

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, August 8, 2016**

**6:30 PM**

**Council Chambers**

**City Council**

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

**Call to Order**

6:42 p.m.

**Roll Call**

**Guest Councilor Jason Brandt present for Councilor Lewis.**

**Present:** 8 - Councilor Bennett, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Dickey, Councilor Benjamin, Councilor Bednarz, and Mayor Peterson

**Absent:** 1 - Councilor Lewis

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

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

**Questions or Comments by: Councilors McCoid, and Dickey.**

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

**Aye:** 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, and Peterson

**Nay:** 0

**Absent:** 1 - Lewis

**Abstain:** 0

**COUNCIL AND CITY MANAGER COMMENT**

**Questions or Comments by: Councilors Bendnarz, Andersen, Nanke, Bennett, McCoid, Mayor Peterson and City Manager Steve Powers.**

**1.3 PROCLAMATIONS**

None.

**1.4 PRESENTATIONS**

None.

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

Lorraine Wells, 2390 Liberty Street NE - Agenda Item 3.2a, File 16-124  
David Lewis, 1194 37th Street NE - Agenda Item 3.2a, File 16-124

Nick Williams, 3226 Caribou Court NW - Agenda Item 3.2a, File 16-124  
Mark Wigg, 1950 Saginaw Street - Agenda Item 3.2a, File 16-124  
Ken Adams, 1695 Chemeketa Street - Agenda Item 3.2a, File 16-124  
Julie Brown, 1277 32nd Court NW - Agenda Item 3.2a, File 16-124  
George Newyear, 362 S 7th Street Independence - Agenda Item 3.2a, File 16-124  
Sarah Deumling, 2677 Orchard Heights NW - Agenda Item 3.2a, File 16-124  
Gregory Gregg, 1390 Elm Street NW - Agenda Item 3.2a, File 16-124  
Maria Palacio, 2745 Upper Brekenridge Loop NW - Agenda Item 3.2a, File 16-124  
Steve Anderson, West Salem Neighborhood Association - Agenda Item 3.2a, File 16-124  
Michael Duane Brown, 2215 Dorchester Drive S - Agenda Item 3.2a, File 16-124  
Evan Source, 510 Upper Lavista Court NW - Agenda Item 3.2a, File 16-124  
Brian Hines, 10371 Lake Drive SE - Agenda Item 3.2a, File 16-124  
Kathleen Dewania, 1095 5th Street NE - Agenda Item 3.2a, File 16-124  
Mike Flynn, 3625 Portland Road NE - Agenda Items 7.2b, File 16-100 and 7.2c, File 16-151  
Betsy Bellshaw, 1900 Spicetree Lane - Agenda Item 3.3a File 16-172  
Marianne Beirne, 1900 Parts Avenue NE - Agenda Item 3.2a, File 16-124  
John Miller, 315 Commercial Street S - Agenda Item 3.2a, File 16-124  
Laurie Dougherty 462 20th Street SE - Agenda Item 3.2a, File 16-124  
Danielle Hamilton, 2321 West Farthing Way NW - Agenda Item 3.2a, File 16-124  
Katherine VanAtta, 649 River Valley Drive NW - Agenda Item 3.2a, File 16-124  
Robert Cortright, 373 Suncrest Avenue NW - Agenda Item 3.2a, File 16-124  
Roberta Cade, 1539 Commercial Street SE - Agenda Item 3.2a, File 16-124  
Nancy Pflifer, 448 Sunwood Drive NW - Agenda Item 3.2a, File 16-124  
William Smalldone, 430 21st Street NE - Agenda Item 3.2a, File 16-124  
Jim Shepke, Ward 2 - Agenda Item 3.2a, File 16-124  
Cara Kaser, 934 Cottage Street NE - Agenda Item 3.2a, File 16-124  
Shawn Nikas, West Salem - Agenda Item 3.2a, File 16-124  
Mark Leach 630 Cooked River Avenue NW - Agenda Item 3.2a, File 16-124  
Tyler Shockley, 214 Boone Road Boone Road SE #40 - Agenda Item 3.2a, File 16-124

A motion was made by Councilor Nanke, seconded by Councilor Andersen, to suspend Council Rules to allow Pamela Varndell allow who signed up to speak under Agenda Item 8 Public Comment, to speak at this time.

The motion carried by the following vote:

Aye: 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, and Peterson.

Nay: 0

Absent: 1 - Lewis

Pamela Varndell, 2232 42nd Avenue SE - Oregon law vs. Privacy concerns

Recess 8:10 p.m. - 8:20 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 McCoid, seconded by Councilor Bednarz, to approve the Consent Agenda with the pull of agenda items 3.2a by Councilor Dickey and 3.3a by Councilor Andersen.

Questions or Comments by: Councilor McCoid.

The motion carried by the following vote:

**Aye:** 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, and Peterson

**Nay:** 0

**Absent:** 1 - Lewis

**Abstain:** 0

#### 3.1 MINUTES

3.1a. July 25, 2016

**Attachments:** [7-25-16 Council minutes](#)

**Action:** approved.

3.1b. August 1, 2016

**Attachments:** [8-1-16 Council Work Session Minutes](#)

**Action:** approved.

#### 3.2 RESOLUTIONS

3.2a. Initiating major comprehensive plan amendments pertaining to the Salem River Crossing preferred alternative.

Ward(s): 1, 5, and 8

Councilor(s): Bennett, Dickey, Lewis

Neighborhood(s): Highland and West Salem

**Attachments:** [Resolution No. 2016-35](#)  
[Salem River Crossing Preferred Alternative Description](#)  
[Request for Salem River Crossing Regional Planning Action.pdf](#)  
[8-1-16 Written Testimony 1.pdf](#)  
[Request Letter to Polk County](#)  
[Request Letter to Marion County](#)  
[Written Testimony 2](#)  
[Written Testimony 3](#)  
[Written Testimony 4](#)  
[Written Testimony 5](#)  
[Written Testimony 6](#)  
[Written Testimony 7](#)  
[Written Testimony 8](#)

**Pulled by Councilor Dickey - See agenda item 5a.**

- 3.2b.** Amendment of Resolution 93-59A, establishing a self-insurance policy for the City of Salem.

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

**Attachments:** [Resolution No. 2016-21](#)  
[Resolution No. 2016-21 Exhibit A City of Salem Risk Management Program](#)  
[Resolution No. 2006-222](#)

**Adopted Resolution Number 2016-21 amending Resolution 93-59A to increase the settlement authorities that may be exercised by the City Manager from \$25,000 to \$50,000, and Risk Manager from \$10,000 to \$25,000.**

- 3.2c.** A Resolution Authorizing Approval of Subdivision, Partition and Condominium Plats by City Surveyor or Contract Surveyors in Lieu of County Surveyor

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

**Attachments:** [Resolution No. 2016-33](#)

**Adopted Resolution No. 2016-33 authorizing approval of subdivision, partition and condominium plats by city surveyor or contract surveyors in lieu of county surveyor.**

- 3.2d.** Authorizing a transfer of appropriation authority for the Mission Street overlay project

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

**Attachments:** [Resolution No. 2016-34](#)

**Adopted Resolution No. 2016-34, transferring \$300,000 of appropriation authority within the Transportation Services Fund (155) from materials and services to interfund transfers for the purpose of increasing appropriation authority for the Mission Street overlay project in the Capital Improvements Fund (255).**

### 3.3 ACTION ITEMS

**3.3a.** Increased work hours for the new Park Ranger position.

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

**Attachments:** [Park Ranger Position Description and Job Duties.doc 1.docx](#)

**Pulled by Councilor Andersen - See agenda item 5b.**

**3.3b.** Intergovernmental Agreement between the Drug Enforcement Administration and the City of Salem for Narcotics Task Force Operations

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

**Attachments:** [Funded State and Local Task Force Ageement](#)  
[Revised Funded State and Local Task Force Ageement](#)

**Authorized the City Manager to execute the attached IGA between the United States Department of Justice, Drug Enforcement Administration and the City of Salem for the operation of a narcotics task force in FY16/17.**

**3.3c.** Collective bargaining agreement between the City and Salem Professional Fire Fighters, International Association of Fire Fighters (IAFF), Local 314, AFL-CIO and authorizing a transfer of appropriation authority

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

**Attachments:** [Resolutuon No. 2016-36](#)

1. Approved a three-year collective bargaining agreement between the City and Salem Professional Fire Fighters, International Association of Fire Fighters (IAFF), Local 314, AFL-CIO, for a period from July 1, 2016, through June 30, 2019.

2. Adopted Resolution No. 2016-36, transferring \$384,530 from General Fund Non Departmental contingency to General Fund Fire Department personal services for the purpose of increasing appropriation authority related to the additional cost in FY 2016-17 of the three-year collective bargaining agreement.

#### 4. PUBLIC HEARINGS

4.a. Unsolicited Written Material Ordinance

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** Ordinance Bill No. 15-11 Unsolicited Written Materials

**Persons Testifying: None.**

**Questions or comments by: Councilor Bednarz.**

**A motion was made by Councilor Bennett, seconded by Councilor Bednarz to continue the public hearing for six months.**

**Questions or Comments by: Councilor Bennett, and McCoid.**

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

**Aye:** 7 - Bennett, Andersen, Nanke, Dickey, Benjamin, Bednarz, and Peterson

**Nay:** 1 - McCoid

**Absent:** 1 - Lewis

**Abstain:** 0

**5. SPECIAL ORDERS OF BUSINESS: (Includes consideration of items deferred from the Consent Calendar and any action item which requires a selection among options, consideration of matters of special importance to the Council, and management reports; formal presentations by city boards, city commissions, city committees and by outside agencies providing services or engaged in other activities with the City)**

- 5.a.** Initiating major comprehensive plan amendments pertaining to the Salem River Crossing preferred alternative.

Ward(s): 1, 5, and 8

Councilor(s): Bennett, Dickey, Lewis

Neighborhood(s): Highland and West Salem

**Attachments:** [Resolution No. 2016-35](#)  
[Salem River Crossing Preferred Alternative Description](#)  
[Request for Salem River Crossing Regional Planning Action.pdf](#)  
[8-1-16 Written Testimony 1.pdf](#)  
[Request Letter to Polk County](#)  
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[Written Testimony 4](#)  
[Written Testimony 5](#)  
[Written Testimony 6](#)  
[Written Testimony 7](#)  
[Written Testimony 8](#)

**Questions or Comments by:** Councilor Bednarz declared a potential conflict of interest.

**A motion was made by Councilor Dickey, seconded by Councilor Bednarz to adopt Resolution No. 2016-35 (Attachment 1), initiating major comprehensive plan amendments pertaining to the Salem River Crossing preferred alternative.**

**Questions or Comments by:** Councilors Andersen, Bennett, Bednarz, McCoid, Guest Councilor Jason Brandt, and Mayor Peterson.

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

**Aye:** 6 - Bennett, Nanke, McCoid, Benjamin, Bednarz, and Peterson

**Nay:** 2 - Andersen, and Dickey

**Absent:** 1 - Lewis

**Abstain:** 0

- 5.b.** Increased work hours for the new Park Ranger position.

Ward(s): All Wards

Councilor(s): All

All Neighborhoods

**Attachments:** [Park Ranger Position Description and Job Duties.doc 1.docx](#)



A motion was made by Councilor Andersen, seconded by Councilor Bednarz to approve an increase of the Park Ranger position from .50 FTE to .75 FTE.

Questions or Comments by: Councilors Andersen, Nanke, Bennett, McCoid, Dickey, Bednarz, and Mayor Peterson.

A substitute motion was made by Councilor Andersen, seconded by Councilor Bennett that the Park Ranger at .75 time, with the same salary, be limited to serving Minto Brown Island, Wallace Marine, Riverfront, and Marion Square Parks.

Questions or Comments by: Councilors Andersen, Benjamin, and Mayor Peterson.

An amendment to the substitute motion was made by Mayor Peterson, seconded by Councilor Benjamin to approve an increase of the Park Ranger position from .50 FTE to .75 FTE, limit the scope of work to the 4 parks stated, and direct staff to return with a revised position description.

Questions or Comments by: Councilors Bednarz, McCoid, Bennett, Andersen, Benjamin, Dickey, Mayor Peterson, City Attorney Dan Atchison, and City Manager Steve Powers.

The amendment to the substitute motion carried by the following vote:

**Aye:** 5 - Bennett, McCoid, Dickey, Benjamin, Peterson

**Nay:** 3 - Andersen, Nanke, Bednarz

**Absent:** 1 - Lewis

Questions or Comments by: Councilors Andersen.

The substitute motion, as amended, failed by the following vote:

**Aye:** 5 - Andersen, Bennett, Dickey, Peterson

**Nay:** 4 - Nanke, McCoid, Benjamin, Bednarz

**Absent:** 1 - Lewis

A motion was made by Councilor Bennett, seconded by Councilor Bednarz postpone action on this item until the next regular meeting.

Questions or Comments by: Councilor Bednarz.

The motion carried by the following vote:

**Aye:** 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, and Peterson

**Nay:** 0

**Absent:** 1 - Lewis

**Abstain:** 0

A motion was made by Councilor Mccoid, seconded by Councilor Dickey to extent the meeting to 10:15 p.m.

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

**Aye:** 6 - Andersen, McCoid, Dickey, Benjamin, Bednarz, and Peterson

**Nay:** 2 - Bennett, and Nanke

**Absent:** 1 - Lewis

**Abstain:** 0

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

- 6.a.** Planning Administrator's Decision - Partition Time Extension No. PAR14-04EXT1 - Approved - CK Homes, LLC (Kevin Winder) - 3000 Kathleen Avenue NE - A Class 2 extension request for a partition located at 3000 Kathleen Avenue NE into two parcels.

Ward(s): 5

Councilor(s): Dickey

Neighborhood(s): Lansing

**Attachments:** [Land Use Decision PAR14-04EXT1](#)

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

- 6.b.** Hearings Officer Decision - Validation of Units of Land Case No. VUL16-02 - Approved - Becky O'Brien and Bryce Gardinier - 2200 Block of 27th Place NW - A proposal to validate one of two parcels that were created as separate tax lots through a sale by deed in 1994.

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): West Salem

**Attachments:** [Land Use Decision VUL16-02](#)

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

- 6.c.** Planning Commission Decision - Comprehensive Plan Map Amendment/Zone Change/ Class 3 Site Plan Review/Class 2 Adjustment/Class 2 Driveway Approach Permit No. CPC-ZC-SPR-ADJ-DAP16-05 - Approved - Mountain West Investment Corporation - 2150 Turner Road SE - A consolidated application to change the Comprehensive Plan designation and zoning to allow development of a

self-storage facility with an onsite caretaker dwelling.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SEMCA

**Attachments:** [Land Use Decision CPC-ZC-SPR-ADJ-DAP16-05](#)

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

**6.d.**

Planning Commission Decision - Fairview Refinement Plan Major Amendment No. FRPA16-01 - Approved - Sustainable Fairview Associates LLC (Sam Hall & Susan Leeson; MCO, Limited; James L. Meyer & Kathleen Hannegan Meyer; Anthony C. Nielsen & Margaret Nielsen) - 2250 Old Strong Road SE - A major amendment to Fairview Refinement Plan II (Lindburg Green), a refinement plan covering a portion of the former Fairview Training Center property. The proposed major amendment:

- 1) Expands the boundaries of the refinement plan to add property for a future 27.5-acre community park;
- 2) Expands the boundaries of the refinement plan to include land for future development to the west and northwest of the proposed park;
- 3) Reconfigures the layout of the existing approved refinement plan to accommodate the addition of the proposed park and the land to the west and northwest of the proposed park; and
- 4) Modifies the development standards applicable within the refinement plan area.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): Morningside

**Attachments:** [Land Use Decision FRPA16-01](#)

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

**6.e.**

Planning Administrator's Decision - Partition Time Extension No. PAR14-06EXT1 - Approved - Pacific Interiors, Inc. - 2512 Brown Road NE - A request for a 2-year extension of the approval for PAR14-06, a 3-parcel partition with Class 2 Adjustment just north of Kodiak Court NE. The partition and adjustment were originally

approved in 2014.

Ward(s): 6

Councilor(s): Benjamin

Neighborhood(s): NOLA

**Attachments:** [PAR14-06EXT1 Decision](#)

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

**6.f.**

Planning Administrator Decision - Partition Time Extension Case No. PAR14-03EXT1 - Approved - Joshua H. Clark - 780 Idylwood Drive SE - A request for a 2-year extension of the approval for PAR14-03, a 2-parcel partition to divide approximately 0.5 acres into 2 parcels, with proposed Parcel 1 consisting of 12,482 square feet (9,494 square feet exclusive of the flag lot accessway) and proposed Parcel 2 consisting of 9,278 square feet.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): Faye Wright

**Attachments:** [PAR14-03EXT1 Decision](#)

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

## **7. ORDINANCES**

### **7.1 FIRST READING:**

None.

### **7.2 SECOND READING:**

**7.2a.** Amending SRC 20E Salem Senior Center Advisory Commission

Ward(s): All

Councilor(s): All

Neighborhood(s): All Neighborhoods

**Attachments:** [Ordinance Bill No. 11-16](#)

**Conducted second reading of Ordinance Bill 11-16, which amends SRC 20E to recognize changes in the facility name, commission membership, and partner agencies.**

**Aye:** 8 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, and Peterson

**Nay:** 0

**Absent:** 1 - Lewis

**Abstain:** 0

**7.2b.**

Proposed amendments to the Salem Revised Code to allow the commercial growing of recreational marijuana as a conditional use in the Industrial Commercial (IC) and the Industrial Park (IP) zones

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Proposed Engrossed Ordinance Bill No. 10-16](#)

**Engrossed Ordinance Bill No. 10-16, which allows the commercial growing of recreational marijuana as a conditional use in the Industrial Commercial (IC) and the Industrial Park (IP) zones, and, as engrossed, prohibits medical marijuana facilities and recreational marijuana retailers in the Central Business District (CB) Zone, and conducted second reading for enactment.**

**Aye:** 7 - Bennett, Andersen, McCoid, Dickey, Benjamin, Bednarz, and Peterson

**Nay:** 1 - Nanke

**Absent:** 1 - Lewis

**Abstain:** 0

**7.2c.**

Ordinance Bill No. 12-16 establishing a registration system for marijuana businesses and repealing the licensing program for medical marijuana facilities.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Ordinance Bill No. 12-16 \(Marijuana Business Registration\)](#)

**Conducted second reading of Ordinance Bill No. 12-16, which establishes a registration system for marijuana businesses, and repeals the licensing program for medical marijuana facilities.**

**Aye:** 7 - Bennett, Andersen, McCoid, Dickey, Benjamin, Bednarz, and Peterson

**Nay:** 1 - Nanke

**Absent:** 1 - Lewis

**Abstain:** 0

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

**9. NEW BUSINESS**

None.

**9.1 MAYOR'S ITEMS:**

None.

**9.2 COUNCILOR'S ITEMS:**

None.

**10. ADJOURNMENT**

10.03 p.m.