

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
September 25, 2000
7:00PM**

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Led by Councilor Keith Pepper

III. ROLL CALL

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

Council Absent: None

Staff Present: City Manager Leroy Blodgett, City Attorney John Trew, Finance Director/Recorder Gail Hedding, Community Development Director Leo Lightle, and Fire Chief William J. Sharp, Public Works Supervisor Dennis Barlow, and Administrative Secretary Sharon Ridens

Media Present: Chuck Hayward, Curry Coastal Pilot

Other: Port of Brookings-Harbor Manager Russ Crabtree, Chamber of Commerce President Richard Gyuro and Executive Director Les Cohen, Augie Kofot-Vice President Businesses for a Better Brookings, ODOT District 7 Assistant District Manager Lee E. Sparks, and approximately 12 other citizens

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Proclamations

1. Fire Prevention Week - October 8 through 14, 2000

Mayor Hagbom announced the Council would proclaim October 8 through October 14, 2000, as "Fire Prevention Week." Fire Chief William J. Sharp received the written proclamation.

B. Announcements

1. Brookings-Harbor School District 17C letter regarding recent bomb threat

Mayor Hagbom read letters of special recognition from Brookings-Harbor School District 17-C thanking the Police Department for their excellent response during the recent bomb threat incident, and from Kalmiopsis Elementary School (copy included in minutes), appreciating the wonderful contribution the VIPS (Volunteers in Police Service) make, this second year, to their school during the start-up week assisting in traffic control and crossing.

V. PUBLIC HEARING

There was no public hearing

VI. SCHEDULED PUBLIC APPEARANCES

A. Lee E. Sparks, ODOT Assistant District Manager of District 7

Lee Sparks, Assistant District Manager of Oregon Department of Transportation's (ODOT) District 7, thanked Brookings for the "standard" beautiful weather in the home of winter flowers. He continued with updating the Council on projects involving Brookings: 1) US Hwy 101 missing street signs-5th Street and Parkview, now replaced; 2) the 35mph controversy north of town on US Hwy 101 between Ransom and Parkview, discussing results of a recent speed survey. City Manager Leroy Blodgett reported, though the staff maybe not be totally convinced the speed needs to be reduced to 35mph from it's current 45mph, he has asked Police Chief Ken Lewis to increased the patrol in the area. Hopefully, this will be a first step to see if drivers will reduce their speed to the required 45mph. If there continues to be problems, then the City could request a 35 mph speed zone in that area. Sparks advised Council, with out the law enforcement results, it is very difficult to succeed on speed reductions; 3) the raised median island and turn lane requests at south end of Chetco River Bridge, which is due for completion soon; 4) the turn-in conditions at the new private school located at the Nazarene Church - he asked ODOT to check on compliance of their conditional use permit; and 5) road signs through the Oregon Travel Information Council for Salmon Run Golf & Resort should be done by the end of the year. Sparks gave special gratitude to the Brookings Garden Club for their work at the "Welcome to Brookings" sign south of town, and asked for time to give them a special presentation.

Some discussion ensued with Richard Calkins of 941 Helen Lane, Brookings, commenting on the enforcement of speed on US Hwy 101 north of Easy Street and thanking ODOT for providing him with the aforementioned recent speed

survey facts. He stated he was encouraged with the use of radar gun(s) and ticketing. However, Calkins again asked for Council to do everything in their power to reduce the speed zone to 35mph on US Hwy 101 from Easy Street to Parkview.

City Manager Blodgett advised City staff will continue to work on the enforcement issues and provide a report to the Council at the next meeting. Councilors Pepper and Johns recommended natural means of slowing people down, such as designed plantings and medians, and asked Calkins to realize the Council is supportive of finding the correct manner to resolve the problem, with "certainly not wanting anyone to get hurt." Mayor Hagbom reminded the audience the Council does not have the right to make changes regarding US Hwy 101 without ODOT's approval, and stated we all want to see something done to correct any danger.

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison reports

1. Chamber of Commerce

Executive Director Les Cohen reported this week was important for our community, because on Wednesday, September 27, 2000, County representatives will be signing a resolution assigning a task force between three counties, three states, and three air-service regions, to obtain air service at a reasonable cost to the communities in these counties: Del Norte, Curry, and Josephine. Also involved are three chambers enhancing those efforts for regular scheduled air traffic service. Cohen thanked all groups that were involved in making the All City Picnic a success on last Sunday and concluded with inviting Council and audience to the last American Music Festival Sunday Concert in the Park on October 1, 2000, with renowned autoharpist Bryan Bowers performing.

2. Businesses for a Better Brookings

President Augie Kofot of 787 Ransom, Brookings reported on a "very successful" Spruce Street Market, which included approximately 25 vendors with produce, crafts, food booths, and plants.

3. Port of Brookings-Harbor

Executive Director Russ Crabtree of 920 Midland Way, Brookings expressed his appreciation of our Brookings Fire Department who assisted in the major three boat fire last Wednesday in the Port. He stated, "Good to know that in time of emergencies the Port can count on Brookings Fire Chief Bill Sharp and his volunteers!" Crabtree continued by advising the

Council the September 29, 2000, Port sponsored meeting, of which Council had been asked to have a representative present, had been changed to October 11, 2000, still being held in the Harbor Sanitary Conference Room with State Representative Ken Messerle regarding the Sport Haven Beach. He reported the Port of Brookings Harbor, which has the distinction of being the busiest recreational sport port on the coast, is on the verge of having a conference center and a luxury 130 unit resort hotel on a 3.5 acre site adjacent to the Coast Guard station. Review of the proposal is to occur on October 17, Tuesday. The challenge of minimum dredge fleet continues.

4. *Council Liaisons*

Councilor Lorraine Kuhn attended and participated in the recent community picnic sponsored by the H.O.P.E. Committee, Winema Girl Scouts and Kiwanis. There were hundreds of children and families enjoying themselves throughout the day with games and food, including over 300 ice cream cones, over 700 hot dogs, and even more pop - all free to anyone who would stand in line!

Councilor Frances Johns also attended the "wonderful" community picnic, noted the adults had as much fun as the children. She also attended the Brookings Harbor School District 17C meeting, which included a presentation on the kindergarten receiving computers for the students.

B. *Unscheduled*

Fred Hummel of 202 Alder Street, Brookings, commented on traffic control on US Hwy 101 and referenced a prior study. He informed Council the copy of our City Ordinance Book is not complete at the Chetco Public Library. Mayor Hagbom thanked him for the information and advised staff would work on that problem.

Mayor Hagbom stated strong accolades on the positive and cooperative relationship between the City of Brookings and Oregon Department of Transportation (ODOT) that has developed in the last six months to a year. He noted their sincere and prompt responses to the City's concerns at the Redwood Theater cross walk, street sign replacements, speed zone concerns, etc and has every reason to believe ODOT will work with us on whatever is needed.

Don Nuss of 808 Pioneer, Brookings read from a printed statement (copy handed to Council, and included in minutes) asking again for lawful disclosure of the minutes and financial information from the Brookings-Harbor Chamber of Commerce.

VIII. STAFF REPORTS

A. Finance Department

1. Summer Recreation Program Report

Finance Director/Recorder Gail Hedding provided a complete report on the Summer Recreation Program for 2000, which concluded as another successful year. However, she noted there were new challenges for next year with the move of Director Michelle Kalina. There was no discussion and no action taken by Council.

Hedding asked for an added agenda item regarding the election of accrued sick leave (memo handed to Council and included in these minutes). Councilor Pepper asked that the matter be continued to the next meeting to allow for additional time to review all the necessary information. Councilor Johns disagreed. However, due to no other objections, the matter was continued to the next regular meeting.

B. City Manager

1. Report on tobacco vendor assisted sales ordinance

City Manager Leroy Blodgett provided an update on the tobacco vendor assisted sales issue and ordinance discussed at prior meetings. He reported from the last Curry Governments meeting, after advising them of the Council's decision on our own City Ordinance recommendation and Curry County Health Department Education Director Dave Manzella's presentation, noting the mayors of Port Orford and Gold Beach thought adopting an ordinance would be a positive measure, if it was countywide. Therefore, it was decided to encourage the County Commissioners, who were not at that meeting, to be at their next Curry Governments meeting in November to continue the discussion. Due to this continuation, Blodgett advised the letters to our local vendors had not yet been sent, waiting for possible action from the county. Mayor Hagbom advised County Commissioner Bill Roberts had called today with positive input and support of this issue and ordinance.

2. City Manager's assessment report

City Manager Blodgett advised he had been contacted by two teens from Brookings Harbor High School regarding work projects for the City relative to their required "senior projects". He also noted he and the mayor would be attending a workshop on telecommunications from October 13-15, 2000, put on by Rural Development Initiatives, Inc. and their Rural Futures Forum. Also attending will be Parks and Recreation Commissioner Nancy Shute and Gold Beach Mayor Marlyn Schafer.

Blodgett elaborated on his one-month assessment report provided in the Council packets, but stated most of his time has been reading and getting up-to-date with ordinances and personnel issues/policies. He stated he felt fortunate to have such a fine staff, and was impressed with and appreciated the cooperation between the City, the Port of Brookings-Harbor, and the Chamber of Commerce. Blodgett has made application to join Rotary International, and noted it is great to work with the Curry Coastal Pilot newspaper and their staff. Future reports will be coming on the urban growth boundary, PROUD, skate park, fire department expansion, and parks and recreation.

Councilor Pepper stated he has been disappointed in not finalizing a PROUD report for presentation to Council. He suggested to Blodgett we bring this before the Council sometime in November, 2000, so as to get it moving forward and allocate funds in this fiscal budget.

There was no further discussion, but Council thanked Blodgett for the good assessment.

C. *Community Development Department*

1. *Vacation of Center Street extending easterly from the intersection of Wharf Street for a distance of approximately 1,000 ft.*

Community Development Director Leo Lightle reminded the Council of the Planning Commission and Council's consideration in March 1999, of the request to vacate a section of Center Street approximately 900 feet in length located adjacent to the south side of the plywood mill. This request was approved by Council in March 1999, with the understanding the ordinance to complete the vacation process would not be approved and notice of the vacation given to the county until the Wharf Street extension was constructed and accepted by the city. Wharf Street having now been completed and accepted by the city. Lightle and his staff recommended the adoption of the ordinance to complete the process of vacating the subject portion of Center Street.

Ordinance No. 00-O-536, was read in its entirety by City Manager Leroy Blodgett, as requested by Mayor Hagbom.

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to approve the first reading.

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to have the ordinance read by title only for the second reading.

City Manager Blodgett read Ordinance No. 00-O-536, by title only.

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to adopt Ordinance No. 00-O-536, in the matter of an ordinance vacating a portion of Center Street extending easterly from the intersection of Wharf Street for a distance of approximately 1,000 feet.

2. *Authorization to call for bids for skid steer loader*

Director Lightle explained the necessity for the purchase of a skid steer loader. Lightle and staff recommended the Council authorize Public Works to go through the bid process for purchasing a skid steer loader. There was minimal discussion.

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to authorize Public Works to put together specification to purchase a used skid steer loader, calling for bids.

3. *Acceptance of water and sewer line for Hewitt RV Park*

Director Lightle provided the background for water and sewer lines for the Hewitt RV Park and recommended the Council accept into the City's system the water and sewer mains that serve Hewitt's RV Park upon receiving the easements. There was minimal discussion. Lightle clarified specific requirements for anyone establishing a sewer line.

Councilor Johns moved, Councilor Pepper seconded, and the Council voted unanimously to accept into the Brookings Water and Wastewater System the water and sewer mains that serve Hewitt's Recreational Vehicle Park upon receiving the appropriate easements.

4. *Building Department changes*

Community Development Director Lightle explained the packet provided memo regarding the building department changes requiring no action by Council. Lightle indicated press releases and letters have been prepared for the community involved. He also noted, due to changes of codes, the department will be using plan review code guidelines. There was no discussion and no action taken by Council.

Councilor Pepper advised he spoke with Linda Kelly, owner of the Banana Belt Trading Post, who reminded him of the temporary ordinance allowance made earlier this year, which is expiring September 30, 2000. Pepper suggested staff look at amending the sign ordinance to propose maintaining that program making it permanent. Mayor Hagbom asked City Attorney John Trew to investigate the possibility of accomplishing that change.

D. City Attorney

1. City Manager ordinance revision

City Attorney John Trew asked Council to refer to recommendation amending Section 6 of Ordinance No. 89-O-457, adopted by Council on January 10, 1990. He noted under the present ordinance the severance award amount is dictated by the ordinance. The suggested amendment of Section 6 would allow both the City and City Manager flexibility in negotiating an employment contract. Trew recommended Council amend the ordinance, if wanting that flexibility. Discussion ensued. Mayor Hagbom informed Council this matter has been in the works for the past six years. He then asked for comments from the audience.

Fred Hummel of 202 Alder, Brookings, provided a brief history of Ordinance 89-O-457 involving the employment of a city manager. His recommendation was to not change an ordinance that has been working through the last two city managers and "if it ain't broke, don't fix it". Councilor Pepper stated he appreciated hearing the background on this ordinance, but felt at the current level of our city manager's salary, \$30,000 is not fiscal responsible and that the Council needs to be given a more flexibility. Discussion ensued between Council and City Attorney Trew.

Augie Kofoet of 797 Ransom, Brookings commented on leaving the ordinance as it is.

Don Nuss of 808 Pioneer, Brookings, asked if these variables would be considered under executive session at the time of hiring a city manager. City Attorney Trew advised a contract would be brought before the Council and public for acceptance.

Discussion ensued further with Hummel from the audience, and later with the Mayor and Council.

Council having reviewed and discussed the proposed Ordinance No. 00-O-457.A, at the open council meeting on this date, September 25, 2000, Mayor Hagbom asked City Attorney John Trew to read the ordinance in full. Trew did so.

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to have the second reading of Ordinance No. 00-O-457.A, in the matter amending Ordinance 89-O-457, an ordinance creating the office of City Manager, by title only.

Mayor Hagbom restated the motion and with no further discussion called for the question.

Councilor Pepper moved, Councilor Curry seconded, and the Council voted unanimously to adopt Ordinance No. 00-O-457.A, in the matter amending Ordinance 89-O-457, an ordinance creating the office of City Manager.

IX. CONSENT CALENDAR

- A. *Approval of Council Meeting Minutes*
1. *Minutes of September 11, 2000, Regular Council Meeting*

(end Consent Calendar)

Councilor Johns moved, Councilor Curry seconded, Councilor Pepper abstained due to absence at that meeting, and the remainder of Council voted unanimously to approve the consent calendar as printed.

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

- A. *Ordinances*
1. *No. 00-O-457.A, a revision to an ordinance creating the office of City Manager for the City of Brookings, Oregon; establishing the powers, duties, responsibilities, and authority of the City Manager; establishing the procedures for the appointment, removal, salary and benefits of the City Manager; and repealing Ordinance No. 84-0-386*
Addressed previously under agenda item no. VIII. D. (1).

2. *No.00-O-536, an ordinance vacating a portion of Center Street extending easterly from the intersection of Wharf Street for a distance of approximately 1,000 feet.*

Addressed previously under agenda item no. VIII. C. (1).

B. Resolutions

There were no resolutions.

XI. REMAKRS FROM MAYOR & COUNCILORS

A. Council

There were no additional remarks

B. Mayor

Mayor Hagbom stated he had an opportunity to review the new hotel plans for the Port and they were very exciting. He expressed further the excitement an all events center only 125 yards away seating over 400 people, plus a theater with ability to seat over 400, and new talk of a museum.

Councilor Pepper commented on the recent inquiry and misreporting as to his not filing for election. He stated he did not file, because he changed jobs and is required to be out of the area for extended periods of time - Marin County California. Employment there began August 1, 2000. He is and will continue to maintain his residency in Brookings and will continue to work with Olivia Abbott and other members of the Board of the Holiday Light Festival. In addition, he stated, he will continue to vote as an Oregon resident. Pepper informed the Council he was going to be away on vacation for most of October, and felt this would be his only opportunity to speak about the direction the Council and mayoral campaign may be heading, referring to candidates Hummell, and both Nusses. Pepper continued with references to demeanor of campaigns and propaganda produced to promote the campaigns. Pepper called for honesty, integrity, to not print misinformation and unsubstantiated allegations, and challenged campaigns to be run based on proposals for improvement of the community, not on bogus and unfounded claims "having nothing to do with this fine city, but only personal axes to grind."

Mayor Hagbom reminded Council and audience the comments made by Councilor Pepper were his own personal opinions, and do not necessarily reflect the opinion of the Council.

XII. ADJOURNMENT

Councilor Curry moved, Councilor Johns seconded, and the Council voted unanimously to adjourn the meeting at 8:51 PM.

Respectfully submitted:


Bob Hagbom
MAYOR

ATTEST:


Gail L. Hedding
Finance Director/Recorder

Kalmiopsis Elementary School
564 Fern Avenue
Brookings OR 97415
(541) 469-7417 Fax (541) 469-0413

hand
out
9/25/00
mtg

September 22, 2000

City Council
City of Brookings
898 Elk Drive
Brookings OR 97415

Dear Sirs and Madams,

We would like to take this opportunity to share our gratitude and appreciation for the wonderful contribution the VIPS make to our school.

This is the 2nd year they have assisted with the school start-up. They came every morning and afternoon for two weeks to assist with the traffic control and crossing. This allows teachers and school personnel to focus on getting our kids and parents settled.

The VIPS and Kalmiopsis have developed a relationship of mutual trust and respect. Their efforts towards keeping our campus and children safe and happy have been invaluable.

Safety City, Eddie Eagle and joining school events have had a very positive impact on our children.

We commend our local VIPS and thank the city for supporting them and making them available to our school and community.

Sincerely,

Chris McKay
Chris McKay
Principal

Paul Schoenborn
Paul Schoenborn
Vice Principal

CC: Barbara Palaki
Chief Ken Lewis
Paul Prevenas

cm/ch

received
9-25-00



received

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out @
9/25/00
cc mtg*

To: City of Brookings Mayor and Common Council
From: Don Nuss
Subject: Update on Chamber Disclosure
Date: 9/25/00

At this time last year I made requests for lawful disclosure of the minutes and financial information from the Brookings-Harbor Chamber of Commerce. In November 1999, I came to the City of Brookings with overwhelming evidence that the Chamber of Commerce was not complying with Oregon law. I came to the City for help because tax dollars are helping to support this non-profit entity.

I asked you to use the power of purse and compel the Chamber to comply with the law. The City of Brookings chose to protect its friends and family at the Chamber. By denying members of the Chamber access to Chamber documents the City was directly involved in a chain of events that need public notice.

In January I contacted the membership directly with concerns of policy and asked for support and money to hire an attorney to enforce Oregon disclosure laws at the Brookings-Harbor Chamber of Commerce. Many members were more than happy to give money toward this action. In February other members and I retained attorney Randall Tosh from Coos Bay.

To date I have received incomplete and unverifiable documents that beg for a court ordered inspection.

The Chamber has chosen to answer these concerns by closing its books, closing its meetings and now excommunicating honest members out of the Chamber. These red flags must be addressed by an honest independent investigation.

Thank you



Don Nuss
808 Pioneer Rd.
Brookings OR 97415

Memorandum

TO: Mayor & Council
THRU: Leroy Blodgett, City Manager *LB*
FROM: Gail L. Hedding, Finance Director/Recorder *Gail*
DATE: September 25, 2000
RE: Accrued Sick Leave/PERS Retirement



*Handed
out @
9/25/00
mte*

Issue:

The City of Brookings has not made the election for accrued sick leave to be a part of the PERS retirement calculation.

Background:

Each employer within the PERS retirement system may elect to include accrued sick leave in the calculation of retirement benefits. In talking with our PERS representative, the City of Brookings has not notified PERS of that election. In reviewing the union contract for our police department, it came to our attention that the contract states "Upon termination of employment with the City, one-half of the employee's unused sick leave will be converted to the Public Employees Retirement System (PERS) in accordance with PERS rules." Therefore, for the police union employees the election needs to be made to include accrued sick leave so the PERS administrative process is consistent with the contract requirements.

We have had no union members retire since the contract has become effective, however, there have been three separations. In the case of separations, the sick time should be reported so it can be properly carried over to the next public employer, if appropriate.

It has been the practice of the City of Brookings that benefits are identical between union and non union employees.

In discussing the impact of accrued sick time with the PERS representative, he indicated that with our cap of 576 hours. it is unlikely the sick leave accrual will have an impact on either the retirement calculation or the PERS rate.

Recommendation:

Council approve the City of Brookings to make an election to include accrued sick leave in the retirement calculation for employees.