

City of Brookings MEETING Minutes

CITY COUNCIL

Monday, March 22, 2010

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

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, Chief Treatment Plants Operator Ray Page, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Reporter Arwyn Rice and approximately 7 public.

Ceremonies/Appointments

Mayor Anderson proclaimed the month of April as Sexual Assault Awareness Month.

Councilor Hedenskog moved, a second followed and Council voted unanimously to approve reappointment of Steve Bismarck to Planning Commission Position #5.

Councilor Hedenskog moved, a second followed and Council voted unanimously to approve Mayor's selection of Ad Hoc appointments [of Councilors Hedenskog and Hodges, and Planning Commissioners Bismarck and McClain to the Street Standard Committee].

Councilor Gordon moved, a second followed and Council voted unanimously to approve the Mayor's recommendation for appointments [of Councilors Gordon and Pieper] to the Ad Hoc Municipal Judge Evaluation Committee.

Ordinances

Building Official Gray reviewed the staff report regarding Ordinance 10-O-660, amending Brookings Municipal Code (BMC) Section 13.10.260, Responsibilities of Owner, Chapter 13.10, Sewer Use Regulations.

Councilor Gordon moved, a second followed and Council voted unanimously to do a first reading of Ordinance 10-O-660 by title only.

The Mayor read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a second reading of Ordinance 10-O-660 by title only.

The Mayor read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do adopt Ordinance 10-O-660 [amending Section 13.10.260, Responsibilities of Owner of the BMC.]

Building Official Gray reviewed the staff report regarding Ordinance 10-O-661, amending BMC sections pertaining to noxious vegetation and penalties in Chapter 8.15, Nuisances.

Councilor Hedenskog asked if there were different varieties of scotch broom that were not considered noxious. Gray remarked that part of the reason scotch broom is designated noxious is due to the plants oil content. Gray offered to research the matter.

Councilor Hedenskog moved, a second followed and Council voted unanimously to continue Ordinance 10-O-661 [to allow staff] to research scotch broom.

City Manager Milliman reviewed the staff report regarding Ordinance 10-O-662 which would add a dog prohibition in Easy Manor Park, and amend the penalty section in BMC Chapter 12.25, Public Parks and Recreational Areas. Milliman advised that, since distribution of the the advance packet, the Parks and Recreation Commission had voted unanimously to extend the prohibition to include the entire park, as opposed to just the playground. Milliman suggested that the ordinance could be amended by deleting the words "the playground area of" from Section 12.25.015 during the first reading by title only.

Councilor Pieper generally stated that he was looking forward to dogs being prohibited from the entire park and that he would like to add Kidtown to this ordinance.

City Recorder Heffington stated that the Ordinance title, as published, was specific to Easy Manor Park, and a separate ordinance would need to be considered in order to allow for public comment on a similar prohibition at Kidtown.

Mayor Anderson stated that he would like to see the Kidtown issue follow the same procedure used for Easy Manor Park and did not want to "piggy back" Kidtown onto this ordinance and that he would like to see a more general park policy discussion take place toward a "comprehensive hearing that incorporates policy for the entire city," rather than have a park-by-park discussion.

Councilor Hedenskog agreed with Councilor Pieper that Kidtown be included in the prohibition, but would like to see the same process applied to Kidtown as was applied to Easy Manor Park.

Councilor Gordon moved, to delete the words, "the playground area of" from Section 12.25.015, and do a first reading of Ordinance 10-O-662 by title only and Mayor Anderson asked that the text be read.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a first reading by title only, deleting the words "the playground area of" in Section 12.25.015.

City Attorney Rice stated that the word "Playground" should probably be struck from the title for consistency.

At Rice's suggestion the following motion was substituted:

Councilor Hedenskog moved, a second followed and Council voted unanimously that the words "the playground area of," be deleted from Section 12.25.015; the word "playground" be deleted from the ordinance title and the subsection title of 12.25.015; and that a first reading of Ordinance 10-O-662 be done by title only.

Mayor Anderson read the title (as amended).

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a second reading of Ordinance 10-O-662 by title only.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 10-O-662, [adding Section 12.25.015, Dogs prohibited in Easy Manor Park, and amending Section 12.25.030, Penalties, Chapter 12.25, BMC].

Staff Reports

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

Dan Harrison, 423 Fir Street, generally stated that there were many activities in the area that would be impacted if parking were reduced, and that he hoped the City would finish "laying the pipe down Old Country Road" to help resolve the drainage issues at the church and at the end of the street.

Mayor Anderson generally stated he would like to review this matter at the April 5th workshop. Anderson expressed concern that the project has "ballooned" to the point where costs could exceed \$400,000; stated that he has questions for the City Engineer, as "there are some loose ends that need to be tied before moving forward." Anderson also stated that he has respect for the Fir Street resident's desire to have parking on both sides of the street.

Mayor Anderson moved, a second followed and Council voted unanimously to refer the matter to the Council workshop of April 5, 2010 for further delineation and discussion.

City Manager Milliman reviewed the staff report regarding Council approval of a letter regarding Chetco River Gravel extraction.

Carl Page, 12580 Highway 101, generally stated that experts agree that the "gravel harvest needs to be reduced to two of the next five seasons to balance the gravel budget in the Chetco River;" gravel shortfalls could be augmented by granite construction in Del Norte County, and "impacts to tourism and recreational boating will be minimal."

Councilors Gordon and Hedenskog questioned Page regarding the conclusiveness of the evidence upon which he was basing his position. Page generally stated that his position is based on the testimony of several experts and agencies.

Yvonne Maitland, 15676 Ocean View Drive, read from a prepared statement, generally stating that rock quarries be used as an alternative to gravel extraction, and that the gravel industry is not "obligated to supply the northern California coast with gravel from the Chetco River." A copy of Maitland's statement is on file with the Council Agenda Packet.

Councilor Hodges asked to what extent the City had "looked into gravel pits other than rivers." Mayor Anderson responded that he was not sure that this was the issue or purpose of the letter, which is to offer public comment on the request for a permit.

City Manager stated that he'd prepared a draft letter was prepared at the Mayor's request based upon the information that could be gleaned from publications and that the City had not conducted any independent research into other sources of gravel extraction.

Councilor Hedenskog generally stated that he had performed site evaluations beginning in the early 90's and continuing over an approximate 10 years period that involved aerial,

underwater and on-site spring and fall surveys of gravel levels, and that he "can attest that the gravel accrued back into the mining area equally every year, and more, depending on how high the water got;" that he "never noticed any drop in elevation on the gravel bar from the mining efforts;" that he would disagree with studies that showed that gravel levels were being depleted; and that "our river is noted for being choked with gravel" and needs to be extracted because it is detrimentally effecting fisheries. Hedenskog also mentioned a report published in the 90's, based on studies performed by a notable biologist, which conclusively stated that mining on the river had no effect on fisheries.

Councilor Gordon generally stated that studies are still being conducted and until it is known that gravel extraction is having a negative impact, curtailing gravel extraction is not the right thing to do.

Councilor Gordon moved, a second followed and Council voted unanimously to authorize the Mayor to execute letters to U.S. Army Corps of Engineers and Oregon Department of State Lands commenting on proposed permits for gravel extraction in the Chetco River, and that it also be sent to include all of our legislatures who represent us in Washington.

City Manager Milliman reviewed the staff report regarding changes to the Lower Stout Park Master Plan, as approved by the Parks and Recreation Commission.

Mayor Anderson asked Parks and Recreation Commissioner Tony Parrish if any irrigation was planned for Lower Stout Park. Parrish responded that the plan was to use the existing cistern for irrigation, and that, once established, plantings would require little to no irrigation.

Councilor Pieper moved, a second followed and Council voted unanimously to approve the Lower Stout Park Master Plan as recommended by the Parks and Recreation Commission.

City Manager Milliman reviewed the staff report regarding the award of the bid for North Bank Chetco River Road Water Line Project.

Councilor Hedenskog moved, a second followed and Council voted unanimously to approve the bid to Tidewater Contractors, Inc, for the North Bank Chetco River Water Line Project in the amount of \$79,313.

City Manager Milliman reviewed the staff report regarding Task Order #14 pertaining to water project selection and engineering, and advised that the water line project just awarded is number 6 in the project list.

Councilor Gordon moved, a second followed and Council voted unanimously to approve Task Order #14 with the Dyer Partnership authorizing engineering for Water System Improvement Projects number 6, 14, 20, 21 and 22 as defined in the Water System Master Plan.

City Manager Milliman reviewed the staff report regarding an Intergovernmental Agreement with the Department of Environmental Quality for two priority persistent pollutant (P3) effluent screenings, required under Senate Bill 737; the cost of both screenings will be \$13,950 over two years.

Councilor Hedenskog asked if staff had looked into using private sector labs for this process. Milliman stated that the City had not as any private sector testing would have to be performed using standards yet to be developed by the Department of Environmental Quality.

Councilor Gordon moved, a second followed and Council voted unanimously to authorize the Mayor to execute the Intergovernmental Agreement for analysis of P3 List Compounds.

Consent Calendar

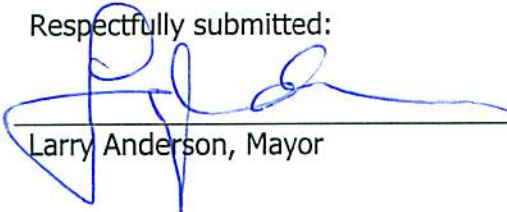
- Approval of Council minutes for March 8, 2010.
- Acceptance of Parks and Recreation minutes for December 17, 2009 and January 28, 2010.
- Receive monthly financial report for February, 2010.

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

Adjournment

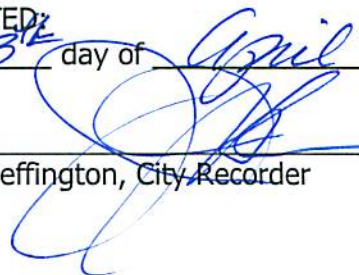
Councilor Gordon moved, a second followed and Council voted unanimously to adjourn at 8:26pm.

Respectfully submitted:



Larry Anderson, Mayor

ATTESTED:
this 13th day of April 2010:



Joyce Heffington, City Recorder