



'92 SUMMER OLYMPICS

MINUTES

**CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
August 10, 1992
7:00 p.m.**

I. CALL TO ORDER

Mayor Hummel called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Fred Hummel, Councilors Nancy Brendlinger, Mary Jane Brimm, Larry Curry, Tom Davis

Staff Present: City Manager Dennis Cluff, Administrative Assistant Donna Van Nest

Media Present: Bill Schlichting, Curry Coastal Pilot; Martin Kelly, KCRE; Marge Barrett, KURY

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS None

V. PUBLIC HEARINGS None

VI. SCHEDULED PUBLIC APPEARANCES None

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

None

VIII. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. July 27, 1992 Regular Council Meeting
2. July 31, 1992 Special Council Meeting

B. Acceptance of Planning Commission Meeting Minutes

1. July 7, 1992 Planning Commission Meeting

C. Approval of vouchers \$229,579.92.

D. Requests for Payment

1. Request for final payment - Wastewater and Water System Improvements for Dawson Tract, West Harris Heights and Oregon Driftwood Shores - Schedule C - Horton Brothers, Inc.

Horton Brothers, Inc., requested final payment in the amount of \$31,101.70 for work completed on the Dawson Tract Water and Sewer Project. Richard Nored of H.G.E. Engineering recommended that the payment be approved.

2. Request for final payment - 1991 I/I Reduction Project - Zorich Trucking & Excavation

Zorich Trucking & Excavation requested final payment in the amount of \$5,220.04 for work completed on the 1991 I/I Reduction Project. Richard Nored of H.G.E. Engineering recommended that the payment be approved.

E. Change Orders

1. Change Order No. 5 - 1991 I/I Reduction Project - Zorich Trucking & Excavation

Change Order No. 5 for the 1991 I/I Reduction Project, as requested by Zorich Trucking and Excavation, which decreases the total cost of the project by \$54.28, is for the purpose of balancing the final project quantities. Richard Nored of H.G.E. Engineering recommended approval.

2. Change Order No. 1 - EMK Contractors - Water Treatment Plant and Intake Improvement Project

Change Order No. 1 was requested by EMK Contractors for the Water Treatment Plant and Intake Improvement Project. This change order is in conjunction with the Kyle Electric, Inc., proposal of July 19, 1992, which council approved at their July 27, 1992 council meeting.

F. Miscellaneous

1. Call for bids - swimming pool resurfacing

(end Consent Calendar)

Councilor Brendlinger requested a change in the minutes of the July 27, 1992 Council Meeting on page 3.

Councilor Davis moved to approve the Consent Calendar as corrected, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Consent Calendar consisting of:

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2. July 31, 1992 Special Council Meeting

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D. Requests for Payment

- 1. Request for final payment - Wastewater and Water System Improvements for Dawson Tract, West Harris Heights and Oregon Driftwood Shores - Schedule C - Horton Brothers, Inc.**
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E. Change Orders

- 1. Change Order No. 5 - 1991 I/I Reduction Project - Zorich Trucking & Excavation**
- 2. Change Order No. 1 - EMK Contractors - Water Treatment Plant and Intake Improvement Project**

F. Miscellaneous

- 1. Call for bids - swimming pool resurfacing**

approved.

IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

- 1. Ordinance No. 92-O-495 - An ordinance calling for an election of the registered voters of the City of Brookings, Curry County, Oregon, to vote upon the question of enacting and adopting the City of Brookings Charter of 1993, and declaring an emergency.**

In order for the matter of charter adoption to be placed on the November General Election ballot, an ordinance must be passed. There is a short timeline, therefore the emergency clause has been added.

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-495 into the record in its entirety.

Councilor Davis moved to adopt Ordinance No. 92-O-495 by first reading, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-495 adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-495 into the record by title only.

Councilor Curry moved to adopt Ordinance No. 92-O-495 by second reading, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-495 - An ordinance calling for an election of the registered voters of the City of Brookings, Curry County, Oregon, to vote upon the question of enacting and adopting the City of Brookings Charter of 1993, and declaring an emergency - adopted by second reading. [Effective August 10, 1992]

2. Ordinance No. 92-O-389.A - An ordinance amending Ordinance No. 85-O-389 providing local contracting rules.

City Attorney Mike Gillespie suggested that this ordinance be placed on the agenda to update the city's contract review board ordinance to adhere to the Current Oregon State Statutes.

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-389.A into the record in its entirety.

Councilor Davis moved to adopt Ordinance No. 92-O-389.A by first reading, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-389.A adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-389.A into the record by title only.

Councilor Brendlinger moved to adopt Ordinance No. 92-O-389.A by second reading, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-389.A - An ordinance amending Ordinance No. 85-O-389 providing local contracting rules - adopted by second reading. [Effective September 8, 1992]

B. Resolutions

1. Resolution No. 92-R-539 - A resolution adopting a procurement policy for the City of Brookings.

Councilor Davis moved to adopt Resolution No. 92-O-539, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel

Nays: None

Motion carried; Resolution No. 92-R-539 - A resolution adopting a procurement policy for the City of Brookings - adopted.

2. Resolution No. 92-R-540 - A resolution adopting a personal service contracting policy for the City of Brookings.

Councilor Brendlinger moved to adopt Resolution No. 92-O-540, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel

Nays: None

Motion carried; Resolution No. 92-R-540 - A resolution adopting a personal service contracting policy for the City of Brookings - adopted.

3. Resolution No. 92-R-545 - A resolution prescribing rules of procedure for quasi-judicial hearings of land use issues for the City of Brookings, and repealing Resolution No. 78-R-213.

Councilor Brimm moved to adopt Resolution No. 92-O-545, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel

Nays: None

Motion carried; Resolution No. 92-R-545 - A resolution prescribing rules of procedure for quasi-judicial hearings of land use issues for the City of Brookings, and repealing Resolution No. 78-R-213 - adopted.

4. Resolution No. 92-R-546 - A resolution accepting Community Development Block Grant money and senior center funds to the City of Brookings for construction additions to the senior center; providing for the receipt of funds; and appropriating expenditure of such funds.

Councilor Curry moved to adopt Resolution No. 92-O-546, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Resolution No. 92-R-546 - A resolution accepting Community Development Block Grant money and senior center funds to the City of Brookings for construction additions to the senior center; providing for the receipt of funds; and appropriating expenditure of such funds - adopted.

X. COMMITTEE REPORTS

C. Planning Commission None

D. Parks and Recreation Commission

Steve O'Brien, Chair, presented the council with copies of the draft "Azalea Park General Plan". No formal action taken.

E. Golf Board

The council discussed the possibility of withdrawing the application for a permit for a well on Jack Creek if the Harbor Water District in fact does provide water to the golf course property. The council did not wish to pursue this at this time.

Councilor Curry suggested that this item be shelved until the work session on Monday, August 17, 1992. **No formal action taken.**

F. Chamber of Commerce None

XI. STAFF REPORTS

A. Community Development Director

1. Acceptance of Dedication Deed - Howard Burt

This dedication of right-of-way was a condition required by the Planning Commission for a minor partition of property on South Passley Road in the Dawson Tract.

Councilor Brendlinger moved to accept the Dedication Deed for right-of-way on South Passley Road on the Dawson Tract, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel

Nays: None

Motion carried; Dedication Deed for right-of-way on South Passley Road on the Dawson Tract from Howard Burt, accepted.

2. Request for acceptance of Glenwood PUD Water, Sewer and Storm Sewer Improvements

Larry Anderson, as part of his Glenwood PUD, was required to install water, sewer and storm drainage, as well as street improvements. Larry has requested acceptance of his water, sewer and storm drainage lines. Staff does not feel the storm drainage system is complete enough for acceptance at this time (lacks installation of catch basins). Staff would recommend acceptance of the water and sewer lines, as we have a letter requesting acceptance, a letter from the project engineer and a bond in place. The as-builts will be provided upon completion of the project.

Councilor Brimm moved to accept the water and sewer lines in the Glenwood PUD, as there is a letter requesting acceptance, a letter from the project engineer and a bond in place, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; water and sewer lines in the Glenwood PUD accepted.

3. Deed Acceptance - Utility Easements and Right-Of-Way - Glenwood PUD

City Manager Dennis Cluff advised that this deed was given as a condition of approval of the Glenwood Planned Unit Development (PUD) on East Harris Heights and he recommended that council accept the deed for utility easements and right-of-way.

Councilor Brendlinger moved to accept the deed for the utility easements and right-of-way in the Glenwood PUD, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel

Nays: None

Motion carried; deed for the utility easements and right-of-way in the Glenwood PUD accepted.

B. Police Department None

C. City Manager

1. OCZMA Membership for fiscal year 1992-93

City Manager Dennis Cluff recommended that council authorize staff to pay the annual dues of \$300 for membership in the Oregon Coast Zone Management Association, Inc., for fiscal year 1992-93, and designate a representative to the organization for fiscal year 1992-93.

Councilor Brendlinger moved to authorize staff to pay the annual dues of \$300 for membership in the Oregon Coast Zone Management Association, Inc., for fiscal year 1992-93, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel

Nays: None

Motion carried; staff authorized to pay the annual dues of \$300 for membership in the Oregon Coast Zone Management Association, Inc., for fiscal year 1992-93.

Councilor Davis moved to designate Council President Larry Curry as the representative to the Oregon Coast Zone Management Association, Inc., for fiscal year 1992-93, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel

Nays: None

Motion carried; Council President Larry Curry designated as the representative to the Oregon Coast Zone Management Association, Inc., for fiscal year 1992-93.

Councilor Curry moved to designate Councilor Tom Davis as the alternate representative to the Oregon Coast Zone Management Association, Inc., for fiscal year 1992-93, which motion was seconded by Mayor Hummel. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel

Nays: None

Motion carried; Councilor Tom Davis designated as the alternate representative to the Oregon Coast Zone Management Association, Inc., for fiscal year 1992-93.

D. City Attorney

1. Request for Final Payment - Dawson Tract Project, Schedule "D" - James Fowler Company

In a memo from City Attorney Mike Gillespie he advised that based upon the claim against the Surety Bond in this matter filed with the City June 2, pursuant to Supplementary General Condition Number 14.12.1 to the Contract, the City can only make final payment after certain things happen. One requirement is a certification that "all claims for material and labor" have been paid. No such certification has been made and can't be made until this claim is resolved.

Councilor Davis moved to deny the request for payment based on the fact that the O & M manuals for the project have not been completed and a letter of release from the surety bond company has not been received, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlin2ger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; request for final payment on the Dawson Tract Project, Schedule "D" by James Fowler Company in the amount of \$80,985.51 denied due to the fact that the O & M manuals for the project have not been completed and a letter of release from the surety bond company has not been received.

2. Liquidated Damages - Dawson Tract Project, Schedule "D" - James Fowler Company

In a memo from City Attorney Mike Gillespie, he advised that council may consider at this time the City's potential offset for liquidated damages for failing to complete Pump Station No. 1 by February 18, 1992 and Station Nos. 2-5 by March 9, 1992. The information he has from the City records is that No. 1 was complete March 2 and Nos. 2-5 were complete April 13. He advised that he was waiting for additional documents to brief the council on this matter and he has invited and not yet received comments from the contractor's attorney on this issue.

Councilor Curry moved to direct staff to compile a report on the reasons for the claim of liquidated damages and the costs thereof on Schedule "D" of the Dawson Tract Project, to be brought back to the council at a work session, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel

Nays: None

Motion carried; staff directed to compile a report on the reasons for the claim of liquidated damages and the costs thereof on Schedule "D" of the Dawson Tract Project, to be brought back to the council at a work session.

XII. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor None

B. Council

1. Memo of Understanding between State of Oregon and City of Brookings regarding transfer of ownership of Azalea Park

Staff recommended that council authorize the Mayor to sign the Memorandum of Understanding between the State of Oregon, Parks and Recreation Department and the City of Brookings for the acquisition of Azalea State Park.

Councilor Davis moved to authorize the Mayor to sign the Memorandum of Understanding between the State of Oregon, Parks and Recreation Department and the City of Brookings for the acquisition of Azalea State Park, which motion was seconded by Councilor Brendlinger.

Don Higginson, Harris Beach State Park, read a prepared statement from the Oregon Parks and Recreation Department concerning the acquisition by the city of Azalea State Park from the State of Oregon.

The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel

Nays: None

Motion carried; Mayor authorized to sign the Memorandum of Understanding between the State of Oregon, Parks and Recreation Dept. and the City of Brookings for the acquisition of Azalea State Park.

2. **River Bend RV Park Expansion Project**

City Manager Dennis Cluff presented the council with information pertaining to an application to expand the River Bend RV Park to add an additional 74 RV spaces. The city was not formally notified of this application to Curry County because the property is outside the urban growth boundary.

Don Jaklewicz, adjoining property owner, requested that the city write a letter to the county opposing the application.

Councilor Brimm moved to direct staff to review the application for additional RV spaces at River Bend Park and to make written technical comments to the county by August 14, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis,
Mayor Hummel

Nays: None

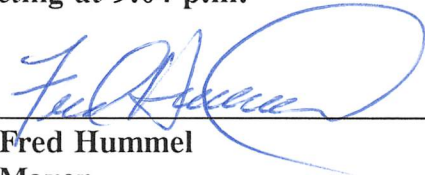
Motion carried; staff directed to review the application for additional RV spaces at River Bend Park and to make written technical comments to the county by August 14.

EXECUTIVE SESSION - ORS 192.660 (1)() None

XIII. ADJOURNMENT

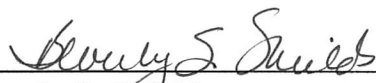
Councilor Davis moved to adjourn the meeting, which motion was seconded by Councilor Curry; **motion carried unanimously.**

Mayor Hummel adjourned the meeting at 9:04 p.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder