

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
February 14, 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

III. Roll Call

Council Present: Mayor Pat Sherman, Council President Larry Anderson, Councilors Frances Johns Kern, and Dave Gordon, a quorum present.

Council Absent: Councilor Craig Mickelson and Ex Officio Councilor Wes Enos

Staff Present:

City Manager Leroy Blodgett, City Attorney John Trew, City Planner John Bischoff, Senior Planner Dianne Snow, Lead Operator/Lab Tech Mark Haglund and Administrative Secretary Linda Barker

Media Present: Curry Coastal Pilot Reporter Brian Bullock

Other:

Approximately 40 other citizens

IV. Ceremonies/Appointments/Announcements

A. Ceremonies

1. *Proclamation to Rotary Club of Brookings-Harbor on the centennial anniversary of Rotary*

Rick Dentino accepted a proclamation on behalf of Rotary Club of Brookings-Harbor saying he will present it at the next Rotary meeting. He said the first Rotary club was started in Chicago and their initial project was installing an outdoor public washroom. According to Dentino, Rotary is most known for leading the fight for eradication of the dreaded disease polio. In celebration of 100 years of service Rotary clubs around world are taking on centennial projects. The Brookings-Harbor club's project is the ADA improvements at the high school track.

2. *Certificate of Appreciation for Police Chief Chris Wallace for 10-year work anniversary*
Pat Sherman acknowledged Chief Wallace's ten-year service to the City saying she felt safe with Wallace leading the Police Department and hopes that he will be in that capacity for many years to come. Wallace was ill and unable to accept his certificate. It will be given to him at a later date.

B. Appointments

1. *Budget Committee Positions No. 4 and 5*
Mayor Sherman recommended that Sally Laash be reappointed to Budget Committee Position No. 5 and Robert Pirih be appointed to Position No. 4.

Councilor Anderson moved, a second followed, and the Council voted unanimously to appoint Robert Pirih to Budget Committee Position No. 4 and reappoint Sally Laash to Position No. 5.

C. Announcements

None

V. Public Hearing

- A. *In the matter of LDC-1-05, a proposed change to Section 148, Annexations, of the Land Development Code, to simplify the wording and annexation procedure. City initiated. This is a legislative hearing and the Council will make a decision on this matter. Criteria used to review amendments to the city's Land Development Code and Comprehensive Plan can be found in Section 144, Amendments, of the Land Development Code.*

After reading the procedures for legislative public hearings into the record Mayor Sherman opened the hearing at 7:07 p.m.

No member of the Council declared ex parte contact, personal bias or potential or actual conflict of interest. There was no objection from the public to the jurisdiction of the Council to hear the proposal.

City Planner Bischoff gave his staff report recommending approval of the amendments to Section 148. The Planning Commission has also recommended approval. He said the existing ordinance has been in place at least since 1989, perhaps longer. That procedure is long and arduous, especially for one lot annexations. The amendments make major changes in subsection .030 which is

combined with .040 to create one section called *Annexation Impact Analysis*.

There was Council discussion regarding existing streets: who would maintain them and how and who would bring them in line with City standards. City Manager Blodgett said streets annexed would remain in the County's maintenance domain until they were brought up to City standards. Other discussion centered on the impact analysis and who prepares it. Bischoff said it is prepared by the applicant or his representative and then reviewed by the City Engineer. A positive analysis does not mean the annexation will automatically be approved.

There were no speakers in support or opposition of the changes. Yvonne Maitland, 15676 Oceanview Drive, representing herself and Citizens for Orderly Development, spoke as an interested party. She was concerned that annexed streets may never be improved and would become a problem for the City. She saw conflicting provisions in the City and County standards. She also was concerned about areas of mass movement.

Barbara Nysted, 427 Buena Vista Loop, also had concerns on why the County is held accountable for streets after they are annexed into the City. Blodgett explained this is similar to the situation on Hwy 101 where the highway is within the City limits but maintained by ODOT. He also said neighborhoods could form local improvement districts to improve streets.

The public hearing was closed at 8:00 p.m.

There was additional Council discussion on provisions of the ordinance, mainly around existing streets and their maintenance.

No action was taken at this time. See Agenda Item X.

VI. Scheduled Public Appearances

- A. *Susan Lynch—presentation on bio-solids issue on behalf of petitioners*
Susan Lynch, 99544 North Band Chetco Road, said petitions regarding the City's spreading of bio-solids at the Keith Smith Ranch on the north bank of the Chetco River have been circulated since September 26, 2004. At this time 1,803 people have signed indicating they do not want bio-solids applied to these fields. She said petitioners feel bio-solids application on the ranch is a public nuisance and health hazard. Lynch asked the Council to either find other areas to apply the bio-solids or terminate the practice altogether.

Also speaking on the matter were:
Harvey Young, PO Box 1954
Dan Cowley, PO Box 795
Gaston DePuglia PO Box 8098
Mary Higgins, 99876 So Bank Chetco
Dave Frasier 99897 So Bank Chetco
Jane Schryer, 99856 So Bank Chetco
Bud Abrams, 99749 So Bank Chetco
Pete Celli, 99876 So Bank Chetco
Judy Hamlin, 99755 So Bank Chetco
Tom Hamlin, 99755 So Bank Chetco
Mark Haglund, 437 Azalea Park Road
Lori Wraith, 99049 Lynn Lane
Yvonne Maitland, 15676 Oceanview Drive
Barbara Nysted, 427 Buena Vista Loop
Larry Aslinger, 439 Buena Vista Loop
Keith Smith, 99590 North Bank Chetco

The Council asked questions of the speakers and discussed the matter among them. Mayor Sherman said the City is working as quickly as possible to resolve the problem and that as the bio-solid storage tanks are getting full there is no alternative to spreading in the immediate future.

Councilor Anderson added that he had not been told anything one way or the other by the City Manager although that claim had been made by one of the speakers. He has been studying and waiting to see the results from the Council-requested Brown & Caldwell study. He assured the petitioners they are being heard but all the data is not in yet. Mayor Sherman offered information that she has gathered to the petitioners. Councilor Gordon said he too is focused on this issue and listening to those on both sides. He also stated no one on staff is attempting to influence the Council in their decision. Councilor Johns Kern said the Council really has been listening but this issue is going to take time.

No action was taken at this time.

The Council recessed for five minutes, reconvening the meeting at 9:32 p.m.

VII. Oral Requests and Communications from the Audience

A. *Committee and Liaison reports*

1. *Chamber of Commerce*

a. *Annual report for calendar year 2004*

The Chamber's annual report was included in the Council packet. Due to a scheduling error, Chamber President Les

Cohen was not at the meeting as he had requested the report be put on the February 28 meeting agenda.

2. *Council Liaisons*

Councilor Anderson attended the Community Agencies meeting, two watershed council meetings and the Harbor Sanitary Board meeting. He said he is no longer writing reports on these meetings as the Curry Coastal Pilot has been giving excellent coverage.

Councilor Gordon said he did not attend the Port Commission meeting as noted in the January 24, 2005, Council minutes but will attend the next one.

Councilor Johns Kern attended the Curry County Recycling Committee and Pelican Bay Prison Oversight Committee meetings.

Mayor Sherman attended the Community Agencies meeting and the opening of Lettie's Buffet where she painted the blood red on the dragon's eyes to wake it up.

B. *Unscheduled*

Don Nuss, 650 Mardon Court, addressed the Council saying he has a petition with over 100 signatures asking the Council to repeal Ordinance 93-O-342 Section A. He would like the Council to accept his petition and repeal the ordinance and draft one that he feels would be fair and equitable. He would like this on the Council agenda as soon and possible. He did not submit a petition at this time.

Rex Atwell, 17169 Parkview Drive, spoke about speed limits on Parkview Drive above Hampton Road. He related that the school bus makes 26 stops on the Parkview/Dodge Avenue loop and picks up and delivers 84 school children. Because of hidden driveways and curves on the roads in that area he requested a 25 mile per hour speed limit. Atwell said he had offered to pay for the signs at a previous request and continues with that offer. Councilor Anderson asked if this was a County issue since while Parkview Drive has been annexed into the City the maintenance of the road is under County Jurisdiction. City Manager Blodgett said he will look into the matter.

VIII. Staff Reports

A. *City Manager*

1. *Permission to go out for bids for 5-yard dump truck: chassis and dump body*

City Manager Blodgett said the Council had given approval in January to go out for bids for a dump truck chassis. The request

should have been for the chassis and dump body so he was bringing the issue back to the Council for approval.

Councilor Anderson moved, a second followed, and the Council voted unanimously to approve the minimum specifications and direct staff to solicit bids for a 5-yard dump truck complete with dump body.

2. *Fiscal Year 2005-06 City Goals*

City Manager Blodgett presented the proposed goals to the Council, recommending adopting them. Once the goals are established they will be sent on to Paul Hughes, Budget Officer, to incorporate into the fiscal year budget. If some cannot be incorporated into the budget, Blodgett will report this to the Council.

Councilor Gordon moved, a second followed, and the Council voted unanimously to adopt the following goals for Fiscal Year 2005-06:

MASTER PLANNING

- **Azalea Park Master Plan**
 - **Work with Parks & Recreation Commission to develop a detailed master plan for future development of Azalea Park**
- **Storm Water Master Plan**
 - **Public Works Department will oversee the update of the Storm Water Master Plan**
 - **Consider working with Curry County to include areas outside the city limits**
- **Construction Standards & Specification**
 - **Staff will compile a new specification book using examples from other cities**
- **Land Development Code**
 - **Work with the Planning Commission to review and update the Land Development Code**
- **Brookings – Harbor Consolidation**
 - **Prepare a study of the pros and cons of consolidation**

PUBLIC SAFETY

- **Safety Corridor – Dawson to Easy**
 - **Write letter to ODOT requesting the portion of Highway 101 from Dawson to Easy Street be designated as a Safety Corridor**
- **Pedestrian Safety**
 - **Work with ODOT to improve pedestrian crossings on Highway 101**

- Evaluate and improve pedestrian crossings on City streets

WATER/SEWER/STREETS

- **Street & Sidewalk Maintenance & Replacement**
 - Develop a program including schedules and funding for maintenance, installation and replacement of streets and sidewalks
- **Hassett Street Connection**
 - Work with adjacent property owners in attempt to satisfy concerns
 - Redesign street to reduce cost and impact to property owners
- **Elk & 5th Street Intersection**
 - Consider alternative design configuration to improve the intersection
- **Water Source Protection**
 - Consider other methods of bio-solids disposal and/or additional treatment
 - Develop a Water Source Protection Plan

COMMUNITY DEVELOPMENT & ISSUES

- **Community Center**
 - Determine community desires
 - Determine location
 - Prepare preliminary design
 - Begin fund raising
- **City Hall**
 - Consider other potential functions such as school administration offices or community center which could located within a new city hall
 - Revise preliminary design to reflect design for Elk & 5th Street intersection
 - Identify funding and time line
- **Community Beautification and Livability Issues**
 - Provide support for existing and new volunteer groups
- **Community Health Delivery System**
 - Work with Oregon Rural Health to develop a needs assessment of health care
- **Drug Awareness**
 - Develop educational programs in the schools and community
- **Downtown Revitalization**
 - Begin implementation of the Downtown Master Plan and Urban Renewal Plan

3. *LOC Board meeting report*
City Manager Blodgett reported on the League of Oregon Cities board meeting held in Salem on February 3 and 4. In addition to the board meeting he met with Representative Wayne Krieger. The entire board also met with the House Revenue Committee.

4. *Other*
City Manager Blodgett said each Friday he will give a written report to the Council about things happening around City Hall and other places in the community. After Council discussion it was decided that Blodgett did not need to do the report weekly but every other week or when there is a lot going on. Blodgett said he will use bullets and try not to prepare such a lengthy report as the one he gave this last Friday.

Blodgett said the contract for the bio-solids study was signed with one added component, a presentation to the public. This increased the contract amount approximately \$2,000. He said this presentation can be deleted from the contract if it is not needed. If the presentation is given it will be held in a setting with adequate seating.

IX. Consent Calendar

- A. *Approval of Council Meeting Minutes*
 1. *Minutes of January 24, 2005, regular Council meeting*
 - B. *Acceptance of Planning Commission Meeting Minutes*
 1. *December 7, 2004, regular Commission meeting*
 2. *January 11, 2005, regular Commission meeting*
 - D. *Approval of vouchers for the month of January, 2005 (\$1,084,867.39)*
 - E. *Approval of Liquor License Application to add partner-Pine Cone Tavern*
- End Consent Calendar

Councilor Anderson moved, a second followed, and the Council voted unanimously to accept the Consent Calendar with a change in the minutes of January 24, 2005, to reflect that Councilor Gordon attended only the Council Long Term Goals session on January 18.

X. Ordinances/Resolutions/Final Orders

- A. *Ordinances*
 1. *In the matter of Ordinance No. 05-O-446.UU, an Ordinance amending Ordinance No. 89-O-446, an Ordinance creating the Land Development Code, to amend Section 148, Annexations, in its entirety*
Discussion on this item was held under Agenda Item V.

City Manager Blodgett read Ordinance No. 05-O-446.UU in its entirety.

Councilor Gordon moved, a second followed, and the Council voted unanimously to have the second reading of Ordinance No. 05-O-446.UU by title only.

Blodgett read the ordinance by title only.

Councilor Gordon moved, a second followed, and the Council voted unanimously to adopt Ordinance No. 05-O-446.UU, an Ordinance creating the Land Development Code, to amend Section 148, Annexations, in its entirety with changes from the proposed ordinance as follows:

Section 148.020.C to read: Consent to annex forms completed and signed by all ~~consenting~~ property owners within the territory proposed to be annexed.

Section 148.030.F to read: Improvements for needed infrastructure ~~may~~ shall be secured by a funding mechanism that will place the ~~primary~~ economic burden on the territory proposed for annexation and not on the City of Brookings.

XI. Remarks from Mayor and Councilors

A. *Council*
None

B. *Mayor*
Mayor Sherman announced the League of Women Voters will hold a public meeting titled *Funding Oregon*, February 17 at 10:00 a.m. in the Chetco Community Public Library.

Councilor Gordon said there is a tsunami preparedness meeting that same evening.

Before going into executive session, Mayor Sherman read from ORS 192.660 outlining the justification and procedure for convening an executive session. She asked that the chambers be cleared for that purpose. The chambers were cleared and the executive session began at 10:08 p.m.

XII. EXECUTIVE SESSION

A. *ORS 192.660 (2)(e)—Real Estate Transaction*

The regular Council meeting reconvened at 10:26 p.m.

X. Adjournment

With no further business before it the Council adjourned the meeting at 10:27 p.m.

Respectfully submitted:



Pat Sherman
Mayor

ATTEST by City Recorder this 2nd day of March, 2005.



Paul Hughes
Finance Director/City Recorder