

City of Brookings City Council Meeting MINUTES

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, December 14, 2015

The City Council met in Executive Session at 6:00 PM in the City Manager's office, under the 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)(f), "to consider information or records that are exempt by law," 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)(i) "to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing."

Call to Order

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

Roll Call

Council present: Mayor Ron Hedenskog, Councilors Jake Pieper, Brent Hodges and Bill Hamilton; a quorum present. Also present was Ex Officio Nastassia Carrasco.

Staff present: City Manager Gary Milliman, Finance & Human Resources Director Janell Howard, Public Works & Development Director LauraLee Snook, City Attorney Martha Rice and City Recorder Joyce Heffington. Planning Manager Donna Colby-Hanks and Public Works Supervisor Richard Christensen were in the audience.

Others Present: Curry Coastal Pilot Report Jane Stebbins and approximately 13 others.

Ceremonies/Appointments/Announcements

Mayor Hedenskog moved, a second followed and Council voted unanimously to accept Kelly McClain's resignation from Council Position #4 and declared the position vacant.

Public Comments on non-agenda items.

Carolyn Milliman provided an update on her cancer treatment and thanked everyone for their prayers, hopes and kind words.

Staff Reports

Discussion regarding a complaint received from Tiffany Berg relating to construction activity during the Marine Drive Slope Repair project.

Director Snook gave the staff report.

Complainants, Tiffany Berg and Robert Berg, described the substance of their complaint which included limited access to their property for four days during the project, lack of notification about the limited access, receiving an invoice for an additional \$500 over the \$1,200 invoice they'd already received, and the limited driveway access created by the angle of the road after the project was completed.

Mayor Hedenskog said he was not surprised that there were inconveniences during the project, but, other than parking their boat, the Bergs were never really blocked from

accessing their property. The additional billing, he said, was due to required changes based upon an engineering analysis.

Councilor Hodges said Marine Drive had needed repairs for some time; without the repairs, the Bergs would likely have had major problems. He said sharing the plans with homeowners and getting their input was not typical practice and the City had to follow the engineer's recommendations.

Mr. Berg asked if they'd still be able to do the work they'd originally planned to do themselves, and Mayor Hedenskog said that work would require a permit.

The Bergs said the project made no sense as it was, and made it difficult to get their boat in and out of their driveway.

Considerable discussion followed regarding the completed project and the project proposed by the Bergs.

In particular Snook said the project Ms. Berg had originally described would be "moving a few shovels of dirt." However, she said, the project now being proposed sounded much larger than in scope. Snook further pointed out that the Bergs had agreed to pay \$1,500 towards the work done. She said the initial bill was for \$1,200; the other \$500 was billed for the additional work required by the engineer.

Mayor Hedenskog pointed out that the Bergs would have paid far more to do the work themselves, and Mr. Berg said if they'd known about the issues beforehand, they would not have asked for the expansion.

Councilor Hodges asked Snook if there was adequate access to the property and Snook said the driveway portion of the project was exactly as she'd described it to the Bergs. She said there had been no other way to complete the project and added that she'd made it clear to the Bergs that \$1,500 was an estimate.

Councilor Hodges proposed lowering the Berg's bill to \$1,200 and leaving it up to them to come up with a plan that staff could agree on to fix the issue.

Snook said staff would accept a permit application and Milliman added that the City couldn't agree to a plan without first reviewing the proposed project.

Councilor Hodges moved, a second followed and Council voted unanimously, with Ex Officio Carrasco abstaining from casting an advisory vote, to reduce the total bill to \$1,200, as it sits now on Marine Drive, for the project costs of widening their driveway.

Discussion regarding the complaint lodged against Planning Commissioner Ray "Skip" Hunter by Catherine Wiley.

Mayor Hedenskog provided some background regarding the event that precipitated Hunter's comments, and said he felt Hunter's criticisms were tastefully made. He said the hospital issue had nothing to do with the Planning Commission and Hunter had not been speaking as a Planning Commissioner. He said he was not willing to remove Hunter from the Commission.

Councilors Pieper said this had nothing to do with the City as Hunter wasn't speaking on behalf of the Planning Commission. He said he was not inclined to entertain Wiley's request.

Councilor Hamilton said he agreed with Pieper and did not feel it warranted a dismissal.

Councilor Hodges said he respected Wiley as being well prepared and well spoken. He did not, however, feel this was a personal attack and did not feel it warranted removing anyone from the Planning Commission.

Catherine Wiley, Duley Creek Road, Brookings, said the issue was not Hunter's position as a Planning Commissioner, but rather Hunter's participation as a member of the Citizen Involvement Committee, which is mandated by the state. That committee's intent and purpose, she said, was to encourage and support diverse opinions and a citizen's ability to address issues. She said her presentation had been based upon components of federal and state law. She added that if it had been anyone else, she would not have brought this complaint forward. However, she said, Hunter is charged, as a public official, to encourage citizen involvement in the community and she felt his comments were a direct affront to that purpose.

Mayor Hedenskog said the Citizen Involvement Committee only dealt with issues specific to land use planning and Hunter had the right to his opinion under free speech.

Direction to staff regarding City Attorney's recommendations for the proposed amateur radio facility ordinance.

City Attorney Rice provided the report.

Mayor Hedenskog said he agreed with Rice's recommendations and evaluation of the issues.

Councilor Hamilton asked Rice if the City would be liable if an antenna flew off and went through a neighbor's window and Rice said it would not. Hamilton then asked if this meant the City could not restrict the antenna height and Rice said the proposed ordinance would require a permit for anything over one and one-half times (1-1/2) the underlying zone.

Councilor Hodges asked about the needs analysis and Rice said the requirements were not intended to be super technical, but it would fall to the applicant to prove, in some fashion, the need to have an antenna higher than that allowed by the underlying zone.

Councilor Hodges moved, a second followed and Council voted unanimously, with Ex Officio abstaining from casting an advisory vote, to revise the proposed amateur radio tower ordinance consistent with the recommendations in the letter provided by City Attorney Martha Rice dated December 8, 2015, and further, to direct staff to schedule a public hearing before the City Council on the revised ordinance.

Discussion and direction to staff regarding hydrant meter operating procedures and proposed changes to Brookings Municipal Code (BMC) Section 13.05.060.

Director Snook presented the staff report.

Councilor Hodges said this seemed to be fairly standard in most cities and Councilor Hamilton said he thought it was a good idea.

Councilor Pieper moved, a second followed and Council voted unanimously, with Ex Officio abstaining from casting an advisory vote to direct staff to prepare an ordinance to implement changes to BMC 13.05.060, Description of Services [regarding hydrant meters].

Authorization to execute an agreement with Stagelights Musical Arts Community to provide Transient Occupancy Tax (TOT) funds for the 2016 Wild Rivers Music Festival.

City Manager Milliman gave the staff report.

Mayor Hedenskog said he thought the loan portion of the funding was unusual and Councilor Hamilton said his concern was how the money would be re-paid if the event were called off due to the weather.

Mayor Hedenskog moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to authorize the City Manager to enter into an agreement with Stagelights Musical Arts Community to provide \$4,000 in Transient Occupancy Tax revenue for the 2016 Wild River Music Festival, with \$2,000 of the funding being a grant and \$2,000 being an advance to be repaid to the City if sufficient funds are available and that Stagelights will be required to submit a financial report after the event disclosing to the City their profits, or [lack of] profits.

Authorization to execute an agreement with Curry County Cruisers to provide TOT funds for the 22nd Azalea Festival Car Show.

City Manager Milliman provided the staff report.

Councilor Hamilton said it was a good idea; the Cruisers were a very generous organization and Mayor Hedenskog said the Cruisers events were well organized.

Councilor Pieper moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to approve a grant of \$450 from Transient Occupancy Tax funds to the Curry County Cruisers to pay for advertising in connection with the 22nd Annual Azalea Festival Car Show.

Authorization to execute an agreement with Oregon Coast Magazine to expend TOT funds for advertising in the publication's March/April Mile-by-Mile Guide.

City Manager Milliman delivered the staff report.

Councilor Hodges said he thought this was a good idea and he personally used the guide when he traveled up and down the coast.

Councilor Pieper said he might have done something different if he was sitting on the committee, but this was why they had the committee, and unless there was something way out of line he was going to approve the committee's decision.

Councilor Hamilton said he did not know that this was the best advertising they could do with the funds; he would prefer other methods, such as the internet.

Councilor Pieper then asked if this fit in the budget. Milliman said this was the Committee's first print ad and this amount fit within the budget parameters, as approved. Mayor Hedenskog pointed out that previously almost the entire TOT budget had been spent on print advertising. Hedenskog also said that he agreed with Pieper; unless there was a significant issue, he didn't want to micromanage the Committee. Hamilton agreed.

Councilor Pieper moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to authorize City Manager to execute Advertising Agreement #4068 with Oregon Coast Magazine and authorize expenditure of \$1,121.58 in Transient Occupancy Tax revenue for advertising in the Mile-by-Mile Guide/March/April issue of Oregon Coast Magazine.

Acceptance of the City's Financial Audit for fiscal year ended June 30, 2015.

Milliman said it was an outstanding, clean report, with no comments or qualifications. He said the finance staff, and the entire City staff, had done an outstanding job in their financial management and record keeping as they had done for several years.

Director Howard gave the staff report.

Mayor Hedenskog moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to accept the City's audit for the fiscal year ended June 30, 2015.

Consent Calendar

1. Approve Council meeting minutes for November 9, 2015.
2. Approve Special Council meeting minutes for November 23, 2015.
3. Approve Liquor License Application for Sushi & Noodle House, Inc., 777 Cottage Street.
4. Accept Tourism Promotion Advisory Committee minutes for July 16 and August 20, 2015.
5. Accept November 2015 Vouchers in the amount of \$234,408.70.
6. Receive monthly financial report for October 2015.

Mayor Hedenskog moved, a second followed and Council voted unanimously, with an advisory "Yes" vote from Ex Officio Carrasco, to approve the Consent Calendar as written.

Remarks from Mayor and Councilors

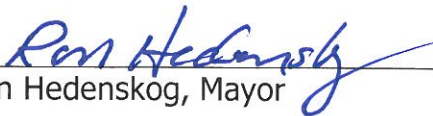
Mayor Hedenskog said he had attended Elmo Williams' memorial service and was touched by many things said by Milliman at the service. Councilor Hamilton said he had met Williams twice and always felt a thrill at seeing Williams' name on the credits of some of his favorite movies.

Adjournment

Mayor Hedenskog moved, a second followed and Council voted unanimously by voice vote to adjourn at 8:50 PM.

A meeting of the Urban Renewal Agency immediately followed.

Respectfully submitted:



Ron Hedenskog, Mayor

ATTESTED:
this 13th day of January 2016:



Joyce Heffington, City Recorder