#)

[Opinion of Value - Real Estate Property Services Division](#)

## **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. [22-518](#) Motion from Councilor Virginia Stapleton concerning elimination of overlay zones along Commercial Street, SE.

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

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

6. a. [22-498](#) Planning Administrator Decision - A five-lot subdivision on ten acres with an alternative street standard - Approved.

Subdivision Tentative Plan Case No. SUB22-08 - Northwest Farm Credit - 380 Farm Credit Dr SE.

Ward(s): 2  
Councilor(s): Nishioka  
Neighborhood(s): SESNA

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision SUB22-08](#)

6. b. [22-515](#) Planning Administrator Decision - A partition to create two parcels -



Approved.

Partition Tentative Plan Case No. PAR22-06 - Joseph Fox - 1400 Block of Del Webb Ave NE.

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

**Recommendation:**

Information Only.

**Attachments:** [Land Use Decision PAR22-06](#)

6. c. [22-513](#) Purchases approved administratively from October 1, 2022 through October 31, 2022.

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

**Recommendation:**

Information only.

**Summary:**

Specific awards and the sources of funds for all contracts administratively awarded, renewed, or modified during the month of October. Included in the report are procurement contracts and public contracting activities with a current fiscal year impact and annual contracts.

**Attachments:** [Purchases approved administratively October 2022.pdf](#)

6. d. [22-516](#) Economic development quarterly report

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Strong and Diverse Economy

**Recommendation:**

Information only.

**Summary:**

City Council requested quarterly economic development reports from the Urban Development Department. This report includes activity from quarter three of calendar year 2022.

## 7. ORDINANCES

### 7.1 FIRST READING:

**7.2 SECOND READING:**

7.2 a. [22-504](#) Legislative Zone Change on Commercial Street SE.

Ward(s): Ward 2

Councilor(s): Councilor Nishioka

Neighborhood(s): SCAN

Result Area(s): Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

**Recommendation:**

Pass Engross Ordinance Bill No. 18-22 for the purpose of rezoning specific properties on Commercial Street SE to MU-II and MU-III.

**Summary:**

The City of Salem is proposing to rezone properties on Commercial Street SE roughly between Superior Street S and McGilchrist Street SE to Mixed-Use II (MU-II) and Mixed-Use III (MU-III) to encourage pedestrian-friendly, mixed-use development. The zone change aligns the zoning on these properties with the existing Mixed Use comprehensive plan designation.

**Attachments:** [1 - Engrossed Ordinance Bill No. 18-22](#)

[Exhibit A to Engrossed Ordinance Bill 18-22 - Map of Properties Proposed for MU-II Zo](#)

[Exhibit B to Engrossed Ordinance Bill 18-22 - Map of Properties Proposed for MU-III Z](#)

[Exhibit C to Engrossed Ordinance Bill 18-22 - Findings](#)

[2 - List of Properties Subject to Proposed Zone Change](#)

[3 - Comparison of MU-II and MU-III Zones](#)

[4 - 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](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. [22-508](#)      Until further notice, all meetings, public hearings, and work sessions will be conducted 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:

Petitioner-Initiated Annexation of Territory located at 3880 Mahrt Avenue SE and Land Adjacent (Annexation Case No. C-751)  
Monday, November 28, 2022 at 6:00 p.m.

Petitioner-Initiated Annexation of Territory located at 3821 Ibex Street NE (Annexation Case No. C-750)  
Monday, November 28, 2022 at 6:00 p.m.

Exemption from Competitive Bidding Requirement and Use of an Alternative Contracting Method for Design/Build Services - Audio Video (AV) Design, Install, and Maintenance Annual Contract  
Monday, November 28, 2022 at 6:00 p.m.

FY 2024 Recommended Budget  
Monday, June 12, 2023 at 6:00 p.m.

State Revenue Sharing  
Monday, June 12, 2023 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS:

URBAN RENEWAL AGENCY PUBLIC HEARINGS:

FY 2024 Recommended Budget  
Monday, June 12, 2023 at 6:00 p.m.

CITY COUNCIL WORK SESSIONS:

2022 Council Policy Agenda Progress Report  
Monday, November 21, 2022 at 6:00 p.m.

2023 Council Policy Agenda  
Monday, January 16, 2023 at 6:00 p.m.

BUDGET COMMITTEE MEETINGS

Presentation of the FY 2024-2028 Five-Year Forecast  
Wednesday, January 11, 2023 at 6:00 p.m.

City Manager Presents Proposed FY 2024 Budget to Budget Committee  
Result Areas Reviewed: Welcoming and Livable Community, Natural  
Environment Stewardship  
Wednesday, April 19, 2023 at 6:00 p.m.

Budget Committee Review - Result Areas Reviewed: Strong and Diverse  
Economy, Urban Renewal Agency, Safe Reliable and Efficient  
Infrastructure, and CIP Public Hearing  
Wednesday, April 26, 2023 at 6:00 p.m.

Budget Committee Review - Result Areas Reviewed: Safe Community,  
Good Governance  
Wednesday, May 3, 2023 at 6:00 p.m.

Budget Committee Recommends FY 2024 Budget to City Council /  
Urban Renewal Agency  
Wednesday, May 10, 2023 at 6:00 p.m.

#### SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor  
Southeast Salem (SESNA) - November 15, 2022 - Nishioka, Phillips

**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.

