

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, July 22, 2019

6:00 PM

Council Chambers

City Council

EXECUTIVE SESSION

City Council

5:30 p.m. City Manager's Conference Room

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

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

Call to Order

6:00 p.m.

Roll Call

Present: 7 - Councilor Kaser, Councilor Nanke, Councilor Ausec, Councilor Lewis, Councilor Hoy, Mayor Bennett, and Councilor Leung

Absent: 2 - Councilor Andersen, and Councilor Cook

Pledge of Allegiance

Led by Mayor Bennett.

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

None.

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by Mayor Bennett, Councilor Hoy and City Manager Powers.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

Mayor Bennett introduced the Sprague Little League All Stars.

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

Item 8, Public Comment was also heard at this time.

Appearances by:

Brian Hines, 10371 Lake Drive, Item 3.3b, File 19-314

Cary Ballew Renfro, 845 21st Street SE, Item 3.3b, File 19-314

Phil Carver, 1007 Newport Road SE, Item 3.3d, File 19-329
Tricarico Schwartz, 1755 Berry Street SE, Item 3.3b, File 19-314
Rick Gaupo, 1299 21st Street NE, Food Drive Thank You.
Phil Carver, 1007 Newport Road SE, PGE Green Purchase Thank You.
Daniel Rawlings, no address given, Item 3.3b, File 19-314

Questions or Comments by: 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 Hoy, seconded by Councilor Ausec to approve the consent calendar with the pull of 3.2a. by Mayor Bennett, 3.3a. by Mayor Bennett, 3.3b. by Councilor Leung and 3.3d. by Mayor Bennett.

The motion carried by the following vote:

Aye: 7 - Kaser, Nanke, Ausec, Lewis, Hoy, Bennett, and Leung

Nay: 0

Absent: 2 - Andersen, and Cook

Abstain: 0

3.1 MINUTES

3.1a. July 8, 2019 Draft City Council Minutes

Attachments: [7-8-19 Draft Council Minutes](#)

Action: Approved

3.2 RESOLUTIONS

3.2a. Amendments to the Water and Wastewater System Development Charge Eligible Project Lists.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe, Reliable, and Efficient Infrastructure.

Attachments: [2019 309 List Resolution](#)
[Exhibit 1 - Major Facilities](#)
[Exhibit 2 - Pumping and Treatment](#)
[Exhibit 3 - Pipes](#)

Pulled by Mayor Bennett - see Item 5.a.

3.3 ACTION ITEMS

- 3.3a.** Intergovernmental Agreement between the City of Salem and the U.S. Geological Survey to monitor water quality for source water protection in the North Santiam River Basin.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

Attachments: [Intergovernmental Agreement, U.S. Geologic Survey](#)
[USGS HAB Project Proposal City of Salem](#)

Pulled by Mayor Bennett - see item 5.b.

- 3.3b.** Real Property lease for temporary location of Salem Public Library

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): Grant

Result Area(s): Safe, Reliable and Efficient Infrastructure; Welcoming and Livable Community.

Attachments: [CSPL Lease Agreement](#)
[Public Comment received 7-9-19](#)
[Public Comment received 7-14-19](#)
[Salem Human Rights Commission Library Relocation Statement](#)
[Written Testimony](#)
[Library Relocation Power Point](#)
[Written Testimony 1](#)
[Written Testimony 2](#)

Pulled by Councilor Leung - see item 5.c.

- 3.3c.** Intergovernmental Agreement with Chemeketa Community College for Emergency Services Program

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community

Attachments: [IGA with CCCC Emergency Services Program](#)

Authorized the City Manager to execute an Intergovernmental Agreement

with Chemeketa Community College to share public resources to enhance emergency services.

3.3d.

Creation of a Resiliency Task Force

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe Community;
Welcoming and Livable Community.

Pulled by Mayor Bennett - see item 5.d.

3.3e.

Increase Authorized Staffing for Building and Site Permit Review

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community.

Approved the addition of a Permit Application Center (PAC) Planner (1.0 FTE).

3.3f.

Transfer of water system infrastructure from Illahe Acreage Water Association to the City of Salem.

Ward(s): Ward 7

Councilor(s): Cook

Neighborhood(s): SWAN

Result Area(s): Safe, Reliable and Efficient Infrastructure

Attachments: [Illahe Acreage Water Association Boundary Termination and Transfer Agreement](#)

Authorized the City Manager to execute the Agreement for Termination of Water Supply Agreement and Transfer of Water System Infrastructure between the Illahe Acreage Water Association and the City of Salem.

3.3g.

Order for City Council review of the Planning Commission May 8, 2019 decision approving a consolidated application to change the Comprehensive Plan Map designation and Zoning of an approximately 15.8-acre property located at 5871 Liberty Road S from "Developing Residential" with RA (Residential Agriculture) zoning to "Multifamily Residential" with RM-2 (Multiple Family Residential) zoning.

Ward(s): Ward 4

Councilor(s): Leung

Neighborhood(s): Sunnyslope Neighborhood Association

Result Area(s): Welcoming and Livable Community

Attachments: [May 8, 2019 Planning Commission Decision](#)
[Council Order 2019-6 CPC-ZC19-03](#)
[Exhibit 1 for Council Order 2019-6 CPC-ZC19-03](#)

Approved the order affirming the decision of the Planning Commission's Decision for Minor Comprehensive Plan Map Amendment of the Salem Area Comprehensive Plan Map and zone change Case No. CPC-ZC19-03.

3.3h.

Compliance with Oregon Pay Equity Law

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Good Governance.

Attachments: [PTE Conversion to FTE by Department\](#)

Authorized the addition of 14.65 full-time equivalent career status positions through the conversion of current part-time exempt positions.

4. PUBLIC HEARINGS

4.a.

City Council review of the Planning Administrator's decision approving a Tentative Subdivision Review with a Class 1 Adjustment application for Permit Case No. SUB-ADJ19-02 for property located in the 500 to 600 Block of Salem Heights Avenue S.

Ward(s): Ward 7
Councilor(s): Cook
Neighborhood(s): SWAN
Result Area(s): Welcoming and Livable Community

Attachments: [VicinityMap](#)
[Tentative Subdivison Plan](#)
[SUB-ADJ19-02 Decision](#)
[Appeals](#)
[Comments prior to June 6th Decision](#)
[Comments submitted as of July 15th](#)
[Written Testimony](#)
[Wren Heights Analysis Traffic Memo](#)
[Written Testimony 1](#)
[Written Testimony 2](#)
[Written Testimony 3](#)

Staff presentation by Oliva Glantz, Planner, Community Development Planning Services.

Persons Testifying:

Applicants Representatives: Jeff Tross 1720 Liberty Street SE; Mark Shipman, Saalfeld, Griggs

Appellants: Nathan Reitman, 475 Salem Heights Avenue S; Ron Eachus, 940 Salem Heights Avenue S

Bill Fujii, 3390 Holiday Drive S
Daina Upite, 3389 Holiday Drive S
Bill Dixon, 608 Salem Heights Avenue S
Carrie Saucy Bowersox, 3345 Crestview S
Garth Janke, 985 Downs Street S
Julie Curtis, 3285 Holiday Drive S
Jeanine Stice, 3365 Sunridge Drive S
Caren Ann Jackson, 596 Salem Heights Avenue S
Ron Steiner, 596 Salem Heights Avenue S
Patricia Alley, 530 Salem Heights Avenue S
Steve Eichner, 3464 6th Avenue S
Bruce Kilber, 715 Salem Heights Avenue S
Andie Andeen, 695 Salem Heights Avenue S
Joyce Robertson, 3270 Felton Street S
Ellen Stevens, Ward 2

Applicants Rebuttal: Mike Ard, 17790 SW Dodson Drive Sherwood; Mark Shipman, Saalfeld, Griggs; Jeff Tross, 1720 Liberty Street SE

A motion was made by Mayor Bennett, seconded by Councilor Ausec to close the public hearing and keep the record open as follows:

1. Until July 29th at 5:00 p.m. for new evidence from all parties.
2. Until August 5th at 5:00 p.m. for rebuttal with no new evidence from all parties.
3. Until August 12th at 5:00 p.m. for applicants final written argument.

Questions by: Councilors Nanke and Hoy.

The motion carried by the following vote:

Aye: 7 - Kaser, Nanke, Ausec, Lewis, Hoy, Bennett, and Leung

Nay: 0

Absent: 2 - Andersen, and Cook

Abstain: 0

4.b. Formation of Aspen Grove Reimbursement District.

Ward(s): 8

Councilor(s): Jim Lewis

Neighborhood(s): West Salem Neighborhood Association

Result Area(s): Safe, Reliable and Efficient Infrastructure.

Attachments: [Resolution - Aspen Grove Reimbursement District](#)
[Exhibit 1 - Aspen Grove Reimbursement Application](#)
[Exhibit 2 - Aspen Grove Reimbursement District Boundary](#)
[Exhibit 3 - Properties within District Boundary](#)
[Aspen Grove Sewer Reimbursement Certification of Costs](#)
[Cost Allocation Map](#)

Staff presentation by Glen Davis, Chief Development Engineer, Public Works.

Persons Testifying:

Don Clark 1990 Wallace Road NW
Vince Lanza, 1934 Wallace Road NW
Scott Bassett, Ward 4

Questions by: Councilors Hoy, Nanke, Kaser, and Lewis and Mayor Bennett.

A motion was made by Councilor Lewis, seconded by Councilor Nanke to adopt Resolution No. 2019-26, approving the formation of Aspen Grove Reimbursement District to collect funds for reimbursement of the developer's costs associated with constructing public infrastructure.

The motion failed by the following vote:

Aye: 1 - Lewis

Nay: 6 - Kaser, Nanke, Ausec, Hoy, Bennett, and Leung

Absent: 2 - Andersen, and Cook

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. Amendments to the Water and Wastewater System Development Charge Eligible Project Lists.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe, Reliable, and Efficient Infrastructure.

Attachments: [2019 309 List Resolution](#)
[Exhibit 1 - Major Facilities](#)
[Exhibit 2 - Pumping and Treatment](#)
[Exhibit 3 - Pipes](#)

A motion was made by Mayor Bennett, seconded by Councilor Hoy to approve staff recommendation to adopt Resolution No. 2019-25, amending the Water and Wastewater System Development Charges Eligible Project Lists to specify eligibility of specific infrastructure projects.

Questions by: Mayor Bennett

The motion carried by the following vote:

Aye: 7 - Kaser, Nanke, Ausec, Lewis, Hoy, Bennett, and Leung

Nay: 0

Absent: 2 - Andersen, and Cook

Abstain: 0

- 5.b.** Intergovernmental Agreement between the City of Salem and the U.S. Geological Survey to monitor water quality for source water protection in the North Santiam River Basin.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

Attachments: [Intergovernmental Agreement, U.S. Geologic Survey](#)
[USGS HAB Project Proposal City of Salem](#)

A motion was made by Mayor Bennet, seconded by Councilor Hoy to approve the staff recommendation to authorize the City Manager to execute the attached IGA with the USGS.

Questions by: Councilor Nanke and Mayor Bennett.

The motion carried by the following vote:

Aye: 7 - Kaser, Nanke, Ausec, Lewis, Hoy, Bennett, and Leung

Nay: 0

Absent: 2 - Andersen, and Cook

Abstain: 0

- 5.c.** Real Property lease for temporary location of Salem Public Library

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): Grant

Result Area(s): Safe, Reliable and Efficient Infrastructure; Welcoming and Livable Community.

Attachments: [CSPL Lease Agreement](#)

[Public Comment received 7-9-19](#)

[Public Comment received 7-14-19](#)

[Salem Human Rights Commission Library Relocation Statement](#)

[Written Testimony](#)

[Library Relocation Power Point](#)

[Written Testimony 1](#)

[Written Testimony 2](#)

A motion was made by Councilor Hoy, seconded by Councilor Lewis to approve staff recommendation to authorize the City Manager to execute a lease with Salem Alliance Church for 1400-1440 Broadway Street NE for the Salem Public Library's temporary use.

Questions by: Councilors Leung, Hoy, Lewis, Nanke and guest councilors Evan White and Jeff Schumacher.

The motion carried by the following vote:

Aye: 6 - Kaser, Nanke, Ausec, Lewis, Hoy, and Bennett

Nay: 1 - Leung

Absent: 2 - Andersen, and Cook

Abstain: 0

5.d. Creation of a Resiliency Task Force

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe Community; Welcoming and Livable Community.

A motion was made by Mayor Bennett, seconded by Councilor Hoy to approve staff recommendation to authorize the creation of a Resiliency Task Force to improve the preparedness of Salem residents and commuters into the city.

Questions by: Mayor Bennett and Councilor Nanke.

The motion carried by the following vote:

Aye: 7 - Kaser, Nanke, Ausec, Lewis, Hoy, Bennett, and Leung

Nay: 0

Absent: 2 - Andersen, and Cook

Abstain: 0

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

- 6.a.** Purchases approved administratively from June 1, 2019 through June 30, 2019.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Good Governance

Attachments: [Purchases approved administratively June 2019](#)

This Information report was received and filed.

- 6.b.** Planning Administrator's Decision - Modification of Tentative Subdivision Plan / Class 2 Adjustment Case No. SUB07-13A2-ADJ - Approved - Northstar Communities, LLC (Karl Ivanov) - Modification of the amended approval of tentative subdivision plan SUB07-13A (Northstar subdivision) to reconfigure several lots including a Class 2 Adjustment to allow lots greater than 300% of the lot width.

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

Attachments: [Land Use Decision SUB07-13A2MOD2](#)

This Information report was received and filed.

- 6.c.** Planning Administrator's Decision - Partition Case No. PAR19-08 - Approved - Shelly Samson - 5039 Caplinger Road SE - A tentative partition plan to divide approximately 1.04 acres into 3 parcels, with Parcel 1 consisting of 17,585 exclusive of the accessway, Parcel 2 consisting of 8,470 square feet and Parcel 3 consisting of 15,800. The subject property is approximately 1.04 acres in size, zoned RA (Residential Agriculture), and located at 5039 Caplinger Road SE.

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

Attachments: [Land Use Decision PAR19-08](#)

This information report was received and filed.

6.d.

Planning Administrator's Decision - Partition / Property Line Adjustment / Class 1 Adjustment Case No. PAR-PLA-ADJ19-06 - Approved - Covey Rowhouses, LLC (Timothy Landis, Sam Lapray) - 6919 and 6929 Osprey Court SE - A proposal to relocate a property line between two properties, and divide one of the resultant lots into three parcels.

Ward(s): 4
Councilor(s): Leung
Neighborhood(s): South Gateway

Attachments: [Land Use Decision PAR-PLA-ADJ19-06](#)

This information report was received and filed.

6.e.

Planning Commission Decision - Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. DR-SPR-ADJ-DAP19-04 - Approved - First Presbyterian Church for Ike Box - 220 Cottage Street NE - A consolidated application for the relocation of the Ike Box (eating and drinking establishment) consisting of the proposed approximate 5,223 square-foot building, new vehicle use area, and modifications to driveways on Cottage Street and Court Street.

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

Attachments: [Land Use Decision DR-SPR-ADJ-DAP19-04](#)

This information report was received and filed.

6.f.

Planning Commission Decision - Comprehensive Plan Map Change / Zone Change Case No. CPC-ZC19-06 - Approved - 4300 Block of Rickey Street SE - Mitch Teal - A Minor Comprehensive Plan Map Amendment from 'Single Family Residential' to "Commercial", and a Zone Change from RS (Single Family Residential) to CO (Commercial Office) for property approximately 0.94 acres in size, and located at the 4300 Block of Rickey Street SE.

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

Neighborhood(s): SEMCA

Attachments: [Land Use Decision CPC-ZC19-06](#)

This information report was received and filed.

6.g.

Hearings Officer Decision - Sign Variance / Sign Permit Case No. VAR-SI-19-01 - Denied - Mark Shipman of Saalfeld Griggs Lawyers on behalf of Archland Property I, LLC (Corporation Service Company and Golden W Investors Business Trust), McDonald's Corporation, and Pro Enterprises, LLC (Jill Seaman-Pollard, Alyssa Burgess, and Melanie Pollard) - 5090 Commercial St SE - A request for two sign permits and a sign variance to allow construction of two freestanding vehicle viewing signs 13.7 square feet in size.

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): South Gateway

Attachments: [Land Use Decision VAR-SI19-01.pdf](#)

This information report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

None.

7.2 SECOND READING:

7.2a.

Petitioner-Initiated Annexation of Territory Located at 1235 Hoffman Road NE - 97301 (Annexation Case No. C-732)

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure

Attachments: [Vicinity Map](#)
[Ordinance Bill No. 8-19](#)
[Exhibit A - Territory Legal Description and Map](#)

Ordinance Bill No. 8-19 annexing, applying City of Salem RS (Single Family Residential) zoning from Marion County UD (Urban Development), and withdrawing from the Marion County Fire District #1 and the East Salem Sewer & Drainage District, for a 0.555-acre property located at 1235 Hoffman Road NE, was approved by the following vote:

Aye: 7 - Kaser, Nanke, Ausec, Lewis, Hoy, Bennett, and Leung

Nay: 0

Absent: 2 - Andersen, and Cook

Abstain: 0

7.2b.

Petitioner-Initiated Annexation of Territory Located at 4700 Block of Lancaster Drive NE - 97305 (Annexation Case No. C-727)

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure

Attachments: [Vicinity Map](#)

[Ordinance Bill No. 9-19](#)

[Exhibit A - Territory Legal Description and Map](#)

Ordinance Bill No. 9-19 annexing, applying City of Salem CG (General Commercial) zoning from Marion County CG (Commercial General), and withdrawing from the Marion County Fire District #1 and the East Salem Sewer & Drainage District, for a 5.8-acre property located at 4700 Block of Lancaster Drive NE, was approved by the following vote:

Aye: 7 - Kaser, Nanke, Ausec, Lewis, Hoy, Bennett, and Leung

Nay: 0

Absent: 2 - Andersen, and Cook

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

See item 2, Public Comment.

9. ADJOURNMENT

9:15 p.m.