

# City of Brookings

## MEETING AGENDA

### CITY COUNCIL

Monday, January 25, 2010, 7:00pm

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

#### A. Call to Order

#### B. Pledge of Allegiance

#### C. Roll Call

#### D. Ceremonies/Appointments/Announcements

1. City Council Position 2: Pg. 4
  - a. Interview candidates.
  - b. Appoint and swear in new Councilor.

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

1. Revisions to Building Code and adoption of State Penalty Matrix. *Building, Adv Pkt*
  - a. Ordinance 10-O-656
  - b. Resolution 10-R-932
2. Revisions to Manufactured Home Siting Requirements. *Planning, Adv Pkt*
  - a. File LDC-18-09, Public Hearing
  - b. Ordinance 10-O-655
3. File LDC-14-09, continuation of January 11, 2010 Public Hearing. *Planning, Pg. 14*

#### F. Oral Requests and Audience Communications: Public Comments – 5 minute limit per person. Obtain forms at City Hall or at [www.brookings.or.us](http://www.brookings.or.us). Turn-in completed forms to City Recorder before meeting or during business hours.

#### G. Staff Reports

1. Disposition of surplus Fire Department water tender and pumper. *Fire, Pg. 19*
2. Disposition of surplus City vehicles. *Administrative Services, Pg. 21*
3. Comprehensive Annual Financial Report, fiscal year ending June 30, 2009. *Administrative Services, Pg. 22*
4. Revisions to Azalea Park Master Plan athletic field configuration. *City Manager, Pg. 29*
5. Revisions to BMC Chapter 2.63, Urban Renewal Advisory Committee. *City Manager, Pg. 35*
6. Community Donation Fund Allocations. *City Manager, Pg. 43*

#### H. Consent Calendar

1. Approval of Council minutes for January 11, 2010. *Pg. 53*
2. Receive monthly financial report for December, 2009. *Pg. 56*

#### I. Remarks from Mayor and Councilors

#### J. Adjournment

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.

# January 2010

January 2010							February 2010						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
3	4	5	6	7	8	9	7	1	2	3	4	5	6
10	11	12	13	14	15	16	14	8	9	10	11	12	13
17	18	19	20	21	22	23	21	15	16	17	18	19	20
24	25	26	27	28	29	30	28	22	23	24	25	26	27
31													

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				January 1, 2010	2
				New Years - Closed (closest work	
					3
4	5	6	7	8	9
4:00pm CC - Council Workshop 7:00pm FH-FireTng/ChShrp	FH - Fire Training 7:00pm CC - Planning Commission	10:00am CC- Site Plan Com Mtg 7:00pm FH-PoliceReserves	3:00pm CC - Staff (SafetyComm)		10
11	12	13	14	15	16
7:00pm FH-FireTng/ChShrp 7:00pm CC-Council Mtg	FH - Fire Training	10:00am CC- Site Plan Com Mtg 10:00am FH - Brookings Rural Fire Dept 12:00pm CC - Stout Park	9:00am CC-Crm Stoppers 10:30am CC-Staff -Planning 1:00pm CC - Court 3:00pm CC Urban Renewal Advisory Committee	11:00am SC Sportsman's Association	17
18	19	20	21	22	23
Martin Luther King Day - City Hall 11:00am CC-VIPS/Volunteers in Police Service 7:00pm FH-FireTng/ChShrp	FH - Fire Training 7:30pm CC - PD Staff	10:00am CC- Site Plan Com Mtg 11:00am CC - PW Staff		10:30am Ballfield Use Meeting	24
25	26	27	28	29	30
7:00pm FH-FireTng/ChShrp 7:00pm CC-Council Mtg	FH - Fire Training	10:00am CC- Site Plan Com Mtg 11:00am CC - PW Staff 12:00pm CC - Stout Park	7:00pm CC-Parks & Rec	1:00pm CC - Police training	10:00am Safety City
					31

# February 2010

February 2010						
S	M	T	W	T	F	S
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March 2010						
S	M	T	W	T	F	S
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
February 1	2	3	4	5	6
2:00pm CC-Staff 4:00pm CC - Council Workshop 7:00pm FH-FireTng/ChShrp	FH - Fire Training 7:00pm CC - Planning Commission	10:00am CC- Site Plan Com Mtg 11:00am CC - PW Staff 7:00pm FH-PoliceReserves	3:00pm CC - Staff (SafetyComm)		
8	9	10	11	12	13
7:00pm FH-FireTng/ChShrp 7:00pm CC-Council Mtg	FH - Fire Training	10:00am CC- Site Plan Com Mtg 10:00am FH - Brookings Rural Fire Dept 11:00am CC - PW Staff 12:00pm CC - Stout Park	9:00am CC-Crm Stoppers 1:00pm CC - Court 3:00pm CC Urban Renewal Advisory Committee		
15	16	17	18	19	20
Presidents Day - Closed 11:00am CC-VIPS/Volunteers in Police Service 7:00pm FH-FireTng/ChShrp	FH - Fire Training 7:00pm CC - Planning Comm (TENT)	10:00am CC- Site Plan Com Mtg 11:00am CC - PW Staff 6:00pm CC - Reserved			11:00am SC Sportsman's Association
22	23	24	25	26	27
7:00pm FH-FireTng/ChShrp 7:00pm CC-Council Mtg	FH - Fire Training	10:00am CC- Site Plan Com Mtg 11:00am CC - PW Staff 12:00pm CC - Stout Park	7:00pm CC-Parks & Rec		
					28



RECEIVED

JAN 04 2010

CITY OF BROOKINGS

# City of Brookings

898 Elk Drive, Brookings, OR 97415

Phone: (541) 469-1100 Fax: (541) 469-3650

[www.brookings.or.us](http://www.brookings.or.us)

## APPLICATION TO FILL CITY COUNCIL VACANCY

Application for appointment to City Council Position #2

Term ending January 14, 2013.

**Deadline to apply is 4:30pm, Friday, January 15<sup>th</sup>, 2010.**

Applications must be mailed or hand delivered (*emailed or faxed applications will not be considered*) and received by the City **no later than 4:30pm, Friday, January 15<sup>th</sup>, 2010.** Mail or hand deliver to:

City Recorder  
898 Elk Drive  
Brookings, OR 97415

Name: BERNARA BANTA

Date: 1 4 10

Physical Address: 790 RANSOM AVE

Mailing Address: PO BOX 1255

Phone: 541 661 4133

Email Address: \_\_\_\_\_

Please provide the following information:

1. Resident of the City of Brookings since: Month: 6 Year: 97  
(Applicant must be a registered elector of the State of Oregon and a resident of the City of Brookings for at least 12 months preceding appointment).

2. Please list no less than three references:

	NAME:	ADDRESS:	PHONE:
A.	<u>LILLY</u>	<u>808 PARADISE LN</u>	<u>469 2707</u>
	<u>BRUCE &amp; AEB</u>		
B.	<u>FLOWERS</u>	<u>825 RANSOM AVE</u>	<u>469 1063</u>
	<u>PAT &amp; SUSAN</u>		
C.	<u>DOUGEN</u>	<u>905 BARBARA LN</u>	<u>412 3717</u>

3. Briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. Attach additional sheets if necessary: I HAVE NO EXPERIENCE OR BACKGROUND,  
WITH <sup>MY</sup> THE KIDS ALMOST OUT OF THE HOUSE AND THE  
JOB SLOW DOWN. I FEEL I FINALLY HAVE TIME TO  
GIVE BACK TO THE COMMUNITY THAT I LOVE. I HOPE  
TO BE A PART OF THIS CITY PROSPERING

4. Tell us about your education, employment, volunteer activities, etc. Attach additional sheets if necessary.

I HAVE A HIGH SCHOOL EDUCATION. I HAVE BEEN EMPLOYED  
WITH THE SAME COMPANY SINCE I HAVE MOVED HERE 12 YRS AGO.  
WITH THE HAMBRO GROUP I'VE WORKED IN THE MILL,  
DROVE TRUCK OVER THE ROAD, AND NOW A CHIP TRUCK DRIVER.  
VOLUNTEER WORK HAS BEEN DIFFICULT TO DO.  
BEING GONE OVER THE ROAD ON A 70 HOUR WORK WEEKS  
I HAVE HELP WITH THE CLASS OF 08 SAFE & SOBER,  
WITH MY WIFE, SOME RELAY FOR LIFE, AND A LITTLE  
AT THE NAZARENE CHURCH SHOW & SHINE, ON  
MEMORIAL WEEKEND.

5. It is my intention to donate voluntary services for the City of Brookings (hereinafter "City") as follows:

I PLAN TO ATTEND ALL CITY BUSINESS  
MEETINGS. I HOPE TO GET ON SOME  
COMMITTEES THAT DO NOT CONFLICT WITH  
MY WORK SCHEDULE

6. I acknowledge that I will not be under the direct supervision and control of the City in connection with voluntary services described above.
7. I acknowledge that no compensation or expense reimbursement will be paid by the City in connection with the services described above.
8. I agree that such volunteer services will be donated to the City at times other than my regular work hours.
9. I release the City from all matters relating to voluntary service by the undersigned, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from this voluntary service.
10. I release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of voluntary services set forth above.

I, (print name) BERNARD BANTA sign this application voluntarily and in the presence of the witnesses whose signatures are shown below mine, and acknowledge that, upon signing, this document will become public information and will be presented to the City Council and news media. I further understand that, as part of the application process, I will be interviewed by the City Council at the Common Council meeting to be held on **January 26, 2010 at 7:00pm**, and if appointed, will be sworn in and seated that same evening.

Bern Banta  
Bern Banta

Applicant Signature

1 4 10

Date

Ana Marie Banta

Witness Signature

1-4-10

Date

Robin Clyde

Witness Signature

1-4-10

Date



RECEIVED

JAN 13 2010

CITY OF BROOKINGS

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City Recorder  
898 Elk Drive  
Brookings, OR 97415

Name: Hedda Markham Date: Jan 13, 2010

Physical Address: 843 Chetco Point Terr.

Mailing Address: same Phone: 412 8855

Email Address: drhedda@aol.com

Please provide the following information:

1. Resident of the City of Brookings since: Month: 04 Year: 06  
(Applicant must be a registered elector of the State of Oregon and a resident of the City of Brookings for at least 12 months preceding appointment).

2. Please list no less than three references:

NAME:

ADDRESS:

PHONE:

A. Diane Morris

B. Gary Millman

C. Larry Anderson

3. Briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. Attach additional sheets if necessary: \_\_\_\_\_

please see attached

4. Tell us about your education, employment, volunteer activities, etc. Attach additional sheets if necessary.



5. It is my intention to donate voluntary services for the City of Brookings (hereinafter "City") as follows:

as a City Council member I would give every  
needed moment to accomplish the  
work that needs to be done: meetings,  
committees and other tasks

6. I acknowledge that I will not be under the direct supervision and control of the City in connection with voluntary services described above.
7. I acknowledge that no compensation or expense reimbursement will be paid by the City in connection with the services described above.
8. I agree that such volunteer services will be donated to the City at times other than my regular work hours.
9. I release the City from all matters relating to voluntary service by the undersigned, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from this voluntary service.
10. I release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of voluntary services set forth above.

I, (print name) Hedda Markham sign this application voluntarily and in the presence of the witnesses whose signatures are shown below mine, and acknowledge that, upon signing, this document will become public information and will be presented to the City Council and news media. I further understand that, as part of the application process, I will be interviewed by the City Council at the Common Council meeting to be held on **January 26, 2010 at 7:00pm**, and if appointed, will be sworn in and seated that same evening.

Hedda Markham  
Applicant Signature

Jan 13, 2010  
Date

[Signature]  
Witness Signature

1-13-2010  
Date

Robin Clyde  
Witness Signature

1-13-2010  
Date

## Response to Questions 2 and 3.

My Fathers response to the questions and problems of life was "If you don't like the news go out and make some". Raised with this attitude of community involvement and responsibility I have spent my life giving back to the community and being involved in whatever needed to be done.

I started young, at 16, as a Red Cross Candy Stripper at the Brooklyn Blood Bank. I was the one who gave you a cookie and a glass of O.J. But that was just the beginning. Over the years I have been involved in Community activities and causes on more mature levels.

I have been on numerous Boards and Committees. I have received awards for my work with the LAPD, the Free Clinic's of L.A., and the Oxnard Public Library. Before coming to Brookings I was on the Library Board of Directors in Oxnard, Ca. for over 9 years as well as working with several other causes in the L.A. and Oxnard areas.

I retired from Private Practice as a Psychologist a few years before moving to Brookings. Since moving here I have become involved in local government. I have been on the Planning Commission for 3 and a half years, two years as Chairperson. I also put over 2 years into the Land Development Code Revision Committee, the Budget Committee and the Public Art Commission. I am currently on the Board of Directors of the South Coast Humane Society and just recently ended my 2 year term on the Curry County Home Health and Hospice Executive Council. As a member of Friends of the Library I also work at the twice yearly book sales.

I have a good working knowledge of Brookings City Government. I am familiar with the needs and demands of our town and the tools we have to make change and plan for the future. Being on the City Council will present me with a small learning curve since I have already been involved on so many different levels.

I am quick to volunteer for all new projects because I care and know that change needs focus and understanding and work, hard work.

I started my education in Brooklyn NY finishing High School and graduating from Brooklyn College. . During this time I worked for several publishing and P.R. firms in NYC as a writer and researcher. Then my husband and I decided to move to L.A. There I attended Mount Saint Mary's and received an R.N. degree. I worked in nursing and hospital administration for 10 years. Also during this time I returned to school and received an additional Bachelors degree in Psychology as well as a Masters and Doctorate degree in Psychology and Philosophy. I worked in several Southern California based hospitals and care providers. I went into Private Practice when I relocated from L.A. to Oxnard, Ca. I specialized in people going through sex change (transgenders).

After retiring I increased the amount of time I can give to community involvement. I have watched the City Council meetings every Monday and believe that I would be a good fit. I have the knowledge, experience and motivation needed for this position.



1:25 pm  
RECEIVED

JAN 16 2010

CITY OF BROOKINGS

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Phone: (541) 469-1100 Fax: (541) 469-3650

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Applications must be mailed or hand delivered (*emailed or faxed applications will not be considered*) and received by the City no later than 4:30pm, Friday, January 15<sup>th</sup>, 2010. Mail or hand deliver to:

City Recorder  
898 Elk Drive  
Brookings, OR 97415

Name: BRENT HODGES Date: 1/14/10

Physical Address: 933 HELEN LANE

Mailing Address: P.O. Box 4970 Phone: 541-469-6517

Email Address: RIVERSIDE CONSTRUCTION @ CHARTEK.NET

Please provide the following information:

1. Resident of the City of Brookings since: Month: 1 Year: 02  
(Applicant must be a registered elector of the State of Oregon and a resident of the City of Brookings for at least 12 months preceding appointment).

2. Please list no less than three references:

NAME:

ADDRESS:

PHONE:

A. ERNIE HINZE 96651 DEMOSS RD 541-469-2991

B. PAT MC VAY 97170 DODGE AVE 541-469-2896

C. TIM PATTERSON 17496 CARPENTERVILLE RD 541-661-0457

3. Briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. Attach additional sheets if necessary: \_\_\_\_\_

AS A BUSINESS OWNER IN BROOKINGS I'D LIKE TO BE  
MORE INVOLVED WITH DECISIONS THAT AFFECT OUR COMMUNITY.  
I WAS BORN AND RAISED HERE IN BROOKINGS, GRADUATED  
HIGH SCHOOL HERE AS WELL. MY PARENTS WERE BOTH  
RAISED HERE, AND I'D LIKE TO SEE MY KIDS HAVE  
SOME OF THE SAME EXPERIENCES. BROOKINGS IS A GREAT  
PLACE TO LIVE AND RAISE A FAMILY, AND I WOULD LIKE  
TO HELP KEEP IT THAT WAY.

4. Tell us about your education, employment, volunteer activities, etc. Attach additional sheets if necessary.

I GRADUATED FROM BROOKINGS HARBOR HIGH SCHOOL.  
ATTENDED COMMUNITY COLLEGE IN PORTLAND & EUGENE.  
I HAVE WORKED IN CONSTRUCTION IN ONE CAPACITY OR  
ANOTHER MOST OF MY WORKING LIFE.  
MOST OF MY VOLUNTEER WORK HAS BEEN WITH  
KIDS - COACHING SPORTS ACTIVITIES. I HAVE DONE  
SOME VOLUNTEER CONSTRUCTION WORK FOR HABITAT  
FOR HUMANITY type projects.

5. It is my intention to donate voluntary services for the City of Brookings (hereinafter "City") as follows:

whatever is necessary for the position of city council

6. I acknowledge that I will not be under the direct supervision and control of the City in connection with voluntary services described above.
7. I acknowledge that no compensation or expense reimbursement will be paid by the City in connection with the services described above.
8. I agree that such volunteer services will be donated to the City at times other than my regular work hours.
9. I release the City from all matters relating to voluntary service by the undersigned, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from this voluntary service.
10. I release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of voluntary services set forth above.

I, (print name) Brent Hodges sign this application voluntarily and in the presence of the witnesses whose signatures are shown below mine, and acknowledge that, upon signing, this document will become public information and will be presented to the City Council and news media. I further understand that, as part of the application process, I will be interviewed by the City Council at the Common Council meeting to be held on **January 26, 2010 at 7:00pm**, and if appointed, will be sworn in and seated that same evening.

Brent Hodges  
Applicant Signature

1/14/10  
Date

Bob [Signature]  
Witness Signature

1/14/10  
Date

Justin [Signature]  
Witness Signature

1/14/10  
Date

File

**Exhibit D**

Re: File No. LDC-14-09, Revisions to Chapter 17.70 of the BMC, Master Plan Development District

Enclosed: Memo from Dianne Morris, with copy of Exhibit B from this same file, with the Planning Director's comments on the issues raised.

Doc. ID	Received:	From	# pgs	Description
D	1/15/2010	Dianne Morris	4	1 page memo, 3 pg Attachment A



# City of Brookings

898 Elk Drive, Brookings, OR 97415  
(541) 469-1138 Fax (541) 469-3650  
[dmorris@brookings.or.us](mailto:dmorris@brookings.or.us)

## MEMO

To: City Council  
Gary Milliman, City Manager

FROM: Dianne Morris, Planning Director

DATE: January 14, 2010

SUBJECT: File LDC-14-09 – Continued hearing to consider revisions to Chapter 17.70, Master Plan Development District (MPD).

At the Council's initial hearing on this matter, Jan. 11, 2010, the revisions as proposed in the advance packet were outlined by Staff. Exhibit B was provided to you with suggested revisions from Councilor Hedenskog. Staff is in agreement with these additional revisions although Staff prefers that the language found in 17.70.070 (E), "...standards equally or better meet..." be left in. Although removing them doesn't alter the meaning, leaving them in seems to provide better understanding of the required outcome.

At the Jan. 11<sup>th</sup> hearing the Council was also given Exhibit C from Catherine Wiley with stated concerns. I have attached a copy (Attachment A) and inserted responses.

On Jan. 25<sup>th</sup> this hearing will be continued. The public testimony portion of the hearing is still open. Written or oral testimony can still be given at that time.

**STAFF RESPONSES IN BOLD TYPE TO  
EXHIBIT C, LDC-14-09, REVISIONS TO CHAP. 17.70, MPD**

Catherine Wiley  
96370 Duley Creek Rd.  
Brookings, OR 97415

541-469-1962

January 11, 2010

To:	Brookings City Council
From:	Catherine Wiley
Re:	File No. LDC-14-09, Chapter 17.70 Master Plan of Development

As a plaintiff in the LUBA appeal of the Brookings Master Plan of Development, I am registering my opposition and significant concerns to the proposed changes in the MpoD under review for legislative decision tonight.

It is clear that the wording, "conditions have not changed" is in need of revision for the purposes of clarification, objectivity, and reasonable means of measure.

However, I have spent significant time in review of the proposed changes, and I view the proposed language revision to the "conditions have not changed" component to obfuscate and confuse the issue of the definition of "change" further. (17.70.120 "The Applicant has the opportunity to apply for an extension of time prior to the expiration of the approval. Where the Planning Commission finds that the circumstances have not changed such that the findings addressing the criteria in BMC 17.70.070, adopted at the time of the approval, would be invalidated by the delay and extension of time for development, the Commission may grant the extension." (WHEW!!!)

**Response at the end where this is again discussed.**

Further, the numerous additional changes proposed are far from mere "housekeeping changes". The "simple clarifications" referenced are, in fact substantive, in many instances, totally altering parameters, changing or deleting BMC codes in place at the time of the MpoD, and reducing or eliminating safeguards for adjacent property owners and the general public.

It is abundantly clear that, were this Master Plan of Development BMC proposed initially, the public comments, concerns and LUBA appeal itself would have been significantly different.

Without exhaustive detail, the following examples will reference components of concern:



- Page 5, B, #1 deleted. The requirement provided relevant maps to the public and adjacent land owners.

**Response:** Deleted because notification and process are covered in a separate Chapter in the Code.

- Page 6, 2.b. deletes the requirement for slope *analysis*. Certainly an analysis provides more information and safeguards to the public than a "geologic hazard report."

**Response:** A geologic hazard report, as described in the Code (17.100) covers slope analysis and much more. Councilor Hedenskog's revisions suggested including the citation, 17.100, BMC.

- Page 7, 17.70.050, A. There are significant and substantive differences in Chapter 17.04 BMC, Development Permit Procedures, which are proposed for deletion, to BMC 17.80.050 Site Plan Approval, proposed as revision.

**Response:** 17.04 has been revised since 17.70 was adopted. 17.80 is the correct citation to cover City Staff reviewing a submittal to determine if it is complete.

- Page 8, 17.70.070 Review Criteria, B. The proposed language revision deletes all specific timelines and means of measure with language that is unacceptably broad, open to potential for bias & discrimination, etc.

**Response:** The current language has a 10 year time limit but also allows the Planning Commission to approve a different phasing time line. This change requires the Applicant to suggest a time line appropriate to the specific project and approval is at the discretion of the Commission.

- Page 8, E The use of the term "existing regulations" could be misinterpreted. The regulations required for compliance with the MpoD are those in force at the time of MpoD approval.

**Response:** "Existing regulations" describes the Code that is in force when the Applicant is applying. This is required, as stated by Ms. Wiley above.

- Page 8, 17.70.090, A. The proposed change does not reflect Code 17.70.090.

**Response:** The current wording is complicated and the Oregon Revised Statutes (ORS) controls time limits to conduct hearings and reach a decision.

- Page 9, 17.70.100 Deleting Chapter 17.04, BMC, Development Permit Procedures eliminates, yet another reference to compliance and safeguards.

**Response:** 17.04 doesn't address the "notice of decision" as stated in the current language. Legal requirements, spelled out here in general terms, are found in the ORS.

- Page 9, 17.70.120 The entire proposed revision is confusing. ("The Applicant has the opportunity to apply for an extension of time prior to the expiration of the approval. Where the planning Commission finds that the circumstances have not changed such that the findings addressing the criteria in BMC 17.70.070, adopted at

the time of the approval, would be invalidated by the delay and extension of time for development, the Commission may grant the extension.") In addition, the definition of "substantial construction" does not even agree with the definition of "construction" itself. Obtaining permits at the time of DDP review was a stipulated remand issue from LUBA. Permits and construction are not synonymous.

**Response:** The City's Land Use Attorney, Mr. Spickerman, has reviewed the LUBA decision which agreed with the Councils interpretation of "conditions have not changed". That interpretation is stated in this revision as proposed by Mr. Spickerman.

**"Substantial construction" has been defined within, and for, this Section. It is not possible to obtain permits for structures or infrastructure until after approval of a DDP is given.**

The specific examples provided above are just that. Each page has significant and substantive recommendations for alterations to the specifications and safeguards of the Brookings MPoD.

It is requested that the plaintiffs, and legal entities involved in the LUBA appeal have an additional period of two weeks for an opportunity to address these, and hopefully mediate some of the changes proposed.

Thank you.

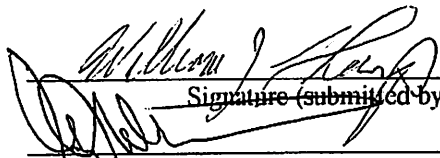
Sincerely, Catherine Wiley

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: 1/25/2010

Originating Dept: Fire Department

  
Signature (submitted by)  
City Manager Approval

---

**Subject:**

Surplus Fire Vehicles

**Recommended Motion:**

Motion to declare the 1981 Water Tender and 1971 Mack Pumper as surplus to the city needs. Motion to either: a.) Donate these vehicles to Sixes Rural Fire Protection District. Or- b.) authorize the Department Administrative Services Department to dispose of the vehicles by sale or public auction.

**Financial Impact:**

An appraisal was done of these two vehicles on 12/28/09. The appraisal was performed by the Fleet Officer for North Tahoe Fire Department, Dave VanGroenenbergh.. The 1981 Water Tender was appraised at approximately \$2,000. It has extensive rust deterioration to the framework and support of the vehicle from many years sitting outside in the weather. The actual stainless tank of this vehicle is the only part of value. However, with the deterioration it poses a liability to us and it was recommended that we donate the vehicle "As is". The 1971 Mack Pumper, while in good working condition, is an old truck. Its value was appraised at approximately \$2,000 as well. The appraiser recommended that the best course for this vehicle would be to donate it "As is".

**Background/Discussion:**

When we planned to purchase the new KME Pumper /Tender, nine months ago, it was to replace the 1981 Water Tender and the 1984 Pierce Arrow Pumper. The Water Tender has been parked outside for many years and the weather has deteriorated the metal surfaces of the truck considerably. The 1984 Pierce Arrow Pumper was to be moved to the Upper Chetco station and kept in reserve to the City of Brookings as a back up engine. The old 1971 Mack Pumper (Currently at the Upper Chetco Fire District station) would be sold or donated to another entity. We received a letter of interest from the Sixes Rural Fire Protection District and its Chief Wayne Moore (Attached). Chief Sharp believes that a donation of these vehicles to another Curry County fire agency would have the greatest benefit to the city, if maintained by an agency that has comparatively few responses. The vehicles will remain as a part of the overall Curry County fire attack force.

**Attachment(s):**

Letter from the Sixes Rural Fire Protection District, Chief Wayne Moore.



Sixes River  
Fire Protection District

Post Office Box 246  
Sixes, Oregon 97476

Chief Wayne Moore  
P.O. Box 298  
Sixes, Or. 97476  
541-348-9927  
541-253-6028

Chief Sharp -

It has come to my attention that your department may be taking an older (early 70's) Mack class A engine out of service along with a 3000 gallon water tender in the near future.

The Sixes River R.F.P.D. would be very grateful to be considered as recipients of these vehicles in providing them a new, productive home. With our very small budget "approx \$10,000 annually" and little or no resources for securing and upgrading newer fire apparatus, these vehicles would be a tremendous asset to Sixes River Fire and district patrons. They would also allow us to keep emergency apparatus in our district at all times when we respond on mutual aid calls to our neighboring districts instead of clearing the station as we do now.

Sixes River R.F.P.D. thanks you again for your consideration on this matter. Be safe.

Respectfully

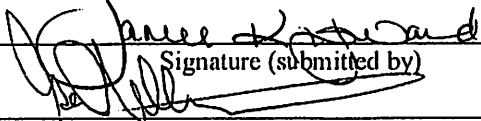
Chief Wayne Moore  
Sixes River R.F.P.D.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: January 25, 2010

Originating Dept: ASD

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

---

Subject:

Surplus City Vehicles

Recommended Motion:

Declare the six vehicles listed below surplus, and direct staff to sell through a sealed bid process, or alternative process, approved by the City Manager, if any vehicles remain unsold after completion of the first process.

Financial Impact:

Proceeds from the sale of these vehicles would be recorded as revenue in the appropriate fund.

Background/Discussion:

The City has the following six vehicles that are no longer in service:

WWTP, 1989 Ford F-150, VIN# 1FTDF15Y5KLA53170  
PW Dept, 1992 Ford F-350, VIN# 2FDJF37HXNCA19490  
Police Dept, 1995 Chevy Caprice, VIN# 1G1BL52P6SR147325  
Police Dept, 2000 Ford Crown Victoria, VIN# 2FAFP71W5YX170293  
Police Dept, 2000 Ford Crown Victoria, VIN# 2FAFP71W1YX170291  
Police Dept, 2000 Ford Crown Victoria, VIN# 2FAFP71WOYX170301



We would like to dispose of these vehicles. Staff recommends we surplus these vehicles and sell them through a closed bid process.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: January 25, 2010

Originating Dept: ASD

  
Signature (submitted by)  
  
City Manager Approval

---

Subject:

Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2009.

Recommended Motion:

Motion to accept the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2009.

Financial Impact:

None.

Background/Discussion:

Pauly, Rogers and Co., P.C. has completed the City's audit for the fiscal year ending June 30, 2009. Attached is a copy of the Management Discussion and Analysis (MD&A) for 2008-09. The MD&A is a summary of financial activities and financial position for the City. The analysis focuses on significant financial issues and changes in financial position. The MD&A will be included with the complete Comprehensive Annual Financial Report which is expected to be delivered by the end of the week.

All significant deficiencies from last year's management letter were resolved to the auditors' satisfaction. There is only one issue identified in the management letter for 2008-09; it clarifies that the independent auditors cannot be relied upon as a part of the internal control structure of the City and the independent financial audit does not relieve the Council of its fiduciary responsibility. This was due to a comment made on a Council Questionnaire returned to the auditor.

Attachments:

Management Discussion and Analysis



# City of Brookings

898 Elk Drive, Brookings, OR 97415

(541) 469-2163 Fax (541) 469-3650

[www.brookings.or.us](http://www.brookings.or.us)

## MANAGEMENT'S DISCUSSION AND ANALYSIS

Fiscal Year Ended June 30, 2009

This discussion and analysis presents the highlights of financial activities and financial position for the City of Brookings (City). The analysis focuses on significant issues, major financial activities and resulting changes in financial position, budget changes and variances from the budget, and specific issues related to funds and the economic factors affecting the City. Please read it in conjunction with the City's financial statements.

### FINANCIAL HIGHLIGHTS

- The total assets of the City of Brookings exceeded its liabilities at June 30, 2009, by \$36.8 million. Of this amount, \$4.6 million may be used to meet the City's ongoing obligations to citizens and creditors.
- The City's total net assets increased by \$500,000 during the fiscal year. The majority of the increase was due to the prior period adjustment which included assets that should have been capitalized in the prior year. Current fee structure was set up to begin to make payments toward the Water and Wastewater Fund's Major Capital Projects. However, delays by engineers and funding sources have caused these projects start up to be delayed.
- The General Fund's fund balance is approximately \$562,000 at the end of the fiscal year, or 18.5% of total General Fund revenues.
- The System Development Charge (SDC) revenues continue to decrease. The total revenue in all SDC Funds decreased approximately 90%. The primary reason was the large development within Harbor Sanitary District (HSD) in 2007-08. In addition, new construction was slow and therefore SDC revenue was predictably low. The SDC contributed by HSD and HSD's development was 79% of total received in the Fund in 2007-08. Management has made the decision to reserve a majority of HSD's contribution until the development has been completed. This is to provide a hedge against any possible refund that may occur if the development does not proceed.
- The Water System Replacement Fund was the necessary resource to pay for the beginning phase of construction on the 1.6 million gallon water tank in 2007-08. It is anticipated construction should finish by summer 2009. A loan, for up to 80% of the project, will come from Oregon Economic and Community Development Department, of which \$2.6 million of loan proceeds has been recognized in 2008-09.

### OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis is intended to serve as an introduction to the City's basic financial statements and other required supplementary information. The City's basic financial statements comprise three components: 1) Government-wide financial statements, 2) Fund financial statements, and 3) Notes to the financial statements.

**Government-wide financial statements.** The government-wide financial statements are designed to provide readers with a broad overview of the City's finances, in a manner similar to a private-sector business.

The *statement of Net Assets* presents information on all of the City's assets and liabilities, with the difference between the two reported as net assets. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the City is improving or deteriorating.

The *Statement of Activities* presents information showing how the City's net assets changed during the most recent fiscal year. All changes in net assets are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods. Examples of such items include earned, but uncollected property taxes, and earned, but unused, compensated absences.

The government-wide financial statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business type activities).

The government activities of the City include the following:

- General Government
- Public Safety
- Public Works
- Culture and Recreation

The business type activities of the City include the following:

- Water Treatment and Distribution
- Wastewater Collection and Treatment
- Debt Service
- Systems Replacement
- Systems Development

**Fund Financial Statements.** A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City uses fund accounting to ensure and demonstrate compliance with finance – related legal requirement. All of the funds of the City can be divided into two categories: governmental funds and proprietary funds.

*Governmental Funds.* Governmental fund statements follow the more traditional presentation of financial statements. The City's major governmental funds are presented in their own column and the remaining funds are combined into a column titled "Other Governmental Funds." Page 13 presents a reconciliation of the statement of revenues, expenditures, and changes in fund balances of governmental funds to the statement of activities.

The City adopts an annual appropriated budget for all its funds, except agency funds. To demonstrate compliance, budgetary comparison statements have been provided for all of the funds.

*Proprietary Funds.* The proprietary fund financial statements immediately follow the governmental fund financial statements. The City maintains seven major propriety funds which are used to report the same functions presented as business type activities in the governmental-wide financial statements, only in more detail. Proprietary fund reports include statement of net assets, statement of revenues, expenses and changes in fund net assets and statement of cash flows.

**Notes to the Financial Statements.** The notes provide additional information that is essential to a full understanding of the data provided in the governmental-wide and fund financial statements.

**Other Supplementary Information.** Readers desiring additional information on non-major Funds can find it in the Combining Statements of Non-major Funds and the Budgetary Comparison Schedules.



**Net Assets at Fiscal Year End**  
(in thousands)

	<b>Government Activities</b>		<b>Business-Type Activities</b>		<b>Total</b>
	<b>2009</b>	<b>2008</b>	<b>2009</b>	<b>2008</b>	<b>2009</b>
Cash and Investments	\$4,180	\$2,702	\$5,531	\$6,150	\$9,711
Capital Assets	22,449	21,386	20,868	18,760	43,317
Other Assets	1,540	518	1,243	86	2,783
Total Assets	<u>28,169</u>	<u>24,606</u>	<u>27,642</u>	<u>24,996</u>	<u>55,811</u>
Long-Term Liabilities	510	933	13,341	11,655	13,851
Other Liabilities	4,008	268	1,160	425	5,168
Total Liabilities	<u>4,518</u>	<u>1,201</u>	<u>14,501</u>	<u>12,080</u>	<u>19,019</u>
Net Assets:					
Invested in Capital Assets					
Net of Related Debt	18,757	20,546	8,424	8,095	27,181
Restricted	581	280	4,451	4,505	5,032
Unrestricted	4,313	2,579	266	316	4,579
Total Net Assets	<u>\$23,651</u>	<u>\$23,405</u>	<u>\$13,141</u>	<u>\$12,916</u>	<u>\$36,792</u>

Net assets may serve over time as a useful indicator of a government's financial position. In the case of the City, assets exceeded liabilities by \$36.8 million as of June 30, 2009.

The largest portion of the City's net assets reflects its investment in capital assets (e.g., land, building and improvements, equipment, and infrastructure); less any related debt used to acquire those assets that are still outstanding. The City uses these capital assets to provide services to its citizens. Consequently, these assets are not available for future spending. Although the City's investments in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources since the capital assets themselves cannot be used to liquidate these liabilities. The balance of total net assets invested in capital assets net of related debt was \$27.2 million at June 30, 2009.

An additional portion of the City's net assets represents resources that are subject to external restrictions on how they may be used. The restricted net assets balance at June 30, 2009 was \$5.0 million. The remaining balance of unrestricted net assets, \$4.6 million, may be used to meet the government's ongoing obligations to citizens and creditors.

At the end of the current fiscal year, the City is able to report positive balances in all three categories of net assets, both for the government as a whole, as well as for its separate governmental and business-type activities.

**Governmental and Proprietary Activities For Fiscal Year Ending**  
(in thousands)

	<b>Government Activities</b>		<b>Business-Type Activities</b>		<b>Total</b>
	<b>2009</b>	<b>2008</b>	<b>2009</b>	<b>2008</b>	<b>2009</b>
<b>REVENUES</b>					
Program Revenues					
Charges for Services	145	138	4,048	4,817	\$4,193
Grants and Contributions	650	612	0	60	650
General Revenues					
Taxes	2,858	2,838	0	0	2,858
Other	98	72	168	262	266
Total Revenues	<u>3,751</u>	<u>3,660</u>	<u>4,216</u>	<u>5,139</u>	<u>7,967</u>
<b>EXPENSES</b>					
Governmental Activities	4,671	5,216	0	0	4,671
Business-Type Activities	0	0	4,047	3,589	4,047
Total Expenses	<u>4,671</u>	<u>5,216</u>	<u>4,047</u>	<u>3,589</u>	<u>8,718</u>
Operating Income (loss)	(920)	(1,556)	169	1,550	(751)
Transfers	581	397	(581)	(397)	0
Increase (decrease) in Net Assets	(339)	(1,159)	(412)	1,153	(751)
Prior Period Adjustment	585	70	637	(70)	1,222
Beginning Net Assets	23,405	24,494	12,916	11,833	36,321
Ending Net Assets	<u>\$23,651</u>	<u>\$23,405</u>	<u>\$13,141</u>	<u>\$12,916</u>	<u>\$36,792</u>

**Governmental Activities.** Governmental activities decreased the City's net assets by \$339,000 primarily due to expenses exceeding revenue by \$920,000. However, tax revenue increased \$238,000 and expenditures decreased by \$545,000 compared to prior year.

**Business-type Activities.** Business-type activities decreased the City's net assets by \$412,000. The primary growth was reported in the City's System Replacement Funds. The growth in net assets of the System Replacement Fund was due to unexpended budgeted funds. The decrease in the Wastewater Fund of \$959,000 was due to primarily to depreciation.

**GENERAL FUND BUDGETARY HIGHLIGHTS**

The City's General Fund Appropriations decreased slightly to \$3.4 million. The General Fund Revenues were \$88,895 less than the budget for the General Fund primarily due to charges for services. Actual operating costs within the General Fund were 95% of the final budget. This was primarily due to actual expenditures being less than anticipated for personal services primarily due to the special option public safety levy not passing in November 2008, and therefore additional police officers were not hired as anticipated. The overall increase in the fund balance was \$133,000.

**CAPITAL ASSETS AND DEBT ADMINISTRATION**

**Capital Assets.** As of June 30, 2009, the City has invested \$43.3 million in capital assets as reflected in the following table. This represents a net increase for current year activity (additions, retirements, and depreciation) of \$3.1 million.

**Capital Assets at Fiscal Year-End**  
**(Net of Depreciation)**  
(in millions)

	Governmental Activities		Business-Type Activities		Total	
	2009	2008	2009	2008	2009	2008
Land & Non-Depreciable Assets	\$16.0	\$15.9	\$0.6	\$0.6	\$16.6	\$16.5
Building and Improvements	2.6	1.4	4.2	4.4	6.8	5.8
Vehicles and Equipment	0.8	0.9	0.2	0.3	1.0	1.2
Infrastructure	3.0	3.2	13.0	13.0	16.0	16.2
Construction In Progress	0.0	0.0	2.9	0.5	2.9	0.5
Total	<u>\$22.4</u>	<u>\$21.4</u>	<u>\$20.9</u>	<u>\$18.8</u>	<u>\$43.3</u>	<u>\$40.2</u>

The following table reconciles the changes in capital assets. Additions include assets acquired or under construction at year-end. Reductions are for depreciation.

**Change in Capital Assets**  
(in millions)

	Governmental Activities	Business-Type Activities	Total
Beginning Balance	\$21.4	\$18.8	\$40.2
Additions	1.2	3.8	5.0
Retirement	0.0	0.0	0.0
Reclassification	0.4	(0.4)	0.0
Depreciation	(0.6)	(1.3)	(1.9)
Ending Balance	<u>\$22.4</u>	<u>\$20.9</u>	<u>\$43.3</u>

For more information on the City's capital assets, including a breakdown of the major asset categories by governmental and business-type activities, refer to pages 23 and 24 of the notes to the financial statements.

**Debt Outstanding.** As of year end, the City had \$17.1 million in debt outstanding compared to \$12.2 million last year. \$1.2 million is due within one year.

**Outstanding Debt at Fiscal Year End**  
(in millions)

	2009	2008
<b>Governmental:</b>		
General obligations	\$0.2	\$0.3
Special assessment bonds	0.2	0.2
Revenue bonds	3.3	0.0
Sub-total	<u>3.7</u>	<u>0.5</u>
<b>Business-Type</b>		
Bond Payable	1.2	1.4
Notes Payable - DEQ	9.7	10.3
Loan Payable - OECDD	2.5	0.0
Sub-total	<u>13.4</u>	<u>11.7</u>
Total	<u>\$17.1</u>	<u>\$12.2</u>

For more detailed information on the City's debt and amortization terms, refer to pages 26-29 of the notes to the financial statements.

### **ECONOMIC FACTORS**

Like all cities in Oregon, the City is operated under Measure 50, the tax limitation measure approved by voters on May 20, 1997. This measure rolled back assessed values to 1995-96 levels and effectively limited increased property tax revenues the City could anticipate in future years to a maximum of 3%, with permitted allowances for increasing valuations based on new construction and annexations. No substantive changes to the basic provisions of Measure 50 have been enacted during subsequent Oregon Legislative sessions. The City management team and staff continue to meet the challenge of quality service delivery with limited increases in property tax revenue.

The City's business-type activities are funded by utility charges for water and sewer services. Past revenue increases are needed to make the debt service payments on the City's revenue secured loan which was used to upgrade the sewer plant and construction and financing of a new sludge treatment process. During the FY 2008-09, the City reviewed the results from a sewer rate study and implemented a rate increase of 8.6% effective July 1, 2009. The financial methodology is to be proactive instead of reactionary for vital capital improvement projects. The additional revenue is planned to be used to adequately cover operating and maintenance costs and pay related debt payments. The City Council also implemented a water rate increase of 5.25% effective July 1, 2009. The sewer and water rates and system replacement fees are structured to and have increased by an inflationary factor each year.

### **REQUESTS FOR INFORMATION**

The City's financial statements are designed to present users (citizens, taxpayers, customers, investors, and creditors) with a general overview of the City's finances and to demonstrate the City's accountability. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed:

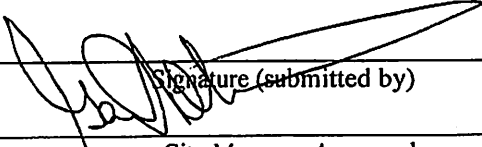
Janell K. Howard  
Administrative Services Director  
City of Brookings  
898 Elk Drive  
Brookings, Oregon 97415  
jhoward@brookings.or.us.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: January 25, 2010

Originating Dept: City Manager

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

---

Subject: Azalea Park Master Plan – Athletic Fields

Recommended Motion:

Revise Azalea Park Master Plan to accommodate new athletic field configuration as recommended by the Parks and Recreation Commission.

Background/Discussion:

This matter was continued from the City Council meeting of December 14, 2009, pending receipt of letters from the athletic field users supporting the recommendation from the Parks and Recreation Commission. Letters of support have been received from the Brookings Harbor Softball Association, Brookings Harbor Little League and Brookings Harbor High School.

At its meeting of October 22<sup>nd</sup>, the Parks and Recreation Commission voted to recommend that the City Council amend the Azalea Park Master Plan to include the reconfiguration of the athletic fields as proposed by Commissioner Anthony Baron. Baron's proposed reconfiguration would include the reorientation of one of the softball fields and create an area for the development of a soccer field. Baron reported at the November 19<sup>th</sup> Parks and Recreation Commission meeting that he had met with the leadership of the local soccer and softball associations and they both support the proposal.

Some months ago, the Soccer Association proposed the development of an area located between the two softball fields at Azalea Park as a multipurpose field, primarily for soccer use. This project has not moved forward due to the cost of developing this site and limited funds. The City Council, acting as the Urban Renewal Agency, authorized using URA funds to install a water line extension to serve this project and a proposed additional snack shack/restroom. The utility work would also include installation of a sewer line to serve the additional snack shack/restroom.

The Master Plan calls for the installation of an additional snack shack generally and along the right field foul pole of field #1. Baron notes that this could be a dangerous location given the number and direction of "line drive" foul balls coming from field #1.

Baron's proposal is to reorient field #1, and shift its location to abut field #2. This would improve the location of the snack shack/restroom. The field area adjacent to Lundeen Lane would then be redeveloped as a soccer field, with hillside seating. See attached map.

Baron reports that significant private donations of materials, equipment and labor could be brought forward to accomplish much of this project. However, the City would need to install the

water/sewer utilities, install a storm drain in the fill area between the existing softball fields, and grade/compact that fill area. The City also has received an offer of \$20,000 toward the project.

A portion of the fill would be relocated to the adjacent canyon, providing a base for the development of additional parking.

While backstops and fencing could be relocated, the City may wish to consider acquiring new backstops as existing backstops/fencing have been relocated several times and do not provide overhead safety screening.

The Public Works Department estimated that it would cost \$60,000 to undertake the drainage and grading activity in the existing fill area. **This expenditure is not proposed as a part of this request. This request is only to change the Master Plan.** City staff recently met with a representative of the U.S. Army National Guard to discuss their participation in the project...approval is pending; it could be 18-24 months before this project gets on the Guard list.

Attachment(s):

New field configuration diagram


Letters of support



**Brookings Harbor High School**  
629 Easy Street Brookings, OR 97415  
Phone (541) 469-2108 Fax (541) 469-0176  
Mr. Bryan Wood – Principal  
Ms Lenora Hall—Vice Principal  
Mr. Jon Young—Athletic Director

To: City of Brookings  
Re: Azalea Park Ball Field Reconfiguration

The BHHS athletic department has reviewed, and supports the proposed reconfiguration of the Azalea Park Ball Fields. The JV Softball team uses the fields for practices and games during regular season from March to June. Please give our department advanced notice prior to any work that may conflict so that we may have time to make scheduling adjustments for our softball program. Thank you.

  
Jon Young  
Athletic Director  
Brookings-Harbor High School

Daryn Farmer  
B-H Little League  
P.O. Box 4490  
Brookings, OR 97415

To: City of Brookings  
Re: Azalea Park Ball Field Relocation

Please except this letter as support for the reconfiguration of the Azalea Park Ball Fields. I have reviewed the concept plan developed by Parks & Recreation Commissioner Tony Baron and fully support it. If there is anything we can do as an organization to help push this project along please don't hesitate to ask. We have a solid foundation of volunteer support that would do anything they could to create this wonderful atmosphere for the kids to play ball.

Sincerely  
Daryn Farmer  
Vice President, B-H Little League





Barbara Glazebrook  
Brookings Harbor Softball Association  
16070 Hwy 101 South  
Brookings, OR 97415

To: Gary Milliman, City of Brookings  
Re: Azalea Softball Field Reconfiguration

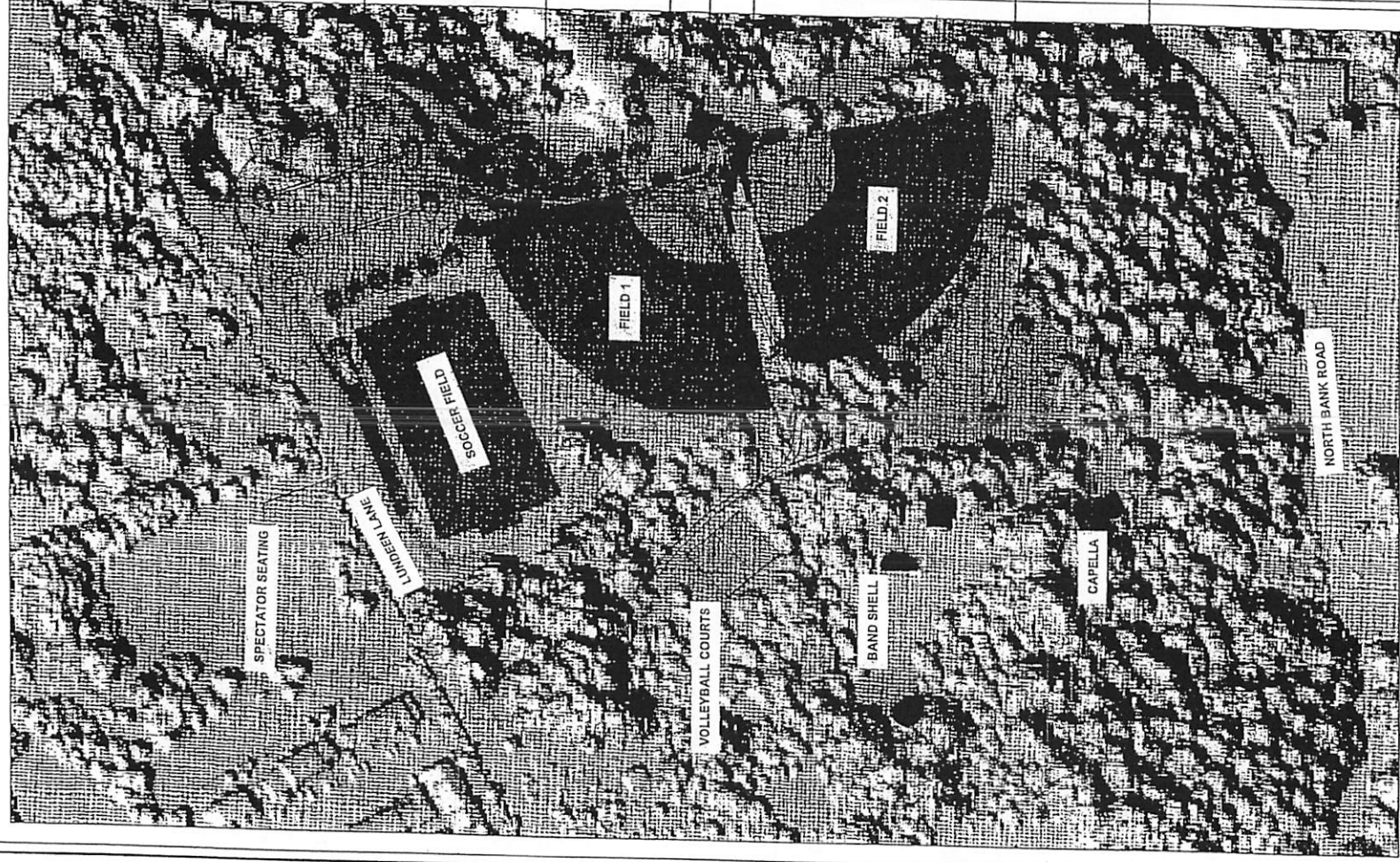
I am writing this letter to express our support for the reconfigured softball field concept at Azalea Park presented to me by Tony Baron. We are eager to push forward and install restroom facilities and concessions with the help of the City of Brookings and hope this new concept will get us closer to making that happen.

Regards

  
Barbara Glazebrook

President, Brookings Harbor Softball Association

# AZALEA PARK FIELDS



0 120 240 360 ft.

Map center: 42° 3' 29.9" N, 124° 16' 23.5" W

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.

## Legend

- TOWNSHIPS
- CITY LIMITS
- URBAN GROWTH BOUNDARY

PARKING (100)

PAVED PATH

PLAYGROUND / PICNIC AREA

RESTROOM / CONCESSIONS/ STORAGE

SPECTATOR SEATING

PARKING (75)

NORTH BANK ACCESS

**BARON  
DESIGNS**

ANTHONY BARON  
625 CHETCO AVENUE  
BROOKINGS OREGON  
97415  
PH: (541)-464-2106



Scale: 1:1,200

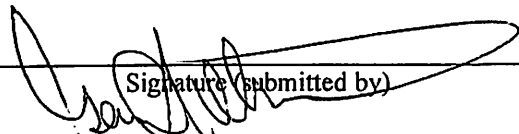
## MASTER PLAN

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: January 25, 2009

Originating Dept: City Manager

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

---

Subject: Urban Renewal Advisory Committee – Continued from January 11, 2010.

Recommended Motion:

Accept revisions to Brookings Municipal Code Chapter 2.63, Urban Renewal Advisory Committee, as amended, and direct staff to prepare the adopting ordinance.

Financial Impact:

Minimal cost of amending Code.

Background/Discussion:

At its January 11, 2010 meeting, the City Council discussed several options for limiting membership requirements under Section 2.63.030 (2)(a), and asked staff to provide additional language for their consideration.

Following are four possible options:

1. Non-City residents must have an economic interest, such as property ownership, business ownership, or employment, with the City limits.
2. Non-City residents must have an economic interest, such as property ownership, business ownership, or employment, within the Brookings Urban Growth Area.
3. Non-City residents must have an economic interest, such as property ownership, business ownership, or employment, within the Urban Renewal Area.
4. All members of the Commission shall be residents of the City of Brookings.

Attachment(s):

Chapter 2.63 draft revisions  
1-11-10 Council Agenda Report

New language is in ***bold italics***

Language to be changed or removed is indicated by ~~strikeout~~.

## Chapter 2.63 URBAN RENEWAL ADVISORY ~~COMMITTEE~~ **COMMISSION**

Sections:

- 2.63.010 Name.
- 2.63.020 Powers and duties.
- 2.63.030 Organization.

### **2.63.010 Name.**

The Brookings City Council hereby creates the Urban Renewal Advisory ~~Committee~~ **Commission** for the Urban Renewal Agency. [Ord. 08-O-607 § 2.]

### **2.63.020 Powers and duties.**

#### **A. General Duties and Responsibilities.**

1. The Urban Renewal Advisory ~~committee~~ **Commission** is an advisory body to the City Council acting as the Urban Renewal Agency. It has no authority to spend or approve the expenditure of Urban Renewal Agency funds. Its recommendations are made to the Urban Renewal Agency through its minutes. ~~Recommendations for an action by the Urban Renewal Agency shall be made in the form; "The Urban Renewal Advisory Committee recommends to the Urban Renewal Agency..."~~
2. ~~Committee~~ **Commission** members shall serve at the pleasure of the Urban Renewal Agency.
3. ~~Committee~~ **Commission** membership is honorary and without compensation.
4. All ~~committee~~ **commission** meetings shall be open to the public and held in a place that is handicapped accessible.
5. Any matters pertaining to the Urban Renewal Plan shall only be acted upon by the Urban Renewal Agency following review and recommendation by the ~~committee~~ **commission**.
6. This ~~committee~~ **commission** may be assigned other duties related to urban renewal by the Urban Renewal Agency.

#### **B. Specific Duties and Responsibilities.**

1. The primary role of the Urban Renewal Advisory ~~committee~~ **Commission** is to advise the Urban Renewal Agency on the implementation of the Urban Renewal Plan, including, but not limited to, the following:
  - a. The timing, final design and funding for projects and activities listed in the Urban Renewal Plan.
  - b. The annual or periodic review of work plans related to implementation of the Urban Renewal Plan.
  - c. Minor or major amendments to the Urban Renewal Plan.

- d. Sponsoring public events and other activities to gather input and communicate with the community regarding the plan.
2. ~~Committee~~ **Commission** minutes, as prepared by staff and approved by the ~~committee~~ **commission**, shall be submitted to the Urban Renewal Agency for acceptance. The minutes shall be approved, with or without amendments, additions or corrections, by affirmative action of the ~~committee~~ **commission** at its next meeting. [Ord. 08-O-607 § 3.]

## 2.63.030 Organization.

### A. Membership.

1. The ~~committee~~ **commission** shall consist of seven voting members to be appointed by the chair with approval of the Urban Renewal Agency, and non-voting members to consist of the city manager acting in the capacity of the agency's executive director, an agency liaison, and other staff members as deemed necessary or appropriate by the agency's executive director to support the activities of the ~~committee~~ **commission**.
2. Insofar as possible, residents of the urban renewal district area shall have precedence over other applicants ~~and membership shall consist of representatives in each of the following categories: finance, business, arts, parks, transportation, planning and real estate.~~
  - a. *[Refer to options in Council Agenda Report]*. These members shall not be officials or employees of the city.
  - b. **No member of any other City Council appointed board, commission or committee shall simultaneously serve on the Urban Renewal Advisory Commission.**
3. The executive director shall designate a staff member whose responsibility it shall be to record the minutes of the meetings.

### B. Terms of Appointment/Removal/Vacancies.

1. Terms shall be initially staggered so that three members serve a term of three years, two members serve a term of two years and two members serve a term of one year. Thereafter, all terms shall be for three years.
2. No member shall be eligible to serve for more than two full terms on the ~~committee~~ **commission**.
3. Vacancies created by a mid-term resignation or termination shall be filled by appointment of the Urban Renewal Agency.
4. Members may be removed by a consensus of the Urban Renewal Agency for any reason and at any time during the member's term of appointment. Failure of a member to attend less than 50 percent of regularly scheduled meetings shall result in automatic termination, unless the absences have been excused by the ~~committee's~~ **commission's** chair.

### C. Election of Officers.

1. At the last meeting of each calendar year, a chair and vice-chair shall be elected from the voting members of the ~~committee~~ **commission** for a one-year term.

2. The newly elected officers shall take their seats at the first meeting of the next calendar year.
3. No member shall serve more than two consecutive years in any one office.

D. Quorum/Rules/Meetings.

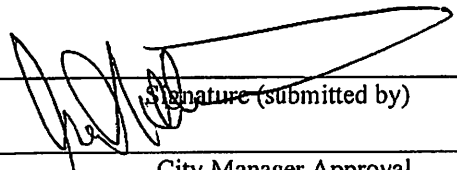
1. Four voting members of the commission shall constitute a quorum.
2. The ~~committee~~ **commission** shall meet at least once each month at a time and place as may be fixed by consensus of the voting members, and at other times as deemed necessary with approval of the ~~committee~~ **commission** chair. All meetings shall be open to the public and noticed in accordance with State Public Meeting Law (ORS Chapter 192).
3. Voting by the ~~committee~~ **commission** on all matters shall be consistent with the process adopted by the city council under BMC 2.05.160, with the exception that the staff member designated by the executive director to take the minutes shall call the names of each member and record the votes.
4. Recommendations made by the ~~committee~~ **commission** shall be submitted to the agency in the manner prescribed by city administrative regulation. [Ord. 08-O-607 § 4.]

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: January 11, 2009

Originating Dept: City Manager

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

---

Subject: Urban Renewal Advisory Committee

Recommended Motion: Accept revisions to Chapter 2.63, Urban Renewal Advisory Committee, of the Brookings Municipal Code, and direct staff to prepare the adopting ordinance.

Financial Impact: Minimal cost of amending Code.

Background/Discussion:

The City Council had earlier requested advice from the Urban Renewal Advisory Committee (URAC) on the topic of residency for members of the Committee. The Council also discussed the possibility of reclassifying the Committee as a Commission and the policy of limiting City Council commission, board and committee appointees to service on one commission, board or committee.

Proposed revisions to Chapter 2.63 include the following:

1. Deletes the occupational classifications for membership on the URAC.
2. Establishes that all seven of the URAC members must be residents of Curry County, but allows the appointment of two non-City residents who reside in the Urban Growth Area and one non-City resident who may reside anywhere in Curry County.
3. Reclassifies the Urban Renewal Advisory Committee as the Urban Renewal Advisory Commission.
4. Includes a provision that a member of the URAC cannot simultaneously serve on any other City Council appointed commission, board or committee.

Attachment(s):

Chapter 2.63 draft revisions

*Continued to 1-25-10*

New language is in ***bold italics***

Language to be changed or removed is indicated by ~~strikeout~~.

## Chapter 2.63 URBAN RENEWAL ADVISORY ~~COMMITTEE~~ ***COMMISSION***

Sections:

- 2.63.010 Name.
- 2.63.020 Powers and duties.
- 2.63.030 Organization.

### **2.63.010 Name.**

The Brookings City Council hereby creates the Urban Renewal Advisory ~~Committee~~ ***Commission*** for the Urban Renewal Agency. [Ord. 08-O-607 § 2.]

### **2.63.020 Powers and duties.**

#### **A. General Duties and Responsibilities.**

1. The Urban Renewal Advisory ~~committee~~ ***Commission*** is an advisory body to the City Council acting as the Urban Renewal Agency. It has no authority to spend or approve the expenditure of Urban Renewal Agency funds. Its recommendations are made to the Urban Renewal Agency through its minutes. ~~Recommendations for an action by the Urban Renewal Agency shall be made in the form; "The Urban Renewal Advisory Committee recommends to the Urban Renewal Agency..."~~
2. ~~Committee~~ ***Commission*** members shall serve at the pleasure of the Urban Renewal Agency.
3. ~~Committee~~ ***Commission*** membership is honorary and without compensation.
4. All ~~committee~~ ***commission*** meetings shall be open to the public and held in a place that is handicapped accessible.
5. Any matters pertaining to the Urban Renewal Plan shall only be acted upon by the Urban Renewal Agency following review and recommendation by the ~~committee~~ ***commission***.
6. This ~~committee~~ ***commission*** may be assigned other duties related to urban renewal by the Urban Renewal Agency.

#### **B. Specific Duties and Responsibilities.**

1. The primary role of the Urban Renewal Advisory ~~committee~~ ***Commission*** is to advise the Urban Renewal Agency on the implementation of the Urban Renewal Plan, including, but not limited to, the following:
  - a. The timing, final design and funding for projects and activities listed in the Urban Renewal Plan.
  - b. The annual or periodic review of work plans related to implementation of the Urban Renewal Plan.
  - c. Minor or major amendments to the Urban Renewal Plan.



- d. Sponsoring public events and other activities to gather input and communicate with the community regarding the plan.
2. ~~Committee~~ **Commission** minutes, as prepared by staff and approved by the ~~committee~~ **commission**, shall be submitted to the Urban Renewal Agency for acceptance. The minutes shall be approved, with or without amendments, additions or corrections, by affirmative action of the ~~committee~~ **commission** at its next meeting. [Ord. 08-O-607 § 3.]

## 2.63.030 Organization.

### A. Membership.

1. The ~~committee~~ **commission** shall consist of seven voting members to be appointed by the chair with approval of the Urban Renewal Agency, and non-voting members to consist of the city manager acting in the capacity of the agency's executive director, an agency liaison, and other staff members as deemed necessary or appropriate by the agency's executive director to support the activities of the ~~committee~~ **commission**.
2. Insofar as possible, residents of the urban renewal district area shall have precedence over other applicants and membership shall consist of representatives in each of the following categories: finance, business, arts, parks, transportation, planning and real estate.
  - a. ***All members of the Commission shall be residents of Curry County. At least four of the seven members shall be residents of the City of Brookings. Two of the seven members may be non-city residents, residing within the Brookings Urban Growth Area (UGA). One of the seven members may reside anywhere within Curry County.*** These members shall not be officials or employees of the city.
  - b. **No member of any other City Council appointed board, commission or committee shall simultaneously serve on the Urban Renewal Advisory Commission.**
3. The executive director shall designate a staff member whose responsibility it shall be to record the minutes of the meetings.

### B. Terms of Appointment/Removal/Vacancies.

1. Terms shall be initially staggered so that three members serve a term of three years, two members serve a term of two years and two members serve a term of one year. Thereafter, all terms shall be for three years.
2. No member shall be eligible to serve for more than two full terms on the ~~committee~~ **commission**.
3. Vacancies created by a mid-term resignation or termination shall be filled by appointment of the Urban Renewal Agency.
4. Members may be removed by a consensus of the Urban Renewal Agency for any reason and at any time during the member's term of appointment. Failure of a member to attend less than 50 percent of regularly scheduled meetings shall result

in automatic termination, unless the absences have been excused by the ~~committee's~~ **commission's** chair.

C. Election of Officers.

1. At the last meeting of each calendar year, a chair and vice-chair shall be elected from the voting members of the ~~committee~~ **commission** for a one-year term.
2. The newly elected officers shall take their seats at the first meeting of the next calendar year.
3. No member shall serve more than two consecutive years in any one office.

D. Quorum/Rules/Meetings.

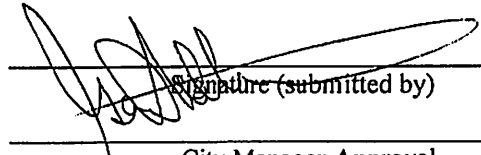
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4. Recommendations made by the ~~committee~~ **commission** shall be submitted to the agency in the manner prescribed by city administrative regulation. [Ord. 08-O-607 § 4.]

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: January 25, 2010


Originating Dept: City Manager

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

---

Subject: Community Relations Fund Allocations

Recommended Motion: Motion to approve Community Relations Fund allocations as recommended by the subcommittee and authorize the City Manager to execute funding agreements with each of the non-profit entities approved for funding.

Financial Impact: \$2,000 expenditure of General Fund revenues as budgeted. 

Background/Discussion:

The City Council budgeted \$2,000 in the 2009-10 General Fund to help fund projects conducted by local non-profit organizations.

The City received 14 applications totaling \$11,090. A committee consisting of Councilor Pieper, City Manager Milliman and Police Lt. Dotson met to review the applications and made the following funding recommendations:

- Southern Oregon Kite Festival: \$250
- St. Timothy's Episcopal Church Tuesday Soup Kitchen: 500
- Seventh Day Adventist Church Monday Soup Kitchen: 500
- Vietnam Veterans of America July 4<sup>th</sup> Fireworks: 500
- Brookings Merchants Association Downtown Brochure: 250

Applications of the projects recommended for funding are attached. All applications are available for public review in the City Recorder's office. Funds will be disbursed after agreements are executed with each of the non-profit organizations.

Attachment(s): 1) List of all applicants

2) Applications from organizations recommended for funding.

Community Relations Fund  
2010

Project/Event	Amt Requested	Project Cost	Other Source \$	Amt Needed	Type	Broad base Y/N	\$ Critical Y/N	Fund Y/N	Amount
Playgroup for parent/child 0-3yrs	\$ 450	\$ 1,400	\$ 950	\$ 450	Government				
Kite Festival	\$ 1,000	\$ 25,000	\$ 23,776	\$ 1,224	NonProf	(250)			
Chetco Indian Historical Memorial	\$ 1,000	\$ 363,208	\$ 174,000	\$ 189,208	NonProf				
Youth Music Projects for 2010	\$ 500	\$ 5,000	\$ 4,500	\$ 500	NonProf				
"Arrive Alive"	\$ 2,000	\$ 5,000	\$ 3,000	\$ 2,000	NonProf				
Heart of Brookings Brochure	\$ 500	\$ 675	\$ 175	\$ 500	NonProf	(250)			
4th of July Fire Works	\$ 2,000	\$ 22,000	\$ 22,000	\$ -	NonProf	(500)			
A Brush with Kindness	\$ 500	\$ 5,000	\$ 4,500	\$ 500	NonProf				
Soup Kitchen (7th Day Adventists)	\$ 500.00	\$ 2,600.00	\$ 1,950.00	\$ 650.00	NonProf	(640.50)			
CC Homeless Website	\$ 300	\$ 300	\$ -	\$ 300.00	NonProf				
Tuesday Soup Kitchen (St. Tims)	\$ 600	450/month	75/wk	N/A	NonProf	(250.50)			
Domestic Violence Support Groups	\$ 840	\$ 1,680	\$ 840	\$ 840.00	NonProf				
Family Caregivers/how to class	\$ 500	\$ 3,863	\$ 3,363	\$ 500.00	Government				
Total Requested	\$ 10,690	\$ 435,726	\$ 239,054	\$ 196,672					0
Total Available	\$ 2,000								

**Criteria**

1. Organization must be non-profit
2. Project/Event will serve a broad base of the community
3. Lack of funds will prevent the organization from realizing their project/event.



# City of Brookings

RECEIVED

898 Elk Drive, Brookings, OR 97415  
(541) 469-1100 Fax (541) 469-3650

Per.....

## COMMUNITY RELATIONS FUND APPLICATION

Organization/Group: (BMA) BROOKINGS MERCHANTS ASSOC. Phone: 541-661-2423 (CHRISTINE TONINI)

Type: Non-profit ☒ Other: ☐ Please Explain: \_\_\_\_\_

Project/Event Title: "FUN ON HWY 101 - IN THE HEART OF BROOKINGS"

Project/Event Date(s): Start Date: JAN 2010 Completion Date: MARCH 2010 BROCHURE

Contact Person: JACK COOK Email: drmcrose@yahoo.com

Phone: Day: 412-9453 Evening: 503-703-5184 Cell: 503-703-5184

Mailing Address: P.O. BOX 7408, BROOKINGS 97415  
c/o BMA

Total Budget Amount for Project/Event: \$ 675.00 (\$550.00 FOR GRAPHIC DESIGN & \$125.00 PRINTING - HIGH QUALITY, \$125.00 - FOR PLACEMENT FEE)

Funding Requested from City of Brookings: \$ 500.00

### Other Funding Sources & Amounts:

Source	Amount
1. <u>\$5.00 FROM EACH BUSINESS MEMBER</u>	<u>\$ 125.00</u>
2. <u>ADDITIONAL FROM NEW MEMBERS OR</u>	<u>\$ 50.00</u>
3. <u>EXTRA CONTRIBUTIONS</u>	

Please describe your project/event: "FUN ON HWY 101 - IN THE HEART OF BROOKINGS"  
BROCHURE PROMOTING SHOPPING IN BROOKINGS AS A FUN & SPECIAL PLACE  
TO SHOP, BROCHURE TO BE PLACED AT WELCOME CENTERS IN BROOKINGS & ASHLAND.  
THE COMBINATION OF THESE TWO HAD OVER 48,000 VISITORS IN 2009. THE NEW  
BROOKINGS CENTER (CRISSY FIELD) SHOULD HAVE EVEN BETTER NUMBERS. THIS IS GREAT  
EXPOSURE FOR A VERY REASONABLE COST  
Why are public dollars needed to fund this project/event? TO GET MORE TOURISTS TO SHOP IN BROOKINGS

THE BROOKINGS MERCHANTS ASSOCIATION IS NEWLY ORGANIZED AS A  
NON-PROFIT ORGANIZATION & HAS LIMITED RESOURCES AS WE BUILD  
MEMBERSHIP & HAVE THE OPPORTUNITY TO RAISE ADDITIONAL FUNDS  
VIA VARIOUS EVENTS.

How will this project/event benefit the citizens of Brookings? THE PRIMARY OBJECTIVE OF THE  
BROOKINGS MERCHANTS ASSOC. IS TO CREATE & PROMOTE BROOKINGS AS A  
DESTINATION SHOPPING STOP FOR BOTH LOCAL RESIDENTS & TOURISTS. OUR  
MERCHANTS SUCCESS WILL HELP CREATE MORE JOBS, INCOME, & WILL ENCOURAGE  
NEW BUSINESSES TO LOCATE IN BROOKINGS. OUR CITY'S ECONOMIC VITALITY  
BENEFITS ALL OF OUR CITIZENS & MAKES OUR CITY A FUN & PROUD PLACE  
TO BE.

Submit your completed application to City Manager's Office, City Hall, 898 Elk Drive, Brookings. Application submission deadline is 4:30pm, Wednesday, January 13, 2010.

Signed: Christine Tonini Date: 01/12/2010  
BMA - BOARD OF DIRECTORS MEMBER AT LARGE

BROOKINGS MERCHANTS ASSOCIATION  
January 12, 2009

To: City of Brookings  
Re: Community Relations Fund Program

Greetings,

The "Brookings Merchants Association" has just been approved as a recognized non-profit organization. 2010 will be our first year as an officially recognized organization. We are a group of merchants in Brookings who are dedicated to help make Brookings a shopping destination by being creatively involved with many of the great events and other groups doing general activities in our area.

We have had some early successes with the Slamin' Salmon event, our own Halloween shopping event, and our Christmas Photos with Santa event. Many of the events that are staged each year bring in a lot of transient type vendors. Our focus is to use that extra traffic to the city to get more dollars spent with our permanent merchants and to again create the brand for Brookings that it is a FUN place to shop all of the time. The more we can create a larger profile of a great shopping experience, the more local business will stay in Brookings and we will get a larger piece of business from a much larger geographic area. Both of which will help make our great city more viable and desirable to merchants offering a wider variety of products that let our local citizens have more choices right here at home.

We are looking at this brochure program as a way to reach a good number of tourists in order to get them to spend more time in Brookings throughout the year. We appreciate the opportunity to apply for this grant money and we believe that our merchants will do their utmost to make the people visiting Brookings glad they spent more time and money here.

Sincerely,



Christine Tonini  
Member At Large  
Board of Directors

# Articles of Incorporation



Secretary of State  
Corporation Division  
255 Capitol Street NE, Suite 151  
Salem, OR 97310-1327  
Phone: (503) 986-2200  
Fax: (503) 378-4381  
www.filinginoregon.com

Registry Number: 625579-97  
Type: DOMESTIC NONPROFIT CORPORATION

**FILED**  
**Aug 31, 2009**  
**OREGON**  
**SECRETARY OF STATE**

---

**1) ENTITY NAME**

BROOKINGS MERCHANTS ASSOCIATION

**2) DESCRIPTION OF BUSINESS**

81391 - Business Associations

**3) MAILING ADDRESS**

P.O. Box 7408  
Brookings, OR 97415  
USA

**4) NAME & ADDRESS OF REGISTERED AGENT**

Christine Louise Tonini  
656 Chetco Ave.  
Brookings, OR 97415  
USA

---

**5) INCORPORATORS**

Christine Louise Tonini  
P.O. Box 7408  
Brookings OR 97415  
USA  
Authorized Signer: Christine Louise Tonini

---

**6) TYPE OF NONPROFIT CORPORATION**

Mutual Benefit with members

**7) DISTRIBUTION OF ASSETS**

Upon dissolution, assets shall be distributed to the Brookings, Oregon Volunteer Fire Department.

---

By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

**8) ELECTRONIC SIGNATURES**

Christine Louise Tonini

---

RECEIVED

JAN 13 2010



# City of Brookings

898 Elk Drive, Brookings, OR 97415

(541) 469-1100 Fax (541) 469-3650

CITY OF BROOKINGS

## COMMUNITY RELATIONS FUND APPLICATION

Organization/Group: St. Timothy's Episcopal Church Phone: 541 469 3314

Type: Non-profit ☒ Other: ☐ Please Explain: \_\_\_\_\_

Project/Event Title: Tuesday Soup Kitchen

Project/Event Date(s): Start Date: Ongoing Completion Date: \_\_\_\_\_

Contact Person: Fr. Bernie Lindley Email: Bernie@sttimothyeiscopal.org

Phone: Day: 541 469 0970 Evening: \_\_\_\_\_ Cell: 541 661-0395

Mailing Address: P.O. Box 1237, Brookings, OR 97415

Total Budget Amount for Project/Event: \$ 400 per month

Funding Requested from City of Brookings: \$ 600

### Other Funding Sources & Amounts:

	Source	Amount
1.	<u>Weekly donations</u>	<u>\$50 a week</u>
2.	<u>St. Timothy's Outreach Fund</u>	<u>\$100 a month</u>
3.	<u>St. Timothy's Vicar's discretionary fund</u>	<u>\$100 a month</u>

Please describe your project/event: We prepare and serve three different kinds of soup to serve to people in need on Tuesday's at noon in our parish hall. Six to ten economically disadvantaged people come each time as well as over 20 other people that come to support our program by eating, donating, and interacting with the people we help.

Why are public dollars needed to fund this project/event?

There is more need in this community than we can offer at this point. If this program grows and expands into more days of the week, then more people will be served.

How will this project/event benefit the citizens of Brookings? Many families in our community have been adversely affected by the downturn in the economy. If we come in contact with these people by feeding them soup, it opens the door to other ways we can help them as well.

Submit your completed application to City Manager's Office, City Hall, 898 Elk Drive, Brookings. Application submission deadline is 4:30pm, Wednesday, January 13, 2010.

Signed: Bernie Lindley + Date: 1/13/10



JAN 13 2010



# City of Brookings

898 Elk Drive, Brookings, OR 97415  
(541) 469-1100 Fax (541) 469-3650

## COMMUNITY RELATIONS FUND APPLICATION

Seventh-day Adventist

Organization/Group: Church Phone: 541-469-303

Type: Non-profit ☒ Other: ☐ Please Explain: \_\_\_\_\_

Project/Event Title: Soup Kitchen

Project/Event Date(s): Start Date: June, 2009 Completion Date: Ongoing

Contact Person: Ernie Madden Email: maddone@nwtec.com

Phone: Day: 469-4028 Evening: 469-4028 Cell: 251-0148

Mailing Address: C/O Church, P O Box 777, Brookings, OR 97415

Total Budget Amount for Project/Event: \$2,600.00/yr or \$50.00/wk

Funding Requested from City of Brookings: \$500.00

### Other Funding Sources & Amounts:

	Source	Amount
1.	Church Members	25%
2.	Community Members	50%
3.		

Please describe your project/event: Soup Kitchen every Monday from 11:00 a.m. to 1:00 p.m. for homeless as well as the community.

Why are public dollars needed to fund this project/event? Donations are short of covering the cost of the food purchases each week.

How will this project/event benefit the citizens of Brookings? We feed hungry people, especially families with children, those temporarily out of work as well as the homeless.

Submit your completed application to City Manager's Office, City Hall, 898 Elk Drive, Brookings. Application submission deadline is 4:30pm, Wednesday, January 13, 2010.

Signed: Ernest Madden Date: January 12, 2010

RuthAnn Hill  
P.O. Box 2382  
Brookings, Oregon 97415  
(541) 412-2945

RECEIVED

JAN 13 2010

January 12, 2010

Per.....

City of Brookings  
898 Elk Drive  
Brookings, Oregon 97415

RE Community Relations Fund Applications

Dear Council Members:

I am writing in support of two individuals, Ernest Madden and Roger Gilbert, founders of our community's two main soup kitchens operating out of the Seventh Day Adventist Church and St. Timothy's Episcopal Church of Brookings. Our kitchens are open to the general public as well as to church members, with a specific outreach to the homeless, indigent, individuals facing hardships, seniors and struggling families. As Roger puts it, "All are welcome at God's table." There is a beautiful diversity of people sitting at our table.

These kitchens are unique in that they are the only ones in existence that I know of with a specific focus on a vegetarian healthy lifestyle, along with traditional fare featuring meat. Both Roger and Ernie are accomplished cooks. Roger is a professional chef. The food these two individuals serve is incredibly good as well as nutritious. The kitchens are supported by donations from church members and the community-at-large. A grant would help significantly to ensure that our program has enough protein in the form of meat, legumes and beans to help support the increasing demand from the community.

We understand the guidelines and expectations that go along with accepting Community Relations Funds. If approved, we can guarantee to meet or exceed the program guidelines for performance measures and accountability.

Thank you to all the council members for your consideration.

Sincerely,



RuthAnn Hill  
Member of the Curry County Homeless Coalition  
Volunteer at St. Timothy's Community Soup Kitchen



# City of Brookings

898 Elk Drive, Brookings, OR 97415  
(541) 469-1100 Fax (541) 469-3650

## COMMUNITY RELATIONS FUND APPLICATION

Organization/Group: Committee for the Southern Oregon Kite Festival Phone: 541-412-2941

Type: Non-profit ☒ Other: ☐ Please Explain: \_\_\_\_\_

Project/Event Title: Southern Oregon Kite Festival (SOKE)

Project/Event Date(s): Start Date: July 17, 2010 Completion Date: July 18, 2010

Contact Person: Steve Bladdell Email: stevetfish@verizon.net

Phone: Day: 412-2941 Evening: 412-2941 Cell: \_\_\_\_\_

Mailing Address: P.O. Box 7314, Brookings, OR 97415

Total Budget Amount for Project/Event: \$ 25,000

Funding Requested from City of Brookings: \$ 1,000

### Other Funding Sources & Amounts:

Source	Amount
1. <u>Donations from local businesses</u>	<u>\$10,560</u>
2. <u>Sales of t-shirts, quilt raffle, auction</u>	<u>\$7,541</u>
3. <u>Vendor income</u>	<u>\$5,675</u>

Please describe your project/event: The SOKE is a free, 2-day, invitational kite festival held at the Port. 25 professional kite fliers entertain the crowds with amazing routines. A kids' kite building workshop, an auction banquet, and a vendor area are other features. In April, we plan to sponsor a poetry contest for school children to encourage creative writing.

Why are public dollars needed to fund this project/event? The SOKE is dependent upon contributions from local businesses + individuals to fund the festival. The SOKE pays for the fliers' lodging, meals, + transportation. In return, the fliers forego their appearance fees they charge for other festivals and make multiple performances over the two days of the festival.

How will this project/event benefit the citizens of Brookings? This event brings visitors from all over California and Oregon to Brookings which benefits local motels, merchants, + restaurants. (CBS-affiliate News Channel 3 is a major sponsor and runs over 100 30-second public service announcements during the six weeks leading up to the SOKE promoting this Brookings' event.)

Submit your completed application to City Manager's Office, City Hall, 898 Elk Drive, Brookings. Application submission deadline is 4:30pm, Wednesday, January 13, 2010.

Signed: Emily Shimer

Date: January 5, 2010

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JAN 05 2010

CITY OF BROOKINGS



# City of Brookings

898 Elk Drive, Brookings, OR 97415 JAN 13 2010  
(541) 469-1100 Fax (541) 469-3650

CITY OF BROOKINGS

## COMMUNITY RELATIONS FUND APPLICATION

Organization/Group: VIETNAM VETERANS of AMERICA chp. 757 Phone: 1542-469-6443 / c 661-5155

Type: Non-profit ☒ Other: ☐ Please Explain: FOURTH OF JULY FIREWORKS

Project/Event Title: FOURTH OF JULY FIREWORKS

Project/Event Date(s): Start Date: FOURTH OF JULY Completion Date: FOURTH OF JULY

Contact Person: Sam Vitale Email: \_\_\_\_\_

Phone: Day: 661-5155 Evening: 469-6443 Cell: 661-5155

Mailing Address: P.O. BOX 4021 BRK OR. 97415

Total Budget Amount for Project/Event: \$ 22,000

Funding Requested from City of Brookings: \$ 2000

Other Funding Sources & Amounts:

	Source	Amount
1.	<u>Community / Business</u>	<u>22,000</u>
2.		
3.		

Please describe your project/event:

ANNUAL COMMUNITY FIREWORKS

Why are public dollars needed to fund this project/event?

FOR THE FOURTH OF JULY FIREWORKS

How will this project/event benefit the citizens of Brookings?

IT WILL BRING PEOPLE FROM ALL PARTS OF THE STATE, AND OUT OF STATE PEOPLE!

Submit your completed application to City Manager's Office, City Hall, 898 Elk Drive, Brookings. Application submission deadline is 4:30pm, Wednesday, January 13, 2010.

Signed: Sam Vitale Date: JAN 13 2010

# City of Brookings MEETING Minutes

## **CITY COUNCIL**

**Monday, January 11, 2010**

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

### **Call to Order**

Mayor Anderson called the meeting to order at 7:02pm.

### **Roll Call**

Council Present: Mayor Larry Anderson, Councilors Hedenskog, Gordon, and Pieper; a quorum present.

Staff Present: City Manager Gary Milliman, Planning Director Dianne Morris, Police Chief Chris Wallace, Administrative Services Director Janell Howard, City Attorney Martha Rice and City Recorder Joyce Heffington.

Other Present: Curry Coastal Pilot Reporter Arwyn Rice and approximately 8 public.

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

Police Chief Chris Wallace was recognized for his 15 years of service.

### **Public Hearings/Ordinances/Resolutions/Final Orders**

Mayor Anderson opened the legislative public hearing at 7:05pm, in the matter of LDC-15-09, proposing revisions to Brookings Municipal Code (BMC) Chapter 17.56, Tourist Commercial (C-4) District.

Hearing no declarations of exparte, conflicts of interest or personal bias and no objections as to jurisdiction, the Mayor reviewed the guidelines.

Planning Director Morris reviewed the staff report. There were no public comments and Mayor Anderson closed the public hearing at 7:08pm.

**Councilor Hedenskog moved, a second followed and Council voted unanimously to accept amendments to Chapter 17.56, Brookings Municipal Code as presented in File LDC-15-09.**

Mayor Anderson introduced Ordinance 10-O-651, amending Brookings Municipal Code Chapter 17.56, Tourist Commercial (C-4) District.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a first reading of Ordinance 10-O-651 by title only.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a second reading of Ordinance 10-O-651 by title only.

Mayor Anderson read the title.

**Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 10-O-651 [amending Brookings Municipal Code Chapter 17.56, Tourist Commercial (C-4) District].**

Mayor Anderson opened the legislative public hearing at 7:14pm in the matter of LDC-14-09, proposing revisions to BMC Chapter 17.70, Master Plan Development (MPD) District.

Hearing no declarations of exparte, conflicts of interest or personal bias and no objections as to jurisdiction, the Mayor reviewed the guidelines.

Director Morris reviewed the staff report. After noting the addition of two exhibits to be entered into the record, one from Councilor Hedenskog, and one from Catherine Wiley, Morris suggested that Council ask questions of staff, hear public testimony and then continue the matter to the January 25<sup>th</sup> meeting.

There were no public comments.

**Councilor Gordon moved, a second followed and Council voted unanimously to enter exhibits B and C [as submitted by Councilor Hedenskog and Catherine Wiley, respectively] into the record.**

**Councilor Hedenskog moved, a second followed and Council voted unanimously to continue Chapter 17.70 revisions to the January 25<sup>th</sup> [2010] Common Council meeting.**

#### **Scheduled Public Appearances**

Lea Sevey, Oasis House, briefly reviewed program services, emphasizing their subsidized transitional housing program. Sevey made a plea for donations, stating that Oasis had experienced a 50% decline in donations over the past three years, and pointed out that donations can be made to the Oregon Coalition (of which Oasis House is a member) by specifying an amount to go to #22 on state income tax forms.

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

Planning Commissioner (former Chair), Hedda Markham, presented the annual Planning Commission Report. A copy of the report is on file with the Council Agenda Packet.

#### **Staff Reports**

Director Morris reviewed the staff report pertaining to the 2009 Committee for Citizen Involvement Report.

**Councilor Pieper moved, a second followed and Council voted unanimously to accept the CCI annual report for 2009 and forward to the County Planning Coordinator and the State's Citizen Involvement Advisory Committee as required by Resolution #399.**

City Manager Milliman reviewed the staff report related to proposed revisions to Brookings Municipal Code Section 2.63, Urban Renewal Advisory Committee.

Discussion ensued regarding proposed membership requirements that would allow one of the Committee's seven members to reside anywhere within Curry County.

In particular, Councilor Gordon generally stated that he was not in favor of membership extending beyond individuals who are residents or who are involved in a business within the City, while Councilor Pieper generally stated that he felt membership should not be more restrictive than that which is required for the other Commissions.

Several suggestions were made as to how membership might be made more restrictive, with south of the Pistol River proposed as a geographic limitation. The matter was tabled to allow the City Manager time to provide some options for Council consideration.

**Consent Calendar**

- Approval of Council minutes for December 2 and December 14, 2009.
- Acceptance of Planning Commission minutes for October 6 & December 1, 2009.
- Acceptance of Parks & Recreation minutes for October 22 & November 19, 2009.
- Acceptance of December, 2009 Vouchers in the amount of \$980,763.99.
- Receive monthly financial report for November, 2009.

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

**Remarks from Mayor and Councilors**

Mayor Anderson remarked that a "Thank-you" letter to Evergreen Federal Bank might be in order for their generous loan of the downtown "Bears" which were scheduled to be returned to Grants Pass.

**Adjournment**

Councilor moved, a second followed and Council voted unanimously by voice vote to adjourn at 7:44pm.

Respectfully submitted:

ATTESTED:

this \_\_\_\_\_ day of \_\_\_\_\_ 2010:

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

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

CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2009

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
TAXES	2,380,366.00	8,323.60	182,186.35	2,198,179.65	7.7
LICENSES AND PERMITS	87,000.00	4,339.32	42,505.15	44,484.85	48.9
INTERGOVERNMENTAL	226,800.00	5,802.42	85,825.56	140,974.44	37.8
CHARGES FOR SERVICES	132,000.00	409,594.47	986,040.04	( 854,040.04)	747.0
OTHER REVENUE	101,000.00	6,431.65	54,489.48	46,510.52	54.0
TRANSFERS IN	642,332.00	.00	.00	642,332.00	.0
	<u>3,569,498.00</u>	<u>434,491.46</u>	<u>1,351,046.58</u>	<u>2,218,451.42</u>	<u>37.9</u>
<u>EXPENDITURES</u>					
JUDICIAL:					
PERSONAL SERVICES	.00	.00	.00	.00	.0
MATERIAL AND SERVICES	5,850.00	300.00	2,481.71	3,368.29	42.4
	<u>5,850.00</u>	<u>300.00</u>	<u>2,481.71</u>	<u>3,368.29</u>	<u>42.4</u>
LEGISLATIVE/ADMINISTRATION:					
PERSONAL SERVICES	227,957.04	16,000.25	101,099.77	126,857.27	44.4
MATERIAL AND SERVICES	128,800.00	4,605.08	25,930.68	102,869.32	20.1
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>356,757.04</u>	<u>20,605.33</u>	<u>127,030.45</u>	<u>229,726.59</u>	<u>35.6</u>
POLICE:					
PERSONAL SERVICES	1,578,180.00	118,067.39	731,972.47	846,207.53	46.4
MATERIAL AND SERVICES	140,000.00	7,419.43	58,914.85	81,085.15	42.1
CAPITAL OUTLAY	51,100.00	3,053.00	32,624.93	18,475.07	63.9
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>1,769,280.00</u>	<u>128,539.82</u>	<u>823,512.25</u>	<u>945,767.75</u>	<u>46.6</u>
FIRE:					
PERSONAL SERVICES	184,219.00	13,711.32	87,591.68	96,627.32	47.6
MATERIAL AND SERVICES	110,080.00	12,174.58	62,241.54	47,838.46	56.5
CAPITAL OUTLAY	78,000.00	455,001.00	455,001.00	( 377,001.00)	583.3
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>372,299.00</u>	<u>480,886.90</u>	<u>604,834.22</u>	<u>( 232,535.22)</u>	<u>162.5</u>
PLANNING AND BUILDING:					
PERSONAL SERVICES	281,805.00	21,442.56	134,378.10	147,426.90	47.7
MATERIAL AND SERVICES	95,980.00	1,261.18	17,066.43	78,913.57	17.8
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>377,785.00</u>	<u>22,703.74</u>	<u>151,444.53</u>	<u>226,340.47</u>	<u>40.1</u>



CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2009

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<b>PARKS &amp; RECREATION:</b>					
PERSONAL SERVICES	92,225.00	6,925.88	44,992.52	47,232.48	48.8
MATERIAL AND SERVICES	57,000.00	13,700.28	24,945.01	32,054.99	43.8
CAPITAL OUTLAY	56,800.00	.00	32,412.99	24,387.01	57.1
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>206,025.00</u>	<u>20,626.16</u>	<u>102,350.52</u>	<u>103,674.48</u>	<u>49.7</u>
<b>ADMINISTRATIVE SERVICES:</b>					
PERSONAL SERVICES	248,686.00	18,893.16	121,053.52	127,632.48	48.7
MATERIAL AND SERVICES	38,130.00	2,237.66	14,017.75	24,112.25	36.8
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>286,816.00</u>	<u>21,130.82</u>	<u>135,071.27</u>	<u>151,744.73</u>	<u>47.1</u>
<b>SWIMMING POOL:</b>					
PERSONAL SERVICES	53,441.00	.00	36,900.94	16,540.06	69.1
MATERIAL AND SERVICES	39,100.00	754.88	12,054.33	27,045.67	30.8
CAPITAL OUTLAY	11,750.00	.00	224.00	11,526.00	1.9
	<u>104,291.00</u>	<u>754.88</u>	<u>49,179.27</u>	<u>55,111.73</u>	<u>47.2</u>
<b>NON-DEPARTMENTAL:</b>					
MATERIAL AND SERVICES	141,400.00	11,263.99	54,345.71	87,054.29	38.4
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	110,000.00	.00	.00	110,000.00	.0
CONTINGENCIES AND RESERVES	408,995.00	.00	.00	408,995.00	.0
	<u>660,395.00</u>	<u>11,263.99</u>	<u>54,345.71</u>	<u>606,049.29</u>	<u>8.2</u>
	<u>4,139,498.04</u>	<u>706,811.64</u>	<u>2,050,249.93</u>	<u>2,089,248.11</u>	<u>49.5</u>
	<u>( 570,000.04)</u>	<u>( 272,320.18)</u>	<u>( 699,203.35)</u>	<u>129,203.31</u>	<u>(122.7)</u>

CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2009

STREET FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
INTERGOVERNMENTAL	249,000.00	20,902.19	128,042.46	120,957.54	51.4
OTHER REVENUE	1,200.00	815.64	854.81	345.19	71.2
TRANSFER IN	32,000.00	.00	.00	32,000.00	.0
	<u>282,200.00</u>	<u>21,717.83</u>	<u>128,897.27</u>	<u>153,302.73</u>	<u>45.7</u>

EXPENDITURES

EXPENDITURES:

PERSONAL SERVICES	90,157.00	6,069.63	36,167.20	53,989.80	40.1
MATERIAL AND SERVICES	180,740.00	17,466.65	89,773.72	90,966.28	49.7
CAPITAL OUTLAY	18,300.00	145,767.01	154,017.07	( 135,717.07)	841.6
TRANSFERS OUT	45,675.00	.00	.00	45,675.00	.0
CONTINGENCIES AND RESERVES	42,328.00	.00	.00	42,328.00	.0
	<u>377,200.00</u>	<u>169,303.29</u>	<u>279,957.99</u>	<u>97,242.01</u>	<u>74.2</u>
	<u>377,200.00</u>	<u>169,303.29</u>	<u>279,957.99</u>	<u>97,242.01</u>	<u>74.2</u>
	<u>( 95,000.00)</u>	<u>( 147,585.46)</u>	<u>( 151,060.72)</u>	<u>56,060.72</u>	<u>(159.0)</u>

CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2009

WATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
SOURCE 03	.00	.00	.00	.00	.0
CHARGES FOR SERVICES	1,252,700.00	94,109.58	682,639.57	570,060.43	54.5
OTHER INCOME	2,006,000.00	4,135.06	1,032,977.74	973,022.26	51.5
TRANSFERS IN	.00	.00	.00	.00	.0
	<u>3,258,700.00</u>	<u>98,244.64</u>	<u>1,715,617.31</u>	<u>1,543,082.69</u>	<u>52.7</u>
<u>EXPENDITURES</u>					
WATER DISTRIBUTION:					
PERSONAL SERVICES	218,582.00	17,609.88	120,174.59	98,407.41	55.0
MATERIAL AND SERVICES	265,230.00	20,410.82	99,761.79	165,468.21	37.6
CAPITAL OUTLAY	2,104,900.00	165,999.00	304,882.52	1,800,017.48	14.5
	<u>2,588,712.00</u>	<u>204,019.70</u>	<u>524,818.90</u>	<u>2,063,893.10</u>	<u>20.3</u>
WATER TREATMENT:					
PERSONAL SERVICES	196,787.00	14,357.91	86,772.39	110,014.61	44.1
MATERIAL AND SERVICES	193,400.00	5,525.65	63,662.34	129,737.66	32.9
CAPITAL OUTLAY	182,400.00	27,761.81	59,233.62	123,166.38	32.5
TRANSFERS OUT	591,376.00	.00	.00	591,376.00	.0
CONTINGENCIES AND RESERVES	106,025.00	.00	.00	106,025.00	.0
	<u>1,269,988.00</u>	<u>47,645.37</u>	<u>209,668.35</u>	<u>1,060,319.65</u>	<u>16.5</u>
DEPARTMENT 24:					
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
	<u>3,858,700.00</u>	<u>251,665.07</u>	<u>734,487.25</u>	<u>3,124,212.75</u>	<u>19.0</u>
	<u>( 600,000.00)</u>	<u>( 153,420.43)</u>	<u>981,130.06</u>	<u>( 1,581,130.06)</u>	<u>163.5</u>

CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 6 MONTHS ENDING DECEMBER 31, 2009

WASTEWATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
CHARGES FOR SERVICES	2,676,000.00	192,901.07	1,200,420.69	1,475,579.31	44.9
OTHER REVENUE	8,000.00	.00	984.11	7,015.89	12.3
TRANSFER IN	.00	.00	.00	.00	.0
	<u>2,684,000.00</u>	<u>192,901.07</u>	<u>1,201,404.80</u>	<u>1,482,595.20</u>	<u>44.8</u>
<u>EXPENDITURES</u>					
WASTEWATER COLLECTION:					
PERSONAL SERVICES	331,621.00	24,425.71	158,780.95	172,840.05	47.9
MATERIAL AND SERVICES	214,480.00	6,957.02	54,996.83	159,483.17	25.6
CAPITAL OUTLAY	27,900.00	.00	13,613.07	14,286.93	48.8
	<u>574,001.00</u>	<u>31,382.73</u>	<u>227,390.85</u>	<u>346,610.15</u>	<u>39.6</u>
WASTEWATER TREATMENT:					
PERSONAL SERVICES	400,821.00	29,350.64	177,014.48	223,806.52	44.2
MATERIAL AND SERVICES	693,300.00	15,149.14	386,088.93	307,211.07	55.7
CAPITAL OUTLAY	156,275.00	4,199.93	14,823.79	141,451.21	9.5
TRANSFERS OUT	1,185,942.00	.00	.00	1,185,942.00	.0
CONTINGENCIES AND RESERVES	423,661.00	.00	.00	423,661.00	.0
	<u>2,859,999.00</u>	<u>48,699.71</u>	<u>577,927.20</u>	<u>2,282,071.80</u>	<u>20.2</u>
	<u>3,434,000.00</u>	<u>80,082.44</u>	<u>805,318.05</u>	<u>2,628,681.95</u>	<u>23.5</u>
	<u>( 750,000.00)</u>	<u>112,818.63</u>	<u>396,086.75</u>	<u>( 1,146,086.75)</u>	<u>52.8</u>

File

**Exhibit D**

Re: File No. LDC-14-09, Revisions to Chapter 17.70 of the BMC, Master Plan Development District

Enclosed: Memo from Dianne Morris, with copy of Exhibit B from this same file, with the Planning Director's comments on the issues raised.

Doc. ID	Received:	From	# pgs	Description
D	1/15/2010	Dianne Morris	4	1 page memo, 3 pg Attachment A



# City of Brookings

898 Elk Drive, Brookings, OR 97415

(541) 469-1138 Fax (541) 469-3650

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

## MEMO

To: City Council  
Gary Milliman, City Manager

FROM: Dianne Morris, Planning Director

DATE: January 14, 2010

SUBJECT: File LDC-14-09 – Continued hearing to consider revisions to Chapter 17.70, Master Plan Development District (MPD).

At the Council's initial hearing on this matter, Jan. 11, 2010, the revisions as proposed in the advance packet were outlined by Staff. Exhibit B was provided to you with suggested revisions from Councilor Hedenskog. Staff is in agreement with these additional revisions although Staff prefers that the language found in 17.70.070 (E), "...standards equally or better meet..." be left in. Although removing them doesn't alter the meaning, leaving them in seems to provide better understanding of the required outcome.

At the Jan. 11<sup>th</sup> hearing the Council was also given Exhibit C from Catherine Wiley with stated concerns. I have attached a copy (Attachment A) and inserted responses.

On Jan. 25<sup>th</sup> this hearing will be continued. The public testimony portion of the hearing is still open. Written or oral testimony can still be given at that time.

**STAFF RESPONSES IN BOLD TYPE TO  
EXHIBIT C, LDC-14-09, REVISIONS TO CHAP. 17.70, MPD**

Catherine Wiley  
96370 Duley Creek Rd.  
Brookings, OR 97415

541-469-1962

January 11, 2010

To:	Brookings City Council From Catherine Wiley
Re:	File No. <b>LDC-14-09</b> , Chapter 17.70 Master Plan of Development

As a plaintiff in the LUBA appeal of the Brookings Master Plan of Development, I am registering my opposition and significant concerns to the proposed changes in the MpoD under review for legislative decision tonight.

It is clear that the wording, "conditions have not changed" is in need of revision for the purposes of clarification, objectivity, and reasonable means of measure.

However, I have spent significant time in review of the proposed changes, and I view the proposed language revision to the "conditions have not changed" component to obfuscate and confuse the issue of the definition of "change" further. (17.70.120 "The Applicant has the opportunity to apply for an extension of time prior to the expiration of the approval. Where the Planning Commission finds that the circumstances have not changed such that the findings addressing the criteria in BMC 17.70.070, adopted at the time of the approval, would be invalidated by the delay and extension of time for development, the Commission may grant the extension." (WHEW!!!)

**Response at the end where this is again discussed.**

Further, the numerous additional changes proposed are far from mere "housekeeping changes". The "simple clarifications" referenced are, in fact substantive, in many instances, totally altering parameters, changing or deleting BMC codes in place at the time of the MpoD, and reducing or eliminating safeguards for adjacent property owners and the general public.

It is abundantly clear that, were this Master Plan of Development BMC proposed initially, the public comments, concerns and LUBA appeal itself would have been significantly different.

Without exhaustive detail, the following examples will reference components of concern:

- Page 5, B, #1 deleted. The requirement provided relevant maps to the public and adjacent land owners.

**Response:** Deleted because notification and process are covered in a separate Chapter in the Code.

- Page 6, 2.b. deletes the requirement for slope *analysis*. Certainly an analysis provides more information and safeguards to the public than a "geologic hazard report."

**Response:** A geologic hazard report, as described in the Code (17.100) covers slope analysis and much more. Councilor Hedenskog's revisions suggested including the citation, 17.100, BMC.

- Page 7, 17.70.050, A. There are significant and substantive differences in Chapter 17.04 BMC, Development Permit Procedures, which are proposed for deletion, to BMC 17.80.050 Site Plan Approval, proposed as revision.

**Response:** 17.04 has been revised since 17.70 was adopted. 17.80 is the correct citation to cover City Staff reviewing a submittal to determine if it is complete.

- Page 8, 17.70.070 Review Criteria, B. The proposed language revision deletes all specific timelines and means of measure with language that is unacceptably broad, open to potential for bias & discrimination, etc.

**Response:** The current language has a 10 year time limit but also allows the Planning Commission to approve a different phasing time line. This change requires the Applicant to suggest a time line appropriate to the specific project and approval is at the discretion of the Commission.

- Page 8, E The use of the term "existing regulations" could be misinterpreted. The regulations required for compliance with the MpoD are those in force at the time of MpoD approval.

**Response:** "Existing regulations" describes the Code that is in force when the Applicant is applying. This is required, as stated by Ms. Wiley above.

- Page 8, 17.70.090, A. The proposed change does not reflect Code 17.70.090.

**Response:** The current wording is complicated and the Oregon Revised Statutes (ORS) controls time limits to conduct hearings and reach a decision.

- Page 9, 17.70.100 Deleting Chapter 17.04, BMC, Development Permit Procedures eliminates, yet another reference to compliance and safeguards.

**Response:** 17.04 doesn't address the "notice of decision" as stated in the current language. Legal requirements, spelled out here in general terms, are found in the ORS.

- Page 9, 17.70.120 The entire proposed revision is confusing. ("The Applicant has the opportunity to apply for an extension of time prior to the expiration of the approval. Where the planning Commission finds that the circumstances have not changed such that the findings addressing the criteria in BMC 17.70.070, adopted at



the time of the approval, would be invalidated by the delay and extension of time for development, the Commission may grant the extension.") In addition, the definition of "substantial construction" does not even agree with the definition of "construction" itself. Obtaining permits at the time of DDP review was a stipulated remand issue from LUBA. Permits and construction are not synonymous.

**Response:** The City's Land Use Attorney, Mr. Spickerman, has reviewed the LUBA decision which agreed with the Councils interpretation of "conditions have not changed". That interpretation is stated in this revision as proposed by Mr. Spickerman.

**"Substantial construction" has been defined within, and for, this Section. It is not possible to obtain permits for structures or infrastructure until after approval of a DDP is given.**

The specific examples provided above are just that. Each page has significant and substantive recommendations for alterations to the specifications and safeguards of the Brookings MPoD.

It is requested that the plaintiffs, and legal entities involved in the LUBA appeal have an additional period of two weeks for an opportunity to address these, and hopefully mediate some of the changes proposed.

Thank you.

Sincerely, Catherine Wiley

**Supplemental Packet for City Council Hearing on January 25, 2010****Exhibit E**

Re: File No. LDC-14-09, Revisions to Chapter 17.70 of the BMC, Master Plan Development District

Enclosed: two page email from Catherine Wiley, One page letter from Pat Sherman

Doc. ID	Received:	From	# pgs	Description
	1/22/2010	Catherine Wiley	2	Email regarding File # LDC-14-09
	1/22/2010	Pat Sherman	1	Letter regarding File # LDC-14-09

JAN 22 2010 <sup>DC</sup>**Dianne Morris**

CITY OF BROOKINGS

**From:** Catherine Wiley [cwileywoods@hotmail.com]  
**Sent:** Friday, January 22, 2010 10:02 AM  
**To:** Joyce Heffington  
**Cc:** Dianne Morris; Gary Milliman; Cameron La Follette; Courtney Johnson; James D. Brown  
**Subject:** File LDC-14-09 Continued hearing to consider revisions to 17.70  
**Importance:** High

Good morning, Joyce; I am requesting that this email and my comments below be submitted as testimony to the City Council regarding File LDC-14-09-Continued hearing to consider revisions to Chapter 17.70, Master Plan Development District (MPD). In addition, it is noted that staff's memo of 1/14/2010 states, "On January 25th this hearing will be continued. The public testimony portion of the hearing is still open. Written or oral testimony can still be given at that time." It is of concern that the Council will receive written or oral testimony, "... at that time" which may not allow for due deliberation and/or consideration. I am, therefore, requesting an extension of time for a noticed public hearing which would provide the opportunity for interested persons to respond.

Mayor Anderson, President Hedenskog, and Council Members;

I am requesting that the first point of order regarding LDC-14-09, proposed revisions to the Brookings City Master Plan Development District (MPD), 17.70, clearly indicate that these revisions apply only to future applications.

With that caveat, the only two additional recommendations relate to the issue of time extension and the stated primary purpose for revision, the "conditions have not changed" component. In order to simplify, clarify, and, hopefully, save future time and costs, I respectfully submit the following:

In order for an extension to be granted, the developer be required to show good cause, shown by substantial evidence of one of the following:

1. An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;
2. An inability to secure all required governmental agency approvals by the expiration date of the Council's order because of delays that are beyond the applicant's reasonable control; or
3. The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control.

For purposes of meaningful clarification, it is requested that the Council consider the option of when conditions *have* changed, for example:

1. The property has been rezoned; or
2. There are circumstances related to potable water supplies, sanitary sewer services, and/or other public utilities, requiring changes.

As commentary to "Response" regarding the "conditions have not changed" language

1/25/2010

proposed by staff, "That interpretation is stated in this revision as proposed by Mr. Spickerman." It should be noted that Mr. Spickerman provided his opinion, after the fact, to a written statement given by staff regarding the legal parameters of 17.70.120, "... within four years from the date of approval...". As subsequently documented in City records, a contradictory legal precedent had been established in the prior year.

Thank you for due consideration of these issues, requests and recommendations.

Sincerely, Catherine Wiley

96370 Duley Creek Rd. Brookings, OR 97415

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JAN 22 2010

DC

Pat Sherman  
PO Box 1546  
Roseburg, OR 97470

CITY OF BROOKINGS

January 22, 2010

City Council  
c/o Planning Director Dianne Morris  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Sent via Fax on Friday January 22, 2010

Mayor and Councilors:

Please include this as testimony for public hearing on January 25, 2010 regarding revision of the Master Plan Ordinance.

My comments are limited to the section of the ordinance having to do with extension of a master plan. This section of the ordinance as currently written is fundamentally flawed as follows:

- First, we live in a dynamic world in which conditions are constantly changing. Therefore, to require the applicant to prove that conditions have not changed puts the applicant in the position of having to prove the impossible.
- Second, the section requires the applicant to prove a negative, which is more cumbersome than proving a positive.
- Third, Planning Commissioners and City Councilors usually are not lawyers and yet they are the people who will make the decisions based on this ordinance. The current section of this ordinance is difficult for lay people to interpret and the proposed revision is just as difficult, if not more so.

The solution to this problem is to correct the fundamental flaw, namely, eliminate the phrase *conditions have not changed* and instead insert positive language. The requirement could be for the applicant to show that something has happened that requires an extension. (*Conditions have changed.*) What the positive requirements would be should be a subject of further in-depth discussion by the committee that is drafting the revisions. The positive requirements could be narrowly or broadly stated, as the Council chooses.

Hopefully, the idea in revising the Master Plan ordinance is to come up with an ordinance that is better than the current ordinance and is readily understandable by the decision makers and other involved parties.

I suggest that the City Council remand the proposed ordinance revision back to the Land Development Code committee for further in-depth discussion and work. If the intent is to have an ordinance that endures, then the additional time spent will be inconsequential.

Sincerely yours,



Pat Sherman