

MINUTES
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
January 17, 1984
7:00 p.m.

- I. CALL TO ORDER
Mayor Kerr called the meeting to order at 7:00 p.m.
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
Council Present: Mayor Bob Kerr, Vice Mayor Gil Batty, Councilman Nidiffer, Councilman Walt Lovejoy.
Council Absent: Councilman John Geraghty.
City Recorder announced a quorum present with which to conduct business.
Staff Present: Administrative Assistant Georgia Shirilla, City Recorder Naomi Bradfield, Public Works Supervisor Cecil Smith, Assistant Public Works Supervisor Dennis Barlow, Police Chief Sam Dotson, City Engineer Dick Nored, City Attorney John Coutrakon.
Media Present: Bob Rodriguez, Curry Coastal Pilot, Marge Barrett, KURY Radio.
- IV. CEREMONIES/APPOINTMENTS
None.
- V. MINUTES FOR APPROVAL/ACCEPTANCE
A. Approval of Council Meeting Minutes
1. December 13, 1983 Regular Council Meeting Minutes
There was a MOTION by Councilman Lovejoy, seconded by Councilman Batty, to approve the December 13, 1983 Regular Council meeting minutes; motion carried unanimously.
B. Acceptance of Commission/Board Minutes
1. December 6, 1983 Planning Commission Minutes
There was a MOTION by Councilman Lovejoy, seconded by Councilman Nidiffer, to approve the December 6, 1983 Planning Commission minutes; motion carried unanimously.
- VI. SCHEDULED PUBLIC APPEARANCES
A. Liquor License Application - Wendy Rogers - Pickle Barrel Deli
Mayor Kerr asked if there were any representatives of the application present. George Hoselton, attorney, introduced himself and Wendy Rogers to the Council.

Mayor Kerr then asked Council if they had any questions that they would like to direct at Ms. Rogers. She was questioned as to why her husband's name was on the application when it was originally submitted last month and not on the current application.

George Hoselton explained that Ms. Rogers had decided to purchase the business in her own name because her husband had had some problems 7 years ago and it was causing a delay in getting the OLCC Liquor License.

There was a MOTION by Councilman Lovejoy, seconded by Councilman Nidiffer, to approve the liquor license application with amendment stating the change in Item No. 9. The Council wanted to bring to the Liquor Commission's attention the fact that on the previous application someone else would be sharing in the profits of the business, namely her husband and on the current application no one else was listed as sharing in the profits. With the amendment, the motion carried un-animously.

B. Chamber Request

Mayor Kerr read the Chamber's request for funds for the purpose of inserting the Pilot's annual Vacation Guide into the Medford Mail Tribune to reach residents and visitors to the Rogue Valley area. The Chamber is requesting \$3,500 for this project and they feel it should be appropriated from the area of Economic Development. The Mayor then asked if there was someone at the meeting representing the Chamber and Bob Rodriguez informed Council that Lee Santos was planning on attending the meeting but must have been held up. He requested that the Council proceed to the next item and give Ms. Santos an opportunity to arrive. The Council had no objections. As the Mayor was about to proceed to the next item, Ms. Santos arrived.

Ms. Santos introduced herself and gave a presentation of the Chamber's request.

There was then a brief discussion about the Vacation Guide and other sources of funds to support the project.

Jean Cunningham then informed Council that Gold Beach uses some of their bed tax money for their tourism money and she was wondering if the City of Brookings could do the same thing.

Mayor Kerr said that that may be possible but that the Council has already been under the gun for allocating some of that money for economic development.

Ms. Cunningham asked the Mayor how much money would be

involved.

Mayor Kerr gave her an estimate of approximately \$70,000 for the year. He also explained that their bed tax was originally set up for the purpose of promoting tourism in their area.

Councilman Nidiffer asked if this \$3,500 was the cost of putting the Vacation Guide in the Medford Mail Tribune. Ms. Santos stated that that was not the full cost. The purchase of the Vacation Guide from the Pilot was part of the cost and the distribution costs was another part but not the full \$3,500.

Councilman Batty briefed Council on the fact that prior to this budget year, the entire motel bed tax had always gone into the General Fund. It was only this last year of Budget Committee meetings that had designated \$10,000 for the purpose of Economic Development. Councilman Batty stated his confusion on just what the funds should be used for. He did not know if advertising was what the Committee had had in mind or if they were thinking more along the lines of development here within the city.

Ms. Santos asked what would happen to these funds if they were not spent by the next budget year. The Mayor stated that they would carry forward. Councilman Batty exhibited some interest in carrying those funds forward and building the fund.

Councilman Nidiffer suggested that this item be tabled until the Council could get more input and put it up for a vote at the next Council meeting.

There was then a brief discussion about the deadline for the printing of the Vacation Guides.

Mayor Kerr suggested that since there was going to be a continuation of this meeting anyway, that would give the Council an opportunity to look into this matter further. There was a question of whether this request would fall into the criteria that the money was set aside for and this could best be answered by the auditor and City Attorney.

This item was then tabled until the continuation of this meeting which would be January 24, 1984.

C. Zoning/Land Use Maps and Ordinance Amendments (Public Hearing)

Mayor Kerr announced the Public Hearing.

Georgia Shirilla, Administrative Assistant, briefed the Council on the amendments to the City's Zoning and Lane-Use maps, amendments to the provisions in the City's Zoning Ordinance and adding certain uses to the City's Commercial-General District.

Proposal 1-A consisted of 1 acre, 3 tax lots, two owner-ships on Fifth Street. The proposed change is from Residential-High Density to Commercial-General. Ms. Shirilla stated that she had received no input regarding this proposed change. And is presented with Planning Commission recommendation to approve. Mayor Kerr requested proponent testimony. There being none, he requested testimony in opposition to Proposal 1-A.

Fred Hummel spoke of his confusion regarding the way this land-use planning decision was being handled. He felt the City should be under the guidelines of Resolution No. 213. He then spoke of a petition that was signed by 17 people prior to the first meeting of the Planning Commission regarding this proposal. He then read a statement stating the position of those 17 people. The statement indicated the views of those people which were that they did not see how a private citizen could educate himself on the number of rezones being considered in the time permitted.

Mayor Kerr then asked that Council receive a copy of this petition because he was unaware of the 17 people that signed it.

John Coutrakon, City Attorney, questioned Mr. Hummel's statement that adequate public notices had not been published. He went on to state that this process had been going on for approximately 3 months and the notices required by statute had been published. He then asked Mr. Hummel if he had an objection to this hearing. Mr. Hummel stated that he did not want to try to block every issue.

Mayor Kerr then asked if there was any additional opposition to the request for a change on Proposal 1-A. There was none.

Proposal 1-B. This proposal covered approximately 50 acres between Mill Street and Oak Street. The proposed change is from Industrial-Limited to Commercial General. Some of the residents of this area had expressed some concern about being able to use their homes as their homes with the proposed change. Ms. Shirilla then read into the record a letter from R.E. Long, requested that his property be left Industrial-Limited.

There was then a brief discussion regarding this proposal, and the questions were raised again about how the hearing was being conducted.

Mayor Kerr spoke to the effect that these changes were a housekeeping function undertaken by the City and City Staff because of requests made by the landowners over the years and a need for change was present.

The City Attorney then asked the Council if any of them wished to abstain from participating in the hearing process.

Councilman Batty stated that he still held a contract on the bulk plant down on Railroad and that if anyone felt that this was a conflict, he would abstain. The Mayor then stated that if Councilman Batty felt he should be disqualified, he should be also because he too has property in this area. Councilman Batty stated that he would only disqualify himself if somebody had an objection.

Mayor Kerr asked if anyone objected and felt that Councilman Batty or Mayor Kerr should disqualify themselves.

The Mayor stated that it had no effect on any properties owned by any Council members but the proposal did abutt some property that he owned.

There was then a brief discussion about the property owned by Mr. R.E. Long and his request to have his property be left the same and not rezoned.

Mill Pine asked if the tax structure was changed with a zone change. The Mayor stated that what would change a tax structure would be the valuation on a piece of property not the zoning.

Edna Allan stated that she felt there was preferencial treatment in sending out notices.

There was then a brief discussion about Ms. Allan's property and whether or not it was within the 250 feet limitation.

Mayor Kerr then asked if there were any others that had property in this area that would like to speak at this time. There were none.

Proposal 1-C. One lot that had to go through a zone change so a gentleman could put in a restaurant. Prior zoning on this lot was Industrial-Limited and it was requested to be changed from Commercial-Tourist to Commercial-General. No comments were received either in favor or in opposition to this proposal. The Touch of the Past Restaurant was located on this property.

Proposal 1-D. Part No. 1 is the area that is presently zoned Industrial-General and is currently vacant.

Mayor Kerr asked for any input regarding this proposal. Ms. Shirilla read a letter from Neil Amendson, Properties Analysis for Agnew Enterprises, which was supportive of the proposed zone change from Industrial-General to Residential High-Density.

Mayor Kerr then asked if there was anyone present that wanted to speak in favor or opposition to this proposed zone change.

Bill Cunningham spoke in opposition to the proposed zone change because of an error on the proposal. A certain area was supposed to have been Industrial-General and it was re-

presented as such and the Planning Commission voted on it. In actuality, the property was zoned Residential-Low Density. He then went into a lengthy presentation of his feelings on this issue.

City Attorney, John Coutrakon, attempted to explain exactly what happened in the process to this particular piece of land being referenced by Mr. Cunningham.

Mr. Cunningham then went on to protest what he called 'spot zoning' that he felt this was and he also presented the Joy project as another example of 'spot zoning'.

Mayor Kerr explained the differences in these two examples.

Mayor Kerr then asked Joan Heavey if the zoning was clarified at the Planning Commission meeting. Ms. Heavey responded in the negative.

Councilman Batty suggested that this issue be discussed further in a future hearing after notices are sent to the property owners involved and it can be further evaluated.

Mayor Kerr then made the recommendation that this hearing be postponed and referred back to the planning process until these issues are clarified.

John Coutrakon then explained to everyone that since the errors had been pointed out, they would be corrected and until such time as they are corrected, this public hearing would be continued to the next Council meeting.

There was then a brief discussion regarding the other proposals presented and if they too should be held until the next meeting.

There was a MOTION by Councilman Batty, seconded by Councilman Lovejoy, to postpone all proposals until next meeting of the City Council; motion carried unanimously.

It should be noted that testimony of substantially retorical and irrelevant testimony has been deleted for the sake of clarity, due to the resulting action of referring the issue to Planning Commission for reconsideration.

VII. COMMUNICATIONS/ANNOUNCEMENTS

A. Mayor Announcements

1. Introduction of Jay Rasmussen and Alan Samuels

The Mayor introduced Jay Rasmussen, Executive Director of the Oregon Coast Zone Management Association.

The Mayor introduced Alan Samuels who represents the hospital group trying to get the hospital in the Brookings area.

B. Council Announcements

None.

C. Staff Announcements

1. Revenue Sharing Handicapped Regulations

Administrative Assistant, Georgia Shirilla, informed the Council of the regulations that are in effect regarding facilities that must be available for handicapped people. The primary goal of the regulations is that under no circumstances is the City to discriminate against anyone on the basis of being or having a handicap.

One of the first steps in the process as far as fulfilling the requirements is establishing and publish a policy that the City would not discriminate against handicapped individuals.

2. EDA Grant Application

Mayor Kerr explained briefly the EDA Grant and Ms. Shirilla informed him that both sources of private funds for this project are very willing and agreeable to submitting an application in hopes of receiving the funds.

The Mayor then asked Council if they wanted to resubmit the "101 Industrial Water Line" project. There was a MOTION by Councilman Batty, seconded by Councilman Lovejoy, to submit the EDA Grant application; motion carried unanimously.

3. Petition to Rename "Mizzurbul Lane"

Mayor Kerr briefed the Council the reason for having these petitions for road name changes come before the Council. The reason being so that they would be familiar with the new names and also for emergency services being able to find these new street names.

There was a recommendation that the new name be "Brown Deer Lane". There was a MOTION by Councilman Nidiffer, seconded by Councilman Lovejoy, to approve the new name; motion carried unanimously.

4. Planning Commission Review/1983 Annual Report

Georgia Shirilla informed Council of the election of officers for the Planning Commission. Mary Jane Brimm was elected Chairperson and Earl Breuer as Vice-Chairperson.

Commission approved minor partition application for part of the Riviera Heights Subdivision.

Ms. Shirilla also briefed the Council on the Annual Report for the Planning Commission for 1983.

Ms. Shirilla then informed Council that she had accepted a position with the City of Salem. The Council all thanked her for the job she has done for the City of Brookings.

D. Attorney Announcements

John Coutrakon, City Attorney, informed Council that the City did everything they could at the Oceanview Mobile Estates appeal. The issue is now waiting for a rebuttal and he hopes to hear a decision from the Health Division in two to three weeks.

He went on to explain that, concerning the resolution pertaining to the acceptance of county owned roads, once this resolution was received by the county they would pass an ordinance and the rest would happen automatically.

He also briefed Council that the GTE franchise ordinance has been approved by the attorneys for GTE.

E. Engineer Announcements

None.

VIII. CALL FOR BIDS

None.

IX. REPORT ON BIDS

A. Closing Date Extension - Fire Department Pumper

Mayor Kerr explained that because of a number of manufacturers showing interest, they've asked that we extend the opening date of the bids a week to allow them time to submit bids. The new closing date for bids is Friday, January 20th at 10:00 a.m.

Don Hurd asked on what page of the budget the money was appropriated for the fire truck. Mayor Kerr explained that part of it was under Reserve Fund that was set up several years ago.

X. ORDINANCES

A. Ordinance No. 383 - GTE Franchise

Mayor Kerr asked the City Recorder to read Ordinance No. 383 into the record.

Mayor Kerr asked if there were any questions. There were none.

There was a MOTION by Councilman Nidiffer, seconded by Councilman Lovejoy, to adopt Ordinance No. 383 at the first reading; motion carried unanimously.

Mayor Kerr asked the City Recorder to read Ordinance No. 383 by title only.

There was a MOTION by Councilman Batty, seconded by Councilman Lovejoy, to adopt Ordinance No. 383 at the second reading; motion carried unanimously.

XI. RESOLUTIONS

A. Resolution No. 341 - Acceptance of County Owned Roads

Mayor Kerr asked the City Recorder to read Resolution No. 341 into the record.

There was a MOTION by Councilman Nidiffer, seconded by Councilman Lovejoy, to adopt Resolution No. 341; motion carried unanimously.

XII. UNSCHEDULED PUBLIC APPEARANCES

1. Policies for Hiring City Employees

Suzanne Lehman questioned methods of hiring City employees, Mayor Kerr informed her that hiring was done through the City Manager. She asked if there was a set procedure for the way the City hires. The Mayor stated that as far as a written procedure, he did not believe so. Mayor Kerr recommended Ms. Lehman discuss the matter with the City Manager.

2. 9-1-1

Don Hurd wanted to address the 9-1-1 number. He asked for the unanimous vote of Council to vote to join with the other communities north of us in starting the 9-1-1 number rolling.

Mayor Kerr informed Mr. Hurd that Council had voted previously to keep the 9-1-1 number in this area because of the topography to get the County to do that. He also told Mr. Hurd that the City is going to have a 9-1-1 system.

XIII. PAYMENT OF VOUCHERS

There was a MOTION by Councilman Batty, seconded by Councilman Lovejoy, to pay the vouchers in the amount of \$20,701.18; motion carried unanimously.

XIV. RECESSED

There was a MOTION by Councilman Batty, seconded by Councilman Lovejoy, to recess this meeting until Tuesday, January 24, 1984 at 7:00 p.m.; motion carried unanimously. Mayor Kerr recessed this meeting at 10:05 p.m.

RECONVEENED
January 24, 1984

I. CALL TO ORDER

Vice Mayor Batty called the meeting to order at 10:05 a.m.

II. ROLL CALL

Council Present: Vice Mayor Gil Batty, Councilman Ray Nidiffer,

Councilman Walt Lovejoy.

Council Absent: Mayor Bob Kerr, Councilman John Geraghty.

III. COMMUNICATIONS/ANNOUNCEMENTS

A. Manager Announcements

1. Chamber of Commerce Request

City Manager Lynn Stuart briefed Council on the Chamber request for \$3,500 for advertising purposes over in the Medford area. He then read into the record a letter from the Chamber regarding the funds being requested. Mr. Stuart informed Council that advertising does fit very well within the frame work of economic development, which is the use the City has assigned the \$10,000 put aside. He then made a recommendation to approve this request.

Vice Mayor Batty asked if there were any questions.

Mike Delvin from the Chamber made his presentation to the Council.

There was a MOTION by Councilman Lovejoy, seconded by Councilman Nidiffer, to proceed with the \$3,500 request to the Chamber; motion carried unanimously.

IV. REPORT ON BIDS

1. Fire Department Pumper

b Mr. Stuart briefed Council on the extension of the bids and informed Council that there was a bid opening and the City did receive three qualified bids. But in reviewing these bids, it was noted that there were discrepancies in two of the bids. Because of the fact that two of the companies did not submit their bid on the forms supplied by the City and a discrepancy on the other bid, Mr. Stuart respectfully requested that the City Council delay their decision on the pumper until the regularly scheduled Council meeting in February.


There was a MOTION by Councilman Lovejoy, seconded by Councilman Nidiffer, to delay the decision on the Fire Department pumper until the next regularly scheduled City Council meeting which will be in February; motion carried unanimously.

V. ADJOURNMENT

There was a MOTION by Councilman Lovejoy, seconded by Councilman Nidiffer, to adjourn the meeting at 10:20 a.m.; motion carried unanimously.

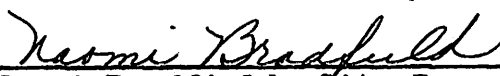
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Mayor Bob Kerr

ATTEST:



Naomi Bradfield, City Recorder

VOUCHERS PAYABLE

January 6, 1984

Vouchered in December - Payable in January

<u>VOUCHER NO.</u>	<u>CHECK NO.</u>	<u>VENDOR</u>	<u>AMOUNT</u>
2770	7817	A & W DRIVE IN	\$ 23.20
2696	7818	ACTION INSTRUMENTS	133.30
2688	7819	AKIN MOTOR CO.	18.20
2713	7820	ARNOLD MAP SERVICE	25.58
2755	7821	BEN ARNDT	13.84
2740	7822	DENNIS P. BARLOW	13.70
2742	7823	BECCO, INC.	223.30
2745, 2701	7824	BLUE STAR GAS, NORTHWEST	260.85
2758	7825	BRITE SPOT JANITORIAL	175.00
2686	7826	BRODART, INC.	113.50
2698, 2695	7827	BROOKINGS OFFICE SUPPLIES	58.50
2767	7828	BROOKINGS SANITARY SERVICE	55.00
2744	7829	BROOKINGS SPORTS UNLIMITED	1,808.00
2731, 2718, 2687 2771, 2774	7830	BROOKINGS SUPPLY INC.	162.08
2760		BROOKINGS VOLUNTEER FIREFIGHTERS ASSOCIATION	1,065.00
2754	7831	GOLDIA BROWN	19.09
2692	7832	GERALD W. BURNS, CPA	910.80
2738	7833	C & K PETROLEUM EQUIPMENT CO.	23.86
2762, 2693	7834	CHAMBERS PLUMBING & HEATING INC.	1,367.64
2729	7835	CHETCO QUALITY PRINT	88.70
2725	7836	CHETCO REXALL DRUGS, INC.	71.25
2690	7837	CHICKERING/GREEN EMPIRE INC.	402.05
2739	7838	JERRY CONANT JANITORIAL	475.00
2749	7839	MICHAEL J. COOPER	11.31
2703, 2773	7840	CURRY COASTAL PILOT	96.09
2716	7841	J. L. DARLING CORP.	151.54
2699	7842	DEL-CUR SUPPLY CO-OP	18.33
2705	7843	DEMCO	313.00
2751	7844	GEORGE DOMINY	18.95
2746	7845	SAMUEL W. DOTSON	9.84
2730	7846	DOYLE ELECTRIC	923.69
2706	7847	EOLA CONCRETE TILE	525.00
2741	7848	EAST-WEST LEARNING CORP.	200.34
2743	7849	ENGINEERED CONTROL PRODUCTS, INC.	37.40
2715	7850	EXECUTIVE DEPARTMENT	322.00
2750	7851	CURTIS FOX	24.25
2756	7852	DAVID GILBERT	10.70
2769	7853	GRANTS PASS WATER LABORATORY	26.00
2719	7854	HGE, INC.	3,944.50
2757	7855	JEAN HOOK	7.95
2708	7856	INDUSTRIAL ELECTRIC SERVICE CO.	430.33
2689	7857	IROQUOIS PRODUCTS	339.20

<u>VOUCHER NO.</u>	<u>CHECK NO.</u>	<u>VENDOR</u>	<u>AMOUNT</u>
2728	7859	RED JORDAN FOODS, INC.	\$ 42.75
2733	7860	KERR ACE HARDWARE	168.95
2720, 2700, 2734	7861	LITTRELL PARTS OF BROOKINGS	95.09
2753	7862	CAMERON LYNN	16.65
2709	7863	M & K CAFE	1.85
2763	7864	MORY'S ARTS	19.27
2704	7865	NADING PLUMBING AND HEATING	20.00
2711		NORTHWEST LAW ENFORCEMENT	
	7866	EQUIPMENT	17.58
2722	7867	OLYMPIA USA	734.00
2759	7868	THE OREGON COAST ASSOCIATION	100.00
2721	7869	OREGONIAN-OREGON JOURNAL	7.50
2747	7870	KENT OWENS	12.22
2775	7871	P & S CONSTRUCTION	168.65
2710	7872	PACO PUMPS	823.06
2691	7873	PACIFIC WATER WORKS SUPPLY CO.	49.45
2714	7874	PARAMOUNT PEST CONTROL, INC.	17.00
2732	7875	QUILL CORPORATION	35.02
2748	7876	WAYNE SHEFFEL	13.25
2768, 2726	7877	SIMMONS SUPPLY CO.	64.53
2683	7878	CECIL SMITH	32.05
2697	7879	KEITH SMITH	400.00
2723	7880	SOUTH COAST LUMBER CO.	138.97
2764, 2712	7882	SQUARE DEAL BUILDERS SUPPLY	90.25
2761	7883	STEINDER CORPORATION	46.80
2724	7884	U.S. LEASING CORP.	200.00
2765	7885	U.S. NATIONAL BANK OF OREGON	31.20
2766	7886	U.S. POSTMASTER	100.00
2752	7887	DONNA VAN NEST	14.36
2772, 2685, 2702, 2727, 2694, 2684, 2717, 2737	7888	WILSON DISTRIBUTING SERVICE	2,536.36
			<u>\$20,914.67</u>
		Less Voided Vouchers	<u>(213.49)</u>
		TOTAL	\$20,701.18