



MINUTES
December 10, 2012
City Council Meeting

Note: These minutes are a near-verbatim transcript of the meeting.

Call to order: Time: 6:30

- 1. *The pledge of allegiance***
- 2. *Roll Call:***

	Present	Absent
Mayor James Wernicke	X	
Council Position #1 Jeff Crook	X	
Council Position #2 Larry Brennan	X	
Council Position #3 Brice Gregory		X
Council Position #4 Doug Brand	X	
Council Position #5 Tamie Kaufman	X	
City Administrator Jodi Fritts	X	
Student Liaison Vacant		

- 3. *Special Orders of Business:***
 - a. WWTP Project Update-Public Works Super, Will Newdall*

Public Works Superintendent Will Newdall: updated the Council on the WWTP project. He provided a narrative which is attached to these minutes. The project is 65% complete.

- 4. *Consent Calendar***
None scheduled

- 5. *Citizens Comments***
As presented to the Mayor at the beginning of the meeting

Dave Lacey: I contract with the Our Ocean Coalition and we are engaged in a territorial Sea Plan revision. I have a PowerPoint. How much time do I have? There is just a ton of information and no way can I fit it all into only 15-20 minutes. So, I won't be able to get to all of it tonight. How many of you knew that we had a Territorial Sea Plan? Most people don't. Most Oregonians that I talk to don't know that we have one. There are a couple of websites at the bottom that you can access for a lot more information. So, why are we revising our territorial Sea Plan? Back in 2007 there was a feeling of a gold rush with all of these companies coming into Oregon and filing for permits to develop Ocean Renewable Energy in Oregon's ocean. So, the State of Oregon along with the Federal Energy Regulatory Commission went into a memorandum of understanding because they felt that this was happening way too fast. The state does not have a plan to address renewable energy siting in Oregon's ocean because it just hadn't come up yet. So, the MOU said that Federal Government will not issue any new permits in Oregon's territorial sea until the state comes up with a comprehensive plan. Which meets the revisions to the territorial sea plan. Another reason State is doing this is that through the Senate they passed a mandate to develop 25% of our energy demands from renewable sources not including hydroelectric. So, this is 25% new energy demand needs to be generated through renewable sources. So, the State decided

that if we do nothing the Federal Government is going to fill out these permits and issue them in state waters with no say by Oregonians whatsoever. So, this is why we are doing this. We want to have a say in where these developments occur. What are our other choices to develop renewable energy? Do we want to build new coal plant? There are a lot of environmental issues around coal. Same with nuclear. Do we want to build more dams? There are social and environmental concerns with dams. Other sources may be windmills. We are getting a lot of energy from windmills in the valley. So, we have to find a way to come up with that 25%. As Oregon's population continues to rise there is going to be more and more demands on our existing infrastructure so we have to come up with some new sources for energy. So, this ocean energy may be a part of that mandate. Also, the Federal government is going to be looking at the waters from 3 miles out to the exclusive economic zone which is 220 miles. So, right now Oregon only has control over 0-3 miles, that is our territorial seat. This is a wind energy resource map and as you see at the bottom of Oregon we have a pretty vast resource of wind and the south coast especially. So, these energy speculators are really looking to get a piece of Oregon's Ocean Resource, especially wind. Fossil fuel energy reliance is really not a sustainable way for us to meet all of our energy demands. We have been focused on marine stewardship for a long time. We have the Bottle Bill which is pretty unique. Not all of the states even have recycling bottle bills. We have the Beach Bill, public beach access which is pretty unique. We have marine protected areas, and marine reserves. We have all these forward thinking stewardship efforts on our ocean so the Territorial Sea Plan is intended to be along similar lines. It is all based in goal #19 which is our ocean resource planning goal. All of you, Council, are probably familiar with our land use planning, but this one that pertains to ocean issues or ocean resources. So, the idea is to preserve and protect the ocean resources for the ecologic, economic and social value to benefit the future generations. It is the backbone of this whole Territorial Sea Plan. So, this group called The Territorial Sea Plan formed and this is the group that is tackling the update of the territorial sea plan. They broke up into six subcommittees. I don't have time to go into great detail on each one of these so I go through them real quick. The ecological resources subcommittee was headed by the Oregon Department of Fish and Wildlife and they collected all the data on bottom tide, kelp, forest, birds, marine mammals, all the different things that are using the ocean. They did a really good job actually of collecting all that information. The fishery subcommittee did this pretty amazing mapping project where they reached out to existing fishing groups and actually got them to tell the committee where they fish. Fisherman can be very proprietary with their information, so that was quite an effort. Once they got done with the fishing resource maps, they didn't feel that they really gave the Dungeness crab enough representation. So, they created just a Dungeness crab map. The map on the right is the heat map for Gold Beach / Brookings. On the heat map the darker the red the more intense pressure. In the middle is Gold Beach and the Rogue Reef and at the bottom is Brookings. Another subcommittee was the visual impact committee. This group had the task of coming up with a comprehensive rating system for all the beach access sites in Oregon. Turned out to be 144 sites. Kind of a subjective group because different people find certain areas more attractive than others so they tried to make it fair to all the different access points. Just for an example, if you have ever been up to Black Lock Point on Cape Blanco that got the second highest rating in all of Oregon, so that is 30 ½. Just to compare, the Gold Beach North Jetty received a 16 ½, so there is an example of the rating system. The graph on the right, also online, has all the different ratings and you can see a detailed rating for each site to see why it was rated the way that it was. This is all on the Oregon Ocean Info website. Toying around with this area that got a special rating of 24, 25 or higher they are

going to get a little bit of extra protection that goes out into a little bit deeper waters. It is really hard to explain this in this little bit of time, but that is the Visual Impact Committee. The Recreational Uses Committee found out all the different things that are happening in the ocean and put a dollar value to it. They talked to tourists and locals alike. They did two different types of surveys where they randomly called people throughout the state asking them "Where do you go and what do you like to do?" This graph highlights all the different uses that they cataloged, both winter and summer. Another survey was taken in person standing at the access to sites asking people the questions. The highest Recreational activity in Oregon was beach going, scenic enjoyment, and topography. So, that is a summary of the Recreational Uses Committee. Part five is the legal portion of the Territorial Sea Plan that address renewable energy development. So, this is a bunch of lawyers sitting around a table word smithing the language of the bill with the goal that NOAA accepts this plan. If NOAA doesn't accept this plan then the Federal government will say that all this work you did doesn't mean a thing and we are just going to site where ever we want. So, it is very important that the Federal government likes what Oregon does so that we have a say in where this happens. The last subcommittee was the Energy Committee. This group took the habitat and ecological maps that ODF&W put out, developed some standards and criteria associated with those maps with the idea of avoiding negative harm to fisheries, recreation and the ecology of the area. This group also came up with the different site proposals. They looked at all the different maps and tried to find the areas that had the least amount of impact. This is the heart of the recommendation that TSP group, the TGOC advisory committee came up with. What you want to understand is that there are areas that will not allow any activity and these two areas that have already been permitted. One is filed and permitted at OPT, Ocean Power & Technology site which is off Gardner just south of Florence. The other one is Anemric, which is an OSU lead, one mile square block off of Newport. Every bit of Oregon's will be rated into one of these categories. The resources and uses conservation area holds the bulk of Oregon oceans, approximately 70%. These are areas that are really important to fishing, recreation and important ecological areas. To the right of these areas is gets a little bit easier for developing. A little bit less stringent criteria and standard. To the left, it is just impossible. So, depending on where they are filing for a permit each of these areas will have different standards associated with those areas. So, what we are trying to do is to direct energy developers into this area which is called the Resources and Development area. This is Oregon's way of saying if you are going to go anywhere, please file for permits in these areas. The state has also come up with caps to the amount of Oregon's oceans that can be developed for renewable energy. So, just because we are directing them into these areas doesn't mean that they can't apply for permits in the restricted areas. When we are done with all of this a company will file for a permit. The State will convene with what is called a JART, joint agency review team, which will consist of the different agencies that have jurisdiction over the ocean or ecological resources along with local representation. So, if they filled for a permit here in Gold Beach they would have at least one or two people to sit on the JART. The JART will use standards and screening criteria to decide if a permit will go through or not. They will have to use a visual source survey which is using software that will mimic what that would look like from different angles as well as at night. If it passes that then it will go to the Marine Recreation Overlay to see what recreational activities happen in that area and what impact they will have on these activities that are already in use on Oregon's oceans. Then they might actually get a permit. So, there are quite a few hoops for them to jump through to get a permit, even if they are going into the Resources and Development area which we are trying to funnel them into. The Governor has weighed in

recently on what he would like to see happen. They would like to see five sites distributed equally among the deep water ports, so Coos Bay, Astoria and Newport. Down here we are a little bit too far from the deep water port to make it industry happy. So, they are coming up with CASS which says that within the 68% of the Recourses and Development only 3% could be developed as a footprint. So, only 3% of all Oregon's oceans could be developed. Included in that they will have the Amerix site and the OPT site. So, they are looking at maybe three more. So, really there are only two more sites they are looking to add. So, some of the conservation concerns; we don't want to see any sort of industrial development happen at river mouths or headlands. There are too many conflicts with ecological resources, fisheries and scenic view shed areas. Oregon only has 10% rocky bottom, let's keep them out of the rocky bottom and kelp forest. That is usually where the fishing happens. We want to see adaptive measures so that we can go back and assess this plan every 5-7 years to see if it is working for Oregonians and make some changes. Along those lines are cumulative effects. What are the cumulative effects of having two areas too close to one port? How are they going to affect that port? We don't want there to be too much of a negative impact. The Renewable Energy standard in my opinion could be met on land. Through solar, wind and whatever else you could probably come up with that 25% and not even have to mess around with the ocean. What do we want to leave our kids? Do we want to leave big industrial developments in our oceans? Some of these sites they want to develop into 100 buoys or more. They want to get thousands of kilowatts out of our oceans. Once we open it up it won't go back. So, what do we want to leave our kids? This slide shows some of the different devices. They all like different situations. Some like deeper water, some like shallower water. The one in the middle scares me a lot because it has windmills on it and wave energy devices in the bottom. It is kind of like a jack of all trades setup and it's big. That is like an oil derrick. I don't know if we want to see that on the Rogue Reef. I don't. There are two websites that you can get loads of information with phone numbers for public comment. The reason I haven't been here before is because this site came on the table on November 16th on the very last day of the planning process. Up until this point I didn't think I needed to bother the Council until this came up. Originally there was a different boundary which we managed to get it off the table. Then this boundary came up. As you can see Rogue Reef has 17 bird colonies on or around it. There are threatened Stellar Sea Lion out there and pupping areas which are breeding areas for them. Tons of nursery areas of yellow eye and rock fish, two depleted species that the whole West Coast has taken a lot of pains trying to rebuild those stocks.

Fritts: Who put this site forward?

Lacey: This site is being pushed by the Coos Bay Trawler. These guys have a 100' long boat.

Fritts: Why is someone outside our area able to suggest our area?

Lacey: I know, I wondered the same thing. He is on the crab commission, he has a lot of sway in the fishing community, he sits on the SisPac Group, he is also on the OWET board. So he has his hands in a few different areas, he has a lot of money and a 100' trawler that catches crab and shrimp. He is trying to keep it out of his home port of Charleston. I think he is trying to push it down here because he doesn't want it where he lives.

Fritts: And the State didn't say "Who are you to represent the Curry County Voting Public?"

Lacey: There were no stipulations put on that group to say that you had to do outreach where you were proposing. It just wasn't something that they thought about beforehand.

Fritts: So, were put on this thing without even contacting us.

Lacey: I guess we could have done the same thing. I would never have proposed a site in someone else's area without talking to them first.

Fritts: I can't believe the State didn't say "What gives you the authority to put that name out there?"

Lacey: That would be a good public comment. Say, this area has not been vetted to the Gold Beach community. Because it hadn't. I talked to a bunch of groups in just the last two weeks because that is all the time I had to get this out there. A reporter from the Pilot came to a presentation that I did last week and she put an article in the paper last week. I am trying to get to as many people as I can. Tomorrow I am talking to the Chamber. We need to make our voice heard. A lot of people think that wave energy is great, jobs created; we need new sources of energy. I'm not saying that it is going to be a horrible thing but, that spot is a bad spot. Perhaps somewhere else in Curry County? The mapping data on this map is really old too. Most of the state has had high resolution multimedia sonar done which is way more accurate. This is old information. The fisherman I've been talking to lately say that there is rock bottom there where the purple box area is. There used to be a lot of rock fish there before the yellow eyed canary got depleted. Then they closed off a lot of the ocean for the rock fish conservation. All the way down from Alaska to California you can't do any rock fishing. There is already a huge closure of our ocean already. It would hinder our salmon trawling if devices were there and this happens to be a really good salmon trawling area. Salmon will forage in the reef and kelp for food. Salmon guides love to go through there. There is probably a little crabbing out there. We need to make our voice heard. This is rated kind of down on the list of desirable sites, but I didn't want to wait around and not say anything and then they take it. I think you would be doing a good service to our community if a letter was sent in.

Mayor Wernicke: Could you help draft a letter and get it to Jodi for the Council's consideration so they can send it in to be part of the record?

Councilor Doug Brand: What is this guy's name that put us on this site list?

Lacey: I don't want to get personal, but it is Blake Edwards. He put his name out there. This is their recommendation. I really like the States plan aside from the site selection. The States plan I think will protect Oregonians economy, resources and fisheries for the most part. It is this little bit of the process that is not good. This group is done; it has made its recommendation. The Ocean Policy Advisory Council is going to meet on January 4th. If we can get our comments in before January 4th it would go a long way. They are starting to get a lot of response with just this little bit of outreach that I have been doing. People are starting to make their voices heard.

Councilor Jeff Crook: Do you know how long these permits would be in effect? How long will the last.

Lacey: Fifty years. So, that is why I was saying the legacy thing. It is going to be here for a long time.

Councilor Larry Brennan: Will a Council Resolution be stronger than a letter?

Fritts: Yes, definitely.

Mayor Wernicke: Maybe that is the way we should go.

Fritts: Yes, tourism is our number one industry. Like you said, I'm not against the energy process, but at that location.....

Lacey: I think if you phrase it just like that, we are not opposed to renewable energy at all, but there are good places and bad places. This in one of the bad places.

Councilor Brennan: How far west of the reef is that?

Councilor Brice Gregory: That is just barely north of the mouth of the river.

Lacey: Because of the way that they do it, it is from the island out 3 miles. So, it is actually probably 5 miles from the river mouth all the way out to the yellow line which is the territorial sea.

Councilor Kaufman: Part of the argument is that we don't have any real data. Would that be one of the things we should talk about? Can we really get it surveyed and properly mapped before we go there? I am assuming that all of Curry County has not been mapped.

Lacey: From Mack Reef up to Humbug has not been mapped.

Councilor Kaufman: So, there may be other areas that are better, but we can't tell because it hasn't been properly mapped.

Lacey: I could look at other spots and say they are much better. Even just a few miles north or south of there, but I am not throwing out other sites for consideration.

Councilor Gregory: They are throwing darts anyway since it has not been mapped.

Lacey: Well, they are. The power cables from these developments are huge and they do not flex at all. In order to go through the reef they either have to blow it up to make a pathway through there, and we are not going to let that happen, or they have to go around it. But they don't bend. Industry representatives on the committee say they don't really like this spot for all these different reasons. But, it doesn't prohibit this guy from trying to keep this spot on the table.

Councilor Gregory: But we need to cite all their reasons why this is a bad spot.

Lacey: Yes and I can give all my reasons for why this is a bad site. They you can guys will have your input on it. I'm sure you can have something crafted up in a couple of days. Unless, you decide to do something else like a Resolution.

Fritts: Well, we will send a letter, but like Councilor Brennan said, if we do a Resolution then it becomes a legal document. Where, the letter is just our opinion.

Mayor Wernicke: Do a Resolution and attach the letter.

Lacey: State the lack of outreach to this community by the guy proposing this. That is another big problem that I see. They didn't consult us.

Fritts: Not at all.

Councilor Gregory: What would our Resolution say? What would be so powerful about a Resolution?

Fritts: Not that a Resolution is so powerful, but a letter they are only required to keep for three years. A Resolution is a permanent record.

Mayor Wernicke: And it's formal—not informal like a letter. It is a formal request to get this off the table.

Fritts: Yes, the legislative body of the City feels this way.

Lacey: Due to the lack of outreach, data gaps, high value of tourism in our area. Those are three good enough reasons I think. Also that you are not against renewable energy. That way it doesn't look like we are just saying NO in our area.

Councilor Gregory: Like you said there are probably 10 other sites between the border and the top of the state.

Lacey: The top count was about 14 which has now been dwindled down to 8 and this is the 7th rated one. So, it is low on the rating list, but I don't think it could hurt to get it off the table.

Councilor Crook: How close to the white portion of the wind mapping does that match up.

Lacey: It is one of the few spots that would be good for wind. That is what the proposer is saying.

Mayor Wernicke: What happens if one of these energy companies comes in, builds this stuff and then goes bankrupt with a bunch of hardware sticking in the ocean?

Lacey: There is a huge bond required just in case they sink or a boat get tangled up in it.

Councilor Gregory: Or they fail during a huge storm.

Lacey: Yes, the first one the put out there sank up by Newport. Windmill devices have improved a lot over the past 40 years. They are improving every year with new devices coming out. There are getting more popular and are gaining momentum, but they are not there yet.

Councilor Brand: Sort of like the well heads that BP uses, we know how that goes.

Lacey: Yes, it is nice to be looking at this as an idea, but not at the Rogue Reef.

Councilor Crook: So, if these things are out in the ocean, how will they been seen?

Lacey: They have to have navigational lights on them and they have to be painted yellow for navigational safety reasons. Even the devices that sit on the bottom will have to have a marker buoy on the surface which I don't have the specs on right now. All the commercial vessels have good technology but the recreational boaters don't. A lot of rec boats or sledders go out around there.

Councilor Gregory: Have they done much research on their effect on fisheries?

Lacey: Not enough. They have done some on the electromagnetic waves that come off these devices and they attract certain species like skates and sharks. But, they repel others like some of the flat fish. They don't know, it is all new. They will be required to monitor. They will do 2 years of baseline before they even put one in the water to see what's there. Then they will have to closely monitor the changes that happen while they produce power.

Councilor Gregory: There is a lot of money in this and that is what scares me.

Lacey: There is a ton of money in this. The venture capital investors are spending a lot of money.

Mayor Wernicke: Interesting that our oceans are going to become a giant generator, just doesn't seem the right thing to do.

Lacey: It has been a dumping ground for the past 100 years

Councilor Brand: Well, we've managed to mess up everything else.

Lacey: Let's take this nice and slow. Thank you a lot for having me.

Mayor Wernicke: Thank you.

6. Public Hearing

a. Dangerous Building Hearing

Richard Butler: Owner 29704 Shore Pine Lane-I have owned that property for 18 years. I want to thank Chief Andrews for jumping in down there with more patrols and keeping an eye on things. There was bike chop shop set up in there by vagrants. I have retained a realtor to put it on the market as a fixer upper. The neighbors are now keeping an eye on the property, tending the yard and walking dogs past there so there is a presence around the

house. I have invested a lot in this community with keeping the utilities on and paying taxes and I would like to try to get something out of it if I can. I would like Laurie to get her commission out of this as she has been working on it for several months and has several prospects. I have been paying the sewer and power standby so anyone interested in the property is going to be out several thousand dollars to get that put back in. The garage is sound. The ridge line of the roof is better than most. I could come in with T1-11, painted and get rid of the weather worn appearance if that is what it takes to keep it up. It is a 3 bedroom 1 bath.

Chief Dixon Andrews: It was a magnet for criminal activity for about two months with transients in there all summer long. We seemed to have pretty well nipped that problem when Public Works came out and screwed plywood over the opening to the house. Before that occurred we had people in and out of the house 2-3 times a day. We would go down and secure it; the door would get kicked in. What we found the day before we actually boarded it up is that the transients were getting smarter by using a 4x4 post to bar the door to keep us from coming in on them to get them out. We were out there almost daily. Then there was the magnet for crime with stolen bikes showing up in town and the criminal types staying there. Since it has been boarded up we have not had one issue with that property.

Mayor Wernicke: The pictures I have seen it is a stretch to call it a fixer up. It is really in bad shape. Frankly, I don't know that the City needs the responsibility of showing up over there to board it up and keeping the element out. That has to be the property owners' responsibility. I know you live a long way away, but you can't expect the City to be babysitting it for you.

Butler: I didn't ask them to do that. If I have been told how badly they had kicked things in I would have come up and boarded it up. This has all happened in a very short period of time and I am willing to pay the City for the materials used to secure it. Again, over the years I have invested the money to keep it viable with water, sewer, and electric.

Councilor Brennan: Now that you are aware of the situation is it your plan to do something with the property.

Butler: I would like to give Laurie a couple of months to sell and if that doesn't work I will come in with the siding and trim work to make it look like a house and get rid of the eye sore. I'll get to the interior later.

Councilor Brand: Would it be fair to say that if you are not under contract or in escrow by February 1st that you would be coming back?

Butler: I would say, more March. I can be flexible if I have to, but I am working on a fire safe project over in Yreka that has to be in by the end of next week. Fire season moved in too quick this season. We have some of the debris down, we need all of the debris down, get the heavy stuff out of there and the grinder in there before we get an early summer next year.

Councilor Brand: I'm sorry, but that really doesn't concern us. I just need to see a resolution here in Gold Beach.

Butler: How about mid-February for a compromise?

Councilor Brand: And it will be done. Then you will come out and reside it and fix it so it won't fall down.

Butler: Yes, It has stood all these years. With the T1-11 it will be stronger than it ever was.

Councilor Kaufman: Do you mind if I ask what the listing price is?

Butler: In the neighborhood of \$44

Councilor Kaufman: I am having a hard time finding it advertised.

Butler: We just met today.

Councilor Kaufman: So, you haven't been marketing it until now?

Butler: Verbally, but not commercially.

Councilor Crook: I have a question for Jodi. Do you know what it would cost us to have it removed?

Fritts: Well when the Nelson property was abated it was \$30,000 about six years ago.

Councilor Kaufman: But that did have asbestos.

Fritts: Right. Do you know when the house was built?

Butler: Ancient, ancient.

Fritts: So, it probably has asbestos as well.

Councilor Kaufman: It does not benefit the City to tear it down.

Fritts: No.

Butler: You are losing tax base.

Councilor Kaufman: That doesn't hurt us, when you sell it then you probably won't get your money back. The last one we paid for we will probably never see, so the City is out that money.

Councilor Gregory: It is not our business to be tearing houses down.

Fritts: Right. As for the City's risk manager I just want the building to be made safe. For me, removal is the absolute last resort.

Councilor Kaufman: My question is on the structure itself. There were people in the garage rafters itself. Is that now secured?

Butler: The building on the East side consume right to the street line. Access to the garage is recessed 10' from the street. There are some stringers in there not doing anything so the transients thought it was a handy place to have a bed. That area is not enclosed in the garage but in front of the garage under an overhang.

Councilor Crook: Is there a way that you can keep people from sleeping up there again?

Butler: Yes, just board over it. I could wrap cyclone fence around the house for security which would be even more ugly.

Fritts: The other concern that I had was on the South side between you and the apartment buildings there was a lot of vegetation there. So, maybe you could get that taken out or moved back a little bit. My concern is that if a fire were to start in there on your property and move to the apartments.

Butler: Again, there is only about 1' from the building to the property line. A lot of the bushes are the apartment complex.

Fritts: With no one living in the house a cigarette butt tossed out there could be a real hazard. If someone was living there I wouldn't be as worried.

Councilor Brand: You say there is still a meter on it?

Butler: Yes sir. It is on the East side. The power box is inside the garage. The meter is on the South side of the building on the pole.

Mayor Wernicke: Boarding up helps, but the people who get into these places just pull those boards off and get in anyway.

Councilor Gregory: Outside of us taking it over and tearing it down, what can we do? If we ask the gentleman to fix it up and we give him a decent time frame to do it in, then I think that is fair. If he doesn't do it in that time frame then can take other action.

Fritts: The code says that at this hearing you shall have the power to order any building that you declare to be dangerous to be removed or abated if in your judgment such removal or abatement is judged to be necessary. Or, you have the power to order the building to be made safe and to prescribe what acts are to be done to render the same. So, exactly what Councilor Gregory said. I understand that you have a friend that watches it who also does property management. It might be better to ask her to watch it rather than your neighbor so she can see if people are coming in and out of it. Again, it is a drain on our resources to have our City officers go out every day to see if there are people in your house. I understand that you don't live here.

Chief Andrews: It's not like I can just drive by there and see if anyone is there. It is on a dead-end street. It would be nice if those apartments weren't there.

Fritts: You should designate someone to go check on the house for you daily.

Butler: Scott Donaca lives three doors down from me. He gets up early, a fisher hunter type person, and walks his dog. I'm sure word has gotten around down there. And my neighbors to the North, Scott said, is very keen about calling him when something is going on. I was going to try to encourage her to call both Scott and the Police.

Councilor Brand: What is the average market time for a house right now?

Laurie Flynn: (Real Estate Agent for Butler): About a year.

Councilor Kaufman: Yes, but this has to be the cheapest house on the market.

Councilor Brennan: I think if we came up with a plan for the guy to repair the place, then let's do that.

Councilor Gregory: Just let him fix it up, look decent and sell it. It's not like there are no other houses out there that are vacant.

Councilor Brand: But it is incumbent on him to fix it up.

Fritts: The important thing here is to render it safe. It doesn't have to be aesthetically pleasing. Just so people can't go in there and flop. So, if we want to discuss this we need to close the Public Hearing portion. So, do you have any more questions for Mr. Butler?

Councilor Kaufman: I have one more. There is power to the place, do you have it operational?

Butler: No, but it is on standby.

Mayor Wernicke: Any further questions? Thank you for coming up and explaining things. So, with that we will close the Public Meeting and continue with the regular meeting.

Fritts: You shall have "the power to order the building to be made safe and to prescribe what acts are to be done to render the same."

Councilor Crook: Do we need someone to tell us how to make this safe? Do we need to have a contractor take a look at it?

Councilor Gregory: Is the building going to fall down?

Fritts: The Building Department looks at new construction. It will not look at this. I would say that this is something that we could do. I have asked the Fire Chief to look at it and there were some concerns about a hazard. But, as far as structurally, is the building going to fall down or not? I don't know. We just want to make it so people can't get in there.

Councilor Brennan: We have already determined, last month, that it was a dangerous building.

Fritts: No, the way the process works is if I get knowledge of something that I believe to be dangerous then we have to through this process of notifying the owner. So, what you have to decide tonight is “Is it a dangerous building or not?” based on those four, the term dangerous building. So, if you feel that it meets one of those you can state, yes, we feel that it meets one of those because of the following. Or, if you feel that it doesn’t meet those, it doesn’t mean that you can’t tell him that certain things need to be done. Let me read them again.

- A) A structure for want of proper repairs by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connection, defective heating apparatus, or for any reason or cause that is especially liable to fire which is so situated or occupied as to endanger any other building or property or human life. I don’t know if it meets that. My concern is about the vegetation and now there is some question now as to whether it is on his property or not.
- B) A structure containing combustible or explosive material, rubbish, rags, waste oil, gasoline, flammable substances of any kind especially liable... I have seen the pictures of it the Chief Andrews took and I don’t think anything like that is being stored there.
- C) A structure which shall be kept or maintained or shall be in filthy or unsanitary condition especially liable to cause the spread of contagious or infectious diseases. Again, I don’t think it meets that standard. I think it may meet item D.
- D) A structure that is in such a weak or weakened condition or dilapidated or deteriorated condition as to endanger any person or property by reason of probability of partial or entire collapse. Chief Andrews said that he had some concerns about one of the structural walls.

I think the big thing here is to make sure that people can’t get into that building and into something; I am worried that people will get into it in the winter time and build a fire inside of it.

Councilor Crook: I did go to the building and take a look around. I didn’t see anything that looked like it was going to fall down. To me it looked more like it wasn’t the cleanest thing in the world.

Fritts: And, I think that was just from the people going in and out of it.

Councilor Crook: I am more concerned about people getting in there, attracting the wrong element.

Fritts: So, for the want of proper repairs or by reason of age or dilapidated condition. Is that what you are saying?

Councilor Crook: Yes, that is the closest.

Fritts: OK, so if you decide yes it is a dangerous building you could speak to that 1A. And then you need to decide the timeline of what you need to see happen. I would say secure the exterior. Some of that siding, there is just nothing left of it.

Mayor Wernicke: Do you want to make a motion or do a head count as to if this is a dangerous building?

Fritts: There are two Motions that I have put in there, one that says: Yes, it is; and one that says No, it's not. I also put two sample Motions in there; If the building is determined to be dangerous I make the Motion that the building located at 29704 Shore Pine Lane meets the City definition of dangerous building under section 5.5301, then it sounds like you have decided maybe a portion of A would be the one, and is hereby declared a dangerous building. The code says that you have to determine by Resolution whether it is or isn't.

Mayor Wernicke: That is on page 18 of our packet.

Councilor Kaufman: I need help following the argument. If it were occupied then 1A would make a lot of sense. Because it is empty the only people that would occupy it would be a trespasser. The electric is already tuned off so it is not an electrical danger. There is no gas I assume. So, I don't know if somebody could give you argument, why does 1A apply?

Fritts: The ending portion says "endanger any other building, property or human life". It doesn't say the occupants.

Councilor Kaufman: The only people there would be trespassers, so put up "No Trespassing" signs. So, you are saying that a person that is trespassing has to be protected? A person that is breaking the law, has to be protected?

Mayor Wernicke: Yes, that is America.

Fritts: That is what we have with the attractive nuisance.

Mayor Wernicke: You have to consider the other residence around there. A fire can go from this to next door in a heartbeat. If you look at those pictures, there is very little space between those buildings.

Councilor Kaufman: That doesn't comply with the argument.

Mayor Wernicke: It says situated as to endanger any other building or property.

Councilor Kaufman: How is endangering other property as it sits?

Mayor Wernicke: If it catches fire.

Councilor Kaufman: How is it going to catch fire if no one is in there?

Councilor Gregory: If trespassers can't get in there how could they build a fire?

Mayor Wernicke: There are a number of ways, smoking a cigarette, building a fire, doing any number of things, a transient. It could be hit by lightning. Ok, lightning doesn't strike every day. Someone could drive by and toss a cigarette. Someone could build a bonfire in the yard. Who knows?

Councilor Kaufman: But that could happen at my house.

Fritts: But your house is not in want of repairs by reason of want or dilapidated condition.

Councilor Gregory: My question is if we do designate this house as a dangerous building, does that put any liability on us then? Why can't we just say, "Hey, could you fix up the building?" And give him until mid-February to do it and then we are done.

Councilor Brennan: We can't say that to him unless we say it is a dangerous building first. Then we have a reason to say that to him. We can't just say to someone down the street that they need to fix their house up, unless it is deemed a dangerous building.

Councilor Gregory: Are you sure? We tell people that they have to mow their lawn.

Fritts: The way the code reads is "At the hearing the Council shall determine by Resolution whether or not the building is dangerous."

Councilor Gregory: Then if we determine it is dangerous we can tell him what to do, but we can't tell him or just ask him nicely "Hey, can you put some signs up, paint it...and if he doesn't then. What is he going to do with the sale of the home if all of a sudden the City of Gold Beach puts a stamp on it saying it is a dangerous building?"

Councilor Kaufman: Well, that's a Catch 22 because when it sells we want them to fix it also.

Fritts: The last line says "At the hearing the Council shall have the power to order any building declared to be dangerous to be removed or updated if in its judgment such removal or updating to remove the dangerous condition. Or, the Council shall have the power to order the building made safe and prescribe what acts or things must be done to render the same. So, if you feel that it doesn't meet the definition of A, B, C or D, but we do have the ability to say the Council shall have the power to order the building be made safe and order what acts shall be done.

Mayor Wernicke: There is another option. The gentleman has made assurances the he is going to address the problems on that thing and you can give him a little bit longer without passing a Resolution. Give him a time and date to show that he has made that good faith effort. If it doesn't happen, then bring it back up and make sure it works.

Councilor Kaufman: Would it be better to continue this.

Fritts: That's what I was just about to say. I would continue it to a date specific and say by whatever date we want the following to occur and then we will reconvene this matter at that time.

Councilor Brand: Mr. Butler? Is there a padlock on the control panel? Or do you just have the main there.

Butler: The box is there, but the meter has been pulled. It will remain dormant until I pay them to reconnect.

Councilor Kaufman: I'm thinking we should continue this to the February 11th meeting and Mr. Butler can update us if anything changes. And the Police Department can update us. The only question I have is, do we want to ask the building department look at it to make sure it isn't going to collapse? It doesn't sound like it is going to from what Mr. Butler says.

Fritts: I can ask.

Councilor Brand: Somebody with a higher authority than us can take care of it with one good wind storm.

Councilor Gregory: I'm just thinking liability for us. If we know something going to fall and it does fall on somebody and we have it on record that it is going to fall, then it comes back on us because we didn't make him do something.

Mayor Wernicke: You have protection because you are following the procedures that are authorized by statute. You can't do any more as a public entity. So you are not going to be held liable for declaring a building without personally going out and taking care of it. You are following policy and procedures.

Councilor Gregory: That was my main concern in filing this as a dangerous building because I don't want liability coming back on the City. Especially if we can just say, put some signs up and paint it.

Mayor Wernicke: You are not obligated to fix it, just to follow the procedures in the event that you find it is in a dangerous condition. And that is what we are going to do.

Councilor Gregory: OK.

Fritts: The fact that we have not had any more issues since we boarded it up makes me feel a little bit better. Again, it is not the aesthetics that I care about. I just want to see the rest of the building secured.

Councilor Gregory: Yes and the rotten siding.

Councilor Kaufman: A lot of people have rotten siding.

Fritts: You don't want people getting in.

Councilor Gregory: You don't want people or critters getting in.

Mayor Wernicke: The real test for that doesn't come until the weather gets better.

Councilor Brand: The biggest thing for me is, she is going to be involved soon I hope with a contract, it will help the marketability right now if we don't do anything about the dangers. Give him a chance, and her, the both of them.

Councilor Gregory: So, we are asking him by the February meeting to have fixed the issues or just to bring us up to date?

Councilor Kaufman: That is when we will continue this meeting and will make another decision. I think that our hope is that we will have more information by then.

Fritts: I would say that we should give a couple of specific things that we would like to see happen.

Councilor Brennan: If we don't declare it dangerous we can do what? Where is that Jodi? I can't find it.

Fritts: It is 5.370 on the first page of the Agenda Report in the italic portion. It says "Or the Council shall have the power to order the building be made safe and to prescribe what acts or things shall be done to render the same safe. That is what is on the Agenda Report under the Summary in background. The last sentence in italics. So, you can continue the hearing to the date specific which is February 11th and I think that we should give some specific things that should be done by the 11th. The siding that is rotten, patch the holes, prevent access.

Councilor Kaufman: I'd like to see some "No Trespassing" signs on it.

Councilor Crook: I think we should have an official person to check on it weekly to see that things are progressing and vagrants have not moved in. A local person of his choosing.

Fritts: With vacation rentals if you are an absentee owner you have to have a local contact person if we have issues. OK, so we have; patch holes in siding, No Trespassing signs, and designated local responsibility party.

Councilor Brand: I have one other one. He would probably want to this anyway, but all the trash removed and have it broom cleaned on the inside. That would be easy and that would take away part of the tinder hazard for fires.

Fritts: The realtor would probably require that as well. So, let me read this back to you. Patch holes in siding, post No Trespassing signs, provide us with a designated local responsible party and trash/debris removed.

Councilor Brennan: Can we add windows and doors to that? Apparently, all the windows are boarded up.

Fritts: Not all of them. As I understood, if you wanted one of the windows left open so you can see in it?

Chief Andrews: We left, intentionally, a large picture window in the back that faces the ocean on the left side open. It is not a window that you can slide, it is a fixed window. If we drive by and see that it is shattered and there are holes in it then we know that we have a problem. The 1' setback side is not where they were going in and out of anyway. It's too tight. We (the officers) couldn't get in there, even our skinny cop. It is just too tight. We left that window so we could see in there. We also left the back door where it is secured with a lock. They kept kicking in the front door so you could no longer secure it in any way, shape or form. All the plywood that the shops put out, they did a good job. They actually screwed it in. So it going to be harder to get in. Theoretically they could kick the plywood;

it is only ¼” plywood. It will also be easier for the owner to gain access by just unscrewing it. So, we did leave the one window and the back door so the owner and realtor and come in and go out without having to unscrew plywood every time. There are no bags of garbage in the house. There are some old chairs. There is more stuff in the garage. I don’t recall exactly what is in the garage.

Councilor Kaufman: Looks like a mattress, some boxes and some cloths.

Chief Andrews: In the garage?

Councilor Kaufman: Looks like a bedroom, but it is hard to tell in a picture.

Fritts: Ok, so how about doors and windows repaired and secured? Repair the door that has been kicked in?

Councilor Gregory: I think we are getting a little too technical. Let’s just get it safe.

Fritts: Ok, so we have; patch holes in siding, post No Trespassing signs, provide us with a designated local responsible party and trash/debris removed.

Chief Andrews: There is a No Trespassing sign posted now on the front of the garage. It was put up after the pictures were taken.

Councilor Kaufman: Another thing I want to throw out there for discussion is, whoever purchases this do we want to say anything about what we want them to plan on doing?

Councilor Brand: No, after it is purchased it is not up to us.

Councilor Kaufman: Because a year from now we could be doing this again because it will be worse.

Fritts: So, does someone want to try to make a motion?

MOTION: Councilor Tamie Kaufman made a motion to: continue the hearing to February 11, 2013, and the following items will be done to make the building safe: patch holes and entry points in the siding; post No Trespassing signs; notify the City of who the designated local RP is; and trash and debris removed from the inside.

Councilor Larry Brennan seconded the motion

Mayor Wernicke called for discussion or debate. Councilor Brand asked Mr. Butler if he was okay with the council proposal. Butler said he was. No further discussion. The mayor called the vote.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	X		

Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

Mayor Wernicke: I suggest you send a letter to Mr. Butler.

Fritts: Yes, Mr. Butler, I will put this in a letter and send it to you. Again, I want to thank you for coming to the meeting.

Butler: I appreciate you working with me and helping out with this.

Fritts: Yes, we would rather work with you. Good luck to you.

7. Citizen Requested Agenda Items
None scheduled

8. Public Contracts and Purchasing
None scheduled

9. Ordinances & Resolutions
None scheduled

10. Miscellaneous Items (including policy discussions and determinations)
a. Urban Renewal vacancies and general discussion

Fritts: We touched on this at the last meeting. There are going to be two vacancies on the Urban Renewal Committee on January 1st. We are tossing around the idea that now that we are at the adopting plan stage, maybe this would be a good opportunity to change the makeup of the agency. The current ordinance states the membership shall be comprised of 4 citizens and 1 Council member. The suggestion that Elaine Howard had was that maybe the Urban Renewal Agency could become the City Council and then we could have an advisory. So, I have attached a copy of the ordinance and she wrote a memo talking about the pros and cons either way.

Councilor Gregory: Didn't we as a group decide that it was not a good idea to have the Council become the Urban Renewal Agency?

Fritts: That is why we are talking about this. She talks about the different agencies that she has worked for. She has worked for both. Some are the Council, some are not the Council. The pros and cons of both. Really, it is up to you how you want to approach this. I think the one concern, from a management standpoint, is that you are the ones who will be caught in the grocery store.

Councilor Brennan: Meaning if we are not involved and then we don't know.

Fritts: I'm not saying that it is bad, good or otherwise. That is my only concern. It is a small town. We are dealing with people's tax money.

Council Brennan: I remember a recommendation that the Council become the Agency but also to have input from people on the Advisory Committee. So we could have a committee of 9. That way we could have input from people who want to be involved, but ultimately we would still be responsible for what happens. Then we are more accountable according to her.

Councilor Brand: It would be almost identical to the Budget Committee.

Fritts: Exactly.

Councilor Gregory: Which would not be bad, would it?

Councilor Brennan: No.

Councilor Kaufman: One of the things I am visualizing is that if you have a larger board for the Urban Renewable we could have dual meetings. We could have an information session with the Council/Urban Renewal Agency and publish it once, I think. Then have the Urban Renewal Agency make a decision with the same public, close that meeting. Have the 3-4 people step off, and then have the Council make the same decision the same night to be more efficient. And visually, people in the audience will see (assuming we have one) that there is a difference between the Council and the Urban Renewal Agency. That we are getting more ideas, more minds, more input in the bigger group, but the Council is making the ultimate decisions. And visually the audience sees there is a difference in the body.

Councilor Brennan: I'm pretty sure in Bandon that as soon as they are done with their Council meeting they go right into their Urban Renewal so it is all done in the same night.

Councilor Kaufman: I think because our meetings are pretty full we may have to take that 4th Monday and meet that night. I know we don't really want to, but do we want a better City or don't we?

Mayor Wernicke: It is a big step. I really think the elected representatives of the community ought to be the ones who head the effort.

Fritts: That was Elaine's view about accountability. The perception is that they have elected us to our position and if they don't like what we do then have a way to deal with that.

Councilor Kaufman: I would like to make a motion that we rewrite the ordinance and have it ready for our next meeting. Can you do that by then?

Discussion about number of members.

MOTION: Councilor Tamie Kaufman made a motion to direct staff to rewrite the ordinance and have it ready for our next meeting. It will be a 9 member committee, 5 Council and 4 at-large. Councilor Brice Gregory seconded the motion.

Mayor Wernicke called for discussion or debate. Councilor Brand asked if the members would be Gold Beach citizens and one within the UGB? Yes, like the

Planning Commission. Discussion finished the Mayor called the vote.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

11. City Administrator's Report

Will be presented at meeting

Fritts presented her Administrator's report on activities on the past month. A copy of the report is attached to these minutes.

Mayor and Council Member Comments

a. Mayor James Wernicke

Mayor Wernicke said that since it was his last meeting he would like to reserve his comments until the end.

b. Councilors

1) **Jeff Crook:** We are going to miss you very much. You have done the City a great service as our Mayor. I feel like we are losing a friend. I know that we will be talking afterwards. Hope you don't run off to another city. We really like having you around. Thank you for everything you and your lovely wife have done. We are going to miss you very much.

2) **Larry Brennan:** I would say everything that Jeff said. We appreciate everything you have done. You did a great job.

3) **Brice Gregory:** I am the youngest member and shortest tenured Councilman on this Council. I know we didn't always see eye to eye, but I do appreciate everything you have done. I think you have done a great job. We are going to miss you.

4) **Doug Brand:** I echo every bit of that. It has been a pleasure. And Merry Christmas to everyone and I really don't care what the other 16% think. Merry Christmas. I am not going to be politically correct anymore, the Hell with it.

5) **Tamie Kaufman:** I want to thank you Mr. Mayor. You have done a great job. When I got back on the Council, you appointed me. The three people that left said you were a terrible Mayor, some other things they were mad about the Administrator and the Police Chief. So, it was kind of in turmoil. I think you guided the ship through that and came out with a cordial get along Council that doesn't always agree, but we can certainly talk through it. You have done a great job of putting that together and I thank you for that. You have made a change in Gold Beach that is positive. We have several openings on committees and just because you were Mayor doesn't mean you can't serve in another capacity. I really enjoyed working with you and you giving me the chance to serve again.

I was amazed through all the storms, Public Works did awesome! Drains were never clogged more than ½ a day that I could see. They must have been working 24/7 or had little gremlins.

It was just amazing with the battering we got how smooth things seemed to run on infrastructure. If you could pass that along to them.

Fritts: We have a great Public Works Department.

Mayor Wernicke's Comments:

First of all, I want to thank all of you for the very nice comments. It has been a ride. When I started 4 years ago, there was a period of time where we had 2 Councilors: Larry and Jeff. We didn't have a City Administrator; we didn't have a Chief of Police. For a whole week we only had one Police Officer available to pull a shift. When you walked into City Hall you could cut the tension with a knife. It would actually have taken a chainsaw to cut through it was so bad. We have come a long way in 4 years and we did it in a rotten economy—everywhere and especially in the county.

The Mayor actually gets very little credit for any of that. As I was reminded probably 3 times a day by one particular Councilor, our City has what we call a weak Mayor form of government. The Mayor cannot hire fire or vote. The Mayor is not empowered to tell anybody what to do or how to do it. What the Mayor does is to assist and encourage the Council in evaluating things so that they make good well analyzed and well-reasoned decisions for the benefit of the community. The Mayor also serves to represent the City. To other communities, to the state and even Federal Senators that come here. And hopefully do it in a dignified and respectful manner.

I guess the Mayor also has the major task of keeping the public informed in something that is really important. You see that the people often don't come to the meetings. Thanks to our website they do have a source of information. But, I do think the Mayor is responsible to keep the public informed as to what the Council is doing and what direction the City is heading.

I also think the Mayor has the responsibility of keeping everybody respectful of one another in City Hall. You help one another, you respect one another irrespective of what job you have, what role you play, what department you are in. It is the Mayor's job to keep everybody pulling the oar, generally, in the same direction. Not to use their oars to hit one another over the head or to loose oars or stick them straight down in the water so that everyone else has to paddle around it.

The real credit for what has been done here and in the City over the past 4 years belongs to the people who work here in City Hall and to this Council. They have given a lot of their time and their effort. Frankly, if we took a picture right now, I don't think that a small community could hope for a better staff servicing a community.

Our City Administrators office has been great. Ellen was wonderful, Jodi has been great and everyone who works in our office has been great. Candy, Margaret, Ruth and now Dee have been great. They do a great job, they are efficient and they work hard. For a small community we probably have the best police force--I don't think you could ask for a better police force than we have. It started with PJ, Chief Andrews has carried it on. Sergeant Giovenetti, Chris and the newer guys Verne, Tracy and Tom--all great officers. Just a great police department. You have to thank the volunteers too. Wally goes through probably 10 pair of

shoes a year moving those cars around, walking back and forth. Sue, who seems to be everywhere at the same time. And Marjie who changed the evidence locker from something equivalent to a high school gym locker to a real honest legally sufficient evidence locker. It took a long time and was a lot of work. And last, but not least, Gail who has been a rock for the Police Department. In fact, if anyone knew the real story, is the person who holds it all together.

The Public Works Department are magicians. Will has been wonderful and everybody who works there has just been a hard working fool. Dan, Tim, Eden, Ron. These guys are great. They are absolute magicians. They get out there in the worst weather, and you see them digging holes and don't have enough rain gear to keep them dry. I think some of that is they are having fun, playing in the rain like kids. But, they really work hard out there. Not only that, but they come in and help out in the office in a great way. They are really great assistants. Just an absolute great group of guys.

Muni Court has done well with Judge Fallman. Judge Black deserves a lot of credit, he saved the court, made some very important changes in the court so that it would survive and get better. And Misty's done a great job keeping the court all together.

I can't say enough about the Fire Department. Bruce is the quietest person you are ever going to meet. But you look at the Volunteer Fire Department for this community- they do an absolute amazing job. The responsibility they have for emergency response for fires and for keeping that very expensive equipment working.

Last, but certainly not least, the Council. This has been a great City Council. Everybody here has worked hard, diligently and responsibly. That is one of the things you have difficulty with is finding people who are responsible. But, everybody here is and is willing to accept burdensome uncomfortable responsibility of guiding a City. You have all done a great job. I want to thank you for your support and your help. It has been a privilege to work with you. More than that, it has been my privilege to call each of you friend. Now, I beg you, with tears in my eyes, do not let this City fall back into the self-absorbed dysfunction and bitterness that existed 4 years ago. You have some major challenges and some exciting things coming up. You are going to have to focus and keep personal agendas out of the equation. With that I want to thank you all. With that I want to thank you all. Applause from the audience and council.

Fritts: I was doing okay until you got all...I'm not going to cry. But, earlier this year when we were going through difficulties—shall we say. Wow. Talk about a baptism by fire for me. And, I just have to say that—and please do not take offense—but you have been like a father to me and I appreciate that. Fritts presented Mayor Wernicke with a framed picture with his Mayor Wernicke name plat inside of it.

13. Citizens Comments

As presented to the Mayor at the beginning of the meeting

Jim Freedman: If the City Council would make themselves familiar with the Territorial Sea Plan that it become obvious to the most casual observers that the Rogue Reef site meets none of the criteria set up by the State. So, I don't think that you have to worry about the site, but I do think that you need to write the letter.

Mayor Wernicke: Thank you Jim. I think you are right. And you know they are going to get the letter and the Resolution.

14. Executive Session
None scheduled

The next scheduled meeting of the Gold Beach City Council is Monday, January 14, 2013, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

Mayor Wernicke: I will now entertain a motion to adjourn.

MOTION: Councilor Doug Brand made a motion to adjourn. Councilor Jeff Crook seconded the motion.

Mayor Wernicke called for discussion or debate. Hearing none, he called the vote.

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

15. Adjourn Time: 8:38 pm

Approved September 9, 2013



Candy Cronberger, City Recorder

ATTACHMENT TO MINUTES FOR DECEMBER 10, 2012

ORIGINAL COUNCIL AGENDA PACKET



AGENDA
December 10, 2012, 6:30PM
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: Time: _____

1. The pledge of allegiance

2. Roll Call:

	Present	Absent
Mayor James Wernicke		
Council Position #1 Jeff Crook		
Council Position #2 Larry Brennan		
Council Position #3 Brice Gregory		
Council Position #4 Doug Brand		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison Vacant		

3. Special Orders of Business:

- a. WWTP Project Update-Public Works Super, Will Newdall

4. Consent Calendar

None scheduled

5. Citizens Comments

As presented to the Mayor at the beginning of the meeting

6. Public Hearing

- a. Dangerous Building Hearing
29704 Shore Pine Lane

7. Citizen Requested Agenda Items

None scheduled

8. Public Contracts and Purchasing

None scheduled

9. Ordinances & Resolutions

None scheduled

10. Miscellaneous Items (including policy discussions and determinations)

- a. Urban Renewal vacancies and general discussion

The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community

11. **City Administrator's Report**
Will be presented at meeting

12. **Mayor and Council Member Comments**
 - a. Mayor James Wernicke
 - b. Councilors
 - 1) Jeff Crook
 - 2) Larry Brennan
 - 3) Brice Gregory
 - 4) Doug Brand
 - 5) Tamie Kaufman
 - c. Student Liaison, Vacant

13. **Citizens Comments**
As presented to the Mayor at the beginning of the meeting

14. **Executive Session**
None scheduled

The next scheduled meeting of the Gold Beach City Council is Monday, January 14, 2013, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

15. **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, Attention Director, Office of Civil Rights, Washington, D.C. 20250-9419

The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community

PUBLIC HEARING

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 6 a.

Council Hearing Date: December 10, 2012

Department: Administration and Police

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Dangerous Building Hearing : 29704 Shore Pine Lane

SUMMARY AND BACKGROUND:

This matter came before the Council at the November as a request for a public hearing. The public hearing date was set and advertised for this meeting. A notice was sent to the owner in California and two notices were published in the newspaper.

Code Section 5.370 states (in part):

"...At the hearing the Council shall determine by resolution whether or not the building is dangerous. The Council may, as a part of hearing, inspect the building; and the facts observed by the Council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or other person interested in the property or building shall have the right to be heard. As such hearing the Council shall have the power to order any building declared to be dangerous removed and abated, if in its judgment such removal or abatement is necessary in order to remove the dangerous condition; or the Council shall have the power to order the building made safe and to prescribe what acts or things must be done to render the same safe."

I will be conducting a site visit the day of the hearing to determine whether anything has changed since the November meeting when this was first introduced. I will take new photographs at that time to present to the Council.

To date, I have heard nothing from the owner Richard Butler. I do not know if he will be attending the hearing.

FINANCIAL IMPACT:

None at this time. There may be costs incurred if it is determined that City must abate the building.

DOCUMENTS ATTACHED:

- November Agenda Report with attachments
- Notices sent and published
- Draft Resolutions: Dangerous Building/Not a Dangerous Building

REQUESTED MOTION/ACTION:

There are several actions that should occur:

- 1) **A determination, by motion, whether the building is dangerous or not.**
- 2) **Adopt the resolution regarding the determination.**
- 3) **How to proceed if the building is determined to be dangerous.**

1a) Proposed Motion if the building is determined to be dangerous:

I make the motion that the building located at 29704 Shore Pine Lane meets the City Code definition of dangerous building under code section 5.350(1) (a, b, c, d depending on what the Council determines) and is hereby declared a dangerous building.

1b) Proposed Motion if the building is NOT determined to be dangerous:

I make the motion that the building located at 29704 Shore Pine Lane does not meet the City Code definition of dangerous building under code section 5.350(1).

2) Depending on what the Council determines the resolution accompanying that decision should be adopted:

I make the motion to adopt Resolution R1213-06, a resolution regarding the dangerous building determination of the building located at 29704 Shore Pine Lane.

3) If dangerous, how to proceed: Abatement? Removal? Make the building safe by doing what?

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council, PD and PW

**NOVEMBER AGENDA
REPORT AND
ATTACHMENTS**

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 10 a.

Council Hearing Date: November 12, 2012

Department: Administration and Police

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Discussion of Dangerous Building 29704 Shore Pine Lane

SUMMARY AND BACKGROUND:

In the past several months, and most especially in October, we have received numerous complaints about transients trespassing at a vacant, dilapidated house on Shore Pine Lane. After receiving a citizen complaint at the Administrative Office I asked Chief Andrews to investigate the house as a possible Dangerous Building. A copy of the Chief's report and photographs are attached.

After receiving his written report and discussing the situation with him I had the Public Works department board up the house pursuant to the provisions of City Code Section 5.395.

I believe the house meets the definition of dangerous building (5.350 (1)(a & d) as defined by the City Code. Pursuant to Code Section 5.365 I am reporting the Dangerous Building to the Council and Mayor and requesting that the Council fix a time and place for a public hearing on the building.

FINANCIAL IMPACT:

None at this time.

DOCUMENTS ATTACHED:

- Dangerous Buildings section of City Code, Chief Andrews report, photos of the building

REQUESTED MOTION/ACTION:

Determination on whether to proceed with a Dangerous Building Hearing, and if so, set a date and time for the hearing

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council, PD and PW

5.320 Separate Violations.

- (1) Each day's violation of a provision of this Code, or each act separate unto itself, constitutes a separate offense.
- (2) The abatement of a nuisance is not a penalty for violating this Code, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within ten (10) days of the date of notice to abate, or if a written protest has been filed, then abatement within ten (10) days of Municipal Court determination that a nuisance exists, will relieve the person responsible for the imposition of any fine under Section 5.315 of this Code except a fine from violation of Section 5.275.

DANGEROUS BUILDINGS

5.350 Definitions.

For the purpose of this Code:

- (1) The term "dangerous buildings" shall include:
 - (a) A structure which, for the want of proper repairs or by reason of age and dilapidated condition or by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connections, defective heating apparatus, or for any other cause or reason, is especially liable to fire and which is so situated or occupied as to endanger any other building or property or human life.
 - (b) A structure containing combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind especially liable to cause fire or danger to the safety of such building, premises or to human life.
 - (c) A structure which shall be kept or maintained or shall be in a filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious diseases.
 - (d) A structure in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property by reason of probability of partial or entire collapse.
- (2) The term "person" shall include every natural person, firm, partnership, association or corporation.

- (3) "City official" means any Councilor, mayor, city employee, or any agency or employee of any agency under contract to the City for services.

5.355 General Regulations.

- (1) **Administration.** The City building official is the primary city official authorized to enforce the provisions of this Code, but any other city official may act under the authority of this Code.
- (2) **Inspections.** The City building official or another city official is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Code.
- (3) **Right of Entry.** Whenever necessary to make an inspection to enforce any of the provisions of this Code and whenever the City building official or another city official has probable and reasonable cause to believe that there exists in any building any condition that would make such building a dangerous building as defined herein, then said city official, including the building official, may enter into such building at reasonable times to inspect said premises for any violations of this Code.

5.360 Nuisance.

Every building or part thereof which is found by the Council to be a dangerous building is hereby declared to be a public nuisance; and the same may be abated by the procedures herein specified, or a suit for abatement thereof may be brought by the City.

5.365 Initial Action.

Whenever a city official shall find or be of the opinion that there is a dangerous building in the City, it shall be his duty to report the same to the City Council. Thereupon, the Council shall, within a reasonable time, fix a time and place for a public hearing thereon.

5.370 Hearing: Mailed Notice.

By certified or registered mail, return receipt requested, the City Administrator shall notify the owner of record of the premises whereon the building in question is located, that a hearing will be held concerning the nuisance character of the property and the time and place of the hearing. A copy of this notice shall also be posted on the property in addition to notices prohibiting entry into building. At the hearing the Council shall determine by resolution whether or not the building is dangerous. The Council may, as a part of the hearing, inspect the building; and the facts observed by the Council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or other person interested in the property or building shall have the right to be heard. At such hearing the Council shall have the power to order any building declared to be dangerous removed and abated, if in its

judgment such removal or abatement is necessary in order to remove the dangerous condition; or the Council shall have the power to order the building made safe and to prescribe what acts or things must be done to render the same safe.

5.375 Published and Posted Notices.

Ten (10) days' notice of any hearing shall be published in a newspaper of general circulation in the City or by posting notices thereof in three (3) public places in the City. If the last-mentioned notice be published or given as herein required, no irregularity or failure to mail notices shall invalidate the proceedings.

5.380 Council Orders; Notice.

Five (5) days' notice of findings made by the Council at a hearing and any orders made by the Council shall be given to the owner of the building, the owner's agent or other person controlling the same, and if the orders be not obeyed and the building rendered safe within the time specified by the order (being not less than five (5) days), then the Council shall have the power and duty to order the building removed or made safe at the expense of the property on which the same is situated.

5.385 Abatement by City.

In the event that the Council orders are not complied with, the Council must specify with convenient certainty the work to be done and shall file a statement thereof with the City Administrator, and shall advertise for bids for the doing of the working the manner provided for advertising for bids for street improvement work. Bids shall be received, opened and the contract let.

5.390 Assessment.

The Council shall ascertain and determine the probable cost of the work and assess the same against the property upon which the building is situated. The assessment shall be entered in the docket of city liens and shall thereupon be and become a lien against the property. The creation of the lien and the collection and enforcement of the cost shall all be performed in substantially the same manner as in the case of the cost of street improvements, but irregularities or informalities in the procedure shall be disregarded.

5.395 Summary Abatement.

The procedures of this Code pertaining to Council declaration of a dangerous building need not be followed where a building is unmistakably dangerous and imminently endangers human life or property. In such an instance, the chief of the fire department, the fire marshal or the Chief of Police may proceed summarily to abate the building.

5.398 Penalty.

Any person who shall be the owner of, or shall be in possession of, or in responsible charge of any dangerous building within the City and who shall knowingly suffer or permit the building to be or remain dangerous beyond the time specified in the order of the Council pursuant to Section 5.380, shall be guilty of a violation of this Code and shall, upon conviction thereof, may be fined a maximum amount as set by resolution of the City Council for the first and all subsequent offenses. Each day's violation of a provision of this Code constitutes a separate offense.

OFFENSE CODE

5.400 Definitions.

The definitions contained in Oregon Revised Statutes chapters 161, 162, 163, 164, 165, 166, 167, 471, 475, and 480.110 to 480.160, as constituted when this Code is adopted, are adopted by reference and made a part of this Code.

5.405 Prosecution Procedures – State Statutes Adopted.

The procedures applicable to the prosecution of violations contained in the Oregon Revised Statutes as constituted when this Code is adopted, are adopted by reference and made a part of this Code, and all references therein to district attorney shall include the city prosecutor or the city attorney. These shall include, but not be limited to, those provisions relating to defenses and burden of proof, general principles of criminal liability, parties and general principles of justification.

5.410 Violations — State Statutes Adopted.

Each violation made an offense against the state under the provisions of the Oregon Revised Statutes chapters 161, 162, 163, 164, 165, 166, 167, 471, 475, and 480.110 to 480.160, as constituted when this Code is adopted, are adopted by reference and made a part of this Code and designated an offense against the City. A person who violates any one of the provisions within the jurisdiction of the City is in violation of this Code, and shall be charged with the offense of violating section 5.410 of this Code, and reference shall be made in the charging instrument to that particular section of the Oregon Revised Statutes, as incorporated by reference, which has been violated. If any other section of this Code or any other code or ordinance creates a specific violation offense in conflict with a violation offense incorporated by reference in this Code, the provisions of the violation offense incorporated by reference shall govern.

5.415 Soliciting or Confederating to Violate Code.

No person shall solicit, aid, abet, employ or engage another, or confederate with another, to violate a provision of this Code or any other code or ordinance of the City.



To: Jodi Fritts, City Administrator
From: Dixon Andrews, Chief of Police
Date: October 25, 2012

Re: Unsafe vacant house at 29704 Shore Pine Lane

Dear City Administrator Fritts,

Recently it was brought to the attention of the police department that the vacant house, located at 29704 Shore Pine Lane, Gold Beach, Oregon, was being used as a flop house for transients. In the past five days the police department has responded several times to the location regarding trespassers. During each response time there was evidence that someone had been inside of the house. During one response day before yesterday we locked the doors. We returned yesterday morning and the front door had been forced open. We had three responses to the property just yesterday and each time we could tell that someone had been inside of the house.

While personally responding to calls at the house I have made several observations regarding the condition of the house that causes me concern regarding safety to the community. The house is not properly secured. In spite of our efforts to lock the doors, the doors have subsequently been forced open. Several windows are missing. The area several issues with the building itself. The roof appears to be failing, a major bearing wall at the front of the house is bowing out causing me concern of collapse, the siding on the house is literally mush and on the north side of the house there are large holes in the siding. When I walked through the house there are areas of the floor, particularly the main entry hallway, where the floor feels like it is ready to give way.

Yesterday I was able to make contact with the property owner, Mr. Richard Butler, who resides in Yreka, California. Mr. Butler told me he was thinking of listing the property for sale and doesn't know what to do with it. He told me that he has local resident and neighbor Scott Donaca keeping an eye out on the house and keeping the grass mowed. I contacted Scott Donaca and suggested that the windows be boarded up properly and that padlocks be installed on the doors so no one could go in or out through the doors.

I spoke with a neighbor from the apartments right next door to the house and learned that for months a who's who of homeless people that have lot's of contacts with the police have been going in and out of the house.

My primary concern right now as we approach winter is that a homeless person is going to build a fire inside of the house to keep warm and burn the place down. The

house is located next to an apartment building on the south and a single-family dwelling to the north. Both of those structures could be at risk if a fire started. My other concerns would be for the poor condition of the physical structure and the risk of ceiling collapse, wall collapse, and floor cave in.

Attached are photographs that I took of the property yesterday.

Thanks,


Dixon Andrews, Chief of Police

Cc: Bruce Floyd, Fire Chief



City of Gold Beach
Memo

America's
Wild Rivers
COAST
THE MILES OF NATURE'S BEST

Thursday, October 25th

Chief Andrews investigated the house at 29704 Shore Pine Lane for possible declaration of a dangerous building. He provided a written report and photographs. After discussing the house with him and viewing the photographs, I directed Public Works staff to board up the openings of the house and make it secure so no one could enter the building.

The City of Gold Beach is dedicated to enhancing quality of life, while promoting the health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community.

DECEMBER ATTACHMENTS



City of Gold Beach
29592 Ellensburg Avenue
Gold Beach, OR 97444
Administration: 541-247-7029
Police Department: 541-247-6671
www.goldbeachoregon.gov



November 15, 2012

Richard Butler
PO Box 883
Yreka, CA 96097

Sent Certified and First Class USPS

**RE: Dangerous Building Hearing
29704 Shore Pine Lane**

Dear Mr. Butler:

Pursuant to City Code Section 5.370 you are being notified of a pending Dangerous Building Hearing regarding the structure located at 29704 Shore Pine Lane. The tax records of the Curry County Tax Assessor indicate you are the owner of the subject property.

The hearing will be held at the regular City County meeting on December 10th at 6:30PM in the Council Chambers. At the hearing you have the right to be heard. The Council will determine at the hearing whether the building is Dangerous and may order the removal of the building, or order that the building be made safe. You are strongly encouraged to attend this meeting.

I have enclosed a copy of the Initial Action council report regarding the building. Please contact me if you have any questions regarding this notice or the pending hearing.

Sincerely,

Jodi Fritts-Matthey
City Administrator
jfritts@goldbeachoregon.gov

The City of Gold Beach is dedicated to enhancing quality of life, while promoting the health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community.

Legal and Public Notice

HEARING NOTICE

Pursuant to City of Gold Beach Code Section 5.375, notice is given of a Dangerous Building Public Hearing. The public hearing will be held by the City Council on Monday, December 10, 2012 at 6:30 PM in the City of Gold Beach Council Chambers. At the hearing, the owner or other person(s) interested in the property or the building shall have the right to be heard. The building that is subject to this hearing is located at 29704 Shore Pine Lane, Gold Beach. For information regarding this notice, the public hearing, or the nature of the nuisance, please contact City Administrator, Jodi Fritts-Matthey: 541-247-7029 or email: jfritts@goldbeachoregon.gov.

Published: November 28 and December 5, 2012, in the Curry County Reporter, Gold Beach, Oregon.

RESOLUTION R1213-06

**A RESOLUTION REGARDING THE DANGEROUS BUILDING
DETERMINATION OF A BUILDING LOCATED AT
29704 SHORE PINE LANE**

WHEREAS, a Dangerous Building Hearing was held on December 10, 2012, pursuant City Code Section 5.370; and

WHEREAS, notice was given of the hearing to the owner(s) of the property located at 29704 Shore Pine Lane, Assessor Map number 3615-DC tax lot 600, according to the above referenced code section; and

WHEREAS, the hearing was conducted according to the procedures outlined in the Code, and evidence was taken in the form of exhibits, and oral and written testimony; and

WHEREAS, at the conclusion of the public hearing, the Council found that the building located at 29704 Shore Pine Lane **met** the definition of Dangerous Building as defined in Section 5.350(1) and therefore is deemed "dangerous".

NOW, THEREFORE, BE IT resolved the City Council of the City of Gold Beach finds that the building located at 29704 Shore Pine Lane is a Dangerous Building as defined by City Code.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 10th DAY OF DECEMBER 2012.

APPROVED BY:

James H. Wernicke, Mayor

ATTEST:

Candy Cronberger, City Recorder

RESOLUTION R1213-06

**A RESOLUTION REGARDING THE DANGEROUS BUILDING
DETERMINATION OF A BUILDING LOCATED AT
29704 SHORE PINE LANE**

WHEREAS, a Dangerous Building Hearing was held on December 10, 2012, pursuant City Code Section 5.370; and

WHEREAS, notice was given of the hearing to the owner(s) of the property located at 29704 Shore Pine Lane, Assessor Map number 3615-DC tax lot 600, according to the above referenced code section; and

WHEREAS, the hearing was conducted according to the procedures outlined in the Code, and evidence was taken in the form of exhibits, and oral and written testimony; and

WHEREAS, at the conclusion of the public hearing, the Council found that the building located at 29704 Shore Pine Lane **did not** meet the definition of Dangerous Building as defined in Section 5.350(1) and therefore could not be deemed "dangerous".

NOW, THEREFORE, BE IT resolved the City Council of the City of Gold Beach finds that the building located at 29704 Shore Pine Lane is not a Dangerous Building as defined by City Code.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 10th DAY OF DECEMBER 2012.

APPROVED BY:

James H. Wernicke, Mayor

ATTEST:

Candy Cronberger, City Recorder

MISC ITEMS
INCLUDING POLICY DISCUSSIONS
AND DETERMINATIONS

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 10 a.

Council Hearing Date: December 10, 2012

Department: Administration and Council Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Urban Renewal Vacancies and Next Steps

SUMMARY AND BACKGROUND:

As we discussed at the November meeting there will be two vacancies on the current Urban Renewal Agency on January 1st (positions #2 and #4). It was discussed that now that we are at the plan stage that it might be a good time to change the make-up of the agency. Currently Ordinance 637 Section 4 states the membership shall be comprised of four citizens and one Council member. It has been suggested that the Council could be made the UR agency and then have 2-4 citizen advisors. I am attaching a memo from our UR contractor, Elaine Howard, regarding agency make-up.

I am also including her UR 101 handout she has prepared for us.

FINANCIAL IMPACT:

None at this time

DOCUMENTS ATTACHED:

- Memo with attachments from Elaine Howard
- UR 101 handout
- Copy of Ordinance 637

REQUESTED MOTION/ACTION:

Determination on to proceed with the make-up of the agency.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

ORDINANCE NO. 637

AN ORDINANCE DECLARING THAT BLIGHTED AREAS EXIST IN THE CITY OF GOLD BEACH, RECOGNIZING THE NEED FOR AN URBAN RENEWAL AGENCY TO FUNCTION IN THE CITY OF GOLD BEACH, CREATING THE URBAN RENEWAL AGENCY OF THE CITY OF GOLD BEACH

The City Council of the City of Gold Beach finds that:

- (1) There exist within the City of Gold Beach blighted areas as defined by ORS 457.010.
- (2) Such blighted areas reduce the economic values of real property within the city and negatively affect ad valorem tax revenues.
- (3) There is need for an urban renewal agency to function in the City of Gold Beach.
- (4) ORS 457.035 authorizes the creation of an urban renewal agency for the City of Gold Beach.

NOW THEREFORE, the City of Gold Beach ordains as follows:

Section 1: Title

This Ordinance may be cited as the Gold Beach Urban Renewal Agency Ordinance.

Section 2: Declaration of Blight:

Pursuant to ORS 457.035, the Gold Beach City Council declares that blighted areas now exist in the city, and there is currently a need for an urban renewal agency to function in the City of Gold Beach.

Section 3: Agency Title

The urban renewal agency created by this ordinance shall be known as the Gold Beach Urban Renewal Agency.

Section 4: Membership

- (1) The Gold Beach Urban Renewal Agency shall be comprised of four (4) citizen members and one Gold Beach City Council member. One (1) of the members may reside outside the city limits of the City of Gold Beach but within the Gold Beach Urban Growth Area. All other members must reside within the city limits of the City of Gold Beach.

- (2) The members of the Gold Beach Urban Renewal Agency shall be appointed by the Mayor and approved by the Gold Beach City Council. The term of office of each of the citizen members shall be for a period of four (4) years, or until a successor is appointed and qualified. Notwithstanding any other provision of this ordinance, two (2) citizen members appointed in 2010 shall serve a term of two (2) years, and two (2) citizen members appointed in 2010 shall serve a term of four (4) years. The term of office of each member of the Gold Beach Urban Renewal Agency who is also a city councilor shall be concurrent with that member's term of office as a city councilor.
- (3) In the event of a vacancy on the Gold Beach Urban Renewal Agency that remains unfilled for more than 60 days, a second City Council Member shall be appointed on a temporary basis by the Mayor until another citizen member can be appointed.

Section 4: Powers

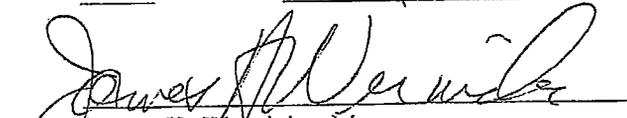
All of the rights, powers, duties, privileges and immunities granted to and vested in an urban renewal agency by the laws of the State of Oregon, are vested in the Gold Beach Urban Renewal Agency.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, THIS 26th DAY OF July 2010.

ATTEST:

APPROVED BY THE MAYOR THIS
26 DAY OF July 2010.


Ellen R. Barnes, City Administrator

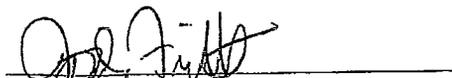

James H. Weirnicke, Mayor

First Reading: 7/12/2010

AYES: 5
NAYS:
ABSENT:

Second Reading: 7/26/2010

AYES: 5
NAYS:
ABSENT:


City Recorder

MEMO

TO: Jodi Fritts, City Administrator

FROM Elaine Howard

RE: Urban Renewal Agency Make-up

DAT November 29, 2012

The present Gold Beach Urban Renewal Agency is comprised of citizens and a Gold Beach City Councilor. The question has arisen about the composition of the urban renewal agency if the Gold Beach City Council adopts an urban renewal plan.

The most pertinent issues are the comfort level of the city council in delegating to a non-elected body the ability to make decisions about allocation of funding to projects within the urban renewal area and communication between an urban renewal board and the city council. Especially in small communities, city councilors will often be approached in informal situations about urban renewal projects and spending and must have sufficient information to feel comfortable answering those questions. If the urban renewal board is comprised of people separate from the city council, there must be close coordination with the city council so they feel totally confident answering questions.

Under Oregon State Statutes, urban renewal agencies may be comprised of the governing body of the municipality, (in this case the Gold Beach City Council) a separate group appointed by the governing body of the municipality (as is now the case in Gold Beach) or a housing authority if the housing authority is the entity proposing to do projects. There are pros and cons to each composition. The Association of Oregon Redevelopment Agencies (AORA) has just completed an Urban Renewal Best Practices Handbook (Handbook) which details these issues. The section on urban renewal agencies is attached. In Oregon, the majority of urban renewal agencies are governed by the elected officials of the municipality by which the agency was created. In a recent ad hoc survey by the Association of Oregon Redevelopment Agencies the following agencies replied:

UR AGENCY Separate from City Council

Talent
Phoenix
Florence
Hood River
Wood Village
Tillamook

UR AGENCY is the City Council:

Winston
Lebanon
Astoria
Coos Bay
Salem
Albany
Bend
Redmond
Boardman
Lake Oswego
Lincoln City
Tualatin
Philomath
Bandon
Lake Oswego
Keizer
Estacada
The Dalles
La Grande
Wilsonville

The section in the AORA Handbook on disadvantages of a separately appointed urban renewal board are:

“The disadvantages of this form of governance include:

- The municipal governing body may be unwilling to truly delegate

authority to a separate board, and this may result in "second guessing" board decisions.

- The board is less accountable to the voters of the municipality.
- Board decisions may not be considered final by the public. They may be appealed to the governing body, causing delays or reversals of board decisions.
- In smaller organizations, where the same staff that perform city or county functions also perform urban renewal functions, the potential for conflicting direction increases."

The section in the Handbook on disadvantages of an urban renewal agency which is comprised of the elected officials of the municipality are:

"The disadvantages of this form of governance include:

- Representation on the urban renewal agency board is limited to the elected municipal officials. Opportunities for other qualified or interested citizens (e.g., real estate developers, lenders, and other experts) to directly participate in agency governance are eliminated. This can be mitigated by the use of advisory committees (ad-hoc or otherwise).
- Board membership can be unstable, i.e., subject to change with each election, potentially resulting in a lack of continuity in urban renewal agency governance and decision-making. This instability is often mitigated by continuity among staff, legal representation, and advisors.
- Urban renewal agency decisions may, in part, be based on political agendas rather than sound development considerations.
- Urban renewal agency issues may not receive sufficient attention from board members who often have heavy demands placed on them in their roles as city council or county commission members. This can be mitigated by the use of advisory committees (ad-hoc or otherwise).
- Actual or perceived conflicts between the urban renewal agency and the municipality may exist, making it more difficult for these interests to be kept separate.

- The urban renewal agency board may not be as willing to advocate for their interests when they conflict with municipal interests.
- In some cases, there may be simple confusion as to which legal body has the authority to make a particular decision.”

The boards with whom I have worked that are separate from the City Council are:

1. Phoenix: In this case, there is an urban renewal manager who works half-time for the urban renewal board. The same manager works for the Talent Urban Renewal Agency.
2. Talent: In this case, there is an urban renewal manager who works half-time for the urban renewal board. The same manager works for the Phoenix Urban Renewal Agency.
3. Tillamook: The urban renewal board has a city council representative on it and they have a part time staff person who is also the assistant to the City Manager. There is some conflict between the Agency and the City Council.
4. Winston: Recently changed from an appointed group who were not city council members to the city council.
5. Hood River: The urban renewal board is comprised of Port of Hood River representatives and Hood River City Councilors. One of the three urban renewal areas encompasses the Port properties on the waterfront. They also have an urban renewal advisory committee.
6. Wood Village: They appointed a local developer to their urban renewal board along with the City Council and a Planning Commissioner.
7. Florence: There are nine board members, the mayor, two city councilors, one nominated by the Lane County Commissioners, five at-large.

If the City Council is the Urban Renewal Agency Board, they may decide to appoint an advisory committee for either project by project needs or on a long term basis. The attached Handbook has recommendations about advisory committees.

If the Gold Beach City Council desired to change the composition of the Gold Beach Urban Renewal Agency, they would take this action by an ordinance amending the original ordinance establishing the urban renewal agency.

3. Creating an Urban Renewal Agency

Urban renewal agencies are separate and unique entities that may be activated by municipal entities (cities or counties) via authority of Oregon Revised Statutes (ORS 457.035).

As a separate entity, the elected municipal governing board must establish the governing structure of the URA, including appointing a board. This decision may be influenced by a number of factors discussed in this section, as well as other factors such as the various projects and programs that are considered for inclusion in the URA's Plan.

CHAPTER CONTENTS

This chapter contains the following sections:

- 3.1 Establishing the Board
- 3.2 Advisory Committees

3.1 ESTABLISHING THE BOARD

A. Background

Urban renewal agencies are governed by a separate and distinct board from the municipality by which it was formed. The municipal entity that creates the URA is responsible for determining the structure of the board, as provided by ORS. There are three potential structures for the urban renewal agency board:

- Governing body itself
- Separate group—appointed by the municipal governing body
- Housing authority

B. Statutory Provisions

ORS 457.045 provides that a municipality's governing body may choose to exercise the powers of an urban renewal agency by:

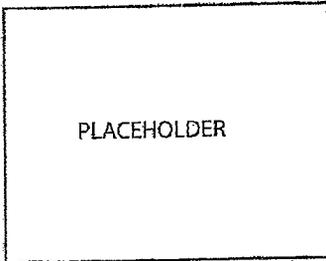
- (1) the municipality's housing authority,
- (2) a separate board or commission of no fewer than three members, or
- (3) by the governing body itself, acting as a governing body separate from the municipality they were elected to represent.

A housing authority functioning as an urban renewal agency must appoint an advisory board, but otherwise, advisory committees are not required.

C. Discussion

Historically, in Oregon, elected municipal officials have generally desired substantial control over urban renewal decisions. Therefore, most urban renewal agency boards consist of the members of the city council or county commission. Of those urban renewal agencies where the municipality's governing board created boards consisting of non-elected officials, some require that at least one member of the board be an elected municipal official.

The governing bodies of municipalities just starting an urban renewal program can sometimes find it difficult to decide whether to establish a separate board or retain direct authority. There are examples where municipalities have created a separate board and later decided to return authority to the elected governing body. The agency board may also decide whether or not to designate one or more advisory committees, and if so, the board also determines what functions the committee(s) should serve.



Picture of board or advisory committee.

So what is the best governance structure and why? Although there are no specific authoritative sources that address best practices for local government board governance, guidance can be found in *Best Practices: Nonprofit Corporate Governance* and the *Five Habits of High Performance Boards*. The key issues raised by the authors of these documents are as follows:

Key considerations included in both documents directly relevant to the creation of an urban renewal agency:

- The relationship between the board and staff
- Duty of loyalty, distinct entity

Relationship between board and staff

The success of the URA, just as is the case with the municipality itself, is very much dependent upon the staff and the support they receive from the urban renewal agency board. Additionally, what often undermines the success of an organization are actual or perceived conflicts of interest.

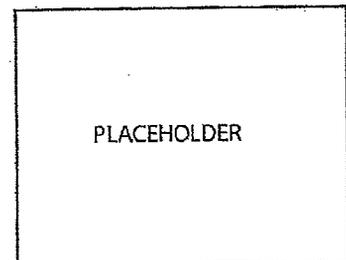
Practically speaking, there are very few urban renewal agencies that have the staff resources to operate independently. Although the urban renewal agency may have staff dedicated to urban renewal projects and activities, the agency is generally supported by departments in the rest of the municipal organization, such as finance, planning, public works, and city or county management. This reality makes it very challenging for staff should there be two separate and distinct boards.

Duty of loyalty

The duty of loyalty to a distinct entity may be addressed through the recognition that the urban renewal agency is a “component unit” of its founding municipality. In other words, loyalty belongs to the parent entity, i.e., the municipality that created the urban renewal agency.

Urban renewal functions and activities are generally specific and limited. The urban renewal agency’s authority is controlled not only by state law but also by policy documents, e.g., the urban renewal plan, that specify, among other items, the projects and activities to be undertaken, the estimated cost of projects and activities, the maximum amount of funding, and the estimated period of time to accomplish the plan.

Each urban renewal plan is different, with various projects and activities of the urban renewal agency supporting the overall vision. Therefore, each urban renewal agency has different leadership and governing requirements, and these may vary from time to time during the life and implementation of an urban renewal plan.



Picture of board or advisory committee.

Municipal governing board vs. appointed board configuration

There are advantages and disadvantages to each of the two options that are currently used in Oregon (no housing authorities currently exercise urban renewal powers).

Table 2. Overview of Board Structure

	ELECTED CITY OR COUNTY OFFICIALS	APPOINTED BOARD
Direct oversight of elected officials	Retained	Compromised
Perception of decision being final	Retained	Perception may be that decisions may be challenged
Public attendance at meetings	Improved attendance (other business)	Attendance may be reduced
Representation of board	Limited to elected officials	Board members with unique qualifications can be recruited
Accountability	Accountable to voters	Accountable to elected body
Stability	Potential to be less stable (subject to change with each election)	Generally more stable
Sufficient Attention	Heavy demands of the primary entity may reduce attention— involvement with other related issues may offset	Generally more direct attention

1. City council or county commission as agency board

The advantages of designating the city council or commission or county commission as the urban renewal agency board include:

- Direct oversight is retained by the municipality's elected officials. Given the scope and importance of decisions regarding urban renewal in most communities, this degree of oversight is important.
- Decisions will be considered final, as opposed to the decisions of a separate board, which might be appealed to the governing body. (However, the decisions of a separate urban renewal agency board in undertaking an adopted urban renewal plan are not, strictly speaking, appealable to the municipal's governing body.)
- The urban renewal agency's board meetings may be better attended if they are held concurrently with council or commission meetings.

The disadvantages of this form of governance include:

- Representation on the urban renewal agency board is limited to the elected municipal officials. Opportunities for other qualified or interested citizens (e.g., real estate developers, lenders, and other experts) to directly participate in agency governance are eliminated.
- Board membership can be unstable, i.e., subject to change with each election, potentially resulting in a lack of continuity in urban renewal agency governance and decision-making. This instability is often mitigated by continuity among staff, legal representation, and advisors.
- Urban renewal agency decisions may, in part, be based on political agendas rather than sound development considerations.
- Urban renewal agency issues may not receive sufficient attention from board members who often have heavy demands placed on them in their roles as city council or county commission members. This can be mitigated by the use of advisory committees (ad-hoc or otherwise).
- Actual or perceived conflicts between the urban renewal agency and the municipality may exist, making it more difficult for these interests to be kept separate.
- The urban renewal agency board may not be as willing to advocate for their interests when they conflict with municipal interests.
- In some cases, there may be simple confusion as to which legal body has the authority to make a particular decision.

2. Separate agency board

The advantages of designating a separate urban renewal agency board include:

- The board's full attention can be given to urban renewal matters.
- The board may be more likely to represent the interests of the urban renewal agency in those circumstances where there may be conflicts with the municipality.
- The potential conflict of interest is limited as the urban renewal agency is a component unit of the parent municipality.
- Urban renewal agency decisions might be more likely to be made on the basis of sound development considerations.
- Board membership may include one or more elected officials in order to retain a measure of direct oversight by the municipal governing body.
- There may be other unintended consequences associated with appointing fewer than all elected officials to an advisory committee.

3. CREATING AN URBAN RENEWAL AGENCY

- Perception, real or not, that the appointed elected officials speak for the majority of the municipal governing board.
- Potential communication issues created by filtering information.
- Board membership may represent particular areas of expertise, interests in the community and/or within the URA.

The disadvantages of this form of governance include:

- The municipal governing body may be unwilling to truly delegate authority to a separate board, and this may result in “second guessing” board decisions.
- The board is less accountable to the voters of the municipality.
- Board decisions may not be considered final by the public. They may be appealed to the governing body, causing delays or reversals of board decisions.
- In smaller organizations, where the same staff that perform city or county functions also perform urban renewal functions, the potential for conflicting direction increases.

Urban renewal boards in Oregon

In Oregon, a majority of urban renewal agencies are governed by the elected officials of the municipality by which it was created. Additionally, there are examples within the state of the elected body of the municipality changing the board composition to address changes in conditions within the community or the urban renewal plan.

Table 3. Elected boards vs. appointed boards

	ELECTED CITY OR COUNTY OFFICIALS	APPOINTED BOARD
Number of agencies	Retained	Compromised
Advisory boards	Retained	Perception may be that decisions may be challenged
Change in board composition	Improved attendance – other business	Attendance may be reduced

D. Best Practices Tips

- Elected officials of the municipal governing board are encouraged to give serious consideration to the issues presented above. They should also consider public comments about the various options for board composition, given their specific plan, community, and other issues, prior to forming the urban renewal agency and/or making changes to an existing agency board.

- If the municipal governing board chooses to appoint a “separate group,” whether that group includes one or more elected municipal governing board members or not, the municipal governing board is encouraged to document desired board member profiles, roles and responsibilities for the board, its members, and the governing body.

3.2 ADVISORY COMMITTEES

A. Background

Any form of an urban renewal agency board may appoint an advisory committee, although advisory committees are more frequently appointed by boards that consist of the municipal governing body.

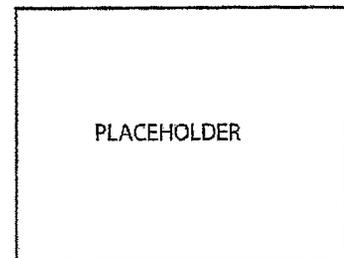
B. Statutory Provisions

There are no statutory provisions for advisory committees.

C. Discussion

Appointing an advisory committee(s) can help mitigate some of the disadvantages of having the city council or county commission serve as the urban renewal agency board.

- Advisory committees can devote their full attention to urban renewal issues, and the urban renewal agency board, in many cases, can choose to heavily rely on their advice.
- Advisory committees can also broaden participation in urban renewal decisions and can represent varying interests and expertise in the community.
 - Municipalities should be aware that advisory committees may have a tendency to desire direct decision-making authority when it is not desired by the urban renewal agency board, which can lead to conflicts with the urban renewal agency board.
- The urban renewal agency board can also decide whether the committee is to advise on all urban renewal issues or only on certain types of issues.
- Ad-hoc committees may serve the urban renewal agency board best because they have a limited scope and time frame. This may serve to:
 - Increase the efficiency of an organization
 - Reduce potential conflicts in authority with elected boards



Picture of advisory committee.

- o Increase ability to recruit experts for a given project or program
- o Expand the field of potential committee members due to reduced length of time commitment
- An urban renewal agency board can give consistent and substantial weight to advisory committee recommendations.
- Though the urban renewal agency board is not bound by advisory committee recommendations, if such recommendations are not given a prominent place in board decisions, the advisory committee will lose its effectiveness.
- Ad-hoc committees can be assigned to specific projects or programs.

Table 4. Ad-hoc committees vs. standing committees

	AD-HOC COMMITTEE	STANDING COMMITTEE
Dedicate full attention to agency activities	Yes	Yes
Broaden participation in agency activities	Yes	Yes
May desire direct decision authority	Less likely	More likely
Limited scope and time line	Generally	Generally no
Increase efficiency of staff	Generally	Possibly, but less often
Reduce potential conflicts of authority with elected officials	Generally	Possibly, but less often
Increase potential to recruit experts	Yes	More so than elected bodies, less so than ad-hoc committee
Expanded pool of potential members due to reduced time commitment	Yes	More so than elected bodies, less so than ad-hoc committee

D. Best Practices Tips

If the board consists of the municipal governing board, AORA encourages the use of ad-hoc committees to advise the municipal governing board on various projects and/or programs.

If jurisdictions decide to create continuing advisory committees, then these committees should have clear and defined parameters, and those parameters should include topics like: purpose, composition, term-limits, staffing costs, etc.

Urban Renewal 101
Handout prepared by
Elaine Howard

Urban Renewal and Tax Increment Financing

What is Urban Renewal?

Urban renewal is one of the few tools for encouraging local economic development. It is unique in that it has its own funding source, tax increment financing. Urban renewal is a program authorized under state law and implemented locally that allows for the concentrated use of property tax revenues to upgrade certain designated areas of a city or county. These areas are called "blighted" by state statute and typically contain sections of a city that are underdeveloped and not contributing fully to the local economy. They can have buildings which are in need of renovation, property which should be developed or redeveloped, or utilities and street and pedestrian systems in poor repair or needing upgrading.

The underpinning theory of urban renewal is that if these properties and the surrounding infrastructure are upgraded, they will contribute more substantially to the local economy and to the property taxes which support all of the taxing jurisdictions.

How is an Urban Renewal Program Started?

For an area to be designated as an urban renewal area, a city normally completes a feasibility study to determine appropriate boundaries and to analyze the financial feasibility of the area, including the impacts on the other taxing jurisdictions. Depending on the results of the feasibility study, the city will determine whether they want to proceed with the development of an urban renewal plan.

The City of Gold Beach completed an urban renewal feasibility study in the spring of 2012 for an urban renewal area that encompasses the commercial areas of Gold Beach. The feasibility study determined that the potential urban renewal area met the statutory qualifications for blight and can produce tax increment for use in helping the area develop. The city directed the preparation of a draft urban renewal plan.

An urban renewal plan establishes an urban renewal boundary, goals, and objectives for the area, and outlines projects and programs that will help to improve the conditions in the area. The plan also sets a limit on the amount of money which can be used to fund these projects and programs, called a "maximum indebtedness". The urban renewal plan is accompanied by a technical report which contains the financial Feasibility analysis and estimates when funding will become available to pursue projects within the area. The urban renewal plan must be adopted by the City Council.

What is the Adoption Process for an Urban Renewal Plan?

The planning for urban renewal typically involves review and input from a citizen committee and city staff. In Gold Beach the Urban Renewal Agency is comprised of citizens who will review the draft urban renewal plan. Once a draft plan is prepared and reviewed by the Gold Beach Urban Renewal Agency, it must be circulated to the impacted taxing jurisdictions for their review

Urban Renewal and Tax Increment Financing

and comment. The plan must be presented to the Planning Commission and to the City Council for adoption. Any action by the City Council must be by non-emergency ordinance after a public hearing is held. Notice of the public hearing must be sent to each individual household in the city.

What types of Programs or Projects are Eligible under Urban Renewal?

Urban renewal agencies can do certain projects or activities under an adopted urban renewal plan. These activities generally include:

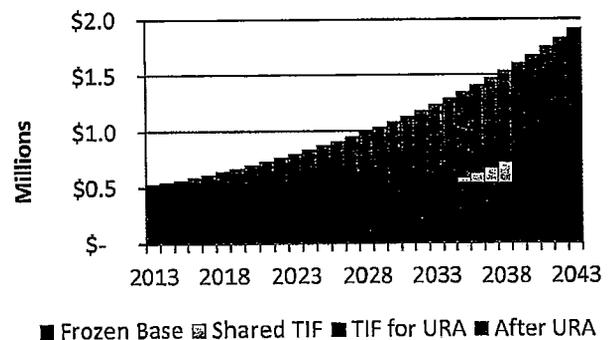
- Construction or improvement of public facilities including streets, sidewalks, utilities, parks, and other public uses
- Storefront improvements
- Participation with developers for property improvement
- Rehabilitation of existing buildings

How are Urban Renewal Plans Financed?

At the time an urban renewal plan is adopted, the county assessor calculates the total assessed value of the area and establishes this value as the “frozen base” for the area. Growth above the base is called the “increment.” Tax increment revenues are the property tax revenues generated off the increase in the assessed values over the frozen base (not including rates for General Obligation Bonds and Local Levies approved by voters after October, 2001). This concept is shown in the chart on the next page. The chart depicts a 25 year plan, but plans may be longer, depending on the timing of bond placements and the need for financing. This scenario shows the frozen base (red) and the

tax increment (TIF in blue) that is anticipated to fund projects and programs in the urban renewal area. The chart also shows that some revenue sharing is anticipated with the taxing jurisdictions, shown in green in the chart. Revenue sharing commences when specified targets established in urban renewal law are met. The purple shows the projected tax revenues once urban renewal ends in the future.

Gold Beach Tax Revenues



How Does Tax Increment Financing Affect Overlapping Taxing Districts?

Taxing jurisdictions gain revenues through the collection of property taxes. Property tax increases come through new development and the statutory limit of 3% increase in assessed values on existing real property. During the use of tax increment financing, the permanent rate property taxes on the growth in assessed value in the urban renewal area are allocated to the Urban Renewal Agency and not the taxing district. The taxing jurisdictions are still able to collect the property tax revenues

Urban Renewal and Tax Increment Financing

from the assessed value of the frozen base, but increases in revenues are allocated to the Urban Renewal Agency for use within the urban renewal area. In many urban renewal areas, that growth from new investment would not have occurred but for the use of urban renewal which has stimulated the growth.

The impact on schools and education service districts is indirect, as they are funded through a state allocation based on per pupil counts. Property taxes fund a portion of the state school fund, but not all of it.

Once an urban renewal area is terminated, there generally will be an increase in property tax revenues to all taxing jurisdictions. This increase of property tax revenue is a result of the ability to concentrate funding in

a specific area, encouraging the area to develop properly.

How Does Tax Increment Financing Affect Property Tax Payers?

Most property tax payers will not see an increase in property taxes as a result of urban renewal. However, once an urban renewal plan is adopted in an urban renewal area, tax

payers within that area will see a line item on their property tax statements for urban renewal. This can be quite confusing because even if you are not physically located in the area, you will see an indication of the impact of urban renewal on your property tax bill. Your overall tax bill does not increase, but the allocation of revenues received from your payment is changed as a portion of that payment now goes to urban renewal. This is called "division of taxes" and is the administrative way that assessors must calculate the urban renewal revenue. A sample property tax bill for the City of Gold Beach is shown below. The total taxes does not change, they are just distributed differently if there is urban renewal.

Jurisdiction	Rate	2013	2013
		Property Value	Property Value
		\$103,000.00	\$103,000.00
School CC1	3.9171	\$403.46	\$391.71
ESD	0.4432	\$45.65	\$44.32
SWOCC	0.7017	\$72.28	\$70.17
City-Gold Beach	2.336	\$240.61	\$233.60
Port-Gold Beach	0.4132	\$42.56	\$41.32
Cemetary-Rogue River	0.0772	\$7.95	\$7.72
Health Curry	0.7425	\$76.48	\$74.25
Library Curry	0.6609	\$68.07	\$66.09
CC 4-H Extensions	0.1021	\$10.52	\$10.21
Curry County General	0.5996	\$61.76	\$59.96
Urban Renewal			\$29.98
Total Tax Rate	9.9935	\$1,029.33	\$1,029.33

Insert City of Gold Beach Logo here.