

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

I. Call to Order

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

II. Pledge of Allegiance

Led by Police Officer Dustin Watson

III. Roll Call

Council Present: Mayor Pat Sherman, Council President Larry Anderson, Councilors Jan Willms, Craig Mickelson, and Dave Gordon, Ex Officio Councilor Susan Stadelman, a quorum present.

Council Absent: None

Staff Present:

City Manager Dale Shaddox,
City Attorney John Trew,
Community Development Director Ed Wait
Police Lieutenant John Bishop,
Police Officer Dustin Watson
City Planner John Bischoff,
Finance Director Paul Hughes,
and Administrative Assistant Donna Colby-Hanks

Media Present: Curry Coastal Pilot Reporter Brian Bullock

Other:

Approximately 15 other citizens

IV. Ceremonies/Appointments/Announcements

A. Announcements

1. Introduction of Police Officer Stephen Clarke

Police Lieutenant John Bishop stated Police Officer Stephen Clarke was unable to attend the meeting. Bishop described Officer Clarke's background and stated he was a good addition to the department.

2. Introduction of Police Officer Dustin Watson

Police Lieutenant John Bishop reviewed Police Officer Dustin Watson's history and introduced him to the Council. Watson stated he was looking forward to his new position.

Mayor Sherman announced the deadline for submitting completed applications for the Planning Commission and Parks and Recreation Commission vacancies was February 3, 2006.

V. Public Hearing

A. *Appeal of a Planning Commission decision denying a variance, VAR-3-05, to a side yard setback for a RV garage on property belonging to Kenneth Byrtus, identified as Assessor's Map 41-13-06CD, Tax lot 102.*

Mayor Sherman reviewed the application and asked for exparté contact. Councilors Mickelson and Willms visited the site and Councilor Anderson had visited it numerous times. Mayor Sherman stated she was a neighbor. No personal bias was declared and there were no challenges from the audience. Mayor Sherman reviewed the hearing procedure.

City Planner John Bischoff reviewed the staff report and answered questions about the sequence of the subdivision and the placement of structures on the property.

Applicant/Agent

John Babin, 512 Chetco Ave, Brookings, spoke about the previous ownerships of the parcels in question and described how the encroachment had been discovered. Babin read a letter received from Eldon Gossett into the record. The Council requested clarification of maps in the record.

Tom Hoshall, Stuntzners Engineering, P.O. Box 2748, Brookings, explained he prepared the survey in 2004 and the only previous survey to show the property line in question was in 1979. The required setbacks were clarified.

Ken Byrtus, applicant, 1105 Byrtus Place, Brookings, reviewed his ownership and the history of the properties and emphasized the cost he had incurred in this process. Byrtus entered **Exhibit "U"**, a picture showing the garage constructed in 1992, into the record.

Opposition

None.

Interested parties/agencies

Eldon Gossett, 1012 Easy Street, stated he could understand the confusion over the location of the property line and was in favor of the variance.

There was no rebuttal.

Planning Department Comments

Bischoff stated no building permit was obtained to approving the garage constructed in 1992 and lowering the roof of the RV garage by 4' would resolve the setback issue.

John Babin entered **Exhibit "V"**, a letter from Marshall Ferg, Brookings Building Official, dated 12-02-92 into the record.

Mayor Sherman closed the public hearing at 8:25 pm. The applicant waived the additional seven (7) days to submit written testimony and requested the Council proceed to a decision. The Council deliberated on the application.

Councilor Mickelson moved, a second followed, and the Council voted, Councilors Willms and Mickelson in favor and Councilors Gordon and Anderson and Mayor Sherman against, overturning the Planning Commission's denial and granting the variance. Motion failed.

Councilor Gordon moved, a second followed, and the Council voted, Councilors Mickelson, Gordon, and Anderson and Mayor Sherman in favor and Councilor Willms against, upholding the Planning Commission's decision and denying the variance. Motion carried.

Councilor Willms moved, a second followed, and the Council voted unanimously to direct staff to prepare a final order and findings for VAR-3-05.

The meeting recessed at 8:40 pm and reconvened at 8:45 pm.

- B. Request for a Comprehensive Plan/Zone Change, CPZ-1-05, from Residential to Open Space and from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) to PO/S (Public Open Space) on property belonging to the City of Brookings, identified as Assessor's Map 40-14-36AD, Tax lot 1900.*
- 1. Final Order in the matter of Planning Commission File No. CPZ-1-05; application for a Zone Change; City of Brookings, applicant.*
 - 2. Ordinance No. 05-O-570, An Ordinance amending the Comprehensive Plan designation on a parcel of land located on East Harris Heights Road from Residential to Open Space and the zoning from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) to PO/S (Public Open Space)*

Councilor Mickelson moved, a second followed, and the Council voted unanimously to withdraw CPZ-1-05 from the agenda.

VI. Oral Requests and Communications from the Audience

A. Committee and Liaison reports

1. Chamber of Commerce

None.

2. Council Liaisons

Councilor Willms attended a Health Fair meeting, two Azalea Park Foundation meetings, three sessions with ASPIRE students, the Joint Management Agreement (JMA) Work session, and a Curry County Recycling Committee meeting.

Councilor Anderson attended a school board meeting, Land Development Code review meeting, city/school partnership meeting, Community Agencies meeting, and a Chetco Watershed council meeting.

Mayor Sherman attended a school board meeting, a Brookings/Harbor Educational Foundation meeting, a Community Collaboration summit meeting, a South West Area Health Education Council meeting, a focus group for Curry Even Start, the Community Tree lighting, Chamber Forum, Azalea Park Foundation meeting, and Community Agencies meeting.

Councilor Gordon attended a Del Norte Airport meeting, a Southwest area community transportation meeting, a Chamber Marketing meeting, and the JMA Work session.

Councilor Mickelson attended two Planning Commission meetings, the JMA Work session, an Urban Renewal Advisory meeting, and the Chamber Marketing meeting.

Ex Officio Stadelman attended a student/superintendent advisory board meeting, ASPIRE meetings, numerous sporting events, Doernbecher fundraising, Elks meeting to receive an award, and was selected as an Azalea Princess.

B. Unscheduled

Larry Aslinger, 439 Buena Vista, Brookings, requested clarification of exparté contact and additional advertising of Council work sessions.

VII. Staff Reports

A. Finance Department

1. Ratification of Union Contract

Finance Director Paul Hughes reviewed the staff report and advised the only addition was on-call and standby pay for Public Works and Wastewater. There was a question regarding one position which will be

researched by Hughes. The Council and Mayor commended Hughes for his work.

Councilor Gordon moved, a second followed, and the Council voted unanimously to approve the Collective Bargaining Agreement for General Employees with Teamsters Local #223 for the term July 1, 2005-June 30, 2008 as proposed.

2. Approval of Inspector position and salary range

Finance Director Paul Hughes reviewed the staff report and clarified the code enforcement portion of the position. The Public Works Director would supervise this position.

Councilor Mickelson moved, a second followed, and the Council voted unanimously to approve the Inspector job description and the salary range of \$2,873 - \$3,850/month, Range 13 of the 2005/2006 wage scale.

B. Fire Department

1. Approval of bid award for 8 new Bendix King Digital Mobil radios
City Manager Dale Shaddox reviewed the staff report and explained one bid received did not meet the criteria.

Councilor Anderson moved, a second followed, and the Council voted unanimously to approve purchase of the 8 Bendix King radios to My-Comm, Inc.

2. Approval of purchase of Firefighter I & II training DVD's to Action Training Systems.

City Manager Dale Shaddox reviewed the staff report and advised both purchases for the Fire Department were within the budgeted amount.

Councilor Gordon moved, a second followed, and the Council voted unanimously to approve purchase of the Firefighter I and II training DVD's to Action Training Systems.

C. City Manager

1. Approval of Work Session date with Park and Recreation Commission on February 26, 2006 7:00 pm to discuss ODOT proposals/options for the Chetco Ave./5th Street intersection.

City Manager Dale Shaddox reviewed the staff report and clarified the date of the meeting as January 26, 2006. The Council and staff discussed the timeline and procedure for the proposal/options for the Chetco Ave./5th Street intersection.

Councilor Mickelson moved, a second followed, and the Council voted unanimously to agree to conduct a joint study session with Parks and

**Recreation Commission at its regular meeting of January 26, 2006,
7:00 pm in the Council Chamber.**

2. *Other*
None.

VIII. Consent Calendar

- A. *Approval of Council Meeting Minutes*
1. *Meeting of November 14, 2005*
B. *Approval of vouchers for month of November, 2005 (\$ 284,043.77)*
C. *Approval of Liquor License Application for Pancho's Cantina Y
Restaurante*
D. *Acceptance of a deed from Mahar/Kessler Properties LLC for Lot 46 of
Vista Ridge Subdivision for water tank location*
E. *Approval of dates for budgetary goals work sessions*
End Consent Calendar

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

IX. Remarks from Mayor and Councilors

A. Council

Councilor Anderson commented on the process required to accomplish removal
of the trailer at 400 Hillside.

B. Mayor

Mayor Sherman invited citizens to stop by City Hall and choose a tag off the tree
to donate a gift to Oasis House.

X. Adjournment

Councilor Willms moved, a second followed, and the Council voted unanimously
by voice vote to adjourn at 9:37 pm.

Respectfully submitted:



Pat Sherman
Mayor

ATTEST by City Recorder this 11 day of January, 2006.


Paul Hughes

Finance Director/City Recorder