

# City of Brookings

## MEETING Minutes

### **CITY COUNCIL**

**Monday, July 26, 2010**

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

Council met in Executive Session in the City Manager's Office at 6:00pm, and then again at 7:34pm, under the authority of 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 Anderson called the meeting to order at 7:00pm.

#### **Roll Call**

Council Present: Mayor Larry Anderson, Councilors Ron Hedenskog, Dave Gordon, Jake Pieper, and Brent Hodges; a quorum present.

Staff Present: City Manager Gary Milliman, Administrative Services Director Janell Howard, Building Official LauraLee Gray, City Attorney Martha Rice, and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Reporter Arwyn Rice and approximately 4 public.

**Councilor Hedenskog moved, a second followed and Council voted unanimously to remove Item F-3, [Skateboard Park Rehabilitation] from the agenda.**

#### **Ordinances**

City Manager Milliman reviewed the staff report regarding Ordinance 10-O-667, adding Section 12.25.012, Rules and Regulations Specific to City-Owned Parks, to Brookings Municipal Code Chapter 12.25, incorporating rules used during the park permit process but for which there is no enforcement mechanism.

Councilor Pieper generally asked the City Manager to further define Item #3 of the rules and if this would mean that all firearms are prohibited in the park.

Milliman stated that it would appear to be the case.

Pieper stated that he had a couple of comments, and said "One, firearms is kind of a hot button, especially in these 'red' counties, and, two, municipalities don't have the authority to outright ban possession of firearms in public places..." and suggested the 'unlawful possession or use of firearms,' as substitute language.

Pieper then asked Milliman if there is a definition [in the Code] for the term, 'public gathering.' Milliman stated that he was not aware of one, and Pieper went on to say that, depending on how it was interpreted, a written, Item #3 could indicate that twenty people meeting at the park for an activity, such as a church activity or birthday party, could be considered a 'public gathering.'

Asked by Councilor Hedenskog if he had language to suggest, Pieper said, "My personal belief is you should be able to have a public gathering there without a permit...I could probably live with it if we just struck out the 'public gathering or event,' but I still think 'public performance,' should be defined. It's too loose. You know, a kid's Karaoke machine at a birthday party; there's 25 people there, you have a five year old singing *Kumbaya*, and you need a permit for it."

Hedenskog generally said that, while he would agree that it probably didn't mean that, he could see how it could be misconstrued.

Milliman suggested sending this matter back to staff and looking at Item#11 in terms of specific facilities at the park or reserving an area for an event, as opposed to types of uses; Pieper concurred.

Mayor Anderson said that he thought this ordinance "...seems like it could be another one of these enforcement nightmares," and asked who would enforce the rules, and if most of the rules were included on the application.

Milliman said that the police would provide enforcement and that the rules do appear on the application.

Anderson said that he had read in the paper that there had been discussion about eliminating all dogs in City parks and Milliman explained that this issue had been raised at the last Parks and Recreation Commission meeting.

Anderson generally suggested that the issue of dogs in public places might need to be resolved first, before moving forward. He further expressed concern about how some of the rules would be enforced, such as throwing bird seed, and said that didn't know how the Police Chief felt about it.

Milliman stated that it was a question of whether Council wanted to protect the park from bird seed and if this was not a concern then that rule was not needed.

Anderson said that he was more interested in enforceability and suggested that the rules be sent back to the Parks and Recreation Commission.

**Councilor Pieper moved, a second followed, and Council voted unanimously to send the ordinance on Parks rules back to staff and [Parks and Recreation] Commission.**

### **Staff Reports**

Building Official Gray reviewed the staff report regarding an accessibility ramp to the Council Chambers dais.

Councilor Hedenskog asked if we'd considered using a carry on portable ramp.

Gray stated that this had been looked into, but she wasn't sure if it would meet ADA requirements; the City should have had full accessibility for some time. Gray further stated it would be likely be cumbersome and require Public Works staff to bring it in and set it up.

**Councilor Pieper moved, a second followed and Council voted unanimously to authorize staff to contract for the construction of a handicapped accessible ramp for the City Council dais as recommended by the Building Official and to appropriate up to \$6,000 from the General Reserve Fund for said project.**

City Manager Milliman reviewed the staff report regarding the request for a Fir Street Local Improvement District.

John Baker, 433 Fir Street, commented on an unused vehicle parked on the street and asked if it could be removed.

Mayor Anderson suggested that Mr. Baker contact the City Manager regarding this matter.

**Councilor Hodges moved, a second followed and Council voted unanimously to direct the City Manager and City Engineer to prepare a report on the formation of a local improvement district for the installation of curb, gutter and sidewalks on Fir Street as prescribed by law, using a design standard to include a 28-foot wide paved section, five foot sidewalks on both sides and a drainage swale.**

City Manager Milliman reviewed the staff report regarding the award of the contract for Fifield Street Improvements.

Mayor Anderson asked about the financing arrangement.

Milliman stated that the portion of this project to be financed with low interest loan funds is from an Oregon Economic and Community Development Department. Funding from the loan has also been used to complete projects including the City's pump station, the raw water line on North Bank Rd., and the water tank in the Harris Heights area.

Anderson then asked about the five existing DIA agreements on Fifield, and said, "My only concern is that the entire DIA program has 'walled' back and forth, and what it meant, and what improvements were to be made, and when." Anderson stated that he believed the City has approximately 300 DIAs, and said, "It appears in your report that there [are] some things that need to be defined on some of the older DIAs versus the newer." Stating that the subject of DIA's was controversial, Anderson went on to say, "The part that troubles me is in trying to have some type of...DIA policy that means what it means and does what it's supposed to do. And so, to totally ignore these DIAs sends a strong message to other folks who live in other parts of the town that have DIAs that have...tremendous financial price tags associated with them." Anderson concluded by saying, "I would hope that the City could determine what...the agreement was, and to implement them in a fair manner so that we don't create a precedence about why you didn't make so-and-so do it, so why are you making us do it now, later on down the road. So, that's my concern."

Milliman stated that, between this and another contract coming up for the balance of water system improvements on Memory Lane and Del Norte, these projects would "use all of the available low interest loan funds which must be expended by November, 2010."

Anderson said, "I know those projects [the City Manager is] referring to are kind of scattered on a multitude of streets and we may very well find ourselves looking at a map with multiple DIA's over there, so, I would like to encourage the Council to follow up on the subject of our DIA policy and how we are going to handle it."

**Councilor Hedenskog moved, a second followed and Council voted unanimously to award the contract for construction of water and storm drain improvements, and sewer inspection, Fifield Street Improvement Project #145.09, to McClennan Contractors, LLC, the lowest responsible bidder, in the amount of \$274,195.00.**

City Manager Milliman reviewed the staff report regarding the amended Constitution Way Cooperative Agreement with the Oregon Department of Transportation (ODOT), authorizing \$75,000 for use to repair streets damaged during the detour period.

Mayor Anderson asked if Council could be assured that the funding mechanisms to be used for Fir Street would remain the same; Milliman responded, "Yes."

**Councilor Gordon moved, a second followed and Council voted unanimously to authorize the Mayor to execute Amendment Number 01, Cooperative Improvement Agreement, US 101, Constitution Way, City of Brookings.**

**Consent Calendar**

Approval of Council minutes for July 12, 2010.

Approval of Liquor License Application for Pine Cone Tavern, 629 Chetco Avenue.

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


**Adjournment**

Councilor Gordon moved, a second followed and Council voted unanimously to adjourn by voice vote at 7:32pm and moved back into Executive Session in the City Manager's office.

Respectfully submitted:

  
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Larry Anderson, Mayor

ATTESTED:  
this 10<sup>th</sup> day of August  
2010:

  
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Joyce Heffington, City Recorder