

City of Brookings

MEETING AGENDA

CITY COUNCIL

Monday, July 9, 2012, 7:00pm

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

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Ceremonies/Appointments/Announcements

1. Proclamation – Kite Festival Week [pg. 4]
2. Appointment of Council President

E. Oral Requests and Communications from the audience

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

F. Staff Reports

1. Authorize staff to 1) notify Hassett Street property owners holding Deferred Improvement Agreements (DIA) of proposed improvements requiring them to pay their proportionate share, and 2) authorize the placement of liens on said properties if not paid within 60 days of invoice. [Public Works & Dev, pg. 5]
 - a. DIA location map [pg. 9]
 - b. Assessment roll table [pg. 10]
 - c. Letters from property owners [pg. 11]
 - d. Sample copy of letter to property owners [pg. 18]
2. Discussion and direction to staff regarding the Curry Health Network's request for financial assistance with system development charges for its new clinic. [City Manager, pg. 22]
 - a. Letter from the Curry Health Network [pg. 23]
3. Authorize the Mayor to execute the Settlement Agreement Application S-41805 between the City of Brookings, WaterWatch of Oregon and Oregon Water Resources Department. [City Manager, pg. 25]
 - a. Settlement agreement [pg. 29]

G. Consent Calendar

1. Approve Council minutes for June 25, 2012. [pg. 39]
2. Accept June 2012 Vouchers in the amount of \$264,623.60. [pg. 44]

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 advance notification. Please contact 469-1102 if you have any questions regarding this notice.

Jul 2 - 6

Jul 9 - 13

P2

ul 16 - 20

Jul 23 - 27

Jul 30 - Aug 3

Monday	Tuesday	Wednesday	Thursday	Friday
Jul 2 11:00am 12:00pm CC - VIPS 2:00pm 3:00pm CC - Staff 4:00pm 6:00pm CC - Council Wkshp 7:00pm 10:00pm FH-FireTrng	3	4 8:00am 5:00pm July 4th - City Hall Closed 10:00am 12:00pm CC- Site Plan 7:00pm 9:00pm FH-PoliceResrvs	5 3:00pm 4:00pm CC - Staff	6
9 7:00pm 10:00pm FH-FireTrng 7:00pm 9:30pm CC-Council	10	11 10:00am 11:00am FH-BRFD 10:00am 12:00pm CC- Site Plan	12 9:00am 10:30am CC-Crm Stoppers 1:00pm 4:30pm Court	13
16 11:00am 12:00pm CC-VIPS 4:00pm 5:30pm CC - Workshop 7:00pm 10:00pm FH-FireTrng	17 11:00am 12:00pm CC - Staff	18 10:00am 12:00pm CC- Site Plan	19 12:00pm 1:00pm CC - Public Art Committee	20
23 7:00pm 9:00pm CC-Council 7:00pm 10:00pm FH-FireTrng	24	25 10:00am 12:00pm CC- Site Plan	26 12:00pm 1:30pm CC - Court 7:00pm 9:00pm CC-Parks & Rec	27
30 7:00pm 10:00pm FH-FireTrng	31	Aug 1	2	3

September 2012

Su	Mo	Tu	We	Th	Fr	Sa
5	6	7	1	2	3	4
12	13	14	8	9	10	11
19	20	21	15	16	17	18
26	27	28	22	23	24	25
			29	30	31	

Monday	Tuesday	Wednesday	Thursday	Friday
Jul 30	31	Aug 1	2	3
		10:00am 12:00pm CC- Site Plan 12:00pm 1:00pm CC - Stout Park 7:00pm 9:00pm FH-PoliceResrvs	3:00pm 4:00pm CC - Staff	
6	7	8	9	10
11:00am 12:00pm CC - VIPS 4:00pm 6:00pm CC - Council Wkshp 7:00pm 10:00pm FH-FireTrng	7:00pm 10:00pm CC-Planning Comm	10:00am 11:00am FH-BRFD 10:00am 12:00pm CC- Site Plan	9:00am 10:30am CC-Crm Stoppers	
13	14	15	16	17
7:00pm 10:00pm FH-FireTrng 7:00pm 9:30pm CC-Council		10:00am 12:00pm CC- Site Plan	1:00pm 4:30pm CC - Court	
20	21	22	23	24
11:00am 12:00pm CC-VIPS 7:00pm 10:00pm FH-FireTrng		10:00am 12:00pm CC- Site Plan		
27	28	29	30	31
7:00pm 9:00pm CC-Council 7:00pm 10:00pm FH-FireTrng		10:00am 12:00pm CC- Site Plan		

City of Brookings *Proclamation*

WHEREAS, 2012 marks the 20th year of the Southern Oregon Kite Festival, to be held July 21st and 22nd at the Port of Brookings-Harbor; and

WHEREAS, this free event is a very unique festival in comparison to others in the United States as kite flyers participate by "invitation only," making the Southern Oregon Kite Festival one of the most sought after invitations in the kiting community; and

WHEREAS, thanks to generous donations from businesses and individuals of the Brookings-Harbor and Wild River Coast area, kite flyers are guests of the community; and

WHEREAS, more than 30 national and international award winning kite flyers and kite makers perform amazing routines choreographed to music with no pressure of competition; and

WHEREAS, kite flyers enjoy interacting with the crowd and may be seen walking around the kite field perimeter displaying their kites to the spectators; and

WHEREAS, thousands of members of the Brookings-Harbor community and the Wild Rivers Coast, along with out-of-town guests of all ages, will be attending the Southern Oregon Kite Festival to enjoy the fun and excitement of the kite pilot's awe-inspiring aerial skills; and

WHEREAS, in addition to the amazing kite demonstrations, Kite Festival events and activities include the popular kite auction banquet on Saturday evening, a number of arts, crafts, food and beverage vendors, and the Children's Kite Building Workshop in which children 3 and up are invited to participate both days of the festival; and

WHEREAS, the Southern Oregon Kite Festival is a non-profit organization made up of volunteers dedicated to providing a spectacular, family-oriented event for the citizens of Brookings-Harbor and their guests;

NOW THEREFORE, I, Ron Hedenskog, Mayor of the City of Brookings, along with the members of the Brookings City Council, declare the week of July 15th, 2012, as

Southern Oregon Kite Festival Week

In Witness Whereof, I, Mayor Ron Hedenskog, do hereto set my hand and cause the official seal of the City of Brookings, Oregon, to be affixed this 9th day of July, 2012.


Mayor Ron Hedenskog

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: July 9, 2012

Originating Dept: Public Works



Signature (submitted by)

City Manager Approval

Subject: Deferred Improvement Agreements at Hassett Street

Recommendation: Motion to notify all property owners affected by the Hassett Street improvement project, as identified in the July 9, 2012 Council Agenda Report, that the City is proceeding with the improvement project and that they will be required to contribute their proportionate share for Hassett Street Improvements. This improvement includes 28 foot width street widening and paving, underground of storm drain facilities, and a sidewalk on the south side of Hassett Street. Further, staff recommends a motion to authorize the placement of liens on the affected properties where the proportionate share is not paid within 60 days of invoice from the City.

Financial Impact: At the Council Workshop on July 2, 2012 staff discussed the street design options and has revised all plans and estimates for the costs associated with a 28 foot wide street improvement project, with underground drainage and a sidewalk on the south side of Hassett Street rather than the 36 foot wide street, drainage and sidewalk option. The revised estimates are included in attachment b and are approximately 19% lower for all DIA owners except DIA - 151 which has sidewalk improvements fronting the property.

The financial impact to the City and to the property owners varies depending on the decision made by Council.

- 1) Not calling in the DIAs will result in the City setting precedence for the roughly 200 existing DIAs in the City and financing the project through street system replacement funds. Historically, developers have had to construct similar frontage improvements for their properties and by not calling in the DIAs, the City would be inconsistent with what was expected of other property owners.
- 2) Calling the full amount of the DIAs during a time of low property values results in many of these owners not having the means or equity to pay the full amount of the DIA. The result would be a lien on the property which would not be collected until an unknown later date of real estate sale.
- 3) Further reduced amounts for DIA contributions is inconsistent with how the City has handled other developers and the financial impact to those already required to install full improvements for their projects.

Background/Discussion: The City Council directed staff to investigate DIA agreements for this street improvement project. This is the first time the City has pursued calling in the DIAs for multiple properties on a street improvement project. For over twenty years, it has been the City's policy to require developers to make frontage improvements to lots that partition or "subdivide" one larger lot into smaller lots or building a new structure on a vacant lot. In many

cases, the developer cannot make street frontage improvements at the time of the development due to difficult site conditions which require an overall street engineering plan or drainage improvement plan. For these cases, City Planning has required the developer/owner to sign a deferred improvement agreement (DIA) obligating the property owner or the future property owner to contribute at a later date. There is no time limit on the DIAs, and costs depend on the extent of improvements and the current costs of construction at the time of implementation. DIAs are recorded documents and should appear on a title report. In total, there are currently 196 DIAs recorded within the City limits. Common verbiage of the DIAs include "the construction of curb, gutter and sidewalk, plus pavement to match existing pavement, and any underground storm drain facilities along the street frontage..." BMC 17.170.070 describes the City's policy regarding DIAs.

Staff determined there were eight properties with DIAs fronting Hassett Street within the limits of the project. Staff sent each owner certified mail informing them of the DIA implementation and estimated costs. Please note that none of the original owners who signed the DIAs are the current owners of the property. The general consensus was surprise and distaste of the City expecting them to pay large sums during the current economic down turn or at all. There was also a question as to why they were being charged and their neighbors were not. Per BMC 17.170.070, the City can impose a local improvement district (LID) if more than half of the parcels have DIAs. In this case, there are not enough DIAs to impose a LID; and LID is not required.

The DIA costs were based on the length of property frontage and the unit price for each improvement fronting the property. The DIA agreements specify the owner is responsible for the improvements only fronting the property. Staff did not include the engineering costs in the DIA since the project was already targeted for improvements and to offset the total DIA costs. According to the City Attorney, if the property owners fail to pay their proportionate share of the improvement costs, the City's remedy is to record a lien on the property. That lien would likely be paid at the time of a future property sales transaction.

The City currently has no payment plan for the DIAs. The City Council could authorize creating such a plan, similar to that which is currently available for SDCs. Under the SDC payment program, the principal amount of SDC can be financed for a period of up to 10 years, the current SDC interest rate is 9 percent.

Six of the effected owners sent in letters and a summary of their concerns are as follows;

DIA 32 – 622 Hassett Street, Owner Dianne Moffit, \$11,254.37

- The owner is on a fixed income.
- The owner feels the City is being harsh and unfair.
- The owner was misinformed by the realtor in escrow on the DIA.

DIA 32 – 626 Hassett Street, Tax lots 3404 and 3403 Owner Charles and Karen Henley, \$22,478.19

- The City attorney determined that the Owner is not liable for the DIA because the DIA was recorded after the property was sold to the Henleys.

○

DIA 33 – 520 Hassett Street, Owner Tami Konkel \$13,127.42

- The property is in negative equity and can't borrow against it to pay for DIA.

- The owner was misinformed by the realtor in escrow on the DIA.
- The expense of the DIA affects her ability to pay for her son's college education. Owner would consider a loan with low to zero interest.

DIA 44 – 530 Hassett Street, Owner Glenn Julyan \$8,360.39 (4/88)

- The financial impact of a DIA was not properly disclosed.
- The property is in negative equity.
- The property also fronts Weaver Lane, and the DIA includes more improvements to Weaver Lane.
Owner is seeking reduction of DIA costs and elimination of the DIA from title for Weaver Lane.

DIA 151 – 523 Hassett Street, Owner James Davis, \$35,593.37

The owner did not respond to the certified mail. The Public Works Director hand delivered the letter to Mr. Davis. Mr. Davis indicated he was aware of the DIA, would prefer to have the costs lien against his property, and would like to build the sidewalk portion himself.

DIA 164 – 600 Hassett Street, Owner Brian and Tiffany Hodge, \$13,185.30

- The owner doesn't understand why they are paying for road paving which is regular City maintenance.
- The owners were in escrow before the DIA recorded.
- The owner has concerns about the drainage improvements. Staff recommends giving the Owner credit for the drainage portion since the City approved it at this time and now determines it to be undersized.

DIA 164 – 608 Hassett Street, Owner Raymond Davis, \$3,554.77

The owner signed the certified mail but has not contacted City staff.

At it's July 2 workshop, the City Council discussed several alternative approaches for addressing this matter including

- 1) Do not call in the DIAs at this time and proceed with reconstructing the street with no frontage improvements and minimal drainage improvements.
- 2) Call in the DIAs and levy the full proportionate share to each property owner for either a 36' street or 28' street. Place liens on the property where the share is not paid.
- 3) Establish a fixed contribution or reduced appointment, such as a lower amount per lineal foot of frontage or eliminate some element of the improvements, such as street reconstruction, from the owner's responsibility.
- 4) Eliminate storm drain improvements from the project and consider the DIA requirements fulfilled without storm drain improvements.

Based on the discussion at the workshop, staff recommends proceeding with Alternative 2 for a 28 foot wide street improvement.

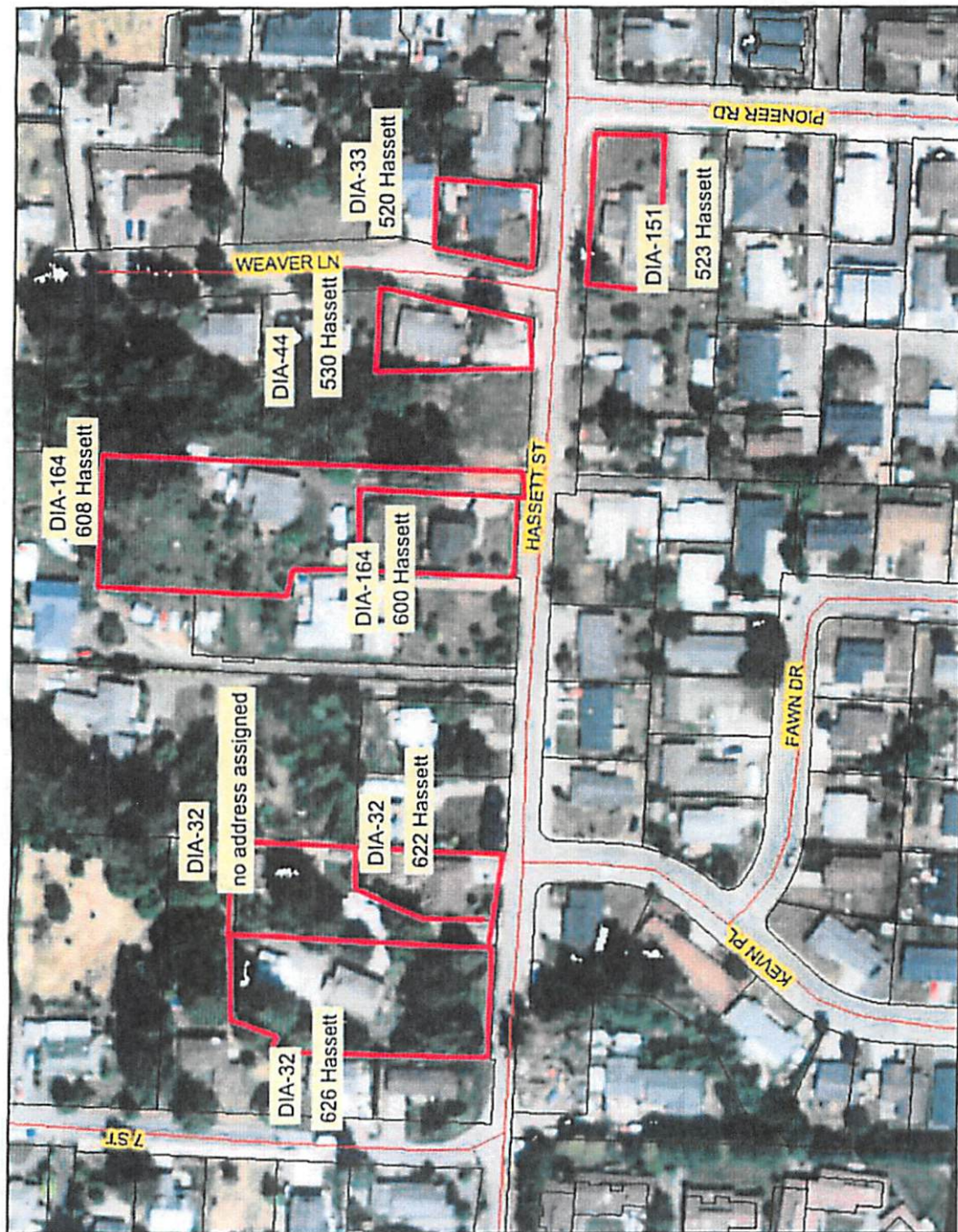
Policy Considerations: Several of the property owners believe that their obligations to pay for improvements should be eliminated or modified because they were not advised of the existence and consequence of the DIA by their realtor, their title company or the seller or that the property developer advised them that the DIA would likely never be called in. These reasoning's attempt to shift the burden of misinformation or lack of due diligence of the City. Accepting these

arguments as rationale for not requiring compliance with legally binding and recorded agreements would establish a dangerous precedent for dealing with the remaining 190 DIAs that have been approved over a period of more than 20 years.

Attachment(s):

- a. Location map of DIA
- b. DIA Assessment Roll Table
- c. Letters from property owners
- d. Copy of letter to residents

Hassett Street DIA's



- Legend**
- RIVERS
 - ROADS
 - PARCELS
 - URBAN GROWTH BOUNDARY
 - OCEAN

Scale: 1:2,000

0 200 400 600 ft.

Map center: 42° 3' 46.0" N, 124° 16' 53.3" W

This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.

DIA Assessment Role - Revised 7/3/12 to include DIA costs for 28' wide street

DIA No.	Street Address	Owner	Map Number	Lineal Foot Frontage	Costs at 36' Width Street				Costs at 28' Width street			
					Drainage	Street	Sidewalk	Subtotal	Drainage	Street	Sidewalk	Subtotal
DIA-32	622 Hassett	Dianne Moffitt	40-13-31DD	70	\$1,454.37	\$9,800.00		\$11,254.37	\$2,328.60	\$5,283.11		\$7,611.71
DIA-164	600 Hassett	Brian & Tiffany Hodges	40-13-31DD	82.01	\$1,703.90	\$11,481.40		\$13,185.30	\$2,728.13	\$6,189.54		\$8,917.66
DIA-164	608 Hassett	Raymond Davis	40-13-31DD	22.11	\$459.37	\$3,095.40		\$3,554.77	\$735.51	\$1,668.71		\$2,404.21
+DIA-44	530 Hassett	Glenn Julyan	40-13-32CC	52	\$1,080.39	\$7,280.00		\$8,360.39	\$1,729.82	\$3,924.59		\$5,654.41
DIA-33	520 Hassett	Tamra Konkle	40-13-32CC	81.65	\$1,696.42	\$11,431.00		\$13,127.42	\$2,716.15	\$6,162.37		\$8,878.52
DIA-151	523 Hassett	James Davis	41-13-05BB	153.68	\$3,192.96	\$21,515.20	\$10,885.21	\$35,593.37	\$5,112.28	\$20,542.59	\$10,885.21	\$36,540.08
							Total	\$85,075.62			Total	\$70,006.60

May 25, 2012

**City of Brookings
City Manager, Gary Milliman
898 Elk Drive
Brookings, OR 97415**

RE: DIA Hassett Street

Mr. Milliman,

I write this letter to you regarding the DIA implementation for the Hassett Street improvements. I received a letter stating that I am expected to pay \$13,127.42 for the improvements to be made for streets and sidewalks. In this poor economy the fact our City would expect home owners to have the ability to pay such an amount is more than a disappointment. I feel it is a disregard to the struggles all of us have been facing for the past five years. Those that may have wanted to sell homes cannot due to depreciation and most being "upside down" in their properties. I know I am in this position of being upside down which will prevent me from being able to borrow funds to pay this unexpected and immediate notice of an anticipated amount due.

When I purchased the home I was misinformed by my Realtor as to what the DIA lien meant. I was told that if I were to remodel or make improvements to the property I would then be required to put in sidewalks. I was NOT told that the City can impose the improvements when they feel it necessary! You can imagine my dismay when receiving the letter due to the misinformation.

The amount that is expected of me to pay is funds that I do not have available. I have had to struggle to make ends meet over the last five years. Due to my profession I am directly affected by the economic conditions we have been faced with. I only recently have been able to feel a little more at ease. I now have to repay debt I had to incur to handle the monthly expenses I have had all while trying to save what little I can for my sons college education in the next two years.

The letter mentions the City will provide financing but makes no mention as to the terms. If we are to be expected to pay this high amount I would encourage the repayment terms be set with little to no interest and an amount far less than what is estimated, with no specific timeline to be paid unless the home is to be sold and the lien is to be cleared.

Please take into consideration the timing of the expense as well as the amount and sudden notice and reconsider the decision.

Respectfully,

Tami Konkel

DIANE & JERRY MOFFIT 622 HASSETT ST

June 11, 2012

Gary Milliman
City Manager
898 Elk Drive
Brookings, Or 97415

To Whom It May Concern:

We recently received a letter from the City of Brookings informing us that street improvements were being considered on Hassett Street between Old Country road and 7th Street. The road surface is definitely Third World, largely due to the excessive construction traffic in developments near the cemetery . We have serious issues about how the City is handling this situation.

- 1) The threatening and imperious tone of the letter.

Unless we come up with around \$12,000 by December of 2012, a lien will be put on our property. Do you expect people on fixed incomes to suddenly find an available twelve grand?

- 2) The inequity of the funding.

Six or seven properties are being asked to bear the cost for improvements but will be enjoyed by all. We understand that your funding is drastically cut, but now after ten year of never invoking a DIA, you are expecting up front payment by a small minority of people involved.

- 3) The lack of disclosure of DIA implications.

Until we were informed by the City, we didn't know what a DIA was. Neither the realtor nor the title company gave any explanation. We realize on our part it was failure to "read the fine print", but to turn that into a \$12,000 obligation is, if not unethical, at least unfair.

We have spoken with Loree Pryce about our concerns and she agreed that this is a highly unusual way to do business. We also plan to attend the City Council meeting on June 25 to voice our objections.

Sincerely,

Jerome H. Moffit
Diane L. Moffit

Jerome and Diane Moffit

622 Hassett St.

541-469-5247

[REDACTED]

June 13, 2012

Brian & Tiffanie Hodge
600 Hassett Street
Brookings, Oregon 97415

City of Brookings
Public Works Department
898 Elk Drive
Brookings, Oregon 97415

Re: 600 Hassett, Tax lot #04006, DIA #164

This letter is in response to the Hassett Street reconstruction project cost allocation notice we received on May 15, 2012. My wife and I found the content both surprising and distributing.

On May 28, 2001 we went into escrow and deposited \$2,000.00 non-refundable funds with the seller of 600 Hassett Street. At that time the Brookings planning commission did not grant Deferred Improvement Agreements. The planning commission set the policy to not grant DIAs in January of 2001. The commission reversed this decision in August of 2001, two months after we entered escrow. By August of 2001 we had not only deposited the \$2,000.00, we had invested in house plans and hours of preparation. Also, work on the lot had already started.

John Zia, our contractor, presented the DIA as something that would never happen because Hassett was too narrow in front of the property. It was presented as a minor inconvenience and not to worry about it.

The drainage system for the 600 Hassett lot was completed and approved by the city in 2001. Now the city wants us to pay again because they want to put in a 4" bigger pipe. Why should we pay again for a system we paid for in 2001 which was approved by the city?

The next issue we have is the most perplexing. We are being charged for the paving of the road in front of the property. There is an existing paved road. Why should we pay for the replacement of an existing road? Doesn't our tax dollars go to maintaining the road?

In closing, we want to state our frustration and confusion with this reconstruction project. Why are seven residents responsible for a section of road where approximately twenty residences are located? It just doesn't seem right.

Respectfully,


Brian & Tiffanie Hodge

May 25, 2012

Loree Pryce
Public Works Director
City of Brookings, Oregon

RE: Your letter dated May 15, 2012, pertaining to tax lots 3403 and 3404

I am notifying you and the City of Brookings that I am contesting the DIA that requires I pay for street improvements

We bought these lots from Dave Batty and the sale was final on June 7, 1988. (See Exhibit A) At that time Curry County Title Inc. did a title search which included the City of Brookings. At that time, there were no assessments or liens against this property. (See Exhibit B)

On June 13, 1988, 6 days after we bought the property, Dave Batty signed a DIA with the City of Brookings, which included our property, that he had no legal right to do so. It was notarized and recorded with the county on June 24, 1988. (See Exhibit C)

As for the existing culverts and drainage to the two lots, I had them installed. When we moved here there was no direct access to Hassett Street. I talked to Marshall Ferg, who was the current building inspector and got a permit to build a pole building on lot #3404. At this time, I talked to Marshall Ferg and he told me to hook up to the existing culvert on lot # 3400, which was a 12 inch galvanized pipe. I did so and then landscaped both lots 3403 and 3404, which not only looks good but works good

Therefore, I feel I did my part and responsibility. If the city wished to change my drain and pave the street, that is their choice and responsibility.

Thank you,



Charles K Henley
626 Hassett Street
Brookings, Oregon 97415
541-469-9125

To: Gary Milliman, City Manager

From: Glenn Julyan

Date: 6/1/2012

Re: Cost Allocation Reduction Request for 530 Hassett, Tax Lot #00803, DIA #44

Dear Mr. Milliman,

I would like to thank you for taking the time to meet with me on Friday, May 25, 2012 to discuss the Cost Allocation Notice I received for the Hassett Street Reconstruction Project. As we discussed, there is a Deferred Improvement Agreement (DIA) recorded on my property located at 530 Hassett Street (Tax Lot #00803, DIA #44) and the Brookings City Council has made the decision to call in all DIAs that have frontage property along the proposed project. According to the Cost Allocation notice that I received, my portion of the repairs have been estimated at \$8,360.39 which can be further broken down to \$1,080.39 for drainage and \$7,280 for street.

I would like to formally request that the City Council give consideration to reducing the cost allocation for Tax Lot #00803/DIA #44 on the following premises:

1) Inadequate Disclosure

The DIA recorded on Tax Lot #00803 was established in 1990, more than two decades ago. While I don't know how many owners there have been since the establishment of this agreement and cannot comment on whether or not the DIA was effectively disclosed during any of the subsequent title transfer transactions, it definitely was not properly disclosed to me during my escrow process. I was not made aware of what a DIA is and more importantly, the full verbiage of DIA #44 was not provided in my closing documents. The first time I read DIA #44 was when Loree Pryce provided it to me on Thursday, May 24, 2012.

As a result of inadequate disclosure of this agreement, the subject property was priced without any consideration to the significantly adverse affect this agreement has on the value of the property. When I purchased 530 Hassett, this DIA was effectively a "virtual lien" on the property for an undetermined amount of money only to be revealed by the City of Brookings at some unknown date in the future. Given the significant adverse impact DIAs have on the value of any given property, I would encourage the City of Brookings to do more to ensure potential buyers are clearly made aware of when a DIA is recorded on a given property. It should be mandatory that buyers read and sign a copy of the original DIA to ensure that the agreement was properly disclosed in full. Unfortunately, in my case, there was no such practice and to my detriment, the price I paid did not reflect the "virtual lien" on the property. Simply put, if I had read DIA #44 during escrow, I could have roughly estimated the cost of the improvements and negotiated a price at market value less the estimated cost of improvements. More likely, I would have opted to not purchase the property. I believe this concept of devaluation holds true for any property in Brookings whereby a DIA is recorded.

Regardless of the outcome of my request, I sincerely hope that the City of Brookings recognizes the need to do something to ensure the disclosure practice is modified to reflect the magnitude of these agreements. I am certain we can agree that in many cases, DIAs can amount to "life changing" sums of money and, prior to the close of escrow, potential buyers absolutely deserve to have complete disclosure of the entire verbiage of a DIA that is recorded on the subject property.

2) DIAs Are Unjust/Unfair

Owners of lots that happened to have been subdivided after a certain year (i.e. the year the City of Brookings started issuing DIAs) should not be held any more accountable for improvements than owners of any other lots. Holding one owner more accountable than another, as a simple matter of circumstance, is irrational. If the City does not collect enough funds through regular taxation methods to fund such improvements, then all property owners should be held accountable to help pay for such improvements. To hold a small number of property owners to a higher level of financial accountability while simultaneously revoking their ability to vote on such proposals is both unreasonable and unfair.

3) City Agrees to Accept Maintenance of Improvements

The nature of DIA #44 appears to imply that the owner agrees to construct a particular improvement(s) that did not exist at the time the agreement was established. In this particular case, DIA #44 calls out for the construction of curb, gutter, sidewalk, and pavement to centerline. However, the pavement to centerline on Hassett is preexisting and as such, should fall under the category of maintenance. As per section IV of the agreement, the "City agrees to accept (the costs) for maintenance the improvements specified in section II" (except sidewalks). The costs for street maintenance for DIA #44 is estimated at \$7280 and, in accordance with the agreement, I would like to request that this amount be considered maintenance and not be included in the DIA cost assessment for Tax Lot # 00803.

4) Lack of Funds


Simply put, I do not have \$8,360.39 and believe it is highly unlikely that I can come up with this sum of money by October 2012. I would really like to avoid having a lien placed on my property and, while I do not generally agree with the concept of DIAs, I'm 100% committed to working with the City to negotiate a reasonable sum to satisfy my obligations in accordance with DIA #44.

Assuming we are able to agree on a reduced amount, I would also like to request that the City Council give consideration to modifying DIA #44 to remove any obligations for future improvements along both Hassett and Weaver.

Gary, I look forward to working with you to resolve this matter in a way that is agreeable for all parties involved. Should you feel the need to contact me at anytime, please do not hesitate to do so.

Thank you for your consideration and attention to this matter.

Respectfully yours,


Glenn Julyan
650-387-1208
glennjulyan@directorofis.com



City of Brookings

PUBLIC WORKS DEPARTMENT

898 Elk Drive, Brookings, OR 97415

(541) 469-1151, Fax (541) 469-3650, TTY (800) 735-1232

lpryce@brookings.or.us

May 15, 2012

**James Davis
523 Hassett
Brookings, OR 97415**

Hassett Street Reconstruction Project Cost Allocation Notice

Re: 523 Hassett, Tax Lot #00400, DIA #151

Dear Mr. Davis:

The City of Brookings is developing design plans for construction of drainage and paving improvements to Hassett Street from Pioneer Road to 7th Street. These improvements will include reconstruction of the existing paved surface with new paving, undergrounding of existing road shoulder drainage, sidewalk installation on the south side of Hassett Street, curb and gutter. The enclosed site plan demonstrates the extent of improvements.

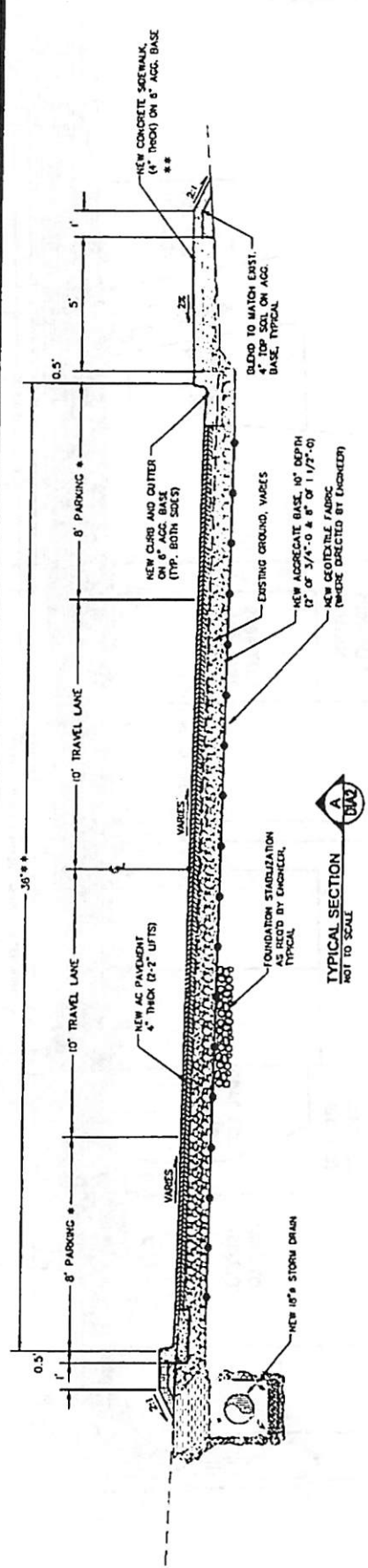
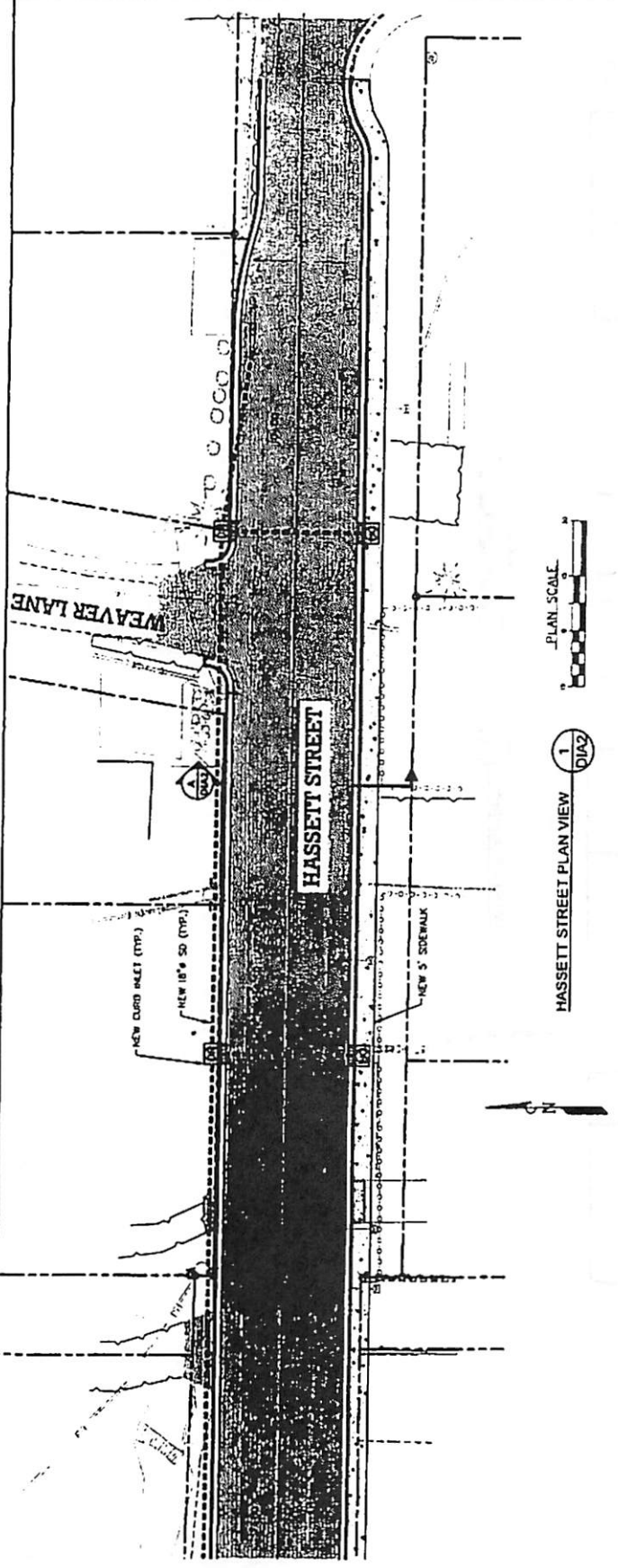
Our records indicate that a Deferred Improvement Agreement (DIA) was recorded when your property fronting Hassett Street was subdivided or otherwise improved. This DIA is a recorded agreement that provides for the participation in improvements to Hassett Street at the time the City undertakes an improvement project. The City of Brookings Municipal Code (BMC) Section 17.170.070 B defines the administrative process for the City to implement the DIA agreement. This letter serves as written notice of the implementation of the DIA.

For this property address, 523 Hassett, Tax Lot #00400, the contributing portion of costs is \$35,593.37 per the attached engineer's estimate of construction costs at a pro rata basis. This amount is based on the properties frontage length portion multiplied by the total costs of the improvements. You are responsible for the actual costs of construction and this is an estimate only. Actual costs will be based on a competitive bidding process and completion of the construction contract. Construction is anticipated for August 2012 and completed in October 2012. Total costs must be paid upon completion in the form of a cashier's check, or arrangements can be made in advance for City financing. Any portion not collected within 60 days of formal notice of completion will be liened against the properties.

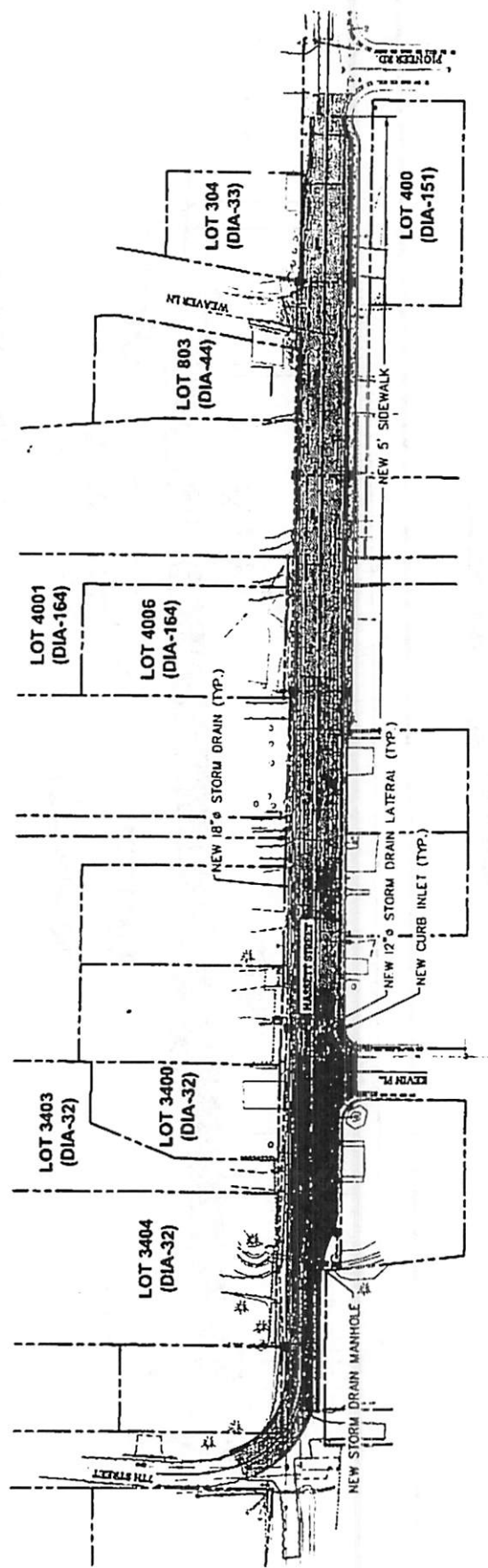
Property owners have the option of retaining their own contractor to coordinate the completion of work along the frontage of their property with the work being performed by the City's contractor. A City Council meeting has been scheduled for June 25, 2012 at which staff will be updating the City Council on any questions or concerns by the affected property owners. Please feel free to contact me at your soonest convenience to discuss this matter at 541-469-1151.

Respectfully,

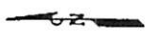

**Loree Pryce
Public Works Director**



- * PARALLEL PARKING LANES ARE ELIMINATED AT EACH END OF OVERALL PROJECT TO TRANSITION TO EXISTING STREET AND TO ADDRESS TOPOGRAPHIC & R-O-W CONSTRAINTS.
- ** NEW SIDEWALK BEING ADDED AS ALTERNATE ON SOUTH SIDE BETWEEN END OF EXISTING & POKER ROAD (APPROX 400 FT)



OVERALL PLAN VIEW
1
DIA1



April 10, 2012

No.	Description	Quantity	Unit	Unit Cost	Item Cost
-----	-------------	----------	------	-----------	-----------

Drainage System Improvements

Total Cost	\$42,800
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Street Improvements - Both sides of street (incl. lining curbs & gutter) - \$100,000.00

includes a valley gutter

	Total Cost	\$288,400
--	------------	-----------

Archival Information: 2017-04-20 10:00:00

18.00% \$24.830

	Total Cost			\$20,650
--	------------	--	--	----------

Total Construction	\$360 030
---------------------------	------------------

<i>Total Engineering</i>	<i>\$72,006</i>
--------------------------	-----------------

1030

North	\$20.78
South	\$20.78

\$140.00

\$62.67

DIA Assessment Roll

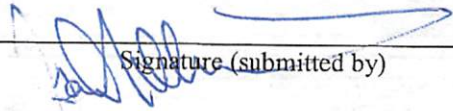
Total	\$109,965.45	\$131,958.54
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CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: July 9, 2012

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Curry Health Network System Development Charges

Recommended Motion: Discussion of alternatives and direction to staff.

Financial Impact: See discussion below.

Background/Discussion:

In 2010 the Curry Health Network (CHN) requested financial assistance from either the City or the Urban Renewal Agency (URA) in connection with the development of the new clinic in Brookings. At its meeting of May 10, 2010, the City Council and the URA declined to offer any form of financial assistance for the project, but offered to reconsider the matter after the project was approved for occupancy. The City Council indicated that it would consider a reduction in the interest rate on the amount of System Development Charges (SDCs) that were financed through the City.

The clinic building is located within the URA project area. However, because CHN is a public agency, the URA does not receive any property tax increment from this project.

The total amount of SDCs that were financed was \$560,261.52 and the interest rate is 9.0 per cent. CHN has paid a total of \$93,247.14 in principal and \$112,513.08 in interest since 2010. The remaining balance is \$467,014.38. The term of the financing is 10 years. CHN initially financed the SDCs through the City because they were unable to secure market financing.

The City has received a letter from CHN requesting that the City Council now consider reducing the interest rate on the SDC financing.

The 9.0 per cent rate is the statutory rate that governments are required to apply under Oregon state law unless the local government agency has established a different rate. Another reason for having a higher-than-market interest rate is to discourage developers from using the City as a "bank." The City's latest infrastructure borrowing was at an interest rate of 2.5 per cent. There are many factors involved in determining the cost of borrowing, including collateralization, credit history and management stability.

Staff has identified three alternatives for dealing with the CHN request:

1. Maintain the current terms of the financing.
2. Set a lower interest rate for public agencies financing SDCs through the City. The CHN is a public agency. Apply this new interest rate to the remaining CHN balance.
3. Use Urban Renewal funds to pay a portion of the interest.

Attachment(s):

- a. Letter dated June 15, 2012, from Curry Health Network.



CURRY

HEALTH NETWORK

Curry General Hospital
94220 Fourth Street
Gold Beach, Oregon 97444
541.247.3000

Curry Medical Center
500 5th Street
Brookings, Oregon 97415
541.412.2000

Curry Family Medical
525 Madrona Street
Port Orford, Oregon 97465
541.332.3861

Curry Outpatient
Surgery Center
48 Chetco Avenue
Brookings, Oregon 97415
541.412.2070

Curry Women's
Health Clinic
94239 Fourth Street
Gold Beach, Oregon 97444
541.247.3506

Curry Medical Practice
4244 Fourth Street
Gold Beach, Oregon 97444
541.247.3155

Toll-Free: 800.445.8085
CurryHealthNetwork.com

MISSION

To provide healthcare
of the highest quality
with genuine caring and
compassion.

VISION

That our doctors, staff and
facilities will be recognized
by our patients and
potential patients as the
preferred health care
system because of our
quality, ease of access and
range of services.

June 15, 2012

Garry Milliman
City Manager
City of Brookings
898 Elk Drive
Brookings, OR 97415

Dear Gary,

In your letter of May 11, 2010 you indicated that the Brookings Urban Renewal Agency and City Council would be open to consider reducing the interest rate on the Systems Development Charges when the project is approved for occupancy.

I realize this request is a year late, but the District would appreciate any consideration the Brookings Urban Renewal Agency and City Council could give to an interest rate adjustment.

Please feel free to contact me for any additional information.

Respectfully,

Bill McMillan, FACHE
CEO



City of Brookings

898 Elk Drive, Brookings, OR 97415
(541) 469-1100 Fax (541) 469-3650 TTL (800) 735-1232
gmilliman@brookings.or.us

GARY MILLIMAN

City Manager
Credentialed City Manager
International City Management Association

William McMillan
Chief Executive Officer
Curry General Hospital Health Network
94220 Fourth Street
Gold Beach, OR 97444

May 11, 2010

Dear Bill,

The Brookings Urban Renewal Agency and City Council considered your request for financial assistance in connection with the Brookings clinic project at their meeting on May 10, 2010.

While the Agency and the Council did not approve any form of financial assistance at this time, they did provide direction to staff to bring this matter back for review at the time the project is approved for occupancy. At that time the City Council will consider reducing the interest rate on the amount of System Development Charges that were financing through the City.

The Agency is unable to provide financial assistance in the form of interest subsidy or other means as the Agency has fully committed all of its tax increment revenue to service bonded indebtedness in conjunction with the downtown street improvement project.

Respectfully,


Gary Milliman
City Manager

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: July 9, 2012

Originating Dept: City Manager


Signature (submitted by)

City Manager Approval

Subject: Water Rights Settlement Agreement

Recommended Motion:

Motion to authorize the Mayor to execute the Settlement Agreement Application S-41805 between the City of Brookings, WaterWatch of Oregon and the Oregon Water Resources Department.

Financial Impact:

Settlement agreement will resolve a long-standing matter which has required retention of special legal counsel and technical specialists.

Background/Discussion:

A. Overview

This settlement agreement resolves the City's efforts to secure certificated water rights on the Chetco River that has been the subject of protests and litigation since 2003. The proposed settlement agreement would allow the City to obtain a final certificate of water right for 1.57 cubic feet per second (cfs) from the Chetco River without further delay or litigation. In exchange for this certainty, the City would voluntarily cancel 8.43 cfs of the water right permit that has never been developed. The 1.57 cfs of water that would be obtained through this settlement, in combination with other certificated water rights held by the City, would provide a total of 11.57 cfs of surface and ground water rights that will be valid in perpetuity and not subject to further approvals or conditions.

B. General Water Law Principles Applicable to the Settlement

Oregon law requires a water right, issued by the Oregon Water Resources Department (OWRD), for almost all types of water uses including municipal water supply. Water rights are issued in two stages: The first stage is a "water right permit," which serves as the initial authorization for a water user to develop the source and begin making beneficial use of water. The second stage is the final certificate, which is issued after the water has been fully developed for beneficial use.

Each water right permit specifies a certain time period in which the authorized amount of water must be fully developed and put to "beneficial use." By statute, this time period is limited to five years; however, the applicable statutes and administrative rules also establish a process by which OWRD may approve extensions of the time allowed for development. Until relatively recently, permit extensions were routinely granted by the OWRD, largely because there was little or no

opposition to the extension requests. Such extensions have historically been very useful for cities because of the need to plan ahead for future municipal requirements. Because of this need, for many years it was common practice for cities to apply for large quantities of water, and then obtain repeated extensions, in order to secure a source of water for the future.

In the late 1990s, in the face of increasing challenges by environmental interests concerned with protecting instream flows for fish species listed under the federal Endangered Species Act, OWRD began a rulemaking process to change its practice of granting repeated extensions to cities and other permit holders. In addition, in 2005, following litigation over a municipal water permit issued in the Coos Bay area, the applicable statute was changed to specifically limit new water rights issued for municipal use to reflect up to only a 20-year planning period, and to specifically require that municipal permit extensions be conditioned to “maintain the persistence” of fish species that are listed as sensitive, threatened or endangered under state or federal law. Such conditions are to be determined “upon the advice” of the Oregon Department of Fish and Wildlife. (ORS 537.230(2)(c).)

When a permit has been fully developed and “perfected” the holder is entitled to request issuance of a final certificate. To demonstrate these conditions have been met, the permit holder must submit documentation from a Certified Water Rights Examiner to show that the water system has been developed, and the water actually put to beneficial use. After a final certificate is issued to a city or town for municipal use, the water remains valid in perpetuity and is not subject to forfeiture or cancellation for any reason. This is a special protection afforded to municipalities in order to ensure public water supplies. For all other types of water rights, the law requires a water right to be regularly used and the water right can become subject to forfeiture and cancellation due to non-use for a period of five or more consecutive years. (ORS 540.610.)

C. Brookings Municipal Supply Needs and Water Rights

The 2008 Water Master Plan Update identifies municipal needs of about 4.25 cfs through 2012, and includes long-term projections of 7.76 cfs in 2032 and 16.06 cfs by 2057 based on an assumed annual growth rate of 3.0 per cent. The actual growth rate since 2008 has declined. The City’s average daily production during 2011 was the equivalent of 1.37 cfs.

Since the mid-1980s, the City has relied on its surface water rights from the Chetco River to meet municipal requirements. Certificate 83683 authorizes a diversion of 4.0 cfs from the Chetco, and Permit S-31293 authorizes up to an additional 10.0 cfs, of which 1.57 cfs has been developed to date. Certificate 64614 authorizes use of an additional 6.0 cfs of “ground water” from a shallow well located adjacent to the river downstream of the City’s current point of diversion. (The City also holds water rights for other uses that are not currently used for municipal supply needs.)

Permit S-31293 is the subject to the pending litigation. The permit has a priority date of January 21, 1966, and the original date for completion of development was October 1, 1969; however, multiple extensions were previously approved by OWRD. The most recent extension application was filed by the City in April, 2003, requesting an extension until October 1, 2049. On August 19, 2003, OWRD issued a Proposed Final Order approving the extension, but a protest was filed by WaterWatch of Oregon, Inc. and other parties. (See further discussion below regarding subsequent legal challenges.)

C. Legal Challenges and Proposed Settlement Terms for Permit S-31293

The protest filed by WaterWatch in 2003 raised a number of legal issues in challenging approval of the permit extension. Key issues included whether the City could demonstrate a need for the 10.0 cfs authorized under the permit and whether the permit extension should be conditioned to provide greater instream flow protection for fish. The fish protection issue acquired greater legal significance when the law was changed in 2005 to specifically require that municipal permit extensions be conditioned for fish protection. Soon after the 2005 law change took effect, ODFW worked with OWRD to set up a schedule for ODFW staff to conduct technical evaluations of fish flow requirements and establish protocols for developing the specific recommendations that would now be required for a growing backlog of pending municipal permit extensions. As a result of that schedule, further action on Permit S-31293 was delayed until late 2009 when ODFW had completed its review of the Chetco River.

At that time, the City's legal and technical team began discussions with ODFW regarding the specific conditions ODFW would require for Permit S-31293. During that process it became apparent that future use of the 8.43 cfs that was not yet developed under the permit would be severely constrained due to proposed conditions to protect instream flow. Early discussions with ODFW indicated the City would have virtually no access to the additional surface water diversions during the months of July through October, when peak needs would be the highest. At the same time, the WaterWatch protest continued to challenge the City's actual need for full 10.0 cfs authorized under the permit in conjunction with its other approved water rights.

In light of these considerations, the City decided to pursue a strategy for seeking a final certificate of water right for the portion of Permit S-31293 that had already been developed and actually used through a process known as "partial perfection" and to request the OWRD place the permit extension process for the remaining portion of the permit on "hold" for an indefinite period of time to see if facts or policies might change over time. Under this approach, the City would hold certificated rights for at least 11.5 cfs total (in combination with Certificate 83683 and 64614) that would not be subject to further conditions or cancellation. After submitting appropriate documentation to OWRD, the City was issued a certificate for 1.54 cfs of water for partial perfection under Permit S-16993 and the remainder of the permit extension application was placed on hold. Soon after, WaterWatch of Oregon and other parties filed a joint Petition for Reconsideration with OWRD, challenging the factual basis for the City's claim to have developed 1.54 cfs under the permit, and OWRD's legal authority to issue the partial perfection order.

As part of its response to the WaterWatch Petition, the City provided additional documentation to confirm actual development of 1.57 cfs – a slight increase over the 1.54 cfs initially approved by OWRD. After considering the City's response and confirming its own authority, OWRD subsequently denied the Petition for Reconsideration and re-issued a new final order approving the certificate and partial perfection of the permit; however, WaterWatch then filed a Petition for Judicial Review in the Circuit Court in Marion County. (The Petition for Judicial Review is a procedural option by which third parties may challenge an agency decision when there has been no prior administrative hearing.) After the lawsuit was filed, OWRD took advantage of another procedural option to withdraw its final order for reconsideration before further action by the Court.

The proposed settlement would be entered into by OWRD, WaterWatch and the City to resolve the pending litigation in Marion County Circuit Court and eliminate the need for a permit

extension. The key element of the settlement is that OWRD will issue a new final order approving a final certificate for 1.57 cfs with no further objection by WaterWatch, and no additional conditions that would restrict the use of water. In exchange, the City will voluntarily cancel the remaining undeveloped portion of Permit S-31293. As a result, there would be no further need for the permit extension, so that issue will become moot.

Attachment(s):

- a. Settlement Agreement

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Application for Extension)
of Time for Permit S-31293 and the Matter)
of Diminution and Partial Perfection of)
Water Right Permit S-31293 in the name of)
the City of Brookings)
 Applicant)
 and)
WaterWatch of Oregon, Inc.)
 Protestant)

SETTLEMENT AGREEMENT
APPLICATION S-41805

The Oregon Water Resources Department (OWRD), the City of Brookings and WaterWatch of Oregon, Inc. (WaterWatch), (collectively "the Parties") do hereby stipulate and agree in this Settlement Agreement (Agreement) as follows:

A. RECITALS

1. For purposes of this Agreement, "City of Brookings" means the City of Brookings and its agents, successors in interest and assigns; and "WaterWatch" means WaterWatch and its agents, successors in interest and assigns.
2. On April 8, 2003, OWRD received an application from the City of Brookings for an extension of time for Permit S-31293.
3. On August 19, 2003, OWRD issued a Proposed Final Order (PFO) recommending an extension time.
4. On September 29, 2003, WaterWatch, the Oregon Shores Conservation Coalition, the Oregon Council of Trout Unlimited, and the Northwest Environmental Defense Center jointly filed a timely protest.
5. On July 16, 2010 the City of Brookings filed a claim of beneficial use to partially perfect Permit S-31293.
6. On September 15, 2010, OWRD issued a final Order In the Matter of Diminution and Partial Perfection of Water Right Permit S-31293 in the Name of the City of Brookings diminishing and partially perfecting Permit S-31293.
7. On September 15, 2010, OWRD issued to the City of Brookings Certificate 86530 in the amount of 1.54 cfs.
8. On November 12, 2010, WaterWatch, with others, petitioned OWRD to reconsider the September 15, 2010 final Order and Certificate 86530.

9. On March 11, 2011, WaterWatch, individually, filed a petition for judicial review of the September 15, 2010 final Order and Certificate 86530 in Marion County Circuit Court, assigned Case No. 11C13222.
10. After the petition for judicial review was filed, WaterWatch, OWRD and the City of Brookings participated in settlement discussions which led to the development of this Settlement Agreement based on the concept that the City of Brookings will receive a certificate of water right for the portion of the water right permit that has already been developed prior to the C-date of October 1, 1999 (1.57 cfs), and agrees to voluntarily cancel the remaining undeveloped portion of the permit (8.43 cfs).

B. AGREEMENT

1. The "Effective Date" of this Agreement is the date on which all parties have executed this Agreement.
2. Within fifteen business days after the Effective Date, OWRD shall issue (1) its final Order on Reconsideration in the form attached hereto as Exhibit A, and (2) Certificate of Water Right 87358 to the City of Brookings in the form attached hereto as Exhibit B.
3. Within fifteen business days after the Certificate 87358 becomes final and not subject to further administrative or judicial review or appeal, WaterWatch shall file the Stipulated Judgment of Dismissal of Marion County Circuit Court Case No. 11C13222, in the form attached hereto as Exhibit C.
4. Within fifteen business days after Certificate 87358 becomes final and not subject to further administrative or judicial review or appeal, the City of Brookings shall withdraw its application for an extension of time for Permit S-31293. Upon the City of Brookings' withdrawal of the extension application, the OWRD Proposed Final Order recommending approval of the extension of time shall become moot and of no further force and effect.
5. If any third party files a timely appeal, request for reconsideration or other form of request for administrative or judicial review of the Order on Reconsideration or Certificate 87358, the parties to this Settlement Agreement shall each have the option to participate in such action.
6. The Parties understand and agree that this Agreement including Exhibits A, B and C sets forth the entire Agreement of the parties and constitutes the complete and final resolution as to WaterWatch's participation in the protest of the Proposed Final Order recommending an extension of time for Permit S-31293; the Petition for Reconsideration of the Final Order and Certificate 86530; and to the Petition for Judicial Review by WaterWatch in Marion County Circuit Court, Case No. 11C13222.
7. The City of Brookings and WaterWatch hereby waive their respective rights to petition for judicial review of the Order on Reconsideration and Certificate 86530 conforming to Exhibits A and B, respectively.

8. Notwithstanding any other term of this Agreement the City of Brookings and WaterWatch may petition OWRD to correct any scrivener's error in the Order on Reconsideration or Certificate issued pursuant to this Agreement.
9. Each Party hereby represents, warrants, and agrees that the person who executes this Agreement on the Party's behalf has the full right and authority to bind that Party to the terms of this Agreement.
10. Each Party hereby certifies that it has had a reasonable opportunity to review and request changes to this Agreement, and that it has signed this Agreement of its own free will and accord.
11. This Settlement Agreement may be signed in counterparts.

Dwight French, Water Rights Services Administrator
Oregon Water Resources Department

Date

City of Brookings

Date

WaterWatch of Oregon, Inc.

Date

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

**IN THE MATTER OF DIMINUTION)
AND PERFECTION)
OF WATER RIGHT PERMIT S-31293) **ORDER ON RECONSIDERATION**
IN THE NAME OF THE CITY OF)
BROOKINGS)**

Notice Of Right To Petition For Judicial Review Or Reconsideration

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

BACKGROUND

Permit S-31293 authorized the City of Brookings to withdraw 10 cubic feet per second (cfs) of surface water from the Chetco River for municipal use with a priority date of January 21, 1966. On September 15, 2010, the Water Resources Department issued a final order diminishing and partially perfecting Permit S-31293 and issued Certificate 86530 for 1.54 cfs of water and the remainder was the subject of an extension request pursuant to ORS 537.230.

On March 11, 2011, WaterWatch of Oregon petitioned for judicial review of the final order partially perfecting Permit S-31293 and Certificate 86530. On May 4, 2011, the Water Resources Department withdrew its final order and Certificate 86530 for reconsideration. On November 28, 2011, the Water Resources Department received a request from the City of Brookings which amended its claim of beneficial use to show perfection of 1.57 cfs under Permit S-31293 and confirming it does not intend to develop the remainder.

After the petition for judicial review was filed, WaterWatch, OWRD and the City of Brookings participated in settlement discussions which led to the development of a Settlement Agreement based on the concept that the City of Brookings will receive a certificate of water right for the portion of the water right permit that has already been developed by the C-date (1.57 cfs), and agrees to voluntarily cancel the remaining undeveloped portion of the permit.

FINDINGS OF FACT

1. On July 16, 2010 the City of Brookings filed a claim of beneficial use to partially perfect Permit S-31293. The claim of beneficial use was for 1.54 cfs of water under Permit S-31293.
2. On September 15, 2010 OWRD issued an Order diminishing and partially perfecting Permit S-31293 and issued Certificate 86530 in the amount of 1.54 cfs.

3. On November 12, 2010 WaterWatch of Oregon, Inc., Oregon Shores Conservation Coalition, Oregon Coast Alliance, Oregon Council of Trout Unlimited, and Northwest Environmental Defense Center petitioned OWRD to reconsider the September 15, 2010 Order and Certificate 86530.
4. On March 11, 2011 WaterWatch of Oregon, Inc. filed a petition for judicial review of the September 15, 2010 Order and Certificate 86530 in Marion County Circuit Court, (Case No. 11C13222).
5. On May 4, 2011 OWRD withdrew for reconsideration its Order and Certificate 86530.
6. On reconsideration, the Department reviewed information submitted by the City of Brookings which amended the City's claim of beneficial use to show that 1.57 cfs of water under Permit S-31293 was beneficially used by the City of Brookings in accordance with the terms of the Permit and the Water Rights Act.
7. Pursuant to a Settlement Agreement entered into on *(date)* the City of Brookings does not intend to develop any water under Permit S-31293 beyond the 1.57 cfs it has claimed as beneficially used under Permit S-31293, and has agreed to voluntarily cancel the remainder of the Permit upon issuance of a certificate of water right for 1.57 cfs.
8. The Department finds that the City of Brookings has made satisfactory proof of appropriation of 1.57 cfs in accordance with the terms of Permit S-31283.

CONCLUSION OF LAW

1. The City of Brookings has made satisfactory proof of appropriation of 1.57 cfs in accordance with the terms of Permit S-31283.

ORDER

On reconsideration, the Department finds that a certificate in the amount of 1.57 cfs shall be issued to the City of Brookings, cancelling the remaining 8.43 cfs authorized in S-31283. The certificate number will 87358.

Dated _____

Phillip C. Ward, Director, Water Resources Department

Exhibit B to Settlement Agreement S-41805

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF CURRY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF BROOKINGS
898 ELK DR
BROOKINGS, OR 97415

Confirming the right to use the waters of the CHETCO RIVER, a tributary of the Pacific Ocean for MUNICIPAL USE.

The right was perfected under Permit S-31293. The Date of priority is JANUARY 21, 1966. The amount of water to which this right is limited to is the amount actually used beneficially, and shall not exceed 1.57 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
40 S	13 W	WM	35	NE NW			1290 FEET SOUTH AND 2415 FEET EAST FROM NW CORNER, SECTION 35

A description of the place of use is as follows:

Municipal Uses				
Twp	Rng	Mer	Sec	Q-Q
40 S	13 W	WM	31	SW SW
40 S	13 W	WM	31	SE SW

Certificate 87358

Municipal Uses				
Twp	Rng	Mer	Sec	Q-Q
40 S	13 W	WM	31	SW SE
40 S	13 W	WM	31	SE SE
40 S	13 W	WM	32	SW SW
40 S	13 W	WM	32	SE SW
40 S	14 W	WM	36	NE SW
40 S	14 W	WM	36	NE SE
40 S	14 W	WM	36	NW SE
40 S	14 W	WM	36	SW SE
40 W	14 W	WM	36	SE SE
41 S	13 W	WM	5	SW NE
41 S	13 W	WM	5	NE NW
41 S	13 W	WM	5	NW NW
41 S	13 W	WM	5	SW NW
41 S	13 W	WM	5	SE NW
41 S	13 W	WM	5	NE SW
41 S	13 W	WM	5	NW SW
41 S	13 W	WM	5	SW SW
41 S	13 W	WM	5	SE SW
41 S	13 W	WM	5	NW SE
41 S	13 W	WM	5	SW SE
41 S	13 W	WM	6	NE NE
41 S	13 W	WM	6	NW NE
41 S	13 W	WM	6	SW NE
41 S	13 W	WM	6	SE NE
41 S	13 W	WM	6	NE NW

Municipal Uses				
Twp	Rng	Mer	Sec	Q-Q
41 S	13 W	WM	6	NW NW
41 S	13 W	WM	6	SW NW
41 S	13 W	WM	6	SE NW
41 S	13 W	WM	6	NE SW
41 S	13 W	WM	6	NW SW
41 S	13 W	WM	6	SW SW
41 S	13 W	WM	6	SE SW
41 S	13 W	WM	6	NE SE
41 S	13 W	WM	6	NW SE
41 S	13 W	WM	6	SW SE
41 S	13 W	WM	6	SE SE
41 S	13 W	WM	7	NE NE
41 S	13 W	WM	7	NW NE
41 S	13 W	WM	8	NW NE
41 S	13 W	WM	8	NE NW
41 S	13 W	WM	8	NW NW
41 S	14 W	WM	1	NE NE
41 S	14 2	WM	1	SE NE

Water may be applied to lands which are not specifically described above, provided the holder of this right complies with ORS 540.510(3).

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued _____

Dwight W. French, Water Right Services Administrator, for
Phillip C. Ward, Director
Water Resources Department

Certificate 87358

Mailing List for Certificate

Scheduled Mailing Date:

Application: Error! Reference source not found.

Permit: Error! Reference source not found.

Certificate: 87358

Permit/Certificate Holder:

Error! Reference source not found.

Error! Reference source not found. Error! Reference source not found.

Error! Reference source not found.

Copies Mailed

by: _____
(STAFF)

on: _____
(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 19, [Mitch E. Lewis](#); Coos County Courthouse Annex
2. Data Center (include copy of map)
3. Water Availability
4. Vault

Other persons to receive copies: (include map):

1. Ted Ressler, CWRE
2. Adam Sussman, GSI
3. Mike Erickson, CWRE
4. Martha Pagel, Schwabe, Williamson & Wyatt
5. Lisa A. Brown, WaterWatch

Exhibit C to Settlement Agreement Application S-41805

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MARION

WATERWATCH OF OREGON, INC.)

Petitioner/Plaintiff,)

v.)

OREGON WATER RESOURCES)
DEPARTMENT, a state agency and CITY)
OF BROOKINGS, an Oregon municipal)
corporation,)

Respondents/Defendants)

Case No. 11C13222

Honorable Vance Day

STIPULATED JUDGMENT OF
DISMISSAL

Pursuant to ORCP 54A, based on the stipulation of the parties entered below, it is hereby
ADJUDGED that the above-entitled action is dismissed with prejudice and without costs to any
party.

DATED _____

Circuit Court Judge

IT IS SO STIPULATED

Lisa A. Brown – OSB No. 025240

Attorney for Petitioner

Date: _____

Darsee Staley – OSB No. 873511

Attorney for Respondent

Date: _____

City of Brookings

CITY COUNCIL MEETING Minutes

Monday, June 25, 2012

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

The City Council met in Executive Session at 6:00pm in the City Manager's office, under the authority of ORS 192.660(2)(h) and (2)(e), "to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed," and "to conduct deliberations with persons designated by the governing body to negotiate real property transactions."

Call to Order

Mayor Hedenskog called the meeting to order at 7:00pm.

Roll Call

Council Present: Mayor Ron Hedenskog, Councilors Dave Gordon, Jake Pieper, and Brent Hodges; a quorum present. Councilor Kelly McClain was also present following his appointment to Position #4.

Staff Present: City Manager Gary Milliman, Administrative Services Director Janell Howard, Public Works Director Loree Pryce, City Attorney Martha Rice, Judge Richard Harper and City Recorder Joyce Heffington.

Ceremonies/Appointments/Announcements

Mayor Hedenskog proclaimed July 13th and 14th as Relay for Life Weekend.

Interview and appointment of vacant City Council Position #4.

City Council members conducted interviews of the three candidates, David Kitchen, Kelly McClain and Curtis Williams, and briefly deliberated.

Councilor Gordon moved, a second followed and Council voted unanimously to appoint Kelly McClain to fill Council Position #4.

Following his appointment, Councilor McClain was sworn in by Judge Richard Harper and then took his seat on the dais.

Councilor Pieper moved, a second followed and Council voted unanimously to move Item G-5 [golf course] up to the G-1 spot [under staff reports] and the rest to fall behind respectively.

Mayor Hedenskog announced June Yard of the Month Awards as follows:

- a. Best Residential – Joshua Whiting, 880 Joshua Court
- b. Best Commercial – Ryan Webster, Superfly Martini Bar & Grill.

Public Hearings/Ordinances/Resolutions/Final Orders

Resolutions making appropriation transfers in the fiscal year, 2010-11, budget.

Director Howard provided the staff report.

Councilor Pieper moved, a second followed and Council voted to adopt Resolution 12-R-987, approving appropriation for the purchase of real property with Councilor McClain abstaining.

Councilor Pieper moved, a second followed and Council voted to adopt Resolution 12-R-988, accepting donations and appropriating those funds, with Councilor McClain abstaining.

Councilor Pieper moved, a second followed and Council voted to adopt Resolution 12-R-989, transferring appropriations from contingency to legislative/administration with Councilor McClain abstaining.

Councilor Pieper moved, a second followed and Council voted to adopt Resolution 12-R-990, approving appropriation transfers in the Wastewater Fund and Capital Reserve Fund with Councilor McClain abstaining.

Staff Reports

Direction to staff on Salmon Run Golf Course topics as described in staff report.

City Manager Milliman provided the staff report.

Councilor Hodges said the City would benefit from obtaining a water source for the course and should allocate resources towards improvements. The golf course, he said, is a "huge asset for the community." He pointed out that some of the City's other public facilities cost the City more in one month than the annual lease payment being asked of the golf course owners. He also said if the course were ever to operate in the black then perhaps a percentage might come back to the City, but the purpose of the land donation had not been to make a profit.

Councilor Pieper said the lease agreement should include as much detail as possible so it will last beyond the current Council and that he would "definitely support going after acquiring more property to have a driving range," but not if it is going to cost the tax payers more money. He said he supported the concept of an abatement of lease payments in exchange for improvements, but not at the current lease amount. He also said he was "thinking favorably toward the golf course as a whole," but he would prefer working toward an amendment to the lease agreement before taking any other action.

Councilor Hedenskog said he was for using City equipment and a volunteer workforce to do much of the work and for working with the course owners to revise the lease agreement and was willing to consider abating lease payments in lieu of improvements as part of a comprehensive revision to the lease.

Councilor Gordon said the owners should be billed for any City staff time and equipment used to make course improvements as these would only benefit the golf course.

Councilor McClain said that for a community of this size, it would be odd not to have a golf course and that the City should do what is needed to help it survive. He said he agreed with the idea of sharing in the profits when the course becomes profitable. He also said that, while he needed to know more about the water situation, he was for adding a driving range, and making the course more playable.

Councilor Pieper said the course had cost the City greatly in staff time and legal fees.

Councilor McClain said that future costs might be avoided if there is a plan that both the golf course and the City could live with.

Direction to staff regarding contribution request from the Veterans of Foreign Wars for the 2012 Fourth of July Fireworks Program.

City Manager Milliman gave the staff report.

Council briefly discussed the donation made by the Chamber to the VFW, past donations made by the City for this purpose and how much the City might consider donating.

Councilor Gordon moved, a second followed and Council voted unanimously to donate \$750 out of the tourism promotion or other fund, as in the past, to the Veterans of Foreign Wars for the 2012 Fourth of July Fireworks Program.

Authorization to reject all bids for Parks and Recreation Landscape Maintenance and Janitorial Contract Services.

Director Pryce provided the staff report, recommending that seasonal employees be hired to do the work this year as all of the bids came in over budget.

Mayor Hedenskog recommended that staff check state law as he believed that anyone who worked on private property was required to have a contractor's license, including landscaping.

Pryce said that she had looked into that requirement and had purposefully designed the scope of work so that a contractor's license was not required. Hedenskog also suggested that volunteer groups pick up some of the work and asked staff to come back with a schedule of what it costs now to do this work.

Councilor McClain said that if we had someone mowing who was not licensed to repair the sprinkler heads that might be an issue.

Mayor Hedenskog said staff needed more time to make changes to the RFP and to look at using volunteer groups for some of the labor. He asked that a schedule of costs be brought to Council, including equipment and fuel, before putting it back out for bid so there is some idea of what the City pays for the work.

Pieper said until it went out to contract, there would always be some unknown element. He said the \$60,000 budget allocation may have been a little low. He said he had talked with some of the bidders and they had done the work. He also said that Council had given staff strong direction to go out for contract and that the City should "hit the go button."

Councilor Hodges said it might not be the best time to put this out to bid and suggested that the City wait a season to allow staff time to work it out before bringing it back to Council. He said he didn't want to give up on putting this out to contract and wanted to see it come back.

Councilor Hodges moved, a second followed and Council voted, with Mayor Hedenskog and Councilors Hodges, Gordon and McClain voting "Yes" and Councilor Pieper voting "No," to reject the bids and look at contracting out Parks and Recreation services again in 6-8 months.

Authorization to reject all bids for the Emergency Operating Center Project.

City Manager Milliman gave the staff report stating that all of the bids were considerably higher than the estimate and that substantive design changes are necessary to get the cost down. He also proposed that City staff serve as owner/builder.

Councilor Pieper questioned the legality of the City being the owner/builder and Milliman said that they had done the research and had found precedence.

Councilor Hodges said he was a sub-contract bidder and asked if he should abstain. City Attorney Rice said he should probably recuse himself from both the vote and the discussion.

Councilor Pieper said he was concerned that it cost money every time we go out for bid and wondered about what was happening that we can't formulate an anticipated estimate.

City Manager Milliman said that this was the first building the City has undertaken to construct in decades. It's a new venture and staff had vetted the estimate with a local contractor.

Councilor Pieper suggested that the City take the lowest bid, and Milliman pointed out it was \$86,000 over budget. Director Pryce said that all of the bids exceeded the project budget which is being grant funded, so this wasn't possible.

Councilor Gordon pointed out that during his eight year tenure on the Council they had done a number of rejections for overbids and this does not seem unusual.

Mayor Hedenskog invited Tim Patterson to speak on the subject, and Patterson said it was not inexpensive to prepare a bid and asked why the City didn't just disclose the not-to-exceed amount.

City Attorney Rice said that she would not recommend providing that information, but she would have to research the subject to more fully respond.

Mayor Hedenskog said staff should be aware that the bidding process is costly.

Councilor Gordon said that if the bid is not clear, then that is something that should be looked at, but the bid process is a cost of doing business.

Councilor McClain said he concurred with Gordon.

Councilor Pieper said this isn't about what's fair or right; this kind of thing discourages local bidders.

Councilor Gordon moved, a second followed and Council voted unanimously, with Councilor Hodges not participating in the vote or discussion, to reject all bids for the Emergency Operating Center Project as all bids exceed the amount of available funds for this project; the City Council rejecting all bids is in the best interest of the City.

Authorization to pursue an agreement with Brookings-Harbor Port District for tourism promotion to include appointment of tourism promotion committee.

City Manager Milliman gave the staff report.

Candace Michel, 1253 Rowland, commented that she thought a tourism committee would be a good idea and that its goal should be figuring out how to move Brookings up the list of places to visit.

Tim Patterson, 621 Chetco, commented that he agreed with Michel's statement and with Milliman's proposal and encouraged Council to charge the committee with the responsibility of evaluating its results.

Councilor Pieper said he had envisioned the committee as a "money doer," and not a think tank and that maybe the groundwork should be set before a committee is formed. He also suggested that the committee should have one or two Council members on the committee.

Mayor Hedenskog suggested that a brochure should be a top priority that could handed out here at City Hall and that Council should discuss what the committee's parameters might be.

Councilor Gordon said he was concerned about who was going to fund it and about how much the Port would be putting toward this joint promotional effort. He said he wanted the agreement to delineate responsibility since they will be benefitting from City bed taxes "on the other side of the bridge."

Councilor McClain concurred with Gordon and added that he liked the idea and thought it was something Council should pursue.

Councilor Gordon moved, a second followed and Council voted unanimously to authorize the City Manager to pursue an agreement for tourism promotion services with the Brookings Harbor Port District which would include the appointment of a tourism promotion committee.

Direction regarding mowing of overgrown vegetation along the shoulder on Highway 101 between Parkview Drive and North Bank Chetco River Road.

City Manager Milliman provided the staff report, pointing out that the area in question is under the state's jurisdiction.

Council discussed the pros and cons of taking on this task if allowed by ODOT. It was generally agreed that ODOT needed to be made aware of the complaints.

Consent Calendar

1. Approve Council minutes for June 11, 2012.
2. Accept Planning Commission minutes for March 6 and April 3, 2012.
3. Approve Liquor License Application for "625" at 625 Chetco Avenue.
4. Receive May 2012 financial report.

Councilor Gordon moved, a second followed and Council voted to approve the Consent Calendar as written, with Councilor McClain abstaining.

Adjournment

Councilor Gordon moved, a second followed and Council voted unanimously to approve the Consent Calendar as written.

Respectfully submitted:

ATTESTED:

this _____ day of _____ 2012:

Ron Hedenskog, Mayor

Joyce Heffington, City Recorder

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
06/12	06/11/2012	99	2122	Cardmember Service	10002005	.00
06/12	06/19/2012	68408	3844	Donna Colby-Hanks	10002005	108.78- V
06/12	06/19/2012	68416	4948	Howard Johnson Inn Salem	10002005	93.50- V
06/12	06/07/2012	68427	4854	ACE Engineering LLC	10002005	1,120.00
06/12	06/07/2012	68428	4801	Ali's Graphic Shirts & More	10002005	158.00
06/12	06/07/2012	68429	682	Al's Radio Shack	10002005	63.86
06/12	06/07/2012	68430	4849	American Project Management	10002005	995.00
06/12	06/07/2012	68431	342	Applied Industrial Technology	10002005	354.31
06/12	06/07/2012	68432	2505	Aramark	10002005	84.64
06/12	06/07/2012	68433	4909	AterWynne LLP	10002005	598.50
06/12	06/07/2012	68434	1233	Bart Kast Builder	10002005	1,550.00
06/12	06/07/2012	68435	2407	Blue Star Gas	10002005	1,711.84
06/12	06/07/2012	68436	4788	BOLI	10002005	399.43
06/12	06/07/2012	68437	2121	Bound Tree Medical LLC	10002005	550.47
06/12	06/07/2012	68438	313	Brookings Vol Firefighters	10002005	2,250.00
06/12	06/07/2012	68439	148	Brookings-Harbor Chamber of Commere	10002005	2,824.59
06/12	06/07/2012	68440	1118	Brookside Nursery	10002005	3.84
06/12	06/07/2012	68441	1373	Cascade Fire Equipment	10002005	299.70
06/12	06/07/2012	68442	1840	Chetco Federal Credit Union	10002005	3,053.00
06/12	06/07/2012	68443	1745	Coastal Paper & Supply, Inc	10002005	13.70
06/12	06/07/2012	68444	1740	Code Publishing Company Inc	10002005	64.35
06/12	06/07/2012	68445	182	Coos-Curry Electric	10002005	22,898.78
06/12	06/07/2012	68446	173	Curry Equipment Company	10002005	449.96
06/12	06/07/2012	68447	166	Dan's Auto & Marine Electric	10002005	230.01
06/12	06/07/2012	68448	259	Da-Tone Rock Products	10002005	1,012.93
06/12	06/07/2012	68449	1	William Cravens	10002005	27.88
06/12	06/07/2012	68450	1	Brianna Harris	10002005	22.97
06/12	06/07/2012	68451	1	Russ Kreisman	10002005	30.51
06/12	06/07/2012	68452	1	Gary May	10002005	62.20
06/12	06/07/2012	68453	1	Ismael Medina	10002005	22.55
06/12	06/07/2012	68454	1	Lillian Renville	10002005	36.79
06/12	06/07/2012	68455	1	Ronald Robertson	10002005	40.47
06/12	06/07/2012	68456	1	Moses Serrano	10002005	24.61
06/12	06/07/2012	68457	1	Candi & Jason Sharp	10002005	71.43
06/12	06/07/2012	68458	1	Adam Taylor	10002005	28.55
06/12	06/19/2012	68459	1	Deposit Refund	10002005	.00 V
06/12	06/07/2012	68460	371	Dept. of Environmental Quality	10002005	250.00
06/12	06/07/2012	68461	749	Emerald Pool & Patio	10002005	41.71
06/12	06/07/2012	68462	4950	Equipump	10002005	524.88
06/12	06/07/2012	68463	4642	ESRI	10002005	1,515.00
06/12	06/19/2012	68464	3342	Fastenal	10002005	.00 V
06/12	06/07/2012	68465	4951	Field Instruments & Controls, INC	10002005	881.44
06/12	06/07/2012	68466	4846	Frontier	10002005	639.05
06/12	06/07/2012	68467	269	Grainger	10002005	53.76
06/12	06/07/2012	68468	198	Grants Pass Water Lab	10002005	256.00
06/12	06/07/2012	68469	1130	H.D. Fowler	10002005	7,147.48
06/12	06/07/2012	68470	4952	Hamilton Engine Sales, INC	10002005	370.85
06/12	06/07/2012	68471	139	Harbor Logging Supply	10002005	117.57
06/12	06/07/2012	68472	4953	Harbor Truss	10002005	518.75
06/12	06/07/2012	68473	199	Harper, Richard	10002005	300.00
06/12	06/07/2012	68474	4171	In-Motion Graphics	10002005	127.70
06/12	06/07/2012	68475	4954	John Deere Financial	10002005	613.00
06/12	06/07/2012	68476	202	League of Oregon Cities	10002005	265.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
06/12	08/07/2012	68477	4956	Mail Tribune	10002005	465.36
08/12	06/07/2012	68478	4955	McDowell NW Pile King Inc	10002005	16,500.00
06/12	06/07/2012	68479	4269	Milliman, Gary	10002005	67.50
08/12	06/07/2012	68480	283	Mufflers & More	10002005	502.55
06/12	06/07/2012	68481	1844	My-Comm, Inc	10002005	663.26
08/12	06/07/2012	68482	4487	Net Assets Corporation	10002005	190.00
08/12	06/07/2012	68483	329	New Hope Plumbing	10002005	97.00
08/12	06/07/2012	68484	4748	Northstar Chemical, Inc	10002005	4,462.00
06/12	06/07/2012	68485	2283	Northwest Technical, Inc	10002005	3,500.00
08/12	06/07/2012	68486	279	One Call Concepts, Inc	10002005	30.36
08/12	06/07/2012	68487	4899	Oregon Coast Auto Detailing	10002005	300.00
06/12	06/07/2012	68488	4958	Our Designs, Inc	10002005	391.39
08/12	06/07/2012	68489	4708	Tony Parrish	10002005	450.00
06/12	06/07/2012	68490	322	Postmaster	10002005	820.00
08/12	06/07/2012	68491	207	Quill Corporation	10002005	877.22
06/12	06/07/2012	68492	3	Whipple, Mike	10002005	26.62
08/12	06/07/2012	68493	3	Rochell & Randy Young	10002005	43.64
06/12	06/07/2012	68494	3954	Riverside Manufacturing Co	10002005	28.02
08/12	06/07/2012	68495	4363	Robert N. Black, Attorney	10002005	2,818.00
06/12	06/07/2012	68496	3369	Schwabe Williamson & Wyatt PC	10002005	1,209.00
08/12	06/07/2012	68497	316	South Coast Storage & Industry	10002005	150.00
06/12	06/07/2012	68498	4959	Tasha Paiz	10002005	160.00
08/12	06/07/2012	68499	4957	The New York Blower Company	10002005	853.21
06/12	06/07/2012	68500	797	Town & Country Animal Clinic	10002005	63.00
08/12	06/07/2012	68501	990	UPS	10002005	14.57
06/12	06/07/2012	68502	2863	Verizon Wireless	10002005	437.50
08/12	06/07/2012	68503	861	Village Express Mail Center	10002005	26.07
06/12	06/07/2012	68504	169	Waste Connections Inc	10002005	981.13
08/12	06/07/2012	68505	2178	Watershed, Inc	10002005	3,111.30
06/12	06/07/2012	68506	4131	Zumar Industries Inc	10002005	734.01
08/12	06/11/2012	68507	3844	Donna Colby-Hanks	10002005	219.34
06/12	06/11/2012	68508	183	Colvin Oil Company	10002005	7,448.60
08/12	06/11/2012	68509	1	Sadie Coberley	10002005	43.77
06/12	06/11/2012	68510	1	Eugene & Rosilind Kem	10002005	17.62
08/12	06/11/2012	68511	371	Dept. of Environmental Quality	10002005	300.00
06/12	06/11/2012	68512	4894	Anella Ehlers	10002005	400.27
08/12	06/11/2012	68513	4646	Frontier	10002005	77.23
06/12	06/11/2012	68514	162	Kerr Hardware	10002005	893.17
08/12	06/11/2012	68515	2122	Cardmember Service	10002005	2,488.13
06/12	06/14/2012	68516	4939	BI- Mart Corporation	10002005	138.80
08/12	06/14/2012	68517	3622	Boardwalk Mail Services	10002005	12.07
06/12	06/14/2012	68518	4752	Border Coast Regional Airport Authority	10002005	2,501.67
08/12	06/14/2012	68519	147	Brookings Glass Inc	10002005	38.00
06/12	06/14/2012	68520	148	Brookings-Harbor Chamber of Commere	10002005	720.00
08/12	06/14/2012	68521	4193	C & K Markets, Inc	10002005	138.17
06/12	06/14/2012	68522	3015	Charter Communications	10002005	84.90
08/12	06/14/2012	68523	1740	Code Publishing Company Inc	10002005	91.80
06/12	06/14/2012	68524	183	Colvin Oil Company	10002005	3,728.08
08/12	06/14/2012	68525	4927	Cumy Transfer & Recycling	10002005	4.50
06/12	06/14/2012	68526	1	Larry Anderson	10002005	30.48
08/12	06/14/2012	68527	1	Donna Fox	10002005	17.74
06/12	06/14/2012	68528	1	Sarah McDonald	10002005	82.22
08/12	06/14/2012	68529	1	R C Niccolls	10002005	11.29
06/12	06/14/2012	68530	1	Jackie Pratt	10002005	60.00
08/12	06/14/2012	68531	1	April Sanders	10002005	85.57
06/12	06/14/2012	68532	2640	Dyer Partnership Inc., The	10002005	27,640.40

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
06/12	06/14/2012	68533	3342	Fastenal	10002005	40.09
06/12	06/14/2012	68534	153	Ferrellgas	10002005	2,018.01
06/12	06/14/2012	68535	4646	Frontier	10002005	18.76
06/12	06/14/2012	68536	167	Hach Company	10002005	733.84
06/12	06/14/2012	68537	328	Les Schwab Tire Center	10002005	682.27
06/12	06/14/2012	68538	4961	Medford Builders Exchange A, INC	10002005	61.00
06/12	06/14/2012	68539	4963	Misty Dykstra	10002005	126.81
06/12	06/14/2012	68540	433	NCL of Wisconsin	10002005	353.41
06/12	06/14/2012	68541	3159	Northcoast Health Screening	10002005	495.00
06/12	06/14/2012	68542	187	Quality Fast Lube & Oil	10002005	42.00
06/12	06/14/2012	68543	4962	Quality Inn & Suites of Coos Bay	10002005	176.32
06/12	06/14/2012	68544	207	Quill Corporation	10002005	88.99
06/12	06/14/2012	68545	4980	Sherri Doering	10002005	530.00
06/12	06/14/2012	68546	169	Waste Connections Inc	10002005	77.50
06/12	06/21/2012	68547	4797	Tony Baron	10002005	41.29
06/12	06/21/2012	68548	1233	Bart Kast Builder	10002005	1,277.00
06/12	06/21/2012	68549	2407	Blue Star Gas	10002005	2,251.96
06/12	06/21/2012	68550	4608	BMI	10002005	9,984.00
06/12	06/21/2012	68551	3622	Boardwalk Mail Services	10002005	40.30
06/12	06/21/2012	68552	3015	Charter Communications	10002005	990.00
06/12	06/21/2012	68553	3512	Richard Christensen	10002005	31.40
06/12	06/21/2012	68554	3844	Donna Colby-Hanks	10002005	115.50
06/12	06/21/2012	68555	4965	Compressed Air Specialties, INC	10002005	704.60
06/12	06/21/2012	68556	2542	Crystal Fresh Bottled Water	10002005	13.00
06/12	06/21/2012	68557	151	Curry Coastal Pilot	10002005	1,499.48
06/12	06/21/2012	68558	166	Dan's Auto & Marine Electric	10002005	21.00
06/12	06/21/2012	68559	575	Dell Marketing L.P.	10002005	1,974.26
06/12	06/21/2012	68560	1	Ron Adams & Pam Fry	10002005	73.85
06/12	06/21/2012	68561	1	Patrick Chew	10002005	79.54
06/12	06/21/2012	68562	1	Jeff Crabtree	10002005	51.00
06/12	06/21/2012	68563	1	Catherine Irish	10002005	17.03
06/12	06/21/2012	68564	1	Rossiter, Matthew	10002005	10.71
06/12	06/21/2012	68565	4966	DLT Solutions, LLC	10002005	7,520.47
06/12	06/21/2012	68566	4876	D'sineZ	10002005	400.00
06/12	06/21/2012	68567	4967	Entenmann-Rovin Co	10002005	93.36
06/12	06/21/2012	68568	3342	Fastenal	10002005	627.46
06/12	06/21/2012	68569	2186	FEI Portland Waterworks #3011	10002005	462.75
06/12	06/21/2012	68570	4646	Frontier	10002005	984.21
06/12	06/21/2012	68571	338	GC Systems Inc	10002005	476.92
06/12	06/21/2012	68572	167	Hach Company	10002005	589.08
06/12	06/21/2012	68573	3632	Harbor View Windows	10002005	95.00
06/12	06/21/2012	68574	4969	Holmes, Bryan	10002005	232.50
06/12	06/21/2012	68575	4968	KGS Northwest, LLC	10002005	920.00
06/12	06/21/2012	68576	3978	KLB Enterprises	10002005	293.90
06/12	06/21/2012	68577	4924	Kyle Electric, INC	10002005	25,733.00
06/12	06/21/2012	68578	867	Local Gov't Personnel Inst	10002005	413.00
06/12	06/21/2012	68579	3678	Kenneth Manuele	10002005	375.00
06/12	06/21/2012	68580	2940	McLennan Contractors LLC	10002005	736.10
06/12	06/21/2012	68581	4961	Medford Builders Exchange A, INC	10002005	92.00
06/12	06/21/2012	68582	283	Mufflers & More	10002005	391.00
06/12	06/21/2012	68583	4893	National Diamond Enterprises, LLC	10002005	398.00
06/12	06/21/2012	68584	433	NCL of Wisconsin	10002005	260.33
06/12	06/21/2012	68585	1573	Northwest Business Systems	10002005	70.30
06/12	06/21/2012	68586	4224	Oce Imagistics, Inc.	10002005	570.98
06/12	06/21/2012	68587	4964	Shayann Oliver	10002005	40.00
06/12	06/21/2012	68588	4633	Oregon Board of Accountancy	10002005	260.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
06/12	06/21/2012	68589	699	Oregon Dept of Transportation	10002005	1,264.11
06/12	06/21/2012	68590	4970	Outdoor Creations, INC	10002005	5,775.00
06/12	06/21/2012	68591	4784	Pacific Rim Copy Center	10002005	183.60
06/12	06/21/2012	68592	4708	Tony Parrish	10002005	47.04
06/12	06/21/2012	68593	1251	Performance Promotions	10002005	230.15
06/12	06/21/2012	68594	866	Purchase Power	10002005	1,000.00
06/12	06/21/2012	68595	322	USPS	10002005	1,152.13
06/12	06/21/2012	68596	207	Quill Corporation	10002005	675.78
06/12	06/21/2012	68597	3	Arun Kochar	10002005	498.47
06/12	06/21/2012	68598	3	Premier Property Management	10002005	327.38
06/12	06/21/2012	68599	3	Paul & Linda Salzburg	10002005	18.28
06/12	06/21/2012	68600	3	Ann Volz	10002005	32.80
06/12	06/21/2012	68601	3	Becky Watwood	10002005	71.59
06/12	06/21/2012	68602	3782	Sensus Metering Systems	10002005	146.00
06/12	06/21/2012	68603	956	Sulter's Paint & Body	10002005	246.00
06/12	06/21/2012	68604	4448	United Rentals	10002005	1,756.10
06/12	06/21/2012	68605	4971	Valley Athletics	10002005	873.00
06/12	06/21/2012	68606	108	VWR International Inc	10002005	3,709.82
06/12	06/21/2012	68607	189	Waste Connections Inc	10002005	293.38
06/12	06/21/2012	68608	670	Western Equipment Distributors	10002005	385.70
06/12	06/28/2012	68609	4801	All's Graphic Shirts & More	10002005	84.00
06/12	06/28/2012	68610	682	Al's Radio Shack	10002005	11.98
06/12	06/28/2012	68611	4828	American Press, Inc	10002005	360.00
06/12	06/28/2012	68612	2407	Blue Star Gas	10002005	1,142.11
06/12	06/28/2012	68613	588	Cardinal Services Inc	10002005	4,484.00
06/12	06/28/2012	68614	3834	Clean Sweep Janitorial Service	10002005	745.00
06/12	06/28/2012	68615	822	Coast Auto Center	10002005	32.50
06/12	06/28/2012	68616	183	Colvin Oil Company	10002005	3,770.09
06/12	06/28/2012	68617	182	Coos-Curry Electric	10002005	22,282.29
06/12	06/28/2012	68618	173	Curry Equipment Company	10002005	67.90
06/12	06/28/2012	68619	1	Danielle T. Miller	10002005	1.12
06/12	06/28/2012	68620	4646	Frontier	10002005	30.32
06/12	06/28/2012	68621	154	Hagen's Dry Cleaners	10002005	96.25
06/12	06/28/2012	68622	3632	Harbor View Windows	10002005	95.00
06/12	06/28/2012	68623	4972	Dave Lentz	10002005	982.00
06/12	06/28/2012	68624	4498	Mauldin Electric	10002005	152.50
06/12	06/28/2012	68625	1573	Northwest Business Systems	10002005	624.97
06/12	06/28/2012	68626	3561	Oil Can Henry's	10002005	176.35
06/12	06/28/2012	68627	252	Paramount Pest Control	10002005	90.00
06/12	06/28/2012	68628	3751	Proficient Automotive	10002005	212.00
06/12	06/28/2012	68629	207	Quill Corporation	10002005	699.00
06/12	06/28/2012	68630	316	South Coast Storage & Industry	10002005	150.00
06/12	06/28/2012	68631	4973	Stokes and Associates	10002005	50.00
06/12	06/28/2012	68632	4974	Trackdown Management Services	10002005	100.00
06/12	06/28/2012	68633	4975	FWW Post # 986	10002005	750.00
06/12	06/28/2012	68634	861	Village Express Mail Center	10002005	45.82
06/12	06/29/2012	68635	4976	Lana's Testing	10002005	225.00
Grand Totals:						284,623.60