

minutes

CITY OF BROOKINGS
COMMON COUNCIL MEETING
City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
October 14, 1996
6:00 p.m.

I. CALL TO ORDER

Mayor Davis called the meeting to order at 6:07 p. m.

ROLL CALL

Council Present: Mayor Tom Davis, Councilors Nancy Brendlinger, Bob Hagbom, Larry Curry

Council Absent: Councilor Dave Scott, Ex-Officio Kevin Blank

Harbor Sanitary District Board Present: Chair Walt Thompson, Board Members Buzz Hansen, John Rapraeger; Harbor Sanitary District Attorney Manville Heisel

Staff Present: City Manager Tom Weldon, Administrative Assistant Donna Van Nest, City Attorney Martin Stone, Community Development Director Leo Lightle

Media Present: Anita Rainey, Curry Coastal Pilot; Tracy Reed, KURY Radio; Martin Kelly, KCRE Radio

JOINT WORK SESSION

Manville Heisel, representing the Harbor Sanitary District, voiced concerns with the present relationship between the Harbor Sanitary District and the City of Brookings.

Mayor Davis expressed his appreciation of the ad hoc committee that was formed to deal with the differences between Harbor Sanitary District and the City of Brookings.

Mr. Heisel indicated that the Harbor Sanitary District Board considered the prior intergovernmental agreements between the City and HSD void. John Rapraeger and Buzz Hansen felt they were bound to the prior agreements until new ones can be formulated.

Walt Thompson said they were never notified of large charges and could not pay them because of budgetary constraints.

Larry asked why they didn't realize that improvements cost money when the project had been written about in the Curry Coastal Pilot several times.

Walt Thompson said the payments were supposed to be paid for in the monthly rates, not as a lump sum.

Mayor Davis suggested recognizing where we are, where we need to go and get the ad hoc committee back together again.

John Rapraeger said DEQ would be more willing to work with all of us if they didn't see both entities as divisive.

Mayor Davis suggested anytime DEQ is in town HSD should be notified. He also asked them to come and request information instead of expecting invitations be sent.

The two groups agreed to meet again November 11th - 6:00 p.m. to 7:00 p.m.

Mayor Davis recessed the meeting at 7:03 p.m.

V. INSPECTION OF NEW K-9 UNIT

The Mayor and Council inspected the K-9 vehicle which was purchased with forfeited drug monies. The vehicle is being used by Police Officer Chris Wallace and K-9 Hogue, who is being trained to sniff for drugs.

Mayor Davis reconvened the Council meeting at 7:16 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Mayor Davis noted the Council Present: Mayor Tom Davis, Councilors Nancy Brendlinger, Bob Hagbom, Dave Scott, Larry Curry, Ex-Officio Kevin Blank

Staff Present: City Manager Tom Weldon, Administrative Assistant Donna Van Nest, City Attorney Martin Stone, Community Development Director Leo Lightle, Fire Chief William Sharp

Media Present: Anita Rainey, Curry Coastal Pilot; Martin Kelly, KCRE; Tracy Reed, KURY

VI. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

1. Steve Brown, representing the Boy Scouts, explained that his troop was attending the Council meeting to earn two Boy Scout merit badges.

2. Presentation by Vietnam Veterans of America

Julie Cartwright, representing the Vietnam Veterans of America, Chapter 757, thanked the Council for their support and presented them with pins which state, "Veterans Vote!"

3. Appointments to Parks and Recreation Commission

Mayor Davis reminded the Council that Sandy Hislop and Tony Yarish have resigned as Parks and Recreation Commissioners.

Mayor Davis recommended the appointment of Elizabeth Ciapusci to fill the vacancy left by Tony Yarish, and Dr. Paul Prevenas to fill the vacancy left by Sandy Hislop.

Councilor Curry moved, Councilor Brendlinger seconded and the Council voted unanimously to approve the appointment of Elizabeth Ciapusci (term expires 02/01/1999) and Dr. Paul Prevenas (term expires 02/01/2000) to the Parks and Recreation Commission.

VII. PUBLIC HEARINGS

VIII. SCHEDULED PUBLIC APPEARANCES

IX. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

X. STAFF REPORTS

A. City Attorney

1. Protest of award of bid for emergency generator - Pacific Detroit Diesel

City Attorney Martin Stone explained the bid process which was followed in purchasing an emergency generator for the Fire Department. Mr. Stone explained that Jan Chronister of Pacific Detroit Diesel-Allison had written a letter of protest about our bid process.

Jan Chronister of Pacific Detroit Diesel-Allison, explained that her reason for protesting the bid process was because Cummins written bid did not mention start-up costs but were called later and Cummins said that it was included. This made Cummins the low bidder because Pacific Detroit Diesel-Allison had stated that start up costs would be \$480 over and above their bid shown on the bid form. She pointed out that the bid specifications did not ask for start-up costs and therefore Cummins should not have been contacted.

Fire Chief William Sharp explained the reason for his recommendation to take the bid of Cummins and that his phone call, at Council's direction, to the Cummins salesman had verified what he had been told while the bid package was being developed; their policy (and consequently bid) included start-up costs.

Councilor Brendlinger moved, Councilor Hagbom seconded and the Council voted unanimously to reject the protest of the bidding process for an emergency generator by Jan Chronister of Pacific Detroit Diesel-Allison. The bid remains with Cummins.

B. City Manager

1. Agreement between Oregon Department of Fish and Wildlife and City of Brookings for future management of streamside vegetation at Jack Creek on the proposed municipal golf course site

Councilor Hagbom moved, Councilor Scott seconded and the Council voted unanimously to accept the Agreement between Oregon Department of Fish and Wildlife and City of Brookings for future management of streamside vegetation at Jack Creek on the proposed municipal golf course site dated October 1, 1996.

C. Community Development

1. Award of bid - Marine Drive Waterline

Councilor Brendlinger stepped down, citing a possible conflict of interest because the waterline goes through property she previously owned.

Community Development Director Leo Lightle reported that only one bid was received, that being from Freeman Rock at \$28,638.27, which is below the engineer's estimate of \$32,073.

Councilor Curry moved, Councilor Scott seconded and the Council voted unanimously to award the bid for the Marine Drive/Marina Heights Waterline Intertie to Freeman Rock in the amount of \$28,638.27 and authorize the City Manager to sign the contracts and "Notice to Proceed".

Councilor Brendlinger returned to the bench.

2. Discussion of providing water service outside City - Warren Smith and Mary MacMinn, applicants

Don Gooch, 619 Meadow Lane, Pacific Coast Realty, representing Warren Smith and Mary MacMinn, 17042 Webb Lane, explained that due to a hardship, they are requesting that the City of Brookings serve the residence at 17042 Webb Lane with water.

Staff recommended denial of the request stating that there is insufficient water volume to serve the Stafford Road/ Webb Lane/Gowman Lane/upper Park view Drive area. There have been many rejections of water service in this area. This lot or residence was turned down for water in 1987 and there is no new justification for connecting a new meter thus lowering pressure and, at times, denying water to existing customers. This could result in using taxpayers dollars to fix an outside-the-City problem.

Councilor Brendlinger stated that she needed answers to several questions prior to making a decision.

Councilor Scott moved, Councilor Brendlinger seconded and the Council voted unanimously to direct staff to draft a map of the lots in the area of Webb Lane, Stafford Road and Dodge Avenue to

determine which properties are presently being served, how many vacant lots are available, and to show the line sizes and the impact of adding more properties to the water system. Staff and the applicants will bring back their best solutions in two weeks, at the October 28th meeting.

3. Discussion of providing water service outside the City

Councilor Brendlinger moved, Councilor Scott seconded and the Council voted unanimously to have staff to bring options back to the Council on amending Ordinance No. 66-O-190 to allow serving water to properties fronting on existing mains outside the City limits.

XI. CONSENT CALENDAR

Nancy asked for changes on page 6. Bob asked for clarification on page 5 of the Check Register. The Check Register showed he received two checks for the same amount on the same day with different check numbers. He stated for the record that he received only one check.

Councilor Scott moved, Councilor Hagbom seconded and the Council voted unanimously to approve the Consent Calendar as follows:

A. Approval of Council Meeting Minutes

1. September 23, 1996 Regular Council Meeting

B. Acceptance of Commission/Board Minutes

1. August 6, 1996 Planning Commission Meeting
2. September 3, 1996 Planning Commission Meeting

C. Approval of Vouchers (\$146,671.30)

(end Consent Calendar)

XII. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

- 1. Ordinance No. 96-0-349.D - An ordinance amending Ordinance No. 81-O-349 entitled, "An ordinance adopting the State of Oregon Structural Specialty Code and Fire and Life Safety Code, the State of Oregon Mechanical Specialty Code and Mechanical Fire and Life Safety Code, and the Uniform Code for the Abatement of Dangerous Buildings, and repealing prior ordinances inconsistent therewith".**

Administrative Assistant Donna Van Nest read Ordinance No. 96-O-349.D into the record in its entirety.

Councilor Hagbom moved, Councilor Brendlinger seconded and the Council voted unanimously to adopt Ordinance No. 96-O-349.D by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 96-O-349.D into the record by title only.

Councilor Hagbom moved, Councilor Scott seconded and the Council voted unanimously to adopt Ordinance No. 96-0-349.D - An ordinance amending Ordinance No. 81-O-349 entitled, "An ordinance adopting the State of Oregon Structural Specialty Code and Fire and Life Safety Code, the State of Oregon Mechanical Specialty Code and Mechanical Fire and Life Safety Code, and the Uniform Code for the Abatement of Dangerous Buildings, and repealing prior ordinances inconsistent therewith". [Effective November 13, 1996]

B. Resolutions

1. **Resolution No. 96-R-608 - A resolution authorizing the City of Brookings to participate in the City/County Insurance Services Trust.**

Councilor Hagbom moved, Councilor Curry seconded and the Council voted unanimously to adopt Resolution No. 96-R-608 - A resolution authorizing the City of Brookings to participate in the City/County Insurance Services Trust.

XIII. COMMITTEE REPORTS

- A. Planning Commission**
- B. Parks and Recreation Commission**
- C. Chamber of Commerce**

Executive Director Les Cohen reported that the Chamber of Commerce has agreed, along with seven other south coast Chambers of Commerce organizations, to sponsor an application for the Governor's Conference on Tourism to be held on the south coast for the first time in 1999.

XIV. REMARKS FROM MAYOR AND COUNCILORS

- A. Mayor**
- B. Council**

Councilor Brendlinger suggested giving each of the candidates running for the Council positions the registration package for the 1996 League of Oregon Cities Conference which will begin on November 14, noting that the election takes place on November 5th and the newly elected Councilors hopefully can attend the conference.

Councilor Brendlinger requested direction from the Council concerning Falcon Cable. She indicated that she has gotten a lot of response from citizens complaining about Falcon Cable, has received support from U.S. Representative Peter DeFazio and has received a large packet of information and complaint forms from the Federal Communications Commission. She asked if the Council wished to pursue the possibility of protesting Falcon's latest rate increase. Council, by consensus, indicated that they wished to pursue the matter. Council requested Councilor Brendlinger talk to some of the people who wrote her with complaints about Falcon Cable to see if they were interested in serving on a committee to read and digest the complex documents from FCC. At the October 28 meeting, Mayor Davis will appoint one Councilor and two lay people to a committee to study the rate methodology of Falcon Cable.

Councilor Curry noted that U.S. Representative Peter DeFazio responded positively to a letter from the City concerning Falcon Cable and he requested staff draft a thank you letter to DeFazio. Council agreed.

Mayor Davis recessed the Council meeting at 9:01 p.m.


At 9:07 p.m. Mayor Davis convened an EXECUTIVE SESSION under ORS 192.660(1)(I), for the purpose of reviewing and evaluating the employment related performance of the Chief Executive Officer of the public body.

Councilor Scott left the meeting at 9:20 p.m. and did not return.

Mayor Davis reconvened the Council meeting at 9:40 p.m.

XV. ADJOURNMENT

Councilor Hagbom moved, Councilor Curry seconded and the Council voted unanimously to adjourn at 9:40 p.m.



Tom Davis
Mayor