

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, October 14, 2019

6:00 PM

Council Chambers

City Council

EXECUTIVE SESSION

City Council

5:30 p.m. City Manager Conference Room

Labor Negotiations - ORS 192.660(2)(d)

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

6:21 p.m.

Roll Call

Present: 7 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor Ausec, Councilor Lewis, Councilor Hoy, and Mayor Bennett

Absent: 1 - Councilor Leung

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Hoy, seconded by Councilor Ausec to approve the revision to the agenda, moving item 5.b, 2019 Community Satisfaction Survey, to item 1.4a., Presentations.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Leung

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Mayor Bennett, City Manager Powers, Councilor Hoy, and Peter Fernandez, Public Works Director.

1.3 PROCLAMATIONS

1.3a. [19-479](#)

Proclamation recognizing October as Domestic Violence Awareness Month

Ward(s): All Wards

Councilor(s): All councilors

Neighborhood(s): All neighborhoods

Mayor Bennett read and presented the proclamation to Paige Clarkson, Marion County District Attorney, Susana Escobedo, Marion County Victims Assistance Director, and Jayne Downing, Center for Hope and Safety Director.

Comments by: Mayor Bennett and Paige Clarkson.

1.4 PRESENTATIONS

1.4a. [19-483](#)

2019 Community Satisfaction Survey

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Opening remarks from City Manager Powers were followed by comments from John Horvick, Political Director, DHM Research.

Questions or Comments by: Councilors Lewis, Andersen, and Nanke.

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

Appearances by:

Jacque Heavey, Salem Main Street Association, 747 Church Street SE, Alley Days

Marie Craft, 2515 Front Street NE, Minto Brown Park High Water Line, Homelessness

Matt Hale, No address provided, City Budget

Connie Wallace, No address provided, Homelessness

Questions or Comments by: Councilors Lewis, Kaser, Mayor Bennett, and Kristin Retherford, Urban Development Director.

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 Kaser to approve the consent calendar with the pull of item 3.2a by Councilor Andersen.

Councilor Kaser registered an abstention from voting on item 3.3b.

Comments by: Councilor Hoy.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Leung

Abstain: 0

3.1 MINUTES

3.1a. 19-453 September 23, 2019 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

3.2a. [19-472](#) Acquisition of Property for the McGilchrist Street SE (12th Street SE to 25th Street SE) Corridor Improvement Project.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SESNA

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

Pulled by Councilor Andersen - See item 5.b.

3.2b. [19-473](#) Resolution No. 2019-79 Dedicating Certain Real Property Located along Commercial Street SE and Kuebler Boulevard SE

Recommended Action: Adopt Resolution No. 2019-79.

Ward 3 and 4 - Councilors Nanke and Leung - Faye Wright, Morningside, SGNA

Adopted Resolution No. 2019-79, Dedicating Certain Real Property Located along Commercial Street SE and Kuebler Boulevard SE.

3.3 ACTION ITEMS

3.3a. 19-421

Intergovernmental agreement with the Housing Authority of the City of Salem for administrative services

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Authorized the City Manager to execute an intergovernmental agreement (IGA) with the Housing Authority of the City of Salem that allows the City of Salem to provide administrative services to the Housing Authority and allows the Housing Authority to provide property inspection and wage interview services to the City of Salem for FY 2019-20.

3.3b. 19-467

Order for City Council review of the Planning Commission's decision approving a consolidated application for development of a three-unit multi-family use for property located at 1175 Nebraska Avenue NE.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): Grant Neighborhood Association

Result Area(s): Welcoming and Livable Community

Adopted the order AFFIRMING the decision of the Planning Commission for Class 3 Design Review/ Class 3 Site Plan Review/ Class 2 Adjustment Case No. DR-SPR-ADJ19-07.

4. PUBLIC HEARINGS

4.a. 19-461

City Council review of the Hearings Officer's August 30, 2019 decision approving a Conditional Use Permit and Class 3 Site Plan Review for a change of use within an existing building from a medical marijuana production facility to a recreational marijuana production facility for a property approximately 1.61 acres in size, zoned IC (Industrial Commercial), within the Portland Fairgrounds Overlay zone, and located at 3625 Portland Road NE.

Ward(s): Ward 5

Councilor(s): Ausec

Neighborhood(s): Northgate Neighborhood Association

Result Area(s): Welcoming and Livable Community

Staff Presentation by Hayley Feightner, Planner, Community Development Planning Services.

Persons Testifying:

Applicant's representative, Logan Leichtman, 5200 Macadam Avenue, Suite 500, Portland, OR

Applicant's representative, Kelly Bence, 5698 Westlake Loop, Keizer, OR

Erik Scholtes, 3007 NE Jarrett Street, Portland, OR

David Wilburn, 5698 Westlake Loop, Keizer, OR

Organizations Testifying: None.

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

Additional Questions or Comments by: Councilors Kaser, Hoy, Andersen, Lewis, Mayor Bennett, Hayley Feightner, and Lisa Anderson-Ogilve, Assistant Director, Community Development Planning Services.

Rebuttal by applicant's representative, Logan Leichtman.

A motion was made by Councilor Ausec, seconded by Councilor Andersen that City Council AFFIRM the August 30, 2019 Hearings Officer's Decision.

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

The motion carried by the following vote:

Aye: 6 - Kaser, Andersen, Ausec, Lewis, Hoy, and Bennett

Nay: 1 - Nanke

Absent: 1 - Leung

Abstain: 0

4.b. [19-471](#)

Amending Salem Revised Code Chapter 601, Floodplain Overlay Zone

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe Community

Staff Presentation by Glenn Davis, Chief Development Engineer, Public Works.

Persons Testifying:

Marvin Sandnes, 640 15th Street NE

Gregg and Luellen Buyser, 3352 Winslow Way NW

Charles Mangum, 5144 36th SE

Carol Marie Craft, 2515 Front Street NE

Ivonne Webster, 1899 Kenard Street NW

Connie Wallace, No address provided

Organizations Testifying: None.

Questions or Comments by: Mayor Bennett, Councilors Hoy, Lewis, Kaser, Andersen, Nanke, Glenn Davis, and Peter Fernandez, Public Works Director.

A motion was made by Councilor Hoy, seconded by Councilor Nanke to conduct a public hearing for Engrossed Ordinance Bill No. 17-19, amending Chapter 601 (Floodplain Overlay Zone) of the Salem Revised Code, and, after the public hearing, conduct second reading to adopt the ordinance.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - 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)

5.a. 19-492

Board and Commission Appointments Committee recommendation for Ward 7 City Council Vacancy and Scheduling a Special City Council Meeting

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Councilor Hoy, seconded by Councilor Andersen to accept the unanimous recommendation of the Board and Commission Appointments Committee to interview finalists for the Ward 7 vacancy at a Special City Council meeting on Monday, October 21, 2019.

Comments by: Councilors Hoy and Nanke.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Leung

Abstain: 0

See 1.4a. [19-483](#)

2019 Community Satisfaction Survey

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This item was moved - See item 1.4a.

5.b [19-472](#)

Acquisition of Property for the McGilchrist Street SE (12th Street SE to 25th Street SE) Corridor Improvement Project.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SESNA

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

A motion was made by Councilor Andersen, seconded by Councilor Lewis to adopt Resolution Nos. 2019-28 through 2019-77, declaring a public need to acquire; the City of Salem's intent to negotiate; and if necessary, authorize the City Attorney to commence eminent domain proceedings for the acquisition of right-of-way and easements for the McGilchrist Street SE Corridor Improvement Project

Comments by: Councilor Andersen and Peter Fernandez, Director, Public Works.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Leung

Abstain: 0

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

6.a. **19-466**

Planning Administrator Decision - A phased subdivision to create 93 single family lots. - Approved.

Subdivision Case No. 19-06 - Landau Property Partners, LLC (Sean Ward) - 5800 Block of Battle Creek Rd SE & SW corner of Battle Creek Rd & Landau St SE.

Ward(s): 4

Councilor(s): Lueng

Neighborhood(s): South Gateway

On behalf of Councilor Leung, a motion was made by Councilor Hoy, seconded by Councilor Andersen to pull item 6.a for Council review at a future public hearing.

The motion carried by the following vote:

Aye: 6 - Kaser, Andersen, Nanke, Ausec, Hoy, and Bennett

Nay: 1 - Lewis

Absent: 1 - Leung

Abstain: 0

6.b. [19-480](#)

Planning Commission Decision - Proposed redevelopment and expansion of Northwest Human Services including demolition of several existing structures, two new building additions, and a new main parking lot. - Approved.

Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. DR-SPR-ADJ-DAP19-08 - Samuel Thomas of Lenity Architecture, Inc., on behalf of Paul Logan of Northwest Human Services, Inc. - 1200 Block of Edgewater St NW.

Ward(s): Ward 1

Councilor(s): Kaser

Neighborhood(s): West Salem Neighborhood Association

This Informational Report was received and filed.

6.c. [19-481](#)

Planning Administrator Decision - Subdivision of approximately seven acres and Adjustments to setbacks between property lines and vehicle use areas - Approved.

Subdivision / Class 2 Adjustment Case No. SUB-ADJ19-07 - Bo Rushing - 5775 Commercial Street SE.

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): South Gateway Neighborhood Association

This Informational Report was received and filed.

6.d. [19-482](#)

Planning Commission Decision - Proposed development of a temporary modular structure to be used by Northwest Human Services as a dental clinic while the main campus building located at 1233 Edgewater Street NW is under construction - Approved.

Class 3 Design Review / Class 3 Site Plan Review Case No.
DR-SPR19-09 - Paul Logan - 1257 2nd Street NW

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): West Salem Neighborhood Association

This Informational Report was received and filed.

6.e. [19-486](#)

Planning Administrator Decision - Modification of the previously approved Northstar subdivision - Approved.
Subdivision 07-13A2MOD3 - Northstar Communities LLC (Karl Ivanov)- 4400-5200 Block of Kale Road NE.

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

This Informational Report was received and filed.

7. ORDINANCES**7.1 FIRST READING:**

None.

7.2 SECOND READING:

7.2a. 19-463

Petitioner-Initiated Annexation of Territory Located at the 4400-4600 Blocks of Hazelgreen Road NE - 97305 (Annexation Case No. C-735)

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

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

Conducted second reading of Ordinance Bill No. 14-19 annexing, changing the Salem Area Comprehensive Plan map designation from "Industrial" to "Parks, Open Space, and Outdoor Recreation," changing the zoning from Marion County UT-20-IND (Urban Transition - 20 Acre - Industrial) to City of Salem PA (Public Amusement), and withdrawing from the Marion County Fire District #1, for a 47.44-acre property located at the 4400-4600 Blocks of Hazelgreen Road NE.

Ordinance Bill No. 14-19 was adopted by the following vote:

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

Nay: 0

Absent: 1 - Leung

Abstain: 0

7.2b. 19-464

Petitioner-Initiated Annexation of Territory Located at 4980 Center Street NE - 97301 (Annexation Case No. C-731)

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

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

Conducted second reading of Ordinance Bill No. 5-19 annexing, applying City of Salem RA (Residential Agriculture) zoning from Marion County UT-5 (Urban Transition - 5 Acres), and withdrawing from the Marion County Fire District #1, for a 4.22-acre property located at 4980 Center Street NE.

Ordinance Bill No. 5-19 was adopted by the following vote:

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

Nay: 0

Absent: 1 - Leung

Abstain: 0

7.2c. 19-476

Amending Salem Revised Code Chapter 601, Floodplain Overlay Zone

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe Community

Conducted second reading for Engrossed Ordinance Bill No. 17-19, amending Chapter 601 (Floodplain Overlay Zone) of the Salem Revised Code.

Ordinance Bill No. 17-19 was adopted by the following vote:

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

Nay: 0

Absent: 1 - Leung

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

See item 2., Public Comment.

9. ADJOURNMENT

8:33 p.m.