

MINUTES
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
August 11, 1982
7:00 p.m.

I. CALL TO ORDER

Mayor Kerr called the meeting to order at 7:04 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Bob Kerr; Vice Mayor Gil Batty; Councilman Ray Nidiffer; Councilman John Geraghty.

Council Absent: Councilman Walt Lovejoy.

Staff Present: City Manager Lynn Stuart; City Attorney John Coutrakon; City Recorder/Treasurer Naomi Bradfield; Administrative Assistant Georgia Shirilla.

City Recorder Bradfield announced a quorum was present with which to conduct business.

IV. CEREMONIES/APPOINTMENTS

None.

V. MINUTES FOR APPROVAL/ACCEPTANCE

A. Approval of Council Minutes

There was a MOTION by Councilman Batty, seconded by Councilman Geraghty, to approve the July 13, 1982 regular Council Meeting Minutes; motion carried unanimously.

There was a MOTION by Councilman Geraghty, seconded by Councilman Batty, to approve the July 27, 1982 special Council Meeting Minutes; motion carried unanimously.

B. Acceptance of Commission/Board Minutes

There was a MOTION by Councilman Geraghty, seconded by Councilman Nidiffer, to accept the June 15, 1982 Planning Commission Minutes; motion carried unanimously.

VI. SCHEDULED PUBLIC APPEARANCES

1. Pacific View Apartments (A-95 Review)

Mayor Kerr indicated that this item had been before the City Council in the July meeting and Mr. and Mrs. Sullivan were requested to attend the meeting to speak to specific issues raised by the City Council. Mrs. Winnie Sullivan made a presentation regarding the project and responded to questions of the

City Council regarding the funding of the project. She indicated that this was definitely housing for the elderly and no one under age 60 would be admitted. She also pointed out there would be definitely no Federal subsidy on the project, that all rents would be paid by the individual utilizing the facility.

Mr. Arnie Arneson representing the Western Bank indicated that he was in favor of the project and did know Mr. and Mrs. Johnson and could speak to their integrity.

Ms. Joan Heavey asked questions regarding the project and asked for the addresses of Mr. and Mrs. Sullivan's other projects in Gold Beach and Port Orford. Mrs. Sullivan did present those addresses for the record.

There being no further questions, there was a MOTION by Council Nidiffer, seconded by Councilman Batty, to recommend approval of the Pacific View Apartments project with regards to the A-95 Review.

2. Z-82-2 Azalea Parkview Estates (Public Hearing)

Mayor Kerr announced that the Azalea Parkview Estates public hearing would be conducted under the quasi-judicial hearing rules as outlined in City Resolution No. 213. The staff presented the history and facts regarding the Azalea Parkview Estates and pointed out to the City Council that there was a do-pass recommendation from the City Planning Commission. At that point, Mr. Charles Torrence representing the applicant briefed the City Council and the audience regarding the proposed project. Following Mr. Torrence's review, Mayor Kerr asked if there was any other member of the audience wishing to speak in favor of the project. Hearing none he requested if there was anyone in the audience wishing to speak in opposition to the project. Hearing none, Mayor Kerr closed the public hearing. Following a brief deliberation there was a MOTION by Councilman Batty, seconded by Councilman Nidiffer, to approve the Zoning Case Z-82-2 as presented; motion carried unanimously.

3. Harris Beach Annexation (Public Hearing)

Mayor Kerr indicated that due to the lack of one voting member of the City Council he would name City Attorney John Coutrakon as the Hearings Officer.

Mr. Coutrakon received the gavel and defined the process to be followed in the quasi-judicial hearing process as outlined in Resolution No. 213.

Mr. Stuart of the City staff presented the proposed annexation and outlined the fact that the north 40 feet of the Harris Beach PUD project was originally intended to be annexed some two years past. However, due to a legal technicality the north 40 feet of the project was not, as a matter of fact, annexed into the City. It was the purpose of this agenda item to correct that technical error.

Mr. Jim Gardner attorney, representing Mr. Anderson made a brief presentation outlining the facts surrounding the proposed annexation. Mr. Coutrakon, following the procedures of Resolution No. 213, requested any additional proponents to the project. Hearing none, he asked for any opponents to the project. Hearing none, he closed the public hearing and the City Council went into deliberations.

There was a MOTION by Councilman Batty, seconded by Councilman Geraghty, to approve the proposed annexation as presented based upon the testimony given; motion carried unanimously.

4. Friends of the Library

Mr. Stuart indicated that Ms. Mariam Christianson had requested audience before the Council regarding possible book storage for the Friends of the Library Book Sale. At that point Mrs. Christianson made a presentation to the City Council requesting the City provide space for the Friends of the Library book storage for their annual book sale. Following a brief presentation, the City Council directed the City staff to work with Mrs. Christianson to find such a book storage area.

5. 5th Street L.I.D. (Public Hearing)

Mayor Kerr again announced the public hearing would be conducted under Resolution No. 213 with Mr. John Coutrakon City Attorney acting as Hearings Officer.

Mr. Coutrakon opened the public hearing for the 5th Street Local Improvement District. Mr. Stuart and Mr. Norred presented the facts regarding the Local Improvement District to the City Council. Mr. Stuart read all of the letters of opposition into the record as follows:

Letter dated July 28, 1982 - Gerald Ross Agency Inc., representing Property Tax Lot No. 3000.

Letter from James D. Nelson D.D.S.P.C., dated August 9, 1982, representing Tax Lot 504.

Letter from Edith Hynes dated July 29, 1982, representing Tax Lot 600.

Letter dated August 3, 1982 from Alden M. Loring, representing Tax Lot 3000.

Letter dated August 3, 1982, Alden M. Loring, representing Tax Lot 502.

Letter dated August 9, 1982 from Dorothy Kliks Fones, representing Tax Lot 2800.

Letter dated August 4, 1982 from R.G. Williams M.D.P.C., representing Tax Lot 703.

Letter dated August 4, 1982 from the Brookings Harbor Professional Center, representing Tax Lot 703.

Mr. Arnie Arneson representing the Western Bank asked questions regarding the project and it was pointed out that the Professional Center and the Western Bank did not represent specific remonstrance at this point; however, they did not feel as though all questions had been answered to their satisfaction and they were not sure that they would care to participate under the present economic situation.

Mr. Stuart pointed out that there was some question as to whether or not the Professional Center representing Tax Lot 703 could remonstrate due to their approval of their conditioned use permit for the construction of the medical center. There was a lengthy discussion regarding the present state of the

economy and the wisdom of proceeding with this project at this time. The City Engineer pointed out that the State Highway Department had made comments regarding the penetration onto US 101 and the possibility of blocking yet one additional driveway.

There was a MOTION by Councilman Geraghty, seconded by Councilman Batty, to table the proposed 5th Street Local Improvement District until there was some indication as to a turn around in the economy; motion carried unanimously.

6. Harbor View Estates Unit 1 - Preliminary Plat & Engineering Plan Review

Mr. Stuart presented the project history and indicated that the next step in the Harbor View Estates Unit 1 Subdivision was for City Council review of the Phase 1 preliminary plat and all engineering plans that relate to that Phase 1.

The City Engineer outlined some of the issues that were yet to be addressed on the engineering plans before the engineering department could approve these plans. There was a lengthy discussion involving Mr. Brimm and his engineer Mr. John Jensen outlining 6 issues that would be need to be stipulated prior to approval. Following a lengthy discussion there was a MOTION by Councilman Batty, seconded by Councilman Nidiffer, to approve the Phase 1 preliminary plat and engineering plans with the stipulations that

1. All utilities be located within 50 foot dedicated right-of-way, specifically at the intersection of Marina Heights Road and Old County Road; with clarification as to the ownership in that area.
2. A detail must be prepared showing specific location of storm drains, sewer lateral and electrical lines proposed to be located in a single easement.
3. Old County Road must be constructed to its full width in the area from the north curb return of Harbor View Drive southward to the south property line which is coincidental with the center line of the existing Marina Heights Road. This roadway shall have curbs, gutters and sidewalks on the Harbor View Estates property side but not on the opposite side of the roadway; however, the roadway is to be paved to its full width.
4. The engineers must work out the storm drainage concerns in the area of Macklyn Creek.
5. In one location on the proposed plans, a catch basin is tied into a main line. This must be connected to the nearest manhole.
6. A trench detail must be shown giving the relationship between power lines and telephone lines.
7. A variance must be acquired for the road grades that exceed 12%.
8. All utility locations must be shown.
9. Final plat approval must include all stipulations of the subdivision ordinance.

Motion carried unanimously.

VII. COMMUNICATION/ANNOUNCEMENTS

A. Mayors Announcements

1. Ocean Shore Protection Agreement

Mayor Kerr outlined an agreement presently existing between the City of Brookings and the State of Oregon which provides for City of Brookings fire protection on ocean shores north of the City limits including the Dawson Tract. He indicated that the \$100 per year in the agreement does not satisfactorily offset costs incurred and he felt as though the Ocean Shore Protection Agreement should be rescinded and 30-days notice should be given to the State of Oregon. Following a brief discussion, there was a MOTION by Councilman Nidiffer, seconded by Councilman Geraghty, to direct the staff to notify the State of Oregon in accordance with the agreement giving them 30 days notice of termination; motion carried unanimously.

Note: Councilman Batty was out of the room and did not vote on this item.

2. Davis-Bacon Repeal Review

Mayor Kerr outlined the Davis-Bacon Act briefly and indicated that there was a move to repeal the Davis-Bacon Act and he was asking Council's opinion regarding this matter. There was a MOTION by Councilman Nidiffer, seconded by Councilman Batty, to express Council's approval of the repeal of the Davis-Bacon Act; motion carried unanimously. The staff was directed to prepare the document necessary to notify the proper agencies of this Council action.

B. Council Announcements

None.

C. Managers Announcements

1. Harris Beach PUD

The City staff pointed out that the Harris Beach Planned Unit Development had been through the entire hearings process and the findings on this project were presented to the City Council as a part of their packet. It is the purpose of this agenda item to have the Council review and make any adjustments necessary in the findings documents.

There was a MOTION by Councilman Geraghty, seconded by Councilman Batty, to adopt the findings as presented; motion carried unanimously.

2. Abatement Hearing - 623 Chetco Avenue

Mr. Stuart pointed out that a dangerous building exists at 623 Chetco Avenue and in accordance with our standard procedure the City staff was requesting the City Council set a hearing date at which time the owners of this property would need to show cause why the building should not be demolished.

There was a MOTION by Councilman Nidiffer, seconded by Councilman Batty, to set the hearing date for the abatement of the dangerous building at 623 Chetco Avenue for September 14, 1982; motion carried unanimously.

3. Chamber of Commerce Request

Mr. Stuart indicated that the Chamber of Commerce was sponsoring a circus as a fund raiser for the Southern Curry Ambulance Association. Mr. Stuart was requesting that the City Council waive the \$35 business license fee normally required for such an activity due to the fact that this was a fund raiser for a non-profit organization.

There was a MOTION by Councilman Batty, seconded by Councilman Geraghty, to waive the \$35 business license fee for the September Chamber of Commerce Circus; motion carried unanimously.

4. Jetty Extension Review

Mr. Stuart outlined the proposed jetty extension in accordance with the documents received from the Corp of Engineers. Following a lengthy discussion, there was a unanimous consent of the City Council that the Staff should be directed to notify the Corp of Engineers that the City would prefer to utilize the barging of the rock rather than trucking of the rock through the City streets. The negative impact of trucking the rocks is of major concern to all of the City Council and the City Manager was directed to notify the Corp of Engineers of this decision.

5. Left Turn Pocket - 101 @ Oak Street

Mr. Stuart indicated that traffic counts conducted by the State Highway Department at the intersection of US 101 and Oak Street indicated a definite need for a left turn signal and left turn refuges. He pointed out that the State Highway Department does have sufficient funds available to modify the signal and stripe the area; however, the City Council would need to take action to remove parking within approximately 300 feet in both directions of the intersection. The City Council indicated that at this time the parking in that area was necessary for the conduct of business in that segment of the community and they felt as though the left turn refuge was not necessary at this point. The City Manager was directed to notify the State Highway Department of this decision.

6. Speed Zone - US 101 @ Chetco River

Mr. Stuart presented a study conducted by the State Highway Department which indicates the traffic north bound on US 101 would warrant the increase of the speed zone from 35 miles per hour to 45 miles per hour. The City staff indicated that the State Highway Department has conducted all of the necessary warrants which indicate the feasibility of this change. The staff recommendation would be that the change begin at the center line of the bridge and continue north bound at 45 miles per hour until approximately the weigh station at which point it would be reduced to 35 miles per hour until approximately across from the Dairy Queen location at which point it would be reduced to 25 miles per hour.

There was a MOTION by Councilman Nidiffer, seconded by Councilman Batty, to direct the City Manager to notify the State Highway Department of this speed change as outlined; motion carried unanimously.

7. Library District Formation

Mr. Stuart outlined the process necessary to form a library district. Mr. C.R. Draper Chairman of the City of Brookings Library Board of Trustees, outlined the feelings of his adhoc committee regarding the formation of a library district. Mr. Donald Cameron and Ms. Betty Crooks spoke out requesting information regarding the Chetco Community Library Foundation funds. Mayor Kerr indicated that these funds were not necessarily the issue for discussion at this point and in the future there would be hearings on the matter at which time Mrs. Crooks and Mr. Cameron could be heard. No action requested.

8. Governor's Land Use Task Force Hearing

Mr. Stuart briefed the City Council on a hearing to be conducted Thursday August 12th in Coos Bay. Mr. Stuart presented the comments regarding the impact of LCDC on the City of Brookings and asked the City Council for any additional information they might care to send to the Governor's Task Force. Mayor Kerr indicated that his primary concern was the negative impact of land use planning under State control on the local economy. He felt as though land use planning was driving land prices exorbitantly high and as a result the negative impact on the community was causing people to be priced out of their own homes. Mr. Stuart indicated that he would incorporate these comments into the testimony he planned to give.

9. Health Annexation Law Review

Mr. Stuart outlined for the City Council the proposed amendments to State law being considered under the Health Annexation Law Review. The City Council's consensus after the review was that the City should be represented at the Committee hearings in Salem and directed Mr. Stuart to contact Mr. Bradbury regarding those hearings.

10. Audit Report Update

Mr. Stuart indicated that the City's auditor was presently reviewing the books and the final audit would be completed and presented to the City Council at the earliest convenience.

11. Fire Association Fund Raiser Request

Removed from the agenda.

12. Contract Review Board - Fire Department Radios

Mayor Kerr recessed the City Council meeting and convened the Contract Review Board in accordance with local ordinance. Mr. Stuart presented to the City Council the proposals for Fire Department radios which outlined the bids received as follows:

Motorola 5 watt portable radio - \$682, vehicular charger \$155

R.F. Harris portable radio 5 watt multi-line - \$903.60

2 Watt Universal radio - \$873.60

2 Watt Thinline portable radio - \$756

Fujitsu 10 - \$400

There was a MOTION by Councilman Geraghty, seconded by Councilman Nidiffer, to purchase the Motorola radio with charger; motion carried unanimously.

Mr. Stuart indicated that the purchase authorized by the Contract Review Board at the August 5, 1982 meeting was not made due to the condition of the equipment upon final review prior to purchase.

There was a MOTION by Councilman Nidiffer, seconded by Councilman Geraghty, to resend the order of the Contract Review Board purchasing the dump truck authorized on August 5, 1982; motion carried unanimously.

Mr. Stuart indicated that the City staff was avidly pursuing the purchase of another dump truck unit as well as pursuing the purchase of a 3/4 ton or 1/2 ton pick-up truck for the Public Works Department.

There being no further business, the Contract Review Board Meeting was adjourned at 11:14 p.m.

Mayor Kerr reconvened the regularly scheduled meeting of the City Council.

13. Planning Commission Review

Ms. Shirilla outlined for the City Council the activities of the City Planning Commission at their last regularly scheduled meeting.

D. Attorney Announcements

None.

E. Engineers Announcements

Mr. Norred outlined for the City Council the activities of the Engineering Department for the past month which were limited primarily to preparation for the 5th Street Local Improvement District program.

VIII. CALL FOR BIDS

1. Swimming Pool Resurfacing

Mr. Stuart outlined for the City Council the need for resurfacing the swimming pool as has been outlined on a number of occasions. The resurfacing would include guniting of the surface and replacement of broken and missing tile. The amount of money budgeted for this repair work was \$15,000.

There was a MOTION by Councilman Geraghty, seconded by Councilman Nidiffer, to authorize the City staff to call for bids for resurfacing the swimming pool.

IX. REPORT ON BIDS

None.

X. ORDINANCES

1. Harris Beach Annexation - Ordinance No. 362

City Recorder Naomi Bradfield read Ordinance No. 362 into the record.

There was a MOTION by Councilman Batty, seconded by Councilman Geraghty, to approve Ordinance No. 362 at its first reading; motion carried unanimously.

Mayor Kerr directed the City Recorder to read the ordinance by title only.

There was a MOTION by Councilman Nidiffer, seconded by Councilman Geraghty, to adopt Ordinance No. 362; motion carried unanimously.

2. Harris Beach Zone Change - Ordinance No. 363

City Recorder Naomi Bradfield read Ordinance No. 363 into the record.

There was a MOTION by Councilman Batty, seconded by Councilman Geraghty, to adopt Ordinance No. 363; motion carried unanimously.

Mayor Kerr directed the City Recorder to read the ordinance by title only.

There was a MOTION by Councilman Nidiffer, seconded by Councilman Geraghty, to adopt Ordinance No. 363; motion carried unanimously.

XI. RESOLUTIONS

Mr. Stuart indicated that Resolution No. 313 is an Appropriations Resolution to authorize and appropriate the acquisition and expenditure of \$3,112 from the Land Conservation and Development Commission. This is a housekeeping resolution that has been requested to be adopted by the City Auditor.

Mayor Kerr directed the City Recorder to read Resolution No. 313 into the record.

There was a MOTION by Councilman Batty, seconded by Councilman Nidiffer, to adopt Resolution No. 313; motion carried unanimously.

XII. UNSCHEDULED PUBLIC APPEARANCES

None.

XIII. PAYMENT OF VOUCHERS

Mr. Stuart indicated that we would need to add the Farmers Home Administration Bond payment totaling \$60,254.61 to the voucher list giving a new total of \$85,900.16.

There was a MOTION by Councilman Nidiffer, seconded by Councilman Batty, to approve the vouchers totaling \$85,900.16; motion carried unanimously.

XIV. ADJOURNMENT

There was a MOTION by Councilman Batty, seconded by Councilman Geraghty, to adjourn the meeting at 11:32 p.m.; motion carried unanimously.

EXECUTIVE SESSION ORS 192.660 (1) ()



Mayor Bob Kerr

ATTEST:



Naomi Bradfield, City Recorder

VOUCHERS PAYABLE

August 11, 1982

<u>VOUCHER #</u>	<u>CHECK #</u>	<u>VENDOR</u>	<u>AMOUNT</u>
657	4853	Robert E. Babb	9.84
569,603	4854	Baker & Taylor Co.	20.18
646	4855	BECCO, Inc.	170.00
573,583,609,655	4856	Blue Star Gas Northwest	1,357.81
606	4857	R.R. Bowker Co.	149.50
642	4858	Brite Spot Janitorial	175.00
599	4859	Brodart, Inc.	103.35
591	4860	Brookings Electronic Service	127.30
592,611	4861	Brookings Office Supplies	44.25
576,674	4862	Brookings Sanitary Service	110.00
668	4863	Brookings Supply, Inc.	33.73
620	4864	Brookings Volun. Firefighters	1,225.00
590	4865	Budge-McHugh Supply Co.	162.77
568	4866	Burns & Updegrove	33.00
567	4867	Burroughs Corporation	2,433.60
648	4868	Cal-Ore Fire Extinguishers	37.50
665	4869	Jerry Conant Janitorial	475.00
661	4871	Michael J. Cooper	7.95
633	4872	Cord Industrial Equip. Ltd.	209.38
640	4873	Coutrakon, Hoselton & Babin	1,769.50
579	4874	Curry Coastal Pilot	37.18
639	4875	Curry County	2.50
596,607	4876	Curry County Clerk	295.67
613	4877	Dave's Rent-All	56.00
575	4878	Dept. of Environ. Quality	375.00
658	4879	Samuel W. Dotson	9.84
605	4880	Doubleday & Company, Inc.	443.54
677	4881	Doyle Electric	125.00
593	4882	Executive Dept.	300.00
671	4883	Patrick R. Foley	137.50
662	4884	Curtis H. Fox	18.31
608	4885	Frank's Office Equipment	105.50
577,676	4886	Robert O. Furrow	22.06
663	4887	Grants Pass Water Laboratory	24.00
664	4888	Greyhound	11.60
623	4889	Harbor Logging Supply, Inc.	134.55
632	4890	H.G.E., Inc.	1,190.00
574,656	4891	Hinds Supply Co.	168.37
637	4892	Hubbard Wray Co., Inc.	17.29
595	4893	JKA Systems	270.00
625	4894	Bob Kerr	111.90
578,581,629	4895	Kerr Ace Hardware	343.75
		Less Discount	(15.55)
653	4896	Land Use Manual	125.00
572,582,600,612,	4897	Littrell Parts	653.40
626,634,654			
566	4898	Long Electric	21.25
672	4899	M & K Cafe	3.70
624,644	4900	Mory's Arts	279.57
587,601,666	4901	New Era Press	115.00
584	4902	Newman Signs	210.40
631	4903	Russell A. Nickels, M.D.	35.00

<u>VOUCHER #</u>	<u>CHECK #</u>	<u>VENDOR</u>	<u>AMOUNT</u>
588,622,645,667	4904	O'Neale Supply, Inc.	333.75
659	4905	Kent Owens	12.22
614,643,652	4906	Pacific Water Works Supply	1,651.30
580	4907	PACO Pumps	2,419.00
585	4908	Paramount Pest Control	17.00
678	4909	Pennwalt Corporation	2,300.00
589	4910	Portland Electric & Plumbing	117.75
571,615	4911	Ray's Auto Supply	80.00
602,638	4912	Ray's Sentry Market	78.68
597	4913	Margie Riecke	7.50
673	4914	Ritz's Repair, Inc.	12.00
628	4915	Gerald Ross Agency, Inc.	40.00
660	4916	Wayne Sheffel	12.00
610	4917	Singleton Plumbing, Inc.	486.12
641	4918	Cecil K. Smith Sr.	23.07
619	4919	Keith Smith	350.00
570,586,627,635	4920	Square Deal Builders	249.97
604,621,636	4921	Stamper's J & J Tire Co.	213.50
650	4922	Steiner Corporation	258.55
675	4923	Suiter's Paint & Body	85.15
594	4924	3M	74.00
669	4925	Tidewater Contractors, Inc.	310.35
598	4926	Time	41.08
647	4927	Time-Life Books	11.78
617	4928	United States Leasing Corp.	200.00
651	4929	U.S. National Bank	182.77
618	4930	U.S. Postmaster	100.00
630	4931	Western Fire Equipment Co.	58.94
616,649,670	4932	Wilson Tire Service	1,994.35
552 (Voided in July)		Praeger Publishers	(6.75)
547 (Voided in July)		Survivair	(350.52)

TOTAL: 25,645.55