

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, September 11, 2017**

**6:00 PM**

**Council Chambers**

**City Council**

## **EXECUTIVE SESSION**

City Council

5:30 p.m. - City Manager Conference Room

To conduct deliberations with persons designated by the governing body to negotiate real property transactions. ORS 192.660(2)(e).

## **WORK SESSION**

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

### **Call to Order**

6:22 p.m.

### **Roll Call**

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

**Absent:** 1 - Councilor McCoid

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

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

Questions or Comments by: Councilor Nanke.

The motion carried by the following vote:

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

**Nay:** 0

**Absent:** 1 - McCoid

**Abstain:** 0

## **1.2 COUNCIL AND CITY MANAGER COMMENT**

Comments by: Councilors Cook, Andersen, Nanke, Kaser, Hoy and Mayor Bennett.

## **1.3 PROCLAMATIONS**

**1.3a.** [17-443](#)

Proclamations recognizing Constitution Week

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Agenda Item 1.3a was read after agenda item 1.3b.**

**Mayor Bennett presented the proclamation.**

**1.3b.** [17-444](#)

Proclamation recognizing Micronesian Islander Community  
Celebration Day

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Agenda Item 1.3b was read before agenda Item 1.3a.**

**Mayor Bennett presented the proclamation.**

**1.3c.** [17-466](#)

Proclamation recognizing 9/11 as a Day of Remembrance

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Mayor Bennett presented the proclamation to representatives from Salem  
Police Department, Salem Fire Department and Salem Emergency  
Management.**

## **1.4 PRESENTATIONS**

**1.4a. Grant for Willow Lake Cogeneration Upgrade Project - Portland General  
Electric**

**Wendy Veliz of Portland General Electric was the presenter.**

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

**Agenda Item 8 was also heard under agenda Item 2.**

**Appearances by:**

**Herb Shaw, 1930 Wallace Road NW, 3rd Bridge**

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

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

Questions or Comments by: Councilor Nanke.

The motion carried by the following vote:

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

**Nay:** 0

**Absent:** 1 - McCoid

**Abstain:** 0

#### 3.1 MINUTES

3.1a. [17-445](#) August 28, 2017 Draft Council Minutes

Action: approved

#### 3.2 RESOLUTIONS

None.

#### 3.3 ACTION ITEMS

3.3a. [17-418](#) Collective Bargaining Agreement between the City and Salem Police Employees' Union.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Approved a three-year successor collective bargaining agreement between the City and Salem Police Employees' Union (SPEU), for a period from July 1, 2017, through June 30, 2020.

**3.3b.** [17-435](#)

Funding for Mill Creek Corporate Center infrastructure projects.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

**Authorized the use of \$432,000 of Mill Creek Development District funds to fund sewer improvements within the Mill Creek Corporate Center.**

**3.3c.** [17-436](#)

Intergovernmental Agreement with the Oregon Department of Transportation and the Mid-Willamette Valley Council of Governments to complete a Seismic Upgrade Study for the Center Street Bridge over the Willamette River

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO, WSNA

**Pulled by Councilor Andersen - See agenda item 5.a.**

**3.3d.** [17-447](#)

Appointments to the Citizen Budget Committee, Community Police Review Board, Judicial Compensation Commission, and Salem Cultural and Tourism Promotion Advisory Board

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Appointed the applicants listed in the Facts and Findings section to the Citizen Budget Committee, Community Police Review Board, Judicial Compensation Commission, and Salem Cultural and Tourism Promotion Advisory Board.**

## 4. PUBLIC HEARINGS

**4.a.** [17-438](#)

Appeal of Hearings Officer's decision approving Quasi-Judicial Zone Change / Class 3 Site Plan Review / Class 1 and 2 Adjustments Case No. ZC-SPR-ADJ17-02 for property located at 390 Hawthorne Avenue SE - 97301

Ward(s): Ward 2

Councilor(s): Andersen

Neighborhood(s): SESNA

**Item 4.a was removed from the agenda.**

**4.b.**     [17-441](#)

Petitioner-Initiated Annexation of Territory Located at 4932 Swegle Road NE 97301 (Annexation Case No. C-721)

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

**Staff presentation by Pamela Cole with the Planning Department.**

**Persons Testifying: None.**

**Organizations Testifying: None.**

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

**A motion was made by Councilor Hoy, seconded by Councilor Lewis to:**

- 1. Find that the Petitioners have signed a valid triple majority petition for annexation of the Territory, in conformance with Oregon Revised Statutes (ORS) Chapter 222;**
- 2. Determine that the Petition satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2017-02-ANX (Attachment 2);**
- 3. Apply the City of Salem RS (Single Family Residential) zone to the Territory from Marion County UD (Urban Development); and**
- 4. Withdraw the Territory from Marion County Fire District #1 and the East Salem Sewer and Drainage District.**

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

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

**Nay:**     0

**Absent:**   1 - McCoid

**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.**     [17-436](#)

Intergovernmental Agreement with the Oregon Department of Transportation and the Mid-Willamette Valley Council of Governments to complete a Seismic Upgrade Study for the Center Street Bridge over the Willamette River

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO, WSNA

**A motion was made by Councilor Andersen, seconded by Councilor Kaser to send the intergovernmental agreement back to staff to negotiate with ODOT to expand the intergovernmental agreement to include: 1) the possibility of adding additional lanes to the bridge, and 2) develop a plan for two-way operation of the Center Street Bridge in emergencies.**

**Questions or Comments by: Councilor Andersen, Mayor Bennett, Councilors Nanke, Cook and Ausec.**

**Councilor Andersen amended his motion to withdraw the second half of his motion "develop a plan for two-way operation of the Center Street Bridge in emergencies."**

**Questions or Comments by: Councilor Andersen, Mayor Bennett and City Manager Powers.**

**Councilor Andersen made a final motion, seconded by Councilor Lewis to authorize the City Manager to execute an Intergovernmental Agreement with the Oregon Department of Transportation and the Mid-Willamette Valley Council of Governments to complete a Seismic Upgrade Study for the Center Street Bridge over the Willamette River.**

**Questions or Comments by Mayor Bennett and Councilor Nanke.**

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

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

**Nay:**    0

**Absent:**   1 - McCoid

**Abstain:**   0

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

**6.a.**     [17-403](#)

Purchases approved administratively - July 1, 2017, through July 31, 2017.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**6.b.**     [17-433](#)

Planning Administrator Decision - Subdivision / Class 2 Adjustment  
Case No. SUB-ADJ17-06 - Approved - 3 G's Construction - 655  
Idylwood Drive SE - A subdivision to divide 1.42 acres into 7 lots  
ranging in size from approximately 4,456 square feet to  
approximately 15,507 square feet, with a two Class 2 Adjustments:  
1) To increase the percentage of flag lots allowed in a subdivision  
from a maximum of 15 percent, to 71 percent of all lots; and 2) To  
increase the maximum lot depth from 300 percent of average lot  
width for Lot 7 to 331 percent of the average lot width.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): Faye Wright

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

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

**6.c.**     [17-434](#)

Hearings Officer Amended Decision - Conditional Use / Class 3 Site  
Plan Review Case No. CU-SPR17-10 - Approved - Troy Parke - 325  
13th Street NE - Proposed change of use of an existing office  
building to a mixed-use building with 32 dwelling units and office  
space.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): Northeast Neighbors

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



**6.d. [17-437](#)**

Planning Administrator Decision - Subdivision Case No. SUB17-04 - Approved - Dale Van Lydegraf - 1311 Doaks Ferry Road NW - An application for a 6-lot subdivision ("Lieutenant Ridge Estates") just east of the West Meadows Estates 2.

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

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

**6.e. [17-439](#)**

Planning Administrator Decision - Replat Case No. REP17-01 - Approved - 1430 Tandem Ave LLC (Joseph Fox, Judith Fox, Mark Fox, Holly Smith, Jennifer Nopp, Jack Ryan Smith, Joshua J. Smith, Wyatt J. Fox, and Gauge F. Nopp) - 1430 Tandem Avenue NE - 97301 - An application to consolidate previously platted property and vacated easements and rights-of-way into two parcels, with Parcel 1 consisting of approximately 3.49 acres and Parcel 2 consisting of approximately 5.44 acres. The existing flex space building and associated parking would remain on Parcel 2.

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

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

**6.f. [17-440](#)**

Summary report of City's activities during 2017 Oregon Legislative Session

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

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

**6.g.**     [17-464](#)

Appeal of Planning Administrator's Decision denying the request for Class 2 Adjustments to increase the allowable square footage and reduce rear yard setbacks for an accessory shop building at a single family residence, for property approximately 0.46 acres in size, zoned RS (Single Family Residential), at 2249 Joplin Court S.

Ward(s): Ward 7

Councilor(s): Cook

Neighborhood(s): Sunnyslope

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

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

## **7. ORDINANCES**

### **7.1 FIRST READING:**

**7.1a.**     [17-432](#)

Class 2 vacation of the southeasterly portion of Old MacLeay Road SE.

Ward(s):3

Councilor(s): Nanke

Neighborhood(s): Southeast Mill Creek Association

**A motion was made by Councilor Nanke, seconded by Councilor Andersen to conduct first reading of Ordinance Bill No. 20-17, which vacates the southeasterly portion of Old MacLeay Road SE subject to the condition that an easement is provided for construction, maintenance, repair, and replacement of municipal and utility facilities, and advance Ordinance Bill No. 20-17 to second reading for enactment.**

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

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

**Nay:**    0

**Absent:**    1 - McCoid

**Abstain:**    0

### **7.2 SECOND READING:**

**None.**

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

**See agenda item 2.**

**9. ADJOURNMENT**

7:21 p.m.