

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
September 12, 2005 7:00 p.m.**

The Council went into 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 be filed beginning at 6:00 p.m. The Executive Session adjourned at 6:20 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 members of the Emblem Club.

III. Roll Call

Council Present: Mayor Pat Sherman, Council President Larry Anderson, Councilors Craig Mickelson, Jan Willms, 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

Community Development Director Ed Wait

Senior Planner Dianne Snow

Administrative Assistant Donna Colby-Hanks

Media Present: *Curry Coastal Pilot* Reporter Brian Bullock

Other: approximately 20 citizens

Mayor Sherman stated there was an addition to the agenda.

Councilor Willms moved, a second followed, and the Council voted unanimously to add the contract for a consulting water rights attorney to the agenda.

IV. Ceremonies/Appointments/Announcements

A. Ceremonies

1. Proclamation – Fall Clean-Up

The Fall Clean-Up Proclamation was presented to Jan Willms who led the Litter-B-Gone project the previous weekend. Willms thanked the volunteers for their effort in spite of the rain and invited everyone to bring their friends and participate next time.

2. *Proclamation – National Emblem Club Week*
Nadine Powers accepted the National Emblem Club Proclamation on behalf of all members.
3. *Yard of the Month – Dina Grossman, 7001 Welch Court*
Most Improved Yard – Robert & Linda Donaca, 839 Old County Road
Commercial Property – Wild Rivers Motorlodge, 437 Chetco Ave.

Mayor Sherman announced ODOT had completed their speed studies on Parkview and has recommended 25 MPH signs be installed. Councilor Anderson thanked Rex Atwell for his persistence in making this happen.

V. Public Hearing

- A. *A request, ANX-2-05, for annexation of 8 lots located along both sides of Parkview Dr. and annexation of the segment of Parkview Dr. that extends north from Hampton Ln. to Welch Ct. and east of Vista Ridge Dr. to the easterly boundary of the Vista Ridge Subdivision and of Gowman Ln. west of Vista Ridge Dr. to the westerly boundary of the Vista Ridge Subdivision.*

Mayor Sherman opened the public hearing at 7:12 and reviewed the description of the application. Councilor Mickelson stated he had visited the site. There was no other ex parte contact. There were no questions from the audience. There were no personal biases from the Councilors or objections from the audience. Mayor Sherman reviewed the hearing procedure.

Senior Planner Dianne Snow reviewed the staff report and Planning Commission recommendations for ANX-2-05 and stated a fifth property has come forward wanting to receive services. Councilor Anderson asked about the location of different sizes of water lines and the copies of the signed Deferred Improvement Agreements (DIA's). Councilor Gordon asked for clarification of the payback to the original contractor who installed the sewer line. Mayor Sherman felt there was some confusion in the community regarding the requirement to hook to the sewer line. Community Development Director Ed Wait stated the property owners would not be required to hook up to the sewer line.

Applicant/Agent

The City had no additional comments.

Planning Commissioner Comments

None.

Testimony in Support

Paul Guernsey, 15954 Short Way, Brookings, purchased taxlot 1900, with a septic system in poor condition, with future plans to partition it. He explained that the expense of hooking into the sewer line would be offset with the benefits of other City services. There were no questions for Guernsey.

Bob Covey, 16987 Parkview Dr., Brookings, was in favor of the annexation and explained the time for improvements is before paving begins. There were no questions for Covey.

Ed Curtis, 17094 Parkview, P.O. Box 4043, Brookings, stated he bought taxlot 1317 many years ago to be annexed and subdivided. He felt it all needed to be done now. There were no questions for Curtis.

Opposition

None.

Interested Parties / Agencies

Rex Atwell, 17169 Parkview, Brookings, stated there was a property located approximately 15' below the present sewer line. He was concerned with the cost to pump up to the sewer line. Atwell suggested piping down to Rustic Lane. Wait stated pumps were an option used all the time and the costs are more.

Rebuttal

None.

There was no request to leave the record open for 7 days.

The hearing was closed at 7:38 p.m.

The Council discussed the payback procedure and ORS time limit.

Councilor Gordon moved, a second followed, and the Council voted unanimously to approve the Parkview annexation, ANX-2-05.

Councilor Gordon moved, a second followed, and the Council voted unanimously to direct staff to prepare a final order with findings and an ordinance for the Parkview annexation, ANX-2-05.

Ex Officio Stadelman did not participate in the vote on this application.

B. A request for annexation of a 3,600± sq. ft. parcel located at the northerly city limits adjacent to the east side of Old County Rd. and a 2,940 sq. ft. parcel located adjacent to the northerly city limits and the westerly boundary of Tax Lot 1700, which is in the city limits.

Mayor Sherman opened the public hearing at 7:53 and reviewed the description of the application, ANX-1-05. There was no ex parte contact declared. Councilor Anderson declared a potential conflict but stated he could render a fair decision. There was no other personal bias. There were no questions or objections from the audience. Mayor Sherman reviewed the hearing procedure.

Senior Planner Dianne Snow reviewed the staff report and explained this annexation was a condition of approval of a Planned Unit Development (PUD) approved by the Planning Commission and was contiguous to the city limits.

Applicant/Agent

Richard Wise, agent for Bruce Brothers, P.O. Box 61, Brookings stated the paving on Old County Road was complete. There were no questions.

Planning Commissioners Comments

None.

Testimony in Support

None.

Opposition

None.

Interested Parties / Agencies

None.

Rebuttal

None.

There was no request to leave the record open for 7 days.

The hearing was closed at 8:02 p.m.

The Council discussed the application.

Councilor Anderson moved, a second followed, and the Council voted unanimously to approve the Bruce Brothers annexation, ANX-1-05.

Councilor Willms moved, a second followed, and the Council voted unanimously to direct staff to prepare a final order with findings and an ordinance for the Bruce Brothers annexation, ANX-1-05.

Ex Officio Stadelman did not participate in the vote on this application.

C. *An appeal of the Planning Commission denial of a variance request for a reduction in the side yard setback area and the required setback from the dwelling to accommodate a non-conforming, 66 sq. ft. garden shed. The subject property is located at 1003 Ruth Lane in a Single Family Residential (R-1-6) Zone.*

Mayor Sherman opened the public hearing at 8:05 and reviewed the description of the application, VAR-02-05. Mayor Sherman stated she had visited the site and described what she saw. There were no questions from the audience regarding the site visit. There was no other ex parte contact declared. There were no personal bias. There were no

questions or objections from the audience. Mayor Sherman reviewed the hearing procedure.

Senior Planner Dianne Snow reviewed the staff report and entered a group of photos, Exhibit "A", submitted by the applicant into the record. There were no questions for staff.

Applicant/Agent

Bill and Jimmie Burlington, applicant, P.O. Box 8152, Brookings, presented letters written in support of their application, Exhibit "B", and explained it would be impossible to place the shed anywhere else on the property due to slope and drainage problems. Mrs. Burlington advised that her husband and a friend had constructed the shed that contained no electricity.

Planning Commissioners Comments

None.

Testimony in Support

None.

Opposition

None.

Interested Parties / Agencies

None.

There was no request to leave the record open for 7 days.

The hearing was closed at 8:21 p.m. The Council deliberated on the application.

Councilor Mickelson moved, a second followed, and the Council voted unanimously to uphold the Planning Commission decision and deny the application for a variance, VAR-02-05.

Councilor Mickelson moved, a second followed, and the Council voted unanimously to direct staff to prepare a final order with findings for VAR-02-05.

Ex Officio Stadelman did not participate in the vote on this application.

VI. Oral Requests and Communications from the Audience

A. Committee and Liaison reports

1. Chamber of Commerce

Les Cohen stated the Chamber had represented the area in Curry County's booth at the Oregon State Fair. The Chamber's newsletter would contain a recent study that indicated 25,000 visitors had come to this area. This exceeds anything from previous years. There was a meeting for the new advertising campaign. Cohen discussed a new program to track the demographics of people interested in the

area. Councilor Anderson commended Jim Releford, Leroy Blodgett and the other key players of the Slam'n Salmon Derby for its great success.

2. *Council Liaisons*

Ex Officio Stadelman stated she had begun her senior year of high school, played in a soccer game, and participated in the corn shucking challenge.

Councilor Gordon attended the corn shucking challenge, a Chamber forum regarding the demographics of workers, Communities Agencies meeting, a Chamber marketing meeting, a lip sync meeting, a local public safety coordination meeting, and the City Council/Planning Commission Work Session.

Councilor Mickelson attended the City Council/Planning Commission Work Session, a Planning Commission meeting, a Chamber marketing meeting, a Back to School Breakfast, and the corn shucking challenge.

Mayor Sherman attended a Brookings Harbor Education Foundation meeting, the City Volunteer/Employee picnic, the City Council/Planning Commission Work Session, the corn shucking challenge, the school's quarterly breakfast, a meeting for the health fair, and gave a speech to retired employees.

Councilor Anderson attended the Community Agencies meeting, Chetco Watershed meeting, City Council/Planning Commission Work Session, Back to School Breakfast, the City Volunteer/Employee picnic, the corn shucking challenge, and Litter-B-Gone.

Councilor Willms attended the City Council/Planning Commission Work Session, the City Council Executive Session, the corn shucking challenge, work parties for Azalea Park, health fair meeting, and Litter-B-Gone.

B. *Unscheduled*
None.

VII. Staff Reports

A. *Community Development Department*

1. *Quitclaim Deed for a 10' strip of land adjacent to Matot Street*
Senior Planner reviewed the staff report. There were no questions from the Council.

Councilor Anderson moved, a second followed, and the Council voted unanimously to accept the Quitclaim Deed for a 10' strip of land adjacent to Matot Street.

2. *Contract for emergency generator for water treatment plant*
Community Development Director Ed Wait reviewed the staff report and clarified the two bids submitted for the emergency generator.

Councilor Mickelson moved, a second followed, and the Council voted unanimously, with Ex Officio Stadelman abstaining due to a conflict, to approve awarding the contract for the water treatment plant generator project to Stadelman Electric.

3. *Easement Deed over a portion of Parcels 1 and 2, Murray Partition Plat 2005-31*

Community Development Director Ed Wait reviewed the staff report. There were no questions from the Council.

Councilor Willms moved, a second followed, and the Council voted unanimously to accept the Easement Deed over a portion of Parcels 1 and 2, Murray Partition Plat 2005-31.

4. *Geographic Information System (GIS) grant acceptance*

Councilor Gordon stated he had a conflict and would not be participating. Senior Planner Dianne Snow reviewed the staff report and explained the grant would exceed the cost of the program for the year. The cost would need to be reviewed each year.

Councilor Mickelson moved, a second followed, and the Council voted unanimously, with Councilor Gordon abstaining due to conflict of interest, to accept the GIS grant from Land Conservation and Development (DLCD).

B. City Manager

1. *City Manager Recruitment – Public input on characteristics*

Interim City Manager Burke Raymond reviewed the staff report and asked for oral public input. There was no public comment. Raymond stated written comments could be submitted to the City of Brookings. The Council has reviewed the top ten candidates and selected two possible times for the interviews. Raymond stated the League of Oregon Cities would provide background checks for 3 candidates.

2. *Review of Ordinance No. 315 regulating the consumption and possession of alcoholic beverages on public premises*

Interim City Manager Burke Raymond reviewed the staff report and research of previous permits to allow the consumption of alcohol on public premises. The Council discussed their concerns with the alcohol issues in the community and directed staff to prepare an ordinance to repeal Ordinance 315.

3. *Contract for water rights attorney*

Interim City Manager Burke Raymond reviewed a letter dated July 12, 2005 from Water Resources Department. He recommended the Council contract with Martha Pagel of Schwabe, Williamson, & Wyatt to review the record.

Councilor Anderson moved, a second followed, and the Council voted unanimously to approve hiring Martha Pagel of Schwabe, Williamson, &

Wyatt to represent the City in the water application and to review all the City's water rights. A work session will be held upon completion of her work.

VIII. Consent Calendar

- A. *Approval of Council Meeting Minutes*
 - 1. *Meeting of August 22, 2005*
- B. *Acceptance of Planning Commission Minutes*
 - 1. *Meeting of August 16, 2005*
- C. *Approval of vouchers for month of August, 2005 (\$ 385,324.38)*

End Consent Calendar

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

IX. Ordinances/Resolutions/Final Orders

- A. *Final Orders*
 - 1. *In the matter of an appeal of File No. APP-1-05 an appeal of Planning Commission approval of File No. CUP-2-05, a conditional use permit for a temporary use to store materials and equipment; Fred Meyer Stores, applicant; Steve Bismarck, appellant.*

Councilor Anderson moved, a second followed, and the Council voted unanimously to approve the final order and findings of facts for App-1-05.

- 2. *In the matter of Planning Commission File No. ANX-1-05; application for approval of an annexation, Bruce Brothers, LLC, applicant.*

Councilor Gordon moved, a second followed, and the Council voted unanimously to approve the final order and findings of facts for Bruce Brothers annexation, ANX-1-05.

- B: *Ordinances*

- 1. *In the matter of Ordinance No. 05-O-568, amending the city limits and zoning map of the City of Brookings by annexing a 3,600 sq. ft. parcel and a 2,940 sq. ft. parcel, and rezoning the parcels SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size) as described in Exhibit "A1" and "A2".*

Councilor Mickelson read Ordinance No. 05-O-568 in its entirety.

Councilor Gordon moved, a second followed, and the Council voted unanimously to have the second reading of Ordinance No. 05-O-568, Bruce Brothers annexation.

Councilor Mickelson did the second reading, title only, of Ordinance No. 05-O-568.

Councilor Gordon moved, a second followed, and the Council voted unanimously to adopt Ordinance No. 05-O-568, Bruce Brothers annexation.

X. Remarks from Mayor and Councilors

A. Council

Councilor Anderson stated the non-functional telephone booth in front of city hall needs to be removed.

B. Mayor

None.

XI. Adjournment

Councilor Mickelson moved, a second followed, and the Council voted unanimously by voice vote to adjourn the meeting at 9:45 p.m.



Pat Sherman
Mayor

ATTESTED by City Recorder this 27 day of September, 2005.



Paul Hughes
Finance Director/City Recorder