



MINUTES

Coburg City Council

Special Meeting

August 27, 2013 – 6:30 P.M.

Coburg City Hall

91069 North Willamette - Coburg

COUNCILORS PRESENT: Jae Pudewell, Mayor; Jerry Behney, Sharyl Abbaspour, Jeffrey Kaliner, Don Nelson, Brian Pech, Ray Smith

COUNCILORS ABSENT: None

STAFF PRESENT: Petra Schuetz, Gary Darnielle, Larry Nelson

RECORDED BY: Dan Lindstrom

Mayor Jae Pudewell called the special meeting of the Coburg City Council to order at 6:30 p.m. Councilors joined in the Pledge of Allegiance. Minutes Recorder C. Daniel Lindstrom called the roll and announced that a quorum was present.

1. CITIZEN TESTIMONY

Mayor Pudewell announced that the public record was closed for testimony regarding the appeal of the denial by the Planning Commission of Love's Travel Stop and Country Store application for a Conditional Use Permit. He said those who wished to testify should limit their comments to other matters than the appeal.

Mike Watson, 91080 Abbey Road, described his participation in development of the Coburg Vision and related it to the activities of the City in its Water and Wastewater programs. He said he was concerned about the higher than anticipated failure rate of property septic tanks. He reported that on a recent drive to Southern California he stopped at every Love's Travel Stop and noted that there were no trees included in landscaping. He said such an installation was not appropriate in Coburg, Tree City USA.

Michelle Sunia, 91205 Rustic Court, reported her discovery of a study, which showed that the noise of a truck braking could be heard at a distance of almost one mile. She suggested that Councilors needed to weigh the added property tax value and good neighbor intentions of Love's Travel Stops in adding a truck and automobile service installation in Coburg.

Katie Thiel, 2940 Perkins Avenue #104, Eugene, said it was important that the positive neighborhood life idealized in the Coburg Vision be maintained and said the Planning Commission's denial of the Love's Travel Stops application for a Conditional Use Permit should be upheld.

Patti McConnell, 91129 North Miller, displayed what she stated was a collection of a very large number of signatures of Coburg citizens opposed to permitting the Love's Travel Stops develop its proposed project in Coburg. She urged the Council to sustain the denial of a Conditional Use Permit voted by the Planning Commission.

K.C. Huffman, 1011 Harlow Road, Suite 300, Springfield, stated that he represented Serenity Lane alcohol and drug residential treatment program to be located in Coburg. He stated that the denial of the application for a Conditional Use Permit by the Planning Commission was protected by the Coburg Code and State Ordinances.

The testimony of Mr. Huffman was interrupted by Councilor Don Nelson who appealed to the Mayor to rule it out of order as blatantly contrary to the ground rules not permitting testimony bearing on the issue to be decided by the Council later in the meeting.

Mayor Pudewell determined that the interpretation of Councilor Nelson was accurate and Mr. Huffman ended his testimony.

Mayor Pudewell determined that no Councilors wished to respond to citizen testimony.

2. AGENDA REVIEW

City Administrator Petra Schuetz noted that a Revised Agenda had been distributed at the beginning of the meeting. She explained that consideration of a proposed Intergovernmental Agreement (IGA) with Junction City for Police Dispatch and Justice System services it contained was timely and important. Mayor Pudewell determined that there were no objections to adding it to the meeting Agenda.

3. APPEAL OF CU-02-13

Mayor Pudewell stated that the Council would deliberate in the Appeal of the denial by the Planning Commission of CU-02-13, an application by Love's Travel Stop and Country Stores for a Conditional Use Permit to develop a truck stop with a fast food restaurant, tire barn, and fueling stations on vacant land zoned Highway Commercial.

Ms. Schuetz referred to amended Pages 8 and 23 of her staff report and its Attachments FF through MM regarding the application distributed as Agenda support material. She reported that the applicant had submitted no final response to the submissions and that with Council study of submitted material it was prepared to conduct its final deliberation.

Mayor Pudewell asked Councilors to declare any *ex parte* discussions and or conflicts of interest regarding the Appeal. Councilors reported receiving e-mail regarding the Appeal. Acting City Attorney Gary Darnielle questioned the contacts received and suggested that they did not constitute a conflict of interest that required Councilors to sequester themselves and not participate in deliberation on it. Mayor Pudewell determined that there was no challenge made to the interpretation of Mr. Darnielle.

Mayor Pudewell invited each member of the Council to express personal views of the Appeal.

Mayor Pudewell said that he was troubled that Love's appeared to present itself differently in its application according to its situation. He also said that he was not able to differentiate between the travelling and trucking elements of the proposal and said it make him believe that the proposal to include a service station at a location not allowed in the Coburg was a correct basis for the Planning Commission to deny the application.

Councilor Ray Smith said that his biggest concern about the Appeal was that Love's appeared to be in direct conflict with the Coburg Code. He recalled that during his service on the Planning Commission there was wide-spread opposition to the establishment of the existing Truck and Travel facility. He said he believed the Planning Commission had acted appropriately in its de-

nial of the Application for a Conditional Use Permit by Love's.

Councilor Don Nelson said he believed the proposed development was an appropriate use of the property in question, but that the Love's application would require the current Coburg Development Code to be changed. He said that he did not believe the applicant gave a compelling reason to overturn the Planning Commission denial of the application.

Councilor Jerry Behney said he was sensitive to the concerns raised by citizens about the Love's application and that he did not believe the development would be pursued without a service station component. He indicated that he supported the denial of the application by the Planning Commission.

Councilor Jeffrey Kaliner said that the issue before the Council was complex. He said the testimony of experts on both sides of the appeal were convincing and that he was influenced by the testimony of former members of the Planning Commission and City Council. He said he attempted to base his judgment on those most knowledgeable and would oppose the appeal and side with the Planning Commission in its denial of the application.

Councilor Sharyl Abbaspour stated that she had given much thought to the issue of the appeal of the Planning Commission denial of the Love's application. She commented that "the more things change, the more they stay the same" and cited her experience in radio advertising as being parallel. She said she believed the development needed a service station for it to be successful and therefore sided with the denial by the Planning Commission.

Councilor Brian Pech said that the developers could call their project what ever they want, but that their business objectives were questionable and he sided with the Planning Commission in its denial of the Love's application. He said he did not believe the proposed travel center met City criteria and that the work of the Planning Commission needed to be trusted.

Mayor Pudewell said he believed the Council was prepared to vote on the appeal.

Councilor Smith moved, seconded by Councilor Pech, to approve the action of the Planning Commission to deny the application of Loves Travel Stop and Country Stores for a Conditional Use Permit and to deny the Appeal of the decision. The motion was adopted unanimously, 6:0.

Mr. Darnielle stated that staff had prepared Findings supporting the denial of the Appeal and distributed copies of a document presenting seven for Councilors to study.

Councilors discussed the Findings, raising questions about Finding No. 5. There was agreement for it to be amended, as follows:

The City Council defines a "truck stop" as a use that may include of number of uses including fueling service to trucks, ~~fueling service to automobiles~~, fast food services, services to truckers that may include laundry, showers, and overnight lodging and a convenience store.

Councilor Pech moved, seconded by Councilor Nelson, to accept the Findings for denial of the Appeal of the denial by the Planning Commission of CU-02-13, as amended. The motion was adopted unanimously, 6:0.

Mr. Darnielle suggested that the decision showed that because the application of Love's proposed two uses (a service station and truck stop) its denial was because of service station locational criteria.

Mayor Pudewell suggested that if a developer wanted to be a good citizen in Coburg, it was important for it to meet with the community before making any proposal.

Mayor Pudewell declared that the meeting would recess for ten minutes.

4. DISPATCH CONTRACT WITH JUNCTION CITY

Ms. Schuetz referred to Agenda support material entitled "Coburg Dispatch and Justice Systems Contract" and reviewed its recommendation to adopt an attached IGA between Coburg and Junction City for Police Dispatch and Justice System services. She also reviewed background information it contained and the intransigent nature of the negotiations with Junction City officials. She pointed out that without approval of the proposed agreement the services would be suspended on the last day of August.

Mayor Pudewell described efforts to reach agreement on the IGA since April 2013 and that throughout he had been unable to understand the calculation of costs included. He said that it would be impossible for the Coburg Police and Municipal Court to continue operations without the services provided.

Ms. Schuetz explained that parallel services investigated would be more expensive.

Councilors discussed alternatives, including services by Lane County, and heard from Police Chief Larry Larson about the essential nature of the service.

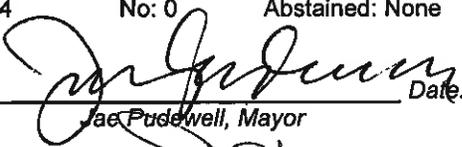
Councilor Smith moved, seconded by Councilor Pech, to approve the amended Intergovernmental Agreement between Junction City and the City of Coburg for Dispatch and Justice Systems services for fiscal year 2014. The motion was adopted, 5:1, with Councilor Behney voting no.

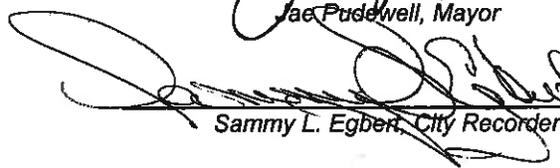
The meeting adjourned at 7:45 p.m.

ACCEPTANCE

Approved: September 10, 2013

Yes: 4 No: 0 Abstained: None

Attest:  _____ Date: 9/18/2013
Jae Pudewell, Mayor

 _____ Date: 9-16-2013
Sammy L. Egbert, City Recorder