

MINUTES
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
JULY 9, 1974

The meeting was called to order at 8:00 p.m. by Mayor Wilma M. Kemp. Members present were Councilmen William Guthrie, Rush Long, Robert Earle, and Jack Ross.

APPROVAL OF MINUTES:

MOTION was made by Councilman Long, seconded by Councilman Ross and carried unanimously that the minutes of June 11, and July 1, 1974, be approved as posted.

MONTHLY REPORTS:

City Attorney - None.

City Engineer - Gary Dyer reported the Spruce Street project is near completion.

The State Health Department has not yet approved Phase I plans which is the water treatment plant and transmission lines. These plans have been approved by the F.H.A. Curry County Planning Commission has approved the conditional use permit for the proposed property where the water treatment plant is to be located.

Supt. of Public Works - Elmer Lee reported that during the month of June three sewer connections had been completed. There is presently a problem off of Fern Street behind the high school where a large culvert has deteriorated and needs immediate repair.

PUBLIC HEARINGS: - None.

LEGISLATIVE ACTION:

1. APPLICATIONS FOR LIQUOR LICENSES - PEP'S MEXICAN RESTAURANT AND CORK "N" CLEAVER RESTAURANT.

Mr. Gary Mahar, Liquor Commissioner from Coos Bay, reviewed for the Council the criteria for issuance and maintenance of liquor licenses. A copy of this information is made a part of these minutes.

MOTION was made by Councilman Earle, seconded by Councilman Ross and carried unanimously that the "R" liquor application by Pepe's Mexican Restaurant be approved.

Cork "N" Cleaver Restaurant had previously requested approval from the Council for a "RMB" liquor license but after due consideration the request was changed to "R" liquor license.

MOTION was made by Councilman Guthrie, seconded by Councilman Ross and carried that Cork "N" Cleaver Restaurant be granted a "R" liquor license.

2. BID OPENINGS - WATER TREATMENT PLANT EQUIPMENT.

The following bids were received:

KEYSTONE ENGINEERING	\$147,700.00
Alternate bids:	168,700.00
	165,400.00
	169,900.00
NEPTUNE MICROFLOC, INC.	\$143,968.00
Alternate bid:	123,860.00

Councilman Ross inquired as to what the engineer's estimate was and Mr. Dyer replied that no specific estimate had been made on the equipment due to the fact this estimate is included in with the entire plant. The estimate on the entire plant is approximately \$500,000. The plant is to be designed around the equipment. It will take approximately two months to complete the plant design. Mr. Dyer will have an approximate estimate on the plant equipment before the bid is awarded. The above named bids will be reviewed by City Engineer and returned to the Council for approval, probably at the next regular Council meeting.

3. PRESENTATION OF COMPREHENSIVE SEWERAGE AND STORM DRAINAGE PLAN BY CITY ENGINEER.

These plans were presented to the Council for their review.

4. AUTHORIZATION FOR CITY ENGINEER TO PROCEED WITH DETAILED PLANS AND SPECIFICATIONS FOR THE HARBOR INTERCEPTOR SEWER.

Harbor Sanitary District advised the Council of their progress and schedule regarding the proposed sewerage system. They are now actively engaged in the design up

to Highway 101 and Oak Street in Brookings. The interceptor sewer line from Highway 101 and Oak Street to the Brookings Sewage Treatment Plant is to be handled by the City of Brookings, but at the expense of Harbor.

Gary Dyer requested authorization from the Council to proceed with the engineering in order to have it prepared and ready when it is needed.

MOTION was made by Councilman Earle, seconded by Councilman Long and carried unanimously that City Engineer proceed with detailed plans and specifications for the Harbor interceptor sewer.

5. ORDINANCE NO. 255 - AN ORDINANCE ADOPTING THE STATE OF OREGON BUILDING CODE STANDARDS PROVIDING PENALTIES AND DECLARING AN EMERGENCY.

Ordinance No. 255 was read in full.

MOTION was made by Councilman Guthrie and seconded by Councilman Long that Ordinance No. 255 be read the second time by title only.

Roll call was as follows:

Mayor Kemp	Yea
Councilman Long	Yea
Councilman Guthrie	Yea
Councilman Ross	Yea
Councilman Earle	Yea

Ordinance No. 255 was then read the second time by title only.

MOTION was made by Councilman Guthrie, seconded by Councilman Long and carried unanimously that Ordinance No. 255 be adopted.

6. REQUEST OF DARRELL SALISBURY FOR WATER SERVICE FOR PLEASANT HILLS MOBILE ESTATES LOCATED ON THE NORTH BANK CHETCO ROAD.

Mr. Salisbury's property line is approximately 700 feet from a 10" water main owned by the City. Mr. Salisbury is willing to pay for a 4" line to his property, which is sufficient for his needs, but felt that it would be

Page 4 - Minutes
Brookings Common Council
City of Brookings
July 9, 1974

advantageous to the City to increase this line to 6 or 8" which would enable the City to continue the line for future service on up the Chetco. These plans, of course, to be approved by the State Health Department

This 10" line owned by the City has never been in use and it was the opinion of the engineer that it would not be used until the water construction facilities are completed.

An inquiry was made as to the cost this would be to the City and if the City had the money available. No cost estimate was available but City Engineer advised that he would prepare an approximate estimate and present it to the Council.

MOTION was made by Councilman Guthrie, seconded by Councilman Earle and carried unanimously that the request of Mr. Salisbury be tabled until further information is available.

7. RESIGNATION OF PLANNING COMMISSIONER HENRY ITZEN.

MOTION was made by Councilman Ross, seconded by Councilman Guthrie and carried unanimously that Henry Itzen's resignation be accepted.

Planning Commission Recommendation No. 165, recommending that Herb Herzog be appointed to replace Henry Itzen, was tabled.

8. PAYMENT OF VOUCHERS - JUNE 1974.

MOTION was made by Councilman Long, seconded by Councilman Ross and carried unanimously that vouchers in the amount of \$44,546.97 be paid.

OTHER MATTERS:

Mr. Mainwaring appeared before the Council in regard to a building permit.

Mr. Mainwaring's complaint was the amount of money being requested by the City Building Inspector for a building permit.

Charles Williams, Building Inspector, advised the Council that in the beginning Mr. Mainwaring had started

Page 5 - Minutes
Brookings Common Council
City of Brookings
July 9, 1974

construction without first obtaining a building permit, which is subject to a double fee. Mr. Mainwaring then purchased a building permit, no penalty being assessed.

Due to financial assistance Mr. Mainwaring only worked on this building periodically.

Mr. Williams then quoted the building code which reads: "Every permit issued under the provisions of this Code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 60 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work can be recommenced a new permit shall be first obtained so to do, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans for such work; and provided, further, that such suspension or abandonment has not exceeded one year".

Mr. Mainwaring then obtained a plumbing permit but refused to pay an additional fee for a building permit. Building Inspector then issued a stop order, but Mr. Mainwaring continued to work on the building without an existing permit. Building Inspector then signed a complaint against Mr. Mainwaring to stop construction until a permit is obtained.

Council then asked the Building Inspector what his recommendation would be and he replied that he would compromise and put his approval on Mr. Mainwaring obtaining a new permit and the price would be one fee, not a double fee.

MOTION was then made by Councilman Ross, seconded by Councilman Long and carried unanimously that Building Inspectors recommendation be accepted.

Mr. Mainwaring agreed to obtain a new building permit when financially able.

2. Lee Hansen, Secretary of Parks & Recreation Commission, informed the Council they have been able to obtain land fill for the Easy Manor Drive Park, but are in need of equipment to haul this fill from the Boat Basin. Mr. Hansen asked if the City crew would be able to haul

Page 6 - Minutes
Brookings Common Council
City of Brookings
July 9, 1974

this land fill. The Council were in agreement that the City crew be given authorization to comply with this request.

3. Mayor Kemp inquired of the Council if they are interested in taking over the swimming pool in its entirety. This had been discussed at the prior Council meeting but was tabled. Discussion followed between Curry County Commissioner Les Williams and Council but no decision was arrived at.

MOTION was made by Councilman Earle, seconded by Councilman Long and carried unanimously that this be tabled until the regular Council meeting in September 1974.

4. Audit for City of Brookings for fiscal year 1973-74.

MOTION was made by Councilman Guthrie, seconded by Councilman Long and carried that the audit contract presented by Robert E. Swingley and Ellis D. Dowden be accepted with the condition that Ellis D. Dowden resign from the City of Brookings Budget Committee.

ADJOURNMENT:

The meeting was then declared adjourned at 10 p.m. by Mayor Wilma M. Kemp.

Wilma M Kemp
MAYOR

ATTEST:

Marjorie B. McKernan
RECORDER-TREASURER

VOUCHERS PAYABLE
CITY OF BROOKINGS
JUNE 30, 1974

<u>Name</u>	<u>Amount</u>
Aking Motor Co., Inc.	\$ 469.60
American Linen Supply	78.33
Donna M. Ashley	7.20
Atlantic Richfield	526.76
Baker & Taylor	627.93
Barnes Tractor Co.	600.60
R. R. Bowker Co.	28.78
Brookings-Harbor Pilot	281.30
Brookings Land & Townsite Co.	2,426.14
Brookings Fire Department	200.00
Brookings Office Supplies	67.64
Brookings Plywood Corp.	14.40
Brookings Supply, Inc.	23.80
Brookings Paint & Floor Covering	35.00
Brookings Shell	12.75
James L. Brown Plumbing	34.60
Budge-McHugh Supply Co.	690.24
C & E Auto Repair	203.42
Caedmon Records, Inc.	9.19
Chetco Rexall Drugs	6.39
Chetco Sheet Metal	131.38
City-Water Operation & Maintenance Fund	262.70
Consolidated Freightways	61.78
Coast to Coast Stores	30.33
Coast Intelligence Unit	10.00
College Place Bindery	128.70
Consolidated Supply Co.	14,511.47
Coos-Curry Electric	1,681.97
Cora C. Cooley	5.00
C. M. Cross	110.00
Curry County Communications	80.55
Curry County Feed	2.29
Curtin Matheson Scientific, Inc.	10.10
Cutler Manufacturing Co.	603.50
Da-Tone Construction	104.00
Daily Journal of Commerce	85.50
Del Chemical Corp.	13.12
Del-Cur Supply Co-op	126.86
Department of Commerce	10.00
Dickson Concrete Pipe Co.	1,270.00
Economics Press, Inc.	19.44
Electronic Service Co., Inc.	39.79
Frank's Office Equipment	566.15
Fraser-Yamor & Associates	221.00
Gaylord Bros., Inc.	126.45
General Learning Corporation	8.60
General Telephone Co.	456.59

Page 2
Vouchers Payable
City of Brookings
June 30, 1974

<u>Name</u>	<u>Amount</u>
H.G.E., Inc.	\$ 8,124.83
Halprin Supply Co.	65.00
Harbor Cycle, Inc.	8.80
Harbor Equipment	15.00
Har-Brook Welders	14.00
Horton Bros., Inc.	315.00
Itt Marlow	66.90
Stacy Keach Productions	5.95
Kerr Ace Hardware	187.02
LaPine Scientific Co.	26.84
League of Oregon Cities	422.80
Littrell Parts	150.45
Long Electric	1,382.62
Mattie's Cafe	33.50
Marjorie B. McKernan	5.00
Mobil Oil Corporation	530.69
Motorola Inc.	45.25
Morgan Refrigeration	35.00
Nurnberg Scientific	4.55
O K Tire Store	4.50
Oregon Coast Association	100.00
Paramount Pest Contro., Inc.	5.00
Pacific Water Works Supply Co., Inc.	394.55
Ray's Sentry	52.67
Regent Book Company	5.39
Sam's A & W	10.85
Serina Press	7.70
Simonsen Iron Works, Inc.	61.82
Singleton Plumbing	676.97
South Coast Stationery	21.98
State of Oregon Department of State	65.00
Strand Book Store, Inc.	21.05
Square Deal Lumber Yard, Inc.	9.00
Sur-Kleen	30.00
Universal Equipment, Inc.	198.67
Utilities Supply, Inc.	103.91
U. S. Post Office	157.20
Water Metrics Co.	112.50
Waterworks Supplies Co.	68.68,
Western States Fire Apparatus, Inc.	104.25
Whitey's Richfield	8.45
Charles C. Williams	25.00

Page 3
Vouchers Payable
City of Brookings
June 30, 1974

<u>Name</u>	<u>Amount</u>
Payne Motor Co.	10.00
West Coast Truck Lines, Inc.	\$ 344.28
Sam Williams	96.75
Wilson Distributing Service, Inc.	7.55
Curry County Crushers	<u>2,800.00</u>
	\$43,964.26
<u>July Bills</u>	
Hinds Supply Co.	282.71
McInturff, Thom, Collver & Rossi	<u>300.00</u>
TOTAL	\$44,546.97

OREGON LIQUOR CONTROL COMMISSION

CRITERIA FOR ISSUANCE AND MAINTENANCE OF LICENSES

(effective May 1, 1974)

10-700 Purpose. The purpose of these rules is to set forth the principal criteria which shall be considered by the Oregon Liquor Control Commission in granting, denying, renewing, modifying, suspending and canceling liquor licenses and related privileges and by the Commission staff in recommending such actions to the Commission.

10-705 Interpretation. These rules shall be interpreted to effectuate the liquor control statutes of Oregon whose purposes, as set forth in ORS 471.030, are:

(1) To prevent the recurrence of abuses associated with saloons or resorts for the consumption of alcoholic beverages.

(2) To eliminate the evils of unlicensed and unlawful manufacture, selling and disposing of such beverages and to promote temperance in the use and consumption of alcoholic beverages.

(3) To protect the safety, welfare, health, peace and morals of the people of the state.

(4) Consistent with the foregoing, to encourage the development of all Oregon industry.

The Oregon liquor control statutes may provide requirements additional to these rules. In the event of conflict between these rules and the laws, the laws shall prevail.

10-710 Criteria. The principal criteria to be considered in every liquor license matter are the community interests, the affected enterprise and the persons controlling the affected enterprise.

10-715 Community Criteria. Community criteria to be considered are:

(1) The availability, comparability and community acceptance of other liquor outlets within the trading community of the subject liquor outlet.

(2) A recommendation based on adequate consideration and justification by the local unit of government having jurisdiction of the subject outlet.

(3) Changes in population, business and industrial development and economic conditions, including urban renewal projects, relocation of businesses, traffic pattern changes, isolation from previous trade areas, development of new business or shopping areas and ability of liquor outlets in the trading community of the subject liquor outlet to maintain reasonable adequate service to the public.

(4) The effect on public opinion and attitudes within the trading community of the subject liquor outlet and within the general community, determined by surveys, correspondence and testimony.

- (5) The effect of the subject liquor outlet on local law enforcement.
- (6) The effect of the subject liquor outlet on traffic and traffic control.
- (7) The degree of permanency and the extent of daily, weekly and yearly operations of the subject liquor outlet.
- (8) The proximity to the subject liquor outlet of schools, churches, hospitals, nursing and convalescent homes, parks, playgrounds and amusement or recreation facilities.
- (9) The effect of the subject liquor outlet on values of real property in the surrounding area of the subject liquor outlet.
- (10) The quota of liquor licenses established by law.

10-720 Enterprise Criteria. Enterprise criteria to be considered are:

- (1) The recency, relevance, extent and success of prior business experience, training and education of the operators of the subject liquor outlet.
- (2) The facilities for food preparation and the type of food to be offered if food service is a requirement for the subject liquor outlet.
- (3) The size, design, facilities and decor of the subject liquor outlet.
- (4) The availability of adequate off-street and on-street parking for the subject liquor outlet.
- (5) The type of business of the subject liquor outlet as well as the subject liquor outlet's distance from similar business outlets and whether such outlets are providing adequate service to the public.
- (6) The suitability and adequacy of the inventory, equipment and fixtures of the subject liquor outlet.

10-725 Licensee Criteria. Criteria to be considered for a licensee, including persons controlling the licensee, are:

- (1) The financial responsibility and capability of the licensee or license applicant.
- (2) The record of the licensee or license applicant for convictions of crime which are made relevant by the liquor control laws and evidence of rehabilitation therefrom.
- (3) The United States citizenship of the licensee or license applicant.
- (4) The physical, mental and emotional capability of the licensee or license applicant to manage the business of the subject liquor outlet.
- (5) The furnishing of truthful and complete information which may be required by the Commission or its staff or by other agencies of the licensee or license applicant.

(6) Any evidence of excessive use of liquor or drugs by the licensee or license applicant.

10-730 Special Rules. Except for good cause shown to the Commission, package store licenses shall not be issued:

- (1) In conjunction with an on-premises license if there are other outlets with packaged liquor privileges within a reasonable distance.
- (2) To an outlet which primarily sells petroleum products if there are other outlets with packaged liquor privileges within a reasonable distance.
- (3) To an outlet if the principal products provided by the outlet are not standard grocery store items.