



MINUTES

**CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
October 14 - 16, 1991**

12:00 NOON SESSION

I. CALL TO ORDER

Mayor Hummel called the meeting to order at 12:00 noon.

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, Community Development Director Leo Lightle

Board Members Present: Jim Collis, Chair, Systems Development Charge Review Board; Steve O'Brien, Chair, Parks and Recreation Commission

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

IV. CEREMONIES/APPOINTMENTS

1. Proclamation - "Disability Employment Awareness Month"

Mayor Hummel proclaimed the month of October, 1991 as "Disability Employment Awareness Month" in Brookings.

2. Appointments to Systems Development Charge Advisory Board

Mayor Hummel explained that with the adoption of Ordinance No. 91-0-477, the former Committee for Capital Improvements has been renamed the Systems Development Charge Review Board. Mayor Hummel requested approval of the appointment of the Jim Collis, Bob Krebs, Art Fisher and Phyllis Cottingham to the Systems Development Charge Review Board.

Councilor Davis moved to approve the appointment of Jim Collis, Bob Krebs, Art Fisher and Phyllis Cottingham to the Systems Development Charge Review Board, 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; Jim Collis, Bob Krebs, Art Fisher and Phyllis Cottingham appointed to the Systems Development Charge Review Board.

3. Appointment to Golf Board

Mayor Hummel announced that Bill Henry and Yvonne Dunn have expressed an interest in being appointed to the Golf Board and requested approval from the council of the appointment of Yvonne Dunn to replace Ken MacLeod, noting that Yvonne had previously applied and had not been appointed.

Councilor Brimm moved to approve the appointment of Yvonne Dunn to replace Ken MacLeod on the Brookings Golf Board, 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; Yvonne Dunn appointed to replace Ken MacLeod on the Brookings Golf Board.

4. Appointment to Charter Review Committee

Mayor Hummel explained that Alden Loring has expressed an interest in serving on the Charter Review Committee and requested approval from the council of the appointment of Alden Loring.

Councilor Davis moved to approve the appointment of Alden Loring to the Charter Review Committee, 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; Alden Loring appointed to the Charter Review Committee.

V. SCHEDULED PUBLIC APPEARANCES

1. Request to proceed with the removal of the reversionary clause on the library property - Chetco Community Public Library District

Councilor Davis moved to declare the city's reversionary interest in the library property at 420 Alder Street surplus, and to direct staff to proceed as recommended by City Manager Dennis Cluff, 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's reversionary interest in the library property at 420 Alder Street declared to be surplus, and staff directed to proceed as follows:

- 1. Library either give the city a recent property appraisal or have one prepared;**
- 2. City prepare a Bargain and Sale Deed for the reversionary interest;**
- 3. City prepare a supplemental budget to receive the deed sale funds (current market value) and donate receipts back to the library district;**
- 4. Give notice of a special meeting (or regular if you wait until November 18th) and supplemental budget.**
- 5. At that council meeting, sell the reversionary interest to the library district, accept the library's check, then vote to and present the library with a donation for the same amount as their purchase price.**

VI. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. September 9, 1991 Regular Council Meeting
2. September 30, 1991 Special Council Meeting
3. September 30, 1991 Joint Council/Planning Commission Meeting

B. Acceptance of Planning Commission Meeting Minutes

1. September 3, 1991 Planning Commission Meeting

C. Requests for Payment

1. Request for payment - Horton Brothers, Inc. - Dawson Tract Project Schedule C - Pay Estimate No. 8
2. Request for payment - Horton Brothers, Inc. - Easy Street Improvement Project - Pay Estimate No. 1

D. Approval of Vouchers

Councilor Curry requested corrections to the minutes of the September 9, 1991 council meeting.

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

A. Approval of Council Meeting Minutes

1. September 9, 1991 Regular Council Meeting
2. September 30, 1991 Special Council Meeting
3. September 30, 1991 Joint Council/Planning Commission Meeting

B. Acceptance of Planning Commission Meeting Minutes

1. September 3, 1991 Planning Commission Meeting

C. Requests for Payment

1. Request for payment - Horton Brothers, Inc. - Dawson Tract Project Schedule C - Pay Estimate No. 8
2. Request for payment - Horton Brothers, Inc. - Easy Street Improvement Project - Pay Estimate No. 1

D. Approval of Vouchers (\$252,093.32)

approved.

VII.

DEPARTMENT REPORTS/REQUESTS

A. Community Development Director

1. Acceptance of Dedication Deed - Cove Road

Community Development Director Leo Lightle advised that this deed is the dedication of 10 feet of additional right-of-way on Cove Road, to complete a 50 foot right-of-way. This action is required by the Planning Commission as a condition of a approval for a minor partition.

Councilor Brimm moved to accept the Dedication Deed from Harbor Equipment Rental, Inc., for additional right-of-way on Cove Road, 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; Dedication Deed from Harbor Equipment Rental, Inc., for additional right-of-way on Cove Road accepted.

2. Acceptance of Dedication Deed - Blueberry Road

Community Development Director Leo Lightle advised that a Dedication Deed is necessary to dedicate the road at the end of Blueberry Drive to the public. This property is located in the Dawson Tract. Councilor Davis moved to accept the Dedication Deed for the roadway at the end of Blueberry Drive, to dedicate the road at the end of Blueberry Drive to the public, 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; Dedication Deed for the roadway at the end of Blueberry Drive, to dedicate the road at the end of Blueberry Drive to the public, accepted.

VIII. CALL FOR BIDS None

IX. REPORT ON BIDS

1. Shop truck - Public Works

Community Development Director Leo Lightle advised that the bids were opened on October 3. Five bids were received, the apparent low bidder being Bandon Ford at a total cost of \$18,550.

Craig Armstrong, Coast Auto Center, noted that the bid specs did not call for a spare tire, but that his bid included a spare tire, and if he had not included the spare tire cost, his bid would have been low.

It was suggested that this matter be tabled until Bandon Ford could be contacted to find out their cost for a spare tire.

Councilor Davis moved to table the report on bids for the shop truck until the night session, 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; report on bids for the shop truck tabled until the night session.

X. ANNOUNCEMENTS/REPORTS/REQUESTS

A. Mayor

1. Mayor Hummel announced that the Charter Review Committee will meet on Thursday, October 17, at 4:00 p.m. in city hall.
2. Mayor Hummel announced that an executive session will be convened at the end of the council meeting tonight.

B. Council

1. Report on Oregon Coast Zone Management Association - Councilor Curry

Councilor Curry briefed the council on the annual meeting of the Oregon Coast Zone Management Association, which was held October 9-12 at the Flying M Ranch in Yamhill.

2. Report on earthquake potential workshop

Councilor Brendlinger reported that she attended a workshop at Humboldt State University in Eureka pertaining to the potential for a major earthquake along the southern Oregon coast.

C. Planning Commission

None.

D. Parks and Recreation Commission

Chair Steve O'Brien gave a brief report on the activities of the Parks and Recreation Commission and advised that the Oregon State Parks and Recreation Division has offered to donate six used picnic tables to the city for use in parks. It was suggested that two tables be placed at Stout Park, two at Richard Street Park, and two at Easy Manor Park. The council consensus was to discuss this matter at the night session of the meeting.

E. Golf Board

Mayor Hummel announced that the Golf Board will meet on Thursday, October 17, 1991 at 7:00 p.m. in the council chambers, to meet with a prospective developer and to discuss the feasibility report which has been prepared.

F. Chamber of Commerce

Chamber Manager Eldon Mitchell reported on the activities of the Chamber of Commerce.

V. SCHEDULED PUBLIC APPEARANCES (continued)

1. St. George Reef Lighthouse Preservation Society

Cliff Brickley, representing the St. George Reef Lighthouse Preservation Society, Crescent City, CA, presented the council with a calendar of events planned for the centennial of the St. George Reef Lighthouse. No formal action taken.

XI. RECESS

Mayor Hummel recessed the meeting at 1:31 p.m., to be reconvened at 7:00 p.m. this date.

7:00 P.M. SESSION

I. CALL TO ORDER

II. 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 Harry Slack, Finance Director/Recorder Beverly Shields

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

III. CEREMONIES/APPOINTMENTS

1. Proclamation - "Brookings Firefighters Appreciation Week"

Mayor Hummel proclaimed the week of October 6-12, 1991 as "Brookings Firefighters Appreciation Week", and presented the proclamation to Fire Chief Marshall Ferg.

Firefighter Terry Shane explained some of the activities that went on during Firefighters Week.

IV. DEPARTMENT REPORTS/REQUESTS

A. City Manager

1. Amendment to Engineering Services Agreement with H.G.E. for the Dawson Tract Water and Sewer Improvement Project

City Manager Dennis Cluff advised that the original engineering construction management agreement for the Dawson project anticipated all four schedules (phases) of the Dawson LID project to be constructed concurrently. That has not occurred in the manner originally expected. Two schedules are still being worked on, lengthening the on-site inspection time and costs. H.G.E. anticipates using less than the \$38,000 being requested. This number was established as a guide for the EPA grant participation and the outside costs to the LID. H.G.E. is pushing the remaining contractors to complete their projects, but they do have one year within which to complete their scheduled portion of the project. Mr. Cluff requested that council consider approving the contract amendment with H.G.E. for construction management services.

Councilor Davis moved to table the matter of the amendment to the H.G.E., Inc. Engineering Agreement until more information can be provided to the 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; the matter of the amendment to the H.G.E., Inc. Engineering Agreement tabled until more information can be provided to the council concerning what the money is for, a breakdown of the project, etc.

Staff was directed to provide the council with information on the project by Wednesday if possible and put this item back on the agenda for the Wednesday afternoon meeting.

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

City Manager Dennis Cluff advised that this change order is to basically continue curbs, sidewalk and other non-paving improvements from Easy Manor Drive up the hill to Second Street. The engineer is currently negotiating the change order with the contractor. The cost will be \$29,119.65. This amount is less than 10% of the current Easy Street contract, so it could be allowed as a change order. Mr. Cluff noted that even though this portion of Easy Street wouldn't be totally repaved, the curbs, gutter and sidewalk will end this phase of Easy Street improvements at a more logical and functional point. Paving of the street area of this change order can easily be accomplished with the last phase of the project.

Councilor Davis moved to approve Change Order No. 1 from Horton Brothers, Inc., for the Easy Street Improvement Project, 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; Change Order No. 1 from Horton Brothers, Inc., for the Easy Street Improvement Project approved.

3. Donation of picnic tables - Oregon State Parks & Recreation Division

It was noted that as was discussed at the noon session, the Oregon State Parks Division has offered to donate six used picnic tables to the city for parks use.

Councilor Curry moved to accept the six picnic tables from the Oregon Parks Division, as recommended by the Parks and Recreation Commission, 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; six picnic tables donated by the Oregon Parks Division for use in Brookings parks, accepted.

IX. REPORT ON BIDS (continued)

1. Shop truck - Public Works

This agenda item was tabled from the noon session. There was a question concerning the total amount of the bids, (one bid included a spare tire which was not a specification item). City Attorney Mike Gillespie opined that the city should accept the lowest bid, as received from Bandon Ford Mercury.

Councilor Curry moved to award the bid for the shop truck for Public Works to Bandon Ford Mercury for a 1992 Ford truck at a total cost of \$18,550, 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 a shop truck for Public Works awarded to Bandon Ford Mercury for a 1992 Ford truck at a total cost of \$18,550.

IV. DEPARTMENT REPORTS/REQUESTS (continued)

B. City Attorney

None.

V. CONTRACT REVIEW BOARD

None

VI. FINAL ORDERS

None

VII. RESOLUTIONS

1. RESOLUTION NO. 91-R-520 - A resolution to approve changes in the 1990/91 budget appropriations.

Councilor Davis moved to adopt Resolution No. 91-O-520, 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-520 - A resolution to approve changes in the 1990/91 budget appropriations, adopted.

VII. ORDINANCES

1. ORDINANCE NO. 91-O-402.A - An ordinance amending Ordinance No. 86-O-402 enacted June 9, 1986, by amending provisions and adding provisions relating to rates and establishing a rate setting formula.

Finance Director/Recorder Beverly Shields read Ordinance No. 91-O-402.A into the record in its entirety.

Councilor Davis moved to adopt Ordinance No. 91-O-402.A, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis

Nays: Mayor Hummel

Motion carried; ORDINANCE NO. 91-O-402.A - An ordinance amending Ordinance No. 86-O-402 enacted June 9, 1986, by amending provisions and adding provisions relating to rates and establishing a rate setting formula, adopted by first reading. [Ordinance No. 91-O-402.A will be read in its entirety for a second reading at the November 18, 1991 council meeting.]

2. ORDINANCE NO. 91-O-478 - An ordinance waiving Systems Development Charges for a portion of the Cottage Court Subdivision.

Finance Director/Recorder Beverly Shields read Ordinance No. 91-O-478 into the record in its entirety.

Councilor Curry moved to eliminate any kind of waiver of fees on moderate income housing and carry on with the balance of the ordinance, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brimm, Curry, Davis

Nays: Councilor Brendlinger, Mayor Hummel

Motion carried; waiver of fees on moderate income housing eliminated, with the balance of Ordinance No. 91-O-478 to be as proposed. [Refers to Cottage Court Subdivision, Dawson Tract]

Councilor Davis moved to adopt Ordinance No. 91-O-478 as amended, 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-478 as amended, adopted by first reading.

Finance Director/Recorder Beverly Shields read Ordinance No. 91-O-478 into the record by title only.

Councilor Davis moved to adopt Ordinance No. 91-O-478 by second 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-478 - An ordinance waiving Systems Development Charges for a portion of the Cottage Court Subdivision adopted by second reading. [Effective October 15, 1991]

VIII. UNSCHEDULED PUBLIC APPEARANCES

1. John Babin, Attorney at Law, suggested some changes in the Planning Commission process relating to consent calendars and the conditional use/minor partitions process. **No formal action taken.**

IX. EXECUTIVE SESSION - ORS 192.660 (1)(h) [to consult with counsel on possible litigation]

X. RECESS

Mayor Hummel recessed the council meeting at 10:08 p.m. to convene an Executive Session.

XI. RECONVENE

Mayor Hummel reconvened the council meeting at 10:44 p.m.

Councilor Davis moved to direct staff to proceed with arbitration with the Harbor Sanitary District, 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 proceed with arbitration with the Harbor Sanitary District.

XII. RECESS

Mayor Hummel recessed the meeting at approx. 11:00 p.m., to be reconvened at 5:00 p.m., Wednesday, October 16.

**WEDNESDAY, OCTOBER 16
5:00 P.M.**

I. RECONVENE

Mayor Hummel reconvened the council meeting at 5:04 p.m.

II. 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; Marge Barret, KURY

III. REPORT ON BIDS

1. Award of Re-bid on Ransom Avenue Water and Storm Drainage Improvements

City Manager Dennis Cluff advised that bids were opened at 3:00 p.m., this date.

P & S Construction was the apparent low bidder at a corrected amount of \$48,389. The only other bid received was from Horton Brothers, Inc., for \$65,653. Mr. Cluff recommended that the council award the bid to P & S Construction.

Councilor Brimm moved to award the bid for the Ransom Avenue Water and Storm Drain Improvements to P & S Construction for a total amount of \$48,389, 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 Ransom Avenue Water and Storm Drain Improvements awarded to P & S Construction for a total amount of \$48,389.

V. CONTRACT REVIEW BOARD

1. Street sweeper purchase

Mayor Hummel recessed the council meeting at 5:12 p.m. to convene a Contract Review Board.

City Manager Dennis Cluff advised that Environmental Pollution Control, Inc. (EPC), a private company, has offered a 1984 FMC mechanical street sweeper to the city for \$12,000. City employees have looked over and driven both this and another street sweeper EPC is offering. They found the 1984 FMC sweeper to be in good condition.

Another street sweeper, a 1978 vacuum type, is also being offered, and since the city was originally interested mainly in the vacuum type of sweeper, EPC offered to give the 1978 to the city if the city purchases the 1984 FMC.

Mr. Cluff explained that the following findings need to be made by the Contract Review Board in order to exclude this purchase from the bidding process:

1. It is unlikely the exemption of the street sweeper purchase from Environmental Pollution Control, Inc., (EPC) for \$12,000 will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and,
2. The award of the public contract to EPC for street sweeper purchase will result in substantial cost savings and benefit to the City of Brookings due to the current one-time offer to purchase two used street sweepers for the price of one, and with those sweepers more economically increase the street cleaning within the city.

Councilor Davis moved to adopt the findings presented by City Manager Dennis Cluff excluding the purchase of a street sweeper from the bidding process, 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; findings of the Contract Review Board, as follows, adopted:

- 1. It is unlikely the exemption of the street sweeper purchase from Environmental Pollution Control, Inc., (EPC) for \$12,000 will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and,**
- 2. The award of the public contract to EPC for street sweeper purchase will result in substantial cost savings and benefit to the City of Brookings due to the current one-time offer to purchase two used street sweepers for the price of one, and with those sweepers more economically increase the street cleaning within the city.**

Mayor Hummel adjourned the Contract Review Board at 5:20 p.m. and reconvened the council meeting.

Councilor Curry moved to approve the purchase of the 1984 FMC street sweeper and the 1978 vacuum type mechanical street sweeper for a total purchase price of \$12,000, 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; purchase of the 1984 FMC street sweeper and the 1978 vacuum type mechanical street sweeper from Environmental Pollution Control, for a total purchase price of \$12,000, approved.

IV. DEPARTMENT REPORTS/REQUESTS

1. Amendment to Engineering Services Agreement with H.G.E. for the Dawson Tract Water and Sewer Improvement Project

City Manager Dennis Cluff presented the council with additional information received from H.G.E. pertaining to the contract.

H.G.E. Engineers Steve Cox and Bob Wade explained to the council the reasons for the request for an amendment to the H.G.E. contract for inspection work on the Dawson Tract Water and Sewer Improvement project.

Councilor Davis moved to approve the amendment to the contract with H.G.E. for inspections on the Dawson Tract Water and Sewer Improvement project, not to exceed \$38,000, 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; the amendment to the contract with H.G.E. for inspections on the Dawson Tract Water and Sewer Improvement project, not to exceed \$38,000, approved.

2. Request to renumber ORDINANCE NO. 91-O-478 - An ordinance waiving Systems Development Charges for a portion of the Cottage Court Subdivision.

City Manager Dennis Cluff explained that due to an oversight, the ordinance number 91-O-478 was assigned to two ordinances. Mr. Cluff requested that council consider assigning the number 91-O-480 to the ordinance adopted on October 14, 1991 as Ordinance No. 91-O-478, "An ordinance authorizing the waiver of portions of systems development fees for a housing project within the Cottage Court Subdivision pursuant to the authority granted by ORS 456.365".

Councilor Davis moved to assign the number 91-O-480 to the ordinance adopted on October 14, 1991 as Ordinance No. 91-O-478, "An ordinance authorizing the waiver of portions of systems development fees for a housing project within the Cottage Court Subdivision pursuant to the authority granted by ORS 456.365", 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; the number 91-O-480 assigned to the ordinance adopted on October 14, 1991 as Ordinance No. 91-O-478, "An ordinance authorizing the waiver of portions of systems development fees for a housing project within the Cottage Court Subdivision pursuant to the authority granted by ORS 456.365".

3. Request to declare surplus property

City Manager Dennis Cluff advised that the old diesel engine stand-by generator is no longer needed, nor wanted by staff. Its value is estimated at over \$2,000. It is nearly 20 years old and parts are difficult to find. It doesn't generate the proper voltage to be used at any other city installation, but isn't desired even if it did. Mr. Cluff requested that council consider declaring the old sewer plant generator (Hol-Gar Model No. H85-D6) surplus, to allow for it to be sold.

Councilor Curry moved to declare the Hol-Gar Model No. H85-D6 generator surplus equipment, 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; the Hol-Gar Model No. H85-D6 generator declared to be surplus equipment.

VI. RESOLUTIONS

1. RESOLUTION NO. 91-R-522 - A resolution appropriating golf course donations and expenditures

Councilor Davis moved to adopt Resolution No. 91-R-522, 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-522 - A resolution appropriating golf course donations and expenditures, adopted.

VII. PLANNING DEPARTMENT REQUEST

City Manager Dennis Cluff presented the council with a memo from Planning Director John Bischoff requesting direction from the council concerning a Curry County Planning Commission approval of a Conditional Use Permit to allow a 34 space mobile home park within the urban growth boundary.

Mr. Bischoff's memo stated that on October 3, 1991 the Curry County Planning Commission approved a 34 space mobile home park located on Tolman Lane behind the Brookings Harbor Shopping Center. In March of 1990 the applicant applied for a Plan/Zone change from R-3 (Residential Three) to C-1 (Light Commercial) which would have allowed the mobile home park as a permitted use. This application was continued indefinitely for access concerns and never reconsidered. The Conditional Use Permit application was presented to the County Planning Commission in December of 1990, and was tabled indefinitely because of concerns for access, particularly the width of Tolman Lane and its status as a public road.

The Brookings Planning Commission considered this case at both the zone change and conditional use permit stages. The Brookings Planning Commission supported the zone change provided the following concerns could be resolved.

1. That the required 50 foot right of way can be provided.
2. Impacts of traffic generated by the park.
3. Drainage from the property once improvement were in place.
4. That the applicant provide the proper fencing or other type of screening around the park.

In December 1990, after reviewing the Conditional Use Permit application the Brookings Planning Commission recommended a Denial of the mobile home park based on the following concerns:

1. Concern for access to the property that will allow proper ingress and egress, particularly in emergency situation. The county road standards call for a 50 foot right-of-way and there is serious doubt that this can be achieved.
2. Another access related concern is that this is an excellent opportunity to provide public access to the currently easement accessed lots to the west of the subject property by dedicating the proper right-of-way in place of the existing easement.
3. The mobile home park has a proposed density of 13 units per acre with no indicated recreation, open space areas landscaping, or perimeter screening.
4. Based on the scale provided on Exhibit 2 most of the spaces are 32 feet wide and would not allow for a double wide mobile home.
5. Although each mobile home space provides two parking spaces which are in tandem beside the unit, there is no provision for visitor parking in the proposed park.
6. There is no indication of how drainage will be handled on or off the property.

The Brookings Planning Commission's concerns were included in both the December, 1990 County hearing and in the October 3, 1991 hearing. Just prior to the October 3rd hearing city staff received a copy of a site plan for the project showing 34 spaces, internal street design, proposed water, sewer and storm drain lines. After the hearing staff received a the Final Order approving the project.

The site plan showed that each space is now proposed with a 10 X 20 parking space beside each unit which does not provide enough room for two cars. There is still no indication of guest parking on the site plan. The site plan also shows that in at least one area the units will be located over the alignment of the on site water and sewer lines. A letter from the County Road Commissioner was attached to the Final Order indicating that the right-of-way questions should be resolved and the road upgraded before further development in the area. Also attached was a letter from a Mr. McNutt stating that he feels the road is a public road.

The County Conditions of Approval require the road to be paved and striped to a 24 foot width with two 12 foot travel lanes. Nothing is indicated that access to the properties to the west of the project site that are currently only accessed by easement, has been considered. The appeal date on this action is October 23, 1991 and there is a \$300 appeal fee required. Other costs to the city to appeal this action would be for staff time to prepare and present the city's report and if the meeting is held in Gold Beach, staff travel time.

Mr. Bischoff requested that the council consider appealing the action of the Curry County Planning Commission.

Councilor Davis moved to direct staff to pursue the appeal of the Curry County Planning Commission approval of a Conditional Use Permit to allow a 34 space mobile home park located on Tolman Lane in Harbor, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

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

Nays: Councilor Brendlinger

Motion carried; staff directed to pursue the appeal of the Curry County Planning Commission approval of a Conditional Use Permit to allow a 34 space mobile home park located on Tolman Lane in Harbor, within the urban growth boundary.

VIII. ADJOURNMENT

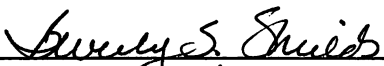
Councilor Davis moved to adjourn, which motion was seconded by Councilor Curry; **motion carried unanimously.**

Mayor Hummel adjourned the meeting at 6:46 p.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder