



**CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
April 8, 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, Planning Director John Bischoff, Communications Supervisor Cameron Lynn, Telecommunicator Valerie Towers

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

IV. CEREMONIES/APPOINTMENTS

1. Proclamation - "National Telecommunicators Week"

Mayor Hummel proclaimed the week of April 14-20, 1991 as "National Telecommunicators Week".

2. Planning Commission Appointments

Mayor Hummel reappointed Ted Freeman, Jr., and Dave Soiseth to four year terms on the Planning Commission and requested Council approval.

Councilor Brendlinger moved to reappoint Ted Freeman, Jr., and Dave Soiseth to the Planning Commission, which motion was seconded by Councilor Brimm.

The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ted Freeman, Jr., and Dave Soiseth reappointed to four-year terms on the Planning Commission. [Both terms expire April 1, 1995]

V. SCHEDULED PUBLIC APPEARANCES

1. Request for waiver of restrictions for affordable housing - John Zia

John Zia requested a waiver of restrictions for affordable housing under Section 2B of Ordinance No. 91-O-471, in order for him to go forward with a subdivision proposal in the Dawson Tract area and to submit his subdivision proposal to the Planning Commission.

City Attorney Mike Gillespie advised that if this is the direction City Council wants to take, step one is for the Council to adopt Resolution No. 91-R-504. This adoption will allow Mr. Zia to present his preliminary subdivision plans to the Planning Commission. He advised that a motion order to waive restrictions of 2B is the second step.

Resolution No. 91-R-504 - A resolution waiving development and land use restrictions in the area of the Dawson Tract Local Improvement District.

Administrative Assistant Donna Van Nest read Resolution No. 91-R-504 into the record in its entirety.

Councilor Davis moved to adopt Resolution No. 91-O-504, 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; Resolution No. 91-R-504 - A resolution waiving development and land use restrictions in the area of the Dawson Tract Local Improvement District - adopted.

John Zia explained that his project will involve 16-22 homes in a subdivision on Dawson Tract. Fifty percent of the homes will be for low income units and fifty percent for moderate income units. The total project is approx. 6 acres. Mr. Zia again requested that Council waive restrictions under Section 2B of Ordinance No. 91-O-471. Councilor Davis moved to waive restrictions under Section 2B of Ordinance No. 91O-471 for an affordable housing project in the Dawson Tract area, 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; restrictions under Section 2B of Ordinance No. 91-O-471 waived for an affordable housing project in the Dawson Tract.

2. Expansion of Little League snack shack at Bud Cross Park - Tom Owen

Tom Owen, a member of the Board of Directors of Little League, requested permission from the City to add on to the snack shack at Bud Cross Park. The snack shack was originally built by members of Little League. Councilor Brendlinger moved to allow the Little League to expand the snack shack at Bud Cross Park at their own expense, 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; Little League authorized to add on to the snack shack at Bud Cross Park at their own expense.

VI. PUBLIC HEARINGS

1. **Ordinance No. 91-O-473 - An ordinance authorizing the exercise by the City of Brookings, Oregon, of powers granted by ORS 456.355 to 456.370.**

Mayor Hummel opened the public hearing at 7:50 p.m.

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-473 into the record in its entirety.

Ann Ramp requested a description of the housing projects covered by ORS 456.355 to ORS 456.370.

Mayor Hummel read a portion of ORS 456 describing the housing projects.

Steven Howard, Oregon Housing Associates, presented the Council with a booklet containing information on affordable housing.

Ann Fisher questioned the Council's authority to dedicate, sell, convey or lease any of its property without a vote of the people.

Carolyn Hubbard, 709 Fifth Street, Chair of the Curry County Housing Advisory Board, advised that the Board has been working for an entire year to put together a project for affordable housing. She also advised that there have been only four affordable housing units built in Brookings in the last year.

Ann Ramp opposed the adoption of Ordinance No. 91-O-473.

Councilor Curry moved to adopt Ordinance No. 91-O-473 by first reading with the addition of a sunset clause of three years from the date of enactment, which motion was seconded by Councilor Brendlinger.

Following further discussion, Councilor Curry moved to amend the ordinance by eliminating the sunset clause, 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; sunset clause eliminated from Ordinance No. 91-O-473.

The clerk called the roll on the amended motion to adopt Ordinance No. 91-O-473 by first reading, with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Mayor Hummel

Nays: Davis

Motion carried; Ordinance No. 91-O-473 adopted by first reading. [To be read a second time at the May 13, 1991 Council meeting.]

2. **Ordinance No. 91-O-446.D - An ordinance amending Ordinance No. 89-O-446, Section 108 (Dwelling Groups), of the City of Brookings (Land Development Code)**

Planning Director John Bischoff explained the background of the proposed ordinance and indicated that this amendment to the Land Development Code is being recommended by the Planning Commission.

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

Councilor Davis moved to adopt Ordinance No. 91-O-446.D 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.D adopted by first reading,

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

Councilor Brimm moved to adopt Ordinance No. 91-O-446.D 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-446.D - An ordinance amending Ordinance No. 89-O-446, Section 108 (Dwelling Groups), of the City of Brookings (Land Development Code), - adopted by second reading, [Effective May 8, 1991]

VIII.

D. Parks & Recreation Commission

1. Recommendation for the acquisition of Azalea Park

Councilor Brimm moved to establish a temporary committee to advise the council on the issues affecting the acquisition of Azalea park, which committee shall be comprised of Councilors Tom Davis and Larry Curry, Planning Commissioner Dave Soiseth, and Parks & Recreation Commissioners Mary Adkins and Jim Harness, 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; temporary committee to advise the council on the issues affecting the acquisition of Azalea park established, which committee shall be comprised of Councilors Tom Davis and Larry Curry, Planning Commissioner Dave Soiseth, and Parks & Recreation Commissioners Mary Adkins and Jim Harness.

2. Recommendation for Bicentennial memorial in new patio area

Councilor Davis moved to accept the recommendation of the Parks & Recreation Commission to plant a Eucalyptus tree in the patio area as a Bicentennial memorial, 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; recommendation of the Parks & Recreation Commission to plant a Eucalyptus tree in the patio area as a Bicentennial memorial, approved.

E. Golf Board

Golf Board Chairman Jim Cole advised that one proposal was received from a developer in answer to the Request for Proposals which was mailed to 10 developers. The proposal was received without the \$15,000 required deposit. Chairman Cole requested that the Council waive the \$15,000 deposit requirement and resubmit the Requests for Proposals.

City Attorney Mike Gillespie advised that the action to eliminate the \$15,000 deposit requirement should be done by Resolution.

Resolution No. 91-R-506 - A Resolution of the City of Brookings Local Contract Review Board exempting from competitive bidding requirements the City's receipt of proposals for development of a golf course on the Jack Creek property.

Administrative Assistant Donna Van Nest read Resolution No. 91-R-506 read into the record in its entirety. Councilor Brimm moved to adopt Resolution No. 91-R-506, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Resolution No. 91-R-506 - A Resolution of the City of Brookings Local Contract Review Board exempting from competitive bidding requirements the City's receipt of proposals for development of a golf course on the Jack Creek property, adopted.

Councilor Brendlinger moved to reject the one proposal received and to proceed with the resubmittal process as presented by Golf Board Chairman Cole, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

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

Nays: None

Motion carried; the one proposal received for the Jack Creek Golf Course development rejected and the Brookings Golf Board authorized to proceed with the resubmittal process as presented by Golf Board Chairman Cole.

F. Chamber of Commerce

Chamber of Commerce President Loren Porsch gave a brief progress report on the Chamber of Commerce, including current Azalea Festival activities and the hiring of a new Chamber of Commerce Manager.

VII. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. March 11, 1991 Regular Council Meeting

B. Acceptance of Planning Commission Meeting Minutes

1. Deleted

C. Requests for Payment

1. Request for payment - Wildish Building Company - Pay Estimate No. 12
2. Deleted
3. Request for payment - Bill Booker Construction - Dawson Tract Project Schedule B - Pay Estimate No. 2
4. Request for payment - Horton Brothers, Inc. - Dawson Tract Project Schedule C - Pay Estimate No. 2
5. Request for payment - James W. Fowler Co. - Dawson Tract Project Schedule D - Pay Estimate No. 2
6. Request for payment - James W. Fowler Co. - Dawson Tract Project Schedule A - Pay Estimate No. 1
7. Request for payment - Horton Brothers, Inc. - Water Treatment Plant Renovation - Pay Estimate No. 1

D. Approval of Vouchers

Councilor Davis moved to approve the Consent Calendar as presented with corrections to minutes of March 11, 1991 (page 13), 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; Consent Calendar consisting of:

- 1. March 11, 1991 Regular Council Meeting Minutes;**
- 2. Request for payment - Wildish Building Company
- Pay Estimate No. 12;**
- 3. Request for payment - Bill Booker Construction -
Dawson Tract Project Schedule B - Pay Estimate
No. 2;**
- 4. Request for payment - Horton Brothers, Inc. -
Dawson Tract Project Schedule C - Pay Estimate
No. 2;**
- 5. Request for payment - James W. Fowler Co. -
Dawson Tract Project Schedule D - Pay Estimate
No. 2;**
- 6. Request for payment - James W. Fowler Co. -
Dawson Tract Project Schedule A - Pay Estimate
No. 1;**
- 7. Request for payment - Horton Brothers, Inc. -
Water Treatment Plant Renovation - Pay
Estimate No. 1; and**
- 8. Approval of Vouchers**

**approved as presented, with corrections to minutes of
March 11, 1991.**

VIII.

COMMUNICATIONS

A. Mayor

1. Azalea Park Plan Committee

[This agenda item already taken care of by Council]

2. Recycling ordinance report

Mayor Hummel reported on a meeting between Councilor Davis, Curry County Commissioner Rocky McVay and himself.

3. Solid Waste Advisory Committee report

Mayor Hummel gave a brief report.

4. Curry Perinatal Care Program first year report

Mayor Hummel reported that the program celebrated its first birthday a few weeks ago, and has been a very successful program.

5. CASA report

Mayor Hummel reported that Mark Dobney, U.S.C.G., has volunteered to head up the CASA group, and Mayor Hummel announced that the Mayor will take over the duties of Council liaison.

B. Council

None

C. Planning Commission

None.

G. City Manager

1. Used street sweeper

City Manager Dennis Cluff advised that the City of Newport is out to bid for a new street sweeper. Their old sweeper is a 1977 Elgin Whirlwind vacuum style. It has just recently had a new engine installed to run the vacuum part of the machine, and they have relined the hopper. They also reworked the transmission and it appears to be in good shape. Two of our public works crew were sent to check it out, and they feel it would be worth our while to pursue the purchase.

Mr. Cluff advised that the sale of the street sweeper is still on hold for the next few weeks, until the City of Newport opens bids for a new sweeper. Mr. Cluff requested authority to utilize a maximum of \$15,000 for negotiations for the acquisition and transportation of the street sweeper at the time it becomes available. Councilor Davis moved to authorize staff to spend a maximum of \$15,000 for the acquisition and transportation of a used street sweeper, 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 spend a maximum of \$15,000 for the acquisition and transportation of a used street sweeper from the City of Newport.

H. Community Development Director

1. Agreement for Engineering Services for water treatment plant improvements - H.G.E. Engineering

Community Development Director Leo Lightle presented the Council with Amendment No. 5 to the Agreement Between City of Brookings and H.G.E., Inc. for Professional Engineering Services that as was discussed at the March 25, 1991 work session. The agreement is for the purpose of providing engineering services for a recommended prechlorination facilities, new chemical feed equipment, new high head pumping facilities and associated electrical modifications at the water treatment plant, necessary to meet requirements of the new SWTR regulations and to increase the capabilities of the water treatment plant to allow delivery of up to 2.6 M.G.D. into the Brookings water distribution system.

Councilor Brendlinger moved to authorize the mayor to sign Amendment No. 5 to the Agreement Between City of Brookings and H.G.E., Inc., for Professional Engineering Services not to exceed a cost of \$33,700, 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; mayor authorized to sign Amendment No. 5 to the Agreement Between City of Brookings and H.G.E., Inc., for Professional Engineering Services, not to exceed a cost of \$33,700 (water treatment plant expansion).

2. Request for an Agreement between Western Pacific Development and the City of Brookings for engineering services

Community Development Director Leo Lightle explained that Western Pacific Development Corporation wishes to obtain line power and standby power for their sewage pump station which will serve the Cypress Cove project. Western Pacific Development Corporation is requesting the use of the city's engineering firm, Brown and Caldwell, to prepare plans for and process a change order to the current treatment plant upgrade contract to provide 480 volt three phase power from the treatment plant to the Western Pacific Development Corporation property line on the south side of Wharf Street and to receive pump station alarm signals at that same location and convey them back to the treatment plant control facility for processing. Western Pacific Development Corporation will agree to pay the city for the engineering fees not to exceed \$3,500 and will reimburse the city for the entire approved construction change order cost.

Councilor Brendlinger moved to enter into an agreement with Western Pacific Development Corporation for engineering fees for acquisition of line power and standby power for Cypress Cove, conditioned that Brown and Caldwell Engineering will write a letter guaranteeing that the engineering costs will not exceed \$3,500, and the addition of the words in the last paragraph, "Western Pacific Development further agrees to pay the City the sum representing the total net savings to the developer as buy-in to the City facilities in lieu of constructing those facilities itself.", 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 enter into an agreement with Western Pacific Development Corporation for engineering fees for acquisition of line power and standby power for Cypress Cove, conditioned that Brown and Caldwell Engineering will write a letter guaranteeing that the engineering costs will not exceed \$3,500, and the addition of the words in the last paragraph, "Western Pacific Development further agrees to pay the City the sum representing the total net savings to the developer as buy-in to the City facilities in lieu of constructing those facilities itself."

3. Request to proceed with Highland Subdivision high level water pressure project

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

Community Development Director Leo Lightle explained the effects of going ahead with the conversion from the low-level to a high-level water system prior to the completion of the Ransom Avenue Local Improvement District improvement. City engineer Richard Nored of H.G.E. recommended that the high level water system be completed as originally planned, and with mains which are looped on all ends of the high level system.

Councilor Brendlinger moved to approve the request to temporarily connect the Highlands Subdivision to the high level water system, contingent upon getting 100 percent participation from the property owners, which motion was seconded by Councilor Brimm.

Following further discussion, Councilor Davis moved to table the matter until information can be taken back to the property owners for further explanation, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm,
Davis, Mayor Hummel

Nays: None

Motion carried; request for temporary connection to high-level water system in Highlands Subdivision tabled until information can be taken back to the property owners for further explanation.

Councilor Curry returned to the bench.

4. Request for temporary street closure - Wharf Street

Community Development Director Leo Lightle explained that the developer of Cypress Cove is prepared to move ahead with the resurfacing of Wharf Street from Railroad to the Cypress Cove project as well as building a new street section at the Phase I portion of the project. Due to the changing of grades the resurfacing requires major subgrade work. Basically, to do the job, portions of the street will have to be closed off for construction. An alternate route to the properties effected would be through the Agnew property near the ball fields. Local access would be maintained. All property owners would be notified by the Project Engineer prior to construction closure, and detour signs would be placed at the appropriate locations. The streets would be open at night and during the weekends. The project time is approximately 2 weeks, weather permitting.

5. Request for temporary street closure - Easy Street

Community Development Director Leo Lightle explained that Coos-Curry Electric Cooperative's contractor has asked if there is a possibility of a temporary closing of portions of Easy Street for construction of underground utilities. The work will be coordinated so as not to interfere with the school bus activity. The local residents would have access to their homes, as would emergency vehicles. The patchwork would be completed within 2 weeks. The project timelines have not yet been developed.

Councilor Brendlinger moved to authorize the temporary closure of Wharf Street during construction of roadway improvements for the Cypress Cove project, and to authorize the temporary closure of Easy Street for Coos-Curry Electric Cooperative for construction work, 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; temporary closure of Wharf Street during construction of roadway improvements for the Cypress Cove project, and temporary closure of Easy Street for Coos-Curry Electric Cooperative for construction work, authorized.

J. City Attorney

Foreclosure proceedings - William Hermann property
- Easy Street

City Attorney Mike Gillespie explained that this foreclosure proceeding is due to delinquency in payment of the North Brookings Sewer Assessment. Mr. Gillespie requested direction from the Council.

Councilor Davis moved to begin foreclosure proceedings on the Hermann property for the amount owed by William Hermann on the North Brookings Sewer District, 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; City Attorney directed to begin foreclosure proceedings on the Hermann property for the amount owed by William Hermann on the North Brookings Sewer District assessment.

K. Contract Review Board

None.

IX. CALL FOR BIDS

1. **Equipment - Fire Department & Wastewater Treatment**

Community Development Director Leo Lightle explained that the fire department and the wastewater treatment department are requesting to purchase equipment during this fiscal year. Both departments are requesting to purchase air breathing apparatus and the fire department is requesting to purchase fire hose, personal alert safety alarms and turnouts. The monies are budgeted in the 1990-91 fiscal year budget.

Councilor Davis moved to authorize staff to call for bids for equipment for the fire department and wastewater treatment plant, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

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

Nays: None

Motion carried; staff authorized to call for bids for equipment for the fire department and wastewater treatment plant.

X. REPORT ON BIDS

1. Signalization of Oregon Coast Highway at Fifth Street

Community Development Director Leo Lightle advised that David Evans and Associates completed the plans for the Fifth Street traffic signal. The plans have been approved by ODOT for installation on a state highway. The city council authorized a call for bids at the March council meeting and bids were opened on April 2, 1991.

Two bids were received:

M & J Electric, dba	
Marine & Industrial Electric	\$121,910.00
Marca Electric, Inc.	\$ 89,393.00

Staff recommended awarding the bid to the low bidder, Marca Electric, at a total cost of \$89,393.00.

Councilor Davis moved to award the bid for the Fifth Street traffic signal project to Marca Electric at a total cost of \$89,393.00 and direct staff to procure the balance of the funding from the developer of the Brookings Town Center, 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; bid for the Fifth Street traffic signal project awarded to Marca Electric at a total cost of \$89,393.00, and staff directed to procure the balance of the funding for the project from the developer of the Brookings Town Center.

City Attorney Mike Gillespie stated that Marca Electric is his client and therefore he would not advise the city on any matters pertaining to this issue.

XI. FINAL ORDERS

None.

XII. ORDINANCES

1. **Ordinance No. 91-O-349.B - An ordinance amending Ordinance No. 81-O-349 of the City of Brookings. (Adoption of CABO 1 and 2 Family Dwelling Code)**

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-349.B into the record in its entirety.

Councilor Davis moved to adopt Ordinance No. 91-O-349.B 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-349.B adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-349.B into the record by title only.

Councilor Davis moved to adopt Ordinance No. 91-O-349.B by second 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-349.B - An ordinance amending Ordinance No. 81-O-349 of the City of Brookings. (Adoption of CABO 1 and 2 Family Dwelling Code), adopted by second reading. [Effective May 8, 1991]

2. Ordinance No. 91-O-334.B - An ordinance amending Ordinance No. 80-O-334 by adding language pertaining to garage sales (business license ordinance)

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-334.B into the record in its entirety.

The Council agreed to a change in language in Subsection F by adding the words, "or if within a zone permitting commercial business is in residential use.", to the end of the paragraph, and by changing Subsection E "three garage sales in a one-year period, and no sale may last longer than three days."

Councilor Davis moved to adopt Ordinance No. 91-O-334.B by first reading, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ordinance No. 91-O-334.B adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 91-O-334.B into the record by title only.

Councilor Davis moved to adopt Ordinance No. 91-O-334.B 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-334.B - An ordinance amending Ordinance No. 80-O-334 by adding language pertaining to garage sales (business license ordinance), - adopted by second reading. [Effective May 8, 1991]

2. **Resolution No. 91-R-505 - A resolution accepting the abstract of votes for the special election held March 26, 1991.**

Councilor Davis moved to adopt Resolution No. 91-R-505, 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; Resolution No. 91-R-505 - A resolution accepting the abstract of votes for the special election held March 26, 1991. - adopted.

XIV. UNSCHEDULED PUBLIC APPEARANCES

Mr. Don Jaklewicz asked the City Attorney if it was not a conflict of interest for Councilor Brendlinger to vote on Ordinance No. 91-O-446.D. City Attorney Mike Gillespie informed Mr. Jaklewicz that it was not a conflict of interest.

RECESS

Mayor Hummel recessed the meeting at 12:06 a.m. to convene an Executive Session for the purposes of consultation with legal counsel, and performance evaluation of public officers and employees.

RECONVENE

Mayor Hummel reconvened the regular Council meeting at 1:18 a.m., 04/09/91.

Councilor Davis moved to table a proposed salary increase for the City Manager until the total salary program is presented 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; proposed salary increase for the City Manager tabled until the total salary program is presented to the Budget Committee.

Councilor Curry moved to direct the City Attorney to not pursue the dog appeal issue, to disregard the appeal and to discontinue action. **The motion died for lack of a second.**

XV. ADJOURNMENT

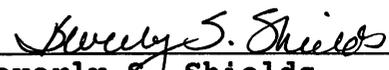
Councilor Davis moved to adjourn the meeting, which motion was seconded by Councilor Brimm; **motion carried unanimously.**

Mayor Hummel adjourned the meeting at 1:24 a.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder