

MINUTES
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444
MONDAY, FEBRUARY 9, 2009
REGULAR MEETING: 6:30 P.M.

CALLED TO ORDER AT 6:30 BY MAYOR WERNICKE

THE PLEDGE OF ALLEGIANCE

<u>ROLL CALL</u>	<u>PRESENT</u>	<u>ABSENT</u>
Mayor James Wernicke	X	
Council Position #1 Sue Johnson	X	
Council Position #2 Larry Brennan	X	
Council Position #3 Peter Peterson	X	
Council Position #4 John Truesdell	X	
Council Position #5 David Alexander	X	
City Administrator Don Flynn	X	

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

CONSENT CALENDAR: (A)

- A. Approval of Council Minutes of 1/8, 1/12, 1/13, 1/14/2009.
- B. Review of bills paid in the amount of \$139,110.98.

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

CITIZEN AND/OR AGENCY REQUESTED AGENDA ITEMS:

PROPOSED WEB SITE - Councilor Alexander (B)
 Alexander had been directed to research getting the City of Gold Beach their own web site. Alexander gave a brief report on the importance of a web site for the City of Gold Beach and the proposals they came up with to present to the council. Alexander asked Debra Peabody, President of Peabody Marketing Group to come up to the podium to assist in the presentation.

One proposal is based on a custom website at a cost of \$2,400, the other proposal is based on a semi-custom website at a cost of \$1,200. Alexander related other items and preferences he had discussed with Peabody. The semi-custom website would fit

our needs. Permission has been granted from the photographer to use the picture of the bridge that includes the port basin. The photographer would like one line of recognition for the photo. Ms. Peabody will respond to any questions.

Wernicke-Once we get the semi-custom, for example, it has to be maintained every month by someone.

Debra Peabody, PO Box 280-Gold Beach-I'm proposing an application that will allow you, as a city to update the site yourself. Alexander has offered to update the information at no charge to the city or work out something else with the city to maintain the content. That is included in both estimates including one hour of training.

The semi-custom designs are already laid out. You choose from a choice of nine that we offer-Alexander has selected one (B-A) that he has presented to you as the best choice out of the nine.

The other option is for us to come up with designs based on what you think it should look like and that would be a fully custom design. We would do something completely unique that hasn't already been laid out in design, based on your requests. For example, if you wanted a slide show on the top, we design one of those, or if you wanted different feeds of information coming into the home page, you would tell us that and we do a custom layout for the information you wanted.

In the semi-custom layout there is a very simple text area with a graphic that goes with it-that would be your "welcome" message (Welcome to the City of Gold Beach, here's what we have to offer) on our website). Currently the news application would provide feeds on your home page and a brief summary on what has recently been added to the site. People could very easily subscribe to that.

The domain name that David is considering recommending is \$14.99 a year and the hosting account that the city would purchase (which we have looked at) is approximately \$57 a year but the city is welcome to choose another hosting service.

Ms. Peabody explained how a "search engine" would work and how a "lease option" for local businesses would work. You could include that in your list of "links".

Alexander stated that domain name and the site host are "ours" BUT we have to make sure that we "re-up" the domain name and site host. If we don't do that, then that domain name goes back to general availability. Estimated cost is \$75 per year.

Further questions, answers and discussion ensued.

MOTION->Johnson moved to engage Debra Peabody to design the city a web site, working with David Alexander, as discussed here tonight, second by Alexander. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". 5 AYES

Clarification: Choosing the \$1,200 Semi Custom web host site plus the approximate \$75 domain name and web host site cost.

Alexander said he would secure the domain name and the web host site tomorrow.

PUBLIC CONTRACTS AND PURCHASING:

CONSIDER AWARDING CONTRACT FOR WASTEWATER SYSTEM IMPROVEMENTS PHASE 1 (C)

WERNICKE-> The following six bids were received for Phase 1 (city shop complex) with an estimated completion around the middle of September, 2009.

1.	Batzer Inc.	\$1,309,480
2.	West Coast Contractors Inc.	\$1,499,100
3.	Scott Partney Construction Inc.	\$1,321,000
4.	Woodburn Construction Co.	\$1,119,500
5.	Trian Mechanical Inc.	\$1,274,787
6.	Taylor Site	\$1,199,000

Lon Samuels, the Architect for the project recommends awarding the contract to Woodburn Construction Company.

MOTION-> Johnson moved to award the contract for the Wastewater System Improvements Phase 1 to Woodburn Construction Company, in the amount of \$1,119,500, second by Peterson. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

A brief discussion followed regarding the excellent, spotless, reputation the company has experienced since being formed in 1972.

Truesdell raised some concerns and asked for reassurances regarding the project being over budget and repayment of loans.

The city's ability to pay back the loan was confirmed.

ORDINANCES AND RESOLUTIONS:

RESOLUTION R0809-9 (D)

A RESOLUTION ADOPTING RULES OF THE CITY COUNCIL AS PROVIDED IN THE GOLD BEACH CITY CHARTER, CHAPTER IV, SECTION 13 AND RESINDING RESOLUTION R0203-3

Wernicke stated this is a "re-write" of the council rules that was done by Truesdell, with some input from the other councilors. He has done a wonderful job (council agreed).

MOTION-> Alexander moved to approve Resolution R0809-9, second by Brennan. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

Prior to the vote, Truesdell gave a brief report on the research and changes involved in updating the rules.

Additions:

Council liaison position: a rotating of the council position vote (instead of always starting the vote with position #1, the next month will start with position #2, etc): Citizen comments at the beginning of every regular meeting: The rules include the reversal of an ordinance which was passed last summer, allowing a city councilor to be appointed as a city administrator-that is just a clean-up.

ORDINANCE # 619 (E)

AN ORDINANCE AMENDING SECTION 1.110, (1)(d) OF THE GOLD BEACH CODE

First Reading - The second reading will be 3/9/09

WERNICKE-> This is something Truesdell just addressed as also being in the new rules. It is essentially reverting back to what the section read before it was modified under emergency circumstances in August of 08. The ordinance simply reinstates previous restrictions on the appointment of a city administrator.

MOTION-> Johnson moved to approve the first and second readings of Ordinance #619 by title only, second by Alexander.

Peterson-What are we going to do if something like this comes up again? We run in and we change it again? We changed it

once and said it was an emergency reason that we changed it, now all of a sudden we're saying that now it isn't an emergency, we change it back. So are we going to leave it open and come back in an emergency situation and change it again? I think the way it is right now is the way it should remain.

Alexander-If any type of an emergency comes up that requires changing any measure in the code, that we as a council agree is a valid emergency, then that's fine.

Wernicke-There are going to be some changes in the City Charter so that the situation that arose that created that condition will not arise again. Until such time as those Charter amendments are made, then that will cure the possibility of that same circumstance from arising again. Until such time, I will read those provisions, as if that Charter has already been amended. It is a simple word change in about three provisions within the Charter and that will clarify it and prevent the situation arising again.

Brennan-If it was important enough to have it in the Charter (Ordinance) originally, then it should be put back. It was only taken out for an emergency situation that hopefully won't ever happen again.

Truesdell-Raised some concerns about the council potentially eliminating valuable appointed volunteers on other commissions or committees and recommended eliminating "appointed officials" from the proposed ordinance.

The second sentence regarding "appointed officials" was a concern to everyone because it would prohibit any appointed official from applying for the position of city administrator.

Discussion followed regarding the pros and cons of adopting Ordinance 619.

MOTION-> Alexander moved to table this motion until next month when we have a chance to explore and perhaps re-write this, second by Peterson. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE".

MISCELLANEOUS ITEMS:

POLICE CHIEF POSITION - EMPLOYEE CONTRACT

Mayor Wernicke stated he felt the council should discuss whether or not to authorize the city administrator to offer a

contract for that position for a length of time. Or whether the council would prefer that no contract be authorized. I will say that I don't think there is any question that the next employment will be at least covered by what we used to call an "acknowledgement letter". Wherein the expectations of the job are placed in a letter format, that format is handed to the employee, the employee signs or initials it and keeps a copy of it and the original is given to the city administrator. At that point there should be no doubt about the expectations of the job and duties.

Wernicke stated if we want to attract a younger person that has a family and they want to move to Gold Beach, they are going to want more security than just a letter before they would take the job. A contract for a couple of years would provide them the security.

Johnson-I'm all for your acknowledgement letter but I am totally against employee contracts. I believe that somewhere it is written that the city does not offer employment contracts. It doesn't matter, I am totally opposed to employee contracts.

Brennan-I am in agreement with a letter of employment spelling out the terms of employment but not an employment contract.

Peterson-A letter is great but no contract.

Truesdell-Agree-letter is OK but no contract.

Alexander-Agree-letter is OK but no contract.

EVALUATION FORMS (F)-Mayor Wernicke

Wernicke questioned whether the current short evaluation form is sufficient for the city administrator evaluation. Truesdell volunteered to come up with some evaluation forms from other places and give them to the council for review and perhaps come up with a form that may incorporate sections of different evaluation forms into one specific to the city.

MUNICIPAL COURT (G)

Wernicke stated this discussion would focus on the future of Muni-court both in terms of next year's budget and in terms related to the remainder of this budgeted year which ends on June 30th. I believe it is incredibly important for this community to have our Muni-court. It is the only practical

way for the city to enforce our ordinances. Circuit court does not enforce city ordinances.

I doubt if anyone in the room believes the Circuit Court will have either the time or the inclination to enforce our local ordinances. If they are not enforced - frankly they don't exist.

If we are to move the city forward, we cannot continue to lose the tools necessary for an effective & responsive city government. I firmly believe we must make every effort to keep this court open.

Now, I have heard some reasons not to fund the court. The majority of which sounded as if they were based on personal consideration.

Well tonight the matter is before the council for discussion and debate hopefully on the merits.

Last year the budget committee decided not to fund the Muni-court, apparently it had been a money-losing proposition for a long time. At some point in time Rod Black agreed to volunteer his time and a police department clerk would volunteer. (Johnson stated it was LuAnn Merkley that volunteered her time, not pd clerk). The pd clerk has been taking care of all the paperwork. There has been virtually no overhead for the past six months. The purpose of doing that was to determine if the court could operate without being a financial drain. After seven months of operation, the court has deposited some \$8,615 dollars in the general fund. That amount would essentially fund the court, including anticipated salaries for an eleven-month period of time. Even though the money is there, it is my understanding that it is not directly accessible due to the fact that it is in the general fund and it hasn't been allocated to the Muni-court by the budget committee. There will be a court in the next budget year (09-10) and some amount must be placed in the budget if it is continued to operate this year, it must be funded for the remaining months of the 08-09 budget year.

Working with Black and Whitmore, we have come up with the following concept: Black will work as judge for \$20 per hour with an estimate of 2-4 hours of court time per month. Whitmore will work as clerk on an hourly basis and will keep

track of the time she spends on each case. Black will review and verify those times. The court will provide a quarterly summary to the council itemizing revenues and expenses. Based on those quarterly reports, the council may suspend the court if it does not appear that the court can meet the expenses effectively.

That would require enforcement of our ordinances, including traffic violations in the city to be heard in the circuit court. That would be effectively, in the city's ability, to have a court of its own and an enforcement method of its own.

Wernicke read comments from Ed Jones into the record (G). The city is "grandfathered in" if we abolish Muni-court and we decided at a later date that we wanted to take it back, we would also have to take the major traffic and crimes (jail able offenses) that we don't process now. This would involve juries, attorneys etc., and we could not possibly afford that.

Expenses for a year are estimated at \$13,600, based on the past seven months, it is anticipated that the court revenues would meet or exceed that amount. That is the goal.

We should address directing the budget officer to include, in the budget, for the next fiscal year, the amount of money necessary to fund the court under the terms and conditions I have outlined.

Johnson-There was no six-month period that they would volunteer that long. It was said that after six months, we would take a look at it and see how it was going and that was all. We reviewed it after seven months. We never said we would start paying anyone after six months.

If even a kangaroo court could make money for the city I am all for it. The budget committee had it in there to consider and removed it, the \$2,000. Rod was hired, as Bill Wallace was before he was and Bill never heard a case, not one ordinance violation was written - it was a \$15 an hour job if they ever wrote an ordinance violation ticket - the traffic was cited into Circuit Court. Then somewhere along the way, it turned from an ordinance enforcement officer to a municipal judge-I don't know how that happened. Then Rod came around and wanted us to give the OK to try it again. Writing more tickets and getting some revenue and see what they could do.

My objection is partly because I don't think this is right but that isn't anything for us to worry about. This is going to the budget committee this year, just like it did last year. The budget committee decides how we spend our money. If we spend that now, I don't care what you call it or where you get it from, it is unbudgeted funds. When you start spending unbudgeted funds, is when you start getting into trouble in this city. We spent 9 years getting out of that trouble and now we're just about there. I'm not going to vote for anything that is going to be starting to spend unbudgeted money. I know there is enough money that you could pay it instead of it going into our beginning or ending cash. I would guess that with the budget committee we've got, that the City of Gold Beach (and thanks to the budget committee) is in the best condition of any small city in the State of Oregon financially. We've been prudent and we've stopped spending unbudgeted money. The budget was unanimously approved by the budget committee. I think this flies up in their faces to say "nope, we're going to start doing it right now, just the way we want to". I just don't see how we can do that.

Wernicke-When the budget committee made that decision, they didn't have the \$8,615 revenue to consider-they didn't have the benefit of that input. What they had was looking back at a long period of unsuccessful court. Who knows, if the budget committee had had that information back then, maybe they would have left it in.

Johnson-What they had was a list of tickets that had been written over a period of one year.

Wernicke-\$8,615 in revenue for seven months is pretty impressive. I don't know how you can ignore that. I think it is pretty persuasive. What the budget committee had was a long history of bad times. At some point in time we have to make the effort for our only court. It would be a terrible shame if we lost our court.

Brennan-I think the plan was to have the court in operation for six months and then re-evaluate it. However, there was no provision to evaluate it and then say what was going to happen. We asked him to get the statistics together and bring it to the council so we could determine if it was successful or not. Now we are in that two-month period of time, we still

have another two-month period before the budget is set up. I don't know that we can keep asking that they do it again for another two months, not knowing we if are going to continue or not. They came up with \$8,615 that went into our general fund.

I agree with the Mayor. The budget committee did not have the records to show that the court could perhaps not cost the city money, that it could earn money for the city. Not that that is the goal but if it can pay for itself, I don't see how that can harm the budget. I think we need to continue with it and pay the judge and clerk.

Johnson-I understand it is in the 09-10 budget that is being worked on and we'll be getting in a couple of months.

Peterson-We made a mistake putting that \$8,615 into the general fund. We should have put it into a court-court revenue so we wouldn't have to wonder where we're going to get the money in the event that we have a slow down.

The budget committee said no we're not going to have the money. We, as a council, can send the budget right back to the budget committee until they come up with a fund for the municipal court. We are the ones as a council that decides-not the budget committee. As far as I'm concerned the Gold Beach Municipal Court should continue to operate in the same form until the time of at least the fiscal year 2010-11 and at that time the council will reevaluate the situation. And fund it for the remainder of this fiscal year. I would agree to a six-month review-absolutely no less. We've had a period of time that we've been short on our police force and we will be until we get someone. That takes people off the street when we need the people on the street in order to start writing more citations. We're putting the Muni-court at an unfair disadvantage-the traffic is down and we don't have the police force to do it.

Truesdell-Enforcement is my primary concern. Revenue is secondary. It is a way to fund the department, which provides the enforcement. I agree with Mayor Wernicke entirely. I don't wish to jeopardize the city having and maintaining a functioning non-criminal court. I see us having three options if I understand this correctly.

1. We fund the court as paid positions as of March 1, 2009-June 30, 2009. This would be on a "as needed hourly pay basis".

That means when citations are written, they would be adjudicated, the city would pay for that as fines are being collected. Otherwise, the court would, in essence be inactive. If no citations are written, there would be no expenses. So it would pretty much support itself.

2. Not provide funding for the court, instruct our officers not to write any citations or ordinance violations and I don't see that as being in the city's best interest.

3. To continue operating our court as we have been, successfully, over the last seven months on a volunteer basis with Mr. Black continuing to donate his time and the pd clerk continuing to take care of the paper work. I don't know if she has been doing it during her normal working hours under the pd payroll or if she has been volunteering extra time but under the current way we've been doing it-until the budget committee provides a budget for the new fiscal year, which starts 7/1/09.

I don't want to lose, nor do I wish to have a non-functioning Muni-court.

No matter what happens tonight I would recommend setting up a series of council workshop meetings over the coming 30-60 days to develop a comprehensive municipal court policies and procedures manual. Included would be discussions of budget, scheduling of Muni-court, scheduling personnel requirements, compensation, reporting requirements. These things need to happen regardless of any decision made tonight. We need this to better define all the parameters of Muni-court.

Alexander-I reiterate what Truesdell said about enforcement. Crossing in a crosswalk can be hazardous to one's health. We are not getting the kind of reputation we really need which is "if you put the citizens of our town at risk, there is a cost to do that, there is a consequence to that". The amount of \$13,600-was that an estimate of the yearly cost to operate Muni-court? (YES-estimate is on the high side)

I agree that this should be an item in the 09-10 budget for consideration by the budget committee.

I agree with Councilor Johnson that to take money out of the budget for this year that is not budgeted, is a risky proposition. I also remember when this city was stone cold broke just because of that. If there was a way to continue to

fund Muni-court from the profits it has already made, that's something I would be supportive of. I don't know if we can do that by a line item substitution or what. I'm not a budget expert. But just to willy-nilly grab funds from the budget - I'm not comfortable with that.

Wernicke-I agree but there is \$8,600 in there somewhere, while it is not identified, it certainly should be assessable to the court where the money came in.

Peterson stated we could immediately come up with the money to fund a web page but we can't find money to keep the Muni-court going.

Johnson-The web page would be paid out of "contract service", which is a budgeted line item.

Peterson-Why don't we put the Muni-court under "contract service". They put \$8,600 bucks in and we're saying "thanks, now go away", I don't go for that, that's bs.

Johnson-That's not what any of us have said-I certainly haven't.

Truesdell-Read portions of ORS 294.450 - "Transfers of appropriations within fund or from one fund to another" (G) into the record.

Money wouldn't be taken from any other line item to pay any court expense. It would be money that has already been taken in from Muni-court that would pay any expenses.

Rod Black-I know that I can finish out the year with a lot less than what we have deposited. I go every year to a four-day training session every year. I have attended two-it came to \$790.00 inclusive for the four days. I got 50% back both times because I applied for a scholarship.

Johnson-You have court set up for two times a month-have you always had it two times a month? Are there enough tickets for court two times a month? What would you think about doing it once a month instead of twice?

Black-The last month-no. We had it for two hours one day-seven tickets were contested or people wanting to make payments. If they pay their entire fine, I don't see them.

The problem with scheduling court once a month instead of twice a month is the scheduling of the police officers. If they don't make a cite, we don't hold court.

The reason we did it twice a month is we have arraignments on the first portion of it and then the second portion of it is for the trial. They come in, plead not guilty, two weeks later I set them up for a trial. Because we have a trial date, then anything else that comes in that is new can also be heard on that day.

The \$2,500 expenditure for software can be put off until a later date when more revenue has been generated.

Tickets are issued for nuisance abateements-we had several cites.

All agreed that there is an immediate need to increase fines for abateements, parking, height, etc. cites, they are way out of date. Black stated if a person fails to appear on a \$15 parking ticket, he adds a \$15 administrative fee to the original fine.

Further discussion ensued.

Mark Rasmussen-97137 North Bank Road

Encouraged the council to follow through with Truesdell's suggestion of a "basic foundation" for traffic court to help every one involved to understand how it works. I would be willing to volunteer for that committee. We could use clearer delineations of what was involved and how things work. There seems to be a lot of "gray" water.

Johnson-I want to make it clear that I am not voting against Muni-court. If that's a good thing for us to do then we should do it. I will not vote to have it done the way I think it is going to be-paid out of unbudgeted funds.

Wernicke-We need to decide if we want the budget officer to include a budget figure for the operation of Muni-court for the next fiscal year.

Johnson-That is in there already. It's done.

Wages were discussed.

Truesdell-Stated he wanted to read the following into the record but it is not in the form of a motion. It is to see if it includes everything, then if you agree, I will do it as a motion: (The council agreed, so it was read once, then re-read in the form of a motion) This came on the heels of my recommendation that we convene a workshop or some sort of committee group to better define this.

MOTION:-> Truesdell moved to "Direct the budget officer to research fiscal requirements and include full funding in the proposed budget for a Muni-court operation during the 2009-2010 fiscal year with the understanding that this department is to be self sustaining at minimum and that the council will regularly determine throughout the year whether to continue or discontinue this department, based upon criteria developed in our workshop meetings and ratified at our March 9th regular council meeting", second by Johnson. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

Wernicke-Funding for the Muni-court for the next four months needs to be discussed with the understanding it is not specifically set forth in the budget but also realizing that Muni-court has put \$8,600 into the general fund.

Truesdell-Could we redirect the money that has been generated into a specific Muni-court revenue general ledger account and then if we're looking at a motion to fund Muni-court, we're simply taking the money that has been generated by Muni-court and expensing it out of there.

Linda Alexander-Gold Beach Mobile Home Park. Had several years experience in accounting and computerized accounting. There has to be some sort of tracking devise as to where that money was put and each entry as it came in. Why couldn't that be tracked and put into a separate Muni-court fund.

Discussion followed regarding tracking income and expenses.

MOTION:-> Peterson moved that the Gold Beach Municipal Court will continue to operate with Rod Black being paid \$20 per hour and Gail Whitmore to receive the same pay she is presently receiving and the court will continue on the same form it is presently operated and it will be effective immediately and the cost to the city will be no more than \$3,000 for the remaining of the fiscal year of 2009, second by Brennan. Brennan, Peterson, Truesdell voted "AYE". Johnson and Alexander voted "NAY". VOTE 3 AYES 2 NAYS

Wernicke-I want to appoint a "committee" for purposes of deciding what to do with Muni-court in the way of guidelines. We need to set some guidelines for the court's operation and at the same time we should review any ordinances we have for fee amounts. Any volunteers?

Wernicke, Truesdell, Peterson, Black and Rasmussen will be on the committee. Wernicke will schedule the meetings.

CITY ADMINISTRATOR'S REPORT:

Don Flynn-The monthly progress report on the Wastewater Treatment Plan is available (H) to anyone wishing to look at it.

There has been some discussion about certain departments being prohibited from getting grants, donations, etc. Between December 2006 and now (this is not a complete list) that department has received roughly \$70,000 in donations, grants, etc., plus the grants from ODOT for DUII and Seat Belt grants.

The new police vehicle was ordered (contrary to some of the statements being made) on November 15, 2008. We should have it within the next 30-40 days through the Auto Additions (the dealer). It will arrive with all of the equipment installed. Unfortunately the original order was "over" the budgeted amount. I contacted the dealer and we negotiated and made some changes to get it down to the budgeted amount of \$29,000. It will be a "turn-key" vehicle. A grant was received for around \$3,000 for a stationary radar and a portable radar unit. The unit will be shipped up to the dealer for installation.

The contract for the Wastewater Treatment Plant has been approved by the attorneys, signed by the city and Dyer and has been sent to USDA for final approval.

MAYOR AND COUNCIL COMMENTS:

MAYOR - JAMES WERNICKE:

Last week I attended Mayor's Day conference in Salem and attended many of the festivities, which included speeches from the governor, heads of various departments in legislature, Speaker of the House, etc. They basically had the same things to say. I visited with our representatives, State Senator Kruse and Krieger. I also spoke with the head of the Republican Senate Membership. It is going to be a very bleak year for the entire state but more particularly a bleak year

for rural areas. The "bail out" is primarily going to the urban communities and infrastructure for the state and community colleges.

COUNCILORS:

Sue Johnson-Thanked Don Flynn for the service he has given and the work he has done since the day he was made administrator and for the work he did when he was a councilor. I hope it gets easier.

Larry Brennan-Gave a report on his attendance of an informational presentation by representatives of the Crescent City Airport, held at the courthouse. The financial management of the airport has been transferred to the Border Coast Regional Airport Authority. They have created a "Joint Powers Authority" that includes Del Norte County, Crescent City, Elk Valley Ranchero and City of Brookings. They would like Gold Beach and Curry County to join the Authority to add a greater presence and political clout to the airport authority. No cost to city, we would have someone sit on the board to have input for decision-making details but not budgetary details.

They are trying to add a flight to Medford. Plans are to build a 20,000 square foot terminal to replace the current 2,000 square foot terminal that was built in the 1950's. Estimated cost is \$15-\$10 million dollars with 80% federal funding. Curry County's concerns are the same as our Mayor's concerns which involve a "hold harmless agreement" and an additionally insured clause to cover defense costs of any litigation that may happen to the airport. Jim Bernard, manager of the airport, said we were welcome to attend any of their board meetings until the legal details are completed, without any obligation to the city to join the Authority. I will be attending the meetings.

Peter Peterson-Everyone knows how I feel about public safety and that's why I want our Muni-court involved. Thanked our police department-Rod Black has told me they are working better all the time. They are doing a good job out there and I want to thank them, including you Kelly.

John Truesdell-Attended a Port of Gold Beach meeting in January. Port Manager, Errol Roberts, did confirm that any citations issued by the Port of Gold Beach which can be adjudicated in Muni-court, will be heard in Muni-court. He did clarify that ORS 198 that he had looked at before referred

to a district court (district with a small "d" refers to a district NOT DISTRICT COURT.

I am also the liaison to the planning commission. Last spring, at my request, the council allowed the formation of an architectural committee, a sub committee within the planning commission. Due to a lack of general interest and direction with the planning commission, I've asked the commission to return the "beautification" to this council for re-formation. I will report back to the council at the March meeting.

Curry County Marketing Alliances - I sit in on their group. Their new web site will be launched the end of May and will highlight 150 things to do and see in Curry County in concert with the 150th birthday of our state. As we get closer to the date I will give out the county's site web address. There's no reason the city's new web site couldn't have a link to that as well.

I am also the liaison to the GB Promo Committee-February 13th and 14th, Southwest Oregon Community College is bringing a writers conference back to this area. Over 200 people will be attending. March 8-10 we'll have the Oregon State Welcome Center Conference. They will be staying in Gold Beach but will also be visiting Brookings and Port Orford. This is over 80 tourism professionals from the State of Oregon. It is considered a "FAM" trip - a familiarization trip, giving them exposure to Gold Beach and Curry County. These two events will provide a huge financial boost to our community.

A new billboard was leased it is just north of the welcome center-visible to northbound traffic.

David Alexander-Liaison to the Solid Waste Committee-I will be attending their meeting in February. Commended Councilors Brennan, Peterson & Truesdell for participation in the library's Oregon Reads Program-where we all read a section of a book called "Stubborn (couldn't hear), which was a story of an Oregon family. Whatever we can do to help support our library and other cultural events in our city can only be a good thing.

No excuse for domestic violence.

CITIZEN COMMENTS:

Katie Freedman-PO Box 1732-GB, vice chair of the budget committee.

I would like the council to direct the budget officer, Shirley Walker, to let the budget committee know what transpired here this evening.

On a person note I will be letting them know Mr. Peterson's opinion of the budget committee, which is that we're a bunch of "bs", as he stated earlier this evening.

Peterson-You've taken words right of a person's mouth and changed them around. I never called the budget committee that at all. Where did you get that?

Freedman-Earlier this evening, you were asked or when you were having a discussion about informing or asking the budget committee for our opinion, should we be involved in this situation.....

Peterson-I said the budget committee answers to the council, am I not correct in that.

Freedman-No. You said the decision makers, not the budget committee and that this was a bunch of "bs" considering that the budget committee be informed or let us have our input into this process. Why don't we play the tape?

Peterson-That isn't what I said. That isn't what was meant.

Wernicke-This isn't very productive.

Freedman-I know it isn't productive, but you, Mr. Wernicke, did not stop him from saying "bs"-this is a bunch of "bs".

Wernicke-I don't know that I recall him saying that. We will have Walker make the transcript available to the budget committee so everyone on the committee can understand what happened here tonight. I don't believe Peterson was wrong in observing that it is in fact the city council that makes these decisions. God bless the budget committee and God bless those that help on it. But it is the city council with the authority to make these decisions.

Freedman-But to then remark that it was a bunch of "bs" was incredibly inappropriate and demeaning to the budget committee. When we sit on that budget committee, we all have an equal vote, Mr. Peterson's vote and my vote are equal. So when that budget was prepared and we voted, everyone's vote is an equal.

Wernicke-I'm sorry, I don't know if that would be absolutely true to the extent that a budget committee would regulate policy. The simple fact of the matter is the five people that are on the budget committee, that are not on the city council, are not elected to an office or appointed to that position, they are, therefore, not answerable to the electorate. The city council is. They are also the only people authorized to make policy in this community. To the extent that the budget committee is attempting to make policy or debate policy, the five lay people that are on the budget committee are not empowered to do. I just wanted to make that clear.

Freedman-I didn't say we set policy. I said when we vote on the budget, our votes count equally. What I took extreme umbrage of this evening is that Mr. Peterson was allowed to say that we were a bunch of "bs" and not one person up here, including yourself, who is supposed to monitor this meeting, said anything to him and allowed him to make that statement.

Wernicke-I don't know that I heard it but I will certainly review the transcript myself.

ANNOUNCEMENTS:

The next regular meeting for the Gold Beach City Council is scheduled for Monday evening, March 9, 2009 in the Council Chambers of City Hall, 29592 Ellensburg Ave., at 6:30 P.M.

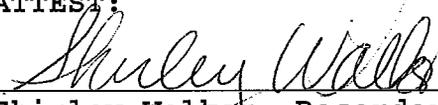
ADJOURNED at 8:00:

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 March 9, 2009.


James H. Wernicke, Mayor

ATTEST:


Shirley Walker, Recorder