

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Tuesday, November 12, 2024

6:00 PM

Council Chambers / Hybrid Meeting

City Council

This meeting is being conducted both in-person and remotely and allows remote attendance by the governing body, when requested. Interested persons may attend the meeting in Council Chambers or 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. If attending the meeting remotely, public comment and testimony may be provided during the meeting via Zoom. Remote attendees must pre-register between 8:00 a.m. and 4:00 p.m. on the day of the meeting using this link: <https://www.cityofsalem.net/comment-at-council>

EXECUTIVE SESSION

City Council

5:00 p.m. - City Manager's Conference Room
ORS 192.660(2)(h) - Current / Pending Litigation

CANCELED - Salem Housing Authority Commission
5:40 p.m. - City Manager's Conference Room
ORS 192.660(2)(e) - Real Property Transactions

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

6:00 p.m.

Roll Call

Present: 8 - Councilor Hoy, Councilor Nordyke, Councilor Phillips, Councilor Stapleton, Councilor Varney, Councilor Nishioka, Mayor Hoy, and Councilor Gwyn
Absent: 1 - Councilor Gonzalez

Pledge of Allegiance

Led by Mayor Hoy.

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

None.

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by Councilors Nishioka and Gwyn.

1.3 PROCLAMATIONS

1.3a. [24-439](#) Proclamation - Youth HOPE Month 2024

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Hoy read the proclamation into the record.

Patrick McDermott with Northwest Human Services, and Christopher Lopez with Mid-Willamette Valley Community Action, accepted the proclamation. Representatives from Church at the Park and Mid-Willamette Valley Homeless Alliance were also present.

Comments by Christopher Lopez and Patrick McDermott.

1.3b. [24-441](#) Proclamation - Ruby Bridges Day 2024

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Hoy read the proclamation into the record.

Dr. Irvin Brown and representatives from the Salem-Keizer Safe Routes to School Program, including Project Coordinator Beth Schmidt, Tania Perfecto-Calderone, and Meredith Hegewald, accepted the proclamation.

Comments by: Beth Schmidt and Mayor Hoy.

1.4 PRESENTATIONS

None.

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

The following individuals provided comments:

- Bob Oblack, 276 Kurth Meadow Avenue SE, Item 5.d (file 24-461)
- Becky Beaman, Ward 7, Item 5.d (file 24-461)
- Mary Nikas, Ward 7, Item 5.d (file 24-461)
- Bill Riecke, Ward 5, Item 5.d (file 24-461)
- Paige Barton, Ward 2, Item 5.d (file 24-461)

The following individual provided comments remotely:

- Phil Carver, 350 Salem, 1007 Newport Road SE, Item 5.b (file 24-424)

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

A motion was made by Councilor Nishioka to accept the consent calendar. The motion was seconded by Councilor Phillips.

Comments by Councilor Nishioka.

The motion CARRIED by the following vote:

Aye: 8 - Hoy, Nordyke, Phillips, Stapleton, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 1 - Gonzalez

Abstain: 0

3.1 MINUTES

3.1a. [24-456](#) October 28, 2024 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

None.

3.3 ACTION ITEMS

3.3a. [24-450](#)

Facility Space Intergovernmental Agreement between the City of Salem and City of Keizer.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Healthy Community

Authorized the City Manager to execute a Facility Space Intergovernmental Agreement (IGA) with the City of Keizer to establish a formal agreement for the exclusive use of an existing Lessee owned structure containing radio and data telecommunications equipment, on land owned by Lessor, and the transfer of ownership of an existing generator from Lessor to Lessee.

3.3b. [24-460](#)

Third amendment to the purchase and sale agreement between the City and GreenLight-HomeFirst, LLC for the sale of the former Salem General Hospital site.

Ward(s): Ward 1

Councilor(s): Councilor Stapleton

Neighborhood(s): Northeast Neighbors Neighborhood Association

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

Authorized a third amendment to the purchase and sale agreement to allow Buyer to take ownership of the subject property prior to recording of the final plat

4. PUBLIC HEARINGS

4.a. [24-452](#)

Council Review of the Hearing Officer’s decision approving Conditional Use Permit, Case No. CU24-05, to allow a motor vehicle service use in the MU-III Zone, for property located at 3393 Silverton Road NE.

Ward(s): Ward 5

Councilor(s): Gonzalez

Neighborhood(s): Northgate Neighborhood Association

Result Area(s): Welcoming and Livable Community

Councilor Gwyn disclosed that she received ex parte communication in April 2024, in the form of an email from Britany Randall of Brand Land Use. Councilor Gwyn also disclosed that she currently has a property listed (unrelated to the subject property in this hearing) that Brand Land Use is involved with regarding a lot line adjustment.

Comments by: City Attorney Dan Atchison and Councilor Gwyn.

Councilor Hoy disclosed that she received ex parte communication in April 2024, in the form of an email, from Britany Randall of Brand Land Use.

Staff presentation by Jamie Donaldson, Planner, Community Planning and Development Department.

Persons Testifying:

Britany Randall, Brand Land Use, Applicant’s representative, 1720 Liberty Street SE.

Comments by Mayor Hoy.

Giovana Casas, Ward 5

Adan Casas, Owner, Ward 5

Questions or Comments by: Mayor Hoy, Britany Randall, and Councilors Phillips, Nordyke, Stapleton, Hoy, and Gwyn, and City Attorney Dan Atchison.

Questions for staff: Councilor Gwyn, Jamie Donaldson, Mayor Hoy, Lisa Anderson-Ogilvie, Planning Manager, and Councilors Stapleton, Nishioka, Hoy, and Varney.

Rebuttal by Britany Randall.

Comments by City Attorney Dan Atchison.

Additional Questions or Comments by Councilors Phillips and Nishioka.

At 7:33 p.m., Mayor Hoy recessed the meeting; the meeting reconvened at 7:42 p.m.

A motion was made by Councilor Nishioka to modify the Hearings Officer's

decision, approving Conditional Use Permit Case No. CU24-05, with a modified Condition # 4, related to the hours of operation. The modified condition would read, "Normal hours of operation where the business is open to the public shall be between 6:00 a.m. and 8:00 p.m." "All repairs and work done on vehicles may only be conducted between the hours of 7:00 a.m. and 10:00 p.m.", and amend Condition # 2, to allow diagnostic service outside of the building within normal business hours. The motion was seconded by Councilor Stapleton.

Additional Questions or Comments by: Councilors Nishioka, Hoy, Nordyke, and Gwyn.

The motion CARRIED by the following vote:

Aye: 8 - Hoy, Nordyke, Phillips, Stapleton, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 1 - Gonzalez

Abstain: 0

4.b. [24-436](#)

Proposed Fees and Charges for Utility Service Rates (Water, Wastewater, and Stormwater).

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.

Staff presentation by Brian Martin, Public Works Director.

Persons testifying:

Sherry Diehl, 772 Cottage Street NE

Bill Randall, 260 Idylwood Drive SE

Questions for staff: Councilor Phillips, Director Martin, Mayor Hoy, and Councilors Nishioka, Stapleton, Nordyke, and Hoy.

A motion was made by Councilor Nishioka to adopt Resolution No. 2024-46, establishing fees and charges for utility service rates (water, wastewater, and stormwater) effective January 1, 2025, and January 1, 2026, and approve the allocation of up to \$400,000 of utility revenue annually beginning in 2025 for the Emergency Utility Assistance Program. The motion was seconded by Councilor Stapleton.

Additional comments by: Mayor Hoy, and Councilors Nordyke, Hoy, Phillips, and Varney, Director Martin, and Councilor Gwyn.

The motion CARRIED by the following vote:

Aye: 7 - Nordyke, Phillips, Stapleton, Varney, Nishioka, Hoy, and Gwyn

Nay: 1 - Hoy

Absent: 1 - Gonzalez

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. [24-437](#) Resolution to Extend Emergency Utility Assistance Program

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Remarks by Brian Martin, Public Works Director.

A motion was made by Councilor Nishioka to adopt Resolution 2024-47, restating the terms of the Emergency Utility Assistance Program, extending the effective date, and authorizing up to \$400,000 of Utility revenue annually beginning in 2025. The motion was seconded by Councilor Phillips.

Comments by Councilor Nishioka.

The motion CARRIED by the following vote:

Aye: 8 - Hoy, Nordyke, Phillips, Stapleton, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 1 - Gonzalez

Abstain: 0

5.b. [24-424](#)

Resolution No. 2024-45 adopting Solid Waste Management Policy C-25.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

Staff presentation by Ryan Zink, Franchise Administrator.

Comments by Councilor Nishioka.

A motion was made by Councilor Nishioka to adopt Resolution No. 2024-45, to adopt Council Policy C-25 (Solid Waste Management) as recommended by the Solid Waste Committee. The motion was seconded by Councilor Stapleton.

Comments by Councilor Nishioka.

The motion CARRIED by the following vote:

Aye: 8 - Hoy, Nordyke, Phillips, Stapleton, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Absent: 1 - Gonzalez

Abstain: 0

5.c. [24-462](#)

Motion from Mayor Chris Hoy regarding City Manager compensation

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Mayor Hoy to adjust the salary range for the City Manager position to ensure that range is at least 5% higher than the top step of the Deputy City Manager classification and adjust the City Manager's current salary by 7.27% to ensure it is higher than the highest paid job classification of the Executive Pay Plan. The motion was seconded by Councilor Phillips.

Questions or Comments by: Mayor Hoy, Councilor Gwyn, Assistant Human Resources Director Michele Bennett, Councilors Nishioka, Nordkye, Stapleton, and Hoy, City Attorney Dan Atchison, and Councilors Phillips and Varney.

The motion CARRIED by the following vote:

Aye: 5 - Nordyke, Phillips, Stapleton, Nishioka, and Hoy

Nay: 3 - Hoy, Varney, and Gwyn

Absent: 1 - Gonzalez

Abstain: 0

5.d. [24-461](#)

Motion from Mayor Chris Hoy regarding compliance with Section 62 of the Salem Charter.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Mayor Hoy that City Council publicly censure Councilors Julie Hoy and Deanna Gwyn for their failure to recuse themselves under Section 62 of the Salem Charter during a land use public hearing that occurred on October 14, 2024. The motion was seconded by Councilor Phillips.

Questions or Comments by: Mayor Hoy, Councilors Varney and Phillips, City Attorney Dan Atchison, and Councilors Nishioka, Stapleton, Hoy, Gwyn, and Nordyke.

The motion CARRIED by the following vote:

Aye: 6 - Nordyke, Phillips, Stapleton, Varney, Nishioka, and Hoy

Nay: 2 - Hoy, and Gwyn

Absent: 1 - Gonzalez

Abstain: 0

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

6.a. [24-444](#)

Update on City of Salem’s Cyanotoxin Preparedness and Results of Drinking Water Treatment Processes during the 2024 Algal Toxin Season.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

This Informational Report was received and filed.

6.b. [24-446](#)

City Quarter 1 Preliminary Financial Report for Fiscal Year (FY) 2025

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

This Informational Report was received and filed.

6.c. [24-448](#)

Appointments to the Airport Advisory Commission, Salem Human Rights Commission, Salem Cultural and Tourism Promotion Advisory Board, Salem Public Art Commission, Historic Landmarks Commission.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

Following a review of current applications, on October 25, 2024, Mayor Hoy appointed the following individuals:

Airport Advisory Commission:

Mike Morrow is reappointed to a term #2 ending on 12/31/2027; Arnaud Verstuyf is reappointed to a term #2 ending on 12/31/2027; Richard Field is appointed to a term #1 ending on 12/31/2027; Ben Wigton is appointed to a term #1 ending on 12/31/2027.

Historic Landmarks Commission:

Connie Strong is reappointed to a term #1 ending on 12/31/2027; Juliana Inman is reappointed to a term #2 ending on 12/31/2027.

Salem Public Art Commission:

Susan Napack is reappointed to a term #1 ending on 12/31/2027.

Salem Cultural and Tourism Promotion Advisory Board:

Roger Williams is reappointed to a term #2 ending on 6/30/2027; Anthony Pisicoli is appointed to a term #1 ending on 6/30/2026; James Franklin is appointed to a term #1 ending on 6/30/2027.

Human Rights Commission:

Hope Strayer is reappointed to a term #2 ending on 12/31/2027; Kaitlin Strathdee is reappointed to a term #1 ending on 12/31/2027; Kirstie Rudich is appointed to a term #1 ending on 12/31/2026; Judy Collins is appointed to a partial term ending on 12/31/2025; Jefferey Evans is appointed to a partial term ending on 12/31/2025.

7. ORDINANCES

7.1 FIRST READING:

None.

7.2 SECOND READING:

None.

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

9:39 p.m.