

# City of Brookings

## CITY COUNCIL MEETING Minutes

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415  
**Monday, March 25, 2013**

The City Council met in Executive Session at 6:30pm in the City Manager's office under ORS 192.660 (2)(e) "to conduct deliberations with persons designated by the governing body to negotiate real property transactions."

### **Call to Order**

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

### **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, Building Official LauraLee Snook, Planning Manager Donna Colby-Hanks, City Attorney Martha Rice, and City Recorder Joyce Heffington.

Others Present: Pilot Reporter Jane Stebbins, and approximately 14 others.

### **Ceremonies/Appointments/Announcements**

**Mayor Hedenskog moved, a second followed and Council voted unanimously to reappoint Gerald Wulkowilz to the Planning Commission.**

### **Staff Reports**

*Authorization to execute a second Golf Course lease amendment or to authorize a 30-day extension with development of lease termination agreement.*

*City Manager Milliman provided the staff report.*

Councilor McClain said he thought the lease payment schedule was high and a steady payment of \$15,000 a year would be fair. The money, he said, could be used to help secure a permanent water source. McClain said he wanted the course to succeed, but customer service could be improved to encourage players to stay around longer.

Councilor Pieper said he agreed, and that he didn't need or expect the course to make the City a profit, but he was concerned with what it was costing the City. He said was looking to recoup the City's costs and he thought the current amount was fair but didn't cover costs.

Mayor Hedenskog said he was not interested in making a profit and the intent was to put the lease payments into a special account for capital improvements at the golf course.

Councilor Hodges said he agreed with lowering the lease payment and agreed that improving customer service would bring in more people.

Councilor Hodges proposed setting this year's lease payment at \$15,000 and having lease payments build up in a fund to help secure a water source and then have cost recovery on top of that.

McClain said he was having a hard time figuring out how much the City would have to get involved if the course was making its lease payments on time.

Mayor Hedenskog said he would prefer to establish a regular fee and set aside an amount for administration.

Councilor Pieper said he would keep the lease payment amounts as they are and he was fine with putting the funds toward capital improvements.

Councilor McClain asked if costs could exceed \$35,000 and Milliman said they could if current work toward securing water rights was included.

Councilor Hamilton suggested taking costs associated with securing a water source "off the top" of the lease payments.

**Councilor Hodges moved, Councilor McClain seconded, and the motion failed, 4 to 1, to make an amendment to the lease agreement with the Claveran Group to reduce the lease payment for at least the next year, to \$15,000, and for that money to be put into a fund for capital improvements for a permanent water source, and to make any staff and attorney fees that might be involved on a cost recovery basis, with Mayor Hedenskog and Councilors McClain, Hamilton and Pieper voting "No" and Councilor Hodges voting "Yes."**

**Councilor McClain moved, Councilor Pieper seconded, and the motion passed, 3 to 2, to reduce the lease payment to \$20,000, and that would be permanent, not just for one year, and that the money would go into an account that would be used for the procurement of a water source, and any contracted legal fees that we have to incur, would be paid out of that \$20,000 with the remainder staying in the account for procuring a water source, with Councilors Hamilton, Pieper and McClain voting "Yes," and Mayor Hedenskog and Councilor Hodges voting "No."**

Mayor Hedenskog asked for a motion to postpone items F6 and F8 to the April meeting due to the illness of a staff member.

**Councilor Pieper moved, a second followed, Council voted unanimously to postpone Items F6 [Backflow revisions and program] and F8 [Cooperative agreement amendment for Harris Beach Bike Path] to April 8.**

*Review and discussion of proposed County Public Safety Property Tax Levy.*

City Manager Milliman gave the staff report.

Mayor Hedenskog said he supported Sheriff Bishop's efforts to improve the condition of the jail. He said getting a permanent tax rate on the ballot could take 18 – 24 months, not 60 as proposed by the Commission, and if the May levy fails, the County would still have a \$2.1 million budget.

Councilor Pieper said this topic had become an adversarial one, but Council had been left to respond to what was being published in the paper because the Commission had cancelled the Joint Meeting and then failed to schedule another meeting. Because of the way the County was handling the situation, he added, the "gloom and doom" they were projecting could come true.

Councilor McClain said he wanted to stress to the County Commissioners that the Council wanted the County to succeed, but the Commissioners had written a bad ballot title. Having the City buy-in to the levy would have made it an easier sell, he added. Council, McClain said, just wanted to have input. He also said having one person in charge of running the County's day-to-day activities made more sense.

Councilor Hodges thanked Sheriff Bishop for his efforts and said the biggest concern was that the levy had been crafted without Bishop's and the City's input. A five year levy is too long, he said; two would be better. Hodges said he would like to get together with the County to reach a good solution.

Councilor Hamilton said the levy was, at best, a quick solution lacking forethought and collaboration and he would like to see some give and take if it comes back in November. He also said the County never seems to bring up taking a pay-cut.

Jim Benson, Brookings, asked if anyone knew what would happen if the jail were closed.

Ralph Martin, Harbor, commented on an Arizona town that got control over its timber lands.

Councilor Pieper said he'd heard from Sheriff Bishop that the grandfather clause "falls away" if the jail closes, which is an important reason not to close it. The jail, he added, could operate on the \$2.1 million budget.

*Authorization to send letter to House Rules Committee and Governor on House Bill 3453.*

City Manager Milliman provided the staff report.

Councilor Pieper said HB 3453 was too extreme and probably wouldn't pass. He said he believed the bill was a "gross violation of local sovereignty" and "completely unconstitutional," at both the state and federal level and because of his oath of office, he could not support it. If it did pass, he added, he would be willing to "lobby the Council" to use its position to fight it in court.

Councilor McClain and Councilor Hamilton said they agreed with Milliman's assessment and Councilor Hodges said he supported the letter.

Mayor Hedenskog said he agreed with Milliman that consolidating services to reduce costs could be a good thing. He also said the state could help bridge the gap between the citizens and the County and help reach a solution. "Taking over dictatorially would not work for me either," he said.

Councilor Pieper said good things could come out of the state becoming involved, but if that equated to a loss of someone's liberty, he couldn't support it, even if it made sense for the City.

**Councilor Pieper moved, a second followed, and Council voted unanimously to authorize the Mayor to craft a letter to be cosigned by the Mayors of Gold Beach and Port Orford, and send the letter to the Oregon House Committee on Rules and Governor Kitzhaber requesting that cities in the county affected by HB 3453 be included in future meetings which involve crafting the provisions of this Bill; that the City opposes any provision or interpretation of this Bill which would result in dissolution of the City or diverting its resources, without compensation, to providing services to other units of government; and that the City is willing to enter into discussions with the State and County concerning possible intergovernmental agreements whereby the City would provide public safety services to areas of the unincorporated territory of Curry County.**

*Review and discussion of alternative approach to criminal prosecution and juvenile services.*

City Manager Milliman gave the staff report.

Councilor Pieper said he would like to know for which crimes an offender is legally mandated to be arrested and jailed, as well as the cost difference between mandated versus crimes that are being currently handled with arrest and jail-time. He added that it would good to have the District Attorney present for that discussion.

*Approval of six possible motions related to County government financing and restructuring.*

City Manager Milliman gave the staff report stating that the intent of the recommended motions was not to defeat the current levy but to provide a better, long-term approach to the County fiscal crises.

Mayor Hedenskog said the intent, in working with the other two cities, was to come up with better solutions and to be ready to move forward if the levy fails.

Councilor Pieper said that, while he didn't like telling the County what to do, you couldn't always say "No" without offering a solution.

Councilor McClain said City residents pay roughly \$3.60 more in taxes than County residents do, mostly for law enforcement, and the City's proposed rates would bring County residents closer to paying the same amount. McClain said the only problem he had with the proposed motions was the Commissioner's salaries, which he thought were too high and he proposed \$6,000 as a better figure.

Councilor Hodges said he was for "anything that moves us forward," and agreed that the proposed salaries may be too high. He said he thought there was strong support for home rule.

Councilor Hamilton said he hoped the Commissioners didn't take offense but he thought \$3,000 more for the Chair was too much, but that he could see \$9,000 for the Chair and \$8,000 for the Commissioners.

Maggie Runyan, County resident, commented that it would take some work to get past the perception that home rule is a "crazy idea."

**Councilor Pieper moved, a second followed, and Council voted unanimously to request that the Curry County Board of Commissioners place a three-year property tax levy measure on the November 2013 ballot which would establish a split rate tax levy of \$1.93 in the unincorporated area and \$0.92 in the incorporated cities; require that all of the proceeds from such tax be used to fund County public safety services including Sheriff, District Attorney, Juvenile, Emergency Services and Jail; require that both tax rates be reduced on a dollar-for-dollar basis equal to the amount of any federal safety net related payments received; and require that the unincorporated area tax rate be reduced on a dollar-for-dollar basis equal to the amount of unrestricted Transient Lodging Tax revenue received by the County.**

**Councilor Pieper moved, a second followed, and Council voted unanimously to request that the Curry County Board of Commissioners place a Transient Lodging Tax measure on the November 2013 budget which would levy a tax rate of 6.0 per cent in the unincorporated area of the County; require that 30 per cent of all proceeds be used to fund County law enforcement services; and require that 70 per cent of all proceeds be used to fund tourism related services as required by State Law.**

**Councilor McClain moved, a second followed, and Council voted unanimously to direct the City Attorney to prepare a draft measure for the November 2013 Countywide ballot which would change the form of Curry County government from a General Law County to a Home Rule (Charter) County; provide for a Commission/Administrator form of governance and management; provide for five elected County Commissioners who would be compensated initially at \$10,000 for the Chair and \$9,000 for each Commissioner and authorizing annual salary adjustments to be approved by the non-Commission members of the County Budget Committee and not to exceed the increase in the Consumer Price Index; and to provide the draft measure to any parties who may be interested in gathering signatures to place the measure on the November 2013 ballot.**

**Councilor Pieper moved, a second followed, and Council voted unanimously to send a letter to Curry County Sherriff John Bishop notifying him that the City is prepared to enter into negotiations for the development of an intergovernmental agreement for 9-1-1 and emergency services dispatching, with the City to be the contract provider of said services.**

**Councilor Pieper moved, a second followed, and Council voted unanimously to authorize the Mayor to sign a letter to Representative Wayne Krieger and Governor John Kitzhaber requesting that they introduce and support legislation that would authorize Counties in fiscal crisis to use all Transient Lodging Tax proceeds from the unincorporated area to fund law enforcement services.**

**Councilor Pieper moved, a second followed, and Council voted unanimously to authorize the Mayor, Council President and City Manager to meet with the leadership of the Cities of Gold Beach and Port Orford to pursue their support for the above listed proposals.**

**Mayor Hedenskog moved, a second followed and Council voted unanimously to move Item F7 [Head Start Grant] to H-1 [to follow Resolutions] and move everything else accordingly.**

*Award of contract for Storm Drain and Sewer System TV Inspection, Cleaning, mapping and trenchless point repair services to C-More Pipe for a total cost not to exceed \$172,234.*

Building Official Snook provided the staff report.

Councilor McClain asked if the cost seemed appropriate. Councilor Pieper said it was work that had to be done. McClain then asked if the work would include the problem area and Snook said it would.

Councilor Hodges said it was money well spent.

Councilor Hamilton said he was concerned that there was only one bid and Snook said there were two unresponsive bids. Snook added that there were a limited number of providers for this service and C-More Pipe was the only one willing to bid without knowing, up front, the extent of repairs that may be needed.

**Councilor Hodges moved, a second followed, and Council voted unanimously to award the contract for Storm Drain and Sewer System TV Inspection, cleaning, mapping and trenchless point repair services to C-More Pipe for a total cost not to exceed \$172,234.**

**Public Hearings/Ordinances/Resolutions/Final Orders**

*Resolution 13-R-1000 suspending sandwich board sign regulation with certain conditions, from May 15 to October 15, 2013.*

Planning Manager Colby-Hanks gave the staff report.

**Councilor McClain moved, a second followed, and Council voted unanimously to suspend the criteria of Brookings Municipal Code Chapter 17.88.100(F) which requires a sign permit for sandwich board signs and limits the signs to businesses whose entrances do not front on a street and adopt Resolution 13-R-1000.**

*Resolution 13-R-1001 extending the Charter Communications Franchise Agreement.*

City Manager Milliman provided the staff report.

**Councilor Pieper moved, a second followed, and Council voted unanimously to adopt Resolution 13-R-1001 extending the Charter Communications Franchise Agreement to August 31, 2013.**

**Staff Reports...continued**

*Decision regarding the City's continued participation in the Community Development Block Grant Application for the Brookings Head Start Program.*

City Manager Milliman gave the staff report.

**Councilor Pieper moved, a second followed, and Council voted unanimously to cease participation in the Community Development Block Grant Application for the Brookings Head Start Program.**

**Consent Calendar**

- Approve Council minutes for February 25, 2013.
- Approve Council minutes for March 11, 2013.
- Receive February 2013 Financial Report.

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

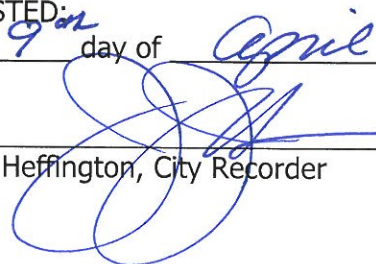
**Adjournment**

Councilor Hodges moved, a second followed, and Council voted unanimously by voice vote to adjourn at 10:00pm.

Respectfully submitted:

  
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Ron Hedenskog, Mayor

ATTESTED:  
this 9<sup>th</sup> day of April 2013:

  
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Joyce Heffington, City Recorder