

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, June 11, 2018**

**6:00 PM**

**Council Chambers**

**City Council**

## EXECUTIVE SESSION

City Council and Salem Housing Authority Commission

5:00 p.m. - City Manager Conference Room

Labor Negotiations - ORS 192.660(2)(d)

City Council

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

Exempt Public Records - ORS 192.660(2)(f)

City Council

5:45 p.m. - City Manager Conference Room

Current or Pending Litigation - ORS 192.660(2)(h)

## WORK SESSION

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

### Call to Order

6:07 p.m.

### Roll Call

**Present:** 7 - Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Ausec, Councilor Cook, Councilor Lewis, and Councilor Hoy

**Absent:** 2 - Councilor Kaser, and Mayor Bennett

## 1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Nanke, seconded by Councilor Hoy to approval the additions, deletions, revisions to the agenda.

Comments by: Councilor Nanke.

The motion carried by the following vote:

**Aye:** 7 - Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Hoy

**Nay:** 0

**Absent:** 2 - Kaser, and Bennett

**Abstain:** 0

## 1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by City Manager Powers.

Additional Comments by: Peter Fernandez, Public Works Director.

Questions or Comments by: Councilors Andersen, Lewis and Mayor Pro Tem McCoid.

## 1.3 PROCLAMATIONS

- 1.3a. [18-254](#) Proclamation recognizing Public Works Day

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Mayor Pro Tem McCoid read and presented the proclamation to Peter Fernandez, Public Works Director. Director Fernandez introduced Matt Starbuck, President, AFSCME local 2067.**

- 1.3b. [18-255](#) Proclamation recognizing Make Music Day Salem

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Mayor Pro Tem McCoid read and presented the proclamation to Carlee Wright and Mark Green, co-organizers of Make Music Day Salem.**

- 1.3c. [18-272](#) Proclamation recognizing World Refugee Day

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Mayor Pro Tem McCoid read and presented the proclamation to Anita Owen, representing the Salem Chapter of the United Nations Association, and Jenny Barischoff, Board Member, Salem for Refugees.**

## 1.4 PRESENTATIONS

None.

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

Dirk Dunning, 1955 Park Avenue NE, Water advisory and Item 4.d, File 260

Jan Keidatz, 3797 June Avenue NE, 2275 Coral Avenue NE

Gary Keidatz, 3797 June Avenue NE, Abandoned properties

Joyce Judy, 375 Fairview Avenue SE, Item 4.e, File 18-268

**Questions or Comments by Councilors Hoy, Cook, Andersen and Mayor Pro Tem McCoid.****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 Hoy to approve the consent calendar.****Comments by: Councilors Nanke, Andersen and Hoy.****The motion carried by the following vote:****Aye:** 7 - Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Hoy**Nay:** 0**Absent:** 2 - Kaser, and Bennett**Abstain:** 0**3.1 MINUTES****3.1a.** [18-141](#) May 29, 2018 Draft Council Minutes**Action: Approved.****3.2 RESOLUTIONS****3.2a.** [18-66](#) Amending the City's Public Contracting Rules.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Adopted Resolution No. 2018-25 amending City of Salem Public Contracting Rules, and rescinding Resolution No. 2005-14.**

3.2b. [18-258](#)

Fees and charges for services

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Adopted Resolution 2018-27, setting fees and charges for the City of Salem as set forth in Exhibit A to Resolution 2018-27.**

### 3.3 ACTION ITEMS

3.3a. [18-26](#)

Intergovernmental Agreement with Chemeketa Community College for cooperative regional library services

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Authorized the City Manager to execute the attached IGA between the City of Salem and CCC for cooperative regional library services.**

3.3b. [18-264](#)

Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services on the Brown Road NE Corridor Improvement Project

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): NOLA

**Authorized the City Manager to execute the attached Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services for the Brown Road NE Corridor Improvement Project.**

### 4. PUBLIC HEARINGS

**4.a.**     [18-237](#)

Petitioner-Initiated Annexation of Territory Located at 6719 Devon Avenue SE - 97306 (Annexation Case No. C-725)

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

**Staff presentation by Pamela Cole, Planner, Community Development Planning Services.**

**Persons Testifying: Applicant's representative, Mark Grenz, Multitech, 1155 13th Street SE.**

**Organizations Testifying: None.**

**Questions or Comments: None.**

**A motion was made by Councilor Nanke, 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. 2018-03-ANX (Attachment 2);**

**3. Apply the City of Salem RS (Residential Agriculture) zone to the Territory from Marion County UT-10 (Urban Transition 10 Acres); and**

**4. Withdraw the Territory from Salem Suburban Rural Fire Protection District.**

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

**Aye:**     7 - Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Hoy

**Nay:**     0

**Absent:**   2 - Kaser, and Bennett

**Abstain:**   0

**4.b.**     [18-248](#)

Petitioner-Initiated Annexation of Territory Located at 1338 and 1340 Wallace Road NW and Land East - 97304 (Annexation Case No. C-724)

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): West Salem

**Staff presentation by Pamela Cole, Planner, Community Development Planning Services.**

**Persons Testifying: Applicant's representative, Natalie Janney, Multitech, 1155 13th Street SE.**

**Organizations Testifying: None.**

**Questions or Comments: None.**

**A motion was made by Councilor Nanke, 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. 2018-02-ANX (Attachment 2);**

**3. Change the Salem Area Comprehensive Plan (SACP) Map designation of the Territory from "Developing Residential" to "Multi-Family Residential";**

**4. Change the zoning from Polk County SR (Suburban Residential) to City of Salem RM2 (Multiple Family Residential 2); and**

**5. Withdraw the Territory from Salem Suburban Rural Fire Protection District.**

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

**Aye:**    7 - Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Hoy

**Nay:**     0

**Absent:**   2 - Kaser, and Bennett

**Abstain:**   0

4.c. [18-259](#)

Public hearing on state revenue sharing funds.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Staff presentation by Kelley Jacobs, Budget Officer, City Manager's Budget Office.**

**Persons Testifying: None.**

**Organizations Testifying: None.**

**A motion was made by Councilor Nanke, seconded by Councilor Ausec to hold a public hearing on the proposed uses of state revenue sharing funds and adopt Resolution No. 2018-28 electing to receive a share of certain revenues from the State of Oregon general fund.**

**Questions or Comments: None.**

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

**Aye:** 7 - Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Hoy

**Nay:** 0

**Absent:** 2 - Kaser, and Bennett

**Abstain:** 0



**4.d.**     [18-260](#)

Public hearing on the FY 2019 City of Salem Budget.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Staff presentation by Kelley Jacobs, Budget Officer, City Manager's Budget Office.**

**Persons Testifying:**

**Dirk Dunning, 1955 Park Avenue NE, Comments provided at agenda item 2, Public Comment.**

**Organizations Testifying:**

**Ron Sterba, SEMCA Neighborhood Association, 3424 25 Street SE.**

**Questions or Comments by: Councilors Cook, Andersen, Nanke and Mayor Pro Tem McCoid.**

**A motion was made by Councilor Nanke, seconded by Councilor Ausec to direct staff to return on June 25, 2018 with a resolution to adopt the FY 2019 City of Salem budget.**

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

**An amended motion was made by Councilor Andersen, seconded by Councilor Cook to amend the Transportation Services Fund budget with an expenditure increase of \$50,000.00 to place speed humps on the Winter Maple Greenway project and to decrease the ending working capital by the same amount.**

**Comments by: Councilors Andersen, Nanke and Lewis.**

**The amended motion carried by a unanimous vote.**

**The main motion, as amended, carried by the following vote:**

**Aye:**     7 - Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Hoy

**Nay:**     0

**Absent:**     2 - Kaser, and Bennett

**Abstain:**     0

**4.e.**     [18-268](#)

Changes to Salem Revised Code Chapter 94 to allow permitting of restricted concessionaire sales of alcoholic beverages with 14 percent or more alcohol by volume at Riverfront Park and Bush's Pasture Park.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Staff presentation by Patricia Farrell, Planning Manager, Public Works Parks and Natural Resource Division.**

**Persons Testifying:**

**Joyce Judy, Ward 2, Comments provided at agenda item 2, Public Comment.**

**Kasia Quilinan, No address provided.**

**Paul Young, Pastor, Word of Life Fellowship Church, 4705 Portland Road NE.**

**Organizations Testifying: None.**

**Questions or Comments by: Councilors Cook, Andersen and Mayor Pro Tem McCoid.**

**Other comments by: Peter Fernandez, Director, Public Works, Dan Atchison, City Attorney, and Chief Moore, Salem Police Department.**

**Councilor Andersen requested the City Manager provide a review to Council after one year of implementation.**

**A motion was made by Councilor Andersen, seconded by Councilor Lewis to proceed to second reading of Ordinance Bill No. 9-18, which amends Salem Revised Code Chapter 94 to allow sales of alcoholic beverages with 14 percent or more alcohol by volume at Riverfront Park and Bush's Pasture Park if the alcoholic beverage is purchased from a concessionaire that is operating pursuant to a permit issued by the Director of Public Works and licensed by the Oregon Liquor Control Commission.**

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

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

**Aye:**     5 - Andersen, Nanke, McCoid, Ausec, and Lewis

**Nay:**     2 - Cook, and Hoy

**Absent:**   2 - Kaser, and Bennett

**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)**

None.

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

- 6.a.**     [18-234](#)     Planning Administrator Decision - Replat Case No. REP18-02 - Approved - Richard Schwentner - 1715 West Meadows Drive NW - An application to replat Tract A of West Meadows Estates No. 3, approximately 9,727 square feet in size, in order to accommodate future development of a single family dwelling.

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

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

- 6.b.**     [18-241](#)     Purchases approved administratively - April 1, 2018 through April 30, 2018.

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

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

**7. ORDINANCES**

**7.1 FIRST READING:**

**7.1a.**    [18-235](#)

Right-of-Way Use Agreement with ExteNet Systems, Inc.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**A motion was made by Councilor Nanke, seconded by Councilor Lewis to authorize the City Manager to execute the Right-of-Way Use Agreement between the City of Salem and ExteNet Systems, Inc.; and advance Ordinance Bill No. 10-18, granting a Right-of-Way Use Agreement to ExteNet Systems, Inc. for placement of wireless facilities in the City rights-of-way, to second reading.**

**Comments by: Councilor Nanke.**

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

**Aye:**    7 - Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Hoy

**Nay:**    0

**Absent:**    2 - Kaser, and Bennett

**Abstain:**    0

**7.1b.**    [18-253](#)

Changing the name of the Human Rights and Relations Advisory Commission

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**A motion was made by Councilor Nanke, seconded by Councilor Hoy to conduct first reading of Ordinance Bill No. 11-18 (Attachment 1), which will change the name of the Human Rights and Relations Advisory Commission to the Human Rights Commission.**

**Comments by: Councilor Nanke.**

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

**Aye:**    7 - Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Hoy

**Nay:**    0

**Absent:**    2 - Kaser, and Bennett

**Abstain:**    0

**7.2 SECOND READING:**

**7.2a.**    [18-256](#)            Vacation of Vacation Lane SE

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): Faye Wright

**Conducted second reading of Ordinance Bill No. 8-18 (Attachment 1), which vacates Vacation Lane SE subject to the following two conditions:**

- 1. A reconfiguration of the lots in such a way as to ensure that all lots have adequate access to a public street; and**
- 2. Payment of an assessment of special benefit in the amount of \$40,369.30.**

**Ordinance Bill No. 8-18 was approved by the following vote:**

**Aye:**    7 - Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Hoy

**Nay:**    0

**Absent:**    2 - Kaser, and Bennett

**Abstain:**    0

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

**Prior to Item 8, Public Comment, City Manager Powers introduced the new City Librarian, Sarah Strahl.**

**Appearances by:**

**Joyce Judy, 375 Fairview Avenue SE, Net Neutrality.**

**Ron Sterba, SEMCA Neighborhood Association, Saddleclub Road neighbors near the new Amazon facility.**

**Comments by: Councilor Nanke.**

**9. ADJOURNMENT**

**8:12 p.m.**