

MINUTES  
BROOKINGS COMMON COUNCIL  
CITY OF BROOKINGS  
May 13, 1980

The meeting was called to order at 8:01 p.m. by Mayor Elmer Hitchcock.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

Members present were: Darrel Allsup, Robert Earle, Ralph Cheney and Roy Brimm.  
Staff members present were: City Manager/Recorder Frank Freeman and Praecilla Pruitt Secretary. Also present was City Attorney, John Coutrakon and City Engineer, Richard Nored.

III. APPROVAL OF MINUTES

MOTION by Councilman Cheney, seconded by Councilman Brimm to approve the minutes of the April 8 and 21, 1980 meetings. Motion carried unanimously.

IV. APPOINTMENTS

MOTION by Councilman Cheney, seconded by Councilman Earle to remove Jack Ross and Shirley Kellis from the Library Board for the reason that there is too much dissension and the Library must be straightened out. Motion carried unanimously.

MOTION by Councilman Allsup, seconded by Councilman Cheney that we appoint Maxine Smith and Charles Draper to the Library Board to replace the two members that were removed, and that we make the first appointment of Maxine Smith to fill the remaining term of Jack Ross and Charles Draper to fill the remaining term of Shirley Kellis and to extend that term for the next four years. Motion carried unanimously.

V. PUBLIC HEARING

1. Riviera Heights Subdivision appeal from requirements of Planning Commission approval at April 17, 1980 meeting.

MOTION by Councilman Earle, seconded by Councilman Cheney, that inasmuch as the Council and the City Manager have copies of the appeal that we refrain from going through the reading of the appeal since we have the information before us. Motion carried unanimously.

Item A. Street Width & Sidewalks. Phillip Nelson, the attorney representing Harris Miller, Inc. stated that both the developer's Engineer and the City Engineer agreed on 28' street width with two traffic lanes and one parking lane, and if the 34' street and 4' sidewalk were put in there would be a considerable loss of lot area and would affect approximately 10 lots. Councilman Earle questioned if the developer had obtained a variance and he stated that there was a variance request made for 28' street. Councilman Allsup stated that on Lots 5, 6, and 7 the power line cuts through and no building will be allowed within 50 feet of that line.

MOTION by Councilman Allsup that we allow a 28' curb to curb street, 4' sidewalk and require that they check with the Postmaster and group the mailboxes on one side of the road rather than along the road. The motion died for lack of a second.

MOTION by Councilman Earle, seconded by Councilman Cheney that we decline the 28' street width. Motion carried unanimously.

Item B. Improving one-half of Old County Road and one-half of Marina Heights Drive. Mr. Nelson explained that the developer was willing to develop those lots which had access to the property but 10 lots would not be served by

Marina Heights road. After discussion about road conditions, the following motion was made:

MOTION by Councilman Cheney, seconded by Councilman Earle that we reject the request until the Engineering is completed. Motion carried unanimously.

The City Attorney asked that the motion be clarified, and the original motion was rescinded and restated as follows:

MOTION by Councilman Cheney, seconded by Councilman Earle that we reject the appeal in regard to point No. 2 concerning improving Old County Road and Marina Heights Drive. Motion carried unanimously.

Item C. Deeding Right of Way. Mr. Nelson stated that the Planning Commission made a procedural error when they stated that the City Council not approve the preliminary plat until Pipeline Road is deeded to the City.

MOTION by Councilman Allsup, seconded by Councilman Cheney that we deed Pipeline Road to the City when the plat is approved. Motion carried unanimously.

Item D. Larger Culverts. Mr. Nelson stated that he desired to withdraw this appeal and agreed to put in the 18" culverts and be responsible for the water.

Item E. Added Storm Drains. The developer was desiring that the drainage take place in the natural gutters of the street on Riviera Heights Drive and would install a catch basin on Marina Heights Drive. The City Engineer stated he did not feel that the water should be run on top of the ground and that underground storm drainage should be installed. The City Engineer also stated that they had passed on 18" culverts but he felt that the developer should be required to analyze the drainage basin and the size of the culverts to size them to what will be required to handle the drainage.

MOTION by Councilman Earle, seconded by Councilman Allsup that we disapprove the 18" culverts on Item D that was requested by the Planning Commission's previous meeting, and that we correlate through engineering studies on the part of the developer to come up with a satisfactory storm drain system on Item E. Motion carried unanimously.

Item F. Water System. Mr. Nelson explained that the Planning Commission had approved the water system for Phase I only.

MOTION by Councilman Earle, seconded by Councilman Cheney that we deny Item F until we see factual information how they intend to do this and the City Engineer should approve it.

The City Attorney stated that the Planning Commission had accepted the preliminary plat with these conditions and the ordinance states that if the developer follows the preliminary plat that has been approved and finished these conditions that the approval of the final plat is a guarantee. The original motion was rescinded and restated as follows:

MOTION by Councilman Earle, seconded by Councilman Cheney that we deny this appeal in Paragraph F. Motion carried. Councilman Allsup voted "no".

Item G. Work on Road. Mr. Nelson felt that the developer should be allowed to do sloping along the road and have some access to Pipeline Road with due concern for the people on that road. He stated that tracked vehicles would be going on the road but the developer would do the repairs if they tore it up. He further stated that according to the title company the road was subject

to rights of way, easements, etc and it seems that the developer owns the dirt and the City could not stop the developer from using his own land. The City Attorney stated that he knew the intent of the Planning Commission's motion was that the developer would do no further construction on the road until the City Council approves the construction plans, and he suggested the following motion:

MOTION by Councilman Earle, seconded by Councilman Allsup that we overrule the condition of the Planning Commission and substitute the condition that the developer can do whatever the developer can do after the approval of the preliminary plat, except the developer cannot do what the developer can only do when they seek approval from the City Council under the construction plans. Motion carried unanimously.

Item H. Geologist's Report. The City Engineer felt that the geologist's report would be necessary before construction begins to analyze the slopes, design of the streets and cut and fill slopes.

MOTION by Councilman Cheney, seconded by Councilman Earle that we reject the appeal on Item H. Motion carried unanimously.

Item I. Engineer's Letter. The City Attorney stated that the preliminary plat has been approved step by step as it was approved by the Planning Commission with the conditions still on it that the Councilmen have denied. The one modification was the work on the road. The plat is now approved and there are conditions upon it and they must be followed.

2. Amendment to City Ordinance No. 216 (Zoning Ordinance) by amending Section 4.110, Commercial Tourism Zone, Subsection 1, uses and accessory uses permitted outright, to add (s) Financial Institutions.

Ordinance No. 331 was read in its entirety.

MOTION by Councilman Cheney, seconded by Councilman Earle to adopt Ordinance No. 331. Motion carried unanimously. Councilman Allsup abstained from voting.

MOTION by Councilman Cheney, seconded by Councilman Brimm that we read Ordinance No. 331 by title only. Motion carried unanimously.

Ordinance No. 331 was read by title only.

## VI. COMMUNICATIONS

1. Councilman Earle stated that May 10th had been proclaimed as Bruce Manley Day and he desired to plagiarize a quotation that was contained in the Curry Coastal Pilot by Lydia Boheim. Councilman Earle read the poem. Mayor Hitchcock stated that the honor was well bestowed.
2. Phillip Shea of Anderson Plumbing was present to discuss the water heater at the Municipal Swimming Pool. His bid was \$12,188 to furnish and install a new boiler at the swimming pool with necessary accessories. Since only \$6,000 was budgeted the following motion was made:

MOTION by Councilman Brimm, seconded by Councilman Allsup that we table the matter. Motion carried unanimously.

## VII. PUBLIC PARTICIPATION

1. Bill Durrell who represented the Senior Citizens asked the Council why they had been previously in favor of low cost housing and later reversed their decision. Councilman Earle replied that the original proposition was a

Federally funded program with no cost to the City. The Council then received an agreement restricting the rights of the people of the City in regard to taxation and controlling their property. It was not directed at Senior Citizens.

MOTION by Councilman Cheney, seconded by Councilman Brimm that we resubmit the document to the City Attorney for his opinion and was to be reconsidered at the next regular Council meeting. Motion carried.

Mayor Hitchcock requested the City Manager to contact the representative from HUD in North Bend to be present at the next meeting.

2. Pauline Olsen, member of the Library Board of Trustees questioned to whom the Library Board was responsible and what were the lines of communication and authority. The Council informed her that all financial and day to day business should go through the City Manager and Councilman Brimm would meet with the Library Board and then any problem would be brought before the whole Council. The City Attorney stated that the by-laws had been rescinded and they might need some operational or policy guidelines.

#### VIII. CITY ATTORNEY'S REPORTS

1. The City Attorney requested that the following motion be made:

MOTION by Councilman Earle, seconded by Councilman Allsup that the City enter into an intergovernmental agreement with Curry County for the County to perform road work within the City, and to authorize the City Manager to enter into such an agreement with the County provided it is under the sum of \$50,000. Motion carried unanimously.

2. The City Attorney informed the Council that the local Title Company was to check on the City holdings and would be complete with plat maps in about a week.

#### IX. CITY ENGINEER'S REPORTS

1. The City Engineer stated that two bids had been submitted for the infiltration-inflow project which had been estimated at \$55,000 to \$60,000. M&F Building had bid \$49,517.25 and Retana Enterprises \$63,721. He stated that it was a unit price project.

MOTION by Councilman Allsup, seconded by Councilman Earle that we accept M & F Building Company's bid in the sum of \$49,517.25. Motion carried unanimously.

2. The City Engineer informed the Council that there was \$40,000 available to improve some City streets including Cushing Court, Tanbark Street from Memory Lane, Matot Street, Hemlock from Wharf to Fern, Elk Lane behind City Hall and the lower end of Cove Road.

MOTION by Councilman Earle, seconded by Councilman Allsup to give authorization to advertise and open bids on May 27, 1980.

Councilman Allsup, with the concurrence of Councilman Cheney, requested that one of the streets be omitted and to improve Railroad Avenue since it is the truck route. The City Engineer stated that Railroad would be first on the list and Cushing Court last. They would pave as far as possible. The motion was voted upon and carried unanimously.

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City of Brookings  
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MOTION by Councilman Allsup, seconded by Councilman Earle that the meeting be recessed until 9:30 a.m. May 14, 1980. Motion carried unanimously.

The meeting was recessed at 10:05 p.m.

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

ATTEST:



MAYOR

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Mayor Pro-tem