

City of Brookings

MEETING AGENDA

CITY COUNCIL

Monday, June 24, 2019, 7:00pm

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

CITY COUNCIL

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Announcements/Appointments/Ceremonies

1. Introduction of Efrain Rodriquez of Jacobs, NW Operations Director [City Manager]
2. Appointment of Cody Coons to Planning Commission [Pg. 3]
3. Brookings-Harbor High School Boy's Baseball Team
 - a. Resolution 19-R-1162 [Pg. 8]

E. Oral Requests and Communications from the audience

(Public Comments on non-agenda items – 5 minute limit per person.*)

F. Consent Calendar

1. Approve Council minutes for June 10, 2019 [Pg. 9]
2. Receive monthly financial report for May 2019 [Pg. 12]

G. Staff Reports/Public Hearings/Ordinances

1. Jacobs Contract [City Manager, Pg. 18]
 - a. Amendment No. 1 to Agreement [Pg. 19]
2. Ordinance 19-O-780, an Ordinance Amending Various Subsections of Brookings Municipal Code Chapter 1.15 Citizen Citations and Chapter 8.15 Nuisances [PW/DS, Pg. 21]
 - a. Ordinance 19-O-780 [Pg. 22]
3. Quasi-Judicial public hearing on VAC-2-19, Ordinance 19-O-782, an Uncodified Ordinance Vacation a Portion of Wharf and Railroad Street Right of Way [PW/DS, Pg. 26]
 - a. Ordinance 19-O-782 [Pg. 27]
 - b. Right of Way Vacation – Exhibit A [Pg. 28]
4. Ordinance 19-O-781, an Ordinance Amending Chapter 5.05, Business License, of Brookings Municipal Code [F&A, Pg. 31]
 - a. Ordinance 19-O-781 [Pg. 32]
 - b. Revision of Chapter 5.05 Business Licenses [Pg. 33]
5. Capella Parking Lot Design Contract [PW/DS, Pg. 47]
 - a. Dyer Task Order 88 [Pg. 48]
 - b. Schematic Parking Lot Plan [Pg. 50]

H. Remarks from Mayor and Councilors

I. Adjournment

*Obtain Public Comment Forms and view the agenda and packet information on-line at www.brookings.or.us, at City Hall and at the local library. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.



City of Brookings

898 Elk Drive, Brookings, OR 97415

Phone: 541-469-2163 Fax: 541-469-3650

www.brookings.or.us

APPLICATION TO SERVE ON A COMMISSION OR COMMITTEE

PART I Contact Information:

Applicant Name: Cody Coons

Physical Address: 723 2nd Street

Mailing Address: PO BOX 605, Brookings, OR 97415

Email Address: codyacoons@gmail.com Phone: 541-231-9877

PART II Position Selection, Requirements and Restrictions: (Please answer all that apply)

1. Commission/Committee applying for:
- | | Composition (i) | Term (ii) |
|--|--------------------------|-----------|
| <input checked="" type="checkbox"/> Planning Commission/Commission for Citizen Involvement (iii) | 5 Electors, 2 UGB | 4 years |
| <input type="checkbox"/> Budget Committee | 5 Electors | 3 years |
| <input type="checkbox"/> Parks and Recreation Commission | 4 Residents, 1 UGB | 2 years |
| <input type="checkbox"/> Tourism Promotion Advisory Committee (TPAC) (iii) | 4 Residents, 3 Curry Co. | 3 years |
| <input type="checkbox"/> Other (please specify): _____ | | |
2. City residents: How long have you lived in the City of Brookings? 6 years 5 months
Planning & Budget Applicants Only: Are you a City elector (registered voter)? Yes No
3. UGB residents: How long have you lived in the UGB? _____ years _____ months
4. What is your current occupation? Forester

NOTES:

- (i) *Membership requirements:*
- Residents must reside inside City limits; resident/UGB status determined by physical address.
 - Electors are registered voters of the City of Brookings (verified by County Elections Office).
 - UGB members must reside within the Brookings Urban Growth Boundary (contact the Planning Department at 541-469-1137 for assistance in determining UGB status).
- (ii) *Term:* Appointments to fill mid-term vacancies will be for the remainder of that term.
- (iii) *Other restrictions:*
- Planning Commission: No more than two (2) Commissioners may be principally involved, as individuals, members or partners, in the buying, selling or development of real estate for profit. No two (2) members shall be involved in the same kind of business or profession.
 - TPAC: The three (3) Curry Co. members must own property, own a business or be employed in the City.

PART III Background Information: (Attach additional pages if needed)

1. List your related experience and/or background to the position you are applying for:

None

2. List any unrelated work history, educational background, and volunteer experience you may have:

See attached

3. Briefly describe your interest in this position and what you hope to accomplish:

I grew up in Brookings and have seen the cost of development increase over my lifetime, I want improve the policies of land use enhancement if possible. I desire to streamline the building codes and land use development policies for the ease of development and improvement of property within the city limits One of the biggest problems I observed is the common complaint of mill workers and new teachers is the lack of housing that they can afford to rent or buy with their wage.

PART IV Volunteer Agreement: Please read and check off the following before signing:

- I acknowledge that I will not be under the direct supervision and control of the City in connection with the voluntary services for which I have applied.
- I acknowledge that I will receive no compensation or expense reimbursement from the City in connection with any volunteer services for which I have applied.
- I understand and agree that my volunteer service will be donated to the City at times other than my regular work hours.
- I understand that if the position I applied for requires me to be an elector of the City of Brookings, that the City has permission to verify my status as a registered voter.
- I agree to release the City from all matters relating to the voluntary service for which I have applied, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from the voluntary service described herein. (*Planning Commission applicants, see ** below*)
- I agree to release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of the voluntary service set forth herein.
- By signing this application voluntarily, I, the Applicant, do hereby acknowledge that I have read and agree to the terms stated above and that I understand and acknowledge that this document will become public information and may be distributed to the public and news media as part of a City Council Agenda Packet.

CODY COONS

Applicant (print name)

Cody Coons

Applicant's Signature

6/1/19

Date

****Planning Commissioners holding office on April 1st of each year are required to file an Annual Statement of Economic Interest with the Oregon Government Ethics Commission (OGE). You may view a sample form at http://www.oregon.gov/ogec/docs/sei/sei-11_form_sample_only_for_website.pdf. Official forms provided by OGE.**

Submit completed applications by mail or in person to the City Recorder, 898 Elk Drive, Brookings, OR 97415. Regular business hours are 9 am to 4:30 pm, Monday – Friday.

Commission and Committee contact information:

- Planning Commission: 541-469-1103 - lziemer@brookings.or.us
- Budget Committee: 541-469-1123 - jhoward@brookings.or.us
- Parks and Recreation Commission: 541-469-1103 - lziemer@brookings.or.us
- Tourism Promotion Advisory Committee: 541-469-1103 - lziemer@brookings.or.us

Cody Coons

(541) 231-9877, codyacoons@gmail.com
723 2nd Street, Brookings, OR 97415

EDUCATION

Oregon State University (2010)
Bachelor of Science, Forest Engineering

Corvallis, Oregon

CERTIFICATIONS

Professional-Level: Land Surveyor in Training, Engineer in Training

EXPERIENCE

02/16-01/18 **Curry County** Gold Beach, OR

Land Surveyor Technician

- Public Land Survey System monument perpetuation

01/13-Present **South Coast Lumber Co.** Brookings, OR

Forester

- Road Layout
- Unit Layout
- GIS Mapping
- Timber Cruising
- Firefighting, pile and broadcast burning
- Contract Administration

05/12-01/13 **Integrated Resource Management** Philomath, OR

Assistant Project Manager

- Led or assisted in project management
- Supervise contractors
- GIS mapping
- Communicated with contract parties
- Equipment maintenance, data technology

06/10-04/12 **Jefferson Resource Company** Weed, CA

Technician Forester

- Harvest layout and design
- Tree Marking
- Timber Cruising

06/09-09/09 **United States Forest Service** Helena, Montana

Ecology Crew

- Riparian assessments in grazing allotments
- Stream surveys

06/08-09/08 **Oregon Department of Forestry** Tillamook, OR

Engineering Intern

- Road surveys
- Contract administration

Cody Coons

(541) 231-9877, codyacoons@gmail.com
723 2nd Street, Brookings, OR 97415

01/07-06/10

Oregon State University

Corvallis, OR

Student Logging Crew

- Ran profiles and performed payload analysis
- Pre-commercial thinning
- Equipment operation and maintenance
- Chainsaw operation, timber felling and bucking
- Cable system rigging and choker setting
- Yarding, sorting, and decking logs

06/06-09/06

Tidewater Contracting Inc.

Brookings, OR

Asphalt Paving Crew

- Preparatory work before paving
- Ground crew for paver

COMPUTER SKILLS

Platforms & Applications: AutoCad 2008, Microsoft Office Suite, ArcGIS 10.0, RoadEng

HOBBIES

Outdoor: Camping, Water Skiing, Snow Skiing, Hiking, Climbing, Eagle Scout, Venture Silver Award

RESOLUTION OF COMMENDATION BROOKINGS-HARBOR HIGH SCHOOL BOYS' BASEBALL TEAM

RESOLUTION 19-R-1162 OF THE CITY COUNCIL OF THE CITY OF BROOKINGS
COMMENDING THE BROOKINGS-HARBOR HIGH SCHOOL BOYS' BASEBALL TEAM UPON THE
OCCASION OF A SUCCESSFUL 2019 SEASON

WHEREAS, the Brookings-Harbor High School Boys' Baseball Team who had an exceptional season in 2019 and earned the rank of No. 2 during the season on the OSAA 3A ranking; and

WHEREAS, the 2019 team are Far West League Champions; and

WHEREAS, the team ranked undefeated in league play at 15-0; and

WHEREAS, this year's team broke the old record of 24 wins with a total of 26 wins for the season; and

WHEREAS, the team is led by Coach Keith Wallin who received the title of Far West League Coach of the year and was selected to coach the 2019 All-Star team; and

WHEREAS, eight members of the team received all-league selections; and

WHEREAS, six members of the team received all-state selections; and

WHEREAS, 9 members of the team were recognized for their consistently high grade point averages; and

WHEREAS, the coaches have focused on team unity and cohesiveness to spur on team success; and

WHEREAS, the coaches and team have brought great esteem upon themselves, their school, and our entire community.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brookings does hereby commend Coach Keith Wallin and all the coaches and team members of the Brookings-Harbor High School Boys' Baseball Team and wishes to recognize them for their accomplishment, and moreover, encourages all the citizens of Brookings to join in congratulating the team.

Mayor Jake Pieper

Councilor Bill Hamilton

Councilor Brent Hodges

Councilor Ron Hedenskog

Councilor John McKinney

City of Brookings
CITY COUNCIL MEETING MINUTES
City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, June 10, 2019

Call to Order

Mayor Pieper called the meeting to order at 7:00 PM.

Roll Call

Council Present: Mayor Jake Pieper, Councilors Bill Hamilton, Brent Hodges, Ron Hedenskog, and John McKinney; a quorum present.

Staff present: City Manager Janell Howard, City Attorney Martha Rice, Public Works and Development Services Director Tony Baron, Building Official Garrett Thomson, and Deputy Recorder Rita Ritz.

Media Present: Boyd Allen of Curry Pilot

Others Present: Approximately ten audience members

Ceremonies

Americanism Week Proclamation

Councilor Hedenskog moved, Councilor Hodges seconded and Council voted unanimously to authorize the Mayor to proclaim June 10-14, 2019 as "Supreme Americanism Week."

-Mayor Pieper read the proclamation and presented it to members of the Supreme Emblem Club.

-Club representative Carol Swain addressed Council presenting a summary of club activities

Appointments

Reappointment of Matthew Honeycutt to TPAC Committee

Councilor Hedenskog moved, Councilor Hamilton seconded and Council voted unanimously to reappoint Matthew Honeycutt to TPAC Committee.

Reappointment of Barbara Ciaramella to TPAC Committee

Councilor Hedenskog moved, Councilor McKinney seconded and Council voted unanimously to reappoint Barbara Ciaramella to TPAC Committee.

Scheduled Public Appearances

- June Podesta addressed Council regarding the homeless camps located at Mill Beach. She also voiced her concerns about trash and fires on the beach.

Oral Requests and Communications from the audience

- Jean Soderman of 1724 Arch Lane addressed the Council regarding the group known as Indivisible 97415 and articles in the local newspaper.

Consent Calendar

1. Approve Council minutes for May 28, 2019
2. Accept Parks and Recreation Committee minutes for March 28, 2019
3. Accept Planning Commission minutes for May 7, 2019
4. Resignation of Jennifer Feliciano from Budget Committee

Councilor Hedenskog moved, Councilor McKinney seconded and Council voted unanimously to approve the Consent Calendar.

Staff Reports/Resolutions

Increase Building Department permit fees and update the Building Department Fee Schedule

Building Official Thomson presented the staff report.

Councilor Hodges moved, Councilor Hedenskog seconded and council voted unanimously to adopt Resolution 19-R-1161, increasing Building Department permit fees and adopting the new fee schedule, effective July 1, 2019.

Master Fee Schedule Update

City Manager Howard presented the staff report.

Councilor Hodges moved, Councilor Hedenskog seconded and Council voted unanimously to adopt Resolution 19-R-1160, updating the Master Fee Schedule and repealing Resolution 18-R-1129.

Remarks from Mayor and Councilors

Councilor Hamilton remarked how the groups who do ask for fee waiver of the parks or other areas respect the equipment and help keep it the area maintained.

Councilor Hedenskog talked about his visit Azalea Park and how it has improved in the last few years ago.

Adjournment

Councilor Hodges moved, Council Hedenskog seconded and all Councilors in favor.

Mayor Pieper adjourned the meeting at 8:02 p.m.

Respectfully submitted:

Jake Pieper, Mayor

ATTESTED:
this 24th day of June 2019:

Janell K Howard, City Recorder

CITY OF BROOKINGS
 FUND SUMMARY
 FOR THE 11 MONTHS ENDING MAY 31, 2019

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
TAXES	3,104,993.00	85,649.92	3,044,882.91	60,110.09	98.1
LICENSES AND PERMITS	117,000.00	11,142.85	123,351.93	(6,351.93)	105.4
INTERGOVERNMENTAL	258,000.00	24,848.09	160,357.59	97,642.41	62.2
CHARGES FOR SERVICES	172,000.00	3,306.67	379,298.42	(207,298.42)	220.5
OTHER REVENUE	223,383.00	21,755.64	207,685.76	15,697.24	93.0
TRANSFERS IN	705,572.00	.00	.00	705,572.00	.0
	<u>4,580,948.00</u>	<u>146,703.17</u>	<u>3,915,576.61</u>	<u>665,371.39</u>	<u>85.5</u>
<u>EXPENDITURES</u>					
JUDICIAL:					
PERSONAL SERVICES	27,896.00	2,389.66	23,975.92	3,920.08	86.0
MATERIAL AND SERVICES	10,850.00	416.62	7,881.92	2,968.08	72.6
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>38,746.00</u>	<u>2,806.28</u>	<u>31,857.84</u>	<u>6,888.16</u>	<u>82.2</u>
FINANCE AND ADMINISTRATION:					
PERSONAL SERVICES	253,613.00	9,223.39	170,889.33	82,723.67	67.4
MATERIAL AND SERVICES	114,500.00	1,982.84	69,792.73	44,707.27	61.0
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>368,113.00</u>	<u>11,206.23</u>	<u>240,682.06</u>	<u>127,430.94</u>	<u>65.4</u>
POLICE:					
PERSONAL SERVICES	2,219,583.00	169,411.80	1,853,031.39	366,551.61	83.5
MATERIAL AND SERVICES	187,800.00	16,013.91	158,684.24	29,115.76	84.5
CAPITAL OUTLAY	240,000.00	40,531.38	234,702.36	5,297.64	97.8
DEBT SERVICE	63,807.00	4,452.31	49,939.29	13,867.71	78.3
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>2,711,190.00</u>	<u>230,409.40</u>	<u>2,296,357.28</u>	<u>414,832.72</u>	<u>84.7</u>
FIRE:					
PERSONAL SERVICES	191,291.00	15,667.26	206,846.61	(15,555.61)	108.1
MATERIAL AND SERVICES	97,000.00	11,245.78	67,414.04	29,585.96	69.5
CAPITAL OUTLAY	.00	.00	.00	.00	.0
DEBT SERVICE	30,579.00	.00	30,579.01	(.01)	100.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>318,870.00</u>	<u>26,913.04</u>	<u>304,839.66</u>	<u>14,030.34</u>	<u>95.6</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 11 MONTHS ENDING MAY 31, 2019

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
PLANNING AND BUILDING:					
PERSONAL SERVICES	180,315.00	14,385.75	153,619.19	26,695.81	85.2
MATERIAL AND SERVICES	90,800.00	5,573.78	26,092.37	64,707.63	28.7
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>271,115.00</u>	<u>19,959.53</u>	<u>179,711.56</u>	<u>91,403.44</u>	<u>66.3</u>
PARKS & RECREATION:					
PERSONAL SERVICES	282,199.00	19,716.87	211,194.55	71,004.45	74.8
MATERIAL AND SERVICES	103,500.00	9,043.23	82,028.05	21,471.95	79.3
CAPITAL OUTLAY	.00	(1,964.02)	95.98	(95.98)	.0
DEBT SERVICE	48,383.00	4,031.88	44,350.68	4,032.32	91.7
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>434,082.00</u>	<u>30,827.96</u>	<u>337,669.26</u>	<u>96,412.74</u>	<u>77.8</u>
FINANCE AND HUMAN RESOURCES:					
PERSONAL SERVICES	226,445.00	16,707.83	188,096.00	38,349.00	83.1
MATERIAL AND SERVICES	33,700.00	843.40	23,486.75	10,213.25	69.7
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>260,145.00</u>	<u>17,551.23</u>	<u>211,582.75</u>	<u>48,562.25</u>	<u>81.3</u>
SWIMMING POOL:					
PERSONAL SERVICES	62,187.00	179.95	56,029.13	6,157.87	90.1
MATERIAL AND SERVICES	39,000.00	5,367.25	25,948.01	13,051.99	66.5
CAPITAL OUTLAY	2,500.00	.00	.00	2,500.00	.0
	<u>103,687.00</u>	<u>5,547.20</u>	<u>81,977.14</u>	<u>21,709.86</u>	<u>79.1</u>
NON-DEPARTMENTAL:					
MATERIAL AND SERVICES	148,000.00	8,451.69	105,900.90	42,099.10	71.6
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	358,907.00	.00	.00	358,907.00	.0
CONTINGENCIES AND RESERVES	628,093.00	.00	.00	628,093.00	.0
	<u>1,135,000.00</u>	<u>8,451.69</u>	<u>105,900.90</u>	<u>1,029,099.10</u>	<u>9.3</u>
	<u>5,640,948.00</u>	<u>353,672.56</u>	<u>3,790,578.45</u>	<u>1,850,369.55</u>	<u>67.2</u>
	<u>(1,060,000.00)</u>	<u>(206,969.39)</u>	<u>124,998.16</u>	<u>(1,184,998.16)</u>	<u>11.8</u>

CITY OF BROOKINGS
 FUND SUMMARY
 FOR THE 11 MONTHS ENDING MAY 31, 2019

STREET FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
INTERGOVERNMENTAL	520,000.00	42,513.25	478,149.96	41,850.04	92.0
OTHER REVENUE	14,650.00	7,030.00	14,207.74	442.26	97.0
TRANSFER IN	.00	.00	.00	.00	.0
	<u>534,650.00</u>	<u>49,543.25</u>	<u>492,357.70</u>	<u>42,292.30</u>	<u>92.1</u>
<u>EXPENDITURES</u>					
EXPENDITURES:					
PERSONAL SERVICES	205,076.00	14,914.26	177,264.74	27,811.26	86.4
MATERIAL AND SERVICES	207,000.00	8,287.59	119,133.54	87,866.46	57.6
CAPITAL OUTLAY	95,000.00	.00	8,443.24	86,556.76	8.9
DEBT SERVICE	22,238.00	1,506.76	18,387.46	3,850.54	82.7
TRANSFERS OUT	46,612.00	.00	.00	46,612.00	.0
CONTINGENCIES AND RESERVES	118,724.00	.00	.00	118,724.00	.0
	<u>694,650.00</u>	<u>24,708.61</u>	<u>323,228.98</u>	<u>371,421.02</u>	<u>46.5</u>
	<u>694,650.00</u>	<u>24,708.61</u>	<u>323,228.98</u>	<u>371,421.02</u>	<u>46.5</u>
	<u>(160,000.00)</u>	<u>24,834.64</u>	<u>169,128.72</u>	<u>(329,128.72)</u>	<u>105.7</u>

CITY OF BROOKINGS
 FUND SUMMARY
 FOR THE 11 MONTHS ENDING MAY 31, 2019

WATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
SOURCE 03	.00	.00	.00	.00	.0
CHARGES FOR SERVICES	1,661,000.00	145,056.56	1,594,732.80	66,267.20	96.0
OTHER INCOME	51,000.00	3,010.00	67,350.97	(16,350.97)	132.1
TRANSFERS IN	.00	.00	.00	.00	.0
	<u>1,712,000.00</u>	<u>148,066.56</u>	<u>1,662,083.77</u>	<u>49,916.23</u>	<u>97.1</u>
<u>EXPENDITURES</u>					
WATER DISTRIBUTION:					
PERSONAL SERVICES	400,962.00	29,103.06	344,979.02	55,982.98	86.0
MATERIAL AND SERVICES	198,400.00	7,507.68	104,609.49	93,790.51	52.7
CAPITAL OUTLAY	50,000.00	394.16	29,581.26	20,418.74	59.2
DEBT SERVICE	8,722.00	165.78	6,213.70	2,508.30	71.2
TRANSFERS OUT	24,000.00	.00	.00	24,000.00	.0
	<u>682,084.00</u>	<u>37,170.68</u>	<u>485,383.47</u>	<u>196,700.53</u>	<u>71.2</u>
WATER TREATMENT:					
PERSONAL SERVICES	30,424.00	1,496.02	16,640.60	13,783.40	54.7
MATERIAL AND SERVICES	462,925.00	37,546.37	390,599.14	72,325.86	84.4
CAPITAL OUTLAY	10,000.00	.00	.00	10,000.00	.0
DEBT SERVICE	6,389.00	165.78	6,213.70	175.30	97.3
TRANSFERS OUT	687,650.00	.00	.00	687,650.00	.0
CONTINGENCIES AND RESERVES	177,528.00	.00	.00	177,528.00	.0
	<u>1,374,916.00</u>	<u>39,208.17</u>	<u>413,453.44</u>	<u>961,462.56</u>	<u>30.1</u>
DEPARTMENT 24:					
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
	<u>2,057,000.00</u>	<u>76,378.85</u>	<u>898,836.91</u>	<u>1,158,163.09</u>	<u>43.7</u>
	<u>(345,000.00)</u>	<u>71,687.71</u>	<u>763,246.86</u>	<u>(1,108,246.86)</u>	<u>221.2</u>

CITY OF BROOKINGS
 FUND SUMMARY
 FOR THE 11 MONTHS ENDING MAY 31, 2019

WASTEWATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
SOURCE 03	(4,500.00)	.00	.00	(4,500.00)	.0
CHARGES FOR SERVICES	3,183,300.00	272,413.00	2,913,535.49	269,764.51	91.5
OTHER REVENUE	15,000.00	.00	25,325.13	(10,325.13)	168.8
TRANSFER IN	.00	.00	.00	.00	.0
	<u>3,193,800.00</u>	<u>272,413.00</u>	<u>2,938,860.62</u>	<u>254,939.38</u>	<u>92.0</u>
<u>EXPENDITURES</u>					
WASTEWATER COLLECTION:					
PERSONAL SERVICES	570,336.00	39,343.57	467,953.72	102,382.28	82.1
MATERIAL AND SERVICES	250,200.00	7,042.76	84,952.20	165,247.80	34.0
CAPITAL OUTLAY	25,000.00	.00	9,100.00	15,900.00	36.4
DEBT SERVICE	8,722.00	165.78	6,213.70	2,508.30	71.2
TRANSFERS OUT	177,359.00	.00	.00	177,359.00	.0
	<u>1,031,617.00</u>	<u>46,552.11</u>	<u>568,219.62</u>	<u>463,397.38</u>	<u>55.1</u>
WASTEWATER TREATMENT:					
PERSONAL SERVICES	39,878.00	2,244.17	24,950.65	14,927.35	62.6
MATERIAL AND SERVICES	895,225.00	70,389.44	752,029.94	143,195.06	84.0
CAPITAL OUTLAY	.00	.00	.00	.00	.0
DEBT SERVICE	6,389.00	165.78	6,213.70	175.30	97.3
TRANSFERS OUT	1,509,923.00	.00	.00	1,509,923.00	.0
CONTINGENCIES AND RESERVES	315,268.00	.00	.00	315,268.00	.0
	<u>2,766,683.00</u>	<u>72,799.39</u>	<u>783,194.29</u>	<u>1,983,488.71</u>	<u>28.3</u>
	<u>3,798,300.00</u>	<u>119,351.50</u>	<u>1,351,413.91</u>	<u>2,446,886.09</u>	<u>35.6</u>
	<u>(604,500.00)</u>	<u>153,061.50</u>	<u>1,587,446.71</u>	<u>(2,191,946.71)</u>	<u>262.6</u>

CITY OF BROOKINGS
 FUND SUMMARY
 FOR THE 11 MONTHS ENDING MAY 31, 2019

URBAN RENEWAL AGENCY FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
TAXES	586,211.00	5,282.33	579,243.27	6,967.73	98.8
INTERGOVERNMENTAL	.00	.00	.00	.00	.0
OTHER REVENUE	2,000.00	.21	8,236.55	(6,236.55)	411.8
TRANSFERS IN	650,000.00	.00	.00	650,000.00	.0
	<u>1,238,211.00</u>	<u>5,282.54</u>	<u>587,479.82</u>	<u>650,731.18</u>	<u>47.5</u>
<u>EXPENDITURES</u>					
GENERAL:					
PERSONAL SERVICES	.00	.00	.00	.00	.0
MATERIAL AND SERVICES	35,000.00	33.00	6,699.02	28,300.98	19.1
CAPITAL OUTLAY	842,472.00	.00	.00	842,472.00	.0
DEBT SERVICE	.00	.00	.00	.00	.0
TRANSFERS OUT	450,739.00	.00	.00	450,739.00	.0
CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
	<u>1,328,211.00</u>	<u>33.00</u>	<u>6,699.02</u>	<u>1,321,511.98</u>	<u>.5</u>
DEPARTMENT 20:					
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
DEPARTMENT 22:					
MATERIAL AND SERVICES	.00	.00	.00	.00	.0
DEBT SERVICE	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
DEPARTMENT 24:					
CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
	<u>1,328,211.00</u>	<u>33.00</u>	<u>6,699.02</u>	<u>1,321,511.98</u>	<u>.5</u>
	<u>(90,000.00)</u>	<u>5,249.54</u>	<u>580,780.80</u>	<u>(670,780.80)</u>	<u>645.3</u>

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: June 24, 2019

Originating Dept: City Manager

Signature (submitted by)


City Manager Approval

Subject:

Changes to Jacobs Contract

Recommended Motion:

Motion to authorize the City Manger to sign Amendment No. 1 to the Agreement for the Operations, Maintenance and Management Services with Jacobs Engineering.

Financial Impact:

Total cost of \$1,313,846 was included in the 2019-20 budget.

Background/Discussion:

The City contracted with Jacobs Engineering (previously CH2M) for Operations, Maintenance, and Management Services of water and wastewater treatment. This was initially for the period March 12, 2018 through June 30, 2019 to get us through a complete fiscal year. The agreement provides for an annual adjustment. The increase proposed by Jacobs for 2019-20 is 1.75%.

Amendment No. 1 also includes adding Salmon Run Golf Course Routine Operations to the Scope of Service, including inspections of systems such as well, filters, UV lamps; changing water filters; and performing quarterly water samples. Jacobs has been doing this since 2018, however it was not identified in Agreement. This amendment also includes the ability to negotiate if electricity increases by more than the CPI for Water, Wastewater, and Trash collection services; and includes changing it from a 15.5 month prorated agreement to 12 months.

Attachment(s):

- a. Amendment No. 1 to the Agreement for Operations, Maintenance, and Management Services



AMENDMENT NO. 1
to the
AGREEMENT FOR OPERATIONS
MAINTENANCE AND MANAGEMENT SERVICES
for the
CITY OF BROOKINGS

THIS AMENDMENT NO. 1 is made on this ___ day of _____, 2019 between the City of Brookings (hereinafter “Owner”), whose address for any formal notice is 898 Elk Drive, Brookings, OR 97415 and CH2M Hill Engineers, Inc., (hereinafter “CH2M”), whose address for any formal notice is 9191 S. Jamaica St., Englewood, CO 80112.

NOW THEREFORE, the Owner and CH2M hereby agree that the Agreement dated March 12, 2018 between Owner and CH2M (the “Agreement”) shall be and is hereby amended and modified in the following manner for the period from July 1, 2019 through June 30, 2020:

1. Section 13 Changes, Article 13.3.8 is hereby added to this agreement:

13.3.8 If the rates for electricity increase in an amount in excess of the CPI component of the Base Fee Adjustment Formula from the prior Contract Year, CH2M shall be entitled to additional compensation, which shall be negotiated by the Parties.

2. Appendix A, Section A.5, Salmon Run Golf Course Routine Operations is hereby added to this Agreement:

A.5.1 CH2M will perform routine weekly operations/inspections to ensure all systems are running as required; no leaks are present from the well or raw water holding tank; complete the Salmon Run Golf Course Drinking Water Well House Round Sheet; and check the water filters (pre and post).

A.5.2 CH2M will perform weekly operations to include changing of the water filters, if needed; inspect flow meter to ensure there is no fouling and the paddle wheel spins freely with no resistance; and prepare and submit all compliance data to state regulators.

A.5.3 CH2M will perform quarterly sampling for coliform at two of the three approved locations.

A.5.4 CH2M will perform annual operations of the UV lamps replaced and sampling of the entry point (EP-A) for nitrates.

3. Appendix B, Section B.2.2 is hereby added to this agreement:

B.2.2 Should the raw water source change, such change shall constitute a Change in Scope and a change order will be requested to document cost impacts.

4. Appendix C, Section C.1.3 is hereby added to this Agreement:

C.1.3 All equipment, grounds and facilities now existing within the current property boundaries of the Salmon Run Golf Course

5. Appendix D, Article D.1.1 is hereby deleted in its entirety and replaced with the following:

D.1.1 Owner shall pay to CH2M as compensation for services performed under this Agreement a Base Fee of One Million Three Hundred Thirteen Thousand Eight Hundred Forty Six Dollars (\$1,313,846) for the period of July 1, 2019 through June 30, 2020. Subsequent years' base fee shall be determined as hereinafter specified in Appendix D, Article D.4

6. Appendix D, Section D.2.01

D.2.01 CH2M is responsible for Repairs and Maintenance under \$5,000 per repair event up to the annual Repairs Limit of Forty Thousand (\$40,000.00). Multiple repairs to a piece of equipment required to make it operational could be aggregated towards the \$5,000. CH2M shall provide City with a detailed invoice of Repairs over the annual Repairs Limit, and the City shall pay CH2M for all Repairs performed by CH2M in excess of such limit. CH2M shall rebate to City the entire amount that the cost of Repairs is less than the annual Repairs Limit. CH2M will ask for City's consent of any Repair expenditure over \$5,000.00.

All other terms and conditions remain in effect in accordance with the Agreement referenced in this Amendment.

Both parties indicated their approval of this Agreement by their signatures below.

CH2M HILL ENGINEERS INC.

CITY OF BROOKINGS

Authorized Signature:

Authorized Signature:


Name: Andy Appleton
Title: Vice President
Date: _____

Name: Janell Howard
Title: City Manager
Date: _____

CITY OF BROOKINGS


COUNCIL AGENDA REPORT

Meeting Date: June 24, 2019



Signature (submitted by)

Originating Dept: PW/DS



City Manager Approval

Subject: Citizen Citation & Nuisance Ordinance Revisions

Recommended Motion: Motion to adopt Ordinance 19-O-780, amending various subsections of Brookings Municipal Code Chapter 1.15 Citizen Citations and Chapter 8.15 Nuisances.

Financial Impact: None

Background/Discussion: City Council received a complaint at the March 25, 2019 meeting from a resident regarding noise from a neighbors peacock(s). The abatement process applied to nuisances in general, and more specifically the control of domestic animal is procedurally problematic due to the varying frequency and difficulty for staff to witness the violation occur. The ability for a citizen to cite the violator into court will reduce citizen frustration.

Chapter 1.15 Citizen Citation was revised by ordinance 16-O-756 and reduced citizen citations to traffic violations only. Staff recommends a revisit of this change and to reconsider expanding the Citizen Citation to include Chapter 8 Health and Safety which includes Nuisances and Control of Domestic Animals.

Staff is also proposing changes to code language in both Chapter 8.15 Nuisances, section 8.15.020 Control of Domestic Animal's and section 8.15.100 Summary Abatement.

Attachments:

- a. Ordinance 19-O-780

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 19-O-780

IN THE MATTER OF ORDINANCE 19-O-780, AN ORDINANCE AMENDING VARIOUS SUBSECTIONS OF BROOKINGS MUNICIPAL CODE CHAPTER 1.15 CITIZEN CITATIONS AND CHAPTER 8.15 NUISANCES.

Sections:

- Section 1. Ordinances Identified.
- Section 2. Amends Chapter 1.15, Citizen Citations
- Section 3. Amends Chapter 8.15, Nuisances

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends the Brookings Municipal Code Sections 1.15.020 of Chapter 1.15 Citizen Citations, Title 1 General Provisions, Section 8.15.020 and 8.15.100 of Chapter 8.15, Nuisances, Title 8 Health and Safety.

Section 2. Amend Chapter 1.15 Citizen Citations, is hereby amended to read as presented in Exhibit A attached hereto with additions designated in bold and underlined and deletions being bold and struck out.

Section 3. Amend Chapter 8.15, Nuisances is hereby amended to read as presented in Exhibit B attached hereto with additions designated in bold and underlined and deletions being bold and struck out.

First Reading: _____ Passage: _____

Second Reading: _____ Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2019

ATTEST:

Mayor Jake Pieper

City Recorder Janell K Howard

Exhibit A

Citizen Citation Ordinance

Changes to BMC:

(Additions are **bold and underlined**, deletions are ~~**bold and strikeout**~~)

AMEND 1.15.020

1.15.020 Citizen citations limited to traffic **(Chapter 10.35), and health and safety (Chapter 8) violations.**

A. Citizen citations may only be cited into Brookings municipal court for traffic, **health and safety** violations committed within the city of Brookings.

~~**B. Only a police officer, building inspector, code enforcement officer or fire department employee shall have the authority to issue a citation for nontraffic violations of the Brookings Municipal Code.**~~

~~**C. Any citizen citation issued for a violation other than a traffic violation shall be automatically dismissed by the court. [Ord. 16-O-756 § 2.]**~~

Exhibit B

Nuisance Ordinance

Changes to BMC:

(Additions are bold and underlined, deletions are ~~bold and strikeout~~)

AMEND 8.15.020

8.15.020 Control of ~~domestic~~ animals.

A. *Repealed by Ord. 14-O-736.*

B. The owner or keeper of any ~~dog or other domestic~~ animal shall not allow such animal to be a public nuisance. An ~~dog, cat, or other~~ such animal is deemed herein to be a public nuisance if it bites a person; chases persons or vehicles; damages or destroys property of persons other than the animal's owner; scatters garbage; trespasses on private property of persons other than the animal's owner; disturbs any person or neighborhood by frequent or prolonged barking, yelping, howling or any other such noise making; defecates on the property of another or of the public; or is a female in heat and running at large. Such animal shall not be considered a public nuisance if it bites a person who wrongfully is assaulting the animal or the animal's owner or if it bites a person trespassing upon premises owned or occupied by said animal's owner.

C. No person owning or harboring or having the care or custody of a vicious ~~dog or other~~ animal shall permit such animal to go unconfined beyond the premises of such person unless such an animal is securely leashed and muzzled or otherwise restrained. "Vicious" as herein defined means any ~~dog or other~~ animal or fowl with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or ~~domestic~~ animals, any animal which attacks a human being or domestic animal without provocation, or any ~~dog or other such~~ animal owned or harbored primarily or in part for the purpose of ~~dog or~~ animal fighting.

D. No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purpose of dog fighting or for the purpose of causing or encouraging said dog to unprovoked or willfully provoked attacks upon human beings or domestic animals.

E. No ~~dog~~ **animal** is allowed to run at large within the corporate limits of the city of Brookings.

F. The **C**ity of Brookings hereby adopts by reference all provisions, as contained in Curry County Code Section 4.01.030 through and including Section 4.01.200 et seq.

G. The Brookings police department is authorized and directed to provide mutual aid assistance to county officers, employees and volunteers engaged in animal control activities within the city of Brookings.

H. No person shall own, harbor, take care of, or have in custody any dog without it being licensed with Curry County. Said person is responsible for payment of licensing fees, as well as securing any and all shots, vaccinations, or records which may be needed to license the animal.

I. No person shall permit the carcass of any animal owned or controlled by him to remain upon the public streets or ways to be exposed on private property for a period of time any longer than is necessary to remove the said carcass. It shall be the duty of such owner or occupant forthwith to cause such carcass to be buried or have other disposition made of the same. [Ord. 14-O-736 § 2; Ord. 14-O-729 § 2; Ord. 11-O-686 § 2; Ord. 07-O-591 § 2; Ord. 93-O-406.A § 3; Ord. 86-O-406 § 2.]

AMEND 8.15.100

8.15.100 Summary abatement.

The procedure provided by this chapter is not exclusive, but is in addition to procedures provided by other chapters and the general police powers of the city; and the city manager, the chief of the fire department, the chief of the police department and the building/fire safety officer may proceed summarily to abate a health or other nuisance which:

1.) unmistakably exists **and or** which imminently endangers human life or property.

OR


2.) a property owner had been cited previously within a 12 month period.

[Ord. 11-O-686 § 2; Ord. 07-O-591 § 2; Ord. 86-O-406 § 11.]

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: June 24, 2019


Signature (submitted by)

Originating Dept: PWDS


City Manager Approval

Subject: Wharf and Railroad Street Right of Way Vacation

Recommended Motion: A motion to approve the vacation of right of way at the corner of Wharf Street and Railroad Street and proceed with adoption of Ordinance No. 19-O-782.

Financial Impact: None.

Background/Discussion:

During the Railroad Street Improvement project, a portion of Wharf and Railroad Streets were re-aligned in order to accommodate a more gradual turning radius onto Wharf Street. In order to do this, a portion of land owned by Nancy Owens was dedicated to the City to become right of way in exchange for the vacation of a portion of right of way on Railroad Street. Staff has discovered the vacation of right of way on Railroad Street to Nancy Owens has not been executed.

In exchange, the property owner dedicated two small portions of property that allowed the City to extend the sidewalk along Wharf Street to Hemlock Street

The proposed vacation does not affect any of the Brookings comprehensive plan statewide planning goal policies and therefore is not required to be heard by the Planning Commission. Staff has found the City initiated vacation request to be consistent with City ordinances and policies.

A utilities locate request resulted in verification that no utilities exist in this area. A notice was published in the local newspaper and notices were posted on the area to be vacated in compliance with ORS 271.110.

Attachment:

- a. Ordinance 19-O-782
- b. Right of Way Vacation – Railroad Street Improvements – Exhibit A

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

ORDINANCE 19-O-782

IN THE MATTER OF ORDINANCE 19-O-782, AN UNCODIFIED ORDINANCE VACATING A PORTION OF WHARF AND RAILROAD STREET RIGHT OF WAY.

Sections:

- Section 1. Findings and Determination.
- Section 2. Vacation.
- Section 3. Certification of Ordinance

The City of Brookings ordains as follows:

Section 1. Findings and Determination. The City Council of the City of Brookings considered vacation of the following described parcel of land:

Portion of Right of Way, as described in Exhibit A.

The City of Brookings gave due notice, pursuant to Oregon Revised Statute (ORS) 271.110, of the public hearing to be held before the City Council at 7:00 PM on June 24, 2019, in City Hall Council Chambers, Brookings, Oregon 97415. Said notice provides that, prior to the hearing, any persons whomsoever having any objection or remonstrance to said vacation of Wharf and Railroad Right of Way, or any part thereof, must file written objection or remonstrance with the City Recorder.

It appears to the satisfaction of the City Council that the proposed vacation is in the best interests of the City. The public interest will not be prejudiced by the vacation and that the vacation will not substantially affect the market value of abutting property.

Section 2. Vacation. The City of Brookings does hereby vacate a portion of Right of Way described in Exhibit A, attached hereto and incorporated by this reference.

Section 3. Certification of Ordinance. The City Recorder is hereby instructed to forthwith record and file certified copies of this uncodified Ordinance with the County Clerk, County Assessor and County Surveyor of Curry County, Oregon.

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

Signed by me in authentication of its passage this _____, day of _____, 2019.

ATTEST:

Mayor Jake Pieper

City Recorder Janell K Howard

EXHIBIT A

DESCRIPTION #1c

**RIGHT-OF-WAY VACATION
RAILROAD STREET IMPROVEMENTS**

A portion of public right-of-way of Wharf Street to be vacated to a parcel of land owned by Nancy J. Owens as described in Instrument No.2013-4302, Deed Records of Curry County, being located in the southeast quarter of Section 6, Township 41 South, Range 13 West of the Willamette Meridian, City of Brookings, Curry County, Oregon, being more particularly described as follows:

Beginning at the southeast corner of said parcel marked by a rebar with plastic cap;

Thence North 21° 44' 28" West 6.74 feet along the east line of said parcel;

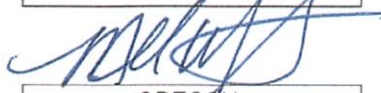
Thence South 77° 22' 09" West 69.94 feet to a point on the westerly line of said parcel, being the TRUE POINT OF BEGINNING;

Thence North 39° 51' 03" West 24.23 feet to an angle point on the westerly line of said parcel, marked by a 5/8-inch rebar with plastic cap;

Thence South 22° 34' 44" East 21.88 feet;

Thence North 77° 22' 09" East 7.30 feet to the true point of beginning, containing 79 square feet, more or less, all as specified on the attached map.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

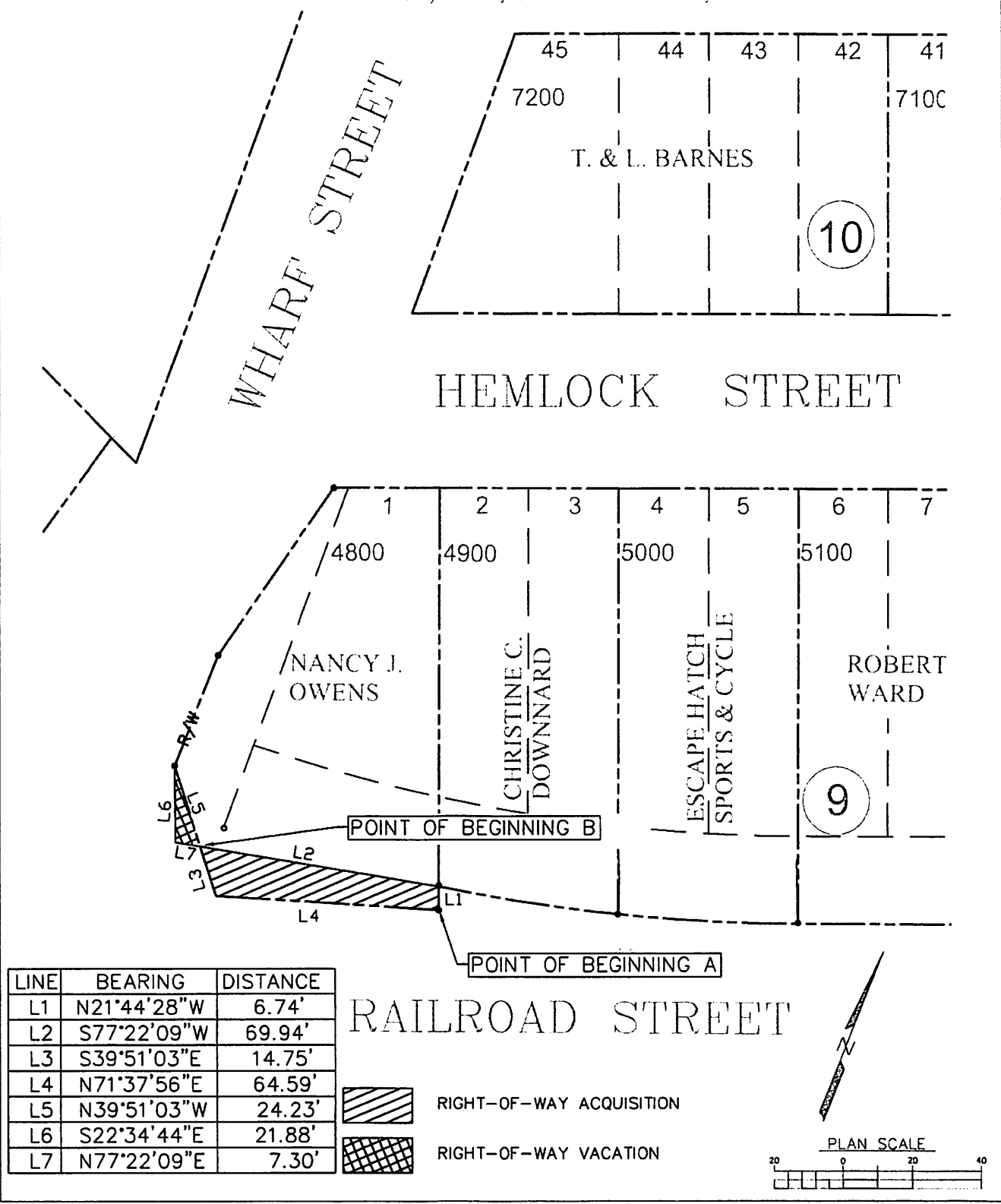


OREGON
JULY 26, 1988
MICHAEL W. ERICKSON
2340

EXPIRES: 12-31-17

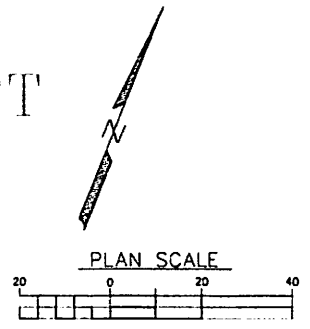
\\dyer2\h\dyer-part\A\projects\178 David Evans & Assoc\178.07 Railroad Street Center St - Oak St\Drawings\Misc Dwg\Easement 1b Update2.dwg, 8/11/2017 5:57:03 PM PLOT DATE August 11, 2017

LOCATED IN SE 1/4 OF SECTION 6, TOWNSHIP 41 SOUTH,
RANGE 13 WEST, W.M., CURRY COUNTY, OREGON

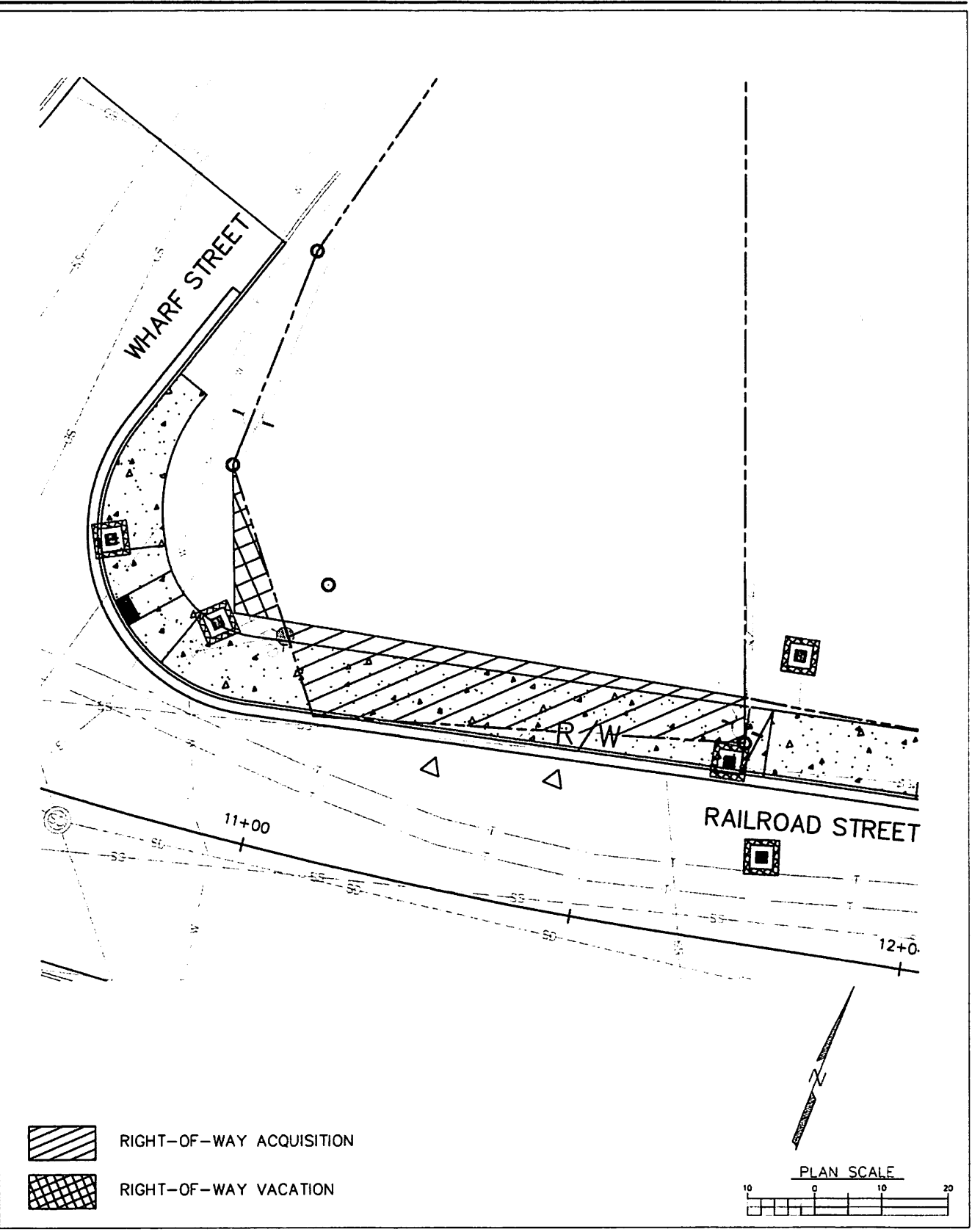


LINE	BEARING	DISTANCE
L1	N21°44'28"W	6.74'
L2	S77°22'09"W	69.94'
L3	S39°51'03"E	14.75'
L4	N71°37'56"E	64.59'
L5	N39°51'03"W	24.23'
L6	S22°34'44"E	21.88'
L7	N77°22'09"E	7.30'

RIGHT-OF-WAY ACQUISITION
 RIGHT-OF-WAY VACATION



THE DYER PARTNERSHIP ENGINEERS & PLANNERS, INC.	CITY OF BROOKINGS CURRY COUNTY, OREGON	FIGURE NO. 1b
DATE: AUG, 2017	RIGHT-OF-WAY ACQUISITION & VACATION	
PROJECT NO.: 178.07		



<p>THE DYER PARTNERSHIP ENGINEERS & PLANNERS, INC.</p>	<p>CITY OF BROOKINGS CURRY COUNTY, OREGON</p>	<p>FIGURE NO. 1b</p>
<p>DATE: AUG, 2016 PROJECT NO.: 178.07</p>		

CITY OF BROOKINGS

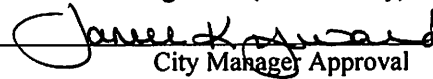
COUNCIL AGENDA REPORT

Meeting Date: June 24, 2019



Signature (submitted by)

Originating Dept: Finance & Admin



City Manager Approval

Subject:

Chapter 5.05 Business License Ordinance Update

Recommended Motion:

Motion to adopt Ordinance 19-0-781 amending Chapter 5.05, Business Licenses, of the Brookings Municipal Code.

Financial Impact:

No direct impact as business license fees are set in the Master Fee Schedule.

Background/Discussion:

Revision of Chapter 5.05 Business Licenses is necessary to remove the outdated fee schedule within the ordinance, as business license fees are updated each year with the Master Fee Schedule. Staff review of the entire, Chapter 5.05 Business Licenses, found several items to be revised:

1. Separate the sections covering when a business license is required and exemptions.
2. Revise language specific to some but not all potential businesses.
3. Change language related to the license period that is out of date.
4. Add to the process for approval, denial, revocation and suspension of business licenses as well as the appeal process.
5. Add to the Penalties and Violations sections and add legal clauses as suggested by League of Oregon Cities.
6. Update department and staff references and other housekeeping items.

The League of Oregon Cities, Model Business License Ordinance was referenced for updated language and legal clauses in the process of creating a document that could serve its purpose over time.

Attachments:

- a. Ordinance 19-0-781
- b. Revision of Chapter 5.05 Business Licenses

IN AND FOR THE CITY OF BROOKINGS

STATE OF OREGON

ORDINANCE 19-0-781

IN THE MATTER OF ORDINANCE 19-O-781, AN ORDINANCE AMENDING CHAPTER 5.05, BUSINESS LICENSE, OF THE BROOKINGS MUNICIPAL CODE.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amend Chapter 5.05, Business Licenses.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 5.05, Business Licenses, of Brookings Municipal Code.

Section 2. Amend Chapter 5.05. Chapter 5.05, Business Licenses, is hereby amended to read as presented in Exhibit A attached hereto with additions designated in red and deletions being struck out.

First Reading: _____ Passage: _____

Second Reading: _____ Effective Date: _____

Signed by me in authentication of its passage this _____, day of _____, 2019

ATTEST:

Mayor Jake Pieper

City Recorder Janell K Howard

EXHIBIT A

Chapter 5.05 BUSINESS LICENSES

Sections:

- 5.05.010 Purpose and scope.
- 5.05.020 Definitions.
- 5.05.030 Employee not deemed in business – Purposes.
- 5.05.040 Agents of nonresident proprietors.
- 5.05.050 Representations – Advertisements.
- 5.05.060 Ability to conduct business – License required – ~~Exemptions.~~
- 5.05.070 Exemptions
- 5.05.0780 - ~~Annual f~~Fees.
- ~~5.05.080 Daily fees.~~
- 5.05.090 Noncompliance unlawful.
- 5.05.100 Regular and temporary license terms.
- 5.05.110 License period.
- 5.05.120 ~~Fiscal year a~~Application.
- 5.05.130 ~~City~~City recorder~~Finance and Administration Department~~ to keep record.
- 5.05.140 ~~Required application statements~~ – Renewal.
- 5.05.150 ~~License certificate~~ – ~~Appeal to city~~City council~~Approval, Denial, Revocation and Suspension~~
- 5.05.160 Council to prescribe form of certificate.
- 5.05.170 Investigation of business.
- 5.05.180 Nontransferable – Exception.
- 5.05.190 License not vested right.
- 5.05.200 Fees are additional revenue.
- 5.05.210 Combination of certain businesses.
- 5.05.220 Certificate to be displayed.
- 5.05.230 Concurrent cause of suit.
- 5.05.240 Penalty~~ies and Violations.~~
- 5.05.250 Severability Clause.
- 5.05.260 Savings Clause.

5.05.010 Purpose and scope.

The business license fees imposed by the terms of this chapter are for revenue purposes only. Neither the acceptance of the prescribed fee nor the issuance of the applicable license shall be construed to constitute a regulation of any business activity or a permit to engage in activity otherwise prohibited by law or ordinance, or a waiver of any regulatory licensing requirement imposed by any other ordinance of the cityCity of Brookings (City). [Ord. 96-O-518 § 1.]

5.05.020 Definitions.

As used in this chapter:

A. "Person" shall be deemed to mean and include any person, firm, copartnership, association, joint venture, syndicate, society, or domestic or foreign corporation.

B. "Business" shall mean and include any activity, trade, profession, occupation or pursuit of every kind conducted, operated, engaged or carried on in or with the cityCity of Brookings for gain, profit, livelihood, benefit or any purpose whether or not a profit is actually made, including, but not limited to, those businesses hereinafter identified, ~~except the following:~~

~~1. Any business recognized as charitable by the Internal Revenue Service under the provisions of IRC Section 501.~~

~~2. Any business filed as a nonprofit corporation under the provisions of Chapter 65 ORS.~~

C. "Proprietor" and "employer" shall be deemed to mean and include any person, as herein defined, who is engaged in any "business" as herein defined.

D. The use of any pronoun shall be construed as meaning and including the singular or plural thereof, and the masculine, feminine, and neuter gender, as the case may be.

~~E. Transient Business. See Chapter 5.20 BMC.~~

~~F. "Garage sale" shall be deemed to mean any public sale of new or used goods within the cityCity limits by an individual or group of individuals from private property when the individual or group of individuals is not in the business of selling goods or is not licensed as a secondhand dealer, and when the property from which the sale is to be conducted is not within a zone permitting commercial business or if within a zone permitting commercial business is in residential use, or otherwise permitted under the provisions of this chapter. [Ord. 17-O-769 § 2; Ord. 96-O-518 § 2.]~~

5.05.030 Employee not deemed in business – Purposes.

No person who is an employee, and whose income is based solely on an hourly, daily, weekly, monthly, or annual wage or salary shall, for the purposes of this chapter, be deemed a person engaged in business in the cityCity of Brookings. It is declared that the purpose of this chapter is that all license fees levied hereby and hereunder shall be borne by the employer for the privilege of doing business in the cityCity of Brookings; and for providing revenue for municipal purposes generally; and to pay the necessary expenses for carrying out the provisions of this chapter. [Ord. 96-O-518 § 3.]

5.05.040 Agents of nonresident proprietors.

The agent or agents of a nonresident proprietor engaged in any business for which a license is required by this chapter shall be liable for the payment of the license fee therefor and shall be subject to the penalties for failure to pay the same or to comply with the provisions of this chapter to the same extent and with like effect as though such agent or agents were themselves the proprietors of such business. [Ord. 96-O-518 § 4.]

5.05.050 Representations – Advertisements.

Any person representing himself or exhibiting any sign or advertisement to the effect that he is engaged in any of the businesses upon which a license fee is levied by this chapter shall be deemed to be engaged in such business and shall be liable for the payment of the license fee levied hereby or hereunder, and shall be subject to the penalties for failure to pay the same or comply with the provisions of this chapter. [Ord. 96-O-518 § 5.]

5.05.060 Ability to conduct business – License required—Exemptions.

A. No person shall engage in, prosecute, or carry on any business within the corporate boundaries of the cityCity of Brookings unless and until they have first obtained a license therefor and shall have paid to the cityCity the fee required.

B. The issuance of a business license under the provisions of this chapter does not constitute authorization by the cityCity to the licensee to conduct business in any manner in violation of any ordinance or regulation of the cityCity or any rule, regulation, order or law of the state or federal government.

C. A person engaged in business in more than one location, or in more than one business licensed under this ordinance shall make a separate application and pay a separate license fee for each business or location, except as otherwise provided in this ordinance. Only one license under this ordinance is required for mobile businesses such as housekeeping services, food trucks, and other related businesses which that travel throughout the city.

D. Delivery Services. A person who sends goods to a customer in the city is not considered to be doing business in the city based solely on the sending and delivering of the goods into the city. However, a company in the business of picking up and/or delivering goods is subject to the requirements of obtaining a business license.

E. If more than one business is conducted on the same premises, each business must obtain a separate license.

F. A person representing him or herself, or exhibiting any sign or advertisement that he or she is engaged in a business within the City of which a license fee is levied by this ordinance shall be deemed to be actually engaged in such business and shall be liable for the payment of such license fee and subject to the penalties for failure to comply with the requirements of this ordinance.

G. The City may require proof of state registration. An applicant shall possess any county or state license required or shall be awaiting final approval by the county or state, if City approval is a prerequisite, before a City license will be issued.

H. No person shall do business within the City as the employee, agent or representative of another person unless either the principal or the employee, agent or representative has a current, valid City business license for the business, no matter where the principal offices of that business are situated.

GI. The issuance of a license ~~for a transient business~~ does not constitute authorization for the conduct of that business on any public street or right-of-way of the eCity of Brookings, or other public property, unless specific authority is granted to the ~~transient~~ business licensee by the governing body of public entity which owns the public property. The eCity mManager shall have authority to grant approval for the conduct of transient business on public property and rights-of-way of the eCity of Brookings.

5.05.070 Exemptions

DA. A business is exempt from the requirements of a business license if exempted by the provisions of any other ordinance of the cityCity, by the Constitution and laws of the state or federal government or if exempted by the cityCity mManager under the following circumstances:

4B. Special Events. An exemption to the business license requirements of this chapter may be granted by the cityCity mManager of the cityCity of Brookings to a business which is conducted in the cityCity for a single annual special event only, if the business is not otherwise conducted within the cityCity at any other time. The cityCity mManager shall provide notice in advance of the designation of any special event qualifying for this exemption.

~~E~~C. Garage sales may be conducted without obtaining a business license. However, no household may conduct more than three garage sales in a one-year period, and no sale may last longer than three days.

~~F~~. Sellers and purchasers of seasonally gleaned forest products such as mushrooms, wild berries, huckleberries, fern and fir boughs, cascara bark, etc., must hold a current city business license. A business license will only be issued to purchasers who transact business in conjunction with an existing commercial facility. Purchases shall be allowed either inside or outside the existing commercial structure; however, no temporary structures may be constructed to house this purchasing activity. A temporary business license will satisfy the business license requirement if the provisions of BMC 5.05.080(B) are met. [Ord. 96-O-518 § 6.]

D. Activities that qualify as hobbies or passive holding of property for investment purposes under the United States Internal Revenue Code.

E. Individuals who work only on the premises of, and as part of, a licensed business that includes the activity of the individual. Examples include barbers, beauticians, medical care providers, attorneys, accountants, realtors and others who perform services as part of the overall licensed business. This exemption does not apply if the overall business operation has not obtained a business license.

F. Service businesses operated by those younger than 18, such as lawn-mowing business, newspaper delivery or lemonade stands, are not required to have a business license.

G. Religious institutions and governmental agencies are exempt from the requirement to obtain a business license.

The following must obtain a business license but are exempt from payment of the license fee:

H. Any business exempt from paying local business license fees or taxed by Federal or State constitution or law.

I. Any business exempt from paying property tax.

J. Any entity registered with the Oregon Secretary of State as a not-for-profit corporation.

5.05.0780 Annual Fees.

Business license fees shall be established by Master Fee Schedule as provided under Chapter 1.10, Fees and Charges, BMC. Any change in the license fee shall not apply retroactively to a license already in effect. No business license will be issued without the proper license fee (and penalties, if any) being paid in full.

~~A. Annual Fees. The annual fee for a business license for established businesses shall be determined by the total number of employees reported on State Unemployment Report Form No. 132 by each business. New businesses licensees who have not yet filed a State Unemployment Report Form No. 132 will estimate the number of employees for the first license year.~~

~~The annual fee for a business license for established businesses shall be determined by the total number of employees reported on State Unemployment Report Form No. 132 by each business and shall be designated and set forth in the annual master fee resolution. New businesses licensees who have not yet filed a State Unemployment Report Form No. 132 will estimate the number of employees for the first license year.~~

~~**Business License Fee Schedule**~~

Total Employees Reported on Form No. 132 in April of Each Year	Business License Fee for Each Fiscal Year
0—10	\$60.00
11—25	\$100.00
26—50	\$150.00
51—75	\$300.00
76—100	\$600.00
101—200	\$1,000.00
200+	\$1,500.00

~~For businesses located outside the city of Brookings, doing business within the city of Brookings, the fee is \$75.00 shall be designated and set forth in the annual master fee resolution.~~

~~Business license fees are due prior to July 31st of each year. For each month that the business license fee is late, a \$10.00 penalty fee will be added. No business license will be issued without the proper license fee (and penalties, if any) being paid in full. [Ord. 96-O-518 § 7.]~~

~~**5.05.080 Daily fees.**~~

A. ~~Unless exempted by BMC 5.05.060, or unless a license has been issued under BMC 5.05.070, the following listed business shall pay a daily license fee to the recorder accounts receivable clerk in the amounts specified for the respective business:~~

~~1. Carnival and circus: \$35.00 per dayAs designated and set forth in the annual master fee resolution.~~

B. Temporary 90-Day Business License Fees. Persons doing business within the cityCity of Brookings who are seeking a temporary business license under the guidelines of this chapter shall first file an application with the city-recorderFinance and Administration Department and pay a fee of one-fourth of the annual business license fee for their type and size of business, or \$25.00the minimum fee as set forth in the master fee schedule, whichever is greater. Persons holding a temporary business license and who do business within the cityCity beyond the 90-day license period shall be required to pay the full annual regular business license fee. [Ord. 96-O-518 § 8.]

C. License fees will be non-refundable. The only exception would be when a new business license application is denied.

D. Nothing contained in this ordinance shall vest any right in a license as a contract obligation on the part of the City as the amount of the fee. The fees provided for in this ordinance may be increased or decreased, additional fees may be imposed, and classifications may be changed.

5.05.090 Noncompliance unlawful.

It shall be unlawful for any person to carry on or transact any business as specified in this chapter without first paying to the cityCity of Brookings the license fees herein imposed. Persons operating without a current business license shall be liable to pay a business license fee for their unlicensed work period, plus a \$10.00 late fee for each unlicensed month of the work period, in addition to any penalties imposed under BMC 5.05.24.. If full payment is not made within 60 days of notice of payment due, the corrective action and possible penalties identified in BMC [5.05.230](#) and [5.05.240](#) may be pursued. [Ord. 96-O-518 § 9.]

5.05.100 Regular and temporary license terms.

Annual business licenses are issued for a fiscal year as described in BMC 5.05.110 .running from July 1st of that year, to June 30th of the following year. Temporary licenses, if issued, run for a continuous 90-day period starting the day of the temporary license issuance. There shall be no extension or renewal of a temporary business license during the fiscal year of issuance. Beyond the 90-day license period. The

applicant may apply for another temporary license at least one year after the date of the application for the previous temporary license. [Ord. 96-O-518 § 10.] ~~[Ord. 96-O-518 § 10.]~~

5.05.110 License period.

~~If an application is made before December 31st of the fiscal year, no license, except a temporary license or those on a daily basis, may be issued for less than a full fiscal year. Except for a temporary license, if an application is made on or after January 1st of the fiscal year to cover the period from January 1st to June 30th, a license fee of one-half of the regular yearly business license fee (shown in BMC 5.05.070 in the business license fee schedule) shall be designated and set forth in the annual master fee resolution and shall be collected for such period or fraction thereof. [Ord. 96-O-518 § 11.]~~

New licenses shall be valid from the date of application to the end of the 11th month following the date of application and shall be renewable annually in the same month of the following year. The license fee shall not be pro-rated.

5.05.120 Fiscal year aApplication.

~~On or before July 1st of each fiscal year, p~~Persons doing business in the cityCity of Brookings shall apply in writing to the city recorderFinance and Administration Department, ~~upon~~using the forms furnished by the cityCity, for a license to engage in business. ~~during the fiscal year.~~When applying for a license, the applicant shall pay the annual license fee ~~prescribed by BMC 5.05.070~~as designated and set forth in the annual master fee resolution. [Ord. 96-O-518 § 12.]

5.05.130 City recorderFinance and Administration Department to keep record.

The city recorderFinance and Administration Department shall file and keep record of every application for a license made under the provisions of this chapter. [Ord. 96-O-518 § 13.]

5.05.140 Required application statements – Renewal.

A. Before being issued a license renewal, the applicant shall ~~fill out~~complete a license application renewal form provided by the cityCity pursuant to BMC 5.05.120. ~~The form shall require a statement in writing, signed by the applicant, describing:~~

1. The type of business;
2. Its name and location;
3. The telephone number of the business;
4. The email address of the business, proprietor, or corporate headquarters

~~45. The fire preventative measures to be taken and/or installed about the business premises location in the city of Brookings;~~

~~56. The number and location of sanitary facilities for business invitees, customers and other persons using the business premises which facilities shall be located on the site of the business being conducted in the city of Brookings, except that transient businesses shall be exempt from this requirement;~~

~~67. Other information reasonably needed to issue a license certificate.~~

B. Applicants who fail to pay the license fee in full or who hold a license certificate that is revoked, expired, or ceased for any reason are required to make a new and initial application.

C. So long as a business has been continually operated without interruption through ~~June 30th~~ **the end** of the licensing year, upon premises for which an original license certificate was issued, persons operating said business may renew a license certificate issued to them before ~~June 30th~~ **the expiration date of their license**. If a license certificate is so renewed, the certificate holder need not make a new license application; however, new applications are necessary if there has been any break in the business or its operation upon the premises during the preceding year or if there have been any changes of circumstances necessitating a correction or amendment to the information above-required as it may vary at the time of renewal from that so stated in the prior application.

D. Businesses as outlined in subsection (C) of this section must pay their renewal by ~~July 31st~~ **the expiration date** of each year. Failure to make full and proper payment will result in a \$10.00 per month late fee. If full and proper payment, including late fees, is not made ~~by September 30th of the year~~ **within 60 days of the license expiration date**, the ~~city~~ **City** shall refer the matter of nonpayment to the ~~city~~ **City** ~~a~~ **Attorney** for enforcement of remedies under this chapter. [Ord. 96-O-518 § 14.]

~~5.05.150 License certificate — Appeal to city council.~~ **Approval, Denial, Revocation and Suspension.**

A. Approval of Application

Upon receipt of a completed application and the required fee, the ~~city recorder~~ **Finance and Administration Department** ~~may request the assistance~~ **will request review by** ~~of the chief of police~~ **all City departments** for investigation of the application with regard to the requirements of this chapter or with regard to the health, safety and welfare of the customers, business invitees, and citizens of the ~~city~~ **City** of Brookings who may be on or about the business premises. Within 30 days after the receipt of the completed application and required fee, if the application is in order and the issuance of the license is called for

under the terms of this chapter, the application shall be accepted and the ~~city recorder~~ **Finance and Administration Department** shall issue a ~~city~~ **City** of Brookings business license. The license certificate is evidence of the applicant's privilege to conduct business in the ~~city~~ **City** of Brookings in accordance with the terms of this chapter, and the certificate shall bear the printed signature of the ~~m~~ **Mayor** and be counter-signed by the ~~city~~ **City** ~~r~~ **Recorder**.

If an application is incomplete or when ~~the city recorder~~ **any department review** determines that an applicant does not meet the requirements of this chapter for the issuance of a business license in the ~~city~~ **City** of Brookings, the ~~city recorder~~ **City** shall give notice of rejection of the license application to the applicant in writing mailed to the address shown on the application. An incomplete application may be supplemented by additional required information and submitted to the ~~city recorder~~ **Finance and Administration Department** within 10 days of the date of mailing of the notice of application rejection, and such additional information shall be considered as part of the original application. Upon receipt of additional information to supplement an incomplete application, the application shall then be further reviewed by the ~~city recorder and/or the~~ **denying department official and** accepted or rejected by the ~~city~~ **City** ~~recorder~~ as provided above within 30 days of receipt of the submittal of additional information.

B. Denial, Suspension, Revocation of Application. The City may deny, suspend or revoke a business license upon finding that:

1. The licensee fails to meet the requirements of, or is doing business in violation of federal, state or local laws;
2. The applicant has provided false or misleading material information, or has omitted disclosure of a material fact on the applications, related materials, or license;
3. The applicant's past or present violation of law presents a reasonable doubt about his or her ability to perform the licensed activity without endangering property or the public health or safety;
4. The information supplied for the review does not indicate that the applicant has the special knowledge or skill required to perform the licensed activity; or
5. The licensed activity would endanger property or the public health or safety.

C. Notice. The City shall provide written notice to the applicant or licensee of the denial, suspension or revocation. The notice shall state the reason for the action taken and shall inform the application or licensee of the right to appeal under Section 15 of this ordinance. The notice shall be given at least 15 days before the suspension or revocation becomes effective. If the violation ends within the 15 days, the City may discontinue the suspension or revocation proceedings.

D. Reapplication. A person whose application for a business license that has been denied, suspended or revoked, may, after 90 days from the date of the denial, suspension or revocation, apply for a license or reinstatement upon payment of the application fee and submission of an application form and related documents.

E. Disqualification. A person whose application for any business license that has been denied or whose license has been revoked for a total of two times within one year, or who has a total of four denials, suspensions or revocations, shall be disqualified from applying for a license or reinstatement for a period of two years from the date of the denial, suspension or revocation.

F. Summary Suspension. Upon determining that a licensed activity presents an immediate danger to person or property, the City may summarily suspend the license for the activity. The suspension takes effect immediately upon notice of the suspension being received by the licensee, or being delivered to the licensee's business address as stated on the licensee's application for the license being suspended. Such a notice shall state the reason for the suspension and inform the licensee of the provisions for appeal under Section 15 of this ordinance. Within 15 days of the summary suspension the City Council shall review the pertinent facts which resulted in the suspension and shall determine whether said facts deem it necessary to continue the suspension in order to protect the health, safety and welfare of the citizens of the City, or to otherwise ensure that the requirements of this ordinance are complied with. The City Council may continue a suspension as long as the reason for the suspension exists or until a determination on appeal regarding the suspension is made under Section 15 of this ordinance.

G. Appeal to City Council. If an application is rejected by City, the applicant may appeal the decision of the City to the City Council by filing a written notice of appeal with the City Recorder not later than 10 days after the date of mailing of the application rejection notice. The written request for appeal shall recite the facts or circumstances upon which the appeal is based. At its next applicable council meeting, the City Council shall hear the appeal of the applicant to the City's rejection of the business license application. Upon hearing the appeal, the council may affirm, modify or reverse the decision and shall enter an order upon the minutes of the meeting in accordance with its decision. If the decision City is reversed, the Finance and Administration Department shall issue a license certificate to the applicant within five working days after the date the order is entered on the minutes. In the event the City Council affirms the decision of the City, the minute order shall stand as the final decision of the City on the applicant's request for a business license in accordance of the terms with the application received. [Ord. 96-O-518 § 15.]

~~If an application is rejected by the city recorder, the applicant may appeal the decision of the city recorder to the city council by filing a written notice of appeal with the city recorder not later than 10 days after the date of mailing of the application rejected rejection notice by the city recorder. The written request for appeal shall recite the facts or circumstances upon which the appeal is based.~~

~~At its next applicable council meeting, the city council shall hear the appeal of the applicant to the city recorder's rejection of the business license application. Upon hearing the appeal by the city council, the council may affirm, modify or reverse the decision of the city recorder, and the city council shall enter an order upon the minutes of the meeting in accordance with its decision. If the decision of the city recorder~~

is reversed, the recorder accounts receivable clerk shall issue a license certificate to the applicant within five working days after the date the order is entered on the minutes. In the event the city council affirms the decision of the city recorder, the minute order shall stand as the final decision of the city on the applicant's request for a business license in accordance of the terms with the application received. [Ord. 96-O-518 § 15.]

5.05.160 Council to prescribe form of certificate.

The form and wording of the license certificate to be issued by the city recorder City shall be prescribed by the city City eCouncil; and it shall specify the name of the licensee, the type of business licensed, the location of said business, and the amount of license fee paid. [Ord. 96-O-518 § 16.]

5.05.170 Investigation of business.

The chief of police Public Safety Director and his subordinate police officers are hereby directed and empowered to investigate and examine all places of business in the city City of Brookings at any and all reasonable times for the purpose of determining whether or not such business is being conducted in accordance with the terms of this chapter. [Ord. 96-O-518 § 17.]

5.05.180 Nontransferable – Exception.

No transfer or assignment of any license issued hereunder shall be valid or permitted; except that whenever any person shall sell or transfer the whole of a business for which such license has been issued, the vendee thereof shall, unless otherwise provided by ordinance, be allowed to engage in said business under the vendor's license for the balance of the fiscal-license year for which the vendor's license was issued. . The vendee will be required to pay an additional fee if the business entity will employ more persons than the prior business entity did in the same business. The new owner of the business must complete a business license application. [Ord. 96-O-518 § 18.]

Businesses changing physical location or business name shall notify the City of the change and be allowed to engage in said business for the balance of the license year. The licensee must pay fees for any new permits, such as Home Occupation Permit, required as a result of change of physical location.

5.05.190 License not vested right.

Nothing in this chapter contained shall be construed as vesting in the license any contract right, or creating any contract obligation on the part of the eCity as to the amount of the license fee, or as to the character of the license issued hereunder; but on the contrary, it shall be construed as reserving to the eCity the right to increase or decrease at any time any license fee prescribed herein and to change the character of the license and term thereof. [Ord. 96-O-518 § 19.]

5.05.200 Fees are additional revenue.

The license fees fixed by and collected, or to be collected, under this chapter shall be in addition to the general ad valorem taxes now or hereafter levied pursuant to law, and also in addition to any and all license fees prescribed by other ordinances pertaining to or regulating specific businesses, occupations, amusements, utilities, trades, and other pursuits for gain. [Ord. 96-O-518 § 20.]

5.05.210 Combination of certain businesses.

The conduct of a business or businesses at two or more separate and distinct locations within the cityCity of Brookings, shall, for the purposes of this chapter, be deemed to be a separate business or businesses; and each business shall be subject to the license tax-fee herein provided for. [Ord. 96-O-518 § 21.]

5.05.220 Certificate to be displayed.

Every person who has obtained a license as required by this chapter for the privilege of doing business in the cityCity of Brookings shall display the license certificate issued to him in a conspicuous place in or upon the premises where said business is conducted, except in the case of contractors, subcontractors, cleaning and dyeing solicitors, wholesale delivery trucks, peddlers, and solicitors. In the case of contractors and subcontractors, said license certificate shall be conspicuously displayed at their principal places of business in the cityCity of Brookings; and in the case of cleaning and dyeing solicitors, wholesale delivery trucks, peddlers, and solicitors, said license certificate shall be carried on the person of the licensee or conspicuously displayed in or upon any vehicle used in the conducting of such business. [Ord. 96-O-518 § 22.]

5.05.230 Concurrent cause of suit.

In addition to the penalty provided in BMC [5.05.240](#), and as separate and concurrent causes of action or suit, the cityCity of Brookings may, in any court of competent jurisdiction, sue any person who has or is engaged in business in the cityCity of Brookings without having complied with this chapter, for the amount of license fee payable hereunder; and also the cityCity may in the same or a separate suit seek an injunction prohibiting such person from engaging in such business in the cityCity of Brookings in violation of this chapter; and in any such action or suit the cityCity shall, if it prevails, recover in addition to its costs and disbursements a reasonable attorney's fee to be set by the court. [Ord. 96-O-518 § 23.]

5.05.240 PenaltyPenalties and Violations.

Any person or persons, association of persons, firm, corporation, or any agent or representative thereof who shall engage in or carry on a business within the corporate limits of the cityCity of Brookings, without having first applied for a license, paid the fee therefor, and obtained a license certificate in accordance with the provisions of this chapter, shall be deemed in violation of this chapter and shall, upon conviction thereof, be punishable pursuant to Chapter [1.05](#) BMC, General Penalty, and no license shall be issued to

any person convicted hereunder until the full amount of any fine imposed hereunder shall have been first paid. Each business day during which any business activity continues to be conducted in violation of this chapter shall be deemed a separate offense. [Ord. 16-O-757 § 3; Ord. 96-O-518 § 24.]

A. Violation of any provision of this chapter is punishable pursuant to Chapter 1.05, BMC, General Penalty.

B. Inspection and Right of Entry. Whenever they shall have cause to suspect a violation of any provisions of this ordinance, or when necessary to investigate an application to, or revocation of a license under any of the procedures prescribed in this ordinance, officials for the enforcement or administration of this ordinance, or their duly authorized representatives, may enter on any site, or into any structure, for the purpose of investigation providing they do so in a reasonable manner. If an owner or occupant denies access for an inspection, the City will seek a warrant. No secured building shall be entered without the consent of the owner or occupant unless under authority of a lawful warrant.

C. Abatement. Any business which is established, operated, moved, altered, enlarged or maintained contrary to the licensing requirements shall be, and is hereby declared to be, unlawful and a public nuisance, and may be abated as such.

D. Legal Proceedings by City Attorney. In addition to the enforcement provisions of this ordinance, upon request by the City Council, the City Attorney may institute any additional proceedings, including, but not limited to, seeking injunctive relief to enforce the provisions of this ordinance.

5.05.250 Severability Clause. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part of this ordinance shall not affect the validity of the remaining parts to this ordinance.

5.05.260 Savings Clause. A prosecution that is pending on the effective date of this ordinance and arose from a violation of an ordinance repealed by this ordinance, or a prosecution started within one year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance, shall be tried and determine exactly as if the ordinance had not been repealed.

CITY OF BROOKINGS

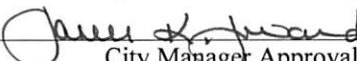
COUNCIL AGENDA REPORT

Meeting Date: June 24, 2019



Signature (submitted by)

Originating Dept: PWDS



City Manager Approval

Subject: Capella Parking Lot Design Contract

Recommended Motion: Authorize City Manager to proceed with the Dyer Partnership Task Order 88 for the design of the Capella Parking Lot in the amount of \$54,502.

Financial Impact: The approximate cost for Phase 4 is estimated at \$455,832. Staff is currently in the application process for a Local Government Grant through the Oregon Parks and Recreation Department (OPRD) which requires a 40% match. If successful, the required match would be \$182,332 to be funded from Capital Projects Reserve Fund and Natures Coastal Holiday (NCH) fundraising proceeds.

Background/Discussion: The City contracts with the Dyer Partnership to perform as needed professional services for public Infrastructure projects. The Azalea Park Ball Field Reconfiguration-Phase 4 project includes paving the Capella parking lot, including storm water infrastructure, and the development of a picnic shelter near Kid Town. Phase 1, 2 and 3 are currently complete and partially funded with a combination of City and grant funding. In 2015, The City of Brookings received a \$212,128 grant from OPRD for Phase 1. In 2017, the City of Brookings was awarded a \$153,000 grant from Regional Solutions for Phase 2 of the project. In 2018 the City of Brookings received \$505,200 for Phase 3.

NCH initiated this process with a request to partner with the City to get the parking lot project completed in 2019. Available safe parking is difficult during the holiday event. It has been staff and NCH goal to have the parking lot constructed by the opening of NCH in 2019. Staff is estimating notification from OPRD of the grant award by the end of June. If the City is successful in receiving grant funding from OPRD, we anticipate award and notice to proceed in early August. In order to meet the deadline of having the parking lot ready for NCH 2019, the design and bid documents must be ready in July for bidding.

Natures Coastal Holiday recently funded the installation of 8 light poles (5 at the Capella parking lot, 3 at the lower parking lot across from St. Timothy's) at a cost of approximately \$13,060. NCH has raised approximately \$70,000 to date for the Capella Parking Lot project.

Attachment(s):

- a. Dyer Task Order 88
- b. Schematic Parking Lot Plan

TASK ORDER 88
City of Brookings
Azalea Park – Capella Parking Lot

SCOPE OF WORK: The City plans on improving the Azalea Park – Capella Parking Lot. The parking lot improvements include:

- Constructing new parking lot consisting of 2” AC Pavement on 8” aggregate base.
- Placement of new curbs and new sidewalks on the north end of the parking lot.
- New 12” storm drain, water quality swale, and catch basins to route storm flows from the parking lot to the existing drainage on North Bank Chetco River Road.

SCOPE OF ENGINEERING SERVICES

The City requested engineering services for the design of the parking lot improvements, bidding period services and construction administration. Engineering services include:

Coordination

- Coordinate with City staff, refine the scope of work and project schedule.

Construction Documents

- Perform site survey for the parking lot improvements. Reduce survey notes and create base map.
- Prepare construction documents to include drawings and specifications.
- Provide final estimated costs for construction and an estimated time line for construction. Submit construction documents to City for review and approval.

Bidding and Contracts

- Prepare bidding documents including bidding requirements and contract documents.
- Prepare advertisement for bids and send to City-approved publications (City to pay advertising expense).
- Develop electronic copies (pdf) of final bidding documents and distribute to QuestCDN for bidders and suppliers to purchase and download. Reproduce bidding documents and distribute to Owner, Engineer and interested bidders.
- Respond to bidder questions and prepare necessary addendums, if needed. Review bids and recommend contract award based on public contracting rules.
- Prepare construction contracts for City approval. Issue Notice of Intent to Award, Notice of Award and Notice to Proceed.

Contract Administration

- Administer construction contract. Prepare necessary pay requests and change orders. Notify City staff immediately of potential construction problems and recommend a cost effective remedy in order to not delay the construction.
- Tabulate payment quantities and recommend payments to the Contractor.
- Project Manager to make periodic site inspections.
- Develop construction stakeout points and layout sheets for stakeout.
- Provide construction staking for the parking lot improvements.
- Conduct bi-monthly project meetings as needed.

Construction Observation Services

- Inspector will provide 40 hours construction observation during construction to observe progress of the overall work. (City to supplement construction observation services for the majority of the construction work).

Schedule (anticipated)

- Design – June/July 2019
- Bidding Period – August 2019.
- Construction – September/October 2019.

Proposed Fee

Services will be performed and billed on a time and materials basis, in accordance with the conditions of the Professional Services Agreement and fee listed herein and Attachment A. The fee for these services is not to exceed a maximum \$54,502 including all professional services and reimbursable expenses.

PAYMENT METHOD: Monthly Billing

City of Brookings

Janell Howard, City Manager

Date: _____

The Dyer Partnership
Engineers & Planners, Inc.



Michael W. Erickson, Sr. V.P.

Date: June 12, 2019

ESTIMATE OF MAN HOURS AND COSTS

DATE: 06-12-19 **PROJECT:** Azalea Park - Capella Parking Lot **Phase 1:** Design Period Services

TASK	MAN HOURS						2-M SUR CREW	CLER 2
	PRIN MGR	PROJ MGR	PROJ ENGR 2	ENGR TECH 2	DESN	INSPECT		
1: Coordination	4		12					4
2: Basemap/Reduce field survey data	2		4	24				
3: Site Survey	2		2				18	
4: Preliminary Design Plans	4		20	24				
5: Final Design Plans	4		40	60				
6: Technical Specifications			24	8				10
7: Design Review Meetings	6		6					
8: Cost Estimates	2		6					
9:								
10:								
TOTAL ESTIMATED HOURS	24	0	114	116	0	0	18	14

MATERIAL COSTS	DESCRIPTION OR UNIT	QUANTITY	UNIT COST	TOTAL COST
REPORT				0.00
PHOTOGRAPHS				0.00
COST ESTIMATE				0.00
PLANS AND PRINTS				0.00
SPECIFICATIONS				0.00
OTHER				0.00
TOTAL MATERIAL COSTS -----				\$0.00

TRAVEL AND PER DIEM	DETAIL	UNIT	TOTAL COST
MILEAGE	436	\$0.56	244.16
COMMERCIAL PER DIEM	2	\$45	90.00
LOCAL TRANSPORTATION LODGING	2	\$90	180.00
TOTAL TRAVEL AND PER DIEM -----			\$514

OTHER SIGNIFICANT COSTS	DETAIL	TOTAL COST
SUBCONSULTANT - GEOTECHNICAL		
1ST CONTACT TELEPHONE		
SHIPPING		
REPRODUCTION		
OTHER		
TOTAL OTHER SIGNIFICANT COSTS -----		\$0

PREPARED BY: ACH

ESTIMATE OF MAN HOURS AND COSTS

DATE: 06-12-19 *PROJECT:* Azalea Park - Capella Parking Lot *Phase 2:* Bidding Period Services

TASK	MAN HOURS							CLER 2
	PRIN MGR	PROJ MGR	PROJ ENGR 2	ENGR TECH 2	DESN	INSPECT	SURVEY CREW	
1: Prepare bidding documents	4		8					12
2: Bid period questions, addendums	2		16					4
3: Bid opening			6					4
4: Review bids & prepare contracts	4		4					4
TOTAL ESTIMATED HOURS	10	0	34	0	0	0	0	24

MATERIAL COSTS	DESCRIPTION OR UNIT	QUANTITY	UNIT COST	TOTAL COST
REPORT				0.00
PHOTOGRAPHS				0.00
COST ESTIMATE				0.00
PLANS AND PRINTS				0.00
SPECIFICATIONS				0.00
OTHER				0.00
TOTAL MATERIAL COSTS	-----			\$0.00

TRAVEL AND PER DIEM	DETAIL	UNIT COST	TOTAL COST
MILEAGE	215	\$0.56	120.40
COMMERCIAL PER DIEM		\$45	0.00
LOCAL TRANSPORTATION			
LODGING		\$90	0.00
TOTAL TRAVEL AND PER DIEM	-----		\$120

OTHER SIGNIFICANT COSTS	DETAIL	TOTAL COST	
SHIPPING			
REPRODUCTION			
OTHER			
TOTAL OTHER SIGNIFICANT COSTS	-----		\$0

PREPARED BY: ACH

ESTIMATE OF MAN HOURS AND COSTS										
DATE: 06-12-19		PROJECT: Azalea Park - Capella Parking Lot				PART 3: Construction Administration				
TASK	PRIN MGR	PROJ MGR	PROJ ENGR 2	MAN HOURS			CONSTR. OBSERV.	2-M SUR CREW	CLER 2	
				ENGR TECH 2	DESN					
1: Construction management	4		16							
2: Construction stakeout calc			2	8						
3: Construction Stakeout	2							30		
4: Construction observation	2		16				40			
5: Partial payments/change orders			16						2	
6: Project closeout	2		4						2	
TOTAL ESTIMATED HOURS										
	10	0	54	8	0		40	30	4	
MATERIAL COSTS										
	DESCRIPTION OR UNIT						QUANTITY	UNIT COST	TOTAL COST	
	REPORT								0.00	
	PHOTOGRAPHS								0.00	
	COST ESTIMATE								0.00	
	PLANS AND PRINTS								0.00	
	SPECIFICATIONS								0.00	
	OTHER								0.00	
	TOTAL MATERIAL COSTS-----								\$0.00	
TRAVEL AND PER DIEM										
	MILEAGE						1962	\$0.56	1,098.72	
	COMMERCIAL PER DIEM						each	\$45	0.00	
	LOCAL TRANSPORTATION						each	\$90	0.00	
	LODGING						each	\$90	0.00	
	TOTAL TRAVEL AND PER DIEM-----								\$1,099	
OTHER SIGNIFICANT COSTS										
	1ST CONTACT TELEPHONE									
	SHIPPING									
	REPRODUCTION									
	OTHER									
	TOTAL OTHER SIGNIFICANT COSTS-----								\$0	

PREPARED BY: ACH

SUMMARY

BREAKDOWN OF PROPOSED FEE

DATE: 06-12-19 *PROJECT:* Azalea Park - Capella Parking Lot

	LABOR		PROJECT		
	RATE S/HR.	----- 1- ----- HRS. AMOUNT	----- 2- ----- HRS. AMOUNT	----- 3- ----- HRS. AMOUNT	
DIRECT LABOR COSTS:					
PRINCIPLE MANAGER-----	135.00	24 3,240.00	10 1,350.00	10 1,350.00	
PROJECT MANAGER-----	125.00	0 0.00	0 0.00	0 0.00	
PROJECT ENGINEER 2-----	115.00	114 13,110.00	34 3,910.00	54 6,210.00	
ENGINEER TECH 2-----	95.00	116 11,020.00	0 0.00	8 760.00	
DESIGNER-----	85.00	0 0.00	0 0.00	0 0.00	
CONSTR. OBSERVER	85.00	0 0.00	0 0.00	40 3,400.00	
2-MAN SURVEY CREW	130.00	18 2,340.00	0 0.00	30 3,900.00	
CLERICAL 2-----	52.00	14 728.00	24 1,248.00	4 208.00	
TOTAL DIRECT LABOR COSTS:		\$30,438	\$6,508	\$15,828	
DIRECT PROJECT EXPENSES					
A. MATERIAL COSTS (BREAKDOWN ATTACHED)		0.00	0.00	0.00	
B. TRAVEL & PER DIEM (BREAKDOWN ATTACHED)		514.16	120.40	1,098.72	
C. OTHER SIGNIFICANT COSTS (BREAKDN ATTACHED)		0.00	0.00	0.00	
D. ADMINISTRATIVE FEE 50 % OF A,B.&C		0.00	0.00	0.00	
TOTAL OF: A THROUGH D		\$514.16	\$120.40	\$1,098.72	
TOTAL FEE (PER PHASE):		\$30,950	\$6,628	\$16,927	
	Phase 1:	Design Period Services		\$30,947	
	Phase 2:	Bidding Period Services		\$6,628	
	Phase 3:	Construction Administration		\$16,927	
		Total Tasks 1+2+3			\$54,502

PREPARED BY: ACH



NORTH
→

SITE PLAN

SCALE 1"=20'

PROJECT NO.	14-001	SHEET	1
DRAWN BY	ASB	DATE	2-28-17
SCALE	AS SHOWN		

REVISION	DATE

SITE PLAN

Azalea Park Ball Field Reconfiguration Project

City of BROOKINGS
 898 Elm Street
 Brookings, OR 97415
 ph. 541-469-2168 fax. 541-469-3650