

City of Brookings

CITY COUNCIL MEETING Minutes

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, April 13, 2015

Call to Order

Mayor Hedenskog called the meeting to order at 7:02 PM.

Roll Call

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

Staff present: City Manager Gary Milliman, Finance & Human Resources Director Janell Howard, Public Works & Development Director Loree Pryce, Building Official LauraLee Snook, Parks & Technical Services Supervisor Tony Baron, Planning Manager Donna Colby-Hanks, City Attorney Martha Rice and GIS Technician Jordan Fanning.

Others Present: Curry Coastal Pilot Report Jane Stebbins and approximately 20 others.

Ceremonies/Appointments/Announcements

Planning Manager Donna Colby-Hanks was recognized for her ten years of service.

Public Hearings/ Final Orders

Quasi-judicial public hearing in the matter of File ANX-1-14, to consider the applicant's response to the LUBA remand regarding the annexation of tax lots 1500 and 2000, located on Assessor's Map 40-13-32D, into the City of Brookings.

City Attorney Martha Rice opened the legislative public hearing in the matter of file ANX-1-14 at 7:06 PM.

Hearing no ex parte, declarations of conflict or personal interest, or objections as to jurisdiction, City Attorney Rice reviewed the guidelines and Planning Manager Colby-Hanks reviewed the staff report.

Colby-Hanks entered Exhibit B (1-4) and Exhibit C into the record.

Mayor Hedenskog stated that the important thing was for the City to provide evidence regarding its capacity to provide water to 59 additional units and restated that the public hearing was only regarding the remand item pertaining to water capacity.

Dan O'Connor presented the evidence on behalf of the applicant. O'Connor reviewed the reasons for the remand and said he had argued to LUBA that evidence of sufficient capacity had been made by inference, but LUBA said they had to demonstrate that the exact standard had been met. As to Goal 16, O'Connor said he'd argued to LUBA that there was sufficient evidence in the record. LUBA, however, said that the findings themselves did not demonstrate compliance, but since this was simply a findings defect, it was able to be cured by the evidence in the application without a public hearing. In support of the availability of sufficient water capacity for the 59 additional units, O'Connor said, completely built out, the development would generate 14,800 gallons per day and according to the Public Works memorandum, included in the record, there is more than sufficient capacity to support this use on a peak demand day.

Mayor Hedenskog asked about the boundary issue, and O'Connor said this was not the subject of the hearing.

Public Testimony:

Mark Sherwood, Native Fish Society, 320 Railroad, said the City's capacity for providing water is more than just about pumping capacity, it's also about having enough water for fish and wildlife. He said there is good reason to believe that the Chetco River is currently over-allocated, and USFS data reports that minimum in-stream flow levels were not met in 11 of the 25 years between 1970 and 1994. He cited the salt-water intrusion in the Harbor Water intake in 2014 and said that salmon are particularly affected by low water levels. There are other solutions, Sherwood said, such as building large water tanks, to provide water during low flow periods.

Councilor Pieper said the hearing was about the City's water pumping capacity and Mayor Hedenskog reiterated that river flow is not the subject of this hearing.

Yvonne Maitland, 15676 Oceanview Drive, generally stated that she took issue with the City regarding its denial to allow public comment on Goal 16 estuary resources, and asked if the City was trying to deny the public's right to speak and appeal. Regarding the availability of water, she said the water in the Chetco River was limited and the issues surrounding those limitations and the effects on fish and wildlife had not been resolved.

Maitland's written testimony was entered into the record as Exhibit D by Colby-Hanks.

Carl Page, 12580 Hwy 101, Smith River, California, generally stated that the people [who move into the development] will sue if and when it floods.

Catherine Wiley, 96370 Duley Creek Road, generally stated that the Comprehensive Plan and Brookings Facility Plan had multiple discrepancies and inadequacies; the Comprehensive Plan was apparently out of compliance; the Brookings Facility Plan had unrevealed costs that were potentially life threatening to the public, and; the Water Master Plan indicated substantive discrepancies in the Lone Ranch Master Plan of Development regarding water amount that are not indicated in other City plans. Wiley went on to site numerous issues with regards to infrastructure inadequacies, including the impact of Sudden Oak Death on the watershed, inadequate fire flows, and the lack of wastewater collection facilities to the community college.

The public hearing was closed at 7:56 PM.

Councilor McClain said he'd heard nothing to indicate the City didn't have the capacity to support the development.

Councilor Pieper said he wouldn't mind having time to look over Wiley's exhibit.

Mayor Hedenskog suggested that the matter be continued to allow Council and staff time to review the exhibits and for staff to provide a recommendation. City Manager Milliman said over 300 pages had been submitted that day, and it was reasonable to continue the matter for two weeks.

Catherine Wiley asked if the public would have an opportunity to comment at the next meeting and Mayor Hedenskog said she could have five minutes, anytime.

Councilor Pieper moved, a second followed, and Council vote unanimously to bring this matter back to [Council] at its April 27 Council meeting.

Councilor Pieper said that even though the hearing was closed, the public would have an opportunity to comment after the staff report at the next meeting and City Manager Milliman said that even though it's not a public hearing, Council's practice is to allow public comment.

Public Comments - *non-agenda items*

Tony Parrish, Brookings, requested that Council spend some money in the area adjacent to the dog park in Stout Park to improve sunlight getting through to the azaleas that are no longer thriving in that area, and also to discourage its use as a hang-out for transients and as a target for vandalism. Specifically, Parrish suggested that the Tan Oak and maple trees be removed. He also suggested adding a trail to connect the Azalea Park gardens to the Botanical Garden and the removal of some trees along the North Bank to allow the Capella to be viewed from the street.

Mayor Hedenskog said this had been a very important subject to him for some time and the City had hired an expert look at those trees and make recommendations. The City, he said, was currently working through the process.

Staff Reports

A request was made to move item 6 to item 1 under staff reports.

Mayor Hedenskog moved, a second followed and Council voted unanimously to move [the disc golf course] Item, G.6, to G.1 [the first position under staff reports].

Approval to develop a disc golf course at Azalea Park.

Supervisor Baron introduced the item and RARE employee, Austin Dunn, gave the staff report.

Mayor Hedenskog asked what would prevent someone from getting hit in the head with a disc and if the course rules and regulations would be posted. Dunn said the course was being designed to minimize that risk and that rules and regulations would be posted.

Councilor Hamilton asked how many goals there would be and Dunn said they were looking at 18. Hamilton then asked if the course would be accessible and Dunn said much of the course would be and they could investigate making all of it accessible.

Ryan LaThorpe, Brookings, expressed support for the course, stating that he had already sold \$10,000 worth of discs even without a permanent course in place. Most sales were local, he said, with some from Crescent City and out of state.

McClain asked if there was a place to rent discs, and LaThorpe said there was not, but he was looking at the possibility of selling used discs at a reduced cost.

Jeff Hatch, Brookings, speaking as a parent, resident, business owner and professional disc golfer, said the course layout generally provided good visibility and disc golfers, as opposed to ball golfers, were considerate of others, and unlike golf balls, discs were not

going long distances at great speeds. With this course, he said, the Brookings area would have five courses, 2 at champion level, and that is a big deal. Hatch said this area would also have the greatest number of courses per square miles, except for South and North Carolina, where disc golf is "huge." Reporting on the McVay Rock Open, he said of the 40 contestants, around half of them came from far enough away that they probably stayed the night, and some did due to lodging discounts they had procured. With 5 courses in the community, he said, it will bring people here who will stay and spend money. There is also a course in Crescent City and a small local course where kids can learn to play, he added.

Councilor Hamilton asked about age restrictions and Hatch said there were none. Kids of any age can play. Hatch also said there is nothing to prohibit someone in a wheel chair from playing as well.

Ian Hannum, Brookings, said he started playing disc golf 6 or 7 years ago at McVay and the community was very involved in maintaining the course. The Crescent City course, he said, is maintained in the same way. Alcohol, he said, is prohibited and has not been an issue.

Councilor McClain said he grew up in a small town where a basketball game put Prescott on the map and he would love to see the course being put on at Salmon Run become a big event. Having the course in Azalea Park is part of that, he added. McClain said he hopes kids will get involved and he is whole-heartedly in support of disc golf.

Councilor Pieper always thought it was very cool that the courses he had seen were integrated into other venues and he was in full support.

Councilor Hamilton said it was a great idea to get kids and young people off the couch and outdoors and he believed it would bring people out of town.

Councilor Hodges said he'd played in Frisbee leagues and thought it was a great idea.

Councilor McClain said they shouldn't hesitate to ask TPAC for assistance, as this is right in line with what TPAC should be doing.

Councilor Pieper moved, a second followed and Council voted unanimously to approve the development of a disc golf course at Azalea Park.

Authorization to proceed with street paving strategy for 2015-16, contingent upon passage of the fuel tax measure in May.

City Manager Milliman said these were first year priorities, if the tax measure passes in May.

Director Pryce gave the staff report.

Mayor Hedenskog asked if the City could hit the road running after July 1 when the money would start rolling in and Milliman said the City needed to show that it could achieve the \$300,000 goal first, so it may be 12 months before projects are actually begun.

Councilor McClain said residents currently pay \$36 a year in System Replacement Fund (SRF) fees. To implement this plan, he said, the City would have to double that amount, and it would happen without a vote. However, he said, if the fuel tax is

passed everyone who buys gas in Brookings would help pay. He said someone would have to drive 32,400 miles a year in a car that gets 18 miles per gallon to pay as much in fuel taxes than they currently pay in SRF fees.

Councilor Hodges moved, a second followed and Council voted unanimously to authorize staff to proceed with the proposed street paving strategy for year one contingent on gas tax initiative approval.

Approval to execute a change order for the Marine Drive Slope Repair project.

Official Snook presented the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to approve the City Manager to sign a change order to Contract 14-030, Marine Drive Slope Repair, in the amount of \$24,985.

Approval to enter into agreement with Curry County to provide plan review assistance for the Curry General Hospital project.

Director Pryce provided the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to approve the City Manager to sign an intergovernmental agreement to provide review assistance to Curry County for the Curry General Hospital project.

Approval to reduce Event Permit fees for the Saturday Farmers Market and allow signage in the landscaped strip along Frontage Road.

City Manager Milliman presented the staff report.

Councilor Hodges moved, a second followed and Council voted unanimously to reduce Event Permit fees for the Saturday Farmers Market to \$25.00 per event and allow placement of a temporary sign to be placed within the landscaped strip along Chetco Avenue and Frontage Road from July through September that meets City sign requirements.

Authorization to allocate funding as recommended by the Tourism Advisory Promotion Committee (TPAC) for the purchase of radio equipment by Curry Coastal Community Radio.

City Manager Milliman gave the staff report.

Councilor Hodges asked how much Council had waived for the tower fees and Milliman said he didn't recall the amount but it would have been a monthly fee.

Councilor McClain said he was struggling with this falling under TPAC and Mayor Hedenskog said what had convinced him was that the station was sharing their broadcasts with other stations. McClain then asked if this kind of promotion was currently going on in other communities and Mayor Hedenskog said he was sure it was happening. McClain said, using his criteria, the funds would need to bring people to the area, not impact staff time, and increase lodging, and Hedenskog said it was an out-of-the box way to get information out there.

Councilor Pieper said Council had previously voted unanimously to fund fireworks from TPAC and TPAC was to decide from which line item in their budget they would like to

allocate those funds. It went back to TPAC, he said, and they said they didn't want to fund it at all. They want money to go to the radio station and, like McClain, he was on the fence about that. He said he wanted to fund both, and either one could come out of the general fund.

Councilor Hamilton said he would like to see the fireworks funding come out of the reserve fund.

Councilor Pieper said he thought the vote to not fund fireworks probably came from hurt feelings because the VFW came straight to Council, and he could support funding both from TOT funds.

Councilor McClain said he thought it was more about TPAC not wanting to commit to \$2,000 a year for fireworks than about hurt feelings. He said he could see the radio programming fitting his three criteria, but it was about as loose as he wanted to go, and he would like to fund both as well.

Councilor Pieper said he had talked with the TPAC's members and they understood that this would become a budget item and it would be only a one-time allocation from their budget.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize the City Manager to execute an agreement with Curry Coastal Community Radio to provide \$2,500 in Transient Occupancy Tax funds for the purchase of radio station equipment, and that such funds would only be released upon receipt of documentation that the radio station had raised at least \$18,000 in funds and firm commitments for the purchase of said equipment.

Allocation of funding for VFW July Fourth Fireworks display.

City Manager Milliman gave the staff report. He said the only money TPAC had left in its budget was money initially allocated for a tent that they were now looking to use for a tourism brochure.

Councilor Pieper moved, a second followed and Council voted unanimously to allocate \$2,000 for the VFW Fourth of July Fireworks display from the TOT revenue funding allocated for the tent budget.

Consent Calendar

1. Approve Council minutes for March 23, 2015.
2. Approve Liquor License Application for Dollar General, 1300 Easy Street.
3. Authorize the City Manager to execute Contract Amendment #2, to the Coos and Curry Counties Household Hazardous Waste Management Plan, adding the City of North Bend as a member.
4. Accept Parks & Recreation Commission minutes for January 22, 2015.
5. Accept Tourism Promotion Advisory Committee minutes for February 19, 2015.
6. Accept March, 2015 Vouchers in the amount of \$200,506.55.

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

Remarks from Mayor and Councilors

Mayor Hedenskog commented on a public forum in Saturday’s edition of the Pilot that he said made a number of statements regarding the lack of concern from local government for water conservation. He said the City had formulated an excellent conservation strategy and had gone to voluntary conservation when the river dropped below 80 cubic feet per second. He said it was also stated in the forum that Harbor residents suffered due to last year’s drought. However, he said, there may have been anomalies that contributed to the saltwater issue such as the high tide. Hedenskog went on to say that the Chetco River is not affected by snowpack and his rain gauge has recorded 40 inches of rain this year and there is no drought.

Councilor Pieper commented that when Mr. Page spoke, he was reminded that people who really care about sustaining the Chetco River for future generations need to “stand up and not let fanatics like this represent your entire group.”

Councilor Hamilton commented on his concerns that some skateboarders were getting a little out of control. He said he’d witnessed a skateboard get hit by a truck after the youth had lost control. Hamilton said he’d received comments from others as well. His message, he said, was for the parents of skateboarders to talk to their kids and have them use the skateboard park or other places where they are not around pedestrians or traffic to avoid anyone getting hurt.

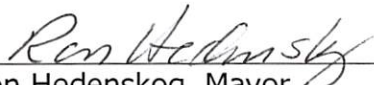
Councilor McClain said the City was using the same amount of water as it had used 20 years ago, with a higher population. That, he said, is kudos to the City, which has worked to replace leaking water mains and reduce wasted water. People in general are using less, as well, he added.

Mayor Hedenskog said that not that long ago the City had experienced a 20% leakage and Council had set a goal to get it below 15%. City Manager Milliman said the City had gotten it down to 10% which was very, very good.

Adjournment

Mayor Hedenskog moved, a second followed and Council voted unanimously by voice vote to adjourn at 9:21 PM.

Respectfully submitted:



Ron Hedenskog, Mayor

ATTESTED:
this 13th day of May 2015:



Joyce Heffington, City Recorder