

*555 Liberty St SE  
Salem, OR 97301*



## **Final Action Agenda - Minutes - Final**

**Monday, November 9, 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 CC:Media YouTube Channel or watch on Comcast Cable CC:Media 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](mailto: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-Elect Virginia Stapleton served as Guest Councilor for Councilor Kaser and Councilor-Elect Trevor Phillips served as Guest Councilor for Councilor Nanke.**

**Present:** 6 - Councilor Andersen, Councilor Lewis, Councilor Hoy, Mayor Bennett, Councilor Leung, and Councilor Nordyke

**Absent:** 3 - Councilor Kaser, Councilor Nanke, and Councilor Ausec

**The Pledge of Allegiance was led by Councilor Hoy.**

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

**There were no additions to the agenda.**

**Councilor Hoy suggested the agenda be reordered to move item 5.c to item 1.1a. There were no objections from Council and the Mayor declared unanimous consent to reorder the agenda.**

**1.1a. [20-456](#)  
(5.c.)**

Acceptance of Resignation of Councilor Cara Kaser and declaring the Ward 1 seat vacant, and appointing Councilor-nominee Virginia Stapleton as guest councilor of Ward 1.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance.

**A motion was made by Councilor Hoy, seconded by Councilor Andersen to accept the resignation of Councilor Cara Kaser and declare the Ward 1 seat vacant, and appoint Councilor-nominee Virginia Stapleton as guest councilor of Ward 1.**

**Comments by: Councilors Hoy, Andersen, Nordyke, Mayor Bennett, and Guest Councilors Stapleton and Phillips.**

**The motion CARRIED by the following vote:**

**Aye:** 6 - Andersen, Lewis, Hoy, Bennett, Leung, and Nordyke

**Nay:** 0

**Absent:** 3 - Kaser, Nanke, and Ausec

**Abstain:** 0

## **1.2 COUNCIL AND CITY MANAGER COMMENT**

**Comments by: Councilors Andersen, Nordyke, Guest Councilors Phillips and Stapleton, Mayor Bennett, and City Manager Powers.**

## **1.3 PROCLAMATIONS**

**1.3a. [20-433](#)**

Proclamation recognizing Veterans Day

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Mayor Bennett read the proclamation.**

**Comments by: Guest Councilor Phillips.**

## **1.4 PRESENTATIONS**

**1.4a. [20-448](#)**

Presentation of 2020 Volunteer Recognition At Your Service awards

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Mayor Bennett presented At Your Service Awards to:  
Kristi Bowman, Center 50+ Volunteer;  
Jason Lee Archaeological Project Volunteers;  
Friends of Pioneer Cemetery.**

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

The following individuals provided comment via remote video:

Tim Black, Eugene, OR, Item 5.a, File 20-407

Questions or Comments by: Mayor Bennett, Councilors Nordyke, Hoy, Lewis, Andersen, and Guest Councilor Phillips.

Cory Poole, Chair, Southeast Mill Creek Association (SEMCA), 3100 Paradise Road SE, Item 5.b, File 20-452

## **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 Nordyke to approve the consent calendar with the pulls of item 3.2a by Councilor Lewis and item 3.3e by Councilor Leung.

Comments by: Mayor Bennett and Councilor Hoy.

The motion **CARRIED** by the following vote:

**Aye:** 6 - Andersen, Lewis, Hoy, Bennett, Leung, and Nordyke

**Nay:** 0

**Absent:** 3 - Kaser, Nanke, and Ausec

**Abstain:** 0

### **3.1 MINUTES**

**3.1a. [20-443](#)**

10/26/20 Draft City Council Minutes

**Action: Approved.**

### 3.2 RESOLUTIONS

- 3.2a.** [20-445](#) FY 2021 Supplemental Budget 2 for additional expenses related to mitigating the impact of the COVID-19 pandemic.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Pulled by Councilor Lewis - See item 5.d.**

### 3.3 ACTION ITEMS

- 3.3a.** [20-428](#) Intergovernmental Agreement with City of Portland for stormwater sample analysis.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe, Reliable, and Efficient Infrastructure

**Authorized the City Manager to execute an Intergovernmental Agreement with City of Portland for the analysis of surface water samples for contaminants and to sign any additional supplements and amendments as needed to complete the work.**

- 3.3b.** [20-430](#) Sale of 2 Acres at the Salem Business Campus to Discount Nursery Supplies, LLC

Ward(s): Ward 3

Councilor(s): Nanke

Neighborhood(s): Southeast Mill Creek Association

Result Area(s): Strong and Diverse Economy

**Authorized the City Manager to execute the attached Purchase and Sale Agreement with Discount Nursery Supplies, LLC for two acres of City owned land at the Salem Business Campus totaling \$300,000.**

**3.3c.**     [20-431](#)

Sale of Six Acres at the Salem Business Campus to HD Fowler Co., Inc.

Ward(s): Ward 3

Councilor(s): Nanke

Neighborhood(s): Southeast Mill Creek Association

Result Area(s): Strong and Diverse Economy

**Authorized the City Manager to execute the attached Purchase and Sale Agreement with HD Fowler Co., Inc. for six acres of City owned land at the Salem Business Campus totaling \$888,624.**

**3.3d.**     [20-435](#)

Retail lease of property located at 311 Commercial Street NE

Ward(s): 1

Board Member(s): Kaser

Neighborhood(s): CANDO

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

**Authorized the City Manager to execute the attached lease for retail property with the Urban Renewal Agency of City of Salem.**

**3.3e.**     [20-439](#)

Order for the City Council decision for Class 3 Site Plan Review and Class 2 Driveway Approach Permit Case No. SPR-DAP18-15 for property located at the 2500-2600 Block of Boone Road SE.

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): South Gateway Neighborhood Association (SGNA)

Result Area(s): Welcoming and Livable Community

**Pulled by Councilor Leung - See item 5.e.**

**3.3f. [20-442](#)**

Renewal of Intergovernmental Agreement with State of Oregon,  
Department of Consumer and Business Services, Building Codes  
Division

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Authorized the City Manager to execute Amendment #5 to IGA  
#90G000237 with the State of Oregon Department acting by and through  
its Department of Consumer and Business Services, Building Codes Division  
(BCD).**

**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. [20-407](#)**

Motion from Councilor Vanessa Nordyke regarding establishing a  
mobile response unit.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**A motion was made by Councilor Nordyke, seconded by Councilor Andersen  
that City Council direct staff to present Council with a proposal to  
implement a mobile response unit for the city including funding options. The  
proposal shall describe how a mobile response unit will fit in with other  
services and identify potential community partners to share costs.**

**Questions or Comments by: Mayor Bennett, Councilors Nordyke, Hoy,  
Andersen, Lewis, Leung, and Guest Councilors Phillips and Stapleton.**

**The motion CARRIED by the following vote:**

**Aye:** 6 - Andersen, Lewis, Hoy, Bennett, Leung, and Nordyke

**Nay:** 0

**Absent:** 3 - Kaser, Nanke, and Ausec

**Abstain:** 0

**5.b.**     [20-452](#)

Extension and Restatement of the Emergency Declaration related to unsheltered residents (Resolution No. 2020-49)

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**A motion was made by Councilor Hoy, seconded by Councilor Nordyke to adopt Resolution No. 2020-49 to extend the declaration of emergency until October 26, 2021, consolidate the emergency declarations related to unsheltered residents under one resolution, and expand the authorization of emergency shelters and warming centers.**

**Questions or Comments by: Mayor Bennett, Councilors Hoy, Andersen, Nordyke, Lewis, City Manager Powers, Dan Atchison, City Attorney, Guest Councilors Phillips and Stapleton.**

**The motion CARRIED by the following vote:**

**Aye:** 6 - Andersen, Lewis, Hoy, Bennett, Leung, and Nordyke

**Nay:** 0

**Absent:** 3 - Kaser, Nanke, and Ausec

**Abstain:** 0

**5.c.**     [20-456](#)

Acceptance of Resignation of Councilor Cara Kaser and declaring the Ward 1 seat vacant, and appointing Councilor-nominee Virginia Stapleton as guest councilor of Ward 1.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance.

**This agenda item was reordered - See item 1.1a.**



**5.d.     [20-445](#)  
(3.2a)**

FY 2021 Supplemental Budget 2 for additional expenses related to mitigating the impact of the COVID-19 pandemic.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**A motion was made by Councilor Lewis, seconded by Councilor Hoy to adopt Resolution No. 2020-47 appropriating \$1,418,220 in the General Fund Non-Departmental and Parks Operations budgets for various expenses related to mitigating the impacts of the COVID-19 pandemic in Salem.**

**Questions or Comments by: Councilors Lewis, Andersen, Hoy, City Manager Powers, Gretchen Bennett, Manager, City Manager's Office, Mayor Bennett, and Mark Bechtel, Public Works Operations Manager.**

**The motion CARRIED by the following vote:**

**Aye:**   6 - Andersen, Lewis, Hoy, Bennett, Leung, and Nordyke

**Nay:**    0

**Absent:** 3 - Kaser, Nanke, and Ausec

**Abstain:** 0

**5.e.     [20-439](#)  
(3.3e)**

Order for the City Council decision for Class 3 Site Plan Review and Class 2 Driveway Approach Permit Case No. SPR-DAP18-15 for property located at the 2500-2600 Block of Boone Road SE.

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): South Gateway Neighborhood Association (SGNA)

Result Area(s): Welcoming and Livable Community

**Councilors Hoy, Andersen, Leung, Lewis, and Mayor Bennett acknowledged they are Costco members and each declared a potential conflict of interest.**

**Comments by: Mayor Bennett and Councilor Nordyke.**

**A motion was made by Councilor Hoy, seconded by Councilor Lewis, to adopt the order approving Class 3 Site Plan Review and Class 2 Driveway Approach Permit Case No. SPR-DAP18-15 for development of the Kuebler Gateway Shopping Center, including Costco, a retail fueling station, and four new retail shell buildings.**

**Questions or Comments by: Councilors Hoy, Andersen, Leung, Mayor Bennett, and Guest Councilor Phillips.**

**The motion CARRIED by the following vote:**

**Aye:**    5 - Andersen, Lewis, Hoy, Bennett, and Nordyke

**Nay:**     1 - Leung

**Absent:**   3 - Kaser, Nanke, and Ausec

**Abstain:**   0

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

**6.a.     [20-424](#)**

Purchases approved administratively from August 1, 2020 through August 31, 2020.

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.b.**     [20-427](#)

Planning Administrator Decision - Validation of unit of land created through the recording of a deed in 1989 - Approved.

Validation of Unit of Land Case No. VUL20-03 - Keith Kohler, Barker Surveying on behalf of Scott Martin - 3950 Mainline Dr NE

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

**This Informational Report was received and filed.**

**6.c.**     [20-432](#)

Mayoral appointments to the Center 50+ Advisory Commission and Human Rights Commission

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

**This Informational Report was received and filed.**

**6.d.**     [20-437](#)

Hearings Officer Decision - A Variance to increase the display surface of an existing sign - Approved.

Sign Variance / Sign Permit Case No. VAR-SI20-03 - Seth Garey and Michael Janusek on behalf of Lancaster Development Company LLC (Margaret Kushner) - 827 Lancaster Dr NE

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

**This Informational Report was received and filed.**

**6.e.     [20-438](#)**

Hearings Officer Decision - Development of a new two building apartment complex with 24 dwelling units. - Approved.

Conditional Use / Class 3 Site Plan Review / Class 2 Driveway Approach Permit / Class 1  
Design Review Case No. CU-SPR-DAP-DR20-06 - Brandie Dalton, Multi/Tech Engineering, on behalf of JCT Construction Group LLC (Mark Hoyt, James Tokarski, James Cain) - 5600 Block of Woodside Dr SE

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

**This Informational Report was received and filed.**

**6.f.     [20-440](#)**

Planning Commission Decision - A consolidated application to change the Comprehensive Plan Map Designation, Neighborhood Plan Change and Zone change of an approximately ten acres land area from Developing Residential with RS (Single Family Residential) zoning to Multiple Family with RM-II (Multiple Family Residential) zoning. - Approved.

Comprehensive Plan Map Designation / Neighborhood Plan Change / Zone Change Case No. CPC-NPC-ZC20-07 - Brandie Dalton, Multi-Tech Engineering Services Inc., on behalf of Westwood Homes LLC (Todd Richard Boyce and Bill Wagoner) - 4800 Block of Battle Creek Road SE.

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

**This Informational Report was received and filed.**

**Comments by Guest Councilor Phillips and Mayor Bennett.**

**6.g.**     [20-441](#)

Planning Commission Decision - A consolidated application to change the Comprehensive Plan Map Designation, Neighborhood Plan Change and Zone change of an approximately 2.5 acres land area from Public Community Service Hospital with PH (Public and Private Health Services) zoning to Multiple Family with RM-II (Multiple Family Residential) zoning. - Approved.

Comprehensive Plan Map Designation / Neighborhood Plan Change / Zone Change Case No. CPC-NPC-ZC20-08 - Brandie Dalton, Multi-Tech Engineering Services Inc., on behalf of Westwood Homes LLC (Todd Richard Boyce and Bill Wagoner) - 4200 Block of Strong Road SE.

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

**This Informational Report was received and filed.**

**6.h.**     [20-453](#)

Planning Administrator Decision - Modification to a subdivision, adding one more phase and adjustment to increase maximum cul-de-sac length. - Approved.

Modification of Tentative Subdivision / Class 2 Adjustment Case No. SUB-ADJ09-02MOD2 - Tory Banford on behalf of City of Salem, Urban Development Department - 5730 Culver Road SE

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

**This Informational Report was received and filed.**

**6.i.**     [20-454](#)

Planning Administrator Decision - A tentative partition to create two parcels. - Approved.

Partition Case No. PAR20-12 - Lyle Misbach - 2880 Doughton St S

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

**This Informational Report was received and filed.**

## 7. ORDINANCES

### 7.1 FIRST READING:

**7.1a.** [20-449](#)

Proposed revisions to Public Art Fund Allocations listed under Salem Revised Code Chapter 15 - Public Art (SRC 15) and Salem Public Art Commission Guidelines, Policies, and Procedures (SPAC Guidelines).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community.

**The Council, by unanimous consent, approved the recommendation to proceed with first reading and advanced Ordinance Bill No. 13-20, which removes existing percent allocations within the Public Art Fund under SRC Chapter 15 (Public Art) and revises SPAC Guidelines, to second reading.**

### 7.2 SECOND READING:

None.

## 8. PUBLIC COMMENT: (Other than agenda items)

The following individuals provided comment via remote video:

Tracey Armstrong, 1160 Church Street NE, Salem Police Department

Cyndi Leinassar, Ward 2, Thank you to Salem Police Department

Emma Jonas, Ward 1, Salem Police Department selective enforcement of laws

Kathy Belcher, Ward 1, Recognition and thank you to Salem Police Department's Silver Alert System and their handling of persons affected with Dementia and Alzheimer's Disease.

## 9. ADJOURNMENT

7:50 p.m.