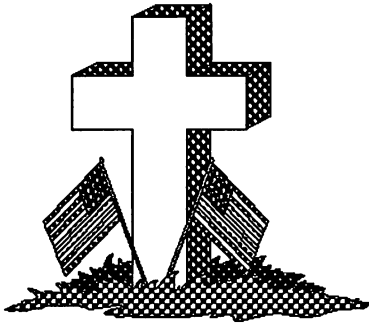


MINUTES



**CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
May 26, 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

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

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

1. Proclamation - National Safe Boating Week in Brookings

Mayor Hummel proclaimed the week of June 7-June 13, 1992 as "National Safe Boating Week in Brookings".

V. PUBLIC HEARINGS

None

VI. SCHEDULED PUBLIC APPEARANCES

1. Darrell Erb, Jr. - Purchase of pool ladder and lift

Darrell Erb, Jr. presented the council with a proposal to participate with the Aid Association of Lutherans (AAL) and the Coos-Curry Transitional House in the purchase of a ladder and lift for the city's swimming pool.

Mr. Erb's proposal called for AAL to raise \$1,300, that Coos-Curry Transitional House pay \$1,500, and the City of Brookings pay \$1,780 to equip the city's pool with an Easy Ladder and a Nolan Pool Lift.

Councilor Davis moved to approve the participation of the city with the Aid Association of Lutherans (AAL) and the Coos-Curry Transitional House in the purchase of an Easy Ladder and a Nolan Pool Lift for the city's swimming pool, 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; participation of the city with the Aid Association of Lutherans (AAL) and the Coos-Curry Transitional House in the purchase of an Easy Ladder and a Nolan Pool Lift for the city's swimming pool, approved.

2. Michelle Baggett - Ferry Creek Reservoir

Brookings Harbor High School students Michelle Baggett, Tristan Gross and Ryan Carlson presented council with a study which was prepared by a group of high school seniors on the Ferry Creek Reservoir area as a project for their American Government and Politics class. The students desire to convert the old reservoir area into a recreational facility.

It was council consensus that staff research the title on the access road to the reservoir and the ownership of the logged area. The students will present their proposal to the Parks and Recreation Commission. No formal action taken.

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

None

VIII. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. May 11, 1992 Regular Council Meeting

B. Requests for Payment

Payment #1 to EMK Contractors - Water Treatment Plant Upgrade

Work on the water treatment plant is progressing. The itemization of work completed is attached to the pay request. The engineer recommended approval of payment in the amount of \$84,638.35.

(end Consent Calendar)

The council requested corrections to the minutes of the May 11, 1992 council meeting on page 5.

Councilor Curry moved to approve the Consent Calendar as corrected, 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; Consent Calendar consisting of:

A. Approval of Council Meeting Minutes

1. May 11, 1992 Regular Council Meeting

B. Requests for Payment

1. Payment #1 to EMK Contractors - Water Treatment Plant Upgrade

approved.

IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS None

X. COMMITTEE REPORTS

A. Planning Commission

The Planning Commission is proposing to set up a Downtown Committee.

B. Parks and Recreation Commission

The Commission is getting close to a formal Azalea Park Plan. A joint work session will be held between the council and the commission on June 15, 1992 at 7:30 p.m.

C. Golf Board

The golf course lease agreement is still in the developer's office.

D. Chamber of Commerce

None

XI. STAFF REPORTS

A. City Manager

1. Abandonment of old water right - Jack Creek

City Manager Dennis Cluff advised that the water rights application in late fall 1990 for golf course irrigation water required that we abandon and old inactive water right existing on 6.3 acres of the golf course. The water right was for .08 c.f.s. from Jack Creek. The State required this for they didn't want two irrigation water rights on some of the same property. In addition, the old water right could only be used to irrigate the specific 6.3 acres listed, and the water right was already forfeited due to non-use of over 5 years.

Mr. Cluff brought this subject up before the council at a work study session at the time (due to the hurry to apply for the new water rights) with no dissensions from the council. However, now the State wants an affirmative vote by the council to abandon the .08 c.f.s. water right from Jack Creek. Failure to do so could possibly rescind the new water right.

Councilor Davis moved to abandon the .08 c.f.s. water right from Jack Creek, as requested by the State Water Resources Department, 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; Water Right Permit No. 29479, the .08 c.f.s. water right from Jack Creek, abandoned, as requested by the State Water Resources Department.

2. Rescission of 1989 DIA - School District 17-C

City Manager Dennis Cluff advised that the Deferred Improvement Agreement (DIA) entered into by the School District on September 22, 1989 allowed for it to be "unenforceable" if the City later adopted a code change which would preclude the necessity for requiring a DIA. Ordinance 90-0-446.A, effective March 28, 1990 changed the requirement for which a DIA is required. The amount of work performed by the school would not have required the DIA. Mr. Cluff recommended that the council rescind the DIA.

Councilor Davis moved to rescind the Deferred Improvement Agreement between the City and School District 17C which was signed September 22, 1989, 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; Deferred Improvement Agreement between the City and School District 17C which was signed September 22, 1989, rescinded.

3. Intergovernmental Policy and Coordination Committee (IPCC)

Mr. Cluff presented council with a letter from the Oregon Department of Transportation announcing the launching of the Oregon Coast Highway (101) Corridor Study. The purpose of the study is to develop a 20-year transportation master plan for the highway corridor. ODOT requested the city's participation on the Intergovernmental Policy and Coordination Committee (IPCC), by appointing an elected official and a staff member to represent the City of Brookings.

Councilor Davis moved to appoint Councilor Curry or his designate and City Manager Dennis Cluff or his designate as members of the ODOT Intergovernmental Policy and Coordination Committee (IPCC), 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; Councilor Curry or his designate and City Manager Dennis Cluff or his designate appointed as members of the ODOT Intergovernmental Policy and Coordination Committee (IPCC).

4. Addition to EPA Grant

Mr. Cluff presented council with a letter from Charles E. Findley, Director, Water Division, United States Environmental Protection Agency, approving an increase of \$22,320 to cover the planning allowance that was inadvertently omitted from the original Dawson Tract Grant. Mr. Cluff requested council authorization to sign the EPA Assistance Agreement Amendment.

Councilor Davis moved to authorize City Manager Dennis Cluff to sign the EPA Assistance Agreement Amendment which approves an increase of \$22,320 to cover the planning allowance that was inadvertently omitted from the original Dawson Tract Grant, 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 Manager Dennis Cluff authorized to sign the EPA Assistance Agreement Amendment which approves an increase of \$22,320 to cover the planning allowance that was inadvertently omitted from the original Dawson Tract Grant.

XII. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor

B. Council

1. Betsy Bubble Bath - Replacement tree designation

Council previously agreed to allow Ken Barton of Betsy Bubble Bath to remove, at his sole expense, two trees in City right-of-way and to replace them, again at his sole expense. Before Ken will sign a letter of agreement to replace the trees, he would really like to know what may cost him. The easiest way to do this is to designate the type and size of replacement tree desired.

Councilor Davis moved to designate two Shore Pine or Sylvester Pine trees as replacements for two trees to be removed on Spruce Street near the Betsy Bubble Bath, as requested by Ken Barton, and at the expense of Ken Barton, 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; two Shore Pine or Sylvester Pine trees (at least 5 feet in height) designated as replacements for two trees to be removed on Spruce Street near the Betsy Bubble Bath, as requested by Ken Barton, and at the expense of Ken Barton.

- 2. Council directed that City Manager Dennis Cluff take the question of rescinding the December, 1988 water rate resolution to the city attorney.**
- 3. Council requested that City Manager Dennis Cluff ask the city attorney about the Urban Reserve appeal.**
- 4. Council directed staff to discontinue any buying of non-recyclable products, such as styrofoam cups, etc.**

EXECUTIVE SESSION - ORS 192.660 (1)()

RECESS

Mayor Hummel recessed the council meeting at 9:00 p.m. to convene an executive session under ORS 192.660(1)(i) - Performance of Public Officers or Employees.

RECONVENE

Mayor Hummel reconvened the council meeting at 9:47 p.m.

Councilor Davis moved to approve a salary of \$52,000 for City Manager Dennis Cluff for fiscal year 1992-93, which motion was seconded by Councilor Brendlinger.

Councilor Curry moved to amend the main motion by rescinding the housing allowance, 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; main motion amended by rescinding the housing allowance from the city manager's salary.

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; a salary of \$52,000 for City Manager Dennis Cluff for fiscal year 1992-93 approved, with no housing allowance.

XIII. ADJOURNMENT

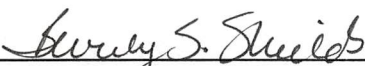
Councilor Davis moved to adjourn, which motion was seconded by Councilor Curry; motion carried unanimously.

Mayor Hummel adjourned the meeting at 9:49 p.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder