

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, August 13, 2018

6:00 PM

Council Chambers

City Council

EXECUTIVE SESSION

Urban Renewal Agency Board

5:15 p.m. - City Manager Conference Room

Real Property Transactions - ORS 192.660(2)(e)

City Council and Salem Housing Authority Commission

5:30 p.m. - City Manager Conference Room

Labor Negotiations - ORS 192.660(2)(d)

WORK SESSION

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

Call to Order

6:09 p.m.

Roll Call

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

Absent: 1 - Councilor Ausec

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor McCoid, seconded by Councilor Nanke to approve the revised staff report (Version 2) for agenda item 3.3c (file number 18-375).

Comments by: Councilor McCoid.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Ausec

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilor Kaser and Mayor Bennett.

1.3 PROCLAMATIONS

Agenda item 1.3a was heard after Public Comment, agenda item 2.

1.3a.

Proclamation recognizing Micronesian Islander Community Day

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Proclamation - Micronesian Islander Community Day](#)

Mayor Bennett read and presented the proclamation to Jacqueline Leung and Mike Borong.

Information Only.

1.4 PRESENTATIONS

1.4 a. Operator of the Year Award to Joshua Clark by Pacific Northwest Clean Water Association

West Central Section Officers Craig Prosser, President, and Matt Etzel, Vice President, of Pacific Northwest Clean Water Association, presented the Operator of the Year Award to Joshua Clark, Waste Treatment Plant Operator for Public Works Waste Water Treatment Operations.

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

Appearances by:

Christine Darcy, 1628 Fairmount Avenue S., Item 6.f, File 18-356

Steve Anderson, 3240 Gehlar Road NW, Item 6.h, File 18-367

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

Patty Tipton, 3240 Hammel Street NE, Center Street Bridge

Questions or Comments by: Mayor Bennett and Councilors Andersen and Lewis.

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.

Comments by: Councilor McCoid.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Ausec

Abstain: 0

3.1 MINUTES

3.1a. July 16, 2018 Draft City Council Minutes

Attachments: [7-16-18 Draft Council Minutes](#)

Action: Approved.

3.1b. July 23, 2018 Draft City Council Minutes

Attachments: [7-23-18 Draft Council Minutes](#)

Action: Approved.

3.2 RESOLUTIONS

3.2a. Authorizing the Approval of Revenue Bonds Issued by the Hospital Facility Authority of the City of Salem.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Memorandum from Douglas Goe, Bond Counsel for the Hospital Facility Authority](#)
[Resolution 2018-74 Authorizing the Issuance of Debt](#)
[Affidavit of Publication Providing Notice of the Public Hearing](#)
[Hospital Facility Authority Public Hearing Report](#)
[Agreement Regarding City Costs and Liabilities](#)

Adopted Resolution No. 2018-74 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 \$40,000,000, and authorizing the City Manager to enter into an agreement with Capital Manor, Inc. indemnifying the City from all claims arising from the City's participation in the approval and use of the bonds.

3.3 ACTION ITEMS

3.3a. Fire and Police Management Compensation

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Approved the following recommended compensation adjustments effective August 1, 2018:

1. Increase the compensation level for the Deputy Fire Chief and Deputy Police Chief classifications to a new monthly salary range of \$10,367 - \$11,667. This is a 4% increase in compensation for the Deputy Fire Chief and 1.23% increase for Deputy Police Chief.
2. Increase the compensation level for the Assistant Fire Chief of Operations from a monthly salary range of \$10,218 - \$11,500 (D10) to a new monthly range of \$10,984 - \$12,363. This is a 7.5% increase in compensation.

3.3b.

Ratification of the Intergovernmental Agreement with the State of Oregon Military Department, Office of Emergency Management.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [IGA for EMAC - California July 2018](#)

Ratified the Deputy City Manager's execution of the IGA with the State of Oregon Military Department, Office of Emergency Management regarding the activation of the Emergency Management Assistance Compact for the 2018 California wildfires.

3.3c.

Revised Report - Revision to language in number one of the Facts and Findings section.

United States Department of Justice Edward Byrne Memorial Justice Assistance Grant

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Intergovernmental Agreement with Marion County](#)
[Exhibit A to IGA](#)

Authorized the City Manager to apply for and if awarded, execute all documents including the attached Intergovernmental Agreement with Marion County, associated with a U.S. Department of Justice, Justice Assistance Grant in the amount of \$75,866, for Federal Fiscal Year 2018.

4. PUBLIC HEARINGS

4.a.

Proposed amendments to Salem Revised Code pertaining to Erosion Prevention and Sediment Control (Chapter 75), Sidewalks (Chapter 78), Clearing and Grading of Land (Chapter 82), Land Division and Configuration (Chapter 205), Planned Unit Development (Chapter 210), Procedures for Land Use Applications and Legislative Land Use

Proposals (Chapter 300), and Floodplain Overlay Zone (Chapter 601).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Ordinance 15-18](#)

[Comments from E.M. Easterly Received 7-30-2018](#)

[Written Testimony - M. Borup](#)

Staff presentation by Glenn Davis, Engineer, Public Works Planning and Development.

Persons Testifying:

Marvin Sandnes, 640 15th Street NE

Organizations Testifying: None.

Questions or Comments by: Councilors Nanke, Andersen, McCoid and Kaser.

A motion was made by Councilor McCoid, seconded by Councilor Hoy to conduct a public hearing and advance to second reading for enactment Ordinance Bill No. 15-18, which amends Salem Revised Code (SRC) Chapters 75, 78, 82, 205, 210, 300, and 601.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Ausec

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)

None.

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

6.a.

Planning Commission Decision - Comprehensive Plan Map
Amendment / Zone Change / Urban Growth Preliminary Declaration
Case No. CPC-ZC-UGA18-04 - Approved - 4195 Aumsville Hwy SE -

Cascade Legacy Properties, LLC (James L. Rasmussen, Kenneth A. Rasmussen, Alan D. Rasmussen, Ryan Rasmussen) - A consolidated application to change the Comprehensive Plan Map designation and zoning from "Community Services-Government" with PH (Public and Private Health Services) zoning to Industrial-Commercial" with IC (Industrial Commercial) zoning and an Urban Growth Preliminary Declaration permit.

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

Attachments: [Land Use Decision CPC-ZC-UGA18-04](#)

This Informational Report was received and filed.

- 6.b.** Planning Commission Decision - Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment Case No. DR-SPR-ADJ18-02 - Approved - Capital Manor, Inc. & West Valley, LLC (David Lewis, Keith Weathers, Jerry Bumgarner) - 176 Rosewood Drive NW - Design review and site plan review for approximately 34 multi-family dwelling units on a 6.37-acre property, with an adjustment to increase the maximum fence height from 4 feet to 6 feet in the front yard abutting Rosewood Drive NW.

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

Attachments: [Land Use Decision DR-SPR-ADJ18-02](#)

This Informational Report was received and filed.

- 6.c.** Hearings Officer Decision - Conditional Use / Class 3 Site Plan Review Case No. CU-SPR18-04 - Approved - Jeremy Keisling, DJ Green Box - 1351 Wilbur Street SE - An application to change the use of a building to a recreational marijuana grow site.

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

Attachments: [Land Use Decision CU-SPR18-04](#)

This Informational Report was received and filed.

- 6.d.** Hearings Officer Decision - Conditional Use / Class 3 Site Plan

Review / Class 2 Driveway Approach Permit Case No.
CU-SPR-DAP18-05 - Approved - Queen of Peace Catholic Church -
4227 Lone Oak Road SE - A conditional use and site plan review and
driveway approach permit application for building additions, removal
of a driveway, modification of a driveway, and reconfiguration of
parking areas for a religious assembly.

Ward(s): 7
Councilor(s): Cook
Neighborhood(s): Faye Wright

Attachments: [Land Use Decision CU-SPR-DAP18-05](#)

This Informational Report was received and filed.

- 6.e.** Planning Commission Decision - Class 3 Design Review / Conditional
Use / Class 3 Site Plan Review / Class 2 Adjustment / Class 2
Driveway Approach Permit Case No.DR-CU-SPR-ADJ-DAP18-01 -
Approved - MJ Investments 2, LLC (Mike Bliven, Jeff Miller) - 3994
Portland Road NE - A consolidated application for a Conditional Use
Permit, Design Review, Site Plan Review, Driveway Approach Permit,
and Class 2 Adjustment to allow for the development of a proposed
retail commercial development with a drive-through on property
located at 3994 Portland Road NE.

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

Attachments: [Land Use Decision DR-CU-SPR-ADJ-DAP18-01](#)

This Informational Report was received and filed.

- 6.f.** Salem Public Art Commission Annual Report

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

Attachments: [Mel Katz, The Receptacle](#)
[Lillian Pitt, Mike and Saralyn Hilde, Good Cents](#)
[Good Cents Location](#)

This Informational Report was received and filed.

- 6.g.** Planning Administrator Decision - Wireless Communications Facility
Siting Permit Case No. WS2-18-01 - Approved - Malissa Johnson,
Verizon Wireless - 1155 Connecticut Street SE - A proposal to replace

an existing light pole with a taller light pole that will support antennas for wireless communications.

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

Attachments: [Land Use Decision WS2-18-01](#)

This Informational Report was received and filed.

6.h. Neighborhood Partnership Program

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

Attachments: [2017 CaPES Profile](#)
[2017 Edgewater Profile](#)
[Neighborhood Partnership Program Leveraged Funds](#)
[NP Application 2018](#)

This Informational Report was received and filed.

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

6.i. Hearings Officer Decision - Sign Variance / Sign Permit Case No. VAR-SI-18-02 - Approved - Lauren Golden Jones for Capstone Partners, LLC (Capstone Partners LLC members include: Brix Law Service Company LLC, Triangle Development Company and Sapient Advisory Corporation - Brix Law Service Company LLC members include: Kyle Wuepper and Brix Law LLP - Triangle Development Company members include: Jeffrey M. Sackett - Sapient Advisory Corporation members include: Barbara Monteith Nelson and Christopher James Nelson - Brix Law LLP members include: Laura Craska Cooper, Bradley S. Miller and Kyle Wuepper) - 4775 Depot Court SE - A request for a sign permit and sign variance to allow construction of a new wall sign 193.56 square feet in size, facing south towards a parking area.

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

Attachments: [Land Use Decision VAR-SI-18-02](#)

This Informational Report was received and filed.

- 6.j.** Hearings Officer Decision - Conditional Use / Class 3 Site Plan
Review Case No. CU-SPR18-06 - Approved - Ronda Wolf for United
Way of the Mid-Willamette Valley - 220 15th Street SE - A request for
a proposed non-profit youth shelter serving up to 10 individuals for
ages 11-18.

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

Attachments: [Land Use Decision CU-SPR18-06](#)

This Informational Report was received and filed.

Questions or Comments by: Councilor Andersen and Mayor Bennett.

7. ORDINANCES

7.1 FIRST READING:

- 7.1a.** Vacation of Aviation Loop SE.

Ward(s): 2
Councilor(s): Andersen
Neighborhood(s): Southeast Mill Creek Association

Attachments: [Aviation Loop SE area to be vacated](#)
[Aviation Loop SE area to be dedicated in the future](#)
[Ordinance Bill No.17-18 \(Aviation Loop SE\)](#)
[Resolution No. 2018-69](#)

**A motion was made by Councilor Andersen, seconded by Councilor Hoy to
conduct first reading of Ordinance Bill No. 17-18, which vacates Aviation
Loop SE, and advance Ordinance Bill No. 17-18 to second reading for
enactment.**

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Ausec

Abstain: 0

- 7.1b.** Petitioner-Initiated Annexation of Territory Located at 3641 Boone
Road SE - 97317 (Annexation Case No. C-720)

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

Attachments: [Vicinity Map](#)
[Ordinance Bill No 19-18](#)
[Exhibit A - Territory Legal Description and Map](#)

A motion was made by Councilor Nanke, seconded by Councilor Hoy to conduct first reading of Ordinance Bill No. 19-18 annexing, applying City of Salem IG (General Industrial) zoning from Marion County IG (General Industrial), and withdrawing from the Salem Suburban Rural Fire Protection District, for a 1.88-acre property located at 3641 Boone Road SE.

Comments by: Councilor Nanke and Mayor Bennett.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Ausec

Abstain: 0

7.1c.

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

Attachments: [Vicinity Map](#)
[Ordinance Bill No 18-18](#)
[Exhibit A - Territory Legal Description and Map](#)

A motion was made by Councilor McCoid, seconded by Councilor Andersen to conduct first reading of Ordinance Bill No. 18-18 annexing, applying City of Salem RA (Residential Agriculture) zoning from Marion County UT-5 (Urban Transition 5 Acres), and withdrawing from the Salem Suburban Rural Fire Protection District, for a 0.53-acre property located at 2487 Robins Lane SE.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Ausec

Abstain: 0

7.2 SECOND READING:

- 7.2a.** Creating provisions for the use of restricted funds for public art related to a public improvement project

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

Attachments: [ORDINANCE BILL NO 16-18](#)
[Exhibit A to Ordinance Bill No. 16-18](#)

Conducted second reading of Ordinance Bill No.16-18, creating provisions for the use of restricted funds for public art related to a public improvement project.

Ordinance Bill No. 16-18 was adopted by the following vote:

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

Nay: 0

Absent: 1 - Ausec

Abstain: 0

- 7.2b.** Changes to Penalty Provisions for Parks Infractions

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

Attachments: [Ordinance Bill No. 12-18](#)

Conducted second reading for enactment of Ordinance Bill No. 12-18, amending Salem Revised Code Chapters 45 and 94 to allow for a tiered approach to fines for certain infractions occurring in parks and to clarify the penalties for smoking infractions.

Ordinance Bill No. 12-18 was adopted by the following vote:

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

Nay: 0

Absent: 1 - Ausec

Abstain: 0

- 7.2c.** State Street Corridor Plan Project

Ward(s): 1 and 2

Councilor(s): Kaser and Andersen

Neighborhood(s): NEN and SESNA

Attachments: [Attachment 1 - Engrossed Ordinance Bill 4-18](#)
[Attachment 2 - Exhibits to Engrossed Ordinance Bill no. 4-18](#)
[Comments from SESNA received 7-31-18](#)

A motion was made by Councilor Kaser, seconded by Councilor Andersen to engross Ordinance Bill No. 4-18, and conducted second reading of the ordinance bill for enactment, amending the Unified Development Code (UDC), Salem Area Comprehensive Plan (Comprehensive Plan), Comprehensive Plan Map, NEN-SESNA Neighborhood Plan Map, and zoning map to adopt new zoning and a new street design for the State Street corridor.

Ordinance Bill No. 4-18 was adopted by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, Cook, Lewis, Hoy, and Bennett

Nay: 1 - McCoid

Absent: 1 - Ausec

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

Item 8 was heard at item 2, Public Comment.

9. ADJOURNMENT

7:07 p.m.