

City of Brookings MEETING Minutes

URBAN RENEWAL AGENCY

Monday, January 10, 2011

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

Call to Order

Chair Anderson called the meeting to order at 7:42pm.

Roll Call

Agency Present: Chair Larry Anderson, Directors Ron Hedenskog, Dave Gordon, Jake Pieper, and Brent Hodges; a quorum present.

Staff Present: Executive Director Gary Milliman, Administrative Services Director Janell Howard, Parks Facilities Planner Cody Erhart, and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Reporter Arwyn Rice and approximately 3 public.

Consent Calendar

- Approve Agency minutes for November 8 and December 27, 2010.
- Accept Advisory Committee minutes for August 12, September 16, October 14 and November 18, 2010.

Director Gordon moved, a second followed and the Agency voted unanimously to approve the Consent Calendar as written.

Staff Reports

Acceptance of Agency Financial Report for year ending June 30, 2010.

Director Howard reviewed the staff report, stating that the audit opinion letter is "unqualified" meaning there were no errors and it was a "clean" opinion.

Director Hedenskog moved, a second followed and the Agency voted unanimously to accept audit report [for the Urban Renewal Agency] from Pauly and Rogers.

Appointments

Consider removal of Advisory Commission appointee, Don Nuss.

Executive Director Milliman reported that Director Pieper, who is also the Council liaison to the Urban Renewal Advisory Commission, requested the item to be placed on the agenda.

Chair Anderson reviewed the order in which matters relating to this item would be heard and proceeded to provide his perspective on the chronology of events leading up to Pieper's request to remove Nuss from the Commission. A summary of Anderson's comments follows:

- On March 11, 2010, following Nuss's first meeting as URAC Commissioner, Pieper contacted Anderson regarding comments made by Nuss and, at Anderson's request, put his comments in an email. The email generally stated that, during Commission member comments, Nuss spoke directly to the City Manager, saying that his reason for being on

the Commission was because he was, "Dissatisfied in management," for not having used URA funding to implement a bike path on Railroad Street, as was intended. Pieper characterized Nuss's manner when making these remarks as being aggressive and pointed. The email further stated that, immediately after the meeting, Pieper asked Nuss why he had not attended Council meetings where funding was discussed, and Nuss responded, with the City Manager present, that he was not happy with the City Manager and that he "Wants him gone and get a new one."

- Anderson said that he subsequently substantiated Pieper's report of Nuss's comments with Executive Director Milliman and Building Official Snook, both of whom were in attendance at the meeting in question.
- The Building Official told Anderson that, immediately following the URAC meeting in question, two URAC Commissioners announced that they would not be seeking re-appointment when their terms ended, seven months hence.
- Anderson asked for a legal opinion from the City Attorney which he received on March 18, 2010 and on March 19, 2010, wrote a letter to Nuss requesting a meeting with him to discuss his appointment. Nuss never responded.
- On April 2, 2010, Anderson initiated a conversation with the URAC Chair who said he recalled hearing Nuss say, either during or after the March 11, 2010 meeting, "I'm going to use this venue to get what I want."
- On November 18, 2010, Pieper advised Anderson of comments made by Nuss during that afternoon's URAC meeting. The comments were about a letter sent to the Pilot's editor by Pieper and an extensive criticism of Brookings Harbor Chamber of Commerce and its Executive Director. The City Manager's recollection of Nuss's comments is contained in a memo addressed to Council and dated January 6, 2011.
- Anderson requested that Pieper put in a written request for this item to be placed on this agenda; that request is included in the agenda packet.

Vicki Nuss, 650 Marvin Court, commented on the past community service of her husband, Don Nuss, and in general said that she was insulted and hurt that Council was considering this action, that there was no reason for it to have gotten this far and nothing documenting his being out of order at these meetings. "If Councilor Pieper or the City Manager disagreed with some of his comments," she said, "I would say that's a matter of opinion, not a matter of behavior or threat or anything like that." Ms. Nuss went on to say that she felt that this was an unprecedented action and that it would send a strong message to other volunteers that they are subject to this same type of action, if they choose to disagree. She asked that Council resolve the matter in "a different way."

Don Nuss, 650 Marvin Court, generally said that he felt like he was, "on trial without fair representation, without any kind of backup for any of this story." He went on to say, "I will admit to the City...in my first meeting, I was blunt at the end of that meeting. I wasn't mean, I wasn't accusatory. I was blunt, and I said why I was there, and what I wanted was a bike path through Brookings." He went on to say that he wasn't unprofessional or mean. "What's going on here tonight is mean," and said he had a good record in lobbying for things he

believes in. The proposed action, he said, "Is a real, dark stain to this agency; it should have never happened." Nuss said he was ready to shake hands and move on if Council would remove the item from the agenda and vote to say there's no need for it. "Or," he said, "tell me to close my business, leave my home, and leave this town."

Chair Anderson read the Brookings Municipal Code section referring to the method by which a Commissioner might be removed.

Director Pieper said that Anderson's narration of events was accurate and described the reason this request was placed on the agenda. Pieper went on to say that as a liaison he feels a responsibility to report to Council about how things are going on the Commission and that this wasn't the first time he'd reported to the Council on the Commission. "This isn't about any personal vendetta," Pieper said. "This isn't about a difference of opinions, but rather the mode of those opinions being expressed and at what venue. So, I believe that on...those two meeting dates that were referenced, it was completely inappropriate. Mr. Nuss's comments, the venue, the tone, even the comments themselves, were inappropriate and unfounded. I feel a responsibility as a Councilor that as a Council we have a responsibility to these Committees and Commissions and to the staff and to the City as a whole that these Boards, Commissions and Committees operate effectively and efficiently, and when you have someone who's jeopardizing that and creating problems within the Commission, I believe it's our responsibility to make a change. And so, this is really nothing more than that. It's not a 'please leave our town,' or anything like that."

Director Hodges said that he was curious about why Nuss had not responded to the Chair's letter.

Ms. Nuss offered to get him back into the room, and Chair Anderson said that the public comment portion of the meeting was closed. "We are not going to get into a give and take. That is over," Anderson said.

Hodges then said, "I don't think anyone should get kicked off a Committee for having a different viewpoint. We all disagree with each other on certain things. If it's something where somebody feels threatened or something of that nature, I would agree that maybe we should dismiss somebody. But simply for having a view point that might not be popular or the same as the rest of the people, I don't think we should kick somebody off the [Commission] for that."

Director Gordon expressed his disappointment that it had gotten to this point and said, "There was an opportunity by Mr. Nuss to discuss this matter outside of this venue. Our next logical step with the inputs we got from Councilor Pieper [as liaison] brought it to this point," Gordon said. He went on to say that the comments related by Pieper about getting rid of the City Manager, "...were very inappropriate and shows disrespect and is not, to me, the attitude or decorum that a Commissioner should take either in the meeting or in public."

Director Hedenskog said, "I don't think this is a matter of a difference of opinion; appointees to Commissions are expected to stay within the agenda and the authority of that Commission and it's obvious that the removal or installation of a City Manager is way outside of the

authority of [URAC]. I think that appointing a person to have a personal agenda forum is not in keeping with the intent of an appointee."

Director Pieper reiterated that he did not think that this was about a difference of opinions, and said, "In this case, I believe this is the best option we have."

Chair Anderson pointed out that, while he was not present at either meeting, he had the opportunity to hear from Pieper, staff and URAC members regarding these events and believed he was given a fair representation of what occurred. Anderson said, "I think the subjects are kind of a stretch, even if we don't have limitations on the comment section." He went on to say, "It's disturbing. This isn't the only case I've seen, but it's disturbing to see vacancies and to also see resignations based upon the demeanor of meetings." Anderson said that volunteers have better things to do than to endure, "...a lack of civility and the uneasy subjects," and added that he was displeased by the lack of Nuss's response to his letter requesting a meeting. "I was prepared to let it ride," Anderson said, "and probably would still feel that way if there had not been a second incident."

The Code section which places removal of URAC members within the authority of the Agency was read and Chair Anderson asked if the Agency wanted to make a motion.

Director Pieper moved, a second followed and the Agency voted for the removal of Don Nuss from the Urban Renewal Advisory Commission, effective immediately, with Director Hodges voting "No," and Chair Anderson, Director Pieper, Director Gordon and Director Hedenskog voting "Yes."

Adjournment

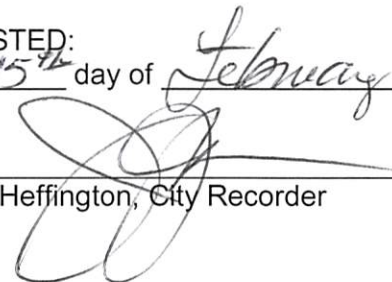
Director Gordon moved, a second followed and the Agency voted unanimously by voice vote to adjourn at 7:41pm.

Respectfully submitted:



Larry Anderson, Chair

ATTESTED:
this 15th day of February 2011:



Joyce Heffington, City Recorder