

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
August 22, 2005 7:00 p.m.**

The Council went into Executive Session under the authority of ORS 192.660 (2)(d) to conduct deliberation with person(s) designated by the governing body to carry on labor negotiations at 6:30 p.m. The Executive Session adjourned at 6:50 p.m.

I. Call to Order

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

II. Pledge of Allegiance

The pledge of allegiance was led by Yvonne Maitland.

III. Roll Call

Council Present: Mayor Pat Sherman, Council President Larry Anderson, Councilors Craig Mickelson, Jan Wilms, and Dave Gordon; Ex Officio Suzie Stadelman; a quorum was present.

Council Absent: none

Staff Present:

Interim City Manager Burke Raymond
City Attorney John Trew
City Planner John Bischoff
Community Development Director Ed Wait
Senior Planner Dianne Snow
Administrative Assistant Donna Colby-Hanks

Media Present: *Curry Coastal Pilot* Reporter Peter Rice

Other: approximately 40 citizens

IV. Ceremonies/Appointments/Announcements

A. Announcements

Mayor Sherman announced this was the first council meeting for Ex Officio Stadelman.

V. Scheduled Public Appearances

A. Slam'n Salmon Ocean Derby – Jim Relaford

Jim Relaford described the history of the Slam'n Salmon Ocean Derby which was founded in the City Hall parking lot. The event has grown to the point that 700 fisherman and 5000 guests are expected to attend bringing approximately 1 million dollars into the community this year. Relaford advised 1500 dinners will be served which will require the shucking of a bin of corn. He spoke of a

challenge to the Council from the Port Commissioners to see who the best corn shuckers were. Mayor Sherman accepted the challenge on behalf of the council.

VI. Public Hearing

A. MPD-1-04 remand

Mayor Sherman opened the public hearing at 7:09 p.m. and stated this agenda item was a request for approval of the applicant's response to the issues remanded back from the appeal to the Oregon Land Use Board of Appeals. The remanded issues concerned alternate zoning standards and protection of wetlands and the Western Lily on property identified as Assessor's Map 40-14 and Index, Tax Lots 2400, 2401 and a portion of 2402. U.S. Borax applicant, Burton Weast, representative. There was no ex parte contact or personal bias from the Councilors. There were no challenges from the audience. Mayor Sherman reviewed the hearing procedure.

City Planner John Bischoff reviewed the staff report and entered the exhibits into the record.

- Exhibit "A" Memo from Scott Mansur, PE, DKS associated dated July 18, 2005
- Exhibit "B" Additional findings, Ramis Crew Corrigan LLP
- Exhibit "C" Letter from Janet Morlan, Division of State Lands (DSL) dated August 16, 2005
- Exhibit "D" Letter from James Brown, Cascade Resources Advocacy Group, dated August 16, 2005
- Exhibit "E" Letter from Ann Vileisis, Kalmiopsis Audubon Society, dated August 17, 2005

Bischoff explained the narrower roads would help limit the impact of drainage into the wetlands and the western lily. Condition of approval # 28 had been revised to insure protection of the wetlands and western lily.

Tim Ramis, Ramis Crew Corrigan LLP, 1727 NW Hoyt, Portland, OR representing the applicant, stated the staff report was a good representation of their application. Ramis suggested using the language from Exhibit "D" bottom of page 3 for condition #28. He stated they were not endorsing or agreeing with the remainder of the letter. Mayor Sherman asked if this condition #28 would satisfy the concerns raised in Kalmiopsis Audubon Society and DSL letters. Ramis felt this condition addressed the concerns raised.

Chris Wright, Raedeke Associates, 5711 NE 63rd Street, Seattle, WA, stated wetlands on the subject property were delineated in 2003. The report was then submitted to the Salem office of DSL and the Eugene office of Army Corp of Engineers. The response received indicated no site visit would be conducted prior to the receipt of a specific proposal. Wright advised a joint permit application would need to be submitted to the Army Corp of Engineers under the Clean Water Act and DSL under their fill and removal requirements. This application would be

submitted after approval from the Council was obtained. The Army Corp of Engineers would consult with United States Fish and Wildlife Service regarding the protection of the western lily.

Testimony in Support

John Butter, 17744 Highway 101, C-206, Brookings, lives in Rainbow Rock Condominium and was in favor of the project.

Mike Gaudette, 1988 Newmark, Coos Bay, OR , Southwestern Oregon Community College (SOCC), stated the college continues to support the project and plans to construct a new campus on the site.

Peggy Goergen, 1227 Collis, Brookings, SOCC had no comment.

Don Mitchell, 423 Buena Vista Loop, Brookings, had no comment.

Opposition

James Brown, 917 SW Oak Street, Suite 417, Portland, OR, Cascade Resources Advocacy Group, stated many of his concerns had been addressed with the revision of condition # 28. He suggested the permits from DSL and the Army Corp of Engineers be added as a condition of approval. It was his understanding the standards from the Masterplan and the standards from the Detailed Development Plan (DDP) would need to be met at DDP approval. He requested the bio swales be a mandatory requirement.

Ann Vileisis, P.O. Box 1265, Port Orford, OR, Kalmiopsis Audubon Society, felt the wetland delineation needed to be confirmed by DSL ahead of time to make the proposal the best it could be.

Yvonne Maitland, 15676 Oceanview Drive, Brookings, was interested in the name of the contact the applicant had been speaking with at DSL.

Pete Chasar, 935 Marina Heights, Brookings, reviewed and submitted Exhibit "F", a letter dated August 22, 2005. He requested the council deny the proposed street standards as the applicants' findings didn't meet the criteria. He felt there were better ways to address environmental concerns than narrower streets.

Interested Parties and Agencies

Craig Tuss, 2900 NW Stewart Parkway, Roseburg, OR, United States Fish and Wildlife Service (USFWS), supported plans to add wetland buffers to the project. He explained 100' to 200' buffers would be needed for highly sensitive wetlands and anything less than 50' was ineffective. Tuss supported the flexible street widths and felt the proposal with the bio swales would help filter run-off and protect wetlands. He advised his organization would have an opportunity to

provide comments during the Army Corp of Engineers wetland permit process. Tuss stated they are currently working with the applicants to develop a buffer strip agreement for the western lily.

Rebuttal

Tim Ramis reiterated the process for the wetlands permits from the State and Federal agencies. Ramis discussed bio swales often being a good solution; however, that would be an engineering decision to be made further along in the process. He explained the advantages of being able to have the application for the wetland permits and the DDP run concurrently with the decision from Council to be made after receiving the wetlands reports.

John Bischoff stated the city would have a period of time to review the wetland reports. He advised a small change to condition # 28 as the city staff doesn't have the expertise to review the hydrologic study.

The public hearing was closed at 8:19 p.m.

The Council deliberated on the remand issues and the testimony presented.

Councilor Mickelson moved, a second followed, and the Council voted unanimously to approve Case File No. MPD-01-04/Remand with the original conditions of approval with the exception of # 28. Condition # 28 will be the suggestion from Exhibit "D" with the third sentence revised to read "The City will review the agencies comments on the hydrologic study to determine compliance with applicable standards relating to storm drainage and to determine compliance with standards relating to the protection of wetlands and western lilies."

Councilor Anderson moved, a second followed, and the Council voted unanimously to adopt the final order for MPD-01-04 with the revision to 2 b. to reflect the change in condition # 28 to be from Exhibit "D" with the revision that staff will review the comments made by the agencies on the hydrologic study.

The meeting recessed at 8:34 and reconvened at 8:40 p.m.

VII. Oral Requests and Communications from the Audience

A. Committee and Liaison reports

1. Council Liaisons

Councilor Gordon attended a planning and a monthly meeting for Curry County Commission for Children and Families, Senator Wyden's Open House, Council Annexation Workshop, Airport Advisory Committee meeting, Port Commission meeting and a Port Fisheries meeting.

Councilor Mickelson attended a regional meeting for Coos Curry Douglas, a finance committee meeting for Coos Curry Douglas, Council Annexation Workshop, Planning Commission meeting, and Senator Wyden's Town Hall meeting.

Councilor Anderson attended a Harbor Sanitary meeting, Council Annexation Workshop, a school board meeting, and Senator Wyden's Town Hall meeting.

Councilor Willms organizations held no meetings.

Mayor Sherman attended a Lions Club meeting, Senator Wyden's Town hall meeting, Brookings Harbor Educational Foundation meeting, Mayors Walk, Council Annexation Workshop, and Mayors Conference in Jacksonville.

B. Unscheduled

Rex Atwell, 17169 Parkview, Brookings, stated his concerns with the safety of the children and the current speed limit on Parkview. He requested any assistance the Council could provide to have the speed limit reduced. The Council discussed speed zones being under the jurisdiction of ODOT. Community Development Director Wait advised ODOT had begun a speed zone investigation of Parkview. The Council agreed to submit letters in support of a speed reduction to ODOT.

VIII. Staff Reports

A. Community Development Department

1. Public Works Excavator

Community Development Director Ed Wait reviewed the staff report. Councilor Anderson recalled this being an item in the current budget.

Councilor Anderson moved, a second followed, and the Council voted unanimously to approve the purchase of a compact excavator, trailer, flail and attachments.

2. Dewatering Consultant

Community Development Director Ed Wait reviewed the staff report and introduced Steve Wilson, consultant for Brown and Caldwell. Wilson explained the hauling of bio solids to Grants Pass was a short term solution. The report generated from this proposal would address dewatering and possible class "A" processing as long term solutions. A preliminary design of the dewatering equipment would be provided with a test pilot project to take place next month. A more detailed cost evaluation would also be presented to the Council. Councilor Anderson stated the city had received a preliminary cost report indicating composting would be cost prohibitive. Wilson advised the proposed report would focus on dewatering. Wait stated a more long term solution needed to be found to allow the city more control. Wilson clarified the study would not cover composting. It would cover different dewatering processes. It would also cover thermal drying and lime pasteurization; two processes to convert a Class "B" product to a Class "A" product. Wilson explained a Class "A" product can be

applied anywhere, landscapes and parks. Dewatering would decrease the cost to haul the bio solids to Grants Pass and the study should be completed in 90 days.

Interim City Manager Burke Raymond stated it was not legal to put Class "B" products in landfills and it would be possible to issue a bond to finance the final solution.

The Council discussed a grant Curry County has received for a composting feasibility study. Wait advised Brown and Caldwell would come back to the Council to present dewatering data during the study. The final report would contain data to take the product to Class "A". Raymond discussed the process to finance the project.

Walt Dyer, P.O. Box 981, Brookings asked about the life expectancy of the dewatering equipment and its ability to handle growth and to be upgraded. Wilson explained the equipment would be designed for the capacity of the water treatment plant and would have a life expectancy of 20 years.

Councilor Anderson moved, a second followed, and the Council voted unanimously to approve the agreement with Brown and Caldwell for wastewater system engineering.

B. Police Department

1. Traffic Safety Committee Recommendations

Interim City Manager Burke Raymond reviewed the recommendations of the Traffic Safety Committee from their July 12, 2005 meeting. Raymond stated Coos Curry Electric would hang the light at Julie Drive and Ransom Ave. and the City would pay the energy cost. Councilor Anderson was concerned with the cost and explained the light was originally to be installed by the developer. However, the project was never completed.

Councilor Anderson moved, a second followed, and the Council voted unanimously to have the curb on the west side of Ransom Ave. from Kevin Place to Fawn Drive painted red with signs posted No Stopping, Standing, Parking between signs, from 8 am to 5 pm, Monday to Friday to elevate the hazardous parking during the school days.

C. City Manager

1. Urban Renewal Advisory Committee

Interim City Manager Burke Raymond reviewed the staff report for the Urban Renewal Advisory Committee and stated this was a draft proposal. He explained he had looked at a couple committees of other cities to develop this plan. The Council discussed the composition of the committee and the use of completed studies as resources.

Councilor Mickelson moved, a second followed, and the Council voted unanimously to establish the Urban Renewal Advisory Committee as outlined in the staff report with the addition of property owners also having preference in appointment.

IX. Consent Calendar

- A. *Approval of Council Meeting Minutes*
 - 1. *Meeting of August 8, 2005*
- B. *Acceptance of Planning Commission Minutes*
 - 1. *Meeting of July 12, 2005*
 - 2. *Meeting of August 2, 2005*

End Consent Calendar

Councilor Mickelson moved, a second followed, and the Council voted unanimously to approve the consent calendar as published.

X. Remarks from Mayor and Councilors

A. Council

Councilor Gordon stated he felt there was some confusion on the alternatives for the Highway 101 project. A ballot "no" vote will result in the Council recommending Alternative 5. There is no option for a "no build". Gordon briefed the Council on a program named the Bruins Café. Once a month teachers recommend students who have excelled. Councilor Gordon requested the Council consider sponsoring a month which would require \$150 to purchase the pizza. Councilor Anderson clarified any type of progress, academic or citizenship, could qualify a student to be chosen. Ex Officio Stadelman had been recommended three times.

B. Mayor

Mayor Sherman encouraged everyone to pick up any litter to keep the City of Brookings a better place to live.

XI. Adjournment

Councilor Willms moved, a second followed, and the Council voted unanimously by voice vote to adjourn the meeting at 9:35 p.m.



Pat Sherman
Mayor

ATTESTED by City Recorder this 13th day of September 2005.



Paul Hughes
Finance Director/City Recorder