

*555 Liberty St SE  
Salem, OR 97301*



## **Final Action Agenda - Minutes - Draft**

**Monday, July 25, 2022**

**6:00 PM**

**Virtual Meeting**

**City Council**

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@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 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

6:20 p.m.

#### Roll Call

**Present:** 7 - Councilor Andersen, Councilor Hoy, Mayor Bennett, Councilor Nordyke, Councilor Phillips, Councilor Stapleton, and Councilor Varney  
**Absent:** 2 - Councilor Leung, and Councilor Gonzalez

### 1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

None.

Councilor Hoy noted a Scrivener's Error on item 4.b. The ward number is listed incorrectly as Ward 4, and the correct number is Ward 3. In addition, the Ward 3 councilor should be listed as Councilor Phillips, instead of Councilor Leung.

### 1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Phillips, Stapleton, Nordyke, Hoy, Mayor Bennett and Interim City Manager Kristin Retherford.

### 1.3 PROCLAMATIONS

None.

### 1.4 PRESENTATIONS

None.

## 2. PUBLIC COMMENT: (Comment on agenda items other than public hearings and deliberations)

The following individuals provided comments via remote video:

Dylan McDowell, Chair, Salem Parks and Recreation Advisory Board (SPRAB), Item 6.a., file 22-326

Questions or Comments by: Councilor Nordyke, Dylan McDowell, Councilors Stapleton, Andersen, Varney, Mayor Bennett, and City Attorney Dan Atchison.

Cory Poole, Chair, Southeast Mill Creek Association (SEMCA), Item 6.d., file 22-346

Questions or Comments by: Councilor Andersen, Mayor Bennett, Interim City Manager Kristin Retherford, Chief Financial Officer Josh Eggleston, Councilor Hoy, Cory Poole, and Councilors Nordyke and Phillips.

## 3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)

A motion was made by Councilor Hoy, seconded by Councilor Stapleton to approve the consent calendar with pulls of items 3.2a by Councilor Andersen and 3.3a by Councilor Stapleton.

Questions or Comments by: Councilor Hoy, Mayor Bennett and Councilor Andersen.

Amended motion by Councilor Hoy, seconded by Councilor Andersen to include item 3.3a in the consent calendar.

The amended motion CARRIED by the following vote:

Aye: 7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney

Nay: 0

Absent: 2 - Leung and Gonzalez

Abstain: 0

The main motion, as amended, CARRIED by the following vote:

Aye: 7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney

Nay: 0

Absent: 2 - Leung, and Gonzalez

Abstain: 0

### 3.1 MINUTES

3.1a. [22-295](#) July 11, 2022 Draft City Council Minutes

**Action: Approved.**

### 3.2 RESOLUTIONS

3.2a. [22-321](#) Resolution to Extend Emergency Utility Assistance Program

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Welcoming and Livable Community

**Adopted Resolution 2022-44, restating the terms of the Emergency Utility Assistance Program, extending the effective date, and authorizing up to \$300,000 of Utility revenue annually beginning in 2023.**

3.2b. [22-344](#) Transfer of appropriations within the City's Fiscal Year 2023 Budget for the Capitol JAM event at the Gerry Frank | Rotary Amphitheater.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance.

**Adopted Resolution No. 2022-45, authorizing a transfer of appropriations within the City's Fiscal Year 2023 budget for the Capitol JAM event.**

### 3.3 ACTION ITEMS

**3.3a.** [22-313](#)

Developing a conceptual design for a road diet on Capitol Street NE between Center Street NE and Market Street NE in order to add a buffered bike lane.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): CANDO, NEN, Grant

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

**Pulled by Councilor Stapleton - See item 5.a.**

**3.3b.** [22-314](#)

Approval of the Bailey Ridge Park Master Plan

Ward(s): Ward 7

Councilor(s): Councilor Nordyke

Neighborhood(s): Southwest Association of Neighbors

Result Area(s): Welcoming and Livable Community

**Approved the Bailey Ridge Park Master Plan.**

**3.3c.** [22-347](#)

Claim Settlement Authorization

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): .

**Authorized the City Manager to resolve the matter of Stephen Cudeck workers' compensation claim in an amount of \$185,000.00. Payment will be made from the City's self-insurance claim fund.**

**3.3d.** [22-349](#)

Approval of the explanatory statement, modification of measure language, and ratification of publication of ballot title for the Salem Community Capital Improvements Bond

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance.

**Approved the Explanatory Statement, adopted Resolution No. 2022-46, to approve modified measure language, and ratify the publication of the ballot title for the Salem Community Capital Improvements Bond.**

**3.3e. [22-350](#)**

Purchasing from a City Employee Owned Business

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

**Authorized the City Manager to execute a contract with a City employee-owned business, Training 4 Responders LLC, to provide CPR training.**

**4. PUBLIC HEARINGS****4.a. [22-293](#)**

Proposed fees and charges for utility service rates (water, wastewater, and stormwater).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Staff presentation by Public Works Director Peter Fernandez.**

**Persons testifying: None.**

**Questions or Comments by: Mayor Bennett, Councilor Nordyke, Peter Fernandez, Councilors Andersen and Stapleton, Public Works Support Services Assistant Director Alicia Blalock, and Councilors Phillips and Varney.**

**A motion was made by Councilor Hoy, seconded by Mayor Bennett to adopt Resolution No. 2022-43 with exhibit, establishing fees and charges for utility service rates (water, wastewater, and stormwater) effective January 1, 2023, and January 1, 2024, and approve the allocation of up to \$300,000 of Utility revenue annually beginning in 2023 for the Emergency Utility Assistance Program.**

**Additional Questions or Comments by: Councilor Hoy, Mayor Bennett, and Councilors Andersen and Phillips.**

**The motion CARRIED by the following vote:**

**Aye:** 7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney

**Nay:** 0

**Absent:** 2 - Leung, and Gonzalez

**Abstain:** 0

**4.b.**     [22-310](#)

City Council review of Subdivision Tentative Plan and Urban Growth Area Preliminary Declaration approval (SUB-UGA22-03) for property located at 1374 Crowley Avenue SE.

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): Morningside Neighborhood Association  
(Morningside)

Result Area(s): Welcoming and Livable Community

**Staff presentation by Olivia Dias, Planner, Community Development Planning Services.**

**Persons testifying on behalf of the applicant:**

**Hayden Wooton, Reece & Associates, Inc., 321 First Avenue East, Suite 3a, Albany, OR**

**Kelly Sandow, Sandow Engineering, 160 Madison Street, Suite A, Eugene, OR**

**Questions or Comments by: Councilor Phillips, Hayden Wooton, Kelly Sandow, and Councilor Andersen.**

**Other persons or organizations testifying:**

**Alan Meyer, Morningside Neighborhood Association, Ward 3**

**Questions or Comments by: Mayor Bennett, Councilor Andersen, Alan Meyer, Councilor Phillips, City Attorney Dan Atchison, Olivia Dias, Assistant City Traffic Engineer Tony Martin, Councilor Hoy, Peter Fernandez, and Councilor Stapleton.**

**Applicant's rebuttal by Hayden Wooton.**

**A motion was made by Councilor Hoy, seconded by Mayor Bennett to affirm the Planning Administrator's decision approving subdivision tentative plan, and urban growth area preliminary declaration case no. SUB-UGA22-03.**

**Additional Comments or Questions by: Councilors Hoy and Phillips.**

**The motion CARRIED by the following vote:**

**Aye:**     6 - Andersen, Hoy, Bennett, Nordyke, Stapleton, and Varney

**Nay:**     1 - Phillips

**Absent:**   2 - Leung, and Gonzalez

**Abstain:**   0

**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. [22-313](#)  
(3.3a)**

Developing a conceptual design for a road diet on Capitol Street NE between Center Street NE and Market Street NE in order to add a buffered bike lane.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): CANDO, NEN, Grant

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

**Councilor Stapleton declared a potential conflict of interest due to the project is located on the street that she resides.**

**A motion was made by Councilor Stapleton, seconded by Councilor Hoy to direct staff to develop a conceptual design for a road diet on Capitol Street NE between Center Street NE and Market Street NE in order to add a buffered bike lane.**

**Questions or Comments by: Councilors Stapleton and Andersen.**

**Amended motion by Councilor Andersen, seconded by Councilor Stapleton to replace the word "buffer" with the word "protected" and indicate that there should be no right turn lane from Capitol Street NE to Market Street NE.**

**Questions or Comments by: Councilor Stapleton, Mayor Bennett, Councilors Andersen and Hoy, and Public Works Director Peter Fernandez.**

**Councilor Andersen restated his motion as "into a buffered or protected bike lane, with a discussion of a right turn lane."**

**Questions or Comments by: Mayor Bennett, Councilor Andersen, and City Attorney Dan Atchison.**

**Councilor Andersen withdrew his motion.**

**Additional Comments by: Mayor Bennett, Councilor Stapleton, and Peter Fernandez.**

**The motion CARRIED by the following vote**

**Aye:** 7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney

**Nay:** 0

**Absent:** 2 - Leung, and Gonzalez

**Abstain:** 0

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

- 6.a.**     [22-326](#)     Communication from the Salem Parks and Recreation Advisory Board to City Council regarding increased communication and engagement between the two bodies.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Comments by: Mayor Bennett and Councilor Hoy.**

**This Informational Report was received and filed.**

- 6.b.**     [22-341](#)     Hearings Officer Decision - To replace an existing reader board with a new electronic display - Approved.

Conditional Sign Use / Sign Permit Case No. CU-SI22-03 - Joel Smallwood on behalf of Salem Keizer School District 24J - 525 Rockwood St SE.

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): SGNA

**This Informational Report was received and filed.**

- 6.c.**     [22-342](#)     Hearings Officer Decision - To install ten new signs on the Salem Heath campus - Approved.

Sign Variance / Sign Permit Case No. VAR-SI22-01 - Salem Hospital - Salem Health - 890 Oak St SE.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): CANDO

**This Informational Report was received and filed.**

- 6.d.**     [22-346](#)     Update to City's projected spending plan related to homelessness services.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community; Welcoming and Livable Community.

**This Informational Report was received and filed.**

- 6.e.**     [22-348](#)     Planning Administrator Decision - To remove two significant trees in association with construction of an apartment complex - Approved.

Tree Regulation Variance Case No. TRV22-02 - Scott Martin - 2499, 2501, 2519, and 2551 Wallace Rd NW.

Ward(s): 8

Councilor(s): Varney

Neighborhood(s): WSNA

**This Informational Report was received and filed.**

- 6.f.**     [22-351](#)     Planning Administrator Decision - For the removal of three significant trees associated with the development of a single-family dwelling. - Approved

Tree Regulation Variance Case No. TRV22-03 - Carlos Armas - 1845 Turnage St NW.

Ward(s): 8

Councilor(s): Varney

Neighborhood(s): WSNA

**This Informational Report was received and filed.**

## **7. ORDINANCES**

### **7.1 FIRST READING:**

None.

### **7.2 SECOND READING:**

**7.2a.** [22-334](#)

Our Salem Project - Updating the Salem Area Comprehensive Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Remarks by Mayor Bennett.**

**A motion was made by Councilor Hoy, seconded by Councilor Phillips to engross Ordinance Bill No. 9-22 and pass Engrossed Ordinance Bill No. 9-22.**

**Second reading was conducted and Engrossed Ordinance Bill No. 9-22 PASSED by the following vote:**

**Aye:** 7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney

**Nay:** 0

**Absent:** 2 - Leung, and Gonzalez

**Abstain:** 0

**7.2b.** [22-335](#)

Our Salem Project - Amending the Comprehensive Plan Map and Zoning Map.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**A motion was made by Councilor Hoy, seconded by Mayor Bennett to engross Ordinance Bill No. 10-22 and pass Engrossed Ordinance Bill No. 10-22.**

**Second reading was conducted and Engrossed Ordinance Bill No. 10-22 PASSED by the following vote:**

**Aye:** 7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney

**Nay:** 0

**Absent:** 2 - Leung, and Gonzalez

**Abstain:** 0

**7.2c.**     [22-336](#)

Our Salem Project - Amending the Salem Revised Code.

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; Strong and Diverse  
Economy; Welcoming and Livable Community.**A motion was made by Councilor Hoy, seconded by Mayor Bennett to  
engross Ordinance Bill No. 11-22 and pass Engrossed Ordinance Bill No.  
11-22.****Second reading was conducted and Engrossed Ordinance Bill No. 11-22  
PASSED by the following vote:****Aye:**     7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney**Nay:**     0**Absent:**     2 - Leung, and Gonzalez**Abstain:**     0**7.2d.**     [22-337](#)

Our Salem Project - Adopting the Salem Housing Needs Analysis.

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; Strong and Diverse  
Economy; Welcoming and Livable Community.**Second reading was conducted and Ordinance Bill No. 12-22 PASSED by the  
following vote:****Aye:**     7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney**Nay:**     0**Absent:**     2 - Leung, and Gonzalez**Abstain:**     0

**7.2e.**    [22-274](#)

Designation of the Eco Earth Globe as a Local Historic Resource

Ward(s): Ward 1

Councilor(s): Councilor Stapleton

Neighborhood(s): CANDO

Result Area(s): Welcoming and Livable Community

**Correction - At second reading of Ordinance Bill No.13-22, an oral Scrivener's error was made. The error was incorrectly stating that the ordinance was "engrossed."**

**Second reading was conducted and Ordinance Bill No. 13-22 PASSED by the following vote:**

**Aye:**    7 - Andersen, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Varney

**Nay:**    0

**Absent:**    2 - Leung, and Gonzalez

**Abstain:**    0

**8. PUBLIC COMMENT: (Other than agenda items)**

None.

**9. ADJOURNMENT**

8:48 p.m.