

AGENDA
City of Brookings
Common Council Meeting
City Hall Council Chambers
898 Elk Drive
Brookings, OR 97415
February 26, 2001
7:00 p.m.



President's Day
February 19, 2001

Brookings, Oregon



*Home of traditions, loyalty, leaders,
and winter flowers!*

agenda

*CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
February 26, 2001
7:00 p.m.*

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Announcements

- 1. Special recognition to Building Official LauraLee Gray*

V. SCHEDULED PUBLIC APPEARANCES

- A. Lee E. Sparks, ODOT Assistant District Manager of District 7*

VI. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison reports

- 1. Chamber of Commerce*
- 2. Businesses for a Better Brookings*
- 3. Port of Brookings-Harbor*
- 4. Parks and Recreation Commission*
 - 1. Annual Report - Craig Mickelson, Chair*
- 5. Council Liaisons*

B. Unscheduled

VII. STAFF REPORTS

A. Finance Department

- 1. Request for proposal to hire an auditor*

B. City Manager

- 1. Request for proposal to contract for promotions*
- 2. Authorize waiver of juvenile grant funds to Curry County Community Justice Department*
- 3. Other*

VIII.

CONSENT CALENDAR

- A. *Approval of Council Meeting Minutes*
 - 1. *Minutes of February 12, 2001, Regular Council Meeting*

(end Consent Calendar)

IX.

ORDINANCES/RESOLUTIONS/FINAL ORDERS

- A. *Final Orders*
 - 1. *Final order and findings of fact for file document No. APP-1-01, an appeal of Planning Commission approval of VAR-2-00, an application for a variance to the existing Claron Glen subdivision to deny public access to internal walkways and not require sidewalks on both side of the street*

X.

REMARKS FROM MAYOR AND COUNCILORS

- A. *Council*
- B. *Mayor*

EXECUTIVE SESSION - ORS 192.660 (a) (i) - *Performance Evaluation of Public Officers and Employees*

Council action on items discussed during Executive Session

XI.

ADJOURNMENT

FEBRUARY 2001

*Council Chambers &
Fire Hall use as of 2/21/01*

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crime Stoppers 7:00am TV49-Coast Today w/City Officials &/or Employees		
	7:00pm CC-Continued Public Hearing CC Mtg 9:00am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTmg/ChShrp	11:30am FH-Teamsters Un Mtg/DDotson 6:30pm BHHS-BPD Citizen Police Academy #8-OSP-Tactical Comnclns/BPalicki 7:00pm CC-Planning Commission	12:00pm Cornnity Agencies mtg @ Chetco Sr.Center 7:00pm CC-50th B/D Comm Mtg/LKuhn 7:00pm FH-PoliceReserves	8:15am CC-CmtyDevDpt Staff mtg/LLightle 7:00am TV49-Coast Today w/City Officials &/or Employees 10:00am CC-Site Plann Com Mtg/LauraLee Gray	Regional City Managers Conference in Brookings	
	12:00pm FH-Suburban Rural Fire Dept Dist Mtg/RexAtwell 9-4663 7:00pm FH-FireTmg/ChShrp 7:00pm CC-Council Mtg	3:00pm CC-HOPE Mtg/ Tim Adsit-469-7443 6:30pm CC-BPD CtznPoliceAcadmy #8-Drug Invstgns/ BPalicki	2:30pm FH-SafetyComMtg/ HThmpson 3:00pm CC-AMF Mtg/SRidens	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 12:00pm CC-Sewer Rate Study Mtg/LBlodgett 7:00pm CC-SkatePark Comm/Councilor Johns		
	Lincoln's Birthday 7:00pm FH-FireTmg/ChShrp 8:00am City Hall CLOSED - Presidents' Day Holiday.....	9:00am CC-VIPS/Volunteers in Police Service-BPalicki 6:30pm CC-BPD Citizen Police Acadmy#8-Invstgns/BPalicki	Valentine's Day 6:00pm FH-Subrbn Fire Dist Mtg/RexAtwell	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 2:00pm CC-Emerg Tsk Force w/CoCrdrtr-Chf Sharp/Marrell 7:00pm CC-Parks & Rec Comm/ CMickelson	8:00am FH-Police Dispatch Oral Boards/Sgt Cooper	AzPark & BudCross Fields-Slipp
AzPark & BudCross Fields-Slipp	President's Day 9:00am CC-Municipal Court/ JdgHarper 7:00pm CC-Council Mtg 7:00pm FH-FireTmg/ChShrp	6:30pm CC-BPD Citizen Police Acadmy #8-Invstgns/BPalicki	7:00pm FH-50th B/D Comm Mtg/LKuhn	Washington's B-Day		
			Ash Wednesday			

AMF=American Music Festival
AzPk=Azalea Park
Bndshl=Bandshell
BPD=BrkgsPolice Dept
CC= Council Chambers or City Council
CCCOA=Curry County Council on Alcoholism
CDD=Community Development Dept/CmtyDevDpt

FH=Fire Hall
HOPE=Healthy Opportunity for Positive Environment
ODOT=Oregon Dept of Transportation
PC=Planning Comm
PROUD=Pstive Revltztn of Urban Dwntrn Com
SDC=Systems Devlpt Charge Review Brd
VIPS=Volunteers in Police Service

JANUARY 2001

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

MARCH 2001

S	M	T	W	T	F	S
				1	2	3
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	31

MARCH 2001

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crime Stoppers 10:00am CC-Site Plann Com Mtg/LauraLee Gray 7:00am TV49-Coast Today w/City Officials &/or Employees		
	8:00am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTrng/ChShrp	6:30pm BHHS-BPD Citizen Police Acdmy #8-Invstgtns/BPalicki 7:00pm CC-Planning Commission	12:00pm Comnity Agencies mtg @ Chetco Sr.Center 7:00pm FH-PoliceReserves	8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 7:00am TV49-Coast Today w/City Officials &/or Employees		8:00pm 50th B/D Comm Fund Raiser @ Elks/Dinner
	10:00am CC/Hall Area-10AM - 3PM Ballot Elections Drop/Off 7:00pm FH-FireTrng/ChShrp 7:00pm CC-Council Mtg	10:00am CC/Hall Area-10AM to 8PM Elections Ballot Drop/Off 3:00pm CC-HOPE Mtg/ Tim Adsit-469-7443 6:30pm CC-BPD Citizen Police Acdmy #8-Crt Systm/BPalicki	8:00am CC-HOLD/CST Mtg: ODOT/Proud/Gov's Reg Cordntr/etc-LBlodgett 2:30pm FH-SafetyComMtg/ HThmpson 7:00pm "Curry Govts" Mtg @ Gold Beach City Hall-2nd Wed of,Nov,Jan, Mar, May, Jul, Sep, Nov, Jan	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 3:00pm CC-AMF Mtg/SRidens 7:00pm CC-SkatePark Comm/Councilor Johns		
	9:00am CC-Municipal Court/ JdgHarper 9:30am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTrng/ChShrp	6:30pm CC-BPD Citizen Police Acdmy #8-Parole/Probnr/ JuvSyst/BPalicki	6:00pm FH-Subrbn Fire Dist Mtg/RexAtwell	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 2:00pm CC-Emerg Tsk Force w/CoCrdrntr-Chf Sharp;MArell 7:00pm CC-Parks & Rec Comm/ CMickelson		St. Patrick's Day
	7:00pm CC-Council Mtg 7:00pm FH-FireTrng/ChShrp	6:30pm CC-BPD Citizen Police Acdmy#8-PrznSystms/Palicki	6:00pm CC-Victim's Impact Panel (247-2412)CCCOA	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 6:30pm CC-Seatbelt Class-PD/BPalicki		AzPark & BudCross Fields-April
			FEBRUARY 2001 S M T W T F S 1 2 3 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		APRIL 2001 S M T W T F S 1 2 3 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	

TO: LauraLee Gray
FROM: Linda Barker,
Community Development Secretary
SUBJECT: Telephone call re a job well done
DATE: February 14, 2001

Community Development Department



Building Planning Public Works
Water Wastewater

Memorandum

Today I received a telephone call from Ken Larsen, past president of the International Conference of Building Officials, that had been transferred to my phone when he could not reach you. He was in attendance at the Southern Oregon Chapter of International Conference of Building Officials meeting about three weeks ago and wanted to personally tell you what a good job you did putting together the session.

He also wanted to let you know he felt you have given meritorious service as president for the Southern Oregon Chapter of International Conference of Building Officials Association this past year.

CC: Mayor and City Council
Leroy Blodgett
Leo Lightle
Payroll Department

**DEPARTMENT OF TRANSPORTATION
REGION 3 TRAFFIC SECTION
541.957.3500**

To: Ed Fischer
State Traffic Engineer

From: Ron Butros
Region 3 Traffic Operations Manager

Subject: Speed Zone Investigation
Oregon Coast Highway No. 9 (US 101)
475 feet north of Harris Heights Road (MP 355.27)
to 0.15 mile west of South Bank Chetco River Road (MP 357.98)
City of Brookings / OTC

February 12, 2001

A speed zone investigation has been completed on the Oregon Coast Highway from 0.13 mile north of Parkview Drive (MP 355.75) to 50 feet north of Ransom Road (MP 356.10). This investigation was conducted in response to concerns expressed by Leroy Blodgett, City Manager, City of Brookings in regards to placing a school zone at the church school within a 45 MPH speed zone. He felt that the reduction from 45 MPH to 20 MPH was too great for good compliance and would create a safety hazard.

The Mayor and City Council then instructed him to request a reduction to 35 MPH to just north of Harris Heights Road. This area was investigated and a new Order issued on September 12, 2000. As the only significant change was the construction of the church school, a reinvestigation was conducted from 0.13 mile north of Parkview Drive to 50 feet north of Ransom Road.

This 0.35 mile section is urban in character with predominantly residential development with the exception of the church and church school.

There are two connecting streets in this section. Both are paved and controlled by STOP signs.

Horizontal alignment contains two slight curves, vertical alignment contains one sag curve.

The spot speed data for this section yields an 85% speed of 42 MPH with 4.35% exceeding the posted 45 MPH zoning. The 1999 accident rate is 0.00 with an ADT of 10,275 vehicles.

After consideration of all factors connected with this section, this office recommends rescinding Speed Zone Order by Delegated Authority No. J36 dated September 12, 2000 and establishing zoning as listed in the attached report.

REB:CNJ:SAM

Attachment

OREGON DEPARTMENT OF TRANSPORTATION
REPORT OF SPEED ZONE INVESTIGATION

Oregon Coast Highway No. 9 (US 101)
475 ft north of Harris Heights Road to 0.15 mile west of South Bank Chetco River Road
City of Brookings/OTC

February 12, 2001

Recommendation: Rescind Speed Zone Order by Delegated Authority No. J36 dated September 12, 2000 and establish zoning as listed below:

<u>Section A Not Investigated</u>		<u>Existing</u>	<u>Recommended</u>
From: 475 ft north of Harris Heights Rd To: 100 ft north of Harris Heights Rd	MP 355.27 MP 355.34	45 MPH	45 MPH <u>2/</u>
From: 100 ft north of Harris Heights Rd To: 100 ft south of Harris Heights Rd	MP 355.34 MP 355.38	45 MPH	45 MPH <u>3/</u>
From: 100 ft south of Harris Heights Rd To: 0.13 mile north of Park View Drive	MP 355.38 MP 355.75	45 MPH	45 MPH <u>2/</u>
<u>Section B Investigated</u>			
From: 0.13 mile north of Park View Drive To: 50 ft north of Ransom Road	MP 355.75 MP 356.10	45 MPH	35 MPH <u>1/</u> , <u>2/</u>
<u>Section B Not Investigated</u>			
From: 50 ft north of Ransom Road To: 100 ft north of Pacific Avenue	MP 356.10 MP 357.06	35 MPH	35 MPH <u>2/</u>
<u>Section C Not Investigated</u>			
From: 100 ft north of Pacific Avenue To: 25 ft south of Alder Street	MP 357.06 MP 357.58	25 MPH	25 MPH <u>1/</u> , <u>2/</u>
<u>Section D Not Investigated</u>			
From: 25 ft south of Alder Street To: north end of Chetco River Bridge	MP 357.58 MP 357.87	35 MPH	35 MPH <u>2/</u>
<u>Section E Not Investigated</u>			
From: north end of Chetco River Bridge To: 0.15 mile west of South Bank Chetco River Road	MP 357.87 MP 357.98	45 MPH	45 MPH <u>2/</u>

Except that in the following section(s), the designated speed shall be 20 mph when children are present as per provisions of Subsection 2.C, of ORS 811.105:

- | | | |
|-----------|---|--|
| <u>1/</u> | From: 80 ft south of Parkview Drive (MP 355.89) | To: 190 ft south of Beach Avenue (MP 355.98) |
| | From: 100 ft west of Oak Street (MP 357.47) | To: 100 ft east of Oak Street (MP 357.51) |
| <u>2/</u> | City of Brookings jurisdiction | |
| <u>3/</u> | OTC jurisdiction | |

Historical Background:

Investigation requested by: Leroy Blodgett, City Manager, City of Brookings

Requested speed: 35 MPH

Previous Action: Speed Zone Order by Delegated Authority No. J36 dated September 12, 2000.

<u>Investigation:</u>	<u>Section A,C,D,E, and portion of Section B Not Investigated</u>	<u>Investigated portion of Section B</u>
Section Length	4/	0.35 mile
85% Speed		42 MPH
1999 Accident Rate*		0.00
1999 Average Daily Traffic		10,275
Culture Type & Density		residential
Horizontal Alignment		2 slight curves
Vertical Alignment		1 sag curve
Curve Signs & Speed Riders		none required
Existing Posted Speed		45 MPH
Recommended Speed		35 MPH

* Accidents per million vehicle miles

<u>Roadway Data:</u>	<u>Section A,C,D,E, and portion of Section B Not Investigated</u>	<u>Investigated portion of Section B</u>
Surface	4/	bituminous
Width		22 – 25 ft
Lanes		2
Parking		not prohibited
Shoulders		2 – 8 ft paved, 1 – 5 ft gravel
Intersecting Streets		2
Paved		2
Stopped		2
Signalized		0
		PEDS = 0 BIKES = 0

<u>Accident Data:</u>	<u>Section A,C,D,E, and portion of Section B Not Investigated</u>	<u>Investigated portion of Section B</u>
Study Period	4/	1/1/97 – 8/1/2000
Total Accidents		4
Injuries		1
Fatalities		0
1999 Accidents		0
1999 Accident Rate (R)		0.00
1999 State Rate (r) 1/		1.81
Deviation (R-r)		0.00

<u>Spot Speed Data</u>	<u>Section A,C,D,E, and portion of Section B Not Investigated</u>	<u>Investigated portion of Section B</u>
85% Speed	4/	42 MPH
Pace Limits 2/		33 – 42 MPH
% in Pace		79.50%

Maximum Speed	50 MPH
Posted Speed	45 MPH
% Exceeding Posted Speed	4.35 %
Computed Speed 3/	42 MPH
Recommended Speed	35 MPH

-
- 1/ Primary, suburban, non freeway
 - 2/ Ten-mile-per-hour range containing the largest number of sampled vehicles.
 - 3/ 85% Speed minus deviation
 - 4/ Not investigated.

Factors Influencing Recommendation: 85% speed, pace limits, percent in pace, roadside development, school zoning at church school



Staff Report

To: Mayor Hagbom & City Council

Through: Leroy Blodgett, City Manager

From: Randy Reed, Finance Director

Date: February 20, 2001

Re: **Audit RFP**

BACKGROUND

The city's auditors, Musser and Associates, chose to terminate their contract with the city one year early. This leaves the city without a contract for audit services for the current fiscal year ending June 30, 2001. Oregon law requires the auditing of municipal corporations financial operations at the end of each fiscal year, with the audit report due to the state by December 31 each year.

Staff has prepared an audit Request for Proposal for the retaining of a Certified Public Accounting firm to conduct the Financial and Compliance Audit of the City's operation.

RECOMMENDATION

Staff recommends that City Council approve the Request for Proposal to obtain audit services for the city.

CITY OF BROOKINGS

898 Elk Drive
Brookings, Oregon 97415
Phone (541) 469-2163
Fax (541) 469-3650
cityhall@brookingsor.org

The Home of Winter Flowers



REQUEST FOR PROPOSAL

To Prospective CPA Municipal Auditing Firms:

The City of Brookings, Oregon is requesting proposals for the retaining of a Certified Public Accounting firm to conduct the Financial and Compliance Audit of the City's operation.

CITY OF BROOKINGS OVERVIEW

The City of Brookings is a municipal corporation incorporated on July 13, 1951. The City presently operates under a charter, which was approved by the voters in November 1992 and effective on January 1, 1993. The Charter provides for a Council-Manager form of government and provides such services as are authorized by the Charter. The City is governed by the City Council consisting of four members elected at large and an elected mayor. Appointed officers provided by Charter are the City Manager, Finance Director/Recorder, City Attorney and Municipal Court Judge.

Brookings is the largest city in the county. The current population is 5,625 with a true cash value of \$401,000,000. The City employs approximately 43 full-time persons. One union bargaining unit represents 16 staff. The total budget for 2000-01 is \$22 million.

MEASUREMENT FOCUS, BASIS OF ACCOUNTING AND BASIS OF PRESENTATION

The City uses funds and account groups to report on its financial position and results of its operations. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fund is a separate accounting entity with a self-balancing set of accounts. An account group, on the other hand, is a financial reporting device designed to provide accountability for certain assets and liabilities that are not recorded in the funds because they do not directly affect net expendable available financial resources.

In governmental accounting, funds are classified into three categories referred to as governmental, proprietary and fiduciary fund types; however, the City of Brookings uses only governmental and fiduciary fund types.

The City has the following fund types and account groups:

Fund Types

General Fund

Used to account for financial resources of the City not accounted for in any other fund. Principal sources of revenue consist of property taxes, franchise taxes, licenses, permits and fees, fines, intergovernmental revenue and miscellaneous revenue. Major expenditures are for personal services, operating supplies, and professional contracted services relating to the legislative/administrative, judicial, finance, engineering/planning, parks and recreation, police, and fire functions of the City.

Special Revenue Funds

Used to account for proceeds of specific revenue sources that are restricted to expenditure for specified purposes. Primary revenue sources include water and sewer service fees received from City residents, the City's apportionment of the state of Oregon's gasoline tax revenues, the City's apportionment of the state of Oregon's telephone tax revenues, the City's apportionment of Oregon state revenue sharing, and Oregon state grant moneys. Primary expenditures are for utility functions of the City, street maintenance, and emergency communication services.

Debt Service Funds

Used to account for the accumulation of resources for the payment of principal and interest on general obligation and special assessment debt. The principal sources of revenue are property taxes, special assessment levies on benefited property owners, and a water user service charge.

Capital Projects Funds

Used to account for the accumulation of resources for expenditure on major construction projects or for the future acquisition of capital assets or construction of capital projects.

Fiduciary Fund Type

Used to account for assets held by the city in a trustee capacity or as an agent for individuals, other governments and/or other funds. These include two trust funds and two agency funds. Agency funds are custodial in nature (assets = liabilities) and do not involve measurement of results of operations.

Account Groups

General Fixed Assets Account Group

Used to record the City's investment in fixed assets. Expenditures for the acquisition of general fixed assets are recorded in the various governmental fund types; the cost of such assets is capitalized in this account group. No depreciation is recorded on general fixed assets. As general fixed assets are disposed of, the original cost is removed from this account group; receipts from sale of general fixed assets are accounted for as revenue of the respective fund that purchased the assets.

General Long-Term Debt Account Group

Used to account for the City's general obligation bonds, special assessment bonds issued with government commitment as general obligation bonds, and the long-term portion of vested vacation leave not recorded in the governmental funds.

PROPOSAL AND AWARD SCHEDULE

Tuesday, February 27, 2001	Publish Notice of Intent and Distribute Request for Proposal
Friday, March 16, 2001	* Proposal Due Date
Tuesday, March 20, 2001	Interview of Finalists
Monday, March 26, 2001	Contract Award by City Council

*All proposals are due at the City of Brookings no later than Friday, March 16, 2001 at 2:00 p.m. in the two-envelope format. One envelope shall contain the proposal and shall be so marked. The second envelope shall contain the audit fees and shall be so marked. All envelopes should be sealed. The audit contract will be awarded by the City Council on Monday, March 26, 2001.

The City of Brookings reserves the right to reject any and all proposals, and has the right, in its sole discretion, to accept the proposal it considers most favorable to the City's interest and the right to waive minor irregularities in procedure.

AUDIT SCHEDULE

The audit contract may start as soon after the contract document is executed as is agreeable to both parties but no later than July 1, 2001. The written audit report shall be completed and delivered within a reasonable time, but no later than four months after the close of the audit period ending June 30, 2001. The contract is for a three-year period and is subject to renewal for an additional three years.

CONTRACTING PARTIES

Proposals should be addressed: Randy Reed, Finance Director, City of Brookings, 898 Elk Drive, Brookings, Oregon 97415. The telephone number is (541) 469-2163. Please provide the name and address of your firm's primary contact person in your proposal.

AUDITOR CRITERIA

Evaluation consideration will include the following:

1. The ability to understand the City of Brookings auditing needs.
2. The audit approach of the firm – is it thorough, original, comprehensive, and tailored to the needs of the City of Brookings – are the time estimates to perform each section clearly identified?
3. Qualification of supervising staff assigned to the audit; education, position in firm, years of governmental auditing.
4. Prior governmental auditing experience of the firm.
5. Cost, although a significant factor, may not be a dominant factor. Cost is particularly important when all of the other evaluation criteria are relatively equal.
6. Experience working with requirements for the GFOA Certificate of Achievement for Excellence in Financial Reporting.
7. Expertise outside the traditional financial audit functions (i.e., performance auditing, rate structure development).

SELECTION PROCEDURE

The City Manager and Finance Director shall screen all written proposals. An interview panel comprised of the Mayor, City Manager and Finance Director will interview the finalists. The panel will refer its recommendations to the City Council for approval.

SCOPE OF AUDIT

The minimum standards for audits of Oregon Municipal Corporations, as adopted by the Secretary of State and approved by the State Board of Accountancy shall govern the audit. The audit shall be done in order for the CPA firm to express an opinion on the financial statements of the City of Brookings and to determine if the city has complied substantially with appropriate legal provisions.

Year-end fund account combinations and combined financial statements shall be the responsibility for the auditing firm and the cost of preparing such financial statements shall be included in the audit fee. The audit firm shall also produce GAAP-based financials for each individual fund.

Finance Department staff will complete and balance all accounts at year-end. The City will provide staff assistance to the greatest extent possible. The City will furnish the following information and work-papers in conjunction with the audit engagement:

1. All financial statements for all funds subject to the audit proposal. Included is a year-to-date general ledger detailing all transactions for each line item within each fund.
2. Bank reconciliations for all checking accounts of the City that are subject to this audit.
3. Detailed reconciling records or lists of investments, interest income, assessments, sewer billing, payroll, accounts payable and receivable, and interfund liabilities as of June 30 of each fiscal year.

The City will provide the individual fund statements of revenues and expenditures on the non-GAAP budgetary basis (modified cash) and provide maximum assistance in the preparation of the combining and combined balance sheets, statements of revenues and expenditures, and changes in fund balance.

If any unusual conditions are encountered during the course of the audit where services will require written notification to the Finance Director, who will respond in writing, concerning the additional services? All funds and accounts of the City are to be covered by the audit examination. The audit shall lead to the expression of an unqualified opinion on the financial statements unless the auditor justifies to the City in advance in writing, the reasons for an opinion that is less than unqualified. A single audit should be prepared and submitted if required.

Recommendations based upon the auditing firm's review of the adequacy of internal accounting controls and other audit investigations shall be made a part of a formal management report separate from the financial audit. Such associated costs shall be included in the audit fee. The discussion of these recommendations shall be with the Finance Director and City Manager.

The report will be submitted to the Government Finance Officers Association of the United States and Canada (GFOA) for consideration of the Certificate of Achievement for Excellence in Financial Reporting. Any comments from the GFOA on the report will be answered in writing by the auditing firm by September 1, following the receipt of the report.

An exit conference is required of the auditing firm on completion of all field work so as to inform the Finance Director of pertinent findings. Formal report presentations by the auditing firm will be required before the City Manager and Finance Director and possibly before the City Council if they so request.

PERIODS TO BE AUDITED

1. The proposal is for three (3) years with separate audits each year. The periods to be audited are the fiscal years ending June 30, 2001, 2002, and 2003.
2. It is the intent of the City of Brookings to negotiate a three (3) year contract with the second and third year contingent on successful completion of the first year of the contract as determined by the Finance Director and City Manager.

3. If the contract is satisfactorily carried through for three (3) years, the successful bidder will be eligible to submit a bid for an additional three (3) year period.

AUDITING STANDARDS

The audit shall be performed in accordance with generally accepted auditing standards set forth by the AICPA in Statement of Auditing Standards, No. 1 "Codification of Auditing Standards and Procedures."

AUDITING PROCEDURES

The audit examination shall be made in accordance with generally accepted governmental procedures as prescribed in the AICPA Industry Audit Guide—Audits of State and Local Governmental Units and in GAAFR. The auditing firm will be required to review the audit program with the Finance Director prior to the beginning of any work.

AUDIT REPORT

Final draft of the annual audit will be due to the City no later than October 31st of year following the audit period. The auditor will be responsible for typing and printing the final document(s).

CONTRACT TERMINATION

Either Party may cancel the written contract by giving notice, in writing, to the other Party at least 30 days prior to January 1 of each year.

USE OF AUDIT REPORTS

Ownership shall belong to the City of Brookings and it is expressly understood that publication of the audit report (in whole or in part) or reference to such audit report shall be at the sole discretion of the City of Brookings.



Staff Report

To: Mayor Hagbom & City Councilors
From: Leroy Blodgett, City Manager
Date: February 22, 2001
Re: Request For Proposals

BACKGROUND

Last year the City notified the Brookings-Harbor Chamber of Commerce the contract for promotional services would terminate as of June 30, 2001. It was the City's intention to request proposals from interested parties to provide that or a similar service. In the past City paid the Chamber 25% of the 6% transient room tax received. The RFP, as presented, would continue that same level of funding for whoever is awarded the contract.

Included in the Council packet is a Request for Proposals (RFP) for promotional services. If approved, the proposals will be due to City Hall by March 20, 2001, and presented to City Council at the regularly scheduled March 26, 2001, meeting.

RECOMMENDATION

Authorize the RFP as presented and direct the City Manager to begin distribution of the same.



**CITY OF BROOKINGS
REQUEST FOR PROPOSAL
TOURISM PROMOTION SERVICES**

CITY OF BROOKINGS REQUEST FOR PROPOSAL FOR TOURISM PROMOTION SERVICES

The City of Brookings requests proposals from organizations to provide "Tourism Promotion" services. Our goal is to select an organization to provide the services, which will result in the most productive use of a portion of the City's transient room tax revenues.

TIMETABLE

Authorization to request proposals by the City Council	February 26, 2001
Distribution of request for proposal	February 27, 2001
Proposal submission deadline	March 20, 2001, by 4:00p.m.
City Council review and selection	March 26, 2001
Notification of bidders	March 27, 2001
Negotiation of agreement	April 1 - April 17, 2001
Agreement to Council for approval	April 23, 2001

PROPOSAL PROCESS

In *sealed* envelope, three copies of response to this request for proposal should be delivered or mailed to:

City of Brookings
Attention: City Manager
Tourism Promotion Proposal
898 Elk Drive
Brookings, OR 97415

Responses will be accepted until 4:00p.m. (PST) on Tuesday, March 20, 2001. No late proposals will be considered. Receipt is made when delivered to the above address either in person or via mail. Postmark date does not constitute receipt. Fax responses will not be accepted.

AUTHORIZATION FOR EXPENDITURE OF FUNDS AND REASONS FOR
EXPENDITURE OF THESE FUNDS ON TOURISM PROMOTION ACTIVITIES.
ORDINANCE NO. 93-O-342.A.

Section 15 - Use of Transient Room Tax.

A. The City shall use twenty-five percent (25%) of the transient room tax collections each year to promote tourism in the Brookings-Harbor area.

B. The City finds and declares that expenditure of a portion of the transient room tax collections for tourism promotion will serve a public purpose. The City will derive economic benefits through attraction of visitors to the area. It is in the public interest to promote quality, integrity and reliability in all tourism and tourism related services and in information offered to visitors. Travel and recreation industries are important to the area as a whole, and tourist facilities and attractions serve the recreational and cultural needs of all visitors and residents. Further, the travel and recreation industries have become increasingly important to the economic growth of the area and will become more important in the future because of increased leisure time and declining employment opportunities in other traditional Oregon industries. There is a need to encourage communication and cooperation between the public and private sectors to promote the orderly growth and implementation of tourism related objectives. It is important that visitors to the area be informed of the scenic and historic attractions, entertainment and recreation opportunities, restaurant facilities, lodging facilities and other matters of special interest. The area on the whole will benefit by attraction of tourists.

COVER SHEET

CITY OF BROOKINGS PROPOSAL FOR TOURISM PROMOTION SERVICES

Name of Organization: _____

Street Address: _____

Mailing Address: _____

City, State, Zip: _____

Phone: _____

Contact Name: _____

Title: _____

I, the undersigned, an authorized representative of _____

_____ whose address is

_____, have read and thoroughly understand the specifications, instructions, and all other conditions of the request for proposal issued by the City of Brookings for Tourism Promotion Services.

Acting on behalf of my organization, which is listed above, I do attest that the services offered by us meet the City of Brookings' specifications in every respect, _____ without exception or _____ with exception (please check one). If your answer is "with exception" please attach a page to your proposal explaining that "exception."

We, therefore, offer and make this proposal to furnish the City of Brookings the services detailed in our proposal.

By: _____

Date: _____

Title: _____

BIDDING INSTRUCTIONS

Bid forms are provided as an attachment to this RFP. In a desire to standardize responses and facilitate the review process, use of the bid form is required. You may provide additional information as attachments to this form.

Any questions on the RFP should be directed to Leroy Blodgett, City of Brookings City Manager, 469-2163.

In order to qualify for consideration for the award, the bidder must complete all forms, answer all questions and submit the enclosed cover sheet, signed by an officer of the organization. The signature shall be interpreted to signify the vendor's intent to comply with all terms, conditions, and specifications set forth in this solicitation.

AGREEMENT

The organization that the City selects will be expected to enter into an agreement covering proposed services. Acceptance of any proposal ultimately depends upon entering into this agreement.

This agreement will include items from this proposal as well as other related items such as:

1. An example of the types of expenses that are and those that are not considered "tourism promotion" services expenses under the proposal and agreement.
2. Information center hours and staffing
3. Reporting requirements including access to records for auditing for financing and performance issues.
4. Others pertinent to the relationship

NO GUARANTEE AS TO DOLLARS AVAILABLE

The City guarantees no specific amount of money will be available under the agreement to be negotiated as a result of this process.

PERSONAL SERVICES CONTRACT

The agreement required by this request for proposal is a "personal services contract" and the City reserves the right to accept, reject, or negotiate with any bidder and to waive any and all formalities or irregularities.

EVALUATION PROCESS

Each proposal received will be reviewed and evaluated by City Staff. The review and evaluation will consist of a rating by each reviewer based upon criteria shown below. The ratings of each reviewer will be combined into an overall point value rating and a recommendation will be made to the City Council. The final decision will be made by City Council at the Council's regularly scheduled meeting March 26, 2001.

The evaluation and rating criteria are as follows:

Organization - 25%
Proposed Tourism Promotion Services - 50%
References - 25%

Attach extra pages, as necessary, to answer the following questions.

I. ORGANIZATION.

A. Structure

1. What is the legal structure of your organization?
2. When was it created?
3. Do you have a board of directors, and if yes, describe them.
4. Provide the financial reports you issued for each of the last two years.

B. Staff

1. Describe your paid and volunteer staffing
2. Describe their experience in tourism promotion field
3. Describe their experience in related fields
4. Any other pertinent information you wish to tell us?

C. Financial

1. City money expended on "tourism promotion" activities must be accounted for in a fund separate from all other organization monies. This separate fund shall be used only for accounting and reporting of receipts and disbursements related to City of Brookings transient room taxes. Tell us how you would meet this requirement.
2. Explain your internal procedures that would guarantee money received from the City would be spent only on authorized "tourism promotion" activities as presented in your proposal.
3. Tell us about your organization's other financial activities. Will you be able to "leverage" City dollars and if yes, how?

4. What would your organization do, if you receive this City money one-year and for some reason did not receive it the next year?

II. PROPOSED TOURISM PROMOTION SERVICES

- A. What would your organization do with the \$20,000 - \$30,000, estimated to be available to you in the twelve months after an agreement had been reached, if your proposal is accepted? Give some specific examples.
- B. What would your organization do with the same estimated amount of money available in each of the succeeding four one-year periods? Give some specific examples.
- C. Tell us how you would measure your tourism promotion results in the first year and how you would change your strategy in the succeeding years, if your measurement showed the first year's activities were not successful.

III. REFERENCES

- A. Give names of three organizations and contact persons with phone numbers you have done "tourism promotion" business with and what did those businesses involve?
- B. How many dollars were involved in the last year (indicate what year for each of those three organizations?)

INSURANCE

Indicate below who provides your organization's insurance. The organization that receives this money will be required to provide insurance certificates showing the City as an additional named insured on these policies, which must be for \$ 1 million each:

General Liability - _____ (Insurance Agent) _____ (Phone)

(Insurance Company)

Errors and Omissions - _____ (Insurance Agent) _____ (Phone)

(Insurance Company)

Workers Compensation - _____ (Insurance Agent) _____ (Phone)

(Insurance Company)

MEMORANDUM



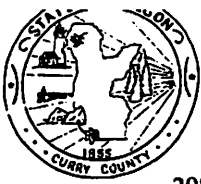
DATE: February 21, 2001
TO: Mayor and Council
FROM: City Manager Leroy Blodgett

RE: JAIBG Funds

I have received and reviewed the attached letter from the Curry County Community Justice Department regarding the Juvenile Accountability Incentive Block Grant Program. I am in agreement with the request to have the City of Brookings waive or award to Curry County our portion of the allocated grant funds - \$1,968.

The Curry County Community Justice Department plans to utilize these Juvenile Accountability Incentive Block Grant program funds for juvenile detention purposes, which will partially satisfy an unmet need identified in the High-Risk Juvenile Crime Prevention Partnership Plan.

RECOMMENDATION: I recommend you authorize Mayor Hagbom to sign a letter to the Criminal Justice Service Division, waving the \$1,968, grant funds to the Curry County Community Justice Department.



-CURRY COUNTY COMMUNITY JUSTICE



Ronald J. Mathis, Director

Adult Corrections

29821 Colvin Street / P.O. Box 1198
Gold Beach, OR 97444
(541) 247-7074

Juvenile Division

29821 Ellensburg Avenue / P.O. Box 746
Gold Beach, OR 97444
(541) 247-7011 Ext. 236

December 20, 2000

Leroy Blodgett
Brookings City Manager
898 Elk Drive
Brookings, OR 97415

Dear Leroy;

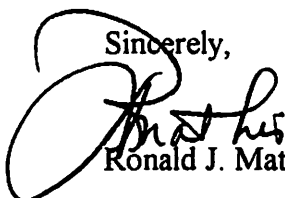
We respectfully request that the City of Brookings waive to Curry County the amount of \$1,968 allotted to the City of Brookings through the Juvenile Accountability Incentive Block Grant Program. The Criminal Justice Services Division of the Department of State Police is the state administering agency for the Juvenile Accountability Incentive Block Grant. Cities receiving small awards or cities that would prefer not to utilize their allocation directly may request those funds be waived or awarded to and expended by, another larger or contiguous local jurisdiction. Jurisdictions wishing to exercise this option must submit a formal letter to Criminal Justice Services Division, signed by the appropriate authorized official, stating the desired course of action to be taken with the allocation.

As per our conversation, the collaborative efforts will enable the Department of Community Justice, Juvenile Division, to utilize these funds for detention purposes. This partially satisfies an unmet need identified in the High-Risk Juvenile Crime Prevention Partnership Plan.

Enclosed you will find a suggested letter to Criminal Justice Services Division, which when signed by the appropriate authorized official, would waive the funds to our jurisdiction. Please forward the letter on your letterhead to my office as soon as possible. The due date for the application is March 1, 2001. Your letter will be included in the application.

Thank you very much for your time and cooperation.

Sincerely,


Ronald J. Mathis, Director

enc.

received
1-30-01

February 27, 2001

DRAFT

Criminal Justice Services Division
Department of State Police
State of Oregon
400 Public Service Building
Salem, OR 97310

RE: Juvenile Accountability Incentive Block Grant Program

Dear Sirs,

This jurisdiction waives to Curry County the JAIBG allocated funds to the City of Brookings in the amount of \$1,968.00. We are in agreement with the strategies developed in the High-Risk Juvenile Crime Prevention planning process. We expect to pool our monies for purposes consistent with this plan and implement a program consistent with the unmet needs identified in the High-Risk Juvenile Crime Prevention Partnership Plan. We are aware that as a result of this collaborative effort, cities with less than \$2,500 allocation will have their award increased to \$2500.

Respectfully,

Bob Hagbom
MAYOR

BH/sr

pc: Curry Co. Community Justice-Director
City Council
City Manager Leroy Blodgett
Finance Director Randy Reed
Chief of Police Ken Lewis

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
February 12, 2001
7:00PM**

I. CALL TO ORDER

Mayor Bob Hagbom called the meeting to order at 7:02PM

II. PLEDGE OF ALLEGIANCE

Led by Administrative Secretary Sharon Ridens

III. ROLL CALL

Council Present: Mayor Bob Hagbom, Council President Larry Curry, Councilors Frances Johns, Lorraine Kuhn, and Rick Dentino, a quorum present.

Council Absent: none

Staff Present: City Manager Leroy Blodgett, City Attorney John Trew, City Planner John Bischoff, and Administrative Secretary Sharon Ridens

Media Present: Chuck Hayward, Curry Coastal Pilot

Other: Chamber of Commerce Executive Director Les Cohen, Chamber President Richard Gyuro, Businesses for a Better Brookings President Augie Kofoet, Parks and Recreation Commission Chair Craig Mickelson, Planning Commissioner Jim Collis, Parks & Recreation Commissioner Nancy Shute, Mrs. Sheila Hagbom and approximately 30 other citizens

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Announcements

1. Special Recognition to Keith Hislop - Thank you for service on Budget Committee

Mayor Hagbom gave special recognition to Keith Hislop who recently resigned from the Budget Committee, due to moving outside of the Brookings city limits. Since Hislop was not present, special efforts will be

made to recognize his long term service of four years and eleven months at Hislop's local business, by Council members.

2. *Special Recognition to Augie Kofoet - Thank you for service on Parks & Recreation Commission*

Mayor Hagbom recognized Augie Kofet, present, for his participation and dedication to the citizens of Brookings for the past two years by presenting him with a special certificate of appreciation.

B. *Appointments*

Mayor Hagbom explained the Budget Committee and Parks and Recreation Commission positions now open and their responsibilities to the City. He proceeded to introduce each candidate and made recommendations to the Council as follows:

1. *Budget Committee Position No. 1 - Bruce Nishioka, re-appointment*

2. *Budget Committee Position No. 2 - Stanley Baron, new appointment*

3. *Budget Committee Position No. 3 - Harold Thiesen, re-appointment*

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to re-appoint Harold Thiesen and Bruce Nishioka, and appoint Stanley Baron to the Budget Committee for three year terms.

4. *Parks and Recreation Commission Position No. 5 - Nancy Shute, re-appointment*

5. *Parks and Recreation Commission Position No. 6 - Dori Frost, new appointment*

Councilor Johns moved, Councilor Dentino seconded, and the Council voted unanimously to re-appoint Nancy Shute and appoint Dori Frost to the Parks and Recreation Commission for four year terms.

Mayor Hagbom welcomed the new commission members, and thanked the remainder for applying.

V. **PUBLIC HEARING**

Mayor Hagbom turned the Council meeting over to Council President Larry Curry.

A. *In the matter of Planning Commission File No. APP-1-01, Continued public hearing regarding an appeal to a Planning Commission decision that approved VAR-2-00, an application for a variance to the existing Claron Glen subdivision to deny public access to internal walkways and not require sidewalks on both sides of the street; Assessor's Map 40-13-31 CD, various tax lots; R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) Zone. Wayne F. Robinson, appellant.*

Council President Curry advised Council and audience, this was the time to enter into the public hearing section of the agenda, and thus called the quasi judicial public hearing to order at 7:12 p.m. on Monday, February 12, 2001.

Curry stated this in an appeal in the matter of Planning Commission File No. AAP-1-01, an appeal of a Planning Commission decision that approved VAR-2-00, an application for a variance to the existing Claron Glen subdivision to deny public access to internal walkways and not require sidewalks on both sides of the street, and that this hearing was continued from February 5, 2001. Curry asked if any member of the Council had any actual personal bias or personal interest that would preclude their participation in this hearing, and if so, please step down.

Mayor Bob Hagbom recused himself, as he is a homeowner in Claron Glen Subdivision and previously was President of the Claron Glen Homeowners Association. Councilor Rick Dentino recused himself, as he was on the Planning Commission when the matter was originally heard.

Mayor Hagbom and Councilor Dentino removed themselves from the Council Chambers.

Council President Curry asked if any member had a potential or active conflict of interest. There were none.

Curry asked if any member had an ex parte contact including site visits to declare. Councilor Johns and Council President Curry advised they had made site visits.

Council President Curry inquired if anyone objected to the jurisdiction of the Council to hear this matter. There were no objections.

Curry asked City Attorney John Trew to review the hearings procedures and guidelines. He did so and then advised Council President Curry the hearing was ready to proceed with the presentation of evidence.

City Planner John Bischoff presented a brief background of the hearing issue via the City's Staff Report and additional testimony submitted by Wayne Robinson, which was received by the City on January 18, 2001.

Council President Curry asked if any Council members had questions for John Bischoff. There was minimal discussion by Council with City Planner Bischoff and City Manager Blodgett clarifying a few points.

Curry advised Council and audience that it was time for Wayne Robinson, to present his case in opposition to the Planning Commission's decision granting the variance. Wayne Robinson of 949 Helen Lane, Brookings, presented his appeal stating in general he had no problem with closing walkways, but he did have a problem with no walkways be allowed. He gave his opinions regarding questions on those issues and of hardships and safety factors.

Curry asked if any Council members had questions. Councilors Kuhn, Johns, and Curry had a few. City Manager Blodgett clarified the location of Council President Curry's residence - being NOT in the Claron Glen Subdivision.

Curry advised Council it is was time for the applicant, the Claron Glen Homeowners Association, to present their case in support of the variance.

Al Frances of 930 Hidden Court, Brookings, presented his case in support of the variance, and asked if there were any questions. There was minimal discussion.

Council President Curry asked if any representative of the Planning Commission wished to address the Council. There was none.

He asked if anyone wished to speak in opposition to the Planning Commission's decision granting the variance. Chuck Weller of 932 Helen Lane, Brookings, spoke in opposition to the Planning Commission's decision granting the variance. Weller asked Council to consider if the City, under Measure 7, will be responsible to the Helen Lane property owners if this variance goes through. He referenced the selling of his home on Helen Lane during the past year. Council questions ensued to Weller. City Manager Blodgett advised the Claron Glen common ground has always been owned by the Claron Glen Homeowners Association, not the City. He stated the variance only allows for the City to not require/demand public access.

Augie Kofoet of 787 Ransom, Brookings, spoke in opposition of no sidewalks being allowed, yet was opposed to the lack of safety by allowing the green belt/common area. There were no questions by Council.

Council President Curry asked if anyone wished to speak in support of the Planning Commission's decision granting the variance. Bill Boynton of 959 Timberline Dr, Brookings, and President of Claron Glen Homeowners Association spoke in favor of the Planning Commission's decision granting the variance. Boynton testified to the commitment of the homeowners association to maintain the common area and stated he was not certain whether "no trespassing" signs would be placed on the common area in the future. There were minimal questions from Council.

Mr. Dudley Mums, P.O. Box 1171, Brookings spoke as to why people walk in the streets. There were no questions.

Gary Mac Eacheren of 914 Midland, Brookings, in support of variance. There were no questions from Council.

Mike Schrum of 924 Midland, Brookings, spoke in favor of variance. There were no questions from Council.

Curry asked if any other interested parties or representatives of public agencies wished to testify. There were none and Council had no questions.

Council President inquired if the applicant wished to offer rebuttal evidence. The applicant stated there was no rebuttal. He then asked if the Planning Staff had any further comments. City Planner Bischoff made various issue clarifications by discussing sidewalks as being on both of the streets at issue and that he appreciated the comparison made to alleys in this issue. However, he noted alleys are to be generally straight and to run between two streets, which means a police cruiser can drive by the alley or a cul-de-sac so as to view all the way down and through it. He stated this is not the case with these common grounds at issue. Bischoff also spoke regarding the possibility of additional tax revenue, not less, if the common grounds were to be given back to resident owners, and that the City has always taken the position that Claron Glen Homeowners Association has the right and ability to place a fence along the boundary of their entire property/development. The abutting property owners would not have the right to cross it.

Council President Curry asked if any participant wanted to request the record remain open for an additional seven days in order to submit additional written evidence, argument or testimony. Appellant asked for time for a rebuttal. City Attorney Trew advised only the applicant had that opportunity since they had the burden of proof. There was no request to have the record remain open for an additional time.

Curry inquired if the applicant wished an additional seven days to submit final written arguments in support of the application or was the applicant willing to waive written argument and have a decision made this evening. The applicant waved written argument and asked for a decision this evening.

Council President Curry closed the public hearing on File No. AAP-1-01 at 8:42PM, February 12, 2001, and declared a recess at 8:44PM.

Council President Curry reconvened the public hearing at 8:53PM. Curry and Council each stated they had no discussion with anyone regarding the public hearing

at hand. Curry asked if there was any further Council discussion. Councilors Kuhn, Johns, and Curry made brief compilation of their opinions on the hearing testimony and issues. There was no further deliberation.

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to support the Final Order of the Planning Commission granting the variance contained in File No. AAP-1-01 and that a Final Order be prepared.

City Planner Bischoff informed Council he would prepare the final order for next Council meeting scheduled for February 26, 2001.

Mayor Hagbom and Councilor Dentino returned to Council Chambers.

Council President Curry turned chair of the meeting back to Mayor Hagbom, and Hagbom continued.

VI. SCHEDULED PUBLIC APPEARANCES

There were no scheduled public appearances

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison reports

1. Chamber of Commerce

a. Driftwood Festival Committee Request - Genie Gilliam

Executive Director Les Cohen of 324 So. Hazel, requested Council for an exception of City Sign Ordinance by allowing two "A" framed signs with proposed locations for the Driftwood Festival to be held March 20 - 25, 2001. City Manager Blodgett spoke in favor of Council allowing this exception.

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to approve an exception to the City Sign Ordinance to allow the Chamber of Commerce to place two "A" framed signs within the city limits at the triangle by the Botanical Garden and at the corner of Easy Street and US Hwy 101 No. during the Driftwood Festival beginning March 20 through March 25, 2001, placed each morning and removed each night at dusk.

b. *Annual Report*

Executive Director Cohen presented the Brookings-Harbor Chamber of Commerce's Annual Report. He informed Council he met with Finance Director Randy Reed for the purposes of familiarizing Reed with the Chamber's financing procedures. Cohen affirmed with Reed that the City has full access to any and all of their finance records, needing only to ask.

Mayor and Council appreciated the Chamber's report and support for the City.

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to accept the Chamber of Commerce's Annual Program Report for Calendar Year 2000.

2. *Businesses for a Better Brookings*

There was no report

3. *Port of Brookings-Harbor*

There was no report

4. *Planning Commission*

a. *Annual Report*

Planning Commission Chair Richard Gyuro of 276 Alan Lane, Brookings annual report in pack, but noted concerns that the CC & PC should get together once or twice a year & under actions taken, we were quite busy; questions? Short discussion & comments from Council

Councilor Dentino moved, Councilor Kuhn seconded, and the Council voted unanimously to accept the Planning Commission Annual Report for the Year 2000.

5. *Council Liaisons*

Councilor Johns stated she was excited about the school oversight committee of which she is a member and about working with the tremendously knowledgeable people on that committee. Their next meeting will be on the same night as the next Council meeting. Johns will be attending the Pelican Bay Prison Advisory Council meeting next week.

Councilor Kuhn furnished an update on the City's 50th Birthday Celebration Committee, reminding everyone of the kickoff dinner on March 10, 2001,

with tickets on sale for \$25/person. She stated the evening guarantees a night of fun, good food, laughter, dancing, and more dancing. Council was asked to take tickets to sell.

Councilor Dentino will be attending a Harbor Sanitation meeting next week. He too has been attending the very enthusiastic birthday meetings. Dentino reported he had attended the recent Businesses for a Better Brookings meeting.

Mayor Hagbom has been attending meetings and receiving much correspondence on Measure 7, which is still "up in the air."

B. Unscheduled

There was no unscheduled communications from the audience.

VIII. STAFF REPORTS

A. City Manager

1. Performance evaluation criteria for City Manager, City Attorney, and Municipal Court Judge

City Manager Blodgett noted six months had passed for his employment with the city, which now required an evaluation of the City Manager. This procedure requires the adoption of criteria for this evaluation. Blodgett advised Council coincidentally, it was time for evaluation of the City Attorney and the Municipal Court Judge. Council must adopt criteria for the City Manager's evaluation per law. It is not required so for the other two evaluations, but Blodgett advised Council he felt it would wise to do the same adoption of criteria for these two positions at the same time. Blodgett informed Council of their options and recommended they approve and adopt the evaluation forms presented. There was minimal discussion regarding the time line for completing the evaluations.

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to adopt the provided evaluation forms as criteria for performance evaluations of the City Manager, Municipal Court Judge, and City Attorney, and to conduct the evaluations in executive session at 7:00 PM on Monday, February 26, 2001, the next Common Council Meeting.

2. Other

There was no other reports.

IX. CONSENT CALENDAR

A. *Approval of Council Meeting Minutes*

1. *Minutes of January 22, 2001, Regular Council Meeting*

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted to approve the Common Council meeting minutes of January 22, 2001, with Councilor Curry abstaining, due to his absence at that meeting.

2. *Minutes of February 5, 2001, Special Continued Council Public Hearing Meeting*

Councilor Dentino moved, Councilor Kuhn seconded, and the Council voted to approve the Special Council Public Hearing meeting minutes of February 5, 2001, with Councilor Johns abstaining, due to her absence at that meeting.

B. *Acceptance of Parks and Recreation Commission Minutes*

1. *Minutes of November 16, 2000, Regular Commission Meeting*

C. *Acceptance of Planning Commission Minutes*

1. *Minutes of December 5, 2000, Regular Commission Meeting*

D. *Approval of Vouchers (\$156,647.99)*

(end Consent Calendar)

Councilor Johns moved, Councilor Curry seconded, and the Council voted unanimously to approve the remainder of the Consent Calendar - agenda sections IX.B, C, and D.

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

There were no ordinance, resolutions, or final orders.

XI. REMARKS FROM MAYOR AND COUNCILORS

A. *Council*

Councilor Kuhn reminded audience and Council of the next 50th birthday meeting set for February 28, 2001, at 7:00 PM in the Fire Hall of City Hall.

B. *Mayor*

1. *Adoption of Liaison Appointments*

Mayor Hagbom asked Council to review the liaison appointments list

provided in their packets and asked if there were any questions. There were none.

Councilor Kuhn moved, Councilor Dentino seconded, and the Council voted unanimously to approve the Council Liaison Appointments as printed.

XII. ADJOURNMENT

Mayor and Council verbally voted unanimously to adjourn the meeting at 9:30 PM.

Respectfully submitted:

Bob Hagbom
Mayor

ATTEST:

Randy Reed
Finance Director/City Recorder

**BEFORE THE CITY COUNCIL
CITY OF BROOKINGS, COUNTY OF CURRY
STATE OF OREGON**

In the matter of Planning Commission File No.)	Final ORDER
APP-1-01; an appeal of a Planning Commission)	and Findings of
decision approving a variance; Wayne Robinson,)	Fact
appellant.)	

ORDER an appeal of the Planning Commissions approval of a variance to allow the Claron Glen Homeowners Association to close the internal walkways within their ownership without having to place a sidewalk on the west sides of Third St. and Midland Way; Assessor's Map; zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Section 136, Variances, of the Land Development Code which authorizes the Planning Commission to approve, approve with conditions or deny a request for a variance, based upon evidence that the proposal meets the following criteria:

- A. Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control, and to which the applicant has not contributed.
- B. The variance is necessary for the preservation of the property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
- C. The authorization of the variance shall not be materially detrimental to the purpose of this code, be injurious to property in the same zone or vicinity in which the property is located or by otherwise detrimental to the objectives of any city development plan or policy.
- D. The variance request is the minimum variance from the provisions and standards of this code which will alleviate the hardship.

2. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on December 5, 2000; and

3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated November 17, 2000 and by oral presentation, and evidence and testimony by the applicant and the public at the public hearing; and,

4. At the conclusion of the public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and the request for the subject application and directed staff to prepare a Final ORDER and Findings of Fact to that effect.

WHEREAS, the appellant appealed the Planning Commission's approval of the variance, pursuant to Section 156, Appeal to the City Council, and

1. The Brookings City Council duly considered the above described application on the agenda of a public hearing on February 12, 2001, the hearing being previously continued from January 22, 2001 and February 5, 2001 with the consent of both the appellant and the applicant; and

2. Presentations were made by the Planning Director in the form of a written Staff Agenda Reports dated December 5, 2000 and January 16, 2001 and by oral presentation, and evidence and testimony were presented by the appellant, the applicant and the public at the public hearing; and,

3. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council, upon a motion duly seconded, considered the Staff Agenda Report and upheld the Planning Commission's decision and directed staff to prepare a Final ORDER and Findings of Fact to that effect.

THEREFORE, IT IS BE HEREBY ORDERED that the application for a variance on the subject parcel is **APPROVED**. This is supported by the following findings and conclusions:

FINDINGS

1. The applicant, the Claron Glen Homeowners Association, is requesting a variance to close the public walkways within the Claron Glen Subdivision and to not have to retrofit the sidewalk along the west side of Third St. and Midland Way.
2. The subject property is zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) and is designated as Residential by the Comprehensive Plan.
3. The area of the subdivision which contains the public walkways is the first recorded phase lying between Third St. on the west, Brookings Meadow Subdivision on the east, Brooke Ln. on the north and Hassett St. on the south.
4. Section 172, Public Facilities Improvement Standards and Criteria, Sub-Section 060.A.2 Sidewalks, of the Land Development Code, states "In the case where a proposed development provides suitable alternative pedestrian routes and approved by the Planning Commission."
5. Pursuant to Section 172.060.A.2, the developer proposed and gained approval to place walkways within common areas throughout the subdivision in lieu of sidewalks on one side of Third St. and Midland Way.
6. The walkways have generated complaints from property owners that their private backyard activities are viewed by people walking in the walkways.
7. The applicant has also expressed concern that because they are secluded the walkways can be used for illegal activities and present other security issues.
8. All of the residents along the non sidewalk side of Third St. and Midland Way have landscaped their yards to the curb and their driveways are also extended to the curb.

9. The Claron Glen Subdivision is the only non-planned unit development subdivision that has internal walkways in lieu of sidewalks on both sides of the street.

CONCLUSIONS

1. The applicant has demonstrated that there is an extraordinary circumstance involved because the walkways were established prior to any of the residents buying property within the subdivision and prior to the formation of the Homeowners Association. The impact of having the walkways within the wooded and secluded common area behind the houses, was not understood at the time they were approved. The walkways therefore create a hardship on the individual property owners for privacy and security reasons. Both the circumstance and hardship are beyond either the HOA and individual owners control.
2. Requiring the HOA to retrofit Third St. and Midland Way by placing a sidewalk along the west side of the street will create a hardship on the individual owners along these streets because of the disruption of their landscaping and driveway aprons. The owners along that portion of the street will be required to park on the opposite side of the street during certain phases of construction because they will be cut off from their garage. Also since the new sidewalk on Third St. would be on the west side of the street, and these residents are not impacted by the walkway issues, they would have to endure this hardship to resolve an issue that does not directly affect them.
3. Each property owner has the expectation of a certain amount of privacy in his/her back yard and the expectation that the back of their house is not directly exposed to a secluded public area that may be used for illicit entry of their yard or house or for other illegal activities. The HOA also has the right to expect that the landscaping within its common area will be secure and relatively free of damage. As it has turned out the public aspect of the walkways have apparently been used to top and even remove trees belonging to the HOA, to improve the view of property owners outside of the Claron Glen Subdivision.
4. When individuals bought property along the west side of Third St. and Midland Way, they did so with the expectation that their landscaping and driveways would not be ripped up to satisfy the intent of an ordinance which allowed the walkways in lieu of a sidewalk on one side of the street that ultimately failed. This is a preservation of a property right to enjoy their yards without the threat of disruption and is beyond the control of the individual owners and the HOA.
5. Since Claron Glen is the only non-planned unit development subdivision that has walkways in lieu of sidewalks on one side of the street, granting this variance will no set a precedent and will not be detrimental to the intent of the Land Development Code. The proposed variance is the minimum required to resolve the issues addressed in the staff report dated November 17, 2000.

CONDITIONS APPLICABLE PRIOR TO FINAL APPROVAL

1. To satisfy the provisions of the C, C, & Rs and the by laws of the Claron Glen Homeowners Association which require that the common areas be maintained “....to standards deemed ‘Reasonable Standards of Maintenance’ by the Brookings City Council or the Brookings Planning Commission.....”, the Planning Commission sets the following standard for maintenance of the common areas:

“The common areas within the Claron Glen Homeowner Association ownership shall be maintained in a manner that enhances the common use and enjoyment of the property owners within the subdivision.”

2. All landscaping within the common areas will be maintained in accordance with the provisions of the applicable city ordinances.

Dated this **12th** day of **FEBRUARY**, 2001

Larry Curry, Council President

ATTEST:

John C. Bischoff, Planning Director