

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, February 11, 2019

6:00 PM

Council Chambers

City Council

EXECUTIVE SESSION

City Council

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

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

WORK SESSION

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

Call to Order

6:04 p.m.

Roll Call

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

Pledge of Allegiance

Led by Mayor Bennett.

Immediately following the Pledge of Allegiance, comments were made by Mayor Bennett and City Manager Powers.

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Hoy, seconded by Councilor Nanke to reorder the agenda to move item 3, the Consent Calendar, to after item 1.4; move item 4.b, Annexation of territory located at 4945 Delton Lane NE, to immediately after item 1.2; and move item 5.a, Council decision regarding the Salem River Crossing, to immediately after item 2, Public Comment.

Councilor Hoy noted that item 4.a, City Council review of the Planning Commissioner's decision approving Class 3 Design Review/Class 3 Site Plan Review/Class 2 Driveway Approach Permit/Tree Regulation Variance Case No. DR-SPR-DAP-TRV18-07 was removed from the February 11, 2019 agenda and will be rescheduled to February 25, 2019.

Comments by: Councilor Hoy.

The motion carried by the following vote:

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

Nay: 0

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

None.

1.2a. [19-64](#)

Petitioner-Initiated Annexation of Territory Located at 4945 Delton Lane NE - 97301 (Annexation Case No. C-728)

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure.

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

Persons Testifying: None.

Organizations Testifying: None.

A motion was made by Councilor Hoy, seconded by Councilor Lewis 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. 2019-01-ANX (Attachment 2);

3. Apply the City of Salem RS (Residential Agriculture) zone to the Territory from Marion County UD (Urban Development); and

4. Withdraw the Territory from Marion County Fire District #1 and the East Salem Sewer & Drainage District.

The motion carried by the following vote:

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

Nay: 0

Abstain: 0

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

None.

1.4a. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)

A motion was made by Councilor Hoy, seconded by Councilor Andersen to approve the consent calendar with the pull of item 3.3c by Councilor Lewis.

The motion carried by the following vote:

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

Nay: 0

Abstain: 0

MINUTES

3.1a. [19-59](#) January 28, 2019 Draft City Council Minutes

Action: Approved.

3.1b. [19-81](#) January 23, 2019 Draft City Council Work Session Minutes

Action: Approved.

3.1c. [19-82](#) January 30, 2019 Draft City Council Work Session Minutes

Action: Approved.

ACTION ITEMS

3.3a. [19-20](#) Local Agency Agreement with the Oregon Department of Transportation (ODOT) for Signalized Intersection Improvements on 12th Street.

Ward(s): 1, 2

Councilor(s): Kaser, Andersen

Neighborhood(s): CANDO, NEN, SESNA

Service Area(s): Safe and Reliable Infrastructure

Authorized the City Manager to execute a Local Agency Agreement with ODOT to fund the design and construction of traffic signal improvements on 12th Street through the State Funded Local Project Program.

3.3b. [19-43](#)

Subordination of Two HOME Investment Partnership Act Loans.

Ward(s): Ward 1

Councilor(s): Kaser

Neighborhood(s): CANDO

Result Area(s): Welcoming and Livable Community.

Authorized the subordination of two HOME Investment Partnership Act rehabilitation deferred payment forgivable loans for Jason Lee Manor, located at 1551 Center Street NE

3.3d. [19-70](#)

Ratification of the Subordination of two Community Development Block Grant loans.

Ward(s): Ward 1

Councilor(s): Councilor Kaser

Neighborhood(s): CANDO

Result Area(s): Welcoming and Livable Community.

Ratified the subordination of two Community Development Block Grant (CDBG) deferred payment forgivable loans for the Salem Family YMCA, located at 685 Court Street.

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

Brian Dalton, Mayor, City of Dallas, 1650 SW Bridlewood Drive, Dallas, OR
Item 5.a
Sam Brentano, Marion County Commissioner, 605 W. Main Street, Sublimity,
OR, Item 5.a
Colm Willis, Marion County Commissioner, no address provided, Item 5.a
Josh Kay, 2074 Celeen Avenue SE, Item 5.a
Jennifer Martin, 2352 Tuscanna Avenue S., Item 5.a
Tim Fahndrich, 1436 Commercial Street NE, Item 5.a
Chad Elliott, 3482 El Dorado Loop, Item 5.a
Linda Alluis, 810 22nd Avenue, Item 5.a
Rich Duncan, 6292 Macleay Road SE, Item 5.a
Marty Heyen, 3060 31st Avenue NE, Item 5.a
Jeff Hyen, 3060 31st Avenue NE, Item 5.a
Ryan Bloedel, 1687 Gemma Street NW, Item 5.a
Terry Guisinger, 1873 Marigold Street, Keizer, OR, Item 5.a
Stew Stone, 3850 Eola Drive NW, Item 5.a
Don Stover, President, NW Carpenters Union Local 146, 4555 Japonica
Street NE, Item 5.a
Zak Stone, 1842 Boulder Ridge Court NW, Item 5.a
Jim Griggs, 260 Washington Street S., Item 5.a
Danielle, Amelia, and Evan Hamilton, 2321 Westfarthing Way NW, Item 5.a
Evan White, 4553 Brock Loop S., Item 5.a
Steve Anderson, 3240 NW Gehlar Road NW, Item 5.a
Jeff Miller, Vice Chair, West Salem Redevelopment Advisory Board, Ward 8,
Item 5.a
E.M. Easterly, 775 Fir Gardens Street NW, Item 5.a
Christopher Ray, 7226 Meadowwood Street NE, Keizer, OR, Item 5.a
Jeanette Scott, 3346 Walnut Place NW, Item 5.a
Sarah DuVal, 1848 Nut Tree Drive NW, Item 5.a
Kelly Martin, President, Mid-Valley Association of Realtors, 2794 12th
Street SE, Item 5.a
Tim Klarr, 335 Cameo Street NW, Item 5.a
Rob Wallace, 2435 Dalke Ridge Drive NW, Item 5.a
Jim Allhiser, Chair, West Salem Neighborhood Association, 1160 31st Court
NW, Item 5.a
Brian Lidtke, 6791 Amy Court NE, Keizer, OR, Item 5.a
Linda Wallmark, 350 Salem, 4734 Bradford Loop SE, Item 5.a
Karl Anderson, 1220 Rainmaker Court NW, Item 5.a
Mike Adams, 1210 State Street, Item 5.a
Mike Evans, 2141 Mousebird Avenue NW, Item 5.a
Robin Baker, 1126 Ruge NW, Item 5.a
Danielle Bethel, speaking on behalf of the Keizer Chamber of Commerce,
6722 Birchwood Court, Item 5.a
Steve Majerak, 780 Hope Avenue NW, Item 5.a
Nate Levine, 695 Winding Way SE, Item 5.a
Rex Turner, 3010 Twin Oak Place NE, Item 5.a
Craig Evans, 1345 39th Avenue NW, Item 5.a
Nathan Wuerch, speaking on behalf of the West Salem Business

Association, 510 Wallace Road NW, Item 5.a
Jon Ellis, 3595 Echo Drive NW, Item 5.a
Roger Schneider, 2478 Exmoor Court SE, Item 5.a

At 7:50 p.m., Mayor Bennett called a brief recess, and the meeting resumed at 7:58 p.m.

Public Comment continued with appearances by:

Chris Wilhelm, 2487 Ian Avenue NW, Item 5.a
Duane Lautenbach, 2828 Fire Fly Court NW, Item 5.a
Cora Lautenbach, 4460 Brush College NW, item 5.a
Tom Hoffert, 2130 Myrtle Avenue NE, Item 5.a
Diane Chavez, 315 Commercial Street SE, Item 5.a
Ruth Smith, 4787 El Cedro Loop NE, Item 5.a
Gene Pfeifer, 1392 South Water Street, Silverton, OR, Item 5.a
Mark Chase, 555 Liberty Street NE, Item 5.a
John G. King, 1977 Manor View Lane, Item 5.a
Jeff Doring, 2857 Vick Avenue NW, Item 5.a
Dan Clem, 1050 Terrace Drive NW, Item 5.a
Jim Vu, Ward 1, Item 5.a
George Fletcher, 2055 Yew Street SE, Item 5.a
Richard Pfau, 848 Commercial Street NE, Item 5.a
Rebecaa Engle, 610 Commercial Street NE, Item 5.a
Quent Thomas, 1794 Settlers Spring Drive, Dallas, OR, Item 5.a
Angelina Lockhart, 2499 Hyde Street, Item 5.a
Rick Day, 4025 America Way SE, Item 5.a
Pamela Lyons-Nelson ,1145 21st Street NE (Maryann Bern, Ward 5 also spoke), Item 5.a
Bob Cortright, 373 Suncrest Avenue NW, Item 5.a
Gene Benson, 3390 Willamette Drive, Item 5.a
T.J. Sullivan, Ward 4, item 5.a
Mike Erdmann, Chief Executive Officer, Homebuilder's Association of Marion and Polk Counties, Item 5.a
Michelle Odame, Ward 8, Item 5.a
Rich Fry, Ward 4, Item 5.a
Lilly (last name inaudible), no address provided, Item 5.a
Eddy Zagan, Ward 3, Item 5.a
Jason Brandt, 1489 Coho Court NW, Item 5.a

Questions or Comments by: Mayor Bennett and Councilor Lewis.

2.2a. [19-74](#)

Council decision on how to proceed with Salem River Crossing Project

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship; Safe Community; Safe, Reliable, and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

A motion was made by Councilor Lewis, seconded by Councilor Nanke to authorize the Mayor to sign and send a letter to the Federal Highway Administration and Oregon Department of Transportation stating that Council will address all remaining City actions necessary to complete the Final Environmental Impact Statement for the Salem River Crossing Project Preferred Alternative.

Comments by: Councilors Lewis and Nanke.

The motion failed by the following vote:

Aye: 3 - Nanke, Lewis, Bennett

Nay: 6 - Kaser, Andersen, Leung, Ausec, Cook, and Hoy

Abstain: 0

A motion was made by Councilor Andersen, seconded by Councilor Ausec to authorize the Mayor to sign and send a letter to the Federal Highway Administration and Oregon Department of Transportation indicating that the City Council has made a decision to take no further action to complete the Final Environmental Impact Statement for the Salem River Crossing Project.

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

Councilor Andersen's motion carried by the following vote:

Aye: 6 - Kaser, Andersen, Ausec, Cook, Hoy, and Leung

Nay: 3 - Nanke, Lewis, and Bennett

Abstain: 0

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

The Consent Calendar was reordered - See item 1.4a.

3.1 MINUTES

Items in the Consent Calendar were reordered - See item 1.4a.

3.2 RESOLUTIONS

None.

3.3 ACTION ITEMS

Items in the Consent Calendar were reordered - See item 1.4a.

3.3c. [19-65](#) Priority bills for 2019 Legislative Session

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Item 3.3c was pulled by Councilor Lewis - See agenda item 5.b.

4. PUBLIC HEARINGS

4.a. [19-63](#) City Council review of the Planning Commission's decision approving Class 3 Design Review / Class 3 Site Plan Review / Class 2 Driveway Approach Permit / Tree Regulation Variance Case No. DR-SPR-DAP-TRV18-07 for proposed development of a 111-unit apartment complex with frontage on Wiltsey Road SE and Candy Flower Court SE.

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): SGNA

Result Area(s): Welcoming and Livable Community

Item 4.a was removed from the February 11, 2019 agenda and is rescheduled for February 25, 2019.

4.b. [19-64](#) Petitioner-Initiated Annexation of Territory Located at 4945 Delton Lane NE - 97301 (Annexation Case No. C-728)

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure.

This item was reordered - See agenda item 1.2a.

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. [19-74](#)

Council decision on how to proceed with Salem River Crossing Project

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship; Safe Community; Safe, Reliable, and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

This item reordered - See item 2.a.

5.b. [19-65](#)

Priority bills for 2019 Legislative Session

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Councilor Hoy, seconded by Councilor Andersen to approve the committee recommendations with the following exceptions; refer HB 2001 and HB 2306 back to the Legislative Committee for additional consideration.

Questions or Comments by: Councilors Andersen, Nanke, Lewis, Mayor Bennett, and City Manager Powers.

Councilor Nanke registered a "no" vote SB 560 and he registered a neutral stance on SB 612. Councilor Lewis registered a "no" vote on all legislative bills.

The motion carried by the following vote:

Aye: 8 - Kaser, Andersen, Nanke, Ausec, Cook, Hoy, Bennett, and Leung

Nay: 1 - Lewis

Abstain: 0

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

6.a. [19-41](#)

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

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

This Informational Report was received and filed.

6.b. [19-68](#)

Hearings Officer Decision - Validation of Units of Land Case No. VUL18-02 - Approved - Boulder Hill, LLC (Robert Nunn) - 2500 Block Kuebler BV S - A proposal to validate a unit of land that was created as a separate tax lot through a sale by deed in 1998.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): Morningside

This Informational Report was received and filed.

6.c. [19-72](#)

Hearings Officer Decision - Validation of Units of Land Case No. VUL18-03 - Approved - Michael Buck and Olin Green - 4145 Homestead Rd S - A proposal to validate a unit of land that was created as a separate tax lot through a sale by deed in 1987.

Ward(s): 7

Councilor(s): Cook

Neighborhood(s): SWAN

This Informational Report was received and filed.

6.d. [19-75](#)

Hearings Officer Decision - Conditional Use / Class 3 Site Plan
Review Case No. CU-SPR18-12 - Approved - Bridge Covenant
Church - 1715 Capitol St NE - A conditional use and site plan review
to allow a religious assembly.

Ward(s): Ward 1
Councilor(s): Kaser
Neighborhood(s): Grant

This Informational Report was received and filed.

6.e. [19-78](#)

Announcing Mayoral appointments to the Library Renovation Council
Subcommittee

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe, Reliable and Efficient Infrastructure; Welcoming
and Livable Community

This Informational Report was received and filed.

6.f. [19-79](#)

Additional Information on the Salem River Crossing Project.

Ward(s): All Wards.
Councilor(s): All Councilors.
Neighborhood(s): All Neighborhoods.
Result Area(s): Good Governance; Natural Environment Stewardship;
Safe, Reliable, and Efficient Infrastructure; Strong and Diverse
Economy; Welcoming and Livable Community.

This Informational Report was received and filed.

6.g. [19-80](#)

Planning Administrator Decision - Partition / Class 1 Adjustment
Case No. PAR-ADJ18-12 - Approved John Kirk and Sarah R. Kirk -
2160 Trade Street SE - A proposed partition to divide a lot along the
southerly side of Trade Street SE into two parcels with a Class 1
Adjustment for lot width and depth ratio.

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

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

9:54 p.m.