

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, September 12, 2022

6:00 PM

Virtual Meeting

City Council

This meeting is being conducted virtually, with remote attendance by the governing body. In-person attendance is not possible at this time. Interested persons may view the meeting in real-time on the City of Salem YouTube Channel, thanks to a partnership with CC:Media. Comcast Cable subscribers can watch on 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 using this link <https://bit.ly/COScomment>.

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

6:03 p.m.

Roll Call

Lorrie Walker served as Guest Councilor for Councilor Nishioka, Ward 2.

Present: 8 - Councilor Hoy, Mayor Bennett, Councilor Leung, Councilor Nordyke, Councilor Phillips, Councilor Stapleton, Councilor Gonzalez, and Councilor Varney

Absent: 1 - Councilor Nishioka

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/deletion (item 7.1a.) to the agenda.

Item No. 7.1a., file 22-330, Ordinance Bill No. 19-22, Revision to the Salem Revised Code Section 2.825 related to the Multiple Unit Housing Tax Incentive Program, was removed from the agenda.

Comments by Councilor Hoy.

The motion CARRIED by the following vote:

Aye: 8 - Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, Gonzalez, and Varney

Nay: 0

Absent: 1 - Nishioka

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

First remarks from Keith Stahley, the City's new city manager effective September 12, 2022.

Additional comments by: Mayor Bennett, Councilors Hoy, Leung, and Stapleton, Guest Councilor Walker, Councilors Nordyke, Varney, and Phillips, and Fire Chief Mike Niblock.

1.3 PROCLAMATIONS

1.3a. Proclamation recognizing Hispanic Heritage Month.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Proclamation - Hispanic Heritage Month 2022](#)
[Proclamation - Hispanic Heritage Month 2022 \(Spanish\)](#)

This proclamation was read into the record by Councilor Gonzalez. Amador Aguilar accepted the proclamation.

Comments by Councilor Gonzalez and Amador Aguilar.

1.3b. Proclamation recognizing Latino Business Day.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Attachments: [Proclamation - Latino Business Day](#)

This proclamation was read into the record by Councilor Gonzalez.

1.4 PRESENTATIONS

None.

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

The following individuals provided comments via remote video:

Marianne Bradshaw, 1325 Jackson Valley Lane SE, Item 6.c., file 22-406

Questions or Comments by: Councilor Hoy, Marianne Bradshaw, and Mayor Bennett.

Kaethe Mentrum, 2455 Stortz Avenue NE, Item 3.3e., file 22-421

Questions or Comments by: Councilor Nordyke and Kaethe Mentrum.

Bayard Mentrum, 2455 Stortz Avenue NE, Item 3.3e., file 22-421

Questions or Comments by: Councilor Phillips, Bayard Mentrum, Councilor Leung, and Mayor Bennett.

Douglas (DJ) Vincent, Pastor, Church of the Park, 1336 Heather Lane SE, Item 3.3e., file 22-421

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 Stapleton to approve the consent calendar with the pull of item 3.3e., by Councilor Stapleton.

Comments by Councilor Hoy.

The motion CARRIED by the following vote:

Aye: 8 - Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, Gonzalez, and Varney

Nay: 0

Absent: 1 - Nishioka

Abstain: 0

3.1 MINUTES

3.1a. August 22, 2022 Draft City Council Minutes

Attachments: [8-22-22 Draft Council Minutes.pdf](#)

Action: Approved.

3.2 RESOLUTIONS

3.2a. Initiate Legislative Zone Change on Commercial Street SE.

Ward(s): Ward 2

Councilor(s): Councilor Nishioka

Neighborhood(s): SCAN

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

Attachments: [Resolution 2022-48](#)
[Map of Properties Subject to Proposed Zone Change](#)
[List of Properties Subject to Proposed Zone Change](#)

Adopted Resolution No. 2022-08, to initiate the adoption process to rezone specific properties on Commercial Street SE to Mixed Use-II.

3.3 ACTION ITEMS

- 3.3a.** Amendments to the Intergovernmental Agreement and the Purchase and Sale Agreement with the City of Turner for the Turner Permanent Booster Water Pump Station.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe, Reliable, and Efficient Infrastructure

Attachments: [Original IGA](#)
[Original PSA](#)
[Amendment No. 1 to IGA](#)
[Amendment No. 1 to PSA](#)

Authorized the City Manager to execute Amendment No. 1 to the Intergovernmental Agreement and Amendment No. 1 to the Purchase and Sale Agreement with the City of Turner relating to the construction of the new Turner Water Booster Pump Station.

- 3.3b.** Intergovernmental Agreement with Marion County for an Emergency Access Gate within Lone Oak Road SE adjacent to Rees Hill Road SE.

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

Attachments: [Intergovernmental Agreement PW-4978-22](#)
[Project Location Map](#)

Authorized the City Manager to execute an IGA with Marion County to establish terms and conditions under which the City will ensure the maintenance of a developer-built emergency access gate along Lone Oak Road SE adjacent to Rees Hill Road SE.

- 3.3c.** Intergovernmental Agreement with Marion County for Street and Utility Improvements within Lone Oak Road SE south of Sahalee Drive SE.

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

Attachments: [Intergovernmental Agreement PW-4978-22](#)
[Project Location Map](#)

Authorized the City Manager to execute an IGA with Marion County to establish terms and conditions under which the City will maintain developer-built street and utility improvements in Lone Oak Road SE outside City limits.

- 3.3d.** Department of Land Conservation and Development (DLCD)
Agreement for the Salem Natural Hazards Mitigation Plan.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe Community

Attachments: [STAFF REPORT - IGA NHMP SERVICES \(IGA\) - UPDATED 20220818.pdf](#)
[STAFF REPORT - IGA NHMP SERVICES \(EXHIBIT A - SOW\) - UPDATED 20220818.pdf](#)

Authorized the City Manager to accept and execute all documents related to the Department of Land Conservation and Development (DLCD) IGA #21066-2, which supports the required five-year rewrite of the Salem Natural Hazards Mitigation Plan last adopted in January 2018.

- 3.3e.** City service and investment in response to the homelessness emergency

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

Attachments: [Sheltering Spending Plan](#)
[Gaps Analysis](#)
[Public Comments received by 3:45 p.m., 9-12-2022](#)

This item was pulled by Councilor Stapleton - See item 5.a.

4. PUBLIC HEARINGS

- 4.a.** Annexation of Territory Located at 4650 & 4680 Hazelgreen Road NE

and land adjacent (Annexation Case No. C-749)

Ward(s): 5

Councilor(s): Gonzalez

Neighborhood(s): Northgate

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

Attachments: [Vicinity Map](#)

[Order No 2022-14 ANX Adopting the Final Decision and Findings of
Compliance](#)

[Exhibit A - Petition](#)

[Exhibit B - Territory Legal Description and Map](#)

[Exhibit C - Findings for Order No. 2022-14 ANX](#)

[Public Works Department Parks Comments](#)

[Public Works Development Services Section Comments](#)

[Finance Department Comments](#)

[Salem-Keizer School District Comments](#)

**Staff presentation by Liz Olmstead, Planner, Community Development
Planning Services.**

Persons testifying:

**Zach Pelz, Applicant's Representative, AKS Engineering and Forestry, LLC,
3700 River Road N., Suite 1,
Keizer, Oregon**

Questions or Comments: None.

**A motion was made by Councilor Gonzalez, seconded by Councilor Nordyke
to adopt Order No. 2022-14, 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.**

Comments: Mayor Bennett and City Attorney Dan Atchison.

The motion CARRIED by the following vote:

Aye: 8 - Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, Gonzalez, and Varney

Nay: 0

Absent: 1 - Nishioka

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. City service and investment in response to the homelessness
(3.3e) emergency

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Attachments: [Sheltering Spending Plan](#)
[Gaps Analysis](#)
[Public Comments received by 3:45 p.m., 9-12-2022](#)

A motion was made by Councilor Stapleton, seconded by Councilor Hoy to adopt the spending plan for sheltering efforts and prioritize current activities and services with existing revenue, and abstain from funding new or enhanced services until additional revenue is identified and secured.

Questions or Comments by: Councilor Stapleton, Mayor Bennett, Unsheltered Liaison Gretchen Bennett, Urban Development Director Kristin Retherford, Councilors Nordyke and Leung, Public Works Director Peter Fernandez, Guest Councilor Walker, Councilor Hoy, City Attorney Dan Atchison, and Councilors Phillips and Gonzalez.

Amended motion by Councilor Nordyke, seconded by Councilor Leung to adopt the spending plan for sheltering efforts and prioritize current activities and services with existing revenue, and research additional revenue for any future new or enhanced services.

The amended motion CARRIED by the following vote:

Aye: 8 - Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, Gonzalez, and Varney

Nay: 0

Absent: 1 - Nishioka

Abstain: 0

Additional comments by: Mayor Bennett

The main motion, as amended, CARRIED by the following vote:

Aye: 8 - Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, Gonzalez, and Varney

Nay: 0

Absent: 1 - Nishioka

Abstain: 0

Comments by Guest Councilor Walker.

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

- 6.a. Status of Salem Climate Action Plan (CAP) and Recommended Early Implementation Priorities

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe Community

Attachments: [Early Implementation Strategy Review Schedule](#)
[CAP Strategy Summary Sheets](#)
[Public Comments received by 3:45 p.m., 9-12-2022](#)

Questions or Comments by: Councilors Stapleton and Varney and Mayor Bennett.

This Informational Report was received and filed.

- 6.b. Neighborhood Traffic Management Plan update.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe, Reliable, and Efficient Infrastructure

Attachments: [Councilor motion on twenty-is-plenty program \(February 14, 2022\)](#)
[Councilor motion on speed hump criteria \(March 14, 2022\)](#)

Questions or Comments by: Councilor Stapleton.

This Informational Report was received and filed.

- 6.c. Update on City diversity, equity, and inclusion actions

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

Neighborhood(s): All Neighborhoods
Result Area(s): Result Areas - Good Governance; Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

Attachments: [Tri-Fold Brochure: What to expect if reporting hate or bias.pdf](#)
[Discrimination complaint process.pdf](#)

Questions or Comments by: Councilor Leung, Mayor Bennett, Enterprise Services Director Krishna Namburi, Unsheltered Liaison Gretchen Bennett, Councilor Stapleton, Councilor Phillips, and Kosti Efstathiou, Diversity, Equity and Inclusion Coordinator, Enterprise Services.

This Informational Report was received and filed.

- 6.d.** Annual evaluation of the City of Salem Floodplain Management Plan.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe, Reliable, and Efficient Infrastructure

Attachments: [Floodplain Management Plan and Flood Insurance Plan Action Items](#)
[Flood Information and Outreach Plan Action Items Annual Evaluation Report 2022](#)

This Informational Report was received and filed.

- 6.e.** Final evaluation of the design build alternative contracting method used for the Salem Public Library.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe, Reliable, and Efficient Infrastructure; Welcoming and Livable Community

Attachments: [Post Project Evaluation Report](#)

This Informational Report was received and filed.

- 6.f.** Final evaluation of the competitive bidding exemption used for the P25 Compliant 800 MHz Trunked Radio System project.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Safe Community; Safe, Reliable and Efficient

Infrastructure

Attachments: [Post Project Evaluation Report](#)

This Informational Report was received and filed.

- 6.g.** Planning Administrator Decision - Development of a new industrial use building with associated site work. - Approved.

Urban Growth Preliminary Declaration / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit / Tree Regulation Variance Case No. UGA-SPR-ADJ-DAP-TRV22-01 - AAI Engineering - 4400 Block of Turner Rd SE

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

Attachments: [Land Use Decision UGA-SPR-ADJ-DAP-TRV22-01](#)

This Informational Report was received and filed.

- 6.h.** Planning Administrator Decision - To develop a new 96-unit affordable housing development - Approved.

Urban Growth Area Preliminary Declaration / Tentative Partition / Class 3 Site Plan Review / Class 2 Adjustment / Class 1 Design Review Case No. UGA-PAR-SPR-ADJ-DR22-02 - Mike Bliven , Jeff Miller - 4500 Block of 27th Ave SE.

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

Attachments: [Land Use Decision UGA-PAR-SPR-ADJ-DR22-02](#)

Questions or Comments by: Councilor Nordyke, Planning Administrator Lisa Anderson-Ogilvie, and Councilor Hoy.

This Informational Report was received and filed.

- 6.i.** Planning Administrator Decision - To modify a Planned Unit Development, remove an existing lot line, and partition the property into two parcels - Approved.

Planned Unit Development Modification / Tentative Partition / Property Line Adjustment Case No. PUD71-5MOD1-PAR-PLA22-03 - City of Salem Housing Authority - 1320 Orchard Heights Rd NW.

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

Attachments: [Land Use Decision PUD71-5MOD1-PAR-PLA22-03](#)

This Informational Report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

7.1a. Revision to the Salem Revised Code Section 2.825 related to the Multiple Unit Housing Tax Incentive Program

Ward(s): Wards 1 and 2
Councilor(s): Stapleton and Nishioka
Neighborhood(s): CANDO, SESNA, NEN, SCAN, Highland
Result Area(s): Good Governance; Strong and Diverse Economy;
Welcoming and Livable Community

Attachments: [Ordinance Bill No. 19-22](#)
[Exhibit A to Ordinance 19-22](#)
[Core Area Map](#)

This item was removed from tonight's agenda - See item 1.1.

7.1b. Proposed ordinance bill to designate individuals to administer City oaths of office.

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

Attachments: [Administering Oaths Ordinance no 17-22.docx](#)

A motion was made by Councilor Hoy, seconded by Councilor Stapleton to advance Ordinance Bill No. 17-22 to second reading for enactment.

Note: First reading of Ordinance Bill No. 17-22 did not take place at this meeting. The first reading will be conducted at the September 26, 2022 City Council meeting.

The motion CARRIED by the following vote:

Aye: 8 - Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, Gonzalez, and Varney

Nay: 0

Absent: 1 - Nishioka

Abstain: 0

7.1c. Legislative Zone Change on Commercial Street SE.

Ward(s): Ward 2

Councilor(s): Councilor Nishioka

Neighborhood(s): SCAN

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

Attachments: [1 - Ordinance Bill No. 18-22](#)
[Exhibit A to Ordinance Bill 18-22 - Map of Impacted Properties](#)
[Exhibit B to Ordinance Bill 18-22 - Findings](#)
[2 - List of Properties Subject to Proposed Zone Change](#)

A motion was made by Councilor Hoy, seconded by Councilor Phillips to conduct a public hearing on Ordinance Bill No. 18-22 for the purpose of rezoning specific properties on Commercial Street SE to MU-II and advance to second reading.

The motion CARRIED by the following vote:

Aye: 8 - Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, Gonzalez, and Varney

Nay: 0

Absent: 1 - Nishioka

Abstain: 0

7.2 SECOND READING:

7.2a. Vacating three easements adjacent to Reed Road SE at its intersections with Strong Road SE and Lindburg Road SE.

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside

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

Attachments: [Ordinance Bill No. 16-22](#)
[Resolution No. 2022-25](#)
[Vicinity Map](#)

Second Reading was conducted and Ordinance Bill No. 16-22, which vacates three easements adjacent to Reed Road SE at its intersections with Strong Road SE and Lindburg Road SE, PASSED by the following vote:

Aye: 8 - Hoy, Bennett, Leung, Nordyke, Phillips, Stapleton, Gonzalez, and Varney

Nay: 0

Absent: 1 - Nishioka

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

8:29 p.m.