

MINUTES
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
September 23, 1980

The meeting was called to order by Mayor Elmer Hitchcock at 8:00 p.m.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

Members present were: Councilmen Darrel Allsup, Roy Brimm, Ralph Cheney, Ray Lockman and Mayor Hitchcock.

Staff present were: City Recorder Steve Herman and Secretary Praecilla Pruitt. Also present was the City Attorney, John Coutrakon.

III. APPROVAL OF MINUTES

MOTION by Councilman Cheney, seconded by Councilman Lockman that the minutes of the September 9th and 17th, 1980 Council meeting be approved. Motion carried unanimously.

IV. COMMUNICATIONS

1. Martin Palmer expressed his desire to receive reimbursement from the Parks & Recreation Director salary to save the City money by saving the grant money and other monies. Mr. Martin had presented the Council a written proposal. The Mayor felt that since the Council had just received this correspondence that they would like to have time to study it and also the Council desired to receive a resume of his qualifications.
2. MOTION by Councilman Cheney, seconded by Councilman Allsup that we remove the name of Judge Koehler from the records and appoint Mary Bienke as Pro-tem Judge. Motion carried unanimously.
3. Letter from Gary and Julie Derr.
Mr. Gary Derr stated that he had bought property on July 30, 1979 which was handled through Gold Coast Title Company and was filed at the Courthouse on July 31, 1979 in BR Vol. 71, Page 121 & 122. Mr. Derr contended that they were never notified of the sewer assessments on the North Brookings Sewer District until September 3, 1980. All notices had been sent to the former owners the Menascos who no longer live in the area. Mr. Derr stated that he was willing to pay the total assessment but felt the 9% interest should be waived. The Council informed Mr. Derr that this was impossible. Mr. Derr questioned why the records were not up to date and the Council informed him that it was the County records that were not up to date. Councilman Cheney stated that at the time it was sold the title report should have shown a lien on the property. Mr. Derr stated that he did know about the sewer assessment and had appeared at one of the Council meetings when they had controversy on the North Brookings Sewer District. The City Attorney stated that he did not feel the City could waive the interest, but that he would look into the matter and check with the bonding attorney to determine who was at fault.
4. The Mayor informed the Council that a thank you card had been received from the Chetco Muzzle Loaders for the use of the Council Chambers to hold a course on training hunters.

V. CITY ATTORNEY REPORTS

The City Attorney requested that his reports be given later in the meeting.

VI. LEGISLATIVE ACTION

1. Green Door/Golden Phoenix - Liquor License application

Mayor Hitchcock stated that since there was so much trouble in the past that he would like to have Mrs. Baker present to inform her about this trouble.

MOTION by Councilman Allsup, seconded by Councilman Cheney that the matter be tabled until the next Council meeting so that Mrs. Baker could be present. Motion carried unanimously.

2. Council discussion/decision on petition to pave the cul-de-sac at the end of Tanbark Street.

Mr. Bob Rodgers stated that he lived at the end of the cul-de-sac and that the property owners desired to pave the cul-de-sac to keep down the dust since there is a constant flow of traffic. The Mayor stated if the property owners desired to form a district, the City would work it out so that each property owner would pay an equal amount. Tidewater had looked at the site but had not given an estimate.

MOTION by Councilman Allsup, seconded by Councilman Cheney that the property owners form a district, but there would have to be a contract written stating that the property owners would pay the Engineering fees if the amount of the costs and expenses were felt to be excessive and they desired not to go ahead with the project. Motion carried unanimously.

3. Council discussion/decision on Velopa Subdivision.

The Mayor informed the Council that there was a variance on street widths and a letter from the Building Official stating that the Planning Commission had recommended the variance. John Thorp, Engineer stated that the sidewalks were to be extended up on Tanbark from the North property line to the intersection with Memory Lane. He further stated that the cul-de-sac and the street will be used for water drainage. The water was to be kept in the natural drainage pattern and put it in the catch basins and take it out through the existing City culvert and down Tanbark.

MOTION by Councilman Allsup, seconded by Councilman Cheney that we approve this preliminary plat subject to the City Engineer's instructions in his August 6, 1980 letter.

The City Attorney questioned the motion and Mr. Thorp stated that the variance and street width was what the Planning Commission desired Council action upon. The City Attorney stated that the Planning Commission passed the preliminary plat with certain conditions on it. The Planning Commission cannot give a variance so the Council was to grant approval and the Planning Commission was not asking the Council to approve construction plans. The motion by Councilman Allsup and Cheney was withdrawn. The variance was for 34' street width and 50' right-of-way and includes a sidewalk and green strip on both sides.

MOTION by Councilman Cheney, seconded by Councilman Lockman that we approve the variance on the street width. Motion carried unanimously.

The City Attorney made a request for a letter from the developer requesting construction plan approval and a letter from the Building Official suggesting approval.

MOTION by Councilman Allsup, seconded by Councilman Brimm that we give approval of the Velopa Subdivision at another Council meeting. Motion carried unanimously.

The City Attorney stated that the City Engineer and the developers should get together and the City Engineer send down a letter of his recommendations.

4. Discussion on Sewer Plant

Councilman Cheney stated that according to Ordinance No. 38 and 104 there were many residents and businesses that have paid no hookup charge and no sewer charge and many that are bordering the sewer district have no sewer. There has been many complaints of sewage odor in the air in various areas of the City. Councilman Cheney stated that the Ordinances stated that anyone bordering a sewer district or within 200 feet must hook up to the sewer immediately. The City was losing a huge amount of revenue. Portions of Ordinance No. 38 and 104 were read. There was also a private street that put in their own sewer and they have paid no charge or hookup on King Street, but they are hooked on to the City sewer system. It was the concurrence of the Council that Councilman Cheney was to gather all the facts together and get with the City Attorney to determine a formula for notifying the people that they are in violation of Ordinances No. 34 and 104.

5. Second reading of Ordinance No. 345 creating the office of City Administrator and establishing the powers and duties pertaining thereto.

Ordinance No. 345 was read in its entirety for the second time.

MOTION by Councilman Brimm, seconded by Councilman Lockman to adopt Ordinance No. 345. Motion carried unanimously.

6. Election results.

The City Recorder Steve Herman requested a motion accepting the returns that were submitted by the County Clerk.

MOTION by Councilman Cheney, seconded by Councilman Lockman that we accept the election results as stated. Motion carried unanimously.

VII. OTHER ITEMS

1. The Finance Director having presented a salary schedule to the Council, stated that the salary increases were the 7% increases in the budget with a few minor exceptions that when employees came under PERS they are required to have a reduction of 5 to 7% depending on their salary range. The increases would be retro-active to July 31, 1980 and no budget adjustment was necessary.

MOTION by Councilman Cheney, seconded by Councilman Allsup that we approve the salary schedule as stated for the 1980-81 budget. Motion carried unanimously.

2. MOTION by Councilman Cheney, seconded by Councilman Allsup that we request the Acting City Administrator to obtain bids for a 5 or 6 yard dump truck and two small pickups, and such bids to be presented at the next Council meeting if possible. Motion carried unanimously.
3. MOTION by Councilman Allsup, seconded by Councilman Brimm that the City Administrator check into obtaining a chain trencher. Motion carried unanimously.
4. The Mayor read a letter from John Thorp, Engineer offering his services on a monthly retainer basis.

MOTION by Councilman Brimm, seconded by Councilman Allsup that we meet with Mr.

Thorp and discuss the proposal he is making. Motion carried unanimously.

5. The City Recorder informed the Council that the City Auditors have requested a daily deposit of cash receipts and he had already obtained a night deposit bag. The bank required their standard form of resolution for authorization and that a motion would be necessary.

MOTION by Councilman Cheney, seconded by Councilman Brimm that we instruct the City Recorder to follow through on the night depository. Motion carried unanimously.

VIII. PAYMENT OF VOUCHERS

There was Council discussion concerning the payment of the bills on the North Brookings Sewer and Wharf Street Assessment Districts. The Council desired to know the balance of the funds in the North Brookings Sewer District and to pay these bills from the cash payments of approximately four more properties which were still due and would amount to approximately \$20,000. The Finance Director was directed to consult with the City Attorney and the bond counsel Attorney for assistance in determining the balance of funds remaining.

MOTION by Councilman Allsup, seconded by Councilman Lockman that we pay the vouchers from Line 1 to 37 in the amount of \$10,488.15. Motion carried unanimously.

IX. CITY ATTORNEY REPORTS

1. The City Attorney stated that he had prepared Ordinance No. 346 which would amend Ordinance No. 232 and reinstate the penalty sections in Ordinance No.13 and 178 which were inadvertently repealed.

The Ordinance was read in its entirety.

MOTION by Councilman Cheney, seconded by Councilman Brimm that we adopt Ordinance No. 346. Motion carried unanimously.

MOTION by Councilman Cheney, seconded by Councilman Allsup that we read Ordinance No. 346 by title only. Motion carried unanimously.

The Ordinance was read by title only and passed with emergency clause.

2. Councilman Cheney mentioned that there was a City lot by the post office that could be used for public parking. Mayor Hitchcock suggested marking parking stalls on the street along Chetco Avenue.

MOTION by Councilman Allsup, seconded by Councilman Cheney that we check into the parking area South of the Post Office and have the City mark the stalls on Chetco Avenue. Motion carried unanimously.

3. The City Attorney requested that the City pay the bill from Transamerica Title Co. for title search as this bill was incurred when the Council requested that the City Attorney find out all of the property that the City owned and also concerning Easy Manor Park. The Title Company had made a map of the City owned property marked in red and the Attorney was to bring it to City Hall in a couple weeks. On Easy Manor Park there was an error when the people had filed the plat map they dedicated the streets and not the park area, and it is still in their name. The heirs needed to be found and sign a quit claim deed.
4. The City Attorney questioned if he was to draft an ordinance on the fees for gaming tables and amusement machines or increase the fees of the existing ordinances. It was concluded that nothing was to be done to the ordinance if only

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updating the fees was necessary and if fees were not in the ordinance then it would be necessary to update it. Councilman Cheney stated that he would re-search the ordinance.

5. The City Attorney questioned how the Council desired an ordinance drafted for special connection fees for those people that hook into a sewer and water line that has already been put in by someone on down the street. It was determined that the person would pay the proportionate cost and a time limit would be set.

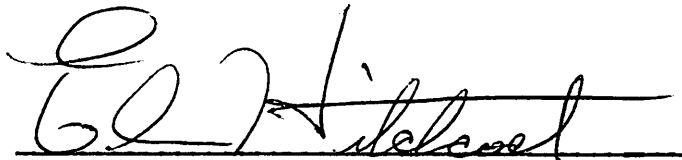
The City Attorney stated that he was calling an executive session under ORS 192.610 subsection H to discuss current litigation with the Council. The meeting was recessed into executive session at 9:40 p.m.

The meeting was reconvened from executive session at 10:37 p.m.


MOTION by Councilman Cheney, seconded by Councilman Allsup that the meeting be adjourned. Motion carried unanimously.

The meeting was adjourned at 10:38 p.m.

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


MAYOR

ATTEST:


CITY RECORDER

VOUCHERS PAYABLE
September 23, 1980

<u>Voucher #</u>	<u>Check #</u>	<u>Vendor</u>	<u>Amount</u>
1		B & L Kawassaki, Inc.	\$ 62.50
2		Blue Star Gas - Northwest	394.80
3		Mary Jane Brookfield	25.00
4		Brookings Firefighters' Association	457.00
5		Brookings-Harbor Chamber of Commerce	500.00
6		Brookings Office Supplies	61.14
7		Brookings Supply, Inc.	26.88
8		Cantel of Medford, Inc.	34.00
9		Chetco Rexall Drugs, Inc.	12.06
10		Coast to Coast	29.95
11		Coos-Curry Elec. Cooperative, Inc.	3,476.09
12		Dan's Photo & Cameras	4.69
13		Dave's Rent-All	65.00
14		Del-Cur Supply Co-op.	30.20
15		Marshall Ferg	127.45
16		Gaylord Brothers, Inc.	155.01
17		General Telephone	878.98
18		W.W. Grainger, Inc.	265.62
19		Greyhound Bys Lines	6.75
20		Hinds Supply Company	148.60
21		Holiday Motel-Best Western	23.10
22		Kerr Ace Hardware	1.30
23		League of Oregon Cities	740.60
24		Littrell Parts	19.77
25		Mill Beach Garden Shop	46.90
26		O'Neale Supply, Inc.	18.90
27		Royal Crest Motel	18.00
28		S & S Products,	350.00
29		Scoggins Accounting	530.00
30		Shell Oil Company	1,029.54
31		Southcoast Medical Center, P.C.	280.00
32		Square Deal Builders Supply, Inc.	57.40
33		Tidewater Contractors, Inc.	188.54
34		U.S. Postmaster	144.32
35		VWR Scientific Inc.	117.54
36		Western Fire Equipment Co.	41.89
37		Wilson Tire Service	118.63
SUBTOTAL			\$10,488.15
 NORTH BROOKINGS SEWER DISTRICT:			
38		The Irwin-Hodson Co.	\$ 810.31
39		Marquess & Associates	5,173.15
40		Spicer & Downer	5,735.10
			11,718.56
 WHARF STREET:			
41		Oregon St. Highway Division	\$24,897.70
			24,897.70
TOTAL			\$47,104.41

Mike Steevens. Request for larger water meter.

September 17, 1979 (September 14, 1979 meeting reconvened.)

CITY MANAGER: We are just overloaded right now with water hookups. We are getting behind so one of the ways of assisting staff would be that the Council would consider passing a policy which would prevent any more water hookups until the ordinance comes into affect. It takes 30 days for the ordinance to belong and during that interim period the old policy of serving water everywhere and anywhere outside the City limits is still in effect. We need some kind of guidance as to how to proceed because we are beginning to get swamped with requests for water outside the City limits. And the case in point, the particular case in point, as discussed today, the property of some 40 acres. It just happens to be contiguous with the City so that there is really no problem there because annexation can take place there and water is readily available. It would be inside the corporate limits.

MAYOR HITCHCOCK: In other words, it is to be used for a subdivision or something, then?

CITY MANAGER: Yeh, mobil home.

COUNCILMAN ALLSUP: Your Honor, I would like to ask Frank a question. Now the people that have already applied for water up and to this date then water will be available to them?

CITY MANAGER: Yes, sir. Yes, sir. If the Council, the ordinance will not be retroactive when that becomes effective on October 12. If the Council passes the policy today it will not be retroactive either.

COUNCILMAN ALLSUP: Uhuh.

CITY MANAGER: It is only for future requests.

MAYOR HITCHCOCK: Now, like Darrell says, does this mean the ones that we just give them consent or do they have it on paper or what, Frank. In other words, the people that have already asked for City water. Now a lot of these people have already come in and applied for water.

CITY MANAGER: Yeah, that's on paper.

MAYOR HITCHCOCK: Now, there are some of them probably that have talked to us. I don't know whether Mike is, I think Mike is concerned about on that in that he already he has water.

CITY MANAGER: Mike has water. I talked to Mike.

COUNCILMAN ALLSUP: He has water.

CITY MANAGER: He already has water. There is no...

MAYOR HITCHCOCK: But he was concerned about it. I think. Would he be shut off on the other part of the water that he talked about one night here at that meeting. That was his concern. And by not being _____ I think that was what he was worried about.

Mike Steevens, Request for larger water meter.

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CITY MANAGER: Alright Mr. Mayor. Mike is already being served with water and I think it was the Council, the consensus of the Council that night that just because he was being served with water at that time that he was using for residential use. It certainly could be used for commercial use. He has the water and wouldn't be denied for any use so and I talked to Mike and I told him I would get a letter out to that effect.

COUNCILMAN ALLSUP: Better have a letter. And then when they...

CITY MANAGER: Once the Council get a policy established well I...

MAYOR HITCHCOCK: There are so many of these things that come back to us that say well you said this and you said that and it's jjust not in writing so it's pretty hard to stand behind it when there is no letter of recommendation or promise to that effect.

CITY MANAGER: Well, it's my understanding that unless it is in writing it is not binding upon the City.

RECORDER: Well, Mike wanted a bigger meter wasn't that it.

CITY MANAGER: Really there was no difficulty because you already had water. We assumed you didn't have any water when we got your letter. Isn't that correct. We didn't realize that you already had water. So really the.....

COUNCILMAN LOWRIE: That's right. It was my assumption anyway.

COUNCILMAN ALLSUP: But you will give him a letter to that effect.

CITY MANAGER: Oh, yes, sure.

MAYOR HITCHCOCK: So Mike was very concerned about it.

CITY MANAGER: Well he already has water. I mean, you know....

MAYOR HITCHCOCK: Well, you know when you hear it on the radio or you read in the paper that this ordinance was passed I think it got everybody concerned, you know, the ones that didn't have the extra water or the water that they were promised so I can see where they would be a little touchy on it.