

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
November 22, 1999
7:00 pm**

I. CALL TO ORDER

Mayor Bob Hagbom called the meeting to order at 7:05 PM.

II. PLEDGE OF ALLEGIANCE

Led by Finance Director/Recorder Gail Hedding

III. ROLL CALL

Council Present: Mayor Bob Hagbom, Councilors Larry Curry, Keith Pepper, Frances Johns, and George Ciapucci, a quorum present.

Council Absent: Ex-Officio Councilors Shiloh Thom and Cindy Peterson, excused

Staff Present: City Manager Tom Weldon, City Attorney John Trew, Finance Director/Recorder Gail Hedding, Police Chief Ken Lewis, and Administrative Secretary Sharon Ridens

Media Present: Chuck Hayward, Curry Coastal Pilot

Other: Chamber of Commerce Executive Director Les Cohen, Chamber President Richard Gyuro, Augie Kofot-Vice President Businesses for a Better Brookings, Pete Pavich of the Salmon Run Golf & Wilderness Preserve, Best Western Brookings Inn Owner Peter Spratt, District Manager Ted E. Paselk and Assistant District Manager Lee Sparks both of ODOT-District 7, and approximately 51 other citizens.

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Proclamations

1. World Wide Aids Day - C.C. Huxtable, Teen Rep. For Curry County HIV Task Force

Mayor Bob Hagbom read a proclamation declaring December 1, 1999, as World Aids Day and invited all citizens to take part in activities and observances designed to increase awareness and understanding of HIV/AIDS as a global challenge, to take part in

HIV/AIDS prevention activities and programs, and to join the global effort to prevent the further spread of HIV/AIDS.

2. *Civil Air Patrol Week - South Coast Squadron Cpt. Mike Rupert*
With a room filled with young cadets from the South Coast Squadron of the Curry Civil Air Patrol and their parents, Mayor Hagbom proclaimed the week of November 28, 1999, to be Civil Air Patrol Week. Further, he acknowledged their dedication to volunteer public service in the interest of community, state, and the national welfare from the civilian auxiliary of the U.S. Air Force.

B. *Announcements*

1. *Mayor's Certificate for the Oregon Governor's Council on Physical Fitness and Sports Leadership Award - Beverly Rose*

Mayor Hagbom announced Bev Rose as the recipient of the Mayor's Certificate for Fitness and Sports Leadership Award. He read the narrative given to the Oregon Governor's Physical Fitness and Sports Committee honoring Rose at the Annual League of Oregon Cities Conference recently held in Eugene, Oregon. Hagbom presented Rose with a framed award certificate and bouquet of flowers from the City.

2. *Meritorious Award to Police Chief Ken Lewis*

Mayor Hagbom presented Police Chief Ken Lewis with the Mayor's Award for Meritorious Service for actions above & beyond the call of duty on November 15, 1999. Chief Lewis was surprised and thanked the Mayor and Council.

3. *League of Oregon Cities Award to Mayor*

Council President Larry Curry recognized Mayor Bob Hagbom by presenting him with an appreciation award from the League of Oregon Cities for his service on its Board of Directors from 1998 through 1999, and expounded on all the hours Mayor Hagbom gives on behalf of the City, while making many connections with agencies important to Brookings.

V. PUBLIC HEARING

None

VI. SCHEDULED PUBLIC APPEARANCES

None

VII.

ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. *Committee and Liaison reports*

1. *Chamber of Commerce*

Chamber President Richard Gyuro informed the Council of the new colored advertisement in the December issue of Sunset Magazine. Gyuro reported the Chamber Auction in November exceeded their goal with results of over \$24,000. These funds will assist in the promotion of the Brookings Harbor area. He thanked the City's participation during the event by staff involvement and donating items for the auction.

2. *Businesses for a Better Brookings*

Vice President Augie Kofot reported the organization had participated in preparing the Chetco Avenue/U.S.101 Hwy Christmas lights by replacing non-working light bulbs.

3. *Port of Brookings Harbor*

None

4. *Parks & Recreation Commission*

None

5. *Planning Commission*

None

6. *Council Liaisons*

Councilor Frances Johns stated she had been very busy but not with Council business lately.

Councilor George Ciapusci advised he was unable to attend the Port of Brookings Harbor meeting, as it was held at the same time as the City's last Council Meeting.

Councilor Larry Curry attended the League of Oregon Cities Annual Conference, as did all the City Councilors.

Mayor Hagbom made a brief reference to League of Oregon Cities Conference and the Council's 100% attendance. He also hoped to provide the newspaper with information for an article this next week or so.

B. *Unscheduled*

Don Nuss, 808 Pioneer Road, Brookings, referenced minutes printed in the packet and asked for a correction, of which he presented a

written draft. Mayor Hagbom stated that he and the Council would take it under advisement when considering the consent calendar.

VIII.

STAFF REPORTS

A. City Manager

1. *SCERT Projects - Authorization for grant applications*
 - a. *Fire Dept. building expansion*
 - b. *Restoration of Ferry Creek Reservoir*
 - c. *Final phase of Oak Street reconstruction*
 - d. *Salmon Run Golf Course road improvements*
 - e. *Brookings Skate Park*
 - f. *Brookings swimming pool improvements*
 - g. *Water system expansion*

City Manager Weldon reviewed for the Council pre-grant applications to be applied from the State Community and Economic Revitalization Team (SCERT) funding program, which was extended for another year. He noted there will not be enough money available for all the requested projects listed above, let alone projects from all of Curry County. Weldon advised the Council the importance of applying for the City's most needed projects, so they can get on the "list", which sometimes can be put into action later in the year if additional monies become available and/or other funding agencies using the list for making decisions. Weldon asked for authorization to submit pre-applications for the above listed projects, which total a roughly \$8,426,000. The City's local match for any of the projects would come from a variety of sources depending upon the project. Weldon clarified any grant (or low interest loan) offer on any of these projects would come back to the Council for official acceptance and authorization for local dollar share. Councilor Pepper asked for brief details on the Water System Expansion project and Weldon clarified the purposes of that funding request.

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to authorize submission of pre-applications and full applications, if requested, on the SCERT grant projects (not in priority ranking) as follows: 1) Fire Department Building Expansion - \$300,000.; 2) Restoration of Ferry Creek Reservoir - \$3,000,000.; 3) Final Phase Oak Street Reconstruction - \$120,000.; 4) Salmon Run Golf

course Road Improvement - \$600,000.; 5) Brookings Skate Park - \$60,000.; 6) Brookings Swimming Pool Improvements - \$2,046,000.; 7) Water System Expansion - \$2,300,000.

2. *Beach Avenue bike path view restoration project*
City Manager Weldon reminded the Council of a previous request in May '99, from Cliff Misener for the City to get a permit from ODOT to cut brush and trees along US 101 to reopen ocean views for people above the highway. At that time, ODOT was considering a request from a property owner on the ocean side of U.S. 101, in this area, to purchase part of their right-of-way. He noted the Council voted at that time to send ODOT a letter asking them to not sell this property because it might someday be needed to help alleviate traffic congestion in the area. ODOT has decided not to sell this property. Council also previously decided not to allow thinning until ODOT decided whether or not to sell the property. Misener earlier provided the Council with a study recently done on the area in question and Weldon noted ODOT was considering the same request to allow the work proposed in the study. ODOT has requested input from the Council prior to them issuing a permit for the thinning. Weldon informed the Council he and Community Development Director Leo Lightle are in agreement that our staff does not have the time to be involved with this thinning project, and they do not want the permit issued to the City, which would require the City to be responsible for the work of the volunteers. ODOT has stated they are willing to be the managers of the project. City Manager recommended a letter for the Mayor's signature with conditions for the thinning project.

Assistant District 7 Manager Lee Sparks from ODOT-Roseburg office, addressed the Council regarding his discussions and negotiating efforts between the citizens involved in the Beach Avenue bike path view restoration project. He noted ODOT's preliminary version of the 2000-2004 State Transportation Improvement Program (STIP) includes adding a left turn lane onto U.S. 101 for traffic going south and wanting to turn onto Parkview. City Manager Weldon recommended to the Council he prepare a letter for the Mayor's signature to ODOT requesting three goals be met, if they allow the thinning.

Sparks stated he was not sure all three goals could be met, but they would try. Further discussion ensued covering his time spent with Mr. Misener and Mr. Johnson explaining the project would not be a clear-cut, but a only a thinning project with mostly pruning, shaping various shrubs & bushes. He also noted ODOT would be encouraging citizen input, with ODOT there every day for this "adopt" permit - not thinning permit.

Discussion ensued from residents Cliff Misener of 1343 Beach Avenue, Brookings, and Al Bernard, 1575 Beach Avenue, Brookings. Ira Tozer of 15861 Hwy 101 So., Harbor, and Augie Kofot of 797 Ransom, Brookings spoke "on behalf of the trees", and Mayor Hagbom referred them for additional information and input to ODOT.

Mayor Hagbom thanked the representatives from ODOT for their efforts in coming down to Curry County and getting involved.

Councilor Ciapusci moved, Councilor Johns seconded, and the Council voted unanimously to have City Manager prepare a letter for the Mayor's signature to ODOT, stating the City hopes if ODOT allows the thinning, the work will meet the following three goals: 1) Not create such great roadside ocean views that it causes traffic accidents; 2) Not remove so much of the lower underbrush that it allows an unreasonable amount of road noise to disturb the residents on the ocean side of U.S. 101 in this area; 3) Open up reasonable ocean views for these people living above U.S. 101.

3. *Change in golf course lease with Claverans*

City Manager Weldon presented what he called a housekeeping request, regarding the lease with the Claveran Group for the golf course. Claveran's attorney, Peter C. Spratt has asked for an amendment to the 1998 lease agreement between the City of Brookings, Lessor and Felix Claveran and Steve Muir, Lessee. The amendment would substitute the LLC for Felix Claveran and Steve Muir as Lessee, which is found to be necessary to protect Mr.

Claveran and Mr. Muir from third-party liability. Weldon noted since the LLC paid for the improvements, the substitution is necessary to maintain the proper chain of ownership, and finally, the Claverans expect the ownership of the leasehold by the LLC will be a requirement for future financing. Mr. Spratt also had presented a Guaranty form to be signed by Mr. Muir and Mr. Felix Claveran. Minimal discussion ensued with Attorney Spratt and Salmon Run Golf and Wilderness Preserve Director Pete Pavich being available for questions. There being none, Mayor Hagbom called for a motion.

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to consent to substituting the Claveran Group, LLC for Felix Claveran and Steve Muir as Lessee on the lease, and to have Mayor Hagbom proceed with signing the amended lease once the City has the Guaranty signed by Mr. Muir and Mr. Felix Claveran.

4. *Contract with Chamber of Commerce*

City Manager Weldon referred the Council to two questions offered to City Attorney John Trew for opinions: 1) Weldon's affiliation with the Chamber of Commerce and whether that violates any Oregon, and 2) the legality of an August 10, 1993, Agreement the City has with the Brookings-Harbor Chamber of Commerce, regarding the transient room tax dollars. Trew's written opinions had previously been presented to the Council and there were no further comments or questions.

Discussion ensued from Augie Kofot regarding the bed tax use and Weldon answered there is no state law directing the use of said tax. Councilor Curry provided a brief summary of the Council's position from '93 evolving to make the decision for this agreement, narrowing it to a philosophy of "if you want more, need more, earn more" - referring to the Chamber requesting dollars for promotions.

Tom Herrod, 1089 Parkview Drive, Brookings, questioned the ORS use while asking for Attorney Trew's comments. Trew referred Herrod to Oregon ORS's and OAR's accordingly, which are available in law library and on the

internet. Herrod commented he believes Weldon's affiliation with the Chamber being a conflict of interest.

There were no further comments from the Council. However, the Mayor asked Chamber of Commerce President Richard Gyuro of 810 Chetco Avenue to offer his opinion regarding Weldon. Gyuro stated he appreciated having Weldon's 'watch dog' approach and acting very positively in that manner. As to the three Harbor motels, they voluntarily give dollars to the Chamber for tourism promotion, which as an organization remains not for profit, and is not a government agency required to open its books. Their books are open to members, not to the public.

Charles Harman, of 9702 Hilltop Drive, Brookings, asked the Council how much money the City has passed to Chamber since 1993 & how much this year. Weldon was unable to provide the amount since the agreement began, but stated the amount for the current budget is around \$25,000, which is 25% of the City's revenue from the bed tax. Councilor Pepper reminded the Council they are only responsible for what the City is doing, and that it is not our concern nor do we have jurisdiction over Harbor businesses or residents.

Councilor Ciapusci objected to Herrod's inference of being selected to the City Council by the Chamber, as did Councilor Curry further stating he had been impressed with the services the Chamber had given the entire community now and over the years - earning his respect.

Mayor Hagbom responded to the issues of the Council positions being hand picked by City Manager or Chamber or anyone. He read aloud the section from the City Charter as to filling council vacancies, and provided a detailed history of council members' elections & appointments. Hagbom noted the City advertises for these positions and follows the law.

Don Nuss, 808 Pioneer; Brookings, requested a change to the November 8, 1999, Council minutes, and requested the Council ask for an audit of the Chamber of Commerce records. Mayor Hagbom advised Nuss and Council this matter was borderline of being handled in the wrong place on the agenda, but allowed Nuss to continue with a brief comment and a handout to the Council, City Attorney, and City Manager.

B. Community Development Department

1. *Acceptance of easement for Parkview sewer main extension*
City Manager presented the request and recommendation from the Community Development Department for acceptance of an easement for sewer main adjacent to Park view Drive and Highway 101.

Councilor Johns moved, Councilor Ciapusci seconded, and the Council voted unanimously to accept the easement from Frank Cembellin for the sewer main line in or adjacent to Parkview Drive.

IX.

CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. *Minutes of November 8, 1999, Regular Council Meeting*
City Manager Weldon asked for item IX.A.1. be removed from the agenda to allow him to listen to the previous meeting's audio tape. The Council agreed.

B. Acceptance of Parks and Recreation Commission Minutes

1. *Minutes of August 26, 1999, Regular Commission Meeting*
2. *Minutes of October 28, 1999, Regular Commission Meeting*

C. Acceptance of Systems Development Charge Review Board

1. *Minutes of October 12, 1999, Regular Board Meeting*

(end Consent Calendar)

Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to approve the Consent Calendar of Agenda Items IX. B & C, with Section A to be considered at the next Council Meeting.

X.

ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

None

B. Resolutions

None

XI.

REMARKS FROM MAYOR AND COUNCILORS

A. *Council*

Councilor Johns informed the Council she will be attending the next school facilities task force meeting, and expounded on her positive experience at the League Conference.

Councilor Ciapusci “seconded” Johns’ comments on the LOC Conference, especially to learning the responsibilities of his position on the Council.

Councilor Pepper also provided a very positive report as to his experiences from the LOC Annual Conference, and that it is very reassuring to hear comments from other city councils in the state, with surprising statements that we (the Brookings City Council) have a group of people that get along with good communications and accomplish as much as we do for being such a small community.

Councilor Curry received an invitation from Oregon Coastal Zone Management Association for a meeting November 29, 1999, in Charleston, Oregon, which will be basically on ground fish and various fishing activities. He noted Senator Gordon Smith would be at the approximately 90-minutes meeting.

Mayor Hagbom asked when the Codification of City Ordinances were last done, and that he would talk with the City Manager about reviewing some ordinances.

B. *Mayor*

Mayor Bob Hagbom made reference to the Council’s recent attendance at the League of Oregon Cities’ (LOC) Annual Conference in Eugene, and provided a brief history of what the League stands for, why the City goes, why the City participates in LOC functions. He ended with wishing all a “Happy Turkey Day.”

City Manger Tom Weldon said he was pleased and proud that all five Council members attended the League of Oregon Cities Conference, as most cities do not have that level of representation. He noted especially the efforts of our Council, when they must travel four hours to go to it, and that he appreciated it.

XII.

ADJOURNMENT

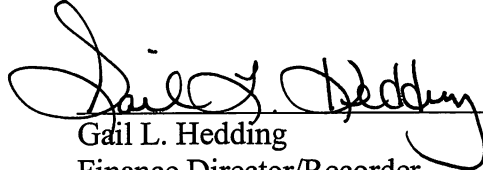
Councilor Ciapusci moved, Councilor Curry seconded, and the Council voted unanimously to adjourn the meeting at 9:00 PM.

Respectfully submitted:



Bob Hagbom
Mayor

ATTEST:



Gail L. Hedding
Finance Director/Recorder