

CITY COUNCIL MINUTES

Monday, January 14, 2013

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

Call to Order

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

Swearing in of Mayor and Council Positions 1 and 2

Judge Harper swore in Councilor Bill Hamilton, Councilor Brent Hodges and Mayor Ron Hedenskog.

Roll Call

Council Present: Mayor Ron Hedenskog, Councilors Bill Hamilton, Brent Hodges, Jake Pieper and Kelly McClain; a quorum present.

Staff Present: City Manager Gary Milliman, Finance & Human Resources Director Janell Howard, Public Works & Development Director Loree Pryce, Public Safety Director Chris Wallace, City Attorney Martha Rice, Judge Richard Harper, Planning Manager Donna Colby-Hanks, Parks & Tech Services Supervisor Tony Baron and City Recorder Joyce Heffington.

Others Present: Pilot Reporter Jane Stebbins and approximately 21 others

Ceremonies/Appointments/Announcements

Councilor Hodges moved, a second followed and Council voted unanimously to reappoint Jake Pieper as Council President.

Director Wallace introduced new Public Safety employees, Fire Captain Jeff Lee, Police Officer Zane VanZelf and Police Officer Gavin McVay.

Councilor Pieper moved, a second followed and Council voted unanimously to reappoint Destiny Schwartz to the Public Art Committee.

Public Hearings/Ordinances/Resolutions/Final Orders

Appointment to the Border Coast Regional Airport Authority Board of Commissioners.

City Manager Milliman provided the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 13-R-994, [appointing George Rhodes as City representative to the Border Coast Regional Airport Authority].

Resolution 13-R-995 regarding the use of force in respect to civil rights demonstrations.

City Manager Milliman gave the staff report.

Mayor Hedenskog moved, a second followed and Council voted unanimously to adopt Resolution 13-R-995 [regarding the use of force in respect to civil rights demonstrations].

LightSpeed Networks (LSN) Inc franchise for telephone service purposes.

City Manager Milliman gave the staff report and an LSN representative provided a brief overview of services to be provided.

Councilor Pieper moved, a second followed, and Council voted unanimously to read Ordinance 13-O-706 the first time by title only.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed, and Council voted unanimously to read Ordinance 13-O-706 the second time by title only.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed, and Council voted unanimously to adopt Ordinance 13-O-706 [granting LightSpeed Networks (LSN) Inc, a franchise for telephone service purposes with the City of Brookings].

Public Comments

Cam Lynn, Brookings, spoke against the proposed ban of vehicles crossing the Chetco River calling it a "senseless rule."

Councilor Pieper said he would like to hold a meeting to discuss the possibility of adopting a resolution or position paper against the ban before the deadline.

Mayor Hedenskog asked if this could be handled at this meeting and City Attorney Rice said it would be best to hold a special meeting as it was not "agendized" and is not an emergency.

Mayor Hedenskog asked staff to verify the time and process for submitting comments and then get back to Council.

Carolyn Milliman, Brookings, honored her husband, City Manager Milliman, who celebrated 40 years in City government the previous week; Director Pryce joined her in thanking Milliman for his service.

Committee Reports

Planning Commissioner Hedda Markham presented the annual Planning Commission Report.

Mayor Hedenskog moved, a second followed and Council voted unanimously to accept the annual Planning Commission Report.

Staff Reports

Committee for Citizen Involvement (CCI) annual report.

Manager Colby-Hanks reviewed the staff report.

Councilor Pieper moved, a second followed, and Council voted unanimously to accept the annual Committee for Citizen Involvement annual report for 2012 and direct staff to forward the report to the County Planning Coordinator and State's Citizen Involvement Advisory Committee as required by Resolution #399.

Approval of Memorandum of Understanding (MOU) with Azalea Park Foundation.

Supervisor Baron gave the staff report.

Mayor Hedenskog asked if the Foundation could report to Council from time to time on improvements and Baron said he would ask.

Councilor McClain moved, a second followed and Council voted unanimously to authorize the Mayor to execute the Memorandum of Understanding with the Azalea Park Foundation with regards to the maintenance of Azalea Park.

Installation of backflow prevention devices on properties subject to surcharged sewer mains.

City Manager Milliman provided the staff report.

Mayor Hedenskog provided background and said the City's surcharged sewer lines were causing the problems and he suggested that the City buy backwater devices for the effected property owners to install.

Councilor Hodges said he thought fixing the sewer lines was the best option and Mayor Hedenskog said that would be a long term solution but would do nothing for the short term.

Councilor Pieper asked if staff believed "in the theoretical policy" that the City should be responsible for installing devices on effected properties and Milliman said that staff was not making that recommendation.

Director Pryce said these issues can be caused by a number of problems and she would hate to have staff responsible for maintaining the devices in perpetuity when an issue might not be related to inflow and infiltration (I & I). If the City were to provide these devices she suggested that recipients be asked to sign an agreement making it clear that the City is not responsible for maintenance. She said owners can install these devices now.

Councilor Pieper asked if the devices could be installed on the City side and Pryce said she had never seen a City do this.

Councilor McClain said he didn't think giving out backwater devices was the right way to resolve the issues and thought that the City should concentrate on resizing the pipes.

Councilor Hamilton said in his experience it was the owner's responsibility to install and maintains these devices and thought that providing the devices could be problematic.

Councilor Hodges asked if requiring these devices was part of the plan check and Pryce said she was not sure how this was handled.

Mayor Hedenskog asked Milliman to explain what happens when someone experiences sewer backflow issues and Milliman said property owners would be advised to refer the matter to their insurance adjuster and whether they would have a claim would depend on if the owner should have installed a device. The City, he said, had seen very few claims in this area.

Director Howard said a July claim had pointed out the need for the City to have a regular cleaning program to reduce it's liability and there had been two recent claims.

Mayor Hedenskog said that someone could make a claim this week and have it happen again the next week and place another claim.

Director Howard said that, if the City resolved the issue, it would be unlikely to be held responsible for a second claim in the next week if a major rain event caused a surcharge.

Councilor Pieper said that at the same workshop where this issue was discussed, Council had also discussed a Municipal Code revision to allow the City to enforce a new state law requiring homeowners to put backflow devices on their water systems to protect the City's water system from contamination. "The government," he said, "gets to stand back and say it's not

our fault and yet pass laws to make all the responsibility land on the homeowners." Pieper said the City should accept some of the responsibility when a sewer backs up through no fault of the homeowner's and he was willing to come up with a backwater installation program for properties experiencing these issues.

Councilor McClain said I & I events were not necessarily the City's fault but there was no excuse for a surcharged system. If an event were the City's fault it should be fixed, he said, but he hoped the City would not be "opening up a can of worms" by providing backwater devices which, if they failed, might become the City's responsibility. McClain said he would prefer to focus on why the sewer lines are surcharging.

Councilor Hamilton related a similar, 1996 issue with the condo his mother lived in. At that time, he said, it was determined that the owner had failed to install the City-required backwater device. The owner claimed he thought the City was supposed to install it and the City ended up agreeing to pay damages, if the property owner installed the device.

Councilor Hodges said it probably wasn't possible to build a system to handle every problem associated with a huge rain event and that someone living in a low lying place for any length of time should know they may have issues and install a backwater device to deal with it, but the line upstream should be looked at and fixed. Hodges also said he disagreed "somewhat" with Pieper regarding the water backflow device requirement. "My thought," Hodges said, "is we are bringing potable water from our system onto a private property and then what they do with it on that private property we don't want it to get back into the City's water."

Director Pryce said the sewer back-up issue experienced by the resident at the last meeting was caused by a sewer block on private property; it was not in the City's main nor was it a result of the high rain event.

Mayor Hedenskog said that if a homeowner experienced a back-up and it wasn't their fault, the City should at least inform the homeowner to install a backwater device. He also said he would like staff to come up with costs and a couple of proposals on how to handle this issue.

Mayor Hedenskog moved, Councilor Pieper seconded and the motion passed, 4 -1, with Mayor Hedenskog and Councilors Pieper, Hodges and Hamilton voting "Yes," and Councilor McClain voting "No," to ask staff to come up with a report indicating finances [and] plans and bring it back to the Council at future date.

Proposal for financing storm damage repair and mitigation to include a System Replacement Fee (SRF) increase and bond measure on the November 2013 ballot.

City Manager Milliman provided the staff report.

Councilor Pieper asked if the Beach Lift Station restoration would replace the rented equipment and Milliman said it would.

Director Pryce said that the earth at that location was continuing to deteriorate, but repair costs were less than originally anticipated. Milliman added that if the project costs were reduced the rate would also be reduced.

Pieper asked if SRF funds would be enough to repair the lift station and if anything on list besides the Beach Lift Station would "reasonably need" to be completed before next winter. Milliman said there were sufficient funds to do the lift station repair but they would have to be

taken from I & I projects just discussed by Council and that there really wasn't anything on the list that wasn't needed.

Councilor Hodges asked if the City Hall and Clinic system drainage ditch consolidation was related to last year's sink hole issue and Milliman said it referred to two ditches that come together behind City Hall and during high rain events, flow into the Police station.

Hodges asked about alternate options for the Beach Lift Station and Pryce said they had, but there really was no choice except to rebuild. "You can't leave it the way it is," she said. The hillside needs to be stabilized and the proposed design would be a long term solution at half the cost of the original design.

Councilor McClain asked about the degree of confidence in this plan and Pryce said the geotechnical consultant felt confident it could be stabilized. McClain suggested that it might be a good idea to have a spare pump on hand to avoid the high cost of renting pumps if the cost wasn't too high. Pryce said that was a good point.

Councilor Hamilton asked if there was any concern that the pump and the electrical panel might fail after being reestablished and Pryce said they didn't anticipate any problems; the panel is working and the pump doesn't appear to have been damaged.

Mayor Hedenskog asked, should a bond measure pass, if the SRF balance would get rolled into the bond measure. Milliman said the remaining balance of the interim funding would be rolled over and then the full amount would be financed.

Councilor Pieper said he expected to see another request for a rate increase in this budget cycle to cover the SDC gap, and the proposed increase would be on top of that. Pieper said he didn't doubt that these projects needed to be done and he was ready to move ahead to increase SRF's, but wanted to hold off on the measure until Council began 2013-14 budget discussions.

Mayor Hedenskog said Council would not be doing its due diligence if it failed to act on these issues and he was for increasing SRF's now and then deciding on the measure later.

McClain asked about the timing of the SRF fee increase and Director Howard said the bank would need a resolution and she thought that could be done within the month. McClain then asked when Council would need to decide about the bond for the November ballot and Milliman said it would probably take about 3 or 4 months to meet the legal requirements. However, Milliman said, according to conventional wisdom and experience, it takes 12 -18 months to do a public information campaign; the shorter the timeline, the less likely the measure will be passed.

Howard said it would be a year after a bond measure passed before City would see funds.

McClain said the City had to pay for this somehow and he didn't want to take too long to make a decision.

Councilor Pieper said the tough decision was increasing fees since people don't get to vote on that and the problem he would have with the bond measure was that there was no way to promise that fees would go back down.

Councilor McClain moved, a second followed and Council voted unanimously to approve the staff proposal for financing storm damage repair and mitigation to include an increase in System Replacement Fees not to exceed \$2.35 per month.

Discussion and direction regarding City Council liaison appointments.

City Manager Milliman provided the staff report.

Councilor Pieper said that participation in these organizations and agencies should be up to the Council member's discretion and that if the Mayor finds something important he can bring it to the Council's attention and Council can act on it at that time. Councilor Hodges said he agreed.

Mayor Hedenskog said if Councilors are interested in attending a particular meeting, they can, but it would not be required.

Consent Calendar

- a. Approve City Council Minutes for December 10, 2012.
- b. Approve Liquor License Application for Tight Line Brewery, 625 Chetco Ave.
- c. Approve Azalea Festival Request from Chamber of Commerce.
- d. Accept Planning Minutes for November 6, 2012.
- e. Accept Parks and Recreation Minutes for September 27, 2012.
- f. Accept December 2012 Vouchers in the amount of \$387,059.73.
- g. Accept November 2012 Financial Report.

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


Adjournment

Councilor Hodges moved, a second followed and Council voted unanimously by voice vote to adjourn at 9:22pm.

Respectfully submitted:

ATTESTED:

this 29th day of January 2013:



Ron Hedenskog, Mayor



Joyce Heffington, City Recorder