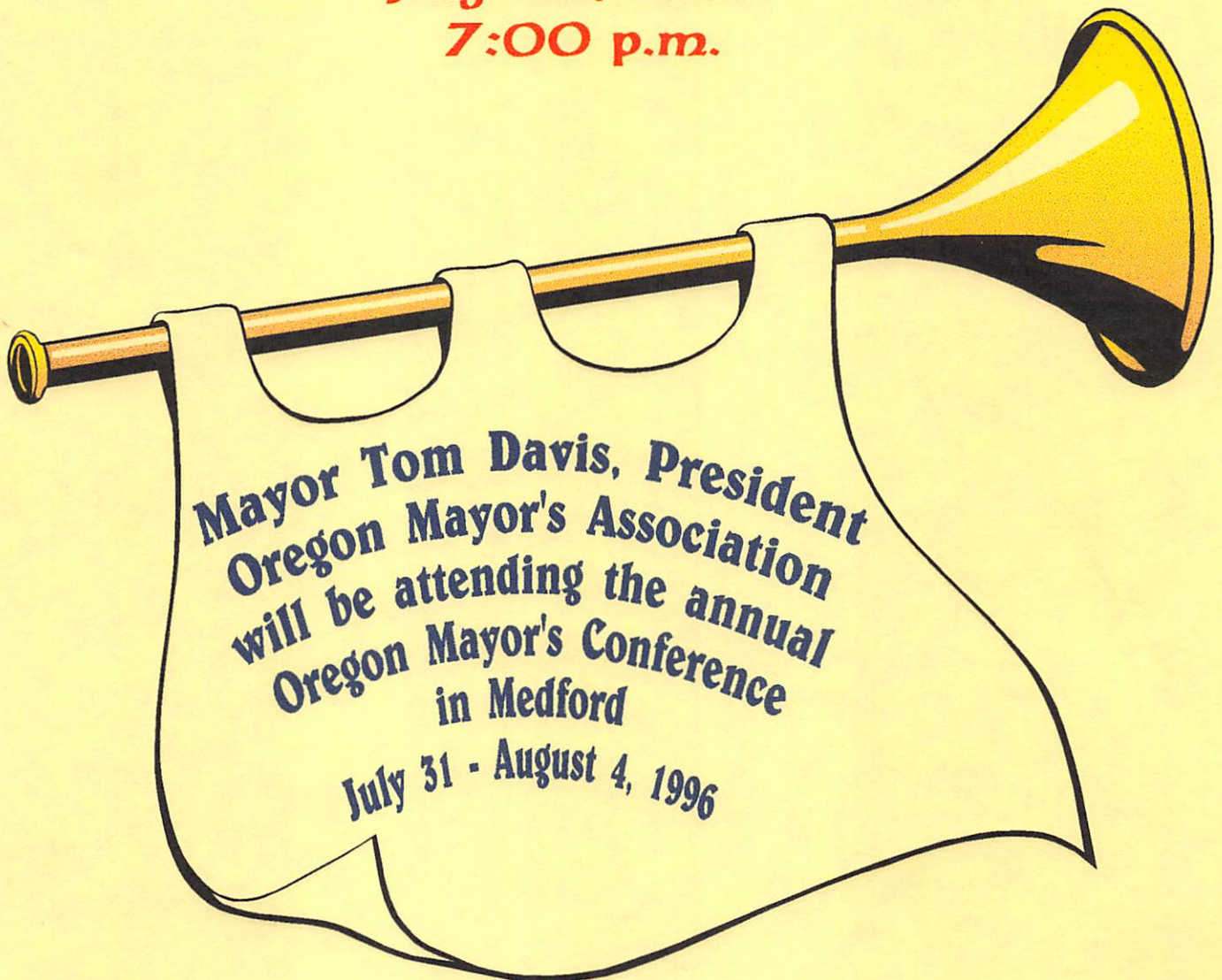


Agenda
City of Brookings
Common Council Meeting
City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
July 29, 1996
7:00 p.m.



agenda

CITY OF BROOKINGS COMMON COUNCIL MEETING

Brookings City Hall Council Chambers

898 Elk Drive, Brookings, Oregon

July 29, 1996

7:00 p.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS none
- V. PUBLIC HEARINGS none
- VI. SCHEDULED PUBLIC APPEARANCES none
- VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE
- VIII. STAFF REPORTS
 - A. Community Development
 - 1. Signing of the Mutual Agreement and Orders between the city of Brookings and the Department of Environmental Quality (lilac)
 - 2. Curry County request for temporary construction easement and a permanent slope easement for Freeman Hill slide repair at Jack Creek (gold)
 - B. City Manager
 - 1. Jack Creek Golf Course Lease - Bruce Alexander (tan)
 - 2. Proposed ballot title for General Election November 5 (green)

IX. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. July 8, 1996 Regular Council Meeting (gray)

B. Acceptance of Commission/Board Minutes

1. June 4, 1996 Planning Commission Meeting (salmon)
June 18, 1996 Planning Commission Meeting (pink)

C. Miscellaneous

1. Application to possess and consume alcoholic beverages on City of Brookings public property - Donna Van Nest (lilac)
2. Request for liquor license - Additional Privilege - Package Store - Chives Restaurant - Rick & Carla Jackson (gold)

(end Consent Calendar)

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

XI. COMMITTEE REPORTS

A. Planning Commission

B. Parks and Recreation Commission

C. Chamber of Commerce

XII. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor

B. Council

XIII. ADJOURNMENT



August 1996



City of Brookings Monthly Activities Schedule

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																				
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OR Mayors Ass'n. Summer Conference, Medford



SEPTEMBER 1996



City of Brookings Monthly Activities Schedule

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																																		
1	2  Labor Day	3	4 12:00 PM City\ County\ Community Work Session	5 Filing Deadline for 11/5 Election	6  11:00 AM - 2:00 PM Kent's Open House - Council Chambers	7																																																																																																		
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Memorandum

TO: Mayor, City Council

FROM: Leo Lightle, Community Development Director

THROUGH: Tom Weldon, City Manager *Tom*

DATE: July 25, 1996



Issue: Signing the Mutual Agreement and Orders (MAO) between the City of Brookings and Department of Environmental Quality (DEQ). This settles listed violations and sets a time line to construct and make operational a wastewater facilities improvement project.

Synopsis: The City of Brookings Wastewater Treatment Facility has had several violations of its National Pollutant Discharge Elimination System (NPDES) Permit. This has led to a Notice of Noncompliance (NON) and a Notice of Intent to Issue Civil Penalties from DEQ. The City recognizes that we will not be able to meet the conditions of the NPDES Permit at all times in the future. The City also recognizes that we cannot continue growing and adding connections to the Wastewater Treatment Facility without expanding the treatment facility. By signing the MAO, DEQ will set aside the penalties and give the City interim limits. With the interim limits the City should not have future violations and penalties if the City operates the treatment facility in an efficient manner. The City would also be able to allow some growth which would allow for collection of System Development Charges to offset the cost to the current taxpayers. The Council has discussed this at previous meetings.

Recommendation: City staff recommends that the City Council authorize the Mayor to sign the Mutual Agreement and Orders.

Rationale: The City has several fines that are being held in abeyance by DEQ and the City can anticipate future violations. We need to upgrade the Wastewater Treatment Facility. The MAO allows the City to have relief from fines and third party lawsuits, and gives interim limits which allow the City the time to upgrade the facility so that it can meet the NPDES Permit limits. The City, if we don't sign the MOA, will receive fines on the previous violations, will incur violations and future fines and will still need to upgrade the Wastewater Treatment Facility.

VIII.A.J

Memo to City Council
RE: MOA signing-July 29, 1996
Page 2 July 23, 1996

Background:

The City of Brookings has had several violations of our National Pollutant Discharge Elimination System (NPDES) Waste Discharge Permit Number 100883 (PERMIT). The City received a Notice of Noncompliance (NON) in April, 1994, a NON on February 5, 1995, and a Notice of Permit Violation (NPV) on April 5, 1996. The City also received in April, 1995 a NON and Intent to Issue Civil Penalties. DEQ and the City recognize that until new modified facilities are constructed and put into operation the City at times will violate its permit.

The City, in signing the MAO, agrees to the conditions listed in the MAO which is attached in a faxed draft form.

Permittee,)
)
)
)
)
)

MUTUAL AGREEMENT
AND ORDER
No. WQMW-WR-96-142
CURRY COUNTY

1. On April 17, 1992, the Department of Environmental Quality (Department or DEQ) issued National Pollutant Discharge Elimination System (NPDES) Waste Discharge Permit Number 100883 (Permit) to the City of Brookings (Permittee). The Permit authorizes the Permittee to construct, install, modify or operate waste watertreatment control and disposal facilities (facilities) and discharge adequately treated wastewaters into the Pacific Ocean, waters of the state, in conformance with the requirements, limitations and conditions set forth in the Permit. The Permit expires on December 31, 1996. This Mutual Agreement and Order (MAO) is not a substitute for a NPDES Permit. Permittee is expected to submit a complete NPDES Permit renewal application .

2. Condition 1 of Schedule A of the Permit does not allow Permittee to exceed the following waste discharge limitations until completion of Stage 2A expansion (as identified in the June 18,1991 Facility Plan) and attainment of operational level:

Outfall Number 001

Parameter	Effluent Loadings				
	Average Effluent Concentrations		Average	Weekly	Daily
	<u>Monthly</u>	<u>Weekly</u>	<u>lb/day</u>	<u>lb/day</u>	<u>lbs</u>
BOD	30 mg/l	45 mg/l	250	375	500
TSS	30 mg/l	45 mg/l	250	375	500
FC/100 ml	200	400			

1 From November 1 through April 30, when the monthly average flow exceeds 3.0 MGD, the
2 monthly average and weekly average mass load limits for BOD and TSS shall be increased to
3 751 and 1125 pounds, respectively. When on any day, the total daily flow exceeds 7.5 MGD,
4 the daily maximum limit shall be 1877 pounds for that day.

5 Other Parameters (year-around)

6 Limitations

7 pH

8 Shall be within the range 6.0 - 9.0

9 Total Chlorine Residual

10 Shall not exceed a daily average of 0.40 mg/l.

11 BOD and TSS Removal Efficiency

12 The monthly average percent removal shall not be
13 less than 85% year-round except when influent
14 BOD and/or TSS concentrations are less than 100
15 mg/l for that parameter during Nov. 1 through
16 April 30. During this period, the percent removal
17 efficiency shall not be less than 75 percent.

18 Average dry weather flow
19 to the treatment facility

20 1.0 MGD

21 3. During the time period the permit has been in effect, Permittee has not been able
22 to consistently meet the above effluent limitations and attempts to pass Bond Measures for
23 Phase 2A have failed three (3) times. A Notice of Noncompliance (NON) was issued on April
24 13, 1994 for violation of Schedule C, condition 1, failure to submit an I&I (Infiltration and
25 Inflow) report and Schedule D, condition 1, failure to manage sludge according to sludge
26 management plan.

27 A NON was issued on February 5, 1995 for violations of the effluent limitations which
28 occurred during December, 1994; daily maximum TSS (Total Suspended Solids) exceedances
on December 18 and 27, TSS weekly on December 11-13, December 27-29, monthly average
TSS and monthly average Biological Oxygen Demand (BOD). A Notice of Permit Violation
(NPV), WQMW-WR-95-072, was issued by Steve Greenwood, Regional Administrator on
April 5, 1995. A response was sent to the Department on April 12, 1995 by Tom Weldon.

City Manager. Respondent submitted a compliance schedule based upon a sludge treatment modification project.

On April 25, 1995, a NON and Intent to Issue Civil Penalty was issued for TSS violations during the week of March 19-25th. Daily loading was exceeded on March 23rd and monthly average was also exceeded. A review of recent Daily Discharge Monitoring reports shows violations of daily maximum of TSS on April 24, 1996 and BOD on April 23, 1996. Removal percentages were not met for TSS and BOD.

4. DEQ and the Permittee recognize that until new or modified facilities are constructed and put into full operation, Permittee will continue at times to violate the permit effluent limitations and the 30/30 South Basin Standards.

5. Permittee presently is capable of treating its effluent so as to meet the following effluent limitations, measured as specified in the Permit:

a: June 1 - October 31:

Parameter	Average Effluent Concentrations		Effluent Loadings		Daily Maximum
	Monthly	Weekly	Monthly Average lb/day	Weekly Average lb/day	
BOD	30	45	460	700	930
TSS	30	45	460	700	930
FC/100 ml	200	400			
Other Parameters (year-around)			Limitations		
pH					Shall be within the range 6.0 - 9.0
Total Chlorine Residual					Shall not exceed a daily average of 0.7 mg/L
BOD and TSS Removal Efficiency					The monthly average percent removal shall not be less than 85%.

Note : Based upon projected monthly maximum dry weather flow of 1.86 MGD to year 2000.

b: November 1 - May 31:

Parameter	Average Effluent Concentrations		<u>Effluent Loadings</u>		Daily Maximum
	Monthly	Weekly	Monthly Average lb/day	Weekly Average lb/day lbs	
BOD	30	45	850	1300	1700
TSS	30	45	850	1300	1700
FC/100 ml	200	400			

<u>Other Parameters (year-around)</u>	<u>Limitations</u>
pH	Shall be within the range 6.0 - 9.0
Total Chlorine Residual	Shall not exceed a daily average of 0.7 mg/L

Note: BOD and TSS removal efficiency shall not be less than 70 percent (%) monthly average except when influent BOD and TSS concentrations are less than 100 mg/L, monthly average, for that parameter during November 1 through April 30. During this period, the percent removal requirement is suspended.

Note - Based upon a projected monthly maximum wet weather flow of 3.4 MGD to the treatment facility

6. The Department and Permittee recognize that the Environmental Quality Commission has the power to impose a civil penalty and to issue an abatement order for violations of conditions of the Permit. Therefore, pursuant to ORS 183.415(5), the Department and Permittee wish to settle those past violations referred to in Paragraph 3 and to limit and resolve the future violations referred to in Paragraph 4 in advance by this Mutual Agreement and Order (MAO).

7. This MAO is not intended to settle any violation of any interim effluent limitations set forth in Paragraph 5 above. Furthermore, this MAO is not intended to limit, in any way, the Department's right to proceed against Permittee in any forum for any past or future violations not expressly settled herein.

NOW THEREFORE, it is stipulated and agreed that:

PAGE 4 MUTUAL AGREEMENT AND ORDER (WQ-City of Brookings)
(ENF-NPDES.MAO 7/22/96)

1 8. The Environmental Quality Commission shall issue a final order:

2 A. Requiring Permittee to comply with the following schedule:

- 3 (a) Submit to the Department an Updated Draft Facilities Plan ,
4 based upon the 1992 Plan, by September 1, 1996.
5 (b) Submit to the Department a Facilities Optimization Report by
6 September 15, 1996. Upon review and approval by the
7 Department, implement the recommendations
8 (c) Submit to the Department a 90% Facilities Plan by
9 October 15, 1996.
10 (d) Hold Bond Election by June 1, 1997.
11 (e) Finalize Funding Agreements by August 1, 1997
12 (f) Submit to the Department a Preliminary design by
13 September 1, 1997.
14 (g) Submit to the Department a Final Design plan by
15 June 1, 1998.
16 (h) Sign Construction Contract by January 1, 1999
17 (i) Facility to be operational and in compliance by December 31,
18 2000.

19
20 B. Requiring Permittee to meet the interim effluent limitations set forth in
21 Paragraph 5 above until the new facility is completed and operational (December 31, 2000).

22 C. Requiring the Permittee, should Permittee fail to comply with the above
23 schedule, to cease allowing new connections to the sewage collection system serviced by the
24 Brookings sewage treatment facility upon written requirement of the Department.

25 D. Requiring Permittee to limit new residential and commercial connections to
26 a total equivalent of 644 Equivalent Dwelling Units (EDU's) in the collection system serviced
27

1 by the Brookings treatment facility during the period of this MAO. The present number of
2 EDU's serviced by the Brookings treatment facility is 4800 residential as set forth in
3 Departmental letter of June 18, 1996. Permittee shall submit a written monthly report to
4 Department listing the monthly connections issued, including the sum total of connections to
5 collection system. Report to be submitted by the 15th day of the following month.

6 F. Requiring Permittee, upon receipt of a written Penalty Demand Notice
7 from the Department, to pay the following civil penalties:

8 (a) \$250 for each day of each violation of the compliance schedule set
9 forth in Paragraph 8A.

10 (b) \$100 for each violation of each daily or weekly waste discharge
11 limitation set forth in Paragraph 5.

12 (c) \$500 for each violation of each monthly waste discharge limitation
13 or percent removal limitation set forth in paragraph 5.

14 (d) \$7500 for each EDU over the limit set in Paragraph 8D.

15 9. If any event occurs that is beyond Permittee's reasonable control and that causes or may
16 cause a delay or deviation in performance of the requirements of this MAO, Permittee shall
17 immediately notify the Department verbally of the cause of delay or deviation and its
18 anticipated duration, the measures that have been or will be taken to prevent or minimize the
19 delay or deviation, and the timetable by which Permittee proposes to carry out such measures.

20 Permittee shall confirm in writing this information within five (5) working days of the onset
21 of the event. It is Permittee's responsibility in the written notification to demonstrate to the
22 Department's satisfaction that the delay or deviation has been or will be caused by
23 circumstances beyond the control and despite due diligence of Permittee. If Permittee so
24 demonstrates, the Department shall extend times of performance of related activities under this
25 MAO as appropriate. Circumstances or events beyond Permittee's control include, but are not
26 limited to, acts of nature, unforeseen strikes, work stoppages, fires, explosion, riot, sabotage,

07/22/96 15:55 503 269 7984 214 0000 211
1 or war. Increased cost of performance or consultant's failure to provide timely reports may
2 not be considered circumstances beyond Permittee's control.

3 10. The Department may amend the compliance schedule and the conditions in this
4 MAO upon finding that such modification is necessary because of changed circumstances or to
5 protect public health and the environment. The Department shall provide Permittee a minimum
6 of thirty (30) days written notice prior to issuing an Amended Order modifying any
7 compliance schedules or conditions. If Permittee contests the Amended Order, the applicable
8 procedures for conduct of contested cases in such matters shall apply.

9 11. Regarding the violations set forth in Paragraphs 3 and 4 above, which are
10 expressly settled herein without penalty, Permittee and the Department hereby waive any and
11 all of their rights to any and all notices, hearing, judicial review, and to service of a copy of
12 the final order herein. The Department reserves the right to enforce this order through
13 appropriate administrative and judicial proceedings.

14 12. Regarding the schedule set forth in Paragraph 8.A. above, Permittee
15 acknowledges that Permittee is responsible for complying with that schedule regardless of the
16 availability of any federal or state grant monies.

17 13. The terms of this MAO may be amended by the mutual agreement of the
18 Department and Permittee.

19 14. This MAO shall be binding on the parties and their respective successors, agents,
20 and assigns. The undersigned representative of each party certifies that he or she is fully
21 authorized to execute and bind such party to this MAO. No change in ownership or corporate
22 or partnership status relating to the facility shall in any way alter Permittee's obligations under
23 this MAO, unless otherwise approved in writing by DEQ.

24 15. All reports, notices and other communications required under or relating to this
25 MAO should be directed to Ruben Kretzschmar, DEQ Western Regional Office, 340 Front
26 Street, Coos Bay, Oregon; phone number (541) 269-2721. The contact person for Permittee
27

1 shall be: Leo Lightle, Community Development Director, 898 Elk Drive, Brookings, Or.
2 97415, (514) 469-2163.

3 16. Permittee acknowledges that it has actual notice of the contents and requirements
4 of the MAO and that failure to fulfill any of the requirements hereof would constitute a
5 violation of this MAO and subject Permittee to payment of civil penalties pursuant to
6 Paragraph 8E above.

7 17. Any stipulated civil penalty imposed pursuant to Paragraph 8E shall be due upon
8 written demand. Stipulated civil penalties shall be paid by check or money order made
9 payable to the "Oregon State Treasurer" and sent to: Business Office, Department of
10 Environmental Quality, 811 S.W. Sixth Avenue, Portland, Oregon 97204. Within 21 days of
11 receipt of a "Demand for Payment of Stipulated Civil Penalty" Notice from the Department,
12 Permittee may request a hearing to contest the Demand Notice. At any such hearing, the issue
13 shall be limited to Permittee's compliance or non-compliance with this MAO. The amount of
14 each stipulated civil penalty for each violation and/or day of violation is established in advance
15 by this MAO and shall not be a contestable issue.

16 18. Providing Permittee has paid in full all stipulated civil penalties pursuant to
17 Paragraph 17 above, this MAO shall terminate 60 days after Permittee demonstrates full
18 compliance with the requirements of the schedule set forth in Paragraph 8A above.
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28

CITY OF BROOKINGS

Date

Tom Davis
Mayor, City of Brookings

DEPARTMENT OF ENVIRONMENTAL QUALITY

Date

Langdon Marsh, Director

FINAL ORDER

IT IS SO ORDERED:

ENVIRONMENTAL QUALITY COMMISSION

Date

Langdon Marsh, Director
Department of Environmental Quality
Pursuant to OAR 340-11-136(1)

brook.mao

Memorandum

TO: Mayor, City Council

FROM: Leo Lightle,
Community Development Director

THROUGH: Tom Weldon, City Manager

DATE: July 25, 1996



Issue: County request for temporary construction easement and a permanent slope easement for Freeman Hall Slide Repair, Jack Creek near Brookings Oregon.

Synopsis: The South Bank Chetco Road is sliding just uphill from the road entrance for the property owned by the City of Brookings. Part of the project is a rockfill buttress approximately 200 ft. long and up to 80 ft. wide and will lie underneath and northerly of the Jack Creek Road. During construction, part of Jack Creek Road will be excavated, removed and replaced with a rockfill buttress. The buttress that is not under the road will be on a steep slope which would be unsuitable for building a golf course or other recreational uses or would not be suitable for a building site. Attached is a site plan of the proposed work, and a letter from the County requesting the easement.

Recommendation: Staff recommends that the City Council authorize the Mayor to sign the temporary construction easement and permanent slope easement after reviewed and approved by the City Attorney.

Rationale: The South Bank Chetco Road at the location of the proposed easements is sliding. If we don't allow the County to do the buttressing work, we will have a slide to deal with at some time in the future. The City and County have historically worked together to solve issues where possible. Therefore, this agreement just makes good sense.

Background: The County contacted the City several years ago about the need to do work to correct the slide area problem. The conversations

Memo to City Council
RE: Freeman Hill Slide Area Easements
Page 2 July 25, 1996

conversations at that time were that the area needed should not infringe on the building of a golf course. The County asked if the City would allow them to dig test holes which they have done. Upon completion of the test holes, the County caused the design to be completed and now is asking for the construction easement and slope easement. The work area is in a steep slope area. Staff will have a large topo map for the Council to view before the meeting or during the meeting.



Mack Arch on the Curry Coast

COUNTY OF CURRY

ROAD DEPARTMENT
28425 Hunter Creek Road

P. O. Box 746
Gold Beach, Oregon 97444-0059

(503) 247-7097
FAX (503) 247-7804

MEMO

TO: Leo Lightle, City of Brookings

FROM: *JHM* John Mather, Curry County Road Department

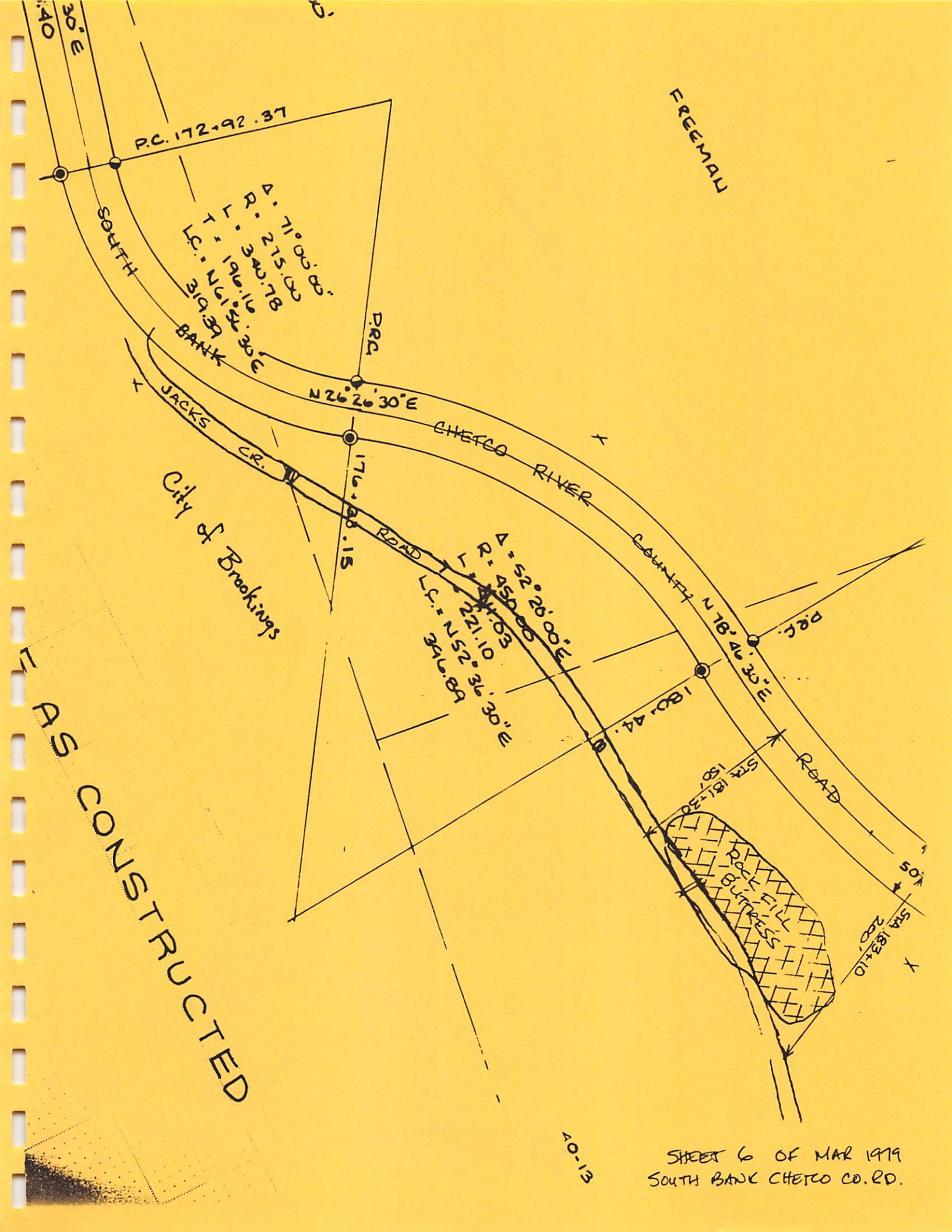
DATE: July 22, 1996

RE: Freeman Hill Slide Repair, Jack's Creek near Brookings, Oregon

Attached please find a Draft Site Plan and Cross Sections for the Remediation of the Freeman Hill Slide which has been designed by Landslide Technology of Portland, Oregon, and accepted by the Curry County Road Department.

The proposed repair consists of excavation, drainage work and the construction of a sizeable buttress of 8 inch minus quarry rock which will retain the slope and allow the County to restore the alignment of the South Bank Chetco River County Road. The rockfill buttress will be approximately 200 feet long and up to 80 feet wide and lie underneath and northerly of the Jack's Creek Road on property owned by the City of Brookings (tax lot 403, Assessor's Map 40-13-35). During construction, part of the Jack's Creek Road will be excavated and removed, being replaced with the rockfill buttress. The road will be reconstructed in the same location on top of the rockfill buttress and provisions will be made to keep the road open during non-working hours. The existing 12 inch diameter cross culvert at the westerly end of the project will be relocated further to the west and an additional 12 inch diameter cross culvert will be installed at the easterly end of the project to keep road side ditch water from entering the rockfill buttress. A ten inch diameter perforated pipe underdrain will run the length of the buttress with outlets to the south through the Jack's Creek Road. The repair has been designed to specifically not encroach on the wetland which lies south of the Jack's Creek Road.

At this time, the County would like to apply for a temporary construction easement and a permanent slope easement from the City of Brookings to accomplish the proposed work. I have enclosed copies of the road plat and assessor's maps showing the approximate location of the repair for your consideration and will prepare the appropriate documents as needed. Please call me or Roadmaster Dan Crumley if you have any questions or need further information.



AS CONSTRUCTED

40-13

SHEET 6 OF MAR 1979
SOUTH BANK CHETCO CO. RD.

01

83.7
128.6
140.0
20.2
37.6
11.4
34.2
34.5
84.9
45.0

RD

See Map 40 13 34

BR 90 PG 899
USA TO COUNTY
3-29-1982

SS
1-9'



JACK CREEK GOLF COURSE LEASE

- BRUCE ALEXANDER

This item was not available at packet distribution time but will be delivered for your review as soon as possible.

VIII.B.1

**PROPOSED BALLOT TITLE FOR
GENERAL ELECTION NOVEMBER 5,
1996**

This item was not available at packet distribution time but will be delivered for your review as soon as possible.

VIII.B.2.

MINUTES
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

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, Bob Hagbom, Dave Scott

Staff Present: City Manager Tom Weldon, Accounting Clerk Denise Wood

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

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

- 1. Mayor Davis introduced Don Bishop, the City's new Police Officer.**
- 2. Paul Prevenas, the new superintendent of School District 17-C, was introduced and welcomed by Mayor Davis.**

V. PUBLIC HEARINGS none

VI. SCHEDULED PUBLIC APPEARANCES none

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE none

VIII.

STAFF REPORTS

A. City Manager

1. Jack Creek Golf Course - Phase I

Tom Weldon advised the Council that he was still discussing various details with Bruce Alexander and this item will be tabled until the information is complete.

2. Financial planning - 1997/98 Fiscal year and beyond

This matter was discussed and it was agreed that the Council would like to hear what the public would recommend as to what direction the Council should take regarding a serial levy or another tax base proposal. The Council also asked for the help of the local media in notifying the public of this .

3. Urban Growth Boundary Appeal to Appeals Court

Councilor Brendlinger moved, Mayor Davis seconded and the Council voted unanimously to accept staff's recommendation to authorize expenditures of up to \$16,000 for costs relating to the Urban Growth Boundary Appeals process.

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

Councilor Brendlinger moved, Councilor Curry seconded and the Council voted unanimously to authorize two additional people (Bob Hagbom and Tom Weldon) to sign checks for City expenditures so that there would be a balance of Council/staff signers on all checks.

5. Stout Park Bid Acceptance

Councilor Scott moved, Councilor Curry seconded and the Council voted unanimously to direct staff and the Parks and Recreation Commission to review this project and make changes they think appropriate to the plans and specifications which will then be sent out to bid again as soon as possible.

IX. CONSENT CALENDAR

Councilor Brendlinger moved, Councilor Curry seconded and the Council voted unanimously to approve the Consent Calendar following one change to the minutes:

A. Approval of Council Meeting Minutes

1. June 24, 1996 Regular Council Meeting

(end Consent Calendar)

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinance No. 96-O-517

This Ordinance was tabled until the July 29, 1996 Regular Council Meeting.

XI. COMMITTEE REPORTS

A. Planning Commission

1. Street vacation - Pine Street

Councilor Scott moved, Councilor Brendlinger seconded and the Council voted unanimously to approve the proposed vacation of Pine Street.

XII.

REMARKS FROM MAYOR AND COUNCILORS

A. Mayor None

B. Council

Councilor Brendlinger brought to the Council's attention that there will be a Special Planning Commission meeting on July 16, 1996 and that the next Council meeting was changed to July 29, 1996. Both of these items were not shown on the Council calendar.

XIII.

ADJOURNMENT

Councilor Scott moved, Councilor Curry seconded and the Council voted unanimously to adjourn the meeting at 7:48 p.m.

Tom Davis
Mayor

**MINUTES
BROOKINGS PLANNING COMMISSION
REGULAR MEETING
June 4, 1996**

The regular meeting of the Brookings Planning Commission was called to order at 7:01 p.m. in the Council Chambers at Brookings City Hall on the above date with the following Commission members and staff in attendance.

George Ciapusci	Ted Freeman, Jr.	Linda Phillips, Secretary
Judi Krebs	Dave Ham	
Marv Lindsey	John Bischoff, Planning Director	

Commissioners Singleton and Breuer were absent.

MINUTES

By a 3-0 vote (motion: Commissioner Krebs, second: Chair Ham) the Planning Commission approved the minutes of the May 7, 1996, Planning Commission regular meeting following corrections. Commissioners Freeman and Ciapusci abstained as they were not present at the May meeting.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON FINAL ORDERS

None

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON WRITTEN REQUESTS AND COMMUNICATIONS

None

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a unanimous vote, (motion: Commissioner Krebs, second: Commissioner Ciapusci) the Planning Commission approved (File No. M3-5-96) a request for a minor partition to divide a 0.50 acre parcel of land into two lots of 9,655.41 and 11,983.70 sq. ft. in size; located on the west side of Second Street approximately 166 feet south of Ransom Ave., zoned R-2 (Two Family Residential); James Morrison III, applicant; Denny Crow of Stuntzner Engineering and Forestry, representative.

This action was taken following questions or comments regarding the request from the following people:

a)	Denny Crowe	PO Box 2748	Harbor OR 97415
b)	Christine Bozzone	PO Box 6604	Brookings OR 97415

The applicant waived his right to seven (7) additional days in which to submit written argument.

2. In a unanimous vote (motion: Commissioner Krebs, second: Commissioner Ciapusci,) the Planning Commission approved the Final ORDER and Findings of Fact for File Document No. M3-5-96.
3. By a unanimous vote, (motion: Commissioner Freeman, second: Commissioner Lindsey) the Planning Commission approved (File No. M3-6-96) a request for a minor partition to divide a 1.96 acre parcel of land into two lots of 1.00 and 0.96 acres in size; located between Marina Heights Rd. on the north and Marine Dr. on the south and east of Old County Road, zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size); Royal Star, Inc. applicant, Nancy Brendlinger, representative. The approval deleted a condition of approval that the applicant place a fire hydrant along the Marine Drive frontage of the subject parent lot.

This action was taken following questions or comments regarding the request from the following people:

a) Nancy Brendlinger PO Box 6667 Brookings OR 97415

The applicant waived his right to seven (7) additional days in which to submit written argument.

Commissioner Ciapusci asked for clarification on the placement of a fire hydrant in this area. The Planning Director responded fire hydrants are addressed in the building permit for the first lot built upon within 500 ft. of an existing hydrant. There is an hydrant located on Old County Road.

4. In a unanimous vote (motion: Commissioner Freeman, second: Commissioner Lindsey) the Planning Commission approved the Final ORDER and Findings of Fact for File Document No. M3-6-96.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON COUNTY REFERRALS

1. By a 4-0 vote (motion: Commissioner Freeman, second: Commissioner Lindsey, Commissioner Krebs declared bias and did not participate in this action) the Planning Commission will send a favorable recommendation to Curry County in the matter of File No. CR-P-9605; a request for a minor partition to divide a 2.05 acre parcel into two lots of 40,168 and 49,547 sq. ft. in size; located on the north side of West Benham Lane opposite the easterly end of Bayview Drive in Harbor; zoned R-2 (Residential-Two) County; Margarette Matson, applicant; Mark Matson, representative. Mr. Matson was present but made no presentation.

UNSCHEDULED PUBLIC APPEARANCES

None

REPORT OF THE CITIZENS ADVISORY COMMITTEE

None

MESSAGES AND PAPERS FROM THE CITY MANAGER

None

MESSAGES AND PAPERS FROM THE MAYOR

None

REPORT OF THE PLANNING DIRECTOR

The Planning Director will have a quarterly report at the next scheduled regular meeting which will be held August 6, 1996.

PROPOSITIONS AND REMARKS FROM COMMISSION MEMBERS

Commissioner Krebs explained her bias in County Referral, File No. CR-P-9605, remarking that if the application is worthy of the Planning Commission's decision it is worthy of being presented to the Commission before 7:50 p.m. of the meeting night.

She added the conditions of approval at Ron's Fast Gas have not be met. The curb has been painted but the placement of directional signage seems to lingering. She was told by the City Manager that the Community Development Director and Planning Director would be coming before the Planning Commission asking for a change of conditions of approval regarding the signage. Staff answered that this needs to be done.

The calendar that was included in the packet for this meeting was incorrect. Commissioner Krebs noted the special Planning Commission meeting of June 18, 1996, was not included on the calendar while the July 2, 1996, meeting which has been canceled, was shown.

She questioned enforcement of the sign ordinance regarding signs such as the posts remaining at Loring's and sandwich board signs. Staff reported that all sandwich board signs must have a permit and currently he knows of none that do not. After a meeting with the Building Inspector and the City Manager, Loring's sign posts have been allowed to stand as they are structurally sound and Mr. Loring eventually wants to use them for a new sign.

Chair Ham also repeated Commissioner Krebs comments on the calendar errors. There will be a special meeting of the Planning Commission on June 18, 1996, for a public hearing on a City initiated street vacation in Stout Park. Also the July regular Planning Commission meeting has been canceled and the next regular meeting will be August 6, 1996.

Commissioner Ciapusci questioned whether there had been a change of procedure or a straying from procedure in how Planning Commission meetings are being conducted. No agenda cover sheets were included with the Commissioner's packet nor was the cover sheet read at the beginning of the public hearings. Since these cover sheets state the rules and procedures for public hearings they are an important part of the agenda and need to be adhered to during the meeting. Although Commissioner Ciapusci was not at May's Planning Commission meeting he reviewed the minutes regarding applicants' testimony during public hearings and stated the cover sheet clearly indicates the applicant

must appear before the Planning Commission. He added the Planning Commission must not establish a precedent of the applicant not giving his case.

Chair Ham reminded the Commission of the special meeting on June 18, 1996. In response to Commissioner Krebs question of why the County Referral heard tonight could not have been heard at the special meeting, the Planning Director answered that he would not be present at the special meeting and wanted to be sure the County Referral was heard so the County's process would not be delayed.

Chair Ham also assured Commissioner Ciapusci that there has been no change in procedure and if an error has occurred it will be corrected.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 8:03 p.m.

Respectfully submitted,

BROOKINGS PLANNING COMMISSION

A handwritten signature in dark ink, appearing to read 'C. D. Ham', is written over a horizontal line.

C. D. Ham, Chair

**MINUTES
BROOKINGS PLANNING COMMISSION
SPECIAL MEETING
June 18, 1996**

A special meeting of the Brookings Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Brookings City Hall on the above date with the following Commission members and staff in attendance.

George Ciapusci	Ted Freeman, Jr.	Leo Lightle, Community Development Director
Judi Krebs	Chet Singleton	Linda Phillips, Secretary
Marv Lindsey	Earl Breuer	

Chair Dave Ham was absent. In his place Vice-Chair Ted Freeman presided at the meeting.

MINUTES

None

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON FINAL ORDERS

None

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON WRITTEN REQUESTS AND COMMUNICATIONS

None

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 5-1 vote (motion: Commissioner Krebs, second: Commissioner Ciapusci; voting in favor: Commissioners Freeman, Ciapusci, Krebs, Lindsey, Singleton; voting against: Commissioner Breuer) the Planning Commission voted to send a favorable recommendation to the City Council regarding VAC-1-96, an application to vacate a 175 foot section of Pine Street extending west of Oak Street through Stout Park; the section of Pine Street to be vacated is located within the P/OS (Public Open Space) Zone; City initiated.

In the absence of the Planning Director who is on vacation, Leo Lightle, Community Development Director presented the staff report. After the staff report Commissioner Krebs questioned whether the Commission would be voting on approving or denying the application, or on sending a recommendation to the City Council. Leo answered that this would be a recommendation to the Council, not a decision on the application.

This action was taken following questions or comments regarding the request from the following people:

a) Keith Pepper 516 Redwood Street Brookings OR

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON COUNTY REFERRALS

None

UNSCHEDULED PUBLIC APPEARANCES

None

REPORT OF THE CITIZENS ADVISORY COMMITTEE

None

MESSAGES AND PAPERS FROM THE CITY MANAGER

None

MESSAGES AND PAPERS FROM THE MAYOR

None

REPORT OF THE PLANNING DIRECTOR

None

PROPOSITIONS AND REMARKS FROM COMMISSION MEMBERS

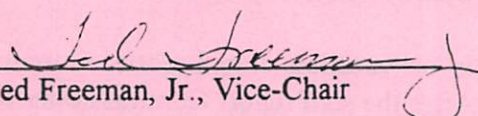
None

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 7:17 p.m.

Respectfully submitted,

BROOKINGS PLANNING COMMISSION

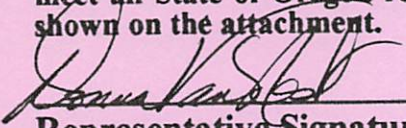

Ted Freeman, Jr., Vice-Chair



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

GROUP OR ORGANIZATION NAME City of Brookings
CONTACT PERSON Donna Van Nest
DAYTIME PHONE NUMBER 469-2166 - ext.204
ADDRESS 898 Elk Drive, Brookings
PUBLIC LOCATION REQUESTED Azalea Park
DATE REQUESTED September 8, 1996
TIME REQUESTED 1 - 6 p.m.
TYPE OF ALCOHOLIC BEVERAGES INVOLVED beer and wine
PURPOSE OF GATHERING retirement party for Kent Owens

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.


Representative Signature

06-14-96

Date Signed

Special Conditions: _____

Application: _____ Approved _____ Not Approved

City Manager

Date Signed

IXC.1

R# 4464

APPLICATION

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION

Return To:

GENERAL INFORMATION

07-16-96

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.

(THIS SPACE IS FOR OLCC OFFICE USE)	(THIS SPACE IS FOR CITY OR COUNTY USE)
<p>Application is being made for:</p> <p> <input type="checkbox"/> DISPENSER, CLASS A <input type="checkbox"/> DISPENSER, CLASS B <input type="checkbox"/> DISPENSER, CLASS C <input checked="" type="checkbox"/> PACKAGE STORE <input type="checkbox"/> RESTAURANT <input type="checkbox"/> RETAIL MALT BEVERAGE <input type="checkbox"/> SEASONAL DISPENSER <input type="checkbox"/> WHOLESALE MALT BEVERAGE & WINE <input type="checkbox"/> WINERY OTHER: _____ </p>	<p> <input type="checkbox"/> Add Partner <input checked="" type="checkbox"/> Additional Privilege <input type="checkbox"/> Change Location <input type="checkbox"/> Change Ownership <input type="checkbox"/> Change of Privilege <input type="checkbox"/> Greater Privilege <input type="checkbox"/> Lesser Privilege <input type="checkbox"/> New Outlet <input type="checkbox"/> Other </p>
	<p>NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative.</p> <p>THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY COURT OF _____ (Name of City or County)</p> <p>RECOMMENDS THAT THIS LICENSE BE: GRANTED _____ DENIED _____</p> <p>DATE _____</p> <p>BY _____ (Signature)</p> <p>TITLE _____</p>

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) Rick Jackson 2) _____
- 3) Carla Toole Jackson 4) _____
- 5) _____ 6) _____

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

2. Present Trade Name Chives Restaurant

3. New Trade Name _____ Year filed _____ with Corporation Commissioner

4. Premises address 1025 Choteo Avenue Brookings, Curry Co, OR 97415
(Number, Street, Rural Route) (City) (County) (State) (Zip)

5. Business mailing address P.O. Box 927 Brookings OR 97415
(P.O. Box, Number, Street, Rural Route) (City) (State) (Zip)

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

7. If yes, to whom: Rick Jackson & Carla Toole Jackson Type of license: Dispenser Class C Restaurant

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 / Curry Co.
(Name of City or County)

11. OLCC representative making investigation may contact: Rick or Carla Jackson
(Name)
P.O. Box 927, Brookings OR 97415 (541) 469-4121
(Address) (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.

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

- 1) [Signature]
- 2) Carla Toole Jackson
- 3) _____
- 4) _____
- 5) _____
- 6) _____

DATE 7/16/96

Original —
Local Government

IX.C.2