

Astoria may create homeless task force

City Council also approves sewer and water rate hikes, settlement on Emerald Heights

By **DERRICK DePLEDGE**
The Daily Astorian

Troubled by an increasingly visible homeless population, the Astoria City Council Monday night asked Mayor Arline LaMear to consider a task force to look at potential solutions.

Even though social services are mostly county, state and federal responsibilities, City Councilor Cindy Price said the city should have a role in the discussion on issues such as homelessness, mental health treatment and affordable housing.

Police Chief Brad Johnston said police are limited to enforcing behavioral issues tied to homelessness, such as public urination and trespassing, since begging is not

against the law and is protected in Oregon as free speech.

The police chief said a task force could include law enforcement, health and social service providers and the faith-based community.

But City Councilors Zetty Nemlowill and Russ Warr questioned whether the city has the resources or capability to tackle social issues.

"I don't see how we're supposed to take this on," Nemlowill said.

Warr supported looking into strategies to address homelessness or panhandling but thought Price's idea was too broad. He said the "City Council can't be all things to all people."

Price said the city should be part of the conversation.

"I think we need to address our

gritty as much as we address our pretty," she said, "because we are both."

The City Council voted 4-0 to ask LaMear to come back with a task force proposal. Nemlowill, who said she was not ready to make a decision Monday night, abstained.

In other action Monday, the City Council:

- Approved 2 percent increases to water and sewer rates and a 5 percent increase in the surcharge used to help finance a \$40 million to \$50 sewer improvement project.

The rate hikes are part of the city's budget for this fiscal year. Consumers can expect to pay a combined \$4.65 more on average monthly residential bills, or \$9.30 in bimonthly payments.

The sewer improvement project is reducing wastewater flows into the Columbia River after heavy rains so the city can meet the requirements of the federal Clean Water Act.

"It's always troubling to make Astoria more expensive to live in, and yet we have to pay for the sewer overflow project and that sort of thing," said City Councilor Drew Herzig. "So it's unfortunate but this has been predicted every year in the budget."

• Backed a settlement agreement with Emerald Heights Apartments to end a legal dispute over billing for water and sewer.

The agreement will treat Emerald Heights like other multi-residential apartment complexes, which will

lead to a reduction in rates. The billing formula the city and the apartment owner had agreed to years ago eventually led to a federal civil rights lawsuit.

The city had prevailed in U.S. District Court, but Emerald Heights appealed to the 9th U.S. Circuit Court of Appeals.

"The thought was, at the time, it was giving them a break," City Attorney Blair Henningsgaard said of the old billing formula. "As it turns out, when the math is done, it was actually charging them slightly more than other users."

"Since that wasn't the intent of the city in the first place, we agreed to bill them the way we bill everybody else."

Trial set in attempted Seaside murder case

Hammer attack sent man to hospital

By **KYLE SPURR**
The Daily Astorian

One of the two men accused of attempted murder for allegedly assaulting another man with a hammer in February is set for trial this fall.

Judge Philip Nelson set a two-to-three day trial to begin Oct. 6 in Clatsop County Circuit Court for Kevin Michael Burnham, 25, of Seaside.

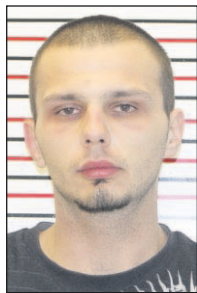
Burnham is accused of attempted murder, two counts of first-degree robbery, two counts of criminal conspiracy, first-degree assault, two counts of third-degree assault and second-degree theft.

Joshua Lee Fitch, 23, of Longview, Wash., is accused of the same charges.

The robbery and theft charges relate to Burnham and Fitch reportedly stealing the victim's backpack.

At the hearing Monday, Burnham was originally scheduled to accept a plea deal. However, his defense attorney Rock Pizzo submitted a request three hours before the hearing to postpone the deal and set a trial date.

"I don't want to lose that offer, but we are trying to get a better offer than that,"



Kevin Michael Burnham

Pizzo said. "At this point, we are asking for trial."

Prosecutor Dawn Buzzard said she will not budge from her offer of 70 months — or nearly six years — in prison for pleading to a lesser charge of second-degree robbery.

Judge Nelson is giving Burnham

two weeks to consider the offer before proceeding to trial.

On Feb. 20, Seaside Police responded to Providence Seaside Hospital after receiving a report of a man who had suffered a serious head injury.

The man reported being assaulted with hammers by two other men, later identified as Burnham and Fitch. The victim was transported to a Portland-area hospital, and later released.

Fitch and Burnham were arrested Feb. 27 in Seaside after a weeklong investigation, according to Seaside Police.

Both men were out on conditional release for previous crimes when they allegedly committed the attempted murder, according to the District Attorney's Office.

Fitch was arrested Feb. 3 for unlawful

manufacturing of marijuana within 1,000 feet of a school, possession of methamphetamine and two counts of child endangerment.

Burnham was arrested Feb. 8 for possession of methamphetamine and first-degree criminal trespass after Seaside Police found him squatting in a Seaside residence.

Burnham is scheduled to be sentenced for the drug possession case on Aug. 6.

For the attempted murder case, Buzzard said, she is still deciding if she wants to consolidate Burnham and Fitch as co-defendants. Currently, Fitch is scheduled for a final resolution conference on July 31, usually the last hearing before a settlement or trial.

"I have to decide if I will do a motion to consolidate. Normally that makes sense, but there is case law that says I can't introduce evidence Mr. Fitch said (about Burnham)," Buzzard said. "That would be the reason not to because we wouldn't be able to get in all of their statements."

Burnham, who appeared via video link Monday from Clatsop County Jail, is being held in custody on \$250,000 bail.

Fitch, who is represented by defense lawyer James von Boeckmann, is also being held in custody on \$250,000 bail for the attempted murder case.

Gearhart councilors seek to replace 'decrepit' fire station

By **R.J. MARX**
The Daily Astorian

GEARHART — Despite the failure of a \$3.75 million bond in 2006 to build a new fire station, the Gearhart City Council took fresh steps toward the old station's replacement.

At a meeting Wednesday, councilors said they hope to involve a wider range of voices in the discussion from the start.

"I'm wondering if it should be a broader base to begin with," City Councilor Sue Lorrain said. "I think go big, with lots of input, then go from there."

In March, replacing or renovating the fire station was enumerated as the council's top 2015 goal. Other goals included investigating system development charges, re-vamping the city website and updating the city's comprehensive plan.

When the community voted in 2006 on a \$3.75 million general obligation bond measure to address the problem, the proposal included plans for a high-end building to house the police department, City Hall and fire station.

"Several years ago there was a bond issue put together by the Fire Department with no citizen input at all," City Manager Chad Sweet said. "To a lot of people it seemed to be extremely expensive with a lot of bells and whistles that may not have been necessary."

Sweet is a 17-year Gearhart firefighter and currently serves as a lieutenant with the department. "The decrepit building is the No. 1 concern," he said. "How do we take care of the community in the event of a calamity when a building falls on top of our fire trucks? It's naturally an emergency center, but it's woefully inadequate for that."

"This isn't a new issue," Gearhart resident and former planning commission member Jay Speakman said. "There was an effort to actually approve a new station. It went to a vote, and it failed. There was a lot of bad publicity about it at the time, about overreach,

excess taxation and so forth. So we missed an opportunity to do it in the past, but it has been tried."

Despite the plan's rejection in 2006, councilors unanimously agreed that the fire station needs a second look.

"I see no reason not to talk," Councilor Daniel Jesse said.

According to Sweet, the difference between this process and the 2006 bond is

the impetus coming from the City Council rather than the fire department. "The councilors know the condition of that building," he said. "They know that it is a hollow brick building that will collapse in an earthquake."

A broad-based committee, including councilors, firemen, business leaders and the general public "is a way for people to get together," Sweet said.

Mayor Dianne Widdop asked the council for volunteers to head a committee to discuss options for a new fire station or renovations to the existing structure.

"This is not necessarily only for people who think it's a great idea," Widdop said. "We would like some people who think it's the worst thing they've ever heard, and want to go through it with us. Give us that opinion too. That's fine."

Man sentenced to five years for assault with a beer bottle

By **KYLE SPURR**
The Daily Astorian

A man was sentenced last week in Clatsop County Circuit Court to five years in prison for assaulting another man with a beer bottle at a Seaside bar in December.

Jeremy Michael Haws, 37, was originally charged with first-degree assault. He accepted a plea deal last month and pleaded no contest to a lesser charge of attempted first-degree assault.

At a sentencing hearing last week, Judge Paula Brownhill sentenced Haws to 60 months, or five years, in prison.

Haws was at the Twisted Fish Steakhouse in Seaside Dec. 29 when he smashed a glass beer bottle into the face of the other man. The victim suffered se-

rious cuts to his face.

"He really cut up his face, really split his lip open," Prosecutor Dawn Buzzard said. "There were cuts above his eyes and on the side of his face."

As part of his sentence, Haws is required to pay a \$2,400 compensatory fine and \$3,126 in restitution to the victim. Buzzard said the fines will help cover the victim's medical bills and lost wages from missing work for two months.

The victim has healed well since the incident, she said.

Haws offered a brief apology at the sentencing hearing last week saying he was sorry.

According to his criminal record, Haws was previously convicted of attempted second-degree assault in Multnomah County in 2000.

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