

City of Brookings CITY COUNCIL MEETING Minutes

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, April 22, 2013, 7:00pm

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 7:05 pm.

Roll Call

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

Staff Present: City Manager Gary Milliman, Finance & Human Resources Director Janell Howard, Public Works & Development Director Loree Pryce, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Pilot Reporter Jane Stebbins and approximately 12 others.

Ceremonies/Appointments/Announcements

Mayor Hedenskog proclaimed April 22, 2013 as Elmo Williams Day in honor of his 100th birthday.

Public Hearings/Ordinances/Final Orders

Ordinance 13-O-709 amending Section 13.05.190 and adding Section 13.05.195 to Title 13, Public Services, of the Brookings Municipal Code.

Director Loree Pryce gave the staff report, stating that Council had approved the revisions at the last meeting.

Councilor Pieper moved, a second followed and Council voted unanimously to do a first reading of Ordinance 13-O-709 by title only.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to do a second reading of Ordinance 13-O-709 by title only.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 13-O-709, [an ordinance amending section 13.05.190, Discontinuance of service, and adding Section 13.05.195, Water Quality - Cross Connection Control Program, to Title 13, Public Services, of the Brookings Municipal Code].

Public Comment on Non-Agenda Item

Ken Dukek, Curry County Juvenile Department, said he was providing information in response to questions from the City Manager regarding the data used in determining the percentage of City versus non-city Juvenile Department services. Dukek said reports were not specific to individuals as regardless of the number of youths involved, only one report would be

generated. In 2011, he said, 61 out of 68 cases involving 90 youths were generated by the Brookings Police Department. Dukek said a broader view needed to be taken when determining how Juvenile Services are applied; victim assistance, restitution and community service are provided based on where the cases are generated. If a case involved a juvenile who resided in Harbor but attended Brookings Harbor High School, then 50-75% of that student's supervision was provided in Brookings, he said and the reason he'd chosen to report the data by law enforcement agency was because that was how services were provided. In 2011, he said, 82.3% of cases were cited by the three municipalities; in 2012 it was 84.3%. Mayor Hedenskog said he was not surprised by the figures since juveniles committing crimes in Harbor were less likely to get caught due to reduced law enforcement.

Dukek said he agreed that there were fewer deputies and fewer interactions with youths outside the City, however because urban areas had more stores and business, more burglaries and thefts there, whereas more MIP parties occurred in non-city areas.

Mayor Hedenskog said statistics based on where the crime was committed, regardless of where the juvenile lived, could result in the City shouldering the full cost.

The Juvenile Department was required by state law to take juveniles into custody and detain them, Dukek said, and the department did what was needed and required, by law and for the safety of the citizens. Only the County funds the Juvenile Department, he added.

Councilor Hamilton asked about the figures for 2012 and Dukek said there were 63 cases cited by Brookings involving 85 youth, and overall, 84.3% of the cases were generated by municipalities.

Staff Reports

Emergency replacement of Ultra Violet (UV) Disinfection System Control Center at the Wastewater Treatment Plant and authorization to solicit bids and execute an installation contract.

Director Pryce provided the staff report pointing out that the energy and mechanically intensive disinfection process is crucial to treat wastewater before being discharged into the ocean.

Councilor Hodges asked what was being used in the interim and Pryce said the discharge was still being treated but without the control panel there was no way to make the necessary adjustments or generate an alarm if a UV light burns out.

Councilor Hodges moved, a second followed and Council voted unanimously to approve the emergency replacement of an Ultra Violet Disinfection System Control Center in the amount of \$42,417.50 and further authorize staff to solicit bids and the City Manager to execute a contract for installation of the control center in an amount not to exceed \$25,000.

Execute engineering and construction management contract for the Airport Infrastructure Improvement Project with Dyer Partnership.

Director Pryce gave the staff report.

Councilor Hodges asked if there were any County-related issues that could delay the project and Milliman said he couldn't think of any. The County, he said, had approved the annexation which would now move through the Development Services Division. Milliman said he didn't think there was anything in the relationship between the City and County that could stop the

process. A Conditional Use Permit for the tank would be required at some point, he added, but engineering was needed before an appropriate location could be identified.

Councilor Hodges moved, a second followed and Council voted unanimously to authorize the City Manager to execute a professional services contract with the Dyer Partnership to provide engineering and construction management services for the Airport Infrastructure Improvement Project in an amount not to exceed \$400,000.

Adoption of the 2013 Economic Development Strategy.

City Manager Milliman provided the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt the 2013 Economic Development Strategy.

Draft joint management agreement (JMA) for the Brookings Airport and adjacent County/City owned lands.

City Manager Milliman provided the staff report.

Mayor Hedenskog said he'd met with Commissioner Itzen who, at that time, had indicated his interest in receiving a draft proposal from the City.

Councilor Hodges asked if the Mayor was the City's liaison to the County and Mayor Hedenskog said he thought it was Councilor Pieper but his meeting with Itzen had been impromptu and had covered a number of subjects.

Councilor Hodges said the airport had been stagnant for 20 years and he would like to see a JMA in place.

Councilor Hamilton said it seemed like a great opportunity and he hoped it could be worked out to the benefit of the community.

Councilor Pieper said he supported the idea of a draft JMA and provided the involvement would improve its service to the citizens, would support the City's involvement.

Mayor Hedenskog encouraged the City Attorney to put out a draft concept without all the "legalese," and City Manager Milliman suggested the outline from the packet could be used to see if a basis for agreement could be reached before proceeding with something more formal.

Councilor Pieper moved, a second followed and Council voted unanimously to have the Mayor and City Manager to meet with representation of the County Commission to go over the elements of a joint management agreement for the Brookings Airport as laid out in the staff report, page 45 [of the Council Agenda Packet].

Resolutions

Resolution 13-R-1003, supporting Measure 8-71, Curry County Five Year Split Rate Law Enforcement Operating Levy on the May 21, 2013 election ballot.

City Manager Milliman said the resolution, provided to the mayor by a County Commissioner, had been placed on the agenda at Mayor Hedenskog's request.

Public Comments:

Gordon Clay, Brookings, said he supported Measure 8-71 and commented on advertising being done by the County Public Action Committee. Clay said that both the County Democratic and Republican Central Committees were supporting the measure and he would like to see the Council and individual Council members support it as well.

Jim Kolen, County Assessor said he supported the measure and was available to answer questions regarding the figures in the measure.

Tomas Bozack, Brookings, encouraged the Council to vote in favor of supporting the measure. He said it may not be perfect but the alternatives were unacceptable.

Linda Bozack, Brookings, commented that the measure was not perfect, but the County needed to pay its own way and keep control local. She encouraged the Council to provide leadership and support the measure.

Bob Horel, Brookings, urged the Council to support the measure. If it failed, he said, the state would take over and he was concerned about what would happen to the City, the schools and other special districts should that happen.

Jan Kaplan, Curry County Health, said that at least one half of its services were provided in the City and that he gets an awful lot for the 30 cents a day he and his wife now pay to the County.

David Brock Smith, County Commissioner, said the County would run out of money after 2014. He said the County was losing deputies due to cutbacks and to better paying jobs in other areas. The levy, Smith said, was important to get the 12 officers needed to protect the County's citizens and to get the data needed to come up with a permanent solution. Smith apologized for not including in the levy the \$400,000 needed for tower replacement and the \$140,000 needed annually for tower construction and maintenance, but added that there might be grant funding for this purpose. Smith said 38% of the entire levy was being paid by the cities although the unincorporated area had higher assessed property values and so would be paying a higher percentage of the cost in addition to a higher levy rate. Smith concluded by urging the Council to support the measure.

Bob Pieper, Brookings, said he was against both measures. The County wasn't that broke, he said, and the tax would take \$2 million out of the economy. He said the County had millions in road funds, and hadn't done anything with the Citizens Committee's 19 solutions. Pieper added that he was aware the County had problems, but the system wasn't working.

Tim Patterson, Chetco Avenue, said County government was broken and had known about its financial problems for 9 years. He said he liked the City's proposal because it would provide adequate government and cost him less. He encouraged the Council not to pass the resolution and to pursue its proposal.

Commissioner Smith said 12 deputies and the full amount of the levy was needed to support law enforcement and that while the road department had funds, it would be broke in 7 to 8 years. If the County lost a bridge, or something major happened, he said, that money would be gone, so the road department needed to be funded as well. He said the County couldn't function with less than the \$4.5 million being asked for in the levy. This levy, he said, would give the County time to find a solution.

Mayor Hedenskog asked Commissioner Smith if County had to replace the road department funds it was using and Smith said the money they were drawing now did not have to be replaced, but the Budget Committee felt it needed to be paid back at \$150,000 a year. The County, he said, had created two budgets, the \$2.1 million budget and the levy budget, because the County could not spend unbudgeted funds.

Mayor Hedenskog asked if the \$2.1 million budget included funds for the jail, juvenile department, DA and four patrol deputies, and Smith said it did, and the County was using every bit of its discretionary and reserve funding to make it through the next year. Smith

said there would be roughly \$600,000 left after June 30, 2014 and no way to get to November, 2014. He added that he didn't know of any road deputy who would want a job if it was only for a year.

Councilor Pieper asked the group at large about Republican Party support for the measure.

Bob Pieper said he'd heard that the Party had supported it but had later realized they were wrong and Commissioner Smith said he believed the Republican Central Committee met on April 11th and voted to support the measure.

Councilor Hamilton asked about the 13 cent difference in the split levy rate and Smith said the split rate was based on the percentage of County services provided to the cities, figures that would change based on the data obtained after the levy was passed.

Councilor Hodges asked Smith what "new data" he was referring to and Smith said it would be data received from the two years following passage of the levy. Hodges asked if the County didn't have that data from past years, and Smith said best practice was to use data from the last two years to determine what was needed for a permanent levy, but, because law enforcement services had been dwindling for the last few years, two years of data, after the levy passed, was needed to determine a permanent solution.

Councilor Pieper said the level of service would be lower if the levy didn't pass, but the County wouldn't necessarily collapse. Essential services would and could continue, he said, it was just a matter of where the money would be spent. Pieper said he couldn't support the levy personally, and therefore could not support it as a City Councilor.

Mayor Hedenskog said, when asked by Commissioner Itzen, he'd told him it would take less than a five year levy to get his support. The levy's intent, Hedenskog said, was to provide a bridge to a permanent solution and five years was asking too much. He said from what he'd heard, 24 months, at most, were needed to form a district. The levy, Hedenskog said, did not address the disparity between the incorporated and unincorporated areas and that he'd personally taken the matter to the other cities with alternative solutions. The other two cities, he said, were unified in supporting the City's proposed alternative.

Councilor Hodges said it was not all about the money for him, but rather about the form of government, and until that changed, he could not support the levy. A long term solution, he said, would be to fix what's broken. Hodges said 12 deputies was a wish and the Sheriff would have to get by with less.

Councilor Hamilton said he didn't feel right about the levy and could not support it at this time. He added that there was "a better solution out there still."

Commissioner Smith said that the City had 14 officers to cover less than three square miles and he didn't think it was a big stretch to have 12 deputies handling 1636 square miles. By comparison, he said, the City spent \$2.5 million on officers and communications while the County would only spend \$1.7 for 12 deputies and communications. That, he said, was a disparity he could not wrap his head around.

Mayor Hedenskog said the number of City officers showed Brookings citizen's commitment towards law enforcement. The problem the City was having, he said, was that "unincorporated Curry County won't step up to the plate and give the answer about how much law enforcement they want." Hedenskog said jail, DA and juvenile services were essential, but the City didn't want to pay for additional non-City law enforcement.

Commissioner Smith said this was why cities would pay only 5% for law enforcement and other various percentages for other services based on use. We think this is fair, Smith said.

Mayor Hedenskog said Commissioner Itzen had asked him to give his support for the resolution and he'd put the item on the agenda so Council would have an opportunity to give its answer.

Councilor Pieper moved, Mayor Hedenskog seconded, and the motion failed, unanimously, to adopt Resolution 13-R-1003, supporting measure 8-71, Curry County's Law Enforcement Five Year Split Rate Operating Levy with Mayor Hedenskog and Councilors Hamilton, Pieper and Hodges voting "No."

Consent Calendar

1. Approve Council Meeting minutes for April 8, 2013.
2. Authorize City Manager to sign a permanent Retaining Wall Easement with Charles and Karen Henley, 626 Hassett Street, for construction, repair and maintenance.
3. Receive March 2013 Financial Report.

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

Adjournment

Mayor Hedenskog, a seconded followed and Council voted unanimously to adjourn by voice vote at 9:19pm.

Respectfully submitted:



Ron Hedenskog, Mayor

ATTESTED:
this 15th day of May 2013:



Joyce Heffington, City Recorder