

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, January 14, 2019**

**6:00 PM**

**Council Chambers**

**City Council**

## **EXECUTIVE SESSIONS**

**City Council**

**5:00 p.m. - City Manager's Conference Room**

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

**City Council**

**5:15 p.m. - City Manager's Conference Room**

**Labor Negotiations - ORS 192.660(2)(d)**

**City Council**

**5:45 p.m. - City Manager's Conference Room**

**Relating to the City Manager's performance evaluation process**

**ORS 192.660(2)(i)**

## **WORK SESSION**

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

### **Call to Order**

**6:03 p.m.**

### **Swearing-In / Oaths of Office**

**Councilor Andersen, Ward 2, was sworn in by Benjamin Andersen.**

**Councilor Leung, Ward 4, was sworn in by Shelaswau Crier.**

**Judge Aiken, Municipal Court Judge, was sworn in by City Attorney, Dan Atchison.**

**Mayor Bennett, along with Councilor Hoy, Ward 6, and Councilor Lewis, Ward 8 were sworn in by City Attorney, Dan Atchison.**

### **Roll Call**

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

### **Pledge of Allegiance**

**Led by: Mayor Bennett.**

## Election of Council President

Councilor Andersen nominated Councilor Hoy as Council President and Councilor Cook seconded the nomination.

Councilor Hoy was elected Council President by the following vote:

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

**Nay:** 0

**Abstain:** 0

## 1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Hoy, seconded by Councilor Kaser to approve the addition of item 6.m and the revision of item 3.3b.

The motion carried by the following vote:

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

**Nay:** 0

**Abstain:** 0

## 1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Andersen, Cook, Hoy, Lewis, Leung, Kaser, Mayor Bennett, and City Manager Powers.

Other Comments by: Skip Miller, Deputy Chief of Police.

## 1.3 PROCLAMATIONS

### 1.3a. [19-35](#)

Proclamation recognizing Willamette Valley Treaty Commemoration Day

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Bennett read and presented the proclamation to Jon George who accepted the proclamation on behalf of the Confederated Tribes of the Grand Ronde Community.

## 1.4 PRESENTATIONS

None.

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

Rian Carlin, No address provided, Items 3.3a (file 18-580), 3.3b (file 19-7), 3.3f (file 19-21), 6.a (file 18-572)

**Agenda item 8, Public Comment, also heard at this time:**

Willie Richardson, President, Oregon Black Pioneers, 1311 Warren Street S.,

Topic: Life of Dr. Carol E. Davis, founder of the Oregon Black Pioneers

Susanne Stanford, 3380 Liberty Road S., Citizen participation

Genevieve Sheridan, Executive Director of MERIT, 870 Shipping Street NE, Economic Development

Ross Swartzendruber, 3655 Zena Road NW, Item 7.2a, file 18-579

Angelina Lockhart, 2499 Hyde Street SE, Clean-up under Marion Street bridge

Questions or Comments by: Mayor Bennett and Councilor Nanke.

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

A motion was made by Councilor Hoy, seconded by Councilor Kaser to approve the consent calendar, and Councilor Andersen added an amendment regarding item 3.1b., page 2, to correct the spelling of Linda Walmark's name.

Comments by: Councilor Hoy.

The motion carried by the following vote:

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

**Nay:** 0

**Abstain:** 0

**3.1 MINUTES****3.1a. [18-491](#)**

December 10, 2018 Draft City Council Minutes

**Action: Approved.**

**3.1b. [18-582](#)**

December 17, 2018 Draft Joint City Council Work Session Minutes

**Action: Approved as Amended with the correction of the spelling of Linda Walmark's name on page 2.**

- 3.1c. [18-583](#) December 17, 2018 Draft Special City Council Meeting Minutes

**Action: Approved.**

## 3.2 RESOLUTIONS

- 3.2a. [18-558](#) Employee Benefits Self Insurance Fund Balance / Reserve Policy

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Adopted Resolution 2019-2, establishing Council Policy C-16 for the Employee Benefits Self Insurance Fund.**

- 3.2b. [18-559](#) Risk Self Insurance Fund Balance / Reserve Policy

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Adopted Resolution 2019-3, establishing Council Policy C-17 for the Risk Self Insurance Fund.**

- 3.2c. [18-557](#) Risk Self Insurance Fund

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Adopted Resolution 2019-1, creating the Risk Self Insurance Fund for use starting July 1, 2019.**

- 3.2d. [19-23](#) Resolution No. 2019-6 Dedicating a Public Right-of-Way on Mousebird Avenue NW and Ammon Street NW  
Recommended Action: Adopt Resolution No. 2019-6  
Ward 8 - Councilor Lewis - West Salem Neighborhood Association

**Adopted Resolution No. 2019-6, Dedicating a Public Right-of-Way on Mousebird Avenue NW and Ammon Street NW.**

## 3.3 ACTION ITEMS

**3.3a. [18-580](#)**

Amendment to the Intergovernmental Agreement for the Mid-Willamette Homeless Initiative

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Authorized the City Manager to execute the First Amendment to the Intergovernmental Agreement for the Mid-Willamette Homeless Initiative.**

**3.3b. [19-7](#)**

Revised Report: Revision to report to include an additional applicant, Kelly Thomas, for recommended Planning Commission interviews.

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

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Appointed and reappointed the applicants listed in the Facts and Findings section:**

**Citizens Advisory Traffic Commission: Reappointed John Ledger to a term #2 expiring on December 31, 2021.**

**Community Police Review Board: Appointed Michelle Teed to a term #1 expiring on January 1, 2022.**

**Downtown Advisory Board: Reappointed Jesse Hays to a term #1 expiring on December 31, 2021.**

**Salem Parks and Recreation Advisory Board: Reappointed Tony Caito to a term #2 expiring on December 31, 2021; Reappointed Woody Dukes to a term #2 expiring on December 31, 2021; Appointed Dylan McDowell to a term #1 expiring on December 31, 2021; Appointed Paul Rice to a term #1 expiring on December 31, 2021.**

**Salem Planning Commission : The following applicants will be interviewed: Alton Hoover, Casey Kopcho, Ryan Mann, and Kelly Thomas; these interviews will take place prior to the January 28, 2019, City Council meeting.**

**3.3c.** [19-12](#)

Intergovernmental Agreement with Keizer Rural Fire Protection District for vehicle maintenance

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Service Area(s): Good Governance;

**Authorized the City Manager to execute the attached IGA between the City and the District for fleet shop services through June 30, 2020.**

**3.3d.** [19-17](#)

Intergovernmental Agreement with Polk County for Mobile Crisis Response Team

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Service Area(s): Safe Community

**Authorized the City Manager to execute the attached IGA (Attachment A) with Polk County, and any amendments to the IGA, in order to provide mobile crisis response team services during Fiscal Year 2018-19.**

**3.3e.** [19-19](#)

Local Agency Agreement with the Oregon Department of Transportation (ODOT) for Signalized Intersection Enhancements.

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

Councilor(s): Kaser, Andersen, Ausec, Hoy

Neighborhood(s): CANDO, ELNA, Lansing, Morningside, NOLA, Northgate, NESCA, SCAN

Service Area(s): Safe and Reliable Infrastructure

**Authorized the City Manager to execute a Local Agency Agreement with ODOT to fund the design and construction of traffic signal enhancements on Silverton Road NE, Mission Street SE, Lancaster Drive NE, and 12TH Street SE through the State Funded Local Project Program**

**3.3f.**     [19-21](#)

Local Agency Agreement with the Oregon Department of Transportation (ODOT) for the Salem Multi-Modal Safety Crossings Project.

Ward(s): 1, 3, 5, 6

Councilor(s): Kaser, Nanke, Ausec, Hoy

Neighborhood(s): ELNA, Faye Wright, Grant, Highland, Morningside, NOLA

Service Area(s): Safe and Reliable Infrastructure

**Authorized the City Manager to execute a Local Agency Agreement with ODOT to fund the design and construction of multi-modal safety crossings on Sunnyview Road NE, Pringle Road SE, Jones Road SE, Pine Street NE, and Fairgrounds Road NE through the State Funded Local Project Program.**

**3.3g.**     [19-36](#)

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 p.m. start time on January 28, 2019, to accommodate Planning Commission candidate interviews from 6-6:30 p.m.**

**4. PUBLIC HEARINGS**

None.

**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.**     [19-10](#)

2019 City Council Committee assignments.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**This SOB - Mayor's Item was received and filed.**

**Comments by: Mayor Bennett and Councilor Andersen.**



**5.b**     [18-584](#)

Planning Commission Decision - Class 3 Design Review / Class 3 Site Plan Review / Class 2 Driveway Approach Permit / Tree Regulation Variance Case No. DR-SPR-DAP-TRV18-07 - Approved - Montagne Development Inc. (Dave Montagne) - 1881 Wiltsey Road SE - Proposed development of a new 111-unit apartment complex.

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

**A motion was made by Councilor Leung, seconded by Councilor Hoy to hold a public hearing for Council review of the December 17, 2018 Planning Commission's Decision - Approving a Class 3 Design Review / Class 3 Site Plan Review / Class 2 Driveway Approach Permit / Tree Regulation Variance Case No. DR-SPR-DAP-TRV18-07.**

**Comments by: Councilor Leung and Mayor Bennett.**

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

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

**Nay:** 0

**Abstain:** 0

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

**6.a.**     [18-572](#)

Planning Administrator decision - Partition Case No. PAR18-10 - Approved Jordan Schweiger - 800 Taybin Road NW - A tentative partition plan to divide property approximately 12,958 square feet in size into two parcels, with Parcel 1 consisting of approximately 4,233 square feet (exclusive of the accessway) and Parcel 2 consisting of approximately 5,869 square feet (exclusive of the accessway). Parcel 1 would consist of vacant land for the future development of a single-family home. The existing dwelling will remain on Parcel 2.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): West Salem

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

**6.b.**     [18-575](#)

Purchases approved administratively - November 1, 2018 through November 30, 2018.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**6.c.**     [18-584](#)

Planning Commission Decision - Class 3 Design Review / Class 3 Site Plan Review / Class 2 Driveway Approach Permit / Tree Regulation Variance Case No. DR-SPR-DAP-TRV18-07 - Approved - Montagne Development Inc. (Dave Montagne) - 1881 Wiltsey Road SE - Proposed development of a new 111-unit apartment complex.

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

**Pulled by Councilor Leung - See item 5.b.**

**6.d.**     [18-585](#)

Planning Commission Decision - Class 3 Design Review / Conditional Use Permit / Class 3 Site Plan Review / Class 2 Zoning Adjustment / Class 2 Driveway Approach Permit Case No. DR-CU-SPR-ADJ-DAP18-06 - Approved - PR-3, LLC (Ilana Gat) - 3355 Portland Road NE - A request for a Design Review, Conditional Use Permit, Site Plan Review, Class 2 Zoning Adjustment and Class 2 Driveway Approach Permit to allow a 20-unit multi-family use on the subject property.

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

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

**6.e.     [19-1](#)**

Hearings Officer Decision - Validation of Units of Land Case No. VUL18-01 - Approved - Dean Pollman, Gunner LLC - 4735 Turner Road SE - A proposal to validate one of two parcels that were created as separate tax lots through a sale by deed in 1992.

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

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

**6.f.     [19-2](#)**

Hearings Officer Decision - Conditional Use Case No. CU18-11 - Approved - Chris Blackburn, Belmont Group, LLC - 1020 Liberty St NE - A conditional use application to allow a hair salon within an existing building in the RH zone.

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

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

**6.g.     [19-3](#)**

Planning Administrator Decision - Partition Case No. PAR18-14 - Approved - Francisco Villalobos - 2605 Laurel Ave NE - A proposed partition to divide a lot at 2605 Laurel Avenue NE into two parcels.

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

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

**6.h.**     [19-6](#)

Planning Administrator Decision - Modification of Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment - Case No. DR-SPR-ADJ17-02MOD1 - Approved - M Parkside Living, LLC (Paul Gehlar, Daphne Gehlar Schneider) - 231 Court Street NE - A proposed modification to the approved single-story commercial building included in the approval of Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment Case No. DR-SPR-ADJ17-02.

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

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

**6.i.**     [19-9](#)

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

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

**Airport Advisory Commission: Reappointed Douglas Brenizer to a term #1 with a term expiring December 31, 2021; Reappointed John Foley to a term #1 with a term expiring December 31, 2021; Appointed Ken Gettys to a term #1 with a term expiring December 31, 2021; Appointed Brendan Omara to a term #1 with a term expiring December 31, 2021.**

**Center 50+ Advisory Commission: Reappointed Allen Jakobitz to a term #2 with a term expiring on December 31, 2021.**

**Historic Landmarks Commission: Reappointed Jamie French to a term #1 with a term expiring December 31, 2021; Appointed Andrew Zimmerman to a term #1 with a term expiring December 31, 2021.**

**Human Rights Commission: Reappointed Rita Siong to a term #1 expiring on December 31, 2021; Appointed Angelo Arredondo to a partial term expiring on December 31, 2020;  
Appointed Nathan Schmidt to a term #1 (youth position) expiring on December 31, 2021; Appointed Michael Watters to a term #1 expiring on December 31, 2021.**

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

**6.j.**     [19-13](#)

Planning Administrator Decision - Partition Case No. PAR18-09 - Approved - SB2 Belmont, LLC (Brad Box) - 725 Belmont Street NE - A proposed partition to divide a lot along the northerly side of Belmont Street NE into three parcels. The existing single family residence would remain, while the accessory structure is planned to be removed.

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

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

**6.k.**     [19-26](#)

Historic Landmarks Commission Decision - Historic Resource Demolition Case No. HIS18-34 - Approved - Lamont D. Smith for Sturgeon Development Partners, LLC (Robert Pile, James S. Bruce, Nick Fritel) - 195-197 Commercial St SE - A proposal to demolish the Marion Car Park (1950).

Ward(s): Ward 1  
Councilor(s): Kaser  
Neighborhood(s): CAN-DO

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

**6.l.**     [19-16](#)

Travel Salem Annual Report

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

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

**6.m.**     [19-34](#)

Planning Administrator Decision - Site Plan Review/Urban Growth Preliminary Declaration/Driveway Approach Permit Case No.: SPR-UGA-DAP18-22 - Approved - Jeff Blater for The Math Learning Center - 1850 Oxford St SE - A proposal to construct two new warehouse and distribution buildings and site improvements, including an application to determine the required public facilities necessary to serve the property.

Ward(s): 2  
Councilor(s): Andersen  
Neighborhood(s): SESNA

**This Informational Report was read into the record.**

**7. ORDINANCES****7.1 FIRST READING:**

None.

**7.2 SECOND READING:****7.2a.**     [18-579](#)

Community Services and Housing Commission

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

**Conducted second reading of Ordinance Bill No. 23-18 dissolving the Community Services and Housing Commission.**

**Questions or Comments by: Councilors Kaser and Leung and Mayor Bennett.**

**Ordinance Bill No. 23-18 was adopted by the following vote:**

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

**Nay:**     0

**Abstain:**     0

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

See agenda item 2, Public Comment.

**9. ADJOURNMENT**

7:03 p.m.