

City of Brookings

CITY COUNCIL MEETING Minutes

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

Monday, July 28, 2014

The City Council met in Executive Session at 6:00 PM in the City Manager's office under authority of ORS 192.660 (2)(e), "to conduct deliberations with persons designated by the governing body to negotiate real property transactions," ORS 192.660(2)(f), "to consider information or records that are exempt by law," and 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, Kelly McClain and Bill Hamilton; a quorum present. Councilor Brent Hodges was absent.

Staff present: City Manager Gary Milliman, Building Official LauraLee Snook, Planning Manager Donna Colby-Hanks, Public Works & Development Director Loree Pryce, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: No media and approximately 5 others.

Ceremonies/Appointments/Announcements

Mayor Hedenskog and City Manager Milliman recognized Building Official LauraLee Snook for her 15 years of service.

Public Hearings/Ordinances

Public Hearing on File CP-1-14, approval of the April 2014 Water Master Plan Update and revisions to the Comprehensive Plan and Public Facilities Plan.

Mayor Hedenskog opened the legislative public hearing in the matter of file CP-1-14 at 7:05 PM.

Hearing no ex parte, declarations of conflict or personal interest, and no objections as to jurisdiction, Mayor Hedenskog reviewed the guidelines and Director Pryce gave the staff report.

The hearing was closed at 7:12 PM.

Councilor Hamilton moved, a second followed and Council voted unanimously to approve the 2014 Water Master Plan Update and revisions to the Public Facilities Plan and Goal 11 of the Comprehensive Plan.

Ordinance 14-O-734, revising the City's Comprehensive and Public Facilities Plans.

Councilor Pieper moved, a second followed and Council voted unanimously to do a first reading of Ordinance 14-O-734.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to do a second reading of Ordinance 14-O-734.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 14-O-734 [revising the Comprehensive Plan and Public Facilities Plan].

Ordinance 14-O-733, revising Building Chapters 15.05 and 15.10 in the Brookings Municipal Code.

Building Official Snook provided the staff report.

Councilor Hamilton moved, a second followed and Council voted unanimously to do a first reading of Ordinance 14-O-733, [to include] deleting the words "Other than as provided in this subsection, the appeal fee is not refundable. The city manager may make a determination on the motion of the appellant that the," from Subsection 15.05.040(F).

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to do a second reading of Ordinance 14-O-733.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 14-O-733, [revising BMC Chapters 15.05 and 15.10].

Ordinance 14-O-736, amending Brookings Municipal Code Chapter 8.15, Nuisances.

Building Official Snook provided the staff report.

Public Comment: Elena Scott, Brookings, said she'd like to see something more added to this section of the Code and wanted to know why birds were the only animals restricted by number. She said it seemed like discrimination against birds. She said they were diligently working to resolve the issue and wanted to know if the City would change the law to allow them to keep more than the currently allowed 10 birds. She shared a letter from a neighbor and said she wanted birds to be treated the same as others animals. She said they were having to move to find a more appropriate place for the birds, but were having a hard time selling their property.

Councilor McClain asked about the limit on poultry and Snook said the restriction on fowl is spelled out in Title 17 of the Land Development Code. Councilor McClain then asked if there were any known situations where there were more than ten of any animal and Snook said it seemed like there was another address with more than ten chickens and roosters, but it was rare to have anyone with more than 10 animals in the City.

Elena Scott asked why they chose to limit birds and no other animals.

Councilor McClain said that it might have been because one could conceivably have more birds in a given space than another kind of animal, and they didn't want a chicken farm in the City.

Elena Scott said it was confusing and it would be good to have a reason for the number applying only to fowl.

Councilor Pieper said he was there when the ordinance was changed, and the number was arbitrary, but Council had to compromise and pass a law at some point to keep chicken farms out of the City and appease the people objecting to and supporting chickens being kept inside City limits.

Elena Scott said they'd made their decision to leave Brookings, but wanted the law to be clear for anyone else who may have the same issue.

Mayor Hedenskog said a number had to be picked and while it may not seem fair, it was deemed a reasonable number.

Public Comment: Clarence Scott, Brookings, said they help people by giving eggs to the food bank and churches and neighbors. He said he has lived in Brookings since 1989 and people here are overtaxed and overregulated.

Councilor Pieper moved, a second followed and Council voted unanimously to do a first reading of Ordinance 14-O-736.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to do a second reading of Ordinance 14-O-736.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 14-O-736 [amending BMC Chapter 8.15].

Ordinance 14-O-735, adding City litter regulations to the Brookings Municipal Code.

City Manager Milliman gave the staff report.

Public Comment: Elaine Scott, Brookings, said she was against the revisions and wanted to know why the City had to have so many regulations and why they were taking away the right to appeal. People, she said, need to have the right to appeal. She said this is controversial because what constitutes garbage is a matter of opinion.

City Manager Milliman said the regulation was a response to complaints to the City about trash being scattered on public property. The long abatement period, he said, is objectionable to many people and this provision would allow the City to cite the potential violator into court where the judge will be able to listen to everyone's viewpoint and determine if it is a nuisance that needs to be abated.

Elaine Scott said there is a jungle around them and the high school doesn't take care of their property.

Councilor McClain said the code change will provide more teeth to protect people who shouldn't have to wait 90 days to have a horrible situation that is being caused by a neighbor abated.

Elaine Scott said their property is next to the school property and it's been a jungle around them for years and nothing happens. She said they cut the grass around them because it is a fire hazard and no one gives them credit for what they do.

Public Comment: Clarence Scott said he agreed with his wife, "What's good for the goose is not good for the gander," he said, regarding the discrimination that they see in the City. If he and his wife are expected to keep everything status quo, why don't those on adjacent properties have to do the same thing? He said they were being forced to consult an attorney to deal with the City's discrimination.

Mayor Hedenskog said the same ordinance that applies to the Scott's property applies to all properties in the City. The City, does not, however, have the resources to proactively deal with violations. However, violations that are reported to the City are looked into by the City.

Clarence Scott said he wanted to know who complained about him. He said he and his wife had a right to know their accusers. He said he'd notified the City that he was disabled last year and didn't have the capability to do the things he needed to do on their property.

Mayor Hedenskog offered to meet the Scotts at their house and take a look at their problem; the Scotts accepted his offer.

Councilor Hamilton said he agreed with the ordinance; his only concern was how it will be enforced.

City Manager Milliman said violators would be identified through independent observation or by securing mail that has been deposited in the trash.

Councilor Pieper moved, a second followed and Council voted unanimously to do a first reading of Ordinance 14-O-735.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to do a second reading of Ordinance 14-O-735.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 14-O-735, [adding Chapter 8.15].

Staff Reports

Authorization to execute contract with GRI for construction management services for the Wastewater Treatment Plan slide repair.

Director Pryce gave the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize the City Manager to execute a professional services contract with GRI to provide construction management services for the Wastewater Treatment Plan slide repair in an amount not to exceed \$56,000, replacing the current contract with the Galli Group.

Authorization to execute contract with GRI for design and construction management services for Marine Drive and North Bank Chetco Road slide repairs and reassign street system replacement capital improvement funds for slide repair design services.

Director Pryce provided the staff report.

Councilor McClain asked how they had determined a project cost with no design work and Pryce said GRI was same group that had done a soil nail project last year and so were able to roughly determine cost based on that work.

Mayor Hedenskog asked about funding and Pryce said it would come out of this year's budget, and Hassett Street might have to move the next year.

Councilor Hamilton asked if one location was a higher priority than the other and Pryce said Marine Drive involved infrastructure, but it was also possible that the road could be threatened this coming winter. She said the City would also save some money by doing both projects at the same time.

Councilor McClain asked if the North Bank slide impacted any City homes and City Manager Milliman said it did not. McClain said the County road fund should help pay for repairs to the North Bank road. While it may be inside the City's limits, he said, it entirely services County residents and South Coast Lumber and if there was ever a reason to move ahead with a gas tax, which will save people money, this is it.

Mayor Hedenskog said the road was used by residents too.

Milliman said he would need to have a closer look at the cost before having a conversation with the County about their participation in funding the repairs.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize the City Manager to execute a professional services contract with GRI to provide design and construction management services for the Marine Drive and North Bank Road slide repairs in an amount not to exceed \$61,890 and reassign street system replacement funds for the design of the slide repairs.

Approval of the Tourism Promotion Advisory Committee's recommendation to allocate Transient Occupancy Tax funds for the October Coastal Cooking Experience Event.

City Manager Milliman presented the staff report.

Councilor Hamilton said he was concerned that the \$1,000 was not to be allocated for advertising. He said he had higher expectations for the use of the money.

Councilor McClain said the project cost was reasonable and the project met his three criteria. Councilor Pieper said this was what he was looking for in an event and Mayor Hedenskog pointed out that the Kite Festival had started out small.

Councilor Pieper moved, a second followed and Council voted unanimously to allocate \$1,000 in Transient Occupancy Tax funding to Anne Bouley to assist in funding the Coastal Cooking Experience event on October 4, 2014, as recommended by the Tourism Promotion Advisory Committee.

Authorization to execute the Parking Lot Lease Agreement with Curry Health Network.

Councilor Pieper said the lot primarily served movie goers and they could deal with any issues that might arise if and when they occurred.

Councilor Hamilton said some cars parking in that lot were owned by nearby owners.

Mayor Hedenskog said he wasn't concerned about a conflict and thought it was a good solution for the cost.

Councilor McClain moved, a second followed and Council voted unanimously to authorize the Mayor to execute the Parking Lot Lease Agreement with Curry Health Network.

Direction regarding the relocation of the Bruin Bear.

City Manager Milliman gave the staff report.

Councilor McClain said he'd like to see the bear relocated near Fern near the Edward Jones building, and Councilor Hamilton said that location could still create a problem.

Councilor McClain said he personally did not like the current location which was the subject of the most complaints he'd received as a Councilor about anything. He said a bear had been located at Fern in the past.

Public Comment: Carolyn Milliman, Brookings, said the owner of Goldilocks was thrilled to have it where it currently is located, which, she said, is the best place it could be.

Councilor Pieper said the current location was great when the Samarai bear and Orca were there; a lot of people stopped to look at them and have their picture taken and there was plenty of room for parking. He said his issue would be with locking the location in one place; it should be moved frequently to keep it from stagnating.

Mayor Hedenskog said he liked the idea of putting it outside the Edward Jones building or Bankus Park and that moving it around had always been his goal.

Councilor Hamilton asked about how long it takes to move the bear and Milliman said the bear is anchored to a concrete pad that had to be poured around the posts.

Councilor McClain moved, a second followed and Council voted unanimously to direct staff to move the bear just outside Edward Jones building with the grassy area along Frontage as the second option.

Consent Calendar

1. Approve Council minutes for July 14, 2014.
2. Accept Tourism Promotion Advisory Committee minutes for May 29 & June 19, 2014.
3. Receive June 2014 monthly financial report.

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

Remarks from Mayor and Councilors

Adjournment

Mayor Hedenskog moved, a second followed and Council voted unanimously by voice vote to adjourn at 9:36 PM.

Respectfully submitted:



Ron Hedenskog, Mayor

ATTESTED:
this 13th day of August 2014:



Joyce Heffington, City Recorder