

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, November 23, 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**

**Joint City Council and Salem Housing Authority Commission  
5:30 p.m. –6:00 p.m. - Virtual Meeting  
ORS 192.660(2)(d) Labor Negotiations**

## **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**

**6:11 p.m.**

### **Roll Call**

**Virginia Stapleton served as Guest Councilor for Ward 1.**

**Present:** 8 - 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**

**None.**

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

**Comments by: Councilors Andersen, Nordyke, Hoy, and Guest Councilor Stapleton.**

## **1.3 PROCLAMATIONS**

**1.3a.**     [20-468](#)

Proclamation recognizing Small Business Saturday

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Mayor Bennett read the proclamation.**

**Comments by: Hazel Patton, Executive Director, Salem Main Street Association, and Mayor Bennett.**

## **1.4 PRESENTATIONS**

### **1.4 a. Presentation by Salem Police Foundation**

**Cyndi Leinassar, President of the Salem Police Foundation, along with other members of the foundation recognized Police Chief Jerry Moore for his leadership, vision and service to the City of Salem.**

**Comments by: Cyndi Leinassar, Mayor Bennett, Chief Moore, and Councilors Lewis and Hoy.**

**1.4 b.**     [20-463](#)

Presentation of 2020 Volunteer Recognition awards - Distinguished Project, Spirit, Youth Achievement

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Mayor Bennett presented the following 2020 Volunteer Recognition Awards:**

**Barry Nelson and Ken Van Osdol, Co-Chairs of the Gerry Frank Salem Rotary Amphitheater Project received the Salem Spirit Award;**

**Sherrie Bashaw and the Blanchet Catholic School Leadership Class received the Youth Achievement Award; and**

**Salem Public Library volunteers received the Distinguished Project Award.**

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

The following individuals provided comment via remote video:

Chris Sarles, CEO, Oregon Fruit Products, 3180 22nd Street SE, Item 3.3a, file 20-447

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

Item 8, Public Comment, was also heard at this time:

Dylan McDowell, Chair, Parks and Recreation Advisory Board, Park Safety and Unsheltered Individuals.

## 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 Mayor Bennett to approve the consent calendar.

Comments by Councilor Hoy.

The motion CARRIED by the following vote:

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

**Nay:** 0

**Abstain:** 0

### 3.1 MINUTES

**3.1a.** [20-479](#) November 9, 2020 Draft City Council Minutes

**Action:** Approved.

**3.1b.** [20-480](#) November 16, 2020 Draft City Council Work Session Minutes

**Action:** Approved.

### 3.2 RESOLUTIONS

None.

### 3.3 ACTION ITEMS

**3.3a. [20-447](#)**

Award of a \$50,000 wastewater pre-treatment grant to Oregon Fruit Products.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SESNA

Result Area(s): Natural Environment Stewardship; Reliable and Efficient Infrastructure; Strong and Diverse Economy.

**Awarded a \$50,000 wastewater pre-treatment grant to Oregon Fruit Products. The award is consistent with the requirements of Salem Revised Code Chapter 74.190, and Public Works Department Policy WW 1-11.**

**3.3b. [20-457](#)**

Commercial lease with Pringle Place, LLC for storage of City supplies

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): Morningside

Result Area(s): Good Governance; Safe Community

**Authorized the City Manager to execute the attached lease with Pringle Place, LLC.**

**3.3c. [20-458](#)**

Amending the June 2019 agreement with the Rotary Club of Salem regarding construction of the Gerry Frank | Salem Rotary Amphitheater.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community.

**Authorized the City Manager to execute an amendment to the ground lease agreement with the Rotary Club of Salem regarding construction of the Gerry Frank | Salem Rotary Amphitheater at Riverfront Park.**

**3.3d. [20-465](#)**

United States Department of Justice Edward Byrne Memorial Justice Assistance Grant for Federal Fiscal Year 2020

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 \$66,389 award to continue the Community Service Officer program.**

**3.3e.** [20-467](#)

Intergovernmental Agreement between the City of Salem and the State of Oregon granting use of the City rights-of-way for State telecommunication facilities.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

**Authorized the City Manager to execute the Intergovernmental Agreement between the City of Salem and the State of Oregon, granting nonexclusive use of the City rights-of-way.**

**4. PUBLIC HEARINGS****4.a.** [20-460](#)

Community Development Block Grant and HOME investment partnership programs Consolidated Annual Performance and Evaluation Report (CAPER)

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Staff presentation by Shelly Ehenger, Urban Development Federal Programs Manager.**

**Persons Testifying: None.**

**Organizations Testifying: None.**

**A motion was made by Councilor Hoy, seconded by Councilor Nanke to approve submittal of the 2019-2020 Program Year Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant and HOME Investment Partnership Programs to the US Department of Housing and Urban Development (HUD).**

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

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

**Nay:** 0

**Abstain:** 0

**4.b.     [20-444](#)**

Appeal of the Planning Commission's decision approving Comprehensive Plan Map Designation, Neighborhood Plan Change, Zone change, Class 3 Site Plan Review, Class 1 Design Review and Class 2 Adjustments to develop a 19-unit multi-family complex for properties located at 905 and 925 Cottage Street NE.

Ward(s): Ward 1

Councilor(s): Vacant

Neighborhood(s): Grant Neighborhood Association

Result Area(s): Welcoming and Livable Community

**Staff presentation by Olivia Dias, Planner, Community Development Planning Services.**

**Comments by: Courtney Knox-Busch, Manager, City Manager Office, Dan Atchison, City Attorney, and Mayor Bennett.**

**Guest Councilor Stapleton disclosed ex parte contact, which consisted of her attendance of Grant Neighborhood Association Meetings.**

**Other Comments and procedural point of order comments from Jennifer Bragar, Attorney for applicant, Dan Atchison, Mayor Bennett, and Mark DeCoursey.**

**Persons Testifying:**

**Jennifer Bragar, Attorney for applicant, 121 SW Morrison Street, Suite 1850, Portland, OR**

**Emily Reiman, CEO DevNW, applicant, 528 Cottage Street NE**

**Questions or Comments by: Mayor Bennett, Dan Atchison, Councilor Hoy, Emily Reiman, Councilor Andersen, and Jennifer Brager.**

**Organizations Testifying:**

**Paul Tigan, Land Use Chair, Representing Grant Neighborhood Association (Appellant), 836 Church Street NE.**

**Questions or Comments by: Councilor Hoy, Paul Tigan, Councilor Andersen, and Mayor Bennett.**

**Additional persons testifying:**

**Mary Anne Spradlin, 850 Church Street NE**

**Jerry Ambris, 1277 25th Street NE**

**Micole Olivas-Leyva, 528 Cottage Street NE**

**Howard Collins, No address provided**

**Questions or Comments by: Mayor Bennett.**

**TJ Putnam, 1055 Cottage Street NE**

**Questions or Comments by: Mayor Bennett.**

**Dustin Purnell, 941 Cottage Street NE**

**Questions or Comments by: Mayor Bennett.**

**Erin Dey, Director of Real Estate Development, DevNW, 528 Cottage Street NE**

**Questions or Comments by: Councilor Andersen and Mayor Bennett.**

**Joseph Moore, 860 W Park Street # 300, Eugene, OR**

**Questions or Comments by Councilor Andersen.**

**Aaron Terpening, Co-Chair, Grant Neighborhood Association, Ward 1**

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

**Sam Skillern, Co-Chair, Grant Neighborhood Association, 1255 Cottage Street NE.**

**Nick Beleiciks, 1115 Winter Street NE**

**Mark DeCoursey, 740 Shipping Street NE**

**Douglas Kuzmanoff, No address provided**

**Questions or Comments for staff: Guest Councilor Stapleton, Olivia Dias, Mayor Bennett, Lisa Anderson-Ogilvie, Planning Administrator, Councilors Hoy, Lewis, Andersen, Dan Atchison, Councilor Nordyke, and Kristin Retherford, Urban Development Director.**

**Applicant's Rebuttal by Jennifer Brager. The applicant was provided three additional minutes for rebuttal.**

**Questions or Comments by: Councilors Hoy, Lewis, Emily Reiman, Guest Councilor Stapleton, and Mayor Bennett.**

**A motion was made by Councilor Hoy, seconded by Councilor Lewis to affirm the Planning Commission's decision for Comprehensive Plan Map Designation, Neighborhood Plan Change, Zone change, Class 3 Site Plan Review, Class 1 Design Review and Class 2 Adjustments Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03, with an amendment to limit the height to 40 feet.**

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

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

**Aye:** 7 - Andersen, Nanke, Ausec, Lewis, Hoy, Leung, and Nordyke

**Nay:** 1 - Bennett



Abstain: 0

A motion was made by Councilor Hoy, seconded by Councilor Lewis to extend the meeting by fifteen minutes.

The motion CARRIED by the following vote:

Aye: 7 - Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke  
Nay: 1 - Nanke

**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)**

None.

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

**6.a.**     [20-425](#)

Notice of proposed administrative rulemaking to implement collection, reimbursement, and expenditure of System Development Charges.

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; Strong and Diverse Economy; Welcoming and Livable Community.

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

**6.b.**     [20-471](#)

Purchases approved administratively from September 1, 2020 through September 30, 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.c.**     [20-475](#)

Planning Administrator Decision - A replat to reconfigure lots and increase open space at the Heritage Court Planned Unit Development - Approved.

Replat and Planned Unit Development Final Plan Modification Case No. REP-PUD-SUB06-05MOD1 - John Brosy on behalf of Dwight Ferris LLC (Dwight Ferris) - 2800 Block of Silverton Road NE & 3200 to 3300 Blocks of Williams Avenue 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.**     [20-474](#)

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.

**Conducted second reading of Ordinance Bill No. 13-20, An Ordinance Relating to the Public Art Trust Fund; Amending SRC 15.030; Amending the Salem Public Art Commission Public Art Collection Guidelines, Policies and Procedures.**

**Ordinance Bill No. 13-20 was approved by the following vote:**

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

**Nay:**     0

**Abstain:**     0

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

See item 2.

**9. ADJOURNMENT**

9:59 p.m.