

City of Brookings

MEETING AGENDA

CITY COUNCIL

Monday, March 13, 2023, 7:00pm

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

EXECUTIVE SESSION - The City Council will meet in Executive Session at **6:30 PM**, in the City Manager's office, under the authority of ORS 192.660(2)(f) "To consider information or records that are exempt by law from public inspection and 192.660(2)(h) "To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

CITY COUNCIL

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Appointments/Announcements

1. Reappoint Skip Hunter to Planning Commission [Pg. 1]
2. Accept Resignation of Zeus Zamora from the Parks and Recreation Commission [Pg. 5]
3. Appoint Ryan Reneau to Parks and Recreation Commission [Pg. 7]

E. Oral Requests and Communications from the audience

(*Public Comments on non-agenda items – five (5) minute limit per person, please submit Public Comment Form in advance)

F. Consent Calendar

1. Approve City Council meeting minutes for February 27, 2023 [Pg. 8]
2. Accept Planning Commission minutes for February 7, 2023 [Pg. 10]

G. Staff Reports/Hearings

1. Chetco Avenue Enhancements [Pg. 12]
 - a. ODOT Technical Memorandum [Pg. 15]
2. USDA-RD Loan Resolutions [Pg. 18]
 - a. Resolution 23-R-1236, Authorizing three RUS Bulletins 1780-27 [Pg. 20]
 - b. RUS Bulletin 1780-27 [Pg. 21]
 - c. RUS Bulletin 1780-27 [Pg. 24]
 - d. RUS Bulletin 1780-27 [Pg. 27]

H. Informational/Non-Action Items

1. February Vouchers [Pg. 30]

I. Remarks from Mayor and Councilors

J. Adjournment

*Public Comment forms and the agenda packet are available on-line at www.brookings.or.us, at Brookings City Hall and at Chetco Community Public Library. Return completed Public Comment forms to the City Recorder before the start of the meeting or during regular business hours.

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

If you would like to view the City Council Meeting live, you can via:

- Television – Charter Channel 181

- Internet – Go to the City of Brookings website at <http://www.brookings.or.us>

Watch Meeting Live instructions: 1. Visit the City of Brookings website home page. 2. Click on Government (top page). 3. Click on City Council (right side). 4. Under Agenda & Meetings click Watch Meeting Live. 5. You will need to download the VLC Media Player. Follow directions and links for your device.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: March 13, 2023

Originating Dept: City Manager

Signature (submitted by)



City Manager Approval

Subject: Reappoint Skip Hunter to the Planning Commission

Recommended Motion:

Move to reappoint Skip Hunter to the Planning Commission in position number 1 to expire April 1, 2027.

Financial Impact:

None

Background/Discussion:

Skip Hunter has submitted an application for reappointment to the Planning Commission; the Mayor has reviewed his application for consideration of appointment.

Attachment(s):

a. Volunteer Commission Application



Reappointed 2/27/2023

Position 1

Expires 4/1/2027

City of Brookings

898 Elk Drive, Brookings, OR 97415

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

www.brookings.or.us

APPLICATION TO SERVE ON A COMMISSION OR COMMITTEE

PART I Contact Information:

Applicant Name:

RAY Skip Hunter

Physical Address:

1310 English Ct.

Mailing Address:

Brookings, OR. 97415

Email Address:

skiphunter888@yahoo.com

Phone: 541-661-7068

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

1. Commission/Committee applying for:

Composition (i)

Term (ii)

- | | | |
|--|--------------------------|---------|
| <input checked="" type="checkbox"/> Planning Commission/Commission for Citizen Involvement (iii) | 5 Electors, 2 UGB | 4 years |
| <input type="checkbox"/> Budget Committee | 5 Electors | 3 years |
| <input type="checkbox"/> Parks and Recreation Commission | 4 Residents, 1 UGB | 2 years |
| <input type="checkbox"/> Tourism Promotion Advisory Committee (TPAC) (iii) | 4 Residents, 3 Curry Co. | 3 years |
| <input type="checkbox"/> Other (please specify): | | |

2. City residents: How long have you lived in the City of Brookings? 25 years months

Planning & Budget Applicants Only: Are you a City elector (registered voter)? ☒ Yes ☐ No

3. UGB residents: How long have you lived in the UGB? years months

4. What is your current occupation? RETIRED COLLEGE PROFESSOR

NOTES:

(i) *Membership requirements:*

- Residents must reside inside City limits; resident/UGB status determined by physical address.
- Electors are registered voters of the City of Brookings (verified by County Elections Office).
- UGB members must reside within the Brookings Urban Growth Boundary (contact the Planning Department at 541-469-1137 for assistance in determining UGB status).

(ii) *Term:* Appointments to fill mid-term vacancies will be for the remainder of that term.

(iii) *Other restrictions:*

- Planning Commission: No more than two (2) Commissioners may be principally involved, as individuals, members or partners, in the buying, selling or development of real estate for profit. No two (2) members shall be involved in the same kind of business or profession.
- TPAC: The three (3) Curry Co. members must own property, own a business or be employed in the City.

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

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

CITY PLANNING DIRECTOR FOR BROOKINGS
8 YEARS.

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

PROGRAM DIRECTOR FOR MULTI-MILLION
DOLLAR EDUCATION PROGRAM (3 YEARS),
B.A. (SOCIOLOGY MAJOR) M.A. (SOCIOLOGY)
NUMEROUS NON-PROFITS VOLUNTEER
IN CURRY COUNTY.

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

TO AID IN PLANNING & DEVELOPING
THE BUILDING FUTURE OF THE
CITY OF BROOKINGS

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

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

RAY SKIP HUNTER

Applicant (print name)

Ray Skip Hunter

Applicant's Signature

2/23/23

Date

****Planning Commissioners holding office on April 1st of each year are required to file an Annual Statement of Economic Interest with the Oregon Government Ethics Commission (OGE). You may view a sample form at [http://www.oregon.gov/ogec/docs/sei/sei-11 form sample only for website.pdf](http://www.oregon.gov/ogec/docs/sei/sei-11%20form%20sample%20only%20for%20website.pdf). Official forms provided by OGE.**

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

Commission and Committee contact information:

- Planning Commission: 541-469-1103 - lziemer@brookings.or.us
- Budget Committee: 541-469-1123 - jhoward@brookings.or.us
- Parks and Recreation Commission: 541-469-1103 - lziemer@brookings.or.us
- Tourism Promotion Advisory Committee: 541-469-1102 – tdavis@brookings.or.us

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: March 13, 2023

Originating Dept: City Manager

Signature (submitted by)


City Manager Approval

Subject: Accept Zeus Zamora's resignation from the Parks and Recreation Commission.

Recommended Motion:

Motion to accept Zeus Zamora's resignation from the Parks and Recreation Commission position number 2, with a term expiring February 1, 2025.

Financial Impact:

None

Background/Discussion:

Zeus Zamora has served on the Parks and Recreation Commission since September of 2020. Zeus has emailed his resignation.

Attachment(s):

a. Resignation Email

Natasha Tippetts

From: zeusamora16 [zeusamora16@yahoo.com] on behalf of zeusamora16
Sent: Tuesday, February 28, 2023 5:18 PM
To: Lauri Zierner; Dan Brattain; Jaime Armstrong; Jay Trost; Michael Worthey; Steve Kerr; Tony Baron
Subject: RE: Parks & Rec Commission Upcoming Meeting

Hello all,

After long reflection to the status of our city council's decision to re-hire our city manager.

I can no longer be part as a volunteer of our City Of Brooking Park And Recreation council.

Please accept my resignation effective immediately.

Thank you.

Jesus B Zamora

Sent from my Verizon, Samsung Galaxy smartphone

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: March 13, 2023

Originating Dept: City Manager

Signature (submitted by)



City Manager Approval

Subject: Appoint Ryan Reneau to the Parks and Recreation Commission

Recommended Motion:

Move to appoint Ryan Reneau to the Parks and Recreation Commission in position number 2, with a term expiring February 1, 2025.

Financial Impact:

None

Background/Discussion:

Ryan Reneau has submitted an application for appointment to the Parks and Recreation Commission; the Mayor has reviewed his application for consideration of appointment.

Attachment(s):

City of Brookings
CITY COUNCIL MEETING MINUTES
City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, February 27, 2023

Call to Order

Mayor Hedenskog called the meeting to order at 7:03 PM

Roll Call

Council Present: Mayor Ron Hedenskog, Councilors Isaac Hodges, Andy Martin, Michelle Morosky, and Ed Schreiber; a quorum present

Staff present: City Manager Janell Howard and Planning Tech Lauri Ziemer

Media Present: 2

Others Present: 38

Scheduled Public Appearances

1. Natures Coastal Holiday – Leslie Wilkinson presented the 2022 Annual Report and reported it was a very successful season.

Oral Requests and Communications from the audience

Brian Holmes, City of Brookings Police Officer, 850 Cameo Court, resigned his position with the Brookings Police Department.

Rick Bishop, 625 Spruce St, #A, Brookings spoke in regards to the alley way at his business and issues he is having with drainage and Public Works.

Consent Calendar

1. Approve City Council meeting minutes for February 13, 2023
2. Accept Parks & Rec Commission meeting minutes for November 17, 2022
3. Accept Financials for February 2023

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

Staff Reports/Hearings

1. Curry Transfer & Recycling Rate Increase

Staff report presented by Janell Howard

Luke Pyke, CTR Representative provided information on the cost increase. Advised Council a new transfer site will be opening on Carpenterville Road in May and the Wridge Creek facility will be closed.

Councilor Schreiber moved, Councilor Hodges seconded, and Council voted unanimously to approve a new rate schedule from Curry Transfer and Recycling (CTR) for refuse collection and recycling services per the attached letter and exhibit, effective April 1, 2023.

2. Adopt Coos Curry Electric Coop Franchise Ordinance

Staff report presented by Janell Howard

Keith Burkhalter, Coos Curry Electric representative advised the board was not in agreement with the proposed ordinance and they do not want to provide street lights with the proposed franchise fees.

John Herzog, Coos Curry Electric Board Member and citizen requested additional negotiations before approving ordinance.

Council discussed modifying the ordinance by adjusting the CCEC franchise fees to 3% for the remainder of 2023, ramping up the fees to 4% in January 2024 and 5% in January 2025. Also request to have CCEC provide socialization and removing the provision for CCEC to provide street lights.

Ordinance language agreed upon to be: adopt Ordinance 23-O-805 with a change to section 10A by taking out 5% and changing to "3% upon adoption increasing to 4% on January 1, 2024 and increasing to 5% on January 1, 2025", in addition deleting the words in section 10B that say "and electric energy for operation of the same" thus removing CCEC from covering the operating costs of City street lights.

Mayor Hedenskog moved, Councilor Schreiber seconded, and Council voted unanimously to the agreed upon language change of Ordinance 23-O-805.

Councilor Schreiber moved, Councilor Morosky seconded, and Council voted unanimously to read Ordinance 23-O-805 by title only.

Council read the agreed amendments to Ordinance 23-O-805. Section 10A shall be amended to read: "Grantee shall pay to the City a fee equivalent to 3.0% of the Grantee's gross operating revenues earned within the City, upon effective date of ordinance, increasing to 4.0% January 1, 2024 and increasing to 5.0% January 1, 2025 for the duration of the franchise granted by this ordinance". Section 10B shall be amended deleting the words "and electric energy for operation of same."

Council Schreiber moved, Councilor Morosky seconded, and Council voted unanimously to adopt Ordinance 23-O-805 with the agreed amendments discussed and outlined above.

Remarks from Mayor and Councilors

Councilor Schreiber requested a franchise audit to determine if there are utility franchises who may not be being charged correct franchise fees.

Councilor Hodges requested additional information on Rick Bishop's comments and thanked Bryan Holmes for his years of service and resignation speech.

Adjournment

Mayor Hedenskog moved, Councilor Schreiber seconded and Council voted unanimously to adjourn the meeting at 8:50 PM.

Respectfully submitted:

ATTESTED this 13th day of March, 2023:

Ron Hedenskog, Mayor

Janell K. Howard, City Recorder

BROOKINGS PLANNING COMMISSION MINUTES
February 7, 2023

CALL TO ORDER

The regular meeting of the Brookings Planning Commission was called to order by Chair Wulkowicz at 7:01 pm in the Council Chambers at Brookings City Hall followed by the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Anthony Bond, Cody Coons, Skip Hunter, Clayton Malmberg, Skip Watwood, Gerry Wulkowicz

Commissioners Absent: Jon Weaver

Staff Present: PWDS Director Tony Baron, Planning Tech Lauri Ziemer

Others Present: 3 audience members

PLANNING COMMISSION CHAIR PERSON ANNOUNCEMENTS

3.1 Election of Chair and Vice-Chair - Motion made by Commissioner Bond to nominate Commissioner Watwood as Planning Commission Chairperson for 2023 proceedings; motion seconded. By a 6-0 vote, the motion carried.

Motion made by Commissioner Watwood to nominate Commissioner Coons as Planning Commission Vice Chairperson for 2023 proceedings; motion seconded. By a 6-0 vote the motion carried.

Incoming Chair Watwood took over presiding from outgoing Chair Wulkowicz.

3.2 Review of 2022 Planning Commission Annual Report

PWDS Director Tony Baron presented annual report. **Motion made by Commissioner Wulkowicz to approve the 2022 Planning Commission Annual Report, motion seconded, by a 6-0 vote the motion carried.**

PUBLIC HEARINGS

4.1 In the matter of File No. CUP-1-23, a request for approval of a Conditional Use Permit to operate a Short Term Rental facility at 307 Del Norte Lane; Assessors Map & Tax Lot No. 4113-05CD-03001.

There was no ex parte contact, bias, personal interest, or conflicts of interest declared and no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:11 pm. PWDS Director Tony Baron reviewed the staff report.

The applicant's representative, Ron Reel, Premier Ocean Properties was present to answer any questions.

Jennifer Gates, 264 Del Norte Lane, Brookings spoke as an interested party, requesting a cap be put on short term rentals to ensure long term housing is available for Brookings residents.

No members of the public spoke in opposition and no participant requested additional time to submit materials. Public hearing was closed at 7:19 pm.

The Commission deliberated on the matter. **Motion made by Commissioner Coons to approve File No. CUP-1-23 a request for a Conditional Use Permit to operate a short term rental at 307 Del Norte Lane based on the findings and conclusions stated in the staff report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 6-0 vote the motion carried.**

Motion made by Commissioner Bond to approve the Final Order regarding file CUP-1-23, based on the findings and conclusions stated in the staff report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 6-0 vote the motion carried.

4.2 In the matter of File No. CUP-2-23, a request for approval of a Conditional Use Permit to operate a Short Term Rental facility at 607 Easy Manor Drive; Assessors Map & Tax Lot No. 4113-06BD-00600.

There was no ex parte contact, bias, personal interest, or conflicts of interest declared and no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:23 pm. PWDS Director Tony Baron reviewed the staff report.

The applicant's representative, Ron Reel, Premier Ocean Properties was present to answer any questions. No members of the public spoke in opposition and no participant requested additional time to submit materials. Public hearing was closed at 7:28 pm.

The Commission deliberated on the matter. **Motion made by Commissioner Bond to approve File No. CUP-2-23 a request for a Conditional Use Permit to operate a short term rental at 607 Easy Manor Drive based on the findings and conclusions stated in the staff report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 6-0 vote the motion carried.**

Motion made by Commissioner Malmberg to approve the Final Order regarding file CUP-2-23, based on the findings and conclusions stated in the staff report and subject to the Conditions of Approval; motion seconded and with no further discussion by a 6-0 vote the motion carried.

MINUTES FOR APPROVAL

5.1 Minutes of regular Planning Commission meeting of November 1, 2022.

Motion made by Commissioner Malmberg to approve the Planning Commission minutes of November 1, 2022; motion seconded and with no further discussion by a 6-0 vote the motion carried.

UNSCHEDULED PUBLIC APPEARANCES - None

REPORT FROM THE PLANNING STAFF – PWDS Director Tony Baron advised that CUP-2-20 which was appealed to LUBA and remanded back to the City Council was reaffirmed approving the request for a residential care home at their January 23, 2023 meeting. Also advised the March meeting will include a rezoning from R-3- to R-1 request.

COMMISSION FINAL COMMENTS - None

ADJOURNMENT

Chair Watwood adjourned the meeting at 7:32 pm.

Respectfully submitted,

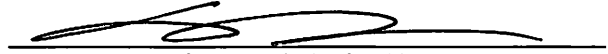


Skip Watwood, Brookings Planning Commissioner
Approved at the March 7, 2023 meeting

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: March 13, 2023

Originating Dept: PW/DS


Signature (submitted by)

City Manager Approval

Subject: Chetco Avenue Enhancements

Recommended Motion:

1. The city request the Oregon Department of Transportation complete a corridor analysis and feasibility study in order to determine if a lane reduction from Oak Street to Pacific Avenue is feasible.

-OR-

2. The city request the Oregon Department of Transportation complete an analysis of the following street enhancements along Chetco Avenue between Oak Street and Pacific Avenue to include:
 - a) Eliminate all on street parking between Oak Street and Pacific Avenue
 - b) Eliminate on street parking in various locations from Oak Street to Pacific Avenue in order to accommodate center turn lanes at intersections and provide enhanced visibility at crosswalks.
 - c) Eliminate all left turns except at Oak Street and Center Street where traffic signaling will offer safe left turns. Develop center turn lane at these intersections.
 - d) Enhance pedestrian crossings at Fern Avenue, Willow Street and Mill Street/Hillside Avenue intersections.

Financial Impact:

Cost of the corridor analysis and/or feasibility study to be determined.

Background/Discussion:

Over the past several decades, staff has received complaints regarding pedestrian safety, vehicle speed and lack of safe parking on Chetco Avenue in the core downtown. Action items resulting from community design committees, downtown master plan and strategic planning discussions indicate a need for some kind of relief to the downtown core portion of Chetco Avenue (Oak to Pacific). Action items and past performed projects include:

1. Enhanced pedestrian crossings (ODOT/City enhanced crossing at Redwood Theater (2021). Future pedestrian crossing enhancements on Chetco Avenue include improvements at Pacific Avenue and 5th Street through SRTS Grant (2023-24) as well as Arnold and Ransom as part of the ODOT sidewalk project from Lucky Lane to Parkview (2024)
2. Enhanced safety for on-street parking – development of additional on-street parking along side streets (Mill, Center, Wharf, Fern, Willow, Oak). This provides options in leu of parking on Chetco Avenue.
3. Enhanced visibility between vehicular and pedestrian interactions i.e. crosswalks, offloading for parallel parking.
4. General walkability of the downtown core and encouraging visitors driving through to “stop and shop” in the downtown core.
5. Off Street parking – Fleet Street lot, addition of the Central Building lot, potential lots in the downtown core to be determined. Other off street parking locations to be determined.

Staff anticipated an increase in traffic volumes on Railroad Street once the street improvements projects were completed. The understanding was that much of the local traffic on Chetco Avenue in the downtown core area would be diverted onto Railroad ultimately reducing congestion in order to consider a lane reduction on Chetco Avenue in the downtown core area. Staff requested ODOT perform an analysis of current traffic counts on both Chetco Avenue and Railroad Street in order to determine if a lane reduction could be supported by the data.

ODOT has provided an analysis (attached tech memo) of the traffic volumes on Chetco and Railroad as well as the following analysis and recommendation:

Railroad Street Improvements - Traffic Impacts

Traffic counts were collected at various intersections along US-101 and Railroad Street in 2022 to determine the impact that roadway improvements along Railroad St had on the volumes of traffic, both on Railroad St and US-101. The volume analysis found that although there was growth in traffic along Railroad St, there was also growth on US-101. It does not appear that the improvements on Railroad St. created substantial traffic diversion from US-101.

US-101 Traffic Volumes

The Table below shows the Average Annual Daily Traffic (AADT) for count locations through the City of Brookings. Because Brookings is a coastal destination, and US-101 a major coastal tourist route, there is a high seasonal variation in traffic. Automatic Traffic Recorders along US-101 indicate that average daily summer volumes in the area exceed the AADT by approximately 20%. With an AADT of approximately 17,500 vehicles in the downtown core, daily volumes are expected to be around 21,000 vehicles the peak months of summer.

MP	AADT	Count Location
355.38	9,033	South of Harris Heights Road, north city limits Brookings [0.02 miles]
356.13	10,767	South of Ransom Avenue [0.02 miles]
356.51	10,905	NW of Arnold Lane [0.02 miles]
357.06	17,519	West of Pacific Avenue [0.02 miles]
357.10	16,864	East of Pacific Avenue [0.02 miles]
357.35	17,524	East of Fern Avenue [0.02 miles]
357.59	19,794	East of Alder Street [0.02 miles]
357.98	21,131	On Chetco River Bridge, south city limits of Brookings

Guidance from FHWA regarding applicability of 3-lane cross-sections for various traffic volumes:

Several agencies have developed guidelines for selecting candidate Road Diet locations to mitigate any negative effect on traffic operations. FHWA has summarized average daily traffic (ADT) volume threshold guidelines for four-lane roadways:

Less than 10,000 ADT: A great candidate for Road Diets in most instances. Capacity will most likely not be affected.

10,000-15,000 ADT: A good candidate for Road Diets in many instances. Agencies should conduct intersection analyses and consider signal retiming in conjunction with implementation.

15,000-20,000 ADT: A good candidate for Road Diets in some instances; however, capacity may be affected depending on conditions. Agencies should conduct a corridor analysis.

Greater than 20,000 ADT: Agencies should complete a feasibility study to determine whether the location is a good candidate. Some agencies have had success with Road Diets at higher traffic volumes.

Impacts on Land Use Actions

It is expected that a 3-lane cross section would create traffic conditions that exceed capacity and operational standards of the roadway. This would essentially create a moratorium on any land use action that would increase traffic in this area.

Experiences in other Jurisdictions

Within Region 3 there have been several lane configuration changes (4 to 3-lane) on State Highways, the highest volume location to date is on OR-99 north of Ashland with an AADT of approximately 16,500 vehicles. Ashland has some seasonal variation in traffic, but not as extreme as the coastal region. Peak season queuing and delays have been common on this corridor following the 3-lane conversion. In Reedsport (AADT approximately 10,000) peak holiday traffic has created extreme traffic queueing and delays, efforts are underway to convert one direction of traffic back to 2-lanes to reduce the traffic impacts.

Recommendation

ODOT Region 3 recommends that the City pursue alternatives that match community goals while maintaining two through lanes of traffic in each direction through the downtown core.

ODOT is projecting the traffic counts in the city will be greater than 20,000 ADT during peak months of the summer but note that “some agencies have had success with road diets at higher traffic volumes”. If council wants to pursue a lane reduction, then a vote to request ODOT to perform additional analysis is preferred. Staff is recommending council consider the two motions as presented in the staff report above.

Attachments:

- a. ODOT Technical Memorandum – Growth and Trend Analysis for US 101 from 5th Street to Oak Street for Railroad Street



Oregon

Kate Brown, Governor

Department of Transportation

Region 3 Traffic

3500 NW Stewart Parkway
Roseburg, OR 97470
Phone 541-957-3541

TECHNICAL MEMORANDUM

TO: Glen Pederson
Interim District 7 Manager

FROM: April Chase, PE
Region 3 Traffic Operations Engineer

DATE: November 1, 2022

SUBJECT: Growth and Trend Analysis for US 101 from 5th Street to Oak Street for Railroad Street

The purpose of this memo is to provide a growth comparison of counts collected in 2013 and 2022 on US 101 at 5th Street and Oak Street which connects to Railroad Street. Additional counts were collected on Railroad Street at 5th Street and Center Street to provide analysis of the traffic patterns on Railroad Street.

Background/Location

US 101 is an Oregon Scenic Byway that predominately runs north and south. The area was expected to experience significant growth and a Tech Memo was prepared by the Transportation Planning Analysis Unit (TPAU) in 2004. The report highlighted the section of US 101 between 5th Street and Oak Street with proposed alternative concepts to improve operations at these locations. Since then, there have been planning efforts that included this same segment. Those reports include the 2014 US 101 Striping & Lighting Corridor Review, the Brookings Transportation System Plan from May 2017, and the Oregon Coast Bike Route Plan from February 2021.

Growth Volume Analysis

To provide an updated vehicle volume growth evaluation, per vehicle class counts were collected in 2022 during the same period of late April and early May to match what was collected in 2013 on US 101 at 5th and Oak Streets. Table 1 compares the total unadjusted volumes from 2013 to 2022 at those intersections. The results indicate there is about twice as much growth occurring at 5th Street compared to Oak Street:

Table 1: Percent Growth on US 101 at 5th St and Oak St

Growth Analysis 12:00pm to 6:00pm				
Location	Volume 2013	Volume 2022	Annual Growth	Total Growth
US 101 @ 5th St	10029	11616	1.76%	15.82%
US 101 @ Oak St	9869	10473	0.68%	6.12%

A general review of the data at the intersection of US 101 at 5th Street indicates the most significant volume turning movement increases were for the NB-lefts and EB-rights with an average of 40 and 27 vehicles per hour (vph) respectively, and NB-rights showing the only decrease, averaging a reduction of about 25vph. At US 101 and Oak Street, the highest volume turning movement increase was the NB-right with an average increase of 57vph and the SB-left had the largest decrease with an average decrease of 27vph.

Per vehicle class counts were collected on Railroad Street at the intersections of 5th Street and Center Street to analyze traffic flow, turning movements, and heavy vehicles on Railroad Street. Comparing these counts to the counts on US 101 at 5th and Oak Streets, the slight changes in the turning movement vehicle volumes on US 101 from 2013 to 2022 are likely due to the businesses along Railroad Street, namely the Fred Meyers shopping center.

Future volumes were developed following APM methodology using the Future Volume Tables and linear growth. Table 2 shows the 2027 volumes from the 2004 Tech Memo compared to the 2013 and 2022 volumes developed into 2027 future volumes:

Table 2: Project Future 2027 Volumes

Future Growth Analysis - Peak Hour 12:00pm to 1:00pm			
Location	Projected 2027 in 2004 Tech Memo	Projected 2027 from 2013 count	Projected 2027 from 2022 count
US 101 @ 5th St	3842	3030	3116
US 101 @ Oak St	3561	2656	2807

The existing August 2013 volume counts on Railroad Street between 5th Street and Center Street were developed using APM methodology. Volumes were adjusted to a per vehicle count for comparison to the May 2022 per vehicle counts. The results for the growth comparison are shown in Table 3:

Table 3: Percent Growth on Railroad St

Growth Analysis Railroad Street				
Location	Volume 2013	Volume 2022	Annual Growth	Total Growth
5th St	4901	5598	1.58%	14.22%
Center St	5162	6087	1.99%	17.92%

The nominal annual growth of less than 2% supports the businesses growth along Railroad Street.

The heavy vehicle (HV) percentages on Railroad Street were computed using the per vehicle class counts collected in May 2022. Railroad Street between 5th and Center Streets has 3.46% HV's and remains about the same at 3.16% going NB to US 101. There is an increase after Center Street to 20.03% HV's for traffic coming from the south and heading EB which is likely attributed to the mill on Center Street just south of the intersection of Railroad Street and Center Street.

The heavy vehicle percentages were computed for the intersections of US 101 at Center and Oak Streets and resulted in 3.15% HV and 3.02% HV, respectively, which indicated most of the heavy vehicles on Railroad Street are not using those road intersections to gain access to US 101.

:

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: March 13, 2023

Originating Dept: Finance & Admin

Signature (submitted by)


City Manager Approval

Subject:

USDA-RD Loan Resolutions

Recommended Motion:

Motion to adopt Resolution 23-R-1236, authorizing the City Manager to sign three RUS Bulletins 1780-27, totaling \$24,996,000 in loans and \$2,569,000 in grants; and authorizing the City Manager to incur debt through USDA in the same amount at 2.0%, to finance the Wastewater Treatment and Sewer Line Improvement project.

Financial Impact:

\$24,996,000 at 2.0% interest

Background/Discussion:

The Wastewater Facilities Plan (WWFP) was completed in February 2016, providing a comprehensive review of the water treatment plant, the wastewater collection system, and lift stations. The WWFP generally describes the condition of the entire sewage system and provides alternative with cost estimates that are intended to address portions of the system that are:

- Out of compliance with
 - State Law
 - The National Pollution Discharge Elimination System Permit
 - City Standards
- Worn out and need to be replaced
- Undersized
- Identified as portions experiencing excessive Infiltration and Inflow (I/I)

From the WWFP, a Capital Improvement Plan (CIP) is developed. The CIP identifies the most urgent projects to complete and the estimated cost.

This process is comprehensive; however, projects identified in the CIP are often unfunded. This is the case with the Wastewater CIP. The US Department of Agriculture – Rural Development (USDA-RD) agency has loan funds available to fund some of the most important and most needed improvements. The interest rates are designed to be as low as possible. The application process also required a Preliminary Engineering Report (PER) and an Environmental Report (ER) be prepared, which Council approved as a Dyer Partnership task order in July 2017. These were completed and submitted with the application in 2018. In April 2022, USDA-RD approved loan funds of \$24,996,000 and grant funds of \$2,569,000 for the Wastewater Treatment and Sewer Line Improvement Project.

USDA-RD requires that the City adopt a resolution that authorizes the signing of the attached RUS Bulletin 1780-27 Loan Resolution forms for each loan/grant.

Attachment(s):

- a) Resolution 23-R-1236, Authorizing three RUS Bulletins 1780-27
- b) RUS Bulletin 1780-27, Loan Resolution, \$8,996,000 loan; and \$2,569,000 in grant
- c) RUS Bulletin 1780-27, Loan Resolution, \$9,000,000 loan
- d) RUS Bulletin 1780-27, Loan Resolution, \$7,000,000 loan

**CITY OF BROOKINGS
STATE OF OREGON**

RESOLUTION 23-R-1236

A RESOLUTION OF THE CITY OF BROOKINGS AUTHORIZING THE CITY MANAGER TO SIGN RUS BULLETINS 1780-27 FOR THREE USDA LOANS TO FINANCE THE WASTEWATER TREATMENT AND SEWER LINE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER TO INCUR \$24,996,000 IN LOW INTEREST DEBT.

WHEREAS, the Wastewater Facilities Plan (WWFP) has identified needed repairs and improvements of the treatment facilities and sewer lines; and

WHEREAS, low interest financing is available to fund the project through US Department of Agriculture Rural Development (USDA-RD); and

WHEREAS, the City adopted Resolution 18-R-1146 authorizing the City Manager to submit a USDA-RD application to finance the Wastewater Treatment and Sewer Line Improvement project, and authorizing the City Manager to incur low interest debt through USDA-RD, and

WHEREAS, USDA-RD approved \$2,569,000 in grant and \$24,996,000 in low interest loans in April 2022, and

WHEREAS, USDA-RD requires that RUS BULLETIN 1780-27 Loan Resolution be completed and signed for each loan.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Brookings, Curry County, Oregon, does hereby authorize the City Manager to sign the attached RUS BULLETINS 1780-27, in the amount of \$8,996,000, \$9,000,000, and \$7,000,000, totaling \$24,996,000 in loans, and \$2,569,000 in grants to finance the Wastewater Treatment and Sewer Line Improvement Project; and

BE IT FURTHER RESOLVED, that the City Council of the City of Brookings, Curry County, Oregon, does hereby authorize the City Manager to incur \$24,996,000 in debt from USDA_RD at 2.0% on behalf of the City.

Passed by the City Council _____, 2023; effective the same date.

Attest:

Mayor Ron Hedenskog

City Recorder Janell K. Howard

LOAN RESOLUTION
(Public Bodies)A RESOLUTION OF THE City CouncilOF THE Brookings, City of

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Wastewater Treatment Facility

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Brookings, City of

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Eight Million Nine Hundred Ninety-Six Thousand & 00 100pursuant to the provisions of ORS Chapter 221

and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 2,569,000.00

under the terms offered by the Government; that the City Administrator

and Mayor of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the City Council of the

Brookings, City of has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this _____, _____ day of _____

(SEAL)

By _____

Attest:

Title _____

Title _____

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the Brookings, City of
hereby certify that the City Council _____ of such Association is composed of
_____ members, of whom , _____ constituting a quorum, were present at a meeting thereof duly called and
held on the _____ day of _____ ; and that the foregoing resolution was adopted at such meeting
by the vote shown above, I further certify that as of _____ ,
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been
rescinded or amended in any way.

Dated, this _____ day of _____

Title _____

LOAN RESOLUTION
(Public Bodies)A RESOLUTION OF THE City CouncilOF THE Brookings, City of

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Wastewater Treatment Facility

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Brookings, City of

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Nine Million & 00 100pursuant to the provisions of ORS Chapter 221 and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 0. 00

under the terms offered by the Government; that the City Administrator

and Mayor of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the City Council of the

Brookings, City of has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this _____, _____ day of _____

(SEAL)

By _____

Attest:

Title _____

Title _____

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the Brookings, City of
hereby certify that the City Council _____ of such Association is composed of
_____ members, of whom , _____ constituting a quorum, were present at a meeting thereof duly called and
held on the _____ day of _____ ; and that the foregoing resolution was adopted at such meeting
by the vote shown above, I further certify that as of _____ ,
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been
rescinded or amended in any way.

Dated, this _____ day of _____

Title _____

LOAN RESOLUTION
(Public Bodies)A RESOLUTION OF THE City CouncilOF THE Brookings, City of

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Wastewater Treatment Facility

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Brookings, City of

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Seven Million & 00 100pursuant to the provisions of ORS Chapter 221 : and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 0.00

under the terms offered by the Government; that the City Administrator

and Mayor of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the City Council of the

Brookings, City of has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this _____, _____ day of _____

(SEAL)

By _____

Attest:

Title _____

Title _____

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the Brookings, City of
hereby certify that the City Council _____ of such Association is composed of
_____ members, of whom , _____ constituting a quorum, were present at a meeting thereof duly called and
held on the _____ day of _____ ; and that the foregoing resolution was adopted at such meeting
by the vote shown above, I further certify that as of _____ ,
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been
rescinded or amended in any way.

Dated, this _____ day of _____

Title _____

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
02/23	02/02/2023	89555	4508	Assoc of International CPAs	10-00-2005	315.00
02/23	02/02/2023	89556	5908	Amazon Capital Services	49-00-2005	337.65
02/23	02/02/2023	89557	6072	Salmon Run Golf Course	10-00-2005	26,462.00
02/23	02/02/2023	89558	313	Brookings Vol Firefighters	10-00-2005	2,250.00
02/23	02/02/2023	89559	715	Budge McHugh Supply	25-00-2005	8,853.23
02/23	02/02/2023	89560	5567	CAL/OR Insurance Agency	30-00-2005	683.33
02/23	02/02/2023	89561	6031	Cascade Home Center	15-00-2005	382.70
02/23	02/02/2023	89562	5822	Chaves Consulting Inc	49-00-2005	370.20
02/23	02/02/2023	89563	5952	Chetco Auto Marine & Industrial Supply	25-00-2005	108.00
02/23	02/02/2023	89564	3834	Clean Sweep Janitorial Service	10-00-2005	1,710.00
02/23	02/02/2023	89565	5827	Coastal Investments LLC	10-00-2005	960.00
02/23	02/02/2023	89566	1745	Coastal Paper & Supply, Inc	10-00-2005	427.12
02/23	02/02/2023	89567	182	Coos-Curry Electric	10-00-2005	4,809.83
02/23	02/02/2023	89568	173	Curry Equipment	10-00-2005	54.99
02/23	02/02/2023	89569	317	DCBS - Fiscal Services	10-00-2005	1,401.84
02/23	02/02/2023	89570	1	Dave Dorsey	20-00-2005	49.99
02/23	02/02/2023	89571	1	Jenna Loiselle	20-00-2005	90.30
02/23	02/02/2023	89572	1	Kim White	20-00-2005	196.97
02/23	02/02/2023	89573	6115	Douglas A Bergstrom, Ph.D.	10-00-2005	60.00
02/23	02/02/2023	89574	5804	Early Management Team Inc	50-00-2005	2,000.00
02/23	02/02/2023	89575	3342	Fastenal	25-00-2005	263.84
02/23	02/02/2023	89576	5432	First Community Credit Union	25-00-2005	4,662.00
02/23	02/02/2023	89577	298	Freeman Rock, Inc	20-00-2005	681.73
02/23	02/02/2023	89578	6097	GP Energy	10-00-2005	2,480.64
02/23	02/02/2023	89579	4171	In-Motion Graphics	10-00-2005	240.00
02/23	02/02/2023	89580	202	League of Oregon Cities	10-00-2005	40.00
02/23	02/02/2023	89581	328	Les Schwab Tire Center	15-00-2005	40.29
02/23	02/02/2023	89582	4981	McLennan Excavation, Inc	53-00-2005	46,052.44
02/23	02/02/2023	89583	4269	Gary Milliman	10-00-2005	325.00
02/23	02/02/2023	89584	4443	Napa Auto Parts-Golder's	20-00-2005	5.19
02/23	02/02/2023	89585	4487	Net Assets Corporation	10-00-2005	195.00
02/23	02/02/2023	89586	5101	Pitney Bowes Reserve Acct	10-00-2005	500.00
02/23	02/02/2023	89587	322	Postmaster	25-00-2005	1,025.00
02/23	02/02/2023	89588	5768	Proficient Auto Center Inc	10-00-2005	192.20
02/23	02/02/2023	89589	207	Quill Corporation	10-00-2005	313.88
02/23	02/02/2023	89590	6134	Patrick Smith	10-00-2005	1,923.76
02/23	02/02/2023	89591	380	Stadelman Electric Inc	10-00-2005	196.00
02/23	02/02/2023	89592	570	State of Oregon	10-00-2005	40.00
02/23	02/02/2023	89593	956	Suiter's Paint & Body	10-00-2005	425.00
02/23	02/02/2023	89594	2863	Verizon Wireless	10-00-2005	700.11
02/23	02/09/2023	89595	5908	Amazon Capital Services	10-00-2005	403.87
02/23	02/09/2023	89596	6130	Apex Fencing	10-00-2005	520.00
02/23	02/09/2023	89597	4734	Aramark Uniform Services	10-00-2005	60.00
02/23	02/09/2023	89598	6121	AutoZone Inc	10-00-2005	34.84
02/23	02/09/2023	89599	4939	Bi - Mart Corporation	10-00-2005	280.93
02/23	02/09/2023	89600	5970	Community Classifieds	25-00-2005	225.60
02/23	02/09/2023	89601	5939	Country Media Inc	25-00-2005	342.65
02/23	02/09/2023	89602	4746	Curry County Treasurer	10-00-2005	192.00
02/23	02/09/2023	89603	1	Donovan Allen	20-00-2005	188.64
02/23	02/09/2023	89604	1	Julie Melka	20-00-2005	100.98
02/23	02/09/2023	89605	1	Jared Russell	20-00-2005	87.47
02/23	02/09/2023	89606	2186	Ferguson Waterworks #3011	20-00-2005	2,557.59
02/23	02/09/2023	89607	153	Ferrellgas	25-00-2005	1,131.31

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
02/23	02/09/2023	89608	1130	H.D. Fowler	20-00-2005	6,148.80
02/23	02/09/2023	89609	139	Harbor Logging Supply	15-00-2005	74.22
02/23	02/09/2023	89610	1856	Helmets R US	61-00-2005	722.00
02/23	02/09/2023	89611	4980	iSecure	10-00-2005	93.00
02/23	02/09/2023	89612	5858	Jacobs Engineering Group Inc	25-00-2005	123,266.75
02/23	02/09/2023	89613	3159	NorthCoast Health Screening	10-00-2005	45.00
02/23	02/09/2023	89614	5723	Northwest Playground Equipment Inc	10-00-2005	3,229.00
02/23	02/09/2023	89615	442	OCCMA	10-00-2005	330.75
02/23	02/09/2023	89616	4324	OGFOA	10-00-2005	120.00
02/23	02/09/2023	89617	279	One Call Concepts, Inc	25-00-2005	93.52
02/23	02/09/2023	89618	5008	Online Information Services	10-00-2005	102.80
02/23	02/09/2023	89619	5155	Oregon Department of Revenue	10-00-2005	530.00
02/23	02/09/2023	89620	252	Paramount Pest Control	10-00-2005	140.00
02/23	02/09/2023	89621	4	Mackensy King	10-00-2005	143.00
02/23	02/09/2023	89622	322	Postmaster	10-00-2005	290.00
02/23	02/09/2023	89623	5638	Guy Smith	25-00-2005	160.00
02/23	02/09/2023	89624	6102	South Coast Shopper	25-00-2005	109.50
02/23	02/09/2023	89625	2125	State of OR Water Resources Dept	20-00-2005	790.00
02/23	02/09/2023	89626	4542	Umpqua Bank	45-00-2005	9,774.31
02/23	02/09/2023	89627	861	Village Express Mail Center	20-00-2005	55.53
02/23	02/09/2023	89628	2122	Cardmember Service	10-00-2005	3,440.49
02/23	02/09/2023	89629	5992	Ziply Fiber	30-00-2005	131.79
02/23	02/16/2023	89630	5908	Amazon Capital Services	49-00-2005	87.94
02/23	02/16/2023	89631	6116	Brookings Chrysler Dodge Jeep Ram	20-00-2005	185.01
02/23	02/16/2023	89632	6180	Carahsoft Technology Corp	10-00-2005	4,880.00
02/23	02/16/2023	89633	5842	Century West Engineering Corp	33-00-2005	31,777.24
02/23	02/16/2023	89634	5939	Curry Coastal Pilot	10-00-2005	130.00
02/23	02/16/2023	89635	5874	Cumulus Global	49-00-2005	84.00
02/23	02/16/2023	89636	1620	Curry County Community Development	10-00-2005	110.00
02/23	02/16/2023	89637	259	Da-Tone Rock Products	20-00-2005	268.81
02/23	02/16/2023	89638	5951	Executech Utah LLC	49-00-2005	30.60
02/23	02/16/2023	89639	6127	Ferguson Enterprises LLC #3325	20-00-2005	141.09
02/23	02/16/2023	89640	198	Grants Pass Water Lab	20-00-2005	96.00
02/23	02/16/2023	89641	6106	Hastings Bulb Growers Inc	75-00-2005	4,960.00
02/23	02/16/2023	89642	4171	In-Motion Graphics	32-00-2005	1,149.00
02/23	02/16/2023	89643	6065	Local Government Law Group PC	10-00-2005	12,622.50
02/23	02/16/2023	89644	329	New Hope Plumbing	10-00-2005	3,884.00
02/23	02/16/2023	89645	4	Brittany Miller	10-00-2005	219.00
02/23	02/16/2023	89646	207	Quill Corporation	10-00-2005	195.40
02/23	02/16/2023	89647	169	Waste Connections Inc	15-00-2005	2,065.71
02/23	02/16/2023	89648	6136	Western Display Fireworks LTD	32-00-2005	7,500.00
02/23	02/16/2023	89649	5786	Wild Rivers Mushroom Club	32-00-2005	2,000.00
02/23	02/16/2023	89650	5992	Ziply Fiber	25-00-2005	958.82
02/23	02/23/2023	89651	5966	BNT Promotional Products	10-00-2005	567.32
02/23	02/23/2023	89652	5070	Canon Solutions America	10-00-2005	389.07
02/23	02/23/2023	89653	3015	Charter Communications	30-00-2005	599.98
02/23	02/23/2023	89654	182	Coos-Curry Electric	10-00-2005	89.47
02/23	02/23/2023	89655	1	Nachaila Peterson	20-00-2005	216.57
02/23	02/23/2023	89656	1	Tristan Taylor	20-00-2005	125.62
02/23	02/23/2023	89657	2186	Ferguson Waterworks #3011	20-00-2005	4,283.45
02/23	02/23/2023	89658	6097	GP Energy	10-00-2005	2,787.55
02/23	02/23/2023	89659	329	New Hope Plumbing	10-00-2005	1,000.00
02/23	02/23/2023	89660	6167	Paragon Property Management	10-00-2005	2,000.00
02/23	02/23/2023	89661	4	Patty Nance	32-00-2005	25.00
02/23	02/23/2023	89662	5768	Proficient Auto Center Inc	15-00-2005	572.50
02/23	02/23/2023	89663	207	Quill Corporation	10-00-2005	367.70

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
02/23	02/23/2023	88664	267	SeaWestern Fire Fighting Equip	10-00-2005	232.07
02/23	02/23/2023	88665	6134	Patrick Smith	10-00-2005	459.80
02/23	02/23/2023	88666	956	Suiter's Paint & Body	20-00-2005	405.05
02/23	02/23/2023	88667	142	Tidewater Contractors Inc	52-00-2005	53,094.79
Grand Totals:						408,302.63

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Report type: Summary