

MINUTES
BROOKINGS COMMON COUNCIL MEETING
FEBRUARY 9, 1987
7:00 P.M.

I. CALL TO ORDER

Mayor Kerr called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

MOMENT OF SILENT PRAYER

Mayor Kerr requested a moment of silent prayer, in honor of City Attorney John Coutnakan who was fatally injured in an auto accident last week.

III. ROLL CALL

Council Present: Mayor Bob Kerr, President of the Council
Gil Batty, Councilmen Doug Peterson, Rick Howell

Council Absent: Councilman Ray Nidiffer

Planning Commission Present: Leo Appel II, Chairman

Staff Present: City Manager Roy Rainey, Engineering Technician
Leo Lightle, Executive Secretary Donna Van Nest, Recorder/
Treasurer Beverly Shields, City Attorney John Babin, Planning
Director Richard Ullian, Communications Sergeant Cameron Lynn

Media Present: Joe Heitz, Curry Coastal Pilot; Marge Barrett,
KURY

IV. CEREMONIES/APPOINTMENTS

A. Proclamation - "American History Month"

Mayor Kerr proclaimed the month of February, 1987 as
"American History Month".

B. Proclamation - "National Patriotism Week in Brookings"

Mayor Kerr proclaimed the week of February 16--20, 1987 as
"National Patriotism Week in Brookings".

C. Proclamation - "A Day of Special Concern for the Hungry and Homeless Among Us"

Mayor Kerr proclaimed February 25, 1987 as "A Day of Special
Concern for the Hungry and Homeless Among Us".

D. APPOINTMENT OF BUDGET OFFICER

City Manager Roy Rainey recommended to the Council that Leo Lightle be named Budget Officer for fiscal year 1987-88. Mr. Rainey pointed out that since he was new to the City and Mr. Lightle had been working with the budget process for the past several months, he felt that Mr. Lightle's appointment was appropriate.

Councilman Peterson made a MOTION, seconded by Councilman Howell, to appoint Leo Lightle as Budget Officer for fiscal year 1987-88; MOTION carried unanimously.

V. MINUTES FOR APPROVAL/ACCEPTANCE

A. Approval of Council Meeting Minutes

1. January 12, 1987, Regular Council Meeting

Councilman Batty asked that the minutes be corrected on Page 1 of the January 12, 1987 Minutes. Councilman Batty pointed out that the Minutes should reflect that Councilman Nidiffer made the MOTION to appoint two new Councilmen and Councilman Batty seconded.

Councilman Batty made a MOTION, seconded by Councilman Howell, to approve the corrected Minutes of the January 12, 1987 Council Meeting; MOTION carried unanimously.

B. ACCEPTANCE OF PLANNING COMMISSION MEETING MINUTES

None.

VI. SCHEDULED PUBLIC APPEARANCES

A. Appeal of Planning Commission Decision - Waller

Mayor Kerr announced that this public hearing falls under the quasi-judicial process and he appointed John Babin as hearings officer.

Mr. Babin explained that this hearing concerns the appeal of a Planning Commission decision to deny a minor partition request to James and June Waller.

Mr. Babin outlined for the Council and the audience the hearings procedure, as specified in Resolution No. 213.

Mr. Babin opened the public hearing at 7:17 p.m.

Mr. Babin asked if any member of the hearings panel wished to abstain. There being no response, Mr. Babin asked if any member of the audience objected to the jurisdiction of this hearings panel. Again, there being no response, Mr. Babin asked Mr. Ullian to give the staff report.

Mr. Ullian explained that at the January 6, 1987 meeting of the Planning Commission, the Final Order and Findings of Fact Document was adopted, denying the request for a minor partition on property located at the north end and east side of a deeded city accessway on the north side of Hassett Street, approximately 130 feet west of its intersection with Pioneer Road. Mr. Ullian stated that the reason for denial was a determination by the Commission that the resulting vacant lot could not be serviced with city water, and therefore a finding of availability of key city services to serve the resulting lot by means of the minor partition approval process could not be made. Mr. Ullian indicated that the applicant's remedy would be to make provision for the installation of a minimum 6" water main extending from Hassett Street northerly approximately 483 feet within the existing 50 feet of deeded city accessway. This course of action the applicants have chosen not to take. Should the vacant lot be created, it would be basically "unbuildable" due to the unavailability of city water service. The Commission felt that approval of the request could not be granted since the act of approving the creation of a vacant lot is an indication to future purchasers that the process and action of approval by the city would signify that all standards are met, and that it is a "buildable" lot, which it would not be.

Mr. Ullian recommended that the Mayor and City Council affirm the decision of the Planning Commission in the denial of the Waller minor partition request and deny the appeal.

Mr. Babin asked for the proponents case. Mr. James Waller, 138 Cherry Street, Molalla, Oregon, owner of a portion of the property in question, presented a brief history of the property and requested Council direction regarding his problem. He stated that he has owned the entire piece of property for several years and that it was always considered as two separate lots, when in fact, by county records, it is considered to be one tax lot (Tax Lot 300, Map 41-13-32CC). Mr. Waller explained that in August, 1986, the large portion of the property was sold, and they are requesting a minor partition at this time to segregate the existing homesite from the total area to create a vacant lot to sell for a future homesite. Mr. Waller stated that the cost of installing a 6" water line from Hassett Street to the

subject property is prohibitive to him at this time. He felt that possibly the same solution could be given to his problem as was given to the Welch property which is across the unnamed street from him, where the Planning Commission granted the minor partition provided the owner understood and agreed that no building permits would be issued for a dwelling until and unless the water line was installed to service the lots. He felt that an alternative solution would be to drill a well on the subject property. Mr. Waller indicated that all of the property owners in the area are very interested in getting the water line installed but that the costs are prohibitive to all of them.

Mr. Gary Derr, owner of Parcels 401 and 402 indicated that he was very interested in getting water to the property.

Mr. Eldon Gossett, 98 Tanbark Road, testified in favor of the appeal. Mr. Babin received a map from Mr. Gossett, which was marked as Exhibit #P-1.

Mr. Babin asked for any other testimony in favor of the appeal. There being no response, Mr. Babin asked for opponents of the appeal to speak. There again being no response, Mr. Babin asked for any public agency testimony. Again, there was no response. Mr. Babin closed the public hearing at 7:56 p.m. and turned the question of the appeal to the City Council for deliberation.

Councilman Batty asked Mr. Waller if there was any possibility of forming a Local Improvement District in the area for water. Mr. Waller indicated that there was a definite possibility.

After a brief discussion, Councilman Peterson made a MOTION, seconded by Councilman Howell, to table this agenda item and direct staff to study the feasibility of a Local Improvement District in this area; MOTION carried unanimously.

B. Comprehensive Plan Amendment and Zone Change - Agnew

Hearings Officer John Babin explained that this request is for a comprehensive plan amendment and zone change from industrial to residential on 42.94 acres of property owned by the Agnew Company.

Mr. Babin explained that again, the process is quasi-judicial and he reminded the Council and audience of the procedures involved. Mr. Babin opened the public hearing at 8:15 p.m.

Mr. Babin asked for testimony from the proponents.

Mr. Neil Amondson, Properties Manager for the Agnew Company, Centrailia, Washington, gave a brief presentation of the history of the property involved, (Tax Lots 300, 310, 500, 600 - Map 41-13-6D, and Tax Lot 400- Map No. 41-13-7A). Mr. Amondson indicated that because this is some of the most beautiful property on the Oregon coast the Agnew Company is proposing to develop a residential living area for seniors. Mr. Amondson noted that the Planning Commission had voted unanimously to recommend to the City Council that the proposed changes be approved. Mr. Amondson also noted that the City wastewater treatment facility, which is surrounded by Agnew property, will need to be expanded in the future and he indicated that the Agnew Company was willing to dedicate as much land as is necessary to allow that to occur, with the understanding that the Agnew Company be allowed to participate in the process of designating how much and which properties would be needed for the expansion.

Mr. Lyle Stewart and Ms. Vicki Pflaumer, representing the Agnew Company, summarized the proposal for the City Council.

Mr. Babin received as a part of the record Exhibit #P-1, being the complete Planning Commission Record; Exhibit #P-2 Minutes of the Planning Commission Meeting; Exhibit #P-3, Comprehensive Plan Amendment Request; Exhibit #P-4, Zone Change Application; Exhibit #P-5, Supplement Memorandum on the Chetco Point Property; Exhibit #P-6, General Manufacturing Land Needs.

Mr. Babin asked for testimony from any other proponents to speak. There was no response.

Mr. Babin noted that he had neglected at the beginning of the hearing to ask if any of the members of the hearing panel wished to abstain. There being no response, Mr. Babin asked the audience if there were any objections to the jurisdiction of the Council. Again, there was no response.

Mr. Babin asked for testimony from opponents.

Mr. Fred Hummel, 202 Alder Street, read a letter from Mr. Charles L. Neely, 224 King Street, Brookings, in opposition to the proposal. Mr. Babin received the letter as Exhibit #0-A for the record. Mr. Hummel then read a memorandum to the City Council from himself, dated February 9, 1987, in opposition to the proposal. Mr. Babin received this for the record as Exhibit #0-B.

Mr. Babin asked for further testimony from opponents of the proposal. There being no response, Mr. Babin asked if the proponents wished to make any rebuttal.

Mr. Neil Amondson, Mr. Lyle Stewart and Ms. Vicki Pflaumer offered a brief rebuttal, and Mr. Babin received for the record Exhibit #P-7, Forecasts of Economic Growth and the Analysis of Industrial Land Needs in the Brookings-Harbor Urban Growth Boundary, Brookings, Oregon.

There being no further testimony, Mr. Babin closed the hearing at 9:47 p.m., and turned the hearing back to Mayor Kerr for deliberation by the City Council.

Councilman Batty asked Mr. Amondson to define the word dedicate, as related to the statement made earlier that the Agnew Company was willing to dedicate land for the future expansion of the wastewater treatment facility. Mr. Amondson indicated that it was his understanding that the amount of land needed was approx. 1.6 acres and he stated that the Agnew Company would be willing to deed the necessary property to the City, assuming that the city would provide the necessities that the Agnew Company is seeking for the development of the property.

Mayor Kerr commented that the market for industrial zoned land in the area has diminished and he felt that the prime oceanfront property could be better utilized by the residential zoning.

Councilman Peterson commented that he had been in the area for 30 years and Brookings has lost more industry than they have gained in those 30 years, and the biggest asset of Brookings seems to be a "bedroom city".

Councilman Batty said that he felt that not considering the senior population as an industry was a mistake, and he was in favor of the development of the Agnew property.

Mayor Kerr commented that he had studied the documents done for the Agnew development and he felt that they were very well done and complete, and he went on record to support the proposed development.

Councilman Peterson made a MOTION, seconded by Councilman Batty, to approve the Chetco River Properties Comprehensive Plan Amendment and Zone Change request contingent upon the agreement between the parties for the land for the wastewater treatment facility, and authorize the Mayor to sign the Final Order and Findings of Fact; MOTION carried unanimously.

C. Re-Establishment of Citizens Involvement Program

Mr. Ullian indicated that this agenda item is cancelled at this time and is being taken back to the Planning Commission.

VII. COMMUNICATIONS/ANNOUNCEMENTS

A. Mayor Announcements

Mayor Kerr announced that he had attended the Local Officials Advisory Committee meeting in Salem.

B. Council Announcements

Councilman Batty announced that he had attended a Coos-Curry Douglas Business Development meeting in Coquille.

C. Planning Commission Announcements

Chairman Leo Appel II invited the Council to attend the next Citizens Advisory Committee meeting, to be held on February 19 in the Council Chambers.

D. Manager Announcements

None.

E. Staff Announcements

1. Pacific View Gardens Support Request

Planning Director Richard Ullian explained that the Farmers Homes Administration official has requested an expression of support from the City for the Pacific View Gardens Phase II project. The project is a complex of residences to house low to moderate income elderly people.

Councilman Batty made a MOTION, seconded by Councilman Peterson, to go on record as supporting the Pacific View Gardens Phase II project; MOTION carried unanimously.

2. Chetco Senior Center Building Permit Fee Waiver Request

Engineering Technician Leo Lightle explained to the Council that a letter has been received from the Senior Center requesting that the Council waive the building permit fees for their new center. Mr. Lightle indicated that the total amount in question is \$624.00, which does not include water and sewer hookups and other permits which are issued by county and state agencies.

City Attorney John Babin indicated that he had checked the Oregon State Statutes on building permit fees and there is a provision in the statutes, ORS 456.760, which states that fees shall be prescribed. Mr. Babin interpreted the word shall to mean mandatory.

After a brief discussion, Councilman Howell made a MOTION, seconded by Councilman Batty, to deny the request from the Chetco Senior Center to waive the building permit fees; MOTION carried unanimously.

3. Enterprise Zone Update

Mr. Ullian indicated that no action is necessary on this agenda item, but rather that it is informational. Mr. Norm Solomon, Manager of the Enterprise Zone Program, called Mr. Ullian and suggested that the Brookings-Harbor Enterprise Zone Designation activities be held in abeyance for the present. Mr. Solomon indicated that this is due to a new direction statewide for economic development by Governor Goldschmidt as part of the "Oregon Comeback" strategies.

4. 1985-86 Audit Report

Mr. Lightle indicated that the 1985-86 audit is complete and there are no material deficiencies. Mr. Lightle indicated that he was very pleased with the audit report and asked for official acceptance of the document by the City Council.

Councilman Peterson made a MOTION, seconded by Councilman Howell, to accept the 1985-86 audit report, as presented; MOTION carried unanimously.

5. Insurance Proposal Update

Mr. Lightle indicated that no action is necessary on this agenda item, but that it is for informational purposes only. Mr. Lightle stated that the Council had directed the staff to obtain insurance proposals 60 days prior to the expiration of the present coverage, and a copy of the letter to the insurance agent of record was included in the Council packet.

6. School Zone Sign Proposal

Mr. Lightle requested that the Council approve a proposal by Assistant Chief of Police Kent Owens, to post all of the approaches to the schools with signs designating the speed as 20 MPH WHILE CHILDREN ARE PRESENT. Mr. Lightle indicated that some of the signs are in place now, but this proposal would make all of the signs uniform.

Councilman Howell made a MOTION, seconded by Councilman Batty, to authorize the Brookings Police Department to post the approaches to the school zone with signs designating the speed as 20 MPH WHILE CHILDREN PRESENT; MOTION carried unanimously.

F. Attorney Announcements

None.

G. Contract Review Board

None.

VIII. CALL FOR BIDS

None.

IX. REPORT ON BIDS

A. Public Works Pickup

Mr. Lightle indicated that bids were opened on February 5, 1987, at 10:00 a.m. Two bids were received, as follows:

Akin Motor Co.	\$9,198.00
Coast Auto Center	\$9,238.63

Mr. Lightle indicated that the low bid from Akin Motor Co. met all of the required specifications and he requested that the City Council authorize staff to purchase the 1987 Ford pickup from Akin Motor Co. in the amount of \$9,198.00.

Councilman Howell made a MOTION, seconded by Councilman Peterson, to authorize staff to proceed with the purchase of the public works pickup from Akin Motor Company in the amount of \$9,198.00; MOTION carried unanimously.

B. Police Department Typewriter

City Manager Roy Rainey requested that this matter be tabled until the March Council Meeting.

Councilman Batty made a MOTION, seconded by Councilman Howell, to table the review of the bids for a typewriter for the police department; MOTION carried unanimously.

X. ORDINANCES

A. Ordinance No. 411 - Chetco Point Properties

Mrs. Van Nest read Ordinance No. 411 into the record.

After a brief discussion, Councilman Batty made a MOTION, seconded by Councilman Peterson, to table the adoption of this ordinance until such time as the exact description of the property to be deeded to the city for the expansion of the wastewater treatment plant is agreed upon; MOTION carried unanimously.

XI. RESOLUTIONS

A. Resolution No. 397 - Naming City Recorder

Mrs. Van Nest read Resolution No. 397 into the record.

Councilman Peterson made a MOTION, seconded by Councilman Howell, to adopt Resolution No. 397; MOTION carried unanimously.

XII. UNSCHEDULED PUBLIC APPEARANCES

None.

XIII. PAYMENT OF VOUCHERS

Councilman Batty made a MOTION, seconded by Councilman Howell, to approve the vouchers in the amount of \$20,709.15; MOTION carried unanimously.

XIV. ADJOURNMENT

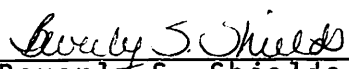
Councilman Peterson made a MOTION, seconded by Councilman Howell, to adjourn the meeting; MOTION carried unanimously.

Mayor Kerr adjourned the meeting at 10:50 p.m.



Bob Kerr, Mayor

ATTEST:



Beverly S. Shields, City Recorder

A C C O U N T S P A Y A B L E
C H E C K R E G I S T E R (A P O 4 1)

DATE 02-04-87

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BANK CHECK NO	PAYEE	AMOUNT
01 00004332	1ST IMPRESSIONS	132.20
01 00004333	AKIN MOTOR COMPANY	32.75
01 00004334	AMERICAN SCIENTIFIC	119.19
01 00004335	AMERICAN SECURITY PR	285.08
01 00004336	BARLOW, DENNIS	18.39
01 00004337	BECCO INC	702.91
01 00004338	BLUE STAR GAS, NORTH	218.12
01 00004339	BROOKINGS COMPUTER C	144.65
01 00004340	BROOKINGS INN/FLYING	15.30
01 00004341	BROOKINGS SUPPLY	57.65
01 00004342	BROOKINGS VOL FIREFI	1,035.00
01 00004343	BROOKINGS-HARBOR CHA	1,666.67
01 00004344	BROWN & CALDWELL	1,753.73
01 00004345	BROWN, GOLDIA	18.39
01 00004346	BUDGE-MCHUGH SUPPLY	101.56
01 00004347	CAIN 6 ASSOCIATES	668.00
01 00004348	CHETCO REXALL DRUGS	26.75
01 00004349	COFFEY LABORATORIES	75.00
01 00004350	COLVIN OIL COMPANY	1,212.21
01 00004351	CONANT JANITORIAL	475.00
01 00004352	COOPER, MICHAEL	18.39
01 00004353	COUTRAKON & BABIN AT	2,070.65
01 00004354	CULLEY, RICH	18.39
01 00004355	CURRY COASTAL PILOT	49.67
01 00004356	CURRY EQUIPMENT COMP	115.50
01 00004357	CURRY TRANSFER & REC	55.00
01 00004358	D&H CHEVRON SERVICE	163.62
01 00004359	DANS AUTO & MARINE E	115.60
01 00004360	DOMINY, GEORGE	18.39
01 00004361	DOTSON, SAMUEL	18.39
01 00004362	DOYLE ELECTRIC	962.08
01 00004363	ELMERS LOCK SERVICE	20.00
01 00004364	FOX, CURTIS H	18.39
01 00004365	FRANKS OFFICE EQUIPM	31.20
01 00004366	GRANTS PASS WATER LA	9.00
01 00004367	GREYHOUND BUS LINES	27.25
01 00004368	HACH COMPANY	65.86
01 00004369	HOOK, JEAN	18.39
01 00004370	HORNET FOUNDATION	70.00
01 00004371	KERR HARDWARE	69.79
01 00004372	LEAGUE OF OREGON CIT	1,148.42
01 00004373	LYNN, CAMERON G	18.39
01 00004374	MORYS OFFICE SUPPLIE	137.99
01 00004375	MURRAY, LES	18.39
01 00004376	O'NEALE SUPPLY COMPA	197.40
01 00004377	OREGON FIRE EQUIPMEN	228.20
01 00004378	OREGONIAN	123.00
01 00004379	OWENS, KENT	18.39
01 00004380	PACIFIC WATER WORKS	1,549.41
01 00004381	PARAMOUNT PEST CONTR	17.00

A C C O U N T S P A Y A B L E
C H E C K R E G I S T E R (A P 0 4 1)

DATE 02-04-87

PAGE 2

BANK CHECK NO	PAYEE	AMOUNT
01 00004382	PENNWALT CORPORATION	736.70
01 00004383	QUILL CORPORATION	189.48
01 00004384	R & R UNIFORMS OF OR	233.00
01 00004385	ROGERS MACHINERY	176.69
01 00004386	SHARE CORPORATION	324.49
01 00004387	SHEFFEL, WAYNE	18.39
01 00004388	SMITH, CECIL SR	18.39
01 00004389	SQUARE DEAL BUILDERS	29.28
01 00004390	STAMPER'S J & J TIRE	55.88
01 00004391	STEINER CORPORATION	16.00
01 00004392	TEDS SALES & SERVICE	21.50
01 00004393	TIDEWATER CONTRACTOR	575.81
01 00004394	TRIANGLE PUMP & EQUI	126.40
01 00004395	U S NATIONAL BANK -	165.95
01 00004396	UMPQUA RESEARCH CO	22.00
01 00004397	UNITED PIPE & SUPPLY	560.32
01 00004398	V W EIMICKE ASSOCIAT	32.19
01 00004399	VWR SCIENTIFIC	138.28
01 00004400	WALKER, RONNEL	18.39
01 00004401	WATER POLLUTION CONT	70.00
01 00004402	WILSON DISTRIBUTING	852.31
01 00004403	XEROX CORPORATION	177.00

TOTAL CHECKS

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20,709.15