

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, December 2, 2019**

**6:00 PM**

**Council Chambers**

**City Council**

**1. OPENING EXERCISES: (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, ceremonial presentations, and Council comment)****Call to Order**

6:36 p.m.

**Roll Call**

**Present:** 8 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor Ausec, Councilor Lewis, Councilor Hoy, Mayor Bennett, and Councilor Nordyke

**Absent:** 1 - Councilor Leung

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

None.

A motion was made by Councilor Hoy, seconded by Councilor Andersen to suspend Council Rule 23 for tonight's City Council meeting to allow Councilor Leung to appear by telephone for agenda item 7.2a.

The motion carried by the following vote:

**Aye:** 7 - Kaser, Andersen, Nanke, Ausec, Hoy, Bennett, and Nordyke

**Nay:** 1 - Lewis

**Absent:** 1 - Leung

**Abstain:** 0

**1.2 COUNCIL AND CITY MANAGER COMMENT**

Comments by: Councilors Nanke, Andersen, Hoy and Lewis.

**1.3 PROCLAMATIONS**

**1.3 a.** Proclamation recognizing Pearl Harbor Remembrance Day

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Attachments:** [Proclamation - Pearl Harbor Remembrance Day](#)

Mayor Bennet read the proclamation.

**1.4 PRESENTATIONS**

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**PGE Resiliency Report**

**Presentation by Maria Pope, Wendy Veliz and Bill Messmer from PGE.**

**Comments and Questions by: Councilors Nanke and Hoy.**

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

**Appearances by:**

**Suzanne Kaltwasser, Ward 8, Salem Speaks Up  
Kasia Quillinan, 1145 14th Street NE, 6.b, File No. 19-533  
Becky Beaman, Ward 7, 7.2a, File No. 19-584  
Lorrie Walker, Ward 2, 7.2a, File No. 19-584  
Daniel Rouslin, Ward 2, 7.2a, File No. 19-584  
David Engen, 1145 14th Street NE, 7.1a, File No. 19-564  
Hollie Oakes-Miller, 4916 Evie Jean Street NE, 7.2a, File No. 19-584  
Julie Eaton, Ward 2, 7.2a, File No. 19-584  
Lynelle Wilcox, 1785 Norway Street NE, 7.2a, File No. 19-584  
Pamela Lyons Nelson, Ward 1, 7.2a, File No. 19-584  
Angelina Lockhart, 2499 Hude Street SE, 7.2a, File No. 19-584  
Sarah Parkison, Highland, 7.2a, File No. 19-584  
Gerald Turner, Ward 6, 7.2a, File No. 19-584  
Kathleen Thorpe, 2843 Tess Avenue NE, 7.2a, File No. 19-584  
Angel Villamor, 1920 Broadway Street NE, 7.2s, File No. 19-584  
Sandra, 7.2a, File No. 19-584  
Pamela Watson, 277 Libscomb Street SE, 7.2a, File No. 19-584  
Wiley Thompson, Ward 3, 7.2a, File No. 19-584  
Colt Bradley, 7.2a, File No. 19-584**

**Comments and Questions from: Mayor Bennet, Councilors Andersen, Nordyke and Kaser**

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

**A motion was made by Councilor Hoy, seconded by Councilor Kaser to approve the consent calendar. Councilor Nanke declared a Nay vote on agenda item 3.2a.**

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

**Aye:** 8 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, and Nordyke

**Nay:** 0

**Absent:** 1 - Leung

**Abstain:** 0

### 3.1 MINUTES

None.

### 3.2 RESOLUTIONS

- 3.2 a.** Referral of Ordinance Bill No. 11-19, creating an employee-paid payroll tax, to Salem Voters.

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

**Attachments:** [Resolution No. 2019-84](#)  
[Measure](#)  
[Explanatory statement](#)

**Adopted Resolution No. 2019-84 to refer Ordinance Bill No. 11-19 (creating an employee-based payroll tax) to Salem voters at the May 19, 2020 election, adopt the explanatory statement, and direct the City Attorney to draft the ballot title.**

### 3.3 ACTION ITEMS

- 3.3 a.** Intergovernmental Agreement between Oregon Department of Transportation for Tree Planting and Maintenance on Salem Parkway.

Ward(s): Ward 5  
Councilor(s): Councilor Ausec  
Neighborhood(s): Northgate  
Result Area(s): Natural Environment Stewardship; Welcoming and Livable Community.

**Attachments:** [Intergovernmental Agreement between ODOT and City of Salem](#)

**Authorized the City Manager to enter into an Intergovernmental Agreement (IGA) with Oregon Department of Transportation (ODOT) for tree planting and maintenance on the north side of Salem Parkway between Cherry Avenue NE and Hyacinth Street NE.**

- 3.3 b.** Intergovernmental Agreement Between Marion County and City of Salem for Removal of Asbestos Cement Waterline Pipe on 45th Avenue NE.

Ward(s): No Wards  
Councilor(s): No Councilors  
Neighborhood(s): No Neighborhoods

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

**Attachments:** [Attachment 1 - IGA between Marion County and City of Salem for Removal of Asbestos Pipe on 45th Avenue NE](#)

Authorized the City Manager to execute an Intergovernmental Agreement with Marion County for the removal of abandoned asbestos cement waterline pipe along 45th Avenue NE.

#### 4. PUBLIC HEARINGS

None.

#### 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)

None.

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

6. a. Salem Riverfront Carousel Proposed Expansion and Relocation of the Salem Peace Mosaic.

Ward(s): Ward 1

Councilor(s): Councilor Kaser

Neighborhood(s): CANDU

Result Area(s): Welcoming and Livable Community

**Attachments:** [Attachment 1: Carousel Addition Site Plan View](#)  
[Attachment 2: Carousel-Site Plan 9-6-19](#)  
[Attachment 3: Carousel-Floor Plan 9-6-19](#)  
[Attachment 4: Letters of Support](#)  
[Attachment 5: SPRAB Action Sheet Carousel Addition](#)  
[Attachment 6: SPRAB Action Sheet Salem Peace Mosaic](#)  
[Attachment 7: Action Sheet Peace Mosaic 11-13-19](#)  
[Attachment 8: Public Works Letter to Carousel](#)  
[Attachment 9: Response Letter](#)

**This information report was received and filed.**

6. b. Salem Parks and Recreation Advisory Board Annual Report 2019

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Welcoming and Livable Community.

**Attachments:** [SPRAB 2019 Annual Report](#)

**This information report was received and filed.**

- 6. c.** Planning Commission Decision - A comprehensive plan change to Commercial and Zone change to CO (Commercial Office) - Approved.

Minor Comprehensive Plan Map Amendment / Zone Change Case No. CPC-ZC19-11 - Jake Buckendorf - 4345 Sunnyside Rd SE - 97302

Ward(s): 3  
Councilor(s): Nanke  
Neighborhood(s): Faye Wright

**Attachments:** [Land Use Decision CPC-ZC19-11](#)

**This information report was received and filed.**

- 6. d.** Hearings Officer Decision - A proposed cannabis processing facility within an existing warehouse building. - Approved.

Conditional Use / Class 3 Site Plan Review Case No. CU-SPR19-05 - Lee Gywn, Lenity Architecture, on behalf of Thomas Reti - 4662 Ridge Dr NE.

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

**Attachments:** [Land Use Decision CU-SPR19-05](#)

**This information report was received and filed.**

- 6. e.** Historic Landmarks Commission Decision - Proposal to construct a new seven story hotel. - Approved.

Historic Design Review - New Construction Case No. HIS19-19 - Lamont Smith and Iain MacKenzie on behalf of Salem Opportunity, LLC (James Bruce and Vanessa Sturgeon)- 195-197 Commercial St SE.

Ward(s): 1

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

**Attachments:** [Land Use Decision HIS19-19](#)

This information report was received and filed.

## 7. ORDINANCES

### 7.1 FIRST READING:

**7.1 a.** Repealing Salem Revised Code chapter 48, relating to plastic carryout bags

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Good Governance; Natural Environment Stewardship;  
Welcoming and Livable Community.

**Attachments:** [Ordinance Bill No. 13-19 repealing chapter 48](#)  
[State of Oregon Enrolled HB 2509](#)  
[Oregon Checkout Bag FAQ](#)

**A motion was made by Councilor Hoy, seconded by Councilor Kaser to conduct first reading of Ordinance Bill No. 13-19, repealing Salem Revised Code chapter 48 - Plastic Carryout Bags.**

**Comments and Questions by: Councilors Hoy and Andersen.**

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

**Aye:** 8 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, and Nordyke

**Nay:** 0

**Absent:** 1 - Leung

**Abstain:** 0

### 7.2 SECOND READING:

Regulating the use of sidewalks and public spaces

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Areas: Good Governance; Safe Community; Strong and  
Diverse Economy; Welcoming and Livable Community

**Attachments:** [Engrossed Ordinance Bill 10-19](#)  
[EXHIBIT A to Engrossed Ordinance 10-19](#)  
[Written Testimony](#)  
[Written Testimony 1](#)  
[Written Testimony 2](#)

Councilor Leung appeared via phone for this agenda item.

A motion was made by Councilor Nordyke, seconded by Councilor Andersen to amend Proposed 95.720(b) to add "Except where designated by the City" to the beginning of the sentence.

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

The motion carried by the following vote:

**Aye:** 9 - Bennett, Kaser, Andersen, Nanke, Leung, Ausec, Hoy, Nordyke and Lewis

**Nay:** 0

**Abstain:** 0

A motion was made by Councilor Andersen, seconded by Councilor Hoy to amend the emergency clause of the amended motion to take place two weeks from tonight, December 16th.

The motion carried by the following vote:

**Aye:** 9 - Bennett, Kaser, Andersen, Nanke, Leung, Ausec, Hoy, Nordyke and Lewis

**Nay:** 0

**Abstain:** 0

Conducted second reading of Engrossed Ordinance Bill No. 10-19, an Engrossed Ordinance regulating camping and unattended personal property.

Engrossed Ordinance Bill 10-19 was adopted by the following vote.

**Aye:** 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

**Nay:** 0

**Abstain:** 0

A motion was made by Councilor Andersen, seconded by Councilor Hoy to suspend the Council Rules to allow Councilor Andersen to make a Councilor's



**Motion.**

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

**Aye: 9 - Bennett, Kaser, Andersen, Nanke, Leung, Ausec, Hoy, Nordyke and Lewis**

**Nay: 0**

**Abstain: 0**

**A motion was made by Councilor Andersen, seconded by Councilor Hoy to call for a staff report deliniating all vacant, unused, underused City property that might be used as a designated place for campling along with a brief feasibilty evaluation of each site to be presented at the next council meeting.**

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

**Aye: 8 - Bennett, Kaser, Andersen, Leung, Ausec, Hoy, Nordyke and Lewis**

**Nay: 1 - Nanke**

**Abstain: 0**

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

**None.**

## **9. ADJOURNMENT**

**9:03 p.m.**