



**CITY OF BROOKINGS
COMMON COUNCIL MEETING
City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
March 11, 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, Administrative Assistant Donna Van Nest, Community Development Director Leo Lightle, Finance Director Beverly Shields, Municipal Court Judge A.L. Stuart

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

IV. CEREMONIES/APPOINTMENTS

1. Appointment of Budget Committee Member

Mayor Hummel appointed Bob Hagbom to the Budget Committee and requested Council approval.

Councilor Davis moved to appoint Bob Hagbom to the Budget 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; Bob Hagbom appointed to Budget Committee to replace Mel Palmer. (Term expires 02/01/93)

V. SCHEDULED PUBLIC APPEARANCES

1. "Brookings Takes D.C." student presentation

Mrs. Garnier, a teacher at Azalea Middle School, presented a group of 7th and 8th grade students who are raising money to pay for a trip to Washington D.C. Mrs. Garnier requested that the City Council make a proclamation recognizing the students as representatives of the City of Brookings for their trip to Washington, D.C.

Shawna Lynn and Samuel Lukes each read a brief article stating their reasons for wanting to participate in the event.

Councilor Curry moved to make a proclamation recognizing the students as representatives of the City of Brookings, Oregon during their trip to Washington, D.C., 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; mayor to make a proclamation recognizing the group of 7th and 8th grade students who are making a trip to Washington, D.C., in June as representatives of the City of Brookings, Oregon during their trip to Washington, D.C.

2. Recommendation - tree for patio area

Pat Cropper, Bicentennial Chair and former Chair of the Parks and Recreation Commission, made a recommendation for the planting of a Nicholai Eucalyptus tree in the new patio area created with the realignment of Fifth Street. Ms. Cropper indicated that a plaque will be placed in the patio area along with the tree, signifying the Bicentennial of the United States Constitution.

It was brought up that other proposals have been suggested for the patio area, including a veterans memorial.

Councilor Brendlinger suggested that maybe the two proposals could be incorporated.

Councilor Brendlinger moved to send this matter back to the Parks and Recreation Commission for further consideration of other proposals, 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; proposal to plant a Nicholai Eucalyptus tree in the patio area referred back to the Parks and Recreation Commission for further consideration of other proposals for the area, including a veterans memorial, or for possible incorporation of the proposals.

VI. PUBLIC HEARINGS

- 1. Ordinance No. 91-0-471 - An ordinance providing limitations on sewer connections to the city of Brookings sewerage disposal system; repealing Ordinance No. 91-0-470; and declaring an emergency. (pending)**

Mayor Hummel opened the public hearing at 7:35 p.m. and stated for the record that this matter was advertised as a public hearing.

City Manager Dennis Cluff passed out copies of the proposed ordinance to members of the audience.

Mayor Hummel proposed some additional language in the proposed ordinance regarding affordable housing.

Councilor Davis indicated that he felt that the addition of language concerning affordable housing would hurt the community and possibly would give the appearance of creating a special interest group.

Councilor Curry suggested that the language concerning affordable housing be left out of the ordinance.

Councilor Brendlinger moved to amend Section 2.B by adding a subsection stating that it would be allowed for new lots to be created but they would not be entitled to sewer hookup until such time as future EDU's are available, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis

Nays: Mayor Hummel

Motion carried; Section 2.B of Ordinance No. 91-O-471 amended by adding a subsection stating that it would be allowed for new lots to be created but they would not be entitled to sewer hookup until such time as future EDU's are available.

Councilor Curry moved to change the allocation of EDU's to 75 for Dawson Tract, 78 for residential, 28 for commercial and 5 for industrial. **The motion died for lack of a second.**

Councilor Brendlinger expressed her opinion that the ordinance should be reviewed at least every 120 days for changes in the development patterns. Mayor Hummel suggested a sunset clause.

Councilor Brendlinger moved to add a sunset clause to Ordinance No. 91-O-471, stating that unless it is extended every 120 days, the ordinance shall expire. **The motion died for lack of a second.**

Councilor Davis moved to change the language in Section 2F from, "this distribution shall be reviewed by the City Council every four months to consider changes in development patterns", to "this ordinance shall be reviewed by the City Council at least every four months to consider changes in development patterns", 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; language in Section 2F of Ordinance No. 91-O-471 changed from, "this distribution shall be reviewed by the City Council every four months to consider changes in development patterns", to "this ordinance shall be reviewed by the City Council at least every four months to consider changes in development patterns".

Councilor Curry moved to change Section 3 of Ordinance No. 91-O-471, by the addition of language to read as follows: "Property owners, where functioning sewer connections, as verified by payment of sewer user fees as of February 11, 1990 or after....", 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; Section 3 of Ordinance No. 91-O-471, changed by the addition of language to read as follows: "Property owners, where functioning sewer connections, as verified by payment of sewer user fees as of February 11, 1990 or after...."

Councilor Brendlinger brought up the issue of affordable housing again and moved to change Section 5 of Ordinance No. 91-O-471, allowing the Council to waive restrictions provided in Section 2B in the creation of minor partitions only and that affordable housing would be allowed to create a subdivision, which motion was seconded by Mayor Hummel.

During the discussion the following members of the public spoke:

Joseph Powers, Brookings
Jim Collis, Dawson Tract property owner
Larry Anderson, Harris Beach Properties
Don Jaklewicz, Brookings

The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Mayor Hummel

Nays: Councilors Davis, Curry, Brimm

Motion denied; changing Section 5 of Ordinance No. 91-O-471, allowing the Council to waive restrictions provided in Section 2B in the creation of minor partitions only and that affordable housing would be allowed to create a subdivision, not approved.

Mayor Hummel opened the public hearing for public comment.

Speaking during this portion of the public hearing were:

Woodi Davis, representing Brookings Town Center
Lloyd Whaley, Dawson Tract property owner
Shannon Paul, Dawson Tract property owner
Steve Paul, Dawson Tract property owner
Jim Collis, Dawson Tract property owner
Ann Ramp, Brookings
John Babin, representing Western Pacific Development Corporation
John Zia, Brookings

Councilor Davis moved to change Section 2G by changing the number of EDU's allocated as follows:

Residential	89
Commercial/Industrial	22

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; Section 2G of Ordinance No. 91-O-471 changed by allocating the number of EDU's as follows:

Residential	89
Commercial/Industrial	22

RECESS

Councilor Davis moved to recess the meeting at 11:04 p.m., to be reconvened at 10:00 a.m., Tuesday, March 12, 1991, which motion was seconded by Councilor Curry; **motion carried unanimously.**

RECONVENE

Mayor Hummel reconvened the meeting at 10:02 a.m., Tuesday, March 12, 1991, and noted for the record that all Councilors were present.

City Attorney Mike Gillespie noted that Findings No. 11 and 12 have been added to Ordinance No. 91-O-471 and Section 6 has been expanded to incorporate all of the recommendations of the Brown and Caldwell Engineering firm for the action plan and the scheduling of the action to seek corrective solutions, including seeking, under Subsection 6B, budgeted funding during 1991-92 fiscal year for the chemical feed system that was discussed.

City Manager Dennis Cluff stated for the record that he has researched the current fiscal year budget and has been unable to find the sum of \$50,000 in order to put in the chemical feed system.

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-471 into the record in its entirety.

Councilor Davis moved to adopt Ordinance No. 91-O-471 by first reading, which motion was seconded by Councilor Brimm.

John Babin requested that the draft letter dated February 4, 1991 from Brown and Caldwell, and Appendix K of the Facilities Plan be included in the record.

City Attorney Mike Gillespie suggested the inclusion of the entire April, 1988 Facilities Plan.

Jerrold Boscoe urged the council to drop the moratorium and not adopt Ordinance No. 91-0-471.

The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ordinance No. 91-0-471 - adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 91-0-471 into the record by title only.

Councilor Davis moved to adopt Ordinance No. 91-0-471 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. 91-0-471 - An ordinance providing limitations on sewer connections to the city of Brookings sewerage disposal system; repealing Ordinance No. 91-0-470; and declaring an emergency. - adopted by second reading. [Effective March 12, 1991]

2. Ordinance No. 91-0-430.A - An ordinance amending Ordinance No. 88-0-430, enacted December 15, 1988, and entitled "An ordinance regulating use and discharge of wastes into the public sewers of the city of Brookings, Oregon; promulgating the regulations; and providing penalties", by the addition of Section 5 within Article II; and declaring an emergency.

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

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

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

Nays: None

Motion carried; Ordinance No. 91-O-430.A, adopted by first reading.

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

Councilor Davis moved to adopt Ordinance No. 91-O-430.A 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-430.A - An ordinance amending Ordinance No. 88-O-430, enacted December 15, 1988, and entitled "An ordinance regulating use and discharge of wastes into the public sewers of the city of Brookings, Oregon; promulgating the regulations; and providing penalties", by the addition of Section 5 within Article II; and declaring an emergency. - adopted by second reading. [Effective March 12, 1991]

VII.

CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. February 11, 1991 Regular Council Meeting
2. February 21, 1991 Special Council Meeting

B. Acceptance of Planning Commission Meeting Minutes

1. February 5, 1991 Regular Planning Commission Meeting

C. Requests for Payment

1. Request for payment - Wildish Building Company
- Pay Estimate No. 11

Wildish Building Company requested payment in the amount of \$297,030.00 for work completed on the Wastewater Treatment Plant Update project between February 1 and February 28, 1991. Lewis Gray of Brown and Caldwell Engineering recommended that the payment be approved.

2. Request for payment - Tidewater Contractors, Inc. - Pay Estimate No. 6

Tidewater Contractors is requested payment in the amount of \$19,470.93 for work completed on the Fifth Street and Chetco Avenue Street Improvements project. Gary Dyer, Consulting Engineer, recommended that the payment be approved.

3. Request for payment - Bill Booker Construction
- Dawson Tract Project Schedule B - Pay Estimate No. 1

Bill Booker Construction requested payment in the amount of \$130,267.37 for work completed on the Dawson Tract Water and Sewer Project between February 11 and February 22, 1991. Richard Nored of H.G.E. Engineering recommended that the payment be approved.

4. Request for payment - Horton Brothers, Inc. - Dawson Tract Project Schedule C - Pay Estimate No. 1

Horton Brothers, Inc., requested payment in the amount of \$73,665.66 for work completed on the Dawson Tract Water and Sewer Project between February 11 and February 22, 1991. Richard Nored of H.G.E. Engineering recommended that the payment be approved.

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

James W. Fowler Company requested payment in the amount of \$58,500.00 for work completed on the Dawson Tract Water and Sewer Project between February 11 and February 22, 1991. Richard Nored of H.G.E. Engineering recommended that the payment be approved.

Councilors Brendlinger and Curry requested corrections to the minutes.

Councilor Davis moved to approve 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. **February 11, 1991 Regular Council Meeting**
2. **February 21, 1991 Special Council Meeting**

B. Acceptance of Planning Commission Meeting Minutes

1. **February 5, 1991 Regular Planning Commission Meeting**

C. Requests for Payment

1. **Request for payment - Wildish Building Company - Pay Estimate No. 11**
2. **Request for payment - Tidewater Contractors, Inc. - Pay Estimate No. 6**
3. **Request for payment - Bill Booker Construction - Dawson Tract Project Schedule B - Pay Estimate No. 1**
4. **Request for payment - Horton Brothers, Inc. - Dawson Tract Project Schedule C - Pay Estimate No. 1**
5. **Request for payment - James W. Fowler Co. - Dawson Tract Project Schedule D - Pay Estimate No. 1**

D. Approval of Vouchers

Vouchers presented for approval in the amount of \$671,180.02

approved.

VIII.

COMMUNICATIONS/ANNOUNCEMENTS

A. Mayor

None.

B. Council

Councilor Curry reported on the Oregon Coastal Zone Management Association meeting which he attended in Salem on Friday, March 8, 1991.

Councilor Davis suggested that the City Council accept the offer of Western Pacific Development Corporation to utilize the expertise of Margaret Pritchard for three 3-hour work sessions concerning wastewater treatment technology and alternative applications, and invite leaders of the community to participate.

Councilor Brendlinger suggested that Western Pacific Development Corporation host the workshop.

Mayor Hummel suggested that this item be discussed in work session.

City Attorney Mike Gillespie advised that the city should keep control due to the public meeting laws.

Councilor Davis moved to ask Margaret Pritchard to conduct work sessions concerning wastewater treatment technology and alternative applications during the first two weeks of April, 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 request that Margaret Pritchard conduct sessions concerning wastewater treatment technology and alternative applications during the first two weeks of April.

C. Planning Commission

None.

D. Parks & Recreation Commission

None.

E. Golf Board

None.

F. Chamber of Commerce

Ralph Patey, Interim Chamber Manager, reported on current events taking place at the Chamber of Commerce. He also reported that progress is being made on the Azalea Festival.

G. City Manager

1. Approval of Harbor Sanitary District fund balance

Finance Director Beverly Shields advised that the Harbor Sanitary District has been paying the City for sewer treatment services based on Harbor EDU's using a rate structure set up by Brown and Caldwell. Over the months a reserve amount has accumulated after the actual costs have been met by the Harbor Sanitary District monthly payment. Harbor Sanitary District is requesting that rather than the City hold this reserve, that it be refunded to the District. The Harbor Sanitary District Board has agreed out of this reserve to an early payment of \$42,666.66 which is the amount still owed according to the June 26, 1989 Full and Complete Settlement and Release agreed upon between the City and Harbor Sanitary District. The District board also asked that a balance of \$10,000 be left in the account reserve. The fund balance as of January 31, 1991 is approximately \$116,000.00. The above payment deducted, the refunded amount of reserve will be approximately \$65,000.00.

Councilor Brimm moved to authorize staff to refund to Harbor Sanitary District the amount which exceeds the \$10,000.00 which is to remain in the Harbor Sanitary District Fund reserve after the payment of \$42,666.66 is deducted, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

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

Nays: None

Motion carried; staff authorized to refund to Harbor Sanitary District the amount which exceeds the \$10,000.00 which is to remain in the Harbor Sanitary District Fund reserve after the payment of \$42,666.66 is deducted, which amount will be approximately \$65,000.00.

2. Request for approval of plans and authorization to call for bids - Signalization of Oregon Coast Highway at Fifth Street

City Manager Dennis Cluff indicated that David Evans and Associates have completed the plans for the Fifth Street/Highway 101 traffic signal. These plans have been approved by ODOT for installation on a state highway. The city needs to approve the plans, and then authorize staff to call for bids for this signal.

Councilor Curry moved to approve the plans, and authorize staff to call for bids for the Fifth Street/Highway 101 traffic signal, 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 plans approved, and staff authorized to call for bids for the Fifth Street/Highway 101 traffic signal.

3. Audit contract - Gerald Burns

City Manager Dennis Cluff explained that the State of Oregon requires the auditors of municipalities to have a written contract with the City being audited. Mr. Burns is proposing to renew his contract with the City of Brookings under the same terms and conditions as his previous contract.

Councilor Curry moved to approve a 3-year audit contract with Gerald W. Burns, Certified Public Accountant, with the condition that Mr. Burns add a termination clause to the contract, 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; 3-year audit contract with Gerald W. Burns, Certified Public Accountant approved, with the condition that Mr. Burns add a termination clause to the contract.

4. Request to hire a summer recreation supervisor

City Manager Dennis Cluff indicated that if the City of Brookings desires a summer youth recreational program this summer, we must begin now to plan and schedule it. Last month's Administration Report outlined the basics of a program that he would like to see. The cornerstone of the program would be a temporary position of "Summer Recreation Supervisor" to do all the planning, recruiting, scheduling and overseeing. Such an employee should begin planning work by April, 1991. Mr. Cluff estimated a work schedule of 10 hours per week until a recreation program begins in mid-June, and then a 30-hour work week throughout the program period in the summer.

Councilor Brendlinger moved to hire a summer recreation supervisor with the approximate expenditure this fiscal year of \$2,600 with the rest being budgeted in the 1991-92 budget, 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 hire a summer recreation supervisor with the approximate expenditure this fiscal year of \$2,600 with the rest being budgeted in the 1991-92 budget.

5. Change Order No. 8 - Wildish Building Company

A memo from project manager Lewis Gray of Brown and Caldwell Engineering, engineers for the Wastewater Treatment Plant Improvement Project, explained that Change Order No. 8 is necessary to replace the old burner that was unsafe to reconnect. The cost of the replacement is \$12,300.

6. Change Order No. 9 - Wildish Building Company

A memo from project manager Lewis Gray of Brown and Caldwell Engineering, engineers for the Wastewater Treatment Plant Improvement Project, explained that Change Order No. 9 covers the raising of the weir in the trickling filter pump station to meet the hydraulic conditions, covers the replacements of the main entrance gate because it was in sad shape, and eliminates some redundant media testing. The total added cost of the project is \$3,500. for Change Order No. 9.

7. **Change Order No. 10 - Wildish Building Company**

A memo from project manager Lewis Gray of Brown and Caldwell Engineering, engineers for the Wastewater Treatment Plant Improvement Project, explained that Change Order No. 10 covers providing controls for some pumps which were left off the drawings, and covers control wiring necessary for the equipment specified which was not included on the contract. The total added cost of the project is \$15,232 for Change Order No. 10.

Councilor Curry moved to approve Change Orders No. 8, 9 and 10 for Wildish Building Company for the Wastewater Treatment Plant 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. 8 for the Wastewater Treatment Plant Improvement Project which is for the purpose of replacing the old burner that was unsafe to reconnect, at a total cost of replacement of \$12,300, approved; Change Order No. 9 for the Wastewater Treatment Plant Improvement Project which is for the purpose of raising the weir in the trickling filter pump station to meet the hydraulic conditions, replacement of the main entrance gate, and elimination of some redundant media testing, at a total added cost of the project is \$3,500, approved; Change Order No. 10 for the Wastewater Treatment Plant Improvement Project which is for the purpose of providing controls for some pumps which were left off the drawings, and for control wiring necessary for the equipment specified which was not included on the contract, at a total added cost to the project of \$15,232, approved.

8. Request for payment - Marv's Utility Specialists

City Manager Dennis Cluff advised that Marv's Utility Specialists is requesting payment in the amount of \$5,660.89 for work done on Frontage Road to research the cause of a sewer break. This work was over and above the contracted work for the Fifth Street/Elk Drive project.

Councilor Curry moved to approve payment of \$5,660.89 to Marv's Utility Specialists for work done on Frontage Road to research the cause of a sewer break in the amount of \$5,660.89, 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; payment of \$5,660.89 to Marv's Utility Specialists for work done on Frontage Road to research the cause of a sewer break in the amount of \$5,660.89, approved.

H. Community Development Director

1. Request for approval of Intergovernmental Agreement between City of Brookings and the Oregon Building Codes Agency to administer and enforce the manufactured dwelling and manufactured dwelling accessory building and structure program

ORS 446.253(2) was adopted by the 1989 Legislature. It requires a jurisdiction that enforces the manufactured dwelling laws under ORS 446.250 to have a "one stop" permit and inspection program so a person can obtain all related permit and inspection services at one place.

Councilor Brendlinger moved to approve the Intergovernmental Agreement between City of Brookings and the Oregon Building Codes Agency to administer and enforce the manufactured dwelling and manufactured dwelling accessory building and structure program, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Intergovernmental Agreement between City of Brookings and the Oregon Building Codes Agency to administer and enforce the manufactured dwelling and manufactured dwelling accessory building and structure program, approved.

2. Request for acceptance of Claron Glen street improvements, waterline, sanitary sewerline and storm sewerline into the city system

Community Development Director Leo Lightle indicated that the developer has completed the improvements for the waterline, sanitary sewer and storm sewerline, and has provided "as-built drawings" and a letter from his engineer certifying that the improvements are built to the applicable standards. Mr. Lightle recommended that the Council accept the infrastructure improvements into the city system.

Councilor Brendlinger moved to accept the infrastructure improvements in Claron Glen Subdivision into the city system, 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; infrastructure improvements in Claron Glen Subdivision accepted into the city system.

J. City Attorney

City Attorney Mike Gillespie noted that the Council wishes to convene an executive session concerning real property transactions, and advised that in order to do this the Council must appoint a real property manager.

Councilor Davis moved to appoint City Manager Dennis Cluff as the real property manager for the City, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; City Manager Dennis Cluff appointed the real property manager for the City.

K. Contract Review Board

None.

IX. CALL FOR BIDS

None.

X. REPORT ON BIDS

1. Award of bid - Schedule A - Dawson Tract Water and Sewer Improvement Project

City Manager Dennis Cluff presented the Council with a summary of bids received on the Dawson Tract Water and Sewer Project schedules, and the Letter of Determination of the Regional Administrator regarding the protest of Horton Brothers to the award of Schedule A to James Fowler Company. The document concludes that the City of Brookings' denial of Horton Brothers., Inc.'s protest is sustained.

Councilor Davis moved to award the bid for Schedule A of the Dawson Tract Water and Sewer Project to James W. Fowler Company of Dallas, Oregon at a total project cost of \$795,448.80, 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; bid for Schedule A of the Dawson Tract Water and Sewer Project awarded to James W. Fowler Company of Dallas, Oregon at a total project cost of \$795,448.80.

XI. FINAL ORDERS

1. Appeal of Planning Commission's approval of 67-unit congregate care facility

Councilor Brimm declared a possible conflict of interest and abstained from the discussion and decision.

City Attorney Mike Gillespie indicated that this is the Final Order by the City Council for their decision to deny an appeal of the Planning Commission's approval of Conditional Use Permit File No. CUP-1-90.

Councilor Brendlinger moved to approve the Final Order denying an appeal of the Planning Commission's approval of Conditional Use Permit File No. CUP-1-90, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Final Order denying an appeal of the Planning Commission's approval of Conditional Use Permit File No. CUP-1-90, approved.

XII.

ORDINANCES

2. **Ordinance No. 91-O-408.A** - An ordinance amending Ordinance No. 86-O-408 enacted November 17, 1986, and entitled "An ordinance adopting portions of the Oregon Criminal Code, the Oregon Liquor Control Laws, the Oregon Controlled Substance Laws, the Oregon Motor Vehicle Code; amending Ordinances No. 81-O-349 and 81-O-350; and, further amending Ordinance No. 51-O-013", by amending Section 1, and declaring an emergency.

City Attorney Mike Gillespie explained that he has researched and determined that this amendment to Ordinance No. 86-O-408 is necessary to incorporate state law by reference and should be adopted as soon as possible to ensure compliance with state law.

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-408.A into the record in its entirety.

Councilor Davis moved to adopt Ordinance No. 91-O-408.A 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-408.A adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-408.A into the record by title only.

Councilor Davis moved to adopt Ordinance No. 91-O-408.A by second reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ordinance No. 91-O-408.A - An ordinance amending Ordinance No. 86-O-408 enacted November 17, 1986, and entitled "An ordinance adopting portions of the Oregon Criminal Code, the Oregon Liquor Control Laws, the Oregon Controlled Substance Laws, the Oregon Motor Vehicle Code; amending Ordinances No. 81-O-349 and 81-O-350; and, further amending Ordinance No. 51-O-013", by amending Section 1, and declaring an emergency. - adopted by second reading. [Effective March 12, 1991]

XIII.

RESOLUTIONS

None.

XIV.

UNSCHEDULED PUBLIC APPEARANCES

None.

EXECUTIVE SESSION

ORS 192.660 (1)(d) [Labor negotiator consultation]

ORS 192.660 (1)(e) [Real property transactions]

RECESS

Mayor Hummel recessed the meeting at 1:30 p.m. to convene an Executive Session for the purposes of labor negotiator consultation, and real property transactions.

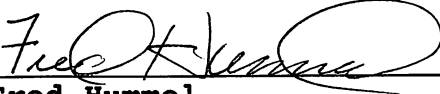
RECONVENE

Mayor Hummel reconvened the regular Council meeting at 2:35 p.m.

XV. ADJOURNMENT

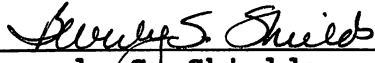
Councilor Curry moved to adjourn the meeting, which motion was seconded by Councilor Davis; **motion carried unanimously.**

Mayor Hummel adjourned the meeting at 2:36 p.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder