

**MINUTES**  
**City of Brookings**  
**Common Council Meeting**  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon 97415  
**Monday, October 22, 2007**

Council met at 6:00pm, in the City Manager's office, for an Executive Session under the authority of ORS 192.660 (2)(h), to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to occur, and under authority of ORS 192.660 (2)(e), to conduct deliberations with persons designated by the governing body to negotiate real property transactions. In attendance were Mayor Sherman, Councilors Anderson, Hedenskog and Gordon, and City Manager Milliman.

**Call to Order**

Mayor Sherman called the meeting to order at 7:00pm.

**Roll Call**

*Council Present:* Mayor Pat Sherman, Council President Larry Anderson, Councilors Dave Gordon and Ron Hedenskog; a quorum present. Councilor Jan Willms was absent.

*Staff Present:* City Manager Gary Milliman, Planning Director Dianne Morris, Public Works Director John Cowan, Lead Plant Operator Mark Haglund, Utility Workers Joe Holmes and Joshua Higgs, and Administrative Assistant Joyce Heffington.

*Media Present:* None.

*Other:* Approximately 23 public

**Councilor Gordon moved, a second followed, and Council voted unanimously to move Agenda Item #8 [Ordinances] up to #6 on the agenda.**

**Announcements**

Mayor Sherman introduced new Public Work's Employees, Utility Workers Joe Holmes and Joshua Higgs and presented a ten year employee anniversary certificate to Lead Plant Operator, Mark Haglund.

**Liaison Reports**

Councilor Anderson attended four City and one Brookings Harbor School Board meetings.

Mayor Sherman attended meetings of the Brookings Harbor Education Foundation, Brookings Harbor Health Fair, Azalea Park Foundation, Oregon Coastal Zone Management Association, and the Easy Manor Park Subcommittee.

Councilor Hedenskog attended a meeting of the Port Commission.

Councilor Gordon attended a meeting of the Curry County Commission on Children & Families.

**Public Comments**

Randy Hall, 200 N. Rossini Lane, Brookings, addressed Council regarding a failed culvert at 760 Old County Road, generally stating that it is a public hazard and requesting that the city make repairs.

Steve Pomerleau, 760 Old County Road, stated that due to a failed culvert, he has a "sink hole" on his property, denying him access to his driveway. Pomerleau generally stated that he believes that the culvert is on City property and therefore it is the City's responsibility to repair.

City Manager Milliman generally stated that this culvert was installed by the developer in the storm water ditch in 1980 and according to staff, past practice has been to assign responsibility for maintaining driveway approaches across drainage ditches to the owner if the improvement was never accepted by the City. This improvement predates the permitting process and extends across most of the property's frontage.

Mayor Sherman stated that the City can't apply rules retroactively, and Council Anderson asked that staff investigate and report back on the situation.

### **Ordinances**

Planning Director Morris presented the staff report recommending the adoption of four ordinances amending the Land Development Code of the Brookings Municipal Code.

Councilor Anderson moved, a second followed and Council voted unanimously to do a first reading by title only of Ordinance 07-O-585, an ordinance adding Chapter 17.171, Neighborhood Circulation Plans, to the Brookings Municipal Code.

Councilor Anderson moved, a second followed and Council voted unanimously to do a second reading by title only of Ordinance 07-O-585, an ordinance adding Chapter 17.171, Neighborhood Circulation Plans, to the Brookings Municipal Code.

**Councilor Gordon moved, a second followed and Council voted unanimously to adopt Ordinance 07-O-585, an ordinance adding Chapter 17.171, Neighborhood Circulation Plans, to the Brookings Municipal Code.**

Councilor Anderson moved, a second followed and Council voted unanimously to do a first reading by title only of Ordinance 07-O-593, an ordinance amending Section 17.80.040, Site Plan Approval, Improvement Standards, of the Brookings Municipal Code.

Councilor Anderson moved, a second followed and Council voted unanimously to do a second reading by title only of Ordinance 07-O-593, an ordinance amending Section 17.80.040, Site Plan Approval, Improvement Standards, of the Brookings Municipal Code.

**Councilor Gordon moved, a second followed and Council voted unanimously to adopt Ordinance 07-O-593, an ordinance amending Section 17.80.040, Site Plan Approval, Improvement Standards, of the Brookings Municipal Code.**

Councilor Gordon moved, a second followed and Council voted unanimously to do a first reading by title only of Ordinance 07-O-595, an ordinance adding Chapter 17.170, Street Standards, to the Brookings Municipal Code.

Councilor Anderson moved, a second followed and Council voted unanimously to do a second reading by title only of Ordinance 07-O-595, an ordinance adding Chapter 17.170, Street Standards, to the Brookings Municipal Code.

**Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 07-O-595, an ordinance adding Chapter 17.170, Street Standards, to the Brookings Municipal Code.**

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a first reading by title only of Ordinance 07-O-596, an ordinance amending Chapter 17.168, Public Facilities Improvement Standards and Criteria for Utilities, of the Brookings Municipal Code, in its entirety.

Councilor Anderson moved, a second followed and Council voted unanimously to do a second reading by title only of Ordinance 07-O-596, an ordinance amending Chapter 17.168, Public

Facilities Improvement Standards and Criteria for Utilities, of the Brookings Municipal Code, in its entirety.

**Councilor Gordon moved, a second followed and Council voted unanimously to adopt Ordinance 07-O-596, an ordinance amending Chapter 17.168, Public Facilities Improvement Standards and Criteria for Utilities, of the Brookings Municipal Code, in its entirety.**

**Regular Agenda**

City Manager Milliman presented the staff report regarding the proposed modification of the employee sick leave transfer policy as requested by Teamsters Local 223, generally stating that the modification would allow employees with physician documented illnesses requiring extended leaves to receive sick leave when all other employee sick leave policy parameters are met. Current policy only allows transfers of sick leave for "life threatening illness or injury."

**Councilor Anderson moved, a second followed and Council voted unanimously to authorize the Mayor to execute a Letter of Agreement with the General Employees Unit modifying sick leave transfer policy as requested by the Teamsters Local 223.**

**Regular Agenda**

City Manager Milliman presented the staff report recommending that Council deny the request from St. Timothy's Episcopal Church for assistance in installing a storm drain culvert and swale on their property adjacent to Old County Road.

Public Works Director Cowan generally stated that the culvert is in the City's right-of-way but that there is no policy regarding responsibility with this particular type of situation.

William Smith, 820 Highland Avenue, Brookings, presented the Church's position generally stating it is the City's responsibility to fix the problem because the problem did not exist until the City laid the 36" pipe into the natural drainage ditch.

Bob Busch, Busch Geotechnical Consultants, PO Box 222, Arcata generally stated that the culvert alignment in the ditch coupled with the water's velocity as it leaves the pipe at the terminal have contributed significantly to the situation currently threatening the Church's stability. Busch also stated that he did not believe that the water flowing across the parking lot was a significant factor in the "slumping" that was occurring. However, he did state that the property, due to its varied location, had a lot of natural drainage.

After considerable discussion, Council generally agreed that more information was needed to make a determination and staff was asked to have the site surveyed to determine the location of the City's right-of-way and bring their findings back to Council for further consideration.

City Manager Milliman also advised that staff was working on policy to deal with situations such as this.

City Manager Milliman recommended that Council award the bid for the vector truck to EnviroClean Equipment & Supplies and reviewed various financing packages from several sources. After some discussion it was determined to defer the financing until more analysis is done.

**Councilor Gordon moved, a second followed and Council voted unanimously to award the bid for the vector truck to the lowest responsible bidder, EnviroClean Equipment & Supplies, in the amount of \$204,044.28.**

**Consent Calendar**

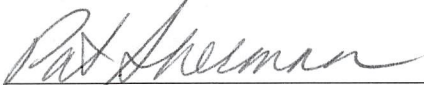
- Approval of Council Meeting Minutes for October 8, 2007
- Acceptance of Parks and Recreation Meeting Minutes for August 23, 2007.

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

**Adjournment**

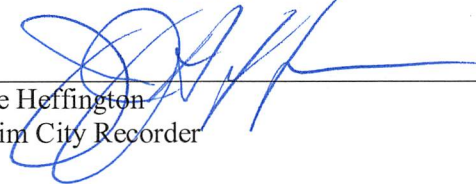
**Councilor Hedenskog moved, a second followed and Council voted unanimously by voice vote to adjourn to a meeting of the Urban Renewal Agency at 8:58pm.**

Respectfully submitted:



Pat Sherman  
Mayor

ATTEST by City Recorder  
this 11<sup>th</sup> day of December, 2007:



Joyce Heffington  
Interim City Recorder