



# MINUTES

**CITY OF BROOKINGS  
BROOKINGS COMMON COUNCIL MEETING  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
July 27, 1992  
7:00 p.m.**

**I. CALL TO ORDER**

Mayor Hummel called the meeting to order at 7:01 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, Finance Director/Recorder Beverly Shields, Planning Director John Bischoff, Municipal Court Judge A.L. Stuart, Municipal Court Clerk Ruth Roberts**

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

**IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS None**

**V. PUBLIC HEARINGS None**

**VI. SCHEDULED PUBLIC APPEARANCES**

**1. Proposal to establish a Stout Park Endowment Fund - Virginia Manley**

Mayor Hummel read a letter from Virginia Manley suggesting a Stout Park Endowment Fund be established.

According to City Manager Dennis Cluff, the approximate balance of the Stout Park Fund as of July 1st was \$33,150. At our current interest earning rate of 4.6%, the fund balance would earn approximately \$1,500 annually.

Under this proposal, potentially \$33,000 could be set up as a reserve account, with interest used for operation and maintenance.

Councilor Davis moved to establish the Stout Park Fund, the principal to be retained and only the interest to be used to maintain Stout Park, 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; Stout Park Fund established, the principal to be retained and only the interest to be used to maintain Stout Park.**

## **VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE**

1. Request for support for Multi-Dimensional fish processing plant - Port of Brookings Harbor

Port of Brookings Harbor Manager Russ Crabtree requested a letter of support from the council of the multi-dimensional fish processing plant proposed at the port, and requested that the council authorize the signing of the Land Use Compatibility Statement in conjunction with the proposed project.

Councilor Curry moved to that council write a letter in support of the multi-dimensional fish processing plant, 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; Port of Brookings Harbor request that council write a letter in support of the multi-dimensional fish processing plant proposed at the Port of Brookings approved.**

Councilor Brimm moved to direct staff to sign the Land Use Compatibility Statement concerning the proposed multi-dimensional fish processing plant proposed at the Port of Brookings Harbor, 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; staff directed to sign the Land Use Compatibility Statement concerning the proposed multi-dimensional fish processing plant proposed at the Port of Brookings Harbor.**

**2. Jack Creek Golf Course Water**

Ellen Warring, representing Kalmiopsis Audobon Society, presented the council with an ultimatum that the city either take action to withdraw an application to take ground water from the Jack Creek or face an appeal of the conditional use permit approved by Curry County. Ms. Warring stated that she was opposed to the taking of any water out of the aquifer of Jack Creek.

Ann Ramp read a letter into the record from Mike Frazier, U.S. Forest Service Siskiyou National Forest District Ranger, concerning the water rights on Jack Creek, which letter is hereby attached and made a part of these minutes.

It was council consensus to discuss and take action on the Jack Creek water issue at a special council meeting on Friday, July 31st at 12:00 noon.

**VIII. CONSENT CALENDAR**

**A. Approval of Council Meeting Minutes**

1. July 13, 1992 Regular Council Meeting

**B. Acceptance of Planning Commission Meeting Minutes None**

**C. Requests for Payment None**

**D. Approval of Vouchers**

1. Month ending June 30, 1992 (\$566,802.19)

**E. Miscellaneous**

1. **Liquor License Application - New Outlet Restaurant - Fredde's Gourmet Gallery - Fred E. LaJuett**

According to a memo from Chief Kent Owens, the Brookings Police Department conducted an investigation into this application for a liquor license and has no objections to the license being granted.

2. **Liquor License Application - Greater Privilege request - J.T.'s Lounge**

John, Celia and Neil Taylor, owners of Lady Boston Restaurant, have applied to OLCC to add a lounge (J.T.'s Lounge) to their facility. It remains in the same ownership, it is merely an enlargement of the liquor license privilege.

(end Consent Calendar)

Councilor Brendlinger requested changes to the minutes of the July 13, 1992 council meeting on page 2.

Councilor Davis moved to approve the corrected Consent Calendar, 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; Consent Calendar consisting of:**

**A. Approval of Council Meeting Minutes**

1. **July 13, 1992 Regular Council Meeting**

**B. Acceptance of Planning Commission Meeting Minutes**

None

**C. Requests for Payment**

None

**D. Approval of Vouchers**

1. Month ending June 30, 1992 (\$566,802.19)

**E. Miscellaneous**

1. **Liquor License Application - New Outlet Restaurant  
- Fredde's Gourmet Gallery - Fred E. LaJuett**

2. **Liquor License Application - Greater Privilege  
request - J.T.'s Lounge**

**approved.**

**IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS**

**A. Ordinances**

1. **ORDINANCE NO. 92-O-494 - 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.**

Councilor Davis moved to direct staff to place the sewer bond issue on the November ballot, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

**Ayes: Councilors Brendlinger, Brimm, Curry, Davis**

**Nays: Mayor Hummel**

**Motion carried; staff directed to place the sewer bond issue on the November ballot.**

Finance Director/Recorder Beverly Shields read Ordinance No. 92-O-494 into the record in its entirety.

Councilor Davis moved to adopt Ordinance No. 92-O-494 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-494 adopted by first reading.**

Finance Director/Recorder Beverly Shields read Ordinance No. 92-O-494 into the record by title only.

Councilor Davis moved to adopt Ordinance No. 92-O-494 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-494 - 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. - adopted by second reading. [Effective July 27, 1992]**

**B. Resolutions**

1. Resolution No. 92-R-545 - A resolution prescribing rules of procedure for quasi-judicial hearings of land use issues for the City of Brookings.

Councilor Davis moved to table Resolution No. 92-R-545 until the next council meeting, 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; consideration of Resolution No. 92-R-545 - A resolution prescribing rules of procedure for quasi-judicial hearings of land use issues for the City of Brookings tabled to the August 10, 1992 council meeting.**

**XII. REMARKS FROM MAYOR AND COUNCILORS**

3. Urban Reserve

City Manager Dennis Cluff presented council with a draft of a letter to LCDC in support of appealing the Urban Reserve Area rules and requested that Council sign the letter.

Councilor Davis moved to authorize the council to sign the letter in support of the appeal of the Urban Reserve Rules, 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; council authorized to sign the letter in support of the appeal of the Urban Reserve Rules.**

**6. Urban Growth Boundary Expansion**

Planning Director John Bischoff presented council with alternative plans for the Urban Growth Boundary, based on discussion at the July 22, 1992 council workshop session. The selected alternative would be proposed to the public as a patented comprehensive plan amendment, expanding the UGB.

Councilor Davis moved to look at Plan 3A for the Urban Growth Boundary, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: None

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

**Motion denied; request to look at Plan 3A for the Urban Growth Boundary denied.**

Councilor Davis moved to accept proposal/alternative #3 to include any exception areas contiguous to Camellia Court, which motion was seconded by Councilor Curry. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis

Nays: Mayor Hummel

**Motion carried; proposal/alternative #3 to include any exception areas contiguous to Camellia Court approved.**

**X. COMMITTEE REPORTS**

C. Planning Commission None

D. Parks and Recreation Commission None

E. Golf Board None

F. Chamber of Commerce None



**XI. STAFF REPORTS**

**A. Community Development Director**

**1. Proposed Modifications to Water Treatment Plant and Intake - H.G.E.**

Council was advised that staff and the engineer have negotiated with the contractor over additional needed work on the water treatment plant and intake improvements, and recommended approval of this added work at a total additional cost of \$2,612.

Councilor Brimm moved to approve the modifications to the water treatment plant and intake improvements project at a total cost of \$2,612, 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; modifications to the water treatment plant and intake improvements project at a total cost of \$2,612 approved.**

**B. Police Department None**

**C. City Manager**

**1. Appointment of City Manager as Certifying Officer and Project Manager for Community Development Block Grant**

City Manager Dennis Cluff advised that both of these functions are required as part of the CDBG process. Project manager is the more lengthy and difficult job. The certifying officer basically certifies the environmental review self evaluation. Mr. Cluff requested that the Council appoint the city manager as project manager for the CDBG project and certifying officer for environmental review process.

Councilor Davis moved to appoint the city manager as certifying officer and project manager for the Community Development Block Grant, 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; city manager appointed certifying officer and project manager for the Community Development Block Grant.**

2. **Memo of Understanding between State of Oregon and City of Brookings regarding transfer of ownership of Azalea Park**

City Manager Dennis Cluff advised that after City Council approval this agreement must go to the State Parks Commission. Their next scheduled meeting is in September 1992, and therefore the earliest that actual ownership transfer could occur would be October, 1992.

Councilor Davis moved to table the matter of the Memo of Understanding between the State of Oregon and the City of Brookings for the transfer of ownership of Azalea Park until a written formal plan of operation is received from the Parks and Recreation Commission, 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 Memo of Understanding between the State of Oregon and the City of Brookings for the transfer of ownership of Azalea Park tabled until a written formal plan of operation is received from the Parks and Recreation Commission.**

**D. Finance Director**

**1. Request for proposals for network system**

Finance Director/Recorder Beverly Shields advised that the City has budgeted for a network system which will update our current computer system and improve efficiency of the office functions. BECCO, Inc., is the local computer consultant the City has been using for computer support and is the only local Novell network vendor that will be certified to sell and support the Novell system. Ms. Shields requested that Council authorize BECCO, Inc., to solicit requests for proposals on the Novell networking system software and equipment.

Councilor Davis moved to authorize BECCO, Inc., to solicit requests for proposals on the Novell networking system software and equipment, 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; BECCO, Inc., authorized to solicit requests for proposals on the Novell networking system software and equipment.**

**E. City Attorney None**

**XII. REMARKS FROM MAYOR AND COUNCILORS**

**A. Mayor None**

**B. Council**

**1. Municipal Court Judge salary**

Currently Judge Stuart receives \$1,515.60/month for work performed. No cost of living allowance (COLA) nor salary increase were given to her by the Council under the impression that no increase in salary had previously been agreed upon by the judge. The question at hand may be whether or not a cost of living increase is "salary". Sufficient funds to cover the potential COLA increase for the judge is in her current budget.

Councilor Curry moved to increase the Municipal Court Judge's salary by 3-1/2% as a COLA for this fiscal year, and that the Municipal Court Judge's salary be reviewed each year for a COLA increase according to the scope of the job at that time, 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; Municipal Court Judge's salary increased by 3-1/2% as a COLA for this fiscal year, and the Municipal Court Judge's salary will be reviewed each year for a COLA increase according to the scope of the job at that time.**

**2. Coos-Curry Housing Authority Cooperation Agreement**

The potential of low-income housing could be of great benefit to the community in general. Signing of a cooperation agreement would allow the Housing Authority to build such units in the City, if all other building requirements are fulfilled. The City can modify the agreement to include special clauses and conditions as the Council may desire. Ultimately HUD would have to approve the cooperative agreement and would have to agree to any special clauses and conditions.

Councilor Curry moved to table action on the matter of Coos-Curry Housing Authority Cooperation Agreement until after the November election on the sewer bond issue, which motion was seconded by Councilor Davis. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Curry, Davis

Nays: Mayor Hummel

**Motion carried; action on the matter of Coos-Curry Housing Authority Cooperation Agreement tabled until after the November election on the sewer bond issue.**

#### 4. Draft Charter Revision

The changes to Sections 10 and 29 as discussed during July 20th study session were incorporated into the draft Charter.

Councilor Brendlinger requested revisions of some of the language in the draft charter.

Councilor Davis moved to table consideration of the draft Charter Revision until the next work session, with revised language to be provided by Councilor Brendlinger, which motion was seconded by Councilor Brendlinger.

Councilor Davis moved to amend the main motion by changing the date of consideration to the Friday, July 31 special meeting, 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; main motion amended by changing the date of consideration of the draft charter to the Friday, July 31 special council meeting.**

The clerk called the roll on the main motion with the following results:

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

Nays: None

**Motion carried; consideration of the draft Charter Revision tabled until the special council meeting on Friday, July 31, 1992 at 12:00 noon.**

5. Oregon State University Extension Sea Grant Program

Other cities using the sea grant program have found it helpful. Indication is that it helps clarify, prioritize, organize and specify city needs, goals, strategies (economic and social) and community strengths and weaknesses.

Mr. Cluff suggested that Council consider this as a potential activity for fiscal year 1993-94.

Councilor Davis moved to recommend to the incoming Council that they consider the Oregon State University Extension Sea Grant Program as a potential activity for fiscal year 1993-94, 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; recommendation to the incoming Council that they consider the Oregon State University Extension Sea Grant Program as a potential activity for fiscal year 1993-94, approved.**

**7. Chetco River Lands Ownership - letter to Gov. Roberts**

Staff recommended that the letter drafted by a group of local citizens be attached to a transmittal letter to Gov. Roberts stating council support of the positions and requests made in the letter concerning the takeover by the Division of State Lands of Chetco River property. Mr. Cluff requested that Council authorize the transmittal of the letter from local citizens with a cover letter of Council support.

Councilor Brendlinger moved to authorize the transmittal of the letter from local citizens to Governor Roberts concerning the takeover of the Chetco River properties by the Division of State Lands, with a strong cover letter of support from the Council for the position of the property owners along the Chetco River, 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; transmittal of the letter from local citizens to Governor Roberts concerning the takeover of the Chetco River properties by the Division of State Lands, with a strong cover letter of support from the Council for the position of the property owners along the Chetco River, authorized.**

**8. Temporary closure of Mill St. - August 23 - 24**

Square Deal builders has requested partial closure of Mill St. on Sunday, August 23rd and Monday, August 24th. On Monday passage to and from Cottage Street would be allowed. This is to allow safer access for their annual sale, and storage and selling in the roadway. Staff recommended that Council authorize closure of that portion of Mill St. identified in attached letter and allow banners to be hung as outlined on those two sale days.

Councilor Davis moved to authorize the partial closure of Mill St. on Sunday, August 23rd and Monday, August 24th, during the annual Square Deal yard sale and to allow banners to be hung, 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; partial closure of Mill St. on Sunday, August 23rd and Monday, August 24th, during the annual Square Deal yard sale and hanging banners, authorized.**

9. Golf Course - Letter of Authorization to Occupy and Use Leased Property

Staff indicated that WJS, Inc./Bob McCallister wish to participate with ODF&W this season in stabilizing the banks of Jack Creek. They need City authorization to enter and use the property for this specific purpose. Staff recommended that Council approve the letter of authorization.

Councilor Davis moved to approve the Letter of Authorization to Occupy and Use Leased Property between WJS Golf, Inc./Bob McCallister and the City of Brookings, concerning the stabilization of the banks of Jack Creek, 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; Letter of Authorization to Occupy and Use Leased Property between WJS Golf, Inc./Bob McCallister and the City of Brookings, concerning the stabilization of the banks of Jack Creek, approved.**



Mayor Hummel recessed the council meeting and convened an Executive Session under ORS 192.660 (1)(d), Labor Negotiations.

Mayor Hummel reconvened the council meeting.

Councilor Brendlinger moved to approve the mayor signing the salary scale and Letter of Agreement between Teamsters Local 57 and the police department, 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; mayor authorized to sign the salary scale and Letter of Agreement between Teamsters Local 57 and the police department.**


**XIII. ADJOURNMENT**

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

Mayor Hummel adjourned the meeting at 11:02 p.m.

  
\_\_\_\_\_  
Fred Hummel  
Mayor

**ATTEST:**

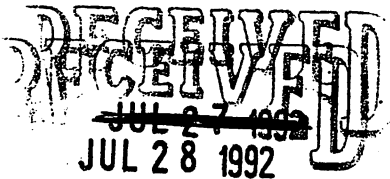
  
\_\_\_\_\_  
Beverly S. Shields  
City Recorder

United States  
Department of  
Agriculture

Forest  
Service

Siskiyou  
National  
Forest

Chetco Ranger District  
555 Fifth Street  
Brookings, Oregon 97415



Reply To: 2520 Watershed Planning

Date: July 24, 1992

CITY OF BROOKINGS  
CITY OF BROOKINGS  
Curry County Planning Commission  
Curry County Courthouse  
Gold Beach, OR 97444

I attended the Commission hearing on 7/2/92 on application C-9205 and have reviewed the Commission's Order dated 7/17/92. Language in the Order on page 2, at section 5. b) is problematic from two standpoints. First, the requirement for the applicant to "perform further tests to determine whether surface water is feeding the aquifer to be used for potable water" ignores the testimony of applicant's own geotechnical adviser that the two sources are indeed connected. That connectivity is not substantially at issue. (There was a minor qualification in the testimony to the effect that it was theoretically possible, but unlikely, that there might be a disconnected aquifer separated by a layer of impermeable fine sediment.)

The second problem is the ambiguity of the language requiring the applicant to "address the concerns" of the various parties about the water source. It is not clear from this language what would be sufficient in the Commission's view to satisfy this requirement.

I believe Oregon Department of Fish and Wildlife's (ODFW) written input and oral testimony on 7/2/92 establishes their conclusion that withdrawal of approximately 12,000 gallons per day from the Jack's Creek valley alluvium will have a significant and unacceptable effect on fish habitat. This withdrawal is approximately 25% of the estimated flow through the alluvial sediments, which flow is a significant cold water input to the Chetco River during low flow periods. Fish biologists and hydrologists who advise me concur with the ODFW assessment.

I urge you to clarify the language in your order to make it mandatory that the fish habitat concerns related to water withdrawal are mitigated to the satisfaction of ODFW and the Forest Service. Ed Gross and Angie Dillingham of my staff would be available to discuss the technical aspects of this issue further at your convenience.

I still believe it is possible to develop the golf course in a way that won't harm fish habitat. I hope you'll agree that it's mandatory to work this issue out first before proceeding.

  
MICHAEL FRAZIER  
District Ranger

cc: City of Brookings; Curry County Commissioners; Tim Unterwegner, ODFW; Mike Mattick, Or. Water Resources Department; Ann Ramp, Or. South Coast Fishermen.