

City of Brookings CITY COUNCIL MEETING MINUTES

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

Monday, June 24, 2013

Call to Order

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

Roll Call

Council Present: Mayor Ron Hedenskog, Councilors Bill Hamilton, Brent Hodges and Kelly McClain; a quorum present. Councilor Pieper arrived at 8:18 PM, during discussion of the Sales Tax item.

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

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

Ceremonies/Appointments/Announcements

Mayor Hedenskog proclaimed July 13 & 14 as Relay for Life Weekend.

Mayor Hedenskog moved, a second followed and Council voted unanimously to appoint Councilors Kelly McClain and Brent Hodges to participate in a Golf Course Committee to work with staff.

Public Hearings/Ordinances/Final Orders

Public Hearing and Final Order in the matter of File ANX-1-13, request to annex approximately 155 acres comprised of six tax lots, into the City of Brookings.

Mayor Hedenskog opened the quasi-judicial public hearing in the matter of file ANX-1-13 at 7:06 PM.

Under ex parte, Mayor Hedenskog said that he had attended the final Planning Commission meeting regarding this request.

There were no additional declarations of ex parte, declarations of conflict or personal interest, and no objections as to jurisdiction.

City Attorney Rice reviewed the guidelines and Planning Manager Donna Colby-Hanks reviewed the staff report.

Public comment: Nicholas Pepe, 97032 Dodge Avenue, commented that he was concerned about the light industrial zone designation as he thought it was out of character for the area and would increase traffic.

Colby-Hanks responded that it was to be very light industrial use and none of the residential areas were proposed to be change.

Mayor Hedenskog said he believed that a traffic study had been conducted which indicated that the light industrial designation would add less traffic, not more. Colby-Hanks concurred.

Public Comment: Commissioner Smith said he had approved the annexation and that it was important to him that the Oregon Department of Aviation recommendations were met. He also said he wanted it clear that the County had not requested the annexation; this was being done at the City's request to expand its water and sewer infrastructure.

Councilor McClain thanked Smith for coming to the meeting and said he agreed that the County needed funds but he was afraid the sales tax measure was moving forward too quickly and some good ideas could be missed by putting it on the September ballot; the extra six weeks could make a difference. McClain said he thought Transient Occupancy Tax (TOT) funds could easily pass, as the TOT was fairly common throughout the state. Should a sales tax pass, McClain said, Curry would be the only county in Oregon to have one. McClain said that if more dialogue had taken place, and the City had been able to get behind the property tax it might have passed; it just wasn't fair to the citizens of Brookings as it was.

Commissioner Smith said he could support a TOT, but as a means of fulfilling its intended purpose. He said the 30% directed toward administration, however, should be funneled toward public safety but he was not sure if the Governor would even allow other uses for TOT funds.

Councilor McClain said the TOT would reduce the burden in other areas.

Mayor Hedenskog said the question at hand was the maximum rate and McClain said he didn't know how he felt about a maximum rate and felt that was the County's question to answer.

Mayor Hedenskog said staff had recommended 2.5% and he wanted to keep it under 3% and personally recommended 2% and McClain said he felt they were just throwing out numbers and would look to Smith to say what was needed, based on budget needs.

Councilor Hodges said the question might be better based on whether the fix was permanent or temporary and Hedenskog suggested they talk about the sunset clause, first.

Councilor McClain said there shouldn't be a sunset clause. "If it's a solution, it's a solution," he said.

Councilor Pieper said the question that needed to be addressed first was whether or not Council wanted to provide a letter to the Commission on the proposed sales tax, and his personal recommendation was to not take a position.

Councilor Hamilton said he would do away with the sunset clause and that more time was needed before the sales tax was put to the voters.

Councilor McClain said it was too early to come up with a letter and again said the measure could go on the November ballot.

Commissioner Smith reiterated that the sales tax measure was not being rushed and the concern was that waiting until November would cost the County money it did not have, as well as put conflicting ballots on the ballot.

Councilor Hodges said he also appreciated Smith coming, but if the City couldn't get behind the tax, it might not pass.

Commissioner Smith said he wanted the City's input, and some kind of solution was needed and McClain said getting the measure on the ballot in a hurry didn't mean it would pass. Taking the extra six weeks would allow more time to get it right.

Mayor Hedenskog polled the Council about their interest in providing a letter of recommendation to the Commission and the greater consensus was not to provide a letter at this time.

City Manager Milliman said he had one factual item to get into the record and asked Director Wallace about the number of City patrol officers. Wallace said that of the City's 14 member police force, only nine were patrol officers.

Public Comment: Bob Pieper said that a sales tax was important to him and that if it passed he would be forced to shut his doors and move. He praised the C3 group as having great "integrity" and begged the Council to wait.

Mayor Hedenskog offered Smith a final opportunity to address Council.

Commissioner Smith reiterated that putting the tax levy on the November ballot was an issue of a conflict with Port Orford's public safety levy placement on that ballot. He said he would take back to the Commission that Council had no recommendation to make at this time and added that whatever the Commission decided, he would fully support that decision. Smith also said counties with administrators were having problems.

Councilor Hamilton asked about the rainy day fund and Smith said it would be 2% of net sales tax revenue for repair and maintenance and Hamilton said he thought that was a good idea.

Hodges said he'd like to see two options on the ballot.

McClain asked Smith what percentage he would pick for a sales tax and Smith said he wanted to keep it under 3%, and that projected revenue from the 3% sales tax was estimated at around \$5 million but the final percentage of the tax would depend on the number of exemptions.

Hedenskog said he thought the dual ballot question title would "run well" with another commissioner.

Public Comment: Nicholas Pepe said it was basic economics. You need to cut back to bare minimum to be sustainable.

Commissioner Smith pointed out that they had just finished negotiating two union contracts, one a two-year contract with no step increases or COLA and the other with no COLA and a one year reduction in their health insurance cap. He also said that, according to his research, state law prohibited the County from raising funds via a County run lottery.

Request for policing services from Port of Brookings Harbor.

City Manager Milliman provided the staff report.

Councilor Hodges asked if this would result in a staffing increase and Director Wallace said they had not yet looked at staffing and were looking for direction at this point.

McClain asked if the City was the Port's first choice and Milliman said the Port was also looking at the Sheriff's department to provide these services.

In response to a question from Councilor Hodges, Milliman said the focus of patrol services would be on Port property.

Mayor Hedenskog said the proposal seemed straight forward.

Councilor Pieper said he would like to keep the issue of providing public safety apart from the annexation issue, although he supported both.

Public Comments:

Tim Patterson, speaking as a business owner, encouraged Council to explore the issue of annexing the Port as the City and downtown would be better off working together on such things as tourism, he said.

Sandra Ensley said the County sheriff's department should be involved at the Port and expressed concern that annexation would end up costing her more, based on her property tax statement.

Mayor Hedenskog said one of the issues discussed with Port representatives was the pro-active nature of City police department versus the reactive nature of the sheriff's department.

Councilor McClain said he wanted to make it clear that a large portion of property taxes went to provide County services not included in the County tax rate. However, the only funds the County directly controlled, he said, were the funds generated from the \$0.59 per thousand property tax rate.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize the City Manger, Public Safety Director and City Attorney to develop a feasibility plan and draft agreement for contracting law enforcement services to the Brookings Harbor Port District.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize the City Manager to work with Port District management in preparing an application for annexation of Port District-owned property into the City of Brookings.

Off-Season Event Incentive grant limit increase to \$4,000.

City Manager Milliman provided the staff report.

Councilor Hamilton said a \$2,000 maximum grant would allow for more new events and that start-up costs should not be supported.

Councilor Pieper said that if even one major event were begun through this program it would be a "good move," and pointed out that even if the maximum grant amount was \$4,000, Council could always vote to lower it.

Councilor McClain said the committee should have greater flexibility.

Councilor McClain moved, a second followed and Council voted unanimously to approve the increase in maximum grant [funding] for tourism off-season event incentives to \$4,000.

Execute Port Orford Landfill Post-Closure Trust Agreement.

City Manager Milliman gave the staff report.

Councilor Hodges moved, a second followed and Council voted unanimously to adopt and authorize the Mayor to execute a new Port Orford Landfill Post-Closure Trust Fund Agreement replacing the 1993 Trust Agreement as amended and appoint a successor trustee.

Resolutions

Resolution 13-R-1010, adopting System Replacement Fees for 2013-14, repealing Resolution 13-R-996 and rescinding Resolution 13-R-1008.

Director Howard provided the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 13-R-1010, adopting System Replacement Fees for 2013-14.

Resolution 13-R-1011, approving appropriations transfers for insurance proceeds received.

Director Howard gave staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 13-R-1011, approving appropriations transfers for insurance proceeds received.

Resolution 13-R-1012, accepting grants and donations and appropriating those funds.

Director Howard gave the staff report.

Councilor Hodges moved, a second followed and Council voted unanimously to adopt Resolution 13-R-1012, accepting grants and donations and appropriating those funds.

Resolution 13-R-1013, transferring appropriations from contingency to Legislative/Administration and Parks and Recreation.

Director Howard gave the staff report.

Councilor Hodges moved, a second followed and Council voted unanimously to adopt Resolution 13-R-1013, transferring appropriations from contingency to Legislative/Administration and Parks and Recreation.

Resolution 13-R-1014, approving appropriation transfers in the General Fund, Wastewater Fund and the Technology Reserve Fund.

Director Howard gave the staff report.

Councilor McClain moved, a second followed and Council voted unanimously to adopt Resolution 13-R-1014, approving appropriation transfers in the General Fund, Wastewater Fund and the Technology Reserve Fund.

Resolution 13-R-1015, approving appropriation transfers in the Streets, Water, Wastewater and Stormwater replacement funds.

Director Howard gave the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 13-R-1015, approving appropriation transfers in the Street System Replacement Fund, Water System Replacement Fund, Wastewater System Replacement Fund and Stormwater System Replacement Fund.

Consent Calendar

- Approve Council minutes for June 10, 2013.
- Accept Parks & Recreation minutes for January 24 and February 21, 2013.
- Approve Mayor to execute 2011 Fund Exchange Agreement #27580, Amendment #2, with the Oregon Department of Transportation.
- Approve Highway Maintenance Agreement with Oregon Department of Transportation in the amount of \$12,250 per year and authorize the City Manager to execute agreement.
- Receive May 2013 monthly financial report.

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

Adjournment

Mayor Hedenskog moved, a second followed and Council voted unanimously to adjourn by voice vote at 10:03 PM.

Respectfully submitted:



Ron Hedenskog, Mayor

ATTESTED:
this 9th day of July 2013:



Joyce Heffington, City Recorder