

MINUTES
THESE ARE DRAFT MINUTES UNTIL APPROVED BY THE
COUNCIL
SPECIAL MEETING FOLLOWED BY A WORK SHOP
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444
MONDAY, AUGUST 24, 2009 @ 1:30 P.M.

CALLED TO ORDER BY MAYOR WERNICKE AT 1:30 P.M.

THE PLEDGE OF ALLEGIANCE:

<u>ROLL CALL:</u>	<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	_____
City Administrator Ellen Barnes	X	_____
Planning Staff	X	_____

MAYOR WERNICKE WELCOMED ELLEN BARNES, THE CITY'S NEW CITY ADMINISTRATOR. The formal "swearing in" will be on September 14, 2009.

TIDEWATER MINING NEAR THE OLD MILL SITE

CONCERNS REGARDING THE POSSIBLE MINING BY TIDEWATER OF GRAVEL NEAR THE INTAKE OF THE WATER TREATMENT PLANT

Frank Burris, Watershed Extension Agent for Oregon State University and in that capacity he is also a technical advisor to the Lower Rogue Watershed Council. Mr. Burris, representing the Lower Rogue Watershed Council, submitted a letter (A) regarding:

- I. Possible Contamination of Rogue River and Local Wells.
- II. Possible Changes in River Channel.
- III. Effect Upon the County (and Gold Beach) Development and Cash Short-Fall

Mr. Burris stated there are two major issues that the Lower Rogue Watershed Council is really concerned about with gravel mining.

The hydrology of the river is going to change as a result of gravel extraction. Tidewater's plan is to remove up to 60,000 cubic yards a year for three years. That is 180,000 cubic yards of gravel, which will undoubtedly change the river-no one knows exactly how and the watershed council doesn't have

the expertise to determine exactly how. They suggest a hydrological study be done on the river to look at what the consequences would be for removing that much gravel just across Jerry's Flat from the old mill site.

There is a significant amount of erosion just downstream from that site off of Jerry's Flat. There are several home sites that are in danger of losing their homes if that erosion continues and or is speeded up in that area.

It's pretty critical that the effects of the gravel removal be determined before that gravel is removed.

There are numerous first hand accounts of materials being dumped into the old mill site pond. A Level 1 Assessment is the only assessment that has been done of the old mill site and that didn't include any benthic sampling on the bottom of that pond. So it is unknown exactly what is in there. It is known that what is in there has settled to the bottom. Water testing has shown there is nothing in there above EPA drinking water standards but there has been no benthic testing of the sediment underneath that pond. That sediment is infiltrating into the gravel. That pond is on the same gravel substrate that the gravel Tidewater plans to remove is right across the road. We don't know what the flow path is once it gets into the ground. Whether it is heading to the river or whether it is infiltrating into the ground and being filtered out by the river but that is pretty critical information to know if you are going to remove gravel on that gravel bar. If you move the gravel that is serving as the infiltration source for that sediment then you are providing free access for whatever it is there directly to the river during high flow events.

That is above the city water intake, so there is a possibility that if there is sediment infiltrating into that pond and the river catches it, that it is going to be up taken by the city water uptake and get into the whole drinking water system.

Burris stated they would like to see more than just a level I assessment done of that mill pond. We would like to see some benthic sampling done, have some test wells put in between that pond and the river and in the area that the gravel extraction is going to take place. This will allow us to know how the groundwater in that area is flowing and whether there is any contamination in the ground water before that gravel is removed and water is allowed to flow over the top of potentially contaminated soils above our water intake. The

concern, from a city point of view is because that's where our water supply comes from.

Peterson-Are you advising us not to allow the mining?

Burris-At this point I would say the wisest thing to do is not allow the mining and to do some studies in the meantime. The hydrological study should be done, and those test wells should be put in the bottom of the pond. If the hydrological study shows there is going to be no effect on Jerry's Flat side of the river, and if there is no contamination in the pond, or no flow path for contamination, then I don't see any reason why the mining shouldn't go ahead. These issues should be clarified before the mining is allowed.

The city's water intake is about one half mile downstream from where they want to do the mining. At the head of Coyote Bar, just south of Saunders Creek.

A short question and answer period followed.

Wernicke-This application has been denied at the planning commission level. It is now on review to the county commissioners. As part of the information that went to the planning commission, the city submitted a letter (B) from our (previous) Public Works Superintendent that outlined his concerns regarding the mining in relation to the city's water source.

The county commissioners have set August 27th as the cut off date for allowing comment during their review. Does the city council wish to re-new the letter, maybe with a little more formal signature behind it, and submit it to the commissioners? This would have to be done rather quickly.

Alexander agreed.

Brennan-Denney's letter was addressed to the Planning Director stating his concern that mining issues could cause water clarity issues for the city requiring "boil water orders" with the water system.

The planning commission's report (C) cited there are studies that Mr. Burris stated that haven't been done. Their report cited several other concerns. Brennan recommended the council should declare a resolution to the county board of

commissioners supporting the planning commission's denial of that permit.

Truesdell-The county planning commission first heard a request such as this in the summer of 2008, which prompted Denney's letter. The planning commission, at that time, denied Tidewater's request. It was brought before the county planning commission again this last spring of 2009, and the planning commission denied it again. The planning commission has been consistent with their denials. Primarily based upon Tidewater not providing adequate information as to the damage they could cause to the hydrology of the river, the biology of the river or certainly to pollution possibly from the old mill site being immediately adjacent to the area they want to mine. I would certainly agree with the city council adopting some sort of a very strongly worded letter to the county commissioners urging them to uphold the planning commission's denial to Tidewater.

Alexander and Peterson stated they agreed.

A letter verses a resolution was discussed. It was determined that a resolution would carry more weight.

MOTION:-> Alexander moved that the council generate a resolution in support of the determination by the planning commission to deny the Tidewater mining appeal and that the council instructs the city administrator to write a letter to that effect explaining the public safety concerns of the council at the earliest possible time, second by Johnson.

Peterson suggested changing the motion to read "on or before September 27th."

Alexander withdrew his motion and Johnson withdrew her second.

MOTION:-> Alexander moved that the council, by resolution, instructs the city administrator to generate a letter to the Curry County Commissioners expressing the city's serious concern on public safety issues regarding Tidewater's request to mine in the lower Rogue Basin and supporting the planning commission's denial of that request. That letter to be delivered to the commission on or before the 27th of August, 2009.

Johnson stated she would second it but we're not talking about the lower Rogue Basin, we are talking about the old mill site.

Later on they might make several more requests-I think we need to be more specific about where this one is.

MOTION:-> Alexander moved to support the findings in AD-0910 that denied the application of mining at the mill site, second by Johnson. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

ADJOURN SPECIAL MEETING @ 1:49 P.M. AND START WORK SHOP DISCUSSION

WORK SHOP DISCUSSION-1:50 P.M. - 2:25 P.M.:

BEACHES AND DUNES CONSERVATION ZONE LINE

WERNICKE stated- The City Council is having this workshop to review materials and discuss information received regarding the location of the Beaches and Dunes Conservation zone line. The workshop is open to the public but no testimony will be taken. A decision will not be made at this workshop. The future hearing date for the decision will be determined at the workshop.

THE MINUTES FOR THE WORK SHOP DISCUSSION ARE ATTACHED and ARE AN OFFICIAL PART OF THE THESE MINUTES.

At the conclusion of the workshop, the council reconvened into the special meeting at 2:26 p.m..

Wernicke-Asked if anyone had a proposal for the language for a resolution that would support the decision of the county planning commission, plus it should mention the public safety issue concerns of the City of Gold Beach. We have to pass a resolution, then that language can be utilized in a letter from the city administrator to the county planning commission.

A brief discussion ensued.

Truesdell-It could start off as Whereas the county planning commission has denied AD-0910 (that would be the first Whereas): Whereas Tidewater has appealed to the county planning board of commissioners: Whereas there are great concerns of public safety regarding water input, lack of testing: Now let it be resolved that.....

MOTION:-> Alexander moved that the City Council of Gold Beach, Oregon, create the following resolution: Whereas-Tidewater Contractors Incorporated has had an application for mining in the mill site denied by the Curry

County Planning Commission: Whereas-The City of Gold Beach believes there are potentially serious public health concerns regarding such mining: Now, therefore be it resolved that the City Council of Gold Beach, Oregon, supports the Curry County Planning Commission in the denial of the application by Tidewater Contractors Incorporated, second by Brennan.

Different suggestions for amending the motion were discussed.

Alexander withdrew his motion and Brennan withdrew his second.

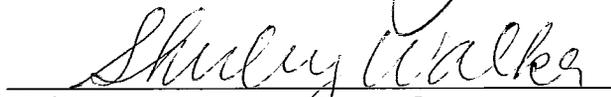
MOTION:->Alexander moved that the City Council of Gold Beach, Oregon, create the following resolution: **Whereas Tidewater Contractors Incorporated has had their application for gravel mining in the forest grazing and estuary resource and shore land overlay and natural hazard flood plain overlay zones denied by the Curry County Planning Commission's Final Order and Findings of Fact AD-0910: Whereas the City of Gold Beach has serious public safety concerns that such mining would adversely affect the water quality of the City of Gold Beach. Now Be It Resolved that the City Council of Gold Beach, Oregon supports the Curry County Planning Commission's denial of the application by Tidewater Contractors Incorporated, second by Brennan. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES**

ADJOURNED AT 2:34 P.M.:

PASSED 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