



**MINUTES**  
**REGULAR MEETING**  
*Monday, December 12, 2011: 6:30 P.M.*  
**CITY COUNCIL CHAMBERS, CITY HALL**  
**29592 ELLENSBURG AVE**  
**GOLD BEACH OR 97444**

**Call to order:                    Time: 6:30 pm**

- 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 Lyndsey Dixon		x

- 3.     Special Orders of Business:**  
       Proclamation declaring December as Panther Pride Month

Mayor James Wernicke read the proclamation declaring December as Panther Pride Month. The Gold Beach Panther football team won the state championship on December 3<sup>rd</sup>.

- 4.     Consent Calendar**  
       Council Minutes: November 14, 2011

**MOTION: Councilor Tamie Kaufman made a motion to approve the consent calendar. Councilor Jeff Crook seconded the motion.**

**The Mayor asked for further discussion or debate. Hearing none, he called for the vote.**

Record of Vote	Ayes	Nayes	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		
<b>MOTION CARRIES UNANIMOUSLY</b>			

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

A request from Mr. Clayton Johnson, who was here for the dangerous building public hearing. Mr. Mayor said his comments would be saved for the public hearing.

**6. Public Hearing**

- a. Request for initial Liquor License approval: Double D's Café
- b. Dangerous Building Hearing: 28312 Mateer Road
- c. Determination of Transient Room Tax due by Brent Thompson

a. Request for Initial Liquor License Approval: Double D's Café.

Mr. Mayor opened the public hearing on the liquor license request. City Administrator Jodi Fritts explained this is a formality that the Oregon Liquor Control Commission (OLCC) requires. A new liquor license applicant must receive local government approval prior to submission to OLCC. The police department also reviews the application to ensure none of the applicants have a record for specific types of crimes. The PD had reviewed and approved the application. No audience members were present in favor, or opposition to the request.

**MOTION: Councilor Tamie Kaufman made a motion to close the public hearing at 6:35PM. Councilor Jeff Crook seconded the motion.**

**The Mayor asked for further discussion or debate. Hearing none, he called for the vote.**

Record of Vote	Ayes	Nayes	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		
<b>MOTION CARRIES UNANIMOUSLY</b>			

**MOTION: Councilor Tamie Kaufman made a motion to approve the liquor license request as filed by DD's Cafe. Councilor Larry Brennan seconded the motion.**

**The Mayor asked for further discussion or debate. Hearing none, he called for the vote.**

Record of Vote	Ayes	Nayes	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		
<b>MOTION CARRIES UNANIMOUSLY</b>			

b. Dangerous Building Hearing: 28312 Mateer Rd.

Mr. Mayor opened the public hearing at 6:36 PM. CA Fritts explained the Dangerous Building hearing process. According to the ordinance the matter first is brought to the Council to schedule a hearing. That was done last month. After the hearing is scheduled, notice is published in the paper, posted on the property, and the owners are sent a formal written notice. The process now is to determine whether the building is a dangerous building or not. If the council determines it to be a dangerous building then a determination will be made as to how the building can be made safe.

Councilor Jeff Crook announced that he was related to the property owners and would abstain from participating in the hearing. CA Fritts read the definitions from the ordinance for dangerous building. She said the council would then have to determine if it met one of more of the definitions. She explained the council first had to determine if the building met the definition of a dangerous building. An oral decision would be made tonight, but by ordinance their determination must be by council resolution. They would come back at the January meeting with a resolution for their decision.

The owners James and Melody Crook spoke next. Melody felt none of the dangerous building definitions applied to their building. She said no power is hooked up to the house. They had an engineer and a contractor inspect the structure and presented letters from those professionals stating the building was sound. James said the woodstove was removed when they purchased the house. The house was boarded up several years ago to prevent kids breaking in. They removed the asbestos from the siding and within the house several years ago. Their intent is to someday rebuild the house. He said it was in their best interest to not let the house deteriorate beyond repair. Councilor Larry Brennan asked about the rebuilding. Crook said it was in their best interest to not let the house go beyond repair. Melody said it was just not economically feasible to rebuild it right now.

James said the history of the property was that the prior owner had let drug users live there. When the Crooks bought the house the drug users were evicted. There was an old car that was half-way in the stream next to the property as well as garbage everywhere. They removed the car and the debris. The power was disconnected and they gutted the inside of the house. Crook said it seemed like when a derelict property is purchased and clean-up is started "people are just riding you constantly to make it even better even though it was a blight for 50 years." He said the property is better now than when they bought it.

Mr. Mayor asked Crook if they had any issues with people trying to break-in and live in the house. Crook said initially, yes, but they boarded it up and posted no trespassing signs and they have had no problems since then. The irony was that initially kids were breaking into the house—breaking in windows and the door and then the Crooks were cited by the police department. They didn't feel that was fair that they had their property damaged and then they were being cited for allowing kids to be there. That was when they boarded the property.

Councilor Tamie Kaufman asked when the photos from the engineer had been taken. Melody said they had been taken on Sunday. She said that they had taken a tractor and mowed and cleaned up the yard. She said it had been wet and it had been a while since they cleaned up the yard. Melody showed more photos that they had taken of other houses in worse condition than theirs in the immediate vicinity. She said she wasn't sure why they were being "targeted" when there were houses in much worse condition.

Councilor Larry Brennan asked about a gable window that was open and visible in last month's photos. He asked if that window was now secure. Crook said the window was now reboarded.

Crook said the house was in better condition than when he bought it eight years ago but more recent owners in the neighborhood were not aware how bad it used to be. But, the house in its present condition has been there since other people have purchased their property. He said the complainant knew the house was there when he built his home. Crook said he felt by threatening to sue your neighbors if they don't bring their houses up to your standards was "class warfare". Melody said there were a lot of dilapidated houses in this area and that the area was not a "high end housing development."

CA Fritts asked the Council or Mayor had any other questions for the Crooks at this time. None heard.

Mr. Mayor told Mr. Clayton Johnson he could now address the council. Johnson said "nobody would want to have that house for a neighbor and that has nothing to do with class warfare." He said it was much more than an abandoned and neglected building site that the neighborhood has had to endure for many years. He said you don't need to be a structural engineer to see the building is long past the point of ever being resurrected. He felt the house would become, or already was, a breeding ground for rodents, mold and other health hazards. He felt the liability to the property owner and the city "increases each day this building is left to deteriorate". He thanked the council for "seeing the importance" of scheduling the dangerous building hearing. He said it was time for the property owners to "do the right thing" and eradicate the building.

Fritts said if the council and mayor had no additional questions for the parties then the council should close the hearing and begin deliberations. Councilor Doug Brand asked Crook what was the short and long term maintenance for the structure. Melody said there was no mold or rodents in the house since there was no food for them to eat. At this point the inside is gutted. Brand said the photos from last month appeared to show the building unsided. James said the building is sided with exterior plywood and siding.

James explained the house has to stay in the existing footprint because of the non-conforming septic system. If no changes are made to expand the home they are not forced to replace the septic system. If the house is removed they will have to replace the septic system and they won't be able to do that since the lot is sub-standard. It is

in their best interest to keep the “bones” of the house sound: foundation, roof, and framing. Councilor Brice Gregory asked how long it had been since someone lived in the house. Crook said no one had lived in the house since they bought it eight years ago.

Mr. Mayor asked if there was a motion to close the public hearing.

**MOTION: Councilor Larry Brennan made a motion to close the public hearing. Councilor Doug Brand seconded the motion.**

**The Mayor asked for further discussion or debate. Hearing none, he called for the vote.**

Record of Vote	Ayes	Nayes	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		
<b>MOTION CARRIES UNANIMOUSLY</b>			

The public hearing was closed at 6:49 pm. Councilor Tamie Kaufman said she felt they had to be really, really careful on what the council considers a dangerous building. She said at the last couple dangerous building hearings mold has been an issue but mold affects those living in the house not those next to it, and “mold happens here” we live in a wet environment. There are so many houses, she said, that are in “trouble” here and all over the country due to the economy. The City can’t afford to clean up all of the houses. Maybe the Crooks can tear it down, but then they lose their septic and we may have to reimburse them for their loss. She felt the council has to be very careful about setting precedence. If this house is bad, then there are probably 200 more that will need to be addressed. Because the house is boarded and sound we need to be very careful.

Fritts said Kaufman brought up a good point about the mold. The determination on the status of the building has to be made on those definitions in the ordinance. Mold is not a criterion.

Councilor Brennan said now that the upper window was reboarded he didn’t see how it qualifies under any of the four definitions in the ordinance as a dangerous building. Mr. Mayor said he was inclined to agree, especially based on the engineer and contractor reports that had been submitted. He agreed it was an eye-sore but that did not make a dangerous building.

Councilor Kaufman clarified that she felt since the building was uninhabited rather than inhabited it did not meet the definition. If it were inhabited and didn’t have heat or electric it may be different. Fritts said it wasn’t so much whether someone

lived there but rather is it in danger of catching fire and harming another adjacent structure or that the building was falling down and endangering human life.

Mr. Mayor asked if there was further discussion or if someone had a motion. Discussion on the decision process. Fritts said she felt it was like a land use decision: the council would make an oral decision tonight and a resolution based on that motion would be brought back at the next meeting.

**MOTION: Councilor Larry Brennan made a motion to declare the residence is not a dangerous building because it fails to meet any of the four qualifying items in our definition of a dangerous building. Councilor Tamie Kaufman seconded the motion.**

**The Mayor asked for further discussion or debate. Hearing none, he called for the vote.**

Record of Vote	Ayes	Nayes	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		
<b>MOTION CARRIES UNANIMOUSLY</b>			

Fritts said at the January meeting the resolution would be presented for adoption.

c. Determination of Transient Room Tax due by Brent Thompson.

Mr. Mayor said it was his understanding that counsel for Mr. Thompson was not able to be present tonight and asked for another postponement. He said he had a good reason but it was up to the Council if they would agree to postpone again. CA Fritts said Thompson's attorney contacted our attorney and Lauren explained it would be up to the council whether they wished to proceed. Lauren said his wife is very ill and she advised granting the postponement. Fritts read a short letter from Lauren to Thompson's attorney explaining the situation.

Councilor Gregory asked why Lauren said we should postpone again. Fritts and Kaufman felt it was professional courtesy. Councilor Crook said he felt we should give him the time.

**MOTION: Councilor Tamie Kaufman made a motion that we postpone the hearing one more month but that this will be the final postponement. Councilor Larry Brennan seconded the motion.**

**The Mayor asked for further discussion or debate. Hearing none, he called for the vote.**

Record of Vote	Ayes	Nayes	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		
<b>MOTION CARRIES</b>			

**7. Citizen Requested Agenda Items**

None Submitted

There were no citizen requested agenda items scheduled.

**8. Public Contracts and Purchasing**

Waterline Improvements Contract award (see 9(e) below for resolution).

CA Fritts explained these are waterline improvements that have been being worked on for several years. The project will include a line behind the Crow's Nest which is one of the City's original lines dating back to the 1950's. The other line replacement is on Strahan Street, as well as replacing several hydrants. This was bid in October, 2011. We received two bids and the low bidder was Grimes Construction. Because the bid is \$85,000 this contract requires council approval.

Councilor Kaufman said she didn't remember anything about the bid. Fritts said the bid posting was in October. Kaufman asked if it was common to have that large of difference between bids. She is concerned with the \$40K difference in the bids. Grimes were the lowest responsible bidder. When we say responsible that means the engineer has reviewed their bid and their reputation (from previous work) and makes a recommendation. Councilor Brennan asked if Dyer Engineering had reviewed the bids. Fritts said yes and they recommended we accept the bid. Councilor Brand asked if they would be done by March. Fritts said it was a small project and would not take long once they started.

Councilor Kaufman asked if the bid needed a resolution. Fritts said yes and it was in the next portion of the meeting: Ordinances and Resolutions.

Councilor Crook asked why we only received two bids. Fritts said she wasn't sure since it was published in the Daily Journal of Commerce which is the bidding bible, and it was published locally. Of the two bids only one is from Curry County and they were not the successful bidder. Fritts said the only thing she could think of was that, like the WWTP project, contractors already had work lined up for this time and couldn't bid it.

**9. Ordinances & Resolutions**

- a. Second & Final reading of Ordinance No. 640 amending public contracting rules
- b. Resolution R1112-18, a resolution authorizing the CA to amend interim loan agreement with DEQ
- c. Resolution R1112-19, a resolution ratifying the Teamsters labor agreement

- d. Resolution R1112-20, a resolution adopting Public Contracting rules
- e. Resolution R1112-21, a resolution awarding waterline improvement contract

a. Second & Final reading of Ordinance No. 640 amending public contracting rules  
 CA Fritts apologized for not bringing this back sooner. The first reading had been in September and the second reading would have been in October but that was the transition month between Fritts and former CA Ellen Barnes. It slipped through but is now being presented for the second reading.

Fritts explained this would be a two-part process. A motion to approve the second reading of the ordinance by title only, then the title must be read.

**MOTION: Councilor Tamie Kaufman made a motion to approve the second reading of Ordinance #640 by title only. Councilor Larry Brennan seconded the motion.**

**The Mayor asked for further discussion or debate. Hearing none, he called for the vote.**

Record of Vote	Ayes	Nayes	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		
<b>MOTION CARRIES UNANIMOUSLY</b>			

Councilor Tamie Kaufman read the title of Ordinance #640 into the record: An ordinance amending Gold Beach Administrative Code Sections 1.600-1.650 relating to the procedures for public contracting.

b. Resolution R1112-18, a resolution authorizing the CA to amend interim loan agreement with DEQ.  
 Fritts explained this came as a housekeeping item. The USDA contacted the City and said the amount of the interim loan with DEQ did not match USDA's records. Fritts was unsure how this could have happened since so many people and agencies had reviewed the documents. Fritts said this does not change our loan amounts it only fixes the paper work so both documents match each other.

**MOTION: Councilor Jeff Crook made a motion to adopt resolution R1112-18 a resolution authorizing the city administrator to amend the loan agreement with DEQ for interim financing for the wastewater treatment plant improvement project. Councilor Tamie Kaufman seconded the motion.**

**The Mayor asked for further discussion or debate. Hearing none, he called for the vote.**

Record of Vote	Ayes	Nayes	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		
<b>MOTION CARRIES UNANIMOUSLY</b>			

c. Resolution R1112-19, a resolution ratifying the Teamsters Labor Agreement. Tamie Kaufman made a motion to approve R1112-19. Larry Brennan seconded. Mayor asked for further discussion or debate. Hearing none, he called the vote.

**MOTION: Councilor Tamie Kaufman made a motion approve resolution R1112-19 a resolution ratifying labor agreement between the City of Gold Beach and the Gold Beach Police Department and Teamsters Local Union #223. Councilor Larry Brennan seconded the motion.**

**The Mayor asked for further discussion or debate. Hearing none, he called for the vote.**

Record of Vote	Ayes	Nayes	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		
<b>MOTION CARRIES UNANIMOUSLY</b>			

d. Resolution R1112-20, a resolution adopting Public Contracting Rules. Fritts explained this resolution goes with Ordinance #640 which amended the public contracting rules. This resolution now adopts the rules.

**MOTION: Councilor Larry Brennan made a motion to approve Resolution R1112-20, a resolution adopting revised public contracting rules for the City of Gold Beach. Councilor Brice Gregory seconded the motion.**

**The Mayor asked for further discussion or debate. Hearing none, he called for the vote.**

Record of Vote	Ayes	Nayes	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		
<b>MOTION CARRIES UNANIMOUSLY</b>			

e. Resolution R1112-21, a resolution awarding waterline improvement contract. Fritts explained this is the resolution that was referred to the public contracting portion of the meeting.

**MOTION: Councilor Tamie Kaufman made a motion to approve Resolution R1112-21, a resolution to award a construction contract for water system improvements—with the correction for water rather than wastewater in the title. Councilor Doug Brand seconded the motion.**

**The Mayor asked for further discussion or debate. Hearing none, he called for the vote.**

Record of Vote	Ayes	Nayes	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		
<b>MOTION CARRIES UNANIMOUSLY</b>			

**10. Miscellaneous Items (including policy discussions and determinations)**

- a. Letter from Oasis referenced at November meeting.

Fritts provided a copy of the letter that Lea Sevey had referenced last month. Fritts apologized for not providing it then. It had been addressed to Ellen and not the council but Sevey had said she wanted the council to receive it.

**11. City Administrator’s Report:**

City Administrator Jodi Fritts presented the report which is attached to these minutes.

**12. Mayor and Council Member Comments:**

- a. Mayor Wernicke:

Mayor wants to start an annual “Mayor’s Award” for people in our community who go above and beyond. The award will be presented at the next meeting. Congratulations to the Panthers, sorry he can’t be at the Potluck Sunday, wishing everyone a very merry Christmas and a happy New Year.

- b. Councilors

- 1) Jeff Crook: Echo’s Mayor “Go Panthers”, Merry Christmas, drive safe.

- 2) Larry Brennan: Congrats to Panther's, be careful during your Christmas activities, Merry Christmas.
- 3) Brice Gregory: Thank you, Jodi. Merry Christmas and a Happy New Year.
- 4) Doug Brand: 3/50 promotion for businesses, Merry Christmas, Safe holidays to all.
- 5) Tamie Kaufman: Exceeded my expectations, Jodi gives great explanations of resolutions, minutes coming the next month is appreciated, volunteer fire crew was first on the scene of an accident this weekend, very much appreciated, and thanks you all.
- c. Student Liaison, Lyndsey Dixon: Absent

Some discussion re: the wetland grant, where people pay into a fund for wetlands and the City has a \$98,000 grant which is a nice big amount. Fritts said that it is probably a "poster child" project. The watershed council did a big part of it. It will hopefully open up Riley Creek more and keep the driftwood from piling up.

**13. Citizens Comments**

There were no citizen comments

**14. Executive Session**  
None Scheduled

There had been an executive session meeting tonight prior to the regular meeting.

The next meeting of the Gold Beach City Council is scheduled for Monday, January 9, 2012, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

Also, Mr. Mayor starting the "Hall of Fame" of old photos of Gold Beach. He asked if citizens had old photos of the area they would like to share we will copy them so we can hang them in the council chambers

**MOTION: Councilor Larry Brennan made a motion to adjourn the meeting. Councilor Doug Brand seconded the motion.**

**The Mayor asked for further discussion or debate. Hearing none, he called for the vote.**

Record of Vote	Ayes	Nayes	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		
<b>MOTION CARRIES UNANIMOUSLY</b>			

15. Adjourn Time: 7:47 pm

**Approved by the City Council, February 13, 2012**

  
Candy Cronberger, City Recorder



**AGENDA**  
**December 13, 2011, 2:00PM**  
**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 Lyndsey Dixon		

*\*\*NOTE: If you would like 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 will be limited to 5 minutes without redundancy.*

3.     **Special Orders of Business:**
4.     **Consent Calendar**
5.     **Citizens Comments**
6.     **Public Hearing**

**WORKSHOP SESSION WITH CURRY COUNTY COMMISSIONERS AND STAFF TO DISCUSS COUNTY FINANCIAL STATUS**

7.     **Citizen Requested Agenda Items**
8.     **Public Contracts and Purchasing**
9.     **Ordinances & Resolutions**
10.    **Miscellaneous Items (including policy discussions and determinations)**
11.    **City Administrator's Report**
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, Lyndsey Dixon

- 13. **Citizens Comments**
- 14. **Executive Session**

The next regularly scheduled meeting of the Gold Beach City Council is Monday, January 9, 2012 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

POST: City Hall  
Post Office

EMAILED: Media

[www.goldbeachoregon.gov](http://www.goldbeachoregon.gov)

19. Trade Name Double D's Cafe LLC 20. City Gold Beach

1. Do you have any arrests or citations that have not been resolved?  No  Yes  Unsure  
If yes or unsure, explain here or include the information on a separate sheet.

22. Have you ever been in a drug or alcohol diversion program in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.)  No  Yes  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

23. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.)  No  Yes  Unsure  
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.  
Double D's Cafe & Country Store, Hwy. 38, Murphy, OR in 1995

24. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the US?  
 No  Yes  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

Questions 25 and 26 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license. If you are not applying for one of those licenses, mark "N/A" on Questions 25 and 26.

25. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol?  N/A  No  Yes  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

26. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?  
 N/A  No  Yes  Unsure If yes or unsure, explain:

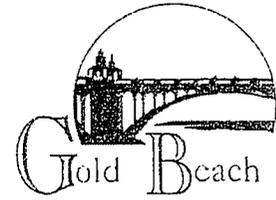
Question 27 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license. If you are not applying for one of those licenses, mark "N/A" on Question 27.

27. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon?  N/A  No  Yes  Unsure If yes or unsure, explain:

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form). I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Mari Hea Hopkins Date: 11/11/2011

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. **6 b.**

Council Hearing Date: December 12, 2011

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Department: Administration                      Contact/Title: Jodi Fritts, CA  
City Administrator Review: reviewed        Email: jfritts@goldbeachoregon.gov  
by JEF 12/07

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**TITLE:** Mateer Road Dangerous Building Hearing

**SUMMARY AND BACKGROUND:**

Pursuant to the Nuisance Code, the Council was notified last month of a potential dangerous building located at 28312 Mateer Road. After notification by staff to the Council, a hearing is required by code. Written notice to the landowner, and posted and published notices are required prior to the hearing. Such notice has been served.

According to the Code, at the hearing the Council shall determine by resolution whether or not the building is dangerous. The Code is unclear whether the determination by resolution and the desired outcome is a two hearing process. Staff will confer with Legal Counsel prior to the hearing on Monday.

Prior to the hearing, you may inspect the building and such inspection may be considered in determining whether the building is dangerous. The owner or other person(s) may testify at the hearing. The Council has the power to have a declared dangerous building removed and abated, or the Council has the power to the order the building to be made safe—the Council shall have the power to “prescribe what acts or things must be done to render the same safe.” The term “dangerous buildings” is defined by the Code, a copy of which is attached.

**FINANCIAL IMPACT:**

None at this time, however, if a declared dangerous building is required to be removed or abated the City may incur costs from the removal or abatement.

**DOCUMENTS ATTACHED:**

- A copy of the City Code regarding Dangerous Buildings, and the notice sent to the property owner and the published and posted notices. Photographs of the building were provided at the last meeting and are available from staff.

**REQUESTED MOTION/ACTION:**

**The Code requires that the determination by the Council whether the building is dangerous or not must be made by resolution.**

**NOTICE SENT TO:**

Council, Police Chief, and Fire Chief

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.



AGENDA  
*December 12, 2011, 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 Lyndsey Dixon		

*\*\*NOTE: If you would like 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 will be limited to 5 minutes without redundancy.*

**3. Special Orders of Business:**

Proclamation declaring December as Panther Pride Month

**4. Consent Calendar**

Council Minutes: November 14, 2011

**5. Citizens Comments**

As presented to the Mayor at the beginning of the meeting

**6. Public Hearing**

- a. Request for initial Liquor License approval: Double D's Café
- b. Dangerous Building Hearing: 28312 Mateer Road
- c. Determination of Transient Room Tax due by Brent Thompson

**7. Citizen Requested Agenda Items**

None submitted

**8. Public Contracts and Purchasing**

Waterline Improvements Contract award (see 9(e) below for resolution)

**9. Ordinances & Resolutions**

- a. Second & Final reading of Ordinance No. 640 amending public contracting rules
- b. Resolution R1112-18, a resolution authorizing the CA to amend interim loan agreement with DEQ
- c. Resolution R1112-19, a resolution ratifying the Teamsters labor agreement
- d. Resolution R1112-20, a resolution adopting Public Contracting rules
- e. Resolution R1112-21, a resolution awarding waterline improvement contract

**10. Miscellaneous Items (including policy discussions and determinations)**

- a. Letter from Oasis referenced at November meeting

**11. City Administrator's Report**

To 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, Lyndsey Dixon

**13. Citizens Comments**

**14. Executive Session**

*An executive session pursuant to ORS 192.660(2)(f): To consider information or records that are exempt from disclosure by law, including written advice from legal counsel Was held at 6:00PM prior to this regular meeting*

The next regularly scheduled meeting of the Gold Beach City Council is Monday, January 9, 2012 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

POST: City Hall  
Post Office

EMAILED: Media

[www.goldbeachoregon.gov](http://www.goldbeachoregon.gov)



**EXECUTIVE SESSION AGENDA**  
*December 12, 2011, 6:00PM*  
**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 Lyndsey Dixon		

**EXECUTIVE SESSION AGENDA ONLY--NO OTHER AGENDA ITEMS**

3.     Special Orders of Business:
4.     Consent Calendar
5.     Citizens Comments
6.     Public Hearing
7.     Citizen Requested Agenda Items
8.     Public Contracts and Purchasing
9.     Ordinances & Resolutions
10.    Miscellaneous Items (including policy discussions and determinations)
11.    City Administrator's Report
12.    Mayor and Council Member Comments
13.    Citizens Comments
  
14.    Executive Session

*An executive session will be held at 6:00PM, prior to the regular meeting under ORS 192.660(2)(f):*

*To consider information or records that are exempt from disclosure by law, including written advice from legal counsel*

The next regularly scheduled meeting of the Gold Beach City Council is Monday, December 12, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon

15.    Adjourn            Time: \_\_\_\_\_



AGENDA ITEM 3.

SPECIAL ORDERS  
OF BUSINESS



## Proclamation

### Panther Pride Month

WHEREAS, the Gold Beach High School Panther football team had an undefeated season in regular league play; and

WHEREAS, the Panthers were the Sunset League football champions; and

WHEREAS, the Panther players displayed pride, professionalism, team spirit, sportsmanship, and perseverance throughout the 2011 football season; and

WHEREAS, on Saturday, December 3<sup>rd</sup>, 2011, the Panthers defeated the Scio Loggers to become the state 2A football champions

NOW, THEREFORE, be it resolved that I, James H. Wernicke, Mayor of the City of Gold Beach, hereby recognize the Gold Beach Panther football team and coaches for the effort and character they displayed during the 2011 football season. With great pleasure, I do hereby proclaim the month of December as "PANTHER PRIDE MONTH" and encourage the citizens of Gold Beach and central Curry County to join me in congratulating the Gold Beach High School Panther Football Team on becoming 2011 State Champs!

Dated this 12<sup>th</sup> of December, 2011

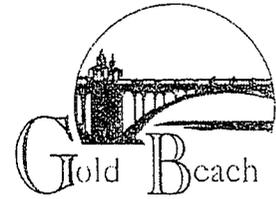
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James H. Wernicke, Mayor

AGENDA ITEM 4.

CONSENT CALENDAR

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. **6 a.**

Council Hearing Date: December 12, 2011

---

Department: Administration                      Contact/Title: Jodi Fritts, CA  
City Administrator Review: reviewed        Email: jfritts@goldbeachoregon.gov  
by JEF 12/07

---

**TITLE:** Initial Liquor License application: Double D's Cafe

**SUMMARY AND BACKGROUND:**

Double D's Café is making an application to the Oregon Liquor Control Commission to sell alcoholic beverages at their restaurant. The OLCC application requires a recommendation from the local jurisdiction to Grant or Deny the request.

The City does not have a formal process for OLCC license requests but in the past we have had the Police Department perform a brief background check on the applicants. The PD has performed the check and no adverse information regarding the applicants was discovered. Staff recommends granting the request.

**FINANCIAL IMPACT:**

None

**DOCUMENTS ATTACHED:**

- A copy of the OLCC application is attached. Specific personal information such as phone numbers, addresses, and/or social security numbers have been redacted.

**REQUESTED MOTION/ACTION:**

**Request a motion to Grant or Deny the application request**

**NOTICE SENT TO:**

Police Department and Council

MEMORANDUM

TO: MAYOR AND CITY COUNCIL  
FROM: POLICE CHIEF OR POLICE OFFICER  
DATE: 11.22.2011

SUBJ: LIQUOR LICENSE  
Circle one → NEW/CHANGE/RENEWAL APPLICATION

BACKGROUND: DOUG HOPKINS  
(Name of Person and Business applying)

has applied for a renewal of an OLCC Class Code NEW  
liquor license.

Investigation reveals no adverse information which would prohibit  
issuance of this license. *gw*

RECOMMENDATION:

Approval of Application

COST:	NEW	\$100.00
	CHANGE	\$ 75.00
	RENEWAL	\$ 35.00
	TEMPORARY	\$ 35.00

*Gail Whitmore*

Police Chief or Police Officer      City Recorder



# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

**LICENSE TYPES**

Full On-Premises Sales (\$402.60/yr)

Commercial Establishment

Caterer

Passenger Carrier

Other Public Location

Private Club

Limited On-Premises Sales (\$202.60/yr)

Off-Premises Sales (\$100/yr)

with Fuel Pumps

Brewery Public House (\$252.60)

Winery (\$250/yr)

Other: \_\_\_\_\_

**ACTIONS**

Change Ownership

New Outlet

Greater Privilege

Additional Privilege

Other \_\_\_\_\_

**90-DAY AUTHORITY**

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

**APPLYING AS:**

Limited Partnership     Corporation     Limited Liability Company     Individuals

**CITY AND COUNTY USE ONLY**

Date application received: 11-22-11

The City Council or County Commission:

\_\_\_\_\_

(name of city or county)

recommends that this license be:

Granted     Denied

By: \_\_\_\_\_ (signature) \_\_\_\_\_ (date)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**OLCC USE ONLY**

Application Rec'd by: [Signature]

Date: 11-19-11

90-day authority:  Yes     No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① Double D's Cafe LLC    ③ \_\_\_\_\_

② \_\_\_\_\_    ④ \_\_\_\_\_

2. Trade Name (dba): Double D's Cafe

3. Business Location: 29441 Ellensburg Ave. Sp. 5/6, Gold Beach, Curry, OR 97444

(number, street, rural route)    (city)    (county)    (state)    (ZIP code)

4. Business Mailing Address: 29450 Ellensburg Ave. Sp. 201, Gold Beach, OR 97444

(PO box, number, street, rural route)    (city)    (state)    (ZIP code)

5. Business Numbers: 541-247-6565    None

(phone)    (fax)

6. Is the business at this location currently licensed by OLCC?  Yes     No

7. If yes to whom: \_\_\_\_\_ Type of License: \_\_\_\_\_

8. Former Business Name: Savory's Health Food Store

9. Will you have a manager?  Yes     No    Name: \_\_\_\_\_

(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Gold Beach or Curry County

(name of city or county)

11. Contact person for this application: Douglas Jay Hopkins    541-247-6565

(name)    (phone number(s))

Same as Mailing address    None    \_\_\_\_\_

(address)    (fax number)    (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and-Date:

[Signature]    Date 11/16/11    ;    \_\_\_\_\_    Date \_\_\_\_\_

[Signature]    Date 11/16/11    ;    \_\_\_\_\_    Date \_\_\_\_\_



OREGON LIQUOR CONTROL COMMISSION  
**INDIVIDUAL HISTORY**

1. Trade Name Double D's Cafe LLC 2. City Gold Beach  
3. Name Hopkins Douglas Jay  
(Last) (First) (Middle)  
4. Other names used (maiden, other) n/a  
5. \*SSN [REDACTED] 6. Place of Birth Oregon 7. DOB [REDACTED] 8. Sex M  F   
(State or Country) (mm) (dd) (yyyy)

\*SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a). If you consent to these uses, please sign here:

Applicant Signature: \_\_\_\_\_

9. Driver License or State ID # [REDACTED] 10. State OR  
11. Residence Address [REDACTED]  
(number and street) (city) (state) (zip code)  
12. Mailing Address (if different) same  
(number and street) (city) (state) (zip code)  
13. Contact Phone 541-247-6565 14. E-Mail address (optional) [REDACTED]  
15. Do you have a spouse or domestic partner?  No  Yes  
If yes, list his/her full name: Meri Ilea Hopkins  
Will this person work at or be involved in the operation or management of the business?  No  Yes  
16. List all states, other than Oregon, where you have lived during the past ten years:  
n/a

17. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?  
 No  Yes  Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.  
If unsure, explain. You may include the information on a separate sheet.

18. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony?  No  Yes  Unsure  
If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

19. Trade Name Double D's Cafe LLC 20. City Gold Beach

21. Do you have any arrests or citations that have not been resolved?  No  Yes  Unsure  
If yes or unsure, explain here or include the information on a separate sheet.

22. Have you ever been in a drug or alcohol diversion program in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.)  No  Yes  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

1988 or 1989

23. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.)  No  Yes  Unsure  
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

Double D's Cafe & Country Store, Hwy. 38, Murphy, OR in 1995

24. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the US?  
 No  Yes  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

Questions 25 and 26 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license. If you are not applying for one of those licenses, mark "N/A" on Questions 25 and 26.

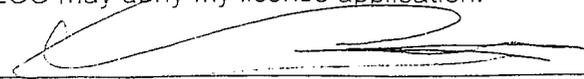
25. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol?  N/A  No  Yes  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

26. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?  
 N/A  No  Yes  Unsure If yes or unsure, explain:

Question 27 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license. If you are not applying for one of those licenses, mark "N/A" on Question 27.

27. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon?  N/A  No  Yes  Unsure If yes or unsure, explain:

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form). I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: 

Date: 11/11/2011



OREGON LIQUOR CONTROL COMMISSION  
**INDIVIDUAL HISTORY**

1. Trade Name Double D's Cafe LLC 2. City Gold Beach

3. Name HOPKINS Meri Ilea  
(Last) (First) (Middle)

4. Other names used (maiden, other) McAlmond

5. \*SSN [REDACTED] 6. Place of Birth Oregon 7. DOB [REDACTED] 8. Sex M  F   
(State or Country) (mm) (dd) (yyyy)

\*SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a). If you consent to these uses, please sign here:

Applicant Signature: \_\_\_\_\_

9. Driver License or State ID # [REDACTED] 10. State OR

11. Residence Address [REDACTED] 4  
(number and street) (city) (state) (zip code)

12. Mailing Address (if different) same  
(number and street) (city) (state) (zip code)

13. Contact Phone 541-247-6565 14. E-Mail address (optional) [REDACTED]

15. Do you have a spouse or domestic partner?  No  Yes  
If yes, list his/her full name: Douglas Jay Hopkins  
Will this person work at or be involved in the operation or management of the business?  No  Yes

16. List all states, other than Oregon, where you have lived during the past ten years:  
n/a

17. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?  
 No  Yes  Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.  
If unsure, explain. You may include the information on a separate sheet.

18. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony?  No  Yes  Unsure  
If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

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 work in 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, be fined an amount not to exceed \$500.00 for the first and all subsequent offenses, or such other maximum fine as the City Council may set from time to time by ordinance. Each day's violation of a provision of this Code constitutes a separate offense. The court may also impose a unitary assessment as provided by ORS 137.290.

## 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.

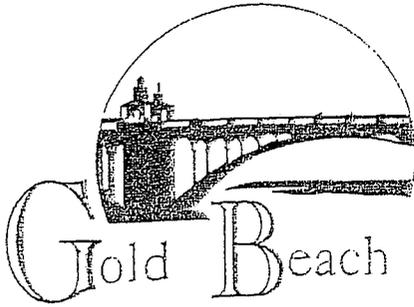
Each violation made an offense against the state under the provisions of the Oregon Revised Statutes chapters 161, 162, 163, 164, 165, 166, 167, 471, 475, and 480.110 to 480.160, as constituted when this Code is adopted, are adopted by reference and made a part of this Code and designated an offense 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.

### 5.420 Offenses Outside City Limits.

Where permitted by Oregon law, an act made unlawful by this Code shall constitute an



City of Gold Beach  
29592 Ellensburg Avenue  
Gold Beach, OR 97444  
541-247-7029

MAILED BY USPS CERTIFIED POST

November 16, 2011

James Crook, Et Al  
Melody K. Baldwin, ET AL  
94727 S. Bank Pistol River Road  
Brookings, OR 97415

**NOTICE OF DANGEROUS BUILDING HEARING  
PURSUANT TO GOLD BEACH CITY CODE SECTION 5.370**

The records of the Curry County Tax Assessor indicate you are the recorded owner of the following real property located within the City of Gold Beach, and are therefore responsible for its use:

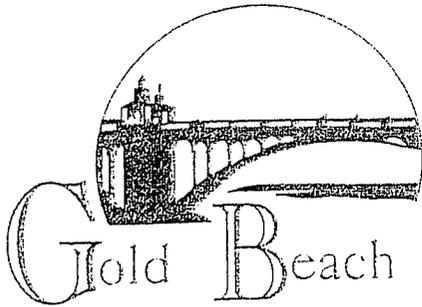
**28312 Mateer Road  
Assessor Map number: 3714-18B; 02000**

Pursuant to the city Nuisance and Offense Code, Dangerous Building section you are notified of a public hearing to be held Monday, December 12, 2011, at 6:30 PM in the City Council Chambers at City Hall. You have the right to be heard at the hearing and the Council shall determine by resolution whether or not the building is dangerous.

If you have any questions regarding this notice, or the hearing procedure please contact me.

Sincerely,

Jodi Fritts  
City Administrator  
jfritts@goldbeachoregon.gov



City of Gold Beach  
29592 Ellensburg Avenue  
Gold Beach, OR 97444  
541-247-7029

### 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 12, 2011, 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 28312 Mateer Road, in Gold Beach. For information regarding this notice, the public hearing, or the nature of the nuisance, please contact Jodi Fritts: 541-247-7029 or email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov).

Published November 30, 2011, in the Curry County Reporter, Gold Beach, Oregon.

# HEARING NOTICE

Pursuant to City of Gold Beach Code Section 5.375, notice is hereby given of a **Dangerous Building Public Hearing.**

The public hearing will be held by the City Council on Monday, December 12, 2011, 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 28312 Mateer Road, in Gold Beach.

For information regarding this notice, the public hearing, or the nature of the nuisance, please contact Jodi Fritts: 541-247-7029 or email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

POSTED NOVEMBER 16, 2011

# GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 6 c.

Council Hearing Date: December 12, 2011

---

Department: Administration                      Contact/Title: Jodi Fritts, CA  
City Administrator Review: reviewed        Email: jfritts@goldbeachoregon.gov  
by JEF 12/07

---

**TITLE:** Determination of Transient Room Tax due by Brent Thompson

## **SUMMARY AND BACKGROUND:**

At the October 10, 2011, hearing the Council denied Mr. Thompson's appeal of the Tax Administrator's assessment of delinquent Transient Room Tax. The Council requested that Mr. Thompson provide copies of his quarterly state room tax reports in order to more accurately determine that amount Mr. Thompson owed in back taxes. Mr. Thompson provided copies of a hand written ledger and copies of what appeared to be altered copies of the state reports.

The Council was to have determined at the November 14<sup>th</sup> regular Council meeting the amount Mr. Thompson owed, however, the day of the hearing Mr. Thompson retained legal counsel. His attorney requested that the "hearing" be postponed until he had time to review his client's file. As a matter of courtesy, the Council agreed to postpone the tax assessment determination until December. Mr. Thompson's attorney was notified by letter that the appeal hearing had been conducted in October and the Council's decision was final and binding per City Code. No further contact or correspondence has been received from Mr. Thompson or his attorney.

## **FINANCIAL IMPACT:**

None initially, however, since Mr. Thompson has appealed the matter, and now retained an attorney, the City's legal costs have begun to accrue.

## **DOCUMENTS ATTACHED:**

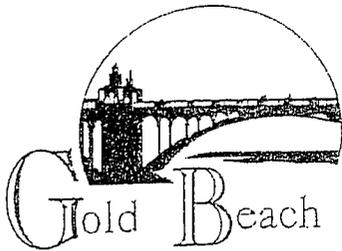
- A copy of the decision notice to Mr. Thompson, a copy of the letter to his attorney, and a copies of various room tax calculations by Mr. Thompson and the Tax Administrator

## **REQUESTED MOTION/ACTION:**

A motion determining the amount of past due transient tax owed by Thompson.

NOTICE SENT TO:

Council



City of Gold Beach  
29592 Ellensburg Avenue  
Gold Beach, OR 97444  
541-247-7029

November 28, 2011

Frank Roberts, Attorney at Law  
PO Box 575  
Gold Beach, OR 97444

**RE: Thompson Room Tax Appeal**

Dear Mr. Roberts:

This letter is regarding Brent Thompson's, appeal of the Tax Administrators assessment of Transient Room Tax. Please be advised that the City is represented by Legal Counsel on this matter and any correspondence should go through them. Our attorney is: Lauren Sommers of the Local Government Law Group. Her address is:

Lauren Sommers  
Local Government Law Group PC  
Speer Hoyt LLC  
975 Oak St, Suite 700  
Eugene, OR 97401

Pursuant to the City Code, Mr. Thompson filed an appeal of the tax assessment to the City Council. That hearing was held on October 10th, 2011. The Council did not find Mr. Thompson was exempt from the room tax and denied his appeal. City Code Section 4.285 states all decisions in appeals to the Council are final and binding. The only matter left to be resolved was the actual amount of tax Mr. Thompson owes.

At the conclusion of the hearing, the Council requested that Mr. Thompson provide copies of his state of Oregon Lodging Tax returns so that they could more accurately determine the actual amount of past due tax owed. Mr. Thompson provided documents that were to have been discussed at the November 14<sup>th</sup>, 2011 regular Council meeting. At your request, I asked if the Council would consider postponing their decision on the total tax due in the spirit of cooperation. They agreed.

In short, the Council found Mr. Thompson owes the room tax; the appeal is final and binding; and the only thing left to decide is the amount due. Unfortunately, if Mr. Thompson retained you to represent him in his appeal that time has passed.

*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.*

As I stated above, any correspondence regarding this matter must now go through our counsel. If you have any questions please contact Ms. Sommers.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jodi Fritts', with a stylized flourish at the end.

Jodi Fritts  
City Administrator  
[jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

copy to:       File  
                  Lauren Sommers, Legal Counsel

\*Submitted Nov 2 by  
Thompson\*

~~Byronwood House~~

29509 CROOK ST

2008 Vacation Rentals 1 AUG FWD

AVG PERKINS

795

TOTAL FOR 2008 AFTER 1 AUG 2008

\$ 795

2009 Vacation Rentals

4 JUNE GOLD BEACH FOOTBALL CAMP  
5 JUNE  
AVG ERN MINISTER DEPOSIT FOR WEDDING  
SHE OCCUPIED GUESTHOUSE

1700

300

4-25-13 NOV EYAN DIXIE BOLEY (RESIDENT OF  
13 GUEST HOUSE)

800

TOTAL FOR 2009

\$ 2800

2010 Vacation Rentals

5 JUNE GOLD BEACH FOOTBALL CAMP  
5 JUNE

2045

4 AVG LOCALS JEFF & SARA DAVIS

900

7-12 AVG FIRST NAME RESIDENT ERN MINISTER

900

21 TOTAL FOR 2010 ALL PAYMENTS REC'D  
IN 3RD QTR

\$ 3845

2011 Vacation Rentals

18-22 JUNE GOLD BEACH FOOTBALL CAMP

\$ 1985

25-29 JUNE

18-24 JULY FRIENDS - JOE & JEFF RILEY

1100

30 JUN-4 AVG TRACY & BEN GURALL (CANCELLED)

275

17-10 AVG JOSHUA HILL

935

21 TOTAL FOR 2011 ALL PAYMENTS REC'D  
IN 3RD QTR

\$ 4295

TOTAL REVENUE FOR PERIOD AUG 2007 FWD)  
6% TAX

\$ 11733  
\$ 703.28



**State of Oregon Lodging Tax  
Quarterly Return  
Tax Year 2008**

FOR OFFICE USE ONLY	
Date Received	
Payment Received	

<b>3</b> 3rd Quarter	Quarter 07/01/08 to 09/30/08	Due Date October 31, 2008	Business Identification Number (BIN) 013111198	Program Code 525	Year 08	Period 09	Liability 1
	Mailing Address:			Federal Employer Identification Number (FEIN)	Amended return? Yes <input type="checkbox"/> Mailing address change? Yes <input type="checkbox"/>		

THOMPSON, BRENT  
PO BOX 201  
ASHLAND, OR 97520

Physical Site Address:

BJORKUND HOUSE  
29509 CROOK ST  
GOLD BEACH, OR 97444

See instructions on separate page.

- A. Have you sold or closed this business and is this your last return?  Yes  No  
 B. Has ownership changed since the last reporting period?  Yes  No

Date business was bought / sold / closed: \_\_\_\_\_ (circle one) New owner/operator name: \_\_\_\_\_  
 New owner's BIN \_\_\_\_\_ (if known)

C. Number of taxable rental properties..... [ ] (if known)  
 Note: If you are reporting taxable lodging sales from multiple vacation rental properties under this BIN and if you have changes from the last reporting period, you MUST provide us with a current list of each of your rental properties. Please include the physical address of each property. Attach the list to this return.

D. Number of taxable units/sites available for rent..... [ ]  
 E. Number of units/sites rented during the quarter.... [ ]

*AUG 1, 2008 FWD Revenue = \$195.00*

1. Total gross receipts for lodging sales. <i>July 2007 Revenue = 2580</i>	1	3375	
2. Non-taxable lodging sales. <b>STOP</b> See instructions.			
2a. Long-term or monthly rentals..... 2a			
2b. Federal employees on business..... 2b			
2c. Non-taxable lodging sales TOTAL (add lines 2a and 2b)..... 2c		0	
3. Total taxable lodging sales (subtract line 2c from line 1)..... 3		3375	795
4. Tax rate..... 4		x 0.01	
5. Tax due (multiply line 3 by line 4)..... 5		33 75	
6. Administrative fee rate..... 6		x 0.05	
7. Administrative fee (multiply line 5 by line 6) <i>This will reduce your tax</i> ..... 7		( 1 69)	
8. TOTAL TAX DUE (subtract line 7 from line 5)..... 8		\$ 32 06	

*AUG 1, 08 FWD Revenue = 795*

DECLARATION: I declare under the penalties for false swearing [ORS 305.990(4)] that I have examined this document and to the best of my knowledge it is true, correct, and complete.

Signature <i>Brent Thompson</i>	Date <i>29 Sept 08</i>
PRINT Name Signed Above <i>BRENT THOMPSON</i>	Title <i>OWNER</i>
Telephone Number <i>(541) 418-0407</i>	

Mail this return on or before the due date shown above to: STATE OF OREGON LODGING TAX  
 OREGON DEPARTMENT OF REVENUE  
 PO BOX 14110  
 SALEM OR 97309-0910

Keep a copy for your records  
 PLEASE DO NOT DETACH VOUCHER

150-204-002 (03-08)

NO REVENUE RECEIVED IN 1ST 2 QTRS  
NO COPIES LEFT OF FINALS

State of Oregon Lodging Tax  
Quarterly Return  
Tax Year 2009

FOR OFFICE USE ONLY	
Date Received	
Payment Received	

3 3rd Quarter	Quarter 07/01/09 to 09/30/09	Due Date October 31, 2009	Business Identification Number (BIN) 01311198	Program Code 525	Year 09	Period 09	Liability 1
	Mailing Address: THOMPSON, BRENT BJORKUND HOUSE PO BOX 201 ASHLAND, OR 97520			Physical Site Address: 29509 CROOK ST GOLD BEACH, OR 97444			
			Federal Employer Identification Number (FEIN)	Amended return? Yes <input type="checkbox"/>		Mailing address change? Yes <input type="checkbox"/>	

See instructions on separate page.

- A. Has ownership changed since the last reporting period?  Yes  No
- B. Is this your final return because you closed or sold this business?  Yes  No

Date business was bought / sold / closed: \_\_\_\_\_ (circle one) New owner/operator name: \_\_\_\_\_  
New owner's BIN \_\_\_\_\_ (if known)

C. Number of taxable rental properties.....

Note: If you are reporting taxable lodging sales from multiple vacation rental properties under this BIN and if you have changes from the last reporting period, you MUST provide us with a current list of each of your rental properties. Please include the physical address of each property. Attach the list to this return.

D. Number of taxable units/sites/rooms available .....

E. Number of taxable units/sites/rooms actually rented .....

1. Total gross receipts for lodging sales.....	1	<input type="text" value="1700"/>
2. Nontaxable lodging sales. <input checked="" type="checkbox"/> See instructions.		
2a. Long-term or monthly rentals.....	2a	<input type="text" value="0"/>
2b. Federal employees on business.....	2b	<input type="text" value="0"/>
2c. Federal instrumentalities.....	2c	<input type="text" value="0"/>
2d. Nontaxable lodging sales TOTAL (add lines 2a thru 2c).....	2d	<input type="text" value="0"/>
3. Total taxable lodging sales (subtract line 2d from line 1).....	3	<input type="text" value="1700"/>
4. Tax rate.....	4	<input type="text" value="x 0.01"/>
5. Tax due (multiply line 3 by line 4).....	5	<input type="text" value="17"/>
6. Administrative fee rate.....	6	<input type="text" value="x 0.05"/>
7. Administrative fee (multiply line 5 by line 6) This will reduce your tax.....	7	<input type="text" value="85"/>
8. TOTAL TAX DUE (subtract line 7 from line 5).....	8	<input type="text" value="\$ 16 15"/>

Under penalty of false swearing, I declare that the information in this return and any attachments is true, correct, and complete.

Signature: X Brent Thompson Date: \_\_\_\_\_  
 PRINT Name Signed Above: \_\_\_\_\_ Title: \_\_\_\_\_ Telephone Number: ( ) \_\_\_\_\_

Mail this return on or before the due date shown above to: State of Oregon Lodging Tax  
Oregon Department of Revenue  
PO Box 14110  
Salem OR 97309-0910

DO NOT DETACH VOUCHER



**State of Oregon Lodging Tax  
Quarterly Return  
Tax Year 2009**

FOR OFFICE USE ONLY	
Date Received	
Payment Received	

<b>4</b> 4th Quarter	Quarter 10/01/09 to 12/31/09	Due Date January 31, 2010	Business Identification Number (BIN) 013111198	Program Code 525	Year 09	Period 12	Liability 1
	Mailing Address: THOMPSON, BRENT BJORKUND HOUSE PO BOX 201 ASHLAND, OR 97520			Federal Employer Identification Number (FEIN)	Amended return? Yes <input type="checkbox"/> Mailing address change? Yes <input type="checkbox"/>		

Physical Site Address:  
29509 CROOK ST  
GOLD BEACH, OR 97444

See instructions on separate page.

- A. Has ownership changed since the last reporting period?  Yes  No  
 B. Is this your final return because you closed or sold this business?  Yes  No

Date business was bought / sold / closed: \_\_\_\_\_ (circle one) New owner/operator name: \_\_\_\_\_  
 New owner's BIN \_\_\_\_\_ (if known)

- C. Number of taxable rental properties.....   
 Note: If you are reporting taxable lodging sales from multiple vacation rental properties under this BIN and if you have changes from the last reporting period, you MUST provide us with a current list of each of your rental properties. Please include the physical address of each property. Attach the list to this return.  
 D. Number of taxable units/sites/rooms available.....   
 E. Number of taxable units/sites/rooms actually rented .....

1. Total gross receipts for lodging sales.....	1	<input type="text" value="800"/>	<input type="text" value="09"/>
2. Nontaxable lodging sales.  See instructions.			
2a. Long-term or monthly rentals.....	2a	<input type="text"/>	<input type="text"/>
2b. Federal employees on business.....	2b	<input type="text"/>	<input type="text"/>
2c. Federal instrumentalities.....	2c	<input type="text"/>	<input type="text"/>
2d. Nontaxable lodging sales TOTAL (add lines 2a thru 2c).....	2d	<input type="text" value="0"/>	<input type="text"/>
3. Total taxable lodging sales (subtract line 2d from line 1).....	3	<input type="text" value="800"/>	<input type="text"/>
4. Tax rate.....	4	<input type="text" value="x 0.01"/>	<input type="text"/>
5. Tax due (multiply line 3 by line 4).....	5	<input type="text" value="8"/>	<input type="text"/>
6. Administrative fee rate.....	6	<input type="text" value="x 0.05"/>	<input type="text"/>
7. Administrative fee (multiply line 5 by line 6) This will reduce your tax.....	7	<input type="text" value="(40)"/>	<input type="text"/>
8. TOTAL TAX DUE (subtract line 7 from line 5).....	8	<input type="text" value="\$ 7.60"/>	<input type="text"/>

Under penalty of false swearing, I declare that the information in this return and any attachments is true, correct, and complete.

Signature X <i>Brent Thompson</i>	Date 31 Dec 2009
PRINT Name Signed Above BRENT THOMPSON	Title OWNER
Telephone Number (503) _____	

150-604-002 (Rev. 3-09)

Mail this return on or before the due date shown above to: State of Oregon Lodging Tax  
Oregon Department of Revenue  
PO Box 14110  
Salem OR 97309-0910

Keep a copy for your records



# Oregon Lodging Tax

## Quarterly Return

### Tax Year 2010

FOR OFFICE USE ONLY	
Date received	
Payment received	

<b>1</b>	Quarter <b>01/01/10 to 03/31/10</b>	Due date <b>April 30, 2010</b>	Business identification number (BIN) <b>013111198</b>	Program code <b>525</b>	Year <b>10</b>	Period <b>03</b>	Liability <b>1</b>
Federal employer identification number (FEIN)				Amended return? Yes <input type="checkbox"/>		Mailing address change? Yes <input type="checkbox"/>	

Mailing address:

**Biorklund House**  
**P.O. Box 201**  
  
**Ashland, OR 97520**

Physical site address:

**29509 Crook Street**  
**Gold Beach**  
**OR 97444**

See instructions on separate page.

- A. Has ownership changed since the last reporting period?  Yes  No
- B. Is this your final return because you closed or sold this business?  Yes  No

Date business was  bought  sold  closed: \_\_\_\_\_ New owner/operator name: \_\_\_\_\_  
 New owner's BIN \_\_\_\_\_ (if known)

C. Number of taxable rental properties..... 1

Note: If you are reporting taxable lodging sales from multiple vacation rental properties under this BIN and if you have changes from the last reporting period, you MUST provide us with a current list of each of your rental properties. Please include the physical address of each property. Attach the list to this return.

D. Number of taxable units/sites available for rent..... 1

E. Number of units/sites rented during the quarter .... 0

1. Total gross receipts for lodging sales.....	1	0.00
2. Nontaxable lodging sales. <del>Stop</del> See instructions.		
2a. Long-term or monthly rentals.....	2a	0.00
2b. Federal employees on business.....	2b	0.00
2c. Federal instrumentalities.....	2c	0.00
2d. Nontaxable lodging sales TOTAL (add lines 2a thru 2c).....	2d	0.00
3. Total taxable lodging sales (subtract line 2d from line 1).....	3	
4. Tax rate.....	4	x 0.01
5. Tax due (multiply line 3 by line 4).....	5	
6. Administrative fee rate.....	6	x 0.05
7. Administrative fee (multiply line 5 by line 6) This will reduce your tax.....	7	
8. TOTAL TAX DUE (subtract line 7 from line 5).....	8	\$ <span style="font-family: cursive;">0</span>

Under penalty of false swearing, I declare that the information in this return and any attachments is true, correct, and complete.

Signature 	Date <b>04/13/10</b>	
PRINT name signed above <b>Brent Thompson</b>	Title <b>Owner</b>	Telephone number ( )

Mail this return on or before the due date shown above to: Oregon Lodging Tax  
 Oregon Department of Revenue  
 PO Box 14110  
 Salem OR 97309-0910



NO RECEIPTS IN 2011  
 FROM 1ST OR SECOND QUARTERS

Oregon Lodging Tax

Quarterly Return  
 Tax Year 2010

FOR OFFICE USE ONLY	
Date received	
Payment received	

<b>1</b> <small>1st Quarter</small>	Quarter <b>07/01/10 to 09/30/10</b>	Due date <b>July 31, 2010</b>	Business identification number (BIN) <b>013111198</b>	Program code <b>525</b>	Year <b>10</b>	Period <b>03</b>	Liability <b>1</b>
	Mailing address: <b>Bjorklund House P.O. Box 201 Ashland, OR 97520</b>			Federal employer identification number (FEIN)	Amended return? Yes <input type="checkbox"/> Mailing address change? Yes <input type="checkbox"/>		

Physical site address:  
**29509 Crook Street  
 Gold Beach  
 OR 97444**

See instructions on separate page.

- A. Has ownership changed since the last reporting period?  Yes  No  
 B. Is this your final return because you closed or sold this business?  Yes  No

Date business was  bought  sold  closed: \_\_\_\_\_ New owner/operator name: \_\_\_\_\_  
 New owner's BIN: \_\_\_\_\_

- C. Number of taxable rental properties 1 (if known)  
 Note: If you are reporting taxable lodging sales from multiple vacation rental properties under this BIN and if you have changes from the last reporting period, you MUST provide us with a current list of each of your rental properties. Please include the physical address of each property. Attach the list to this return.  
 D. Number of taxable units/sites available for rent 1  
 E. Number of units/sites rented during the quarter 0

1. Total gross receipts for lodging sales	1	0.00
2. Nontaxable lodging sales. See instructions.		
2a. Long-term or monthly rentals	2a	0.00
2b. Federal employees on business	2b	0.00
2c. Federal instrumentalities	2c	0.00
2d. Nontaxable lodging sales TOTAL (add lines 2a thru 2c)	2d	0.00
3. Total taxable lodging sales (subtract line 2d from line 1)	3	
4. Tax rate	4	x 0.01
5. Tax due (multiply line 3 by line 4)	5	
6. Administrative fee rate	6	x 0.05
7. Administrative fee (multiply line 5 by line 6) This will reduce your tax	7	( )
8. TOTAL TAX DUE (subtract line 7 from line 5)	8	\$ 0

Under penalty of false swearing, I declare that the information in this return and any attachments is true, correct, and complete.

Signature <i>Brent Thompson</i>	Date <b>04/13/10 25 July 2010</b>
PRINT name signed above <b>Brent Thompson</b>	Telephone number ( )
Title <b>Owner</b>	

Mail this return on or before the due date shown above to: Oregon Lodging Tax  
 Oregon Department of Revenue  
 PO Box 14110

Keep a copy for your records

NO REVENUES RECEIVED IN 1ST 2 QTRS  
 NO COPIES KEPT OF FILINGS



Oregon Lodging Tax

Quarterly Return

Tax Year 2010

FOR OFFICE USE ONLY	
Date received	
Payment received	

<b>1</b> 1st Quarter	Quarter	Due date	Business identification number (BIN)	Program code	Year	Period	Liability
	7/01/10 to 9/30/10	Oct 31, 2010	013111198	525	10	03	1
Federal employer identification number (FEIN)				Amended return?		Yes <input type="checkbox"/>	
Mailing address:				Mailing address change?		Yes <input type="checkbox"/>	

**Bjorklund House**  
 P.O. Box 201  
 Ashland, OR 97520

Physical site address:  
 29509 Crook Street  
 Gold Beach  
 OR 97444

See instructions on separate page.

- A. Has ownership changed since the last reporting period?  Yes  No  
 B. Is this your final return because you closed or sold this business?  Yes  No

Date business was  bought  sold  closed: \_\_\_\_\_ New owner/operator name: \_\_\_\_\_  
 New owner's BIN: \_\_\_\_\_ (if known)

C. Number of taxable rental properties..... **1**  
 Note: If you are reporting taxable lodging sales from multiple vacation rental properties under this BIN and if you have changes from the last reporting period, you MUST provide us with a current list of each of your rental properties. Please include the physical address of each property. Attach the list to this return.

D. Number of taxable units/sites available for rent..... **1**  
 E. Number of units/sites rented during the quarter .... **0**

1. Total gross receipts for lodging sales.....	1	<b>2943</b>	<b>0.00</b>
2. Nontaxable lodging sales.  See instructions.			
2a. Long-term or monthly rentals.....	2a	<b>0.00</b>	
2b. Federal employees on business.....	2b	<b>0.00</b>	
2c. Federal instrumentalities.....	2c	<b>0.00</b>	
2d. Nontaxable lodging sales TOTAL (add lines 2a thru 2c).....	2d		<b>0.00</b>
3. Total taxable lodging sales (subtract line 2d from line 1).....	3	<b>2943</b>	
4. Tax rate.....	4		x 0.01
5. Tax due (multiply line 3 by line 4).....	5	<b>29.43</b>	
6. Administrative fee rate.....	6		x 0.05
7. Administrative fee (multiply line 5 by line 6) This will reduce your tax.....	7	<b>( 1.47 )</b>	
8. TOTAL TAX DUE (subtract line 7 from line 5).....	8	<b>\$ 27.96</b>	

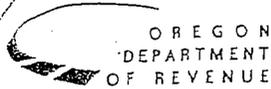
I WAIVE THIS FOR ANY  
 LATE FEE BECAUSE  
 I FORGOT TO FILE

Under penalty of false swearing, I declare that the information in this return and any attachments is true, correct, and complete.

Signature <i>Brent Thompson</i>	Date 22 Jun 11
PRINT name signed above <b>Brent Thompson</b>	Title <b>Owner</b>
Telephone number <b>(541) 488-8407</b>	

Mail this return on or before the due date shown above to: Oregon Lodging Tax  
 Oregon Department of Revenue  
 PO Box 14110  
 Salem OR 97309-0910

Keep a copy for your records



**Oregon Lodging Tax  
Quarterly Return  
Tax Year 2010**

FOR OFFICE USE ONLY	
Date received	
Payment received	

<b>1</b> <small>1st Quarter</small>	Quarter <u>10/01/10 to 12/31/10</u> Due date <u>12/31/10</u> <u>31</u> , 2010	Business identification number (BIN) <b>013111198</b>	Program code <b>525</b>	Year <b>10</b>	Period <u>04</u>	Liability <b>1</b>
	Mailing address: <b>Bjorklund House P.O. Box 201 Ashland, OR 97520</b>		Federal employer identification number (FEIN)	Amended return? Yes <input type="checkbox"/>		

Physical site address:  
**29509 Crook Street  
Gold Beach  
OR 97444**

See instructions on separate page.

- A. Has ownership changed since the last reporting period?  Yes  No  
 B. Is this your final return because you closed or sold this business?  Yes  No

Date business was  bought  sold  closed: \_\_\_\_\_ New owner/operator name: \_\_\_\_\_  
 New owner's BIN: \_\_\_\_\_

C. Number of taxable rental properties..... 1 (if known)

Note: If you are reporting taxable lodging sales from multiple vacation rental properties under this BIN and if you have changes from the last reporting period, you MUST provide us with a current list of each of your rental properties. Please include the physical address of each property. Attach the list to this return.

D. Number of taxable units/sites available for rent..... 1

E. Number of units/sites rented during the quarter .... 0

1. Total gross receipts for lodging sales.....	1	<u>0</u>	<u>0.00</u>
2. Nontaxable lodging sales. <b>See instructions.</b>			
2a. Long-term or monthly rentals.....	2a	<u>0.00</u>	
2b. Federal employees on business.....	2b	<u>0.00</u>	
2c. Federal instrumentalities.....	2c	<u>0.00</u>	
2d. Nontaxable lodging sales TOTAL (add lines 2a thru 2c).....	2d		<u>0.00</u>
3. Total taxable lodging sales (subtract line 2d from line 1).....	3	<u>0</u>	
4. Tax rate.....	4		x 0.01
5. Tax due (multiply line 3 by line 4).....	5	<u>0</u>	
6. Administrative fee rate.....	6		x 0.05
7. Administrative fee (multiply line 5 by line 6) This will reduce your tax.....	7	( )	
8. TOTAL TAX DUE (subtract line 7 from line 5).....	8	\$ <u>0</u>	

Under penalty of false swearing, I declare that the information in this return and any attachments is true, correct, and complete.

Signature <u>Brent Thompson</u>	Date <u>22 Jan 11</u>
PRINT name signed above <u>Brent Thompson</u>	Title <u>Owner</u>
	Telephone number <u>(541) 488-0407</u>

Mail this return on or before the due date shown above to: Oregon Lodging Tax  
Oregon Department of Revenue  
PO Box 14110

Keep a copy for your records

2011



Oregon Lodging Tax

Quarterly Return 2nd + 3rd QTR

Tax Year 2011

FOR OFFICE USE ONLY	
Date received	
Payment received	

4/1/11 - 6/30/11

Quarter 1/10/11 to 9/30/11	Due date 10/31, 2011	Business identification number (BIN) 013111198	Program code 525	Year 1	Period 0	Liability 1
Mailing address: Bjorklund House P.O. Box 201 Ashland, OR 97520		Federal employer identification number (FEIN)		Amended return? Yes <input type="checkbox"/>		Mailing address change? Yes <input type="checkbox"/>

Physical site address:

29509 Crook Street  
Gold Beach  
OR 97444

No REVENUES IN 2nd QTR

See instructions on separate page.

- A. Has ownership changed since the last reporting period?  Yes  No  
 B. Is this your final return because you closed or sold this business?  Yes  No

Date business was  bought  sold  closed: \_\_\_\_\_ New owner/operator name: \_\_\_\_\_  
New owner's BIN \_\_\_\_\_

C. Number of taxable rental properties.....  (if known)

Note: If you are reporting taxable lodging sales from multiple vacation rental properties under this BIN and if you have changes from the last reporting period, you MUST provide us with a current list of each of your rental properties. Please include the physical address of each property. Attach the list to this return.

D. Number of taxable units/sites available for rent.....

E. Number of units/sites rented during the quarter.....

1. Total gross receipts for lodging sales..... *NO REVENUES IN 2ND QTR* *3RD QTR*  0.00

2. Nontaxable lodging sales. See instructions.

2a. Long-term or monthly rentals.....	2a	0.00
2b. Federal employees on business.....	2b	0.00
2c. Federal instrumentalities.....	2c	0.00
2d. Nontaxable lodging sales TOTAL (add lines 2a thru 2c).....	2d	4220 0.00

3. Total taxable lodging sales (subtract line 2d from line 1)..... 3

4. Tax rate..... 4 x 0.01

5. Tax due (multiply line 3 by line 4)..... 5 42.20

6. Administrative fee rate..... 6 x 0.05

7. Administrative fee (multiply line 5 by line 6) This will reduce your tax..... 7 ( 2.10 )

8. TOTAL TAX DUE (subtract line 7 from line 5)..... *FOR 3RD QTR* 8 \$ 40.10

*NO TAX DUE 2ND QTR*

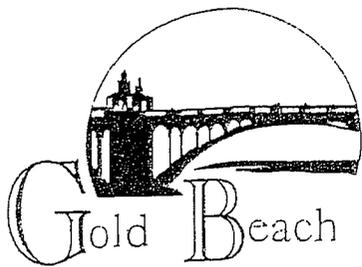
Under penalty of false swearing, I declare that the information in this return and any attachments is true, correct, and complete.

Signature: *Brent Thompson* Date: *17 Sept 11*

PRINT name signed above: Brent Thompson Title: Owner Telephone number: (541) 488-0407

Mail this return on or before the due date shown above to: Oregon Lodging Tax  
Oregon Department of Revenue  
PO Box 14110  
Salem OR 97309-0910

17 Sept 11



City of Gold Beach  
29592 Ellensburg Avenue  
Gold Beach, OR 97444  
541-247-7029

October 13, 2011

Brent Thompson  
PO Box 201  
Ashland, OR 97520

**RE: NOTICE OF TRANSIENT ROOM TAX APPEAL DECISION**

Dear Mr. Thompson:

As you are aware, on Monday, October 10<sup>th</sup>, the City Council considered your appeal of the Tax Administrator's assessment of past due transient room tax. After hearing the evidence and testimony and deliberating, the Council voted to deny your appeal. As part of the denial, the Council requested that you provide your quarterly state transient room tax reports from August of 2008 to present in order to more accurately determine the tax owed. Please note, pursuant to City Code Section 4.285, all decisions of the City Council in regards to appeals are final and binding.

Please provide those records to the City Administrative Office no later than Wednesday, November 9, 2011 (thirty days from the date of the appeal denial). Failure to produce the records within the requested time will result in the matter being turned over to Municipal Court for further enforcement. If you have any questions about this notice please contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "Jodi Fritts".

Jodi Fritts  
City Administrator  
[jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

\*Submitted at October  
hearing by Thompson\*

~~Byrdland House~~

29509 CROOK ST

2008 Vacation Rentals | AVG FWD

AVG PERKINS

795

TOTAL FOR 2008 AFTER 1 AVG 2008

\$ 795

2009 Vacation Rentals

4 JUNE GOLD BEACH FOOTBALL CAMP  
5 JUNE  
AVG ERN MINISTER DEPOSIT FOR WEDDING  
SHE OCCUPIED GUESTHOUSE

1700

300

4-25-28 NOV ERANDIXIE OOLEY (RESIDENT OF  
13 GUEST HOUSE)

500

TOTAL FOR 2009

\$ 2500

2010 Vacation Rentals

5 JUNE } GOLD BEACH FOOTBALL CAMP  
5 JUNE

2043

4 AVG LOCALS JEFF & SARA DAVIS

900

7-5-12 AVG FIRST HOUSE RESIDENT ERN MINISTER

900

21 TOTAL FOR 2010 ALL PAYMENTS REC'D  
IN 3RD QTR

\$ 3843

2011 Vacation Rentals

18-22 JUNE } GOLD BEACH FOOTBALL CAMP  
25-29 JUNE

1985

18-24 JULY FRIENDS - JIM & JEFF RILEY

1100

30 JUN 12 AVG TRECYS BEN BURELL (CANCELLED)

275

17-10 AVG JOSHUA HILL

935

21 TOTAL FOR 2011 ALL PAYMENTS REC'D  
IN 3RD QTR

\$ 4295

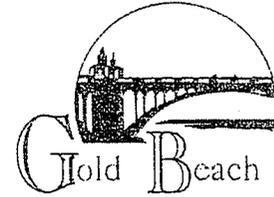
TOTAL REVENUE FOR PERIOD  
6 TO TAX

\$ 11733

\$ 703



**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 8.

Council Hearing Date: December 12, 2011

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Department: Public Works                      Contact/Title: Jodi Fritts, CA  
City Administrator Review: reviewed      Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)  
by JEF 12/07

---

**TITLE:** Contract award for waterline improvements project

**SUMMARY AND BACKGROUND:**

In November, our engineers, Dyer Partnership issued bid documents for waterline improvements for waterlines near the Crow's Nest, Caughell Street, and for various fire hydrant replacements. Two contractors submitted bids for the project: Grimes Construction and Agness Company. Grimes were the lowest bidder. Per Public Contracting rules we are required to award the bid to the lowest responsible bidder. This resolution awards the contract to Grimes and authorizes the City Administrator to execute documents related to the project. A copy of the contract agreement is attached. The agreement has been reviewed by Legal Counsel.

**FINANCIAL IMPACT:**

The low bid came in at \$85,598, approximately \$11,000 below the engineers estimate. This project was budgeted and the appropriations approved for this fiscal year.

**DOCUMENTS ATTACHED:**

- A summary of the project work, bid summary, Notice of Intent to Award letter, and Project Work Agreement are attached to this report

**REQUESTED MOTION/ACTION:**

A motion to approve/deny contract award will be addressed in a later portion of the meeting.

**NOTICE SENT TO:**

Council and Public Works

SECTION 01010  
SUMMARY OF WORK

1. GENERAL

- A. The Contractor shall furnish all labor, equipment, and materials necessary to complete all work in accordance with the plans, the specifications, and the terms of the Contract. This section also specifies work constraints relating to sequencing and phasing of the new improvements.
- B. Project Location
1. The work is located in the City of Gold Beach, Curry County, Oregon.
- C. Project Scope
1. Crow's Nest Waterline
    - a. Installation of approximately 205 lineal feet (lf) of four (4) inch diameter water line, 50 feet (lf) of one (1) inch service line, associated appurtenances including gate valves, fittings, water meters, and other miscellaneous work.
  2. Caughill Street Waterline
    - a. Installation of approximately 114 lineal feet (lf) of six (6) inch diameter water line, 100 feet (lf) of one (1) inch service line, associated appurtenances including gate valves, fittings, water meters, fire hydrants, and other miscellaneous work.
  3. Misc. Hydrant Replacements
    - a. Replacement of four fire hydrants (in addition to Caughill St. hydrant) and service line from the water main including associated appurtenances including gate valves, fittings, fire hydrants, and other miscellaneous work.
- D. Work Sequence and Constraints
1. The Contractor shall be required to phase the work in order to maintain existing public services and minimize impacts to local residents, other public services, roadway access, travel conditions, and other business operations.
  2. The Contractor shall comply with the requirements from permits issued by the County or Owner.
  3. Work shall be completed during daylight hours, unless approved by the engineer.

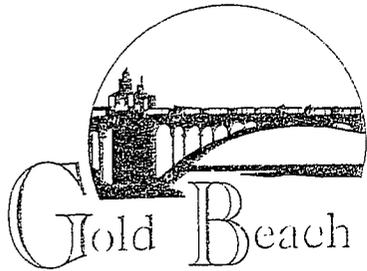
4. To facilitate the Contractor's cleaning and pressure testing of the new waterlines, existing water from the Owner's distribution system can be used. Refer to Section 01500.3.B.2 and Section 02615.
5. To maintain the continuity of the existing waterline system, the Contractor shall phase the construction work for the new waterline as follows:
  - a. Construct the initial tie-in of the new waterline to the existing waterline. This includes appurtenances.
  - b. Install new waterline including valves, tees, and flow hydrants as required.
  - c. Flush, test and chlorinate the new waterline. Once the new waterline has been successfully tested included bacteriological results as required by Oregon Health Division, the chlorinated water shall be flushed out and disposed of in accordance with DBO requirements.
  - d. Complete reconnection of new service line to the existing or new water meters. Complete house laterals where shown.
  - e. Complete "branch tie-ins" to existing waterlines.
  - f. Cap and abandon existing waterlines that are being replaced.

See the Detail Drawings on the Plans for further clarification of the above work sequence.
6. The Contractor shall sweep the existing pavement at the end of each day's work where the construction work is occurring.
7. All trenches shall be cold patched or repaved prior within 5 business days.

2. MATERIALS - NOT USED

3. WORKMANSHIP - NOT USED

END OF SECTION



CITY OF GOLD BEACH  
29592 Ellensburg Avenue, Gold Beach, Oregon 97444  
Phone (541) 247-7029 - FAX (541) 247-2212

November 17, 2011

Bids closed at 4:00 p.m.

4:01 p.m. two bids opened:

- Grimes Construction                      \$ 85,598.00
- The Agness Company                      \$126,311.00
- Apparent low bidder is Grimes Construction.
- Gold Beach City Council will determine formal award.

A handwritten signature in cursive script, appearing to read "Will Newdall".

Will Newdall  
Public Utilities Superintendent



THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS, INC.

NOTICE OF INTENT TO AWARD

December 1, 2011

Grimes Construction  
12049 Hwy 140 E  
Klamath Falls OR 97603-9638

Re: Waterline Improvements  
City of Gold Beach, Oregon  
Project No. 119.22

Dear Mr. Grimes:

Bids were received and opened on November 17, 2011 for the above project. After review and evaluation of the bids, the apparent lowest responsive bidder was determined to be Grimes Construction.

The City of Gold Beach, at their council meeting December 12, 2011, intends to award the Contract to Grimes Construction, the apparent low bidder, conditional on the later of the following:

1. 5 days after the date on the Notice to Intent to Award is sent to Grimes Construction and the other bidders.
2. If a protest is filed, then, until the City of Gold Beach provides a written response to all protests filed within 5 days after the date on the Notice of Intent to Award, that denies the protest and affirms the award.

If in the event No. 2 can not be satisfied, then the City of Gold Beach reserves the right to reject all bids and rebid the project or take other actions it deems in its best interest.

Sincerely,

The Dyer Partnership Engineers & Planners, Inc.

Aaron Speakman, PE  
Project Manager

cc: Jodi Firth, City Manager, City of Gold Beach

**AGREEMENT**

THIS AGREEMENT is by and between the City of Gold Beach ("Owner") and \_\_\_\_\_ ("Contractor") for the above referenced project. Owner and Contractor, in consideration of the mutual covenants hereinafter set forth, agree as follows:

**Project**

The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

**City of Gold Beach  
Waterline Improvements  
Project No. 119.22**

**Work**

1. Items that are included in the Work are as follows:

A. Crow's Nest Waterline

1. Installation of approximately 205 lineal feet (lf) of four (4) inch diameter water line, 50 feet (lf) of one (1) inch service line, associated appurtenances including gate valves, fittings, water meters, and other miscellaneous work.

B. Caughill Street Waterline

1. Installation of approximately 114 lineal feet (lf) of six (6) inch diameter water line, 100 feet (lf) of one (1) inch service line, associated appurtenances including gate valves, fittings, water meters, fire hydrants, and other miscellaneous work.

C. Misc. Hydrant Replacements

1. Replacement of four fire hydrants (in addition to Caughill St. hydrant) and service line from the water main including associated appurtenances including gate valves, fittings, fire hydrants, and other miscellaneous work.

**Contract Price**

Item	Description	Unit	Quantity	Unit Price	Total
1	Construction Fac. & Temp Cont.	LS	All	\$	\$
2	Demolition and Site Preparation	LS	All		
3	Flaggers	Hour	50		
4	AC Pavement Removal and Replacement	Ton	70		
5a	4" Waterline - Class C Backfill	LF	210		
5b	6" Waterline - Class C Backfill	LF	270		
5c	8" Waterline - Class C Backfill	LF	20		
6	6" Tee	EA	4		
6a	6" x 8" Tee	EA	2		

6b	6" flg x mj adapter	EA	1		
6c	4" x 6" Reducer	EA	1		
6d	4" 45 Elbow	EA	2		
6e	6" 90 Elbow	EA	1		
6f	4" End Cap	EA	2		
6g	6" End Cap	EA	1		
7	6" Gate Valve	EA	9		
8a	6" Transition Coupling	EA	7		
8b	8" Transition Coupling	EA	4		
9	1" Service Connection	EA	10		
10	1" Service Line	LF	250		
11	1" Meter Assembly	EA	7		
12	Fire Hydrant Assembly	EA	5		
13	Pavement Markings	LS	All		
14	Curb Replacement & Removal	LF	10		
15	Conc. Sidewalk Replacement & Removal	SF	90		
<b>TOTAL BASIC BID</b>					<b>\$</b>

Owner shall pay the Contractor for completion of the Work in accordance with the Contract Documents a Unit Price amount, as shown in the Cost Proposal, of

\_\_\_\_\_ (\$ \_\_\_\_\_)  
(words) (figure)

**Payment Procedures**

The Owner shall make provisions to allow for progress payments if the duration of the project requires it. Progress payments shall be on a monthly basis with the application for payment on or about the 25<sup>th</sup> day of each month during performance of the project work.

Payment for completion of work shall be made on a unit price basis as identified in the Contractor's cost proposal identified as Exhibit A, attached hereto and incorporated herein by this reference.

**Contract Times**

Time is of the essence in this contract. The work shall be fully completed by March 30, 2012 after the Notice to Proceed.

**Contract Provisions**

I. Insurance

- A. Prior to commencement of construction, and at all times during the term of this Contract and any extension of this Contract, and until all work required under the Contract is completed, Contractor shall obtain and maintain full force and effect

during the term hereof, at contractor's sole expense. the following insurance coverage upon contractor's operations hereunder:

1. Comprehensive or Commercial General Liability (occurrence form) including contractual and completed operations, with minimum limits of \$1,000,000.00 per occurrence, and \$2,000,000.00 Aggregate Products-Completed Operations and \$2,000,000.00 General Aggregate. The City of Gold Beach and The Dyer Partnership Engineers & Planners, Inc. shall be named as an additional insureds.
2. Comprehensive Automobile Liability covering owned, hired, and non-owned vehicles with minimum limits of \$1,000,000.00 per person and \$1,000,000.00 per accident for bodily injury and \$1,000,000.00 property damage or single combined limit of \$1,000,000.00.
3. Worker's Compensation insurance as required by Oregon law for all employees, agent's and subcontractor employees involved in operations under this Contract, including Employers Liability coverage with a minimum limit of \$500,000 per occurrence.
4. UNDERWITER POLICY NUMBERS
  - a. General Liability Insurance: \_\_\_\_\_
  - b. Automobile Liability Insurance: \_\_\_\_\_
  - c. Workers' Compensation: \_\_\_\_\_
  - d. Federal Tax Identification Number: \_\_\_\_\_

B. Contractor shall furnish the Owner with Certificates of Insurance evidencing that the required insurance has been issued and is in effect on the date specified on the certificates. The Owner shall have the right to require the use of its Insurance Certificate form by Contractor's insurance carrier. All insurance shall be written by a company or companies authorized to do business in the State of Oregon. Contractor shall require Contractor's insurance carrier to give the Owner at least ten (10) days written notice prior to any change or cancellation of said coverage either in whole or in part, and the failure of Contractor's insurance carrier to give such notice as required shall be a default on Contractor's part.

~~C. The contractual liability exclusions will be deleted.~~

D. If Contractor's policies lapse or are canceled at any time during the term of this Contract, Owner shall have the right to immediately terminate all of Contractor's activities until the insurance requirements specified herein have been fully satisfied by Contractor. This right is in addition to any and all other remedies Owner may have under this Contract or Oregon law.

2. Contractor hereby agrees to indemnify, defend, and hold harmless Owner and all of Owner's respective officers, agents, servants, and employees from any and all liability or expense on account of damage to property and injuries, including the death to any person.

including any contractor or subcontractor employed by Contractor and any other person performing any part of the work under this Contract, and any and all loss expenses, damages, claims, fines, charges, liens, liabilities, actions, causes of action or proceedings of any kind whatsoever (whether or not arising on account of damage to or loss of property, or injury to or death of person) arising directly or indirectly out of or in connection with the performance by Contractor of any of its obligations, operations or activities under this Contract, including, but not limited to, any claims for injury to persons or property, nuisance, mechanics' and materialmens' liens, workers' compensation and unemployment taxes, fines and penalties and environmental damage. Contractor shall perform all its obligations and carry on all its operations and activities hereunder as an independent contractor and entirely at its own risk and responsibility. Contractor shall be responsible for activities of its subcontractors. Contractor further agrees to defend at its own expense any actions or proceedings brought against Owner, or its officers, agents, servants, and employees, or any of them, on account thereof and to pay all expenses to satisfy all judgments which may be rendered against them or any of them in connection therewith, except that the Contractor shall not be liable under this clause only if said liability of Contractor shall arise by reason of predominant negligence of the Owner or any of its respective officers, agents, servants, or employees.

3. Labor Requirements

A. Contractor agrees to comply with Oregon's prevailing wage law, ORS 279C.800 through ORS 279C.870, in contracting for any work required to be performed under this Contract. Payment of prevailing wages is required for all jobs over \$50,000. Contractor agrees that if the Oregon Bureau of Labor and Industries determines that work performed pursuant to this Contract would fall within the requirements of ORS Chapter 279C.800 through ORS 279C.870, that Contractor would be liable for paying any unpaid wages required by these statutes.

B. If the Oregon Bureau of Labor and Industries determines that work performed pursuant to this Contract would fall within the requirements of Oregon's prevailing wage law, then the Contractor will defend and indemnify Owner from any claim made by or on behalf of the Oregon Bureau of Labor pursuant to such law.

4. Contractor shall, at its sole expense, procure all permits and licenses, pay all charges and other fees and give all notices necessary and incident to the due and lawful prosecution of the work under this Contract.

5. Contractor shall acquaint itself with limits of the property or right-of-way of the City of Coquille and shall not trespass on other property. All work shall be done in such a manner as not to interfere with the City's operations. Contractor and his employees shall familiarize themselves and comply with all posted City rules.

6. Time and strict performance are the essence of this Contract, and no waiver by Owner of any breach of any provision of this Contract by Contractor shall be construed to operate

as a waiver of any subsequent breach by Contractor of any provision, nor shall a waiver of any provision constitute a continuing waiver of such provision. The remedies set forth herein are not exclusive, and are cumulative with any other remedies available to the parties, in law or at equity.

7. No assignment of this Contract will be valid without the prior written consent of Owner, which shall not be unreasonably withheld. In the event Contractor assigns any of its rights hereunder to any other person, firm or corporation, Contractor shall not be released from liability for performance of any term or provision of this Contract, notwithstanding any such assignment.
8. Owner designates The Dyer Partnership as Owner's authorized field representative, which shall be authorized to inspect the progress of work and issue instructions regarding performance of the terms of this Contract. Owner and its authorized field representative shall at all times be allowed access to all parts of the work locations and shall be furnished such information or assistance by Contractor as may be required to make a complete/detailed inspection.
9. Contractor agrees to protect and to discharge promptly Owner, and Owner's property from any and all liens, claims, and liabilities whatsoever based upon, arising out of, or resulting from Contractor's operations under this Contract, including but not limited to mechanic's, laborer's, and materialmen's liens, and from any claims for violation of laws relating to workers' compensation, unemployment compensation, and the like.
10. Any one of the following shall constitute a default by Contractor:
  - A. Failure by Contractor to keep and perform any agreement, covenant or condition for this Contract, if such failure continues for a period of five (5) days after written notice has been provided by Owner, or Owner's authorized field representative to Contractor, provided that Owner shall have the right to immediately terminate all Contractor's activities under this Contract upon lapse of insurance coverage as set forth herein.
  - B. Insolvency of Contractor, whether actual insolvency or insolvency resulting in the filing of a petition for bankruptcy; Contractor's making an assignment for the benefit of creditors; the appointment of a receiver of any kind whatsoever under state or federal law.
  - C. The assignment of this Contract or any interest therein without the consent of Owner, either by act of Contractor or by operation of law, including any assignment by a receiver of Contractor.
  - D. Failure of Contractor to proceed promptly in a workmanlike manner, within the required time, or to maintain an agreed-upon schedule, and failure of Contractor to perform the work required by this contract in a workmanlike manner, and

failure of Contractor to remedy such conditions within two days' notice from Owner may, at Owner's option, constitute a default hereunder.

- E. In the event of default, Owner shall have, in addition to any other remedy available at law or in equity or under any other provision of this Contract, the right to suspend immediately Contractor's operations until such default is cured and the right to immediately terminate this Contract by notice in writing to Contractor and to immediately take possession of all lands on which operations under this Contract have been performed and to remove Contractor, its agents, employees, subcontractors, and representatives and its equipment from Owner's lands.

11. Any notice required or permitted under this Contract shall be given in writing by mail or hand delivered, and addressed as follows:

Contractor: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Owner: City of Gold Beach  
29592 Ellensburg Avenue  
Gold Beach, OR 97444

Copy To: The Dyer Partnership  
1330 Teakwood Avenue  
Coos Bay, OR 97420

12. Dispute Resolution

- A. In the event any action, suit, arbitration or other proceeding shall be instituted by either party to this Contract to enforce any provision of this Contract or any matter arising therefrom or to interpret any provision of this Contract, including any proceeding to compel arbitration, the prevailing party shall be entitled to recover from the other a reasonable attorney fee to be determined by the Court or Arbitrator(s). In addition to recovery of a reasonable attorney fee, the prevailing party shall be entitled to recover from the other costs and disbursements, including all costs of Arbitration and the Arbitrator(s) fees, and expert witness fees, as fixed by the Court or tribunal in which the case is heard. In the event any such action, suit, arbitration or other proceeding is appealed to any higher court or courts, the prevailing party shall recover from the other a reasonable attorney fee for prosecuting or defending such appeal or appeals, in addition to the reasonable attorney fees in the lower court or courts or arbitration proceeding, such fee to be determined by the appellate court or lower court or arbitrator, as the appellate court may determine. In addition to recovery of a reasonable attorney fee on appeal, the prevailing party shall be entitled to recover from the other costs and disbursements and expert witness fees as fixed by the appellate court. All costs

and disbursements that may be awarded pursuant to this paragraph shall bear interest at the maximum legal rate from the date they are incurred until the date they are paid by the losing party.

- B. Any controversy or claim arising out of or relating to this Contract, including without limitation, the making, performance, or interpretation of this Contract or the Contract documents, shall be settled by arbitration. If the Owner or Contractor disagree whether the Owner or Contractor is legally entitled to recover damages under this Contract or the Contract documents, then either Owner or Contractor may make a written demand for arbitration. The parties agree to submit their controversy to binding arbitration before a single arbitrator. The arbitrator shall be an attorney licensed to practice law in the State of Oregon. The party seeking arbitration shall give written notice to that effect to the other and shall, in that notice, select an arbitrator. Within 15 days thereafter, the other party shall by written notice either agree to the arbitrator selected or suggest another person to act as arbitrator. If the parties cannot agree within 30 days to the selection of a single arbitrator after the election to arbitrate, either party may request that a judge of the Circuit Court for Curry County, Oregon make the selection of an arbitrator. Owner and Contractor will pay their own costs of arbitration, and, unless costs are awarded by the arbitrator to the prevailing party, each are obligated to pay one-half of the arbitrator's fee.
- C. Unless otherwise agreed the arbitration shall be conducted in Curry County, Oregon. If arbitration is commenced, the parties agree to permit discovery proceedings of the type provided for by the Oregon Rules of Civil Procedure both in advance of and during recess of the arbitration proceedings. ORS 183.450 (1) through (4), where applicable, shall control the admission of evidence at the hearing in any arbitration conducted hereunder, provided however no error by the arbitrator in application of the statute shall be grounds as such for vacating the arbitrator's award. Each party shall be entitled to present evidence and argument to the arbitrator. The arbitrator shall give written notice to the parties stating the arbitration determination and shall furnish to each party a signed copy of such determination and judgment so the award may be entered in any court having jurisdiction over the parties.
- D. If arbitration is commenced, this Contract shall be governed by and construed in accordance with the laws of the State of Oregon. The parties agree that the arbitrator shall have no jurisdiction to render an award or judgment for punitive damages. The parties agree that the decision of the arbitrator shall be final and binding on the parties and a judgment may be entered on the arbitrator's award. The parties agree that all facts and other information relating to any arbitration arising under this Contract shall be kept confidential to the fullest extent permitted by law. Unless otherwise inconsistent herewith, the provisions of ORS chapter 36 shall apply to any arbitration hereunder. In the event of arbitration under the provisions of this agreement, the prevailing party shall be awarded reasonable

attorney fees and related costs, disbursements and expert witness fees as provided for in this Contract.

- E. The duty to arbitrate shall survive the cancellation or termination of this Contract.
13. Contractor and Owner recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the work is not completed within the specified time. The parties also recognize the delays, expense and difficulties involved in proving in a legal or arbitration proceedings the actual loss suffered by the Owner, if work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay, but not as a penalty, Contractor shall pay Owner \$250 for each day that expires after the time specified.
14. Prior to commencement of construction, Contractor shall provide to Owner, a **Performance Bond** and **Payment Bond** in the amount of 100 percent of agreed cost of work.
15. Contractor shall provide a one-year warranty on workmanship and materials in writing, prior to Owner's final acceptance of the completed work.
16. State Public Works Requirements
- A. Contractor shall have a public works bond filed with the Oregon Construction Contractors Board before starting Work on the Project unless exempt under ORS 279C.800-870.
- B. Contractor is required to pay a fee (Public Work Contract Fee) to the Oregon Bureau of Labor and Industries pursuant to ORS 279C.830 (2). Submit fee with completed Information Form required by the State.
17. All work shall be constructed in accordance with the latest edition of the American Public Works Association specifications.

**CONTRACTOR:**

OR CCB # \_\_\_\_\_

Authorized Representative: \_\_\_\_\_

Date: \_\_\_\_\_

**OWNER:**

City of Gold Beach \_\_\_\_\_

Authorized Representative: \_\_\_\_\_

Date: \_\_\_\_\_

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. **9 a.**

Council Hearing Date: December 12, 2011

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Department: Administration	Contact/Title: Jodi Fritts, CA
City Administrator Review: reviewed by JEF 12/07	Email: jfritts@goldbeachoregon.gov

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**TITLE:** Second and Final reading of Ordinance 640

**SUMMARY AND BACKGROUND:**

Ordinance No. 640 amends the City's public contracting rules. The first reading of this ordinance was at the September meeting. A second reading is needed to enact the ordinance. Normally, the second reading occurs at the next regular meeting but this did not happen.

**FINANCIAL IMPACT:**

None at enactment but it does change the public contracting rules regarding how the City may purchase or acquire goods and services.

**DOCUMENTS ATTACHED:**

- A copy of the ordinance is attached

**REQUESTED MOTION/ACTION:**

**Two actions required: 1) Approve second reading of Ordinance No. 640 by title only, and 2) after approval of the motion someone needs to read the ordinance title into the record**

**NOTICE SENT TO:**

Initial notice of the public hearing on the ordinance was published in the Reporter and the Daily Journal of Commerce. No one commented in writing, or at the hearing.

ORDINANCE NO. 640

AN ORDINANCE AMENDING GOLD BEACH ADMINISTRATIVE CODE SECTIONS 1.600 – 1.650 RELATING TO PROCEDURES FOR PUBLIC CONTRACTING

**WHEREAS:** The state legislature has amended the Oregon Public Contracting Code, ORS 279A, 279B, and 279C; and

**WHEREAS:** The City Council finds it would be in the best interest of the City to regularly update its Public Contracting Rules; and

**WHEREAS:** The City Council finds that adoption of Public Contracting Rules by resolution is authorized by the City Charter if so required by City ordinance and will provide the greatest level of flexibility for future Public Contracting Rule updates; and

**WHEREAS:** In order to adopt new public contracting rules that differ from the Attorney General's Model Public Contracting Rules ("Model Rules"), under ORS 279A.065(5), the City Council must: 1) specifically state that the Model Rules adopted by the Attorney General do not apply to City; and 2) prescribe its own public contracting rules, which may include portions of the Attorney General's Model Rules. The Local Contract Review Board may also adopt rules for public contracting not covered by the Model Rules, as long as they do not conflict with the Public Contracting Code.

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

Section 1. Existing Gold Beach Code Sections 1.600 – 1.650 are hereby repealed, and the following Code sections are adopted:

CITY CONTRACTS

- 1.600 Contract Review Board and Contracting Agency
- 1.605 Opting Out of Attorney General's Model Rules and Authorizing Rule Adoption by Resolution
- 1.610 Authority of City Administrator

**1.600 Contract Review Board and Contracting Agency.**

The Gold Beach City Council is designated as the local Contract Review Board of the City and shall have all of the rights, powers, and authority necessary to carry out the provisions of ORS Chapters 279A, 279B, and 279C (the "Public Contracting Code"), City Public Contracting Rules ("City Rules") and the Gold Beach Code. The City Administrator, his or her designee, and any other purchasing agent as authorized by City policy, is hereby designated as the City's

"Contracting Agency" and may exercise all authorities, powers, and duties granted to a Contracting Agency under the Public Contracting Code and City Rules, unless otherwise limited by City ordinance, resolution, or policy.

**1.605 Opting Out of the Attorney General's Model Rules.**

Public contracts shall be let by the City of Gold Beach in accordance with the State of Oregon Public Contracting Code and City Public Contracting Rules, to be adopted by resolution of the City Council and Local Contract Review Board if required by State law. The City hereby opts out of the Model Rules adopted by the Attorney General pursuant to ORS 279A.065, and hereafter those rules do not apply to City.

**1.610 Authority of City Administrator.**

The City Administrator or his or her designee is authorized to:

- (1) Enter into City contracts not to exceed \$75,000 without additional authorization of the Local Contract Review Board.
- (2) Recommend that the Local Contract Review Board approve or disapprove contract awards in excess of \$75,000, or change orders or amendments to contracts of more than \$75,000.

Section 2. All other previously adopted ordinances, resolutions, and other enactments establishing Public Contracting Rules for the City of Gold Beach are hereby repealed.

Section 3. This ordinance affects the city's ability to purchase goods and services and, therefore, an emergency is declared to exist and this ordinance shall be in full force and effect from the date of its passage

Passed by the City Council of the City of Gold Beach, County of Curry, State of Oregon, this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
James H. Wernicke, Mayor

ATTEST:

\_\_\_\_\_  
Jodi Fritts, City Recorder

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. **9 b.**

Council Hearing Date: December 12, 2011

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Department: Administration                      Contact/Title: Jodi Fritts, CA  
City Administrator Review: reviewed        Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)  
by JEF 12/07

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**TITLE:** Resolution R1112-18, authorizing the CA to amend DEQ interim loan agreement

**SUMMARY AND BACKGROUND:**

The Department of Environment Quality (DEQ) has entered into a loan agreement with the City for interim financing of the wastewater treatment facility improvements (Loan Agreement R37814). The City approved the loan agreement and authorized the CA to execute the agreement with resolution R1011-25. It recently came to the attention of USDA that the interim loan amount did not match the USDA final loan amount. They requested that the City and DEQ amend the interim loan to reflect the final loan amount. DEQ agreed to the amendment and sent the City the amendment for approval. Approval of this amendment **does not increase the City's indebtedness**—the USDA loan remains the same. This amendment makes the interim loan amount match the USDA loan.

**FINANCIAL IMPACT:**

The original loan repayment schedule had the interest figured at \$8,421; the amended loan agreement has interest at \$8,662 for a difference of \$241.

**DOCUMENTS ATTACHED:**

- A copy of the Resolution and loan agreement are attached

**REQUESTED MOTION/ACTION:**

**Motion to approve or deny the resolution amending the loan agreement**

**NOTICE SENT TO:**

Council

RESOLUTION R1112-18

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AMEND  
THE LOAN AGREEMENT WITH DEQ FOR INTERIM FINANCING FOR THE  
WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT**

**WHEREAS**, The City of Gold Beach applied to the Oregon Department of Environmental Quality (DEQ) Clean Water State Revolving Fund for interim funding to help construct a new wastewater treatment facility; and

**WHEREAS**, The DEQ initially offered the City an interim financing loan for \$3,944,000 at 1.11% interest for 15 months; and

**WHEREAS**, The City Council authorized the City Administrator to execute the original loan agreement with DEQ with Resolution R1011-25; and

**WHEREAS**, It came to the attention of USDA Rural Development that the DEQ interim loan amount did not match the approved USDA loan total of \$4,057,000; and

**WHEREAS**, USDA requested that the DEQ interim loan be revised to reflect the correct final loan amount; and

**WHEREAS**, DEQ has authorized the loan amendment subject to approval by the City Council.

**NOW, THEREFORE, BE IT** resolved the City Council of the City of Gold Beach authorizes the City Administrator to amend the loan agreement with the DEQ for interim financing for the wastewater treatment plant improvement project. The amendment to Loan Agreement R37814 is attached as EXHBIT A to this resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 12<sup>th</sup> DAY OF DECEMBER 2011.

APPROVED BY:

\_\_\_\_\_  
James H. Wernicke, Mayor

ATTEST:

\_\_\_\_\_  
Candy Cronberger, City Recorder

CLEAN WATER STATE REVOLVING FUND  
LOAN AGREEMENT NO. R37814  
AMENDMENT NO. 1  
CITY OF GOLD BEACH

This Amendment No. 1 to Loan Agreement No. R37814 (as amended "Loan Agreement") is executed between the STATE OF OREGON ACTING BY AND THROUGH ITS DEPARTMENT OF ENVIRONMENTAL QUALITY ("DEQ") and the City of Gold Beach (the "Borrower"), effective as of the Effective Date of Amendment indicated below. Capitalized terms used in this Amendment which are not defined herein shall have the meanings assigned to them in the Loan Agreement.

The purpose of this amendment is to increase the Loan by \$113,000.

Date of Original Agreement: April 6, 2011.  
Effective Date of Amendment No. 1: December 16, 2011.

The parties agree as follows:

1. ARTICLE 1(C) is amended and restated as follows:  
"(C) LOAN AMOUNT: \$4,057,000."
2. The attached "Appendix A: Repayment Schedule" replaces the current "Appendix A: Repayment Schedule".
3. The attached "Appendix B: Estimated CWSRF Loan Disbursement Schedule" replaces the current "Appendix B: Estimated CWSRF Loan Disbursement Schedule"

Except as expressly amended above, the terms and conditions of the Loan Agreement shall remain in full force and effect.

RECEIVED

NOV 28 2011

CITY OF GOLD BEACH

BORROWER: CITY OF GOLD BEACH

By: \_\_\_\_\_

Date: \_\_\_\_\_

Typed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OREGON ACTING BY AND THROUGH ITS  
DEPARTMENT OF ENVIRONMENTAL QUALITY

By: \_\_\_\_\_

Date: \_\_\_\_\_

Greg Aldrich, Interim Water Quality Administrator



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APPENDIX B: ESTIMATED CWSRF LOAN DISBURSEMENT SCHEDULE

4/12 – 6/12: \$1,014,250  
7/12 – 9/12: \$1,014,250  
10/12 – 12/12: \$1,014,250  
1/13 – 3/13: \$1,014,250

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 9 c.

Council Hearing Date: December 12, 2011

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Department: Administration                      Contact/Title: Jodi Fritts, CA  
City Administrator Review: reviewed        Email: jfritts@goldbeachoregon.gov  
by JEF 12/07

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**TITLE:** Resolution R1112-19, ratifying the labor agreement with Teamsters

**SUMMARY AND BACKGROUND:**

A complete copy of the tentatively approved labor agreement was provided to the Council last month so that you would have time to read and digest the document. The agreement reflects give and take by both labor and management.

**FINANCIAL IMPACT:**

The approved agreement adopts a new salary schedule for the PD employees, but falls within the approved FY 11-12 budget. A longevity pay provision was agreed on that will amount to \$500 this fiscal year. Unused holiday hour pay off was also agreed on but will not have an impact this fiscal year.

**DOCUMENTS ATTACHED:**

- A copy of the resolution is attached. The agreement was provided last month.

**REQUESTED MOTION/ACTION:**

**Motion to approve/deny ratification of the labor agreement**

**NOTICE SENT TO:**

Council and Police Department

RESOLUTION R1112-19

A RESOLUTION RATIFYING LABOR AGREEMENT BETWEEN THE CITY OF GOLD BEACH AND THE GOLD BEACH POLICE DEPARTMENT AND TEAMSTERS LOCAL UNION NO. 223

**WHEREAS**, The City of Gold Beach and the Gold Beach Police Department, through the Teamsters Local No. 223, have been involved in collective bargaining; and

**WHEREAS**, The parties have reached a tentative agreement on all issues; and

**WHEREAS**, The union members of the Gold Beach Police Department have approved the proposed agreement; and

**NOW, THEREFORE, BE IT** resolved the City Council of the City of Gold Beach ratifies the attached labor agreement between the City and the Police Department and their union, Teamsters No. 223, and authorizes the City Administrator to sign all documents related to the contract.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 12<sup>th</sup> DAY OF DECEMBER 2011.

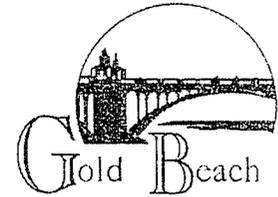
APPROVED BY:

\_\_\_\_\_  
James H. Wernicke, Mayor

ATTEST:

\_\_\_\_\_  
Candy Cronberger, City Recorder

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 9 d.

Council Hearing Date: December 12, 2011

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Department: Administration                      Contact/Title: Jodi Fritts, CA  
City Administrator Review: reviewed        Email: jfritts@goldbeachoregon.gov  
by JEF 12/07

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**TITLE:** Resolution R1112-20, a resolution adopting Public Contracting rules

**SUMMARY AND BACKGROUND:**

Ordinance No. 640 amended the Public Contracting rules to allow adoption or amendment of rules by resolution rather than ordinance. This resolution adopts new Public Contracting rules for the City. A draft of the rules was provided earlier this year.

**FINANCIAL IMPACT:**

None at this time

**DOCUMENTS ATTACHED:**

- A copy of the resolution is attached. A copy of the rules was provided earlier this year. If you would like to review the rules again prior to adoption please ask staff for a copy.

**REQUESTED MOTION/ACTION:**

**Motion to approve or deny the resolution adopting the new Public Contracting Rules**

**NOTICE SENT TO:**

Council and Department Heads

**RESOLUTION R1112-20**

**A RESOLUTION ADOPTING REVISED PUBLIC CONTRACTING RULES FOR  
THE CITY OF GOLD BEACH**

**WHEREAS**, The state legislature has amended the Oregon Public Contracting Code, ORS 279A, 279B, and 279C; and

**WHEREAS**, The City Council adopted Ordinance No. 640 amending City Code Sections 1.600-1.650, relating to procedures for Public Contracting; and

**WHEREAS**, Ordinance No. 640 approved the updating of Public Contracting Rules by resolution.

**NOW, THEREFORE, BE IT** resolved the City Council of the City of Gold Beach hereby adopts the Public Contracting Rules attached as EXHIBIT A as the current Public Contracting Rules for the Contract Review Board of the City of Gold Beach, and for agents of the City of Gold Beach.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 12<sup>th</sup> DAY OF DECEMBER 2011.

APPROVED BY:

\_\_\_\_\_  
James H. Wernicke, Mayor

ATTEST:

\_\_\_\_\_  
Candy Cronberger, City Recorder

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 9 e.

Council Hearing Date: December 12, 2011

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Department: Public Works                      Contact/Title: Jodi Fritts, CA  
City Administrator Review: reviewed      Email: jfritts@goldbeachoregon.gov  
by JEF 12/07

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**TITLE:** Resolution R1112-21, a resolution awarding waterline improvements contract

**SUMMARY AND BACKGROUND:**

In November, our engineers, Dyer Partnership issued bid documents for waterline improvements for waterlines near the Crow's Nest, Caughell Street, and for various fire hydrant replacements. Two contractors submitted bids for the project: Grimes Construction and Agness Company. Grimes were the lowest bidder. Per Public Contracting rules we are required to award the bid to the lowest responsible bidder. This resolution awards the contract to Grimes and authorizes the City Administrator to execute documents related to the project.

**FINANCIAL IMPACT:**

The low bid came in at \$85,598, approximately \$11,000 below the engineers estimate. This project was budgeted and the appropriations approved for this fiscal year.

**DOCUMENTS ATTACHED:**

- A copy of the resolution is attached to this report.

**REQUESTED MOTION/ACTION:**

**Motion to approve/deny the awarding of the contract to Grimes and authorizing the City Administrator to execute documents related to the contract.**

**NOTICE SENT TO:**

Council and Public Works

**RESOLUTION R1112-21**

**A RESOLUTION TO AWARD A CONSTRUCTION CONTRACT FOR  
WASTEWATER SYSTEM IMPROVEMENTS**

**WHEREAS**, The City solicited interested bidders for proposed waterline improvements; and

**WHEREAS**, Two individual bidders submitted bids for consideration for the waterline improvements; and

**WHEREAS**, According to ORS 279C.375 (1), the City of Gold Beach is required to award the contract to the lowest responsive bidder; and

**WHEREAS**, Grimes Construction submitted the lowest responsible bid for the project with a bid of \$85,598; and

**WHEREAS**, In accordance with ORS 279C.375 (2), the project engineer, the Dyer Partnership Engineers & Planners, Inc., acting on behalf of the City of Gold Beach, notified all bidders of the City's intent to award the contract to Grimes Construction as the lowest responsible bidder; and

**WHEREAS**, The project engineer, the Dyer Partnership Engineers & Planners, Inc. has confirmed that Grimes Construction is the lowest responsible bidder and recommends the City award the contract to Grimes Construction.

**NOW, THEREFORE, BE IT RESOLVED:** the City Council of the City of Gold Beach, awards the construction contract for waterline improvements to the lowest responsible bidder, Grimes Construction and authorizes the City Administrator to execute all documents related to the project.

Passed by the City Council of the City of Gold Beach, County of Curry, State of Oregon, this 12<sup>th</sup> day of December 2011.

\_\_\_\_\_  
James H. Wernicke, Mayor

ATTEST:

\_\_\_\_\_  
Candy Cronberger, City Recorder

AGENDA ITEM 10.

MISCELLANEOUS ITEMS



**Oasis Shelter Home, Inc.**

P. O. Box 932  
Gold Beach, OR 97444  
541 247-0607 Business & Fax

Ellen Barnes  
City of Gold Beach  
29592 Ellensburg Ave.  
Gold Beach, OR 97444

Dear Ellen:

With wings we can fly; with wind under them, we can soar. Thank you so much for your support of Oasis Shelter Home and indeed, being the "wind" that has propelled us during some challenging times.

We would like to take this opportunity to recount some of the positive things that have happened at Oasis recently and those coming in the near future. I'll also give you an update on some difficult situations we have encountered recently, and how we are addressing them.

We open a new outreach/administration office soon. This will provide a location that is not hidden, but allows us a place where we can openly work against the tragedy that is domestic violence and the rehabilitation and emergence of its victims into society once again.

Oasis has increased its staff to three full time people, including a family advocate. We have added a children's support group to help innocent young people caught in the generational cycle of domestic violence and abuse. To help educate young people of this cycle—and hopefully break its grasp—we have begun a very successful school program in three local high schools. We hope to be able to increase this essential effort.

Other positive additions to our program include a peer support group and serving as co-founder of the Homeless Coalition and facilitator for the Brookings Harbor Homeless project.

We are particularly proud of a women only self-defense training session we held recently and plan to do another this spring.

Unfortunately, we have had a few dark moments recently that threatened to clip our wings. We would like to emphasize that when these challenging incidents occur, we address and remedy them quickly in order to move beyond them.

When a staff member was discovered acting unprofessionally with a client, we immediately dismissed her. We now have implemented a number of hiring guidelines that should decrease the chances of the same situation reoccurring.

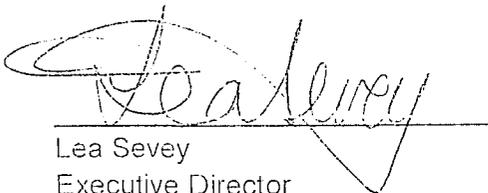
Oasis Shelter Home has recently been the target of some negative comments that, while unfounded and completely false, have had a detrimental impact on our resources. Unfortunately, a grant from the Office of Housing and Urban Development was rejected, as was our South Coast Food Share program commitment. The SCFS program is indirectly funded by HUD.

We are monitoring and countering any negative publicity these situations have generated. Also, we are launching a pro-active public relations program to let others in the local communities know about the good work Oasis Shelter Home is doing and why our services are so desperately needed.

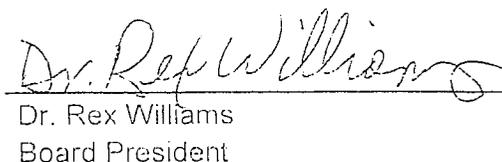
Our goal is now, as it has always been, to communicate directly and openly with you. We will be sending information regarding the timing of our opening for the new administrative office. We sincerely hope you'll stop by, have a cup of coffee and chat about our Shelter. Our door is always open to you, and your continued support is deeply appreciated.

As always, do feel free to call us if you have any questions or comments about Oasis Shelter Home and the work we are doing. The next few years will be some very exciting ones for us, and we appreciate having you share in our success.

Sincerely,



Lea Sevey  
Executive Director



Dr. Rex Williams  
Board President