



# MINUTES

**CITY OF BROOKINGS  
COMMON COUNCIL MEETING  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
December 9, 1991**

## 12:00 NOON SESSION

**I. CALL TO ORDER**

Mayor Hummel called the meeting to order at 12:02 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, Administrative Assistant Donna Van Nest, Police Chief Kent Owens**

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

**IV. CEREMONIES/APPOINTMENTS None**

**V. PUBLIC HEARINGS**

- 1. Annexation - File No. ANX-1-91 - Petitioners Edward Hewitt and Leo Burgess**

**Due to the public notice stating that this public hearing was scheduled for 7:00 p.m., this agenda item postponed to the night session.**

**VI. SCHEDULED PUBLIC APPEARANCES None**

**(The following agenda items moved forward at the request of Mayor Hummel)**

**XI. ANNOUNCEMENTS/REPORTS/REQUESTS**

**E. Golf Board**

- 1. Request for authorization to distribute "Request for Proposals" document**

**Golf Board Chair Jim Cole explained that the developer the Golf Board had been waiting for could not come up with the necessary financing for the proposed golf course. Mr. Cole requested that council authorize the Golf Board to expend \$4,000 from the Golf Course Fund to purchase the Feasibility Study from Environmental Golf, and authorize the Golf Board to re-distribute the "Request for Proposals" document.**

**Councilor Curry moved to authorize the expenditure of \$4,000 to purchase the feasibility study from Environmental Golf, 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; Golf Board authorized to expend \$4,000 from the Golf Course Fund to purchase the feasibility study which was done on the Jack Creek property, from Environmental Golf.**

**Councilor Curry moved to authorize the Golf Board to re-distribute the "Request for Proposals" document, 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; Golf Board authorized to re-distribute the "Request for Proposals" document for the proposed Jack Creek Golf Course.**

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**D. Parks and Recreation Commission**

**1. Recommendation to provide temporary skateboarding sites**

**Chair Steve O'Brien gave a brief update to the council on the activities of the Parks and Recreation Commission.**

**The Parks and Recreation Commission recommended that the City of Brookings provide three temporary skateboard sites at the Swimming pool parking lot, side lot at city hall and city corner lot at Railroad and Wharf Streets, and that the city hall side lot and city corner lot at Railroad and Wharf Streets have a 50' x 30' or larger paved area for skateboarding.**

**City Manager Dennis Cluff advised that the Parks & Recreation Commission recommendation was somewhat more than what city staff would recommend. Staff would prefer to set up a temporary skateboard ramp at the back of the swimming pool parking lot. This is a paved and unused area during this time of year.**

**Councilor Davis moved to follow the staff recommendation to establish a temporary skateboarding park, with ground rules set out, at the swimming pool parking lot, which motion was seconded by Councilor Brendlinger.**

**Mike Handley, 97939 N. Bank Road, spoke in favor of the skateboarding park.**

**Vera Hester, business owner, spoke in favor of the proposed skateboard park, and requested that the council consider all three proposed locations.**

**The clerk called the roll with the following results:**

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

**Nays: None**

**Motion carried; staff recommendation to establish a temporary skateboarding park, with ground rules set out, at the swimming pool parking lot, approved.**

**VII. CONSENT CALENDAR**

**A. Approval of Council Meeting Minutes**

1. **November 18, 1991 Regular Council Meeting**

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

1. **November 5, 1991 Planning Commission Meeting**

**C. Requests for Payment**

1. **(Removed at request of council)**
2. **Request for payment - Horton Brothers, Inc. - Easy Street Improvement Project - Pay Estimate No. 3**

Horton Brothers, Inc., requested payment in the amount of \$66,117.01 for work completed on the Easy Street Improvement Project. Gary Dyer, P.E., Project Engineer, recommended that the payment be approved.

3. **Request for payment - Horton Brothers, Inc. - Dawson Tract Project Schedule C - Pay Estimate No. 10**

Horton Brothers, Inc., requested payment in the amount of \$33,580.94 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 - Marca Electric - Fifth Street Signal Project - Pay Estimate No. 1**

Marca Electric requested payment in the amount of \$27,624.45 for work completed on the Fifth Street and Chetco Avenue Signalization Project. Jim A. Evans of David Evans and Associates, project engineers, recommended that the payment be approved.

5. **(Removed at the request of council)**

**D. Approval of Vouchers (\$504,530.87)**

**E. Resolutions None**

**F. Miscellaneous None**

(end Consent Calendar)

Councilors Brendlinger, Curry and Mayor Hummel requested corrections to the minutes of the November 18, 1991 council meeting.

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

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

Nays: None

**Motion carried; Consent Calendar consisting of:**

- A. Approval of Council Meeting Minutes**
  - 1. November 18, 1991 Regular Council Meeting**
- B. Acceptance of Planning Commission Meeting Minutes**
  - 1. November 5, 1991 Planning Commission Meeting**
- C. Requests for Payment**
  - 2. Request for payment - Horton Brothers, Inc. - Easy Street Improvement Project - Pay Estimate No. 3**
  - 3. Request for payment - Horton Brothers, Inc. - Dawson Tract Project Schedule C - Pay Estimate No. 10**
  - 4. Request for payment - Marca Electric - Fifth Street Signal Project - Pay Estimate No. 1**
- D. Approval of Vouchers (\$504,538.87)**

**approved.**

**VIII. DEPARTMENT REPORTS/REQUESTS**

- A. Community Development Director None**
- B. Police Department**
  - 1. Request for a letter from council to the Oregon Liquor Control Commission in opposition to a proposal to allow hard liquor to be sold in establishments other than Oregon State Liquor Stores**

Police Chief Kent Owens presented the council with a copy of a letter from the Oregon Liquor Control Commission advising him of a policy being considered by the Governor's Task Force which could allow hard liquor to be sold in supermarkets, convenience stores and gas stations. Chief Owens advised that this would increase the number of stores where hard liquor is sold from 235 to more than 3,000. Chief Owens stated that alcohol abuse is already a major problem and he believed this can do nothing but make it worse.

Chief Owens requested that the council draft a letter to Chris Lyons of the Oregon Liquor Control Commission supporting the Commission's opposition to any kind of policy allowing for the sale of hard liquor in Oregon other than in Oregon State Liquor Stores.

Councilor Brendlinger moved to authorize staff to draft a letter to Chris Lyons of the Oregon Liquor Control Commission supporting the Commission's opposition to any kind of policy allowing for the sale of hard liquor in Oregon other than in Oregon State Liquor Stores, 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 authorized to draft a letter to Chris Lyons of the Oregon Liquor Control Commission supporting the Commission's opposition to any kind of policy allowing for the sale of hard liquor in Oregon other than in Oregon State Liquor Stores.**

## **IX. CALL FOR BIDS**

### **1. Police patrol car**

Chief Kent Owens indicated that the 1991-92 budget has authorized the purchase of a police vehicle for this fiscal year. Chief Owens requested that the city council authorize staff to call for bids for a full-size vehicle with a police package.

Councilor Davis moved to authorize the police department to call for bids for a patrol car, 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; police department authorized to call for bids for a patrol car.**

**X. REPORT ON BIDS None**

**XI. ANNOUNCEMENTS/REPORTS/REQUESTS**

**A. Mayor None**

**B. Council**

**1. Council meeting dates and time**

The council was presented with a roster of meetings held by other governmental agencies, and several proposals were discussed as to when and how many council meetings should be held.

Councilor Davis moved for a 90-day trial of two business meetings per month to be held on the second and fourth Mondays of each month, and two work sessions per month to be held on the first and third Monday of each month, with the attorney being required to be present only at the first council meeting of the month, which motion was seconded by Councilor Curry.

Following discussion, Mayor Hummel moved to amend the main motion to add that public policy changes shall be handled at the first council meeting of the month whenever possible, and routine business shall be conducted at the second council meeting of the month, 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; main motion to add that public policy changes shall be handled at the first council meeting of the month and routine business shall be conducted at the second council meeting of the month.**

Councilor Davis moved to further amend the main motion to state that no item for consideration by the council shall be tabled more than once, 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

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

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

Nays: None

**Motion carried; 90-day trial of two business meetings per month to be held on the second and fourth Mondays of each month, and two work sessions per month to be held on the first and third Mondays of each month, with the city attorney being required to be present only at the first council meeting of the month, and public policy changes to be handled at the first council meeting of the month and routine business to be conducted at the second council meeting of the month, and no item for consideration by the council shall be tabled more than once, approved.**

At 1:35 p.m., Councilor Davis moved to extend the meeting time to 2:00 p.m. in order to handle the Richard Street Park agenda items, 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; meeting time extended to 2:00 p.m.**

**2. Richard Street Park survey costs**

**City Manager Dennis Cluff presented the council with an estimate from Gary L. Dyer, P.E., for surveying the Richard Street Park, at a total cost estimate of \$1,108.00. Mr. Cluff advised that when the surveyor looked at the park area, he found some existing park corner monuments. However, these were bent and will need to be re-established in order to properly map the area.**

**Mr. Cluff advised that staff only sought one estimate at this time since council asked for a price to do the work and not a contract.**

**Councilor Davis moved to have only the small parcel of Richard Street Park surveyed, which motion was seconded by Mayor Hummel.**

**Lorene Holmes, 17350 Holmes Drive, requested that the council survey the entire park.**

**Following further discussion, councilor Davis withdrew his motion.**

**Councilor Davis moved to direct staff to call for bids for surveying all of the boundaries of Richard Street Park, 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 directed to call for bids for surveying all of the boundaries of Richard Street Park.**

**3. Richard Street Park limited parking**

**City Manager Dennis Cluff noted that for years the Richard Street Neighborhood Park and adjacent right-of-way have supplied short and long term parking for across the street property owners. Complaints of long term parking have come to city hall for years. A potential solution to the long term parking would be restricting**

parking adjacent to the park from midnight to 6:00 a.m. daily. If council backs that idea (or some other constructive alternative), citizen response to it could be received at a neighborhood meeting. That council authorize staff to contact the Richard Street area residences and discuss restrictions on parking hours around the park.

Councilor Davis moved to postpone action on the Richard Street Park parking issue indefinitely or until council takes action on a property survey of the park area, 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; action on the Richard Street Park parking issue postponed indefinitely or until council takes action on a property survey of the park area.**

**XII. RECESS**

Mayor Hummel recessed the meeting at 1:56 p.m., to be reconvened at 7:00 p.m.

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**7:00 P.M. SESSION**

**I. CALL TO ORDER**

Mayor Hummel reconvened the council meeting at 7:00 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, City Attorney Mike Gillespie, Administrative Assistant Donna Van Nest, Police Communications Supervisor Cameron Lynn, Planning Director John Bischoff**

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

**V. PUBLIC HEARINGS (Continued from noon agenda)**

**1. Annexation - File No. ANX-1-91 - Petitioners Edward Hewitt and Leo Burgess**

**A staff report by Planning Director John Bishchoff stated that the two lots subject to this annexation request are located in the Harris Heights area and are not with in the current city limits. These lots were caused to be completely surrounded by the city limits by the Hewitt and A. C. Land Company annexations which occurred in 1986 and 1987 respectively. For reasons unknown to staff at this time, these lots were not included in either of these annexations or it was not recognized that an island of unincorporated property would result from the annexations. The subject lots are approximately 0.97 and 1.87 acres in size for a total of 2.84 acres and each lot contains one house and at least one other out building. The larger of the two lots (Burgess) is located adjacent to the northerly boundary of the Harris Beach P.U.D. and westerly of the current terminus of Seacrest Lane. The smaller lot (Hewitt) is located on the north side of the Burgess lot.**

**Both lots are zoned R-2 (Residential-Two) on the county's zoning map. Surrounding zoning is R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) on the city's zoning maps except for the lot located adjacent to the northwest corner which is zoned C-4 (Tourist Commercial). The surrounding R-1-6 property is vacant except on the south which is partially developed as the Harris Beach P.U.D. The area to the east of the subject property is being graded for the construction of the Glenwood P.U.D. which was approved earlier this year. The C-4 property to the northwest contains one shed building and a mobil home and is currently being prepared for the development of the Hewitt R V park.**

**Both properties are currently accessed from East Harris Heights Road which has been vacated by the county (Curry County Board of Commissioners Order No. 41-96, 1987). This vacation occurred because the existing travelway was not aligned with the right-of-way dedication and the 1986 Hewitt annexation also included a three lot Minor Partition and the concept of a future extension of Arch Lane to the north to be terminated with a cul-de-sac. The extension of Arch Lane would provide**

access to two of the Minor Partition lots. The third lot which is the site of the R V park is accessed from a road extending from Glenwood Dr. near the intersection with Highway 101. The smaller lot (the Hewitt property) of the proposed annexation was isolated from the former East Harris Heights Road and takes access via an easement through property to the west which was subject to the 1986 Hewitt annexation and is now in the city limits. Neither Arch Lane or the R V park access provides access to the Hewitt lot (See Exhibit 1). The county tax maps indicate that the south easterly corner of the larger lot fronts on Seacrest Lane for a distance of approximately 75 feet. Since East Harris Heights Rd. has been vacated, the Seacrest Lane frontage will eventually be the primary access to the larger lot. The smaller lot would still rely on easement access through the adjacent lot to the west. However, since East Harris Heights Road has been vacated, the access easement from the smaller Hewitt lot apparently ends without touching a public street, leaving it completely landlocked. Staff has an indication that a second easement has been created from the Hewitt lot to the future extension of Arch Lane, however, if this extension never occurs, this easement is also meaningless.

#### **FINDINGS OF FACT**

1. The applicants are requesting the annexation of two lots totaling 2.84 acres with a house on each lot.
2. The lots proposed for annexation are zoned R-2 (Residential-Two) by the county and are designated Residential in the County Comprehensive Plan.
3. The lots proposed for annexation are an island of unincorporated land within the city limits.
4. The land within the city surrounding the subject lots is zoned R-1-6 and C-4.
5. The larger of the two lots, the Burgess lot, has approximately 75 feet of frontage on Seacrest Lane.
6. The smaller lot, the Hewitt lot, was apparently landlocked by the vacation of East Harris Heights Road in 1984.
7. The smaller lot has been combined with the adjoining large parcel on the northwest which is in the same ownership and zoned C-4 is within the city limits.

8. **Neither lot is receiving city water service at this time.**
9. **Neither lot is being provided with sewer service at this time.**
10. **The R V park being constructed on the C-4 Zoned property within the city limits will stub out water and sewer mains to the boundary of the larger lot.**
11. **Fire protection to the subject property is currently being provided by the Brookings Fire Department.**
12. **Police protection to the subject property is currently being provided by the County Sheriff's Department but will become the responsibility of the Brookings City Police if annexed.**

#### **CONCLUSIONS**

1. **The subject lots are completely surrounded by property within the city limits and zoned for residential or tourist Commercial use.**
2. **With the completion of the combine and cancel action to bring the smaller Hewitt lot into the larger lot in the same ownership and currently within the city limits, all question of access has been resolved.**
3. **Access for the Burgess lot will be provided from existing frontage on Seacrest Lane on the southerly boundary. Mr. Hewitt has also stated that he will dedicate the cul-de-sac to complete Arch Lane, which is in the city limits, and through this action the Burgess lot will gain a second frontage, although it is not required.**
4. **Since the Hewitt lot has been combined with the larger lot within the city limits, water service to it will be supplied through the lines constructed for the R V park which was approved through a Condition Use Permit. This construction will also provide a water main for the larger Burgess lot. Both owners will be responsible for the extension of water lines and sewer laterals onto their property.**
5. **Sewer mains will be stubbed out to the boundary of the Burgess lot as a requirement of the construction for the R V park. The Hewitt lot will gain sewer service through the R V park in the same manner as water service.**
6. **Water and sewer service to each of these lots is subject to the city's capacity to supply such services at the time they are requested.**

7. Fire protection is currently provide by the Brookings' Fire Department and the annexation of these lots will not cause additional impacts on the service.
8. Since the area to be annexed is only 2.84 acres in size, changing police protection from the County Sheriff's Department to the Brookings' Police Department should not produce a significant impact on the Police Department. The Brookings' Police Chief has indicated that the action would actually simplify the provision of service to the area by eliminating the need to make the decision as to whether it falls in the city or county jurisdiction.
9. Since water and sewer mains will be provided adjacent to the subject properties through the construction of the R V park, the cost of extending these lines onto the properties will be borne by owner. The cost of providing fire and police service will be minimal if any.
10. The only additional revenue the city will receive from this annexation would come from property taxes and possibly from system development charges when sewer service is connected.
11. Staff can not identify impacts that the annexation could have on adjoining properties within the city limits. The subject lots do not adjoin property that is in the county.
12. The proposed annexation will not have significant impact on the growth, development, and future of the City of Brookings or its Urban Growth Area.
13. The proposed annexation conforms with the provisions of the City's Comprehensive Plan and of the Land Development Code.

Staff recommended **APPROVAL** of annexation case file no. ANX-1-91 based on the findings and conclusions stated above.

Mayor Hummel asked if anyone in the audience wished to speak on the subject; there being no response, a presentation of the staff report was waived.

Mayor Hummel opened the public hearing at 7:02 p.m. and asked for testimony from the council or the public; there being none, Mayor Hummel closed the public hearing at 7:05 p.m.

**Councilor Davis moved to approve annexation case file No. ANX-1-91, 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; Annexation File No. ANX-1-91, approved.**

**C. Planning Commission None**

**F. Chamber of Commerce**

**Chamber Manager Eldon Mitchell briefly reported on the activities of the chamber of commerce.**

**B. City Manager**

**1. Service contract - Utili-Chek**

**City Manager Dennis Cluff advised that Utili-Chek's fee is 1% of the annual power and utility costs. This would be nearly \$1,000 for the city, from costs incurred in 1990-91.**

**Councilor Davis moved to reject the contract with Utili-Chek at this time, 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; contract with Utili-Chek rejected at this time.**

### **III. ANNOUNCEMENTS/REPORTS/REQUESTS**

**A. Council**

**1. Request for payment - P & S Construction - Ransom Avenue Project**



**P & S Construction requested payment in the amount of \$42,267.87 for work completed on the Ransom Avenue Water and Storm Drainage Improvements. Richard Nored of H.G.E. recommended that the payment be approved.**

**Councilor Curry moved to approve payment in the amount of \$42,267.87 to P & S Construction for work completed on the Ransom Avenue Water and Storm Drainage Improvements, 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; payment in the amount of \$42,267.87 to P & S Construction for work completed on the Ransom Avenue Water and Storm Drainage Improvement approved.**

**2. Request for payment - Zorich Trucking and Excavation - 1991 I/I Reduction Project - Pay Estimate No. 2**

**Zorich Trucking and Excavation requested payment in the amount of \$62,259.54 for work completed on the 1991 I/I Reduction Project. Richard Nored of H.G.E. recommended that the payment be approved.**

**Councilor Curry moved to approve payment in the amount of \$54,599.88 to Zorich Trucking and Excavation for work completed on the 1991 I/I Reduction Project, contingent on the contractor satisfying a lien filed by a subcontractor, 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; payment in the amount of \$54,599.88 to Zorich Trucking and Excavation for work completed on the 1991 I/I Reduction Project, contingent on the contractor satisfying a lien filed by a subcontractor.**

3. Ordinance No. 91-O-474, Section 11 - "Presiding Officer at council meetings; call of roll; applicability of Robert's Rules of Order" - Councilor Davis

Councilors questioned the provisions of Section 11 of the council rules ordinance. Following discussion, Councilor Davis moved to direct staff to prepare an amendment to Ordinance No. 91-O-474, Section 11, striking the words "applicability of Robert's Rules of Order" from the section title, and the second paragraph of Section 11, from the ordinance, 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 prepare an amendment to Ordinance No. 91-O-474, Section 11, striking the words "applicability of Robert's Rules of Order" from the section title, and the second paragraph of Section 11, from the ordinance, and bring it back for council approval.**

4. Mayor Hummel noted that he and City Manager Dennis Cluff met with Falcon Cable concerning public television broadcasting. Falcon has agreed to look at costs and get back to the council.

Larry Goodman of KCRE Radio in Crescent City offered assistance with his Saturday morning talk show.

Mayor Hummel stated that he and the city manager will be meeting with Curry Coastal Pilot executives shortly.

5. Councilor Davis indicated that he has had many calls regarding the traffic configuration at Oak and Railroad and has been advised that it is discombobulating to some citizens. Staff was directed to dig up old drawings and put this item on the next work session agenda.

6. Work session for December, 1991

Councilor Davis moved to cancel the December 23, 1991 work session, 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; December 23, 1991 council work session cancelled.**

7. Tax base issue

City Manager Dennis Cluff indicated that following the work session on December 2, council requested that this item be placed on the council agenda. At this juncture, the discussion may be on whether or not to pursue a tax base increase of some nature or not to pursue any.

The council agreed to each take a maximum of three minutes to share their opinions.

Councilor Curry did not wish to go for a new tax base, but does want to get the systems replacement fees off the utility bills.

Councilor Brimm felt that we are in a recession and does not wish to go for a new tax base. It is more important to try for a bond issue for the expansion of the wastewater treatment plant.

Councilor Brendlinger agreed with Councilor Curry that the systems replacement fees should be taken off the utility bills, noted a need for clerical help in city hall, but did not feel that this is the right time to go for a tax base increase.

Councilor Davis felt that the city needs many things but that this is not the right time to attempt to go for a tax base increase.

**Mayor Hummel was of the opinion that the city needs to take a new tax base proposal to the voters and let the voters decide.**

**Councilor Davis moved to remove the issue of a new tax base proposal from the council agenda indefinitely, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:**

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

**Nays: Mayor Hummel**

**Motion carried; the issue of a new tax base proposal removed from the council agenda indefinitely.**

**8. Review of city speed limits**

**City Manager Dennis Cluff advised that following the work session on December 2, council requested that this item be placed on the council agenda. Mr. Cluff stated that speed limits and traffic safety are of great concern to many as they pertain to Hwy. 101 through the city.**

**The question posed at the work session was, "Shall city staff prepare a report and pursue speed limit changes or should a community traffic safety committee be temporarily established to review and pursue this issue?" Staff feels that ODOT and the State Speed Control Review Board would both respond more positively to a citizen type committee report and request than to a city staff report/request.**

**Mayor Hummel suggested a committee comprised of the mayor, a councilor, five members at large, and two ex officio members being the city manager and the police chief.**

**Councilor Davis moved to establish a temporary Speed Limit Committee to address speed limits issues on North Chetco Avenue, that committee being comprised of the mayor, a councilor, five members at large from the community, and ex officio members City Manager Dennis Cluff and Police Chief Kent Owens, 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 temporary Speed Limit Committee to address speed limits issues on North Chetco Avenue, that committee being comprised of the mayor, a councilor, five members at large from the community, and ex officio members City Manager Dennis Cluff and Police Chief Kent Owens, approved.**

9. EQC Meeting

City Manager Dennis Cluff stated that the EQC meeting regarding the city's permit will be held on January 23, but no further details are available yet.

10. Draft water rights

City Manager Dennis Cluff advised that the Draft Water Rights have been received from the Water Resources Department for the water rights at Jack Creek. He requested authorization to sign the documents and return them to the Water Resources Department, at which time they will issue the final water rights document.

Councilor Davis moved to authorize the city manager to sign the Draft Water Rights document pertaining to water rights at Jack Creek and return them to the Water Resources Department for finalization, 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

**City manager authorized to sign the Draft Water Rights document pertaining to water rights at Jack Creek and return it to the Water Resources Department for finalization.**

11. City Manager Dennis Cluff requested authorization to apply for grant funding from Meyer Memorial Trust for a maximum of \$8,000 for the summer youth recreation program.

**Councilor Davis moved to authorize staff to apply for grant funding from Meyer Memorial Trust for a maximum of \$8,000 for the summer youth recreation program, 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 authorized to apply for grant funding from Meyer Memorial Trust for a maximum of \$8,000 for the summer youth recreation program**

**12. City Manager Dennis Cluff - ODOT 6-year plan - study corridor plan**

**City Manager Dennis Cluff advised that the city has received the Draft One Public Review of the Oregon Transportation Plan. When finalized, the document will set priorities and state policy for the next 40 years. The draft requests public comment and ideas for Oregon's future transportation system.**

**Mr. Cluff suggested the possibility of submitting the idea of the Railroad Avenue couplet for consideration in the plan.**

**Councilor Brendlinger moved to authorize staff to write a letter to ODOT outlining the preliminary idea of a Railroad Avenue couplet, which motion was seconded by Councilor Davis.**

**Mayor Hummel expressed concern that the public has not had a chance for town hall meetings and discussions prior to the idea being presented to ODOT.**

**Councilor Brendlinger pointed out that this is only a draft preliminary plan which will take several years to finalize.**

**Following further discussion, Councilor Davis moved to close the debate, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:**

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

Nays: Mayor Hummel

**Motion carried; debate closed on agenda item pertaining to submission of a Railroad Avenue couplet concept for consideration in the ODOT 1991-96 Six-Year Highway Improvement Program, for concept feasibility.**

The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis

Nays: Mayor Hummel

**Motion carried; staff authorized to proceed with the submission of a Railroad Avenue couplet concept for consideration in the ODOT 1991-96 Six-Year Highway Improvement Program, for concept feasibility.**

C. City Attorney None

IV. CONTRACT REVIEW BOARD None

V. FINAL ORDERS None

VI. ORDINANCES

1. Ordinance No. 91-O-484 - An ordinance adopting "General Engineering Requirements and Standard Specifications for Street, Storm Drain, Sewer and Waterline Construction", dated August, 1988, Project No. 3683, prepared by H.G.E. Engineers and Planners; repealing Ordinances No. 78-O-293, 89-O-447, 89-O-451, 90-O-447.B, 90-O-447.C; and declaring an emergency.

City Attorney Mike Gillespie advised that the title of Ordinance No. 89-O-477 indicates that it is repealing Ordinance No. 293 in order to adopt revised engineering requirements and standard specifications. However, all Ordinance No. 89-O-447 appears to do is repeal Ordinance No. 293. There is no language of adoption contained within the ordinance which would bring into play the engineering requirements and standard specifications.

Mr. Gillespie suggested that the council adopt the revised engineering requirements and standard specifications document which should have been adopted by Ordinance No. 89-O-447. Then the council needs to incorporate in that adopted document the changes which were specified in Ordinance No. 89-O-451 and 90-O-447.B and 90-O-447.C. The council also needs to repeal Ordinances numbered 78-O-293, 89-O-447, 89-O-451, 90-O-447.B and 90-O-447.C.

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-484 into the record in its entirety.

Councilor Brimm moved to adopt Ordinance No. 91-O-484 by first 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-484 adopted by first reading.**

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-484 into the record by title only. Councilor Davis moved to adopt Ordinance No. 91-O-484 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-484 - An ordinance adopting "General Engineering Requirements and Standard Specifications for Street, Storm Drain, Sewer and Waterline Construction", dated August, 1988, Project No. 3683, prepared by H.G.E. Engineers and Planners; repealing Ordinances No. 78-O-293, 89-O-447, 89-O-451, 90-O-447.B, 90-O-447.C; and declaring an emergency., adopted by second reading. [Effective December 9, 1991]**



2. **Ordinance No. 91-O-485 - An ordinance accepting the Order of the Board of County Commissioners of Curry County entitled "In the matter of an order transferring jurisdiction over county roads within cities" and accepting jurisdiction over certain county roads.**

**City Manager Dennis Cluff advised that transferring the ownership and maintenance of these roads is part of the agreement with the county pertaining to the \$1 million of street funds over a 3-year period. The city has already received funding for 2 of those 3 years.**

**Administrative Assistant Donna Van Nest read Ordinance No. 91-O-485 into the record in its entirety.**

**Councilor Curry moved to adopt Ordinance No. 91-O-485 by first 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-485 adopted by first reading.**

**Administrative Assistant Donna Van Nest read Ordinance No. 91-O-485 into the record by title only. Councilor Brimm moved to adopt Ordinance No. 91-O-485 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-485 - An ordinance accepting the Order of the Board of County Commissioners of Curry County entitled "In the matter of an order transferring jurisdiction over county roads within cities" and accepting jurisdiction over certain county roads. - adopted by second reading. [Effective January 8, 1992]**

3. **Ordinance No. 91-O-446.G - An ordinance amending Ordinance No. 89-O-446, (Land Development Code), Section 148.040, Annexation Impact Analysis. (expanding scope of analysis)**

**A staff report from Planning Director John Bischoff stated that the second paragraph of Section 148.040 currently reads as follows:**

**"To assure that the planning commission and city council, prior to acting upon a proposal for annexation, is fully informed as to the potential impacts of the annexation upon both the city and the territory proposed to be annexed, it shall be required that an impact analysis containing the following information ~~be prepared and submitted by city staff~~ for consideration by the advisory (planning commission) and approving authority (city council)." (Highlight added for the purposes of this report.)**

**Upon review of the Site Plan Committee it was determined that since the burden of proof regarding the appropriateness of an application for any given land use is borne by the applicant, Section 148.040 should be amended to read as follows:**

**"To assure that the planning commission and city council, prior to acting upon a proposal for annexation, is fully informed as to the potential impacts of the annexation upon both the city and the territory proposed to be annexed, it shall be required that an impact analysis containing ~~but not limited to the following information be prepared and submitted by the applicant(s)~~ for consideration by the staff, advisory (Planning Commission) and approving authority (City Council)."**

**This change would be more consistent with the premise that the "burden of proof" falls on the applicant. Staff would review all such information of accuracy and validity but would be relieved from the task of generating the required information. The extent of the impact analysis supplied by the applicant would be proportionate to the size of the area to be annexed. For example if a person wanted to annex a small lot that is currently adjacent to the city limits, the impact analysis would be rather small in scale and would fall within the applicant ability to provide the information. A large annexation, such as the Dawson Tract, would involve many applicants who, together, can afford to contract with a consultant to generate the required analysis. The addition of the "not limited to" clause gives staff the ability to ask for additional information if required for a specific annexation.**

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

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

**Administrative Assistant Donna Van Nest read Ordinance No. 91-O-446.G into the record by title only. Councilor Davis moved to adopt Ordinance No. 91-O-446.G 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-446.G - An ordinance amending Ordinance No. 89-O-446, (Land Development Code), Section 148.040, Annexation Impact Analysis. (expanding scope of analysis) - adopted by second reading. [Effective January 8, 1992]**

**VII. RESOLUTIONS None**

**VIII. UNSCHEDULED PUBLIC APPEARANCES None**

**IX. RECESS**

**Mayor Hummel recessed the meeting at 9:30 p.m., to convene an Executive Session to consult with legal counsel concerning legal litigation.**

**X. RECONVENE**

**Mayor Hummel reconvened the regular council meeting at 9:59 p.m.**

Councilor Davis moved to authorize the city attorney to pursue settlement negotiations with James Fowler Company concerning Schedule "D" of the Dawson Tract Water and Sewer Improvement Project, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

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

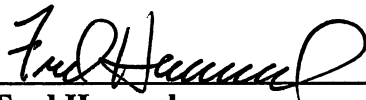
Nays: None

**Motion carried; city attorney to pursue settlement negotiations with James Fowler Company concerning Schedule "D" of the Dawson Tract Water and Sewer Improvement Project.**


**XI. ADJOURNMENT**

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

Mayor Hummel adjourned the meeting at 10:00 p.m.

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

**ATTEST:**

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