

AGENDA
CITY OF BROOKINGS
COMMON COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
898 ELK DRIVE
BROOKINGS, OREGON
MARCH 24, 1997 - 7:00 P.M.



HAPPY EASTER

March 30, 1997

agenda

CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
March 24, 1997
7:00 p.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS
 - A. Council Liaison Appointment (To be distributed at meeting)
 - B. National Volunteer Week Proclamation (Yellow)
- V. PUBLIC HEARINGS
 - A. File No. CZ-1-97 - A change of zone from C-3 (General Commercial) to C-4 (Tourist Commercial) on the lot that contains the Elks Lodge building (Blue)
- VI. SCHEDULED PUBLIC APPEARANCES
 - A. Chuck Brendlinger, President of Home Builders Association (Pink)
- VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE
- VIII. STAFF REPORTS
 - A. Community Development
 1. Bids on Public Works Riding Lawnmower (Green)
 2. Awarding bid for Public Works Pickup (Orange)
 3. Abandonment of temporary easement (Map 40-13-32CC, Tax lot 301) (Purple)
 4. Building Inspections in County (Cream)
 - B. City Manager
 1. Liquor License Application - Ken's Tavern (Gold)

2. Azalea Park Liquor Use Application - Joe Whaley (Tan)
 3. 90 day extension of agreement on golf course - Ken Zitz (Blue)
 4. Azalea Park Security (Yellow)
 5. 1997-98 Fiscal Year Budget (see 3-18-97 Budget Committee handout):
 - a. City Hall janitorial service
 - b. Azalea Park restroom janitorial service
 - c. Downsizing Municipal Court
- C. Police Department
1. Enhanced 911 Office expansion (Green)

IX.

CONSENT CALENDAR

- A. Approval of Council Meeting Minutes
 1. Minutes of February 24, 1997 Regular Council meeting (Orange)
 2. Minutes of March 6, 1997 Regular Council meeting (Cream)
- B. Approval of Commission/Board Minutes
- C. Approval of Vouchers (\$166,646.20) (Purple)
- D. Deed Acceptance - Acceptance of a deed to correct a recording error (Pink)

(end Consent Calendar)

X.

ORDINANCES/RESOLUTIONS/FINAL ORDERS

- A. Ordinances
 1. Ordinance No. 97-O-522 - An Ordinance amending the zoning map of the City of Brookings by rezoning from C-3 (General Commercial) to Tourist Commercial (C-4) upon that certain real property (Gold)
- B. Resolutions
 1. Resolution No. 97-R-615 - A Resolution approving rates for sanitation services to be charged by Curry Transfer and Recycling to customers in the City of Brookings (Tan)

XI. COMMITTEE & LIAISON REPORTS

- A. Council Liaisons
- B. Planning Commission
- C. Parks and Recreation Commission
- D. Chamber of Commerce

XII. REMARKS FROM MAYOR AND COUNCILORS

- A. Mayor
- B. Council

XII. ADJOURNMENT

MARCH 1997

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
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2	7:00pm FH-Dept drill night	8:30am Staff Mtg-Tom's ofc 12:00pm Rotary-Sandy's 1:00pm Rotary Board of Dir-Sandy's 7:00pm CC-Planning Commission Mtg	8:00am CC-Muni Court 12:00pm CC-Community mtg 7:00pm FH-BPD Reserves	9:00am CC-Crime Stoppers 10:00am Site Plan-Tom's ofc		8
9	7:00pm CC-Council Mtg 7:00pm FH-Dept drill night	8:30am Staff Mtg-Tom's ofc 12:00pm Rotary-Sandy's	8:00am CC-Muni Court 7:00pm Tri Cities Council-Gold Beach Chambers	8:15am Finance Staff Mtg 10:00am Site Plan-Tom's ofc 12:00pm Chamber Forum-Conf Ctr 5:00pm Local Public Safety Coord Council-GB	7:00pm CC-Soccer League	1:00pm CC-So Curry Youth Assn (Lorraine Kuhn)
16	7:00pm FH-Dept drill night 7:30pm School Board-Azalea Library	8:30am Staff Mtg-Tom's ofc 12:00pm Rotary-Sandy's 1:15pm CC-Open bids, Public Works Riding Mower Overflow...	8:00am CC-Muni Court 9:00am FH-Bike Rodeo (Barb P) 1:30pm FH-Safety Comm Mtg 7:00pm CC-APF Mtg	8:15am CC-CDD Staff Mtg 10:00am Site Plan-Tom's ofc 5:00pm CC-CFABB Mtg Overflow...		22
23	8:00am SPRING BREAK 7:00pm CC-Council Mtg 7:00pm FH-Dept drill night	8:00am SPRING BREAK 8:30am Staff Mtg-Tom's ofc 12:00pm Rotary-Sandy's 4:00pm CC-Student Government Day Overflow...	8:00am SPRING BREAK 8:00am CC-Muni Court 6:30pm CC-Citizen Academy 7:00pm Chamber Board of Directors-Conf Ctr	8:00am SPRING BREAK 8:15am CC-CDD Staff Mtg 10:00am Site Plan-Tom's ofc 7:00pm CC-Parks & Rec Comm Mtg	8:00am SPRING BREAK	29
30	7:00pm FH-Dept drill night		FEBRUARY 1997			31
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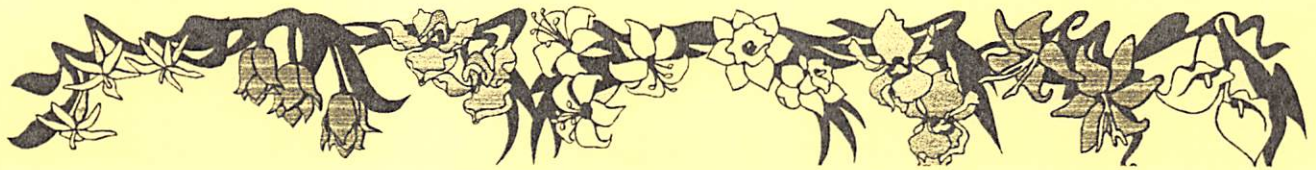
APRIL 1997

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY										
		8:00am APRIL FOOL'S DAY 8:30am Staff Mtg-Tom's ofc 12:00pm Rotary-Sandy's 1:00pm Rotary Board of Dir-Sandy's Overflow... 1	8:00am CC-Muni Court 12:00pm CC-Community mtg 6:30pm CC-Citizen Academy 2	9:00am CC-Crime Stoppers 10:00am Site Plan-Tom's ofc 11:00am Muni Court Bench Trial 3	8:00am CC-Mtg with Brusch & Bauder attorney with Nina Canfield, Leo, Bill S. & Doug 4	5										
	7:00pm FH-Dept drill night	8:30am Staff Mtg-Tom's ofc 12:00pm Rotary-Sandy's	8:00am CC-Muni Court 7:00pm CC-APF Mtg 7:00pm Tri Cities Council-Gold Beach Chambers	8:15am Finance Staff Mtg 10:00am Site Plan-Tom's ofc 12:00pm Chamber Forum-Conf Ctr 5:00pm Local Public Safety Coord Council-GB 10		11										
Daylight Savings Begins 6						12										
	6:00pm CC-Council/Planning Comm Mtg 7:00pm CC-Council Mtg 7:00pm FH-Dept drill night 13	8:30am Staff Mtg-Tom's ofc 9:00am CC-Forest Svc (Shirley VanCleave) 12:00pm Rotary-Sandy's 14	8:00am CC-Muni Court 1:30pm FH-Safety Comm Mtg 6:30pm FH-Citizen Academy 7:00pm CC-Council/Budget Mtg 16	10:00am Site Plan-Tom's ofc 5:00pm CC-Student Government Day 17		18										
	7:00pm FH-Dept drill night 7:30pm School Board-Azalea Library 20	8:30am Staff Mtg-Tom's ofc 12:00pm Rotary-Sandy's 21	8:00am CC-Muni Court 6:30pm FH-Citizen Academy 7:00pm CC-Council/Budget Comm worksession Overflow... 22	10:00am Site Plan-Tom's ofc 7:00pm CC-Parks & Rec Comm Mtg 24		25										
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			23/30	24/31	25	26	27	28	29	25	26	27	28	29	30	31

APRIL 1997

APPOINTMENTS & SCHEDULED EVENTS

4/1/97	7:00pm	CC-Planning Commission Mtg
4/23/97	7:00pm	Chamber Board of Directors-Conf Ctr



PROCLAMATION

WHEREAS, the basis for a safe and productive America is the people's willingness to work together, without prejudice, to find solutions to our serious problems; and

WHEREAS, it is the responsibility of all our citizens to seek answers and solutions to the problems and needs of our country; and

WHEREAS, volunteer community service is crucial in this time of limited government resources; and

WHEREAS, our volunteer force, more than 93 million people strong, is a driving force behind making our country's solutions to problems become nationwide reality; and

WHEREAS, experience proves that together as volunteers we can help change the lives of others while changing our own; and

WHEREAS, it is the duty of all citizens to honor people who donate their time, energy and strength to making our communities and our entire nation a safer and more productive place to live;

NOW, THEREFORE, I, Mayor Nancy Brendlinger, do proclaim April 13-19, 1997 as:

“National Volunteer Week”

in Brookings, and urge my fellow citizens to observe this week by recognizing the individuals who have made a difference in our community. Volunteer community service allows people to connect with one another while working together toward solving our community and our country's problems.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Brookings to be affixed this 24th day of March, 1997.

Nancy Brendlinger, Mayor

CITY OF BROOKINGS CITY COUNCIL
STAFF AGENDA REPORT

SUBJECT: Zone Change
FILE NO: CZ-1-97
HEARING DATE: March 24, 1997

REPORT DATE: March 17, 1997
ITEM NO: V.1

BACKGROUND

This item was heard at the March 4, 1997 Planning Commission meeting where it received a unanimous recommendation for approval. The purpose for the requested change of zone is to allow the Elks Lodge to apply for a conditional use permit for a small Recreational Vehicle Park on their property. The permitted uses allowed in the requested C-4 Zone are essentially the same as those allowed in the existing C-3 Zone and thus the impact of allowing the change will be nil. There was no testimony presented against the zone change in either written or verbal form. The Planning Commission Staff Report, an ordinance and final order is attached.

The RV park is a conditional use and must be heard and approved by the Planning Commission which will consider the compatibility and potential impacts of that specific use.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Zone Change
FILE NO: CZ-1-97
HEARING DATE: March 4, 1997

REPORT DATE: February 25, 1997
ITEM NO: 8.4

GENERAL INFORMATION

APPLICANT: Brookings Elks Lodge.

REPRESENTATIVE: Philip Cox.

REQUEST: A change of zone from C-3 (General Commercial) to C-4 (Tourist Commercial) on the lot that contains the Elks Lodge building.

TOTAL LAND AREA: 150,265± sq. ft. (3.49 acres).

LOCATION: 800 Elk Dr. On the north side of Elk Dr. approximately 375 feet east of Fifth St.

ASSESSOR'S NUMBER: 41-13-6AC, Tax Lot 3100 and 41-13-6AD, Tax Lot 1700.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: C-3 (General Commercial).

PROPOSED: C-4 (Tourist Commercial).

SURROUNDING: West and South - C-3; North, East and Southeast - R-3 (Multiple-Family Residential).

COMP. PLAN: Commercial.

LAND USE INFORMATION

EXISTING: Lodge building and associated parking.

PROPOSED: The addition of a 12 space RV park for visiting members.

SURROUNDING: North - Residential uses; Northwest - Vacant; West - City Hall; South - Commercial uses; East - Church; Southeast - Residential uses across the south Fork Macklyn Creek canyon.

PUBLIC NOTICE: Mailed to all property owners within 250 feet of subject property and published in local news paper.

BACKGROUND INFORMATION

The subject property consists of two lots totaling 3.45 acres in size located on the north side of Elk Dr. approximately 375 feet east of Fifth St. or more specifically 800 Elk Dr. The subject site has approximately 415 feet of frontage on Elk Dr., and an easterly boundary of 420 feet. The northerly boundary extends due west for 185 feet then angles to the southwest along Macklyn Creek for a distance of 314 feet to the east boundary that extends south 209 feet to Elk Dr.

The subject property is flat in the easterly portion and then begins to drop to the west at about the center property center. The primary parking area for the lodge is located on the flatter easterly portion of the lot and the lodge itself is a split level building. There is another, smaller parking area located on the west side of the building on a graded pad.

The property is currently zoned C-3 (General Commercial) and is the site of the Elks Lodge building and associated parking. Lodges are a permitted use within the C-3 Zone. The area to the northwest, west and south is also in the C-3 Zone. The lot to the northwest is vacant and the City Hall is located on the adjoining lot to the west. The area to the south is developed with commercial uses. The area directly north, east and southeast of the subject property is zoned R-3 (Multiple-Family Residential). The lots directly north of the subject site are developed with residential uses and the adjoining property to the east is the location of the Mormon Church. The area to the southeast is developed with a variety of residential uses.

Elk Dr. is paved travel way within a 50 foot right-of-way with curb and gutter on both sides and a sidewalk on the north side adjacent to the subject property. There is a sidewalk on both sides of Elk Dr. for the first 240 feet east of Fifth St. There is a sewer main located in Elk Dr. adjacent to the subject property but no water main. The Elks Lodge receives its water from the main in Fern St. through an easement across the church property.

PROPOSED ZONE CHANGE

The applicant is requesting a change of zone on the subject property from the existing C-3 Zone to the C-4 (Tourist Commercial) Zone. Since the property is currently designated as Commercial by the Comprehensive Plan, a Plan change is not necessary with this application. The reason for the requested zone change is to allow the Elks Lodge to create a 12 unit RV park on the subject site for the use of their traveling members. RV parks are a conditional use in the C-4 Zone and the applicant will proceed with the application for the use permit when/if the zone change has been approved

ANALYSIS

The Land Development Code does not contain specific criteria to be considered when deciding a change of zone. However, in the process of making such a decision the Commission must consider the different uses allowed as permitted in the requested new zone and the compatibility of those uses with, and the impact they may have on, existing uses in the surrounding area. The Commission must also consider how the requested change affects the goals and policies of the City's Comprehensive Plan, compatibility with existing uses and traffic impacts. Although the reason for the change of zone is to allow an application for a conditional use permit for a recreational vehicle park, this application

is for the zone change and not the RV park and therefore must be considered in view of the permitted uses and not the desired use. The request for the conditional use permit will be heard when and if the zone change is approved. The following is staff's analysis of the proposed zone change.

Compatibility with surrounding uses. The uses allowed in the proposed C-4 Zone are very much the same as those allowed by the existing C-3 Zone. The primary difference is that the C-4 Zone allows automobile service stations where the C-3 Zone does not. On the other hand the C-4 Zone apparently does not allow many of the retail uses of the C-3 Zone. The term "apparently" is used here because the C-3 Zone spells out several retail uses while the C-4 Zone lists only gift shops as a permitted retail use, although "gift shop" is very general and almost any retail store can be considered to be a gift shop. Lodges and clubs are allowed as a permitted use in both zones.

Since the uses allowed by the C-4 Zone are essentially the same as those allowed by the existing C-3 Zone, allowing the requested zone change should have the same degree of compatibility on the surrounding uses. This is particularly true since the subject site is already committed to use as a lodge building which is permitted in both zones and is not likely to cease in the foreseeable future. If the Elks Lodge should move to another location, the only use that could be placed on the property under the C-4 Zone and not the C-3 is a automobile service or gas station. However, unless traffic patterns change drastically, subject site does not make a logical place for a service station. The proposed zone change should not be any less compatible with the surrounding uses than the existing zone.

Traffic generation. Since the uses allowed by the C-4 Zone are essentially the same as those of the C-3 Zone, the amount of traffic generated by the proposed zone change should not be significantly different. Again since the Elk Lodge already occupies the site the amount of traffic generated should change only as the Elk membership changes and as the functions at the lodge change and this would be the same regardless of the underlying zone. The requested C-4 zone would not change the amount of or the pattern of traffic generated by the existing use on the subject site.

Comprehensive Plan. The policies of Goal 9, Economy of the state, of the Comprehensive Plan call for a diversified economy. The requested change of zone, for the reasons stated above, will not have a significant impact on this policy. Again the uses allowed by both the exiting and requested zone are nearly identical.

It is obvious that the requested C-4 Zone will be no more or less compatible with the existing surrounding uses or have a significantly different impact on traffic and on Comprehensive Plan policies. The requested zone change is the vehicle to allow an application for a conditional use permit for the proposed recreational vehicle park. Although the RV park is not a part of this partition the applicant has submitted several letters from surrounding uses stating that they have no objection to a small RV park on the Elk Lodge property. This then would also include the change of zone that would allow a conditional use permit for the RV park. The question then becomes one of whether the existing zone should be replaced by a zone that allows virtually identical uses. To change the zone would allow the Elks Lodge to pursue a conditional use permit for a small RV park. To not change the zone would preclude the possibility of a use permit. Staff is recommending that the zone change be approved.

FINDINGS

1. The applicant is requesting a zone change from C-3 (General Commercial) to C-4 (Tourist Commercial) on a 3.45 acre parcel of land located a 800 Elk Dr.
2. The subject property is currently designated as Commercial by the Comprehensive Plan and the requested change of zone will not affect this designation.
3. The subject property is the site of the existing Elks Lodge and the stated purpose of the requested change of zone is to allow the Lodge to apply for a conditional use permit to establish a 12 unit recreational vehicle park for the use of their traveling members.
4. An RV park is a conditional use in the requested C-4 Zone but not in the existing C-3 Zone.
5. The permitted uses in the requested C-4 Zone are essentially the same as the permitted uses in the C-3 zone with the notable difference that the C-4 Zone allows a automobile service station (gas station) as a permitted use while it is conditional use in the C-3 Zone. The existing lodge on the subject property is a permitted use in both zones.
6. Goal 9, Economy of The State, of the Comprehensive Plan, contains policies calling for the diversity of the city and community's economy.

CONCLUSIONS

1. Since the uses in the C-4 and C-3 zones are essentially the same, changing the zone to C-4 will not present a compatibility problem. This is particularly true since the subject property is currently committed to use as the Elk Lodge which keeps the impact the same for either zone. The fact that the property already has a long term committed use also means that the traffic generated by the lodge and its activities will be the same for either zone and there will be not particular impact upon the goals and policies of the Comprehensive Plan.
2. The requested zone change is the mechanism in which the Elks Lodge can apply for a conditional use permit for the desired recreational park for the use of there members. Although an RV park on the property may create compatibility concerns and generate more traffic, these are issues that will be addressed through the public hearing process when the lodge submits the application for the conditional use permit. The lodge is a permitted use in both the existing C-3 Zone and the requested C-4 zone and thus its status will not be effected if the conditional use permit for the RV park should be denied.
3. The applicant has submitted several letters from adjoining property owners stating that they have no objection to a small RV park being placed on Elk's Lodge property. With this support in mind, the requested change to the C-4 zone is appropriate to allow the lodge to pursue an application for the conditional use permit.

RECOMMENDATION

Staff recommends **APPROVAL** of Case File No. CZ-1-97, based on the findings and conclusions stated in the staff report and subject to the conditions of approval listed above.

Staff has prepared a Final ORDER to be considered at this meeting.

**BEFORE THE PLANNING COMMISSION
CITY OF BROOKINGS, COUNTY OF CURRY
STATE OF OREGON**

In the matter of Planning Commission File No.) CZ-1-97; application for approval of a Change of) Zone, Brookings Elks Lodge, applicant.) _____)	Final ORDER and Findings of Fact
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ORDER approving an application for a change of zone from C-3 (General Commercial) to C-4 (Tourist Commercial) on a 3.49 acre parcel of land located on the north side of Elk Dr. 375 feet east of Fifth St.; Assessor's Map 41-13-6AC, Tax Lot 3100 and 41-13-6AD, Tax Lot 1700; C-3 (General Commercial).

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Section 144, Amendments, of the Land Development Code; and,
2. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on March 4, 1997; and
3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated February 25, 1997, and by oral presentation, and evidence and testimony was presented by the applicant and the public at the public hearing; and,
4. At the conclusion of said 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 recommended that the City Council approve the request, and
5. The Brookings City Council duly considered the above described application in a public hearing at a regularly scheduled public meeting held on March 24, 1997, and is a matter of record; and
6. 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, accepted the Planning Commissions recommendation; and

THEREFORE, LET IT BE HEREBY ORDERED that the application for an amendment on the subject parcel is approved. This approval is supported by the following findings and conclusions:

FINDINGS

1. The applicant is requesting a zone change from C-3 (General Commercial) to C-4 (Tourist Commercial) on a 3.45 acre parcel of land located a 800 Elk Dr.
2. The subject property is currently designated as Commercial by the Comprehensive Plan and the requested change of zone will not affect this designation.
3. The subject property is the site of the existing Elks Lodge and the stated purpose of the requested change of zone is to allow the Lodge to apply for a conditional use permit to establish a 12 unit recreational vehicle park for the use of their traveling members.
4. An RV park is a conditional use in the requested C-4 Zone but not in the existing C-3 Zone.
5. The permitted uses in the requested C-4 Zone are essentially the same as the permitted uses in the C-3 zone with the notable difference that the C-4 Zone allows a automobile service station (gas station) as a permitted use while it is conditional use in the C-3 Zone. The existing lodge on the subject property is a permitted use in both zones.
6. Goal 9, Economy of The State, of the Comprehensive Plan, contains policies calling for the diversity of the city and community's economy.

CONCLUSIONS

1. Since the uses in the C-4 and C-3 zones are essentially the same, changing the zone to C-4 will not present a compatibility problem. This is particularly true since the subject property is currently committed to use as the Elk Lodge which keeps the impact the same for either zone. The fact that the property already has a long term committed use also means that the traffic generated by the lodge and its activities will be the same for either zone and there will be not particular impact upon the goals and policies of the Comprehensive Plan.
2. The requested zone change is the mechanism in which the Elks Lodge can apply for a conditional use permit for the desired recreational park for the use of there members. Although an RV park on the property may create compatibility concerns and generate more traffic, these are issues that will be addressed through the public hearing process when the lodge submits the application for the conditional use permit. The lodge is a permitted use in both the existing C-3 Zone and the requested C-4 zone and thus its status will not be effected if the conditional use permit for the RV park should be denied.
3. The applicant has submitted several letters from adjoining property owners stating that they have no objection to a small RV park being placed on Elk's Lodge property. With this support in mind, the requested change to the C-4 zone is appropriate to allow the lodge to pursue an application for the conditional use permit.

Dated this 24th day of MARCH, 1997

Nancy A. Brendlinger, Mayor

ATTEST:

John C. Bischoff, Planning Director

EVALUATION OF CITY SERVICES

Last fall, the Home Builder's Association and the Curry County Board of Realtors conducted a survey of contractors', realtors and homeowner's regarding city services pertaining to development. For the most part, those contacted deal with the city on a regular basis and speak with the experience of several contacts with city staff. However, this same need to deal with the city in the future also led to an almost 99% majority requesting to be anonymous.

The survey showed that there were satisfied customers of the city. However, on the other hand it also showed, as did the survey taken by the Business Development Center, that the city does have some weak areas that need refining. It is hoped that the city will make a sincere effort to improve in these areas. We would encourage the city staff not to wait until the '97-'98 year to implement the Council Goal of each department developing a user friendly "to do" list such as the one recently developed by Doug Alexander of the Building Department.

In conclusion, the city is in a service business and it often seems to have become very non-user friendly. A great number of users are distrustful and leery of the city's purpose. This projection is causing local people problems. Some newcomers are just deciding not to stay here but to go on to places with a more friendly attitude.

We are making a few basic suggestions to resolve the problems:

1. The Planning, Community Development and Engineering Departments and the City Manager should develop a better method of handling the public. Part of this could be in the form of a hand out that completely outlines all the requirements to complete various projects, such as the new handout on building permits. This would give a better understanding on how to get things done for the public and the staff.
2. Develop a job description guide handout for Who and Where to go to get answers regarding various city services.
3. Publish a handout that details the involvement of the City Engineer, (i.e., name, phone

number and times when City Engineer can be reached, type of projects requiring City Engineer, at what point is City Engineer involved, turn-around time expected for approval, charges and justification for charges).

4. Set up a committee to review and suggest changes to Section 100 as soon as possible.
5. Set up a volunteer Grievance Committee to hear problems and make recommendations to the Planning Commission and/or the City Council on solutions before the problems get out of hand.

We feel that implementation of these suggestions would go a long way to providing more productive time both in city hall and in the public workplace.

We would also like to note that this survey was done by volunteers at no cost to the city.

Sincerely,

SURVEY OF CITY SERVICES

1. What type of project did you have?

Answer: Mostly residential house construction on flat and sloped lots. One respondent stated "all types". Some had only gone through engineering and planning

2. Were you directed to the proper department on your first contact?
Yes ___ No ___

Answer: All but one person answered yes.

3. Did you receive all the information you needed to prepare the necessary paper work (plans, etc.) to start your project on your first contact with the County/City?
Yes ___ No ___ If your answer is no, how long did it take?

Answer: Almost half answered no. Comments: Planning needs to write information down in handout packet; - Wasn't told of all requirements when I first made contact with Building Dept.; - Not told needed drainage plan in beginning; - Took 3 months.

4. How long did it take to get approval of your project?

Answer: 2 months (1 mo. for my geologist and engineer and 1 mo. with city engineer); One month total; - Taken 2 ½ months and still trying - 7 working days; - 3 weeks; - 2 months; - Two weeks to two months, depends on project; - 3 months; - Two months, sometimes more; - It takes quite a while playing "Guess Again" to learn the "system".

5. Did you have contact with anyone in any of the following departments?

Building:

Engineering:

Planning:

Other, please specify

Answer: The majority had contact with Building and Planning. Several dealt with HGE, one with Leo, one with Dennis.

6. How many and what departments/personnel were needed to give approval of your project?

Answer: Most said all departments were needed for approval. Other answers: Don't know yet as not approved yet; - Too many to remember - Sometimes all plus the fire chief.

7 Did all codes that applied to your project seem reasonable? Yes ___ No ___
If your answer is no, please explain.

Answer: All but one felt that the codes were unreasonable. Comments included; Hillside code needs changing; - Section 100 excessive; - Some zoning and parking requirements are unreasonable; - Too many sheets required for minor projects; - No time schedule for city staff or city engineer to respond and approve plans; - 2-3 weeks for city engineer approval of simple plan.

8. Were there any problems complying with the codes and requirements?

Answer: Respondents were evenly split on this one. Comments included; Just time and expense; - Too much time. Too much trouble; - Cost a lot of money for engineering and implementation; - Especially Section 100; - Just expensive.

9. Do you feel your plans were approved quickly _____ or took too long _____
Please explain.

Answer: All but one felt that it took too long for approvals. Comments: Took 3 weeks with HGE; - Time is money and our good weather days are being wasted; - Got too close to the rainy season waiting for approvals; - Takes 2-3 weeks to get 1 and 2 page plans approved by city engineer.

10. Do you feel the fees and charges for your project were reasonable?
Yes ___ No ___
If no, please explain.

Answer: A few felt the fees were reasonable but most thought the fees were too high for the service received. Comments: Spent an extra \$6,000 to outside consultant who only confirmed what had already been designed; - City engineer took too long; - SDC's too high; - City engineer cost too much when you have to wait.

11. Were you able to get inspections when needed? Yes__No_
If no, please explain.

Answer: All but one said they could get inspections when needed.

12. Was the attitude of the employees helpful? Yes_____No_____
If no, please explain.

Answer: Just a little over half said employee attitude was helpful. Comments: City engineer difficult to reach; - City inspector seemed very stressed; - Only answer for requirements was to satisfy city engineer; - "I don't care" attitude with staff and engineer; - Generally yes, maybe Linda will help Leo; - City need to be more consumer friendly; - City engineer in Coos Bay is out of touch with our city needs.

13. Overall, were you happy with your experience with the City? Yes__NO__
If no, please list things that you feel need to be changed.

Answer: Only two felt their experience was positive. Comments: With city personnel, yes but with bureaucratic paper work and outside agencies, no; - City engineer doesn't keep word; - A list of all documents needed by city should be provided when applying for building permit; - Engineering department is bad news.

14. Would you do this project again? Yes_____No_____
If the answer was no, please explain.

Answer: Only one person said no. Comments: Endless delays postponed this project into the next year; - If I had to but would plan on 3-4 week delay; - Cost too much money; - Disgusted property owner, no choice.

15. Do you feel good about the answers to your questions that you receive from the city?

Answer: One answered yes and one answered sometimes. Most said no. Comments: Some of the time mass confusion; - Usually accurate.

16. Do you understand the requirements for development in the city?

Answer: A little less than half said yes. The rest said sometimes. Comments: Not sure of the proper chain of command; - Do not always get same answer twice.

17. Can you easily obtain information from the following departments?

Building Yes, when available; - 50/50; - Fair

Planning Mostly yes or OK; - some no's; - county easier to work with.

Engineering Yes's and no's split; - Vague

18. Do you get personal cooperation from staff when asking specific questions?

Answer: One yes; Comments: Not in writing; - Vague; - Most are helpful except for one person; - Never

19. Are you reluctant to sell or show vacant undeveloped land in the city due to all the rules and regulations in developing?

Answer: Evenly split on yes's and no's. Comments: No, but it is a lot of extra hours that need not be; - Cautions buyers to check with the city; - Extremely cautious; - City more than county.

20. Do you have trouble dealing with the city's Hillside Development standards?

Answer: Mostly yes. Comments: Don't think that most realtors understand full impact; - Haven't tried; - Not strict enough, makes us nervous.

21. Do you feel like you are losing sales because there is so much confusion over how to satisfy all the development requirements?

Answer: Mostly yes. Comments: Sometimes; - I tell my buyers to talk to the city. I don't represent anything requiring city input anymore.

22. Have you been told that it is easier to develop in other areas than it is to develop here?

Answer: All but one answered yes.

23. Do the local development codes seem reasonable?

Answers ranged from no, to some of them to don't know.

SECTION 100
of the Land Development Code

All new legislation, including city ordinances, need to have a review now and then in order to straighten out the bugs that appear as the particular law is being applied. Section 100, also know as The Hillside Ordinance, is no exception. Quite a few bugs have surfaced in what was once thought to be good ordinance.

Upon the request of John Bischoff, the city planner, we have put forth some ideas on making Section 100 a better ordinance for both the City and the public. Attached is what we expect will be the beginning of the process to amend Section 100. We firmly believe that changes we have recommended should be incorporated if we are to keep Section 100.

Some additional areas that should be dealt with are:

1. Slope density; do we have the proper density? By what criteria do we use half acre and full acre as lot sizes?
2. How do you calculate slope density when there is a depression within the slope?
3. Flat benches that are located on slopes; should the same Section 100 requirements apply to a building site that is fairly flat within a slope?
4. Does Section 100 allow for Dwelling Groups per LDC Section 20.110-120?
5. Should the underlying zoning on slopes be changed to reflect the true realities of Sec.100?

Section 100

HAZARDOUS BUILDING SITE PROTECTION
AND SLOPE HILLSIDE DEVELOPMENT STANDARDS

(This section also addresses measures to be taken on non-hillside areas as well as hillside areas)

Sections:

- 100.010 Purpose.
- 100.020 Review by city manager or planning commission.
- 100.030 Slope-density standards.
- 100.040 Site study authorization.
- 100.050 Site preparation.
- 100.060 Enforcement.
- 100.070 Final maps.

100.010 Purpose.

A. The purpose of this section is to prevent building site hazards and threats to life and property created by flooding, landslides, weak foundation soils and other hazards as may be identified by the city of Brookings, ~~or other agencies.~~ This section is intended to advance the above purpose to protect life and property: *(the reference to "other agencies" is taken out so as to reduce the vagueness of how many and what agencies a homeowner/developer must go through to get approvals)*

1. By requiring the study of such areas by a qualified person prior to construction.
2. By requiring special construction techniques to control dust, mud, water runoff, soil erosion or sediment deposition during construction.
3. By controlling building density in the above described areas.
4. By establishing mechanisms for enforcement to insure compliance with this code.

B. The policies and standards of this section are based upon the data contained in the comprehensive plan document ~~and other technical information.~~ *(need to have this "other technical information" specifically named so that the documents can be inspected)*

100.020 Review by city manager or planning commission.

- A. The city manager or a qualified designate, shall review all planning permit requests for conformance with the standards and criteria of this section.
- B. The city manager or a qualified designate shall review requests for building permits or grading permits, and the planning commission shall review land use applications proposed ~~within~~ with areas identified as having average slopes of greater than 15% grade.
- C. The city manager or a qualified designate may refer matters to the planning commission which require use of standards, such as slope-density determinations. The planning commission shall consider the advice of the city manager or a qualified designate and/or other technically qualified person(s) and such qualified persons representing the applicant in making a determination.
- D. The planning commission may approve, approve with conditions or require changes or deny the proposal based upon the criteria or standards listed in Sections 100.030, 100.040 and 100.050. Planning commission decisions may be appealed to the city council as provided in Section 156.

100.030 Slope-density standards.

In the review of applications for partitioning, subdivisions, planned or clustered developments or multiple-family dwellings, the planning commission and the city manager or a qualified designate in reviewing ministerial applications, shall employ the following density standards for the project site, based on the average slope. Average slope shall be determined by at least three measurements perpendicular to the contour lines from boundary to boundary within the lot or, in the case of a subdivision or partition, within the boundaries of the proposed lot and not including land to be dedicated for right-of-way or other dedicated *(added for clarification and match city's current interpretation)* purposes or city required easements. *(Property set aside for city use should be same as dedicated property and not be included in average slope calculation)* Average slope of the site shall be as determined by a contour map prepared by the applicant or his representative. Contour maps should be prepared with 5' contour lines. ~~with the following interval and with the average slope indicated:~~

Overall Site
Elevation Difference

Contour
Interval

0'—25'

2'

26—50'

5'

51'+—

10'

(requiring 5' contour lines for all elevations simplifies the readability of the map - also this change is consistent with the current information sheet that the planning department hands out that states that topographical maps are to have 5' contour lines)

The applicants submittal must accurately reflect the nature of the slopes on the subject property. The city may determine that more measurements are required to establish the actual average slope. ~~Average slope shall be determined by measuring perpendicular to the contour lines from boundary to boundary within the lot or, in the case of a subdivision or partition, within the boundaries of the proposed lot and not including land to be dedicated for right-of-way or other purposes~~ *(This sentence is moved to the first paragraph)*

1. Zero - 15% average slope: Density is limited only by the underlying zone in which the site is located.

2. Greater than 15% - 30% average slope: ~~Site study and report by a certified engineering geologist is required prior to construction or excavation.~~ *(this language is moved to 100.050 Site preparation)* Density of proposed lots shall not exceed two (2) dwelling units per acre one (1) dwelling unite per half acre except as provided in Section 100.030.4.

3. Greater than 30% slope: ~~Site study and report by a certified engineering geologist is required prior to construction or excavation.~~ *(this language is moved to 100.050 Site preparation)*. Density of proposed lots shall not exceed one (1) dwelling unit per acre except as provided in Section 100.030.4. ~~Construction on slopes of 30% or greater is permitted only with a foundation designed by a Oregon licensed civil engineer.~~ *(this language is moved to 100.050 Site preparation)*

4. If it can be demonstrated that the average slope across a given lot of a proposed subdivision or minor partition is less than 15% grade that lot may be smaller than the requirements of Sections 100.030.2 and 3 above. In no case shall the size of a lot be less than the minimum allowed by the underlaying zoning. Specific density shall be established after deliberation of the planning commission and testimony from the city manager or a qualified designate, and the applicant's

certified ~~engineering~~ geologist, and the applicant's civil or structural engineer. ~~other qualified persons.~~ The ~~A~~ site study conducted by the geologist and the civil or structural engineer shall determine if a greater or lesser density is suitable for the site. ~~The site study shall also determine the need for mitigation measures such as drainage structures, water retention, rip rap, road placement and re-vegetation.~~ *(this language is moved to Section 100.050 Site Preparation)*

100.040 Site study authorization.

A. The city manager or a qualified designate may require a site study by a certified ~~engineering~~ *(this animal is almost non-existent and not necessary with the requirement of a civil engineer to also be involved)* geologist, Oregon licensed civil engineer and/or other qualified person prior to issuance of a building or grading permit in areas containing or adjacent to a fault zone, sinkhole, unstable soils, steep slopes, high water table, or other geologic hazard. Site studies may also be required for construction or excavation in areas of steep slope, where, in the opinion of the city manager or a qualified designate, there is a potential hazard to the proposed structure(s) or to any adjacent property. ~~The site study shall also determine the need for mitigation measures such as drainage structures, water retention, rip rap, road placement and re-vegetation.~~ *(this is language from 100.030.4)* And also:

B. site specific studies may be required by the city manager or a qualified designate, ~~or the planning commission~~ *(it is not appropriate for the planning commission to be involved in issuance of building permits)* for said building or grading permit of property containing weak or unstable foundation soils or other geologic factors as determined by the soils or geology ~~engineering geology~~ *(redundant)* report. Site reports shall include bearing capacity of the soil, soil stability, pertinent geological formations, adequacy and method of drainage ~~facilities~~, *(it should not be taken for granted that a "facility" will be needed)* and soil compaction and other requirements necessary for stability prior to construction. Location and characteristics of weak foundation soils and geologic formations shall be updated as information becomes available.

100.050 Site preparation

A. A site study shall determine

1. On average slopes of greater than 15% - 30% a site study and report by a certified geologist and an Oregon licensed civil engineer is required prior to excavation or construction.

2. On average slopes of greater than 30% a site study and report by a

certified geologist and an Oregon licensed civil engineer is required prior to excavation or construction and with the foundation designed by an Oregon licensed civil engineer.

B. A No property shall be disturbed, excavated, filled or developed within the city so as to cause slides of mud, soil, rock, vegetative material or any erosional or depositional material to be pushed onto, deposited upon or gravitated to the property of another.

C. B- Prior to any site preparation on an existing lot, or on an approved but unrecorded minor or major partition or subdivision, on average slopes greater than 15% grade, the applicant shall submit grading plans prepared by an Oregon licensed civil engineer showing the following information: ~~for approval of the City Engineer:~~ *(by involving the City Engineer, the city is sharing the liability with the applicants engineer for any failures. The current City Engineer has expressed a desire not to be involved in approving development on private property thus relieving the city of a potential future liability problem):*

1. All cut and fill slopes associated with new or improved roads, driveways and building pads and methods of fill compaction.
2. All utility grading including the placement of electrical television and telephone cables.
3. Areas of the site to be denuded of vegetation cover.
4. Mitigation measures including erosion control, permanent planting and an implementation time table ~~The implementation time table shall be approved by the City Engineer and/or city Manager or a qualified designate, in regard to the season(s) in which construction will occur.~~ *(this will be addressed in the new E4)*

D. C- All vegetation removal and grading on an existing lot, or on an approved but unrecorded minor or major partition or subdivision on average slopes greater than 15% grade shall be carried out as per approved grading plans and under the supervision of the project engineer.

E. D- Erosion and sedimentation caused by storm water runoff on all lots *(this matches the city's current policy)* shall be minimized by employing the following measures, or substitute measures deemed acceptable by the city manager or a qualified designate:

1. Only the minimal removal of vegetation cover, particularly tree cover, necessary for building placement, ~~or~~ access, yard or garden areas, view enhancement or streets shall be done. On average slopes of 15% or greater said removal of trees and brush for view enhancement can be a part of the grading plan if such an action does not increase the potential hazard and/or mitigation can be applied. ~~The city shall observe this in the development of streets and building pads.~~ *(this has been addressed earlier in the paragraph)*

2. Temporary measures for controlling runoff, such as berms, holding ponds, terraces and ditches shall be used as required, particularly in areas having slopes of 15% or greater.

3. Exposed areas shall be mulched and kept covered during construction to eliminate dust, mud, erosion or sedimentation, and shall be planted in permanent cover within thirty (30) days from completion of grading and/or construction or by October 1st, whichever ever comes sooner or as per the approved grading plan of Section 100.050.B If the approved erosion control time table of the grading plan is delayed for any reason an approved emergency erosion control plan shall be implemented and in place no later than October 1st. *(clarifies that all lots need to follow erosion control methods and sets definite calendar time table for implementation)*

~~F. E. Storm drainage is to be as per Section 172.150 A.B.C. & D. (ALSO NEED TO ADD TO SEC. 172.150 REFERENCE TO THE CITY'S COMP PLAN FOR "STORM DRAINAGE DEVELOPMENT")~~

~~For a structure, driveway, parking area or other impervious surfaces in areas of 15% slope and greater, the release rate and sedimentation of storm water shall be controlled by the use of retention facilities as specified by the project engineer and approved by the City Engineer or other qualified designate. The storm drain facilities shall be designed for storms having a 25-year recurrence frequency. Storm water shall be directed into drainage with capacity to be calculated in accordance with the City's Comprehensive Plan for Storm Drainage Development, so as not to flood adjacent or downstream property.~~

~~F. In all areas of the city, the city manager or a qualified designate may require culverts or other drainage facilities, designed in accordance with the City's Comprehensive Plan for Storm Drainage Development, be installed as a condition of construction. (Sec. 172.150 A.B.C. & D. is more encompassing and already applies to all lots)~~

G. Developments which abut the coastal bluffs or coastal shoreland boundary, or direct surface water runoff over the bluffs or shoreland boundary will require special impact mitigation measures.

H. Filling lowlands shall be done only where it is determined that the fill will not cause flooding or damage to adjacent properties and where adequate drainage facilities are installed.

100.060 Enforcement

A. The construction, location, development or use of land or structures, contrary to the provision of this section, ordinance or permit, or in violation of any conditions or limitations approved pursuant to this ordinance, is an unlawful public nuisance.

B. In addition to other remedies set forth in Section 164, and other remedies provided by ordinance or under state law, the City may institute appropriate action or proceedings to prevent, restrain, correct, abate or remove the unlawful location, erection construction, development, maintenance, repair, alteration, occupancy or use of land or structures.

C. If the City Manager determines that a violation of this section has occurred, the City shall notify the owner of the land and the developer, general agent, architect, builder, contractor or other person or entity who has participated in committing the violation, to cease all further development until such time as the violation has been remedied. If development continues in disregard of notice from the City, the City may seek an injunction to stop further development until the violation has been remedied.

D. If the City Manager determines that a violation has occurred, the City shall give written notice to the owner of the land, and the developer, general agent, architect, builder, contractor, or other person or entity who has participated in committing the violation, that a violation has occurred and that the violation must be remedied within a time specified. The amount of time to remedy the violation shall depend upon the nature of the violation, the circumstance then existing and whether an emergency exists. Noncompliance within the time set by the City will cause the City to take remedial steps to cure the violation and charge the costs, fees and expenses of such remedial action to the owner of the land. This shall include any expenses, costs and fees paid by the City to third persons for labor and materials to remedy the violation. Charges made under this subsection shall be a lien against the real property on which the violation arises and the City Recorder is authorized to enter the amount of such charges immediately in the docket of City liens.

E. The owner of the land, and the developer, general agent, architect, builder, contractor or other person or entity who takes part in any violation of this ordinance, shall be guilty of a violation of this ordinance and shall be subject upon conviction to a fine of not more than \$200. Each day under which a violation exists shall be considered a separate offense.

F. The remedies set forth in this section are cumulative and not exhaustive of all remedies the City may exercise to prevent, correct or abate a violation under this section.

100.070 Final subdivision maps. In the case of a land use activity that requires the recordation of a final map such as a minor partition, major partition or subdivision, recordation of the map will not be allowed until the city is satisfied that the provisions of this section and other applicable provisions of the Land Development Code have been met. Evidence of compliance must be included within the application for final map approval and submitted thirty days prior to the expected hearing date.

[Section 100 as amended in its entirety by Ordinance No. 94-O-446.V, effective August 9, 1994]

Memorandum

TO: Mayor, City Council

FROM: Leo Lightle, Community Development Director *LL*

THROUGH: Tom Weldon, City Manager *Tom*

DATE: March 19, 1997



Issue: Riding lawnmower purchase

Synopsis: The Parks and Recreation Department, through the budget process, obtained Budget Committee approval to include \$8,800 in the current budget for a riding lawn mower.

The City has called for bids and the lowest bid with the optional brake drum kit is \$8,703.

Recommendation: That the City Council authorize the purchase of a riding lawn mower as specified in the call for bids to Basin Equipment for \$8,703.

Rationale: To remain productive and get maximum output from the Parks and Recreation Department we need this piece of equipment.

Background: Parks and Recreation Department personnel are doing their mowing with a self-propelled push type lawn mower because it outperforms the home lawn type riding lawn mower. Our experience is the home type riding lawn mowers won't do a quality job on a large lawn and cut too narrow of a swath as well as needing to be constantly repaired.

Even with the volunteer help, we have too much lawn for the employees to maintain with the equipment we presently have.

The lawn mower purchase is budgeted in the Parks and Recreation budget. In the past we have had light weight home-variety riding mowers. These mowers were slow and due to the heavy-duty mowing we were always repairing them and the mowers became unusable in a short period of time.

With the lawn mowing we have to do buying a commercial-quality self-propelled lawn mower will get more work done and obtain better

Memo to Mayor, City Council
RE: Riding lawn mower purchase
Page 2 March 18, 1997

quality lawn mowing. The self-propelled lawn mowers did perform to expectations and have served us very well in the areas that we have used the push mower.

Bids received:

<input checked="" type="checkbox"/> Basin Equipment	
Toro 120	\$8,388.00
Gravely 350	8,398.00
<input checked="" type="checkbox"/> Pac West Distributing	
Toro 120	8,748.00
<input checked="" type="checkbox"/> R & M Small Engine Service	
Groundmaster 120	8,998.56

The low bidder was Basin Equipment for the Toro 120 at \$8,388 and with the optional drum kit installed the total price would be \$8,703 which would still make the low bidder with the option installed lower than the other two bidders and still within budget.

Memorandum

TO: Mayor, City Council

FROM: Leo Lightle, Community Development Director

THROUGH: Tom Weldon, City Manager *Tom*

DATE: March 19, 1997



Subject: Additional background information on Public Work's pickup purchase

This purchase and its relationship to Measure 47

Measure 47 is a tax limitation issue, and even with all the complexities, is not a limitation on non-tax revenues of utility funds. Utility funds, generally speaking, cannot be increased to transfer to offset taxes limited by Measure 47 or Measure 5. There needs to be a reasonable connection between any transfer increase and actual benefit to the utility making the transfer.

The recent tax levy passed by Brookings voters included moneys that allows reduction in dollars transferred from the utility funds to the General Fund. The Council in the past has also been resistant to any increase in transfers. Expenditures for this pickup are not directly related to Measure 47, or the General Fund, as they come from the Water Distribution, Wastewater Collection and Street Funds.

The various City funds are not intertwined or related

Each Utility Fund and the Street Fund is a distinct, separate fund. While we may borrow from one fund for another fund, those dollars must be repaid in the same fiscal year. You can transfer from one fund to another fund, but as earlier mentioned, there must be a reasonable connection for such transfers.

Time of expenditure

The General Fund receives its tax dollars approximately six (6) months into the fiscal year. Therefore if enough funds are not available for operations one fund may have to borrow from other funds until the tax dollars are received. Historically, we have not made large purchases until later in the fiscal year. Calculations first need to be made as to the actual revenue received, actual cash carry over and priority of purchases. Remember in our budgeting we are estimating our revenues.

Need for pickup

Memo to Mayor, City Council
Additional background on pickup purchase
March 18, 1997

At this time we are short one pickup. If our employee who does our welding and some mechanic work needs parts, he may have to wait for a pickup to be available. Our Public Works Inspector also may have to wait for a pickup to do his inspections. To maintain a quality, efficient operation we cannot have employees waiting for a vehicle so that they can continue to work. We discussed this at the budget committee meeting when purchasing this vehicle was approved.

Mileage, etc. for oldest pickup

We will be adding a pickup to our fleet with this vehicle.

Mileage is not the only item to consider when evaluating a vehicle; condition of the vehicle needs to be taken into account.

Our most used truck at this time is our 1987 Dodge with 88,848 miles.

- Condition of truck—poor
The doors had to be welded together; interior worn because people are constantly getting in and out.
- Repairs
There has not been a running log of repairs as we run our vehicles until they are no longer reliable. We have replaced starter, generator, etc.
- When this truck is in for repairs we are without a vehicle for the park employees.

We have 8 full-time employees in the Water Distribution, Wastewater Collection, Streets and Parks Departments and we have five (5) pickups.

Pickup purchase history

Fiscal Year	Units Purchased
96-97	None to this point
95-96	1 for public works, 1 for treatment
94-95	none
93-94	none
92-93	1 for public works

Memorandum

TO: Mayor, City Council
FROM: Leo Lightle, Community Development Director
THROUGH: Tom Weldon, City Manager
DATE: March 18, 1997



Issue: Abandonment of temporary easement for sewer line construction on Tax Lot 301, Map 40-13-32CC

Synopsis: The City has been requested to formally void the temporary construction easement granted to the City for sewer main construction. The construction was completed in 1979 and therefore the easement was voided, but to have the notation removed from the deed the Council has to take formal action.

Recommendation: That the Council direct staff to take necessary action to formally void the temporary construction easement on the current Tax Lot 301, Map 40-13-32CC.

Rationale: The City no longer needs this temporary construction easement.

Background: The City of Brookings received a construction easement to install a sewer main as a part of the North Brookings Sewer Main Construction Project completed in 1979. The attached easement specifically states that the temporary easement becomes void after construction.

The County will not remove this notation from the deed unless the City asks for and does the paper work to have the item removed from the deed.

EOM

INDEX PAGE 354 74 RIGHT OF WAY and EASEMENT OR

#2

THIS AGREEMENT made this 2nd day of May 1977, by and between Frank J. Atkinson, husband and wife, and Edith H. Atkinson, wife, witnesses:

of Curry County, Oregon, PARTIES OF THE FIRST PART, and City of Brookings, Oregon Corporation of the State of Oregon, PARTIES OF THE SECOND PART, witnesseth: PARTIES OF THE FIRST PART, in consideration of the sum of One Dollar and other good and valuable consid- eration to Edith H. Atkinson, in hand paid, receipt whereof being hereby acknowledged and conveyed to party of the second part, its successors and assigns, a right of way over and across on easement in the following described real property situated and being in Curry County, Oregon, to-wit:

An easement across the North 6 feet of that certain parcel of land located within the southwest quarter of the Southeast quarter of Section 32, Township 40 South, Range 13 West of the Willamette Meridian conveyed to James C. Waller and Verna J. Waller, his wife, by deed recorded in Deed Volume 72 at Page 278 and 279, Records of Curry County, Oregon.

Also a temporary easement for construction purposes over and across a strip 20 feet in width, lying parallel, adjacent to and south of the above described easement. Said temporary easement becomes void after the initial sewer construction and acceptance by the City of Brookings.

3260 Tax lot 301 MAP 60-13-35B

for the purpose of constructing, reconstructing, maintaining, using and operating, thereon pipe lines and other facilities thereof of the sanitary sewer system of the City of Brookings, with the right to remove trees and brush on such right of way, erect structures and make excavations therein as party of the second part may require or deem convenient for such purposes, also and together with the right of ingress and egress to and from such right of way for it, its agents and employees and its and their tools, vehicles, implements, materials, supplies and equipment.

TO HAVE AND TO HOLD the right of way and easement hereby granted to said party of the second part, its successors and assigns forever.

Parties of the first part reserve and shall have the right to such use of said right of way as shall not interfere with the unrestricted use thereof by party of the second part for the purposes thereof.

Parties of the first part covenant and agree to and with party of the second part that they will not construct or erect upon (are) the premises, in fee simple of said premises and that they shall interfere with the unrestricted use thereof by party of

said right of way any building or structures that shall interfere with the unrestricted use thereof by party of said right of way without the written consent thereof of party of the second part.

IN WITNESS WHEREOF (X) (we) have hereunto set (our) hands and seals, this the day and year first above written.

Frank J. Atkinson (SEAL) Edith H. Atkinson (SEAL)

STATE OF OREGON COUNTY OF CURRY ss. This 2nd day of May 1977, personally appeared the above named Frank J. Atkinson and Edith H. Atkinson, husband and wife, who are known to me to be the identical individuals who executed the above instru- ment, and acknowledged the foregoing instrument to be their voluntary act.

My Commission Expires: 2-18-81 Notary Public for Oregon

INDEXED IN DEEDS COUNTY OF CURRY ss. STATE OF OREGON

I hereby certify that the within instrument of writing was received and filed 2:55 P.M. the 11th day of Dec. 1977, and is recorded in Book of Records 44, Page 354

Records for Curry County, Oregon

Memorandum

TO: Mayor, City Council
FROM: Leo Lightle, Community Development Director
THROUGH: Tom Weldon, City Manager
DATE: March 19, 1997



Issue: Building/plumbing, etc. inspections—Curry County

Synopsis: Curry County is relinquishing their Building Inspection Program effective July 1, 1997. The state of Oregon Building Codes Division wants to know if the City of Brookings is interested in discussing taking over the program. I have indicated that I thought the City would be interested in discussing the issue. If we don't have to subsidize the program I can see where we could improve services to the City. I feel it is worthwhile for the City to have discussions with the State.

Recommendation: That the Council authorize the City Manager and Mayor to discuss the issues with the State of Oregon Building Division and bring the items back to the Council.

Rationale: The City has an opportunity to look at improving service if the cash flow meets or exceeds the cost. The City should be cautious as there may be a requirement that the City take over the program for four (4) years, and if building drops off the program may not pay for itself.

Background: Etta Foot, Acting Manager from Oregon Building Codes called me inquiring if the City was interested in talking about assuming the inspections that Curry County would be discontinuing effective July 1, 1997. I replied that I couldn't speak for the Council but I was sure the Council would want to discuss the issue.

Etta asked for my opinion regarding several issues. I qualified my answers that I was speaking for myself only.

- ☉ "If we didn't take over the program do we have room at City Hall to house several State employees?" My response was: Not in my opinion. We need more space for our in-house needs; currently we have to store records in the attic.

Memo to Mayor, City Council
RE: Building/plumbing inspections-Curry County
Page 2 March 19, 1997

- ☞ “Do I feel the Council would be interested in taking over the program?” Personally I felt that providing service to Port Orford would end up with the City taxpayers subsidizing the inspections, and I felt that would not be acceptable.

Etta said “Well, they could probably handle those inspections.” She also commented that the State would have to subsidize inspections.

I commented that we would need a copy of Curry County Revenues from the County Building Department. Etta faxed that information within 30 minutes of our conversation.

Etta wanted a response fairly soon and I told her our next Council meeting would be March 24, 1997.

TO: Tom Weldon
City Manager

Tom

From: Mike Cooper
Sargent

Mike

Ref: New ownership of Ken's Tavern Located at 631 Chetco Ave.

I. BACKGROUND:

On 03-18-97 the Brookings Police Department received an Application from the State of Oregon Liquor Control Commission advising of new owners for Ken's Tavern. The new owners listed are John and Marsha Geraghty, PO Box 1329, Brookings, Or. 541-469-4931.

II. SUMMARY:

The Brookings Police Department has no problems or concerns for the City of Brookings having John and Marsha Geraghty being the New owners of Ken's Tavern.

APPLICATION

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION

Return To:
OLCC
1800 Virginia #10
N.B.S.

GENERAL INFORMATION

A non-refundable processing fee is assessed when you submit this completed form to the Commission (except for Druggist and Health Care Facility Licenses). The filing of this application does not commit the Commission to the granting of the license for which you are applying nor does it permit you to operate the business named below.

L04:2194

(THIS SPACE IS FOR OLCC OFFICE USE)

(THIS SPACE IS FOR CITY OR COUNTY USE)

Application is being made for:

- DISPENSER, CLASS A
 - DISPENSER, CLASS B
 - DISPENSER, CLASS C
 - PACKAGE STORE
 - RESTAURANT
 - RETAIL MALT BEVERAGE
 - SEASONAL DISPENSER
 - WHOLESALE MALT BEVERAGE & WINE
 - WINERY
 - OTHER: _____
- Add Partner
 - Additional Privilege
 - Change Location
 - Change Ownership
 - Change of Privilege
 - Greater Privilege
 - Lesser Privilege
 - New Outlet
 - Other

Rec'd at (4/28)
Receipt 3/3/97 #6087
5260

NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative.

THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY

COURT OF _____
(Name of City or County)

RECOMMENDS THAT THIS LICENSE BE: GRANTED _____

DENIED _____

DATE _____

BY _____
(Signature)

TITLE _____

CAUTION: If your operation of this business depends on your receiving a liquor license, OLCC cautions you not to purchase, remodel, or start construction until your license is granted.

1. Name of Corporation, Partnership, or Individual Applicants:

- 1) ORCA, INC. _____ 2) _____
- 3) _____ 4) _____
- 5) _____ 6) _____

(EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT)

2. Present Trade Name KEN'S TAVERN

3. New Trade Name ORCA, INC. dba Ken's Tavern Year filed 1985
with Corporation Commissioner

4. Premises address 631 CHETCO AVE., BROOKINGS, CURRY, OR 97415
(Number, Street, Rural Route) (City) (County) (State) (Zip)

5. Business mailing address PO BOX 1329 Brookings OR 97415
(P.O. Box, Number, Street, Rural Route) (City) (State) (Zip)

6. Was premises previously licensed by OLCC? Yes No _____ Year CURRENTLY

7. If yes, to whom: KEN'S TAVERN INC. Type of license: RMB

8. Will you have a manager: Yes _____ No Name _____
(Manager must fill out Individual History)

9. Will anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from the business? Yes _____ No

10. What is the local governing body where your premises is located? Brookings
(Name of City or County)

11. OLCC representative making investigation may contact: Marsha or John Geraghty
(Name)

PO BOX 1329 Brookings (Address) (541) 469-4931 (Tel. No. — home, business, message)

CAUTION: The Administrator of the Oregon Liquor Control Commission must be notified if you are contacted by anybody offering to influence the Commission on your behalf.

DATE 2-20-97

Applicant(s) Signature
(In case of corporation, duly authorized officer thereof)

- 1) Marsha Geraghty
- 2) John Geraghty
- 3) _____
- 4) _____
- 5) _____
- 6) _____



MEMO

To: JACK MCDONALD, CHIEF OF POLICE,
TOM WELDON, CITY MANAGER
From: MIKE COOPER, SERGEANT *MC*
Subject: WHALEY WEDDING
Date: March 12, 1997

The concerns of the Brookings Police Department in regards to the Whaley's wedding and reception at Azalea Park have been discussed with Joe Whaley and he has agreed on the following conditions for the issuance of an alcohol permit.

1. Alcohol will be served from 1:00pm, to 5:00pm, for a total of five hours.
2. The area where the alcohol will be served will be cordoned off and no minors will be allowed to be in that area. The only other area that the alcohol can be consumed at will be at the tables set up for the reception dinner. (The tables will be in the general area of the Band Shell)
3. No one with the Whaley party will be allowed to leave that area with an alcoholic beverage and the Whaley's have taken responsibility to ensure this will be followed.
4. No service of an alcoholic beverage will be given to subjects that appear to be or are intoxicated.
5. The Whaley's agree that any infraction of these guidelines can be sufficient enough for the City of Brookings to immediately pull the alcoholic permit issued.

I think that by agreeing to these guidelines the Whaley's and the City of Brookings have done what it can to help minimize any citizen complaints.



PARK USE APPLICATION FORM

The City of Brookings programs, service and activities are open to all persons without regard to race, age, sex, disability, religion, or national origin.

PARK LOCATION

Azola Park

ACTIVITY AREA

Stage Area

Event Date(s):

June 21, 1997

Time:

12:00 - 8:00 pm

Approximate Number expected to attend event (each day):

100 persons

Nature of Event:

Wedding & Reception

Name of Organization:

Contact Person:

Ashlyne Whaley

Day Phone:

419-9300

Mailing Address:

PO Box 7629, Br 97415

Is this event free to the public? yes

Will alcohol be sold? no

Will any merchandise be sold? no

Will you be using amplification equipment? yes

Will alcohol be consumed? yes

What? Beer + margaritas

Type of equipment? Stereo System

SPECIAL REQUESTS (Print or Type):

LIABILITY STATEMENT/AGREEMENT

I/We agree to abide by all applicable federal, state, and local laws, regulations, and ordinances which pertain to the use of said property and agree to pay for any damage to same, as a result of use. I/We further agree to hold the city, its officials and employees, harmless from any liability resulting from use of said property.

THE CITY OF BROOKINGS ASSUMES NO RESPONSIBILITY OR LIABILITY FOR INCLEMENT WEATHER.

The undersigned user agrees to pay for any and all damages occurring during the reserved period. User agrees that the deposit paid herewith will be applied toward damages to the facility or its contents during the reserved period. Any of the deposit not applied to damages will be applied first to unpaid rental fees with any excess refunded to user. Normal wear and tear as determined by the City of Brookings shall not be considered damage.

Signature of person completing this application:

Ashlyne Whaley

Date:

1-27-97

Printed name of person completing this application:

Ashlyne Whaley

For City Use Only

NO SITE PLAN (Required for certain events)

To be provided with complete application.

Contact the City Manager's office to schedule on-site meeting a minimum of 20 days prior to the event.

NO INSURANCE (Required for Certain Events)

Applicant must provide proof of insurance for this event as shown on attached Park Use Insurance Requirements information page.

NO SIGNS

Identify quantity, location, and type below.

Use Fee: \$ _____

Paid Receipt # _____

Deposit: \$ 500.00 (50- Stage Use
75- Dep
75- Use fee)

Paid Receipt # _____

Deposit Refunded:

YES NO

Comment _____

City Business License Required:

YES NO

Comment _____

City Alcohol Permit & Ins. Required:

YES NO

Comment _____

OLCC Alcohol Permit Required:

YES NO

Comment _____

Proof of Insurance Required:

YES NO

Comment _____

Comments or restrictions on reservation: _____

P.D. concern on Alcohol being served for 4 hrs - minors present - ALKA where Alcohol being served

called 2-20-97 11:30 am NB left msg

Police Department Approval _____

Fire Department Approval _____

City Manager Approval _____

Date: *2-15-97*

Date: *2-18-97*

Date: _____



APPLICATION TO POSSESS AND CONSUME ALCOHOLIC BEVERAGES ON CITY OF BROOKINGS PUBLIC PROPERTY

GROUP OR ORGANIZATION NAME Joe & Ashlyne Whaley

CONTACT PERSON Ashlyne

DAYTIME PHONE NUMBER 469-9300

ADDRESS 01034

PUBLIC LOCATION REQUESTED Azela Park

DATE REQUESTED June 21, 1997

TIME REQUESTED 12:00 - 8:00pm

TYPE OF ALCOHOLIC BEVERAGES INVOLVED _____

Beer and margarita's

PURPOSE OF GATHERING Wedding

As an official representative of the above named group I request a temporary permit to possess and consume alcoholic beverages on public premises in accordance with Brookings Ordinance No. 79-0-315, Sec. 4., which I have reviewed. I understand our organization must meet all State of Oregon requirements for serving alcohol and must provide insurance as shown on the attachment.

Ashlyne Whaley
Representative Signature

Jan 27, 1997
Date Signed

Special Conditions: _____

Application: _____ Approved _____ Not Approved

City Manager

Date Signed



March 16, 1997

Mr. Tom Weldon, City Manager
City of Brookings
Brookings, Oregon 97415

Dear Mr. Weldon:

Subject: Jack Creek Golf Course Project

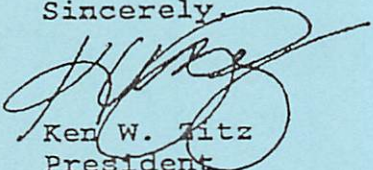
Reference: Memorandum of Understanding of November 15, 1996
Between City of Brookings and Ken W. Zitz & Assoc.

The reference document for the proposed Jack Creek Golf Course project expired on March 15, 1997. During the past 4 months I have been discussing the project with banks and investment companies attempting to locate financing for the project.

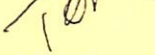
Recently I have located a Chicago-based golf course development and acquisition company that is interested in your project and they have requested more information on the project which is being provided to them. In view of this recent new lead for financing of the project it is requested that the Brookings City Council consider my request for an extension of 90 days for the current MOU between Brookings and my company.

Thank you for your favorable consideration in this request.

Sincerely,


Ken W. Zitz
President

MEMO

To: Parks & Recreation Commission 
From: Tom Weldon, City Manager for Don Higginson, Paul Prevenas, Jack McDonald,
Barbara Palicki, Phil Cox
Subject: Azalea Park Security Committee's report & recommendation
Date: March 20, 1997

We have met two times and thoroughly discussed this subject. Listed below in priority ranking are our recommendations as to how to improve security at Azalea Park. We recognize some of these recommendations require cooperation from other city departments and some may require funding. However, we believe that cooperation will be forthcoming and that there are other ways to fund some items other than through the city.

RECOMMENDATIONS:

- 1) Aggressively enforce ordinance against being in park after dusk-increase patrol by Police Officers.
- 2) Aggressively pursue and investigate all vandalism by Police.
- 3) Form informal neighborhood watch program among park neighbors.
- 4) More lighting equipped with motion detectors, especially in new garden area.
- 5) More signs with park hours and rules.
- 6) New signs with Crimestoppers logo.
- 7) Aggressively pursue restitution from and civil suits against convicted vandals, and if minors, their parents.
- 8) Patrol by non-sworn senior volunteers.
- 9) Create a "court watch" program to monitor court actions involving miscreants who are apprehended when the case involves an aggravated situation.
- 10) Create and implement a vegetation plan (consider visibility, traffic control, etc.) around vulnerable areas - Kidtown, Stage, gazebo, storage shed, parking lots.
- 11) Install TV cameras at strategic points.
- 12) Install manufactured home or motor home with people living in it in park - either year round or in busy summer-fall months only.
- 13) Contract with private security service to provide additional surveillance.

After considerable discussion, the group reached consensus in our belief that the problem, although potentially very serious, was not a major one at this time. Any new actions to be taken should be taken with this in mind and should be in proportion to the problems. Any actions taken should be preventive, doable (costwise) and not unduly alarm the community.

Memorandum

TO: Mayor, City Council



FROM: Jack McDonald, Chief of Police

[Handwritten signature of Jack McDonald]
[Handwritten signature of Tom Weldon]

THROUGH: Tom Weldon, City Manager

DATE: March 19, 1997

Issue:

Should the Police Department complete its building expansion plans for enhanced 911 and other needed office space?

Synopsis:

In the FY 96/97 budget, City Council authorized \$26,000 for improvements for the police facility to accommodate the expansion of E-911 and other badly needed office space. After assessing our overall short and mid-term needs, we have developed a plan that will maximize the use of available space, authorized monies and volunteer services that will construct the addition. A computer generated floor plan and materials list is attached for your consideration.

This project will require two year budget years to complete in the following phases:

- o Phase I - We will construct the major foundation and structure of the addition with as much interior infrastructure as possible using available funding volunteer construction services.

- o Phase II - After budget authorization in FY 97/98 we will complete interior upgrades using volunteer construction services and available material resources.

Recommendations:

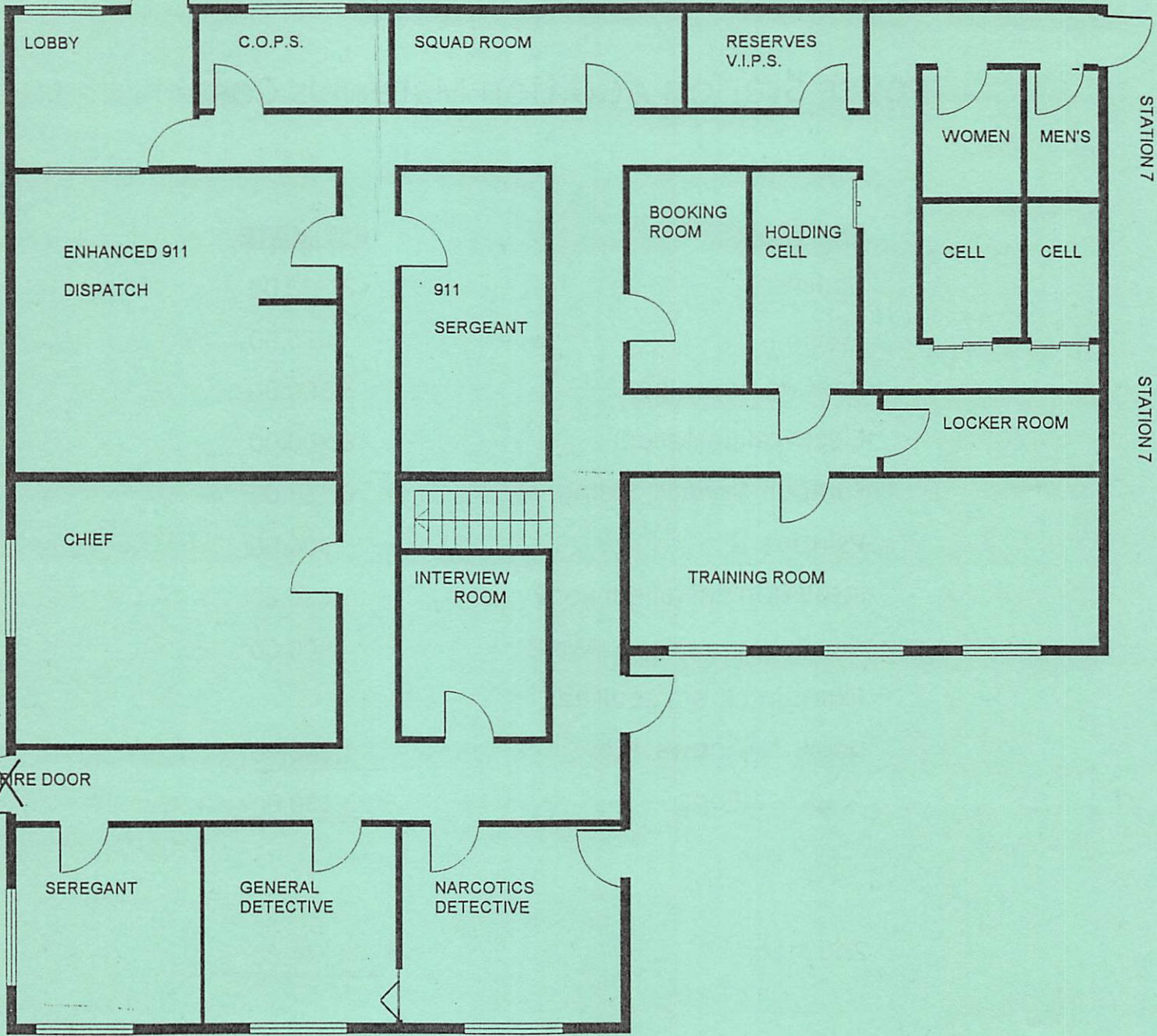
We recommend Council approve the building project as presented.

Rationale:

Existing office space is inadequate for E-911 and present staffing. To accommodate these needs and work within the level of appropriation, we have developed a two phased strategy to maximize our investment.

Options/Alternatives:

- o Take no action and police personnel will continue to work in a cramped working environment and will be unable to adequately meet our E-911 needs. Our volunteer programs and other increased needs will only serve to exacerbate the cramped operational quarters.
- o If we expand only a portion of this proposed project we will not meet our requirements and will shortly require additional office space in the near future.



not used

FIRE DOOR

STATION 7

STATION 7

Police Station Addition Materials Cost

<u>MATERIALS</u>	<u>ESTIMATE</u>
Concrete	\$ 2,210.00
Steel	365.00
Roofing (installed)	3,500.00
Electrical (installed)	6,200.00
Lumber, Drywall, Siding, etc.	6,131.00
Painting	300.00
Insulation (installed) Roof	1,424.00
Walls	900.00
Plumbing (not required)	
Doors, Windows, etc.	<u>1,600.00</u>
Total 1st Floor	<u>\$ 22,630.00</u>
2nd Floor	<u>\$ 4,177.00</u>

*Cost does not include labor except for those items marked installed

**MINUTES
CITY OF BROOKINGS
COMMON COUNCIL MEETING**

Brookings City Hall Council Chambers

898 Elk Drive, Brookings, Oregon

February 24, 1997

7:00 p.m.

I. CALL TO ORDER

Mayor Brendlinger called the meeting to order at 7:01 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council present: Mayor Nancy Brendlinger, Councilor Larry Curry, Councilor Bob Hagbom, Councilor Julie Cartwright, Ex-Officio Kevin Blank

Absent: Councilor Dave Ham

Staff present: Community Development Director Leo Lightle, Finance Director/Recorder Bev Adams, Police Dispatcher Cam Lynn, Judge William Cowley

Media present: Anita Rainey, Curry Coastal Pilot; Martin Kelly, KCRE

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

Several of the Brookings Volunteer Fire Department were honored with certificates for their achievement in completing the "Basic Firefighter" training level. Those honored were Dave Frisch, Cobby Hudjohn, Steve Hagel, Brad Peck and Mark Saphiloff.

V. PUBLIC HEARINGS

None

VI. SCHEDULED PUBLIC APPEARANCES

None

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

None

VIII. STAFF REPORTS

A. City Manager
(Community Development Director Leo Lightle filled in for City Manager Tom Weldon who was unable to attend the meeting.)

1. Agenda item of an application to possess and consume Alcoholic beverage on City of Brookings public property - Applicants Joe & Ashlyne Whaley, Azalea Park wedding on 6-21-97, was not addressed at this meeting. Staff withdrew application as they needed more information and the applicant was not available.
2. Motion made to adopt the 1997/98 Council Goals by Councilor Hagbom; motion seconded by Councilor Curry; motion carried unanimously.
3. Due to Staff, the Mayor and a Councilor being unable to attend the March 10, 1997 Council meeting, the City Manager requested that the meeting be rescheduled for March 6, 1997.

Councilor Curry moved, Councilor Hagbom seconded, and the Council voted unanimously to reschedule the March 10, 1997 Council meeting to March 6, 1997.

4. Motion made by Councilor Hagbom, seconded by Councilor Curry, to allow the Mayor to sign a request to the Department of Environmental Quality for an extension of six months for all dates included in the Mutual Agreement and Order for Wastewater Treatment plant system improvements. Motion

passed unanimously. (For detail, letter from Mayor to Jon Gasik, DEQ. is attached and made part of these minutes)

B. Community Development

1. Community Development Director Leo Lightle requested that Council establish "No Truck Parking" on Redwood Street, due to the width of the street which will not allow for two way traffic and appears to be degrading the asphalt which could lead to slope failure.

Councilor Hagbom moved, and Councilor Cartwright seconded the motion to establish "No Truck Parking" on Redwood Street between Fern and Oak Street. Motion passed unanimously.

C. Fire Department

1. The Fire Department recommended that Council declare the old emergency generator as surplus equipment so that the City can sell it and recoup some of the expense toward the purchase of the new generator.

Motion made by Councilor Curry, seconded by Councilor Hagbom to declare the old generator surplus equipment. Motion passed unanimously.

IX. CONSENT CALENDAR

Councilor Curry moved, Councilor Hagbom seconded, and the Council voted unanimously to approve the minutes from the February 10, 1997 regular Council meeting.

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

1. Ordinance No. 97-O-521 an ordinance adopting a Comprehensive Plan and zone change for a parcel of land located on the south side of Bridge Street adjacent to the west side of the Chetco River

Councilor Hagbom moved, Councilor Cartwright seconded, and the Council voted unanimously to approve the Final Order and Findings of Fact in the matter of Planning Commission file number CPZ-1-97; application for approval of a Comprehensive Plan and Zone Change from applicants Dennis Sullivan and Lloyd Bendickson.

Following the reading of Ordinance No. 97-O-521 into the record by Finance Director/Recorder Bev Adams, Councilor Hagbom moved, Councilor Curry seconded, and the Council voted unanimously to approve Ordinance No. 97-O-521 by the first reading.

Ordinance No. 97-O-521 was read by title only for second reading at which time Councilor Hagbom moved, Councilor Curry seconded, and the Council voted unanimously to approve the ordinance by second reading.

XI. COMMITTEE & LIAISON REPORTS

A. Council Liaisons

* Councilor Curry reported on the OCZMA meeting he attended; also stated that he would like to see the Council liaison meetings listed on the Council calendar.

* Councilor Hagbom discussed attending the upcoming Small Government workshop to be held on March 13, 1997 in Bandon, and the April 21, 1997 Legislative Conference to be held in Salem.

* Mayor Brendlinger reported on attending the Harbor Sanitary District's meeting; the CFABB Committee meeting; and the Oregon Legislature's "Rural Oregon" day in Salem.

* Mayor Brendlinger and Councilor Hagbom attended the Open House at the Chetco Senior Center and were impressed with the amount of programs and services provided by the Center.

B. Planning Commission None

C. Parks and Recreation Commission None

D. Chamber of Commerce None

XII. REMARKS FROM MAYOR AND COUNCILORS

- A. Mayor None
- B. Council

* Councilor Hagbom was glad for the memo received on the taxicab ordinance and stated his desire to see that it be scheduled for discussion at a later meeting.

* Mayor Brendlinger complimented the Building Department on the completed informational booklet.

XIII. ADJOURNMENT

At 8:02 p.m. Councilor Hagbom moved, Councilor Curry seconded, and Council voted unanimously to adjourn.

Nancy Brendlinger
Mayor

ATTEST:

Beverly Adams
Finance Director/Recorder

CITY OF BROOKINGS

898 Elk Drive
Brookings, Oregon 97415
Phone (541) 469-2163
Fax (541) 469-3650

The Home of Winter Flowers



February 24, 1997

FILE COPY

Jon Gasik
Department of Environmental Quality
201 West Main, Suite 2D
Medford, OR 97501

Subject: Mutual Agreement and Order Schedule Modifications

Jon,

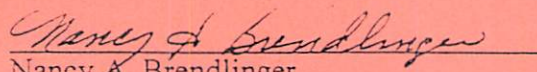
In our phone conversation of February 19, 1997 with you and our wastewater engineer, John Holroyd, we discussed the schedule requirements associated with our upcoming bond election. It became clear that your need for processing the permit modifications, the associated 30 day public notice and the necessary approval from the Environmental Quality Commission (EQC) at their June 6 meeting would not allow us sufficient time to settle everything before we hold our May 20 bond election.

Educating the public as to the need for a bond measure of almost 13 million dollars makes it mandatory the public have full confidence that the recommended plan will ultimately be approved by both the DEQ and their oversight body, the EQC. In addition, the time needed for the DEQ to prepare our permit with a 30 day public notice means absentee ballots, which will be distributed on April 7, would be out before the public hearing, which is not good.

The city recognizes the need for our wastewater system improvements and was committed to the May 20th election date. For the second year in a row the City Council has made these improvements their number one goal! Since your approval process cannot be accelerated, we will require an extension of six months for all dates included in our MAO. Under this revised schedule, the plant would be fully operational and in compliance by July 1, 2001.

We appreciate your support of our project to date and will continue to work with you to implement the necessary plant and system collection improvements.

Very truly yours,


Nancy A. Brendlinger
Mayor

MINUTES

CITY OF BROOKINGS
SPECIAL COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
March 6, 1997
7:30 p.m.

I. CALL TO ORDER

Mayor Brendlinger called the meeting to order at 7:30 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Nancy Brendlinger, Councilor Bob Hagbom, Councilor Julie Cartwright, Councilor Larry Curry, Councilor Dave Ham

Staff Present: City Manager Tom Weldon, Community Development Director Leo Lightle, Finance Director/Recorder Bev Adams, Police Chief Jack McDonald, Judge William Cowley

Media Present: Anita Rainey, Curry Coastal Pilot; Martin Kelly, KCRE

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

Mayor Brendlinger read the Certificate of Appreciation given to Accounting Assistant Nancy Corrigan for 10 years of service with the City of Brookings.

V. PUBLIC HEARINGS None

VI. SCHEDULED PUBLIC APPEARANCES

George Ciapusci addressed the Council regarding upcoming meetings on the "Sustainable Nature Based Tourism" project and stated his interest in attending these meetings on behalf of the City and that he would report back to the Council on the project.

Councilor Hagbom moved, and Councilor Ham seconded the motion to accept George Ciapusci's offer to attend the "Sustainable Nature Based Tourism" meetings and to report back to Council; motion passed unanimously.

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

* Barbara Nysted spoke to the Council regarding progress on her request of the City to provide determination of the ownership of a piece of property adjacent to her property.

* Gil Rosario addressed the Council regarding the following items: 1) Asked to see a show of hands of those on the Council in favor of a Youth Center. 2) Wanted to know if the City would be interested in a Youth Center being built, using the pool and surrounding area, if citizens were able to raise the money for research. 3) Wanted to know if the City could form a committee to work on the agenda towards a movement towards the Youth Center. 4) Asked for a City policy to show support for children orientated projects.

* Lorraine Kuhn reported to the Council on a meeting to be held in the Council Chambers on March 15, 1997 by the Southern Curry Youth Association and invited everyone to attend.

* Dana Jensen made a presentation to the Council of her interest in the development of a BMX track for the youth.

VIII. STAFF REPORTS

A. Community Development

Community Development Director Leo Lightle presented the following items:

1. Low bid received for the budgeted Public Works pickup is \$17,100 from Coast Auto Center located in Brookings. Council requested more information regarding the need of this vehicle and information on the current fleet before addressing this item.

Motion made to table this bid item by Councilor Hagbom and seconded by Councilor Ham; motion passed unanimously.

2. Recommend that Council authorize Marquess and Associates to prepare plans and specifications for the Oak Street project for which the City has been awarded a Special Cities Allotment grant for the work.

Motion made by Councilor Ham, and seconded by Councilor Curry to approve Marquess and Associates to prepare plans and specifications for the Oak Street project and for staff to call for bids on the project.

B. City Manager

1. City Manager Tom Weldon presented CTR's notice of Consumer Price Index rate increases. Mayor Brendlinger noted that in the past we have approved of rate increases by resolution. The Council agreed to table this topic until the next meeting when a resolution would be presented.

C. Finance Department

1. Resolution No. 97-R-614; City Manager requested this item be removed from the agenda until further work could be done on it.

IX. CONSENT CALENDAR None

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS None

XI. COMMITTEE & LIAISON REPORTS

Council

Councilor Hagbom reported on his attendance and information from his fish meeting in Salem.

Planning Commission

Planning Commission George Ciapusci reported that the Planning Commission is looking forward to the Council/Planning joint workshop scheduled for April 14, 1997 at 6:00 p.m.

Parks and Recreation Commission None

Chamber of Commerce None

XII. REMARKS FROM MAYOR AND COUNCILORS

Councilor Hagbom reminded those present that the Council is sensitive to the needs of the area youth.

XIII. EXECUTIVE SESSION, ORS.192.660 (1) (h)

Mayor Brendlinger announced at 8:55 pm that the meeting would be recessed for the Council to hold an Executive Session to discuss possible litigation. The public was informed that the regular council meeting would be reconvened following the executive session, and, if needed, a motion would be made at that time.

Executive session adjourned at 9:20 p.m.

Councilor Ham moved, Councilor Hagbom seconded and the Council voted unanimously to direct the City Attorney to prepare a response letter to Sheriff Denney stating that the City of Brookings does not believe this issue is our responsibility, but that the responsibility lies with the prisoner himself.

XIV. ADJOURNMENT

Motion made, and Council voted unanimously to adjourn the meeting at 9:23 p.m.

Nancy Brendlinger
Mayor

ATTEST:

Beverly Adams
Finance Director/Recorder

City of Brookings
 CHECK REGISTER: CHECK # 28043 THRU 28234
 For The Month Ending: February 28, 1997 ** CLOSED **
 PRINTED: March 5, 1997 09:04:45

CHECK #	PAID TO	DESCRIPTION	DATE	CR ACCOUNT	CR AMOUNT	ALLOC ACCT	ALLOC AMOUNT
28043	Dennis Barlow	Travel Advance	02/10/97	100-106.00	78.00	150-658.00	78.00
28044	Becco Inc	Feb Services	02/10/97	100-106.00	343.85	103-606.00	43.85
						107-612.00	300.00
28045	Brett's Small Engine	Jan Statement	02/10/97	100-106.00	44.30	106-606.00	44.30
28046	Brookings Emblem Club	Vol Dinner	02/10/97	100-106.00	200.00	109-686.00	200.00
28047	Brookings Harbor Chamber	Jan Room Tax	02/10/97	100-106.00	1,033.13	109-687.00	1,033.13
28048	Brookings Eiks Lodge #1934	Vol Banquet	02/10/97	100-106.00	2,649.90	109-686.00	2,649.90
28049	Brookings Sports Unlimited	PD 19075	02/10/97	100-106.00	161.94	104-614.00	161.94
28050	Brookings Supply Inc	Jan Statement	02/10/97	100-106.00	108.81	104-606.00	34.44
						150-606.00	21.96
						251-606.00	30.36
						252-612.00	22.05
28051	Brookings Vol Firefighters	Feb Cont	02/10/97	100-106.00	1,666.67	104-682.00	1,666.67
28052	Chetco Pharmacy & Gifts	Inv 95702/95219	02/10/97	100-106.00	50.50	103-614.00	6.50
						102-642.00	44.00
28053	Coastal Coffee Service	Inv 3629	02/10/97	100-106.00	24.50	109-614.00	24.50
28054	Coos-Curry Electric	Jan Electric	02/10/97	100-106.00	66.99	109-686.00	66.99
28055	Curry County Sheriffs Office	Dist of Seizure	02/10/97	100-106.00	7,000.00	100-478.00	7,000.00
28056	Curry County Treasurer	Jan Assessment	02/10/97	100-106.00	344.25	100-235.00	344.25
28057	Larry Curry	Reimbursement	02/10/97	100-106.00	288.33	102-658.00	288.33
28058	Daily Journal of Commerce	Inv 41965B	02/10/97	100-106.00	48.75	105-646.00	48.75
28059	Dan's Auto & Marine Electric	Jan Statment	02/10/97	100-106.00	352.38	104-606.00	78.21
						106-626.00	58.13
						106-726.00	97.15
						251-606.00	94.45
28060	Dan's Photo & Cameras	Jan Statement	02/10/97	100-106.00	8.50	251-612.00	24.44
						102-602.00	7.50
28061	Del Cur Supply	Inv 44675	02/10/97	100-106.00	125.88	103-614.00	1.00
						201-624.00	73.79
						251-612.00	52.09
28062	DHR Child Support Unit	Garnishment	02/10/97	100-106.00	62.50	100-220.70	62.50
28063	DHR Child Support Unit	Garnishment	02/10/97	100-106.00	33.00	100-220.70	33.00
28064	Jack Doyle	Permit Refund	02/10/97	100-106.00	20.00	100-424.00	20.00
28065	Dynasty Software	Inv 29705004	02/10/97	100-106.00	390.00	201-602.00	195.00
						251-602.00	195.00
28066	Ferrellgas	Jan Statement	02/10/97	100-106.00	440.90	150-624.00	440.90
28067	1st Impressions	Inv 217	02/10/97	100-106.00	922.44	109-686.00	922.44
28068	Flint Trading, Inc	Inv 13751/13750	02/10/97	100-106.00	5,221.03	150-628.00	5,221.03
28069	Flora Pacifica Inc	Inv 2787	02/10/97	100-106.00	249.20	109-686.00	249.20
28070	Fred Meyer	Inv 429939	02/10/97	100-106.00	698.97	201-684.00	698.97
28071	Gall's Inc	P.O. 1815B	02/10/97	100-106.00	107.55	104-614.00	107.55
28072	House of Woodsmooc	Inv 1142B	02/10/97	100-106.00	177.00	109-686.00	177.00
28073	Hess Co	Inv 81015E	02/10/97	100-106.00	202.95	102-652.00	202.95
28074	Harbor Logging Supply Inc	Jan Statement	02/10/97	100-106.00	39.00	106-726.00	8.00
						251-606.00	31.00
28075	ICMA-RT 457 c/o 1st Ntl Bnk MD	Deferred Comp	02/10/97	100-106.00	655.00	100-220.70	655.00
28076	Kenrick Technologies, Inc	97 Tax Update	02/10/97	100-106.00	55.00	109-614.00	55.00
28077	Kerr Hardware	Jan Statement	02/10/97	100-106.00	539.71	103-614.00	18.82
						103-726.00	12.86
						104-606.00	15.95
						104-614.00	6.37
						104-726.00	12.86

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CHECK #	PAID TO	DESCRIPTION	DATE	CR ACCOUNT	CR AMOUNT	ALLOC ACCT	ALLOC AMOUNT
	Kerr Hardware, (Continued)						
28078	Kerr Hardware	Jan Statement	02/10/97	100-106.00	408.10	106-614.00	19.98
						106-626.00	4.97
						109-686.00	447.90
						109-726.00	12.86
						150-628.00	53.33
						150-648.00	69.82
						251-606.00	4.00
						251-612.00	96.65
						251-624.00	102.20
						252-612.00	56.38
28079	Lawson Products Inc	Inv 00116597	02/10/97	100-106.00		300-726.00	12.86
28080	Bonnie B Matousek	Restitution	02/10/97	100-106.00	54.90	150-606.00	54.90
28081	Mory's	Jan Statement	02/10/97	100-106.00	249.00	100-474.00	61.00
						102-602.00	83.02
						103-602.00	99.04
						105-602.00	7.90
						109-602.00	24.20
						201-602.00	5.20
						202-612.00	3.19
						251-602.00	26.45
28082	National Seminars Group	#580240637-001	02/10/97	100-106.00	179.00	107-658.00	179.00
28083	OACA	1997 Dues	02/10/97	100-106.00	35.00	101-658.00	35.00
28084	OPS Insurance Co	Jan Premium	02/10/97	100-106.00	222.60	100-220.60	222.60
28085	Oregon Department of Revenue	State W/H Tax	02/10/97	100-106.00	3,022.73	100-220.30	3,022.73
28086	Oregon Dept of Revenue	Jan Assessment	02/10/97	100-106.00	849.00	100-234.00	849.00
28087	OR Teamster Employers Trust	Feb Premium	02/10/97	100-106.00	5,515.80	100-220.60	5,515.80
28088	OR Teamster Employers Trust	Feb Premium	02/10/97	100-106.00	9,928.44	100-220.60	9,928.44
28089	Paul Conway Shields	966723 & 966856	02/10/97	100-106.00	423.00	104-606.00	423.00
28090	PERS - Retirement	Payroll 2/7/97	02/10/97	100-106.00	6,345.28	100-220.70	70.72
28091	Petty Cash	Reimbursement	02/10/97	100-106.00	182.96	100-220.80	6,274.56
						102-602.00	7.99
						102-658.00	8.00
						104-606.00	3.75
						109-686.00	147.51
						251-612.00	2.97
						252-612.00	12.74
28092	Precision Art & Pinstripping	Inv 6369	02/10/97	100-106.00	1,950.00	104-726.00	1,950.00
28093	Quill Corp	1781159&1781155	02/10/97	100-106.00	633.47	102-602.00	64.45
						102-602.00	79.82
						105-602.00	179.45
						104-606.00	35.76
						105-602.00	79.82
						107-602.00	46.69
						109-602.00	406.76
28094	Ranell of Oregon	Jan Statement	02/10/97	100-106.00	371.07	102-664.00	99.61
						103-664.00	196.59
						104-664.00	42.21
						105-664.00	32.66
28095	Red Lion Inn	Hotel-Thompson	02/10/97	100-106.00	74.46	107-658.00	74.46
28096	Roto-Rooter	113078 & 291202	02/10/97	100-106.00	91.48	109-686.00	91.48
28097	Sea Cove Training Center	Dec Statement	02/10/97	100-106.00	312.50	106-626.00	312.50

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CHECK #	PAID TO	DESCRIPTION	DATE	CR ACCOUNT	CR AMOUNT	ALLOCC ACCT	ALLOCC AMOUNT
28098	Reily H Smith	Contract Servic	02/10/97	100-106.00	500.00	251-612.00	250.00
28099	Stadelman Electric	Inv 3007 & 3048	02/10/97	100-106.00	2,605.27	252-646.00 104-614.00 104-726.00 103-726.00 106-624.00 109-726.00 300-726.00	250.00 274.27 554.75 554.75 112.00 554.75 554.75
28100	Teamsters Local Union 223	February Dues	02/10/97	100-106.00	465.00	100-220.70	465.00
28101	That Special Touch	19746 & 19884	02/10/97	100-106.00	24.00	109-686.00	24.00
28102	Traffic Safety Supply	Inv 700519	02/10/97	100-106.00	878.24	150-628.00	878.24
28103	United Communications	Jan Phone	02/10/97	100-106.00	169.83	104-664.00 105-664.00 106-664.00 107-664.00 150-664.00 201-664.00 202-664.00 251-664.00 252-664.00	22.54 85.96 3.55 19.91 8.87 7.25 7.25 7.25 7.25
28104	United Communications	Jan Phone	02/10/97	100-106.00	387.04	101-664.00 102-664.00 103-664.00	33.76 17.62 335.66
28105	United Pipe & Supply Co Inc	Inv 3574050	02/10/97	100-106.00	164.30	201-612.00	164.30
28106	U S Bank	Fed W/H Tax	02/10/97	100-106.00	13,062.87	100-220.10 100-220.20	7,961.64 5,101.23
28107	U S Postmaster	Permit #11 #070	02/10/97	100-106.00	1,000.00	201-602.00 251-602.00	500.00 500.00
28108	Tom Weldon	Feb Car Allow	02/10/97	100-106.00	200.00	102-606.00	200.00
28109	Wildfire Pacific Inc	Inv 252933	02/10/97	100-106.00	1,253.32	104-726.00	1,253.32
28110	Xerox Corp	Inv 055119834	02/10/97	100-106.00	106.00	103-606.00	106.00
28111	Don Bryant	Contract Serv	02/10/97	100-106.00	200.00	251-612.00	100.00
28112	John Bishop	Travel Advance	02/21/97	100-106.00	260.00	252-646.00	260.00
28114	A-1 Fire Extinguisher Co	Inv 0918A	02/25/97	100-106.00	41.85	104-624.00	41.85
28115	Abel & Swank	Inv 4857	02/25/97	100-106.00	397.00	109-654.00	397.00
28116	Beverly Adams	Travel Advance	02/25/97	100-106.00	184.00	107-658.00	184.00
28117	Adams Building & Backflow	Annual Testing	02/25/97	100-106.00	420.00	252-606.00	420.00
28118	Advanced Polymer Systems	Inv C965	02/25/97	100-106.00	277.50	202-612.00	277.50
28119	Doug Alexander	Travel Reimb	02/25/97	100-106.00	73.71	105-658.00	73.71
28120	Doug Alexander	Travel Advance	02/25/97	100-106.00	72.00	105-658.00	72.00
28121	All Pure Chemical Co	Inv 7319E	02/25/97	100-106.00	1,481.90	252-612.00	1,481.90
28122	Associated Bag Company	Inv N773259	02/25/97	100-106.00	161.86	252-606.00	161.86
28123	Jay West Supply Inc	Inv 93852-1	02/25/97	100-106.00	151.90	252-612.00	151.90
28124	Don Bishop	Travel Reimb	02/25/97	100-106.00	271.72	103-658.00	271.72
28125	Nancy Brendlinger	Travel Reimb	02/25/97	100-106.00	168.20	102-658.00	168.20
28126	Brookings Office Supplies	Jan Statment	02/25/97	100-106.00	31.19	102-602.00 109-686.00	14.37 16.82
28127	Brown & Caldwell	Reg Fee x 2	02/25/97	100-106.00	430.00	903-730.00	430.00
28128	Brown & Caldwell	Inv 12-2143	02/25/97	100-106.00	11,173.28	903-730.00	11,173.28
28129	Building Codes Division	Oct/Dec 1996	02/25/97	100-106.00	349.04	100-236.00	349.04
28130	Cabela's Inc, Attn: D. James	Inv 0056322	02/25/97	100-106.00	1,842.15	106-608.00	453.30

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Cabela's Inc, Attn: D. James, (Continued)							
28131	Carpenter Tire & Wheel	January Stmt	02/25/97	100-106.00	1,200.68	251-608.00 103-606.00 103-606.00	1,388.85 1,161.06 (219.33)
28132	Cascade Electric Motor Service	Inv 20057	02/25/97	100-106.00	14.60	106-626.00	258.95
28133	Catholic Protection Svcs Co	Inv 14347	02/25/97	100-106.00	345.00	251-606.00	14.60
28134	Chief Supply Inc	Inv 10022564	02/25/97	100-106.00	354.75	201-606.00	345.00
28135	C & K Market Inc	January Stmt	02/25/97	100-106.00	61.87	103-614.00 103-658.00 202-658.00	354.75 22.45 14.85
28136	Coastal Coffee Service	Inv 3648 & 3682	02/25/97	100-106.00	35.50	252-612.00	24.57
28137	Colvin Oil	Misc Invoices	02/25/97	100-106.00	719.28	109-614.00 201-606.00 251-612.00 252-606.00	35.50 51.62 10.50 632.10
28138	Colvin Oil	End Jan/Mid Feb	02/25/97	100-106.00	1,643.92	252-612.00 103-606.00 104-606.00 105-606.00 106-612.00 150-606.00 201-606.00 202-606.00 251-606.00	85.06 735.46 174.99 72.99 255.45 62.97 113.49 98.76 31.07
28139	Commercial Landscape Supply	Inv 58945	02/25/97	100-106.00		252-606.00	98.74
28140	Mike Cooper	Reimbursement	02/25/97	100-106.00	50.64	252-612.00	50.64
28141	Coos-Curry Electric	Jan Electric	02/25/97	100-106.00	84.06	103-602.00	84.06
					12,074.76	106-662.00 109-662.00 150-662.00 201-662.00 202-662.00 251-662.00 252-662.00	436.26 1,125.96 1,161.84 1,792.17 3,180.56 686.83 3,691.14
28142	Country Farm Center	Inv 72120	02/25/97	100-106.00		150-606.00	58.32
28143	John Cowan	Travel Advance	02/25/97	100-106.00	78.00	251-658.00	78.00
28144	Curry Coastal Pilot	Acct #2210	02/25/97	100-106.00	569.48	102-602.00 103-602.00 105-602.00 104-614.00	353.20 60.50 155.78 110.00
28145	Curry County Communications	Inv 9387 & 9088	02/25/97	100-106.00	1,409.00	201-604.00 202-604.00 251-604.00 252-664.00	249.75 249.75 249.75 249.75
28146	Curry Equipment	Inv 29128	02/25/97	100-106.00	74.10	251-612.00	74.10
28147	Del Cur Supply	Inv 45163	02/25/97	100-106.00	72.13	106-626.00	72.13
28148	Dept of Administrative Service	Inv ARK 25484	02/25/97	100-106.00	37.00	150-606.00	37.00
28149	DHR Child Support Unit	Garnishment	02/25/97	100-106.00	33.00	100-220.70	33.00
28150	DHR Child Support Unit	Garnishment	02/25/97	100-106.00	62.50	100-220.70	62.50
28151	DMV	Renewal-97 Merc	02/25/97	100-106.00	30.00	103-614.00	30.00
28152	Dynasty Software	Inv 1296007	02/25/97	100-106.00	750.00	201-602.00 251-602.00	375.00 375.00

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28153	Eugene Hilton	Hotel-Alexander	02/25/97	100-106.00			
28154	Event Solutions Inc	Reg-Cowan	02/25/97	100-106.00	302.24	105-558.00	302.24
28155	1st Impressions	Inv 5183 & 5204	02/25/97	100-106.00	140.00	251-558.00	140.00
					297.90	102-642.00	191.55
28156	Marshal Ferg	Inspections	02/25/97	100-106.00		109-602.00	106.35
28157	Ferrellgas	Inv 704802	02/25/97	100-106.00	140.00	105-646.00	140.00
28158	Fred Meyer	Inv 429998	02/25/97	100-106.00	49.95	251-612.00	49.95
28159	Fraeman Rock Enterprises Inc	Project #9681	02/25/97	100-106.00	94.60	252-612.00	94.60
28160	Gary A Gertula	Bail Refund	02/25/97	100-106.00	7,989.16	952-730.00	7,989.16
					19.00	100-232.00	67.00
						100-234.00	(26.00)
						100-235.00	(11.00)
						100-474.00	(11.00)
28161	City of Gold Beach	Truck Rental	02/25/97	100-106.00		252-650.00	
28162	Grand Management Services	Repairs	02/25/97	100-106.00	1,142.55		1,142.55
28163	Grants Pass Water Lab	Inv 971235	02/25/97	100-106.00	90.00	103-624.00	90.00
28164	Grants Pass Water Lab	January Stmt	02/25/97	100-106.00	325.00	202-612.00	325.00
28165	GTE Northwest	Jan Phone	02/25/97	100-106.00	122.50	201-612.00	122.50
					1,558.43	101-664.00	23.21
						102-664.00	119.94
						103-664.00	414.48
						104-664.00	119.94
						105-664.00	108.34
						201-664.00	132.88
						202-664.00	120.80
						252-664.00	48.32
						300-664.00	470.52
28166	Hach Co	626112 & 626114	02/25/97	100-106.00	108.00	252-612.00	108.00
28167	H.M. Hansen	Plan Prep	02/25/97	100-106.00	150.00	103-624.00	150.00
28168	Hughes Fire Equipment Inc	Inv 961644	02/25/97	100-106.00	22.24	104-606.00	22.24
28169	ICMA - Distribution Center	Inv 21786	02/25/97	100-106.00	49.85	103-614.00	49.85
28170	ICMA-RT 457 c/o 1st Ntl Bnk MD	Payroll 2/21/97	02/25/97	100-106.00	655.00	100-220.70	655.00
28171	Industrial Electric Service Co	Inv 2-35463	02/25/97	100-106.00	85.30	201-624.00	85.30
28172	Industrial Steel & Supply	Inv 21666/21810	02/25/97	100-106.00	100.96	251-612.00	100.96
28173	J.C. Whitney & Co	Inv 2220	02/25/97	100-106.00	269.30	104-614.00	269.30
28174	Jerry Conant Janitorial	Feb Cleaning	02/25/97	100-106.00	500.00	109-644.00	500.00
28175	Johnstone Supply	Inv 666692	02/25/97	100-106.00	100.58	252-606.00	100.58
28176	Leo Lightle	Travel Reimb	02/25/97	100-106.00	153.60	105-658.00	153.60
28177	Mt Bachelor Village Resort	Hotel-Alexander	02/25/97	100-106.00	218.28	105-658.00	218.28
28178	Northern Hydraulics	Inv 478120991	02/25/97	100-106.00	56.25	251-612.00	56.25
28179	Northwest Truckstell Sales	Inv 66148	02/25/97	100-106.00	1,895.00	150-726.00	1,895.00
28180	OBOA	Inv 986	02/25/97	100-106.00	50.00	105-660.00	50.00
28181	Oregon Dept of Justice	Conf Reg Fee	02/25/97	100-106.00	70.00	105-658.00	70.00
28182	Oregon Department of Revenue	State W/H Tax	02/25/97	100-106.00	2,984.24	100-220.30	2,984.24
28183	OR Department of Revenue	088497949229791	02/25/97	100-106.00	4.40	105-602.00	4.40
28184	Paramount Pest Control Inc	Inv 95743	02/25/97	100-106.00	28.00	103-614.00	28.00
28185	PERS - Retirement	Inv 39273	02/25/97	100-106.00	70.54	100-478.00	70.54
28186	PERS - Retirement	Payroll 2/7/97	02/25/97	100-106.00	49.85	100-220.80	49.85
28187	PERS - Retirement	Payroll 2/21/97	02/25/97	100-106.00	6,192.91	100-220.80	6,192.91
28188	Petty Cash	Reimbursement	02/25/97	100-106.00	69.59	103-602.00	5.99
						104-606.00	4.67
						104-658.00	12.65
						109-602.00	10.00
						109-614.00	6.99

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	Petty Cash, (Continued)						
						109-686.00	8.00
						150-606.00	7.38
28189	Pitney Bowes Inc - FAX	Inv X166819	02/25/97	100-106.00		252-612.00	13.91
28190	P8CC	5598088-FB97	02/25/97	100-106.00	85.00	109-606.00	85.00
28191	R & R Uniforms	Inv 011-073645	02/25/97	100-106.00	214.24	109-606.00	214.24
28192	Salishan Lodge	Hotel - Cowan	02/25/97	100-106.00	40.07	103-608.00	40.07
28193	Scientific Supply & Equipment	Inv 7030062	02/25/97	100-106.00	178.08	251-658.00	178.08
28194	Sea Cove Training Center	January Stat	02/25/97	100-106.00	147.75	252-606.00	147.75
28195	Seminars & Company	Codes Guide	02/25/97	100-106.00	337.50	106-626.00	337.50
28196	Siegrist Ford	Inv 21508	02/25/97	100-106.00	59.00	104-683.00	59.00
28197	Stamper's Tire	Inc 125531	02/25/97	100-106.00	1,093.85	104-606.00	1,093.85
28198	Stone, Trew & Cyphers	January Stmt	02/25/97	100-106.00	366.72	104-606.00	366.72
					2,539.50	102-632.00	2,333.50
28199	SWOCC Attn: Cashier	Inv 9347	02/25/97	100-106.00		102-638.00	206.00
28200	SWOCC Business Development Ctr	Stmt 2/4/97	02/25/97	100-106.00	108.00	104-614.00	108.00
28201	Taylor Electric Supply	Inv 979490	02/25/97	100-106.00	500.00	102-646.00	500.00
28202	Thermax	112425 & 113993	02/25/97	100-106.00	50.88	251-612.00	50.88
28203	Hilary Thompson	Travel Advance	02/25/97	100-106.00	31.10	109-606.00	31.10
28204	U S Bank	Fed W/H Tax	02/25/97	100-106.00	113.40	107-658.00	113.40
28205	U S Bank - Visa	January Stmt	02/25/97	100-106.00	12,813.81	100-220.10	7,866.64
					538.53	100-220.20	4,947.17
						102-602.00	10.67
						102-642.00	8.71
						102-658.00	73.01
						103-602.00	51.72
28206	U S Bank - Visa	January Stmt	02/25/97	100-106.00	280.54	103-606.00	52.94
						103-658.00	341.48
						104-658.00	11.91
						105-658.00	42.56
						107-606.00	19.32
						107-658.00	111.18
						107-602.00	28.08
						109-614.00	21.19
28207	Valley Electrical Contractors	Final Billing	02/25/97	100-106.00		109-686.00	46.30
28208	VWR Scientific Products	Feb Invoices	02/25/97	100-106.00	2,861.89	903-722.00	2,861.89
					409.73	252-606.00	120.00
28209	Wastewater Short School	Reg Fee-Lightle	02/25/97	100-106.00		252-612.00	289.73
28210	Tom Weldon	Car Allow- 3/97	02/25/97	100-106.00	85.00	105-658.00	85.00
28211	Tom Weldon	Travel Reimb	02/25/97	100-106.00	200.00	102-606.00	200.00
28212	Whitney Equipment Company Inc	Inv 0009497-1N	02/25/97	100-106.00	108.65	102-658.00	108.65
28213	Wildfire Pacific Inc	Inv 253600	02/25/97	100-106.00	181.30	252-606.00	181.30
28214	WW Brainerd Inc	Feb Invoices	02/25/97	100-106.00	157.92	104-606.00	157.92
					958.52	150-628.00	99.42
						201-612.00	290.62
						251-612.00	241.44
28215	Jeremy Ziegler	Bail Refund	02/25/97	100-106.00	52.00	251-726.00	327.04
						100-232.00	67.00
28216	ZEP Manufacturing	Inv 66206745	02/25/97	100-106.00	94.88	100-474.00	(15.00)
28217	Donna M Dunivin	Deposit Refund	02/25/97	100-106.00	48.00	251-684.00	94.88
28218	John Jacobson	Deposit Refund	02/25/97	100-106.00	48.00	200-134.00	48.00
					12.57	200-134.00	12.57

(Continued)

City of Brookings
 CHECK REGISTER: CHECK # 28043 THRU 28234
 For The Month Ending: February 28, 1997 ** CLOSED **
 PRINTED: March 5, 1997 09:04:45

CHECK #	PAID TO	DESCRIPTION	DATE	CR ACCOUNT	CR AMOUNT	ALLOC ACCT	ALLOC AMOUNT
28219	Matt & Carolyn Sapp	Deposit Refund	02/25/97	100-106.00	17.73	200-134.00	17.73
28220	Phil's Home Decgrating Center	Deposit Refund	02/26/97	100-106.00	60.41	200-134.00	60.41
28221	Bruce R Buckler	Deposit Refund	02/26/97	100-106.00	7.71	200-134.00	7.71
28222	Linda Gardner	Deposit Refund	02/26/97	100-106.00	65.68	200-134.00	65.68
28223	Denise Sanders	Deposit Refund	02/26/97	100-106.00	28.84	200-134.00	28.84
28224	Glenwood Co	Deposit Refund	02/26/97	100-106.00	30.89	200-134.00	30.89
28225	Diane Schoeps	Deposit Refund	02/26/97	100-106.00	20.60	200-134.00	20.60
28226	William Conn	Deposit Refund	02/26/97	100-106.00	3.99	200-134.00	3.99
28227	Dana Couch	Deposit Refund	02/26/97	100-106.00	25.06	200-134.00	25.06
28228	Charles & Nancy Brendlinger	Deposit Refund	02/26/97	100-106.00	24.75	200-134.00	24.75
28229	Tana Domeco	Deposit Refund	02/26/97	100-106.00	20.30	200-134.00	20.30
28230	Kim & Jane Sikoryak	Deposit Refund	02/26/97	100-106.00	23.91	200-134.00	23.91
28231	Ken Caylor	Deposit Refund	02/26/97	100-106.00	47.09	200-134.00	47.09
28232	Pitney Bowes Inc	346479 & 620369	02/26/97	100-106.00	513.50	109-602.00	491.00
28233	Quill Corp	Inv 2041106	02/26/97	100-106.00		109-606.00	22.50
28234	Pelican Bay Travel Agency	Airfare	03/05/97	100-106.00	189.31	103-602.00	189.31
					740.00	953-730.00	740.00
					166,646.20		166,646.20
					166,646.20		166,646.20

*** END OF REPORT ***

Memorandum

TO: Mayor, City Council
FROM: John Bischoff, Planning Director
THROUGH: Tom Weldon, City Manager *Tom*
DATE:



Issue: Acceptance of a deed to correct a recording error that occurred several years ago.

Recommendation: Acceptance of the deed from Mr. and Mrs. McEvers to the city to correct the recording error.

Rationale: The exchange of deeds is needed to correct the recording error.

Background: In 1964 the county received additional right-of-way along a portion of Passley Rd. in the Dawson Tract area and when the deed was recorded an error was made that gave the property owner a 10 wide strip of land in the middle of Passley Road and the county a 10 foot wide strip of the owners land. The city annexed this area in 1989. This error was recently discovered and now steps have been taken to correct the error. The McEvers have deeded to the city the 10 foot wide strip in the center of street. Since the subject property has been divided, the city is deeding back the other 10 foot wide strip to the McEvers and the other property owner.

Through these deeds the error will be corrected.

Options/Alternatives: Listed Below are the options we have reviewed and do not recommend.
Not accepting the deed and thus not correcting the recording error.

BARGAIN AND SALE DEED



KNOW ALL MEN BY THESE PRESENTS, That HERBERT RAY McEVERS and DORETTA ELLEN McEVERS, husband and wife, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto THE CITY OF BROOKINGS, a political subdivision of the State of Oregon hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Curry, State of Oregon, described as follows, to-wit:

Beginning at a point 1245.15 feet South and 1696.09 feet East of the Northwest corner of Section 36, Township 40 South, Range 14 West, Willamette Meridian, Curry County, Oregon:

Thence, North 88 deg. 21' East 10.0 feet; Thence, due North 132.0 feet; Thence South 88 deg. 21' West 10.0 feet; Thence, due South 132.0 feet to the point of beginning.

The purpose of this deed is to correct an erroneous description and re-convey the property described in Book of Records 58 page 189.

Accepted by the City of Brookings

Nancy A. Brendlinger
Mayor

Date

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ -0-

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

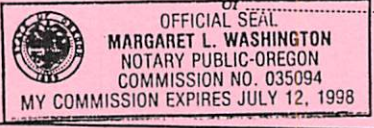
In Witness Whereof, the grantor has executed this instrument this 5th day of Feb, 19 97; if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Handwritten signatures of Herbert Ray McEvers and Doretta Ellen McEvers.

STATE OF OREGON, County of Curry ss. This instrument was acknowledged before me on 3-5, 1997, by Herbert Ray McEvers

This instrument was acknowledged before me on , 19, by as of



Handwritten signature of Margaret L. Washington, Notary Public for Oregon. My commission expires

Herbert R. & Doretta E. McEvers
17214 S. Passley Rd.
Brookings, OR 97415
City of Brookings
898 Elk Drive
Brookings, OR 97415
Babin & Keusink
P. O. Box 1600
Brookings, OR 97415

STATE OF OREGON, County of ss. I certify that the within instrument was received for record on the day of 19, at o'clock M., and recorded in book/reel/volume No. on page or as fee/tile/instrument/microfilm/reception No. Record of Deeds of said County. Witness my hand and seal of County affixed. NAME TITLE By Deputy

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Ventura

On 2/26/97 before me, Estella Rios, Notary Public

personally appeared Doretta Ellen McEvers

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Handwritten Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Bargain & Sale Deed

Document Date: 2/26/97 Number of Pages: 1

Signer(s) Other Than Named Above: Herbert Ray McEvers

Capacity(ies) Claimed by Signer(s)

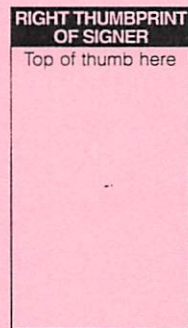
Signer's Name: Doretta Ellen McEvers Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:
self

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:

ORDINANCE NO. 97-O-522

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BROOKINGS BY REZONING FROM C-3 (GENERAL COMMERCIAL) TO TOURIST COMMERCIAL (C-4) UPON THAT CERTAIN REAL PROPERTY, BELOW DESCRIBED.

Sections:

- Introduction.
Section 1. Zoning Map to designate property as C-4.

WHEREAS, a public hearing was held on March 4, 1997 before the Brookings Planning Commission for the purpose of considering a request for a rezone from General Commercial (C-3) to Tourist Commercial (C-4) on 3.49 acres of property located on the north side of Elk Drive; (identified as Assessor's Map No. 41-13-6AC, Tax Lot 3100 and 41-13-6AD, Tax Lot 1700.

WHEREAS, following closure of the public hearing after considerable evidence and testimony was presented by proponents and opponents, the Planning Commission, by a unanimous vote, directed the Planning Director to prepare a recommendation, with findings, to the City Council, for approval of the request for the rezoning from C-3 to C-4; and

WHEREAS, the Brookings City Council, at its regularly scheduled meeting of March 24, 1997 did conduct a public hearing on this matter, during which hearing considerable testimony and evidence was presented by the applicant's representative, interested parties and recommendations were received from and presented by the Planning Director; and

WHEREAS, at the conclusion of said public hearing, after consideration and discussion, the Brookings City Council, upon a motion duly seconded, did vote in the majority to adopt a Final Order

and Findings of Fact document dated March 24, 1997 on its decision to grant the applicant's request;

The city of Brookings ordains as follows:

Section 1. Amendment to the Zoning Map to designate property Tourist Commercial (C-4). The Zoning Map of the City of Brookings is amended to show that the following described property is zoned Tourist Commercial (C-4).

(See Attachment A)

First Reading: _____

Second Reading: _____

Passage: _____

Effective Date: _____

Signed by me in authentication of its passage this _____ day
of _____, 1997.

Nancy A. Brendlinger,
Mayor

ATTEST:

Beverly S. Adams,
Finance Director/Recorder

ATTACHMENT A

PARCEL 1: That certain tract of land lying in the Southwest quarter (SW¼) of the Northeast quarter (NE¼) of Section Six (6), Township Forty-one (41) South, Range Thirteen (13) West of the Willamette Meridian, described as follows:

Beginning at an iron pipe driven at the southeast corner of the Southwest quarter of the Northeast quarter of said Section 6; thence due North 50.00 feet to the true point of beginning (being a point on the Northerly right-of-way line of Elk Dr.); thence north 420.0 feet, more or less, to the centerline of a creek; thence southwest, following the centerline of said creek to the South boundary of the Southwest quarter of the Northeast quarter of said Section 6, (the course of the centerline of said creek is approximately as follows: South 47° 54' West 314.03 feet); thence due South 209.54 feet more or less to a point on the Northerly right-of-way line of Elk Dr.; thence east along said Northerly right-of-way line 233 feet more or less to the true point of beginning.

PARCEL 2: That certain tract of land lying in Lot Eight (8), Section Six (6), Township Forty-one (41) South, Range Thirteen (13) West, Willamette Meridian, described as follows:

Beginning at an iron pipe marking the southwest corner of said Lot Eight (8); thence due North 50.00 feet to the true point of beginning (being a point on the Northerly right-of-way line of Elk Dr.); thence North 420.0 feet to an iron pipe; thence due East 185.4 feet; thence due South 420.0 feet to a point on the Northerly right-of-way line of Elk Dr.; thence due West 185.4 feet to the place of beginning.

RESOLUTION NO. 97-r-615

A RESOLUTION APPROVING RATES FOR SANITATION SERVICES TO BE CHARGED BY CURRY TRANSFER AND RECYCLING TO CUSTOMERS IN THE CITY OF BROOKINGS.

WHEREAS, Ordinance No. 95-0-510, Section 7 states that rates for service shall be those currently approved for the franchisee by the City Council by resolution; and

WHEREAS, Ordinance No. 95-0-510, Section 7 states that the rates shall be attached to Ordinance No. 95-0-510 as Exhibit "A";

BE IT RESOLVED by the City Council of the City of Brookings that the following rates shall be approved, effective April 1, 1997, and shall remain in effect until such time as any change in rates shall be approved by the City Council:

EXHIBIT "A-1"

CURRY TRANSFER AND RECYCLING

RATE SCHEDULE - CITY OF BROOKINGS

CANS/CARTS: SET OUT (CURB SIDE) SERVICE

\$15.68 per month - one thirty (30) gallon can each week.

\$31.36 per month - one sixty (60) gallon cart each week.

\$47.04 per month - one ninety (90) gallon cart each week.

\$12.00 per month - one twenty (20) gallon When Available-Recycle only.

Residential Compactor - In Excess Of 2 Bags - 1.5 Times Can Rate

CANS/CARTS: OTHER THAN SET OUT SERVICE

\$.91 per trip for each: Driveway, additional twenty five feet from truck access, long driveways-over 100 yards-for each additional 200 yards or portion. An additional charge for each gate, fence, hallway and/or stairs overweight limits of cans (32 gallon - 55 lbs), each unsecuring or securing of container.

COMMERCIAL/RENTAL SERVICES (Container/Carts/Cans)

- \$ 17.88 - 32 Gallon Cart (Including Rentals Five and Up.)**
- \$19.17 - Container Service - Per Loose Yard - Per Pick-up.**
- \$ 9.50 - Container Service - Per Loose Yard - Wood (Roll Off).**
- \$ 9.50 - Container Service - Per Loose Yard - Metal (Roll Off).**
- \$ 5.09 - Container Service - Gate Fee (Each Gate) - Extra.**
- \$11.35 - Container Rental - One-Eight Yards - Per Month.**
- \$14.39 - Customer Requested - Other Than Wkly - Each Trip Minimum.**
- \$14.39 - Customer Requested - Customized Pick-Up (Times) - Minimum.**
- \$13.93 - Customer Service - Special Events, Construction, Clean-Up, etc. per trip.**
- \$19.27 - Customer Service - Special Events, Construction, Clean-Up, etc. per Yard.**
- 10% - Container Service - Roll Out Service - Extra.**
- 20% - Ramp Roll Out Service - Extra.**
- 50% - Customer Requested After Hour, Saturday or Sunday - Extra.**
- Mechanically Compacted Waste 2.75 Times Yard or Can Rate.**

RECYCLING CREDITS (Commercial When Service Available)

- 50% - Container Service - Newsprint (Properly Prepared) of Commercial Rate.**
- 25% - Container Service - Waste Paper/Office Paper/Cans/Bottles/Plastics/Glass (Properly Prepared) of Commercial Rate.**

OTHER RESIDENTIAL & COMMERCIAL CHARGES:

\$ 4.15 - Occasional Extra In Route Pick-Up - Each.

\$ 6.35 - Customer Requested Special Pick-Up Minimum.

\$ 5.10 - Initial One Time Set Up Charge.

\$ 5.10 - Monitored Inactive Status - Each Time.

Rental Property Owners Responsible For Sanitation Charges.

Extra Heavy Roofing/Demolition 2.75 Time Yd. Rate.

Waste In Excess of 280 LBS Subject To The Approved Tonnage Rate.

Household Hazardous Waste. (As Approved)

PASSED by the Council and signed by the Mayor this 24th day of March, 1997.

Nancy Brendlinger, Mayor

ATTEST:

**Beverly S. Adams
City Recorder**