

agenda
City of Brookings
Common Council Meeting
City Hall Council Chambers
898 Elk Drive
Brookings, Oregon, 97415 - 7:00 p.m.
October 12, 1998



agenda

CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
October 12, 1998
7:00 p.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS
- V. PUBLIC HEARING
- VI. SCHEDULED PUBLIC APPEARANCES
 - A. Louis Rucker for Curry Transfer & Recycling
 - B. Azalea Park work - Elmo Williams (yellow)
- VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE
 - A. Committee and liaison reports
 - 1. Chamber of Commerce
 - 2. Parks and Recreation Commission
 - 3. Planning Commission
 - 4. Council Liaisons
 - B. Unscheduled
- VIII. STAFF REPORTS
 - A. City Manager
 - 1. Golf Course easement (green)
 - 2. Council liaison appointments (cream)
 - 3. Police grant for bicycles and related equipment (blue)
 - B. Community Development Department
 - 1. Stop signs in Claron Glen subdivision (orange)

IX.

CONSENT CALENDAR

- A. Approval of Council Meeting Minutes
 - 1. Minutes of September 28, 1998 Regular Council Meeting (pink)
- B. Acceptance of Commission/Committee Minutes
 - 1. Minutes of August 27, 1998 Regular Parks and Recreation Commission Meeting (purple)
 - 2. Minutes of September 1, 1998 Regular Planning Commission Meeting (tan)

(end Consent Calendar)

X.

ORDINANCES/RESOLUTIONS/FINAL ORDERS

- A. Resolution No. 98-R-644 - A resolution authorizing refinancing of Bond Series 1992 (green)
- B. Resolution No. 98-R-645 - A resolution authorizing Mayor Nancy Brendlinger to sign all documents regarding sale of city property to U.S. Postal Service (yellow)

XI.

REMARKS FROM MAYOR AND COUNCILORS

- A. Mayor
- B. Council

XII.

ADJOURNMENT

REVISED 10/7/98

OCTOBER 1998

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY											
		7:00pm Planning Commission Meeting	12:00pm Community Agencies Mtg														
4	5	6	7	8	9	10											
	7:00pm Council Meeting	7:00pm Downtown Core Study Mtg	7:00pm Tri Cities Mtg - Gold Beach City Hall														
11	Columbus Day	12	13	14	15	16											
	2:00pm CC-Muni Court			7:00pm Parks & Rec Comm Meeting	National Boss Day	17											
18	19	20	21	22	23	24											
	7:00pm Council Meeting																
Daylight Savings Ends	25	26	27	28	29	30											
			SEPTEMBER 1998		NOVEMBER 1998												
			S	M	T	W	T	F	S	S	M	T	W	T	F	S	
					1	2	3	4	5		1	2	3	4	5	6	7
			6	7	8	9	10	11	12		8	9	10	11	12	13	14
			13	14	15	16	17	18	19		15	16	17	18	19	20	21
			20	21	22	23	24	25	26		22	23	24	25	26	27	28
			27	28	29	30					29	30					

NOVEMBER 1998

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY												
		7:00pm Planning Commission Meeting	12:00pm Community Agencies Mtg															
1	2 7:00pm Council Meeting	3	4	5	6	7												
8	9	10	Veterans Day	11	12	13												
15	16 2:00pm CC-Muni Court	17	18	19	20	21												
22	23 7:00pm Council Meeting	24	25	8:00am CITY HALL CLOSED-HOLIDAY	8:00am CITY HALL CLOSED-HOLIDAY	28												
29	30			Thanksgiving	27													
			OCTOBER 1998			DECEMBER 1998												
			S	M	T	W	T	F	S		S	M	T	W	T	F	S	
							1	2	3					1	2	3	4	5
			4	5	6	7	8	9	10		6	7	8	9	10	11	12	
			11	12	13	14	15	16	17		13	14	15	16	17	18	19	
			18	19	20	21	22	23	24		20	21	22	23	24	25	26	
			25	26	27	28	29	30	31		27	28	29	30	31			

PLEASE PRINT

DATE 10-7-98

**CITY OF BROOKINGS
PARKS AND RECREATION DEPARTMENT
REQUEST FOR SITE DEVELOPMENT**

Fill out form completely and submit to City of Brookings for Parks and Recreation Commission review and City Council approval. Parks and Recreation Commission meets every fourth Wednesday at 7:00 PM in city hall. Approval from both the Parks and Recreation Commission and the City Council is required prior to any site development project commencement.

1. ORGANIZATION/INDIVIDUAL(S) NAME: AZALEA PARK FOUNDATION
 ADDRESS: PO BOX 6876 - BROOKINGS, OR - 97415
 CONTACT PERSON AND TELEPHONE: ELMO WILLIAMS 469-6079
2. PARK SELECTED FOR SITE DEVELOPMENT:

☐ BUD CROSS
☐ STOUT

☒ AZALEA
☐ EASY MANOR

☐ RICHARD ST.
☐ OTHER _____
3. IDENTIFY SPECIFIC AREA WITHIN SELECTED PARK: AREA BORDERED BY MAIN ENTRANCE - GAZEBO AREA AND LOWER PARKING LOT
4. DEVELOPMENT PROPOSAL: LANDSCAPE AREA ON LEFT SIDE OF MAIN ENTRANCE DRIVEWAY - (B) ERECT TWO ROCK FACED PILLARS & BUTRESS WALLS FOR MAIN ENTRANCE - (C) RESTORE GAZEBO (D) EXTEND 5 FOOT CEMENT WALKS TO GAZEBO - JOIN LOWER PARKING LOT WALKWAY TO WALK LEADING TO STAGE AREA
5. USE BACK OF FORM FOR SKETCH OF DEVELOPMENT DESIGN
6. PARKING SPACES REQUIRED: _____
7. DEVELOPMENT RESOURCES (i.e. funding, manpower, materials, etc.): GRANTS FROM 3 FOUNDATIONS - (NO CITY MONEY INVOLVED)
8. DEVELOPMENT SUPERVISOR:
 CONTACT PERSON AND TELEPHONE: ELMO WILLIAMS - 469-6079
9. APPROXIMATE ANNUAL MAINTENANCE COST: MAXIMUM 2500 PA. (VOLUNTEERS)
10. LIABILITY INSURANCE CARRIER:
 NAME: _____
 ADDRESS: _____
 CONTACT PERSON AND TELEPHONE: _____

Elmo Williams

FOR OFFICIAL USE ONLY

PRC RECOMMENDATION:	CONCEPTUAL	<input type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED	DATE: _____
	FINAL	<input type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED	DATE: _____
REASONS: _____				
CITY COUNCIL:	CONCEPTUAL	<input type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED	DATE: _____
	FINAL	<input type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED	DATE: _____
REASONS: _____				

PARKING

RIO TOWN

TO BE LANDSCAPED

MAIN ENTRANCE

ADD 5' WALK GAZEBO

RESTORE

Old COUNTY ROAD

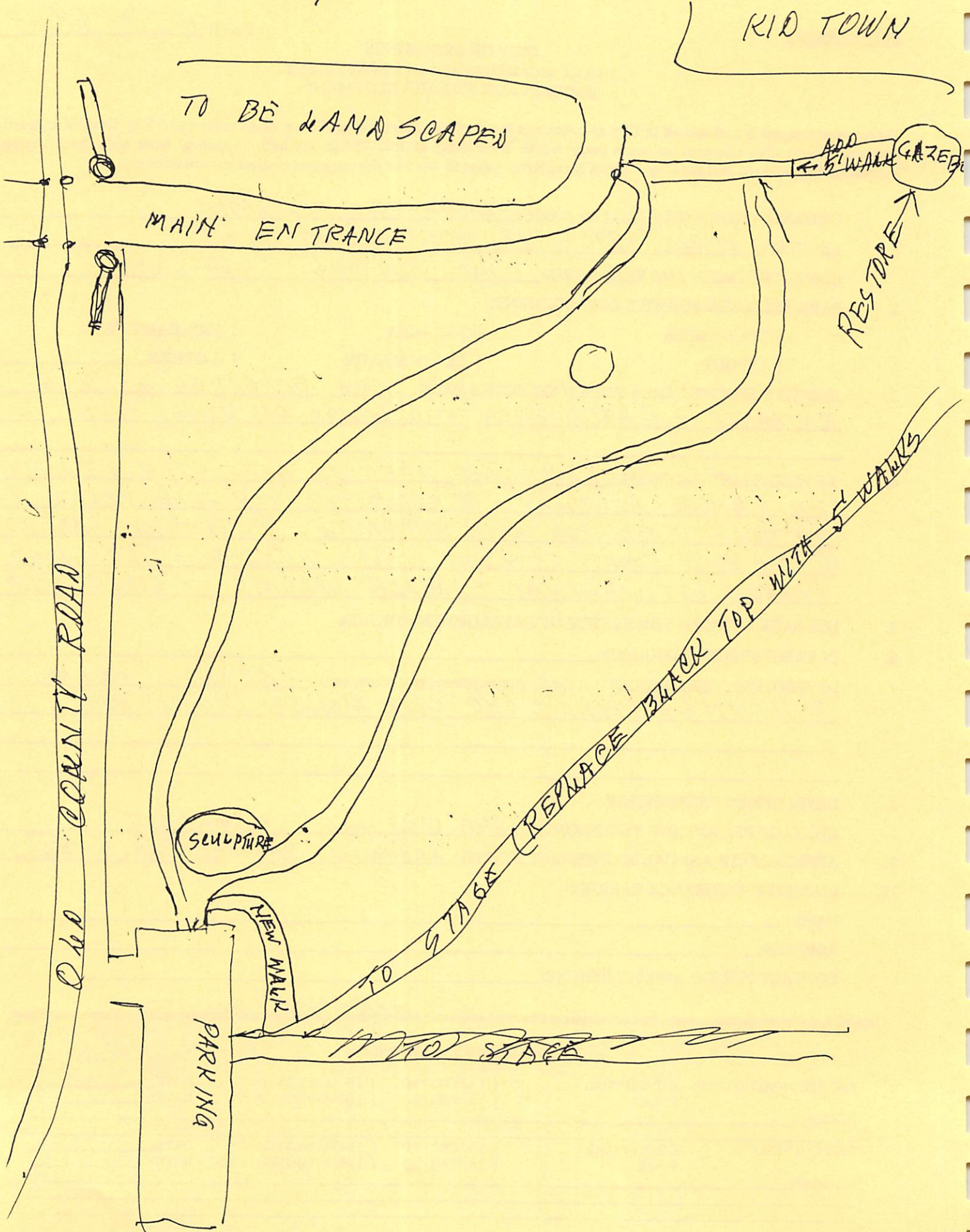
SCULPTURE

NEW WALK

PARKING

TO STAGE (REPLACE BACK TOP WITH 5' WALKS)

NO STAGE



Memorandum

TO: Mayor, City Council

FROM: City Manager Tom Weldon *Tom*

DATE: October 5, 1998



Issue: Easement on city owned golf course property

Background:

1. When South Coast Lumber Company gave the City the second parcel of land that now comprises the Salmon Run Golf Resort, they forgot to reserve an easement on the road for their use.
2. South Coast Lumber has logged the land behind the golf course property and probably wouldn't be using this easement for 20 or 30 years.
3. The Claveran Group understands this situation and has agreed to this solution.

Recommendation: Council authorize Mayor Brendlinger to sign the easement agreement.

Dunn, Carney, Allen,
Higgins & Tongue
Attorneys at Law

851 S.W. Sixth Avenue, Suite 1500
Portland, Oregon 97204-1357
Telephone: (503) 224-6440
Facsimile: (503) 224-7324

Facsimile Letter

Date : October 6, 1998

Pages: Three
(including cover page)

To : Mr. Tom Weldon

Company : City of Brookings

Fax No. : (541) 469-3650

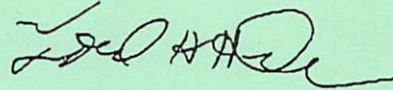
Client No. : SOU17-2

Re : Golf Course Easement

Dear Mr. Weldon:

Per John Trew's request, following is the revised Easement adding The Claveran Group as a party. The original document has already been mailed to Mr. Trew.

Very truly yours,



Frank H. Hilton, Jr.

FHH: tlc

cc: Mr. John B. Trew (Via Facsimile: 541-396-5723)

\\ODMA\GRPWISE\DUNN-CAR.POST1.CLIENTS:2354.1

Confidentiality and Transmission Problems

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Transmission Problem: If you do not receive all pages of this facsimile or experience other transmission problems, please call the sender at (503) 224-6440.

EASEMENT AGREEMENT

The City of Brookings, a Municipal Corporation, Grantor, conveys to South Coast Lumber Co., its successors and assigns, Grantee, a perpetual non-exclusive 50 foot wide easement for roadway and utility purposes for the benefit of the adjacent lands now owned or hereafter acquired by South Coast Lumber Co., and for any partition or division of said adjacent lands. Said easement is more particularly described in Exhibit "A" attached hereto and made a part hereof and said easement may be realigned by Grantor or its successors at their election. This easement supersedes the easement described in that certain deed dated April 13, 1987, recorded Book 138, Page 604, and corrects the deed dated and recorded December 9, 1992 as Instrument No. 92 10002. The Claveran Group, L.L.C., Lessee of the servient estate, consents to the grant of this Easement.

Executed October 7, 1998.

CITY OF BROOKINGS

THE CLAVERAN GROUP, L.L.C.

By: _____
Title: _____

By: *Andy Claveran*
Title: MANAGER

STATE OF OREGON)
) ss.
County of Curry)

I hereby certify that the within instrument was received for record on the ____ day of _____, 1998, at ____ o'clock ____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____, Record of Deeds of said County.

Witness my hand and seal of County affixed.

AFTER RECORDING RETURN TO:

Frank H. Hilton, Jr.
851 S.W. Sixth Avenue, Suite 1500
Portland, Oregon 97204

Name _____ Title _____
By _____ Deputy _____

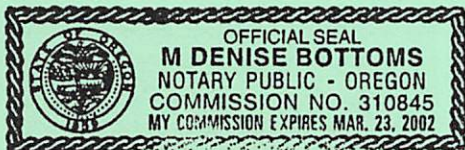
STATE OF OREGON)
) ss.
County of Curry)

This instrument was acknowledged before me on this _____ day of _____, 1998,
by _____ as _____ of the City of Brookings.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Curry)

This instrument was acknowledged before me on this 7th day of October, 1998,
by Felix Claveran, as Manager of The Claveran Group, L.L.C.



M. Denise Bottoms
Notary Public for Oregon
My Commission Expires: 3-23-2002

COUNCIL APPOINTMENTS

Revised 09-29-98

ORGANIZATION	MEETING DATES AND TIMES	DATE APPOINTED	MEMBER DESIGNATE	TERM EXPIRES
CITY OF BROOKINGS ORGANIZATIONS				
Council President Student Representative	Same as Council	January 9, 1995 October 27, 1997	Councilor Curry Shiloh Thom	January 9, 1999 Sept. 1, 1999
Budget Committee	As set by Council	February 9, 1998 March 13, 1995 February 9, 1998 February 10, 1997 February 12, 1996	Harold Thiesen Lorraine Kuhn Lee Rogers Reily Smith Keith Hislop	February 1, 2001 February 1, 1999 February 1, 1999 February 1, 2001 February 1, 2001
Parks & Recreation Commission	Monthly on fourth Thursday at 7 P.M.	February 23, 1998 January 25, 1991 November 9, 1992 February 10, 1997 February 9, 1998 Sept. 14, 1995 January 12, 1998 October 14, 1996 Sept. 28, 1998	Councilor Pepper, Liaison Don Higginson Olivia Abbott Craig Mickelson Chair Nina Canfield Gro Lent Mike Smith Paul Prevenas Alyssa Babin & Ashley Thom, Student Reps.	No Specific Term February 1, 2001 February 1, 2000 February 1, 2002 February 1, 2002 February 1, 2001 February 1, 1999 February 1, 2000 Sept. 1, 1999
Planning Commission	Monthly on first Tuesday at 7 P.M.	January 25, 1993 April 13, 1971 March 16, 1987 March 13, 1989 March 20, 1993 April 10, 1995 February 10, 1997 October 27, 1997	Mayor Brendlinger, Liaison Earl Breuer Ted Freeman, Jr. Judi Krebs George Ciapusci Marvin Lindsey Richard Dentino Vacant Mary Ball, Student Rep	No Specific Term April 1, 2000 April 1, 1999 April 1, 2002 April 1, 2001 April 1, 2000 April 1, 1999 April 1, 2001 Sept. 1, 1999

Systems Development Charge Review Board	Quarterly on Tuesday afternoons	January 25, 1993 October 9, 1989 Nov. 11, 1997 October 9, 1989 March 13, 1995 February 10, 1997	Mayor Brendlinger, Liaison Jim Collis, Chair Larry Smith Bob Krebs Ross Shawaker Russ Fritz	No specific Term October 31, 1999 October 31, 2001 October 31, 1999 October 31, 1998 October 31, 2000
OTHER ORGANIZATIONS				
Chamber of Commerce	Board meets monthly on 4 th Wednesday at 7:00 pm at B/W Brkgs Inn Conference Room	February 1, 1993	Councilor Hagbom	No Specific Term
Chetco River Watershed Council	First Wednesday of month 7:00 P.M., Chetco Ranger Station	September 26, 1994	Councilor Hagbom	No Specific Term
Coos-Curry-Douglas Business Development Corp.	Meet monthly on a Thursday morning in Coquille	June 13, 1994	Councilor Curry	No Specific Term
Curry County Recycling Committee	Meet second Thursday of month in afternoon in Gold Beach	February 10, 1997	Ken Burns	No Specific Term
Curry County Solid Waste Advisory Committee	Meet on Thursday afternoons in Gold Beach		City Manager	No Specific Term
Curry Tri-Cities Council	As needed, location varies between Brookings, Gold Beach and Port Orford	February 23, 1998	Mayor, Full Council and City Manager	No Specific Term
Harbor Sanitary District	Meets monthly on Tuesday evening at HSD at 7:30 P.M.	January 25, 1993	Mayor Brendlinger Alt: Councilor Curry	No Specific Term
LOC Board of Directors	As Set by LOC	November 8, 1997	Councilor Hagbom	No Specific Term
LOC Government Standing Committee	As Set by LOC	November 15, 1995	Councilor Hagbom	No Specific Term
LOC Legislative Committee	As Set by LOC	November 15, 1995	Councilor Hagbom	No Specific Term

OCZMA/ODOT Coastal Policy Advisory Committee on Transportation (CPACT)	As set by CPACT	April 24, 1995	Councilor Curry Alt. Councilor Hagbom	No Specific Term
Oregon Coastal Zone Management Association	Meet on Thursdays and Fridays - usually in Newport or Salem	Sept. 9, 1996	Councilor Curry Alt.: Councilor Hagbom	No Specific Term
Port of Brookings-Harbor	Monthly on third Wednesday	February 23, 1998	To be appointed 10-26-98	No Specific Term
School Board (District 17C)	Monthly on third Monday	February 23, 1998	To be appointed 10-26-98	No Specific Term
Senior Center			Councilor Hagbom	No Specific Term
Southern Oregon Watershed Coordinating Council		January 14, 1994	Councilor Hagbom Alt.: Councilor Curry	No Specific Term
Southwestern Oregon Community Action Committee	2 nd Tuesday of the month at 6:30 pm in Coos Bay	February 9, 1998	Gerry Livingston	No Specific Term

Ken Lewis
Chief of Police

POLICE DEPARTMENT
City of Brookings
898 Elk Drive
Brookings, Oregon 97415
(541) 469-3118 - Fax (541) 412-0253



Memorandum/10-07-98

From: Chief Ken Lewis *KLL*
To: Brookings City Council *Tom*
Thru Tom Weldon
Re: Local Law Enforcement Block Grant
Program, FY 1997

The police department is seeking approval to apply for a Local Law Enforcement Block Grant through the Criminal Justice Services Division of the Oregon State Police in the amount of \$3,517.00, with a cash "match" amount of \$390.77 required by the City if the Grant is awarded.

The purpose of the Grant would be to form a special bicycle patrol unit within the police department known as B.E.A.T., the Bicycle Enforcement Anti-Crime Team.

Several officers would be selected from both the regular force and the police Reserve Unit and would be trained and equipped with police mountain bikes to patrol the downtown core business district and Azalea Park from May through September. The majority of the officers utilized for the police B.E.A.T. unit would be Reserve officers, and with their enhanced mobility and undetected and quiet response to incidents in the downtown area, we should see a significant decrease in such crimes and offenses as car prowling, vandalism to vehicles and property, problem skateboarders, and juvenile drug and alcohol related crimes. In addition to the benefits of increased crime prevention and detection, our bicycle enforcement officers would receive special training from the Brookings-Harbor Chamber of Commerce in giving directions and local tourism information to our out of town visitors. These uniformed officers will be highly visible and "approachable" by the public. I have presented the concept to several downtown merchants as well as the Chamber of Commerce president and Chamber Director, and have enthusiastically received their encouragement in pursuing this Grant.

From the total Grant Funding amount of \$3,907.00, approximately \$1,600.00 would be expended for three (3) Fuji police mountain bikes, with the remainder of the

funds to be spent on accessories, equipment, and uniforms.

Should the police department be successful in securing this Grant, officer selection and equipment purchasing would start as soon as the funds are made available so a training and physical conditioning program could be undertaken this winter.

Our goal would be to have the B.E.A.T. unit make their debut at this year's 1999 Azalea Festival.

TO: Mayor, City Council
FROM: Leo Lightle, *LBL*
Community Development Director
Ken Lewis, Police Chief *Ken*
THROUGH: Tom Weldon, City Manager *Tom*
DATE: October 7, 1998
ISSUE: Stop sign request by
Claron Glen Home Owners Association

Community Development Department



BACKGROUND:

The Home Owners Association for Claron Glen identified safety concerns at the intersection of Brooke Lane and Timberline Drive (see attached). They request a stop sign at the intersection. The request should have been to install a stop sign at the southwest corner of Brooke Lane and Third Street.

The second request for a street sign will be installed and does not require Council action.

RECOMMENDATION: The City Council direct staff to have a stop sign installed at the southwest corner of Brooke Lane and Third Street.



Claron Glen HOA Architectural and Landscape committee.
c.o. 924 Hidden Court
Brookings--OR--97415

RECEIVED
JUN 10 1998

CITY OF BROOKINGS
COMMUNITY DEVELOPMENT

Mr. John Bischoff,
Director Planning Department
City Hall
898 Elk Drive
Brookings-OR-97415

June 8, 1998

Dear Sir:

The above-named committee respectfully asks for your consideration and implementations of the following requests.

- 1) Installation of a boulevard stop sign on the north west corner of Brooke Lane and Third street.
- 2) Addition of a Brooke Lane street sign at the intersection of Timberline and Brooke Lane. Presently the sign only identifies Timberline.

Explanation of requests

- 1a) Brooke Lane runs steeply down toward Timberline when crossing Third street and consequently runs steeply up toward Third street. Vehicles coming up Brooke Lane are not visible to cars coming down Brooke Lane intending to turn left onto Third street. It is the opinion of homeowners in the Claron Glens' area that this spot is an accident waiting to happen. Furthermore a variety of drivers discovered the absence of a boulevard stop at this location. Consequently Timberline is used as a semi raceway.

To characterize or illustrate: Go North on Third street, left on Hassett, right on Timberline, right on Brooke Lane, straight to Fifth street. As you may realize, this particular location is a safety concern to our Homeowners' association members and others not familiar with this area.

- 2a) Driving North on Timberline street to the intersection of Brooke Lane there is no street sign identifying Brooke Lane.

The members of the Claron Glenn Architectural and Landscape committee strive to maintain this area in a safe, attractive and a well-maintained manner. It is with these basic ideas that the undersigned respectfully ask you to appreciate our concerns.

The courtesy of your favorable reply will be greatly appreciated.

Yours sincerely,

For the A&L Committee:

Don C Ketelaar
Chairperson

469-1059



N.Soderstrom

469-9309



W. Boynton, D.D.S.

469-0443



A.Francis

469-5574



**CITY OF BROOKINGS
COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
September 28, 1998
7:00 pm**

I. CALL TO ORDER

Mayor Brendlinger called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Nancy Brendlinger, Councilors Larry Curry, Keith Pepper, Bob Hagbom

Council Absent: Ex-Officio Councilor Shiloh Thom

Staff Present: City Manager Tom Weldon, Community Development Director Leo Lightle, Fire Chief Bill Sharp, Finance Director/Recorder Beverly Adams, Municipal Court Judge Richard Harper, Administrative Secretary Denise Bottoms

Media Present: Chuck Hayward, Curry Coastal Pilot; Martin Kelley, KCRE; Joyce Tromblee, KURY

Others Present: Connie Wilson, League of Women Voters

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

Mayor Brendlinger asked for a moment of silence in memory of Dave Ham.

A. Appoint new Council member and Oath of Office

Mayor Brendlinger stated that we received one letter from Frances Johns requesting appointment to the vacant City Council position.

Councilor Curry moved, Councilor Hagbom seconded and the Council voted unanimously to appoint Frances Johns to City Council position #2 with a term expiration of 12/31/2000.

Municipal Court Judge Richard Harper administered the Oath of Office and Councilor Johns took her seat at the Council bench.

B. Employee of the Season

Mayor Brendlinger announced the City of Brookings Employee of the Season, Michelle Kalina, and presented a proclamation to Michelle for her work with the Summer Recreation Program.

C. Award of Financial Reporting Excellence

An Award of Financial Reporting Excellence was presented to Finance Director/Recorder Beverly Adams by Mayor Brendlinger. This award is from the Government Finance Officers Association.

D. Firefighter certificates

Jason Dimmick, Dave Frisch, Craig Martin, Steve Nagel, Dennis Patterson and Mark Saphiloff received a State certificate for Firefighter I from Mayor Brendlinger. Jason Dimmick and Scott Shrider also received State certificates for Basic Firefighter.

E. "Fire Prevention Week" Proclamation

A proclamation announcing October 4-10, 1998 as Fire Prevention Week was read by Mayor Brendlinger.

F. "Disability Employment Awareness Month in Brookings" proclamation

Mayor Brendlinger read a proclamation announcing October, 1998 as "Disability Employment Awareness Month in Brookings." A copy of the proclamation will be sent to the Governor's office.

V. PUBLIC HEARINGS

VI. SCHEDULED PUBLIC APPEARANCES

A. School District 17-C representatives

Tom Davis, Chair of the Brookings-Harbor School Board, asked the Council for their support in the school building bond they are pursuing.

Councilor Curry moved, Councilor Hagbom seconded and the Council voted unanimously to support the Brookings-Harbor School District in passing a bond to improve our school buildings.

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison Reports

1. Chamber of Commerce - None
2. Parks and Recreation Commission - None
3. Council Liaisons

Councilor Hagbom encouraged Councilor Johns to attend the League of Oregon Cities Annual Conference where a workshop is provided specifically for newly elected officials.

Councilor Hagbom also reported on a Community Volunteer Education Program that will be offering a pilot class at Linn-Benton Community College this fall.

Councilor Pepper reported that the Canopy Board has met several times in the past 2 months. There is a Project Book that is now available and shows the progress that has been made. This book is available at the library.

Mayor Brendlinger served as a judge for the March of Dimes "Stars Behind Bars" where approximately \$5,000 was raised locally. She was also interviewed by Bruins students who produce a weekly television news program.

The Mayor attended a dinner honoring Public Safety people which was put on by the Christian Women's Club and was held at the Elks Lodge. She visited the bomb site of Nobuo Fujita with several other people to come up with ideas for a Fujita memorial using the funds donated by the 76th Naval Academy of Japan class. They are looking at incorporating a multi-lingual designation and improving the existing area.

B. Unscheduled

VIII.

STAFF REPORTS

A. Finance Department

1. Bond refinancing - 1992 series

Councilor Hagbom moved, Councilor Pepper seconded and the Council voted unanimously to authorize the Finance Director/Recorder to proceed with the refinancing of Bond Series 1992 and to prepare a resolution as such to be considered for approval at the October 12, 1998 Council meeting.

B. City Manager

1. Appoint student ex-officio representatives

Councilor Hagbom moved, Councilor Curry seconded and the Council voted unanimously to appoint the following ex-officio student representatives:

Shiloh Thom- City Council

Mary Ball - Planning Commission

Alyssa Babin - Parks & Recreation Commission

Ashley Thom - Parks & Recreation Commission

2. City Attorney contract

Councilor Pepper moved, Councilor Curry seconded and the Council voted unanimously to appoint the firm of

Trew and Cyphers as the Brookings City Attorney, with John Trew as our primary attorney.

3. OEDD grant for technical assistance

Councilor Johns moved, Councilor Pepper seconded and the Council voted unanimously to authorize the City Manager to apply for a grant from ODDA to provide technical assistance and training to help revitalize downtown.

4. Appointment of LOC Convention voting delegate and alternate

Councilor Pepper moved, Councilor Johns seconded and the Council voted unanimously to appoint Mayor Brendlinger as voting delegate for the League of Oregon Cities Annual Conference and Councilor Hagbom as the alternate.

C. Community Development

1. I & I additional work

Councilor Hagbom moved, Councilor Curry seconded and the Council voted unanimously to authorize the Mayor to sign the I & I Change Order to increase the work upon a favorable recommendation from Brown & Caldwell and DEQ.

2. Sewer for UGB

Councilor Curry moved, Councilor Hagbom seconded and the Council voted unanimously that the City commit to providing sewer service to those areas within the new UGB that are not being served by the Harbor Sanitary District. This is a necessary part of developing the UGB and the Council had received a letter from HSD saying they were not interested in providing this service.

3. Authority to call for bids for Treatment Plant pickup

Councilor Pepper moved, Councilor Johns seconded and the Council voted unanimously to authorize calling for bids for a 4 wheel drive pickup for the Wastewater Treatment Division.

IX.

CONSENT CALENDAR

- A. Approval of Council Meeting Minutes
1. Minutes of September 14, 1998 Regular Council Meeting

(end Consent Calendar)

Councilor Hagbom moved, Councilor Curry seconded, and the Council voted unanimously to approve the consent calendar as amended.

X.

ORDINANCES/RESOLUTIONS/FINAL ORDERS

XI.

REMARKS FROM MAYOR AND COUNCILORS

- A. Mayor - None

- B. Council

Councilor Pepper reported on the Nature's Coastal Holiday. They received a donation of over \$3,000 from 3 local businesses which will help with the expansion this year. They are also looking at adding permanent power boxes in Azalea Park.

Councilor Hagbom moved, Councilor Curry seconded and the Council voted unanimously to add Nature's Coastal Holiday to the agenda.

Councilor Curry moved, Councilor Johns seconded and the Council voted unanimously to authorize Nature's Coastal Holiday to proceed with adding 2 permanent electrical boxes with 2 20 amp circuits each at the stage at Azalea Park.

XII.

ADJOURNMENT

Councilor Curry moved, Councilor Pepper seconded and the Council voted unanimously to adjourn at 8:29 p.m.

ATTEST:

Nancy Brendlinger
Mayor

Beverly Adams
Finance Director/Recorder

PARK AND RECREATION COMMISSION MEETING

MINUTES, AUGUST 27, 1998

ROLL CALL

Present: Mickelson, Higginson, Canfield, Prevanus, Smith. Excused: Abbott, Weldon. Absent: Lent McKay.

AZALEA PARK

Elmo Williams presented an update on continuing work at the park. He showed drawings of his proposed park entrances design. The design would be made of stone and redwood with one on each side of the upper park entrance and one at the lower park entrance. Elmo is proposing some additional concrete sidewalks and showed on his diagram where he planned to put them. He pointed out an area that he wished to place a concrete slab and a bench. Don Higginson objected that the area had many tree roots that could be damaged by the placement of a concrete slab. Elmo explained that the Azalea Park Foundation had received a grant for \$5000. and donations of approximately \$600. Another grant for \$35,000. appears to be firm. These monies should cover the cost of his plans. The repair of the gazebo has been taken over by the Nature's Coastal Holidays and the City Council.

City Council person Keith Pepper handed out a paper outlining what Nature's Coastal Holiday's proposed to do in the renovation of the gazebo and explained in more detail what this entailed. A motion was made and passed to take these plans to the City Council for final approval.

STOUT PARK

Craig Mickelson stated that he, Gro Lent and Tom Weldon met and had a discussion regarding the plaque for Stout Park. Tom took the ideas and would do some further work on finalizing the ideas and then would take them to the City Council.

CHETCO POINT PARK

Craig Mickelson stated that he had met with an engineer in regards to the plan for the bridge. The engineer stated the proposed bridge plan was acceptable. Craig stated that the city has appeared to have roughed in a superficial road around to the back of the sewage treatment plant.

FENCE DESIGN FOR CITY PARKS

Don Higginson presented photos of design ideas for fences. The committee decided that the 2 or 3 pole high wood slats with and without vinyl coated wire mesh as the best idea. Don explained how it should properly be installed. Motion made and passed to accept the proposed idea for park fencing.

SOFTBALL/SOCCER FIELDS

Paul Prevanus reported that he had no update. He stated that the committee must be moving ahead because he had been contacted in regards to the school doing the grass mowing of the fields.

PARKS MASTER PLAN

Mike Smith had nothing to report. Craig Mickelson instructed Mike to include the newly proposed park fencing design in his plan.

AZALEA PARK LIAISON REPORT

Don Higginson had no update to report.

Motion to adjourn: passed.

MINUTES
BROOKINGS PLANNING COMMISSION
REGULAR MEETING
September 1, 1998

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

Sandy Hislop
Earl Breuer
Ted Freeman

Marv Lindsey
Rick Dentino

John Bischoff, Planning Director
Linda Barker, Secretary

Commissioners Krebs and Ciapusci and Ex-officio Commissioner Ball were not present.

CHAIRPERSON ANNOUNCEMENTS

Vice Chair Freeman reported on the meeting held between City Manager Tom Weldon, Planning Director John Bischoff, Planning Commission Chair Judi Krebs and himself regarding enforcement of conditions of approval.

The date of the November meeting was changed from the 3rd to the 10th. The change was necessary as the Council Chambers will be in use on the 3rd for the General Election.

MINUTES

By a 5-0 vote (motion: Commissioner Breuer, second: Commissioner Lindsey) the Planning Commission approved the minutes of the August 4, 1998, meeting.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON FINAL ORDERS

None

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

Lundeen Lane will be improved from Old County Road to the easterly end of their property by Shelter Resources, Inc. which is building an apartment complex on the north side of the street. Improvements will be curb, gutter and sidewalk on the north side with no parking for the first 500 feet. Street width has been set at 20 feet.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 5-0 vote (motion: Commissioner Breuer, second: Commissioner Lindsey) the Planning Commission approved (File No. SUB-2-93/Replat) a request for a replat of the original subdivision to divide an existing 31,123 sq. ft. lot into two lots of 15,416 and 15,707 sq. ft in size; located on the southeast side of Jodee Lane and on the north side of Hassett Street approximately 450 feet east of Fifth Street; zoned R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size); Hillcrest Subdivision, Inc, applicant; Dee Stringham, representative.

Before the hearing was opened the following Commissioners declared ex parte contact as a

result of a site visit: Commissioners Freeman, Lindsey and Dentino. Commissioner Freeman also declared that he had done business with the applicant in the past but this caused no bias. Commissioner Breuer declared he was acquainted with the applicant but again this caused no bias. No member of the audience challenged any commissioner for bias or conflict of interest.

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

Dee Stringham

00308 Winchuck Road

Brookings OR

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

2. By a 5-0 vote (motion: Commissioner Breuer, second: Commissioner Lindsey) the Planning Commission approved the Final ORDER and Findings of Fact for File No. SUB-2-93/Replat.
3. By a 5-0 vote (motion: Commissioner Hislop, second: Commissioner Breuer) the Planning Commission approved (File No. MP-1-98) a request for a major partition to create three lots accessed by a new cul-de-sac street extending west from Fourth Street; located on the west side of Fourth Street approximately 130 feet south of Ransom Avenue; zoned R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size); P. John Kim, applicant; Lloyd Matlock, representative.

Before the hearing was opened the following Commissioners declared ex parte contact as a result of a site visit: Commissioners Freeman, Lindsey and Dentino. Commissioner Freeman also declared that he had done business with the applicant in the past but this caused no bias. No member of the audience challenged any Commissioner for bias or conflict of interest.

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

Lloyd Matlock

PO Box 8026

Brookings OR

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

4. By a 5-0 vote (motion: Commissioner Breuer, second: Commissioner Lindsey) the Planning Commission approved the Final ORDER and Findings of Fact for File No. MP-1-98.
5. By a 5-0 vote (motion: Commissioner Lindsey, second: Commissioner Breuer) the Planning Commission approved (File No. VAR-3-98) a request for a 9 ft., 4 in. front yard setback variance to allow a greenhouse to remain where it has been constructed; located on the west side of Highway 101 in the northwest corner of the highway and Crissey Circle, more specifically 1339 Crissey Circle; zoned R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size); G. Kelly Sievers, applicant.

Before the hearing was opened the following Commissioners declared ex parte contact as a result of a site visit: Commissioners Freeman, Lindsey, Dentino, Hislop and Breuer. Commissioner Freeman also declared that the applicant had been a customer and that this caused no bias. Commissioner Hislop declared she had done business with the applicant in the past and that this caused no bias. No member of the audience challenged any commissioner for bias or conflict of interest.

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

G. Kelly Sievers

1339 Crissey Circle

Brookings OR

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

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON COUNTY REFERRALS
None

UNSCHEDULED PUBLIC APPEARANCES
None

REPORT OF THE CITIZENS ADVISORY COMMITTEE

The Deferred Improvement Agreement Committee held an organizational meeting August 19. The next meeting will be September 8 at 3:00 p.m. in the Council Chambers.

MESSAGES AND PAPERS FROM THE CITY MANAGER
None

MESSAGES AND PAPERS FROM THE MAYOR
None

REPORT OF THE PLANNING DIRECTOR

The Hillside Development Standards report was delayed until the October meeting as the city attorney has been working on other city-related matters and has not reviewed the proposed ordinance change at this time.

Director Bischoff reported the Urban Growth Boundary (UGB) defendants had been awarded costs in the appeal of the UGB by 1000 Friends of Oregon. The city's portion of the award is \$675.20. City and county staff are continuing to work on the remand issues of the UGB.

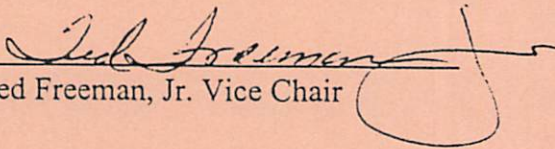
PROPOSITIONS AND REMARKS FROM COMMISSION MEMBERS

Commissioner Breuer asked about a street cut on Ransom Avenue above Paradise Lane that needs repair.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,
BROOKINGS PLANNING COMMISSION


Ted Freeman, Jr. Vice Chair

RESOLUTION NO. 98-R-644

**A RESOLUTION OF CITY OF BROOKINGS, CURRY COUNTY,
OREGON, AUTHORIZING ISSUANCE AND SALE OF LIMITED
TAX REFUNDING IMPROVEMENT BONDS, SERIES 1998**

WHEREAS, the City Council Council of City of Brookings (the City") finds:

A. The City is authorized pursuant to the Constitution and laws of the State of Oregon to issue refunding bonds for its outstanding Limited Tax Improvement Bonds, Series 1992 (the "Refundable Bonds").

B. The City has directed Seattle-Northwest Securities Corporation to prepare a refunding plan for that portion of the City's outstanding Refundable Bonds which can be refunded to produce debt service savings.

C. Issuing refunding bonds to refund the Refundable Bonds will benefit the City and its taxpayers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brookings that :

Section 1. Designations.

For the proposed issue of refunding bonds, the firm of Preston Gates & Ellis LLP is designated as bond counsel, the firm of Seattle-Northwest Securities Corporation is designated as Underwriter and the firm of Moore Breithaupt & Associates is designated as independent expert.

Section 2. Bonds Authorized.

For the above purpose, the City shall issue its Limited Tax Refunding Improvement bonds, Series 1998 (the "Refunding Bonds"). The City Finance Director or his or her designee (the "Finance Director"), on behalf of the City, may:

2.1. participate in the preparation and authorize the distribution of preliminary and final official statements or other disclosure document for the Refunding Bonds;

2.2. negotiate the terms of, and execute, a bond purchase agreement with the underwriters, establish the principal amount, interest rates, and sale price for the Refunding Bonds and the redemption terms, payment terms and dates, and other terms of the Refunding Bonds;

2.3. issue, sell and deliver the Refunding Bonds, and execute and deliver any related certificates or documents which are reasonably required to refund the Refundable Bonds in accordance with this Resolution; and

2.4. appoint a paying agent and escrow agent and negotiate the terms of, and execute, an escrow deposit agreement.

Section 3. Refunding Bond Book-Entry-Form.

The Refunding Bonds shall be initially issued in book-entry form, with no Refunding Bonds being made available to the Bondowners. The Finance Director shall execute and deliver letters of representations to The Depository Trust Company, New York, New York ("DTC") for the Refunding Bonds, in form and substance satisfactory to DTC. So long as the Refunding Bonds are in book-entry form:

3.1. Ownership of the Refunding Bonds shall be recorded through entries on the books of banks and broker-dealer participants and correspondents that are related to entries on the DTC system. The Refunding Bonds shall be initially issued in the form of a global bond for each maturity. Each global bond shall be registered in the name of Cede & Co. as nominee of DTC as the owner of the Refunding Bond, and such global bonds shall be lodged with DTC and early redemption or maturity of the Refunding Bond issue.

3.2. The Registrar shall remit payment for the maturing principal and interest on the Refunding Bonds to DTC as owner of the Refunding Bonds for distribution by the nominee to the beneficial owners by recorded entry on the books of DTC participants and correspondents. While the Refunding Bonds are in book-entry-form, the Refunding bonds will be available in denominations of \$5,000 or any integral multiple thereof.

3.3. In the event DTC determines not to continue to act as securities depository for the Refunding Bonds, or the City determines that DTC shall no longer so act; then the City will discontinue maintaining the Refunding Bonds in the book-entry-form with DTC.

3.4. Notwithstanding the provisions regarding exchange and transfer of Refunding Bonds set forth in this Resolution, while the Refunding Bonds are in book-entry-form they may not be transferred or exchanged on the registration books maintained by the Paying Agent except:

3.5. to any successor depository designated by the City as provided below;

3.6. to any successor nominee designated by a depository; or

3.7. if the City elects to discontinue maintaining the Refunding Bonds in book-entry-form, the City shall cause the Paying Agent to authenticate and deliver replacement Refunding Bonds in fully registered form in authorized denominations in the names of the beneficial owners or their nominees; thereafter the provisions set forth herein, regarding registration, transfer and exchange of Refunding Bonds shall apply.

3.8. Upon the resignation of any institution action as depository hereunder, or if the City determines that continuation of any institution in the role of depository is not in the best interests of the beneficial owners, the City shall attempt to identify another institution qualified to act as depository hereunder or shall discontinue maintaining the Refunding Bonds in book-entry-form

by resolution or ordinance. If the City is unable to identify such successor depository prior to the effective date of the resignation, the City shall discontinue maintaining the Refunding Bonds in book-entry-form as provided above.

3.9. With respect to Refunding Bonds registered in the registration books maintained by the Paying Agent in the name of the nominee of DTC, the City and the Paying Agent shall have no responsibility or obligation to any participant or correspondent of DTC or to any beneficial owner on behalf of which such participants or correspondents act as agent for the beneficial owner with respect to:

3.9.1. the accuracy of the records of DTC, the Nominee or any participant or correspondent with respect to any beneficial owner's interest in the Refunding Bonds;

3.9.2. the delivery to any participant or correspondent or any other person of any notice with respect to the Refunding Bonds, including any notice of prepayment;

3.9.3. the selection by DTC of the beneficial interest in Refunding Bonds to be redeemed prior to maturity; or

3.9.4. the payment to any participant, correspondent, or any other person other than the registered owner of the Refunding Bonds as shown in the registration books maintained by the Paying Agent, of any amount with respect to principal or interest on the Refunding Bonds.

3.10. So long as the Refunding bonds are in book-entry-form, the Paying Agent will give any notice of redemption or any other notices required to be given to registered owners of Refunding Bonds only to DTC or its nominee registered as the registered owner thereof. Any failure of DTC to advise any of its participants, or of any participant to notify the beneficial owner, of any such notice and its content or effect will not affect the validity of the redemption of the Refunding Bonds called for redemption or of any other action premised on such notice. Neither the City nor the Paying Agent is responsible or liable for the failure of DTC or any participant to make any payment or give any notice to a beneficial owner in respect of the Refunding Bonds or any error or delay relating thereto.

3.11. The City shall pay or cause to be paid all principal and interest on the Refunding Bonds only to or upon the order of the owner, as shown in the registration books maintained by the Paying Agent, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligation with respect to payment thereof to the extent of the sum or sums so paid.

3.12. Upon delivery by DTC to the City and to the owner of written notice to the effect that DTC has determined to substitute a new nominee in place of the nominee, then the word "nominee" in this resolution shall refer to such new nominee of DTC, and upon receipt of such notice, the City shall promptly deliver a copy thereof to the Paying Agent. DTC shall tender the Refunding Bonds it holds to the Paying Agent for reregistration.

3.13. The provisions of this Section may be modified without the consent of the beneficial owners in order to conform this Section to the standard practices of DTC for bonds issued in book-entry-form.

Section 4. Optional Redemption.

4.1. The Bonds shall be subject to optional redemption as described in the Bond Purchase Agreement.

Section 5. Notice of Redemption of Bonds.

5.1. Notice of Redemption (DTC). So long as the Refunding Bonds are in book-entry-form, the Paying Agent shall notify DTC of any early redemption not less than 30 days prior to the date fixed for redemption, and shall provide such information in connection therewith as required by a letter of representation submitted to DTC in connection with the issuance of the Refunding Bonds.

5.2. Notice of Redemption (No DTC). During any period in which the Refunding Bonds are not in book-entry-form, unless waived by any Owner of the Refunding Bonds to be redeemed, official notice of any redemption of Refunding Bonds shall be given by the Paying Agent on behalf of the City by mailing a copy of an official redemption notice by first class mail postage prepaid at least 30 days and not more than 60 days prior to the date fixed for redemption to the Owner of the Refunding Bond or Bonds to be redeemed at the address shown on the bond register or at such other address as is furnished in writing by such owner to the Paying Agent. The City shall notify the Paying Agent of any intended redemption not less than 45 days prior to the redemption date. All such official notices of redemption shall be dated and shall state:

5.2.1. the redemption date,

5.2.2. the redemption price,

5.2.3. if less than all outstanding Refunding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Refunding Bonds to be redeemed,

5.2.4. that on the redemption date the redemption price will become due and payable upon each such Refunding Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and

5.2.5. the place where such Refunding Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal office of the Paying Agent.

5.3. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in

the payment of the redemption price) such Bonds or portions of bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Registrar at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of the same maturity in the amount of the unpaid principal. All Bonds which have been redeemed shall be canceled and destroyed by the Registrar and shall not be reissued.

5.4. In addition to the foregoing notice, further notice shall be given by the Registrar as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed.

Section 6. Authentication, Registration and Transfer.

6.1. No Refunding Bond shall be entitled to any right or benefit under this Resolution unless it shall have been authenticated by an authorized officer of the Paying Agent. The Paying Agent shall authenticate all Refunding Bonds to be delivered at closing of the Refunding Bonds, and shall additionally authenticate all Refunding Bonds properly surrendered for exchange or transfer pursuant to this resolution.

6.2. The ownership of all Refunding Bonds shall be entered in the bond register maintained by the Paying Agent, and the City and the Paying Agent may treat the person listed as owner in the bond register as the owner of the Refunding Bond for all purposes.

6.3. While the Refunding Bonds are in book-entry-form, the Paying Agent shall transfer Refunding Bond principal and interest payments in the manner required by DTC.

6.4. If the Refunding Bonds cease to be in book-entry-form, the Paying Agent shall mail each interest payment on the interest payment date (or the next business day if the payment date is not a business day) to the name and address of the Refunding Bondowners as they appear on the bond register as of the fifteenth day of the month preceding an interest payment date (the "Record Date"). If payment is so mailed, neither the City nor the Paying Agent shall have any further liability to any party for such payment.

6.5. Refunding Bonds may be exchanged for an equal principal amount of Refunding Bonds of the same maturity which are in different denominations, and Refunding Bonds may be transferred to other owners if the Refunding Bondowner submits the following to the Paying Agent:

6.5.1. written instructions for exchange or transfer satisfactory to the Paying Agent, signed by the Refunding Bondowner or attorney in fact and guaranteed or witnessed in a manner satisfactory to the Paying Agent; and

6.5.2. the Refunding Bonds to be exchanged or transferred.

6.6. The Paying Agent shall not be required to exchange or transfer any Refunding Bonds submitted to it during any period beginning with a Record Date and ending on the next following payment date; however, such Refunding Bonds shall be exchanged or transferred promptly following that payment date.

6.7. The Paying Agent shall note the date of authentication on each Refunding Bond. The date of authentication shall be the date on which the Refunding Bondowner's name is listed on the bond register.

6.8. For purposes of this section, Refunding Bonds shall be considered submitted to the Paying Agent on the date the Paying Agent actually receives the materials described in Section 5.5.

6.9. The City may alter these provisions regarding registration and transfer by mailing notification of the altered provisions to all Refunding Bondowners. The altered provisions shall take effect on the date stated in the notice, which shall not be earlier than 45 days after notice is mailed.

Section 7. Security for Refunding Bonds.

The City has assessed benefited properties for the costs of local improvements, and has received applications to pay assessments in installments. Each assessment is exempt from the limitation provided in Section 11b(1), Article XI of the Oregon Constitution, because each assessment either: constitutes an assessment for a "local improvement" within the meaning of Section 11b(2)(d), Article XI of the Oregon Constitution; or, was levied prior to July 1, 1991. All installment assessment payments, delinquent payments and foreclosure proceeds shall be placed in the Refunding Bond account of the Bancroft Bond Redemption Fund or such similar fund and applied to the payment of principal and interest on the Bonds. In addition, the full faith and credit of the City are pledged to the successive owners of each of the Bonds for the punctual payment of such obligations, when due. Pursuant to ORS 223.235(4), the City shall levy annually, a direct ad valorem tax upon all of the taxable property within the City in an amount sufficient, with other available funds, to pay all principal of and interest on the Bonds which is due and payable in that year, provided that the amount of such tax shall not exceed the amount permitted under Section 11b(1), Article XI of the Oregon Constitution. The City covenants with the owners of its Bonds to levy such a tax annually during each year that any of the Bonds, or Bonds issued to refund them, are outstanding.

Section 8. Refunding Bond Insurance.

The City may apply for municipal bond insurance for the Refunding Bonds, and any expend Refunding Bond proceeds to pay any bond insurance premium.

Section 9. Form of Refunding Bonds.

The Refunding Bonds shall be in substantially the form attached hereto as Exhibit A, with such changes as may be approved by the City Manager. The Refunding Bonds may be

Page 6 - Resolution

printed or typewritten, and may be issued as one or more temporary Refunding Bonds which shall be exchangeable for definitive Refunding Bonds when definitive Refunding Bonds are available.

Section 10. Execution.

The Refunding Bonds shall be executed on behalf of the City with the facsimile signatures of the Mayor and the Finance Director/Recorder.

Section 11. Tax-Exempt Status.

The City covenants to use the proceeds of the Refunding Bonds, and the facilities financed with the Refundable Bonds, and to otherwise comply with the provisions of the Internal Revenue Code of 1986, as amended, (the "Code") so that interest paid on the Refunding Bonds will not be includable in gross income of the bondowners. The City specifically covenants:

11.1. to comply with the "arbitrage" provisions of Section 148 of the Code, and pay any rebates due to the United States on the gross proceeds of the Refunding Bonds;

11.2. to yield restrict and pay any rebates due to the United States on any unexpended proceeds of the Refundable Bonds; and

11.3. to operate the facilities which were financed with the proceeds of the Refundable Bonds, and any facilities which are financed with the unexpended proceeds of the Refundable Bonds, so that the Refunding Bonds are not "private activity bonds" under Section 141 of the Code.

Section 12. Maintenance of Tax-Exempt Status.

12.1. The City covenants for the benefit of the owners of the Bonds to comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code") which are required for Bond interest to be excluded from gross income for federal income tax purposes. The City makes the following specific covenants with respect to the Code:

12.1.1. The City shall not take any action or omit any action, if it would cause the Bonds to become "arbitrage bonds" under Section 148 of the Code and shall pay any rebates or penalties to the United States which are required by Section 148(f) of the Code.

12.1.2. The City shall operate the facilities financed with the Bonds so that the Bonds are not "private activity bonds" within the meaning of Section 141 of the Code.

12.2. The covenants contained in this Section and any covenants in the closing documents for the Bonds shall constitute contracts with the owners of the Bonds, and shall be enforceable by them.

Section 13. Bank Designation.

The City designates the Bonds as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code. The City (and all subordinate entities thereof, if any) does not reasonably expect to issue more than \$10,000,000 of tax-exempt obligations during the current calendar year.

The Finance Director may enter into covenants on behalf of the City to protect the tax-exempt status of the Refunding Bonds.

Section 14. Escrow.

The net proceeds of the Refunding Bonds shall be placed in irrevocable escrow, pursuant to the Escrow Deposit Agreement. The escrow agent or the Finance Director are hereby authorized to subscribe for and purchase the government obligations to be placed in the escrow, on behalf of the City.

Section 15. Redemption of Refundable Bonds.

Contingent solely on the sale of the Refunding Bonds, the City hereby irrevocably calls for redemption all of the then outstanding Refundable Bonds on June 1, 1999.

Section 16. Defeasance.

If the City:

16.1. irrevocably deposits money or noncallable Government Obligations in escrow with an independent trustee or escrow agent which are calculated to be sufficient for the payment of Refunding Bonds which are to be defeased; and,

16.2. files with the escrow agency or trustee an opinion from an independent, certified public accountant to the effect that the money and the principal and interest to be received from the Government Obligations are calculated to be sufficient, without further reinvestment, to pay the defeased Refunding Bonds when due; and,

16.3. files with the escrow agent or trustee an opinion of nationally recognized bond counsel that the proposed defeasance will not cause the interest component of the Refunding Bonds to be includable in gross income under the Code; then City shall be obligated to pay the defeased Refunding Bonds solely from the money and Government Obligations deposited with the escrow agent or trustee, and the City shall have no further obligation to pay the defeased Refunding Bonds from any source except the amounts deposited in the escrow. For purposes of this section, "Government Obligations" means direct obligations of the United States, or

obligations the principal of and interest on which are fully and unconditionally guaranteed by the United States.

Dated this 12th day of October, 1998.

City of Brookings
Curry County, Oregon

Mayor

Recorder

Resolution No. 98-R-645

A RESOLUTION AUTHORIZING MAYOR NANCY BRENDLINGER TO SIGN ALL DOCUMENTS REGARDING THE SALE OF CITY PROPERTY TO THE UNITED STATES POSTAL SERVICE.

WHEREAS, pursuant to Public Notice, a Public Hearing was held by the City of Brookings Common Council on September 14, 1998 to consider the sale of City owned property described as Lots 7 through 20, inclusive, Block 8, Brookings Plat No. 1 to the United States Postal Service; and

WHEREAS, following the public hearing the Common Council voted unanimously that it would be in the best interest of the public for this property to be sold and to adopt the findings and conclusions as presented by staff;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BROOKINGS THAT:

Mayor Nancy Brendlinger is hereby authorized to sign all documents regarding the sale of the above described property to the United States Postal Service.

PASSED by the Council and signed by the Mayor this 12th day of October, 1998.

Nancy Brendlinger
Mayor

ATTEST:

Beverly Adams
Finance Director/Recorder

BUILDING DEPARTMENT ACTIVITIES SUMMARY

For Month of September, 1998

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDF's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
3	Single Family Dwelling	\$1,348.50	\$634.75	\$67.43	\$13,401.00	\$320,499.18	26	\$3,745,119.38	34	\$4,540,686.10
7	Single Family Addition	\$562.43	\$319.81	\$28.12	\$0.00	\$82,012.00	34	\$363,930.00	19	\$245,308.00
1	Single Family Garage-Carport	\$44.50	\$28.93	\$2.23	\$0.00	\$4,000.00	14	\$114,441.08	13	\$223,238.80
0	Two Family Residential	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$210,000.00	2	\$329,382.00
1	Multi-Family Residential Apts	\$6,488.00	\$6,812.40	\$324.40	\$146,800.00	\$2,521,998.00	1	\$2,521,998.00	0	\$0.00
1	Commercial New	\$1,683.00	\$1,767.15	\$84.15	\$46,976.00	\$600,000.00	5	\$867,003.66	1	\$25,000.00
2	Commercial Addition-Change	\$213.50	\$113.75	\$10.68	\$0.00	\$29,057.00	18	\$468,983.25	19	\$365,963.00
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2	\$189,560.00	0	\$0.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$1,000.00	4	\$36,551.00
0	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	2	\$0.00
0	Misc.-Retaining Wall-Fence	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	3	\$9,325.00
15	Total Building Permits	\$10,339.93	\$9,676.79	\$517.00	\$207,177.00	\$3,557,566.18	102	\$8,482,035.37	97	\$5,775,453.90
10	Mechanical Permits	\$469.50	N/A	\$23.48		N/A	54		59	
5	Plumbing Permits	\$333.20		\$16.66	\$0.00	N/A	36		41	
0	Manufactured Home Permits	\$0.00		\$0.00	\$0.00	N/A	10		6	
30	TOTAL PERMITS	\$11,142.63	\$9,676.79	\$557.13	\$207,177.00	\$3,557,566.18	202	\$8,482,035.37	203	\$5,775,453.90
	Total Year to Date Calculated Fees									
	1997 YTD Calculated Fees									

In August, 1998 Harbor issued permits for 1.0 EDUs.

During the Month of September, 1998, Brookings issued permits for 47.80 new sewer connections. The City of Brookings now has 268.94 EDU Units connected to the Brookings Wastewater System since the signing of the MAO.

added to agenda
Tom

MEMORANDUM

To: Mayor and City Council
From: City Manager Tom Weldon *Tom by DB*
Date: October 12, 1998
Subject: Northwest Economic Adjustment Initiative Grant

This item needs to be added to your agenda and discussed tonight. This initiative has been extended and Coos Curry Douglas Business Development Corporation is now accepting applications for grants.

After considerable discussion, Leo, John and I arrived at a list of possible projects we might submit an application for funding. Those projects include:

- 1) Fire Hall expansion
- 2) Downtown parking lot
- 3) Water management plan study
- 4) Faulty sewer line replacement
- 5) Purchase property for public works materials storage and city shops
- 6) Improvements at Ferry Creek Reservoir
- 7) Purchase property for couplet right-of-way

This grant program is five years old and was enacted, and still is, to provide more effective delivery of worker and community assistance programs for rural communities affected by economic transition. This means the money is to help develop and attract new businesses and help retain or expand existing businesses and the resulting job opportunities for displaced timber workers.

The only one of our possible projects listed above that is anywhere near ready to go, and that we have matching dollars for, and that would assist displaced workers (in the very long run), is our water management plan study.

Harbor Water District needs to do a similar study. If they were to apply with us I believe we would have a good chance of getting funds for these studies.

I recommend you authorize me to apply for a \$25,000 grant for the City - \$32,000 if Harbor Water District joins us - to contract to do a water management study.


Added to agenda 10/12/98
Tom

RESOLUTION NO. 98-R-644

**A RESOLUTION OF CITY OF BROOKINGS, CURRY COUNTY, OREGON,
AUTHORIZING ISSUANCE AND SALE OF LIMITED TAX REFUNDING
IMPROVEMENT BONDS, SERIES 1998**

WHEREAS, the City Council ~~Council~~ of City of Brookings (the City") finds:

A. The City is authorized pursuant to the Constitution and laws of the State of Oregon to issue refunding bonds for its outstanding Limited Tax Improvement Bonds, Series 1992 (the "Refundable Bonds").

 B. The City has ~~WAS "DIRECTED"~~ (received a refunding analysis prepared by) Seattle-Northwest Securities Corporation demonstrating that the City's outstanding Refundable Bonds can be refunded to produce debt service savings.

C. Issuing refunding bonds to refund the Refundable Bonds will benefit the City and its taxpayers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brookings that :

Section 1. Designations.

For the proposed issue of refunding bonds, the firm of Preston Gates & Ellis LLP is designated as bond counsel, the firm of Seattle-Northwest Securities Corporation is designated as Underwriter and the firm of Moore Breithaupt & Associates is designated as independent expert.

Section 2. Bonds Authorized.

For the above purpose, the City shall issue its Limited Tax Refunding Improvement bonds, Series 1998 (the "Refunding Bonds"). The City Finance Director or his or her designee (the "Finance Director"), on behalf of the City, may:

2.1. participate in the preparation and authorize the distribution of preliminary and final official statements or other disclosure document for the Refunding Bonds;

2.2. negotiate the terms of, and execute, a bond purchase agreement with the underwriters, establish the principal amount, interest rates, and sale price for the Refunding Bonds and the redemption terms, payment terms and dates, and other terms of the Refunding Bonds;

2.3. issue, sell and deliver the Refunding Bonds, and execute and deliver any related certificates or documents which are reasonably required to refund the Refundable Bonds in accordance with this Resolution; and

by resolution or ordinance. If the City is unable to identify such successor depository prior to the effective date of the resignation, the City shall discontinue maintaining the Refunding Bonds in book-entry-form as provided above.

3.9. With respect to Refunding Bonds registered in the registration books maintained by the Paying Agent in the name of the nominee of DTC, the City and the Paying Agent shall have no responsibility or obligation to any participant or correspondent of DTC or to any beneficial owner on behalf of which such participants or correspondents act as agent for the beneficial owner with respect to:

3.9.1. the accuracy of the records of DTC, the Nominee or any participant or correspondent with respect to any beneficial owner's interest in the Refunding Bonds;

3.9.2. the delivery to any participant or correspondent or any other person of any notice with respect to the Refunding Bonds, including any notice of prepayment;

3.9.3. the selection by DTC of the beneficial interest in Refunding Bonds to be redeemed prior to maturity; or

3.9.4. the payment to any participant, correspondent, or any other person other than the registered owner of the Refunding Bonds as shown in the registration books maintained by the Paying Agent, of any amount with respect to principal or interest on the Refunding Bonds.

3.10. So long as the Refunding bonds are in book-entry-form, the Paying Agent will give any notice of redemption or any other notices required to be given to registered owners of Refunding Bonds only to DTC or its nominee registered as the registered owner thereof. Any failure of DTC to advise any of its participants, or of any participant to notify the beneficial owner, of any such notice and its content or effect will not affect the validity of the redemption of the Refunding Bonds called for redemption or of any other action premised on such notice. Neither the City nor the Paying Agent is responsible or liable for the failure of DTC or any participant to make any payment or give any notice to a beneficial owner in respect of the Refunding Bonds or any error or delay relating thereto.

3.11. The City shall pay or cause to be paid all principal and interest on the Refunding Bonds only to or upon the order of the owner, as shown in the registration books maintained by the Paying Agent, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligation with respect to payment thereof to the extent of the sum or sums so paid.

3.12. Upon delivery by DTC to the City and to the owner of written notice to the effect that DTC has determined to substitute a new nominee in place of the nominee, then the word "nominee" in this resolution shall refer to such new nominee of DTC, and upon receipt of such notice, the City shall promptly deliver a copy thereof to the Paying Agent. DTC shall tender the Refunding Bonds it holds to the Paying Agent for reregistration.

5.3. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Registrar at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of the same maturity in the amount of the unpaid principal. All Bonds which have been redeemed shall be canceled and destroyed by the Registrar and shall not be reissued.

5.4. In addition to the foregoing notice, further notice shall be given by the Registrar as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed.

Section 6. Authentication, Registration and Transfer.

6.1. No Refunding Bond shall be entitled to any right or benefit under this Resolution unless it shall have been authenticated by an authorized officer of the Paying Agent. The Paying Agent shall authenticate all Refunding Bonds to be delivered at closing of the Refunding Bonds, and shall additionally authenticate all Refunding Bonds properly surrendered for exchange or transfer pursuant to this resolution.

6.2. The ownership of all Refunding Bonds shall be entered in the bond register maintained by the Paying Agent, and the City and the Paying Agent may treat the person listed as owner in the bond register as the owner of the Refunding Bond for all purposes.

6.3. While the Refunding Bonds are in book-entry-form, the Paying Agent shall transfer Refunding Bond principal and interest payments in the manner required by DTC.

6.4. If the Refunding Bonds cease to be in book-entry-form, the Paying Agent shall mail each interest payment on the interest payment date (or the next business day if the payment date is not a business day) to the name and address of the Refunding Bondowners as they appear on the bond register as of the fifteenth day of the month preceding an interest payment date (the "Record Date"). If payment is so mailed, neither the City nor the Paying Agent shall have any further liability to any party for such payment.

6.5. Refunding Bonds may be exchanged for an equal principal amount of Refunding Bonds of the same maturity which are in different denominations, and Refunding Bonds may be transferred to other owners if the Refunding Bondowner submits the following to the Paying Agent:

6.5.1. written instructions for exchange or transfer satisfactory to the Paying

Section 9. Form of Refunding Bonds.

The Refunding Bonds shall be in substantially the form attached hereto as Exhibit A, with such changes as may be approved by the City Manager. The Refunding Bonds may be printed or typewritten, and may be issued as one or more temporary Refunding Bonds which shall be exchangeable for definitive Refunding Bonds when definitive Refunding Bonds are available.

Section 10. Execution.

The Refunding Bonds shall be executed on behalf of the City with the facsimile signatures of the Mayor and the Finance Director/Recorder.

Section 11. Tax-Exempt Status.

The City covenants to use the proceeds of the Refunding Bonds, and the facilities financed with the Refundable Bonds, and to otherwise comply with the provisions of the Internal Revenue Code of 1986, as amended, (the "Code") so that interest paid on the Refunding Bonds will not be includable in gross income of the bondowners. The City specifically covenants:

11.1. to comply with the "arbitrage" provisions of Section 148 of the Code, and pay any rebates due to the United States on the gross proceeds of the Refunding Bonds;

11.2. to yield restrict and pay any rebates due to the United States on any unexpended proceeds of the Refundable Bonds; and

11.3. to operate the facilities which were financed with the proceeds of the Refundable Bonds, and any facilities which are financed with the unexpended proceeds of the Refundable Bonds, so that the Refunding Bonds are not "private activity bonds" under Section 141 of the Code.

Section 12. Maintenance of Tax-Exempt Status.

12.1. The City covenants for the benefit of the owners of the Bonds to comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code") which are required for Bond interest to be excluded from gross income for federal income tax purposes. The City makes the following specific covenants with respect to the Code:

12.1.1. The City shall not take any action or omit any action, if it would cause the Bonds to become "arbitrage bonds" under Section 148 of the Code and shall pay any rebates or penalties to the United States which are required by Section 148(f) of the Code.

12.1.2. The City shall operate the facilities financed with the Bonds so that the Bonds are not "private activity bonds" within the meaning of Section 141 of the Code.

obligations the principal of and interest on which are fully and unconditionally guaranteed by the United States.

Dated this 12th day of October, 1998.

City of Brookings
Curry County, Oregon

Nancy Brendlinger
Mayor

Beverly Adams
Finance Director/Recorder