



## MINUTES

**CITY OF BROOKINGS  
COMMON COUNCIL MEETING  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
January 13, 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, City Attorney Mike Gillespie**

**Media Present: Bill Schlichting, Curry Coastal Pilot; Larry Goodman, 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**

- 1. Carolyn Hubbard, Steve South, 222 Cypress, Dave Engelstader, Cottage Court homeowner, and Mike Owens, 16391 Sunshine Cove, requested updated information on the Dawson Tract problems involving the Fowler Company. They were advised that an Executive Session would be held following the council meeting to discuss the issue, which is in litigation at this time.**

**VIII. CONSENT CALENDAR**

**A. Approval of Council Meeting Minutes**

1. December 9, 1991 Regular Council Meeting

**B. Acceptance of Planning Commission Meeting Minutes**

1. December 2, 1991 Planning Commission Meeting

**C. Requests for Payment**

1. Request for payment - Horton Brothers, Inc. - Easy Street Improvement Project - Pay Estimate No. 4

Horton Brothers, Inc., requests payment in the amount of \$76,479.53 for work completed on the Easy Street Improvement Project. Gary Dyer, P.E., Project Engineer, recommends that the payment be approved.

**D. Approval of Vouchers (\$631,992.64)**

**E. Miscellaneous**

1. Change Order No. 3 - Easy Street Improvement Project - Horton Brothers, Inc.

Horton Brothers, Inc., requests Change Order No. 3 for the Easy Street Improvement Project in the amount of a decrease of \$1,434.50 from the original contract amount. Gary Dyer, Project Engineer, recommends approval of the Change Order.

2. Change Order No. 4 - Easy Street Improvement Project - Horton Brothers, Inc.

Horton Brothers, Inc., requests approval of Change Order No. 4 for the Easy Street Improvement Project in the amount of an increase of \$2,880.00 to the original contract amount. Gary Dyer, Project Engineer, recommends approval of the Change Order.

3. **Change Order No. 1 - Dawson Tract Water and Sewer Improvements Schedule "C" - Horton Brothers, Inc.**

Horton Brothers, Inc., requests Change Order No. 1 for the Dawson Tract Water and Sewer Improvement Project in the amount of an increase of \$3,444.90 to the original contract amount. H.G.E., Project Engineer, is recommending that Change Order No. 1 be approved.

Councilor Curry requested minor changes in the minutes of the December 9, 1991 council meeting and the voucher list.

Councilor Curry moved to approve the Consent Calendar as corrected, 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; Consent Calendar consisting of:**

**A. Approval of Council Meeting Minutes**

1. **December 9, 1991 Regular Council Meeting**

**B. Acceptance of Planning Commission Meeting Minutes**

1. **December 2, 1991 Planning Commission Meeting**

**C. Requests for Payment**

1. **Request for payment - Horton Brothers, Inc. - Easy Street Improvement Project - Pay Estimate No. 4**

**D. Approval of Vouchers (\$631,992.64)**

**E. Miscellaneous**

- 1. Change Order No. 3 - Easy Street Improvement Project - Horton Brothers, Inc.**
- 2. Change Order No. 4 - Easy Street Improvement Project - Horton Brothers, Inc.**
- 3. Change Order No. 1 - Dawson Tract Water and Sewer Improvements Schedule "C" - Horton Brothers, Inc.**

**approved.**

**IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS**

**A. Ordinances**

- 1. Ordinance No. 92-O-474.A - An ordinance amending Ordinance No. 91-O-474 (Council rules)**

**Ordinance No. 92-O-474.A which amends Ordinance No. 91-O-474 by deleting references to "Roberts Rules of Order".**

**Administrative Assistant Donna Van Nest read Ordinance No. 92-O-474.A into the record in its entirety.**

**Councilor Davis moved to adopt Ordinance No. 92-O-474.A by first reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:**

**Ayes: Councilors Brendlinger, Curry, Davis**

**Nays: Councilor Brimm, Mayor Hummel**

**Motion carried; Ordinance No. 92-O-474.A - An ordinance amending Ordinance No. 91-O-474 (Council rules), adopted by first reading. [To be read again at the February 10, 1992 Council meeting in its entirety for a second reading]**

**B. Resolutions**

1. Resolution No. 92-R-525 - A resolution approving rates for sanitation services to be charged by Curry Transfer and Recycling to customers in the City of Brookings.

Resolution No. 92-R-525 sets the rates for Curry Transfer and Recycling, as per Council direction. This increases the city garbage rate by \$.04 per month per residential can, and the commercial equivalent. This is a new pass through charge approved by the Legislature to raise funds for DEQ. It amounts to an additional \$.45 per ton of garbage dumped at the landfill.

Councilor Davis moved to adopt Resolution No. 92-R-525, 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-525 - A resolution approving rates for sanitation services to be charged by Curry Transfer and Recycling to customers in the City of Brookings, adopted.**

**X. COMMITTEE REPORTS**

- C. Planning Commission None
- D. Parks and Recreation Commission None
- E. Golf Board None

**F. Chamber of Commerce**

Eldon Mitchell, Chamber of Commerce Manager, gave a brief report on chamber activities for 1991.

Mr. Mitchell advised that the Chamber of Commerce office will be moved in mid-February to its new location at the Port of Brookings Harbor.

**G. Systems Development Charge Review Board**

The end of the year report was presented in writing to the council.

**XI. STAFF REPORTS**

**A. Community Development Director**

1. Request for variance involving creation of flag lots for an "affordable housing" subdivision - Unnamed street off Arnold Lane - Gerrid Joy & Ron Bodman

City Manager Dennis Cluff advised that this agenda item is a request for council to waive the subdivision standards to allow some flag lots to be included in the proposed "affordable housing" subdivision. ORS 456.365 allows the city to make exceptions to standards when aiding an affordable housing project.

Staff was directed to request comments from the Planning Commission. At their January 7, 1992 meeting, Planning Director John Bischoff explained the project.

The Planning Commission was basically in favor of allowing a waiver of the provisions of the Land Development Code to allow for the construction of affordable housing within the city. They did, however, have the following comments about the request:

1. The project would reduce the inventory of land zoned R-2 and therefore reduce the already restricted area which allows manufactured housing. It was not determined if manufactured housing would meet HUD standards and thus be allowed in the proposed project.
2. The Commission would have liked to have more time to consider the matter and particularly time to visit the site to determine if the conditions were truly such that would not allow the property to be developed in a manner more consistent with the Land Development Code.

Councilor Davis asked if manufactured housing had been considered on the site.

Gerrid Joy, one of the prospective developers, stated that he felt that stick built homes could be built cheaper than manufactured housing could be placed on the site. Ron Bodman, 14966 Itzen Drive, another developer of the site, stated that houses would be built in the proposed subdivision rather than importing manufactured housing.

Marvin Lansing, 806 Ransom Avenue, spoke in favor of manufactured housing.

Len Larson, 409 Arnold Lane, requested that the council look at emergency entrances to his property prior to approving flag lots on the proposed subdivision.

Councilor Brimm moved to direct staff to prepare an ordinance to achieve the waiver request and to prepare the public hearing notices required for the February 10, 1992 council meeting, 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 prepare an ordinance to achieve the waiver request and to prepare the public hearing notices required for the February 10, 1992 council meeting.**

**2. Acceptance of Cottage Court off-site improvements**

Community Development Director Leo Lightle advised that the developer has completed the off-site improvements, and has provided "as-built drawings" and a letter from his engineer that the public improvements are built to the applicable standards. S. John Zia is requesting acceptance of the Cottage Court off-site improvements.

Councilor Curry moved to accept the off-site improvements for Cottage Court, 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; off-site improvements for Cottage Court Subdivision (Dawson Tract) accepted.**

**3. Acceptance of Hillcrest Subdivision**

Community Development Director Leo Lightle advised that the developer has completed the improvements for the waterline, sanitary sewer and storm sewerline, and has provided "as-built drawings" and a letter from his engineer certifying that the improvements are built to the applicable standards for the Hillcrest Subdivision, and is now requesting that council consider accepting Hillcrest Subdivision.

Councilor Davis moved to accept Hillcrest Subdivision, 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; Hillcrest Subdivision (off Fifth Street) accepted.**

**4. Acceptance of public improvements - Phase I and II, The Cove at Brookings**

Councilor Davis declared a potential conflict of interest and stepped down from the bench during the discussion and decision on this agenda item.

Community Development Director Leo Lightle advised that the developer has completed the public improvements, and has provided "as-built drawings" and a letter from his engineer certifying that the public improvements are built to the applicable standards for Phases I and II at "The Cove at Brookings", and requests acceptance of the public improvements.

Councilor Brendlinger moved to accept the public improvements for Phases I and II at "The Cove at Brookings", which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

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

**Nays: None**

**Motion carried; public improvements for Phases I and II at "The Cove at Brookings" accepted.**

Councilor Davis returned to the bench.

**B. Police Department**

**1. Report on bids - patrol vehicle**

**On January 7, 1992, at 10:00 a.m., bids were opened for a patrol car, as authorized by council at their December 9, 1991 council meeting.**

**The two bids received were as follows:**

**Bayview, Inc. - 1992 Ford Crown Victoria @ \$17,595**

**State of Oregon, Dept. of General Services - 1992 Chevrolet Caprice @ \$14,108**

**The police department has reviewed the bids and recommends that the council accept the bid from the Purchasing Division of the Department of General Services of the State of Oregon, at a total cost of \$14,108.**

**Councilor Davis moved to authorize staff to purchase a 1992 Chevrolet Caprice police patrol car at a total cost of \$14,108, from the State of Oregon, Department of General Services, 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 purchase a 1992 Chevrolet Caprice police patrol car at a total cost of \$14,108, from the State of Oregon, Department of General Services.**

**C. City Manager None**

**D. City Attorney None**

**XII. REMARKS FROM MAYOR AND COUNCILORS**

**A. Mayor None**

**B. Council**

**1. Fujita sword location**

City Manager Dennis Cluff advised that the Fujita sword currently located in the City Manager's office is removed daily to the safety of the vault. Concern over its safety, combined with a desire to display it more prominently, has forged the idea of incorporating a secure display case in the new library building for displaying the Fujita sword. Staff's main concern is that the display case be burglar proof and be alarm connected. Once more people become aware of the sword and its value, the potential for burglary becomes greater. Still in all, if the safety precautions are sufficient, the display of the sword and other mementos given to the city would provide a very nice showcase at the new library. This may be even more fitting if there is a room or area designated for the children's books purchased from Mr. Fujita's donations.

Councilor Davis moved to allow the sword and other mementos to be displayed in the future library following assurance that proper security measures are implemented to secure the sword, which motion was seconded by Councilor Curry.

Mayor Hummel requested that the motion be amended to delete the items personally presented to the mayor by Mr. Fujita, including a Japanese fan and a wood block painting.

Councilor Davis moved to amend the motion to delete the mementos presented personally to the mayor, 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; original motion amended to delete the Japanese mementos personally presented to the mayor.**

The clerk called the roll on the original motion with the following results:

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

**Nays: None**

**Motion carried; the Japanese sword and other selected Japanese mementos to be displayed in the future library following assurance that proper security measures are implemented to secure the sword and the mementos.**

**2. Azalea Park - Councilor Davis**

Councilor Davis requested that this item be discussed due to a misunderstanding between the council and the Parks and Recreation Commission.

Following discussion, Councilor Brendlinger moved to give a vote of confidence to the Parks and Recreation Commission and to direct them to continue with their work on the plans to accept Azalea Park, which motion was seconded by Councilor Davis. The clerk called the roll on the original motion with the following results:

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

**Nays: None**

**Motion carried; a vote of confidence given to the Parks and Recreation Commission and they are directed to continue with their work on the plans to accept Azalea Park.**

Staff was directed to prepare a line item summary of expenditures of the Parks and Recreation budget from July 1, 1991 to the present, for presentation at the February 3, 1992 work session, and change the words "Master Plan" to "Comprehensive Plan".

Jim Harness presented the council with the rules set up by the skateboarders. Staff was directed to review the skateboarding rules. Staff was directed to review the rules. **No action taken.**

Councilor Brendlinger brought up a question about a statement which the mayor gave to the media without prior approval of the council. **No action taken.**

**XIII.           RECESS**

Mayor Hummel recessed the meeting at 9:35 p.m. to convene an Executive Session to meet with legal counsel concerning current litigation.

**EXECUTIVE SESSION - ORS 192.660 (1)(h)**

**XIV.           RECONVENE**

Mayor Hummel reconvened the council meeting at 10:54 p.m.

Councilor Brendlinger moved to reduce the retainage for Zorich Trucking and Excavation on the I/I Project to \$11,000, 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; retainage for Zorich Trucking and Excavation on the I/I Project reduced to \$11,000.**

Councilor Davis moved to direct the city attorney to continue negotiations with the James Fowler Company on the Dawson Tract Project as discussed in Executive Session, 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; city attorney directed to continue negotiations with the James Fowler Company on the Dawson Tract Project as discussed in Executive Session.**


**XIII. ADJOURNMENT**

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

**Mayor Hummel adjourned the meeting at 10:57 p.m.**

  
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**Fred Hummel**  
**Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Beverly S. Shields**  
**City Recorder**