



JUNE 14, 1991

**CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
June 10, 1991 - 7:00 P.M.**

MINUTES

I. CALL TO ORDER

Mayor Hummel called the meeting to order at 7:02 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, City Attorney Mike Gillespie, Community Development Director Leo Lightle, Finance Director Beverly Shields, Municipal Court Judge A.L. Stuart

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

IV. CEREMONIES/APPOINTMENTS

None.

V. SCHEDULED PUBLIC APPEARANCES

1. Request to extend water main line - Al Rosichelli

City Manager Dennis Cluff explained that under Ordinance No. 66-O-190.5.A, the City Council is the only body that can approve water main extensions outside of the city limits. He further explained that the council is not mandated to allow the extension.

Councilor Brendlinger moved to allow the extension of the waterline for Al Rosichelli at 97666 North Bank Chetco River Road, as long as the extension meets engineering standards for size, fire hydrant and other needs, 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; extension of the waterline for Al Rosichelli at 97666 North Bank Chetco River Road approved, as long as the extension meets engineering standards for size, fire hydrant and other needs.

VI. PUBLIC HEARINGS

1. State Revenue Sharing

Mayor Hummel indicated that ORS 221.770 requires cities to hold two public hearings before passing an ordinance electing to receive State Revenue Sharing funds. This is the second public hearing.

Mayor Hummel opened the public hearing at 7:23 p.m. and asked for comments from the council or the public. Hearing none, Mayor Hummel closed the public hearing at 7:23 p.m.

2. Ordinance No. 91-O-334.C - An ordinance amending Ordinance No. 80-O-334 enacted May 30, 1980, and entitled "An ordinance regulating and licensing certain businesses, professions, pursuits, and occupations in the city of Brookings for regulatory and revenue purposes; fixing the fees therefor; providing for an increase or decrease of the same; fixing the penalty for violation thereof; providing for the enforcement thereof; providing certain definitions; providing for a saving clause; repealing Ordinance No. 145 To increase the business license fee to \$50; and declaring an emergency", by amending Section 6, Annual Fees. [second reading]

City Manager Dennis Cluff advised that the business license fees were reviewed at budget time as being one area that should be updated to bring much needed resources to the city. The business license fee has not been increased since May 30, 1980 (11 years). Staff's concern in changing the fee structure was that it would be reasonable and simplistic. Staff polled other cities for comparison purposes and found that the type of schedule we proposed seemed to be the most efficient way of assessing businesses on an increasing scale rather than one rate for everyone.

Ordinance No. 91-0-334.C was adopted by first reading by a 3-2 vote at the May 13, 1991 Council Meeting.

Finance Director/Recorder Beverly Shields read Ordinance No. 91-0-334.C into the record in its entirety by second reading.

Councilor Brendlinger moved to adopt Ordinance No. 91-0-334.C by second reading, which motion was seconded by Mayor Hummel. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Mayor Hummel

Nays: Councilors Curry, Davis

Motion carried; Ordinance No. 91-O-334.C - An ordinance amending Ordinance No. 80-O-334 enacted May 30, 1980, and entitled "An ordinance regulating and licensing certain businesses, professions, pursuits, and occupations in the city of Brookings for regulatory and revenue purposes; fixing the fees therefor; providing for an increase or decrease of the same; fixing the penalty for violation thereof; providing for the enforcement thereof; providing certain definitions; providing for a saving clause; repealing Ordinance No. 145 To increase the business license fee to \$50; and declaring an emergency", by amending Section 6, Annual Fees. - adopted by second reading. [Effective July 9, 1991]

VII.

CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. May 13, 1991 Regular Council Meeting
2. May 20, 1991 Special Council Meeting
3. May 24, 1991 Special Council Meeting

B. Acceptance of Planning Commission Meeting Minutes

1. May 7, 1991 Planning Commission Meeting
2. May 14, 1991 Special Planning Commission Meeting

C. Requests for Payment

1. Request for payment - Wildish Building Company - Pay Estimate No. 14
2. Request for payment - Bill Booker Construction - Dawson Tract Project Schedule B - Pay Estimate No. 4
3. Request for payment - Horton Brothers, Inc. - Dawson Tract Project Schedule C - Pay Estimate No. 4
4. Request for payment - James W. Fowler Co. - Dawson Tract Project Schedule A - Pay Estimate No. 3
5. Request for payment - Horton Brothers, Inc. - Water Treatment Plant Renovation - Pay Estimate No. 3

D. Approval of Vouchers

E. Resolutions

1. Resolution No. 91-R-512 - A resolution authorizing the City of Brookings to participate in the City/County Insurance Services Trust.
2. Resolution No. 91-R-514 - A resolution adopting the 1990-91 supplemental budget.

3. Resolution No. 91-R-515 - A resolution requesting the Oregon Transportation Commission to allocate funds for street repairs and other improvements for the City of Brookings (Elk Drive)
4. Resolution No. 91-R-516 - A resolution accepting a bequest to the Brookings Police Department from the estate of Mary M. Clink, deceased.

F. Miscellaneous

1. Change Order No. 11 - Wastewater Treatment Plant Upgrade Project - Wildish Building Company
2. Change Order No. 1 - Water Treatment Plant Renovation Project - Horton Brothers, Inc.

G. Report on bids

1. Pumps and equipment for chemical feed at wastewater treatment plant

The council requested corrections on pages 3 and 11 of the minutes of the May 13, 1991 council meeting.

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

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1. **May 13, 1991 Regular Council Meeting**
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- 2. May 14, 1991 Special Planning Commission Meeting**

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2. **Resolution No. 91-R-514 - A resolution adopting the 1990-91 supplemental budget**
3. **Resolution No. 91-R-515 - A resolution requesting the Oregon Transportation Commission to allocate funds for street repairs and other improvements for the City of Brookings (Elk Drive)**
4. **Resolution No. 91-R-516 - A resolution accepting a bequest to the Brookings Police Department from the estate of Mary M. Clink, deceased.**

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G. Report on bids

1. **Pumps and equipment for chemical feed at wastewater treatment plant**

approved as corrected.

XII. ORDINANCES

1. **Ordinance No. 91-O-342.A - An ordinance amending Ordinance No. 80-O-342.A enacted July 9, 1980, and entitled, "An ordinance providing for a six per cent transient room tax for the City of Brookings; providing administrative procedures for collection of same; and further, establishing violations of such and penalties therefor", by amending the title of Ordinance No. 80-O-342 and by amending Section 2, Tax Imposed.**

Ordinance No. 91-O-342.A was read into the record in its entirety. Following discussion, there was no motion for adoption; **proposed Ordinance No. 91-O-342.A died for lack of a motion to adopt.**

XIII.

RESOLUTIONS

1. Resolution No. 91-R-513 - A resolution adopting the budget, declaring tax levied and making appropriations for the 1991-92 fiscal year.

Councilor Davis moved to amend the 1991-92 fiscal year budget by reducing the Non-Departmental Chamber of Commerce expenditure to \$30,500, and increasing the Non-Departmental Operating Contingency to \$25,400, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brimm, Curry, Davis, Mayor Hummel

Nays: Councilor Brendlinger

Motion carried; 1991-92 fiscal year budget (and Resolution No. 91-R-513) amended by reducing the Non-Departmental Chamber of Commerce expenditure to \$30,500, and increasing the Non-Departmental Operating Contingency to \$25,400.

Councilor Davis moved to adopt Resolution No. 91-R-513 as amended, 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. 91-R-513 - A resolution adopting the budget, declaring tax levied and making appropriations for the 1991-92 fiscal year. - adopted as amended.

EXECUTIVE SESSION - ORS 192.660(1)(h)

Mayor Hummel recessed the meeting in order to convene an Executive Session to consult with legal council concerning legal rights and duties regarding current litigation.

RECONVENE

Mayor Hummel reconvened the Council meeting at 9:04 p.m.

Councilor Davis moved to authorize the city attorney to proceed with arbitration with the James Fowler Company concerning the Dawson Tract Water and Sewer Improvement Project, Schedule D, 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; city attorney authorized to proceed with arbitration with the James Fowler Company concerning the Dawson Tract Water and Sewer Improvement Project, Schedule D.

Councilor Davis moved to authorize payment of \$20,000 to Roy Rainey as payment of the settlement in the Rainey vs. City of Brookings case, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; payment of \$20,000 to Roy Rainey as payment of the settlement in the Rainey vs. City of Brookings case authorized.

VIII. COMMUNICATIONS

A. Mayor

Mayor Hummel announced that he attended the D.A.R.E. graduation of the fifth graders at Azalea School.

B. Council

1. Additional sewer EDU capacity

Councilor Brimm moved to remove this item from the agenda and to place it on the July 8 agenda, 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; additional sewer EDU capacity agenda item removed from the June 10 council agenda, to be placed on the July 8 council agenda for further discussion.

C. Planning Commission

1. Resolution No. 91-R-511 - A resolution of the city council establishing fees for the performance of the actions and reviews required by the land development code.

Planning Director John Bischoff indicated that staff is proposing a change in the fee schedule for the review and hearing of land use applications required by the Land Development Code. The current fee schedule does not adequately cover the cost of staff time required for the review of even the simplest cases nor does it cover the cost of a Planning Commission and/or City Council hearing. Currently, Resolution No. 89-R-428 establishes the fee for each type of land use application. Staff is recommending changes as shown in the attached table.

The proposed fees were derived by determining the average number of staff hours used to review, prepare a staff report, conditions of approval, final order, and hold hearings for each type of application. Added to this was the average cost of advertisement, mail out, and other incidental costs of preparing the case for hearing or administrative approval.

It is obvious by the rather dramatic change in some of the fees, that the existing fee does not cover these costs. In the case of lot line adjustments, appeals to the Planning Commission and requests for extensions of time, no fee is currently being charged even though staff/hearing time is involved.

Councilor Davis moved to adopt Resolution No. 91-R-511, which motion was seconded by Councilor Curry.

Councilor Brendlinger moved to amend the original motion to change the enactment date to July 1, 1991, 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; original motion to adopt Resolution No. 91-R-511 amended to change the enactment date to July 1, 1991.

The clerk called the roll with the following results:

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

Nays: None

Motion carried; Resolution No. 91-R-511 - A resolution of the city council establishing fees for the performance of the actions and reviews required by the land development code. - adopted. [Effective date July 1, 1991]

D. Parks and Recreation Commission

Mayor Hummel advised that the Library District has a bid on property behind the bowling lanes for a new library site.

E. Golf Board

Mayor Hummel stated that the meeting of the Golf Board scheduled for June 19 has been canceled due to members being out of town.

F. Chamber of Commerce

None.

G. City Manager

None.

H. Community Development Director

None.

J. City Attorney

None.

K. Contract Review Board

None.

IX. CALL FOR BIDS

None.

X. REPORT ON BIDS

None.

XI. FINAL ORDERS

None.

XII. ORDINANCES

2. Ordinance No. 91-0-474 - An ordinance governing the procedures of the Brookings common council and repealing ordinance no. 86-0-407.

Councilor Davis moved to table action on Ordinance No. 91-0-474 until appropriate language can be reviewed by the city attorney, 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; action on Ordinance No. 91-O-474
tabled until appropriate language can be reviewed by the
city attorney.**

3. Ordinance No. 91-O-475 - An ordinance declaring the
city's election to receive state revenues.

Finance Director/Recorder Beverly Shields read
Ordinance No. 91-O-475 into the record in its
entirety.

Councilor Davis moved to adopt Ordinance No. 91-O-
475 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. 91-O-475 adopted by first
reading.**

Finance Director/Recorder Beverly Shields read
Ordinance No. 91-O-475 into the record by title
only.

Councilor Brimm moved to adopt Ordinance No. 91-O-
475 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. 91-O-475 - An ordinance
declaring the city's election to receive state revenues. -
adopted by second reading. [Effective June 10, 1991]**

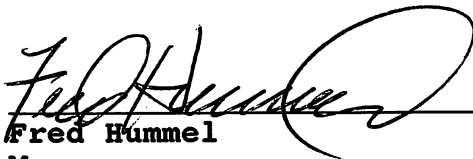
XIV. UNSCHEDULED PUBLIC APPEARANCES

None

XV. ADJOURNMENT

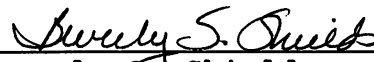
Councilor Davis moved for adjournment, which motion was seconded by Councilor Brimm; motion carried unanimously.

Mayor Hummel adjourned the meeting at 9:30 p.m. (miracles do still happen!)



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder

