

MINUTES
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
AUGUST 26, 1980

The meeting was called to order by Mayor Elmer Hitchcock at 8:03 p.m.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

Members present were: Councilmen Darrel Allsup, Roy Brimm, Ralph Cheney and Mayor Hitchcock. Councilman Robert Earle was absent.

Staff present were: City Finance Director/Recorder Steve Herman and Secretary Georgia Shirilla. Also present was the City Attorney, John Coutrakon. Building Official Marshall Ferg was in the audience.

III. APPROVAL OF MINUTES

Minutes of the August 8 and August 12, 1980 meeting were presented for approval. Councilman Brimm stated that he thought Section VI., City Engineer Reports, Item 1, of the August 12, 1980 minutes should be amended. The item was about the City Engineer's recommendation on a proposed systems-development charge. Councilman Brimm and Allsup thought that an addition to the minutes needed to be made to the effect that before the water and sewer is put outside the City that the property owners of the City have a vote on it.

MOTION by Councilman Brimm, seconded by Councilman Allsup, that the Council approve the August 8 and August 12, 1980 minutes with the addition to Section VI. City Engineer Reports, Item 1, that before the water and sewer is put outside the City, that the property owners of the City have a vote on it. Motion carried.

NOTE: The secretary checked the tape of the August 12, 1980 meeting and found that the discussion of the vote was not a part of that particular meeting so the minutes were not changed. A notation will be made on the original minutes in City Hall which will reference the reader to these minutes.

IV. COMMUNICATIONS

Mayor Hitchcock brought up a letter/bill that was submitted to the City by Don Horton for payment for work he did on a high-level water systems project for the City, quite some time ago. Councilman Cheney read Mr. Horton's letter dated June 30, 1980 and discussion was heard as to why the bill had not been paid prior to this time.

MOTION by Councilman Brimm, seconded by Councilman Allsup, that the City pay the bill, amounting to \$26,210.02. Motion carried.

1. Letter from Star of the Sea Catholic Church concerning installation of a 6-inch water line, hydrant and meters.

Discussion was heard about the request from the Church which was prompted by recommendations of the Fire Department to fulfill requirements of the Fire Code. The 6-inch water line would cross Marina Drive, come down over the bank and into the driveway between the school building and the church rectory. A fire hydrant and two water meters were also requested to meet the requirements of the Fire Code and City regulations.

Father Dan Kolasinski, who was in the audience, said the Church would reimburse the City for all of the labor, materials, and fees involved in installing the above. He also said that the Church would dedicate a 5 or 10 foot easement right to the City for service and maintenance of the line.

Councilman Cheney reported that the estimated costs are:

\$2,890.45 - materials
1,200.00 - labor & backhoe
\$4,090.45
1,705.00 - 2 water meters & 1 sewer hookup
\$5,795.45 - TOTAL

The sewer hookup charge was questioned and will be researched.

MOTION by Council Cheney, seconded by Councilman Allsup, that the City accept the proposal; that the City install the water meters, fire plug and connections for the cost of \$5,795.45. Motion carried.

2. Memorandum from Citizens Advisory Committee on Finance regarding increasing City revenue.

Edna Allen, a member of the Committee, reported to the Council that the Committee had recently met and have revised their recommendations as follows:

- A. Novelty games that will not give more than 15 free plays, jukeboxes, pool tables, the Committee recommends a yearly charge of \$25.00 each.
- B. Operators who have blackjack and poker tables as well as coin-operated amusement games will be assessed \$150.00 per machine or table. They must also have a regular business license.
- C. Transient business should be paying a regular business license.

MOTION by Councilman Cheney, seconded by Councilman Brimm, to have the City Attorney draft an ordinance which incorporates the recommendations of the Committee.

IV.3. Correspondence from Ken MacLeod, Hub Street.

Mr. MacLeod, who was in the audience, expressed his concern about a house on Moore Street that is in a bad state of repair and is an eyesore. Councilman Allsup stated that he was familiar with the house and that he had talked to several people in the past about it but to no avail.

Marshall Ferg, Building Official, said that he sent a registered letter to the owner on August 26, 1980 which gave the owner 30 days to renovate the house or tear it down. Councilman Allsup said that he wanted a report from Mr. Ferg about the house after the 30 days have expired.

IV.4. Letter from Mr. and Mrs. Mike Goblirsh requesting City water for property which is located partially outside the City limits.

Councilman Cheney stated that he thought the landowners should annex the property to the City before water is approved. Council members and the City Attorney discussed annexation requirements in general.

MOTION by Councilman Cheney, seconded by Councilman Brimm, that the Council table the matter until they received clarification from the City Attorney. Motion carried.

V. CITY ATTORNEY REPORTS

1. Robert Earle's Resignation

The City Attorney read a letter dated August 26, 1980 from Robert G. Earle in which he resigned himself from the Brookings City Council. A copy of the letter is attached to these minutes.

MOTION by Councilman Cheney, seconded by Councilman Allsup, that the Council accept Mr. Earle's resignation. Motion carried.

2. Report on Riviera Heights Subdivision

City Attorney reported that he has been in contact with the City Engineer and the developers' attorney, Phil Nelson from Grants Pass, regarding the \$20,000 deposit, devising an inspection schedule and the posting of a bond. He commented that the process has been slow since Mr. Nelson is located out of town, but that details were being worked out.

Councilman Cheney reported that he had received many complaints, including calls early Sunday morning about the road being closed to traffic. He said, in essence, that the developers are not complying with the standards the Council set and that their work should cease at least until the deposit is posted. He and other Council members were disturbed that the developers were working on weekends, a time when inspections could not be readily made. Councilman Allsup said that the City should give the developers a little more time to come in line. Mayor Hitchcock reported that several city officials, including himself, went to the site during the weekend. He said that he was harrassed by the Riviera Heights people when he was there.

Dick Swigert, in the audience, reported that Marina Drive has been reduced to single-lane traffic, that a ditch had been covered up and that a water line had been buried.

The City Attorney advised that shutting the construction down should not hinder on the developers posting the deposit. He reminded the Council that the completion bond did not have to be posted until the developers apply for the final approval of the plat.

Building Official Marshall Ferg said that he was concerned about the destruction of neighboring property and said the City should request proof of liability insurance. The City Attorney said that he had requested it, for \$500,000, but that it had not been received. The City Attorney went on to say that the City can enforce the construction according to the construction plans; but if the plans allow for damage to neighboring property than the City should stop the construction now.

Marshall Ferg stated that the construction is in conformance with the plans except for the narrowing of the street but suggested that could be taken care of. He said the developers' geologists reports to him whenever he is in town.

MOTION by Councilman Cheney, seconded by Councilman Brimm, as stated by the City Attorney, that the developers shall have until September 5, 1980 to show a concerted effort; that by that date the cash deposit must be posted; and if by that date, the engineer cannot give to the Council a written inspection schedule; and if by that date, everything that is done to date is not done in accordance with the joint engineering plans, than the City shall file an injunction and shut the developers down. Motion carried.

3. Payment of Compensatory Time to Tony Keeling

City Attorney reported that he had reviewed documents pertaining to compensatory time and found that accrued time, prior to the change in policy, had not been addressed.

MOTION by Councilman Cheney, seconded by Councilman Allsup, that the City pay Mr. Keeling for the compensatory time he accrued prior to May 1, 1980. Motion carried.

4. VanDuzee/Iowa Tract

The City Attorney reported that the attorneys for the two parties are working the details out.

5. Yergen and Meyer - Fiscal Year 79-80 Audit Contract

City Attorney reported that he had reviewed the Yergen and Meyer proposal and found it basically in order. He and the Council members and the Finance Director discussed the proposal, rate structure and the importance of putting a "lid" on the amount of money to be paid to Yergen and Meyer for doing the audit.

MOTION by Councilman Brimm, seconded by Councilman Cheney, that the City through the City Attorney, proceed with the Yergen and Meyer contract with the added stipulation that a "lid" be placed on the amount of money to be paid for the audit.

VI. LEGISLATIVE ACTION

1. Continuation of request for variance on street width for a 35-foot right-of-way by Donald F. Hintzman.

Councilman Allsup reported that he and Councilman Cheney made a physical inspection of Mr. Hintzman's proposal. He said that he was agreeable to Mr. Hintzman's proposed location of the required cul-de-sac.

Neighboring property owners in the audience, Peggy Mory, Ann Ramp and Jess Fitzhugh, reported to Council members as to how Mr. Hintzman's request would and would not affect their property and plans.

Council members discussed the necessity of Mr. Hintzman granting a 35-foot road easement to the City which would run the length of his property.

MOTION by Councilman Allsup, seconded by Councilman Cheney, that the City accept the 35-foot road right-of-way all the way through Mr. Hintzman's property. Motion carried.

11. Council discussion/decision on Application C 8020 filed by Mike and Velta Steevens for a conditional use from Curry County for a gravel removal permit, tax lot 505, map 40-13-34.

SEE BELOW FOR ITEM 2.

Members of the Curry County Planning Commission and Department staff, who were in the audience, reported to the Council on the nature and status of the Steevens' request. The application was brought to the City under the Urban Growth Management Agreement between the City and the Council. The conditional use permit would be for removal of gravel from land approximately $3\frac{1}{2}$ miles up the Chetco River.

Mayor Hitchcock brought up some of the concerns the City Planning Commission had expressed about the request at their August 16, 1980 meeting. These included water quality and the impairment of the Brookings and Harbor water intake systems due to the possible diversion of the river. The future use of the property as a mobile-home park, requiring septic tanks that might drain into the river was objectionable to Councilman Cheney. Council members were disturbed that gravel had already been removed by Mr. Steevens without his obtaining appropriate permits.

MOTION by Councilman Cheney, seconded by Councilman Brimm, that the Council table the matter until the City has, in hand, permits and reports from the Department of Environmental Quality and the State Lands Division which must be obtained by Mr. and Mrs. Steevens. Motion carried.

The County Planning Commission will hold the request in abeyance until its October 2, 1980 meeting.

2. Council decision on proposed ordinance--An Ordinance Governing the Disposal of Unclaimed, Bailed, Lost and Stolen Property and Declaring an Emergency.

Secretary Georgia Shirilla read the above-designated ordinance, to be numbered Ordinance No. 343. The second reading will be September 9, 1980. Council members and the City Attorney discussed some changes that might be made to the Ordinance.

MOTION by Councilman Cheney, seconded by Councilman Allsup, that the Council accept Ordinance No. 343 with the following changes: in Section 7. Title of Purchaser at Sale:, Change section 10 to read section 6; in Section 8, Crediting and Appropriating Proceeds of Sale Paid Into City Treasury; Rights of Owner: change Section 10 to read Section 6; and in the same section, change at anytime within six (6) years of the conviction to read at anytime within one (1) year of conviction; and in Section 1. Unclaimed property, items g&h, change references to "she" to "he or she". Motion carried.

North Brookings Sewer District - Unpaid Bills

John Spicer was in the audience and spoke to the Council about the bill. In regard to the bond counsel bill from Rankin, Mr. Spicer said that the firm was retained in the preliminary stage under the authority from the City Manager. He went on to say that the opinion the firm furnished was a requirement for all bonds. Mr. Spicer explained the bill that he submitted for the work his office did under the direction of the City Manager as well.

Council members discussed some of the problems the City has had with the assessments, sale of the bonds and the uncertainty of funds.

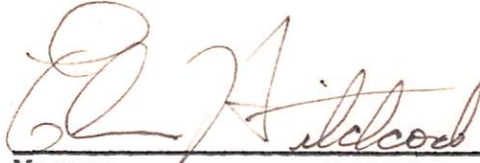
MOTION by Councilman Cheney, seconded by Councilman Brimm, that the Finance Director research the matter and report to the Council before payment of the bills are approved.

Mr. Spicer submitted the bill for the printing of the bonds to the Council.

MOTION by Councilman Cheney, seconded by Councilman Allsup to adjourn the meeting to the following morning at 9:30 a.m. Motion carried.


The meeting was adjourned at 10:16 p.m.

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



Mayor

ATTEST:



City Recorder

TRANSCRIPT - August 21, 1979 Council Meeting

CITY MANAGER: The next item is item 4, a request from Mike Steevens to have commercial-type water hookup 3 miles up the North Bank Chetco. There is a letter addressed to the Mayor and Council. "We would like to be put on Council Meeting Agenda for August 21st in regards to getting a commercial water hookup on Tax Lot 505 40-13-34 three miles up the North Bank of the Chetco River". I don't know if Mike is here.

MAYOR HITCHCOCK: I think Mike is in the audience.

CITY MANAGER: There he is. Mike is here and if there are any questions of the Council has on this request Mike will answer them.

COUNCILMAN LOWRIE: I have a question. How can you send water 3 miles up the river which is outside the City Limits when you couldn't send water across the river to Harbor.

MIKE STEEVENS: I really don't know.

MAYOR HITCHCOCK: None of this water has never been approved at any time was it Mike? This water you are asking for has never been approved at any other time or anything like there are some places up there that they tabled the water to some of these subdivisions or something.

MIKE STEEVENS: I have City water.

MAYOR HITCHCOCK: You have it?

COUNCILMAN LOWRIE: You have City water?

MIKE STEEVENS: I have City water. I need it there. I pay my bill every month.

MAYOR HITCHCOCK: Well this is for commercial - well where it is is for commercial use.

MIKE STEEVENS: I am requesting an expansion of City water is what we are doing, and actually there is something I never really thought about in the time limit ----- now that you have decided to cut off water, but we have been working on this project for several years. We instituted some zone changes and we have been to the Soil Conservation and I got their approval on their flood-control business and we went to DEQ and got theirs and ah City water has never occurred to us as being a problem. Allsup put in his subdivision and Salisbury has plans right now to expand his by 16 units which is just exactly what my plan is. Darrel Salisbury has got a set of plans that has been approved by the Planning Commission and Council to expand his trailer court by 16 units. Now that is the same amount of units that I have in this subdivision. He already has his commercial-water hookup, but he is going to have to expand his use in order to put those trailers in there. There is a subdivision up above my place and he is going to receive a new commitment for additional water so that there is City water all around me and this is actually the last obstacle in a long and stormy deal in getting our improvements in. As I had City water already I never really figured until the last month or so that I would have any trouble in getting the water. In the last month or so there has been plenty of vibrations from the City not allowing any more water outside so then tonight all I can say is that I seem to have the world's worst luck when it comes to -----.

MAYOR HITCHCOCK: Well this is for commercial use and I think that was for it was more concern on water going outside the City. This is the biggest concern. This is like the water to the Port.

COUNCILMAN LOWRIE: What size line do you have? Do you know?

MIKE STEEVENS: I have two stub outs that come out on the property and two corner-edge lines and I am only using one of them. Actually, I could get by with that one line. All I have to do is put in a tank and an additional pump and during the peak loads ah well we would ah furnish the pressure with my pump, you know. And ah we could keep arguing this one thing and ask nothing from the City and just go ahead and use--- It would require additional pumps and a tank but it could be done.

MAYOR HITCHCOCK: I think this is an item of ah under the circumstances and everything that we would have to ah set aside to the next meeting and have the Engineer and everything ah look into this and bring back a finding on it so that we could see exactly what is there as you already have water.

MIKE STEEVENS: I do have water.

MAYOR HITCHCOCK: It is City water and I think that would be the only thing that we could do.

COUNCILMAN LOWRIE: Are you going to need a larger line, is that what you want?

MIKE STEEVENS: We want a bigger meter. That would be the most economical route to go, and I don't know if the City would approve this putting in a service tank and our own pump. I don't know if they would approve us doing this anyhow. But it could be done. An ideal route would be to put a commercial meter in.

COUNCILMAN LOWRIE: It seems to me that if a man has City water now he ought to continue to get it.

MAYOR HITCHCOCK: Well that is why I say I think the thing to do is to have the City Engineer check the whole thing out.

COUNCILMAN LOWRIE: I withdraw my objection.

MAYOR HITCHCOCK: Well see the way we put this it wasn't in that terms and on this request that and I ah is that agreeable with you Mike? We will go ahead and have the City Engineer then come up with a solution on this as this is not granting water outside the City Limits that is already not there. That is what I think the thing ah---

UNKNOWN: Well, the letter does not indicate that you have City water and my interpretation is that you are just asking for City water in a non-existing area. This is the thing that we are trying to eliminate.

COUNCILMAN LOWRIE: How much further up does City water go?

MIKE STEEVENS: I am not too sure. I was talking to the man that works at the water department and he said that it was going to be running right by here with the City water with a 6" line.

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MAYOR HITCHCOCK: Where the Van Pelt tract is involved.

COUNCILMAN LOWRIE: With a 6" line you have got it made.

MIKE STEEVENS: -----Well I think that is an 8" line that comes up to my place; but of course, that is the end of the line and there is a 3" line that goes up to Salisbury's place and a whole bunch of houses around there that is right in there-----.

UNKNOWN: Where are you from the trailer court?

MIKE STEEVENS: I am on the river side from Salisbury's trailer court.

MAYOR HITCHCOCK: So then the Engineer will be getting in touch with you then on that, Mike.