

minutes

CITY OF BROOKINGS
COMMON COUNCIL MEETING
City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
April 22, 1996
7:00 p.m.

I. CALL TO ORDER

Council President Larry Curry called the meeting to order at 7:05 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Council President Larry Curry, Councilors Bob Hagbom, Dave Scott, Ex-Officio Marci Wallace

Council Absent: Mayor Tom Davis, Councilor Nancy Brendlinger

Staff Present: City Manager Tom Weldon, Administrative Assistant Donna Van Nest, Community Development Director Leo Lightle

Media Present: Anita Rainey, Curry Coastal Pilot; Martin Kelly, KCRE; Joel Buffington, KURY

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS none

V. PUBLIC HEARINGS none

VI. SCHEDULED PUBLIC APPEARANCES

1. Jack Creek Golf Course Corporation Update

Jim Cole, President of the Jack Creek Golf Corporation announced that the \$1,000,000 fund raiser they attempted had fallen far short of their goal. The corporation will return funds to those who had invested in the project and the corporation will close. Mr. Cole recommended that the City Council appoint a new Golf Board with new faces and ideas. Mr. Cole advised that he would be willing to assist a new board as much as possible with background information.

Larry Goodman of the Jack Creek Golf Corporation reiterated Mr. Cole's recommendations and also added that he felt that the golf course development would have a much better chance of success if there were homesites available around the proposed course.

Council President Curry and the Council thanked Mr. Cole and the Jack Creek Golf Corporation for all of their time and efforts spent on this project. No formal action taken.

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

Gretchen Price, representing the Teen Center Committee of the Brookings-Harbor High School Leadership Class, requested that the City budget funds to support the proposed teen center. Miss Price requested that this issue be placed on the May 13, 1996 Council agenda. No formal action taken.

VIII. STAFF REPORTS

A. Community Development

1. DEQ Correspondence

Community Development Director Leo Lightle discussed a letter from DEQ recommending the City adopt policies to minimize issuance of any new sewer connections.

Councilor Scott moved, Councilor Hagbom seconded and the Council voted unanimously to follow the staff recommendations to allow hookups to the City sewer system if they front on a sewer, the Council to periodically review the sewer capacity issue, and to include this entire memo in the Council minutes so that the reasons the City is proceeding in this manner are officially stated. (Memo is attached.)

Mr. Lightle reviewed the Mutual Agreement and Orders (MAO) template with the Council. No formal action taken.

B. City Manager

1. City "Point Person" for Filming

City Manager Tom Weldon presented a proposal from Elizabeth Brewer, owner of Oh, Shoot! Film Services, to represent the City of Brookings on all filming (movie, television, commercial and still photography) in the City.

The Council, by consensus, authorized City Manager Tom Weldon to talk with Elizabeth Brewer, owner of Oh, Shoot! Film Services, and work up a proposed agreement to name her as the "point person" to represent the City of Brookings on all filming (movie, television, commercial and still photography) in the City, and bring the proposed agreement back to the City Council. No formal action taken.

IX. CONSENT CALENDAR

Councilor Scott moved, Councilor Hagbom seconded and the Council voted unanimously to approve the Consent Calendar as follows:

A. Approval of Council Meeting Minutes

1. April 8, 1996 Regular Council Meeting

C. Approval of Vouchers (\$209,391.35)

(end Consent Calendar)

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS none

XI. COMMITTEE REPORTS

A. Planning Commission none

B. Parks and Recreation Commission none

C. Chamber of Commerce none

XII. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor none

B. Council

1. Councilor Hagbom announced that Planning Director John Bischoff, Councilor Larry Curry and he had attended the appeal hearing on the Urban Growth Boundary in Salem on April 19 and they were all very pleased with the decision of LCDC to essentially approve the new UGB boundary with the requirement that the City must complete the DLCD remand items. No formal action taken.

2. Councilor Hagbom announced that Mayor Davis is hospitalized at Sutter Coast Hospital in Crescent City after suffering a heart attack on Thursday, April 18. Mayor Davis is doing just fine and is expected home in a couple of days.

XIII. ADJOURNMENT

Councilor Scott moved, Councilor Hagbom seconded and the Council voted unanimously to adjourn the meeting at 7:48 p.m.



Larry Curry
President of the Council

Memorandum

TO: Mayor, City Council
FROM: Leo Lightle, Community Development Director
THROUGH: Tom Weldon, City Manager
DATE: April 23, 1996



Issue: Letter from DEQ recommending the City adopt policies to minimize issuance of any new sewer connections. See attached letter dated April 3, 1996 from Dave Mann to Leo Lightle.

Synopsis: Dave Mann, who is the plan reviewer for DEQ “recommends to the extent possible, the City should undertake policies to minimize issuance of any new connection permits on your existing sewers.”

The City is at some risk in continuing to allow hook-ups; in the past the City Council was willing to accept some risk. The City, when it enters into a Mutual Agreement and Orders (MAO) with DEQ, will be protected from fines and lawsuits as long as we don't exceed the new permit limits. The MAO also allows for continued sewer connections. In signing the MAO, the City will be agreeing to complete the plan expansion begun in 1991.

The City in moving rapidly to place ourselves under the protection of an MAO, is doing all that it can do to avoid fines, civil penalties, lawsuits and allow for continued growth. In addition, once under an MAO, as long as the MAO schedule is adhered to, connections to the sewer system can continue without risk.

Recommendation: The City Council allows hook-ups to the City sewer system if they front on a sewer, and the Council will periodically review the sewer capacity issue and include this entire memo in the Council minutes so it is officially stated why we are proceeding in this manner.

Rationale:

- The violations appear due to very high flows and inability to get sludge out of the system and that violations will not be of higher frequency with the additions made in the next one to two months.
- The Council will review the hook-up situation if a MAO is not attained in one month. Staff will need to report to the City Council and the Harbor Sanitary Board on a progress schedule, or lack of progress

- The Council feels that by moving rapidly to place ourselves under the protection of an MAO the City is doing all that is possible to avoid fines and civil penalties.
- It does not appear to be a responsible action to impose a moratorium for a very short period of time if the solution to additional liability is within one to two months.
- Disclaimers be attached to all land divisions and building permits regarding the ability of any guarantee to future hookups.

Background:

While putting together this document, Tom Weldon and I attended a meeting held at the Harbor Sanitary District building. In attendance were Landon Marsh, Director for DEQ and Steve Greenwood, Western Region Administrator for DEQ.

We received information that the Harbor Sanitary Board had imposed a moratorium on sewer hook-ups April 8th. In the questions and answers in addressing the need for clarification, I suggested to DEQ we appreciate that they recommend that we minimize issuance of any new sewer connections but that we, the City, had not imposed a moratorium, and we would address the issue at the next Council meeting. I had informed Gary Myers of Harbor Sanitary District that we were not allowing mainline extensions but we were continuing hook-ups if the mainline fronted on the property to be served.

In response to others' questions, DEQ response was: Do you want us to draw a line in the sand—which would in effect be a moratorium on hook-ups. My response was no, we didn't want DEQ to draw that line, because it was a local decision whether to take the risk or not. I later followed up my comments to reinforce to DEQ that the City actions were responsible in as much as we were actively moving towards agreeing to a Mutual Agreement and Orders, which we hope to complete in the next month to month and a half.

I further stated that staff was going to recommend that it does not make sense for the City to impose a moratorium for one month and then allow hook-up after that one month. The imposing of a moratorium sends out a negative message which adversely impacts the community.