

MINUTES
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
October 13, 1981

I. CALL TO ORDER

The meeting was called to order at 8:01 p.m. by Mayor Robert L. Kerr.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Those present: Mayor Kerr; Councilmen Gil Batty, Ray Nidiffer and John Geraghty.

Staff present: City Manager Lynn Stuart, City Attorney John Coutrakon, City Engineer Dick Nored and Secretary Praecilla Pruitt.

IV. MINUTES FOR APPROVAL/ACCEPTANCE

MOTION by Councilman Geraghty, seconded by Councilman Batty that we approve the August 25, September 8 and September 22nd regular Council meeting minutes and the September 23, 1981 Special Council meeting. Motion carried unanimously.

MOTION by Councilman Nidiffer, seconded by Councilman Batty that we accept the July 21 and August 18, 1981 Planning Commission minutes; the September 3, 1981 Parks & Recreation Commission minutes; and the July 6, August 3 and September 14, 1981 Library Board minutes. Motion carried unanimously.

V. SCHEDULED PUBLIC APPEARANCES

Gregg/Merritt Water Request

The City Manager reported that this was a request for water outside the City Limits from two property owners along the North Bank of the Chetco River. Mr. James Gregg appeared before the Council and stated that the Riverside Market which was near his property, and Darrel Salisbury both had City water. Mr. Bill Fallert had run a private water line to his property which went past Mr. Gregg's property. He desired to obtain City water and would install his own private line in order to be able to sell his property. He indicated that Mr. Akin, McVay, Fallert and Salisbury had letters sent them prior to the moratorium on water and he had never been notified before the moratorium that it was necessary to apply. Mayor Kerr informed Mr. Gregg that those persons had appeared before the Council and requested City water for their development and it was a part of the Council minutes. They were to build their own water lines and it would be turned over later to the City. Mr. Gregg questioned if the City had notified any property owners prior to the moratorium to apply for water. The City Manager stated that anyone that had a prior commitment by letter, or from the previous owner of the system or by Council action followed by a letter from the City Manager, had been allowed to obtain City water.

The City Manager stated that Mr. Merritt had one existing 3/4" residential meter to his property which served four residences and he was now requesting a 1 1/2" meter. Mr. Merritt had 40 some acres of land and he desired to extend the water to add additional residences to the existing meter. Mayor Kerr stated that the City is serving over one residence on a meter which was in violation of the ordinance, as there was to be a meter for each residential hookup. William Merritt appeared before the Council and stated that right after his meter was installed he had changed his mind and desired a larger meter, but had been informed that since the highway had just been resurfaced they could not cut the highway for two years. The moratorium had gone into effect and he had forgotten about it until he saw that others were receiving City water, and he was not aware that he needed a letter prior to the moratorium. Councilman Nidiffer and Batty felt that no action

could be taken, and the Council could only follow the present ordinance or change it and that a study should be made.

MOTION by Councilman Batty, seconded by Councilman Nidiffer that we table the requests for water until we make a study of the ordinance and the availability of water. Motion carried unanimously.

VI. COMMUNICATION/ANNOUNCEMENTS

1. Low Head Hydro Conference - Councilman Lovejoy

The City Manager stated that Councilman Lovejoy had requested that he make a report concerning a recent conference held in Portland which Mr. Lovejoy attended, which addressed low head hydro projects and the availability of funds. Councilman Lovejoy desired that Staff attempt to obtain funding to install a small low head hydro project through the Department of Energy and the local Coos-Curry Electric Cooperative facility. It was Council consensus that Staff be requested to pursue the request.

Manager Announcements

1. Standard Detail Amendments and Addendums

The City Manager informed the Council that this was a request to adopt the Standard Detail Amendments and Addendums to the Standard Details and Specifications document recently adopted by the Council. The City Engineer described the seven specific modifications and requested that the Council adopt these modifications and include them within the Standard Detail document.

MOTION by Councilman Nidiffer, seconded by Councilman Geraghty that we adopt the Standard Detail Amendments and Addendums. Motion carried unanimously.

2. Ocean View Mobile Estates Meeting

The City Manager informed the Council that there would be a meeting at City Hall on October 22, 1981 to discuss sanitary waste problems in the Oceanview Mobile Estates trailer park in Harbor. There had been discussion about a possible emergency annexation of the subdivision into the Harbor Sanitary District which would then be treated in the City treatment facility.

3. Tanbark Water LID

The City Manager informed the Council that this was a request for Council direction concerning the feasibility of Staff conducting public input meetings to form an LID on Tanbark to construct waterline improvements. It was Council consensus to direct Staff to pursue the public meetings for an LID on Tanbark.

4. Mill Beach LID

The City Manager informed the Council that there had previously been a public input meeting for street improvements on Mill Beach from Highway 101 to Iowa Tract which had been rejected. After this meeting the City Council directed Staff to again pursue the feasibility of an LID because of the shortness of time for residents fronting on Mill Beach who had agreed not to remonstrate against an LID. The City Engineer submitted three alternative approaches to the LID including the previous improvement presented, with an additional possible combination of Alternatives 1 and 2. Mayor Kerr stated that he did not feel the City should pursue the LID at present because of the poor economic situation. Mrs. Edna Allen appeared before the Council and stated that there were several new owners of property in that area which she felt would be interested in an LID. The Mayor requested that the City Manager contact

those people and it would be referred back at the next Council meeting.

5. Copy Machine Request

The City Manager stated that previously the Council had directed Staff to obtain prices on purchasing a new copy machine rather than leasing. He submitted prices of seven different machines. He felt that the Toshiba 7500 for the price of \$4,945 would be the most cost effective and best meet the needs of the City, but would necessitate entering into a three year lease purchase agreement because the budgeted amount for the machine was only \$2500 to \$3500. The second choice was a Canon 200 which could be purchased outright for the sum of \$3,595.00. Mayor Kerr felt that the Toshiba 7500 would be the best choice.

MOTION by Councilman Nidiffer, seconded by Councilman Batty that we direct Staff to proceed with negotiations for a three year lease purchase agreement on the Toshiba 7500 copy machine for the price of \$4,945. Motion carried unanimously.

6. CETA Position Continuation - Library

The City Manager reported that the CETA position continuation item had been removed from the Agenda.

7. Cameo Court Subdivision Approval.

The City Manager informed the Council that this was a request for approval of the Cameo Court Subdivision which was developed by Rod Draheim and located on Ransom Avenue and 5th Street. A 6" water main served the Court, and the sewer lines, streets, sidewalks and pavement were in. The City Staff had inspected the project and everything was complete and acceptable and was therefore recommending approval.

MOTION by Councilman Nidiffer, seconded by Councilman Geraghty that we grant approval of the Cameo Court Subdivision. Motion carried unanimously.

8. McNaughton Book Rental - Library

The City Manager stated that this was a request for Council authority to enter into a book rental agreement with the McNaughton Book Service. This request would provide a minimum of 100 new books per year at a total amount of \$1,240.20 a year to be paid in monthly installments of \$103.35.

MOTION by Councilman Geraghty, seconded by Councilman Batty that the City Staff be authorized to negotiate with the McNaughton Book Service for a book rental agreement. Motion carried unanimously.

9. Thanksgiving Holiday Request

The City Manager informed the Council that this was a request for permission to trade the Veteran's Day holiday for the day after Thanksgiving which would provide a four day weekend.

MOTION by Councilman Batty, seconded by Councilman Geraghty that we approve the request to trade Veteran's Day for the day after Thanksgiving. Motion carried unanimously.

10. League of Oregon Cities Meeting (November 24th - Council)

The City Manager informed the Council that the League of Oregon Cities conference would be held at the time scheduled for the second Council meeting and it would be necessary to reschedule or cancel the November 24th meeting.

MOTION by Councilman Nidiffer, seconded by Councilman Geraghty that we cancel

the November 24, 1981 meeting, and if necessary to reschedule the meeting if there is a heavy work load. Motion carried unanimously.

11. Annexation Report

The City Manager reported that this was a request for guidance from the Council in regards to annexation requests. The requests were primarily for the purpose of obtaining City water. Mr. Stuart stated that he had presented four annexation requests to the Planning Commission at their September 15, 1981 meeting and the Planning Commission was in agreement with proceeding with the annexations. The City Manager then made a presentation of the four areas requesting annexation and the impact that would occur on the Public Works, Police, Fire, Building and Comprehensive Plan. He stated further that it would be necessary to have quasi-judicial hearings and findings of fact on all the Goals of the Comprehensive Plan and address many other statutory requirements. There was also considerable paperwork involved. The Mayor stated that in one of the proposed areas there were other property owners requesting annexation and it would be feasible to handle annexations as a unit rather than a lot. The City Manager stated that he would attempt to make each annexation request a feasible project and as cost effective as possible.

12. Vehicle Purchase - City Manager

The City Manager informed the Council that there had been budgeted the amount of \$8,000 to purchase a City vehicle to be used by the City Manager. He felt that a good used vehicle would serve his needs and submitted a list of vehicles from four local dealers. He had test driven and checked the ownership on a 1976 Mercury Montego, and he requested that the Council authorize the purchase of this vehicle for the sum of \$2,350.00.

MOTION by Councilman Nidiffer, seconded by Councilman Geraghty that we authorize the City Manager to purchase a 1976 Mercury Montego for the price of \$2,350.00. Motion carried unanimously.

13. Engineer's Report

The City Engineer Richard Nored submitted a project status report and indicated that all the information on the 18 projects had been presented to the City Staff with the exception of two projects which were awaiting surveys to be completed. He also reported that all the information from City Staff, subdividers, engineers and from memory had been used in preparing a water map of the City of Brookings which was shown to the Council. He also showed a future proposed water system map he had prepared which included all the planning up to the present date.

14. Street Sign - Medical Center

The City Manager gave a history of the requests for signs from both the 5th Street and Alder Street medical clinics. He stated that the 5th Street facility had received Council authorization for the State to install the emergency signs. Included with the written request for a sign for the South Coast Medical Center on Alder Street was a letter which stated that the Fifth Street medical center signs were not installed by the State and therefore illegal. Mr. Stuart had assumed the signs installed were State signs, but learned that the Gold Beach hospital facility had installed the signs. Mr. Stuart indicated that he would notify the State that the Fifth Street facility does meet the emergency sign requirements and request the State to install the proper signs.

Mr. Hitchcock appeared before the Council and requested a sign to direct people to the South Coast Medical Center on Alder Street. Mr. Stuart asked

Mr. Hitchcock if the South Coast Medical Center met the emergency sign requirements of 24 hours a day seven days a week with a doctor on duty at all times as set forth by the State, and Mr. Hitchcock responded "no". Mr. Stuart stated that it would be necessary for the facility to meet the local sign ordinance and the off-premise sign requirements required by the State.

MOTION by Councilman Geraghty, seconded by Councilman Nidiffer that Staff be directed to send correspondence to the State Highway Department indicating that the South Coast Medical Center facility does not meet the emergency sign standards; however, the South Coast Medical Center is requesting permission to install an off-premise sign that meets the State criteria. Motion carried unanimously.

15. Left Turn Lane - Pacific to Mill Beach

The City Manager stated that this was a request for Council consideration of the feasibility of installing a continuous left turn lane beginning at Pacific Avenue and continuing North to the intersection of Mill Beach Drive. This would eliminate 16 parking bays in front of the City fountain along the northerly side of Chetco Avenue and allow parking on the southerly side with the State doing the striping.

MOTION by Councilman Nidiffer, seconded by Councilman Geraghty that we authorize the Staff to pursue the necessary steps to eliminate parking on the North side of the highway and the requirements for completing a continuous left turn lane from Pacific Avenue to Mill Beach Road. Motion carried unanimously.

Attorney Announcements

1. Coast Guard Water Agreements

The City Attorney reported that he had reviewed the Coast Guard Water Agreement and he felt that those few houses that receive water from the City would not necessitate entering into such an agreement and recommended that the Coast Guard be notified to pay their monthly water bill.

2. The Attorney reported that House Bill 2422 was a drug paraphenalia ordinance that recently became law and the ordinance could now be enforced through the City.

3. The City Attorney requested that the Council execute a document in which the City agrees to release the easements, if in the future Mr. Larry Anderson and the City agree to put a roadway through the Harris Beach Subdivision to serve the other property owners to the North of Mr. Anderson's property.

MOTION by Councilman Geraghty, seconded by Councilman Nidiffer that the Mayor and the City Recorder be authorized to execute that certain agreement concerning Release and Extinguishment of Right-of-Way Easement. Motion carried unanimously.

VII. CALL FOR BIDS

1. Wastewater Treatment Plant Sludge Pump

The City Manager requested Council authorization to call for bids for a sludge pump for the Wastewater Treatment Plant.

MOTION by Councilman Geraghty, seconded by Councilman Batty that the City Manager be directed to call for bids on the Wastewater Treatment Plant sludge pump. Motion carried unanimously.

2. Tennis court repairs

The City Manager informed the Council that the City had received a grant in the amount of \$2,995 for resurfacing of the tennis courts from the State through the County and requested that Staff be directed to call for bids.

MOTION by Councilman Geraghty, seconded by Councilman Nidiffer that we authorize the City Manager to call for bids for resurfacing the tennis courts. Motion carried unanimously. (See amendment to motion under IX. (2) below)

VIII. REPORT ON BIDS

1. Police Department - Patrol car

The City Manager reported that the bid call for a patrol car had been held and three bids were submitted. He recommended that the Council accept the low bid from Akin Motor Company for a 1982 Ford LTD for the price of \$8,978.

MOTION by Councilman Batty, seconded by Councilman Nidiffer that we accept the bid from Akin Motor Company in the sum of \$8,978.00 for a Police car. Motion carried unanimously.

IX. RESOLUTIONS

1. Library Litigation Agreement

Mayor Kerr announced that with considerable hours of work spent with attorneys and others concerned, there was a solution to a suit pending on the Library Foundation concerning funds from the Louis Morgan Estate. An Agreement and Resolution No. 288 had been drafted allowing the Library Foundation to be retained to administer these funds.

Mayor Kerr requested that Resolution No. 288 with the attached Agreement be read. Resolution No. 288 and the Agreement were read in their entirety.

Mrs. Edna Allen appeared before the Council and asked questions concerning establishing public meeting dates for the Foundation, replacements on the Foundation Board and the City having input in the makeup of the Foundation, which were answered by the Mayor, City Attorney and Councilman Geraghty. She also asked if it was a private or public Foundation which the City Manager stated that it was a public foundation according to the original Resolution. Mrs. Rinderknecht also asked questions concerning the wording of the will and the purpose for which the donation was given and also the purpose of the Christiansen donation. The City Manager responded that all funds would be administered to the closest interpretation of the donor and by State law must be identified in the City's budget at the time of adoption of the budget or with an Appropriations Resolution. Mrs. Allen questioned about the \$2,000 that was transferred to the Foundation from the Library fund and Mr. Stuart agreed to research the matter for her. After all questions were satisfactorily answered the following motion was made:

MOTION by Councilman Geraghty, seconded by Councilman Batty that we adopt Resolution No. 288. Motion carried unanimously.

2. Amendment to motion

Councilman Geraghty requested to amend his previous motion to call for bids on the tennis courts which was agreeable with Councilman Nidiffer and the motion was amended as follows:

MOTION by Councilman Geraghty, seconded by Councilman Nidiffer that we call

for bids on resurfacing the tennis courts in conjunction with Phase 5 construction if that proves feasible. Motion carried unanimously.

3. Library Quarterly Appropriation

The Library quarterly appropriations Resolution No. 289 was read in its entirety.

MOTION by Councilman Nidiffer, seconded by Councilman Geraghty that we adopt Resolution No. 289. Motion carried unanimously.

X. UNSCHEDULED PUBLIC APPEARANCES

Elmer Hitchcock appeared before the Council and questioned if City equipment was allowed on private property at the LDS Church on the extension of Elk Drive to Fern Street. Mr. Hitchcock thought that during his term of office as Mayor that the deed had been rescinded and the City no longer owned the property. The answer was not known and it was Council consensus that the matter be researched.

XI. PAYMENT OF VOUCHERS

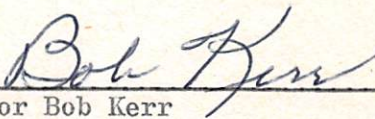
MOTION by Councilman Batty, seconded by Councilman Nidiffer that we pay the vouchers in the sum of \$34,739.24. Motion carried unanimously.

XII. ADJOURNMENT

MOTION by Councilman Geraghty, seconded by Councilman Batty that the meeting be adjourned. Motion carried unanimously.

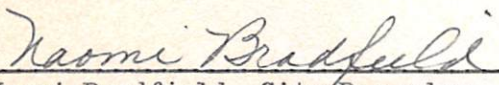
The meeting was adjourned at 11:04 p.m.

This meeting is recorded on tape and is on file in the City Recorder's office.



Mayor Bob Kerr

ATTEST:



Naomi Bradfield, City Recorder