



# CITY OF SALEM

555 Liberty St SE  
Salem, OR 97301

## Meeting Agenda

### City Council

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**Monday, August 12, 2019**

**6:00 PM**

**Council Chambers**

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#### **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**

**Roll Call**

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

**1.2 COUNCIL AND CITY MANAGER COMMENT**

**1.3 PROCLAMATIONS**

**1.4 PRESENTATIONS**

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

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

**3.1 MINUTES**

**3.1a. [19-376](#)**

July 22, 2019 Draft City Council Minutes

**Attachments:** [7-22-19 Draft Council Minutes](#)

## 3.2 RESOLUTIONS

## 3.3 ACTION ITEMS

**3.3a.** [19-306](#) Secor Park Master Plan Update

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): Sunnyslope Neighborhood Association

Result Area(s): Welcoming and Livable Community

**Recommendation:** Adopt the 2019 Secor Park Master Plan.

**Attachments:** [1995 Secor Master Plan](#)

[2019 Master Plan Update](#)

[Compiled Comments](#)

[Sunnyslope Neighborhood Association letter of support](#)

[SPRAB Action Sheet](#)

**3.3b.** [19-324](#) Intergovernmental Agreement with Marion County for Mobile Crisis Response Team services

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Safe Community

**Recommendation:** Authorize the City Manager to execute the attached IGA (Attachment 1) with Marion County, and any amendments to the IGA, in order to provide Mobile Crisis Response Team services during Fiscal Year 2019-2020 and 2020-2021.

**Attachments:** [IGA Marion County for MRCT Services](#)

**3.3c.** [19-328](#) Intergovernmental Agreement with the State of Oregon, Office of the Fire Marshal for Regional Hazardous Materials Emergency Response.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe Community

**Recommendation:** Authorize the City Manager to execute an Intergovernmental Agreement (IGA) with the State of Oregon, Office of the Fire Marshal to provide regional hazardous materials emergency response for the State of Oregon 2019-2021 biennium.

**Attachments:** [HM13 2019-2021 RHMERT IGA Final](#)

**3.3d.** [19-354](#) Removing on-street parking at transit stops for compliance with the

Americans with Disabilities Act.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): Grant

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

**Recommendation:**

Approve removal of on-street parking at four locations to provide transit stop access per the Americans with Disabilities Act.

**Attachments:** [Aerial Maps - Original](#)

[Cherriots - Bus Stops Improvements](#)

[Transit Parking Removal Bus Stop Zones](#)

[Transit parking removal attachment 4](#)

[Resident comments](#)

[CATC Meeting Minutes](#)

[Aerial Maps - Revised.pdf](#)

**3.3e. [19-370](#)**

REVISION - THIS ITEM REORDERED TO AGENDA ITEM 5.a.

Request for reconsideration of the Council decision to deny formation of the Aspen Grove Reimbursement District and re-open hearing.

Ward(s): 8

Councilor(s): Lewis

Neighborhood(s): West Salem Neighborhood Association

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

**Recommendation:**

Re-open the public hearing on the formation of the Aspen Grove Reimbursement District and reconsider the decision to deny the district.

**Attachments:** [19-336 Staff Report - Aspen Grove.pdf](#)

[Attachment 1 - Resolution - Aspen Grove.pdf](#)

[Attachment 2 - Exhibit 1 - Aspen Grove.pdf](#)

[Attachment 3 - Exhibit 2 - Aspen Grove.pdf](#)

[Attachment 4 - Exhibit 3 Aspen Grove.pdf](#)

[Attachment 5 - Aspen Grover Sewer Reimbursement.pdf](#)

[Attachment 6 - Cost Allocation Map - Aspen Grove.pdf](#)

[Public comments received by 3:30 p.m. 8-12-19](#)

*Revision - Item 3.3e, has been moved to Item 5.a, Special Orders of Business.*

**3.3f. [19-375](#)**

Intergovernmental agreement with Marion County for the Mid-Willamette Valley Cable Regulatory Commission

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

**Recommendation:** Authorize the City Manager to execute the attached intergovernmental agreement with Marion County for the Mid-Willamette Valley Cable Regulatory Commission.

**Attachments:** [Intergovernmental Agreement Mid-Willamette Valley Cable Regulatory Commission - s](#)  
[Intergovernmental Agreement Mid-Willamette Valley Cable Regulatory Commission - v](#)

**3.3g. [19-381](#)** Claim Settlement Authorization.

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

**Recommendation:** Authorize the City Manager to resolve the matter of the Bethany Elliott lawsuit in an amount not to exceed \$75,000. Payment will be made from the City's self-insurance claim fund.

## 4. PUBLIC HEARINGS

**4.a. [19-378](#)** CONTINUED PUBLIC HEARING FOR COUNCIL DELIBERATIONS ONLY.

City Council review of the Planning Administrator's decision approving a Tentative Subdivision Review with a Class 1 Adjustment application for Permit Case No. SUB-ADJ19-02 for property located in the 500 to 600 Block of Salem Heights Avenue S.

Ward(s): Ward 7  
Councilor(s): Cook  
Neighborhood(s): SWAN  
Result Area(s): Welcoming and Livable Community

**Recommendation:** Staff recommends that the City Council AFFIRM the June 6, 2019 Planning Administrator's Decision.

**Attachments:** [Open Record Comments \(July 29, 2019\)](#)  
[Rebuttal Comments received by 8-5-19](#)  
[Final Written Arguments received 8-12-19](#)

*Add - Final Written Argument from Applicant.*

**4.b. [19-374](#)** Public hearing on Ordinance Bills 11-19 and 12-19 regarding a payroll tax and operating fee to fund City services.

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

Neighborhood(s): All Neighborhoods  
Result Area(s): Good Governance; Natural Environment  
Stewardship; Safe Community; Safe, Reliable and Efficient  
Infrastructure; Strong and Diverse Economy; Welcoming and  
Livable Community.

**Recommendation:** Pass Ordinance Bill 11-19 and Ordinance Bill 12-19 implementing a payroll tax and a city operating fee respectively.

**Attachments:** [Ordinance Bill No. 11-19](#)  
[Exhibit A to Ordinance Bill No. 11-19](#)  
[Ordinance Bill No. 12-19](#)  
[Exhibit A to Ordinance Bill No. 12-19](#)  
[City of Salem Revenue Options Focus Group Report](#)  
[Public Comments received by 5:00 p.m. on 8-7-2019](#)  
[Additional Public Comment received by 5:00 p.m. on 8-7-2019](#)  
[Public Comments received by 3:30 p.m. 8-12-19](#)

*Add- Written Testimony.*

## **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.** [19-370](#) REVISION - THIS ITEM REORDERED TO AGENDA ITEM 5.a.  
Request for reconsideration of the Council decision to deny formation of the Aspen Grove Reimbursement District and re-open hearing.

Ward(s): 8  
Councilor(s): Lewis  
Neighborhood(s): West Salem Neighborhood Association  
Result Area(s): Safe, Reliable and Efficient Infrastructure.

**Recommendation:** Re-open the public hearing on the formation of the Aspen Grove Reimbursement District and reconsider the decision to deny the district.

**Attachments:** [19-336 Staff Report - Aspen Grove.pdf](#)  
[Attachment 1 - Resolution - Aspen Grove.pdf](#)  
[Attachment 2 - Exhibit 1 - Aspen Grove.pdf](#)  
[Attachment 3 - Exhibit 2 - Aspen Grove.pdf](#)  
[Attachment 4 - Exhibit 3 Aspen Grove.pdf](#)  
[Attachment 5 - Aspen Grover Sewer Reimbursement.pdf](#)  
[Attachment 6 - Cost Allocation Map - Aspen Grove.pdf](#)  
[Public comments received by 3:30 p.m. 8-12-19](#)

*Add- Written Testimony.*

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

- 6.a.**    [19-353](#)                      Planning Administrator's Decision - Partition Case No. PAR19-04 - Approved - Don Annotti - 5860 Eastland Avenue SE - A tentative partition to divide approximately 17.36 acres into two parcels, with Parcel 1 consisting of 5 acres, and Parcel 2 consisting of 12.36 acres. The subject property is approximately 17.36 acres in size, zoned RA (Residential Agriculture), and located at 5860 Eastland Avenue SE.

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

**Recommendation:**      Information Only.

**Attachments:**    [Land Use Decision PAR19-04](#)

- 6.b.**    [19-362](#)                      Hearings Officer Decision - Quasi-Judicial Zone Change Case No. ZC 19-02 - Approved - Northstar Construction, LLC (Karl Ivanov and Eric Lee Meurer) and I and E Construction, INC. - 4485 Kale St NE - A Quasi-Judicial Zone Change from RM-I (Multiple Family Residential) to RM-II (Multiple Family Residential).

Ward(s): 5  
Councilor(s): Ausec  
Neighborhood(s): Northgate

**Recommendation:**      Information Only.

**Attachments:**    [Land Use Decision ZC19-02.pdf](#)

- 6.c.**    [19-363](#)                      Hearings Officer Decision - Conditional Use / Class 3 Site Plan Review Case No. CU-SPR19-02 - Approved - Mark Shipman, Saalfeld Griggs PC, on behalf of Donald R. Wyant Jr., Business Group, Inc. - 2490 Ewald Av SE - Conditional Use and Class 3 Site Plan Review for a proposed hemp extraction facility.

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

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision CU-SPR19-02.pdf](#)

- 6.d.**     [19-368](#)     Planning Commission Decision - Class 3 Design Review / Class 3 Site Plan Review / Class 2 Adjustment Case No. DR-SPR-ADJ19-05 - Approved - MaPS Credit Union - 451-465 Division Street NE - Design review, site plan review, and adjustment application for a proposed 3-story building with a first-floor retail financial services branch and second- and third-floor offices.

Ward(s): 1  
Councilor(s): Kaser  
Neighborhood(s): CANDO

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision DR-SPR-ADJ19-05](#)

- 6.e.**     [19-371](#)     Planning Commission Decision - Fairview Refinement Plan / Class 2 Adjustment / Subdivision Case No. FRP-ADJ-SUB19-01 - Approved - Olsen Design Development, Inc. - An application to develop approximately 14.07 acres of the former Fairview Training Center site pursuant to the requirements of the Fairview Mixed-Use zone and the Fairview Plan, the adopted master plan for the former Fairview Training Center site.

This decision has been appealed (Attachment 2) and will be scheduled for a public hearing before the City Council at a future date.

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

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision FRP-ADJ-SUB19-01](#)  
[Appeal](#)

*Revised - Report Revised.*

- 6.f.**     [19-372](#)     Planning Administrator's Decision - Subdivision Case No. SUB19-05 - 6719 Devon Avenue SE - Approved - HSF Development, LLC (Chris Jundt, Anthony R. Kreitzberg, Kelley D. Hamilton) - A tentative subdivision plan to divide approximately 19.89 acres into

84 lots ranging in size from 6,000 square feet to 10,630 square feet. The applicant is requesting an alternative street standard to increase the grade of Lone Oak Road SE from eight percent to twelve percent and increase the grade of two streets, One Avenue and Two Avenue, from twelve percent to approximately fifteen percent.

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

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision SUB19-05](#)

- 6.g.** [19-380](#) Hearings Officer Decision - Quasi-Judicial Zone Change / Class 2 Adjustment Case No. ZC 19-01 - Approved - Jeff Tross of Tross Consulting, Inc. on behalf of T and S Properties, LLC (Michael Walling) - 2425 Lancaster Dr SE - A Zone Change from Residential Agriculture to General Industrial and adjustments to reduce setbacks, landscaping, and screening requirements along the north and south property lines.

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

**Recommendation:** Information Only.

**Attachments:** [Land Use Decision ZC-ADJ19-01](#)

## 7. ORDINANCES

### 7.1 FIRST READING:

- 7.1a.** [19-367](#) Consideration of creating a tax on wages earned

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Good Governance; Natural Environment  
Stewardship; Safe Community; Safe, Reliable and Efficient  
Infrastructure; Strong and Diverse Economy; Welcoming and  
Livable Community.

**Recommendation:** City Council conduct first reading of Ordinance Bill 11-19 creating Salem Revised Code chapter 39 establishing an employee paid payroll tax, and advance to second reading for enactment on August 26, 2019.



**Attachments:** [Ordinance Bill No. 11-19](#)[Exhibit A to Ordinance Bill No. 11-19](#)[Public Comments received by 5:00 p.m. on 8-7-2019](#)**7.1b. [19-369](#)**

Consideration of Ordinance Bill No. 12-19, establishing an operating fee to fund City services

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment

Stewardship; Safe Community; Safe, Reliable and Efficient

Infrastructure; Strong and Diverse Economy; Welcoming and

Livable Community.

**Recommendation:**

Conduct first reading of Ordinance Bill 12-19 creating SRC chapter 40 establishing an operating fee and amending SRC chapter 70.250, hold a public hearing, and advance to second reading for enactment.

**Attachments:** [Ordinance Bill No. 12-19](#)[Exhibit A to Ordinance Bill No. 12-19](#)[Public Comments received by 5:00 p.m. on 8-7-2019](#)[Additional Public Comment received by 5:00 p.m. on 8-7-2019](#)**7.1c. [19-373](#)**

Repealing Salem Revised Code chapter 48, relating to plastic carryout bags; and declaring an emergency

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment

Stewardship; Welcoming and Livable Community.

**Recommendation:**

Conduct first reading of Ordinance Bill No. 13-19, repealing Salem Revised Code chapter 48 - Plastic Carryout Bags; and declaring an emergency.

**Attachments:** [Ordinance Bill No. 13-19 repealing chapter 48](#)[Exhibit A for Ordinance Bill No. 13-19.pdf](#)[State of Oregon Enrolled HB 2509.pdf](#)

*Deleted - This item has been removed from the agenda.*

**7.2 SECOND READING:****8. PUBLIC COMMENT: (Other than agenda items)****9. ADJOURNMENT**

**Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 48 hours prior to the meeting. To request accommodations or services, please call 503-588-6255 or 503-588-6003 (TTD/TTY 503-588-6439), or by e-mail at: [cityrecorder@cityofsalem.net](mailto:cityrecorder@cityofsalem.net) at least two business days in advance.**

**Si necesita ayuda para comprender esta información, por favor llame 503-588-6003.**

**UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS****a. [19-358](#)****CITY COUNCIL PUBLIC HEARINGS**

Held in the Council Chambers unless otherwise noted

Petitioner-Initiated Annexation of Territory Located at 4980 Center Street (Annexation Case No. C-731)  
Monday, August 26, 2019 at 6:00 p.m.

Petitioner-Initiated Annexation of Territory Located at 4400-4600 Blocks of Hazelgreen Road NE with a Concurrent Comprehensive Plan Change to "Community Services-Parks, Open Space, and Outdoor Recreation" and Zone Change to City of Salem Public Amusement (Annexation Case No. C-735)  
Monday, August 26, 2019 at 6:00 p.m.

**SALEM HOUSING AUTHORITY PUBLIC HEARINGS****URBAN RENEWAL AGENCY PUBLIC HEARINGS**

WORK SESSIONS Held in the Anderson Rooms at the Salem Public Library, 585 Liberty Street SE, unless otherwise noted

Our Salem Update - Joint City Council Work Session with Salem Planning Commission  
Monday, August 19, 2019 at 6:00 p.m.

**BUDGET COMMITTEE MEETINGS**

Held in the Council Chambers unless otherwise noted

**SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS**

Neighborhood - Annual Meeting Date - Councilor  
Sunnyslope - August 15 - Cook  
Northgate - September 19 - Ausec

**MEETING PROCEDURES**

City Council meets on the second and fourth Mondays of each month at 6:00 p.m. All meetings are in the Council Chambers, Room 240, 555 Liberty St. SE.

The Mayor, who is the presiding officer, is elected at large for a term of two years. Councilors are elected for four year terms for each of the City's eight Wards. These nine officers comprise the Council who make the policy decisions for municipal activity and pass its ordinances and regulations.

Because the Mayor and Councilors' positions are part time, without pay, the Council appoints a City Manager who is responsible for the administration and execution of the City's policies and ordinances.

The City Council generally follows Robert's Rules of Order, but has adopted supplementary rules that may be found on the City's website at:  
[http://www.cityofsalem.net/Pages/council rules.aspx](http://www.cityofsalem.net/Pages/council%20rules.aspx).

**THE CONSENT CALENDAR**

The Consent Calendar allows the Council to save time by acting on everything listed on that part of the agenda with one motion instead of considering each item separately. If a City Councilor believes a matter on the Consent Calendar deserves further discussion, the Councilor can request that item be removed from the Consent Calendar and considered separately under "Special Orders of Business."

**PUBLIC COMMENT**

There are two times at every regular City Council meeting when the public has an opportunity to address the City Council. The first time is immediately prior to the Consent Calendar. This time is reserved for questions or statements regarding items appearing on the agenda, except public hearings and the merits of land use issues. The second time is at the end of the agenda. At this time, you can address the City Council on any matter of public concern, other than an agenda item. The Mayor will announce the time for public comment, and invite persons to address the City Council. Each person has three minutes to address the City Council. The time light on the podium will flash yellow when you have one minute left, and will turn red when your time has expired.

**HOW TO GET YOUR COMMENTS INCLUDED AS PART OF THE AGENDA**

Any written comments that you wish to be given to the City Council that are about an item on an agenda must be submitted to the City Recorder by 3:30 p.m. on the day of the City Council meeting when the item will be considered. For complete information on submitting communications to Council, please refer to Council Rule 6: Communications:  
[https://www.cityofsalem.net/Pages/council rules.aspx](https://www.cityofsalem.net/Pages/council%20rules.aspx).

If you have some matter that you wish to have the City Council consider in the future, you are encouraged to submit your suggestion in writing to the City Manager at 555 Liberty Street SE, Room 220, Salem, OR, or by e mail to: [manager@cityofsalem.net](mailto:manager@cityofsalem.net).

**PUBLIC HEARINGS**

The City Council can hold public hearings to consider legislative, quasi judicial or administrative matters. To testify at a hearing, you may sign up on the Hearing Roster located near the east entrance to the Council Chambers before the Mayor convenes the meeting. At the time for the hearing on the agenda, the Mayor will announce when the public hearing is open. If you have signed up to speak, come forward to the podium when the Mayor calls your name. State your name and either your address or the ward you live in. If you wish to receive notice of any written decision reached at the hearing, you must provide the City Recorder your address. When you have finished speaking, the Mayor will ask the Council if there are any questions for you, so please remain at the podium for a moment.

The time limit is 3 minutes per person for legislative and administrative hearings. The time limits for quasi judicial hearings in non land use cases are as follows:

1. Staff Presentation – 15 minutes
2. Affected Party – 15 minutes
3. Neighborhood Associations – 5 minutes
4. Other Interested Persons – 3 minutes per person
5. Rebuttal by Affected Party – 7 minutes

Time limits for quasi judicial land use hearings are governed by Rule 19 of the Council Rules. Parties to land use cases are encouraged to review that rule as time limits vary depending on the nature of the hearing. Further information can be obtained by contacting the Planning Administrator at 503 588 6173 or email at: [lmanderson@cityofsalem.net](mailto:lmanderson@cityofsalem.net).

Timer lights are located on the podiums. A flashing yellow light means you have one minute left; a red light means your time has expired.

