

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, August 10, 2020

6:00 PM

Virtual Meeting

City Council

****Due to the COVID-19 Pandemic, this meeting is being conducted virtually, with remote attendance by the governing body. No in-person attendance is possible. Interested persons may attend the meeting online at City of Salem Facebook, CCTVSalem You Tube Channel, or watch on Comcast Cable CCTV Channel 21. Please submit comments on agenda items by 5:00 p.m., or earlier, on the day of the meeting at cityrecorder@cityofsalem.net. Public comment and testimony may also be provided during the meeting via Zoom at this link: <https://www.cityofsalem.net/Pages/Public-Comment-at-Salem-City-Council-Meeting.aspx>**

EXECUTIVE SESSION

None.

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

6:00 p.m.

Roll Call

Councilor Leung joined the meeting after agenda item 1.1.

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

Pledge of Allegiance

Led by Mayor Bennett.

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Hoy, seconded by Councilor Nanke to approve the deletion and revisions to the agenda. The deletion, item 6.e, File 20-313, Planning Administrator Decision regarding a Tentative Partition Plan / Class 2 Adjustment Case No. PAR-ADJ20-10, was a duplicate report that was already addressed at the July 27, 2020 City Council Meeting; the revision, item 5.a, File 20-295, corrected the year listed for the extend date, from 2020 to 2021.

Comments by Councilor Hoy.

The motion CARRIED by the following vote:

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

Nay: 0

Absent: 1 - Leung

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

This item was heard after item 1.3, Proclamations.

Comments by: Councilors Hoy, Nordyke, Lewis, Andersen, Nanke, Kaser, Mayor Bennett, City Manager Powers, and Peter Fernandez, Public Works Director.

1.3 PROCLAMATIONS

1.3 a. Proclamation recognizing Women's Equality Day

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Proclamation - Women's Equality Day](#)

Mayor Bennett read the proclamation.

Comments by the following members of the Salem Branch of the AAUW: Joyce Zook, Salem Branch AAUW President; Micki Varney, Salem Branch AAUW Past President; Dolores Mlynarczyk, Salem Branch AAUW Membership Vice President; Gloria Holland, Salem Branch AAUW Member; Betsy McDowell, Salem Branch AAUW Funds Vice President.

Additional comments by Mayor Bennett and Councilor Nordyke.

1.4 PRESENTATIONS

None.

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

The following individuals provided public comment via remote video:

Gary Obery, Ward 2, Item 3.3b, File 20-303

Questions or Comments by: Councilors Andersen, Hoy, and Kaser.

Angela Obery, Ward 2, Item 3.3b, File 20-303

Kathleen Dewoina, 1045 5th Street NE #3, Item 5.c, File 20-315

Questions or Comments by: Councilors Lewis, Nanke, Nordyke, Leung,
Mayor Bennett, and Norman Wright, Community 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 Nanke to
approve the consent calendar with the following pulls: item 3.2c by
Councilor Hoy and item 3.3b by Councilor Andersen.

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

3.1 a. July 27, 2020 Draft City Council Minutes

Attachments: [7-27-10 Draft Council Minutes](#)

Action: Approved.

3.2 RESOLUTIONS

3.2 a. Adoption of Resolution No. 2020-38 declaring a public need to
acquire easements for storm drainage improvements between
Madrona Avenue S and Camellia Drive S.

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): SWAN

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

Attachments: [Resolution 2020-38](#)
[Exhibit A - Identified Properties](#)

**Adopted Resolution No. 2020-38, declaring a public need to acquire
easements and negotiate the terms of acquisition for the construction of
storm drainage improvements between Madrona Avenue S and Camellia
Drive S.**

3.2 b. Dedication of Public Right-of-Way on Springwood Avenue SE.

Ward(s): 4
Councilor(s): Leung
Neighborhood(s): SGNA
Result Area(s): Safe, Reliable, and Efficient Infrastructure

Attachments: [Resolution No 2020-39](#)
[Exhibit A](#)

Adopted Resolution No. 2020-39, to dedicate land acquired from Will C. Hawes and Sharon L. Hawes as public right-of-way for Springwood Avenue SE.

3.2 c. Management of Delinquent Utility Accounts.

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

Attachments: [Resolution 2020-40](#)
[Exhibit A - Changes to Emergency Utility Assistance Program](#)
[Resolution 2020-22 with Exhibit](#)
[Proposed Letter to Delinquent Utility Customers](#)

Pulled by Councilor Hoy - See item 5.d.

3.3 ACTION ITEMS

3.3 a. Intergovernmental Agreement with the State of Oregon -
Department of Administrative Services for vehicle rental, fuel
purchases and Motor Pool Shop services.

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

Attachments: [IGA-DAS - City of Salem 10yr](#)

Authorized the City Manager to execute a ten (10) year intergovernmental agreement with the State of Oregon- Department of Administrative Services to provide vehicle rental, fuel, and motor pool shop services to the City through June 30, 2030.

3.3 b. Broadway Street NE at Pine Street NE Signal, Street, and Intersection
Improvements—Intergovernmental Agreement No. 32964 for
Right-of-Way Services.

Ward(s): 1, 5
Councilor(s): Kaser, Ausec
Neighborhood(s): Highland
Result Area(s): Safe, Reliable, and Efficient Infrastructure

Attachments: [IGA for ROW Services No 32964](#)
[Vicinity Map](#)
[Public Comment received 8-10-20.](#)
[Supplemental Report](#)
[Supplemental Q&A with maps.pdf](#)
[Written Testimony 1](#)

Pulled by Councilor Andersen - See item 5.e.

4. PUBLIC HEARINGS

- 4. a.** City Council review of the Planning Administrator's decision for Class 3 Site Plan Review Case No. SPR20-19 for property located at 725 Market Street NE.

Ward(s): Ward 1
Councilor(s): Kaser
Neighborhood(s): Grant Neighborhood Association
Result Area(s): Welcoming and Livable Community

Attachments: [Vicinity Map and Site Plan](#)
[Grant Neighborhood Association Appeal](#)
[Planning Administrator Decision for Case No SPR20-19](#)
[Public Comments received by 8-10-20](#)

Councilors Kaser and Nordyke recused themselves from the public hearing and from deliberations due to potential conflicts of interest.

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

**Persons Testifying on behalf of the applicant:
Mark Shipman, Applicant's Representative, 250 Church Street, Suite 200**

Questions or Comments by: Mayor Bennett and Councilor Andersen.

Joel Smallwood, Director of Maintenance and Construction Services for Salem-Keizer School District (SKSD), 3630 State Street

Questions or Comments by: Councilor Andersen and Mayor Bennett.

Brian Hilsabeck, Special Education Administrator for Salem-Keizer School District (SKSD), 808 SW Third Ave, Suite 800, Portland, OR 97204

**Persons Testifying on behalf of the Appellant:
Paul Tigen, Land Use Chair, Grant Neighborhood Association, Ward 1**

Questions or Comments by: Councilor Hoy.

Other Persons Testifying:

Aaron Terpening, Ward 1

Applicant's Rebuttal by Mark Shipman.

Questions or Comments by: Mayor Bennett, City Attorney Atchison,
Councilor Hoy, Joel Smallwood, Pamela Cole, Councilor Andersen

A motion was made by Councilor Hoy, seconded by Councilor Lewis to
affirm the Planning Administrator's decision for Class 3 Site Plan Review
Case No. SPR20-19.

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

The motion CARRIED by the following vote:

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

Nay: 2 - Bennett, and Leung

Abstain: 0

Recused: 2 - Kaser, and Nordyke

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 declaration of state of emergency related to the
COVID-19 Pandemic

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe Community;

Attachments: [Resolution No. 2020-36](#)
[Public Comment received 8-10-20](#)
[Additional Public Comment received](#)

CORRECTION: The first motion that was made by Councilor Hoy and
seconded by Councilor Lewis during item 5.a (and the subsequent vote
that took place), addressed item 5.b, so Council decided to restate the
item number, the motion, and to vote again on items 5.a and 5.b, to leave
no doubt about which items were being voted on.

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

Immediately following the vote for item 5.c., Councilor Hoy made a new motion for item 5.a, seconded by Councilor Kaser, to approve staff recommendation to adopt Resolution No. 2020-36, extending the declaration of a state of emergency within the city of Salem related to the Covid-19 Pandemic through January 12, 2021.

The motion CARRIED by the following vote:

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

Nay: 1 - Nanke

Abstain: 0

- 5. b.** Extension of the Emergency Declaration related to unsheltered residents

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Attachments: [RESOLUTION extending unsheltered emergency declaration](#)
[Public Comments received 8-10-20](#)
[Additional Public Comment received](#)

A motion was made by Councilor Hoy, seconded by Councilor Lewis to adopt Resolution No. 2020-37 extending the declaration of emergency until January 12, 2021 to continue the vehicle camping pilot program.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

- 5. c.** Motion from Councilor Nordyke requesting additional information on two potential trail connections between Candalaria and Fairmount neighborhoods.

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): SCAN, SWAN, and Sunnyslope

Result Area(s): Welcoming and Livable Community.

Attachments: [20-223 June 22 2020 Staff Report](#)
[Public Comments received](#)

Item 5.c was heard prior to item 5.b.

A motion was made by Councilor Nordyke, seconded by Councilor Kaser to direct staff to submit a report to City Council that provides additional information regarding two potential pedestrian paths linking Candalaria and Fairmount neighborhoods between Hoyt Street S and Rural Avenue S: (1) a path through Pioneer Cemetery that connects the two neighborhoods; and (2) a path connecting the two neighborhoods that includes City View Cemetery. The report will include a summary of the issues, constraints, and options for the two potential paths. The report will also provide planning-level estimates of the costs of constructing the two paths not including potential expenses related to acquiring property or easements. During the course of their research, staff will discuss the two options with representatives of City View Cemetery and Pioneer Alley, LLC, and summarize the results of these conversations to Council in the report.

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

The motion CARRIED by the following vote:

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

Nay: 2 - Nanke, and Lewis

Abstain: 0

5.d. Management of Delinquent Utility Accounts.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Attachments: [Resolution 2020-40](#)
[Exhibit A - Changes to Emergency Utility Assistance Program](#)
[Resolution 2020-22 with Exhibit](#)
[Proposed Letter to Delinquent Utility Customers](#)

A motion was made by Councilor Hoy, seconded by Councilor Nanke to:
(1) Adopt Resolution 2020-40 to extend the Emergency Utility Assistance Program changes through June 30, 2021;
(2) Authorize staff to notify delinquent customers that standard account management and enforcement practices will resume October 1, 2020; and,
(3) Authorize staff to transfer any outstanding balances from City of Salem Utility Billing to City of Salem Finance to be set up on a 12-month no interest, no penalty payment plan or other program identified in the interim.

Questions or Comments by: Councilors Hoy, Leung, Nordyke, Kaser, City Manager Powers, Mayor Bennett, Peter Fernandez, Public Works Director, and Alicia Blalock, Division Manager, Public Works.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

- 5.e.** Broadway Street NE at Pine Street NE Signal, Street, and Intersection Improvements—Intergovernmental Agreement No. 32964 for Right-of-Way Services.

Ward(s): 1, 5

Councilor(s): Kaser, Ausec

Neighborhood(s): Highland

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

Attachments: [IGA for ROW Services No 32964](#)
[Vicinity Map](#)
[Public Comment received 8-10-20.](#)
[Supplemental Report](#)
[Supplemental Q&A with maps.pdf](#)
[Written Testimony 1](#)

A motion was made by Councilor Andersen, seconded by Councilor Hoy to authorize the City Manager to execute the Intergovernmental Agreement with the Oregon Department of Transportation for Right-of-Way Services for the Broadway Street NE at Pine Street NE Improvements Project.

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

A substitute motion was made by Councilor Andersen, seconded by Councilor Hoy to table the item until the August 24, 2020 Council Meeting.

Questions or Comments by: Councilor Nordyke and Mayor Bennett.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

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

6. a. Purchases approved administratively from May 1, 2020 through May 31, 2020

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

Attachments: [Purchases approved administratively May 2020](#)

This Informational Report was received and filed.

6. b. Planning Commission Decision - To allow a new 18-unit residential development -Approved.

Class 3 Design Review / Conditional Use / Class 3 Site Plan Review /
Class 2 Adjustment / Class 2 Driveway Approach Permit Case No.
DR-CU-SPR-ADJ-DAP20-02 - Mountain West Investment Corp. -
5611 Woodside Drive SE

Ward(s): 4
Councilor(s): Leung
Neighborhood(s): SGNA

Attachments: [Land Use Decision DR-CU-SPR-ADJ-DAP20-02](#)

This Informational Report was received and filed.

6. c. Planning Administrator Decision - Installation of electronic wall sign -
Approved.

Class 1 Willamette Greenway Permit Case No. WGP20-01 - Gerstner
Property
Group LLC (Phillip Gerstner) - 110 Wallace Road NW

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

Attachments: [Land Use Decision WGP20-01](#)

This Informational Report was received and filed.

**Questions or Comments by: Councilors Kaser, Andersen, Hoy, Lewis, Lisa
Anderson-Ogilvie, Planning Administrator, Community Development, and
City Attorney Atchison.**

- 6. d.** Planning Administrator Decision - Plan to divide approximately 9.85 acres into two parcels - Approved.

Tentative Partition Plan Case No. PAR20-09 - Salem Hospital - Salem Health -
2561 Center Street NE

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

Attachments: [Land Use Decision PAR20-09](#)

This Informational Report was received and filed.

- 6.e.** Planning Administrator Decision - Plan to divide approximately 0.45 acres into three parcels - Approved.

Tentative Partition Plan / Class 2 Adjustment Case No.
PAR-ADJ20-10 - GP Equity
Holdings, LLC (Michael Paluska, David Gollersrud, Eric Peterson) -
1331 6th St NW

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

Attachments: [Land Use Decision PAR-ADJ20-10](#)

This item was deleted from the agenda - see Item 1.1 Additions and Deletions to the Agenda.

- 6. f.** Planning Administrator Decision - Subdivision of 14.17 acres into 31 lots - Approved.

Subdivision / Urban Growth Preliminary Declaration / Class 2
Adjustment Case No.
SUB-UGA-ADJ20-04 - Comfort Homes LLC (Andre Makarenko and
Sergei Makarenko) -
3200 Eagle Ridge Ave NW

Ward(s): 8
Councilor(s): Lewis
Neighborhood(s): WSNA

Attachments: [Land Use Decision SUB-UGA-ADJ20-04](#)

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)

The following individual provided public comment via remote video:
Clifford Eiffler-Rodriguez, Ward 6, Accessibility of City Council Meetings and
Police body cams.

Questions or Comments by: Councilor Nordyke and Mayor Bennett.

9. ADJOURNMENT

9:17 p.m.