

CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
September 11, 1989

MINUTES

The City Council of the City of Brookings, Curry County, Oregon, convened the Council Meeting of September 11, 1989, at 7:00 p.m., in the Council Chambers of Brookings City Hall.

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 Ralph Mory, Nancy Brendlinger, Bill Henry, Fred Schutt

Council Absent: None

Staff Present: City Manager Roy Rainey, City Attorney John Babin, Executive Secretary/Clerk Donna Van Nest, Engineering Technician Leo Lightle, Planning Director Richard Ullian, Recorder/Treasurer Beverly Shields, Municipal Court Judge Anita Stuart

Planning Commission Present: Commissioner Mary Jane Brimm

Media Present: Roger Hayden, Curry Coastal Pilot

IV. CEREMONIES/APPOINTMENTS

1. Proclamation - "Emblem Club Week"

Mayor Hummel proclaimed September 17-23, 1989 as "National Emblem Club Week".

2. Proclamation - "Constitution Week"

Mayor Hummel proclaimed September 17-23, 1989 as "Constitution Week in the City of Brookings".

3. Request by the Oregon Project Committee to adopt a Resolution in support of the Oregon Project

Ron Adkins, Chairman of the Oregon Project for Curry County, read the following draft Resolution into the record and requested that the City Council adopt the Resolution

WHEREAS, there is today a threat to renewable resource-based industries, particularly the wood products industry, founded on the mistaken concept that preservation is a viable form of resource management; and

WHEREAS, the lives, peace, health, safety and economic rights of Oregonians living and working in resource-dependent communities are threatened; and

WHEREAS, we believe that true multiple-use management of natural resources maintains adequate safeguards to protect air and water quality, wildlife, scenic and recreation values and economic opportunity in resource-dependent communities, providing the most benefit for the greatest number over the long term;

THEREFORE, BE IT RESOLVED that we the undersigned demand an adequate land base for forest management that provides sustained yield, even-flow outputs of timber sufficient to maintain the economic stability of timber-dependent communities.

Mr. Adkins requested that the resolution be sent to the governor and other communities in the State as well as the nation.

Councilor Schutt moved to adopt Resolution No. 89-R-466, which motion was duly seconded by Councilor Henry. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Resolution No. 89-R-466 adopted.

4. **Planning Commission Appointments**

Mayor Hummel requested approval of Dave Soiseth and Jeff Holmes to be appointed to the Planning Commission to replace Doug Nidiffer and Lonny Draheim who have resigned. Councilor Schutt moved to approve the appointment of Dave Soiseth and Jeff Holmes to fill the vacancies on the Planning Commission, which motion was duly seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried. [Dave Soiseth appointed to fill Doug Nidiffer's term which expires 04/21/91, and Jeff Holmes appointed to fill Lonny Draheim's term which expires 04/21/93]

V. **MINUTES FOR APPROVAL**

A. **Approval of Council Meeting Minutes**

1. **August 14, 1989 Council Meeting**

Councilor Brendlinger requested corrections to the Minutes of the August 14, 1989 Council meeting consisting of changes on pages 8, 12, and 22. Mayor Hummel requested a change on page 8.

Councilor Henry moved to approve the minutes of the August 14, 1989 Council Meeting as amended, which motion was duly seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; minutes approved.

Councilor Brendlinger commented that she would like to see more information in the minutes and Mayor Hummel suggested that the minutes could be more definitive. The Council requested more detail in the minutes in the future.

2. September 1, 1989 Special Council Meeting

Councilor Brendlinger moved to approve the minutes of the September 1, 1989 Special Council Meeting as written and that the report of the negotiating committee be attached, which motion was duly seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None

Motion carried; minutes approved.

B. Acceptance of Planning Commission Meeting Minutes

1. August 1, 1989 Planning Commission Meeting

Councilor Brendlinger moved to accept the minutes of the August 1, 1989 Planning Commission meeting, which motion was duly seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None

Motion carried; minutes accepted.

VI. SCHEDULED PUBLIC APPEARANCES

1. Liquor License Request - Flying Gull Restaurant

City Manager Roy Rainey explained to the Council that the purpose of this request is to add the name of Marie Hansen to the ownership line on the liquor license.

Councilor Schutt moved to approve the liquor license request for the Flying Gull Restaurant, which motion was duly seconded by Councilor Mory. The clerk called the roll with the following results:

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

Nays: None

Motion carried; liquor license approved.

2. **Richard Wilson - Parking in front of Century 21 Agate Realty**

Richard Wilson, owner of Century 21 Agate Realty stated that in May or June Mayor Hummel had come to his office and asked him to voluntarily give up the parking in front of his office. Mr. Wilson told Mayor Hummel that he would not; that he had plenty of parking for cars in his parking lot but he did not have room for RV's. Mr. Wilson stated that while he was out of town in June the curb was painted yellow, following a recommendation of the Southern Curry Merchants Association and approval by the Brookings City Council. Mr. Wilson stated that the area painted was more than the recommendation of the Southern Curry Merchants Association and he had painted the curb gray again and was waiting for a report from his surveyor as to the ownership of the curb.

Mayor Hummel advised Mr. Wilson that the City Council had chosen to go beyond the recommendation of the Southern Curry Merchants Association and paint two parking spaces on each side of Chetco Lane instead of the recommended two spaces on the East and one space on the West side.

Following further discussion, Councilor Brendlinger moved to paint out one parking space on the West side and two parking spaces on the East side of Chetco Lane, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

Ayes: Councilors Mory, Henry, Brendlinger, Schutt

Nays: Mayor Hummel (preferred two parking spaces on each side)

Motion carried; one parking space on the West side and two parking spaces on the East side of Chetco Lane approved.

VII. COMMUNICATIONS/ANNOUNCEMENTS/REPORTS/REQUESTS

A. Mayor

1. Fire Department

Mayor Hummel commended the Fire Department for the job they did on the Suitor Auto Body fire earlier today.

2. Special Council Meetings

Mayor Hummel announced that there would be two Special Council meetings, one on Tuesday, September 12, 1989 at 1:30 p.m., and one on Thursday, September 14, 1989 at 7:00 p.m.

3. City Manager Evaluation Criteria

Mayor Hummel presented the Council with a copy of a proposed Management Performance Evaluation form. Councilor Henry indicated that he was still in the process of reviewing the documents. It was the consensus of the Council to postpone consideration of this matter for another month.

B. Council

1. Councilor Henry

Councilor Henry requested a copy of the letter written by Mayor Hummel to Attorney Michael Gillespie, the attorney retained to render an opinion regarding the legality of the City Manager's employment agreement.

Mayor Hummel replied that the Council would receive a copy of his letter to Mr. Gillespie at the same time that they received the reply from Mr. Gillespie. Mr. Gillespie had assured Mayor Hummel that his report would be here on the 14th if not before.

Councilor Brendlinger indicated that she was satisfied to receive the whole package at one time.

Councilor Henry stated that he felt that the City Council should be aware of all information that is important to the City prior to it being sent out.

2. Councilor Mory

Councilor Mory advised that he felt that the Council meetings should be ended no later than 10:30 p.m.

3. Councilor Brendlinger

Councilor Brendlinger presented the Council with a copy of Ordinance No. 5 of the County Commissioners and indicated that she would be receiving more information from the County.

Councilor Brendlinger presented the Council with a draft of the proposed changes to the Land Development Code regarding remodeling. It was the consensus of the Council that staff be directed to present the proposal to the Planning Commission during the course of normal business.

Councilor Brendlinger requested an update on the counting of lots on the North Bank Chetco in the Exception Areas. Councilor Brendlinger was advised that she would have a report in the near future.

C. Planning Commission

None

D. Chamber of Commerce

None

E. City Manager

1. Allen Subdivision - Street Acceptance

Engineering Technician Leo Lightle explained that the developer has completed the improvements to the street and has provided "as-built" drawings to the city. Staff recommended that the City accept the Allen Lane Subdivision Street Improvements.

Mayor Hummel disqualified himself due to a possible conflict of interest and turned the chair to Council President Mory.

Councilor Schutt moved to accept the Allen Lane Subdivision Street Improvements into the City system, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Mory,
Schutt, Henry

Nays: None

Abstain: Mayor Hummel

Motion carried; Allen Lane Subdivision Street Improvements accepted into City system.

2. Falcon Cable Television - Notice of rate increase to subscribers

Dennis Putman, Manager of Falcon Cable Television, briefed the Council on the progress of the new construction work being performed on the cable system and explained the increase in the rates, effective October 1, 1989.

Informational only; no action required.

3. Water Plant Corrosion Control

Engineering Technician Leo Lightle explained the need to engage engineering services for construction design for this project and recommended that the City Council utilize the engineering firm of CH2M Hill since they already possess the background information necessary to prepare specifications in the most expeditious and economical manner.

Councilor Mory moved to approve the staff recommendation for corrosion control at the water treatment plant, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

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

Nays: None

Motion carried; staff recommendation for corrosion control at the water treatment plant approved.

4. Acceptance of street improvements - William Crooks property - Hemlock and Fern Streets

Mayor Hummel announced that the Council has received letters regarding possible litigation on this project. The Council consensus was to take no action on this agenda item at this time.

5. Request for payment - Marv's Utility Specialists

City Manager Roy Rainey presented the Council with a request from CH2M Hill Engineering on behalf of Marv's Utility Specialists for pay in the amount of \$79,594.43. The letter from CH2M Hill indicated that Marv's had not submitted a pay estimate letter for this month. City Attorney John Babin was asked to research the contract to see if the pay estimate letter is required. Following research, City Attorney John Babin reported that according to the contract the pay estimate letter is required.

Councilor Schutt moved to authorize payment of \$79,594.43 after the contractor has submitted a Pay Estimate Letter pursuant to Section 69, Paragraph B of the contract document, and the pay estimate has been approved by the Engineer, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

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

Nays: None

Motion carried; payment authorized with conditions.

6. Presentation of Preliminary Draft of Employee Policies Manual

City Manager Roy Rainey presented the Council with a draft of a policies manual and classification plan, and suggested work sessions to finalize the manual.

Informational only; no action required.

7. School District 17C Deferred Improvement Agreement

City Manager Roy Rainey explained the proposed Deferred Improvement Agreement and advised the Council that the School Board had approved the proposed agreement.

City Attorney John Babin suggested a change in the language in the proposal and due to the fact that no school board members were in the audience to confirm the board's position, Councilor Mory moved to direct staff to include language in the agreement to make it clear to District 17C that this improvement agreement would not be superseded or cancelled by any ordinance, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

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

Nays: None

Motion carried. City Attorney John Babin will bring back the proposed changes to the Special Council Meeting scheduled for September 12, 1989 at 1:30 p.m.

8. Draft letter to D.E.Q.

City Manager Roy Rainey presented the Council with a draft letter to Fred Hansen, Director of D.E.Q. in response to a letter received from D.E.Q. dated August 16. No action was requested or taken.

F. City Attorney

1. Golf Course rezoning

City Attorney John Babin reported that City staff attended the Curry County Board of Commissioners Meeting on September 11, 1989 and at that meeting the Board of Commissioners did approve on second reading the ordinance which rezones the property which was gifted to the City by South Coast Lumber Company, which was intended to be used as a golf course. Mr. Babin suggested that the City should go forward with appointment of the Golf Board.

Mayor Hummel indicated that he had withheld recommendations for appointment at this meeting because Councilor Henry indicated that he was going to ask for some changes in the wording of Ordinance No. 87-O-413.

2. Dominy lawsuit

City Attorney John Babin reported that the Dominy lawsuit has been dismissed.

3. Harbor Sanitary District Arbitration

City Attorney John Babin reported to the Council that the arbitrators are expected to issue a written decision by the end of the week (September 15).

G. Contract Review Board

None.

VIII. CALL FOR BIDS

None.

IX. REPORT ON BIDS

1. Painting City Hall

City Recorder Beverly Shields reported that bids were received for the painting of City Hall as follows:

MJD Painting	\$ 6,800
Marilyn Jester Painting	\$ 7,800
Mullens Painting	\$18,000

Councilor Schutt moved to award the City Hall painting bid to MJD Painting in the amount of \$6,800, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; bid awarded to MJD Painting in the amount of \$6,800.

X. PUBLIC HEARINGS

None.

XI. FINAL ORDERS

None.

XII. ORDINANCES

1. ORDINANCE NO. 89-O-456 - An ordinance amending Ordinance No. 88-O-430, Article II, Section 3 of the City of Brookings.

City Manager Roy Rainey indicated that the purpose of this ordinance is to amend Ordinance No. 88-O-430 by the addition of a new subsection dealing with fronting on a public sewer main. This is the same language that was added to Ordinance No. 66-O-190, the water ordinance.

Clerk Donna Van Nest read Ordinance No. 89-O-456 into the record in its entirety. Councilor Henry moved to adopt Ordinance No. 89-O-456 by first reading, which motion was seconded by Councilor Mory. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ordinance No. 89-O-456 adopted by first reading.

Clerk Donna Van Nest read Ordinance No. 89-O-456 into the record by title only. Councilor Mory moved to adopt Ordinance No. 89-O-456 by second reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Ordinance No. 89-O-456 adopted by second reading. (Effective date October 11, 1989)

2. Draft ordinance - An Ordinance creating the Brookings Harbor Golf Board; prescribing its duties; prescribing its termination; and authorizing solicitations.

Council Henry presented the Council with a draft ordinance which would amend the original golf course ordinance No. 87-O-413. Councilor Henry explained that the purpose of the new ordinance is to cut out the language in Ordinance No. 87-O-413 referring to costs to the City for the development of the golf course from this time forward.

It was the consensus of the Council to consider this ordinance at the next regular Council meeting.

A discussion took place regarding the timing of the appointment of the members to the Golf Board. Councilor Henry requested action on the matter as soon as possible. Mayor Hummel indicated that he would do his best.

XIII. RESOLUTIONS

1. RESOLUTION NO. 89-R-463 - A resolution amending Resolution No. 88-R-441 of the City of Brookings

City Manager Roy Rainey explained that the purpose of this Resolution is to add a flat monthly rate of \$20.25 for a continuation of service outside the City when no water is consumed.

Clerk Donna Van Nest read Resolution No. 89-R-463 into the record in its entirety. Councilor Schutt moved to adopt Resolution No. 89-R-463, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

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

Nays: None

Motion carried; Resolution No. 89-R-463 adopted.

XIV. UNSCHEDULED PUBLIC APPEARANCES

None.

XV. PAYMENT OF VOUCHERS

Councilor Henry moved to approve the vouchers in the amount of \$323,586.93, which motion was seconded by Councilor Mory. The clerk called the roll with the following results:

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

Nays: None

Motion carried; vouchers approved in the amount of \$323,586.93.

XVI. RECESS

Mayor Hummel recessed the meeting at 10:52 p.m., to convene an Executive Session under ORS 192.660(1)(h), for the purpose of discussing possible pending litigation.

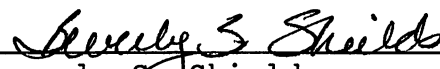
XVII RECONVENE AND ADJOURNMENT

Mayor Hummel reconvened the regular meeting at 11:06 p.m., and immediately adjourned the meeting.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder