

MINUTES
BROOKINGS COMMON COUNCIL MEETING
SEPTEMBER 21, 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

III. ROLL CALL

Council Present: Mayor Bob Kerr, Councilmen Gil Batty, Ray Nidiffer, Doug Peterson

Council Absent: Councilman Rick Howell (Note: Councilman Howell arrived at 7:52 p.m.)

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

Media Present: Roger Hayden, Curry Coastal Pilot; Marge Barrett, KURY

IV. CEREMONIES/APPOINTMENTS

None.

V. MINUTES FOR APPROVAL/ACCEPTANCE

A. Approval of Council Meeting Minutes

1. August 10, 1987 Regular Council Meeting

Councilman Peterson made a MOTION, seconded by Councilman Batty, to approve the minutes of the August 10, 1987 Council Meeting; MOTION carried unanimously.

B. ACCEPTANCE OF PLANNING COMMISSION MEETING MINUTES

2. August 4, 1987 Regular Planning Commission Meeting

Councilman Batty made a MOTION, seconded by Councilman Peterson, to accept the minutes of the August 4, 1987 Regular Planning Commission Meeting; MOTION carried unanimously.

VI. SCHEDULED PUBLIC APPEARANCES

1. Request for Water Service on Parkview Drive - Ed Roszel

Mr. Roszel was not present at the meeting; no action taken.

2. Coos-Curry Council of Governments Presentation - Sandra Diedrich

Ms. Diedrich was not present at the meeting; no action taken.

VII. COMMUNICATIONS/ANNOUNCEMENTS

A. Mayor Announcements

None.

B. Council Announcements

None.

C. Planning Commission Announcements

None.

D. City Manager Announcements

1. Request for Authorization to Proceed -Brown and Caldwell Engineers - Facilities Plan

City Manager Roy Rainey explained to the Council that as reported at the August 10, 1987 Council Meeting, extensive work has been completed on the Facilities Plan, but unanticipated, additional work needs to be performed. Mr. Rainey requested authorization to enter into an amended Agreement for Engineering Services with the firm of Brown and Caldwell.

Councilman Batty made a MOTION, seconded by Councilman Nidiffer, to authorize staff to enter into an amended Agreement for Engineering Services with the firm of Brown and Caldwell; MOTION carried unanimously.

2. Cost Estimates for Publication of Agenda

Mr. Rainey advised the Council that the estimate for publication of the agenda received from the Curry Coastal Pilot is \$50.00, but the cost would depend on the length of the agenda.

Mr. and Mrs. Bill Cunningham requested that the Council publish the agenda.

The Council questioned the justification for the cost, due to the fact that there are so few people who have indicated any interest in attending the Council Meetings.

After a brief discussion, Councilman Batty made a MOTION, seconded by Councilman Nidiffer, to publish the agenda for a period of three months to see if there is more public participation and to direct the recorder to count the number of persons in attendance at the Council meetings; MOTION was denied with a yes vote from Councilmen Batty and Nidiffer and a no vote from Mayor Kerr and Councilman Peterson.

3. Request for Acquisition of Tanbark Park Property-
Ruby G. Taylor

Mr. Rainey explained that he had received a letter from Mrs. Taylor stating that she owns property adjoining the park property and would be interested in acquiring the park property for the purpose of improving it.

Mayor Kerr pointed out that the park has never been improved due to its size and location. It is next to a very busy street and the Council consensus was that it was too dangerous for children to play in the area.

Councilman Nidiffer made a MOTION, seconded by Councilman Peterson, to authorize staff to pursue the possibility of selling the property to Mrs. Taylor; MOTION carried unanimously.

4. Request for Authorization to Pursue Acquisition of Rights-of-Way for a Water Line to Connect Hassett Street to Sunshine Lane

Mr. Rainey advised the Council that the staff feels that it is the time to pursue the possibility of acquiring rights-of-way in the area in question due to the development of the area.

Councilman Peterson made a MOTION, seconded by Councilman Batty, to authorize staff to proceed with a study of the feasibility of acquiring rights-of-way for a water line to connect Hassett Street and Sunshine Lane; MOTION carried unanimously.

5. GOVERNOR GOLDSCHMIDT CORRESPONDENCE

Mr. Rainey read a letter to the Council from Governor Neil Goldschmidt thanking the Council for their support of his actions to veto the bills involving mobile homes and Systems Development Charges.

E. Attorney Announcements

City Attorney John Babin briefed the Council on the progress of the acquisition of the small portion of property connected to the Jack Creek proposed golf course property, and indicated that the acquisition would probably be final within two weeks.

F. Contract Review Board

None.

VIII. CALL FOR BIDS

None.

IX. REPORT ON BIDS

None.

X. PUBLIC HEARINGS

1. Request for Annexation, Zone Change and Planned Development final approval of a 13.2 acre parcel of property on the North side of East Harris Heights Road within the Residential-Two (R-2) County zoning district (File No's. A-1-87; ZC-2-87; and PD-1-87); A & C Land Company, Applicant

NOTE: Councilman Howell arrived at 7:52 p.m.

Planning Director Richard Ullian advised the Council that this matter comes before the City Council to consider final action on a request for annexation, zone change, final plan approval and PD (Planned Development) designation for a 13.2 acre parcel of property generally located on the North side of East Harris Heights Road and the northernmost terminus of Seacrest Lane, contiguous to and northwest of the existing city limits.

The hearings officer, City Attorney John Babin, determined that the proposed actions represented quasi-judicial decisions and therefore outlined the formal rules of procedure for the conduct of the hearing, pursuant to Resolution No. 213. Following this presentation, the public hearing was opened at 7:54 p.m. and Hearings Officer John Babin requested that Planning Director Richard Ullian present the staff report, and City Engineer Richard Nored discuss the staff recommended conditions that were recommended for deletion by the Planning Commission at the public hearing held at the August 4, 1987 meeting. City staff strongly urged the City Council to re-instate the conditions pertaining to the requirement that the owner/developer provide for adequate water storage within Phase I of the proposed Glenwood PUD, and that the present booster pump station be moved to the existing low level reservoir to guarantee adequate volumes of water to the pump suction. Further, that the storm drainage facilities be underground and connected with underground facilities within Harris Beach PUD.

Following presentation of City staff, the following persons spoke in favor of the proposed project applications:

- (a) Larry Anderson, 1561 Seacrest Lane, representing A & C Land Company, applicant
- (b) Jim Helton, Cunningham Associates, consulting engineer for the applicant

And the following persons offered comments to the Council concerning the project proposal as it relates to and affects an adjoining property:

- (a) Alex Forrester, Design Professional Group, 303 N.E. "E" St., Grants Pass, Oregon 97526, representing property owned by Ed and Marilyn Hewitt (Tax Lot 1200, Assessor's Parcel Map 40-14-36). A letter was submitted into the record concerning recommendations offered relative to storm drainage being piped across Mr. Hewitt's property, objecting to the use of recharge trenches and daylighting of storm drainage waters onto Mr. Hewitt's property from the Glenwood PUD project site.
- (b) Milt Gowman, 96903 Gowman Lane, expressed concerns regarding the proposed storm drainage recharge trenches in the project as it might effect his property and well water source.

Following closure of the public hearing at 9:07 p.m., Councilman Batty made a MOTION, seconded by Councilman Nidiffer, to direct the City staff to prepare the Final ORDER and Findings of Fact Document to include the following additional conditions:

1. The existing water pump station in Harris Beach PUD is proposed to offer direct pressure to the Glenwood PUD with a constant pressure station and storage. The existing station presently runs constantly with its 100gpm pump throughout most days. The addition of 95 new homes proposed will create periods when adequate pressures will not be available for the Glenwood PUD. Therefore, adequate storage must be provided with Phase I of the Glenwood PUD to offer service for the entire high level service area. An alternative design proposal for the Harris Beach PUD booster pump is to be prepared by the owner/developer's engineer, and accepted and approved by the City Engineer.

2. Proposed storm drainage facilities which have been approved by ODOT and the City Engineer, shall be underground and connected with underground facilities within Harris Beach PUD, and replace recharge trenches with a conventional surface storm drainage system.

The MOTION carried unanimously.

Mayor Kerr and the Council recessed consideration of the adoption of such Final ORDER, as well as the proposed Ordinance No's. 421, 422 and 423 to a reconvened meeting to be held on Friday, September 25, 1987, at 4:30 p.m. in the Council Chambers of City Hall.

XI. FINAL ORDERS

1. (To be considered at the September 25, 1987 reconvened meeting.)
2. In the matter of Planning Commission File No's. CPA-1-87 and ZC-1-87; Comprehensive Plan amendment and zone change request submitted by Edward and Marilyn Hewitt

Councilman Howell made a MOTION, seconded by Councilman Nidiffer, to approve the Final ORDER and Findings of Fact Document for File No's. CPA-1-87 and ZC-1-87; MOTION carried with Councilmen Nidiffer, Howell and Batty voting yes and Councilman Peterson voting no.

XII. ORDINANCES

1. Ordinance No. 418 - An ordinance amending Ordinance No. 418 in its entirety, as follows: An ordinance creating Systems Development Funds within the Reserve Fund for water, sewer, streets, storm drainage, parks and recreation; defining terms; establishing charges; providing for collection; allowing exemptions and use changes; defining application; creating an advisory committee; providing for appeals; determining scope and construction; and declaring an emergency.

Executive Secretary Donna Van Nest read Ordinance No. 418 into the record. Councilman Batty made a MOTION, seconded by Councilman Peterson, to adopt Ordinance No. 418 by first reading; MOTION carried with Mayor Kerr and Councilmen Batty, Nidiffer, Howell and Peterson voting yes.

Mrs. Van Nest read Ordinance No. 418 into the record by title only. Councilman Batty made a MOTION, seconded by Councilman Peterson, to adopt Ordinance No. 418 by second reading; MOTION carried with Mayor Kerr and Councilmen Batty, Nidiffer, Peterson and Howell voting yes

2. Ordinance No. 421, 422 and 423 were rescheduled to 4:30 p.m., September 25, 1987.
3. Ordinance No. 424 - An ordinance amending the Comprehensive Plan map and zoning map of the City of Brookings by the redesignation and rezoning from residential to commercial and rezoning from residential (county) to residential (city) upon that certain real property below described, and declaring an emergency.

Mrs. Van Nest read Ordinance No. 424 into the record. Councilman Nidiffer made a MOTION, seconded by Councilmen Howell, to adopt Ordinance No. 424 by first reading; MOTION carried with Mayor Kerr and Councilmen Batty, Nidiffer and Howell voting yes. (Councilman Peterson was not on the bench.)

Mrs. Van Nest read Ordinance No. 424 into the record by title only. Councilman Nidiffer made a MOTION, seconded by Councilman Howell, to adopt Ordinance No. 424 by second reading; MOTION carried with Mayor Kerr and Councilmen Batty, Nidiffer and Howell voting yes. (Councilman Peterson was not on the bench.)

XIII. RESOLUTIONS

1. Resolution No. 412 - A resolution accepting the infrastructures (streets, water, sewer) for the Velopa Subdivision.

Mrs. Van Nest read Resolution No. 412 into the record. Councilman Batty made a MOTION, seconded by Councilman Peterson, to adopt Resolution No. 412; MOTION carried with Mayor Kerr and Councilmen Batty, Nidiffer, Howell and Peterson voting yes.

2. Resolution No. 413 - A resolution of the City Council of the City of Brookings establishing a procedure for the disbursement of funds.

Mrs. Van Nest read Resolution No. 413 into the record. Councilman Nidiffer made a MOTION, seconded by Councilman Howell, to adopt Resolution No. 413; MOTION carried with Mayor Kerr and Councilmen Batty, Nidiffer, Peterson and Howell voting yes.

XIV. UNSCHEDULED PUBLIC APPEARANCES

Mr. Rainey advised the Council that he will be away from the City for two weeks in October. He will be testifying at a trial in Soda Springs, Idaho.

XV. PAYMENT OF VOUCHERS

Councilman Nidiffer made a MOTION, seconded by Councilman Howell, to approve the vouchers in the amount of \$33,881.31; MOTION carried unanimously.

At this time, Councilman Howell announced that he would present the community service awards for both September and October.

For September, Councilman Howell presented the organization award to all of the volunteer fire departments in the area, including the Brookings Fire Department, Harbor Fire Department, Winchuck Fire Department, Upper Chetco Fire Department, and Cape Ferrello Fire Department. A special award for services was presented to former Brookings Fire Chief Tom Kerr.

For September, the individual award was presented to Ed Olsen.

For October, the organization award was presented to the Chetco Community Council and the individual award to Ann Ramp.

Councilman Howell then read a letter of resignation to the Mayor and Council stating that he has accepted a position in Bandon with the School District and is leaving the area.

Mayor Kerr and the Council thanked Rick Howell for his work during his time on the Council.

XVI. ADJOURNMENT

Mayor Kerr recessed the meeting at 10:19 p.m., to be reconvened at 4:30 p.m., Friday, September 25, 1987.

SEPTEMBER 25, 1987 - RECONVENED COUNCIL MEETING

I. CALL TO ORDER

Mayor Kerr called the meeting to order at 4:30 p.m.

II. ROLL CALL

Council Present: Mayor Bob Kerr, Councilmen Gil Batty, Ray Nidiffer

Council Absent: Councilmen Rick Howell, Doug Peterson

Staff Present: City Manager Roy Rainey, Executive Secretary Donna Van Nest, Planning Director Richard Ullian

Media Present: None.

III. FINAL ORDERS

In the matter of Planning Commission File No's. A-1-87, ZC-2-87, PD-1-87; application for annexation, zone change, plan approval and PD (Planned Development) zone designation for a planned development submitted by A & C Land Company (Larry Anderson)

Planning Director Richard Ullian presented the Final ORDER and Findings of Fact Document to the Council for their approval.

Councilman Nidiffer made a MOTION, seconded by Councilman Batty, to approve the Final ORDER and Findings of Fact Document for Planning Commission File No's. A-87, ZC-1-87, PD-1-87; MOTION carried unanimously.

Mr. Ullian briefed the Council on the Memorandum Agreement which is to be included in the A & C Land Compnay Preliminary Plans and Specifications for GLENWOOD PLANNED DEVELOPMENT.

Councilman Batty made a MOTION, seconded by Councilman Nidiffer, to approve the Memorandum Agreement as presented; MOTION carried unanimously.

IV. ORDINANCES

Ordinance No. 421 - An ordinance declaring the annexation of certain real property to the City of Brookings and withdrawing said property from the Dawson Rural Fire Protection District, and declaring an emergency.

Executive Secretary Donna Van Nest read Ordinance No. 421 into the record. Councilman Batty made a MOTION, seconded by Councilman Nidiffer, to adopt Ordinance No. 421 by first reading; MOTION carried with Mayor Kerr and Councilmen Batty and Nidiffer voting yes.

Mrs. Van Nest read Ordinance No. 421 into the record by title only. Councilman Batty made a MOTION, seconded by Councilman Nidiffer, to adopt Ordinance No. 421 by second reading; MOTION carried with Mayor Kerr and Councilmen Batty and Nidiffer voting yes.

Ordinance No. 422 - An ordinance amending the zoning map of the City of Brookings by the reclassification from Residential-Two (R-2, County) to Residential Low Density (R-LD, City) that certain real property below described, and declaring an emergency.

Mrs. Van Nest read Ordinance No. 422 into the record. Councilman Nidiffer made a MOTION, seconded by Councilman Batty, to adopt Ordinance No. 422 by first reading; MOTION carried with Mayor Kerr and Councilmen Batty and Nidiffer voting yes.

Mrs. Van Nest read Ordinance No. 422 into the record by title only. Councilman Nidiffer made a MOTION, seconded by Councilman Batty, to adopt Ordinance No. 422 by second reading; MOTION carried with Mayor Kerr and Councilmen Batty and Nidiffer voting yes.

Ordinance No. 423 - An ordinance amending the zoning map of the City of Brookings by the establishment of the PD (Planned Development) designation upon that certain real property below described, and declaring an emergency.


Mrs. Van Nest read Ordinance No. 423 into the record. Councilman Batty made a MOTION, seconded by Councilman Nidiffer, to adopt Ordinance No. 423 by first reading; MOTION carried with Mayor Kerr and Councilmen Batty and Nidiffer voting yes.

Mrs. Van Nest read Ordinance No. 423 into the record by title only. Councilman Batty made a MOTION, seconded by Councilman Nidiffer, to adopt Ordinance No. 423 by second reading; MOTION carried with Mayor Kerr and Councilmen Batty and Nidiffer voting yes.

V. ADJOURNMENT

Councilman Batty made a MOTION, seconded by Councilman Nidiffer, to adjourn the meeting; MOTION carried unanimously.

Mayor Kerr adjourned the meeting at 5:01 p.m.



Bob Kerr
Mayor

ATTEST:



Beverly S. Shields
City Recorder

October 12, 1987

To: *Brookings City Council:*

At a special 1:00 P.M. Council meeting held March 26, 1979 to discuss the potential sale of Brookings water to certain industrial users, the assembled group was cautioned that: overproduction of the city well in time of drought could suck the bottom out of the well, exhaust the wells' aquifer and or incur the production of saltwater, leaving the city in a mess.

On December 8, 1980 the following letter was mailed to:

Division of State Lands:

Subject - Waterway Project Permit Review 11/25/80

It is difficult to understand why you have not solicited opinions from the Harbor water District and the City of Brookings as well as from Tom McKenzie and me. They are the ones most likely to be adversely affected by further gravel removal from either the upper McKenzie property or other properties located in close upstream proximity to their intake wells on the Chetco River.

It is my considered opinion that continued gravel removal closer than three quarters of a mile on either side of the Harbor or Brookings wells can only lead to irreparable damage to their aquifers, the unpleasant possibilities of this being: a disastrous decline in the wells' deliverabilities if not in their ultimate abandonment as sources of potable drinking water. Septic contamination cannot be discounted.

Meanwhile, the people of the Brookings-Harbor area have a large financial stake in their Chetco River wells. The capacities of these wells have already been demonstrated. Let's not willingly place them in further jeopardy. Our increasing population will take care of that.

Sincerely,

Wm. Cunningham

The Brookings City Council was provided with a copy of the foregoing letter through Councilman Ralph Cheney on December 19, 1980.

Brookings City Council:

On or about September 17, 1982 through September 20, 1982, our well produced and our water system carried foul tasting water which users contended was salty. This undoubtedly resulted from a combination of successive high tides and an extremely low Chetco River associated with the 1982 fall drought.

Either surface communication existed or our well's aquifer had been infiltrated. Salt water incursion could be attributed to either or both.

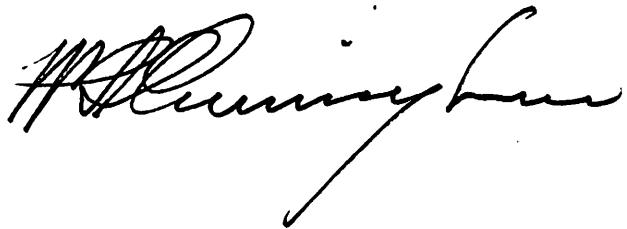
Now in 1987, a bit over five years later, we are encountering what appears to be the same water problem under nearly identical weather conditions.

Are we entering a cycle of five year droughts?

Should we be giving thought to water curtailment?

Meanwhile, the ill-advised modification of city ordinance #322 to permit large volume water usage outside the city limits has done nothing to mitigate our ever worsening water problem.

Sincerely,

A handwritten signature in cursive script, appearing to read "H. R. Cunningham". The signature is written in dark ink and is positioned below the typed name "Sincerely,".

CITY OF BROOKINGS
CASH DISBURSEMENTS FOR SEPTEMBER
1987

| <u>CHECK #</u> | <u>PAYEE</u> | <u>AMOUNT</u> |
|----------------|-----------------------------------|---------------|
| 5480 | Rose Cortez | 23.80 |
| 5481 | Bert Dunay | 17.60 |
| 5482 | Elaine Melinder | 8.80 |
| 5483 | Gale Wetterstrom | 36.00 |
| 5484 | Mark Brown | 34.40 |
| 5485 | Michael Gorte | 13.40 |
| 5486 | Victoria Roberts | 27.80 |
| 5487 | Mark Crahan | 27.00 |
| 5488 | Petty Cash | 110.55 |
| 5489 | Oregon Dept. of Revenue | 655.00 |
| 5490 | Gerald Burns, CPA | 6,337.00 |
| 5491 | Coos Curry Council of Governments | 9.15 |
| 5492 | Richard Ullian | 95.00 |
| 5493 | Terry Shannon | 11.50 |
| 5494 | James Adkins | 10.90 |
| 5495 | Dept. of Human Resources | 107.95 |
| 5496 | Void | - |
| 5497 | U.S. National Bank of Oregon | 6,456.64 |
| 5498 | Oregon Dept. of Revenue | 3,283.14 |
| 5499 | Cecil Smith | 250.00 |
| 5500 | Umpqua Community College | 60.00 |
| 5501 | Mary Beth Goodwin | 19.10 |
| 5502 | Coutrakon & Babin, Attys | 3,642.49 |
| 5503 | U.S. Postmaster | 110.00 |
| 5504 | Thelma Kopec | 293.91 |
| 5505 | PERS - Retirement | 2,976.77 |
| 5506 | PERS - Retirement | 2,973.86 |
| 5507-5575 | Prior Approved Accounts Payable | - |
| 5576 | Petty Cash | 95.36 |
| 5577 | Coos Curry Electric | 757.70 |
| 5578 | United Communications | 266.24 |
| 5579 | General Telephone | 831.14 |
| 5580 | Larry Getzlaff | 57.00 |
| 5581 | F.D.I.C. | 1,500.00 |
| 5582 | Fred Hummel | 169.51 |
| 5583 | Coos Curry Electric | 1,717.47 |
| 5584 | Alfred Harrison | 9.20 |
| 5585 | Tracy Green | 2.70 |
| 5586 | R.E. Ponsford | 8.00 |
| 5587 | Charles Keith | 54.40 |
| 5588 | Ralph Brandt | 13.30 |
| 5589 | R & J Jeffries | 26.00 |
| 5590 | Victor White | 6.80 |
| 5591 | Void | - |
| 5592 | Gale Wetterstrom | 8.00 |

CASH DISBURSEMENTS

PAGE 2

| <u>CHECK #</u> | <u>PAYEE</u> | <u>AMOUNT</u> |
|----------------|-------------------------------------|---------------|
| 5593 | Dept. of Human Resources | 107.95 |
| 5594 | Oregon Dept. of Revenue | 22.64 |
| 5595 | Rexine Owens | 27.60 |
| 5596 | U.S. National Bank of Oregon | 6,568.03 |
| 5597 | Curry County Clerk | 125.00 |
| 5598 | Richard Ullian | 51.40 |
| 5599 | Gerald Burns, CPA | 40.00 |
| 5600 | Coos Curry Electric | 1,687.94 |
| 5601 | General Telephone | 413.84 |
| 5602 | Clyde Hopper | 37.30 |
| 5603 | PERS - Retirement | 3,107.28 |
| 5604 | League of Oregon Cities | 7,166.60 |
| 5605 | Nebraska Municipal Power Pool | 3,000.00 |
| 5606 | 1st Interstate Bank | 540.00 |
| 5507 | Federal Reserve Bank | 421.00 |
| 5608 | U.S. Postmaster | 100.00 |
| 5509 | League of Oregon Cities | 84.30 |
| 5610 | Curry County Alcohol Treatment Ctr. | 70.00 |
| 5611 | Curry County Alcohol Treatment Ctr. | 50.00 |
| 5612 | U.S. Postmaster | 110.00 |
| 5613 | U.S. Postmaster | 110.00 |
| 5614 | U.S. Postmaster | 500.00 |
| 5615 | Beverly Shields | 56.28 |
| 5616 | John Herzog | 100.00 |
| 5617 | Francis Hayes | 19.40 |
| 5618 | Macklyn Cove Associates | 10.60 |
| 5619 | Ron McKinnis | 34.00 |
| 5620 | Vivian Riddle | 18.70 |
| 5621 | Rick Rogers | 36.20 |
| 5622 | Dave Holcomb | 4.60 |
| 5623 | Laura Griffes | 9.10 |
| 5624 | R & J Jefferies | 18.70 |
| 5625 | Harris Beach Property | 7.80 |
| 5626 | Akin Motor Company | 47.05 |
| 5627 | Brookings Harbor Health Care | 35.00 |
| 5628 | Red Jordan Foods | 68.40 |
| 5629 | Brookings Computer Consultants | 90.00 |
| 5630 | Brookings Paint & Floor Covering | 247.00 |
| 5631 | Dans Auto & Marine | 33.00 |
| 5632 | South Coast Communications | 112.75 |
| 5633 | South Coast Office Supply | 139.50 |
| 5634 | Bureau of National Affairs | 131.74 |

\$ 58,675.28