

Agenda

VAULT COPY

City of Brookings
Common Council Meeting
Brookings City Hall Council Chambers
898 Elk Drive, Brookings Oregon
March 22, 2004 7:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Ceremonies/Appointments/Announcements
 - A. Ceremonies
 - 1. Recognition of Madglyn Yock, 10 year employment anniversary [page 5]
 - B. Appointments
 - 1. Parks and Recreation Position No. 1 [page 7]
 - C. Announcements
- V. Scheduled Public Appearances
 - A. Dominic Petrucelli, Connie Drake, Tanbark Road [page 11]
- VI. Oral Requests and Communications from the Audience
 - A. Committee and Liaison reports
 - 1. Chamber of Commerce
 - 2. Council Liaisons
 - B. Unscheduled
- VII. Staff Reports
 - A. Community Development Department
 - 1. Acceptance of Easement in Dawson Tract for Storm Easement; Andruss Subdivision off Passley Road. [page 13]
 - 2. Acceptance of Improvement water sewer streets for Walton Subdivision, Jasmine Court; between Easy Street and Ransom Avenue off of Sixth Street [page 15]
 - B. City Manager
 - 1. Yard of the Month/Most Improved Yard Program 2004 [page 19]
 - 2. Economic Development Committee [page 21]
 - 3. Other
- VIII. Consent Calendar
 - A. Approval of Council Meeting Minutes
 - 1. Minutes of March 8, 2004, regular Council meeting [page 23]

End Consent Calendar

IX. Ordinances/Resolutions/Final Orders

A. Resolutions

1. A Resolution of the City of Brookings Authorizing Its Limited Tax Pension Pool Bond, Series 2004 Resolution No. 04-R-726 [page 31]

X. Remarks from Mayor and Councilors

A. Council

B. Mayor

XI. Adjournment

City of Brookings Events Calendar

March 2004

March 2004						
S	M	T	W	T	F	S
7	1	2	3	4	5	6
14	8	9	10	11	12	13
21	15	16	17	18	19	20
28	22	23	24	25	26	27
	29	30	31			

April 2004						
S	M	T	W	T	F	S
4	5	6	7	1	2	3
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	March 1 9:30am CC- VIPS/Volunteers in Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp (Fire Hall)	2 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 12:00pm FH-Union Meeting-Barbara Palicki 7:00pm CC-Planning Commssn	3 12:00pm Comnity Agencies mtg (Chetco Sr.Center) 2:30pm CC-SafetyComMtg/ Kathy Dunn 7:00pm FH-PoliceReserves	4 8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crm Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC- Sheriff's Search & Rescue mtg-Steve Carpenter-Laurie Calef-469-0275	5	6
7	8 11:30am CC-Pelican Bay Telecommunications Board of Directors meeting-Merle-469-2218 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	10	11 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Downtown Development committee mtg-7 to 10 pm	12	13
14	15 9:00am CC-Municipal Court/ JdgHarper 9:30am CC-VIPS/Volunteers in Police Service-BPalicki 6:00pm CC-American Red Cross Mtg/Karen Degenals 7:00pm FH-FireTng/ChShrp (Fire Hall)	16 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 10:00am FH-suburban Rural Fire Protection District-John Butter-469-6510	17 10:00am CC-meeting with Clay/Crow-Ed Wait 6:00pm CC-Victim's Impact panel-Mindy, Curry Prevention Services-247-2412	18 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 2:00pm CC-Citizens for Emergency Preparedness-Judy Rupert-469-7873	19	20 Beachcombers Festival-Azalea Middle S
21 Beachcombers Festival-Azalea Middle S	22 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	23 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	24	25 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 10:00am FH- SRFPD Meeting/Jack Butter 469-6510 7:00pm CC-Parks & Rec Comm/ LBlodgett	26 Home Show-K School	27
28	29 7:00pm FH-FireTng/ChShrp (Fire Hall)	30 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	31			

City of Brookings
Events Calendar

April 2004

April 2004							May 2004						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				April 1 8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crm Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC- Sheriff's Search & Rescue mtg-Steve Carptner-Laurie Calef-469-0275	2 8:00am CC-Safety seat training-Marvin Parker	3
4	5 9:30am CC- VIPS/Volunteers in Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp (Fire Hall)	6 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 10:00am FH-SRFPD Meeting/Jack Butter 469-6510 7:00pm CC-Planning Commssn	7 12:00pm Comnity Agencies mtg (Chetco Sr.Center) 2:30pm CC-SafetyCommMtg/ Kathy Dunn 7:00pm FH-PoliceReserves	8 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Downtown Development committee mtg-7 to 10 pm	9	10
11	12 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	13 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	14	15 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 2:00pm CC-CEP (Citizens for Emergency Preparedness): MArrell-469-5731, JRupert-469-78783	16	17
18	19 9:00am CC-Municipal Court/ JdgHarper 9:30am CC-VIPS/Volunteers in Police Service-BPalicki 6:00pm CC-American Red Cross Mtg/Karen Degenals 7:00pm FH-FireTng/ChShrp (Fire Hall)	20 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3) 6:00pm CC-DLCD training for Planning Commissioners	21	22 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/ LBlodgett	23	24
25	26 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	27 9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	28 6:00pm CC-Budget Public Hearing	29 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC- Site Plan Com Mtg/LauraLee Gray	30	

CC-Council Chambers
FH-Fire Hall

Certificate of Appreciation

Awarded to

Madglyn Yock

For being a dedicated employee from

March 15, 1994


Honored this 22 day of March, 2004

For 10 years of service

To the citizens of the City of Brookings



Bob Hagbom



Leroy Blodgett
City Manager



April M. Gothard
314 S. Hazel St.
Brookings, Oregon 97415
541-469-9498

January 15, 2004

To Whom It May Concern:

I am submitting my application for a volunteer position with either the Planning Commission or the Parks and Recreation Commission. My interest in public service was peaked by my US Government teacher in high school. I have always felt that I should be involved and try to do something to help my community.

I have been a member of this community for almost 10 years now. I served as a committee person for the Curry County Republicans for some time, and I feel this gave me an insight into issues locally. I feel that there are not many people who chose to volunteer in our community. I would like to do my part to help in making decisions, which affect our city and preserve the unique qualities that make Brookings a great place to live.

I understand, however, that our city is going to grow. We will need to think about expansion and increasing services. We need to look for ways to utilize recreation and entertainment to keep our children focused on growing up with positive influences.

This fall I started the "Leadership Brookings-Harbor" class with SWOCC. This class has been informative and helped bring me to the decision to submit this application. I have learned so much about our local government and services. I have been able to meet and speak with council members and city officials. I feel that I understand their goals and can work with them to achieve these goals. I look forward to continuing with this program and continuing to learn more.

I would look forward to the challenge of working with a team to find solutions to tough issues. I believe that I can be open-minded and look at all sides of an issue before making a decision.

I thank you for your consideration and look forward to hearing from you with regard to my application.

Sincerely,


April M. Gothard



City of Brookings

Phone (541) 469-2163

FAX (541) 469-3650

E-mail – city@brookings.or.us

898 Elk Drive ♦ Brookings, OR 97415

APPLICATION TO SERVE ON A CITY OF BROOKINGS COUNCIL, BOARD, COMMITTEE, COMMISSION

Name: April M. Grothard Date: 1.14.04
Physical Address: 314 S. Hazel St. Brookings, 97415
Mailing Address: _____ Phone: 541.469.9498
Email Address: chdapr1@gb.wave.net

This is my application to serve on the following board or committee. **Check one or more:**

- ☒ City Council (4 year term, appointed by Council)
☒ Planning Commission (4 year term, appointed by Council)
☒ Parks and Recreation Commission (4 year term, appointed by Council)
☐ Systems Development Charge Review Board (4 year term, appointed by Council)
☐ Budget Committee (3 year term, appointed by Council)
☐ Other (Please list): _____

1. Resident of City of Brookings since: Month: 06 Year: 1994
2. Please briefly explain why you wish to serve the community in this capacity and what prior experience, community service, or background you have in this area. (Attach additional sheets if needed.) _____

I care about our city, about growth and about
preserving the best that our community has to
(Continued on back)

2. Continued: offer. I see the potential of growth
here and would like to be a part of facing
the challenges to come. I manage a busy
medical center, I have children in
elementary & high school. I teach Sunday school

3. Biographical Sketch: (Education, employment, volunteer activities, etc.) (Attach additional sheets if needed.)

I volunteered with the Curry County
Republican Central Committee for
about 5 years actively and more
recently as needed.

I am currently enrolled in the
"Leadership Brooking Harbor" Class through
SWCC.

I have taken several courses on manage-
ment, handling difficult people, Managing
Conflict & effective communicating.

4. Please list no less than three references:

NAME:

ADDRESS:

PHONE:

A. Marce Knight 1400 Woodland Dr. 541-267-5151

B. Jim Collis 17346 Holmes Dr. 541-469-3678

C. Marge Berman 412 Alder St 541-469-5377

April M Gothard

1-14-04

Signature—My signature confirms my knowledge
this document will be presented to the City Council
and news media and become public information.

Date

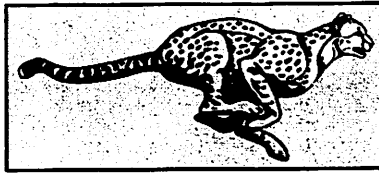
1. I intend to donate voluntary services for the City of Brookings (hereinafter "City") as follows:
~~Serving on an appropriate commission or council as required by law to the duties of that seat. In the best interest of the city & the residents thereof~~
2. I acknowledge that I will not be under the direct supervision and control of the City in connection with voluntary services described above.
3. I acknowledge that no compensation or expense reimbursement will be paid by the City in connection with the services described above.
4. I agree that such volunteer services will be donated to the City at times other than my regular work hours.
5. I release the City from all matters relating to voluntary service by the undersigned, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from this voluntary service.
6. I release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of voluntary services set forth above.

Signed voluntarily in the presence of the witnesses whose signatures are shown below mine.

April M. Othard 1-14-04
Date

Kathy G 1/14/04
Witness Date

Kymberlee Frame 1-14-04
Witness Date



Tours les jours, a' tours points de vue, je vrais de mieux en mieux

DOMINIC G. PETRUCELLI

539 Cushing Ct.

Brookings, Ore. 97415

February 9, 2004

*City of Brookings
City Council
898 Elk Drive
Brookings, Ore. 97415*

*Re: Request to be placed on the City Council agenda
Att. Linda*

Dear Linda

Thank you for speaking with me on the phone February 9, 2004. We are requesting that the following items be placed on the City Council agenda for February 23, 2004. These items concern a new development approved by the Planning Commission for Tanbark Road. We, as the neighbors, are not opposed to the development, however, we have some concerns which should be addressed. We were advised by Mr. Bishoff and the Planning Commission that these items should be addressed by the City Council. They are the following:

1. Dedicated Pedestrian Way

Along the south side of the subdivision is a dedicated pedestrian way. Unless steps are taken immediately to protect this pedestrian way it may be absorbed in the same manner as the pedestrian path approximately a block further south.

2. Substandard Paving

Tanbark Road will be widened and re-paved by the developer in front of his subdivision, however, from the north edge of the subdivision to Memory Lane, the paving is sub-standard. The original sub base, and asphalt, which was laid in approximately 1953, will crumble under the weight of heavy construction equipment. This has already happened in front of the subdivision.

3. ***Safety***

Tanbark Road is a very narrow road (18ft). With the additional traffic and construction equipment this can become impassable and dangerous to our children and other foot traffic.

4. ***Four Way Stop***

The corner of Memory Lane and Tanbark Road is a very dangerous intersection. The general consensus of the neighborhood is that a four way stop system would make this much safer for both the vehicles currently on the road and the construction equipment to come. We have checked with the Police Department and were advised that they believe that the four way stop system would be a great aid to safety for the corner.

These are the issues and concerns of the neighborhood.

Sincerely,

Dominic Petrucelli

CITY OF BROOKINGS



Staff Report

Date: March 16, 2004

TO: Mayor, City Council

FROM: Leo Lightle,

THROUGH: Leroy Blodgett, City Manager

Subject: Accepting easement for storm drainage facilities to serve the Andruss
Subdivision off of Passley Road.

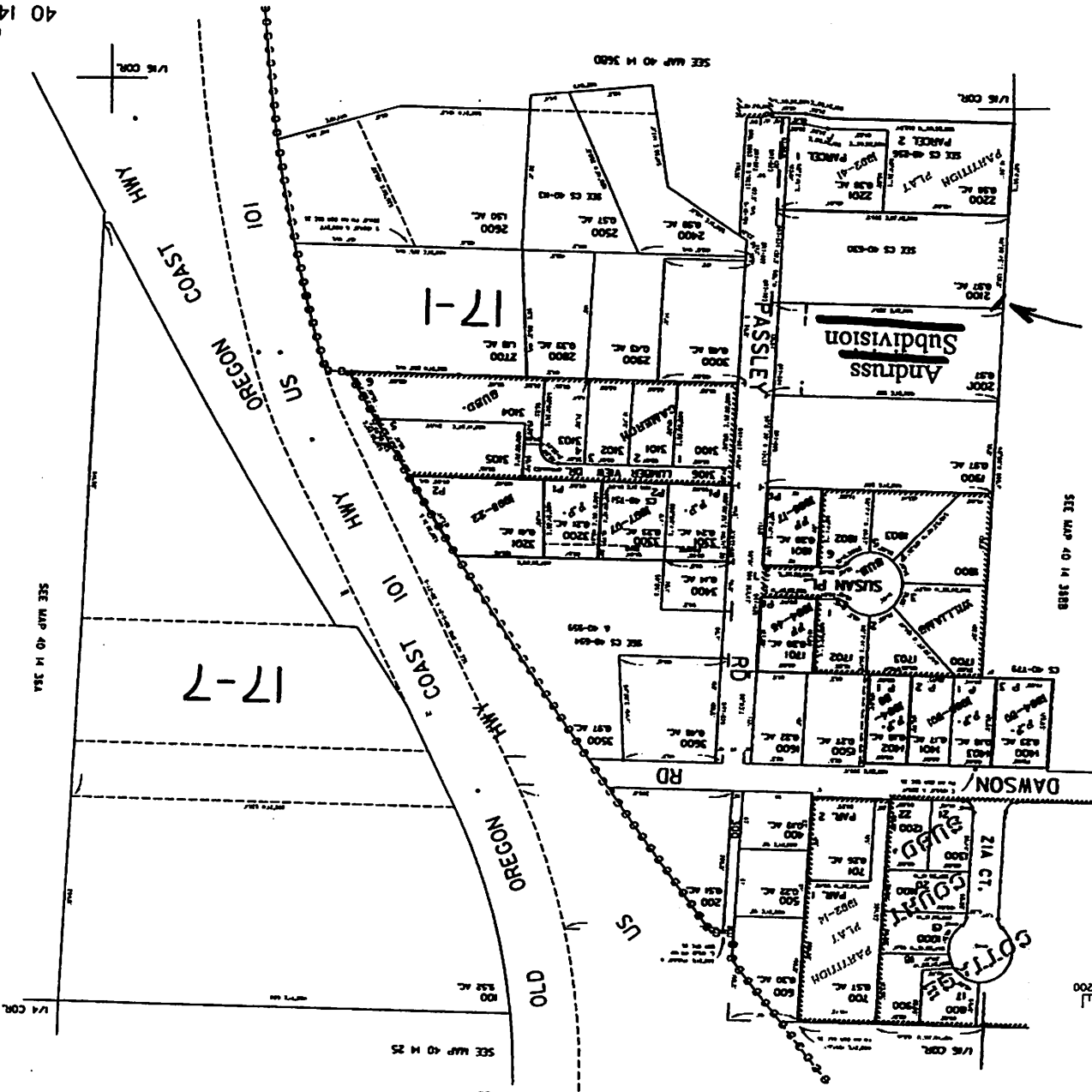
Background; To install the storm drainage system for the Andruss Subdivision the developer had to cross another property owners land to connect to the existing storm drainage system. The developer has secured the easement to the City of Brookings. See attached Map

Staff recommendation. That the City Council accepts the storm drainage easement from the Brookings Church of Christ as per easement document dated February 24, 2004

40 14 36BA
BROOKINGS

NE1/4 NW1/4 SEC. 36 T.40S. R14W. WM
CURRY COUNTY

CANCELLED NO.
2300



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

40 14 36BA
BROOKINGS

CITY OF BROOKINGS



Staff Report

Date: March 16, 2004

TO: Mayor, City Council

FROM: Leo Lightle, *LL*

THROUGH: Leroy Blodgett, City Manager

Subject:

Acceptance of Improvement water, sewer, street (Jasmine Court) for Walton Subdivision, located; between Easy Street and Ransom Avenue off of Sixth Street. See attached map

Background

The improvements for the Walton Subdivision have been completed and all the conditions met for those installations. The developer is requesting that the City accept the Improvements.

Staff recommendation

That the City Council accepts water, sewer, and street improvements as presented for the Walton Subdivision that is served by Jasmine Court

41 13 06AA
BROOKINGS

SEE MAP 40 B 300

CURRY COUNTY

1993

HASSETT (PIONEER RD.)

3

BROOKS-HAVEN DR.

SEE
DETAIL
MAP

FAWN

SUB. 132

MECHELLE LANE

KEVIN

RANSOM

AVENUE

Kalmiopsis School

SIXTH- STREET

STREET

EASY

STREET

CANCELLED NO.'S

101
199
501
602
700
702
201
~~203~~
603
206
208
210
211
212
214
215
216
219
220
221
204
213
247

REC'D MAY 41 12 1988

41 13 06AA
BROOKINGS

REVISÉ 2-16-99, 9C

City of Brookings

Attn: Leo.

I Ross Walton the owner
of 710 6th Street, now
Jasmine Court. Have finished
the infrastructure and am
turning over the street and
utilities to the City of
Brookings.

Thank you
Rick

CITY OF BROOKINGS



STAFF REPORT

Date: March 10, 2004

To: Mayor and City Councilors

From: Leroy Blodgett, City Manager

Subject: Yard of Month/Most Improved Property of Month Program

REPORT

For the past two years the City Council has approved a program honoring City residents who worked hard to make their properties an asset to the City's landscape. During the spring and summer months an unbiased/anonymous committee selected a Yard of the Month and a Most Improved Property of the Month within the city limits. The Yard of the Month is a property that shows outstanding landscape. Most Improved Property is not necessarily the most attractive but is a property that has been substantially improved.

This program said thank you to those residents who worked hard to make their property and Brookings a more attractive place to live. Monthly winners were awarded a \$50 credit toward their water/sewer bill and an attractive sign was placed in their yard by the Mayor and City Manager. The property owners also received recognition in the Curry Coastal Pilot, on KURY and KCRE radio and on the City's website. The program cost the City approximately \$600 per year.

STAFF RECOMMENDATION

Move to continue the Yard of the Month/Most Improved Property of the Month Program for the year 2004.

CITY OF BROOKINGS



STAFF REPORT

Date: March 18, 2004

To: Mayor Hagbom and City Councilors

From: Ed Wait, Economic and Urban Development Director

Through: Leroy Blodgett, City Manager

Subject: Economic Development Committee

REPORT

One of the goals City Council established fiscal year 2004 – 2005 was to create an Economic Development Committee (EDC) that looked beyond the City limits and encompassed the Urban Growth Boundary (UGB) for future planning. This committee was envisioned to gather a broader perspective with participation from the overlapping entities that have jurisdiction for the area.

Staff is recommending the new EDC include representatives from Curry County, the Port of Brookings-Harbor, the Chamber of Commerce (each which will assign one representative to the committee), business and at large individuals both inside and outside the current City limits, but within the UGB. The intent is to work in unison with various, agencies, organizations and groups to address, in an advisory role, some of the complex economic development issues that impact economic development within the UGB and provide a forum to discuss these issues.

There are many commonalities that impact development in the UGB and have a direct impact on the population. Some of these commonalities include; Affordable Housing, Marketing, Business Retention and Recruitment, Infrastructure, Dredging, Downtown Development, the Urban Renewal District, and Transportation. A cohesive group working in unison could have a major impact in assisting to achieve a balanced economic development profile in these and other areas.

The City will provide the staff for the EDC with the Director of Economic and Urban Development and the new Assistant City Planner. The EDC would elect a chair, vice-chair and secretary to conduct business and meet each month to discuss various components that affect the economy in the area. Sub-committees selected by the EDC would be formed to address specific issues. The EDC would then review the issues identified and make recommendations to the appropriate entities, i.e. (Planning Commissions, City Council, Port Commission, Parks Commissions, County Commission, Chamber, etc.)

The intent of the EDC would be to communicate the challenges and opportunities in the UGB. To provide a wide forum for discussion with a variety of interests at the same table and recommend ideas that have consensus with the group. To partner in providing support for projects, grant and loan financing, consensus building, and developing stronger partnerships in the community.

RECOMMENDATION

Approve the formation of the Economic Development Committee and call for applications from business and at large representatives inside and outside the current city limits. A total of 4 businesses and 4 at large individuals split evenly between inside the City limits and outside the city limits, but within the UGB. Request that the County, Port and Chamber of Commerce each designate one representative to the committee. (City Council should also appoint one representative at the next meeting.)

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
March 8, 2004 7:00 p.m.**

I. Call to Order

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

II. Pledge of Allegiance

Led by John Bischoff

III. Roll Call

Council Present: Mayor Bob Hagbom, Council President Rick Dentino, Councilors Frances Johns Kern and Larry Anderson, a quorum present.

Council Absent: Councilor Mickelson

Staff Present:

City Manager Leroy Blodgett, City Attorney John Trew, City Planner John Bischoff, and Administrative Secretary Linda Barker

Media Present: Curry Coastal Pilot Reporter Brian Bullock

Other:

Chamber of Commerce Executive Director Les Cohen,
and approximately 14 other citizens

IV. Ceremonies/Appointments/Announcements

A. Appointments

1. Planning Commission Positions No. 2 and 3

Mayor Hagbom said William Smith and William Dundom, both currently serving on the Planning Commission, have requested to be reappointed.

Councilor Dentino moved, a second followed, and the Council voted unanimously to reappoint William Smith to Planning Commission Position No. 2 and William Dundom to Planning Commission Position No. 3. Both terms expire April 1, 2008.

V. Public Hearing

A. In the matter of a Comprehensive Plan change from Industrial to Commercial and a zone change from M-2 (General Manufacturing) to C-3 (General Commercial) on a 1.06 acre parcel of land located in the

*southwest corner of Railroad and Center streets; Richard Wilson
Applicant; Planning Commission File No. CPZ-1-04*

Mayor Hagbom opened the Public Hearing opened at 7:05 p.m. No Councilor declared a site visit or ex parte contact. No Councilor declared bias or personal interest. There was no objection to the jurisdiction of the Council to hear this matter. City Attorney Trew read hearing procedures into record.

Planning Director Bischoff gave the staff report. The applicant, Richard Wilson, 117 Tanbark, Brookings told his plans for the property located at Center and Railroad streets which include a possible future lot split for the eastern portion of the lot. The existing building is leased to Extreme Paint Ball. The forty-space parking lot on the west side of the building will be paved as soon as weather permits for use by customers of the paint ball business.

No one else testified at the public hearing which was closed at 7:21 p.m.

The applicant waived his right for additional time to submit written testimony.

Councilor Anderson moved, a second followed and the Council voted unanimously to approve File No. CPZ-1-04, a Comprehensive Plan change from Industrial to Commercial and a zone change from M-2 (General Manufacturing) to C-3 (General Commercial) on a 1.06 acre parcel of land located in the southwest corner of Railroad and Center streets; Richard Wilson Applicant.

Councilor Johns Kern moved, a second followed and the Council voted unanimously to direct staff to prepare a Final Order and Findings of Fact and an Ordinance approving Planning Commission File No. CPZ-1-04.

VI. Oral Requests and Communications from the Audience

A. Committee and Liaison

1. Chamber of Commerce

Chamber Executive Director Les Cohen, 324 South Hazel, Brookings, said he had attended the Northwest Chambers Leader Conference in Spokane Washington. He has been elected as treasurer for the Oregon Chamber Executives Association. During the last week he presented the Chamber's February financial report to Finance Director Paul Hughes showing the Chamber's use of bed tax revenue.

2. *Council Liaisons*

Councilor Anderson attended last Wednesday's Chetco Watershed Council meeting.

Councilor Johns Kern was at the Community Agencies meeting March 3 and a special meeting of the Pelican Bay Prison Advisory Council.

Councilor Dentino and Mayor Hagbom traveled to Reedsport to attend a Oregon Coastal Zone Management meeting regarding instream gravel mining. Dentino, Anderson and Johns Kern served at the Bruin Café February 27. Dentino also attended a Lincoln Day Dinner in Gold Beach, the Marine Corps League noon meeting; the Community Agencies meeting; a breakfast meeting with school administrators and police department representatives; and a Pelican Bay Telecommunications Board meeting.

Mayor Hagbom said the City is working hard to improve communications between the school district and the City. Previously monthly meetings were held and reactivating these meetings is a positive step. The meetings will be held the second Monday of each month at 7:00 a.m.

Hagbom said the Council will be establishing liaisons to both the Chetco River Watershed and the South Coast Watershed Councils in the near future.

B. *Unscheduled*

Rex Atwell, 17169 Parkview Drive, Brookings, thanked the City for printing guidelines to developers and contractors. He apologized for wording in an article published in the Curry Coastal Pilot. He read the last paragraph of the article which said he would be contacting the County Planning Department or County Commissioners. He said he had already talked to the County and his statement should have been that at this time he is planning to go to court with the issue of development in his neighborhood.

VII. **Staff Reports**

A. *City Manager*

1. *Brookings-Harbor Chamber of Commerce special requests for 2004 Azalea Festival*
 - a. *Request to consume alcohol on City property-Azalea Park for Chamber Mixer*
 - b. *Other requests*

City Manager Blodgett said the Chamber of Commerce had been in front of the Council many times in the last 65 years of Azalea Festivals. He recommended approval of all of the Chamber's requests for Festival weekend except item No. 5, waiving the requirement for the need for a Brookings business license for Azalea Festival Street and Crafts Fair participants. The Chamber has purchased this license. Chamber Executive Director Cohen said they will delete this item from future requests.

Councilor Dentino moved, a second followed, and the Council voted unanimously to approve the requests made by the Chamber of Commerce for Azalea Festival weekend except for No. 5 (waiver of business license for Street and Crafts Fair vendors).

Councilor Anderson moved, a second followed, and the Council voted unanimously to approve the Chamber of Commerce request to serve and consume alcohol in Azalea Park for its after hours mixer, May 28, 2004, between 5:00 and 8:00 p.m.

2. *Planning Assistant Job Description*

City Manager Blodgett reported development in the area has increased four-fold in the past two years and the expectation is for continued growth for the next few years. To keep up with the increased work load staff is recommending creating the position of Assistant Planner. He said the position would be non-exempt (non-supervisory) with a job grade classification of 14, salary range \$2,838 to \$3,802 per month. If approved the position would be filled within the next 60 days. The new position would include code enforcement which is currently shared by the Planner and Building Official.

Council discussion centered on duties for the new positions and development in the city generally. Councilor Anderson said he hoped funding for the new position would be borne by development that occurs rather than from the General Fund.

Councilor Johns Kern moved, a second followed, and the Council voted unanimously to approve the position of Assistant Planner and the job description as printed.

3. *Appointment of System Development Charge Review Board*

City Manager Blodgett asked to postpone this item for further review of the Ordinance that established the System Development

Charge Review Board. The Ordinance was passed in 1991 and may not meet current needs. Once review is completed this will be brought back to the Council.

4. *Other*

City Manager Blodgett handed out a new publication listing guidelines to contactors and developers. This sheet will be attached to all building permit, land use change, and zone change applications. Blodgett explained this is a first attempt in reminding workers they are in neighborhoods that are not used to development. He said the City is also exploring other ideas to enhance developer/neighborhood relations.

Blodgett said staff is working with the City Engineer on potential water projects to increase water storage and capacity. Construction is going along well on the addition to City Hall which will be offices for the Planner and new Assistant Planner. The planner's old office will be used to hold maps, GIS-related equipment and for storage.

Blodgett also reported Chief Wallace has found enthusiasm among students for youth advisory councils and liaison positions on various city commission and committees.

Azalea Park's parking lots will be resealed and a storm drain installed on the upper lot. Kidtown in the park will be getting new bark mulch. The old mulch will be removed and used in other places. Approximately 160 yards of mulch will be spread over new ground cloth.

VIII. Consent Calendar

- A. *Approval of Council Meeting Minutes*
 - 1. *Minutes of February 23, 2004, regular Council meeting*
 - B. *Acceptance of Parks and Recreation Commission Minutes*
 - 1. *Minutes of January 22, 2004, regular Commission meeting*
 - C. *Acceptance of Planning Commission Minutes*
 - 1. *Minutes of January 20, 2004, special work-study session*
 - 2. *Minutes of February 3, 2004, regular Commission meeting*
 - D. *Acceptance of Budget Committee meeting of February 23, 2004*
 - E. *Approval of Vouchers for month of February, 2004 (\$186,023.18)*
- End Consent Calendar*

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

IX. Ordinances/Resolutions/Final Orders

A. Ordinances

1. *In the matter of an ordinance amending the Comprehensive Plan of the City of Brookings from an Industrial designation to a Commercial designation and the zoning map by rezoning from M-2 (General Manufacturing) to C-3 (General Commercial) on certain properties located in the southwest corner of Railroad and Center streets. Ordinance No. 04-O-561*

This item was considered after IX.B.1 below.

City Manager Blodgett read Ordinance No. 04-O-561 in its entirety.

Councilor Anderson moved, a second followed, and the Council voted unanimously to have the second reading of Ordinance No. 04-O-561 by title only.

Blodgett read Ordinance No. 04-O-561 by title only.

Councilor Johns Kern moved, a second followed, and the Council voted unanimously to adopt Ordinance No. 04-O-561, amending the Comprehensive Plan of the City of Brookings from an Industrial designation to a Commercial designation and the zoning map by rezoning from M-2 (General Manufacturing) to C-3 (General Commercial) on certain properties located in the southwest corner of Railroad and Center streets.

B. Final Orders

1. *In the matter of Planning Commission File No. CPZ-1-04, an application for a Comprehensive Plan change and Zone Change; Richard Wilson, applicant*

This item was acted upon before IX.A.1 above.

Councilor Dentino moved, a second followed and the Council voted unanimously to approve the Final Order and Findings of Fact for Planning Commission File No. CPZ-1-04, a Comprehensive Plan change and Zone Change on certain properties located in the southwest corner of Railroad and Center streets.

X. Remarks from Mayor and Councilors

A. Council

Councilor Dentino said it was a great idea to pass out an informational sheet for builders. A 3-day project is beginning in his neighborhood for a new Jehovah Witness church. Construction will start on Thursday and

church services are set for Sunday in the new building. Councilor Anderson said they have done an excellent job in talking with the neighbors about the project and what can be expected during the construction period.

B. *Mayor*

Mayor Hagbom said he will be reviewing Council liaison assignments and will be appointing new liaisons assignments at the next Council meeting. Councilors were encouraged to state what placement they would like.

XI. Adjournment

With no further business before the Council, Mayor Hagbom moved the meeting be adjourned at 8:05 p.m.

Respectfully submitted:

Bob Hagbom
Mayor

ATTEST by City Recorder this ____ day of _____, 2004.

Paul Hughes
Finance Director/City Recorder

CITY OF BROOKINGS



STAFF REPORT

Date: March 16, 2004

To: Mayor Hagbom and City Council

From: Paul Hughes, Finance Director

Subject: Resolution 04-R-726 Authorizing the Issuance, Sale and Delivery of its Limited Tax Pension Pool Bond, Series 2004.

BACKGROUND

The shortfalls in the Oregon Public Employee Retirement System (PERS) have been a hot topic in local government finance for several years now. Recently approved legislation has dramatically reduced PERS losses. According to revised December 31, 2001 valuation, losses were reduced from \$9.7 billion to \$1.6 billion. Nevertheless, the system continues to be underfunded. The recently released 2002 valuation reported investment losses for that year causing the system-wide shortfall to grow to approximately \$7 billion. City of Brookings approximate share of this unfunded liability is \$1.4 million. PERS will collect the liability in the form of increased employer rates to the city. The liability will include an interest portion of 8% on the unpaid balance.

Seattle-Northwest Security Corporation is planning to issue a large pooled pension bond financing incorporating all Oregon local government agencies that wish to participate. They will issue on the agencies behalf, twenty-five year bonds that will generate revenues to pay off the PERS unfunded liability, at an interest rate less than the 8% charged by PERS. The sale of bonds is currently scheduled to take place on May 11, 2004. The city has the option to opt out of the financing on or prior to May 4, 2004. If the city chooses not to participate, the only expense incurred is a \$600 payment to Milliman USA who is preparing the estimated liability amounts for the individual agencies.

RECOMMENDATION

Staff recommends approval of Resolution 04-R-726 authorizing the issuance, sale and delivery of its Limited Tax Pension Pool bond, Series 2004, in an amount which is sufficient to produce net proceeds which do not exceed the most recent estimate of the City's unfunded pension liability to Oregon PERS, plus the costs of issuance.

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

*A Resolution of the City of Brookings
Authorizing Its Limited Tax Pension
Pool Bond, Series 2004*

)
)
)

Resolution 04-R-726

WHEREAS, the Act and ORS 288.150 permit the City to pledge its full faith and credit and taxing power within the limitations of Sections 11 and 11b of Article XI of the Oregon Constitution to pay those bonds; and,

WHEREAS, Section 2 of ORS 238.694 of the Act provides "Notwithstanding any limitation on indebtedness or borrowing under state or local law, for the purpose of obtaining funds to pay the pension liability of a governmental unit, the governing body of a governmental unit may authorize and cause the issuance of limited tax bonds as defined in ORS 288.150..." and the Act therefore supercedes any state or local debt limitations of the City; and,

WHEREAS, the City has an unfunded pension liability to the Oregon Public Employees Retirement System ("OPERS") which was estimated to be \$1,141,777 as of December 31, 2002; and,

WHEREAS, OPERS currently requires the City to pay this unfunded liability over a period of years with interest at eight percent per annum; and,

WHEREAS, current interest rates in the bond market create the opportunity for the City to finance its unfunded pension liability and potentially reduce its costs; and,

WHEREAS, a pooled pension bond program ("Program") may reduce costs for participating governments; and,

WHEREAS, the Program does not require the City to pay any portion of another government's pension bonds or liabilities to OPERS; now therefore,

THE CITY COUNCIL OF THE CITY OF BROOKINGS, OREGON RESOLVES:

Section 1. Definitions.

Unless the context clearly requires otherwise, the following terms shall have the following meanings:

"Additional Charges" means the fees and other charges of the Program Trustee, as defined in the Program Trust Agreement and any indemnity payments due under Section 6(3) of this Resolution.

"Available General Funds" means: (i) all the City's ad valorem property tax revenues received from levies under its permanent rate limit; and (ii) all other unrestricted taxes, fees, charges,

revenues and receipts of the City which Oregon law allows to be spent to make the Bond Payments.

“Bond Payments” means the principal and interest payments due under the Bond.

“Bond” means the City’s Limited Tax Pension Pool Bond, Series 2004, that is authorized by Section 2 of this Resolution.

“Business Day” means any day except a Saturday, a Sunday, a legal holiday, a day on which the offices of banks in Oregon or New York are authorized or required by law or executive order to remain closed, or a day on which the New York Stock Exchange or the Program Trustee is closed.

“City Official” means the Finance Director of the City, or the person designated by the Finance Director to act as City Official under this Resolution.

“City” means the City of Brookings, Oregon.

“Event of Default” refers to an Event of Default listed in Section 8(1) of this Resolution.

“Government Obligations” means direct noncallable obligations of the United States, or obligations the principal of and interest on which are fully and unconditionally guaranteed by the United States, or any other security which the Program Trust Agreement allows to be used as a defeasance obligation.

“Payment Date” means a date on which Bond principal or interest is due, whether at maturity or prior redemption.

“Program” means the pooled pension bond program implemented through the Program Trust Agreement.

“Program Obligations” means the obligations issued by the Program Trustee under the Program Trust Agreement which are payable from the Bond Payments and similar pension bond payments made by other participants in the pension bond program.

“Program Trust Agreement” means the Trust Agreement between the Program Trustee, the City and other issuers of pension bonds which are sold to the Program Trustee, in which the Program Trustee agrees to hold the Bond and to distribute the Bond Payments to the owners of Program Obligations.

“Program Trustee” means Wells Fargo Bank, National Association, as trustee under the Program Trust Agreement, or its successors.

“Resolution” means this Resolution, including any amendments made in accordance with Section 7 of this Resolution.

“Security Payments” means the payments the City is required to make on the 15th day of the month which precedes each Payment Date. The Security Payments are equal to the amount required to be paid on that Payment Date.

Section 2. Bond Authorized.

- (1) The City hereby authorizes the issuance, sale and delivery of its Limited Tax Pension Pool Bond, Series 2004, in accordance with this Resolution and in an amount which is sufficient to produce net proceeds which do not exceed the most recent estimate of the City’s unfunded pension liability to OPERS which the City receives from OPERS prior to selling the Bond, plus the costs of issuing and selling the Bond, obtaining credit enhancement, paying the City’s share of any costs of the Program Trustee and any other costs of participating in the Program, and paying any interest on the Bond subject to Section 2(3) herein.
- (2) The issuance of the Bond and the participation in the Program shall not obligate the City to pay any portion of another government’s pension bonds or liabilities to OPERS.
- (3) Bond proceeds shall be used to pay the City’s unfunded pension liability to OPERS, to pay interest on the Bond for a period not to exceed four years and to pay costs of issuing and selling the Bond, including any costs of the Program Trustee and credit enhancement.
- (4) The Bond shall be a “federally taxable bond” which bears interest that is not excludable from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended. Interest shall, however, be exempt from Oregon personal income taxation.
- (5) OPERS currently requires the City to pay this unfunded liability over a period of years. OPERS charges the City eight percent per annum because OPERS expects, over the long term, to earn eight percent on its investments. Refinancing that liability at a lower rate of interest should, therefore, reduce costs for the City. To ensure that the rate of interest on the Bond will be less than the rate of interest which OPERS expects to earn, the Bond shall not be sold at a true interest cost of more than 7.00% per annum.

Section 3. Delegation.

If the City Official determines that the City shall issue the Bond, the City Official is hereby directed, on behalf of the City and without further action by the Council, to:

- (1) Participate in the preparation of, authorize the distribution of, and deem final any official statement or other disclosure documents relating to the Bond or the Program Obligations.
- (2) Establish the final principal amounts, maturity schedules, interest rates, sale prices and discount, redemption terms, payment terms and dates, Security Payment terms, and other terms of the Bond.
- (3) Negotiate the terms of, and enter into a bond purchase agreement, which provides for the acquisition of the Bond by the Program Trustee.

- (4) Approve and execute and deliver an intergovernmental agreement and the Program Trust Agreement, or an intergovernmental agreement which is combined with the Program Trust Agreement, which directs the Program Trustee to issue the Program Obligations and provides for the administration of funds held by the Program Trustee, and any other agreements or documents which may be required for participation in the Program. However, delivery of the Bond to the Program Trustee shall constitute execution of the Program Trust Agreement by the City, and the City shall be bound by the Program Trust Agreement upon delivery of the Bond to the Program Trustee.
- (5) Undertake to provide continuing disclosure for the Bond in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission.
- (6) Apply for ratings on the Bond or the Program Obligations and purchase municipal bond insurance or obtain other forms of credit enhancements for the Bond or the Program Obligations, enter into agreements with the providers of credit enhancement, and execute and deliver related documents.
- (7) Execute and deliver the Bond to the Program Trustee.
- (8) Negotiate the terms of, and enter into guaranteed investment contracts or other agreements for the investment of capitalized interest, if any.
- (9) Execute and deliver any agreements or certificates and take any other action in connection with the Bond which the City Official finds is desirable to permit the sale and issuance of the Bond in accordance with this Resolution.

Section 4. Security for Bond.

- (1) The City hereby pledges its full faith and credit and taxing power within the limitations of Sections 11 and 11b of Article XI of the Oregon Constitution to pay the Bond. The Bond shall be a limited tax bond of the City as defined in ORS 288.150, and the City shall pay the Bond from its Available General Funds. The City is not authorized to levy additional taxes to pay the Bond.
- (2) To secure the payment of the Bond, the City shall make the Security Payments as provided in the Bond. The Security Payments shall be applied to make Bond Payments.
- (3) This Resolution shall constitute a contract with the Trustee, and the owners of the Program Obligations shall be third-party beneficiaries of this contract.

Section 5. Redemption.

The principal component of Bond Payments shall be subject to redemption on the dates and at the prices established by the City Official pursuant to Section 3(2) and in accordance with the Program Trust Agreement.

Section 6. Covenants.

The City hereby covenants and agrees with the Owner of the Bond as follows:

- (1) The City shall promptly cause Security Payments and the principal, premium, if any, and interest on the Bond to be paid as they become due in accordance with the provisions of this Resolution and the Bond.
- (2) The City covenants for the benefit of the Program Trustee to pay the Additional Charges reasonably allocated to it by the Program Trustee, in accordance with the invoices for such Additional Charges which are provided by the Program Trustee pursuant to the Program Trust Agreement.
- (3) To the extent permitted by law, the City covenants and agrees to indemnify and save the Program Trustee harmless against any loss, expense or liability which is reasonably allocable to the City and which the Program Trustee may incur arising out of or in the exercise or performance of its duties and powers under the Program Trust Agreement relating to the Bond, including the costs and expenses of defending against any claim or liability, or enforcing any of the rights or remedies granted to it under the terms of the Program Trust Agreement in connection with the Bond, excluding any losses or expenses which are due to the Trustee's breach of fiduciary duties, negligence or willful misconduct. The obligations of the City under this Section 6(3) shall survive the resignation or removal of the Program Trustee under the Program Trust Agreement and the payment of the Program Obligations and discharge under the Program Trust Agreement. The damages claimed against the City shall not exceed the damages which may be allowed under the Oregon Tort Claims Act, Oregon Revised Statutes Section 30.260, et seq., unless the provisions and limitations of such act are preempted by federal law, including, but not limited to the federal securities laws.

Section 7. Amendment of Resolution.

The City may amend this Resolution only in accordance with the Program Trust Agreement.

Section 8. Default and Remedies.

- (1) The occurrence of one or more of the following shall constitute an Event of Default under this Resolution:
 - (A) Failure by the City to pay Bond principal, interest or premium when due (whether at maturity, or upon redemption after principal components of Bond Payments have been properly called for redemption);
 - (B) Failure by the City to make any Security Payment within five Business Days after it is due;
 - (C) Failure by the City to observe and perform any covenant, condition or agreement which this Resolution requires the City to observe or perform for the benefit of the

Program Trustee, other than as set forth in Section 8(1)(A) or 8(1)(B), which failure continues for a period of 60 days after written notice to the City by the Program Trustee specifying such failure and requesting that it be remedied; provided however, that if the failure stated in the notice cannot be corrected within such 60 day period, it shall not constitute an Event of Default so long as corrective action is instituted by the City within the 60 day period and diligently pursued, and the default is corrected as promptly as practicable after the written notice referred to in this Section 8(1)(C); or,

- (D) The City is adjudged insolvent by a court of competent jurisdiction, admits in writing its inability to pay its debts generally as they become due, files a petition in bankruptcy, or consents to the appointment of a receiver for the installment payments.
- (2) The Program Trustee may waive any Event of Default and its consequences, except an Event of Default described in Section 8(1)(A).
- (3) If an Event of Default occurs and is continuing the Program Trustee may exercise any remedy available at law or in equity; however, the Bond Payments shall not be subject to acceleration.
- (4) No remedy in this Resolution conferred upon or reserved to the Program Trustee is intended to be exclusive and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Resolution or now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. To entitle the Program Trustee to exercise any remedy reserved to it, it shall not be necessary to give any notice other than such notice as may be required by this Resolution or by law.

Section 9. Defeasance.

The City may defease all or any portion of the Bond Payments in accordance with the Program Trust Agreement.

Section 10. Form.

The Bond shall be issued as a single installment bond in substantially the form attached hereto as Exhibit A, with such changes as may be approved by the City Official. The Bond shall be executed on behalf of the City with the manual signature of the City Official.

Section 11. Rules of Construction.

In determining the meaning of provisions of this Resolution, the following rules shall apply unless the context clearly requires application of a different meaning:

- (1) References to section numbers shall be construed as references to sections of this Resolution.
- (2) References to one gender shall include all genders.
- (3) References to the singular shall include the plural, and references to the plural shall include the singular.

Section 12. Effective Date.

This resolution shall take effect on the date of its passage by the City Council.

APPROVED by vote of the City Council with a quorum in attendance this _____ day of _____, 2004.

**CITY OF BROOKINGS,
CURRY COUNTY, OREGON**

Mayor

ATTEST:

Finance Director/Recorder