

MINUTES
City of Brookings
Common Council Meeting
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon 97415
Monday, March 10, 2008

Call to Order

Council President Larry Anderson called the meeting to order at 7:00pm.

Roll Call

Council Present: Council President Larry Anderson, Councilors Dave Gordon, Ron Hedenskog and Jan Willms; a quorum present. *Staff Present:* City Manager Gary Milliman, Public Works Director John Cowan, Planning Director Dianne Morris, Administrative Services Director Patti Dunn, City Attorney John Trew, Administrative Assistant Joyce Heffington. *Others Present:* Curry Coastal Pilot Editor Scott Graves and approximately 19 members of the public.

Ceremonies/Appointments/Announcements

Council President Anderson moved, a second followed and Council voted unanimously to accept the resignation of Pat Sherman as Mayor.

City Manager Milliman stated that Council's only option was to replace the Mayor by appointment and with the exception of Councilor Willms, who stated that she would like to see other possible candidates, it was the consensus of Councilors Gordon, Hedenskog and Anderson to fill the position with an elected official.

Councilor Hedenskog moved, a second followed and Council voted, with Councilor Willms abstaining, to appoint Larry Anderson as Mayor and advertise to fill the vacancy [of Council Position #2] by appointment.

Councilor Gordon moved, a second followed, and Council voted to re-appoint Don Tilton as Brookings-Harbor Chamber of Commerce representative to the Traffic Safety Committee.

Public Hearings

City Attorney Trew opened the Public Hearing at 7:15pm to consider a request for a Comprehensive Plan Change from Residential to Commercial and a zone change from Multi-Family Residential (R-3) to Professional Office (PO-1) on property located at 100 Park Avenue, known as the Good Samaritan Nursing Home Facility; Tax Lot 11101, Map 41-13-06DA, and reviewed the Public Hearing procedure.

Hearing no ex-parte or other declarations, Planning Director Morris presented the staff report, generally stating that the request would allow the applicants to house an emergency generator on the re-zoned property.

Speaking in support, John Bischoff, 96333 Wildwood, reviewed the applicant's request and Mark Williams, 96424 Oceanview Drive, Administrator for the Good Samaritan Nursing Home, addressed the need for the addition of an emergency generator.

There was no opposing testimony.

The Public Hearing was closed at 7:25pm and Council moved to deliberations.

Councilor Hedenskog moved, a second followed and Council voted unanimously to accept the Zone Change on 100 Park Avenue and direct staff to prepare the final order and adopting ordinance.

Council Liaison Reports

Councilor Hedenskog attended one City meeting.

Mayor Anderson attended two City and five school district meetings.

Public Comments

Pauline Olson, 317 Memory Lane, Kathleen Tomko, 318 Memory Lane, and Marylou Milstone, 206 Schooner Bay Drive, commented on Mayor Sherman's resignation and the role of the City Council regarding City operation's oversight. Tomko also asked the Council what it was doing about "apparent irregularities" in the Administrative Services Department and Milstone asked about the City's hiring process.

After pointing out that the City Manager would be presenting a report on the current status of the City's finances later on in the agenda, Mayor Anderson stated that this portion of the agenda was designed to receive public comment, not to answer questions. He also stated that questions regarding the hiring process could be directed to the City Manager outside of the meeting.

Tim Patterson, 92 Chetco Avenue, commented on System Development Charges and requested a waiver of the provision regarding prior use so that he could temporarily rent out a vacant building without paying at the higher use rate.

David Kitchen, PO Box 516, requested that the Curry County Homeowner's Association would like input prior to any decisions being made regarding SDC's and requested that he be notified of any public meetings regarding this issue.

Regular Agenda

A representative from the Oregon Department of Fish and Wildlife gave a brief presentation regarding the request to develop and operate a salmon fish acclimation facility at Ferry Creek Reservoir.

Councilor Willms moved, a second followed and Council voted unanimously to authorize the City Manager to enter into a letter agreement with the Oregon Department of Fish and Wildlife for the development and operation of a salmon fish acclimation facility at Ferry Creek Reservoir.

City Manager Milliman reported on the current status of the City's Financial Systems, generally stating that staff had fallen behind on providing routine monthly financial reports due to the time that the Administrative Services (AS) Department was without a manager. Milliman further stated that a mid-year report had been provided to Council on January 11th, and that monthly reports and bank reconciliations should be updated and back on a regular cycle by April 24th. Milliman advised that staff was in the process of preparing a Request for Proposals for audit services to replace Wall and Wall, the audit firm that had recently terminated its contract with the City, and clarified the audit firm's role with respect to the City's current financial status, stating that Wall and Wall had not reviewed the City's finances since completing the last audit [for fiscal year 2006-2007] and that their next review would not have commenced until sometime after the end of fiscal year 2007-2008. Milliman also pointed out that staff duties in the AS Department were currently under review to determine personnel needs, adding that outsourcing was being considered as a possible option for some functions.

Mayor Anderson encouraged staff to pursue outsourcing as an alternative.

Public Works Director Cowan reported that the 24-year Waste Water Facility Plan had been finalized with total improvements equaling \$10,444,800 in three phases.

Councilor Hedenskog moved, a second followed and Council voted unanimously to approve the November 2007, Waste Water Facilities Plan.

City Manager Milliman reviewed staff's recommendation to fund the proposed Kids After School Program for Education and Recreation (KASPER) as presented in his staff report.

Carolyn Milliman, 1090 Parkview Drive, offered a brief review of the program, stating that KASPER would be seeking volunteers and \$50,000 in additional funding through private grants and donations. She also stated that the program would include a summer program component.

It was suggested by Councilor Willms that a "citizenship" component be added to the curriculum.

Councilor Hedenskog moved, a second followed and Council voted unanimously to allocate \$6,000 [from the Fiscal Year 2007-2008 City Budget] and include in the [Fiscal Year 2008-2009] budgeting process another \$15,000 for the Kids After School Program for Education and Recreation (KASPER) which will include a summer program.

Mayor Anderson declared a potential conflict of interest regarding the Bruce Brothers request for a waiver of fees and technical requirements on the Pacific Terrace project due to a prior contractual dispute which was mitigated in small claims court and stated that this would have no effect on his decision regarding this issue.

Noah Bruce, PO Box 61, requested a waiver of the telemetry system requirement, generally stated that telemetry was never mentioned prior to the final punch list, a list he said he did not receive until November 14, 2007. Noah Bruce also stated that HGE, the City's engineering firm, had over-billed Bruce Brothers, and that the firm's invoices failed to provide a clear breakdown of work provided.

Josh Bruce, 259 Marine Drive, added that if Bruce Brothers had known about the telemetry system requirement they would have planned for its installation at the outset of the project.

Public Works Director Cowan referenced a December, 2004 letter from HGE to City staff that specifically mentioned the water tank and controls. Cowan also stated that telemetry systems were installed on all City water tanks and that the system specified for the Pacific Terrace project was necessary to make the tank unit compatible with the City's current telemetry system.

City Manager Milliman stated that Bruce Brothers had already received some credit toward their bill.

After some discussion, Council generally agreed that HGE's billing processes were not up to industry standards and that a peer review would be costly. Staff was directed to work with Bruce Brothers toward a resolution of the issues, and to bring back a proposal for Council consideration.

Consent Calendar

- A. Acceptance of Planning Commission Minutes, January 8 and February 19, 2008
- B. Acceptance of Parks & Recreation Commission Minutes for January 24, 2008.
- C. Approval of vouchers for February, 2008 in the amount of \$393,823.93.
- D. Rescheduling of Monday, May 26th, City Council meeting to Tuesday, May 27th, due to Memorial Day Holiday conflict.

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

Ordinances

Ordinance 08-O-603 was ready in full and a second time by title only.

Councilor Gordon moved, a second followed and Council voted unanimously to do a second reading of the ordinance [08-O-603] by title only.

Councilor Gordon moved, a second followed and Council voted unanimously to adopt Ordinance 08-O-603, an ordinance repealing Chapter 2.80, Real Property Compensation, of Title 2, Administration and Personnel, of the Brookings Municipal Code in its entirety.

Ordinance 08-O-601 was read in full and a second time by title only.

Councilor Willms moved, a second followed and Council voted unanimously to do a second reading of the ordinance [08-O-601] by title only.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 08-O-601, an ordinance amending Section 2.15.030(D), of Chapter 2.15, City Manager, of Title 2, Administration and Personnel, of the Brookings Municipal Code.

Resolutions

Councilor Hedenskog moved, a second followed, and Council voted unanimously to adopt Resolution 08-R-884 [accepting the Findings and Final Order of the Curry County Board of Commissioners to realign the right-of-way for a portion of Parkview Drive].

Councilor Gordon moved, a second followed and Council voted unanimously to adopt Resolution 08-R-882 designating the City Manager as the Authorized Representative for the City of Brookings in its application to the United States Department of Agriculture for funding of its Biosolids Treatment Processing Facility under the Water and Waste Water Disposal Loan and Grant Program.

Councilor Willms moved, a second followed and Council voted unanimously to adopt Resolution 08-R-883 authorizing the City of Brookings to apply for a Local Government Grant from the Oregon Parks and Recreation Department for improvements at Easy Manor Park and delegating the City Manager to sign the application with the amendment that the "replacing fencing," be deleted.

Final Order

Councilor Willms moved, a second followed and Council voted unanimously to approve File CPZ-1-07 changing the Comprehensive Plan designation from Residential to Commercial and the zone from R-3 to PO-1.

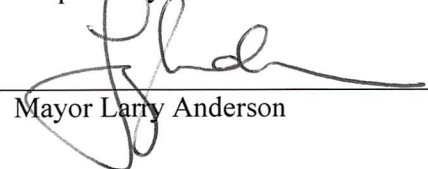
Remarks from Mayor and Councilors

The Council thanked Pat Sherman for her service, specifically citing her innovative thought and the transparency she brought to the City's governing process.

Adjournment

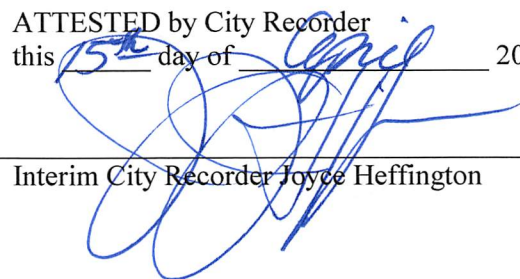
Councilor Hedenskog moved, a second followed and Council voted unanimously by voice vote to adjourn at 10:22pm.

Respectfully submitted:



Mayor Larry Anderson

ATTESTED by City Recorder
this 15th day of April 2008:



Interim City Recorder Joyce Heffington