

City of Brookings MEETING Minutes

CITY COUNCIL

Monday, January 25, 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 Hedenskog, Gordon, and Pieper; a quorum present.

Staff Present: City Manager Gary Milliman, Planning Director Dianne Morris, Fire Chief Bill Sharp, Administrative Services Director Janell Howard, Building Official LauraLee Gray, City Attorney Martha Rice, Judge Richard Harper and City Recorder Joyce Heffington.

Other Present: Curry Coastal Pilot Reporter Arwyn Rice and approximately 15 public.

Mayor Anderson announced that, as the auditors had not yet delivered the audit report, Item G3, pertaining to the Comprehensive Annual Financial Audit, was being removed from the agenda.

Ceremonies/Appointments/Announcements

At the Mayor's prompting, City Manager Milliman reviewed a workshop discussion in which Council indicated its desire to move in a policy direction that would preclude anyone from holding simultaneous positions on any City Board, Commission or Committee.

The City Council interviewed 3 applicants for City Council Position 2: Bernard Banta, Brent Hodges and Hedda Markham. Each applicant was asked the same questions, and interviewed separately, out of hearing of the other two applicants, in the order in which they applied.

Following the interviews, it was determined that each Councilor would have the opportunity to present his views on the applicants and to indicate the direction in which they would like to fill the position.

Generally, Councilor Pieper stated that he wanted to cast his vote for someone whom he would vote for if this were an election; expressed appreciation for Banta's frankness, but concern for Banta's response about limiting the City's expansion; appreciation for Markham's drive and apparent dedication, but not her focus on community aesthetics as opposed to the economic situation, such as unemployment and lack of jobs; that he placed "a lot of weight for someone being 'home-grown,' and for someone being born and raised in the community," and that "the most important thing is having that correct vision for the community and having good sound judgment," and therefore felt that Hodges responses related best to concerns relating to jobs and putting people back to work.

Councilor Hedenskog generally stated that he "shared a lot of Pieper's ideas," that he was looking at the candidates from the direction of "whether we have electable candidates or whether we have someone who would be suitable to be chosen, or selected by the Council,

for this seat;" that he felt two candidates were highly electable, and he would put a great deal of emphasis on a candidate with a long term investment in the community.

Generally, Councilor Gordon stated that, contrary to Pieper's comments, he understood Markham to have expressed concern for the economy, and interpreted that as including job creation and bringing in small business; that he felt all of the candidates had certain qualifications for the position, but that he was "looking at the overall package" and "did not agree that being home grown makes your vision more correct than someone who is not home grown;" that "what any community needs is diversity and perspective;" and that, when there was a choice in candidates, he felt it was important, for the citizens and community, to choose a candidate who had experience and an understanding of the process and issues being faced.

Generally, Mayor Anderson stated that he was "interested in choosing the person who could fill the position and hit the ground running as most efficient as possible;" that, at some point in time, the questions on the application addressing volunteerism, employment, education and background in the area must have been considered important; that while he *did not* necessarily equate education with being an "efficient Councilor," he did feel that education was an indicator of critical thinking and organized thought; that he felt that all candidates appeared to have a strong work ethic; that there were pros and cons to background in the area; and that having a feminine perspective was important. In particular, Anderson remarked that Markham stood out among the three in terms of application criteria and volunteerism and shared his knowledge of her community volunteer activities and his personal experience in working with Markham on the Land Development Code Committee, stating that "based on her contributions to the Committee, she is progressive in her thinking, she is interested in a type of a growth that is managed and that she is pro economic development."

Councilor Gordon moved to appoint Hedda Markham to the City Council, Mayor Anderson seconded; Councilor Gordon and Mayor Anderson voted "Yes," and Councilors Hedenskog and Pieper voted "No;" the motion was tied and failed.

Councilor Pieper moved to appoint Brent Hodges to the City Council, Councilor Hedenskog seconded; Councilors Hedenskog and Pieper voted "Yes," and Councilor Gordon and Mayor Anderson voted "No;" the motion was tied and failed.

City Manager Milliman reviewed Council's options for filling the position, generally stating that according to the ORS, and the City Charter, the position has to be filled by appointment, and that, according to the Charter, it had to be filled within 60 days from the date declared vacant. Any appointment made after 60 days, would be invalid under the Charter, making any decision made after the appointment open to challenge. Milliman pointed out that the 60 day provision was unique to Brookings' Charter and that, according to the City Attorney, if not filled within 60 days, the position would need to remain vacant through to the end of its term. Milliman offered, from his own experience, options he had seen used for breaking a tie, including: selection by lot, a third candidate that at least 3 Councilors agree upon, or selecting the next highest vote recipient from the last election; use of any of these, or another option, would require a majority vote.

Following three additional rounds of Council remarks and discussion, it became evident that all four Councilors felt strongly about their choice in applicants, that any subsequent vote

would remain tied, and that none of the options offered were acceptable to Council for breaking the tie. After reviewing the timetable for filling the position, it was suggested that the matter be continued to the February 8th meeting.

Councilor Hedenskog moved, a second followed, and Council voted unanimously to continue the appointment of City Council Position #2 to February 8, 2010.

Public Hearings/Ordinances/Resolutions

Building Official Gray reviewed the staff report regarding revisions to the Building Code and the adoption of the State Penalty Matrix, generally stating that the ordinance was needed to bring the Brookings Municipal Code into compliance with Senate Bill 915.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a first reading of Ordinance 10-O-656.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a second reading of Ordinance 10-O-656.

Mayor Anderson read the title.

Councilor moved, a second followed and Council voted unanimously to adopt Ordinance 10-O-656, [an ordinance amending Chapter 15.05, Building Codes, of Title 15, Building and Construction, Brookings Municipal Code, in its entirety].

During discussion, Building Official Gray pointed out that the adopted ordinance provides that penalties are to be defined by resolution, giving Council the authority to set penalty amounts.

Generally, Councilor Hedenskog stated that the penalty amounts seemed high; Councilor Pieper suggested that there be just one maximum fine; Mayor Anderson and Councilor Gordon stated they wanted to see parity in determining penalties levied; Mayor Anderson asked for a matrix that agrees with what the City is doing; and Councilor Pieper stated that he would like to see the "max stays" go away.

City Manager Milliman generally stated that the only way to ensure that fines would be the same for everyone would be to allow no discretion in determining fine amounts. Councilor Gordon suggested defining any extenuating circumstances that might qualify for a lesser fine amount.

Council agreed that the resolution needed to come back with revisions to the penalty matrix to include establishing parity, simplifying the format, reducing maximum fine amounts, and making it more applicable to how the City does business.

Councilor Hedenskog moved, a second followed and Council voted unanimously to continue this Resolution [10-R-932, adopting a penalty matrix for Building Code violations] to a future meeting.

Mayor Anderson opened the legislative public hearing at 9:40pm in the matter of File LDC-18-09, revisions to Manufactured Home Siting and Foundations in a Residential District, of the Land Development Code.

Hearing no declarations of ex parte, bias, or conflicts of interest, and no objections as to jurisdiction, Director Morris reviewed the staff report.

There were no public comments and the hearing was closed at 9:45pm.

Councilor Hedenskog moved, a second followed and Council voted unanimously to approve amendments to Chapters 17.16, 17.20, 17.24 and 17.28 of the Brookings Municipal Code as presented in File LDC-18-09.

Councilor moved, a second followed and Council voted unanimously to do a first reading of Ordinance 10-O-655.

Mayor Anderson read the title.

Councilor moved, a second followed and Council voted unanimously to do a second reading of Ordinance 10-O-655.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 10-O-656 [amending Sections 17.16.110 (B), 17.20.100 (B), 17.24.100 (B), and 17.28.100 (B), Manufactured housing siting requirements, of Title 17, Land Development Code, of the Brookings Municipal Code].

Mayor Anderson opened the continuation of the public hearing begun on January 11, 2010, at 9:49pm, in the matter of File LDC-14-09, proposing revisions to Brookings Municipal Code Chapter 17.70, Master Plan Development (MPD) District.

Councilor Hedenskog moved, a second followed and Councilor voted unanimously to enter Exhibits D and E into the record of the hearing.

Director Morris reviewed the staff report and stated that Catherine Wiley had requested a continuance of the hearing. Morris suggested that, after hearing oral testimony, Council close the hearing to public testimony, leaving it open only for written testimony after this date.

There were no public comments and Mayor Anderson closed the public testimony portion of the hearing at 9:59pm, reviewed the timeline for the submission of written testimony, and set the date for the continuance to February 22, 2010.

Staff Reports

Fire Chief Sharp reviewed the staff report regarding the disposition of surplus Fire Department water tender and pumper.

Councilor Pieper, generally stated that in his research, the appraised value of the equipment appeared to be low and that he would like to see another appraisal performed. Mayor Anderson asked about the status of the '84 Arrow.

Chief Sharp generally stated that the '84 was being stored at the Upper Chetco, and was to be used as a City back-up; it still belongs to the City.

Mayor Anderson expressed concern regarding the City subsidizing the Upper Chetco with City tax dollars.

Sharp stated that the City's ISO fire rating was affected by the availability of having a back-up or reserve, as part of a longer list of items.

Mayor Anderson stated that in conversation with the City's insurance carrier, he was told that the back-up truck would not affect our ISO rating.

Mayor Anderson asked if the truck could be removed from the Upper Chetco station if the City did not renew the contract and Chief Sharp said we could; the truck belongs to the City.

Mayor Anderson suggested that the equipment be auctioned with a minimum bid of \$2,000, and Councilor Pieper suggested that the City might get a better price if it were advertised on a website designed for this purpose. Councilor Hedenskog suggested that it was time to review the City's contract with the Upper Chetco.

Mayor Anderson moved, a second followed and Council voted unanimously that the 1981 water tender and 1971 Mack pumper be put up for auction, minimum bid \$2,000 each, to be auctioned, as is.

Director Howard reviewed the staff report regarding the disposition of police and public works surplus vehicles.

Mayor Anderson asked about the City's use of maintenance records and about the criteria used to remove a vehicle from service.

Howard stated it was likely, in the instance of the Public Works pick-ups, that it was related to the increasing cost of repairs or maintenance; Police patrol vehicles are generally removed from service when they reached 80,000-100,000 miles, or may be used as administrative or City travel vehicles. Howard also stated she didn't know if it would be cost effective to purchase software for monitoring maintenance costs, but it a capital purchase plan for vehicles could be added to the budget process.

Councilor Pieper moved, a second followed and Council voted unanimously to declare the six vehicles listed [in the staff report] as surplus, and direct staff to sell, through a sealed bid process, or alternative process, approved by the City Manager, if any vehicles remain unsold after completion of the first process.

City Manager Milliman reviewed the staff report regarding revisions to the Azalea Park Master Plan athletic field configuration and generally stated that the costs shown were estimated project costs for work not necessarily to be performed by the City and that the proposed change would reduce overall costs and make the project easier to complete.

Generally, Councilor Gordon stated that he would like to see the finances come before approving the change; Councilor Pieper stated that he did not understand the connection between changing the plan and funding as other City plans were approved without fully being funded.

Mayor Anderson expressed concern that if the Master Plan was changed, the soccer funding might be lost and he did not want any funds to be committed beyond those already allocated for water and sewer improvements. Anderson generally stated that park funding problems could be solved with the creation of a Parks and Recreation District.

Generally, Councilor Hedenskog stated that he was satisfied with the change as approved by the stakeholders but would support language that doesn't allow loss of a field when construction starts and that the City was not volunteering additional funds.

Councilor Hedenskog moved, a second followed and Council voted unanimously to remand [the matter of the Azalea Park athletic field reconfiguration] back to Parks and Rec and let them come up with a construction plan and timeline, and their suggestion to facilitate changes, before we commit ourselves.

City Manager Milliman reviewed the staff report regarding revisions to Brookings Municipal Code, Chapter 2.63, Urban Renewal Advisory Committee.

Councilor Pieper moved, a second followed and Council voted unanimously to Accept revisions to Brookings Municipal Code Chapter 2.63, Urban Renewal Advisory Committee, as amended, including option #3, [from the staff report to fill the three non-City resident positions] and direct staff to prepare the adopting ordinance.

City Manager Milliman reviewed the staff report regarding Community Donation Fund Allocations.

Mayor Anderson asked if it was known that the food being dispensed by the two soup kitchens was really going to the needy.

City Manager Milliman generally stated that staff could find out and report back or find out if either of the Churches collected that data, if Council desired this information.

Councilor Gordon moved, a second followed and Council voted unanimously to approve Community Relations Fund allocations as recommended by the subcommittee and authorize the City Manager to execute funding agreements with each of the non-profit entities approved for funding.

Fund allocations were: \$250 each for the Southern Oregon Kite Festival and Brookings Merchants Association Downtown Brochure, and \$500 each for the Vietnam Veterans of America July 4th Fireworks, the St. Timothy's Episcopal Church, Tuesday Soup Kitchen, and the Seventh Day Adventist Church, Monday, Soup Kitchen.

Consent Calendar

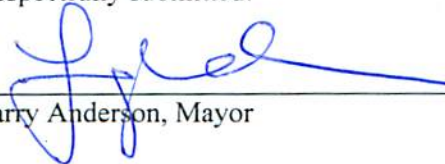
- Approval of Council minutes for January 11, 2010.
- Receive monthly financial report for December, 2009.

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

Adjournment

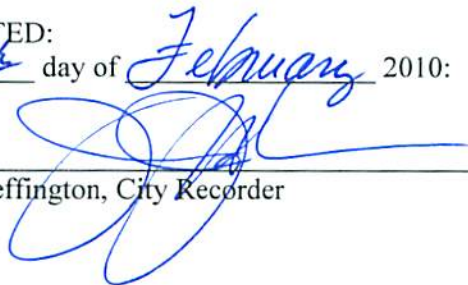
Councilor Gordon moved, a second followed and Council voted unanimously by voice vote to adjourn at 11:17pm.

Respectfully submitted:



Larry Anderson, Mayor

ATTESTED:
this 9th day of February 2010:



Joyce Heffington, City Recorder