

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, September 23, 2019

6:00 PM

Council Chambers

City Council

EXECUTIVE SESSION

5:30 p.m. City Manager Conference Room
Real Property Transactions - ORS 192.660(2)(e)

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

6:09 p.m.

Roll Call

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

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Hoy, seconded by Councilor Ausec to approve the additions to the agenda which included: Adding a new report, item 5.b, Declaring the Ward 7 Council Position Vacant; Revised report for item 6.b; Revised Attachments 1 and 2 for item 7.1c.

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, Kaser, Hoy, Leung, and Mayor Bennett.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

1.4a. [19-434](#)

U.S. Decennial 2020 Census Update

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Information only.

Presentation by Kristine Stein, Partnership Specialist, United States Census Bureau.

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

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

Appearances by:

Jacqueline Schindele, 970 15th Street NE, Item 5.a, File 19-398

Patty Tipton, Chair, Lansing Neighborhood Association, Item 5.a, File 19-398 and Make a Difference Day at Lansing Park

Bob Elliott, Item 5.a, File 19-398

Bob Waltti, 4087 Lidbeck Court SE, Item 5.a, File 19-398

Matt Hale, 5885 Poppy Hills Street SE, Item 5.a, File 19-398

Virginia Stapleton, 750 Capitol Street NE, Item 5.a, File 19-398

Jacob Moore, 2226 Hyde Street, Remove "quail" from the Livestock Ban

Leslie Polson, 930 Garnet Street, Item 5.a, File 19-398

TJ Sullivan, Ward 4, Item 5.a, File 19-398

Questions or Comments by: Councilors Kaser, Cook, Alicia Blalock, Manager, Public Works Administrative Services, 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 Hoy, seconded by Councilor Cook to approve the consent calendar, noting Councilor Lewis is registering a "no" vote on item 3.3j, file 19-460.

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. [19-456](#) September 9, 2019 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

- 3.2a. [19-454](#) Authorizing the Approval of Revenue Bonds Issued by the Hospital Facility Authority of the City of Salem in an Aggregate Principal Amount not to Exceed \$305,000,000.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Adopted Resolution No. 2019-78 authorizing the approval of revenue bonds, in one or more series, to be issued by the Hospital Facility Authority of the City of Salem, Oregon, in an aggregate principal amount not to exceed \$305,000,000, and authorizing the City Manager to enter into an agreement with Salem Health, indemnifying the City from all claims arising from the City's participation in the approval and use of the bonds.

3.3 ACTION ITEMS

- 3.3a. [19-393](#) Agreement for sale of surplus real property to Axiom Construction, Inc.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): Morningside

Result Area(s): Good Governance; Strong and Diverse Economy.

Authorized the City Manager to execute the attached Purchase and Sale Agreement for disposition of City-owned surplus real property to Axiom Construction, Inc.

- 3.3b. [19-422](#) Second amendment to lease with Rudy's Steakhouse LLC for property located at 315 Chemeketa Street NE

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

Result Area(s): Good Governance; Strong and Diverse Economy; Welcoming and Livable Community.

Authorized the City Manager to execute the attached lease amendment with Rudy's Steakhouse LLC.

3.3c. [19-423](#)

First amendment to lease with Strawberry Seed, LLC for property located at 333 Chemeketa Street NE

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

Result Area(s): Good Governance; Strong and Diverse Economy; Welcoming and Livable Community.

Authorized the City Manager to execute the attached lease amendment with Strawberry Seed, LLC.

3.3d. [19-437](#)

Intergovernmental Agreement and State Sponsorship Agreement with State of Oregon Department of Aviation

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SEMCA

Result Area(s): Reliable and Efficient Infrastructure; Strong and Diverse Economy

Authorized the City Manager to sign an Intergovernmental Agreement and State Sponsorship Agreement (Attachments 1 and 2) with the State of Oregon Department of Aviation in support of the Salem Airport's Pavement Maintenance Program (PMP).

3.3e. [19-439](#)

Providing sewer service beyond City limits for property at 3880 Croisan Creek Road S.

Ward(s): Currently outside City Limits, Ward 7 (upon annexation)

Councilor(s): All Councilors

Neighborhood(s): Southwest Association of Neighbors (SWAN) (upon annexation)

Authorized a sewer service connection to an existing single-family residence on a parcel that is outside of, but contiguous to, the current City limits, conditioned on the property owner filing a complete application for annexation, an annexation agreement, and paying all usual and customary fees and service charges.

3.3f. [19-440](#)

Local Agency Agreement with the Oregon Department of Transportation for improvements at the Kuebler Boulevard SE and Turner Road SE intersection

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

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

Authorized the City Manager to execute a Local Agency Agreement with the Oregon Department of Transportation (ODOT) to fund the design and construction of improvements at the Kuebler Boulevard SE and Turner Road SE intersection through the State Funded Local Project Program

3.3g. [19-446](#)

Intergovernmental Agreement with the Oregon Department of Fish and Wildlife for Minto-Brown Island Park turtle habitat restoration.

Ward(s): Ward 7

Councilor(s): Councilor Cook

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship

Authorized the City Manager to enter into an Intergovernmental Agreement with the Oregon Department of Fish and Wildlife (ODFW) for native turtle habitat restoration at Minto Brown Island Park.

3.3h. [19-452](#)

Grant Agreement between the Housing Authority of the City of Salem and City of Salem for the Homeless Rental Assistance Program.

Ward(s): All Wards

Commissioners(s): All Commissioners

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community.

Authorized the attached grant agreement between the Housing Authority of the City of Salem and the City of Salem to provide \$700,000 of committed funds to the Housing Authority for the Homeless Rental Assistance Program.

3.3i. [19-458](#)

Order for the appeal of the Planning Commission's decision for Fairview Refinement Plan / Class 2 Adjustment / Subdivision Case No. FRP-ADJ-SUB19-01 for property located in the 4100 to 4200 blocks of Pringle Road SE and the 4200 block of Battle Creek Road SE.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): Morningside

Result Area(s): Welcoming and Livable Community

Adopted the order to affirm the decision of the Planning Commission for Fairview Refinement Plan / Class 2 Adjustment / Subdivision Case No. FRP-ADJ-SUB19-01.

3.3j. [19-460](#)

Order for City Council decision denying formation of the Aspen Grove Reimbursement District for property located at 1950 Wallace Road NW.

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): West Salem Neighborhood Association

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

Adopted Order 2019-11-RD denying formation of the Aspen Grove Reimbursement District.

Councilor Lewis registered a "no" vote.

4. PUBLIC HEARINGS

4.a. [19-412](#)

City Council review of the Planning Commission August 7, 2019 decision approving a consolidated application for development of a three-unit multi-family use for property located in the 1175 Nebraska Avenue NE.

Ward(s): Ward 1

Councilor(s): Kaser

Neighborhood(s): Grant Neighborhood Association

Result Area(s): Welcoming and Livable Community

Councilor Kaser announced that she is familiar with the parties involved and that she is abstaining from participating in both the public hearing and the deliberations of the matter.

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

Persons Testifying:

Applicant's Representative, Marissa Doyle, Architect, M D Architect and Design, Co., PO Box 8302, Coburg, OR

Applicant's Representative, John Wohlford, 14283 SE Territory Drive, Clackamas, OR

Rodney Ulberg, 1155 Nebraska Avenue NE

Amanda Scott, 1166 Market Street NE

Artimus Light, 1175 Nebraska Avenue NE

Organizations Testifying: None.

Questions or Comments by: Mayor Bennett and Councilor Andersen.

Applicant's Rebuttal by Marissa Doyle.

Additional Questions and Comments by: Councilors Nanke, Andersen, Mayor Bennett, and Olivia Glantz.

A motion was made by Councilor Hoy, seconded by Councilor Andersen to AFFIRM the August 7, 2019 Planning Commission's Decision.

Comments by: Councilor Hoy.

The motion carried by the following vote:

Note: Councilor Cook was not at her seat when the vote took place.

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

Nay: 0

Excused: 1 - Cook

Abstain: 1 - Kaser

4.b. [19-425](#)

Public hearing regarding vacation of a portion of Dogwood Drive S.

Ward(s): 7

Councilor(s): Cook

Neighborhood(s): SWAN

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

Staff presentation by Anthony Gamallo, Planner, Public Works Traffic Engineering.

Persons Testifying:

Applicant's Representative, Mark Grenz, Multi Tech Engineering, 1155 13th Street SE.

Organizations Testifying: None.

Questions or Comments by: Councilor Andersen.

A motion was made by Councilor Hoy, seconded by Councilor Cook to approve the vacation of a portion of Dogwood Drive S and waive the assessment of special benefit subject to the following condition:

*** Final approval of the Dogwood Heights Phase 2 Subdivision Plat, or**

*** Provision of easements for the construction, maintenance, repair, and replacement of existing municipal utilities proposed to remain within the current right-of-way in a form and location acceptable to the City.**

Additional comments by Councilor Cook.

The motion carried by the following vote:

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

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. [19-398](#)

Establishing an operating fee to fund City services

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

A motion was made by Councilor Hoy, seconded by Councilor Andersen to consider Ordinance Bill No. 12-19 creating Salem Revised Code (SRC) chapter 40 establishing an operating fee and amending SRC chapter 70.250, and move to first reading.

Comments by Councilor Hoy and Lewis.

A substitute motion was made by Councilor Lewis, seconded by Councilor Nanke to approve staff recommendation with the addition of sending the issue to the voters.

Comments by: Councilors Lewis, Nanke, Andersen, Ausec, Cook, Kaser, and Mayor Bennett.

The substitute motion FAILED by the following vote:

Aye: 6 - Kaser, Andersen, Leung, Cook, Hoy, Ausec

Nay: 3 - Lewis, Nanke, and Bennett

Comments by: Councilors Andersen and Leung, and Alicia Blalock, Manager, Public Works Administrative Services.

The vote on the main motion CARRIED by the following vote:

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

Nay: 3 - Nanke, Lewis, and Bennett

Abstain: 0

5.b. [19-462](#)

Declaring the Ward 7 Council Position vacant.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

A motion was made by Councilor Hoy, seconded by Councilor Kaser to accept the resignation of City Councilor Sally Cook and declare the Ward 7 Council Position vacant effective October 1, 2019.

Comments by: Councilors Cook, Andersen, and Mayor Bennett.

Councilor Andersen offered an amended motion to accept the resignation of City Councilor Sally Cook and declare the Ward 7 Council Position vacant effective October 1, 2019 and to thank Councilor Cook for her dedicated service to the Council.

Additional comments by Mayor Bennett and Dan Atchison, City Attorney.

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. [19-424](#)

Purchases approved administratively from August 1, 2019 through August 31, 2019.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

This Informational Report was received and filed.

6.b. [19-438](#)

NOTICE OF APPEAL RECEIVED - An appeal has been received for the below cited application and this case will be heard by the City Council at a later date.

Planning Commission Decision - An application to change the Comprehensive Plan Map designation and/or zoning for several tax lots to accommodate future commercial and mixed use development- Approved.

Comprehensive Plan Change / Zone Change / Zone Change Case No. CPC-ZC-ZC19-10 - 3030 Riverbend, LLC (Scott Martin)- 2465, 2499, 2501 & 2519 Wallace Rd NW & 1221 Riverbend Rd NW

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

This Informational Report was received and filed.

6.c. [19-445](#)

Planning Administrator Decision - A proposed partition to divide a lot at 1245 Madrona Avenue SE into three parcels. The existing single family residence would remain on Parcel 3. - Approved.

Partition Case No. PAR19-10 - Camala Lapray - 1245 Madrona Avenue SE.

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

This Informational Report was received and filed.

6.d. [19-448](#)

Planning Administrator Decision - A proposal to replace an existing light pole with a light pole with a top-mounted antenna and internally mounted equipment for wireless communications. - Approved.

Class 2 Wireless Siting Permit Case No. WS219-02 - Melissa Juel and Gibran Hashmi on behalf of Mastec Network Solutions, LLC (Corporation Service Co. and Mastec, Inc.) - 665 Winter St SE

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

This Informational Report was received and filed.

6.e. [19-449](#)

Planning Administrator Decision - A proposal to replace an existing light pole with a light pole with a top-mounted antenna and internally mounted equipment for wireless communications. - Approved.

Class 2 Wireless Siting Permit Case No. WS219-03 - Melissa Juel and Gibran Hashmi on behalf of Mastec Network Solutions, LLC (Corporation Service Co. and Mastec, Inc.) - 3850 Hagers Grove Rd SE.

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

This Informational Report was received and filed.

6.f. [19-459](#)

Planning Administrator Decision - A proposal to validate one land area that was created through a sale by deed in 1970. - Approved.

Validation of Units of Land Case No. VUL19-06 - Lazarus Properties, LLC (Levi Wilson) - 483 Idylwood Dr SE

Ward(s): 3
Councilor(s): Nanke
Neighborhood(s): Faye Wright

This Informational Report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

7.1a. [19-427](#)

Petitioner-Initiated Annexation of Territory Located at 4980 Center Street NE - 97301 (Annexation Case No. C-731)

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

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

A motion was made by Councilor Hoy, seconded by Councilor Kaser to conduct first reading of Ordinance Bill No. 5-19 annexing, applying City of Salem RA (Residential Agriculture) zoning from Marion County UT-5 (Urban Transition - 5 Acres), and withdrawing from the Marion County Fire District #1, for a 4.22-acre property located at 4980 Center Street NE.

The motion carried by the following vote:

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

Nay: 0

Abstain: 0

7.1b. [19-428](#)

Petitioner-Initiated Annexation of Territory Located at the 4400-4600 Blocks of Hazelgreen Road NE - 97305 (Annexation Case No. C-735)

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

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

A motion was made by Councilor Ausec, seconded by Councilor Hoy to conduct first reading of Ordinance Bill No. 14-19 annexing, changing the Salem Area Comprehensive Plan map designation from "Industrial" to "Parks, Open Space, and Outdoor Recreation," changing the zoning from Marion County UT-20-IND (Urban Transition - 20 Acre - Industrial) to City of Salem PA (Public Amusement), and withdrawing from the Marion County Fire District #1, for a 47.44-acre property located at the 4400-4600 Blocks of Hazelgreen Road NE.

The motion carried by the following vote:

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

Nay: 0

Abstain: 0

7.1c. [19-441](#)

Amending Salem Revised Code Chapter 601, Floodplain Overlay Zone

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community, Natural Environment Stewardship

A motion was made by Councilor Hoy, seconded by Councilor Andersen to adopt Ordinance Bill No. 17-19, amending Chapter 601 (Floodplain Overlay Zone) of the Salem Revised Code and advance it to public hearing and second reading.

Questions or Comments by: Councilors Nanke, Kaser, Mayor Bennett, and Glenn Davis, Engineer, Public Works Planning and Development.

The motion carried by the following vote:

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

Nay: 0

Abstain: 0

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

8:28 p.m.