

# City of Brookings City Council Meeting MINUTES

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415  
**Monday, January 12, 2015**

Council met in Executive Session at 6:15 PM in the City Manager's office under authority of ORS 192.660(2)(h), "to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed," under ORS 192.660 (2)(e), "to conduct deliberations with persons designated by the governing body to negotiate real property transactions," and under ORS 192.660(2)(f), "to consider information or records that are exempt by law."

## **Call to Order**

Mayor Hedenskog called the meeting to order at 7:00 PM.

## **Swearing in of Elected Officials**

Mayor Ron Hedenskog, Councilor Jake Pieper and Councilor Kelly McClain were sworn into office by Judge Richard Harper.

## **Roll Call**

Council present: Mayor Ron Hedenskog, Councilors Jake Pieper, Kelly McClain and Bill Hamilton; a quorum present. Councilor Brent Hodges was absent.

Staff present: City Manager Gary Milliman, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Report Jane Stebbins and approximately 23 others.

## **Ceremonies/Appointments/Announcements**

**Mayor Hedenskog moved, a second followed and Council voted unanimously to appoint Jake Pieper as Council President.**

**Mayor Hedenskog moved, a second followed and Council voted unanimously to appoint Ron Strawther to the Planning Commission.**

## **Ordinances**

*Ordinance 15-O-742 adding Chapter 3.25, Motor Vehicle Fuel Sales Tax to the Brookings Municipal Code to be enacted upon voter approval of a local fuel tax in May.*

City Manager Milliman provided the staff report.

Mayor Hedenskog said the Council's goal was to "true-up" the numbers over the next three years and asked if red fuel was exempted.

City Attorney Rice said the exemptions are the same as the state's.

Councilor McClain said the refund was set at a lower rate than he wished to see it.

Councilor Hamilton said he realized the City needed to better maintain its streets and it was more equitable to handle it with the fuel tax.

Councilor Pieper said he'd already voiced his concerns about giving big exemptions to big commercial users but it was worth putting the question to the voters. He added the tax was a more equitable way to help maintain City streets.

Mayor Hedenskog said the citizens were asking to spread the tax burden across a wider base and the tax would repeal the Street Replacement Fund (SRF). The goal of the tax, he said, was to bring in \$300,000 annually to get caught up with street maintenance.

Councilor McClain said the vast majority of residents will get better streets at a lesser cost. And to be fair, he said, the SRF would need to be doubled to get the same revenue.

**Councilor Pieper moved, a second followed and Council voted unanimously to do a first reading of Ordinance 15-O-742.**

Mayor Hedenskog read the title.

**Councilor Pieper moved, a second followed and Council voted unanimously to do a second reading of Ordinance 15-O-742.**

Mayor Hedenskog read the title.

**Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 15-O-742 [adding Chapter 3.25, Motor Vehicle Fuel Sales Tax to the Brookings Municipal Code to be enacted upon voter approval of a local fuel tax in May].**

#### **Public Comments** (non agenda items)

Jan Barbas, Martin Ranch Road, generally commented on design standards in the City's Comprehensive Plan. Barbas said he did business in the City and would volunteer to sit on a design standards board if one was established.

Connie Hunter, English Court, generally commented that she supported a comprehensive plan with design standards and a citizen advisory board and would be happy to sit on the board. She said design standards creates economic stimulation and sustainability and a "sense of place" was important. Hunter said she knew of five families who were considering leaving because of the Dollar General store and added that another way elected officials can interact with residents is through meetings with groups of people.

Mayor Hedenskog said he would accept the challenge, and commented on the Pilot's allegation that the City didn't encourage enough public input. He said he would be responding to that and would reach out to the citizens to have them get involved in providing input on the Comprehensive Plan and future plans that will get updated.

Bruce Ellis, Highway 101 South, said he wants a beautiful town and supported Hunter's comments. He said he would also volunteer to sit on an advisory board.

Tim Lomheim, First Street, said he and his wife relocated here about two years ago; he is one of the residents located 100 yards from the Dollar General. He said he would also sit on a citizen advisory board and that design standards were needed. Lomheim said he was disappointed in the appearance of the Dollar General and didn't see how it could survive. He said he wasn't sure how the City got from the Downtown study to where it is today and expressed concern about the increase in traffic on First Street, which is already in bad shape, and about increases in foot traffic and "the marijuana group" hanging out at that location. Lomheim said he was willing to bet that if Council members knew they were

going to have a Dollar General located 100 yards from their homes, they wouldn't like it either.

Carol Lomheim, First Street, said she would also volunteer to serve on the design standards board; her goal was to keep this from happening in other neighborhoods.

Councilor Pieper said he would support a certain level of design standards but felt people should be able to do what they want with their property.

Mayor Hedenskog said the owner of the Dollar General parcel had met all the legal requirements as an outright use. Only under a conditional use permit (CUP) invite public comment as part of the process. This use, he said, did not require a CUP.

City Manager Milliman said the design standards developed a few years ago were never adopted and did not include the particular area where Dollar General is located. He said he would encourage people to make their opinions known if they were interested in a board to development guidelines.

Councilor McClain said that, while he was personally "bummed out" about the stores location and appearance, Dollar General had done nothing wrong. The City, he said, needed to start "dressing for success," but it would have to be with "baby steps," and it had to be careful not to run businesses off by being too stringent with design standards. As for the marijuana group hanging out at that locaton, he said the City had a first rate Police Chief and he didn't think the Chief would allow that to happen.

Councilor Hamilton said he'd like to see an Olive Garden in Brookings, as well as more motels and bed and breakfasts, but the City is going to be subject to more of these corporate stores. He said citizens should also know that an advisory committee would have no real authority but encouraged the community to form and participate in a advisory committee. He said he was also concerned about the condition of some of the City's streets, but the fuel tax would help with that.

Bob Pieper, South Bank Road, commented that it would be prejudicial to provide exemptions to big freight companies and not to local service industries, who also put a lot of miles on their vehicles. These great tax ideas have a way of back-firing, he said.

Mayor Hedenskog said the ordinance included a refund for small commercial businesses in the City.

Councilor McClain pointed out the average citizen will pay \$10 to \$15 a year and the idea was not to gouge but rather save our streets and save money.

### **Staff Reports**

*Authorization to execute an agreement with Portland State University (PSU) for a comprehensive annexation study and other associated actions.*

City Manager Milliman provided a brief staff report and introduced Dr. Kent Robinson of Portland State University, stating that funds to do the study were not budgeted but some grant funding may be available.

Dr. Robinson provided some background on PSU's program, and study's goal was to develop two scenarios for annexing the Harbor Sanitary District and another to annex Port District.

Councilor McClain said there had been problems in the past getting data from the County and asked Robinson how it would affect the study if they didn't provide the data.

Dr. Robinson said some of the data already existed in PDF format and in the GIS system. Even without additional support, he said, they had enough material to work with.

City Manager Milliman said he had a high level of confidence that PSU would produce a reliable report.

Mayor Hedenskog said this was a controversial issue, but felt the report would be as unbiased as the City could get.

Councilor Pieper said he wasn't worried about the issue being controversial with the "anti-annexation crowd" but the City had received a number of studies that were not useful. However, he believed the cost was fair for what the study would provide.

Councilor Hamilton said that, while the survey is necessary, he was concerned about spending unbudgeted funds, especially considering the kind of emergency expenditures the City has had to make in the past couple of years

Councilor McClain said if the City Manager thought this was the right group to do the study, he believed it was. He said he found the level of controversy around the idea of gathering facts to be "scary." He said \$48,000 was a lot of money, but the City could find a way to fit it in. Annexing the Urban Growth Boundary (UGB), he said, would help the City to keep people who were leaving because of the lack of medical facilities.

Councilor Pieper said having things budgeted was great, but this was not a great deal of money. He said that, as far as annexing the whole UGB was concerned, it would probably take fifty years before any such process was completed. The purpose of annexation, he said, was to benefit the citizens.

Councilor Hamilton said he had full confidence in the City Manager, but, for him, it came down to spending unbudgeted funds.

Mayor Hedenskog said the County was facing a fiscal crises and this study could help alleviate some of that.

**Councilor Pieper moved, a second followed and Council voted, 3 - 1, with Mayor Hedenskog, Councilor Pieper and Councilor McClain voting "Yes" and Councilor Hamilton voting "No," to authorize the City Manager to develop and execute an intergovernmental agreement with Portland State University for the development of an Urban Growth Area annexation study consistent with the proposal dated January 2, 2015**

**Councilor Pieper moved, a second followed and Council voted, 3 - 1, with Mayor Hedenskog, Councilor Pieper and Councilor McClain voting "Yes" and Councilor Hamilton voting "No," to authorize an expenditure of up to \$20,000 from City General Fund reserves in the current fiscal year to fund the aforementioned study.**

**Councilor Pieper moved, a second followed and Council voted, 3 - 1, with Mayor Hedenskog, Councilor Pieper and Councilor McClain voting "Yes" and Councilor Hamilton voting "No," to request participation in funding the aforementioned study in the amount of \$5,000 from the Brookings Harbor Port District with the understanding that the \$5,000 annexation fee would be waived.**

**Councilor Pieper moved, a second followed and Council voted, 3 - 1, with Mayor Hedenskog, Councilor Pieper and Councilor McClain voting "Yes" and Councilor Hamilton voting "No," to authorize the City Manager to continue to pursue \$20,000 in funding for the aforementioned study from the Oregon Department of Land Conservation and Development.**

*Authorization to enter an agreement for the installation and operation of a carousel at Azalea Park.*

City Manager Milliman gave the staff report.

Mayor Hedenskog said Halliday had begun talking about this project two years ago and commented on the public process Halliday utilized to get this project to the Council.

**Councilor McClain moved, a second followed and Council voted unanimously to enter into a land use agreement with the non-profit organization, A Carousel for Brookings, for the purpose of installing and operating a carousel and associated structures within a defined area near Kidtown [in Azalea Park].**

*Authorization to send a letter urging State Representative Krieger and State Senator Kruse to oppose language in two bills that would repeal the City's authority to establish standards for its Municipal Court and Court judge.*

City Manager Milliman presented the staff report.

Mayor Hedenskog said these changes would not work for small cities.

Councilor Hamilton said "If it ain't broke, don't fix it."

**Councilor McClain moved, a second followed and Council voted unanimously to authorize the Mayor to send a letter to State Representative Krieger and State Senator Kruse urging them to oppose legislation that would repeal the authority of the City Council to establish standards for Municipal Courts and Municipal Court judges as proposed in LC 2242 and LC 2243.**

### **Consent Calendar**

1. Approve Council minutes for December 8, 2014
2. Accept Planning Commission minutes for October 7, 2014
3. Accept Tourism Promotion Advisory minutes for November 20, 2014
4. Accept Public Art Committee minutes for October 20 & November 17, 2014
5. Accept December 2014 Vouchers in the amount of \$331,395.68
6. Receive monthly financial report for November 2014.

**Mayor Hedenskog moved, a second followed and Council voted unanimously to approve the Consent Calendar as written.**

### **Remarks from Mayor and Councilors**

Mayor Hedenskog remarked that the City provided a number of opportunities for public input, including at Council meetings, and Councilor McClain said this Mayor was very approachable and encouraged public input.

Councilor Hamilton remarked that Marybeth Bhueler had received the Girl Scout Gold Award which was equal to the rank of Eagle Scout. He said it was the first such award in Curry County and offered congratulations.

**Adjournment**

Mayor Hedenskog moved, a second followed and Council voted unanimously by voice vote to adjourn at 8:57 PM.

Respectfully submitted:

  
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Ron Hedenskog, Mayor

ATTESTED:  
this 27<sup>th</sup> day of January 2015:

  
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Joyce Heffington, City Recorder