

minutes

**CITY OF BROOKINGS
COMMON COUNCIL MEETING
City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
December 11, 1995
7:00 p.m.**

I. CALL TO ORDER

Mayor Davis called the meeting to order at 7:00 p. m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Tom Davis, Councilors Nancy Brendlinger, Bob Hagbom, Dave Scott, Larry Curry, Ex-Officio Marci Wallace

Staff Present: City Manager Tom Weldon, Administrative Assistant Donna Van Nest, City Attorney Martin Stone, Community Development Director Leo Lightle, Planning Director John Bischoff

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

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

I. Proclamation - "Lights on for Life Day" - Friday, December 15

Mayor Davis proclaimed Friday, December 15, 1995 as "Lights on for Life Day in Brookings", and asked all motorists to drive with their headlights on throughout the day as a memorial for the victims of impaired driving and as a reminder of the dangers of drunk and drugged driving.

2. Recommendation to appoint Brookings representative to Curry County Recycling Committee

Councilor Hagbom moved, Councilor Curry seconded and the Council voted unanimously to recommend to the Curry County Board of Commissioners that Jessica Babin be appointed as the City of Brookings representative to the Curry County Recycling Committee.

SCHEDULED PUBLIC APPEARANCES

1. Oregon State Representative Veral Tarno - Tsunami Bill

Oregon State Representative Veral Tarno explained a new Oregon bill which relates to construction in tsunami inundation zones. Mr. Tarno indicated that he felt this bill could have some negative impacts on coastal areas and asked that the Council discuss the matter and contact him with their feelings concerning Senate Bill 357.

Councilor Curry moved, Councilor Brendlinger seconded and the Council voted unanimously to appoint Councilor Bob Hagbom as the City Council representative to stay in contact with Oregon Representative Veral Tarno concerning Senate Bill 357 which deals with construction in tsunami zones.

V. PUBLIC HEARINGS

1. Hearing No. 2 - 1996 Community Development Block Grant Funds for Housing Rehabilitation Project - Umpqua Community Development Corporation - Hanan Bowman

Mayor Davis opened the public hearing at 7:13 p.m. and turned over the floor to Hanan Bowman of Umpqua Community Development Corporation.

Mr. Bowman explained that this is the second of two scheduled public hearings concerning the proposed grant for a housing rehabilitation program.

Speakers:

Fred Hummel, 202 Alder St., Brookings, asked questions of Mr. Bowman.

There being no further testimony, Mayor Davis closed the public hearing at 7:41 p.m.

Following Council deliberation, Councilor Curry moved, Councilor Brendlinger seconded and the Council voted unanimously to authorize the City Manager to sign the application for a grant for a housing rehabilitation program as recommended in the staff memo dated December 6, 1995.

2. School District 17-C Appeal of Planning Commission Decision - Conditional Use Permit on Fern Street

Mayor Davis opened the quasi-judicial public hearing at 7:44 p.m. and read an opening statement.

Mayor Davis asked the Council members if anyone had a conflict of interest. All responded in the negative.

Mayor Davis asked if any Council member has discussed the application in question with any of the parties or have independent knowledge of relevant facts, such as from a visit to the site? Councilor Scott stated that he drives by the property when he takes his children to school. Councilor Brendlinger stated that she attended the original Planning Commission meeting at which meeting the application was denied, she has received numerous letters, has had people stop her on the street to talk about the proposal, and drives by the property daily. Councilor Curry stated that he did drive by the property. Councilor Hagbom stated that he has seen newspaper articles and has had general conversations concerning safety at the proposed location. Mayor Davis stated that he has received much comment, both pro and con, on the proposal and has talked with several District 17C staff members and advised them to meet with City staff to discuss the procedures.

Mayor Davis asked if any member of the City Council believes that he or she would be unable to render a fair and impartial decision concerning the application. All responded in the negative.

Fred Hummel, 202 Alder St., Brookings, cautioned the Council about ex parte contact and bias. Mr. Hummel questioned statements made in the Curry Coastal Pilot which indicated ex parte contact between members of the Council and School District officials.

School District 17C Board Chairman David Itzen spoke on an article which was printed in the Curry Coastal Pilot concerning this matter. Mr. Itzen stated that he had been misquoted in an article written by Curry Coastal Pilot reporter Paul Morgan. The quote was from a School District 17C board meeting. Mr. Itzen then read a verbatim transcript of the actual board meeting and his exact words. The transcript was entered into the record.

Mayor Davis turned the floor to Planning Director John Bischoff for a summary of the written report.

Asking questions of staff:

**Dr. Robert Harmon, P.O. Box 4031, Brookings
Martin Kelley, 1335 Northcrest Drive, Crescent City, KCRE Radio
Dave Nedermeyer, % 335 Spruce Drive, Brookinnings**

Mayor Davis asked for testimony from those in favor of the application.

School Board Chairman David Itzen, 15629 Pedroli Drive, Brookings, made a brief statement, and then introduced School District 17C Superintendent Bob Strickland and Board Member Larry Marks.

Speaking in favor of the application:

**Bob Strickland, School District 17C Superintendent
Larry Marks, School Board Member, 17325 Zia Court, Brookings**

Recessed at 8:56 p.m. - Reconvened at 9:06 p.m.

A video tape showing the traffic and parking problems at Kalmiopsis School was played and entered into the record.

Speaking in favor of the application (continued):

**Mary Wallace, 553 Chetco Lane, Apartment 7, Brookings
Paul Rosenthal, P.O. Box 1094, Brookings**

Mayor Davis asked for testimony from those in opposition or those who have questions or concerns about the application.

Speaking in opposition to the application:

**Fred Hummel, 202 Alder St., Brookings
John Dean, 823 Pioneer Road, Brookings
Buzz Stewart, 705 Easy Street, P.O. Box 1144, Brookings
Roger Lowen, P.O. Box 7864, Brookings
Duane Olsen, speaking for Blanche Thom, P.O. Box 359, Brookings,
resident of corner house at Easy and Fern
Katherine Martin, P. O. Box 3178, Harbor, 241 Marine Drive**

Proponent Rebuttal:

**Bob Strickland, School District 17C Superintendent
Mary Wallace, 553 Chetco Lane, Apartment 7, Brookings
Dave Nedermeyer, % 335 Spruce Drive, Brookings
David Itzen, 15629 Pedroli Drive, Brookings**

The applicant waived the closing statement and the opportunity to add information to the record at a later date. Mayor Davis closed the public hearing at 10:44 p.m.

Following Council consideration, Councilor Brendlinger moved, Councilor Scott seconded and the Council voted unanimously to grant a conditional use permit with the following stipulations: 1. There will be no zone change within the conditional use permit. 2. The conditional use permit shall be in effect no longer than June 30, 1997. 3. All street improvements and parking issues shall be resolved to the City's satisfaction and standards as per the City's Land Development Code, Article 140.050.C.2. 4. A bus loading zone shall be constructed and shall be segregated from public parking. 4. All conditions of City staff and Planning Commission shall be met.

Mayor Davis recessed the meeting at 11:36 p.m., to reconvene Thursday, December 14, 1995 - 7:00 p.m.

Mayor Davis reconvened the regular Council meeting on Thursday, December 14, 1995 - 7:03 p.m.

ROLL CALL

Council Present: Mayor Tom Davis, Councilors Nancy Brendlinger, Bob Hagbom, Dave Scott, Larry Curry, Ex-Officio Marci Wallace

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

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

V. PUBLIC HEARINGS

Continuation of School District 17-C Appeal of Planning Commission Decision - Conditional Use Permit on Fern Street

Staff presented the Final Order and Findings of Fact to the City Council for consideration.

Following two minor cosmetic changes, Councilor Curry moved, Councilor Scott seconded and the Council voted unanimously to approve the Final Order and Findings of Fact Document in the matter of an appeal of the Planning Commission's denial of File No. CUP-6-95; an application for a conditional use permit; School District 17-C, applicant.

VI. SCHEDULED PUBLIC APPEARANCES none

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE none

VIII. STAFF REPORTS

A. City Manager

1. Sale of City Property - Memory Lane

Councilor Curry moved, Councilor Hagbom seconded and the Council voted unanimously that is is convenient to sell a 1,625 square foot piece of property located on Memory Lane which came to the City in 1953 as part of the Twohy Subdivision, and authorized the City Manager to set a public hearing date for the purpose of determining the nature of the sale and terms, what the property could be used for, and give the residents of the City an opportunity to present written or oral testimony.

2. Recommendation to reschedule January 8, 1996 Council Meeting to January 10

Councilor Scott moved, Councilor Curry seconded and the Council voted unanimously to reschedule the January 8, 1996 Council meeting to January 10, 1996.

B. City Attorney

1. UGB Proceedings

Councilor Curry moved, Councilor Brendlinger seconded and the Council voted unanimously to:

- 1. Authorize the expenditure of up to \$10,000 as the City's one-half share of the anticipated fees for special counsel in the UGB proceeding. The fee to the attorney would be paid on an hourly basis, based upon service time rendered; and**

2. **Authorize the Mayor to meet with the Chairman of the Board of Commissioners to identify and select the attorney who will be retained to assist both the City and County, and to confirm a fee sharing agreement with the County; and to further authorize the Mayor to work with the City Attorney and County Counsel in preparing at Attorney Employment Contract, and such other agreements between the City and County as may be needed to codify the fee sharing arrangement.**

C. Community Development

1. **Infiltration and Inflow**

Councilor Scott moved, Councilor Curry seconded and the Council voted unanimously to authorize the City Manager to enter into an agreement with Brown and Caldwell to do the Facilities Plan Update and the I & I Study.

2. **Report on Bids - Reroofing - Public Works**

Councilor Curry moved, Councilor Hagbom seconded and the Council voted unanimously to award the bid for reroofing the drying bed building and shop building to McMurray and Sons, the only bidder, for the sum of \$8,950.

3. **Report on Bids - Asphalt Overlay Projects**

Councilor Scott moved, Councilor Curry seconded and the Council voted unanimously to award the bid for the asphalt overlay projects to Tidewater Contractors, the low bidder, for the sum of \$126,799.

4. Request to utilize infra-red patching machine

Councilor Hagbom moved, Councilor Curry seconded and the Council voted unanimously to accept staff's recommendation to utilize the infra-red machine to make patches for private contractors for cuts that ① are pavement crossing only, ② that are at or near a 90° angle to the street, alley or roadway, and ③ do not exceed 44 feet in length; and further that other unique situations could be approved by the City Manager.

5. Wastewater Treatment Plant Update

Community Development Director Leo Lightle briefed the Council on the damage to the wastewater treatment plant caused by the direct lightning strikes during the storm on Wednesday, December 13, 1995.

IX. CONSENT CALENDAR

Councilor Brendlinger moved, Councilor Curry seconded and the Council voted four to one (Councilor Scott abstained) to approve the Consent Calendar as follows:

A. Approval of Council Meeting Minutes

I. November 15, 1995 Regular Council Meeting

B. Acceptance of Commission/Board Minutes

I. October 3 and November 7, 1995 Planning Commission Meetings

C. Approval of Vouchers (\$442,815.86)

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

Ordinance No. 96-O-515 - An ordinance repealing Ordinance No. 52-O-022 (Regulating Solicitors), Ordinance No. 54-O-058 (Initiative and Referendum Powers), Ordinance No. 55-O-079 (Civil Defense), Ordinance No. 68-O-200 (Compliance with Oregon State Board of Health and Public Utility Commission), Ordinance No. 69-O-206 (Sewer Plant Replacement Reserve Fund).

Administrative Assistant Donna Van Nest read Ordinance No. 96-O-515 into the record in its entirety.

Councilor Hagbom moved, Councilor Curry seconded and the Council voted unanimously to adopt Ordinance No. 96-O-515 by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 96-O-515 into the record by title only.

Councilor Curry moved, Councilor Hagbom seconded and the Council voted unanimously to adopt Ordinance No. 96-O-515, an Ordinance entitled, "An ordinance repealing Ordinance No. 52-O-022 (Regulating Solicitors), Ordinance No. 54-O-058 (Initiative and Referendum Powers), Ordinance No. 55-O-079 (Civil Defense), Ordinance No. 68-O-200 (Compliance with Oregon State Board of Health and Public Utility Commission), Ordinance No. 69-O-206 (Sewer Plant Replacement Reserve Fund), by second reading. [Effective January 12, 1996]

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

B. Council

1. Donation of Chetco Point Property - Agnew Company

Councilor Curry moved, Councilor Brendlinger seconded and the Council voted unanimously to authorize the Mayor to accept the donation of the Chetco Point property from the Agnew Company when the details of the transfer of ownership are worked out.

2. Council Goals

The Council agreed to convene a goal setting session on Saturday, February 3, 1995 at 9:00 a.m. City Manager Tom Weldon will work out the details.

XIII. ADJOURNMENT

Councilor Hagbom moved, Councilor Scott seconded and the Council voted unanimously to adjourn the Council meeting at 8:32 p.m.



**Tom Davis
Mayor**