

MINUTES

**SPECIAL SESSION MEETING
MONDAY, APRIL 26, 2010: 6:30 P.M.
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444**

DRAFT MINUTES UNTIL APPROVED BY COUNCIL

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

THE PLEDGE OF ALLEGIANCE:

ROLL CALL:

	<u>PRESENT</u>	<u>ABSENT</u>
Mayor James Wernicke	<u> X </u>	<u> </u>
Council Position #1 Jeff Crook	<u> X </u>	<u> </u>
Council Position #2 Larry Brennan	<u> X </u>	<u> </u>
Council Position #3 Brice Gregory	<u> X </u>	<u> </u>
Council Position #4 Doug Brand	<u> X </u>	<u> </u>
Council Position #5 Tamie Kaufman	<u> X </u>	<u> </u>
City Administrator Ellen Barnes	<u> X </u>	<u> </u>
Student Liaison Mackenna Marstall	<u> </u>	<u> X </u>

****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.

CITIZEN-REQUESTED AGENDA ITEMS:

Crosswalk on Ellensburg Avenue at the Gold Rush Center Barnes-This was brought up and discussed at the budget committee meeting. Barnes said she would bring it to the council. Representative Kreiger had previously approached Barnes asking Barnes to submit a letter to ODOT on this very topic. He was very concerned about getting in some type of crosswalk near the Gold Rush Building because there is a lot of traffic that flows between the Gold Rush Building and the Bookstore. He would be very willing to work with the city to make this happen. Barnes was unable to make contact with Kreiger so that he could attend the meeting tonight.

Wernicke-Something that needs to be considered-Discretionary Immunity-One of the things recommended that you protect with

discretionary immunity is crosswalks. They recommend you start with a "study" before you authorize a crosswalk. Perhaps start with ODOT but somehow or another we will have to come up with a policy, if the council wants a crosswalk, to give us discretionary immunity. That would protect the city in case someone was injured while using the crosswalk.

Brand-In the new traffic code we are looking at tonight-One of the things was "designation of duties". Duties of the city administrator-shall implement the ordinances, resolutions, motions of the council by installing traffic control devices. Crosswalks per Oregon say "lines or other markings on the surface of the road". So by definition of what I read and the state ORS, she has the authority to put in crosswalks.

Wernicke-But not on state highways.

Brennan-Powers of Council-6.100-"administration designation of crosswalk safety zones and traffic lanes. Powers of city council shall include but not be limited to." So that is also in there on page five.

Barnes-Kreiger requested I submit a letter, expressing the need for a crosswalk to see what response we receive from ODOT. If it was not a favorable response, he indicated he would then provide some assistance to us to try to negotiate that out to go through other levels if need be. He is very concerned about the safety along Ellensburg-and very rightly so. It is a state right-of-way. It will be interesting to see how it plays out-our level of jurisdiction within the city verses their right-of-way. I'm pretty sure ODOT will have some discussions on this. ODOT will probably want a study-hard fast numbers-what does the actual safety data along the highway show us. The other side of that is they don't like crosswalks in the middle of a block. They like crosswalks to be at intersections.

Police Chief Janik-Since moving here we have not had any pedestrian/vehicle accidents in that block. Any incidents have all been north and south of that area.

Brennan stated it is actually a t-intersection.

A brief discussion followed regarding the best location for the actual crosswalk to be located. Across from First Street (on the south side) appears to be the best location.

Wernicke-Does the council want to direct the city administrator to write ODOT and find out what they would like to see from us in order to get a crosswalk at that location?

Barnes-Could contact ODOT tell them we are concerned about pedestrian safety-here is one of the ideas we would like to see and see if they have other ideas. Just start working with ODOT on this idea. (Council said that would be a good idea and to pursue it). Barnes will also look into replacing signs that are faded-whether they are city or state signs.

PUBLIC CONTRACTS AND PURCHASING:

Contract for the City Administrator (A)

Wernicke-I put together a contract for your review. It has not been sent to legal yet. Any comments on the contract?

Kaufman-My biggest concern is this is a precedent setting document. Obviously I'm in favor of our current city administrator but if we ever hire another one-they may say "I want the same contract they had". If I look at it from that point of view and not this particular individual, I was really uncomfortable with 4-B where it automatically renews every two years. I would be more in favor of eliminating B and making it a two year agreement.

Brennan-I don't have any problem with leaving it in. It is four months and six months if it is not going to be a severance issue. If you have it for two years and you don't want to renew it, it doesn't get renewed.

Kaufman-You are expecting a council, which may or may not be us, to be smart enough to read this and know what it is and actually calculate out by the calendar-"oh, we've got to do our notice now, Oops, too late-we're three days late now we have to go another two years or pay a huge severance package. If we're going to do that then we need to put it in our budget in one of our reserve accounts, a three months severance package. I've seen this happen in other entities. New Boards come in, they're unhappy and

Barnes-The city administrator remains "at will" - serves completely at the pleasure of the council. That remains. Then whether or not severance applies, depends upon the reasons given that the services are no longer needed.

Kaufman-I think "renegotiate it every two years instead of automatically renewing". Every year we will be doing a

performance review and on the second year you could bring the contract up again-re-up it or change it or...

Crook-Yes, you could set up a date for review that falls PRIOR to the 120 days prior to the expiration of the contract so that reminds you that you only have so much time.

Brennan-Page three - C-2 change addition to addiction. Page four - Section 9 add "the" in front of the first City.

Barnes-Would like page five - Section 13-A changed. Towards the end of the paragraph A it says "all out-of-state travel shall be pre-approved by City Council" means I can't go to Crescent City without your approval. I understand the general idea behind it but where we are so close to the California border, you can't even go to Grants Pass without going out of state.

Brief discussion ensued.

Brand-Out-of-state business travel over 150 miles. Lose the "ALL".

Adding a severability clause will be brought to the attorney's attention to determine if it needs to be included or not.

The recommended changes will be incorporated and sent to legal, then it will come back to council for final approval.

Contract for Sewer Rate Study (B)

Barnes-A copy of the Sewer Rate Study Proposal received from the FCS Group has been given to you. We sent out an RFP seeking a firm to do the sewer rate study for the City of Gold Beach. Three responses were received. Without question, this one was the best. Unfortunately it was also the most expensive. We budgeted \$25,000 for the Study. Their proposal came in at \$49,325. There are some significant reasons to go with this firm. There is absolutely no association with the city with the project so they will be truly independent-they have no history with the city at level. I think there is a significant value in that. Especially since we're looking at sewer rates for the city. This firm has more than 20 years experience doing rate studies. SDC Studies, Parks SDC, Water rates, sewer rates. The number of communities they have done studies for is very impressive. This is all they do. It is not an engineering firm that does this on the side. This firm's sole purpose is to do rate studies for municipalities.

I have contacted several references and the recommendations on this firm were amazing. Those that have used the services of the FCS Group that needed to have another study done later did not even go out for RFP's again. They went straight to the FCS Group. They do an amazing job.

Barnes has been negotiating to try and get the rate down. We are at the point now where they believe the firm can do the project for \$35,000. If we put a lot of the footwork into it- they say this is the data and format we need, instead of having his staff gather that data and format it, he directs me and I direct staff to gather and format the data the way they want. I'm suggesting we go with them. It is \$10,000 more than budgeted. The funding to pay for this will come from either the SRF Loan or USDA for the Wastewater Treatment Project and possibly part of the grant for the Wastewater Treatment Project that is coming from USDA. We need to have the Sewer Rate Study in process at the time of bidding according to USDA policy. We are still waiting to hear from USDA regarding the status of our loan. The preference would be to do it in this fiscal year but it could be done in the next fiscal year. We don't want to delay the Wastewater Treatment Project any further than it has already been delayed.

Dyer Engineering (our engineering firm) came in at \$15,000. Barnes stated there is a tremendous value in going with someone that is completely disassociated with that project and not associated with the City of Gold Beach. We did not have confidence in the third firm in their abilities to do the study. Considering the magnitude of this project, it's the biggest project the city has ever had and probably going to have for a long period of time.

Sewer rates are a very contentious issue. A lot of people are concerned about what we're charging for sewer rates. There is value to the public in going with a firm of this nature. They will look at everything from what we are charging, what we're charging for category-what we're charging residents, commercial, motels, etc. They will look at all those factors and come up with a formula that is most equitable that also gets us the funding we need for the project. They will project out sewer rates for 10 years.

MOTION-Kaufman moved to give the administrator the ability to go up to \$35,000 for the Sewer Rate Study, second by Gregory.

Crook, Brennan, Gregory, Brand and Kaufman voted "AYE". VOTE
5 AYES. VOTE 5 AYES

ORDINANCES AND RESOLUTIONS:

ORDINANCE #628 (C)

AN ORDINANCE ADOPTING A REVISED GOLD BEACH ADMINISTRATIVE CODE
AND REPEALING ORDINANCES #572, 614 AND ANY OTHER ORDINANCES
THAT MAY BE IN CONFLICT - **FIRST READING**

Wernicke read Ordinance # 628 by title into the record.

MOTION-Brennan moved to approve the first reading of Ordinance
628 by title only, second by Kaufman. Crook, Brennan,
Gregory, Brand and Kaufman voted "AYE". VOTE 5 AYES

BARNES read Ordinance # 628 by title into the record.

ORDINANCE #629 (D)

AN ORDINANCE ADOPTING A REVISED GOLD BEACH LOCAL IMPROVEMENT
CODE AND REPEALING ORDINANCE #590 AND ANY OTHER ORDINANCES
THAT MAY BE IN CONFLICT - **FIRST READING**

Wernicke read Ordinance # 629 by title into the record.

MOTION-Kaufman moved to approve the first reading of Ordinance
629 by title only, second by Crook. Crook, Brennan,
Gregory, Brand and Kaufman voted "AYE". VOTE 5 AYES

BARNES read Ordinance # 628 by title into the record.

ORDINANCE #630 (E)

AN ORDINANCE ADOPTING A REVISED GOLD BEACH TRAFFIC CODE AND
REPEALING ORDINANCES #571, 574 AND ANY OTHER ORDINANCES THAT
MY BE IN CONFLICT - **FIRST READING**

Wernicke read Ordinance # 630 by title into the record.

MOTION-Crook moved to approve the first reading of Ordinance #
630 by title only, second by Brennan. VOTE Crook, Brennan,
Gregory, Brand and Kaufman voted "AYE". VOTE 5 AYES

BARNES read Ordinance # 630 by title into the record.

ORDINANCE #631 (F)

AN ORDINANCE ADOPTING A REVISED GOLD BEACH UTILITY CODE,
REPEALING ORDINANCE #578 AND ANY OTHER ORDINANCES THAT MAY BE
IN CONFLICT - **FIRST READING**

Wernicke read Ordinance # 631 by title into the record.

MOTION-Brennan moved to approve the first reading of Ordinance # 631 by title only, second by Brand. VOTE Crook, Brennan, Gregory, Brand and Kaufman voted "AYE". VOTE 5 AYES

BARNES read Ordinance # 631 by title into the record.

ORDINANCE #633

AN ORDINANCE ADOPTING THE GOLD BEACH BUSINESS CODE AND REPEALING ORDINANCES # 526, 577, 597, 612, 562 AND ANY OTHER ORDINANCES THAT MAY BE IN CONFLICT - **FIRST READING**

Barnes recommended that since changes have been made to the Promo ordinance, that we wait on the first reading of #633 until the next council meeting.

MISCELLANEOUS ITEMS (including policy discussions and determinations):

ORDINANCE #632 (G)

AN ORDINANCE ADOPTING A REVISED GOLD BEACH NUISANCE AND OFFENSE CODE AND REPEALING ORDINANCE #560 AND ANY OTHER ORDINANCES THAT MAY BE IN CONFLICT - **DISCUSSION**

Kaufman-Page 10 5.155 (2) - It says they have 40 days after the notice to object then # 3 says they have to pay within 30 days. It appears those two numbers are in conflict. Discussion followed-all agreed there was a problem with the wording of the notices and dates. Barnes will work on re-wording and bring it back to council.

Brennan-Questioned Page 31 5.700 (2) (c)-Loaded firearms in the park. ORS 166.173 allows loaded firearms under certain conditions, therefore the city cannot entirely exclude them.

Kaufman-Page 18 (9) (d) source needs to be defined. Page 35 5.715 - Penalty phase-is it worth writing a ticket for \$10? All agreed that \$10 is too low. This will be looked into.

Wernicke-The \$10 comes from the old Municipal Code. The new Municipal Code allows changes in offense costs by resolution.

Barnes-Page 27 5.510 - unnecessary noise - would like more guidance from the council as to how they would like to see this section drafted.

Brennan-If you wanted a permit you would have to apply to the chief of police for that permit. According to the information that came from the League of Oregon Cities, there was an issue

that that discretion by one individual.....it says "at his discretion without prescribing standards" didn't uphold the ordinance so that's my comment. In other words if anyone comes in to get a permit and is granted that permit there is no issue. BUT if the one time he says "no" should it be specified "why not"? The question is-are we going to allow permits or just let it go and if it disturbs the peace shut it off? If they get one complaint from anyone in the city they have to close it down. That's the way I am reading this.

Gregory-Do we have standards? That's my question.

Wernicke-This particular provision was done by our previous legal. I sent them a recommendation and they revamped it with reference to Oregon law. I assume they researched Oregon law. They made substantial changes to what I had recommended. All this really does is give notice that there is going to be something going on. The only time a permit would really be an issue is if there is a possibility that it is going to be so loud as to disturb persons of normal sensitivities in the vicinity thereof. When it has a potential of doing that, you go to the chief for a permit. You would otherwise be prohibited. If you go to the chief for a permit and you can show that the compliance with those requirements would produce unnecessary hardship to the applicant without equal or greater benefit to the public or that the purposes of these noise disturbance provisions can be served without an application thereof.

Those are exceptions that are provided in Oregon case law. That's why they are in here. Basically it is saying "you can't do this if you are going to disturb people's normal sensitivities in the vicinity. That's a nuisance-you cannot do it. But if there is a potential that it is going to do that, you can get a permit if you can convince the chief, on this one time event, that it would be a unnecessary hardship on you not to let you do it - the purposes of the ordinance can be met without an application thereof. It is legalese but when you're dealing with freedom of speech and prior restraint issues, that's about the only way you can couch it-by taking verbiage from case law and trying to set a reasonable guideline.

Kaufman-Playing devils advocate - For Example- - Jeff is the organizer of the Party at the Port and they are going to have loud music and shoot off fireworks on the 4th of July. I'm a citizen in the city and I have post dramatic stress disorder-I

don't want to hear those fireworks going off. So I'm going to file a formal complaint that the chief gave a permit to Jeff to do the Party at the Port - Now What?

Crook-That's a reoccurring event-would that be different?

Wernicke-A reoccurring event would be more like every Friday night or something. There is no question about it-no matter what the event is, there are going to be some citizens that are not going to like it. That's why the determination is "can it be done - does it serve a useful purpose of some kind that allows it to escape strict prohibition". Most people would say the 4th of July is kind of an exception to the rule.

Gregory-What are the repercussions for a citizen complaining to filing a formal complaint against an establishment that did file for a permit. If they file a permit and it is approved by the chief of police, they have no.....

Wernicke-There is probably no recourse unless it goes beyond what the event was described to be. If they have a permit to conduct it then the people that are being..... Kind of tough luck. The way it is written right now it is a total ban on that kind of noise. The exception is you go to the chief, you get a permit. If it is going to be a recurring event, something that people would say "OK, every Friday night they're going to have a rock band". As a citizen I may say I don't think that's right. A Friday night once a month or once a year would be OK but every Friday night is disturbing my rest" - that is something that should go to the council because that would be a longer term issue. Otherwise, under the ordinance, that kind of sound, by this provision, is prohibited. The only thing you are looking at here is giving an exception.

Brand-Going back to what I previously brought up-the fire department would have to get a permit for their six am blast at the Gold Rush Center for their pancake breakfast.

Wernicke-Probably. If they are going to be disturbing the peace they should probably be doing that. The chief would have to determine that the permit could be issued when it appeared that compliance would produce unnecessary hardship to the fire department in this case, without equal or greater benefit to the public or that the purposes of our noise disturbance provisions could still be served without a strict

application thereof. That's legalese but it is the state of the law.

Kaufman-So how does a citizen complain about this? If there is a loud noise going on on a regular basis-would they call the police, would they file a form at the front?

Brennan-I would think they would need to call the police and say someone is making unnecessary noise. Then they go out and shut it off.

Wernicke-If there is a permit they wouldn't be able to go shut it off. Unless it exceeded the noise that was described as what they were going to do in the event of an application of music and that type of thing.

Crook-It says a person or organization may appeal the denial of such a permit to the city administrator. Maybe the chief, after hearing what the permit is for is very conservative on how he allows those permits. Then if it something that the applicant wants to appeal, then they can come before the council. Basically the chief should be fairly conservative on permits because there is another process beyond that.

Brand-Since it's new, it's going to be conservative anyway until it gets (couldn't hear) repeatedly and then he will know when to be aggressive.

Barnes-I'm not quite sure how practical this is going to work. I'm not sure how many people are actually going to come in for permits. Generally the issue with noise is an after the event occurs - after the noise is being generated. I don't know how many people will be thinking that they will need a permit for a party. I don't think people will think along those lines. We're still in the situation we are now where you have complaints and enforcement coming out after the fact.

Wernicke-It's really more of a notice kind of thing. Someone comes in and says we're going to do this. Maybe we should send this to our new attorney and ask for her input-see if she has a suggestion or a problem with this language or procedure.

Crook-In most cases of parties in these areas, they are usually pretty restrained. If it is going to be an issue where it is going to be loud, generally they would know (couldn't hear). That is my argument-it is not usually an issue, at least in my neighborhood. If it becomes a problem,

we have the police department to take it from there. It seems that something like this would mainly be applicable to commercial-bars, restaurants-those type of establishments where they would have a big party. This doesn't seem like something that would necessarily apply to a private residence.

Wernicke-That's why it is written the way it is. A private residence would be prohibited from creating that kind of disturbance. If a neighbor called the police and said the band was playing too loud-permit or no permit-the police would shut them down. Even if they are playing the music in their apartment too loud. It is flatly prohibited. But if it is commercial, or events like the 4th of July celebration, the fair, firemen's breakfast, etc. - they are going to create noises through amplification. They are more of a commercial basis type event. They can qualify for a permit. They could have a basis for saying we're planning on making noise that is otherwise prohibited because of this particular celebration or this particular important event.

Kaufman-We've had less than a dozen complaints a year. I think this is a lot of time and effort for something that really isn't a problem. I'm fine with staying with the original language. It's so small it isn't worth the time and effort we are putting into this and making staff put into it.

Wernicke-It got to be a pretty hot issue here and I wouldn't want to see it repeated if there is a way to avoid it.

Crook-We previously discussed having an insert go out with the business licenses billings.

Barnes-My recommendation would be to have a special events permit and your commercial business permit and modify it there is a section that deals with the type of activity and then it will be up to us as staff to determine whether we believe there will be a noise issue or not. It's going to be a lot of one-on-one work with staff or if it is something really significant-a recurring event-bring that to council's attention to let them know this is going to be happening. Build it into permitting processes that already exist.

Brennan-I think what Jeff (Crook) is referring to is at the time of renewal for business licenses, we can put a notice in that mailer that says you are renewing you license for the next year but if you are planning on having an event-you need a permit. That way they know there is a permit process in

place if we decide we're going to do the permit process. That would be the way to notice businesses-that way they know what is required. The old way they would have to come before council. The old wording was you had to have a permit but you had to come before council. That would be real cumbersome-I can see the reoccurring event being approved by the council but not a one time deal. I don't think we want to get involved in that.

Barnes-I'm trying to think through the enforcement side. A bar gets a permit from us, has this loud band, so we get complaints from citizens, we're still sending out the police and then they're going to have to say "oh sorry, they have a permit". I'm just not seeing how this permit is really helping the situation. We're already having people complain and we send out a police officer. I'm not sure where we are gaining with the permit-that's what I'm trying to think through.

Wernicke-What the permit would do is when you respond to a citizen's complaint and the police ask if they have a permit and they say "no", then they could be shut down.

Gregory-If you have a permit then the band could keep playing and be as noisy as they want to as long as it is within the realm of what the permit allows. If a business decided to have an outdoor band and you complained, well if they have a permit, the police can't shut them down. The police can't come out and say you guys are being too loud and we're going to shut you down because they came in and applied for a permit. The police chief told them it was going to be alright to have the event, then the complaint has no validity.

Barnes-So do we build in a notice that the businesses have to provide notice to the residences around that this event is occurring? It still comes back to those citizens don't know they have a permit-they are not involved in that process but they are the ones being subject to the noise and making a complaint.

Brennan-I understand what you're saying but we can't allow someone to violate the law. If they are breaking the law by disturbing the peace in the neighborhood-you can't tell the neighbors that it is OK because they have a permit. We can't aid and abet an illegal activity. If the band gets so loud, even if they have a permit, we have an obligation to there and advise them that it is too loud, it has gotten out of hand,

you're bothering this whole neighborhood, we're going to have to shut you off.

Gregory-That seems reasonable. If they came in and applied for a permit and the police chief determined it was OK to allow this event and some neighborhood or resident that didn't care to have that going on-the police would come out and say they are within the realm of what we allowed them to do with this permit. I apologize but this is a one-time event and we have allowed them to do it.

Wernicke-The simple way to resolve it is to take what we have here and put a period after the word "thereof" and cross everything thereafter out. Which says "an unnecessary noise is described as operating or permitting the use or operation of any device designed for sound production, amplification, or reproduction, including but not limited to radio, drums and other musical instruments, phonograph, tape recorder, television set, loudspeaker or other similar devices so loudly as to disturb persons of normal sensitivities in the vicinity thereof". PERIOD. DELETE everything after "thereof". That's it. There are no permits, there are no council meetings for people wanting a permit to attend, there is no chief having to look at requests for permits. If someone gets out of hand, then either turn it down or shut it off.

A brief discussion followed. It was determined that it wasn't necessary to run it by legal. Just delete the wording after "thereof".

Brand-Page 28 - 5.515 - Discharge of weapons. According to the language I am in violation if I use my concrete shooter to drive concrete nails. Contractors may have a problem with this-getting fined with the new fee schedule we are going to propose.

Kaufman-I have a hard time believing that our city police would enforce this for someone that is legitimately building something.

Brand-It's easily correctable with the preface "disregarding tools".

Wernicke-Used for construction purposes only? (consensus was yes)

Insert the wording at the end of the paragraph or it could be inserted at the beginning under "definitions" part up at the top.

Barnes-I don't think we need to say "excluding power tools used for construction". I think we may want to rework that bottom section. Building or structure is where I would be reworking it.

Consensus was to add "excluding power tools as used for construction purposes".

Barnes will make the changes and bring it back to council for first read.

New Urban Renewal Ordinance - DISCUSSION (H)

Brennan provided the council with a copy of Brookings and Waldport's Urban Renewal Ordinance. Brennan also provided a proposed City of Gold Beach Urban Renewal Ordinance.

Brennan-The first step in forming an Urban Renewal District is to determine that blight does exist in the city. Then pass a non-emergency ordinance declaring the necessity to form an agency. That's why I asked this to be brought up.

The ORS states three different ways of forming the agency. One is a housing authority, which we don't have. Two is appointing a Board or Commission composed of not less than three members. It doesn't say they have to be civilian or whatever. The third one is by the governing body itself, which would be the council. Which has to act and be considered the agency only when they are functioning as that agency. It would be a dual role, which would entail dual meetings and everything else for the entire council. So the committee we have that consists of five people (four civilians and myself) came up with the idea that we would keep the committee under that format.

The City of Newport structured theirs to be totally civilian with no council people involved. If the council is not the agency then they can act as a mediator or adjudicator between the people and the other entities of the cities, such as the planning commission or the urban renewal agency. The council would serve as the appeal board. People could come to the council and say "we don't like what they are doing or proposing", it would be up to the council to act. Our committee is recommending that the committee be the agency and

not the council. Copies of Urban Renewal Authority Ordinances from Waldport and Brookings have been given to you for review.

Also copied for the council is an ordinance our committee is proposing. Section #4 is a bit confusing as far as who the agency is or who the authority is. We would have to clear that up. Using the two ordinances from Waldport and Brookings in addition to the proposed one for Gold Beach, we should be able to come up with a good ordinance for Gold Beach.

According to the manager at Waldport, they passed their "Agency Ordinance" but it was several years later before they actually got their Plan passed by ordinance.

If we adopt an Agency Ordinance soon, we don't necessarily have to have the Plan completed at that time. The Plan has to have budgets, an outline of the District, and an idea of what is going to be accomplished. That is going to be quite an involved process. Therefore there are two separate ordinances involved.

Wernicke-Suggested having a workshop with the council and the committee to formulate this. Urban Renewal Agency powers include all those powers that a housing authority is authorized to perform. Those powers are pretty broad. I have a concern about having people appointed without elected officials voting on their appointment like the procedure we follow with our other committees. So there is some direct link to the citizenry on the membership of any Renewal Committee.

My other concern is the difficulty we have filling vacant positions. I think it would be helpful to have people from outside the council with a council member as part of the committee. The council should get a real full picture of what the authority of that Agency would be-what they can and cannot do before we move forward adopting an ordinance authorizing it.

Brennan-Agreed, the people that are on the committees are appointed by the mayor with the approval of the council.

Kaufman-I like the mayor's idea regarding a workshop. Perhaps the committee or someone else can make a presentation to the council in a workshop with the public also getting the information. Public support is important. Maybe even a summary at our Town Hall meeting.

Crook-Would the committee be "under" the council? (YES) Is this something that would free us up to go outside city limits to find folks?

Brennan-I've never seen anything that addresses that question. The Plan has to be within the city limits but I don't know about membership on the committee. Do you want people outside the city limits determining what people inside the city need?

Further discussion of residency requirements for the committee ensued.

Brennan said the Committee has a meeting scheduled for Friday evening, May 7th at 6:30. If the council is free we could schedule that date for the workshop. All agreed they could make it.

Wernicke-Recommended that the council get the ordinance that covers Urban Renewal and also copies of the sections of the powers of the Housing Authority.

ORS 457.010 for Urban Renewal. ORS 456.055-456.235 for Powers of Housing Authority.

CITY ADMINISTRATOR'S REPORT:

Review financial statements (H)

Barnes provided the council with printed detailed financial information.

Barnes reported that comparisons between last year and this year are very comparable. This time of year spending is increased because departments buy materials and supplies to get them through until November. This is standard practice for the city.

Barnes reported she would be out of town (out of the county) the rest of the week attending three separate training workshops.

MAYOR AND COUNCIL COMMENTS:

MAYOR - JAMES WERNICKE:

League of Oregon Cities annual conference in Eugene is September 23, 24 and 25. The conference will be held at the Hilton but unfortunately, all rooms are sold out for those dates. We have reserved 6 rooms at a motel recommended by the Hilton. We will need to have confirmation of who is going to attend so we'll know whether to cancel any of the

reservations. Please let the office know tomorrow if you plan to attend. It is a terrific conference and a great place to network.

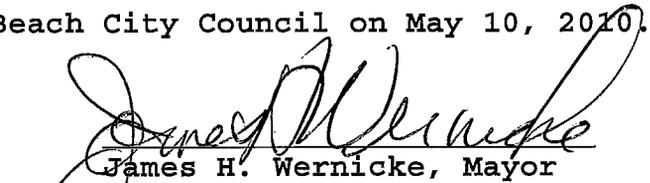
COUNCILORS:

Larry Brennan-Thanked City Administrator for the great budget document and meeting. All agreed.

The next regular meeting for the Gold Beach City Council is scheduled for Monday evening, May 10, 2010 in the Council Chambers of City Hall, 29592 Ellensburg Ave., at 6:30 P.M.

ADJOURNED AT 8:37 P.M.:

Passed by the Gold Beach City Council on May 10, 2010.


James H. Wernicke, Mayor

ATTEST:


Shirley Walker, Recorder