

MINUTES
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
December 14, 1982
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; Councilman John Geraghty; Councilman Walt Lovejoy; Councilman Ray Nidiffer, Vice Mayor Gil Batty.

Staff Present: City Manager Lynn Stuart; Administrative Assistant Georgia Shirilla; City Recorder Naomi Bradfield; Public Works Director Cecil Smith; Assistant Public Works Director Dennis Barlow; City Engineer Steve Major; City Attorney John Coutrakon.

IV. CEREMONIES/APPOINTMENTS

1. Water Ad Hoc Committee Member

Mayor Kerr indicated that a vacancy was created on the Water Ad Hoc Committee by the resignation of Mr. Al Finch.

There was a MOTION by Councilman Geraghty, seconded by Councilman Lovejoy, to appoint Mr. Nick Beaman to replace Mr. Al Finch on the Water Ad Hoc Committee; motion carried unanimously.

V. MINUTES FOR APPROVAL/ACCEPTANCE

A. Approval of Council Meeting Minutes

1. There was a MOTION by Councilman Lovejoy, seconded by Councilman Geraghty, to approve the November 11, 1982 Regular Council Meeting Minutes; motion carried unanimously.

B. Acceptance of Commission Minutes

There was a MOTION by Vice Mayor Batty, seconded by Councilman Lovejoy, to accept the October 19, 1982 Regular Planning Commission Minutes; motion carried unanimously.

VI. SCHEDULED PUBLIC APPEARANCES

1. Liquor License-Christmas Tree Restaurant

Mayor Kerr indicated that the representatives of the Christmas Tree Restaurant were unable to attend early in the session and, if any questions pertaining to the Liquor License Application were raised, the issue would have to be tabled until further in the meeting. There was a presentation by the Staff indicating that the City Staff, including the Police Department, had reviewed the proposed application and find no objections. Mayor Kerr asked for any objections from either the City Council or the audience, hearing none, there was a MOTION from Councilman Nidiffer, seconded by Councilman Geraghty, to recommend to the OLCC the approval of the Class C dispenser license for the Christmas Tree Restaurant; motion carried unanimously.

VII. COMMUNICATIONS/ANNOUNCEMENTS

A. Mayor Announcements

1. OCZMA Briefing

Mayor Kerr briefed the City Council and the audience on the OCZMA meeting held in Newport and indicated that the next meeting of the OCZMA was to be in February. Any items the Council desired the Mayor to present to the OCZMA executive session were to be presented to him prior to the February meeting.

2. Soroptimist Day

Mayor Kerr indicated that January 8, 1983 marked the 25th anniversary of the Soroptimist Club and that he had been requested by Soroptimist Ann Cutter to name January 8, 1983 as Soroptimist Day. He indicated that a proclamation would be prepared and issued prior to the January 8, 1983 deadline.

B. Council Announcements

None

C. Manager Announcements

1. Deleted

2. Street Light Request

City Manager Lynn Stuart outlined the two street light requests; one located at the intersection of Tanbark and Memory Lane and one located at the end of Iris Street. The Iris Street light is presently existing and the neighborhood is paying for the monthly electrical bill.

Following a brief discussion the City Council indicated that since we are presently in the process of negotiating a new franchise with Coos-Curry Electric and since the potential of numerous other privately owned street lights in the City existed there was a MOTION by Councilman Batty, seconded by Councilman Lovejoy, to deny the request for a street light installation at the end of Iris Street; motion carried unanimously.

There was a MOTION by Councilman Nidiffer, seconded by Councilman Lovejoy, to deny the request for the installation of the street light at the intersection of Tanbark and Memory Lane until such time as the franchise negotiations are completed; motion carried unanimously.

3. Easy Manor Park Improvements

Mr. Stuart indicated that the Jaycette organization had acquired approximately \$489.99 to purchase playground equipment for the Easy Manor Park. The request was for the City Council to participate in purchasing one additional 4-seat swing set and defray shipping costs for the Jaycettes. Mayor Kerr expressed support of providing playground equipment for youngsters in the community since we had just expended a substantial amount of money improving park facilities in the Bud Cross Area. There was a MOTION by Councilman Lovejoy, seconded by Councilman Geraghty, to make funds available to assist the Jaycettes in installing and acquiring playground equipment for the Easy Manor Park; motion carried unanimously.

4. Findings Seminar/Land Use Workshop

Mr. Stuart outlined for the City Council the availability of Land Use Workshop being offered by the Bureau of Governmental Research. It was outlined that the programs available could include any combination of:

1. Simplifying Regulations and Procedures
2. Land Use Hearings
3. Findings
4. Organizational Alternatives
5. Land Use Appeals

The purpose of the agenda item was to request the City Council's interest in participating in such a program which would provide information for the City Council, Planning Commission, City Staff and residents of the community at no out of pocket cost.

The City Council directed the Staff to proceed with organizing such a workshop for the City of Brookings.

5. Port Dredging

Administrative Assistant, Georgia Shirilla outlined for the City Council the proposed maintenance dredging at the Port of Brookings. She outlined that the proposed dredging would take the boat basin to a depth of 12 feet in both basins 1 and 2.

She further indicated that the reason the City Council was re-viewing the project prior to the Planning Commission was response deadlines would not allow any other approach. She further indicated that the Coos-Curry Council of Government findings document had been presented and made a part of the report and that the proposed work is consistent with Goals 16 and 17 and therefore consistent with the Oregon Coastal Management Program.

The City Council had no objections to the proposed dredging and the City Staff was directed to send any objections that might be brought before the Planning Commission back to the City Council for their information.

6. EDA Update

Mr. Stuart briefed the City Council regarding the Economic Development Agency Grant Program. He indicated that the original program provided for a February deadline for filing but since the initial scheduling of a public hearing for the EDA Program at the December 14, 1982 meeting, EDA did change the filing date and therefore the City of Brookings could not apply. The City Staff was directed to formally organize an EDA application program and present it to the City Council at a future date. No official action was requested.

7. Steevens Zoning

Mr. Stuart briefed the City Council on the Mike and Velda Steevens zoning request action before the Curry County Board of Commissioners.

Mr. Steevens has been, for some time, pursuing commercial zoning on a parcel of land situated approximately 1/4 mile north of the City Water Intake Facility. The City has been consistently expressing concern regarding the negative impact on the City's water intake facility and as a result, the City of Brookings Planning Commission and City Council recommended denial of the zoning change request. The Curry County Planning Commission did, in fact, deny the request but an appeal by Mr. Steevens to the Curry County Commissioners resulted in the Commission overriding the denial of the Planning Commission and allowing Mr. Steevens rural commercial zoning on the land parcel.

The City Staff was directed to continue observing the impact of the zoning change and keep the City Council informed as to any changes. No official action requested.

8. SCA Allotment

Mr. Stuart outlined for the City Council that the SCA (Special City Allotment) Grant, which was applied for to assist in the construction of Fifth Street from Easy Street to U.S. 101, was denied.

The letter from the Department of Transportation, dated November 17, 1982, encouraged the City to reapply next calendar year. No action requested.

9. Checking Account Procedures

Mr. Stuart outlined for the City Council the proposed procedures for vesting the City's checking account monies, which allow the City to draw daily interest on all checking account dollars. No action requested.

10. Planning Commission General Review/Preview

Ms. Shirilla outlined for the City Council the actions from the last City Planning Commission Meeting and previewed the December 21st, 1982 agenda. Following this briefing Ms. Shirilla introduced Mr. Glen Hale of the Department of Land Conservation and Development and indicated that the City Staff was meeting with Mr. Hale on the morning of December 15, 1982 to discuss the City's approach to Goals 16 and 17. Mayor Kerr welcomed Mr. Hale to the Meeting.

11. Dawson Agreement

Mr. Stuart indicated that the Dawson Agreement was not completely finalized due to a question regarding insurance coverage in the Dawson area. The City Council layed the Dawson Agreement over until the January meeting at which time they directed Staff to complete the agreement negotiations.

D. Attorney Announcements

Mr. Coutrakon, City Attorney, briefed the City Council on a request that had been received from the Smooth Plastering Corporation legal council. The Smooth Plastering Corporation was the successful bidder in repairing the City's swimming pool, however, the corporation did not acquire a construction performance bond and therefore the City Council, at the November meeting, did indicate that the construction was no longer awarded to the Smooth Plastering Corporation and that the bid bond necessary would therefore be forfeited. It is the purpose of the attorney for Smooth Plastering to attempt to acquire the Smooth Plastering Bid Bond. The City Staff was directed to continue to inform the City Council regarding this matter.

E. Engineer Announcements

City Engineer Steve Major outlined activities presently ongoing by the Engineering Office.

VIII. CALL FOR BIDS

None

IX. REPORT ON BIDS

1. Surplus Equipment

Mr. Stuart outlined for the City Council the surplus equipment bids as tabulated at opening on December 8, 1982.

1954 White Diesel Dump Truck	\$318.00	high of 3 bids
1962 Ford Dump Truck	600.00	high of 6 bids
1977 Pontiac 4-door sedan	70.00	high of 2 bids
1978 Dodge 4-door sedan	201.00	high of 3 bids
1975 Chevrolet 4-door sedan	70.00	high of 2 bids
1966 Ford 3/4 ton pickup	176.00	high of 3 bids
1000 Gallon Tank	90.00	high of 3 bids
1500 Gallon Tank	25.00	only bid
Tool Box	25.00	only bid
55 Gallon Fuel Tank	25.00	only bid
Weed Spray Pump		no bid
3 Miscellaneous pumps with motors	5.00	only bid
Asbestos Pipe Saw	10.00	only bid

After a brief discussion there was a MOTION by Councilman Lovejoy, seconded by Councilman Batty, to award all high bids excluding the 1954 White Diesel Dump Truck, 1500 gallon fuel tank and 3 miscellaneous pumps with motors; motion carried unanimously.

X. ORDINANCES

1. Ordinance No. 366 - P & R

The City Recorder, Naomi Bradfield, read Ordinance No. 366 for the second reading. Mayor Kerr asked if there were any questions from the City Council or the audience, being none, there was a MOTION from Councilman Geraghty, seconded by Councilman Nidiffer to adopt Ordinance No. 366 at its second reading; motion carried unanimously.

2. Ordinance No. 367 - Criminal Law Amendment

City Recorder, Naomi Bradfield, read Ordinance No. 367 into the record. There was a brief discussion, at which time City Attorney John Coutrakon indicated that this was an effort to update the City's Ordinances in accordance with the Oregon Criminal Code, The Oregon Liquor Control Laws, The Oregon Controlled substance Laws and The

Oregon Motor Vehicle Codes.

There was a MOTION by Councilman Lovejoy, seconded by Councilman Batty, to approve Ordinance No. 367 at its first reading; motion carried unanimously.

Mayor Kerr announced that the unanimous vote allowed for the City Council to have a second reading by title only.

The City Recorder, Naomi Bradfield, read Ordinance No. 367 by title only, there was a MOTION by Councilman Lovejoy, seconded by Councilman Nidiffer, to adopt Ordinance No. 367 by second reading; motion carried unanimously.

3. Ordinance No. 368 - Coos Curry Electric Franchise

City Recorder, Naomi Bradfield, read Ordinance No. 368 into the record.

Mayor Kerr asked if there were any questions of the City Council or the audience, there being none, there was a MOTION by Councilman Nidiffer, seconded by Councilman Gerghaty, to adopt Ordinance No. 368 at its first reading; motion carried unanimously.

Mayor Kerr announced the unanimous approval of the Ordinance and directed the City Recorder to read Ordinance No. 368 by title only, she did so, there was a motion by Councilman Geraghty, seconded by Councilman Nidiffer, to adopt Ordinance No. 368 at its second reading; motion carried unanimously.

4. Ordinance No. 369 - Library Fund

Mayor Kerr outlined for the audience the purpose of Ordinance No. 369 which creates a fund providing for the Lewis Eldon Morgan Funds to become a part of the City of Brookings Budgetary process. He indicated that the purpose of this action was to respond to the auditor recommendations and asked City Manager Lynn Stuart to briefly outline the history of the Ordinance.

Mr. Stuart indicated that for some time the City Staff has been researching who the legal recipient of the Lewis Eldon Morgan Funds should be. The result of that research indicates that the only legal recipient of the funds could be the City Council and therefore the City Council was being requested to adopt Ordinance No. 369, which created the fund and would satisfy the auditors requirements. The Ordinance would require the funds to be maintained by the City and therefore would be audited on a regular basis in conjunction with the balance of the City's budget and would require that any expenditures from the fund would necessarily have to be approved through the budget process as other funds are handled. Following this presentation, City Recorder, Naomi Bradfield, read Ordinance No. 369 into the record.

Mayor Kerr asked if there were any questions regarding the creation of this fund; there being none, there was a MOTION by Councilman Batty, seconded by Councilman Lovejoy, to adopt the Library Fund at the first reading; motion carried unanimously.

Mayor Kerr indicated that with the unanimous approval of the first reading, the City Recorder was directed to read Ordinance No. 369 by title only, after doing so, there was a MOTION by Councilman Batty, seconded by Councilman Geraghty, to adopt Ordinance No. 369 at its second reading; motion carried unanimously.

At this point, Mr. Don Cameron asked if he were to donate to the City or any other member of the community desired to donate funds to the City's Library, if such a fund could also be created for their bequest. The answer to the question was in the affirmative.

Mrs. Miriam Christensen asked a similar question regarding her husband's bequest. The answer to her question was in the affirmative. At this point, John Coutrakon, City Attorney, briefly outlined for the audience the process necessary to handle these funds and some of the alternatives available.

XI. RESOLUTIONS

1. Resolution No. 320 - Comprehensive Plan/Maintenance Grant Fund

City Recorder, Naomi Bradfield, read into the record Resolution No. 320 authorizing the Mayor to apply for grant funds for maintaining the City's Comprehensive Plan.

Following the reading of the Resolution, Mr. Glen Hale of the Department of Land Conservation and Development Commission indicated that additional funds would be made available upon acknowledgement of the City Plan.

There was a MOTION by Councilman Batty, seconded by Councilman Lovejoy, to approve Resolution No. 320; motion carried unanimously.

XII. UNSCHEDULED PUBLIC APPEARANCES

Mr. Stuart indicated that Mr. Bob Adkins, representing his business known at "The Hole in the Wall", was requesting a liquor license for packaged liquors. Mr. Adkins presented to the City Council that his intention was to open a small sandwich shop which sold beer and wine in containers only; there would be no consumption on the premises. There were several questions from the City Council regarding the package license being requested. There was a MOTION by Councilman Lovejoy, seconded by Councilman Batty, to recommend approval of the liquor license application as presented; motion carried unanimously.

XIII. PAYMENT OF VOUCHERS

There was a MOTION by Councilman Batty, seconded by Councilman Lovejoy, to approve vouchers in the amount of \$24,222.76; motion carried unanimously.

XIV. ADJOURNMENT

There was a MOTION by Councilman Lovejoy, seconded by Councilman Batty, to adjourn to an executive session for the purposes of discussing litigation on the King Street Alignment in accordance with ORS 192.660(1)(a); motion carried unanimously.

EXECUTIVE SESSION ORS 192.660 (1) (a)

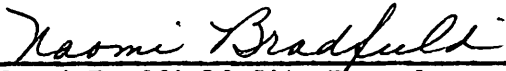
The City Council adjourned to executive session at 8:40 p.m.

The City Council reconvened at 9:02 p.m; there was a motion by Councilman Lovejoy, seconded by Councilman Batty to adjourn the December 14, 1982 meeting; motion carried unanimously.



Mayor Bob Kerr

ATTEST:



Naomi Bradfield City Recorder

VOUCHERS PAYABLE

December 14, 1982

VOUCHERED IN NOVEMBER - PAYABLE IN DECEMBER

<u>VOUCHER NO.</u>	<u>CHECK NO.</u>	<u>VENDOR</u>	<u>AMOUNT</u>
.105,1176	5536	Akin Motor Company, Inc.	\$ 182.73
.094,1121	5537	American Scientific Products	81.49
.157	5538	Bob Babb	9.84
.090,1145	5539	Becco, Inc.	484.83
.173	5540	Beetz Rentals	399.50
.144	5541	Blue Star Gas	131.52
.081	5542	R.R. Bowker	3.14
.093	5543	Boy's Life - Boy Scouts of America	10.80
.146	5544	Naomi Bradfield	44.00
.150	5545	Brite Spot Janitorial	175.00
.169	5546	Brodart, Inc.	103.35
.097,1098	5547	Brookings Plumbing	88.60
.170	5548	Brookings Sanitary Service	55.00
.083	5549	Brookings Supply, Inc.	117.24
.167		Brookings Volunteer Firefighter's Association	1,194.87
.138	5550	Bureau of Governmental Research and Service	6.00
.085	5551	Burns & Updegrove	3,234.25
.075,1166	5552	Larry Cass	54.15
.182	5553	Chamber's Heating and Plumbing	975.62
.137,1178	5554	Chetco Rexall Drugs	16.39
.165	5555	John Clarke	14.68
.101	5556	Command Enterprises	19.95
.104, 1148	5557	Jerry Conant Business Machine Repair	67.95
.147	5558	Jerry Conant Janitorial	475.00
.168	5559	Connelley, Heinsoo & Kuhns	60.00
.161	5560	Mike Cooper	7.95
.128	5561	Coos-Curry Council of Governments	39.43
.139	5562	Coutrakon, Hoselton & Babin	1,254.50
.120	5563	JC John Curley & Associates, Inc.	23.85
.186	5564	Curry Coastal Pilot	10.96
.110	5565	Da-Tone Construction	72.85
.156	5566	Dick's Chetco Saw Shop	19.20
.158	5567	Samuel Dotson	9.84
.155	5568	Doyle Electric	345.13
.130	5569	Dyn-optics, Inc.	101.55
.183	5570	Elmer's Flag and Banner	107.00
.103	5571	Executive Department - Exec. Building	300.00
.163,1181	5572	Curt Fox	146.31
.123	5573	Frank's Office Equipment	24.30
.141	5574	Grants Pass Water Laboratory	26.00
.084,1149,1189	5575	Greyhound Bus Lines	31.40

<u>CHER NO.</u>	<u>CHECK NO.</u>	<u>VENDOR</u>	<u>AMOUNT</u>
188	5579	H.G.E., Inc.	\$2,358.50
116	5580	Hams Muffler & Radiator	220.40
088	5581	Harbor Logging Supply, Inc.	65.00
126	5582	Cathleen B. Herbage	400.00
087,1135	5583	The Highsmith Co., Inc.	34.45
076,1095	5584	Hinds Supply Company	34.33
115	5585	Hubbard s Lawn & Garden Center	47.37
096	5586	Industrial Electric Service Co.	125.49
133		The International City Management Association	190.00
	5587		
080,1107	5588	John s Starter & Altenator Service	98.85
106,1132	5589	Kerr Ace Hardware	84.59
151	5590	Ki ² Enterprises	10.00
111	5591	League of Oregon Cities	7.55
185	5592	Littrell Parts	12.38
142	5593	Mory s Arts	89.63
131,1172	5594	M & K Cafe	9.00
154	5595	James H. Nelson - Attorney at Law	400.00
174	5596	Nudelman Brothers	195.00
125	5597	Oregonian	7.50
159	5598	Kent Owens	12.22
112,1113,1119	5599	Pacific Water Works Supply Co., Inc.	1,079.14
108	5600	Paramount Pest Control	17.00
143	5601	Pitney Bowes	122.40
122	5602	Power Trnasmision Products	17.36
091	5603	The Progressive	20.00
082,1140	5604	Ray s Sentry Markets	124.74
079	5605	Reader s Digest Fund for the Blind, Inc.	10.89
162	5606	Jerry Riste	13.97
180	5607	Ritz Repair, Inc.	205.83
152	5608	Saturday Evening Post - Book Division	19.24
160	5609	Wayne Sheffel	12.00
134	5610	Georgia Shirilla	90.00
074	5611	Cecil Smith	23.07
118	5612	Keith Smith	350.00
109,1114,1124,1179	5613	Square Deal Builder s Supply	219.05
136,1164	5614	Stamper s J & J Tire	92.34
177	5615	Steiner Corporation	359.45
153	5616	United States Leasing Corporation	200.00
171	5617	US National Bank of Oregon - VISA	142.15
092	5618	US Naval Institute	24.00
117	5619	Wallace & Tjernan Division - Pennwalt	262.00
184	5620	Waterous Company	31.48
127	5621	Western Fire Journal	12.95
175	5622	Wilson Distributing Service, Inc.	1,788.01
04,539,540,545		VOIDED VOUCHERS - dated 6-30-82	(778.65)
077,1078,1099,			
1100,1129		VOUCHERED IN NOVEMBER - PAID IN OCTOBER	4,834.01
189		VOUCHERED IN DECEMBER - PAID IN DECEMBER	1.90
TOTAL			\$ 24,222.76