

CITY OF BROOKINGS
MINUTES OF THE REGULAR COUNCIL MEETING OF SEPTEMBER 8, 1964, AS CONTINUED
ON SEPTEMBER 22, 1964.

MEETING CALLED TO ORDER AT 8:00 P. M., MAYOR BYRON L. BRIMM, PRESIDING. COUNCILMEN PRESENT; HENRY KERR, BEN FRANKLIN, JR. ERNEST CHRISTENSEN AND LEROY WEIDEMAN. REPORTERS PRESENT; DICK KUESINK, RUTH BREWER AND MARGE BARRETT.

MINUTES OF THE REGULAR MEETING HELD SEPTEMBER 8, 1964, WERE READ AND APPROVED AS READ.

MINUTES OF THE SPECIAL COUNCIL MEETING HELD SEPTEMBER 15, 1964, WERE READ AND APPROVED AS READ.

STREET SUPT., LES WILLIAMS, REPORTED THAT THE TREES ON MYRTLE STREET WERE DOWN AND THE CONTRACTOR HAS SATISFACTORILY COMPLETED HIS PART OF THE CONTRACT FOR THE REMOVAL OF SAID TREES.

MOTION BY BEN FRANKLIN, JR. THAT THE CITY ACCEPT THE CONTRACT WITH THE FAIRY CREEK ROCK CO. AS BEING COMPLETED AND THAT THE CITY PAY FOR THE WORK IN ACCORDANCE WITH THE AGREEMENT. SECONDED BY ERNEST CHRISTENSEN. MOTION CARRIED UNANIMOUSLY.

PETITIONS, SIGNED BY 127 PERSONS, WERE PRESENTED FOR CONSIDERATION. THE PETITIONS REQUESTED THE COUNCIL TO WITHHOLD PASSING A RESOLUTION, CALLING A SPECIAL ELECTION ON THE QUESTION OF MUNICIPAL OWNERSHIP OF A WATER SYSTEM FOR BROOKINGS, UNTIL AFTER A PUBLIC MEETING CAN BE HELD AT WHICH THE PUBLIC MAY EXPRESS ITS OPINIONS AND WISHES ON THE QUESTION. ATTORNEY W. W. BALDERREE ADVISED THE COUNCIL THAT THERE ARE NO PROVISIONS IN THE CITY CHARTER OR ORDINANCES WHICH BINDS THE COUNCIL TO ACCEPT OR REJECT THE PETITIONS.

IT WAS POINTED OUT BY THE COUNCIL THAT PETITIONS CONTAINING THE SIGNATURES OF 337 PERSONS WERE PREVIOUSLY SUBMITTED ASKING THE COUNCIL TO AFFORD THE PUBLIC AN OPPORTUNITY TO VOTE ON THE ISSUE AND THAT AN OPEN ELECTION ON THE MATTER WOULD BE NO DETRIMENT TO ANYONE IN THIS COUNTRY.

MR. BILL LANDIS EXPRESSED HIS VIEWS THAT THE CURRENT PETITIONS ONLY REQUESTED A CLARIFICATION OF THE ISSUE AND BALLOT WORDING, AT A PUBLIC HEARING, PRIOR TO ADOPTING A RESOLUTION THEREON. IT WAS NOTED THAT THE RESOLUTION CONTAINED BROAD COVERAGE WHICH WOULD AFFORD VARIOUS MEANS OF APPROACH AND FLEXIBILITY TOWARD ESTABLISHING A MUNICIPAL SYSTEM. THE CITY ATTORNEY EXPLAINED THAT THE COUNCIL MUST TAKE ACTION AT THIS MEETING, CONSIDERING LEGAL TIME REQUIREMENTS, IN ORDER TO HOLD THE ELECTION ON OCTOBER 14, AS CONTEMPLATED.

IN ANSWER TO OTHER QUESTIONS, IT WAS EXPLAINED THAT THE MEASURE COULD NOT BE PLACED AS AN ISSUE FOR THE GENERAL ELECTION AS THE TIME FOR CERTIFICATION TO THE COUNTY CLERK HAD EXPIRED BEFORE THE PROPOSAL COULD BE LEGALLY FORMULATED. IT WAS NOTED THAT WATER RIGHTS ON THE CHETCO RIVER WOULD BE NO PROBLEM AFTER IT WAS DETERMINED THAT THE CITY COULD PROCEED WITH A MUNICIPAL SYSTEM.

IT WAS THE OPINION OF OTHERS IN ATTENDANCE THAT OPPOSITION TO THE PROPOSAL WOULD BE EXPRESSED DUE TO THE AMOUNT ESTIMATED TO BUILD A NEW SYSTEM AND THAT PERHAPS \$800,000 WOULD BE MORE PRACTICAL. OTHERS ASKED WHY THE DIFFERENCE BETWEEN THE COSTS QUOTED BY A PREVIOUS REPORT COMPLETED IN NOVEMBER OF 1961 AND THE COST AS CURRENTLY SUBMITTED. ANOTHER PERSON WAS OF THE OPINION THAT IT WOULD BE DIFFICULT TO SELL BONDS IN THE AMOUNT OF \$1,300,000 AND THAT TO PUT A NEW SYSTEM NEXT TO AND IN COMPETITION WITH THE EXISTING PRIVATE SYSTEM MAY JEOPARDIZE THE CHANCES TO OBTAIN FEDERAL FUNDS. COUNCILMAN KERR STATED THAT CONSTRUCTION COSTS HAVE INCREASED RAPIDLY IN THE PAST FEW YEARS ACCOUNTING FOR A PART OF THE INCREASE IN ENGINEERING COST ESTIMATES AS STATED IN THE CURRENT REPORT.

IT WAS AGAIN NOTED THAT THE CITY HAS NEVER RECEIVED AN OFFER FROM THE WATER COMPANY RELATIVE TO A PRICE OR ANY FACTS PERTAINING TO AN APPRAISAL OF THE EXISTING SYSTEM. MR. BANKUS STATED THAT HE WAS PREPARED TO MAKE SUCH AN OFFER, HERE AND NOW. THE MAYOR ADVISED HIM THAT ANY OFFER WOULD HAVE TO BE IN WRITING.

MR. KERR STATED THAT IT WAS PROBABLE THAT CONSIDERABLY MORE THAN 100 PERSONS WITHIN THE CITY LIMITS NOT NOW SERVED ARE IN NEED OF WATER SERVICE.

COUNCILMAN FRANKLIN SUMMARIZED THE WORK THAT THE COUNCIL HAS DONE IN EFFORTS TO NEGOTIATE WITH MR. BANKUS WITH NO RESULTS.

MR. BANKUS STATED THAT THE CITY HAS FIELD NOTES ON HIS SYSTEM AND SAMPLES OF PIPE TAKEN FROM THE GROUND, BUT HAS PUT FORTH NO EFFORTS TO ANALYZE THE NOTES OR MATERIALS. THE MAYOR EXPLAINED THAT THE ENGINEERS WERE NOT HIRED TO ANALYZE THIS DATA AND THAT THERE HAS BEEN NO REASON TO GO TO THE EXPENSE UNTIL AN OFFER AND APPRAISAL REPORT IS RECEIVED. THESE SUPPORTING FACTS WOULD THEN BE AVAILABLE TO COMPARE WITH A REPORT BY THE WATER COMPANY IF AND WHEN SAID REPORT IS MADE AVAILABLE. HE ALSO NOTED THAT MR. BANKUS HAD OFFERED THE WATER COMPANY INCLUDING THE SEWER AND CENTRAL BUILDING, FOR A PRICE OF \$130,000.00 SOME TEN YEARS AGO. MR. BANKUS DENIED THIS. THE CRESCENT CITY AND GOLD BEACH WATER INSTALLATIONS WERE DISCUSSED IN BRIEF. A PERSON IN ATTENDANCE QUESTIONED THE LOCATION OF THE WATER TANK ON PROPERTY OWNED BY THE MAYOR. IT WAS EXPLAINED THAT THE LOCATION THEREOF WAS A DETERMINATION SOLELY BY THE ENGINEERS AS THE MOST PRACTICAL PLACE FOR THE INSTALLATION. ANOTHER PARTY SAID THAT HE WOULD BE FOR A NEW SYSTEM IF THE REVENUES WOULD PAY FOR IT WITHOUT ADDED GENERAL TAXATION. ATTORNEY BALDERREE NOTED THAT HE HAS SET WITH PAST AND PRESENT MAYORS AND COUNCILMEN IN THE CITY AND THAT HE IS FULLY AWARE THEY HAVE ALL BEEN MEN OF HIGH INTEGRITY WITH A SENSE OF DUTY AND PRIDE IN DOING EVERYTHING IN THEIR POWER FOR THE BENEFIT AND BETTERMENT OF THE COMMUNITY. IN THE CASE OF A MUNICIPALLY OWNED AND OPERATED WATER SYSTEM HE FELT THEY ARE DOING THE RIGHT THING IN PUTTING THE ISSUE TO THE VOTE OF THE PEOPLE FOR A DETERMINATION AND THAT THIS IS THE BEST AND ONLY REASONABLE APPROACH TO THE SITUATION.

RESOLUTION #107-A RESOLUTION PROPOSING THE SUBMISSION TO THE LEGAL VOTERS OF THE CITY, OF AN AMENDMENT TO THE CHARTER, ADDING A NEW AND ADDITIONAL CHAPTER, AUTHORIZING THE COUNCIL TO ISSUE AND SELL NOT EXCEEDING \$1,300,000.00 IN BONDS TO PROVIDE FUNDS WITH WHICH TO PROVIDE, BUY, CONSTRUCT, EQUIP AND MAINTAIN A MUNICIPAL WATER SYSTEM, AND ANY COMBINATION OF SUCH PURPOSES; PROVIDING FOR THE PAYMENT OF PRINCIPAL AND INTEREST OF SAID BONDS FROM TAXES AND WATER REVENUES; AUTHORIZING THE CITY TO SECURE FEDERAL AID, LOANS OR GRANTS IN CONNECTION THEREWITH; PROVIDING THE DEBT LIMITATION OF THE CITY CHARTER SHALL NOT APPLY TO SAID BONDS, AND PROVIDING FOR THE OPERATION, MAINTENANCE AND MANAGEMENT OF SUCH MUNICIPAL WATER SYSTEM.

THE RESOLUTION WAS READ IN FULL BY ATTORNEY W. W. BALDERREE.

MOTION BY ERNEST CHRISTENSEN THAT THE COUNCIL ADOPT RESOLUTION NUMBER 107. SECONDED BY BEN FRANKLIN, JR. MOTION CARRIED UNANIMOUSLY.

ORDINANCE #179- AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF BROOKINGS, ON OCTOBER 14, 1964 SUBMITTING TO THE LEGAL VOTERS OF SAID CITY AT SAID SPECIAL ELECTION A PROPOSED CITY CHARTER AMENDMENT BY ADDING THERETO A NEW CHAPTER TO BE KNOWN AS CHAPTER XII AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,300,000.00 IN BONDS, TO PROVIDE FUNDS WITH WHICH TO PROVIDE, BUY, CONSTRUCT, EQUIP AND MAINTAIN A MUNICIPAL WATER SYSTEM FOR THE CITY OF BROOKINGS, AND ANY COMBINATION OF SUCH PURPOSES, PROVIDING FOR THE PAYMENT OF PRINCIPAL AND INTEREST OF SAID BONDS FROM TAXES AND WATER REVENUES, AUTHORIZING THE CITY TO SECURE FEDERAL AID, LOANS OR GRANTS IN CONNECTION THEREWITH, PROVIDING DEBT LIMITATIONS OF THE CITY CHARTER SHALL NOT APPLY TO SAID BONDS AND PROVIDING FOR THE OPERATION, MAINTENANCE AND MANAGEMENT OF SUCH MUNICIPAL WATER SYSTEM, AND DECLARING AN EMERGENCY.

ORDINANCE No. 179 WAS READ IN FULL BY ATTORNEY W. W. BALDERREE.

MOTION BY ERNEST CHRISTENSEN THAT THE RULES BE SUSPENDED AND AN EMERGENCY DECLARED AND THAT THE ORDINANCE BE READ THE SECOND TIME BY TITLE ONLY.

MOTION SECONDED BY BEN FRANKLIN JR. CARRIED UNANIMOUSLY. THE ORDINANCE WAS THEN READ THE SECOND TIME BY TITLE. MOTION BY LEROY WEIDEMAN THAT IT BE READ A THIRD TIME BY TITLE AND DECLARING AN EMERGENCY BE PLACED UPON ITS FINAL PASSAGE AND THAT

IT BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE. MOTION SECONDED BY ERNEST CHRISTENSEN. MOTION CARRIED UNANIMOUSLY. ORDINANCE No. 179 WAS THEN READ THE THIRD TIME BY TITLE, WHEREUPON THE MAYOR STATED THE MOTION AND ASKED FOR A ROLL CALL VOTE WHICH RESULTED AS FOLLOWS:

AYES	ERNEST CHRISTENSEN, BEN FRANKLIN JR., LEROY WEIDEMAN, HENRY KERR, BYRON L. BRIMM.
NAYES	NONE
ABSENT	NONE

ORDINANCE No. 179, HAVING RECEIVED THE REQUIRED NUMBER OF VOTES, THE MAYOR DECLARED THE SAME TO HAVE DULY PASSED AND TO HAVE BEEN DULY ADOPTED.

RESOLUTION No. 108- A RESOLUTION NAMING AND APPOINTING ELECTION OFFICIALS FOR THE SPECIAL CITY ELECTION TO BE HELD IN THE CITY OF BROOKINGS, OREGON ON OCTOBER 14, 1964.

RESOLUTION No. 108 WAS READ IN FULL BY THE RECORDER.

MOTION BY LEROY WEIDEMAN THAT THE COUNCIL ADOPT RESOLUTION No. 108. MOTION SECONDED BY BEN FRANKLIN JR. MOTION CARRIED UNANIMOUSLY.

THE COUNCIL INSTRUCTED THE RECORDER TO CAUSE A NOTICE TO BE PUBLISHED IN THE LOCAL PRESS, ADVISING THE PUBLIC OF THE INFORMAL HEARING ON THE PROPOSAL TO ESTABLISH A MUNICIPALLY OWNED WATER SYSTEM FOR THE CITY, SAID HEARING TO BE HELD AT THE BROOKINGS-HARBOR HIGH SCHOOL GYMNASIUM AT 8:00 P. M. SEPTEMBER 28, 1964.

THOSE PRESENT WERE ADVISED OF THE INFORMAL MEETING TO BE CONDUCTED BY OFFICIALS OF THE WEST COAST TELEPHONE Co. AS A MATTER OF INFORMATION RELATIVE TO TELEPHONE SERVICE IN THE AREA. THE MEETING IS SCHEDULED FOR 8:00 P. M. SEPTEMBER 23, 1964, AT THE COUNCIL CHAMBERS, CITY HALL.

MOTION BY BEN FRANKLIN JR., THAT THE MEETING BE ADJOURNED. SECONDED BY ERNEST CHRISTENSEN. MOTION CARRIED.

MEETING ADJOURNED AT 9:30 P. M.

Byron L. Brimm
MAYOR

COUNTERSIGNED

Don Lage Smith
RECORDER-TREASURER