

**CITY OF BROOKINGS  
COMMON COUNCIL MEETING MINUTES  
City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
December 13, 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 Cindi Peterson, Ex-Officio Councilor

***III.          ROLL CALL***

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

Council Absent: Ex-Officio Councilor Shiloh Thom, excused

Staff Present: City Manager Tom Weldon, City Attorney John Trew, Finance Director/Recorder Gail Hedding, Community Development Director Leo Lightle, City Planner John Bischoff, 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 Kofot-Vice President Businesses for a Better Brookings, Planning Commissioner Judi Krebs and approximately 20 other citizens.

***IV.          CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS***

***A.            Announcements***

***1.            Resignation of Reily Smith, Planning Commission - Special Recognition***

Mayor Hagbom confirmed Reily Smith's resignation from the Planning Commission, and read the audience a certificate of appreciation to Smith, thanking him for his service to the citizens of Brookings. His certificate will be mailed to him, since he has

moved out of the area.

2. *Proclamation for January as School Board Recognition Month*  
Mayor Hagbom proclaimed January, 2000, as School Board Recognition Month and presented it to Tim Adsit, Curriculum Director, of the Brookings-Harbor 17C School District. Adsit thanked the Council and accepted the proclamation on behalf of the 17C School Board.
3. *Proclamation for the Bicentennial Commemoration of the Life of George Washington - The Sons of the American Revolution (SAR) Central Chapter*  
Mayor Hagbom explained the City's participation in the 200<sup>th</sup> Anniversary of the Life of George Washington Commemoration by the Sons of the American Revolution (SAR) Central Chapter, and proclaimed December 14, 1999, as George Washington Day.

V. **PUBLIC HEARING**

1. *Vacation of alley between U.S.101 Hwy on the north and Spruce Street on the south and extending from Willow Street west for a distance of 180 feet.*  
Mayor Hagbom called to order a Public Hearing at 7:12PM, and identified the nature of the proceedings for an application to vacate (VAC-2-99, corrected by City Planner on the record), a vacation of alley between U.S. 101 Hwy on the north and Spruce Street on the south and extending from Willow Street west for a distance of 180 feet. Hagbom asked for any objections to the jurisdiction of the Council to hear this matter; if any Councilor wished to abstain from participating because of a conflict of interest or bias; and if any Councilor needed to declare an ex parte contact due to contact with the applicant, any other party involved in the proceedings or any other source of information regarding the subject of the hearing. There was none, except Councilors Ciapusci and Pepper who confirmed being aware of the property conditions. It was determined there was no conflict. There being none, Mayor Hagbom asked City Attorney John Trew to explain the procedural background and requirements for the procedures and appeals process. Mayor Hagbom asked City Planner John Bischoff to make the staff report presentation first. Bischoff presented the subject matter of vacating the alley between U.S.101 Hwy and Spruce Street, including the detailed diagrams and staff report to the City Council, along with criteria, per Section 152, Vacations, Subsection.030, Vacation Criteria. He then made his favorable recommendation to the Council of Case File No. VAC-2-99, based on the findings and conclusions stated in the staff report and his presentation.

Mayor Hagbom asked the hearings body members for any questions about the proposal so that persons who testify later may also address the questions and dispute any statements the staff may make. Extensive discussion ensued with all Councilors questioning why the applicant was allowed to proceed without permits all along the process trail. Bischoff responded, and it was confirmed by Community Development Director Leo Lightle, that the applicant blatantly ignored the procedures, even after being informed and a cease order was placed in effect until plans were presented for approval, which did not include the alley structures. Further discussion ensued regarding the applicant's three actions without City permits, including permits for signs, and failure to abide by the City ordinances.

Mayor Hagbom asked if anyone wished to speak in support of the proposal. Rex Atwell, spoke as the applicant's representative. Others speaking in support were Augie Kofeot, 787 Ransom, Brookings and Don Nuss, 808 Pioneer Road, Brookings.

Hagbom then asked if anyone wished to speak in opposition to the proposal. Judy Krebs, a member of the City Planning Commission, stated she was speaking on her own behalf, not the Commission but advised the Council she abstained from the vote at the Planning Commission level, because she felt she could not be unbiased to an applicant who by his actions, three different times ignored City rules and is now being given options. Bischoff provided the Council with the sequences of actions that would occur based on their decision options, including appropriate ordinance and final order.

Mayor Hagbom asked for representatives of public agencies that wish to be heard. There were none. He then asked if Atwell desired time for rebuttal. Atwell stepped forward and acknowledged the errors by the owners in not following procedures. Community Development Director Lightle confirmed there was no need for a City utility easement, as there are no City water/sewer lines in the area.

Judy Krebs questioned the procedure for waiving written argument by the applicant. Hagbom asked if any participant requested additional time to present evidence. There was none. Mayor Hagbom closed the public hearing at 8:51PM.

He then asked if the applicant wished additional time to submit written argument or if he was willing to waive written argument and have a decision made this evening. The applicant's representative said he would waive additional time. The Council deliberated. All Councilors were

concerned about the precedence this action might make and Mayor Hagbom reviewed the Council comments and called for a motion.

**Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to approve the alley vacation application for Planning Commission Case No. VAC-2-99, as presented.**

**VI. SCHEDULED PUBLIC APPEARANCES**

None

**VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE**

**A. *Committee and Liaison reports***

**1. *Chamber of Commerce***

Executive Director Les Cohen gave a brief report to the Council, advising he would be attending with the Mayor, Weldon, and Lightle, a day long conference on rural infrastructure on Wednesday in Eugene being presented by U.S. Senator Wyden and involving city and county officials, private industry and both federal and state agencies.

**2. *Businesses for a Better Brookings***  
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 informed the Council the 17C School District Design for Learning Committee will be reporting to School Board this evening two plans on school construction.

Councilor Pepper will not be able to attend future Harbor Sanitary District meetings due to a conflict with his work schedule. He will attempt to find someone else to attend representing the City.

Councilor Curry stated he has been on vacation, making no contacts on behalf of the City.

Councilor Ciapusci advised the Council the City's Planning Commission meeting originally set for December 7<sup>th</sup>, had been continued to December 21, 1999. Ciapusci stated he would expect an annual report and election of new officers at that time. With this continued meeting being held on the same date of the Port Commission meeting, Ciapusci stated he would not be able to attend the Port meeting.

*B. Unscheduled*

Mayor Hagbom asked for any unscheduled appearance. Elea Moore, 95990 Eggers Road, referred to recent correspondence to and from Council regarding subscriptions to Angels on Horseback. Discussion and comments were given by the Council and Mayor. The Mayor, Council and City Manager confirmed to Moore, their continued desire for her to not send them the newsprint publication. Moore indicated Mr. Theoron's mailing address was - General Delivery, Harbor, OR 97415

Judy Krebs commended the Council's decision on accepting the vacation for the alley between U.S. 101 Hwy on the north & Spruce Street, and that she appreciated the Council's statements on Planning Commission.

Yvonne Mailland of 15676 Oceanview Drive, Harbor, Oregon commented on The Pilot's previous news articles. Mayor Hagbom suggested she contact The Pilot.

**VIII.**

**STAFF REPORTS**

Mayor Hagbom told the Council, the \$600 Million project list made from the proposed revenue from the 5 cents tax increase on gasoline now includes our couplet project. He noted originally, this project was not a part of that list, because we didn't have anything coming up to that priority level. However, City Manager Weldon and he recently attended a meeting in Coos Bay, where additional projects were asked for. The couplet was then made a part of the project list from ODOT and will be funded if and as funds are made available. This means, our project could be built sometime within the next six years.

*A. City Manager*

*1. Proposal for participating in South West Area Commission on Transportation*

Weldon referred the Council to the November 19, 1999, ODOT letter proposing the Council approve a Charter for our region-wide Area Commission on Transportation - South West Area Commission on Transportation (SWACT). He summarized the

meeting and reviewed the guidelines for involving local governments with state agency decision making before decisions are made. Weldon recommended Mayor Hagbom to be the City's representative and to approve a SWACT Charter - an advisory group to ODOT. There was no discussion.

**Councilor Ciapusci moved, Councilor Curry seconded, and the Council voted unanimously to 1) approve the SWACT Charter as presented and 2) approve Mayor Hagbom as the City's representative to the SWACT.**

2. *Request for an audit of Chamber of Commerce books*  
Weldon reviewed his memo to the Council on this matter and explained in detail the attachments. He then recommended the Council direct him to prepare a letter for the Mayor's signature reiterating the points made in our Finance Director's letter of August 26, 1999, to Don Nuss, and other salient points from the memo, and stating the City Council has no concerns on this subject. There were no questions from the Council

Don Nuss acknowledged receipt from Administrative Secretary Sharon Ridens of documents requested from the City, and detailed additional more specific requests. Discussion ensued. After Nuss' comments on a conflict of interest between Weldon and his Chamber of Commerce board position, and his commitment to continue his objections until Weldon was no longer involved, the Mayor and Council communicated their support of Weldon and his involvement on the City's behalf, and their decision to complete the discussion and matter.

Les Cohen, 324 S. Hazel, asked the Council to refer to Weldon's memo and Hedding's letter - paragraph #10. The question was asked and answered, and therefore, as a citizen, he stated he did not understand the City allowing this wasted time in tax dollars, and time of City employees.

**Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to direct the City Manager to prepare a letter for the Mayor's signature reiterating the points made in Finance Director Hedding's letter of August 26, 1999, and**

**other salient points from correspondence, and stating the Council has no concerns on this subject.**

Additional discussion resulted in asking the Finance Director to visit the Chamber office and review records relating to the money the City spent on advertising, through the Chamber's last fiscal year.

Mayor Hagbom called for a five minute recess at 9:13PM.

Mayor Hagbom reconvened the meeting at 9:20PM.

3. *Mr. Rich Johnson's request to purchase ODOT property*  
City Manager Weldon presented the information, legals, and diagrams, and introduced Rich Johnson who was present regarding his request to purchase ODOT property adjacent to his home. Weldon recommended the Council direct him to send a letter to ODOT stating the City has no objection to this sale. A short discussion ensued.

**Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to direct the City Manager to send a letter to ODOT stating the City has no objection to the sale of property adjacent to Rich Johnson's home.**

4. *Local Contracting Rules*  
City Manager Weldon provided the background and recommendation re-adopting the City's public contracting rules (Ordinance No. 99-O-389B), which were addressed by the last legislature, which required every government entity to adopt or re-adopt such rules. A brief discussion ensued with City Attorney Trew detailing answers for the Council. There was no further discussion.

City Attorney Trew read the proposed Ordinance No. 99-O-389.B for re-adopting the City's Public Contracting Rules in its entirety as presented. Mayor Hagbom asked for a motion to accept the ordinance as read.

**Councilor Pepper moved, Councilor Johns seconded, and the Council voted unanimously to approve Ordinance No. 99-O-389.B, re-adopting Ordinance**

**No. 85-O-389 as amended providing local contracting rules for the first reading by title and in it's entirety.**

President Hagbom asked for a second reading motion and Trew read the ordinance title only.

**Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to approve Ordinance No. 99-O-389.B, re-adopting Ordinance No. 85-O-389, as amended providing local contracting rules for the second reading by title only.**

5. *Set Goals Session meeting*

After discussion, there was a consensus by the Council to use January 7, 2000, for a Goals Session Meeting, beginning at 8:00AM in the Council Chambers.

B. *Community Development Department*

1. *Authorization to call for bids on Treatment Plant Division shop truck*

Community Development Director Leo Lightle provided background information for authorizing a call for bids on a Treatment Plant Division shop truck. There was no discussion.

**Councilor Pepper moved, Councilor Ciapusci seconded, and the Council voted unanimously to authorize calling for bids for a shop truck with a utility bed and lifting device for the Treatment Plant Division.**

2. *Sewer Rate Update Study*

Lightle reviewed the current status (50% complete) of the Brookings Wastewater System improvement project and the background for the necessity to redo our rate study before we get into the next audit period. He recommended the Council authorize a study including all the tasks listed in the Engineer's letter, which include having a consultant attend a meeting to make a presentation and answer questions regarding the necessary study. He noted this presentation will allow other "experts" to directly ask any questions of the consultant.

**Councilor Johns moved, Councilor Pepper seconded, and the Council voted unanimously to authorize all the tasks listed by Brown and Caldwell Environmental Engineering & Consulting firm,**



**including having the consultant attend a meeting to make a presentation and answer questions regarding the study.**

**IX. CONSENT CALENDAR**

- A. *Approval of Council Meeting Minutes*
  - 1. *Minutes of November 8, 1999, Regular Council Meeting*
  - 2. *Minutes of November 22, 1999, Regular Council Meeting*
- B. *Approval of Vouchers (\$663,499.85)*

*(end Consent Calendar)*

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

**X. ORDINANCES/RESOLUTIONS/FINAL ORDERS**

- A. *Ordinances*
  - 1. *Approval of Ordinance No. 99-O-389.B ~ an ordinance re-adopting Ordinance No. 85-O-389 as amended providing local contracting rules*  
Item addressed under Agenda item No. VIII.A.4.
- B. *Resolutions*  
None

**XI. REMARKS FROM MAYOR AND COUNCILORS**

- A. *Council*

Councilor Pepper reported vandalism had occurred at the Nature's Coastal Light Festival (now 3<sup>rd</sup> year of operation). Saturday morning it was discovered several hundreds of dollars damage had been done to the light festival - destroying 20-30 strings of lights & stealing 4ft black lights. The core group was able to put it all back together that day, and over 900 people were in attendance Saturday night.

Councilor Johns wished everyone a Happy Holiday!

Councilor Curry asked for the status of the December 27, 1999, meeting. Mayor Hagbom and City Attorney Trew reviewed the differences in the City Charter and the City Ordinance regarding the meeting requirements. Therefore, it was determined there would be a meeting, if there was a quorum.

Councilor Ciapusci noted he will not be able to attend the 27<sup>th</sup> meeting, as did Councilor Johns.

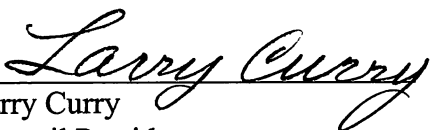
*B. Mayor*

Mayor Hagbom asked the Council to review the previously disbursed packet of ordinances for recommending additions and/or deletions in the future weeks. He asked what the procedural status was for the welcome flag issue ordinance changes desired by Business for a Better Brookings. Weldon advised nothing has been presented to him or the City Planner. Discussion ensued. Hagbom then reported good news from Senator Veral Tarno who had called this day informing the Mayor of \$140,000, designated for the World War II Memorial Fund in Washington D.D., by the State or Oregon. This decision had been made by the state legislature on Friday. He noted the Elks are donating around \$1200 for everyone of their members.


**XII. ADJOURNMENT**

**Councilor Johns moved, Councilor Curry seconded, and the Council voted unanimously to adjourn the meeting at 9:58 PM.**

Respectfully submitted:

  
Larry Curry  
Council President

ATTEST:

  
Tom Weldon  
City Manager