

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, May 24, 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**

**Urban Renewal Agency**

**5:15 p.m. - ORS 192.660(2)(e) Real Property Transactions**

**City Council**

**5:30 p.m. - ORS 192.660(2)(e) Real Property Transactions**

**City Council**

**5:45 p.m. - ORS 192.660(2)(h) Current/Pending Litigation**

## **WORK SESSION**

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

### **Call to Order**

**6:10 p.m.**

### **Roll Call**

**Casey Kopcho served as Guest Councilor for Councilor Leung, Ward 4.**

**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**

**None.**

## 1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Mayor Bennett, Councilors Stapleton, Nordyke, Phillips, Gonzalez, Hoy, Andersen, Guest Councilor Kopcho, and City Manager Powers.

## 1.3 PROCLAMATIONS

1.3a. [21-223](#) Proclamation recognizing Pride Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Opening remarks by Mayor Bennett. Councilors Stapleton and Nordyke read the proclamation.

Comments by: Mayor Bennett, Councilors Stapleton and Nordyke, Rowan Eckland, Rainbow Youth Board, and Paul McKean, Board Member, Salem Capital Pride.

## 1.4 PRESENTATIONS

None.

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

The following individuals provided testimony via remote video:

Jaken Garcia, 6812 Flicker Drive SE, Item 5.a, File 21-213.

Questions or Comments by: Mayor Bennett and Councilor Hoy.

Brent Neilsen, United Way of the Mid-Willamette Valley, 455 Bliler Avenue NE, Item 3.3e, File 21-210.

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

Cory Poole, Chair, SEMCA Neighborhood Association, Item 5.a, File 21-213.  
Jerry Taylor, 3100 Turner Road SE, Item 5.a, File 21-213.

Comments by Mayor Bennett.

Dori Maumbauer, 3100 Turner Road SE, Item 5.a, File 21-213.  
Bobbi Starck, 3100 Turner Road SE, Item 5.a, File 21-213.

Comments by Mayor Bennett.

Linda Thomas, 3100 Turner Road SE, Item 5.a, File 21-213.  
Mary Supola, 3100 Turner Road SE, Item 5.a, File 21-213.

At 7:05 p.m., Councilor Lewis requested a recess and Mayor Bennett called for a five-minute recess. The meeting resumed at 7:10 p.m.

**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 Stapleton to approve the consent calendar with the pulls of 3.3b by Councilor Andersen, 3.3e by Councilor Hoy, 3.3f by Councilor Andersen, and 3.3g by Councilor Hoy.

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

### 3.1 MINUTES

- 3.1a. [21-218](#) May 10, 2021 Draft Council Minutes

**Action: Approved.**

- 3.1b. [21-234](#) May 17, 2021 Draft City Council Work Session Minutes

**Action: Approved.**

### 3.2 RESOLUTIONS

- 3.2a. [21-202](#) Dedication of City Property as Public Right-of-Way on Lansing Avenue NE and Silverton Road NE.

Ward(s): 5

Councilor(s): Gonzalez

Neighborhood(s): Lansing

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

**Adopted Resolution No. 2021-17 dedicating property received by the City of Salem along east side of Lansing Avenue NE and south side of Silverton Road NE.**

- 3.2b. [21-203](#) Dedication of the Westerly 30 feet of Fairview Park as Public Right-of-Way for Lindburg Road SE .

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside

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

**Adopted Resolution No. 2021-18 dedicating a 30-foot-wide strip of land along the westerly boundary of Fairview Park as public right-of-way for Lindburg Road SE.**

- 3.2c. [21-204](#) Dedication of City Property as Public Right-of-Way on Village Center Drive SE.

Ward(s): 3

Councilor(s):Phillips

Neighborhood(s): Morningside

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

**Adopted Resolution No. 2021-19 dedicating property received by the City of Salem for the construction of Village Center Drive SE north of Strong Road SE.**

### 3.3 ACTION ITEMS

**3.3a.** [21-197](#)

Petition-initiated vacation of a portion of an alley and a portion of unopened right-of-way for 12th Street NE adjacent to the railroad northeast of D Street NE.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): Grant

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

**Accepted a petition to vacate a portion of an alley and a portion of unopened right-of-way for 12th Street NE adjacent to the railroad northeast of D Street NE and direct the City Manager to set a public hearing to consider the request.**

**3.3b.** [21-198](#)

2021 Geer Park Master Plan Adoption.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): NESCA

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

**Pulled by Councilor Andersen - See Item 5.b.**

**3.3c.** [21-199](#)

Petition-initiated vacation of a portion of an easement over previously vacated George Street NW.

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): West Salem NA

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

**Accepted a petition to vacate a portion of an easement over previously vacated George Street NW and direct the City Manager to set a public hearing to consider the request.**

**3.3d.** [21-207](#)

Intergovernmental Agreement Between the City of Salem and Oregon Military Department for Airport Compass Rose Recalibration Expenses

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SEMCA

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

**Authorized the City Manager to execute the attached Intergovernmental Agreement with the Oregon Military Department for the cost-sharing expenses associated with the recalibration of the Airport Compass Rose.**

**3.3e.** [21-210](#)

Real Estate Agreement with United Way of the Mid-Willamette Valley, Inc. for the sale of City surplus real property at 4396, 4408, 4432, 4446, and 4480 Market Street NE

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

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

**Pulled by Councilor Hoy - See Item 5.c.**

**3.3f.** [21-214](#)

Purchasing from a City Employee Owned Business.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

**Pulled by Councilor Andersen - See Item 5.d.**

**3.3g.** [21-216](#)

Sidewalk Café/On-Street Platform Program

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

Result Area(s): Strong and Diverse Economy

**Pulled by Councilor Hoy - See Item 5.e.**

**4. PUBLIC HEARINGS**

**4.a.**     [21-200](#)

2021 Annual Action Plan for CDBG and HOME Funding and  
Amendments to 2019 and 2020 Annual Action Plans

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe Community;  
Strong and Diverse Economy; Welcoming and Livable Community

**Opening remarks by Kristin Retherford, Urban Development Director. Staff  
presentation by Sal Diaz, Federal Programs Manager, Urban Development.**

**No persons testified.**

**Questions or Comments by: Mayor Bennett, Sal Diaz, Councilor Nordyke,  
Kristin Retherford, Councilors Hoy, Andersen, Gonzalez, and Guest  
Councilor Kopcho.**

**A motion was made by Councilor Hoy, seconded by Councilor Lewis to  
adopt Amendment #4 to the 2019 CDBG Annual Action Plan, Amendment #3  
to the 2020 CDBG Annual Action Plan and adopt the 2021-2022 Housing  
and Community Development Annual Action Plan (AAP) and direct staff to  
submit required forms to the U.S. Department of Housing and Urban  
Development.**

**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.**     [21-208](#)

Exemption from Competitive Bidding Process and Authorization of an Alternative Contracting Method for the Geren Island Water Treatment Plant Filter No. 2 Reconstruction Project.

Ward(s): All Wards

Councilor(s): Councilors

Neighborhood(s): All Neighborhoods

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

**Opening remarks by Brian Martin, City Engineer. Staff presentation by John Kennedy, Manager, Ozone Treatment Facility and Resident Consultant for Public Works.**

**No persons testified.**

**Questions or Comments by: Councilor Phillips, John Kennedy, Guest Councilor Kopcho, and Councilor Stapleton.**

**A motion was made by Councilor Hoy, seconded by Councilor Phillips to adopt Resolution No. 2021-20 in support of an exemption from the competitive bidding process and use of a CM/GC contracting method for the Geren Island Water Treatment Plant Filter No. 2 Reconstruction Project.**

**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.**     [21-213](#)

Extension and amendment of the Emergency Declaration related to COVID-19

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**A motion was made by Councilor Hoy, seconded by Councilor Lewis to adopt Resolution No. 2021-21 to extend the declaration of emergency related to COVID-19 until December 13, 2021, and rescind the allowance for unmanaged camping in Cascades Gateway and Wallace Marine parks.**

**Questions or Comments by: Councilor Hoy (Councilor Hoy also read a statement on behalf of Councilor Leung), Mayor Bennett, City Manager Powers, Councilor Lewis, Gretchen Bennett, Manager, City Manager's Office, Councilors Phillips, Andersen, Stapleton, Nordyke, Gonzalez, and Guest Councilor Kopcho.**

**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**     [21-198](#)  
**(3.3b)**

2021 Geer Park Master Plan Adoption.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): NESCA

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

**A motion was made by Councilor Andersen, seconded by Councilor Hoy to adopt the 2021 Geer Park Master Plan.**

**Questions or Comments by: Councilors Andersen and Hoy, Mayor Bennett, Peter Fernandez, Public Works Director, Rob Romanek, Planner, Public Works, Councilors Nordyke and Stapleton.**

**Councilor Andersen amended his motion, seconded by Councilor Nordyke to approve staff recommendation without the additional parking provision and request staff to return to Council with a more detailed analysis of the need for the parking space.**

**Comments by: Councilor Andersen, Mayor Bennett, Councilors Hoy, Lewis, Stapleton, Guest Councilor Kopcho, and Councilor Phillips.**

**Councilor Andersen's amended motion FAILED by the following vote:**

**Aye**     3 - Nordyke, Stapleton, Andersen

**Nay**     5 - Gonzalez, Hoy, Lewis, Phillips, Bennett

**Absent**   1 - Leung

**Comments or Questions by: Mayor Bennett and Councilor Hoy.**

**A motion was made by Councilor Hoy, seconded by Councilor Phillips to return the Geer Park Master Plan to staff for further work based on the direction heard at tonight's meeting and return to Council at a future date.**

**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.c**     [21-210](#)  
**(3.3e)**

Real Estate Agreement with United Way of the Mid-Willamette Valley, Inc. for the sale of City surplus real property at 4396, 4408, 4432, 4446, and 4480 Market Street NE

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

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

**A motion was made by Councilor Hoy, seconded by Councilor Andersen to authorize the City Manager to execute the Real Estate Agreement with United Way of the Mid-Willamette Valley, Inc. for the sale of surplus City real property identified as Tax Lot 072W19AC01701, 4396, 4408, 4432, 4446, and 4480 Market Street NE.**

**Questions or Comments by: Councilor Hoy, Mayor Bennett, Councilors Lewis and Stapleton, Brent Neilsen, United Way of the Mid-Willamette Valley, Councilor Nordkye, and Guest Councilor Kopcho.**

**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.d**     [21-214](#)  
**(3.3f)**

Purchasing from a City Employee Owned Business.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

**A motion was made by Councilor Andersen, seconded by Councilor Hoy to authorize the City Manager to execute a contract with a City employee-owned business, Northwest Rock Inc., doing business as Salem Mobile Mix, to provide backfill materials, ditch cleaning, and street excavation hauling services.**

**Questions or Comments 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

**5.e**     [21-216](#)  
**(3.3g)**

Sidewalk Café/On-Street Platform Program

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

Result Area(s): Strong and Diverse Economy

**A motion was made by Councilor Hoy, seconded by Councilor Stapleton to approve the Sidewalk Cafe/On-Street Platform Program.**

**Questions or Comments by: Councilor Hoy, Kristin Retherford, Urban Development Director, Mayor Bennett, Councilor Stapleton, Guest Councilor Kopcho and Councilor Gonzalez.**

**Councilor Gonzalez recused himself from voting due to his family business could benefit from the Sidewalk Cafe/On-Street Platform Program.**

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

**Aye:** 7 - Andersen, Lewis, Hoy, Bennett, Nordyke, Phillips, and Stapleton

**Nay:** 0

**Absent:** 1 - Leung

**Abstain:** 0

**Recused:** 1 - Gonzalez

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

**6.a.**     [21-211](#)

Planning Administrator Decision - To divide two existing properties into four parcels - Approved.

Subdivision Case No. SUB21-02 - Servando Garcia - 1020 Arthur Way NW.

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): WSNA

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

**6.b.**     [21-227](#)

Planning Administrators Decision - An application for the development of a proposed 60-lot subdivision. - Approved.

Subdivision / Class 1 Adjustment Case No. SUB-ADJ21-04 - State Street Homes, Inc. (Mark Wilde) - 5826 Battle Creek Rd SE.

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

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

**Questions or Comments by: Councilor Hoy made remarks on behalf of Councilor Leung.**

**6.c.**     [21-235](#)

Youth Development CAREcorps Program

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

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

**Questions or Comments by: Councilor Hoy made remarks on behalf of Councilor Leung. Other comments were made by Councilor Stapleton, Mayor Bennett, City Manager Powers, Kristin Retherford, Urban Development Director, and Norman Wright, Community Development Director.**

**6.d.**     [21-237](#)

Planning Administrator Decision - A subdivision tentative plan to divide approximately 4.96 acres into 16 lots with lots ranging in size from 8,010 square feet to 27,325 square feet. The applicant is requesting an alternative street standard to reduce the street width from 60-feet to 50-feet. - Approved.

Subdivision Case No. SUB21-03 - Gerald Horner, Willamette Engineering Inc., on behalf of Robert and Maria Noyes - 430 Turtle Bay Court SE.

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): SGNA

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

**Questions or Comments by: Councilor Hoy made remarks on behalf of Councilor Leung.**

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

None.

**7.2 SECOND READING:**

**7.2a.** [21-224](#)

Petitioner-Initiated Annexation of Territory Located at 2527 and 2547 Robins Lane SE - 97306 (Annexation Case No. C-730)

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): SGNA

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

**Conducted Second Reading of Ordinance Bill No. 4-21, annexing, applying City of Salem RA (Residential Agriculture) zoning from Marion County UT-5 (Urban Transition - 5 Acres) and Marion County UT-10 (Urban Transition - 10 Acres), withdrawing from Salem Suburban Rural Fire Protection District and Turner Fire District, and approving annexation for a 47.23-acre property located at 2527 and 2547 Robins Lane SE - 97306 subject to three conditions proposed by the petitioner as mitigation for tree removal conducted through a lawful timber harvest between April, 2018 and June, 2018:**

- (1) Any future development of the Subject Property shall require compliance with SRC 808.050 tree planting requirements; however, the minimum diameter of the trees to be planted shall be increased from a 1.5-inch caliper to a 2-inch caliper standard and replacement tree diversity shall be increased by planting not less than five species authorized in the City's Tree and Vegetation Technical Manual; and**
- (2) Prior to recordation of a final plat for any partition, subdivision, or planned unit development, or occupancy of a commercial development, the applicant shall grant \$15,000 to the Salem City Tree Fund; and**
- (3) Prior to submittal of any application for a land use approval, limited land use approval, or permit for developing the Subject Property, Applicant shall enter into an agreement with the City of Salem acknowledging and agreeing that the City of Salem will not record a final plat for any partition, subdivision, or planned unit development on or before July 1, 2023.**

**Ordinance Bill No. 4-21 was APPROVED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Leung

**Abstain:** 0



**7.2b.** [21-225](#)

Petitioner-Initiated Annexation of Territory Located at 3880 Croisan Creek Road South and City Owned Lands - 97302 (Annexation Case No. C-738)

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): SWAN

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

**Conducted second reading of Ordinance Bill No. 5-21, annexing, applying City of Salem RA (Residential Agriculture) zoning from Marion County UT-5 (Urban Transition - 5 Acres), withdrawing from Salem Suburban Rural Fire Protection District, and approving annexation for a 2.65-acre property located at 3880 Croisan Creek Road South and City Owned Lands.**

**Ordinance Bill No. 5-21 was APPROVED by the following vote:**

**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**

9:34 p.m.