

# City of Brookings

## City Council Meeting MINUTES

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415  
**Monday, August 10, 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. Councilor Hodges arrived at 7:07 PM.

Staff present: City Manager Gary Milliman, Parks & Technical Services Supervisor Tony Baron, Planning Manager Donna Colby-Hanks, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Report Jane Stebbins and approximately 9 others.

### **Public Hearings/Ordinances/Final Orders**

*Continuation of Legislative public hearing in the matter of LDC-2-15 at, approval to add provisions for amateur communication facilities to Brookings Municipal Code Title 17, Land Development Code.*

Mayor Hedenskog opened the public hearing at 7:04 PM.

Hearing no ex parte, declarations of conflict or personal interest, or objections as to jurisdiction, Mayor Hedenskog reviewed the guidelines.

**Mayor Hedenskog moved, a second followed and Council voted unanimously to reopen the public comment portion of the hearing [on LDC-2-15].**

Planning Manager Colby-Hanks gave the staff report.

### *Public Comments:*

Edward Ramsey, 17126 Pacific Heights, Brookings, stated that he is a registered electrical engineer and was a communications officer in the Navy. He provided background regarding various technical aspects of amateur radio towers and the way they work, and pointed out that the applicant at the last meeting had gotten several things wrong regarding the need for a 70 foot tower. Ramsey said the angle of incidence into the ionosphere is the determining factor and the mountains between Brookings and Grants Pass/Medford would not require a 70 foot tower in an emergency. Ramsey submitted a photo of a 50 foot tower with an array and asked if Council would want something like that in their backyard. Ramsey said a tower would of that height would likely interfere with AM radio and could interfere with cell phone communications.

Councilor Pieper asked why a 70 foot tower would be proposed and Ramsey said to reach across the Pacific Ocean.

Mayor Hedenskog asked about the power limitation and Ramsey said the limit used to be about 1,000 watts but the bigger issue was transmission interference.

Mayor Hedenskog closed the public hearing at 7:19 PM.

Councilor Pieper asked if the City was legally required to allow a 70 foot tower.

City Attorney Rice reviewed the statute regarding amateur radio towers and advised that revisions to the language were proposed to provide the City with the authority it needed to disallow a 70 foot tower, which it does not now have.

Councilor Pieper said that Dawson is a beautiful ocean front neighborhood, and in his opinion, even 50 feet was too high.

Councilor Hodges said, while he hated the government telling people what they could do on their property, he felt a 45 foot tower was high enough.

Councilor Hamilton said the ham radio operators he knew felt 45 feet was all that was needed.

Councilor McClain said as a realtor, he felt a 70 foot tower would lower nearby property values. A lot of the people that move here, he said, did so for the natural beauty and he didn't want to see 70 foot towers in the City.

Mayor Hedenskog said even the permitted 45 feet was higher than he wanted to allow. He proposed limiting towers under an outright use at 10 feet higher than the highest point on the home's roof.

City Manager Milliman said the restriction needed to meet a clearly defined health, safety or aesthetic objective and asked the City Attorney and Planning staff, if an aesthetic standard defined as protecting the ocean view shed could withstand a challenge.

Mayor Hedenskog interjected that he would like to see only allowing an antenna higher than 10 feet above the roofline with a Conditional Use Permit, and Milliman said an objective would need to be defined. For safety, Hedenskog said, a tower should also be restricted to a height that would allow it to fall completely within the property.

Councilor Pieper pointed out that a 100 foot tree can fall as easily, if not more easily, than a tower, but the City, he said, should be able to clearly define the aesthetics and he liked limiting towers to 10 feet above the roofline without a conditional use permit.

Mayor Hedenskog asked Colby-Hanks if she felt staff had enough information to clearly define health, safety and aesthetic guidelines and Colby-Hanks said she would like to work with the City Attorney to draft the guidelines

City Manager Milliman asked if Council's consensus was to set more restrictive standards than those currently proposed. Council concurred. Milliman then said it would need to go back to staff to clearly define the objectives and incorporate them into the language and asked Rice what her thoughts were on the matter.

Rice said a set of standards could be developed that would provide the Planning Commission the necessary guidelines for making exceptions relative to each individual application.

City Manager Milliman asked if 10 feet above the roofline would be the standard and if the type of pole would make a difference and Mayor Hedenskog and Councilor Pieper said "yes" to both questions. Milliman pointed out that further restrictions would also need to be defined relative to the outright use, even at 10 feet.

Mayor Hedenskog directed staff to conduct further research into what would work on a smaller scale.

Following discussion regarding a continuation date, it was determined that City Attorney Rice would inform Council at the continued hearing if the matter needed to go back to the Planning Commission before being considered by Council.

**Mayor Hedenskog moved, a second followed and Council voted unanimously to continue the hearing on LDC-2-15 to the September 14, 2015 [City Council Meeting].**

*Quasi-judicial public hearing in the matter of ANX-1-15, request to annex approximately 0.26 acres of land into the City of Brookings.*

Mayor Hedenskog opened the quasi-judicial public hearing at 7:44 PM.

Under exparte Councilor Pieper said he had a passing familiarity with the property as he drove by it on the way to and from his home. Hearing no other exparte, declarations of conflict or personal interest, or objections as to jurisdiction, City Attorney Rice reviewed the guidelines and Planning Manager Colby-Hanks provided the staff report.

There were no questions and the hearing was closed at 8:58 PM.

**Councilor Pieper moved, a second followed and Council voted unanimously to approve the application for ANX-1-15 based on the findings and conclusions, staff report analysis, and oral and written evidence presented at the hearing, approve the final order and move to the adopting ordinance.**

*Ordinance amending the City's limits and zoning map by annexing approximately 0.26 acres.*

**Councilor Pieper moved, a second followed and Council voted unanimously to do a first reading of Ordinance 15-O-744.**

Mayor Hedenskog read the title.

**Councilor Pieper moved, a second followed and Council voted unanimously to do a second reading of Ordinance 15-O-744.**

Mayor Hedenskog read the title.

**Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 15-O-744 [amending the City's limits and zoning map by annexing approximately 0.26 acres].**

#### **Staff Report**

*Authorization to execute agreement with Coos Curry Electric Cooperative for a utility easement into Azalea Park off Lundeen Lane for electrical service to future facilities.*

Supervisor Baron provided the staff report.

Councilor Hamilton asked if there would be power and lights and Baron said this would provide power but lights would come later, in the next phase of the project.

**Councilor McClain moved, a second followed and Council voted unanimously to authorize the City Manager to execute an agreement with Coos Curry Electric for a utility easement into Azalea Park off Lundeen Lane for electrical service to future facilities.**

Accept Davis Wright Tremaine, LLP voucher in the amount of \$5,964.00 for July 2015.

City Manager Milliman provided the staff report.

**Councilor Pieper moved, a second followed and Council voted, with Councilor Hodges abstaining, to accept the voucher for Davis Wright Tremaine, LLP in the amount of \$5,964.00 [for July 2015].**

**Consent Calendar**

1. Approve Council minutes for July 27, 2015.
2. Accept Parks & Recreation Commission minutes for May 28, 2015.
3. Accept Tourism Promotion Advisory minutes for June 18, 2015.
4. Accept July 2015 Vouchers in the amount of \$462,763.68.

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 Pirate Festival packed the Port.

Councilor McClain remarked that everyone should read the City Manager's article in the recent Pilot edition about the Curry Health Network annexation. He said this is a big deal and he wanted to be sure it was understood that Brookings and Harbor were teaming up to join the health network.

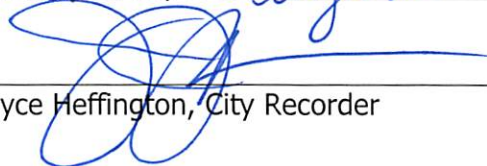
**Adjournment**

Mayor Hedenskog moved and Council voted unanimously by voice vote to adjourn at 8:12 PM.

Respectfully submitted:

  
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Ron Hedenskog, Mayor

ATTESTED:  
this 26<sup>th</sup> day of August 2015:

  
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Joyce Heffington, City Recorder