



**CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
JULY 9, 1990
7:00 P.M.
MINUTES**

I. CALL TO ORDER

Mayor Hummel called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Fred Hummel, Council President Fred Schutt, Councilors Nancy Brendlinger, Bill Henry, Floyd James [Councilor James arrived at 7:31 p.m.]

Staff Present: City Manager Dennis Cluff, City Attorney Michael Gillespie, Administrative Assistant Donna Van Nest, Community Development Director Leo Lightle, Municipal Court Judge A. L. Stuart

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

IV. CEREMONIES/APPOINTMENTS

1. Appointment - Parks & Recreation Commissioner

Mayor Hummel announced that he has received two applications to serve on the Parks and Recreation Commission:

Barrie Groen, 17333 Mountain Drive, who is a part-time resident of the area; and

Tom Davis, 606 Spruce Street.

Mayor Hummel appointed Tom Davis to the Parks and Recreation Commission and requested approval of the Council.

Councilor Henry moved to approve the appointment of Tom Davis to the Parks & Recreation Commission, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Schutt, Henry, Brendlinger, Mayor Hummel

Nays: None

Motion carried; Tom Davis appointed to Parks and Recreation Commission. (Replaces Judy Herrod, who resigned. Term expires 02/01/93)

2. Appointment - Urban Renewal District Advisory Committee

Mayor Hummel noted that no consensus was reached during the last work/study session on how to fill the vacancy that will exist with the City Manager's withdrawal, and since it is likely that an Urban Renewal Agency will be created at this meeting and the Advisory board is scheduled to convene July 16, prompt action is needed.

Following a brief discussion, Councilor Brendlinger suggested that there be three representatives from the City of Brookings business community, three representatives from the City's residential community; two representatives from the Brookings City Council, and moved that there be one member who neither owns property, resides or works within the City of Brookings, but who has a Brookings post office address, which motion was seconded by Councilor Henry.

Councilor James arrived at 7:31 p.m.

Following a discussion of boundaries, Councilor Brendlinger moved to amend the original motion to read that there be one member who neither owns property, resides or works within the City of Brookings, but does reside within the School District 17C boundaries and has a 97415 address, which motion was seconded by Mayor Hummel. The clerk called the roll with the following results:

Ayes: Councilors Schutt, Henry, Brendlinger, James,
Mayor Hummel

Nays: None

Motion to amend original motion carried. See previous motion.

The clerk called the roll with the following results:

Ayes: Councilors Schutt, Henry, Brendlinger, James,
Mayor Hummel

Nays: None

Motion carried; one member to be appointed to the Urban Renewal District Advisory Committee who neither owns property, resides or works within the City of Brookings, but does reside within the School District 17C boundaries and has a 97415 address.

3. Appointment - Representative to Curry Tri-City Council

Mayor Hummel indicated that there was strong sentiment from the other cities for continuity of membership on the CTCC Executive Committee. The CTCC Executive Committee did not approve of the rotation system which the Council had opted for. Mayor Hummel explained that if the Council shares that sentiment it needs to choose a member to serve an annual term and change its original motion. If it does not, then it needs to request a change of the CTCC By-Laws.

Councilor Brendlinger moved to revise the original motion which stated, "rotate one member of the Council each month to serve on the Executive Committee of the Tri-City Council," to a new motion stating that "the mayor and one member of the Council shall serve a one-year term," and nominated Council President Fred Schutt, which motion was seconded by Councilor James. The clerk called the roll with the following results:

Ayes: Councilors Schutt, Henry, Brendlinger, James,
Mayor Hummel

Nays: None

Motion carried; the mayor and one member of the Council who shall serve a one-year term approved for the Curry Tri-City Council Executive Committee, and Council President Fred Schutt appointed to a one-year term.

4. Appointment - Curry County Solid Waste Advisory Committee

Mayor Hummel advised that the Curry County Solid Waste Advisory Committee has been revised to include representatives from each of the three cities, either Council members or staff. Mayor Hummel asked if there were any Councilors willing to serve on the committee. Councilor Henry volunteered.

Councilor Schutt moved to approve the appointment of Councilor Henry to the Curry County Solid Waste Advisory Committee, which motion was seconded by Councilor James. The clerk called the roll with the following results:

Ayes: Councilors Schutt, Henry, Brendlinger, James, Mayor Hummel

Nays: None

Motion carried; Councilor Henry appointed to the Curry County Solid Waste Advisory Committee.

V. MINUTES FOR APPROVAL

A. Approval of Council Meeting Minutes

1. June 11, 1990 Regular Council Meeting
2. June 27, 1990 Special Council Meeting

Councilor James moved to approve the minutes of the June 11, 1990 Regular Council Meeting as corrected, and the June 27, 1990 Special Council Meeting Minutes, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Henry, Brendlinger, Schutt, James, Mayor Hummel

Nays: None

Motion carried; corrected minutes of the June 11, 1990 Regular Council Meeting and minutes of the June 27, 1990 Special Council Meeting approved.

B. Acceptance of Planning Commission Meeting Minutes

3. June 5, 1990 Regular Planning Commission Meeting

Councilor Brendlinger moved to accept the minutes of the June 5, 1990 Planning Commission Meeting, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James, Mayor Hummel

Nays: None

Motion carried; minutes of the June 5, 1990 Planning Commission Meeting accepted.

VI. SCHEDULED PUBLIC APPEARANCES

1. Discussion of affordable housing - John Zia

John Zia, a local resident, spoke to the Council about a need for more affordable housing in the City. Mr. Zia stated that many people come to Brookings because of the character of the City, but he is concerned the people cannot afford to live in Brookings. Mr. Zia urged the Council to look into affordable housing for the community. No formal action taken.

2. Request for burning restrictions - Mike Cremarosa

Mr. Michael Cremarosa presented the Council with a petition signed by several Brookings residents requesting restrictions on burning inside the City limits. The petition requested that "the City take action at once to stop any burning at any time of the year of grounds clearing materials such as slash, fallen trees, stumps, brush, and related materials."

Councilor Schutt voiced concern that the request included fireplaces, burn barrels and barbecues, and he noted that all the people who signed the petition have either a fireplace or a wood stove.

Mr. Cremarosa stated that the petition was not asking for restrictions on all burning.

George Cumming voiced a concern about where to draw the line on the restrictions.

Mike Page, Old County Road, called the whole issue "baloney" and said if people don't burn on windy days there won't be a problem.

Allen Smith, Hassett Street, suggested that the number of fires allowed per day should be regulated.

Ralph Renn, Easy Street, stated that the culprit is "green" wood, and suggested that if everyone burned only dry wood there would be no problem.

Bill Peterson suggested that control is the way to handle the problem.

Joe Bogner, representing the Elk's Lodge, voiced concern because the Elk's Lodge has a very large barbecue.

Doug McFarland, developer for the South Coast Property off of Third Street, stated that the cost of property would definitely go up if developers were forced to haul stumps and roots from the development sites.

Councilor Schutt pointed out that there are strict regulations printed on the back of the burn permits which are issued by the City, and moved to enforce the burn regulations we already have, which motion was seconded by Councilor Brendlinger.

Councilor Brendlinger then brought up the point that the burn permits are only mandatory during "fire season" which is determined by the fire marshall each year depending on weather conditions. Councilor Brendlinger moved to amend the previous ordinance to include language that would impose a year-round fire permit system, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James, Mayor Hummel

Nays: None

Motion carried; original motion amended to include language which would impose a year-round fire permit system.

The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James,
Mayor Hummel

Nays: None

Motion carried; burn regulations which are printed on the back of the burn permits are to be enforced, and the permits will be issued year-round.

The Council directed City staff to draw up an ordinance pertaining to the year-round permit system, to be presented to the Council for consideration at their August 13, 1990 Council meeting.

VII. COMMUNICATIONS

A. Mayor

1. Decision on Council rules ordinance

Mayor Hummel reminded the Council that the Draft Council Rules Ordinance has been in their hands since before the start of the year and there has been no formal action to date. Mayor Hummel asked for a decision from the Council on whether or not to pursue a rules ordinance. Councilor Schutt moved to table the Council rules ordinance, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry,
James, Mayor Hummel

Nays: None

Motion carried; proposed Council rules ordinance tabled.

2. Skateboard Park Report

Mayor Hummel noted that the interested skateboarders are having a meeting in the Council Chambers of City Hall on July 13, 1990, at 3:30 p.m. No formal action taken.

3. Extended area telephone service

Mayor Hummel indicated that petitions are being circulated requesting the telephone company to extend the local call telephone service to include the entire county. No formal action taken.

B. Council

1. Councilor Brendlinger indicated that she enjoyed the work session in June which was held in the afternoon rather than in the evening, and moved to hold the July work session at 2:00 p.m. in the afternoon, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James, Mayor Hummel

Nays: None

Motion carried; July 23, 1990 Council work session to be held at 2:00 p.m. in the Council Chambers.

2. Insurance Proposals

City Manager Dennis Cluff presented the Council with insurance proposals from Ron Swank of Abel and Swank Insurance, the City's insurance agent of record. Mr. Cluff indicated that it appears that the best coverage for the money would be with City/County Insurance Services, and that City/County Insurance Services is initiating a "pool" coverage for property insurance. Mr. Cluff recommended continuing insurance coverage with City/County Insurance Services. Councilor Brendlinger moved to approve the City/County Insurance Services proposal as presented by staff, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James, Mayor Hummel

Nays: None

Motion carried; City/County Insurance Services proposal for liability insurance approved as presented by staff, at an approximate cost for 1990-91 of \$43,000.

3. Curry Tri-City Council bylaws

Mayor Hummel indicated that Council was presented with a copy of the proposed Curry Tri-City ByLaws at their June 25, 1990 work session for review and the Mayor requested input as to modifications, deletions, or other changes the Council might wish to make before taking the proposed By-Laws back to the Curry Tri-City Council. Councilor Schutt moved to approve the Curry Tri-City Council Bylaws as presented, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James, Mayor Hummel

Nays: None

Motion carried; Curry Tri-City Council Bylaws approved as presented.

4. Van Pelt Hills water system

City Manager Dennis Cluff advised that regardless of claims by the petitioners, staff has not found any evidence that the water system's fourth phase (4" line currently in dispute), has ever been approved or inspected on-site or otherwise by any official representative of the City.

Staff recommended that Council require the petitioners to try to set up a special water district for the entire Van Pelt Hills water system and allow a three-year improvement deferment on the Phase Four water system which gives time for the district to be formed. If, however, said district is not formed by the end of the time period, the property owners of the Phase Four system will have to upgrade their system to previously specified City standards. Staff also recommended that the Council include the four conditions the petitioners identify in their "Findings of Fact and Conclusions" document, plus the following conditions:

Condition #5 - That the third level pump station be upgraded to handle the increase in flows;

Condition #6 - That the developer get Oregon State Board of Health approval of all the Phase Four construction (not just the items listed in the document); and

Condition #7 - That all plans and construction be approved by the City engineer prior to any additional work being done, or acceptance of work already performed.

Mike LaNier, representing U.S. National Bank, stated that his client is totally opposed to this solution.

Following discussion, Councilor Brendlinger moved to approve the staff recommendation, which motion was seconded by Councilor Henry.

During the ensuing discussion, Robert Allsup informed the Council that he is a resident of Van Pelt Hills and that his residence is hooked up to the 4-inch main in question on Mountain Drive and that the small main begins at the pump station below his property.

City Manager Dennis Cluff stated that the City was not aware of the Allsup hook-up to the 4" line and requested that Council table this matter until further investigation can be pursued.

The clerk called the roll with the following results:

Ayes: None

Nays: Councilors Brendlinger, Schutt, Henry, James, Mayor Hummel

Motion denied; staff recommendation for Van Pelt Hills denied.

Councilor Brendlinger then moved to table the Van Pelt Hills matter until the August 13, 1990 Council meeting, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James, Mayor Hummel

Nays: None

Motion carried; Van Pelt Hills water issue tabled until the August 13, 1990 Council meeting.

C. Planning Commission

None.

D. Chamber of Commerce

None.

E. Golf Board

None.

F. City Manager

1. Intergovernmental Agreement with Curry County - solid waste rate review

City Manager Dennis Cluff indicated that staff has received an intergovernmental agreement from County Counsel M. Gerard Herbage relating to the solid waste rate review in Curry County by Shane Hughes. This is formalization of the previous discussions with Gold Beach, Port Orford and the County. The study is to cover first, the transfer costs, and secondly, the collection costs. Russ Fetrow Engineering has been working on this study based on earlier Tri-Cities direction. Councilor Henry moved to approve the Intergovernmental Cooperative Agreement between Curry County, the City of Brookings, the City of Gold Beach and the City of Port Orford, for the review of the solid waste collection and transfer rates, with the City's cost not to exceed \$1,100, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James, Mayor Hummel

Nays: None

Motion carried; the Intergovernmental Cooperative Agreement between Curry County, the City of Brookings, the City of Gold Beach and the City of Port Orford, for the review of the solid waste collection and transfer rates approved.

2. Cooperative Improvement Agreement between the State of Oregon and the City of Brookings for the proposed Traffic Signal Installation at Fifth Street and the Oregon Coast Highway
3. Agreement with South Coast Lumber Company for funding of Fifth Street traffic signal project

Cooperative Improvement Agreement between State of Oregon and City of Brookings - City Manager Dennis Cluff advised that the State's policy is to do the work themselves or only contract with municipalities for traffic signal improvements. This agreement between the State and the City allows the City to have the traffic signal work accomplished. No State funding will be involved.

Agreement with South Coast Lumber Company for funding of Fifth Street traffic signal project - Mr. Cluff further explained that the Fifth Street traffic signal is primarily a private project. The State would normally pay for most of the costs when a traffic signal is placed on a State highway, but such a project must be placed on ODOT's six-year plan, which usually takes years for the actual signal construction. Because of the developer's urgent requirement for a traffic signal, they are paying the brunt of the costs. Since the City will be responsible to the State for the total cost of the traffic signal project, this agreement makes the developer responsible to the City for most of the project costs. South Coast Lumber Company will initially pay the City \$50,000 on this project for the construction and State supervision. The City will participate with \$16,500 toward these construction costs. The City will seek additional donations to come up with the remaining construction cost estimate of \$23,500, for a total construction cost of \$90,000. If by the end of construction insufficient donations have been gathered by the City, South Coast agrees to pay the City the remaining difference between funds available and project costs.

Councilor Schutt moved to approve the Cooperative Agreement No. 10297 between the State of Oregon and the City, and the agreement with South Coast Lumber Company for funding of the Fifth Street traffic signal project, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James, Mayor Hummel

Nays: None

Motion carried; the Cooperative Agreement No. 10297 between the State of Oregon and the City, and the agreement with South Coast Lumber Company for funding of the Fifth Street traffic signal project approved.

4. Intergovernmental Agreement between Curry County and the Cities of Brookings, Gold Beach, and Port Orford for an apportionment from Curry County of \$1,000,000 to each city over a three-year period for roads.

Mr. Cluff presented the Council with a proposed Intergovernmental Agreement between Curry County and the Cities of Brookings, Gold Beach, and Port Orford for an apportionment from Curry County of \$1,000,000 to each city over a three-year period to be used solely for road purposes, and the transfer of all county roads inside the cities to city jurisdiction.

Councilor Schutt moved to approve the Intergovernmental Agreement between Curry County and the Cities of Brookings, Gold Beach, and Port Orford for roads, which motion was seconded by Councilor James. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James, Mayor Hummel

Nays: None

Motion carried; Intergovernmental Agreement between Curry County and the Cities of Brookings, Gold Beach, and Port Orford for roads approved.

G. Community Development Director

1. Kelly Subdivision Approval - Retroactive (Ransom Avenue)

Community Development Director Leo Lightle explained that the Kelly & Wiggins Subdivisions were processed together from the beginning as one project. The two projects were contiguous and both had the same contractor and the same engineer. Both the contractor installing the underground utilities and the engineer constructed and inspected the projects simultaneously.

The City received the engineer's final inspection report for the Kelly Subdivision one day too late to include it in the Council packet for the March 12, 1990 Council meeting (at which meeting the Wiggins Subdivision was accepted). Staff erred in omitting the Kelly Subdivision approval from the April 9, 1990 Council agenda, and staff requested that the Council approve the Kelly Subdivision retroactive to April 9, 1990.

Councilor Henry moved to accept the Kelly Subdivision as presented by staff, which motion was seconded by Councilor James. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James, Mayor Hummel

Nays: None

Motion carried; Kelly Subdivision accepted.

2. **Consideration of the off-site improvements for the Coos-Curry Electric Relocation**

Community Development Director Leo Lightle informed the Council that the relocation of the Coos-Curry Electric building to Railroad Avenue requires off-site improvements of "1/2 street improvements". Although the street would normally be 36' face of curb to face of curb, Mr. Lightle pointed out that Railroad may become a couplet and the Development Code calls for Industrial/Commercial streets to be constructed 44' face of curb to face of curb. Staff recommended that the Council establish the roadway width for Railroad Avenue to be 44' face of curb to face of curb.

Councilor Schutt moved to approve the establishment of a roadway width of 44' face of curb to face of curb for Railroad Avenue, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James, Mayor Hummel

Nays: None

Motion carried; roadway width of Railroad Avenue established at 44' face of curb to face of curb.

H. City Attorney

None.

J. Contract Review Board

None.

VIII. CALL FOR BIDS

None.

IX. REPORT ON BIDS

None.

X. PUBLIC HEARINGS

None.

XI. FINAL ORDERS

None.

XII. ORDINANCES

1. **Ordinance No. 90-O-465 - An ordinance declaring that blighted areas exist in the City of Brookings, Oregon; finding a need for an Urban Renewal Agency to function in the City of Brookings; and, providing for the exercise of the powers of an Urban Renewal Agency and creating a Board pursuant to ORS 457.045(2)**

City Manager Dennis Cluff advised that this ordinance is the next step in the process of establishing the Urban Renewal Agency. This step is the formal one establishing an Urban Renewal Agency. It does not establish district boundaries nor a plan of action within those boundaries. Basically, it allows the new Board to prepare a plan of action for the proposed district.

Administrative Assistant Donna Van Nest read Ordinance No. 90-O-465 into the record in its entirety. Councilor Schutt moved to adopt Ordinance No. 90-O-465 by first reading, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 90-O-465 - An ordinance declaring that blighted areas exist in the City of Brookings, Oregon; finding a need for an Urban Renewal Agency to function in the City of Brookings; and, providing for the exercise of the powers of an Urban Renewal Agency and creating a Board pursuant to ORS 457.045(2) - adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 90-O-465 into the record by title only. Councilor Henry moved to adopt Ordinance No. 90-O-465 by second reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James,
Mayor Hummel

Nays: None

Motion carried; Ordinance No. 90-O-465 - An ordinance declaring that blighted areas exist in the City of Brookings, Oregon; finding a need for an Urban Renewal Agency to function in the City of Brookings; and, providing for the exercise of the powers of an Urban Renewal Agency and creating a Board pursuant to ORS 457.045(2) - adopted by second reading. [Effective August 8, 1990]

XIII. RESOLUTIONS

- 1. Resolution No. 90-R-491 - A Resolution authorizing the City of Brookings to participate in the City/County Insurance Services Trust.**

Councilor Brendlinger moved to adopt Resolution No. 90-R-491, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James,
Mayor Hummel

Nays: None

Motion carried; Resolution No. 90-R-491 - A Resolution authorizing the City of Brookings to participate in the City/County Insurance Services Trust - adopted.

- 2. Resolution No. 90-R-492 - A resolution authorizing the signing of an agreement between the City of Brookings and the State of Oregon for the construction of a traffic signal at the Oregon Coast Highway and Fifth Street in the City of Brookings.**

Councilor Schutt moved to adopt Resolution No. 90-R-492, which motion was seconded by Councilor James. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Schutt, Henry, James,
Mayor Hummel

Nays: None

Motion carried; Resolution No. 90-R-492 - A resolution authorizing the signing of an agreement between the City of Brookings and the State of Oregon for the construction of a traffic signal at the Oregon Coast Highway and Fifth Street in the City of Brookings - adopted.

XIV. UNSCHEDULED PUBLIC APPEARANCES

None.

XV. APPROVAL OF VOUCHERS

None.

EXECUTIVE SESSION ORS 192.660 ()

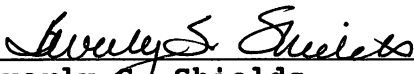
XVI. ADJOURNMENT

Councilor Schutt moved to adjourn the meeting, which motion was seconded by Councilor James; motion carried unanimously. Mayor Hummel adjourned the meeting at 11:30 p.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder