

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, September 26, 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](mailto: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

6:12 p.m.

#### Roll Call

Councilor Gonzalez joined the meeting at 6:31 p.m., and Councilor Leung joined the meeting at 6:34 p.m.

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

**Absent:** 1 - Councilor Phillips

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

Motion by Councilor Hoy, seconded by Councilor Stapleton to approve the additions and deletions to the agenda.

The additions consisted of items 3.3j. (file 22-443), Priorities for 2023 Oregon Legislative Session, and 5.a. (file 22-448), Motion from Councilor Vanessa Nordyke concerning a Request for Proposals for a Mobile Crisis Unit.

Comments by Councilor Hoy.

The motion CARRIED by the following vote:

**Aye:** 6 - Hoy, Bennett, Nordyke, Stapleton, Varney, and Nishioka

**Nay:** 0

**Absent:** 3 - Leung, Phillips, and Gonzalez

**Abstain:** 0

## 1.2 COUNCIL AND CITY MANAGER COMMENT

**Comments by: Councilors Stapleton and Nordyke.**

## 1.3 PROCLAMATIONS

**1.3a.** Proclamation recognizing Breast Cancer Awareness Month.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Proclamation -- Breast Cancer Awareness Month](#)

**Mayor Bennett read the proclamation, and Susan Stearns, CEO, Pink Lemonade Project accepted the proclamation.**

**Comments by: Mayor Bennett and Susan Stearns.**

**1.3b.** Proclamation recognizing National Diaper Need Awareness Week.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Proclamation](#)

**Councilor Nishioka read the proclamation, and Kaileigh Westerman-Lewis, Founder and Coordinator of the Salem Cloth Project, accepted the proclamation.**

**Comments by: Councilor Nishioka and Kaileigh Westerman-Lewis.**

## 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:**

**Julianne Jackson, 5026 Briarwood Circle, Item 5.a., File 22-448**

Phillip Carver, 350 Salem of Oregon, 1007 Newport Road SE, Item 3.3a, File 22-382

Laurie Dougherty, 350 Salem of Oregon, Ward 1, Item 6.d, File 22-435

Dynee Medlock, Ward 4, Item 5.a., File 22-448

Rachel Coble, 1920 24th Street NE, Item 5.a., File 22-448

Kevin Mannix, 375 18th Street NE, Item 3.3a, File 22-382

### 3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)

Motion by Councilor Hoy, seconded by Councilor Stapleton to approve the consent calendar with the pull of item 3.3j by Councilor Nordyke.

Comments by Councilor Hoy.

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

**Nay:** 0

**Absent:** 1 - Phillips

**Abstain:** 0

#### 3.1 MINUTES

**3.1a.** September 12, 2022 Draft City Council Minutes

**Attachments:** [9-12-22 Draft Council Minutes.pdf](#)

**Action: Approved.**

**3.1b.** September 19, 2022 Draft Joint City Council and Salem Area Mass Transit District Board Work Session Minutes

**Attachments:** [9-19-2022 Draft Council Work Session Minutes](#)

**Action: Approved.**

#### 3.2 RESOLUTIONS

**3.2a.** Oregon Department of Energy Community Renewable Energy Grant

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Attachments:** [Resolution No. 2022-49](#)

**Adopted Resolution 2022-49, authorizing the City Manager to apply for and, if successful, accept an Oregon Department of Energy Community Renewable Grant for the purpose of replacing the biogas boilers at the Willow Lake Water Pollution Control Facility, enhancing renewable methane biogas production and resilience at the facility.**

- 3.2b.** Initiate naming an unnamed connection between streets in west Salem as Westside Circle NW.

Ward(s): Ward 8

Councilor(s): Councilor Varney

Neighborhood(s): West Salem Neighborhood Association

Result Area(s): Safe Community

**Attachments:** [Resolution No. 2022-50](#)  
[Exhibit 1 to Resolution No. 2022-50](#)

**Adopted Resolution No. 2022-50, which initiates a Class 2 Street Naming proceeding for an unnamed connection between streets in west Salem and refer the matter to the Planning Commission for a recommendation.**

### 3.3 ACTION ITEMS

- 3.3a.** Acceptance of a Small Community Air Service Development Grant Award

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): SEMCA

Result Area(s): Strong and Diverse Economy

**Attachments:** [SCASD Grant Award](#)  
[Public Comment received by 1:00 p.m., September 26, 2022](#)  
[Public Comment received by 5:00 p.m., September 2](#)

**Authorized the City Manager to accept the Small Community Air Service Development (SCASD) grant award.**

- 3.3b.** Purchase and Sale Agreement with James Lowder LLC, Southslope Investments, LLC, PShelton LLC, MDEH Holdings, LLC, and Copple LLC for acquisition of real property adjacent to Franzen Reservoir

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.

**Attachments:** [Agreement](#)

**Authorized the City Manager to execute the Purchase and Sale Agreement with James Lowder LLC, Southslope Investments, LLC, PShelton LLC, MDEH Holdings, LLC, and Cople LLC for acquisition of real property adjacent to Franzen Reservoir.**

**3.3c.**

Intergovernmental Agreement with Oregon Department of Land Conservation and Development for a land use study and community engagement plan

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Attachments:** [IGA with DLCD](#)  
[Scenario Planning Overview](#)  
[Transportation Planning Rule Overview](#)  
[Implementation Overview](#)

**Authorized the City Manager to execute the Intergovernmental Agreement with Oregon Department of Land Conservation and Development (DLCD) for a study to identify and evaluate walkable, mixed-use areas and develop a community engagement plan.**

**3.3d.**

Purchase and Sale Agreement with Don Lulay Homes, Inc. for acquisition of real property adjacent to Franzen Reservoir

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.

**Attachments:** [Agreement](#)

**Authorized the City Manager to execute the Purchase and Sale Agreement with Don Lulay Homes, Inc. for acquisition of real property adjacent to Franzen Reservoir.**

**3.3e.**

Intergovernmental Agreement (IGA) with the Oregon State Fire Marshal (OSFM) Office Engine Program

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community

**Attachments:** [ENGINE PROGRAM GUIDELINES \(OSFM\) - UPDATED 20220714.pdf](#)

**Approved to consider applying for the Oregon State Fire Marshal (OSFM) Engine Program and allowing the City of Salem to enter the IGA with the OSFM Office so that we can acquire the use of additional Wildland Apparatus.**

**3.3f.**

City Council action following a final order issued by the Land Use Board of Appeals reversing the City Council's decision denying Conditional Use Permit, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-ADJ-DAP-DR21-05.

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): East Lancaster Neighborhood Association (ELNA)

Result Area(s): Welcoming and Livable Community

**Attachments:** [Vicinity Map](#)

[Proposed Development Plans](#)

[LUBA Final Order and Opinion No. 2022-050](#)

[Final Order CU-SPR-ADJ-DAP-DR21-05.docx](#)

[Facts and Findings for CU-SPR-ADJ-DAP-DR21-05](#)

**Approved Case No. CU-SPR-ADJ-DAP-DR21-05 for development of a new twenty-six building apartment complex with 291 dwelling units.**

**3.3g.**

Recommended appointments and reappointments to the Citizen Budget Committee, Community Police Review Board, Municipal Judge Compensation Commission, Salem Cultural and Tourism Promotion Advisory Board, Salem Planning Commission, and Salem Public Art Commission.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

**Attachments:** [Michael R Montgomery Application Redacted](#)

[Ryan Shands Application Redacted](#)

[Brent Southan Application Redacted](#)

[Gilbert B Feibleman Application Redacted](#)

[Carlee Wright Application Redacted](#)

[Robert Vieyra-Braendle Application Redacted](#)

[Barbara Sellers-Young Application Redacted](#)

[Eduardo Diaz-Salazar Application Redacted](#)

[Janelle Lilly Application Redacted](#)

**Appointed and reappointed the following applicants listed in the Facts and Findings section:**

**Citizen Budget Committee:**

**Appointed Michael R. Montgomery to a full-term, at-large position expiring June 30, 2025.**

**Community Police Review Board:**

**Appointed Ryan Shands to a full-term position expiring January 1, 2024.**

**Municipal Judge Compensation Commission:**

**Appointed Brent Southan to a full-term position as a member of the general public expiring December 31, 2026; appointed Gilbert B. Feibleman to a full-term position as a member of the Marion County Bar Association expiring December 31, 2026.**

**Salem Cultural and Tourism Promotion Advisory Board:**

**Reappointed Ryan Gail to a full-term position expiring June 30, 2025; reappointed Omar Alvarado to a full-term position expiring June 30, 2025; appointed Carlee Wright to a full-term position expiring June 30, 2025.**

**Salem Planning Commission:**

**Appointed Robert Vieyra-Braendle for a partial-term position expiring December 31, 2022.**

**Salem Public Art Commission:**

**Appointed Barbara Sellers-Young to a partial-term position representing a person experienced in museum curation, art restoration or art appraisal expiring December 31, 2022; appointed Eduardo Diaz-Salazar to a partial-term, at-large position expiring December 31, 2023; appointed Janelle Lilly to a full-term position representing a person experienced in landscape architecture, real estate development or community foundations expiring December 31, 2024.**

**3.3h.**

Compensation changes for select management job classifications, creation of a new represented classification, addition of a part-time non-represented FTE, and new pay incentive programs.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

**Approved the compensation changes for the job classifications listed in the staff report retroactive to July 1, 2022, and approved creations of a new Senior Police Community Services Officer classification and pay range, addition of a part-time Human Resources Assistant position, and creation of a lead worker pay incentive and special team lead pay incentive effective September 26, 2022.**

**3.3i.**

Corrected order for an 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](#)  
[Corrected Order No 2022-14 ANX Adopting the Final Decision and Findings of Compliance](#)  
[Exhibit A - Petition](#)  
[Exhibit B - Territory Legal Description and Map](#)  
[Corrected Exhibit C - Findings for Order No. 2022-14 ANX](#)

**Adopted corrected Order No. 22-14, to correct the fire district approved for withdrawal for a 16.06-acre territory located at 4650 and 4680 Hazelgreen Road NE and land adjacent.**

**3.3 j.**

Priorities for 2023 Oregon Legislative Session.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Attachments:** [2023 Session - Legislative Policy Statements.pdf](#)

**Pulled by Councilor Nordyke - See item 5.b.**

## **4. PUBLIC HEARINGS**

**4.a.**

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

**Attachments:** [CAPER 2021-2022](#)

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

**No persons testified.**

Questions or Comments by: Councilor Hoy, Shelly Ehenger, Councilors Nordyke and Stapleton.

Motion by Councilor Hoy, seconded by Mayor Bennett to approve submittal of the 2021-2022 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).

Comments by Councilor Hoy.

The motion CARRIED by the following vote:

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

**Nay:** 0

**Absent:** 1 - Phillips

**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.** Motion from Councilor Vanessa Nordyke concerning a Request for Proposals for a Mobile Crisis Unit.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Public Comments received by 1:00 p.m., September 2](#)  
[Public Comments received by 5:00 p.m., September 2](#)

This item was heard after item 5.b.

Motion by Councilor Nordyke, seconded by Councilor Nishioka to direct staff to identify funding sources for City Council's consideration, and once that source has been budgeted, issue a Request for Proposals for a Mobile Crisis Unit to serve the city of Salem.

Questions or Comments by: Councilors Nordyke and Hoy.

Substitute motion by Councilor Hoy, seconded by Councilor Stapleton to direct staff to identify funding sources for City Council's consideration for a mobile crisis unit to serve the City of Salem.

Comments: Councilors Hoy, Stapleton, Gonzalez, Nishioka, Varney, and

Mayor Bennett.

The motion, to direct staff to identify funding sources for City Council's consideration for a mobile crisis unit to serve the City of Salem, CARRIED by the following vote:

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

**Nay:** 0

**Absent:** 1 - Phillips

**Abstain:** 0

**5.b.  
(3.3 j)**

Priorities for 2023 Oregon Legislative Session.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

**Attachments:** [2023 Session - Legislative Policy Statements.pdf](#)

This item was heard prior to item 5.a.

Comments by Councilor Nordyke and Mayor Bennett.

Motion by Councilor Nordyke, seconded by Councilor Leung to amend the City of Salem's priorities and policy statements for the anticipated legislation resulting from the 2023 Oregon Legislative Session to add \$2 million dollars for funds for a mobile crisis unit.

Questions or Comments by: Councilor Nordyke, Mayor Bennett, Councilors Hoy, Varney, and Leung.

The motion FAILED by the following vote:

**Aye:** 4 - Leung, Nordyke, Gonzalez, and Nishioka

**Nay:** 4 - Hoy, Bennett, Stapleton, and Varney

**Absent:** 1 - Phillips

**Abstain:** 0

Substitute motion by Councilor Hoy, seconded by Mayor Bennett to approve the City of Salem's priorities and policy statements for the anticipated legislation resulting from the 2023 Oregon Legislative Session.

Comments by Councilor Hoy.

The motion, to approve the City of Salem's priorities and policy statements for the anticipated legislation resulting from the 2023 Oregon Legislative

**Session, CARRIED by the following vote:****Aye:** 6 - Hoy, Bennett, Stapleton, Gonzalez, Varney, and Nishioka**Nay:** 2 - Leung, and Nordyke**Absent:** 1 - Phillips**Abstain:** 0**6. INFORMATION REPORTS: (Items that require no Council action)**

- 6.a.** Cost estimate and status report on community-based mobile crisis response to calls for service involving persons experiencing homelessness or behavioral health crisis, following response to Salem's Request For Information.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

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

- 6.b.** Planning Administrator Decision - A request for a Willamette Greenway Permit, Driveway Approach Permit, and Adjustments for a previously approved commercial shell building. - Approved.

Class 1 Willamette Greenway Permit / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. WGP-ADJ-DAP22-01 - Steve Ward, Westech Engineering Inc. - 1690 Edgewater St NW

Ward(s): 1

Councilor(s): Stapleton

Neighborhood(s): WSNA

**Attachments:** [Land Use Decision WGP-ADJ-DAP22-01.pdf](#)**This Informational Report was received and filed.**

- 6.c.** Planning Administrator Decision - An application for a replat to relocate the common property line between two properties. - Approved.

Tentative Replat Case No. REP22-05 - Brandie Dalton on behalf of Matthew Fitzmaurice - 4175 Salem Industrial Dr NE.

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

**Attachments:** [Land Use Decision REP22-05](#)

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

- 6.d.** Why the Fire Department Responds to Medical Emergencies with Multiple Apparatus.

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

**Attachments:** [Public Comment received by 1:00 p.m., September 2](#)  
[Public Comment received by 5:00 p.m., September 2](#)

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

- 6.e.** Purchases approved administratively from August 1, 2022 through August 31, 2022.

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

**Attachments:** [Purchases approved administratively August 2022.pdf](#)

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

## **7. ORDINANCES**

### **7.1 FIRST READING:**

- 7.1a.** 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](#)  
[Ordinance Bill No. 20-22](#)  
[Exhibit A - Territory Legal Description and Map](#)

First reading of Ordinance Bill No. 20-22 was conducted.

Motion by Councilor Gonzalez, seconded by Councilor Hoy to advance Ordinance Bill No. 20-22, approving annexation, changing the Salem Area Comprehensive Plan map designation for 1.8 acres of the territory, applying City zoning, and approving withdrawal from Marion County Fire District #1 for a 16.06-acre territory located at 4650 & 4680 Hazelgreen Road NE and land adjacent to second reading for enactment.

The motion CARRIED by the following vote:

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

**Nay:** 0

**Absent:** 1 - Phillips

**Abstain:** 0

## 7.2 SECOND READING:

**7.2a.** Ordinance bill designating 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](#)

Conducted First and Second Readings, and Ordinance Bill No.17-22 PASSED by the following vote:

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

**Nay:** 0

**Absent:** 1 - Phillips

**Abstain:** 0

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

None.

## 9. ADJOURNMENT

7:46 p.m.

