

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
January 10, 2000
7:00 pm**

I. CALL TO ORDER

Council President Larry Curry called the meeting to order at 7:00 PM.

II. PLEDGE OF ALLEGIANCE

Council President Curry asked the Council and audience to participate in sixty (60) seconds of silence in memory of Councilor France Johns' husband, Harry Johns, who died recently. He continued afterward by stating Mr. Johns had been an active member of several volunteer organizations, including the City's VIPS (Volunteers in Police Service) group, of which he had been a long time dedicated member and friend.

City Attorney John Trew led the Council and audience in the pledge of allegiance.

III. ROLL CALL

Council Present: Council President Larry Curry, Councilors Keith Pepper, Frances Johns, George Ciapusci, and Ex-Officio Cindi Peterson, a quorum present.

Council Absent: Mayor Bob Hagbom and Ex-Officio Councilor Shiloh Thom, excused

Staff Present: City Manager Tom Weldon, City Attorney John Trew, Community Development Director Leo Lightle, and Administrative Secretary Sharon Ridens

Media Present: Chuck Hayward, Curry Coastal Pilot, and William Dwinell, KURY Radio

Other: Chamber of Commerce Executive Director Les Cohen, Chamber President Richard Gyuro, Augie Kofoet-Vice President Businesses for a Better Brookings, and approximately 25 other citizens, including former Mayor Nancy Brendlinger

IV.

CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. *Announcements*

1. *Special Recognition to Bob Krebs - Thank you for service on Systems Development Charge Review Board*

Council President Larry Curry gave thankful recognition to Bob Krebs, who was unable to be present, for his ten years of service to the citizens of Brookings by being a member of this committee. A Certificate of Appreciation will be mailed to Krebs.

B. *Appointments*

1. *Planning Commission Position No. 6*

Council President Curry announced the City had received five applicants for the one open position: Tim Adsit, Richard Gyuro, Alfred J. Howe, Bruce Nishioka, and Froy Watson. Curry recommended the Council appoint Richard Gyuro to complete the term of position No. 6 expiring April 1, 2001, due to Reily Smith's recent resignation.

Councilor Johns moved, Councilor Ciapusci seconded, and the Council voted unanimously to appoint Richard Gyuro to Position No. 6 of the Planning Commission, to complete the term expiring April 1, 2001.

2. *Parks and Recreation Commission Position No. 2*

Council President Curry announced Position No. 2 and 4 were open for appointment as the incumbents' terms will expire February 1, 2000. He stated three people had applied for appointment: Russ Fritz, Paul Prevenas, Ph.D., and Kristi Fulton. Curry recommended the Council reappoint Russ Fritz to Position No. 4 and Paul Prevenas to Position No. 2, each with term set to expire February 1, 2004.

Councilor Ciapusci moved, Councilor Johns seconded, and the Council voted unanimously to appoint Paul Prevenas, Ph.D. to Parks & Recreation Commission Position No. 2 and Russ Fritz to Position No. 4, each with terms effective February 1, 2000 to February 1, 2004.

3. *Parks and Recreation Commission Position No. 4*

Appointment addressed in Agenda Item IV. B. 2.

4. *Budget Committee Position No. 1*

Council President Curry announced there was one opening on this committee, but no applications had been received. However, all applicants for the other advisory group openings had been asked if they would be interested in an appointment to the Budget Committee, if they were not appointed to their first requested position. Those saying yes, were: Richard Gyuro, Russ Fritz, Bruce Nishioka, Paul Prevenas, Ph.D., and also, Larry Smith from the SDC Review Board. Curry recommended Bruce Nishioka be appointed.

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to appoint Bruce Nishioka to Position No. 1 of the Budget Committee, for completion of the term expiring February 1, 2001.

V.

PUBLIC HEARING

- A. *In the matter of Planning Commission File No. LDC-7-99, Application for an amendment to Section 88, Sign Regulations, of the Land Development Code to reword Sub-section 88.040.B to read "Temporary political signs provided the signs are removed within seven (7) days following the election for which they are intended; City initiated and applicant*
- Council President Larry Curry opened the public hearing at 7:14PM, by reading the nature of the proceeding and case number from the agenda. Weldon proceeded to explain the request background and stated he was advised by City Attorney John Trew, the current wording of sub-section 88.040.B, may be unconstitutional in that the City cannot regulate the length of time a political sign can be displayed prior to an election date. In response to this advice, staff recommends the wording of this paragraph be amended as indicated in the staff report. Weldon noted the Planning Commission considered this change at their December 21, 1999, meeting and also made a favorable recommendation to the Council.

Council President Larry Curry asked if any member of the Council had an ex parte contact to declare and there was none. He asked if any member had a potential or actual conflict of interest and there was none. He asked if anyone objected to the jurisdiction of the Council to hear the matter. There was none. Curry continued by announcing the guidelines for presenting testimony & participating in the hearing and asked if there was any relevant testimony in support or in opposition to the proposal. There was none.

Council President Curry closed the public hearing at 7:15PM. Discussion ensued between the Council members

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to approve the amendment change in Section 88. Sign Regulations of the Land Development Code application pertaining to the display of political signs within the city limits from the Planning Department from File No. LDC-7-99, based on the findings and facts as presented.

Curry asked for the first reading. City Attorney John Trew read the recommended Ordinance No. 00-O-446.HH, in its entirety, based on the application of City Planning Department File No. LDC-7-99. He did so, and several errors were noted for correction.

Council President Curry asked for a motion to accept the ordinance for File No. LDC-7-99.

Councilor Ciapusci moved, Councilor Johns seconded, and the Council voted unanimously to approve Ordinance No. 00-O-446.HH, with corrections, as an amendment to Section 88, City initiated, based on public hearing from application LDC-7-99, for the first reading in its entirety.

Curry asked for a second reading and City Attorney Trew read the ordinance by title only.

Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to adopt Ordinance No. 00-O-446.HH, with corrections, as an amendment to Section 88, City initiated, based on public hearing from application LDC-7-99, for the second reading by title only to be effective thirty days from this date.

VI.

SCHEDULED PUBLIC APPEARANCES

A. *Lee Sparks - ODOT District 7/ Assistant District Manager*

Lee Sparks provided a brief report on ODOT's recent activities in the area and made from ODOT a commitment to the Brookings City Council to attend our meetings, and be a good listener and active partner. Weldon mentioned the City had been informed approximately ten days ago that the Brookings couplet was on the Oregon Transportation Commission staff recommended list of \$600 Million projects. Sparks stated there was to be

a meeting tomorrow evening regarding the list and the gas tax revenue, however, he did not see it as favorable that Brookings would be on the list.

B. Rebecca Olsen - Musser & Associates/1998-99 Comprehensive Annual Financial Report

Rebecca Olsen, CPA from Musser & Associates, having previously provided the annual audit concluded December 10, 1999, summarized the report and verifications for the fiscal year ending June 30, 1999. She confirmed the City's compliance with regulations on the use of any federal funds, as well as other city funds and that the results of their tests on the City's accounting records resulted in no findings of non-compliance. She gave high praise to the Finance Department on specific savings accomplished due to the City's refinancing of bonds. Olsen also informed the Council of upcoming changes in state and federal reporting of financial records, which will require a set of financial records more like business statements vs. municipality financial statements. She noted preparing for these changes in reporting will not be an easy, task time wise or financially. Olsen concluded by thanking Finance Director Hedding and City Manager Weldon for their assistance in completing the audit. Questions and discussion ensued from the Council with Olsen responding. She introduced Stacy Phillips, another CPA and employee of Musser & Associates, who also worked on the audit.

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison reports

1. Chamber of Commerce

Chamber of Commerce Executive Director Les Cohen briefly reminded the Council and audience of the Business Outlook Conference set for January 18th, being held at the Elks Lodge. He noted State Senator Brady Adams and Representative Ken Messerle, and a keynote speakers from the Economic Development Association would be there.

2. Businesses for a Better Brookings

Vice President Augie Kofot, present, said he had no report.

3. Port of Brookings-Harbor

No report.

4. Parks & Recreation Commission

No report.

5. Planning Commission

No report.

6. *Council Liaisons*

Councilor Johns thanked everyone for the moral support due to her husband's recent death.

Councilor Ciapusci attended the Planning Commission on January 4, 2000, at which there was a public hearing on a 100 ft. tower, which was approved by a three to one vote and a county referral requesting comments on a replat of a subdivision in Harbor. The Commission made a recommendation to the County that the replat be approved.

B. *Unscheduled*

Don Nuss, 808 Pioneer Road, Brookings provided a written request for disclosure of the Chamber of Commerce's books, based on Section 14 of the agreement between the City and the Chamber, by asking the Council to direct City Manager Weldon to authorize in writing Nuss' examination of the Brookings-Harbor Chamber of Commerce books, papers, receipts and accounting records for the last three years.

City Manager Weldon noted he had asked the Finance Director, based on Nuss's prior requests and the Council's directive, to meet with the Chamber and that meeting with them was to take place this week. Weldon advised the Council he would have something in writing before the next Council meeting. Councilor Pepper asked Nuss why he felt he (Nuss) should represent the City to do this work. Nuss responded by stating he is a member of the Chamber of Commerce.

VIII.

STAFF REPORTS

A. *Finance Department*

1. *Establishing procedures for City lien foreclosure sales*

City Attorney Trew referred the Council to the resolution establishing procedures for City lien foreclosure sales. Discussion ensued briefly.

Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to approve Resolution No. 00-R-665, establishing procedures for City lien foreclosure sales.

B. *City Manager*

1. *Appointment of Budget Officer*

Weldon advised the traditional appointment of the Finance Director/Recorder as the Budget Officer, and made a correction to the budget calendar for January 24th, due to the goals session

meeting being canceled due to the Mayor's recent illness. He recommended the appointment of Gail Hedding as the Budget Officer and the adoption of the 2000/01 Budget Calendar.

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to appoint Finance Director Hedding as the Budget Officer, and to adopt the 2000/01 Budget Calendar as presented and corrected.

2. *Acceptance of 2000/01 Budget Calendar*
Addressed in Agenda Item No. VIII.B.1, above.
3. *Agreement to extend the Falcon Cable TV Franchise*
City Manager Weldon asked for an extension of 93 days on the Falcon Cable TV Franchise agreement to accommodate an appropriate Council meeting date, as negotiations are still in progress. Council Pepper recommended an extension of 180 days.

Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to extend the Falcon Cable TV Franchise Agreement for 180 days, until July 7, 2000.

- C. *Community Development Department*
 1. *Awarding of contract for purchase of truck and chassis for Treatment Plant Divisions*
Community Development Director Leo Lightle reminded the Council they had authorized staff to call for bids on the Treatment Plant Division shop truck at their December 6, 1999 meeting.

Council President Larry Curry declared a recess at 8:00PM.

The meeting was reconvened at 8:05PM.

Curry explained the absence of Mayor Bob Hagbom, and that he is currently in the Rogue Valley Medical Hospital, with expectations of being released tomorrow, Tuesday, January 11th. Curry noted Hagbom is doing fine

Lightle continued by presenting the Council with written results from that call for bid opened on January 6, 2000. Lightle recommended the Council award the bid for a new pickup truck for the Waste/Water Treatment Divisions to Siegrist Ford, Brookings in the amount of \$19,561.40.

Councilor Pepper moved, Councilor Johns seconded and the Council voted unanimously to accept the Siegrist Ford bid in the amount of \$19,561.40 for purchasing a new pickup truck for the Waste/Water Treatment Divisions.

Lightle explained bids on the bed will follow, as they were dependent on the type of vehicle. Three different companies have indicated an interest in bidding on the bed.

D. Police Department

1. Authorize calling for bids on new police patrol vehicle

City Manager Weldon reported Police Chief Ken Lewis was requesting authorization from the Council to call for bids on a new police patrol vehicle. He noted the current budget includes \$20,900 for a vehicle plus additional money for equipment.

Councilor Johns moved, Councilor Ciapusci seconded and the Council voted unanimously to direct Police Chief Ken Lewis to request bids on a new police patrol vehicle.

IX.

CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. Minutes of December 13, 1999, Regular Council Meeting

B. Acceptance of Planning Commission Minutes

1. Minutes of November 2, 1999, Regular Commission Meeting

2. Minutes of December 7, 1999, Regular Commission Meeting

(end Consent Calendar)

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to accept the consent calendar.

City Manager Weldon pointed out the Council had not accepted the audit in their earlier discussion.

Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to accept the audit of the 1998-99 Comprehensive Annual Financial Report, as presented.

X.

FINAL ORDERS/ ORDINANCES/ RESOLUTIONS

A. *Final Orders*

1. *Final Order for the matter of Planning Commission File No. VAC-2-99; application for approval of a right-of-way vacation, Terrance and Pamela Miller, applicant.*

City Manager Weldon reminded the Council of the Public Hearing held at the last Council meeting regarding this matter. With no discussion, Council President Curry asked for a motion.

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to adopt the Final Order for the matter of Planning Commission File No. VAC-2-99; application for approval of a right-of-way vacation, Terrance and Pamela Miller applicants.

B. *Ordinances*

1. *Approval of Ordinance No.00-O-533, for application of approval of a right-of-way vacation, Terrance and Pamela Miller, applicant* Continuing with the Planning Commission File No. VAC-2-99, vacation Process, City Attorney John Trew read Ordinance No. 00-O-533, in the matter of an ordinance vacating 180 feet of the east end of the alley located between US Hwy 101 (Chetco Avenue) on the north and Spruce Street on the south and between Fern Street on the west and Willow Street on the east, in its entirety for the first reading. Weldon noted typo-corrections.

Councilor Ciapusci moved, Councilor Pepper seconded, and the Council voted unanimously to approve application for Ordinance No. 00-O-533, for vacating 180 feet of the east end of the alley located between US Hwy 101 (Chetco Avenue) on the north and Spruce Street on the south and between Fern Street on the west and Willow Street on the east, Terrance and Pamela Miller applicants, based on the findings and facts as presented.

There was no discussion. Curry asked for a reading of the ordinance. John Trew complied.

Councilor Ciapusci moved, Councilor Johns seconded, and the Council voted unanimously to approve Ordinance No. 00-O-533, with corrections,

for a vacation of 180 feet of the east end of the alley located between US Hwy 101 (Chetco Avenue) on the north and Spruce Street on the south and between Fern Street on the west and Willow Street on the east, for the first reading in its entirety.

Council President asked for a reading of the ordinance by title only. City Attorney John Trew read Ordinance No. 00-O-533, by title only.

Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to approve Ordinance No. 00-O-533, with corrections, for a vacation of 180 feet of the east end of the alley located between US Hwy 101 (Chetco Avenue) on the north and Spruce Street on the south and between Fern Street on the west and Willow Street on the east, for the second reading by title only.

Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to adopt Ordinance No. 00-O-533, with corrections, to be effective thirty days from this date.

2. *Approval of Ordinance No. 00-O-446.HH, for change in Section 88, Sign Regulations of the Land Development Code pertaining to the display of political signs*
Addressed under agenda item No. V.A.

C. *Resolutions*

1. *Approval of Resolution No.00-R-665, for establishing procedures for establishing City lien foreclosure sales*
Addressed under agenda item No. VIII.A.1.

XI.

REMARKS FROM MAYOR AND COUNCILORS

A. *Council*

Ex-Officio Councilor Cindi Peterson advised the Council she was one of 38 students involved in an MIP arrest a few weekends ago, and asked the Council if they would prefer her to resign, due to her being a role model. Discussion ensued w support from all Council members to Peterson insisting she continue in her position and applauding her acknowledgment of a lesson learned.

Councilor Pepper corrected "Angels on Horseback" by advising them of the correct name of the paper of which he had been the publisher. He noted a record attendance of over 14,000 people at the Nature's Coastal Holiday light festival, which included approximately eight more countries than last year. Pepper stated he truly appreciated all the networking that goes on in the community to "make this happen" and thanked the "rain gods" for good weather. He also noted, they had donated to the city, a new leaf blower for the Public Works Department.

Councilor Ciapusci asked the status of the Business for a Better Brookings proposal for sign changes. Weldon informed the Council he had not heard verbally or in writing from Tim Patterson or group. Vice President of the organization Augie Kofotet stated some businesses would present a proposal.

City Atty Trew thanked the City and Nature's Coastal Holiday for a positive experience at the light festival, which he toured before the last Council meeting. Council President presented Councilor Pepper with a donation for Nature's Coastal Holiday.

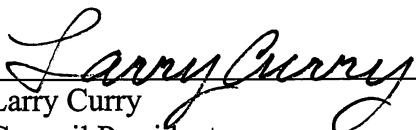
B. Mayor - not applicable

XII.

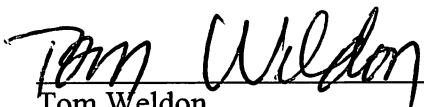
ADJOURNMENT

Councilor Johns moved, Councilor Pepper seconded, and the Council voted unanimously to adjourn the meeting at 8:30 PM.

Respectfully submitted:


Larry Curry
Council President

ATTEST:


Tom Weldon
City Manager