

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, June 26, 2017

6:30 PM

Council Chambers

City Council

WORK SESSION - 5:30 p.m.- 6:30 p.m. - Council Chambers

Allowance and Regulation of Accessory Dwelling Units; Creating New Provisions

EXECUTIVE SESSION

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

Call to Order

6:17 p.m.

Roll Call

Mike Evans served as Guest Councilor for Councilor Lewis.

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

Absent: 1 - Councilor Lewis

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

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

Questions or Comments by: Councilor McCoid.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors McCoid, Cook, Andersen, Kaser, and Mayor Bennett.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

None.

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

Linda Wallmark, 4734 Bradford Loop SE, Item 6.c, File 17-338
State Representative Paul Evans, Item 3.2.c, File 17-325
Millie Estrin, 1230 Rafael N., Item 6.c, File 17-338
Janet Lorenzen, 3125 Mulberry Drive S., Item 6.c, File 17-338
Liz Gill, 900 State Street, Item 6.c, File 17-338
Catalina de Onis, 3155 Holiday Drive S., Item 6.c, File 17-338
Ray Quisenberry, 920 5th Street NE, Item 6.c, File 17-338
Bill Smaldone, 430 21st Street SE, Item 6.c, File 17-338
Laurie Dougherty, 462 20th Street SE, Item 6.c, File 17-338
Mary Neuendorf, 1933 Rockland Drive, Item 6.c, File 17-338
Caroline O'Brien, 1692 Carilor Court NE, Item 6.c, File 17-338
Evan Osborne, Ward 3, Item 3.3.b, File 17-298
Sandra Burnett on behalf of the Salem Art Association, Ward 2, Item 3.2.c, File 17-325
Cindy Burgess, President, League of Women Voters of Marion and Polk Counties, Ward 4, Item 6.c, File 17-338
Evan White, Ward 7, Salem Sign Code
Mike Slater, Ward 7, Item 6.c, File 17-338

Questions or Comments by: Mayor Bennett, Councilors Andersen, Cook, Hoy, and City Manager Powers.

Note: Steven Anderson, Co-Chair, West Salem Neighborhood Association, commented on Item 3.2.c, File 17-325, during the Urban Renewal Agency Meeting.

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 Andersen to approve the consent calendar with the pulls of items 3.2.d and 3.3.b by Councilor Andersen.

Questions or Comments by: Councilors McCoid, Cook, Nanke, Andersen, Guest Councilor Evans, Mayor Bennett, and City Manager Powers.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

3.1 MINUTES

3.1a. [17-340](#) June 12, 2017 Draft Council Minutes

Action: Approved.

3.2 RESOLUTIONS

3.2a. [17-319](#) Adopting the FY 2017-18 budget and setting the parking tax for the Downtown Parking District

Ward(s): Ward 1

Councilor(s): Councilors - Kaser

Neighborhood(s): CANDO

Adopted Resolution No. 2017-35 adopting the FY 2017-18 budget and setting the business-paid parking tax for the Downtown Parking District.

3.2b. [17-324](#) Resolution to receive state shared revenues.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Adopted Resolution No. 2017-36, certifying that the City of Salem provides certain enumerated municipal services to receive state shared revenues in FY 2017-18.

3.2c. [17-325](#) Adoption of the FY 2017-18 City of Salem, Oregon, budget.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Approved Resolution No. 2017-37 adopting a FY 2017-18 total requirements budget of \$559,799,600 for the City of Salem, Oregon.

3.2d. [17-328](#) Authorizing the Sale and Refunding of General Obligation Bonds.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

3.2e. [17-337](#)

Transfer of FY 2016-17 budget appropriations.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Adopted Resolution No. 2017-39, authorizing transfer of appropriations within the City budget in order to maintain compliance with Oregon budget law.

3.3 ACTION ITEMS**3.3a.** [17-295](#)

Reappointment of Jon Weiner as Municipal Judge Pro Tempore

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Reappointed Jon Weiner as a Municipal Judge Pro Tempore for the Salem Municipal Court for a two-year term.

3.3b. [17-298](#)

Grant to Osborne Adventures for bike-share stations

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

3.3c. [17-305](#)

Adoption of the Capital Improvement Plan for FY 2018 through 2022

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Adopted the Capital Improvement Plan for FY 2018 through FY 2022 as recommended by the Budget Committee.

3.3d. [17-313](#)

Intergovernmental Agreement with the Oregon Department of Transportation for Underwater Inspection of the Geren Island Bridge

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute the attached Intergovernmental Agreement with the Oregon Department of Transportation to provide an underwater dive team to inspect the access bridge to the Geren Island Water Treatment Facility.

3.3e. [17-314](#)

Intergovernmental Agreement with the Salem Area Mass Transit District

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute the attached IGA with the Transit District for police services at the Downtown Transit Center during Fiscal Year 2017-2018 and Fiscal Year 2018-2019.

3.3f. [17-316](#)

Intergovernmental Agreement with Polk County for Mobile Crisis Response Team

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute the attached IGA (Attachment A) with Polk County, and any amendments to the IGA, in order to provide mobile crisis response team services during Fiscal Year 2017-18.

3.3g. [17-318](#)

Amendment to the Intergovernmental Agreement with Chemeketa Community College for Cooperative Regional Library Services

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute the attached Amendment #5 to the IGA between the City of Salem and CCC for cooperative regional library services.

3.3h. [17-320](#)

Intergovernmental Agreement with Marion County for Communication and Dispatch Services for the 2017 St. Paul Rodeo

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute the attached IGA with Marion County for communication and dispatch services for the 2017 St. Paul Rodeo.

3.3i. [17-326](#)

Cable Television Franchise Extension.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute the cable television franchise extension agreement with Comcast of Oregon I, Inc. (Attachment 1).

3.3j. [17-332](#)

Appointments and reappointments to the Citizen Budget Committee, Civil Service Commission, Salem Cultural and Tourism Promotion Advisory Board, Salem Public Library Advisory Board, and Salem Urban Development, Community Services and Housing Commission.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Appointed and reappointed the applicants listed in the Facts and Findings section to the Citizen Budget Committee; Civil Service Commission; Salem Cultural and Tourism Promotion Advisory Board; Salem Public Library Advisory Board; and Salem Urban Development, Community Services and Housing Commission.

3.3k. [17-333](#)

Collective bargaining agreement with City Attorney's Collective Bargaining Unit (SCABU).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Approved a three-year collective bargaining agreement between the City and Salem City Attorney's Collective Bargaining Unit (SCABU) for July 1, 2017, through June 30, 2020.

4. PUBLIC HEARINGS

4.a. [17-343](#)

Allowing accessory dwelling units in all residential zones, most commercial and industrial zones, and the neighborhood center mixed-use zone.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Persons Testifying:

Jeff Schumacher, Chair, SCAN, 1945 W. Nob Hill Street SE

Rich Fry, President, Salem Planning Commission, Ward 6

Organizations Testifying:

Dan Dorn, on behalf of Homebuilders Association of Marion and Polk Counties, no address provided

Questions or Comments by: Mayor Bennett, Councilors Cook, Hoy, Andersen, McCoid, and Nanke.

A motion was made by Councilor McCoid, seconded by Councilor Nanke to engross Ordinance Bill No. 10-17, which amends the Salem Revised Code to allow and establish standards for accessory dwelling units in all residential zones, most commercial and industrial zones, and the Neighborhood Center Mixed-Use Zone, and advance to second reading for enactment.

Questions or Comments by: Councilors McCoid, Hoy, and Cook.

An amended motion was made by Councilor Cook to add a review in two years to evaluate the reporting system. The motion was not seconded.

Questions or Comments by: Councilor Cook and City Manager Powers.

Councilor Cook withdrew her motion.

Questions or Comments by: Councilors Andersen and Kaser.

An amended motion was made by Councilor Kaser, seconded by Councilor Ausec to limit the height of detached Accessory Dwelling Units, excluding garages and additions to the primary residence, to a maximum height of 25 feet or the height of the primary residence, whichever is less.

Questions or Comments by: Councilor Kaser, McCoid, Cook, Andersen, Hoy, and Mayor Bennett.

The vote on the amended motion was:

Aye: 4 - Kaser, Andersen, Cook, Hoy

Nay: 4 - McCoid, Nanke, Ausec, Bennett

Absent: 1 - Lewis

The amended motion failed.

The original motion carried by the following vote:

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

- 4.b.** [17-304](#) Land use fees and charges for Planning and Public Works for Fiscal Year 2017-18.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Persons Testifying: None.

Questions or Comments by: Councilor Cook.

A motion was made by Councilor McCoid, seconded by Councilor Ausec to adopt Resolution No. 2017-34 setting land use fees and charges for the Planning Division and the Public Works Department.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

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 [17-328](#)

Authorizing the Sale and Refunding of General Obligation Bonds.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Councilor Andersen, seconded by Councilor Hoy to adopt Resolution No. 2017-38 authorizing the City to issue up to \$61,800,000 of new money general obligation bonds to finance a new public safety facility and other capital costs, and refund (refinance) all or a portion of the existing Series 2009 Streets and Bridges bonds.

Questions or Comments by: Councilors Andersen, Nanke, Cook, City Manager Powers, and Mayor Bennett.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

5.b [17-298](#)

Grant to Osborne Adventures for bike-share stations

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Councilor Andersen, seconded by Councilor Cook to authorize the City Manager to execute a grant agreement for \$5,000 with Osborne Adventures to fund infrastructure costs for up to 10 bike-share stations.

Questions or Comments by: Councilors Andersen, McCoid, Ausec, and Mayor Bennett.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

6. INFORMATION REPORTS: (Items that require no Council action)**6.a.** [17-321](#)

Planning Administrator Decision - Urban Growth Area Preliminary Declaration / Class 3 Site Plan Review / Class 3 Driveway Approach Permit Case No. UGA-SPR-DAP17-02 - Approved - McGilchrist Business LLC (Roger Evans), Lulay's Properties LLC (Don Lulay) - 2300 Block of McGilchrist Street SE - An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of 1.13 acres and a Site Plan Review and Driveway Approach Permit, for a 20,000 square foot commercial building.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): Southeast Salem

This Informational Report was received and filed.

6.b. [17-317](#)

Planning Commission Decision - Class 3 Design Review / Class 2 Willamette Greenway Development Permit / Class 3 Site Plan Review / Replat / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. DR-WGP-SPR-REP-ADJ-DAP17-04 - Approved - Riverside MC Property LLC (Thomas J. Wettlaufer, Brian McMahon) - 901 Front Street NE - Proposed development of a residential care facility with two buildings, a 48-unit memory care facility and a 69-unit assisted living facility.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

This Informational Report was received and filed.

6.c. [17-338](#)

Salem Strategic Plan

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Questions or Comments by: Guest Councilor Mike Evans.**A motion was made by Councilor Andersen, seconded by Councilor Hoy that City Council, as part of its Strategic Plan, form a workgroup on a Climate Action Plan.****Councilor Andersen restated his motion that City Council, as part of its Strategic Plan, form a workgroup on an Environmental Action Plan.****Questions or Comments by: Councilors Andersen, McCoid, Cook, Nanke, and Mayor Bennett.****The motion carried by the following vote:****Aye:** 8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Hoy, and Bennett**Nay:** 0**Absent:** 1 - Lewis**Abstain:** 0**6.d.** [17-341](#)

Lone Oak Road SE and Creekside Development

Ward(s): Ward 4

Councilor(s): McCoid

Neighborhood(s): South Gateway Neighborhood

Questions or Comments by: Councilor McCoid.**A motion was made by Councilor McCoid, seconded by Councilor Nanke to instruct staff to return with a recommendation on how to proceed with the Creekside issue to include a preferred funding option for the completion of the bridge and road.****Questions or Comments by: Councilors McCoid, Hoy, Andersen, Kaser, Cook, and Mayor Bennett.****The motion carried by the following vote:****Aye:** 8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Hoy, and Bennett**Nay:** 0**Absent:** 1 - Lewis

Abstain: 0

7. ORDINANCES

7.1 FIRST READING:

7.1a. [17-315](#)

Proposed Amendments to the Salem Revised Code (SRC) Chapter 900, Sign Code. (Ordinance Bill No. 17-17; Case No. CA16-05)

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Councilor McCoid, seconded by Councilor Ausec to conduct first reading of Ordinance Bill No. 17-17, which amends the Salem Revised Code Chapter 900, Sign Code, and advance the ordinance bill to second reading for enactment.

Questions or Comments by: Councilor McCoid

A substitute motion was made by Councilor Kaser, seconded by Councilor Cook to conduct first reading and schedule a public hearing on Ordinance Bill No. 17-17.

Questions or Comments by: Councilor Kaser.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

7.2 SECOND READING:

7.2a. [17-323](#)

Proposed Amendments to the Salem Revised Code (SRC) to allow multiple family residential use in publicly owned historic buildings in the Public and Private Health Services (PH) Zone. (Ordinance No. 11-17; Case No. CA17-04)

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Conducted second reading for enactment of Ordinance Bill No. 11-17 to amend Salem Revised Code (SRC) Chapters 543 and 702 to allow multiple family residential use in publicly owned historic buildings in the Public and Private Health Services (PH) Zone.

Ordinance Bill No. 11-17 was adopted by the following vote:

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

7.2b. [17-344](#)

Petitioner-Initiated Annexation of Territory Located at 3652 and 3672 Maly Place SE (Annexation Case No. C-719)

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SESNA

Conducted second reading of Ordinance Bill No. 18-17 annexing, applying the City of Salem RS (Single Family Residential) zone, and withdrawing from the Marion County Fire District #1, the East Salem Service District, and the Suburban East Salem Water District, for a 0.28-acre property located at 3652 and 3672 Maly Place SE.

Ordinance Bill No. 18-17 was adopted by the following vote:

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

Nay: 0

Absent: 1 - Lewis

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

8:59 p.m.