

**CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
JANUARY 14, 1991 - 7:00 P.M.
MINUTES**

I. CALL TO ORDER

Mayor Hummel called the meeting to order at 7:01 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, Finance Director Beverly Shields, Community Development Director Leo Lightle, Chief of Police Kent Owens, Communications Supervisor Cameron Lynn, Building/Fire Safety Officer Marshall Ferg, Municipal Court Judge A.L. Stuart, Planning Director John Bischoff

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

IV. CEREMONIES/APPOINTMENTS

1. Presentation of awards to outgoing council members

Mayor Hummel presented pen sets with inscriptions to outgoing Councilors Bill Henry and Floyd James. Councilor Fred Schutt was not present.

2. Proclamation - Justice, Equity and Harmony Month

Mayor Hummel read a proclamation declaring the month of January, 1991 as "Justice, Equity and Harmony Month".

3. **Children and Youth Services Commission - presentation to logo contest winner**

Mayor Hummel presented Spinner Reynolds with a \$20.00 gift certificate from Mory's Arts. Spinner was the local winner in the logo contest for the Curry Youth Services Commission.

4. **Appointment of Planning Commission member and Parks and Recreation Commission member**

Mayor Hummel recommended the appointment of Clarence Branscomb to the Planning Commission and Don Higginson to the Parks & Recreation Commission.

Councilor Brimm recommended that Scott Sabin be appointed to the Planning Commission, stating that Mr. Sabin has been a resident of the community for a long period of time and she feels that young people who are willing to serve should have a chance.

Mayor Hummel stated that his reason for recommending Mr. Branscomb is that he was a candidate for Council and the Mayor had stated in a memo in November that if there was not objection from the Council, he would make it a policy to appoint citizens who had run unsuccessfully for Council to committees in order to keep them involved in city government because of their past interest and dedication.

Councilor Curry moved to approve the appointments of Clarence Branscomb to the Planning Commission and Don Higginson to the Parks and Recreation Commission, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Curry, Brendlinger, Davis, Mayor Hummel

Nays: Councilor Brimm

Motion carried; Clarence Branscomb appointed to the Planning Commission (term expires 04/21/92), and Don Higginson appointed to the Parks and Recreation Commission (term expires 02/01/93).

Councilor Brendlinger moved to direct staff to have an orientation and training session for Mr. Branscomb and any other planning commissioner before they are seated on the commission, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

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

Nays: None

Motion carried; staff directed to have an orientation and training session for Mr. Branscomb and any other planning commissioner before they are seated on the commission.

V. MINUTES FOR APPROVAL

A. Approval of Council Meeting Minutes

1. December 10, 1990 Regular Council Meeting

Staff was directed to make a change in the minutes on page 11.

Councilor Davis moved to approve the minutes of the December 10, 1990 Council meeting as corrected, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; minutes of the December 10, 1990 Council meeting approved as corrected.

B. Acceptance of Planning Commission Meeting Minutes

1. December 4, 1990 Regular Planning Commission Meeting

Councilor Brendlinger moved to accept the minutes of the December 4, 1990 Planning Commission meeting, which motion was seconded by Councilor Brimm.

Councilor Curry noted that there were actually two separate Planning Commission meetings. The second was held on December 13, 1990.

Councilor Brendlinger moved to amend the original motion to accept the minutes of the December 4, 1990 and December 13, 1990, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

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

Nays: None

Motion carried; original motion amended to accept the minutes of the December 4, 1990 and December 13, 1990 Planning Commission meetings.

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

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

Nays: None

Motion carried; minutes of the December 4, 1990 and December 13, 1990 Planning Commission meetings accepted.

VI. SCHEDULED PUBLIC APPEARANCES

1. Presentation of 1989-90 audit - Gerald Burns

Gerald Burns, City Auditor, presented the 1989-90 audit document to the Council. Mr. Burns also suggested that the Council consider hiring another employee in the finance department, and he urged the City to participate in the Governmental Finance Officers Association Certificate of Achievement Program. **No formal action taken.**

VII. PUBLIC HEARINGS

1. Change of zone - CZ-1-90 - Don Chandler, applicant

Planning Director John Bischoff explained that the applicant is requesting a change of zone on a 1.6 acre parcel located on the East side of Wharf Street North of King Street, from R-2 to C-5, The Planning Commission approved this request at the December 4, 1990 hearing.

Mayor Hummel opened the public hearing.

Mr. Don Chandler, applicant, presented his statement in support of the zone change.

There being no public testimony, Mayor Hummel closed the public hearing.

Councilor Brimm moved to approve the zone change for Don and Roberta Chandler from R-2 to C-5, and to adopt the Findings of Fact document for File No. CZ-1-90, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

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

Nays: None

Motion carried; zone change for Don and Roberta Chandler from R-2 to C-5 approved, (property located on East side of Wharf Street North of King Street), and the Findings of Fact document for File No. CZ-1-90 adopted.

VIII.

COMMUNICATIONS

A. Mayor

1. Committee appointments

Mayor Hummel offered the following appointments for Council approval.

Oregon Coastal Zone Management Association - Larry Curry

Coos-Curry-Douglas Business Development Corporation - Tom Davis

Curry County Solid Waste Advisory Committee - Fred Hummel

Community Against Substance Abuse - Fred Hummel

Brookings Golf Course Board - Mary Jane Brimm

Councilor Brendlinger requested an interpretation by the City Attorney of the ordinance pertaining to the Golf Board. She felt that it read that only one member of the Council would be appointed to the Board, and the four other members would be lay persons.

City Attorney Mike Gillespie agreed that the ordinance stipulates one member of the city council and four lay members.

Councilor Mary Jane Brimm withdrew her name, due to the Mayor sitting on the Board.

Councilor Curry moved to approve the appointment of Councilor Larry Curry to the Oregon Coastal Zone Management Association, Councilor Tom Davis to the Coos-Curry-Douglas Business Development Corporation, Mayor Fred Hummel to the Curry County Solid Waste Advisory Committee, and Mayor Fred Hummel to the Community Against Substance Abuse - CASA, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

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

Nays: None

Motion carried; appointment of Councilor Larry Curry to the Oregon Coastal Zone Management Association, Councilor Tom Davis to the Coos-Curry-Douglas Business Development Corporation, Mayor Fred Hummel to the Curry County Solid Waste Advisory Committee, and Mayor Fred Hummel to the Community Against Substance Abuse - CASA, approved.

B. Council

1. Election of President of the Council

Councilor Brimm moved to elect Councilor Curry as President of the City Council, which motion was seconded by Councilor Davis. Mayor Hummel asked for further nominations. There being none, the clerk called the roll with the following results:

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

Nays: None

Motion carried; Councilor Larry Curry elected President of the City Council.

2. Appointment of Curry Tri-Cities Council Executive Board Member

Councilor Curry moved to appoint Councilor Tom Davis to the Curry Tri-Cities Council Executive Board, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Councilor Tom Davis appointed to the Curry Tri-Cities Council Executive Board.

3. Update on fire hall plans - staff presentation

Police Chief Kent Owens and Fire Chief Marshall Ferg presented the preliminary plans for expansion of the police and fire departments to the Council for consideration. The Council directed staff to seek funding sources through grants, etc. **No formal action taken.**

4. Mill Beach Road design standard

City Manager Dennis Cluff advised that this agenda item was discussed at the work study session and since that time there has been a small change in the plan. Woodi Davis, representing David Evans and Associates, engineers for South Coast Lumber Company's Brookings Town Center development, presented the revised plan for improvement of Mill Beach Road to the council. Standard off-site street improvement in conjunction with commercial development is half-street plus 12 feet of street paving with curbs, gutters and sidewalk on the development side. Due to wetland encroachment and existing Mill Beach Road configuration, the engineer proposed a normal street development from Hwy. 101 to the first major curve (approximately 500 feet), and from there through the Railroad Street intersection a 28-foot paved roadway with no curbs, gutters or sidewalk. The original planned pedestrian/bike lane along Mill Beach Road would be relocated to meander through the center itself.

Councilor Davis moved to approve the plan for Mill Beach Road improvements, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; standard off-site street improvement in conjunction with commercial development of 30 feet of street paving with curbs, gutters and sidewalk on the development side. Due to wetland encroachment and existing Mill Beach Road configuration, normal street development from Hwy. 101 to the first major curve (approximately 500 feet), and from there through the Railroad Street intersection a 28-foot paved roadway with no curbs, gutters or sidewalk and the pedestrian/bike lane relocated inside the Brookings Town Center approved.

5. Brown and Caldwell's contract amendment - Phase II

City Manager Dennis Cluff advised that the scope of work for this facility plan continuation has grown, i.e., task 2.11 and task 16. With that the cost for performing the work has grown.

Task 2.11 is to cover the additional costs of the newest sewer rate study requested by the Harbor Sanitary District. Task 16 is a new twist to the facilities plan. It deals with the standards for suspended solids discharge into the ocean. Because under the current discharge limitation, future expansion of the wastewater treatment plant would include additional equipment and facilities to collect more of the suspended solids, in order to meet our current limitation on discharge amounts. If D.E.Q. allows an increase in the discharge limitation, some of the future equipment and facilities at the plant won't be required.....thus a tremendous future saving.

The 1990-91 budget has \$50,000 set aside for the facilities plan. When this was budgeted it was thought that we would need to budget more later on, in order to complete the plan. Staff proposed to expend up to the budgeted \$50,000 this fiscal year and budget the remainder for fiscal year 1991-92.

Councilor Davis moved to approve Amendment No. 4 to the Agreement for Engineering Services between City of Brookings and Brown and Caldwell for Wastewater Treatment System Improvements, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Amendment No. 4 to the Agreement for Engineering Services between City of Brookings and Brown and Caldwell for Wastewater Treatment System Improvements approved.

C. Planning Commission

None.

D. Chamber of Commerce

None.

E. Golf Board

None.

F. City Manager

1. Request for Payment - Tidewater Contractors

City Manager Dennis Cluff advised that Tidewater Contractors is requesting payment in the amount of \$47,658.50 for work completed on the Fifth Street and Chetco Avenue Street Improvements project. Gary Dyer, Consulting Engineer, recommends that the payment be approved. Pay estimate No. 5 is attached for your review.

Councilor Davis moved to approve payment in the amount of \$47,658.50 to Tidewater Contractors for Pay Estimate No. 5 for work completed on the Fifth Street and Chetco Avenue Street Improvements, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; payment in the amount of \$47,658.50 to Tidewater Contractors for Pay Estimate No. 5 for work completed on the Fifth Street and Chetco Avenue Street Improvements approved.

2. Request for payment - Wildish Building Company

City Manager Dennis Cluff indicated that Wildish Building Company is requesting payment in the amount of \$466,681.00 for work completed on the Wastewater Treatment Plant Update project between December 1 and December 31, 1990. Lewis Gray of Brown and Caldwell Engineering recommends that the payment be approved.

Councilor Brendlinger moved to approve payment of \$466,681.00 for work completed on the Wastewater Treatment Plant Update project to Wildish Building Company, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

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

Nays: None

Motion carried; payment of \$466,681.00 for work completed on the Wastewater Treatment Plant Update project to Wildish Building Company approved.

3. Acceptance of Quitclaim Deed - C & K Markets

City Manager Dennis Cluff explained that a small parcel of land in the intersection of Fifth Street at Elk Drive has been owned by C & K Markets, but used as a street. In fact, it is part of Fifth Street and has been for years. Mr. Cluff requested that Council accept a Quitclaim Deed from C & K Markets for this parcel of property.

Councilor Brendlinger moved to accept the Quitclaim Deed from C & K Markets for a small parcel of land which is in actuality a part of Fifth Street, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Quitclaim Deed from C & K Markets for a small parcel of land which is in actuality a part of Fifth Street accepted.

4. Change Order No. 5 - Wildish Building Company

City Manager Dennis Cluff explained the purpose of the request for the change order was for changes on the Wastewater Treatment Plant Improvement project at a cost of \$10,420.

Councilor Davis moved to approve Change Order No. 5 for the Wastewater Treatment Plant Improvement project at a total cost of \$10,420, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Change Order No. 5 for the Wastewater Treatment Plant Improvement project at a total cost of \$10,420 approved.

5. Change Order No. 4 - Tidewater Contractors and Change Order No. 5 - Tidewater Contractors

City Manager Dennis Cluff advised that the purpose of Change Order No. 4 is to remove 2,500 lineal feet of striping on Chetco Avenue, and to put new striping on Chetco Avenue at a total cost of \$2,256. ODOT has stated they will reimburse the city for the \$606 restriping costs, but not for the striping removal costs. All the striping, (yellow middle lane divider and white travel lane dividers) must be removed in order to re-align the travel lanes, thus allowing for the middle left hand turn lane.

Change Order No. 5 is to change the curb layout at the same entryway at a total cost of \$1,130.

Councilor Brendlinger moved to approve Change Orders No. 4 for Tidewater Contractors at a total cost of \$2,256 and Change Order No. 5 at a total cost of \$1,130 for the Fifth Street/Chetco Avenue improvement project, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Change Order No. 4 for Tidewater Contractors at a total cost of \$2,256 and Change Order No. 5 at a total cost of \$1,130 for the Fifth Street/Chetco Avenue improvement project approved.

6. Request for no parking zone - Cottage Street

City Manager Dennis Cluff explained that the City has received a letter from Mr. John Faust, representing Lee's Dragon Gate Restaurant, requesting that parking be removed on Cottage Street across from the restaurant and also across from B.J.'s Video Barn, (their tenant). There have been several minor accidents in front of the video store due to vehicles backing out of the parking area of B.J.'s and backing into cars parked at the curb across the street. The street is not wide enough for parking on Cottage Street.

Mr. John Faust was present and restated his request.

Councilor Curry moved to approve the request for no parking on Cottage Street across from Lee's Dragon Gate Restaurant from the corner of Pacific Avenue South to the entrance to the Lee's Dragon Gate Restaurant parking lot on the North side of Cottage Street, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

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

Nays: None

Motion carried; no parking area on Cottage Street across from Lee's Dragon Gate Restaurant from the corner of Pacific Avenue South to the entrance to the Lee's Dragon Gate Restaurant parking lot on the North side of Cottage Street approved.

7. HGE contracts - Amendment No. 2 to Agreement between City of Brookings and H.G.E., Inc., for Professional Services - Design Engineering for Dawson Tract Water and Sewer Improvements Project -\$223,770; Amendment No. 4 to Agreement between City of Brookings and H.G.E., Inc., for Professional Engineering Services - Design Engineering and Surveying Services for Infiltration/Inflow Improvements - \$13,375; Agreement for Professional Services between City of Brookings and H.G.E., Inc. for oversight of construction for all phases of the Dawson Tract Project, plus oversight work on the sewer I & I project - \$230,771.

City Manager Dennis Cluff explained that Amendment No. 2 deals with design of the Dawson Tract area. All of this work has been completed. This amendment is to comply with EPA standards of having a specific contract for that work.

Amendment No. 4 is to provide engineering design services to the I & I sewer main replacement project. Since we have an \$80,000 EPA grant to assist on this project, we need to get it going or be in jeopardy of losing it. The engineering construction oversight is included in H.G.E.'s Amendment No. 2.

The Professional Services Agreement deals with the oversight of construction for all phases of the Dawson Tract project, plus oversight of work on the sewer I & I project. The fee amount includes follow-up evaluation and compliance inspection for one year after project completion, as required by EPA. The city requested RFP's for this oversight work and H.G.E. had the only proposal.

Councilor Davis moved to approve Amendments No. 2 and No. 4 and the Professional Services Agreement for oversight of construction on the Dawson Tract Water and Sewer Project, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Amendment No. 2 to Agreement between City of Brookings and H.G.E., Inc., for Professional Services - Design Engineering for Dawson Tract Water and Sewer Improvements Project -\$223,770; Amendment No. 4 to Agreement between City of Brookings and H.G.E., Inc., for Professional Engineering Services - Design Engineering and Surveying Services for Infiltration/Inflow Improvements - \$13,375; and Agreement for Professional Services between City of Brookings and H.G.E., Inc. for oversight of construction for all phases of the Dawson Tract Project, plus oversight work on the sewer I & I project - \$230,771, approved.

G. Community Development Director

None.

H. City Attorney

None.

J. Contract Review Board

None.

IX. CALL FOR BIDS

1. Police patrol vehicle - Police Department

Police Chief Kent Owens indicated that the 1990-91 budget authorized the purchase of a police vehicle for this fiscal year and it is the purpose of this agenda item to request City Council authority to call for bids on the police vehicle as outlined in the specification document. If the bid call is authorized, bid opening will be scheduled for 9:00 a.m., February 5, 1991, with a report back to the City Council at the February 11, 1991 Council meeting.

Councilor Curry moved to authorize the call for bids for a police patrol vehicle, including obtaining a price from the Oregon Department of General Services, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

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

Nays: None

Motion carried; call for bids for a police patrol vehicle, including obtaining a price from the Oregon Department of General Services, authorized.

2. Corrosion control - Water treatment plant

Community Development Director Leo Lightle explained that the water treatment bays at the water treatment plant need to be sandblasted, prepared for painting and repainted or the corrosion will completely eat through the metal. \$65,000 of the money is budgeted for in this year's budget and the money will come from systems replacement funds as well as from water sales. The total cost, including engineering, is estimated to be \$79,600.00.

We will need a supplemental budget to cover the remainder of the cost (after the actual bids come back). We have sufficient unbudgeted water fund carryover to fund this additional cost.

Councilor Brendlinger moved to authorize a call for bids for the renovation of the water treatment facility, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

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

Nays: None

Motion carried; call for bids for the renovation of the water treatment facility authorized.

X. REPORT ON BIDS

None.

XI. FINAL ORDERS

None.

XII. UNSCHEDULED PUBLIC APPEARANCES

- 1.** Appeal by Cameron Lynn of the City Manager's decision to deny a reimbursement of \$500 for insurance costs.

Mr. Lynn stated that on July 1, 1990, the city's health care coverage benefits were changed for the employees but that the employees were not notified by staff of this change until December 7, 1990. In September, 1990, Mr. Lynn planned and had elective surgery and this was on the basis of the benefit plan city employees had prior to July 1, 1990. When the bills came in he found that he was being asked to pay \$500 over and above what he had anticipated. He asked the city manager to reimburse the \$500 because he had not been notified of the coverage change, but his request was denied due to reasons which he did not feel were valid, which is the reason for appealing this decision to the city council for reimbursement.

City Manager Dennis Cluff stated that the city recorder said that the change had been discussed at a supervisory staff meeting, but there was no evidence that the information had been passed on to all employees.

Councilor Brendlinger moved to reimburse Mr. Lynn for the \$500, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

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

Nays: None

Motion carried; reimbursement of \$500 to Cameron Lynn due to a change in health insurance coverage which he was not made aware of, authorized.

XIII.

RESOLUTIONS

1. **RESOLUTION NO. 91-R-500** - A resolution authorizing the City of Brookings to participate in the Federal Surplus Program.

In order for the city to purchase federal surplus property from the Oregon Department of General Services, the City Council must annually renew a resolution electing to participate.

Councilor Davis moved to adopt Resolution No. 90-R-500, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Resolution No. 90-R-500 - A resolution authorizing the City of Brookings to participate in the Federal Surplus Program - adopted.

Council agreed to hold the ordinances, Resolution No. 90-R-501 and the vouchers over to a special meeting to be held following the work session on January 28.

EXECUTIVE SESSION ORS 192.660 (1) (h) (litigation)
ORS 192.660 (1) (d) (labor negotiator consultation)

XIV.

RECESS

Mayor Hummel recessed the regular council meeting at 11:12 p.m. to convene an executive session.

XV.

RECONVENE

Mayor Hummel reconvened the regular council meeting at 12:25 a.m., January 15, 1991.

Settlement with Marv's Utility Specialists

Councilor Brimm moved to authorize the council to accept the offer of a total settlement from Marv's Utility Specialists in the amount of \$4,200, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

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

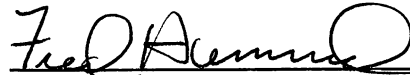
Nays: None

Motion carried; total settlement from Marv's Utility Specialists in the amount of \$4,200 accepted.

XVI. ADJOURNMENT

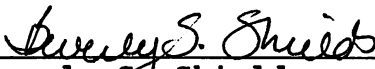
Councilor Davis moved for adjournment, which motion was seconded by Councilor Brendlinger; **motion carried unanimously.**

Mayor Hummel adjourned the meeting at 12:30 a.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder