

*555 Liberty St SE  
Salem, OR 97301*



## **Final Action Agenda - Minutes - Final**

**Monday, November 26, 2018**

**6:00 PM**

**Council Chambers**

**City Council**

**EXECUTIVE SESSIONS:**

**Urban Renewal Agency Board**

**5:00 p.m. - City Manager Conference Room**

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

**City Council**

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

**To consider information or records that are exempt from public inspection -**

**ORS 192.660(2)(f)**

**WORK SESSION**

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

**Call to Order**

**6:07 p.m.**

**Roll Call**

**Present:** 9 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Ausec, Councilor Cook, Councilor Lewis, Councilor Hoy, and Mayor Bennett

**1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA**

**A motion was made by Councilor McCoid, seconded by Councilor Hoy to approve the additions of Item 6.a and a supplemental report for Item 5.a to the agenda.**

**Comments by: Councilor McCoid.**

**The motion carried by the following vote:**

**Aye:** 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 0

**Abstain:** 0

**1.2 COUNCIL AND CITY MANAGER COMMENT**

**Comments by: Mayor Bennett and City Manager Powers thanked outgoing Deputy City Manager Kacey Duncan for his outstanding service to the City.**

### 1.3 PROCLAMATIONS

- 1.3 a. [18-532](#) Proclamation recognizing Giving Tuesday

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Mayor Bennett read and presented the proclamation to Major Dan Williams from the Salvation Army.**

**Information Only.**

### 1.4 PRESENTATIONS

**None.**

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

Sarah Deumling, 2667 Orchard Heights Road NW, Item 5.a, File 18-531  
Patrick Sieng, 925 Commerical Street SE, Suite 220, Item 5.a., File 18-531  
Jeff Morehead, 1349 Kitsap Court NW, Item 5.a., File 18-531  
David Turner, 212 Gregory Lane SE, Item 3.3d, Item 18-524  
T.J. Sullivan 455 Inverness Drive SE, Item 5.a., File 18-531  
Jim Griggs, 260 Washington Street S., Item 5.a., File 18-531  
Curt Arthur, 3750 Augusta National Drive, Item 5.a., File 18-531  
Nick Williams, CEO, Salem Chamber of Commerce, Item 5.a., File 18-531  
Linda Bierly, Ward 8, Item 5.a., File 18-531  
Merrily McCabe, 1007 Parkway Drive NW, Item 5.a., File 18-531  
Cathy Clark, Mayor, City of Keizer, Item 5.a., File 18-531  
Sam Brentano, Marion County Commissioner, Item 5.a., File 18-531  
Raquel Moore-Green, 1557 Webster Drive SE, Item 5.a., File 18-531  
Ben Pumley, 980 Burley Hill Drive NW, Item 5.a., File 18-531  
Carl Harbaugh, 2324 12th Street SE, Item 5.a., File 18-531  
Mike Erdmann, Homebuilder's Association, 2075 Madrona Avenue SE, Item 5.a., File 18-531  
Jim Allhiser, Chair, West Salem Neighborhood Association, Item 5.a., File 18-531  
Rob Wallace, 2435 Dalke Ridge Drive NW, Item 5.a., File 18-531  
Ron Well, 3981 Friar Court SE, Item 5.a, File 18-531  
Rich Fry, President, Salem Planning Commission, Ward 4, Item 5.a, File 18-531  
Roberta Cade, Ward 7, Item 5.a, File 18-531  
Sharon Nicks, Ward 8, Item 5.a, File 18-531  
Marty Heyen, Ward 5, Item 5.a, File 18-531 and item 7.2a, File 18-539  
Jeff Heyen, Item 5.a, File 18-531 and item 7.2a, File 18-539  
Jeff Miller, Ward 8, Item 5.a, File 18-531  
Nathan Wuerch, West Salem Business Association, Ward 8, Item 5.a, File 18-531  
Mike Evans, Salem Bridge Solutions, Ward 8, Item 5.a, File 18-531  
Craig Evans, Salem Bridge Solutions, Ward 8, Item 5.a, File 18-531  
Mike Studer, Northwest Rehabilitation Associates, 5381 Woodscape Drive SE, Item 5.a, File 18-531  
Linda Wallmark, 350 Salem OR, 4734 Bradford Loop SE, Item 5.a, File 18-531  
Steve Anderson, 3240 Gehler Road NW, Item 5.a, File 18-531  
Doug Doty, 447 State Street, Item 5.a, File 18-531  
Brent Culver, 1674 Pelican Court NW, Item 5.a, File 18-531  
Chris Wilhelm, 2487 Ian Avenue NW, Item 5.a, File 18-531  
Ian Levin, 695 Commercial Street NE, Suite 006, Item 5.a, File 18-531  
Tim Fahndrich, 1510 Wallace Road NE, Item 5.a, File 18-531  
E.M. Easterly, 775 Fir Gardens Street NW, Item 5.a, File 18-531  
Herb Shaw, 1930 Wallace Road NW, Item 5.a, File 18-531  
Ron Liedkie, 1236 Lottie Lane NW, Item 5.a, File 18-531  
Bob Cortright, 373 Suncrest Avenue NW, Item 5.a, File 18-531  
Steve Evans, 1936 Orchard Heights Rd NW, Item 5.a, File 18-531  
Dan Dorn, 2015 Commercial Street SE, Item 5.a, File 18-531  
Ken Adams, 1695 Chemeketa Street NE, Item 5.a, File 18-531

---

Laurie Dougherty, Ward 2, Item 5.a, File 18-531

Michael Roth, Roth's Grocery, 4895 Indian School Road, Item 7.a, File 18-539

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

### **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 pulls of items 3.2b and 3.3d by Councilor Andersen.

Comments by: Councilor McCoid.

The motion carried by the following vote:

**Aye:** 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 0

**Abstain:** 0

#### **3.1 MINUTES**

**3.1 a.** [18-542](#) November 13, 2013 Draft City Council Minutes

**Action:** Approved.

#### **3.2 RESOLUTIONS**

**3.2 a.** [18-512](#) Property tax exemptions for nonprofit owned low-income housing properties

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Adopted Resolution No. 2018-84 approving property tax exemptions for seven nonprofit owned low-income housing properties.**

**3.2 b.** [18-522](#)

Proposed Amendments to the Riverfront-Downtown Urban Renewal Plan

Ward(s): Ward 1

Board Member(s): Board Member - Kaser

Neighborhood(s): CANDO

**Pulled by Councilor Andersen - See Item 5.b.**

**3.2 c.** [18-523](#)

Acquisition of property for the 54-inch Water Transmission Line Repair Project.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Adopted Resolution 2018-85, declaring a public need to acquire and the City of Salem's intent to negotiate for the acquisition of easements for construction of the 54-inch Water Transmission Line Repair project.**

**3.2 d.** [18-535](#)

Transfer of appropriation from the Utility Fund to the Capital Improvements Fund.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Adopted Resolution No. 2018-22 transferring \$3,900,000 of appropriation authority from the Utility Fund, Non-Divisional, contingency and materials and services to the Utility Fund, Non-Divisional, interfund transfers for the purpose of initiating drinking water treatment and system capacity projects in the Capital Improvements Fund.**

### 3.3 ACTION ITEMS

**3.3 a.** [18-496](#)

Local Agency Agreement with the Oregon Department of Transportation for Travel Time Reader Devices

Ward(s): All

Councilor(s): All

Neighborhood(s): All

**Authorized the City Manager to execute the attached Local Agency Agreement No. 32804 with the Oregon Department of Transportation to purchase and install Travel Time Reader devices.**

**3.3 b. [18-511](#)**

Subordination of Two Community Development Block Grant Loans

Ward(s): Ward 1

Councilor(s): Kaser

Neighborhood(s): CANDO

**Authorized the subordination of two Community Development Block Grant acquisition/rehabilitation deferred payment forgivable loans for the Center for Hope and Safety, owner of a property located at 605 Center Street NE.**

**3.3 c. [18-519](#)**

Chemeketa Parkade Retail Lease - Rudy's Steakhouse LLC

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

**Authorized the City Manager to execute the attached lease with Rudy's Steakhouse LLC for property located at 310 Commercial Street NE.**

**3.3 d. [18-524](#)**

Small Community Air Service Development Grant Application for Commercial Air Service Development

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SEMCA

**Pulled by Councilor Andersen - See Item 5.c.**

## **4. PUBLIC HEARINGS**

**None.**

## **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)**

**After the vote on Item 3, Consent Calendar, Mayor Bennett called for a five minute recess, and the meeting resumed at the start of Item 5.a.**

**5. a.     [18-531](#)**

Motion from Councilor Jim Lewis concerning the Salem River Crossing

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**A motion was made by Councilor Lewis, seconded by Councilor McCoid to direct staff to prepare an ordinance and all other necessary land use actions to respond to the issues raised in LUBA's remand of the City's UGB expansion decision concerning the Salem River Crossing. The ordinance and other actions shall be presented for City Council's consideration prior to June 2019.**

**Comments by: Councilors Lewis and Andersen.**

**A substitute motion was made by Councilor Andersen, seconded by Councilor Kaser that City Council hold a work session to discuss all potential issues concerning the Environmental Impact Statement for the third bridge, including but not limited to its effect on neighborhoods, Wallace Marine Park, Edgewater Drive, the Rosemont exit; projected congested areas and travel times under build and no-build options; and financing options.**

**Comments by: Councilors Andersen, Lewis, Hoy, Kaser, McCoid, and Mayor Bennett.**

**A second substitute motion was made by Councilor McCoid, seconded by Councilor Nanke to combine the main and substitute motions.**

**Comments by: Councilors Lewis, Kaser, Nanke, and Mayor Bennett.**

**The second substitute motion FAILED by the following vote:**

**Aye: 4 - Lewis, Nanke, McCoid, Bennett**

**Nay: 5 - Kaser, Andersen, Cook, Hoy, Ausec**

**Comments by: Councilors Lewis, Kaser, Andersen, and Mayor Bennett.**

**The first substitute motion CARRIED by the following vote:**

**Aye: 6 - Kaser, Andersen, Ausec, Cook, Hoy, and Bennett**

**Nay: 3 - Nanke, McCoid, and Lewis**

**Abstain: 0**



**5.b.**     [18-522](#)

Proposed Amendments to the Riverfront-Downtown Urban Renewal Plan

Ward(s): Ward 1

Board Member(s): Board Member - Kaser

Neighborhood(s): CANDU

**A motion was made by Councilor Andersen, seconded by Councilor Kaser to adopt Resolution No. 2018-83 approving amendments to the Riverfront-Downtown Urban Renewal Plan (URA Plan) to update the title of the Conference Center to the Convention Center, Sections 400; and 1100 to:**

**(1) Add two new URA Objectives to Section 400;**

**(2) Amend Project 1102 Description to include future expansion of the Salem Convention Center;**

**(3) Add new URA Project 1110 to Address Homelessness and Support of the Salem Strategic Plan;**

**(4) Add new URA Project 1111 for Public Facilities; and**

**(5) Add new URA Project 1112 for Food and Beverage Related Development.**

**Comments by: Councilor Andersen.**

**The motion carried by the following vote:**

**Aye:**     9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:**     0

**Abstain:**     0

**5.c.**     [18-524](#)

Small Community Air Service Development Grant Application for  
Commercial Air Service Development

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SEMCA

**A motion was made by Councilor Andersen, seconded by Councilor Lewis to  
authorize the Small Community Air Service Development grant application  
for commercial air service development at the Salem Municipal Airport.**

**Comments by: Councilors Andersen and Nanke.**

**The motion carried by the following vote:**

**Aye:**    9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:**     0

**Abstain:**   0

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

**6. a.**     [18-506](#)

Purchases approved administratively - October 1, 2018 through  
October 31, 2018.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**This Informational Report was received and filed.**

**6. b.**     [18-515](#)            Update on Issues from the Utility Rate Hearing

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Comments by: Councilors Andersen and Hoy.**

**A motion was made by Councilor Hoy, seconded by Councilor Andersen to direct staff to return to Council an enhanced program to assist low income individuals.**

**The motion carried by the following vote:**

**Aye:**    9 -   Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:**    0

**Abstain:**    0

**6. c.**     [18-516](#)            Center 50+ Code of Conduct

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**This Informational Report was received and filed.**

**6. d.**     [18-527](#)            Notice of proposed administrative rulemaking to determine the amount of a civil penalty imposed by the City of Salem.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**This Informational Report was received and filed.**

- 6.e. [18-555](#) Supplemental information on Low Income Utility Assistance and Wastewater Rate Assistance programs.

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:

- 7.2 a. [18-539](#) Second Engrossed Ordinance Bill No. 20-18, restricting use of plastic carryout bags

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

**A motion was made by Councilor Hoy, seconded by Councilor Cook that Council reconsider Ordinance Bill No. 20-18.**

**Comments by: Councilor Hoy.**

**The motion carried by the following vote:**

**Aye: 9 - McCoid, Nanke, Andersen, Kaser, Ausec, Hoy, Cook, Lewis, Bennett**  
**Nay: 0**

**Comments by: Councilors Kaser and Hoy and Mayor Bennett.**

**A motion was made by Councilor Hoy, seconded by Councilor Ausec to remove the second engrossment language.**

**Comments by: Councilors Cook, Nanke, Andersen, Hoy, Kaser, Ausec, Lewis, and Mayor Bennett.**

**Engrossed Ordinance Bill No. 20-18 was adopted by the following vote:**

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

**Nay:** 2 - Nanke, and Cook

**Abstain:** 0

**7.2 b.** [18-505](#)

Petitioner-Initiated Annexation of Territory Located at 5826 Battle Creek Road SE - 97306 (Annexation Case No. C-726)

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): South Gateway

**Conducted second reading of Ordinance Bill No. 22-18 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 an 11.167-acre property located at 5826 Battle Creek Road SE.**

**Ordinance Bill No. 22-18 was adopted by the following vote:**

**Aye:** 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 0

**Abstain:** 0

**8. PUBLIC COMMENT: (Other than agenda items)**

None.

**9. ADJOURNMENT**

9:25 p.m.