

CITY OF BROOKINGS  
BROOKINGS COMMON COUNCIL MEETING  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon 97415  
December 11, 1989  
7:00 p.m.  
MINUTES

The City Council of the City of Brookings, Curry County, Oregon, convened the Council Meeting of December 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 Bill Henry, Nancy Brendlinger, Fred Schutt, Floyd James

Staff Present: Interim City Manager Dick Kahanek, Executive Secretary Donna Van Nest, City Attorney John Babin, Municipal Court Judge Anita Stuart

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

IV. CEREMONIES/APPOINTMENTS

1. Awarding of Basic Firefighter Certificates

Mayor Hummel presented Basic Firefighter Certificates to Brookings Fire Department members William J. Sharp, Lee H. Perry, Donald Oliver, Dave Melcher, Jack Matta, Craig Martin, Tom Kerr, and Marshall Ferg; Cape Ferrello Fire Department member James Lentz; and Harbor Fire Department member Dan Hughes.

V. MINUTES FOR APPROVAL

A. Approval of Council Meeting Minutes

1. November 20, 1989 Regular Council Meeting

Councilor Brendlinger requested corrections to the minutes on pages 4, 5 and 8. Councilor Henry moved to approve the minutes of the November 20, 1989 Regular Council Meeting, with amendments, 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; minutes of November 20, 1989 Regular Council Meeting approved as corrected.

B. Acceptance of Planning Commission Meeting Minutes

1. October 3, 1989 Planning Commission Meeting

Councilor Brendlinger moved to accept the minutes of the October 3, 1989 Planning Commission meeting, 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; minutes of October 3, 1989 Planning Commission Meeting accepted.

VI. SCHEDULED PUBLIC APPEARANCES

1. Request for no parking areas on Moore Street - Clifton Ross

Mr. Clifton Ross, 1250 Moore Street, presented the Council with a letter signed by several Moore Street residents requesting that the City explore the possibility of deleting parking on the south side of Moore Street or make the street larger on the north side. Mr. Ross explained that since new apartments and condominiums have been built on that street, many of the residents are parking on the street, which is causing a severe traffic hazard.

Councilor Schutt moved to refer the matter back to staff for a full report, with special consideration being given to accurate numbers of off-street parking spaces at the apartments, with a report to be returned at the January 8, 1990 Council Meeting, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; referred back to staff for a full report, with special consideration to be given to accurate number of off-street parking spaces at the apartments, with a report to be returned at the January 8, 1990 Council Meeting,

2. Review of Section 8 of Ordinance No. 84-O-387 - meter requirements for taxis - Chetco Taxi & Delivery, South Coast Taxi Service

Mayor Hummel indicated that this matter has come before the Council for review and consideration due to the fact that one of the two taxi operators in Brookings has been cited for a violation of Ordinance No. 84-O-387 for not having a meter installed in the taxi. In 1985 the City Council voted to dispense with the requirement for a meter and approved a rate schedule by zones, but the ordinance was never officially amended to show the change.

J.L. Goldseger of Chetco Taxi and Delivery, and J.R. Dodd of South Coast Limo, Taxi and Security, both indicated a preference for the zone schedule due to the high cost of the meter and both operators stated that people really don't like or trust the meter system.

Councilor Schutt moved to direct staff to change the ordinance to use the zone schedule rather than the meter requirement in Section 8.B., and to get input from both taxi operators, and to bring the recommendation back to Council at the January meeting, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; staff directed to change the language of Ordinance No. 84-O-387 to utilize the zone schedule rather than the meter requirement in Section 8.B., and to get input from both taxi operators, and to bring the recommendation back to Council at the January meeting.

Staff was further directed to delete the words ~~or narcotics~~ from the first sentence, fourth line of Section 6. A. of Ordinance No. 84-O-387.

## VII. COMMUNICATIONS/ANNOUNCEMENTS/REPORTS/REQUESTS

### A. Mayor

1. Decision on left turn lane at Chetco and Oak

City Attorney John Babin stepped down from the bench to participate in the discussion of this agenda item as a businessman.

Mayor Hummel indicated that he had contacted Ken Allmer of the Oregon Department of Transportation with two alternative suggestions for resolving the traffic problem at Chetco and Oak, but the suggestions were not received with much enthusiasm. Mayor Hummel did indicate, however, that the suggestion for a delayed traffic light at Chetco and Oak could still be a possibility.

Speaking during the discussion were the following persons:

Larry Bircher, Brookings Office Supplies  
Genie Gilliam, President, Southern Curry Merchants  
Association  
Jay Pilant, Coast to Coast Stores  
Eric Parker, Eric's Music

Mayor Hummel read into the record a letter from Vivian D. Croucher.

Mayor Hummel noted that the City of Brookings, Curry County and the State of Oregon had originally agreed to share the cost of the left-turn refuge lane, and the Curry County Commissioners have requested that the county's \$16,000 share be returned to the county if the original proposal for a left-turn lane is not accomplished.

Councilor Schutt moved that the city not proceed with the left-turn refuge lane and light and look into getting the delayed light, and authorize the mayor to notify the appropriate parties of the council action, 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; city will not proceed with the left-turn refuge lane and light and will look into getting the delayed light, and the mayor was authorized to notify the appropriate parties of the council action.

## 2. City Manager Evaluation Criteria

Mayor Hummel requested that the Management Performance Evaluation which he submitted be adopted. Councilor Henry submitted a draft City Manager Evaluation Progress Report as an alternative. Councilor Brendlinger indicated that she liked both of the forms.

Councilor Henry moved to incorporate the Management Performance Evaluation and the City Manager Evaluation Progress Report for consideration by the Council at the January 8, 1990 meeting, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, James, Henry, Schutt

Nays: Mayor Hummel

**Motion carried; Management Performance Evaluation and City Manager Evaluation Progress Report will be submitted for consideration by the Council at the January 8, 1990 meeting.**

3. City Manager candidate background checks

The Council agreed that LGPI would not be retained to do the background checks. Councilor Henry indicated that he would not be available to assist in the process until after the end of the year. Councilor Schutt and Councilor Brendlinger indicated that they were available during December to assist in the background checks.

Councilor Brendlinger moved that the city do the background checks on the city manager candidates, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; city will do the background checks on the city manager candidates. Staff was directed to contact LGPI to inform them of the decision.**

Councilor Schutt then moved to accept the checklist which Mr. Kahanek prepared and recommended, 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; checklist submitted by Mr. KahaneK accepted. With approval of the Council, Mayor Hummel appointed Councilors Schutt and Brendlinger as the committee to do the background checks, and suggested that they share each of the background checks.

Mayor Hummel directed Mr. KahaneK to send letters to the 13 finalists notifying them of the action of the council.

3. Claim filed by City Manager Roy Rainey

Mayor Hummel announced that a claim has been filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, against the city by former City Manager Roy Rainey, claiming discrimination due to age. No action taken.

B. Council

1. UGB applications - Councilor Brendlinger

Councilor Brendlinger inquired as to the status of the 44 applicants for inclusion into the Urban Growth Boundary. City Manager Dick KahaneK advised the Council that the Curry County Planning Director, Chuck Nordstrom, has offered to chart each of the applications for the city, due to the fact that the city is without a planner at the present time. Councilors Schutt and Brendlinger objected to any involvement from the County in the process.

Councilor Schutt moved that the Brookings staff do the investigation of the applications for inclusion in the Urban Growth Boundary as if the planner was still here, and not turn the job over to someone else to do for us, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; staff directed to do the investigation of the applications for inclusion in the Urban Growth Boundary.

2. Fifth Street construction - Councilor Schutt

Councilor Schutt inquired as to the status of the construction on Fifth Street at its intersection of Easy Street. Mr. Kahane advised Councilor Schutt that hopefully the construction should be completed shortly by the contractor.

C. Planning Commission

None

D. Chamber of Commerce

None

E. City Manager

1. Approval of utility plans - John Zia Development -  
700 Old County Road

Councillor Henry moved to approve the utility plans for the John Zia development at 700 Old County Road, contingent upon approval by D.E.Q., which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; utility plans for John Zia development at 700 Old County Road approved contingent upon D.E.Q. approval.



2. Proposal to utilize a council meeting information sheet

Interim City Manager Dick Kahanek presented the Council with a proposed information sheet to be used to introduce newcomers to the procedures of the city council meetings. Councilor Brendlinger suggested that the print be larger. Mayor Hummel asked that the reference to Roberts Rules of Order be stricken from the information sheet.

Councilor Brendlinger moved to adopt the General Information sheet with the deletion of the reference to the Roberts Rules of Order and try to enlarge the print, which motion was seconded by Councilor Henry. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; General Information sheet adopted with the deletion of the reference to the Roberts Rules of Order and with the larger print requested.**

3. Water pump station and transmission pipeline - Unit price for excavation - CH2M Hill Engineering

Interim City Manager Dick Kahanek advised the Council that this matter concerns the amount of time and the amount of materials estimated by the engineer being much less than the actual time spent and actual materials excavated by the contractor. The contractor is requesting a payment by the city of \$24,900. The engineer agrees that there was more time spent and materials excavated, but is recommending a payment of \$15,570.28.

Councilor Schutt moved to table this matter until the January 8, 1990 council meeting, 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; agenda item tabled until the January 8, 1990 council meeting. Staff directed to contact the engineer to ascertain if the contractor will accept the recommended payment of \$15,570.28.

4. Request for revised agreement for installation of guardrail - Trimble Commercial Contractors, Inc.

Interim City Manager Dick Kahanek explained that Trimble Construction of Sandy, Oregon, had an agreement with the city to install a guardrail on Elk Drive in conjunction with the construction at the LDS church. However, the installation was not completed due to a change in the specifications for the length of the posts. Trimble Construction has submitted a revised agreement for installation of the guardrail. They are also requesting payment for work already performed in the amount of \$2,955.96.

City Attorney John Babin informed the Council that any public improvement project exceeding a cost of \$500 must be awarded by bid, according to Section 41 of the Brookings city charter.

Councilor Henry moved to direct staff to pay Trimble Commercial Contractors \$2,955.96 for asphalt work performed on Elk Drive, and to call for bids for the installation of the guardrail, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

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

Nays: None

Motion carried; staff directed to pay Trimble Commercial Contractors \$2,955.96 for asphalt work performed on Elk Drive, and call for bids for the installation of the guardrail.

#### F. City Attorney

1. Golf course development update

City Attorney John Babin advised the council that a lot line adjustment has been made on the Jack Creek property which brings together the 116+ acre parcel with the 4.5 acre parcel which was condemned by the city.

2. Ex parte contacts

City Attorney John Babin advised the council that contact with applicants for inclusion into the Urban Growth Boundary is not prohibited; what is prohibited is a tribunal which is not fair and unbiased. He explained the difference between legislative actions and quasi-judicial actions. Mr. Babin informed the council that he has not completed his research. Mr. Babin was directed to proceed with his research.

3. Claim filed by former City Manager Roy Rainey

City Attorney John Babin advised the council that he has contacted Gary Herr of Alexis Risk Management and has determined that the claim is covered by the city's insurance company. Mr. Babin requested an executive session to discuss the matter further.

G. Contract Review Board

None.

VIII. CALL FOR BIDS

None.

IX. REPORT ON BIDS

1. Portable Gas Detector - Wastewater Treatment Plant

Councilor Henry moved to award the bid to Gelco Supply, Salem, Oregon, for an Enmet CGS80 at a cost of \$1,695 + freight if necessary, 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; bid awarded to Gelco Supply of Salem, Oregon in the amount of \$1,695 + freight if necessary.

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 Brendlinger moved to accept the second Section 3, paragraph C. language with the addition of the wording, "The city manager may not control the work of the city attorney," and with the removal of the words, "unused sick leave", from Section 6, which motion was seconded by Councilor Schutt. The clerk called the roll with the following results:

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

Nays: None

**Motion carried; Section 3, second paragraph C. accepted with the addition of the wording, "The city manager may not control the work of the city attorney," and with the removal of the words, "unused sick leave", from Section 6.**

Executive Secretary Donna Van Nest read Ordinance No. 89-O-457 into the record in its entirety. Councilor Brendlinger moved to adopt Ordinance No. 89-O-457 by first 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-457 adopted by first reading.**

Executive Secretary Donna Van Nest read Ordinance No. 89-O-457 into the record by title only. Councilor Henry moved to adopt Ordinance No. 89-O-457 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-O-457 adopted by second reading. [Ordinance No. 89-O-457 will be effective January 10, 1990.]

#### **XIII. RESOLUTIONS**

1. **RESOLUTION NO. 89-O-473** - A resolution requiring \$1.00 to be added to court costs on all convictions and bail forfeitures, twenty five cents (\$.25) of which is to be paid to the Oregon Municipal Judges Association.

Executive Secretary Donna Van Nest read Resolution No. 89-R-473 into the record in its entirety. Councilor Schutt moved to adopt Resolution No. 89-R-473, 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; Resolution No. 89-R-473 adopted.

#### **XIV. UNSCHEDULED PUBLIC APPEARANCES**

None

#### **XV. PAYMENT OF VOUCHERS**

None


#### **XVI. RECESS**

Mayor Hummel recessed the meeting at 11:42 p.m. to convene an Executive Session under ORS 192.660(1)(h).

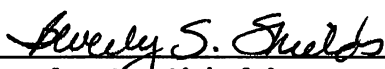
**EXECUTIVE SESSION ORS 192.660 (1)(h)**

XVI. **ADJOURNMENT**

Mayor Hummel adjourned the meeting at approximately 12:15 a.m., December 12, 1989.

  
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Fred Hummel  
Mayor

ATTEST:

  
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Beverly S. Shields  
City Recorder