

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, December 11, 2017

6:00 PM

Council Chambers

City Council

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

6:24 p.m.

Roll Call

Present: 9 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Ausec, Councilor Cook, Councilor Lewis, Councilor Hoy, and Mayor Bennett

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/deletions to the agenda.

Questions or Comments by: Councilor McCoid.

The Motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

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

1.3 PROCLAMATIONS

1.3 a. [17-604](#)

Mayor's Monarch Pledge

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Bennett read and presented the proclamation to representatives from the Portland Field Office of the U.S. Fish and Wildlife Service: Jane Chorazy, Eric Hein, and Morgan Parks and Local Supporters of the Mayor's Monarch Pledge: Linda and Ken Bierley and Stephanie Hazen. Eric Hein, Pollen Coordinator for the U.S. Fish and Wildlife Service presented a ceremonial milkweed plant to the City and Ms. Hazen presented Milk Weed seed packets to attendees of the Council Meeting.

1.4 PRESENTATIONS

None.

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

Appearances by:

Jackie Franke, 4472 Hayesville Drive NE, Item 7.1a, File 17-602

Bob Cortright, 373 Suncrest Avenue NW, Item 6.c, File 17-579

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

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 Hoy to approve the consent calendar.

Questions or Comments by: Councilors McCoid, Andersen, Cook, Nanke, Kaser, and Hoy.

Councilors Andersen and Cook registered "no" votes on item 3.3i.
Councilor Nanke recused himself from voting on item 3.3a, due to potential conflict of interest.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

3.1 MINUTES

- 3.1 a. [17-563](#) November 27, 2017 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

- 3.2 a. [17-575](#) Update to the Natural Hazards Mitigation Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Adopted Resolution No. 2017-48, updating the City of Salem Natural Hazards Mitigation Plan.

- 3.2 b. [17-609](#)

Public Records Policy

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Adopted Resolution No. 2017-50, amending Resolution No. 2007-63, to update the City's Public Records Policy.

3.3 ACTION ITEMS

- 3.3 a. [17-581](#) Second Amendment to the Salem Renewable Energy and Technology Center Covenants, Conditions and Restrictions

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

Approved the second amendment to the Salem Renewable Energy and Technology Center Covenants, Conditions and Restrictions (CC&Rs) to change the name to the Salem Business Campus and remove all references to renewable energy use and technology use.

3.3 b. [17-591](#)

Appointments and reappointments to the Citizens Advisory Traffic Commission, Community Police Review Board, Downtown Advisory Board, Salem Cultural and Tourism Promotion Advisory Board, Salem Parks and Recreation Advisory Board, Salem Planning Commission, and Salem Public Art Commission.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

ISSUE:

Shall the City Council appoint and reappoint the applicants listed in the Facts and Findings section to the Citizens Advisory Traffic Commission, Community Police Review Board, Downtown Advisory Board, Salem Cultural and Tourism Promotion Advisory Board, Salem Parks and Recreation Advisory Board, Salem Planning Commission, and Salem Public Art Commission?

RECOMMENDATION:**Appointed and reappointed the following applicants:****Citizen Advisory Traffic Commission (three-year terms):**

Reappointed Ezekiel Liming to a full term expiring on December 31, 2020.

Reappointed Denise Van Dyke to a full term expiring on December 31, 2020.

Reappointed Lowell Wetzel to a full term expiring on December 31, 2020.

Community Police Review Board (two-year terms)

Appointed Steven J. Rice to a full term expiring on January 1, 2020.

Appointed Bevin Clapper to a full term expiring on January 1, 2020.

Appointed Michael Staudinger to the Alternate #1 position (no term expiration date).

Appointed Spencer Bailly to the Alternate #2 position (no term expiration date).

Reappointed William Distad to a full term expiring on January 1, 2020.

Reappointed David Reinholdt to a full term expiring on January 1, 2020.

Reappointed Jodi Sherwood to a full term expiring on January 1, 2020.

Downtown Advisory Board (three-year terms)

Reappointed Brad Compton to a full-term position expiring on December 31, 2020.

Reappointed Laurie Miller to a full term expiring on December 31, 2020.

Salem Cultural and Tourism Promotion Advisory Board (three-year terms)

Appointed Scott Snyder to a full term expiring on June 30, 2020.

Appointed Elaine Worden to a partial term expiring on June 30, 2018.

Salem Planning Commission (four-year terms)

Reappointed Brian McKinley to a full term expiring on December 31, 2021.

Reappointed Joshlene Ann Pollock to a full term expiring on December 31, 2021.

Salem Parks and Recreation Advisory Board

Appointed Micah Seth Moskowitz to a full term expiring on December 31, 2020.

Salem Public Art Commission

Appointed Michael Hernandez to a full term expiring on October 1, 2020.

3.3 c. [17-594](#)

Intergovernmental Agreement between the City of Salem and the Suburban East Salem Water District

Ward(s): All

Councilor(s): All

Neighborhood(s): None

Authorized the City Manager to amend the Intergovernmental Agreement between the City of Salem and the Suburban East Salem Water District to extend the term of the agreement to December 31, 2018.

3.3 d. [17-597](#)

Intergovernmental Agreement with the State of Oregon, Office of the Fire Marshal for Use of Firefighting Foam Trailer.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute an Intergovernmental Agreement with the State of Oregon, Office of the State Fire Marshal for the use of one Union Pacific owned firefighting foam trailer.

3.3 e. [17-603](#)

Order for Appeal of Planning Commission's Decision Amending Class 3 Design Review/Conditional Use/Class 3 Site Plan Review/Class 2 Driveway Approach Permit Case No. 17-05, 3010 Silverton Road NE

Ward(s): Ward 5

Councilor(s): Ausec

Neighborhood(s): Lansing

Amended the decision of the Planning Commission for Class 3 Design Review/Conditional Use/Class 3 Site Plan Review/Class 2 Driveway Approach Permit Case No. 17-05.

3.3 f. [17-606](#)

Transfer of real property between the City of Salem and Salem-Keizer School District

Ward(s): 1, 2, 3, 4, 5, 7, and 8

Councilor(s): Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis

Neighborhood(s): Faye Wright, Grant, Highland, NEN, Northgate, SCAN, SESNA, South Gateway, Sunnyslope, West Salem

Authorized the City Manager to execute the attached amendment to the Intergovernmental Agreement with SKSD, extending the closing date to March 31, 2018 for transferring multiple properties between the City and SKSD.

3.3 g. [17-607](#)

Acquisition of real property in the 4100 block of Fisher Road NE.

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

Authorized the City Manager to execute the attached amendment to the Intergovernmental Agreement with the State of Oregon, extending the closing date for the acquisition of real property in the 4100 block of Fisher Road NE.

3.3 h. [17-614](#)

Ratification of the Intergovernmental Agreement with the State of Oregon Military Department, Office of Emergency Management.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Ratified the City Manager's execution of the attached IGA with the State of Oregon Military Department, Office of Emergency Management regarding the activation of the Emergency Management Assistance Compact for the December 2017 California wildfires.

3.3 i. [17-613](#)

Order for City Council review of the Planning Administrator's decision for Phased Subdivision / Class 2 Adjustment Case No. SUB-ADJ17-09 for property located at the 3700 and 3800 Blocks of Dogwood Drive S.

Ward(s): Ward 7

Councilor(s): Cook

Neighborhood(s): SWAN

Amended the decision of the Planning Administrator for Subdivision / Class 2 Adjustment Case No. SUB-ADJ17-09.

4. PUBLIC HEARINGS**4. a.** [17-568](#)

North East Salem Community Association (NESCA)-Lansing
Neighborhood Plan.

Ward(s): Wards 1, 2, 5, and 6

Councilor(s): Councilors - Kaser, Andersen, Ausec, and Hoy

Neighborhood(s): NESCA and Lansing

**Joint staff presentation by Bryan Colbourne and Eunice Kim, both Planners
with Community Development Planning Services.**

Neighborhood Associations Testifying:

**Ian Johnson, 1495 Evergreen Avenue NE, Land Use Chair, North East Salem
Community Association (NESCA)**

**Patty Typton, 3240 3240 Hummel Street NE, Chair, Lansing Neighborhood
Association**

**Questions or Comments by: Councilors Hoy, Kaser, Andersen, and Mayor
Bennett.**

Other Persons Testifying:

Virginia Barker, 3010 Star Court NE

Claudine Shaw, 3040 Loucks

Questions or Comments by: Councilor Andersen and Mayor Bennett.

**A motion was made by Councilor Ausec, seconded by Councilor Hoy to
advance to second reading for enactment Ordinance Bill No. 27-17,
adopting the goals, policies and generalized land use map of the
NESCA-Lansing Neighborhood Plan as a component of the Salem Area
Comprehensive Plan and adopt the other portions as support documents.**

Questions or Comments by: Councilors Ausec and Andersen.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

4. b. [17-584](#)

Public Hearing on exemption from competitive bidding and authorization of an alternative contracting method for the Police Facility Project.

Ward(s): All

Councilor(s): All

Neighborhood(s): All

Staff presentation by Allen Dannen, Engineering Program Manager with Public Works.

Persons Testifying: None.

Organizations Testifying: None.

Questions or Comments by: Councilors Andersen and Hoy.

A motion was made by Councilor McCoid, seconded by Councilor Andersen to adopt Resolution No. 2017-49 in support of an exemption from the competitive bidding process and the use of a Construction Manager/General Contractor contracting method for the City's Police Facility Project.

Questions or Comments by: Councilor Nanke.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

4. c. [17-590](#)

Salem Revised Code - Recodification Project - Unified Development Code.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Staff Presentation by: Dan Atchison, City Attorney.

Persons Testifying: None.

Organizations Testifying: None.

Questions or Comments by: Councilors Andersen, Kaser, and Cook.

A motion was made by Councilor McCoid, seconded by Councilor Cook to approve Ordinance Bill No. 26-17, which makes minor amendments and formatting changes to Title X of the Salem Revised Code, the Unified Development Code (UDC), and proceed to second reading for enactment of the ordinance.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, 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. [17-598](#)

Appointments and reappointments to the Center 50+ Advisory Commission, Historic Landmarks Commission, and Human Rights and Relations Advisory Commission.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Appointed and reappointed the following applicants:

Center 50+ Advisory Commission

Appointed Alise Liepnieks as representative of the Alzheimer's Association.

As an agency partner, this position does not have a term limit.

Appointed Rebekah Smith as representative of Salem Electric. As an agency partner, this position does not have a term limit.

Historic Landmarks Commission

Reappointed Russell Schutte to a full term expiring December 31, 2020.

Reappointed Kevin Sund to a full term expiring on December 31, 2020.

Reappointed Jennifer Timbrook-Maglinte to a full term expiring on December 31, 2020.

Appointed Lindsey Kerr to a partial term "professional" position expiring on December 31, 2018.

Appointed Carroll Cottingham to a partial term "at-large" position expiring on December 31, 2019.

Human Rights and Relations Advisory Commission

Reappointed Alexandra Dass to a full term expiring on December 31, 2020

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

6. a. [17-554](#)

Deferring negotiations on a new Intergovernmental Agreement (IGA) with the Santiam Water Control District and extending the terms of the 1966 IGA.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This Informational Report was received and filed.

6. b. [17-556](#)

Notice of proposed amendments to Administrative Rule 109-500-003 for the cross-connection control program.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This Informational Report was received and filed.

6. c. [17-579](#)

Pedestrian and vehicular safety options on Fisher Road NE, between Sunnyview Road NE and Silverton Road NE

Ward(s): 6

Councilor(s): Councilor Hoy

Neighborhood(s): NOLA

This Informational Report was received and filed.

Questions or Comments by: Councilors Hoy, Cook, Andersen, Kaser, Nanke, Mayor Bennett, and City Manager Powers.

6. d. [17-585](#)

Information regarding allowing ducks in residential zones.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Questions or Comments by: Councilor McCoid.

A motion was made by Councilor McCoid, seconded by Councilor Ausec to direct staff to include amendments to allow ducks in urban environments to upcoming proposed code revisions.

The motion carried by the following votes:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

6.e. [17-616](#)

Appeal of Planning Administrator's Decision approving the request for a Class 3 Site Plan Review and Class 2 Driveway Approach Permit for redevelopment of three new retail/office buildings with a Class 2 Adjustment to eliminate the off-street loading space requirement and reduce the vehicle use area setback adjacent to 9th Street NW for property approximately 3.03 acres in size, zoned CG (General Commercial) and located at the 500 Block of Glen Creek Road NW and the 500-600 Block of 9th Street NW.

Ward(s): Ward 1

Councilor(s): Kaser

Neighborhood(s): West Salem

This Informational Report was received and filed.

Questions or Comments by: Councilor Kaser.

7. ORDINANCES**7.1 FIRST READING:****7.1 a.** [17-602](#)

Property tax exemption for nonprofit owners of low-income housing

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Councilor McCoid, seconded by Councilor Nanke to conduct first reading of Ordinance Bill No. 29-17 which provides for a property tax exemption for nonprofit owners of low-income housing, and advance the ordinance to second reading for enactment.

Questions or Comments by: Councilor McCoid.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

7.2 SECOND READING:

7.2 a. [17-523](#)

Vacation of Frontage Road NW and Paradise Court NW.

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): West Salem Neighborhood Association

Conducted second reading of Ordinance Bill No. 28-17, which vacates Frontage Road NW and Paradise Court NW.

Ordinance Bill No. 28-17 was adopted by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

7.2 b. [17-569](#)

Adoption of the Northeast Salem Community Association (NESCA)
-Lansing Neighborhood Plan.

Ward(s): Wards 1, 2, 5, and 6

Councilor(s): Councilors - Kaser, Andersen, Ausec, and Hoy

Neighborhood(s): NESCA and Lansing

Conducted second reading for enactment Ordinance Bill No. 27-17, adopting the goals, policies and generalized land use map of the NESCA-Lansing Neighborhood Plan as a component of the Salem Area Comprehensive Plan and adopt the other portions as support documents.

Ordinance Bill No. 27-17 was adopted by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

7.2 c. [17-587](#)

Salem Revised Code - Recodification project - Titles I - IX.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Conducted second reading for enactment of Ordinance Bill No. 25-17, which makes minor amendments and formatting changes to Titles I-IX of the Salem Revised Code.

Ordinance Bill No. 25-17 was adopted by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

7.2 d. [17-589](#)

Salem Revised Code - Recodification Project - Unified Development Code.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Conducted second reading for enactment of Ordinance Bill No. 26-17, which makes minor amendments and formatting changes to Title X of the Salem Revised Code, the Unified Development Code (UDC).

Ordinance Bill No. 26-17 was adopted by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

8:00 p.m.