

**CITY OF BROOKINGS**  
**COMMON COUNCIL MEETING MINUTES**  
**City Hall Council Chambers**  
**898 Elk Drive, Brookings, OR 97415**  
**September 27, 2004 7:00 p.m.**

**I. Call to Order**

Council President Rick Dentino called the meeting to order at 7:00 p.m.

**II. Pledge of Allegiance**

Led by Council President Dentino.

**III. Roll Call**

Council Present: Council President Rick Dentino, Councilors Frances Johns Kern, Craig Mickelson, and Larry Anderson, a quorum present

Council Absent: Mayor Bob Hagbom

Staff Present:

City Manager Leroy Blodgett, City Attorney John Trew, Community Development Director Leo Lightle, City Planner John Bischoff, Fire Chief William Sharp, Finance Director Paul Hughes and Administrative Secretary Linda Barker

Media Present: Curry Coastal Pilot Reporter Brian Bullock

Other:

Approximately 15 other citizens

**IV. Ceremonies/Appointments/Announcements**

**A. Ceremonies**

1. *Proclamation—Disability Employment Awareness Month*  
Liz Prendergast, South Coast Independent Living, accepted a proclamation declaring October as Disability Employment Awareness Month.
2. *Proclamation—Fire Prevention Week*  
Fire Chief William Sharp accepted a proclamation declaring October 3 through 9 as Fire Prevention Week.
3. *Acceptance of Certificate of Achievement for Excellence in Financial Reporting*  
Finance Director Hughes accepted a hardwood plaque recognizing the City of Brookings as recipient of the Certificate of Achievement for Excellence in Financial Reporting. This is the highest form of recognition in the area of governmental accounting and financial reporting. The City has earned this award nine out of the last eleven years.

4. *Certificate of Appreciation to Randy Mitchem—5-Year Work Anniversary*

Randy Mitchem accepted a certificate for 5 years of service to the City as Parks Maintenance/Public Works worker.

At this time the Council took a short recess to fix the audio feed going out to cable channel 4. The meeting reconvened at 7:14 p.m.

B. *Announcements*  
None

The agenda was modified at this point to move Item **VI. Oral Requests and Communications from the Audience** ahead of the scheduled public hearing.

VI. Oral Requests and Communications from the Audience

A. *Committee and Liaison reports*

1. *Council Liaisons*

Ex Officio Councilor Enos reported on activities at the High School. He said enrollment is up with 60 more students than last year. In particular the freshman class has 40 more students than last year. The bus entrance area has been moved which has resulted in better traffic flows around the high school area. There will be leadership training on September 29 for all class and school officers in this league at Camp Mytlewood near Myrtle Point. Fall sports season has started. Spirit Week begins October 11 with an evening bonfire and concludes with the homecoming dance on Saturday. The homecoming game is against the Douglas Trojans.

B. *Unscheduled*

Larry Aslinger, 439 Buena Vista Loop, presented a packet to each Councilor containing information on biosolids and domestic septage. He hopes biosolids and domestic septage will be researched fully before a decision is reached on the issue.

The meeting recessed from 7:22 to 7:29 p.m. to again work on the audio output.

V. Public Hearing

A. *In the matter of Planning Commission File No. APP-2-04, an appeal of the Planning Commission's approval of a Planned Unit Development to create 36 condominium units on a 9.09 acre parcel of land located at the northerly end of Timberline Drive; Assessor's Map 40-13-31CA, Tax Lot 900 zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) and Assessor's Map 40-13-31CD, Tax Lot 4900 zoned R-1-10 (Single Family Residential, 10,000 sq. ft. minimum lot size); Bruce Brothers, LLC, applicant, Debbie Hodges, appellant*

City Attorney Trew read procedures for quasi judicial public hearings into the record. Council President Dentino opened the public hearing at 7:33 p.m. Councilor Mickelson declared ex parte contact due to a site visit. No member of the public questioned the Councilor about the substance of the ex parte contact. No Councilor declared actual personal interest or personal bias. Councilor Anderson declared a potential conflict of interest with no pecuniary gain. The nature of the potential conflict was a contractual dispute with the applicant three years ago. The issue was litigated in small claims court and dismissed. He stated he has the ability to evaluate the findings and deliberate and deliver an impartial decision on the matter. Richard Wise, office manager for Bruce Bros., PO Box 61, Brookings, commended Councilor Anderson for bringing the past history to light and asked that Anderson reclude himself from the proceedings. Trew stated that under Oregon law a potential or actual conflict of interest relates to financial impact to the public official, the official's relatives or business with which the official or official's relative is associated and that Councilor Anderson had, according to state law, stated what he characterized as a potential conflict of interest for the record. Anderson said he did not plan to reclude himself. There was no objection from the public as to the Council's jurisdiction to hear the matter.

Council President Dentino read the remaining procedures into record. Planner Bischoff gave his staff report, ending by saying that staff and the Planning Commission were recommending approval for the Planned Unit Development. The Planning Commission's recommendation is being appealed in this hearing.

Several Councilors had questions for Bischoff. Conditional of Approval No. 39 was not listed on the Conditions in the packet and copies were made for the Councilors. Discussion regarding rain storming and its maintenance, grades, street widths, passing turnouts, wetland identification, RV parking and neighborhood CCRs ensued. Condition No. 39, which was added to the original conditions by the Planning Commission, was read into the record. There were no further questions of staff by the Council.

Testifying at the hearing were:

Jim Capp, PO Box 2937, Harbor, representing the Bruce Brothers, the applicant. There were no questions to Capp from the Council.

No members of the Planning Commission or supporters of the application addressed the Council.

The appellant Debbie Hodges, PO Box 1780, Brookings, next addressed the Council. As Hodges is the appellant she was granted additional time to present her evidence over the customary five minutes. During her statement a point of order was made by Richard Wise objecting to Hodges use of the term

violations. Hodges was asked by the Council President to categorize her statements as allegations of violations.

Further procedural issues were raised regarding meeting dialog between the appellant and the applicant. Trew advised there should not be questioning between the appellant and the applicant. Bill Smith, 820 Highland Avenue, Brookings, asked if all opponents should give their statements before applicant rebuttal. Trew responded affirmatively.

Councilor Anderson asked that the five-minute limit be reinstated and Council President Dentino said this will be enforced.

Speaking in Opposition to the project were:  
Bill Smith, 820 Highland Avenue, Brookings  
Don Drivon, 942 Timberline Drive, Brookings  
Susan Roughen, 1020 Brooke Lane, Brookings  
Catherine S. Martin, 933 Third Street, Brookings

Hodges asked that all Councilors read everything she presented and that the record be left open for seven days. She stated she has been in communication with State Attorney General Hardy Myers. She is expecting a letter from him and wanted the record held open to include it.

The meeting recessed at 9:23 p.m. and reconvened at 9:32 p.m.

Wise rebutted a number of issues. There were no questions from the Council for Wise. Capp also gave rebuttal testimony. There were brief questions to Capp regarding wetlands.

There were no other questions from Council to the applicant's representatives or staff.

Hodges was granted her request for seven additional days to submit written evidence. The applicant also requested seven days to respond to this written evidence. Hodges' evidence must be to the Planning Department by October 4 and Bruce Bros.' written rebuttal must be turned in by October 11. The Council will deliberate on the project at their regularly scheduled meeting October 25.

The public hearing closed at 10:22 p.m. with the record remaining open as stated above.

#### **VI. Oral Requests and Communications from the Audience**

This item was handled before the public hearing. See changed order of the agenda above.

## VII. Staff Reports

### A. *Finance Department*

#### 1. *Council Chambers sound system*

City Manager Blodgett gave the Finance Department report on the quotes for installing new sound and recording equipment for the Council Chambers. The upgrade will include new microphones, speakers, mixer board, wiring and a DVD recording system. Staff recommended accepting the quote of Diamond Communications.

**Councilor Anderson moved, a second followed, and the Council voted unanimously to accept the quote from Diamond Communications in the amount of \$7,659 to upgrade the Council Chambers sound system.**

### B. *City Manager*

#### 1. *Other*

None

## VIII. Consent Calendar

### A. *Approval of Council Meeting Minutes*

#### 1. *Minutes of September 13, 2004, regular Council meeting*

*End Consent Calendar*

**Councilor Mickelson moved, a second followed, and the Council voted unanimously to accept the Consent Calendar as printed.**

## IX. Ordinances/Resolutions/Final Orders

### A. *Ordinances*

#### 1. *Ordinance No. 04-O-555.A, an Ordinance amending Ordinance No. 04-O-555 an Ordinance granting Coos-Curry Electric a 20-year franchise for operation of an electric power distribution system in the City of Brookings.*

City Manager Blodgett explained the purpose of the proposed ordinance was to update the existing franchise ordinance to the current level of street lights and population including the nine street lights added on the Dot Martin Bridge. Staff recommended approval of the ordinance. Blodgett read the ordinance in its entirety.

**Councilor Anderson moved, a second followed, and the Council voted unanimously to have the second reading of Ordinance No. 04-O-555.A by title only.**

Blodgett read the ordinance by title only.

#### 2. **Councilor Johns Kern moved, a second followed, and the Council voted unanimously to adopt Ordinance No. 04-O-555.A, an**

**Ordinance amending Ordinance No. 04-O-555, an Ordinance granting Coos-Curry Electric a 20-year franchise for operation of an electric power distribution system in the City of Brookings, to update the Ordinance to the current level of street lights and population including the nine street lights added on the Dot Martin Bridge.**

**X. Remarks from Mayor and Councilors**

A. *Council*

None

B. *Mayor*

None

**X. Adjournment**

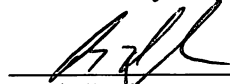
With no further business before it, the Council adjourned at 10:37 p.m.

Respectfully submitted:



Rick Dentino  
Council President

ATTEST by City Recorder this 12 day of October, 2004.



Paul Hughes  
Finance Director/City Recorder