



**CITY OF BROOKINGS  
BROOKINGS COMMON COUNCIL MEETING  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
August 12, 1991 - 4:00 P.M.**

**MINUTES**

**I. CALL TO ORDER**

Mayor Hummel called the meeting to order at 4:05 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, Administrative Assistant Donna Van Nest, Community Development Director Leo Lightle, Finance Director Beverly Shields, Planning Director John Bischoff, Municipal Court Judge A.L. Stuart

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

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

Mayor Hummel recessed the council meeting at 4:07 p.m. to convene an Executive Session to consult with counsel concerning current litigation.

**RECONVENE**

Mayor Hummel reconvened the regular council meeting at 7:00 p.m.

**IV. CEREMONIES/APPOINTMENTS**

**1. Summer Youth Recreation Program**

Councilor Brendlinger moved to direct staff to make certificates of appreciation for the volunteers of the Summer Youth Recreation Program activities, 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 to make certificates of appreciation for the volunteers of the Summer Youth Recreation Program activities.**

**V. SCHEDULED PUBLIC APPEARANCES**

1. Brookings Area Council for the Arts - Blanche Lombard

Ms. Lombard introduced herself to the council and indicated that BACA is being revitalized. **No formal action taken.**

2. Non-navigability of Chetco River - Ted Freeman, Jr. Following discussion at the July 22 work session, Mr. Freeman requested to speak to the council at the August 12 council meeting, to request a letter from the city opposing the takeover of a portion of the Chetco River by the Oregon Division of State Lands.

Doris Freeman, speaking for Ted Freeman, Jr., spoke in opposition to the state takeover and asked for support from the city.

Maxine and Frenchy Arrell spoke in opposition to the takeover.

A letter was received from Tidewater Contractors opposing the takeover.

Councilor Brimm moved to direct the city manager to write a strong letter of opposition to the Division of State Lands opposing the takeover of the Chetco River and to leave signature lines for the mayor and each councilor, 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 Manager directed to write a strong letter of opposition to the Division of State Lands opposing the takeover of the Chetco River, which letter will be signed by each individual councilor.**

At this point, Councilor Davis moved to set a recess time for this meeting of 10:30 p.m., postponing unfinished business to a reconvened meeting on Thursday, August 15, 1991 at 7:00 p.m., 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; a recess time for this meeting set for 10:30 p.m., postponing unfinished business to a reconvened meeting on Thursday, August 15, 1991 at 7:00 p.m.**

**3. Opposition to Ransom Avenue LID - Clarence Branscomb**

Clarence Branscomb, 800 Cameo Court, opposed the Ransom Avenue Local Improvement District and he introduced Arlene DeJarnett, who protested the costs assessed against each property owner on Ransom Avenue for the LID. She read a written statement demanding that the city use the monies received from the Curry County Road Fund to make the improvements on Ransom Avenue as well as Easy Street. Ms. DeJarnett demanded Mayor Hummel's resignation or face recall.

Mayor Hummel explained that Ransom Avenue is not eligible for the Curry County Road Fund monies.

City Manager Dennis Cluff explained the budgetary process involved in forming a Local Improvement District. **No formal action taken.**

4. Request for fire hydrant at Beach Avenue - Roger Lauen

A petition signed by property owners on Beach Avenue requesting a fire hydrant be installed in the immediate area of the Beachview Subdivision was presented to the council, along with a letter sent back to Mr. Roger Lauen explaining city policy and suggesting alternative solutions.

Mr. James Lawson, 1515 Beach Avenue, in the absence of Mr. Lauen from the state, requested that the city place a fire hydrant in the immediate area of the Beachview Subdivision.

It was explained to Mr. Lawson that the particular area he resides in is not one of the priority areas for placement of a fire hydrant.

Mr. Lawson requested that the city consider installing a fire hydrant in the area of the Beachview Subdivision on Beach Avenue during their next budget process. **No formal action taken.**

**VI. PUBLIC HEARINGS**

1. Ordinance No. 91-O-446.F - An ordinance amending Ordinance No. 89-O-446 (Land Development Code), enacted April 10, 1989, and entitled, "An ordinance adopting the Land Development Code and zoning map of the City of Brookings, repealing certain prior ordinances, and declaring an emergency", by amending Section 8.010 - Definitions, Section 132.060 - Access, and Section 176.050.A. - Minor Partitions.

At the July 8 council meeting, action was taken by the council to hold this ordinance over to the August 12 council meeting for a definition of "private road".

The Planning Commission at their August 6 meeting, approved other definitions which were incorporated into Ordinance No. 91-O-446.F for council consideration.

Mayor Hummel opened the public hearing at 8:03 p.m.

**Administrative Assistant Donna Van Nest read Ordinance No. 91-O-446.F into the record in its entirety.**

**Mayor Hummel asked for public comment. There being none, Mayor Hummel closed the public hearing closed 8:08 p.m.**

**Councilor Brimm moved to adopt Ordinance No. 91-O-446.F 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. 91-O-446.F adopted by first reading.**

**Administrative Assistant Donna Van Nest read Ordinance No. 91-O-446.F into the record by title only.**

**Councilor Davis moved to adopt Ordinance No. 91-O-446.F by second reading, 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; Ordinance No. 91-O-446.F - "An ordinance amending Ordinance No. 89-O-446 (Land Development Code), enacted April 10, 1989, and entitled, "An ordinance adopting the Land Development Code and zoning map of the City of Brookings, repealing certain prior ordinances, and declaring an emergency", by amending Section 8.010 - Definitions, Section 132.060 - Access, and Section 176.050.A. - Minor Partitions", adopted by second reading. [Effective date September 10, 1991]**

2. Ordinance No. 91-O-476 - An ordinance directing formation of the Ransom Avenue High Level Water System Local Improvement District; and directing the city to proceed with the improvements. [second reading]

Councilor Curry declared a potential conflict of interest and stepped down from the bench.

Pursuant to Ordinance No. 60-O-146 a notice of public hearing on this matter was published in the Curry Coastal Pilot on two separate occasions. A notice of the public hearing was also mailed to each individual property owner affected by the Ransom Avenue High Level Water System Local Improvement District.

Ordinance No. 91-O-476 was read in its entirety at the July 8 council meeting. Councilor Curry declared a potential conflict and did not participate in the discussion and voting. Therefore, Ordinance No. 91-O-476 was adopted by first reading and was placed on the August 12 agenda for a second reading.

Mayor Hummel opened the public hearing at 8:10 p.m.

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-476 into the record in its entirety.

Mayor Hummel asked for public testimony. There being none, Mayor Hummel closed the public hearing at 8:16 p.m.

Councilor Brendlinger moved to have the exhibits changed to remove tax lot 300 from the map, since tax lot 300 is not a part of the LID, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

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

**Nays:** None

**Motion carried; Exhibits "A" and "B" of Ordinance No. 91-O-476 to be changed to remove tax lot 300 from the map, since tax lot 300 is not a part of the Ransom Avenue High Level Water LID.**

Councilor Brendlinger moved to adopt Ordinance No. 91-O-476 by second reading, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

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

**Nays:** None

**Motion carried; Ordinance No. 91-O-476 - "An ordinance directing formation of the Ransom Avenue High Level Water System Local Improvement District; and directing the city to proceed with the improvements.", adopted by second reading. [Effective Date September 10, 1991]**

Councilor Curry returned to the bench.

**VII. CONSENT CALENDAR**

**A. Approval of Council Meeting Minutes**

1. July 8, 1991 Regular Council Meeting
2. July 22, 1991 Special Council Meeting

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

1. July 2, 1991 Planning Commission Meeting

**C. Requests for Payment**

1. Request for payment - James W. Fowler Co. - Dawson Tract Project Schedule D - Pay Estimate No. 5

James W. Fowler Company requested payment in the amount of \$46,312.50 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 payment - Bill Booker Construction - Dawson Tract Project Schedule B - Pay Estimate No. 6

Bill Booker Construction requested payment in the amount of \$2,402.56 for work completed on the Dawson Tract Water and Sewer Project. Richard Nored of H.G.E. Engineering recommended that the payment be approved.

3. Request for payment - Horton Brothers, Inc. - Dawson Tract Project Schedule C - Pay Estimate No. 6

Horton Brothers, Inc., requested payment in the amount of \$50,781.55 for work completed on the Dawson Tract Water and Sewer Project. Richard Nored of H.G.E. Engineering recommended that the payment be approved.

4. Request for payment - James W. Fowler Co. - Dawson Tract Project Schedule D - Pay Estimate No. 6

James W. Fowler Company requested payment in the amount of \$150,474.38 for work completed on the Dawson Tract Water and Sewer Project. Richard Nored of H.G.E. Engineering recommended that the payment be approved.

5. Request for payment - James W. Fowler Co. - Dawson Tract Project Schedule A - Pay Estimate No. 5

James W. Fowler Company requested payment in the amount of \$22,077.81 for work completed on the Dawson Tract Water and Sewer Project. Richard Nored of H.G.E. Engineering recommended that the payment be approved.

D. Approval of Vouchers

E. Resolutions

1. Resolution No. 91-R-516 - A resolution of the City Council of the City of Brookings approving a change of appropriations in the Wastewater Fund for fiscal year 1990-91.



The wastewater reconstruction project revenues received in 1990/91 were less than budgeted and expenses on the project have been as anticipated. The city and Harbor Sanitary District are to provide the revenue necessary to fund this shortfall of cash. The Harbor Sanitary District has been billed for a portion of the revenues needed and the City of Brookings provided some of the revenue from a supplemental budget approved in June, 1991. However, after the Harbor Sanitary District receivable posting and the transfers provided in the supplemental budget, there is still a deficit of \$61,909.23 in the Wastewater Reconstruction Fund on June 30, 1991. The Wastewater Treatment Fund balance is greater at year end than anticipated, therefore allowing the appropriation of a fund transfer to the Wastewater Reconstruction Fund to be increased. The city auditor was consulted and this process was approved.

2. Resolution No. 91-R-517 - A resolution of the City Council of the City of Brookings adopting rates, fees and charges to the users of the City of Brookings sewer services; and repealing Resolution No. 89-R-468.

[This item was removed from the Consent Calendar at the request of Councilor Brendlinger. See Item XIII.1]

F. Miscellaneous

1. Change Order No. 2, Dawson Tract Water and Sewer Improvement Project, Schedule "A" - James W. Fowler Company

An alternate method of manhole testing was proposed by the Contractor using the vacuum method, ASTM C-13. After investigation this method was approved for use and a reduction in cost to the Owner was negotiated due to the reduced scope of work for this alternate method.

2. **Change Order No. 5, Dawson Tract Water and Sewer Improvement Project, Schedule "D" - James W. Fowler Company**

Excavation at Pump Station No. 3 resulted in intercepting a groundwater vein. If not addressed it would result in an unstable site for vehicle access. A rock-pack drain was installed to collect and channel the groundwater flow to daylight on the hillside.

Councilor Brendlinger requested corrections to the minutes of the July 8, 1991 council meeting.

Councilor Brendlinger 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. **July 8, 1991 Regular Council Meeting**
2. **July 22, 1991 Special Council Meeting**

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

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

**C. Requests for Payment**

1. **Request for payment - James W. Fowler Co. - Dawson Tract Project Schedule D - Pay Estimate No. 5**

2. **Request for payment - Bill Booker Construction - Dawson Tract Project Schedule B - Pay Estimate No. 6**
3. **Request for payment - Horton Brothers, Inc. - Dawson Tract Project Schedule C - Pay Estimate No. 6**
4. **Request for payment - James W. Fowler Co. - Dawson Tract Project Schedule D - Pay Estimate No. 6**
5. **Request for payment - James W. Fowler Co. - Dawson Tract Project Schedule A - Pay Estimate No. 5**

**D. Approval of Vouchers**

**E. Resolutions**

1. **Resolution No. 91-R-516 - A resolution of the City Council of the City of Brookings approving a change of appropriations in the Wastewater Fund for fiscal year 1990-91.**

**F. Miscellaneous**

1. **Change Order No. 2, Dawson Tract Water and Sewer Improvement Project, Schedule "A" - James W. Fowler Company**
2. **Change Order No. 5, Dawson Tract Water and Sewer Improvement Project, Schedule "D" - James W. Fowler Company**

**approved.**

**VIII.**

**COMMUNICATIONS**

**A. Mayor**

**1. Approval of Bylaw Changes for Curry Tri-Cities Council**

Councilor Curry moved to approve the Bylaw changes for the Curry Tri-Cities Council, 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; bylaw changes for the Curry Tri-Cities Council approved, as follows:**

**CURRY TRI-CITY COUNCIL**

**ARTICLE V - MEETINGS**

**Section 1. Regular Meetings - Executive Committee. The committee shall meet at 7:00 p.m. on the second Wednesday of the months of February, April, August and October. Meetings will be held in the three cities on a rotating basis.**

**Section 2. Regular Meetings - General Membership. The general membership will meet at 7:00 p.m. on the second Wednesday of the months of June and December. Meetings shall be of an informal nature to allow a sharing of ideas. No voting on issues will be done at this time except, however, the Executive Committee, if a quorum is in attendance, may be directed to take action on a particular issue when authorized by a majority of the general membership present and voting. Meetings will be held in the three cities on a rotating basis. The host mayor will chair the general meeting and develop an agenda.**

2. Fishing season rally.

Mayor Hummel announced that he participated in the rally on Saturday, the purpose of which was to protest the ocean fishing season closure.

3. Charter Revision Committee

Mayor Hummel requested approval of the formation of a Charter Revision Committee, to be comprised of the mayor, a councilor, three lay persons, and the city manager as an ex-officio member.

Councilor Brendlinger moved to approve the formation of a Charter Revision Committee, to be comprised of the mayor, a councilor, three lay persons, and the city manager as an ex-officio member, 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; formation of a Charter Revision Committee, to be comprised of the mayor, a councilor, three lay persons, and the city manager as an ex-officio member, approved.**

4. Sewer moratorium ordinance\LUBA appeal

Mayor Hummel explained the outcome of the LUBA appeal by Western Pacific Development, Inc., concerning the sewer hookup moratorium.

Councilor Brendlinger moved to direct staff to provide a report on the sewer hookup issue to the council at the reconvened council meeting on Thursday night, August 15, 1991 at 7:00 p.m., 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; staff to provide a report on the sewer hookup issue to the council at the reconvened council meeting on Thursday night, August 15, 1991 at 7:00 p.m.**

**B. Council**

**1. Municipal Judgeship Issues**

Councilor Brendlinger moved to adopt the criteria for evaluating the Municipal Court Judge, 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; criteria for evaluating the Municipal Court Judge approved.**

**2. Report on merits of two council meetings per month - Councilor Brendlinger**

Councilor Brendlinger verbally presented her report on the survey she did on different cities in Oregon, which survey indicated that most cities do have two council meetings per month.

Councilor Brendlinger suggested a split council meeting, all on one day. One meeting would be held during the day and the second in the evening.

Several questions arose pertaining to attendance by staff and the city attorney.

Councilor Davis suggested two meetings per month to be held on different days with a 1-1/2 hour work session preceding each meeting, and to limit the city attorney's attendance and staff to only one meeting.

Following further discussion, Councilor Brendlinger moved to have a 3-month trial of two council meetings per month, both meetings being on the same day, one beginning at noon and ending at 1:30 p.m., and the next starting at 7:00 p.m., which motion was seconded by Councilor Curry.

Councilor Davis moved to limit the night council meetings to end at 10:00 p.m. **Motion died for lack of a second.**

Councilor Davis moved to limit the night meeting to end at 11:00 p.m., which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Davis

Nays: Mayor Hummel, Councilor Brimm

**Motion carried; night council meetings to end by 11:00 p.m.**

The clerk called the roll for the original amended motion, with the following results:

Ayes: Councilors Brendlinger, Curry, Davis

Nays: Mayor Hummel, Councilor Brimm

**Motion carried; 3-month trial of two council meetings per month, both meetings being on the same day, one beginning at noon and ending at 1:30 p.m., and the next starting at 7:00 p.m. and ending by 11:00 p.m., approved.**

3. **Intergovernmental Agreement between Oregon Building Codes Agency and City of Brookings.**

In March the Council authorized the Mayor to sign an Intergovernmental Agreement for the administration and enforcement of the manufactured dwelling and manufactured dwelling accessory building and structure program under the provisions of Oregon Revised Statute (ORS) 446.250. The Oregon Building Codes Agency has changed their format and now require a Letter of Delegation and a new Intergovernmental Agreement. This is simply a housekeeping item to keep the city current.

Councilor Davis moved to table this agenda item until the Thursday night meeting, thereby giving staff time to obtain some answers to questions regarding the agreement, 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; Intergovernmental Agreement between Oregon Building Codes Agency and City of Brookings tabled until the Thursday night reconvened council meeting.**

3. **Azalea Park Subcommittee Report and Recommendation - Councilors Curry and Davis**

Councilor Curry recapped the highlights of the last subcommittee meeting.

Councilor Curry advised that the recommendation of the subcommittee is to take a year to work up a master plan for taking over the park, budget, etc., and to take over park on July 1, 1992.

Councilor Davis suggested possibly an endowment to be used for park purposes.



Councilor Curry wished to have monies set aside from the Parks & Recreation budget for Azalea Park.

Councilor Davis suggested that the Parks & Recreation Commission oversee the implementation of the master plan.

The council requested that Councilors Curry and Davis submit a written report and recommendation on the possible acquisition of Azalea State Park, for consideration at the September council meeting. No formal action taken.

C. Planning Commission

None.

D. Parks and Recreation Commission

None.

E. Golf Board

None.

F. Chamber of Commerce

None.

G. City Manager

1. Old County Road realignment

Councilor Brimm declared a potential conflict of interest and stepped down from the bench.

City Manager Dennis Cluff advised that H.G.E. is preparing cross sections of the Old County Road section, past Marina Heights Road, that need repair. For safety purposes, the city will need to widen the road at the last curve of the area needing improvement. The options to the city are either to seek (and perhaps have to condemn) uphill property and cut the bank further, or fill in the downhill side where road right-of-way exists. The engineering information should have been available by the Monday council meeting.

Mr. Cluff explained that the report from the engineer has not yet arrived. This matter will be brought back before the council when the report arrives.

Don Jaklewicz asked why the property owners had not been contacted yet. Mr. Cluff explained that the engineering report was necessary before the property owners were contacted. **No formal action taken.**

**Councilor Brimm returned to the bench.**

2. **Acceptance of real property Bargain and Sale Deed from Darrel Allsup**

City Manager Dennis Cluff explained that the fourth stage waterline has been completed on Van Pelt Hills. This provides the city with an access easement to the waterline and reservoir.

Councilor Davis moved to accept the Bargain and Sale Deed from Darrel Allsup for the fourth stage waterline and access easement to the reservoir, 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; Bargain and Sale Deed from Darrel Allsup for the fourth stage waterline and access easement to the reservoir in the Van Pelt Hills Ranchettes, accepted.**

H. Community Development Director

1. Deed Acceptance - Seventh Street and Hassett Street - Alfred J. Gritz, Trustee

Community Development Director Leo Lightle advised that additional right-of-way was requested from an applicant for a minor partition, (M3-7-90) at the northwest corners of Seventh Street and Hassett Street.

Councilor Davis moved to accept the deed from Alfred J. Gritz, Trustee, for additional right-of-way on Hassett Street west of Seventh Street, 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 from Alfred J. Gritz, Trustee, for additional right-of-way on Hassett Street west of Seventh Street, accepted.**

2. Report on handicapped parking - U.S. Post Office

Community Development Director Leo Lightle advised that staff has been in the process of assessing the handicapped parking needs and solutions for alleviating congestion at the U.S. Post Office on Spruce Street. On August 5 the city received a letter from Kenneth Ault, Postmaster, requesting one-way traffic on Spruce from Center to Wharf. Staff has not had time to study the request and requested that council postpone this agenda item until the next council meeting.

Councilor Davis moved to table the U.S. Post Office agenda item to the September council meeting, 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; issue of handicapped parking at  
U.S. Post Office tabled to the September meeting.**

**J. City Attorney**

None.

**K. Contract Review Board**

None.

**IX. CALL FOR BIDS**

**1. Swimming pool resurfacing**

Community Development Director Leo Lightle advised that the outdoor swimming pool's surface needs a facelift. Plans are to sandblast the existing surface, fix any bad tiles, then resurface the pool.

Councilor Davis moved to authorize staff to call for bids for resurfacing the swimming pool, 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 call for bids for  
resurfacing the swimming pool.**

**X.           REPORT ON BIDS**

**1.    Easy Street Project - Fern Street to Third Street**

City Manager Dennis Cluff advised that the bids for this project were opened at 2:00 p.m., August 12, 1991, (today). Gary Dyer, Engineer, was present for the opening and tabulated the bids. Mr. Dyer recommended that the council award the bid to the apparent low bidder, Horton Brothers, at a total cost of \$361,390.63.

Councilor Davis moved to award the bid for the Easy Street Project - Fern Street to Third Street, to Horton Brothers, Inc., at a total cost of \$361,390.63, 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; bid for the Easy Street Project - Fern Street to Third Street, awarded to Horton Brothers, Inc., at a total cost of \$361,390.63.**

**2.    Infiltration and Inflow Reduction Project**

City Manager Dennis Cluff indicated that because of expansion of the project scope, the lowest apparent bidder of the four bids received, is higher than the amount of funds available for expenditure. The engineer is reducing the scope of contracted work, (the bid specifications allow for this type of action), to match the funds available.

Since an EPA grant is involved in the funding of this project, DEQ and the Army Corps of Engineers must approve the bid and bidding process we used, before the bid is actually awarded. If the council approves the bid contingent on the DEQ and Army Corps of Engineers approval, staff will be able to expedite the work schedule for the project.

Councilor Brendlinger moved to award the bid for the Infiltration and Inflow Reduction Project to the apparent low bidder, ZTE Construction of Astoria at a total cost of \$173,285.10, contingent on lessening the scope of work and contingent on the DEQ and Army Corps of Engineers approval, 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; bid for the Infiltration and Inflow Reduction Project awarded to the apparent low bidder, ZTE Construction of Astoria at a total cost of \$173,285.10, contingent on lessening the scope of work and contingent on the DEQ and Army Corps of Engineers approval.**

#### **RECESS**

Mayor Hummel recessed the meeting at 10:38 p.m., to be reconvened at 7:00 p.m., Thursday, August 15, 1991.

#### **RECONVENE**

Mayor Hummel reconvened the council meeting at 7:02 p.m., Thursday, August 15, 1991

#### **ROLL CALL**

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

Council Absent: Councilor Tom Davis

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

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

Mayor Hummel requested authorization to write a letter of commendation to John Riddle, an unemployed college student who found a bag containing \$2,300 in cash and a passport in a phone booth, and turned it into the police department. As a result, the owner was able to recover his property. The council wholeheartedly agreed. **No formal action taken.**

**XI. FINAL ORDERS**

None.

**XII. ORDINANCES**

1. Ordinance No. 91-O-430.C - An ordinance amending Ordinance No. 88-O-430 enacted December 15, 1988, by amending definitions and time limits and adding provisions for extension of time limits for sewer connections; repealing Ordinance No. 91-O-430.A; and declaring an emergency.

City Attorney Mike Gillespie advised against an appeal of the LUBA decision. He advised that Ordinance No. 88-O-430 contains language specifically pertaining to timelines involved in securing sewer hookups, and the proposed Ordinance No. 91-O-430.C amends Ordinance No. 88-O-430.

Following discussion, Councilor Curry moved to set the time limits at a maximum of 6 months for beginning of construction and 18 months for completion of construction, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

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

**Nays:** None

**Motion carried; extension of time limits provided in Section 5 of Ordinance No. 91-O-430.C, Subsections (d) and (f), to read as follows:**

**(d) The time limit provided in Section 7(a) may be extended to a maximum of six (6) months by a showing of good cause by the sewer connection permit holder as specified in Section 7(f).**

**(e) The time limit provided in Section 7(b) above may be extended to a maximum of eighteen (18) months by a showing of good cause by the sewer connection permit holder as specified in Section 7(f).**

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-430.C into the record in its entirety.

Speaking from the audience were:

Jim Collis, 17346 Holmes Drive

Lorene Holmes, Holmes Drive

Councilor Brendlinger moved to adopt Ordinance No. 91-O-430.C by first reading, 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; Ordinance No. 91-O-430.C adopted by first reading.**

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-430.C into the record by title only.



Councilor Brimm moved to adopt Ordinance No. 91-O-430.C by second reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

**Nays:** None

**Motion carried; Ordinance No. 91-O-430.C - "An ordinance amending Ordinance No. 88-0-430 enacted December 15, 1988, by amending definitions and time limits and adding provisions for extension of time limits for sewer connections; repealing Ordinance No. 91-O-430.A; and declaring an emergency." adopted by second reading. [Effective date August 15, 1991]**

Councilor Curry moved to direct staff not to pursue an appeal of the LUBA decision, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

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

**Nays:** None

**Motion carried; staff directed to not pursue an appeal of the LUBA decision.**

Councilor Davis arrived at 8:06 p.m.

**VIII.G.3. Intergovernmental Agreement between Oregon Building Codes Agency and City of Brookings.**

Councilor Brendlinger moved to approve the Intergovernmental Agreement between the Oregon Building Codes Agency and City of Brookings, 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; Intergovernmental Agreement between the Oregon Building Codes Agency and City of Brookings approved.**

2. Ordinance No. 91-O-474 - An ordinance governing the procedures of the Brookings Common Council and repealing Ordinance No. 86-O-407.

Mayor Hummel explained that the changes recommended by City Attorney Mike Gillespie in Section 17, Subsection C, have been incorporated into the proposed document for council review and consideration and Section 17.D has been deleted.

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-474 into the record in its entirety.

Councilor Brimm moved to amend the title of proposed Ordinance No. 91-O-474 by deleting the words "and repealing Ordinance No. 86-O-407", 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; title of proposed Ordinance No. 91-O-474 amended to read as follows:**

**Ordinance No. 91-O-474 - An ordinance governing the procedures of the Brookings Common Council.**

Councilor Brimm moved to amend proposed Ordinance No. 91-O-474, Section 14.C, 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; proposed Ordinance No. 91-O-474, Section 14.C amended to read as follows:**

**C. A councilor, once recognized, shall not be interrupted while speaking unless it be to call him/her to order or as herein otherwise provided. If a member of the council, while speaking, be called to order, he/she shall cease speaking on the point until the question of order be determined and if in order, he/she shall be permitted to proceed.**

Councilor Brendlinger moved to amend proposed Ordinance No. 91-O-474, Section 15.B.1, 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; proposed Ordinance No. 91-O-474, Section 15.B.1 amended to read as follows:**

**1. Any public member desiring to address the council shall wait to be recognized by the presiding officer. After recognition, the person's name and address shall be stated for the record and the remarks shall be limited to the question under discussion. All remarks and questions shall be addressed to the presiding officer and not to any individual councilor, staff member or other person. No person shall enter into any discussion without being recognized by the presiding officer.**

Councilor Brendlinger moved to amend proposed Ordinance No. 91-O-474, Section 19, 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; proposed Ordinance No. 91-O-474,  
Section 19 amended to read as follows:**

**Section 19. Boards and Commissions. The council may establish boards and commissions and provide for their powers and duties, and the council may consolidate, merge, or abolish any of the said boards or commissions. The establishment, consolidation, merger, or abolishment of any boards or commissions shall be accomplished only by ordinance. Unless otherwise required by law or the city charter, all board and commission members shall be appointed by the mayor with the approval of the council. Initial appointments shall specify the term of office of each individual in order to achieve overlapping tenure. All members shall be subject to removal by the appointing authority. Appointments to fill vacancies for unexpired terms shall also be made by the mayor with the approval of the council. Except as otherwise provided in this ordinance, each board and commission shall choose its own chairman and vice-chairman from its members and operate in accordance with the rules of procedures set forth in this ordinance, unless inconsistent with the provisions of the ordinance establishing the board or commission.**

**Councilor Brimm moved to amend proposed Ordinance No. 91-O-474, Section 22.B, 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; proposed Ordinance No. 91-O-474, Section 22.B amended to read as follows:**

**B. Within 14 days of election or upon appointment to the council of any new member, the mayor, or in the mayor's absence the council president, or in the absence of both the city manager, shall schedule at least two work study sessions for the sole purpose of the indoctrination of the new member.**

Councilor Brendlinger moved to amend proposed Ordinance No. 91-O-474, Section 22.C, 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; proposed Ordinance No. 91-O-474, Section 22.C amended to read as follows:**

**C. Within 14 days of election or upon appointment to the council, new members shall be given:**

- 1. The city charter**
- 2. Ethics Guide for Public Officials**
- 3. Brookings Comprehensive Plan and Land Development Code**
- 4. Selected ordinances**
- 5. L.O.C. Handbook for Oregon City Councilors**
- 6. Current city budget and Chart of Accounts**
- 7. Land Use Planning in Oregon, Rohse**
- 8. Roster of city officials and standing committees**

Councilor Brendlinger moved to amend proposed Ordinance No. 91-O-474, Section 22.C.4, 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; proposed Ordinance No. 91-O-474, Section 22.C.4 amended to read as follows:**

#### **4. Selected ordinances and resolutions**

Councilor Brimm moved to adopt Ordinance No. 91-O-474 by first 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-474 - An ordinance governing the procedures of the Brookings Common Council, adopted by first reading. [To be read a second time at the September 9, 1991 council meeting]**

3. Ordinance No. 91-O-004.A - An ordinance amending Ordinance No. 51-O-004, enacted October 23, 1951, and entitled, "An ordinance creating the office of city attorney; prescribing the qualifications therefor; prescribing the jurisdiction and duties thereof; providing the compensation therefor; and declaring an emergency." by amending Section 4.F., Powers and Duties of City Attorney.

City Manager Dennis Cluff advised that Ordinance 91-O-004.A, which amends Ordinance No. 51-O-004, Section 4, Subsection F, coincides with the proposed Ordinance No. 91-O-474.

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-004.A into the record in its entirety.

Councilor Curry moved to adopt Ordinance No. 91-O-004.A, 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-004.A adopted by first reading.**

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-004.A into the record by title only.

Councilor Brimm moved to adopt Ordinance No. 91-O-004.A, 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-004.A - An ordinance amending Ordinance No. 51-O-004, enacted October 23, 1951, and entitled, "An ordinance creating the office of city attorney; prescribing the qualifications therefor; prescribing the jurisdiction and duties thereof; providing the compensation therefor; and declaring an emergency." by amending Section 4.F., Powers and Duties of City Attorney. adopted by second reading. [Effective date September 10, 1991]**

**XIII.**

**RESOLUTIONS**

1. Resolution No. 91-R-517 - A resolution of the City Council of the City of Brookings adopting rates, fees and charges to the users of the City of Brookings sewer services; and repealing Resolution No. 89-R-468.

City Manager Dennis Cluff advised that Brown and Caldwell Engineering prepared an updated sewer rate study for the city's sewerage system. The residential and multi-family rates are slightly decreased. The fixed monthly rate on all of the other rates has increased, but the variable rate based on water usage has lessened. Additionally, new rate categories for churches and schools have been added. These two categories used to be under the commercial rate, but problems of equitable charges arose in the summertime. The new study breaks most of the rates into a fixed rate and a variable rate. The calculations Brown and Caldwell made identified the fixed costs for the city's sewer treatment and collection. The fixed monthly sewer rate is derived from that. The variable sewer rate is derived from the costs that vary with the increase or decrease of sewer flow.

Councilor Curry moved to adopt Resolution No. 91-R-517, 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. 91-R-517 - A resolution of the City Council of the City of Brookings adopting rates, fees and charges to the users of the City of Brookings sewer services; and repealing Resolution No. 89-R-468. - adopted.**

Mayor Hummel asked the council to authorize him to set up an executive session at which time the municipal court judge would be evaluated. The council agreed. **No formal action taken.**



**XIV. UNSCHEDULED PUBLIC APPEARANCES**

None.

**XV. ADJOURNMENT**

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

Mayor Hummel adjourned the meeting at 9:24 p.m.

  
\_\_\_\_\_  
Fred Hummel  
Mayor

**ATTEST:**

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