

#605 AND ANY OTHER ORDINANCES THAT MAY BE IN
CONFLICT
Second Reading

- B. ORDINANCE NO. 626
FLOOD DAMAGE PREVENTION ORDINANCE OF THE CITY OF GOLD
BEACH OREGON AND AMENDING ORDINANCE # 552
- C. RESOLUTION R0910-1
A RESOLUTION CONFIRMING THE APPOINTMENT OF THE
PLANNING COMMISSION AND SETTING TERM OF OFFICE

9. MISCELLANEOUS ITEMS:

10. MAYOR AND COUNCIL COMMENTS:

A. MAYOR - JAMES WERNICKE:

B. COUNCILORS:

- 1. Sue Johnson
- 2. Larry Brennan
- 3. Peter Peterson
- 4. John Truesdell
- 5. David Alexander

11. CITIZEN COMMENTS:

12. ANNOUNCEMENTS

The next regular meeting for the Gold Beach City Council
is scheduled for Monday evening, SEPTEMBER 14, 2009 in
the Council Chambers of City Hall, 29592 Ellensburg Ave.,
at 6:30 P.M.

13. ADJOURN: TIME: _____

The location of the hearing/meeting is accessible to the disabled. Advance
notice is requested if special accommodations are needed. Call (541) 247-
7029 so that appropriate assistance can be provided. The City of Gold
Beach is an affirmative action EEOE and complies with section 504 of the
rehab act of 1973. Complaints of Discrimination should be sent to: USDA,
Director, Office of Civil Rights, Washington, D.C. 20250-9419

POST: City Hall/Post Office/www.cityofgoldbeach.us
FAX: Media

MINUTES
DRAFT UNTIL APPROVED BY THE COUNCIL
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444
MONDAY, AUGUST 10, 2009
WORK SESSION: 6:00 P.M.
REGULAR MEETING: 6:30 P.M.

Mayor Wernicke called the WORK SESSION to order @ 6:00 P.M.:
NOISE ORDINANCE REVIEW
Pledge of Allegiance:
Mayor and all Councilors Present

The Mayor and Councilors discussed the current noise ordinance, the problems with it and how it can be corrected.

Question-Have a permit procedure as opposed to just a nuisance ordinance that would have an enforcement process? The pros and cons were discussed.

Alexander-prefers a permit process.

Truesdell-handed out a model noise ordinance (A) he obtained for free, developed by the International Municipal Lawyers Association's model ordinance service. It is called a reasonable person's standard as opposed to an absolute type standard. Absolute would be something like the city has trained personnel with sound meters, which is expensive and difficult. In this model ordinance, permits are only awarded for public events, not private events. Please pay particular attention to F2-which talks about permits; Section 7 on page 3; Section 7 page 3 exemptions G .Truesdell pointed out other things in the ordinance he liked and disliked.

Brennan-Has an issue with public vs. private. We have an application from Rotary and Friends of the Library for an exemption of the noise ordinance. Would that be considered public or private? It benefits two private organizations. Prefers a permit for private & public-then you know where the event is, what time it is over, etc.

Wernicke-Section 7 G of the model ordinance it points out that "outdoor events, sporting events, public dances, and other similar outdoor events PROVIDED that a permit had been obtained from the appropriate permitting authorities and works as an exception to the rules. I think that is broad enough to cover some private events.

Peterson-Prefers a permit process. If we're going to have a permit, then someone needs to pay for it, if only for the amount of time it takes in the office-probably around ½ hour. Do we just swallow that or charge it to the person applying for the permit?

Johnson-Questioned the amount of time involved in processing a permit application and charging for it.

Discussion followed regarding permits, fees, events, impact on general public, etc.

The council agreed that in order to come up with a new ordinance regarding noise, it would take longer than this work session. There are too many variables to consider. All will review the model ordinance and meet again at a later date to discuss it further. In the meantime, the city will continue operating under our current ordinance.

Wernicke closed the work session at 6:30 P.M.

CALLED TO ORDER BY MAYOR WERNICKE AT 6:30 P.M.:

THE PLEDGE OF ALLEGIANCE:

ROLL CALL:

	<u>PRESENT</u>	<u>ABSENT</u>
Mayor James Wernicke	_____x_____	_____
Council Position #1 Sue Johnson	_____x_____	_____
Council Position #2 Larry Brennan	_____x_____	_____
Council Position #3 Peter Peterson	_____x_____	_____
Council Position #4 John Truesdell	_____x_____	_____
Council Position #5 David Alexander	_____x_____	_____

****NOTE:** If anyone wishes to address this Governing Body, please present a completed "Business from the Audience" request to the Mayor at this time. Your request will be added under the CITIZEN COMMENTS section of our agenda. Comments and participation from the audience shall be limited to 5 minutes without redundancy.

SPECIAL ORDERS OF BUSINESS:

MAYOR'S PROCLAMATION (A)

Proclaiming recognition of the 25th anniversary on 9/19/09 of Oregon's beach cleanup.

Wernicke read his proclamation into the record.

CITIZEN COMMENTS FROM THE AUDIENCE:

None

CONSENT CALENDAR:

Approval of Council Minutes of Regular-7/13: Executive Session 7/16, 7/23, 7/27: Special-7/27.

Review of bills paid in the amount of \$314,501.33. (B)

MOTION:-> Alexander moved to approve the Consent Calendar as read by the Mayor, second by Johnson. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

CITIZEN AND/OR AGENCY REQUESTED AGENDA ITEMS:

COOS CURRY ELECTRIC COOP PRESENTATION-Roger Meader (D)

Mr. Meader discussed the increase in the price members will pay for electricity and why the increase is necessary. The main driver is the cost of wholesale power purchased from the Bonneville Power Administration (BPA), which is about 5.5% of the 7.5% increase (or 11% of the overall 15% increase). Coos Curry's costs of doing business are increasing as well. They have split the increase to collect only what is needed to meet financial targets. The first 7.5% increase will be October 1, 2009, the next projected increase will be 7.5% next April.

Christine Stallard-Coos Curry Electric-In response to Alexander's question: If you haven't paid your first bill by the time the second bill is generated-there is a late fee of \$3.00. If you haven't paid either bill and you go into the 90 days and we have to disconnect, we try and call you to see if payment arrangements can be made. If payment arrangements can't be made and a disconnection is necessary, then there is a charge to actually send someone out to disconnect the service and that is a \$50 collection fee at that time. Then, if your turn around and make your payment and we turn you back on-during office hours it is \$45 connection fee, if it is after hours it is a \$200 fee. We don't do any turn offs on Thursday. We try and do everything we can during office hours.

REQUESTS FOR NOISE PERMIT (E)

Requests have been received from Hunter Creek Bar and Grill and Rotary (Party at the Park-put on by Rotary for the library funds)

There was a brief discussion regarding both events.

MOTION:->Johnson moved to allow the permit for Rotary, second by Alexander. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

MOTION:->Johnson moved to allow the permit for the Hunter Creek Bar and Grill (Jeff Denney), second by Alexander. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

PUBLIC CONTRACTS AND PURCHASING:

PORT LEASE-extension of utility easement (F)

WERNICKE-This is a 40 year lease as required by USDA. The duration of the Easement is extended from its currently scheduled ending date of February 28, 2014 until February 28, 2054. The city shall pay to the port the amount of \$2,100 per annum for each year of the extension. The first payment is due March 1, 2015. The final payment is due February 28, 2054. The port manager and I have both signed the extension. The port commissioners have approved this extension, now it is brought before you for your approval.

MOTION:-> Johnson moved to approve the contract between the Port of Gold Beach and the City of Gold Beach for the easement, second by Alexander. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

Johnson thanked the Mayor for going down to the Port Office and negotiating with Port Manager, Errol Roberts. Good Job.

Wernicke-In response to Alexander's question: It is part of USDA's requirements. They would not accept an agreement that was based on a number of facilities in waiver of a fee. We tried to put something together that represented what they currently have in facilities and what they may also have in future years, as well as a fee increase. It will be a straight cash payment payable once a year starting March 1, 2015 in the amount of \$2,100 period. It is not based nor is it in addition to any waiver of facilities fees.

ORDINANCES AND RESOLUTIONS:

ORDINANCE NO. 625 (G)

AN ORDINANCE READOPTING AND AMENDING THE GOLD BEACH UTILITY CODE, AND REPEALING ORDINANCES # 578 AND 605 AND ANY OTHER ORDINANCES THAT MAY BE IN CONFLICT

Second Reading

MOTION:-> Alexander moved to approve the second reading of Ordinance No. 625, as read by title into the record by Mayor Wernicke, second by Brennan. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

ORDINANCE NO. 626 (H)

FLOOD DAMAGE PREVENTION ORDINANCE OF THE CITY OF GOLD BEACH OREGON AND AMENDING ORDINANCE # 552

WERNICKE:-> This is an ordinance amending and updating the existing 2000 edition of the Gold Beach Flood Damage Prevention Ordinance # 552, adoption of the amended FEMA flood

insurance study (FIS) and digital flood insurance rate maps (FIRM) for the City of Gold Beach (Incorporated area of Curry County) in order to meet the standards of paragraph 60.3(d) of the NFIP regulations (44 CFR 59, etc.) as required by the Federal Emergency Management Agency.

A Public Hearing was held on 7/13/09 regarding this proposed ordinance.

First Reading

MOTION:-> Johnson moved to approve the first and second readings of Ordinance # 626 by title only as read into the record by Mayor Wernicke, second by Brennan. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES.

MOTION:-> Alexander moved to approve the first reading of Ordinance # 625 as read by title into the record by Mayor Wernicke, second by Johnson.

NOTE->Due to a "typo" of the ordinance number 626 (it said 625), Alexander withdrew his motion and Johnson withdrew her second.

MOTION:-> Alexander moved to approve the first reading of Ordinance # 626, as read by title into the record by Mayor Wernicke, second by Johnson. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

RESOLUTION R0910-1 (I)

A RESOLUTION CONFIRMING THE APPOINTMENTS OF THE PLANNING COMMISSION AND SETTING TERM OF OFFICE

MOTION:-> Johnson moved to approve Resolution R0910-1 appointing Carol Fetzer to position # 1 on the Planning Commission, second by Peterson. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

MAYOR AND COUNCIL COMMENTS:

MAYOR - JAMES WERNICKE:

About 3 months ago, the city began the search for a full time city administrator. Thinking it would not take too long, I did not appoint an interim CA. I believed that by helping Shirley Walker we could get by until a full time CA was selected.

If I had known then what I know now, I would have made that appointment. I have really come to appreciate all that a CA must do just to deal with the day-to-day matters of the city, much less make any efforts to move forward.

I also learned that efforts by a CA to organize, inform, suggest, request, offer proposed alternatives to any matter, most often leads to making someone unhappy. I'm more than pleased the council has chosen a CA. I want to wish her the best of luck and I'll do all I can to help her in assuming the duties of a difficult job, as I'm sure each member of the council will do as well.

With that said I would like to present a real quick score card of what has occurred in the past few months. It is my belief the city is poised now to really make some progress.

Full Time CA: New police chief-he has already made some significant improvements to the department and to the city's law enforcement: The city has an effective municipal court: The city has smoothly handled the transition from Jeff Denney (a 20 year employee) to Will Newdall as Superintendent of Public Works, even though we are in the middle of a major 10 million dollar wastewater project. We now have a web site- thanks to Councilor Alexander and he keeps it promptly updated. The city has started construction on facilities related to the sewer treatment plant and has made significant progress in funding alternatives. The city has made significant progress in developing a document storage and retrieval library that will protect city documents and provide a high level of transparency of city business. There are a number of other accomplishments but those I think are the main ones that have occurred in the last few months.

The city is at this point primarily for two reasons. The first - Shirley Walker-Shirley stays out of the spotlight even though she still draws a lot of fire. She is one of the most dedicated and efficient persons I have ever worked with. She wears at least 10 different hats. Acting CA, administrative assistant, office manager, budget officer, etc. She virtually single handedly got the new auto pay system going for water and sewer bills. She gets more accomplished from her little station-computer in front, phone on the wall, printers and copiers all around than anyone I have ever seen.

The second reason the city is in this position is the city council. The council has been receiving information non-stop

for months. Attending long meetings and multiple meetings every month. One day we had four meetings in the same day. They took the time to explore the south beach area in very uncomfortable winds to locate the proposed conservation line and view the entire area. They have voted five-zero and three-two with some serious debates and moved on to the next issue. There will still be more aggravation and debates in future meetings. But this council deserves high praise and everyone's appreciation.

The council all thanked the mayor for his recap and acknowledgements.

COUNCILORS:

John Truesdell-Welcomed Mrs. Ellen Barnes as our new city administrator. I understand she will try and start on the 18th of August. I know that will be a huge relief to the mayor and it is also going to allow the council to focus more on what we should be doing, which is being the visionaries for the city. I will do everything I can to assist her. I think the most important thing I can do to assist her is after spending an hour with her during her first week here, is to stay out of her way, which I will pledge to do to the council and to the citizens of Gold Beach. She is a very competent and qualified person and certainly won't need my help.

I have been working on establish a volunteer park and recreation committee. I hope to bring it before the council in October as a proposal. I've spoken with a cross section of our citizens and have received a lot of good ideas on how to better utilize our existing facilities.

I met with Will Newdall, Public Works Superintendent, regarding preparing a Buffington Park wish list and budget to provide to our new CA so we can start looking at recovering some of the deferred maintenance that has been going on for the past few years. Will is very excited to be able to offer that to Mrs. Barnes when she comes on board.

The initial goal of the proposed new committee, among other things, would be to design programs to better utilize existing facilities, to locate funding outside the general fund for maintenance and development of existing and new facilities. To organize volunteers to assist with light labor projects, which will be a big help in getting things done.

Design an artwork plan for displaying art in public places and seek out area artists who may be interested in displaying their work. This has been successfully done in other communities. All items would be vetted through the CA and this would be upon approval from the city council. If anyone is interested in serving on such a commission, please contact me at city hall and they will give you my home phone number.

Report on "Stay in Gold Beach and win \$10,000" in Gold Promotion. This promotion has been explained to the community in several different meetings. It will also be explained in the upcoming chamber of commerce meeting tomorrow at noon. The promotion runs from September 1, 2009, through September 1, 2010 designed to put Gold Beach more solidly on the map with our visitors (tourists). It is being funded through the city's existing transient motel tax-the 6% tax paid by visitors staying in our hotels and bed and breakfast establishments. Jot's-on the other side of the bridge is also a participant in this although they are not in the city limits. October 1, 2010, one lucky visitor will win \$10,000 in gold coins. Official kick off will be officially announced on September 12th at the Brew and Art Fest at the fairgrounds. Miss Oregon, as well as other dignitaries will also be there.

The promo committee is looking forward to coming up with a monthly event, once a month, to keep this promotion going and in the forefront of regional and national media. For more info, contact me or Elizabeth Kuljis, Executive Director of the Gold Beach Promotion Committee at the visitor center.

David Alexander-Also shares in Truesdell's excitement regarding the \$10,000 in Gold Promotion-extremely creative. It will receive not only national but in certain cases by word of mouth worldwide publicity. It is something that will be a major draw for our community. In my humble judgment it will result in nothing but good.

Also share in Truesdell's welcome to our new CA. We went through 35-40 applications to select the four finalist interviews. Although they were all good, Ms. Barnes was clearly superior. I agree with the Mayor that she will take this city in a solid and progressive direction.

I would like to thank Mayor Wernicke for his efforts he has put in since taking office in December. He has done Herculean work for the benefit of our city. He, probably more than any single individual, deserves the city's honor and respect for

what he has done for this community for the last seven-eight months.

Report on Oasis House-They are beginning to turn the corner financially. I will give a full report at the September meeting. The work they do is extremely important because domestic violence continues although we all wish it wouldn't. It is a serious issue, not only in our community but region and country for that matter. There is never any excuse for domestic violence.

Johnson-I agree wholeheartedly with what John (Truesdell) and David (Alexander) have said. I'm anxious for Ellen Barnes to take over. I believe we have made a good choice. I don't expect to be disappointed. Once again Mr. Mayor-thank you for your efforts and also to the rest of you and me.

Brennan-I also want to echo what the other councilors. Can't wait until Mrs. Barnes starts and I also appreciate all the work done by our mayor, as well as the council members.

Blue Ribbon Committee-Attended a town hall in Port Orford on the 29th of July. It was not well attended. Hopefully after the recommendations from the consultant are made public, the town halls will be better represented. They are expecting a report and recommendations from the consultant beginning in September. Once that report and recommendation has been issued, they are going to come to the councils in Brookings, Gold Beach and Port Orford for some type of resolution or support. After the report has been issued, we as a council are going to have to address it and come up with some type of resolution. There will be two meetings in September the first one is on the 9th. Hopefully the written report and recommendations will be completed by then. I'll make sure everyone gets a copy of their report and recommendations. They also hope to get a condensed version that we can review and look at and address it.

Peterson-I would also like to welcome Ellen Barnes as our new CA. We're also welcoming a second grader and a kindergartener-Chase and Sasha. Jeff Davis is thrilled that we are adding two students. We're losing students faster than we are adding.

CITIZEN COMMENTS

None

ANNOUNCEMENTS

The next regular meeting for the Gold Beach City Council is scheduled for Monday evening, SEPTEMBER 14, 2009 in the Council Chambers of City Hall, 29592 Ellensburg Ave., at 6:30 P.M.

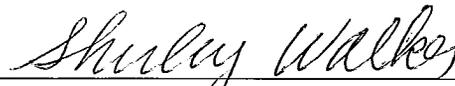
Wernicke-We're currently scheduled to have a work session on September 24th at 1:30 p.m. regarding the conservation zone.

ADJOURNED AT 7:21 P.M.:

Approved by the Gold Beach City Council on September 14, 2009.


James H. Wernicke, Mayor

ATTEST:


Shirley Walker, Recorder

The location of the hearing/meeting is accessible to the disabled. Advance notice is requested if special accommodations are needed. Call (541) 247-7029 so that appropriate assistance can be provided. The City of Gold Beach is an affirmative action EEOE and complies with section 504 of the rehab act of 1973. Complaints of Discrimination should be sent to: USDA, Director, Office of Civil Rights, Washington, D.C. 20250-9419