

CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
July 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 July 10, 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, Councilor 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

Planning Commission Present: Commission Chairman Ted Freeman, Jr., Commissioner Mary Jane Brimm

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

IV. CEREMONIES/APPOINTMENTS

1. RESOLUTION NO. 89-R-461 - A Resolution accepting the abstract of votes for the special election held June 27, 1989.

Executive Secretary Donna Van Nest read Resolution No. 89-R-461 into the record. Councilor Mory moved to adopt Resolution No. 89-R-461, which motion was duly seconded by Mayor Hummel. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilor Mory

Nays: None

Mayor Hummel declared the motion carried.

2. Appointment of council members.

Councilor Mory moved to appoint Nancy A. Brendlinger, Fred H. Schutt III and William A Henry, Jr. to the City Council, which motion was duly seconded by Mayor Hummel. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilor Mory

Nays: None

Mayor Hummel declared the motion carried.

3. Oath of office.

Municipal Court Judge Anita L. Stuart administered the oath of office to new Councilors Nancy A. Brendlinger, Fred H. Schutt III and William A Henry, Jr., and they were seated on the bench.

4. Election of Council President

Councilor Schutt nominated Councilor Mory for Council President, which nomination was seconded by Councilor Brendlinger. Mayor Hummel called for other nominations. There being none, Mayor Hummel closed the nominations and called for a vote, with the following results:

Ayes: Mayor Hummel, Councilor Mory

Nays: None

Mayor Hummel declared the motion carried and Councilor Mory the new Council President.

4. Coos-Curry-Douglas Business Development Corporation Appointment

Mayor Hummel appointed Councilor Henry to represent the City of Brookings on the CCD Board of Directors.

5. Oregon Coastal Zone Management Association

Mayor Hummel appointed Councilor Schutt as the City of Brookings representative to OCZMA.

V.

MINUTES FOR APPROVAL

A. Approval of Council Meeting Minutes

1. June 12, 1989 Regular Council Meeting
2. June 20, 1989 Special Council Meeting

Councilor Mory moved to approve the Minutes of the June 12, 1989 and June 20, 1989 Council Meetings, which motion was duly seconded by Mayor Hummel. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilor Mory

Nays: None

Abstain: Councilors Brendlinger, Henry, Schutt

Mayor Hummel declared the motion carried.

B. Acceptance of Planning Commission Meeting Minutes

None.

VI.

SCHEDULED PUBLIC APPEARANCES

1. Request for water service - 17160 Old County Road - Joseph T. and Constance M. Wilson
2. Request for water service - Pioneer Lane - Sarah Pettinger
3. Request for water service - 98493 North Bank Chetco Road - Dale and Cheryl Hoie [yellow]

Following a lengthy discussion, Councilor Brendlinger moved to grant a variance on the Pioneer Lane property requested by Sarah Pettinger to allow the lot to develop off of the lateral that is in there; to sign a Deferred Improvement Agreement that if and when the water and sewer needs to come through there they will do their share; and to grant an easement along the property to the city to run that utility if and when it's ever needed. The motion died for lack of a second.

Following further discussion Councilor Schutt moved to table these agenda items, which motion was duly seconded by Councilor Henry. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried.

4. Request to address the Brookings Common Council - Ed Schlender, General Manager - Coos-Curry Electric Cooperative, Inc.

Mr. Schlender read a prepared statement into the record.

VII. COMMUNICATIONS/ANNOUNCEMENTS/REPORTS/REQUESTS

A. Mayor

1. **Coos-Curry-Douglas Business Development Corporation - Updating of the Development Factbooks for Coos, Curry and Douglas Counties**

Mayor Hummel indicated that he still has not received any figures from the Curry County Commissioners on this issue.

2. **Harbor Sanitary District Arbitration**

Mayor Hummel announced that HSD has filed a Notice of Submission to Arbitration on issues related to sewage treatment works cost allocation with Harbor Sanitary District. Following discussion, a special council meeting was set for Wednesday, July 12, 1989, to discuss the appointment of the City's arbitrator.

3. **Committee for Capital Improvements**

Mayor Hummel indicated that he would like to have a list of candidates to serve on this committee for the Council meeting in August.

4. Removal of parking spaces - Chetco Lane

Mayor Hummel indicated that the Brookings Merchants Association has recommended the removal of 3 parking spaces on Chetco Avenue at the intersection of Chetco Lane and Chetco Avenue. Councilor Henry moved to direct staff to paint out 3 parking spaces on Chetco Avenue at the intersection of Chetco Lane and Chetco Avenue, after having consulted with the Brookings Merchants Association to find out which three they are recommending for removal, which motion was duly seconded by Councilor Brendlinger.

A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried.

5. Curry Transfer and Recycling - Rate Review

Following discussion, Councilor Brendlinger moved to place this item on the August Council meeting agenda, which motion was duly seconded by Councilor Schutt. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried.

6. Jack Creek Golf Course Project

The Council agreed to set a work session to discuss the proposed golf course project on July 17, 1989.

7. Executive Session

Mayor Hummel announced that an Executive Session would be held at the end of the regular business meeting to discuss personnel.

8. **Oregon Mayor's Association**

Mayor Hummel announced that he would attend the Oregon Mayor's Association summer workshop on August 3, 4, 5 and 6 in Tillamook.

9. **U.S. Post Office city delivery**

The City Council directed staff to write a letter to the U.S. Postal Service requesting home delivery inside the city.

10. **Evaluation of legal expenses**

Following discussion, Councilor Schutt moved appoint a sub-committee of the Council to study the legal expenses incurred by the city, which motion was duly seconded by Councilor Henry. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried and appointed Councilor Henry to serve on the Committee with the Mayor.

B. **Council**

Councilor Schutt requested that the Council agenda be delivered to the Council earlier. It was agreed that the agenda would be delivered on Thursday instead of Friday.

Councilor Schutt requested that staff cut some limbs Easy and Fifth because they are obstruction vision.

Councilor Brendlinger indicated that she had received a letter from Lucy Giampoli regarding off-shore drilling.

C. **Planning Commission**

The Council agreed to set up a workshop to discuss the CAC and periodic review with the County Commissioners and the County Planning Commission on July 26, 1989 at the Brookings City Hall.

D. **Chamber of Commerce**

None

E. City Manager

1. Van Pelt Hills Ranchette Subdivision - Update

City Manager Roy Rainey presented the Council with a letter from a consultant, J. Michael LaNier, describing possible solutions to the water problems in Van Pelt Hills Estates. No action was requested.

2. Harbor Sanitary District Settlement - Update

[See Item VII.2.]

3. Authorization to call for proposals for engineering design:

(a) Reconstruction of Easy St. from U.S. 101 to Fern Avenue

(b) Opening of Fifth Street at Chetco Avenue

Following discussion, Councilor Mory moved to approve hiring Gary Dyer, P.E. to move forward with the design phase of the two projects, as presented. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried.

4. Approval of waterline plans - Tony Felipe

Following discussion, Councilor Henry moved to approve the plans for the waterline off Arnold Lane, which motion was duly seconded by Councilor Mory. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried.

XVI. RECESS

Councilor Henry moved to recess the meeting and to reconvene on Wednesday, July 12, 1989 at 7:00 p.m., which motion was duly seconded by Councilor Mory. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried and recessed the meeting at 11:05 p.m.

E. City Manager (Continued)

5. **D.E.Q. Addendum to Stipulated Consent Order No. WQ-SWR-88-35 - Wastewater facilities outfall construction**

City Manager Roy Rainey indicated that no action was necessary on this item. It is for information only.

6. **Authorization to award Dawson Tract/Oregon Driftwood Shores Geotechnical Investigation project**

Following discussion, Councilor Henry moved approve the firm of Geotechnical Resources, Inc., to perform the Geotechnical Investigation of the Dawson Tract/Oregon Driftwood Shores, which motion was duly seconded by Councilor Mory. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried.

7. **Request to purchase used vehicle**

The Council agreed to table this item until the August Council meeting, and directed staff to investigate the possibility of a lease/purchase.

8. City Manager Termination

City Manager Roy Rainey read a statement notifying the Council of his intent to terminate that certain Employment Agreement by and between the City of Brookings and himself dated September 12, 1988, according to Section 5(A) thereof, thirty (30) days prior to the automatic renewal date of July 1, 1990.

Mayor Hummel suggested that a subcommittee be appointed to negotiate with Mr. Rainey for an early termination of the employment agreement.

Following discussion, Councilor Schutt nominated Councilor Henry, which motion was duly seconded by Councilor Mory, and Councilor Brendlinger nominated Councilor Mory, which motion was duly seconded by Councilor Henry. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried.

F. Engineering Department

None.

G. City Attorney

1. Azalea-Parkview Project

Councilor Brendlinger moved to accept the staff recommendation to pay for the survey in establishing the easement to the City's water tank on the property in question, and that the City pay the difference in the culvert to be determined by an engineer, which motion was duly seconded by Councilor Henry. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried.

2. **Acceptance of right-of-way deeds for streets in the Van Duzee/Eastaff matter**

Councilor Schutt moved to authorize the Mayor to sign the two Acceptance of Dedications, which motion was duly seconded By Councilor Henry. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried.

3. **Harbor Sanitary District Arbitrator**

During the lengthy discussion concerning this issue, Attorney George Hoselton offered comments and City Manager Roy Rainey pointed out that it was inappropriate for the Council to take advice from Mr. Hoselton, considering that he had been associated with the Harbor Sanitary District as an attorney. At approx. 8:45 p.m., City Manager Roy Rainey left the meeting and Kathy Hoselton said that she would like it put on the record that Mr. Rainey called her husband a "stupid, fat ass". Mr. Rainey did not return to the meeting.

Councilor Mory moved to accept the recommendation of City Attorney John Babin to appoint Jack Hammond, Attorney at Law, from West Linn, Oregon, to act as the arbitrator for the City and Rick Glick as the attorney to argue the case on behalf of the City, which motion was duly seconded by Councilor Henry. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried.

H. **Contract Review Board**

None.

VIII.

CALL FOR BIDS

1. Approval of plans and authority to call for bids at such time as financing can be arranged - Wastewater Facilities Plan - Brown and Caldwell

(Postponed to the August Council meeting)

IX.

REPORT ON BIDS

None.

X.

PUBLIC HEARINGS

None.

XI.

FINAL ORDERS

None.

XII.

ORDINANCES

1. ORDINANCE NO. 89-O-450 - An ordinance amending Ordinance No. 66-O-190.

(Postponed to the August Council meeting)

XIII.

RESOLUTIONS

[See Item IV. CEREMONIES/APPOINTMENTS]

XIV.

UNSCHEDULED PUBLIC APPEARANCES

XV.

PAYMENT OF VOUCHERS

Councilor Brendlinger moved to approve the vouchers in the amount of \$212,713.54, which motion was duly seconded by Councilor Mory. A vote was taken with the following results:

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

Nays: None

Mayor Hummel declared the motion carried.

EXECUTIVE SESSION ORS 192.660 (1) (i)

Mayor Hummel recessed the meeting at 9:19 p.m. to convene an Executive Session for the purpose of discussing employee evaluations.

RECONVENE

Mayor Hummel reconvened the regular Council meeting at 10:17 p.m.

Following discussion, Councilor Schutt moved to set the salary for the Municipal Court Clerk at Grade II, Step 1, which motion was duly seconded by Councilor Brendlinger. A vote was taken with the following results:

Ayes: Councilors Mory, Brendlinger, Henry, Schutt

Nays: Mayor Hummel

Mayor Hummel declared the motion carried.

The Council agreed to evaluate the Municipal Court Judge at a later time, after they have reviewed the case file statistics of the court.

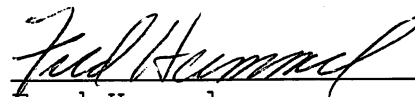
XVI. ADJOURNMENT

Councilor Mory moved to adjourn the meeting, which motion was duly seconded by Councilor Brendlinger. A vote was taken with the following results:

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


Nays: None

Mayor Hummel declared the motion carried and adjourned the meeting at 10:50 p.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder