

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, January 27, 2020

6:00 PM

Council Chambers

City Council

EXECUTIVE SESSION

City Council
5:30 p.m. - City Manager's Conference Room
ORS 192.660(2)(e) Real Property Transactions

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

6:09 p.m.

Roll Call

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

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Hoy, seconded by Councilor Kaser to approve the additions and deletions to the agenda which included reordering item 3.3b to item 5.c, Special Orders of Business, and the addition of the staff report for item 5.b.

Comments by: Councilor Hoy.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Nordyke, Leung, Kaser, Mayor Bennett, City Manager Powers, and Police Chief Moore.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

1.4a. [19-608](#) Travel Salem 2020-2025 Strategic Plan

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Strong and Diverse Economy

This SOB - Presentation was received and filed.

Presentation by Angie Onyewuchi, President and CEO, Travel Salem.

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

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

Appearances by:
Rebecca Smith, President, Center 50+ Advisory Commission, Item 6.a, File 19-563
Jamie French, Chair, Salem Historic Landmarks Commission, 1145 Madrona Avenue S., Item 6.i, File 20-31 and Item 3.3e, File 20-34
Dana Vugtveen, Manager, Salem Center, 401 Center Street NE, Item 5.b, File 20-40
Jeanne Collins, 606 Wilbur Street SE, Item 5.b, File 20-40
Joan Stembridge, 1985 Winter Street SE, Item 5.b, File 20-40
Daniel Rouslin, 606 Wilbur Street SE, Item 5.b, File 20-40
Sandra Morgan, 1515 Boone Road SE, Item 3.3a, File 19-624
Becky Beaman, 3280 Elderberry Drive S., Item 5.b, File 20-40
Natalie Janney, Multitech Engineering, 1155 13th Street SE, Item 3.3a, File 19-624
Pamela Lyons-Nelson, 1145 21st NE, Item 5.b, File 20-40
Paul Tolman, 104 High Street, Item 5.b, File 20-40

Questions or Comments by: Mayor Bennett, Councilors Andersen, Kaser, Lewis, Hoy, Nordyke, Kristin Retherford, Urban Development Director, and Peter Fernandez, Public Works 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.

Comments by Councilor Hoy.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

3.1 MINUTES

3.1a. [20-7](#) January 13, 2020 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

3.2a. [19-623](#) A transfer of appropriation authority to enhance Information Technology

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Adopted Resolution 2020-2 transferring \$63,160 of appropriation authority from the General Fund, Finance, personal services to General Fund, Information Technology, personal services for the purpose of enhancing Information Technology network services.

3.2b. [20-22](#) A transfer of appropriation authority for the purpose of funding additional downtown cleaning services

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

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

Adopted Resolution No. 2020-3 transferring \$30,000 of appropriation authority from the Parking Fund, contingencies, to Parking Fund, materials and services, for the purpose of funding additional downtown cleaning services.

3.3 ACTION ITEMS

- 3.3a.** [19-624](#) Construction of previously deferred street improvements abutting 1515 Boone Road SE.
- Ward(s): 3
Councilor(s): Nanke
Neighborhood(s): Morningside
Result Area(s): Welcoming and Livable Community
- Approved required construction of deferred street improvements abutting 1515 Boone Road SE.**
- 3.3b.** [20-15](#) Permit fee waiver request from Salem Health for use of on-street parking spaces
- Ward(s): 1
Councilor(s): Kaser
Neighborhood(s): CANDO
Result Area(s): Good Governance, Strong and Diverse Economy
- Item reordered - See item 5.c.**
- 3.3c.** [20-16](#) United States Department of Justice Edward Byrne Memorial Justice Assistance Grants for Federal Fiscal Year 2019
- Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe Community.
- Authorized the City Manager to execute all U.S. Department of Justice, Justice Assistance Grant documents to accept the \$87,139 award.**
- 3.3d.** [20-23](#) Order for City Council review of the Planning Administrator's decision modifying and approving a Tentative Subdivision Review with a Class 2 Adjustment application for Permit Case No. SUB-ADJ19-08 and Modification to Urban Growth Preliminary Declaration Case No. UGA17-03MOD1 for property located at the 4700 Block Battle Creek Road SE.
- Ward(s): 3
Councilor(s): Nanke
Neighborhood(s): Morningside Neighborhood Association
Result Area(s): Welcoming and Livable Community
- Adopted the order modifying the decision of the Planning Administrator for Tentative Phased Subdivision and Class 2 Adjustment applications for Permit Case No. SUB-ADJ19-08 and Urban Growth Preliminary Declaration Modification Case No. UGA17-03MOD1.**

3.3e. [20-34](#)

Memorandum of Understanding with Confederated Tribes of the Grand Ronde Community of Oregon.

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

Approved the Memorandum of Understanding between the Confederated Tribes of the Grand Ronde and the City of Salem, authorizing the City Manager to execute the agreement and any necessary amendments.

4. PUBLIC HEARINGS

4.a. [20-8](#)

Amendment #1 to the 2019-2020 Housing and Community Development Annual Action Plan

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe Community; Welcoming and Livable Community; Strong and Diverse Economy

Staff presentation by Shelly Ehenger, Program Manager, Urban Development Administrative Services.

Questions or Comments by: Councilor Hoy and Mayor Bennett.

Persons Testifying: Wilma Wood, no address provided.

Organizations Testifying: None.

A motion was made by Councilor Hoy, seconded by Councilor Andersen to approve Amendment #1 the 2019-2020 Housing and Community Development Annual Action Plans (AAP) and direct staff to submit the amendment to the U.S. Department of Housing and Urban Development.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

4.b. [20-13](#)

Petitioner-Initiated Annexation of Territory Located at the SE Corner of Kuebler Blvd SE and 36th Ave SE - 97317 (Annexation Case No. C-733)

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

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.

Questions or Comments by Councilors Hoy and Nanke and Peter Fernandez, Public Works Director.

A motion was made by Councilor Nanke, seconded Councilor Hoy 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. 2020-1 ANX; (3) Apply the City of Salem IG (General Industrial) zone to the Territory from Marion County IG (General Industrial); and (4) Withdraw the Territory from Salem Suburban Rural Fire Protection District and Turner Fire District.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

4.c. [20-17](#)

Salem Revised Code updates to multifamily housing design standards and regulations.

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.

Staff presentation by Eunice Kim, Planner, Community Development Planning Services.

Persons Testifying:

Natalie Janney, Multitech Engineering, 1155 13th Street SE

Evan Manvel, 345 Leffelle Street S.

Dan Dorn, P.O. Box 3577, Salem, OR

Organizations Testifying:

Nancy McDaniel, Northeast Neighborhood Association (NEN), 265 21st Street NE

Ted Burney, Land Use Chair, SouthWest Association of Neighbors (SWAN), No address provided

Questions or Comments by: Mayor Bennett, Councilors Nordyke, Hoy, Lewis, Andersen, Nanke, Leung, Kaser, Norman Wright, Director, Community Development, and Eunice Kim.

A motion was made by Councilor Hoy, seconded by Councilor Leung to continue the public hearing for two weeks.

Questions or Comments by: Councilors Hoy, Nanke, Mayor Bennett, and City Attorney Atchison.

The motion CARRIED by the following vote:

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

Nay: 0

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. [20-33](#)

Motion from Councilor Chris Hoy regarding a speed limit review of 17th Street, from Mission Street SE to Silverton Road NE; and 45th Street NE, from Center Street NE to Sunnyview Road NE.

Ward(s): 1, 2, 5, and 6
Councilor(s): Councilor Hoy
Neighborhood(s): ELNA, NEN, SESNA

A motion was made by Councilor Hoy, seconded by Councilor Nordyke to direct staff to initiate a speed limit review for 17th Street, from Mission Street SE to Silverton Road NE; and 45th Street NE, from Center Street NE to Sunnyview Road NE.

Comments by: Councilors Hoy, Andersen, Nanke, and Police Chief Moore.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

5.b. [20-40](#)

Zoning analysis for a temporary shelter and low-barrier shelter, and Considerations for adjusting camping restriction

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

Comments by City Manager Powers.

Questions or Comments by: Councilors Lewis, Leung, Andersen, Nordyke, Kaser, Ausec, and Mayor Bennett.

A motion was made by Councilor Andersen, seconded by Councilor Ausec to direct staff to return at the next council meeting with a proposal for Council consideration that would ban camping in downtown, city parks and residentially zoned neighborhoods.

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

The motion CARRIED by the following vote:

Aye: 5 - Andersen, Ausec, Lewis, Hoy, and Nordyke

Nay: 4 - Kaser, Nanke, Bennett, and Leung

Abstain: 0

5.c. [20-15](#)

Permit fee waiver request from Salem Health for use of on-street parking spaces

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

Result Area(s): Good Governance, Strong and Diverse Economy

Questions or Comments by: Councilor Hoy and Mayor Bennett.

A motion was made by Councilor Hoy, seconded by Councilor Ausec that City Council not adopt the fee waiver request from Salem Hospital.

Questions or Comments by: Councilors Hoy, Nanke, Lewis, Kaser, Mayor Bennett, Kristin Retherford, Urban Development Director, Alden Kasiewicz, Architect, Scott / Edwards Architecture and Consultant for Salem Hospital, and Peter Fernandez, Public Works Director.

A substitute motion was made by Councilor Kaser, seconded by Councilor Hoy to direct staff to consult with Salem Health on the proposal and return proposal to City Council for reconsideration.

Questions or Comments by: Councilors Nanke, Andersen, Leung, Nordyke, Kristin Retherford, Peter Fernandez, and City Manager Powers.

The substitute motion FAILED by the following vote:

Ayes: 4 - Bennett, Kaser, Hoy, Lewis

Nays: 5 - Andersen, Nanke, Leung, Nordyke, and Ausec

The main motion, to not adopt the fee waiver request from Salem Hospital, CARRIED by the following vote:

Aye: 8 - Kaser, Andersen, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 1 - Nanke

Abstain: 0

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

At 9:57 p.m., a motion was made by Councilor Andersen, seconded by Councilor Hoy to extend the meeting 20 minutes.

The motion CARRIED by a unanimous vote.

6.a. [19-563](#) Salem Center 50+ Advisory Commission Annual Report

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Welcoming and Livable Community.

This Informational Report was received and filed.

6.b. [20-4](#) Update on the 2020 Oregon Legislative Session.

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

This Informational Report was received and filed.

6.c. [20-5](#) FY 2018-19 Financial Audit of the City of Salem, Oregon

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.d. [20-6](#) Purchases approved administratively from December 1, 2019 through December 31, 2019.

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.e. [20-9](#)

Planning Commission Decision - Proposed development of a new 246-unit multiple family residential apartment complex. - Approved

Class 3 Design Review / Class 3 Site Plan Review / Class 2 Zoning Adjustment / Class 2 Driveway Approach Permit Case No. DR-SPR-ADJ-DAP19-11 - Richard Berger, Mountain West Investment Corp. - 2600 Center St NE Salem OR 97301

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

A motion was made by Councilor Andersen, seconded by Councilor Leung to request a public hearing for Council review.

The motion FAILED by the following vote:

Aye: 4 - Kaser, Andersen, Leung, and Nordyke

Nay: 5 - Nanke, Ausec, Lewis, Hoy, and Bennett

Abstain: 0

6.f. [20-12](#)

Hearings Officer Decision - A proposal to add a cannabis concentrate processing operation to an existing marijuana production facility - Approved

Conditional Use Case No. CU19-07 - Randy Hudnall - 4055 Turner Rd SE

Ward(s): 3
Councilor(s): Nanke
Neighborhood(s): SEMCA

This Informational Report was received and filed.

6.g. [20-27](#)

Welcoming and Inclusive Library Spaces

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Welcoming and Livable Community

This Informational Report was received and filed.

Comments by Sarah Strahl, City Librarian.

Questions by: Councilors Hoy and Leung.

6.h. [20-30](#)

Hearings Officer Decision - Proposed mixed-use development with three buildings, including 26 multi-family residential units, and approximately 10,242 square feet of retail floor area. - Approved.

Conditional Use / Class 3 Site Plan Review / Class 2 Driveway Approach Permit / Class 2 Adjustment / Class 1 Adjustment Case No. CU-SPR-ADJ-DAP19-08- Gene Bolante, Studio 3 Architecture, on behalf of Jim Iverson, JMI Investments - 4700 Block of Liberty Rd S.

Ward(s): 7
Councilor(s): Nordyke
Neighborhood(s): Faye Wright

This Informational Report was received and filed.

6.i. [20-31](#)

Annual Historic Landmarks Commission Report

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Welcoming and Livable Community

This Informational Report was received and filed.

6.j. [20-32](#)

Historic Landmarks Commission Decision - A modification to a previous historic design review approval (HIS18-28) to change the window types to be installed as part of the construction of a new mixed-use apartment building - Approved

Historic Design Review - New Construction Case No. HIS18-28MOD1 - Joshua Scott for KOZ Development, LLC (Cathy Reines, Dean Derrah) - 260 State St

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

This Informational Report was received and filed.

6.k. [20-35](#)

Hearings Officer Decision - A request to increase the height and display surface of a vehicle directional sign. - Approved.

Sign Variance Case No. VAR-SI19-05 - Savana Meyer, Rudnick Electric Signs, LLC (Steven Rudnick, Falin Rudnick) - 640 Hawthorne Ave SE.

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

This Informational Report was received and filed.

6.l. [20-36](#)

Planning Administrator Decision - A proposal to validate a unit of land that was created through the recording of a deed in 1994. - Approved.

Validation of Units of Land Case No. VUL19-08 - Lee Litvin - 4393 Kurth St S.

Ward(s): 7
Councilor(s): Nordyke
Neighborhood(s): Sunnyslope

This Informational Report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

7.1a. [20-24](#)

Issuance of Utility Revenue Bonds

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

A motion was made by Councilor Hoy, seconded by Councilor Lewis to conduct a first reading of Ordinance Bill No. 4-20 authorizing the City Manager, or the City Manager's designee, to issue approximately \$60 million in Utility revenue bonds to finance the City of Salem's Utility capital needs and costs of the debt issuance.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

7.2 SECOND READING:

7.2a. [20-25](#)

Petitioner-Initiated Annexation of Territory Located at 1096 Hoffman Road NE - 97301 (Annexation Case No. C-734)

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. 2-20 annexing, applying City of Salem RA (Single Family Residential) zoning from Marion County UD (Urban Development) and UT-5 (Urban Transition - 5 Acres), and withdrawing from Marion County Fire District #1, for a 1.06-acre property located at 1096 Hoffman Road NE.

Ordinance Bill No. 2-20 was APPROVED by the following vote:

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

Nay: 0

Abstain: 0

7.2b. [20-26](#)

Petitioner-Initiated Annexation of Territory Located at 4696 Center Street NE and 592 Hile Lane NE - 97301 (Annexation Case No. C-736)

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. 3-20 annexing, changing the Salem Area Comprehensive Plan map designation of the southern part of the Territory (592 Hile Lane NE and Marion County Assessor Map and Tax Lot 072W29BC03801) from "Developing Residential" to "Multi-Family Residential," changing the zoning from Marion County UD (Urban Development) to City of Salem RM-II (Multiple Family Residential II), and withdrawing from the Marion County Fire District #1 and the East Salem Sewer and Drainage District, for a 5.04-acre property located at 4696 Center Street NE and 592 Hile Lane NE - 97301.

Ordinance Bill No. 3-20 was APPROVED by the following vote:

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

Nay: 0

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

9. ADJOURNMENT

10:06 p.m.