

MINUTES
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
SEPTEMBER 9, 1975

The meeting was called to order at 8:00 p.m. by Mayor Robert L. Kerr. Members present were Councilmen Jack Ross, Ellis Dowden, and Darrell Allsup. Absent was Councilman William Guthrie.

APPROVAL OF MINUTES:

Councilman Ross asked for correction on the minutes of August 12, 1975, under Legislative Action, Item No. 4, Approval of Write-off on Sewer Usage Account No. 1-388. This Motion was carried, but not unanimously. Councilman Ross abstained from voting.

MOTION was then made by Councilman Ross, seconded by Councilman Allsup and carried unanimously that the minutes of August 12, 1975, be approved as corrected.

MONTHLY REPORTS:

City Attorney - None.

City Engineer - Gary Dyer reported the following:

BROOKINGS-HARBOR INTERCEPTOR - Gary Dyer recommended to the Council that the contract for Brookings-Harbor Interceptor be awarded to the lowest bidder Ken Bostick in the amount of \$129,136.25.

MOTION was made by Councilman Allsup, seconded by Councilman Ross, and carried unanimously that the bid for Brookings-Harbor Interceptor be awarded to Ken Bostick, contingent upon EPA grant and award.

MEMORY LANE PUMP ADDITION - Gary Dyer advised the Council that he had received verbal approval from EPA that this project is eligible for 75% grant, and requested authorization to advertise for bids.

MOTION was made by Councilman Ross, seconded by Councilman Dowden and carried unanimously that Gary Dyer, City Engineer, be authorized to advertise for bids on Memory Lane Pump Addition, bids to be opened at 3:00 p.m. on October 14, 1975.

WATER FILTRATION PLANT BIDS - Gary Dyer asked for authorization to change the bid opening time from 8:00 p.m. to 2:00 p.m. on September 25, 1975. Authorization was granted.

PUBLIC HEARING:

BROOKINGS SANITARY SERVICE RATE INCREASE. This public hearing was held for the purpose of an increase in the present charges in sanitary services within the City of Brookings. There were no objections registered to this increase.

ORDINANCE NO. 263. AN ORDINANCE AMENDING SECTION 11 OF ORDINANCE 199 PROVIDING REVISED SCHEDULE OF RATE FOR GARBAGE COLLECTION AND DISPOSAL SERVICE AND DECLARING AN EMERGENCY, was read in full.

MOTION was made by Councilman Ross and seconded by Councilman Dowden that Ordinance No. 263 be read the second time by title only. Roll call was as follows:

Mayor Robert L. Kerr	Yes
Councilman Ross	Yes
Councilman Dowden	Yes
Councilman Allsup	Yes
Councilman Guthrie	Absent

Ordinance No. 263 was then read the second time by title only.

MOTION was made by Councilman Ross and seconded by Councilman Allsup that Ordinance No. 263 be adopted. Roll call was as follows:

Mayor Robert L. Kerr	Yes
Councilman Ross	Yes
Councilman Dowden	Yes
Councilman Allsup	Yes
Councilman Guthrie	Absent

Ordinance No. 263 was then declared adopted.

LEGISLATIVE ACTION:

1. ORDINANCE NO. 262. AN ORDINANCE ADOPTING A UNIFORM FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, AND ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFORE AND DEFINING THEIR POWERS AND DUTIES.

MOTION was made by Councilman Ross, and seconded by Councilman Allsup that Ordinance No. 262 be read the second time by title only. Roll Call was as follows:

Mayor Robert L. Kerr	Yes
Councilman Ross	Yes
Councilman Dowden	Yes
Councilman Allsup	Yes
Councilman Guthrie	Absent

Ordinance No. 262 was then read the second time by title only.

MOTION was made by Councilman Ross and seconded by Councilman Allsup that Ordinance No. 262 be adopted. Roll call was as follows:

Mayor Robert L. Kerr	Yes
Councilman Ross	Yes
Councilman Dowden	No
Councilman Allsup	Yes
Councilman Guthrie	Absent

Ordinance No. 262 was then delcared adopted.

2. AUDIT REPORT - YEAR 1974-75.

Audit report was presented to Mayor and Council.

3. AUTHORIZATION TO ADVERTISE FOR POLICE CAR BIDS.

After some discussion a MOTION was made by Councilman Dowden, seconded by Councilman Ross and carried unanimously that authorization be postponed until the next regular council meeting of October 14, 1975.

4. ORDINANCE NO. 264. AN ORDINANCE AMENDING SUBSECTION 2a OF SECTION 5, ORDINANCE NO. 190, OF THE CITY OF BROOKINGS PROVIDING FOR AN INCREASED MINIMUM WATER SERVICE DEPOSIT, was read in full.

MOTION was made by Councilman Dowden and seconded by Councilman Ross that Ordinance No. 264 be read the second time by title only. Roll call was as follows:

Mayor Robert L. Kerr	Yes
Councilman Ross	Yes
Councilman Dowden	Yes
Councilman Allsup	Yes
Councilman Guthrie	Absent

Ordinance No. 264 was then read the second time by title only.

MOTION was made by Councilman Ross and seconded by Councilman Dowden that Ordinance No.264 be adopted. Roll call was as follows:

Mayor Robert L. Kerr	Yes
Councilman Ross	Yes
Councilman Dowden	Yes
Councilman Allsup	Yes
Councilman Guthrie	Absent

Ordinance No. 264 was then declared adopted.

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5. RESOLUTION NO. 183 - RESOLUTION DESIGNATING A NO TRUCK PARKING ZONE,
was read in full.

MOTION was made by Councilman Allsup, seconded by Councilman Ross and carried unanimously that Resolution No. 183 be adopted.

6. LIQUOR APPLICATION APPROVAL REQUESTS FROM CORK N' CLEAVER AND AZALEA LANES.

MOTION was made by Councilman Ross, seconded by Councilman Allsup and carried that these applications be approved. Mayor Kerr abstained from voting.

7. PAYMENT OF VOUCHERS - AUGUST 1975.

MOTION was made by Councilman Ross, seconded by Councilman Allsup and carried unanimously that vouchers in the amount of \$28,470.24 be paid.

8. INQUIRIES RECEIVED FROM:

- a. RALPH CHENEY RE SPEEDING TRAFFIC ON RAILROAD STREET.

Mr. Cheney inquired to see if anything could be done about the speeding done on Railroad Street. He suggested a speed limit be set and signs posted, then be enforced by an unmarked vehicle.

Mr. Cheney also asked if the Fern Avenue street sign be moved from the present location on Railroad Street to the opposite side of Railroad Street by the stop sign. Fern Avenue ends at the stop sign. Sam Williams, Street Foreman, was instructed to check on the sign.

- b. REQUEST FOR STREET LIGHT TO BE PUT ON MEADOW LANE.

Seven families located on Meadow Lane inquired as to the possibility of a street light being installed and maintained by the City of Brookings. They were advised that at the present time there are no monies available for new street lights. It was suggested that possibly the residents located on Meadow Lane could have a street light installed and share the expenses.

OTHER MATTERS:

WATER FACILITIES IN CERTAIN AREAS OF THE CITY.

There was a lengthy discussion on water service availability to certain areas of the City, due to inadequate water lines.

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MOTION was made by Councilman Dowden, seconded by Councilman Allsup and carried unanimously that all building permits issued are to be approved by the Council until further notice.

PROPOSED SEWER DISTRICT NO. 5.

Elmer Lee, Public Service Coordinator, requested authorization to proceed with necessary requirements on Sewer District No. 5.

MOTION was made by Councilman Ross, seconded by Councilman Allsup and carried unanimously that Mr. Lee has authorization to proceed and mail out questionnaires for the citizens input.

AGREEMENT WITH CHURCH OF LATTER DAY SAINTS IN THE MATTER OF FERN STREET - ELK DRIVE RIGHT OF WAY.

Church of Latter Day Saints offered property for street purposes, water lines, sewer lines and utility uses in exchange for paving of said property and some other stipulations.

MOTION was made by Councilman Dowden, seconded by Councilman Ross and carried unanimously that this agreement be tabled until proper research is completed. City Attorney was instructed to correspond with representatives of Church of Latter Day Saints. Harry Parsi was instructed to set stakes on the described property.

CONDITION OF SEASCAPE COURT ROADWAY.

Complaints have been brought to the attention of Public Works Department that due to the installation of a private water service line by Leo Appel, II, the roadway is in poor condition. Sam Williams, Street Foreman, was instructed to investigate.

ADJOURNMENT:

MOTION was made by Councilman Dowden, seconded by Councilman Ross and carried unanimously that the meeting be adjourned until September 16, 1975, at 8:00 p.m. The meeting was then adjourned at 10:00 p.m.

SEPTEMBER 16, 1975

Council meeting was reconvened at 8:10 p.m. and called to order by Mayor Robert L. Kerr. Members present were Councilman Jack Ross and Darrell Allsup. Councilman Ellis Dowden arrived at the meeting at 8:25 p.m. Councilman William Guthrie was absent.

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OTHER MATTERS:

PROGRESS PAYMENT TO HORTON BROS. ON LIBRARY ADDITION CONSTRUCTION.

MOTION was made by Councilman Allsup, seconded by Councilman Ross and carried that the voucher in the amount of \$10,047.70 be paid.

INCREASE ON NUMBER OF VOLUNTEER FIREMEN.

MOTION was made by Councilman Ross, seconded by Councilman Allsup and carried that the number of volunteer firemen be increased from 24 members to 34 members.

DISCUSSION OF WATER SERVICE TO SPECIFIC AREAS WITHIN CITY OF BROOKINGS.

Oscar Boyer, who requested building permits for ten (10) houses on 3rd Street and Ransom Avenue, was in the audience and asked when water would be available to this area. Mayor Kerr advised that a water flow test would have to be obtained in this area before an answer could be given. The Health Department maintains that it is necessary to have at least 20 pounds pressure in the lines.

Councilman Dowden arrived at the meeting at this time.

Council advised that after the bid opening on September 25, 1975, for the water filtration plant, they will then be in a better position to know the balance of monies that will be available to use for extending water lines into the City.

CITY OF BROOKINGS CONTRACTS.

Councilman Dowden read a letter received from the law offices of Souther, Spaulding, Kinsy, Williamson & Schwabe, Portland, Oregon, which reads in part:

"As I understand the matter there are two questions presented:

- (1) whether the Memorandum of Agreement dated July 20, 1973, is valid in view of certain misrepresentations that were made concerning the amount of property being conveyed under that Agreement; and
- (2) whether the engineering contract with H.G.E., Inc. is valid.

Mr. Roberts had advised that H.G.E., Inc. has agreed to re-negotiate the contract with the City. We wish to emphasize that a new contract should give the City the right to terminate and cancel the contract with or without cause. The contract should also include the obligatory statutory language included in ORS 279.310 et seq. It was the absence of this language which was the basis of our opinion that the previous

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contract was probably void.

If representations were made by agents of Brookings Utility Company that one hundred (100) acres would be conveyed under the agreement, and such conveyance was not made, this would amount to a material misrepresentation. The contract would therefore, be voidable by the City or the City could obtain damages, at its option. The measure of damages would be the value of the acreage not deeded.

In order for us to determine whether misrepresentation has in fact been made it would be necessary for us to contact those persons who participated in the negotiations on behalf of the City - and perhaps even the utility company's negotiators - in order to determine just what was said and by whom. I would estimate that our fee for such an investigation would be around \$300. If unforeseen circumstances should arise we would notify you before incurring a cost in excess of this amount."

After some discussion on the above named investigation, a MOTION was made by Councilman Ross, seconded by Councilman Dowden and carried unanimously that the firm of Souther, Spaulding, Kinsy, Williamson & Schwabe proceed with the investigation.

COMPREHENSIVE WATER STUDY.

The Council discussed the need for a comprehensive water study. It was the consensus of the Council that it would be wise to check with different engineering firms to obtain proposals for a comprehensive water study.

David B. Hammond, Civil Engineer, with Dortch, Gresden & Associates of Klamath Falls, Oregon, was in the audience and expressed his views on proposals being presented to the City.

WATER LINE ON SEASCAPE COURT.

Leo Appel, II, was in the audience and advised the Council that where he had put in a private water line on Seascape Court, he had this date restored the roadway to its former condition.

Property owners on Seascape Court (formerly Lowe Street) have expressed their interest in dedicating to the City certain portions of this street. Harry Parsi, Engineering Department, was instructed to check with the County to find out who owns this street, and then a title search should be obtained..

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ADJOURNMENT:

MOTION was made by Councilman Dowden, seconded by Councilman Allsup and carried unanimously that the meeting be adjourned. The meeting then adjourned at 9:30 p.m.

The meeting was recorded on tape and is on file in the Recorder's Office.

Robert L. Kern
MAYOR

ATTEST:

Maryellen G. Mc Kernan
RECORDER-TREASURER

We, the undersigned members of the Council of the City of Brookings, hereby consent to a special meeting to be held at 2:30 p.m. O'clock, Wednesday, October 1, 1975, at the City Hall in Brookings, Oregon.

William J. Smith

Robert F. Kerr

Dannel Allsup

Clair A. Law

Witnessed by: Marjorie B. McKernan
Recorder-Treasurer

Project No. 1657-A-73

September 25, 1975

. . . B I D T A B U L A T I O N . . .

ITEM	S ₂ Contractors, Inc. 1919 Laura Springfield, OR 97477	Neil Van Zyl, Inc. 16221 S.E. Van Zyl Road Clackamas, Oregon	Willis Mechanical 687 McKinley St. Eugene, OR 97402
BASIC BID	\$ 389,990.00	\$ 434,500.00	\$ 485,925.00
ALTERNATE BID #1	\$ 10,500.00	\$ 9,800.00	\$ 13,716.00
Alternate Equipment Bids			
1) Treated Water Pumps (Three Required) Complete	(1) Johnson \$ 14,970.00	(1) Layne, Bowler \$ 17,500.00	(1) Layne & Bowler \$ 16,477.00
	(2) Singer, Layne & Bowler \$ 13,929.00	(2) Jacuzzi \$ 18,500.00	(2) Worthington \$ 16,684.00
	(3) Worthington \$ 14,118.00	(3) Worthington \$ 18,400.00 or - Johnston \$18,800	(3) _____ \$ _____
2) Backwash Recirculation Pump (One Required) Complete	(1) Peabody - Barnes \$ 292.00	(1) Peabody \$ 500.00	(1) Peabody - Barnes \$ 580.00
	(2) Hydromatic \$ 472.00	(2) Hydronix \$ 590.00	(2) _____ \$ _____
	(3) Paco \$ 788.00	(3) Paco \$ 985.00	(3) _____ \$ _____
3) Raw Water Intake Pump (One Required) Complete	(1) Johnson \$ 4,463.00	(1) Johnston \$ 5,700.00	(1) Layne - Bowler \$ 5,663.00
	(2) Singer, Layne \$ 4,498.00	(2) Layne, Bowler \$ 5,800.00	(2) Worthington \$ 6,163.00
	(3) Jacuzzi \$ 4,514.00	(3) Jacuzzi \$ 6,000.00	(3) _____ \$ _____
4) Clearwell Drain Pump (One Required) Complete	(1) Peabody - Barnes \$ 292.00	(1) Peabody \$ 500.00	(1) Peabody - Barnes \$ 580.00
	(2) Hydro Matic \$ 472.00	(2) Hydromix \$ 590.00	(2) _____ \$ _____
	(3) Paco \$ 788.00	(3) Paco \$ 985.00	(3) _____ \$ _____
5) Telemetry Controls Complete	(1) Unipac \$ 6,600.00	(1) Uni Pac \$ ---	(1) Unipack \$ 10,032.00
	(2) _____ \$ _____	(2) _____ \$ _____	(2) _____ \$ _____
	(3) _____ \$ _____	(3) _____ \$ _____	(3) _____ \$ _____
6) Chlorination Equipment Complete	(1) Wallace & Tierman \$ 4,042.00	(1) W & T \$ ---	(1) W & T \$ 4,886.00
	(2) _____ \$ _____	(2) _____ \$ _____	(2) _____ \$ _____
	(3) _____ \$ _____	(3) _____ \$ _____	(3) _____ \$ _____

ENGINEERS ESTIMATE = \$385,300.00