

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, September 12, 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**

6:49 p.m.

**Roll Call**

Guest Councilor Catherine Trottman present for Councilor Andersen, and  
Guest Councilor Matt Ausec present for Councilor Dickey.

**Present:** 7 - Councilor Bennett, Councilor Nanke, Councilor McCoid, Councilor Benjamin,  
Councilor Bednarz, Councilor Lewis, and Mayor Peterson

**Absent:** 2 - Councilor Andersen, and Councilor Dickey

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

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

Questions or Comments by: Councilor McCoid.

The motion carried by the following vote:

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

**Nay:** 0

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

**Abstain:** 0

**1.2 COUNCIL AND CITY MANAGER COMMENT**

Questions or Comments by: Councilor Bednarz, Nanke, McCoid, Lewis, Guest Councilor Trottman, and Mayor Peterson.

**1.3 PROCLAMATIONS**

None.

**1.4 PRESENTATIONS**

None.

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

Elwood Jones, 370 Church Street SE - Bicycle Lanes

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Ed John, 4500 Labish Garden Road NE - Crosswalks  
Charles Keen, 1417 E Park Avenue - ADA  
Carol Bengel, 1417 E Park Avenue - ADA  
Richard Koenig, Sherwood Oregon - Public Records

### 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 calendar with the pull of item 3.3c by Councilor Bennett.

Questions or Comments by: Councilor McCoid.

The motion carried by the following vote:

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

**Nay:** 0

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

**Abstain:** 0

### 3.1 MINUTES

3.1a. August 22, 2016 Council Minutes

**Attachments:** [8-22-16 Council Minutes](#)  
[8-22-16 Amended Council Minutes.pdf](#)

**Action:** Approved.

### 3.2 RESOLUTIONS

3.2a. Modifying the terms of the Housing Authority Commission members; reappointing members; accepting the resignation of Commissioner Karavaev and declaring the resident-commissioner position vacant

Ward(s): All Wards  
Commissioners(s): All Commissioners  
Neighborhood(s): All Neighborhoods

**Attachments:** [Resolution 2016-39 SHA Commission appointments and terms](#)

**Adopted (1) Resolution No.2016-39, modifying the terms of the commissioners to coincide with their term as a city councilor for the members who also serve on the City Council, and modifying the term of the resident member to end on December 31 on the fourth year of appointment, and; (2) accept the resignation of Commissioner Karavaev,**

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and declaring the resident member position on the Commission vacant.

**3.2b.** Reappointments to the Salem Hospital Facility Authority Board.

Ward(s): Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Resolution No. 2016-42 SHFA Board Appointments](#)

**Adopted Resolution No. 2016-42 reappointing Robert Ohmart, Michael S. Compton, and Steve Hunter to the Board of the Salem Hospital Facility Authority.**

**3.2c.** Auditor Selection Process.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Resolution No 2016-43 Auditor Selection](#)  
[COUNCIL POLICY NO C-4](#)  
[PCR Amendments.auditor selection.06.27.16 1](#)

**Adopted Resolution No. 2016-43 to amend Council Policy C-4 and the City's Public Contracting Rules to allow the Council to select the City's provider of audit services.**

**3.2d.** Intergovernmental Agreement with Polk County for Mobile Response Crisis Team and Resolution No. 2016-37 Adopting FY 2016-17 Supplemental Budget 1

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [IGA with Polk County for Mobile Response Crisis Team](#)  
[Resolution No. 2016-37](#)  
[Supplemental Budget 1 - reso exhibit A](#)  
[Supplemental Budget 1 - reso exhibit B](#)

- 1. Authorized the City Manager to execute the attached IGA with Polk County and any amendments to the IGA in order to provide mobile response crisis team services;**
- 2. Authorized the addition of one full-time police officer position in the Salem Police Department to staff the mobile response crisis team; and**
- 3. Adopted Resolution No. 2016-37, thereby adopting FY 2016-17 Supplemental Budget 1 for the General Fund, increasing expenditure appropriation authority and revenues in the amount of \$209,370.00.**

### 3.3 ACTION ITEMS

- 3.3a.** Intergovernmental Agreement with the Oregon Department of State Police for Access to the Automated Biometric Identification System

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

**Attachments:** IGA with OSP for access to ABIS

**This item was removed from the agenda.**

- 3.3b.** Funding and project approval for a pedestrian crossing median on the 2600 Block of Pringle Road SE

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

**Attachments:** [Willamette ESD Median](#)  
[Willamette ESD letter](#)

**Approved construction of, and partial funding for, a pedestrian crossing median on the 2600 Block of Pringle Road SE.**

- 3.3c.** Application for Small Grants for Healthy Eating Active Living (HEAL) Cities to be used for bicycle racks and a bicycle repair station in seven City of Salem parks.

Ward(s): 1, 2, 6  
Councilor(s): Bennett, Andersen, Benjamin  
Neighborhood(s): ELNA, Grant, Highland, NESCA, NOLA, SESNA

**Attachments:** [HEALpark locations 2016](#)  
[Written Testimony 1](#)

**Pulled by Councilor Bennett - see agenda item 5a.**

- 3.3d.** Claim Settlement Authorization.

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

**Authorized the City Manager to resolve the matter of the Estate of Chase Hammer v. City of Salem in an amount not to exceed \$100,000. Payment will be made from the City's self-insurance claim fund.**

- 3.3e.** Intergovernmental Agreement with the Housing Authority of the City of Salem for City Administrative Services

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

**Attachments:** [Intergovernmental Agreement for the Provision of City Services](#)

**Authorized the City Manager to execute an Intergovernmental Agreement (IGA) with the Housing Authority of the City of Salem (SHA) to provide administrative support, finance/payroll, fleet services, human resources, information technology (IT), legal, purchasing, real estate, reprographics, and urban development support for fiscal year 2016-2017.**

- 3.3f.** Reappointments to the Citizen Budget Committee and Salem Urban Development Community Services and Housing Commission.

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

**Attachments:** [Clark Hazlett - Request for Reappointment](#)  
[Joan Lloyd - Application for Appointment](#)

**Appointed/reappointed the applicants listed in the Facts and Findings section to the Citizen Budget Committee and the Salem Urban Development Community Services and Housing Commission.**

## **4. PUBLIC HEARINGS**

None.

## **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.** Application for Small Grants for Healthy Eating Active Living (HEAL) Cities to be used for bicycle racks and a bicycle repair station in seven City of Salem parks.

Ward(s): 1, 2, 6  
Councilor(s): Bennett, Andersen, Benjamin  
Neighborhood(s): ELNA, Grant, Highland, NESCA, NOLA, SESNA

**Attachments:** [HEAL park locations 2016](#)  
[Written Testimony 1](#)

A motion was made by Councilor Bennett, seconded by Councilor Bednarz to authorize the City Manager to apply for and, if successful, receive funds from the Small Grants for Healthy Eating Active Living (HEAL) Cities program to install a bicycle repair station at Geer Park, as well as bicycle racks at the following parks:

- Aldrich Park
- Grant School Park
- Highland Park
- Lee Park
- McKay School Park
- Royal Oaks Park

Questions or Comments by: Councilors Bennett, Lewis, and McCoid.

The motion was carried by the following vote:

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

**Nay:** 0

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

**Abstain:** 0

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

**6.a.** Purchases approved administratively - July 1, 2016, through July 31, 2016.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Purchases approved administrative July 2016](#)

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

**6.b.** Annual evaluation of the City of Salem Floodplain Management Plan

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**6.c.** Planning Commission Decision - Conditional Use / Class 3 Design

Review / Class 3 Site Plan Review / Class 2 Driveway Approach  
Permit / Class 2 Adjustment No. CU-DR-SPR-DAP-ADJ16-06 -  
Approved - Killen Development LLC (Randy Killen) - 3271 Lancaster  
Drive NE - A consolidated application to allow for the development of  
a proposed 84-unit multiple family development on property located  
at 3271 Lancaster Drive NE.

Ward(s): 6  
Councilor(s): Benjamin  
Neighborhood(s): NOLA

**Attachments:** [Land Use Decision CU-DR-SPR-DAP-ADJ16-06](#)

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

- 6.d.** Hearings Officer Decision - Partition/Variance No. PAR-VAR16-04 -  
Approved - Kerley Properties, LLC (Paul Kerley) - 4072-4096 Market  
Street NE - A consolidated application to partition a 2.36-acre lot into  
two parcels and variances to maximum flag lot accessway length and  
landscaped setbacks from existing parking areas.

Ward(s): 6  
Councilor(s): Benjamin  
Neighborhood(s): ELNA

**Attachments:** [PAR-VAR16-04 Decision](#)

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

## **7. ORDINANCES**

### **7.1 FIRST READING:**

None.

### **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**

None.

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



- 9.1a.** Announcing appointments of Councilors Jim Lewis and Daniel Benjamin to the Housing Choices Advisory Committee.

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

**This Mayor's Item was received and filed.**

- 9.1b.** Mayoral Appointments to the Salem Human Rights and Relations Advisory Commission.

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

**Attachments:** [Heba Saleh - Application for Appointment](#)  
[Victoria Wisdom - Application for Appointment](#)

**This Mayor's Item was received and filed.**

## 9.2 COUNCILOR'S ITEMS:

- 9.2a.** Creating a task force to provide recommendations to City Council regarding how to proceed with updating Salem's Floodplain Maps

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

**A motion was made by Councilor Bennett, seconded by Councilor Nanke that the City create a task force to review the issues, evaluate the options, and return to City Council with recommendations regarding how to proceed with developing updated floodplain maps, and I further move the Mayor appoint three or four Councilors to be members of this task force.**

**Questions or Comments by: Councilors Bennett and Bednarz.**

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

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

**Nay:** 0

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

**Abstain:** 0

## 10. ADJOURNMENT

**8:22 p.m.**

**MEETING PROCEDURES**

City Council meets on the second and fourth Mondays of each month at 6:30 p.m. All meetings are in the Council Chambers, Room 240, 555 Liberty St. SE.

The Mayor, who is the presiding officer, is elected at large for a term of two years. Councilors are elected for four-year terms for each of the City's eight Wards. These nine officers comprise the Council who make the policy decisions for municipal activity and pass its ordinances and regulations.

Because the Mayor and Councilors' positions are part-time, without pay, the Council appoints a City Manager who is responsible for the administration and execution of the City's policies and ordinances.

The City Council generally follows Robert's Rules of Order, but has adopted supplementary rules that may be found on the City's website at: [www.cityofsalem.net/Departments/Legal/Pages/CouncilRules.aspx](http://www.cityofsalem.net/Departments/Legal/Pages/CouncilRules.aspx).

**THE CONSENT CALENDAR**

The Consent Calendar allows the Council to save time by acting on everything listed on that part of the agenda with one motion instead of considering each item separately. If a City Councilor believes a matter on the Consent Calendar deserves further discussion, the Councilor can request that item be removed from the Consent Calendar and considered separately under "Special Orders of Business."

**PUBLIC COMMENT**

There are two times at every regular City Council meeting when the public has an opportunity to address the City Council. The first time is immediately prior to the Consent Calendar. This time is reserved for questions or statements regarding items appearing on the agenda, except public hearings and the merits of land use issues. The second time is at the end of the agenda. At this time, you can address the City Council on any matter of public concern, other than an agenda item. The Mayor will announce the time for public comment, and invite persons to address the City Council. Each person has three minutes to address the City Council. The time light on the podium will flash yellow when you have one minute left, and will turn red when your time has expired.

**HOW TO GET YOUR COMMENTS INCLUDED AS PART OF THE AGENDA**

Any written comments that you wish to be given to the City Council that are about an item on an agenda must be submitted to the City Recorder by 5:00 pm on the day of the City Council meeting when the item will be considered. If you have some matter that you wish to have the City Council consider in the future, you are encouraged to submit your suggestion in writing to the City Manager at 555 Liberty Street SE, Room 205, Salem, OR, or by e-mail to:

**manager@cityofsalem.net.**

**PUBLIC HEARINGS**

The City Council can hold public hearings to consider legislative, quasi-judicial or administrative matters. To testify at a hearing, you may sign up on the Hearing Roster located near the east entrance to the Council Chambers before the Mayor convenes the meeting. At the time for the hearing on the agenda, the Mayor will announce when the public hearing is open. If you have signed up to speak, come forward to the podium when the Mayor calls your name. State your name and either your address or the ward you live in. If you wish to receive notice of any written decision reached at the hearing, you must provide the City Recorder your address. When you have finished speaking, the Mayor will ask the Council if there are any questions for you, so please remain at the podium for a moment.

The time limit is 3 minutes per person for legislative and administrative hearings. The time limits for quasi-judicial hearings in non-land use cases are as follows:

- 1. Staff Presentation – 15 minutes**
- 2. Affected Party – 15 minutes**
- 3. Neighborhood Associations – 5 minutes**
- 4. Other Interested Persons – 3 minutes per person**
- 5. Rebuttal by Affected Party – 7 minutes**

Time limits for quasi-judicial land use hearings are governed by Rule 19 of the Council Rules. Parties to land use cases are encouraged to review that rule as time limits vary depending on the nature of the hearing. Further information can be obtained by contacting the Planning Administrator at 503-588-6173 or email at: lmanderson@cityofsalem.net.

Timer lights are located on the podiums. A flashing yellow light means you have one minute left; a red light means your time has expired.