



**CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
AUGUST 13, 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

Staff Present: City Manager Dennis Cluff, Administrative Assistant Donna Van Nest, City Attorney Michael Gillespie, Planning Director John Bischoff, Communications Supervisor Cameron Lynn, Finance Director/Recorder Beverly Shields, Municipal Court Judge A. L. Stuart

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

IV. CEREMONIES/APPOINTMENTS

None.

V.

MINUTES FOR APPROVAL

A. **Approval of Council Meeting Minutes**

1. July 9, 1990 Regular Council Meeting
2. July 23, 1990 Special Council Meeting

Councilor Henry moved to approve the minutes of the July 9, 1990 Regular Council Meeting and the July 23, 1990 Special Council Meeting, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None

Motion carried; minutes of the July 9, 1990 Regular Council Meeting and the July 23, 1990 Special Council Meeting approved.

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

1. July 3, 1990 Regular Planning Commission Meeting
2. July 17, 1990 Special Planning Commission Meeting

Councilor Brendlinger moved to accept the minutes of the July 3, 1990 Regular Planning Commission Meeting and the July 17, 1990 Special Planning Commission Meeting, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None

Motion carried; minutes of the July 3, 1990 and the July 17, 1990 Planning Commission Meetings accepted.

VI. SCHEDULED PUBLIC APPEARANCES

1. Review of Easy Street design - Gary Dyer, Consulting Engineer

Steve Major, representing the firm of Gary Dyer, Consulting Engineer, introduced Mike Erickson who also works for the firm. Mr. Major updated the Council on the progress of the Easy Street project. **It was the consensus of the Council that Mr. Major come back to the August 27 work session to explain what is needed from each of the individual Easy Street properties involved. No formal action taken.**

2. Request for change in recreational vehicle parking ordinance - BPOE #1934 - Bill Cochran

Bill Cochran, Secretary of BPOE #1934, read a letter from BPOE #1934, requesting that the City amend the ordinance dealing with the parking of recreational vehicles. Mr. Cochran explained that the Elk's Lodge has accommodated members for many years, that there are no hookups, and members usually stay approx. 3 days. Mr. Cochran cited several recreational vehicles setting around town which he alleged were used for sleeping purposes. The Council advised Mr. Cochran that the intention was to amend the ordinance and staff presented the proposed language revisions contained in Ordinance No. 90-O-115.A.

- a. Ordinance No. 90-O-115.A - An ordinance amending Ordinance No. 58-O-115, enacted June 10, 1958, and entitled "An ordinance regulating the location, construction, maintenance, sanitation, and conduct of trailer parks in the city of Brookings; providing penalties for the violation hereof; and repealing Ordinance No. 52-O-018", by amending Section 15 providing for temporary use of a trailer coach for sleeping purposes; and declaring an emergency.

Administrative Assistant Donna Van Nest read Ordinance No. 90-O-115.A into the record in its entirety. Councilor Schutt moved for adoption of Ordinance No. 90-O-115.A by first reading, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ordinance No. 90-O-115.A adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 90-O-115.A into the record by title only. Councilor Henry moved for adoption of Ordinance No. 90-O-115.A by first reading, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ordinance No. 90-O-115.A - An ordinance amending Ordinance No. 58-O-115, enacted June 10, 1958, and entitled "An ordinance regulating the location, construction, maintenance, sanitation, and conduct of trailer parks in the city of Brookings; providing penalties for the violation hereof; and repealing Ordinance No. 52-O-018", by amending Section 15 providing for temporary use of a trailer coach for sleeping purposes; and declaring an emergency" adopted by second reading. [Effective August 13, 1990]

3. City curbside recycling - Pete Smart

Pete Smart of Curry Transfer and Recycling briefly explained the six-month free program for curbside recycling in Brookings as invited participation.

a. Proclamation - Recycling

Mayor Hummel proclaimed the month of September, 1990 as "Recycling Kickoff Month" in Brookings and urged the citizens and businesses to participate in the recycling program.

VII. UNSCHEDULED PUBLIC APPEARANCES

1. Tom Herrod requested to know if the Urban Renewal District Advisory Board was a quasi-judicial board. City Attorney Mike Gillespie advised him that it was not.

VIII. PUBLIC HEARINGS

1. Request for Comprehensive Plan change from Commercial and Industrial to Commercial and Residential designation and Zone Change from C-3, M-2, and R-2 to C-3, M-2, and R-3 - South Coast Lumber Co.

Mayor Hummel explained that this agenda item constitutes a quasi-judicial land use decision, and he then explained the procedures of the public hearing.

Mayor Hummel opened the public hearing at 8:16 p.m.

Planning Director John Bischoff presented the staff report which included a recommendation from the Planning Commission for approval of the project, and the Final ORDER and Findings of Fact document for Council consideration.

Woodi Davis of David Evans and Associates, Portland, Oregon, representing South Coast Lumber Company, spoke in favor of the project.

Mel Palmer, 1100 Rowland Lane, questioned the proposed multi-family zone next to Mill Beach Road.

Mr. Davis explained that there are no specific plans at this time for Phase II of the project, which is the residential portion, but that they requested the multi-family zoning classification so that in the future the property can be utilized to its fullest potential.

Dave Pettegrew, Mill Beach Road, asked if the trees along Mill Beach Road would be left standing.

Mr. Davis replied that they would be left standing.

John Hoskinson, 333 Mill Beach Road, asked what the costs for the project were.

Mr. Davis stated some estimates to Mr. Hoskinson.

Shirley Kincaid, 409 Mill Beach Road, asked if streets would be included in the C-3 zone.

Mr. Davis stated that they would.

Mel Palmer, 1100 Rowland Lane, went on record stating his position of objection to the multi-family zoning classification. Mr. Palmer stated that all of the adjoining property is single family and he wants a buffer zone of one line between the single family homes and the multi-family zone. Mr. Palmer stated that the adjoining zone should fit in with the existing neighborhood.

There being no further testimony, Mayor Hummel closed the hearing at 8:52 p.m.

Councilor Schutt moved to approve the Comprehensive Plan change from Commercial and Industrial to Commercial and Residential designation and Zone Change from C-3, M-2, and R-2 to C-3, M-2, and R-3 requested by South Coast Lumber Company and recommended by the Planning Commission, which motion was seconded by Councilor Henry.

Planning Director John Bischoff requested that the Council adopt the Final ORDER and Findings of Fact document.

Councilor Schutt moved to amend the motion to include adoption of the Final ORDER and Findings of Fact document, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None

Motion carried; motion amended to include adoption of the Final ORDER and Findings of Fact document.

The clerk called the roll with the following results:

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

Nays: None

Motion carried; the Comprehensive Plan change from Commercial and Industrial to Commercial and Residential designation and Zone Change from C-3, M-2, and R-2 to C-3, M-2, and R-3 requested by South Coast Lumber Company and recommended by the Planning Commission approved, and the Final ORDER and Findings of Fact document adopted.

The Final ORDER and Findings of Fact document are attached and made a part of these minutes.

- A. **Ordinance No. 90-O-466** - An ordinance amending the Comprehensive Plan map and zoning map of the city of Brookings by the redesignation and rezoning from Industrial to Commercial and Residential and a zone change. (South Coast Lumber Company - CPZ-1-90)

Administrative Assistant Donna Van Nest read Ordinance No. 90-O-466 into the record in its entirety. Councilor Schutt moved for adoption of Ordinance No. 90-O-466 by first reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ordinance No. 90-O-466 adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 90-O-466 into the record by title only. Councilor Henry moved for adoption of Ordinance No. 90-O-466 by second reading, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ordinance No. 90-O-466 - An ordinance amending the Comprehensive Plan map and zoning map of the city of Brookings by the redesignation and rezoning from Industrial to Commercial and Residential and a zone change. (South Coast Lumber Company - CPZ-1-90), adopted by second reading. [Effective September 11, 1990]

2. Appeal of Planning Commission decision denying a minor partition; Assessor's Map 41-13-32C, Tax Lot 1105; File No. M3-2-90; Applicant R.B. Miller Contractors, Inc.

Charles Simpson, representing the appellant, requested a continuance of this agenda item to the September 10, 1990 Council meeting.

Councilor Schutt moved to continue this agenda item to the September 10, 1990 Council meeting, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Appeal of Planning Commission decision denying a minor partition on Assessor's Map 41-13-32C, Tax Lot 1105 (File No. M3-2-90; Applicant R.B. Miller Contractors, Inc.) continued to September 10, 1990.

3. Amendment to Section 112 of the Land Development Code - "Rear Lot Development".

Planning Director John Bischoff indicated that the Planning Commission is recommending a complete change of title and wording to allow more flexibility in the ability to develop irregular and/or isolated lots.

Councilor Brendlinger moved to accept the recommendation of the Planning Commission to amend Section 112 of the Land Development Code, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Amendment to Section 112 of the Land Development Code - "Rear Lot Development", approved. (See Ordinance No. 90-O-446.B for amendment.)

4. Amendment to Section 20 of the Land Development Code - "Single-Family Residential (R-1) District".

Planning Director John Bischoff requested that Council consider the recommendation of the Planning Commission to change Section 20.060 to increase the rear yard setback to 15 feet versus existing 5 foot requirement.

Councilor Brendlinger moved to accept the recommendation of the Planning Commission to amend Section 20 of the Land Development Code, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Amendment to Section 20 of the Land Development Code - "Single-Family Residential (R-1) District", approved. (See Ordinance No. 90-O-446.B for amendment.)

5. Amendment to Section 120 of the Land Development Code - "Nonconforming Uses."

Planning Director John Bischoff requested that Council consider the Planning Commission recommendation to make changes to Section 120.030, "Discontinuance of a Nonconforming Use," and Section 120.040, "Destruction of a Nonconforming Use," of the Land Development Code.

Councilor Schutt moved to accept the recommendation of the Planning Commission to amend Section 120 of the Land Development Code, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Planning Commission recommendation to make changes to Section 120.030, "Discontinuance of a Nonconforming Use," and Section 120.040, "Destruction of a Nonconforming Use," of the Land Development Code, approved. (See Ordinance No. 90-O-446.B for amendment.)

- A. **Ordinance No. 90-O-446.B** - An ordinance amending Ordinance No. 89-O-446, Sections 20, 112, and 120 of the City of Brookings.

Administrative Assistant Donna Van Nest read Ordinance No. 90-O-446.B into the record in its entirety. Councilor Brendlinger moved for adoption of Ordinance No. 90-O-446.B by first reading, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ordinance No. 90-O-446.B adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 90-O-446.B into the record by title only. Councilor Schutt moved for adoption of Ordinance No. 90-O-446.B by second reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ordinance No. 90-O-446.B - An ordinance amending Ordinance No. 89-O-446, Sections 20, 112, and 120 of the City of Brookings, adopted by second reading. [Effective September 11, 1990]

6. Vacation of a parcel of public land located adjacent to the easterly side of Mill Beach Road.

Planning Director John Bischoff explained that this item is a request from South Coast Lumber Company to vacate a small triangular lot located adjacent to but not in the right-of-way of Mill Beach Road, located approximately 108 feet south of Highway 101. This property is indicated as owned by the city on the tax rolls but there is no evidence to support that ownership and the property is not being used by the city and it is unlikely to be used in the future. Mr. Bischoff advised that the Planning Commission recommends that the City Council vacate the triangular parcel of land located on the east side of Mill Beach Road, south of Hwy. 101. (5,118 square feet in size).

Woodi Davis, representing South Coast Lumber Company, stated for the record that the vacation will not substantially affect the market value of abutting properties.

- A. Ordinance No. 90-0-468 - An ordinance vacating a parcel of public land located adjacent to the easterly side of Mill Beach Road.

Administrative Assistant Donna Van Nest read Ordinance No. 90-0-468 into the record in its entirety. Councilor Schutt moved for adoption of Ordinance No. 90-0-468 by first reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ordinance No. 90-0-468 adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 90-0-468 into the record by title only. Councilor Henry moved for adoption of Ordinance No. 90-0-468 by second reading, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ordinance No. 90-O-468 - An ordinance vacating a parcel of public land located adjacent to the easterly side of Mill Beach Road, adopted by second reading. [Effective September 11, 1990]

IX. COMMUNICATIONS

A. Mayor

1. Draft Tri-Cities Association Position Statement on Offshore Development

Mayor Hummel presented the Council with a draft of the position statement opposing offshore development drawn up by the Curry Tri-Cities Association, and requested approval of the document by the Council.

Councilor Schutt moved to authorize the Mayor to sign the position statement, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Mayor authorized to sign Tri-Cities Association Position Statement on Offshore Development.

B. Council

1. School District 17C - Deferred Improvement Agreement

Dr. Jim Stuckey, Superintendent of School District 17C, requested some minor changes in the proposed Deferred Improvement Agreement, which changes were discussed and agreed upon by the Council.

Councilor Henry moved to authorize the City, through the Planner, to sign the Deferred Improvement Agreement for improvements to Kalmiopsis School for this year, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Planning Director authorized to sign the Deferred Improvement Agreement between the City and School District 17C for improvements to Kalmiopsis School for this year.

2. Municipal Court Subcommittee Report/Salary increase

Councilors Schutt and James gave a brief report on the study they conducted on municipal courts comparable to the Brookings Municipal Court. Councilor Schutt indicated that the Brookings Municipal Court was running efficiently and he recommended that the court go on the same as it has been in the past. Councilor Schutt recommended that the Municipal Court Judge be given a salary increase the same as other city employees received on July 1.

Councilor Henry moved to increase the salary of the Municipal Court Judge the same as other employees received, retroactive to July 1, 1990, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; salary of the Municipal Court Judge increased the same amount as other employees received, retroactive to July 1, 1990.

3. Left-turn refuge - Hwy. 101 and Alder Street

City Manager Dennis Cluff advised that he wrote to the State Highway Department requesting information on the feasibility of a left-turn refuge on Highway 101 at Alder Street. The State Highway Department determined that parking would have to be eliminated 260 feet north and 350 south of Alder Street on Highway 101 for a turn pocket.

The Council directed staff to contact property owners in the area of Alder St. at Hwy. 101 to see if they are interested in a left-turn refuge, and to see if they would have objections to the expanded no-parking area. No formal action taken.

4. Advisory Committee to review Periodic Review and Urban Growth Boundary Extension

The Council requested that this item (Advisory Committee to review Periodic Review and Urban Growth Boundary Extension) be placed on the August 27 work session for further discussion. No formal action taken.

5. Review of Ordinance No. 80-O-327

Councilor Henry moved to table this item to the August 27 work session, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Review of Ordinance No. 80-O-327 tabled to the August 27 work session.

6. Expansion of police and court facilities

Councilor Henry moved to direct staff to request bids from 3 or 4 contractors for plans, schematics and costs of the expansion, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; staff directed to request bids from 3 or 4 contractors for plans, schematics and costs of the expansion of the police and court facilities.

C. City Attorney

1. Report on fire permits

City Attorney Mike Gillespie noted that he had seen the new regulation sheets which were prepared by Fire Chief Marshall Ferg and he felt they were good. He advised that the next step is for Mr. Ferg to formulate the permit itself. Mr. Gillespie was advised the Mr. Ferg is working on the permit at this time.

D. Planning Commission

None.

E. Chamber of Commerce

None.

F. Golf Board

None.

G. City Manager

1. Employee Relations Board - Unionization Election

City Manager Dennis Cluff advised that the Teamsters Local 57 has sent the cards signed by police employees to the State Employee Relations Board (ERB). The ERB oversees all labor related activities. They have sent the attached letter. We have already compiled with the notification requirements and have also sent in the requested employee information.

Mr. Cluff requested that the City file an objection with ERB over the wording on the composition of the bargaining unit. The attached certification identifies the union's language. I would rather see "all full-time police officers, full-time detectives and full-time dispatchers." Excluded would be "police chief, sergeant(s), communications supervisor, less than full-time police department employees, and temporary workers." He also recommended that the City not acknowledge the union representation outright, but request an ERB controlled election.

Councilor Henry moved to authorize the City Manager to file an objection to the wording on the composition of the bargaining unit and to request an ERB controlled election, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; City Manager authorized and directed to file an objection with ERB over the wording on the composition of the union bargaining unit, requesting that the wording be changed to read, "all full-time police officers, full-time detectives and full-time dispatchers," and "excluding police chief, sergeant(s), communications supervisor, less than full-time police department employees, and temporary workers," and to request an ERB controlled election.

2. Change Order No. 1 - Wildish Building Company

City Manager Dennis Cluff presented Change Order No. 1 for the wastewater treatment plant project, which change order would reflect a total cost deduction of \$36,016 from the project.

Councilor Henry moved to approve Change Order No. 1 from Wildish Building Company for the wastewater treatment plant project, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Change Order No. 1 from Wildish Building Company for the wastewater treatment plant project approved.

3. Change Order No. 2 - Wildish Building Company

City Manager Dennis Cluff presented Change Order No. 2 for the wastewater treatment plant project, which change order would reflect a total cost addition of \$7,000 to the project.

Councilor Henry moved to approve Change Order No. 2 from Wildish Building Company for the wastewater treatment plant project, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Change Order No. 2 from Wildish Building Company for the wastewater treatment plant project approved.

4. Partial payment and discussion of water intake project

City Manager Dennis Cluff recounted the events to date on the water intake pump station and pipeline. Marv's Utility Specialists were the low bidders on the water intake and connecting pipeline project. The City Council, on December 5, 1989, voted to extend the water intake project time limit to January 19, 1990, with the stipulation that Marv's Utility Specialists be responsible for any costs or expenses incurred solely as a result of the time extension. CH2M Hill, the engineer for the project, is now recommending a time extension of the project from January 20, 1990 through July 24, 1990.

The question of who should pay the extra engineering costs must now be addressed. The engineering firm (CH2M Hill) bid the inspection on the job with the idea that both portions of the job would be done simultaneously; therefore the inspector would be here for only the specified contract length. Due to delays, the two projects could not be inspected simultaneously. The extra time spent after the original contract completion date resulted in engineering fees of \$34,985.67.

The contractor has submitted documentation that he hopes supports the time extension. It appears that some of the delay time may have been beyond his control, but some, such as a delay in his sub-contractor receiving a letter of intent, may have been within his control.

In reviewing the issue with our City Attorney, Michael Gillespie, it seems appropriate to request more detail, as there still is a question as to whether the time extension is justified. Mr. Gillespie is sending a letter to outline the needed additional information. Mr. Gillespie also could answer the Council question of whether the allowance of the time extension makes the City responsible for all additional costs. The Council may wish to pursue, through the City Manager, negotiating with Marv's Utility Specialists for a sharing of the additional costs, if appropriate.

It was Council consensus to take no action at this time on the request from Marv's Utility Specialists for payment for work completed at the water intake, but instead to have City Attorney Michael Gillespie and City Manager Dennis Cluff review the contract documents.

5. Request for payment - Wildish Building Company
- Wastewater Treatment Plant Update Project

City Manager Dennis Cluff requested that Council consider authorizing the payment request from Wildish Building Company in the amount of \$248,240.00, as recommended by Lewis C. Gray of Brown and Caldwell Engineering, for work performed on the Wastewater Treatment Plant Update Project from July 1, 1990 through July 31, 1990.

Councilor Brendlinger moved to approve payment of \$248,240.00 to Wildish Building Company, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

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

Nays: None

Motion carried; payment of \$248,240.00 to Wildish Building Company for work completed on the wastewater treatment plant update project, approved.

6. Request for payment - Riedel International - Wastewater Outfall Project

City Manager Dennis Cluff requested that Council consider authorizing the payment request from Riedel International in the amount of \$279,045.58, as recommended by Lewis C. Gray of Brown and Caldwell Engineering, for work performed on the Wastewater Treatment Plant Outfall Construction project from July 6, 1990 through August 5, 1990.

Councilor Henry moved to approve payment of \$279,045.58 to Riedel International, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; payment of \$279,045.58 to Riedel International for work completed on the wastewater treatment plant outfall construction project, approved.

7. Proposed new hours of business at city hall

City Manager Dennis Cluff requested, due to ever increasing demands on staff time, that the City Council change the hours city hall is open to the public. Mr. Cluff explained that staff will be at work at 8:00 a.m., but this one hour will give staff the much needed time for paperwork before the doors open for business.

Councilor Brendlinger moved to authorize the staff to open city hall to the public at 9:00 a.m. and close at 4:30 p.m., on a trial basis for two months beginning September 1, 1990, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None

Motion carried; staff authorized to open city hall to the public at 9:00 a.m. and close at 4:30 p.m., on a trial basis for two months beginning September 1, 1990.

I. Community Development Director

None.

J. Contract Review Board

None.

X. CALL FOR BIDS

1. Infra-red asphalt heater

City Manager Dennis Cluff explained that this piece of equipment will be utilized by the street department for street repairs. He further explained that the monies for the purchase of this equipment is suggested to come from the road funds received from Curry County.

Councilor Henry moved to authorize staff to call for bids for an infra-red asphalt heater, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; staff authorized to call for bids for an infra-red asphalt heater.

2. City Manager vehicle

Mr. Cluff advised that the City Manager's vehicle is in very poor shape and it is not recommended that the vehicle be driven out of town due to breakdowns. Mr. Cluff requested that the Council authorize the call for bids for a vehicle.

Councilor Henry moved to authorize staff to call for bids for a vehicle for the City Manager's office, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; staff authorized to call for bids for a vehicle for the City Manager's office.

XI. REPORT ON BIDS

None.

XII. FINAL ORDERS

None.

XIII. ORDINANCES

1. **Ordinance No. 90-O-467** - An ordinance providing for a city police department; providing for the office of chief of police and the compensation therefor; providing for police officers and the compensation therefor; and repealing Ordinance No. 51-O-005.

Mr. Cluff explained that Ordinance No. 51-O-005 is outdated and requested that Council repeal Ordinance No. 51-O-005 and adopt Ordinance No. 90-O-467.

Administrative Assistant Donna Van Nest read Ordinance No. 90-O-467 into the record in its entirety. Councilor Henry moved for adoption of Ordinance No. 90-O-467 by first reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ordinance No. 90-O-467 adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 90-O-467 into the record by title only. Councilor Brendlinger moved for adoption of Ordinance No. 90-O-467 by second reading, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ordinance No. 90-O-467 - An ordinance providing for a city police department; providing for the office of chief of police and the compensation therefor; providing for police officers and the compensation therefor; and repealing Ordinance No. 51-O-005, adopted by second reading. [Effective September 11, 1990]

XIV.

RESOLUTIONS

1. **Resolution No. 90-R-494** - A resolution establishing the Dawson Tract Bancroft Construction Fund.

City Manager Dennis Cluff explained that this fund is necessary to account for the revenues from the Bond Anticipation Notes and expenditures for construction of the Dawson Tract water and sewer project. After construction of the project is completed and the residents of the Dawson Tract project area have elected to Bancroft their debt, this fund will then be used to account for payback of the Bancrofted debt.

Councilor Brendlinger moved for adoption of Resolution No. 90-R-494, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Resolution No. 90-R-494 - A resolution establishing the Dawson Tract Bancroft Construction Fund, adopted.

3. **Resolution No. 90-R-495** - A resolution establishing the Sewer Treatment Services Agency Fund.

City Manager Dennis Cluff advised that this fund will establish an agency fund in which all money received by the City of Brookings for sewer treatment services on a contract basis will be held in an agency fund. This fund will allow for a more defined tracking of monies received and expenditures from those accounts. At this time we are contracting sewer treatment services to the Harbor Sanitary District. This method of accounting for money received from them for sewer service will allow the City of Brookings to prepare on statement that will give an accounting of all activity of money received from the Harbor Sanitary District.

Councilor Henry moved for adoption of Resolution No. 90-R-495, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Resolution No. 90-R-495 - A resolution establishing the Sewer Treatment Services Agency Fund, adopted.

4. Resolution No. 90-R-496 - A resolution by the city council of the city of Brookings, Oregon, authorizing City Manager Dennis W. Cluff to sign all applications, grant agreements and amendments, and other documents relating to wastewater facilities planning and construction grants.

Mr. Cluff indicated that D.E.Q. is requiring an official authorization from the City Council to allow the City Manager to sign the grant applications and documents. He explained that he has previously signed the applications due to time expediency.

Councilor Brendlinger moved for adoption of Resolution No. 90-R-496, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Resolution No. 90-R-496 - A resolution by the city council of the city of Brookings, Oregon, authorizing City Manager Dennis W. Cluff to sign all applications, grant agreements and amendments, and other documents relating to wastewater facilities planning and construction grants, adopted.

XV. APPROVAL OF VOUCHERS

Councilor Schutt moved to approve the June vouchers in the amount of \$726,552.28 and the July vouchers in the amount of \$550,508.00, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None

Motion carried; June vouchers in the amount of \$726,552.28 and the July vouchers in the amount of \$550,508.00, approved.

EXECUTIVE SESSION ORS 192.660 (1)()

None.

Council decided to hold the August work session on August 27, 1990 at 7:00 p.m.

XVI. ADJOURNMENT

Councilor Henry moved to adjourn the council meeting, which motion was seconded by Councilor Brendlinger; motion carried unanimously.

Mayor Hummel adjourned the meeting at 12:23 a.m.


Fred Hummel
Mayor

ATTEST:


Beverly S. Shields
City Recorder

BEFORE THE PLANNING COMMISSION
CITY OF BROOKINGS, COUNTY OF CURRY
STATE OF OREGON

In the matter of Planning Commission)
File No. GPZ-1-90; approval of a)
Comprehensive Plan Change and Zone)
Change submitted by South Coast Lumber)
Company; Woody Davis, representative.)

Final ORDER
and Findings of
Fact

ORDER granting approval for Comprehensive Plan Change and a Zone Change on a 54+ acre parcel located on the south side of Highway 101 between Mill Beach Road on the west and Center Street on the east and south, from the present Comprehensive Plan designation of Industrial to the requested designations of Commercial, Residential and Industrial, and from the existing M-2 (General Industrial), C-3 (Central Commercial) and R-2 (Two Family Residential) Zones to the requested C-3, R-3 (Multi-Family Residential) and M-2 Zones, as provided for in the Land Development Code Section 144 of the Land Development Code.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Brookings Land Development Code pursuant to Section 144; and,

2. The Brookings City Council has duly considered the above described application in a public hearing at the regularly scheduled public meeting held on August 13, 1990 and is a matter of record; and,

3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated June 28, 1990 and by oral presentation, and evidence and testimony was presented by the applicant and the public at the public hearing for approval; and,

4. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council upon a motion duly seconded, accepted the Staff Agenda Report and accepted the proposed findings of fact.

THEREFORE, LET IT BE HEREBY ORDERED that the application for a Comprehensive Plan Change and Zone Change on the subject parcel **STANDS APPROVED.**

LET IT FURTHER BE OF RECORD that the City Council in approving the preliminary plat for the requested Comprehensive Plan Change and Zone Change, hereinafter supported by the following findings of

fact and conclusions:

FINDINGS OF FACT

1. The applicant is requesting a Comprehensive Plan Change from Industrial and Commercial to Commercial, Residential and Industrial and a zone change from M-2, C-3, and R-2 to C-3, R-3 and M-2.
2. The total area of the subject site is 54± acres with .
3. The current zoning consists of 50± acres of M-2 zoning, 3± acres of C-2 zoning and 1± acres in the R-2 zone.
4. The proposed changes will create 21.7 acres of C-3 zoning, 19.2 acres of R-3 zoning and 13.7 acres of M-2 zoning.
5. The area containing the mill complex will remain in the M-2 zone.
6. Surrounding zoning consists of C-3, C-5, R-2, R-1-6, R-MH, and R-3.
7. The subject site is bordered by five existing roads including Highway 101.
8. Staff has indicated that water and sewer lines can be extended and up graded to provide service to the site and the there is presently sufficient capacity to provide service.
9. Policies for Goals 9 Economies of The State and 14 Urbanization of the City's Comprehensive Plan calls for continuing diversification of the city's economy.
10. The proposed Comprehensive Plan and zone changes will result in the loss of 37± acres of industrially zoned land and an increase of approximately 18 acres of commercially zoned property.
11. Policies for Goal 9 of the Comprehensive Plan calls for the continued increase of employment opportunities within the city.
12. The proposed commercial development will provide a number of new employment opportunities to the city.
13. Policies for Goal 13 Energy Conservation of the Comprehensive Plan calls for infill development.
14. The project site together with adjacent lots is vacant land completely surrounded by development.
15. The policies for Goal 14 call for land use designations and

areas to accommodate expected growth.

16. Presently there are no large scale shopping centers within the city.

CONCLUSIONS

1. The city has the capacity to provide water and sewer service to the site and lines can be extended for that purpose.
2. The existing street network with the proposed extension of Fifth and Railroad Streets can adequately provide access and proper circulation in and around the proposed project.
3. Although the proposed changes to the Comprehensive Plan designations and to the applied zoning are not consistent with the policies of Goals 9 and 14 in that they decrease the diversity of the city's economic base, the proposed changes are also consistent with other policies of these Goals in that they will provide new employment opportunities for the city, improve the appearance of the downtown area, enhance shopping opportunities for residents and visitors, and will accommodate expected growth of the city.
4. The benefits offered by the proposed project will be almost immediate compared to the relatively slow growth of employment opportunities offered by the present rate of industrial growth in the city.
5. The benefits offered by the proposed project offset the loss of industrially zoned land and thus the diversity of the economic base.
6. The development of a shopping complex within the city limits will reduce the need for city residents to travel out of the city to take advantage of the shopping opportunities offered by shopping centers and will provide a new tax base for the city.
7. The proposed changes to the Comprehensive Plan and to the zoning designations are consistent with all other applicable policies of the Comprehensive Plan.

BASED UPON THE ABOVE, it is the finding of the Brookings City Council that the proposed Comprehensive Plan Change and Zone Change complies with the standards and procedures for the amendment of the Comprehensive Plan.

ACCEPTED and approved this 13th day of August, 1990.

CITY OF BROOKINGS CITY COUNCIL

Fred Hummel
MAYOR

ATTEST:

Beverly S. Shields
RECORDER