

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, March 9, 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)(h) Current or Pending Litigation

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

6:16 p.m.

Roll Call

Councilor Leung attended the meeting telephonically.

Present: 8 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor Lewis, Councilor Hoy, Mayor Bennett, Councilor Leung, and Councilor Nordyke

Absent: 1 - Councilor Ausec

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

None.

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Mayor Bennett, City Manager Powers, Fire Chief Niblock, Greg Walsh, Manager, Fire Emergency Management, and Councilors Hoy, Nordyke, Andersen, and Kaser.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

None.

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

Appearances by:
Brooke Jackson, 1040 Harris Street, Item 7.1a, File 20-101
George Smith, Item 7.1a, File 20-101

Pamela Lyons-Nelson, 1145 21st Street NE, Item 7.1a, File 20-101
Dana Vugteveen, Manager, Salem Center, 401 Center Street NE, Item 7.1a,
File 20-101
Daniel Rouslin, Salem Homeless Coalition, 606 Wilbur Street SE, Item 7.1a,
File 20-101
Laura Crofoot, 2356 Benjamine Avenue, Item 7.1a, File 20-101
Lorrie Walker, Ward 2, Item 7.1a, File 20-101
Brandon Eastman, Bently's Coffee, Item 7.1a, File 20-101
Kelly McDonald, Ward 8, Item 7.1a, File 20-101
Patrick Carney, Ward 8, Item 7.1a, File 20-101
Tyler Jackson, 840 Vosberg Street NW, Item 7.1a, File 20-101
Duncan Thomas, 120 Summit View Avenue SE, Item 7.1a, File 20-101
Jean Hendron, Item 7.1a, File 20-101
Gregory Gregg, 1390 Elm Street NW, Item 7.1a, File 20-101
Lynelle Wilcox, 1785 Norway Street NE, Item 7.1a, File 20-101
Scott Russell, Ward 5, Item 7.1a, File 20-101
Hersch Sangster (2019 Keizer First Citizen), Monster Cookie Event

Questions or Comments by: Councilors 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 Hoy, seconded by Councilor Kaser to
approve the consent calendar.

Comments by: Councilors Hoy, Nordyke, Nanke, Mayor Bennett, City
Manager Powers, Peter Fernandez, Public Works Director, and Brian Martin,
City Engineer.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Ausec

Abstain: 0

3.1 MINUTES

3.1a. February 24, 2020 Draft City Council Minutes

Attachments: [2-24-20 Draft Council Minutes](#)

Action: Approved.

3.2 RESOLUTIONS

- 3.2a.** Resolution No. 2020-7 Dedicating Properties acquired for use as Public Right-of-Way adjacent to Broadway Street NE and River Road NE for a private development project in the City of Salem.

Recommended Action: Adopt Resolution No. 2020-7.
Ward 5 - Councilor Ausec - Highland

Attachments: [Resolution 2020-7](#)
[Exhibit 1 Map](#)

Adopted Resolution No. 2020-7, Dedicating Properties acquired for use as Public Right-of-Way adjacent to Broadway Street NE and River Road NE for a private development project in the City of Salem.

- 3.2b.** Resolution No. 2020-8 Dedicating certain real property adjacent to Strong Road SE and Lindburg Road SE as Public Right-of-Way.
Recommended Action: Adopt Resolution 2020-8
Ward 3 - Councilor Nanke - Morningside

Attachments: [Resolution 2020-8](#)
[Exhibit 1 Map](#)

Adopted Resolution No. 2020-8, Dedicating certain real property adjacent to Strong Road SE and Lindburg Road SE as Public Right-of-Way.

- 3.2c.** Resolution No. 2020-9 Dedicating certain real property for a future street located between Mill Creek Drive SE and Aumsville Highway SE as Public Right-of-Way.
Recommended Action: Adopt Resolution No. 2020-9
Ward 3 - Councilor Nanke - SEMCA

Attachments: [Resolution 2020-9](#)
[Attachment 1 Map](#)
[Exhibits A, B-1 and B-2](#)

Adopted Resolution No. 2020-9, Dedicating certain real property for a future street located between Mill Creek Drive SE and Aumsville Highway SE as Public Right-of-Way.

- 3.2d.** Resolution No. 2020-10 Dedicating property acquired for use as Public Right-of-Way adjacent to Orchard Heights Road NW for a private development project in the City of Salem.
Recommended Action: Adopt Resolution No. 2020-10.
Ward 8 - Councilor Lewis - West Salem

Attachments: [Resolution 2020-10](#)
[Exhibit 1 Map](#)

Adopted Resolution No. 2020-10, Dedicating property acquired for use as Public Right-of-Way adjacent to Orchard Heights Road NW for a private development project in the City of Salem.

- 3.2e.** Resolution No. 2020-11 Dedicating land at the north end of Ponderosa Drive S as shown on Skyline Village Phase IV.
Recommended Action: Adopt Resolution No. 2020-11.
Ward 7 - Councilor Nordyke - Sunnyslope

Attachments: [Resolution 2020-11](#)
[Exhibit 1 Map](#)

Adopted Resolution No. 2020-11, Dedicating land at the north end of Ponderosa Drive S as shown on Skyline Village Phase IV.

- 3.2f.** Grant application for Bill Riegel Park Phase 2 Development.

Ward(s): Ward 3
Councilor(s): Councilor Nanke
Neighborhood(s): SEMCA
Result Area(s): Welcoming and Livable Community.

Attachments: [Bill Riegel Park Location](#)
[Bill Riegel Master Plan](#)
[Aerial image of proposed improvements](#)
[Resolution No. 2020-12](#)
[Salem Parks and Recreation Advisory Board Letter of Support and Action Sheet](#)
[Salem Parks Foundation Letter of Support](#)

Adopted Resolution 2020-12, Authorizing the City Manager to apply for and, if successful, accept an Oregon Parks and Recreation Department (OPRD) Local Government Grant to provide funding for constructing the final phase of Bill Riegel Park.

- 3.2g.** Resolution No. 2020-13 Dedicating Tract "A" on the Recorded Plat of Cascadia Industrial Park as Public Right-of-Way.
Recommended Action: Adopt Resolution No. 2020-13.
Ward 3 - Councilor Nanke - Morningside

Attachments: [Resolution 2020-13](#)
[Exhibit 1](#)

Adopted Resolution No. 2020-13, Dedicating Tract "A" on the Recorded Plat of Cascadia Industrial Park as Public Right-of-Way.

3.3 ACTION ITEMS

- 3.3a.** Intergovernmental Agreement with Oregon Department of Corrections

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

Result Area(s): Safe Community.

Attachments: [IGA with ODOC and COS .docx](#)

Authorized the City Manager to execute the attached IGA with ODOC for the use of its training facility/firearms range for Salem Police Department training.

- 3.3b.** Willamette Valley Communication Center lease for property located at 595 Cottage Street NE.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

Result Area(s): Good Governance; Safe Community

Attachments: [Proposed Lease](#)

Authorized the City Manager to execute the attached lease with Deems, Inc. for property located at 595 Cottage Street NE to house the Willamette Valley Communications Center.

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)

- 5.a.** Extension of the Emergency Declaration

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe Community; Welcoming and Livable Community.

Attachments: [Res No. 2020-14 Extending the state of emergency](#)

A motion was made by Councilor Hoy, seconded by Councilor Nordyke to adopt Resolution No. 2020-14 to extend the declaration of emergency until August 25, 2020, to allow United Way's Safe Sleep Women's shelter to continue to operate at an expanded occupancy of 19 people and continue the vehicle camping pilot program.

Questions or Comments by: Councilors Hoy, Andersen, Nordyke, Leung, and Norman Wright, Community Development Director.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Ausec

Abstain: 0

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

6.a. Planning Administrator Decision - Replace an existing utility pole with a taller utility pole supporting an antenna, equipment enclosure, and conduits for wireless communications. - Approved.

Class 2 Wireless Siting Permit Case No. WS2-20-03 - Melissa Juel on behalf of Mastec Wireless Solutions - 663 25th St SE.

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

Attachments: [Land Use Decision WS2-20-03](#)

This Informational Report was received and filed.

6.b. Planning Administrator Decision - A tentative partition plan to divide approximately 0.33 acres into two parcels. - Approved.

Partition Case No. PAR19-15 - Access Properties, Inc. - 1215 Parkway Dr NW.

Ward(s): 8
Councilor(s): Lewis
Neighborhood(s): West Salem

Attachments: [Land Use Decision PAR19-15](#)

This Informational Report was received and filed.

6.c. Planning Administrator Decision - A subdivision plan to divide 4.71 acres into 24 lots. - Approved.

Tentative Subdivision Case No. SUB19-09 - Mark Ferris, Project

Delivery Group, on behalf of Jensen Consulting and Development -
4560 Center St NE.

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

Attachments: [Land Use Decision SUB19-09](#)

This Informational Report was received and filed.

6.d. Update on the 2020 Oregon Legislative Session.

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

Attachments: [Positions Reviewed by Legislative Committee February 21, 2020](#)

This Informational Report was received and filed.

6.e. An appeal of the Site Plan Review decision for South Salem High School has been received; the appeal will be heard by the Hearings Officer, unless called-up by City Council.

Planning Administrator Decision - Site plan review for the addition of classrooms, performing arts classrooms and theater, new auxiliary gym, field house and parking area of the existing South Salem High School with an adjustment for a reduction to the setback abutting the street, amount of off-street parking, distance to primary entrance for bike parking and reduction in interior landscaping. - Approved.

Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. SPR-ADJ-DAP20-03 - 1910 Church St SE - Salem Keizer School District - 1910 Church St SE.

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

Attachments: [Land Use Decision SPR-ADJ-DAP20-03.pdf](#)
[SPR-ADJ-DAP20-03 Appeal Application.pdf](#)

A motion was made by Councilor Andersen, seconded by Councilor Nordyke to call up item 6.e for a Council public hearing, as opposed to a Hearings Officer decision.

Comments by: Councilors Andersen and Kaser.

The motion carried by the following vote:

Aye: 7 - Kaser, Andersen, Nanke, Hoy, Bennett, Leung, and Nordyke

Nay: 1 - Lewis

Absent: 1 - Ausec

Abstain: 0

7. ORDINANCES

7.1 FIRST READING:

7.1a. An ordinance relating to conduct on sidewalks, creating Salem Revised Code 95.715

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Attachments: ORDINANCE BILL NO 6-20
Exhibit A to ordinance bill 6-20 Proposed Text
Public Comments recieved by 5:00 p.m. on 3-4-20
Public Comments received by 3:30 p.m. 3-9-20

A motion was made by Councilor Kaser, seconded by Councilor Hoy to conduct first reading of Ordinance Bill No. 6-20, relating to conduct on sidewalks.

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

A motion was made by Councilor Andersen, seconded by Councilor Kaser to amend Section 2.q., The penalty for violation of this ordinance is a fine of \$250, to "The penalty for violation of this ordinance is a fine up to \$150."

Comments by: Councilor Andersen and Dan Atchison, City Attorney.

Councilor Andersen withdrew his amendment to the motion.

Additional Comments or Questions by Councilors Andersen, Lewis, Nanke, Leung, Kaser, Hoy, City Manager Powers, Mark Bechtel, Public Works Operations Manager, Mayor Bennett, and Kristin Retherford, Urban Development Director.

The motion carried by the following vote:

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

Nay: 1 - Leung

Absent: 1 - Ausec

Abstain: 0

7.2 SECOND READING:

7.2a. Petitioner-Initiated Annexation of Territory Located at 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

Attachments: [Vicinity Map](#)
[Ordinance Bill No. 5-20](#)
[Exhibit A - Territory Legal Description and Map](#)

Conducted second reading of Ordinance Bill No. 5-20 annexing, applying City of Salem IG (General Industrial) zoning from Marion County IG (General Industrial), and withdrawing from Salem Suburban Rural Fire Protection District and Turner Fire District, for a 4.94-acre property located at the SE Corner of Kuebler Blvd SE and 36th Ave SE - 97317.

Ordinance Bill No. 5-20 was approved by the following vote:

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

Nay: 0

Absent: 1 - Ausec

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

Appearances by:
Duncan Thomas, 120 Summit View Avenue SE, Street lights

Comments by Councilor Lewis and Mayor Bennett.

9. ADJOURNMENT

8:22 p.m.