

City of Brookings

MEETING Minutes

CITY COUNCIL

Monday, December 13, 2010

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

Council met in Executive Session at 6:15 pm, in the City Manager's office, under the authority of ORS 192.660(2)(h), "to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed," and under the authority of ORS 192.660 (2)(e), "to conduct deliberations with persons designated by the governing body to negotiate real property transactions."

Call to Order

Mayor Anderson called the meeting to order at 7:00pm.

Roll Call

Council Present: Mayor Larry Anderson, Councilors Ron Hedenskog, Dave Gordon, Jake Pieper, and Brent Hodges; a quorum present.

Staff Present: City Manager Gary Milliman, Administrative Services Director Janell Howard, Planning Director Dianne Morris, Building Official LauraLee Snook, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Reporter Arwyn Rice and approximately 11 public.

Ceremonies/Appointments/Announcements

Mayor Anderson read the letter of commendation from the Border Coast Airport Regional Authority which recognized the City's and County's efforts toward securing *ConnectOregon III* Rural Airport funds for the Del Norte Airport Project.

Public Hearings/Ordinances/Resolutions/Final Orders

Ordinance 10-O-674 amending Section 8.15.080, Noise Prevention, of Brookings Municipal Code Chapter 8.15, Nuisances, Title 8, Health and Safety, in its entirety.

Building Official Gray reviewed the staff report.

Councilor Pieper asked Council to reconsider allowing an exemption for pouring concrete and roofing work.

Councilor Gordon moved to do a first reading of Ordinance 10-O-674 by title only, a second followed and the motion failed with a "No," vote from Councilor Hodges and the ordinance was read in full by Councilor Hodges.

Councilor Gordon moved to a second reading of Ordinance 10-O-674 by title only, a second followed and the motion failed with a "No," vote from Councilor Hodges and the ordinance was read in full a second time by Councilor Hodges.

Councilor Gordon moved, a second followed and the motion passed to adopt Ordinance 10-O-674 [amending Section 8.15.080, Noise Prevention, of Brookings Municipal Code], with "Yes" votes from Mayor Anderson, Councilor Gordon and Councilor Hedenskog and "No" votes from Councilors Hodges and Pieper.

Continuation of the hearing on File LDC-3-10, revising Chapter 17.170, Street Standards, Title 17, Land Development, Brookings Municipal Code.

Mayor Anderson opened the public hearing at 7:18pm and hearing no ex parte, declarations of conflict or personal interest, nor objections as to jurisdiction, Mayor Anderson reviewed the guidelines and Planning Director Morris reviewed the staff report.

In response to a question from Councilor Pieper regarding the variance in minimum sidewalk widths, Morris generally stated that a narrower width is provided to accommodate streets in built areas without sufficient right-of-way to allow for a wider sidewalk; where sufficient right-of-way is available, the maximum width would apply. Morris added, "This isn't new language; this is what's been in the Transportation System Plan and the Code for a long time."

There were no public comments and the hearing was closed at 7:27pm.

Councilor Pieper moved, a second followed and Council voted unanimously to approve amendments to Chapter 17.170 of the Brookings Municipal Code as presented in File LDC-3-10, and direct staff to prepare an adopting ordinance.

Public Hearing on File No. CP-2-10, revisions to Goal 11, Public Facilities, and Goal 14, Urbanization, of the Brookings Comprehensive Plan.

Mayor Anderson opened the public hearing at 7:28pm. Hearing no ex parte, declarations of conflict, personal interest, nor objections as to jurisdiction, Mayor Anderson reviewed the guidelines.

Planning Director Morris reviewed the staff report, and entered Exhibit C, distributed to Council just prior to the meeting, into the record.

Public Comments:

Carl Page, 12580 Hwy 101, Smith River, California, generally commented that development in the flood plain is not allowed and would be counterproductive to fisheries and asked Council to disallow any development in the lower flood plain. Page submitted two photos, entered into the record as Exhibit D.

Yvonne Maitland, PO Box 7102, Harbor, submitted written testimony on behalf of Tom Huxley, entered into the record as Exhibit D2, and proceeded to testify on her own behalf and that of the Harbor Community Action Committee. Maitland generally commented on public safety and areas of special environmental concern related to development on the steep western slopes of Harbor Hills and requested that Council and staff include the required delineation of Harbor Hills in the Comprehensive Plan amendments. Maitland's written submission was entered into the record as Exhibit D3.

In response to public comments, Morris pointed out that, according to the City's Code, development is allowed in the flood plain as long as it meets certain standards, which is why the housekeeping correction was made to Goal 14 of the Comprehensive Plan. Morris further stated that the area of special concern in the Harbor Hills was thoroughly discussed during the storm drain master plan process and that these issues will need to be dealt with by the developer in their comprehensive storm and surface water area report, required before any development can take place; defining that area is not an appropriate task for staff.

Mayor Anderson announced that the City had received a request to continue the hearing. After reviewing the process and timeline for written submissions, Mayor Anderson stated that

the public testimony portion would be closed at the conclusion of the final seven day period; the hearing was continued to January 10, 2011, at 7:00pm in City Hall Council Chambers.

Ordinance 10-O-673, amending Sections 2.63.020(B), and 2.63.030(D), of Brookings Municipal Code Chapter 2.63, Urban Renewal Advisory Commission, Title 2, Administration and Personnel.

City Manager Milliman provided the staff report.

Councilor Gordon moved, a second followed and Council voted unanimously to do a first reading of Ordinance 10-O-673 by title only.

Mayor Anderson read the title.

Councilor Gordon moved, a second followed and Council voted unanimously to do a second reading of Ordinance 10-O-673 by title only.

Mayor Anderson read the title.

Councilor Gordon moved, a second followed and Council voted unanimously to adopt Ordinance 10-O-673, amending Sections 2.63.020.B and 2.63.030.D of Brookings Municipal Code Chapter 2.63, Urban Renewal Advisory Commission].

Resolution 10-R-945, establishing uniform parking regulations for City-designated public parking spaces in the downtown area.

City Manager Milliman reviewed the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 10-R-945, establishing parking restrictions in downtown parking lots.

Resolution 10-R-947, finding that the public interest will be served by the sale of City property, located at 220 Wharf Street, to the Urban Renewal Agency, and setting a time and date for a public hearing.

City Manager Milliman gave the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 10-R-947, finding that the public interest will be served by the sale of City property, located at 220 Wharf Street, to the Urban Renewal Agency, and setting a time and date for a public hearing [set for December 27, 2010 at 7:00pm in City Council Chambers.

Staff Reports

Tax incentive application for a business proposing to locate in Brookings.

Director Morris gave the staff report and City Manager Milliman described the business as providing software development for PBX and other communications devices.

Councilor Gordon moved, a second followed and Council voted unanimously that it has no objection to the Oregon Investment Advantage application for a proposed hosted PBX telephone service in the City of Brookings.

Financing of the Biosolids Dewatering Project.

Director Howard gave the staff report.

Councilor Gordon moved, a second followed and Council voted unanimously to authorize the City Manager and Administrative Services Director to negotiate specific terms and sign necessary documents with Umpqua Bank to finance the Biosolids Dewatering Project.

Five Year Major Maintenance Project List.

City Manager Milliman provided the staff report, stating that the list will be subject to review annually or as issues arise as conditions on the listed streets may change.

Councilor Hedenskog moved, a second followed and Council voted unanimously to approve the Five Year Major Maintenance Program for streets dated November 4, 2010.

Intergovernmental Agreement for the Household Hazardous Waste Management Plan.

City Manager Milliman provided the staff report.

Mayor Anderson stated that he would prefer to talk with each Councilor before making the appointment; Councilor Pieper pointed out that it could be a staff member.

Councilor Hedenskog moved, a second followed and the motion passed to authorize the Mayor to execute the Intergovernmental Agreement for the Coos Curry County's Household Hazardous Waste Management Plan on behalf of the City and to appoint a delegate at a later date for the steering committee, with Mayor Anderson and Councilors Gordon, Hedenskog and Hodges voting "Yes" and Councilor Pieper voting "No."

Consent Calendar

- Approve Council minutes for November 8, 2010.
- Approve Council minutes for November 17, 2010.
- Accept Parks and Recreation minutes for October 28, 2010.
- Accept November, 2010, Vouchers in the amount of \$944,255.47.
- Receive monthly financial report for October, 2010.

Councilor Hedenskog moved, a second followed and Council voted unanimously to approve the Consent Calendar as written.

Adjournment

Councilor Gordon moved, a second followed and Council voted unanimously by voice vote to adjourn at 8:08pm.

Respectfully submitted:

Approved by Council 1-10-11

Signed 1-11-11

Larry Anderson, Mayor

ATTESTED:

this 11th day of January, 2011:

Attested 1-11-11

Joyce Heffington, City Recorder