

CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
February 13, 1989 7:00 p.m.
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon

MINUTES

The City Council of the City of Brookings, Curry County, Oregon, convened the Council Meeting of February 13, 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, Treatment Plants Operator Paul Strader, Communications Sergeant Cameron Lynn, Municipal Court Judge Anita L. Stuart, Assistant Public Works Director Dennis Barlow

Planning Commission Present: Commissioner Mary Jane Brimm

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

IV. CEREMONIES/APPOINTMENTS

1. Mayor Hummel presented Bob Kerr with a myrtlewood plaque honoring him for outstanding service to the city as mayor for 12 years and for his many years as fire chief.
2. Mayor Hummel noted that a plaque is to be presented to former Councilor Doug Peterson, but that he is unable to attend the meeting tonight.

3. Appointment of Budget Officer for fiscal year 1989-90
City Manager Roy Rainey recommended that the City Council appoint Beverly Shields as budget officer for fiscal year 1989-90.

Councilor Nidiffer moved to appoint Beverly Shields budget officer for fiscal year 1989-90, 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.

V. MINUTES FOR APPROVAL

A. Approval of Council Meeting Minutes

1. January 9, 1989 Council Meeting

There being no corrections or additions, Councilor Nidiffer moved to approve the minutes of the January 9, 1989 Regular Council meeting, 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 and the minutes of the January 9, 1988 Regular Council meeting approved.

2. January 19, 1989 Development Code Public Hearing

There being no corrections or additions, Councilor Batty moved to approve the minutes of the January 19, 1988 Development Code Public Hearing, 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 and the minutes of the January 19, 1989 Development Code Public Hearing.

3. January 31, 1989 Development Code Public Hearing

There being no corrections or additions, Councilor Hoselton moved to approve the minutes of the January 19, 1988 Development Code Public Hearing, 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 and the minutes of the January 31, 1989 Development Code Public Hearing.

B. Acceptance of Planning Commission Meeting Minutes

1. January 3, 1989 Planning Commission Meeting

There being no corrections or additions, Councilor Batty moved to accept the minutes of the January 3, 1989 Planning Commission meeting, 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 and the minutes of the January 3, 1989 Planning Commission meeting approved.

VI. SCHEDULED PUBLIC APPEARANCES

1. Liz James - Brookings Area Council for the Arts- Request for funding

Liz James, representing the Brookings Area Council for the Arts, requested assistance with the cost of copying and postage for a quarterly newsletter sent out by the organization.

Following discussion, Councilor Hoselton moved to grant the request for assistance from the Brookings Area Council for the Arts, 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. Pete Smart - Curry Transfer & Recycling, Inc. - Request for rate increase

Pete Smart, representing Curry Transfer & Recycling, Inc., requested a rate increase, noting that the rates have remained the same since 1982.

Speaking on this agenda item from the audience were:

Phyllis Cottingham, 1307 English Court
Ann Fisher, 614 Hassett
Nancy Brendlinger, 925 Marina Hgts.

Following discussion, Councilor Batty moved to grant the rate increase to Curry Transfer & Recycling, Inc., 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.

3. Chetco Community Public Library District - Request to transfer deeds

Councilor Hoselton declared a possible conflict of interest. Mayor Hummel declared a conflict of interest and turned the chair to Council President Gil Batty.

Dick Draper, representing the Chetco Community Public Library District, requested that the City turn the library property and inventory over to the District as was the intent of the 190 agreement signed in 1985.

Councilor Nidiffer moved to authorize the mayor to sign the deed and the mayor and staff to arrange for the transfer of the Louis Eldon Morgan Fund to the District, which motion was duly seconded by Councilor Mory.

A vote was taken with the following results:

Ayes: Council President Batty, Councilors Nidiffer, Hoselton, Mory

Nays: None

Abstain: Mayor Hummel

Council President Batty declared the motion carried.

VII. COMMUNICATIONS/ANNOUNCEMENTS/REPORTS/REQUESTS

A. Mayor

1. Mayor Hummel announced that the City Council would hold a work session on February 27, 1989 at 7:00 p.m.
2. Mayor Hummel, with the consent of the Council, set March 6, 1989 as the date for the town hall meeting to discuss the Street Study.
3. Mayor Hummel announced that there is a vacancy on the Budget Committee which will be filled at the March Council meeting. Mayor Hummel requested that anyone interested in serving on the budget committee send him a resume.

B. Council

Councilor Hoselton apprised the Council of the status of the former Coos-Curry Council of Governments organization and the lawsuit which has been filed by Sandra Diedrich.

C. Planning Commission

Planning Director Richard Ullian announced that there will be CAC meetings on March 21 and March 22 to discuss periodic review processes.

D. Chamber of Commerce

Terry Connolly, manager of the Chamber of Commerce, presented the Council with an overview of the Brookings Harbor Chamber of Commerce Community Profile which the Chamber of Commerce is working on at this time.

Following discussion, Councilor Hoselton moved to purchase a 1/6 page advertisement for the City, 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.

E. City Manager

1. **1989-90 Budget Calendar**

City Manager Roy Rainey requested approval of the property budget calendar for fiscal year 1989-90.

Following discussion, Councilor Hoselton moved to approve the proposed budget calendar for 1989-90, 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.

2. **Fire Services Agreement**

Speaking during the discussion of this agenda item were:

Stan Hodney, Gold Beach Fire Chief
Arch Lang, Winchuck Volunteer Fire Department
Frank Kelly, Harbor Rural Fire Protection District

Following discussion, Councilor Hoselton moved to approve the mutual assistance agreement presented by the Pacific Coast Cal-Ore Fire Chiefs Association as written, with two addenda, 1) that the city of Brookings will only be called to structural fires which are beyond the local firefighting agencies ability to control, and 2) the Pacific Coast Cal-Ore Fire Chiefs Association shall appoint a committee to draft a more definitive contract to be signed by all agencies within one year, and if that is not done the City of Brookings shall have the option to withdraw at that time, which motion was duly seconded by Mayor Hummel. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Hoselton, Mory

Nays: Councilor Nidiffer

Mayor Hummel declared the motion carried.

3. Request to approve construction plans for Kelly & Wiggins Subdivision

City Manager Roy Rainey indicated that the city engineer has reviewed the revised plans submitted by John Thorp for the Kelly and Wiggins Subdivisions, and the city engineer has recommended approval of the plans.

Following discussion, Councilor Nidiffer moved to approve the revised plans for the Kelly and Wiggins Subdivisions, 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 the motion carried.

4. Acceptance of 1987-88 Audit Report

Councilor Batty moved to accept the 1987-88 budget document as presented, 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.

5. Request for street name - Chetco Lane

City Manager Roy Rainey presented the Council with a request from the members of the Chetco Senior Center to name the new street going up to their building "Chetco Lane".

Following discussion, Councilor Hoselton moved to name the street "Chetco Lane", 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.

6. Local Origination Channel Proposal - Falcon Cable

City Manager Roy Rainey presented the Council with a proposal from Falcon Cable Television for their services to the city of Brookings.

Following discussion, Councilor Hoselton moved to direct the city manager to write to Falcon Cable to follow up on the issue of seeing that the grantee continue its service as it was when it was taken over by the franchise. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried.

7. Glenwood PUD Approval - six months time extension

Planning Director Richard Ullian indicated that staff recommended approval of the extension for six months to September 1, 1989, subject to all terms, stipulations, conditions and requirements imposed in the originally approved Final ORDER and Findings of Fact document dated September 24, 1987, and Memorandum Agreement dated March 1, 1988. Mr. Ullian noted that another recommendation was that the extension not be granted until and unless all engineering fees and costs in the preparation of the record for the LUBA appeal be paid in full in the total amount of \$1,321.13, which amount was paid in full on February 13, 1989.

Following discussion, Councilor Batty moved to approve the request subject to all terms, stipulations, conditions and requirements imposed in the originally approved Final ORDER and Findings of Fact document dated September 24, 1987, and Memorandum Agreement dated March 1, 1988. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried.

8. Request for authorization to close a portion of Elk Drive temporarily for street improvement construction

Following discussion, Councilor Hoselton moved to authorize the closure of the Elk Drive Extension for 90-days or until the roadway improvements are completed, whichever occurs first, 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.

9. **Consideration of wastewater treatment plant construction project**

(See Executive Session)

F. City Attorney

City Attorney John Babin advised the Council on the present status of the lawsuit filed by Sandra Diedrich against Coos-Curry Council of Governments.

City Attorney John Babin advised the Council on the present status of the proposed golf course site at Jack Creek.

City Attorney John Babin advised the Council on the status of the water protection project proposed to protect the City's water source on the Chetco River.

G. Contract Review Board

Mayor Hummel recessed the regular Council meeting at 10:12 p.m., and convened contract review board.

1. Request to purchase used pickup

Engineering Technician Leo Lightle requested authority to purchase a used pickup with monies remaining after the purchase of one new pickup. The amount of remaining monies is \$5,269.

Following discussion, Mayor Hummel adjourned the contract review board and reconvened the regular Council meeting at 10:18 p.m.

Councilor Mory moved to authorize staff to purchase a used pickup with funds not to exceed \$5,269, 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.

VIII. CALL FOR BIDS

1. Wastewater Treatment Plant chlorine container emergency repair kit

Following discussion, Councilor Hoselton moved to authorize a bid call for a wastewater treatment plant chlorine container emergency repair kit, 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. Arc welder - Water Treatment

Following discussion, Councilor Hoselton moved to authorize a bid call for an arc welder, 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.

3. Street Stripper - Streets (salmon)

Following discussion, Councilor Nidiffer moved to authorize a bid call for a street stripper, 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.

IX. REPORT ON BIDS

None.

X. PUBLIC HEARINGS

1. Request to vacate a portion of Wharf and Railroad Streets - Chet Thompson

Councilor Hoselton declared a conflict of interest and abstained from voting.

Mayor Hummel opened the public hearing at 10:30 pm.

Planning Director Richard Ullian presented the staff report regarding this matter and recommended that the City Council not vacate the subject portion of Wharf and Railroad Streets, between Hemlock and Railroad, pursuant to ORS 271.130, based upon the findings that the interest would best be served retaining same as public right-of-way, but should the Mayor and Council choose to divest the public's interest in the right-of-way, then it should not be vacated, but deeded at fair market value, similar to other adjoining commercial property values.

Mayor Hummel closed the public hearing at 11:08 p.m.

Following discussion, Councilor Nidiffer moved to deed the property in question to Mr. Thompson at fair market value, which value is to be determined by an appraiser chosen by the city and paid by Mr. Thompson, which motion was duly seconded by Councilor Batty. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Mory

Nays: None

Abstain: Councilor Hoselton

Mayor Hummel declared the motion carried.

XI. FINAL ORDERS

None.

XII. ORDINANCES

1. ORDINANCE NO. 89-O-439 - An ordinance amending Section 10 of Ordinance No. 88-O-432, adopted December 12, 1988; and declaring an emergency.

Councilor Hoselton declared a conflict of interest and abstained from the voting.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-439 into the record.

Councilor Batty 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, Mory

Nays: None

Abstain: Councilor Hoselton

Mayor Hummel declared Ordinance No. 89-O-439 adopted by first reading.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-439 into the record by title only.

Councilor Nidiffer moved to adopt Ordinance No. 89-O-439 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, Mory

Nays: None

Abstain: Councilor Hoselton

Mayor Hummel declared Ordinance No. 89-O-439 adopted by second reading.

XIII. RESOLUTIONS

None.

XIV. UNSCHEDULED PUBLIC APPEARANCES

City Manager Roy Rainey requested that the City Council rescind Resolution No. 419, which names Roy G. Rainey as the authorized agent for the City in the process of grant funding through EPA for wastewater projects. The Council agreed that this matter should be discussed in Executive Session.

XV. PAYMENT OF VOUCHERS

Councilor Nidiffer moved to approve the vouchers in the amount of \$330,508.54, 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 vouchers approved.

XVI. RECESS

Mayor Hummel recessed the regular meeting at 11:44 p.m., to convene and Executive Session for the purposes of discussing possible litigation concerning the Harbor Sanitary District.

XVII. EXECUTIVE SESSION ORS 190.660 (1) (h)

XVIII. RECONVENE

Mayor Hummel reconvened the regular council meeting at 12:10 a.m., February 14, 1989.

XIX. RECESS

Mayor Hummel recessed the meeting, to be reconvened as an Executive Session at 12:00 noon, February 15, 1989.

MINUTES
BROOKINGS COMMON COUNCIL MEETING (RECONVENED)
February 15, 1989
12:00 Noon

I. RECONVENE

Mayor Hummel reconvened the Executive Session at 12:23 p.m.

II. ROLL CALL

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

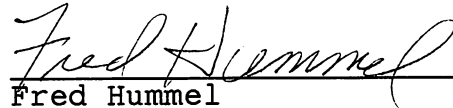
Council Absent: Councilor Ray Nidiffer

Staff Present: City Manager Roy Rainey, Executive Secretary Donna Van Nest, City Attorney John Babin

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

III. ADJOURNMENT

Mayor Hummel adjourned the meeting at 1:20 p.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder