

MINUTES  
BROOKINGS COMMON COUNCIL MEETING  
January 9, 1989  
7:00 P.M.

The City Council of the City of Brookings, Curry County, Oregon, convened the Council Meeting of January 9, 1989, at 7:00 p.m., in the council chambers of Brookings City Hall.

I. CALL TO ORDER

Mayor Hummel convened the meeting at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Fred Hummel, Vice Mayor Gil Batty, Councilors Ray Nidiffer, Kathy Hoselton, Ralph Mory

Council Absent: None

Staff Present: City Manager Roy Rainey, City Attorney John Babin, Executive Secretary Donna Van Nest, Engineering Technician Leo Lightle, Planning Director Richard Ullian, Recorder/Treasurer Beverly Shields, Treatment Plants Operator Paul Strader, Communications Sergeant Cameron Lynn

Planning Commission Present: Chairman Ted Freeman, Jr., Commissioners Lonnie Draheim, Mary Jane Brimm

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

**IV. ELECTION OF COUNCIL PRESIDENT**

Mayor Hummel announced that as required by the City Charter, a Council President must be elected at the first Council meeting of each odd numbered year.

Councilor Nidiffer nominated Councilor Batty, which nomination was seconded by Counselor Hoselton. There being no further nominations, Mayor Hummel closed the nominations. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Nidiffer, Hoselton, Mory

Nays: None

Abstention: Councilor Batty

Mayor Hummel declared the motion carried and congratulated Council President Gil Batty.

**V. CEREMONIES/APPOINTMENTS**

Mayor Hummel introduced the new Council members to the audience.

Mayor Hummel made the following appointments of Councilors to oversee specific departments of the City:

Councilor Kathy Hoselton - Planning  
Council President Gil Batty - Parks and Recreation  
Councilor Ralph Mory - Finance  
Councilor Ray Nidiffer - Public Works  
Mayor Fred Hummel - Police/Fire

**VI. MINUTES FOR APPROVAL/ACCEPTANCE**

**A. Approval of Council Meeting Minutes**

**1. December 12, 1988 Council Meeting**

There being no corrections or additions, Councilor Batty moved to approve the minutes of the December 12, 1988 Regular Council meeting, which motion was duly seconded by Councilor Nidiffer. A vote was taken with the following results:

Ayes: Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Abstain: Mayor Hummel

Mayor Hummel declared the motion carried and the minutes of the December 12, 1988 Regular Council meeting approved.

2. December 15, 1988 Development Code Public Hearing

There being no corrections or additions, Councilor Batty moved to approve the minutes of the December 15, 1988 Development Code Public Hearing, which motion was duly seconded by Councilor Nidiffer. A vote was taken with the following results:

Ayes: Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Abstain: Mayor Hummel

Mayor Hummel declared the motion carried and the minutes of the December 15, 1988 Development Code Public Hearing approved.

B. Acceptance of Planning Commission Meeting Minutes

1. December 6, 1988 Planning Commission Meeting

There being no corrections or additions, Councilor Hoselton moved to accept the minutes of the December 6, 1988 Planning Commission meeting, which motion was duly seconded by Councilor Nidiffer. A vote was taken with the following results:

Ayes: Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Abstain: Mayor Hummel

Mayor Hummel declared the motion carried and the minutes of the December 6, 1988 Planning Commission meeting approved.

## VII. SCHEDULED PUBLIC APPEARANCES

### 1. Presentation of Comprehensive Street Improvement and Traffic Circulation Plan - Gary Dyer, P.E.

Tom Wilcheck, representing the engineering firm of Gary Dyer, P.E., presented the City Council with the final Comprehensive Street Improvement and Traffic Circulation Plan.

Members of the audience speaking during the presentation were John Whitaker, Joe Zimmerman, Wilma Kemp, Ken Trautman, Pauline Olsen and Bill Cunningham.

Following Council discussion, Councilor Nidiffer moved to accept the Comprehensive Street Improvement and Traffic Circulation Plan as presented, which motion was duly seconded by Councilor Mory. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Mayor Hummel declared the motion carried.

Mayor Hummel set a date of Monday, February 6, 1989 for a town hall meeting to discuss the plan.

### 2. Jim Dotson, Dotson's Sandwiches - Business license complaint

Jim Dotson, 95877 Dotson Lane, Brookings, complained about a business license issued to "The Pig Out", a mobile restaurant which is parked next to his business. Art Collins, owner of "The Pig Out", also spoke. No action was taken.

## VIII. UNSCHEDULED PUBLIC APPEARANCES

1. Pauline Olson, a member of the Board of Directors of the Chetco Community Public Library District, advised the City Council that according to the 190 Agreement between the library district and the city, December 31, 1988 marked the date for turning over all deeds for the library to the district. Mrs. Olson was informed that this matter would come before the Council at the February 13, 1989 Council meeting.

2. Pat Cropper, 1362 Chetco Avenue, representing the Elk's RV Club, requested permission to set up a special RV parking place for visiting Elk's RV Club members behind Coos-Curry Electric on South Coast Lumber Company property. This would only be for the weekend of the Azalea Festival.

Following discussion, Councilor Nidiffer moved to amend the City ordinance to make it possible for temporary permits for special events, which motion was duly seconded by Councilor Batty. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Mayor Hummel declared the motion carried.

#### **IX. COMMUNICATIONS/ANNOUNCEMENTS/REPORTS/REQUESTS**

##### **A. Mayor Announcements**

Mayor Hummel explained some of the upcoming meetings which he will be attending.

##### **B. Council Announcements**

None.

##### **C. Planning Commission Announcements**

Planning Director Richard Ullian announced a study on January 17, 1989 at 7:00 p.m. in the Council Chambers.

##### **D. Chamber of Commerce Announcements**

Terry Connolly, Chamber of Commerce Manager, announced that the 30-second advertising commercials can now be seen on KOB TV, Medford.

**E. City Manager Announcements**

1. **Request from U.S. National Bank for "No Parking" signs in the alley behind U.S. Bank from Center Street to Fern Street.**

Speaking during the discussion were Wilma Kemp, Joe Zimmerman, Judith Anderson, Ken Trautman.

Following discussion, Councilor Nidiffer moved to place "No Parking" signs in the alley behind U.S. Bank from Center Street to Fern Street, which motion was duly seconded by Councilor Mory. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Mayor Hummel declared the motion carried.

2. **Report on franchise fees**

City Manager Roy Rainey requested that this item be deleted. Due to the holidays, staff has not been able to gather information for a report.

3. **Request to conduct an Engineering Study to find out what steps are necessary to protect the City's water supply.**

The City Council requested that City Attorney John Babin research this matter.

**F. Attorney Announcements**

City Attorney John Babin requested that the City Council authorize the Mayor to accept the dedication of some property located on Hampton Road. The deed of dedication is from the Johnsons, and it is a 20-foot strip of property. This matter involves the Van Duzee/Eastaff minor partition issue from 1979.

Councilor Batty moved to authorize the Mayor to accept the deed of dedication, which motion was duly seconded by Councilor Nidiffer. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer,  
Hoselton, Mory

Nays: None

Mayor Hummel declared the motion carried.

G. Contract Review Board

None.

X. CALL FOR BIDS

1. Sewer Outfall Project

City Manager Roy Rainey requested that this matter be deleted from the agenda due to negotiations with Harbor Sanitary District. Mayor Hummel announced that this agenda item is removed and will be placed on the February Council Meeting agenda.

2. Water Intake Pipeline, Pumps and Appurtenances

City Manager Roy Rainey requested a call for bids for the pipeline, pumps and appurtenances on North Bank Chetco River Road from the present water intake to the new location approximately 1.7 miles upriver. City Attorney John Babin advised the Council that he had some areas of concern with the proposed contract documents.

Following discussion, Councilor Hoselton moved to call for bids for the water intake pipeline, pumps and appurtenances, subject to the changes recommended by the City Attorney, which motion was duly seconded by Councilor Nidiffer. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer,  
Hoselton, Mory

Nays: None

Mayor Hummel declared the motion carried.

XI. REPORT ON BIDS

None

## XII. PUBLIC HEARINGS

1. Continued consideration of the Draft Land Development Code

Mayor Hummel announced that this public hearing will be continued to January 19, 1989, at 7:00 p.m., in the Council Chambers.

## XIII. FINAL ORDERS

None.

## XIV. ORDINANCES

1. ORDINANCE NO. 89-O-433 - An ordinance governing the procedures of the Brookings Common Council

Mayor Hummel suggested and the Council concurred that this proposed ordinance should be held over to a work/study session in the future.

2. ORDINANCE NO. 89-O-437 - An ordinance amending Ordinance No. 431 of the City of Brookings, adopted December 15, 1988

City Manager Roy Rainey explained that these amendments are of a technical nature and have been requested by D.E.Q.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-437 into the record.

Councilor Nidiffer moved to adopt Ordinance No. 89-O-437 by first reading, which motion was duly seconded by Councilor Mory. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Mayor Hummel declared Ordinance No. 89-O-437 adopted by first reading.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-437 into the record by title only.



Councilor Batty moved for adoption of Ordinance No. 89-O-437 by second reading, which motion was duly seconded by Councilor Mory. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Mayor Hummel declared Ordinance No. 89-O-437 adopted by second reading.

**XV. RESOLUTIONS**

1. **RESOLUTION NO. 89-R-443** - A Resolution adopting rates, fees and charges to the users of the City of Brookings sanitary sewer system services.

Marv Winer, Project Manager, Brown and Caldwell Engineering, presented the Council with the final Rate Study, and explained the process used to determine the recommended rates.

Executive Secretary Donna Van Nest read Resolution No. 89-R-443 into the record.

Following discussion, Councilor Batty moved for adoption of Resolution No. 89-R-443, which motion was duly seconded by Councilor Mory. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Mayor Hummel declared Resolution No. 89-R-443 adopted.

2. **RESOLUTION NO. 89-R-445** - A Resolution withdrawing the City of Brookings membership in the Coos-Curry Council of Governments.

Executive Secretary Donna Van Nest read Resolution No. 89-R-445 into the record.

Following discussion, the date of withdrawal was changed to December 2, 1988, and Councilor Hoselton moved for adoption of Resolution No. 89-R-445, which motion was duly seconded by Councilor Nidiffer. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Mayor Hummel declared Resolution No. 89-R-445 adopted.

3. RESOLUTION NO. 89-R-446 - A Resolution dispensing with an election; setting a time and place for a public hearing on the matter of annexation of certain contiguous territory herein described to the city of Brookings and withdrawing said territory from the Dawson Fire Protection District; and directing the giving of legal notice of said hearing.

Executive Secretary Donna Van Nest read Resolution No. 89-R-446 into the record.

Following discussion, Councilor Nidiffer moved for adoption of Resolution No. 89-R-446, which motion was duly seconded by Councilor Hoselton. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Mayor Hummel declared Resolution No. 89-R-446 adopted.

4. RESOLUTION NO. 89-R-447 - A Resolution declaring the intent of the City Council to initiate the establishment of a Local Improvement District within the city of Brookings immediately following annexation of the Dawson Tract, Oregon Driftwood Shores and West Harris Heights area.

Executive Secretary Donna Van Nest read Resolution No. 89-R-447 into the record.

Following discussion, Councilor Nidiffer moved for adoption of Resolution No. 89-R-447, which motion was duly seconded by Councilor Hoselton. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Mayor Hummel declared Resolution No. 89-R-447 adopted.

**XVI. PAYMENT OF VOUCHERS**

Councilor Batty moved to approve the vouchers in the amount of \$541,207.36, which motion was duly seconded by Councilor Mory. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Mayor Hummel declared the vouchers approved.

**XVII. RECESS TO NOON ON JANUARY 10, 1989, TO CONSIDER AND AWARD BOND SALE BIDS FOR WATER AND SEWER PROJECTS**

Mayor Hummel recessed the meeting at 10:48 p.m., to be reconvened at 12:00 noon, January 10, 1989.

**MINUTES**  
**BROOKINGS COMMON COUNCIL MEETING (RECONVENED)**  
**January 10, 1989**  
**12:00 Noon**

**I. RECONVENE**

Mayor Hummel reconvened the recessed January 9, 1989 Council Meeting at 12:00 noon.

**II. ROLL CALL**

**Council Present:** Mayor Fred Hummel, Council President Gil Batty, Councilors Ray Nidiffer, Kathy Hoselton, Ralph Mory

**Council Absent:** None.

**Staff Present:** City Manager Roy Rainey, Executive Secretary Donna Van Nest, Engineering Technician Leo Lightle, Recorder/Treasurer Beverly Shields

**Planning Commission Present:** None.

**Media Present:** None.

III. ORDINANCES (Continued)

3. ORDINANCE NO. 89-O-438 - An Ordinance acceptance bid for the purchase of \$1,300,000 General Obligation Water Bonds, Series 1989, of the City of Brookings, Oregon; and declaring an emergency.

City Manager Roy Rainey read the bids as follows:

U.S. National Bank	7.308087%
Shearson Lehman	7.3648491%
First Interstate	7.3928%
Kidder Peabody	7.455204%
Security Pacific	7.859979%

Mr. Rainey recommended that the City Council accept the bid of U.S. National Bank.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-438 into the record in its entirety.

Councilor Nidiffer moved for adoption of Ordinance No. 89-O-438 by first reading, which motion was duly seconded by Councilor Batty. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Mayor Hummel declared Ordinance No. 89-O-438 adopted by first reading.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-438 into the record by title only.

Councilor Batty moved for adoption of Ordinance No. 89-O-438 by second reading, which motion was duly seconded by Councilor Mory. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Mayor Hummel declared Ordinance No. 89-O-438 adopted by second reading.

Mayor Hummel scheduled a City Council work/study session for January 23, 1989, at 7:00 p.m. in the Council Chambers of City Hall.


III. ADJOURNMENT

Councilor Hoselton moved for adjournment, which motion was duly seconded by Councilor Nidiffer. A vote was taken with the following results:


Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton, Mory

Nays: None

Mayor Hummel adjourned the meeting at 12:15 p.m.

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

ATTEST:

  
\_\_\_\_\_  
Beverly S. Shields  
City Recorder