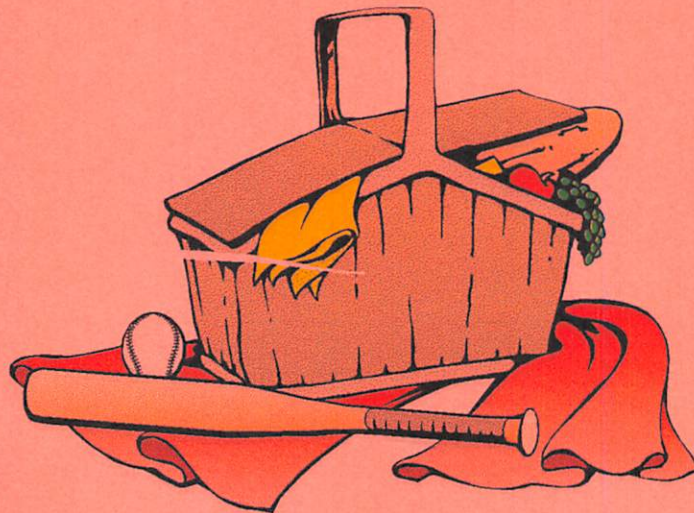


Agenda
City of Brookings
Common Council Meeting
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
July 8, 1996
7:00 p.m.

Make the most of this summer!



Notice to News Media of Council
meeting July 8 at 7:00 p.m. at City Hall

(1) 8:00 p.m. Sat. July 6

A Larry Goodman answering
machine at home

B. Dan McUrath - KQSC -
8:04

C. ? (guy) 8:06 KPOD

D Judy KURY 8:09
Meyer + Dave Scott (Sunday)

(2) Posted - A city Hall back door (by S.O.)
B. Police Dept. front door
C. Fred Meyer - "Community
activity" board

agenda

CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
July 8, 1996
7:00 p.m.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

A. Introduction of new Police Officer - Don Bishop (blue)

V. PUBLIC HEARINGS

VI. SCHEDULED PUBLIC APPEARANCES

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

VIII. STAFF REPORTS

A. City Manager

1. Jack Creek Golf Course - Phase I (yellow)
 - a. Driving range/teaching facility
 - b. Agreements with Bruce Alexander
2. Financial planning - 1997/98 Fiscal year and beyond (pink)
3. Urban Growth Boundary Appeal to Appeals Court (purple)
4. Additional signature available to sign on City of Brookings bank accounts (gold)
5. Stout Park Bid Acceptance (salmon)

IX. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. June 24, 1996 Regular Council Meeting (ivory)

(end Consent Calendar)

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances (green)

1. Ordinance No. 96-O-517 - An ordinance adopting the 1995 edition of CABO 1 & 2 Family Dwelling Code with 1996 revisions, the 1994 edition of the Uniform Building Code with 1996 Oregon revisions including the appendices and specifically Chapter 33 governing excavation and grading, the 1994 edition of the Uniform Mechanical Code with Oregon revisions including the appendices, the 1994 edition of the Uniform Plumbing Code with Oregon revisions including the appendices, the 1994 edition of the Uniform Code for the Abatement of Dangerous Buildings, the 1995 edition of the Uniform Fire Code with Oregon revisions including appendices; and repealing Ordinance No. 81-O-349.

XI. COMMITTEE REPORTS

A. Planning Commission

1. Street vacation - Pine St. (brown)

B. Parks and Recreation Commission

C. Chamber of Commerce

XII. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor

B. Council


XIII. ADJOURNMENT



July 1996



City of Brookings Monthly Activities Schedule

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																																									
	1	2 [REDACTED] [REDACTED] [REDACTED]	3 12:00 PM City/ County/ Community Work Session	4  American Music Festival Concert	5	6																																																																																																									
7	8 7:00 PM Coun- cil Meeting	9 SDC Board - 1:30 p.m.	10	11	12	13																																																																																																									
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August 1996



City of Brookings Monthly Activities Schedule

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																						
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BROOKINGS MUNICIPAL COURT MONTHLY REPORT

JUNE 1996

	BAILS	TRAFFIC	OTHERS	DUI CON	DUI DIV	TOTALS
COLLECTED	<u>\$1,475.00</u>	<u>\$4,377.00</u>	<u>\$575.00</u>	<u>\$432.00</u>	<u>\$371.00</u>	<u>\$7,230.00</u>
FINES	\$340.00	\$2,640.00	\$233.00	\$306.00	\$99.00	\$3,618.00
COSTS	\$105.00	\$175.00	\$50.00	\$0.00	\$0.00	\$330.00
PA	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
LEMA	\$10.00	\$47.00	\$7.00	\$0.00	\$0.00	\$64.00
INTX	\$0.00	\$0.00	\$0.00	\$25.00	\$50.00	\$75.00
D.M.V.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
M.H.	\$0.00	\$0.00	\$0.00	\$0.00	\$128.00	\$128.00
SA	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
COUNTY	\$114.00	\$543.00	\$88.00	\$0.00	\$0.00	\$745.00
ATC	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CFAA	\$216.00	\$972.00	\$122.00	\$101.00	\$94.00	\$1,505.00
REST.	\$0.00	\$0.00	\$75.00	\$0.00	\$0.00	\$75.00
DUE CITY						\$3,948.00
REFUND	\$690.00	\$0.00	\$0.00	\$0.00	\$0.00	\$690.00

BUILDING DEPARTMENT ACTIVITIES SUMMARY

For Month of June, 1996

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDF's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
3	Single Family Dwelling	\$1,394.00	\$617.00	\$69.70	\$7,671.00	\$327,732.00	14	\$1,813,084.10	26	\$3,102,511.00
7	Single Family Addition	\$764.50	\$482.00	\$38.23	\$0.00	\$123,159.00	23	\$277,489.00	20	\$177,256.00
0	Single Family Garage-Carport	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	6	\$49,144.00	2	\$21,264.00
0	Two Family Residential	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$154,370.00	4	\$495,017.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	3	\$1,487,885.00	0	\$0.00
0	Commercial New	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5	\$592,140.00	1	\$112,617.00
3	Commercial Addition-Change	\$426.00	\$60.00	\$21.30	\$0.00	\$73,200.00	7	\$92,834.76	11	\$303,249.00
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	1	\$2,500.00
1	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	4	\$0.00	2	\$0.00
0	Misc.-Retaining Wall-Fence	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5	\$10,000.00	6	\$2,100.00
14	Total Building Permits	\$2,584.50	\$1,159.00	\$129.23	\$7,671.00	\$524,091.00	68	\$4,476,946.86	73	\$4,216,514.00
6	Mechanical Permits	\$141.00	N/A	\$7.05		N/A	7	N/A	0	N/A
3	Plumbing Permits	\$216.65		\$10.83	\$0.00	N/A	5	N/A	N/A	N/A
0	Manufactured Home Permits	\$0.00		\$0.00	\$0.00	N/A	1	N/A	N/A	N/A
23	TOTAL PERMITS	\$2,942.15	\$1,159.00	\$147.11	\$7,671.00	\$524,091.00	81	\$4,476,946.86	73	\$4,216,514.00

During the Month of June, 1996, permits were issued for 4 new sewer connections. The City of Brookings
 now has 505.41 EDU Units connected to the Brookings Wastewater System.

MEMO

To: Mayor and City Council
From: Tom Weldon
Subject: Patrol Officer Don Bishop
Date: July 3, 1996

Tom

On June 26, 1996, Don Bishop began patrolling our streets as our new Patrol Officer, filling the position left by Patrol Officer Kevin Janoski, who moved to the Rogue Valley.

Donnie, as he is known by his friends, re- joins a growing number of our other "local boys" who have lived here most of their lives, graduated from BHHS and gone into local law enforcement to serve the community from whence they came. He previously worked as a Curry County Deputy Sheriff from 1990 to 1993. He then was president and owner of his family owned wholesale insurance business overseeing nine employees and 120 agencies in eight states until returning to law enforcement just recently.

When Donnie is not working he enjoys golfing, fishing and being with his family and friends.

We welcome Don Bishop aboard!

I N T E R

O F F I C E

MEMO

To: Mayor, City Council
From: City Manager, Tom Weldon *Tom*
Subject: Jack Creek Golf Course - Phase I
Date: July 5, 1996

I am still talking with Bruce Alexander about the driving range/house leases, etc.
I expect to have something for you to consider Monday night.

-eom-

Memorandum

TO: Mayor, City Council
FROM: Tom Weldon, City Manager *Tom*
DATE: July 5, 1996



Issue: Financial Planning - 1997/98 Fiscal year and beyond

Synopsis: Effective June 30, 1997, unless something is done, your city government will have \$500,000 less each fiscal year to provide general fund services (Police, Fire, Planning, Code Enforcement, City Manager, Council, Municipal Court, City Attorney, Parks and Recreation, Finance and Utilities) than each of the prior two fiscal years.

Recommendation: Council ask for public comment on what should we do about this financial situation.

Rationale: The tax base election to continue this present level of services was defeated in May of 1996 even though essentially the same package of services and costs was passed on a two-year serial levy in March of 1995. Council should know what our citizens think about these services and costs before making a decision as to whether they want to go to the voters again and if yes - for what.

Background:

- 1) The Council's number one goal for this fiscal year is to get voter approval of a new tax base.
- 2) Tax base elections can only be held in May and November of even numbered years.
- 3) Serial levies, for up to 5 years, can be held four times each year - March, May, September, and November.
- 4) Brookings voters have passed the last serial levy election and turned down the last two tax base elections.
- 5) I cannot, in good conscience, recommend any deletions in items or dollars that would have been funded by the increased tax base. I, and staff, believe each of these items vitally important to the community and available at an affordable price.

- 6) If you decide to ask the voters to fund these services at the November election, you need to pass a motion on a ballot title at your July 29, 1996 Council meeting. Staff will be prepared to help you do whatever you want at that meeting.
- 7) We are about to have to sign a Mutual Order and Agreement with DEQ calling for, among other things, us to have an election in March or May of 1997 to make required improvements in our Wastewater Treatment Plant.

Options listed below are options we have reviewed and are not recommending.

Council not attempt to get community input on this important issue.

Memorandum

TO: Mayor, City Council
FROM: John Bischoff, Planning Director
THROUGH: Tom Weldon, City Manager
DATE: July 3, 1996



Issue: Appeal of the UGB to the Court of Appeals, additional information.

Synopsis: The following is an estimate of attorney, consultant, and staff time needed to respond to the appeal.

Recommendation: Acceptance of the proposed attorney and consultant fees.

Rationale: These fees are necessary to ensure the city's interest is protected during the appeal hearing process.

Background: In a previous memo the City Manager recommended that \$10,000 be set aside for attorney fees. At a rate of \$200 an hour this would provide 50 hours of legal representation. The actual rate may be something less than \$200/hour but to ensure adequate representation the \$10,000 amount is recommended.

Staff also recommends that Linda Davis of Cogan Owen Cogan be retained to help the attorney prepare the city's arguments, participate in the coordination meeting and to be present at the oral argument phase of the hearing. In providing support for the LCDC appeal hearing, Ms. Davis charged 18.5 hours at \$70 an hour. Although there is no way of knowing how much of her time will be needed for support, discussion with her has indicated that 25 hours should be sufficient. This would total \$ 1750.

City staff time will primarily be involved with ensuring that the record that goes from DLCD to the court is correct, support of the attorney's preparation, participation in the coordination meeting, and attending the oral arguments. This should involve no more than 50 hours of staff time. The City Attorney is and will continue to advise staff throughout the process. It is estimated that his time will be 15 hours. The county is also preparing to intervene in this process, thus they will also provide staff time including legal counsel.

Summary:

Land Use Attorney	\$10,000
Linda Davis	1,750
City Attorney	1,350
City Staff @ \$30/hr	1,500
<u>Miscellaneous Expenses</u>	<u>1,500</u>
City Total	\$16,100
County Staff (including Legal)	?

Options/Alternatives: Listed Below are the options we have reviewed and do not recommend.

Not participating in the hearing process.

Memorandum

TO: Mayor, City Council
FROM: Tom Weldon, City Manager
SUBJECT: Urban Growth Boundary process
DATE: July 8, 1996



This process began in the fall of 1987, as a part of the requirements for the periodic review of the City's Comprehensive Plan.

There have been seventeen public meetings/hearings held locally.

I estimate there have been approximately 1,800 hours of City and County volunteer (Mayor and City Council, County Commissioners and City and County Planning Commissions) time spent on this issue.

Without doing considerable research, I don't have accurate numbers on City cash expenses for attorneys, consultants (\$45,000.00), notices, travel in and out of county, etc., but I am sure it would hit \$ 75,000.00 over the nine years.

This does not include the \$1,600.00 cash we just spent on the LCDC appeal hearing and staff and volunteer time.

To summarize (all are rough estimates):

	<u>Amount</u>	<u>Volunteer hours</u>
1987--1996: (City out of pocket expense)	\$75,000.00	1,800
County out of pocket expense	\$15,000.00	
1996--LCDC Hearing	\$1,600.00	100
Appeals Court	\$14,600.00	20
City staff time	\$25,000.00	
County staff time (1/2 city staff time)	\$12,500.00	
	<u>\$143,700.00</u>	<u>1,920</u>

STONE, TREW & CYPHERS

MARTIN E. STONE
JOHN B. TREW
CAROL P. CYPHERS

ATTORNEYS AT LAW
222 E. 2nd Street
P.O. Box 158
Coquille, Oregon 97423-0158
(541) 398-3171
FAX (541) 398-5723

ESTABLISHED BY
A. J. SHERWOOD
IN 1888
HARRY A. SLACK, SR.
(1888-1988)
HARRY A. SLACK, JR.
(RETIRED 1981)

July 5, 1996

State Court Administrator
Records Section
Supreme Court Building
1163 State Street
Salem, OR 97310

RE: Hummell v. LCDC
CA No. A93624
Agency No.: 96-WKTASK-0060112

Dear Administrator:

Enclosed for filing in the above proceeding please find original and one copy of Motion to Intervene of City of Brookings and Affidavit of Martin E. Stone. Also enclosed is my check in the sum of \$60 as the first appearance fee of the City of Brookings.

Thank you.

Very truly yours,

MARTIN E. STONE

MS:lt
Enclosures
c: Tom Weldon
John Bischoff
Mary Kyle McCurdy
Celeste J. Doyle
Allen L. Johnson
Jerry Herbage

IN THE COURT OF APPEALS OF THE STATE OF OREGON

FRED HUMMEL, PEG REAGAN, RICHARD
CALKINS, NORMAN YOCK, WINHARBOR FARMS,
CITIZENS FOR ORDERLY DEVELOPMENT and
1000 FRIENDS OF OREGON,

Petitioners,

v.

LAND CONSERVATION AND DEVELOPMENT
COMMISSION,

Respondent.

Agency No.
96-WKTASK-0060112

CA No. A93624

MOTION TO INTERVENE

Mary Kyle McCurdy
OSB #88353
534 S.W. 3rd Avenue, Suite 300
Portland, OR 97204
(503) 497-1000
Attorney for Petitioners

Celeste J. Doyle
OSB #92596
Assistant Attorney General
Oregon Dept. of Justice
100 Justice Building
Salem, OR 97310
(503) 378-4409
Attorney for Respondent LCDC

Allen L. Johnson
OSB #73153
767 Willamette Street, Suite 203
Eugene, OR 97401
(541) 687-1004
Attorney for Intervenors
Harbor Construction Co.,
Westbrook Construction Co.
and U.S. Borax

Martin E. Stone
OSB #77360
222 E. Second Street
P.O. Box 158
Coquille, OR 97423
(541) 396-3171
Attorney for Intervenor
City of Brookings

COMES NOW City of Brookings, by and through its attorney Martin E. Stone, Stone, Trew & Cyphers, 222 E. Second Street, Coquille, Oregon, telephone number 541-396-3171, and

MOTION TO INTERVENE - 1

JUL - 5-96 PM 5:05

moves the court for an Order allowing the City of Brookings to intervene as a respondent in the above proceeding.

The order under review is an order of the Land Conservation and Development Commission dated April 26, 1996 titled "In the Matter of the Periodic Review of the Comprehensive Plan and Land Use Regulations for the City of Brookings."

The City of Brookings is a local government and political subdivision of the State of Oregon. The order under review remands a periodic review work task to the City of Brookings and to Curry County. The City of Brookings is identified on the petition for review as a party affected by the review. The City of Brookings was a party to the administrative proceeding which resulted in the order for which review is sought.

The City of Brookings will be directly affected by judicial review of the order of the Land Conservation and Development Commission. The City of Brookings seeks leave of this court to intervene as a respondent in the judicial review.

STONE, TREW & CYPHERS

/s/ Martin E Stone

By _____
Martin E. Stone
Of Attorneys for Respondent
City of Brookings
OSB No. 77360

MOTION TO INTERVENE - 2

IN THE COURT OF APPEALS OF THE STATE OF OREGON

FRED HUMMEL, PEG REAGAN, RICHARD
CALKINS, NORMAN YOCK, WINHARBOR FARMS,
CITIZENS FOR ORDERLY DEVELOPMENT and
1000 FRIENDS OF OREGON,

Petitioners,

v.

LAND CONSERVATION AND DEVELOPMENT
COMMISSION,

Respondent.

Agency No.
96-WKTASK-0060112

CA No. A93624

AFFIDAVIT OF MARTIN E. STONE

STATE OF OREGON)
County of Coos) ss.

I, Martin E. Stone, being first duly sworn on oath,
depose and say:

1. I am an attorney licensed to practice in the State of Oregon. I serve as attorney for the City of Brookings.
2. The City of Brookings has participated as a party to the administrative proceeding which resulted in the order of the Land Conservation and Development Commission dated April 26, 1996. The order remands a periodic review work task related to the Brookings Urban Growth Boundary to the City of Brookings and to Curry County.

AFFIDAVIT OF MARTIN E. STONE - 1

JUL-5-96 FRI 9:00

3. The City of Brookings will be directly affected by the ruling of the Court of Appeals on the petition for judicial review of the order of the Land Conservation and Development Commission.

4. The City of Brookings seeks leave of this court to participate as a respondent in the proceeding for judicial review.

5. I make this affidavit in support of the City's motion to intervene as an additional respondent in this proceeding. This motion is not made for the purposes of delay but rather is intended to preserve the interest of the City of Brookings in this important proceeding, and to allow the City to participate in briefing and argument.

Dated this 5th day of July, 1996.

/s/ Martin E Stone

Martin E. Stone

this 5th The foregoing instrument was acknowledged before me day of July, 1996, by Martin E. Stone.



Loy L Thommen
Notary Public for Oregon
My Commission Expires: 6/28/2000

AFFIDAVIT OF MARTIN E. STONE - 2

CERTIFICATE OF SERVICE AND MAILING

I hereby certify that on July 5, 1996, I served the foregoing Motion to Intervene together with Affidavit of Martin E. Stone on:

Mary Kyle McCurdy
OSB #88353
534 S.W. 3rd Avenue, Suite 300
Portland, OR 97204
(503) 497-1000
Attorney for Petitioners

Celeste J. Doyle
OSB #92596
Assistant Attorney General
Oregon Dept. of Justice
100 Justice Building
Salem, OR 97310
(503) 378-4409
Attorney for Respondent LCDC

Allen L. Johnson
OSB #73153
767 Willamette Street, Suite 203
Eugene, OR 97401
(541) 687-1004
Attorney for Intervenor
Harbor Construction Co.,
Westbrook Construction Co.
and U.S. Borax

Gerald Herbage
County Counsel
Curry County Courthouse
P.O. Box 746
Gold Beach, OR 97444
Attorney for Curry County

by mailing a true copy of the motion and affidavit to each of the above, by first-class mail, addressed to their regular office addresses as listed above.


I further certify that on July 5, 1996, I mailed the original of the foregoing motion and affidavit, by first-class mail, to the State Court Administrator, Records Section, Supreme Court Building, 1163 State Street, Salem, Oregon 97310.

Dated this 5th day of July, 1996.

/s/ Martin E Stone

Martin E. Stone
Attorney for Respondent
City of Brookings
OSB #77360

Memorandum

TO: Mayor, City Council
FROM: Bev Shields, Finance Dir./Rec. 
THROUGH: Tom Weldon, City Manager
DATE: July 1, 1996



Issue:

Additional signature available to sign on City of Brookings bank accounts.

Synopsis:

Recently it has come to my attention that we may need an additional signature available to sign on the City accounts. Currently, the Mayor, Council President, and City Finance Director/Recorder are authorized to sign on the City accounts. However, two signatures are required to sign on checks.

There may be times when the Mayor is not available during the next couple of months and the Finance Director/Recorder is planning for some vacation days that there will not be two signatures available.

Recommendation:

That Mayor and Council approve the addition of Councilor Bob Hagbom to the signature bank cards of the City of Brookings to provide an additional signer on the bank accounts when needed.

Rationale:

People like to get paid, and we want to pay our bills timely.

Memorandum

TO: Mayor, City Council

FROM: Leo Lightle, Community Development Director

THROUGH: Tom Weldon, City Manager

SUBJECT: Bids for Stout Park Improvements

DATE: July 5, 1996



Synopsis: We received one late bid on this project and it is over the engineers estimate.

Recommendation: Council direct staff and the Parks and Recreation Commission to review the entire situation and come back to you with a recommendation as to how we can do this project.

Rationale: We can not waive the timeliness issue since the base bid is somewhat over the engineers estimate and over the budget. Staff believes we can readjust the project and still get most of it done this year.

Background:

The Parks and Recreation Commission and staff worked with the engineer to put together a project to make improvements to Stout Park. The engineer put together a bid packet and after review the project went "out to bid." We received one bid. The bid although late, was by mutual agreement opened with a request by the contractor that if we did not accept the bid, that we not make his bid price public. The request appears reasonable inasmuch as if the project was rebid the bidders competitor would have an unfair advantage.

MINUTES

**CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
June 24, 1996
7:00 p.m.**

I. CALL TO ORDER

Mayor Davis called the meeting to order at 7:02 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Tom Davis, Councilors Larry Curry, Nancy Brendlinger, Ex-officio Marci Wallace

Council Absent: Councilors Bob Hagbom, Dave Scott

Staff Present: City Manager Tom Weldon, Police Chief Kent Owens, Police Officer Al Thorusen, Finance Director/Recorder Beverly Shields

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

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

- 1. Mayor Davis read a certificate naming Police Chief Kent Owens as Employee of the Season.**
- 2. Bill Henry was presented with a certificate from SOLV (Stop Oregon Litter and Vandalism) for his leadership in the clean-up of Azalea Park.**
- 3. Mayor Davis asked for a moment of silence for Bob Hummel and Joel Buffington who passed away recently.**

V. PUBLIC HEARINGS none

VI. SCHEDULED PUBLIC APPEARANCES

- 1. Oregon Department of Fish and Wildlife - Russ Stauff, District Fish Biologist**

Councilor Curry moved, Councilor Brendlinger seconded and the Council voted unanimously to allow the Oregon Department of Fish and Wildlife Jack Creek Project to proceed and to approve staff arranging for backhoe assistance on this project.

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

VIII. STAFF REPORTS

A. City Manager

- 1. Special Cities Allotment Grant**

The City of Brookings meets the criteria for the Special City Allotment Program, and Oak Street meets the criteria for a street improvement project. Staff recommends that the City Council selects the Oak Street Project for the Special City Allotment Grant for \$25,000 and authorizes the Mayor and City Manager to sign the necessary documents for the application.

Councilor Curry moved, Councilor Brendlinger seconded and the Council voted unanimously to approve Resolution No. 96-R-606 and accept staff's recommendation to select the Oak Street Project for the Special City Allotment Grant for \$25,000 and authorize the Mayor and City Manager to sign the necessary documents for the application.

2. Application for Liquor License - Sheldon and Gro Lent

Councilor Brendlinger moved, Councilor Curry seconded and the Council voted unanimously to approve the application for a Liquor License for Sheldon and Gro Lent for their new business "City Grill".

3. The City Manager requested that the July 22 meeting be moved to July 29, as he will be gone on the 22nd.

Councilor Brendlinger moved, Councilor Curry seconded and the Council voted unanimously to change the Regular Council meeting of July 22, 1996 to July 29, 1996.

B. Police Chief

1. Abandoned vehicles on private property

The Council will meet with the County Commissioners on July 3, 1996 regarding this problem. The Police Chief is to contact the City Attorney for his interpretation of the ORS regarding removal. No motion was required at this time.

IX. CONSENT CALENDAR

Councilor Brendlinger moved, Mayor Davis seconded and the Council voted unanimously to approve the Consent Calendar as follows:

A. Approval of Council Meeting Minutes

- 1. May 28, 1996 Regular Council Meeting**
- 2. May 30, 1996 Special Council Meeting**
- 3. June 10, 1996 Regular Council Meeting**

B. Acceptance of Commission/Board Minutes

1. May 7, 1996 Planning Commission Meeting
2. February 15, 1996 Parks & Recreation Commission Meeting
3. April 25, 1996 Parks & Recreation Commission Meeting

C. Approval of Vouchers (\$808,672.25)

(end Consent Calendar)

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

1. **ORDINANCE NO. 96-O-519** - An ordinance declaring the City's election to receive state revenues and declaring an emergency.

Councilor Curry moved, Councilor Brendlinger seconded and the Council voted unanimously to adopt Ordinance No. 96-O-519 by first reading.

Councilor Brendlinger moved, Councilor Curry seconded and the Council voted unanimously to adopt Ordinance No. 96-O-519 by second reading.

2. **RESOLUTION NO. 96-R-603** - A Resolution adopting the budget, declaring tax levied, making appropriations for the 1996-97 Fiscal Year and to categorize the levy as provided in ORS 310.060(2).

Councilor Brendlinger moved, Councilor Curry seconded and the Council voted unanimously to adopt Resolution No. 96-R-603.

3. **RESOLUTION NO. 96-R-604** - A resolution setting forth corrective measures and response to the independent auditors suggestions regarding the City of Brookings 1994/95 Audit Report.

Councilor Curry moved, Councilor Brendlinger seconded and the Council voted unanimously to adopt Resolution No. 96-R-604.

4. RESOLUTION NO. 96-R-605 - A resolution accepting the abstract of votes for the general election held May 21, 1996.

Councilor Curry moved, Councilor Brendlinger seconded and the Council voted unanimously to adopt Resolution No. 96-R-605.

XI. COMMITTEE REPORTS

- A. Planning Commission
None
- B. Parks and Recreation Commission
None
- C. Chamber of Commerce

Les Cohen reported that:

1. The fireworks display on the 4th of July is on schedule.
2. The American Music Festival's 4th of July concert is on schedule.
3. Motel tax has increased over the last 2 months which is good news for the business community, the Chamber and the City.

XII. REMARKS FROM MAYOR AND COUNCILORS

- A. Mayor

Mayor Davis introduced Bruce Alexander who spoke about the possibility of creating a driving range and teaching facility at Jack Creek golf course and his involvement with such a project. He also talked about his background in teaching golf to adults and children at 3 different golf courses in Southern Oregon. He feels this is a win-win proposal for Brookings. A meeting was

set for Friday, June 28, 1996 at 5:00 p.m. with Bruce Alexander to meet with citizens interested in golf to discuss ideas on construction of such a facility.

B. Council
None

XIII. ADJOURNMENT

Councilor Curry moved, Councilor Brendlinger seconded and the Council voted unanimously to adjourn the meeting at 8:29 p.m.

Tom Davis
Mayor

MEMO

To: Mayor and City Council

From: Tom Weldon, City Manager *Tom*

Subject: Ordinance No. 96-O-517

Date: July 5, 1996

Ordinance No. 96-O-517 is not finished at this time. It will be on your agenda for the July 29th Council meeting.

-eom-

STAFF REPORT ADDENDUM
VAC-1-96
CITY COUNCIL MEETING
July 8, 1996

At the special Planning Commission Meeting of July 8, 1996 the Commission voted to recommend approval of the proposed vacation of a 170 foot long section of Pine Street within Stout Park. The Planning Commission staff report is attached for your review.

CITY OF BROOKINGS PLANNING COMMISSION
STAFF AGENDA REPORT

SUBJECT: Street Vacation
FILE NO: VAC-1-96
HEARING DATE: June 18, 1996

REPORT DATE: May 22, 1996
ITEM NO: 8.1

GENERAL INFORMATION

APPLICANT: City Initiated.

REPRESENTATIVE: Staff.

REQUEST: An application to vacate a 175 foot section of Pine St. extending west of Oak St. through Stout Park.

TOTAL LAND AREA: 7,000 sq. ft.

LOCATION: Pine St. west of Oak St.

ASSESSOR'S NUMBER: 41-13-5BC and 41-13-5CB.

ZONING / COMPREHENSIVE PLAN INFORMATION

EXISTING: The section of Pine Street to be vacated is located within the P/OS (Public Open Space) Zone.

PROPOSED: No Change.

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

COMP. PLAN: Open Space.

LAND USE INFORMATION

EXISTING: Street Section.

PROPOSED: Park area.

SURROUNDING: North and South - Park; East - Residential; West - Park and then Residential.

PUBLIC NOTICE: Published in local news paper once each week for two weeks prior to the Planning Commission hearing and posted at each end of the street.

BACKGROUND INFORMATION

Pine Street consists of a paved travel way with no other improvements within a 40 foot wide right-of-way that extends from Fern Ave. on the west to Myrtle St. on the east. It intersects with (from west to east) Fern Ave., Oak St., Alder, St. and Myrtle St. The street passes through Stout Park on the west side of Oak St. with 350 feet of park frontage along the northerly right-of-way line and 200 feet of park frontage on the southerly right-of-way line. Both frontages start at Oak St. and extend west.

PROPOSED VACATION

The city wishes to vacate a portion of Pine St. that extends west from Oak St. for a distance of 175 feet and lies within the city owned Stout Park. The purpose of this vacation is to create an uninterrupted park area that allows for more efficient use of the park, cohesive trails and landscaping and to enhance the aesthetic qualities of the park. The remaining section of Pine St. that extends east from Fern Ave. will terminate in a cul-de-sac on the park property.

ANALYSIS

Section 152, Vacations, Subsection .030, Vacation Criteria, provides that request to vacate will be considered by the Planning Commission for recommendation to the City Council following a determination based upon the findings prepared and submitted by the petitioner(s), which shall address the following criteria:

1. Compliance with the comprehensive plan, circulation element or other applicable sections of the document.
2. If initiated by petition pursuant to ORS 271.080, the council shall make the determinations pursuant to ORS 271.120 based upon evidence provided by the petitioner(s) in the written findings.
3. If initiated upon a recommendation of the Planning Commission and/or by the City Council on its own motion pursuant to ORS 271.130, a determination shall be made that the vacation will not substantially affect the market value of all such abutting property to the area proposed to be vacated, unless the City Council proposes to provide for paying such damages.

The following is staff's analysis of the proposed vacation in relation to the criteria cited above.

Criterion 1, Compliance with the Comprehensive Plan. The proposed vacation will cause what is now one continuous street to be broken into two unconnected segments. This could cause confusion for emergency service providers unless steps are made to make them aware of the changes. The city must ensure that all emergency providers are made aware of the street vacation.

Criterion 2, Petitioner Initiated. The proposed street vacation has been initiated by the city and therefore this criterion does not apply. (See Criterion 3)

Criterion 3, City Initiated. Due to the fact that the proposed street vacation is entirely within the city owned Stout Park, there will be no effect on the market value of abutting property and thus no damages will be created.

FINDINGS

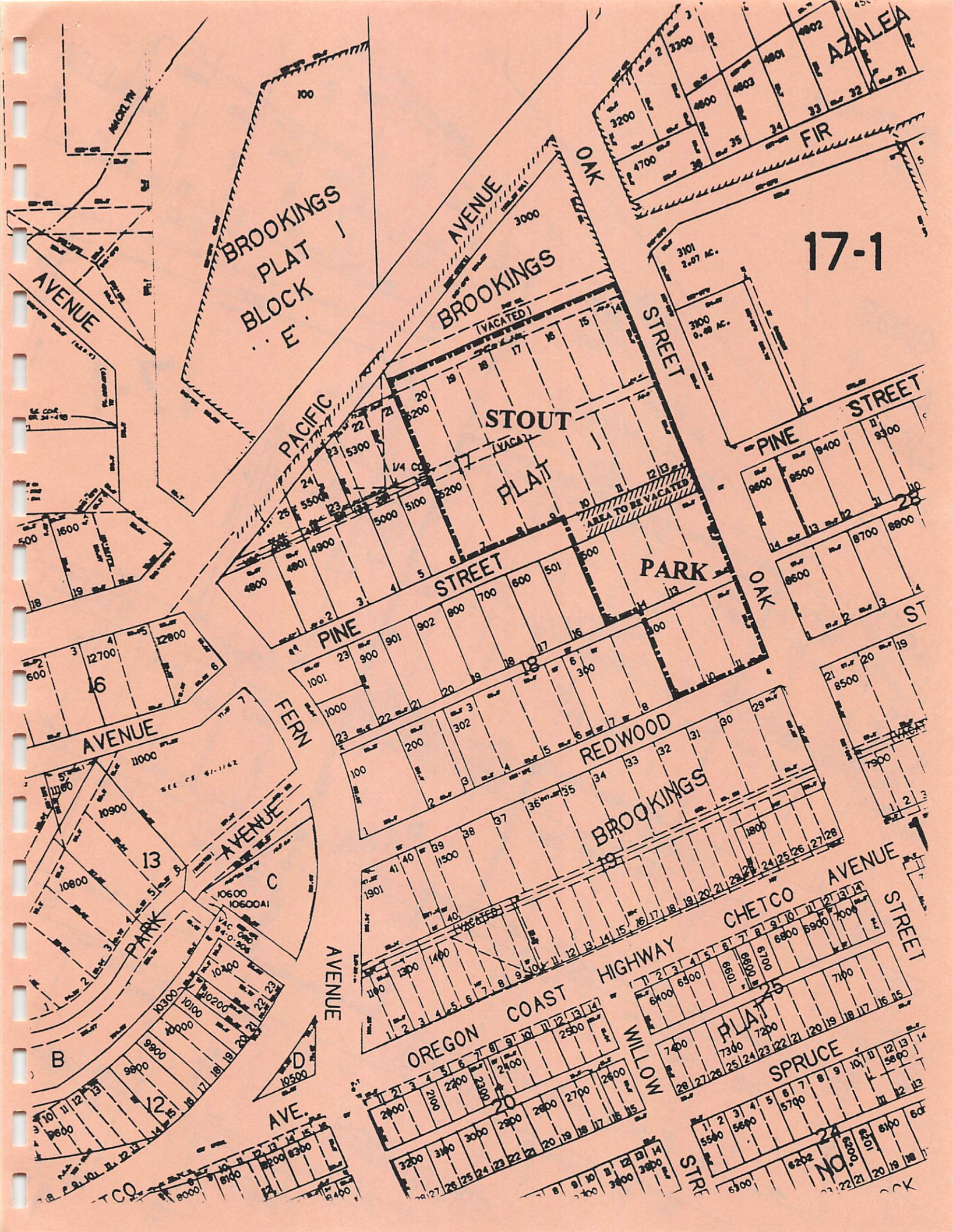
1. The city has initiated, on the motion of the Council, an application to vacate a 175 foot section of Pine St. extending west of Oak St. and located totally within the city owned Stout Park, pursuant to the provisions of Section 152, Vacations, of the Land Development Code.
2. The proposed vacation will cause what is now a through street to become two unconnected segments with the name of Pine St.
3. The street vacation has been noticed pursuant to ORS 271.110.

CONCLUSIONS

The proposed street vacation could have the effect of causing confusion on the part of emergency response vehicles due to the breaking of Pine St. into two, unconnected, segments. To mitigate this impact, the city will notify all emergency service providers of the change and supply maps of the vacated area. Since the property abutting all sides of the vacated street is a city owned park, the issue of market value is moot.

RECOMMENDATION

Staff recommends **APPROVAL** of Case File No. VAC-1-96 based on the findings and conclusions stated in the staff report.



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