

MINUTES

**CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
March 23, 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, Administrative Assistant Donna Van Nest, City Attorney Mike Gillespie, Municipal Court Judge A.L. Stuart

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

Mayor Hummel announced that an Executive Session would be convened following the regular meeting for the purpose of evaluating the municipal court judge.

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS None

V. PUBLIC HEARINGS None

VI. SCHEDULED PUBLIC APPEARANCES None

VII. ORAL REQUESTS/COMMUNICATIONS FROM THE AUDIENCE None

VIII. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. March 9, 1992 Regular Council Meeting

B. Request for Payment

1. Request for Final Payment - Dawson Tract Sewer and Water Improvements - Schedule "B" - Bill Booker Construction

Bill Booker Construction requested final payment of \$817.53 for Schedule "B" of the Dawson Tract Sewer and Water Improvement project. Richard Nored of H.G.E. recommended that the final payment be approved.

(end Consent Calendar)

Councilors Curry and Brendlinger requested corrections to the minutes of the March 9, 1992 council meeting. Councilor Davis moved to approve the Consent Calendar as corrected, 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. March 9, 1992 Regular Council Meeting

B. Request for Payment

1. Request for Final Payment - Dawson Tract Sewer and Water Improvements - Schedule "B" - Bill Booker Construction

approved.

IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

1. **Ordinance No. 92-O-486 - An ordinance providing for public improvements, levying and collecting special assessments, and for the creation and enforcement of assessment liens; and repealing ordinance No. 60-O-146.**

At the request of City Attorney Mike Gillespie, the council agreed to take no action on this ordinance at this meeting. The council asked questions of Mr. Gillespie to clarify the language of the proposed ordinance. No formal action taken.

B. Resolutions

1. **Resolution No. 92-R-532 - A resolution of the City Council of the City of Brookings establishing fees for the performance of the actions and reviews required by the Land Development Code, and repealing Resolution No. 91-R-511.**

Planning Director John Bischoff advised that the City Council recently adopted changes to the Land Development Code (Ordinance No. 89-O-446) to add the provisions for a Minor Change process which will allow the Planning Commission to act on applications to make changes or additions to project which have previously received either Conditional Use Permit, Planned Unit Development or subdivision approval. This Resolution will provide for a fee of \$150.00 which must be submitted with applications for a Minor Change.

This resolution also contains a recommendation to reduce the fee for Sign Approval applications from \$75.00 to \$25.00. It is staff's opinion that the current \$75 dollar fee is excessive and does not reflect the average amount of time spent on the review of applications for new signs. This recommendation is staff initiated.

Councilor Curry moved to adopt Resolution No. 92-R-532, 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; Resolution No. 92-R-532 - A resolution of the City Council of the City of Brookings establishing fees for the performance of the actions and reviews required by the Land Development Code, and repealing Resolution No. 91-R-511, adopted.

X. COMMITTEE REPORTS

- A. Planning Commission None**
- B. Parks and Recreation Commission None**
- C. Golf Board**

1. Golf Course Lease Agreement

The city attorney revised the proposed golf course lease agreement, incorporating several modifications recommended by Attorney Tim Sercombe. The proposed 49-year lease with renewal options is in return for over \$3 million of golf course improvements proposed by the developer. The developers will use their money to build the type of first class golf course they propose.

City Attorney Mike Gillespie explained the minor changes between Draft #3 and Draft #4 of the Lease Agreement.

Draft #4 properly identifies the property description and exhibits.

Draft #4 clarifies the city's position on ownership of only 117 acres of property and transfer of ownership of the remaining 65 acres contingent upon the city's receipt of the \$3 million bond. South Coast Lumber Company will continue to own any timber which is to be harvested on the 65 acres.

Mayor Hummel pointed out an error in the last sentence of Article 6, Section 6. Mr. Gillespie advised that the words, "or modified" should be deleted from the last line of the section.

Mayor Hummel raised a question regarding the numbering system in Article 11. Mr. Gillespie offered to change the word "sections" to "subsections" in Section 1.00.

Councilor Brendlinger asked for clarifying wording in Article 6, Section 5.00. The last sentence will read, "acceptance of Lessee's audited statement of construction costs approved and paid"

Councilor Brendlinger requested that provisions be added to specify that the waters will be tested and if there is a problem it will be rectified immediately. Mayor Hummel stated that he would feel better if there were specific criteria for testing. He also pointed out that the lease agreement, in Article 14, Section 3.00 states that the lessee shall meet or exceed the standards of the U.S. Army Corps of Engineers for wetlands protection and, the standards of the Oregon Department of Fish and Wildlife (ODFW) for the protection of salmonid spawning and rearing habitat on the golf course site. Section 4.00 also states that the lessee shall work closely with various agencies and local citizen groups including but not limited to the ODFW, Water Resources, Environmental Quality, Salmon/Trout Enhancement Program, and the Army Corps of Engineers. Mr. Gillespie offered to call ODFW to see what their requirements are and to get some guidance from them.

Councilor Davis moved to authorize the city attorney to make suggested changes to the proposed golf course lease agreement and to send the revised agreement to the developer for review, 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 make suggested changes to the proposed golf course lease agreement and to send the revised agreement to the developer for review.

Evaluation of City Attorney

The city council evaluated the city attorney. Each councilor made a brief statement, rating Mr. Gillespie as very satisfactory. Mr. Gillespie thanked the city council for their efforts, and stated that he enjoyed working in Brookings.

D. Chamber of Commerce

Les Cohen, Manager of the Brookings-Harbor Chamber of Commerce, requested assistance from the city in funding for four local people to attend and testify at a PFMC meeting in San Francisco, at which meeting the 1992 salmon fishing season will be determined.

Councilor Davis moved to authorize a \$1,000 donation for the purpose of defraying costs for four local people to testify at a PFMC hearing in San Francisco, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Davis

Nays: Councilors Brimm, Curry, Mayor Hummel

Motion denied; \$1,000 donation for the purpose of defraying costs for four local people to testify at a PFMC hearing in San Francisco not authorized.

Councilor Curry moved to authorize a \$500 donation for the purpose of defraying costs for four local people to testify at a PFMC hearing in San Francisco, 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; \$500 donation for the purpose of defraying costs for four local people to testify at a PFMC hearing in San Francisco approved.

XI. STAFF REPORTS

A. Community Development Director None

B. Police Department None

C. City Manager

- 1. Request for authorization to expend monies to reduce maps of Stout Park**

Councilor Curry moved to authorize staff to expend \$72.00 for the purpose of reducing two of the landscape maps of Stout Park, 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; staff authorized to expend \$72.00 for the purpose of reducing two of the landscape maps of Stout Park.

- 1. Request for closure of Frontage Road and Ross Road during annual Azalea Festival - Chamber of Commerce**

The city council was presented with a letter from Chamber of Commerce Manager Les Cohen, accompanied by a map showing the areas they are requesting be barricaded during the annual Azalea Festival. Staff reviewed the request and recommended approval as requested.

Councilor Curry moved to approve the request from the Chamber of Commerce to barricade portions of Frontage Road and Ross Road during the annual Azalea Festival weekend, 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; a request from the Chamber of Commerce to barricade portions of Frontage Road and Ross Road during the annual Azalea Festival weekend approved.

D. City Attorney None

XII. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor None

B. Council

1. Joint Council/District 17C Committee

School District 17C has requested the city waive or modify the required off-site developments associated with putting "additions" on their parcel. The suggestion at the joint work session with the city and school district was to have a joint ad hoc committee made up of 2 councilors and 2 board members.

Councilors Davis and Brendlinger volunteered to serve on the committee.

Councilor Curry moved to appoint Councilors Davis and Brendlinger to a joint ad hoc committee made up of two members of the council and two members of the School District 17C Board to review development plans for the school district, 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; Councilors Davis and Brendlinger appointed to a joint ad hoc committee made up of two members of the council and two members of the School District 17C Board to review development plans for the school district.

XIII. RECESS

Mayor Hummel recessed the council meeting at 8:53 p.m. and convened an Executive Session for the purpose of evaluating the municipal court judge.

EXECUTIVE SESSION ORS 192.660 (1)(i)

XIII. ADJOURNMENT

Mayor Hummel reconvened the council meeting at 9:40 p.m.

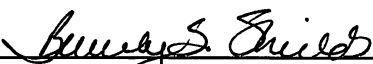
Councilor Curry moved to adjourn, which motion was seconded by Councilor Brendlinger; **motion carried unanimously.**

Mayor Hummel adjourned the meeting at 9:41 p.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder