MINUTES

CITY OF BROOKINGS
BROOKINGS COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
March 9, 1992
7:00 p.m.

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, Councilors Nancy Brendlinger, Mary Jane Brimm, Larry Curry, Tom Davis

Staff Present: City Manager Dennis Cluff, Administrative Assistant Donna Van Nest, City Attorney Mike Gillespie, Community Development Director Leo Lightle, Treatment Plants Chief Operator Paul Strader

Media Present: Bill Schlichting, Curry Coastal Pilot; Martin Kelly, KCRE; Marge Barrett, KURY

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

Mayor Hummel announced that an Executive Session would be convened following the regular council meeting to consult with legal counsel concerning potential litigation under ORS 192.660 (1)(h).

1. Appointment to Highway 101 North Traffic Safety Committee

Mayor Hummel announced that Marie Hansen has verbally indicated her willingness to serve on the Highway 101 North Traffic Safety Committee, and requested that council approve the appointment of Marie Hansen to the Highway 101 North Traffic Safety Committee. Mayor Hummel indicated that this appointment will fill the committee.

Councilor Davis moved to appoint Marie Hansen to the Highway 101 North Traffic Safety Committee, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Marie Hansen appointed to the Highway 101 North Traffic Safety Committee.

V. PUBLIC HEARINGS

1. Ordinance No. 92-O-446.J - An ordinance amending Ordinance No. 89-O-446 (Land Development Code), Sections 8, 116, 140, and 176, of the City of Brookings.

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-446.J into the record in its entirety for the first reading.

Mayor Hummel opened the public hearing at 7:10 p.m. and asked for input from the audience and council. There being none, Mayor Hummel closed the public hearing at 7:11 p.m.

Councilor Curry moved to adopt Ordinance No. 92-O-446.J by first reading, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-446.J adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-446.J into the record by title only for the second reading.

Councilor Curry moved to adopt Ordinance No. 92-O-446.J by second reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-446.J - An ordinance amending Ordinance No. 89-O-446 (Land Development Code), Sections 8, 116, 140, and 176, of the City of Brookings - adopted by second reading. [Effective April 7, 1992]

2. Supplemental budget - Resolution No. 92-R-530 - A resolution adopting a 1991/92 supplemental budget and making appropriations.

Mayor Hummel opened the public hearing at 7:14 p.m., and asked for input from the audience and council. There being none, Mayor Hummel closed the public hearing at 7:15 p.m.

Councilor Davis moved to adopt Resolution No. 92-R-530, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Resolution No. 92-R-530 - A resolution adopting a 1991/92 supplemental budget and making appropriations - adopted.

VI. SCHEDULED PUBLIC APPEARANCES

1. Mitsukaido/Brookings Sister City Concept - Kathy Lindley

Kathy Lindley of Brookings and Mike Hohse, Vice President of the Coos Bay, Oregon Sister Affiliates Association, explained the concept of sister cities.

Ms. Lindley requested that the council authorize the mayor to draft a letter from the Brookings mayor to the mayor of Mitsukaido, Japan, inviting the Mayor of Mitsukaido and a delegation to come to Brookings during America Japan Week 1992 and during the annual Azalea Festival, and inviting the City of Mitsukaido to become the sister city of Brookings.

Councilor Brimm moved to take action on this agenda item (sister city status with Mitsukaido, Japan) at this time, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; council voted to take action on this agenda item (sister city status with Mitsukaido, Japan) at this time.

Councilor Davis moved to authorize the mayor to write a letter to the mayor of Mitsukaido, Japan, initiating the sister city program, and inviting them to participate in America Japan Week 1992 and the Azalea Festival, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; mayor authorized to write a letter to the mayor of Mitsukaido, Japan, initiating the sister city program, and inviting them to participate in America Japan Week 1992 and the Azalea Festival.

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

None

VIII. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. February 24, 1992 Regular Council Meeting

2. March 2, 1992 Special Council Meeting

B. Acceptance of Planning Commission Meeting Minutes

1. February 4, 1992 Regular Planning Commission Meeting

C. Requests for Payment None

D. Approval of Vouchers (364,493.80)

E. Miscellaneous

1. Call for bids - Fire Department Equipment

The Brookings Fire Department requested authorization to call for bids for equipment, which was budgeted for in the 1991-92 Fire Department Budget. The call for bids will be for the purchase of eight (8) sets of firefighter turnout gear and eight (8) helmets. The approximate cost of this equipment is $5,000.

2. Report on bids - Public Works - generator for shop truck

Staff called for bids for a generator for the public works shop truck. Only one bid was received, that being from Cascade Electric Motor Service, Inc., for a total purchase amount of $2,841.76. The specifications for the generator were met or exceeded, and staff recommended award of the bid to Cascade Electric Motor Service, Inc.

3. Change Order No. 6 - Dawson Tract Sewer and Water Improvements - James W. Fowler Co.

James W. Fowler and Company submitted Change Order No. 6 for the Dawson Tract Sewer and Water Improvement Project, Schedule A. This change order is for the purpose of requesting payment for a non-contract item barricade constructed at the west end of West Harris Heights Road at a cost of $300.00, and to request reimbursement for 15 passed compaction tests at a total cost of $1,291.41.

4. **Change Order No. 2 - Dawson Tract Sewer and Water Improvements - Schedule "C" - Horton Brothers**

   Horton Brothers, Inc. requested approval of Change Order No. 2 for the Dawson Tract Sewer and Water Improvements - Schedule "C". The purpose of the change order is to request payment for 5 passing compaction tests at a total cost of $748.59.

5. **Change Order No. 3 - Dawson Tract Sewer and Water Improvements - Schedule "B" - Bill Booker Construction**

   Bill Booker Construction requested approval of Change Order No. 3 for the Dawson Tract Sewer and Water Improvements, Schedule "B". The purpose of Change Order No. 3 is to request reimbursement for 11 passed compaction tests at a total cost of $817.53.

6. **Change Order No. 4 - Dawson Tract Sewer and Water Improvements - Schedule "B" - Bill Booker Construction**

   Bill Booker Construction requested approval of Change Order No. 3 for the Dawson Tract Sewer and Water Improvements, Schedule "B".The purpose of Change Order No. 4 is to balance the final project quantities for the Dawson Tract Sewer and Water Improvements, Schedule "B", which change order will deduct $45,110.05 from the original contract amount.

7. **Request for Certificate of Substantial Completion Dawson Tract Sewer and Water Improvements - Schedule "C" - Horton Brothers**

(end Consent Calendar)

Councilor Davis moved to approve the Consent Calendar, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Consent Calendar consisting of:

A. Approval of Council Meeting Minutes

1. **February 24, 1992 Regular Council Meeting**

2. **March 2, 1992 Special Council Meeting**

B. Acceptance of Planning Commission Meeting Minutes

1. **February 4, 1992 Regular Planning Commission Meeting**

C. Requests for Payment None

D. Approval of Vouchers (364,493.80)

E. Miscellaneous

1. **Call for bids - Fire Department Equipment**

2. **Report on bids - Public Works - generator for shop truck**

3. **Change Order No. 6 - Dawson Tract Sewer and Water Improvements - James W. Fowler Co.**

4. **Change Order No. 2 - Dawson Tract Sewer and Water Improvements - Schedule "C" - Horton Brothers**

5. **Change Order No. 3 - Dawson Tract Sewer and Water Improvements - Schedule "B" - Bill Booker Construction**

6. **Change Order No. 4 - Dawson Tract Sewer and Water Improvements - Schedule "B" - Bill Booker Construction**

7. **Request for Certificate of Substantial Completion Dawson Tract Sewer and Water Improvements - Schedule "C" - Horton Brothers**

approved.

IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

1. Ordinance No. 92-O-334.D - An ordinance amending Ordinance No. 80-O-334 (business license ordinance)

In the recent update of the business license ordinance and business license fees, the wording for the business license fee for half-year was left at $25.00 in the ordinance. Since our business license fees are no longer $50.00 per year, this wording is not appropriate for a half-year license fee. The half-year fee should be one-half the cost of a one year license fee according to the fee schedule.

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-334.D into the record in its entirety for the first reading.

Councilor Curry moved to adopt Ordinance No. 92-O-334.D by first reading, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-334.D adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-334.D into the record by title only for the second reading.

Councilor Davis moved to adopt Ordinance No. 92-O-334.D by second reading, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-334.D - An ordinance amending Ordinance No. 80-O-334 (business license ordinance) - adopted. [Effective April 7, 1992]

3. Ordinance No. 92-O-487 - An ordinance calling for an election of the registered voters of the City of Brookings, Curry County, Oregon, to vote upon the question of enacting and adopting an amendment to the City of Brookings Charter of 1954, and declaring an emergency. (wastewater treatment plant expansion)

City Manager Dennis Cluff advised that this procedure is required in order to potentially amend the existing charter with a sewer bond ballot issue.

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-487 into the record in its entirety for the first reading.

Councilor Davis moved to adopt Ordinance No. 92-O-487 by first reading, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-487 adopted by first reading.

Administrative Assistant Donna Van Nest read Ordinance No. 92-O-487 into the record by title only for the second reading.

Councilor Davis moved to adopt Ordinance No. 92-O-487 by second reading, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Ordinance No. 92-O-487 - An ordinance calling for an election of the registered voters of the City of Brookings, Curry County, Oregon, to vote upon the question of enacting and adopting an amendment to the City of Brookings Charter of 1954, and declaring an emergency. (wastewater treatment plant expansion) - adopted by second reading. [Effective March 9, 1992]

B. Resolutions None

X. COMMITTEE REPORTS

C. Planning Commission None

D. Parks and Recreation Commission None

E. Golf Board

City Attorney Mike Gillespie indicated that he is in the process of drawing up the Lease Agreement for the Jack Creek Golf Course, and requested authority to ask another attorney to review the draft. He suggested that Tim Sercombe, an attorney in Portland who is familiar with golf course leases, be retained to review the document.

Councilor Davis moved to authorize the city attorney to submit the final draft of the Jack Creek Golf Course Lease Agreement to Attorney Tim Sercombe for review, with submission back to the council possibly at the March 23, 1992 council meeting, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; city attorney authorized to submit the final draft of the Jack Creek Golf Course Lease Agreement to Attorney Tim Sercombe for review, with submission back to the council possibly at the March 23, 1992 council meeting.

F. Chamber of Commerce

Chamber of Commerce Manager Les Cohen advised that the Chamber of Commerce is in the process of reorganizing its committee membership participation.

XI. STAFF REPORTS

A. Community Development Director

1. Acceptance of Right-of-Way Deeds - Van Dyke Subdivision - Dawson Tract

This subdivision, recorded as Harris Beach Estates, is located at the most southerly end of Dawson Road. It is a recorded subdivision approved by Curry County prior to the area being annexed into the City of Brookings. The design engineer found, in designing the streets, that he needed some additional right-of-way for fire department turn-around and to have the right-of-way to have the sidewalks and curb on a radius.

The four businesses that would like the one-hour limit changed are:

1. Richard Greenlee - his clients need 2 hours to complete their business.

2. Curry Collections - wanted 2 hours.

3. The Learning Center would like all day parking.

4. SOCRATES would like at least 4 hours but they will be moving in about 30 days.

Councilor Curry moved to take no action at this time on the parking survey results on Chetco Avenue, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; no action taken at this time on the parking survey results on Chetco Avenue.

C. City Manager

1. City Manager Dennis Cluff advised that a grant had been applied for from the Meyer Trust to enhance and enlarge the Summer Youth Recreation Program. A letter was received this date stating that the application was not approved, with no specific reason given. **No formal action required.**

2. Report on bids - Water treatment plant and water intake upgrades

Bids were opened at 3:00 p.m., March 9th. The engineers were present to evaluate the bids and had them ready for council action.

Bids received were as follows:

M & F Builders, Brookings	$249,652
Copenhagen, Inc., Tualatin, Oregon	$203,700
Jones Plumbing, North Bend, Oregon	$227,381
Boyington, Inc., Vancouver, WA	$198,600
E.M.K. Construction, Eugene, Oregon	$177,600

H.G.E. recommended the bid be awarded to the apparent low bidder, E.M.K. Construction, at a total cost of $177,600.

Councilor Davis moved to award the bid for the water treatment plant and water intake upgrades to E.M.K. Construction at a total cost of $177,600, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; the bid for the water treatment plant and water intake upgrades to E.M.K. Construction at a total cost of $177,600.

3. Request to increase lien search fees from $3.50 to $5.50

Staff requested that council approve an increase in lien search fees from $3.50 to $5.50 for each lien search. Staff pointed out that the fee of $3.50 has been charged for several years and does not cover the cost of performing a lien search. Most other entities have increased the fee to $5.50, although $5.50 still does not cover the cost of performing a lien search. It was pointed out by City Attorney Mike Gillespie that some cities have gone to a $10.00 fee.

Councilor Curry moved to approve an increase in lien search fees from $3.50 to $7.50 for each lien search, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; an increase in lien search fees from $3.50 to $7.50 for each lien search, approved.

4. DEQ Stipulated and Final Order - No. WQ-SWR-92-42

City Manager Dennis Cluff advised that the new NPDES permit and the interim discharge standards we are receiving are tied to certain conditions or stipulations identified in the attached pages. Basically, the city must build the sludge lagoon and make the treatment plant improvements needed to work the sludge under a timetable located on page 3 of the attached document.

If the city fails to achieve the construction timetable our NPDES permit will revert to a stricter version proposed earlier by DEQ. If the city fails to sign the Stipulated and Final Order our NPDES permit will revert to the same stricter mass loadings.

Councilor Davis moved to authorize the Mayor to sign the DEQ Stipulated and Final Order, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; mayor authorized to sign the DEQ Stipulated and Final Order.

E. Contract Review Board

Councilor Brimm disqualified herself from participating in the discussion and decision on this matter due to family ties, and stepped down from the bench.

1. Resolution No. 92-R-531 - A resolution of the City of Brookings Local Contract Review Board exempting from competitive bidding requirements the disposal of surplus property (1967 GMC truck tractor).

The city negotiated with the property owner on Old County Road for some additional right-of-way in exchange for the old fire tractor. The city is receiving 6,842 square feet of right-of-way in exchange for this old vehicle. In order to execute the exchange instead of competitive bidding, this resolution needs to be adopted.

Mayor Hummel convened a Contract Review Board.

Councilor Davis moved to adopt Resolution No. 92-R-531, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; Resolution No. 92-R-531 - A resolution of the City of Brookings Local Contract Review Board exempting from competitive bidding requirements the disposal of surplus property (1967 GMC truck tractor), - adopted.

(a) Acceptance of right-of-way deed - Old County Road - Bateman

Councilor Curry moved to accept the right-of-way deed - Old County Road from Bateman, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; right-of-way deed for Old County Road from Bateman, accepted.

Councilor Brimm returned to the bench.

XII. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor

Mayor Hummel reminded the council that evaluations are due in March for the Municipal Court Judge and the City Attorney.

B. Council

1. Request to remove trees on Spruce Street - Betsy Bubble Bath, Inc., Ken Barton, President - Councilor Davis

At the February 24, 1992 Council meeting, the city council voted to send the request from Ken Barton, President of Betsy Bubble Bath, Inc., to remove trees on Spruce Street which block the view of his carwash sign, to the Parks and Recreation Commission at their February 26, 1992 meeting, for a recommendation. Councilor Davis stated that he would attend that meeting and would bring the recommendation back to the city council at their March 9, 1992 meeting.

City Attorney Mike Gillespie suggested that the city contact the owner of the property which abuts the property where the trees are growing, to ascertain his wishes. He pointed out that the owner of the abutting property has some rights pertaining to trees abutting his property.

Councilor Davis moved to table the issue of the request to remove trees on Spruce Street until the owner of the abutting property was contacted, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; the issue of the request to remove trees on Spruce Street tabled until the owner of the abutting property is contacted for his opinion or wishes.

2. DELETED

3. DELETED

EXECUTIVE SESSION - ORS 192.660 (1)(h)

Mayor Hummel recessed the meeting at 9:50 p.m. in order to convene an Executive Session.

RECONVENE

Mayor Hummel reconvened the council meeting at 10:28 p.m.

Councilor Davis moved to reject any city contribution to pay a portion of the Harbor Sanitary District costs in economic defeasance, and to reaffirm the city's earlier settlement position, including the addition of a deadline requiring payment of the full amount due to the city, without interest, by June 1, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis, Mayor Hummel

Nays: None

Motion carried; any city contribution to pay a portion of the Harbor Sanitary District costs in economic defeasance rejected, and the city's earlier settlement position, including the addition of a deadline requiring payment of the full amount due to the city, without interest, by June 1, reaffirmed.

XIII. ADJOURNMENT

Councilor Davis moved to adjourn, which motion was seconded by Councilor Curry; motion carried unanimously.

Mayor Hummel adjourned the meeting at 10:29 p.m.

Fred Hummel
Mayor

ATTEST:

Beverly S. Shields
City Recorder