

**CITY OF BROOKINGS**  
**COMMON COUNCIL MEETING MINUTES**  
**City Hall Council Chambers**  
**898 Elk Drive, Brookings, OR 97415**  
**November 25, 2002 7:00 p.m.**

**I. CALL TO ORDER**

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

**II. PLEDGE OF ALLEGIANCE**

Led by Paul Hughes

**III. ROLL CALL**

Council Present: Mayor Bob Hagbom, Council President Larry Curry, Councilors Frances Johns Kern, Lorraine Kuhn, and Rick Dentino, a quorum present.

Council Absent: none

Staff Present: City Manager Leroy Blodgett, Community Development Director Leo Lightle, City Planner John Bischoff, Finance Director Paul Hughes, Public Works Mechanic/Utility Worker, and Administrative Secretary Linda Barker

Media Present: Curry Coastal Pilot Reporter David Courtland

Other:  
approximately 10 other citizens

**IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS**

**A. Ceremonies**

1. *Five Year Certificate of Employment-Chuck Gage, Public Works Department*  
Mayor Hagbom presented a five-year employment certificate to Chuck Gage. Gage cordially accepted the certificate, offering to shake hands later as he currently is in a cast while broken hand bones are healing.

**V. PUBLIC HEARING**

- A. *In the matter of Planning Commission File No. ANX-4-02, an application to annex an 11.5 acre parcel of land consisting of four tax lots into the city and rezone the property to the city's R-1-6 (Single-family Residential, 6,000 square feet minimum lots size) Zone. The annexation also includes approximately 1.87 acres of the Parkview Drive right-of-way, which makes the connection to the existing city limits of Brookings; Assessor's Map 40-13-31 B, Tax Lots 401,402, 1100, and 1101; Michael Mahar and Petty Smart, applicants; Jim Capp of Western Land Use Services, representative*

Mayor Hagbom opened the public hearing on ANX-4-02 at 7:04 p.m. He read into the record a procedural statement for the hearing and asked the Councilors if they had

ex parte contact or a site visit to declare or if any of them had bias. All Councilors answered negatively.

No one in the audience objected to the Council's jurisdiction to hear this matter.

City Planning Director Bischoff gave the staff report and stated staff's and the Planning Commission's recommendation to approve this annexation.

The applicant's representative, Jim Capp, PO Box 2937, Harbor, Oregon, gave his presentation.

Testimony was given by proponents:

Kurt Kessler	17400 West Ocean Drive	Brookings
Rex Atwell	17169 Parkview Drive	Brookings

Testimony was given by opponents:

Susan Wimberly	PO Box 329	Brookings
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No interested parties or public agency representatives spoke.

No one requested additional time to submit written testimony.

The hearing was closed to public participation and open to Council discussion at 8:30 p.m.

**Councilor Curry moved, a second was made, and the Council voted unanimously to approve ANX-4-02.**

The meeting was recessed at 8:37 p.m. until 8:40 p.m.

## **VI. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE**

### **A. Committee and Liaison Reports**

#### **1. Council Liaisons**

Councilor Kuhn attended the League of Oregon Cities (LOC) Annual Conference in Portland. While there she took participated in sessions on homeland security and water resources.

Councilor Johns Kern also attended the LOC conference and learned a great deal by talking with attendees from other areas and learned what they are doing in their cities. Kern also attended a school site committee meeting and the school board meeting.

Councilor Dentino attended a Rural Resources Alliance meeting with the City Manager in Smith River. He accompanied Mayor Hagbom to distribute participation awards to members of Mrs. Kroy's sixth grade class. Those

students entered posters into the LOC's "If I Were Mayor, I Would..." poster contest. Dentino said he was part of the city team who attended the LOC conference. He participated in a Veteran's Day observance and chaired a Curry Commission on Children and Families meeting in Gold Beach. He helped celebrate Patrol Officer Gerald Kessler's retirement and going away at a gathering in Kessler's honor.

Councilor Curry attended a Coos Curry Douglas Corporation loan committee meeting on November, 7, stopping off for the meeting as he traveled to Portland for the LOC conference.

Mayor Hagbom attended many of the same functions as Councilor Dentino. He added that since 1993 all City Councilors have gone to the LOC conference. The City feels strongly about the importance of education on issues and meeting with those from other communities about mutual problems, opportunities, solutions.

**B. *Unscheduled***

Don Nuss (stated his address as 625 Mardon Court), 750 Mardon Court, Brookings, said he had two items he wanted to speak on. He asked if could listen to the Finance Director's report on the Bed Tax Audit or if he should make comments at this time. He will give those comments after the agenda item is presented.

Nuss said that on November 3, 2002, he was protesting the policy of the Brookings-Harbor Chamber of Commerce which was holding a funding raising auction next door to his business, stating he had been denied access to the Chamber for years. On that day he decided to maintain the sidewalk in front of his business as he stated he has done for the last six years, putting on a coat of concrete stain to cover cracks. He stated that the ticket he was issued for this action is unfair and he has been singled out.

Councilor Johns Kern asked if he was a member of the Chamber. Nuss answered that yes he had been a member and was denied membership into the Chamber Ambassadors because he wanted to change city managers. He said the next year his check was denied for chamber membership. Councilor Johns Kern stated he willingly resigned from the Chamber and Nuss disputed this. Mayor Hagbom thanked Nuss for his comments.

At this point the agenda was changed and the Community Development Director presented items VII.C.1, 2 and 3, starting with No. 3. They are reported under their correct heading below.

**VII. STAFF REPORTS**

**A. Finance Department**

1. *Fiscal Year 2002 Chamber of Commerce Transient Room Tax Audit*  
Reading from his staff report, Finance Director Hughes reported the procedures he used to perform an audit on the Promotions Ledger of the

Chamber of Commerce as called for in the contract between the City and Chamber, dated July 1, 2001. Based on his examination he concluded the Chamber is disbursing and accounting for the transient room tax revenue received from the City, according to the agreement dated July 1, 2001. There were no questions from the Council.

Don Nuss (stating his address as 625 Mardon Court), 750 Mardon Court, Brookings, asked the Finance Director if he were a CPA. Hughes answered no. After answering several other questions posed by Nuss, Hughes stated he had performed an audit of the Chamber promotions ledger as required by the agreement with the Chamber of Commerce. Nuss called this audit a fraud.

**Councilor Kuhn moved, a second followed, and the Council voted unanimously to accept the audit performed by Finance Director Hughes of the Chamber of Commerce Promotions Ledger.**

2. *Janitorial Services RFP*

Finance Director Hughes reported the City was notified by its janitorial service provider (Custodial Related Services of Oregon-CRS) that they could no longer provide services for \$800 per month. The City sent out a RFP with no responders by closing date. CRS submitted a proposal on September 1, 2002, which would increase their rate to \$925 per month. Normally the City would not consider a proposal after the closing date but since we received no other proposals Hughes recommended awarding the contract to CRS. City Manager Blodgett added the City looked at other options such as hiring an employee and had sent the RFP to all janitorial services that have business licenses in the city. CRS was substantially less than we could hire an employee for.

**Councilor Kuhn moved, a second followed, and the Council voted unanimously to award the contract for janitorial services to Custodial Related Services of Oregon and to authorize Mayor Hagbom to sign the contract.**

B. **City Manager**

1. *Pelican Bay Telecommunications*

City Manager Blodgett reported that Pelican Bay Telecommunications (PBT) now has corporation papers filed with the State of Oregon. They need to obtain IRS status before they can transact any type of business. His suggestion was to continue the partnership with the organization in only providing wireless internet services and not to proceed with cable TV and broadband services. Discussion centered on the resolution passed by the council at their October 8, 2002, meeting in support of a loan application by PBT to Coos Curry Douglas Business Development Corporation and whether it should be rescinded.

In response to questions from Tim Patterson, 658 Chetco Avenue, Brookings, City Manager Blodgett will provide him with the staff report on this issue. Patterson stated he fully supports going to fiber optics, which jumps you a generation ahead of what is provided by Charter Communications. He continued that the unlicensed wireless in Brookings currently is clogged and virtually unusable; providing licensed wireless would be a very positive step.

Councilor Dentino moved to continue being involved with PBT but with the provision of only providing broadband services not cable TV, and to rescind Resolution No. 709. After continued discussion he withdrew this motion.

**Councilor Kuhn moved, a second followed, and the Council voted unanimously to table the matter until after the Pelican Bay Telecommunications meeting December 5.**

2. *December Council Meetings Schedule*

City Manager Blodgett reported packets would have to be out next Thursday for the December 9 meeting. With City Hall being closed Thursday and Friday of this week for Thanksgiving and several staff members being out of the office it left little time to prepare the packet. He suggested moving the December 9 meeting to the 16<sup>th</sup> and canceling the December 23 meeting.

**Councilor Johns Kern moved, a second followed, and the Council voted unanimously to reschedule the December 9 meeting to December 16 and cancel the December 23 meeting.**

3. *Other*

City Manager Blodgett said City Hall will be closed this Thursday and Friday and he would be out of town beginning in the afternoon of November 26 until December 2. He said the Mayor and he would be going to Portland December 8 for a leadership summit titled Shaping Oregon's Economic Future. The summit is being chaired by Senators Ron Wyden and Gordon Smith and Governor-elect Ted Kulongoski.

In December Blodgett will have an update on 2002-2003 Council goals and set a January date for a goals setting session for 2003-2004. He reported Rotary has adopted a centennial project to build a community center/performing arts center in downtown Brookings and hopes the Council will, as part of their 2003-2004 goals, support their effort. The Pelican Bay Players are very interested in this project which should receive community wide support. He said some funding is available from grants with matching dollars.

**B. Community Development Department**

**These items were considered earlier in the agenda as noted above.**

1. *Acceptance of deed for easement across property belonging to Elks Lodge*  
Community Development Director Lightle stated the City requested and received an easement over a sewer main extending through the Elks Lodge property and gave a recommendation that the easement be accepted by the City Council.

**Councilor Johns Kern moved, a second followed, and the Council voted unanimously to accept the easement across property belonging to the Brookings Elks Lodge.**

2. *Acceptance of bid for Elk Sewer Line Replacement*  
Community Development Director Lightle reported the sewer line across the Brookings Elks Lodge property has high infiltration and is probably in the same condition as the line on Fern Avenue that had to have emergency repairs last year. The City went out to bid for the Elks line replacement project and received one bid, B & B Excavation in the amount of \$85,859.64. Since originally it was thought the job would be done earlier in the year he was recommending extending the length of the contract to 120 days as we are now entering the raining period.

**Councilor Kuhn moved, a second followed, and the Councilor voted unanimously to award the contract for the Elks Lodge Sewerline Relocation to B & B Excavation in the amount of \$85,859.64 and to allow 120 days for completion of the project.**

3. *Approval of main water line extension for Coho Drive, Ernie and Carol Turner*  
Community Development Director Lightle stated staff's recommendation to approve the extension of a water line to serve properties on Coho Drive with an amendment to also include a fire hydrant installation as part of the project. He received information after the packet was distributed that the Fire Chief was recommending a fire hydrant also be installed. In a memo distributed to the Council at the beginning of this meeting, Chief Sharp stated he "was somehow left out of the loop as to all the knowledge about the project and thus did not have a chance to comment," continuing that the nearest fire hydrant to this area was 2 ½ miles downriver at Mountain Drive and North Bank Chetco Road and the City would be missing out on an opportunity to greatly enhance its fire protection capability by not requiring a hydrant to be installed as part of the project.

**Councilor Dentino moved, a second followed, and the Council voted unanimously to approve the extension of a water main to serve Coho**

**Drive, including the installation of a fire hydrant at the intersection of  
Coho Drive and North Bank Chetco River Road.**

**VIII. CONSENT**

- A. *Approval of Council Meeting Minutes*
  - 1. Minutes of October 28, 2002, regular Council Meeting
- B. *Acceptance of Parks and Recreation Commission Minutes*
  - 1. Minutes of September 26, 2002, regular Commission Meeting
- C. *Acceptance of Planning Commission Minutes*
  - 1. Minutes of October 1, 2002, regular Commission Meeting
- D. *Approval of Vouchers for October 2002 (\$277,717.22)*  
(end Consent Calendar)

**Councilor Kuhn moved, a second followed, and the Council voted unanimously to approve the Consent Calendar as published.**

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

**A. Ordinances**

- 1. *In the matter of Ordinance No. 02-O-554, an ordinance amending the city limits and zoning map of the City of Brookings by annexing an 11.50 acre parcel of land and 1.87 acres of the Parkview Drive including a small portion of Airport Road rights-of-way between the existing city limits and the subject property and rezoning the parcel R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size)*

City Manager Blodgett read the proposed ordinance in its entirety.

**Councilor Kuhn moved, it was seconded, and Councilor voted unanimously to have the second reading of 02-O-554 by title only.**

City Manager Blodgett read the proposed ordinance by title only.

**Councilor Johns Kern moved, it was seconded, and the Council voted unanimously to adopt Ordinance No. 02-O-554, an ordinance amending the city limits and zoning map of the City of Brookings by annexing an 11.50 acre parcel of land and 1.87 acres of the Parkview Drive including a small portion of Airport Road rights-of-way between the existing city limits and the subject property and rezoning the parcel R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size).**

- 2. *In the matter of Ordinance No. 02-O-555, an ordinance granting a 20-year franchise to Coos-Curry Electric Cooperative, Inc., for the operation of an electric power transmission distribution system within the City of Brookings;*

3. *prescribing the terms, conditions and manner of acceptance of such franchise; repealing Ordinance No. 82-O-368*

City Manager Blodgett stated franchises are the second largest revenue source to cities. The electric franchise we have with Coos Curry Electric Cooperative does not show revenue as we exchange services. The franchise allows Coos Curry Electric Cooperative to use city right of ways for installation, operation and maintenance of their system. In exchange the Cooperative provides a certain number of street lights without charge to the city. The proposed ordinance increases the number of street lights provided and decreases the additional population required for additional street lights. The city will realize a financial benefit of \$1,103 per month.

City Manager Blodgett read Ordinance No. 02-O-555 in its entirety.

**Councilor Kuhn moved, it was seconded, and the Council voted unanimously to have the second reading of Ordinance No. 02-O-555 by title only.**

Tim Patterson, 658 Chetco Avenue, Brookings asked if this franchise was typical to cities of our size. He added that the electric company is the easiest person to put fiber optics to homes and he did not believe the proposed franchise had provided for this in any way. Also he noted that no undergrounding of utilities in the downtown area was mentioned in the proposed ordinance and for 20 years the franchise would take away all competition. Lastly he asked if the franchise could be renegotiated by simply giving notice.

City Manager Blodgett answered that renegotiation can begin by written notice and that would not stop the contract. He added that state law does not allow an exclusive contract. Undergrounding of utilities is not addressed in the proposed ordinance but under the Land Development Code regulations all new subdivisions must have underground utilities. The proposed franchise does not require existing cables to be buried. Blodgett stated the terms are comparable to what other cities are getting.

Blodgett read by Ordinance No. 02-O-555 title only.

**Councilor Johns Kern moved, it was seconded and the Council voted unanimously to adopt Ordinance No. 02-O-555, an ordinance granting a 20-year franchise to Coos-Curry Electric Cooperative, Inc., for the operation of an electric power transmission distribution system within the City of Brookings; prescribing the terms, conditions and manner of acceptance of such franchise; repealing Ordinance No. 82-O-368.**



**B. Resolutions**

1. *In the matter of Resolution No. 02-R-710, a resolution accepting real and personal properties from the Frieda Longstreet Trust*

City Manager Blodgett explained that in her estate, Frieda Longstreet left the City of Brookings real property and stocks. Provisions have been made to sell the property, a house located on North Hazel Street. As stated in her will, Eldon Gossett will be the selling agent. Proceeds from the sale of the real property must be used for Azalea Park. Other funds may be used for a community project.

**Councilor Dentino moved, a second followed, and the Council voted unanimously to approve Resolution No. 02-R-710, accepting real and personal properties from the Frieda Longstreet Trust.**

**C. Final Orders**

1. *In the matter of Planning Commission File No. ANX-4-02; application for approval of an annexation, Michael Mahar and Petty smart, applicant*

**Councilor Kuhn moved, a second followed, and the Council voted unanimously to approve the Final ORDER and Findings of Fact for Planning Commission File No. ANX-4-02.**


**X. REMARKS FROM MAYOR AND COUNCILORS**

- A. *Council-None*
- B. *Mayor-None*

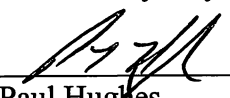
**XI. ADJOURNMENT**

**Councilor Johns Kern moved, it was seconded, and the Council voted unanimously to adjourn the meeting at 10:20 p.m.**

Respectfully submitted:

  
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Bob Hagbom  
Mayor

ATTEST by City Recorder this 18 day of December, 2002.

  
\_\_\_\_\_  
Paul Hughes  
Finance Director/City Recorder