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**APPROVED BY COUNCIL
APRIL 23, 2007**

EXECUTIVE SESSION:

Current litigation or litigation likely to be filed -
ORS 192.660(2)(h)

6:00 p.m.

City Manager's Conference Room

FINAL ACTION AGENDA/MINUTES

SALEM CITY COUNCIL

6:30 P.M.

CITY OF SALEM, OREGON

April 9, 2007

1. ROLL CALL: 6:31 P.M.

Present: Mayor Taylor and Councilors Walker, Tesler, Nanke, Sullivan, Stucky, Rogers, DeHart and Clem.

1.1 Pledge of Allegiance

Led by Mayor Taylor

1.2 Proclamations:

- (a) National Library Week - Presented by Mayor Taylor to Dick Hagland, Vice Chair, Library Advisory Board, proclaiming the week of April 15 through April 21, 2007 as National Library Week.

1.3 Presentations:

- (a) City Volunteers "Inspire by Example" Annual City Volunteer Report (CS)

Questions or Comments: Mayor Taylor, and Councilor Nanke.

Action: Information only.

2. **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES:** Representatives of City Boards, Commissions and Committees may comment on any item of City business except public hearings, deliberations and the merits of land use issues that are reviewable by Council at public hearings. Representatives must sign up prior to the commencement of this meeting in order to present testimony.

None.

3. **PUBLIC COMMENT:** Up to thirty minutes is available for persons other than City Boards, Commissions and Committee representatives to comment on specific agenda items other than public hearings, deliberations and the merits of land use issues that are reviewable by Council at public hearings. Each person's comments will be limited to three minutes.

Time will be provided at the end of the meeting for comments on issues of City business not on the agenda.

Appearances by:

Kathrine Reed, 940 Leffelle Street SE
Nancy Baker-Krofft, 825 15th Street NE

Agenda Item:

4.2 (b)
4.3 (g)

Questions or Comments by: Mayor Taylor.

4. **CONSENT CALENDAR:** All items on the Consent Calendar that will be adopted as a group by a single motion.

Motion: Move to reconsider the decision on Our Savior's Lutheran Church sign.

Motion by: Mayor Taylor
Seconded by: Councilor Nanke

Action: The decision on Our Savior's Lutheran Church sign will be reconsidered.

Vote:
Aye: Unanimous
Nay:
Abstentions:

Motion: Move to remand the application back to the staff to give the church an opportunity to revise their application in light of the variance criteria.

Motion by: Mayor Taylor
Seconded by: Councilor Clem

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

Action: Remanded the application back to the staff to give the church an opportunity to revise their application in light of the variance criteria.

Vote:

Aye: Unanimous

Nay:

Abstentions:

Motion: Move to approve the Consent Calendar, minus pulled items 4.2 (b) - Councilor Tesler, 4.3 (g) - Councilor Walker, and 4.3 (h) - Mayor Taylor.

Motion by: Councilor Nanke

Seconded by: Councilor Sullivan

Action: Approved the Consent Calendar, minus pulled items 4.2 (b) - Councilor Tesler, 4.3 (g) - Councilor Walker, and 4.3 (h) - Mayor Taylor.

Vote:

Aye: Unanimous

Nay:

Abstentions: Councilor Clem recused himself from items 4.2 (e) and 4.3 (l)
Mayor Taylor recused herself from item 4.2 (d)
Councilor Nanke recused himself from item 4.2 (d)
Councilor DeHart recused himself from item 4.2 (e)

4.1 MINUTES:

(a) April 2, 2007

Action: Approved the April 2, 2007 minutes.

4.2 RESOLUTIONS:

(a) Resolution No. 2007-28 Authorizing acquisition of property for right-of-way and permanent and temporary easements for construction of the River Road South at Croisan Creek Road South Intersection Improvement Project - Ward 7 - Councilor DeHart - Croisan-Illahe (PW)

Action: Approved.

(b) Resolution No. 2007-29 Authorizing the City of Salem to apply for a grant from the Oregon Parks and Recreation Department for the Bush's Pasture Park Improvement Project - Ward 2 - Councilor Tesler - SCAN (CS)

Action: Pulled by Councilor Tesler - see agenda item 5 (a).

- (c) Resolution No. 2007-30 Dedicating property located at the north line of Edgewater Street NW running east of Kingwood Avenue NW, for right-of-way - Ward 8 - Councilor Clem - West Salem (PW)

Action: Approved.

- (d) Resolution No. 2007-31 Authorizing a transfer of appropriation of \$3,200 to be expended for the purpose of a Sister City Program visit to Gimhae, South Korea

Action: Approved.

- (e) Airport Marketing Funding

- (1) Resolution No. 2007-32 Authorizing a transfer of appropriation of \$25,000 from the Cultural and Tourism Fund Contingency to the Cultural and Tourism Fund to be Expended for the Purpose of Air Service Marketing

- (2) Resolution No. 2007-33 Authorizing a transfer of appropriation of \$25,000 from the Airport Fund Contingency to the Airport Fund Materials and Services to be expended for the purpose of Air Service Marketing

Action: Approved.

4.3 ROUTINE ITEMS:

- (a) Purchases Approved Administratively - March 6, 2007 through April 2, 2007 (AS)

Action: Information only.

- (b) Historic Landmarks and Design Review Commission Decision - Historic Review Case No. HIS07-6 - Ron J. Ped, Architect; Cascadia Development LLC, et al - 508 State Street - Ward 2 - Councilor Tesler - CAN-DO (CD)

Action: Received and Filed.

- (c) Historic Landmarks and Design Review Commission Decision - Historic Review Case No. HIS07-7 - Anthony C. Nielsen and Margaret L. Nielsen - 1197 High Street SE - Ward 2 - Councilor Tesler- SCAN (CD)

Action: Received and Filed.

- (d) Subdivision Review Committee - Davis Road Townhouses Subdivision Plat No. 06-31 - Prime Investments - 1300 Block of Davis Rd S - Ward 7 - Councilor DeHart - Sunnyslope (CD)

Action: Received and Filed.

- (e) Subdivision Review Committee Decision - Eagles View Subdivision Plat No. 01-12 - Amended - Larry Epping of Granada Land Company - 3000 Block of Gehlar Road NW, Bald Eagle Avenue NW, Eola Drive NW, and the 500 Block of Doaks Ferry Road NW - Ward 8 - Councilor Clem - West Salem (CD)

Action: Received and Filed.

- (f) Subdivision Review Committee Decision - Whispering Winds Subdivision Plat No. 06-20 - Amended - George Suniga - 1746 Davis Road S and 5991 Liberty Road S - Ward 7 - Councilor DeHart - Sunnyslope (CD)

Action: Received and Filed.

- (g) Information regarding the keeping and raising of fowl within the City of Salem (CD)

Action: Pulled by Councilor Walker - **see agenda item 5 (b).**

- (h) Vision 2020 - Wards 1, 2 and 5 - Councilors Walker, Tesler and Stucky - Grant, CAN-DO, NEN, SCAN, SESNA, Northgate and Highland (CD)

Action: Pulled by Mayor Taylor - **see agenda item 5 (c).**

- (i) Salem's Sesquicentennial Celebration (CM)

Action: Selected October 22, 2010 as the official 150-year birthday for the City of Salem.

- (j) Removed from agenda

- (k) Request for City to initiate the vacation of a three-foot strip of right-of-way along the north side of Belmont Street NE, between Broadway Street NE and the alley east of Liberty Street NE - Ward 1 - Councilor Walker - CAN-DO (PW)

Action: Initiated the vacation of a three-foot strip of right-of-way along the north side of Belmont Street NE, between Broadway Street NE and the alley east of Liberty Street NE (see Attachment A of staff report).

- (l) Request for City to initiate the vacation of an eighteen-foot strip of right-of-way along the north side of Glen Creek Road NW, West of Marine Park - Ward 8 - Councilor Clem - West Salem (PW)

Action: Initiated the vacation of an eighteen-foot strip of right-of-way along the north side of Glen Creek Road NW, west of Wallace Marine Park (see Attachment A of staff report).

- (m) Purchase and Sale Agreement to acquire 1081 Parkway Drive NW in West Salem for rebuilding of Fire Station #5 - Ward 8 - Councilor Clem - West Salem (UD)

Action: Authorized the City Manager to execute a PSA to purchase the property located in West Salem at 1081 Parkway Drive NW which will be used with adjoining parcels as a site for the construction of the new fire station #5.

- (n) Legislative Report (Council Legislative Subcommittee)

Action: Adopted the positions recommended by the Legislative Subcommittee.

5. SPECIAL ORDERS OF BUSINESS: (Includes consideration of items deferred from the consent calendar and any action item which requires a selection among options, or consideration of matters of special importance to the Council)

- (a) 4.2 (b) Resolution No. 2007-29 Authorizing the City of Salem to apply for a grant from the Oregon Parks and Recreation Department for the Bush's Pasture Park Improvement Project - Ward 2 - Councilor Tesler - SCAN (CS)

Motion: Move to adopt staff recommendation to approve Resolution No. 2007-29 Authorizing the City of Salem to apply for a grant from the Oregon Parks and Recreation Department for the Bush's Pasture Park Improvement Project.

Motion by: Councilor Tesler
Seconded by: Councilor Nanke

Questions or Comments by: Councilor Tesler.

Action: Approved Resolution No. 2007-29.

Vote:

Aye: Unanimous

Nay:

Abstentions:

- (b) 4.3 (g) Information regarding the keeping and raising of fowl within the City of Salem (CD)

Motion: Move that the issue be remanded to staff for further study and review of the following factors: 1) Maximum number of fowl permitted assuming the smallest lot size, and 2) What safeguards would need to be taken to protect or promote compatibility and certainly environmental cleanliness or sanitation with fowl.

Motion by: Councilor Walker

Seconded by: Councilor Clem

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

Action: Motion failed.

Vote:

Aye: Mayor Taylor, and Councilors Walker, Tesler, Nanke

Nay: Councilors Sullivan, Stucky, Rogers, DeHart, and Clem

Abstentions:

Note: Agenda item 5 (c) was deferred until after Public Hearing agenda item 7 (c).

- (c) 4.3 (h) Vision 2020 - Wards 1, 2 and 5 - Councilors Walker, Tesler and Stucky - Grant, CAN-DO, NEN, SCAN, SESNA, Northgate and Highland (CD)

Motion: Move to receive and file the information report.

Motion by: Mayor Taylor

Seconded by: Councilor Nanke

Questions or Comments by: Mayor Taylor and Councilors Tesler, Stucky, Walker, and Sullivan.

Action: Received and filed the information report.

Vote:

Aye: Unanimous

Nay:

Abstentions:

- 6. UNFINISHED BUSINESS:** (Any business held over from a previous meeting, other than public hearings and ordinances)

None.

- 7. PUBLIC HEARINGS:** (Includes deliberations and deliberations from hearings held over from previous meetings). Public hearings will commence no later than 7:30 p.m.

- (a) 2007-2008 Housing and Community Development Action Plan (UD)**

Persons Testifying: None.

For:

Against:

Neutral:

Organizations:

For: Dick Withnell, The Liberty House, 5650 Commercial Street SE
Denise Crawford, The Liberty House, 2685 Court Street, NE
Esther Puentes, Latino Enterprise Development Program, 3915
Courtney Lane S
Richard Ziclke, Director, Salem Interfaith Hospitality Network, 4766
Coloma Drive SE
Carol Green, YWCA Salem Outreach Shelter, address not given

Against:

Neutral:

Evidence Received From: None.

For:

Against:

Neutral:

Questions or Comments by: Mayor Taylor and Councilor DeHart.

Motion: Move to adopt the 2007-2008 Housing and Community Development (HCD) Action Plan and direct staff to submit the 2007-2008 Plan to the Department of Housing and Urban Development (HUD) prior to May 15, 2007.

Motion by: Councilor Nanke

Seconded by: Councilor Sullivan

Action: Adopted the 2007-2008 Housing and Community Development (HCD) Action Plan and directed staff to submit the 2007-2008 Plan to the Department of Housing and Urban Development (HUD) prior to May 15, 2007.

Vote:

Aye: Unanimous

Nay:

Abstentions: Councilors Stucky and Clem recused themselves

- (b) Engrossed Ordinance No. 1-07 Relating to Screening of Vehicular Storage Areas within all Residential Areas; amending SRC 130.500 (CD)

Persons Testifying:

For: Dwight Courtney, 4767 San Diego Drive NE

Against:

Neutral:

Organizations:

For:

Against: Roger Heusser, SCAN, 1395 High Street SE

Thomas Smith, NESCA, 1105 Savage Road NE

Neutral:

Evidence Received From:

For:

Against: Roger Heusser, SCAN, 1395 High Street SE

Neutral:

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

Motion: Move to approve staff recommendation to adopt Engrossed Ordinance No. 1-07 and advance it to second reading for enactment. Enactment of Engrossed Ordinance No. 1-07 would amend SRC 130.500 by deleting the screening requirements for recreational vehicles, but not for other vehicles stored in side and rear yards of residential properties.

Motion by: Councilor Walker

Seconded by: Councilor Nanke

Questions or Comments by: Councilor Walker.

Amendment to the Motion: Move that a recreational vehicle is defined as a camper, motor-home or travel trailer.

Motion by: Mayor Taylor
Seconded by: Councilor Sullivan

Questions or Comments by: Mayor Taylor, and Councilors Nanke, DeHart, Tesler, Sullivan, Walker and Rogers.

Action: Mayor Taylor withdrew her amendment.

Amendment to the Motion: Move to amend SRC 130.500 to identify campers, motor-homes and travel trailers in place of recreational vehicles.

Motion by: Mayor Taylor
Seconded by: Councilor Walker

Action: Amended SRC 130.500 to identify campers, motor-homes and travel trailers in place of recreational vehicles.

Vote:

Aye: Councilors Walker, Nanke, Sullivan, Stucky, Rogers, Clem and Mayor Taylor

Nay: Councilors DeHart and Tesler

Abstentions:

Questions or Comments: Councilors Clem, Sullivan, DeHart, Nanke, and Rogers.

Amendment to the Motion: Move to add the wording “when permanent pads are present” following “campers, motor-homes, and travel trailers”.

Motion by: Councilor Rogers
Seconded by: Councilor Sullivan

Questions or Comments: Councilor Rogers, Stucky, Nanke, Walker and Mayor Taylor.

Action: Motion failed.

Vote:

Aye: Councilors Sullivan, Rogers and Mayor Taylor

Nay: Councilors Walker, Tesler, Nanke, Stucky, DeHart and Clem

Abstentions:

Action on Original Motion as Amended: Motion failed.

Vote:

Aye: Councilors Walker, Sullivan, Rogers, and Mayor Taylor

Nay: Councilors Tesler, Nanke, Stucky, DeHart and Clem

Abstentions:

- (c) Consideration of unfavorable recommendation - OLCC Application - Sportstop and Good Times Lounge - Ward 2 - Councilor Tesler - CAN-DO

Persons Testifying:

For: Charles Anderson, 5303 Newburg Drive, Keizer OR

Against: Mark Garcia, Co-Applicant, 4666 Cherry Bud SE
Dan Kowitz Jr., Owner of the Sports Bar and Grill, address not given

Neutral:

Organizations: None.

For:

Against:

Neutral:

Evidence Received From: None.

For:

Against:

Neutral:

Questions or Comments by: Mayor Taylor, and Councilors Clem, Tesler, Walker, Nanke and Stucky.

Motion: Move to forward an unfavorable recommendation to the OLCC for the liquor license application submitted for the Sportstop and Good Times Lounge by Co-applicants Mark Garcia and Ron Lee.

Motion by: Councilor Tesler

Seconded by: Councilor Sullivan

Questions or Comments by: Councilors Tesler, Stucky, Nanke, and Mayor Taylor.

Action: An unfavorable recommendation will be forwarded to the OLCC for the liquor license application submitted for the Sportstop and Good Times Lounge by Co-applicants Mark Garcia and Ron Lee.

Vote:

Aye: Unanimous

Nay:

Abstentions:

8. CALENDAR OF ORDINANCE BILLS:

8.1 FIRST READING OF ORDINANCE BILLS

- (a) Ordinance No. 86-07 Providing financing to property owners for payment of Parks, Water, Sewer, and Transportation System Development Charges against property located in Salem, Oregon; making provisions therefor; and declaring an emergency - Wards 1, 4, 6 and 8 - Councilors Walker, Sullivan, Rogers and Clem - NOLA, South Gateway, ELNA and West Salem (PW)

Motion: Move to advance Ordinance No. 86-07 to second reading.

Motion by: Councilor Nanke
Seconded by: Councilor Sullivan

Action: Advanced Ordinance No. 86-07 to second reading.

Vote:
Aye: Unanimous
Nay:
Abstentions:

- (b) Ordinance No. 87-07 Providing for the assessment of a water line against property located at 1790 Barnes Avenue SE, making provision therefor; and declaring an emergency - Ward 4 - Councilor Sullivan - South Gateway (PW)

Motion: Move to advance Ordinance No. 87-07 to second reading.

Motion by: Councilor Nanke
Seconded by: Councilor Sullivan

Action: Advanced Ordinance No. 87-07 to second reading.

Vote:
Aye: Unanimous
Nay:
Abstentions:

8.2 SECOND READING OF ORDINANCE BILLS

- (a) Engrossed Ordinance No. 83-07 Amending the Salem Wastewater Management Master Plan; and amending SRC 64.230 (PW)

Action: Approved Ordinance No. 83-07

Vote:
Aye: Unanimous
Nay:
Abstentions:

- (b) Ordinance No. 84-07 Relating to Uses and Minimum Lot Area Restrictions in the Industrial Business Complex (IBC) Zone; Amending SRC 156.020, SRC 156.040, and SRC 156.090 (CD)

Action: Approved Ordinance No.84-07

Vote:

Aye: Unanimous

Nay:

Abstentions:

9. MANAGEMENT REPORTS

None.

10. PUBLIC COMMENT: (Other than agenda items)

None.

11. NEW BUSINESS:

11.1 MAYOR'S ITEMS

None.

Motion: Move to waive Council Rules to extend the meeting time for five minutes, until 10:05 p.m.

Motion by: Councilor Nanke

Seconded by: Councilor Sullivan

Action: Waived Council Rules in order to extend the meeting time for five minutes, until 10:05 p.m.

Vote:

Aye: Unanimous

Nay:

Abstentions:

11.2 COUNCILOR'S ITEMS

(a) Willamette University Student Presentation - Councilor Tesler

Motion: Move that Council direct the City Manager to schedule a presentation from Willamette University students to present their research and recommended resolution related to the Council adopting a sustainable building policy for the design, construction, renovation and operation of public buildings.

Motion by: Councilor Tesler
Seconded by: Councilor Sullivan

Questions or Comments by: Councilors Tesler, DeHart, Rogers and Clem,
and Mayor Taylor.

Action: Directed the City Manager to schedule a presentation from Willamette University students to present their research and recommended resolution related to the Council adopting a sustainable building policy for the design, construction, renovation and operation of public buildings.

Vote:
Aye: Unanimous
Nay:
Abstentions:

12. ADJOURNMENT: 10:05 P.M.

Kellie Whiting, Deputy City Recorder