

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, July 11, 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

6:56 p.m.

Roll Call

Present: 9 - Councilor Bennett, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Dickey, Councilor Benjamin, Councilor Bednarz, Councilor Lewis, and Mayor Peterson

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor McCoid, seconded Councilor Nanke to approve the additions and deletions to the agenda. The motion carried by the following vote:

Aye: 9 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Questions or Comments by: Councilors Dickey, Andersen, Bennett, Nanke, 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)

Denise Concannon, 1045 Commercial Street NE - Agenda Item 7.1a., File No. 16-151.

David Bordelon, 3356 Argyle Drive S. - Agenda Item 7.1a., File No. 16-151.

Alicia Smith, Home Grown Oregon - Agenda Item 7.1a., File No. 16-151.

Loren Kruesi, 1275 Oxford Street - Agenda Item 7.1a., File No. 16-151.

Questions or Comments by: Councilor Bennett, McCoid, Dickey, Benjamin, Lewis, Bednarz, and City Attorney Dan Atchison.

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 3.3b. by Councilor Bennett and a Nay vote on item 3.3c. by Councilor Andersen.

Questions or Comments by: Councilor McCoid.

The motion carried by the following vote:

Aye: 9 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Abstain: 0

Approval of the Consent Agenda

A motion was made by Councilor Andersen, seconded by Councilor Benjamin, to approve the Consent Agenda.. The motion carried by the following vote:

Aye: 9 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Abstain: 0

3.1 MINUTES

3.1a. June 8, 2016

Attachments: [6-08-16 Council Minutes](#)
[6-08-16 Revised Council Minutes](#)

This Minutes was approved the Consent Agenda.

3.1b. June 27, 2016

Attachments: [6-27-16 Council Minutes](#)
[Revised 6-27-16 Draft Council Minutes.pdf](#)

A motion was made to approve the Consent Agenda.. The motion carried by the following vote:

3.2 RESOLUTIONS

3.2a. Resolution No. 2016-15 referring Engrossed Ordinance No. 5-16, establishing a 3% tax on the sale of marijuana items, to Salem voters for the November 2016 general election, adopting the measure and explanatory statement and directing the city attorney to draft the ballot title

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

Attachments: [Resolution 2016-15 Referring Measure](#)
[Resolution No. 2016-15 Exhibit 1: Measure](#)
[Resolution No. 2016-15 Exhibit 2: Explanatory Statement 071116](#)

Action: approved

3.3 ACTION ITEMS

Removed - Emergency Water Supply Agreement with the City of Keizer

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

Attachments: [Salem Keizer Emergency WaterSupply Agreement](#)
[Exhibit A - Vicinity Map](#)
[Exhibit B - Cherry Ave Pump Station](#)
[Exhibit C - Wiessner Pump Station](#)
[Exhibit D - Easement](#)

This item was pulled from the agenda for revisions and referral to a future agenda.

3.3b. Applications for Federal Surface Transportation Funds for Ten Projects through Salem-Keizer Area Transportation Study

Ward(s): 1, 2, 3, 5, 8
Councilor(s): Bennett, Andersen, Nanke, Dickey, Lewis
Neighborhood(s): CANDO, SESNA, Morningside, SEMCA, West Salem, Northgate, Faye Wright

Attachments: [SKATS Applications Map](#)

Pulled by Councilor Bennett - See agenda item 5.a.

3.3c. Amendments to the Mill Creek Corporate Center Development District Order and Mill Creek Infrastructure Agreement to remove reference to annual adjustments, based on the indices adopted for

system development charges

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

Attachments: [Mill Creek URA Map](#)
[First Amendment to the DDF and 2nd Amendment to the Infrastructure Agreement.pdf](#)
[Proposed Second Amendment to the Development District Order.docx](#)
[Proposed Third Amendment to the Infrastructure Agreement .docx](#)
[Signed Action Item](#)

Amend the Mill Creek Corporate Center Development District Order, and authorize the City Manager to execute an amendment to the Mill Creek Corporate Center Infrastructure Agreement with the State of Oregon to remove reference to annual fee adjustments, based on the indices adopted for System Development Charges.

4. PUBLIC HEARINGS

4.a. Resolution No. 2016-31 Authorizing the Approval of Revenue Bonds Issued by the Hospital Facility Authority of the City of Salem, Oregon, in an Aggregate Principal Amount not to Exceed \$13,000,000.

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

Attachments: [2015 Authority Duties and Responsibilities Letter](#)
[Resolution No. 2016-31](#)
[Marion County Order Authorizing the Intergovernmental Agreement](#)
[Affidavit of Publication of the Notice of Public Hearing](#)
[Agreement Regarding City Costs and Liabilities](#)

Persons Testifying:
Support:
Peter Toop, Yakima Valley Farm Workers Clinic
Doug Goe, 1120 NW Couch, Portland

Oppose:
Neutral:

Organizations: None.

Evidence Received From: None.

Questions or Comments by: Councilors Andersen, Bednarz, Dickey, and McCoid.

A motion was made by Councilor Lewis, seconded by Councilor Bednarz to

adopt Resolution No. 2016-31 authorizing the approval of revenue 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 \$13,000,000, and authorizing the City Manager to enter into an agreement with the Yakima Valley Farm Workers Clinic indemnifying the City from all claims arising from the City's participation in the approval and use of the bonds.

The motion carried by the following vote:

Aye: 9 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Abstain: 0

4.b. Order for Council Review - Appeal of Planning Administrator's decision approving Site Plan Review/Adjustment Case No. SPR/ADJ16-06 for property located at 1177 Center Street NE

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

Attachments: [Order No. 2016-03-SPR-ADJ](#)

Questions or Comments by: Councilors Bennett and Dickey.

A motion was made by Councilor McCoid, seconded by Councilor Bednarz to adopt the order to reverse the decision of the Planning Administrator for Site Plan Review/Adjustment Case No. SPR/ADJ16-06.

The motion carried by the following vote:

Aye: 6 - Andersen, Nanke, McCoid, Benjamin, Bednarz, and Peterson

Nay: 1 - Lewis

Abstain: 2 - Bennett, and Dickey

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. Applications for Federal Surface Transportation Funds for Ten Projects through Salem-Keizer Area Transportation Study

Ward(s): 1, 2, 3, 5, 8

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

Neighborhood(s): CANDO, SESNA, Morningside, SEMCA, West Salem, Northgate, Faye Wright

Attachments: [SKATS Applications Map](#)

A motion was made by Councilor Bennett, seconded by Councilor Bednarz to authorize the City Manager to apply for federal funds from the Salem-Keizer Area Transportation Study for the following ten projects:

Highest Priority Projects:

- 12th Street SE Widening
- Center Street Bridge Seismic Retrofit Study (co-applicant with Oregon Department of Transportation)
- Hilfiker Lane SE/Commercial Street SE Intersection and Signal Upgrade
- McGilchrist Street SE Complete Streets (right-of-way component)
- Union Street NE Family Friendly Bikeway

Additional Applications:

- 25th Street SE Multi-Use Path
- Brush College Road NW Safe Routes to School
- Liberty Street NE Bridge over Mill Creek
- Orchard Heights Road NW Pedestrian Improvements
- River Road N Traffic Signal Interconnect (co-applicant with City of Keizer)

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

The motion carried by the following vote:

Aye: 9 - Bennett, Andersen, Nanke, McCoid, Dickey, Benjamin, Bednarz, Lewis, and Peterson

Nay: 0

Abstain: 0

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

6.a. Planning Commission Decision - Comprehensive Plan Map Change / Zone Change Case No. CPC-ZC16-03 - Approved - Marvin Reese - 552-560 & 590 Willow Street NE - A consolidated application to

change the Comprehensive Plan Map designation and zoning of three taxlots between High Street NE and Mill Creek to "Commercial" with CR (Retail Commercial) zoning.

Ward(s): 1

Councilor(s): Bennett

Neighborhood(s): Central Area Neighborhood Development Organization (CAN-DO)

Attachments: [CPC-ZC16-03 Decision](#)

This Informational Report was received and filed.

6.b.

Planning Commission Decision - Minor Comprehensive Plan Map Amendment / Zone Change / Urban Growth Preliminary Declaration / Planned Unit Development-Subdivision / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No.

CPC-ZC-UGA-PUD-SUB-ADJ-DAP16-04 - Approved - Scott Martin Construction LLC (Scott Martin) - 5721 & 5771 Liberty Road S - An application to change the Comprehensive Plan designation and zoning of the property to allow development of a 45-unit Planned Unit Development-Subdivision consisting of 22 duplexes, a convenience service area with manager's apartment unit, and common open space.

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): Sunnyslope

Attachments: [CPC-ZC-UGA-PUD-SUB-ADJ-DAP16-04 Decision](#)

This Informational Report was received and filed.

6.c.

Planning Commission Decision - Class 3 Design Review / Conditional Use Permit / Class 3 Site Plan Review / Class 2 Driveway Approach Permit Case No. DR-CU-SPR-DAP16-01 - Approved - Harrison Industries LLC (Kevin Harrison) - 1500-1700 Block of Cordon Road SE - A request for a Design Review, Conditional Use Permit, Site Plan Review, and Driveway Approach Permit to allow an 82-unit multi-family use on the subject property.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

Attachments: [Planning Commission Decision: DR-CU-SPR-DAP16-01 Decision](#)
[Attachment 2 - Site Plan](#)

This Informational Report was received and filed.

6.d. Purchases approved administratively June 1, 2016 through June 30, 2016

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

This Informational Report was received and filed.

6.e. 2015-2016 City Council Goals Report

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

Attachments: [Council Goals 2015 Progress Update 7-11-16v2](#)

This Informational Report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

7.1a. 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 \(Marijuana Business Registration\)](#)

A motion was made by Councilor McCoid, seconded by Councilor Bednarz to conduct first reading of Ordinance Bill No. 12-16, which establishes a registration system for marijuana businesses, and repeals the licensing program for medical marijuana facilities.

Questions or Comments by: Councilors McCoid, Bednarz, Andersen, Bennett, Mayor Peterson, and City Attorney Dan Atchison.

The motion carried by the following vote:

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

Nay: 1 - Nanke

Abstain: 0

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

Tim Cowan, 3160 Dogwood - Police Station Financing and Crosswalk Safety.

Questions or Comments by: Councilors Lewis, Benjamin, and Andersen.

9. NEW BUSINESS

None.

9.1 MAYOR'S ITEMS:

None.

9.2 COUNCILOR'S ITEMS:

None.

10. ADJOURNMENT

8:19 p.m.