

City of Brookings

MEETING AGENDA

CITY COUNCIL/URBAN RENEWAL AGENCY

Monday, February 8, 2010, 7:00pm

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

CITY COUNCIL

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Ceremonies/Appointments/Announcements

1. City Council Position #2, continued.
 - a. Discussion and appointment.
 - b. Swearing in.

E. Public Hearings/Ordinances/Resolutions/Final Orders

1. Resolution 10-R-932, adopting a Building Code penalty matrix. *Building, Pg. 5*
2. File LDC-17-09, revisions to Brookings Municipal Code (BMC) Chapter 17.04, Development Permit Procedures. *Planning, Advance Packet*
 - a. Legislative Public Hearing.
 - b. Ordinance 10-O-654.
3. File LDC-19-09, revisions to BMC Chapter 17.36, Professional Office District. *Planning, Advance Packet*
 - a. Legislative Public Hearing.
 - b. Ordinance 10-O-657.
4. Ordinance 10-O-653, amending BMC Chapter 2.63, Urban Renewal Advisory Committee. *City Manager, Advance Packet*
5. Charter Amendments. *City Manager, Pg. 8*
 - a. Resolution 10-R-933, directing the City Election Officer to place a measure on the May 18, 2010 ballot, proposing amendment to the City Charter by repealing Chapter XI, Water Intake Relocation.
 - b. Resolution 10-R-934, directing the City Election Officer to place a measure on the May 18, 2010 ballot, proposing amendment to the City Charter by repealing Chapter XII, Wastewater Treatment Plant Facilities Plan.

F. Oral Requests and Communications from the audience. Public Comments – 5 minute limit per person. Obtain forms at City Hall or at www.brookings.or.us. Turn-in completed forms to City Recorder before start of meeting or during regular business hours.

G. Staff Reports

1. Annual Financial Report, fiscal year ending June 30. 2009. *AS Director, Pg. 16*

H. Consent Calendar

1. Approval of Council minutes for January 25, 2010. *Pg. 28*
2. Acceptance of Planning Commission minutes for January 5, 2010. *Pg. 34*

3. Acceptance of January, 2010, Vouchers in the amount of \$264,498.24. *Pg. 36*

I. Remarks from Mayor and Councilors

J. Adjournment

URBAN RENEWAL AGENCY

A. Call to Order

B. Roll Call

C. Consent Calendar

1. Agency minutes for October 26, 2009. *Pg. 40*
2. Advisory Committee minutes for August 13, November 12 & December 10, 2009. *Pg. 41*

D. Public Comments

E. Staff Reports

1. Request for financial assistance from Curry General Hospital Health Network. *Executive Director, Pg. 44*

F. Agency Remarks

G. 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.

February 2010

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

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

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 5:00pm Staff Testing 7:00pm FH-PoliceReserves	3:00pm CC - Staff (SafetyComm) 7:00pm CC - S. County 911		8:00am CC-Staff training
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	10:00am CC- Site Plan Com Mtg 11:00am CC - PW Staff 6:00pm CC - Reserved	12:00pm CC - Staff Training		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

March 2010

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			

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

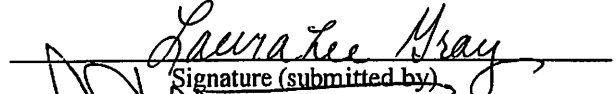

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
March 1	2	3	4	5	6
4:00pm CC - Council Workshop 7:00pm FH-FireTng/ChShrp	FH - Fire Training 7:00pm CC - Planning Commission	10:00am CC- Site Plan Com Mtg 11:00am CC - PW Staff 7:00pm FH-PoliceReserves	3:00pm CC - Staff (SafetyComm)		
8	9	10	11	12	13
7:00pm 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 5:30pm CC - Victims Impact	9:00am CC-Crm Stoppers 1:00pm CC - Court 3:00pm CC Urban Renewal Advisory Committee		
15	16	17	18	19	20
11:00am CC-VIPS/Volunteers in Police Service 7:00pm FH-FireTng/ChShrp	FH - Fire Training 7:00pm CC - PC (TENTATIVE)	10:00am CC- Site Plan Com Mtg 11:00am CC - PW Staff			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		
29	30	31			
7:00pm FH-FireTng/ChShrp	FH - Fire Training	10:00am CC- Site Plan Com Mtg 11:00am CC - PW Staff			

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: February 08, 2010

Originating Dept: Building


Signature (submitted by)

City Manager Approval

Subject: Adoption by resolution of the City of Brookings penalty matrix for building code violations.

Recommended Motion: Motion to approve Resolution 10-R-932, adopting the City of Brookings penalty matrix.

Financial Impact: None

Background/Discussion: Rather than have penalty amounts included in an ordinance, staff recommends a penalty matrix adopted by resolution. This would allow us to make changes to the penalties without adopting a new ordinance. The general penalty listed in Brookings Municipal Code 1.05.010 is \$720.00, staff feels it is important to levy a higher penalty in the case of a repeat offense to act as a deterrent. Additionally, the higher penalty for "failure to abide by or removal of a stop work notice" was indicated as this type of behavior shows a complete disregard for the system and can also cause sub contractors who are not aware of the violation to become involved in the illegal activity.

Attachment(s):
Resolution 10-R-932
City of Brookings Penalty Matrix

CITY OF BROOKINGS

RESOLUTION 10-R-932

IN THE MATTER OF A RESOLUTION ADOPTING THE CITY OF BROOKINGS PENALTY MATRIX.

WHEREAS, Chapter 15.05.020, Penalties and Remedies, of the Brookings Municipal Code provides for the levying of a civil penalty in the event of a violation of BMC; and

WHEREAS, the assessment of penalties is necessary to discourage the violation of building codes; and

WHEREAS, it is necessary to establish certain fees in order to recover the cost of enforcement of code violations;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Brookings, Oregon, that effective January 25, 2010, the attached "City of Brookings Penalty Matrix" is hereby adopted:

Passed by Council for City of Brookings on February 08, 2010, and made effective March 08, 2010.

Attest:

Mayor Larry Anderson

City Recorder Joyce Heffington

CITY OF BROOKINGS PENALTY MATRIX

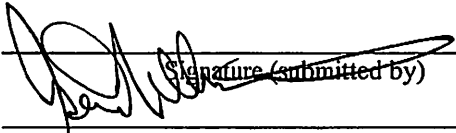
Violation	1ST OFFENSE Each day the offense occurs may be deemed a separate offense but will not be deemed a 2 nd offense	2nd OFFENSE Each day the offense occurs may be deemed a separate offense but will not be deemed a 3 rd offense.	3rd OFFENSE Each day the offense occurs may be deemed a separate offense	Time frame for qualifying as a repeat offense.
Work without a permit	\$720.00	\$1,000.00	\$1,500.00	3 years
Failure to call for inspection	\$720.00	\$1,000.00	\$1,500.00	3 years
Failure to take corrective action	\$720.00	\$1,000.00	\$1,500.00	3 years
Failure to abide by or removal of a stop work notice	\$1,000.00	\$1,000.00	\$1,500.00	3 years

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: February 8, 2010

Originating Dept: City Manager


Signature (submitted by)

City Manager Approval

Subject: Ballot Measures removing Chapters XI and XII from the City Charter.

Recommended Motion(s):

- 1) Adopt Resolution 10-R-933, directing the City Election Officer to place a measure on the May 18, 2010 ballot proposing amendment to the City Charter by repealing Chapter XI, Water Intake Relocation.
- 2) Adopt Resolution 10-R-934, directing the City Election Officer to place a measure on the May 18, 2010 ballot proposing amendment the City Charter by repealing Chapter XII, Wastewater Treatment Plant Facilities Plan.

Financial Impact:

Because the statewide primary election is being conducted in May, there will be no cost to the City for placing these Measures on the ballot.

Background/Discussion:

The City's bond counsel, Harvey Rogers, of K&L Gates, recently reviewed Chapters XI and XII of the City Charter and determined that they are no longer needed.

According to Rogers, these two Charter chapters were enacted in 1988 and reflect "the old way" of authorizing general obligation bonds. Under the outdated method, every time the voters authorized general obligation bonds they also authorized a charter amendment that described the bonds. The need to proceed in this fashion was eliminated when the Legislature enacted statutes making Charter amendment unnecessary for this purpose.

In this instance, Chapter XI authorized the City to issue \$1.3 million of bonds to finance water system improvements. Chapter XII authorized the City to issue \$3.2 million of bonds to finance sewer system improvements. Both of these projects are complete and the original bonds have been paid off. The City no longer has water-related bonded indebtedness.

As a part of the authorization to issue bonds, the two Charter chapters contain language dealing with management of the bond proceeds, security of the bondholders and provide the City with authority to carry out the projects. Included within Chapter XI is language that provides security to the bondholders by preventing the City from selling or contracting out the operation of the water system. A part of the debt security was the City's ability to raise funds from the water rate; allowing other entities the ability to provide service within the City Limits would have diminished the City's ability to use this source of revenue to repay the debt. This debt security is provided through language that requires voter approval for any change in the water service providers.

While no longer relevant for its intended purpose, this language is now interpreted as an impediment to the annexation of properties into the City which are currently receiving water service from the Harbor Water District. The City is currently engaged in the development of a new Joint Management Agreement for the Urban Growth Area and in negotiating post-annexation service provider agreements with the districts currently providing services within the Urban Growth Area. The City has expressed a willingness to allow the Harbor Water District to continue to provide water service to properties within their boundaries and that are annexed to the City.

A Charter amendment to repeal only that portion of Chapter XI requiring voter approval to authorize entities, other than the City, to provide water service within the City Limits failed passage in 2008 on a vote of 1,273 to 1,236.

We have received a letter from Brookings residents, Moira Fossum and Larry Anderson, requesting that the City Council place a measure on the May 18, 2010, ballot to repeal Chapters XI and XII of the City Charter.

Resolutions 10-R-933 and 10-R-934 authorize the placement of measures on the May 18, 2010, election ballot to repeal Chapters XI and XII of the Charter, respectively. Upon adoption, the City Attorney will prepare the ballot measure language (draft language is attached) and provide it to the City Election Officer for appropriate action.

Amendment of the Charter will require approval by a majority of those voting at the election.

Attachment(s):

- Resolution 10-R-933
- Resolution 10-R-934
- Draft measure to repeal Chapter XI.
- Draft measure to repeal Chapter XII
- Letter from Moira Fossum and Larry Anderson
- Letter from Harvey Rogers of K&L Gates LLP

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

RESOLUTION 10-R-933

A RESOLUTION CALLING FOR A MEASURE PROPOSING AMENDMENT TO THE CITY OF BROOKINGS CHARTER OF 1993, REPEALING CHAPTER XI, WATER INTAKE RELOCATION, AND DIRECTING THE CITY ELECTION OFFICER TO PLACE THE MEASURE BEFORE THE QUALIFIED ELECTORS OF THE CITY OF BROOKINGS ON THE MAY 18, 2010, ELECTION BALLOT.

WHEREAS, the voters approved a Charter Amendment in 1988, adding what is now Chapter XI, Water Intake Relocation, to the City of Brookings Charter of 1993; and

WHEREAS, the purpose of said Charter Amendment was to facilitate the issuance and sale of bonds to fund water system improvements; and

WHEREAS, the project authorized under the Charter Amendment has been constructed and the bonds have been repaid in full; and

WHEREAS, the City's Bond Counsel has advised the City that Chapter XI is no longer needed as existing State statutes grant the City equivalent powers;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Brookings, Curry County, Oregon, hereby directs the City Attorney, as prescribed under ORS 250.285, to prepare a ballot title repealing Chapter XI, Water Intake Relocation, of the City of Brookings Charter of 1993; and

BE IT, THEREFORE, FURTHER RESOLVED, that the City Attorney shall submit said title to the City Election's Officer, as prescribed under ORS 250.275, for placement before the qualified electors of the City of Brookings, on the May 18, 2010, Election Ballot.

Passed by the City of Brookings, Oregon on the _____ day of _____, 2010; effective the same date.

Signed by the Mayor this _____ day of _____, 2010.

Larry Anderson, Mayor

ATTEST:

By _____
Joyce Heffington, City Recorder

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

RESOLUTION 10-R-934

A RESOLUTION CALLING FOR A MEASURE PROPOSING AN AMENDMENT TO THE CITY OF BROOKINGS CHARTER OF 1993, REPEALING CHAPTER XII, WASTEWATER TREATMENT PLANT FACILITIES PLAN, AND DIRECTING THE CITY ELECTION OFFICER TO PLACE THE MEASURE BEFORE THE QUALIFIED ELECTORS OF THE CITY OF BROOKINGS ON THE MAY 18, 2010, ELECTION BALLOT.

WHEREAS, the voters approved a Charter Amendment in 1988, adding what is now Chapter XII, Wastewater Treatment Plant Facilities Plan, to the City of Brookings Charter of 1993; and

WHEREAS, the purpose of said Charter Amendment was to facilitate the issuance and sale of bonds to fund wastewater system improvements; and

WHEREAS, the project authorized under the Charter Amendment has been constructed and the bonds have been repaid in full; and

WHEREAS, the City's Bond Counsel has advised the City that Chapter XII is no longer needed as existing State statutes grant the City equivalent powers;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Brookings, Curry County, Oregon, hereby directs the City Attorney, as prescribed under ORS 250.285, to prepare a ballot title repealing Chapter XII, Wastewater Treatment Plant Facilities Plan, from the City of Brookings Charter of 1993; and

BE IT, THEREFORE, FURTHER RESOLVED, that the City Attorney shall submit said title to the City Election's Officer, as prescribed under ORS 250.275, for placement before the qualified electors of the City of Brookings, on the May 18, 2010, Election Ballot.

Passed by the City of Brookings, Oregon on the _____ day of _____, 2010; effective the same date.

Signed by the Mayor this _____ day of _____, 2010.

Larry Anderson, Mayor

ATTEST:

By _____
Joyce Heffington, City Recorder

CAPTION

Repeal Chapter XI of the City Charter.

QUESTION

Shall Chapter XI of the Brookings City Charter be repealed?

SUMMARY

This Measure would remove Chapter XI entitled "Water Intake Relocation" from the City Charter.

Selling bonds is a method of borrowing money to pay for a construction project. According to the attorney who handles the City's bond financing Chapter XI of the Charter reflects the "old way" of authorizing bonds. Under the "old way" every time the voters authorized bonds they also authorized a Charter amendment describing the bonds. Current State Law makes such Charter amendments unnecessary.

Chapter XI was enacted in 1988 to authorize the sale of bonds to fund a water project. This project has been completed and the bonds have been paid off.

Chapter XI also includes provisions relating to bond administration.

Repealing Chapter XI will also remove from the Charter a provision that requires voter approval for areas annexed to the City to receive or continue to receive water service from other public agencies, such as the Harbor Water District.

CAPTION

Repeal Chapter XII of the City Charter.

QUESTION

Shall Chapter XII of the Brookings City Charter be repealed?

SUMMARY

This Measure would remove Chapter XII entitled "Wastewater Treatment Plant Facilities Plan" from the City Charter.

Selling bonds is a method of borrowing money to pay for a construction project. According to the attorney who handles the City's bond financing this Chapter of the Charter reflects the "old way" of authorizing bonds. Under the "old way" every time the voters authorized bonds they also authorized a Charter amendment describing the bonds. Current State Law makes such Charter amendments unnecessary.

Chapter XII was enacted in 1988 to authorize the sale of bonds to fund a sewer project. This project was completed and the bonds have been paid off.

Chapter XII also includes provisions relating to bond administration.

February 1, 2010

City of Brookings
898 Elk Dr.
Brookings, OR 97415

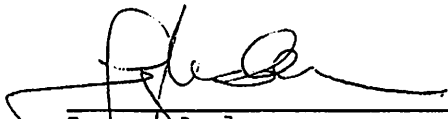
Attn: City Council


The purpose of this letter is to request that the Brookings City Council place a Measure on the May 18, 2010, ballot to repeal Chapter XI and Chapter XII of the City Charter.

Both of these Chapters were enacted to authorize the sale and issuance of bonds to finance improvements to the City water and sewer systems. According to the City's Bond Counsel, these provisions are no longer needed.

Additionally, Chapter XI has become an impediment to the annexation of property south of the Chetco River that is currently served by the Harbor Water District.

Respectfully submitted,



Larry Anderson
City Resident

Moira Fossum
City Resident

K&L|GATES

K&L Gates LLP
222 SW Columbia Street
Suite 1400
Portland, OR 97201-6632
T 503.226.3200 www.klgates.com

November 20, 2009

Harvey W. Rogers
D (503) 226-5721
harvey.rogers@klgates.com

VIA E-MAIL

Ms. Janell Howard
Administrative Services Director
City of Brookings
898 Elk Drive
Brookings, OR 97415

Re: Chapters XI and XII of the Brookings City Charter

Dear Ms. Howard:

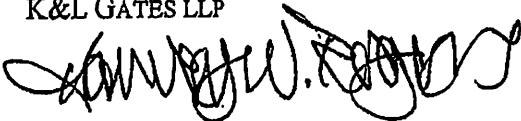
You have asked whether the City of Brookings may request its voters to repeal Chapters XI and XII of the City Charter. Chapter XI of the City Charter authorized the City to issue \$1.3 million of bonds to finance the City's water system. Chapter XII of the City Charter authorized the City to issue \$3.2 million of bonds to finance the City's wastewater system. Those chapters also grant the City certain powers in connection with its utility systems. Existing statutes currently grant the city equivalent powers.

You have advised us that the bonds described in Chapters XI and XII have all been issued and have all been repaid.

Chapters XI and XII do not grant the City any continuing authority that is not duplicated by statute. Chapters XI and XII of the City Charter may therefore be repealed.

Very truly yours,

K&L GATES LLP



By
Harvey W. Rogers

HWR:kel

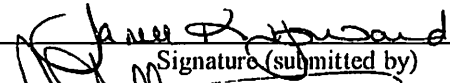

JACITIES\Brookings\Letter on Chapters XI and XII of the charter (FINAL).doc

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.

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

January 14, 2010

To the Honorable Mayor, Member of the City Council
And Citizens of the City of Brookings:

State law requires that all general-purpose local governments publish within six months of the close of each fiscal year a complete set of financial statements presented in conformity with generally accepted accounting principles (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants. Pursuant to that requirement, we hereby submit the comprehensive annual financial report (CAFR) of the City of Brookings for the fiscal year ended June 30, 2009.

This report consists of management's representations concerning the finances of the City of Brookings. Consequently, management assumes full responsibility for the completeness and reliability of all of the information presented in this report. To provide a reasonable basis for making these representations, management of the City of Brookings has established a comprehensive internal control framework that is designed both to protect the government's assets from loss, theft, or misuse and to compile sufficient reliable information for the preparation of the City of Brookings financial statements in conformity with GAAP. Because the cost of internal controls should not outweigh their benefits, the City of Brookings comprehensive framework of internal controls has been designed to provide reasonable rather than absolute assurance that the financial statements will be free from material misstatement. As management, we assert that, to the best of our knowledge and belief, this financial report is complete and reliable in all material aspects.

The City of Brookings' financial statements have been audited by Pauly, Rogers and Co. from Tigard, Oregon. The goal of the independent audit was to provide reasonable assurance that the financial statements of the City of Brookings for the fiscal year ended June 30, 2009, are free of material misstatement. The independent audit was conducted in accordance with auditing standards generally accepted in the United States of America (GAAS) and Minimum Standards for Audits of Oregon Municipal Corporations as prescribed by the Secretary of State, State of Oregon. The audit was also designed to comply with the requirements of the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting. The unqualified opinion rendered in this report indicates that the financial statements were prepared in accordance with generally accepted accounting principles (GAAP) and meet the standards prescribed by the Secretary of State. The auditor's report on these financial statements is located in the financial section of this report.

GAAP requires that management provide a narrative introduction, overview and analysis to accompany the basic financial statements in the form of Management's Discussion and Analysis (MD&A). This letter of transmittal is designed to complement MD&A and should be read in conjunction with it. The City of Brookings' MD&A can be found immediately following the report of the independent auditors.

OVERVIEW OF THE CITY

The City of Brookings, incorporated in 1951, is located in the south west corner of Oregon along the beautiful coast just six miles north of the California border on U.S. Highway 101. The City of Brookings encompasses 2,988 acres and serves a population of 6,470. It is the largest city in Curry County. Because of its mild climate, beautiful coastline and quality of life, Brookings is known as a desirable place to retire and much of the population growth has been retirees.

The City of Brookings operates under the council – manager nonpartisan form of government. The Mayor and four Councilors are elected at large. Councilors are elected to four-year terms and the Mayor a two-year term. The City of Brookings' City Charter is a document that is similar to a constitution. It defines how the government will operate and it is the only document in the City that can be amended only by a vote of the people. The City Charter was first adopted upon city incorporation in 1951 and was last updated in 1993. The City Charter grants the City certain powers, subjects it to certain restrictions and lays out procedures and governmental structure.

The City of Brookings provides a full range of services, including public safety (police, fire, and building inspection), water and sewer, construction and maintenance of streets and infrastructure, planning and zoning, municipal court, recreational activities, general administrative and financial services. Services are also provided to the citizen within the City by a school district, community college district, port district, cemetery district, library district and a 4-H district. These districts have independent governing boards and the City of Brookings has no financial responsibility for these districts. Therefore, the financial information for these districts is not included in the accompanying financial statements. The City of Brookings did enter into a service contract to provide the summer recreational program for youth. The non-profit group named Kids After School Program of Education & Recreation (KASPER) averaged 46 children per day for the summer of 2009.

The City of Brookings does have one blended component unit, the Brookings Urban Renewal Agency (URA), whose governing body is the same as the City's comprised of the Mayor and five City Councilors. The URA's financial activity is presented as a non-major governmental fund within the City's audit report on Page 52, and also has a separate audit report issued on its own.

As the foundation of the City's annual financial planning and control, the budget is prepared and adopted for all City funds as required by Oregon Budget Law. The Resolution adopting the budget establishes for each fund the level by which expenditures cannot legally exceed appropriations. Budgetary control is internally administered at a more restrictive level. The budget process begins with each department requesting future expenditures. This information, along with past historical data and a projection of revenues, become the proposed budget. The Budget Committee holds a public meeting to discuss and approve with changes. In June, the City Council holds a public hearing to receive public input on the budget. The annual budget is adopted by the City Council before July 1st. Budget to actual comparisons are provided in this report for each individual fund for which an appropriated annual budget has been adopted. For the general fund, this comparison is presented on page 38 as part of the required supplemental information. For the other major governmental funds, this comparison is reported under the supplemental information section of this report on pages 41 and 42 with the non-major governmental funds beginning on page 45. Budget to actual comparisons for the proprietary funds begins on page 35.

ECONOMIC CONDITIONS AND OUTLOOK

The City of Brookings once thrived on the lumber, commercial / sports fishing industries. Although dwindling, lumber and fishing are still strong factors in the City's economy, and the lily bulb farms, which were introduced in the 1920's, produce nearly all of the lily bulbs grown in North America. These industries appear to be stable. However, Brookings has transitioned to dependency on the tourist trade along with many Oregon coast cities.

Curry County, which includes the City of Brookings, had an annual unemployment rate of 11.2% for fiscal year 2008-09. The City of Brookings experienced an almost flat growth estimate for Fiscal Year 2009. The Portland State University's Population Research Center has estimated the same rate of stagnant growth (.08%) for all of Curry County effective June 30, 2009.

LONG TERM FINANCIAL PLANNING

The City of Brookings has a general reserve fund, which accumulates funds for future projects. Funds have been set aside for the construction of additional water storage, emergency management center, fire water tanker, a new public works shop, development of a street/sidewalk maintenance program, and other miscellaneous projects. Money is set aside each year to assist in funding these projects. However, the amount being set aside in reserves is proving not to keep up with the inflationary increases of those future

projects. Management is seriously looking at financing some projects/purchases at rates lower than the experienced inflationary impact or equal to annual reserve contributions.

CASH MANAGEMENT

The City of Brookings' primary cash investments are made with Umpqua Bank and the State of Oregon's Local Government Investment Pool. Umpqua Bank pays an interest rate five basis points greater than the State of Oregon's Investment Pool. The City of Brookings investment policy is to minimize credit and market risks while maintaining a competitive yield on its portfolio. Accordingly, deposits were either insured by federal depository insurance or collateralized. All collateral on deposits were recorded in the City's name and held by the United States National Bank trust department. In addition, the City has invested restricted reserves and bond proceeds in higher yield Certificates of Deposit (CDs). This will generate additional interest earnings over the term of the CDs. Management plans to continue being prudent in their investment strategies especially since it has been established the economy is in a recession.

RISK MANAGEMENT

The City of Brookings has purchased insurance policies to offer protection in the areas of general liability, vehicle liability, property insurance, crime and public employee blanket bond coverage. The City has self insurance only as the minor amount of deductible. This coverage has been deemed adequate. The City utilizes a Safety Committee, which is made up of City employees from all departments. The Committee meets on a regular basis to discuss safety issues, accidents or injuries, and areas of concern. The Committee provides inspections of the work environment and public areas. A best practice survey is conducted each year.

EMPLOYEE RETIREMENT SYSTEM

Essentially all regular full-time and part-time City employees were eligible to participate in the Oregon Public Employees Retirement System (OPERS) during the fiscal year. At least every two years, an independent actuary engaged by OPERS calculates the amount of the annual required contribution that the City must make to the pension plan to ensure that the plan will be able to fully meet its obligations to retired employees on a timely basis. Effective every two years the OPERS Board sets employer rates based on that biennial Actuarial Valuation. The City's contribution rates were calculated at 12.44% for Tier 1 and 2, 12.56% for general OPSRP, and 15.83%, for OPSRP Police, of employee subject salary through June 30, 2009. Rates changed effective July 1, 2009 based on the valuation as of December 2007 to 10.1% for Tier 1 and Tier 2, 7.96% for general OPSRP, and 10.67% for OPSRP Police. In addition to the employer's rate, the City also pays ("picks up") the employee's portion equal to 6% of the employee subject salary.

AWARDS AND ACKNOWLEDGEMENTS

The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Brookings for its CAFR fourteen of the last seventeen years. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized CAFR. This report must satisfy both generally accepted accounting principles and applicable legal requirements. A Certificate of Achievement is valid for a period of one year. We believe that our current CAFR continues to meet the Certificate of Achievement Program's requirements and we are submitting it to the GFOA to determine its eligibility for this honor.

The preparation of this comprehensive annual financial report was made possible through the assistance of the certified public accountants from the firm, Pauly, Rogers and Co., PC, and the City's staff. Sincere thanks for their effort in assisting the City of Brookings' City Council to reach its goal of excellence, and to the City's Administrative Services Department for their standard of excellence.

Respectfully Submitted,


Gary Milliman
City Manager


Janell K. Howard
Administrative Services Director



PAULY, ROGERS AND CO., P.C.

CERTIFIED PUBLIC ACCOUNTANTS

-
- 12700 SW 72ND AVENUE • TIGARD, OREGON 97223
 - (503) 620-2632 • FAX (503) 684-7523

January 14, 2010

To the Honorable Mayor and
Members of the City Council
City of Brookings, Oregon

INDEPENDENT AUDITORS' REPORT

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City of Brookings, Oregon, as of and for the year ended June 30, 2009, which collectively comprise the City's basic financial statements as listed in the table of contents. The basic financial statements are the responsibility of the City's management. Our responsibility is to express opinions on these basic financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, the basic financial statements referred to above present fairly, in all material respects, the financial position of the governmental activities, business type activities, each major fund and the aggregate remaining fund information of the City of Brookings, Oregon, at June 30, 2009, and the results of its operations and the cash flows of its proprietary fund types for the year then ended, in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued a report dated January 14, 2010, on our consideration of the City of Brookings, Oregon's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, and grants. The purpose of that report is to describe the scope of our testing of internal controls over financial reporting and compliance and the result of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be read in conjunction with this report in considering the results of our audit.

The Management's Discussion and Analysis is not a required part of the basic financial statements but is supplementary information required by the Governmental Accounting Standards Board. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City of Brookings' basic financial statement. The required supplementary information and supplementary information, including major fund budgetary comparison schedules and combining and individual nonmajor fund financial statements, are presented for the purpose of additional analysis and are not a required part of the basic financial statements. The required supplementary information and supplementary information, as listed in the table of contents, has been subjected to the auditing procedures applied in audit of the basic financial statements and, in our opinion, are fairly stated in all material respects in relation to the basic financial statements taken as a whole.

The introductory section and statistical tables have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we express no opinion on them.

Pauly, Rogers and Co. P.C.
PAULY, ROGERS AND CO., P.C.



City of Brookings

898 Elk Drive, Brookings, OR 97415

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

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 \$37.2 million. Of this amount, \$5 million may be used to meet the City's ongoing obligations to citizens and creditors.
- The City's total net assets increased by \$904,319 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 8 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. 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)

	Governmental Activities		Business-Type Activities		Total
	2009	2008	2009	2008	2009
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	28,169	24,606	27,642	24,996	55,811
Long-Term Liabilities	4,008	933	13,341	11,655	17,349
Other Liabilities	510	268	726	425	1,236
Total Liabilities	4,518	1,201	14,067	12,080	18,585
Net Assets:					
Invested in Capital Assets					
Net of Related Debt	18,757	20,546	7,527	8,095	26,284
Restricted	581	280	4,451	4,505	5,032
Unrestricted	4,313	2,579	1,597	316	5,910
Total Net Assets	\$23,651	\$23,405	\$13,575	\$12,916	\$37,226

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 \$37.2 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, \$5 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)

	Government Activities		Business-Type Activities		Total
	2009	2008	2009	2008	2009
REVENUES					
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>
EXPENSES					
Governmental Activities	4,671	5,216	0	0	4,671
Business-Type Activities	0	0	3,613	3,589	3,613
Total Expenses	<u>4,671</u>	<u>5,216</u>	<u>3,613</u>	<u>3,589</u>	<u>8,284</u>
Operating Income (loss)	(920)	(1,556)	603	1,550	(317)
Transfers	581	397	(581)	(397)	0
Increase (decrease) in Net Assets	(339)	(1,159)	22	1,153	(317)
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>\$13,575</u>	<u>\$12,916</u>	<u>\$37,226</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 approximately \$20,000 and expenditures decreased by \$545,000 compared to prior year.

Business-type Activities. Business-type activities increased the City's net assets by \$22,000. 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 \$180,000.

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
Governmental:		
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>
Business-Type		
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 MEETING Minutes

CITY COUNCIL

Monday, January 25, 2010

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

Call to Order

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

Roll Call

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

Staff Present: City Manager Gary Milliman, Planning Director Dianne Morris, Fire Chief Bill Sharp, Administrative Services Director Janell Howard, Building Official LauraLee Gray, City Attorney Martha Rice and City Recorder Joyce Heffington.

Other Present: Curry Coastal Pilot Reporter Arwyn Rice and approximately 15 public.

Mayor Anderson announced that, as the auditors had not yet delivered the audit report, Item G3, pertaining to the Comprehensive Annual Financial Audit, was being removed from the agenda.

Ceremonies/Appointments/Announcements

At the Mayor's prompting, City Manager Milliman reviewed a workshop discussion in which Council indicated its desire to move in a policy direction that would preclude anyone from holding simultaneous positions on any City Board, Commission or Committee.

The City Council interviewed 3 applicants for City Council Position 2: Bernard Banta, Brent Hodges and Hedda Markham. Each applicant was asked the same questions, and interviewed separately, out of hearing of the other two applicants, in the order in which they applied.

Following the interviews, it was determined that each Councilor would have the opportunity to present his views on the applicants and to indicate the direction in which they would like to fill the position.

Generally, Councilor Pieper stated that he wanted to cast his vote for someone whom he would vote for if this were an election; expressed appreciation for Banta's frankness, but concern for Banta's response about limiting the City's expansion; appreciation for Markham's drive and apparent dedication, but not her focus on community aesthetics as opposed to the economic situation, such as unemployment and lack of jobs; that he placed "a lot of weight for someone being 'home-grown,' and for someone being born and raised in the community," and that "the most important thing is having that correct vision for the community and having good sound judgment," and therefore felt that Hodges responses related best to concerns relating to jobs and putting people back to work.

Councilor Hedenskog generally stated that he "shared a lot of Pieper's ideas," that he was looking at the candidates from the direction of "whether we have electable candidates or whether we have someone who would be suitable to be chosen, or selected by the Council,

for this seat;" that he felt two candidates were highly electable, and he would put a great deal of emphasis on a candidate with a long term investment in the community.

Generally, Councilor Gordon stated that, contrary to Pieper's comments, he understood Markham to have expressed concern for the economy, and interpreted that as including job creation and bringing in small business; that he felt all of the candidates had certain qualifications for the position, but that he was "looking at the overall package" and "did not agree that being home grown makes your vision more correct than someone who is not home grown;" that "what any community needs is diversity and perspective;" and that, when there was a choice in candidates, he felt it was important, for the citizens and community, to choose a candidate who had experience and an understanding of the process and issues being faced.

Generally, Mayor Anderson stated that he was "interested in choosing the person who could fill the position and hit the ground running as most efficient as possible;" that, at some point in time, the questions on the application addressing volunteerism, employment, education and background in the area must have been considered important; that while he did not necessarily equate education with being an "efficient Councilor," he did feel that education was an indicator of critical thinking and organized thought; that he felt that all candidates appeared to have a strong work ethic; that there were pros and cons to background in the area; and that having a feminine perspective was important. In particular, Anderson remarked that Markham stood out among the three in terms of application criteria and volunteerism and shared his knowledge of her community volunteer activities and his personal experience in working with Markham on the Land Development Code Committee, stating that "based on her contributions to the Committee, she is progressive in her thinking, she is interested in a type of a growth that is managed and that she is pro economic development."

Councilor Gordon moved to appoint Hedda Markham to the City Council, Mayor Anderson seconded; Councilor Gordon and Mayor Anderson voted "Yes," and Councilors Hedenskog and Pieper voted "No;" the motion was tied and failed.

Councilor Pieper moved to appoint Brent Hodges to the City Council, Councilor Hedenskog seconded; Councilors Hedenskog and Pieper voted "Yes," and Councilor Gordon and Mayor Anderson voted "No;" the motion was tied and failed.

City Manager Milliman reviewed Council's options for filling the position, generally stating that according to the ORS, and the City Charter, the position has to be filled by appointment, and that, according to the Charter, it had to be filled within 60 days from the date declared vacant. Any appointment made after 60 days, would be invalid under the Charter, making any decision made after the appointment open to challenge. Milliman pointed out that the 60 day provision was unique to Brookings' Charter and that, according to the City Attorney, if not filled within 60 days, the position would need to remain vacant through to the end of its term. Milliman offered, from his own experience, options he had seen used for breaking a tie, including: selection by lot, a third candidate that at least 3 Councilors agree upon, or selecting the next highest vote recipient from the last election; use of any of these, or another option, would require a majority vote.

Following three additional rounds of Council remarks and discussion, it became evident that all four Councilors felt strongly about their choice in applicants, that any subsequent vote

would remain tied, and that none of the options offered were acceptable to Council for breaking the tie. After reviewing the timetable for filling the position, it was suggested that the matter be continued to the February 8th meeting.

Councilor Hedenskog moved, a second followed, and Council voted unanimously to continue the appointment of City Council Position #2 to February 8, 2010.

Public Hearings/Ordinances/Resolutions

Building Official Gray reviewed the staff report regarding revisions to the Building Code and the adoption of the State Penalty Matrix, generally stating that the ordinance was needed to bring the Brookings Municipal Code into compliance with Senate Bill 915.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a first reading of Ordinance 10-O-656.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to do a second reading of Ordinance 10-O-656.

Mayor Anderson read the title.

Councilor moved, a second followed and Council voted unanimously to adopt Ordinance 10-O-656, [an ordinance amending Chapter 15.05, Building Codes, of Title 15, Building and Construction, Brookings Municipal Code, in its entirety].

During discussion, Building Official Gray pointed out that the adopted ordinance provides that penalties are to be defined by resolution, giving Council the authority to set penalty amounts.

Generally, Councilor Hedenskog stated that the penalty amounts seemed high; Councilor Pieper suggested that there be just one maximum fine; Mayor Anderson and Councilor Gordon stated they wanted to see parity in determining penalties levied; Mayor Anderson asked for a matrix that agrees with what the City is doing; and Councilor Pieper stated that he would like to see the "max stays" go away.

City Manager Milliman generally stated that the only way to ensure that fines would be the same for everyone would be to allow no discretion in determining fine amounts. Councilor Gordon suggested defining any extenuating circumstances that might qualify for a lesser fine amount.

Council agreed that the resolution needed to come back with revisions to the penalty matrix to include establishing parity, simplifying the format, reducing maximum fine amounts, and making it more applicable to how the City does business.

Councilor Hedenskog moved, a second followed and Council voted unanimously to continue this Resolution [10-R-932, adopting a penalty matrix for Building Code violations] to a future meeting.

Mayor Anderson opened the legislative public hearing at 9:40pm in the matter of File LDC-18-09, revisions to Manufactured Home Siting and Foundations in a Residential District, of the Land Development Code.

Hearing no declarations of ex parte, bias, or conflicts of interest, and no objections as to jurisdiction, Director Morris reviewed the staff report.

There were no public comments and the hearing was closed at 9:45pm.

Councilor Hedenskog moved, a second followed and Council voted unanimously to approve amendments to Chapters 17.16, 17.20, 17.24 and 17.28 of the Brookings Municipal Code as presented in File LDC-18-09.

Councilor moved, a second followed and Council voted unanimously to do a first reading of Ordinance 10-O-655.

Mayor Anderson read the title.

Councilor moved, a second followed and Council voted unanimously to do a second reading of Ordinance 10-O-655.

Mayor Anderson read the title.

Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Ordinance 10-O-656 [amending Sections 17.16.110 (B), 17.20.100 (B), 17.24.100 (B), and 17.28.100 (B), Manufactured housing siting requirements, of Title 17, Land Development Code, of the Brookings Municipal Code].

Mayor Anderson opened the continuation of the public hearing begun on January 11, 2010, at 9:49pm, in the matter of File LDC-14-09, proposing revisions to Brookings Municipal Code Chapter 17.70, Master Plan Development (MPD) District.

Councilor Hedenskog moved, a second followed and Councilor voted unanimously to enter Exhibits D and E into the record of the hearing.

Director Morris reviewed the staff report and stated that Catherine Wiley had requested a continuance of the hearing. Morris suggested that, after hearing oral testimony, Council close the hearing to public testimony, leaving it open only for written testimony after this date.

There were no public comments and Mayor Anderson closed the public testimony portion of the hearing at 9:59pm, reviewed the timeline for the submission of written testimony, and set the date for the continuance to February 22, 2010.

Staff Reports

Fire Chief Sharp reviewed the staff report regarding the disposition of surplus Fire Department water tender and pumper.

Councilor Pieper, generally stated that in his research, the appraised value of the equipment appeared to be low and that he would like to see another appraisal performed. Mayor Anderson asked about the status of the '84 Arrow.

Chief Sharp generally stated that the '84 was being stored at the Upper Chetco, and was to be used as a City back-up; it still belongs to the City.

Mayor Anderson expressed concern regarding the City subsidizing the Upper Chetco with City tax dollars.

Sharp stated that the City's ISO fire rating was affected by the availability of having a back-up or reserve, as part of a longer list of items.

Mayor Anderson stated that in conversation with the City's insurance carrier, he was told that the back-up truck would not affect our ISO rating.

Mayor Anderson asked if the truck could be removed from the Upper Chetco station if the City did not renew the contract and Chief Sharp said we could; the truck belongs to the City.

Mayor Anderson suggested that the equipment be auctioned with a minimum bid of \$2,000, and Councilor Pieper suggested that the City might get a better price if it were advertised on a website designed for this purpose. Councilor Hedenskog suggested that it was time to review the City's contract with the Upper Chetco.

Mayor Anderson moved, a second followed and Council voted unanimously that the 1981 water tender and 1971 Mack pumper be put up for auction, minimum bid \$2,000 each, to be auctioned, as is.

Director Howard reviewed the staff report regarding the disposition of police and public works surplus vehicles.

Mayor Anderson asked about the City's use of maintenance records and about the criteria used to remove a vehicle from service.

Howard stated it was likely, in the instance of the Public Works pick-ups, that it was related to the increasing cost of repairs or maintenance; Police patrol vehicles are generally removed from service when they reached 80,000-100,000 miles, or may be used as administrative or City travel vehicles. Howard also stated she didn't know if it would be cost effective to purchase software for monitoring maintenance costs, but it a capital purchase plan for vehicles could be added to the budget process.

Councilor Pieper moved, a second followed and Council voted unanimously to declare the six vehicles listed [in the staff report] as 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.

City Manager Milliman reviewed the staff report regarding revisions to the Azalea Park Master Plan athletic field configuration and generally stated that the costs shown were estimated project costs for work not necessarily to be performed by the City and that the proposed change would reduce overall costs and make the project easier to complete.

Generally, Councilor Gordon stated that he would like to see the finances come before approving the change; Councilor Pieper stated that he did not understand the connection between changing the plan and funding as other City plans were approved without fully being funded.

Mayor Anderson expressed concern that if the Master Plan was changed, the soccer funding might be lost and he did not want any funds to be committed beyond those already allocated for water and sewer improvements. Anderson generally stated that park funding problems could be solved with the creation of a Parks and Recreation District.

Generally, Councilor Hedenskog stated that he was satisfied with the change as approved by the stakeholders but would support language that doesn't allow loss of a field when construction starts and that the City was not volunteering additional funds.

Councilor Hedenskog moved, a second followed and Council voted unanimously to remand [the matter of the Azalea Park athletic field reconfiguration] back to Parks and Rec and let them come up with a construction plan and timeline, and their suggestion to facilitate changes, before we commit ourselves.

City Manager Milliman reviewed the staff report regarding revisions to Brookings Municipal Code, Chapter 2.63, Urban Renewal Advisory Committee.

Councilor Pieper moved, a second followed and Council voted unanimously to Accept revisions to Brookings Municipal Code Chapter 2.63, Urban Renewal Advisory Committee, as amended, including option #3, [from the staff report to fill the three non-City resident positions] and direct staff to prepare the adopting ordinance.

City Manager Milliman reviewed the staff report regarding Community Donation Fund Allocations.

Mayor Anderson asked if it was known that the food being dispensed by the two soup kitchens was really going to the needy.

City Manager Milliman generally stated that staff could find out and report back or find out if either of the Churches collected that data, if Council desired this information.

Councilor Gordon moved, a second followed and Council voted unanimously 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.

Fund allocations were: \$250 each for the Southern Oregon Kite Festival and Brookings Merchants Association Downtown Brochure, and \$500 each for the Vietnam Veterans of America July 4th Fireworks, the St. Timothy's Episcopal Church, Tuesday Soup Kitchen, and the Seventh Day Adventist Church, Monday, Soup Kitchen.

Consent Calendar

- Approval of Council minutes for January 11, 2010.
- Receive monthly financial report for December, 2009.

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

Adjournment

Councilor Gordon moved, a second followed and Council voted unanimously by voice vote to adjourn at 11:17pm.

Respectfully submitted:

ATTESTED:
this _____ day of _____ 2010:

Larry Anderson, Mayor

Joyce Heffington, City Recorder

MINUTES
BROOKINGS PLANNING COMMISSION
January 5, 2010

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

Commissioners Present:

Steve Bismarck	Hedda Markham
Ken Bryan	Cheryl McMahan
Randy Gorman	Jerry Wulkowicz
Kelly McClain	

Staff Present:

Planning Director Dianne Morris, Sr. Planner Donna Colby-Hanks and Secretary Alex Carr-Frederick

Other: No press, one member of the public

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

The Chair announced at 7:01 pm that the public hearing regarding File No. CP-2-06, the Joint Management Agreement update, was re-opened as a continued hearing. No exparte contact, personal bias, personal interest, conflicts or objections were declared by the Commission. There was no challenge from the audience as to the jurisdiction of the Commission to hear these requests

Public testimony on this matter had been closed at the December 5, 2009 Planning Commission meeting, but additional written testimony was accepted through December 22, 2009. A motion made by Commissioner Markham and 2nded by Commissioner Bryan, was made to accept these documents into the record as Exhibit D-F. Motion passed 6-0 with Commissioner Bismarck abstaining as he had submitted exhibits himself. Director Morris then reviewed Exhibit F which was the staff response to materials in Exhibits D and E.

There were three main areas of concern for the Commission regarding the Draft Agreement. Commissioner Wulkowicz expressed concern over the vagueness of the word 'may' in Article 10, Section A, in reference to the County's responsibility to adopt ordinance provisions to reserve the UGB's potential for future urbanization. Commissioner McClain expressed a desire to more exactly define 'failed septic system' as referenced in Article 10, Section B. Additionally, Chair McMahan wanted safeguarding language added to Chapter 10, Sections B & C to ensure that no lots could be sold before written confirmation was provided that showed that any onsite water or sewage treatment system was adequate and met all state and local standards. A motion was then made by Commissioner Wulkowicz (Second: Commissioner Bryan) to give a positive recommendation for File No. CP-2-06 to the City Council with changes made to Article 10, Sections A, B and C. Motion carried unanimously.

The Chair opened the public legislative hearing regarding City initiated amendments to the Brookings Municipal Code (BMC), Chapter 17.04 Development Permit Procedures, Chapters 17.16, 17.20, 17.24, 17.28 re: Manufactured Home Siting and Foundations, and Chapter 17.36 Professional Office Space. No exparte contact, personal bias, personal interest, conflicts or objections were declared by the Commission. There was no challenge from the audience as to the

jurisdiction of the Commission to hear these requests.

Sr. Planner Colby-Hanks reviewed the staff report for File No. **LDC-17-09** Chapter 17.04 Development Permit Procedures, indicating that the language changes made suggested by the City's Land Use Attorney. With minimal discussion, Commissioner Markham made a motion (Commissioner McClain 2nd), and the PC voted unanimously to make a recommendation to City Council to approve File No. LDC-17-09.

Sr. Planner Colby-Hanks reviewed the staff report regarding File No. **LDC-18-09** Chapters 17.16, 17.20, 17.24, 17.28 re: Manufactured Home Siting and Foundations. The proposed revisions would eliminate unnecessary expense to property owners. Language was to be added to reference the State Building Codes regarding permanent foundations. Commissioner Markham made a motion, Chair McMahan seconded that the PC make a recommendation to City Council for approval of LDC-18-09 re: Manufactured Home Siting and Foundations. Motion passed unanimously.

Director Morris reviewed the staff report for File No. **LDC-19-09**, Chapter 17.36 Professional Office Space. With minimal discussion, Commissioner Bryan moved to recommend approval of File No. LDC-19-09 to City Council and Commissioner Gorman seconded. The motion passed unanimously.

APPROVAL of MINUTES

By a 7-0 vote (motion: Chair McMahan, 2nd, Commissioner Bismarck) the PC approved the minutes of the December 1, 2009 PC meeting.

COMMENTS by the PLANNING STAFF

Director Morris announced that the Oregon Coastal Management awarded 3 million dollars to it's coastal towns and cities.

The OCMP assists coastal governments in their land use activities by providing federal money for plan maintenance, plan amendment, and periodic review. All coastal jurisdictions that have acknowledged comprehensive plans approved by NOAA/Ocean and Coastal Resource Management for inclusion in the OCMP are eligible. The 3 million dollars will not only help cover planning staff costs, but funding will also be available to improve local beach accesses. Director Morris reminded the Commissioners that a Permitting workshop will be held on January 30, 2010.

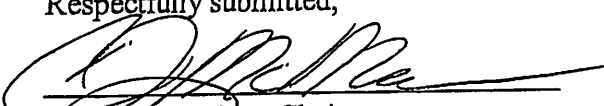
COMMISSIONERS COMMENTS

Commissioner McClain commented on the eminent departure of the Evergreen Bank bears that have been decorating Chetco Ave. He expressed a desire to enlist local groups and artists to continue the tradition. Commissioners Bryan and Markham commented that they would be willing to help him figure out how to get new bears in the near future.

ADJOURNMENT:

With no further business before the Planning Commission, the meeting closed at 7:52 pm.

Respectfully submitted,


Cheryl McMahan, Chair

(approved at 2/2/2010 meeting)

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
01/10	01/28/2010	63119	854	SWOCC	10002005	15.00- V
01/10	01/07/2010	63127	3581	ALSCO	10002005	121.36
01/10	01/07/2010	63128	3236	AT&T Mobile	10002005	226.48
01/10	01/07/2010	63129	2975	BatteryZone Inc	10002005	572.11
01/10	01/07/2010	63130	1314	Bernie Bishop Mazda	10002005	899.75
01/10	01/07/2010	63131	148	B-H Chamber of Commerce	10002005	3,476.46
01/10	01/07/2010	63132	1522	Blumenthal Uniforms	10002005	102.40
01/10	01/07/2010	63133	313	Brookings Vol Firefighters	10002005	2,083.33
01/10	01/07/2010	63134	102	CDWG	10002005	1,769.54
01/10	01/07/2010	63135	1840	Chetco Federal Credit Union	10002005	3,053.00
01/10	01/07/2010	63136	3834	Clean Sweep Janitorial Service	10002005	752.50
01/10	01/07/2010	63137	822	Coast Auto Center	10002005	306.16
01/10	01/07/2010	63138	182	Coos-Curry Electric	10002005	18,258.66
01/10	01/07/2010	63139	389	Cummins Northwest LLC	10002005	989.34
01/10	01/07/2010	63140	173	Curry Equipment Company	10002005	382.52
01/10	01/07/2010	63141	2775	Curtiss Lunsford	10002005	87.00
01/10	01/07/2010	63142	166	Dan's Auto & Marine Electric	10002005	95.44
01/10	01/07/2010	63143	868	Da-Tone Construction	10002005	100.68
01/10	01/07/2010	63144	575	Dell Marketing L.P.	10002005	69.99
01/10	01/07/2010	63145	1	Esparza, Daniel & Bonnie	10002005	39.00
01/10	01/07/2010	63146	1	McMaster, Krystal	10002005	30.35
01/10	01/07/2010	63147	1	Ramos, Jason	10002005	31.48
01/10	01/07/2010	63148	1	Sanchez, Tracy	10002005	53.47
01/10	01/07/2010	63149	1	Seashore Real Estate	10002005	10.20
01/10	01/07/2010	63150	3342	Fastenal	10002005	182.13
01/10	01/07/2010	63151	153	Ferrellgas	10002005	793.43
01/10	01/07/2010	63152	4269	Gary Milliman	10002005	67.50
01/10	01/07/2010	63153	269	Grainger	10002005	312.40
01/10	01/07/2010	63154	167	Hach Company	10002005	499.67
01/10	01/07/2010	63155	162	Kerr Hardware	10002005	441.96
01/10	01/07/2010	63156	328	Les Schwab Tire Center	10002005	1,820.52
01/10	01/07/2010	63157	4498	Mauldin Electric	10002005	325.00
01/10	01/07/2010	63158	633	McKenzie Athletics	10002005	25.00
01/10	01/07/2010	63159	4573	Methodworks	10002005	1,000.00
01/10	01/07/2010	63160	4224	Oce Imagistics, Inc.	10002005	22.30
01/10	01/07/2010	63161	4277	OFSI	10002005	246.00
01/10	01/07/2010	63162	252	Paramount Pest Control	10002005	42.00
01/10	01/07/2010	63163	322	Postmaster	10002005	750.00
01/10	01/07/2010	63164	1193	PRN Data Services, Inc	10002005	3,500.00
01/10	01/07/2010	63165	187	Quality Fast Lube & Oil	10002005	39.00
01/10	01/07/2010	63166	3	Davis, Carol	10002005	71.58
01/10	01/07/2010	63167	3	Hanscam, Margo	10002005	16.05
01/10	01/07/2010	63168	3	Ledford, Bobby	10002005	21.66
01/10	01/07/2010	63169	3	Machean, Ann	10002005	3.12
01/10	01/07/2010	63170	199	Richard Harper	10002005	300.00
01/10	01/07/2010	63171	3369	Schwabe Williamson & Wyatt PC	10002005	312.00
01/10	01/07/2010	63172	316	South Coast Storage & Industry	10002005	548.00
01/10	01/07/2010	63173	2871	Sprint	10002005	11.71
01/10	01/07/2010	63174	4571	Stenson, Jennifer	10002005	200.00
01/10	01/07/2010	63175	4572	The Hon Company	10002005	614.88
01/10	01/07/2010	63176	3752	Trace Analytics Inc	10002005	6.00
01/10	01/07/2010	63177	990	United Parcel Service	10002005	53.22
01/10	01/07/2010	63178	136	United Pipe & Supply Co Inc	10002005	11,487.60

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
01/10	01/07/2010	63179	2863	Verizon Wireless	10002005	360.00
01/10	01/07/2010	63180	861	Village Express Mail Center	10002005	30.18
01/10	01/07/2010	63181	4561	Wayne Davie's Custom Canvas Work	10002005	275.00
01/10	01/11/2010	63182	145	EBS Trust	10002005	47.47
01/10	01/13/2010	63183	4574	Miller, Jan	10002005	96.00
01/10	01/13/2010	63184	1487	William Sharp	10002005	96.00
01/10	01/14/2010	63185	1843	Action Industrial Systems	10002005	764.00
01/10	01/14/2010	63186	882	Advanced Security Systems	10002005	70.50
01/10	01/14/2010	63187	254	American WaterWorks Assn	10002005	339.00
01/10	01/14/2010	63188	148	B-H Chamber of Commerce	10002005	40.00
01/10	01/14/2010	63189	1169	Brookings Electronic Svs Inc	10002005	487.50
01/10	01/14/2010	63190	3257	Brookings Hearth & Home	10002005	16.00
01/10	01/14/2010	63191	102	CDWG	10002005	203.01
01/10	01/14/2010	63192	178	Chetco Pharmacy & Gift	10002005	4.49
01/10	01/14/2010	63193	183	Colvin Oil Company	10002005	5,034.09
01/10	01/14/2010	63194	182	Coos-Curry Electric	10002005	449.94
01/10	01/14/2010	63195	2542	Crystal Fresh Bottled Water	10002005	320.00
01/10	01/14/2010	63196	151	Curry Coastal Pilot	10002005	350.63
01/10	01/14/2010	63197	195	Curry Transfer & Recycling	10002005	628.75
01/10	01/14/2010	63198	317	DCBS - Fiscal Services	10002005	309.09
01/10	01/14/2010	63199	1	Anderson, Heather	10002005	18.74
01/10	01/14/2010	63200	1	Gleason, Mark	10002005	16.07
01/10	01/14/2010	63201	3316	DEQ - Water Quality Division	10002005	6,681.00
01/10	01/14/2010	63202	4128	GSI Water Solutions Inc	10002005	538.75
01/10	01/14/2010	63203	167	Hach Company	10002005	1,268.74
01/10	01/14/2010	63204	114	HPS Electrical Apparatus	10002005	863.89
01/10	01/14/2010	63205	3408	IDEXX Distribution Inc	10002005	120.67
01/10	01/14/2010	63206	1235	IIMC	10002005	125.00
01/10	01/14/2010	63207	4190	Integra Telecom	10002005	298.01
01/10	01/14/2010	63208	299	Lorings Sporting Goods	10002005	22.00
01/10	01/14/2010	63209	155	Mory's	10002005	144.66
01/10	01/14/2010	63210	4487	Net Assets Corporation	10002005	150.00
01/10	01/14/2010	63211	442	OCCMA	10002005	191.00
01/10	01/14/2010	63212	4224	Oce Imagistics, Inc.	10002005	11.09
01/10	01/14/2010	63213	809	OCZMA	10002005	500.00
01/10	01/14/2010	63214	687	Owen Equipment Company	10002005	295.45
01/10	01/14/2010	63215	311	Paramount Supply Company	10002005	220.65
01/10	01/14/2010	63216	180	Ray's Food Place	10002005	76.61
01/10	01/14/2010	63217	4363	Robert N. Black, Attorney	10002005	1,995.00
01/10	01/14/2010	63218	169	Roto Rooter	10002005	198.00
01/10	01/20/2010	63219	4567	Scott Partney Construction, Inc.	10002005	.00 V
01/10	01/14/2010	63220	2640	The Dyer Partnership Inc	10002005	28,728.80
01/10	01/14/2010	63221	432	USA Bluebook	10002005	84.82
01/10	01/14/2010	63222	4370	Verizon Business	10002005	187.69
01/10	01/14/2010	63223	991	Verizon Northwest	10002005	667.82
01/10	01/14/2010	63224	861	Village Express Mail Center	10002005	10.94
01/10	01/14/2010	63225	108	VWR International Inc	10002005	218.94
01/10	01/21/2010	63226	4577	A.E. Nelson Leather Company	10002005	460.92
01/10	01/21/2010	63227	303	Associated Bag Company	10002005	1,011.80
01/10	01/21/2010	63228	148	B-H Chamber of Commerce	10002005	40.00
01/10	01/21/2010	63229	2407	Blue Star Gas	10002005	1.00
01/10	01/21/2010	63230	528	Caselle, Inc	10002005	1,000.00
01/10	01/21/2010	63231	3015	Charter Communications	10002005	1,147.87
01/10	01/21/2010	63232	4578	Comspan Communications	10002005	100.00
01/10	01/21/2010	63233	182	Coos-Curry Electric	10002005	1,657.15
01/10	01/21/2010	63234	2208	Courtyard by Marriott	10002005	89.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
01/10	01/21/2010	63235	1	Faires, Robert & Jane	10002005	65.70
01/10	01/21/2010	63236	4357	Downtown Commerical Center	10002005	75.00
01/10	01/21/2010	63237	167	Hach Company	10002005	187.58
01/10	01/21/2010	63238	4576	Hillsboro Police	10002005	125.00
01/10	01/21/2010	63239	4135	Jim Watson	10002005	93.00
01/10	01/21/2010	63240	3285	Joyce Heffington	10002005	164.00
01/10	01/21/2010	63241	202	League of Oregon Cities	10002005	150.00
01/10	01/21/2010	63242	424	Munnell & Sherrill	10002005	70.71
01/10	01/21/2010	63243	433	NCL of Wisconsin	10002005	312.94
01/10	01/21/2010	63244	3935	Northern California Glove	10002005	255.00
01/10	01/21/2010	63245	4224	Oce Imagistics, Inc.	10002005	6.48
01/10	01/21/2010	63246	3561	Oil Can Henry's	10002005	35.09
01/10	01/21/2010	63247	279	One Call Concepts, Inc	10002005	22.05
01/10	01/21/2010	63248	3264	Pacific Electrical Contr Inc	10002005	758.00
01/10	01/21/2010	63249	252	Paramount Pest Control	10002005	42.00
01/10	01/21/2010	63250	866	Pitney Bowes Global Financial	10002005	137.00
01/10	01/21/2010	63251	169	Roto Rooter	10002005	125.00
01/10	01/21/2010	63252	4567	Scott Partney Construction, Inc.	10002005	60,682.25
01/10	01/21/2010	63253	4575	Sealing Systems, Inc.	10002005	707.55
01/10	01/21/2010	63254	3641	Sleep Inn & Suites	10002005	140.00
01/10	01/21/2010	63255	1292	Spartling Instruments Inc	10002005	3,561.74
01/10	01/21/2010	63256	2586	TMG Services Inc	10002005	352.87
01/10	01/21/2010	63257	136	United Pipe & Supply Co Inc	10002005	2,949.72
01/10	01/21/2010	63258	432	USA Bluebook	10002005	212.27
01/10	01/21/2010	63259	991	Verizon Northwest	10002005	742.67
01/10	01/21/2010	63260	861	Village Express Mail Center	10002005	7.40
01/10	01/21/2010	63261	4475	Watson, Dusty	10002005	83.00
01/10	01/29/2010	63262	3759	Apple Time Inc	10002005	244.35
01/10	01/29/2010	63263	148	B-H Chamber of Commerce	10002005	25.00
01/10	01/29/2010	63264	1522	Blumenthal Uniforms	10002005	51.95
01/10	01/29/2010	63265	1169	Brookings Electronic Svs Inc	10002005	67.00
01/10	01/29/2010	63266	416	Brookings Lock & Safe Co	10002005	109.00
01/10	01/29/2010	63267	715	Budge McHugh Supply	10002005	774.29
01/10	01/29/2010	63268	4581	Bullard Law	10002005	30.00
01/10	01/29/2010	63269	159	CAL/OR Insurance Specialist	10002005	354.00
01/10	01/29/2010	63270	4583	Carr-Frederick, Alex	10002005	28.00
01/10	01/29/2010	63271	1373	Cascade Fire Equipment	10002005	1,202.00
01/10	01/29/2010	63272	183	Colvin Oil Company	10002005	2,236.40
01/10	01/29/2010	63273	182	Coos-Curry Electric	10002005	20,033.61
01/10	01/29/2010	63274	1357	Curry County Clerk	10002005	153.00
01/10	01/29/2010	63275	1855	Curry County Extension & 4H	10002005	15.00
01/10	01/29/2010	63276	1	Hanscam, Margo	10002005	9.88
01/10	01/29/2010	63277	1	Homan, J M	10002005	40.21
01/10	01/29/2010	63278	3342	Fastenal	10002005	52.25
01/10	01/29/2010	63279	198	Grants Pass Water Lab	10002005	240.00
01/10	01/29/2010	63280	4580	Hanley, Charles	10002005	490.00
01/10	01/29/2010	63281	4493	Kennedy, Kyle	10002005	185.00
01/10	01/29/2010	63282	334	North Coast Electric Company	10002005	110.87
01/10	01/29/2010	63283	4224	Oce Imagistics, Inc.	10002005	162.25
01/10	01/29/2010	63284	4582	Oregon Coast Media, Inc.	10002005	500.00
01/10	01/29/2010	63285	322	Postmaster	10002005	185.00
01/10	01/29/2010	63286	3309	Roberts & Associates	10002005	180.00
01/10	01/29/2010	63287	4579	Schreiber, Linda	10002005	125.00
01/10	01/29/2010	63288	4567	Scott Partney Construction, Inc.	10002005	28,554.15
01/10	01/29/2010	63289	3475	SIS-Q Communications	10002005	80.00
01/10	01/29/2010	63290	2871	Sprint	10002005	11.89

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
01/10	01/29/2010	63291	4134	The Mill Hotel & Casino	10002005	300.00
01/10	01/29/2010	63292	797	Town & Country Animal Clinic	10002005	129.95
01/10	01/29/2010	63293	991	Verizon Northwest	10002005	210.44
01/10	01/29/2010	63294	2863	Verizon Wireless	10002005	301.90
01/10	01/29/2010	63295	2122	Cardmember Service	10002005	969.15
Grand Totals:						<u>246,498.24</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Report type: Summary

City of Brookings MEETING Minutes

URBAN RENEWAL AGENCY

Monday, October 26, 2009

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

Call to Order

Chair Anderson called the meeting to order at 8:10pm.

Roll Call

Agency Present: Chair Larry Anderson, Directors Hedenskog, Gordon, and Pieper; a quorum present. Director Kitchen was absent.

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

Other Present: Curry Coastal Pilot Reporter Arwyn Rice.

Consent Calendar

- Acceptance of Agency minutes for September 8th and 14th, 2009.

Director Hedenskog moved, a second followed and the Agency voted unanimously to approve the minutes as written.

Appointments

Appoint Diana Banfield to Urban Renewal Agency Position #2.

Director Hedenskog moved, a second followed and the Agency voted unanimously to appoint Diana Banfield to Urban Renewal Agency Position #2.

Adjournment

Director Hedenskog moved, a second followed and the Agency voted unanimously by voice vote to adjourn at 8:12pm.

Respectfully submitted:

ATTESTED:

this _____ day of _____ 2010:

Larry Anderson, Chair

Joyce Heffington, City Recorder

Minutes

Urban Renewal Advisory Committee

Council Chambers, 898 Elk Drive
Thursday, August 13, 2009

Call to Order: Vice Chair Chasar called the meeting to order at 3:00 p.m.

Present: Committee members: Pete Chasar, Donna Cramer, Tony Parrish, Dan Nachel, Joyce Tromblee and Rick Bishop. Absent was Ted Fitzgerald. Staff members attending were Executive Director Gary Milliman and Building Official LauraLee Gray. Bob Minshew also attended.

Minutes/Last Meeting: July 09, 2009 minutes accepted.

Regular Agenda:

- Director Milliman reported on the issue of lack of space for street trees in the downtown project. The committee voted 4 to 1 to place trees wherever there was room to do so.
- System Development Charge Reimbursement: The committee was split on whether or not to support the reimbursement. No recommendation will be given to the URA ~~Committee~~. The first motion to recommend denial was a tied decision, second motion to support the recommendation was not seconded and a third motion to table the decision until money was available was not seconded.

Executive Directors Report:

- CTR has been notified that all dumpsters must be removed out of the City right of way

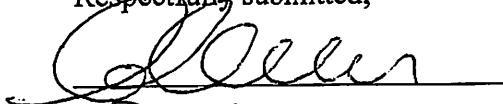
Public comments:

- Bob Minshew commended the City for the effort to stimulate development in the down town with the idea of reimbursement of SDC but feels that it is a band aid approach to a bigger problem. He is not sure what the answer is but is happy to see an effort being made.

Next months meeting: No September meeting

Adjournment: adjourned at 3:35

Respectfully submitted,

 (Approved at 11/12/09 meeting).
PETE CHASAR (Chair or Vice Chair)
Print Name and Title.

Minutes

Urban Renewal Advisory Committee

Council Chambers, 898 Elk Drive
Thursday, November 12, 2009

Call to Order: Vice Chair Chasar called the meeting to order at 3:00 p.m.

Present: Committee members: Pete Chasar, Donna Cramer, Dan Nachel, Joyce Tromblee and Rick Bishop, new member Kim Banfield was absent. Staff members attending were Executive Director Gary Milliman, Building Official LauraLee Gray and Council Liaison Jake Pieper.

Minutes/Last Meeting: August 13, 2009 minutes accepted with correction. October 8, 2009 minutes not approved as there was no quorum at the meeting.

Regular Agenda:

- Election of Chair and Vice Chair was tabled until a full committee is seated.
- Committee member residency requirements: motion by Rick and seconded by Donna to recommend that 4 members be City residents, 2 within the urban growth boundary and 1 within County. Vote was 4 to 1 with Dan Nachel voting against.

Executive Directors Report:

- All essential easements are in place and we are able to work around those that we have not been able to obtain.
- Work will begin as soon as the contractor is available and weather permits.

Committee comments:

- Jake mentioned that all staking is completed and marked in the downtown improvement area.
- Rick asked about the rejected light poles and the possibility of purchasing them from the City to use on private property to maintain continuity in the downtown district.
- Joyce asked on behalf of the downtown merchants association if the City would consider hanging Christmas decorations on the light poles. It is unknown if they will support the additional loading and Gary will check and report back.

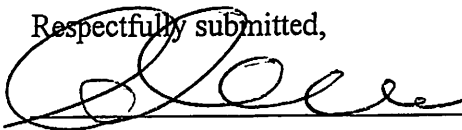
Next months meeting:

December 10, 2009

- Gary will report back on the light poles and Christmas decorations.
- Election of Chair and Vice Chair

Adjournment: adjourned at 3:35

Respectfully submitted,

 (Approved at 12/10/09 meeting).

PETE CHASAR (Chair or Vice Chair)
Print Name and Title.

City of Brookings MEETING MINUTES

URBAN RENEWAL ADVISORY COMMITTEE

Monday, December 10, 2009

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

Call to Order: Vice Chair Pete Chasar called the meeting to order at 3:00pm.

Roll Call: *Present:* Vice Chair Pete Chasar, Committee members Joyce Tromblee, Donna Cramer, Dan Nachel and Kim Banfield. Rick Bishop was absent. Also present were Executive Director Gary Milliman and Council Liaison Jake Pieper.

Acceptance of Minutes: Donna Cramer moved, Joyce Tromblee seconded, and the Committee voted unanimously to accept the minutes of November 12, 2009.

Discussion/Action Items

- Dan Nachel moved, Kim Banfield seconded, and Pete Chasar was elected Chair by a vote of 3 to 2, with Pete Chasar and Donna Cramer voting "No" and Dan Nachel, Kim Banfield and Joyce Tromblee voting "Yes." Chasar accepted.
- Dan Nachel moved, Joyce Tromblee seconded, and Donna Cramer was elected Vice Chair by a vote of 4 to 1 with Donna Cramer voting "No" and Pete Chasar, Dan Nachel, Kim Banfield and Joyce Tromblee voting "Yes." Cramer accepted.

Executive Director Reports

Milliman reported that:

- The uninstalled street light poles from the 2 year old Chetco project were retained and disposed of by ODOT.
- The existing street light poles were not designed to accommodate banners or decorations, but could be "wrapped" or otherwise lightly decorated.
- Work has commenced on the downtown project. Councilor Pieper commented that he'd received a couple of complaints from property owners who have had plantings removed due to their location in the street right of way.

Committee Member Comments

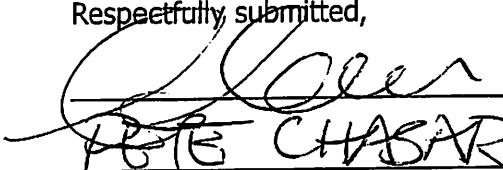
- Kim Banfield commented on the formation and activities of a new downtown merchants group.
- Joyce Tromblee commented that the Chamber of Commerce does not do much to promote Brookings.
- Dan Nachel commented on his experience with the Chamber.

Items for Next Meeting

- Future role of the committee
- Status on downtown project

Adjourn: The meeting adjourned at approximately 3:30pm

Respectfully submitted,

 (Approved at 1/14/10 meeting).
PETE CHASAR (Chair or Vice Chair)
Print Name and Title.

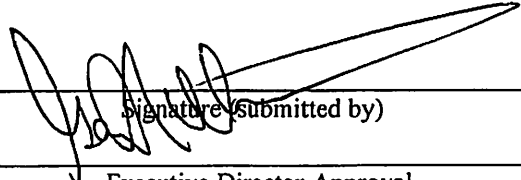
CITY OF BROOKINGS

URBAN RENEWAL AGENCY

AGENDA REPORT

Meeting Date: February 8, 2010

Originating Dept: City Manager



Signature (Submitted by)

Executive Director Approval

Subject: Request for Financial Assistance – Curry General Hospital Health Network

Recommended Motion: Motion to refer the request for assistance from Curry General Hospital Health Network to the Urban Renewal Advisory Committee and the Executive Director for review and recommendation.

Financial Impact: See below

Background/Discussion:

We have received a letter from the Curry General Hospital Health Network (CGHHN) requesting assistance in the payment of the System Development Charges for the project.

Under a financing program available from the City, SDC's can be financed over a period of up to 10 years at an annual interest rate of 9.0 per cent. CGHHN is now financing their \$560,261.52 in SDC's for the Brookings Clinic under this program, with payments of \$7,095.18 per month.

Among the projects listed in the adopted Urban Renewal Plan (July 2002) is "Assist development of new medical facility." This project is not further defined in the Plan.

In 2009 the Agency authorized a program to assist the development of targeted businesses in the downtown area through the payment of SDC's on their behalf. Medical clinics were not identified as targeted businesses for this program.

Currently, all Urban Renewal tax increment funds are fully committed to debt service for the downtown street improvement project and some smaller park improvement projects. The Agency does not have an obligation to provide assistance to this or any other project.

Some options for providing assistance in response to the CGHHN request might include:

- Using tax increment funds to "write down" the City's SDC financing interest rate.
- Paying a portion of the SDC's on behalf of the CGHHN.
- Providing assistance to the project in some other way, such as funding off-site improvements associated with the project (streets, curb, gutter, sidewalk).

Attachment(s): 1) Letter from Curry General Hospital Health Network.
2) Urban Renewal Plan project summary list



Gary Milliman
City Administrator
Members of the City Council
895 Elk Dr
Brookings Oregon 97415

Dear Mr. Milliman and Members of the City Council,

The 2002 Urban Renewal Plan adopted by City Council for Brookings Oregon stated the following: The plan shall "Assist Development of the new medical facility" Specifically, the Plan provides that: "The Renewal Agency is authorized to provide loans, or other forms of financial assistance to property owners wishing to develop or redevelop land or buildings within the renewal area, or to persons desiring to acquire or lease buildings or land from the Agency." This plan further stated that "the Agency may make this assistance available as it deems necessary to achieve the objectives of this Plan." Due to this provision the Brookings Medical Center is asking for assistance with the Systems Development Charges associated with this project.

Background and economic impact of the clinic are as follows:

The new Brookings medical center is slated to open in late 2010. The Clinic will contribute a great deal of money to this area in the form of new jobs, increased property tax revenue and other common expenditures of families. The facility will bring the Brookings Clinic into the 21st century and will give the community a much better standard of health care.

Curry Health District commissioned a Physician Demand Analysis for Curry County which showed by 2011 the county will need the following doctors: 2 Internal Medicine Doctors, 2 Pediatricians, 1 General Surgeon, 1 Orthopedic Surgeon, 2 OB/GYN and 1 Cardiologist. The study also showed that most of the existing practices were closed and not accepting new patients.

The professional fees alone generated by these proposed doctors (2008 Physician Compensation and Production Survey, Mean of Hospital Owned Practices) amounts to just over \$10 million. This revenue now leaves the county

as patients travel elsewhere for care. There is also an outflow of money for patients going elsewhere from traveling expenses, lost wages, etc. In some emergency cases, where no insurance exists a family can spend thousands of dollars for transporting a loved one outside the area.

In addition, these new doctors will bring families with them who will purchase homes, buy groceries, use our recreational facilities, and spend additional money in this community. Physicians are typically 3 time buyers: an initial home, a move up home and the purchase of a business for a spouse. In addition, staff will have to be added creating more opportunity in the county for well paying, permanent jobs. According to a policy report for the Mississippi Center for Health Workforce presented by university associate professor Benjamin F Blair, it was concluded that one new doctor practicing can have the economic impact ranging from \$120,000 to \$2,000,000. " The increased economic activity associated with a physician's practice supported an average of 31 new jobs in the counties economy".

The quality of health care will increase dramatically as these new physicians bring with them experience and expertise from other parts of the country. Good health care is vital to the continued growth and vitality of all communities. Without good health care many people end up leaving this community to find better care elsewhere. We need to do our best to retain and add people to this area to increase the economic benefit to this part of Oregon.

In conclusion, the new Brookings Medical Clinic will have dramatic positive economic effect on the entire county by bringing in new jobs, additional tax revenue and overall economic success. We ask that the City of Brookings assist with our Systems Development Charges for this project.

Sincerely:



Bill McMillan

CEO

Curry Health District

500. FINANCIAL ANALYSIS OF PLAN

500A. ESTIMATED PROJECT COST AND REVENUE SOURCES

Table 2 shows the estimated total costs of the Brookings Urban Renewal Project.. These costs are the total anticipated costs, allowing for 4% inflation during the life of the project.

BROOKINGS RENEWAL PLAN	
Table 2	
Estimated Cost of Project Activities	
	Estimated cost
Public Parks & Open Spaces	\$1,582,500
Create a Central Plaza	
Walkways and Plazas	
Local Nature Interpretive Areas	
Looped walkway from downtown to public parks	
Wetlands Park at Old Mill Pond	
Enhance Chetco Park and other parks in project area	
Streets and Public Utilities	\$3,165,000
Improve Railroad St, Chetco Av, Fern, Willow, Spruce,	
Hemlock, Alder & Wharf Sts	
Assist Street improvements in CIP	
Assist Water, Sewer, Storm improvements in CIP	
Streetscape	\$791,250
Accent Paving	
Decorative lighting	
Street trees , planters, landscaping	
Benches, trash receptacles, bike racks	
Street & Directional signs	
Public art	
Gateway monuments and landscape features	
Under grounding of overhead utilities	
Pedestrian, Bike, & Transit Improvements	\$791,250
New bike paths in renewal area	
Pedestrian connections to waterfront	
Other Public Facilities	\$2,373,750
Public Restrooms	

Enhancement of public museum	
Relocate City Hall	
Performing Arts Center	
Community Center	
Public Parking Facilities	\$791,250
New lot at Fern & Spruce	
New lots at pockets along Railroad St.	
New RV parking lot	
Development and Redevelopment	\$3,165,000
Assist development of new medical facility	
Assist development of higher education facilities	
Assist in construction or expansion of job creating facilities	
Provide Low Interest Rate Loans & Incentives	\$791,250
Preservation & Rehabilitation	\$791,250
Program Administration	\$1,582,500
TOTALS	\$15,825,000

The principal method of funding the project share of costs will be through use of tax increment financing as authorized by ORS 457. Revenues are obtained from anticipated urban renewal bond proceeds and the proceeds of short term urban renewal notes. Table 2 shows that the total costs of project activities are estimated at \$15,825,000. This is the maximum indebtedness figure inserted in the urban renewal plan .

The capacity for urban renewal bonds is based on projections of urban renewal revenues. Anticipated annual revenues are shown in Table 3 of this Report. Table 3 anticipates there will be four long-term bond issues during the life of the plan. Bond will be issued as revenues, project requirements, and overall bond market conditions dictate. In addition, the Renewal Agency will apply for, and make use of funding from other federal, state, local, or private sources as such funds become available.

500B. ANTICIPATED START & FINISH DATES OF PROJECT ACTIVITIES

The project activities shown in Table 4 will begin in 2003-04. The sequencing and prioritization of individual project activities shown in Table 4 will be done by the Urban Renewal Agency, and any citizen advisory bodies that the Agency calls upon to assist in this process. The priority of projects and annual funding will be as established in the

BUILDING DEPARTMENT ACTIVITIES SUMMARY

For the Month of: January 2010

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDC's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
2	Single Family Dwelling (SF)	\$1,951.00	\$1,268.15	\$234.12	\$13,980.12	\$633,101.00	2	\$633,101.00	0	\$0.00
0	Single Family Addition (SFA)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Single Family Garage-Carport (SFGC)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Two Family Residential (TFR)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Multi-Family Residential Apts (MFR)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
1	Commercial New (C/N)	\$28,933.00	\$32,027.05	\$3,471.96	\$560,261.52	\$11,000,000.00	1	\$11,000,000.00	0	\$166,284.00
0	Commercial Addition-Change (C/A)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	1	\$0.00
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	School Repair-Addition (SRA)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Building Removal (BR)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	2	\$0.00
4	Misc.-Retaining Wall-Fence (M,RW)	\$170.00	\$37.38	\$20.40	\$0.00	\$14,189.00	4	\$14,189.00	3	\$28,400.00
7	Total Building Permits	\$31,054.00	\$33,332.58	\$3,726.48	\$574,241.64	\$11,647,290.00	7	\$11,647,290.00	6	\$194,684.00
4	Mechanical Permits	\$6,643.48	\$0.00	\$797.22	N/A	N/A	4	N/A		N/A
3	Plumbing Permits	\$142.80	N/A	\$17.14		N/A	3	N/A		N/A
0	Mfg Home Install - Permit Fee	\$0.00	N/A	\$0.00	N/A	N/A		N/A		N/A
0	Mfg Home Install - Administrative Fee	\$0.00	N/A	\$0.00	N/A	N/A		N/A		N/A
14	TOTAL PERMITS	\$37,840.28	\$33,332.58	\$4,540.83	\$574,241.64	\$11,647,290.00	14	\$11,647,290.00	6	\$194,684.00
	Total Year to Date Calculated Fees									

For the month of: **January 2010**

(50)

City Council Agenda

Advance Packet

Dated: January 29, 2010

For Monday, February 8, 2010, Council Meeting

Included in this packet is documentation to support the following Agenda item(s):

PUBLIC HEARINGS/ORDINANCES

Brooking Municipal Code Revisions:


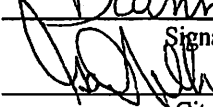
- File LDC-17-09, revisions to Chapter 17.04, Development Permit Procedures.
 - Public Hearing, pg. 2
 - Ordinance 10-O-654, pg. 6
- File LDC-19-09, revisions to Chapter 17.36, Professional Office District
 - Public Hearing, pg. 11
 - Ordinance 10-O-657, pg. 15
- Ordinance 10-O-653, revisions to Chapter 2.63, Urban Renewal Advisory Committee. Pg. 20

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: February 8, 2010

Originating Dept: Planning


Signature (submitted by)

City Manager Approval

Subject: A hearing on File LDC-17-09 for consideration and possible adoption of revisions to Chapter 17.04, Development Permit Procedures, Brookings Municipal Code (BMC).

Recommended Motion: Motion approving revisions to Chapter 17.04, Development Permit Procedures, BMC, as recommended by the Planning Commission.

Financial Impact: None

Background/Discussion: The Land Development Code (LDC) Committee reviewed Chapter 17.04, Development Permit Procedures after the City's Land Use Attorney suggested revisions.

Specific revisions are:

- 17.04.040, Limitation on new application. The term 'conditions' was replaced with "circumstances" to be consistent with other chapters.
- 17.04.090, Process and decision. The City's Land Use Attorney suggested this revision. ORS 227.178 describes the procedure for determining if an application is complete and for determining compliance with final decision time limits.

The Planning Commission reviewed this Chapter and recommended approval to the City Council without making any additional suggested revisions.

Policy Considerations: N/A

Attachment(s): Draft version of Chapter 17.04, Development Permit Procedures, BMC.

**Chapter 17.04
DEVELOPMENT PERMIT PROCEDURES¹**

Draft Dec. 1, 2009

Text to be added is ***bold and italicized***.

Text to be omitted has ~~strikethrough~~.

Sections:

<u>17.04.010</u>	Purpose.
<u>17.04.020</u>	Development permit required.
<u>17.04.030</u>	Burden of proof.
<u>17.04.040</u>	Limitation on new applications.
<u>17.04.050</u>	Permit issuance, appeals of a city decision, and effective date of approval.
<u>17.04.060</u>	Lands in violation.
<u>17.04.070</u>	Exemptions from requirement to do improvements to public infrastructure.
<u>17.04.080</u>	Preapplication conference.
<u>17.04.090</u>	Process and decision.

17.04.010 Purpose.

Development permits are issued to authorize the use and development of land consistent with the provisions of this code. [Ord. 09-O-632 § 2; Ord. 08-O-600 § 2.]

17.04.020 Development permit required.

No person shall engage in or cause the development of land for which a development permit has not been issued. Development permits shall be in a form prescribed by the city. Development permits are required for:

- A. Building permits; and/or
- B. Land use decisions; and/or
- C. Development on a hazardous building site as found in Chapter 17.100 BMC; and/or
- D. Other development requiring written authorization in this code.

Making an application for a development permit is described in BMC 17.80.030, site plan approval, or for hazardous building sites, Chapter 17.100 BMC. [Ord. 09-O-632 § 2; Ord. 08-O-600 § 2.]

17.04.030 Burden of proof.

In any land use decision, the burden of producing substantial evidence to demonstrate compliance with the applicable criteria is upon the applicant. If adequate evidence is not provided, the application must be denied. [Ord. 09-O-632 § 2.]

17.04.040 Limitation on new applications.

If a land use decision application is denied, said application shall not be eligible for resubmittal for one year from the date of said denial. In order to resubmit an application which has been denied within one year of the initial submittal, a new application affecting the same property must be, in the opinion of the planning director, substantially different from the application denied, or ~~conditions~~ **circumstances** must have changed to an extent that further consideration is warranted. [Ord. 09-O-632 § 2.]

17.04.050 Permit issuance, appeals of a city decision, and effective date of approval.

Development permits shall be issued by the city manager or their designee according to the provisions of this code. Neither the city building official nor any other state or local official shall issue a permit for use, development or occupation of a structure which has not been approved according to this code.

An appeal of an administrative decision or a planning commission decision may be filed with the planning department no later than 15 days following the date of mailing (postmark date) of the notice of the final order.

The effective date of approval in any land use decision under this code is the date upon which the decision is no longer appealable. [Ord. 09-O-632 § 2; Ord. 08-O-600 § 2. Formerly 17.04.030.]

17.04.060 Lands in violation.

The city manager or their designee shall not issue a development permit for the partitioning, subdivision, development, or use of land that has been previously divided in violation of state or local codes then in effect, or divided in violation of this code subsequent to its adoption, or otherwise developed in violation of this code, regardless of whether the permit applicant created the violation, unless the violation can be rectified as part of the proposed development in a manner provided by this code. [Ord. 09-O-632 § 2; Ord. 08-O-600 § 2. Formerly 17.04.040.]

17.04.070 Exemptions from requirement to do improvements to public infrastructure.

The developments and activities listed below are exempt from the requirements to do improvements to public infrastructure, but are nevertheless subject to the provisions of this code:

A. Remodel, addition, alteration, or repair of an existing residence for residential use, or siting of an accessory structure;

B. Remodel, alteration or repair to a commercial structure resulting in no greater impacts or intensity of use;

C. All structures damaged or destroyed by fire or acts of God provided there is no increase in original floor area, unless otherwise required by law, nor in density, nor expansion of use of the original structure is involved. [Ord. 09-O-632 § 2; Ord. 08-O-600 § 2. Formerly 17.04.050]

17.04.080 Preapplication conference.

A. An applicant or the applicant's authorized representative shall request the city manager or their designee to arrange a preapplication conference, unless the applicant and director agree that the conference is not needed. Such preapplication conference

will be conducted by the site plan committee or, in the case of a subdivision, utilize the process found in BMC 17.172.070.

B. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this code, to provide for an exchange of information regarding applicable elements of the comprehensive plan and development code requirements, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

C. Any multiple-family project involving more than four dwelling units, a planned unit development, dwelling group, or rear lot development requires a rough sketch conceptual plan to be reviewed in the preapplication conference.

D. The applicant shall be provided with a written summary of the conference including confirmation of the procedures to be used to process the application, a list of materials to be submitted, and the criteria and standards which may apply to the approval of the application. [Ord. 09-O-632 § 2; Ord. 08-O-600 § 2. Formerly 17.04.060.]

17.04.090 Process and decision.

The determination of completeness of an application shall comply with ORS 227.178. Specific regulations for completeness are found in various locations within BMC Title 17 such as BMC 17.172.070 for subdivisions, Chapter 17.100 for hazardous building sites, and BMC 17.80.050 through 17.80.070 for other applications. ~~The review process and determination of completeness of an application for a subdivision is found in BMC 17.172.070. The review process and determination of completeness for other applications is found in BMC 17.80.050 through 17.80.070 or, for a hazardous building site, in Chapter 17.100 BMC.~~ ***The final decision shall be rendered in compliance with the time limits as stated in ORS 227.178.*** [Ord. 09-O-632 § 2; Ord. 08-O-600 § 2. Formerly 17.04.070.]

1

Prior legislation: Ords. 89-O-446, 90-O-446.A, 92-O-446.K and 96-O-446.BB.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: February 8, 2010

Dianne Morris

Signature (submitted by)

Originating Dept: Planning

City Manager Approval

Subject: Adopting ordinance for approved revisions to Chapter 17.04, Development Permit Procedures of the Brookings Municipal Code (BMC).

Recommended Motion: Motion to approve Adopting Ordinance 10-O-654, revisions to Chapter 17.04, Development Permit Procedures, BMC.

Financial Impact: None

Background/Discussion: The revisions to Chapter 17.04, Development Permit Procedures, were approved by the City Council at their February 8, 2010 meeting.

Policy Considerations: N/A

Attachment(s): Adopting Ordinance 10-O-654.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

ORDINANCE NO. 10-O-654

IN THE MATTER OF ORDINANCE NO. 10-O-654, AN ORDINANCE AMENDING CHAPTER 17.04, DEVELOPMENT PERMIT PROCEDURES, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE, IN ITS ENTIRETY.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Chapter 17.04 in its entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 17.04 Development Permit Procedures, Title 17, Land Development Code, of the Brookings Municipal Code (BMC).

Section 2. Amend Chapter 17.04. Chapter 17.04, Development Permit Procedures is amended to read as follows:

**Chapter 17.04
DEVELOPMENT PERMIT PROCEDURES¹**

Sections:

- 17.04.010 Purpose.
- 17.04.020 Development permit required.
- 17.04.030 Burden of proof.
- 17.04.040 Limitation on new applications.
- 17.04.050 Permit issuance, appeals of a city decision, and effective date of approval.
- 17.04.060 Lands in violation.
- 17.04.070 Exemptions from requirement to do improvements to public infrastructure.
- 17.04.080 Preapplication conference.
- 17.04.090 Process and decision.

17.04.010 Purpose.

Development permits are issued to authorize the use and development of land consistent with the provisions of this code. [Ord. 09-O-632 § 2; Ord. 08-O-600 § 2.]

17.04.020 Development permit required.

No person shall engage in or cause the development of land for which a development permit has not been issued. Development permits shall be in a form prescribed by the city. Development permits are required for:

- A. Building permits; and/or
- B. Land use decisions; and/or
- C. Development on a hazardous building site as found in Chapter 17.100 BMC; and/or
- D. Other development requiring written authorization in this code.

Making an application for a development permit is described in BMC 17.80.030, site plan approval, or for hazardous building sites, Chapter 17.100 BMC. [Ord. 09-O-632 § 2; Ord. 08-O-600 § 2.]

17.04.030 Burden of proof.

In any land use decision, the burden of producing substantial evidence to demonstrate compliance with the applicable criteria is upon the applicant. If adequate evidence is not provided, the application must be denied. [Ord. 09-O-632 § 2.]

17.04.040 Limitation on new applications.

If a land use decision application is denied, said application shall not be eligible for resubmittal for one year from the date of said denial. In order to resubmit an application which has been denied within one year of the initial submittal, a new application affecting the same property must be, in the opinion of the planning director, substantially different from the application denied, or circumstances must have changed to an extent that further consideration is warranted. [Ord. 09-O-632 § 2.]

17.04.050 Permit issuance, appeals of a city decision, and effective date of approval.

Development permits shall be issued by the city manager or their designee according to the provisions of this code. Neither the city building official nor any other state or local official shall issue a permit for use, development or occupation of a structure which has not been approved according to this code.

An appeal of an administrative decision or a planning commission decision may be filed with the planning department no later than 15 days following the date of mailing (postmark date) of the notice of the final order.

The effective date of approval in any land use decision under this code is the date upon which the decision is no longer appealable. [Ord. 09-O-632 § 2; Ord. 08-O-600 § 2. Formerly 17.04.030.]

17.04.060 Lands in violation.

The city manager or their designee shall not issue a development permit for the partitioning, subdivision, development, or use of land that has been previously divided in violation of state or local codes then in effect, or divided in violation of this code subsequent to its adoption, or otherwise developed in violation of this code, regardless of whether the permit applicant created the violation, unless the violation can be rectified as part of the proposed development in a manner provided by this code. [Ord. 09-O-632 § 2; Ord. 08-O-600 § 2. Formerly 17.04.040.]

17.04.070 Exemptions from requirement to do improvements to public infrastructure.

The developments and activities listed below are exempt from the requirements to do improvements to public infrastructure, but are nevertheless subject to the provisions of this code:

- A. Remodel, addition, alteration, or repair of an existing residence for residential use, or siting of an accessory structure;
- B. Remodel, alteration or repair to a commercial structure resulting in no greater impacts or intensity of use;
- C. All structures damaged or destroyed by fire or acts of God provided there is no increase in original floor area, unless otherwise required by law, nor in density, nor expansion of use of the original structure is involved. [Ord. 09-O-632 § 2; Ord. 08-O-600 § 2. Formerly 17.04.050]

17.04.080 Preapplication conference.

A. An applicant or the applicant's authorized representative shall request the city manager or their designee to arrange a preapplication conference, unless the applicant and director agree that the conference is not needed. Such preapplication conference will be conducted by the site plan committee or, in the case of a subdivision, utilize the process found in BMC 17.172.070.

B. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this code, to provide for an exchange of information regarding applicable elements of the comprehensive plan and development code requirements, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

C. Any multiple-family project involving more than four dwelling units, a planned unit development, dwelling group, or rear lot development requires a rough sketch conceptual plan to be reviewed in the preapplication conference.

D. The applicant shall be provided with a written summary of the conference including confirmation of the procedures to be used to process the application, a list of materials to be submitted, and the criteria and standards which may apply to the approval of the application. [Ord. 09-O-632 § 2; Ord. 08-O-600 § 2. Formerly 17.04.060.]

17.04.090 Process and decision.

The determination of completeness of an application shall comply with ORS 227.178. Specific regulations for completeness are found in various locations within BMC Title 17 such as BMC 17.172.070 for subdivisions, Chapter 17.100 for hazardous building sites, and BMC 17.80.050 through 17.80.070 for other applications. The final decision shall be rendered in compliance with the time limits as stated in ORS 227.178. [Ord. 09-O-632 § 2; Ord. 08-O-600 § 2. Formerly 17.04.070.]

1

Prior legislation: Ords. 89-O-446, 90-O-446.A, 92-O-446.K and 96-O-446.BB.

First reading: _____

Second reading: _____

Passage: _____

Effective date _____

Signed by me in authentication of its passage this _____ day of _____, 2010.

Mayor Larry Anderson

ATTEST:



City Recorder Joyce Heffington

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: February 8, 2010

Originating Dept: Planning


Signature (submitted by)

City Manager Approval

Subject: A hearing on File LDC-19-09 for consideration and possible adoption of revisions to Chapter 17.36, Professional Office District, Brookings Municipal Code (BMC).

Recommended Motion: Motion approving revisions to Chapter 17.36, Professional Office District, BMC.

Financial Impact: None

Background/Discussion: The Land Development Code (LDC) Committee reviewed Chapter 17.36, Professional Office (PO-1) District.

The Land Development Code (LDC) Committee reviewed Chapter 17.36. Several items needed clarification. Some new uses were considered appropriate and added. Revisions in keeping with those made in other similar commercial zones were added.

Some of the more significant revisions are as follows:

- 17.36.010, Purpose. This revision was to provide better clarity as to the purpose of the zone.
- 17.36.020, Permitted Uses. Dwelling units, not on the ground floor, are also allowed in the General Commercial (C-3) zone, a more intense commercial zone. Due to the PO-1 zone having a more residential character, given the required setbacks and limited retail uses, it seems appropriate in this zone as well.
- 17.36.060, Lot Width, Lot Coverage and Yard Requirements. The limitation on maximum lot coverage was removed. Unlike more intense commercial zones, the PO-1 zone has setback requirements. Given the setbacks and area needed for off-street parking area, it was felt the lot coverage maximum was not needed.

The Planning Commission reviewed this Chapter and recommended approval to the City Council.

Following this report is the draft version of Chapter 17.36 (Attachment A).

Policy Considerations: N/A

Attachment(s): Draft version of Chapter 17.36, Professional Office District, BMC

**Chapter 17.36
PROFESSIONAL OFFICE (PO-1) DISTRICT**

Draft Dec. 2, 2009

Text to be added is ***bold and italicized***.

Text to be omitted has ~~strikethrough~~.

Sections:

<u>17.36.010</u>	Purpose.
<u>17.36.020</u>	Permitted uses.
<u>17.36.030</u>	Accessory uses.
<u>17.36.040</u>	Conditional uses.
<u>17.36.050</u>	Minimum lot area.
<u>17.36.060</u>	Lot width, lot coverage and yard requirements.
<u>17.36.070</u>	Maximum building height.
<u>17.36.080</u>	Signs.
<u>17.36.090</u>	Parking.
<u>17.36.100</u>	Other required conditions.

17.36.010 Purpose.

~~This district is intended to provide an environment suitable for professional and office business uses in locations to provide a transitional use area between residential areas and less restrictive districts. The uses included in this district are intended to enhance the function of this district in transitional areas and to encourage this transition in a more residential character.~~ ***This district is for the purpose of providing professional and business office uses in areas between residential and more intense commercial districts. This is considered a transition area and development in this district will be residential in character. Only ancillary retail sales are allowed in this district.***
[Ord. 89-O-446 § 1.]

17.36.020 Permitted uses.

1. Dwelling units, not on a ground floor.

2. Professional and business office uses, such as *but not limited to*:

- A. Architect or designer;
- B. Accountant;
- C. Attorney;
- D. Computer ***services*** operator;
- E. Day care, nursery schools and kindergartens, subject to the provisions of BMC

17.124.010;

- F. Dentist;
- G. Engineer;
- H. Insurance agent or adjustor;
- I. Investment or management counselor;

- J. Medical and dental offices, clinics and laboratories;
- K. Nursing and convalescent homes;
- L. Photographic studio, excluding retail sales of cameras, equipment, film or supplies;
- ~~M. Physician or other practitioner of the healing arts;~~
- N ~~M~~. Real estate office;
- ~~O N~~. Surveyor;
- P ~~O~~. Title and escrow offices;
- Q ~~P~~. Travel agencies;
- R ~~Q~~. Wholesale lumber broker **office**; [Ord. 89-O-446 § 1.]
- R. Bank or financial institute.**

17.36.030 Accessory uses.

The following accessory uses are permitted:

- A. Offices incidental and necessary to the conduct of a permitted use;
- ~~B. Off-street parking lots when appurtenant to a permitted use, subject to the provisions of Chapter 17.92 BMC;~~
- ~~G B~~. Home occupations, subject to the provisions of Chapter 17.104 BMC;
- ~~D C~~. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use. [Ord. 89-O-446 § 1.]

17.36.040 Conditional uses.

The following conditional uses may be permitted subject to a conditional use permit:

- A. Recreation uses and facilities, including country clubs, golf courses, swimming clubs, but not including such intensive commercial recreation uses as a golf driving range, race track or amusement park;
- B. Churches, subject to BMC 17.124.100;
- ~~C. Off-street parking lots when contiguous to a less restrictive zoning district, subject to the provisions of Chapter 17.92 BMC;~~
- D. Hospitals, subject to BMC 17.124.100;
- E. Public, **and** private and parochial schools, but not including a business, dance ~~ing~~, trade, technical or similar school, subject to BMC 17.124.0110;
- F. Governmental structures or uses including parks and recreation facilities, fire stations, libraries, museums, but not including storage or repair yards, warehouses or similar uses;
- ~~G. Cemeteries, mausoleums, crematories, columbariums and mortuaries within cemeteries; provided, that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery, within 200 feet of a lot in a residential district, Mortuaries and crematories in conjunction with a mortuary and~~ subject to BMC 17.124.090;
- H. Public and quasi-public halls, lodges and clubs, subject to BMC 17.124.120;
- ~~I. Planned unit developments~~ **Community**, subject to provisions of Chapter 17.116 BMC;
- J. Utility substations or pumping stations ~~with no equipment storage, subject to BMC~~ **17.124.030**;
- K. Signs appurtenant to any conditional use and which do not comply with BMC 17.36.080. [Ord. 89-O-446 § 1.]

17.36.050 Minimum lot area.

The minimum lot area shall be 6,000 square feet. [Ord. 89-O-446 § 1.]

17.36.060 Lot width, lot coverage and yard requirements.

A. The minimum lot width shall be at least 60 feet.

B. The minimum front yard shall be 10 feet.

C. The minimum side and rear yard shall be at least five feet except that the street side yard shall be a minimum of 10 feet. The side or rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.

~~D. The maximum lot coverage by buildings and structures shall not exceed 45 percent of the total lot area.~~

17.36.070 Maximum building height.

Maximum building height shall be 40 feet, except as provided in BMC 17.128.030. [Ord. 98-O-446.DD § 8; Ord. 89-O-446 § 1.]

17.36.080 Signs.

Signs shall be permitted in accordance with Chapter 17.88 BMC. [Ord. 89-O-446 § 1.]

17.36.090 Parking.

Off-street parking shall be provided in accordance with Chapter 17.92 BMC. [Ord. 89-O-446 § 1.]

17.36.100 Other required conditions.

A. Site plan approval required as provided in Chapter 17.80 BMC.

B. All business shall be conducted from a structure placed on a permanent foundation unless specifically exempted by the provisions of this or other city ordinances. [Ord. 00-O-446.JJ § 2; Ord. 89-O-446 § 1.]

C. Prior to any development activity on the property, the applicant must comply with BMC 17.100.030, General mitigation.

D. Provide for the improvement of an existing dedicated alleyway which is intended to be used for egress and ingress, or backup space of off-street parking for the development.

E. Screen from view all roof-, wall-, or ground-mounted mechanical equipment and devices, in addition to propane tanks.

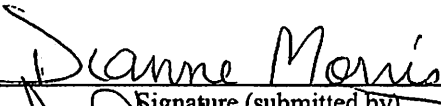
F. Refuse receptacles or dumpsters shall be appropriately positioned, colored or screened to minimize visibility to vehicular traffic or pedestrians.

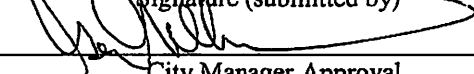
CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: February 8, 2010

Originating Dept: Planning



Signature (submitted by)


City Manager Approval

Subject: Adopting Ordinance for approved revision to Chapter 17.36, Professional Office District, Brookings Municipal Code (BMC).

Recommended Motion: Motion to approve Adopting ordinance 10-O-657

Financial Impact: None

Background/Discussion: Revisions to this Chapter were approved by the City Council at their January 25, 2010 meeting.

Policy Considerations: N/A

Attachment(s): Adopting Ordinance 10-O-657.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

ORDINANCE NO. 10-O-657

IN THE MATTER OF ORDINANCE NO. 10-O-657, AN ORDINANCE AMENDING CHAPTER 17.36, PROFESSIONAL OFFICE DISTRICT, TITLE 17, LAND DEVELOPMENT CODE, OF THE BROOKINGS MUNICIPAL CODE, IN ITS ENTIRETY.

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Chapter 17.36, in its entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 17.36 Professional Office District, Title 17, Land Development Code, of the Brookings Municipal Code (BMC).

Section 2. Amend Chapter 17.36. Chapter 17.36, Professional Office District is amended to read as follows:

**Chapter 17.36
PROFESSIONAL OFFICE (PO-1) DISTRICT**

Sections:

- 17.36.010 Purpose.
- 17.36.020 Permitted uses.
- 17.36.030 Accessory uses.
- 17.36.040 Conditional uses.
- 17.36.050 Minimum lot area.
- 17.36.060 Lot width, lot coverage and yard requirements.
- 17.36.070 Maximum building height.
- 17.36.080 Signs.
- 17.36.090 Parking.
- 17.36.100 Other required conditions.

17.36.010 Purpose.

This district is for the purpose of providing professional and business office uses in areas between residential and more intense commercial districts. This is considered a transition area and development in this district will be residential in character. Only ancillary retail sales are allowed in this district. [Ord. 89-O-446 § 1.]

17.36.020 Permitted uses.

1. Dwelling units, not on a ground floor.

2. Professional and business office uses, such as but not limited to:

- A. Architect or designer;
- B. Accountant;
- C. Attorney;
- D. Computer services;
- E. Day care, nursery schools and kindergartens, subject to the provisions of BMC

17.124.010;

- F. Dentist;
- G. Engineer;
- H. Insurance agent or adjustor;
- I. Investment or management counselor;
- J. Medical and dental offices, clinics and laboratories;
- K. Nursing and convalescent homes;
- L. Photographic studio, excluding retail sales of cameras, equipment, film or supplies;
- M. Real estate office;
- N. Surveyor;
- O. Title and escrow offices;
- P. Travel agencies;
- Q. Wholesale lumber broker office;[Ord. 89-O-446 § 1.]
- R. Bank or financial institute.

17.36.030 Accessory uses.

The following accessory uses are permitted:

- A. Offices incidental and necessary to the conduct of a permitted use;
- B. Home occupations, subject to the provisions of Chapter 17.104 BMC;
- C. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use. [Ord. 89-O-446 § 1.]

17.36.040 Conditional uses.

The following conditional uses may be permitted subject to a conditional use permit:

- A. Recreation uses and facilities, including country clubs, golf courses, swimming clubs, but not including such intensive commercial recreation uses as a golf driving range, race track or amusement park;
- B. Churches, subject to BMC 17.124.100;
- C. Off-street parking lots, subject to the provisions of Chapter 17.92 BMC;
- D. Hospitals, subject to BMC 17.124.100;
- E. Public and private schools, including business, dance, trade, technical or similar school, subject to BMC 17.124.0110;
- F. Governmental structures or uses including parks and recreation facilities, fire stations, libraries, museums, but not including storage or repair yards, warehouses or similar uses;
- G. Mortuaries and crematories in conjunction with a mortuary and subject to BMC 17.124.090;
- H. Public and quasi-public halls, lodges and clubs, subject to BMC 17.124.120;
- I. Planned Community, subject to provisions of Chapter 17.116 BMC;
- J. Utility substations or pumping stations, subject to BMC 17.124.030;
- K. Signs appurtenant to any conditional use and which do not comply with BMC 17.36.080. [Ord. 89-O-446 § 1.]

17.36.050 Minimum lot area.

The minimum lot area shall be 6,000 square feet. [Ord. 89-O-446 § 1.]

17.36.060 Lot width, lot coverage and yard requirements.

- A. The minimum lot width shall be at least 60 feet.
- B. The minimum front yard shall be 10 feet.
- C. The minimum side and rear yard shall be at least five feet except that the street side yard shall be a minimum of 10 feet. The side or rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.

17.36.070 Maximum building height.

Maximum building height shall be 40 feet, except as provided in BMC 17.128.030. [Ord. 98-O-446.DD § 8; Ord. 89-O-446 § 1.]

17.36.080 Signs.

Signs shall be permitted in accordance with Chapter 17.88 BMC. [Ord. 89-O-446 § 1.]

17.36.090 Parking.

Off-street parking shall be provided in accordance with Chapter 17.92 BMC. [Ord. 89-O-446 § 1.]

17.36.100 Other required conditions.

- A. Site plan approval required as provided in Chapter 17.80 BMC.
- B. All business shall be conducted from a structure placed on a permanent foundation unless specifically exempted by the provisions of this or other city ordinances. [Ord. 00-O-446.JJ § 2; Ord. 89-O-446 § 1.]
- C. Prior to any development activity on the property, the applicant must comply with BMC 17.100.030, General mitigation.
- D. Provide for the improvement of an existing dedicated alleyway which is intended to be used for egress and ingress, or backup space of off-street parking for the development.
- E. Screen from view all roof-, wall-, or ground-mounted mechanical equipment and devices, in addition to propane tanks.
- F. Refuse receptacles or dumpsters shall be appropriately positioned, colored or screened to minimize visibility to vehicular traffic or pedestrians.

First reading: _____

Second reading: _____

Passage: _____

Effective date _____

Signed by me in authentication of its passage this _____ day of _____, 2010.

Mayor Larry Anderson

ATTEST:

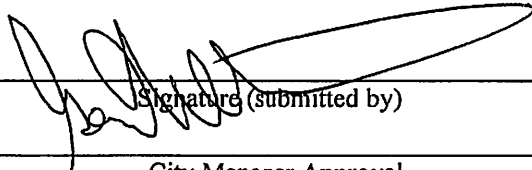
City Recorder Joyce Heffington

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: February 8, 2010

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Urban Renewal Advisory Committee

Recommended Motion:

Adopt 10-O-653, amending Chapter 2.63, Urban Renewal Advisory Committee, in its entirety.

Financial Impact:

Minimal cost of amending Code.

Background/Discussion:

At its January 11, 2010 meeting, the City Council considered revisions to Chapter 2.63, Urban Renewal Advisory Committee, of the Brookings Municipal Code and asked staff to return with options for limiting membership requirements under Section 2.63.030 (2)(a). On January 25, Council considered four options and chose to limit the three non-resident positions to "Non-City residents must have an economic interest, such as property ownership, business ownership, or employment, within the Urban Renewal Area."

The attached ordinance incorporates this change, as well as additional changes considered by Council at the January 11 meeting. This ordinance will redefine the Committee as a Commission.

Attachment(s):

Ordinance 10-O-653

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

ORDINANCE 10-O-653

AN ORDINANCE AMENDING CHAPTER 2.63, URBAN RENEWAL ADVISORY COMMITTEE, OF TITLE 2, ADMINISTRATION AND PERSONNEL, BROOKINGS MUNICIPAL CODE, IN ITS ENTIRETY.

- Section 1. Ordinance Identified
Section 2. Amends Chapter 2.63, in its entirety.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 2.63, Urban Renewal Advisory Committee, of Title 2, Administration and Personnel, Brookings Municipal Code, in its entirety.

Section 2. Amends Chapter 2.63. Chapter 2.63, Urban Renewal Advisory Committee, is amended as follows:

**Chapter 2.63
URBAN RENEWAL ADVISORY 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 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 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.
2. Commission members shall serve at the pleasure of the Urban Renewal Agency.
3. Commission membership is honorary and without compensation.
4. All 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 commission.
6. This 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 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. Commission minutes, as prepared by staff and approved by the 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 commission at its next meeting.
[Ord. 08-O-607 § 3.]

2.63.030 Organization.

A. Membership.

1. The 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 commission.
2. Insofar as possible, residents of the urban renewal area shall have precedence over other applicants.
 - 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. Non-City residents must have an economic interest, such as property ownership, business ownership, or employment, within the urban renewal area. 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 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 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 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 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 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 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 commission shall be submitted to the agency in the manner prescribed by city administrative regulation. [Ord. 08-O-607 § 4.]

First Reading: _____
Second Reading: _____
Passage: _____
Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2010

ATTEST:

Mayor Larry Anderson

City Recorder Joyce Heffington