

CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
APRIL 10, 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 April 10, 1989, at 7:04 p.m., in the Council Chambers of Brookings City Hall.

I. CALL TO ORDER

Mayor Hummel called the meeting to order at 7:04 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

Planning Commission Present: Ted Freeman, Jr.

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

XIII. RESOLUTIONS

1. Joint RESOLUTION by the Curry County Board of Commissioners, the cities of Brookings, Gold Beach and Port Orford, in support of federal legislation introduced by Congressman Peter DeFazio to allow the state of Oregon to regulate the export of unprocessed logs from state lands.

Mayor Hummel introduced Curry County Commissioner Dave Werschkul to the audience. Commissioner Werschkul requested that the Brookings City Council consider a joint Resolution by the Curry County Board of Commissioners, the cities of Brookings, Gold Beach and Port Orford, in support of federal legislation introduced by Congressman Peter Defazio to allow the state of Oregon to regulate the export of unprocessed logs from state lands. Commissioner Werschkul read the proposed resolution into the record.

Following discussion, Councilor Nidiffer moved to approve the joint resolution in support of federal legislation introduced by Congressman Peter DeFazio to allow the state of Oregon to regulate the export of unprocessed logs from state lands, 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. **RESOLUTION NO. 89-R-454 - A Resolution to the Oregon Department of Transportation, Highway Division, requesting a corridor study, an access study and designation of Brookings and the area from the Chetco River to the California border as a demonstration project to study development of an Oregon Coastal Parkway; and continuation of the long range plan to construct a one-way couplet for Highway 101 traffic in Brookings.**

Executive Secretary Donna Van Nest read Resolution No. 89-R-454 into the record. Following discussion, Commissioner Werschkul agreed with the language of the Resolution. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried.

REPORT FROM CITY ATTORNEY JOHN BABIN - COUNCILOR QUALIFICATIONS

Councilor Hoselton read a letter of resignation from the Brookings City Council, effective May 15, which letter is made a part of these minutes.

IV. CEREMONIES/APPOINTMENTS

1. Planning Commission Appointment

Mayor Hummel appointed John Herzog to the Planning Commission and requested Council approval. Counselor Hoselton moved to approve the appointment of John Herzog to the Planning Commission, 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.

V. MINUTES FOR APPROVAL

A. Approval of Council Meeting Minutes

1. March 13, 1989 Council Meeting

Following one correction, Councilor Mory moved to approve the minutes of the March 13, 1989 Council Meeting, 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.

2. April 3, 1989 Special Council Meeting [green]

There being no corrections or additions, Councilor Batty moved to approve the minutes of the April 3, 1989 Special Council 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.

B. Acceptance of Planning Commission Meeting Minutes

1. February 7, 1989 Planning Commission Meeting

There being no corrections or additions, Councilor Hoselton moved to accept the minutes of the February 7, 1989 Planning Commission Meeting, 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.

VI. SCHEDULED PUBLIC APPEARANCES

None.

VII. COMMUNICATIONS/ANNOUNCEMENTS/REPORTS/REQUESTS

A. Mayor

1. Request from Ken MacLeod to prohibit all parking in front of the Flying Gull

Councilor Batty declared a possible conflict of interest and abstained from participation in the discussion and vote.

At the request of Bill Hansen, Mayor Hummel read Mr. MacLeod's letter and the response from Bill Hansen into the record.

Speaking from the audience during the discussion were:

Ken MacLeod, P.O. Box 1215, Brookings
Mel Palmer, 1100 Rowland Lane, Brookings
Joe Zimmerman, Brookings
Bill Hansen, Flying Gull Restaurant

Following discussion, Councilor Nidiffer moved to table the agenda item, which motion was duly seconded by Councilor Hoselton. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Nidiffer, Hoselton, Mory

Nays: None

Abstain: Councilor Batty

Mayor Hummel declared the motion carried.

B. Council

C. Planning Commission

D. Chamber of Commerce

E. City Manager

1. Approval of public improvement plans - William Cody property - Wharf and Hemlock Streets

Leo Lightle, Engineering Technician, requested that the Council approve the plans, with the stipulation that a fire hydrant must be installed by the developer.

Following discussion, Councilor moved to table this agenda item until the May 8, 1989 Council 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.

2. Approval of street plans - Bruce Harden - Fifth Street

[deleted from the agenda]

3. Certification of operators of public water systems

Leo Lightle, Engineering Technician, presented the council with information which has been sent to the Oregon State Health Division showing that the city is in compliance with the requirements for certification of operators of public water systems. No action necessary.

4. Water service outside the city limits

Following discussion, Councilor Mory moved to interpret Ordinance No. 88-O-432, Section 10., B and C, as meaning that the requirement to sign an annexation agreement for the initiation or renewal of services to rental property will apply only when there is a change of ownership in the property, 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. Transfer of property from City of Brookings to Chet Thompson

Following discussion, Councilor Nidiffer moved to sell Tax Lot 4800, Map 41-13-06DA, to Chet Thompson for the sum of \$9,600, contingent upon the stakes being placed on the property, and authorizing the mayor to execute the deed, 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.

6. Fire service fees and other revenues

Mayor Hummel indicated that Mr. Rainey had proposed a \$3.50 fire service fee in the 1989-90 budget, thereby taking the fire department out of the general fund and making it a separate fund.

Following discussion, Councilor Batty moved to initiate the \$3.50 fire service charge. The motion died for lack of a second.

F. City Attorney

None.

G. Contract Review Board

None.

VIII. CALL FOR BIDS

1. Equipment - Fire Department

Councilor Hoselton moved to authorize the fire department to call for bids for equipment, in the approximate amount of \$5,000, 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. Water pump station and transmission pipeline

[deleted]

2. Television camera - Wastewater Collection

Councilor Nidiffer moved to award the bid to the low bidder, Flexible Systems, in the amount of \$27,156, 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.

X. PUBLIC HEARINGS

None.

XI. FINAL ORDERS

None.

XII.

ORDINANCES

1. ORDINANCE NO. 89-O-446 - An Ordinance adopting the Land Development Code and Zoning Map of the City of Brookings, repealing certain prior ordinances, and declaring an emergency.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-446 in its entirety into the record. Councilor Batty moved for adoption of Ordinance No. 89-O-446 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, Mory

Nays: None

Mayor Hummel declared the motion carried and Ordinance No. 89-O-446 adopted by first reading.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-446 by title only into the record. Councilor Nidiffer moved for adoption of Ordinance No. 89-O-446 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 the motion carried and Ordinance No. 89-O-446 adopted by second reading.

2. ORDINANCE NO. 89-O-447 - An Ordinance repealing Ordinance No. 293, adopting "APWA Standard Specification" in order to adopt revised Engineering Requirements and Standard Specifications Document, and declaring an emergency.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-447 in its entirety into the record. Councilor Nidiffer moved for adoption of Ordinance No. 89-O-447 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 the motion carried and Ordinance No. 89-O-447 adopted by first reading.

Executive Secretary Donna Van Nest read Ordinance No. 89-O-447 by title only into the record. Councilor Mory moved for adoption of Ordinance No. 89-O-447 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, Mory

Nays: None

Mayor Hummel declared the motion carried and Ordinance No. 89-O-447 adopted by second reading.

XIII. RESOLUTIONS

1. RESOLUTION NO. 89-R-428 - A Resolution of the city council of the city of Brookings establishing fees for the performance of the actions and reviews required by the Land Development Code.

Executive Secretary Donna Van Nest read Resolution No. 89-R-428 in its entirety into the record. Councilor Batty moved for adoption of Resolution No. 89-R-428, 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-428 adopted.

2. RESOLUTION NO. 89-R-452 - A Resolution adopting the Brookings Police Department Policies and Procedures.

Executive Secretary Donna Van Nest read Resolution No. 89-R-452 in its entirety into the record. Councilor Hoselton moved for adoption of Resolution No. 89-R-452, 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-452 adopted.

3. RESOLUTION NO. 89-R-453 - A Resolution in support of legislation proposed by U.S. Senator Bob Packwood permanently banning the export of logs from federal lands, prohibiting the sale or export of timber from state lands unless such timber will be processed in Oregon, and to further restrict federal "substitution".

Executive Secretary Donna Van Nest read Resolution No. 89-R-453 in its entirety into the record. Councilor Hoselton moved for adoption of Resolution No. 89-R-453, 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-453 adopted.

XIV. UNSCHEDULED PUBLIC APPEARANCES

None.

XV. PAYMENT OF VOUCHERS

Councilor Nidiffer moved to approve the vouchers in the amount of \$250,515.74, 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.

EXECUTIVE SESSION ORS 192.660 ()


XVI. RECESS

Mayor Hummel recessed the meeting at 11:20 p.m. to convene an Executive Session and announced that the regular meeting would be reconvened at noon on April 20, 1989.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder