

City of Brookings City Council Meeting Minutes

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, December 9, 2013

Council met in Executive Session at 6:30 PM, in the City Manager's office, under 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."

Call to Order

Mayor Hedenskog called the meeting to order at 7:04 PM.

Roll Call

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

Staff Present: City Manager Gary Milliman, Finance & Human Resources Director Janell Howard, Public Works & Development Director Loree Pryce, City Attorney Martha Rice, Planning Manager Donna Colby-Hanks and City Recorder Joyce Heffington.

Others Present: No media; approximately 8 others.

Ceremonies/Appointments/Announcements

Mayor Hedenskog moved, a second followed and Council voted unanimously to appoint Jacquie Farr to the Public Art Committee.

Mayor Hedenskog recognized Sergeant Kelby McClain and Officer Curtiss Lunsford for ten years of dedicated service to the City and Officer Kyle Kennedy, Detective Tyler McCourt and Treatment Supervisor Ray Page for five years of dedicated service.

Public Hearings/Ordinances/Resolutions/Final Orders

Public Hearing and Ordinance 13-O-719 regarding the vacation of a planting screen dedicated in the Woodland Park Addition.

The public hearing was opened at 7:15 PM and Manager Colby-Hanks gave the staff report and reported that no written objection or remonstrance was received.

Larry Carpenter, applicant, commented that he would like to get the proper set-back on his property which the vacation would provide.

The hearing was closed at 7:19 PM.

Councilor Pieper moved, a second followed and Council voted unanimously to approve the vacation under File VAC-1-13 and proceed to the adopting Ordinance.

Councilor Pieper moved, a second followed and Council voted unanimously to do a first reading of Ordinance 13-O-719 by title only.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to do a second reading of Ordinance 13-O-719 by title only.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 13-O-719, [vacating the "planting screen" in the Woodland Park Addition].

Ordinance 13-O-720, amending Exhibit "A" of Ordinance 13-O-712, to correct metes and bounds descriptions.

Manager Colby-Hanks provided the staff report.

Mayor Hedenskog said the annexation of the property was done, but a lot was omitted and this fixes that issue, and asked Colby-Hanks if this was correct; she said it was.

Councilor Pieper moved, a second followed and Council voted unanimously to do a first reading of Ordinance 13-O-720 by title only.

Mayor Hedenskog read the title.

Councilor Hodges moved, a second followed and Council voted unanimously to do a second reading of Ordinance 13-O-720 by title only.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 13-O-720, [amending Ordinance 13-O-712, to correct metes and bounds descriptions].

Oral Requests and Communications from the audience

Carolyn Milliman, Brookings, wished everyone a happy holiday.

Staff Reports

Allocate Transient Occupancy Tax revenues and enter agreement with the Curry County Board of Realtors for Community Christmas Tree project.

City Manager Milliman gave the staff report.

Councilor Hamilton said he had no problem allocating the funds, but needed clarification as to whether or not this was an appropriate use.

Mayor Hedenskog said the City had some "wobble room" as to how the funds could be used and Milliman said the definition was broad; the Brookings Municipal Code specifies that it is to be used to promote tourism.

Councilor McClain said he would like to see Tourism Advisory Promotion Committee come up with new projects and ideas instead of supporting projects that were already being done.

Councilor Pieper said he disagreed, and encouraged the Committee to look for more projects, exactly like this, one to fund.

Councilor Hodges moved, a second followed and Council voted unanimously to allocate \$500 in Transient Occupancy Tax revenues and authorize the City Manager to enter into agreement with the Curry County Board of Realtors for the Brookings Community Christmas Tree project; funding to be used for paying electric costs and purchasing ornaments.

Joint letter with Curry Health Network (CHN) seeking support from Governor Kitzhaber to designate the Brookings clinic as a remote hospital under existing license.

Mayor Hedenskog provided background and City Manager Milliman added that minor adjustments had been made to the final letter which would request the Governor to help CHN avoid having to go through a two year Certificate of Need process.

Councilor Hodges asked about the 30-mile rule and Milliman said it was a state and federal regulation that only applied to the Certificate of Need for new hospitals.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize Mayor Hedenskog to execute a joint letter with Curry Health Network (CHN) seeking support from Governor Kitzhaber for the designation of the Brookings clinic as a remote hospital under the existing CHN provider license.

Request to eliminate the Deferred Improvement Agreement requirement at 530 Hassett for Weaver Lane Street and drainage improvements.

Director Pryce gave the staff report.

Mayor Hedenskog said that, in the case of two linked DIAs, it seemed the second DIA would be released with the first one and Pryce said the way the DIA was written, it included Weaver.

Councilor Hodges asked if Meadow and Weaver would ever be connected and Pryce said some of the larger lots would have to be partitioned for that to happen. Hodges then said other property owners with corner lots have had to pay DIAs for both streets and the owner of this property should have known about them when the property was purchased. He suggested leaving it "as is" if Weaver and Meadow might someday connect.

Mayor Hedenskog said if 50% of the residents hold DIA's they'd all have to pay if a Local Improvement District (LID) were formed.

Councilor Pieper said the City needed to be consistent, but he could see looking into the matter and coming up with a policy to deal with DIAs.

Mayor Hedenskog suggested that the City Attorney review the DIA to see if it had been fulfilled and Councilor McClain said it didn't appear to him that it had.

Councilor Hodges said he was in favor of looking at a creating a policy, but he wouldn't feel comfortable relieving the DIA now.

Councilor McClain said the City likely wouldn't call in the DIAs unless it was considering starting work on that street. If work was started on Weaver then the City would call the DIAs in anyway. DIAs, he said, let new owners know about possible future costs.

Councilor Hodges asked what would trigger the City to call in the DIAs and Pryce said the City would call them when it planned to pave.

Councilor Pieper asked if a property owner could do their own half-street improvements, and Pryce said they could, but the City wouldn't really want half-street improvements on an unpaved street.

Councilor Pieper said he couldn't really see a reason to relieve the property owner of the DIA.

Councilor Hodges asked if someone could cash-out a DIA and Pryce said it would be difficult from an accounting perspective since the funds would have to be tied to that specific property frontage. Pryce also said she couldn't find where this had been done in other cities.

Councilor McClain said the City needed to look at cash-out as an option and Councilor Pieper said property owners would rather do the improvements themselves than give the government the money to hold onto until the work was done.

Councilor Hodges said he would rather just give the City the money and Councilor McClain agreed.

Mayor Hedenskog said to call in the DIAs now and pave the street. However, he said he wasn't sure how sidewalks would go in later on.

City Manager Milliman said there a few things to consider before moving forward with paving the street now, such as the need for a fire truck turnaround and what to do at the end of the street, but he could have staff do a preliminary analysis.

Councilor McClain said even if the DIAs were called in, a number of owners might just let the City lien the property as they did on Hassett, and the City would have to front that cost until those properties sold.

There was no motion made; Milliman said staff would schedule a future workshop on the subject of Weaver Lane.

Authorization to proceed with design and bid of priority project paving list and execute a change order for additional paving on the Easy Street Water Main Replacement Project.

Director Pryce presented the staff report.

Councilor Hodges said he would be more comfortable with delaying the project so that sidewalks could be added on Easy Street. He said it was a tight area with a lot of foot traffic.

Discussion ensued regarding ADA and other considerations and Mayor Hedenskog said he would be okay with adding sidewalks on one side of the street. He also said he would like to see ditches replaced all over town with culverts and gravel, at the least. He said he didn't think it would be a huge cost factor.

City Manager Milliman asked Council if they wanted to provide direction to staff to come back with a cost estimate for sidewalks on one side of the street before paving.

Councilor McClain asked what a delay would do to the project and Pryce said it would probably mean going back out for bid.

Councilor Pieper said he was not good with the idea of delaying the project. He also said he thought it would use different funds and Milliman said it would and added that to access current pricing the City would need to act now.

Councilor Hamilton asked if a temporary bike lane could be added on one side of the street or the other and Mayor Hedenskog said it could be widened even if gravel was used in ditch areas.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize City staff to proceed with design and bidding [of] a priority project paving list which includes Fifth Street, Hassett Street and City-wide pothole repair project to be identified by staff.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize the City Manager to execute a change order with McLennan Excavation for additional paving for the Easy Street Water Main Replacement Project in an amount not to exceed \$36,475.

Authorization to proceed with task order to update the City's Sewer Master Plan.

Director Pryce gave the staff report.

Councilor Hodges said he thought this was an important study.

Councilor Hodges moved, a second followed and Council voted unanimously to authorize the City Manager to execute a task order with Dyer Engineering to update the City's Sewer Master Plan in an amount not to exceed \$75,000.

Authorization to execute a Change Order for additional storm drain replacement .

Director Pryce provided the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize City Manager to execute a change order with McLennan Excavation for additional storm drain replacement in an amount not to exceed \$20,000.

Approval of City of Brookings Personnel Policy Handbook.

City Manager Milliman presented the staff report.

Councilor Hodges moved, a second followed and Council voted unanimously to approve the City of Brookings Personnel Policy Handbook.

Authorization to execute Legal Services Agreement with Black and Rice, LLP.

City Manager Milliman gave the staff report.

Councilor Hodges moved, a second followed and Council voted unanimously to authorize the Mayor to execute a Legal Services Agreement with Black and Rice, LLP.

Audit report for fiscal year ended June 30, 2013.

Director Howard provided the staff report, stating it was a clean audit.

Mayor Hedenskog moved, a second followed and Council voted unanimously to accept the City's Audit for the fiscal year ended June 30, 2013.

Consent Calendar

1. Approve Council minutes for November 12, 2013.
2. Accept Parks and Recreation minutes for September 26, 2013.
3. Accept Tourism Promotion Advisory minutes for August 15, August 27, September 10 and October 24, 2013.
4. Accept November 2013 Vouchers in the amount of \$402,992.63.
5. Receive October 2013 monthly financial report.

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

Adjournment

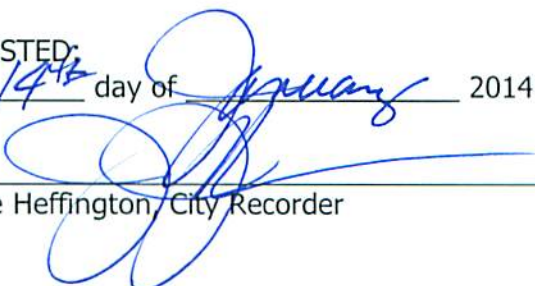
Mayor Hedenskog moved, a second followed and Council voted unanimously to adjourn by voice vote at 8:48 PM.

Respectfully submitted:



Ron Hedenskog, Mayor

ATTESTED:
this 14th day of January 2014:



Joyce Heffington, City Recorder