

CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
MARCH 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 March 13, 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, Council President
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,
Municipal Court Judge Anita Stuart, Chief of Police Kent
Owens, Communications Sergeant Cameron Lynn, Assistant
Public Works Director Dennis Barlow, Treatment Plants
Chief Operator Paul Strader

Planning Commission Present: None

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

IV.

CEREMONIES/APPOINTMENTS

1. Planning Commission Appointment

Following advice from City Attorney John Babin on the proper procedure for appointments to the Planning Commission, Mayor Hummel appointed Judi Krebs to the Planning Commission and requested Council approval. Counselor Hoselton moved to confirm the appointment of Judi Krebs to the Planning Commission, which motion was duly seconded by Councilor Mory. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Hoselton, Mory

Nays: Councilor Nidiffer, Batty

Mayor Hummel declared the motion carried.

2. Budget Committee Appointment

Councilor Batty nominated Harold Thiesen to fill the vacancy on the Budget Committee, 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.

V.

MINUTES FOR APPROVAL

A. Approval of Council Meeting Minutes

1. February 13, 1989 Council Meeting

There being no corrections or additions, Councilor Nidiffer moved to approve the minutes of the February 13, 1989 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.

B. Acceptance of Planning Commission Meeting Minutes

None.

VI. SCHEDULED PUBLIC APPEARANCES

1. Liquor License Application - Pizza Hut

Councilor Hoselton moved to approve the liquor license application for the Cascade Pizza Development Corporation, dba Pizza Hut, 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.

VII. COMMUNICATIONS/ANNOUNCEMENTS/REPORTS/REQUESTS

A. Mayor

1. Meeting Dates

Mayor Hummel reminded the audience of the meeting regarding the parkway concept on March 16, the Council Work/Study Session on March 27, and the CAC meeting on March 28 and 29.

2. Planning Commission Vacancy

Mayor Hummel announced that as of April 1, 1989 there will be a vacancy on the Planning Commission and he invited all interested persons to submit an application to fill the vacancy.

3. Discussion of early termination of City Manager's contract [verbal]

Mayor Hummel advised that on February 15, 1989, City Manager Roy Rainey had submitted a letter of intent to resign his position. Following subsequent actions, Mayor Hummel recommended that the Council accept the resignation and appoint a council person to negotiate the terms of the early resignation.

During the discussion period, the following persons spoke:

Mel Palmer, 1100 Rowland Lane
Nick Beaman, 1240 Chetco Ave.
Tom Herrod, 1089 Parkview Drive
John Hoskinson, 333 Mill Beach Road
Ken MacLeod, 1247 Hub St.
Alice Pearson, 1012 Easy St.
Larry Curry, 885 Midland Way
Christine Bozzone, 734 First St.
Jack Means, 309 S. Hazel
Louise Reel, 543 Cushing Court
Eldon Gossett, 98 Tanbark
Bill Hahn, 1401 View Court

Following discussion, Councilor Batty moved to reject the letter of resignation from Roy Rainey, which motion was duly seconded by Councilor Nidiffer. A vote was taken with the following results:

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

Mayor Hummel declared the motion carried.

B. Council

Councilor Hoselton briefed the council and the audience on a meeting on the Children's Agenda which she and Councilor Mory attended in Gold Beach.

C. Planning Commission

None.

D. Chamber of Commerce

Chamber of Commerce Manager Terry Connolly advised the Council that a local man is becoming a certified weather watcher for the area, and Terry reminded the council and the audience that the weekend of March 18 and 19 is the annual Beachcomber's Festival. Terry advised that Chamber President Fred Schutte has been hospitalized but is now at home.

E. City Manager

1. Request from police department for additional personnel

Chief of Police Kent Owens presented the Council with a request for an additional police officer. Chief Owens pointed out that the position was funded in the 1987-88 budget but not filled, and he requested permission to hire that officer at this time.

Following discussion, Councilor Hoselton moved to approve the additional personnel as requested, which motion was 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. Financial restructuring

City Manager Roy Rainey advised the Council that the city has been offered an opportunity to refinance our water bond debt to Farmers Homes Administration at a considerable savings to the city. Mr. Rainey requested authorization to prepare the necessary documents to effectuate refunding of the bonds.

Following discussion, Councilor Batty moved to authorize the expenditure of \$84,286.38 from the Water fund to pay for the discounting on Farmers Home Administration water bonds, to be paid back as soon as the bonds are sold, which motion was duly seconded by 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. Consideration of adoption of Brookings Police Department Policies and Procedures

City Manager Roy Rainey recommended that the City Council adopt the Policies and Procedures Manual prepared by and for the Brookings Police Department. Councilor Nidiffer moved to adopt the Police Department Policies and Procedures, 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. Approval of public improvement plans - Crook property - Hemlock & Fern Sts.

Engineering Technician Leo Lightle presented the Council with the public improvement plans for the Crook property and recommended approval of the plans. Councilor Nidiffer moved to approve the public improvement plans for the Crook property, 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.

5. **Approval of public improvement plans - Birthing Clinic - Spruce and Fern Sts.**

Engineering Technician Leo Lightle presented the Council with the public improvement plans for the Birthing Clinic at Spruce and Fern Streets and recommended approval of the plans. Councilor Hoselton moved to approve the public improvement plans for the Birthing Clinic, 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.

Mayor Hummel recessed the meeting at 8:58 p.m., and reconvened the meeting at 9:11 p.m.

6. **Request for authorization to borrow money for interim financing for wastewater system improvements**

City Attorney John Babin presented the Council with a memo which explained this request, and Executive Secretary Donna Van Nest read Resolution No. 89-R-449 into the record. Councilor Nidiffer moved to adopt Resolution No. 89-R-449, 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.

F. City Attorney

City Attorney John Babin requested an Executive Session immediately following closure of the regular meeting, to discuss possible litigation.

City Attorney John Babin requested and received permission to be absent from the continued March 13 Council meeting and the March 27 Council Work/Study session.

G. Contract Review Board

None.

VIII. CALL FOR BIDS

1. Approval of contract documents and authorization to call for bids on water pump station and transmission pipeline

City Attorney John Babin indicated that he had reviewed the contract documents and he recommended that the City Council approve the contract documents with one change. Councilor Nidiffer moved to approve the contract documents for the construction of the water pump station and transmission line subject to the change recommended by the city attorney, 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.

2. Television camera - Wastewater Collection

Engineering Technician Leo Lightle presented the Council with specifications and a request to call for bids for specialized television equipment cable of televising sewer lines. Following discussion, Councilor Batty moved to authorize staff to call for bids for the sewer inspection television equipment, 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

1. **Wastewater Treatment Plant chlorine container
emergency repair kit**

Treatment Plants Chief Operator Paul Strader reported to the Council that only one bid was received for this equipment and he recommended that the bid from Chlorine Specialties, Inc., in the amount of \$2,320 be accepted. The equipment does meet the required specifications and is within the budgeted amount of \$2,800. Following discussion, Councilor Hoselton moved to award the bid for the wastewater treatment plant chlorine container emergency repair kit to Chlorine Specialties, Inc., in the amount of \$2,320, 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. **Arc welder - Water Treatment**

Engineering Technician Leo Lightle reported to the Council that only one bid was received for this equipment and he recommended that the bid from Eugene Welders Supply Co., Inc., in the amount of \$1,033.12 be accepted. The equipment does meet the required specifications and is within the budgeted amount of \$2,500. Following discussion, Councilor Batty moved to award the bid for the arc welder to Eugene Welders Supply Co., Inc., in the amount of \$1,033.12, 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. Street striper - Streets

Engineering Technician Leo Lightle reported that two bids had been received for this equipment but requested that the bid from Columbia Equipment be rejected because it does not meet the required specifications. Mr. Lightle recommended that the Council award the bid to Norris Paint Company, Salem, Oregon, for a "Prostriper 5000 w/ Option 3" in the amount of \$6,660. The equipment does meet the required specifications and is within the budgeted amount. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried.

X. PUBLIC HEARINGS

1. Dawson Tract, West Harris Heights and Oregon Driftwood Shores Annexation, LID and rezoning: Consideration of petitions for the annexation, rezoning from county to city single family residential classification and establishment of LID for water and sewer improvements.

Mayor Hummel opened the public hearing at 10:13 p.m. and announced that the public hearing would be continued to tomorrow night, March 14, 1989, at 7:00 p.m. in the Council Chambers.

XI. FINAL ORDERS

None.

XII.

ORDINANCES

1. ORDINANCE NO. 89-O-433 - An ordinance governing the procedures of the Brookings Common Council.
2. ORDINANCE NO. 89-O-440 - An ordinance creating the office of city manager; establishing and prescribing the powers and duties thereof; and repealing Ordinances no. 51-O-005 and 84-O-386.

Councilor Batty moved to table these two ordinances, 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.

XIII.

RESOLUTIONS

1. RESOLUTION NO. 89-R-448 - A resolution authorizing the mayor to sign the Mutual Assistance Agreement attached hereto and adopting said agreement (Exhibit "A") by reference.

Executive Secretary Donna Van Nest read Resolution No. 89-R-448 into the record. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Hoselton, Mory

Nays: Councilor Nidiffer

Mayor Hummel declared the motion carried and Resolution No. 89-R-448 adopted.

2. RESOLUTION NO. 89-R-450 - A resolution authorizing the issuance and sale of \$1,730,000 principal amount of general obligation water bonds of 1989, of the city of Brookings, Oregon, for the purpose of refunding general obligation brookings water bonds of 1973; 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; and authorizing the annual levy of a direct ad valorem tax for the payment of principal and interest on the bonds.

Executive Secretary Donna Van Nest read Resolution No. 89-R-450 into the record. Councilor Nidiffer moved for adoption of Resolution No. 89-R-450, 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 Resolution No. 89-R-450 adopted.

3. **RESOLUTION NO. 89-R-451 - A resolution approving a rate schedule for Curry Transfer and Recycling, Inc.**

Executive Secretary Donna Van Nest read Resolution No. 89-R-451 into the record. Councilor Batty moved for adoption of Resolution No. 89-R-451, 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 and Resolution No. 89-R-451 adopted.

XIV. UNSCHEDULED PUBLIC APPEARANCES

XV. PAYMENT OF VOUCHERS

Councilor Nidiffer moved to approve the vouchers in the amount of \$157,473.05, 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.

EXECUTIVE SESSION ORS 192.660 ()

Mayor Hummel recessed the meeting at 11:02 p.m. to convene an Executive Session and announced that the regular meeting would be reconvened at 7:00 p.m., March 14, 1989.

CITY OF BROOKINGS
RECONVENED BROOKINGS COMMON COUNCIL MEETING
MARCH 14, 1989 7:00 P.M.
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon

MINUTES

I. CALL TO ORDER

Mayor Hummel called the meeting to order at 7:00 p.m.

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, Acting City Attorney Christopher Keusink, Executive Secretary Donna Van Nest, Engineer Richard Nored, Planning Director Richard Ullian, Recorder/Treasurer Beverly Shields,

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

III. PUBLIC HEARINGS

1. Dawson Tract, West Harris Heights and Oregon Driftwood Shores Annexation, LID and rezoning: Consideration of petitions for the annexation, rezoning from county to city single family residential classification and establishment of LID for water and sewer improvements.

Mayor Hummel appointed Acting City Attorney Christopher Keusink as the Hearings Officer.

Hearings Officer Keusink determined that the proposed action to annex and concurrently rezone to a city single family residential zoning classification of the approximately 175 acre area of contiguous territory to the city of Brookings and the subsequent question of the formation of a LID for sewer and water improvements for the area represented a quasi-judicial proceeding and therefore outlined the formal rules of procedure for the conduct of the hearing, pursuant to Resolution No. 213.

Following this presentation, Hearings Officer Keusink requested that Planning Director Richard Ullian present the staff report, and City Engineer Richard Nored present the Engineer's Report relative to the estimated project costs and assessments for both the sanitary sewer and water distribution improvements proposed for the Local Improvement District (LID) formation to serve the proposed annexation area.

Following these presentations of city staff, the following persons spoke in favor of the proposed annexation, sewer and water LID formation:

- 1) Jim Collis, 17346 Holmes Drive, representing the Dawson Tract/West Harris Heights Homeowners Association, presented a summary response and position supporting the proposal for annexation/sewer and water improvements LID formation, with the following requested qualifications and/or safeguards being incorporated.
 - (a) If project bids exceed current estimated cost, then annexation be rescinded.
 - (b) If sewer and/or water service is not available to the area, annexation be rescinded.
 - (c) That the city tax rate be phased-in over a ten (10) year time period.
 - (d) That existing dwellings in the annexation not be subject to the system development charges to connect to sewer and/or water services.

- 2) Gilbert Ellis, 321 Clay St., Ashland, Oregon
- 3) Lou Martin, 416 Ardmore Dr., Medford, Oregon
- 4) Bob Robertson, 1322 E. McAndrews Rd., Medford, Oregon, representing himself and a group of investors who have owned Harris Beach Estates for approx. 20 years (platted but undeveloped subdivision in area.)
- 5) Evelyn Scott, 17379 Blueberry Drive, presented testimony that she has witness evidence of diesel in Shigh Creek drainage course.
- 6) Harold Thiesen, 1223 Barclay Lane, Brookings, questioned Councilor Ralph Mory relative to a potential conflict of interest because his wife's parents own or owned property in the Dawson Tract area.

To avoid any potential of conflict of interest, Councilor Mory, at this point, declined to participate in the proceedings at issue.

- 7) Don Minard, 1390 Jacksonville Hwy., Jacksonville, Oregon, representing the Oregon Driftwood Shores Homeowners Association.
- 8) Steve Paul, 96511 Dawson Rd., Brookings
- 9) Pete Smart, representing church located on west side of Passley Road.

And the following persons questioned testimony of the proponents to the proposal:

- 1) Nick Beaman, 17338 Blueberry Road, Brookings, questioned the Bancroft Bonding term from 30 years down to 20 years.
- 2) Jeff Holmes, 17350 Holmes Drive, Brookings, questioned actions that would be taken on delinquency of assessment payments, and improvement standards for existing substandard streets and resulting useability of lots.

And the following persons spoke in opposition to the proposal:

- 1) Nick Beaman, 17338 Blueberry Road, Brookings

- 2) Jeff Holmes, 17350 Holmes Drive, Brookings, representing his parents at the same address.

Following the closure of the hearing at 8:59 p.m., the hearings officer turned the conduct of the meeting to Mayor Hummel for discussion and deliberation by the Council members.

IV. ORDINANCES

1. **ORDINANCE NO. 89-O-441** - An ordinance declaring the annexation of certain real property to the city of Brookings, withdrawing said property from the Dawson Fire Rural Fire Protection District, and concurrently rezoning said property from Residential - Two (R-2) county zoning to Residential Low Density (R-LD) city zoning, and declaring an emergency.

Councilor Batty moved to amend Ordinance No. 89-O-441 to include language that the System Development Charge not be imposed on existing structures in the area for sewer/water service connection, but only be imposed upon new construction, which motion was duly seconded by Councilor Nidiffer. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton

Nays: None

Abstain: Councilor Mory

Mayor Hummel declared the motion carried.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-441 in its entirety into the record. Councilor Batty moved for adoption of Ordinance No. 89-O-441 by first reading, which motion was duly seconded by Councilor Hoselton. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton

Nays: None

Abstain: Councilor Mory

Mayor Hummel declared the motion carried and Ordinance No. 89-O-441 adopted by first reading.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-441 by title only into the record. Councilor Nidiffer moved for adoption of Ordinance No. 89-O-441 by second reading, which motion was duly seconded by Councilor Batty. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton

Nays: None

Abstain: Councilor Mory

Mayor Hummel declared the motion carried and Ordinance No. 89-O-441 adopted by second reading.

2. **ORDINANCE NO. 89-O-442 - An ordinance setting the assessments for the city of Brookings improvement district No. 1-89 for water distribution improvements within the Dawson Tract, Oregon Driftwood Shores, West Harris Heights area immediately following annexation; and numbering and declaring the assessment roll for said district, and declaring an emergency.**

Executive Secretary Donna Van Nest read Ordinance No. 89-O-442 in its entirety into the record. Councilor Nidiffer moved for adoption of Ordinance No. 89-O-442 by first reading, which motion was duly seconded by Councilor Hoselton. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton

Nays: None

Abstain: Councilor Mory

Mayor Hummel declared the motion carried and Ordinance No. 89-O-442 adopted by first reading.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-442 by title only into the record. Councilor Batty moved for adoption of Ordinance No. 89-O-442 by second reading, which motion was duly seconded by Councilor Nidiffer. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton

Nays: None

Abstain: Councilor Mory

Mayor Hummel declared the motion carried and Ordinance No. 89-O-442 adopted by second reading.

3. ORDINANCE NO. 89-O-443 - An ordinance setting the assessment for the city of Brookings improvement district No. 2-89 for sanitary sewer improvements within the Dawson Tract, Oregon Driftwood Shores, West Harris Heights area immediately following annexation; and numbering and declaring the assessment roll for said district, and declaring an emergency.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-443 in its entirety into the record. Councilor Hoselton moved for adoption of Ordinance No. 89-O-443 by first reading, which motion was duly seconded by Councilor Nidiffer. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton

Nays: None

Abstain: Councilor Mory

Mayor Hummel declared the motion carried and Ordinance No. 89-O-443 adopted by first reading.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-443 by title only into the record. Councilor Nidiffer moved for adoption of Ordinance No. 89-O-443 by second reading, which motion was duly seconded by Councilor Batty. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Batty, Nidiffer, Hoselton

Nays: None

Abstain: Councilor Mory

Mayor Hummel declared the motion carried and Ordinance No. 89-0-443 adopted by second reading.

City Manager Roy Rainey commended Jim and Virginia Collis for all their hard work on the annexation issue.

XVI. ADJOURNMENT

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

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

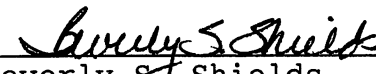
Nays: None

Mayor Hummel adjourned the meeting at 10:21 p.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder