

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, August 12, 2019

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

6:14 p.m.

Roll Call

Nancy MacMorris-Adix served as Guest Councilor for Councilor Cook.

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

Absent: 1 - Councilor Cook

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Hoy, seconded by Councilor Ausec to approve the additions/revisions to the agenda.

The additions/revisions were composed of: item 7.1c was removed from the agenda, item 3.3e was moved to item 5.a, and the staff report for item 6.e was revised.

Comments by: Councilors Hoy, Nanke, Andersen, and Mayor Bennett.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Cook

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Andersen, Hoy, Kaser, Leung, Mayor Bennett, and Police Chief Moore.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

None.

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

Appearances by:

Anne Thompson, 1180 Winter Street NE, Item 3.3d, File 19-354

Nick Beleiciks, 1115 Winter Street NE, Item 3.3d, File 19-354

John Lewis, Creations N.W., Item 3.3e, File 19-370

Bob Sanders, Creations N.W., Item 3.3e, File 19-370

Alan Alexander, Co-Chair, Sunnyslope Neighborhood Association, 4389 Oakman Street S., Item 3.3a, File 19-306

Ian Johnson, 1495 Evergreen Avenue NE, Item 3.3d, File 19-354

Agenda 8, Public Comment, also heard at this time:

Barry-Lee Coyne, 3289 Oakcrest Drive NW, Rebranding "Homeless" to "Shelter Seekers."

Dr. Dennis Godby, Running for awareness about naturopathic medicine

Jeremiah Godby, Running for awareness about naturopathic medicine

Dave Behar, Executive Director of The Run, Running for awareness about naturopathic medicine

Questions or Comments by: Mayor Bennett, Councilors Hoy 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 Ausec to approve the consent calendar with the pull of item 3.3d by Councilor Kaser.

Comments by: Councilor Hoy.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Cook

Abstain: 0

3.1 MINUTES

- 3.1a. [19-376](#) July 22, 2019 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

None.

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

Adopted the 2019 Secor Park Master Plan.

- 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

Authorized 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.

- 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

Authorized 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.

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

Pulled by Councilor Kaser - See item 5.b.

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.

Item 3.3e was moved - See item 5.a.

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.

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

3.3g. [19-381](#)

Claim Settlement Authorization.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s):

Authorized 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

Prior to the start of deliberations for item 4.a., Councilor Andersen announced that he is removing himself from any decision in this matter, noting that he was not present at the the prior public hearing held on July 22, 2019, and that he has not since viewed the July meeting on Capital Community Television (CCTV).

A brief overview was provided by Olivia Glantz, Planner, Community Development Planning Division.

A motion was made by Councilor Hoy, seconded by Councilor Kaser to AFFIRM the June 6, 2019 Planning Administrator's Decision.

Questions or Comments by: Councilors Kaser, Hoy, Guest Councilor McCorris-Adix, Mayor Bennett, and Olivia Glantz.

The motion to AFFIRM the June 6, 2019 Planning Administrator's Decision carried by the following vote:

Aye: 7 - Kaser, Nanke, Ausec, Lewis, Hoy, Bennett, and Leung

Nay: 0

Absent: 1 - Cook

Abstain: 1 - Andersen

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.

Staff Presentation by Josh Eggleston, Management Analyst, Budget Office.

Persons Testifying:

Jeff Miller, Ward 8

Maria Palacio, 2745 Upper Breckenridge Loop NW

Matt Hale, Ward 4

TJ Sullivan, Ward 4

Joel Blount, Ward 3

Mark Akimoff, Resides outside City limits

Jason Miranda, 1765 B Street

Tim Cowan, 116 Sherman Drive

Organizations Testifying:

Patty Tipton, Chair, Lansing Neighborhood Association, 3240 Hammel Street NE

Tom Hoffert, Chief Executive Officer, Salem Area Chamber of Commerce, Ward 1

Questions or Comments by: Councilors Hoy, Andersen, Leung, Kaser, and Mayor Bennett.

Additional Questions and Comments by: Councilors Lewis, Andersen, Leung, Mayor Bennett, Josh Eggleston, Peter Fernandez, Acting City Manager, and Courtney Knox-Busch, Policy Analyst, City Manager's Office.

Ordinance Bill No. 11-19:

A motion was made by Councilor Hoy, seconded by Councilor Kaser to direct staff to amend Ordinance Bill No. 11-19, Relating to an employee payroll tax, to require revenue from the payroll tax be dedicated to public safety and to present the ordinance to City Council for first reading at the August 26, 2019 council meeting, and provide that it will be referred to the Salem voters for approval at the earliest possible date.

Comments by: Councilors Hoy, Kaser, Nanke, Andersen, Leung, Mayor Bennett, and Dan Atchison, City Attorney.

The motion carried by the following vote:

Aye: 7 - Kaser, Andersen, Ausec, Lewis, Hoy, Bennett, and Leung

Nay: 1 - Nanke

Absent: 1 - Cook

Ordinance Bill No. 12-19:

A motion was made by Councilor Hoy, seconded by Councilor Andersen that Council pass Ordinance Bill No. 12-19, Implementing a City Operating Fee.

Comments by: Councilors Hoy, Ausec, Lewis, Nanke, and Mayor Bennett.

A substitute motion was made by Councilor Lewis, seconded by Councilor Nanke to direct staff to prepare necessary information to send the Operating Fee to the voters.

Comments by: Councilors Kaser, Ausec, Lewis, Andersen, Leung Nanke, Mayor Bennett, and Guest Councilor MacMorris-Adix.

At 8:26 p.m., Mayor Bennett called for a brief recess. The meeting resumed at 8:32 p.m.

A substitute motion was made by Councilor Hoy, seconded by Councilor Ausec to refer Ordinance Bill No. 12-19 back to staff for further review to be brought back to City Council at a future date.

Comments by: Councilor Lewis, Mayor Bennett, and Dan Atchison, City Attorney.

The motion, to refer Ordinance Bill No.12-19 back to staff for further review to be brought back to City Council at a future date, carried by the following vote:

Aye: 6 - Kaser, Andersen, Ausec, Hoy, Bennett, and Leung

Nay: 2 - Nanke, and Lewis

Absent: 1 - Cook

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. [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.

A motion was made by Councilor Hoy, seconded by Councilor Ausec to reopen the public hearing on the formation of the Aspen Grove Reimbursement District and reconsider the decision to deny the district.

Comments by: Councilor Hoy and Dan Atchison, City Attorney.

The motion carried by the following vote:

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

Nay: 0

Absent: 1 - Cook

Abstain: 0

[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

A motion was made by Councilor Kaser, seconded by Councilor Hoy to postpone the decision to remove on-street parking at transit stops.

Comments by: Councilors Kaser, Andersen, Leung, Guest Councilor MacMorris-Adik, and Mayor Bennett.

The motion, to postpone the decision to remove on-street parking at transit stops, carried by the following vote:

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

Nay: 0

Absent: 1 - Cook

Abstain: 0

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

This Informational Report was received and filed.

- 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

This Informational Report was received and filed.

- 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

This Informational Report was received and filed.

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

This Informational Report was received and filed.

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

This Informational Report was received and filed.

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

This Informational Report was received and filed.

- 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

This Informational Report was received and filed.

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.

This item was returned to staff, no First Reading took place. See item 4.b.

- 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.

This item was returned to staff, no First Reading took place. See item 4.b.

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.

No action, this item was removed from the 8/12/19 agenda.

7.2 SECOND READING:

8. PUBLIC COMMENT: (Other than agenda items)

See item 2, Public Comment.

9. ADJOURNMENT

8:41 p.m.