

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, October 8, 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

6:02 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

Note: Councilor Andersen joined the meeting via telephone for one agenda item only, 4.a, City Council Review of Hearing's Officer's decision approving Conditional Use / Class 3 Adjustment Case No. CU-ADJ18-07 allowing an existing single family dwelling to be used as a short-term rental for property located at 725 High Street SE.

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor McCoid, seconded by Councilor Kaser to approve the deletion of agenda item 3.3j and to reorder the agenda to move item 1.4a after item 1.1.

The motion carried by the following vote:

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

Nay: 0

Absent: 2 - Andersen, and Ausec

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Mayor Bennett and Councilor Cook.

Mayor Bennett announced that agenda item 4.a will be heard immediately following agenda item 1.4 a., Presentations.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

1.4a. Achievement in Community Engagement Award to the Planning Division for the NESCA-Lansing Neighborhood Plan

Sadie Carney, Rural Policy Analyst and Communications Manager for the Oregon Department of Land Conservation and Development presented the award to the City's Planning Division.

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

None.

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

Prior to agenda item 3, Consent Calendar, the meeting adjourned for a five minute recess.

A motion was made by Councilor Nanke, seconded by Councilor Hoy to approve the consent calendar.

The motion carried by the following vote:

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

Nay: 0

Absent: 2 - Andersen, and Ausec

Abstain: 0

3.1 MINUTES

- 3.1 a. [18-456](#) September 24, 2018 Draft City Council Minutes

Action: Approved.

- 3.1 b. [18-457](#) September 24, 2018 Draft City Council Work Session Minutes

Action: Approved.

3.2 RESOLUTIONS

- 3.2 a. [18-441](#) Amendments to the Wastewater System Development Charges Eligible Project List.

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): West Salem Neighborhood Association

Adopted Resolution No. 2018-78 amending the Wastewater System Development Charges Eligible Project List to specify eligibility of a wastewater main on Doaks Ferry Road NW, between Brush College Road NW and Orchard Heights Road NW.

3.3 ACTION ITEMS

- 3.3 a. [18-440](#) Mid-Year Project Request for Wastewater System Improvements on Doaks Ferry Road NW.

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): West Salem Neighborhood Association

Authorized the creation of a new wastewater project-"Doaks Ferry Sanitary Sewer Extension Project"-in the FY 2017-18 Extra Capacity Facilities Fund 260 and funded with Wastewater System Development Charges for construction of wastewater system improvements that provide wastewater service to the northwest corner of Doaks Ferry Road NW and Orchard Heights Road NW.

- 3.3 b. [18-442](#) Adding Two New Full-Time Positions for Public Works Development Services Division.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Approved the addition of one Permit Technician position (1 FTE) and one Program Coordinator position (1 FTE) to the Public Works Development Services section, effective immediately.

3.3 c. [18-443](#)

Voluntary cancellation of a portion of a water right for the Willow Lake Golf Center.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Authorized the City Manager to sign an affidavit for the voluntary cancellation of a portion of a water right that is appurtenant to the Willow Lake Golf Center property.

3.3 d. [18-444](#)

Lease with Alpha Nursery, Inc. for property located in the 4400 block of Hazelgreen Road NE.

Ward(s): Ward 5

Councilor(s): Ausec

Neighborhood(s): Northgate

Authorized the City Manager to execute the attached lease with Alpha Nursery, Inc.

3.3 e. [18-445](#)

Application for project funding under the Oregon Department of Transportation Safe Routes to School Infrastructure Program.

Ward(s): 3, 7

Councilor(s): Nanke, Cook

Neighborhood(s): Southeast Mill Creek, Faye Wright, Sunnyslope

Authorized the City Manager to apply for funding to design and construct three projects through the Safe Routes to School Infrastructure Program and, if successful, incorporate these 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.

3.3 f. [18-447](#)

Federal Aviation Administration grant application for design and construction of taxiway "C" rehabilitation

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SEMCA

Authorized the City Manager to apply for and accept Federal Aviation Administration Airport Improvement Program (AIP) grant funds for the design and construction of Taxiway "C" rehabilitation project at the Salem Airport.

3.3 g. [18-448](#)

Federal Aviation Administration grant application for construction of the Terminal Apron Rehabilitation Project

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SEMCA

Authorized the City Manager to apply for and accept Federal Aviation Administration Airport Improvement Program (AIP) grant funds for the construction of the Terminal Apron Rehabilitation Project at the Salem Airport.

3.3 h. [18-449](#)

Critical Oregon Airport Relief (COAR) grant application for construction of the Terminal Apron Rehabilitation Project

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SEMCA

Authorized the City Manager to apply for and accept Critical Oregon Airport Relief (COAR) Program grant funds to be used for the construction of the Terminal Apron Rehabilitation Project at the Salem Airport.

3.3 i. [18-460](#)

Recommendations for appointments and reappointments to the Citizen Budget Committee, Salem Cultural and Tourism Promotion Advisory Board, Salem Parks and Recreation Advisory Board, Salem Public Art Commission, and Salem Urban Development, Community Services and Housing Commission

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Citizen Budget Committee:

Appointed Virginia Barker as the Ward 5 representative to a term #1 expiring on June 30, 2021.

Salem Cultural and Tourism Promotion Advisory Board:

Appointed Rita Siong to a partial term expiring on June 30, 2020;

Appointed Gaelen McAllister to a term #1 expiring on June 30, 2021.

Salem Parks & Recreation Advisory Board:

Appointed Micki Varney to a partial term expiring on December 31, 2019;

Appointed Diana Dickey to a partial term expiring on December 31, 2020.

Salem Public Art Commission:

Reappointed Rachel Bucci to a term #1 expiring on October 1, 2021;

Reappointed Christine D'Arcy to a term #2 expiring on October 1, 2021;

Reappointed Eileen Cotter-Howell to a term #2 expiring on October 1, 2021.

Salem Urban Development, Community Services and Housing Commission:

Appointed Frank Hostler to a term #1 expiring on June 30, 2021.

3.3 j. [18-472](#)

Collective Bargaining Agreement between the City and American Federation of State, County and Municipal Employees (AFSCME).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This item was removed from the agenda.

4. PUBLIC HEARINGS

4. a. [18-453](#)

City Council Review of Hearings Officer's decision approving Conditional Use / Class 2 Adjustment Case No. CU-ADJ18-07 allowing an existing single family dwelling to be used as a short-term rental for property located at 725 High Street SE.

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

Note: Agenda Item 4.a was heard immediately following agenda item 1.2, Council and City Manager Comment.

Staff Presentation by Bryce Bishop, Planner, Community Development Planning Services.

Persons Testifying:
Stuart Kirchick, Applicant

Questions or Comments by: Councilors Andersen, Cook, Hoy, Kaser, Lewis, and Mayor Bennett.

Organizations Testifying:
Jeff Schumacher, SCAN Neighborhood Association.

Questions or Comments by: Mayor Bennett, Councilors Kaser, Cook, and Lewis.

Other Persons Testifying:
Patricia Deminna, 635 Church Street SE, Speaking on behalf of Jane Cummings
Roger Deminna, 635 Church Street SE
Kendra Mingo, 445 Leslie Street SE
Jacque Heavey, 747 Church Street SE
Mary Anne Spradlin, 712 High Street SE
Carlene Benson, 545 Leslie Street SE
William Vagt, 690 Liberty Street SE
Tom Schenemann, 1089 High Street SE
Irene Longaker, 975 High Street SE
Carol Mitchell, 1910 Saginaw Street SE
J.W. Millegan, No address provided
Jim Randall, 460 Leslie Street SE
Jon Christenson, No address provided

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

Applicant's Rebuttal by Stuart Kirchick.

Questions or Comments by: Councilors Lewis and Andersen.

A motion was made by Councilor Andersen, seconded by Councilor Hoy to DENY the August 29, 2018 Hearing's Officer Decision approving the consolidated conditional use and Class 2 adjustment application allowing the use of an existing single family dwelling located at 725 High Street SE as a short-term rental and allowing a portion of the required off-street parking serving the proposed use to be located in the public street right-of-way of High Street on the existing driveway leading to the home rather than on the subject property.

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

A substitute motion was made by Councilor Lewis, seconded by Councilor Nanke to AFFIRM the August 29, 2018 Hearing's Officer Decision and change Condition 4 to increase the maximum of two vehicles to three. Councilor Nanke amended the substitute motion to change the wording from "may park a third vehicle" to "may park a fourth vehicle" to allow space for a fourth vehicle in the existing driveway for the duration of work being performed.

Comments by Councilors Lewis, Nanke, Andersen, Cook, McCoid, Mayor Bennett.

The substitute motion resulted in the following tie vote:

Aye: 4- Lewis, Nanke, Kaser, McCoid
Nay: 4- Cook, Hoy, Andersen, Bennett
Absent: 1- Ausec

The main motion resulted in the following tie vote:

Aye: 4 - Andersen, Cook, Hoy, and Bennett
Nay: 4 - Kaser, Nanke, McCoid, and Lewis
Absent: 1 - Ausec
Abstain: 0

Due to the tie votes, the August 29, 2018 Hearing's Officer Decision to Approve the Consolidated Conditional Use and Class 2 Adjustment application is UPHELD.

4. b. [18-438](#)

City Council review of the Planning Administrator's decision denying a Tentative Subdivision Review and approving an Urban Growth Declaration for Permit Case No. SUB-UGA18-01 for property located at 1395 Boone Road SE - 97306.

Ward(s): Ward 3

Councilor(s): Nanke

Neighborhood(s): Morningside

This item was heard immediately following agenda item 3, Consent Calendar.

Staff Presentation by Olivia Glantz, Planner, Community Development Planning Services.

Persons Testifying:

Mark Grenz, Multitech Engineering, Applicant's Representative

Sara Lee, 1465 Brewster Avenue SE

Organizations Testifying: None.

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

Rebuttal by Mark Genz.

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

A motion was made by Councilor McCoid, seconded by Councilor Lewis to extend the meeting to 10:45 p.m. The motion to extend the meeting to 10:45 p.m. carried by the following vote:

Aye: 6 - Kaser, Nanke, McCoid, Lewis, Cook, Bennett

Nay: 1 - Hoy

Absent: 2 - Ausec, Andersen

The hearing resumed with questions from Councilors Nanke and Hoy and Mayor Bennett.

A motion was made by Mayor Bennett, seconded by Councilor Nanke to continue the hearing to October 22, 2018.

The motion carried by the following vote:

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

Nay: 0

Absent: 2 - Andersen, and Ausec

Abstain: 0

4. c. [18-410](#)

Public Hearing - Exemption from Competitive Bidding Process and Authorization of an Alternative Contracting Method for the Salem Public Library Improvement Project

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This item was heard after agenda item 4.d.

Staff Presentation: None.

Persons Testifying: None.

Organizations Testifying: None.

A motion was made by Mayor Bennett, seconded by Councilor Kaser to adopt Resolution No. 2018-76 in support of an exemption from the competitive bidding process and use of a Design Build contracting method for the Salem Public Library Improvement project.

The motion carried by the following vote:

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

Nay: 0

Absent: 2 - Andersen, and Ausec

Abstain: 0

4. d. [18-58](#)

Proposed Fees and Charges for Utility Service Rates (Wastewater, Water, and Stormwater)

Ward(s): All

Councilor(s): All

Neighborhood(s): All

This item was heard before agenda item 4.c.

Staff Presentation by Peter Fernandez, Director, Public Works.

Persons Testifying:

Tom Lancefield, 313 Ewald Avenue SE

Jim Wynne, 638 Vallywood Drive SE

Ron Crofoot, 3204 Center Street NE

Theodore Greenbaum, 2655 5th Street NE

Organizations Testifying:

Jennifer Meltzer, President, Orchard Heights Water Association, 4945 Orchard Heights Road NW

Susann Kaltwasser, East Lancaster Neighborhood Association

Fraser Wick, Lakewood Park Homeowner's Association, 950 Genie Street SE

Jenson Storm, Henningsen Cold Storage, 2302 Madrona Avenue SE

Questions or Comments by: Mayor Bennett, Councilors Nanke, Lewis, and Hoy.

A motion was made by Councilor McCoid, seconded by Councilor Lewis to extend the meeting to 11:15 p.m.

The motion carried by the following vote:

Aye: 4 - Nanke, McCoid, Lewis, Bennett

Nay: 3 - Hoy, Kaser, Cook

Absent: 2 - Andersen, Ausec

The hearing resumed with questions or comments by: Councilor Hoy.

A motion was made by Councilor McCoid, seconded by Councilor Cook to adopt Resolution No. 2018-79 with exhibit, establishing fees and charges for utility service rates (wastewater, water, and stormwater) effective January 1, 2019, and January 1, 2020.

Questions or Comments by: Mayor Bennett and City Manager Powers.

The motion carried by the following vote:

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

Nay: 0

Absent: 2 - Andersen, and 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. [18-450](#)

Planning Commission Decision - Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. DR-SPR-ADJ-DAP18-05 - Approved - Mike Studer - 245 Patterson Street NW - A consolidated Class 3 Design Review, Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit application to develop a building of approximately 9,964 square feet and a parking area for an outpatient medical services use on a property zoned ESMU (Edgewater/Second Street Mixed Use) and located at 245 Patterson Street NW 97304.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): West Salem

This Informational Report was received and filed.

6. b. [18-452](#)

Announcing Mayoral appointments to the Center 50+ Advisory Commission, Historic Landmarks Commission, and Human Rights Commission

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This Informational Report was received and filed.

Center 50+ Advisory Commission:

Appointed Trisha Irwin as to a partial term in a Community Member-Over 50 position with a term expiring December 31, 2020.

Historic Landmarks Commission:

Appointed Patricia Mulvihill a partial term at-large position expiring December 31, 2019; Appointed Tracy Schwartz to a partial term preservation professional position expiring on December 31, 2019.

Human Rights Commission

Appointed Krista Aquinas-Gallagher to a partial term expiring on December 31, 2019; Appointed Christine Detrois to a partial term expiring on December 31, 2019

6. c. [18-463](#)

2018 Residential Satisfaction Survey

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:

None.

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

10:51 p.m.