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DRAFT

EXECUTIVE SESSION:

Real Property Transaction – ORS 192.660 (2)(e)

6:00 p.m.

City Manager's Conference Room

FINAL ACTION AGENDA/MINUTES

AGENDA

SALEM CITY COUNCIL

CITY OF SALEM, OREGON

November 9, 2009

Immediately Following Urban Renewal Agency Meeting

1. **OPENING EXERCISES:** (Includes call to order, roll call, pledge of allegiance, announcements, proclamations)

Call to Order: 6:47 P.M.

Roll Call

Present: Mayor Taylor and Councilors Bennett, Tesler, Nanke, Sullivan, Dickey, Rogers, Cannon and Clem.

1.1 **PROCLAMATIONS AND PRESENTATIONS:**

- (a) Proclamation: Education Support Professional Day – Presented by Mayor Taylor to Janet Sanders and Lois Stark, proclaiming November 18, 2009 as "Education Support Professional Day."
- (b) Proclamation: Veteran's Day – Presented by Councilor Clem, calling upon all citizens to observe November 11, 2009 as Veteran's Day.

2. REPORTS OF BOARDS, COMMISSIONS, COMMITTEES AND PRESENTATIONS BY OUTSIDE AGENCIES: (Includes city boards and commissions, non-profit agencies and neighborhood associations)

- (a) Salem Social Service Contractor Presentation: Mid-Valley Community Action Agency - Home Resource Center (UD)

Appearances by:

Sara Beth Labberton, Salem Social Service Advisory Board Member
Peggy Kahan, Executive Director of Home Youth and Resource Center

Questions or Comments by: Mayor Taylor.

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

Appearances by:

Darlene Strozut, Highland Neighborhood Association, Ward 5

Agenda Item:

11.2 (b)

Questions or Comments by: Mayor Taylor and Councilors Sullivan, Dickey, Rogers, and Clem.

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

Motion: Move to adopt the Consent Calendar with Additions.

Motion by: Councilor Rogers

Seconded by: Councilor Sullivan

Action: Adopted the Consent Calendar with Additions.

Vote:

Aye: Unanimous

Nay: Councilor Cannon registered a no vote on agenda item 4.2 (c)

Abstentions:

4.1 MINUTES:

- (a) October 26, 2009

Action: Approved.

4.2 RESOLUTIONS:

- (a) Resolution No. 2009-91 Authorizing a Transfer of Appropriation for the Purpose of Funding Continuation of Two Public Works Inspector Positions for the Remaining Six Months of Fiscal Year 2009-10 (PW)

Action: Approved.

- (b) Resolution No. 2009-95 Amending Council Rule 5: Order of Business and Agenda; and Rescinding Council Rule 17 (Legal)

Action: Approved.

- (c) Resolution No. 2009-99 Supporting Passage of HR 3745, The Community Access Preservation (CAP) Act (Council Legislative Committee)

Action: Approved.

4.3 ACTION ITEMS:

- (a) Fiscal Year 2010-11 City of Salem Budget Calendar (CM)

Action: Approved the City of Salem FY 2010-11 budget calendar.

- (b) Set Public Hearing for Petition-Initiated Vacation of Strong Road SE Right-of-Way from Reed Road SE, Northwest Approximately 2,200 Feet – Ward 3 – Councilor Nanke – Morningside (PW)

Action: Directed the City Manager to set a public hearing to receive input on the petition-initiated vacation of the right-of-way for Strong Road SE, starting at Reed Road SE, and extending northwest approximately 2,200 feet.

- (c) Submitting a Connect Oregon III Grant along with other Oregon Cities to Recruit and Retain Commercial Air Service (UD)

Action: Authorized the City Manager to submit a Connect Oregon III (CO III) application as a joint applicant with the City of Klamath Falls and the Coos County Airport District and, if awarded, to use up to \$160,000 of General Fund contingencies to satisfy the City's grant match requirement.

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

- (a) Purchases Approved Administratively - August 26, 2009 through October 20, 2009 (AS)
- (b) Administrative Decision – Partition No. 09-8 – Copper Creek MHP, LLC (Brian Fitterer) – 4300 Block of Kale Street NE – Ward 5 – Councilor Dickey – Northgate (CD)
- (c) Hearings Officer Decision – Specific Conditional Use Case No. 09-4 – Gerald Warren, 901 Capitol LLC – 901 Capitol Street NE – Ward 1 – Councilor Bennett – Grant (CD)
- (d) Hearings Officer Decision – Zone Change Case No. 09-3 - Amended – Jeff Tross, for Pacific Realty Associates, LP (PacTrust) – Property located on the east side of Battle Creek Road SE between Kuebler Boulevard SE and Boone Road SE – Ward 4 – Councilor Sullivan – South Gateway (CD)
- (e) Hearings Officer Decision – Variance Case No. 09-5 – Jeff Tross, for Richard and Leslie Warnick – 2932 Bluff Avenue SE and 2973 12th Street SE – Ward 2 – Councilor Tesler – Morningside (CD)
- (f) Adoption of the 2030 Marion County and Polk County Population Forecast (CD)
- (g) Final 2009 Legislative Session Bill Report

6. SPECIAL ORDERS OF BUSINESS: (Includes consideration of items deferred from the Consent Calendar and any action item which requires a selection among options, consideration of matters of special importance to the Council, and management reports)

- (a) Management Report and Presentation by Public Works staff: Railroad Crossing Safety Improvement Projects – (PW)

Questions or Comments by: Mayor Taylor and Councilors Bennett, Rogers, Nanke, Dickey, Sullivan, Cannon, Clem, and Tesler.

7. UNFINISHED BUSINESS: (Any business held over from a previous meeting, other than public hearings and ordinances, which are placed under public hearings and ordinances)

None.

8. PUBLIC HEARINGS: (Includes deliberations, and deliberations from hearings held over from previous meetings)

- (a) Proposed Increase in Rates for Infectious Waste Services, Establishment of Rates for Infectious Waste Supplies, and Modification to the Definitions of Low Volume Generator and High Volume Generator (AS)

Persons Testifying: None.

Support:

Oppose:

Neutral:

Organizations:

Support: Jamie Pedersen, P. O. Box 9130, Salem Franchised Garbage Haulers
Dan Porth, P. O. Box 9130, Salem Franchised Garbage Haulers

Oppose:

Neutral:

Evidence Received From: None.

Support:

Oppose:

Neutral:

Questions or Comments by: Mayor Taylor and Councilors Sullivan, Cannon, and Clem.

Motion: Move to adopt staff recommendation to adopt Resolution No. 2009-90 which increases the rates for infectious waste collection services provided to low-volume commercial generators by 11.2%, establishes rates for infectious waste supplies, and modifies the definitions in the rate schedule of low volume generator and high volume generator.

Motion by: Councilor Rogers

Seconded by: Councilor Nanke

Questions or Comments by: Councilors Cannon and Rogers.

Action: Adopted Resolution No. 2009-90.

Vote:

Aye: Councilors Bennett, Tesler, Nanke, Sullivan, Dickey, Rogers, Clem, and Mayor Taylor

Nay: Councilor Cannon

Abstentions:

- (b) Restriping Commercial Street NE/SE between Marion Street NE and Trade Street SE – Wards 1 and 2 – Councilors Bennett and Tesler – CANDO (PW)

Persons Testifying:

Support: Peter Bergel, 1850 Saginaw Street SE
Eric Lundgren, Ward 3

Oppose:

Neutral:

Organizations: None.

Support:

Oppose:

Neutral:

Evidence Received From: None.

Support:

Oppose:

Neutral:

Questions or Comments by: Councilors Clem, Cannon, Tesler, Nanke, Sullivan, and Mayor Taylor.

Motion: Move to adopt staff recommendation to approve the restriping of Commercial Street NE/SE from four lanes to three lanes between Marion Street NE and Trade Street SE, and that Council approve the installation of "sharrows" in the two outside lanes.

Motion by: Councilor Tesler

Seconded by: Councilor Bennett

Questions or Comments by: Councilors Rogers, Clem, Nanke, Sullivan and Mayor Taylor.

Action: Approved the restriping of Commercial Street NE/SE from four lanes to three lanes between Marion Street NE and Trade Street SE, and the installation of "sharrows" in the two outside lanes.

Vote:

Aye: Unanimous

Nay:

Abstentions:

(c) Liquor License Application Fees (CD)

Persons Testifying: None.

Support:

Oppose:

Neutral:

Organizations: None.

Support:

Oppose:

Neutral:

Evidence Received From: None.

Support:

Oppose:

Neutral:

Motion: Move to adopt staff recommendation to adopt Resolution No. 2009-96 setting Liquor License fees in the Building & Safety Division fee schedule.

Motion by: Councilor Rogers

Seconded by: Councilor Cannon

Action: Adopted Resolution No. 2009-96.

Vote:

Aye: Unanimous

Nay:

Abstentions:

9. **ORDINANCES:**

9.1 **FIRST READING:**

- (a) Ordinance Bill No. 54-09 Relating to the Definitions of Flag Lot and Accessway and Clarifying Minimum Lot Width, Depth, and Frontage Requirements when associated with an Accessway; Amending SRC 63.030, SRC 63.145, SRC 145.070, and SRC 146.070 (CD)

Motion: Move to adopt staff recommendation to advance Ordinance Bill No. 54-09 to second reading for enactment.

Motion by: Councilor Rogers

Seconded by: Councilor Sullivan

Action: Advanced Ordinance Bill No. 54-09 to second reading for enactment.

Vote:

Aye: Unanimous

Nay:

Abstentions:

- (b) Ordinance Bill No. 58-09 Vacating a Portion of Pringle Parkway SE Right-of-Way – Ward 2 – Councilor Tesler – CANDO (PW)

Motion: Move to adopt staff recommendation to advance Ordinance Bill No. 58-09 to second reading for enactment.

Motion by: Councilor Rogers

Seconded by: Councilor Sullivan

Action: Advanced Ordinance Bill No. 58-09 to second reading for enactment.

Vote:

Aye: Unanimous

Nay:

Abstentions:

- (c) Ordinance Bill No. 59-09 Relating to Municipal Court; Amending SRC 4.080, SRC 4.120, SRC 4.130, SRC 4.140; Repealing SRC 4.125; Creating New Provisions; and Declaring an Emergency

Motion: Move to adopt staff recommendation to advance Ordinance Bill No. 59-09 to second reading for enactment, making certain changes to the municipal court jury selection process.

Motion by: Councilor Rogers

Seconded by: Councilor Sullivan

Action: Advanced Ordinance Bill No. 59-09 to second reading for enactment, making certain changes to the municipal court jury selection process.

Vote:

Aye: Unanimous

Nay:

Abstentions:

9.2 SECOND READING:

None.

10. PUBLIC COMMENT: (Other than agenda items)

None.

11. NEW BUSINESS:

11.1 MAYOR'S ITEMS:

None.

11.2 COUNCILOR'S ITEMS:

- (a) Council Subcommittee to Establish the Town Square Task Force – Resolution No. 2009-97 Establishing a Blue Ribbon Commission to Evaluate the Possibility of Creating a “Town Square” for the City of Salem, and Making Provision Therefor – Councilor Bennett

Motion: Move to approve Resolution No. 2009-97.

Motion by: Councilor Bennett
Seconded by: Councilor Sullivan

Questions or Comments by: Councilor Bennett and Mayor Taylor.

Action: Approved Resolution No. 2009-97.

Vote:
Aye: Unanimous
Nay:
Abstentions:

- (b) Traffic Mitigation on Columbia Street NE – Councilor Dickey

Motion: Move to direct staff to return with information on the process for engineering Columbia Street NE, at the residential portion of the street beginning at the alley adjacent to 1240 Columbia Street NE and going west, in order to physically prohibit the infiltration of commercial and industrially oriented traffic and still provide local access to the alley adjacent to 1240 Columbia Street for local residential traffic, as many residents have garages and driveways that are accessed by the alley.

Motion by: Councilor Dickey
Seconded by: Councilor Cannon

Questions or Comments by: Councilors Dickey, Nanke, Rogers, Sullivan, Clem, and Mayor Taylor.

Action: Directed staff to return with information on the process for engineering Columbia Street NE, at the residential portion of the street beginning at the alley adjacent to 1240 Columbia Street NE and going west, in order to physically prohibit the infiltration of commercial and industrially oriented traffic and still provide local access to the alley adjacent to 1240 Columbia Street for local residential traffic, as many residents have garages and driveways that are accessed by the alley.

Vote:

Aye: Unanimous

Nay:

Abstentions:

12. ADJOURNMENT: 9:31 P.M.

Kathy Hall, City Recorder