

MINUTES
BROOKINGS COMMON COUNCIL
APRIL 13, 1971

The regular meeting of the Common Council was held in the Council Chambers of the City Hall on the above date. The meeting was called to order at 8:00 p.m. by Mayor Lester R. Williams. Members present were: Councilwoman Kemp and Councilmen Rush Long and Cal Gorte. Councilman William Higham was absent.

APPROVAL OF MINUTES

Mayor Williams asked for approval of minutes for March 9 and March 17, 1971, meetings. Minutes were read aloud by Recorder-Treasurer Christine R. Caudill in response to a request by Councilwoman Kemp.

It was then MOVED by Councilwoman Kemp, seconded by Councilman Long and carried that the minutes be approved.

LEGISLATIVE ACTION

1. MAYOR'S APPOINTMENTS

a. PARKS AND RECREATION COMMISSION

The Mayor announced his prior appointment to a two year term, James Barrett, had asked to be relieved of the appointment. Request was granted.

The Mayor then appointed:

Marshall Hoppin	Term Ending 12/31/72
Lee Hansen	Term Ending 12/31/72
Allen Ettinger	Term Ending 12/31/74

MOTION was made by Councilman Long, seconded by Councilwoman Kemp and carried that appointments to the Parks and Recreation Commission as named by the Mayor be accepted.

b. PLANNING COMMISSION

The Mayor appointed J. J. Jozens to the Planning Commission.

MOTION was made by Councilman Gorte that J. J. Jozens be accepted as a member of the Planning Commission. The Motion died for lack of a second.

The Mayor then named Earl Breuer as his appointment to Planning Commission to fill the vacancy created by the appointment of Cal Gorte to the City Council, whose term on the Planning Commission expires April 21, 1972.

MOTION was made by Councilman Gorte, seconded by

Councilwoman Kemp and carried that Earl Breuer be accepted as a member of the Planning Commission to serve out the unexpired term of former Commissioner Gorte.

Carl Rust was named by the Mayor to serve a four year term on the Planning Commission in the position formerly held by Ernest Christensen whose term expires April 21, 1971.

MOTION was made by Councilman Long, seconded by Councilman Gorte and carried that Carl Rust be accepted to serve on the Planning Commission for a four year term.

The Mayor named Ernest Christensen to fill the vacancy created by the expiration of the term of Jack Holte, April 21, 1971.

MOTION was made by Councilman Gorte, seconded by Councilman Long and carried that Ernest Christensen be accepted as member of Planning Commission for a four year term.

2. RESOLUTION FOR AGREEMENT BETWEEN STATE OF OREGON AND CITY OF BROOKINGS FOR STREET LIGHT AT THE INTERSECTION OF CHETCO AVENUE AND OAK STREET.

Resolution No. 155, which was tabled at the March 9, 1971, Council meeting was re-read by the Mayor. It was the consensus of opinion this project would qualify for participation by the County through the City-County Road Fund and that a written agreement from the County should be on record.

MOTION was made by Councilwoman Kemp, seconded by Councilman Long and carried that Resolution No. 155 be adopted on condition a written agreement of funds available from the County is on record with the City.

3. CITY OWNED PROPERTIES.

- a. Appraisals and indebtedness reported against the listed properties were:

Tax Lot 500, Map No. 41-13-6BA	
Appraisal	\$3,500.00
Indebtedness	\$4,508.71
Tax Lot 2500, Map No. 41-13-6BA	
Appraisal	\$1,250.00
Indebtedness	\$2,914.40

MOTION was made by Councilwoman Kemp, seconded by Councilman Long and carried that the property be published for sale for the minimum amount of indebtedness owing the City.

4. GRADING - MAPLE, PORTION OF CEDAR & OXFORD STREETS.

One bid was received from Da-Tone Construction Company which was accompanied by bid bond for 10% of bid amounting to \$18,120.00.

The City Attorney called for the Engineer's estimate which was slightly over \$25,000. Since the difference between bid and estimate was substantial, the City Attorney asked the Engineer for project, Mr. Ed Riley, to verify extensions. Discussions regarding several items which could of contributed to some of the difference followed.

MOTION was made by Councilman Long, seconded by Councilwoman Kemp and carried that the bid for grading Maple, portion of Cedar and Oxford Streets, submitted by DaTone Construction Co. in the amount of \$18,120.00 be accepted.

5. PAYMENT OF VOUCHERS - March 1971.

MOTION was made by Councilman Long, seconded by Councilman Gorte and carried that the March 1971 vouchers in the amount of \$9,368.27 be paid.

OTHER MATTERS

Mr. Adam Conrad, who owns property on Old County Road, told the Council he had been trying to get the water hooked up for the past several weeks but the hookup has not been accomplished as yet. He wanted to know how he could get some action.

Elmer Lee, Superintendent of Public Works said the City had not received an application from the water company for a permit to cut street up Old County Road.

Mrs. Mildred Byrne then addressed the Council as representing the Brookings Utilities Company. She said the installation of water meter for Mr. Conrad necessitated the laying of 300 feet of water main up Old County Road to his property. Under the recently enacted Ordinance the water company would be required to put up a deposit for just under \$1,200.00. She said previously the water company had been permitted to make street cuts under Bond which does not expire until July 29, 1971.

Mr. Conrad asked why the work couldn't be done under the Bond. It was explained that the City has the authority to change its policy at any time and the Ordinance requiring deposit supercedes former policy.

The Mayor remarked that keeping the streets in the best possible shape is most important. The need for a new policy concerning street cuts was brought about due to the results of street repair not being satisfactory.

Mrs. Byrne stated that provision had not been made for backlong funds for deposits. Also that certain commitments had been made to the PUC and health agency, at the time of their rate increase approval, which must be carried out. When it was pointed out to Mrs. Byrne by Councilwoman Kemp that the deposits are returned immediately upon satisfactory completion of street repair, Mrs. Byrne acknowledged such to be the case but stated that oftentimes the satisfactory completion is held up because certain required materials are not always available when needed.

The Superintendent of Public Works suggested a method of obtaining street cut permit by making application for say, 100 feet at a time, satisfactorily completing that section, then going on to the next section for the footage required, thus getting by with a minimum deposit. He complimented the water company on the recently completed jobs on Memory Lane and the alley behind the U. S. National Bank, also said deposit on hand for Memory Lane job would be returned to the company immediately.

Councilman Long suggested a workshop session next Friday night at which time the matter could be discussed further.

Mr. Ralph Cheney brought to the attention of the Council that he needs water service on his property located on Matot Street. The street, at this time, is on his property and since the meters are set at the property line this would place the meters in the street. He is willing to give the City 10 foot strip for street and suggested that other owners give 10 foot strip so street could be widened.

Proposed detours during highway construction were shown on posted maps. That proposed by contractor Peter Kiewitt Sons Company: from Chetco Avenue up Oak Street to Pacific Avenue to Azalea Park Road to North Bank Road. The proposed route suggested by City: from Chetco Avenue up Oak Street to Fir Street, then onto North

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Bank Road by way of fill at the end of Fir Street.

Mr. Floyd James, owner of the Dairy Queen Drive In, located at the corner of Chetco Avenue and Alder Streets, voiced his opposition to the proposed detour. He read and presented to the Council a letter he received from his attorney, John J. Pickett. A copy of said letter, dated April 9, 1971, is attached hereto and made a part of these minutes.

The Mayor was concerned about the access and egress residents along Azalea Park Road would have to their garages. He also mentioned the heavy park traffic Azalea Park Road carries and that it is also travelled by Pioneer Road traffic and intersects Old County Road. Councilman Long said it would be better for the City to detour down Fir Street and Superintendent of Public Works noted there was ample space for an eighty foot intersection at Fir Street and North Bank Road.

Mr. James wanted to know why it was necessary to detour off Highway 101. Peter Kiewitt Sons Company representative said it was a required part of a plan that had to be presented to the Highway Commission. According to estimate the interruption of traffic by detour would be approximately two or three weeks.

Grade into Dairy Queen will be approximately four or five feet above Dairy Queen ground level and will be worked so access to drive in will be satisfactory.

Peter Kiewitt Sons Company representative asked for approval to submit their plan for detour to State Highway Commission. Approval granted.

It was suggested the Council meet with Highway representatives for further study of plan. There will be a public notice of meeting.

The Mayor called on City Engineer Roy Erichsen for report.

The survey for grade on Easy Street at intersection of 5th Street has been accomplished. Right of way map and cost estimate in process.

Sewer System Expansion Program progressing according to schedule. City Attorney processing required papers for clearance of Bonds.

Mr. Erichsen met with Department of Environmental Quality in Portland recently and application for grant funds has been filed with them. Deadline for starting sewer treatment plant addition is July 1972. The City has a Discharge Permit good until

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March 1972 which requires progress reports on construction of plant. Harbor area has been reported as making an effort to form their own sewer assessment district, however, Mr. Erichsen has met with Mr. B. A. Martin of the Port of Brookings and the Port is interested in pumping the Port sewage into Brookings. It is understood that a grant the Port has applied for is dependent on an arrangement for sewer disposal. It was emphasized that the City should have on record a definite letter of commitment from the Port of Brookings that they intend to pump sewage into the City of Brookings. The Engineer said time wasted in getting started with this project is costly due to the continuing rise of costs for construction and recommended that the Council approve starting design and planning of treatment plant as soon as letter of commitment is received from the Port of Brookings and Bonds are cleared.

The Council delayed action on recommendation to study matter further at work session schedule next Friday.

The Building Inspector, Mr. Lee Fountain, recommended to the Council, in response to a request received by him, that the State Plumbing Code, in its entirety, which allows the use of plastic pipe for drainage only, be adopted for use in the City of Brookings. House Bill pertaining thereto is HB 230 adopted December 5, 1969, by the State Board of Health and became effective same date.

City Attorney was asked by the Council to prepare Ordinance to adopt State Plumbing Code.

Mayor Les Williams read petition bearing forty seven signatures requesting clarification of ownership of certain streets or roads now claimed by Mr. Elmer Bankus, namely: Upper Marina Heights Road, Lower Marina Heights Road from the County Road to the Reservoir, Cove Road from Railroad Street to the Old Dock Site, Plywood Road from Railroad Street to Macklyn Cove, Beach Road from U. S. 101 along the North Boundary of the Leasehold to Macklyn Cove, Unnamed Road from the City Disposal Plant to the end of Wharf Street, Unnamed Road from the City Disposal Plant to the Plywood Leasehold Roadway, Tanbark Road from Railroad Street to Memory Lane. This matter was held over for further study.

Mayor Williams asked the wishes of Council regarding Municipal Judge Beinke attending annual meeting of Division of Continuing Education at Eugene, Oregon, April 29, 30, and May 1, 1971.

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Councilwoman Kemp made MOTION, Councilman Long seconded and it carried that Judge Beinke attend Division of Continuing Education at Eugene, Oregon, April 29, 30, and May 1, 1971.

Mayor Williams informed Council of the fine cooperation Christine R. Caudill received from former Recorder-Treasurer Mrs. Marjorie B. McKernan and asked for an opinion from the Council on paying Mrs. McKernan at least two weeks terminal pay. Councilwoman Kemp asked if Mrs. McKernan had received pay through last day worked and also pay for vacation due. Mayor said she had received such pay. Councilwoman Kemp and Councilman Long concurred that pay received was sufficient.

City Attorney gave following report on surplus pipe stored in the City warehouse. Possibility of sale. Offered to Myrtle Point on cash basis, no warrant basis, as is. We pay transportation to Myrtle Point, 2% discount within 30 days, subject to inspection at our site, the same price quoted to original bidder of pipe. Monies would be paid immediately to Consolidated Supply Co. to apply on account. Price appears to be \$14,000.00 less than claim filed against City. Proposed that City Attorney be authorized to submit bid tomorrow. Opening 16th.

MOTION by Councilman Long, seconded by Councilwoman Kemp and carried that City Attorney be authorized to submit bid to Myrtle Point for surplus pipe stored in City warehouse.

ADJOURNMENT

Mayor Williams adjourned meeting at 9:45 p.m. until next Friday at 8:00 p.m.



MAYOR

ATTEST:



SECRETARY



RECORDER - TREASURER

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April 13, 1971
Reconvened April 16, 1971

The regular Council Meeting of April 13, 1971, was reconvened at 8:10 p.m. on April 16, 1971, in the Council Chambers of City Hall. The meeting was called to order by Mayor Les Williams. Those members present were: Councilwoman Kemp, Councilmen William Higham, Rush Long and Cal Gorte. None were absent.

RENEWAL OF DAWSON TRACT FIRE CONTRACT.

MOTION by Councilman Higham, seconded by Councilman Long and carried that fire contract with Dawson Tract, which expires June 30, 1971, be renewed for one year, effective through June 30, 1972.

SEWER TREATMENT PLANT.

City Engineer, Mr. Roy Erichsen, suggested having public hearings so regional plans for new sewer disposal plant could be presented and discussed.

MOTION by Councilman Higham, seconded by Councilman Gorte and carried that City Engineer be authorized to proceed with preliminary plans and make application for federal grant on regional sewer disposal system.

STREET CUTS.

Following up the discussion April 13, 1971, it was the unanimous decision to abide by the street cut ordinance now in effect.

MOTION by Councilwoman Kemp, seconded by Councilman Higham and carried that the City retain the present ordinance governing street cuts.

EASY STREET.

MOTION by Councilman Higham, seconded by Councilman Gorte and carried that application should be made to the Oregon State Highway Commission for aid in repairing Easy Street.

MATOT STREET.

The Mayor read April 16, 1971, letter from Ralph and Margaret Cheney in which they asked the matter of location of Matot Street be resolved. The contention is that at the present time their property line is in the middle of Matot Street, thus hindering the installation of water meters which must be placed on property line. Mayor Williams said it would be surveyed out.

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Reconvened April 16, 1971

REPAIRS TO CITY HALL.

A bid for \$181.00 was submitted by Mr. Ralph Cheney for the repair of six leaking louvers and the replacement of two vents in the City Hall.

MOTION by Councilman Long, seconded by Councilman Higham and carried that bid from Mr. Ralph Cheney in the amount of \$181.00 for certain repairs to the City Hall be accepted.

ACCIDENT CLAIM - ZEIGLER.

A letter from Mr. Cyril Zeigler in regards to an accident Mrs. Zeigler had on Hassett Street was read. Mrs. Zeigler hit an unmarked manhole resulting in injuries to Mrs. Zeigler and damage to automobile. Claim has been referred to the insurance carrier.

PETITION FOR CLARIFICATION OF STREETS CLAIMED BY ELMER BANKUS.

No action taken.

ADJOURNMENT:

The meeting was adjourned at 9:10 p.m.

L. R. Williams
MAYOR

ATTEST:

Christine R. Caudill
RECORDER - TREASURER

JOHN J. PICKETT
ATTORNEY AT LAW
P. O. BOX 127
COQUILLE, OREGON 97423

TELEPHONE
396-4622
396-3268

April 9, 1971

SUBJECT:

Floyd James
P. O. Box 1011
Brookings, Oregon 97415

Dear Mr. James:

Pursuant to your call at my office I have investigated the reasons for the proposal by Bruce Duncan of Peter Kiewit and Sons to detour traffic from Highway 101 in Brookings up Oak Street to Pacific Street and then to Azalea Park Road during the month of July of this year for the realignment and bridge construction work on Highway 101.

In checking with informed highway officials I am advised that such a detour was in no way contemplated at the time Kiewit and Sons examined the plans and specifications and successfully bid on the work. The construction and realignment plan is predicated on a basis that Highway 101 through Brookings will be kept open at all times in this section. If the fact were otherwise, the State Highway Department would have obtained rights for the detour from the City long before any contract was let. It is quite apparent that the Kiewit Company's request at this time is nothing more than a money-saving proposition for them on a contract where they have agreed to do otherwise.

From what you have related to me, it is my understanding that it will be hazardous to route heavy trucks and other vehicles through a residential area and will be detrimental to your business and those of others on Highway 101 during the period of detour. This fact is confirmed by my sources of information in the State Highway Commission. I am assured that at no time did the State Highway Commission contemplate such a detour.

The easy way for the City Council is, of course, to give such permission subject to State Highway approval. This would conveniently "pass the buck". It is always possible that this large company could then importune someone on the Commission to give them such a right because the City had already agreed,

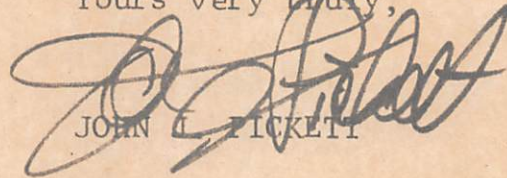
Floyd James
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all to the detriment of yourself and the residents along the proposed detour route. It would be my suggestion that you point this out to the Council whom I assume are sitting as representatives of the residents and business people of Brookings and not in representation of a contractor who wishes to inconvenience you people because of an apparent opportunity to make more money on an all ready agreed contract with the State Highway Department.

I trust that this is the information you wished and if there is any further questions, do not hesitate to call me.

Yours very truly,



JOHN L. TACKETT

JJP/j11

VOUCHERS PAYABLE AS OF
MARCH 31, 1971
CITY OF BROOKINGS

<u>Name</u>	<u>Total</u>
Akin Motor Co.	\$ 53.36
American Linen Supply	7.50
Arco Publishing Co.	22.70
Auto Marine Electric	12.28
Baker & Taylor Co.	299.24
R. R. Bowker Co.	28.75
Bro-Dart Inc.	8.00
Brookings Fire Department	150.00
Brookings Office Supplies	4.79
Brookings Utilities	296.30
James L. Brown Plumbing	8.00
C. Fell Campbell Real Estate	35.00
Christine R. Caudill	10.00
Chetco Gas & Oil	28.35
Chetco Rexall Drugs	7.56
Coast to Coast Stores	1.16
Cora Cooley	5.00
Coos-Curry Electric	853.57
C. M. Cross	109.68
Curry County Communications	78.46
Division of Continuing Education	15.00
Division of State Lands	50.00
Ecology Dimensions Inc.	6.00
Ferry Creek Rock & Concrete	489.60
Lee Fountain	25.00
Frank's Pharmacy	3.94
Fraser-Yamor & Associates	50.00
General Telephone	271.83
General Wholesale Products	388.94
Green Door	8.10
H & B Cabinet Shop	53.00
H & E Inc. Engineers	150.00
Habor Drug Center	1.78
Harbor Logging Supply	12.55
Kerr Hardware	39.65
Littrell Parts	77.91
Long Electric	116.21
Loring's Sales & Service	23.70
Mattie's Pantry	15.35
McInturff, Thom, Collver & Rossi	253.75
McNaughton Book Service	129.00
3M Business Products	49.00
B. I. Mather, Curry County Clerk	16.00

Page 2 - Vouchers Payable As Of
March 31, 1971
City of Brookings

<u>Name</u>	<u>Total</u>
Motorola Communications	\$ 45.25
Wm. R. Murphy	35.00
National Chemsearch	77.52
Nathaniel Dame & Co.	43.71
National Geographic	67.95
Neil Nelson	35.00
Newsweek Book Division	4.60
Ostenberg's	21.57
Paramount Pest Control	5.00
Pennwalt Corp.	87.60
Brooking-Harbor Pilot	5.48
Edward W. Riley	989.60
Ray's Sentry	6.21
Richard Chevrolet	20.00
Gerald Ross Insurance Agency	2,639.00
Secretary of State	5.00
Shell Oil Company	371.51
State Engineer of Oregon	5.00
Superintendent of Documents	3.75
U. S. Post Office	50.00
Union Oil Company	247.70
Gaylord Vaughn	100.00
Wildlife Conservation Centre	26.22
L. R. Williams	180.80
C. W. Williamson	<u>28.79</u>
Total	\$9,368.27