

MINUTES
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444
MONDAY, JANUARY 14, 2008
REGULAR MEETING: 6:30 P.M.
2 PUBLIC HEARINGS: 6:35 P.M.

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

POPOFF "SWORE IN" D.L. "ERIC" FREDERICKSON AS CITY ADMINISTRATOR

THE PLEDGE OF ALLEGIANCE:

ROLL CALL:

	<u>PRESENT</u>	<u>ABSENT</u>
Mayor Karl Popoff	___X___	_____
Council Position #1 Sue Johnson	___X___	_____
Council Position #2 Don Flynn	___X___	_____
Council Position #3 Peter Peterson	___X___	_____
Council Position #4 Vacant	_____	_____
Council Position #5 David Alexander	___X___	_____
City Administrator Eric Frederickson	___X___	_____

****NOTE:** Comments and participation from the audience shall be limited to 5 minutes without redundancy.

CONSENT CALENDAR:

- A. Approval of Council Minutes of 12/10 & 12/13/07.
- B. Review of bills paid in the amount of \$ 215,731.03

MOTION:-> Alexander moved to approve the Consent Calendar as presented, second by Flynn. Johnson, Flynn Peterson and Alexander voted "AYE". VOTE: 4 AYES 1 VACANT

PUBLIC HEARINGS:

ZONE CHANGE - HUNTER CREEK (B)

POPOFF STATED->This is a request for a comprehensive plan and zoning change from Residential (R-2) to Industrial (5-I) on assessor map 3714-18C tax lot 1200 filed by Hughes Commercial Real Estate. The property is located in the Hunter Creek area by the State Police office. A public hearing was previously held before the Planning Commission. The Planning Commission recommends approving the Zone Change Request. A report by Dave Pratt (Planning Director)/Jodi Fritts (City Planner) will be given, then I will call for public input.

POPOFF OPENED THE PUBLIC HEARING AT 6:37 P.M.:

Report from Planning Department

Dave Pratt, Planning Director stated that unfortunately, during his review of the staff report prior to a public hearing, the DLCD notice had not been posted. We're required to publish notice to DLCD 45 days prior to the first hearing-that did not occur. Since the public hearing had been posted and been noticed, we recommend you go ahead with the public hearing, see if there is any testimony, close the hearing and discontinue the public hearing. We'll reschedule in March with a new hearing and re-advertise. Pratt has spoken with the applicant who is fine with the zone change, therefore they are not in attendance this evening.

POPOFF OPENED THE PUBLIC HEARING AT 6:37 P.M.

POPOFF ASKED If anyone in the audience wished to testify on this zone change request? No one wished to speak.

POPOFF CLOSED THE PUBLIC HEARING AT 6:37.5 P.M.

BUILDING LOCATED AT 29720 ELLENSBURG AVENUE (C)

POPOFF STATED->This public hearing is to consider whether the building located at 29720 Ellensburg Avenue is a dangerous building which constitutes a public nuisance. A dangerous building is defined by Section 5.350 of the Code of the City of Gold Beach.

POPOFF OPENED THE PUBLIC HEARING AT: 6:38 P.M.

POPOFF STATED->The notice of this public hearing was published in the Curry County Reporter on 12/18/07, posted at City Hall and mailed to the owner via Certified, Return Receipt requested-it was also hand delivered.

Our police and fire department have inspected the building and given written reports outlining their findings that they believe this is a dangerous building that constitutes a public nuisance. Reports have been received from two contractors stating the building is beyond repair, it would have to be taken down.

First we will hear reports from our fire and police department regarding their physical inspection of the building and then we'll have audience comments.

Chris Kinney - Police Officer - On 12/3/07 (the day of the big storm), I received "welfare check" call on Mrs. Nelson. The front window facing Ellensburg Avenue blew out from the wind. I made contact with Mrs. Nelson. She wouldn't let me inside to begin with. Since I had other calls "backed up", I told her to go inside and hunker down and I would be back as soon as possible to check on her. Based on my initial observation of the front portion (not the living quarters) it was in total disarray. It looked like a tornado had gone through there. I contacted Senior and Disabilities and told them "we need to do something here-she can't stay there". They eventually got a caseworker together, we went back to the residence, knocked on the back door this time. She was pretty hesitant about letting us in for obvious reasons. As soon as I walked in, I could smell the urine, rotting garbage food, a real heavy smell of moldy, wet conditions. I looked inside the kitchen, there was garbage stacked on the counter tops, paper towels piled high in the kitchen sink. I looked up at the ceiling and noticed a steady stream of water leaking through the ceiling-it looked like someone had turned on a faucet. I'm standing in about 2" of water. I have pictures of cobwebs that look like wires they have been there so long. I looked into the living room and I could see the floor was slanted down. It looked to me in one part of the residence the ground was pushing up onto the floor to make it slant. No linen on the bed. She had one quilt that she used for warmth. I only saw a small space heater as her source of heat. Water was dripping onto the box springs and it appeared to be rotten. When we located the shower, it was obvious it hadn't been used for a long time-when we turned it on, brown water just drizzled out. Without going into more detail, just let me say the conditions were deplorable unhealthy and unsafe.

I told Mrs. Nelson she needed to go with the caseworker. She reluctantly went with the caseworker.

You could stick your fingers right through the wall it was so rotten. For safety purposes we roped it off to keep people out. We did go back in to retrieve some personal items for Mrs. Nelson. We found a large amount of black mold. I saw several live rats and mice-rat droppings are all through the residence.

Zane Adams - Captain, Fire Department - Bruce Floyd, Fire Chief prepared a written report outlining his 12/13 inspection of this residence.

The electrical service panel is out of date. There is a wall mounted light fixture that is not properly installed-it has bare wiring protruding through the wall and into the fixture. There is no box mounted in the wall. A light gauge "zip cord" has been used to extend wiring from an outlet, to a lamp across the room (approximately 20-25 feet). The place could not be rented with the wiring in its' current condition. The above described conditions would appear to constitute a fire hazard.

Russ Merkley - Chief of Police -Officer Kinney described the conditions quite accurately. I have a background in construction-I don't know what is holding the south wall. Over half of the studs don't touch the (couldn't hear) anymore-they are completely rotted. The entire wall is going to collapse-either inside or outside. The floor joists are rotten in areas where it has been leaking for an extended period of time. The floor around the toilet was virtually gone. All that was holding the toilet was the plumbing. It is unsafe and uninhabitable.

Two letters were received from contractors stating the building could not be repaired, that it needs to be demolished.

Popoff-Read the letter, into the record, that was received late this afternoon from Perri Rask, the Court appointed Conservator for Mildred Nelson. She stated "please be advised that I agree that Mrs. Nelson's property is beyond repair and must be demolished. I do not intend to object to the City's plan to do so".

POPOFF ASKED If anyone in the audience wished to testify regarding this building. No one wished to testify.

POPOFF CLOSED THE PUBLIC HEARING AT: 6:53 P.M.

ORDINANCES AND RESOLUTIONS:

ORDINANCE # 614 (D)

AN ORDINANCE ESTABLISHING CRIMINAL HISTORY RECORD CHECK POLICIES CONCERNING APPLICANTS FOR EMPLOYMENT AND APPOINTED VOLUNTEERS

Second Reading by Title Only

MOTION:-> Johnson moved to approve the second reading of Ordinance # 614, as read by title only into the record by

Mayor Popoff, second by Flynn. Johnson, Flynn, Peterson & Alexander voted "AYE". VOTE: 4 AYES 1 VACANT

RESOLUTION R0708-8 (E)

A RESOLUTION CONFIRMING COUNCILORS ANNUAL APPOINTMENT OF MAYOR PRO-TEM FOR THE CALENDAR YEAR OF 2008

MOTION:-> Alexander moved to approve Resolution R0708-8 appointing Councilor Peterson as Mayor Pro-Tem for 2008, second by Flynn. Johnson, Flynn, Peterson and Alexander voted "AYE". VOTE: 4 AYES 1 VACANT

RESOLUTION R0708-9 (F)

A RESOLUTION TO REFER TO THE VOTERS A CHARTER AMENDMENT CHANGING THE COMMENCEMENT OF TERMS OF ELECTED OFFICIALS

POPOFF STATED:-> This resolution simply authorizes submitting a proposed change in the City Charter to the voters of the City of Gold Beach. If approved by the voters, it will extend the term of office for the Mayor and Councilors from November 15th to December 15th to allow sufficient time for election results to be certified.

MOTION:-> Johnson moved to approve Resolution R0708-9, second by Alexander. Johnson, Flynn, Peterson and Alexander voted "AYE". VOTE: 4 AYES 1 VACANT

RESOLUTION R0708-10 (G)

A RESOLUTION APPROVING A BOUNDARY CHANGE FOR THE GOLD BEACH ENTERPRISE ZONE

POPOFF:->A public hearing regarding this proposed boundary change was previously held at the county level. If approved, this boundary change will have no affect on the City of Gold Beach, as it is outside the city limits.

MOTION:-> Flynn moved to approve Resolution R0708-10, second by Johnson . Johnson, Flynn, Peterson and Alexander voted "AYE". VOTE: 4 AYES 1 VACANT

MISCELLANEOUS ITEMS: (Includes policy discussion & determination.

DECISION re BUILDING LOCATED AT 29720 ELLENSBURG AVE

POPOFF STATED:-> A public hearing regarding the condition of the building located at 29720 was held earlier this evening. The Council must now determine whether the building is

dangerous and if so, whether the building must be removed in order to cure the dangerous condition or whether it can be made safe, and, if so, what must be done to render the building safe.

MOTION:-> Flynn moved that work needs to be done to protect the neighbors (such as exterminating the rats) and that the building itself cannot be made safe and must be demolished, second by Johnson. Johnson, Flynn, Peterson and Alexander voted "AYE". VOTE: 4 AYES 1 VACANT

MOTION:-> Johnson moved that the owner shall have 30 days to have the work done to protect the neighbors and to have the building at 29270 Ellensburg demolished, that if the work is not done within 30 days, the city will proceed to have the work done by following the state contracting code for advertising purposes, second by Flynn. Johnson, Flynn, Peterson and Alexander voted "AYE". VOTE: 4 AYES 1 VACANT

MOTION:-> Alexander moved to direct city staff to have a resolution prepared incorporating our findings and decisions to come before us at our January 28, 2008 special meeting, second by Flynn. Johnson, Flynn, Peterson and Alexander voted "AYE". VOTE: 4 AYES 1 VACANT

Johnson stated Mrs. Nelson, is 95 years old and still plays in the band at the Senior Center on the weekends.

Alexander stated Mrs. Nelson has been a long time, highly respected member of our community and we do not take this action lightly. We take this action because the circumstances require it and we take this action in the interests of all of the citizens of Gold Beach, in removing a potential health and in other ways, dangerous situation. Councilors all agreed.

Peters commended Officer Kinney for the swift action he took regarding Mrs. Nelson and the building. Councilors all agreed.

MAYOR AND COUNCIL COMMENTS:

COUNCILORS:

Sue Johnson-I don't believe our girls basketball team has been defeated this year. Congratulations.

Mayor and Councilors welcomed Eric Frederickson to the staff. Frederickson stated he looked forward to being of service to the council and the community at large.

David Alexander-McKay's (at no compensation to themselves), in cooperation with Project Graduation is selling Gold Beach Panther automobile window flags at \$10 each. Proceeds go towards Project Graduation and the wrestling team. Great way to support our fine school athletics at Gold Beach High School.

I want to remind everyone that there is never an excuse for domestic violence.

Popoff thanked Milt Walker for volunteering his time in operating the camera so people can watch the meeting in their homes.

CITIZEN COMMENTS:

Mayor-if anyone wishes to add an item for Council consideration to the agenda, you may present it but the request requires a majority concurrence of the members present to be so added. Decisions on added agenda items that were not advertised on the agenda could be challenged.

ANNOUNCEMENTS:

The next regular meeting for the Gold Beach City Council is scheduled for Monday evening, 2/11/08 in the Council Chambers of City Hall, 29592 Ellensburg Ave., at 6:30 P.M.

ADJOURNED AT 7:08 p.m.:

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

Passed by the Gold Beach City Council on February 11, 2008.


Karl Popoff, Mayor

ATTEST:


Shirley Walker, Recorder