

# City of Brookings MEETING AGENDA

## CITY COUNCIL/URBAN RENEWAL AGENCY

**Monday, September 26, 2011, 7:00pm**

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

City Council will meet in **Executive Session at 6:00pm**, in the City Manager's office, under the 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," under ORS 192.660.2.e, "to conduct deliberations with persons designated by the governing body to negotiate real property transactions," and under ORS 192.660.2.i, "to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing."

## CITY COUNCIL

### A. Call to Order

### B. Pledge of Allegiance

### C. Roll Call

### D. Public Hearings/Ordinances/Resolutions/Final Orders

1. Resolution reappointing Councilor Dave Gordon to a four year term on the Border Coast Regional Airport Authority Board of Commissioners and appointing City Manager Gary Milliman as alternate. [City Manager, pg. 5]
  - a. Resolution 11-R-971 [pg. 6]

### E. Oral Requests and Communications from the audience

1. Public Comments – 5 minute limit per person.\*

### F. Staff Reports

1. Approval to cease further work on the formation of a Parks and Recreation District. [City Manager, pg. 7]
  - a. December 3, 2009 memo [pg. 8]
  - b. Newspaper article discussing possible bankruptcy of Mendocino Coast Parks and Recreation District. [pg. 27]
2. Discussion and direction to staff regarding proposed Parks and Recreation Commission code revisions, meeting frequency, Commission size and organization. [City Manager, pg. 28]
  - a. Draft revisions [pg. 30]
3. Authorization to develop agreements with Bi-Mart and the Websters to reconfigure the Railroad/Cove/Memory intersection, proceed with design engineering and bid documents, allocate SDC funds, complete preliminary design for improvements between Center and Fern streets, and initiate a Conditional Use Permit amendment for the Bi-Mart project, [City Manager, pg. 32]
  - a. Alternate 7 [pg. 36]
  - b. Cove Road realignment estimate [pg. 37]
  - c. Railroad Street preliminary design [pg. 38]

- d. Railroad Street estimate, Center to Wharf [pg. 39]
- e. Railroad Street estimate, Wharf to Fern [pg. 40]
- f. August 29, 2011 memo from Dyer [pg. 41]
- g. Railroad/Cove/Memory realignment plan by Bi-Mart traffic engineer [pg. 42]
- h. August 23, 2011 memo from Dyer [pg. 43]

#### **G. Consent Calendar**

- 1. Approve Council minutes for September 12, 2011. [pg. 45]
- 2. Authorize Public Works Director to execute Cooperative Agreement with the Oregon Department of Transportation. [pg. 47]
  - a. Agreement [pg. 48]
- 3. Receive monthly financial report for August, 2011. [pg. 55]

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

#### **I. Adjournment**

### **URBAN RENEWAL AGENCY**

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

#### **B. Roll Call**

#### **C. Consent Calendar**

- 1. Approve Urban Renewal Agency minutes for June 27, 2011. [pg. 61]
- 2. Accept Urban Renewal Advisory Committee minutes May 3, 2011. [pg. 63]

#### **D. Public Comments**

#### **E. Staff Reports**

- 1. Approve allocation of \$167,040 in Agency funds for Railroad/Cove/Memory Intersection Realignment Project. [Executive Director, pg. 64]
- 2. Authorize the City Manager to execute the First Amendment to the Purchase and Sale agreement with Bi-Mart, amending Exhibit B to provide a "Commence Store Operations" date of June 30, 2012. [Executive Director, pg. 65]
  - a. First Amendment to Purchase and Sale Agreement [pg. 66]

#### **F. Agency Remarks**

#### **G. 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 advance notification. Please contact 469-1102 if you have any questions regarding this notice.

# September 2011

September 2011							October 2011						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
4	5	6	7	1	2	3	2	3	4	5	6	7	1
11	12	13	14	8	9	10	9	10	11	12	13	14	8
18	19	20	21	15	16	17	16	17	18	19	20	21	15
25	26	27	28	22	23	24	23	24	25	26	27	28	22
				29	30		30	31					29

	Monday	Tuesday	Wednesday	Thursday	Friday
	Aug 29	30	31	Sep 1	2
Aug 29 - Sep 2					
Sep 5 - 9	5 8:00am 5:00pm LABOR DAY - Closed 11:00am 12:00pm CC - VIPS 7:00pm 10:00pm FH-FireTrng	6 4:00pm 6:00pm CC - Council Wkshp	7 8:30am 9:30am CC - Staff 10:00am 12:00pm CC- Site Plan 12:00pm 1:00pm CC - Stout Park 7:00pm 9:00pm FH-PoliceResrvs	8 9:00am 10:30am CC-Crm Stoppers 1:00pm 2:00pm CC - Court 3:00pm 4:00pm CC - Staff	9
Sep 12 - 16	12 7:00pm 10:00pm FH-FireTrng 7:00pm 9:30pm CC-Council	13	14 8:30am 9:30am CC - Staff (PW) 10:00am 11:00am FH-BRFD 10:00am 12:00pm CC- Site Plan 5:00pm 7:00pm CC - Victims Impact (Starts at 6pm)	15 10:00am 5:00pm CC - Staff	16
Sep 19 - 23	19 11:00am 12:00pm CC-VIPS 7:00pm 10:00pm FH-FireTrng	20	21 8:30am 9:30am CC - Staff 10:00am 12:00pm CC- Site Plan 1:00pm 2:30pm CC-Staff	22 12:00pm 1:00pm Public Art Committee - Chambers 7:00pm 9:00pm CC-Parks & Rec	23
Sep 26 - 30	26 7:00pm 9:00pm CC-Council 7:00pm 10:00pm FH-FireTrng	27	28 8:30am 9:30am CC - Staff 10:00am 12:00pm CC- Site Plan	29	30

# October 2011

October 2011							November 2011						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	1	6	7	1	2	3	4	5
9	10	11	12	13	14	8	13	14	8	9	10	11	12
16	17	18	19	20	21	15	20	21	15	16	17	18	19
23	24	25	26	27	28	22	27	28	22	23	24	25	26
30	31					29			29	30			

Monday		Tuesday		Wednesday		Thursday		Friday	
<b>Oct 3</b>		<b>4</b>		<b>5</b>		<b>6</b>		<b>7</b>	
11:00am 12:00pm CC - VIPS 4:00pm 6:00pm CC - Council Wkshp 7:00pm 10:00pm FH-FireTrng		7:00pm 10:00pm CC-Planning Comm		8:30am 9:30am CC - Staff 10:00am 12:00pm CC- Site Plan 12:00pm 1:00pm CC - Stout Park 7:00pm 9:00pm FH-PoliceResrvs		8:00am 3:00pm CC - Insurance 3:00pm 4:00pm CC - Staff 4:00pm 5:00pm CC - Insurance			
<b>10</b>		<b>11</b>		<b>12</b>		<b>13</b>		<b>14</b>	
7:00pm 10:00pm FH-FireTrng 7:00pm 9:30pm CC-Council				8:30am 9:30am CC - Staff 10:00am 11:00am FH-BRFD 10:00am 12:00pm CC- Site Plan		9:00am 10:30am CC-Crm Stoppers 1:00pm 2:00pm CC - Court 3:00pm 5:00pm CC-URAC (Tentative)			
<b>17</b>		<b>18</b>		<b>19</b>		<b>20</b>		<b>21</b>	
11:00am 12:00pm CC-VIPS 7:00pm 10:00pm FH-FireTrng				8:30am 9:30am CC - Staff 10:00am 12:00pm CC- Site Plan					
<b>24</b>		<b>25</b>		<b>26</b>		<b>27</b>		<b>28</b>	
7:00pm 9:00pm CC-Council 7:00pm 10:00pm FH-FireTrng				8:30am 9:30am CC - Staff 10:00am 12:00pm CC- Site Plan		7:00pm 9:00pm CC-Parks & Rec			
<b>31</b>		<b>Nov 1</b>		<b>2</b>		<b>3</b>		<b>4</b>	
7:00pm 10:00pm FH-FireTrng									

Oct 3 - 7

Oct 10 - 14

Oct 17 - 21

Oct 24 - 28

Oct 31 - Nov 4

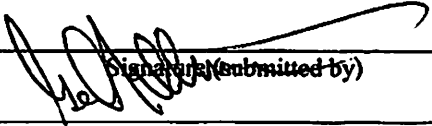


# **CITY OF BROOKINGS**

## **COUNCIL AGENDA REPORT**

Meeting Date: September 26, 2011

Originating Dept: City Manager

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

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**Subject:** Appointments to the Border Coast Regional Airport Authority Board of Commissioners.

**Recommended Motion:**

Adopt Resolution 11-R-971, appointing Councilor Dave Gordon to the Border Coast Regional Airport Authority Board of Commissioners and appointing City Manager Gary Milliman as alternate.

**Financial Impact:**

None

**Background/Discussion:**

The City of Brookings is a member of the Border Coast Regional Airport Authority (BCRAA) and is authorized to appoint a member and alternate member to the BCRAA Board of Commissioners.

The term of the City's representative to BCRAA, Dave Gordon, is scheduled to expire in October. This Resolution reappoints Councilor Gordon as the City's representative and City Manager Gary Milliman as the City's alternate representative for a four year term.

In the event Councilor Gordon is not re-elected to the City Council in 2012, the City would adopt a new Resolution appointing a replacement representative at that time.

**Attachment(s)**

- a. Resolution 11-R-971

**CITY OF BROOKINGS  
STATE OF OREGON**

**RESOLUTION 11 -R-971**

**A RESOLUTION OF THE CITY OF BROOKINGS APPOINTING A BROOKINGS CITY COUNCILOR TO A FOUR YEAR TERM ON THE BORDER COAST REGIONAL AIRPORT AUTHORITY BOARD OF COMMISSIONERS, AND APPOINTING AN ALTERNATE.**

**WHEREAS**, the City of Brookings (City), by authority of the Border Coast Regional Airport Authority (BCRAA) Joint Powers Agreement, holds a position on the BCRAA's Board of Commissioners; and

**WHEREAS**, the term of the City's present appointments to the BCRAA's Board of Commissioners will expire on October 3, 2011;

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Brookings, Curry County, Oregon, that Brookings City Councilor Dave Gordon is hereby reappointed to serve a four year term on the of the Border Coast Regional Airport Authority Board of Commissioners, beginning October 4, 2011, and that City Manager Gary Milliman is reappointed to serve as alternate.

Passed by the City Council \_\_\_\_\_, 2011; effective the same date.

Attest:

\_\_\_\_\_  
Mayor Larry Anderson

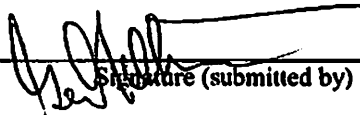
\_\_\_\_\_  
City Recorder Joyce Heffington

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: September 26, 2011

Originating Dept: City Manager

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

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**Subject:** Park and Recreation District Formation

**Recommended Motion:**

Motion to cease further work on the formation of a Parks and Recreation District.

**Background/Discussion:**

The City Council included the formation of a Parks and Recreation District among its goals several years ago. The underlying concept of the formation of a District was to create a mechanism whereby residents of the unincorporated area share in the cost of developing and maintaining public park facilities.

The City Manager provided the City Council will an initial report on this matter in December, 2009 (copy attached). The basic findings outlined in that report were:

1. The City cannot form a Parks and Recreation District on its own initiative.
2. Various District organizational forms are available. All require unincorporated area voter support.
3. Grassroots support from unincorporated area residents would be needed to form a District and enact an adequate tax structure to support the District.
4. The City would need to resolve the ownership disposition of City-owned parks; would ownership be transferred to the District? Is the City willing to surrender control of its parks to a separate governing board?

The matter was referred to the Parks and Recreation Commission for discussion and the development of a recommendation. This effort was supported by a summer intern who conducted additional research and scenario development. The result was that the Commission was evenly divided in its support/opposition to the formation of a District. They recommended that a broad-based group of stakeholders be formed to serve as proponents of the District formation. No action was taken on this recommendation. Councilors have expressed mixed views as to whether this matter should be pursued further. Some have suggested deferring further consideration until such time as economic conditions improve.

**Attachment(s):**

- a. December 3, 2009 memo.
- b. Newspaper article dated September 15, 2011, discussing possible bankruptcy of Mendocino Coast Parks and Recreation District. Very illustrative of what would be a similarly-sized district that is not adequately funded.



# MEMORANDUM

*Office of the City Manager*

**GARY MILLIMAN**  
City Manager

**TO:** Mayor and Council

**DATE:** December 3, 2009

**SUBJECT:** Park and Recreation District Formation

The City Council has requested a report on the possible formation of a Parks and Recreation District. The key issue driving consideration of a Parks and Recreation District is to more equitably share the cost of park facility development and maintenance, and recreation services among users...both City residents and unincorporated area residents.

Currently, the only local public park and recreation facilities serving Brookings and Harbor area residents are located within the City Limits. The activity field located on property owned and maintained by the Port District is also used for community events, such as the kite derby. All sports fields are located within the City on either City or Brookings Harbor School District property. The City operates the following park facilities:

- Azalea Park – includes KidTown, two athletic fields, Capella, performance stage, large grass activity field, heritage Azalea area, garden area, wilderness area/trails, snack shack.
- Bud Cross Park – includes two athletic fields, three tennis courts, outdoor pool, skate park.
- Chetco Point Park.
- Easy Manor Park.
- Various other grass/landscape areas used for passive recreation.

The City also provides funding for a summer recreation program offered through the non-profit Kids After School Program of Education and Recreation (KASPER). The City is the major source of funding for this program.

The City currently spends approximately \$354,000 annually on parks and recreation services. This does not include periodic cleanup work at the parks performed by public works employees who are not budgeted in the parks department budgets.

## **SPECIAL DISTRICTS GENERALLY**

A special district is a unit of local government formed by the residents of an area to provide a needed community service. Throughout Oregon, over 950 special services districts provide a broad range of community services. That's more than three times the number of cities in Oregon. State law (ORS 198.010 and 198.335) provide for the creation of 28 types of special districts. Locally, we are familiar with a number of special districts, including the sanitary and water districts serving areas south of the Chetco River, the library district, the hospital district based in Gold Beach, and the 18 fire districts located in Curry County. Currently, there are no parks and recreation districts in Curry County.

Most special districts have the authority to tax property inside their boundaries for finance the services they provide, and are all directed by a governing body elected by the voters.

The value of special districts as a separate governmental form has been debated in many states. Critics question whether there are too many districts and whether they are accountable. A study by the Washington State Local Governance Study Commission made the following observations concerning special districts:

### **Strong Points of Special Districts**

- Special districts can tailor services to citizen demand and concentrate on efficiently providing limited services.
- Special districts can provide a source of financing for an urban service such as fire protection or parks and recreation other than through the general fund of a city.
- Special districts can directly link costs to benefits. General purpose local governments (cities) levy general taxes to pay for an array of public services and taxpayers often do not perceive that the services they receive are directly related to the amount of taxes they pay.
- Special districts can be very responsive to their constituents because most special districts are geographically small and have fewer residents than counties and cities. This advantage, however, can be lost as regions grow and governments become more complex.

### **Criticism of Special Districts**

- Too many governments. Local government would be more effective and efficient if there were fewer units of government.
- Lack of voter participation. Fewer voters participate in the election of special district officers, making the districts a less representative form of government.
- Lack of visibility. Citizens may have a hard time determining which government is responsible for providing certain services and "who is in charge" when separate special district provide water, sewer, parks, library and fire protection services to the community.

- **Inefficiency.** It costs more cumulatively to administer stand-alone single-purpose public agencies than to administer a single unit of government providing a variety of services.
- **Lack of regional coordination.** Coordination between special districts and general purpose governments is often lacking, especially with regard to regional planning.

In addition to the formation of a Parks and Recreation District in the Brookings-Harbor area, there has also been discussion of the consolidation of fire districts and the City fire department...creating one separate consolidated fire district...and the formation of a police district. These discussions appear driven by a number of issues, including a sense of fairness in sharing the cost of providing services and the lack of adequate services in the unincorporated area.

As we study the matter of district formation further, it is important for the City Council to keep in mind that, while the formation of a special district and the ceding of a service to that district may initially reduce the burden on City taxpayers, the City also loses control of the future. The residents of a new special district may chose to enact a new property tax levy or levy higher fees for service than Brookings residents are paying today. With the exception of utility districts, special districts are primarily property tax based, while cities can use a variety of revenue sources to pay for the same services. An elected special district board of directors...a fire district board for example...could enact fire regulations and code interpretations that may impact building and road construction activities in the City. These are a few examples of the pitfalls of moving toward providing services through special districts.

## **PARKS MASTER PLAN**

The City adopted a Parks Master Plan in August 2002. The Master Plan identified the need for park facilities in both the City and the unincorporated territory. The Plan discusses the concept of forming a Parks and Recreation District (see attached except from the Plan) as a method of spreading the cost of park development and maintenance across a larger tax base.

## **HOW TO FORM A PARKS AND RECREATION DISTRICT**

Parks and Recreation districts are governed by ORS Chapter 266. ORS 266.110 provides that "A community may form a municipal corporation to provide park and recreation facilities for the inhabitants."

Formation of a District may be initiated through the filing of a petition with the County Commissioners by either 1) 100 registered voters from within the proposed district, or 2) the owners of 10 per cent of the acreage within the proposed District. The petition must include information such as the number of proposed members of the board of directors, the proposed tax rate, financial feasibility study and other information. Essentially, someone must develop a plan of organization and financing for the District before the petition can be circulated.

District formation may also be initiated by the County Board of Commissioners. The same types of information must be developed and made available to the public.

If the proposal includes a permanent tax rate, an election on the formation of the District is required. An election is also required if the County Board receives requests for an election by at least 15 per cent of or 100 registered voters. There are also several opportunities for registered voters and property owners to challenge the formation of a District. The District is formed only after a majority vote at a subsequent election.

### **PAST ATTEMPT AT DISTRICT FORMATION**

Records indicate that there was an effort to form a Parks and Recreation District in the Brookings-Harbor area in 1995. There is no information in City files that indicates why this proposal did not go forward. I was able to contact one former member of the citizens committee who was working on the formation; his recollection was that the effort failed due to opposition from the City.

### **WHAT TO INCLUDE IN A PARKS AND RECREATION DISTRICT**

There are a number of policy decisions, some affecting other units of government, that need to be addressed before a plan for formation of a Parks and Recreation District would move forward. These include:

1. Would the ownership of existing City-owned parks be transferred to the new district?
2. Would the District be responsible for maintenance and programming on school athletic fields? School sports buildings?
3. Would the District provide recreation services as well as parks?
4. Would the District assume ownership of the golf course?
5. Would the District assume responsibility for coastal access points (i.e. Mill Beach, Tanbark)? Social Security Bar?

### **WHY WOULD AN UNINCORPORATED AREA VOTER SUPPORT FORMATION?**

The formation of a Parks and Recreation District would require voter approval. If cost sharing of parks and recreation services is a goal, why would an unincorporated area resident vote to form a district and levy a property tax sufficient to support the operation of that District if they are currently receiving services at no cost to them?

The MCRPD has experienced two annexations since its original formation in 1973. The Mendocino area annexed to the MCRPD in 1982 and the Point Arena area annexed in 1989. Both of these areas annexed because there were no public parks and recreation facilities or programming in those communities and the MCRPD agreed to plan for and develop facilities and programming in those outlying communities.

I believe that, for a District formation effort to be successful in the Brookings-Harbor area, the plan for the new District would need to include providing something new to the taxpayers...perhaps a new swimming pool, recreation center or additional parks in the unincorporated area.

## WHAT WOULD A DISTRICT LOOK LIKE?

ORS Chapter 266 outlines the basic organizational structure and authorities of a Parks and Recreation District. These include, but are not limited to:

1. The election of a 3-5 member Board of Directors.
2. Methods for execution of contracts.
3. Financial reporting.
4. Authority to develop rules and regulations.
5. Authority to establish fees and charges.
6. Authority to hire employees.
7. "To compel all residents and owners within the district to connect their houses and habitations with the street sewers, drains or other sewage disposal systems."
8. Authority to issue bonds.

A good analogous situation is in Fort Bragg, California, (population 6,623). Fort Bragg is located within the Mendocino Coast Recreation and Parks District. The MCRPD was formed in 1973 and encompasses an area serving the incorporated Cities of Fort Bragg and Point Arena (pop. 474), and the unincorporated communities of Casper, Mendocino, Rockport and Gualala. The MCRPD is governed by a five member board of directors elected at large. The boundaries of the MCRPD use the combined boundaries of the Fort Bragg, Mendocino and Point Arena school districts.

The MCRPD budget is \$1.2 million. The District operates a 21,000 square foot aquatics/recreation center in Fort Bragg, a community center located in an old schoolhouse in Mendocino, a 47-acre botanical gardens (leased to a non-profit), a five acre park (includes a dog park), maintains all school athletic fields in Fort Bragg and Mendocino, and programs the recreational use on two small City-owned parks (tennis court and "wilderness" park) in Fort Bragg. The City manages coastal access points apart from the District. The MCRPD conducts recreation programming, including aquatics, fitness classes, sports camps, after school study labs, summer programs, and coordinates the use of athletic fields on school district property. The MCRPD also owns a 600-acre parcel upon which they plan to develop a golf course and regional park. The MCRPD has 12 full time employees and a cadre of seasonal part time employees/instructors.

More recently, the MCRPD has experienced a financial crisis (see attached) that has resulted in layoffs and program curtailments. Reports are that the City of Fort Bragg may be called upon to assist the District with its operations cost shortfall.

Based upon an Assessed Value of \$1,419,214,669 (Chetco Library District) a property tax rate of \$0.27 per \$1,000 AV would be needed to support a budget of \$354,000. This presumes no increase in cost for administration or new capital improvements. An operation similar in size to MCRPD would require a tax rate of more than \$1.00 per \$1,000 AV.



## **District Boundaries**

In the Brookings-Harbor area, the Park and Recreation District boundaries could emulate the Brookings-Harbor School District boundary, the Chetco Community Library District boundary or some new configuration. In the 1995 District formation effort, there was strong opposition from Pistol River area property owners to being included in the District, and that area was excluded by the formation committee.

## **ALTERNATIVES**

Alternatives to forming a new, stand-alone Parks and Recreation District would include:

1. Adding a parks and recreation function to the existing Chetco Community Library District authority.
2. Adding a parks and recreation function to the existing Brookings Port District authority.
3. Forming a County Service District under ORS Chapter 451

## **Adding Parks/Recreation to Existing District Functions**

Under this alternative, the voters of the Chetco Community Library District or the Brookings Port District could add parks and recreation as an authorized function of the District. A property tax rate spreading the cost of providing parks and recreation services across all of the properties within the District could accompany the ballot measure. Policy and management of parks and recreation facilities and services would then revert to the Library District Board or the Port District Board.

## **County Service District**

ORS Chapter 451 authorizes the County to form special Service Districts. ORS 451.010(d) specifically authorizes the formation of a Service District for the purpose of "Public parks and recreation facilities, including land, structures, equipment, supplies and personnel necessary to acquire, develop and maintain such park and recreation facilities and to administer a program of supervised recreation services."

Service Districts formed under ORS 451 are distinctly different from Parks and Recreation Districts formed under ORS 266 in that there is no separate, stand-alone governmental agency formed. The County Board retains governance and administrative authority over the Service District.

Formation of a Service District may be initiated by petition or by the County Board itself. This is, essentially, what has been discussed in connection with the formation of the Law Enforcement District. Essentially, the purpose of the Service District is to provide a funding mechanism (property tax) to support a specific service desired by the residents within an unincorporated territory. A City may consent to have the area of the City included in a Service Area.

A master plan identifying the financing needs, projects, boundaries and tax rate needed to provide the facility and/or service must be prepared. The County Board has the authority to levy a property tax of up to 50 cents per \$1,000 assessed valuation for a maximum of five years to fund the services provided by the Service District. A permanent tax rate may be established by the voters, who can also approve a tax rate for servicing bonded indebtedness.

Under this concept, (for the purpose of this discussion, Concept 1) the County could form a Service District in the unincorporated area that is benefitting from parks maintained by the

City, levy a property tax within that area, and then remit the proceeds to the City through a contractual arrangement by which the City agrees to make parks available for the use of unincorporated area residents. A master plan would be needed to determine the cost of park maintenance/operation, recreation services and new facility development to fairly distribute the cost among City and unincorporated area residents.

Under Concept 2, the County could form a Service District and, with the consent of the City, include the area of the City within the District, levy a property tax within the District to fund the full cost of providing parks and recreation services, and contact with the City to provide those services and facilities. The City could reduce its tax rate by a like amount.

Either of these concepts would be more efficient than forming a separate stand-alone Parks and Recreation District...with its own administrative overhead. It would achieve the City's goal of spreading the cost of parks and recreation services to all of the beneficiaries. It would avoid the issues of transferring parkland ownership and management to a new entity.

I will schedule this matter for discussion at the February City Council workshop.

Federal Land and Water Conservation Fund grants administered by the Oregon Department of Parks and Recreation, for example, require that the proposed project be consistent with the outdoor recreation goals and objectives contained in the State Comprehensive Outdoor Recreation Plan (SCORP). Because grants are usually highly competitive, staff time should be allocated carefully to apply for grants that are a good fit.

Because many grant agencies look favorably upon collaborative projects, a potential benefit of grant proposals is that they can foster partnerships between agencies, organizations, and the City. Appendix A outlines organizations' goals and provides contacts for state, regional, and federal grant opportunities.

## **Park and Recreation District**

Many cities utilize a parks and recreation district to fulfill park development and management needs. This may have merit in an area such as Brookings-Harbor, where many park-users live outside the city limits. ORS Chapter 266 enables the formation of a park and recreation district. According to statute, there are several initial steps required to form a park and recreation district.

Formation of a parks and recreation district should involve all interested citizens within the area proposed to be served by the district. The City and interested residents should consider the following:

- The area to be served (rough boundaries should be established, specific boundaries will be required with the formal proposal)
- The assessed valuation of the area to be served
- Sources of potential revenue, such as taxes, user fees, grants, etc.
- The anticipated level of services to be provided
- The cost to provide these services

One aspect associated with forming a park and recreation district is that city staff would give all or partial control of parks and recreation to another organization. This could be viewed as a drawback as the City loses control over park acquisition and maintenance or a benefit as the City's parks facilities would be maintained and paid for through a separate source.

A benefit of a park and recreation district is the potential formation of a permanent tax base from property tax assessments specifically for parks. Upon formation of a district, the chief petitioners must complete an economic feasibility statement for the proposed district. That statement forms the basis for any proposed permanent tax rate. The assessment must include:

- A description of the services and functions to be performed or provided by the proposed district
- An analysis of the relationships between those services and functions and other existing or needed government services
- A proposed first year line item operating budget and a projected third year line item operating budget for the new district that demonstrates its economic feasibility<sup>25</sup>

Based on this analysis, the chief petitioners can determine the permanent tax rate for the district. If there is a formation election held, the permanent tax rate, if any, must be included in that election.

Park and recreation districts require a commitment from residents and staff. Outreach and surveying are two important aspects of delivering needed services. If Brookings-Harbor residents are interested in pursuing a park and recreation district, they should also consider who would make up the board and what other funding mechanisms would be pursued—such as a park and recreation foundation.

In Brookings, it may be worthwhile to explore the possibility of combining a park and recreation district with the established library district or creating a district that is limited to the provision of only a covered pool and community center.

## Land Trusts

Land trusts use many tools to help landowners protect their land's natural or historic qualities. Land in land trusts may provide open space for aesthetic, visual or recreation purposes. Tools used by land trusts include:

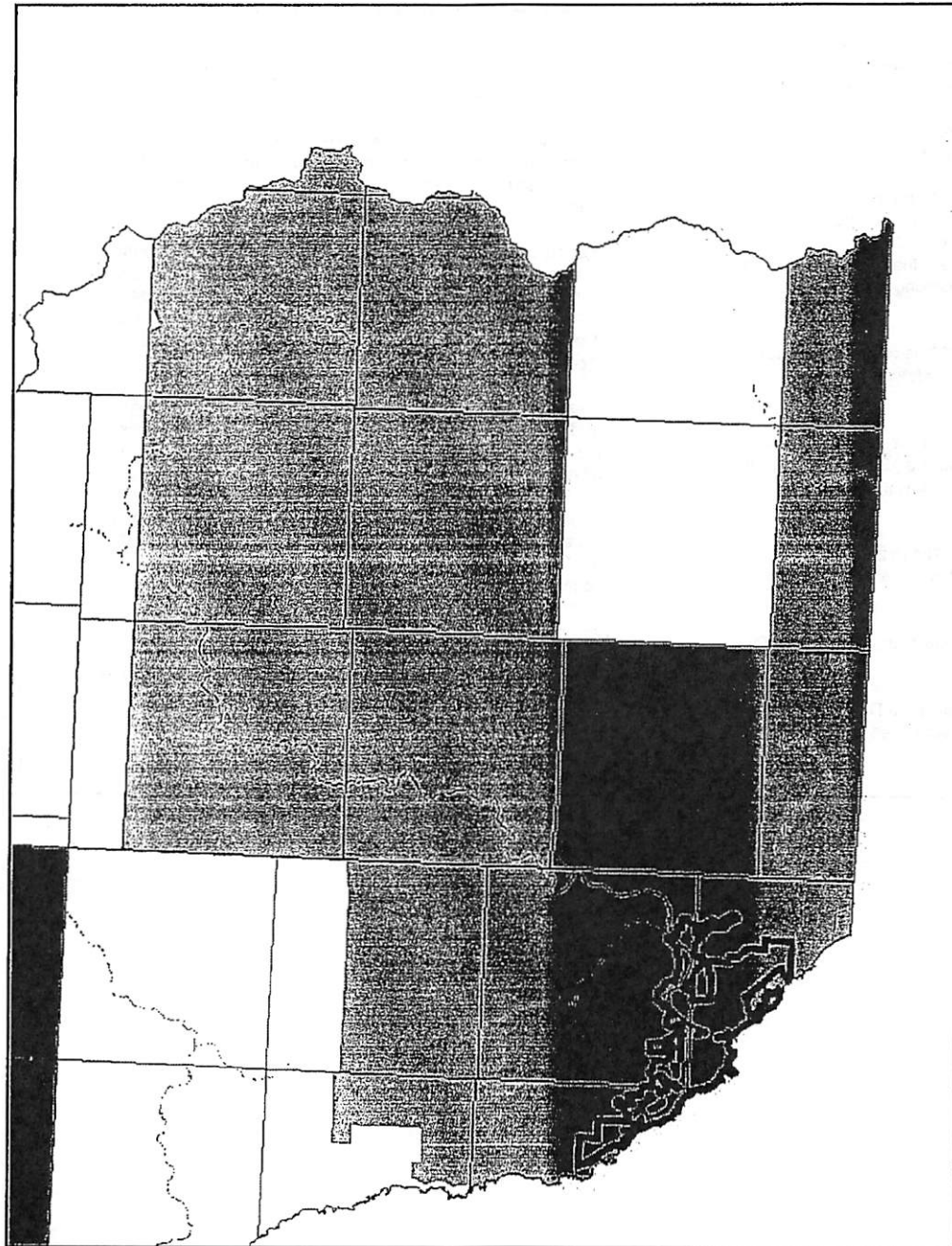
- Conservation easements (which allow land to be protected while a landowner maintains ownership)
- Outright land acquisition by gift or will
- Purchases at reduced costs (bargain sales)
- Land and/or property exchanges

A landowner can donate, sell, or exchange part of their land rights to a land trust, in cooperation with the City. There is a tax incentive to donate the land as a charitable gift, although it is the responsibility of the landowner to pursue the tax deduction.

Collaborating with land trusts and landowners takes considerable time and effort. Steps included in the process are:

- Determining the public benefit of a landowner's property for preservation. This step identifies the natural or historic values of the land
- Working with the landowner to develop goals and objectives for the land

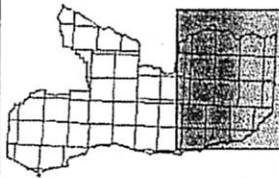
# Chetco Library District



0 5.5 11 16.5 mi.

This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.

Map center: 42°9' N, 124°3' W

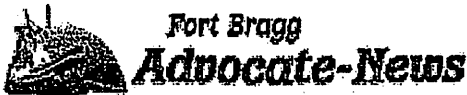


## Legend

- TOWNSHIPS
- RIVERS
- ▤ CITY LIMITS
- ▤ URBAN GROWTH BOUNDARY
- ▤ SDE.CURRY.LIBRARY\_DISTRICT-TS
- ▤ LIB.-AGNESS
- ▤ LIB.-CHETCO
- ▤ LIB.-CURRY
- ▤ LIB.-LANGLOIS
- ▤ LIB.-PORT ORFORD



Scale: 1:304,899



## Rec district wrestles with cash flow crisis

By CONNIE KORBEL Staff Writer -

Updated: 09/24/2009 07:51:40 AM PDT

The recently opened C.V. Starr Community Center has excellent, spacious, comfortable, fully-equipped, and, of course, brand new meeting room facilities available to rent. In ironic contrast, last Wednesday's Mendocino Coast Recreation and Park District board discussion focused on the quickly spiraling out-of-control financial situation.

The fiscal discussion was prefaced by about 80 minutes of public comments about fees, schedules and minor facility glitches experienced during the first month of operations.

Jumping forward to finances, Business Manager Michelle Gordon was asked to comment on the district's cash flow.

"Where we're at right now? I called the bank yesterday, — we had one of the biggest payrolls we've ever had — after the [two-week] payroll and claims [\$53,000 to be approved] tonight, we're down to \$148,000 in the bank," said Gordon. "We definitely need a finance meeting. The money is dropping very quickly."

The Sept. 15 payroll was \$80,000, including considerable one-time-only overtime pay, according to board President David Yeomans.

Copies of the closing statement for the year ending June 30 were distributed; the report reveals a 12-month operating loss of \$136,784 encumbered before moving into the new facilities.

President Yeomans said, "\$136,784 in the red is not surprising to me, [but] not great news by any stretch of the imagination."

MCRPD still does not have an approved budget for 2009-10, which began on July 1.

Community members Peter Glusker, M.D., and Mara Thomas had prepared a statement they submitted to Yeomans registering their comments.

"Both Mara and I are deeply concerned because our review of the preliminary budget suggests there may be some unexpected problem areas that really underlines what you just heard [from Gordon]," said Glusker. "The appearance of problem areas of this magnitude are a great concern."

On the expense side, Glusker cited the election line item as just one example. The budget allows for \$5,000.

Irwin confirmed the expense will actually be \$15,000 to \$20,000 for the Nov. 3 election and the adjustment would need to be made.

"The cost of the election is only [one] example," said Glusker. "With what I do know, there's tons of things in that budget that disturb us."

Glusker asked the board to have an independent certified audit conducted.

"Ideally sooner than later because of the urgencies of what's happening," said Glusker. "We're really worried. The budget just doesn't make sense. The numbers just don't add up right."

Yeomans clarified questions raised by Glusker related to the line item on donations that have been committed to for the current year, which he said were, in his opinion, conservative. He also confirmed the district has annual independent audits. The 2008 audit has just been completed and will likely be discussed at the October board meeting.

"I recognize the fundamental changes we are going through and the potential for very great, dire financial circumstances in this district," said Yeomans. "I don't question that. I think we all recognize there's the potential for a hugely looming cloud."

Thomas took a different approach to the same concerns. She asked numerous critical questions, including how much of the \$340,000 advance on property tax assessment from the county was left, what remains in the contingency fund for emergencies, and how much money the new facilities are generating in the early weeks.

"Are you anywhere near meeting the revenue projected on the budget?" Thomas asked.

Irwin replied, "We haven't gotten that far yet."

Thomas wanted to know how Irwin came up with twice the



revenues that were projected by former district administrator Beth Pine for the C.V. Starr Foundation.

"I went through a month-to-month assessment of the whole year of all the fees that were before the proposed fees and charges at the [Aug. 19] public meeting where a lot were eliminated or combined," Irwin said. "I came up with what I felt [is] a very realistic figure based on looking at the projections done by the consultant two years ago and Beth Pine's assessment. I had to agree with her [Pine]; she was right on target on a lot of things."

Thomas said, "It's my understanding that it's [revenues] double Beth's estimate."

Pine, who was in the audience spoke up.

"It is double my estimate," she said.

Yeomans pointed out that almost \$450,000 of the Fort Bragg revenues are from two after-school programs and have "nothing to do with revenues from the facility."

Thomas argued that the revenues projected for Fort Bragg alone are twice — \$780,000 vs. the current \$1.4 million — what was provided to the C.V. Starr Foundation for the first year's operating budget.

"The new budget being proposed is \$1 million for 10 months. That is apples and oranges with my budget. My budget was for the entire year and it was for \$700,000," Pine said. "It was never projected at \$100,000 a month. We never projected 100 percent cost recovery. This budget projects 100 percent cost recovery."

The room went quiet until Yeomans said, "I don't particularly feel I'm the person to be the driving force behind evaluating that."

Thomas plowed forward.

"You've listed \$135,000 in facility passes. That's a lot of people coming in buying passes; \$270,000 in facility admission — you have 10 months to make that. It means you have to have \$885 a day, seven days a week for the next 10 months. That's 220 people a day to come through paying four bucks.

"I think you need to look at these figures now and figure out if you're anywhere near making the revenue you expect to

make from this facility. Otherwise, you've gotten most of the property tax through the fiscal year, where are you going to get the money to operate?"

Irwin offered to meet with Thomas privately to explain how he arrived at his projections.

"I don't think it's just me that this needs to be run by; it's the community," Thomas said. "The community is extraordinarily concerned that we've got this brand new facility and we don't have the money to run it. It sounds like you're out of money [by] next month."

Irwin said the following:

"We knew we were going to make some adjustments in the first three months of operations. We're still getting settled in. We don't have all the computers up tracking the attendance. We will be cutting back. It wasn't intended to be a year-round [payroll] situation.

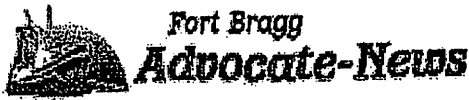
"I've heard about 20 comments tonight in criticisms about why don't you pay for this, why don't you have staff here, why don't you do this .... My gosh, if we were to listen to all people want, want, want, we wouldn't have the money to operate it. We have to make some tough decisions, yes, on who do we lay off, what positions can we do without? What do we essentially need? It's a wants vs. needs scenario.

"What do you do? You're damned if you do and damned if you don't. You're [Thomas] right. It needs to be reevaluated. That was the plan of this board [based] on what's coming through the gate. Our registration on programs is poor, from what I'm understanding. Adjustments will have to be made.

"You need \$400,000 to \$500,000 right now and don't have it and you're going to have to bite the bullet and go to the public and say, how important is the Rec and Parks in your community to you and help sustain it.

"I'm telling you as a professional grant writer, there are just not many people who are going to ante up and pay your bills. Public agencies depend on public resources — public taxation. It's going to take more than user fees to cover expenses. It's no surprise.

"We can't be open 24-7 here. There are going to have to be some sacrifices by the public, [such as] I guess we can't use the pool today, they don't have enough money to operate it.



## Rec District plans cutbacks

By CONNIE KORBEL Staff Writer -

Updated: 11/12/2009 07:54:45 AM PST

Following District Administrator Bruce Irwin's mutual severance agreement with the Mendocino Coast Recreation and Park District, the board of directors has divided up the job's responsibilities and created teams to carry forward everything from special projects to daily oversight.

In addition to standing (finance and personnel, in particular) and special ad hoc committee sessions, the full board is meeting weekly with staff support and public input. President David Yeomans is now the temporary interim administrator.

No rock is going unturned, as they say; the board is uncovering, assessing and re-evaluating every nook and cranny of the organization that celebrated completion of the C.V. Starr Community Center and Sigrid and Harry Spath Aquatic Facility in August.

### Financial situation

At last Friday's board meeting, Yeomans submitted a report from Wednesday's three-and-a-half-hour finance meeting. Summarizing the situation, he said:

"MCRPD is currently facing some very difficult times. In addition, there is not a very bright or hopeful picture ahead of us for the next year or two. That being said, we can either give up or continue to do what we have been most successful at, that being pushing forward [through] the impossible.

"For our immediate future, the balance of this fiscal year, it is likely that we can be successful if we can manage to significantly reduce our expenses while continuing to increase both the usage and accompanying revenue for our facilities.

"A combination of community contributions of time and money, coupled with a commitment to support the district with a sustaining revenue stream (possibly a property tax measure), will allow MCRPD to be successful in providing a broad range of recreational and community building opportunities to the Mendocino Coast.

"It would be difficult to overstate the level of concern that the

board, our staff and our community have about this situation. We have spent all of our time and resources building the Starr Community Center. We did not receive any operational funds with the generous gifts that built this facility.

"Our budget has doubled this year without any new revenue, aside from some funding unique to this year. We did not figure out how to manage it, further we opened after our peak summer revenue season at the height of the worst economic period in this country in many years. The little bit of extra money we may have in this fiscal year is not going to stretch very far."

### Financial strategy

Yeomans continued: "The finance committee considered a broad range of topics [Nov. 3] including our current cash position, our short-term cash strategy, including increased revenue and expense reductions, possible sources of credit or lending, and our longer term working capital plans. The discussion about what we will need to accomplish in the second half of this fiscal year to make ourselves viable in the next year is an ongoing one.

"Most of our focus was on increasing revenue and reducing expenses. The expense reduction discussion includes reduction of staffing hours, coverage levels, salary cuts, health insurance copay and district expense reductions. The discussion could also include furlough days and change in holiday benefits.

### Action taken

"The only recommended action item for today [Nov. 3] was to institute a 15 percent reduction of expenses districtwide," Yeomans said.

"This means that all employees and managers are being asked to be creative in their thinking about how to be more efficient in their work, to be more cautious in how they use the time and resources of the district.

"We have not progressed to the point of having supervisors with budget responsibility. We will get there, but for now the employees who need to spend, schedule or manage the resources of the district, need to do that with the goal of reducing by 15 percent."

### Other activities





## Fort Bragg Advocate-News

Board members Bob Krebs and Jon McColley are evaluating the scheduling, including the aquatics program, staffing levels and appropriateness of the existing management structure.

"As that work progresses, we will have a much better idea of what savings are possible," Yeomans said.

"We are not going to achieve all of our needed financial goals in the context of employee cuts, whatever form they may take.

"None of us are taking this lightly. This is the beginning of the discussion. The difficult part of this process is that there is not a lot of time for the discussion to go on. Our cash position is very weak and will remain so into the next year."

### Next meeting

The finance committee will meet at 9 a.m. this Friday, Nov. 13, followed by the full board at 11 a.m. at the Starr Center's conference room.

## Pistol River taken from park district

By TRACY REED  
Pilot Staff Writer

The proposed park and recreation district will not include Pistol River, a citizens' group decided Thursday.

The group met to discuss the progress of subcommittees and clarify a question raised at the last meeting.

Steering committee member Keith Pepper said Rocky McVay, county commissioner, told him he had heard from many Pistol River residents who were unhappy with the idea of being included in the new district.

Pepper asked for a show of hands of those who thought Pistol River should be excluded from the district.

Nearly everyone in the room favored excluding Pistol River.

The group decided the district should follow the lines of the the Chetco Community Library District, which includes property owners from the state line northward to just south of Pistol River and east to the national forest.

As originally proposed the district would have had the same boundaries as the Port of Brookings Harbor district.

Several subcommittees delivered reports to the group about goals that had been defined at the last meeting.

Stacey Randolph and Joe Cello explained how the YMCA could be brought in

to develop a recreational program for young people.

"We don't have to have a building for a YMCA," Randolph said. A storefront office would be sufficient.

Jeanne Nelson listed options the swimming pool subcommittee discussed.

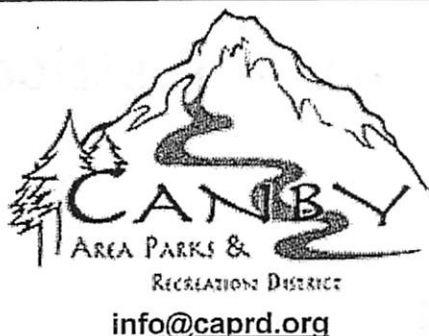
"We all agreed that we would like to see the pool open at least to the level we are currently operating (three and a half months)," she said. They also wanted to extend the season to five months. Eventually, they would like the pool enclosed and operating year-round.

But this doesn't mean expenses will be met, she said. "It means you're going to go in the hole 12 months instead of four."

Other subcommittees gave reports on the work that had been accomplished, including a report by Elmo Williams on an idea for a Butchart Gardens type of project in Azalea Park. The subcommittees were asked to continue to firm up their ideas.

Lee Rogers announced that the next meeting would be postponed until after the elections at the end of March. It will be announced later, she said.

If the district is formed, the city of Brookings residents will no longer pay the full bill for recreation.



*"It is our vision is to create a legacy for future generations by strengthening and uniting our community through parks and recreation. It is our goal to enhance the quality of life and recreational opportunities for our citizens through improved facilities, programs, services and personnel."*

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## PUBLIC NOTICE

Monthly Board of Directors  
meeting  
2nd Thursday of the month  
7:00 pm  
Meets at the City of Canby  
- City Hall Conference  
Room.

## Welcome to Canby Area Parks and Recreation District

Like the Tualatin Hills Park and Recreation District in Beaverton, and the Chehalem Park and Recreation District in Newberg, the Canby Area Park and Recreation District (CAPRD) is a special district with a defined service area, and an independent, elected board of directors. In Oregon, special districts were able to be formed to provide a specific service to the citizens within specific boundaries. Often these districts provided water or sewer services in unincorporated areas. Recreation districts were often formed in areas that included both incorporated cities, and adjacent unincorporated areas. This is what happened in the Canby area.

In 1964 the voters in the southern Clackamas County approved a measure to form the South Clackamas Recreation District (SCRD). The District's boundaries roughly mirrored those of the Canby Union High School District. At that time, the voters did not approve a corresponding tax base for the District. Because of that, the District is currently unfunded.

Over the past four decades the name of the South Clackamas Recreation District was changed to the Blue Heron Recreation District (BHRD), and in November 2006 changed to the current Canby Area Parks and Recreation District (CAPRD). The Board of Directors felt that the current name more aptly described where we are, and what services we want to provide.

It is our vision is to create a legacy for future generations by strengthening and uniting our community through parks and recreation. It is our goal to enhance the quality of life and recreational opportunities for our citizens through improved facilities, programs, services and personnel. We are working with the City of Canby to explore new and innovative funding options in order to responsibly build a funded district. We are reorganized, re-energized and moving forward to become a more efficient and effective organization. With community support, partnership and action Canby can have a thriving parks and recreation system.



Revised 2/9/07

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site designed and maintained by Webber Consulting, Inc. | Site updated on 11/13/2007



## Area News



## New Policy on Fees For City Residents Living in the Park District

### History of City Residents Living within the Park District Boundaries

For the past 30 years, District residents who constructed homes on their property, or constructed substantial additions to their existing homes, have been required to annex to the City of Eugene.

To address this loss of revenue, an intergovernmental agreement between the District and the City of Eugene was implemented in 1982. Each year, the City of Eugene would reimburse the District for those in-district residents that had been annexed to the City of Eugene. The amount of the reimbursement peaked at \$117,000 in 2002 and has been at \$100,000 for the last 6 years.

In April 2008, the City of Eugene indicated that it will no longer reimburse the District beginning with the upcoming fiscal year (July 1, 2009-June 30, 2010).

### City of Eugene Residents Living within the Park District Boundaries will pay Out-of-District Fees.

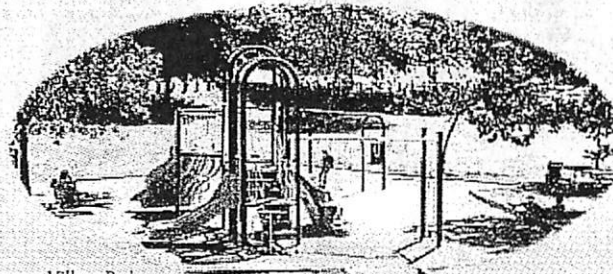
Since City of Eugene residents residing within the District boundaries do not pay taxes for the operation of the park district, the District must now charge out-of-district fees for those city residents. Therefore, City of Eugene residents living within the park district boundaries will be charged out-of-district fees beginning September 1, 2009. The registration process for Park District activities will require additional time and steps to verify whether residents residing within the park district boundaries are city residents so out-of district fees can be charged.

### Can Anything be Done to Reverse this Policy?

The Board of Director's had a historic meeting in July, 2008 with the Eugene City Council. The Board made an unsuccessful bid in convincing the Council to reconsider the annual \$100,000 payment. Several months later the District found out that the Eugene City Council previously unanimously approved the River Road Santa Clara Transition Agreement that stated the park district should continue to be funded and to increase the funding as more annexations take place. The Board of Directors sent letters to all City Councilors and none responded. We sent a second letter to Councilor Andrea Ortiz, who represents City residents in River Road, to which she did not respond.



# California Recreation & Park Districts



Village Park,  
Fair Oaks Recreation & Park District

## CARPD Fostering Quality and Excellence

Since 1958, the California Association of Recreation and Park Districts has been dedicated to improving the quality and efficiency of recreation and park districts. Through two joint powers authorities, CARPD recreation and park district members are eligible for reduced rates on workers compensation coverage and liability/property damage insurance – saving local communities thousands of dollars. The board of directors is made up of representatives from CARPD recreation and park districts and tracks legislation and other issues that affect member districts. Each spring, CARPD hosts an annual conference and awards competition to recognize outstanding programming, facilities, and service to the community.

California Association of Recreation & Park Districts

P.O. Box 22671

Sacramento, California 95822

[www.carpd.org](http://www.carpd.org)

email: [calrpd@aol.com](mailto:calrpd@aol.com)

Executive Director, Henry Agonia

(916) 446-2098 • Fax (916) 446-6095

- ◆ Parks and Open Space
- ◆ Recreation Programs

## Essential Services

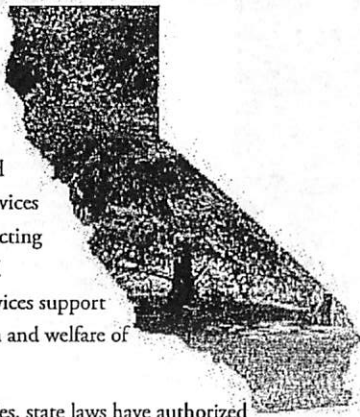
*...that improve the quality of life*

CALIFORNIA ASSOCIATION OF  
RECREATION AND PARK DISTRICTS

- Almanor Recreation & Park District
- Ambrose Recreation & Park District
- Arcade Creek Recreation & Park District
- Arden Manor Recreation & Park District
- Arden Park Recreation & Park District
- Auburn Area Recreation and Park District
- Bear Mountain Recreation & Park District
- Bear River Recreation & Park District
- Beaumont-Cherry Valley Recreation & Park District
- Boulder Creek Recreation & Park District
- Buttonwillow Recreation & Park District
- Carmel Valley Recreation & Park District
- Carmichael Recreation & Park District
- Central Plumas Recreation & Park District
- Chico Area Recreation & Park District
- Coachella Valley Recreation & Park District
- Conalinga-Huron Recreation & Park District
- Conejo Recreation & Park District
- Cordova Recreation & Park District
- Dunsmuir Recreation & Park District
- Durham Recreation & Park District
- East Bay Regional Park District
- Fair Oaks Recreation & Park District
- Feather River Recreation & Park District
- Fulton-El Camino Recreation & Park District
- Georgetown Divide Recreation District
- Greater Vallejo Recreation District
- Hayward Area Recreation & Park District
- Hesperia Recreation & Park District
- Highlands Recreation District
- Isla Vista Recreation & Park District
- Jurupa Area Recreation & Park District
- Ladera Recreation District
- Lake Cuyamaca Recreation & Park District
- La Selva Recreation District
- Livermore Area Recreation & Park District
- McFarland Recreation & Park District
- Mendocino Coast Recreation & Park District
- Mission Oaks Recreation & Park District
- Monterey Peninsula Regional Park District
- Monte Rio Recreation & Park District
- Mt. Shasta Recreation & Park District
- North of the River Recreation & Park District
- North County Recreation & Park District
- North Highlands Recreation & Park District
- Orangevale Recreation & Park District
- Paradise Recreation & Park District
- Pleasant Hill Recreation & Park District
- Pleasant Valley Recreation & Park District
- Rancho Simi Recreation & Park District
- Rim of the World Recreation & Park District
- Rio Linda-Elverta Recreation & Park District
- Russian River Recreation & Park District
- Shafter Recreation & Park District
- Silverado-Modjeska Recreation & Park District
- Soledad Mission Recreation District
- Southgate Recreation & Park District
- Strawberry Recreation District
- Sunrise Recreation & Park District
- Tehachapi Valley Recreation & Park District
- Truckee-Donner Recreation & Park District
- Tuolumne Park and Recreation District
- Valley-Wide Recreation & Park District
- Wasco Recreation & Park District
- Weed Recreation & Park District
- Western Gateway Recreation & Park District
- Westside Recreation & Park District

Cover Photo: Highway Derby, Richmond-Camino Recreation & Park District

According to the California Public Resources Code, section 5780, recreation, park, and open space facilities and services are essential services to improving and protecting the quality of life for all Californians. These services support the public peace, health and welfare of California residents.



For at least seven decades, state laws have authorized recreation and park districts to provide recreation programs, local parks, and open spaces. In October 2001, the legislature revised Senate Bill 707 (The Recreation and Park District Law) with the intent that:

*Recreation and park districts continue to provide recreation programs, local parks and open spaces to serve the diversity of their community and residents while working in cooperation with other agencies and organizations*

## Local Accountability

California's 67 recreation and park districts function as local government to provide recreational opportunities within a specific boundary. Service areas range in size from small to very large and often cross other county borders to serve the recreational needs of a community. Today's recreation and park districts provide services at the highest levels of accountability and responsibility to the public.

## Community Partners

Recreation and park districts as local service providers are empowered to participate in a wide variety of community endeavors. They frequently form informal partnerships with other government units, care groups, and private sectors to enhance services to their constituents. These relationships take the form of joint powers agreements, personnel resources, and mutual aid pacts for emergency response. Working with city, county, and school districts, recreation and park districts maximize local government resources to effectively and efficiently meet community needs.



Senior Volunteer, Pleasant Hill RPD

## Leaders

Recreation and park districts are governed by boards of directors who are directly accountable to the public.



Board of Directors, East Bay Regional Park District

Board members are local residents who may be elected or appointed for fixed terms. Their actions are subject to the Brown Act and related public governing agencies. Board members have usually been involved with their local recreation and park district activities and continue to interact within the framework of the community. Thousands of dedicated people have served on the districts' boards of directors, aided by able administrators, recreation leaders and parks staff.

## Funding

Funding for recreation and park districts comes from: property taxes (a percentage of the "one percent" property tax); program fees and charges; assessment districts; local state and federal grants, and donations.

As in any form of local government, recreation programs have increased dramatically in recent years, although Recreation and Park Districts have consistently shown the slowest rate of spending growth among local government. Districts are independently audited each year and are subject to state and public scrutiny (as any form of local government).

California Recreation and Park Districts are local and regional providers who work together with others to meet the recreational needs of their local communities.



Bille Park Expansion, Paradise Recreation & Park District

*Contact your local recreation and park district for information on the specific services, parks, open space and recreational programs they offer to your community.*





# MCRPD future unclear, district board not giving up yet

By TERESA SHUMAKER  
Staff Writer

Concern was written on each person's face at the special board meeting for Mendocino Coast Recreation and Park District last week; as of Sept. 8, the district had enough money to operate only until mid-November. The meeting lasted eight hours and was held over two days, Wednesday, Sept. 7, and Tuesday, Sept. 13.

"I would like to begin with an apology, on behalf of the board of directors of the Mendocino Coast Recreation and Park District, for mistakes in judgment," said Chairman Harold Sipila at the beginning of the Sept. 7 meeting.

"Tonight we must admit our mistakes and go forward from here."

Executive Director Jim Hurst said the district funding problem is not new. Prior to 2009, the district would have \$50,000 left over each year, which is not much to create a reserve. After the C. V. Starr opened, the operation began ending the year in red ink.

Hurst said that in 1979 the portion of property tax revenue the district received was \$400,000; this year it is \$459,000.

"I have a problem with our having let that happen in our commu-

nity because — for me — health and recreation has been first and foremost for all of my 30 years [on boards], whether I was on the school board or hospital board, but we have drastically underfunded it." The board then accepted questions from the public, such as:

**Did you expect to be running in a deficit?**

"When the C.V. Starr Center was originally envisioned in 2007, a 10-year budget was projected to have a deficit of \$388,000 a year," Hurst said.

The staff of the Starr Center has made efforts to streamline operations and now expects \$304,000 in operating costs, 20 percent less than budgeted.

"It has paid off considerably for the operation of the Center," Hurst said. "I want to underline the fact that this was not conceived as a break-even facility, or a money-making facility."

"Recreation districts do not operate at a profit or break-even," Sipila said. "They all rely on tax support. We knew that opening this new facility was going to require additional taxes, it's just that after 36 years of attempting to build the facility for various reasons during that time additional

tax support wasn't sought — I'm not sure why. — I cannot speak for the past boards."

Sipila guessed that past boards possibly thought they couldn't pass a tax measure in the old building on Laurel Street. Then when the funding suddenly came for the C. V. Starr Center, the district had to act fast.

"It put the cart in front of the horse. We did not have the opportunity to say 'let's wait a minute and get this funding together before we build the Center,' that is not the way it worked out, unfortunately," Sipila said.

**If the C.V. Starr was built knowingly to not make any money, why was it built so elaborately?**

"That is what the community wanted," Vice Chair David Yeomans replied.

"It was the result of public meetings and in fact we hear that all the time," explained Sipila, "but this facility should have one third more built on the side with a gymnasium and commercial kitchens. So, as large as it is, it is only two-thirds as large as what the planning from public meetings decided."

**Has anyone asked the DA for asset forfeiture funds?**

"Yes, we have, and there are two avenues; we are pursuing both," Hurst said.

Hurst explained that the two avenues are small grants and the sheriff's department buying til space in the Spath Aquatic Center.

"The asset forfeiture program doesn't represent large amounts of money, the most significant amount goes to support the sheriff's department, which in this budget year is \$225,000. I would think that the amount of money that is available is much smaller than that, probably in the neighborhood of \$50,000," Hurst said.

**Does a third party evaluate the books to make sure MCRPD is doing the best for the public?**

"It happens annually after we close our books, and we change auditors every so many years," Yeomans said.

## The City of Fort Bragg

One person said that the district cannot raise money from closed facilities and the one thing not being mentioned is the City of Fort Bragg. He said the City benefits from the programs in the district by visitors who come for sporting events and by the chil-

dren in the City having something productive to do after school. He asked if the city has been contacted about helping.

Some city officials have attended meetings urging the district to get legal counsel on bankruptcy, said Hurst. He has not discussed the matter of a sale tax with the City of Fort Bragg, yet.

Hurst has requested that a committee consisting of two members from the City, hospital and school boards be formed to discuss potential options for the district. He mentioned it at the quarterly meeting of Mendocino Education Coordinating Council Association on Monday, Sept. 12, and said that the superintendents agreed to appoint people to the committee.

Another person asked if the city would be willing to take over operating the C.V. Starr. Sipila replied that he had an informal discussion with a city official and the impression he received was that it wasn't an interest of the City at that time.

## Bankruptcy?

Hurst said he has been communicating with an attorney to find out more about what the district's

and penalties to accumulate.

## The decision

The board decided to operate the district, starting immediately, at a bare bones level, but keeping programs intact. It instills large staff reductions, and a reduction in facility insurance.

The fundraising effort was given a \$20,000 a month minimum districtwide to keep the after-school programs, sports programs and aquatic center operating. That goal does not include payments on the Regional

Park property.

A personnel committee meeting will be held Monday morning, Sept. 19, at 9 a.m. to discuss legal options for allowing volunteers to work in the center to help staff.

Another board budget workshop will be Tuesday, Sept. 20, at 9 a.m.

The regular board meeting will be held at 5:30 p.m. on Wednesday, Sept. 21. A closed session will occur beforehand with the intent to conference with the district's attorney and the bankruptcy lawyer to learn what the options are under a Chapter 9 bankruptcy declaration.

The public is invited to all open session meetings.

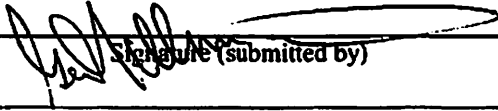
9-15-11 Fort Bragg Advocate - News

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: September 26, 2011

Originating Dept: City Manager

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

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**Subject:** Parks and Recreation Commission

**Recommendation:**

**Discussion and direction to staff concerning:**

1. Code revisions proposed by staff.
2. Reducing number of Commissioners from seven to five.
3. Changing meeting frequency from monthly to quarterly with provision that Commission could meet more frequently if they desired.
4. Commission organization recommendations by staff (#2 below).

**Background/Discussion:**

The Parks and Recreation Commission recently completed its task of reviewing and approving a new Parks Master Plan and Capital Improvements Plan. The Commission is currently functioning with four Commissioners, whereas the Commission membership is authorized at seven. Historically, Commissioners have played an active role in organizing committees and volunteers to undertake parks projects in addition to their policy role. Staff support for the Commission is provided through the Public Works Department.

Several members of the Commission have expressed a need for the Commission to be refocused. Staff has proposed several modifications to the BMC relating to the Commission, most of which are administrative in nature. Significant changes that could affect the Commissions effectiveness would include:

1. Expanding the number of non-resident members from one to two. Many users of the City's parks are non-residents. Having additional non-resident Commission members may serve to strengthen the relationship with the non-resident segment of the community, enlisting their support for parks projects and, ultimately, the possible formation of a Parks and Recreation District.
2. Encouraging that the Commission formalize its subcommittee program. Currently, there are two Commission subcommittees: Stout Park and Bud Cross Park. Staff would recommend to the Commission that they establish a subcommittee for each of the major parks (Stout, Azalea, Cross, Bankus) to organize volunteer projects and coordinate work with the Public Works Department staff. Staff would also recommend that the Commission appoint liaisons to work with 1) the Azalea Park Foundation, 2) the Garden Club, 3) the soccer and softball associations, 4) other organized park users that may emerge. These liaisons would attend the meetings of the community-based organizations and report back to the Commission and the staff on projects and issues needing City attention. Lastly, staff would recommend the appointment of a "major events"



subcommittee to advise the staff concerning the use of parks for major events, such as the Festival of the Arts, and a golf course subcommittee to assist the staff with matters such as review of tree removal requests at Salmon Run Golf Course.

This matter was discussed at the September 6, 2011 City Council workshop. Additional items discussed at that meeting including reducing the size of the Commission from seven to five, and reducing the required meeting frequency from monthly to quarterly.

Attachments:

- a. Draft revisions to BMC.

**PROPOSED REVISIONS: Bold = new language; strike-out = deleted language**

**Chapter 2.50  
PARKS AND RECREATION COMMISSION**

**Sections:**

**2.50.010 Creation of parks and recreation commission.**

**2.50.020 Terms of office.**

**2.50.030 Organization of parks and recreation commission.**

**2.50.040 Powers and duties.**

**2.50.050 Removal/vacancies.**

**2.50.010 Creation of parks and recreation commission.**

There is hereby created a parks and recreation commission for the city of Brookings, Oregon, consisting of seven members, as hereinafter provided. The seven members of the commission shall be appointed by the mayor with the approval of the council. ~~Six~~ **Five** of the seven members shall be residents of Brookings, and ~~the seventh-appointed member~~ **two members may be a nonresident residents within the Brookings Urban Growth Area.** The city council may appoint one of its own members to act as liaison between the commission and the council. Membership shall be restricted pursuant to Chapter 2.01 BMC. [Ord. 11-O-681 § 2; Ord. 93-O-482.A § 2; Ord. 91-O-482 § 1.]

**2.50.020 Terms of office.**

The term of office for the appointed members of the commission shall be two years. Elected officers within the commission shall not hold the same office for more than two consecutive years. Elected officers shall include, but not be limited to, chairperson, and vice chairperson ~~and secretary~~. Term of elected office shall be one year, commencing February 1st. [Ord. 11-O-681 § 2; Ord. 93-O-482.A § 3; Ord. 91-O-482 § 2.]

**2.50.030 Organization of parks and recreation commission.**

~~The first meeting of the commission shall be called by the mayor.~~ **At this** ~~its~~ **January** meeting the commission shall organize by electing a chairman and ~~secretary~~ **vice chair** of the commission. ~~Thereafter~~ **The** commission shall hold regular monthly meetings on a day and hour to be fixed by the commission. Four members of the commission shall constitute a quorum. Special meetings may be held upon a call of the chairman or ~~any four members or~~ **vice chair** of the commission, or upon unanimous consent of all members of the commission. [Ord. 91-O-482 § 3.]

**2.50.040 Powers and duties.**

The parks and recreation commission shall have the following powers and duties, in addition to such others as may be prescribed by the council. Upon authorization of the city council, the parks and recreation commission shall:

~~A. Negotiate for the lease, purchase and acquisition of park and recreational sites, facilities and property, subject to the approval of the council. The commission may Solicit or receive gifts or bequests, devises or loans for park and recreational purposes, subject to the approval of the council.~~

**B. Make and recommend in writing to the council plans for the future growth, development, beautification and establishment of parks and recreational facilities in the city consistent with the future growth and development of the city of Brookings.**

**C. Make a detailed and exhaustive study of the future requirements of the city for park and recreational facilities, establish and recommend in writing to the planning commission and the city council a definite long-range plan for the orderly growth and development of park and recreational facilities within the city.**

**D. Meet and cooperate with representatives of other governmental bodies for joint and integrated plans between various municipal bodies for the most efficient and economical use of park and recreational facilities of the different governmental units.**

**E. Recommend to the city council such acts necessary and proper for the protection, operation or improvement of city parks and recreational facilities and all necessary rules and regulations, including user fees, schedules and concessions that aid in governing the use of those parks and facilities.**

**F. ~~To~~ Keep the city council informed on the activities of the commission by, ~~the commission shall~~ submitting a copy of their minutes to the city council after each meeting. The commission shall present at least an annual progress report to the city council at their January meeting each year.**

**G. Form such subcommittees as it deems necessary to assist in the performance of its duties and responsibilities, in developing working relationships with other units of government and community based organizations, and in providing site or program-specific advice to city management.**

**~~New members of the commission shall receive, upon appointment, at a minimum:~~**

- ~~1. Current city budget;~~**
- ~~2. Parks and recreation policy;~~**
- ~~3. Master plan for parks and recreation facilities;~~**
- ~~4. Ordinance No. 91-O-482;~~**
- ~~5. Resolution No. 91-R-501;~~**
- ~~6. Ethics Guide for Public Officials;~~**
- ~~7. Tour of park areas. [Ord. 93-O-482.A, §§ 4, 5; Ord. 91-O-482 § 4.]~~**

**H. Review proposals for new park facilities and recreation programs and make recommendations regarding same to the city council.**

#### **2.50.050 Removal/vacancies.**

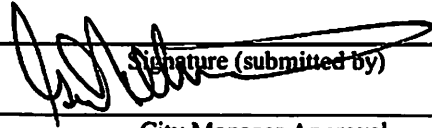
**A member may be removed by majority vote of the city council. ~~after hearing, for misconduct or nonperformance of duty.~~ A member who is absent from two consecutive meetings without the permission of the commission chairperson, or chairperson when absent without permission from the vice chairperson, is rebuttably presumed to be in nonperformance of duty, and the city council shall declare the position vacant unless finding otherwise. ~~following the hearing.~~ All vacancies on the commission shall be filled by appointment by the mayor, with the approval of the city council, for the unexpired term. [Ord. 93-O-482.A § 6; Ord. 91-O-482 § 5.]**

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: September 26, 2011

Originating Dept: City Manager

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

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**Subject:** Railroad/Cove/Memory Intersection Reconfiguration

**Recommended Action:**

- 1) Motion to authorize the City Manager and City Attorney to develop the necessary agreements with Bi Mart and Ryan and Mike Webster to facilitate the reconfiguration of the Railroad/Cove/Memory intersection as described in the September 26, 2011, Council Agenda Report.
- 2) Authorize the City Engineer to proceed with design engineering and bid documents for the Railroad/Cove/Memory intersection reconfiguration project.
- 3) Allocate \$204,160 from the City's SDC Fund for the Railroad/Cove/Memory intersection reconfiguration project.
- 4) Direct the City Engineer to complete preliminary design work for improvements to Railroad Street between Center and Fern Streets and provide a more detailed description of this project at a City Council workshop.
- 5) Authorize City Manager to initiate Conditional Use Permit amendment for the Bi Mart project to amend conditions related to the reconfiguration of the Railroad/Cove/Memory intersection.

**Financial Impact:** See discussion below.

**Background/Discussion:**

The preliminary design work for the Downtown Street Improvements Project included a conceptual design for Railroad Street. This design called for reconfiguring Railroad Street through the downtown area to the following standard:

- One travel lane in each direction.
- A combination center turn lane/median.
- Curb, gutter and sidewalk on the north side of the street.
- A two-way bicycle/pedestrian path on the south side of the street.
- Street lights, trees and utility undergrounding to match the facilities along Chetco Avenue.
- A traffic circle at the intersection of Railroad and Oak Street.
- Some change in the Memory/Cove/Railroad intersection; possibly making Memory Lane a one-way street; several alternatives were offered.

Both the City's Transportation System Plan and the SDC study identify Railroad Street and, specifically, the Memory/Cove/Railroad intersection as needing improvements. The 2002 TSP

describes this project as: "Realign Roadways to Consolidate Access to Railroad Street." This is the only intersection project identified in the 2006 SDC study as being eligible for the use of SDC funds; that study indicates that 55 per cent of the cost of this intersection improvement project would be SDC eligible. The remaining 45 per cent could be paid from Urban Renewal Agency funds.

At the public hearing before the Planning Commission on the Bi Mart project, the traffic engineer retained by Bi Mart made a presentation on various alternative intersection designs that he had evaluated. His determination was that, as to the Bi Mart project, the existing configuration was sufficient. One of the concept designs presented by the Bi Mart traffic engineer involved re-routing Memory Lane through what is now the restaurant building at this intersection to Cove Road, eliminating the Memory/Railroad intersection.

Shortly after approval of the Bi Mart project, the City Manager initiated discussion with the City Engineer and the principals at the restaurant, Ryan and Mike Webster, on possible alternatives for the consolidation of Cove and Memory at the Railroad intersection. To avoid possible conflicts with the appeals process, the City Manager delayed discussions with the principals at Bi Mart or the City Council until after the conclusion of the appeals process. This matter was discussed briefly with the City Council at the June 6 and September 6 workshops at which time there appeared to be interest in exploring the matter further. A preliminary design plan was presented by the City Engineer at the September 6 meeting. The City Manager has also conferred with Dan Brattain, owner of Cal Ore Life Flight, which is located at the end of Cove Road; he is supportive of the proposed realignment.

Alternate 7 (attached), which relates to the Railroad /Cove/Memory aspect of the overall project, has been tentatively agreed-upon by both Bi Mart and the Websters. The restaurant currently has 20 off-street parking spaces. Alternative 7 provides for a 14-space parking lot in what is now Cove Road, and eight new on-street parking spaces along the new Cove Road and Memory Lane.

The total project cost of the intersection reconfiguration is \$371,200, including construction and engineering.

The following related matters should be considered in this discussion.

- The City now owns the property at 715 Railroad Street. This property has no frontage improvements. The City's property is located one-property east of the Bi-Mart project, where improvements to the Railroad frontage and Wharf Street will be made as a part of that project.
- Alden Loring is proceeding with plans to construct a themed restaurant/museum on his property on Railroad between Fern and Wharf. Staff has met with Loring to discuss the requirements for frontage improvements along his property on both Railroad and Hemlock, and how the Railroad frontage improvements will conform to the City's overall plan for Railroad. Staff has also discussed possible Urban Renewal Agency participation in the Railroad frontage improvements at this project.
- The City's Bicycle Master Plan calls for a multi-use path (bicycle and pedestrian) on Railroad Street between Pacific Avenue and Oak Street. There is an existing bicycle path on north side of Railroad Street that is poorly delineated and is impaired in several locations by angle on-street parking. The preliminary plan for reconstructing Railroad Street calls for relocating the bicycle lane to the south side of the street, where there are

fewer impairments, and consolidating it with pedestrian improvements as a multi-use path.

The Administrative Services Director reports that, with all invoices paid for the downtown improvement project that was completed earlier this year, the Urban Renewal Agency has a \$436,000 balance in unallocated funds. The ASD also reports that the URA has approximately \$150,000 in annual revenue that is in excess to the URA's debt service needs.

In view of the above, the City Manager requested that the City Engineer provide a cost estimate for reconstructing Railroad Street to the new aforementioned configuration between Center Street and Fern Street. This estimate is \$1,130,000 not including utility undergrounding (conduit installation only). Undergrounding would be delayed until the remainder of Railroad Street (Fern to Oak) is reconstructed.

Bringing all of this together, the City now has an opportunity to construct a portion of Railroad Street in a new, increased capacity configuration with frontage improvements contemplated in the Downtown Plan and resolve a long-standing issue at the Railroad/Cove/Memory intersection.

Funds that could be allocated toward this \$1,750,555 project include:

- \$358,000 in unallocated SDC street funds
- \$436,000 in unallocated Urban Renewal funds
- \$1,100,000 in proceeds from a new URA debt financing (1)

Staff recommends that the project be constructed in two phases due to the need to coordinate the Railroad/Cove/Memory aspect of the project with current construction at Bi Mart and the restaurant. Staff further recommends that the cost of this aspect of the project be paid for from the City's SDC Fund.

The following elements would become a part of agreements with Bi Mart and the Websters:

1. The triangular piece of Cove Road between the Bi Mart driveway and the new parking lot on Cove Road would remain a part of the public street to avoid any cross-easement issues.
2. Bi Mart will not dedicate any additional RW along that section of Cove Road that will become a part of the parking lot.
3. The City will construct the frontage improvements along Railroad between Wharf and the new Cove Road and Bi Mart will pay their pro rata share based upon lineal footage.
4. Bi Mart agrees to convey any interest they may have in Cove Road to the City.
5. Bi Mart will not construct a sidewalk along the area between their parking lot and the new Cove Road parking lot, but will construct a narrower landscaped strip.
6. The City will initiate a Conditional Use Permit amendment to provide the changes needed in the Bi Mart public improvement plan to facilitate the new intersection design, and will and pay all associated costs.
7. Bi Mart will bond for the cost of the approved Cove Road improvements, but will not do so until they are ready to occupy in hopes that the new Cove Road will be finished.
8. Bi Mart would be relieved of the cost of constructing improvements to new Cove Road in consideration for relinquishing their interest in old Cove Road and their direct access to Railroad Street via Cove Road.
9. The eight proposed new on-street parking spaces on the new Cove Road and Memory Lane will be "credited" to the Websters as accruing to their off-street parking

requirements. Ownership of existing Cove Road will be conveyed to the Websters in exchange for the property needed for new Cove Road.

10. The City would construct all street/frontage improvements fronting the Webster property on Cove Road, Memory Lane, Railroad Street and the new parking lot.

11. The residual portion of Memory at Railroad would be conveyed to the Websters.

(1) Urban Renewal Agency annual revenues now exceed the amount required for debt service by approximately \$150,000 annually. According to Seattle Northwest Securities, this amount of revenue would be sufficient to finance a \$1.1 million loan over 10 years. They are prepared to proceed immediately with this financing.

**Attachment(s):**

a. Alternate 7

b. Cove Road Realignment estimate

c. Railroad Street preliminary design

d. Railroad Street estimate Center to Wharf

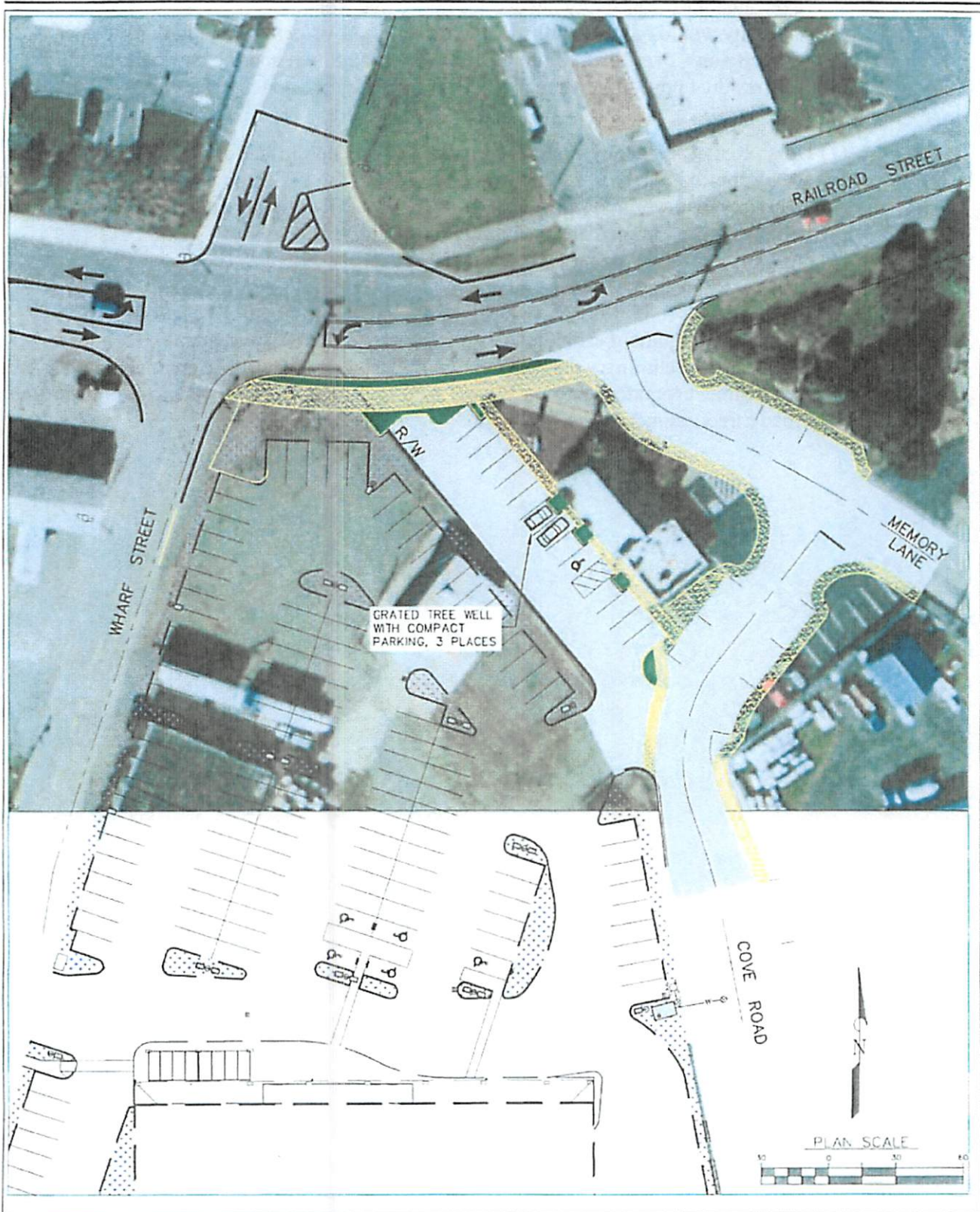
e. Railroad Street estimate Wharf to Fern

f. August 29, 2011 Memo from City Engineer

g. Railroad/Cove/Memory realignment plan  
by Bi-Mart traffic engineer

h. August 23, 2011 Memo from City Engineer





THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS, INC.

DATE: Sept. 8, 2011  
PROJECT NO.: 145.00A

City of Brookings  
Cove Road Realignment

ALTERNATE 7

FIGURE NO.

7



**City of Brookings**  
**Cove Road Realignment**

19-Sep-11

No.	Description	Quantity	Unit	Unit Cost	Item Cost
1	Construction Facilities And Temporary Controls	All	LS	\$28,000.00	\$28,000
2	Demolition and Site Preparation	All	LS	\$20,000.00	\$20,000
3	Foundation Stabilization	100	CY	\$50.00	\$5,000
4	Roadway Excavation	600	Cy	\$15.00	\$9,000
5	Aggregate Base	1390	Ton	\$25.00	\$34,750
6	AC Pavement	540	Ton	\$110.00	\$59,400
7	Curb and Gutter	940	LF	\$20.00	\$18,800
8	Standard Type C Curb	240	LF	\$15.00	\$3,600
9	Driveway Apron	780	SF	\$8.00	\$6,240
10	Sidewalk	4660	SF	\$6.00	\$27,960
11	Catch Basin	5	Each	\$1,800.00	\$9,000
12	Stormdrain Manhole	1	Each	\$4,000.00	\$4,000
13	Stormdrain Pipe	260	LF	\$50.00	\$13,000
14	Utility Adjustments	All	LS	\$4,000.00	\$4,000
15	Signs	All	LS	\$500.00	\$500
16	Power Pole Relocation	All	LS	\$15,000.00	\$15,000
17	Access Ramps	320	SF	\$8.00	\$2,560
18	Truncated Domes	32	SF	\$60.00	\$1,920
19	Painted Striping	360	LF	\$1.50	\$540
20	Thermoplastic Stop Bar	30	LF	\$10.00	\$300
21	Landscaping	3030	SF	\$1.50	\$4,545

**Subtotal Construction Cost**

**\$266,100**

1	Street Lights	2	Each	\$5,000.00	\$10,000
2	Electrical Service	All	LS	\$12,000.00	\$12,000
3	Conduit - Street Lights	230	LF	\$20.00	\$4,600

**Total Construction Cost**

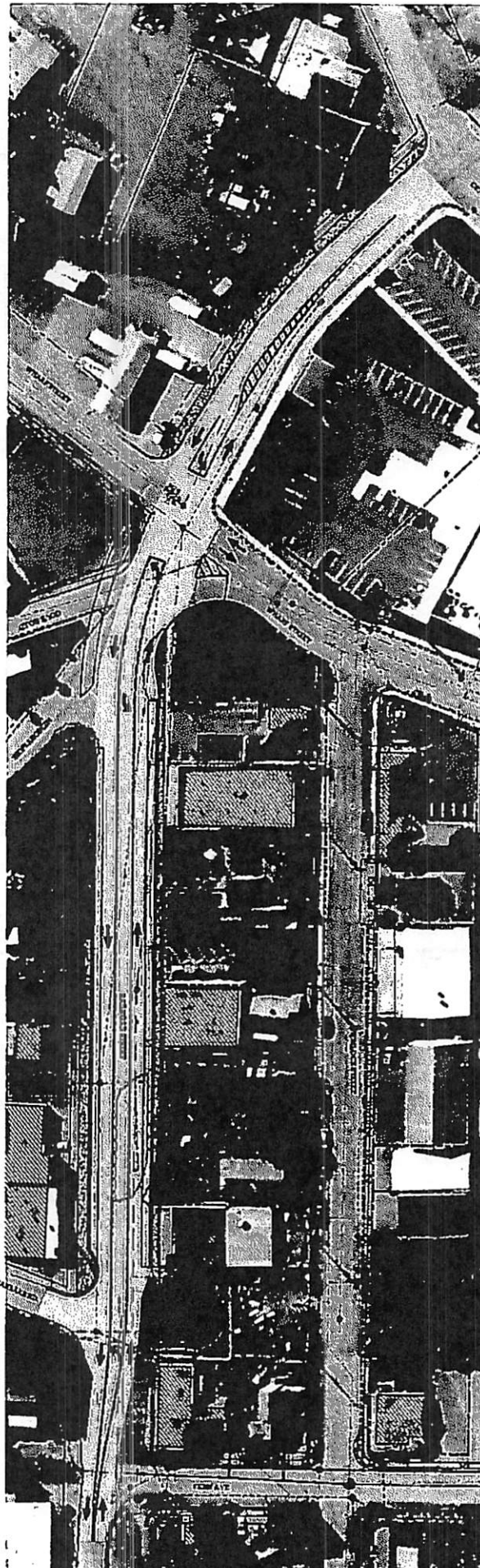
**\$292,700**

**Notes:**

- Estimate based on Alternate 7, date Sept. 8, 2011
- Excludes BI-marts parking lot improvements, Includes BI-mart Railroad Street frontage

+ Engineering  
Total

78,500  
371,200



**City of Brookings - Future Project  
Railroad Avenue (Center to Wharf)**

Aug. 26, 2011

No.	Description	Quantity	Unit	Unit Cost	Item Cost
1	Construction Facilities And Temporary Controls	All	LS	\$35,000.00	\$35,000
2	Temporary Protection & Direction of Traffic	All	LS	\$10,000.00	\$10,000
3	Demolition and Site Preparation	All	LS	\$25,000.00	\$25,000
4	AC Pavement R & R	200	LF	\$20.00	\$4,000
5	Manhole Frame Adjustments - Type 2	3	Each	\$1,200.00	\$3,600
6	Foundation Stabilization	150	CY	\$50.00	\$7,500
7	Roadway Excavation	500	CY	\$12.00	\$6,000
8	Geotextile Fabric	800	SY	\$1.00	\$800
9	Aggregate Base	400	Ton	\$30.00	\$12,000
10	AC Pavement	250	Ton	\$110.00	\$27,500
11	Curb and Gutter	330	LF	\$20.00	\$6,600
12	Curb Inlets	2	Each	\$2,000.00	\$4,000
13	12" Storm Drain	200	LF	\$65.00	\$13,000
14	Utility Adjustments	All	LS	\$10,000.00	\$10,000
15	Sidewalks	1800	SF	\$9.00	\$16,200
16	Access Ramps	200	SF	\$12.00	\$2,400
17	Driveway Approach	600	SF	\$12.00	\$7,200
18	Truncated Domes	20	SF	\$60.00	\$1,200
19	Roof Drains	80	LF	\$10.00	\$800
20	Painted Striping	1000	LF	\$1.00	\$1,000
21	Thermoplastic Crosswalks	100	LF	\$5.00	\$500
22	Signs	64	SF	\$50.00	\$3,200
23	2" / 4" conduits	2000	LF	\$10.00	\$20,000
24	Street Lights - Standard	2	Each	\$6,000.00	\$12,000
25	Conduit - Street Lights	400	LF	\$15.00	\$6,000
26	Electrical Service	1	LS	\$2,500.00	\$2,500
27	Landscaping	All	LS	\$3,000.00	\$3,000
Total Construction Cost					\$241,000
Engineering					\$48,200
Contingency					\$43,400
Legal & Administration					\$7,400
<b>Total Project Cost</b>					<b>\$340,000</b>

**City of Brookings - Future Project**  
**Railroad Avenue (Wharf to Fern)**

Aug. 26, 2011

No.	Description	Quantity	Unit	Unit Cost	Item Cost
1	Construction Facilities And Temporary Controls	All	LS	\$100,000.00	\$100,000
2	Temporary Protection & Direction of Traffic	All	LS	\$40,000.00	\$40,000
3	Demolition and Site Preparation	All	LS	\$60,000.00	\$60,000
4	AC Pavement R & R	200	LF	\$20.00	\$4,000
5	Manhole Frame Adjustments - Type 2	6	Each	\$1,200.00	\$7,200
6	Foundation Stabilization	500	CY	\$50.00	\$25,000
7	Roadway Excavation	1800	CY	\$12.00	\$21,600
8	Geotextile Fabric	5200	SY	\$1.00	\$5,200
9	Aggregate Base	2700	Ton	\$30.00	\$81,000
10	AC Pavement	1200	Ton	\$110.00	\$132,000
11	Curb and Gutter	1000	LF	\$20.00	\$20,000
12	Curb Inlets	8	Each	\$2,000.00	\$16,000
12	Catch Basins	2	Each	\$1,400.00	\$2,800
13	Storm Drain Manholes	2	Each	\$5,000.00	\$10,000
14	12" Storm Drain	400	LF	\$65.00	\$26,000
15	Utility Adjustments	All	LS	\$12,000.00	\$12,000
16	Sidewalks	4100	SF	\$9.00	\$36,900
17	Access Ramps	800	SF	\$12.00	\$9,600
18	Driveway Approach	1600	SF	\$12.00	\$19,200
19	Truncated Domes	50	SF	\$60.00	\$3,000
20	Roof Drains	200	LF	\$10.00	\$2,000
21	Painted Striping	3500	LF	\$2.00	\$7,000
22	Thermoplastic Crosswalks	300	LF	\$5.00	\$1,500
23	Signs	200	SF	\$50.00	\$10,000
24	2" / 4" conduits	5500	LF	\$10.00	\$55,000
25	Street Lights - Standard	6	Each	\$6,000.00	\$36,000
26	Conduit - Street Lights	1000	LF	\$15.00	\$15,000
27	Electrical Service	1	LS	\$10,000.00	\$10,000
28	Concrete Reinforced Retaining Wall	20	CY	\$800.00	\$16,000
29	French Drain	200	LF	\$30.00	\$6,000
30	Landscaping	All	LS	\$10,000.00	\$10,000
Total Construction Cost					\$800,000
Engineering					\$160,000
Contingency					\$144,000
Legal & Administration					\$24,000
Total Project Cost					<u>\$1,128,000</u>



THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS, INC.

1330 Teakwood Avenue  
Coos Bay, Oregon 97420  
Ph: (541) 269-0732  
Fx: (541) 269-2044  
www.dyerpart.com

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## MEMORANDUM

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DATE August 29, 2011.  
TO Gary Milliman  
City of Brookings  
898 Elk Drive  
Brookings OR 97415  
FROM Michael W. Erickson, PE PLS  
PROJECT NAME Railroad Improvements – Cost Estimate  
PROJECT NO. 145.00A

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I have attached a preliminary plan layout and updated cost estimate on improvements to Railroad Street between Center Street and Fern Avenue. I broke the costs on Railroad into two segments for consideration in case the overall budget is an issue.

Segment 1 runs between Center and Wharf – Estimated Total Cost = \$340,000  
Segment 2 runs between Wharf and Fern - Estimated Total Cost = \$1,130,000

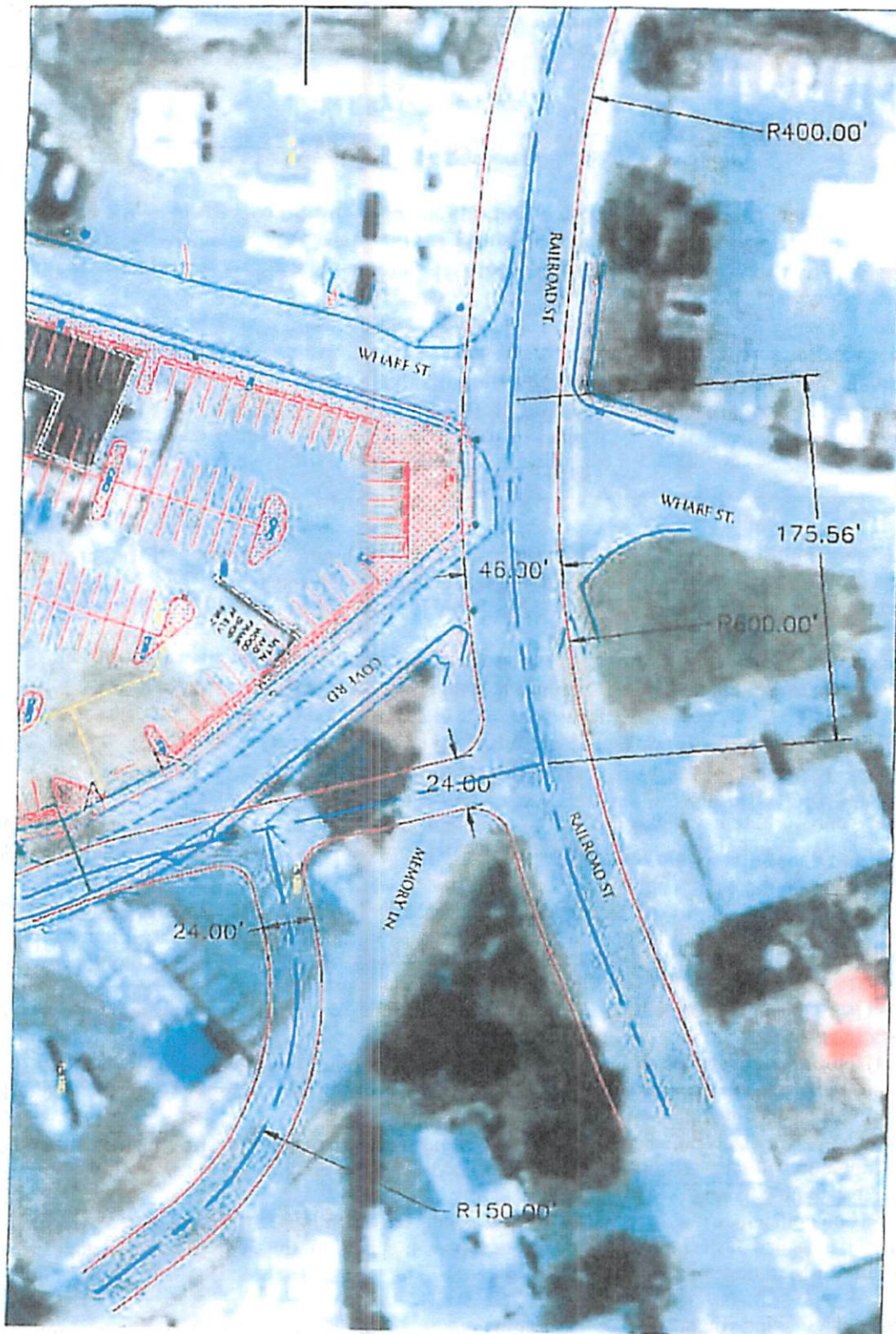
Total Overall Cost for Railroad between Center and Wharf = \$1.47 million.

Assumptions used:

- a. Conduits only for future undergrounding (no junction boxes included). Would need input from utilities on this one before a final decision is made. The costs do not include any costs related to design by utilities.
- b. Sewer interceptor is not included.
- c. Utilize existing paved roadway on segment 1 with new construction needed only for widening. Overlay entire road width for final striping.
- d. Transition from three lanes to existing two lanes occurs between Tanbark and Fern. I figured since no left is needed off of Railroad onto Fern, this made for a suitable transition area.
- e. Parallel parking is provided on both sides of Railroad between Wharf and Fern. This might be one of the tougher items to address since a number of the businesses utilize perpendicular parking, albeit in the city's right-of-way, so something will have to give there. One other consideration is to widen to three lanes only and trying to allow parking behind, but this will entail wide driveways across the sidewalks to accomplish this, making it somewhat unsafe for the pedestrians.
- f. I show the two-way path stopping at Tanbark, but it may be advantageous to try to run this path to Fern so it has continuity with the existing path on the north side. I do not think the costs for extending this path will be that significant.
- g. The costs do not include the two-way path on the south side of Railroad Street between Wharf Street and Memory Lane since this is included in the cost estimate prepared for the Cove Road re-alignment or is part of the Bi-Mart development.

Overall, I believe the funding you provided earlier on the report will allow for this part of Railroad as well as the Cove Road to be re-aligned. Take a look and let me know your thoughts.







THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS, INC.

1330 Teakwood Avenue  
Coos Bay, Oregon 97420  
Ph: (541) 269-0732  
Fx: (541) 269-2044  
www.dyerpart.com

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## MEMORANDUM

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DATE August 23, 2011.  
TO Gary Milliman  
City of Brookings  
FROM Tom Hart, PE  
City Engineer  
PROJECT NAME Bi-Mart -  
Cove Road Realignment  
PROJECT NO. 145.00A (unknown case number)

---

The road configuration of Wharf Street, Cove Road and Memory Lane at their intersection with Railroad Street is currently operating at a Level of Service D (LOS), a marginally acceptable level of performance. LOS classifications range from A to F, with A indicating the most desirable classification and condition, and F indicating the most unsatisfactory condition. Closure of Cove Road will improve the intersection LOS.

The City of Brookings Transportation System Plan (TSP), amended June 2006, indicates that roadways Wharf Street, Memory Lane, Cove Road and Railroad Street operate at a LOS A for through capacity. The TSP identifies these intersecting roads (Wharf Street, Memory Lane and Cove Road) to consolidate access to Railroad Street. Per the TSP, Wharf Street is designated as a local street with a traffic volume Average Annual Daily Traffic (AADT) count of 2,000 (capacity of 6,000); Memory Lane is identified as a collector (minor) street by classification and is similar to Wharf Street. Cove Road is a local street with an AADT less than 1,200, and Railroad Street is designated as a collector with an of AADT of 5,600 (capacity 10,000 AADT).

A Traffic Impact Analysis prepared by JRH Transportation Engineering, dated April 7, 2011, for the Bi-Mart site indicates the intersections with Railroad Street operate at a LOS D, which is a marginally acceptable level of performance. Two factors that contribute to the LOS D rating are the sight stopping distance and the skewed angle of Cove Road at its intersection with Railroad Street. By closing the intersection of Cove Road at Railroad Street and by rerouting Cove Road to Memory Lane, the sight stopping distance will be greatly improved and the intersection skew angle will be corrected. See Alternate 6. Assuming Cove Road is closed and the Bi-Mart project is built, the adjusted Peak Hour Volumes are shown in Figure 1a and 1b attached.

Based on a Saturday Peak Hour traffic of 10% of the AADT, the closing of Cove Road results in Wharf Street and Memory Lane operating within acceptable capacity levels.



Figure 1a: 2011 Build Seasonally  
Adjusted Saturday Peak Hour Volumes

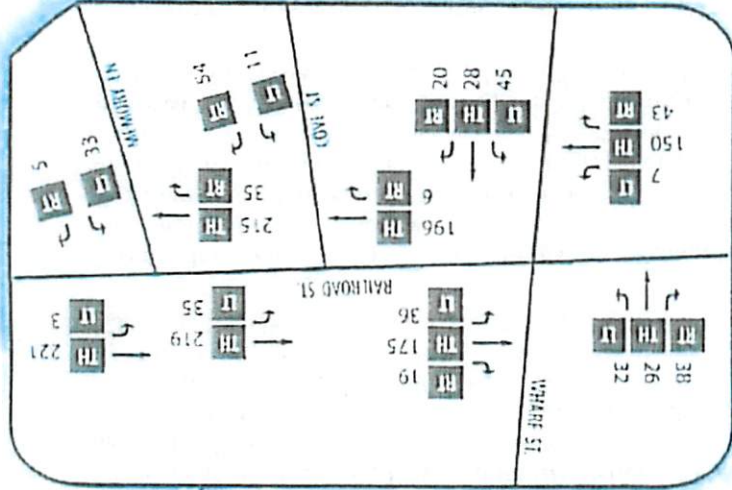
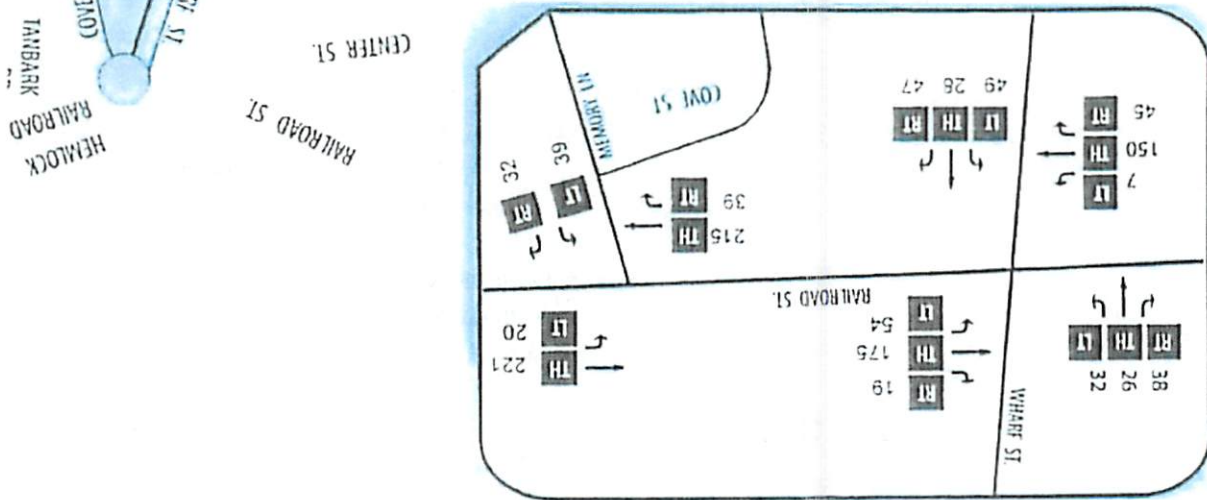


Figure 1b: Estimated Adjusted Saturday  
Peak Hour Volumes - Cove Closed



# City of Brookings

## CITY COUNCIL MEETING Minutes

**Monday, September 12, 2011**

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

### **Call to Order**

Mayor Anderson called the meeting to order at 7:00pm.

### **Roll Call**

Council Present: Mayor Larry Anderson, Councilors Ron Hedenskog, Dave Gordon, Jake Pieper, and Brent Hodges; a quorum present.

Staff Present: Administrative Services Director Janell Howard, Public Works Director Loree Pryce, Police Lt. Donny Dotson, Fire Chief Bill Sharp and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Reporter Steve Kadel and approximately 12 public.

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

Mayor Anderson introduced new Police Dispatcher, Kristy Spini and recognized Assistant Fire Chief Jim Watson and Police Dispatchers, Tracy LeJeune and Peggy Giringhelli, for their five years of service to the City.

Mayor Anderson proclaimed the week of September 18<sup>th</sup> as National Emblem Club Week and the week of September 17<sup>th</sup> as Constitution Week.

### **September Yard of the Month Announcements**

- Yard of the Month: 980 Brooke Lane, Terry and Carol Higgins, owners
- Most Improved Yard: 1237 Iris Street, Greg and Karen Kukulka, owners
- Most Improved Commercial: Sterling Savings Bank, 721 Chetco Avenue

### **Ordinances, Resolutions and Final Orders**

*Resolution 11-R-970 adopting a supplemental budget for the 2011-12 fiscal year.*

Director Howard gave the staff report explaining that this is a public hearing to approve the transfer of funds received from the sale of the Wharf Street property to provide for the purchase of the King Street property.

There were no public comments.

**Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 11-R-970, adopting a supplemental budget for 2011-12.**

### **Staff Reports**

*Award contract for the Chetco Point Pedestrian Bridge Rehabilitation Project.*

Director Pryce provided the staff report.

**Councilor Hodges moved, a second followed and Council voted unanimously to award contract for the Chetco Point Pedestrian Bridge Rehabilitation Project to Scott Partney Construction, Inc., in an amount not to exceed \$16,210, and authorize the City Manager to execute all related documents.**

*Award contract for the Vista Ridge Improvements.*

Director Pryce gave the staff report.

**Councilor Hedenskog moved, a second followed and Council voted unanimously to award contract for the Vista Ridge Improvements to John D. Rapraeger, Inc., and authorize City Manager to execute all related documents.**

*Award contract for the Fir Street Improvements.*

Director Pryce reviewed the staff report.

**Councilor Pieper moved, a second followed and Council voted unanimously to award the contract for the Fir Street Improvements to Tidewater Contractors, in an amount not to exceed \$105,485, and authorize the City Manager to execute all related documents.**

**Consent Calendar**

- Approve Council minutes for September 12, 2011.
- Accept of August, 2011, Vouchers in the amount of \$575,737.35.

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

**Adjournment**

Councilor Gordon moved, a second followed and Council voted unanimously by voice vote to adjourn at 7:28pm.

Respectfully submitted:

ATTESTED:  
this \_\_\_\_\_ day of \_\_\_\_\_ 2011:

---

Larry Anderson, Mayor

---

Joyce Heffington, City Recorder

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: September 26, 2011

Originating Dept: Public Works

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

---

Subject: Oregon Public Works Emergency Response Cooperative Assistance Agreement

Recommended Motion:

Authorize the City Manager's designee, the Public Works Director, to execute the Cooperative Agreement with Oregon Department of Transportation.

Financial Impact:

None. In the case of an emergency, the co-operative agreement defines the parameters for interagency expenses and use of materials and equipment.

Background/Discussion:

The Oregon Public Works Emergency Response Cooperative Assistance Agreement is a reoccurring agreement that expires every five (5) years and was last executed by the former Public Works Director January 2, 2007. The agreement includes step by step instructions for cooperative involvement of personnel and equipment in the event of a State declared emergency. It enables public works agencies to support each other in the event of an emergency, provides the mechanism for immediate response, and sets up the documentation needed to seek maximum possible federal reimbursement.

This agreement is used by what appears to be all Cities and key agencies in the State of Oregon. This current agreement between the City of Brookings and the Oregon Department of Transportation designates the Public Works Director, Lorce Pryce as the point of contact in the event of an emergency.

Attachment(s):

- a. Cooperative Agreement

OREGON PUBLIC WORKS EMERGENCY RESPONSE  
COOPERATIVE ASSISTANCE AGREEMENT

THIS AGREEMENT is between the government agencies (local, county, or state) that have executed the Agreement, as indicated by the signatures at the end of this document.

WITNESSETH:

WHEREAS, parties to this agreement are responsible for the construction and maintenance of public facilities such as street, road, highway, sewer, water, and related systems during routine and emergency conditions; and

WHEREAS, each of the parties owns and maintains equipment, and employs personnel who are trained to provide service in the construction and maintenance of street, road, highway, sewer, water, and related systems and other support;

WHEREAS, in the event of a major emergency or disaster as defined in ORS 40 1.025 (5), the parties who have executed this Agreement may need assistance to provide supplemental personnel, equipment, or other support; and

WHEREAS, the parties have the necessary personnel and equipment to provide such services in the event of an emergency; and

WHEREAS, it is necessary and desirable that this Agreement be executed for the exchange of mutual assistance, with the intent to supplement not supplant agency personnel;

WHEREAS, an Agreement would help provide documentation needed to seek the maximum reimbursement possible from appropriate federal agencies during emergencies;

WHEREAS, ORS Chapter 402.010 provides for Cooperative Assistance Agreement among public and private agencies for reciprocal emergency aid and resources; and

WHEREAS, ORS Chapter 190 provides for intergovernmental agreements and the apportionment among the parties of the responsibility for providing funds to pay for expenses incurred in the performance of the agreed upon functions or activities;

NOW THEREFORE, the parties agree as follows:

### 1. Request

If confronted with an emergency situation requiring personnel, equipment or material not available to it, the requesting party (Requestor) may request assistance from any of the other parties who have executed this Agreement.

### 2. Response

Upon receipt of such request, the party receiving the request (Responder) shall immediately take the following action:

- A. Determine whether it has the personnel, equipment, or material available to respond to the request.
- B. Determine what available personnel and equipment should be dispatched and/or what material should be supplied.
- C. Dispatch available and appropriate personnel and equipment to the location designated by the Requestor.
- D. Provide appropriate access to the available material.
- E. Advise the Requestor immediately in the event all or some of the requested personnel, equipment, or material is not available.

NOTE: It is understood that the integrity of dedicated funds needs to be protected. Therefore, agencies funded with road funds are limited to providing services for road activities, sewer funds are limited to providing services for sewer activities and so on.

### 3. Incident Commander

The Incident Commander of the emergency shall be designated by the Requestor, and shall be in overall command of the operations under whom the personnel and equipment of the Responder shall serve. The personnel and equipment of the Responder shall be under the immediate control of a supervisor of the Responder. If the Incident Commander specifically requests a supervisor of the Responder to assume command, the Incident Commander shall not, by relinquishing command, relieve the Requestor of responsibility for the incident.

#### 4. Documentation

Documentation of hours worked, and equipment or materials used or provided will be maintained on a shift by shift basis by the Responder, and provided to the Requestor as needed.

#### 5. Release of Personnel and Equipment

All personnel, equipment, and unused material provided under this Agreement shall be returned to the Responder upon release by the Requestor, or on demand by the Responder.

#### 6. Compensation

It is hereby understood that the Responder will be reimbursed (e.g. labor, equipment, materials and other related expenses as applicable, including loss or damage to equipment) at its adopted usual and customary rates. Compensation may include:

- A. Compensation for workers at the Responder's current pay structure, including call back, overtime, and benefits.
- B. Compensation for equipment at Responder's established rental rate.
- C. Compensation for materials, at Responder's cost. Materials may be replaced at Requestor's discretion in lieu of cash payment upon approval by the Responder for such replacement.
- D. Without prejudice to a Responder's right to indemnification under Section 7.A. herein, compensation for damages to equipment occurring during the emergency incident shall be paid by the Requestor, subject to the following limitations:
  - 1) Maximum liability shall not exceed the cost of repair or cost of replacement, whichever is less.
  - 2) No compensation will be paid for equipment damage or loss attributable to natural disasters or acts of God not related to the emergency incident.
  - 3) To the extent of any payment under this section, Requestor will have the right of subrogation for all claims against parties other than parties to this agreement who may be responsible in whole or in part for damage to the equipment.



- 4) Requestor shall not be liable for damage caused by the neglect of the Responder's operators.

Within 30 days after presentation of bills by Responder entitled to compensation under this section, Requestor will either pay or make mutually acceptable arrangements for payment.

#### 7. Indemnification

This provision applies to all parties only when a Requestor requests and a Responder provides personnel, equipment, or material under the terms of this Agreement. A Responder's act of withdrawing personnel, equipment, or material provided is not considered a party's activity under this Agreement for purposes of this provision.

To the extent permitted by Article XI of the Oregon Constitution and by the Oregon Tort Claims Act, each party shall indemnify, within the limits of the Tort Claims Act, the other parties against liability for damage to life or property arising from the indemnifying party's own activities under this Agreement, provided that a party will not be required to indemnify another party for any such liability arising out of the wrongful acts of employees or agents of that other party.

#### 8. Workers Compensation Withholdings and Employer Liability

Each party shall remain fully responsible as employer for all taxes, assessments, fees, premiums, wages, withholdings, workers compensation and other direct and indirect compensation, benefits, and related obligations with respect to its own employees. Likewise, each party shall insure, self-insure, or both, its own employees as required by Oregon Revised Statutes.

#### 9. Pre-Incident Plans

The parties may develop pre-incident plans for the type and locations of problem areas where emergency assistance may be needed, the types of personnel and equipment to be dispatched, and the training to be conducted to ensure efficient operations. Such plans shall take into consideration the proper protection by the Responder of its own geographical area.

#### 10. The Agreement

- A. It is understood that all parties may not execute this Agreement at the same time. It is the intention of the parties that any governmental entity in the State of Oregon may enter into this Agreement and that all parties who execute this Agreement will be

considered to be equal parties to the Agreement. The individual parties to this Agreement may be "Requestor" or "Responder's" as referred to in Section 1. and 2. above, to all others who have entered this Agreement.

- B. The Oregon Department of Transportation (ODOT) Office of Maintenance shall maintain the master copy of this Agreement, including a list of all those governmental entities that have executed this Cooperative Assistance Agreement. ODOT will make the list of participants available to any entity that has signed the Agreement. Whenever an entity executes the agreement, ODOT shall notify all others who have executed the Agreement of the new participant. Except as specifically provided in this paragraph, ODOT has no obligations to give notice nor does it have any other or additional obligations than any other party.
- C. This Agreement shall be effective upon approval by two or more parties and shall remain in effect as to a specific party for five years after the date that party executes this Agreement unless sooner terminated as provided in this paragraph. Any party may terminate its participation in this Agreement prior to expiration as follows:
  - 1) Written notice of intent to terminate this Agreement must be given to all other parties on the master list of parties at least 30 days prior to termination date. This notice shall automatically terminate the Agreement as to the terminating party on the date set out in the notice unless rescinded by that party in writing prior to that date.
  - 2) Termination will not affect a party's obligations for payment arising prior to the termination of this Agreement.

#### 11. Non-exclusive

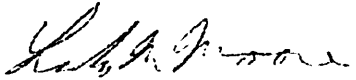
This Agreement is not intended to be exclusive among the parties. Any party may enter into separate cooperative assistance or mutual aid agreements with any other entity. No such separate Agreement shall terminate any responsibility under this Agreement.

#### 12. Parties to This Agreement

Participants in this Agreement are indicated on the following pages, one party per page.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement for Public Works Cooperative Assistance to be executed by duly authorized representatives as of the date of their signatures.

STATE OF OREGON  
DEPARTMENT OF TRANSPORTATION



June 20, 2011

---

Luci Moore  
Maintenance Engineer

Date

IN WITNESS WHEREOF, the parties hereto have caused this Agreement for Public Works Cooperative Assistance to be executed by duly authorized representatives as of the date of their signatures.

\_\_\_\_\_  
Agency

\_\_\_\_\_  
County, Oregon

\_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
Date

**Designated Primary Contact:**

<u>Office:</u>	<u>Contact:</u>	<u>Phone Number:</u>
<u>Public Works</u>	<u>Loree Pryce</u>	<u>541-469-1151</u>

**Emergency 24 Hour Phone Number:**

**Fax Number:**

<u>541-469-3118 ext 0</u>	<u>541-469-3650</u>
---------------------------	---------------------

**E-mail address (if available):**

lpryce@brookings.or.us

**CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 2 MONTHS ENDING AUGUST 31, 2011**

**GENERAL FUND**

	<u>BUDGET</u>	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>REMAINING BUDGET</u>	<u>PCNT</u>
<b>REVENUE</b>					
TAXES	2,473,998.00	34,172.73	156,983.10	2,317,012.90	8.4
LICENSES AND PERMITS	94,500.00	21,010.30	27,653.55	66,846.45	29.3
INTERGOVERNMENTAL	569,000.00	23,558.08	38,487.02	532,512.98	6.4
CHARGES FOR SERVICES	142,500.00	7,918.75	22,471.75	120,028.25	15.8
OTHER REVENUE	94,500.00	6,176.37	14,107.94	80,392.06	14.9
TRANSFERS IN	530,591.00	.00	.00	530,591.00	.0
	<u>3,905,087.00</u>	<u>92,836.21</u>	<u>257,703.36</u>	<u>3,647,383.64</u>	<u>6.6</u>
<b>EXPENDITURES</b>					
<b>JUDICIAL:</b>					
PERSONAL SERVICES	13,539.00	.00	.00	13,539.00	.0
MATERIAL AND SERVICES	7,300.00	300.00	790.00	6,510.00	10.8
CAPITAL OUTLAY	12,500.00	.00	.00	12,500.00	.0
	<u>33,339.00</u>	<u>300.00</u>	<u>790.00</u>	<u>32,549.00</u>	<u>2.4</u>
<b>LEGISLATIVE/ADMINISTRATION:</b>					
PERSONAL SERVICES	226,652.00	18,592.32	47,516.49	179,135.51	21.0
MATERIAL AND SERVICES	85,700.00	11,553.57	21,820.65	63,879.35	25.5
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>312,352.00</u>	<u>30,145.89</u>	<u>69,337.14</u>	<u>243,014.86</u>	<u>22.2</u>
<b>POLICE:</b>					
PERSONAL SERVICES	1,775,929.00	133,608.23	339,380.21	1,436,548.79	19.1
MATERIAL AND SERVICES	155,740.00	8,494.41	16,610.87	139,129.13	10.7
CAPITAL OUTLAY	401,100.00	5,660.70	5,660.70	395,439.30	1.4
TRANSFERS OUT	15,000.00	.00	.00	15,000.00	.0
	<u>2,347,769.00</u>	<u>147,763.34</u>	<u>361,651.78</u>	<u>1,986,117.22</u>	<u>15.4</u>
<b>FIRE:</b>					
PERSONAL SERVICES	194,085.00	15,420.05	39,579.68	154,485.32	20.4
MATERIAL AND SERVICES	124,240.00	8,485.46	17,235.21	107,004.79	13.9
CAPITAL OUTLAY	38,600.00	3,053.00	6,106.00	32,494.00	15.8
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>356,905.00</u>	<u>26,958.51</u>	<u>62,920.89</u>	<u>293,984.11</u>	<u>17.6</u>
<b>PLANNING AND BUILDING:</b>					
PERSONAL SERVICES	266,554.00	24,441.82	62,492.07	204,061.93	23.4
MATERIAL AND SERVICES	66,540.00	2,157.54	4,277.54	62,262.46	6.4
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>333,094.00</u>	<u>26,599.36</u>	<u>66,769.61</u>	<u>266,324.39</u>	<u>20.1</u>

**CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 2 MONTHS ENDING AUGUST 31, 2011**

**GENERAL FUND**

	<u>BUDGET</u>	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>REMAINING BUDGET</u>	<u>PCNT</u>
<b>PARKS &amp; RECREATION:</b>					
PERSONAL SERVICES	102,320.00	9,469.66	17,446.33	84,873.87	17.1
MATERIAL AND SERVICES	64,650.00	5,160.38	7,952.40	56,697.60	12.3
CAPITAL OUTLAY	60,800.00	( 20.00)	( 20.00)	60,820.00	.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>227,770.00</u>	<u>14,610.04</u>	<u>25,378.73</u>	<u>202,391.27</u>	<u>11.1</u>
<b>ADMINISTRATIVE SERVICES:</b>					
PERSONAL SERVICES	272,597.00	21,946.04	56,548.41	216,048.59	20.7
MATERIAL AND SERVICES	32,640.00	1,616.93	3,934.68	28,705.32	12.1
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>305,237.00</u>	<u>23,562.97</u>	<u>60,483.09</u>	<u>244,753.91</u>	<u>19.8</u>
<b>SWIMMING POOL:</b>					
PERSONAL SERVICES	54,635.00	14,071.13	36,211.20	18,423.80	66.3
MATERIAL AND SERVICES	33,680.00	4,854.93	10,682.11	22,997.89	31.7
CAPITAL OUTLAY	20,000.00	.00	.00	20,000.00	.0
	<u>108,315.00</u>	<u>18,926.06</u>	<u>46,893.31</u>	<u>61,421.69</u>	<u>43.3</u>
<b>NON-DEPARTMENTAL:</b>					
MATERIAL AND SERVICES	177,940.00	8,818.36	14,436.59	163,503.41	8.1
CAPITAL OUTLAY	2,000.00	.00	.00	2,000.00	.0
TRANSFERS OUT	67,000.00	.00	.00	67,000.00	.0
CONTINGENCIES AND RESERVES	663,366.00	.00	.00	663,366.00	.0
	<u>910,306.00</u>	<u>8,818.36</u>	<u>14,436.59</u>	<u>895,869.41</u>	<u>1.6</u>
	<u>4,935,087.00</u>	<u>297,684.53</u>	<u>708,661.14</u>	<u>4,226,425.86</u>	<u>14.4</u>
	<u>( 1,030,000.00)</u>	<u>( 204,848.32)</u>	<u>( 450,957.78)</u>	<u>( 579,042.22)</u>	<u>( 43.8)</u>

**CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 2 MONTHS ENDING AUGUST 31, 2011**

**STREET FUND**

	<u>BUDGET</u>	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>REMAINING BUDGET</u>	<u>PCNT</u>
<b><u>REVENUE</u></b>					
INTERGOVERNMENTAL	421,000.00	33,169.91	63,244.86	357,755.14	15.0
OTHER REVENUE	300.00	50.00	100.00	250.00	33.3
TRANSFER IN	.00	.00	.00	.00	.0
	<u>421,300.00</u>	<u>33,219.91</u>	<u>63,344.86</u>	<u>357,955.14</u>	<u>15.0</u>
<b><u>EXPENDITURES</u></b>					
EXPENDITURES:					
PERSONAL SERVICES	61,166.00	5,730.98	12,791.32	48,404.68	20.9
MATERIAL AND SERVICES	183,240.00	11,503.12	19,012.28	174,227.74	9.8
CAPITAL OUTLAY	134,900.00	2,807.14	21,157.14	113,742.86	15.7
TRANSFERS OUT	94,504.00	.00	.00	94,504.00	.0
CONTINGENCIES AND RESERVES	62,460.00	.00	.00	62,460.00	.0
	<u>546,300.00</u>	<u>20,041.24</u>	<u>52,960.72</u>	<u>493,339.28</u>	<u>9.7</u>
	<u>546,300.00</u>	<u>20,041.24</u>	<u>52,960.72</u>	<u>493,339.28</u>	<u>9.7</u>
	<u>( 125,000.00)</u>	<u>13,178.67</u>	<u>10,384.14</u>	<u>( 135,384.14)</u>	<u>8.3</u>



CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 2 MONTHS ENDING AUGUST 31, 2011

WATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<b>REVENUE</b>					
SOURCE 03	.00	.00	.00	.00	.0
CHARGES FOR SERVICES	1,275,500.00	136,479.92	265,228.24	1,010,271.76	20.8
OTHER INCOME	4,000.00	12,268.75	15,068.75	( 11,068.75)	376.7
TRANSFERS IN	.00	.00	.00	.00	.0
	<u>1,279,500.00</u>	<u>148,748.67</u>	<u>280,296.99</u>	<u>998,203.01</u>	<u>21.9</u>
<b>EXPENDITURES</b>					
<b>WATER DISTRIBUTION:</b>					
PERSONAL SERVICES	421,878.00	36,752.18	88,319.12	332,556.88	21.2
MATERIAL AND SERVICES	372,130.00	13,348.10	49,833.47	322,286.53	13.4
CAPITAL OUTLAY	80,800.00	5,614.29	5,614.29	75,185.71	7.0
	<u>874,808.00</u>	<u>55,714.57</u>	<u>144,766.88</u>	<u>730,039.12</u>	<u>16.6</u>
<b>WATER TREATMENT:</b>					
PERSONAL SERVICES	.00	.00	.00	.00	.0
MATERIAL AND SERVICES	.00	.00	.00	.00	.0
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	443,149.00	.00	.00	443,149.00	.0
CONTINGENCIES AND RESERVES	151,545.00	.00	.00	151,545.00	.0
	<u>594,694.00</u>	<u>.00</u>	<u>.00</u>	<u>594,694.00</u>	<u>.0</u>
<b>DEPARTMENT 24:</b>					
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
	<u>1,489,500.00</u>	<u>55,714.57</u>	<u>144,766.88</u>	<u>1,324,733.12</u>	<u>9.9</u>
	<u>( 190,000.00)</u>	<u>93,034.10</u>	<u>135,530.11</u>	<u>( 325,530.11)</u>	<u>71.3</u>

**CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 2 MONTHS ENDING AUGUST 31, 2011**

**WASTEWATER FUND**

	<u>BUDGET</u>	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>REMAINING BUDGET</u>	<u>PCNT</u>
<b><u>REVENUE</u></b>					
CHARGES FOR SERVICES	2,437,900.00	216,141.56	428,850.19	2,009,049.81	17.6
OTHER REVENUE	553,000.00	.00	914.05	552,085.95	.2
TRANSFER IN	.00	.00	.00	.00	.0
	<u>2,990,900.00</u>	<u>216,141.56</u>	<u>429,764.24</u>	<u>2,561,135.76</u>	<u>14.4</u>
<b><u>EXPENDITURES</u></b>					
<b>WASTEWATER COLLECTION:</b>					
PERSONAL SERVICES	317,604.00	38,868.67	83,837.29	233,886.71	28.3
MATERIAL AND SERVICES	228,740.00	4,838.18	18,153.35	208,586.65	8.0
CAPITAL OUTLAY	24,900.00	10,543.89	10,543.89	14,356.11	42.3
	<u>569,244.00</u>	<u>54,148.74</u>	<u>112,334.53</u>	<u>456,909.47</u>	<u>19.7</u>
<b>WASTEWATER TREATMENT:</b>					
PERSONAL SERVICES	371,227.00	28,216.34	75,985.90	295,241.10	20.5
MATERIAL AND SERVICES	579,260.00	52,700.36	88,848.54	490,641.46	15.3
CAPITAL OUTLAY	2,287,400.00	55,249.15	55,249.15	2,232,150.85	2.4
TRANSFERS OUT	1,123,824.00	.00	.00	1,123,824.00	.0
CONTINGENCIES AND RESERVES	259,915.00	.00	.00	259,915.00	.0
	<u>4,621,656.00</u>	<u>136,165.85</u>	<u>219,883.59</u>	<u>4,401,772.41</u>	<u>4.8</u>
	<u>5,190,900.00</u>	<u>190,314.59</u>	<u>332,218.12</u>	<u>4,858,681.88</u>	<u>6.4</u>
	<u>( 2,200,000.00)</u>	<u>25,826.97</u>	<u>97,546.12</u>	<u>( 2,297,546.12)</u>	<u>4.4</u>

**CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 2 MONTHS ENDING AUGUST 31, 2011**

**URBAN RENEWAL AGENCY FUND**

	<u>BUDGET</u>	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>REMAINING BUDGET</u>	<u>PCNT</u>
<b><u>REVENUE</u></b>					
TAXES	481,345.00	.00	22,544.16	458,800.84	4.7
INTERGOVERNMENTAL	.00	.00	.00	.00	.0
OTHER REVENUE	2,000.00	.00	449.12	1,550.88	22.5
	<u>483,345.00</u>	<u>.00</u>	<u>22,993.28</u>	<u>460,351.72</u>	<u>4.8</u>
<b><u>EXPENDITURES</u></b>					
<b>GENERAL:</b>					
PERSONAL SERVICES	.00	.00	.00	.00	.0
MATERIAL AND SERVICES	70,000.00	849.19	1,214.19	68,785.81	1.7
CAPITAL OUTLAY	587,215.00	132.91	1,814.43	585,400.57	.3
DEBT SERVICE	.00	.00	.00	.00	.0
TRANSFERS OUT	306,130.00	.00	.00	306,130.00	.0
CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
	<u>963,345.00</u>	<u>982.10</u>	<u>3,028.62</u>	<u>960,316.38</u>	<u>.3</u>
<b>DEPARTMENT 20:</b>					
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
<b>DEPARTMENT 22:</b>					
MATERIAL AND SERVICES	.00	.00	.00	.00	.0
DEBT SERVICE	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
<b>DEPARTMENT 24:</b>					
CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
	<u>963,345.00</u>	<u>982.10</u>	<u>3,028.62</u>	<u>960,316.38</u>	<u>.3</u>
	<u>( 480,000.00)</u>	<u>( 982.10)</u>	<u>19,964.66</u>	<u>( 499,984.66)</u>	<u>4.2</u>

# City of Brookings MEETING Minutes

## URBAN RENEWAL AGENCY

**Monday, June 27, 2011**

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

### **Call to Order**

Chair Anderson called the meeting to order at 7:53pm, immediately following the Council meeting.

### **Roll Call**

Agency Present: Chair Larry Anderson, Directors Ron Hedenskog, Dave Gordon, Jake Pieper, and Brent Hodges; a quorum present.

Staff Present: Executive Director Gary Milliman, Administrative Services Director Janell Howard, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Reporter Steve Kadel and approximately four public.

### **Consent Calendar**

- Approve May 9, 2011 Agency Minutes.

**Director Hedenskog moved, a second followed and the Agency voted unanimously to approve the Consent Calendar.**

### **Public Hearings/Resolutions**

*Resolution 11-R-966 approving appropriation transfers for fiscal year (FY) 10-11.*

Administrative Services Director Howard provided the staff report.

**Director Hedenskog moved, a second followed and the Agency voted unanimously to approve appropriation transfers for the Brookings Urban Renewal Agency for fiscal year 2010-11.**

*Resolution 11-R-967, adopting the budget, declaring tax increment funding and making appropriation for FY 11-12 .*

The public hearing was opened at 7:55pm, there were no public comments and the hearing was closed at 7:56pm.

**Director Pieper moved, a second followed and the Agency voted unanimously to adopt Resolution 11-R-967, adopting the Agency budget, declaring tax increment funding as provided under Section 1c, Article IX of the Oregon Constitution and ORS Chapter 457, and making appropriations for the 2011-12 fiscal year.**

*Resolution 11-R-968 committing ending fund balances for compliance with the state.*

Howard provided a brief staff report.

**Director Gordon moved, a second followed and the Agency voted unanimously to adopt Resolution 11-R-968 committing ending fund balances for specific purposes detailed below and give assigning authority to the Budget Officer/Administrative Services Director to assign resources and ending fund balances if applicable.**

**Adjournment**

Director Hedenskog moved, a second followed and the Agency voted unanimously to adjourn by voice vote at 7:58pm.

Respectfully submitted:

ATTESTED:

this \_\_\_\_\_ day of \_\_\_\_\_ 2011:

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Larry Anderson, Chair

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Joyce Heffington, City Recorder

# City of Brookings MEETING Minutes

## URBAN RENEWAL ADVISORY COMMISSION

Tuesday, May 3, 2011

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

### Call to Order

The meeting was called to order at 3:00pm.

### Roll Call

Commissioners present: Chair Joyce Tromblee and Commissioners Dan Nachel, Rick Bishop Sadie Coberly and Bryan Tillung. Staff present: Executive Director Gary Milliman, Planning Director Dianne Morris and Parks Facilities Planner Code Erhart. Others present: Council Liaison Jake Pieper and Pete Chasar.

### Approval of Minutes

The Commission approved the minutes for February 9, 2011.

### Discussion/Action Items

*Review design plan for the Hillside Pedestrian Oasis.*

Planning Director Morris and Parks Facilities Planner Erhart presented the plan; Pete Chasar spoke briefly about the mural aspect. The Commission provided comments to Erhart regarding some of the design elements.

Commissioner Nachel moved, a second followed and the Commission voted unanimously to recommend the plan to the City Council for approval.

### Commissioner Comments

Commissioner Coberly asked to have Commission goals placed on the next agenda and if the Commission engaged in fund raising activities. Executive Director Milliman said that fund raising was not an approved function of the Commission.

Commissioner Bishop asked to have a financial report at the next meeting and about the possibility of the Urban Renewal Agency participation in the funding of the Welcome Sign. Milliman pointed out that the sign is not in the Urban Renewal area, but would be discussed at the May 19, Budget Committee meeting.

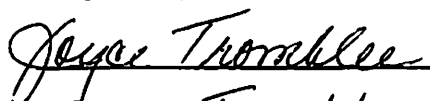
### Items for Next Meeting

- Urban Renewal Agency 2011-12 budget and availability of funds for projects.
- Review/develop Commission goals.

### Adjourn

The meeting was adjourned at 3:45pm.

Respectfully submitted,

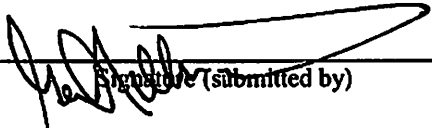
 (Approved at 7/14/11 meeting).

 (Chair or Vice Chair)  
Print/Name and Title.

**CITY OF BROOKINGS**  
**URBAN RENEWAL AGENCY**  
**AGENDA REPORT**

Meeting Date: September 26, 2011

Originating Dept: Executive Director

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
Executive Director Approval

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**Subject:** Funding for Railroad/Cove/Memory Intersection Realignment

**Recommended Motion:**

Motion to allocate \$167,040 in Urban Renewal Agency funds for the Railroad/Cove/Memory Intersection Realignment Project.

**Financial Impact:** See below.

**Background/Discussion:**

At the September 26 meeting, the City Council is scheduled to consider a package of actions relating to a project to reconfigure the intersection at Railroad Street, Cove Road and Memory Lane.

The total estimated cost of the subject project is \$371,200, of which 55 per cent is eligible for funding from the City's streets SDC Fund.

Management recommends that the balance of the cost of this project (\$167,040) be paid from Urban Renewal Agency funds. The Current unallocated URA Capital Fund balance is \$436,000.

This project is consistent with the City downtown street improvements plan. Please see the Council Agenda Report for more information.



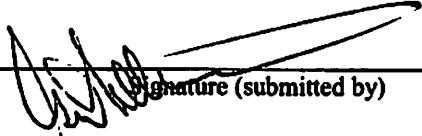
# **CITY OF BROOKINGS**

## **URBAN RENEWAL AGENCY**

### **AGENDA REPORT**

Meeting Date: September 26, 2011

Originating Dept: Executive Director

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
Executive Director Approval

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**Subject:** Amendment to Purchase and Sale Agreement with Bi Mart

**Recommended Motion:**

Motion to authorize Executive Director to execute Amendment to Agreement for Purchase and Sale of Property with Bi-Mart Corporation amending Exhibit B, Schedule of Performance, to provide a "Commence Store Operations" date of June 30, 2012.

**Financial Impact:** None

**Background/Discussion:**

The Agency entered into a Purchase and Sale Agreement with Bi-Mart Corporation on December 27, 2010. One element of that Agreement is a schedule of performance relating to construction and occupancy of the project. That schedule includes a "Commence Store Operations" date of December 31, 2011.

Bi-Mart Corporation has requested an amendment to the Agreement with respect to the schedule, providing for a new "Commence Store Operations" date of not later than June 30, 2012. Construction of the project was delayed for several months due to the Conditional Use Permit appeal process. While Bi-Mart management is now working toward a February, 2012, opening date, they are requesting a time extension beyond this date to deal with any additional unforeseen circumstances, such as a severe winter, that would further delay performance.

Bi-Mart has made good progress in constructing the project, and is currently working cooperatively with the City on a plan to reconfigure the Railroad/Cove/Memory intersection.

**Attachment(s):**

- a. First Amendment to Agreement for Purchase and Sale of Property.

**FIRST AMENDMENT TO  
AGREEMENT FOR PURCHASE AND SALE OF PROPERTY  
220 Wharf Street, Brookings, Oregon**

THIS AMENDMENT to the Agreement for Purchase and Sale of Property is entered into by and between the Brookings Urban Renewal Agency ("Agency") and Bi-Mart Corporation ("Bi-Mart").

WHEREAS, the Agency entered into a purchase agreement with Bi-Mart on December 27, 2010 for the purchase of real property referred to as 220 Wharf Street; and

WHEREAS, the purchase agreement contains a schedule of performance relating to construction and occupancy of the project; and

WHEREAS, construction of the project was delayed for several months due to the conditional use permit appeal process;

WHEREAS, Bi-Mart has made progress in constructing the project; and

WHEREAS, Bi-Mart has requested an extension of the deadline to "commence store operations;"

NOW, THEREFORE, the Parties agree to amend the agreement as follows:

1. Exhibit B, "Schedule of Performance," shall be amended so that the deadline to commence store operations is June 30, 2012.

*Executed this \_\_\_\_\_ day of September, 2011.*

**Brookings Urban Renewal Agency**

By: \_\_\_\_\_  
Gary Milliman, Executive Director

**Bi-Mart Corporation**

By: \_\_\_\_\_  
John Harris, President/CEO

**EXHIBIT B**  
**SCHEDULE OF PERFORMANCE**

<b><u>Date</u></b>	<b><u>Action</u></b>	<b><u>Responsible Party</u></b>
01/03/11	Purchase Agreement approved and executed by SELLER and BUYER	JOINT
03/01/11	Submit Applications for Permits to City	BUYER
05/01/11	Obtain Permits for Construction of Project	BUYER
05/08/11	Complete Closing of Property Purchase	JOINT
12/01/11	Complete Construction of Project and obtain Certificate of Completion from City	BUYER
12/31/11	Commence Store Operations (open to public)	BUYER
06/30/11	Commence Store Operations (open to public) date, amended by First Amendment to Agreement for Purchase and Sale of Property.	BUYER

9-26-11 Vanet



**GARY MILLIMAN**  
*City Manager*

Credentialed City Manager  
International City Management Association

# MEMORANDUM

*Office of the City Manager*

**TO:** Mayor and Council

**DATE:** September 22, 2011

**Cc:** All September 26 Agenda Packet Holders

**SUBJECT:** Railroad/Cove/Memory Motion Revision

Please see the attached outline of proceedings concerning the Railroad/Cove/Memory street reconfiguration project as prepared by the City Attorney.

Based upon this outline, one additional item needs to be added to the Recommended Action contained in the September 26, 2011, Council Agenda Report:

- 6) Authorize City Manager to initiate proceedings on behalf of the City to vacate that portion of Cove Road proposed for redevelopment as off-street parking in conjunction with the Railroad/Cove/Memory realignment project.

## **Gary Milliman**

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**From:** Martha Rice [mrice@attyblack.com]  
**Sent:** Thursday, September 22, 2011 2:57 PM  
**To:** Dianne Morris; Gary Milliman; Joyce Heffington; Loree Pryce  
**Subject:** RE: Cove Road

All: As promised here is a preliminary outline of what we need to get the Cove Road reroute accomplished. Unfortunately, as Dianne pointed out, the BMC requires street vacations to be heard by the PC first, so that extends the time needed.

Dianne: I would not consider this a vacation for purposes of rededication. Also, if you want to combine the notices for the planning commission meeting, the two actions are "CUP-minor change" and a "street vacation" or "partial street vacation."

### **1. DOCUMENTS**

#### **Agreement with Websters**

- City will "credit" the Webster property with the 8 new on-street parking spaces to the Websters' off-street parking requirements.
- City will deed the vacated portion of Cove Road to the Websters. (deed)
- In exchange, the Websters will dedicate the property necessary for the new Cove Road. (deed and acceptance / resolution)
- The Websters will not be responsible for street/frontage improvements fronting the Webster property along Cove Road.
- City will deed the residual portion of Memory Lane at Railroad to the Websters. (vacation?/deed - TBD)

#### **Agreement with Bi-Mart – *Not sure we need one for these two issues . . .***

- The triangular piece of Cove Road between Bi-Mart driveway and the new parking lot on Cove Road will remain a part of the public street to avoid any cross-easement issues.
- City will initiate a CUP amendment to provide the changes needed in the Bi-Mart public improvement plan to facilitate the new intersection design and will pay all associated costs.

#### **CUP Amendment**

##### **➤ Changes**

- Bi-Mart will not be required to dedicate any additional right of way along that section of Cove Road that will become part of the parking lot. (Street Conditions #2 Cove Road.)
- Bi-Mart will not be required to construct a sidewalk along the area between their parking lot and the new Cove Road parking lot, but will be required to construct a narrower landscaped strip. (Street Conditions #2 Cove Road).

##### **➤ New Conditions**

- Bi-Mart will bond for the cost of the approved Cove Road improvements but will not do so until they are ready to occupy in hopes that the new Cove Road will be finished by that time.
- Bi-Mart will convey any interest they may have in Cove Road to the City. (deed/acceptance)
- In exchange for relinquishing its interest in Cove Road and its direct access to Railroad Street via Cove Road, Bi-Mart will be relieved of its obligation to construct improvements (or the cost thereof) to the new Cove Road.

✓First Amendment to Purchase and Sale Agreement

- Deadline to commence store operations extended to June 30, 2012.

## **2. Vacation of Cove Road – 2 Steps**

### **BMC Requirements – Planning Commission**

- 17.148 – Vacations
  - 17.148.020 – Staff should submit items A, B, C, and F. Items C, D and E are not applicable to a City-initiated proceeding.
  - 17.148.030 – PC will consider request to vacate and make a recommendation to the CC. PC shall use the criteria set forth in sections A and C. Section B is not applicable.
  - 17.148.040 – After passing ordinance vacating the street, City must prepare and file a certified copy of the ordinance and map.
- 17.84 – Public Hearings Notice Procedures
  - 17.148.020 – requires a public hearing before the planning commission for street vacations.
  - 17.84.030 – Preparation of notice: shall describe the subject property, specify the action requested, the time and place of the public hearing, and indicate the hearing is before the Planning commission.
  - 17.84.040 – Notice of public hearing shall be published in newspaper. Notice and a map shall also be mailed to all property owners within 250 feet of the subject property. Both must occur at least 10 days prior to the hearing date. (CUP amendment will be a 20-day notice).

After PC hears the matter, it will pass its recommendation along to the CC.

### **ORS Requirements – City Council**

- **ORS 271.130(1):** The City may initiate vacation proceedings and make such a vacation without a petition or consent of property owners. Notice shall be given as provided in ORS 271.110.
- **ORS 271.110(1):** The city recorder shall give notice of the petition and hearing by publishing a notice in the newspaper once each week for two consecutive weeks prior to the hearing. The notices shall describe the ground covered by the petition, give the date it was filed, that the vacation is city-initiated and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the city recorder prior to the time of hearing, will be heard and considered.
- **ORS 271.110(2):** Within five days after the first day of publication of the notice, the city recorder shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of

Street Vacation. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

- **ORS 271.130(1):** Such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing.

### **3. CUP Amendment – Minor Change (PC)**

- 17.136.140: A minor change to the approved CUP may be allowed through the procedure set forth in BMC 17.116.090.
- 17.116.090: The applicant may apply to the PC for a minor change to the conditions of approval. The PC will hold a public hearing to consider the nature of the requested change, the impacts the change may have on surrounding properties and/or the remaining portion of the project, and the impact on the city's services and facilities. The PC may approve or deny the change. If the change is approved it may be incorporated into the project. If it is denied the project remains as originally approved and the change cannot be incorporated.
- 17.116.090(A): No filing fee required – change is at the request of the City.
- 17.116.090(B): Must submit a site plan showing the proposed changes and how they compare to the originally approved project.
- 17.116.090(C): A statement explaining how the proposed change relates to the approved project and any impacts it may have on the project and/or adjoining property holders and city services and facilities.
- Bi-Mart will be the “applicant” but City staff may assist in the preparation/presentation as it sees fit.
- 17.84 – Public Hearings Notice Procedures
  - 17.84.030 – Preparation of notice: shall describe the subject property, specify the action requested, the time and place of the public hearing, and indicate the hearing is before the Planning commission.
  - 17.84.040 – Notice of public hearing shall be published in newspaper. Notice and a map shall also be mailed to all property owners within 250 feet of the subject property. Both must occur at least 20 days prior to the hearing date.
- The PC's decision is final and the CC will only hear this matter in the case of an appeal. (cross your fingers, knock on wood, etc.)

### **4. The following need to be started immediately:**

1. Notice of PC hearings on CUP amendment and street vacation.
2. Draft Agreements with Websters and Bi-Mart (?).

**\*\*I hope all of this information is helpful rather than more confusing.\*\***

Martha Rice