

City of Brookings

City Council Meeting MINUTES

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, October 13, 2014, 7:00pm

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, Brent Hodges and Bill Hamilton; a quorum present.

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

Others Present: Curry Coastal Pilot Report Jane Stebbins and approximately 17 others, including three staff members.

Ceremonies/Appointments/Announcements

Mayor Hedenskog proclaimed October 23 through October 31 as Red Ribbon Week and October as Bullying Prevention Month.

City Manager Gary Milliman was presented with a plaque commemorating the renaming of the Emergency Operating Center as "The Gary Milliman Emergency Operating Center."

Oral Requests and Communications from the audience - Public Comments on non-agenda items – 5 minute limit per person.*

Bernie Lindley, Vicar. St. Timothy's Church, addressed Council regarding a recent incident with a homeless person and said the system is broken and the problem of housing and caring for the homeless belongs to everyone. He said he hoped the City could find a solution.

Ira Tozer, Brookings, addressed Council regarding the homeless issue and suggested that the City might provide igloo type shelters in a secluded place, or at the least lockers and padlocks so the homeless have some place to leave their belongings so they don't get stolen.

Staff Reports

Approval of language regarding unsightly conditions to be added to the nuisance chapter in the Brookings Municipal Code.

Building Official Snook provided the staff report.

Councilor Hodges said he didn't enjoy putting stipulations on other people's property but there were some situations where it was probably warranted.

Councilor McClain said the City had made a number of downtown improvements and an ordinance that allows the City to work with such properties was needed.

Councilor Pieper said Council would see how flawed this regulation is when the first few cases come through.

Councilor Hamilton said it was a good idea and would help keep the City looking good.

Mayor Hedenskog moved, a second followed and Council voted, 4-1, to approve the proposed language to create a new [Section] 8.15.045, [Chapter] 8.15, Nuisances, [adding unsightly conditions to the] Brookings Municipal Code, with "Yes" votes from Mayor Hedenskog and Councilors McClain, Hamilton and Hodges and a "No" vote from Council Pieper.

Award of bid for the Downtown Improvement Project Phase 3.

Building Official Snook presented the staff report and City Manager Milliman pointed out that Snook had taken on Public Works project management and was doing a great job.

Councilor McClain moved, a second followed and Council voted unanimously to award the bid in the amount of \$177,791.60 for the Downtown Improvement Project Phase 3, to Freeman Rock, Inc., as the lowest responsible bidder.

Authorization to funds the McVay Rock Open disc golf tournament as recommended by the Tourism Promotion Advisory Committee (TPAC).

City Manager Milliman gave the staff report and said that several visitors had asked where they could play Disc Golf at the City Hall Visitor Window.

Councilor McClain said this was the kind of event he was looking to fund.

Councilor Hamilton said he hoped it would turn out well, but he was concerned about the timing.

Councilor Hodges said any new event is good, but the funding seemed like "a big chunk of change," to him.

Councilor Hodges moved, a second followed and Council voted unanimously to allocate \$3,500 in Transient Occupancy Tax funds for the McVay Rock Open disc golf tournament as recommended by the Tourism Promotion Advisory Committee and authorize the City manager to execute an agreement with the event organizers.

Authorization to expend Transient Occupancy Tax funds for the Central Building Centennial event as recommended by the Tourism Promotion Advisory Committee.

City Manager Milliman provided the staff report and added that the event organizers thought the "walking tour" brochures the funding would provide could be used year-round.

Carolyn Milliman, the event Chair, said they were already working on the event.

Councilor Hamilton said he thought \$2,000 was low for this event; funding should be at least \$3,000 as it's an important event for the City.

Councilor McClain said he didn't want to second guess TPAC's numbers and felt they had a reason for the amount they had recommended.

Councilor Pieper moved, a second followed and Council voted unanimously to allocate \$2,500 in Transient Occupancy Tax funds for the Central Building Centennial event as recommended by the Tourism Promotion Advisory Committee and authorize the Mayor to execute related agreement with event organizers.

Authorization to pay Curry County for roadway and utility easements in connection with the Brookings Airport Infrastructure Project Easements.

City Manager Milliman presented the staff report, which was quite lengthy. Following is a brief summary of the report:

The project goal is to facilitate job creation and light industrial uses on the County-owned airport property with the secondary goal of improving disaster preparedness. The total estimated project cost is \$2,936,850 of which the Economic Development Agency (EDA) is paying \$1,762,110 and the Recipient's share (the City and County are co-applicants and co-recipients of the grant) is \$1,174,740, of which the City is paying the full amount.

The County has no financial obligation for the project.

The project had been progressing according to schedule until June, 2014, when, in response to the City's request that it provide necessary easements at no cost, the County informed the City that they would have to pay for any easement on airport property as the FAA had advised them that they needed to be compensated for the easements at full market value and the easements needed to receive FAA approval.

City staff and legal counsel reviewed the pertinent FAA regulations and, based upon their review, requested that the County seek a waiver from FAA. The County declined to submit a waiver, but said it would be open to the idea of receiving in-kind services, such as sewer and water connections, in lieu of payment. The City declined to provide in-kind services, citing the need to closely monitor and track actual costs for reporting and audit purposes.

During this same time period, the County asked for a site visit so they could "visualize" the project. The visit required advance staking, the cost of which was \$23,800. The EDA approved a 60% payment of this cost; the City would pay the remaining 40% and the full cost (\$9,600) of the appraisals.

The County approved a new easement location on September 17 and on September 24 City staff submitted it to the FAA for approval.

Also in September, Commissioner Itzen, without noticing the City, contacted South Coast Lumber to request that they log a tract of County property as a "good faith contribution" to the project in return for ingress/egress access across airport property. South Coast Lumber had requested the easement as a "quid pro quo" for providing the reservoir site and ingress/egress access to the project.

It is staff's position that it is inappropriate for South Coast Lumber to provide any form of payment for the easement when they have already provided, at no cost, easements on their property for the road, water pipeline and tank site. Moreover, it is inconsistent with the City's understanding with South Coast Lumber and the County that, if the

County insisted on being paid for the easement, the City would pay the County on South Coast's behalf.

The resulting five month delay in securing easement approvals from the County, as well as the additional design work that will be required by the realignment, resulted in the City requesting the EDA to extend construction bidding to early spring of 2015.

Mayor Hedenskog said he never saw this coming and found it quite disconcerting. He then asked Commissioner Susan Brown if she'd like to make any comment.

Brown said she was frustrated as well; there should have been a way to get this done sooner. She said the information she receives from the other commissioners is very spotty.

Councilor Hodges said he found it frustrating that the County seems to forget that City residents also pay County taxes.

Brown said they needed to do a better job of working together on something like this.

Councilor McClain gave Brown "props" for showing up at the meeting and said that the project was a benefit to entire county. He said the City had 25% of the County's residents who were paying the full cost [of the Recipient's portion] of the project. He said he considered it extortion by the County to require that they pay for the easements, but someone needed to act like an adult.

Councilor Hamilton said the project had great potential to provide additional revenue for the City and County.

Milliman said, for the record, that the potential for this \$2.9 million project in new development is very good and that a new business had been in contact with the Building Official with the potential to hire up to 20 employees.

Mayor Hedenskog moved, a second followed and Council voted unanimously to authorize payment of \$22,300 to Curry County as compensation for City utility and roadway easements, and \$10,550 to Curry County as compensation for a roadway easement on behalf of the South Coast Lumber Company in connection with the Brookings Airport Infrastructure Project.

Resolutions

Resolution 14-R-1046, approving a Change of Control from Charter Communications, Inc. to Comcast Communications for the Cable Television Franchise Agreement.

City Manager Milliman gave the staff report and pointed out that the latest revision to the resolution, which was provided to the Council and the public on Friday, incorporated all of the changes requested by Charter, except one...a change that would provide that Charter was in full compliance. Milliman said that they are not in compliance, as they never provided all of the PEG channels specified in the franchise agreement. He said that, after five years if negotiations, Charter wanted a nice clean change over and if they Council did not approve the Resolution, the change automatically go through. Milliman said he recommended that Council adopt the resolution.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 18-R-1046, approving a Change of Control from Charter

Communications, Inc. (dba Falcon Telecable) to Comcast Communications for the Cable Television Franchise Agreement.

Consent Calendar

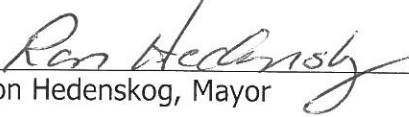
1. Approve City Council minutes for September 22, 2014.
2. Authorize the City Manager to execute the amended Intergovernmental Agreement for Implementation of Coos and Curry Counties Household Hazardous Waste Management Plan, adding the City of Lakeside as a member.
3. Authorize the City Manager to execute Flexible Service Maintenance Agreement, #30283, with the Oregon Department of Transportation.
4. Approve Liquor License Application for the Railroad Street Market.
5. Approve Liquor License Application for the Backstreet Bar, 777 Cottage Street.
6. Accept Parks & Recreation Commission minutes for July 7, 2014.
7. Accept Tourism Promotion Advisory Commission minutes for August 21, 2014.
8. Accept Public Art Committee minutes for August 18, 2014.
9. Accept September 2014 Vouchers in the amount of \$819,961.27.

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

Adjournment

Councilor Pieper moved, a second followed and Council voted unanimously by voice vote to adjourn at 9:02 PM.

Respectfully submitted:



Ron Hedenskog, Mayor

ATTESTED
this 18th day of October 2014:



Joyce Heffington, City Recorder