

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Tuesday, November 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

6:03 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

A motion was made by Councilor Hoy, seconded by Councilor Nanke to approve the revisions to the agenda. The revisions were revised reports for agenda items 6.a., 6.c., and 6.d.

Comments by Councilor Hoy.

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

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Mayor Bennett, Councilors Andersen, Nanke, Kaser, and Nordyke.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

1.4a. [19-469](#)

Presentation by US Department of Justice to the Salem Police Department

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Information Only.

Billy Williams, Attorney with the United States Department of Justice, presented an award to Salem Police Department, honoring their efforts in combatting violent crime in Salem.

Additional comments were made by Sergeant Mike Johnson, Salem Police Department and Mayor Bennett.

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

Appearance by:

Matt Hale, Ward 4, Item 7.2c, File 19-526

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 Nanke to approve the consent calendar.

Comments by Councilor Hoy and Mayor Bennett.

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

3.1a. [19-487](#)

October 28, 2019 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

None.

3.3 ACTION ITEMS

None.

4. PUBLIC HEARINGS

4.a. [19-515](#)

Establishing New Solid Waste Management Service Rates

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 Ryan Zink, Senior Analyst, Budget Office.

Persons Testifying: None.

Organizations Testifying:

**Reed Carlson, Marketing and Recycling Coordinator, Mid-Valley Garbage
and Recycling Association**

Estle Harlan, Consultant, Mid-Valley Garbage and Recycling Association

**Questions or Comments by: Councilors Hoy, Kaser, Andersen, Lewis,
Nordyke, Mayor Bennett, Kevin Hines, General Manager, Mid-Valley Garbage
and Recycling Association, Brian May, Marion County Public Works Division
Manager, and Ryan Zink.**

**A motion was made by Councilor Hoy, seconded by Councilor Lewis to
adopt Resolution No. 2019-82 establishing new solid waste management
service rates effective January 1, 2020 and January 1, 2021, and
rescinding Resolution No. 2018-81.**

The motion carried by the following vote:

Aye: 5 - Nanke, Ausec, Lewis, Hoy, and Bennett

Nay: 3 - Kaser, Andersen, and Nordyke

Absent: 1 - Leung

Abstain: 0

4.b. [19-499](#)

City Council review of the Planning Administrator's decision approving a Tentative Subdivision Review application for Permit Case No. SUB19-06 for property located at the 5800 Block of Battle Creek Road SE.

Ward(s): Ward 4

Councilor(s): Leung

Neighborhood(s): South Gateway Neighborhood Association

Result Area(s): Welcoming and Livable Community

Staff presentation by Olivia Glantz, Planner, Community Development Planning Services.

Persons Testifying: None.

Organizations Testifying: None.

A motion was made by Councilor Hoy, seconded by Councilor Andersen to AFFIRM the September 20, 2019 Planning Administrator's Decision.

Comments by Mayor Bennett and Councilors Andersen and Lewis.

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

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. [19-511](#)

The applicant has withdrawn their appeal (Attachment 3).

This application has been appealed by Site Enhancement Services (Applicant) and will be reviewed by the Planning Commission unless review is initiated by City Council.

Hearings Officer Decision - A sign variance to allow construction of an extra drive-through sign. - Denied.

Sign Variance Case No. VAR-SI19-02 - Site Enhancement Services on behalf of McDonalds Corporation - 3995 Rickey St SE.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

This Informational Report was received and filed.

Questions or Comments by: Councilor Kaser and Lisa Anderson-Ogilvie, Assistant Director, Community Development Planning Services.

6.b. [19-517](#)

Planning Administrator Decision - A proposal to replace an existing light pole with a light pole with a top-mounted antenna and internally mounted equipment for wireless communications. - Approved.

Class 2 Wireless Siting Permit Case No. WS219-04 - Melissa Juel and Nohely Moreno, Mastec Wireless Solutions, on behalf of New Cingular Wireless PCS (doing business as AT&T) - 1108 Lancaster Dr SE Right-of-Way.

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

This Informational Report was received and filed.

6.c. [19-518](#)

The applicant has withdrawn their appeal (Attachment 3).

This application has been appealed by Site Enhancement Services (Applicant) and will be reviewed by the Planning Commission unless review is initiated by City Council.

Hearings Officer Decision - A sign variance to allow construction of an extra drive-thru sign. - Denied.

Sign Variance Case No. VAR-SI19-04 - Site Enhancement Services on behalf of McDonald's Corporation - 1112 Center St NE.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): CANDO

This Informational Report was received and filed.

6.d. [19-519](#)

The applicant has withdrawn their appeal (Attachment 3).

This application has been appealed by Site Enhancement Services (Applicant) and will be reviewed by the Planning Commission unless review is initiated by City Council.

Hearings Officer Decision - A sign variance to allow construction of an extra drive-thru sign.- Denied.

Sign Variance Case No. VAR-SI19-03 - Site Enhancement Services on behalf of McDonald's USA, LLC (Corporation Service Company, Jerome Krulewitch, Marcy Miller, Denise Horne, Kevin Ozan, Catherine Martin, Robert Switzer) - 1598 Hawthorne Ave NE.

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): NESCA

This Informational Report was received and filed.

6.e. [19-524](#)

Hearings Officer Decision - A Quasi-Judicial Zone Change from CO (Commercial Office) to CR (Retail Commercial). - Approved.

Quasi-Judicial Zone Change Case No. ZC19-03 - Abe Kohnamooian, Boatwright Engineering, on behalf of Gary Standish - 3245 River Rd N.

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Highland

This Informational Report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

7.1a. [19-442](#)

Consideration of Ordinance Bill 16-19 creating Salem Revised Code (SRC) Chapter 38 establishing a Tourism Promotion Area and amending Salem Revised Code (SRC) Chapter 37

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

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

A motion was made by Councilor Hoy, seconded by Councilor Kaser to conduct a first reading of Ordinance Bill 16-19, amending Salem Revised Code (SRC) Chapter 37, creating Salem Revised Code (SRC) Chapter 38 establishing a Tourism Promotional Area and advance to second reading for enactment.

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:

7.2a. [19-513](#)

Second reading of Ordinance Bill No. 19-19 vacating a portion of Dogwood Drive S.

Ward(s): 7

Councilor(s): Vacant

Neighborhood(s): SWAN

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

Conducted second reading of Ordinance Bill No. 19-19, which vacates a portion of Dogwood Drive S subject to the following condition:

*** Final approval of the Dogwood Heights Phase 2 Subdivision Plat, or**

*** Provision of easements for the construction, maintenance, repair, and replacement of existing municipal utilities proposed to remain within the current right-of-way in a form and location acceptable to the City.**

Ordinance Bill No. 19-19 was approved by the following vote:

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

Nay: 0

Absent: 1 - Leung

Abstain: 0

7.2b. [19-528](#)

Second reading of Ordinance Bill No. 11-19, creating an employee-paid tax on wages earned within the city of Salem, and referring the proposal to voters.

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.

Conducted second reading of Ordinance Bill 11-19, creating an employee-paid payroll tax, and referring the proposal to voters.

Ordinance Bill No. 11-19 was approved by the following vote:

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

Nay: 1 - Nanke

Absent: 1 - Leung

Abstain: 0

7.2c. [19-526](#)

Second reading of Ordinance Bill 12-19, creating a City Operations 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.

Conducted second reading of Ordinance Bill No. 12-19, creating a City Operations Fee to fund City services.

Ordinance Bill No. 12-19 was approved by the following vote:

Aye: 5 - Kaser, Andersen, Ausec, Hoy, and Nordyke

Nay: 3 - Nanke, Lewis, and Bennett

Absent: 1 - Leung

Abstain: 0

8. SPECIAL CONSIDERATION

8.a. [19-530](#)

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.

A motion was made by Councilor Hoy, seconded by Councilor Lewis to adopt 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.

Questions or Comments by: Councilors Nordyke, Andersen, Kaser, Mayor Bennett, Dan Atchison, City Attorney, and City Manager Powers.

Councilor Kaser moved to table Resolution No. 2019-84 and to direct staff to provide more detail about "public safety" in the explanatory statement and return to Council for consideration at a future date.

The motion to table Resolution No. 2019-84 carried by the following vote:

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

Nay: 0

Absent: 1 - Leung

Abstain: 0

9. PUBLIC COMMENT: (Other than agenda items)

None.

10. ADJOURNMENT

7:57 p.m.