

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, February 13, 2017

6:00 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

6:28 p.m.

Roll Call

Present: 8 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Ausec, Councilor Cook, Councilor Lewis, and Mayor Bennett

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

None.

1.2 COUNCIL AND CITY MANAGER COMMENT

Questions and Comments by: Councilor McCoid and Mayor Bennett.

1.3 PROCLAMATIONS

1.3a. [17-43](#) Salem Neighborhood Association Program 45th Anniversary

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Bennett read the proclamation.

1.4 PRESENTATIONS

1.4a. [17-61](#) Mid-Willamette Homeless Initiative Presentation

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Information Only.

Questions or Comment by: Mayor Bennett.

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

Item 8. was also heard at this time.

Appearances by:

Geoffrey James, 4076 Commercial Street SE, Salem, May 16, 2017 Public Safety General Obligation Bond (17-69)

Brian Hines, 10371 Lake Drive SE, Salem, May 16, 2017 Public Safety General Obligation Bond (17-69)

Susan Hecox, 483 Winding Court SE, Salem, May 16, 2017 Public Safety General Obligation Bond (17-69)

Fred Todd, 4769 Music Street SE, Salem, May 16, 2017 Public Safety General Obligation Bond (17-69)

Kevin Sund, 3225 Sumac Drive S, Salem, Annual Historic Landmarks Commission Report (17-9)

Greg Wasson, 777 Cottage Street NE, Salem (Petition Rights)

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 Nanke to approve the consent calendar with the pull of agenda item 3.2a. by Councilor Andersen.

The motion carried by the following vote:

Aye: 8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Bennett

Nay: 0

Abstain: 0

3.1 MINUTES

3.1a. [17-29](#) January 9, 2017 Council Minutes

Action: approved

3.1b. [17-40](#) January 23, 2017 Council Minutes

Action: approved.

3.1c. [17-56](#) January 30, 2017 Council Work Session Minutes

Action: approved.

- 3.1d. [17-68](#) February 6, 2017 Council Work Session Minutes

Action: approved.

3.2 RESOLUTIONS

- 3.2a. [17-5](#) Acquisition of Property for the 12th Street SE Southbound Widening Project (Hoyt Street SE to Fairview Avenue SE).

Ward(s): Ward 2

Councilor(s): Andersen

Neighborhood(s): SCAN, Morningside

Pulled by Councilor Andersen - See Item 5.b.

3.3 ACTION ITEMS

- 3.3a. [17-11](#) Traffic signal at the intersection of Cordon Road SE and Gaffin Road SE

Ward(s): Ward 3

Councilor(s): Councilor Nanke

Neighborhood(s): Southeast Mill Creek Neighborhood Association (SEMCA)

Authorized the use of an additional \$180,000 of Mill Creek Corporate Center Development District infrastructure fees to complete installation a new traffic signal at the intersection of Cordon Road SE and Gaffin Road SE (Attachment 1).

- 3.3b. [17-37](#) Intergovernmental Agreement with Chemeketa Community College Emergency Services Program

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute an Intergovernmental Agreement with Chemeketa Community College to establish the terms and conditions under which the parties shall share public resources to provide work experience training for College fire training students in exchange for training and facilities.

3.3c. [17-32](#)

Intergovernmental Agreement with U.S. Department of Agriculture,
Animal and Plant Health Inspection Service-Wildlife Services for
Migratory Bird Management

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute the attached Cooperative Agreement with the U. S. Department of Agriculture Animal and Plant Health Inspection Service-Wildlife Service for Migratory Bird Management services.

3.3d. [17-35](#)

Research Services Agreement with University of Oregon for the
Salem Natural Hazard Mitigation Plan

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute a services agreement with the University of Oregon for services related to the required five-year update of the City's Natural Hazard Mitigation Plan.

3.3e. [17-46](#)

Collective bargaining agreement between the City and 911
Professional Communications Employees' Association (PCEA).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Approved a three-year collective bargaining agreement between the City and 911 Professional Communications Employees' Association (PCEA) for a period from July 1, 2016, through June 30, 2019.

3.3f. [17-47](#)

Legislative Priority Bills

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Approved the legislative positions and priorities recommended by the Council Legislative Committee.

3.3g. [17-48](#)

Intergovernmental Agreement for the performance of a Portland General Electric franchise fee review and analysis.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute an Intergovernmental Agreement forming a government collective, Right of Way Accountability Coalition, to complete a multi-agency fee franchise review and analysis of Portland General Electric.

3.3h. [17-50](#)

Pedestrian Enforcement Grant Renewal Request

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to accept and execute all grant documents associated with the Oregon Impact PSE Grant for FY 2017-2018 in the amount of \$9,447.28.

4. PUBLIC HEARINGS

None.

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. [17-69](#)

May 16, 2017 Public Safety General Obligation Bond Measure

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Counselor Andersen, seconded by Councilor Ausec to remove draft Measure 1, \$69.1 Million Facility Only, from consideration.

Questions and Comments by: Councilors Andersen, Lewis, McCoid, Nanke, and Kaser

The motion was defeated by the following vote:

Aye: 3 - Andersen, Ausec, and Cook

Nay: 5 - Kaser, Nanke, McCoid, Lewis and Bennett

A motion was made by Councilor Andersen, seconded by Councilor Kaser to consider Draft Measure 3 - \$64 Million Facility Only, for May and pursue seismic upgrades for the Library for November.

Questions and Comments by: Councilors Andersen, Lewis, Nanke, Kaser and Mayor Bennett.

An Amended motion was made by Mayor Bennett, seconded by Councilor Nanke, to add a fourth draft measure to address seismic upgrades to City Hall and the Library for November.

Questions and Comments by: Councilors Lewis, Nanke, and Kaser.

The amended motion carried by the following vote:

Aye: 8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Bennett

Nay: 0

Abstain: 0

5.b. [17-5](#)

Acquisition of Property for the 12th Street SE Southbound Widening Project (Hoyt Street SE to Fairview Avenue SE).

Ward(s): Ward 2

Councilor(s): Andersen

Neighborhood(s): SCAN, Morningside

Adopted Resolution Nos. 2017-4, 2017-5, 2017-6, 2017-7, 2017-8, 2017-9, 2017-10, 2017-11, 2017-12, 2017-13, 2017-14, and 2017-15, declaring a public need to acquire; the City of Salem's intent to negotiate; and if necessary authorize the City Attorney to commence eminent domain proceedings, for the acquisition of right-of-way and easements for the 12th Street SE Southbound Widening project.

Questions or Comments by: Councilors Andersen, Nanke and Cook.

The motion carried by the following vote:

Aye: 8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Bennett

Nay: 0

Abstain: 0

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

6.a. [17-9](#)

Annual Historic Landmarks Commission Report to the City Council

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This Informational Report was received and filed.

6.b. [17-21](#)

Purchases approved administratively - December 1, 2016, through December 31, 2016.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This Informational Report was received and filed.

6.c. [17-33](#)

Hearings Officer Decision - Conditional Use - Case No. CU16-14 - Approved - Douglas Elkins for OG Leasing LLC (Alan Robert Elkins, Douglas Paul Elkins, Joel Steven Taylor, Russell Dyer, Holly Audette Cagle) - 1610 and 1639 Commercial Street NE - Conversion of an existing medical marijuana grow site to a facility for production of recreational marijuana, a conditional use in the IC (Industrial Commercial) zone.

Ward(s): 1
Councilor(s): Kaser
Neighborhood(s): Grant

This Informational Report was received and filed.

Questions or Comments by: Councilor Kaser.

6.d. [17-34](#)

Hearings Officer Decision - Conditional Use Case No. CU16-13 - Approved - Richard Berger, Mountain West Investments - 3350 Portland Road NE - A request for a Conditional Use Permit to allow development of a 180-unit apartment complex on a portion of the subject property.

Ward(s): 5
Councilor(s): Ausec
Neighborhood(s): Northgate

This Informational Report was received and filed.

Questions or Comments by: Councilor Andersen.

6.e. [17-41](#)

Hearings Officer Decision - Conditional Use / Class 3 Site Plan Review Case No. CU-SPR16-12 - Approved - OG Leasing LLC (Alan Robert Elkins, Douglas Paul Elkins, Joel Steven Taylor, Russell Dyer, Holly Audette Cagle) - 2842 19th Street SE - An Application to change part of an existing building to a recreational marijuana extraction facility and stripe parking spaces in an existing paved parking lot.

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

This Informational Report was received and filed.

6.f. [17-44](#)

Planning Administrator Decision - Partition No. PAR16-09 - Approved - Equity Investments LLC (Tyler Safina-Massey & Debra Shaffer) - 2315 Quail Run Lane S - A proposed partition to divide a lot at the northwest corner of Skyline Road S and Quail Run Lane S into three parcels for residential development. The existing single-family residence would remain.

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

This Informational Report was received and filed.

6.g. [17-45](#)

Planning Administrator Decision - Urban Growth Area Preliminary Declaration / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit No. UGA-SPR-ADJ-DAP16-03 - Approved - Douglas Sproul, Mosaic Management, Inc. - 2900 Block of Boone Road SE - A proposed development of a new residential care facility approximately 134,700 square feet in size, with 122 total units.

Ward(s): 4
Councilor(s): McCoid
Neighborhood(s): South Gateway

This Informational Report was received and filed.

6.h. [17-60](#)

Planning Administrator's Decision - Subdivision / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit / Class 1 Design Review Case No. SUB-SPR-ADJ-DAP-DR16-04 - Approved - Mountain West Investment Corporation - 3350 Portland Road NE - A request for a 4-lot Subdivision with Adjustments to reconfigure the subject property, and Site Plan Review and Design Review applications for development of a 180-unit apartment complex on proposed Lot 3.

Ward(s): 5
Councilor(s): Ausec
Neighborhood(s): Northgate

This Informational Report was received and filed.

7. ORDINANCES**7.1 FIRST READING:****7.2 SECOND READING:****7.2a.** [17-27](#)

Amendments to SRC Chapter 32 - Marijuana Sales Tax, to conform the City's regulations to the Oregon Department of Revenue tax collection and enforcement procedures - Ordinance Bill No. 2-17.

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

Conducted second reading of Ordinance Bill No. 2-17, which amends SRC Chapter 32 to conform the City's marijuana sales tax collection and enforcement procedures with state law, and declaring an emergency.

Adopted Ordinance Bill No. 2-17 by the following votes:

Aye: 8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, and Bennett

Nay: 0

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

See Item 2.

9. ADJOURNMENT

8:33 p.m.