

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, September 28, 2020

6:00 PM

Virtual Meeting

City Council

****Due to the COVID-19 Pandemic, this meeting is being conducted virtually, with remote attendance by the governing body. No in-person attendance is possible. Interested persons may attend the meeting online at City of Salem Facebook, on CC:Media You Tube Channel, or watch on Comcast Cable CC:Media Channel 21. Please submit comments on agenda items by 5:00 p.m., or earlier, on the day of the meeting at cityrecorder@cityofsalem.net. Public comment and testimony may also be provided during the meeting via Zoom at this link:**

<https://www.cityofsalem.net/Pages/Public-Comment-at-Salem-City-Council-Meeting.aspx>

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

6:18 p.m.

Roll Call

Present: 9 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor Ausec, Councilor Lewis, Councilor Hoy, Mayor Bennett, Councilor Leung, and Councilor Nordyke

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

None.

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by: Councilors Hoy, Kaser, Andersen, Nordyke, Nanke, Leung, City Manager Powers, Mayor Bennett, and Peter Fernandez, Public Works Director.

1.3 PROCLAMATIONS

None.

1.4 PRESENTATIONS

None.

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

The following individuals provided public comment via remote video:
Chane Griggs, President, Salem Planning Commission, 3896 St. Andrews Loop S., Item 6.a, File 20-320.

Questions or Comments by: Councilors Andersen, Nanke, and Mayor Bennett.

John Shepard, Ward 4, Item 7.2a, File 20-333

Questions or Comments by: Councilors Leung, Andersen, and Nanke.

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.

Comments by: Councilor Hoy.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

3.1 MINUTES

3.1a. [20-371](#) September 14, 2020 Draft City Council Minutes

Action: Approved.

3.2 RESOLUTIONS

3.2a. [20-368](#)

Authorizing a transfer of FY 2021 Willamette Valley Communications Center fund budget appropriations

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe Community

Adopted Resolution No. 2020-45, authorizing a transfer of appropriations within the Willamette Valley Communications Fund Budget to purchase the phone equipment for two additional stations to comply with social distancing requirements.

3.3 ACTION ITEMS

3.3a. [20-289](#)

Sale of three (3) acres of City-owned land at the Salem Business Campus to Tim Bush

Ward(s): Ward 3

Councilor(s): Nanke

Neighborhood(s): Southeast Mill Creek Association

Result Area(s): Strong and Diverse Economy

Authorized the City Manager to execute the attached Purchase and Sale Agreement with Tim Bush for three (3) acres of City-owned land at the Salem Business Campus totaling \$444,000.

3.3b. [20-357](#)

Intergovernmental Agreement with the Drug Enforcement Administration for Narcotics Task Force Operations

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 between the United States Department of Justice, Drug Enforcement Administration and the City of Salem for the operation of a narcotics task force in FY 20/21.

3.3c. [20-359](#)

Sale of property at the Salem Business Campus to Peninsula Truck Lines, Inc. and authorizing street improvements

Ward(s): Ward 3

Councilor(s): Councilor Nanke

Neighborhood(s): Southeast Mill Creek Association (SEMCA)

Result Area(s): Strong and Diverse Economy

Authorized the City Council to authorize the City Manager 1) to execute the attached Purchase and Sale Agreement with Peninsula Truck Lines, Inc., selling 8.2 acres of City land at the Salem Business Campus for \$989,422, and 2) authorize the expenditure of \$942,000 on improvements to the Gaia Street cul-de-sac.

4. PUBLIC HEARINGS

4.a. [20-338](#)

Public Hearing on Amendment to Salem's Stormwater Master Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe Community; Safe, Reliable and Efficient Infrastructure.

Staff presentation by Robert Chandler, Assistant Public Works Director, and Glenn Davis, Public Works Chief Development Engineer.

Persons Testifying:

John Shepard, Ward 4

E.M. Easterly, Ward 8

Organizations Testifying:

Glenn Baly, Chair, South Gateway Neighborhood Association, 1347 Spyglass Court SE

Questions or Comments by: Councilors Leung, Andersen, Nanke Robert Chandler, Peter Fernandez, Public Works Director, Hans Hadley, Vice President, West Consultants, Glenn Davis, and Mayor Bennett.

A motion was made by Councilor Hoy, seconded by Councilor Nanke to advance Ordinance Bill No. 11-20, which amends Salem's Stormwater Master Plan, to first reading.

The motion CARRIED by the following vote:

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

Nay: 0

Abstain: 0

4.b. [20-355](#)

Public Hearing - Exemption from Competitive Bidding Process and Authorization of an Alternative Contracting Method for the Salem Public Works Operations Building.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SESNA

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

Staff presentation by Allen Dannen, Engineer, Public Works.

No persons or organizations testified.

A motion was made by Councilor Hoy, seconded by Councilor Kaser to adopt Resolution No. 2020-43 in support of an exemption from the competitive bidding process and use of a Design Build contracting method for the Salem Public Works Operations Building project.

The motion CARRIED by the following vote:

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

Nay: 0

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. [20-360](#)

COUNCIL DELIBERATIONS ONLY, no public comment or testimony is allowed.

City Council action on remand of the 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): Leung

Neighborhood(s): South Gateway Neighborhood Association (SGNA)

Result Area(s): Welcoming and Livable Community

Opening remarks from Dan Atchison, City Attorney.

Councilors Hoy, Andersen, Kaser, Leung, Lewis, Nanke, and Mayor Bennett all acknowledged they are Costco members and each indicated a potential conflict of interest.

Councilors Kaser and Leung also announced, for the record, that they did not participate in the December 2018 public hearing, but that each has reviewed the record in this matter and they are prepared to participate.

Comments by City Attorney Atchison.

Councilor Nordyke announced for the record that she did not participate in the December 2018 public hearing, but has reviewed the record in this matter and is prepared to participate.

Aaron Panko, Planner, Community Development, provided a brief introduction, and was followed by City Attorney Atchison, who provided an overview of the case and discussed vested rights.

Staff presentation by Aaron Panko.

Comments by: City Attorney Atchison.

A motion was made by Councilor Hoy, seconded by Councilor Lewis to APPROVE the Class 3 Site Plan Review and Class 2 Driveway Approach Permit Case No. SRP-DAP18-15 for development of the Kuebler Gateway Shopping Center, including Costco, a retail fueling station, and four new retail shell buildings.

Questions or Comments by: Councilors Hoy, Andersen, Kaser, Leung, Nordyke, Nanke, Mayor Bennett, and final comments from City Attorney Atchison.

The motion CARRIED by the following vote:

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

Nay: 1 - Leung

Abstain: 0

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

6.a. [20-320](#) Planning Commission Annual Report

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community

This Informational Report was received and filed.

Comments by Councilor Andersen.

6.b. [20-362](#) Public Works Department Strategic Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Natural Environment Stewardship;

Safe, Reliable and Efficient Infrastructure; Strong and Diverse

Economy; Welcoming and Livable Community.

This Informational Report was received and filed.

6.c. [20-365](#) Hearings Officer Decision - To convert a single-family dwelling into a room and board residence - Approved with Conditions.

Conditional Use / Class 2 Zoning Adjustment Case No. CU-ADJ20-05

- Mark Bulgin -

320 14th St NE

Ward(s): Ward 1

Councilor(s): Kaser

Neighborhood(s): Northeast Neighbors

This Informational Report was received and filed.

7. ORDINANCES

7.1 FIRST READING:

7.1a. [20-339](#)

Amendment to Salem's Stormwater Master Plan.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship; Safe Community;
Safe, Reliable, and Efficient Infrastructure.

**A motion was made by Councilor Hoy, seconded by Councilor Lewis to a
advance Ordinance Bill No. 11-20, which amends Salem's Stormwater
Master Plan, to second reading.**

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

Nay: 0

Abstain: 0

7.2 SECOND READING:

7.2a. [20-333](#)

Amending Salem Revised Code Chapter 70 (Utilities), Chapter 71
(Stormwater), and Chapter 601 (Floodplain Overlay Zone).

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Natural Environment Stewardship.

**Conducted second reading and enact Engrossed Ordinance Bill No. 8-20,
amending Chapter 70 (Utilities), Chapter 71 (Stormwater), and Chapter 601
(Floodplain Overlay Zone) of the Salem Revised Code.**

Engrossed Ordinance Bill No. 8-20 was APPROVED by the following vote:

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

Nay: 1 - Leung

Abstain: 0

8. PUBLIC COMMENT: (Other than agenda items)

None.

9. ADJOURNMENT

9:00 p.m.