

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Draft

Tuesday, November 13, 2018

6:00 PM

Council Chambers

City Council

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

6:05 p.m.

Roll Call

Present: 9 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Ausec, Councilor Cook, Councilor Lewis, Councilor Hoy, and Mayor Bennett

Note: Councilor Andersen joined the meeting telephonically at agenda item 5.a., and remained to the end of the meeting.

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor McCoid, seconded by Councilor Hoy to approve the addition of item 3.3f, Ratification of the Intergovernmental Agreement with the State of Oregon Military Department, Office of Emergency Management.

Comments by: Councilor McCoid.

The motion carried by the following vote:

Aye: 8 - Kaser, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Absent: 1 - Andersen

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Mayor Bennett.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

- 1.4a. [18-513](#) Marion County Law Enforcement Assisted Diversion (LEAD) - Joint Presentation by Marion County District Attorney Paige Clarkson and LEAD Program Coordinator Jan Calvin

Presentation by Paige Clarkson, Marion County District Attorney.

Comments by: Mayor Bennett and Councilor Hoy.

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

Appearances by:

Scott Snyder, General Manager, Grand Hotel, 201 Liberty Street, Item 3.3e, File 18-501

Art Bobrowitz, 6656 Hogan Drive, Item 3.3e, File 18-501

Brete Harrison, illegible address, Item 3.3e, File 18-501

Tim Hay, Ward 8, Item 3.3e, File 18-501

Spencer Kerel, Ward 1, Item 3.3e, File 18-501

Nick Williams, CEO, Salem Area Chamber of Commerce, Item 3.3e, File 18-501

Erik Andersson, President, SEDCOR, 1214 Archer Court NW, Item 6.a, File 18-502

Richard Jenkins, 424 Lonebrook Court SE, Item 3.3e, File 18-501

Geoffrey James, 4115 Fraser Lane SE, Item 5.a, File 18-430

Laura Buhl, 695 16th Street NE, Item 3.3c, File 18-489

Bob Hidley, Chair, Salem Airport Advisory Commission, Item 3.3e, File 18-501

Doug Brenizer, Member, Salem Airport Advisory Commission, Item 3.3e, File 18-501

Toni Kramer, 1945 Royal Street SE, Item 3.3c, File 18-489

Daryl Knox, SEDCOR Executive Council Member, 5258 Landon Street SE, Item 3.3e, File 18-501

Ron Sterba, 500 20th Street NE, Item 3.3e, File 18-501

Kara Campuzano, Director of Sales and Marketing, Salem Convention Center, Item 3.3e, File 18-501

Brent DeHart, 3300 25th Street SE, Item 3.3e, File 18-501

Britta Franz, no address provided, Item 3.3c, File 18-489

Michael Johnson, East Salem Suburban Neighborhood Association, Planning Notifications

Questions or Comments by: Mayor Bennett, Councilors Lewis, Kaser, Cook.

At the conclusion of Public Comment the Mayor adjourned the meeting for a five minute recess.

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

A motion was made by Councilor McCoid, seconded by Councilor Nanke to approve the consent calendar and to register "no" votes from Councilors Hoy and Kaser on item 3.3d.

Comments by: Councilor McCoid.

The motion carried by the following vote:

Aye: 8 - Kaser, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Absent: 1 - Andersen

Abstain: 0

3.1 MINUTES

3.1a. [18-514](#) October 22, 2018 Draft City Council Minutes

Action: Approved.

3.1b. [18-518](#) November 5, 2018 Draft City Council Work Session Minutes

Action: Approved.

3.2 RESOLUTIONS

3.2a. [18-500](#) Multiple Unit Housing Tax Incentive for M Parkside Living, LLC

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

(1) Adopted Resolution No. 2018-82 approving an application by M Parkside Living, LLC for tax exemption under the City's Multiple Unit Housing Tax Incentive Program.

(2) Requested that boards of other taxing districts to adopt a resolution consenting to a tax exemption for the project exempting the project's full property tax liability.

3.3 ACTION ITEMS

3.3a. [18-117](#)

Agreement between the City of Salem and Zagster, Inc., to place bike-sharing stations on City property.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

Authorized the City Manager to execute an agreement with Zagster, Inc., to place bike-sharing stations on City property and waive fees for the term of the agreement.

3.3b. [18-477](#)

Airport ground lease with Ponderosa Financial Services, LLC

Ward(s): 2
Councilor(s): Andersen
Neighborhood(s): SEMCA

Authorized the City Manager to execute a ground lease with Ponderosa Financial Services, LLC.

3.3c. [18-489](#)

Riverfront Park Master Plan

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

Adopted the 2018 Riverfront Park Master Plan.

3.3d. [18-499](#)

Order for City Council review of Tentative Subdivision and Urban Growth Declaration Permit Case No. SUB-UGA18-01 for property located at 1395 Boone Road SE - 97306.

Ward(s): Ward 3
Councilor(s): Nanke
Neighborhood(s): Morningside

Adopted the order amending the decision to approve the subdivision and urban growth preliminary declaration permit, with conditions, as contained in Attachment 1.

Councilors Hoy and Kaser registered "no" votes on item 3.3d.

3.3e. [18-501](#)

State of Oregon Rural Oregon Airport Relief (ROAR) Grant
Application for Commercial Air Service Development

Ward(s): 2
Councilor(s): Andersen
Neighborhood(s): SEMCA

Authorized the City Manager to consent to the Salem Area Chamber of Commerce's application for Rural Oregon Airport Relief (ROAR) grant funds to be used for commercial air service development at the Salem Municipal Airport.

3.3f. [18-529](#)

Ratification of the Intergovernmental Agreement with the State of Oregon Military Department, Office of Emergency Management.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

Ratified the City Manager's execution of the attached IGA with the State of Oregon Military Department, Office of Emergency Management regarding the activation of the Emergency Management Assistance Compact for the November 2018 California wildfires.

4. PUBLIC HEARINGS

4.a. [18-510](#)

Establishing New Solid Waste Management Service Rates

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Staff presentation by Ryan Zink, Franchise Administrator, Budget Office.

Persons Testifying:

Susanne Kaltwasser, Ward 8

Organizations Testifying:

William Posegate, Chief Officer, Garten Services Foundation

Reed Carlson, Marketing Recycling Coordinator with Mid-Valley Recycling Center

Estle Harlan, Solid Waste Consultant, Mid-Valley Recycling Center

Brian May, Division Manager, Marion County Environmental Services.

Questions or Comments by: Councilors Hoy, Cook, Kaser, McCoid, Lewis, Nanke, and Mayor Bennett.

A motion was made by Councilor McCoid, seconded by Councilor Nanke to adopt Resolution No. 2018-81 establishing new solid waste management service rates effective January 1, 2019, and rescinding Resolution No. 2017-45.

Questions or Comments by: Councilors Kaser, Hoy, McCoid, Nanke, and Mayor Bennett.

The motion carried by the following vote:

Aye: 8 - Kaser, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Absent: 1 - Andersen

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. [18-430](#)

Motion from Councilor Tom Andersen regarding providing a stipend for members of Council

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Councilor Andersen joined the meeting telephonically prior to the start of item 5.a.

A motion was made by Councilor Andersen, seconded by Councilor Ausec to direct staff to prepare a resolution for Council's consideration to provide for a stipend for members of Council, in the amount up to \$2,000 a month for councilors, and \$2,500 a month for the Mayor, and that a hearing be scheduled on December 3, 2018 for Council to receive testimony and deliberate on the matter.

Questions or Comments by: Councilors Andersen, Hoy, Cook, Kaser, Nanke, Ausec, Lewis, and Mayor Bennett.

The motion was DEFEATED by the following vote:

Aye: 2 - Andersen, and Ausec

Nay: 7 - Kaser, Nanke, McCoid, Cook, Lewis, Hoy, and Bennett

Abstain: 0

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

6.a. [18-502](#)

Economic Development Quarterly Report

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

This Informational Report was received and filed.

6.b. [18-520](#)

The application for the Kuebler Gateway Shopping Center (Costco) has been appealed and will be heard by the Hearings Officer on December 12, 2018, unless called-up by City Council.

Planning Administrator Decision - Class 3 Site Plan Review / Class 2 Driveway Approach Permit Case No. 18-15 - 2500-2600 Block of Boone Road SE - M&T Partners & Pacific Realty Associates - APPROVED - An application for development of the Kuebler Gateway Shopping Center, including Costco, a retail fueling station, and four new retail shell buildings.

The decision was appealed by the South Gateway Neighborhood Association and by a group of neighbors.

Ward(s): 4
Councilor(s): McCoid
Neighborhood(s): SGNA

A motion was made by Councilor McCoid, seconded by Councilor Nanke to call up the item for a public hearing to review the Planning Administrator Decision to approve Class 3 Site Plan Review / Class 2 Driveway Approach Permit Case No. SPR-DAP18-15 related to the Kuebler Gateway Shopping Center (Costco).

Comments by: Councilor McCoid.

The motion carried by the following vote:

Aye: 8 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Hoy, and Bennett

Nay: 1 - Lewis

Abstain: 0

7. ORDINANCES

7.1 FIRST READING:

7.1a. [18-504](#)

Petitioner-Initiated Annexation of Territory Located at 5826 Battle Creek Road SE - 97306 (Annexation Case No. C-726)

Ward(s): 4
Councilor(s): McCoid
Neighborhood(s): South Gateway

A motion was made by Councilor McCoid, seconded by Councilor Hoy to conduct first reading of Ordinance Bill No. 22-18 annexing, applying City of Salem RS (Single Family Residential) zoning from Marion County UT-10 (Urban Transition 10 Acres), and withdrawing from the Salem Suburban Rural Fire Protection District, for an 11.167-acre property located at 5826 Battle Creek Road SE.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

7.2 SECOND READING:

7.2a. [18-508](#)

Ordinance Bill No. 20-18, restricting use of plastic carryout bags

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

A motion was made by Councilor Cook, seconded by Councilor Hoy to further engross Ordinance No. 20-18 to provide for an exemption from the mandatory requirement of the \$.05 charge for paper bags for any and all businesses in compliance with the ordinance prior to its effective date, and to return the ordinance to staff to make the necessary changes and return to City Council on November 26, 2018.

Comments by: Mayor Bennett and Councilor Cook.

The motion carried by the following vote:

Aye: 5 - Kaser, McCoid, Cook, Hoy, and Bennett

Nay: 4 - Andersen, Nanke, Ausec, and Lewis

Abstain: 0

7.2b. [18-503](#)

Abatement of public nuisance property

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

A motion was made by Councilor McCoid, seconded by Councilor Kaser to engross Ordinance Bill No. 21-18 to add an emergency clause as section 4 of the ordinance so the ordinance will take effect immediately, and conduct second reading of the ordinance bill as engrossed.

The ordinance was approved by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

Nay: 0

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

9:04 p.m.