

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, July 9, 2018

6:00 PM

Council Chambers

City Council

EXECUTIVE SESSION

Urban Renewal Agency

5:45 p.m. - City Manager's Conference Room

Real Property Transactions ORS 192.660(2)(e)

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

6:08 p.m.

Roll Call

Sadie Carney served as Guest Councilor for Councilor Kaser.

Present: 7 - Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Ausec, Councilor Cook, Councilor Hoy, and Mayor Bennett

Absent: 2 - Councilor Kaser, and Councilor Lewis

Pledge of Allegiance

Led by: Mayor Bennett.

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor McCoid, seconded by Councilor Cook to approve the addition to the agenda.

The motion carried by the following vote:

Aye: 7 - Andersen, Nanke, McCoid, Ausec, Cook, Hoy, and Bennett

Nay: 0

Absent: 2 - Kaser, and Lewis

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: City Manager Powers.

Questions or Comments by: Councilor Andersen.

1.3 PROCLAMATIONS

1.3a. [18-324](#)

Proclamation acknowledging Ghadar Party Founding Day

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Bennett read and presented the proclamation to Badahur Singh.

1.4 PRESENTATIONS

None.

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

Appearances by:

Joyce Judy, Ward 2, Item 3.3a, File 18-299 and Item 5.a, File 18-326

Gretchen Carnaby, 4599 Eagle Crest Rd NW, Item 3.3a, File 18-299

Margaret Stephens, Ward 1, Item 3.3a, File 18-299

Michael Slater, Ward 7, Item 3.3a, File 18-299

Thomas Ellis, 4553 Fir Dell Drive SE, Item 5.a, File 18-326

Laurie Dougherty, Ward 2, Item 5.a, File 18-326

Shelaswau Crier, Ward 2, Item 5.a, File 18-326

Paul Krissel, Ward 2, Item 5.a, File 18-326

Agenda Item 8, Public Comment, also heard at this time:

Appearances by:

Joyce Judy, Ward 2, Item 6.c, File 18-302

Jan Keidatz, 3797 June Avenue NE, Home on 2275 Coral Avenue NE and 2195 Vaughn Avenue NE

Gary Keidatz, 3797 June Avenue NE, Home on 2275 Coral Avenue NE and 2195 Vaughn Avenue NE

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

Mayor Bennett asked staff to return with recommendations for changes to the Salem Revised Code (SRC) Chapter 98.140, and/or other chapters of the SRC, to address continuing nuisance issues.

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 Hoy to approve the consent calendar with the pull of item 3.3a by Councilor Andersen.

Comments by: Councilor McCoid.

The motion carried by the following vote:

Aye: 7 - Andersen, Nanke, McCoid, Ausec, Cook, Hoy, and Bennett

Nay: 0

Absent: 2 - Kaser, and Lewis

Abstain: 0

3.1 MINUTES

3.1a. [18-313](#) June 1, 2018 Draft City Council Minutes

Action: Approved.

3.1b. [18-239](#) June 25, 2018 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

None.

3.3 ACTION ITEMS

3.3a. [18-299](#) Mission Street Parks Conservancy Memorandum of Understanding

Ward(s): Ward 2

Councilor(s): Councilor Andersen

Neighborhood(s): SCAN

Pulled by Councilor Andersen - See Item 5.b.

3.3b. [18-314](#)

Intergovernmental Agreement with the Oregon Department of Transportation for the Motor Carrier Safety Action Plan

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute the attached IGA with ODOT to provide up to \$8,000 in reimbursement funds to the City through the Motor Carrier Safety Action Plan during Fiscal Year 2018-19.

4. PUBLIC HEARINGS

4.a. [18-309](#)

City-Initiated Septic Failure Annexation of Territory Located at 3641 Boone Road SE 97317 (Annexation Case No. C-720)

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

Staff presentation by Pamela Cole, Planner, Community Development Planning Services.

Persons Testifying: None.

Organizations Testifying: None.

Questions or Comments by: Guest Councilor Carney, Councilor Andersen and Deputy City Manager Duncan.

A motion was made by Councilor Nanke, seconded by Councilor McCoid to:

1. Find that a majority of the property owners constituting a majority of the electors of the Territory have signed a valid consent for annexation of the Territory, in conformance with Oregon Revised Statutes (ORS) Chapter 222;

2. Determine that Annexation Case No. C-720 is exempt from the public vote requirement due to the existence of a health hazard (failing septic system), pursuant to Section 61 of the Salem City Charter and SRC 260.020(b);

3. Determine that Annexation Case No. C-720 satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2018-05-ANX (Attachment 2);

4. Apply the City of Salem IG (General Industrial) zone to the Territory from Marion County IG (General Industrial); and

5. Withdraw the Territory from Salem Suburban Rural Fire District.

The motion carried by the following vote:

Aye: 7 - Andersen, Nanke, McCoid, Ausec, Cook, Hoy, and Bennett

Nay: 0

Absent: 2 - Kaser, and Lewis

Abstain: 0

4.b. [18-310](#)

Petitioner-Initiated Annexation of Territory Located at 2487 Robins Lane SE - 97306 (Annexation Case No. C-722)

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

Staff presentation by Pamela Cole, Planner, Community Development Planning Services.

Persons Testifying: None.

Organizations Testifying: None.

Questions or Comments by: Councilor McCoid noted that the Summary and Background section of the staff report refers to an incorrect address (6719 Devon Court SE) and the correct address of the annexation is 2487 Robins Lane SE.

A motion was made by Councilor McCoid, seconded by Councilor Hoy to:

- 1. Find that the Petitioners have signed a valid triple majority petition for annexation of the Territory, in conformance with Oregon Revised Statutes (ORS) Chapter 222;**
- 2. Determine that the Petition satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2018-06-ANX (Attachment 2);**
- 3. Apply the City of Salem RA (Residential Agriculture) zone to the Territory from Marion County UT-5 (Urban Transition 5 Acres); and**
- 4. Withdraw the Territory from Salem Suburban Rural Fire Protection District.**

The motion carried by the following vote:

Aye: 7 - Andersen, Nanke, McCoid, Ausec, Cook, Hoy, and Bennett

Nay: 0

Absent: 2 - Kaser, and 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)

Item 5.a was heard after item 5.b.

- 5.a.** [18-326](#) Motion from Councilor Tom Andersen to adopt resolution no. 2018-73, concerning the zero tolerance policy at the border.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Councilor Andersen, seconded by Councilor Hoy that the City Council adopt resolution no. 2018-73, concerning the zero tolerance policy at the border.

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

The motion carried by the following vote:

Aye: 6 - Andersen, McCoid, Ausec, Cook, Hoy, and Bennett

Nay: 1 - Nanke

Absent: 2 - Kaser, and Lewis

Abstain: 0

- 5.b.** [18-299](#) Mission Street Parks Conservancy Memorandum of Understanding

Ward(s): Ward 2

Councilor(s): Councilor Andersen

Neighborhood(s): SCAN

A motion was made by Councilor Andersen, seconded by Councilor Cook to authorize the City Manager and Public Works Director to enter into a Memorandum of Understanding (MOU) with the Mission Street Parks Conservancy to enhance and manage certain defined landscape areas of Bush's Pasture Park.

Comments by: Councilors Andersen, Cook, Mayor Bennett, and Guest Councilor Carney.

The motion carried by the following vote:

Aye: 7 - Andersen, Nanke, McCoid, Ausec, Cook, Hoy, and Bennett

Nay: 0

Absent: 2 - Kaser, and Lewis

Abstain: 0

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

6.a. [18-154](#) Friends of Trees Annual Report

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This Informational Report was received and filed.

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

6.b. [18-266](#) Purchases approved administratively - May 1, 2018 through May 31, 2018.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This Informational Report was received and filed.

6.c. [18-302](#) Hearings Officer Decision - Quasi-Judicial Zone Change Case No. ZC 18-02 - Approved - Seung-Bae and Yoon-Sin Kim - 5550-5554 Commercial Street SE - A Quasi-Judicial Zone Change from CO (Commercial Office) to CG (General Commercial).

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

This Informational Report was received and filed.

6.d. [18-303](#)

Planning Administrator Decision - Class 2 Time Extension - Approved - Joshua Clark - 780 Idylwood Drive SE - A second request for a 2-year extension of the approval for PAR14-03, a 2-parcel partition to divide approximately 0.5 acres into 2 parcels, with proposed Parcel 1 consisting of 12,482 square feet (9,494 square feet exclusive of the flag lot accessway) and proposed Parcel 2 consisting of 9,278 square feet.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): Faye Wright

This Informational Report was received and filed.

6.e. [18-305](#)

Planning Administrator Decision - Urban Growth Preliminary Declaration Case No. UGA18-01 - Approved - Alpha 3, LLC (Hunter Zeeb, Jeffery Zeeb, Oliver Raab) - 1800 Cordon Road SE - An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of property approximately 19.26 acres, designated as IND (Industrial) in the Comprehensive Plan, and located at 1800 Cordon Road SE.

An appeal of this decision was filed by the applicant on Friday, July 6, 2018 (Attachment 2). In summary, the appeal requests access from the subject property to Cordon Road SE. Appeals of Urban Growth Area Preliminary Declarations are heard by the City Council. A public hearing on this matter will be scheduled on a date to be determined.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

This Informational Report was received and filed.

6.f. [18-306](#)

Planning Administrator Decision - Partition Case No. PAR18-05 - Approved - Salem Keizer School District 24J / City of Salem Real Estate Division - 5500 Reed Lane SE - A tentative partition plan to divide approximately 13.77 acres into 2 parcels, with Parcel 1 consisting of 3.49 acres, and Parcel 2 consisting of 10.28 acres.

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

This Informational Report was received and filed.

6.g. [18-308](#)

Planning Administrator Decision - Replat Case No. REP18-03 - Approved - Salem Keizer School District 24J / City of Salem Real Estate Division - 1776 Titan Drive NW - An application to Replat Lots , 3, 6, 7, and a portion of Lot 1 of Highland Fruit Farms into two lots approximately 6.09 acres and 47.98 acres in size.

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

This Informational Report was received and filed.

6.h. [18-318](#)

Planning Commission Decision - Comprehensive Plan Map Amendment / Zone Change Case No. CPC-ZC18-05 - Approved - 2015 Robins Lane SE - DAV II Investment Groups, LLC (Adam Huskey & David A Montagne) - consolidated application to change the Comprehensive Plan Map designation and zoning from "Commercial" with CG (General Commercial) zoning to "Industrial Commercial" with IC (Industrial Commercial) zoning for a proposed self-storage facility.

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

This Informational Report was received and filed.

- 6.i. [18-323](#) Planning Administrator Decision - Partition Case No. PAR18-03 - Approved - Mark Bybee - 1080 Cascade Drive NW - A tentative partition plan to divide approximately 0.34 acres into two parcels, with Parcel 1 consisting of 4,936 square feet, and Parcel 2 consisting of 5,829 square feet exclusive of the flag lot accessway.

Ward(s): 1
Councilor(s): Kaser
Neighborhood(s): West Salem

This Informational Report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

None.

7.2 SECOND READING:

- 7.2a. [18-291](#) Petitioner-Initiated Annexation of Territory Located at 6719 Devon Avenue SE - 97306 (Annexation Case No. C-725)

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

Conducted second reading of Ordinance Bill No. 13-18 annexing, applying City of Salem RS (Single Family Residential) zoning from Marion County UT-10 (Urban Transition 10 Acres), and withdrawing from the Salem Suburban Rural Fire Protection District, for a 20.35-acre property located at 6719 Devon Avenue SE.

Ordinance Bill No. 13-18 was adopted by the following vote:

Aye: 7 - Andersen, Nanke, McCoid, Ausec, Cook, Hoy, and Bennett

Nay: 0

Absent: 2 - Kaser, and Lewis

Abstain: 0

7.2b. [18-292](#)

Petitioner-Initiated Annexation of Territory Located at 1338 and 1340 Wallace Road NW and Land East - 97304 (Annexation Case No. C-724)

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): West Salem

Conducted second reading of Ordinance Bill No. 14-18 annexing, changing the Salem Area Comprehensive Plan Map designation from "Developing Residential" to "Multi-Family Residential", changing the zoning from Polk County SR (Suburban Residential) to City of Salem RM2 (Multiple Family Residential 2), and withdrawing from the Salem Suburban Rural Fire Protection District, for a 0.80-acre property located at 1338 and 1340 Wallace Road NW and Land East.

Ordinance Bill No. 14-18 was adopted by the following vote:

Aye: 7 - Andersen, Nanke, McCoid, Ausec, Cook, Hoy, and Bennett

Nay: 0

Absent: 2 - Kaser, and Lewis

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

See agenda item 2.

9. ADJOURNMENT

7:48 p.m.