

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Tuesday, May 29, 2018

6:00 PM

Council Chambers

City Council

EXECUTIVE SESSION

None.

WORK SESSION

None.

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

Call to Order

6:16 p.m.

Roll Call

Ian Dixon-McDonald served as Guest Councilor for Councilor Cook.

Present: 7 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Ausec, Councilor Lewis, and Councilor Hoy

Absent: 2 - Councilor Cook, and Mayor Bennett

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

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

Comments by: Councilor Nanke.

The motion carried by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Lewis, and Hoy

Nay: 0

Absent: 2 - Cook, and Bennett

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Peter Fernandez, Public Works Director, announced a City of Salem Drinking Water Advisory related to Algal Blooms in Detroit Reservoir.

Other Comments by: City Manager Powers, Councilors Andersen, Nanke, Lewis, Hoy, Kaser, Ausec and Council President McCoid.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

1.4a. [18-147](#) 2017 Polk County Policing Year in Review - Sheriff Mark Garton

Comments by: Polk County Sheriff Mark Garton.

Questions or Comments by: Councilors Hoy and Andersen.

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

Appearances by:

Roz Shirack, SCAN Neighborhood Association, 1645 Church Street SE, Item 3.3d, File 18-240

Jacque Heavey, 747 Church Street SE, Church Street Parking

Denyc Boles, Salem Health, 665 Winter Street, Item 3.3d, File 18-240

Carroll Unruh, Oregon Beverage Services, 3327 Augusta National Drive S., Item 7.1b, Item 18-251

3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)

A motion was made by Councilor Nanke, seconded by Councilor Hoy to approve the consent calendar with the pulls of 3.3d by Councilor Andersen and 3.3e by Councilor Kaser.

Comments by: Council President McCoid and Councilor Nanke.

Councilors Kaser and Andersen registered "no" votes for item 3.2c.

The motion carried by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Lewis, and Hoy

Nay: 0

Absent: 2 - Cook, and Bennett

Abstain: 0

3.1 MINUTES

3.1a. [18-242](#) May 14, 2018 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

3.2a. [18-210](#)

Authorizing a transfer of appropriation authority in the City's Trust Funds to the Telephone System Replacement Trust Fund to complete an unanticipated transfer.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Adopted Resolution No. 2018-20 transferring a total of \$600,000 of appropriation authority from the Trust and Agency Unanticipated Trust Fund, the Enterprise Zone Trust Fund, and the Railroad Bridge Trust Fund to the Telephone System Replacement Trust Fund for the purpose of completing an unanticipated transfer necessary for the replacement of the City's telecommunication system.

3.2b. [18-230](#)

Authorizing a transfer of appropriation authority in the General Fund for City Hall waterline replacement.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Adopted Resolution No. 2018-23 transferring \$350,000 of appropriation authority from General Fund, Non-Departmental materials and services to General Fund, Non-Departmental, interfund transfers for the purpose of funding replacement of the domestic waterlines at City Hall.

3.2c. [18-231](#)

Amending the Lone Oak Road Reimbursement District.

Ward(s): Ward 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

Adopted Resolution No. 2018-24 to amend the Lone Oak Road Reimbursement District to collect funds for reimbursement of costs associated with constructing Lone Oak Road, SE between Muirfield Avenue SE and Rees Hill Road SE.

3.3 ACTION ITEMS

3.3a. [18-218](#)

Intergovernmental Agreement with Marion County for Communication and Dispatch Services for the 2018 St. Paul Rodeo

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute an IGA with Marion County for communication and dispatch services for the 2018 St. Paul Rodeo.

3.3b. [18-223](#)

Application for project funding under the Oregon Department of Transportation "All Roads Transportation Safety" Program (ARTS).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to apply for project funding under the "All Roads Transportation Safety" (ARTS) program and, if successful, incorporate projects into a future Capital Improvement Plan and authorize the City Manager to enter into an agreement with the Oregon Department of Transportation to accept the funds.

3.3c. [18-226](#)

Intergovernmental Agreement with the State of Oregon, Department of Transportation for use of Microwave Radio Bandwidth to establish a microwave link between the Willamette Valley Communications Center and the 9-1-1 backup center.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute an IGA with the State for use of two Megabits per second of Microwave Radio Bandwidth to establish a microwave link between the WVCC and the 9-1-1 backup facility.

3.3d. [18-240](#)

Removal of Church Street SE, between Mission Street SE and the south end of the Pringle Creek Bridge, from the Paid Parking Plan.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SCAN

Pulled by Councilor Andersen - See Item 5.a.

3.3e. [18-249](#)

Order for the appeal of the Hearings Officer's decision for Conditional Use / Quasi-Judicial Zone Change Case No. CU-ZC17-14 for property located in the 700 to 800 blocks of Commercial Street NE.

Ward(s): Ward 1

Councilor(s): Kaser

Neighborhood(s): CANDO

Pulled by Councilor Kaser - See Item 5.b.

4. PUBLIC HEARINGS**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.** [18-240](#)

Removal of Church Street SE, between Mission Street SE and the south end of the Pringle Creek Bridge, from the Paid Parking Plan.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SCAN

A motion was made by Councilor Andersen, seconded by Councilor Hoy to remove both sides of Church Street SE, between Mission Street SE and the south end of the Pringle Creek Bridge, from the adopted Capitol Mall Parking Technology Project, cease the planned installation of the parking meters in this area.

Comments by: Councilor Andersen.

The motion carried by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Lewis, and Hoy

Nay: 0

Absent: 2 - Cook, and Bennett

Abstain: 0

5.b. [18-249](#)

Order for the appeal of the Hearings Officer's decision for Conditional Use / Quasi-Judicial Zone Change Case No. CU-ZC17-14 for property located in the 700 to 800 blocks of Commercial Street NE.

Ward(s): Ward 1

Councilor(s): Kaser

Neighborhood(s): CANDO

A motion was made by Councilor Kaser, seconded by Councilor Andersen to reject the appellant's May 21, 2018 objection letter regarding Council's deliberations and to adopt the order to affirm and modify the decision of the Hearings Officer for Conditional Use / Quasi-Judicial Zone Change Case No. CU-ZC17-14

Comments by: Councilor Kaser pointed out a correction to the appellant's May 21, 2018 objection letter, which listed Councilor Cook as the councilor who asked the question of staff, however, it was Councilor Kaser who asked the question.

The motion carried by the following vote

Aye: 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Lewis, and Hoy

Nay: 0

Absent: 2 - Cook, and Bennett

Abstain: 0

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

6.a. [18-222](#)

Hearings Officer Decision - Conditional Use / Class 3 Site Plan Review Case No. CU-SPR18-03 -Approved - Eric Buckner, Medirec DBA Albion Farms - 2979-2999 19th Street SE - Conditional Use and site plan review for a facility processing cannabis concentrates and extracts and growing cannabis.

Ward(s): Ward 2

Councilor(s): Andersen

Neighborhood(s): Southeast Salem N.A.

This Informational Report was received and filed.

- 6.b.** [18-227](#) Hearings Officer Decision - Conditional Use Case No. CU18-02 - Approved - James Smith - 2465 Salem Dallas Highway NW - A conditional use application to add a recreational marijuana growing operation to an existing medical marijuana growing operation.

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

This Informational Report was received and filed.

- 6.c.** [18-243](#) Appointment to the Center 50+ Advisory Commission

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

This Informational Report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

- 7.1a.** [18-219](#) Vacation of Vacation Lane SE

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

A motion was made by Councilor Nanke, seconded by Councilor Hoy to Conduct first reading of Ordinance Bill No. 8-18, which vacates Vacation Lane SE subject to the following two conditions:

1. A reconfiguration of the lots in such a way as to ensure that all lots have adequate access to a public street; and

2. Payment of an assessment of special benefit in the amount of \$40,369.30.

Comments by: Council President McCoid.

The motion carried by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Lewis, and Hoy

Nay: 0

Absent: 2 - Cook, and Bennett

Abstain: 0

7.1b. [18-251](#)

Proposed changes to Salem Revised Code Chapter 94 to allow sales of alcoholic beverages with 14 percent or more alcohol by volume at Riverfront Park and Bush's Pasture Park.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Councilor Hoy, seconded by Councilor Andersen to conduct first reading of Ordinance Bill No. 9-18, which amends Salem Revised Code Chapter 94 to allow sales of alcoholic beverages with 14 percent or more alcohol by volume at Riverfront Park and Bush's Pasture Park if the alcoholic beverage is purchased from a concessionaire that is operating pursuant to a permit issued by the Director of Public Works and licensed by the Oregon Liquor Control Commission, be referred for a public hearing.

Comments by: Councilors Hoy, Andersen, Lewis, Council President McCoid and City Manager Powers.

The motion carried by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Lewis, and Hoy

Nay: 0

Absent: 2 - Cook, and Bennett

Abstain: 0

7.2 SECOND READING:

7.2a. [18-244](#)

Granting a franchise to Comcast of Oregon I, Inc. for placement of facilities in the City rights-of-way.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Ordinance Bill No. 5-18, Authorizing the City Manager to execute the Cable Television Franchise Agreement and Side Letter Agreement between the City of Salem and Comcast of Oregon I, Inc.; and conduct second reading for enactment of Ordinance Bill No. 5-18, granting a franchise to Comcast of Oregon I, Inc. to make lawful use of the City rights-of-way to construct, operate, maintain, reconstruct, and repair a cable system for the purpose of providing cable services was approved by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Lewis, and Hoy

Nay: 0

Absent: 2 - Cook, and Bennett

Abstain: 0

7.2b. [18-245](#)

Right-of-Way Use Agreement with Mobilitie, LLC.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Ordinance Bill No. 6-18, Authorizing the City Manager to execute the Right-of-Way Use Agreement between the City of Salem and Mobilitie, LLC; and conduct second reading for enactment of Ordinance Bill No. 6-18, granting a Right-of-Way Use Agreement to Mobilitie, LLC for placement of wireless facilities in the City rights-of-way (ROW) was approved by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Lewis, and Hoy

Nay: 0

Absent: 2 - Cook, and Bennett

Abstain: 0

7.2c. [18-247](#)

Right-of-Way Use Agreement with New Cingular Wireless, PCS, LLC.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Ordinance Bill No. 7-18, Authorizing the City Manager to execute the Right-of-Way Use Agreement between the City of Salem and New Cingular Wireless, PCS, LLC; and conduct second reading for enactment Ordinance Bill No. 7-18, granting a Right-of-Way Use Agreement to New Cingular Wireless, PCS, LLC for placement of wireless facilities in the City rights-of-way (ROW) was approved by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, McCoid, Ausec, Lewis, and Hoy

Nay: 0

Absent: 2 - Cook, and Bennett

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

Appearance by:

Brett Harrison, No address provided, Lack of air service at McNary Field.

9. ADJOURNMENT

7:11 p.m.