

# City of Brookings

## MEETING AGENDA

### **CITY COUNCIL**

**Monday, July 14, 2014, 7:00pm**

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

The City Council will meet in **Executive Session at 6:30 PM** in the City Manager's office under authority of ORS 192.660(2)(h), "to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed," ORS 192.660 (2)(e), "to conduct deliberations with persons designated by the governing body to negotiate real property transactions," and ORS 192.660(2)(f), "to consider information or records that are exempt by law."

#### **A. Call to Order**

#### **B. Pledge of Allegiance**

#### **C. Roll Call**

#### **D. Ceremonies/Appointments/Announcements**

1. Proclamation - Southern Oregon Kite Festival Week. [pg. 3]
2. July Yard of the Month Awards:
  - a. Residential - Joyce & Dan Hannum, 1236 Collis Lane
  - b. Commercial - Buck & Tracie Rosendhal, Woof's Dog Bakery

#### **E. Scheduled Public Appearances**

1. South Coast Development Council Director, Connie Stopher.

#### **F. Oral Requests and Communications from the audience** - Public Comments on non-agenda items – 5 minute limit per person.\*

#### **G. Resolutions**

1. Resolution directing the City Attorney to draft a ballot title for the May 19, 2015 election, enacting a fuel tax. [City Manager, pg. 4]
  - a. Resolution 14-R-1044 [pg. 6]

#### **H. Staff Reports**

1. Authorization to execute parking area agreement with C & K Market. [City Manager, pg. 8]
  - a. Agreement [pg.9]

#### **I. Consent Calendar**

1. Approve Council minutes for June 23, 2014. [pg. 15]
2. Accept Planning Commission minutes for May 6 and June 3, 2014. [pg. 19]
3. Accept June 2014 Vouchers in the amount of \$289,846.61.[pg. 22]
4. Authorize staff to send a letter requesting a Coastal Management Grant from the Department of Land Conservation and Development and the City Manager to sign agreement. [pg. 26]

## **J. Remarks from Mayor and Councilors**

## **K. Adjournment**

\*Obtain Public Comment Forms and view the agenda and packet information on-line at [www.brookings.or.us](http://www.brookings.or.us), at City Hall and at the local library. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least ten days advance notification. Please contact 469-1102 if you have any questions regarding this notice.

# City of Brookings *Proclamation*

**WHEREAS**, 2014 marks the 22nd year of the Southern Oregon Kite Festival to be held July 19th and 20th at the Port of Brookings-Harbor; the theme for this year's festival is "Painting the Sky;" and

**WHEREAS**, this free event is a very unique festival in comparison to others in the United States as kite flyers participate by "invitation only," making the Southern Oregon Kite Festival one of the most sought after invitations in the kiting community; and

**WHEREAS**, thanks to generous donations from businesses and individuals of the Brookings-Harbor and Wild River Coast area, kite flyers are guests of the community; and

**WHEREAS**, more than 30 national and international award winning kite flyers and kite makers perform amazing routines choreographed to music with no pressure of competition; and

**WHEREAS**, kite flyers enjoy interacting with the crowd and may be seen walking around the kite field perimeter displaying their kites to the spectators; and

**WHEREAS**, thousands of members of the Brookings-Harbor community and the Wild Rivers Coast, along with out-of-town guests of all ages, will be attending the Southern Oregon Kite Festival to enjoy the fun and excitement of the kite pilot's awe-inspiring aerial skills; and

**WHEREAS**, in addition to the amazing kite demonstrations, Kite Festival events and activities include the popular kite auction banquet on Saturday evening, a number of arts, crafts, food and beverage vendors, and the Children's Kite Building Workshop in which children three and up are invited to participate both days of the festival; and

**WHEREAS**, the Southern Oregon Kite Festival is a non-profit organization made up of volunteers dedicated to providing a spectacular, family-oriented event for the citizens of Brookings-Harbor and their guests;

**NOW THEREFORE**, I, Ron Hedenskog, Mayor of the City of Brookings, along with the members of the Brookings City Council, declare the week of July 14th, 2014, as

## *Southern Oregon Kite Festival Week.*

***In Witness Whereof***, I, Mayor Ron Hedenskog, do hereto set my hand and cause the official seal of the City of Brookings, Oregon, to be affixed this 14th Day of July, 2014.

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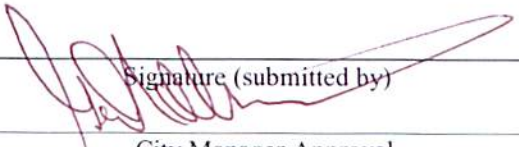
Mayor Ron Hedenskog

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: July 14, 2014

Originating Dept: City Manager

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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Subject: Resolution 14-R-1044 Local Fuel Tax Initiative

Recommended Motion:

Motion to adopt Resolution 14-R-0044 directing the City Attorney to prepare a ballot title for the May, 2015, election that would enact a local fuel tax.

Financial Impact: See below.

Background/Discussion:

During the 2014-15 budget process, the topic of a possible fuel tax with proceeds to be used for street improvements was discussed by the Budget Committee. This matter was further discussed at a City Council workshop on May 5, 2014 and the City Council meeting of June 9, 2014. It was also suggested that the tax be sufficient to sustain a \$300,000 annual expenditure on street improvements and eliminate the streets System Replacement Fee (SRF) now collected as a part of the water/sewer bill. Also discussed was a possible seasonal fuel tax rate, placing a maximum period for collecting the tax at 10 years, terminating collection of the tax after proceeds hit the \$300,000 during the course of a calendar year, and exempting commercial customers from paying the tax. Finally, there were questions concerning the use of fuel tax for storm drain improvements and other utility improvements.

Staff contacted the Fuels Tax Group at the Oregon Department of Transportation in an effort to secure information on the amount of fuel sold in Brookings. Staff was advised that fuel sales information for individual gas stations or communities is not available; ODOT is instituting a program to begin collecting/assimilating this data in 2016.

### **USE OF FUEL TAX**

State legislation authorizes a City to enact a local fuel tax by voter approval (ORS 319.950). Proceeds must be used for street improvements. According to the City Attorney, the City may be able to use fuel tax proceeds for storm drain improvements that improve the safety and function of a street, such as installing pipes to replace roadside ditches. Installation of water and sewer mains would not be a lawful use of local fuel tax revenues except in instances where water or sewer facilities were required to be relocated because of the road project.

### **CAPING REVENUES AT \$300,000 ANNUALLY**

It would take sales of 10 million gallons annually to achieve revenues of \$300,000. The Resolution provides that the City Council would review and make adjustments to the the tax rate annually to 1) adjust the \$300,000 benchmark by the Engineering News Record (ENR)

Construction Cost Index for the period May-May (the construction industry cost index) and 2) adjust the tax rate within the 3.0-cent limit as needed to limit the amount of revenue to the adjusted \$300,000 benchmark.

#### **TEN YEAR SUNSET**

The Resolution provides for a maximum duration of the tax of 10 years. The engineering study which formed the basis of the revenue needed to improve City streets calls for a 10-year improvement program. After 10 years, the tax measure would need to be resubmitted to the voters...or some other approach and/or amount based upon a new pavement management plan could be developed at that time.

#### **REPEALING THE SYSTEM REPLACEMENT FEE**

The current \$2.94 streets SRF generates \$131,000 annually. A provision repealing the System Replacement Fee for streets and prohibiting the imposition of a streets System Replacement fee during the life of the local fuel tax would be included in the ballot measure.

#### **COMMERCIAL CUSTOMER EXEMPTION**

Staff discussed the concept of exempting “commercial customers” from the tax and could identify no mechanism whereby the gas station could differentiate and report fuel being sold to customers operating commercial vehicles and customers operating non-commercial vehicles.

The measure would exempt aircraft fuel sales (which all occur at the Brookings Airport), but would not exempt fuel sold for boat operations, off-road vehicles or power equipment.

#### **Attachment(s):**

- a. Resolution 14-R-1044
- b. Gas Tax Q&A City of Eugene 2011.

**CITY OF BROOKINGS  
STATE OF OREGON**

**RESOLUTION 14-R-1044**

**A RESOLUTION OF THE CITY OF BROOKINGS DIRECTING THE CITY ATTORNEY TO DRAFT A BALLOT TITLE FOR PLACEMENT ON THE MAY, 19, 2015 ELECTION ENACTING A FUEL TAX.**

**WHEREAS**, Oregon Revised Statute 319.950 authorizes a City to enact a fuel tax by voter approval; and

**WHEREAS**, the City of Brookings, in 2009, contracted for the preparation of a Pavement Management System (PMS) report which was updated in 2013. Said report identified the street improvement needs within the City, estimated at \$2.157 million with an estimated annual funding need of \$250,000 over a period of 10 years, in order to repair and rehabilitate said streets; and

**WHEREAS**, if the preventative maintenance and rehabilitation work called for in the PMS is not addressed in a timely manner, street maintenance costs will significantly increase due to resulting street damage requiring more extensive street reconstruction; and

**WHEREAS**, the City Council has enacted a System Replacement Fee (SRF) to fund street reconstruction and major repair needs. Said SRF, paid by City water and sewer utility customers, currently generates some \$131,000 annually, an amount which is insufficient to fund the needs identified in the PMS; and

**WHEREAS**, Federal Law now requires that pedestrian facilities adjacent to roads that are reconstructed or which undergo major repair be upgraded as needed to bring such pedestrian facilities into compliance with Americans With Disabilities Act (ADA) standards, and that such upgrades may result in adding 20 percent to the cost of a street improvement project; and

**WHEREAS**, it is the desire of the Brookings City Council to develop a funding source that is sufficient to undertake the street improvement program identified in the PMS and, further, to make the improvements needed to comply with ADA requirements; and

**WHEREAS**, it is also the desire of the City Council to shift the source for funding said improvements from City water and sewer utility customers to street and highway users, including non-resident street and highway users;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Brookings, Curry County, Oregon, as follows:

1. The City Council shall submit to the City's voters a measure, to be placed on the May 19, 2015 election ballot, authorizing the City to levy a local fuel tax.
2. Said ballot measure shall contain the following elements:
  - a. The maximum tax rate shall be three cents (\$0.03) per gallon of fuel sold.
  - b. Provide that the target for the amount of revenue that may be collected during any fiscal year shall be \$300,000, and that the \$300,000 target shall be adjusted annually by the

Engineering News Record Construction Cost Index for the preceding, May to May, twelve (12) month period.

- c. In the event the rate generates revenue in excess of the adjusted \$300,000 in any fiscal year, the City Council shall reduce the tax rate in the following fiscal year so as not to exceed the adjusted \$300,000 revenue goal.
  - d. Require that the Streets System Replacement Fee be repealed and cannot be re-enacted during the period when the local fuel tax is in effect.
  - e. The duration of the local fuel tax shall be 10 years.
  - f. The City Manager shall establish, subject to the approval of the City Council, rules and regulations for the administration of the tax collection.
  - g. The City shall establish a "Fuel Tax Fund" in its annual budget where revenues and expenditures shall be shown.
  - h. The City Manager shall prepare an annual report to the City Council on the expenditure of fuel tax funds.
  - i. Fuel tax revenues shall only be used for street maintenance, repair and rehabilitation. Such work may include sidewalk, bicycle, storm drain and utility relocation associated with a street improvement project.
  - j. the Fuel tax shall not be collected on the sale of aircraft fuel.
3. The election will be conducted by the Curry County Elections Department.
  4. The City Attorney is directed to prepare a ballot title for said measure.

Passed by the City of Brookings, Oregon on the \_\_\_\_\_ day of \_\_\_\_\_, 2014; effective the same date.

Signed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Attest:

\_\_\_\_\_  
Mayor Ron Hedenskog

\_\_\_\_\_  
City Recorder Joyce Heffington

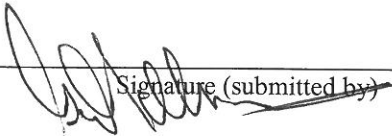


# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: June 23, 2014

Originating Dept: City Manager

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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Subject: Parking Lot Agreement with C&K Market

Recommended Motion:

Motion to authorize the City Manager to execute the Parking area Agreement with C&K Market.

Financial Impact:

The City will budget for its share of periodic pavement maintenance.

Background/Discussion:

The parking lot in front of Ray's Market is partially owned by C&K Markets and partially owned by the City. The City and C&K have had an informal agreement concerning the maintenance and use of this parking lot for many years.

Representatives of C&K and the City met recently to review the ownership, maintenance and use of the parking lot. This resulted in the development of a written agreement that memorializes the understanding between the parties as to parking lot use, maintenance cost sharing, striping, access to the bus shelter and periodic use of the City-owned portion of the lot for promotional activities.

Attachment(s):

- a. Parking Area Agreement



After recording return to:

City of Brookings  
898 Elk Drive  
Brookings, OR 97415

PARKING AREA AGREEMENT

**BETWEEN:** City of Brookings,  
a municipal corporation (City)

**AND:** C & K Market, Inc.  
an Oregon corporation (C & K)  
615 Fifth Street  
Brookings, OR 97415

**EFFECTIVE**  
**DATE:** The latest date this agreement is signed by the parties

RECITALS

- A.** City owns that certain parcel of real property located in Brookings, Curry County, Oregon, described on attached **Exhibit A** (City Property). C & K owns that certain real property located in Brookings, Curry County, Oregon, described on attached **Exhibit B** (C & K Property).
- B.** The C & K Property is developed with a building being operated as a Ray's Food Place grocery store with related site improvements and is north of and immediately adjacent to the City Property. The City Property is developed with a public park that is located along Cheto Avenue (Highway 101) near its intersection with 5<sup>th</sup> Street, and with a bus stop facility and public parking. The public parking area is immediately adjacent to the parking field on the C & K Property. Attached hereto as **Exhibit C** is a diagram which shows approximately the C K Property and the City Property, as well as the bus stop and paved area located on the City Property.
- C.** The subject of this agreement is the paved portion of the City Property as shown on **Exhibit C** (Subject Area).

AGREEMENT

- 1. Use of Subject Area.** The Subject Area shall continue to be used for the existing bus stop facility and related ingress to and egress from that facility, for public parking and for use by C & K as described in paragraph 2.
- 2. Use by C & K.** C & K will have the right to use the Subject Area for parking of its customers and employees, in common with public parking, and to conduct promotional activities on the Subject Area from time to time, such as outdoor sales, so long as such activities do not interfere with bus ingress and egress.
- 3. C & K Obligations.** C & K shall have the following obligations with respect to the Subject Area:
- 3.1 C & K shall maintain the Subject Area in good condition and repair, including resurfacing, overlays, and seal coating in conjunction with the similar work performed for the parking field on the C & K Property.

3.2 C & K shall maintain the striping in its existing configuration, as shown on Exhibit C.

3.3 During its use of the Subject Area for promotional activities C & K will keep the area in a clean and orderly condition.

3.4 At all times C & K shall maintain commercial general liability insurance with combined single limits of not less than \$1 million and to name City as an additional insured on the policy.

**4. City Obligations.** City shall have the following obligations with respect to the Subject Area:

4.1 City shall at all times keep and maintain the bus stop and related facilities in good condition and repair and free of debris.

4.2 City agrees to reimburse C & K for all costs and expenses incurred by C & K in performance if its obligations under 3.1 and 3.2 above. If such maintenance and repair work is performed in conjunction with similar work performed on the C & K Property, City's share of the cost shall be a proportionate share of the total cost. Reimbursement shall be made upon submission of a statement from C & K specifying the amount to be reimbursed, accompanied by a report of the work performed and the costs incurred. C & K shall notify City of its estimated share of cost not later than March 15 of any year to enable City to budget for such expense in the subsequent fiscal year.

**5. Attorney Fees.** In any proceeding to enforce or interpret this agreement, the prevailing party shall be entitled to recover from the losing party reasonable attorney fees, costs, and expenses incurred by the prevailing party before and at any trial, arbitration, bankruptcy, or other proceeding, and in any appeal or review.

**6. Modification.** No modification of this agreement shall be valid unless it is in writing and is signed by all of the parties.

**7. Integration.** This agreement is the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained in this agreement. This agreement shall supersede all prior communications, representations, and agreements, oral or written, of the parties.

**8. Interpretation.** The paragraph headings are for the convenience of the reader only and are not intended to act as a limitation on the scope or meaning of the paragraphs themselves. This agreement shall not be construed against the drafting party.

**9. Severability.** The invalidity of any term or provision of this agreement shall not affect the validity of any other provision.

**10. Waiver.** Waiver by any party of strict performance of any provision of this agreement shall not be a waiver of or prejudice any party's right to require strict performance of the same provision in the future or of any other provision.

**11. Binding Effect.** This agreement shall be perpetual, shall run with the land and shall be binding on and inure to the benefit of the successors and assigns of the parties.

**13. Governing Law.** This agreement shall be interpreted and enforced according to the laws of the state of Oregon.

**15. Exhibits.** All exhibits referred to in this agreement are incorporated by reference.

**16. Counterparts.** This agreement may be executed by the parties in several counterparts, each of which when executed and delivered shall be an original, but all of which together shall constitute one and the same instrument. Signatures communicated electronically or by facsimile transmission will be accepted for all purposes.

17. **Time of Essence.** Time is of the essence in the performance of this agreement.

**City of Brookings**

**C & K Market, Inc.**

By\_\_\_\_\_

By\_\_\_\_\_

Name\_\_\_\_\_

Name\_\_\_\_\_

Title\_\_\_\_\_

Title\_\_\_\_\_

Address: 898 Elk Drive  
Brookings, OR 97415

Address: 615 Fifth Street  
Brookings, OR 97415

Date:\_\_\_\_\_, 2014

Date:\_\_\_\_\_, 2014

STATE OF OREGON            )  
  ) ss.  
County of Curry            )

This instrument was acknowledged before me on \_\_\_\_\_, 2014, by  
\_\_\_\_\_, as \_\_\_\_\_ of City of Brookings.

\_\_\_\_\_  
Notary Public – State of Oregon

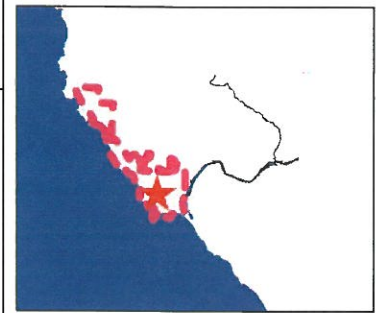
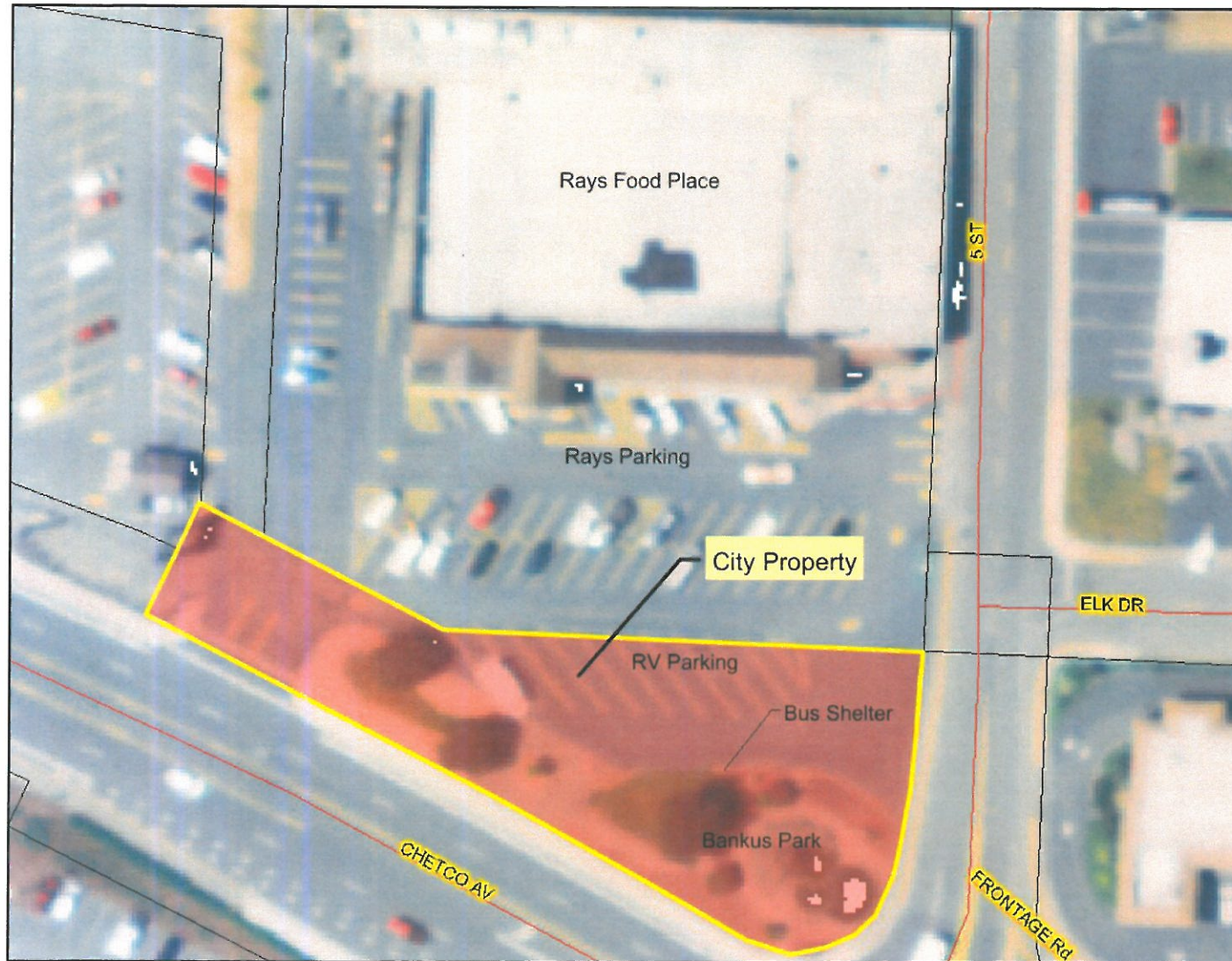
STATE OF OREGON            )  
  ) ss.  
County of \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_, 2014, by  
\_\_\_\_\_, as \_\_\_\_\_ of C & K Market, Inc.

\_\_\_\_\_  
Notary Public – State of Oregon

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## Exhibit A



### Legend

- RIVERS
- ROADS
- PARCELS
- URBAN GROWTH BOUNDARY
- OCEAN

0 80 160 240 ft.

Map center: 42° 3' 18.28" N, 124° 17' 18.72" W

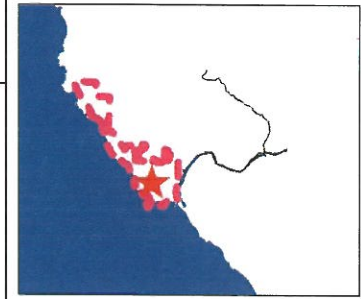


Scale: 1:822

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## Exhibit B



### Legend

- RIVERS
- ROADS
- PARCELS
- URBAN GROWTH BOUNDARY
- OCEAN

0 80 160 240 ft.

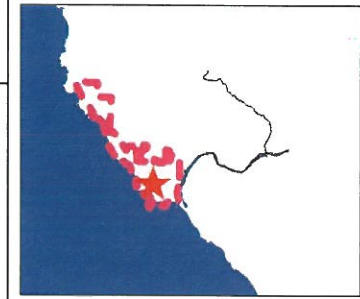
Map center: 42° 3' 18.62" N, 124° 17' 18.52" W



Scale: 1:822

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## Exhibit C



### Legend

- RIVERS
- ROADS
- PARCELS
- URBAN GROWTH BOUNDARY
- OCEAN

0 40 80 120 ft.

Map center: 42° 3' 17.51" N, 124° 17' 18.67" W



Scale: 1:411

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# City of Brookings

## CITY COUNCIL MEETING Minutes

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

**Monday, June 23, 2014**

### **Call to Order**

Mayor Hedenskog called the meeting to order at 7:01 PM.

### **Roll Call**

Council present: Mayor Ron Hedenskog, Councilors Jake Pieper, Kelly McClain, Brent Hodges and Bill Hamilton; a quorum present.

Staff present: City Manager Gary Milliman, Finance & Human Resources Director Janell Howard, Public Works & Development Director Loree Pryce, Building Official LauraLee Snook, Parks & Technical Services Supervisor Tony Baron, Planning Manager Donna Colby-Hanks, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Report Jane Stebbins and approximately 14 others.

### **Ceremonies/Appointments/Announcements**

Mayor Hedenskog proclaimed July 12th and July 13th to be Relay for Life Weekend.

**Mayor Hedenskog announced the cancellation of the Scheduled Public Appearance by John Hitt, South Coast Development Council.**

**Councilor Pieper moved, a second followed and Council voted unanimously to move [the Aquatics] item G.5 to the top [under Staff Reports] .**

**Oral Requests and Communications from the audience** - Public Comments on non-agenda items – 5 minute limit per person.\*

### **Staff Reports**

*Direction regarding a combined aquatics and community center at Bud Cross Park.*

City Manager Milliman provided the staff report.

Public Comments:

Juliane Leighton, Brookings, said FBHAC would support collaborating with the City toward a conceptual plan.

Darryn Ballance, Brookings, said KASPER would support this as an after school program location.

Councilor Hamilton said he thought it would be a win-win.

Councilor Hodges asked what became of the feasibility study they were trying to get funded, and Leighton said feasibility studies go into great detail and cost a great deal of money, and people had a hard time supporting the study without being able to look at a conceptual plan.

Milliman said it would be less complex and expensive to accomplish a conceptual plan first.

In response to questions about who would run and maintain the facility, Leighton said it was unknown, but the City would own the land if the facility were built at Bud Cross and it could be that a non-profit would run it.

Milliman said this was a question to be answered as the project progresses and mentioned that it was possible it could even become a YMCA facility.

Councilor Pieper said he supported the recommendation and the location. Great ideas, he said, come down to dollars.

Councilor McClain said he liked the concept and location, but questioned its sustainability. He said the pool was a drain on the City's budget and he would hate for this to become an even bigger drain that would take funds away from other parks. It would be a huge community benefit, he said, if it pans out.

Mayor Hedenskog said he thought it was a good idea and we already have two out of three requirements to "get your foot in the door." One is support of a municipality, and the other is support of a non-profit, he said and stakeholder buy-in, is the third requirement, and the project will stand a better chance of gaining support once it's on the "concept board."

Councilor Hodges said people were already behind the idea but at some point you have to determine if it can be done. The pool is a big drain on the budget every year and a lot of pools struggle. He said he wasn't sure Bud Cross was the best spot as it already had a lot going on.

**Councilor Pieper moved, a second followed and Council voted unanimously to direct staff to work with the Friends of the Brookings Harbor Aquatics Center in the development of a preliminary concept plan for a combined aquatics center and community center to be located at Bud Cross Park, and develop a program for community involvement in the design process.**

*Revisions to Brookings Municipal Code Title 15, Buildings and Construction.*

Building Official Snook gave the staff report.

**Councilor Pieper moved, a second followed and Council voted unanimously to bring back an ordinance with changes to Title 15 as specified in the staff report.**

*Revisions to Brookings Municipal Code Section 13.35.027 (C), pertaining to storm water regulations.*

Building Official Snook presented the staff report.

Mayor Hedenskog asked how it would be determined if the amount of water to be drained could be handled by existing drainage, and Snook said it would be determined using historical data, and during the building permit process when a permit is required this would be addressed by the City requiring on-site retention to determine if there's been a change in drainage amounts. The City, however, does not require permits for flat work, and so paving an existing unpaved parking area would not require City review.

Hodges asked if the City would have some say-so if the ordinance is adopted, and Snook said, no, this ordinance will remove language that implies that the City has the authority to assign liability for unpermitted work which causes a drainage problem, when it is, instead, a civil matter.

Councilor Pieper asked if this only pertained to commercial parking lots and Snook said it could also affect someone who paves their gravel driveway. Pieper said he wasn't sure he wanted to have to deal with the City if he decided to pave his gravel driveway and he wasn't sure what part the City should have in it.

McClain said the City had a lot of drainage issues and asked if the City could require permits for large paving projects and Snook said the code would need to be modified.

Considerable discussion ensued regarding the pros and cons of requiring drainage plans for paving projects and it was determined that staff would bring this matter to a workshop for further review.

*Authorization to negotiate and execute As Needed Engineering Service contracts.*

Public Works & Development Director Pryce gave the staff report and Mayor Hedenskog said the City was starting to reap the benefits of having a licensed engineer on staff.

**Councilor Hodges moved, a second followed and Council voted unanimously to authorize the City Manager to negotiate and execute four professional services contracts for as needed engineering services with the Dyer Partnership, Stover Engineering, RH2 Engineering and Willdan Engineering.**

*Approval of mural application for 630 Fleet Street.*

Public Works & Development Director Pryce gave the staff report.

**Councilor McClain moved, a second followed and Council voted unanimously to approve the mural application for 630 Fleet Street.**

*Authorization to execute letter consenting to Schwabe, Williamson & Wyatt's representation of South Coast Lumber Company in regards to project-related easements.*

City Manager Milliman provided the staff report.

**Councilor Pieper moved, a second followed and Council voted unanimously to authorize the City Manager to execute the Conflict Waiver Letter dated June 18, 2014, with respect to the law firm of Schwabe, Williamson and Wyatt representing South Coast Lumber Company in water utility easement matters relating to the Brookings Airport Infrastructure Project.**

### **Resolutions**

*Appropriations transfers for Fiscal Year 2013-14.*

Director Howard provided the staff report.

**Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 14-R-1037, approving appropriation transfers for insurance proceeds received.**

**Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 14-R-1038, accepting grants and donations and appropriating those funds.**

**Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 14-R-1039, transferring appropriations from contingency to Judicial, Legislative/Administrative, Parks and Recreation and Swimming Pool.**

**Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 14-R-1040, approving appropriating transfers in the General Fund, Tourism Fund and the Dawson Bancroft Bond funds**

**Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 14-R-1041, approving appropriation transfers in the General Fund and Water Loan Fund.**

**Consent Calendar**

1. Approve Council minutes for June 9, 2014.
2. Accept Planning Commission minutes for April 8, 2014.
3. Accept Public Art Committee minutes for June 2, 2014.
4. Receive May 2014 monthly financial report.

Mayor Hedenskog moved, a second followed and Council voted unanimously to approve the Consent Calendar as written.

**Adjournment**

Mayor Hedenskog moved, a second followed and Council voted unanimously by voice vote to adjourn at 8:28 PM.

A meeting of the Urban Renewal Agency immediately followed.

Respectfully submitted:

ATTESTED:

this \_\_\_\_\_ day of \_\_\_\_\_ 2014:

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Ron Hedenskog, Mayor

---

Joyce Heffington, City Recorder

**MINUTES**  
**BROOKINGS PLANNING COMMISSION**  
**May 6<sup>th</sup>, 2014**

The regular meeting of the Brookings Planning Commission was called to order by Chair Hedda Markham at 7:13pm in the Council Chambers at the Brookings City Hall on the above date. The following Commission members and staff were in attendance:

Commissioners Present: Hedda Markham, Gerry Wulkowicz, Cheryl McMahan,  
Commissioners Absent: Bryan Tillung, Curtis Williams, Betty Pomerleau  
Planning Staff Present: Planning Manager - Donna Colby-Hanks; Administrator - Jordan Fanning  
Others Present: 6 members of the public

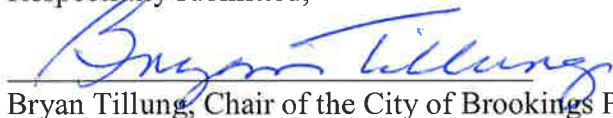
**THE FOLLOWING ACTIONS WERE TAKEN IN THE PUBLIC HEARINGS:**

The Planning Commission was unable to fill a quorum -- Chair Markham continued all applications and the meeting in its entirety to the next scheduled Planning Commission meeting to June 3<sup>rd</sup> 2014.

**ADJOURNMENT**

Meeting adjourned at 7:15pm

Respectfully submitted,



Bryan Tillung, Chair of the City of Brookings Planning Commission  
(Approved at the 7/01/14 meeting)

**MINUTES**  
**BROOKINGS PLANNING COMMISSION**  
**June 3rd, 2014**

The regular meeting of the Brookings Planning Commission was called to order by Chair Hedda Markham at 7:00pm in the Council Chambers at the Brookings City Hall on the above date. The following Commission members and staff were in attendance:

Commissioners Present: Hedda Markham , Betty Pomerleau, Gerry Wulkowicz, Bryan Tillung, Loren Rings  
Commissioners Absent: Cheryl McMahan  
Planning Staff Present: Planning Manager - Donna Colby-Hanks; Administrator - Jordan Fanning  
Others Present: Mayor—Ron Hedenskog, City Manager – Gary Milliman, and 5 members of the public

**STAFF ANOUNCEMENTS**

Planning staff introduced Loren Rings as the newest member of the Planning Commission.

**THE FOLLOWING ACTIONS WERE TAKEN IN THE PUBLIC HEARINGS:**

Public hearing procedures addressed by Chair Markham

- Chair Markham opened the quasi-judicial hearing regarding File No. CUP-1-14 at 7:05pm.

File Description: A continuation in the matter of File No. CUP-1-14, a request for approval of a conditional use permit for a short term vacation rental at 222 Del Norte Lane #13, a 700 square foot condo parcel located on Assessor's Map No. 41-13-05CD; tax lot 60313. Applicant, Etchart and Owner, Lowenthal. The criteria used to decide this matter is found in Section 17.124.170 - Short Term Rentals, Chapter 17.136 - Conditional Uses, and Section 17.28.040(R) Multiple-Family Residential (R-3) Conditional Uses, of the Brookings Municipal Code (BMC). This is a quasi-judicial hearing and the Planning Commission will make a decision on this matter.

No ex parte contact, bias, or conflict of interest was disclosed.

Planning Manager Colby-Hanks presented the staff report in full. Applicant Suzie Etchart, PO Box 1117 Brookings, explained and defended the application. There were no people in the audience present whom opposed the application. The public hearing portion of the file was closed at 7:20pm. Commissioner Wulkowicz made a motion to approve the proposal. The motion was seconded by Chair Markham. The application was approved unanimously. Commissioner Wulkowicz made a motion to approve the drafted Final Orders with no amendments. The motion was seconded by Chair Markham and approved unanimously.

- Chair Markham opened the quasi-judicial hearing regarding File No. CUP-2-14 at 7:21pm.

File Description: A continuation in the matter of File No. CUP-2-14, a request for approval of a conditional use permit for a short term vacation rental at 222 Del Norte Lane #17, a 1000 square foot condo parcel located on Assessor's Map No. 41-13-05CD; tax lot 60117. Applicant, Etchart and Owner, Baier. The criteria used to decide this matter is found in Section 17.124.170 - Short Term Rentals, Chapter 17.136 - Conditional Uses, and Section 17.28.040(R) Multiple-Family Residential (R-3) Conditional Uses, of the Brookings Municipal Code (BMC). This is a quasi-judicial hearing and the Planning Commission will make a decision on this matter.

No ex parte contact, bias, or conflict of interest was disclosed.

Planning Manager Colby-Hanks presented the staff report in full. Applicant Suzie Etchart, PO Box 1117 Brookings, explained and defended the application. There were no people in the audience

## **APPROVAL of MINUTES**

By a 4-0 vote, (motion: Chair Markham, 2<sup>nd</sup> Commissioner Wulkowicz, Abstention by Commissioner Tillung) the Planning Commission approved the minutes of the April 8<sup>th</sup>, 2014 Planning Commission meeting.

By a 5-0 vote, (motion: Chair Markham, 2<sup>nd</sup> Commissioner Wulkowicz) the Planning Commission approved the minutes of the May 6<sup>th</sup>, 2014 Planning Commission meeting.

## **REPORT FROM PLANNING STAFF**

- Next Planning Commission meeting will be held on July 1<sup>th</sup>. Items to look for will include a partition request, the City Water Master Plan update. A workshop will be held immediately after the regularly scheduled meeting to discuss the Stormwater Master Plan update.
- City Manager, Gary Milliman, wrote a letter regarding O'Reilly's Auto Parts. The letter was distributed to the Commissioners.
- Planning Staff reviewed two County Referrals.

## **UNSCHEDULED APPEARANCES**

Brookings' City Manager, Gary Milliman, presented Planning Commission Chair, Hedda Markham, with a plaque thanking her for her service to the City. The June 3<sup>rd</sup> meeting was to be the Chair's last as she resigns from her post after being on the Commission for eight years.

The honorable Ron Hedenskog, Brookings' mayor, read a touching personal letter written to the outgoing Planning Commission Chair, Hedda Markham. His letter commended Markham for her service to the City, noting that her presence had helped to enrich the community as a whole.

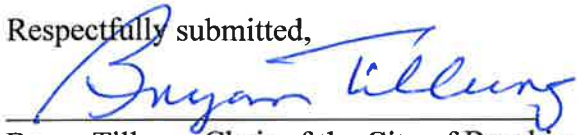
## **REMARKS FROM THE COMMISSION**

The Commissioners each thanked Chair Markham for her service and wished her well on the next adventure of her life.

## **ADJOURNMENT**

Meeting adjourned at 8:15pm

Respectfully submitted,



Bryan Tillung, Chair of the City of Brookings Planning Commission  
(Approved at the 7/01/14 meeting)



## Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
06/14	06/05/2014	73061	146	Bay West Supply, Inc	25-00-2005	131.80
06/14	06/05/2014	73062	3622	Boardwalk Mail Services	25-00-2005	15.48
06/14	06/05/2014	73063	2121	Bound Tree Medical LLC	25-00-2005	1,190.00
06/14	06/05/2014	73064	313	Brookings Vol Firefighters	10-00-2005	2,250.00
06/14	06/05/2014	73065	5048	Brookings-Harbor Medical Center	10-00-2005	75.00
06/14	06/05/2014	73066	5144	Tim Brush	25-00-2005	12.00
06/14	06/05/2014	73067	715	Budge McHugh Supply	25-00-2005	1,426.75
06/14	06/05/2014	73068	4193	C & K Markets, Inc	10-00-2005	248.16
06/14	06/05/2014	73069	149	Carpenter Tire Factory	10-00-2005	130.00
06/14	06/05/2014	73070	528	Caselle, Inc	25-00-2005	854.33
06/14	06/05/2014	73071	5313	City of Brookings	01-00-2005	100.00
06/14	06/05/2014	73072	3834	Clean Sweep Janitorial Service	10-00-2005	910.00
06/14	06/05/2014	73073	1745	Coastal Paper & Supply, Inc	10-00-2005	216.42
06/14	06/05/2014	73074	1740	Code Publishing Company Inc	10-00-2005	137.70
06/14	06/05/2014	73075	182	Coos-Curry Electric	10-00-2005	22,077.97
06/14	06/05/2014	73076	1357	Curry County Clerk	10-00-2005	450.00
06/14	06/05/2014	73077	173	Curry Equipment	15-00-2005	86.60
06/14	06/05/2014	73078	166	Dan's Auto & Marine Electric	25-00-2005	352.04
06/14	06/05/2014	73079	259	Da-Tone Rock Products	15-00-2005	2,192.22
06/14	06/05/2014	73080	284	Day Management Corp	61-00-2005	938.50
06/14	06/05/2014	73081	1	Adam Hillis	20-00-2005	23.94
06/14	06/05/2014	73082	5314	Jack Doak	10-00-2005	205.00
06/14	06/05/2014	73083	3342	Fastenal	10-00-2005	266.53
06/14	06/05/2014	73084	153	Ferrellgas	25-00-2005	603.78
06/14	06/05/2014	73085	4646	Frontier	30-00-2005	648.47
06/14	06/05/2014	73086	4989	Gaylord Klinefelter Contracting	15-00-2005	600.00
06/14	06/05/2014	73087	5172	Gowman Electric, Inc	10-00-2005	564.48
06/14	06/05/2014	73088	1130	H.D. Fowler	25-00-2005	1,197.86
06/14	06/05/2014	73089	154	Hagen's Dry Cleaners	10-00-2005	14.00
06/14	06/05/2014	73090	139	Harbor Logging Supply	15-00-2005	342.46
06/14	06/05/2014	73091	199	Richard Harper	10-00-2005	300.00
06/14	06/05/2014	73092	4526	Janell K. Howard	10-00-2005	328.94
06/14	06/05/2014	73093	4171	In-Motion Graphics	10-00-2005	301.60
06/14	06/05/2014	73094	162	Kerr Hardware	75-00-2005	904.12
06/14	06/05/2014	73095	262	Kim Hunnicutt Court Reporting	10-00-2005	54.00
06/14	06/05/2014	73096	5312	Klamath Mgmt Zone Fisheries Coalition	10-00-2005	500.00
06/14	06/05/2014	73097	328	Les Schwab Tire Center	20-00-2005	1,529.45
06/14	06/05/2014	73098	4269	Milliman, Gary	10-00-2005	67.50
06/14	06/05/2014	73099	424	Munnell & Sherrill	25-00-2005	76.48
06/14	06/05/2014	73100	329	New Hope Plumbing	10-00-2005	778.50
06/14	06/05/2014	73101	279	One Call Concepts, Inc	25-00-2005	44.88
06/14	06/05/2014	73102	252	Paramount Pest Control	10-00-2005	45.00
06/14	06/05/2014	73103	322	Postmaster	25-00-2005	850.00
06/14	06/05/2014	73104	207	Quill Corporation	10-00-2005	315.78
06/14	06/05/2014	73105	5296	Red Lion Hotel Salem	10-00-2005	91.30
06/14	06/05/2014	73106	5303	SHI International Corp	49-00-2005	156.00
06/14	06/05/2014	73107	5143	Superior Landscape Maintenance	10-00-2005	140.00
06/14	06/05/2014	73108	5311	Superior Stamp & Sign Co.	10-00-2005	38.00
06/14	06/05/2014	73109	5139	Jimmy Trudeau	10-00-2005	194.00
06/14	06/05/2014	73110	990	UPS	20-00-2005	24.12
06/14	06/05/2014	73111	2863	Verizon Wireless	10-00-2005	550.63
06/14	06/05/2014	73112	861	Village Express Mail Center	10-00-2005	43.15
06/14	06/05/2014	73113	169	Waste Connections Inc	10-00-2005	569.28

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
06/14	06/05/2014	73114	4135	Jim Watson	10-00-2005	9.00
06/14	06/05/2014	73115	5003	Wild River Pizza	25-00-2005	53.75
06/14	06/05/2014	73116	686	Worlton Auto Body, Inc	10-00-2005	175.00
06/14	06/05/2014	73117	4131	Zumar Industries Inc	15-00-2005	283.68
06/14	06/12/2014	73118	4058	44Mag Distributing LLC	10-00-2005	602.00
06/14	06/12/2014	73119	4734	Aramark Uniform Services	10-00-2005	95.24
06/14	06/12/2014	73120	4939	BI- Mart Corporation	25-00-2005	238.87
06/14	06/12/2014	73121	4363	Black & Rice LLP	10-00-2005	2,004.25
06/14	06/12/2014	73122	2407	Blue Star Gas	10-00-2005	2,333.82
06/14	06/12/2014	73123	714	Brookings Signs & Graphics	25-00-2005	11.14
06/14	06/12/2014	73124	5070	Canon Solutions America	10-00-2005	171.43
06/14	06/12/2014	73125	5317	Chinook Winds Casino Resort	10-00-2005	1,119.95
06/14	06/12/2014	73126	4928	CIS Trust	10-00-2005	25.00
06/14	06/12/2014	73127	183	Colvin Oil Company	25-00-2005	4,217.52
06/14	06/12/2014	73128	4845	Curry County CASA	61-00-2005	300.00
06/14	06/12/2014	73129	185	Del Cur Supply	10-00-2005	127.20
06/14	06/12/2014	73130	1	Ciceric, Walter	20-00-2005	13.03
06/14	06/12/2014	73131	1	Alicia Lunde	20-00-2005	5.15
06/14	06/12/2014	73132	1	Ronald Mills	20-00-2005	300.00
06/14	06/12/2014	73133	1	Richard Palmerin	20-00-2005	20.27
06/14	06/12/2014	73134	1	Taylor Schaefer	20-00-2005	61.61
06/14	06/12/2014	73135	1	Adrian Stanton	20-00-2005	35.28
06/14	06/12/2014	73136	1	Coriann Stevens	20-00-2005	46.38
06/14	06/12/2014	73137	2640	Dyer Partnership Inc., The	25-00-2005	37,573.50
06/14	06/12/2014	73138	261	Engineered Control Products	20-00-2005	329.80
06/14	06/12/2014	73139	5125	Jordan Fanning	10-00-2005	59.00
06/14	06/12/2014	73140	5318	Jose Flores	10-00-2005	59.00
06/14	06/12/2014	73141	4646	Frontier	10-00-2005	20.12
06/14	06/12/2014	73142	4874	The Galli Group	25-00-2005	1,842.10
06/14	06/12/2014	73143	5123	GCB Automation and Marine LLC	10-00-2005	140.00
06/14	06/12/2014	73144	5153	Hodges, Brent	10-00-2005	176.81
06/14	06/12/2014	73145	5319	Justin Holmes	10-00-2005	59.00
06/14	06/12/2014	73146	5320	Patrick Holmes	10-00-2005	59.00
06/14	06/12/2014	73147	4269	Gary Milliman	10-00-2005	44.00
06/14	06/12/2014	73148	283	Muffler & More	25-00-2005	280.00
06/14	06/12/2014	73149	334	North Coast Electric Company	25-00-2005	159.49
06/14	06/12/2014	73150	5008	Online Information Services	10-00-2005	113.35
06/14	06/12/2014	73151	311	Paramount Supply Company	25-00-2005	587.62
06/14	06/12/2014	73152	708	Pelican Bay Art Association	32-00-2005	500.00
06/14	06/12/2014	73153	5315	Proctor Sales Inc	10-00-2005	2,162.92
06/14	06/12/2014	73154	1840	Rogue Federal Credit Union	25-00-2005	1,140.72
06/14	06/12/2014	73155	3369	Schwabe Williamson & Wyatt PC	20-00-2005	156.00
06/14	06/12/2014	73156	142	Tidewater Contractors Inc	25-00-2005	128,963.46
06/14	06/12/2014	73157	5316	Tony Douglas	10-00-2005	240.00
06/14	06/12/2014	73158	4975	VFW Post # 966	32-00-2005	1,000.00
06/14	06/12/2014	73159	2122	Cardmember Service	30-00-2005	3,434.98
06/14	06/12/2014	73160	169	Waste Connections Inc	25-00-2005	4,287.54
06/14	06/12/2014	73161	4808	Neil Watson	10-00-2005	59.00
06/14	06/12/2014	73162	917	Wm. H. Reilly & Co	25-00-2005	2,123.02
06/14	06/14/2014	73163	147	Brookings Glass Inc	10-00-2005	.00 V
06/14	06/13/2014	73164	5322	Nicole Phelan	15-00-2005	210.00
06/14	06/13/2014	73165	147	Brookings Glass Inc	10-00-2005	15,000.00
06/14	06/19/2014	73166	5227	AK Consulting LLC	10-00-2005	1,364.25
06/14	06/25/2014	73167	3996	Beery Elsner & Hammond LLP	10-00-2005	.00 V
06/14	06/19/2014	73168	4594	C & M Equipment, Inc.	10-00-2005	60.00
06/14	06/19/2014	73169	2364	C&S Fire-Safe Services	10-00-2005	160.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
06/14	06/19/2014	73170	5070	Canon Solutions America	10-00-2005	331.00
06/14	06/19/2014	73171	5323	Vicki Cartwright	10-00-2005	202.00
06/14	06/19/2014	73172	5189	Mona Chandler	10-00-2005	20.00
06/14	06/19/2014	73173	3015	Charter Communications	10-00-2005	84.90
06/14	06/19/2014	73174	151	Western Communications, Inc	25-00-2005	1,413.70
06/14	06/19/2014	73175	5042	Curry Health Network	10-00-2005	42.00
06/14	06/19/2014	73176	5324	Dart Enterprises, Inc	25-00-2005	3,636.00
06/14	06/19/2014	73177	317	DCBS - Fiscal Services	10-00-2005	51.65
06/14	06/19/2014	73178	1	Sharon Fischer	20-00-2005	83.22
06/14	06/19/2014	73179	1	Jimmy Hall	20-00-2005	237.58
06/14	06/19/2014	73180	1	Shirley Hicks	20-00-2005	202.73
06/14	06/19/2014	73181	1	John Hodge	20-00-2005	71.18
06/14	06/19/2014	73182	1	Christine Jones	20-00-2005	36.11
06/14	06/19/2014	73183	1	Shelby Mitchell	20-00-2005	62.31
06/14	06/19/2014	73184	749	Emerald Pool & Patio	10-00-2005	1,541.35
06/14	06/19/2014	73185	3342	Fastenal	15-00-2005	75.56
06/14	06/19/2014	73186	5321	Forrest Paint Co	10-00-2005	705.57
06/14	06/19/2014	73187	4646	Frontier	30-00-2005	81.70
06/14	06/19/2014	73188	198	Grants Pass Water Lab	20-00-2005	288.00
06/14	06/19/2014	73189	167	Hach Company	25-00-2005	502.54
06/14	06/19/2014	73190	3632	Harbor View Windows	10-00-2005	580.00
06/14	06/19/2014	73191	4526	Janell K. Howard	10-00-2005	232.34
06/14	06/19/2014	73192	4171	In-Motion Graphics	10-00-2005	184.90
06/14	06/19/2014	73193	5036	Kosmont Companies	75-00-2005	3,976.72
06/14	06/19/2014	73194	4487	Net Assets Corporation	10-00-2005	240.00
06/14	06/19/2014	73195	329	New Hope Plumbing	10-00-2005	97.00
06/14	06/19/2014	73196	4633	Oregon Board of Accountancy	10-00-2005	260.00
06/14	06/19/2014	73197	4479	OSCPA Professional Development Divisi	10-00-2005	169.00
06/14	06/19/2014	73198	252	Paramount Pest Control	10-00-2005	45.00
06/14	06/19/2014	73199	5325	Pocket Press, Inc	10-00-2005	269.70
06/14	06/19/2014	73200	207	Quill Corporation	10-00-2005	666.37
06/14	06/19/2014	73201	3	Shelton Properties	20-00-2005	106.53
06/14	06/19/2014	73202	3	John F Thorp	20-00-2005	10.00
06/14	06/19/2014	73203	3309	Roberts & Associates	54-00-2005	195.00
06/14	06/19/2014	73204	5246	Rogue Scuba	10-00-2005	105.00
06/14	06/19/2014	73205	380	Stadelman Electric Inc	20-00-2005	226.00
06/14	06/19/2014	73206	718	Western Mercantile Agency Inc	10-00-2005	85.99
06/14	06/19/2014	73207	5326	Randy Gorman	10-00-2005	25.00
06/14	06/26/2014	73208	993	ATCO International	25-00-2005	353.00
06/14	06/26/2014	73209	3996	Beery Elsner & Hammond LLP	10-00-2005	760.70
06/14	06/26/2014	73210	4882	Coastal Heating & Air	25-00-2005	75.00
06/14	06/26/2014	73211	183	Colvin Oil Company	10-00-2005	3,411.11
06/14	06/26/2014	73212	5327	Cornerstone Graphic Design LLC	10-00-2005	95.00
06/14	06/26/2014	73213	1	Bruce Day	20-00-2005	6.92
06/14	06/26/2014	73214	1	Randy Martindale	20-00-2005	49.75
06/14	06/26/2014	73215	1	Jermiah & Tiffany Quackenbush	20-00-2005	42.21
06/14	06/26/2014	73216	4876	D'sineZ	25-00-2005	78.00
06/14	06/26/2014	73217	4646	Frontier	30-00-2005	24.16
06/14	06/26/2014	73218	5328	Stacy Herold	10-00-2005	202.00
06/14	06/26/2014	73219	4171	In-Motion Graphics	10-00-2005	1,376.05
06/14	06/26/2014	73220	5173	KOBI/KOTI-TV	32-00-2005	825.00
06/14	06/26/2014	73221	433	NCL of Wisconsin	25-00-2005	385.54
06/14	06/26/2014	73222	3159	NorthCoast Health Screening	25-00-2005	705.00
06/14	06/26/2014	73223	3603	Norwest Safety	20-00-2005	1,501.75
06/14	06/26/2014	73224	5329	David Nugent	10-00-2005	156.00
06/14	06/26/2014	73225	860	Oregon Fire Chiefs Assn	10-00-2005	30.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
06/14	06/26/2014	73226	798	Dan Palicki	61-00-2005	123.76
06/14	06/26/2014	73227	311	Paramount Supply Company	25-00-2005	417.86
06/14	06/26/2014	73228	5101	Pitney Bowes Reserve Acct	10-00-2005	500.00
06/14	06/26/2014	73229	1920	Pitney Bowes, Inc	10-00-2005	83.00
06/14	06/26/2014	73230	3	L. Bendisckson	20-00-2005	175.72
06/14	06/26/2014	73231	5330	Umpqua Community College	25-00-2005	299.00
06/14	06/26/2014	73232	432	USA Bluebook	25-00-2005	216.81
06/14	06/26/2014	73233	861	Village Express Mail Center	10-00-2005	31.15
Grand Totals:						<u>289,846.61</u>

Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Recorder: \_\_\_\_\_

Report Criteria:

Report type: Summary

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: July 14, 2014

Originating Dept: PWDS

LP Donna Colby-Hanks  
Signature (submitted by)  
City Manager Approval

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Subject: A letter from City Council to the Department of Land Conservation and Development (DLCD) requesting grant funding.

Recommended Motion: A motion to send a letter requesting a Coastal Management grant and authorizing the City Manager to sign the grant agreement.

Financial Impact: \$5,400 in grant funds to support the City's Planning program.

Background/Discussion: For many years the City has received an annual grant from the Coastal Management program DLCD administers. This year the amount remains the same as last year. The only match for the City is staff time working on the day to day planning matters. There is a requirement that the City Council make a formal request for the grant by way of a letter or resolution.

Policy Considerations: None.

Attachment(s): Letter from DLCD offering the grant  
Grant agreement  
Draft letter to be sent to DLCD



# Oregon

John A. Kitzhaber, MD, Governor

**Oregon Coastal Management Program**  
Department of Land Conservation and Development  
635 Capitol Street, Suite 150  
Salem, Oregon 97301-2540  
Phone (503) 373-0050  
FAX (503) 378-6033  
<http://www.oregon.gov/LCD/OCMP>



July 1, 2014

Donna Colby-Hanks, City Planner  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Dear Donna:

The Department of Land Conservation and Development (DLCD) is pleased to offer the City of Brookings a Coastal Management grant to assist you in your planning needs.

The attached grant agreement indicates the total amount of our offer and lists the standard and special conditions the City must meet. **Please note the following:**

1. Before signing the grant agreement, **please read the agreement and attachments carefully** as they contain the terms and conditions upon which the grant is offered. If any corrections in contact information, etc. are necessary, please make those with red ink and initial the changes. If you have any questions, please contact your assigned DLCD field representative which is listed on the first page of the grant agreement.
2. **Sign and return the original agreement** to [diana.evans@state.or.us](mailto:diana.evans@state.or.us). I will then have DLCD sign, scan and return to you the fully executed agreement. Signature of the grant declares acceptance of **all** terms and conditions in the grant agreement. Please note that there **are** reporting requirements as a result of accepting this grant. They are spelled out within the text of Attachment A.
3. **In addition** to signing and returning the original agreement, the agreement **must be** accompanied by a request for the grant funding by way of a **formal letter or resolution from your City Council or Board of Commissioners**.
4. The grant agreement is **not** in effect until the agreement **and** letter/resolution are returned to the department **and** signed by DLCD.
5. A FAX will not be accepted.

Funds will be sent to you in accordance with the payment schedule in the grant agreement.

Sincerely,

Patricia L. Snow, Manager  
Oregon Coastal Management Program

**Oregon Department of Land Conservation and  
Development  
FY14-15 Grant Agreement**

**Date**  
July 1, 2014  
**Type of Grant**  
Coastal Zone Management

**Grantee Name** City of Brookings

**Grant No.**  
CPA-14-004

**Street Address**

898 Elk Drive  
Brookings, OR 97415

**DLCD Grant Amount**

\$5,400

**Award Period**

July 1, 2014 through June 30, 2015

**Grantee Share**

\$5,400

**Authority**

CFDA 11.419

**State General Fund**

**Federal Fund**

XX

**Total Cost**

\$10,800

Coastal Zone Management Administrative Awards  
Department of Commerce

National Oceanic and Atmospheric Administration (NOAA)

Federal Grant No. NA14NOS4190078 Award Amount: \$2,211,000

**Project Title**

Coastal Zone Management 14-15

**Grantee Representative**

Donna Colby-Hanks, Planning Manager

541-469-1137

[dcolbyhanks@brookings.or.us](mailto:dcolbyhanks@brookings.or.us)

**DLCD Grant Manager**

Dave Perry

541-574-1584

[dave.perry@state.or.us](mailto:dave.perry@state.or.us)

This Grant, approved by the Coastal Program Manager of the Department of Land Conservation and Development, acting on behalf of the Land Conservation and Development Commission, is issued in duplicate and constitutes an obligation of state funds contingent upon the issuance of a grant from OCRM/NOAA to DLCD for FY 14/15. By signing the two documents, the Grantee agrees to comply with the Grant provisions shown in Attachment A. Attachment A contains standard terms and conditions, reporting requirements and payment schedule.

Upon acceptance by the Grantee, the two signed documents shall be returned to DLCD. ***If not signed and returned without modification by the Grantee within 30 days of receipt, the Grant Manager may unilaterally terminate this Grant.*** Upon receipt of the signed documents, the DLCD Coastal Program Manager shall sign and one copy will be returned for the Grantee's file.

**For the Grantee:**

Sign and Print/Type Name of Authorized Official

Title

Date

DLCD Program Manager Signature

DLCD Coastal  
Program Manager

Date



## Attachment A

### Work Program

By agreement with the federal Office of Ocean and Coastal Resource Management (OCRM), use of funds under this grant program is for work within the boundaries of those jurisdictions in Oregon's federally-approved Coastal Zone that have adopted comprehensive plans and land use regulations acknowledged by the Land Conservation and Development Commission (LCDC) and incorporated within the Oregon Coastal Management Program (OCMP).

**NOTE:** *Grantee acknowledges that grant funds shall not be used for legal or administrative costs associated with defending the Grantee or other grantees from decisions made by the department or the commission.*

### Grant Matching Funds Requirement and Rate of Payment

1. This award requires the City of Brookings to provide \$5,400.00 in project-related matching costs from non-federal sources. The City must maintain an accounting for \$10,800.00 in its official records.
2. Matching funds, whether in cash or in-kind, are expected to be paid out at the same general rate as the state share, and matching fund accounting shall be included with each reimbursement request. Exceptions to this requirement may be approved by the Grant Manager based on demonstration that the schedule of tasks for the project and the rate of local match for these tasks justify a delayed payout of cash or in-kind contributions. In any case, the Grantee must fulfill the non-Federal matching commitment over the life of the award.

### Payment and Reporting Schedule

1. Reimbursement up to 50% of the grant award will be made upon completion of a semi-annual report due January 31, 2015, for the period July 1, 2014 to December 31, 2014;
2. Final reimbursement up to the total amount of the grant will be made upon completion of a second semi-annual report due July 31, 2015 for the period January 1, 2015 to June 30, 2015.

<p><u>Please note:</u> DLCD will NOT make payment when semiannual reports are more than 60 days beyond the due date.</p>
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The following reports are **required** on an on-going basis and in addition to the two semi-annual reports required above:

- Notice of pending land use decisions shall be provided on an ongoing basis to the appropriate DLCD Coastal Regional Representative **before** land use decisions are made. Staff reports and draft findings of fact shall be submitted to the Regional Representative with these notices;
- If this Grant Agreement is terminated for any reason, a final programmatic and financial closeout report is required within 30 days.

**Grantee agrees to**

1. Designate a Coastal Specialist(s) responsible for preparing staff reports and draft findings of fact for proposed local land use decisions, reports of violations of local land use regulations, and results of field inspections and who will be a point of contact for the Department;
2. Provide **timely** notices, staff reports, and draft findings of fact related to proposed legislative and quasi-judicial land use decisions to the DLCD Regional Representative and affected state and federal agencies before the decisions are made;
3. Coordinate with state agencies, federal agencies, and other units of local government, including port districts, to carry out the provisions of applicable acknowledged plan(s) and ordinances, and to identify plan and regulation violations;
4. At minimum, the Coastal Specialist, or the jurisdictions designee shall attend at least one of two semi-annual meetings of the Oregon Coastal Management Program Network Partners sponsored by the Department. DLCD will reimburse Grantee, up to \$200 per person from this grant to support travel costs associated with attendance at such meeting. Grantee shall conduct all travel in the most efficient and cost effective manner resulting in the best value to DLCD. The travel must comply with all the requirements set forth in this section and must be for official DLCD business only. Grantee shall provide DLCD with receipts for all travel expenses except meals. All Grantee representatives will be limited to economy or compact-sized rental vehicles, unless Grantee personally pays the difference. DLCD will reimburse travel and other expenses of the Grantee at rates set forth in the Oregon Accounting Manual as of the date Grantee incurred the travel or other expenses. The Oregon Accounting Manual is available at <http://www.oregon.gov/DAS/SCD/SARS/policies/oam/40.10.00.PO.pdf> ;
5. Provide pre-application advice and information to potential applicants about acknowledged comprehensive plan and land use regulations that may be applicable, identify sources of technical information that may be useful in addressing these requirements, and invite DLCD to participate in pre-application conferences as appropriate;
6. Provide, upon request, timely findings or certification of compatibility of proposed land use actions or permits with applicable provisions of acknowledged comprehensive plan(s) and land use regulations to relevant state and federal agencies to which application has been made and for which a statement of Land Use Compatibility (LUCS) is required by the state or federal agency
7. Retain all financial and personnel records pertaining to grant expenditures and local matching funds for a period of at least three years from date of filing of final report on this grant, as provided under Standard Conditions, below;
8. Advise in a timely way the Department's Regional Representative of any amendment that may be needed for this grant agreement; and

9. Provide two semi-annual reports to the Department as specified in this agreement.

### **Use of Grant Funds**

Funds received by the Grantee pursuant to this agreement shall be expended only to accomplish and carry out one or more of the following activities:

1. Carry out administrative actions including zone changes, conditional uses, variances, permits, partitionings and other development applications, and similar ministerial and quasi-judicial actions;
2. Codify plan documents and land use regulations, including conversion to digital data bases;
3. Collect data, conduct inventories and studies related to comprehensive plan elements, ancillary or functional plans, and land use regulations;
4. Develop and conduct special public workshops and technical training programs on land use;
5. Develop, amend, or implement intergovernmental coordination programs or agreements;
6. Enforce land use regulations, including developing and implementing dispute resolution programs;
7. Conduct or sponsor land use training for local elected and appointed officials, staffs, and citizens on land use;
8. Make legislative land use amendments to comprehensive plans and land use regulations;
9. Purchase maps and aerial photos to support land use planning functions;
10. Support citizen involvement programs and activities;
11. Update and reprint maps, develop GIS data, inventory data and plan documents;

### **Standard Conditions**

1. The funds made available under this agreement are federal funds (CFDA #11.419) and may not be used to supplant state or local government funds that would otherwise be available in the absence of such federal funds.
2. The cover or the title page of all reports, studies, or other documents supported in whole or in part by this award or any subawards shall acknowledge the financial assistance provided by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, through a grant to the Department of Land Conservation and Development.

3. The Grantee, upon signing the Grant Agreement, agrees to designate a Coastal Specialist(s) either in a cover letter accompanying this agreement, or in an e-mail to [diana.evans@state.or.us](mailto:diana.evans@state.or.us);
4. DLCD's Right to Terminate at its Discretion. At its sole discretion, DLCD may terminate this Grant Agreement:
  - For its convenience upon thirty (30) days' prior written notice by DLCD to Grantee;
  - Immediately upon written notice if DLCD fails to receive funding, appropriations, limitation, allotments or other expenditure authority at levels sufficient to pay for the Work or Work Products; or
  - Immediately upon written notice if federal or state laws, regulations, or guidelines are modified or interpreted in such a way that the DLCD's purchase of the Work or Work Products under this Grant Agreement is prohibited from paying for such Work or Work Products from the planned funding source.

DLCD's Right to Terminate for Cause. In addition to any other rights and remedies DLCD may have under this Grant Agreement, DLCD may terminate this Grant Agreement immediately upon written notice by DLCD to Grantee, or at such later date as DLCD may establish in such notice, or upon expiration of the time period and with such notice as provided below, upon the occurrence of any of the following events:

- Grantee is in default because Grantee institutes or has instituted against it insolvency, receivership or bankruptcy proceedings, makes an assignment for the benefit of creditors, or ceases doing business on a regular basis;
- Grantee is in default because Grantee commits any material breach or default of any covenant, warranty, obligation, or agreement under this Grant Award, fails to perform the Work under this Grant Award within the time specified herein or any extension thereof or so fails to pursue the Work as to endanger Grantee's performance under this Grant Award in accordance with its terms, and such breach, default or failure is not cured within 14 calendar days after DLCD's notice, or such longer period as DLCD may specify in such notice.

Return of Property: Upon termination of this Grant Award for any reason whatsoever, Grantee shall immediately deliver to DLCD all of DLCD's property (including without limitation any Work or Work Products for which DLCD has made payment in whole or in part) that is in the possession or under the control of the Grantee in whatever stage of development and form of recordation such Grantee property is expressed or embodied at that time. Upon receiving a notice of termination of this Grant Agreement, Grantee shall immediately cease all activities under this Grant Award, unless DLCD expressly directs otherwise in such notice of termination. Upon DLCD's request, Grantee shall surrender to anyone DLCD designates, all documents, research or objects or other tangible things needed to complete the Work and the Work Products.

5. The Grantee will maintain standard accepted accounting and fiscal records of the receipt and expenditure of funds by the grantee. The account records for the expenditure of these funds shall be distinguished from the account records of all other funds. Allocations for the time devoted by the designated Coastal Specialist(s) to this award shall be accounted for on a daily basis.

6. The Comptroller General of the United States, the Secretary of Commerce of the United States, the Inspector General of the United States Department of Commerce, the Attorney General of the State of Oregon, the Secretary of State of the State of Oregon, and the Director of the Oregon Department of Land Conservation and Development, or any other duly authorized federal or state representative, shall have access to the documents, papers, and records of transactions related to this Grant. Any special program or financial reports shall be promptly submitted to the Director of the Department of Land Conservation if so requested. All records shall be maintained until an audit is completed and all questions arising therefrom are resolved, or three years after the completion of the final financial closeout report, whichever is later.

The Grantee is subject to the requirements of 2 CFR 225, 15 CFR 24, and audit requirements found in the Single Audit Act of 1984, P.L. 98-502 and the Single Audit Act Amendments of 1996, P.L. 104-156, as implemented by OMB Circular A-133. In order for the department to comply with the Single Audit Act, the Grantee shall submit to the department, as soon as available, a copy of all audits and compliance correspondence for the audited period covering the payment of federal funds under this agreement.

7. Positive efforts shall be made to use small businesses and minority-owned businesses as sources of supplies.
8. No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this agreement or to any benefit which might arise therefrom.
9. The Grantee agrees to comply with the non-discrimination requirements below:

**Statutory Provisions**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and Department of Commerce implementing regulations published at 15 CFR Part 8 which prohibit discrimination on the grounds of race, color, or national origin under programs or activities receiving Federal financial assistance;
- Title IX of the Education Amendments of 1972 (20 USC §§1681 et seq.) prohibiting discrimination on the basis of sex under Federally assisted education programs or activities;
- Section 504 of the Rehabilitation Act of 1973, as amended (29 USC § 794) and Department of Commerce implementing regulations published at 15 CFR Part 8b prohibiting discrimination on the basis of handicap under any program or activity receiving or benefiting from Federal assistance;
- The Age Discrimination Act of 1975, as amended (42 USC §§6101 et seq.) and Department of Commerce implementing regulations published at 15 CFR Part 20 prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- The Americans with Disabilities Act of 1990 (42 USC §§ 12101 et seq.) prohibiting discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation;
- Any other applicable non-discrimination law(s).

**Other Provisions**

- Parts II and III of EO11246 (30 FR 12319, 1965), as amended by EO 11375 (32 FR 14303, 1967) and 12086 (43 FR 46501, 1978), require federally assisted construction contracts to include the nondiscrimination provisions of §§202 and 203 of that EO and Department of Labor regulations implementing EO11246 (41 CFR § 60-1.4(b), 1991).
- EO 13166 (August 11, 2000), “Improving Access to Services for Persons with Limited English Proficiency,” and Department of Commerce policy guidance issued on March 24, 2003 (68 FR 14180) to Federal financial assistance recipients on the Title VI prohibition against national origin discrimination affecting Limited English Proficient (LEP) persons.



# City of Brookings

898 Elk Drive, Brookings, OR 97415  
(541) 469-1104 Fax (541) 469-3650 TTY (800) 735-1232  
[rhedenskog@brookings.or.us](mailto:rhedenskog@brookings.or.us); [www.brookings.or.us](http://www.brookings.or.us)

**Mayor Ron Hedenskog**

July 14, 2014

Patricia L. Snow, Coastal Program Manager  
Ocean and Coastal Management Program  
Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, Or. 97301-2540

RE: Department of Land Conservation and Development (DLCD) Grant Request

Dear Patricia,

The Department of Land Conservation and Development (DLCD) grant offer was considered on the City Council's regular agenda July 14, 2014. The Council is making this formal request for the annual Coastal Management Grant funding being offered by DLCD for support of the City's Planning Program. The City appreciates the continued funding DLCD has offered to help provide appropriate planning staff and procedures to ensure compliance with the Statewide Planning Program.

Sincerely,

Ron Hedenskog  
Mayor