

AGENDA
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
SEPTEMBER 11, 1979

I. PLEDGE OF ALLEGIANCE

The meeting was called to order at 8:00 p.m. by Mayor Elmer Hitchcock.

II. ROLL CALL

Members present were Councilmen C. Dwight Allen, Darrell Allsup, Ray Lockman and Jack Lowrie.

Staff present were: City Manager Frank Freeman, City Recorder Marge McKernan and City Attorney John Coutrakon.

III. APPROVAL OF MINUTES

MOTION was made by Councilman Allsup, seconded by Councilman Allen and carried that in the minutes of July 17, 1979 it should read no increase in wages for employees of the City of Brookings until a budget is approved.

MOTION was then made by Councilman Allen, seconded by Councilman Lockman and carried that the minutes of July 17, 1979, August 15, 1979; August 20, 1979; and August 21, 1979 be approved as presented.

IV. COMMUNICATIONS - None

V. PUBLIC HEARINGS

1. Growth Management Ordinance which would require that in the future areas requesting City water service must be within the City Limits prior to receiving City water.

Ordinance No. 322 was read in full.

MOTION was made by Councilman Allen and seconded by Councilman Lowrie that Ordinance No. 322 be read the second time by title only. Roll call was as follows:

Councilman Allen	Yes
Councilman Allsup	Yes
Councilman Lockman	Yes
Councilman Lowrie	Yes
Mayor Hitchcock	Yes

Ordinance No. 322 was then read the second time by title only.

MOTION was made by Councilman Allen, seconded by Councilman Lowrie and carried that Ordinance No. 322 be adopted.

VI. PUBLIC PARTICIPATION - None

VII. LEGISLATIVE ACTION

1. Request from Mr. James Wheelock for City Council approval of L.L.C.C. application for liquor license.

Mr. Wheelock presented a set of plans to the Council for his proposed restaurant and lounge. The restaurant will be on the second story and the lounge below. The location is next to Coos-Curry Electric building on the South Side. There will parking spaces for 48 to 57 cars.

MOTION was made by Councilman Allsup, seconded by Councilman Lowrie and carried that this liquor application for Mr. Wheelock be approved.

2. Ordinance No. 321, an Ordinance rescinding City Ordinance No. 290-A which designates the third Tuesday of the month as a regular monthly council meeting day and scheduling the regular council meetings to be held on the second Tuesday of each month was read in full.

MOTION was made by Councilman Allsup and seconded by Councilman Lockman that Ordinance No. 321 be read the second time by title only. Roll call was as follows:

Councilman Allen	Yes
Councilman Allsup	Yes
Councilman Lockman	Yes
Councilman Lowrie	Yes
Mayor Hitchcock	Yes

Ordinance No. 321 was then read the second time by title only.

MOTION was made by Councilman Allen, seconded by Councilman Allsup and carried that Ordinance No. 321 be adopted.

3. Request from Gerald Ross Agency, Inc. to accept recently completed Ross Road.

MOTION was made by Councilman Allen, seconded by Councilman Allsup and carried that this Ross Road be accepted by the City upon guarantee of one year maintenance and repair on the road.

4. Resolution No. 227, A Resolution adopting 1979-80 Fiscal Year Budget which is within the 6% limitation was read in full.

MOTION was made by Councilman Allen, seconded by Councilman Allsup and carried that Resolution No. 227 be adopted.

VIII. CITY ATTORNEY'S REPORT

John Coutrakon, newly appointed City Attorney, advised that he was pleased to be here at the pleasure of the Council and appreciated being the City Attorney. Mr. Coutrakon ask that the Council direct him as what is to be done. Councilman Allen recommended that the City Attorney is to be contacted by the City Manager only, even the Council members are not to contact the City Attorney or any of the Employees in regards to City business. Mr. Coutrakon ask that the Council set priorities. The following are the listed priorities:

1. Harbor Sanitary Sewer District charges.
2. Ordinance on heavy truck traffic on certain city streets.
3. Adopt entire Oregon Criminal Code.
4. Dawson Fire Tract Contract and Ordinance adopting fire standards.
5. Green River Ordinance.

IX. CITY MANAGER'S REPORT

1. Letter from Mr. Richard G. Timmons resigning from the City Planning Commission.
City Manager will write a letter of appreciation.
2. Request from Carl Hansen, District 17-C, for mid-block cross walk on Easy Street opposite the old Seventh Day Adventist School.
Resolution is to be prepared authorizing the above named cross walk.
3. Proposed Urban Growth Boundary study session on September 19, 1979. This meeting is scheduled for 7:00 p.m.
4. Report and request from Lee G. Van Duzee concerning condemnation of a 10 foot strip of land for water and sewer easement.
Much discussion followed on this request and it was suggested by Councilman Allsup that the City Attorney check this out and advise. This will be No. 5 on the City Attorney's priority list.
5. Report on public access to Mill Beach Road. Dick Nored, Engineer, advised that he had requested a title search on this access. This will be discussed at the October 9, 1979 meeting.
6. Report on Mr. Allen Kernutt's request that the City vacate a portion of Wharf Street.
Dick Nored advised that he had requested a title search from the title company and until this is received there can be no decision made.
7. Request from County Extension Agent to grow varieties of grass on City property east of City Hall Parking lot.
Councilman Allsup reminded the City Manager that he was to have this lot prepared for parking purposes. City Manager advised that he would check into this.
Council gave their approval for the County Extension Agent to grow varieties of grass on part of this property.
8. Discussion concerning City Public Works inspection fees.
MOTION was made by Councilman Allsup, seconded by Councilman Allen and carried that the City is hereby in the position to collect charges for this service.
9. Claim submitted against City by Mrs. Judith Bailey regarding daughter's accident at Municipal pool.
Councilman Allen and Lowrie advised that they wanted to first talk to Pat Clancy, Parks Director.

10. Request from Yergen & Meyer, CPA for additional charges for auditing the records of the City for the fiscal year 1978-79.

They advised in their letter that the total cost to complete the audit would be \$11,825.00 instead of the original bid amount of \$6,550.00

Reasons being that the general ledger had not been posted since November, 1978. City Recorder advised that at the time Mr. Feitz presented his proposal, this posting had not been done and he was so advised. That the present Auditor was in the process of getting this posting up to date. City Recorder was working under his instructions. The City then chose to discontinue the present Auditors service so this posting was not completed.

The City was to provide a financial statement as may be necessary to fully disclose and fairly present the results of operation for the period under audit. City Recorder advised that she was not given any instructions as to what was to be prepared before they started the audit. The former Auditor in his proposal advised that the main part of the audit is to prepare the financial report and that is what he intended to do.

The City employees were unable to furnish us with bank reconciliations on any of these accounts as of June 30, 1979. City Recorder advised that this was untrue, for all of the bank statements were reconciled for eleven months and the 12th month of the year which was June, 1979 could not be reconciled by City employees for it is customary that the auditor pick up those statements from the bank, therefore making it impossible to do the one months reconciliation.

The City's accounting records are severely inadequate and internal control is virtually nonexistent. City Recorder advised that they were aware that the computer was not preparing a proper trial balance on the water and sewer billings, and that the machine would have to be reprogrammed, which would require an Auditors advise.

City Recorder also advised that for the entire year the Revenue and Expenditure reports were prepared and that the Council received these reports.

Mayor Hitchcock and Councilman Lockman objected to the increase in cost for the audit and requested that Mr. Feitz come to the Council and explain the reasons. Meeting was then scheduled for 10:00 a.m. on Friday, September 14, 1979.

X. PAYMENT OF VOUCHERS

MOTION was made by Councilman Allen, seconded by Councilman Allsup and carried that vouchers in the amount of \$81,095.32 for the month of August be paid. City Recorder advised that she had not received all of the telephone and electric bills and ask for approval to pay them. Council advised that they would approve payment on these bills on September 14, 1979.

XI. OTHER BUSINESS

Dick Nored, Engineer, advised that at the town hall meeting held for input from property owners for street improvements seemed favorable for the following streets: Arnold, Fifield, Moore, Hub and Mill Beach. He advised that it would cost under \$10,000.00 to do the preliminary engineer plans.

MOTION was made by Councilman Allsup, seconded by Councilman Lockman and carried that H.G.E., INC. proceed with the preliminary engineering plans on the above named project.

Dick Nored suggested to Mr. Van Duzee that he negotiate a LID program and possibly they could form a sewer district in the area where he owns property that is land locked. Mr. Nored advised that he was very doubtful if the adjoining properties, which are the properties that Mr. Van Duzee wants condemned are connected to the City Sewer System.

Mr. Nored ask the Council if they wanted H.G.E., INC. to proceed with the smoke bomb testing on the I & I study. It would cost \$18,000.00 City Recorder advised that when Harbor connected to the City Sewer System and they paid in the excess of \$60,000.00 for this service, the amount of \$50,000.00 was put in a reserve fund for future sewer plant replacement or repair. She suggested that they keep as much of this money as possible. If there is a major breakdown at the sewer plant there would not be any money available to repair it. Mr. Nored agreed that it was a good idea to keep as much in reserve for sewer plant replacement and repair. Council didnot approve the smoke bomb testing at this time.

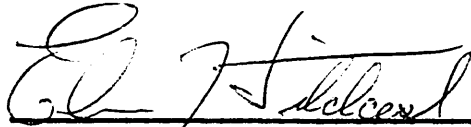
Mr. Nored also advised that they are checking out the Mill Beach Pump Station. There are problems of overflow at this pump station.

Mayor Hitchcock requested that the Agenda for all Council meetings be posted in the local newspaper.

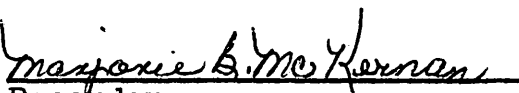
XII. ADJOURNMENT

MOTION was made by Councilman Allen, seconded by Councilman Lowrie and carried that this meeting be adjourned until 10:00 a.m. on Friday, September 14, 1979. The meeting then adjourned at 10:20 p.m.

This meeting was recorded on tape and is on file in the Recorder's Office.


Mayor

Attest:


Recorder

Marquess & Associates, Inc. . . . CONSULTING ENGINEERS

TELEPHONE: (503) 772-7115

P.O. BOX 490
1120 EAST JACKSON STREET
MEDFORD, OREGON 97501

September 18, 1979

Ms. Marjorie B. McKernan
City Recorder
City of Brookings
898 Elk Drive
Brookings, Oregon 97415

Re: Brookings - North Sewer District
PAYMENT OF ENGINEERING FEES

Dear Marge:

Thank you for the recent payment of the amount of \$61,139.58 for engineering fees for services in 1978 and through July 31, 1979.

This letter is to confirm my verbal request to void this check and to pay only the amount of \$1,139.58 at this time, with the remaining \$60,000.00 to be paid between January 1, and January 10, 1980.

This will assist the North Sewer District by providing a considerable saving in interest, and, at the same time, assist our firm on our income taxes.

All future billings for the amount due over the \$60,000.00 should be paid in full.

Thank you for your consideration.

Very truly yours,

MARQUESS & ASSOCIATES, INC.


Clifford B. Shaw, P. E.

CBS:ds

cc: Frank Freeman, City Manager
M. John Spicer, City Attorney

MINUTES
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
SEPTEMBER 14, 1979

Meeting was called to order at 10:30 a.m. by Mayor Elmer Hitchcock. This meeting was reconvened from September 11, 1979.

Members present were: Councilmen C. Dwight Allen, Darrell Allsup, Ray Lockman and Jack Lowrie.

Staff present were: City Manager Frank Freeman, City Recorder Marge McKernan and City Attorney George Hoselton.

Also present were: Roy. L. Fietz, Partner of Yergen & Meyer, CPA and Don Hall with Yergen & Meyer, CPA.

This meeting was called for the purpose of considering a billing invoice submitted by the City's Auditing Firm, Yergen & Meyer, Certified Public Accounts.

Roy L. Fietz read part of his letter which was as follows:
Under the terms of paragraph 5 of our contract, the City was to provide us with financial statements as may be necessary to fully disclose and fairly present the results of operations for the period under audit and the financial situation at the end of the period. In addition, the general ledger of the City had not been posted since November of 1978 and the posting that had been done up to then consisted of merely recording the revenues and expenditures of the City. City Recorder then advised Mr. Fietz, that when he presented the proposal for the audit she had advised him that the general ledger had only been posted until November, 1978 and that the prior auditor was in the process of getting them up to date and with specific instructions how to continue with the general ledger posting and had ask Mr. Fietz at that time if his company was capable of doing this. He advised yes that they were very familiar with this process. Mr. Fietz then said, "that the proposal had already been presented to the City when this question was ask and that they could not change their proposal at that time."

The City Recorder then ask, "isn't that the purpose of having an audit to prepare a financial statement of the City's records." He advised yes, but the City is suppose to have a financial statement for them to review.

Recorder then presented the reports and works sheets on the City's Revenues, Expenditures and the beginning cash balance. Mr. Fietz advised that this was not enough information, a financial statement should have been prepared. Recorder then ask Mr. Fietz if he would put it in specific form as to what he required for a financial statement. City Recorder then advised Mr. Fietz had he advised her that this report was required that she would have had one prepared. Councilman Lockman then ask, "has the Recorder been advised of any information that was needed before the auditors started the audit", and he was advise no. Councilman Lockman objected to the increase in the audit report being presented at this time.

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City of Brookings
September 14, 1979

Mayor Hitchcock then read paragraph 7 of the audit contract which was as follows:

In consideration of the faithful performance of the conditions, covenants, and undertaking herein set forth, the City of Brookings, Oregon hereby agrees to pay Yergen & Meyer a reasonable fee, not to exceed \$6,550.00 for the audit for the fiscal year ended June 30, 1979 and the City of Brookings, Oregon, hereby affirms that proper provision for the payment of such fee has been or will be duly made and that funds for the payment thereof are or will be made legally available.

Mayor Hitchcock then ask Mr. Feitz, "how can you charge us anymore for the audit"? Mr. Fietz replied that as it read in paragraph 5, it is understood and agreed that the City of Brookings , Oregon is responsible for such financial statements as may be necessary to fully disclose and fairly present the results of operations for the period under audit. Mayor Hitchcock then said "that there were no specific instructions as to what the financial statement was to consist of".

Mayor Hitchcock also read paragraph 3 of the audit proposal which was as follows:

It is understood and agreed that, should unusual conditions arise or be encountered during the course of the audit whereby the services of Yergen & Meyer are necessary beyond the extent of the work contemplated, written notification of such unusual conditions shall be delivered to the City of Brookings, Oregon, who shall instruct in writing Yergen & Meyer concerning such additional services, and that a signed copy of each such notification and instruction shall be delivered immediately to the Secretary of State by the Party issuing the same. Mayor Hitchcock advised that they had not been notified of any unusual conditions. Mr. Fietz then replied, "that was what the letter they are now quoting from stated". Mayor Hitchcock had ask the Auditor who was doing the auditing, "is there anything that the Council should be aware of"? The auditor said "that every thing is just fine".

Mayor Hitchcock then stated that the prior Auditor who had also presented a proposal for the amount of \$5,175.00 to do the audit that he would be preparing the financial statement as that was the main part of the audit.

City Recorder advised that she and the machine operator of the water and sewer billings were aware of the fact that computer was not producing a correct trial balance, but this is a problem in the programming of the machine not the operators fault. This problem is to be solved when the Auditor and the Programmer can get to gather.

Councilman Allen then ask the opinion of the City Attorney. Mr. Hoselton advised that if the City wants the audit to be completed by Yergen & Meyer, then as it reads in the contract they will have to pay the additional amount. If the Council wishes they can approve it or reject it and get another Auditor to do the audit.

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September 14, 1979

MOTION was then made by Councilman Lowrie that the audit be completed under the revised contract with Yergen & Meyer. Seconded by Council-Allen. Roll call was as follows:

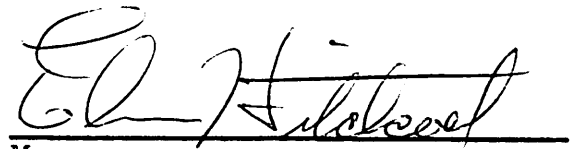
Councilman Allen	Yes
Councilman Allsup	Yes
Councilman Lowrie	Yes
Councilman Lockman	No
Mayor Hitchcock	No.

Motion carried.

MOTION was made by Councilman Allen, seconded by Councilman Lockman and carried that the telephone bill in the amount of \$936.32 be paid and also when all of the Coos-Curry Electric bills are received they are also to be paid.

MOTION was made by Councilman Allen, seconded by Councilman Lowrie and carried that the meeting be adjourned until Monday, September 17, 1979 at 10:00 a.m.

This meeting was recorded on tape and is on file in the Recorder's Office.



Mayor

Attest:



Recorder

MINUTES
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
SEPTEMBER 17, 1979

Meeting was called to order at 10:05 a.m. by Mayor Elmer Hitchcock. This meeting was reconvened from September 14, 1979.

Members present were: Councilmen C. Dwight Allen, Darrell Allsup and Jack Lowrie. Councilman Ray Lockman was absent.

Staff present were: City Manager Frank Freeman and Recorder Marge McKernan.

I. LEGISLATIVE ACTION

1. Council consideration of an interim growth management policy concerning approval of water service outside the City Limits during the period prior to October 11, 1979 when Ordinance No. 322 becomes in effect.

City Manager advised that he was concerned about request for outside City water connections prior to October 11, 1979. There are considerable inquiries and request for outside connections. He ask that the Council pass a policy as to how to proceed.

MOTION was made by Councilman Allen, seconded by Councilman Allsup and carried that an interim moratorium be put on water service outside of the City limits during the period prior to October 11, 1979.

Mike Steevens was in the audience and he had ask for Commercial water service in conjunction with his Residential service he now has. Mr. Steevens had requested this service at a previous Council meeting and it was approved by the Council. City Manager will write a letter to Mr. Steevens stating that he will be able to receive Commercial water service.

Milt Gowman, who owns property contiguous to the City, ask if he annexed to the City would he be able to get City water service, and he was advised yes. It was brought to Mr. Gowman's attention that when he annexes to the City there is a possibility he would have to request a zone change from the City of Brookings Planning Commission and Council for his property is now zoned for a trailer park. There is also a possibility he would be able to keep the same zone he has now. City Manager will check with the City Attorney for an opinion and advise Mr. Gowman.

Ray Passley, Realtor, inquired from the Council if he could receive City water service to properties located on Marina Heights even though the property is not contiguous to the City and the water line is already in this area? Mr. Passley advised that he purchased this property from Fitzhugh and Baldwin, whose subdivision had already been approved for City water Service. Councilman Allsup advised Mr. Passley that beings this property was already approved in the subdivision, hw would be able to have water service. Council approved the water connections for Mr. Passley.

PAYMENT OF VOUCHER

MOTION was made by Councilman Allsup, seconded by Councilman Allen and carried that the bill for Coos-Curry Electric in the amount of \$2,973.87 be paid.

Recorder advised that Marquess & Associates, Inc. requested that the City pay only the amount of \$1,139.58 on their bill in the total amount of \$61,139.58. They requested that the City pay the balance of \$60,000.00 in January, 1979. This will save interest costs to the City and would be to the advantage of Marquess & Associates, Inc. Recorder advised that she had contacted the U.S. National Bank and they approved this change on the check that had already been processed. Check from Marquess & Associates, Inc. is to be returned, voided and check in same amount made out to U.S. National Bank for repayment of the loan. New check then is to be issued to Marquess & Associates, Inc. in the amount of \$1,139.58. They will be submitting progress payments in the balance of this year and the City is to pay them as they become due.

MOTION was made by Councilman Allsup, seconded by Councilman Allen and carried that this request of Marquess & Associates, Inc. be approved and that they write a letter to the City on this request.

2. Council discussion of the Rural Address Program to be presented by Mr. Joe Kemp.

Mr. Kemp was unable to attend this meeting but requested that his presentation be on the agenda for the October 9, 1979 meeting.

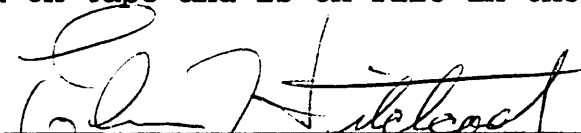
This rural address program is in conjunction with the County.

City Manager will inquire from the County if there will be any cost to the City of Brookings.

II. ADJOURNMENT

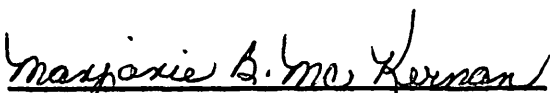
MOTION was made by Councilman Allen, seconded by Councilman Allsup and carried that the meeting be adjourned. The meeting then adjourned at 10:45 a.m.

This meeting was recorded on tape and is on file in the Recorder's Office.



Mayor

Attest:



Recorder

VOUCHERS PAYABLE
CITY OF BROOKINGS
AUGUST 31, 1979

<u>NAME</u>	<u>AMOUNT</u>
Abba's Lock & Safe	\$ 19.25
A. R. Allyn	5.95
J. P. Ashworth	5.95
Auto & Marine Electric	36.21
R. E. Babb	30.45
Barco Coastal Supply, Inc.	18.85
Becco, Inc.	301.75
Brodart	52.49
Brookings Office Supplies	232.55
Brookings Fire Dept.	375.00
Budge-McHugh Supply Co.	160.17
City-Water Fund	109.25
C & L Office Supplies	31.36
Cantel of Medford, Inc.	7.00
Central Pacific Freight Lines	15.72
Chambers Plumbing & Heating	284.47
Coast Chrysler Center, Inc.	620.55
Coquille Salvage	3,240.00
Curry County Reporter	2.50
Curry County Clerk	3.25
Curry Coastal Pilot	232.15
Curry County Printing	32.65
Demco	74.18
Sam Dotson	5.90
Dean's Alliance	20.11
Dan's Photo & Cameras	30.62
Dick's Chetco Saw Shop	3.20
Duane's Radio & T V	31.14
Elsevier/Dutton Distributing Service	5.96
Ebsco Subscription Services	497.53
Freeman Rock Enterprises	1,054.12
Frank's Office Equipment	56.45
Gaylord Bros., Inc.	82.85
Greyhound	31.10
Al Glasser	600.00
Robert Hager	13.20
H.G.E., INC.	1,928.24
Hinds Supply Co.	106.80
Industrial Electric Service Co.	93.50
Kerr ACe Hardware	13.87
Lanson/Tremaine	501.40
League of Oregon Cities	121.61
Littrell Parts	162.91
Long Electric	29.00
Christinia Lucas	187.75
3 M Business Products	108.00
M. B. McKernan	35.00
Marquess & Associates	61,139.58
Midtown Mobil	74.85
Northgate Mobil	58.80
N. W. Law Engorcement Equipment	91.86

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 City of Brookings
 August 31, 1979

<u>NAME</u>		<u>AMOUNT</u>
Organic Gardening Magazine	\$	14.50
O'Neale Supply, Inc.		38.45
Lyle Owens		4.70
Or. Coastal Zone Management Assoc.		200.00
Michael O'Gara, D. O.		20.00
Paramount Pest Control, Inc.		19.00
Pool & Patil Place		151.70
Pacific Water Works Supply		1,592.95
Gerald Ross Insurance Agency		382.00
Simon & Schuster		6.22
Sand Dune Fire Extinguishers		8.30
Sea-Western, Inc.		36.00
P. S. Shogren		69.00
Spicer-Downer		651.10
South Coast Stationery		2.30
Steiner Corp.		114.94
Square Deal Builders		113.69
Time-Life		25.79
Traffic Safety		39.96
Universal Equipment, Inc.		370.67
Westate Tractor Co.		72.72
Waterworks Supplies Co.		230.10
Western Fire Equipment		3.98
Mill Beach Garden Shop		30.45
Hanscmas		22.61
Ray's Sentry		103.24
U. S. Postoffice		79.00
Petty Cash		32.46
Motor Vehicles Division		5.00
		<hr/>
		\$77,519.40
Medford Lab		25.00
Lorings Light House		5.95
C. D. O'Donnell Plmbg.		114.30
Steam Supply & Rubber		107.67
Coastal Petroleum Sales		2,132.81
Platt Electric Supply 1		332.00
Shell Oil Co.		954.65
Coos-Curry Electric		2,973.87
General Telephone		936.32
Less on Marquess & Associates		(60,000.00)
		<hr/>
		\$25,020.45