

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, October 22, 2018

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

6:12 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 Hoy to approve the addition of supplemental findings related to agenda item 4.c to the agenda and to reorder the agenda to move agenda item 5 before agenda item 4.

Comments by: Mayor Bennett and 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 Hoy, Nanke, Cook, and City Manager Powers.

1.3 PROCLAMATIONS

1.3 a. [18-483](#)

Proclamation recognizing National Code Compliance Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Bennett presented the proclamation to the City's Code Compliance Officers: Patrick Long, Christi Wolfe, Stephanie Wile, Garth Fullington, Cullen Armstrong, Anthony Hinkle, Deb Romano, Nelson Morales, Suzanne Nelson, and Brent Hedrick.

1.3 b. [18-484](#)

Proclamation recognizing Veterans Day

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Bennett presented the proclamation to Commander Art Cummins, Salem American Legion Post 136; from Salem American Legion Pioneer Post 149 Commander Debra Jacobson, 1st Vice Commander Ann Everetts, and member Coralee Berwick; Sheronne Blasi, Director of Statewide Veterans Services and a Navy veteran.

1.4 PRESENTATIONS

None.

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

Appearances by:

Ryan Gayle, 1384 Chemeketa Street, Item 5.a, File 18-488

Eric Marin, Vice President and General Manager, ATI Cast Products, 859 7th Street NW, Item 3.2a, File 18-471

Agenda Item 8, Public Comment, also heard at this time:

David Viers, No address provided, Item 5.a, File 18-488

Becky Beaman, 3280 Elderberry Drive S., Earthquake preparedness

Britta Franz, Riverfront Park Master Plan

Questions or Comments by: Councilors Andersen and Cook.

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.

Councilor McCoid noted that the address listed in the proposed agreement for agenda item 3.3e, file no. 18-469, is incorrect, and that the correct address is 575 Trade Street SE, as is listed in the staff report.

Comments by: Councilors McCoid and Hoy.

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. [18-492](#) October 8, 2018 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

3.2 a. [18-471](#) Enterprise Zone property tax abatement time extension for Pacific Cast Technologies/ATI Cast Products

Ward(s): Ward 1

Councilor(s): Kaser

Neighborhood(s): WSNA

Adopted Resolution No. 2018-80 (Attachment 1) authorizing the City Manager to execute the Salem Enterprise Zone Extended Abatement Agreement to extend the property tax abatement benefit time period for Pacific Cast Technologies/ATI Cast Products from three years to five years.

3.3 ACTION ITEMS

3.3 a. [18-446](#)

Adoption of Brown Road Park Master Plan.

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): North Lancaster

Adopted the Brown Road Park Master Plan.

3.3 b. [18-464](#)

Lease with Glamour! LLC for retail space located at 195 Liberty Street SE

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

Authorized the City Manager to execute the attached lease with Glamour! LLC.

3.3 c. [18-465](#)

Retail lease with Create A Memory Contemporary Ceramic Studio, Inc.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

Authorized the City Manager to execute the attached lease.

3.3 d. [18-468](#)

Amendment One to Purchase and Sale Agreement with Dogwood Heights LLC for the acquisition of real property

Ward(s): 7

Councilor(s): Cook

Neighborhood(s): SWAN

Authorized the City Manager to execute the attached amendment to the Purchase and Sale Agreement with Dogwood Heights LLC for the acquisition of real property identified as a portion of tax lots 083W04C00100 and 083W04C00200.

3.3 e. [18-469](#)

Purchase and Sale Agreement with Krishna Bhattarai, for the Purchase of property located at 575 Trade Street SE, Units C-1 & C-2 and License Agreement with Capital Community Television, Inc.

Ward(s): 1
Councilor(s): Kaser
Neighborhood(s): CANDO

Authorized the City Manager to execute the attached Purchase and Sale Agreement with Krishna Bhattarai for the purchase of real property located at 575 Trade Street SE, Units C-1 & C-2 and License Agreement with Capital Community Television, Inc.

3.3 f. [18-470](#)

Order for Appeal of Planning Commission's Decision Amending Comprehensive Plan Change/Zone Change/Urban Growth Preliminary Declaration Case No. 18-04, 4195 Aumsville Highway SE

Ward(s): Ward 3
Councilor(s): Nanke
Neighborhood(s): SEMCA

Adopted the order to amend the decision of the Planning Commission for Comprehensive Plan Change/Zone Change/Urban Growth Preliminary Declaration Case No. 18-04.

3.3 g. [18-474](#)

Public Works Accreditation

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

Approved submittal of the Public Works Department application for voluntary accreditation through the American Public Works Association.

3.3 h. [18-478](#)

Intergovernmental Agreement with the Oregon Department of State Police for Access to the Automated Biometric Identification System

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute the attached IGA with OSP for access to ABIS.

3.3 i. [18-479](#)

Exception to City Council Meeting Start Time

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Approved an exception to City Council rules for a 6:30 pm start time on December 10, 2018, to accommodate a Budget Committee meeting from 5:30 pm to 6:30 pm.

3.3 j. [18-493](#)

Collective Bargaining Agreement between the City and American Federation of State, County and Municipal Employees (AFSCME).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Approved a three-year collective bargaining agreement between the City and American Federation of State, County and Municipal Employees (AFSCME), for a period from July 1, 2018, through June 30, 2021.

4. PUBLIC HEARINGS

4. a. [18-475](#)

Petitioner-Initiated Annexation of Territory Located at 5826 Battle Creek Road SE - 97306 (Annexation Case No. C-726)

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

Staff Presentation by Olivia Glantz, Planner, Community Development Planning Services.

Persons Testifying: None.

Organizations Testifying: None.

A motion was made by Councilor McCoid, seconded by Councilor Nanke 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. 2018-08-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: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

4. b. [18-476](#)

Continuation of public hearing on Ordinance Bill No. 20-18,
restricting use of plastic carryout bags

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Staff Presentation by: Kali Leinenbach, Management Analyst, Budget
Office.**

Persons Testifying:

Kristene Mayor, 1355 Elser Drive SE

Jennifer Johns, 390 Candalaria Boulevard S

Beverly and John Cochran, 4751 Rawhide Court NE

Nathan Lamossa, 1694 Broadway Street NE

Nan Baker-Krofft, 676 Catterlin Avenue NE

Allen Pennington, 350 13th Street NE

Leslie Poulson, 930 Garnet Street NE

Organizations Testifying:

Ken Ploeser, Founder, Creek Walk Project, 555 Indian Trails Lane SE

Linda Wallmark, 350 Salem, 4734 Bradford Loop SE,

John Ammondson, Fellow, Environment Oregon

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

**A motion was made by Councilor Andersen, seconded by Councilor Kaser to
engross Ordinance Bill No. 20-18, restricting use of plastic carryout bags
and advance the ordinance to second reading for enactment.**

Comments by: Councilors Andersen and Cook.

The motion carried by the following vote:

Aye: 6 - Kaser, Andersen, Ausec, Cook, Hoy, and Bennett

Nay: 3 - Nanke, McCoid, and Lewis

Abstain: 0

4. c. [18-480](#)

Continued Hearing for City Council review of the Planning Administrator's decision denying a Tentative Subdivision Review and approving an Urban Growth Declaration for Permit Case No. SUB-UGA18-01 for property located at 1395 Boone Road SE - 97306.

Ward(s): Ward 3

Councilor(s): Nanke

Neighborhood(s): Morningside

Prior to agenda item 4.c, Mayor Bennett called for a five minutes recess. The meeting resumed at 8:00 p.m.

Note: Councilors Andersen and Ausec both announced they are abstaining from participating in the public hearing for agenda item 4.c., due to they were both not present at the initial October 8, 2018 public hearing and have not had an opportunity to review the evidence.

Staff Presentation by Olivia Glantz, Planner, Community Development Planning Services.

Persons Testifying: Mark Grenz, Multitech Engineering, Applicant's Representative.

Organizations testifying: None.

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

A motion was made by Councilor Nanke, seconded by Councilor McCoid to AMEND the August 29, 2018 Planning Administrator's decision to approve the subdivision, with conditions, as contained in Attachment 4 of the staff report, with a modification to Condition 10, that between proposed Lots 16 and 17, a shared-use path (pedestrian) connection for public use shall be stubbed to the undeveloped property to the east, at least 15-foot easement with 10-feet in pavement width, consist with Public Works Design Standards.

Comments by: Councilors Nanke and Kaser.

The motion carried by the following vote:

Aye: 4 - Nanke, McCoid, Lewis, and Bennett

Nay: 3 - Kaser, Cook, and Hoy

Abstain: 2 - Andersen, and Ausec

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.** [18-488](#) Motion from Councilor Kaser requiring all television monitors available to the public to use closed captioning.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Agenda Item 5.a was heard before agenda item 4.a.

A motion was made by Councilor Kaser, seconded by Councilor Andersen to direct staff to prepare an ordinance for Council's consideration requiring the use of closed captioning on televisions in areas made available for the public.

Questions or Comments by: Councilors Kaser, Lewis, Cook, McCoid, and Mayor Bennett.

The motion carried by the following vote:

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

Nay: 0

Abstain: 0

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

- 6. a.** [18-455](#) Purchases approved administratively - September 1, 2018 through September 30, 2018.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This Informational Report was received and filed.

6. b. [18-485](#)

Planning Administrator Decision - Partition Case No. PAR18-07 -
Approved - Greystone Construction, LLC (Elya Tipikin) - 3458 Peck
Avenue SE - A proposed partition to divide two lots along the
easterly side of Peck Avenue SE into two parcels.

Ward(s): 3
Councilor(s): Nanke
Neighborhood(s): Morningside

This Informational Report was received and filed.

7. ORDINANCES**7.1 FIRST READING:****7.1 a. [18-481](#)**

Abatement of public nuisance property

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

**A motion was made by Councilor Hoy, seconded by Councilor Nanke to
conduct first reading of Ordinance Bill 21-18, which amends Salem Revised
Code (SRC) Chapter 98 regarding public nuisance properties, and advance
to Second Reading.**

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

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:

None.

8. PUBLIC COMMENT: (Other than agenda items)

This item heard at agenda item 2, Public Comment.

9. ADJOURNMENT

8:24 p.m.