

City of Brookings MEETING Minutes

CITY COUNCIL

Monday, June 14, 2010

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

Council met in Executive Session at 6:00pm in the City Manager's Office under the authority of ORS 192.660(2)(d) to deliberate with the City Manager as the person designated by the City Council to carry on labor negotiations.

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, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Reporter Arwyn Rice and approximately 19 public.

Ceremonies/Appointments/Announcements

Mayor Anderson proclaimed the week of June 14th through June 21st as Supreme Americanism Week.

Mayor Anderson announced Yard of the Month awards for May and June as follows:

May

- Yard of the Month – Kathleen Baker, 333 Mill Beach Road
- Most Improved – Kathleen Tomko, 318 Memory Lane
- Commercial – Barbara Woodruff, Pancho's Restaurant

June

- Yard of the Month – Robert and Rebecca Arthun, 107 Lilac Lane
- Most Improved – Wayne Davies, 508 Memory Lane
- Commercial – Tom Zaczek, 1029 Chetco Ave

Ordinances

City Manager Milliman reviewed the staff report regarding Ordinance 10-O-668 proposing amendments to Brookings Municipal Code Chapter 2.05, Council Procedures.

Councilor Pieper commented on the language pertaining to a Council member directing a staff member to be present at a meeting.

Milliman stated that this language allowed Council to direct the City Manager to request a staff member to be present and has been misinterpreted to mean that Council may direct staff. The proposed change would eliminate that confusion while in no way diminishing the Council's authority to request the City Manager to direct a staff member to be present at a meeting.

Councilor Hedenskog asked for clarification on what notification, besides publishing the agenda in the paper, is provided to the public.

City Recorder Heffington responded that a hard copy of the packet is available on-line, in the hallway at City Hall, and at the local library. In addition, the agenda, along with notice of packet availability, is provided by email and fax to the press and to others who have specifically requested notification; generally this occurs on the same day the Council is provided their packet.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a first reading of Ordinance 10-O-668 by title only.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a second reading of Ordinance 10-O-668 by title only.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 10-O-668, [an ordinance amending BMC Chapter 2.05, Council Procedures].

Staff Reports

City Manager Milliman reviewed the staff report regarding public access to Social Security Bar, adding that he had since heard from an Oregon Department of Fish and Wildlife (ODFW) representative who indicated that enforcement has been increased and recommendations to establish a speed limit on the river and a vehicle speed limit on the bar will be forwarded to the state agency, but he did not know when these may be considered. Milliman also stated that establishing a gate to be monitored by an individual, serving as a docent, could create civil liability and conflict issues for the responsible party.

Public Comments:

Joshua Riddle, 98940 N. Bank Chetco, Brookings, commented that he generally doesn't mind people accessing the Bar, but after midnight finds it irritating and suggested that a gate be installed which would be closed at night. He was against having it closed all day during the summer months.

Burley Williams, 99911 Winchuck River Rd, Brookings, commented that he would not like to see access closed except at night. Having the public responsible for opening and closing a gate should not be an option.

Harvey Young, 98067 Hall Way, Harbor, commented that public access to public resources is important; he is against having it locked up during the summer months. Further, a gate could be problematic as fishing guides generally launch before sunrise and take out after dark; a park host could be a good idea.

William Smythe, 98704 N. Bank Chetco, Brookings, commented that he has witnessed many dangerous events - parties, trash, trucks crossing the river - during the day and at night, but he cannot call law enforcement at 2am, because there is no one available at that time, and if there is, response takes too long. However, he felt that locking the gate could be problematic and suggested a 5 mph speed limit sign be posted and that camp fires at night be prohibited. He also stated that there is very little fishing during the summer and very little activity.

Charlie O'Donnel, 98690 N. Bank Chetco, Brookings, commented that traffic, especially speeding, is a problem. Dust gets stirred up and in the summer he has to keep his house closed up; there is a need for traffic control on the bar.

George Morrison, 15371 Ocean View Drive, Brookings, commented that he goes to the bar almost every day and that there is heavy use in the summer and access should not be closed off. He also said that signage is poor; a 5 mph speed limit should be posted.

Teresa Strossheim, 98877 N. Bank Chetco, Brookings, commented that her kayak rental business would suffer and families would lose a place to swim and picnic if access to the bar was cut-off. Her written comments are on file with the agenda packet.

Council Discussion:

Councilor Pieper said that he was not in support of closing the bar, and that most of the problems would be remedied if law enforcement were to respond more quickly.

Councilor Hodges said that he was against cutting off access to any public place, but signage to slow traffic and posting hours would be a good start.

Councilor Gordon stated that while he was sympathetic to the problems, he was against closing off public access to the river; signage may help, but the first step would be to ask law enforcement to step up, although with the County's financial difficulties, this may not happen.

Councilor Hedenskog stated that he agreed with the rest of Council and suggested that ODFW be requested to provide better signage.

Mayor Anderson said that laws are being violated and at some point citizens may need to step up and exercise their right to make a citizen's complaint; perhaps the City could take the lead with adding signage on City property.

Councilor Gordon moved, a second followed and Council voted unanimously to direct staff to refer all complaints of abuse of the City-owned access to Social Security Bar to appropriate County and state law enforcement agencies, and to request that law enforcement agencies with jurisdiction step-up enforcement of existing regulations.

City Manager Milliman reviewed the staff report regarding engineering of the Wastewater Treatment Plant slide.

Councilor Gordon moved, a second followed and Council voted unanimously to authorize the City Manager to contract for geotechnical and engineering work associated with addressing the slide at the Wastewater Treatment Plant, cost not to exceed \$50,000 without further Council authorization.

City Manager Milliman reviewed the staff report regarding release of an easement at 180 Del Norte Street.

Mayor Anderson stated that it was difficult to explain to a citizen who has gone to considerable expense to comply with City requirements that their efforts were unnecessary and further recommended that the City reimburse the owner for the costs they've incurred trying to comply with those requirements.

When Councilor Hedenskog asked if Anderson could elaborate, he deferred to the City Manager, who stated that he could put a report together on the events of this situation, which has a long history.

Councilor Hedenskog suggested continuing the matter.

Councilor Pieper suggested that it is two separate issues and the easement could be released, whether reimbursement occurs or not.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize the Mayor to execute the Release of Easement for storm water pipeline on property owned by Thomas and Jane Van Woerden at 180 Del Norte Street, and request staff to furnish data on the easement and further information on possible reimbursement of the property owner's expenditures.

Consent Calendar

1. Approval of Council minutes for May 10 and May 24, 2010.
2. Acceptance of Parks and Recreation minutes for April 22, 2010.
3. Acceptance of April, 2010 Vouchers in the amount of \$342,303.27.
4. Acceptance of May, 2010 Vouchers in the amount of \$514,383.35.
5. Approval of Liquor License Application for Bistro Gardens, 1011 Chetco Ave.
6. Approval of Liquor License Application for Pine Cone Tavern, 629 Chetco Ave.
7. Approval to send annual letter requesting \$6,000 Coastal Management Grant.

Councilor Pieper 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 8:00pm.

Respectfully submitted:



Larry Anderson, Mayor

ATTESTED:
this 13th day of July, 2010:



Joyce Heffington, City Recorder