

MINUTES
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
JUNE 14, 1977

Mayor Robert L. Kerr called the meeting to order at 8:00 p.m. Present were: Councilmen Tony Leeds and Darrell Allsup; City Attorney Cameron C. Thom, Joe Stonecypher, who represented consulting engineers H.G.E., Inc., and City Manager Al R. Hooten. Remaining Councilman, Ray Lockman, was absent as was City Recorder-Treasurer, Marge McKernan, because of illness.

APPROVAL OF MINUTES:

MOTION by Councilman Leeds, seconded by Councilman Allsup and carried unanimously that minutes of regular Council meeting May 10, 1977, be approved as presented.

PUBLIC HEARINGS:

REQUEST FOR ZONE CHANGE ON PORTION OF TAX LOT 1000, MAP 41-13-6DD LOCATED BETWEEN COVE ROAD AND MEMORY LANE BY JOHN WHEELER.

A Portion of tape of the June Planning Commission meeting was played so the Council could hear each member giving reason why they voted as they did concerning this matter and in turn recommending to the Council that the request be denied. This information was furnished in response to a request by the Council.

After considerable discussion, and hearing objections by interested property owners who reside across the street, MOTION was made by Councilman Allsup, seconded by Councilman Leeds and carried unanimously that zone change as requested by John Wheeler be granted.

The City Attorney informed Council that items 1 and 2 under Legislative Action on the Agenda should be in the Public Hearing category and the meeting continued accordingly.

ORDINANCE NO. 278 - AN ORDINANCE AMENDING ORDINANCE NO. 216 OF THE CITY OF BROOKINGS ADOPTED THE 14th DAY OF JULY 1970 BY ESTABLISHING PROVISIONS FOR THE GRANTING OF CONDITIONAL ZONE CHANGES AND DECLARING AN EMERGENCY.

Proposed Ordinance No. 278 was read by City Manager.

Mayor Kerr asked that Recommendation No. 178 from the Planning Commission be read. Mr. Hooten read the Recommendation which is made a part hereof.

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After lengthy discussion in which the audience participated, Mayor asked for motion to change certain wording.

MOTION by Council, second by Councilman Leeds that the word "speculative" be changed to "promote progressive" in the last sentence of the first paragraph in Section 6. Motion carried unanimously.

Mayor then asked for the reading of proposed Ordinance No. 278 by title only.

Councilman Leeds made MOTION that proposed Ordinance No. 278 be read by title only. Seconded by Councilman Allsup. Roll call was as follows:

Mayor Kerr	Aye
Councilman Allsup	Aye
Councilman Leeds	Aye
Councilman Lockman	Absent

Proposed Ordinance No. 278 was then read by title only.

MOTION by Councilman Leeds, second by Councilman Allsup that Ordinance No. 278 be adopted. Roll call was as follows:

Mayor Kerr	Aye
Councilman Allsup	Aye
Councilman Leeds	Aye
Councilman Lockman	Absent

Ordinance No. 278 was then declared adopted.

ZONE CHANGE REQUEST BY FRANK M. CEBELLIN ON TAX LOT 300
MAP 41-13-6CD.

City Attorney gave brief summary of actions to date and since an adequate presentation of petition had not been made as requested, suggested the following alternatives to Council:

1. Adopt his zone change as requested. If done, the Council will probably meet with an appeal to the circuit court and eventually the supreme court to set aside the action. It is the impression of the City Attorney this appeal would be successful. Also, the appeal would have to be defended by Mr. Cembellin's interests entirely, not at the cost of the City.

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2. Reject his zone change which will have the effect of setting him back at least six months before the application could be refiled.
3. State that an inadequate showing had been presented from the Planning Commission and refer the whole thing back to the Planning Commission and let them contact him to bring up his petition into form if he wants to.

MOTION by Councilman Leeds, second by Councilman Allsup that zone change request by Frank M. Cembellin be referred back to the Planning Commission. Motion carried unanimously.

City Attorney said Mr. Cembellin should be advised that his petition is inadequate and if he wants to present it he should go through proper procedures which allows him to do that without having to wait six months first. Mayor said he has instructed City Manager to write letter.

MONTHLY REPORTS:

City Attorney - At the regular Council meeting in May, the Fire Protection Agreement with Dawson Tract was referred to the City Attorney to prepare a revised form.

The revised form was read and after determining that action on this Agreement would be appropriate at this time,

MOTION was made by Councilman Allsup, seconded by Councilman Leeds and carried unanimously that the Fire Protection Agreement with Dawson Tract be accepted.

Consultant Engineer's Report - Joe Stonecypher advised they anticipate finishing Chetco Avenue water line probably the middle of next week, item yet to be done is asphaltting and the finishing of this will depend on when asphalt supplier can come in and do job in the shortest possible time.

High Level Water System is continuing to be worked on and two sets of the preliminary plans will be in the local engineer's office for review. A final set of plans will be complete before the next Council meeting.

It was recently discovered there was not the money thought to be in the Water Construction Fund including the additional \$100,000 grant which FHA promised and in further correspondence with Larry Spindler and Dan Frasier it looks like we might be able to get some additional money to complete the project but it will take several months until

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the next fiscal year.

The preliminary plans will show the changes discussed regarding the pump stations. One sheet is missing, the Alternate #1, the double run from Old County Road down to the Mill.

LEGISLATIVE ACTION:

3. LETTER OF RESIGNATION FROM PUBLIC SERVICE COORDINATOR, ELMER S. LEE.

Mayor read letter without comment.

MOTION by Councilman Leeds, second by Councilman Allsup and carried unanimously that resignation of Elmer S. Lee be accepted.

4. LETTER FROM RICHARD W. KEUSINK.

Mayor read letter dated June 2, 1977, addressed to Mr. Al R. Hooten, City Manager of the City of Brookings.

This letter, written because of recent drawings showing projected recreation use in Brookings indicating the use of Brookings reservoir as a recreation site. Existing access road to area is owned by Mr. & Mrs. Richard Keusink and the City has easement only for the repair and maintenance of water lines in area and access to reservoir.

This letter is for the record and according to the Mayor is to be filed with prepared plot plan.

5. PAYMENT OF VOUCHERS FOR MAY 1977:

The Mayor advised the figure of \$32,213.68 had been revised upward to \$41,833.75 because of the addition of two late bills; one from National Geographic, \$3.95, and the other from F & C Construction, Inc. for \$9,616.12.

MOTION by Councilman Leeds, second by Councilman Allsup and carried unanimously that bills in the amount of \$41,833.75 be paid.

MANAGER'S REPORT:

Mr. Hooten presented his report item by item and written report is made a part of these minutes.

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Commenting on one item in Mr. Hooten's report, the Mayor said he was real upset about the EDA at this time regarding the criteria they set up for their funds and felt that a letter of dissatisfaction should be sent. It came down to him that one of our congressmen reported that Curry County was as well qualified as some of our neighboring counties that came up with 2½ million dollars of the EDA grants but they went to the areas of greater population where there would be a greater number of votes to buy.

The Mayor appointed Ray Lockman as Council President to replace Ellis Dowden who held that position at the time of his resignation from the Council.

The Mayor announced the Council has made a decision to meet at the City Council Chambers the fourth Tuesday of each month at 7:30 p.m. to make themselves available to the public for the sake of better communication. No official business will be conducted but it will give the public an opportunity to meet with and discuss community problems with the Council outside the regularly scheduled monthly meeting.

OPEN DISCUSSION:

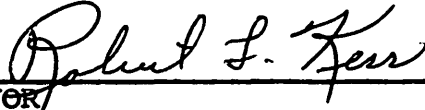
The Mayor recognized Mr. John Darjany who again discussed property near the intersection of King and Wharf Streets, easement, street location, and city water and sewer lines and made several proposals to the City. An unsigned brief concerning this property and his proposals is made a part of these minutes.

The City Attorney was asked to investigate and advise the Council.

ADJOURNMENT:

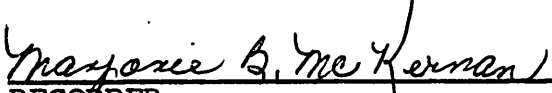
The meeting was adjourned by the Mayor at 10:00 p.m.

This meeting was recorded on tape which is filed in the City Recorder's Office.



MAYOR

ATTEST:

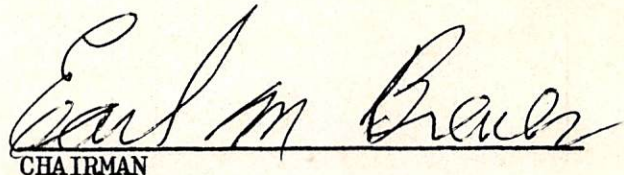


RECORDER

CITY OF BROOKINGS
PLANNING COMMISSION RECOMMENDATION
NO. 178

A public hearing was held before the City of Brookings Planning Commission on June 6, 1977, to discuss the proposed Ordinance which is an Ordinance amending Ordinance No. 216 of the City of Brookings adopted the 14th day of July, 1970, by establishing provisions for the granting of conditional zone changes and declaring an emergency. A healthy discussion but no remonstrances to this proposed ordinance.

We, the City Planning Commission, hereby recommend to the Brookings City Council that this proposed Ordinance be adopted with the following change in Section 6, first sentence in paragraph 2, "A site plan approved by the Planning Commission shall be required and the same shall be binding upon the property".


EARL M. BREWER

6-8-77
DATE

This brief is prepared for all interested parties in reference to a certain peice of propety located west and north of the intersection of King and Wharf street in the city of Brookings.

I purchased this property some 11 months ago. A survey of the property disclosed the following facts:

1. Wharf street is not on the easement provided for it but rather runs diagonally across this property.
2. The provided easement provided for a 40 ft. wide area--the street, and city lines use a strip approximately 65 ft. wide.
3. a title search states, " sewer line and water line exists on this property without easement.
4. The water line on private property is almost entirely above ground, creating potential hazard, both to the water lineand the property. Needless to say any equipment used on the property will be in danger of damage.

Several offers have been made to the city to resolve this problem at a minimum expense or inconvenience to the city, but apparently these offers have been ignored or set aside.

The two major offers were;

1. To sell the half acre containing the road and the utilities to the city at a fraction of its appraised value (\$5,500.00) at a low rate of interest on a long term contract if necessary.
2. To deed to the city the existing road and sewer line which comprises by the city engineers figuring nine thousand sq. ft. in exchange for five thousand sq. ft. that borders the south side of the property and which was intended to be wharf street.

I have recieved no response on these offers. I have incurred substantial expense as a result of this situation and choose to accomplish the following;

1. To re-submit these offers for immediate consideration and a rapid solution.
2. To submit the entire matter to litigation incurring additional expense to both parties involved.
3. To make this information a matter of record that I may no longer be advised that the city is not aware of the entire situation or any part of it.

Respectfully

John Darjany

Richard & Polly Keusink
publishers and editors

BROOKINGS · HARBOR
PILOT
OFFICIAL CURRY COUNTY NEWSPAPER

Box 700
Brookings, Oregon 97415
phone (503) 469-3123

June 2, 1977

Mr. Al R. Hooten
City Manager
City of Brookings
Brookings, Oregon 97415

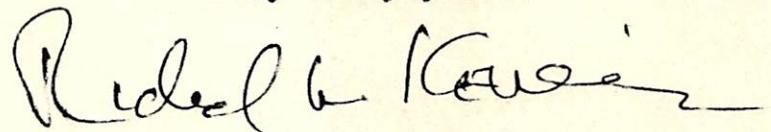
Dear Mr. Hooten:

Recent drawings showing projected recreation uses in Brookings prepared by Ann Pendergrass Bettman indicate the use of the Brookings Reservoir as a recreation site.

At present, the existing road to the Brookings Reservoir is over land owned by Mr. and Mrs. Richard W. Keusink. The only easement is granted the City of Brookings for the repair and maintenance of certain water facilities and the road itself, and there are no rights for the City of Brookings or the public to use that road for other purposes.

The use of the land described by Bettman, is illegal.

Very truly yours,



Richard W. Keusink
Publisher

cc: Cameron Thom, City Attorney
Robert L. Kerr, Mayor of Brookings
Ellis Watkins, President of Brookings Parks and Recreation
Commission

MANAGER'S REPORT

JUNE 14, 1977

ITEM CITY BUDGET

The Pilot has been kind enough to allow us the space and 5 articles the last of which will be printed this week concerning various Departments of the City and their operations.

Fact sheets are prepared and are now available showing actual percentage and cost comparisons for each Department.

The ballots are ready and the City election date is next Tuesday, June 21.

ITEM The City has received notice from EDA that our water system project under the Public Works Act has only one difficiency and that is the signed easements required out in the Dodge Avenue area.

We will be finalizing those this week with the property owners and will supply these to Seattle.

Comments:

11 counties in Oregon have yet to receive funding in the 1st and 2nd rounds of fund allotment.

Tillamook and Curry are the only Coastal Counties in this group.

ITEM SB 661

Given a "surprise" do-pass by State/ Federal affairs committee.

Comments:

This bill centers around a Salem, Oregon situation where the City is taking over an existing water system and will be making an upcharge to the current users.

This bill requires any city supplying water to domestic users shall do so with inside rates being the same as outside rates.

The League Staff went into hearings today to either place certain amendments to the bill or to simply oppose it altogether.

COMMENTS

ITEM Meeting with County Commissioners..

(a) Their action concerning Fire Chief Frank - (County Emergency Service Director on an iterim basis.)

(b) Requested that reimbursement be made to City when he goes to conferences or serves the County by being away.

ITEM Agreement between City and H.G.E. has been approved by Fm.H.A.

ITEM EDA has approved our consultant for the Industrial Feasibility Study that will start this Thursday, June 16.

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ITEM The main storage tank (1.5 million gal.) has now been drained and inspected with plans now to repair it completely later this month.

Blistering has taken place and the manufacturer and paint supplier will bear this cost.

ITEM Letter to Forest Supervisor from Sierra Club.

County Commissioners are very concerned at the context of this letter because it seems to indicate that the Sierra Club intends to block timber sales if they happen to be in the vicinity of a wilderness area either designated or not.

The economic impact of this sort of thinking is frightening.

Al R. Hooten, City Manager

ARH:cc

VOUCHERS PAYABLE
CITY OF BROOKINGS
MAY 1977

<u>Name</u>	<u>Amount</u>
Acco Contractors	\$ 1,019.78
A.J.E. Enterprise	1,029.52
A.J.E. Enterprise	192.00
Akin Motor Co., Inc.	16.00
American Linen Supply	163.10
Ayer Press	54.89
Baker & Taylor Companies	55.33
Barco Coastal Supply, Inc.	29.90
R. R. Bowker	41.15
R. R. Bowker Order Dept.	14.95
Brodart, Inc.	15.08
B & L Kawasaki, Inc.	10.00
Robert E. Babb	8.45
Wendell Bartholomew	50.00
P. Beres	37.00
Brookings Electronic Service Co.	63.50
Brookings Fire Dept.	270.00
Brookings Office Supplies	149.95
Brookings-Harbor Pilot	2.80
Brookings Plywood Corp.	63.90
Brookings Tire Service	4.00
Budge McHugh Supply Co. (\$2472.63 less \$304.26 discount fr 7/76)	2,168.37
Brookings, City of WOMF	309.25
C & L Office Supplies	84.90
Cantel of Medford, Inc.	6.00
Central Pacific Freight Lines	11.99
Robert E. Chapman	46.00
Chetco Rexall Drugs, Inc.	4.40
Coastal Petroleum Sales	1,036.16
Congressional Quarterly, Inc.	67.50
Coos-Curry Electric Coop., Inc.	2,138.04
Cornell Manufacturing Co.	100.46
C. M. Cross	9.35
Curry County Communications	108.10
Curry County Road Dept.	4.80
Curry County Printing	165.10
Dan's Photo & Cameras	11.56
Del-Cur Supply Co-Op	23.60
Department of Commerce	100.00
Department of Revenue	8.75
Samuel W. Dotson	14.93
Edward S. Walsh Co. of Redding, Inc.	245.27
Elmer's Flag & Banner	81.90

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<u>Name</u>	<u>Amount</u>
Engineered Control Products, Inc.	\$ 148.29
Avery D. Ensley, Jr.	70.25
F & C Construction Co.	92.41
Frank's Office Equipment	5.00
Freeman Rock Enterprises	216.37
Genealogical Books in Print	9.95
General Telephone Co. of the Northwest Inc.	710.36
H.G.E., Inc.	10,830.57
Hanscam's Center, Oregon Ltd.	31.77
Harbor Drug Center, Inc.	48.03
Harbor Equipment	21.89
Hinds Supply Co.	4,234.16
Homer's Rent-All	21.50
Al Hooten	38.31
International City Management Ass'n.	27.50
J.S.W. Construction	1,077.72
Kerr Ace Hardware	209.70
Little, Brown & Co.	6.67
Littrell Parts of Brookings	283.49
Marquis Who's Who	136.50
Marshfield Electric Co.	2.35
Medford Laboratories, Inc.	15.00
Mill Beach Garden Shop	118.44
Motor Vehicle Division	40.00
McInturff, Thom & Collver	350.00
Marjorie B. McKernan	25.00
Northgate Mobil	28.55
O K Tire Store	5.50
Oregon Narcotics Enforcement Assoc.	40.00
Lyle K. Owens	4.70
Pacific Water Works Supply Co., Inc.	134.02
Paramount Pest Control, Inc.	8.00
Pennwalt Corporation	229.50
Peterson's Guides	10.15
Proctor's	22.53
Ray's Sentry	83.43
Regent Book Company, Inc.	5.77
Registrar of Charitable Trusts	5.00
Serina Press	6.70
Shannon & Wilson, Inc.	600.00
Shell Oil Company	691.96
Singleton Plumbing	7.48
South Coast Lumber Co.	67.50

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<u>Name</u>	<u>Amount</u>
South Coast Stationery	\$ 69.62
Square Deal Lumber Yard, Inc.	36.68
Sterling Publications	25.56
Palm M. Stout	50.00
Suiter's Paint & Body	7.50
Jerry R. Swanson, Land Surveying	18.00
Ted's Drive Inn	12.00
U. S. Post Office	775.00
V.W.R. Scientific, Inc.	29.76
Waterworks Supplies Co.	167.44
Western States Fire Apparatus, Inc.	111.42
Sam Williams	29.95
H. W. Wilson Company	<u>121.00</u>
Total	\$32,213.68
 Add:	
National Geographic	3.95
F & C Construction, Inc.	<u>9,616.12</u>
TOTAL	<u>\$41,833.75</u>