

MINUTES
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
OCTOBER 9, 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,
Councilmen Ray Nidiffer, Walt Lovejoy, John Geraghty

Council Absent: None.

Staff Present: City Manager Lynn Stuart, City Attorney John
Coutrakon, Executive Secretary Donna Van Nest, Recorder/
Treasurer Naomi Bradfield, Public Works Director Cecil Smith,
Public Works Supervisor Dennis Barlow, Planning Director
Chuck Rhodaback

Media Present: Marge Barrett, KURY

IV. CEREMONIES/APPOINTMENTS

Mayor Kerr welcomed Chamber of Commerce Manager George King
to the community.

V. MINUTES FOR APPROVAL/ACCEPTANCE

A. Approval of Council Meeting Minutes

1. September 11, 1984 Regular Council Meeting Minutes

Councilman Lovejoy made a MOTION, seconded by Vice
Mayor Batty, to approve the minutes of the September
11, 1984, Council meeting; MOTION carried unanimously.

B. Acceptance of Planning Commission Meeting Minutes

1. September 4, 1984 Regular Planning Commission Minutes

Mr. Stuart explained that due to lack of a quorum at
the October 2, 1984 scheduled Planning Commission
meeting, the Planning Commission would not approve
these minutes until October 16, 1984. The minutes
will be presented to the Council for acceptance at
the November 20, 1984 Council meeting.

VI. SCHEDULED PUBLIC APPEARANCES

A. LIQUOR LICENSE APPLICATION - BROOKINGS SHELL

Mayor Kerr turned the floor to Mr. Stuart for a briefing on the item.

Mr. Stuart explained that the City Council had reviewed this application in the past and had recommended denial of the liquor license application. This had occurred during the time when the liquor license criteria ad hoc committee was preparing guidelines for the issuance of liquor licenses in Brookings. Mr. Stuart also explained that the Oregon Liquor Control Commission had tabled its action on this application, due to Mr. Whiteley's request that the Council reconsider his application after the criteria had been adopted.

Mr. Rich Mickelson, attorney for Thomas J. Whiteley, Inc., dba Brookings Shell, spoke on behalf of Mr. Whiteley. Mr. Mickelson indicated that he had addressed all of the criteria called for. Mr. Mickelson stated that the deed restriction on the property had been placed there in 1923, during prohibition. Mr. Mickelson presented the Council with a letter from Brookings Land and Townsite Company stating that they would be glad to remove any deed restrictions from the property deed. Mr. Mickelson said that he felt that the deed restriction could be removed within a period of weeks. Mr. Mickelson also addressed the Council's concerns regarding parking. He said that he and Mr. Francis, the manager of Brookings Shell, had analyzed the parking situation and felt that there was adequate parking space. Mr. Mickelson requested that the City Council reconsider the application and recommend to the Oregon Liquor Control that the application be approved.

City Attorney John Coutrakon indicated that Mr. Mickelson's method of removing the deed restriction was acceptable to him. Mr. Coutrakon expressed concern that the liquor license application states that the trade name is Brookings Shell and that name is not registered or used as an assumed business name in the State of Oregon. Mr. Coutrakon stated that he felt that the assumed business name should be registered before the application was approved, and if these two issues are resolved he would have no legal objection to the approval of the liquor license application.

Councilman Nidiffer indicated that he felt that the application was not properly presented, due to the problem with the deed restriction and the trade name. Councilman Nidiffer made a MOTION to deny the request until these issues were cleared up. The MOTION died for lack of a second.

Vice Mayor Batty abstained due to a personal conflict of interest.

Councilman Lovejoy made a MOTION, seconded by Councilman Geraghty to approve the liquor license application contingent on the issues of the deed restriction and the trade name being resolved. MOTION carried with Vice Mayor Batty ABSTAINING, Councilman Nidiffer voting NO and Councilmen Geraghty and Lovejoy voting YES.

VII. COMMUNICATIONS/ANNOUNCEMENTS

A. Mayor Announcements

Mayor Kerr noted that there is a conflict with the November Council meeting date, due to lack of a quorum on that date. Mr. Stuart indicated that he had talked with members of the Council and that November 20 appears to be a clear date for the November meeting.

Councilman Nidiffer made a MOTION, seconded by Councilman Lovejoy, to reschedule the November Council meeting on November 20, 1984; MOTION carried unanimously.

B. Council Announcements

None.

C. Manager Announcements

1. Audit Review

Mr. Stuart briefed the Council on the recommendations of the City Auditor for improvements in the fiscal accounting process and indicated that there is a resolution addressing these improvements in the Council packet.

Mr. Burns, in his letter to the Council, complimented the City Recorder/Treasurer Naomi Bradfield, and her staff for the cooperation and assistance that they gave during the audit process. Mr. Stuart stated that he too would like to thank Naomi publicly for all of her efforts.

VII. COMMUNICATIONS/ANNOUNCEMENTS

C. Manager Announcements

1. Audit Review

Vice Mayor Batty made a MOTION, seconded by Councilman Lovejoy, to accept the 1983-84 Audit Report as presented; MOTION carried unanimously.

2. Marina Heights Report

Mr. Stuart explained the latest developments on the lawsuit against Harris/Miller, Inc. for damages done to Marina Heights Road during the preliminary development of "Riviera Heights". Mr. Stuart explained that there is now a Mandatory Injunction against Harris/Miller, Inc., which requires them to remedy the situation. Mr. Stuart indicated that Harris/Miller, Inc., has until October 15, 1984, to begin the repair construction or the City will do the repair construction and the costs involved will become a lien upon the property.

3. Louis Eldon Morgan Report

Mr. Stuart advised the Council that on September 13, 1984, he received a visit from Mr. Robert V. Morgan, brother of the late Louis Eldon Morgan. Mr. Morgan was in Brookings for the purpose of making sure that his brother's bequest was being handled as he had wished it to be, and to determine the reason for Mr. Louis Eldon Morgan choosing the Chetco Community Public Library for his bequest. Mr. Stuart indicated that Mr. Robert Morgan was quite satisfied with the way in which the bequest was being handled, and Mr. Stuart also indicated that he is going to keep in touch with Mr. Robert Morgan.

4. Marine Facility Grant Application

Mr. Stuart presented the Council with copies of a map identifying the City property known as "Social Security Bar", and explained that the local fishermen have assembled approximately \$2,000 to further improve the angler access property. Mr. Stuart further explained that City staff has determined that there are additional funds that can be applied for through a Federal grant known as Dingle-Johnson. Mr. Stuart indicated that the only City participation in this venture would be to prepare the application

VII. COMMUNICATIONS/ANNOUNCEMENTS

C. Manager Announcements

4. Marine Facility Grant Application (continued)

and the City will be the specific applicant for the project. 75% of the grant application monies would come from the Federal government, 25% local match with \$2,000 being provided by the local fishermen and the balance of the 25% coming from the State Marine Board. Mr. Stuart stressed that no local dollars will be expended on the project other than those already identified by the local fishermen.

Mr. Stuart requested that the City Council authorize him to proceed with the grant application package.

Mayor Kerr expressed a concern about future use of the property by the City in the event that there is a need for a new water intake facility, which was the reason for the original purchase of the property. Mayor Kerr was also concerned about a gulley on the property which has been filled. He felt that this might eventually change the course of the river, causing damage to someone's property and making the City liable.

Mr. Coutrakon indicated that the City's Angler Access agreement with the Oregon Fish and Wildlife Commission would indemnify the City of all liability.

There was a MOTION by Councilman Nidiffer, seconded by Vice Mayor Batty, to authorize the City Manager to proceed with the grant application; MOTION carried unanimously.

5. Ballot Measure 2 Briefing

Mr. Stuart briefed the Council on the Ballot Measure 2 issue, and explained that the City has the Attorney General's opinion on file if anyone would wish to read it. Mr. Stuart announced that there is a meeting scheduled on the Ballot Measure 2 issue in Bandon on October 16, 1984, and invited any member of the Council to join with City staff in attending the meeting.

6. Thanksgiving Holiday Date Change

Mr. Stuart requested that the Council consider changing the November 12, 1984 holiday to the day after Thanksgiving, thus giving City employees a four-day weekend.

VII. COMMUNICATIONS/ANNOUNCEMENTS

C. Manager Announcements

6. Thanksgiving Holiday Date Change (continued)

There was a MOTION by Councilman Nidiffer, seconded by Councilman Lovejoy, to change the November 12 holiday to November 23, the day after Thanksgiving; MOTION carried unanimously.

7. L.C.D.C. Acknowledgement

Mr. Stuart announced that the City is scheduled to be heard on Thursday afternoon, October 11, 1984, in Salem, for review. Mr. Stuart noted that the D.L.C.D. has recommended full acknowledgement of the City's request.

8. November Council Meeting Date Change

(See Mayor's Announcements)

9. Mill Beach Road Paving Report

Mr. Stuart presented the Council with the bill from the Curry County Road Department for the paving of Mill Beach Road. Mr. Stuart noted that the City had appropriated \$20,000 for the paving from the Federal Revenue Sharing Fund and the total bill is \$12,152.18. Mr. Stuart requested Council approval to pay the bill and Council authorization to spend the remainder of the monies on streets projects.

There was a MOTION by Councilman Lovejoy, seconded by Councilman Nidiffer, to authorize payment of the bill in the amount of \$12,152.18 and to expend the balance in street related projects; MOTION carried unanimously.

D. Attorney Announcements

None.

VIII. CALL FOR BIDS

None.

IX. REPORT ON BIDS

1. Surplus Equipment Sale

Mr. Stuart indicated that the bids received on the 1979 Chrysler passenger car and the 1976 Mercury Montego passenger car were opened on Friday, September 29, 1984, at 10:00 a.m. Mr. Stuart stated that the high bid for the Chrysler was \$100.00 and the high bid for the Mercury was \$385.00. Mr. Stuart requested Council authority to execute the sale of these two pieces of surplus equipment.

There was a MOTION by Councilman Lovejoy, seconded by Councilman Geraghty, to sell the Mercury for \$385.00 and the Chrysler for \$100.00; MOTION carried unanimously.

X. ORDINANCES

None.

XI. RESOLUTIONS

1. Resolution No. 359 - 1983-84 Budget Year Audit Report

Mrs. Van Nest read Resolution No. 359 into the record.

There was a MOTION by Councilman Geraghty, seconded by Councilman Lovejoy, to adopt Resolution No. 359; MOTION carried unanimously.

2. Resolution No. 360 - Interagency Agreement

Mr. Stuart explained that this resolution is for the purpose of entering into an agreement with the Department of Transportation, and the State will proceed with the survey, inventory, painting and marking of all required no passing zones, in accordance with ORS 190.110.

Vice Mayor Batty indicated that he felt the City staff should have input into the study itself.

There was a MOTION by Vice Mayor Batty, seconded by Councilman Nidiffer, to adopt Resolution No. 360; MOTION carried unanimously.

XII. UNSCHEDULED PUBLIC APPEARANCES

Mr. George King, new manager of the Brookings-Harbor Chamber of Commerce, stated that he was looking forward to working with the City of Brookings and requested any input from members of the Council.

XIII. PAYMENT OF VOUCHERS

There was a MOTION by Councilman Nidiffer, seconded by Councilman Lovejoy, to pay the vouchers in the amount of \$25,103.24; MOTION carried unanimously.

XIV. ADJOURNMENT


There was a MOTION by Councilman Lovejoy, seconded by Councilman Nidiffer, to adjourn the meeting; MOTION carried unanimously.

Mayor Kerr adjourned the meeting at 8:03 p.m.



Mayor Bob Kerr

ATTEST:



Naomi Bradfield
City Recorder

VOUCHERS PAYABLE

October 9, 1984

Vouchered in September - Payable in October

| <u>VOUCHER NO.</u> | <u>CHECK NO.</u> | <u>VENDOR</u> | <u>AMOUNT</u> |
|--------------------|------------------|-----------------------------|---------------|
| 3936 | 9414 | ALANTIC MAGAZINE | 18.00 |
| 4035 | 9415 | ARIZONA HIGHWAYS | 15.00 |
| 3975 | 9416 | ART & ANTIQUES | 29.95 |
| 3977 | 9417 | B & E DEPT. STORE | 74.95 |
| 4018, 3968 | 9419 | BECCO, INC | 212.00 |
| 4016 | 9420 | DENNIS BARLOW | 15.11 |
| 3950 | 9421 | BKS. | 72.65 |
| 3924 | 9422 | BLUE STAR GAS, NW | 368.95 |
| 4004 | 9423 | BRITE SPOT JANITORIAL | 175.00 |
| 3921 | 9424 | BROOKINGS INN REST. | 15.30 |
| 3972 | 9425 | BROOKINGS OFFICE SUPPLIES | 43.50 |
| 3969 | 9426 | BROOKINGS PLUMBING | 200.00 |
| 4006 | 9427 | BROOKINGS SANITARY SERVICE | 55.00 |
| 3979 | 9428 | BROOKINGS SPORTS UNLIMITED | 7.95 |
| 3980, 3962, 4011 | 9429 | BROOKINGS SUPPLY INC. | 220.98 |
| 3978 | 9430 | BROOKINGS VOLUNTEER FIRE | 1,035.00 |
| 3994 | 9431 | DONNA BROWN | 24.91 |
| 3995 | 9432 | GOLDIA BROWN | 27.00 |
| 3981 | 9433 | BUDGE MCHUGH SUPPLY INC. | 215.76 |
| 3955 | 9434 | BURROUGHS CORPORATION | 7,888.32 |
| 3923 | 9435 | CAL-ORE FIRE EXT. | 10.00 |
| 3974 | 9436 | CHETCO REXALL DRUGS | 39.95 |
| 4038 | 9437 | CLACKAMAS COMMUNICATIONS | 91.53 |
| 3982 | 9438 | COLVIN OIL COMPANY | 451.36 |
| 3917 | 9439 | COMMAND ENTERPRISES | 24.40 |
| 4030 | 9440 | COMPUTER & ELECTRONICS | 16.97 |
| 4005 | 9441 | J. CONANT JANITORIAL | 475.00 |
| 3996 | 9442 | MIKE COOPER | 14.11 |
| 4043 | 9443 | COUTRAKON & BABIN, ATTYS | 1,552.00 |
| 3970, 3943 | 9444 | CURRY COASTAL PILOT | 64.18 |
| 3965 | 9445 | CY DECOSSE INC. | 56.65 |
| 3963 | 9446 | D & H AUTO | 177.30 |
| 4023 | 9447 | DEL-CUR SUPPLY CO-OP | 34.00 |
| 3958 | 9448 | DICKS CHETCO SAW SHOP | 38.40 |
| 3997 | 9449 | GEORGE DOMINY | 13.11 |
| 3998 | 9450 | SAM DOTSON | 9.84 |
| 4045 | 9451 | DOYLE ELECTRIC | 111.40 |
| 3964 | 9452 | EBSCO SUBSCRIPTION SERVICES | 4.75 |
| 3983 | 9453 | ENGINEERED CONTROL PROD. | 103.86 |
| 3961 | 9454 | EXECUTIVE DEPARTMENT | 302.00 |
| 4020 | 9455 | 1ST IMPRESSIONS | 173.50 |
| 4046, 3925 | 9456 | FREEMAN ROCK | 1,494.05 |
| 3948 | 9457 | H.D. FOWLER COMPANY | 106.49 |
| 3999 | 9458 | CURT FOX | 27.16 |
| 4000 | 9459 | DAVE GILBERT | 12.11 |
| 3984, 3916 | 9460 | GOLDEN PRESS | 17.14 |
| 4031 | 9461 | GOOD HOUSEKEEPING | 14.97 |
| 4009 | 9462 | GRANTS PASS WATER LAB. | 30.00 |
| 4027 | 9463 | GREYHOUND BUS LINES | 18.40 |
| 3931 | 9464 | HGE, INC. | 670.50 |
| 3985 | 9465 | HANSCAMS CENTER | 7.39 |
| 3928 | 9466 | HARBOR EQUIPMENT COMPANY | 36.45 |
| 3941 | 9467 | HOUSE BEAUTIFUL | 15.97 |

| <u>VOUCHER NO.</u> | <u>CHECK NO.</u> | <u>VENDOR</u> | <u>AMOUNT</u> |
|--|------------------|-----------------------------|---------------|
| 4022 | 9468 | INDEPENDENT BUSINESS FORMS | 822.60 |
| 3957 | 9469 | RED JORDAN FOODS, INC. | 35.55 |
| 4003,3971,3929, 3937,3959,4041,3897 | 9471 | KERR HARDWARE | 342.30 |
| 4026 | 9472 | LITTRELL PARTS | 119.86 |
| 4001 | 9473 | CAMERON LYNN | 16.65 |
| 4012,4007,3966 | 9474 | MORY'S OFFICE SUPPLIES | 115.10 |
| 4036 | 9475 | MS. MAGAZINE | 14.00 |
| 3954 | 9476 | NUDELMAN BROTHERS | 48.50 |
| 4017 | 9477 | OK TIRE CENTER | 21.50 |
| 3952,3987,4024 | 9478 | O NEALE SUPPLY INC. | 186.75 |
| 3986,4014 | 9479 | OREGONIAN | 113.75 |
| 4034 | 9480 | OUTDOOR LIFE | 11.97 |
| 4002 | 9481 | KENT OWENS | 12.22 |
| 3956,3919,3920, 3953,3967 | 9482 | PACIFIC WATER WORKS | 1,391.76 |
| 3938 | 9483 | PARAMOUNT PEST CONTROL | 17.00 |
| 3990 | 9484 | SHIRLEE PENDLETON | 35.28 |
| 3933 | 9485 | PICK-UPS & MINI TRUCKS | 8.97 |
| 3951,4008 | 9486 | PUBLISHERS CENTRAL BUREAU | 22.56 |
| 3927,4037 | 9487 | QUALITY PAPERBACK BOOK CLUB | 34.96 |
| 3946,4021 | 9488 | RADIO SHACK | 49.19 |
| 3922 | 9489 | RAYS SENTRY MARKET | 32.17 |
| 3940 | 9490 | REPUBLIC POWDERED METALS | 1,185.00 |
| 3939 | 9491 | ROGERS MACHINERY COMPANY | 46.87 |
| 3973 | 9492 | SALMON TROUT STEELHEADER | 9.95 |
| 4029 | 9493 | SATURDAY EVENING POST | 12.97 |
| 3935 | 9494 | SCIENTIFIC AMERICAN | 24.00 |
| 3991 | 9495 | WAYNE SHEFFEL | 13.25 |
| 3992 | 9496 | MICHELLE SHORT | 27.80 |
| 4015 | 9497 | CECIL SMITH | 33.46 |
| 3988 | 9498 | KEITH SMITH | 350.00 |
| 4010 | 9499 | SQUARE DEAL BUILDERS SUPPLY | 33.73 |
| 3930,4025 | 9500 | STAMPERS J & J TIRE CO. | 25.95 |
| 3945,3989 | 9501 | STEINER CORPORATION | 11.30 |
| 3932 | 9502 | LOUISE STUART | 150.00 |
| 3926,4042 | 9503 | SUITERS PAINT & BODY | 248.00 |
| 3934 | 9504 | SUNSET MAGAZINE | 14.00 |
| 3942 | 9505 | TEEN MAGAZINE | 11.95 |
| 3918,3993 | 9506 | TIDEWATER CONTRACTORS | 578.89 |
| 4013 | 9507 | U.S. LEASING CORPORATION | 200.00 |
| 4044 | 9508 | U.S. NATIONAL BANK - VISA | 34.00 |
| 4019 | 9509 | UNITED LABORATORIES | 106.27 |
| 3944 | 9510 | UNIVERSITY PRODUCTS INC. | 170.99 |
| 3947 | 9511 | THE WORLD | 4.75 |
| 3949 | 9512 | WORLD MAGAZINE | 9.95 |
| 4028 | 9513 | WILSON TIRE SERVICE | 1,417.25 |
| | | TOTAL | \$ 25,103.24 |