

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, September 26, 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**

6:47 p.m.

**Roll Call**

**Present:** 8 - Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Dickey, Councilor Benjamin, Councilor Bednarz, Councilor Lewis, and Mayor Peterson  
**Absent:** 1 - Councilor Bennett

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

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

Questions or Comments by: Councilor McCoid.

The motion was carried by the following vote:

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

**Nay:** 0

**Absent:** 1 - Bennett

**Abstain:** 0

**1.2 COUNCIL AND CITY MANAGER COMMENT**

Questions or Comments by: Councilors Bednarz, Nanke, Andersen, Mayor Peterson.

**1.3 PROCLAMATIONS**

None.

**1.4 PRESENTATIONS**

None.

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

Appearances by:  
David Beem, No address provided - Disability Services  
Michael Wolfe, 1639 19th Street SE - Agenda Item 3.3e, File 16-142

Kasia Quillinan, 1145 14th Street NE - Agenda Item 3.3e, File 16-142  
David Engen, 1145 14th Street - Agenda Item 3.3e, File 16-142  
Ellen Stevens, 2590 High Street SE - Agenda Item 3.3e, File 16-142  
Sherri Clements, 1590 Jefferson Street NE - Agenda Item 3.3e, File 16-142  
Jeff Schumacher, 1945 West Knobb Hill Street SE - Agenda Item 3.3e, File 16-142  
Carole Suzuki, 396 Hoyt Street SE - Agenda Item 3.3e, File 16-142  
Toni Stewart, 343 16th Street SE - Agenda Item 3.3e, File 16-142  
Lynn Tekata, 1056 18th Street NE - Agenda Item 3.3e, File 16-142  
Kenzi Clements, 1590 Jefferson Street NE - Agenda Item 3.3e, File 16-142  
Matt Churchill, 2150 Summer Street SE - Agenda Item 3.3e, File 16-142  
Leslie Polson, 930 Garnet Street NE - Agenda Item 3.3e, File 16-142  
Jaqueline Shindele, 970 15th Street NE - Agenda Item 3.3e, File 16-142  
Jon Christenson, No address provided - Agenda Item 3.3e, File 16-142  
Alan Alexander, No address provided - Agenda Item 3.3d, File 16-267  
Evan White, No address provided - Agenda Item 3.3d, File 16-267  
Brandon Fahlman, No address provided - Agenda Item 3.3d, File 16-267  
Hazel Niles, 3355 Duncan Avenue NE - Agenda Item 3.3a, File 16-208  
Richard Berger, 201 Ferry Street SE - Agenda Item 3.3d, File 16-267  
TJ Putnam, 1055 Edgewater Street NW - Agenda Item 3.3d, File 16-267

Agenda Item 8 Public Comment was heard at this time:  
Tim Cowen, 3160 Dogwood Drive S - Police Facility

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

### **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 with the pull of items 3.3a and 3.3d by Councilor Bednarz, and 3.3e by Councilor Andersen.

Questions or Comments by: Councilor McCoid.

The motion carried by the following vote:

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

**Nay:** 0

**Absent:** 1 - Bennett

**Abstain:** 0

### **3.1 MINUTES**

**3.1a.** September 12, 2016 Council Minutes

**Attachments:** [9-12-16 Council Minutes.pdf](#)

Action: approved.

## 3.2 RESOLUTIONS

- 3.2a.** Resolution No. 2016-41 dedicating public right-of-way lands acquired from Marion County District 24J commonly known as Salem-Keizer School District 24J, described in Polk County Book of Records Document Numbers 2016-004738 and 2016-004739.

Ward(s): 8  
Councilor(s): Jim Lewis  
Neighborhood(s): West Salem

**Attachments:** [Resolution No. 2016-41](#)  
[Resolution No. 2016-41 Exhibit 1](#)

**Adopted Resolution No. 2016-41 that dedicates the lands acquired from Marion County District 24J, commonly known as Salem-Keizer School District 24J, described in Polk County Book of Records Document Numbers 2016-004738 and 2016-004739, to the public for right-of-way.**

- 3.2b.** Resolution No. 2016-47 Authorizing the Approval of Revenue Refunding Bonds Issued by the Hospital Facility Authority of the City of Salem, Oregon, in an Aggregate Principal Amount not to Exceed \$225,000,000, to allow Salem Health to refinance certain bonded indebtedness

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

**Attachments:** [Memorandum from Douglas Goe, Bond Counsel](#)  
[Resolution No. 2016-47](#)  
[Affidavit of Publication of the Public Hearing](#)  
[Salem Health Hearing Officer Report](#)  
[Agreement Regarding City Costs and Liabilities](#)

**Adopted Resolution No. 2016-45 authorizing the approval of revenue refunding bonds, in one or more series, to be issued by the Hospital Facility Authority of the City of Salem, Oregon, in an aggregate principal amount not to exceed \$225,000,000, and authorizing the City Manager to enter into an agreement with Salem Health indemnifying the City from all claims arising from the City's participation in the approval and use of the bonds.**

- 3.2c.** Resolution No. 2016-45 Amending City Council Transient Occupancy Tax Policy C-1

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

Neighborhood(s): All Neighborhoods

**Attachments:** [Resolution 2016-45 Council Policy C-1](#)  
[EXHIBIT 1 - City Council Policy C-1](#)  
[9-28-15 TOT non-501c Exception](#)  
[Event Grant App Non-501\(c\) 2](#)

**Adopted Resolution No. 2016-45 amending City Council Policy C-1 adopted September 26, 2016.**

### 3.3 ACTION ITEMS

- 3.3a.** Approval to fund the development of 288 affordable housing units with FY 2017-2018 and FY 2018-2019 HOME Investment Partnership program funding.

Ward(s): Ward 3 and 5  
Councilor(s): Nanke and Dickey  
Neighborhood(s): Northgate, Highland, and SEMCA

**Attachments:** [Portland Road Site Plan](#)  
[Caplinger Site Plan](#)

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

- 3.3b.** I-5 at Kuebler Boulevard SE  
Southbound Ramps-Sound Wall Access  
Intergovernmental Agreement with Oregon Department of Transportation

Ward(s): 3, 4  
Councilor(s): Nanke, McCoid  
Neighborhood(s): South Gateway

**Attachments:** [I-5 at Kuebler SB Ramps - Sound Wall Access - ODOT Agreement](#)  
[No31343 Staff Report VicinityMap.pdf](#)  
[Intergovernmental Agreement](#)

**Authorized the City Manager to execute an Intergovernmental Agreement with the Oregon Department of Transportation for access necessary along a City right-of-way for constructing and maintaining a required sound wall; and further authorize the City Manager to sign any additional supplements and amendments as needed for the work.**

- 3.3c.** Appointment to the Citizen Budget Committee

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

**Attachments:** [Vanessa Nordyke Application](#)

**Appointed Vanessa Nordyke to the Citizen Budget Committee to fill the at-large vacancy to a term expiring June 30, 2019.**

- 3.3d.** Purchase and Sale Agreement with Brandon Fahlman for surplus property located at 4333 Liberty Road South.

Ward(s): 7  
Councilor(s): Bednarz  
Neighborhood(s): Sunnyslope

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

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

- 3.3e.** Intergovernmental Agreement for transfer of real property between the City of Salem and Salem-Keizer School District 24J

Ward(s): 1, 2, 3, 4, 5, 7, and 8  
Councilor(s): Bennett, Andersen, Nanke, McCoid, Dickey, Bednarz, Lewis  
Neighborhood(s): Faye Wright, Grant, Highland, NEN, Northgate, SCAN, SESNA, South Gateway, Sunnyslope, West Salem

**Attachments:** [Map and Table of Properties](#)  
[City SKSD IGA Property Transfer with Exhibits](#)  
[Summary of Neighborhood Association Feedback](#)  
[SPRAB Resolution on Property Transfer](#)  
[Written Testimony 1-5](#)

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

- 3.3f.** Surplus property sale - 1660 Snowbird Court NW

Ward(s): Ward 8  
Councilor(s): Lewis  
Neighborhood(s): WSNA

**Attachments:** [Location Map](#)

**Approved the proposed minimum terms for the sale of surplus property located at 1660 Snowbird Ct. NW.**

## **4. PUBLIC HEARINGS**

- 4.a.** Community Development Block Grant and HOME Investment Partnership Programs Consolidated Annual Performance and

Evaluation Report

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [CAPER](#)

[Presentation](#)

[Written Testimony 1](#)

**Questions or Comments by: Councilors Andersen and McCoid.**

**A motion was by Councilor Andersen, seconded by Councilor McCoid to approve the submittal of the 2015-2016 Program Year Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant and HOME Investment Partnership Programs to the US Department of Housing and Urban Development (HUD) no later than September 30, 2016.**

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

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

**Nay:** 0

**Absent:** 1 - Bennett

**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.**

Approval to fund the development of 288 affordable housing units with FY 2017-2018 and FY 2018-2019 HOME Investment Partnership program funding.

Ward(s): Ward 3 and 5

Councilor(s): Nanke and Dickey

Neighborhood(s): Northgate, Highland, and SEMCA

**Attachments:** [Portland Road Site Plan](#)

[Caplinger Site Plan](#)

A motion was made by Councilor Bednarz, seconded by Councilor Dickey to approve a set aside of \$400,000 from the FY 2017-2018 and \$100,000 from the FY 2018-2019 U.S. Department of Housing and Urban Development HOME Investment Partnership (HOME) allocations.

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

The motion carried by the following vote:

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

**Nay:** 0

**Absent:** 1 - Bennett

**Abstain:** 0

- 5.b.** Purchase and Sale Agreement with Brandon Fahlman for surplus property located at 4333 Liberty Road South.

Ward(s): 7

Councilor(s): Bednarz

Neighborhood(s): Sunnyslope

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

A motion was made by Councilor Bednarz, seconded by Councilor Nanke to authorize the City Manager to execute the attached Purchase and Sale Agreement with Brandon Fahlman for property located at 4333 Liberty Road South.

Questions or Comments by: Councilors Bednarz, Lewis, Dickey, Andersen, and Mayor Peterson.

A motion was made by Councilor Andersen to postpone this for two months to to give the developer and the City staff an opportunity to meet with the neighborhood group before the Council makes a decision.

The motion died for lack of a second.

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

The motion carried by the following vote:

**Aye:** 7 - Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

**Nay:** 1 - Andersen

**Absent:** 1 - Bennett

**Abstain:** 0



- 5.c.** Intergovernmental Agreement for transfer of real property between the City of Salem and Salem-Keizer School District 24J

Ward(s): 1, 2, 3, 4, 5, 7, and 8

Councilor(s): Bennett, Andersen, Nanke, McCoid, Dickey, Bednarz, Lewis

Neighborhood(s): Faye Wright, Grant, Highland, NEN, Northgate, SCAN, SESNA, South Gateway, Sunnyslope, West Salem

**Attachments:** [Map and Table of Properties](#)  
[City SKSD IGA Property Transfer with Exhibits](#)  
[Summary of Neighborhood Association Feedback](#)  
[SPRAB Resolution on Property Transfer](#)  
[Written Testimony 1-5](#)

**A motion was made by Councilor Andersen, seconded by Councilor Dickey to authorize the City Manager to execute the attached Intergovernmental Agreement with Salem-Keizer School District 24J transferring multiple properties between the City of Salem and Salem-Keizer School District 24J, with the exception of McKinley of removing of McKinley Park from the trade and adjust the balance of the required payment for the difference in the acreage swap.**

**Questions or Comments by: Councilors Andersen, Lewis, and McCoid.**

**A motion to amend was made by Councilor McCoid, seconded by Councilor Dickey to also pull the Engelwood site from the transaction.**

**Questions or Comments by: Councilor McCoid, Andersen, Dickey, Bednarz, and Benjamin.**

**A motion was made by Councilor McCoid, seconded by Councilor Bednarz to extend the meeting to 10:10 p.m.**

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

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

**Nay: 1 - Nanke**

**Absent: 1 - Bennett**

**Abstain: 0**

**The motion to amend was carried by the following vote:**

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

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Nay: 0

Absent: 1 - Bennett

Abstain: 0

The motion on the amended motion carried by the following vote:

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

Nay: 0

Absent: 1 - Bennett

Abstain: 0

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

- 6.a. Notice of proposed administrative rulemaking by the Fire Department to establish a matrix for the imposition of civil penalties for violations of the City's Fire Code.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Administrative Rules for Fire Code Enforcement](#)

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

- 6.b. Hearings Officer Decision - Conditional Use/Class 3 Site Plan Review/Class 2 Zoning Adjustment/Class 2 Driveway Approach Permit No. CU-SPR-ADJ-DAP16-07 - Approved - WSH LLC (Jayne Downing, Caleb A. Williams) - 1530 Gabriela Court NE - To allow a non-profit shelter with an adjustment to reduce the minimum number of parking spaces from 12 spaces to 6 spaces.

Ward(s): 6

Councilor(s): Benjamin

Neighborhood(s): ELNA

**Attachments:** [CU-SPR-ADJ-DAP16-07 REVISED Decision](#)

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

- 6.c. Hearings Officer Decision - Conditional Use/Class 3 Site Plan Review No. CU-SPR16-08 - Approved - Tyler Clark & Jason Schnepple - 560 21st Street SE, Suite 120 - To change part of an existing building to

a recreational marijuana extraction facility and add parking spaces in a new paved parking lot.

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

**Attachments:** [CU-SPR16-08 Decision](#)

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

- 6.d.** Planning Commission Decision - Zone Change / Class 3 Site Plan Review No. CPC-ZC-SPR16-07 - Approved - AD IN LLC (Craig Horn) - Salem Tennis and Swim Club 4318 Lone Oak Road SE

Ward(s): 3  
Councilor(s): Nanke  
Neighborhood(s): Faye Wright

**Attachments:** [Land Use Decision CPC-ZC-SPR 16-07](#)

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

- 6.e.** Planning Administrator's Decision - Time Extension Case No. DR-ZC-VAR-SPR12-04EXT2 - Approved - Harmon Com LLC (Elizabeth R. Harmon) - 910 Front Street NE

Ward(s): 1  
Councilor(s): Bennett  
Neighborhood(s): CANDO

**Attachments:** [Land Use Decision DR-ZC-VAR-SPR12-04EXT2](#)

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

- 6.f.** Planning Commission Decision - Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment / Class 1 Adjustment / Class 2 Driveway Approach Permit Case No. DR-SPR-ADJ-DAP16-02 - Approved - Reserve at Red Leaf LLC (Greg Huston, Todd Woodley & Stephen Flett) - 5710 Red Leaf Drive S - A Design Review, Site Plan Review, Adjustments, and Driveway Approach Permit for adjustments to street setbacks, side vehicle use area setbacks, and number of driveways from property to Red Leaf Drive S to allow a 127-unit multi-family use on the subject property.

Ward(s): 4  
Councilor(s): McCoid

Neighborhood(s): Sunnyslope

**Attachments:** [Land Use Decision DR-SPR-ADJ-DAP16-02](#)

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

**6.g.**

Appeal received for Planning Commission Decision - DR-SPR16-03 - 152-172 Pembroke Street SE & 4752 Liberty Road S - Design Review and Site Plan Review approval of an 88-unit multi-family development.

Faye Wright Neighborhood Association submitted an appeal. It will be scheduled for a public hearing before the City Council.

Ward(s): 7

Councilor(s): Bednarz

Neighborhood(s): Faye Wright

**Attachments:** [Land Use Decision DR-SPR16-03](#)  
[Appeal letter](#)

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

## **7. ORDINANCES**

### **7.1 FIRST READING:**

**7.1a.**

Amending SRC Chapter 12 - Ethics, and assigning the duties to issue advisory opinions and interpretations to the Salem Hearings Officer.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Ordinance bill no 13-16 SRC 12 board of ethics](#)

**A motion was made by Councilor McCoid, seconded by Councilor Nancke to conduct first reading of Ordinance Bill No. 13-16, which amends SRC Chapter 12 - Ethics, to assign the duties to issue advisory opinions and interpretations regarding the City's Ethics Code to the Salem Hearings Officer, and disbands the Board of Ethics.**

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

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

**Nay:** 0

**Absent:** 1 - Bennett

Abstain: 0

- 7.1b.** Proposed Comprehensive Plan Map Change - "Single Family Residential" to "Parks, Open Space and Outdoor Recreation" for 4318 Lone Oak Road SE.

Ward(s): Ward 3  
Councilor(s): Nanke  
Neighborhood(s): Faye Wright

**Attachments:** [Vicinity Map](#)  
[Planning Commission Recommendation](#)  
[Planning Commission Zone Change Approval](#)  
[Ordinance 15-16](#)  
[Ordinance 15-16 Exhibit 1](#)  
[Ordinance 15-16 Exhibit 2](#)

**A motion was made by Councilor McCoid, seconded by Councilor Bednarz to conduct first reading of Ordinance Bill No. 15-16 changing the Comprehensive Plan Map designation from "Single Family Residential" to "Parks, Open Space and Outdoor Recreation" for 4318 Lone Oak Road SE.**

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

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

**Nay:** 0

**Absent:** 1 - Bennett

**Abstain:** 0

## **7.2 SECOND READING:**

**None.**

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

**This item was heard under agenda item 2. Public Comment.**

## **9. NEW BUSINESS**

### **9.1 MAYOR'S ITEMS:**

**None.**

### **9.2 COUNCILOR'S ITEMS:**

- 9.2a.** Study of City Council Compensation in Comparable Oregon Cities

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**The motion was made by Councilor Dickey, seconded by Councilor Benjamin that City staff prepare a report comparing City Council member compensation in Oregon cities comparable to Salem and if information is easily available, such as through the League of Oregon Cities, that all Oregon cities be included in the report.**

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

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

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

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

**Absent:** 1 - Bennett

**Abstain:** 0

## **10. ADJOURNMENT**

**10:07 p.m.**