

*555 Liberty St SE  
Salem, OR 97301*



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

**Monday, December 10, 2018**

**6:30 PM**

**\*\*Meeting Start Time is 6:30 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

6:41 p.m.

#### Roll Call

**Present:** 8 - Councilor Andersen, Councilor Nanke, Councilor McCoid, Councilor Ausec, Councilor Cook, Councilor Lewis, Councilor Hoy, and Mayor Bennett

**Absent:** 1 - Councilor Kaser

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

There were no additions or deletions to the agenda.

A motion was made by Councilor McCoid, seconded by Councilor Hoy to reorder the agenda to move agenda item 4 before agenda item 5.

Comments by: Councilor McCoid and Mayor Bennett.

The motion carried by the following vote:

**Aye:** 8 - Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 0

**Absent:** 1 - Kaser

**Abstain:** 0

### 1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Cook, Andersen, and City Manager Powers.

### 1.3 PROCLAMATIONS

None.

## 1.4 PRESENTATIONS

None.

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

Appearances by:

Cy Smith, 1455 Franklin Street NW, Item 3.3a, File 18-543

E.M. Easterly, 775 Fir Gardens Street NW, Budget

Questions or Comments by: Mayor Bennett, Councilors Hoy and McCoid.

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

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

Comments by: Councilor McCoid.

The motion carried by the following vote;

**Aye:** 8 - Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 0

**Absent:** 1 - Kaser

**Abstain:** 0

## 3.1 MINUTES

**3.1a.** [18-545](#) November 26, 2018 Draft City Council Minutes

**Action:** Approved.

**3.1b.** [18-568](#) December 3, 2018 Draft City Council Minutes

**Action:** Approved.

## 3.2 RESOLUTIONS

None.

### 3.3 ACTION ITEMS

- 3.3a.**    [18-543](#)            Recommendations from the City Council Public Transit Committee.

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

**Pulled by Councilor McCoid - See Item 5.a.**

- 3.3b.**    [18-544](#)            Providing sewer service beyond corporate limits for property located at 6565 Sunnyside Road SE.

Ward(s): Currently outside City Limits, Ward 4 (upon annexation)  
Councilor(s): All Councilors  
Neighborhood(s): South Gateway Neighborhood Association (upon annexation)

**Authorized a sewer service connection to an new single family residence on a parcel that is outside of, but contiguous to, the current city limits, conditioned on the property owner filing a complete application for annexation, an annexation agreement, and paying all usual and customary fees and service charges.**

- 3.3c.**    [18-547](#)            Intergovernmental Agreement with the Oregon Department of Geology and Mineral Industries for LIDAR data acquisition.

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

**Authorized the City Manager to execute the attached Intergovernmental Agreement with Oregon Department of Geology and Mineral Industries for LIDAR data acquisition.**

- 3.3d.**    [18-553](#)            Reappointment of John B. Wilson as Municipal Judge Pro Tempore

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

**Reappointed John B. Wilson as a Municipal Judge Pro Tempore for the Salem Municipal Court for a two-year term.**

**3.3e.**    [18-562](#)

Commercial lease with Pringle Place, LLC for storage of City supplies

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): Morningside

**Authorized the City Manager to execute the attached lease with Pringle Place, LLC.**

**3.3f.**    [18-391](#)

Intergovernmental Agreement with the State of Oregon for a grant to construct a sobering center

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**Authorized the City Manager to execute an intergovernmental agreement between the State of Oregon and the City of Salem for a grant of up to \$330,000 to assist in the development of a sobering center in Salem.**

**4. PUBLIC HEARINGS**

**4.a.     [18-556](#)**

City Council review of an appeal of the Planning Administrator's decision approving Class 3 Site Plan Review / Class 2 Driveway Approach Permit Case No. SPR-DAP18-15 for development of the Kuebler Gateway Shopping Center, including Costco, a retail fueling station, and four new retail shell buildings.

Ward(s): 4

Councilor(s): McCoid

Neighborhood(s): South Gateway Neighborhood Association

**At the begining of the public hearing, ex parte contacts were disclosed by Councilors Hoy, Cook, Lewis, Andersen, Nanke, McCoid, McCoid, and Mayor Bennett, and each one indicated that their decision in the matter would not be affected by any such contact.**

**Staff Presentation by Aaron Panko, Planner, Community Development Planning Services.**

**Persons Testifying:**

**Dave Ramus, Applicant, Chief Operating Officer, PacTrust**

**Wendie Kellington, Applicant's Representative**

**Jeff Tross, Applicant's Representative, 1720 Liberty Street SE**

**Glen Baly, Chair and Representative for appellant South Gateway**

**Neighborhood Association, 1347 Spyglass Court**

**Karl Anuta, Representative for appellants John Miller, Lora Meisner, and Bill Dalton**

**Jim West, 808 Hazeltine Ave**

**Roger Harris, 5920 Summerside St SE**

**Bill Worcester, 1935 Wickshire Ave SE**

**Claudia Hagedorn, 2054 Southhampton Ct. SE**

**Michael Slater, Ward 7**

**Trevor Phillips, 4915 Chauncey Ct SE**

**Anna Peterson, 471 High St. SE**

**Dan Reid, 4890 Chauncey St SE**

**Jeff Olson, 351 S. Sunshine Lane, West Linn, OR**

**Bren Manock, 4196 Bluff Ave SE**

**Jerry Sachtjen, 2377 Red Shale Ave SE**

**Karen Eason, 2411 Wintercreek Way SE**

**Kathleen Kercheski 2787 Cindercone SE**

**Michael Hughes, 935 Barkstone Ct SE**

**Nate Levin, 695 Winding Way SE**

**John Ledger, 605 Valleywood**

**Julie Yip, 605 Valleywood Dr. SE**

**Jayson Valech, 2525 Foxhaven Dr. SE**

**Evan Jones, 1666 Cambridge Dr. SE**

**John Shepard, Ward 4**

**Janelle Coakley, 2655 Foxhaven Dr. SE**

**Bill Lucas, 2241 Boone Rd. SE**

**Chuck Woodard, 5438 Swallowtail St SE**

**Larry McAllister, 6381 Coates Dr SE**

**Sylvia Spaulding, 1965 Webster Dr SE**

Herbert Spady, 1445 Pine St., Silverton  
Justin Winters, 1445 Pine St., Silverton  
Brad Cunningham, 1542 Freedom Loop SE  
Kyle Scott, 2775 Foxhaven Dr SE  
Deb Cozzie, 5270 Forest Glen Ct SE  
Rachel Harris, 2231 Genesis Court SE  
Judith VanOsdel, 3375 Deer Lake Ct SE  
Carolyn Childers, no address provided  
Judy Morris, South Gateway N.A., 5213 9th Ct SE  
Peter Kahn, Assistant Vice President, Costco, 999 Lake Dr. Issaquah, WA  
Rober Joerger, 2250 Wintercreek Way SE  
Kathryn Chambers, 2360 Wintercreek Way SE  
David Cary, 1085 Cherylee Dr S.  
Christy Mayer, 1355 Elser Dr SE

**Organizations Testifying: None.**

**Questions or Comments by: Councilors Andersen, Cook, Hoy, Nanke, McCoid, Lewis, and Mayor Bennett.**

**\*A motion was made by Councilor McCoid, seconded by Councilor Andersen to extend the meeting by 20 minutes, and the motion to extend the meeting carried by the following vote:**

**Aye: 7 - McCoid, Nanke, Andersen, Lewis, Cook, Ausec, Bennett**  
**Nay: 1 - Hoy**  
**Absent: 1 - Kaser**

**At 9:58 p.m., Mayor Bennett called for a short recess. The meeting resumed at 10:06 p.m.**

**Rebuttal by: Wendie Kellington, Applicant's Representative**

**A motion was made by Councilor McCoid, seconded by Councilor Hoy to NOT affirm the October 23, 2018 Planning Administrator's Decision.**

**Comments by Councilor McCoid, Andersen, Nanke, Lewis, and Mayor Bennett.**

**The motion to NOT affirm the Planning Administrator's Decision carried by the following vote:**

**Aye: 5 - Andersen, McCoid, Ausec, Cook, and Hoy**

**Nay: 3 - Nanke, Lewis, and Bennett**

**Absent: 1 - Kaser**

**Abstain: 0**

**\*Immediately following the vote on Item 4.a, a motion was made by Councilor McCoid, seconded by Councilor Andersen to extend the meeting by 10 minutes.**

**The motion to extend the meeting carried by the following vote:**

**Aye: 7 - McCoid, Nanke, Andersen, Lewis, Cook, Ausec, Bennett**  
**Nay: 1 - Hoy**  
**Absent: 1 - Kaser**

**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)**

**Item 5 was heard before Item 4.**

**5.a. [18-543](#)** Recommendations from the City Council Public Transit Committee.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

**A motion was made by Councilor McCoid, seconded by Councilor Hoy to accept the Public Transit Committee recommendations and direct staff to return with a work plan for implementation.**

**Comments by: Councilors McCoid, Hoy, and Mayor Bennett.**

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

**Aye: 8 - Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett**

**Nay: 0**

**Absent: 1 - Kaser**

**Abstain: 0**

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



**6.a.**     [18-563](#)

Planning Administrator Decision - Urban Growth Preliminary Declaration / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. UGA-SPR-ADJ-DAP18-02 - Approved - Enterprise Holdings - 1950 22nd Street SE - An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of 1.30 acres and a Site Plan Review, Class 2 Adjustment, and Driveway Approach Permit for a commercial office building for vehicle rental and a self-serve car wash located at 1950 22nd Street SE.

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

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

**6.b.**     [18-571](#)

Hearings Officer Decision - Conditional Use / Sign Permit CU-SI18-10 - Approved - Salem Sign Company, Inc. - 5020 Liberty Rd S - A proposal to replace an existing freestanding sign with a new electronic reader board display freestanding sign in a residential zone.

Ward(s): 7  
Councilor(s): Cook  
Neighborhood(s): Faye Wright, Sunnyslope

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

## **7. ORDINANCES**

### **7.1 FIRST READING:**

**7.1a.**     [18-570](#)

Community Services and Housing Commission

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

**A motion was made by Councilor McCoid, seconded by Councilor Andersen to conduct first reading of Ordinance Bill No. 23-18 dissolving the Community Services and Housing Commission.**

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

**Aye:** 8 - Andersen, Nanke, McCoid, Ausec, Cook, Lewis, Hoy, and Bennett

**Nay:** 0

**Absent:** 1 - Kaser

**Abstain:** 0

**7.2 SECOND READING:**

**None.**

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

**Appearance by:**

**Kathryn Daniels, 1662 Cottage Street, Library Collection**

**Comments by: Mayor Bennett.**

**9. ADJOURNMENT**

**10:26 p.m.**