

# MINUTES

## CITY OF BROOKINGS SPECIAL COMMON COUNCIL MEETING Brookings City Hall Council Chambers 898 Elk Drive, Brookings, Oregon April 6, 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 Engineer Richard Nored

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

### IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

#### 1. Appointments to Planning Commission

Mayor Hummel indicated that the terms of Planning Commissioners Earl Breuer and Clarence Branscomb expired April 1, 1992. Mayor Hummel presented the names of Earl Breuer, Clarence Branscomb and Marvin Lindsey and requested approval of the reappointment of Commissioners Earl Breuer and Clarence Branscomb.

Councilor Brimm moved to reappoint Earl Breuer and Clarence Branscomb to the Planning Commission, 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; Earl Breuer and Clarence Branscomb reappointed to the Planning Commission. [Terms expire April 1, 1996]**

**VI. ORDINANCES/RESOLUTIONS/FINAL ORDERS/AGREEMENTS**

**B. Agreements**

**1. Jack Creek Golf Course Lease Agreement**

Mayor Hummel explained that the developer is requesting acceptance of the golf course design.

Councilor Davis moved to authorize the mayor to sign a letter approving the golf course design as depicted by golf course architect Bob Baldock, 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; mayor authorized to sign a letter approving the design of the Jack Creek Golf Course as depicted by golf course architect Bob Baldock.**

Mayor Hummel reviewed the minor changes which were last made to the proposed golf lease agreement.

**Page 3 - Section 4.00 - Gross Receipts Defined:**

**Line 16 - Gross sales shall not include fees received by the course professional for professional golf lessons. (new language)**

**Page 5 - Section 3.02 - Permanent automatic irrigation system for all tees and greens. (new language)**

**Page 9 - Article 10 - Financing (new language)**

**Page 23 - Article 25 - Eminent Domain (all new article)**

**Councilor Brendlinger expressed the opinion that a section should be added to the proposed lease agreement pertaining to the city's right to enter for the purposes of testing water on the golf course property.**

**Golf Course Chairman Jim Cole said that he had received verbal approval of the proposed lease agreement from the developer and would not wish to see changes made at this late date.**

**Following discussion, Councilor Brendlinger moved to add language to the proposed lease agreement reserving the city's right to enter the property for the purpose of water and soils testing. The motion died for lack of a second.**

**Councilor Davis moved to approve the proposed Jack Creek Golf Course Lease Agreement, 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; the proposed Jack Creek Golf Course Lease Agreement approved.**

**A. Ordinances**

- 1. Ordinance No. 92-O-146.A - An ordinance amending Ordinance No. 60-O-146, Section 10, Subsection A of the City of Brookings, and declaring an emergency.**

**Mayor Hummel advised that he has been advised by the city attorney that Ordinance No. 60-O-146 must be amended slightly to conform to state law.**

**Administrative Assistant Donna Van Nest read Ordinance No. 92-O-146 into the record in its entirety.**

**Councilor Curry moved to adopt Ordinance No. 92-O-146.A 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-146.A adopted by first reading.**

**Administrative Assistant Donna Van Nest read Ordinance No. 92-O-146.A into the record by title only.**

**Councilor Davis moved to adopt Ordinance No. 92-O-146.A by second 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-146.A - An ordinance amending Ordinance No. 60-O-146, Section 10, Subsection A of the City of Brookings, and declaring an emergency. - adopted by second reading. [Effective April 6, 1992]**

**V.**

**PUBLIC HEARINGS**

- 1. Public hearing for the purpose of hearing objections to the proposed assessments for the Dawson Tract/Oregon Driftwood Shores/West Harris Heights Local Improvement District**

**Richard Nored of H.G.E. Engineering briefed the council and the audience on the progress of the project and the final assessments pertaining to the project.**

**Several unknown Dawson Tract/Oregon Driftwood Shores/West Harris Heights Road property owners asked questions of Mr. Nored regarding the costs, engineering and construction of the project.**

**Mayor Hummel opened the public hearing at 8:53 p.m.**

**Carolyn Hubbard, representing Donald & Winifred L. White, read a letter from Mr. White objecting to the assessment amount levied on his property at 17379 Blueberry Drive.**

**David Ham, 17440 Bluff Drive, objected to the damage at Oregon Driftwood Shores caused by the contractors.**

**Ray Jahnke, Oregon Driftwood Shores, objected to the damage caused to the Falcon Cable Television cable.**

**Jeff Holmes, 580 Fern Avenue, representing Jack and Lorene Holmes, 17350 Holmes Drive, objected to the cost of the assessment on the Holmes property.**

**Eldon Gossett, 98 Tanbark, requested assurance that his lot at Oregon Driftwood Shores would be buildable if he was going to be assessed, due to the fact that there are geological hazards involved.**

**Lorene Holmes, 17350 Holmes Drive, brought up a question of a geotechnical report which was done on the Oregon Driftwood Shores properties.**

**Kurt Kessler, 1045 Ransom Avenue, property owner on West Ocean Drive, requested reimbursement for costs he incurred in bringing the utilities an extra 180 feet to his property line.**

Ray Jahnke asked for the Bancroft interest rate. Mr. Cluff indicated that it was approx. 6-1/2 percent at this time.

Jeff Holmes requested an opportunity to present evidence and testimony that the city does not have the right to assess the property owners for the local improvement district assessments. Mr. Holmes was told that he was welcome to submit any evidence and it would be forwarded to the city attorney for review.

Jeri Raymond requested more time to address all the concerns prior to the city council passing any ordinances regarding the assessments.

Mayor Hummel closed the public hearing at 10:00 p.m., with further action to be taken tomorrow, April 7, 1992, at 12:00 noon.

**VI. ORDINANCES/RESOLUTIONS/FINAL ORDERS/AGREEMENTS**

**A. Ordinances**

2. **Ordinance No. 92-O-402.B - An ordinance amending Ordinance No. 86-O-402, providing a method of calculating rates, and declaring an emergency. (Curry Transfer and Recycling franchise ordinance)**

**Administrative Assistant Donna Van Nest read Ordinance No. 92-O-402.B into the record in its entirety.**

**Councilor Curry moved to adopt Ordinance No. 92-O-402.B 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-402.B adopted by first reading.**

**Administrative Assistant Donna Van Nest read Ordinance No. 92-O-402.B into the record by title only.**

Councilor Curry moved to adopt Ordinance No. 92-O-402.B by second 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-402.B - An ordinance amending Ordinance No. 86-O-402, providing a method of calculating rates, and declaring an emergency. - adopted by second reading. [Effective April 6, 1992] (Curry Transfer and Recycling franchise ordinance)**

## **VII. STAFF REPORTS**

### **A. Planning Director**

#### **1. Draft letter to DLCDD regarding Urban Reserve Area**

Councilor Davis moved to approve the proposed letter to DLCDD regarding the Urban Reserve Area with the city's original wording included, to be signed and sent to the Curry County Commission Chairman for her signature, if approved, 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 proposed letter to DLCDD regarding the Urban Reserve Area, with the city's original wording included, approved to be signed and sent to the Curry County Commission Chairman for her signature, if approved.**

**VIII. RECESS**

Mayor Hummel recessed the council meeting at 10:44 p.m., to be reconvened on April 7, 1992 at 12:00 noon.

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**I. RECONVENE**

Mayor Hummel reconvened the special council meeting at 12:02 noon, April 7, 1992.

**II. ROLL CALL**

Council Present: Mayor Fred Hummel, Councilors Nancy Brendlinger, Mary Jane Brimm, Tom Davis

Council Absent: Councilor Larry Curry

Staff Present: City Manager Dennis Cluff, Administrative Assistant Donna Van Nest

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

**III. COUNCIL ACTION**

**A. Dawson Tract Local Improvement District**

The council addressed each of the written letters of objection concerning the assessments on the Dawson Tract/Oregon Driftwood Shores/West Harris Heights Local Improvement District.

1. Mark Wilson, TL 3503
2. Lee G. and Fern I. Van Duzee, Map 40-14-36B, TL 1200
3. Mr. and Mrs. Rod Olson, Map 40-14-36B, TL 1101
4. Antony & Marjorie Schmidt, Map 40-14-25CC, TL 1300, 1400
5. (2 letters) Al & Marian LaCom, Map 40-14-36B, TL 1404, 1500



6. Eldon Gossett, Map 40-14-26DD, TL 300
7. Andrew & Beatrice Drago, TL 1703
8. James E. Collis, 17346 Holmes Drive
9. Zia and Associates, Map 40-14-25CC, TL 2400
10. Jack & Lorene Holmes, 17350 Holmes Drive
11. Donald & Winifred L. White, 17379 Blueberry
12. Mr. and Mrs. Douglas Purdy, Map 40-14-36B, TL 2600
13. Oregon Dept. of Parks & Recreation, Map 40-14-36, TL 1110
14. Lillian T. Russell, Map 40-14-36B, TL 3400
15. Phillip D. Kessler, Map 40-14-25CC, TL 800
16. Jim E. & Laurreta Ann Phelps, 17201 Passley Road
17. Elmer and Edna Hedberg, 96633 West Harris Heights
18. Gene Denton, Map 40-14-36B, TL 1700
19. Michelle Stuart, Map 40-14-25CC, TL 2100
20. Lynn & Margary Honaker, address unknown
21. Jeanette Richardson, 96655 West Harris Heights
22. Kurt Kessler, Oregon Driftwood Shores
23. N. Licklider, Map 40-14-25CC, TL 1700
24. William C. Dwinell, address unknown

**IV. RECESS**

**Mayor Hummel recessed the meeting at 2:44 p.m. to place a telephone call to City Attorney Mike Gillespie for the purpose of answering questions pertaining to the assessments.**

**V. RECONVENE**

Mayor Hummel reconvened the meeting at 3:22 p.m.

**III. COUNCIL ACTION (Continued)**

**A. Dawson Tract Local Improvement District**

City Manager Dennis Cluff explained the answers received from City Attorney Mike Gillespie concerning the ownership and assessment responsibility for the street property in the new Cottage Court Subdivision.

Councilor Davis moved to delay action on the matter of levying assessments in the Dawson Tract/Oregon Driftwood Shores/West Harris Heights Local Improvement District until tomorrow, April 8, 1992, at 12:00 noon and to direct staff to gather information on city participation in Bancroft bonding, which motion was seconded by Councilor Brendlinger. The clerk called the roll with the following results:

Ayes: Councilors Brendlinger, Brimm, Davis, Mayor Hummel

Nays: None

**Motion carried; action on the matter of levying assessments in the Dawson Tract/Oregon Driftwood Shores/West Harris Heights Local Improvement District until tomorrow, April 8, 1992, at 12:00 noon, and staff directed to gather information on city participation in Bancroft bonding.**

**VI. RECESS**

Mayor Hummel recessed the meeting at 4:02 p.m., to be reconvened at 12:00 noon, April 8, 1992.

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**I. RECONVENE**

Mayor Hummel reconvened the meeting at 12:02 noon, April 8, 1992.

**II. ROLL CALL**

**Council Present: Mayor Fred Hummel, Councilors Nancy Brendlinger, Mary Jane Brimm, Tom Davis**

**Council Absent: Councilor Larry Curry**

**Staff Present: City Manager Dennis Cluff, Administrative Assistant Donna Van Nest**

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

**III. COUNCIL ACTIONS**

**A. Dawson Tract Local Improvement District**

**City Manager Dennis Cluff advised the council on the opinion of the city attorney and bond attorney that under ORS 223 the city may participate in the Bancroft bonding of the local improvement district.**

**Mr. Cluff also advised the council on the changes in the assessments for several of the parcels of property. A new, revised list of assessments was received from H.G.E. at 10:30 a.m. this date.**

**IV. ORDINANCES/RESOLUTIONS/FINAL ORDERS/AGREEMENTS**

**A. Ordinances**

- 1. Ordinance No. 92-O-488 - An ordinance setting the assessments for the City of Brookings Improvement District No. 1-89 for water distribution improvements and District No. 2-89 for sewer collection improvements within the Dawson Tract, Oregon Driftwood Shores, West Harris Heights area; and numbering and declaring the assessment roll for said district, and declaring an emergency.**

**Administrative Assistant Donna Van Nest read Ordinance No. 92-O-488 into the record in its entirety.**

**Councilor Davis moved to adopt Ordinance No. 92-O-488 by first reading, which motion was seconded by Councilor Brimm.**

**Jeff Holmes questioned the city's right to assess the properties in question.**

**The clerk called the roll with the following results:**

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

**Nays: None**

**Motion carried; Ordinance No. 92-O-488 adopted by first reading.**

**Administrative Assistant Donna Van Nest read Ordinance No. 92-O-488 into the record by title only.**

**Councilor Davis moved to adopt Ordinance No. 92-O-488 by second reading, which motion was seconded by Councilor Brimm. The clerk called the roll with the following results:**

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

**Nays: None**

**Motion carried; Ordinance No. 92-O-488 - An ordinance setting the assessments for the City of Brookings Improvement District No. 1-89 for water distribution improvements and District No. 2-89 for sewer collection improvements within the Dawson Tract, Oregon Driftwood Shores, West Harris Heights area; and numbering and declaring the assessment roll for said district, and declaring an emergency. - adopted by second reading. [Effective April 8, 1992]**

**V. ADJOURNMENT**

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

**Mayor Hummel adjourned the meeting at 12:50 p.m.**



**Fred Hummel**  
**Mayor**

**ATTEST:**



**Beverly S. Shields**  
**City Recorder**