



**CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
DECEMBER 10, 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, Councilors Nancy Brendlinger, Floyd James, Bill Henry

Council Absent: Council President Fred Schutt

Staff Present: City Manager Dennis Cluff, City Attorney Mike Gillespie, Administrative Assistant Donna Van Nest, Finance Director Beverly Shields, Community Development Director Leo Lightle, Chief of Police Kent Owens, Communications Supervisor Cameron Lynn

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

IV. CEREMONIES/APPOINTMENTS

None.

V. MINUTES FOR APPROVAL

A. Approval of Council Meeting Minutes

1. November 19, 1990 Regular Council Meeting
2. December 1, 1990 Special Council Meeting

Councilor Brendlinger requested a change on Page 1 of the November 19, 1990 Regular Council Meeting minutes and Councilor James requested a change on page 12 of those same minutes.

Councilor Henry moved to approve the corrected minutes of the November 19, 1990 Regular Council meeting and the December 1, 1990 Special Council Meeting, which motion was seconded by Councilor James. The clerk called the roll with the following results:

Ayes: Councilors James, Brendlinger,
Henry, Mayor Hummel

Nays: None

Motion carried; minutes of the November 19, 1990 Regular Council Meeting and the December 1, 1990 Special Council Meeting approved.

B. Acceptance of Planning Commission Meeting Minutes

1. November 7, 1990 Regular Planning Commission Meeting

Councilor Brendlinger moved to accept the Regular Planning Commission Meeting Minutes of November 7, 1990, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

Ayes: Councilors Henry, Brendlinger,
James, Mayor Hummel

Nays: None

Motion carried; Regular Planning Commission Meeting Minutes of November 7, 1990 accepted.

VI. SCHEDULED PUBLIC APPEARANCES

None.

VII. PUBLIC HEARINGS

None.

VIII.

COMMUNICATIONS

A. Mayor

1. Mayor Hummel explained to the audience that the first annual volunteer night reception was held on December 6, 1990 at the Best Western Conference Center. A special award was presented to Earl Breuer for his many years of volunteer service to the City which totaled almost 30 years between the City Council, Planning Commission and Budget Committee.
2. Mayor Hummel announced that the monthly Curry Tri-Cities Council meeting will be held on December 12 in Gold Beach.

B. Council

1. Councilor James said that it had been a pleasure to serve the City for the past year.
2. Councilor Henry said that it had been a pleasure for him also, and he welcomed the new Council.
3. Parkway concept - Proposal to hold a town hall meeting

The City Council discussed this item at their work session on November 26 and a possible date of January 17, 1991 was proposed. Councilor Henry moved to hold a town hall meeting on January 17, 1991, which motion was seconded by Councilor James. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, James, Henry,
Mayor Hummel

Nays: None

Motion carried; town hall meeting to be held on January 17, 1991 at an undetermined location to discuss the parkway proposed by the Oregon Department of Transportation.

C. Planning Commission

None.

D. Chamber of Commerce

None.

E. Golf Board

1. Revised RFP for golf course development

Mayor Hummel indicated that City Attorney Mike Gillespie had reviewed the original Request for Proposals for the Jack Creek Golf Course project, and suggested some language changes. The Council requested that the RFP be presented to them for approval prior to being mailed to prospective developers.

Councilor Brendlinger questioned the performance bond which the City would require from the prospective developer. Mr. Gillespie indicated that he felt that her concerns would be taken care of in a lease agreement and by the developer's insurance following the construction period and the expiration of the bond covering the construction period.

Councilor Henry moved to approve the Jack Creek Golf Course Request for Proposals and to authorize staff to send the RFP to prospective developers, which motion was seconded by Councilor James. The clerk called the roll with the following results:

Ayes: Councilors James, Brendlinger,
Henry, Mayor Hummel

Nays: None

Motion carried; Jack Creek Golf Course Request for Proposals approved with minor changes, and the Brookings-Harbor Golf Board authorized to prepare the RFP to be sent to prospective developers.

F. City Manager

1. Request for Payment - Tidewater Contractors

City Manager Dennis Cluff advised that Tidewater Contractors is requesting payment in the amount of \$69,785.91 for work completed on the Fifth Street and Chetco Avenue Street Improvements project. Gary Dyer, Consulting Engineer, is recommending that the payment be approved.

Councilor Henry moved to approve payment of \$69,785.91 to Tidewater Contractors for work completed on the Fifth Street/Elk Drive improvement project, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors James, Brendlinger,
Henry, Mayor Hummel

Nays: None

Motion carried; payment of \$69,785.91 to Tidewater Contractors for work completed on the Fifth Street/Elk Drive improvement project approved.

2. Request for payment - Wildish Building Company

Wildish Building Company is requesting payment in the amount of \$294,777.00 for work completed on the Wastewater Treatment Plant Update project between November 1 and November 30, 1990. Lewis Gray of Brown and Caldwell Engineering is recommending that the payment be approved.

Councilor James moved to approve the payment of \$294,777.00 to Wildish Building Company for work completed on the Wastewater Treatment Plant Update project between November 1 and November 30, 1990, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors James, Brendlinger,
Henry, Mayor Hummel

Nays: None

Motion carried; payment of \$294,777.00 to Wildish Building Company for work completed on the Wastewater Treatment Plant Update project between November 1 and November 30, 1990 approved.

3. Request to purchase video equipment - police department

Chief Kent Owens indicated that the 1990-91 budget allowed for the purchase of video equipment for investigative purposes. Following a review of the cost comparison, Chief Owens recommended that the equipment be purchased from Dan's Photo Equipment in Brookings at a total cost of \$1,073.95.

Councilor Henry moved to authorize the purchase of video equipment by the police department in the amount of \$1,073.95, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors James, Brendlinger,
Henry, Mayor Hummel

Nays: None

Motion carried; purchase of video equipment by the police department in the amount of \$1,073.95 approved.

4. Request to obtain an engineer - Systems development charges compliance

City Manager Dennis Cluff advised that several months ago Council directed staff to request proposals from engineering firms on performing a Systems Development Charge study. Responding were H.G.E. (\$15,750) and Brown and Caldwell (\$28,500). Both firms offer a similar outline of proposed work to be completed. The H.G.E. proposal is the lesser of the two. Staff recommended H.G.E. to perform this work.

Councilor Brendlinger moved to hire H.G.E., Inc. to perform the Systems Development Charge study at a cost of \$15,750, which motion was seconded by Councilor James. The clerk called the roll with the following results:

Ayes: Councilors James, Brendlinger, Henry, Mayor Hummel

Nays: None

Motion carried; H.G.E., Inc., hired to perform the Systems Development Charge study at a cost of \$15,750.

5. DELETED
6. Grandfathered water connections outside urban growth boundary

This agenda item moved to the last of the agenda. Due to possible litigation this matter will be discussed in Executive session.

7. Change Order No. 3 - Tidewater Contractors, Inc.

City Manager Dennis Cluff presented Council with a copy of Change Order No. 3 submitted by Tidewater Contractors for the construction of the new patio at the corner of Fifth and Chetco. The total increase in the contract price is \$3,960.00, which includes the slightly modified 10'x10' center planting area, and pressure treated wood joints.

Councilor Henry moved to approve Change Order No. 3 for Tidewater Contractors in the amount of \$3,960.00, which motion was seconded by Councilor James. The clerk called the roll with the following results:

Ayes: Councilors James, Brendlinger,
Henry, Mayor Hummel

Nays: None

Motion carried; Change Order No. 3 for Tidewater Contractors for the Fifth Street/Elk Drive improvement project in the amount of \$3,960.00 approved.

G. Community Development Director

1. DELETED

H. City Attorney

None.

J. Contract Review Board

None.

IX. CALL FOR BIDS

None.

X. REPORT ON BIDS

1. Two pickups - Public Works & Water/Wastewater Treatment

Community Development Director Leo Lightle indicated 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. Council requested that staff compare the bid prices to state bid prices.

Staff compared the State of Oregon General Services prices for comparative vehicles and would recommend that the vehicles be purchased from Bayview Motors. Staff's review established that the local bid was just slightly lower than the State bid price.

Councilor Brendlinger moved to award the bid for two pickups to Bayview Motors at a cost of \$11,239.00 each, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

Ayes: Councilors James, Brendlinger, Henry, Mayor Hummel

Nays: None

Motion carried; bid awarded for two pickups to Bayview Motors at a cost of \$11,239.00 each.

2. Dawson Tract Sewer and Water Project - Schedule B

City Manager Dennis Cluff indicated that Schedule B has been approved for award by the U.S. Army Corps of Engineers. Bill Booker Construction gave the City a 30-day extension past the original 60 day period, in order for us to bring this matter to a regular Council meeting.

Schedule A has been appealed to EPA for a decision on the low bidder's responsiveness.

Schedule C was awarded to Horton Brothers on Saturday, December 1, 1990.

Schedule D had bids opened on November 30. Two bidders submitted bids. The bids are being reviewed by H.G.E. and will be sent to the U.S. Army Corps of Engineers for their review and approval.

Staff recommended that Council award the Dawson Tract Schedule B bid to Bill Booker Construction for \$581,191.50.

Councilor Brendlinger moved to award the Dawson Tract Schedule B project to Bill Booker Construction in the amount of \$581,191.50, which motion was seconded by Councilor James. The clerk called the roll with the following results:

Ayes: Councilors James, Brendlinger, Henry,
Mayor Hummel

Nays: None

**Motion carried; Dawson Tract Schedule B project
awarded to Bill Booker Construction in the amount of
\$581,191.50.**

XI. FINAL ORDERS

None.

XII. ORDINANCES

None.

XIII. RESOLUTIONS

None.

XIV. UNSCHEDULED PUBLIC APPEARANCES

None.

XV. APPROVAL OF VOUCHERS

Councilor Henry moved to approve the vouchers in the amount of \$975,479.78, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors James, Brendlinger, Henry, Mayor Hummel

Nays: None

Motion carried; vouchers in the amount of \$975,479.78 approved.

EXECUTIVE SESSION ORS 192.660 (1) (h) [possible litigation]

Mayor Hummel recessed the meeting at 8:17 p.m. to convene an Executive Session under ORS 192.660(1)(h) to discuss possible litigation.

RECONVENE

Mayor Hummel reconvened the meeting at 8:51 p.m.

6. Grandfathered water connections outside urban growth boundary

City Manager Dennis Cluff advised that years ago the City sold water meters to a number of property owners for vacant lots outside the City, the urban growth boundary, and within the county urbanization exception areas. These meters were connected to water main stubouts, but not turned on for actual use. The City removed a few of those meters during the summer of 1989. Ordinance No. 66-0-190, Section 10, as amended August 29, 1989, prohibits new water connections outside the urban growth boundary, except for the exception areas listed. The lots mentioned above are not found within these exception areas, but water service had been promised to them through the sale of water meters. When the water meters were removed, refunds were offered to each property owner. Some accepted the refund while others did not. Mr. Cluff proposed that the City offer water service to the properties where meters were removed, under the following conditions:

1. That any refund paid out by the City be returned or repaid by the property owner.
2. Property owners must pay a monthly fee for standby service of:
 - a. base fee (outside City), currently \$10.00;
 - b. water bond fee, currently \$5.25; and
 - c. systems replacement fee, currently \$5.00.If any of these fees increase, so would the standby fee.
3. With compliance of conditions 1 & 2, the City would install a water meter at the specific property when water usage is required.

The staff review showed six properties affected by the grandfathering. Three of these property owners are already paying the monthly fees in order to retain future water service.

Councilor Brendlinger moved to approve the recommendation of the City Manager, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

Ayes: Councilors James, Brendlinger, Henry,
Mayor Hummel

Nays: None

Motion carried; that the City offer water service to the properties where meters were previously removed which were outside the city limits, the urban growth boundary and within the county urbanization exception areas, under the following conditions:

1. That any refund paid out by the City be returned or repaid by the property owner.
2. Property owners must pay a monthly fee for standby service of:
 - a. base fee (outside City), currently \$10.00;
 - b. water bond fee, currently \$5.25; and
 - c. systems replacement fee, currently \$5.00.If any of these fees increase, so would the standby fee.
3. With compliance of conditions 1 & 2, the City would install a water meter at the specific property when water usage is required.

XVI. ADJOURNMENT

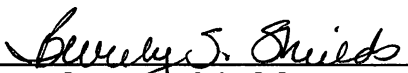
Councilor Henry moved to adjourn the meeting, which motion was seconded by Councilor James; **motion carried unanimously.**

Mayor Hummel adjourned the meeting at 8:55 p.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder