

CITY OF BROOKINGS  
BROOKINGS COMMON COUNCIL MEETING  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
November 20, 1989  
7:00 p.m.

MINUTES

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Fred Hummel, Councilors Bill Henry, Nancy Brendlinger, Fred Schutt, Floyd James (Councilor James arrived at 7:19 p.m.)

Staff Present: Interim City Manager Dick Kahane, Executive Secretary Donna Van Nest, City Attorney John Babin, Engineering Technician Leo Lightle, Recorder/Treasurer Beverly Shields, Chief of Police Kent Owens, Communications Sergeant Cameron Lynn, Municipal Court Judge Anita Stuart

Planning Commission Present: Commissioners Mary Jane Brimm, Judi Krebs

Media Present: Roger Hayden, Curry Coastal Pilot; Marge Barrett, KURY

IV. CEREMONIES/APPOINTMENTS

1. Election of President of the Council

Councilor Brendlinger moved to elect Councilor Fred Schutt as President of the Council, which motion was seconded by Councilor Henry. There being no further nominations, Mayor Hummel closed the nominations. The clerk called the roll with the following results:

Ayes: Councilors Schutt, Brendlinger, Henry, Mayor Hummel

Nays: None.

Motion carried;

**V. MINUTES FOR APPROVAL**

**A. Approval of Council Meeting Minutes**

1. October 5, 1989 Special Council Meeting
2. October 6, 1989 Special Council Meeting
3. October 9, 1989 Regular Council Meeting
4. November 6, 1989 Special Council Meeting

Councilor Henry moved to approve the minutes of the October 5, 1989 Special Council Meeting, the October 6, 1989 Special Council Meeting, the October 9, 1989 Regular Council Meeting and the November 6, 1989 Special Council Meeting as submitted, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

Ayes: Councilors Henry, Brendlinger, Schutt,  
Mayor Hummel

Nays: None.

Motion carried; minutes of the October 5, 1989 Special Council Meeting, the October 6, 1989 Special Council Meeting, the October 9, 1989 Regular Council Meeting and the November 6, 1989 Special Council Meeting approved as submitted.

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

None.

**VI. SCHEDULED PUBLIC APPEARANCES**

None.

**VII. COMMUNICATIONS/ANNOUNCEMENTS/REPORTS/REQUESTS**

**A. Mayor**

1. Mayor Hummel announced that he and the Council had attended the League of Oregon Cities annual conference in Eugene in November, and advised that the Council would be giving reports at their workshop on November 27.

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2. City Manager Evaluation Criteria

Mayor Hummel requested that this matter be discussed further at the November 27 workshop. The Council agreed.

3. Parks and Recreation Commission

Mayor Hummel advised that an ordinance creating a Parks and Recreation Commission is further on the agenda and he requested, if the ordinance is passed, that persons wishing to serve on the Commission write a brief resume to him.

[Councilor James arrived at 7:19 p.m.]

3. Discussion on left-turn light at Oak Street and Chetco Avenue

City Attorney John Babin stepped down from the bench to participate in the discussion as a business owner.

Mayor Hummel briefed the Council on the status of the proposed left-turn light.

The following persons spoke during the discussion:

Ann Fisher  
Larry Bircher, Brookings Office Supplies  
Larry Hannan  
Tony Ardagna  
Lou Sapp  
Tom Davis  
John Babin  
Marge Barrett

Following several suggestions for alternatives, Mayor Hummel indicated that he would be contacting the Oregon Department of Transportation concerning the alternative proposals for the intersection of Chetco Avenue and Oak Street and would be reporting back to the Council as soon as possible.

## **B. Council**

1. "Cities Fight Back Against Drugs Week" - Councilor Schutt

Councilor Schutt requested that the Council adopt a resolution declaring December 3 to 9 as "Cities Fight Back Against Drugs Week". Executive Secretary Donna Van Nest read Resolution No. 89-R-472 into the record. The clerk called the roll with the following results:

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

Nays: None.

Motion carried; Resolution No. 89-R-472 adopted. Mayor Hummel designated Councilor Schutt to coordinate a community drug abuse task force with assistance as needed from Interim City Manager Dick Kahanek.

2. Joint City Council/Planning Commission Meeting - Councilor Brendlinger

Councilor Brendlinger inquired as to the status of the request from the Vice Chairman of the Planning Commission for a joint City Council/Planning Commission meeting to discuss some possible changes in the planning ordinances. Mayor Hummel offered to contact the Planning Commission and the Planning Director for further information.

## **C. Planning Commission**

1. Proposed amendment to Land Development Code to exempt remodel of structures not in excess of 50% assessed value from development permit requirements

City Attorney John Babin advised the Council that a public hearing must be held on this matter before the City Council. Staff was directed to publish a public hearing notice for the January 8, 1990 Council meeting.

## **D. Chamber of Commerce**

Board Member Norma Fitzgerald was in the audience but there was no report from the Chamber of Commerce.

## E. City Manager

1. Report on drug programs - Chief Kent Owens

Chief of Police Kent Owens gave a presentation on substance abuse problems, drug programs available to this area and the actions by the Council and the community needed to curb drug abuse in Brookings. **No action taken.**

2. Report on Systems Development Charges Seminar

Engineering Technician Leo Lightle briefed the Council on the Systems Development Charges Seminar which he attended in Springfield in October. Mr. Lightle explained House Bill 3224 which authorizes local governments to establish system development charges, defines "system development charge", and limits improvement fees to be spent on capacity increasing capital improvements. **No action taken.**

3. Report on water quality and conservation

Engineering Technician Leo Lightle briefed the Council on a meeting which he attended in Grants Pass presented by the Oregon Water Resources Division concerning water quality and conservation. **No action taken.**

4. Request for no parking areas at First Baptist Community Church on Pacific Avenue

Engineering Technician Leo Lightle presented the Council with a request from members of the First Baptist Community Church requesting curb markings denoting no parking areas (one at the front entrance of the church and one at the back entrance to the church) at the First Baptist Community Church. Mr. Lightle indicated that staff had inspected the area and recommended that the request be approved.

Councilor Schutt moved to approve the request as presented by staff, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None.

**Motion carried; no parking areas approved at the First Baptist Community Church at the rear and front entrances.**

4. Request for extension of contract time - Marv's Utility Specialist - Water Line and Pump Station Contract

Interim City Manager Dick Kahanek advised the Council that Marv's Utility Specialist has requested a contract extension from November 2, 1989 to January 19, 1990. The engineering firm of CH2M Hill has recommended that the extension be granted due to a delay in delivery of pumps and motors. This delay, according to CH2M Hill, appears to be a factor of current construction conditions and not within the contractor's control.

The council expressed concern about additional engineering costs which will be incurred by the City if the extension of time is granted.

City Attorney John Babin advised the Council that according to the contract signed by Marv's Utility Specialist, the completion was to be within 150 days. Mr. Babin indicated that there was no provisions in this contract document for extension. However, in the bid documents there is a provision under Section 58 which states, "Delays in delivery of equipment or material purchased by the Contractor or his Subcontractors, including Owner-selected equipment, shall not be considered as a just cause for delay, unless the Owner determines that for good cause the delay is beyond the control of the Contractor. The Contractor shall be fully responsible for the timely ordering, scheduling, expediting, delivery, and installation of all equipment and materials." Mr. Babin indicated that the city's engineering firm has stated that the delay is not the fault of the contractor.

Engineering Technician Leo Lightle explained that at the time of the original bid and award of the contract, Marv's had received definite dates of delivery for certain equipment, but by the time the order was actually placed, the manufacturer could no longer guarantee that delivery date and instead offered delivery on December 22.

Councilor Schutt moved to extend the contract time to January 19 but the contractor would pay all additional incurred engineering costs. The motion died for lack of a second.

Councilor Brendlinger moved to direct the City Manager to draft a letter granting the contract extension to January 19, 1990, without waiving any further rights and with the provision that Marv's indemnify the City from any costs or expenses which it might incur solely as the result of the extension of time, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

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

Nays: None.

Motion carried; City Manager to draft a letter granting the contract extension to January 19, 1990, without waiving any further rights and with the provision that Marv's indemnify the City from any costs or expenses which it might incur solely as the result of the extension of time.

5. Approval and adoption of city employee job descriptions

Interim City Manager Dick Kahanek presented the Council with job descriptions for city employees and requested that they receive and file the data but take no action at this time. He advised that the Council will receive policies and procedures at a later date and requested that the job descriptions also be considered at that time. No action taken.

6. Review of Section 8 of Ordinance No. 84-O-387 (taxi ordinance)

This matter postponed for consideration at the December 11, 1989 Council meeting.

7. Request for street improvements on Marina Heights Road

Mr. Paul Rettig, Commissioner, Marina Heights Special Road District, presented the Council with a request for improvements by the City to the portion of Marina Heights Loop Road which is inside the city limits, in conjunction with improvements proposed by the newly formed Marina Heights Special Road District.

Following a brief discussion, Councilor James moved to table this matter until such time as more information is available, which motion was seconded by Councillor Henry. The clerk called the roll with the following results:

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

Nays: None.

Motion carried; matter tabled until such time as more information is available.

F. City Attorney

None.

G. Contract Review Board

None.

VIII. CALL FOR BIDS

1. Request for approval of contract documents and authorization to call for bids for Ransom Avenue Street and Low Level Water Improvements from Third Street to Sixth Street

This item deleted.



2. Request for authorization to call for bids for a portable gas detector - Wastewater Treatment

Councilor Brendlinger moved to authorize staff to call for bids for a portable gas detector as budgeted in the 1989-90 budget, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

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

Nays: None.

**Motion carried; staff authorized to call for bids for a portable gas detector as budgeted in the 1989-90 budget.**

3. Request for authorization to call for bids for a patrol car - Police Department

Councilor Brendlinger moved to authorize staff to call for bids for the police patrol car. **Motion died for lack of a second.**

Councilor Schutt indicated that since this item was budgeted for in the 1989-90 budget he felt the Council should have seen this item earlier, in order to have time to review it. Councilor Henry moved to postpone consideration on this item to the December 7, 1989, special council meeting, 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; police car call for bids to be considered at the December 7, 1989 Special Council Meeting.**

#### **IX. REPORT ON BIDS**

1. Wastewater Facilities Plan - Brown and Caldwell Engineering

**This agenda item will be presented at the December 7, 1989 Special Council Meeting.**

**X. PUBLIC HEARINGS**

None.

**XI. FINAL ORDERS**

None.

**XII. ORDINANCES**

1. ORDINANCE NO. 89-O-457 - An ordinance creating the office of City Manager for the City of Brookings, Oregon; establishing the powers, duties, responsibilities and authority of the City Manager; establishing the procedures for the appointment, removal, salary and benefits of the City Manager; and repealing Ordinance No. 84-O-386.

Councilor Schutt moved to postpone this matter to the November 27 work/study session for further research, and then for further consideration at the December 11 Regular Council Meeting, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

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

Nays: None.

Motion carried; this matter postponed to the November 27 work/study session for further research, and then for further consideration at the December 11 Regular Council Meeting.

2. ORDINANCE NO. 89-O-459 - An ordinance creating a Parks and Recreation Commission for the City of Brookings, and providing for the organization of such commission and the powers and duties thereof.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-459 into the record in its entirety. Councilor Brendlinger moved to adopt Ordinance No. 89-O-459 by first reading, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None.

**Motion carried; Ordinance No. 89-0-459 adopted by first reading.**

Executive Secretary Donna Van Nest read Ordinance No. 89-0-459 into the record by title only. Councilor Henry moved to adopt Ordinance No. 89-0-459 by second reading, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None.

**Motion carried; Ordinance No. 89-0-459 adopted by second reading, to become effective 30 days from this date. (December 19, 1989)**

4. **ORDINANCE NO. 89-0-461** - An ordinance vacating a portion of Wharf Street and Railroad Street within the City of Brookings.

Executive Secretary Donna Van Nest read Ordinance No. 89-0-461 into the record in its entirety. Councilor Schutt moved to adopt Ordinance No. 89-0-461 by first reading, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None.

**Motion carried; Ordinance No. 89-0-461 adopted by first reading.**

Executive Secretary Donna Van Nest read Ordinance No. 89-0-461 into the record by title only. Councilor Henry moved to adopt Ordinance No. 89-0-461 by second reading, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None.

Motion carried; Ordinance No. 89-O-461 adopted by second reading, to become effective 30 days from this date. (December 19, 1989)

### XIII. RESOLUTIONS

1. RESOLUTION NO. 89-R-471 - A resolution authorizing the installation of certain traffic controls in the city of Brookings.

Executive Secretary Donna Van Nest read Resolution No. 89-R-471 into the record in its entirety. Councilor Henry moved to adopt Resolution No. 89-R-471, 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; Resolution No. 89-R-471 adopted.

### XIV. UNSCHEDULED PUBLIC APPEARANCES

Councilor Schutt suggested council research on the possibility of televising council meetings, to be shown on Cable Channel 4.

### XV. PAYMENT OF VOUCHERS

Councilor Brendlinger moved to approve the vouchers in the amount of \$171,974.79, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None.

Motion carried; vouchers approved for payment.

XII. **ORDINANCES** (Continued)

3. **ORDINANCE NO. 89-O-460** - An ordinance repealing Ordinance No. 88-O-436 and authorizing the issuance and sale of \$3,200,000 principal amount of general obligation sewer bonds, series 1990, of the city of Brookings, Oregon, for the purpose of reconstruction of the main outfall and wastewater treatment plant, intercepting sewers, pump stations, pressure lines and all equipment necessary therefor; prescribing the form and detail of said general obligation bonds and the covenants and agreements made by the city to facilitate and protect the payment thereof; authorizing the annual levy of a direct ad valorem tax for the payment of principal of and interest on the bonds; providing for the collection, segregation and application of the revenues of the sewer system of the city for the purpose of paying the cost of operation and maintenance of said system and paying the principal of and interest on said bonds; and declaring an emergency.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-460 into the record in its entirety. Councilor Henry moved to adopt Ordinance No. 89-O-460 by first reading, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None.

**Motion carried; Ordinance No. 89-O-460 adopted by first reading.**

Executive Secretary Donna Van Nest read Ordinance No. 89-O-460 into the record by title only. Councilor Brendlinger moved to adopt Ordinance No. 89-O-460 by second reading, which motion was seconded by Councilor James. The clerk called the roll with the following results:

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

Nays: None.

Motion carried; Ordinance No. 89-0-460 adopted by second reading, to become effective immediately upon adoption by the Council and signature of the Mayor.

EXECUTIVE SESSION ORS 192.660 ( )

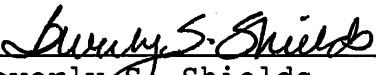
None.

XVI. ADJOURNMENT

Councilor Schutt moved to adjourn, which motion was seconded by Councilor Henry. Motion carried unanimously. Mayor Hummel adjourned the meeting at 11:36 p.m.

  
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Fred Hummel  
Mayor

ATTEST:

  
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Beverly S. Shields  
City Recorder