

CITY OF COTTAGE GROVE  
CITY COUNCIL  
Agenda Session Minutes  
March 25, 2011

City Council Members Present: Mayor Gary Williams, City Councilors Jake Boone, Mike Fleck, Victoria Doyle and Garland Burback. Absent: Councilors Jeff Gowing and Heather Murphy.

City Staff Present: Finance Director Bert McClintock, Community Services Director Pete Barrell, Community Development Director Howard Schesser, City Engineer Ron Bradsby, and City Attorney Sean Kelly.

The meeting was called to order by Mayor Williams at 8:20 am in the City Council Chambers at City Hall.

**Public Hearing on Appeal of the Planning Commission Approvals of Jack-In-The-Box: Conditional Use Permit (CUP-2-10) AP-2-11; Variance (V-7-10) AP-3-11; and Site Design Review (SDR-1-10) AP-4-11**

Howard said the Council had in their packet, the three applications that had been appealed regarding Jack-in-the-Box and provided some information regarding what was being appealed. He said the traffic study had been completed since the Planning Commission ruled on the applications. He said it would be a de novo hearing, so additional new information could be presented. He said he wouldn't be surprised if the opposing party walked in and submitted a 40 page letter at the last minute, they had done so at the Planning Commission meeting. He said Council had more information than the Planning Commission had, primarily because staff had gone line by line through everything and Council had the traffic study.

Councilor Fleck asked if since it was a de novo hearing, didn't Council have to look at any new evidence presented.

Howard said they could look at it that night and determine whether it made any difference to the criteria or not.

Councilor Fleck asked if something were submitted if Council could take a few minutes at the meeting to review the new information.

Howard said yes Council could review it at the meeting. He suggested Council open the hearing, get the information, allow both parties to speak, and close the hearing. Historically they had only had the two attorneys speak, no one else had shown up for the meetings.

Councilor Doyle said the public didn't have any problem with the development.

Howard said that was correct. He said people had come to the counter in his department and asked why he was holding up the development.

Discussion was held on what information Council had in their packets.

Councilor Boone said he was going to be out of town on Monday and wouldn't be calling in.

**Public Hearing on Comprehensive Plan Amendment/Land Use Map Amendment for Family Relief Nursery (MCPA-5-10) 720 N. 14<sup>th</sup> Street and 1500 Harvey**

Howard explained that this item involved four properties for the Family Relief Nursery. He said it was to re-designate the church property to medium density and re-zone all four lots to residential commercial which would allow them to do an expansion of the Family Relief services in that area. He said Planning Commission had held a public hearing and four or five people spoke. Two concerns had come up and one was the traffic impact. He said another was an easement issue brought up by Mary Seals, who owned the property north of the Family Relief Nursery. He said they hadn't seen the easement and had looked at the County but were unable to find any recorded easement. He said the Planning Commission was recommending approval.

Mayor Williams asked if it was possible to see a map at the meeting that showed where the easement was located.

Howard said they hadn't been provided with a copy of the easement so they weren't sure exactly where it was.

Discussion was held on the easement.

**First Reading for Ordinance Amending Comprehensive Plan for Family Relief Nursery (MCPA-5-10)**

**First Reading for Ordinance Amending the Land Use District/Rezoning for Family Relief Nursery (MCPA-5-10)**

Howard said 6(a) was to change the comp plan and 6(b) was to re-zone the land in accordance with the recommendations that they asked for.

**Resolution Placing a Lien for Nuisance Abatement on Lot 1, Cottage Grove Industrial Park**

Howard said staff had gone through the notification process and was bringing it forward to put a lien on the property to cover the City's cost in cleaning up the property. He said more than likely the City would receive the property back through foreclosure and may have to assume the costs plus taxes, but if for some chance the owner did pay it off, the City wanted to make sure the lien was in place.

**Appeal of the Planning Commission Approvals of Jack-In-The-Box: Conditional Use Permit (CUP-2-10) AP-2-11; Variance (V-7-10) AP-3-11; and Site Design Review (SDR-1-10) AP-4-11**

Howard said this was where the Council deliberated on the appeals and was the appropriate time to take a few minutes to read any information that was submitted during the public hearing. He said staff was recommending that the Planning Commission decision be upheld and that the prevailing attorney prepare findings for Council consideration. He said there may be one additional condition to add related to the traffic study.

Mayor Williams said he would also call for declaration of ex parte contact.

Howard explained the land use process to Council. Discussion was held.

**“If I Were Mayor, I Would ....” Contest**

Mayor Williams said the contest was through the Oregon Mayors Association. There were three age groups, 4<sup>th</sup> through 6<sup>th</sup>, poster contest; middle school, essay contest; and high school and college a video or power point presentation. He said it was promoted by the community and judged by the Council. The top one in each category went to the State competition with a chance to win a lap top computer. He said locally the City had given cash awards for the top two places in each category.

**Set Work Session Date to Discuss Process for Judge/Court Evaluation**

Mayor Williams asked Council to bring their calendars with them to the meeting so they could schedule the work session.

Councilor Fleck said if Council did have a work session with the Judge, they needed to be very careful what was discussed.

Councilor Doyle expressed her frustration with the issue and said Council needed to make a decision and get on with this issue.

Discussion was held on how to proceed with this issue and what could be said at the work session and what needed to be covered in executive session.

**On-Street Parking Request at 2175 R Street – Lorin Bailey**

Howard said Mr. Bailey had come to talk with Council at the last meeting regarding a parking issue he had with his business. He met with Mr. Bailey yesterday and they reviewed his options. There was no easy solution and staff had concerns about allowing him to park on the street, that others in the area may want the same thing. He said the whole development was marked no parking. He said he may not have a solution by Monday night’s meeting.

Mayor Williams said he had concerns allowing storage on the City streets and setting a precedence. He encouraged Council to go out and take a look at the situation first hand and look at what the City Code allowed. He said he hadn't heard anything about Mr. Bailey not being able to rent his trucks, it was about his inconvenience in having to move the trucks.

Pete suggested renting him one of the City lots.

Howard said it would have to be developed first.

Councilor Doyle said it was what it was, but it was unfortunate it couldn't be a good thing for everyone.

Councilor Burback said as much sympathy as he had for them, the line had to be drawn somewhere.

Sean said the industrial park property wasn't fully developed. If it was fully developed and occupied, then Council might be able to make a better decision knowing what the traffic situation was. He said since that isn't the case, the Council didn't have all the variables in place to make an informed decision.

### **Concerns of the Council**

Councilor Burback asked about starting the Council meetings at 7pm instead of 7:30pm and what the reason was for starting them at 7:30.

Mayor Williams said they used to start at 7:15 but it wasn't convenient for everyone, including those who had children. He said he thought maybe it was set by the Charter.

Councilor Doyle said she and Councilors Murphy and Burback, as well as some staff, were interested in changing the meeting to start at 7pm.

Discussion was held on changing the meeting time.

Mayor Williams said he noticed that there was someone who lived on T Court, who stored an enormous boat in the side yard, and asked staff to look at it to see if it was legally stored.

The meeting was adjourned at 9:03 am.

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Trudy Borrevik, City Recorder

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Gary Williams, Mayor