

# MINUTES

## CITY OF BROOKINGS BROOKINGS COMMON COUNCIL MEETING Brookings City Hall Council Chambers 898 Elk Drive, Brookings, Oregon March 22, 1993 - 7:00 p.m.

### I. CALL TO ORDER

Mayor Davis called the meeting to order at 7:01 p.m.

### II. PLEDGE OF ALLEGIANCE

### III. ROLL CALL

Council Present: Mayor Tom Davis, Councilors Nancy Brendlinger, Larry Curry, Bob Hagbom, Dave Scott

Staff Present: City Manager Dennis Cluff, Administrative Assistant Donna Van Nest, Planning Director John Bischoff

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

### IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

#### 1. Planning Commission Appointments

The terms of Jeff Holmes and John Herzog on the Planning Commission expire April 1, 1993.

Mayor Davis presented that council with letters from George Ciapusci and Dan Ambrose, wishing to serve on the Planning Commission. Mayor Davis requested council approval for the appointment of George Ciapusci and Dan Ambrose to the Planning Commission. [Terms expire 04/01/97]

Councilor Curry moved to appoint George Ciapusci and Dan Ambrose to the Planning Commission to fill the terms of Commissioners Jeff Holmes and John Herzog, which expire April 1, which motion was seconded by Councilor Hagbom. The clerk called the roll with the following results:

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

Nays: None

**Motion carried: George Ciapusci and Dan Ambrose appointed to the Planning Commission to fill the terms of Commissioners Jeff Holmes and John Herzog, which expire April 1. [Both terms to expire April 1, 1997]**

2. Proclamation - Clean-Up, Paint-Up, Spruce-Up Week

Mayor Davis read a letter into the record from the Brookings-Harbor Garden Club, supporting the proposed proclamation.

**Mayor Davis proclaimed the week of May 2 - 8, 1993 as "Clean-Up, Fix-Up, Spruce-Up Week in Brookings".**

V. PUBLIC HEARINGS

1. Ordinance amendment to Land Development Code to change the procedures for accepting land use applications and setting hearing dates for land use cases.

Mayor Davis opened the public hearing at 7:12 p.m.

Planning Director John Bischoff presented the council with a staff report concerning the proposed zone changes. Following is a portion of that staff report as presented to the council.

**BACKGROUND INFORMATION**

The city's current Land Development Code does not reflect changes in state law pertaining to the hearing notice procedure which were changed in 1990. State law requires different types of hearing notice procedures depending on the type of case to be brought before the hearing body. The following is a description of notice requirements:

## **Legislative Hearings**

Legislative hearings are those that have jurisdiction wide effects such as ordinance amendments, new ordinances, Comprehensive Plan changes, etc. Legislative hearings can be heard before both the Planning Commission and the City Council or only before the City Council, depending on the type of ordinance being adopted or changed.

Notices for legislative hearings are advertised in the local paper in the form of a legal notice and are generally not mailed to property owners since no specific parcel of land is involve. The notice does not have specified number of days that it must appear prior to the hearing, however, the city tries to publish the notice at least 10 days prior to the hearing. If two hearing bodies are involved the notice is given 10 days prior to both hearings.

## **Quasi-Judicial Hearings**

Quasi-Judicial hearings generally involve land use applications such as subdivision, partitions, variances and change of zones. They involve specific parcels of land and thus the area effected has specific boundaries. Quasi-Judicial hearings may involve both the Planning Commission and City Council or just the Planning Commission depending on the type of case being considered.

Notices for quasi-judicial hearings are advertised in the local paper as a legal notice and a notice is mailed to each land owner within 250 feet of boundaries of the subject property (state law only requires a 100 foot radius in an incorporated area). If the application requires only Planning Commission approval the hearing notice is published and mailed to property owners at least 20 days prior to the hearing. If both the Planning Commission and City Council approval are required the notice must be published and mailed at least 10 days prior to each hearing.

## **Land Development Code Requirements**

The Land Development Code (LDC) currently allows the applicant to submit his application for a land use action 18 days (20 days for a PUD) prior to the desired hearing date. This obviously does not allow time for most hearing notice requirements. It also does not allow time for staff to properly review and accept the application as complete prior to the required notice date. Staff has been enforcing the hearing laws but has no backing within the LDC to do so. Most applicants are cooperative, however, staff does receive pressure and in some cases feels obligated to take the application to the nearest possible hearing which often leads to a rushed and sometimes incomplete review.

## **Proposed Amendment**

The proposed amendment will effect Sections 80 Site Plan Approval, 116 Planned Unit Development Approval, 136 Variances, 140 Conditional Use Permits, 144 Amendments, and 176 Land Divisions. The proposed changes will allow the site plan to review the application for completeness and foreseeable problems before it is scheduled for a hearing date. This will provide a method to insure that the application is thoroughly reviewed prior to the hearing. The applicant will also be made aware of what problems to expect and provide solutions before the hearing. The over all result should make the process easier for the applicant, staff and the Planning Commission.

Mayor Davis asked for testimony from proponents of the proposal. There being none, Mayor Davis asked for testimony from opponents of the proposal. There being none, Mayor Davis closed the public hearing at 7:20 p.m.

Administrative Assistant Donna Van Nest read Ordinance No. 93-O-446.N into the record in its entirety.

Councilor Curry moved to adopt Ordinance No. 93-O-446.N by first reading, which motion was seconded by Councilor Hagbom. 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-446.N adopted by first reading.**

Administrative Assistant Donna Van Nest read Ordinance No. 93-O-446.N into the record by title only for a second reading.

Councilor Hagbom moved to adopt Ordinance No. 93-O-446.N 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-446.N - An ordinance amending Ordinance No. 89-O-446 (Land Development Code), Sections 80, 116, 136, 140, 144 and 176 of the City of Brookings. [Effective April 20, 1993]**

**VI. SCHEDULED PUBLIC APPEARANCES**

**VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE**

Mayor Davis introduced Lee Cronemiller of David Evans and Associates, who is the project manager for the Brookings Town Center.

**VIII. CONSENT CALENDAR**

**A. Approval of Council Meeting Minutes**

March 8, 1993 Council Meeting

**B. Call for Bids**

**1. Street overlays**

[Councilor Brendlinger stepped down from the bench during discussion of this item.]

**2. Mill Beach waterline extension**

C. Report on Bids

1. Screening compactor - Wastewater Dept.

The city council authorized staff to advertise for bids for a screenings compactor unit at the March 22nd council meeting. Staff advertised in the local newspaper and sent bid packages to four different suppliers of this type of equipment. Two bids were received and both met the specifications.

H.D. Fowler - Rotopac Screw-Type Compactor - \$24,285.00  
Hycor Corp. - Piston-type compactor - \$23,800.00

Hycor Corp. also offered a \$1,400 deduct to supply a screenings bagging system in lieu of a dumpster discharge hood.

Staff recommended that the bid for the Hycor piston-type press be accepted with the following clarifications to their proposal to which they have agreed.

- A. Furnish a NEMA 4X fiberglass motor control enclosure instead of a stainless steel enclosure.
- B. Addition of a 3/4" female iron pipe t thread stainless steel fitting to the upstream end of the stainless steel drain pipe.
- C. Accept \$1,400 deduct for bagging system. This system would help eliminate odors and pests from the screenings by containing the compacted screenings in a 2' diameter bag. Currently we line the dumpsters with plastic sheeting which wouldn't be necessary with the bagging system.

2. Fire Department Quick Attack Vehicle

Bids were opened on March 9, 1993. Three bids were received, as follows:

Desi's Fire Equipment, Inc.	\$49,609.00
H & W Emergency Vehicle Service	\$51,978.00
Hughes Fire Equipment, Inc.	\$47,548.00

Staff reviewed the specifications, the bid prices and the delivery time and would recommend the bid from Hughes Fire Equipment of \$47,548.00.

**D. Change Orders**

1. Change Order No. 1 - Project #4049 - M&F Building Company and P&S Construction, Inc.

**E. Request for Contract Payment**

1. Water Treatment Plant and Intake Improvements - EMK Contractors, Inc.

(end Consent Calendar)

Councilor Curry requested a change to the minutes of the March 8, 1993 council meeting on page 10.

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

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

Nays: None

**Motion carried; Consent Calendar, consisting of:**

**A. Approval of Council Meeting Minutes**

1. **March 8, 1993 Council Meeting**

**B. Call for Bids**

1. **Street overlays**
2. **Mill Beach waterline extension**

**C. Report on Bids**

1. **Screening compactor - Wastewater Dept. - Hycor**
2. **Fire Department Quick Attack Vehicle - Hughes**

**D. Change Orders**

1. **Change Order No. 1 - Project #4049 - M&F Building Company and P&S Construction, Inc.**

**E. Request for Contract Payment**

1. **Water Treatment Plant and Intake Improvements - EMK Contractors, Inc.**

**approved.**

Councilor Brendlinger returned to the bench.

**IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS**

**A. Ordinances**

1. **Ordinance No. 93-O-387.C - An ordinance amending Ordinance No. 84-O-387 (taxicab regulations)**

Administrative Assistant Donna Van Nest read Ordinance No. 93-O-387.C into the record in its entirety.

Councilor Hagbom moved to adopt Ordinance No. 93-O-387.C by first reading, 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; Ordinance No. 93-O-387.C adopted by first reading.**

Administrative Assistant Donna Van Nest read Ordinance No. 93-O-387.C into the record by title only for a second reading.

Councilor Hagbom moved to adopt Ordinance No. 93-O-387.C by second reading, 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; Ordinance No. 93-O-387.C - An ordinance amending Ordinance No. 84-O-387 (taxicab regulations) - adopted.. [Effective April 20, 1993]**

**X. COMMITTEE REPORTS**

- A. Planning Commission
- B. Parks and Recreation Commission
- C. Golf Board
- D. Systems Development Fee Review Board
- E. Chamber of Commerce

Chamber of Commerce Executive Director Les Cohen presented the council with a report updating chamber activities.

**XI. STAFF REPORTS**

**A. Community Development Director**

1. Acceptance of the waterline improvements adjacent to Blueberry Rd., Harry Harms project

Community Development Director Leo Lightle explained in a memo that Harry Harms, as a part of his land division, was required to extend the water main.

The water line has been constructed, inspected, the city has received the As-Builts and Mr. Harms has posted a bond. Therefore, the project is ready for acceptance by the City Council. Mr. Lightle recommended that the City Council accept the Water line improvements adjacent to Blueberry Rd.

Councilor Scott moved to accept water line improvements adjacent to Blueberry Rd. into the city system, as requested by Harry Harms, 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; Water line improvements adjacent to Blueberry Rd. accepted into the city system, as requested by Harry Harms.**

2. Acceptance of water and sewer line improvements - Brookings Town Center

Community Development Director Leo Lightle, in a memo, explained that the Developer, South Coast Lumber, is fast tracking their portion of the project. To get competitive prices the city should go out to bid to coincide with their water line extension.

Considerations:

A. South Coast anticipated schedule is to begin in April and end in April. The Developer's representative has been informed that the Right-of-way permit will not allow for work to interfere with the Memorial Day and Azalea Festival.( the re-routing of the Highway 101 traffic will be through the project area). The city 's project would have the same time constraints as the developer.

B. Due to the short time frame and scheduling of ending one portion with the back filling of the trench, then reopening the trench adds considerably to the cost.

C. The City's portion of the project will need to be completed prior to paving the street, or the resulting cost will be more than if we completed the project before paving. There is also the public relations aspect of tearing up a new street a couple of months after paving to install a water line.

City Staff is currently working on going out to bid for additional asphalt overlays. When the overlay project is ready to bid, we will put together the water line extension project.

The funds for the project would come from the System Replacement Funds and sufficient funds are available.

Councilor Scott moved to accept the water and sewer line improvements in the Brookings Town Center into the city system, as requested by David Evans and Associates, Engineers for the Brookings Town Center, which motion was seconded by Councilor Hagbom. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; water and sewer line improvements in the Brookings Town Center accepted into the city system.**

3. **Periodic Review - Second Phase - Work Plan**

Planning Director John Bischoff explained that under the new state laws pertaining to the periodic review process there are two phases of review and then an update phase. The first phase was to complete an evaluation of the City's Comprehensive Plan in relation to how it reflects today's conditions within the UGB and consistency with current state laws. The first phase was completed in November. The second phase is to prepare a work plan including time lines to correct deficiencies identified by the evaluation.

Glen Hale from DLCD explained some of the aspects of the Periodic Review process.

Councilor Brendlinger moved to accept the Work Plan prepared as the second phase of the Periodic Review process and authorize submittal to DLCD, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; Work Plan prepared as the second phase of the Periodic Review process accepted and staff authorized to submit document to DLCD.**

B. Police Department

C. City Manager

D. City Attorney

**XII. REMARKS FROM MAYOR AND COUNCILORS**

A. Mayor

B. Council

1. Request for Oak/Railroad intersection change - Carol Lute

Mayor Davis read a letter from Carol Lute requested a change in traffic patterns at the Oak/Railroad intersection. At the council work session on March 15, staff was requested to make a recommendation.

Staff recommended that the yield sign at this intersection be replaced by a stop sign and a stop bar.

Councilor Curry moved to direct staff to replace the yield sign with a stop sign and a stop bar at the intersection of Oak and Railroad, which motion was seconded by Councilor Hagbom. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; staff directed to replace the yield sign with a stop sign and a stop bar at the intersection of Oak and Railroad.**

2. Request for long term lease - Southern Curry Ambulance Association

Mayor Davis read into the record a letter from the Southern Curry Ambulance Association requesting a long term lease of the property on which the ambulance building is located on Railroad Avenue. The property is owned by the city.

Council consensus was to direct staff to add this item to the work session on April 5.

3. Discussion of proposed fishing regulations for 1993.

Councilor Hagbom indicated that he would be attending a fisheries meeting in Gold Beach on March 23. The council by consensus directed Councilor Hagbom to verbally notify the Pacific Fisheries Management Council that the city council will be drafting a strong letter to Secretary of Commerce Ron Brown with the city's recommendations and support for the letter from Scott Boley.

Councilor Curry moved to direct staff to draft a strong letter to Secretary of Commerce Ron Brown stating opposition to the proposal by Secretary of the Interior Bruce Babbitt to reserve at least 50% of the harvestable salmon on the Klamath River for tribal use, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

**Motion carried: staff directed to draft a strong letter to Secretary of Commerce Ron Brown stating opposition to the proposal by Secretary of the Interior Bruce Babbitt to reserve at least 50% of the harvestable salmon on the Klamath River for tribal use.**

4. Letter to California Department of Corrections

Councilor Curry moved to authorize the mayor to sign the letter which was drafted to be sent to the California Department of Corrections concerning the Environmental Impact Study to be done on the proposed second prison complex in Crescent City, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None


**Motion carried; mayor authorized to sign the letter which was drafted to be sent to the California Department of Corrections concerning the Environmental Impact Study to be done on the proposed second prison complex in Crescent City.**

**EXECUTIVE SESSION - ORS 192.660 (1)( ) none**


**XIII. ADJOURNMENT**

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

Mayor Davis adjourned the meeting at 9:07 p.m.

  
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Tom Davis  
Mayor

**ATTEST:**

  
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Beverly S Shields  
City Recorder