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**APPROVED BY COUNCIL
OCTOBER 1, 2007**

EXECUTIVE SESSION:

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

5:30 p.m.

City Manager's Conference Room

FINAL ACTION AGENDA/MINUTES

SALEM CITY COUNCIL

6:30 P.M.

CITY OF SALEM, OREGON

September 24, 2007

1. ROLL CALL: 6:30 P.M.

Present: Mayor Taylor and Councilors Bennett, Tesler, Nanke, Sullivan, Tarter, DeHart and Clem. Absent: Councilor Rogers. (Councilor Sullivan arrived at 7:07 p.m.)

1.1 Pledge of Allegiance

Led by Mayor Taylor

1.2 Proclamations:

- (a) America on the Move Week with the YMCA - Presented by Mayor Taylor to Dan Crocker, proclaiming the week of September 22 through 29, 2007, to be America on the Move Week with the YMCA.

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.

- (a) Housing and Urban Development Advisory Committee Annual Report (UD)

Appearance by:

Mark Wieprecht, Chair, Housing and Urban Development Advisory Committee

Questions or Comments by: Mayor Taylor.

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.

None.

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

Motion: Move to approve the Consent Calendar with additions, minus pulled item 4.3 (n) - Mayor Taylor.

Motion by: Councilor Nanke

Seconded by: Councilor DeHart

Action: Approved the Consent Calendar with additions, minus pulled item 4.3 (n) - Mayor Taylor.

Vote:

Aye: Unanimous

Nay:

Abstentions:

4.1 MINUTES:

- (a) September 4, 2007
- (b) September 10, 2007
- (c) September 17, 2007

Action: Approved.

4.2 RESOLUTIONS:

- (a) Resolution No. 2007-91 Amending Council Policy C-1, adopted October 23, 2006, and adopting a replacement policy C-1 (CM)

Action: Approved.

4.3 ROUTINE ITEMS:

- (a) Fiscal Year 2008-09 City of Salem Budget Calendar (CM)

Action: Approved the City of Salem FY 2008-09 budget calendar.

- (b) Administrative Decision - Partition 07-19 - Lawrence Homes, LLC - 1810 Rees Hill Road SE - Ward 4 - Councilor Sullivan - South Gateway (CD)

Action: Received and Filed.

- (c) Administrative Decision - Partition 07-22 - Gordon King - 195 Salem Heights Avenue SE - Ward 7 - Councilor DeHart - South Salem (CD)

Action: Received and Filed.

- (d) Administrative Decision - Partition 07-23 - Larry Smith - 950 River Bend Road NW - Ward 8 - Councilor Clem - West Salem (CD)

Action: Received and Filed.

- (e) Administrative Decision - Partition 07-24 - Marie Hoskins - 2175 Lansing Avenue NE - Ward 1 - Councilor Bennett - Lansing (CD)

Action: Received and Filed.

- (f) Subdivision Review Committee - Maplewood Estates Subdivision Plat No. 07-15 - Lucky 8 LLC - 5385 Skyline Road S - Ward 7 - Councilor DeHart - Sunnyslope (CD)

Action: Received and Filed.

- (g) Subdivision Review Committee - Cascadia Canyon #2 Subdivision Plat No. 07-18 - Cascadia Canyon LLC - 3930 Fairview Industrial Drive SE - Ward 3 - Councilor Nanke - Morningside (CD)

Action: Received and Filed.

- (h) Free Tree Program Expansion (CD and CS)

Action: Information only.

- (i) Order No. 2007-12-HDR - In the matter of affirming the decision of the Historic Landmarks and Design Review Case No. 07-5 for property located at 2150 Fairgrounds Road NE, Salem, OR - Ward 5 - Councilor Tarter - Highland (CD)

Action: Adopted Order No. 2007-12-HDR.

- (j) Order No. 2007-13-CPC/ZC - In the matter of affirming the decision of the Planning Commission in CPC/ZC Case No. 07-3 for property located at 5800 Commercial Street SE and 1821 Wiltsey Road SE, Salem, OR - Ward 4 - Councilor Sullivan - South Gateway (CD)

Action: Adopted Order No. 2007-13-CPC/ZC.

- (k) Intergovernmental Agreement for Exchange of Services between City of Salem Fire Department and Chemeketa Community College Emergency Services Program (FD)

Action: Authorized the City Manager to sign the IGA between the City of Salem and Chemeketa Community College to establish the terms and conditions of the exchange of training and emergency services between Chemeketa Community College and Salem Fire Department.

- (l) Collective Bargaining Agreement between the City and American Federation of State, County, Municipal Employees, Council 75, Local Union 2067 (HR)

Action: Approved a successor collective bargaining contract between the City and AFSCME for a period from July 1, 2007 through June 30, 2011.

- (m) Salary Allocation for New Classification and Specialized Salary Adjustment for Certain Classifications (HR and CS)

Action: Approved: 1) Allocation of Parks and Recreation Manager to salary range to B31 (\$6089 - \$7791 per month); 2) Specialized pay range adjustment for Neighborhood and Community Services Manager from B24 (\$4354 - \$5564 per month) to B27 (\$5052 - \$6399 per month) effective December 24, 2007; and 3) Specialized pay range adjustment for Recreation Superintendent from B24 (\$4354 - \$5564 per month) to B28 (\$5309 - \$6730 per month) effective December 24, 2007.

- (n) Intergovernmental Agreement for Highway 22 (25th Street SE to Gaffin Road SE) Expressway Management Plan - Wards 2 and 3 - Councilors Tesler and Nanke (PW)

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

- (o) Community Development Block Grant (CDBG)/HOME Performance Report for Fiscal Year 2006-2007 (UD)

Action: Information only.

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) 4.3 (n) Intergovernmental Agreement for Highway 22 (25th Street SE to Gaffin Road SE) Expressway Management Plan - Wards 2 and 3 - Councilors Tesler and Nanke (PW)

Motion: Move that the City Manager be authorized to sign an Intergovernmental Agreement with Marion County and ODOT on the Cordon Road Interchange Study with the understanding that one or more members of the Salem City Council will be involved in part of the study approval process as staff from the three agencies perform the work.

Motion by: Mayor Taylor

Seconded by: Councilor Clem

Questions or Comments by: Mayor Taylor and Councilor Clem.

Action: Authorized the City Manager to sign an Intergovernmental Agreement with Marion County and ODOT on the Cordon Road Interchange Study with the understanding that one or more members of the Salem City Council will be involved in part of the study approval process as staff from the three agencies perform the work.

Vote:

Aye: Unanimous

Nay:

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) Continuation: Annexation (Health Hazard) of Territory located at 3831 Homestead Road S Area - Annexation Case No. C-658 - Ward 7 - Councilor DeHart - Croisan-Illahe (CD)

Persons Testifying:

For: Brian Moore, Saalfeld Griggs, 250 Church Street SE, representing the applicant

Against:

Neutral:

Organizations: None.

For:

Against:

Neutral:

Evidence Received From: None.

For:

Against:

Neutral:

No Designation:

Questions or Comments by: Mayor Taylor and Councilors Tesler and Bennett.

Motion: Move to adopt staff recommendation to: A) Find that the Petitioners have signed a valid triple majority petition for annexation of the Territory; B) Determine that Annexation Case No. C-658 is exempt from the public vote requirement due to the existence of a health hazard (failed water system), pursuant to Section 61 of the Salem City Charter and SRC 165.050; C) Determine that Annexation Case No. C-658 satisfies the criteria of SRC 165.130(c) and adopt Order No. 07-C-658; D) Rezone the Territory from Marion County UT-5 (Urban Transitional) zone to City of Salem RA (Residential Agriculture) zone; and E) Withdraw the Territory from Salem Suburban Rural Fire Protection District.

Motion by: Councilor DeHart

Seconded by: Councilor Clem

Action: A) Found that the Petitioners have signed a valid triple majority petition for annexation of the Territory; B) Determined that Annexation Case No. C-658 is exempt from the public vote requirement due to the existence of a health hazard (failed water system), pursuant to Section 61 of the Salem City Charter and SRC 165.050; C) Determined that Annexation Case No. C-658 satisfies the

criteria of SRC 165.130(c) and adopted Order No. 07-C-658; D) The Territory will be rezoned from Marion County UT-5 (Urban Transitional) zone to City of Salem RA (Residential Agriculture) zone; and E) The Territory will be withdrawn from Salem Suburban Rural Fire Protection District.

Vote:

Aye: Unanimous

Nay:

Abstentions:

- (b) Neighborhood Task Force Recommendations - Strengthening Neighborhood Association Participation and Involvement (CS)

Persons Testifying:

For:

Against:

Neutral:

Organizations:

For: Kasia Quillinan, Northeast Neighbors
Nathan Knottingham, 367 Mize Road SE, Faye Wright
Diana Dickey, 4830 Lisa Street NE, Chair, Northgate
Patty Tipton, 3240 Hammel Street NE, Chair, Lansing
Fred Harris, 1887 Winter Street NE, Land Use Chair, Highland
Robin Barney, 102 Olympic Avenue SE, Chair, South Gateway
Thomas Smith, 1105 Savage Road NE, Chair, NESCA
Bill Smaldone, 430 21st Street SE, Southeast Salem

Against:

Neutral:

Evidence Received From:

For: Faye Wright Neighborhood Association

Against:

Neutral:

No Designation:

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

Motion: Move to adopt staff recommendations 1 through 4 as presented:
1) Direct staff to prepare draft text to revise the Salem Revised Code (SRC) to clarify the advisory role of neighborhood associations (e.g. related to land use matters and general quality of life issues affecting the neighborhood). The text would be reviewed by the Neighborhood Task Force prior to returning to City Council for action in 2008;
2) Direct staff to prepare draft text to revise the SRC to include additional recognized roles of a neighborhood association to be: a) A partner with the City to educate and involve citizens in government decision-making; b) A neighborhood-based problem solving organization to provide resource referral and facilitate problem-solving for neighborhood-identified issues; and c) A civic community-building group to develop community cohesion and organize neighborhood involvement activities. The text would be reviewed by the Neighborhood Task Force prior to returning to City Council for action in 2008;
3) Direct staff to prepare text to revise Council Rules to include appearance of neighborhood associations as a specific Council agenda item;
4) Reconvene the Neighborhood Task Force in January 2008 to assess progress toward the goal of strengthening neighborhood association participation and involvement. Further, that on a trial basis, the City Council hold a public communication forum and then determine its impact prior to scheduling subsequent forums, and that the City Council let the task force look at revising the neighborhood association annual review process, when it reconvenes in January 2008.

Motion by: Councilor Nanke
Seconded by: Councilor Sullivan

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

Action: 1) Directed staff to prepare draft text to revise the Salem Revised Code (SRC) to clarify the advisory role of neighborhood associations (e.g. related to land use matters and general quality of life issues affecting the neighborhood). The text will be reviewed by the Neighborhood Task Force prior to returning to City Council for action in 2008;
2) Directed staff to prepare draft text to revise the SRC to include additional recognized roles of a neighborhood association to be: a) A partner with the City to educate and involve citizens in government decision-making; b) A neighborhood-based problem solving organization to provide resource referral and facilitate problem-solving for neighborhood-identified issues; and c) A civic community-building group to develop community cohesion and organize neighborhood involvement activities. The text will be reviewed by the Neighborhood Task Force prior to returning to City Council for action in 2008;
3) Directed staff to prepare text to revise

Council Rules to include appearance of neighborhood associations as a specific Council agenda item; 4) The Neighborhood Task Force will reconvene in January 2008 to assess progress toward the goal of strengthening neighborhood association participation and involvement. Further, on a trial basis, the City Council will hold a public communication forum and determine its impact prior to scheduling subsequent forums, and when it reconvenes in January 2008, the task force will look at revising the neighborhood association annual review process.

Vote:

Aye: Unanimous

Nay:

Abstentions:

8. CALENDAR OF ORDINANCE BILLS:

8.1 FIRST READING OF ORDINANCE BILLS

None.

8.2 SECOND READING OF ORDINANCE BILLS

- (a) Ordinance No. 102-07 Relating to Fire Prevention; amending SRC 41.150, SRC 58.001, SRC 58.003, SRC 58.004, and SRC 58.190; and creating new provisions

Action: Approved Ordinance No. 102-07.

Vote:

Aye: Unanimous

Nay:

Abstentions:

- (b) Ordinance No. 113-07 Providing financing to property owners for payment of parks, water, sewer, and transportation system development charges against property located in the City of Salem, Oregon; making provisions therefor; and declaring an emergency - Wards 1, 4, 7 and 8 - Councilors Bennett, Sullivan, DeHart and Clem - Lansing, South Gateway, Croisan-Illahe and West Salem

Action: Approved Ordinance No. 113-07.

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.

11.2 COUNCILOR'S ITEMS

(a) PUD Ordinance - Councilor Nanke

Motion: Move that City Council direct staff to prepare a resolution for City Council to initiate a review of the Planned Unit Development Ordinance, SRC Chapter 121, for the purpose of adding criteria for approval, clarifying the relationship between the planned unit development ordinance and the subdivision ordinance and authorizing deferred improvement agreements.

Motion by: Councilor Nanke
Seconded by: Councilor Sullivan

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

Action: Directed staff to prepare a resolution for City Council to initiate a review of the Planned Unit Development Ordinance, SRC Chapter 121, for purpose of adding criteria for approval, clarifying the relationship between the planned unit development ordinance and the subdivision ordinance and authorizing deferred improvement agreements.

Vote:
Aye: Unanimous
Nay:
Abstentions:

(b) Future SW Salem Fire Department Sites - Councilor DeHart

Motion: Move that the Fire Department work in conjunction with the Real Estate Division to identify possible sites to acquire for future use as a fire station in SW Salem.

Motion by: Councilor DeHart

Seconded by: Councilor Clem

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

Action: Directed the Fire Department to work in conjunction with the Real Estate Division to identify possible sites to acquire for future use as a fire station in SW Salem

Vote:

Aye: Unanimous

Nay:

Abstentions:

12. ADJOURNMENT: 8:22 P.M.

Kathy Hall, City Recorder