

MINUTES
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
September 14, 1982
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; Councilman John Geraghty; Councilman Ray Nidiffer; Councilman Walt Lovejoy.

Council Absent: Vice Mayor Gil Batty.

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

It was announced that 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 Nidiffer, seconded by Councilman Lovejoy, to approve the Special Council Meeting Minutes of August 5, 1982, the Regular Council Meeting Minutes of August 11, 1982 and the Special Council Meeting Minutes of September 7, 1982; motion carried unanimously.

B. Acceptance of Commission/Board Minutes

There was a MOTION by Councilman Geraghty, seconded by Councilman Lovejoy, to accept the Planning Commission Minutes of July 20, 1982 and the Library Board Minutes of July 26, 1982; motion carried unanimously.

VI. SCHEDULED PUBLIC APPEARANCES

1. Z-82-3 (Hudson) Public Hearing

Mayor Kerr announced that this would be a quasi-judicial hearing in the subject zoning case and turned the meeting to City Manager Lynn Stuart for staff briefing.

Mr. Stuart then presented overhead projector slides outlining the area under discussion and indicated the zoning change request was from Residential High-Density to Commercial General as zoned on the surrounding property. He in-

icated that the lot consists of 5,000 sq. ft. and gave a brief review of the staff report which was presented for the record at the Planning Commission Meeting. He indicated that there was a 4 - 2 vote of the Planning Commission recommending that the request be approved. He indicated that some of the objections were presented by Planning Commissioner Heavey who's concern was that all of the uses within the commercial zone could be applied to the property if the zoning change was approved. She felt that Conditioned Use would be more acceptable. Mr. Stuart indicated that additional concerns regarding the placement of buildings on the property were expressed at the Planning Commission; however, these would be addressed at the time any building permits were issued.

At this point, Mayor Kerr turned the meeting over to Mr. Gerald Hudson, representing the applicant. Mr. Hudson indicated that the primary purpose of the request for zoning change was to allow them to utilize the property as a commercial district. They had no specific plans for use of the property at this point and the primary purpose of the zone change was to allow them to sell the property as commercial.

Mayor Kerr asked if there were any other proponents in the case. Hearing none he asked for any opponents to the matter. Ms. Joan Heavey of the Planning Commission then requested that her letter which was presented to the City Council as a part of the packet, be read into the record.

Read into the record.

From: Joan R. Heavey Date: August 4, 1982
To: Brookings City Council
Subject: Re: Application Z-82-3 - Gerald & Peggy Hudson

I cast one of two NO votes on the above application at the July 20, 1982 Planning Commission Meeting. My dissenting opinion follows:

SPOT zoning strikes at the central objective of zoning, i.e., development of sections of the city for specific usage, by authorizing exceptions to the usages specified by the city plan. The objective of homogenous appearance and activity in the various zones is nullified to the extent that spot zoning authorizes incursion of structures and activities alien to those specified for the various zones.

A second objection to the granted rezoning application is rooted in the relationship of this property to commercially developed Chetco Avenue on the one hand, and the adjacent de facto (but partly commercially zoned) residential area on the other. The granted rezoning had the effect of busting a residential block.

If there are compelling reasons for granting a zoning exception in favor of a specific activity, the conditional use permit, with its specific restriction on the type of activity permitted, is preferable to the broadly inclusive exception sanctioned by spot zoning.

In the instant case, a conditional use permit would have retained the basic RH character of this conspicuous property, but could have precluded its conversion to inappropriate kinds of commercial activity.

Thirdly, Plan Goal 9 - Economy Implementation, Page 9-2, states that, "The City will utilize the zoning ordinance to provide commercial and

industrial lands for development." I interpret this to clearly mean that such zoning accommodation will be provided on an area-by-area basis, not by lot-by-lot checkerboarding.

I respectfully request that the Council give serious consideration to this dissenting opinion, to the end that the questions raised therein may be resolved, and that a consensus compatible with the city plan may emerge from such resolution.

Respectfully,
Joan Robb Heavey,
City of Brookings
Planning Commissioner

Ms. Heavey then reiterated some of the points brought forth in the letter.

Mayor Kerr asked if there were any other opponents to the project, hearing none he then gave the Hudsons an opportunity to reemphasize their points and Ms. Peggy Hudson came forth and reiterated the fact that their primary purpose of the zoning change was to allow them to sell the property as commercial.

There being no further testimony, Mayor Kerr closed the public hearing.

The Council deliberated on the proposed zone change with the primary point being there was no objections to commercial use in the area; however, the type of commercial use was of some concern. There was a MOTION by Councilman Lovejoy, to approve zoning case Z-82-3 as presented. Mayor Kerr requested the second to the motion. After a short period of deliberation, there was no second to the motion and it died for the lack of a second.

Councilman Nidiffer reexpressed his feelings that he would prefer to know the use of the land before approving commercial zoning, therefore he would highly recommend that the applicants find a specific use for the property and reapply for a Conditioned Use Permit. With that understanding, there was a MOTION by Councilman Nidiffer, seconded by Councilman Geraghty, to deny zoning case Z-82-3; motion carried unanimously.

2. Abatement of Dangerous Buildings (623 Chetco)

Mr. Stuart indicated that all of the steps necessary to abate a dangerous building at the 623 Chetco Avenue address have been followed. However, on the morning of September 14, 1982, he had received the following letter:

Dear Mr. Stuart:

This is to inform you that in reference to abatement proceedings against property located at 623 Chetco Blvd., Tax Lot 7700 Map 41-13-6DA City of Brookings, we have already let a contract to Richard Barton to remove the existing building, clear off the lot and construct a fence adjacent to the sidewalk. This work will be completed within 30-days.

Sincerely,
John E. Wheeler, Sr.

Mr. Stuart indicated that he had been in discussions with Mr. Richard Barton contractor, who indicated that work will proceed on Monday, September 20th or Tuesday, September 21st. Mr. Barton was in the audience and acknowledged this conversation. Mr. Stuart indicated that with this letter in hand, he felt there would be no need for a City Council Public

hearing, unless there was someone in the audience that objected to the abatement of this building. There being none, Mayor Kerr indicated that the public hearing would not be conducted and no further action would be required at this time.

3. Hardship Water Request 40-13-34 TL 100

Mayor Kerr turned this item over to City Manager Lynn Stuart who outlined the hardship water request. Mr. Stuart outlined the location of the property as being on Coho Drive just off North Bank Road along the Chetco River. The property does not presently front on an existing main; however, it does front on a private line installed by Mr. Bill Fallert. Mr. Fallert did acquire water with previous approval of the City Council. Mr. Turner submitted a letter to the City Council requesting water even though Ordinance No. 322 prohibits water outside the corporate limit, his request is founded on the hardship situation of having no water at his residence. His letter indicates that he purchased the property with the full understanding that there was sufficient water; however, in fact, sufficient water does not exist during the dry seasons such as now. There was a lengthy discussion involving Mr. Turner's request. He was given the opportunity to present his dilemma to the City Council. Mr. Bob Harrison representing other properties in the area, indicated that they do in fact have approval for such water extension; however, it was determined that these water extensions would be made only in the form of water mains of adequate size to serve the proposed area. The City Council indicated the need to address Ordinance No. 322 and City Attorney John Coutrakon indicated that he would prefer to see the Ordinance changed giving the City Council authority to address such hardship cases. On its face, Ordinance 322 does limit the City Council to providing water only inside the corporate limits. The City Council directed the City staff to prepare such an ordinance and present it at the next Council meeting in conjunction with the financial feasibility study of the entire water system.

The Mayor indicated that the hardship water request for Map 40-13-34 TL 100 is tabled until the next regular meeting of the City Council.

VII. COMMUNICATIONS/ANNOUNCEMENTS

A. Mayors Announcements

Mayor Kerr read a Proclamation into the record declaring the week of September 17th through September 23rd as 'Constitution Week' on behalf of the Daughters of the American Revolution.

B. Council Announcements

1. State Parks Advisory Board Review - Councilman Geraghty

Councilman Geraghty attended a meeting of the State Parks Advisory Board and reviewed the substance of that meeting for the City Council. The primary topic of discussion was the Toll Gate which has been placed at Harris Beach State Park. He indicated that while no specific action was taken by the Advisory Board, they did understand the negative impact on the community and felt as though there was sufficient reason to go back to the State Legislature and ask that this toll gate be modified or rescinded.

C. Manager Announcements

1. Z-82-2 Findings (Azalea Parkview)

Mr. Stuart indicated that these findings were prepared by the City staff on the subject zone change situated just north of Azalea Park on Old County Road. There being no discussion, there was a MOTION by Councilman Lovejoy, seconded by Councilman Geraghty, to adopt the findings for zoning case Z-82-2 as presented; motion carried unanimously.

2. A-82-1 Findings (Anderson Annexation)

Mr. Stuart indicated that these findings were prepared based upon the hearing conducted by the City Council at its last regular meeting. There were no discussions regarding the findings. There was a MOTION by Councilman Nidiffer, seconded by Councilman Lovejoy, to adopt the findings on annexation A-82-1 as presented; motion carried unanimously.

3. Ballot Measure 3 Review

Mr. Stuart outlined Ballot Measure No. 3 for the City Council as follows:

1. The Ballot measure would effectively prohibit the issuance of General Obligation Bonds secured by unlimited advalorem tax.
2. The passage of the measure No. 3 would add substantial costs and delay to the ability of municipalities to provide the kind of local improvements that have been financed with Bancroft Bonds.
3. The passage of the measure would jeopardize the ability of municipalities to replace existing interum financing with long term financing.
4. The passing of the measure would substantially reduce the ability of municipalities to obtain loans secured by General Fund Revenues.
5. The passage of the measure would imperil existing Urban Renewal Financings and reduce or eliminate future Urban Renewal Financings.

The measure has been compared to Proposition 13 in California and it was Mr. Stuart's contention that the passage of Ballot Measure No. 3 would further remove home rule from the municipalities and place even a greater strength at the State level. He indicated that the purpose of this agenda item was to acquire any input that the Council might have to the community regarding Ballot Measure No. 3. It is important for the community to understand this ballot measure and if they do not understand it, find the information necessary for them to vote their conscious in November. The City Council had no comments regarding the matter.

4. League Conference Schedule

Mr. Stuart outlined the League of Oregon Cities Conference to be held on November 7th, 8th and 9th at the City of Eugene. The purpose of

the agenda item was to find any member of the City Council desiring to go to the League Conference needs to be registered as soon as possible. Councilman Lovejoy and Councilman Nidiffer indicated that except for unforeseen circumstances, they plan to attend. Councilman Geraghty would not know for at least another week and Mayor Kerr indicated that he was undecided at this time and would let the staff know as soon as possible.

5. Shrine Parade Permit

Mr. Stuart outlined the Shrine Parade to be held October 9, 1982 from 9:30 a.m. to 11:30 a.m. He presented for the record a copy of a letter dated August 10, 1982 from the Department of Transportation Highway Division, providing a parade permit for the Chetco Shrine Club. There was a MOTION by Councilman Nidiffer, seconded by Councilman Lovejoy, to approve the Shrine Parade and direct City support for the program; motion carried unanimously.

6. Potter/Archibald Agreement

Mr. Stuart indicated that Resolutions 306 and 307 directed the City staff to pursue collection of delinquent assessments on the two subject parcels of land. Subsequent to the adoption of these resolutions, Mr. Potter and Mr. Archibald both have approached the City and discussed the feasibility of monthly payments to clear their delinquency. City Attorney John Coutrakon indicated that he would prefer to see specific agreements with deadlines for payment entered into with both parties. The City staff was directed to follow through with such agreements.

7. Comprehensive Plan Hearing

Mr. Stuart indicated that the City staff would be traveling to Salem, Oregon to review the City's Comprehensive Plan with LCDC. This would take place on September 30th and October the 1st. No action required.

8. Planning Commission Activities Report

Mr. Stuart outlined for the City Council actions taken by the Planning Commission at their August 17, 1982 meeting. This was for City Council information.

Mayor Kerr expressed a concern regarding the Planning Commission taking action without Council's final approval. He directed the City staff to review the ordinance and make any necessary adjustments in the ordinance which would give the City Council final authority over all Planning Commission actions.

D. Attorney Announcements

Mr. Coutrakon indicated that Mr. Hewitt has filed an appeal to the Land Use Board of Adjustment regarding the Anderson Zoning Case. No action required.

E. Engineer Announcements

None.

VIII. CALL FOR BIDS

1. High Level Pumps

City Engineer Dick Nored outlined the purpose of the call for bids was to improve the water pumping system to the high level portion of the City's service area. The approximate cost of these pumps would be \$5,000 total.

Councilman Nidiffer asked the City Engineer if this is totally a City function. Mr. Nored responded that while it might be construed as a developer responsibility, the City does have some responsibility to maintain an appropriate level of water service. It was his feeling that the developers should be required to participate in the storage facilities necessary to serve the high level system.

There was a MOTION by Councilman Lovejoy, seconded by Councilman Geraghty, to authorize the call for bid on the high level pumps as presented; motion carried unanimously.

IX. REPORT ON BIDS

None.

X. ORDINANCES

1. Zone Change (Azalea Parkview) - Ordinance No. 364

City Recorder Naomi Bradfield read Ordinance No. 364 into the record. There was a MOTION by Councilman Nidiffer, seconded by Councilman Lovejoy, to adopt Ordinance No. 364; motion carried unanimously.

Mayor Kerr indicated that since the motion passed unanimously, we could have second reading by title only. City Recorder Naomi Bradfield read Ordinance No. 364 by title only. There was a MOTION by Councilman Geraghty, seconded by Councilman Nidiffer, to adopt Ordinance No. 364; motion carried unanimously.

2. Zone Change (Hudson) - Ordinance No. 365

Mayor Kerr indicated that since the zone change was denied, this ordinance would not be read for the record and would be taken from the numerical sequence.

XI. RESOLUTIONS

1. Bud Cross Memorial Fund - Resolution No. 314

City Recorder Naomi Bradfield read Resolution No. 314 into the record.

There was a MOTION by Councilman Nidiffer, seconded by Councilman Geraghty, to adopt Resolution No. 314 as presented; motion carried unanimously.

2. 1981-82 Bad Debt - Resolution No. 315

City Recorder Naomi Bradfield read Resolution No. 315 into the record.

There was a MOTION by Councilman Lovejoy, seconded by Councilman Nidiffer, to adopt Resolution No. 315 as presented; motion carried unanimously.

3. Dawson Fire District - Anderson Withdrawal - Resolution No. 316

City Recorder Naomi Bradfield read Resolution No. 316 for the record. There was a brief discussion regarding the purpose of the public hearing to withdraw the Anderson parcel of land from the Dawson Fire District. City Attorney John Coutrakon indicated this is one of the necessary steps in the process.

There was a MOTION by Councilman Nidiffer, seconded by Councilman Lovejoy, to adopt Resolution No. 316 as presented; motion carried unanimously.

XII. UNSCHEDULED PUBLIC APPEARANCES

Mr. Stuart indicated that the Library Foundation has agreed to install thermopane windows (7) at the City Library. They are also planning to install insulation in the attic crawl space.

XIII. PAYMENT OF VOUCHERS

There was a MOTION by Councilman Nidiffer, seconded by Councilman Lovejoy, to approve the payment of vouchers totalling \$24,322.12; motion carried unanimously.

XIV. ADJOURNMENT

There was a MOTION by Councilman Nidiffer, seconded by Councilman Lovejoy, to adjourn the meeting at 9:00 p.m.; motion carried unanimously.

EXECUTIVE SESSION ORS 192.660 (1) ()



Mayor Bob Kerr

ATTEST:



Naomi Bradfield, City Recorder

VOUCHERS PAYABLE

SEPTEMBER 14, 1982

VOUCHERED IN AUGUST - PAYABLE IN SEPTEMBER

<u>VOUCHER NO.</u>	<u>CHECK NO.</u>	<u>VENDOR</u>	<u>AMOUNT</u>
743	5016	A & W Drive In	\$ 9.95
777	5017	Akin Motor Company	64.75
710	5018	American Museum of Natural History	15.00
725	5019	American Planning Association	95.00
696	5020	Americas - Subscription Department	15.00
697	5021	Art & Antiques	21.00
751,771	5022	American Scientific Products	86.61
702	5023	Asia	16.00
730,740,754	5025	Baker & Taylor Company	39.26
787	5024	Bob Babb	9.84
721,795	5026	Bearings, Inc.	106.80
733,803	5027	BECCO, Inc.	348.90
686,704,734,759, 779,800	5028	Blue Star Gas	1,238.53
794	5029	Brite Spot Janitorial	175.00
723	5030	Brodart, Inc.	103.35
685,773	5121	Brookings Office Supplies	137.45
807	5032	Brookings Plumbing	125.00
811	5033	Brookings Sanitary Service	55.00
770	5034	Brookings Sports Unlimited	7.28
818	5035	Brookings Supply, Inc.	20.32
793	5036	Brookings Volunteer Firefighters	1,225.00
753	5037	Budge-McHugh Supply Company	38.07
707	5038	Burns & Updegrove	202.50
711	5039	Larry Cass	18.05
681	5040	Chetco Rexall Drugs	25.47
728	4947	Chumaree Rodeway Inn	42.00
712	5041	John Clarke	7.34
799	5042	Jerry Conant Janitorial Service	475.00
720	5043	Congressional Quarterly	186.00
791	5044	Michael J. Cooper	7.95
801	5045	Coutrakon, Haselton & Babin	2,827.50
679	5046	Curry Coastal Pilot	125.63
764	5047	Curry County Printing	182.75
691	5048	D & H Auto Repair & Service Center	63.14
826	5049	Dan's Photography	79.95
716	5050	J.L. Darling Corporation	174.91
739	5051	Dave's Rent-All	5.00
709	5052	Dick's Chetco Saw Shop	14.60
788	5053	Samuel Dotson	9.84
688,798	5054	Doyle Electric	158.85
817	5055	Emerald Pool & Patio	180.00
718	5056	Executive Department - Executive Building	300.00
808	5057	F & C Construction	19.50
810	5058	Patrick R. Foley	125.00
792	5059	Curtis Fox	18.31
706,744,750	5060	Frank's Office Supply	76.00
822	5061	Freeman Rock	473.13
715	5062	Freenaughty Machinery Company	168.69
815,820	5063	Grants Pass Water Laboratory	26.00
689	5064	Greyhound	20.85

<u>VOUCHER NO.</u>	<u>CHECK NO.</u>	<u>VENDOR</u>	<u>AMOUNT</u>
752	5065	Good Housekeeping	12.97
761	5066	H.G.E., Inc.	1,220.64
785	5067	Hanscam's	13.15
796	5068	Bob Hanson	20.45
684	5069	Harbor Logging Supply, Inc.	66.66
736,762,783	5071	Hinds Supply Company	349.70
693	5072	House Beautiful	13.97
714	5073	Hubbard's Lawn & Garden Center	132.00
780	5077	Kerr Ace Hardware	82.05
729	5074	Robert Kerr	90.00
727	4945	Law Enforcement Data System	11.00
786	5076	League of Women Voters of Oregon	6.00
695	5078	"Life" Magazine	24.00
708	5079	Lincoln Equipment, Inc.	108.00
722,726,757,763, 766,767,775,776, 802,806	5080	Littrell Parts	465.47
701	5081	The Magazine "Antiques"	38.00
760,819	5082	Mory's Art	150.02
765	5083	Municipal Finance Officers' Association	37.00
724	5084	James H. Nelson	300.00
768	5085	New Era Press	40.00
705	5086	Nudelman Brothers	32.00
731	5087	C.D. O'Donnell Plumbing	43.25
683,732,746,772	5088	O'Neale Supply, Inc.	141.40
769	5089	Oregonian	7.50
789	5090	Kent Owens	12.22
749	5091	PACO Pumps	115.40
699	5092	Pacific Northwest	15.00
680,737,748,778	5093	Pacific Water Works Supply Co., Inc.	877.75
738	5094	Paramount Pest Control	17.00
703	5124	Popular Mechanics	2.00
741	5098	Publishers Central Bureau	14.73
713,745,827,828	5096	Ray's Sentry Market #1	120.46
742	5097	Gerald Ross Agency, Inc.	826.15
758	5099	S.A.I.F.	603.00
698	5100	Salmon Trout Steelheader	9.95
700	5101	The Saturday Evening Post Society	10.95
694	5102	Scientific American	21.00
790	5103	Wayne E. Sheffel	12.00
747	5104	Simmons Duplicating Supply Co.	20.16
784	5105	Cecil Smith, Sr.	23.07
813	5106	Keith Smith	350.00
690,756,774,814, 821	5119	Square Deal Builder's Supply, Inc.	210.56
735	5107	Stamper's J & J Tire Company	163.98
809	5108	Steiner Corporation	339.20
805	5109	Swenson Electric	2,963.38
717	5110	3M FGL1319	74.00
755	5111	US Leasing	200.00
804	5112	US National Bank - Card Division	160.20
812	5113	US Postmaster	100.00
687,781,797	5114	Van Waters & Rogers	1,597.50

<u>VOUCHER NO.</u>	<u>CHECK NO.</u>	<u>VENDOR</u>	<u>AMOUNT</u>
682,719,824	5116	Wilson Tire Service	\$2,169.05
782	5117	The World	38.20
692	5118	The Writer	15.00
550 (Voided In August)		"Next" Magazine	(18.00)
546 (Voided in August)		Pacific Water Works Supply	(15.93)
559 (Voided in August)		Pacific Water Works Supply	(98.16)
		TOTAL	<u>\$24,322.12</u>