

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, October 11, 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**

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

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

## **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**

**6:00 p.m.**

### **Roll Call**

**Councilor Leung joined the meeting at 6:09 p.m., excused herself from the meeting at 6:25 p.m., and rejoined the meeting again at 7:10 p.m.**

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

**Absent:** 1 - Mayor Bennett

### **Pledge of Allegiance**

**Led by Council President Hoy.**

## 1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Andersen, seconded by Councilor Stapleton to approve the addition of item 1.3c, Proclamation recognizing Indigenous Peoples' Day, to the agenda.

Comments unrelated to item 1.1 by: Councilor Lewis, Council President Hoy and City Attorney Dan Atchison. Councilor Lewis requested that the City Manager's response sent to Mark Wigg be included in the record for item 3.3c.

The motion to approve the addition to the agenda CARRIED by the following vote:

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

**Nay:** 0

**Absent:** 2 - Bennett, and Leung

**Abstain:** 0

## 1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Nordyke, Gonzalez, Andersen, Stapleton, Leung, Council President Hoy and City Manager Steve Powers.

## 1.3 PROCLAMATIONS

**1.3a.** [21-389](#) Proclamation recognizing National Code Compliance Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Council President Hoy read the proclamation and introduced Code Compliance Manager Suzanne Reynolds.**

**Comments by: Council President Hoy and Suzanne Reynolds.**

**Other City staff in attendance to accept the proclamation were Code Compliance Officers Nelson Morales and Brent Hedrick.**

**1.3b. [21-446](#)**

Proclamation recognizing National Disability Employment Awareness Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Council President Hoy read the proclamation and introduced Timothy Rocak, CEO, Garten Services, who accepted the proclamation.**

**Comments by Council President Hoy and Timothy Rocak.**

**1.3c. [21-463](#)**

Proclamation recognizing Indigenous Peoples' Day.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Council President Hoy read the proclamation.**

**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:

Kimberly Eve, 2035 Banyan Court NW, item 5.b, file 21-455

Questions or Comments by: Council President Hoy and Councilor Lewis.

Steve Anderson, Land Use Chair, West Salem Neighborhood Association, 3240 Gehlar Road NW, items 3.3c, file 21-437 and 3.3e, file 21-439.

**3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)**

A motion was made by Councilor Andersen, seconded by Councilor Phillips to approve the consent calendar with the pulls of items 3.3c and 3.3e by Councilor Andersen and 3.3f by Councilor Lewis.

**Comments by Councilor Andersen and Council President Hoy.**

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

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

Nay: 0

Absent: 2 - Bennett, and Leung

Abstain: 0

### 3.1 MINUTES

3.1a. [21-448](#) September 27, 2021 Draft City Council Work Session Minutes

**Action: Approved.**

3.1b. [21-449](#) September 27, 2021 Draft City Council Minutes

**Action: Approved.**

### 3.2 RESOLUTIONS

3.2a. [21-429](#) Adopt Resolution 2021-38 to accept a loan from the Safe Drinking Water Revolving Fund for Sleepy Hollow Water System integration.

Ward(s): 6

Councilor(s): Councilor Hoy

Neighborhood(s): ELNA

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

**Adopted Resolution 2021-38, Authorizing the City Manager to execute financing documents to authorize a loan from the Safe Drinking Water Revolving Loan Fund.**

3.2b. [21-441](#) Modification and addition of Public Works and Community Development Department fees.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Adopted Resolution No. 2021-39, modifying or adding specific fees and charges for the Public Works and Community Development Departments.**

**3.2c.** [21-443](#)

Transfer of FY 2022 General Fund and Cultural Tourism Fund appropriations.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance.

**Adopted Resolution No. 2021-40, authorizing a transfer of appropriations within the City's fiscal year 2022 budget for unanticipated changes.**

**3.3 ACTION ITEMS****3.3a.** [21-423](#)

Lease with The Pentacle Theatre for city-owned retail space in the Liberty Parkade located at 197 Liberty Street SE

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

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

**Authorized the City Manager to execute the lease with The Pentacle Theatre for city-owned retail space in the Liberty Parkade located at 197 Liberty Street SE.**

**3.3b.** [21-431](#)

Assessing properties within the Sleepy Hollow Phase I Water System for water system improvements when connecting to the City of Salem water system.

Ward(s): Ward 6

Councilor(s): Councilor Hoy

Neighborhood(s): ELNA

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

**Initiated assessment procedures on properties within the Sleepy Hollow Phase I Water System to construct water system improvements and provide connection to the City's public water system.**

**3.3c.** [21-437](#)

Purchase and Sale Agreement with the Bob and Sue Creamer Living Trust for acquisition of real property located at 1440 Wallace Road NW in conjunction with the Marine Drive NW project

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): WSNA

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

**Pulled by Councilor Andersen - See item 5.c.**

**3.3d.** [21-438](#)

Intergovernmental Agreements with East Salem Service District and Labish Village Sewage and Drainage District.

Ward(s): Outside City Limits

Councilors(s): None

Neighborhood(s): None

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

**Authorized City Manager to execute IGAs with East Salem Service District and Labish Village Sewage and Drainage District for wastewater collection and disposal services.**

**3.3e.** [21-439](#)

Purchase and Sale Agreement with the Barfknecht Revocable Living Trust for acquisition of real property located at 1508 Wallace Road NW in conjunction with the Marine Drive NW project

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): WSNA

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

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

**3.3f.**     [21-440](#)

Purchase and Sale Agreement with the Kurt and Janet Spingath for acquisition of real property located at 1460 Wallace Road NW in conjunction with the Marine Drive NW project

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): WSNA

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

**Pulled by Councilor Lewis - See item 5.e.**

**3.3g.**     [21-447](#)

Hiring Bonus Program.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

**Approved a Police Officer Lateral Transfer Hiring Bonus Program eligible to sworn officers, or other difficult to fill positions, for new recruitments posted and filled between October 25, 2021, through February 28, 2022, or until such time as the law no longer permits hiring bonuses, in the amount of \$7,500 per hire.**

**4. PUBLIC HEARINGS**



**4.a.**     [21-433](#)

Public hearing regarding vacation of public right-of-way located on the northeast corner of the intersection of Liberty Road S and Pembroke Street SE.

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): Faye-Wright

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

**Staff presentation by Public Works Senior Transportation Manager Anthony Gamallo.**

**Persons Testifying: None.**

**Organizations Testifying: None.**

**A motion was made by Councilor Nordyke, seconded by Councilor Andersen to approve the vacation of public right-of-way located on the northeast corner of the intersection of Liberty Road S and Pembroke Street SE subject to the condition that no driveways be permitted to or from the vacated area onto Liberty Road S.**

**Comments by: Council President Hoy, City Attorney Dan Atchison and Councilor Andersen.**

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

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

**Nay:**    0

**Absent:**    2 - Bennett, and 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.**     [21-451](#)

Extending the Emergency Declaration related to unsheltered residents through June 28, 2022. (Resolution No. 2021-41)

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Comments by: City Attorney Dan Atchison and Councilors Andersen and Lewis.**

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

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

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

**Nay:**     0

**Absent:**   2 - Bennett, and Leung

**Abstain:**   0

**5.b.**     [21-455](#)

Motion from Councilor Jim Lewis to reconsider Council's decision to establish a managed temporary camp at the 2700 Wallace Road NW parcel, within the city-owned commercial retail zoned portion that occurred at the September 27, 2021 Council Meeting.

Ward(s): Ward 8.

Councilor(s): Councilor Lewis

Neighborhood(s): West Salem Neighborhood Association

**A motion was made by Councilor Lewis, seconded by Councilor Stapleton to reconsider its (September 27, 2021) decision to establish a managed temporary camp at the 2700 Wallace Road NW parcel, within the city-owned commercial retail zoned portion.**

**Questions or Comments by: Councilor Lewis, Council President Hoy, Councilors Stapleton, Gonzalez, Leung, Andersen, City Manager Steve Powers, Homelessness Liaison Gretchen Bennett, Councilor Phillips and City Attorney Dan Atchison.**

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

**Aye:**     3 - Lewis, Leung, and Gonzalez

**Nay:**     5 - Andersen, Hoy, Nordyke, Phillips, and Stapleton

**Absent:** 1 - Bennett

**Abstain:** 0

**5.c. [21-437](#)  
(3.3c)**

Purchase and Sale Agreement with the Bob and Sue Creamer Living Trust for acquisition of real property located at 1440 Wallace Road NW in conjunction with the Marine Drive NW project

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): WSNA

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

**A motion was made by Councilor Andersen, seconded by Councilor Leung to authorize the City Manager to execute the Purchase and Sale Agreement for the acquisition of real property located at 1440 Wallace Road NW.**

**Questions or Comments by: Councilor Andersen, Urban Development Director Kristin Retherford, Real Property Services Manager Clint Dameron and Councilor Nordyke.**

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

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

**Nay:** 0

**Absent:** 1 - Bennett

**Abstain:** 0

**5.d.     [21-439](#)  
(3.3e)**

Purchase and Sale Agreement with the Barfknecht Revocable Living Trust for acquisition of real property located at 1508 Wallace Road NW in conjunction with the Marine Drive NW project

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): WSNA

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

**A motion was made by Councilor Andersen, seconded by Councilor Lewis to authorize the City Manager to execute the Purchase and Sale Agreement for the acquisition of real property located at 1508 Wallace Road NW.**

**Comments by Councilor Andersen.**

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

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

**Nay:**    0

**Absent:** 1 - Bennett

**Abstain:** 0

**5.e.     [21-440](#)  
(3.3f)**

Purchase and Sale Agreement with the Kurt and Janet Spingath for acquisition of real property located at 1460 Wallace Road NW in conjunction with the Marine Drive NW project

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): WSNA

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

**A motion was made by Councilor Lewis, seconded by Councilor Andersen to authorize the City Manager to execute the Purchase and Sale Agreement for the acquisition of real property located at 1460 Wallace Road NW.**

**Questions or Comments by Councilor Lewis.**

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

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

**Nay:**    0

**Absent:** 1 - Bennett

Abstain: 0

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

- 6.a. [21-444](#) Hearings Officer Decision - Zone change from RA (Residential Agriculture) to RM-II (Multiple Family Residential) and construction of 13 mobile home units. - Approved.

Quasi-Judicial Zone Change / Manufactured Home Park Permit Case  
No. ZC-MHP21-01 - James Ryan - 2702 Lancaster Dr SE

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

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

## 7. ORDINANCES

### 7.1 FIRST READING:

- 7.1a. [21-430](#) Amending Salem Revised Code Chapter 21 (General Assessment Procedures) to modify the interest charged for infrastructure assessments.

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 Andersen, seconded by Councilor Gonzalez to conduct first reading of Ordinance Bill No. 11-21, to adopt a zero percent interest rate on assessments of certain infrastructure projects and schedule a second reading of the ordinance.**

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

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

**Nay:** 0

**Absent:** 1 - Bennett

**Abstain:** 0

**7.1b.** [21-435](#)

Vacating public right-of-way located on the northeast corner of the intersection of Liberty Road S and Pembroke Street SE.

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): Faye-Wright

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

**A motion was made by Councilor Andersen, seconded by Councilor Phillips to advance Ordinance Bill No. 12-21, vacating public right-of-way located on the northeast corner of the intersection of Liberty Road S and Pembroke Street SE, to second reading for enactment.**

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

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

**Nay:** 0

**Absent:** 1 - Bennett

**Abstain:** 0

**7.2 SECOND READING:****7.2a.** [21-160](#)

Revision to the Salem Revised Code Sections 2.800, 2.830, and 2.835, related to the Multiple Unit Housing Tax Incentive Program

Ward(s): Ward 1, 2

Councilor(s): Stapleton, Andersen

Neighborhood(s): CANDO, SESNA, NEN, SCAN, Highland

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

Welcoming and Livable Community

**A motion was made by Councilor Andersen, seconded by Councilor Stapleton to approve the amendments to the engrossed Ordinance Bill No. 3-21, and proceed to second reading as engrossed.**

**Engrossed Ordinance Bill No. 3-21, to amend SRC 2.800, SRC 2.830, and SRC 2.835 related to Multiple-Unit Housing Tax Incentive Program, extending the program until January 1, 2032, was APPROVED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Bennett

**Abstain:** 0

**7.2b.** [21-442](#)

Petitioner-Initiated Annexation of Territory Located at 681 Rees Hill Road SE - 97306 (Annexation Case No. C-739).

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. 10-21, annexing, changing the Salem Area Comprehensive Plan map designation of the portion of the Territory east of the centerline of the proposed extension of Lone Oak Road SE from "Developing Residential" to "Parks, Open Space, and Outdoor Recreation," changing the zoning of the portion of the Territory east of the centerline of the proposed extension of Lone Oak Road SE from Marion County UT-10 (Urban Transition - 10 Acre) to City of Salem PA (Public Amusement), applying City of Salem RA (Residential Agriculture) zoning to the portion of the Territory west of the centerline of the proposed extension of Lone Oak Road SE, and withdrawing from the Salem Suburban Rural Fire Protection District, for an 18.05-acre property located at 681 Rees Hill Road SE - 97306.**

**Ordinance Bill No. 10-21 was APPROVED by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Bennett

**Abstain:** 0

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

**None.**

**9. ADJOURNMENT**

**8:05 p.m.**