

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

Led by Ex Officio Councilor Wes Enos

III. Roll Call

Council Present: Mayor Pat Sherman, Council President Larry Anderson, Councilors Frances Johns Kern, Craig Mickelson, and Dave Gordon, Ex Officio Councilor Wes Enos, a quorum present.

Council Absent: None

Staff Present:

City Manager Leroy Blodgett, City Attorney John Trew, City Planner John Bischoff, and Administrative Secretary Linda Barker

Media Present: Curry Coastal Pilot Reporter Brian Bullock

Other:

Planning Commission Vice-Chair Bruce Nishioka; Chamber of Commerce President Les Cohen, and approximately eight other citizens

City Attorney Trew asked for an addition of an agenda item to consider Resolution No. 05-R-734, a resolution adopting Public Contracting Rules and prescribing rules of procedure for public contracting.

Councilor Mickelson moved, a second followed, and the Council voted unanimously to add an item to the agenda: Item IX.C, In the matter of Resolution No. 05-R-734, a resolution adopting Public Contracting Rules and prescribing rules of procedure for public contracting.

IV. Ceremonies/Appointments/Announcements

A. Ceremonies

1. Certification of Appreciation to Bob Gilmore for his service on the Planning Commission

Mayor Sherman presented a certificate to Bob Gilmore in appreciation for his one year, seven months of service on the Planning Commission.

B. *Appointments*

1. *Economic Development Committee*

City Manager Blodgett said no applications were received. The opening will be re-advertised and the appointment will come before the Council again at a later date.

C. *Announcements*

None

V. **Public Hearing**

- A. *In the matter of Planning Commission File No. VAC-1-05, an application for a vacation of the southerly most 70 feet of Truman Lane adjacent to Assessor's Map 41-13-6 CB Tax Lots 5900 and 6200; R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size); Paul Sherman, applicant. Criteria used to decide this case can be found in Section 152, Vacations, of the Land Development Code. This is a quasi-judicial hearing.*

After reading the item number, title and a portion of the procedures for quasi-judicial hearings into the record, Mayor Sherman declared ex parte contact and personal bias regarding Planning Commission File No. VAC-1-05. She stated the nature of the ex parte contact and bias was that one of the pieces of property in the application was her home and the other was her future home. She was advised by City Attorney Trew that she did not have to leave the bench or the chambers but she should not participate in the hearing. Council President Anderson assumed the chair position for the remainder of the hearing. He completed the procedures for the hearing which was opened at 7:06 p.m. No member of the public objected to the jurisdiction of the Council to hear this application.

City Planner Bischoff gave the staff report saying the parcels on both sides of Truman Lane are owned by the applicant who is requesting vacation of the last 70 feet. Bischoff said both the Planning Commission and staff recommended approval of the application. City Manager Blodgett said the easement listed as No. 6 in the findings is not necessary as the sewer main ends before the portion of the street to be vacated.

No one spoke in support or opposition of the proposal. Nor did any interested parties or public agencies speak.

Bischoff said there were some dates listed incorrectly in the materials in the packet. These dates would be changed before the documents were signed if the proposal were approved.

The applicant waived his right to seven additional days in which to submit written testimony.

The public hearing closed at 7:16 p.m.

Councilor Mickelson moved, a second followed, and the Council voted 4-0-1 (Mayor Sherman did not participate in the hearing) to approve Planning Commission File No. VAC-1-05, a request to vacate the southerly most 70 feet of Truman Lane adjacent to Assessor's Map 41-13-6 CB Tax Lots 5900 and 6200; R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size); Paul Sherman, applicant; and to prepare a Final ORDER and Findings of Fact in support of the approval.

Mayor Sherman resumed the chair position at the conclusion of the public hearing.

VI. Oral Requests and Communications from the Audience

A. *Committee and Liaison reports*

1. *2004 Planning Commission Annual Report presented by Vice-Chair Bruce Nishioka*

Vice Chair Bruce Nishioka presented the Planning Commission's annual report for 2004 which is attached and made a part of these minutes. He answered questions from the Council. There was discussion on additional training for the Commissioners and more interaction between the Planning Commission and the Council. A joint work/study session is planned for April. Nishioka said Measure 37 put a big question mark in land use and the Planning Commission is looking for direction on how to deal with it.

Councilor Anderson commented that this weekend he was advised by two landowners in Harbor who are interesting in annexing to the City. He stated the Planning Commission needs to become as knowledgeable as possible about annexation.

2. *2004 Brookings Municipal Court Annual Report presented by Judge Richard Harper*

Judge Harper was not present at the meeting. In his place City Manager Blodgett summarized the annual report that was printed in the packet. He said Court will be held on the third Thursday of each month beginning in April. Joyce Heffington is the new Court Clerk, beginning her training March 1.

Councilor Mickelson asked about collection of old fines. Blodgett said that review by volunteer John Johnson and City Attorney

Trew determined that some of the fines would not be collected but more will be learned as the Court Clerk reviewed each case.

3. *Chamber of Commerce*

Chamber President Les Cohen said the Beachcombers Festival will be held this weekend in the Azalea School multipurpose room. There was a meeting this morning of the Chambers Marketing and Promotions Committee which set a strategic planning meeting where the committee will take a close look at how promotion moneys are being spent to make sure the money is getting the most bang for the buck. Visitor counts are up so transient room taxes are also up. After the successful run at the Jackson County Sportsman and Outdoor Show the Chamber is looking at sportsman shows in Eugene and Roseburg. Cohen will be attending the Governor's Council on Tourism in Pendleton the end of April.

Cohen said the American Music Festival is shaping up with a terrific concert schedule beginning on Azalea Festival with ten to eleven concerts this year. AMF has submitted a grant application to the Ford Family Foundation in Roseburg hoping to use the funds to bring the Oregon Trail Band to Brookings.

There has been lots of interest in the upcoming Slam'n Salmon Ocean Derby. The steelhead derby held in February and March raised over \$100,000 for Cal-Ore fish enhancement.

4. *Council Liaisons*

Councilor Gordon attended the Community Agencies luncheon, the Council's work/study session last week and an ODOT stakeholders meeting.

Councilor Anderson said this has been a busy period. He attended the Community Agencies luncheon, two watershed meetings, and the Harbor Sanitary District meeting.

Ex Officio Councilor Enos said spring sports have started. The students are hoping the track project will be completed by the first track meet. Last Friday marked KURY Radio Day in honor of Vern and Dorothy Garvin who have sold the station after some 40 years as owners/operators. Spring Break is next week and the Dance Team, after taking 1st in three competitions, will be going to a state-wide competition.

Councilor Mickelson attended the Planning Commission meeting March 1 and on the 3rd traveled to Newport for an OCZMA meeting on the salmon and steelhead seasons. He said he left the

meeting with a lot of respect for the State Department of Fish and Wildlife. There is a tremendous amount of cooperation between commercial and recreational fisherman and the public at large. It looks like the salmon season will be greatly restricted this year. Mickelson also attend the Chamber of Commerce Forum where Mayor Sherman gave a State of the City address and the Chamber's marketing meeting.

Councilor Johns Kern went to the Community Agencies meeting which she said is coming along great, it just needs more participation.

Mayor Sherman attended the Community Agencies meeting and gave the State of the City address to the community at the Chamber's monthly forum.

B. Unscheduled

Susan Lynch, 99544 North Bank Chetco, presented the Councilors with additional information pertinent to the biosolids issue, spreading biosolids on the Smith Ranch in particular. She quoted some of the information she gave the Councilors. She said alternate sites are in existence and asked the Council to consider the situation on the Smith fields and use the alternate sites for biosolids spreading even though DEQ will permit spreading on the Smith fields after May 1.

Mayor Sherman said the biosolids issue will be on the agenda as soon as all the information has been received to make the decision. This information includes that received from Lynch as well as the Brown and Caldwell study commissioned by the Council.

Lynch further explained that she was asking only to delay using the Smith field, instead spreading the biosolids on other available sites while other options are being explored. She asked for this to be on the April 11 agenda. City Manager Blodgett said this can be done before May 1 but he wasn't sure about April 11.

VII. Staff Reports

A. City Manager

1. Approval of continuation of Yard of the Month/Most Improved Property Program for 2005

City Manager Blodgett asked Council permission to continue the Yard of Month/Most Improved Property program this year. Councilor Anderson said he would like to see the program expanded to include commercial properties. Blodgett said staff will put together a program and bring it to the Council at the next meeting.

Councilor Anderson moved, a second followed, and the Council voted unanimously to follow staff's recommendation and approve the continuation of the Yard of the Month/Most Improved Property Program for 2005.

2. *Other*

City Manager Blodgett thanked the Council for putting up with him these past few weeks during a serious family illness.

VIII. Consent Calendar

A. *Approval of Council Meeting Minutes*

1. *Minutes of February 28, 2005, regular Council meeting*

B. *Acceptance of Planning Commission Meeting Minutes*

1. *Minutes of February 1, 2005, regular meeting*

C. *Approval of vouchers for the month of February, 2005 (\$367,051.13)*

End Consent Calendar

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

IX. Ordinances/Resolutions/Final Orders

A. *Final Orders*

1. *In the matter of Planning Commission File No. VAC-1-05; an application for approval of a right-of-way vacation; Paul Sherman, applicant.*

Mayor Sherman did not participate in these deliberations as she had declared ex parte contact and personal bias during the public hearing held earlier on this issue.

Councilor Gordon moved, a second followed, and the Council voted 4-0-1 (Mayor Sherman did not participate in the procedure) to approve the Final ORDER and Findings of Fact in the matter of Planning Commission File No. VAC-1-05 with changes to the draft findings to reflect that the public hearing before the City Council was held on March 14, not February 28, 2005, and deleting Finding No. 6, as no utility easement will be required.

B. *Ordinances*

1. *In the matter of Ordinance No. 05-O-567, an ordinance vacating the southerly most 70± feet of Truman Lane.*

City Manager Blodgett read the ordinance in its entirety.

Councilor Mickelson moved, a second followed, and the Council voted 4-0-1 (Mayor Sherman did not participate in the proceedings) to have the second reading of Ordinance No. 05-O-567 by title only.

City Manager Blodgett read Ordinance No. 05-O-567 by title only.

Councilor Mickelson moved, a second followed, and the Council voted 4-0-1 (Mayor Sherman did not participate in the proceedings) to adopt Ordinance No. 05-O-567 an Ordinance vacating the southerly most 70± feet of Truman Lane.

C. *Resolutions*

1. *Resolution No. 05-R-734, a resolution adopting Public Contracting Rules and prescribing rules of procedure for public contracting (added to the agenda at the beginning of the meeting)*
City Attorney Trew said as of March 1 the State Legislature changed laws pertaining to public contracting. If cities do not adopt their own standards, by default the cities will fall under state rules. With these state-wide changes he asked for a resolution so the City can continue approving purchases under the same procedures it has in the past. This would be a temporary measure until a complete review of the new laws is done and presented to the Council at a latter date.

Exhibit A of the resolution would allow the City Manager or his designee to issue solicitations and to award contracts for which the contract price does not exceed \$25,000, subject to the following conditions:

- (1) For purchases up to the sum of \$3,000 to purchase needed items without obtaining quotes and to award without any other approval.
- (2) For purchases in excess of \$3,000 and up to \$24,999, the City Manager shall attempt to obtain three oral or written quotes and to award without any other approval.

Councilor Mickelson moved, a second followed, and the Council voted unanimously to approve Resolution No. R-05-734, adopting Public Contracting Rules and prescribing rules of procedure for public contracting.

X. Remarks from Mayor and Councilors

A. Council

Councilor Gordon said he will not be attending the Port of Brookings-Harbor Commission meeting on March 21 as he will be at the Council work /study session set the same evening

B. Mayor

Mayor Sherman encouraged everyone to attend the special Parks and Recreation Commission meeting on Wednesday. The meeting is dedicated to exploring the feasibility of a community center for the area.

She also commended the Police Department for their Donkey Basketball win against the County Sheriff's Department.

She said the Stop Oregon Litter and Vandalism (SOLV) semi-annual beach cleanup is this weekend and participants should meet at the Harris Beach Visitors Center at 9:00 a.m.

Council Gordon added he will be attending the League of Oregon Cities forum for new councilors in North Bend on March 16.

X. Adjournment

With no further business before it, the Council adjourned the meeting at 8:13 p.m.

Respectfully submitted:



Pat Sherman
Mayor

ATTEST by City Recorder this 29th day of March, 2005.



Paul Hughes
Finance Director/City Recorder

City of Brookings Planning Commission



Commissioner Collis
Commissioner Dundom
Commissioner Freeman (resigned 12-04)
Commissioner Bob Gilmore, Chair
Commissioner Gorman
Commissioner Nishioka
Commissioner Smith

Annual Report for 2004

The Planning Commission held 12 regular public hearings and 4 special meetings: a special meeting was held for goal-setting for the 2003-04 budget; a special meeting for File No. MPD 1-04-the Master Plan Development as proposed by U.S. Borax; the continuation of MPD-1-04 on August 17th; and a special hearing for LDC-1-04, the proposed new zone, DBD (Downtown Business District).

The Planning Commission heard 62 requests at 12 regular meetings and 4 special meetings during 2004:

<u>Minor Partitions</u>		<u>6 creating 12 lots</u>
Subdivisions		5 creating 27 lots
Conditional use permits		6
Minor changes to conditional use permits		2
<u>Zone change</u>		<u>4</u>
Land Development Code change	1	
<u>County Referrals</u>	<u>16</u>	
<u>Variances</u>		<u>2</u>
Extensions	4	
Final Map	14	

The Planning Commission reviewed and approved two PUD (Planned Unit Development) applications:

- PUD-1-04 *Pacific Terrace* 29 Lots
- PUD-2-04 *Ransom Creek Condos* 36 units

Recommendations:

- The Commission expresses their appreciation for the new Council Chambers PA system. The feedback from citizens has been positive.
- The Commission thanks the Planning Staff for updates on appeals, and results from recommendations for County Referrals.
- The Commission requests a quarterly report by the Planning Staff. Due to the workload this report has not been done in the last few years.
- The Commission would like some sort of training or another seminar to continue being updated with state and local code changes, and a review of procedures.
- The Commission will continue to strive to make the best decisions.

A special *thanks* to the Community Development staff for providing us with the packets in a timely manner. We will continue to make the best decisions for our great community

Respectfully submitted,
Presented to the City Council 3-14-2005

Original Signed by Bruce Nishioka

Bruce Nishioka,
Planning Commission Vice-Chair

BROOKINGS MUNICIPAL COURT

898 Elk Drive
Brookings, OR 97415
(541) 469-1110

March 7, 2005

RE: Annual Report for Calendar Year 2004

PRESENTED TO City Council on March 14, 2005

The Judicial Department provides maintenance of accounts receivables, court files, and court facilities/activities for the Brookings Municipal Court. The department head is the Honorable Richard L. Harper. During 2004 his court clerk was Linda Barker. Barker is retiring this April and Joyce Heffington will step in the court clerk position.

In 2004, the Brookings Municipal Court was held on the third Monday of each month at 9:00 a.m. Beginning in April 2005 Municipal Court will be held on the third Thursday of each month at 1:00 p.m. unless there are demands that determine scheduling for a different time or date. Only city ordinance violations are cited into this court.

Receipts are received in two forms. One is the result of new charges by our officers cited into the circuit court in Gold Beach and the other is from collections of previous fines levied and new city ordinance violations. A total of \$18, 572.24 was receipted in calendar year 2004—\$17,923.24 from the state courts and \$649 from accounts receivable collections and new fines for ordinance violations. Both of these amounts are slightly up for calendar year 2003.

In 2004, Municipal Court dockets included City ordinance violations of control of domestic animals (two resulting in dog bites), discharge of firearm within city limits, and vagrancy.

Signed:

Original signed by Judge Richard Harper

Judge Richard L. Harper
MUNICIPAL COURT