

CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
July 26, 1999
7:00 pm

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Led by City Attorney John Trew.

III. ROLL CALL

Council Present: Mayor Bob Hagbom, Councilors Larry Curry, Keith Pepper, and Frances Johns

Council Absent: Councilor George Ciapusci, excused and Ex-Officio Councilor Shiloh Thom, unexcused.

Staff Present: City Manager Tom Weldon, Community Development Director Leo Lightle, Fire Chief William Sharp, Police Chief Ken Lewis, Finance Director/Recorder Gail Hedding, Police Officer Wayne Sheffel, 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, Victoria Nuss-President Businesses for a Better Brookings, Port Commissioner Ken Byrtus, Vern Garvin-Owner of KURY Radio, Mark Usselman-ODOT Representative, Curry Public Transit Manager Jim Burfield and approximately ten other citizens, including Rex Atwell and former Mayor Nancy Brendlinger

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

None

V. PUBLIC HEARING

None

VI.

SCHEDULED PUBLIC APPEARANCES

- A. *Mark Usselman, ODOT-Area Commission on Transportation (ACT)*
Mayor Hagbom introduced Mark Usselman from the Oregon Department of Transportation (ODOT), who thanked the Council and City Manager for their participation in the Area Commission on Transportation (ACT) workshop held on May 26th, 1999, and discussed the transportation system in Oregon. Currently the department is in the developmental stages of an Area Commission on Transportation, establishing the process and methods by which they will accomplish the goals set by ACT, with a target date of January, 2000. Usselman referenced the preceded packet mailed to the Council and asked for questions and requested the Council to appoint someone to the new commission. Discussion ensued as to the relationship of this commission and CPAC, of which CPAC will act as an advisory member, with three representatives to ACT from each county (3) involved. City Manager Tom Weldon stated this new commission was a "good deal" for our area and the City of Brookings and volunteered to be the city's representative. Mayor Hagbom indicated he would not be able to attend the first ACT meeting to be held on Thursday, July 29th, as he will be in Burns, Oregon at the Oregon Mayor's Association Summer Conference. Hagbom stated he was looking forward to the successful communications that will come from the new commission, which will be beneficial to all of us in Curry County. Mayor Hagbom thanked Usselman for coming such a long distance and for his presentation.

Councilor Johns moved, Councilor Curry seconded, and the Council voted unanimously to appoint Tom Weldon as the City's representative to the Area on Transportation Commission.

VII.

ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

- A. *Committee and Liaison reports*
1. *Chamber of Commerce*
None
 2. *Businesses for a Better Brookings*
President Vicki Nuss, presented their Summer, 1999 newsletter and noted the organization had recently been approved for charitable organizations' non-profitable tax status. Nuss also reported there are 123 flags sponsored and asked for the continued generous cooperation from the City to drill the necessary holes in the sidewalks for the flags from Benham Lane to Harris Beach State Park plus 50 flags on the Chetco River Bridge. She also

indicated the organization would be requesting a liaison from the City Council to Businesses for a Better Brookings. Mayor Hagbom indicated the ground breaking ceremonies for the new post office would be tomorrow, July 27th, at 9:00AM, and asked for Businesses for a Better Brookings to be represented there.

3. *Port of Brookings-Harbor*

Port Commissioner Ken Byrtus thanked the City Council for all the help in the Port's successful Kite Festival held during the weekend of July 17th. Byrtus reported plans for next year's additions of hardy durable grass throughout the area, especially the lower area, to compensate for sand and wind problems during the Kite Festival and other events... "a good thing for everyone."

4. *Council Liaisons*

Councilor Johns attended 17C School District's Board Meeting at which Brian Larson was named Chair, Jeanne Severs- Vice Chair, and Tom Davis - the Pool Committee Liaison.

Councilor Pepper reminded the Council, the Parks and Recreation Commission would be meeting this Thursday, the 29th of July.

B. *Unscheduled*

Manager Jim Burfield of Curry Public Transit stepped forward to extend a public invitation to the Mayor, Council, and City Manager to participate in the 1999 Curry County Fair Parade activities by riding in one of the two Curry Public Transit buses. He asked for the Council to inform him as soon as possible in regards to the Curry County Fair Parade Shuttle, so plaques on bus could indicate who and organizations riding in the buses. Burfield also informed the Council of plans to have regular transit service from Brookings to Bandon by November 1st, which would present an intra-community transit success tying the three major cities together with not all in the same county.

Mayor Hagbom asked for any other unscheduled comments and read city ordinance rules and regulations regarding comments to Council.

City Manager Tom Weldon read a prepared statement as follows: "A week ago, on my personal time, I made a mistake and did something inappropriate. I'm sorry it happened and it won't happen again. I have apologized to the person involved. I regret causing her any uncomfortableness, then and now. I did something in appropriate, not illegal. We all make mistakes and I ask all of you to forgive me for this one."

Kimberly Bond of 208 Tanbark, Brookings, Oregon, spoke to the Council relating her perception of the incident involving City Manager Tom Weldon of her third party opinion and her personal actions related to this matter and her interactions with Curry County law enforcement, including her complaint filed against the investigating Oregon State Police officer. City Attorney John Trew advised Bond this was not her opportunity to address questions to specific Councilors for answers. Bond continued by asking for Weldon's resignation. City Attorney Trew advised Council of a claim by her against the City and since she is represented by counsel, not to comment on this matter.

Don Nuss of 808 Pioneer Rd, Brookings, OR, a business owner, referred to a prior incident with City Manager Weldon and requested Council to secure a new city manager

Pete Hernandez of 17231 So. Passley, Brookings, OR, employed with 17C School District provided his personal background to the Council for reference. He related personal life experiences and comments regarding the incident with City Manager Weldon and his daughter-in-law. Mayor Hagbom apologized for not returning Hernandez's earlier in the day telephone call.

Business owner Sandy Hislop of 685 Richard Street, Brookings, Oregon, responded on statements by Kim Bond and supported Tom Weldon for all his hard work and success as city manager and the positive results rendered the city by those efforts.

Bill Curtis of 94474 Williams Street, Gold Beach, OR 97444, a range rider for City County Insurance Services (a public service representative company), commented on his personal and business interaction with Weldon and that after reviewing once again the International City Managers' Code of Ethics, he found no violations of that code of ethics. Curtis disclosed problems of other small cities north of our town and asked for support to City Manager Weldon.

Scott Austin, student from Eugene Oregon, 840 Heritage, gave his opinion on the statement from Weldon. City Attorney John Trew asked for Austin's to do no name calling. Austin continued with presenting his personal position on the matter.

Business owner Victoria Nuss of 808 Pioneer Road, Brookings, OR, clarified in her own terms the previously mentioned confrontation between her husband, Don Nuss, and City Manager Weldon.

There were no additional comments requested.

VIII.

STAFF REPORTS

A. *City Manager*

1. *Fire Services Contract with Salmon Run Golf & Resort*

City Manager Weldon informed the Council of a problem with the proposed contract and asked the Council to hold the matter until the next regular common council meeting. The Council consented

B. *Community Development Department*

1. *Report on Water Emergency*

Community Development Director Leo Lightle reported on the status of the recent water emergency. He informed the Council the report from American Leak Detectors stated an electronic leak survey on approximately 75 percent of the city's water distribution system had found no major leaks, which is "tighter" than expected. Pumps are working to capacity and in order. Councilor Pepper thanked Lightle and his department and Lightle thanked all the citizens of the community for their excellent timely responses and efforts for the good of all. Mayor Hagbom finished by thanking Lightle and his employees for the extra out-of-the-ordinary call to duty efforts! Lightle will continue to keep the Council informed of the water emergency status.

2. *Award of Oak Street Improvements Contract*

Director Lightle explained that the City advertized for bids for the Oak Street Improvements Project. The Engineer sent out an addendum to the project with a requirement that the bidders attach an acknowledgment of receipt of the addendum. The addendum consisted of the current BOLI (Bureau of Labor and Industries) Prevailing Wage Rates for Public Works Contracts in Oregon. One bidder, the lowest bidder, did not attach the addendum. Staff contacted the engineering firm to see, if they had sent the addendum to the lowest bidder; the engineering firm had sent the addendum. The low bidder says they did not receive the addendum. The addendum would make a financial difference to the bid. After contacting the City Attorney to see if we could accept the bid, which had to be deemed non-responsive, the lower bidder was not acceptable. Lightle, therefore, recommended the Council award the bid to Freeman Rock in the amount of \$57,517.31.

Councilor Pepper questioned “non-responsive” to City Attorney Trew. Trew explained and clarified the law which considered it an incomplete bid. There were no questions from the audience.

Councilor Johns moved, Councilor Pepper seconded, and the Council voted unanimously to award the contract for the Oak Street Improvements in the amount of \$57,517.31, to Freeman Rock.

3. *Speed limit signs on Parkview Drive request*

Director Lightle notified Council of a request from Rex Atwell, for a 25 miles per hour speed limit on Parkview Drive, which is a City Road, but appears to be a County road. Lightle recommended Council to authorize staff to install two signs at both approaches on Parkview Drive that is within the city limits.

Councilor Johns moved, Councilor Curry seconded and the Council voted unanimously to authorize city staff to install two (2) 25 mile per hour speed limit signs on Parkview Drive at both approaches to the portion of Parkview Drive that is within the city limits.

4. *Authorization for engineering of the Water Treatment Plant Expansion, new filtration bay*

Director Leo Lightle explained that the expansion for the water treatment plan is listed in future capital improvements, but recommend the Council to authorize the pre-design and design of the new filtration bays at the Water Treatment Plant. He noted this is different than the original cost estimate of \$500,000, but with the current water emergency, which was due to the fact that the plant’s recommended filtration capacity would not meet the water use demand, we now need to do the pre-design to establish the project scope and cost projections. Pre-design costs are estimated to be \$21,5000; pre-design and design are estimated to be \$96,500. Councilor Pepper asked if this will result in a need to expand building. Lightle responded, stating he knows in the future we will need to acquire more land, but for the moment and short term future, this step will handle the problem. The study will be able to establish how much land might be necessary. Discussions ensued regarding the spare pump. After no further questions or discussion, Mayor Hagbom called for the question.

Councilor Curry moved, Councilor Johns seconded, and the Council voted unanimously to authorize the pre-design and design of the new filtration bays at the Water Treatment Plant.

C. Fire Department

1. Fire Protection Contract - Upper Chetco Fire District

City Manager Weldon asked for the Council to hold this matter until the next Council meeting. The Council consented.

2. Identification of Road on Marine Drive

Fire Chief William Sharp explained how the lack of identification of this road came to his attention during regular duties for the City trying to find a road off of Marine Drive. He provided an emergency example which compounded the issue on road identification. He discussed with residents of road and investigated further to find out if the road was City, private, or County owned. Which ever it is, the road needs signage, because he is concerned about welfare of residents in event of emergency to locate them in a timely fashion. Sharp recommend the Council determine what needs to be done through the departments. Lightle noted the street in questions is not a City street, but suggested the name dedication be handled through the Planning Commission, which should not be a problem, since the recommendation is coming from Fire Department. Councilor Pepper mentioned the usual notification procedures to the County, Post Office, Tax Assessors, Ambulance Association - all agencies established under the street name change process by the City Planner. Mayor Hagbom stated the city staff will handle the situation and report back to the Council.

IX. CONSENT CALENDAR

A. Approval of Council Meeting Minutes - white

- 1. Minutes of June 28, 1999, Regular Council Meeting*
- 2. Minutes of July 12, 1999, Regular Council Meeting*
- 3. Minutes of July 14, 1999, Emergency Council Meeting*

B. Approval of Vouchers - white

- 1. \$324,760.22*

C. Acceptance of deed for dedication of ten feet of additional right-of-way along portion of Cove Road - pink

(end Consent Calendar)

Councilor Johns moved, Councilor Curry seconded, and the Council voted unanimously to approve the Consent Calendar.

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. *Ordinances*
None

B. *Resolutions*
None

XI. REMARKS FROM MAYOR AND COUNCILORS

A. *Mayor*
Mayor Hagbom reported on the Transportation Bill status. City Manager Weldon commented on recent Oregonian statements of the same. Hagbom stated the transportation package had “died, was born again, died, but was alive” again on Saturday. A bill was passed, which included various tax changes. “It was a very hard fought battle, but passed on the 5th time by one vote!” Hagbom noted the significance of these results to our citizens is that it will bring monies to our community for repairs to streets.

B. *Council*
None

XII. ADJOURNMENT

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to adjourn the meeting at 8:20PM.

Respectfully submitted:


~~Bob Hagbom~~ Mayor Larry Curry Council President

ATTEST:


Gail L. Hedding
Finance Director/Recorder

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

MEMORANDUM FOR THE DIRECTOR

Reference is made to the report of Special Agent [Name] dated [Date] at [Location] regarding the activities of [Organization]. It is noted that [Organization] has been active in the [Area] and has been found to be in contact with [Individuals].

It is recommended that [Action] be taken to [Purpose].

[Signature]
Special Agent in Charge

[Signature]
[Title]