



MINUTES
CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
February 8, 1993

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, Larry Curry, Bob Hagbom (Councilor Scott arrived at 7:12 p.m.)

Staff Present: City Manager Dennis Cluff, City Attorney Martin Stone, Administrative Assistant Donna Van Nest

Media Present: Bill Schlichting, Curry Coastal Pilot; Martin Kelly, KCRE; Marge Barrett, KURY

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

1. Budget Committee Appointments

Harold Thiesen's term on the budget committee expired February 1, 1993. Mr. Thiesen has indicated his interest in serving another term. Bob Hagbom's term also expired on February 1, 1993. Mr. Hagbom must be replaced since he has been appointed to the city council. Former councilor Bill Henry has indicated an interest in serving on the budget committee.

Mayor Davis requested that council approve the reappointment of Harold Thiesen to the Budget Committee, and the appointment of Bill Henry to replace Bob Hagbom.

Councilor Curry moved to reappoint Harold Thiesen to the Budget Committee, which motion was seconded by Councilor Hagbom. The clerk called the roll with the following results:

Aye: Councilors Hagbom, Curry, Brendlinger, Mayor Davis

Nay: None

Motion carried; Harold Thiesen reappointed to the Budget Committee. [Term expires 02/01/96]

Councilor Curry moved to appoint Bill Henry to the Budget Committee contingent upon receiving a letter of acceptance from Mr. Henry, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Aye: Councilors Hagbom, Curry, Brendlinger, Mayor Davis

Nay: None

Bill Henry appointed to the Budget Committee, contingent upon the city receiving a letter of acceptance from Mr. Henry. [Term expires February 1, 1996]

2. **Parks and Recreation Commission Appointment**

The terms of both Commissioner Buzz Stewart and Don Higginson expired on February 1, 1993.

Commissioner Don Higginson has expressed his interest in serving another term on the Parks and Recreation Commission.

B.A. "Buzz" Stewart has declined a second term on the Parks and Recreation Commission. Jean Sheldon, 610 Mardon Court, has indicated an interest in serving.

Councilor Curry moved to reappoint Don Higginson to the Parks and Recreation Commission and to appoint Jean Sheldon to the Parks and Recreation Commission for a first term, contingent upon receiving a letter of acceptance from Mr. Higginson, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Aye: Councilors Hagbom, Curry, Brendlinger, Mayor Davis

Nay: None

Motion carried; Don Higginson reappointed to the Parks and Recreation Commission contingent upon the city receiving a letter of acceptance from Mr. Higginson, and Jean Sheldon appointed to the Parks and Recreation Commission to replace B.A. "Buzz" Stewart who declined a second term. [Both terms expire 02/01/97]

V. PUBLIC HEARINGS

- 1. Ordinance No. 93-O-497 - An ordinance vacating a portion of Shorewood Terrace, a street in the Harris Beach Estates Subdivision in the City of Brookings, Oregon**

Mayor Davis opened the public hearing at 7:10 p.m.

Councilor Scott arrived at 7:12 p.m.

The staff report from the Planning Department stated:

The Harris Beach Estates Subdivision encompasses 32 lots on approximately 8.25 acres of land located at the southerly most end of Dawson Road and was approved by the county in the late 1960s. From the end of Dawson Road, which was named Pacific Heights Road on the subdivision plat, the subdivision creates three side streets to serve the development. One of these side streets, Shorewood Terrace intersects Dawson Rd. and extends westward from Dawson Rd. and then turns to the south where it dead ends. This street serves 14 lots, three of which front on the north-south section near the southerly end. The east-west portion of Shorewood has a right-of-way of 50 feet and narrows to 30 feet for the north-south segment (See Exhibit 1).

In April of 1992 the applicant applied for and was granted a variance to allow lesser street improvement standard for most of the street created by the Harris Beach Estates Subdivision due to the nature of the topography of the site which was apparently not considered when the 50 foot right-of-ways were created. As a result of the variance Shorewood Terrace has been improved with 30 feet of pavement curb

face to curb face and sidewalks on the north side only. At the point where Shorewood begins a dogleg turn to the north the street narrows to 24 feet of pavement with the sidewalk on the north side only. The last section of Shorewood, that which runs almost north and south, narrows to 20 feet of pavement between curbs and there would be no sidewalk. The applicant has provided a fire truck turn around at the southerly end of this section of Shorewood.

The three lots which front on the north-south segment of Shorewood are located on the west or ocean side of the street and are in the same ownership. The two lots which front on the east side of this portion of Shorewood are on the bluff and considerably higher than the grade of the street. The bluff slopes steeply from the building pad of these lots, down to the edge of Shorewood and both of these lots take access from the higher, east-west portion of the street (See Exhibit 1). Both of these lots are in the same ownership but different than the three on the west side of street.

The southerly terminus of Shorewood Terrace is directly into the very steep bluff which makes any future extension of the street unfeasible. Since Harris Beach Park is located on the opposite side of the bluff any future extension beyond the bluff, even if feasible, is not possible, since the road cannot extend into the park.

PROPOSED VACATION

The applicant wishes to vacate the last 75 feet of the south end of Shorewood Terrace. The reason for this vacation is that this portion of the street serves only one lot and terminates into the steep bluff. The vacated street would become a part of Lot 23 of the Harris Beach Estates Subdivision which is Tax Lot 4000. Although large in physical size, Tax Lot 4000 has only a limited building pad area due to the location of the vegetation line. The addition of the vacated portion of Shorewood Terrace would increase the buildable area of the lot. Normally in the case of street vacations, the vacated street is divided equally between property owners on both sides of the vacated section. In this request, however, there are only two adjacent lot owners and the owner of the two lots on the east side of Shorewood has agreed to allow the vacated street to be deed totally to the westerly lot owner.

The only review criteria for a street vacation is that of consistency with the circulation element of the Comprehensive Plan and provisions of ORS 271 which calls for consideration for public harm. In the proposed application only one lot takes access from the requested vacation and this lot would still have the required frontage on Shorewood Terrace after the vacation. In this regard the vacation is over what is an unnecessary section of street that is in no way essential to the circulation plans for the city.

FINDINGS

1. The applicant has applied for a vacation of the southerly most 75 feet of Shorewood Terrace in the Harris Beach Estates Subdivision.
2. There are three lots which front on the west or ocean side of the north-south segment of Shorewood Terrace and two lots which front on the east side.
3. The three lots on the west side of Shorewood Terrace are in the same ownership. Both of the lots on the east side of the subject street are in the same ownership which is different from the lot on the west side.
4. The topography of the area is such that the lots on the east side of the subject street are physically higher than the street and the bluff slopes steeply down to the street.
5. The lots on the east side of the subject street take access from the higher east-west portion of Shorewood Terrace.
6. The southerly terminus of Shorewood Terrace is directly into the steep slope of the adjacent bluff.
7. There is only one lot which takes access from Shorewood Terrace near the area to be vacated. Access to this lot will not be effected by the proposed vacation.
8. The owner of the two lots on the east side of the subject street has agreed to allow ownership the vacated area of Shorewood Terrace to be given to Tax Lot 4000 of Assessor's Map 40-14-36BC.

CONCLUSIONS

- 1. The section of Shorewood Terrace which is proposed to be vacated serves no essential purpose. This portion of the street provides no access to adjoining lots and terminates in a steep bluff which prevents further extension of the street. Harris Beach Park is located on the opposite side of the bluff and therefore further eliminates the need to extend the street further. The vacation of this Shorewood Terrace would be consistent with the Land Development Code, Comprehensive Plan or public need.**

Mayor Davis asked for testimony from proponents, opponents and members of the general public. There being none, Mayor Davis closed the public hearing at 7:12 p.m.

Administrative Assistant Donna Van Nest read Ordinance No. 93-O-497 into the record in its entirety.

Councilor Curry moved to adopt Ordinance No. 93-O-497 by first reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Aye: Councilors Curry, Brendlinger, Scott, Hagbom, Mayor Davis

Nay: None

Motion carried; Ordinance No. 93-O-497 adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 93-O-497 into the record by title only for a second reading.

Councilor Curry moved to adopt Ordinance No. 93-O-497 by second reading, which motion was seconded by Councilor Scott. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis

Nays: None

Motion carried; Ordinance No. 93-O-497 - An ordinance vacating a portion of Shorewood Terrace, a street in the Harris Beach Estates Subdivision in the City of Brookings, Oregon - adopted by second reading. [Effective March 10, 1993]

VI. SCHEDULED PUBLIC APPEARANCES

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

VIII. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. January 25, 1993 Council Meeting

B. Acceptance of Commission Meeting Minutes

1. January 5, 1993 Planning Commission Meeting
2. November 18, 1992 Parks & Recreation Commission Meeting

C. Report on Bids

1. Asphalt Roller

As authorized by council, staff called for bids for an asphaltic roller. The following bids were opened on February 1, 1993:

Columbia Equipment, Portland, OR	\$10,492.00
Central Equipment, Medford, OR	18,484.00
GWE, Inc., San Jose, CA	10,950.00

Staff reviewed the bids and determined that the bid from Columbia Equipment met all of the specifications.

2. Public Works Pickup

As authorized by council, staff called for bids for a Public Works pickup. The following bids were opened on February 1, 1993:

Bandon Ford Mercury	\$12,344.00
Siegrist Ford Mercury	12,942.70
Southwestern Motors	14,537.00

Staff reviewed the bids and determined that the bid from Bandon Ford Mercury met all of the specifications.

(end Consent Calendar)

Councilor Brendlinger requested two changes to the minutes of the January 25, 1993 council meeting (typos).

Councilor Brendlinger moved to approve the Consent Calendar as corrected, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis

Nays: None

Motion carried; Consent Calendar consisting of:

A. Approval of Council Meeting Minutes

1. January 25, 1993 Council Meeting

B. Acceptance of Commission Meeting Minutes

1. January 5, 1993 Planning Commission Meeting

2. November 18, 1992 Parks & Recreation Commission Meeting

C. Report on Bids

1. Asphalt Roller - awarded to Columbia Equipment

2. Public Works Pickup - awarded to Bandon Ford

approved.

IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

B. Resolutions

- 1. Resolution No. 93-R-553 - A resolution amending Resolution No. 92-R-534 (charges for water services)**

Councilor Curry moved to adopt Resolution No. 93-R-553, which motion was seconded by Councilor Scott. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis

Nays: None

Motion carried; Resolution No. 93-R-553 - A resolution amending Resolution No. 92-R-534 (charges for water services) - adopted.

X. COMMITTEE REPORTS

A. Planning Commission

B. Parks and Recreation Commission

C. Golf Board

D. Systems Development Fee Review Board

E. Chamber of Commerce

Sandra Hislop, President of the Chamber of Commerce, requested that council designate a liaison from the council to attend chambers meetings. Ms. Hislop was advised that Councilor Hagbom was designated as the liaison to the Chamber of Commerce at the last council meeting.

Les Cohen, manager of the Chamber of Commerce, requested that the city council rescind the ordinance which prohibits sidewalk sales on Chetco Avenue. It was council consensus to add this item to the agenda for the work session on February 16.

Les Cohen, manager of the Chamber of Commerce, requested that the city council consider changing the formula by which the bed tax revenues are allocated to the Chamber of Commerce, by setting a fixed percentage rate. It was council consensus to add this item to the agenda for the work session on February 16.

XI. STAFF REPORTS

A. Community Development Director

- 1. Request for letter of dedication of water service - Map No. 40-13-32B, Tax Lot 1200**

The developer of the requested minor partition to the county who are requesting commitment for water, Bobby Allsup, originally installed the waterline and reservoir to serve the property. The property is within the UGB.

Staff recommended that council authorize staff to write a letter committing water service to Assessor's Parcel Map 40-13-32CA, Tax Lot 1200, as requested by John Lamar, PLS, to serve three lots including the original lot, subject to water capacity at the time of the actual request for each individual lot to be served water. The authorization is subject to Ordinance No. 66-O-190 in its amended form at the time of application for the individual water service.

Councilor Curry moved to authorize staff to write a letter committing water service to Assessor's Parcel Map 40-13-32CA, Tax Lot 1200, as requested by John Lamar, PLS, to serve three lots including the original lot, subject to water capacity at the time of the actual request for each individual lot to be served water, which motion was seconded by Councilor Scott. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom,
Mayor Davis

Nays: None

Motion carried; staff to write a letter committing water service to Assessor's Parcel Map 40-13-32CA, Tax Lot 1200, as requested by John Lamar, PLS, to serve three lots including the original lot, subject to water capacity at the time of the actual request for each individual lot to be served water.

B. Police Department

C. City Manager

1. Change orders for Chetco Senior Center Expansion Project

Councilor Scott moved to approve Change Orders No. 1 and No. 2 for the Chetco Senior Center Expansion Project, as requested by Thomas Harmon Construction and recommended by Architect Keith Riley, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom,
Mayor Davis

Nays: None

Motion carried; Change Orders No. 1 and No. 2 for the Chetco Senior Center Expansion Project, as requested by Thomas Harmon Construction and recommended by Architect Keith Riley, approved.

2. Water service request from outside the UGB

Mrs. Shirley Wick of 98680 North Bank Chetco River Road is requesting connection to city water. Her home is outside the Urban Growth Boundary (UGB) and therefore by ordinance not able to receive city water. As circumstance would have it, there is a city water main fronting her property, which serves a number of her neighbors.

Planning Director John Bischoff called the Curry County Planning Director to ask about the county's Comprehensive Plan policies regarding the extension of water lines and service outside of the UGB. The County Planning Director, Chuck Nordstrom, replied that their Comprehensive Plan requires an exception to Goal 14 to extend water service outside of the UGB. He also said that the fact that the property is in a rural exception area does not matter since the exception areas were an exception to Goals 3 and 4 but not 14. Since the county's policies were directed toward the extension of new water lines and that the fact that the property in question is adjacent to an existing main DLCD may take a different stance and suggested talking to our DLCD representative, Glen Hale. Mr. Hale indicated that the fact that there was a water main adjacent to the subject property did not matter and the county's Comprehensive Plan policies still apply. When asked about the possibility of a hardship variance Mr. Hale said that neither the DLCD nor the county's Comprehensive Plan provided for this action. If the property is declared to have a health hazard polluted well water an exception could be made. If the property is annexed into the UGB the city would then be able to provide water service to the lot.

Councilor Curry moved to deny the water request from Shirley Wick for water outside the UGB at this time, which motion was seconded by Councilor Scott. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis

Nays: None

Motion carried; water request from Shirley Wick for water outside the UGB denied.

Phyllis Cottingham advised the council that Ms. Wick understood why the request must be denied at this time and thanked the council for their consideration of the request.

3. Azalea Festival street closure request

Councilor Hagbom moved to approve the request for street closure from the Chamber of Commerce for the 1993 Azalea Festival Street Fair, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis

Nays: None

Motion carried; request for street closure from the Chamber of Commerce for the 1993 Azalea Festival Street Fair approved.

D. City Attorney

City Attorney Martin Stone advised that he had received the proposed Request for Bids for solid waste long haul, and was in the process of reviewing the documents. He was advised that the county commissioners have scheduled a special meeting to discuss the proposal and to authorize a call for bids. Mr. Stone recommended that the city council request that the call for bids be postponed for at least 10 days, for further research.

Councilor Brendlinger moved to authorize the mayor or staff to make a request to the Curry County Commissioners that the proposed call for bids for solid waste long haul scheduled for February 9, be postponed for at least 10 days, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Scott, Hagbom, Mayor Davis

Nays: None

Motion carried; the mayor or staff authorized to make a request to the Curry County Commissioners that the proposed call for bids for solid waste long haul scheduled for February 9, be postponed for at least 10 days.

XII. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor

Mayor Davis read a letter into the record which was originally drafted by Councilor Scott. The letter is addressed to Governor Roberts, Senator Bradbury and Representative Tarno and suggests some cuts to the state budget. It was council consensus to mail the letter as drafted.

B. Council

XIII. RECESS

Mayor Davis recessed the meeting at 8:46 p.m. in order to convene an executive session under the following Oregon State Statutes:

ORS 192.660 (1)(h) Litigation


ORS 192.660 (1)(e) Real Property Transactions

Mayor Davis reconvened the council meeting at 9:33 p.m.

XIV. ADJOURNMENT

Councilor Scott moved to adjourn the meeting, which motion was seconded by Councilor Brendlinger; motion carried unanimously.

Mayor Davis adjourned the meeting at 9:34 p.m.



Tom Davis
Mayor

ATTEST:



Beverly S. Shields
City Recorder