

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, March 22, 2021**

**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 view the meeting online at CC:Media YouTube Channel or watch on Comcast Cable CC:Media 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](mailto:cityrecorder@cityofsalem.net). Public comment and testimony may also be provided during the meeting via Zoom. Please pre-register between 8:00 a.m. and 2:00 p.m. on the day of the meeting at the following link: <https://www.cityofsalem.net/Pages/Public-Comment-at-Salem-City-Council-Meeting.aspx>**

## **EXECUTIVE SESSION**

City Council

5:30 p.m.

ORS 192.660(2)(e) Real Property Transactions

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

**Call to Order**

6:10 p.m.

**Roll Call**

**Present:** 8 - Councilor Andersen, Councilor Lewis, Councilor Hoy, Mayor Bennett, Councilor Nordyke, Councilor Phillips, Councilor Stapleton, and Councilor Gonzalez

**Absent:** 1 - Councilor Leung

## **1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA**

**A motion was made by Councilor Hoy, seconded by Councilor Andersen to approve the additions and deletions to the agenda.**

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

**Aye:** 8 - Andersen, Lewis, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Gonzalez

**Nay:** 0

**Absent:** 1 - Leung

**Abstain:** 0

## **1.2 COUNCIL AND CITY MANAGER COMMENT**

**Comments by: Councilors Nordyke, Andersen, Leung (arrived at 6:18, left**

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at 6:21), Gonzalez, Hoy, Stapleton, Phillips and City Manager Powers.

### 1.3 PROCLAMATIONS

**1.3a.** Proclamation recognizing Arbor Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Proclamation - Arbor Month 2021](#)

**Mayor Bennett read the proclamation, Ken Bierly accepted the proclamation.**

**1.3b.** Proclamation recognizing Mayor's Monarch Pledge

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Proclamation - Mayor's Monarch Pledge](#)

**Mayor Bennett read the proclamation, Ken Bierly accepted the proclamation.**

**1.3c.** Proclamation recognizing Child Abuse Prevention Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Proclamation - Child Abuse Prevention Month](#)

**Mayor Bennett read the proclamation, Kelly Parosa accepted the proclamation.**

### 1.4 PRESENTATIONS

None.

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

None.

### 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 Phillips to approve the consent calendar with the pull of item 3.3b by Councilor Andersen.

The motion carried by the following vote:

**Aye:** 8 - Andersen, Lewis, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Gonzalez

**Nay:** 0

**Absent:** 1 - Leung

**Abstain:** 0

### 3.1 MINUTES

**3.1a.** March 8, 2021 Draft City Council Minutes

**Attachments:** [3-8-21 Draft Council Minutes.pdf](#)

**Action:** Approved

**3.1b.** March 15, 2021 Draft Joint City Council and Community Engagement Audit Steering Committee Work Session Minutes

**Attachments:** [3-15-21 Draft Joint Council Work Session Minutes.pdf](#)

**Action:** Approved

### 3.2 RESOLUTIONS

**3.2a.** Library Parkade Policy for three free hours of parking for library visitors.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community

**Attachments:** [Resolution 2021-7.doc](#)  
[Resolution 2021-7 - Exhibit 1.pdf](#)  
[Library Advisory Board Recommendations](#)  
[Written Testimony](#)

**Adopted Resolution No. 2021-7 adopting Council Policy L-2, establishing that parking at the main library parkade be provided at no cost to the public for the first three hours of use per day, while retaining the City Manager's authority to establish additional free parking events and future parking fees.**

**3.2b.** Extension of Emergency Utility Assistance and update on outreach

and assistance provided to customers during the pandemic.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Attachments:** [Resolution 2021-10](#)  
[Exhibit A for 2021-10](#)  
[Billing Utility Assistance Insert](#)  
[Billing Assistance Program Insert](#)  
[Low Income Assistance Donation Program](#)  
[Stay Connected Utility Assistance Promotion](#)  
[Social Media Utility Rate Relief Program Promotion](#)  
[Utility Assistance Council Meeting Promotion 1](#)  
[Utility Assistance Council Meeting Promotion 2](#)  
[2020-040 Council Resolution 2020-08-10](#)

**Adopted Resolution 2020-10 restating the terms of the Emergency Utility Assistance Program and extending the effective date for the increase in maximum annual assistance to December 31, 2021.**

### 3.3 ACTION ITEMS

- 3.3a.** First Amendment to the Lease Agreement between the City of Salem and Capital Community Television.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe Community.

**Attachments:** [CCMedia Signed Lease Amendment #1](#)  
[CCTV Lowen Tower Lease](#)  
[CCMedia Lowen Lease Moratorium Request](#)

**Authorized the City Manager to execute Amendment #1 to the Lease Agreement with Capital Community Television to waive their rent obligation under the existing lease through July 31, 2022 and to fix scrivener's errors.**

- 3.3b.** Purchase and Sale Agreement with Joyce S. Fincham for acquisition of real property as part of the Marine Drive NW alignment.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): WSNA

Result Area(s): Good Governance; Natural Environment Stewardship;

Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

**Attachments:** [Proposed Agreement](#)

**Pulled by Councilor Andersen, see Item 5.b**

- 3.3c.** Recommended appointments and reappointments to the Citizens Advisory Traffic Commission, Salem Parks and Recreation Advisory Board, Salem Planning Commission, Salem Public Art Commission, and Salem Public Library Advisory Board.

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

**Attachments:** [John Lattimer Application Redacted](#)  
[Rick Hartwig Application Redacted](#)  
[Stephen Rosen Application Redacted](#)

**Appointed and reappointed the applicants listed in the Facts and Findings section to the Citizens Advisory Traffic Commission, Salem Parks and Recreation Advisory Board, Salem Planning Commission, Salem Public Art Commission, and Salem Public Library Advisory Board.**

- 3.3d.** Priority bills for 2021 Oregon Legislative Session

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

**Attachments:** [Bills Reviewed by Legislative Committee - March 19, 2021](#)  
[Written Testimony](#)

**Approved the City of Salem's positions on legislative bills in the 2021 Oregon Legislative Session.**

## 4. PUBLIC HEARINGS

- 4.a.** Amending Salem Revised Code Chapter 601 (Floodplain Overlay Zone) to improve Salem's rating within the Federal Emergency Management Agency's Community Rating System Program.

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Natural Environment Stewardship

**Attachments:** [SRC 601\\_075 Ordinance Bill No.1-21](#)  
[SRC 601\\_075 Exhibit A to Ordinance Bill No. 1-21](#)

Staff presentation made by Glen Davis, Chief Development Engineer.

Person's testifying: none.

A motion was made by Councilor Hoy, seconded by Councilor Stapleton to consider Ordinance Bill No. 1-21 amending Chapter 601 (Floodplain Overlay Zone) of the Salem Revised Code and advance to second reading for enactment.

The motion carried by the following vote:

**Aye:** 8 - Andersen, Lewis, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Gonzalez

**Nay:** 0

**Absent:** 1 - Leung

**Abstain:** 0

**4.b.**

Public Hearing to consider Resolution No. 2021-9 to amend the Trelstad Reimbursement District by lowering the district fees based on actual construction costs.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship

**Attachments:** [Resolution No. 2021-9](#)  
[Authorized Construction Costs](#)  
[Exhibit A to Resolution No. 2021-9](#)  
[Public Hearing Notice - Trelstad](#)

Staff presentation by Glenn Davis, Chief Development Engineer.

Person's testifying: none

A motion was made by Councilor Hoy, seconded by Councilor Andersen to adopt Resolution No. 2021-9, (Attachment 1) and approve the adjustment of the Trelstad Reimbursement District fee to reflect actual construction costs.

Questions and Comments by: Councilor Hoy

The motion carried by the following vote:

**Aye:** 8 - Andersen, Lewis, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Gonzalez

**Nay:** 0

**Absent:** 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.** Amending the Emergency Declaration related to unsheltered residents to allow for a limited, managed outdoor camp at City-owned property at 2640 Portland Road, NE? (Resolution No. 2021-11)

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Attachments:** [RESOLUTION No. amending resolution 2020 49.docx](#)  
[Written Testimony](#)

**A motion was made by Councilor Hoy, seconded by Councilor Nordyke to adopt Resolution No. 2021-11 to amend the declaration of emergency extended by Resolution No. 2020-49 related to unsheltered residents.**

**Comments and Questions by: Councilors Nordyke, Hoy, Gonzalez, Stapleton, Andersen, Lewis, Phillips, and Mayor Bennett.**

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

**Aye:** 8 - Andersen, Lewis, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Gonzalez

**Nay:** 0

**Absent:** 1 - Leung

**Abstain:** 0

- 5.b.** Purchase and Sale Agreement with Joyce S. Fincham for acquisition of real property as part of the Marine Drive NW alignment.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): WSNA

Result Area(s): Good Governance; Natural Environment Stewardship;



Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

**Attachments:** [Proposed Agreement](#)

**A motion was made by Councilor Andersen, seconded by Councilor Hoy to authorize the City Manager to execute the attached Purchase and Sale Agreement for the acquisition of real property located at 1370 Wallace Road NW.**

**Questions and Comments by: Councilors Andersen and Lewis**

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

**Aye:** 8 - Andersen, Lewis, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Gonzalez

**Nay:** 0

**Absent:** 1 - Leung

**Abstain:** 0

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

### **6.a.** Salem 2020 Annual Tree Report

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Attachments:** [2020 Tree Report - Final](#)  
[Strategic Plan Actions and Implementation Updated 2/24/2021](#)

**This information report was received and filed.**

**Questions and Comments by: Councilors Stapleton and Lewis**

### **6.b.** Hearings Officer Decision - To allow above-ground storage tanks for petroleum wholesaler - Approved.

Conditional Use / Class 3 Site Plan Review Case No. CU-SPR21-01 - Peter Nelson - 1977 Claxter Rd NE.

Ward(s): 5

Councilor(s): Gonzalez

Neighborhood(s): Northgate

**Attachments:** [Land Use Decision CU-SPR21-01](#)

**This information report was received and filed.**

- 6.c.** Senior Outreach Services, WOW Van, and Center 50+ Village Network Grant.

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Welcoming and Livable Community.

**This information report was received and filed.**

- 6.d.** Hearings Officer Decision - To change the zoning from IBC to IG on Lots 1, 2, 3, 5, 6, and 8 at the Salem Business Campus - Approved.

Quasi-Judicial Zone Change Case No. ZC20-02 - Tory Banford,  
Urban Development Director, City of Salem - 5730 Culver Dr SE.

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

**Attachments:** [Land Use Decision ZC20-02](#)

**This information report was received and filed.**

- 6.e.** Planning Administrator Decision - To Modify a tentatively approved partition - Approved.

Partition Modification Case No.  
CU-PAR-UGA-SPR-ADJ-DAP19-01MOD1 - Jon Taylor - 4910 Turner Road SE.

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

**Attachments:** [Land Use Decision CU-PAR-UGA-SPR-ADJ-DAP19-01MOD1](#)

**This information report was received and filed.**

- 6.f.** Purchases approved administratively from February 1, 2021 through February 28, 2021.

Ward(s): All Wards

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

**Attachments:** [Purchases approved administratively February 2021](#)

**This information report was received and filed.**

- 6.g.** Appointments and reappointments to the Center 50+ Advisory Commission, Historic Landmarks Commission, and Human Rights Commission.

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

**Attachments:** [Linda Schellenberg Application Redacted](#)  
[Brett Fuller Application Redacted](#)  
[Steven Ponce Application Redacted](#)  
[Kelsey A Murray Application Redacted](#)  
[Cathy Ostrand-Ponsioen Application Redacted](#)

**This information report was received and filed.**

- 6.h.** Hearings Officer Decision - To allow a driveway where a driveway is not allowed for a single-family residential use - Denied.

Variance / Class 2 Driveway Approach Permit Case No.  
VAR-DAP21-01 - James Helton - 1355 Mildred Ln SE

Ward(s): 4  
Councilor(s): Leung  
Neighborhood(s): SGNA

**Attachments:** [Land Use Decision VAR-DAP21-01](#)

**This information report was received and filed.**

- 6.i.** Announcing Mayoral appointments to the Our Salem Zoning Subcommittee

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.

This information report was received and filed.

## 7. ORDINANCES

### 7.1 FIRST READING:

- 7.1a.** Amending Salem Revised Code Chapter 74, to modify the City's Wastewater Industrial Pretreatment Provisions to help prevent introduction of pollutants into the City's wastewater collection and treatment system.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Attachments:** [ORDINANCE BILL 2-21 Amending SRC Chapter 74](#)  
[Proposed SRC Chapter 74 Revisions](#)

**A motion was made by Councilor Hoy, seconded by Councilor Lewis to conduct first reading of Ordinance Bill 2-21, adopting wastewater industrial pretreatment regulations and scheduling a second reading of the ordinance.**

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

**Aye:** 8 - Andersen, Lewis, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Gonzalez

**Nay:** 0

**Absent:** 1 - Leung

**Abstain:** 0

### 7.2 SECOND READING:

- 7.2a.** Amending Salem Revised Code Chapter 601 (Floodplain Overlay Zone) in order to improve Salem's rating within the Federal Emergency Management Agency's (FEMA's) Community Rating System (CRS) program.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship.

**Attachments:** [SRC 601\\_075 Ordinance Bill No.1-21](#)  
[SRC 601\\_075 Exhibit A to Ordinance Bill No. 1-21](#)

**Conducted second reading and enacted Ordinance Bill No. 1-21 amending**

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**Chapter 601 (Floodplain Overlay Zone) of the Salem Revised Code.**

**Ordinance Bill 1-21 was adopted by the following votes:**

**Aye:** 8 - Andersen, Lewis, Hoy, Bennett, Nordyke, Phillips, Stapleton, and Gonzalez

**Nay:** 0

**Absent:** 1 - Leung

**Abstain:** 0

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

**None.**

**9. ADJOURNMENT**

**7:34 p.m.**