

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, September 9, 2019

6:00 PM

Council Chambers

City Council

EXECUTIVE SESSION

**5:30 p.m. City Manager Conference Room
Labor Negotiations - ORS 192.660(2)(d)**

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

Call to Order

6:05 p.m.

Roll Call

- Present:** 7 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor Ausec, Councilor Cook, Councilor Hoy, and Mayor Bennett
- Absent:** 2 - Councilor Lewis, and Councilor Leung

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

None.

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Andersen and Hoy and City Manager Powers.

1.3 PROCLAMATIONS

1.3 a. [19-395](#) Proclamation recognizing 9/11 Day of Remembrance

Ward(s): All Wards
 Councilor(s): All Councilors
 Neighborhood(s): All Neighborhoods
Mayor Bennett read the proclamation.

1.3 b. [19-408](#) Proclamation recognizing Constitution Week

Ward(s): All Wards
 Councilor(s): All Councilors
 Neighborhood(s): All Neighborhoods
Mayor Bennett read the proclamation.

1.4 PRESENTATIONS

None.

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)

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

Councilor Andersen abstained from voting on agenda item 3.3a.

The motion carried by the following vote:

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

Nay: 0

Absent: 2 - Lewis, and Leung

Abstain: 0

3.1 MINUTES

3.1 a. [19-417](#) August 19, 2019 Draft City Council Work Session Minutes

Action: Approved.

3.1 b. [19-418](#) August 26, 2019 Draft City Council Minutes

Action: approved.

3.2 RESOLUTIONS

3.2 a. [19-389](#)

Property acquisition for the Rosemont Avenue NW Sidewalk Reconstruction Project.

Ward(s): 1, 8

Councilor(s): Kaser, Lewis

Neighborhood(s): West Salem

Result Area(s): Safe, Reliable, and Efficient Infrastructure

Adopted Resolution No. 2019-27, declaring a public need to acquire and negotiate for the acquisition of right-of-way and easements to construct the Rosemont Avenue NW Sidewalk Reconstruction Project.

3.3 ACTION ITEMS

3.3 a. [19-396](#)

Order for City Council review of the Planning Administrator’s decision approving a Tentative Subdivision Review with a Class 1 Adjustment application for Permit Case No. SUB-ADJ19-02 for property located at the 575 Salem Heights Avenue S.

Ward(s): 7

Councilor(s): Cook

Neighborhood(s): Southwest Association of Neighbors

Result Area(s): Welcoming and Livable Community

Adopted the order affirming the decision of the Planning Administrator for Subdivision / Class 1 Adjustment Case No. SUB-ADJ19-02.

3.3 b. [19-400](#)

Intergovernmental Agreement with Polk County for Mobile Crisis Response Team services

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community.

Authorized the City Manager to execute the attached IGA (Attachment 1) with Polk County and any amendments to the IGA, in order to provide Mobile Crisis Response Team services during the Fiscal Year 2019-2020.

3.3 c. [19-407](#)

Creating a Development Council to Oversee and Manage
Development of a Continuum of Care for the Mid-Willamette Region

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Strong and Diverse Economy; Welcoming and Livable
Community.

Authorized the City Manager to execute the attached Memorandum of Agreement to create a Development Council to oversee and manage development of a Regional Continuum of Care for the Mid-Willamette Region.

3.3 d. [19-411](#)

Recommended appointment to the Downtown Advisory Board

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Appointed the applicant listed in the Facts and Findings section to the Downtown Advisory Board.

4. PUBLIC HEARINGS

4. a. [19-405](#)

Community Development Block Grant and HOME investment
partnership programs Consolidated Annual Performance and
Evaluation Report (CAPER)

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Staff presentation by Shelly Ehenger, Federal Programs Manager.

Persons testifying: None.

Questions and comments by: Councilors Nanke, Andersen and Kaser.

A motion was made by Councilor Hoy, seconded by Councilor Andersen to approve submittal of the 2018-2019 Program Year Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant and HOME Investment Partnership Programs to the US Department of Housing and Urban Development (HUD).

The motion carried by the following vote:

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

Nay: 0

Absent: 2 - Lewis, and Leung

Abstain: 0

4. b. [19-409](#)

Reconsideration of City Council’s denial to form the Aspen Grove Reimbursement District.

Ward(s): 8

Councilor(s): Jim Lewis

Neighborhood(s): West Salem Neighborhood Association

Result Area(s): Safe, Reliable and Efficient Infrastructure.

Staff Presentation by Glenn Davis, Chief Development Engineer.

Persons Testifying:

- John Lewis, 3975 Dee Hwy, Creations Northwest, Developer**
- Hans Thygeson, 14020 SE Johnson Road, applicant**
- Vincent Lanza, 1934 Wallace Road NW**
- Don Clark, 1990 Wallace Road NW**
- Kathleen DeWoina, 1045 5th Street NE**
- Coleen Lanza, 1934 Wallace Road NW**
- Scott Bassett, Ward 4**

Rebuttal:

- Bob Sanders**
- John Lewis**
- Hans Thygeson**

Questions and comments by: Councilors Andersen, Hoy, Cook, Kaser and Nanke.

A motion was made by Councilor Hoy, seconded by Councilor Ausec to not adopt Resolution No. 2019-26, and deny the formation of the Aspen Grove Reimbursement District to collect funds for reimbursement of the developer's costs associated with constructing public infrastructure.

The motion carried by the following vote:

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

Nay: 0

Absent: 2 - Lewis, and Leung

Abstain: 0

4. c. [19-420](#)

Appeal of the Planning Commission's decision approving Fairview Refinement Plan / Class 2 Adjustment / Tentative Subdivision Plan Case No. FRP-ADJ-SUB19-01 for property located in the 4100 to 4200 blocks of Pringle Road SE and the 4200 Block of Battle Creek Road SE.

Ward(s): Ward 3

Councilor(s): Nanke

Neighborhood(s): Morningside

Result Area(s): Welcoming and Livable Community

Staff presentaiton by Bryce Bishop, Senior Planner

Persons Testifying:

Eric Olson, 1520 Gwinn Street, Monmouth, Olson Design Development

Alan Sorem, 250 Church Street SE, Attorney for applicant

Sean Malone, 259 E. 5th Street, Eugene, Attorney for appellant

Organizations Testifying:

Alan Meyer, 1476 Strong Road SE, Morningside Neighborhood Association

Rebuttal:

Erick Olson

Alan Sorum

Questions and Comments by: Councilors Andersen, Nanke, Hoy, Kaser, and Cook, Mayor Bennet and Ward 4 Guest Councilor Sachtjen.

A motion was made by Councilor Nanke, seconded by Councilor Hoy to affirm the July 26, 2019, Planning Commission's decision approving the Fairview Refinement Plan, Class 2 Adjustment, and Tentative Subdivision Plan.

The motion carried by the following vote:

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

Nay: 0

Absent: 2 - Lewis, and Leung

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.** [19-390](#) Purchases approved administratively from July 1, 2019 through July 31, 2019.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Good Governance

This information report was received and filed.

- 6.b.** [19-404](#) City’s legislative activities during the 2019 session of the Oregon State Legislature.

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

This information report was received and filed.

- 6.c.** [19-406](#) Planning Commission Decision - A Minor Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment, and Zone Change from RA (Residential Agriculture) to IC (Industrial Commercial). - Approved.

Comprehensive Plan Map Change / Neighborhood Plan Map Change / Zone Change; Case No. CPC-NPC-ZC19-09 - Mark Shipman, Saalfeld Griggs, PC, on behalf of Nature’s Kick Corp. (Glenn Peters and Kim Peters) - 1443 45th Avenue NE.

Ward(s): 6
Councilor(s): Hoy
Neighborhood(s): ELNA

This information report was received and filed.

6.d. [19-410](#) Annual Evaluation of the City of Salem Floodplain Management Plan

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This information report was received and filed.

6.e. [19-413](#) Planning Administrator Decision - A partition to consolidate several underlying units of land into one parcel for 451 Division St NE and one parcel for 465 Division St NE - Approved.

Partition Case No. PAR19-09 - John Shirley, Anderson Shirley Architects, on behalf of Traci Kendall, MAPS Credit Union - 451 and 465 Division St NE

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

This information report was received and filed.

6.f. [19-414](#) Planning Administrator Decision - A modification to a previously approved phased subdivision, resulting in a reduction of the amount of development land and preservation of Oregon white oak groves - Approved.

Modification of Subdivision Case No. SUB09-02MOD1 - City of Salem - 5730 Culver Drive SE.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

This information report was received and filed.

6.g. [19-426](#)

Planning Administrator Decision - A tentative partition to divide approximately 7.56 acres into three parcels, with parcel 1 consisting of 5.21 acres located at 5611 Woodside Dr SE - Approved.

Partition Case No. PAR19-11 - Brandie Dalton, Multi Tech Engineering Services, on behalf of Empire Builders of Oregon, LLC (James A Helton) - 5611 Woodside Dr SE

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

This information report was received and filed.

6.h. [19-429](#)

Hearings Officer Decision - Conversion of an existing medical marijuana grow site to a facility for production of recreational marijuana, a conditional use in the IC (Industrial Commercial) zone. - Approved.

Conditional Use / Class 3 Site Plan Review Case No. CU-SPR19-04 - ESDE Building and Construction, LLC (Erik Scholtes), for KSB Holdings, LLC (Kelly Bence) - 3625 Portland Rd NE.

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

This information report was received and filed.

A motion was made by Councilor Ausec, seconded by Councilor Hoy to call up the Hearings Office Decision - Conversion of an existing medical marijuana grow site to a facility for the production of recreational marijuana, a conditional use in the IC (Industrial Commercial) zone, for a public hearing.

Comments and questions by: Councilor Ausec

The motion carried by the following vote:

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

Nay: 0

Absent: 2 - Lewis, and Leung

Abstain: 0

7. ORDINANCES

7.1 FIRST READING:

None.

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

8:53 p.m.