

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, November 22, 2021

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 view 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. Public comment and testimony may also be provided during the meeting via Zoom. Please pre-register between 8:00 a.m. and 2:00 p.m. on the day of the meeting at the following 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

6:20 p.m.

Roll Call

Evan Sorce served as Guest Councilor for Councilor Nordyke, Ward 7.

Present: 8 - Councilor Andersen, Councilor Lewis, Councilor Hoy, Mayor Bennett, Councilor Leung, Councilor Phillips, Councilor Stapleton, and Councilor Gonzalez

Absent: 1 - Councilor Nordyke

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Hoy, seconded by Councilor Phillips to approve the addition and deletion to the agenda. The addition/revision consisted of a new report was added, item 5.a, Policing Update Related to Recent Assessments, and a revision was made to item 6.b, Reallocation of Fiscal Year 2021-2022 Capital Improvement Plan project Pringle Parkade lighting upgrade. The cost for the main library parkade lighting was updated.

Comments by Councilor Hoy.

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Lewis, Hoy, Bennett, Leung, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Nordyke

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilor Phillips, Mayor Bennett, Councilors Leung, Andersen, Hoy, Gonzalez, Guest Councilor Sorce, City Manager Steve Powers, Fire Chief Mike Niblock and Urban Development Director Kristin Retherford.

1.3 PROCLAMATIONS

1.3a. [21-522](#) Proclamation recognizing Small Business Saturday.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Bennett read the proclamation. Thomas Nabhan, President of the Salem Main Street Association, accepted the proclamation.

Comments by Thomas Nabhan and Mayor Bennett.

1.4 PRESENTATIONS

1.4a. [21-514](#) Presentation of 2021 Volunteer Recognition Awards - At Your Service (3) and Mayor's Merit (2).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Bennett announced the names of the recipients of the 2021 Volunteer Recognition At Your Service Awards, Part 2, followed by a video presentation featuring the award recipients for the following categories:

***AT YOUR SERVICE awarded to:**

Peggy Zorn, for renovation of the Library Dollhouse;

Dave Newman, for Adopt-a-Street program;

Library Artwork Reinstallation Team (Paula Booth, Eileen Cotter Howell, Eric Wuest, Gretchen Coppage and Rachel Bucci) for reinstallation of artwork in the newly renovated library.

***MAYOR'S MERIT awarded to:**

Monica Pacheco, President, Salem Fire Foundation;

Meals on Wheels volunteers.

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

The following individuals provided public comments via remote video:

Ian Lewallen, 420 Center Street NE, Item 3.2a., File 21-503.

Questions or Comments by Mayor Bennett, Councilor Andersen.

Angela Jones, Ward 1, Item 3.2b., File 21-506

Comments by Mayor Bennett.

Steve Anderson, Co-Chair, Edgewater Partners, Ward 8, Item 7.1a., File 21-484

Questions or Comments by: Councilor Hoy and Steve Anderson.

Chane Griggs, President, Salem Planning Commission, 3896 St. Andrews Loop, Item 6.d., File 21-519.

Questions or Comments by: Mayor Bennett, City Attorney Dan Atchison, Chane Griggs, Councilors Stapleton, Hoy and Lewis.

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 Phillips to approve the consent calendar with the pulls of item 3.2a by Councilor Andersen and item 3.2b by Councilor Hoy.

Comments by Councilor Hoy.

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Lewis, Hoy, Bennett, Leung, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Nordyke

Abstain: 0

3.1 MINUTES

3.1a. [21-496](#)

November 8, 2021 Draft City Council Minutes

Action: Approved.

- 3.1b. [21-507](#) November 15, 2021 Draft City Council Work Session Minutes

Action: Approved.

3.2 RESOLUTIONS

- 3.2a. [21-503](#) Multiple Unit Housing Tax Incentive Program application by DD Salem Center Two, LLC seeking a 10-year property tax exemption for a 157-unit apartment development located at 420 Center Street NE.

Ward(s): Ward 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

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

Pulled by Councilor Andersen - See item 5.b.

- 3.2b. [21-506](#) Multiple Unit Housing Tax Incentive Program application by SAMAX, LLC seeking a 10-year property tax exemption for a 2-unit apartment development located at 227-229 Commercial Street NE.

Ward(s): Ward 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

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

Pulled by Councilor Hoy - See item 5.c.

3.3 ACTION ITEMS

- 3.3a. [21-515](#) Intergovernmental Agreement with Marion County for Stormwater Improvements within Elkins Way SE.

Ward(s): Ward 4

Councilor(s): Councilor Leung

Neighborhood(s): South Gateway

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

Authorized the City Manager to execute an IGA with Marion County to establish terms and conditions under which the City will provide maintenance of developer-built stormwater facilities within Elkins Way SE.

4. PUBLIC HEARINGS

4.a. [21-510](#)

Petitioner-Initiated Annexation of Territory Located at 6565
Sunnyside Road SE - 97306 (Annexation Case No. C-729)

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): SGNA

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

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

No Persons Testified.

No Organizations Testified.

**A motion was made by Councilor Leung, seconded by Councilor Lewis to
adopt Order No. 2021-4 ANX determining that the proposal meets the
applicable criteria, applying City zoning for the territory, and approving
withdrawal of the territory from the Salem Suburban Rural Fire Protection
District.**

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Lewis, Hoy, Bennett, Leung, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Nordyke

Abstain: 0

4.b. [21-511](#)

Petitioner-Initiated Annexation of Territory Located at 4120 Fisher Road NE and Adjacent Lands - 97305 (Annexation Case No. C-740)

Ward(s): 5

Councilor(s): Gonzalez

Neighborhood(s): Northgate

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

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

No Persons Testified.

No Organizations Testified.

A motion was made by Councilor Gonzalez, seconded by Councilor Hoy to adopt Order No. 2021-5 ANX determining that the proposal meets the applicable criteria, changing the zoning for the territory, and approving withdrawal of the territory from the East Salem Sewer and Drainage District and Marion County Fire District #1.

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Lewis, Hoy, Bennett, Leung, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Nordyke

Abstain: 0

4.c. [21-518](#)

Adoption of new City Council ward boundaries.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Planning Administrator Lisa Anderson-Ogilvie introduced Lesley Hegewald, GIS Coordinator, with Mid-Willamette Valley Council of Governments. Ms. Hegewald provided an overview of the three ward boundary alternatives being considered for the ward reapportionment.

No Persons Testified.

No Organizations Testified.

Questions or Comments by: Councilors Hoy, Andersen, Lewis, Lisa Anderson-Ogilvie, Lesley Hegewald, Mayor Bennett and Councilor Stapleton.

A motion was made by Councilor Hoy, seconded by Councilor Phillips to adopt Alternative 3.

Comments by Councilors Hoy, Lewis, Leung and Andersen.

The motion CARRIED by the following vote:

Aye: 7 - Andersen, Hoy, Bennett, Leung, Phillips, Stapleton, and Gonzalez

Nay: 1 - Lewis

Absent: 1 - Nordyke

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. [21-521](#)

Policing Update Related to Recent Assessments - Trust-Building Efforts and Staffing Analysis

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community.

Police Chief Trevor Womack provided an update on trust-building efforts and a staffing analysis of Salem Police Department.

Questions or Comments by: Mayor Bennett, Chief Womack, Councilor Hoy, Guest Councilor Sorce, Councilors Gonzalez and Phillips.

This Informational Report was received and filed.

5.b. [21-503](#)
(3.2.a)

Multiple Unit Housing Tax Incentive Program application by DD Salem Center Two, LLC seeking a 10-year property tax exemption for a 157-unit apartment development located at 420 Center Street NE.

Ward(s): Ward 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

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

A motion was made by Councilor Andersen, seconded by Councilor Stapleton to:

(1) Adopt Resolution No. 2021-46 approving an application by DD Salem Center Two, LLC for tax exemption under the City's Multiple Unit Housing Tax Incentive Program; and

(2) Direct staff to make a request to boards of other taxing districts to adopt a resolution agreeing with the policy of providing a tax exemption for the project, therefore exempting the multiple family residential portion of the project's full property tax liability.

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

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Lewis, Hoy, Bennett, Leung, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Nordyke

Abstain: 0

**5.c. [21-506](#)
(3.2.b)**

Multiple Unit Housing Tax Incentive Program application by SAMAX, LLC seeking a 10-year property tax exemption for a 2-unit apartment development located at 227-229 Commercial Street NE.

Ward(s): Ward 1

Councilor(s): Stapleton

Neighborhood(s): CANDO

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

A motion was made by Councilor Hoy, seconded by Councilor Andersen to deny the application from SAMAX, LLC for tax exemption under the City's MUHTIP and direct staff to bring back a resolution for final action consistent with this motion.

Comments by: Councilor Hoy, Mayor Bennett, Urban Development Director Kristin Retherford, Councilors Stapleton, Leung, Gonzalez, City Attorney Dan Atchison and Councilor Phillips.

A substitute motion was made by Councilor Stapleton, seconded by Councilor Phillips to approve the application from SAMAX, LLC with a 5-year tax exemption, instead of ten years.

Questions or Comments by: Councilor Stapleton, Mayor Bennett, Councilor Hoy, Developer Angela Jones, Kristin Retherford, Councilors Leung and Andersen, City Attorney Atchison.

The substitute motion CARRIED by the following vote:

Aye: 8 - Andersen, Lewis, Hoy, Bennett, Leung, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Nordyke

Abstain: 0

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

6.a. [21-492](#)

Purchases approved administratively from October 1, 2021 through October 31, 2021.

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. [21-495](#)

Reallocation of Fiscal Year 21-22 Capital Improvement Plan project
Pringle Parkade lighting upgrade funds

Ward(s): Ward 1

Councilor(s): Councilor Stapleton

Neighborhood(s): CANDO

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

This Informational Report was received and filed.

**Questions or Comments by: Councilor Stapleton, Mayor Bennett and City
Manager Powers.**

6.c. [21-504](#)

Information on the sale and use of fireworks in the City of Salem.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community

This Informational Report was received and filed.

**Questions or Comments by: Councilor Phillips, Fire Chief Mike Niblock, Guest
Councilor Sorce, Councilor Hoy and Mayor Bennett.**

6.d. [21-519](#)

Planning 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.

7. ORDINANCES

7.1 FIRST READING:

7.1a. [21-484](#)

2021 Unified Development Code Update

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Conducted First Reading of Ordinance Bill No. 13-21.

A motion was made by Councilor Hoy, seconded by Councilor Lewis to conduct a public hearing on Ordinance Bill No. 13-21 and advance to second reading.

Comments by: Councilor Hoy, Mayor Bennett and Councilor Leung.

The motion CARRIED by the following vote:

Aye: 8 - Andersen, Lewis, Hoy, Bennett, Leung, Phillips, Stapleton, and Gonzalez

Nay: 0

Absent: 1 - Nurdyke

Abstain: 0

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

9:25 p.m.