

*555 Liberty St SE  
Salem, OR 97301*



## **Final Action Agenda - Minutes - Final**

**Monday, August 28, 2023**

**6:00 PM**

**Hybrid Meeting / Council Chambers**

**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](mailto: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**

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**

6:16 p.m.

**Roll Call**

**Councilor Gonzalez attended remotely.**

**Present:** 9 - Councilor Hoy, Councilor Nordyke, Councilor Phillips, Councilor Stapleton, Councilor Gonzalez, Councilor Varney, Councilor Nishioka, Mayor Hoy, and Councilor Gwyn

**1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA**

None.

**1.2 COUNCIL AND CITY MANAGER COMMENT**

**Comments by: Councilors Nishioka and Stapleton, Mayor Hoy, Councilors Nordyke, Phillips, and Hoy.**

**1.3 PROCLAMATIONS**

None.

## 1.4 PRESENTATIONS

None.

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

The following individuals provided comments:

Curtis Grubbs, 211 Court Street NE, File 5.a., file 23-331  
Steve Anderson, West Salem Neighborhood Association, 3240 Gehlar Road NW, Item 3.1a, file 23-334

Questions or Comments by: Mayor Hoy, City Attorney Dan Atchison, and Steve Anderson.

Tim Cowan, Ward 7, File 5.a., file 23-331  
Matt Hale, Ward 4, File 5.a., file 23-331

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

A motion was made by Councilor Stapleton, seconded by Councilor Phillips to approve the consent calendar with the pull of item 3.3a by Councilor Varney.

Comments by Councilor Stapleton.

The motion CARRIED by the following vote:

**Aye:** 9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

**Nay:** 0

**Abstain:** 0

## 3.1 MINUTES

**3.1a.** [23-334](#) August 14, 2023 Draft City Council Minutes

**Action:** Approved.

## 3.2 RESOLUTIONS

**3.2a.** [23-326](#)

Internal Borrowing from the City's Utility Fund to the Airport Fund for property acquisition and capital improvements.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy

**Adopted Resolution No. 2023-27, approving an internal borrowing from the City's Utility Fund to the Airport Fund for property acquisition and capital improvements in an amount not to exceed \$1,839,000 to expand available parking at the Airport.**

**3.2b.** [23-327](#)

Transfer of appropriations within the City's Fiscal Year 2024 Budget for unanticipated changes.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy

**Adopted Resolution No. 2023-28, authorizing a transfer of appropriations within the City's fiscal year 2024 budget for unanticipated changes.**

**3.2c.** [23-320](#)

Acquisition of Property for the Macleay Road SE /Caplinger Road SE Pedestrian Improvement Project.

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): SEMCA

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

**Adopted Resolution No. 2023-29, declaring a public need to acquire and the City of Salem's intent to negotiate for the acquisition of right-of-way and easements for the Macleay Road SE at Caplinger Road SE Pedestrian Improvement Project.**

**3.2d.** [23-322](#)

Acquisition of Property for the 2024 Pavement Rehabilitation Project:  
Commercial Street SE from Fabry Road SE to the Interstate-5 Ramps.

Ward(s): 4

Councilor(s): Gwyn

Neighborhood(s): SGNA

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

**Adopted Resolution 2023-30, declaring a public need to acquire and the City of Salem's intent to negotiate for the acquisition of right-of-way and permanent easements for the 2024 Pavement Rehabilitation Project.**

### 3.3 ACTION ITEMS

**3.3a.** [23-332](#)

Adoption of Final Order No.

2023-1-SUB-UGA-SPR-ADJ-TRV-DR23-02 following City Council's vote to affirm the Planning Administrator's decision to conditionally approve the consolidated application for Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, three Class 2 Adjustments, Tree Regulation Variance, and Class 1 Design Review Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02 for property located at the 2100 Block of Doaks Ferry Road NW.

Ward(s): Ward 8

Councilor(s): Varney

Neighborhood(s): West Salem Neighborhood Association

Result Area(s): Welcoming and Livable Community

**Pulled by Councilor Varney - See item 5.b.**

**3.3b.** [23-333](#)

Purchase and Sale Agreement and lease assumption with West One Automotive Group, Inc. for personal property located at 2780-2790 25th Street SE, located at the Salem Municipal Airport.

Ward(s): 2

Councilor(s): Nishioka

Neighborhood(s): SEMCA

Result Area(s): Good Governance; Strong and Diverse Economy;  
Welcoming and Livable Community

**Authorized the City Manager to execute the Agreement and assume/modify the Lease with West One Automotive Group, Inc.**

### 4. PUBLIC HEARINGS

**4.a.**     [23-325](#)

Supplemental Budget 1 for unanticipated City expenses related to the Airport and Cultural & Tourism funds.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Healthy Community; Strong and Diverse Economy

**Staff presentation by Chief Financial Officer Josh Eggleston and Public Works Operations Manager Mark Becketl.**

**No individuals testified.**

**Questions or Comments by Mayor Hoy.**

**A motion was made by Councilor Stapleton, seconded by Councilor Phillips to adopt Resolution No. 2023-26, Fiscal Year 2024 Supplemental Budget (1), increasing Airport Fund and Cultural & Tourism Fund resource and expenditure appropriation authority for unanticipated revenue and expenses.**

**Comments by Councilor Stapleton.**

**The motion CARRIED by the following vote:**

**Aye:**    9 -    Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

**Nay:**     0

**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.**     [23-331](#)

Motion from Councilor Julie Hoy to repeal of the Safe Salem Payroll Tax ordinance

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**A motion was made by Councilor Hoy, seconded by Councilor Gwyn that City Council conduct first reading of an ordinance to repeal the Safe Salem Payroll Tax, Ordinance No. 12-23.**

**Questions or Comments by: Councilors Hoy, Nishioka, and Stapleton, Mayor Hoy, Councilors Phillips, Varney, Gwyn, Nordyke, and Gonzalez.**

**The motion FAILED by the following vote:**

**Aye:**     3 -   Hoy, Gonzalez, and Gwyn

**Nay:**     6 -   Nordyke, Phillips, Stapleton, Varney, Nishioka, and Hoy

**Abstain:**     0

**5.b.**     [23-332](#)  
**(3.3.a)**

Adoption of Final Order No.

2023-1-SUB-UGA-SPR-ADJ-TRV-DR23-02 following City Council's vote to affirm the Planning Administrator's decision to conditionally approve the consolidated application for Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, three Class 2 Adjustments, Tree Regulation Variance, and Class 1 Design Review Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02 for property located at the 2100 Block of Doaks Ferry Road NW.

Ward(s): Ward 8

Councilor(s): Varney

Neighborhood(s): West Salem Neighborhood Association

Result Area(s): Welcoming and Livable Community

**At 7:26 p.m., Mayor Hoy called a five-minute recess; the meeting resumed at 7:32 p.m.**

**Item 5.b:**

**A motion was made by Councilor Stapleton, seconded by Councilor Phillips to adopt the Final Order to affirm the Planning Administrator's decision to conditionally approve the consolidated application for Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, three Class 2 Adjustments, Tree Regulation Variance, and Class 1 Design Review Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02.**

**Questions or Comments by: Councilors Stapleton and Varney, Mayor Hoy, Councilors Gwyn and Phillips.**

**The motion CARRIED by the following vote:**

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

**Nay:**    1 - Varney

**Abstain:**    0

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

**6.a.**     [23-310](#)

Purchases approved administratively from July 1, 2023 through July 31, 2023.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance

**Questions or Comments by: Councilor Gwyn, Homelessness Liaison and Human Rights Manager Gretchen Bennett, and Chief Financial Officer Josh Eggleston.**

**This Informational Report was received and filed.**

**6.b.**     [23-328](#)

Economic development quarterly information report.

Ward(s): All

Councilor(s): All

Neighborhood(s): All

Result Area(s): Strong and Diverse Economy

**This Informational Report was received and filed.**

## **7. ORDINANCES**

### **7.1 FIRST READING:**

**7.1a.**     [23-329](#)

Revisions to the Salem Revised Code 58.001, 58.003, 58.004, 58.185, 58.190, 58.325, and 58.334 related to the Fire Prevention Code.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe and Healthy Community

**First reading was conducted, and a motion was made by Councilor Stapleton, seconded by Councilor Phillips to conduct first reading and advance to second reading Ordinance No. 13-23, for the purpose of amending SRC 58.001, 58.003, 58.004, 58.185, 58.190, 58.325, and 58.334 to enforce the most current Oregon Fire Code adopted by the State of Oregon with local modifications.**

**Comments by Councilor Stapleton.**

**The motion CARRIED by the following vote:**

**Aye:**     9 - Hoy, Nordyke, Phillips, Stapleton, Gonzalez, Varney, Nishioka, Hoy, and Gwyn

Nay: 0

Abstain: 0

**7.1b.** [23-338](#)

First reading of Ordinance Bill No. 14-23, repealing the Safe Salem Employee Payroll Tax; Repealing Ordinance No. 12-23 containing 39.001, 39.005, 39.010, 39.015, 39.020, 39.025, 39.030, 39.035, 39.040, 39.990; and declaring an emergency.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship; Safe and Healthy Community; Safe, Reliable and Efficient

Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

**Per City Council's vote on item 5.a, Ordinance Bill No.14-23 will not be moving forward.**

**7.2 SECOND READING:**

None.

**8. PUBLIC COMMENT: (Other than agenda items)**

The following individual provided comments:

Richard Reigard, No address provided, Public issues

Questions or Comments by: Mayor Hoy.

**9. ADJOURNMENT**

7:54 p.m.