

CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
September 13, 2004 7:00 p.m.

I. Call to Order

Mayor Bob Hagbom 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 Bob Hagbom, Council President Rick Dentino, Councilors Frances Johns Kern, Craig Mickelson, and Larry Anderson, Ex Officio Councilor Wes Enos, a quorum present.

Council Absent: None

Staff Present:

City Manager Leroy Blodgett, City Attorney John Trew, Community Development Director Leo Lightle, City Planner John Bischoff, Pool Supervisor Jeanne Nelson, and Administrative Secretary Linda Barker.

Media Present: Curry Coastal Pilot Reporter Brian Bullock

Other:

Chamber of Commerce President Les Cohen and approximately 60 other citizens

IV. Ceremonies/Appointments/Announcements

A. Ceremonies

1. *Proclamation—Fall Clean-up Time in Brookings-Harbor*

Pete Smart accepted a proclamation declaring the months of September and October as Fall Clean Up Time in Brookings Harbor.

2. *Proclamation—National Emblem Club Week*

Six members of the Emblem Club accepted a proclamation declaring the week of September 12 through 18 as National Emblem Club Week.

B. Announcements

1. *Yard of the Month/Most Improved Property for September*

Winners for September Yard of the Month were Cathleen and Robert Wollam at 317 Birch Street. LaDonna and Dave Osburn were awarded the Most Improved Property honor for September. These are the last awards for this season.

V. Oral Requests and Communications from the Audience

A. Committee and Liaison reports

1. *Chamber of Commerce*

2. *Council Liaisons*

In interest of time Chamber President Les Cohen and the Councilors asked that their reports be made at the next meeting. Mayor Hagbom accepted this offer.

- B. *Unscheduled*
None

VI. Staff Reports

A. *Community Development Department*

1. *Approval of bids for Fifth Street Intersection with Elk Drive*

Community Development Director Lightle said the City advertised for bids for Fifth and Elk Streets sidewalk and street improvements. The low, and only, bidder was John Rapraeger in the amount of \$51,246.25.

Councilor Anderson moved, a second followed, and the Council voted unanimously to award the Fifth and Elk Streets sidewalk and street improvement project to John D. Rapraeger, Inc. in the amount of \$51,246.25.

2. *Approval of bids for Chetco Avenue Water Distribution Project, Schedule C*

Community Development Director Lightle reviewed the bid process for the Chetco Avenue Sanitary Sewer and Water Distribution Improvements Part II projects Schedules A, B, B alternate, and C. He said two bids were received on Schedule C, the waterline portion of the project from Pacific to Fern avenues. The low bidder was McLennan Contractors in the amount of \$158,109.35. He added the City will be re-advertising the other schedules.

Councilor Dentino moved, a second followed, and the Council voted unanimously to award the Chetco Avenue Water Distribution Project, Schedule C to McLennan Contractors in the amount of \$158,109.35.

3. *Acceptance of dedication deed for right-of-way for construction of Lucky Lane*

Community Development Director Lightle asked the Council to accept a dedication deed for street right-of-way on a new proposed street located on the north side of Highway 101 (Chetco Avenue) at the west side of the Westward Motel and the Econo-Wash Laundromat. Lightle said that although the grantors had given the street a name, Lucky Lane, this had not been approved by the Planning Commission as the City's ordinance states and this will have to be done.

Councilor Dentino moved, a second followed, and the Council voted unanimously to accept the dedication deed for right-of-way for a proposed new street located on the north side of Highway 101 (Chetco Avenue) at the west side of the Westward Motel and the Econo-Wash Laundromat. Grantors are Jerry and Janet Norman; Richard Wilson, George and Rebecca Watwood and Dorothy Deck.

B. **City Manager**

1. *Swimming Pool Improvements*

Pool Supervisor Jeanne Nelson explained that the proposed contract with Emerald Pools, Eugene Oregon, is for basically the same work as was done at the last pool resurfacing, but a lot more items are included in the current proposal for the same money.

Mayor Hagbom opened the public hearing at 7:34 p.m. Councilor Mickelson declared he attended the Planning Commission meeting as Council liaison when this file was heard. No other Councilor had ex parte contact. No councilor declared personal bias or interest. There was no opposition to the jurisdiction of the Council to hear the matter. Mayor Hagbom read hearing procedures into the record.

Planning Director Bischoff presented the staff report. During his report there was a brief recess when staff was notified the audio portion of the televised hearing was not going out. After adjustments to the system the meeting reconvened at 7:46 p.m. Bischoff said the Planning Commission recommended approval of the master plan with the conditions that were printed and included in the Council packet.

U. S. Borax representative Burton Weast introduced his technical team of Dennis Boyle, U. S. Borax; Steve Dixon, OTAK; Chris Wright, Raedeke Associates, Inc.; Bob Vaught, OTAK; Scott Mansur, DKS Associates; Marty Stiven, Western Advocates; and Tim Ramos, legal counsel. Weast gave a PowerPoint presentation overview of the project and his technical team addressed specific concerns. Council asked questions of the presenters.

Testifying in support of the application were:

Steve Kridelbaugh, President SWOCC	1980 Newmark	Coos Bay OR
Chuck Schlumberger	17741 Hwy 101	Brookings OR
Peggy Goergen, Associate Dean SWOCC	PO Box 2506	Harbor, OR
Les Cohen, President, Brookings-Harbor Chamber of Commerce	PO Box 940	Brookings OR
Don Mitchell	423 Buena Vista Loop	Brookings OR
Ron Wimberley	PO Box 3000F	Harbor OR

The meeting recessed at 9:35 p.m. and reconvened at 9:47 p.m.

Testifying in opposition to the proposal were:

Catherine Wiley	96370 Duley Creek	Brookings OR
Bischoff requested a point of order on whether artifacts Wiley presented during her testimony should be held as exhibits. Wiley said a picture of the artifacts could be taken but she was not leaving them. City Attorney Trew said the exhibits had not been offered.		
Judy Kaplan	PO Box 4187	Brookings OR
Kaplan read a letter from Yvonne Maitland who was out of town.		
Pete Chasar	935 Marina Heights	Brookings OR
Chasar requested seven days to provide information.		
Bill Smith	820 Highland Avenue	Brookings OR
Pat Russell, League of Women Voters	PO Box 1174	Brookings OR
Richard Brooks	PO Box 174	Smith River CA
Karen Clark	311 Winchuck River Road	Brookings OR
In response to statements made by Clark, for the record, Councilors Dentino, Anderson and Mickelson said they have not received any campaign funds from Borax.		
Brock Richards	250 North Indian Road	Smith River CA

Testifying as Interested Parties were:

Lucie LaBonte	98645 Agness Road	Gold Beach OR
David Imper, U. S. Fish and Wildlife Service	1655 Heindon Road	Arcata CA
Bill Dundom	PO Box 1502	Brookings OR

The applicant offered rebuttal and staff said they had no further comments.

Mayor Hagbom asked if any participant requested the opportunity for additional time to submit written testimony. Chasar and Imper each requested seven additional days. Hagbom closed the hearing to public testimony at 10:59 p.m. The record will be held open until September 20 to allow Chasar and Imper to submit additional written testimony. The applicant will have seven days to respond. Applicant deadline is September 27 and the Council will deliberate the issue on October 11. The public hearing was recessed until 7:00 p.m., October 11.

VIII. Consent Calendar

- A. *Approval of Council Meeting Minutes*
 - 1. *Minutes of August 23, 2004, regular Council meeting*
 - B. *Acceptance of Parks and Recreation Commission Minutes*
 - 1. *Minutes of June 24, 2004, regular Commission meeting*
 - C. *Acceptance of Planning Commission Minutes*
 - 1. *Minutes of July 27, 2004, special Commission meeting*
 - 2. *Minutes of August 3, 2004, regular Commission meeting*
 - D. *Approval of Vouchers for month of August, 2004, (\$639,459.92)*
- 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 Planning Commission File No. CPZ-3-04; application for a zone change; William Sewell/George and Letty Lee, applicants.*

Councilor Anderson moved, a second followed, and the Council voted unanimously to approve the Final ORDER and Findings of Fact for Planning Commission File No. CPZ-3-04, a zone change from I-P (Industrial) to C-3 (General Commercial), located at 340 Pacific Avenue, 769 and 777 Cottage Street; Assessor's Map 41-13-06 DB, Tax Lot 2700 and 41-13-06 DA, Tax Lots 1700, 1900, and 1901; William Sewell, George and Letty Lee, applicants; James Reynolds, representative.

- B. *Ordinances*
 - 1. *In the matter of Ordinance No. 04-O-564, an Ordinance amending the Comprehensive Plan Designation on four (4) parcels of land located on Pacific Avenue and Cottage Street from Industrial to Commercial and the zoning from I-P (Industrial Park) to C-3 (General Commercial)*

City Manager Blodgett read Ordinance No. 04-O-564 in its entirety.

Councilor Dentino moved, a second followed, and the Council voted unanimously to allow the second reading of Ordinance No. 04-O-564 to be by title only.

City Manager Blodgett read Ordinance No. 04-O-564 by title only.

Councilor Mickelson moved, a second followed, and the Council voted unanimously to adopt Ordinance No. 04-O-564, an Ordinance amending the Comprehensive Plan Designation on four (4) parcels of land located on Pacific Avenue and Cottage Street from Industrial to Commercial and the zoning from I-P (Industrial Pak) to C-3 (General Commercial).

X. Remarks from Mayor and Councilors

- A. Council
None
- B. Mayor
None


XI. Adjournment

Mayor Hagbom moved to adjourn at 11:08 p.m. With no further business before it, the Council adjourned the meeting.

Respectfully submitted:


Rick Dentino
Council President

ATTEST by City Recorder this 29 day of Sept., 2004.


Paul Hughes
Finance Director/City Recorder