

AGENDA
City of Brookings
Common Council Meeting
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon 97415
Monday, August 13, 2007, 7:00 p.m.

Beginning at 6:00pm, before the regularly scheduled Common Council Meeting, Council will meet for a **workshop** in City Hall Council Chambers to discuss **street standards**.

A meeting of the **Urban Renewal Agency** will immediately follow.

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Ceremonies/Appointments/Announcements**
 - A. Yard of the Month Program Awards
 1. Most Improved Property, 301 & 303 Alder, owner, Paul Moore [pg. 7]
 2. Brookings Hearth and Home, owner, Bob Pieper [pg. 8]
 3. Yard of the Month, 942 Timberline, owners, Mark and Linda St. James [pg. 9]
- V. Oral Requests and Communications from Audience**
 - A. Council Liaisons
 - B. Public Comments – limit to a maximum of **5 minutes per person**. A completed **public comment form**, located near the southern council door, **must be turned in to the Administrative Assistant prior to the start of the meeting**. Comments will be **restricted** to the topics indicated on the form. All remarks and questions must be addressed to **the presiding officer, only**. Comments will be **respectful**. Harsh or abusive language will not be tolerated.
- VI. Regular Agenda**
 - A. Discussion and possible award of bid to Woudstra Concrete for sidewalk replacement at Azalea Park in the amount not to exceed \$31,500. *Public Works Director John Cowan* [pg. 11]
 - B. Discussion with possible authorization to City Manager to execute a retention agreement with Beery, Elsner and Hammond, LLP, for legal services in connection with the City's exploration of the possible formation of a municipal electric utility, with a cost not to exceed \$3,600. *City Manager Gary Milliman* [pg. 19]
 - C. Report on Oregon Mayor's Association Conference. *Mayor Pat Sherman*
- VII. Consent Calendar**
 - A. Approval of Council Meeting Minutes for July 23, 2007. [pg. 27]
 - B. Acceptance of Planning Commission Minutes for June 5, 2007. [pg. 29]
 - C. Approval of vouchers for July, 2007 in the amount of \$374,643.22 [pg. 33]
- VIII. Ordinances/Resolutions/Final Orders**
 - A. Ordinances – *Senior Planner Donna Colby-Hanks*
 1. First and second reading by title only with possible adoption of Ordinance 07-O-588, an Ordinance amending Title 15, Buildings and Construction, of the Brookings Municipal Code. [Advance Packet dated 8/6/07]

2. First and second reading by title only with possible adoption of Ordinance 07-O-589, an Ordinance amending Section 10.05.030, Duties of Police Department – Trees and Fences, of the Brookings Municipal Code. [Advance Packet dated 8/6/07]
3. First and second reading by title only with possible adoption of Ordinance 07-O-590, an Ordinance amending Title 13, Public Services, of the Brookings Municipal Code. [Advance Packet dated 8/6/07]
4. First and second reading by title only with possible adoption of Ordinance 07-O-591, an Ordinance amending Brookings Municipal Code, Title 8, Health and Safety, in its entirety. [Advance Packet dated 8/6/07]
5. First and second reading by title only with possible adoption of Ordinance 07-O-592, an Ordinance amending Title 1, General Provisions of the Brookings Municipal Code. [Advance Packet dated 8/6/07]

IX. Remarks from Mayor and Councilors

- A. Mayor
- B. Councilors

X. Adjournment

**URBAN RENEWAL AGENCY
REGULAR MEETING**

To follow immediately after the Common Council Meeting

I. Call to Order

II. Roll Call

III. Minutes

- A. Approval of URA minutes for July 23, 2007. [pg. 37]

IV. Regular Agenda

- A. Consideration with possible approval of Façade Improvement Project as forwarded by the Urban Renewal Advisory Committee. *Executive Director Gary Milliman*
[Supplemental Packet]

V. Adjournment

EVENTS

August 2007

August 2007						
S	M	T	W	T	F	S
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

September 2007						
S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Monday	Tuesday	Wednesday	Thursday	Friday
		August 1	2	3
		10:00am 12:00pm CC - Site Plan Com Mtg/LauraLee Gray	9:00am 10:00am CC-Crm Stoppers	
		7:00pm 9:00pm FH-PoliceReserves	10:00am 12:00pm CC - Pre-Bid Conference	
			1:30pm 3:00pm CC - Pre-Bid Conference	
			3:00pm 4:00pm CC SafetyComMtg	
			4:00pm 5:00pm FH - Police Dispatch	
6	7	8	9	10
9:00am 10:00am CC- VIPS/Volunteers in Police Service/Marvin Parker	1:30pm 2:30pm CC - PW meeting	9:30am 10:00am CC - Traffic Safety Meeting (CC)	10:00am 11:00am CC - Helmets	2:30pm 5:00pm CC - Easy Manor Subcommittee meeting
7:00pm 10:00pm FH-FireTng/ChShrp	7:00pm 9:00pm CC-Planning Commssn	10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray	1:00pm 3:00pm CC - Water MP Workshop	
		10:00am 11:00am FH - Brookings Rural Fire Dept	3:00pm 5:00pm CC Urban Renewal Advisory Committee	
13	14	15	16	17
3:00pm 5:00pm CC - Transportation study discussion	3:00pm 4:00pm CC - Bid Openings Pump & Reservoir	10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray	10:00am 11:00am CC - Muni Court	3:00pm 5:00pm Stout Park Subcommittee
6:00pm 7:00pm CC - Workshop - Streets			1:00pm 3:00pm CC - Pelican Bay Meeting	
7:00pm 10:00pm FH-FireTng/ChShrp			7:00pm 9:00pm CEP @ K-school (Emergency preparedness)	
7:00pm 9:30pm CC-Council Mtg				
20	21	22	23	24
9:00am 10:00am CC-VIPS/Volunteers in Police Service-BPalicki	2:00pm 3:00pm FH - Bid Opening - water line	10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray	1:00pm 2:00pm CC- Homelessness	
11:00am 1:30pm Garden Club Mtg, Brookings Best Western Inn (Best	7:00pm 10:00pm CC Planning Commission meeting		7:00pm 9:00pm CC-Parks & Rec Comm/City Manager	
7:00pm 10:00pm FH-FireTng/ChShrp				
27	28	29	30	31
5:30pm 6:30pm CC- SDC Workshop	2:00pm 4:00pm CC - 911 meeting	10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray	1:00pm 3:00pm CC - Stormwater MP Workshop	
7:00pm 10:00pm FH-FireTng/ChShrp				
7:00pm 9:00pm CC-Council Mtg				

CC - Council Chambers
FH - Fire Hall
CM - City Manager's Office

8/9/2007 10:10 AM

EVENTS

September 2007

September 2007						
S	M	T	W	T	F	S
2	3	4	5	6	7	1
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

October 2007						
S	M	T	W	T	F	S
7	1	2	3	4	5	6
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Monday	Tuesday	Wednesday	Thursday	Friday
September 3	4	5	6	7
LABOR DAY - Closed 9:00am 10:00am CC- VIPS/Volunteers in Police Service/Marvin Parker 7:00pm 10:00pm FH-FireTng/ChShrp	1:30pm 3:00pm CC - LDC Committee 7:00pm 9:00pm CC-Planning Commssn	10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray 7:00pm 9:00pm FH-PoliceReserves	9:00am 10:00am CC-Crm Stoppers 3:00pm 4:00pm CC SafetyComMtg Kathy Dunn	
10	11	12	13	14
7:00pm 10:00pm FH-FireTng/ChShrp 7:00pm 9:30pm CC-Council Mtg	1:30pm 3:00pm CC - LDC Committee	9:30am 10:00am Traffic Safety Committee 10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray 10:00am 11:00am FH - Brookings Rural Fire Dept 5:00pm 8:00pm CC - Victims Impact Panel - 6pm	10:00am 11:00am CC - Muni Court 3:00pm 5:00pm CC Urban Renewal Advisory Committee	
17	18	19	20	21
9:00am 10:00am CC-VIPS/Volunteers in Police Service-BPalicki 11:00am 1:30pm Garden Club Mtg, Brookings Best Western Inn (Best Western Brookings Inn, info call 412-9 7:00pm 10:00pm FH-FireTng/ChShrp	1:30pm 3:00pm CC - LDC Committee 7:00pm 10:00pm CC Planning Commission meeting	10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray	2:00pm 4:00pm CC - CEP (Emergency preparedness)	
24	25	26	27	28
7:00pm 10:00pm FH-FireTng/ChShrp 7:00pm 9:00pm CC-Council Mtg	1:30pm 3:00pm CC - LDC Committee	10:00am 12:00pm CC- Site Plan Com Mtg/LauraLee Gray	7:00pm 9:00pm CC-Parks & Rec Comm/City Manager	

CC - Council Chambers
FH - Fire Hall
CM - City Manager's Office

8/9/2007 10:10 AM

MOST IMPROVED PROPERTY OF THE MONTH

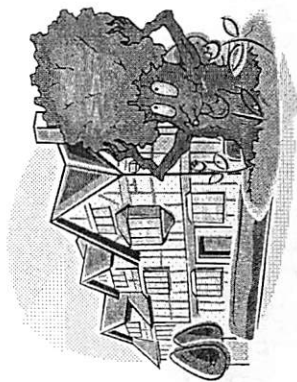
Paul Moore

301 & 303 ALDER

Location, City of Brookings

AUGUST, 2007

For Month and Year



July 27, 2007

Pat Sherman, Mayor

Date



CITY OF BROOKINGS
898 Elk Drive
Brookings, OR 97415
(541) 469-2163

Gary Milliman, City Manager

COMMERCIAL PROPERTY OF THE MONTH

BROOKINGS HEARTH & HOME

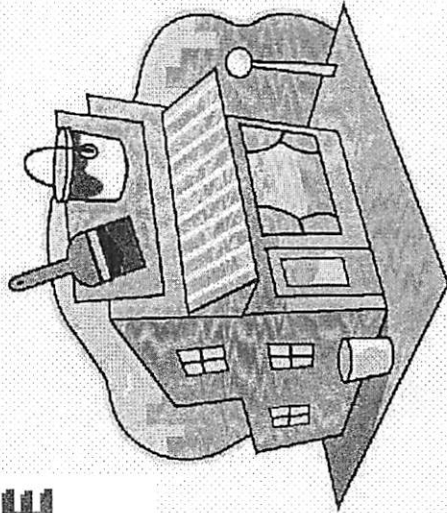
Bob, Jake and Silas Pieper, Owners

548 CHETCO AVENUE

Location, City of Brookings

AUGUST, 2007

For Month and Year



Pat Sherman, Mayor

JULY 27, 2007

Date

Gary Milliman, City Manager



CITY OF BROOKINGS
898 Elk Drive
Brookings, OR 97415
(541) 469-2163

YARD OF THE MONTH

MARK & LINDA ST. JAMES

942 TIMBERLINE

Location—Brookings, Oregon

AUGUST, 2007

For Month and Year



Pat Sherman, Mayor

July 27, 2007

Date



**City of Brookings
898 Elk Drive
Brookings, OR 97415
(541) 469-2163**

Gary Milliman, City Manager



COUNCIL AGENDA REPORT

To: Mayor & City Council
From: John Cowan
Date: August 6, 2007
Re: Sidewalk Replacement Contract at Azalea Park

Subject:

Sidewalk Replacement Contract at Azalea Park.

Recommendation:

Award bid to Woudstra Concrete for replacement of sidewalks at Azalea Park in an amount not to exceed \$31,500.

Background /Discussion:

Two years ago during a walk thru of Azalea Park by the city's insurance carrier, County City Insurance Services (CCIS), Lisa Jacobsen CCIS Representative, noted the dilapidated condition of the existing asphalt paths throughout the park. In a report to the city, CCIS recommended replacement of these paths to limit the city's exposure to possible liability due to the poor condition of the paths and related trip hazards. Since that recommendation we have been allocating funds to the park reserve fund for replacement of the paths with a five foot, exposed aggregate finished sidewalk.


Currently we have \$31,500 earmarked for the sidewalk replacement. The sidewalk would be replaced around the Kid Town restrooms, from Kid Town restrooms along Kid Town fence to Lundeen Lane parking area, from the restrooms to the beach volleyball court area in a new alignment away from the large tree roots which are now a problem, from the beach volleyball courts to the bandshell and behind the bandshell to the snack shack. This sidewalk would allow concert goers the ability to go to the snack shack and restrooms behind the performers, currently you have to cross in front of the stage area.

We have solicited bids from three local contractors: Ron Bodman Construction @\$34,100; GLC Concrete Construction Inc. @\$40,975.00; and Woudstra Concrete Finishers @\$31,460.

Financial Impact(s):

\$31,500, currently approved for this project through the budgeting process.

City Manager Review and Approval for placement on Council Agenda:



Gary Milliman, City Manager

AZALEA PARK SIDEWALK REPLACEMENT BID SPECIFICATIONS

Due Date: August 7, 2008

Description: The City of Brookings is seeking quotations from qualified professionals for replacement of sidewalks in Azalea Park. Quotation to include costs of excavation of existing sidewalk and sod, all clearing, grubbing and site preparation necessary to install sidewalk, concrete, rebar, forms, placement, compaction and labor. Requirements will be to furnish all materials and labor to form, place and finish approximately 1300 lineal feet, 6500 square feet of sidewalk with exposed aggregate surface. Sidewalks to be five feet in width, 3½ inch concrete thickness on compacted four-inch crushed gravel base (¾" crushed quarry rock), 6 sack concrete mix with #3 rebar on both edges, approximately 2600 lineal feet. Expansion joints to be cut in every 100 feet and troweled joints every five feet in sidewalks. One year warranty on all work required, excluding minor cracks in concrete, all work will be protected from vandalism while cement is wet. The quote will have the total project cost and the cost per lineal foot of the sidewalk. All work to meet or exceed City standards for construction of public sidewalks.

The price will not include: fill, haul-off, plumbing, electrical, conduits, landscaping, sealing and drainage pipes. The City of Brookings will supply the gravel for the base at the location, the city will not place and compact the gravel in the forms. City to provide all water, site in park for debris storage and debris disposal.

Submission Info: Two (2) copies of the quotation must be signed, sealed and delivered by August 7, 2007 to:

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

Quotations should be marked: **Azalea Park Sidewalk Replacement Quotation**

An official authorized to bind the contractor to its provisions must sign the quotation. Unless otherwise specified the quotation must remain valid for 60 days.

FROM



Proposal

Date 8-3-07

DECORATIVE CONCRETE - WATERFEATURES

(541) 469-6550 • OR LIC #55899

P.O. Box 7947 • Brookings, Oregon 97415

Proposal Submitted To

Work To Be Performed At

Name CITY OF BROOKINGS - PUBLIC WORKS
 Street 898 ELK DRIVE
 City BROOKINGS
 State OR
 Telephone Number _____

Street AZALEA PARK SIDEWALK REPLACEMENT
 City BROOKINGS State OR
 Date of Plans _____
 Architect _____

We hereby propose to furnish all the materials and perform all the labor necessary for the completion of

FORM, GRADE, POUR & FINISH CONCRETE SIDEWALKS

CONCRETE TO BE: 5' WIDE, MIN. 3 1/2" THICK, 6 SACK, ON COMPACT BASE,
#3 REBAR ON EDGES, EXPOSED AGGREGATE FINISH

PRICE INCLUDES: BOBCAT - EXCAVATION, CONCRETE, FORMS, REBAR & LABOR FOR ABOVEPRICE DOES NOT INCLUDE: FILL, HAUL-OFF, PAVING, ELECTRICAL, CONDUITS, LANDSCAPING, SEPRICES1) NEW SIDEWALKS = \$24.20 / LIN. FT (#4.84/ft) x 1300 L.FT. (6500#) = \$31,460.00

2) TEAR-OUT OLD CONCRETE KID TOWN AREA (NO HAUL-OFF INCLUDED)
APPROX. 1500# x \$2.50/ft = \$3,750.00

TOTAL OPTIONS 1) & 2) = \$35,210.00

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of:

#1 & #2 THIRTY FIVE THOUSAND TWO HUNDRED TEN + NO/100 Dollars (\$ _____).

With payments to be made as follows:

ACTUAL FINISHED CONCRETE AT ABOVE RATES TO BE BILLED ON 15TH & 30TH
OF MONTH.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by BANCORP.

Respectfully submitted:

Mike WoudstraPer WOUDSTRA CONCRETE FINISHERSNote — This proposal may be withdrawn by us if not accepted within 60 days.**ACCEPTANCE OF PROPOSAL**

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Accepted _____ Signature _____

Date _____ Signature _____

GLC Concrete Construction, Inc.

P.O. Box 5209
Brookings, OR 97415
CCB# 163276

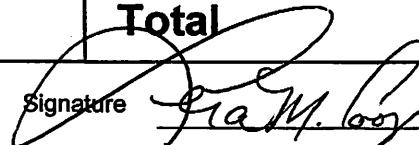
Estimate

Date	Estimate #
8/1/2007	2007-181

Name / Address
City of Brookings (c) Public Works Department 898 Elk Drive Brookings, Or 97415 Azalea park Side Walk Replacement

		P.O. No.	Project	
		az07		
Item	Description	Qty	Rate	Total
CONCRETE	CITY SIDEWALKS REPLACEMENT, AZALEA PARK, 6500 square feet of sidewalks to bandshell, AS SPECIFIED.1300 lineal feet. GLC will furnish all materials and labor to form, place and finish exposed aggregate concrete walks. Side walks to be five feet in width, 3 1/2" concrete on compacted four inch gravel base (3/4" crushed quarry supplied by city.) Concrete will be 6 sac concrete mix with #3 rebar on both edges. Expansion joints to be cut in every 100 feet and troweled joints every five feet in sidewalks.	1,300	24.00	31,200.00
EXCAVATION	EXCAVATION Sod removal, excavate existing sidewalks, all clearing grubbing and site prep necessary to install sidewalk.		9,775.00	9,775.00
Azalea Park sidewalk Replacement Quotation		Total		

Signature



GLC Concrete Construction, Inc.

P.O. Box 5209
Brookings, OR 97415
CCB# 163276

Estimate

Date	Estimate #
8/1/2007	2007-181

Name / Address
City of Brookings (c) Public Works Department 898 Elk Drive Brookings, Or 97415 Azalea park Side Walk Replacement

P.O. No.	Project
az side walks	

Item	Description	Qty	Rate	Total
	<p>All work will meet or exceed code, and or city standards. Work shall be performed by GLC or its representatives. All work not expressly described above will require a signed change order and payment before work commences on change order. GLC will not be held responsible for any existing soil conditions that may effect size of sidewalk. Concrete cracks, concrete is exposed to the elements year round and are subject to wear and tear from weather. Cracks are to be expected due to curing, expansion and contraction. GLC will place control joints as specified to discourage concrete from cracking, but cannot warranty against it. Side walk back fill where needed is not included in this price and will require a change order. GLC will warranty work for one year from date of finish. On exposed aggregate finish it recommended by Portland Cement to seal surface this could be accomplished with a change order upon the request of the city.</p> <p>Please return a signed copy of agreement upon acceptance. All payments are due net 10 days. Any overdue payments may be subject to finance and interest charges.</p> <p>This price is good for 60 days from 8/7/07</p>		0.00	
Azalea Park sidewalk Replacement Quotation			Total	\$40,975.00

Signature _____

Proposal

Page No.

of

Pages

RON BODMAN CONSTRUCTION14696 Itzen Drive
BROOKINGS, OREGON 97415
(503) 469-6764

PROPOSAL SUBMITTED TO

CITY of BROOKINGS

PHONE

DATE

7-22-07

STREET

898 ECK DR

JOB NAME

AZ PARK SIDEWALKS

CITY, STATE and ZIP CODE

BKGS OR 97415

JOB LOCATION

AZ PARK

ARCHITECT

DATE OF PLANS

JOB PHONE

We ~~Propose~~ hereby to furnish material and labor — complete in accordance with specifications below, for the sum of:

Payment to be made as follows:

Upon Completion

dollars (\$ 34,100.-).

Thirty four Thousand one hundred dollars

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized
SignatureNote: This proposal may be
withdrawn by us if not accepted within

60

days.

We hereby submit specifications and estimates for:

AZALEA Park sidewalk Replacement
as per your specifications Dated
August 2 - 2008. Copy ATTACHED.

Total Price \$34,100.-

Square Foot Price \$5.25

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance:

Signature

Signature



COUNCIL AGENDA REPORT

To: Mayor & City Council

From: City Manager

Date: July 27, 2007

Subject: Legal Services for Electric Utility Exploration

Recommendation:

Authorize City Manager to execute retention agreement with the firm of Beery, Elsner and Hammond, LLP, for legal services in connection with the City's exploration of the possible formation of a municipal electric utility, with a cost not to exceed \$3,600.

Background /Discussion:

Following a City Council Workshop on the possible formation of a municipal electric utility held on July 26, the Mayor directed the City Manager to proceed with placing an item on the agenda for retention of legal services to assist the City in exploring this matter. The City Manager contacted two law firms who are experienced in this area of law, and recommended that the City retain the firm of Beery, Elsner and Hammond, LLP, at a rate of \$180 hourly, with a total fee not to exceed \$3,600. The work will be performed by John "Jack" Hammond, a principal in the firm who has advised other municipal clients in the formation of municipal eclectic utilities. Services will include an analysis of the City's standing with respect to separating its territory from the Coos Curry Electric Cooperative, how to secure access to CCEC documents that are essential to the management analysis of feasibility, and charting a legal path for the formation of a municipal electric utility and separating the City from CCBC.

At the July 26 workshop, Mayor Sherman made a series of presentations concerning her preliminary research into the formation of a municipal electric utility and the potential business and economic benefits to the City and citizens of Brookings. Administrative Services Director Paul Hughes also presented a report on his review of the CCEC audited financial statements with a preliminary estimate of net operating income.

Benefits of forming a municipal electric utility identified at the workshop include:

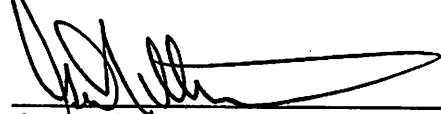
- The potential for lowering electric utility rates for residents and businesses within the City of Brookings.
- Access to additional revenue which could be directed to the City's General Fund.
- The potential for lowering the City's electric utility costs.
- Enhancing the City's economic development position by having a potentially lower and more competitive electric rate structure.
- Improving responsiveness to Brookings electric service concerns.

This is a significant undertaking that may take several years to complete. At the workshop, City Council Members indicated a desire to take an incremental approach to exploring the feasibility of creating a municipal electric utility by first exploring the legal challenges and charting a methodical course of action. The City is authorized by Charter and State Law to form and operate a municipal electric utility in much the same manner that it operates a water utility. There are a number of legal issues which need to be examined, and the City will need to obtain access to certain financial, planning and management records of CCEC in order to adequately assess the feasibility of creating a municipal electric utility.

Financial Impact(s):

Funds are available in the legal services budget of the General Fund. Any legal service costs for this project beyond this initial work will require an additional appropriation.

City Manager Review and Approval for placement on Council Agenda:



Gary Milliman City Manager

CITY OF BROOKINGS
BEERY ELSNER & HAMMOND, LLP
PERSONAL SERVICES AGREEMENT

This Contract is made and entered into effective the ____ day of July, 2007, by and between the City of Brookings, a municipal corporation in the State of Oregon ("CITY"), and Beery Elsner & Hammond, LLP ("ATTORNEY").

WHEREAS, CITY has need for legal services with the particular training, ability, knowledge, and experience possessed by ATTORNEY; and

WHEREAS, CITY has determined that ATTORNEY is qualified and capable of performing the professional services as CITY hereinafter requires, under the terms and conditions set forth below

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Term

The term of this Contract shall become effective on the date above and will continue until terminated by CITY or ATTORNEY consistent with the provisions of Section 11 of this Agreement.

2. Services

ATTORNEY shall provide general and specialized legal services to CITY as the same may be requested by the CITY. The scope of services shall include 1) determine if the City has the legal authority to exclude and eject Coos-Curry Electric Cooperative (CCEC) pursuant to statutory authority under ORS 221.420(2) or by alternative means, 2) an analysis of any territorial allocations of the OPUC of service territory within the City to CCEC, 3) preparation of a preliminary outline of legal steps necessary, including general time lines and legal costs, for the separation of CITY from CCEC and formation of a municipal electric utility, 4) preliminary identification of additional legal issues which will need to be resolved prior to proceeding, 5) legal advice on securing access to CCEC books and records necessary for a management analysis of the feasibility of forming a municipal electric utility. The price for these services shall not exceed \$3,600.

3. Attorney Identification

ATTORNEY employer identification number is 93-1234801, as designated by the Internal Revenue Service.

4. Compensation

A. Payment will be made to ATTORNEY for services identified based upon a detailed monthly billing showing work performed. Payment will be made within thirty (30) days of CITY's receipt of the detailed monthly billing from ATTORNEY.

B. Current hourly rates are:

▪ Partners	\$180.00 per hour
▪ Of Counsel	\$160.00 per hour
▪ Associates	\$150.00 per hour
▪ Paralegal	\$ 95.00 per hour
▪ Legal Assistants	\$ 75.00 per hour

C. Costs. CITY shall reimburse ATTORNEY for out-of-pocket expenses at ATTORNEY'S direct cost without additional markup.

5. Project Managers

CITY'S Project Manager is Gary Milliman, and Lead Attorney will be John H. Hammond. Each party shall give the other written notification of any change.

6. Project Information

ATTORNEY agrees to share all project information, to fully cooperate with all corporations, firms, contractors, governmental entities, and persons involved in or associated with matters assigned to ATTORNEY. No information, news, or press releases shall be made to representatives of newspapers, magazines, television and radio stations, or any other news medium without the prior written or oral authorization of the CITY's Project Manager.

7. Indemnity and Insurance

A. Indemnity: ATTORNEY acknowledges responsibility for any and all liability arising out of its performance under the terms of this Agreement and shall hold CITY harmless from, defend and indemnify CITY as against any and all liability, settlements, loss, costs and expenses in connection with any action, suit or claim resulting or allegedly resulting from Attorney's acts, omissions, activities or services in the course of performing this contract.

B. Liability Insurance: ATTORNEY shall maintain professional liability insurance insuring ATTORNEY against errors or omissions in the amount and on the conditions required by the Professional Liability Fund of the Oregon State Bar.

8. Law of Oregon

The contract shall be governed by the laws of the State of Oregon. Venue shall be in the Circuit Court, Curry County, Oregon.

9. Successors and Assignments

A. ATTORNEY shall not assign any of its obligations hereunder without the prior consent of CITY.

B. In the event the ATTORNEY assigns, transfers or subcontracts any of the work contemplated or necessitated by the terms of this contract to some third party, ATTORNEY will ensure that said third party is made subject to all the terms and conditions of this Agreement.

10. Records

A. ATTORNEY shall retain all books, documents, papers, and records that are directly pertinent to this Agreement and any work done under its term for at least three (3) years.

B. ATTORNEY shall allow the CITY, or any of its authorized representatives, to audit, examine, copy, take excerpts from, or transcribe any books, documents, papers, or records that are subject to the foregoing retention requirement.

11. Termination for Convenience

A. The CITY may terminate all or part of this Agreement at any time for its own convenience by written notice to ATTORNEY. Upon termination under this paragraph, ATTORNEY shall be entitled to compensation for all services rendered prior to ATTORNEY'S actual notice of the termination or the receipt of the CITY's written notice of termination, whichever is earlier, plus ATTORNEY'S reasonable costs actually incurred in closing out the contract.

B. In the event, ATTORNEY terminates this Agreement, it may do so with or without cause but shall give not less than sixty (60) days written notice of its intent to do so to the CITY.

12. Payment of Claims by the CITY

If ATTORNEY fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to ATTORNEY or a subcontractor by any person in connection with this contract as the claim becomes due, the CITY may pay the claim to the person furnishing the labor or services and charge the amount of the payment against funds due or to become due to ATTORNEY pursuant to this contract. The CITY's payment of a claim under this Paragraph shall not relieve ATTORNEY or Attorney's surety, if any, from responsibility for those claims.

13. Modification

Any modification of the provisions of this contract shall be reduced to writing and signed by the parties.

14. No Waiver of Legal Rights

A waiver by a party of any breach by the other shall not be deemed to be a waiver of any subsequent breach.

CITY OF BROOKINGS

BEERY, ELSNER & HAMMOND, LLP

By: _____

By: _____

Title: _____

Title: _____

Date: _____

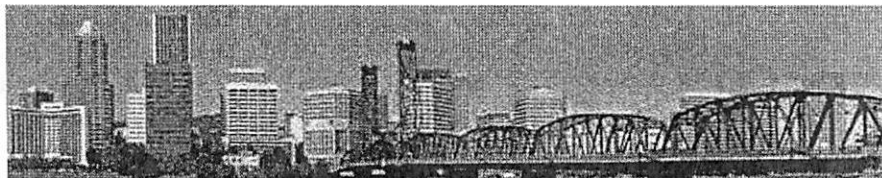
Date: _____

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BEERY, ELSNER & HAMMOND, LLP

ATTORNEYS AT LAW

Exclusively serving local governments



Our Firm

Practice Areas

Team

Publications

Suite 380

1750 SW Harbor Way
Portland, Oregon 97201

503.226.7191 (phone)
503.226.2348 (facsimile)

Welcome to the web site for Beery, Elsner & Hammond, LLP. We are a small specialized law firm representing only local governments. The firm is the partnership of Pamela Beery, Paul Elsner, and recently, John H. "Jack" Hammond, all of whom have spent their careers in public service. Pam, Paul and Jack are joined by a team of quality lawyers, paralegals, and legal assistants who ensure responsive, cost-effective service to our valued clients.

Our mission is to provide excellent, quality legal services to government at a reasonable cost, and completely free of conflicts of interest. We serve as both general counsel and special counsel, allowing our clients to select the full range of service or only those specialized services where outsourcing makes sense to make the best use of legal-service dollars.

One of the unique characteristics of the firm's practice is that we have succeeded in limiting our practice exclusively to the representation of local governments, and believe this to be one of the most important strengths we can offer to our clients. In the rare circumstance when one local government client's interests are adverse to another, we strictly follow the rules of professional responsibility for lawyers to assure that every client receives full and competent representation.

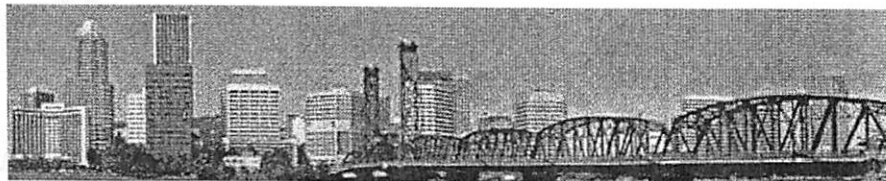
We are not aware of any other firm in Oregon that limits its representation the way we do with the pure objective of avoiding conflicts of interest.

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**BEERY, ELSNER &
HAMMOND, LLP**
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Portland, Oregon
97201
503.226.7191 (phone)
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Practice Areas

Attorney

By

Beery, Elsner & Hammond, LLP has established itself as a firm with broad experience in most key areas of law related to local government. All of the lawyers at Beery, Elsner & Hammond have dedicated their professional careers to the practice of local government law in Oregon, and have served both in in-house capacities and as outside counsel to a wide variety of municipal and other governmental clients.

Following is a short description of the practice areas in which the eight lawyers and three support staff at team at Beery, Elsner & Hammond engage in and have experience with:

- **General Municipal Law** including ordinance drafting and interpretation, public records and public meetings issues, intergovernmental co-operation and agreements, contract review, liability-related matters including civil rights issues, code enforcement, public contracting issues, and elections law.
- **Land Use, Development Review & Urban Renewal**
- **Condemnation and Eminent Domain**
- **Telecommunications Law and Utility Franchising**
- **Infrastructure Financing** (Local Improvement Districts and Reimbursement Districts)
- **Personnel Matters, Employment Law & Collective Bargaining Issues**
- **Municipal Governance** (Charter preparation and review)

The lawyers and staff at Beery, Elsner & Hammond find satisfaction in doing what we do. We are intent at making sure our local government clients are given a level of service tailored to their needs, useful to them, timely given and cost-effective. We have and will work with other lawyers, municipal and otherwise, to ensure the legal services provided are the best available.

We have established relationships with a wide variety of other professionals, including consulting engineers, planners, appraisers, auditors, financial analysts, human resource professionals and the like, together with whom we can deliver the full complement of services needed to address any municipal concern.

MINUTES

City of Brookings

Common Council Meeting

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

Monday, July 23, 2007

Council met at **5:30pm**, before the regularly scheduled Council Meeting, for a **work session** discussion regarding the methodology to be used for funding donation requests from community organizations.

Call to Order

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

Roll Call

Council Present: Mayor Pat Sherman, Council President Larry Anderson, Councilors Dave Gordon, Ron Hedenskog and Jan Willms; a quorum present.

Staff Present: City Manager Gary Milliman, Administrative Services Director Paul Hughes, Public Works Director John Cowan, Administrative Assistant Joyce Heffington.

Media: Curry Pilot reporter, Tom Hubka

Other: Approximately 3 public

Council Liaisons

Councilor Gordon attended meetings of the Curry County Commission on Children & Families, Curry County Drug Free Coalition, and South West Advisory Committee on Transportation.

Councilor Hedenskog attended a Port Commission meeting and a Harbor Hills Master Planning town hall meeting.

Mayor Sherman attended meetings of the Brookings Harbor Education Foundation, Azalea Park Foundation, Small Cities, South Coast Advisory Committee, a Homeless meeting, and participated in Relay 4 Life judging and opening ceremonies.

Councilor Anderson attended one Brookings Harbor High School Board meeting and participated in the Chetco River Check-up.

Councilor Willms attended meetings of the Brookings Harbor Education Foundation and the Urban Renewal Advisory Committee, and worked with members of the Easy Manor Subcommittee on plans for a social event to help generate interest in new playground equipment for Easy Manor Park.

Regular Agenda

City Manager Milliman requested the item involving discussion and possible award of the bid to Woudstra Concrete for sidewalk replacement at Azalea Park be removed from the agenda. Milliman stated that there were inconsistencies in the bids received resulting in part from a need for better specifications in the request for proposals.

Councilor Anderson moved, a second followed and Council voted unanimously to reject all bids and direct staff to develop specifications and re-bid the project.

Mayor Sherman asked for a motion to add to the agenda Bob Pirih's resignation from the Budget Committee.

Councilor Gordon moved, a second followed and Council voted unanimously to add Pirih's resignation to the agenda.

Mayor Sherman asked for a motion to accept Bob Pirih's resignation.

Councilor Gordon moved, a second followed and Council voted unanimously to accept Pirih's resignation and direct staff to advertise the vacancy.

Consent Calendar

Approval of Council Meeting Minutes for July 9, 2007.

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

Resolutions

Administrative Services Director Hughes reviewed the staff recommendation to dispose of certain property as surplus.

Councilor Hedenskog moved, a second followed, and Council voted unanimously to adopt Resolution 07-R-776 declaring certain city property as surplus and authorizing the disposal of such property.

Adjournment

Councilor Gordon moved, a second followed, and Council voted unanimously by voice vote to adjourn at 7:18pm.

A meeting of the Urban Renewal Agency immediately followed.

Respectfully submitted:

ATTEST by City Recorder
this ____ day of _____, 2007:

Pat Sherman
Mayor

Paul Hughes
Administrative Services Director/City Recorder

MINUTES
BROOKINGS PLANNING COMMISSION
June 5, 2007

The regular meeting of the Brookings Planning Commission was called to order by Chair Markham at 7:00 in the Council Chambers at the Brookings City Hall on the above date with the following Commission members and staff in attendance.

Commissioners Present:

Steve Bismarck Julianne Leighton
Bill Dundom Hedda Markham
Randy Gorman

Commissioners Absent: Bruce Nishioka and Richard Yock

Staff Present:

Dianne Morris, Planning Director, Donna Colby-Hanks, Senior Planner, and Cathie Mahon, Secretary.

Other: Approximately 8 participants in the audience

CHAIR ANNOUNCEMENTS

None.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 5-0 vote (Motion: Commissioner Gorman) the Planning Commission approved File No. **M3-4-07**, an application for a minor partition to divide a 0.32 acre parcel into two (2) parcels; located at 17352 Blueberry Drive; Assessor's Map 40-14-25CC, Tax Lot 3100; R-1-6 (Single Family Residential, 6,000 sq.ft. minimum lot size) zone; Michael Woudstra.

Commissioners Dundom, Leighton, and Markham declared ex parte due to a site visit. There was no challenge from the audience as to the jurisdiction of the Commission to hear the request.

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

The action was taken following questions and comments regarding the request from the following:

Mike Woudstra, applicant, 17352 Blueberry Drive Brookings, OR

The applicant was reminded one of the conditions of approval was to complete a DIA (Deferred Improvement Agreement), "for future street improvements along the frontage of the subject property on Blueberry Drive."

2. By a 5-0 vote (Motion: Commissioner Markham) the Planning Commission approved the Final ORDER and Findings of Fact for File No. **M3-4-07**.

3. By a 5-0 vote (Motion: Commissioner Bismarck) the Planning Commission approved File No. **M3-5-07**, a minor partition to divide a 1.09 acre parcel into two (2) parcels; located at 723 Old County Road; Assessor's Map 41-13-05BB, Tax Lot 2200; R-2 (Two-family Residential) zone; Samuel Dotson, applicant.

The applicant was reminded one of the conditions of approval was to complete a DIA (Deferred Improvement Agreement), "for future street improvements on the frontage of Old County Road including paving, gutter, sidewalk, and storm drainage."

4. By a 5-0 vote (Motion: Commissioner Markham) the Planning Commission approved the Final ORDER and Findings of Fact for File No. **M3-5-07**.

Commissioners Dundon and Markham declared ex parte due to a site visit. There was no challenge from the audience as to the jurisdiction of the Commission to hear the request.

The action was taken following questions and comments regarding the request from the following:

Sam Dotson

723 Old County Road

Brookings, OR

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

The applicant was reminded one of the conditions of approval was to complete a DIA (Deferred Improvement Agreement), specifically "for future street improvements on the frontage of Old County Road, including paving, curb, gutter, sidewalks, and storm drainage.

COUNTY REFERRELS

1. By a 5-0 vote (Motion Commissioner Dundon) the Planning Commission will send a favorable recommendation for File No. **CR-P-0703**, a request to partition a 1.59 acre parcel to create three parcels; located at 16629 Foster Road; Assessor's Map 41-13-05AA, Tax Lot 701; R-2 (County Residential) zone; Dwight Banoak, Trustee and representative for the Jane Simmons Trust, property owner.

The Commission approved the following recommended conditions be forwarded to the County:

1. That a note be placed on the plat stating a site specific geologic report will be required prior to any development on Parcel 1 and 2.
2. That the parcels are configured so the driveways are 50 feet apart.

MINUTES

By a 5-0 vote (motion: Commissioner Markham) the Planning Commission approved the minutes of May 1, 2007.

COMMENTS by the PLANNING STAFF

Planning Director Morris updated the commission:

- The second meeting for the month is cancelled
- Reminder the next meeting is scheduled for July 10th, but do not currently have anything definite for the agenda.

- The *Pacific Terrace* appeal to LUBA (File No. **APP-5-06** and **APP-5-06**) was dismissed after resolution with attorneys from all parties involved. The issues with the water tank and landscaping were settled. Further review by City Council is not necessary.
- Commissioner Dundom had discussed concerns about truck/commercial parking on both sides of Railroad, and Center Street. Morris reported the concerns were forwarded to Public Works Director Cowan who was scheduled to present the issue to City Council.
- Commissioner Markham discussed an issue with the pile of dirt on King Street. Report from Public Works is that the gutter has been cleaned out so the dirt is currently not accumulating.

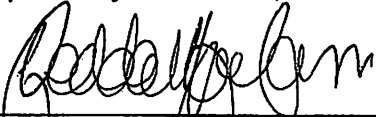
COMMISSIONERS COMMENTS

- Commissioner Dundom had questions about engineering reviews required by the City.
- Commissioner Bismarck asked if Chapter 172 had been approved by City Council.
- Morris reported Chapter 17.172-Land Divisions and Chapter 17.112-Rear Lot Development went before Council on May 29th. The Council requested language revisions. The revisions are scheduled for review at their June 11th meeting. Also on the agenda is a request for an *extension of time* for Chapters 17.168-Public Improvements, 17.170-Street Standards, 17.171-Neighborhood Circulation Plan, and 17.172-Land Divisions.
- Commissioner Markham expressed her concern for the house on Hemlock Street.

ADJOURNMENT:

With no further business before the Planning Commission, the meeting closed at 7:55 p.m.

Respectfully submitted,



Hedda Markham, Chair
(approved at 8-7-07 meeting)

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07/07	07/05/2007	57491	2468	Cliff Weeks	10-00-2005	120.00
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07/07	07/05/2007	57493	3927	Deborah Loeffelholz	10-00-2005	22.78
07/07	07/05/2007	57494	2827	Dianne Morris	10-00-2005	210.00
07/07	07/05/2007	57495	316	Donald & Roberta Chandler	10-00-2005	548.00
07/07	07/05/2007	57496	3342	Fastenal	10-00-2005	692.58
07/07	07/05/2007	57497	3639	Gleaves Swearingen	10-00-2005	993.72
07/07	07/05/2007	57498	2109	Granite Construction Co.	10-00-2005	859.23
07/07	07/05/2007	57499	1413	Graybar Electric	10-00-2005	167.66
07/07	07/05/2007	57500	167	Hach Company	10-00-2005	50.55
07/07	07/05/2007	57501	3632	Harbor View Windows	10-00-2005	356.00
07/07	07/05/2007	57502	1082	Hilary Thompson	10-00-2005	16.68
07/07	07/05/2007	57503	3930	Hilton Portland & Exec Tower	10-00-2005	441.00
07/07	07/05/2007	57504	3658	John Williams Construction	10-00-2005	21,519.65
07/07	07/05/2007	57505		Information Only Check	10-00-2005	.00 V
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07/07	07/05/2007	57516	809	OCZMA	10-00-2005	33.00
07/07	07/05/2007	57517	572	OMFOA	10-00-2005	170.00
07/07	07/05/2007	57518	449	Oregon Mayors Association	10-00-2005	261.00
07/07	07/05/2007	57519	3845	Pacific Property Partners	10-00-2005	33.73
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07/07	07/05/2007	57528	1081	Sam Vahey	10-00-2005	57.45
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07/07	07/05/2007	57533	142	Tidewater Contractors Inc	10-00-2005	1,280.00
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07/07	07/05/2007	57536	3912	Woodburn Police Department	10-00-2005	650.00
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07/07	07/05/2007	57539	370	CCIS	10-00-2005	103,477.48

M = Manual Check, V = Void Check

Check Register - Summary
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07/07	07/06/2007	57543	3433	OR Teamster Employers Trust	10-00-2005	17,724.72
07/07	07/06/2007	57544	214	Regence Life & Health Ins	10-00-2005	211.50
07/07	07/06/2007	57545	213	Teamsters Local Union 223	10-00-2005	720.00
07/07	07/06/2007	57546	3404	Teamsters Local Union 223	10-00-2005	937.00
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07/07	07/10/2007	57548	3581	ALSCO	10-00-2005	128.25
07/07	07/10/2007	57549	138	Becco, Inc	10-00-2005	57.90
07/07	07/10/2007	57550	2407	Blue Star Gas	10-00-2005	1,167.48
07/07	07/10/2007	57551	276	Brookings Harbor Medical Ctr	10-00-2005	20.00
07/07	07/10/2007	57552	528	Caselle, Inc	10-00-2005	1,993.00
07/07	07/10/2007	57553	178	Chetco Pharmacy & Gift	10-00-2005	7.25
07/07	07/10/2007	57554	3834	Clean Sweep Janitorial Service	10-00-2005	700.00
07/07	07/10/2007	57555	822	Coast Auto Center	10-00-2005	66.30
07/07	07/10/2007	57556	183	Colvin Oil Company	10-00-2005	5,806.07
07/07	07/10/2007	57557	182	Coos-Curry Electric	10-00-2005	1,589.60
07/07	07/10/2007	57558	2542	Crystal Fresh Bottled Water	10-00-2005	130.00
07/07	07/10/2007	57559	151	Curry Coastal Pilot	10-00-2005	119.02
07/07	07/10/2007	57560	173	Curry Equipment Company	10-00-2005	89.25
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07/07	07/10/2007	57562	3794	Cyalume Technologies Inc	10-00-2005	45.22
07/07	07/10/2007	57563	798	Dan Palicki	10-00-2005	578.07
07/07	07/10/2007	57564		Information Only Check	10-00-2005	.00 V
07/07	07/10/2007	57565		Information Only Check	10-00-2005	.00 V
07/07	07/10/2007	57566	166	Dan's Auto & Marine Electric	10-00-2005	552.96
07/07	07/10/2007	57567	259	Da-Tone Rock Products	10-00-2005	1,927.06
07/07	07/10/2007	57568	3932	Ellie Angrove	10-00-2005	13.15
07/07	07/10/2007	57569	2882	Globalstar USA	10-00-2005	72.99
07/07	07/10/2007	57570	269	Grainger	10-00-2005	238.47
07/07	07/10/2007	57571	198	Grants Pass Water Lab	10-00-2005	177.25
07/07	07/10/2007	57572	3571	Jan Willms	10-00-2005	27.16
07/07	07/10/2007	57573	2052	Les Brown Towing	10-00-2005	75.00
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07/07	07/10/2007	57578	809	OCZMA	10-00-2005	500.00
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07/07	07/10/2007	57580	177	Oregon Medical Laboratories	10-00-2005	187.50
07/07	07/10/2007	57581	859	Paul Conway Shields	10-00-2005	68.50
07/07	07/10/2007	57582	617	Printing Arts, Inc	10-00-2005	612.00
07/07	07/10/2007	57583	1193	PRN Data Services, Inc	10-00-2005	2,661.00
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07/07	07/10/2007	57585	180	Ray's Food Place	10-00-2005	113.80
07/07	07/10/2007	57586	169	Roto Rooter	10-00-2005	51,996.69
07/07	07/10/2007	57587	179	Trew, Cyphers & Meynink	10-00-2005	2,881.00
07/07	07/10/2007	57588	991	Verizon Northwest	10-00-2005	523.73
07/07	07/10/2007	57589	963	Randy J Gorman Inc	10-00-2005	2,460.00
07/07	07/13/2007	57590	317	DCBS - Fiscal Services	10-00-2005	900.56
07/07	07/24/2007	57591	1881	AFLAC	10-00-2005	303.04
07/07	07/25/2007	57592	145	EBS Trust	10-00-2005	39.60
07/07	07/25/2007	57593	144	OR Teamster Employers Trust	10-00-2005	14,926.08
07/07	07/25/2007	57594	189	OR Teamster Employers Trust	10-00-2005	13,993.20
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M = Manual Check, V = Void Check

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Totals:						<u>374,643.22</u>

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

MINUTES
URBAN RENEWAL AGENCY
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
Monday, July 23, 2007

Call to Order

Chair Sherman called the meeting to order at 7:18pm.

Roll Call

Present were Chair Pat Sherman, Directors Larry Anderson, Ron Hedenskog, Dave Gordon and Jan Willms; a quorum present. *Also present* were Executive Director Gary Milliman, Public Works Director John Cowan, Administrative Services Director Paul Hughes, Administrative Assistant Joyce Heffington, Curry Pilot reporter Tom Hubka, and approximately 2 public.

Minutes

A. Approval of URA minutes for June 25th, 2007.

B. Acceptance of Urban Renewal Advisory Committee (URAC) minutes for June 14, 2007.

Director Willms moved, a second followed and the Agency voted unanimously to approve Agency minutes for June 25th, 2007 and accept Urban Renewal Advisory Committee minutes for June 14, 2007.

Regular Agenda

Executive Director Milliman reviewed three Façade Improvement Projects approved for funding by the Urban Renewal Advisory Committee (URAC). URAC Chair, Pete Chasar, offered clarifying comments.

Director Hedenskog moved, a second followed and the Agency voted unanimously to approve the Façade Improvement Project matching grant for 549 Chetco Avenue [in the amount of \$19,100].

Director Anderson moved, a second followed and the Agency voted unanimously to approve the Urban Renewal [Façade Improvement Project matching grant in the amount of \$17,500] request at 604 Railroad.

Director Gordon moved, a second followed and the Agency voted unanimously to approve the Façade Improvement Project [matching grant in the amount] of \$17,910.50 for the 620 Hemlock Street building.

Adjournment

Director Gordon moved, a second followed, and the Agency voted unanimously by voice vote to adjourn at 7:33pm.

Respectfully submitted:

ATTEST by City Recorder
this ____ day of _____, 2007:

Pat Sherman
Chair

Paul Hughes
Administrative Services Director/City Recorder