

**CITY OF BROOKINGS  
REGULAR COMMON COUNCIL MEETING  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
November 19, 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, Floyd James, Bill Henry

Staff Present: City Manager Dennis Cluff, City Attorney Harry Slack, Administrative Assistant Donna Van Nest, Finance Director Beverly Shields, Community Development Director Leo Lightle, Receptionist Holly Perin, Communications Supervisor Cameron Lynn

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

**IV. CEREMONIES/APPOINTMENTS**

None.

**V. MINUTES FOR APPROVAL/ACCEPTANCE**

**A. Approval of Council Meeting Minutes**

1. October 8, 1990 Regular Council Meeting
2. October 15, 1990 Special Council Meeting
3. October 22, 1990 Special Council Meeting
4. November 7, 1990 Special Council Meeting

Councilor Henry requested a change on the first page of each of the set of minutes because his name was deleted from roll call. Mayor Hummel requested a change in the minutes of November 7 on page 6.

Councilor Schutt moved to approve all of the minutes as corrected, which motion was

Councilor Schutt moved to approve all of the minutes as corrected, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; minutes of the October 8, 1990 Regular Council Meeting, October 15, 1990 Special Council Meeting, October 22, 1990 Special Council Meeting, November 7, 1990 Special Council Meeting approved as corrected.**

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

**1. October 2, 1990 Regular Planning Commission Meeting**

Councilor Brendlinger moved to accept the Regular Planning Commission Meeting Minutes of October 2, 1990, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; Regular Planning Commission Meeting Minutes of October 2, 1990 accepted.**

**VI. SCHEDULED PUBLIC APPEARANCES**

**1. Improvement of Fifth Street - Marvin Pope**

City Manager Dennis Cluff advised that Mr. Pope has been in contention with the City and Bruce Harden, Developer, over the widening of Fifth Street and the impact to his property at Fifth and Ransom.

Marvin Pope, 748 Fifth Street, stated that a retired land appraiser from California had advised him that his property had been devalued \$50,000 by the raising of Fifth Street and Ransom Avenue. Mr. Pope requested that the City remove the driveway to his residence on Fifth Street.

Bruce Harden, Developer, 15662 Oceanview Drive, explained that he had improved Fifth Street and offered to remove the portion of Mr. Pope's driveway which he put in. Mr. Pope requested that he remove all of it.

The Council directed staff to examine the records on the improvements on Ransom Avenue and on Fifth Street and set up a meeting between the city, Mr. Harden and Mr. Pope to resolve the issue. No formal action taken.

2. Request for adoption of a resolution supporting incorporation of the City of Harbor - Committee for Harbor's Future - Walt Thompson, Chairman

Darrell Niemi, 17225 Mountain Drive, representing the Committee for Harbor's Future, read the proposed resolution and requested that the Council adopt the resolution. It was pointed out to Mr. Niemi that Harbor can go forward with the plan to study the possibility of incorporation without the city's endorsement.

Mayor Hummel indicated that he knew there was some concern from some Harbor residents that Brookings would annex Harbor and he stated, that for his part, he had no intention of attempting any such annexation unless Harbor wanted it. Mayor Hummel stated that he preferred to take no action on the matter because he felt that the perception in Harbor might be that the City was taking a stand if the resolution was adopted.

Sydney Beeching, 14695 Itzen Drive, read a statement into the record in opposition to the proposed election for incorporation for Harbor.

Dave Scott, 331 Mill Beach Road, spoke in favor of the proposed resolution.

Councilor Henry moved to take no action on the request to adopt a proposed resolution supporting an election to determine if Harbor residents wish to incorporate into the City of Harbor, 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; no action taken on the request to adopt a proposed resolution supporting an election to determine if Harbor residents wish to incorporate into the City of Harbor.**

3. Request to obtain permission from State of Oregon to display an avenue of flags at Constitution Way - Brookings Emblem Club

Wallis Burnett, 16063 Driftwood Lane, representing Brookings Emblem Club, requested that the City contact the Oregon Department of Transportation to request permission for an avenue of flags on Constitution Way. Mrs. Burnett requested permission to have a parade on July 4th down Chetco Avenue to Constitution Way and then hold an official ceremony dedicating the flags. She also indicated that the flags would be flown only on holidays and the cost of the entire project, including all maintenance, would be paid for by Brookings Emblem Club.

Councilor James moved to direct staff to contact the Oregon Department of Transportation to obtain permission to display an avenue of flags on Constitution Way, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; staff directed to contact the Oregon Department of Transportation to obtain permission to display an avenue of flags on Constitution Way.**

4. Request to put an official Christmas tree in the new fountain patio - Southern Curry Merchants Association

Ernie Turner, representing the Southern Curry Merchants Association, requested permission to place an official Christmas tree in the patio area at Chetco Avenue and Fifth Street.

It was Council consensus to turn this matter over to the Parks and Recreation Commission for study. No formal action taken.

## VII. COMMUNICATIONS/REPORTS

### A. Mayor

1. Mayor Hummel reported that Pat Cropper, Chairperson of the Parks & Recreation Commission, was involved in an automobile accident and is at home recuperating from her injuries, plus recuperating from a bout with pneumonia.
2. Mayor Hummel reported on the recent League of Oregon Cities Conference held in Portland.
3. Mayor Hummel advised that a \$9,000 grant has been received which will be divided equally between Coos and Curry Counties for the purpose of making studies and procuring properties for affordable housing.
4. Mayor Hummel noted that the next meeting of the Curry Tri-Cities Council will be a meeting of the full board and will be held in Gold Beach on December 12.

5. U.S. Hwy. 101 Coastal Parkway Program

City Manager Dennis Cluff advised that up to now staff has not discussed the parkway concept in any great depth with ODOT personnel but will in the future if Council wishes, and then will come back to Council with conceptual plans and information pertaining to the State's proposed project and its impact on Brookings. It was Council consensus to direct staff to request more information from ODOT on the parkway program. No formal action taken.

6. County Recycling ordinance

Mayor Hummel presented the Council with a copy of the recycling ordinance which has been adopted by Curry County. Mayor Hummel stated that he believes that this ordinance can be modified to fit the needs of the City of Brookings.

Councilor Brendlinger stated her opposition to mandatory recycling and stated that she had some other problems with the county's ordinance and was opposed to drafting legislation not knowing the cost to the consumer.

Council consensus was to direct staff to draft a recycling ordinance for presentation to the Council at a work session. No formal action taken.

B. Council

1. Appointment of labor negotiator

Councilor Henry moved to appoint Dennis W. Cluff, City Manager, as the city's labor negotiator with Teamsters Local 57, 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; Dennis W. Cluff, City Manager, appointed the city's labor negotiator with Teamsters Local 57.**

2. Consideration of evergreen clause of CTR franchise

Mayor Hummel advised that the current solid waste management franchise provides the 10-year franchise to be automatically renewed for an additional year unless at least 30 days prior to January 1 of any year the City gives notice of intent to terminate the franchise, (City Ordinance No. 86-O-402, Section 14). After such notification the franchise would be for 10 years from the date of notification.

Pete Smart, CTR, indicated that he was satisfied with the franchise the way it is, and to have any other kind of termination clause would affect his plans for long term business investments.

Representatives from Southern Oregon Sanitation, Grants Pass and Ashland Sanitation, spoke about long term contracts, and supported Mr. Smart.

Phyllis Cottingham, English Court, stated that she felt that a 10-year contract was more than adequate and opposed the evergreen contract.

Councilor Henry requested more information before making a decision.

Ray Passley, 16051 Hwy. 101 South, Brookings, spoke in favor of the evergreen clause.

Councilor Schutt moved to take no action on this agenda item at this time, which motion was seconded by Councilor James. The clerk called the roll with the following results:

Ayes: Councilors Henry, Schutt, James

Nays: Councilor Brendlinger, Mayor Hummel

**Motion carried; no action taken on the issue of the evergreen contract for CTR.**

C. Planning Commission

None.

D. Chamber of Commerce

None.

E. Golf Board

None

F. City Manager

1. Request for Payment - Tidewater Contractors

Councilor Henry moved to approve payment to Tidewater Contractors in the amount of \$56,564.15 for work completed on the Fifth Street and Chetco Avenue Street Improvements project, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; payment to Tidewater Contractors of \$56,564.15 for work completed on the Fifth Street and Chetco Avenue Street Improvements project approved.**

2. Change Order No. 2 - Tidewater Contractors

City Manager Dennis Cluff explained that at the November 7, 1990 Special Council meeting, Council approved the emergency repairs to the sewer system on Frontage Road and directed staff to bring back a formal Change Order for their approval at the November 19 regular Council Meeting. The project Engineer, Gary Dyer, is recommending that the City approve this Change Order.



Councilor Schutt moved to approve Change Order No. 2 from Tidewater Contractors for the Fifth Street Project, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; Change Order No. 2 from Tidewater Contractors for the Fifth Street Project approved.**

3. Request for payment - Wildish Building Company

Councilor Henry moved to approve payment of \$420,955.00 to Wildish Building Company for work completed on the Wastewater Treatment Plant Update project to date, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; payment of \$420,955.00 to Wildish Building Company for work completed on the Wastewater Treatment Plant Update project to date approved.**

4. Change Order No. 4 - Wildish Building Company

Councilor Henry moved to approve Change Order No. 4 from Wildish Building, per the recommendation of Brown and Caldwell Engineer Lewis Gray, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; Change Order No. 4 from Wildish Building Company approved.**

5. CTR rate component study time extension

Councilor Schutt moved to approve the revised deadline date of December 12, 1990 for the CTR rate component study, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; revised deadline date of December 12, 1990 for the CTR rate component study approved.**

G. Community Development Director

None.

H. City Attorney

1. Call for election on referendum petition

Acting City Attorney Harry Slack presented the Council with a letter from City Attorney Mike Gillespie suggesting that the Council, by motion, notify the citizenry of the date and purpose of the election regarding the urban renewal issue.

Councilor Henry moved to call for an election on March 26, 1991 on the referendum petition filed opposing Ordinance No. 90-0-465 - 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 powers of an Urban Renewal Agency and creating a Board pursuant to ORS 457.045(2), which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; an election called for on March 26, 1991 on the referendum petition filed opposing 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 powers of an Urban Renewal Agency and creating a Board pursuant to ORS 457.045(2).**

J. Contract Review Board

None.

**IX. CALL FOR BIDS**

**1. Police patrol vehicle - Police Department**

City Manager Dennis Cluff advised the Chief of Police Kent Owens is at home recuperating from surgery and is unable to attend the meeting, but explained that the 1990-91 budget authorized the purchase of a police vehicle for this fiscal year, and it is the purpose of this agenda item to request City Council authority to call for bids on the police vehicle as outlined in the specification document. If the bid call is authorized, bid opening will be scheduled for 9:00 a.m., December 4, 1990, with a report back to the City Council at the December 10, 1990 Council Meeting.

Councilor James moved to table this agenda item until the January, 1991 Council meeting, when the new Council would be in place and when Chief Owens could be present to speak on the issue, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; request for a call for bids for a police patrol car tabled until the January, 1991 Council meeting, when the new Council is be in place and when Chief Owens can be present to request the call for bids for a police patrol car.**

**X. REPORT ON BIDS**

**1. Lawnmower - Parks & Recreation Department**

Community Development Director Leo Lightle indicated that the Parks and Recreation Department budgeted \$6,000 in the 1990-91 fiscal year for purchase of a riding lawnmower. Council authorized staff to call for bids at the October Council meeting. Bids were opened on November 7, and the following bids were received:

Curry Equipment, Brookings	Snapper	\$3,779.90
Wade's, Grants Pass	John Deere	\$5,479.00

Mr. Cluff explained that the big difference in these machines is that the John Deere is a gear-driven mower and the Snapper is a belt-driven mower. The John Deere is a much heavier duty piece of equipment and will hold up much longer. Also, the City already owns several pieces of John Deere equipment and we receive regular service at the City shop on the equipment from the John Deere Company and at the same time the mower would be serviced.

Councilor Brendlinger moved to award the bid for a riding lawnmower for the Parks and Recreation Department to Wade's of Grants Pass for a John Deere mower at a total cost of \$5,479.00, stating that although this is not the lowest bid, the purchase of the John Deere equipment is in the best interest of the City of Brookings, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

**Nays: None**

**Motion carried; bid for a riding lawnmower for the Parks and Recreation Department awarded to Wade's of Grants Pass for a John Deere gear driven riding mower at a total cost of \$5,479.00, noting that although this is not the lowest bid, the purchase of the John Deere lawnmower is in the best interest of the City of Brookings.**

**2. Two pickups - Public Works & Water/Wastewater Treatment**

Community Development Director Leo Lightle advised that the 1990-91 budget authorized the purchase of two new pickups, one to be used in the Public Works Department and one to be used in the Water/Wastewater Department. Council authorized staff to call for bids at the October Council meeting. Bids were opened on November 7. Only one bid was received, that bid being submitted by Bayview Motors at a cost of \$11,239.00 for each pickup.

Councilor Henry moved to award the bid for two pickups for the Public Works Department and the Water/Wastewater Treatment Department to Bayview Motors at a cost of \$11,239.00 each. The motion died for lack of a second.

Councilors questioned the reason that Coast Auto did not bid, and requested that staff check with Coast Auto to see if there is some kind of problem. Staff was also directed to contact the Oregon General Services Division to request state prices on pickups.

Councilor Brendlinger moved to table this matter, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

**Nays:** None

**Motion carried; award of bid for two pickups for the Public Works Department tabled.**

**XI. FINAL ORDERS**

None.

**XII. ORDINANCES**

1. Ordinance No. 90-O-447.C - An ordinance amending Ordinance No. 89-O-447, which adopted the general Engineering Requirements and Standard Specifications for street, storm drain, sewer and waterline construction document, dated August, 1988.

Mr. Lightle explained that the City Engineer for the City of Brookings, Richard Nored, is recommending that the City allow aluminum culvert to be used for storm drainage and that is the purpose of this agenda item.

Administrative Assistant Donna Van Nest read Ordinance No. 90-O-447.C into the record in its entirety. Councilor Schutt moved to adopt Ordinance No. 90-O-447.C by first reading, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; Ordinance No. 90-O-447.C adopted by first reading.**

Administrative Assistant Donna Van Nest read Ordinance No. 90-O-447.C into the record by title only. Councilor Henry moved to adopt Ordinance No. 90-O-447.C by second reading, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; Ordinance No. 90-O-447.C - an ordinance amending Ordinance No. 89-O-447, which adopted the general Engineering Requirements and Standard Specifications for street, storm drain, sewer and waterline construction document, dated August, 1988, adopted by second reading. [Effective date December 18, 1990]**

**XIII.**

**RESOLUTIONS**

1. **Resolution No. 90-R-498 - A resolution accepting the abstract of votes for the General Election held November 6, 1990.**

Councilor Schutt moved to adopt Resolution No. 90-R-498, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

**Nays:** None

**Motion carried; Resolution No. 90-R-498 - A resolution accepting the abstract of votes for the General Election held November 6, 1990, adopted.**

2. **Resolution No. 90-R-499 - A resolution increasing the gas/mileage reimbursement rate.**

City Manager Dennis Cluff indicated that the City has been reimbursing employees and elected officials for authorized travel costs at the rate of \$.20 per mile for several years. With the price of gasoline on the rise, staff has determined that the \$.20 rate is low. Staff requests that the City Council raise the mileage rate paid for employee and elected officials travel to \$.22.

Councilor Henry moved to adopt Resolution No. 90-R-499, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

**Nays:** None

**Motion carried; Resolution No. 90-R-499 - A resolution increasing the gas/mileage reimbursement rate to \$.22 per mile, adopted.**

**XV. APPROVAL OF VOUCHERS**

Councilor James moved to approve the vouchers in the amount of \$734,595.44, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

**Nays:** None

**Motion carried; vouchers in the amount of \$734,595.44 approved.**

**EXECUTIVE SESSION ORS 192.660 (2)**

Mayor Hummel announced that the Council would retire to Executive Session under ORS 192.660(2) to discuss labor negotiations.

Mayor Hummel recessed the meeting at 10:47 p.m.

**RECONVENE**

Mayor Hummel reconvened the Council meeting at 11.23 p.m.

Councilor Schutt moved to join the Local Government Personnel Institute and hire Labor Relations Consultant Don Schaefer, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

**Nays:** None




**Motion carried; Local Government Personnel Institute Labor Relations Consultant Don Schaefer hired.**

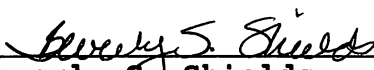
**XVI. ADJOURN**

Councilor Schutt moved for adjournment, which motion was seconded by Councilor James; motion carried unanimously.

Mayor Hummel adjourned the meeting at 11:30 p.m.

  
\_\_\_\_\_  
Fred Hummel  
Mayor

**ATTEST:**

  
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Beverly S. Shields  
City Recorder