

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, January 9, 2017**

**6:00 PM**

**Council Chambers**

**City Council**

**1. OPENING EXERCISES: (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, ceremonial presentations, and Council comment)**

**Call to Order**

6:05 p.m.

**Roll Call**

**Present:** 8 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Ausec, Councilor Cook, Councilor Lewis, and Mayor Bennett

**Pledge of Allegiance**

Led by: Mayor Bennett

**Election of Council President**

A motion was made by Councilor Lewis, seconded by Councilor Andersen to elect Councilor McCoid to Council President.

The motion was carried by the following vote:

**Aye:** 8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Bennett

**Nay:** 0

**Abstain:** 0

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

A motion was made by Councilor McCoid, seconded by Councilor Nanke to approve the additions and deletions to the agenda.

Questions or Comments by: Councilor Andersen.

The motion carried by the following vote:

**Aye:** 8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Bennett

**Nay:** 0

**Abstain:** 0

**1.2 COUNCIL AND CITY MANAGER COMMENT**

Questions and Comments by: Councilors Andersen, McCoid, Mayor Bennett, City Manager Powers.

### 1.3 PROCLAMATIONS

1.3a. [17-7](#)

Salem Reads

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Bennett read the proclamation.

### 1.4 PRESENTATIONS

None.

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

Appearances by:

Britni Davidson, 6276 Nicklaus Loop N, Kezier, Center 50+ Advisory Commission Annual Report (16-441)

Greg Astley, 8565 SW Salish Lane #120, Wilsonville, Mayor's Motion on transportation (16-440)

Erin Wakefield, 539 Short Street, Silverton, Mayor's Motion on transportation (16-440)

Lee Lynch, 3042 Hammel Streett NE, Mayor's Motion on transportation (16-440)

Bryce Bennett, 222 SW Cumbia Street, Portland, Mayor's Motion on transportation (16-440)

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

A motion was made by Councilor McCoid, seconded by Councilor Nanke to approve the consent calendar with the pull of agenda item 3.3c. by Councilor Cook.

The motion carried by the following vote:

**Aye:** 8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Bennett

**Nay:** 0

**Abstain:** 0

### 3.1 MINUTES

**3.1a.**    [16-444](#)            December 5, 2016 Council Minutes

**Action: approved**

**3.1b.**    [16-445](#)            December 12, 2016 Council Minutes

**Action: approved**

## **3.2 RESOLUTIONS**

**3.2a.**    [17-12](#)            Appointments and reappointment to Housing Authority Commission  
- Resolution 2017-2  
Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Adopted Resolution No. 2017-2 to appoint City Councilors Sally Cook, Matt Ausec, and Cara Kaser, and reappoint City Councilor Brad Nanke to the Commission of the Housing Authority of the City of Salem.**

## **3.3 ACTION ITEMS**

**3.3a.**    [16-407](#)            Local Marijuana Tax Collection Agreement with State of Oregon .

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

**Authorized the City Manager to execute the attached Marijuana Tax Collection Agreement between the City of Salem and the State of Oregon, acting through its Department of Revenue, for the collection of local marijuana tax revenue approved by Salem voters at the November 8, 2016 general election.**

**3.3b.**    [16-410](#)            Appointment of John B. Wilson as Municipal Judge Pro Tempore

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

**Appointed John B. Wilson as a Municipal Judge Pro Tempore for the Salem Municipal Court for a two-year term.**

**3.3c.** [16-415](#)

Memorandum of Understanding with Salem-Keizer School District  
24J for Pringle Creek Planting and Stream Enhancement

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Pulled by Councilor Cook - See Agenda Item 5.c.**

**3.3d.** [16-417](#)

Rehabilitation of Yaquina Hall for affordable housing

Ward(s): 2

Councilor(s): Tom Andersen

Neighborhood(s): North East Salem Community Association

Revised report to correct the references to Ward 2 and Councilor  
Andersen instead of Ward 6.

**Approved a set aside of \$500,000 from FY 2017-2018 and \$250,000 from  
FY 2018-2019's allocation of U.S. Department of Housing and Urban  
Development Community Development Block Grant (CDBG) funds to fund  
the rehabilitation of 50 one-bedroom affordable housing units.**

**3.3e.** [16-429](#)

Federal Emergency Management Agency's Performance Grant to  
support City's emergency management program.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Authorized the City Manager to accept and execute all documents related  
to the Federal Emergency Management Agency's Performance Grant to  
support the City's emergency management program for FY 16/17.**

**3.3f.** [16-431](#)

Additional Funds for the 2016-2017 Work Zone Enforcement Grant

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Authorized the City Manager to accept and execute all documents relating  
to the award of additional funds for the Oregon Department of  
Transportation (ODOT) Highway Work Zone Grant.**

**3.3g.**    [16-438](#)

Providing water service beyond corporate limits for property located at 4932 Swegle Road NE

Ward(s): Currently outside City Limits, Ward 6 (upon annexation)

Councilor(s): All Councilors

Neighborhood(s): East Lancaster Neighborhood Association (upon annexation)

**Authorized a water service connection to an existing single family residence on a parcel that is outside of, but contiguous to, the current city limits, conditioned on the property owner filing a complete application for annexation, an annexation agreement, and paying all usual and customary fees and service charges.**

**3.3h.**    [16-451](#)

Revised Fiscal Year 2017-18 City of Salem budget calendar.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Approved the revised City of Salem FY 2017-18 budget calendar.**

## **4. PUBLIC HEARINGS**

**4.a.**     [16-439](#)

Appeal of Public Works Director's System Development Charge decision for a manufactured dwelling at 2277 Orchard Heights Road NW.

Ward(s): Ward 8

Councilor(s): Lewis

Neighborhood(s): West Salem Neighborhood Association

**Persons Testifying:**

**Richard Chesebrough, 2277 Orchard Heights Road NW**

**Organizations: None.**

**Evidence Received From: Richard Chesebrough**

**Questions or Comments by: Councilors Lewis, Andersen, Nanke and Cook.**

**A motion was made by Councilor Lewis, seconded by Councilor McCoid to have city staff work out agreement with property owners to include but not be limited to the following conditions:**

**SDC charges deferred until emergency is over, at which time the unit will be moved or the SDC charges will be paid.**

**A substitute motion was made by Councilor Nanke, seconded by Councilor Andersen to Affirm the Public Works Director's decision to impose stormwater, parks, and transportation System Development Charges based on one single family dwelling unit for placement of a new manufactured dwelling at 2277 Orchard Heights Road NW.**

**Questions or Comments by: Councilors McCoid, Lewis and Cook.**

**The substitute motion carried by the following vote:**

**Aye:**     5 - Kaser, Andersen, Nanke, Ausec, and Cook

**Nay:**     3 - McCoid, Lewis, and Bennett

**Abstain:**     0

**4.b.**     [16-443](#)

Order for Council Review of Planning Commission's decision  
affirming with modifications Comprehensive Plan  
Change/Neighborhood Plan Change/Zone Change Case No. 16-08

\* The hearing for this matter is closed, and no further testimony may  
be accepted. This item is solely for the City Council to consider  
adoption of the written order as the final decision.

Ward(s): Ward 1  
Councilor(s): Kaser  
Neighborhood(s): West Salem

**Persons Testifying: None.**

**Organizations: None.**

**Evidence Received From: None.**

**A motion was made by Counselor Kaser, seconded by Councilor Lewis to  
move staff recommendation that the City Council adopts the order to  
affirm with modifications the decision of the Planning Commission for  
Comprehensive Plan Change/Neighborhood Plan Change/Zone Change Case  
No. 16-08.**

**Questions or Comments by: Councilor Kaser.**

**The motion carried by the following votes:**

**Aye:**    8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Bennett

**Nay:**    0

**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.**     [16-440](#)

Mayor's Motion - Changing City regulations to better allow transportation network companies, such as Lyft and Uber, to operate in Salem.

Ward(s): Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**A motion was made by Mayor Bennett, seconded by Councilor Cook to change city regulations to better allow transportation network companies, such as Lyft and Uber, to operate in Salem.**

**Questions and Comments by: Councilors Nanke, Andersen, and Kaser.**

**An amended motion was made by Councilor Andersen, seconded by Mayor Bennett, to have city staff also check with existing conventional taxi companies.**

**The amended motion carried by the following vote:**

**Aye:**    8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Bennett

**Nay:**     0

**Abstain:**   0

**5.b.**     [17-8](#)

City Manager's Salary Adjustment

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**A motion was made by Mayor Bennett, seconded by Councilor McCoid to increase the City Manager's Salary by 5% retroactive to November 1, 2016.**

**Questions or Comments by: Mayor Bennett, Councilors McCoid, Andersen and Nanke.**

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

**Aye:**    8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Bennett

**Nay:**     0

**Abstain:**   0

**5.c**     [16-415](#)

Memorandum of Understanding with Salem-Keizer School District 24J for Pringle Creek Planting and Stream Enhancement

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**A motion was made by Councilor Cook, seconded by Councilor Nanke to authorize the City Manager to execute the Memorandum of Understanding with Salem-Keizer School District 24J for Pringle Creek Planting and Stream Enhancement.**

**Questions and Comments by: Councilors Cook, Andersen and Nanke.**

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

**Aye:**    8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Bennett

**Nay:**     0

**Abstain:**    0

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

**6.a.**     [16-414](#)

Planning Commission Decision - Zone Change No. CPC-ZC16-12 - Approved - Rural Castle LLC (Alex Casebeer, Matthew Casebeer) - 700 Block of Auto Group Avenue NE - A consolidated application to change the Comprehensive Plan Map designation and zoning of an approximately 11.88-acre property from "Community Service - Education" with PE (Public/Private Education) zoning to "Industrial Commercial" with IC (Industrial Commercial) zoning. The subject property was formerly the undeveloped northern portion of the campus for the Oregon School for the Deaf.

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Highland

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

**Questions or Comments by: Councilor Andersen**

- 6.b.**     [16-437](#)     Purchases approved administratively - November 1, 2016, through November 30, 2016.

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

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

- 6.c.**     [16-441](#)     Salem Center 50+ Advisory Commission Annual Report

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

**This Informational Report was received and filed**

- 6.d.**     [16-454](#)     Planning Administrator's Decision - Subdivision No. SUB16-02 - Approved - Trinity Real Estate Development LLC (Stephen Parker) - 2054 Mousebird Avenue NW - A 9-lot subdivision ("Trinity Estates") on the east and west sides of Mousebird Avenue NW, just west of the campuses of Straub Middle School and Kalapuya Elementary School.

Ward(s): 8  
Councilor(s): Lewis  
Neighborhood(s): West Salem

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

## **7. ORDINANCES**

### **7.1 FIRST READING:**

**7.1a.**     [16-430](#)

Proposed Comprehensive Plan Map Change - "Community Service - Education" to "Industrial Commercial" for an 11.88-acre property at the 700 Block of Auto Group Avenue NE.

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

**A motion was made by Councilor Ausec, seconded by Councilor Nanke to conduct first reading of Ordinance Bill No. 1-17 changing the Comprehensive Plan Map designation from "Community Service - Education" to "Industrial Commercial" for an 11.88-acre property at the 700 Block of Auto Group Avenue NE, and proceed to second reading.**

**Questions or Comments by: Councilors Andersen and McCoid**

**The motion was carried by the following vote:**

**Aye:**    8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Bennett

**Nay:**     0

**Abstain:**    0

**7.1b.**     [16-450](#)

Proposed Comprehensive Plan Map Change - "Industrial" to "Commercial" for 560 Glen Creek Road NW and 585-635 9th Street NW

Ward(s): Ward 1  
Councilor(s): Kaser  
Neighborhood(s): West Salem

**A motion was made by Councilor Kaser, seconded by Councilor Nanke to conduct first reading of Ordinance Bill No. 21-16 changing the Comprehensive Plan Map designation from "Industrial" to "Commercial" for 560 Glen Creek Road NW and 585-635 9th Street NW.**

**The motion was carried by the following vote:**

**Aye:**    8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Bennett

**Nay:**     0

**Abstain:**    0

**7.2 SECOND READING:**

**7.2a.**    [16-378](#)

Proposed engrossed ordinance bill No. 24-16 vacating of a portion of right-of-way for Liberty Road S south of the intersection with Rainier Drive SE and declaring an emergency

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): South Gateway NA

**A motion was made by Councilor McCoid, seconded by Councilor Andersen to Engross Ordinance Bill No. 24-16 and conduct second reading for enactment of the ordinance bill, which vacates an easterly portion of the right-of-way for Liberty Road S south of the intersection with Rainier Drive SE, subject to the condition that an easement be reserved for the construction, maintenance, repair, and replacement of municipal and utility facilities, and declares an emergency.**

**Adopted Engrossed Ordinance Bill 24-16 by the following vote:**

**Aye:**    8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Bennett

**Nay:**    0

**Abstain:**    0

**7.2b.**    [16-359](#)

Designation of the Ed and Marie Viesko House at 2060 High Street SE as a Local Historic Resource

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SCAN

**Conducted second reading for enactment of Ordinance Bill No. 23-16, designating the Ed and Marie Viesko House located at 2060 High Street as a local Historic Resource.**

**Adopted Ordinance Bill No. 23-16 by the following vote:**

**Aye:**    8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Bennett

**Nay:**    0

**Abstain:**    0

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

None.

**9. ADJOURNMENT**

8:32 p.m.