Agenda

of Brookings

city Council Meeting

common Council Chambers

city Hall Council Chambers

Brookings, OR 97415

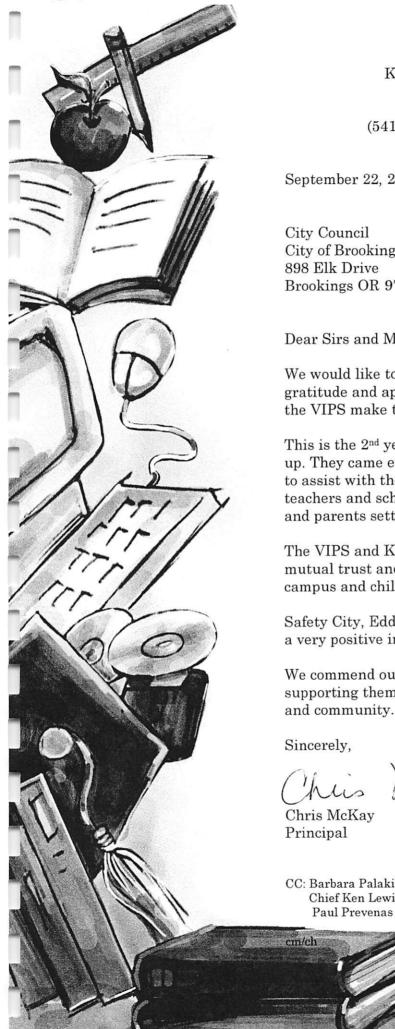
september 25, 2000

7:00pm



FIRE PREVENTION WEEK

October 8 through 14, 2000



Kalmiopsis Elementary School 564 Fern Avenue Brookings OR 97415 (541) 469-7417 Fax (541) 469-0413

September 22, 2000

City of Brookings Brookings OR 97415

Dear Sirs and Madams,

We would like to take this opportunity to share our gratitude and appreciation for the wonderful contribution the VIPS make to our school.

This is the 2nd year they have assisted with the school startup. They came every morning and afternoon for two weeks to assist with the traffic control and crossing. This allows teachers and school personnel to focus on getting our kids and parents settled.

The VIPS and Kalmiopsis have developed a relationship of mutual trust and respect. Their efforts towards keeping our campus and children safe and happy have been invaluable.

Safety City, Eddie Eagle and joining school events have had a very positive impact on our children.

We commend our local VIPS and thank the city for supporting them and making them available to our school and community.

> Paul Schoenborn Vice Principal

CC: Barbara Palaki Chief Ken Lewis

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handled out a q/25/0 ce mily

To: City of Brookings Mayor and Common Council

From: Don Nuss

Subject: Update on Chamber Disclosure

Date: 9/25/00

At this time last year I made requests for lawful disclosure of the minutes and financial information from the Brooking-Harbor Chamber of Commerce. In November 1999, I came to the City of Brookings with overwhelming evidence that the Chamber of Commerce was not complying with Oregon law. I came to the City for help because tax dollars are helping to support this non-profit entity.

I asked you to use the power of purse and compel the Chamber to comply with the law. The City of Brookings chose to protect its friends and family at the Chamber. By denying members of the Chamber access to Chamber documents the City was directly involved in a chain of events that need public notice.

In January I contacted the membership directly with concerns of policy and asked for support and money to hire an attorney to enforce Oregon disclosure laws at the Brookings-Harbor Chamber of Commerce. Many members where more than happy to give money toward this action. In February other members and I retained attorney Randall Tosh from Coos Bay.

To date I have received incomplete and unverifiable documents that beg for a court ordered inspection.

The Chamber has chosen to answer these concerns by closing its books, closing its meetings and now excommunicating honest members out of the Chamber. These red flags must be addressed by an honest independent investigation.

Thank you.

Don Nuss

808 Pioneer Rd.

Brookings OR 97415

n Muss

Memorandum

TO: Mayor & Council

THRU: Leroy Blodgett, City Manager

FROM: Gail L. Hedding, Finance Director/Recorder

DATE: September 25, 2000

RE: Accrued Sick Leave/PERS Retirement

Issue:

The City of Brookings has not made the election for accrued sick leave to be a part of the PERS retirement calculation.

Background:

Each employer within the PERS retirement system may elect to include accrued sick leave in the calculation of retirement benefits. In talking with our PERS representative, the City of Brookings has not notified PERS of that election. In reviewing the union contract for our police department, it came to our attention that the contract states "Upon termination of employment with the City, one-half of the employee's unused sick leave will be converted to the Public Employees Retirement System (PERS) in accordance with PERS rules." Therefore, for the police union employees the election needs to be made to include accrued sick leave so the PERS administrative process in consistent with the contract requirements.

We have had no union members retire since the contract has become effective, however, there have been three separations. In the case of separations, the sick time should be reported so it can be properly carried over to the next public employer, if appropriate.

It has been the practice of the City of Brookings that benefits are identical between union and non union employees.

In discussing the impact of accrued sick time with the PERS representative, he indicated that with our cap of 576 hours. it is unlikely the sick leave accrual with have an impact on either the retirement calculation or the PERS rate.

Recommendation:

Council approve the City of Brookings to make an election to include accrued sick leave in the retirement calculation for employees.

agenda

CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
September 25, 2000
7:00 p.m.

7	CALL	TO	<u>ORDER</u>
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- II. <u>PLEDGE OF ALLEGIANCE</u>
- III. <u>ROLL CALL</u>

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

- A. Proclamations
 - 1. Fire Prevention Week October 8 through 14, 2000
- B. Announcements
 - 1. Brookings-Harbor School District 17C letter regarding recent bomb threat
- V. PUBLIC HEARING
- VI. <u>SCHEDULED PUBLIC APPEARANCES</u>
 - A. Lee E. Sparks, ODOT Assistant District Manager of District 7

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

- A. Committee and Liaison reports
 - 1. Chamber of Commerce
 - 2. Businesses for a Better Brookings
 - 3. Port of Brookings-Harbor
 - 4. Council Liaisons
- B. Unscheduled

VIII. STAFF REPORTS

- A. Finance Department
 - 1. Summer Recreation Program Report
- B. City Manager
 - 1. Report on tobacco vendor assisted sales ordinance
 - 2. City Manager's assessment report
- C. Community Development Department
 - 1. Vacation of Center Street extending easterly from the intersection of Wharf Street for a distance of approximately 1,000 ft.
 - 2. Authorization to call for bids for skid steer loader
 - 3. Acceptance of water and sewer line for Hewitt RV Park
 - 4. Building Department changes
- D. City Attorney
 - 1. City Manager ordinance revision

IX. <u>CONSENT CALENDAR</u>

- A. Approval of Council Meeting Minutes
- 1. Minutes of September 11, 2000, Regular Council Meeting (end Consent Calendar)

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

- A. Ordinances
 - 1. No. ØØ-O-457.A, a revision to an ordinance creating the office of City Manager for the City of Brookings, Oregon; establishing the powers, duties, responsibilities, and authority of the City Manager; establishing the procedures for the appointment, removal, salary and benefits of the City Manager; and repealing Ordinance No. 84-0-386
 - 2. No.00-0-536, an ordinance vacating a portion of Center Street extending easterly from the intersection of Wharf Street for a distance of approximately 1,000 feet.
- B. Resolutions

XI . REMARKS FROM MAYOR AND COUNCILORS

- A. Council
- B. Mayor

XII. <u>ADJOURNMENT</u>

Council Chambers

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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1:00pm AzPrk-FREE AMF Summer 2000 Music Concert:Bryan Bowers; AzMidSchl If bad wthrl	7:00pm CC-Skate Park Mtg 7:00pm FH-FireTrng/ChShrp	7:00pm CC-Planning Comm reg mtg/JBischoff	12:00pm Comnity Agencies mtg @ Chetco Sr.Center 7:00pm FH-PoliceReserves	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crime Stoppers 2:00pm CC-Emerg Tsk Force w/Co. Coordntr- Chf Sharp; MArrell		
	9:00am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm CC-Council Mtg 7:00pm FH-FireTmg/ChShrp		2:30pm FH-SafetyComMtg/ HThmpson 7:00pm "Curry Govts" Mtg @ Gold Beach City Hall-2nd Wed of May, Jul,Sep,Nov,Jan, Mar	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 3:00pm CC-AMF Mtg/LBlodgett		10:00am GREAT OREGON FALL BEACH CLEANUP 10AM to 1PM
	8 Columbus Day 9:00am CC-Municipal Court/ JdgHarper 7:00pm FH-FireTrng/ChShrp	N	6:00pm FH-Subrbn Fire Dist Mtg/RexAtwell	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/Llightle 3:30pm CC-HOPE Mtg/ Tim Adsit-469-7443		13
	15 National Boss Day 9:00am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm CC-Council Mtg 7:00pm FH-FireTmg/ChShrp			7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 7:00pm CC-Parks & Rec Comm/ CMickelson		20
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PROCLAMATION

WHEREAS, 17 Oregonians lost their lives last year to residential fires, and

WHEREAS, smoke and poisonous gases are the leading causes of death in fires, and can kill a person before the flames will; and

WHEREAS, the deadly potential of fire and the time it takes to escape from a burning home puts families at risk of fire death or injury, and therefore developing a home escape plan and practicing it twice a year is crucial to escaping a real fire; and

WHEREAS, an adequate escape plan includes knowing two ways out of each room, crawling low under smoke, an outdoor location where everyone will meet upon exiting and calling 9-1-1 from a neighbor's house; and

WHEREAS, once out of a burning building, stay out; and

WHEREAS, in addition to a home escape plan, every household should have a working smoke alarm on every level, outside each sleeping area and in every bedroom; and

WHEREAS, the Oregon fire service is joined by other concerned citizens of this state, as well as businesses, schools, service clubs and other organizations in their dedication to protecting our citizenry from the devastating effects of fire; and

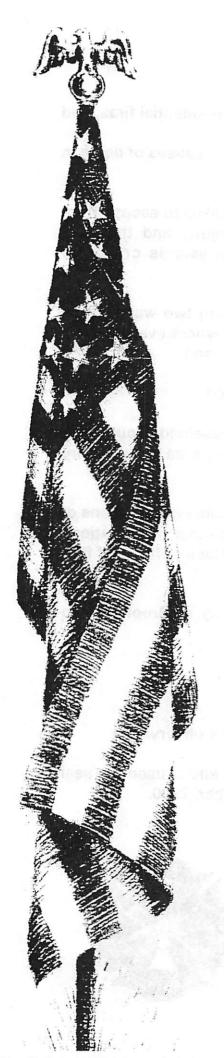
NOW, THEREFORE, I, Bob Hagbom, Mayor of the City of Brookings do hereby proclaim the week of October 8 through14, 2000 to be

"FIRE PREVENTION WEEK"

in Brookings, Oregon and encourage all citizens to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Brookings to be affixed this 25th day of September, 2000.





Brookings-Harbor School District 17-C

Administrative Office - 564 Fern Avenue, Brookings, OR 97415

Telephone: 541-469-7443

September 15, 2000

Ken Lewis, Chief of Police City of Brookings Police Department 898 Elk Drive Brookings, OR 97415

Dear Chief Lewis:

On behalf of our School Board, faculty, staff and students, let me thank you for the excellent response from the Brookings Police Department to the bomb threat that we received earlier this week.

Of course, this was a very unfortunate incident. However, it is reassuring to know that this School District can count on such a rapid and aggressive response to these types of situations from all of our local and state law enforcement agencies.

I know that you devoted every available resource at your disposal to assist us in responding to this situation. I hope you know that your cooperation and assistance is very much appreciated by all of us here in School District 17-C.

We really do appreciate all that our law enforcement professionals, especially the Brookings Police Department, do to make our schools here in Brookings-Harbor a safe place for our students.

Sincerely,

Dr. Paul Prevenas Superintendent

cc: Leroy Blodgett, Brookings City Manager Bob Hagbom, Mayor of Brookings Board of Education Building Principals TO:

Mayor & Council

THRU:

Leroy Blodgett, City Manager,

FROM:

Gail L. Hedding, Finance Director/Recorder,

DATE:

September 20, 2000

RE:

Summer Recreation Program 2000

Issue:

The Summer Recreation Program for 2000 has concluded another successful year. This is provided for informational purposes only.

Background:

The Summer Recreation Program offered 77 activities to 263 participants during the six week period June 26-August 4. The program was administered by Michelle Kalina with Pam Ball as her key instructor and assistant. In addition, Michelle recruited 54 volunteers to teach, host and supervise the activities presented to children aged 6-13.

The Summer Recreation Program was designed to coordinate with the school district's summer education program, therefore, most of the activities were held in the afternoon. This allowed children to educate in the morning and recreate in the afternoon. We did see a decrease in participants this year (263) as compared to last year (369). Michelle felt the full day schedule may have been too demanding for the younger children resulting in lower participation. There were no other obvious reasons for such a decline.

The program (\$15,000) is financed by the City of Brookings, Brooking Harbor School District 17C and the participants. The program offers financial assistant for those parents who can not afford the fee for a class via the "Silent Partner" program. Funds in the program come from donations made by interested parents, citizens or businesses. The "Silent Partner" program funds are exhausted after this year's program and donation will need to be obtained to continue the financial aid program.

The program faces challenges for the future. Michelle Kalina has accepted a teaching position in Korea and will not be here to administer the 2001 program. Her assistant, Pam Ball, has also indicated she will not be returning to the program next year.

Recommendation:

No specific council action is necessary. Staff will meet with school district officials regarding funding and planning for the 2001 program. This may be an opportunity to reformat the program for the 2001 year.

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Staff Report

To: Mayor Hagbom & City Councilers

From: Leroy Blodgett, City Manager

Date: September 20, 2000

Re: Tobacco Vendor Assisted Sales

As you may remember, at the last Council meeting City Council chose not to take any action on the proposed Vendor Assisted Sales Ordinance and authorized the Mayor to send a letter to tobacco products vendors asking them to voluntarily comply with the intent of the Ordinance. It was also discussed that it would be more acceptable if the other two cities and the county would adopt the Ordinance.

At the last Curry Governments meeting, I reported the Council decision on the Ordinance. Dave Manzella presented the Ordinance and background to the committee. The mayors of Port Orford and Gold Beach thought that adopting the Ordinance would be good if it was countywide. County representation was not present at the meeting. It was decided to encourage County Commissioners to be at the next meeting to continue the discussion.

Therefore, the letter to vendors has not been sent.



Staff Report

To: Mayor Hagbom & City Councilors

From: Leroy Blodgett, City Manager

Date: September 20, 2000

Re: One-Month Assessment

My first few weeks in Brookings were spent meeting people and getting an understanding of the community. The rest of my time has been spent getting acquainted with the city staff and the operations. However, this short time had some interesting and exciting events. During this time we had our first outside volunteer & employee picnic; we started a very interesting election process; the county proposed room tax was considered and dropped; we witnessed the coordination of a major drug raid; City Council denied a controversial anti-smoking ordinance and then suggested it be adopted countywide, which was well received by Gold Beach and Port Orford; and, we experienced a bomb threat at the school.

GENERAL PERSONNEL

The employee handbook needs to reviewed and updated as necessary.

A review of job descriptions and a salary survey should be done. The job description review can be done in-house with no expense to the City. The salary survey should be prepared by Local Government Personnel Institute (LGPI) or a private consultant. I will obtain proposals and cost estimates.

There are some problems in the way vacation, comp time and sick leave is accrued. We will review those policies and make recommendation for changes in the next few months. It may be appropriate to do that with the salary survey.

STAFFING

The City of Bookings is very fortunate to have an excellent staff. For the most part, they seem to work well together and are efficient. However, there is always some room for improvements. Not necessarily in the individuals, but the structure of departments.

COMMUNITY RELATIONS

The relationship between the City, the Port and the Chamber of Commerce is good, although it can be better by taking advantage of each other's knowledge, experience and resources. This is true especially with the Port. The Port has resources that are not available directly to the City that can be very beneficial to the community if we work together.

I have made application to join the Rotary Club. The rotary members are business people in the Brookings-Harbor area. This is a good place to meet people, and let them know the needs and workings of the City. It is also just good public relations.

I have been on the Channel 49 talk show and twice on the KURY radio talk show. This is an excellent form of communication with the community. We will continue, as in the past, to have a city representative on these shows each week.

The Curry Pilot is very supportive of the City and the community. This is a great relationship and I will do all I can to have it continue. It is not unusual to have a distant relationship with local media in small communities, which makes it difficult to get the right message out to the public.

PROJECTS & GOALS

Urban Growth Boundary (UGB):

A public hearing on the remand issues of the UGB expansion is scheduled for November 8, 2000. This is the most pressing major project for the City at this time. The completion of the UGB expansion will help facilitate positive development in the Brookings-Harbor area.

Downtown Revitalization:

I have reviewed the draft PROUD report as well as the Gateway Project report. In 1990 the City was prepared (and actually passed an ordinance) to adopt an urban renewal plan and create an urban renewal district. Had that been successful, funding for downtown improvement projects would not be nearly as difficult as it will now be. Unfortunately, that was referred to the voters by initiative and failed to pass by sixteen votes.

Urban Renewal may still be the best method to finance urban renewal improvement projects. In fact, the PROUD report recommends urban renewal the best way to fund the projects. I have contacted the League of Oregon Cities and state agencies to request information on the new urban renewal laws.

I would hope that the final PROUD report could be finished by the first of the year. This would give us next year (2001) to develop a Town Center Master Plan and secure a funding method.

Skate Park:

The newly formed Brookings-Harbor Skate Park Committee has met twice. The next meeting will be October 2, 2000 where we will have input from designers. Oregon State Parks grant program is one source of funding for the project. The grant application is due in January, which should fit right in with the committee's schedule.

Fire Department Expansion:

At first glance, adding 3 bays to the existing fire hall seemed like a simple solution (other than funding) to a simple problem. However, after looking at the need, the building and the site, it is not that simple. Adding 3 bays will cost about \$250,000 and will only be a short-term solution. As the

City grows and has the need for more space, there is no more room on the site to expand. Therefore, at that time a new location will need to be acquired. To resolve the long-term problem we should consider a new location for the fire hall or a new location for city hall and leave this property for police and fire. Actually, the fire hall is currently in a good central location. Finding a location for city hall may be the easiest solution and though the project becomes more expensive, it may be easier to obtain outside funding.

CLOSING

I feel fortunate to have been chosen to work for the City of Brookings. The people in the community are wonderful and have welcomed me with open arms. There is huge potential for the future of the City, which offers a challenge that I look forward to being a part. I will do my best to ensure that the coming years are successful and prosperous for the Brookings community.

I will end this brief report with a quote that I heard years ago and have tried to live by: "It's amazing what can be accomplished when you don't care who gets credit".

Memorandum

TO:

City Coungil

FROM:

John Bischoff Planning Director

DATE:

September 6, 2000



Issue:

Vacation of Center Street-Ordinance to complete the vacation process.

Background:

In March 1999 the city Planning Commission and City Council considered the request to vacate a section of Center St. approximately 900 feet in length located adjacent to the south side of the plywood mill. South Coast Lumber Co. asked that this section of Center St. be vacated to allow the expansion of the mill onto the adjoining parcel of land to the south. This request was coupled with complaints the city was receiving at the time concerning congestion on this section of the street because of mill related activity. As alternative route for people living on the west end of Center St., South Coast Lumber Co. proposed extending Wharf St. from its then westerly terminus to connect with the westerly or remaining portion of Center St.

In March 1999 the vacation was approved by the City Council with the understanding that the ordinance to complete the vacation process would not be approved and notice of the vacation given to the county until the Wharf St. extension was constructed and accepted by the city.

Wharf St. has now been completed and accepted by the city and the attached ordinance will complete this process.

Recommendation:

Adoption of the ordinance to complete the process of vacating the subject portion of Center St.

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TO:

Mayor, City Council

FROM:

Leo Lightle,

Community Development Director

DATE:

September 20, 1000

ISSUE:

Purchase of skid steer loader



RECOMMENDATION:

The City Council authorize Public Works to put together specifications to purchase a used skid steer loader.

The budget for Public Works for the 2000-2001 fiscal year includes dollars for a sued skid steer loader. The loader is to be purchased out of <u>Streets up to \$6,000</u>, <u>Water up to \$6,000</u>, <u>Wastewater up to \$6,000</u>.

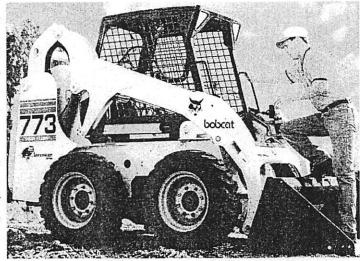
Public Works, in reviewing their long term equipment needs, looked at maintenance over ten years, efficient use of labor, versatility of equipment, safety issues and up-front costs.

This equipment will fill the need to work in tight spaces with efficient movement on the construction site, whether it is in the street or narrow spaces in the parks. Previously we've had to rent equipment to use in the parks because the backhoes are too wide. With more and more work being done in the parks, and maintenance previously being done by volunteers being turned over to the city, this equipment becomes more necessary to absorb some of the maintenance.

This will also free up a backhoe when we need a loader which essentially will free up a \$50,000+ piece of equipment with a \$14,000 to \$18,000 piece of equipment. We also feel that Public Works staff will use this equipment to load some of the heavy materials they currently load by hand due to the ability of this equipment to work in tight areas to load and unload materials.

With the amount of actual work anticipated at this time we feel that a newer used piece of equipment would fill Public Works needs rather than a new piece of equipment. We will specify a piece of equipment that has the controls and attachments so that we can add implements to the loader.

This photo is a representative of the type of equipment desired. Various companies manufacture skid steer loaders and other brands, including Bobcat, would be considered for purchase.



TO:

Mayor, City Council

FROM:

Leo Lightle,

Community Development Director

DATE:

September 21, 2000

ISSUE:

Acceptance of water and sewer mains

that serve Hewitt's Recreational

Vehicle Park.



Water

RECOMMENDATION:

The City Council accept into the Brookings Water and Wastewater System the water and sewer mains that serve Hewitt's Recreational Vehicle Park upon receiving the appropriate easements.

BACKGROUND:

Hewitts built sewer and water mains to service their R.V. They have completed construction, testing and provided as-builts and have asked the city to take over the water and sewer mains.

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Staff Report

To: Mayor Hagbom & City Councilors

From: Leroy Blodgett, City Manager

Date: September 21, 2000

Re: Building Department

BACKGROUND

Laura lee Gray, City Building Inspector and I have discussed changes in the department that will make it more accessible to the public and cost efficient to the City. I have described the changes below. These changes will be implemented as of October 15th, after a press release is issued and affected local contractors are notified. We expect little, if any, complaints about the changes. In fact, it should make the inspection process easier for the contractors.

This is an information item and requires no action by City Council.

- 1. The State of Oregon has adopted a Plan Review Check List and now requires all building inspectors to use this check list. This minor change will make all departments consistent.
- 2. The building inspector will require 24-hour notice for inspections. There will also be set office hours. The 24-hour notice will allow the building inspector to schedule her day more efficiently. As it is now, she responds to calls for inspections as they are received. This sometimes makes it difficult for contractors to contact her. Having consistent hours will make much easier for them and her. Laura Lee contact local contractors to see what hours would be best for them.
- 3. The State of Oregon Building Codes Division provides building valuation data to be used to establish permit fees. The City of Brookings currently is using the valuation data that was compiled in 1994. Most other jurisdictions, including Curry County, are using data complied in 2000. As of October 15th we will begin using the new values. This will increase permit fees slightly, but will be consistent with the rest of Curry County and most other communities in the State.

TREW, CYPHERS & MEYNINK

JOHN B. TREW CAROL P. CYPHERS JOHN MEYNINK ATTORNEYS AT LAW
222 E. 2nd Street
P.O. Box 158
Coquille, Oregon 97423-0158

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(RETIRED 1991)

CITY ATTORNEY REPORT

TO:

Mayor and City Councilors

FROM:

John Trew, City Attorney

DATE:

September 25, 2000

RE:

Amendment of Ordinance Creating the Office of City Manager

BACKGROUND

Ordinance 89-O-457 was adopted by the Council January 10, 1990. Section 6 of the ordinance provides as follows:

Severance. In the event of termination, the manager shall be granted a severance award of two weeks of pay plus accrued vacation upon satisfactory completion of one year of service. For each additional year of satisfactory performance, the manager shall receive an additional month of severance pay plus accrued vacation leave until a maximum of five and one-half (5½) months of salary has been accrued.

The proposed amendment to Section 6. Would provide that the issue of a severance award would be determined by the employment contract negotiated between the City and the City Manager.

ALTERNATIVES

- 1. Adopt the proposed amendment.
- 2. Do not adopt the proposed amendment.

RECOMMENDATION

Adopt the proposed amendment. Under the present ordinance the severance award amount is dictated by the ordinance. The amended ordinance would allow both the City and City Manager flexibility in negotiating an employment contract.

CITY OF BROOKINGS COMMON COUNCIL MEETING MINUTES City Hall Council Chambers 898 Elk Drive, Brookings, OR 97415 September 11, 2000 7:00PM

I. CALL TO ORDER

Mayor Bob Hagbom called the meeting to order at 7:02 PM.

II. PLEDGE OF ALLEGIANCE

Led by Police Chief Ken Lewis

III. ROLL CALL

Council Present: Mayor Bob Hagbom, Councilors Larry Curry, Frances Johns, and Lorraine Kuhn, a quorum present.

Council Absent: Councilor Keith Pepper, Excused

Staff Present: City Manager Leroy Blodgett, City Attorney John Trew, Police Chief Ken Lewis, Fire Chief William J. Sharp, and Administrative Secretary Sharon Ridens

Media Present: Chuck Hayward, Curry Coastal Pilot

Other: Chamber of Commerce Executive Director Les Cohen, Chamber President Richard Gyuro, Port of Brookings-Harbor Manager Russ Crabtree, CTR Manager Pete Smart, and approximately 20 other citizens

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Proclamation

1. National Emblem Club Week
Mayor Hagbom recognized members present from the Brookings Emblem
Club #265 of the Supreme Emblem Club of the United State of America Shirley Ardagna, Evelyn Jurgens, Areta Schock, Sharon Westbury, Hope
Haubrich, Rosemary Link, Jean Pruett, and our own City Councilor
Frances Johns, and declared the week of September 17 through 23, 2000,
as "National Emblem Club Week in Brookings."

Brookings Common Council Meeting Minutes September 11, 2000 - 7:00PM Prepared by Sharon A. Ridens, Administrative Secretary

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2. Community Pride Clean-up Month in Brookings-Harbor
Mayor Hagbom introduced CTR Manager Pete Smart and proclaimed the
month of September, 2000, as "Community Pride Clean-Up Month in
Brookings-Harbor.

V. SCHEDULED PUBLIC APPEARANCES

None

VI. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

- A. Committee and Liaison reports
 - 1. Chamber of Commerce

Executive Director Les Cohen invited the Council and City Staff to the monthly FORUM program to be held Thursday, September 14, 200 at Noon in the Best Western Brookings Inn Conference Room. Cohen noted State Representative Ken Messerle and Roger McCorkle, both running for State Senate seat from District 24, will be the speakers. Cohen advised Council a Chamber representative will be attending the Cal-Trans meeting in Crescent City on Thursday, September 14, 2000, where there will be discussion of modifications to Hwy 1999 north of Patrick's Creek Lodge, which is crucial to the commerce and economic well-being of the Brookings-Harbor community. Exec. Director Cohen also reported the Chamber's Marketing and Promotions Committee has approved the renewal of one year contracts with Oregon Coast Magazine and Sunset Magazine for the continued promotion of the City of Brookings and the Brookings-Harbor area. These contracts will provide the same level of promotion as did this prior year's contracts. The report ended with Cohen advising the Council he will be attending the quarterly membership meeting of the Oregon Coast Visitor's Association (OCVA) in Florence next week.

2. Businesses for a Better Brookings

No report. However, member Vicki Nuss of 808 Pioneer Rd, Brookings reported the Brookings-Harbor Vietnam Veterans of America, Chapter 757 had been recognized as National Chapter of the Year. Mayor Hagbom had been to their meeting earlier that evening with congratulations. There was no report on B4BB's Spruce Street Market, as required.

3. Port of Brookings-Harbor
Port Manager Russ Crabtree provide a detailed report of activities at the
Port, including the dredging process and the desire of a possible long

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range plan; the boat basin project grand opening in October; the new plan/need for a launch ramp with 4 lanes to lesson the congestion; the partnership for the billboard advertising south of town; and the expansion of approximately 80 ft. for the public fishing dock. Crabtree ended by asking for a City Representative to attend the September 29, 2000, Port sponsored meeting being held at 10:00AM in the Harbor Sanitary Conference Room with State Representative Ken Messerle regarding the Sport Haven Beach. Crabtree also reminded Council we have three representatives in Sacramento attending endless meetings for the past nine to ten months working on the upcoming fishing season, noting the final results of their hard work will not be known until the "11th hour" in April, 2000, unfortunately. He stated, "we owe them a huge debt of gratitude!"

4. Parks & Recreation Commission

Buzz Hansen of 97832 Titus Lane, Harbor, and member of the Skate Park Committee reported on their first meeting. Hansen advised the need for a more exact topographical map for the proposed area and informed the Council he had contacted someone in Medford for securing photos and a better map. City Manager Blodgett apprised Hansen and the Council of relative information from Community Development Director Leo Lightle.

Planning Commission No Report

6. Council Liaisons

Councilor Kuhn is securing a list of all Port Meetings.

Councilor Johns just returned from Atlanta, Georgia where she attended the National Emblem Club Conference. Prior to her leaving she attended the first skate park meeting.

Councilor Curry had nothing to report.

B. Unscheduled

Richard Calkins of 941 Helen Lane, Brookings, discussed the reduced speed limit north of town request from a previous meeting and ODOT's response to the City by asking for support, after a completed speed study, to keep the posted 45 mph speed zone. Discussion ensued regarding the position of the Council then and now. Mayor Hagbom confirmed good communication and working relationship between the City and ODOT and explained ODOT is very receptive to input from City of Brookings. Hagbom further detailed specific actions taken by ODOT in response to various requests by the City. Council was unanimous in supporting

the reduced speed on US Hwy 101 north of Ransom Avenue intersection.

Vicki Nuss of 808 Pioneer Rd, Brookings asked about agenda item VII. A. (2) - City Manager's Contract Approval, which had not yet come up on the agenda. Mayor Hagbom explained when it came up on the agenda in proper sequence, it would not be addressed tonight, because the contract had not been finalized. He advised it would hopefully be on the next Council Agenda.

VII. STAFF REPORTS

- A. City Manager
 - Approval of Agreement Between the Brookings-Harbor School District
 17C and the City of Brookings for School Resource Officers
 City Manager Leroy Blodgett reviewed the background on formalizing an
 agreement between the school district and the City for SRO services to be
 provided this 2000-2001 school year. Staff recommended Council
 approve the proposed agreement as presented and agreed upon by
 Brookings-Harbor School District 17-C. There was minimal discussion.
 Hagbom asked for a motion.

Councilor Johns moved, Councilor Johns seconded, and the Council voted unanimously to approve the Agreement between the Brookings-Harbor School District 17-C and the City of Brookings for School Resource Officer as presented.

- 2. City Manager's Contract Approval Continued for next meeting.
- City Manager read a prepared staff report recommending the Council take no action in regards to ordinance but send a letter signed by the Mayor (sampled letter included in minutes) to all tobacco vendors/retailers asking for their cooperation on this issue. Discussion ensued. Mayor Hagbom read a written comment from Councilor Keith Pepper, whose absence was excused, against support of the proposed ordinance. Further discussion ensued, including comments from promoter of the ordinance Health Educator Dave Manzella of Curry County Health Department, 29590 Pacific, Gold Beach. He advised there were no state or federal laws that cover the same guidelines of the proposed ordinance. Manazella continued to present his case for the passing of this ordinance, noting he had visited 7 vendors in City of Brookings and 5 of 7 had cigarette vending accessible to any one who attempted to use it, and asked for a

meeting between himself, Blodgett, and City Attorney John Trew to work on possible re-wording of proposed ordinance. A sample from Pendleton, Oregon, regarding licensing, and enforcement was provided (copy included in minutes). Mayor Hagbom commented on his position and asked Manzella to attend the Curry Governments meeting scheduled for Wednesday night, September 13, 2000, at 7:00 PM in Gold Beach City Hall, where they could revisit the issue of changing the ordinance. Hagbom suggested Council take no action as Blodgett had recommended.

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to take no action regarding the proposed vendor assisted sales ordinance, but to authorize the Mayor to send a letter to City vendors of tobacco products asking them to voluntarily comply with the conditions of the ordinance giving their support and cooperation.

4. Approval to dispose of surplus property
City Manager Blodgett advised the Council of Volunteer Firemen's
Association donated vehicle ('82 Chevrolet Suburban) and Police
Department surplus weapons (39), all surplus property needed to be
disposed of as requested by Blodgett and Department Heads. Councilor
Curry stated he did not want to see the guns sold, but would rather see
them destroyed. Mayor Hagbom asked Police Chief Lewis to comment on
shotguns remaining in vehicles and to discuss exchange of property
mentioned. After minimal discussion, the Mayor asked for a motion.

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to approve Resolution No. 00-R-684 and direct City Manager Blodgett to dispose of the surplus as described in the report and resolution.

5. Set date for remand hearing on UGB
City Manager Blodgett advised Council it was time to set a public hearing on the remand issues of the Urban Growth Boundary UGB adjustment.
Curry County Commissioners have agreed to hold a joint hearing of the County and City and have set the date - November 8, 2000, at 7:00PM in the conference room at the Best Western Brookings Inn. Blodgett recommended Council set the same date, time, and location for a joint City/County public hearing on the remand issues.

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to have a joint City/County public hearing on the remand issues of the Brookings Urban Growth Boundary UGB

adjustment on November 8, 2000, at 7:00 p.m. in the conference room at the Best Western Brookings Inn Conference Room.

Mayor Hagbom clarified and confirmed this meeting would be ONLY about the UGB remand.

City Manager Blodgett read a written report provided by ODOT Assistant District Mgr. of District 7 - Lee Sparks which stated he would not be able to attend the Council meeting but would be present on September 25, 2000, along with Sign Manager John Bennett. Sparks then provided a brief description of projects/issues ODOT has been working on that concerns the City of Brookings.

- 1. a confirmed commitment from sign crew manager to work with the City installing missing street signs, which are on order.
- 2. the raised median island on the Chetco/Lower Harbor Road is slowly moving through the design stage and is looking like a contract will be let by October 15, 2000.
- 3. ODOT is working with Travel Information Council in an effort to get Salmon Run Golf & Resort signs, with a cost of around \$4,000 for two mounting posts and bridge anchors. An answer for TIC is expected in a couple of weeks, which includes contact with Pete Pavich.
- 4. the Dot T. Martin (Chetco River) Bridge lighting project has been forwarded to the traffic section (illumination). They will be working with ODOT's bridge section after recommendation from traffic are received.

B. Community Development Department

1. Emergency Storm Drain repair

City Manager Blodgett explained the recent emergency storm drainage repair on Buena Vista Loop with shared concerns from property owners and Community Development Department Director Leo Lightle. After asking HGE, Inc. Rep. Richard Nored to provide input, staff determined that the circumstances were such that the work would qualify for emergency repair status and that the City should proceed with the project to repair - reducing overall costs and offering a more foolproof repair than a temporary measure. Since failure to move forward promptly could be very costly, including the possibility of replacing homes, staff prepared and called for a bid for removal and re-installation of the 48" storm sewer at Buena Vista Loop. Bid proposals were opened at 1:15 p.m. on September 6, 2000, with B & B Excavation the low bidder at \$19,406. All bidders were advised of the results. Total costs should be as follows:

Construction costs should be \$19,406 Pipe costs \$20,000 Other costs \$5,000

Work is to be begin Wednesday, September 13, 2000.

C. Police Department

1. Local Law Enforcement Block Grant FY '00

Police Chief Ken Lewis asked Council to approve the Police Department's advancement with the writing and application for the yearly State of Oregon Local Law Enforcement Block Grant, which is due September 15, 2000 - \$2,871 plus a 10% match from the City. \$2658.10 of these grant funds are to be used for purchasing new ballistic vests for our officers, with the remaining \$500 dedicated to the Bike Patrol Program for maintenance of equipment and supplies.

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to authorize Police Chief Ken Lewis to proceed with the writing and application process for the State of Oregon Local Law Enforcement Block Grant FY '00.

VIII. CONSENT CALENDAR

- A. Approval of Council Meeting Minutes
 - 1. Minutes of August 21, 2000, Regular Council Meeting
- B. Acceptance of Parks and Recreation Commission Minutes
 - 1. Minutes of July 27, 2000, Regular Commission Meeting
- C. Acceptance of Planning Commission Minutes
 - 1. Minutes of July 5, 2000, Regular Commission Meeting
 - 2. Minutes of August 1, 2000, Regular Commission Meeting
- D. Approval of Vouchers (\$297,386.27) (end Consent Calendar)

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to approve the consent calendar.

IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS

- A. Ordinances
 - 1. No. 00-O-537 -in the matter of an ordinance regulating the sale and distribution of tobacco and tobacco products

 Previously addressed under Agenda Item No. VII. A. (3)

B. Resolutions

 No. 00-R-684 - in the matter of a resolution Authorizing the disposal of surplus city property
 Previously addressed under Agenda Item No. VII, A. (4)

X. REMARKS FROM MAYOR AND COUNCILORS

- A. Council

 No further remarks from Council
- B. Mayor
 Mayor Hagbom reminded Council of the Curry Governments meeting being held on September 13, 2000, at 7:00PM in Gold Beach City Hall. Car pooling was being arranged.

XII. ADJOURNMENT

Councilor Curry moved, Councilor Johns seconded, and the Council voted unanimously to adjourn the meeting at 8:20 PM.

Respectfully submitted:					
Bob Hagbom					
MAYOR					
ATTEST:					
Gail L. Hedding					
Finance Director/Recorder					

...

September 11, 2000

Address

Draft

Dear Vendor:

An ordinance titled "Vendor Assisted Sales Ordinance" was recently proposed for consideration by the Brooking City Council. The ordinance would require all vendors of tobacco products to obtain a license from the City to sell the products and restrict the manner which tobacco products could be sold and displayed. The language in the ordinance states that "It shall be unlawful for any person, business, or retailer to sell, permit to be sold, or offer for sale any tobacco product by means of self-service displays or any other means other than vendor assisted sales or a vending machine, where authorized by law." The purpose of the ordinance is to implement a strict and enforceable system to prevent the illegal sale of and access to cigarettes and other tobacco products to minors.

City Council felt that passing the ordinance would be a positive message to discourage use of tobacco products by minors. However, because the Council does not wish to be an enforcer of any retail sales we did not adopt the ordinance. Instead the City of Brookings is asking all vendors of tobacco products to voluntarily comply with the conditions of the ordinance even though it is not law. Your cooperation will prevent the need to have license to sell tobacco products and will avoid a strict enforcement by the City.

Thank you for your cooperation.

Sincerely,

Mayor Bob Hagbom

ORDINANCE NO. 3618

AN ORDINANCE REGULATING THE SALE AND DISTRIBUTION OF TOBACCO AND TOBACCO PRODUCTS

Whereas; Tobacco use is the leading preventable cause of death in Umatilla County; and

Whereas; Each day in Oregon, the equivalent of a classroom full of children begins smoking. In Umatilla County, 9% of 6th graders, 20% of 8th graders, and 30% of 11th graders smoke; and

Whereas; More than half the tobacco retail outlets in Pendleton have self-service tobacco displays where customers, including young people, have access to cigarettes, spit tobacco, and cigars without the assistance of a store employee;² and

Whereas; Cigarettes are the item most frequently taken by shoplifters.³

NOW, THEREFORE, THE CITY OF PENDLETON ORDAINS AS FOLLOWS:

Section 1: Definitions.

Minor - Any person under eighteen years of age.

Tobacco product - Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhalation, or other means of ingestion.

Tobacco Retail Store - a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

Vendor-assisted - Only a store employee has access to the tobacco product and assists the customer by supplying the tobacco product; the customer does not take possession of the tobacco product until after it is purchased.

Section 2: Vendor-assisted sales. Except as provided in Section 3, no person, business, or tobacco retailer may sell, permit to be sold, or offer for sale any tobacco product by means other than Vendor-Assisted Sales.

Section 3: Scope of Ordinance: This ordinance shall not apply to Tobacco Vending Machines regulated by Oregon State Law, Tobacco Retail Stores, or to any business, retailer or

JAMA (Journal of the American Medical Association) November 10, 1993 Vol 270No. 18;). Oregon County Profiles. Information for Tobacco Prevention September 1997. Oregon Tobacco Facts April 99. Tobacco Prevention and Education Program Oregon Health Division 800 NE Oregon Street Portland, OR 97214 503-731-4273.

² UCCAT 1998 Survey

Food Marketing Institute 1997 Security and Loss Prevention Issues Survey. Food Marketing Institute 800 Connecticut Ave. N.W. Washington, DC 20006.

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February 22, 2000

establishment which is licensed by the Oregon Liquor Control Commission for a dispensing license and required to be posted preventing any minors from access to the premises.

Section 5: Non-retaliation. No person or employer may discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant, or customer reports or attempts to prosecute any violation of this chapter.

Section 6: Penalties.

- A. Violation of this Ordinance shall be punishable by a fine not to exceed Two Hundred and Fifty Dollars.
- B. Every full business day during which a business activity continues to be conducted in violation of this Ordinance shall be considered a separate offense.
- C. Offenses under this Section shall be tried in the Municipal Court as a violation and not as a crime. As a violation there is no right to jury trial or court-appointed counsel.

Section 6: Effective Date. This Ordinance is effective on and after July 1, 2000.

PASSED by the City Council and approved by the Mayor February _____ 2000

		APPROVED: Mayor
ATTEST:	City Recorder	APPROVED AS TO FORM:

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February 22, 2000

Peter H. Wells, City Attorney

IN AND FOR THE CITY OF BROOKINGS STATE OF OREGON

In the matter of an ordinance amending)	
Ordinance 89-O-457, an ordinance)	Ordinance No.00-0-457.A
creating the office of City Manager)	

Sections:

Section 1. Ordinance identified.

Section 2. Amendment to Section 6.

Section 3. Emergency clause.

The City of Brookings ordains as follows:

- Section 1. Ordinance Identified. This ordinance amends Ordinance No. 89-O-457, enacted January 10, 1990, entitled, An Ordinance Creating the Office of City Manager for the City of Brookings, Oregon; Establishing the Powers, Duties, Responsibilities and Authority of the City Manager; Establishing the Procedures for the Appointment, Removal, Salary and Benefits of the City Manager.
- Section 2. Amendment to Section 6. Section 6 of Ordinance No. 89-O-457 is hereby amended to read:

Section 6. Severance. In the event of termination, the manager shall be granted a severance award, if any, as set forth in the City Manager Employment Contact with the City.

Section 3. Emergency Clause. The matters contained herein concern the peace, health, safety and welfare of the people of the City of Brookings and therefore an emergency is hereby

declared to exist and this ordinance shall become immediately effective upon its final passage by the Common Council and approval by the Mayor.

First Reading: Second Reading: Passage:		
Signed by me September, 2000.	e in authentication of its passage this _	day of
Bob Hagbom, MA	YOR	
ATTEST:		
Gail Hedding Finance Director/R	ecorder	

IN AND FOR THE CITY OF BROOKINGS STATE OF OREGON

AN ORDINANCE VACATING A)	
PORTION OF CENTER STREET)	
EXTENDING EASTERLY FROM THE)	ORDINANCE No. 00-O-536
INTERSECTION OF WHARF)	
STREET FOR A DISTANCE OF)	
APPROXIMATELY 1,000 FEET.)	

Sections:

Section 1. Findings and determination.

Section 2. Vacation.

Section 3. Certification of ordinance.

The City of Brookings ordains as follows:

<u>Section 1.</u> <u>Findings and determination.</u> The Council of the City of Brookings hereby finds it appropriate to consider vacation of the following described parcel of land:

1,000 feet of Center Street beginning at the easterly property line of Tax Lot 500, Assessor's Map 41-13-6D and extending westerly to the intersection of Wharf Street, as described in Exhibit A and shown in Exhibit B.

That the Recorder of the City of Brookings gave due notice of public hearing to be held before the Council at the hour of 7:00 o'clock, February 2, 1999 in the Council Chambers in the City Hall in the City of Brookings, at which time any persons whomsoever having any objections or remonstrance to said right-of-way vacation or any part thereof, should file written objection or remonstrance with the City Recorder. That it appears to the satisfaction of the Council that the proposed vacation is in the best interests of the City. That the public interest will not be prejudiced by the vacation and that the vacation will not substantially affect the market value of abutting property. That until the construction of the extension of Wharf Street is completed to provide access to those homes on the

west end of Center St., the process of vacation will not be completed by adoption of an ordinance and filing with the County Clerk; and Wharf Street has now been completed.

<u>Section 2.</u> <u>Vacation.</u> The City of Brookings does hereby vacate a certain right-of-way described above.

Certification of ordinance. The City Recorder is hereby

instructed to forthwith record and file certified copies of this Ordinance with the County Clerk, County Assessor and County Surveyor of Curry County, Oregon.

First Reading:
Second Reading:
Passage:
Effective Date:
Signed by me in authentication of its passage this _____day of ______, 2000.

Bob Hagbom, MAYOR

Gail L. Hedding, Finance Director/Recorder

Section 3.

ATTEST:

EXHIBIT "A"



SWD SOLX0000-0023 4/3/00

LEGAL DESCRIPTION VACATION OF CENTER STREET BROOKINGS, OREGON

The purpose of this legal description is to describe a portion of Center Street that is to be vacated. Center Street is located in the City of Brookings, Curry County, Oregon.

A tract of land located in the Southeast one-quarter and the Southwest one-quarter of Section 6, Township 41 South, Range 13 West, Willamette Meridian, City of Brooking, Curry County, Oregon; being more particularly described as follows:

Commencing at a found concrete monument at the Initial Point of the recorded Plat NO. 1 BROOKINGS (1920); thence South 30° 47' 06" West 784.28 feet to a 5/8" iron rod with yellow plastic cap marked DEA INC., said point being a point on the Northerly Right-of-Way of Center Street; thence along said Northerly Right-of-Way South 51° 53' 00" West 180.23 feet to THE TRUE POINT OF BEGINNING; thence departing said Northerly Right-of-Way South 38° 03' 39" East 49.85 feet to a point on the Southerly Right-of-Way of Center Street; thence along said Southerly Right-of-Way South 51° 56' 21" West 124.34 feet; thence along said Southerly Right-of-Way South 81° 24' 42" West 847.75 feet to a point of curvature on the proposed Northeasterly Right-of-Way of Wharf Street; thence along a 200.00 foot radius curve to the left through a central angle of 03° 23' 55" (the long cord of which bears North 73° 02' 15" West 11.86 feet) an arc length of 11.86 feet to a point of tangency; thence along said Northeasterly Right-of-Way North 74° 44' 12" West 198.40 feet to a point on the Northerly Right-of-Way of Center Street; thence along said Northerly Right-of-Way South 76° 26' 00" East 28.09 feet; thence along said Northerly Right-of-Way South 86° 46' 00" East 122.54 feet; thence along said Northerly Right-of-Way North 81° 24' 00" East 881.00 feet; thence along said Northerly Right-of-Way North 51° 53' 00" East 111.09 feet to THE TRUE POINT OF BEGINNING.

Contains: 51,307 +or- square feet or 1.18 acres +or-

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