

## Planning Commission Minutes February 21, 2019

Present: Ron Gilles, Bruce Forbes, Edie O'Neil, Jacquelyn Deeds, Rodrigo Arellano, David Jones  
Council Liaison: David Watkins  
Staff: Deanna Donato, Amy Dixon-COG Planner, Jeff Buskirk –PW Director (Arrived 7pm)

1. **CALL TO ORDER:** Chairman Gilles called meeting to order at 6:30 pm followed by flag salute. He then asked if anyone had anything to discuss that was not on the agenda; hearing no requests he added an item to the agenda, approval of the September 16, 2018 minutes.
2. **APPROVAL OF SEPTEMBER 16, 2018 MINUTES:** Edie O'Neil moved to approve the minutes as presented and David Jones seconded. All were in favor. Approved unanimously. Ron Gilles then stated that before the Public Hearing opened he would need to recuse himself as this was a direct conflict of interest and he then turned meeting over to Vice Chairman Rodrigo Arellano.
3. **PUBLIC HEARING: VAC #19-01 STREET VACATION & REALIGNMENT OF 4<sup>TH</sup> ST:**
  - 3.1 **Open Public Hearing:** Vice Chair Rodrigo Arellano opened the public hearing at 6:37 pm. He read the script provided for him by Amy Dixon and asked the Commission if there were any declarations of conflict of interest, bias or prejudice, or ex-parte contact besides those already declared by Ron Gilles. Hearing none, he asked the audience if there were any objections to the notice of the hearing, jurisdiction of the Commission to hear and consider the matter, and the impartiality of any member of the Commission. Hearing none, he moved on in reading of the script.
  - 3.2 **Background & Summary Staff Report:** Deanna then introduced Amy Dixon the COG planner to the Planning Commission and audience prior to her report. Amy then entered the staff report and all attachments into the record. She then summarized the staff report to the Commission and stated that staff recommends to approve the vacation with one condition. The condition being that the vacation is contingent upon the dedication happening first. Rodrigo called for any questions from the Commission to staff; hearing none he moved on to the applicant.
  - 3.3 **Presentation by applicant and questions to the applicant:** On behalf of the Posch family, Joe Parrott handed out a diagram of the 4<sup>th</sup> Street original alignment and what the proposed solution is. He then stated that he and the Posch family concur with the staff recommendation and agree to the dedication prior to the vacation of the street. Mr. Parrot then gave a brief history on how this whole situation came to be and where it is at as of today. Rodrigo then asked if the Commission had any questions for Mr. Posch; hearing none, he moved on.
  - 3.4 **Public Testimony & Commissioner Comments:** Rodrigo then called for anyone wishing to give public testimony in favor of the proposal. Hearing none he then asked for public testimony from anyone opposed to the proposal. He asked that those speaking state their name and address for the record.

**Jan Leisinger-** 840 Jefferson Marion Rd- Stated that she is alone a lot as her husband is gone a lot for work. There is no access from Jefferson Marion Rd to her home. She would love to see 4<sup>th</sup> St dead end. There are only 3 houses there and she wants to keep it just 3 houses. She also believed that there is plenty of room on other side of fence without having to do this dedication and vacation. Bruce Forbes asked staff if the street were realigned were there any plans to develop it? Amy stated that when Jeff Buskirk arrives, that would be a question for him.

**Evelyn Bonney-** 820 Jefferson Marion Rd- Stated she and her husband have lived there many years and it has been nothing but a dirt road with sidewalks. They also park their cars there as they have no access off of Jefferson Marion Rd. They, and the other two home owners, have maintained the road for years. She does not want to see a major thoroughfare on that street.

**Ron Gilles** – 868 Jefferson Marion Rd- He distributed a document to all Commissioners and staff before speaking. The document covered the options he believed were available for 4<sup>th</sup> St. He then stated that he spoke to the realtor of the property for sale. The realtor wasn't sure what was for sale. His belief is that utilities go further across Bates St and that an easement would still need to be given for that side as well. Jeff Buskirk then came in, and explained where the utilities were located. Ron does not want to see 4<sup>th</sup> St go through either as it has never been an issue before and does not see why it needs to happen now. He said that 914 Jefferson Marion is the only house north of Bates and 890 Jefferson Marion Rd belongs to the Posch family. He along with the other two families would like to see it left the way it is because if 4<sup>th</sup> St were to open up for traffic those 3 homes would then be boxed in from all the traffic on Jefferson Marion Rd and the possible added traffic on 4<sup>th</sup> St if it were opened. Ron stated he understood the City's reason for wanting this done; however he does not believe it makes sense to open that street up when an easement could be given and leave the street as it currently is. Jeff stated that all sewer ends at Bates. Water stops at the manhole. The road shift would put water and sewer back in City right of way. Joe Parrott attempted to clarify the issue about City utilities on private property without an easement. In the end; the Posch family doesn't care how it gets done.

**Commissioner Jacquelyn Deeds:** If an easement is granted to the City instead of doing the dedication/vacation, does the City need to pay for this easement. Joe Parrott said no as the utilities are already there and have been since around 1960, there is just no easement granted that anyone can find. Jeff also added that the City Engineer, Westech, does not want an easement. It is best to align the street and have the public utilities back in City control. Jeff was then asked if there were any transportation plans to push 4<sup>th</sup> St through and he said at this time he does not foresee that happening any time soon.

No other testimony against the proposal, and no other questions so Rodrigo then asked if there was any testimony that was neutral for this proposal. Hearing none he then asked if the applicant had any rebuttal, to which he replied no. Commissioners had some general questions for Jeff regarding width of right of way and where were fire hydrants located. Hearing no further questions, comments or testimony, Rodrigo proceeded to close the public hearing.

**3.5 Close Public Hearing:** Rodrigo closed the public hearing at 7:25 pm and stated that the Commission would now begin deliberations. No further public testimony permitted at this time.

**3.6 Commission Decision:** Jacquelyn Deeds stated this seems to be a lot like the annexation on 5<sup>th</sup> St., the criteria has been met and therefore, the Planning Commission cannot reject it. She understands the dilemma, but does not feel personal feelings should be involved.

Edie O'Neil said she totally understands the three property owners' views, but the criteria have been met. She sees no reason to say no.

Rodrigo Arellano said that if it meets the criteria the Commission doesn't have any other choice and Edie said they could approve, deny, or modify. Bruce Forbes asked about getting easement since these families have maintained it without any help from the City and Edie responded that if these families all move away then access could be denied by new owners and then here we are again with the same issue.

Dave Jones understood the issues involved but believed it should be approved. He also added that he does not see the City opening 4<sup>th</sup> St up as a major street. He is in favor of the proposal.

Rodrigo asked if the City were to realign the street as proposed, would it be possible to put some sort of gate or barricade across and say it was for emergency access only. Jeff said he wasn't sure.

David Jones moved to adopt the findings as conditioned in the presented staff report and to recommend that the City Council approve VAC 19-01. Edie O'Neil seconded. All were in favor and passed unanimously.

4. **NEW BUSINESS:** None
5. **OLD BUSINESS:** None
6. **COMMISSONER QUESTIONS/COMMENTS:** Dave Jones wanted the opposing families to know that there would be another hearing at the Council in March and they could ask for a change then.
7. **ADJOURNMENT:** Jacquelyn Deeds moved to adjourn and Edie O'Neil seconded. All were in favor and the meeting closed at 7:45 pm.

MINUTES APPROVED THIS 6 DAY OF June, 2019.

*Rodrigo Arellano*

\_\_\_\_\_  
Rodrigo Arellano, Vice Chair

ATTEST:

*Deanna Donato*

\_\_\_\_\_  
Deanna Donato, City Clerk