

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Monday, July 13, 2020

6:00 PM

Virtual Meeting

City Council

****Due to the COVID-19 Pandemic, this meeting is being conducted virtually, with remote attendance by the governing body. No in-person attendance is possible. Interested persons may attend the meeting online at City of Salem Facebook, CCTVSalem You Tube Channel, or watch on Comcast Cable CCTV Channel 21. Please submit comments on agenda items by 5:00 p.m., or earlier, on the day of the meeting at cityrecorder@cityofsalem.net. Public comment and testimony may also be provided during the meeting via Zoom at this link: <https://www.cityofsalem.net/Pages/Public-Comment-at-Salem-City-Council-Meeting.aspx>**

PLANNING COMMISSION INTERVIEWS

5:30 p.m. - Interviews will be conducted virtually, prior to the City Council Meeting.

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.

Roll Call

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

Pledge of Allegiance

Led by Mayor Bennett.

1.1 Planning Commission Appointment

1.1a. [20-273](#) Planning Commission Appointment

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

Two applicants, Jordan Truitt and Dan Augustyn, were interviewed by council members prior to the City Council Meeting.

Dan Augustyn was appointed to the Planning Commission for a partial term expiring on December 31, 2020.

1.2 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Hoy, seconded by Councilor Andersen to approve the additions of item 3.2b, Correction of the FY 2021 City of Salem Budget, and item 6.e, Appeal of the Site Plan Review Decision for Grant Elementary School.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

1.3 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Andersen, Nordyke, Nanke, Kaser, Kristin Retherford, Urban Development Director, Mayor Bennett, and City Manager Powers.

1.4 PROCLAMATIONS

None.

1.5 PRESENTATIONS

None.

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

Appearance, via remote video, by the following:
Jonathan Jones, Ward 1, Item 5.a, file 20-272.

Questions or Comments by: Mayor Bennett, Councilors Hoy and 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 Ausec to approve the consent calendar with the pull of item 3.3d by Councilor Hoy.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

3.1 MINUTES

- 3.1a. [20-253](#) June 22, 2020 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

- 3.2a. [20-268](#) Initiate the adoption process for Historic Preservation Plan Update and Historic Code Amendments

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community.

Adopted Resolution No. 2020-33 to initiate the adoption process for the Historic Preservation Plan Update and Historic Code Amendments.

- 3.2b. [20-281](#) Correction to the FY 2021 City of Salem Budget Resolution

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.

Adopted Resolution No. 2020-34, rescinding Resolution No. 2020-31, making corrections to the overstatement of the expenditure budget related to changes to the Cultural / Tourism Fund in section 1 as previously displayed in Resolution No. 2020-31.

3.3 ACTION ITEMS

- 3.3a. [20-264](#) Collective bargaining agreement with Salem City Attorney's Collective Bargaining Unit (SCABU).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Approved a three-year successor collective bargaining agreement between the City and Salem City Attorney's Collective Bargaining Unit (SCABU) for July 1, 2020 through June 30, 2023.

3.3b. [20-267](#)

Position on League of Oregon Cities legislative priorities for 2021 Oregon Legislative Session

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Approved four issues for the League of Oregon Cities legislative priorities for the 2019 Oregon Legislative Session to include COVID-19 economy recovery investments, housing and services investments, mental health service delivery, and property tax reform.

3.3c. [20-274](#)

Policy statements for the interim and 2021 Oregon Legislative Session.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Approved the legislative policy statements, attached to the staff report, as policy direction for the interim and 2021 Oregon Legislative Session

3.3d. **20-67**

Expansion of Park Ranger responsibility.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Pulled by Councilor Hoy - See item 5.b.

4. PUBLIC HEARINGS

4.a. [20-227](#)

Public Hearing on Appeal of System Development Charge Expenditure.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): West Salem Neighborhood Association

Result Area(s): Reliable and Efficient Infrastructure

At 6:40 p.m., prior to the staff presentation for this hearing, a five minute recess was called. The meeting resumed at 6:45 p.m.

Staff presentation by Glenn Davis, Engineer, Public Works.

Persons testifying via remote video:

Appellant, E.M. Easterly, Ward 8

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

Additional persons testifying via remote video:

Steve Anderson, 3240 Gehlar Road NW

Questions or Comments by: Councilors Andersen, Nanke, Nordyke, Leung, Lewis, Mayor Bennett, Peter Fernandez, Public Works Director, Glenn Davis, and Dan Atchison, City Attorney.

Rebuttal from appellant, E.M. Easterly.

A motion was made by Councilor Hoy, seconded by Councilor Nordyke to DENY the appeal brought pursuant to SRC 41.180(c), regarding the use of Stormwater System Development Charge (SDC) funds for the purchase of real property at 298 Taybin Road NW.

Questions or Comments by: Councilors Hoy, Nanke, Andersen, Lewis, Leung, and Kaser.

The motion CARRIED by the following vote:

Aye: 8 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, and Nordyke

Nay: 1 - Leung

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. [20-272](#)

Motion from Councilor Chris Hoy regarding renaming Center Street and the Center Street Bridge after Dr. Martin Luther King, Jr.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Councilor Hoy, seconded by Councilor Andersen that City Council direct staff to provide a resolution for City Council's consideration to initiate the renaming of Center Street and the Center Street Bridge "Dr. Martin Luther King, Jr." and "Dr. Martin Luther King, Jr. Bridge," respectively, along with a report outlining the process and potential procedural and legal issues associated with the renaming.

Comments by: Councilors Hoy, Nanke, Nordyke, Lewis, Kaser, Leung, Andersen, and Mayor Bennett.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

20-67

Expansion of Park Ranger responsibility.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Councilor Hoy, seconded by Councilor Nanke that for the purposes of discussion, that City Council approve expansion of the Park Ranger's duties and service area to better serve the Community's needs.

Questions or Comments by Councilors Hoy, Ausec, Andersen, Nanke, Kaser, Mayor Bennett, Norman Wright, Community Development Director, Suzanne Reynolds, Code Compliance Supervisor, Community Development.

A substitute motion was made by Councilor Hoy, seconded by Councilor Ausec that this item be tabled and referred back to staff for further work and to be brought back to City Council at a future date.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

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

- 6.a.** [20-256](#) Purchases approved administratively from April 1, 2020 through April 30, 2020

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.** [20-262](#) Planning Administrator Decision - A proposal to replace an existing utility pole with a utility pole supporting an antenna, equipment enclosure, and conduits for wireless communications - Approved.

Class 2 Wireless Siting Permit Case No. WS220-04 - Erin Osmus, Mastec Network Solutions LLC (Coral Gables), on behalf of New Cingular Wireless PLS LLC (C T Corporation System and AT&T Mobility Corporation) - 748 Ford Street SE

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

This Informational Report was received and filed.

- 6.c.** [20-271](#) Mayoral appointments to the Center 50+ Advisory Commission and Human Rights Commission

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

Information only.

Center 50+ Advisory Commission: Appointed Julie Luedtke as the representative of Northwest Senior and Disability Services.

Human Rights Commission (three-year terms): Appointed Drew Wright to a term #1 expiring on December 31, 2022.

6.d. [20-277](#)

Salem Police Department Performance Audit

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe Community; Safe,
Welcoming and Livable Community.

**Questions or Comments by: Councilors Andersen, Nordyke, Hoy, and Nanke,
and Mayor Bennett.**

**A motion was made by Councilor Nordyke, seconded by Councilor Hoy to
proceed with the performance audit as outlined in the staff report.**

**Comments or Questions by: Mayor Bennett, Councilors Nanke, Kaser,
Leung, Lewis, Ausec, Andersen, Nordyke, and City Manager Powers.**

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

6.e. [20-282](#)

An appeal of the Site Plan Review decision for Grant Elementary School has been received; the appeal will be heard by the Hearings Officer, unless called-up by City Council.

Planning Administrator's decision to reconfigure an existing off-street parking lot and construct an on-street bus and ADA parking area. -
Approved.

Class 3 Site Plan Review Case No. SPR20-19 - Mark Shipman,
Saalfeld Griggs Lawyers, on behalf of Joel Smallwood, Salem Keizer
School District - 725 Market ST NE.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): Grant

**Questions or Comments by: Councilor Kaser and Norman Wright, Community
Development Director.**

**A motion was made by Councilor Kaser, seconded by Councilor Hoy for City
Council to hear the appeal of the Site Plan Review Decision for Grant
Elementary School.**

Comments or Questions by: Councilors Kaser, Andersen, and Nanke.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

7. ORDINANCES

7.1 FIRST READING:

7.1a. [20-233](#)

Amending Salem Revised Code Chapter 70 (Utilities), Chapter 71 (Stormwater), and Chapter 601 (Floodplain Overlay Zone).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship.

A motion was made by Councilor Hoy, seconded by Councilor Lewis to conduct first reading of Ordinance Bill No. 8-20 amending Chapter 70 (Utilities), Chapter 71 (Stormwater), and Chapter 601 (Floodplain Overlay Zone) of the Salem Revised Code and, after a public hearing, advance it to second reading.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

7.1b. [20-266](#)

Amending Salem Revised Code Chapter 41, Development Fee.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

A motion was made by Councilor Hoy, seconded by Councilor Lewis to conduct first reading of Ordinance Bill No. 9-20, amending Salem Revised Code Chapter 41, and advance the ordinance bill to second reading for adoption.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

7.1c. [20-258](#)

Ratification of the creation of an intergovernmental entity to support the Mid-Willamette Valley Homeless Alliance, and announcing Mayoral appointments to the intergovernmental entity Board of Directors.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

A motion was made by Councilor Hoy, seconded by Councilor Nanke to pass Ordinance Bill No. 10-20 to ratify the creation of an intergovernmental entity to support the Mid-Willamette Valley Homeless Alliance.

Comments by Mayor Bennett and Councilor Hoy.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

8:54 p.m.