

MINUTES  
*May 14, 2012*  
 CITY COUNCIL CHAMBERS, CITY HALL  
 29592 ELLENSBURG AVE  
 GOLD BEACH OR 97444

Call to order:                      Time: 6:30PM

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	
Acting City Administrator Jodi Fritts	X	
Student Liaison Lyndsey Dixon	X	

3.     **Special Orders of Business:**

Update from PW Superintendent Will Newdall on Wastewater Treatment Plant project

Public Works Superintendent Will Newdall updated the Council on the Wastewater Treatment Plant project.

Excavation for the head works pump station wet well: He indicated that the excavation for the head works pump station wet well has been completed and backfilled. He explained that it is the largest pump station that feeds the SBR, and it has a capacity to pump close to 2,000 gallons per minute.

He indicated that the excavation for the control building has been completed and the concrete was poured in the first part of May. He explained that the control building is what houses all of the electric controls for the plant and also the pit where the bio solids will be stored. He said that the concrete walls were going to be poured on Thursday.

Installation of concrete forms and rebar for SBR and sludge pit: He indicated that <sup>3</sup>/<sub>4</sub> of the pouring for the floor has been completed. He told the Council that 33% of the project is done, according to the engineer, and everything is moving along quite well.

Fairgrounds pump station: He explained that the excavation, backfill and all of the concrete parts have been completed on the station and installation of the rails that the pumps slide up and down has been started. Work on the control panel will be starting soon. He explained that there was a completion date of June 2012 for the fairgrounds pump station to be completed because it's funded by an outside funding source. He reported that it looks like it will be completed close to the completion date.

Re-mark two abandoned fuel tanks: Fuel tanks have been located and past crews decommissioned them correctly, filling them with concrete, but they were still left onsite and not removed. He indicated that they needed to locate the tanks and treat them as if they were not decommissioned correctly. He explained that they brought onboard Koos Environmental to take care of the soil contamination concerns and to deal with DEQ, as it was verified that the tanks were decommissioned correctly and gotten offsite.

He indicated that there was a site visit by DEQ on April 4, 2012. They did an overall inspection of how the plant project was progressing and also questioned some of the employees in regards to wage rates. They did not present any concerns. He explained that DEQ does site visits quarterly.

Councilor Tamie Kaufman asked PW Superintendent Will Newdall if he had said that the projection was 33% completed. PW Superintendent Newdall confirmed that it was 33% complete, and it appears like another year for construction. He expects that in May of 2013 they should be tying up the loose ends.

Mayor James Wernicke asked PW Superintendent Will Newdall if he was satisfied with the way the construction has been going. PW Superintendent Will Newdall indicated that he was, that Dyer is onsite anytime construction is occurring. If there is a problem, they're immediately on the horn or rectifying it. He indicated that Steller J's foreman is on top of it and has a good handle on what's going on.

PW Superintendent Will Newdall informed the Council that the City has been installing a water main with Grimes Construction that is nearly complete. He indicated that on May 15, 2012, at 6:00 a.m. the water will be shut off, and they will be laying the last stick of pipe to restore water on Caughell Street. He indicated that this project so far has just over 1,000 feet of water main that's been re-installed and replacing some 1955 steel water mains that were failing. He indicated that five new hydrants have been installed. He indicated that they put in a replacement water main on the Crow's Nest alley for a 1955 water main that was leaking. He told the Council that the total project cost to date is \$118,485. He said that they did add to the project. The original contract was for about \$85,000 or \$86,000, and by negotiating with the contractor and having him quote going from street to street, that he turned in some good quotes, so the City was able to afford the new additions. He indicated when all work is complete, there will be a brand new water main from 101 at Wong's all of the way to Buffington Park, with the associated valves. He indicated that there never were any valves along that street and it was rather difficult to turn off water when there have been issues.

PW Superintendent Will Newdall told the Council that there will be reservoir painting that will occur this summer. He indicated that they received some bids for the repainting of three reservoirs with lead abatement, one coming in at \$162,000. That bid came in under what the engineer's estimate was. He indicated that the bid was a very good deal because it's very complex in this day and age to remove paint that has lead in it. He told the Council it's a very stringent removal process. Councilor Brice Gregory asked if this was the interior or exterior of the reservoirs.

PW Superintendent Will Newdall indicated that it was only for the exteriors. He told the Council that they had divers go down inside of the reservoirs and verify the condition internally. He said that it's been 31 years since the reservoirs were painted. There was general discussion about the specifics of the lead abatement process between Council members and PW Superintendent Will Newdall.

**4. Consent Calendar**

February 2012 minutes, March 5, 2012 minutes, April 16, 2012 minutes

**MOTION: Councilor Tamie Kaufman moved to approve the Consent Calendar. Councilor Larry Brennan seconded the motion.**

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

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

**5. Citizens Comments**

As presented to the Mayor at the beginning of the meeting

There were no citizen comments presented to the Mayor.

**6. Public Hearing**

Request by Curry Transfer and Recycling for CPI rate adjustment

CA Fritts told the Council that CTR and the City have a franchise agreement that they have had since 1997. In the franchise agreement there is an option for CTR to do a cost of living adjustment annually based on the CPI. She indicated that generally they submit that in April, which they have done. She indicated that Mr. Smart from CTR was there, and if the Council had questions, he would be able to answer them.

Councilor Doug Brand asked when the franchise agreement would end. CA Fritts answered that it goes on into perpetuity unless one of the parties do not want to be participants anymore.

Councilor Larry Brennan said that he thought that CTR didn't apply for an increase in 2011. CA Fritts said they did. Mayor Wernicke said that he remembered two or three years ago they didn't request an increase. CA Fritts said that the previous request was in 2009. She indicated that in year 2011 CTR also requested household hazardous waste that not been requested previously.

There was general discussion regarding the Port Orford dump closure, about the fees being taken out and then getting added in. CA Fritts indicated that the Port Orford dump was closed in the late '80's or early '90's and that there's a fee that each city pays because the dump has to be monitored for approximately 20 years. Mr. Smart was asked how long the dump needed to be monitored. He answered approximately 20 years for the post-closure and DEQ would be involved. He said it's been going well, and it might be earlier for the closure. He indicated that the reason that the Port Orford dump was taken out and then added back in is CTR doesn't get a rate adjustment on that. Anything that's a pass-through, like the household hazardous waste, they take that out, redo an adjustment, and then put it back in.

Councilor Tamie Kaufman asked Mr. Smart where the City's garbage is being hauled. Mr. Smart answered that the garbage was being hauled to the Dry Creek Landfill in Medford.

Mr. Smart was asked if this adjustment was a COLA-type increase. Mr. Smart indicated that it's based on the national US city average of the cost of living. He said there are a lot of expenses for their business. He said that they've never requested a fuel surcharge and have to brace themselves for the cost of fuel and the rising cost of health insurance. He said that this year alone they put in the company's budget almost \$100,000 just for the new rules and regulations and upgrades of DEQ, things they can't do in their office. They have to have an engineer sign off on them.

**7. Citizen Requested Agenda Items**

Jim Baldwin, request for City to pay electricity for street light on upper 8<sup>th</sup> Street

CA Fritts told the Council that Jim Baldwin had come into the City's office about a month ago and requested that the City take over a streetlight that's on 8<sup>th</sup> Street. She indicated that previously that light had been lit, but Coos-Curry Electric did an audit of their streetlights and found that that particular light wasn't being billed to anyone so they shut it off. She indicated that Mr. Baldwin lives across the street from where the light is. He contacted Coos-Curry Electric about the light, and he learned that it had been turned off because there wasn't a customer associated with it. She indicated the bill for the light is \$14 a month.

CA Fritts indicated that when Jim Baldwin came into the office to see if the City would take over the light and pay for it, she declined for two reasons. One, she said that the City already pays a considerable amount of money a month for street lighting, about \$2,500, and if the City takes on any additional lights, it needs to be kind of looked at citywide. Two, the street light on 8<sup>th</sup> Street is on the corner of where she lives and she doesn't particularly want the light on. She said that she didn't think it would be appropriate for the City Administrator to say that the City would pay for the light that's on the corner of her property.

CA Fritts indicated that Mr. Baldwin brought in a packet of information, and she wanted to make a note there's a petition attached. Since it did not have the signatures of the property owners, she had the front office staff contact the people on the list. She said that while most of them were not opposed to the light, they didn't really

know there was a petition, per se. She indicated there were two people on the list that actually didn't want the light.

Jim Baldwin addressed the Council on his concerns for safety on the corner where the light is. There was general discussion between the Council and Jim Baldwin regarding his safety concerns.

**MOTION: Councilor Jeff Crook moved to approve Mr. Baldwin's request to assume responsibility for the streetlight, in light of the safety issues. Councilor Larry Brennan seconded the motion.**

**Mayor Wernicke called for discussion or debate.**

There was general discussion regarding the light's placement, safety issues, and the type of bulb that could be used to be cost-effective among the Council.

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

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

CA Fritts will contact Coos-Curry and get a list of what lights the City is paying for.

**8. Public Contracts and Purchasing**

Award of Contract for Water Reservoir Rehabilitation Improvements (repainting)

CA Fritts told the Council that there were six bids that were received and reviewed by Dyer. The lowest bidder was Shields Painting Corporation in the amount \$162,000. She explained that is approximately \$47,000 less than the engineer's estimate. She indicated that one of the few good things about a recession is that on Public Works contracts things actually come in under bid. She indicated that the City budgeted \$316,000 for the repainting, and at the end of April 2012 the City had expended a little under \$4,800 for engineering costs.

The Council and CA Fritts discussed adding another tank to be repainted. CA Fritts indicated that the three that will be repainted were identified as the ones that needed it. She stated that the engineer last year went around and identified which tanks needed to be repainted. What's not spent of the \$316,000 budget will go back into the water fund.

**MOTION: Councilor Tamie Kaufman moved to accept the low bidder Shields Painting. Councilor Doug Brand seconded the motion.**

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

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

**9. Ordinances & Resolutions**

- a. Resolution R1112-30 CTR rate adjustment
- b. Resolution R1112-31 Enterprise Zone re-designation application
- c. Resolution R1112-32 Contract Award for Reservoir Rehabilitation Improvements

**MOTION: Councilor Brice Gregory moved to approve Resolution R1112-30, a resolution approving Curry Transfer and Recycling rate adjustment. Councilor Tamie Kaufman seconded the motion.**

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

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

CA Fritts explained that Resolution R1112-31 is not something new, that the City has had the Enterprise Zone since 2002. She indicated that she does have the original 2002 application. She explained that Curry County, the City of Gold Beach, and the Port of Gold Beach are currently sponsors or participants in the Enterprise Zone. She indicated that the Enterprise Zones are the old Tams mill out in Ophir, the old mill site up the Rogue River, and a portion of Hunter Creek in the general vicinity of Freeman Marine and the shops out there. She explained that the Enterprise Zone is

an economic stimulus and that unfortunately in the last 10 years there have been no applications.

There was general discussion among the Council about areas that would fall into the Enterprise Zone and what jurisdiction would cover it.

**MOTION: Councilor Tamie Kaufman made a motion to approve Resolution R1112-31. Councilor Jeff Crook seconded.**

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

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

CA Fritts explained that Resolution R112-32 is the actual resolution awarding the contract to Shields Painting and giving the City Administrator the right to execute the documents related to the contract.

**MOTION: Councilor Jeff Crook made a motion to adopt Resolution R1112-32, a resolution to award construction contract for Water Reservoir Rehabilitation Improvements. Councilor Brice Gregory seconded.**

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

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

10. **Miscellaneous Items (including policy discussions and determinations)**
  - a. Possible donation of property to the City
  - b. Revenue/Expenditures Summary as of April 2012
  - c. Request by Mayor to discuss Hwy 101 configuration through town

Possible donation of property to the City: CA Fritts explained to the Council that the possible donation of property to the City is the property that's fenced in towards the end of town, south of the Cape. She indicated that she was contacted two or three weeks ago asking if the City would be interested in buying. She told them that the City was not interested in buying it. The next day she was contacted again and asked if the City would be interested in the property if it was donated. She told them that the City might, but she would need to speak with counsel about it.

CA Fritts explained that one of the City's concerns and a concern for the City's attorney is that the property used to be a Union Oil facility. It's now owned by Chevron, but it used to be Union Oil. She indicated that she doesn't think that there are any buried tanks there. She indicated that she thinks that Chevron needed to do something this year tax wise.

She indicated if the Council wanted to accept the donation, they will need to insure that they show us there are no environmental concerns with the property, and if there is something that does come up in the future, the City is not going to be responsible for it environmental-wise.

There was general discussion amongst the Council about the size of the lot, its location, and ideas for use of it. CA Fritts indicated if there were no problems and they accepted it as a donation, the City could use it for themselves, for the urban renewal, or it could be sold. She indicated to the Council if they were interested, she would get in touch with the gentleman who contacted her, Mr. Nicholson, and ask what he knows about the property, and then she will contact DEQ. There was general discussion amongst the Council again about the size of the lot and location.

CA Fritts asked for direction from the Council on how they wanted to proceed. It was decided that CA Fritts would get more information and check with DEQ and the realtor about the property. The Council's main concern is about environmental issues.

Revenue/Expenditures Summary as of April 2012: CA Fritts explained that the Revenue/Expenditures Summary as of April 2012 is more of an informational item and asked if the Council had any questions about it. She was asked if there were any red flags since two weeks ago. She replied that they saw the same thing during the budget hearings. The Mayor commented that there's more income. Councilor Tamie Kaufman commented on how many back taxes are being collected. CA Fritts indicated that she thought as foreclosed properties are being sold, one of the requirements is the back taxes have to be brought up. In the past there hasn't been such high collection rates, but because there are so many foreclosures, it has risen. She indicated that she "thinks" that's the reason. Councilor Tamie Kaufman indicated that it might be when they get close to the third year, they might start paying their taxes because they don't want the County to take their property, and CA Fritts agreed.

There was general discussion regarding the Nelson property and the City wanting to purchase it. CA Fritts indicated that no one has done anything with the property.

She indicated that there were liens against the property, that the State is first, the County second, and the City third. There was general discussion about the property amongst the Council, and CA Fritts will check into the probate issue involved with the property.

Request by Mayor to discuss Highway 101 configuration through town: Mayor Wernicke discussed ideas of Highway 101 configuration through town. He discussed how the newer developments, like in Newport and Lincoln City, have changed the four-lane roads to two lanes, north-south travel, with a center turn lane. He explained that in doing that, it enabled them to add bike lanes and/or parking lanes to either side without interrupting the flow of traffic through town. He indicated it looked like it would have the effect of slowing traffic as it goes through town and make parking on the side safer and offer the opportunity to put in a bike lane. He stated he just returned from California, and there was a community there that did it differently on each side of the street. They had two lanes with a center turn lane. On one side they had a parking lane. On the other side they had a parking lane that extended out so it would also be a bike lane. He indicated there really are no parking facilities on the east side of 101. He thought that might work in our community. He indicated that it would take some engineering to figure out what would work width-wise and also take ODOT approval.

Councilor Tamie Kaufman indicated that OEDD drew a new highway configuration up in the 2000's. David Hoenie was on the committee that brought it in. They would have the drawings.

There was general discussion amongst the Council about the reconfiguration and adding a bike lane. CA Fritts said that she would approach ODOT. There was discussion about getting public input after the Council had a solid concept to present.

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

CA Fritts gave a report which is attached to these minutes.

**12. Mayor and Council Member Comments**

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

The Mayor said that he went to the High on Health fundraiser and that Councilor Brice Gregory was a featured player in the play. He said that he did a great job. He said that it was very encouraging to see a young man, who has a young family, step up and donate his time to the fundraiser and to be on the City Council.

Councilor Jeff Crook said that he wanted to thank CA Fritts and staff for the great job that they are doing.

Councilor Doug Brand said that the 25<sup>th</sup> Wine and Art Festival was this weekend and to support the City.

**13. Citizens Comments**

There were no citizen comments.

**14. Executive Session**

There was no executive session.

The next regularly scheduled meeting of the Gold Beach City Council is Monday, June 11, 2012, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

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

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

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

**15. Adjourn Time: 8:33PM**

  
Candy Cronberger, City Recorder



AGENDA  
**May 14, 2012, 6:30PM**  
 CITY COUNCIL CHAMBERS, CITY HALL  
 29592 ELLENSBURG AVE  
 GOLD BEACH OR 97444

Call to order:            Time: \_\_\_\_\_

1.    **The pledge of allegiance**

2.    **Roll Call:**

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

3.    **Special Orders of Business:**

Update from PW Super Will Newdall on Wastewater Treatment Plant project

4.    **Consent Calendar**

February 2012 minutes, March 5, 2012 minutes, April 16, 2012 minutes

5.    **Citizens Comments**

As presented to the Mayor at the beginning of the meeting

6.    **Public Hearing**

Request by Curry Transfer and Recycling for CPI rate adjustment

7.    **Citizen Requested Agenda Items**

Jim Baldwin, request for city to pay electricity for street light on upper 8<sup>th</sup> Street

8.    **Public Contracts and Purchasing**

Award of Contract for Water Reservoir Rehabilitation Improvements (repainting)

9.    **Ordinances & Resolutions**

- a.    Resolution R1112-30 CTR rate adjustment
- b.    Resolution R1112-31 Enterprise Zone re-designation application
- c.    Resolution R1112-32 Contract Award for Reservoir Rehabilitation Improvements

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

- a.    Possible donation of property to the City

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

- b. Revenue/Expenditures Summary as of April 2012
- c. Request by Mayor to discuss Hwy 101 configuration through town

**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**

As presented to the Mayor at the beginning of the meeting

**14. Executive Session**

None scheduled

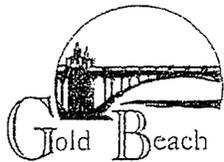
The next regularly scheduled meeting of the Gold Beach City Council is Monday, June 11, 2012 at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

**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

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

# Consent Calendar



**MINUTES  
REGULAR MEETING**

*Monday, February 13, 2012: 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:**

Volunteer Recognition: Dale St. Marie (41 years as a volunteer firefighter)  
 Swearing in of new police officer Thomas Burdett

Mr. Mayor presented St. Marie with a plaque, photo and gift certificate. Bruce Floyd, Fire Chief thanked St. Marie for all of his years of service.

Mr. Mayor performed swearing in of new police officer Thomas Burdett. Burdett is new to the area but has family here. Everyone welcomed him.

Addition to the agenda: Wastewater Treatment Plant Construction Update

Public Works Superintendent, Will Newdall, gave update on the construction project. Progress is being made, weather held back some of the work, but not too much. While the contractors are here working on wastewater project, a water main is being installed that will loop into the fairgrounds, which will help keep the water fresh. A water main easement is being obtained with the high school. USDA visit went well, no real concerns, kind of an introduction with new USDA representative. Submittals for changes in specifications from general contractor that the engineers are working on. Councilor Jeff Crook asked for a bit more info on why the location of the water main had to be moved. Newdall explained that when the high water came in with the last rain event, it moved some large roots, washing out a large gouge in the temporary road, so it was decided to move the main rather than set it up to fail in the future.

Also, Grimes Construction is replacing hydrants. As the project started, it was found that the system was in better condition than originally thought so costs and time to the company, as well as down-time to our system was improved.

Councilor Crook asked if Newdall foresaw any issues that might cause changes to the budget in the future. Newdall said a lot of time is spent with the engineers 2-3 months down the road working on any potential issues and working with the contractors to review vendor's products specifications. A couple of very deep vertical excavations are coming up for the wet wells and they are looking at a good de-watering plan.

**4. Consent Calendar**

Council Minutes: August 18, 2011; September 11, 2011; December 12, 2011; January 9, 2012

**MOTION: Councilor Larry Brennan made a motion to approve the consent calendar. Councilor Doug Brand seconded the motion.**

**Mayor Wernicke called for 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**

None submitted.

There were no citizens comments.

**6. Public Hearing**

None scheduled

There was no public hearing scheduled.

**7. Citizen Requested Agenda Items**

None submitted

There were no citizen requested agenda items.

**8. Public Contracts and Purchasing**

None submitted

There were no public contracts or purchasing items.

**Interview of Karen Richmond for Urban Renewal Committee was moved up from Miscellaneous Items (a).** Karen Richmond moved here 5 months ago and wants to get involved with Gold Beach and be a part of "prettifying" it up. She has seen what this type of group can do to help improve an area in Arizona and has done a lot of traveling and can see a

lot of what can be improved in our town. She works at Chase Bank, she's been there for 6 weeks now.

**9. Ordinances & Resolutions**

- a. Resolution R1112-23 Planning Commission appointments
- b. Resolution R1112-24 Urban Renewal Agency appointments
- c. Resolution R1112-25 Budget Committee appointments

a. Resolution R1112-23 Planning Commission appointments

**MOTION: Councilor Tamie Kaufman made a motion to approve Resolution R1112-23, A resolution confirming appointments to the planning commission and setting term of office. Councilor Doug Brand seconded the motion.**

**Mayor Wernicke called for 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. Resolution R1112-24 Urban Renewal Agency appointments

**MOTION: Councilor Doug Brand made a motion to adopt Resolution R1112-24, Urban Renewal Agency appointment for Karen Richmond. Councilor Larry Brennan seconded the motion.**

**Mayor Wernicke called for 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 R1112-25 Budget Committee appointments.

**MOTION: Councilor Tamie Kaufman made a motion to approve Resolution R1112-25. Councilor Jeff Crook seconded the motion.**

Mayor Wernicke called for 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. Interview potential Urban Renewal appointee (*this was moved up to before Ordinances & Resolutions*)
  - b. Appoint a Mayor Pro Tem for 2012 (Council Rule #6)
  - c. Discuss use of CIS incentive funding (Resolution R1011-21)
  - d. Review of City Business Plan (Resolution R1011-04)
  - e. Discuss proposed IGA between Urban Renewal Agency and City
- b. Appoint a Mayor Pro Tem for 2012 (Council Rule #6)

**MOTION: Councilor Doug Brand made a motion to reappoint Councilor Larry Brennan. Councilor Jeff Crook seconded the motion.**

Mayor Wernicke called for 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. Discuss use of CIS incentive funding (Resolution R1011-21)
- This is back as an agenda item, council approved to use the incentive money last year to put security cameras on the backside of the Fire Hall. CA Fritts was thinking she'd like to use the money to make the front offices more secure. CIS was actually concerned about it, and protection of staff. Fritts and Chief Andrews have been talking about security windows at the front office and the PD, and cameras to keep track of who enters the city offices. Fritts used Coos-Curry Electric as an example of how to do the window. Also may add a punch lock onto the door, since the door into the office from the lobby isn't secure.

Councilor Kaufman asked about cameras, Fritts and Chief Andrews are thinking about one towards the break room and the lobby. Chief Dixon would also like one on the outside of the PD door. Right now they don't even have a peep hole. Councilor Brand said another one

needed to be pointed at the front door. Fritts said there is \$6000 available from CIS for risk management incentives.

Mr. Mayor asked if Fritts had a resolution. Fritts said she would have a resolution at the next meeting but she wanted to discuss it first.

d. Review of City Business Plan (Resolution R1011-04):  
Special meeting set for March 5, 2012 at 6:30 to review the business plan.

e. Discuss proposed IGA between Urban Renewal Agency and City:  
Fritts e-mailed a copy of the information that the city attorney provided. The attorney felt the council doesn't have to have an IGA with them until after the feasibility study. Fritts said the City could pay for the feasibility study and if it says to go for it, then it would be appropriate to do an IGA. Fritts said the Urban Renewal contractor could have the work done before June 30<sup>th</sup>. If it is before June 30<sup>th</sup>, then it can be done in this year's budget, or if the council wants to wait and put it in next year's budget.

Councilor Crook asked what our costs from the county will be for next year, if we know yet? Fritts said probably \$50,000 for dispatch. There are some discussions of dispatch changes, etc. and consolidation of 911, which may affect costs. Fritts said we have the money in the budget and we should just go ahead and do it. This is an investment to be made in the community. Councilor Gregory discussed the fact that spending the money is nerve-racking given the financial situation. Fritts agreed, this is a financial issue, spending money is hard, but until the study is completed we won't know if an Urban Renewal District is even feasible for Gold Beach.

**MOTION: Councilor Tamie Kaufman made a motion to go out for a feasibility study for urban renewal in this budget year and make the appropriate budget changes up to \$10,000. Councilor Jeff Crook seconded.**

Mayor Wernicke called for discussion or debate. Councilor Gregory asked what would happen if the feasibility study came out negative; would the City be out the \$10,000? Fritts said yes, but this was a which comes first the chicken or the egg situation. We need the study to determine whether urban renewal will work or not. Mr. Mayor called for the vote.

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

11. City Administrator's Report:

CA Fritts presented her report which is attached to these minutes.

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

a. Mayor James Wernicke:

Thanked First American Title (who has closed their Gold Beach Office) for their donation of old photos of Gold Beach, the Mayor would like to fill the whole wall in the Council Chambers.

b. Councilors

1) Jeff Crook: Don't forget wives or spouses on Valentine's Day.

2) Larry Brennan: HHHW update, bylaws reviewed and changed slightly.

DEQ is sponsoring a drop-off event in each county. When it is up and running, it will be open at Beaver Hill for drop-off for users of paint, etc. It's been up and going for 2 years.

3) Brice Gregory: Nothing, but Fritts let everyone know that he is the first councilor to be expecting a baby while in office.

4) Doug Brand: Congrats to Brice.

5) Tamie Kaufman: Wanted to make a comment that she appreciates people who can say they made a mistake, she likes that Fritts is really up front, she is happy with the council and our volunteers.

c. Student Liaison, Lyndsey Dixon: Absent

**13. Citizens Comments:**

As presented to the Mayor at the beginning of the meeting.

There were no citizens comments.

**14. Executive Session:**

*An executive session will be held pursuant to ORS 192.660(2)(f)*

*To consider information or records exempt from disclosure by law, including written correspondence from counsel.*

The executive session was not needed and was not held.

The next meeting of the Gold Beach City Council is scheduled for Monday, March 12, 2012, at 6:30 PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

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

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

Record of Vote	Ayes	Nays	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		

Council Position #5 Tamie Kaufman	X		
MOTION CARRIES UNANIMOUSLY			

15. Adjourn Time: 8:10 pm



**MINUTES**  
**March 5, 2012, 6:30PM**  
**CITY COUNCIL CHAMBERS, CITY HALL**  
**29592 ELLENSBURG AVE**  
**GOLD BEACH OR 97444**

Call to order:                      Time: 6:32PM

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:**  
       None scheduled

There were no special orders of business scheduled.

4.     **Consent Calendar**  
       None scheduled

There were no consent calendar items scheduled.

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

No one presented citizens comments to the Mayor.

6.     **Public Hearing**  
       **Annual Review of the adopted City Business Plan**  
       **Resolution R1011-04**

Mr. Mayor opened the public hearing and began discussion of the review of the Business Plan. Mr. Mayor asked where the council would like to begin. City Administrator Fritts asked how the council and Mayor wished to go through the items. It was decided the Goals would remain unchanged and the Priority/Action items would be reviewed/updated/revised.

**Goal 1: Achieve Fiscal Sustainability**

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

Priority/Action (P/A) item #3: Maximize long-term debt repayments. CA Fritts explained that the only debt the City currently had was related to the Wastewater Treatment Plant. All other debt: Water infrastructure and the Visitor Center have been paid in full. The target date was changed from June 2011 to Ongoing. General discussion about debt, interest rates and repayment.

P/A item #2 Establish fiscal and budget policies for the City: Fritts said she thought that budget policies had been adopted but not fiscal policies. She thought former CA Barnes was in the process of doing that when she left. Councilor Kaufman asked what a realistic target date would be for the fiscal policies. Fritts said before next budget year. Target date revised from September 2010 to March 2013.

P/A item #4 Improve and simplify financial reporting and monitoring: Councilors Kaufman, Brand and Crook felt this has been completed with the conversion to the new accounting software. Brand suggested that no items be removed from the list but left there and shown as COMPLETED that way it would be a historical document as well as a current one. Everyone agreed.

P/A item #5 Develop five-year revenue/expenditure forecast: It was decided that a three year budget cycle would be more realistic especially with the poor economy. Revenue streams would be hard to project for five years. Discussion about economy, the County fiscal situation, and State revenues. Completion date was revised from December 2010 to March 2013.

P/A item #6 Annually review System Development Charges and update as needed: Kaufman felt annually was a little too much. Fritts agreed but said the last time SDC's had been reviewed was in 2004 so it was needed at this point. Kaufman thought bi-annual (every other year) was more realistic. Fritts said it was not necessary to do a new SDC study each time, but that we follow the engineer's recommendation to put an inflation factor in place. Fritts said that recommendation was never implemented and that may be all we need to do.

Councilor Brennan asked if this was the rate study done last year. Fritts said that was a sewer rate study. Fritts said that we should be looking to do a water rate study soon now that we have better software that can track usage. She said she had already contacted RCAC (group that did the sewer rate study) and they are interested in helping us again. Brennan asked who would do the SDC study—Fritts said it would be Dyer (our engineers). Discussion about SDC study.

P/A item #7 Review and update all fees annually: Fritts said City fees had not been reviewed since 2008. Fritts explained that "fees" were things like business licenses, planning fees, sign permits, etc. Kaufman asked if the water deposit for non-sewer customers could be reviewed at this time. Fritts explained what Kaufman had asked—the current water deposit is \$200; this is to cover the cost if someone skips out on their bill. For people that just have

one city service (water or sewer) this deposit is pretty high—water is only about \$25 per month. A \$100 deposit for water only service would be more fair.

P/A item #8 Aggressively pursue grant funding: no changes to this item. Kaufman asked if there was anyone on staff that could do grants. Fritts said Candy Cronberger (Admin Assistant) was actually at a 2-day grant writing workshop right now. Candy will be the City grant person.

P/A item #9 Undertake comprehensive compensation and classification review and update City salary schedule: Kaufman said this was completed. Fritts said yes, it was, but she would like to leave it as Ongoing because it should be looked at regularly. Discussion. Decided to mark as completed but the Target would say Revisit in 3 years. It was completed for budget FY11-12 so should be looked at again for budget FY 14-15.

P/A item #10 Seek alternative energy solutions for City operations: Change the Target from July 2010 to Ongoing. Discussion on possible energy generation from wastewater treatment plant. Councilor Brand said he had spoken with Will Newdall (PW Superintendent) and Will said we did generate enough waste to turn into energy. Brief discussion about energy alternatives.

## **Goal 2: Enhance Quality of Life in Gold Beach**

P/A item #1 Pursue formation of a parks and recreation district: Kaufman asked Mr. Mayor what was going on with the P&R district. Mr. Mayor said there were still 3 members of the committee but with the local economy as bad as it is this has been put on the back burner. We have not given up on the idea. Will revisit when economy improves. Target date changed from May 2010-May 2011 to Ongoing.

P/A item #2 Pursue development of a community garden: Fritts thought this had fallen by the wayside. Councilor Crook said there is a community garden by the Presbyterian Church. Target date changed from May 2010-May 2011 to Ongoing. Kaufman asked about the garden area at Buffington Park. Fritts said if anyone wanted to use that area it was fine with the City. Maybe put something in the paper.

P/A item #3 Develop community vision and mission statement: This task has been completed but should be revisited. Fritts said mission statement is now on the letterhead. Mr. Mayor asked if it was on the website. Review and revisit in 5 years: 2015.

P/A item #4 Pursue opportunities to enhance education outreach and workforce training programs for Gold Beach residents: Kaufman said the Southwestern Oregon Community College campus in Brookings is complete. Kaufman thought at one time Freeman Marine was interested in helping with workforce training. She wasn't sure if that was still the case. Councilor Brennan suggested changing the action item to "vocational workforce/vocational training..."

P/A item #5 Provide community events and activity schedule: We have this on our Visitor Center website and on our regular website. Target changed from July 2010 to just Ongoing.

P/A item #6 Update and maintain park facilities: Discussion about Buffington Park. Fritts said a new park maintenance contractor (Budget Tree Service) has been hired for Buffington. She said we should see a real improvement there in the next few months. Kaufman asked if we had found a wood chip supplier. Fritts said yes, the only reason they haven't arrived is the weather. They should be arriving in the next month or so.

### **Goal 3: Improve Internal Systems**

P/A item #1 Conduct quarterly workshops to review progress on goals: It was decided a schedule needed to be put here so that it would be easier to follow. Discussion on how to schedule. Decided that it should be made part of regularly scheduled council meetings. Kaufman said what about reviewing quarterly and take a section or two at a time. Schedule was made: January Meeting: Goals 1 & 2, April Meeting: Goals 3 & 4, July Meeting: Goals 5 & 6, September Meeting: Goals 7 & 8. Target changed from November 2010 to Ongoing or As Needed.

P/A item #2 Review and update administrative policies and procedures: This task has been completed. Fritts said a schedule should be set to review. It was decided to review it at the same time as the Salary Study—every third year.

P/A item #3 Review and update personnel policies and procedures: This task has been completed. Review these at the same time as admin policies and procedures—every third year.

P/A item #4 Complete public works standards and specifications for new plant: This task has been completed. Councilor Brand said that we should leave this as Ongoing—the sewer plant was taken care of but we will be addressing the water plant soon.

P/A item #5 Regularly review and update organizational chart: Ongoing and specifically published during the annual budget hearing.

P/A item #6 Review and update Municipal Code: This has been completed. Fritts said we had discussed something recently though. It was the enforcement section. Parking enforcement was discussed also. Target changed from May 2011 to Ongoing.

P/A item #7 Integrate infrastructure data into GIS: ~~Change Target from June 2011 to~~ Ongoing. The engineer has been work with county GIS to integrate the Public Works layers into GIS.

P/A item #8 Computerize, catalog and back-up City records: Not completed but the process has begun. Fritts said more information is being posted to the website. Councilor Gregory asked if the City Code was online. Fritts said no, but that it would easy to scan and do that

now. Brief discussion about responsible party. Discussion about backup of electronic data. Target revised from June 2011 to December 2012 and then Ongoing.

P/A item #9 Improve internal control policies and procedures: Target revised from October 2010 to December 2012 and then Ongoing. Fritts said procedures have been improved but there are not formal written policies. She said she would like to have a formal policy.

P/A item #10 Provide efficient, timely and thorough audits: New auditors have improved everything. The draft audit just arrived today. Target date revised from August 2010 to Ongoing.

#### **Goal 4: A Safe Community**

P/A item #1 Provide minimum 24/7 coverage: Fritts said she had just talked with Police Chief Andrews today and he said that 24/7 is unrealistic for our small town. Just not enough bodies. He said that 20/7 coverage is realistic because we have two, 10 hour shifts. Brief discussion about coverage hours. This P/A item revised to: Provide minimum 20/7 police coverage. Councilor Gregory said he really liked Chief Dixon. Kaufman agreed. Target revised from July 2013 to Ongoing.

P/A item #2 Provide for a community shelter as part of a multi-use community center: Fritts said the Target is July 2015 and we should still be shooting for that. Discussion about where the shelter could be located. East side of Buffington Park property that is currently undeveloped. Mr. Mayor said the facility could be a recreation building and then a shelter as needed. Discussion about how all large facilities are located within tsunami zone. No facility out currently. Kaufman asked if we could do preliminary work—geology, site work, etc. now? Discussion about park property, geology, development, etc.

P/A item #3 Acquire and install emergency plans and procedures: Fritts said she needed to check with Will Newdall about installation of generators.

P/A item #4: Develop/update emergency plans and procedures: This has been completed. Target revised from May 2010 to Ongoing

P/A item #5 Update and adopt hazard mitigation plan: This has been completed. Target revised from July 2010 to Ongoing

P/A item #6 Pursue streets/highway safety project funding: Target changed from July 2010 to Ongoing. We are looking for this at all times.

P/A item #7 Pursue funding for bicycle/pedestrian improvements: Target changed from July 2010 to Ongoing. We are working on this at all times.

#### **Goal 5: Complete Capital Projects and Identify Future Capital Needs**

P/A item #1 Compete new sewer plant: Construction underway. Target revised from March 2013 to July 2013.

P/A item #2 Evaluate and identify water projects: Completed. Engineers also working on Water Master plan to be completed this fall.

P/A item #3 Complete funding and construction of 3<sup>rd</sup> Street sidewalks: Change Target from November 2010 to Ongoing. Fritts said that we did not get grant funding but we have City money that we are slowly working on phases of the projects. Working on street lighting from narrows to library. Will continue to pursue grant funding.

P/A item #4 Evaluate possibility of relocating city facilities: Target changed from July 2011 to Ongoing. Discussed this as part of community shelter discussion.

P/A item #5 Complete pavement management analysis: Fritts was not sure on this item but would check with Will Newdall.

P/A item #6 Improve project readiness to take advantage of federal/state funding opportunities: This is Ongoing and worked on consistently.

#### **Goal 6: Influence Economic Growth**

P/A item #1 Study annexation pros and cons: Talking done but no studying so far. Fritts said with the County financial situation this is a topic that should be addressed. Mr. Mayor suggested a workshop to discuss boundaries, interest in annexation, information dissemination. Target revised from January 2011 to Summer 2012. Set up workshops after we gather some up front information: maps, tax rates, districts. Brief discussion of process, fire district rates, water rates, taxation, County financial situation, UGB boundary.

P/A item #2 Pursue development of an urban renewal district: Target revised from September 2010 to Completed. Agency has been formed. Pursuing a feasibility study now.

P/A item #3 Participate in regional economic development activities; develop strategic partners. This item is Ongoing.

P/A item #4 Develop and regularly review/update infrastructure master plans and development standards: Target revised from July 2011 to Ongoing.

P/A item #5 Develop plan for addressing downtown parking needs: Target revised from May 2011 to Ongoing. Councilor Gregory said we did need to address this for business such as Playa Del Sol—there is no parking and there are a lot of businesses in that area. Fritts said maybe this issue should be referred to the Planning Commission. Brief discussion about the vacant lot next to Rush Building. It was decided to refer to Planning Commission.

#### **Goal 7: Effective Intergovernmental Relations**

P/A item #1 Participate in intergovernmental agencies and initiatives that further the City's goals: Fritts said we do this regularly. Mr. Mayor said we had just hosted the LOC Region 4 meeting. Target Ongoing.

P/A item #2 Develop strategic partners, public and private: Because of the economy we have really been working at reaching out to partners. Councilor Kaufman asked if Mr. Mayor and Fritts could reach out to the new owners of Freeman Marine. Mr. Mayor said he would. Target Ongoing.

P/A item #3 Improve relations with the Fair Board, County, Port District and participate in joint activities with Port Orford and Brookings: Fritts said we definitely do this. Target Ongoing. Mr. Mayor commented that in the past few years relations have dramatically improved with these partners.

### **Goal 8: Update City Planning**

P/A item #1 Update the current sign code and incorporate it into the zoning ordinance: Target revised from May 2011 to December 2012. Fritts said the planning commission has really been working on this. We have a draft code the attorney provided to us that we have been using as a model.

P/A item #2 Develop general zoning standards for "hot button" topics...: These were topics that some of the PC members wanted to address as a "pet project". Target was March 2012.

P/A item #3 Investigate the ODOT Safe Routes to School Program for possible grant opportunities for the library sidewalk and other pedestrian/bike path projects: Fritts said we did apply for the SRTS grant but we were turned down. Fritts thought maybe the title should be changed to just "possible grant opportunities..." and remove the SRTS. Discussion on 3<sup>rd</sup> Street, Library, and other sidewalk options through grants. Target changed from November 2010 to Ongoing.

P/A item #4 Update land division code: Fritts felt this would not be able to be addressed this year due to the sign code and "hot button topics". Kaufman asked if 2013 would be better? Target revised from June 2012 to June 2013.

P/A item #5 Formulate site review/site design standards for building permit and land use applications. This would include landscaping requirements: Fritts said this was a PC member "pet project" and was not necessarily a priority for staff. Councilor Brennan said he did not like the "requirements" word. Fritts said this issue had been brought up over the years with not much success—land use is already restrictive and "requirements" make people upset. Kaufman said "Beauty is in the eye of the beholder" and that is an issue. Councilor Brand said the "landscape requirements" should be changed to say "open space options". Open space, rather than landscaping is more of an issue. Target revised from July 2011 to June 2013.

P/A item #6 Triage the current Comprehensive Plan and begin the process of updating the chapters (current comp plan circa 1984): Fritts said she would like to pursue a RARE volunteer to do this. It needs a committed body to complete this. She said she may be able to get some grant funding from DLC. Target revised from January 2011 to December 2012.

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

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

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

The public hearing was closed at 8:33PM.

7. **Citizen Requested Agenda Items**  
None submitted

There were no citizen requested agenda items.

8. **Public Contracts and Purchasing**  
None

There were no public contracts and purchasing items.

9. **Ordinances & Resolutions**  
None scheduled

There were no ordinances & resolutions.

10. **Miscellaneous Items (including policy discussions and determinations)**  
None-scheduled

There were no miscellaneous items.

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

Will be reserved for March 12, 2012 regular meeting.

**13. Citizens Comments**

As presented to the Mayor at the beginning of the meeting

There were no citizen comments.

**14. Executive Session**

*None scheduled*

No executive session was held.

The next regularly scheduled meeting of the Gold Beach City Council will be Monday, March 12, 2012 at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon

**MOTION: Councilor Doug Brand made a motion to adjourn. Councilor Larry Brennan seconded the motion. Mayor Wernicke called for discussion or debate, hearing none, he called for the vote.**

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

**15. Adjourn Time: 8:34PM**

# March 5 Workshop Changes

*left over*

## City of Gold Beach FY 2010-2011 Business Plan

Revised 6/22/2010

Goals & Objectives	Priority/Action Items	Resp Party	Target
<b>GOAL 1: Achieve Fiscal Sustainability</b>			
<ul style="list-style-type: none"> <li>Sufficient revenue to sustain City services at appropriate levels.</li> <li>Provide competitive employee compensation.</li> <li>Balanced revenue system that recognizes demands on City services by residents, businesses and visitors.</li> <li>Stable, effective and accountable management.</li> <li>Include sustainability considerations in purchasing decisions.</li> <li>Encourage new private investment in the City.</li> <li>Expedite implementation of approved development plans.</li> </ul>	<ol style="list-style-type: none"> <li>Maintain yearly contingency of at least 5% and an unappropriated ending fund balance of a minimum of 15% in the General Fund operating budget.</li> <li>Establish fiscal and budget policies for the City.</li> <li>Maximize long-term debt repayments.</li> <li>Improve and simplify financial reporting and monitoring.</li> <li>Develop five-year revenue/expenditure forecast.</li> <li>Annually review System Development Charges and update as needed.</li> <li>Review and update all fees annually.</li> <li>Aggressively pursue grant funding.</li> <li>Undertake comprehensive compensation and classification review and update City salary schedule.</li> <li>Seek alternative energy solutions for City operations.</li> </ol>	CA/ASD CA/CC CA/ASD CA/ASD CA/ASD CA CA CA CA PWS	Ongoing 09/2010 01/2011 09/2010 12/2010 April annually April annually Ongoing 11/2010 07/2010 then ongoing
<b>GOAL 2: Enhance Quality of Life in Gold Beach</b>			
<ul style="list-style-type: none"> <li>Enhance opportunities for social interaction among citizens of the community.</li> <li>Encourage the development of recreational activities and community events that benefit all ages.</li> <li>Promote and assist in developing educational opportunities.</li> </ul>	<ol style="list-style-type: none"> <li>Pursue formation of a parks and recreation district.</li> <li>Pursue development of a community garden.</li> <li>Develop community vision and mission statement.</li> <li>Pursue opportunities to enhance education outreach and workforce training programs for Gold Beach residents.</li> <li>Provide community events and activity schedule.</li> <li>Update and maintain park facilities.</li> </ol>	CC CA/CC CC CA VCD/CA PWS	05/2010-05/2011 05/2010-05/2011 08/1/2010 Ongoing 07/2010-then ongoing Ongoing

KEY: CC = City Council CA = City Administrator PC = Police Chief PWS = Public Works Superintendent  
 FC = Fire Chief ASD = Administrative Services Director VCD = Visitor Center Executive Director  
 E = Emergency Services Director

CC MTG

# City of Gold Beach FY 2010-2011 Business Plan

Revised 6/22/2010

Goals & Objectives	Priority/Action Items	SOW	Goals	Resp Party	Target
<b>GOAL 3: Improve Internal Systems</b>					
Positive workplace environment and employee morale.	<i>Peter Schaefer's leave</i>				
Assure internal consistency and efficiency.	1	Conduct quarterly workshops to review progress on goals.	CA/CC	1-1/2010 thru ongoing	Completed
Excellent customer service	2	Review and update administrative policies and procedures.	CA/CC	09/2010 thru ongoing	Completed
	3	Review and update personnel policies and procedures.	CA/CC	07/2010 thru ongoing	Completed
	4	Complete public works standards and specifications for new plant.	PWS	09/2010 thru ongoing	Completed
	5	Regularly review and update organizational chart.	CA	Ongoing	
	6	Review and update Municipal Code.	CC	05-2011 thru ongoing	
	7	Integrate infrastructure data into GIS	PWS/FC/PC/ESD	06/2011 thru ongoing	
	8	Computerize, catalog and back-up City records.	ASD	06/2011 thru ongoing	
	9	Improve internal control policies and procedures	CA/ASD	10/2010 thru ongoing	
	10	Provide for efficient, timely and <u>through</u> audits	ASD	08/2010 thru ongoing	
<b>GOAL 4: A Safe Community</b>					
Adequately staffed, equipped and housed police and fire departments.	1	Provide minimum 24/7 police coverage	PC	07/2013 thru ongoing	
Maintain streets in a safe, serviceable condition.	2	Provide for a community shelter as part of a multi-use community center	ESD	07/2015 thru ongoing	
Provide clean drinking water and compliant wastewater treatment.	3	Acquire and install emergency power generators.	PWS/ESD	05/2011 thru ongoing	
Improve personal/family preparedness.	4	Develop/update emergency plans & procedures	ESD/CA/CC	09/2010 thru ongoing	
	5	Update and adopt hazard mitigation plan.	CC	07/2010 thru ongoing	
	6	Pursue streets/highway safety project funding.	CA/PWS	07/2010 thru ongoing	
	7	Pursue funding for bicycle/pedestrian improvements.	CA/PWS	07/2010 thru ongoing	

KEY:

CC = City Council      CA = City Administrator      PC = Police Chief      PWS = Public Works Superintendent

PC = Fire Chief      ASD = Administrative Services Director      VCD = Visitor Center Executive Director

ASD = Emergency Services Director

# City of Gold Beach FY 2010-2011 Business Plan

Revised 6/22/2010

Goals & Objectives		Priority/Action Items	Resp Party	Target
<b>GOAL 5: Complete Capital Projects and Identify Future Capital Needs</b>				
Complete approved capital projects in a timely and cost efficient manner.		1 Complete new sewer plant	PWS/CA	7/2010
Provide infrastructure to support economic growth.		2 Evaluate and identify water projects.	PWS	03/2011
		3 Complete funding and construction of 3 <sup>rd</sup> street sidewalks	CA/PWS	07/2011 <i>Completed</i>
		4 Evaluate possibility of relocating city facilities	CA/CC	07/2011 <i>Delayed</i>
		5 Complete pavement management analysis.	PWS	07/2011
		6 Improve project readiness to take advantage of federal/state funding opportunities	CA/PWS	Ongoing
<b>GOAL 6: Influence Economic Growth</b>				
Establish development policies and public improvements/standards that recognize economic trends.		1 Study annexation pros and cons <i>Workshop</i>	CC	01/2011
Secure needed resources.		2 Pursue development of an urban renewal district.	CC	09/2010 <i>Completed</i>
Establish policy that City is pro-growth.		3 Participate in regional economic development activities; develop strategic partners.	CA	Ongoing
		4 Develop and regularly review/update infrastructure master plans and development standards.	PWS/CA	07/2011 <i>then ongoing</i>
		5 Develop plan for addressing downtown parking needs. <i>CA Planning</i>	CA Planning	05/2011 <i>Ongoing</i>
<b>GOAL 7: Effective Intergovernmental Relations</b>				
Influence regional, state, national policy on issues important to achieving City goals.		1 Participate in intergovernmental agencies and initiatives that further the City's goals.	CA/CC	Ongoing
Secure grant funding.		2 Develop strategic partners, public and private.	CA/CC	Ongoing
Efficient use of City resources.		3 Improve relations with the Fair Board, County and Port District and participate in joint activities with Port Orford and Brookings	CA/CC	Ongoing

KEY:

CC = City Council      CA = City Administrator      PC = Police Chief      PWS = Public Works Superintendent

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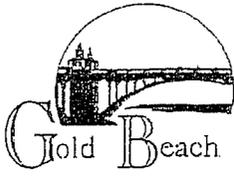
E = Emergency Services Director

# City of Gold Beach FY 2010-2011 Business Plan

Revised 6/22/2010

Goals & Objectives		Priority/Action Items	Resp Party	Target	
<b>GOAL 8: Update City Planning</b> Become more proactive in planning activities		1	ASD/CC	<del>03/2011</del> 12/12	
		Update the current city sign code and incorporate it into the zoning ordinance Develop general zoning standards for "hot button" topics such as: <ul style="list-style-type: none"> <li>• Homeless shelters</li> <li>• Wind turbines</li> <li>• No pornography near schools</li> <li>• Credit for on-street parking and parking in general</li> <li>• Viewscope/viewshed protection standards</li> <li>• Height limits – generally</li> <li>• Maximum/minimum setbacks in commercial and high density residential zones</li> <li>• Affordable housing</li> </ul>			
		2	ASD/CC	<del>03/2011</del>	
		Investigate the <del>ODOT Safe Routes to School program</del> <i>feasible</i> grant opportunities for the library sidewalk and other pedestrian/bike path projects.		CA	<del>01/2011</del> 01/2011
		3	ASD/CC	06/2012 to 2013	
		4	ASD/CC		
5	ASD/CC	07/2011 6/2013			
6	ASD/CC	01/2011 5/2/12			

**KEY:**  
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 FC = Fire Chief  
 ASD = Administrative Services Director  
 VCD = Visitor Center Executive Director  
 = Emergency Services Director



**MINUTES**  
**April 16, 2012, 6:30PM**  
**SPECIAL HEARING**  
**CITY COUNCIL CHAMBERS, CITY HALL**  
**29592 ELLENSBURG AVE**  
**GOLD BEACH OR 97444**

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

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 Tarnie Kaufman	X	
City Administrator Jodi Fritts		In audience
Student Liaison Lyndsey Dixon		X
Legal Counsel, Lauren Sommers	X	

3.     **Special Orders of Business:**  
None Scheduled

4.     **Consent Calendar**  
None Scheduled

5.     **Citizens Comments**  
No comments will be taken

6.     **Public Hearing**

- a.     Grievance appeal of a City Administrator's termination action

Note: These minutes are an almost verbatim transcript rather than a summation.

The Mayor reminded everyone that this was a special session. There would be no public comment, no questions back and forth nor answers given. He asked everyone to please be respectful of the Council since they were between a rock and a hard place. They are going to present the issue, discuss it, and make a decision tonight. And it will be a tough decision. She gave the floor to Legal Counsel, Lauren Sommers.

Sommers explained that this was the time set for consideration by the Gold Beach City Council of Jeff Ferguson's appeal of the termination of his employment with the City. Mr. Ferguson requested that the Council consider his appeal and further requested that the Council consideration be done in open session; therefore this public meeting was scheduled for the consideration of Mr. Ferguson's appeal.

Mr. Ferguson and the City Administrator have each submitted written materials explaining their positions to you, the Council. As a reminder, the Council tonight must confine its decision to the written materials submitted. Although the Council may have received information outside of those written materials. I understand that you had a regularly scheduled council meeting last week and some folks showed up to comment and talked to you about these matters and I'm sure you have gotten information from other sources as well. Tonight the Council needs to base its decision solely on the written materials provided by Mr. Ferguson and provided by the City Administrator.

The Council's task tonight is to decide whether, in light of the information available to her at the time, the City Administrator's termination decision was reasonable. If the Council finds that the City Administrator's was reasonable the Council should affirm the City Administrator's decision. If the Council finds that the CA's decision was not reasonable, the Council has two choices: it can remand—send the decision back to the CA for reconsideration, or the Council could decide tonight to overturn the CA's decision and direct her to rehire Mr. Ferguson. Again, the meeting is limited to Council review and discussion amongst yourselves of the written materials provided there is no opportunity for public comment. There will be no opportunity for any oral statements by the CA, by Mr. Ferguson, or by Mr. Ferguson's attorney. I will be here the entire meeting and you are free to ask me, as the city attorney, any questions you might have.

As a final note, I want to talk a little bit about conflicts of interest. A conflict of interest arises when a public official takes an action or makes a decision or recommendation that could or would create a financial benefit or detriment for the public official, a relative of the public official, or a business with which the public official is associated. An actual conflict of interest arises when the decision or action of the public official will create a financial benefit or detriment. A potential conflict arises when the action or decision could create a financial benefit or detriment but it is not a certainty.

In the case of an actual conflict of interest the public official needs to disclose the conflict and then must not discuss or participate in voting on the issue that gives rise to the conflict. In the case of a potential conflict of interest the public official still needs to disclose the conflict but then can proceed under the state ethics laws to discuss and vote on the issue once that conflict is declared.

So at this point, if any of the councilors have a conflict of interest to declare on this matter now would be the time to do it. And then we can proceed to discussion and a decision.

Councilor Doug Brand read a short statement: Larry Hammer of the Gold Beach Promotions Committee came to talk to me on March 30<sup>th</sup> to attempt to influence me to vote to reinstate Jeff Ferguson. I explained I could not discuss Mr. Ferguson's appeal and the Council's decision is limited to consideration of written material submitted by Mr. Ferguson and the City Administrator. Mr. Hammer stated "you and your business could be affected" depending on how I voted. Therefore, I am declaring a potential conflict of interest in accordance with the state ethics law. On a personal note, I do not appreciate being threaten

personally, professionally, and my family business threatened in an attempt to solicit a particular outcome. That's it. I have a potential conflict.

Council Brice Gregory: It has been brought to my attention that citizens have made the comments that they will not patronize the business that I am employed by in a specific outcome my decision as well as comments have been made to me by citizens that I would benefit from a specific decision made by myself in this case, so I also have to state a potential conflict of interest.

Sommers reminded the councilors that since these were potential conflicts of interest now that you have put them on the record as required by the state's ethics laws you are allowed to participate and vote in the matter that creates these conflicts. So, it is now up to the council. Feel free to discuss the materials you were provided.

Councilor Larry Brennan said he would like to ask the other councilors, as part of the written record on the 7<sup>th</sup> of March, the City Administrator submitted a letter that stated Mr. Ferguson was absent from work on that date. Was there any response from Mr. Ferguson regarding that issue? He said he did not find any and wondered if anyone else saw it?

Councilor Tamie Kaufman said she did not see a response. Councilor Brennan said that was the only question he had.

Councilor Doug Brand (to Counsel Sommers) asked as far as our firm, our counsel, how do you guys feel and does CIS (insurance carrier) feel about the termination?

Sommers said that speaking as the City's legal counsel; we consider that the City Administrator's decision is a defensible one. And that the City Administrator followed the City's personnel policies when deciding to terminate Mr. Ferguson.

Mr. Mayor said he assumed all the council members had gone through all the written materials and probably more than once. He asked if there was any particular thing that anyone wants to address in the submission from the City Administrator or from the submission from Mr. Ferguson or his counsel. Any specifics?

Councilor Kaufman asked if it would be easier if we went through the specific bullets. Do you want to process like that?

Or, Mr. Mayor asked if they wished to discuss the tenor of the entire email discussions that have been presented?

Councilor Kaufman said a lot of the emails involved the Chamber of Commerce, Chamber Director, Chamber President. Did anybody see in any document here from either party that it was part of the Promotions Directors job to help, direct, in any way the Chamber of Commerce? She could not find it so she thought maybe she missed it.

Councilor Brand said Kaufman didn't miss it and that it was pretty much one-sided. Councilor Brennan said he did not see anything. Councilor Jeff Crook said he believed that in all he saw, that was not supposed to be his function. He read that somewhere and wasn't sure if it was Ellen Barnes who put that in there but remembered seeing someone say that that was not function. Councilor Brand said it thought it was the response on March 25<sup>th</sup>. Councilor Brennan asked what page that was on. Brand said page 79.

Councilor Kaufman said to turn to the second section of the Ferguson testimony. Councilor Gregory asked where she was looking. She said bullet number 1 on page A-2. It was the press release that went out before print. Understood the directive but chose to go without it, and she believed the defense was he took a vacation day and therefore did not come back to check and see if it was approved. She asked if she was reading that correctly. She said she was not where it was located but she thought the City's response was "you should have wrote it earlier". Councilor Crook said it was pages 16-27 and that there was a 3 day weekend.

Councilor Kaufman said there were the facebook issues. She said the council probably had a better idea on the facebook issue than most people since they had attended League of Oregon Cities classes. She thought a basic policy was you could push information only not add responses and that took them a while to finally stop that. Was that the way she understood it?

Councilor Crook asked if anyone knew where the part about the days missed leading up to the termination was located? Councilor Brennan thought it had just been one but there had been scheduled time off prior to that. Councilor Kaufman said he was gone 4-5 days then had an unscheduled day off. Councilor Kaufman said it was page 00018 of Administrator Fritts' packet.

The Mayor asked the council if they found anything significant in the submission of what is entitled Fergusons Summary, document number 00049 in the City Administrator's submission. He directed them to the third and fourth paragraphs. He said he knew when you first became a public servant there are a whole lot of things that come as a surprise to you and it shouldn't take very long for you to realize that working in public service has a lot of limitations and expectations placed on you. Some people can do it, and some people can't. They just aren't cut out for public service. Did anybody put any special consideration on these things that Jeff himself said?

Councilor Brand said we hosted an Oregon Ethics seminar here for 2 hours of credit with League of Oregon Cities. Everybody was invited. Almost all of city hall except for one person on the phones, all of public works but one, the Promo Committee didn't show up, Jeff didn't show up but we had most of the city employees and police and fire were represented in the two hour seminar.

Sommers asked Brand if that was part of the written record. Brand apologized and said no he did not think so.

Mr. Mayor said what he was referring to was the things that Jeff wrote here. Councilor Kaufman started reading the paragraph that began with “admittedly...” Mr. Mayor said the next paragraph also. Councilor Brennan asked the Mayor what the question was. He said he wanted to know if they had considered those passages in advance, particularly he thought it was disturbing that someone would say that they are willing to compromise but they would not conform in areas that do not align with their personal makeup or character. He said he thought that was a significant statement. Councilors Brennan and Crook agreed.

Councilor Kaufman said in Ferguson’s packet page 18 of 27, bullet number 5, she quoted CA Barnes: “you will be required to participate in League of Oregon Cities sponsored workshops and other approved training for public records laws, public meetings laws, ethics and leadership, public contracting and purchasing and other topics as directed by the city administrator.” Sommers apologized to Councilor Brand about the public records question. Brand said he knew it had been in there somewhere.

Councilor Kaufman said Ferguson’s response was he did not hear any more from Ellen on this topic. He said he was not privy to when the League of Oregon Cities meets and was not contacted after this. Kaufman said, as a department head, she found that lacking. She said this was a guy that was smart enough to come up with the geocaching and figure out where to advertise and market but he doesn’t know how to look up the League of Oregon Cities webpage? Councilor Brand said all of the council found time to attend. Kaufman said she was wondering if it was: I didn’t get the opportunity to attend or: I don’t want to do it. She said she was trying to get to the intent and to understand how did this get so awry. How did we get from a person who is pretty good at what they do normally but then segways off into a direction that isn’t conducive with public employees. It’s a different standard.

Councilor Crook said it seemed he has a bit of a problem with authority. At least in this realm. He won’t say that as a blanket statement but there are instances in the record of not following through on directives.

Councilor Kaufman had a question on attachment A-4 and 5 of Mr. Ferguson’s. She did not figure out the chronology of the contract stuff. She asked if anyone else had figured it out. There was a contract that had been signed by Ferguson that Administrator Barnes said no, you should not have signed that, and he said no, no, it was the wrong one—once I knew about it I didn’t sign it. She could not figure out the chronology when she went through the record.

Councilor Brennan said he think he understood that the contract was signed prior to Ferguson being notified that he was not supposed to sign contracts. Kaufman said so CA Barnes thought he had signed it after? Brennan said correct and that Ferguson said it was a different second contract that came in after he had been told and that he had not signed that contract. Councilors Brennan and Crook said that is what they got out of the record.

Councilor Crook said his opinion was not about whether Jeff Ferguson is good at what he does. This is about, for him, is it the right place for him to operate and is it the best place in

the public's interest as well when there are other forums or places he could operate out of that would relieve him of the constraints that the public department head type job creates. So for Crook, it is more of a structure issue. The question is: can he work--through his own admission that he had trouble working in the public arena; do we take him at his word? Councilor Gregory said if we do take him at his word do we give him the ability to give the City his word that he will produce without having these issues and then really give him one more shot, and if not, then cut our ties and our losses? Councilor Brand said clearly he did not see it. He felt given another chance then we do this all over again after the next time. Brand asked what good was that?

Councilor Kaufman wondered where in Mr. Ferguson's defense submission do you see the basis for what you just said (to Gregory). Gregory said he did not see it. Kaufman said she had been looking for it. She said she had been looking for: "I'm sorry I made a mistake, this is my plan to move forward, obviously public is different than private, I gotta figure this out." She said he is smart enough but she doesn't see it in the submission. She said she sees an attitude: "I'm right, they're wrong" she said she hated that. Given the information the council has to work with she said she does not see where the Administrator made a mistake in the chronology of the termination.

She felt a bigger picture in another venue maybe this position does not belong in a bureaucracy. That maybe we have tied someone's hands behind their back when this was setup years ago but that does not change where we are today and she hates it. She asked if anyone saw anything in the packets that contradicted that?

Councilor Crook said he did see some apologies in Ferguson's packet and he appreciated that. That there was some remorse there. Was there enough of it? He did not know but each person had to decide for themselves. The question is not that though. The question is do we think he can operate in that position and do it effectively and tactfully in a way that is good for the City of Gold Beach. Crook said he did not know if he saw that but he knows that Ferguson does a good job of doing what he does. Crook said with all the support Ferguson has maybe there is another arena for him. He said they were not discussing that today that could be something that speaks for itself.

Councilor Brand said speaking to what Crook had just brought up: the apologies that Brand read he felt were at best contrived and weak and more or less needed to be said but not wanting to be said. Brand said that was the flavor he got.

Councilor Kaufman said if it was okay she would like to read something she had read in the standards of conduct and discipline. She felt this addressed Ferguson's attorney's reference: "the corrective action process will not always commence with a verbal warning or include a sequence of steps some acts particularly those that are intention or serious warrant more severe action from the first or subsequent offense. Consideration shall be given to the seriousness of the offense, intent, and motivation to change performance, and the environment which the event took place. There may also be circumstances that are serious enough that justify immediate suspension or in extreme situations immediate termination."

Do I think the email themselves, working outside your job description are enough to terminate someone, probably not. But when you add in the fact that you “will meet with your boss on this date” and he doesn’t show for one administrator and does it again about a year later—that is very disrespectful to your boss. You can’t not show up for a meeting with your boss and not apologize or not say I was sick with the flu. In all of the conduct stuff I have done: employee/employer relationships, that is the first thing they teach you. You call in. When you are a supervisor you have to call your staff and say I can’t make it in can you run the office without me? Is that right? Councilors Brand and Brennan agreed.

Councilor Brennan said his comment would be that there is that issue that Kaufman just brought up. There was also repeated incidences of email issues, the attending LOC conferences or trainings to do with ethics, to do with emails, to do with public contracts, to do with several other things, that it did not appear that those directives were followed that were part of a written reprimand. It just seemed like repeated incidences over 2 years, with 2 different city administrators—it just didn’t change or stop. Brennan said that was his summary of all this paper and submissions.

The Mayor asked if anyone thought that the email that had been provided in these documents were appropriate for a public official? Councilor Brennan and Brand said no. Councilor Kaufman said maybe an elected official could get away with it, but not an employee. The Mayor said he was disturbed by the fact that he felt they were very inappropriate for an employee and a public official and you just don’t use language like that. They were rude, they were arrogant, some were condescending, some were out and out slanderous. But when going through the submission from Jeff he does not say I’m sorry for any of those emails he says things like: “I may have offended somebody—maybe I could have worded this a little differently” It is those kind of qualified...”I regret that I used a word that can be viewed as disrespectful” That is not contrition. That is pretty weak for what I think is generally seen as really inappropriate language and content from a city website.

Councilor Brand said there is another side we do not see there and that is who he BCC’d on top of that. Blind carbon copied, just because you have who it was written to there—it doesn’t tell you who is not listed there but that he also copied to. Mr. Mayor said the most of the emails were CC’d to other people. Councilor Kaufman said that brought up a good point. When you have a problem with a person you deal with that person you don’t go around their back.

Kaufman said one of things she was reading, and marked, was an email transaction in the record between Administrator Barnes and Mr. Ferguson: “I don’t know what I’ve done to piss you off but I find that looking to catch people doing things right is a more effective way to manage than looking to catch someone doing something wrong” and then we have a pile of emails of him telling people what they have done wrong. Obviously a very intelligent person didn’t take his own advice.

Councilor Kaufman said if they were ready to discuss the other packet given to them by Administrator Fritts did anybody see anything in there that they should talk about?

There was a question about the signed contract with the little question mark on it. Brennan asked if that was the at-will issue. Kaufman said she thought the note was on the official copy of the contract. Kaufman asked Sommers if that added/subtracted anything from the contract or is it just neutral? Sommers said it was clear that it was not a formal amendment to the contract if that was what Kaufman was asking. Sommers said she was not sure of the backstory on the marking of the contract. She said that there are a lot of public employees in the State of Oregon that are at-will employees. There are also many employees that are members of unions and employed under union contracts but Mr. Ferguson was not a union member. She asked Kaufman if that answered the question. Discussion on at-will vs. union employees. Sommers clarified that an at-will employee can be fired at any time for cause or without cause. She said there are classes of employees that can only be fired with cause and generally those are union employees. At-will just means you can be fired at any time for any reason or no reason. The Mayor said for a very long time the community did not offer contracts to city employees and it has only been in the past few years that the City has entered into contracts with certain employees.

Councilor Brand asked if they were going to hammer the things out a bullet at a time or where they ready for a vote. Councilor Crook said he could make a motion if he wanted to. Brennan said he had no more questions.

Councilor Kaufman said she had hoped it would have been clearer with an employee coming in and saying "I'm sorry, this is what I did wrong, this is my plan of action to go forward, can you please ask the Administrator to give me another chance" but it is not there. It is clear there are a lot of errors and she felt it was more of an attitude problem than an intelligence problem. Does she think Ferguson is a great promoter of Gold Beach-yes, and the community loves him and that makes it difficult? She said he could call her a knucklehead and it would be true but it is not appropriate in an email or a newspaper article. If he were an employee that was directly supervised by somebody else and not a supervisor than you would not expect as much. When you put someone in a department head job, with department head salary and benefits there is more expected. You need to learn more about ethics then you go figure it out. Or if you don't know how then you ask your boss how you do it. Again, I am very annoyed at: "if you need a meeting I will show up, but if you don't I'm not gonna come." Whoa.

Councilor Kaufman said there were no flies that she could find in the documents. She said she's not an attorney, but our attorneys have not advised us to overturn the decision. Mediation is not an option. It is not in our personnel policy. If we remand to have the City Administrator reconsider it there is a lot of information that we are not allowed to consider tonight that would make it very hard for Mr. Ferguson to probably get a job somewhere else. But on the other side he may have some defenses for some of that. But it might make it uglier than it has already been over the past month. Councilor Gregory asked how so? Kaufman said she has seen documents circulating around probably 30-40 pages of other things that have happened, that have come to light, which we can't discuss but it would affect a reconsideration by the Administrator, who now knows about it, and would have to

investigate all that. She said it was not criminal in nature but more stuff similar to what they already had. She said maybe it is time for everyone to move on.

Kaufman said the options available were: affirm the decision, reconsider the decision, or overturn and order reinstatement. Those are the three choices based on the documents that are in front of them.

Councilor Crook said that this job comes with certain challenges. It comes with challenges that you have to do things that you know are right but are very difficult. But that's okay. It's what we all signed up for. I am of the opinion that things can be made fair and that is what we should always strive to do. But I really believe our hands are tied on this. I don't see, like Tamie said, the outright...I don't see anything that indicates the Mr. Ferguson is really and truly sorry. I don't think he really gets it. He might get it now. I don't know that he really got it then. And it make it...one of those things you don't want to do. You don't want to have to be in this position. And it is a terrible place to be. I think a lot of you can understand that fact, that have been in situations like this. But it does not get you out of having to do what is right. And doing what is right, in my opinion, is affirming what we have going on here with Jodi. I think Jodi's decision is correct. It is not a popular choice. It is not a choice I want to make. I hate making it. But sometimes Right is Right. Sometimes you have to do what is right. I am sure that Jeff will land on his feet as capable as he is. I know he will land somewhere. I am praying here that we can find a way for him to continue on and promote Gold Beach. I think he does a super job but that does not mean that we just fall down and say "well, we are just going to change the rules a bit for you Jeff, all the rest of us will live underneath them but you don't have to" That said:

**MOTION: Councilor Jeff Crook made a motion to affirm City Administrator Jodi Fritts' decision. Councilor Doug Brand seconded the motion.**

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

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

The Mayor said he could add nothing and that Councilor Crook has said it for everybody. With that he asked for a motion to adjourn.

Councilor Kaufman asked if she could make a quick comment. She said that she was really saddened that in this process two of the council members had been kind of threatened. She said that was not the community she knew and loved. The community she knows works

together and we find a way to get things done and she hoped that everyone could go away from here and find new ground and a community that loves each other.

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

**Mayor Wernicke called for 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>			

7. **Citizen Requested Agenda Items**  
None submitted
8. **Public Contracts and Purchasing**  
None
9. **Ordinances & Resolutions**  
None scheduled
10. **Miscellaneous Items (including policy discussions and determinations)**  
None scheduled
11. **City Administrator's Report**  
No CA report
12. **Mayor and Council Member Comments**  
No comments
13. **Citizens Comments**  
No comments will be taken
14. **Executive Session**  
None scheduled

The next regularly scheduled meeting of the Gold Beach City Council is Monday, May 14, 2012, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon

15. **Adjourn Time: 7:21PM**

# Public Hearing

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 6.

Council Hearing Date: May 14, 2012

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Department: Administration

Contact/Title: Jodi Fritts, CA

Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

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**TITLE: Curry Transfer & Recycling CPI adjustment request**

**SUMMARY AND BACKGROUND:**

The City and Curry Transfer & Recycling (CTR) entered into a franchise agreement on March 24, 1997, enacted by Ordinance No. 533. The franchise agreement provides for annual Cost of Living Adjustments (COLA) subject to written request by CTR.

CTR has submitted a written request with supporting documentation and is requesting a rate adjustment of 2.53%. The CPI for the December 2010 to December 2011 period was 3.2% according to CTR's documentation.

**FINANCIAL IMPACT:**

If approved, this will adjust the rates within the city limits by 2.53%

**DOCUMENTS ATTACHED:**

- Copy of the COLA portion of Ordinance 533, request and documentation from CTR

**REQUESTED MOTION/ACTION:**

**Motion to approve/disapprove CTR's rate adjustment request. If approved, a resolution has been prepared for adoption.**

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council, Pete Smart-CTR

Franchisee has not met its burden, the Franchisee may, within 60 days of City's determination, and before seeking arbitration, request another hearing to produce additional evidence. Upon request, the City shall permit said additional hearing.

C. COST OF LIVING ADJUSTMENT (COLA). In addition to the rate adjustments described above, the portion of the rates for recycling, collection, transportation and disposal represented by specific dollar amounts listed on the rate sheets (Exhibit "A") shall be further adjusted upon written request of the Franchisee if Franchisee can demonstrate by a preponderance of the evidence, an increase in the CPI over the preceding calendar year. The adjustment shall be based upon the change in the CPI from December 31 of the current year, compared to the CPI as of December 31 of the prior year. The rates shall be subject to adjustment on or about the 1st day of April of each year thereafter (the "adjustment date") as follows:

1. The base for computing the adjustment is the CPI (U) National published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is published for the month nearest the date of the commencement of the term of this Ordinance ("Beginning Index"). If the index published for the most recent month prior to the rate application ("Extension Index") has increased over the Beginning Index, the rates for the following year (until the next adjustment) shall be set by multiplying the rates by a fraction, the numerator which is the Extension Index and the denominator of which is the Beginning Index. After request for adjustment as provided herein, the parties shall act with all diligence to adjust the rates as set forth hereunder. For subsequent adjustments, the Beginning Index shall be the Extension used for the last previous cost of living adjustment.

2. If the CPI is changed so that the base year differs from that used as of the month immediately preceding the month in which the term commences, the CPI shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the CPI is discontinued or revised during the term, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the CPI had not been discontinued or revised.

3. The COLA adjustment provided for herein shall not be granted to Franchisee in any rate hearing where Franchisee is requesting a rate adjustment pursuant to Section 7 A 3 of this Agreement. Following a rate hearing in which Franchisee is granted an adjustment pursuant to Section 7 (A) (3), the Beginning Index shall be the Index published nearest that date on which the Section 7 (A) (3) adjustment was granted.

D. RATE DISPUTES. If the City rejects a rate adjustment requested by the Franchisee, grants an increase less than what was requested by Franchisee, or fails to act timely upon all or any part of the Franchisee's rate adjustment application, then the Franchisee may request binding arbitration of the matter as provided in Section 15 of this Ordinance.

E. ALTERNATE DISPOSAL FACILITY COSTS. Subject to existing disposal contracts, Franchisee shall dispose of Solid Waste at the lowest cost Disposal Facility. If Franchisee

# Curry Transfer & Recycling

PO Box 4008 Brookings, OR 97415

Phone: (541) 469-2425

Fax: (541) 469-1048

April 23, 2012

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

Dear City Council:

**RE: CPI Adjustment 2012**

Please find enclosed proof of the CPI adjustment for year 2011, based on the National U.S. City Average index, which is calculated at 3.2%.

Although the CPI is 3.2 % the rate schedule enclosed reflects 2.53% (79% of the year 2011 CPI inflation). This will result in a \$0.51 per month adjustment for a basic 32 gallon cart service. Please use this notice and the other information enclosed to consider a rate adjustment effective July 1, 2012.

Sincerely,



Pete Smart

Enclosure: 2012 rate schedule  
2011 rate schedule (for comparison)  
2011 CPI Adjustment- Department of Labor

~~500~~ 800-826-9801  
P.O. 541 661-5046

2012 CPI INFLATION RATE ADJUSTMENT- GOLD BEACH- JULY 1, 2012

CPI INFLATION IN 2011 (US CITY AVERAGE) 3.20 %

CTR RATE ADJUSTMENT 2.53 % (79 % of the above CPI rate)

CURRENT RATE 32 GALLON RESIDENTIAL	\$20.56
LESS PORT ORFORD CLOSURE	< .13 >
LESS HHW (Household Hazardous Waste)	< .28 >
	<u>\$20.15</u>
CPI (2.53%)	<u>.51</u>
ADJUSTED RATE	\$ 20.66
PORT ORFORD CLOSURE	.13
HHW	<u>.28</u>
TOTAL ADJUSTED RATE	\$21.07

1 YARD	\$27.93
LESS PORT ORFORD CLOSURE	< .15 >
LESS HHW	< .39 >
	<u>\$27.39</u>
CPI (2.53%)	<u>.70</u>
ADJUSTED RATE	\$ 28.09
PORT ORFORD CLOSURE	.15
HHW	<u>.39</u>
TOTAL ADJUSTED RATE	\$ 28.63

CURRENT RATE 32 GALLON COMMERCIAL	\$21.49
LESS PORT ORFORD CLOSURE	< .13 >
LESS HHW	< .28 >
	<u>21.08</u>
CPI (2.53%)	<u>.53</u>
ADJUSTED RATE	\$ 21.61
PORT ORFORD CLOSURE	.13
HHW	<u>.28</u>
TOTAL ADJUSTED RATE	\$ 22.02

**EXHIBIT A  
EFFECTIVE JULY 1, 2012  
RATE SCHEDULE- CITY OF GOLD BEACH**

\$21.07	per month	One thirty-two (32) gallon can each week
26.35	per month	One forty (40) gallon can each week
31.62	per month	One forty-eight (48) gallon can each week
42.16	per month	One sixty-four (64) gallon can each week
63.23	per month	One ninety-six (96) gallon can each week
65.87	per month	One one-hundred (100) gallon can each week
105.39	per month	One one-hundred sixty (160) gallon can each week
15.89	per month	Recycle only- where available
Residential Compactor		In excess of two (2) bags- 1.5 times can rate

**CANS/CARTS: OTHER THAN SET OUT SERVICE**

\$1.23 per trip each way for each drivable driveway, 1.23 each additional twenty-five feet.  
\$1.23 each: Gate, door, fence, hallway, stairs, unsecuring, securing, etc. - each time, each way

**COMMERCIAL/RENTAL SERVICE (CONTAINER/CART/CAN)**

32 gallon cart	\$ 22.02
Container service- per loose yard-per pick-up	28.63
Container service- per loose yard- Brush (roll-off)	12.71
Container service- per loose yard- Metal (roll-off)	12.71
Container service- Gate Fee- (each time)- Extra	6.73
Customer requested- Auto lock- Dumpster service- per month	3.90
Container rental- one- eight yard- per month	15.09
Customer requested- Other than weekly- each trip minimum	19.35
Customer requested- Time of pick-up- each trip	19.35
Customer service- Special events, construction, clean up, etc. Per trip.	19.35
Container service- Roll-out service- Extra	10%
Container ramp roll-out, as deemed safe by collector- Extra	20%
Customer requested- After hour, Saturday or Sunday- Extra	50%
Mechanically compacted waste- 2.75 times yard or can rate.	

**RECYCLING CREDITS (COMMERCIAL WHEN SERVICE IS AVAILABLE)**

Container service- Newsprint properly prepared-	of commercial rate	50%
Container service- Waste paper, office paper, cans, bottles, plastics, (all properly prepared)	of commercial rate	25%

**OTHER RESIDENTIAL & COMMERCIAL CHARGES**

(1) Occasional extra in route pick-up- Each	\$ 5.60
(2) Customer requested special pick-up- Minimum	8.34
(3) Initial set-up, close-out, monitored inactive service- each transaction	6.73
(4) Customer Requested- Off route trip charge	12.45
(5) Rental property- Owners responsibility for sanitation charges.	
(6) Medical Waste Disposal- (\$23.85 individual 1 gal container & disposal)	
21 to 48 gal tubs – container & disposal	Per gallon rate
	2.57
(7) Extra heavy roofing/demolition- 2.75 times yard rate	
(8) Waste in excess of 280 lbs per yard. Subject to the approved tonnage rate.	
(9) Car tires 5.09 (mounted \$2.95 extra) Truck Tires 9.20 (mounted- \$25 extra)	
(10) Household hazardous waste. As approved.	

EXHIBIT A  
EFFECTIVE JULY 1, 2011  
RATE SCHEDULE- CITY OF GOLD BEACH

\$20.56	per month	One thirty-two (32) gallon can each week
25.72	per month	One forty (40) gallon can each week
30.85	per month	One forty-eight (48) gallon can each week
41.12	per month	One sixty-four (64) gallon can each week
61.68	per month	One ninety-six (96) gallon can each week
64.31	per month	One one-hundred (100) gallon can each week
102.82	per month	One one-hundred sixty (160) gallon can each week
15.50	per month	Recycle only- where available
Residential Compactor		In excess of two (2) bags- 1.5 times can rate

CANS/CARTS: OTHER THAN SET OUT SERVICE

\$1.20 per trip each way for each drivable driveway, 1.20 each additional twenty-five feet.  
\$1.20 each: Gate, door, fence, hallway, stairs, unsecuring, securing, etc. - each time, each way

COMMERCIAL/RENTAL SERVICE (CONTAINER/CART/CAN)

32 gallon cart	\$ 21.49
Container service- per loose yard-per pick-up	27.93
Container service- per loose yard- Brush (roll-off)	12.40
Container service- per loose yard- Metal (roll-off)	12.40
Container service- Gate Fee- (each time)- Extra	6.56
Customer requested- Auto lock- Dumpster service- per month	3.80
Container rental- one- eight yard- per month	14.71
Customer requested- Other than weekly- each trip minimum	18.60
Customer requested- Time of pick-up- each trip	18.60
Customer service- Special events, construction, clean up, etc. Per trip.	18.60
Container service- Roll-out service- Extra	10%
Container ramp roll-out, as deemed safe by collector- Extra	20%
Customer requested- After hour, Saturday or Sunday- Extra	50%
Mechanically compacted waste- 2.75 times yard or can rate.	

RECYCLING CREDITS (COMMERCIAL WHEN SERVICE IS AVAILABLE)

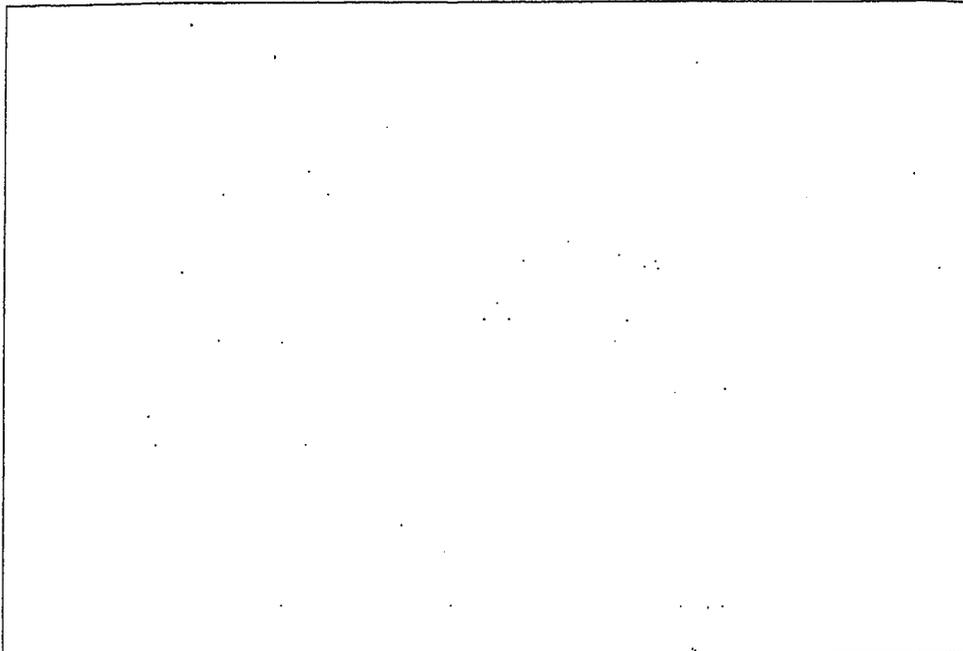
Container service- Newsprint properly prepared-	of commercial rate	50%
Container service- Waste paper, office paper, cans, bottles, plastics. (all properly prepared)	of commercial rate	25%

OTHER RESIDENTIAL & COMMERCIAL CHARGES

(1) Occasional extra in route pick-up- Each	\$ 5.46
(2) Customer requested special pick-up- Minimum	8.14
(3) Initial set-up, close-out, monitored inactive service- each transaction	6.56
(4) Customer Requested- Off route trip charge	12.14
(5) Rental property- Owners responsibility for sanitation charges.	
(6) Medical Waste Disposal- (\$23.85 individual 1 gal container & disposal) 21 to 48 gal tubs – container & disposal Per gallon rate	2.52
(7) Extra heavy roofing/demolition- 2.75 times yard rate	
(8) Waste in excess of 280 lbs per yard. Subject to the approved tonnage rate.	
(9) Car tires 5.09 (mounted \$2.95 extra) Truck Tires 9.20 (mounted- \$25 extra)	
(10) Household hazardous waste. As approved.	

# Consumer Price Index

CPI  FONT SIZE: 



Source: Bureau of Labor Statistics, Consumer Price Indexes

12-Month Percent Change  
 Series Id: CUUR0000SA0  
 Not Seasonally Adjusted  
 Area: U.S. city average  
 Item: All items  
 Base Period: 1982-84=100

Download:  .xls

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2002	1.1	1.1	1.5	1.6	1.2	1.1	1.5	1.8	1.5	2.0	2.2	2.4	1.6	1.3	1.9
2003	2.6	3.0	3.0	2.2	2.1	2.1	2.1	2.2	2.3	2.0	1.8	1.9	2.3	2.5	2.0
2004	1.9	1.7	1.7	2.3	3.1	3.3	3.0	2.7	2.5	3.2	3.5	3.3	2.7	2.3	3.0
2005	3.0	3.0	3.1	3.5	2.8	2.5	3.2	3.6	4.7	4.3	3.5	3.4	3.4	3.0	3.8
2006	4.0	3.6	3.4	3.5	4.2	4.3	4.1	3.8	2.1	1.3	2.0	2.5	3.2	3.8	2.6
2007	2.1	2.4	2.8	2.6	2.7	2.7	2.4	2.0	2.8	3.5	4.3	4.1	2.8	2.5	3.1
2008	4.3	4.0	4.0	3.9	4.2	5.0	5.6	5.4	4.9	3.7	1.1	0.1	3.8	4.2	3.4
2009	0.0	0.2	-0.4	-0.7	-1.3	-1.4	-2.1	-1.5	-1.3	-0.2	1.8	2.7	-0.4	-0.6	-0.1
2010	2.6	2.1	2.3	2.2	2.0	1.1	1.2	1.1	1.1	1.2	1.1	1.5	1.6	2.1	1.2
2011	1.6	2.1	2.7	3.2	3.6	3.6	3.6	3.8	3.9	3.5	3.4	3.0	3.2	2.8	3.5
2012	2.9														

12-Month Percent Change  
 Series Id: CUUR0000SA0L1E  
 Not Seasonally Adjusted  
 Area: U.S. city average  
 Item: All items less food and energy

# Citizen Requested Agenda Item

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 7.

Council Hearing Date: May 14, 2012

---

Department: Administration

Contact/Title: Jodi Fritts, CA

Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

---

**TITLE: Citizen Requested Item: Request for City to pay for street light electricity**

**SUMMARY AND BACKGROUND:**

Citizen Jim Baldwin made a request to the Admin Office to assume payment of the electricity for a street light located on upper 8<sup>th</sup> Street across from his home. The light had been turned off by Coos-Curry Electric a few months back after an internal audit revealed that no customer was responsible for, or has paid the electricity on the light. Coos-Curry notified Mr. Baldwin that for \$14 per month he could assume the light responsibility. He declined but wished for the City to pay for it since he was a volunteer fireman and he and the Fire Chief lived closed to this light and he felt it was a safety issue during fire calls to not have the light on. He felt without the light there was the potential for a vehicle accident.

Admin staff contacted Coos-Curry and was told what they had said to Mr. Baldwin. I declined to pay for the light. The City currently pays approximately \$9,000 annually for street lighting around the City. While the \$14 is nominal, I did not feel it was a safety issue. Additionally, the light is located at the corner of my residence and a block from the Fire Chief's home—I did not feel it was appropriate for me to approve the use of City funds for a light next to my house and close to another city employee's. I also personally do not mind that the light is no longer shining into my home at night.

Mr. Baldwin has said other neighbors feel the light should be turned back on but we have received no other complaints. I did talk with the Fire Chief. He does not feel the light is a fire call safety issue since Mr. Baldwin is no longer an active fire volunteer, but as a citizen he said he liked having the light in the neighborhood.

**FINANCIAL IMPACT:**

If approved, it would be an annual cost of \$168 to the City

**DOCUMENTS ATTACHED:**

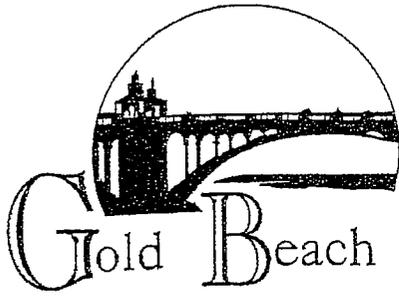
- Mr. Baldwin's agenda item request form

**REQUESTED MOTION/ACTION:**

**Motion to approve/disapprove Mr. Baldwin's request to assume responsibility of the street light**

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council



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

RECEIVED

APR 16 2012

CITIZEN REQUESTED COUNCIL AGENDA ITEM CITY OF GOLD BEACH

I WISH TO BE PLACED ON THE AGENDA FOR THE FOLLOWING DATE:

~~April 19~~ 2012 MAY 14<sup>th</sup>

NAME: JIM BALDWIN

ADDRESS: P.O. BOX 473 GOLD BEACH, OR 97444

PHONE: (541)425-0013 EMAIL: \_\_\_\_\_

Representing:

I will be representing myself

I will be representing (~~Organization Name~~) NEIGHBORS

NATURE OF BUSINESS TO BE PRESENTED: \_\_\_\_\_

REQUEST CITY TO OWN AND OPERATE  
STREET LITE FOR OUR SAFETY AND  
SECURITY.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Public Contracts & Purchasing

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**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 8.

Council Hearing Date: May 14, 2012

---

Department: Public Works

Contact/Title: Jodi Fritts, CA

Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

---

**TITLE: Contract Award for Water Reservoir Rehabilitation Improvements (repainting)**

**SUMMARY AND BACKGROUND:**

Water Reservoir Rehabilitation Improvements (repainting) were approved in the FY 11-12 budget. Bids were solicited for the proposed work. On April 24<sup>th</sup>, the six bids received were opened and reviewed by our engineers: Dyer Partnership. The lowest responsive bidder was Shields Painting Corporation in the amount of \$162,038—approximately \$47,000 less than the engineer's estimate. Dyer recommends the City accept Shields bid and award them the contract.

**FINANCIAL IMPACT:**

The bid is for \$162,038. We budgeted \$316,000 for engineering and construction. As of the end of April we have expended \$4,840.

**DOCUMENTS ATTACHED:**

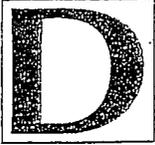
- Documents from Dyer Partnership, the resolution is included in the Resolution & Ordinance section of the packet.

**REQUESTED MOTION/ACTION:**

**Motion to accept the six bids and then approve/disapprove Resolution R1112-32 awarding the construction contract to Shields Painting Corporation**

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council, Michael Dees: Dyer Partnership, Will Newdall PW Super



THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS, INC.

April 26, 2012

Jodi Fritts, City Administrator  
City of Gold Beach  
29592 Ellensburg Avenue  
Gold Beach, OR 97444

RE: Reservoir Rehabilitation Improvements  
Project No. 119.24

Dear Ms. Fritts:

This letter is to recommend action by the City in response to bids received on April 24, 2012 for the above referenced project. We received six bids ranging from \$162,038 to \$250,640 (Basic Bid). The Engineer's Estimate was \$200,000 to \$210,000 for the Basic Bid. Please see attached summary of bids.

We recommend that the City take the following action:

1. Accept all bids.
2. Award a contract to Shields Painting Corporation, the lowest responsive bidder in the amount of \$162,038.00, contingent upon no protest being received during the Notice of Intent to Award Protest Period.

It is our opinion that Shields Painting Corporation has sufficient experience and qualifications to satisfactorily construct the project.

Assuming the Council concurs with our recommendation, we have enclosed three copies of the Notice of Award. A representative for the City needs to sign all three copies after which they should be returned to our office. (*Please do not date the Notice of Award.*) We will date the Award following the Protest Period. Contracts and Performance Bonds will then be forwarded to Shields Painting Corporation for their signature.

Pursuant to ORS 279C.835, the Oregon Bureau of Labor and Industries requires that Form WH-81 be filled out by the contracting agency and sent to them with a copy of the first-tier subcontractor form, if applicable (ORS 279C.370), within 30 days of issuing the Notice of Award. The form is available at <http://egov.oregon.gov/BOLI/WHD/PWR/jan08/WH-81.doc>. The Owner is also responsible for payment of a Public Works Fee to the Bureau of Labor & Industries. This payment is accompanied by Form WH-39 which is available at <http://egov.oregon.gov/BOLI/WHD/PWR/docs/wh-39.doc>. If you would prefer that Dyer fill out and mail these forms to you for forwarding to BOLI, please contact us.

Sincerely,

The Dyer Partnership  
Engineers & Planners, Inc.

Michael J. Dees, P.E.  
Project Manager



Section 00510  
NOTICE OF AWARD

Dated \_\_\_\_\_, 20\_\_

TO: Shields Painting Corporation  
(BIDDER)

ADDRESS: 15025 SE Monner Road  
Happy Valley, OR 97086

OWNER'S PROJECT NO. 119.24

PROJECT: Reservoir Rehabilitation Improvements

OWNER'S CONTRACT NO. \_\_\_\_\_

CONTRACT FOR Reservoir Rehabilitation Improvements

(Insert name of Contract as it appears in the Bidding Documents)

-----  
You are notified that your Bid dated April 24, 2012 for the above Contract has been considered. You are the apparent successful Bidder and have been awarded a contract for

Basic Bid

(Indicate total Work, alternates or sections of Work awarded)

The Contract Price of your contract is One Hundred Sixty-Two Thousand, Thirty-Eight Dollars (\$162,038.00).

Three copies of each of the proposed Contract Documents (except Drawings) accompany this Notice of Award. Three sets of the Drawings will be delivered separately or otherwise made available to you immediately.

You must comply with the following conditions precedent within fifteen days of the date of this Notice of Award, that is by \_\_\_\_\_, 20\_\_

1. You must return to the OWNER via the ENGINEER, three fully executed counterparts of the Agreement including all the Contract Documents. All dates on the Agreement shall be left blank and the Effective Date of the Agreement will be inserted by OWNER when OWNER executes the Agreement.
2. You must deliver with the executed Agreement and the Contract Security (Bonds) as specified in the Instructions to Bidders (Article 20), General Conditions (paragraph 5.01 and 5.02) and the related Supplementary Conditions. All dates on the bonds shall be left blank. A letter shall be provided, signed by both Contractor and Bonding Company, or authorized agent of Bonding company, which authorizes the OWNER to insert the date on the Bonds which is the same date as the Effective Date of the Agreement.

3. You must deliver with the executed Agreement and insurance certificates as specified in the General Conditions (paragraph 5.03, 5.04 and 5.06) and the related Supplementary conditions to those General Condition sections. Parties required to be listed as insured, additionally insured, or also insured shall all be listed on the Certificates of Insurance.
4. You must deliver with the executed Agreement, proof that an employee drug testing program is in place. Such proof may include a copy of the adopted policy or program for employee drug testing.

Also before you may start any Work at the site you must:

1. Submit a project work schedule.
2. Submit a schedule of values.
3. Schedule a preconstruction conference with Engineer.
4. Receive a Notice to Proceed from the Engineer.
5. \_\_\_\_\_

Failure to comply with these conditions within the time specified will entitle OWNER to consider your bid abandoned, to annul this Notice of Award and declare your Bid Security forfeited. The Owner will be entitled to such other rights as may be granted by law.

Within ten days after you comply with those conditions, OWNER will return to you one fully signed counterpart of the Agreement with the Contract Documents attached.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

ACCEPTANCE NOTICE

\_\_\_\_\_  
(OWNER)

By \_\_\_\_\_  
(AUTHORIZED SIGNATURE)

\_\_\_\_\_  
(TITLE)

Receipt of the above NOTICE OF AWARD is  
hereby acknowledged by \_\_\_\_\_

\_\_\_\_\_ this the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

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

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

Employer I.D. No. \_\_\_\_\_

# Ordinances & Resolutions

**RESOLUTION R1112-30**

**A RESOLUTION APPROVING CURRY TRANSFER AND RECYCLING  
(CTR) RATE ADJUSTMENT**

**WHEREAS:** The City of Gold Beach and Curry Transfer and Recycling (CTR) entered into a Solid Waste Franchise agreement on March 24, 1997; and

**WHEREAS:** Ordinance No. 533 sets the franchise terms; and

**WHEREAS:** SECTION 6 of Ordinance No. 533 provides for solid waste collection and service rate review and adjustment; and

**WHEREAS:** Curry Transfer and Recycling, pursuant to SECTION 6 (C) COST OF LIVING ADJUSTMENT (COLA), has requested an adjustment of 2.53% based on the Bureau of Labor Statistics annual CPI.

**NOW THEREFORE, BE IT RESOLVED:** the City Council of the City of Gold Beach approves the requested CPI adjustment and rate schedule which are attached as EXHIBIT A to this resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 14<sup>th</sup> DAY OF MAY, 2012.

APPROVED BY:

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

ATTEST:

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

2012 CPI INFLATION RATE ADJUSTMENT- GOLD BEACH- JULY 1, 2012

CPI INFLATION IN 2011 (US CITY AVERAGE) 3.20 %

CTR RATE ADJUSTMENT 2.53 % (79 % of the above CPI rate)

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CPI (2.53%)	<u>.70</u>
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HHW	<u>.39</u>
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**EFFECTIVE JULY 1, 2012**  
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**COMMERCIAL/RENTAL SERVICE (CONTAINER/CART/CAN)**

32 gallon cart	\$ 22.02
Container service- per loose yard-per pick-up	28.63
Container service- per loose yard- Brush (roll-off)	12.71
Container service- per loose yard- Metal (roll-off)	12.71
Container service- Gate Fee- (each time)- Extra	6.73
Customer requested- Auto lock- Dumpster service- per month	3.90
Container rental- one- eight yard- per month	15.09
Customer requested- Other than weekly- each trip minimum	19.35
Customer requested- Time of pick-up- each trip	19.35
Customer service- Special events, construction, clean up, etc. Per trip.	19.35
Container service- Roll-out service- Extra	10%
Container ramp roll-out, as deemed safe by collector- Extra	20%
Customer requested- After hour, Saturday or Sunday- Extra	50%
Mechanically compacted waste- 2.75 times yard or can rate.	

**RECYCLING CREDITS (COMMERCIAL WHEN SERVICE IS AVAILABLE)**

Container service- Newsprint properly prepared-	of commercial rate	50%
Container service- Waste paper, office paper, cans, bottles, plastics, (all properly prepared)	of commercial rate	25%

**OTHER RESIDENTIAL & COMMERCIAL CHARGES**

(1) Occasional extra in route pick-up- Each	\$ 5.60	
(2) Customer requested special pick-up- Minimum	8.34	
(3) Initial set-up, close-out, monitored inactive service- each transaction	6.73	
(4) Customer Requested- Off route trip charge	12.45	
(5) Rental property- Owners responsibility for sanitation charges.		
(6) Medical Waste Disposal- (\$23.85 individual 1 gal container & disposal)		
21 to 48 gal tubs - container & disposal	Per gallon rate	2.57
(7) Extra heavy roofing/demolition- 2.75 times yard rate		
(8) Waste in excess of 280 lbs per yard. Subject to the approved tonnage rate.		
(9) Car tires 5.09 (mounted \$2.95 extra) Truck Tires 9.20 (mounted- \$25 extra)		
(10) Household hazardous waste. As approved.		

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 9. b.

Council Hearing Date: May 14, 2012

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Department: Administration

Contact/Title: Jodi Fritts, CA  
Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

---

**TITLE: Enterprise Zone Re-Designation**

**SUMMARY AND BACKGROUND:**

Curry County, the City of Gold Beach, and the Port of Gold Beach are currently participants (sponsors) in a state designated Enterprise Zone. (Information regarding Enterprise Zones is attached to this report) The zone was adopted in 2002, and by statute sundowns in 10 years. The zone is set to sundown in June of 2012. The County has taken the lead on re-designation of the zone. CCD Business Development Corporation (a non-profit groups that administers contracts for various government agencies—they currently administer our WWTP loan) is the Enterprise Zone Manager and has prepared all the necessary documents for the packet submission to the State.

The partners and CCD request that the City adopt the resolution authorizing the submission of the re-designation application. There is no financial impact to the City for being a partner. All applications for development within the zone would be reviewed by the partners.

**FINANCIAL IMPACT:**

None at this time. If a development application is submitted financial incentives would be offered for the economic development.

**DOCUMENTS ATTACHED:**

- Information about Enterprise Zones generally and information from CCD. Due to its size the application packet will be sent as a standalone document.

**REQUESTED MOTION/ACTION:**

**Motion to approve/disapprove Resolution R1112-31 redesignating the Gold Beach Enterprise Zone**

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council, Eileen Ophus-CCD

RESOLUTION R1112-31

A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR  
RE-DESIGNATION OF THE GOLD BEACH ENTERPRISE ZONE

WHEREAS, the City of Gold Beach is sponsoring an application for designation of an enterprise zone with Curry County and consent by the Port of Gold Beach.

WHEREAS, state law provides for the zone authorization to terminate on June 30, 2012, and

WHEREAS, the Zone Sponsors are interested in re-designation of the enterprise zone to encourage new business investment, job creation, higher incomes for local residents, greater diversity of economic activity and

WHEREAS, the proposed enterprise zone has a total of 1 square mile, and it meets other statutory limitations on size and configuration; it is depicted on a drawn-to-scale map and described in the legal description included in the application, and

WHEREAS, the proposed enterprise zone contains significant land that is reserved for industrial use, as indicated by land use zoning map with the application, consistent with Comprehensive Plans acknowledged by the Land Conservation and Development Commission, such industrial sites are accessible, serviced or serviceable, and otherwise ready for use and further development, and

WHEREAS, the designation of an enterprise zone does not grant or imply permission to develop land within the Zone without complying with prevailing zoning, regulatory and permitting processes and restrictions for applicable jurisdictions; nor does it indicate any intent to modify those processes or restrictions, except as otherwise in accordance with Comprehensive Plans.

WHEREAS, the City of Gold Beach appreciates the impacts that a designated enterprise zone would have and the property tax exemptions that eligible business firms might receive therein, as governed by Oregon Revised Statutes (ORS) Chapter 285C and other provisions of Oregon Law.

~~WHEREAS, all of the other municipal corporations, school districts, special service districts and so forth, other than the sponsoring governments, that receive operating revenue through the levying of *ad valorem* taxes on real and personal property in any area of the proposed enterprise zone were sent notice and invited to a public meeting regarding this proposal, in order for these sponsoring governments to effectively consult with these other local taxing districts. Follow-up arrangements as agreed to with these consultations will be completed with affected districts within six months of the proposed enterprise zone's designation.~~

**NOW, THEREFORE, BE IT RESOLVED that:**

- Section 1. The City of Gold Beach proposes and applies for an Oregon enterprise zone to be named: "The Gold Beach Enterprise Zone", and requests that the director of the state Economic and Community Development Department order the re-designation of this enterprise zone.
- Section 2. CCD Business Development Corporation, and previously designated Zone Manager, is authorized to submit the enterprise zone application for the City of Gold Beach, and to make any substantive or technical changes to the application materials, as necessary, after adoption of this resolution.
- Section 3. The City of Gold Beach will give priority to the use in the proposed enterprise zone, if re-designated, of any economic development or job training funds received from the federal government, consistent with ORS 285C.065(3)(d).
- Section 4. The City of Gold Beach commits, upon re-designation, to jointly appoint CCD Business Development Corporation as the Gold Beach Enterprise Zone Manger.
- Section 5. The City of Gold Beach will jointly comply with the requirements and provisions of ORS 285C.105 and otherwise fulfill its duties under ORS 285C.050 to 285C.250.
- Section 6. That the Zone Sponsors commit, within six months of designation, to implement and to confirm for the department its fulfillment of such duties, as specified in OAR 123-668-1100, including but not limited to preparation of a list or map of local lands and buildings owned by the state or by municipal corporations within the enterprise zone that are not being used or designated for a public purpose and that have appropriate land use zoning, and to efforts for making such real property available for lease or purchase by authorized business firms under ORS 285C.110.

**PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON AND EFFECTIVE THIS 14<sup>TH</sup> DAY OF MAY, 2012.**

Approved By:

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

ATTEST:

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

Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

**Jodi Fritts**

**From:** Eileen Ophus [e.ophus@ccdbusiness.com] **Sent:** Wed 4/25/2012 2:18 PM  
**To:** Jodi Fritts; 'Sadie Coberley'; 'Port of Gold Beach (portoffice@portofgoldbeach.com)'  
**Cc:**  
**Subject:** Enterprise Zone Sponsor Resolutions  
**Attachments:**  RESOLUTION CITY GOLD BEACH.doc(32KB)  RESOLUTION PORT OF GOLD BEACH.doc(32KB)  
 RESOLUTION CURRY COUNTY.doc(32KB)

Greetings Sponsors of the Gold Beach Enterprise Zone:

As your enterprise zone manager we held a public meeting yesterday to discuss the upcoming re-designation of the Gold Beach EZ with the special districts. There was one district represented and one county commissioner. There were no issues to be addressed.

We are now ready to prepare for each of your meetings at which the resolution will be considered and signed. I have attached a resolution for each of you. Please download it, save it or print it, whichever you prefer. Please print two copies so you can have one original and I can have one original. If you want to type in the resolution number or need to change the names of the signors please feel free to do that. At your meeting you will need to approve/disapprove the resolution, sign it and send it to me right away. The application is due at the state by June 8<sup>th</sup>. I will send each of you a copy of the other's signed resolution for your file.

Your meeting dates are:

May 14 at 6:30 p.m. - City of Gold Beach – Sponsor

May 17 at 7:00 p.m. – Port of Gold Beach – Consent-Only Sponsor

May 23 at 11:00 a.m. – Curry County - Sponsor

A notebook containing all of the application and information that will be submitted is being mailed to you tomorrow. This notebook is your copy of the official application. Please keep it. We have an identical copy in our office and, of course, we are sending one to the state of Oregon.

The notebook will give you information for your meetings and you certainly can let the public view it.

Please email or call me if you have questions.

\*\* Please note that I have a new email address (the old one still works too): [e.ophus@ccdbusiness.com](mailto:e.ophus@ccdbusiness.com)

My cell: 541 297-2202

Eileen Ophus

CCD Business Development Corp.

Community Development Director

744 SE Rose St.

Roseburg, OR 97470

541-672-6728 ext. 303

Fax: 541-672-7011



## Enterprise Zones

Oregon's enterprise zones offer a unique resource to Oregon communities, and an excellent opportunity for businesses growing or relocating in Oregon. Primarily, enterprise zones exempt businesses from local property taxes on new investments.

Sponsored by municipal or tribal governments, an enterprise zone typically serves as a focal point for local development efforts. There are currently 60 enterprise zones creating better opportunities for business investment across Oregon: 48 rural and 12 urban.

### Standard Enterprise Zone Program

If growing employment in an enterprise zone, eligible (generally non-retail) businesses can receive total exemption from the property taxes normally assessed on new plant and equipment for at least three years (but in many cases, up to five years). [Learn more >>](#)

### Special Zone Features

In addition, some enterprise zones can offer special business tax incentives.

- **Long-term Rural Enterprise Zone Facilities**

Available in most rural designations, the long-term program extends property tax abatement to as long as 15 years on new facility improvements and installations. Any type of business activity is eligible, but these incentives depend on local approval and varying levels of minimum investment, job creation and employee compensation at the facility, depending on location. [Learn more >>](#)

- **Electronic Commerce Zones**

Several enterprise zones have received special status to further encourage electronic commerce or "e-commerce," investments. [Learn more >>](#)

- **Tribal Designations**

Federally-recognized tribes in Oregon may have any of the tribe's land designated as a "reservation enterprise zone." The tribal government is the zone "sponsor." A tribe also may partner with a local government on a special designation. [Learn more >>](#)

### Sponsoring an Enterprise Zone

An Enterprise Zone is sponsored by a local government (city, county, tribe or port). An enterprise zone involves duties and opportunities for the sponsor, especially the ability to change the zone's boundary. For local governments interested in obtaining or retaining a zone, an application period for designations occurs as needed. Rounds of designation will be announced on the following web page along with needed forms and sample materials.

[Learn more >>](#)

[Top of page](#)

[Printer friendly version of this page](#)



## Sponsoring an Enterprise Zone

Currently, Oregon enterprise zones are sponsored by:

- o 2 (out of 9) Indian Tribes,
- o 30 (out of 36) counties,
- o 11 (out of 23) ports and
- o 106 (out of 242) cities.

In addition, four cities, ten ports and a few counties consent to zones within their territory that are sponsored by overlapping jurisdictions.

### Designations for Local Governments

Cities, ports and counties across Oregon can seek an enterprise zone whenever there is a round of designation.

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### Call for Applications

**Applications accepted March 20, 2012–June 8, 2012**

Applications from local governments seeking designation will be accepted until June 8, 2012. The director of Business Oregon will seek to designate up to 12 enterprise zones, of which four will replace zones that expire on July 1, 2012.

An applicant will need to

- o actively consult with local taxing districts
- o adopt resolution(s)
- o complete at least four pages of the application form, including economic data
- o provide map and description of the proposed enterprise zone and its industrial land base

**All documents must be received (or postmarked) by Business Oregon on June 8, 2012, by 5:00 pm.** Documents may be mailed or hand delivered to:

Attn: Enterprise Zone Coordinator  
Business Oregon  
775 Summer St NE, Suite 200  
Salem, OR 97301-1280

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The statutes specify the following two criteria for local economic hardship in order for a proposed zone to be designated: (1) Household median income is 80% or less of state median income, or (2) Unemployment rate is 2 percentage points or more above comparable state unemployment rate,

based on the most recent annual figures. Business Oregon can consider alternative but equally severe threshold criteria, and defines several by rule.

Each zone terminates at the latest on July 1 after more than 10 years, at which time local governments may reapply to Business Oregon. The director of Business Oregon is responsible for ordering the designation and termination of enterprise zones and for approving changes to zone boundaries. The boundary of a zone may be noncontiguous, but it must conform to maximums for total area and distances within the zone.

#### Role of the Zone Sponsor

Although enterprise zones are largely self-functioning units—and the property tax exemption that they offer is typically automatic—sponsorship of an enterprise zone still entails both responsibilities and opportunities for the zone sponsor. The sponsor may do the following (if there is more than one sponsoring government, they must act jointly in all cases):

- o Set policy, filing fees; make plans covering marketing, organization, etc
- o Appoint the local zone manager.
- o Change the zone boundary: remove areas, add new areas or cosponsors and send request to Business Oregon.
- o Implement local incentives for authorized businesses.
- o Assist in making publicly-owned real estate within zone available to authorized businesses.
- o Elect to terminate the enterprise zone.
- o Help businesses use zone and verify compliance by businesses.
- o Fulfill arrangements worked out with local taxing districts.
- o Enter into written agreements with authorized firms extending exemption for four or five years in total or allowing special long-term rural tax incentives.
- o Adopt resolutions to waive a 10% employment increase (stipulating alternative conditions), for existing businesses that invest \$25 million or more, or that measurably modernize operations and fund workforce training.

In an urban enterprise zone, the sponsor also may establish local policy and standards for additional, worker-related conditions that are consistently imposed with the standard three-year exemption.

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Printer friendly version of this page

Business Oregon  
Application For Enterprise Zone Designation

Thinking About An Enterprise Zone?

**Introductory Points**

Oregon's enterprise zones offer a unique resource to local communities, unmatched by any other business incentive. Besides tax abatement, an enterprise zone lends visibility and focus to local economic development efforts.

Many communities have successfully used enterprise zones since 1986. By forgiving the local property taxes on new plant & equipment for at least three years, enterprise zones have led to thousands of new jobs through investments by eligible business operations.

Local jurisdictions may also extend the property tax exemption up to five consecutive years for especially high-paying jobs, and if additional local requirements are met by the business firm.

This incentive for new private investment and employment may be critical for healthy employment growth and business diversification in many areas.

But an enterprise zone is neither a prerequisite nor a cure-all for development. Some areas have greater need or are better able to exploit an enterprise zone in comparison to other localities, and a commitment to promote the zone is crucial.

Finally, an enterprise zone does not alter land use zoning, although it might be recognized in local comprehensive land use plans. The enterprise zone's primary influence would be on long-term industrial and some forms of commercial development, in contrast to the general growth of urbanized areas.

**A Broad, Versatile Resource**

Oregon presently contains 60 enterprise zones throughout the state, in all types of communities, big and small, metropolitan and rural.

The 2011 Legislature extended the overall program to 2025 and continued to allow for the

designation of enterprise zones to replace or renew those that "sunset." At the latest, each enterprise zone terminates 10-11 years after it is originally designated.

Since 1993, the director of Business Oregon (rather than the Governor) has been charged with designating enterprise zones, subject to a potentially competitive round of applications from cities, ports and/or counties, based on economic need, likelihood of success and other attributes of the proposed enterprise zone.

For a locality to qualify to have an enterprise zone it must meet minimum thresholds of economic need.

Most rural enterprise zones encompass entire incorporated/urban-growth areas of one or more cities, and possibly sites outside of urban growth boundaries. In Oregon's largest cities, the zone must remain entirely within the metropolitan urban growth boundary, and typically, the enterprise zone contains only a portion of such a city.

A local zone manager and the county tax assessor administer the property tax abatement programs, with some help in marketing from other entities. These local players largely handle such duties, by advising interested businesses; authorizing them and exempting qualified property.

The Business Oregon and the Oregon Department of Revenue jointly coordinate the enterprise-zone-program-and-assist-local-players. The Oregon Department of Justice and the Oregon Employment Department have supporting functions.

**Roles of the Zone Sponsor**

By resolution, the governing bodies of cities, ports and/or counties sponsor an enterprise zone.

## Application For Enterprise Zone Designation

Although enterprise zones are largely self-functioning units—and the property tax exemption that they offer is generally automatic—sponsorship of an enterprise zone still entails both responsibilities and opportunities for shaping local economic development. The sponsor does or may do the following (if there is more than one city/port/county sponsoring government, they must act jointly in all cases):

- Make policy and plans covering marketing, organization, etc
- Set authorization filing fees, as appropriate
- Help businesses to use zone and with verifying compliance by businesses
- Appoint the local zone manager
- Implement local incentives for authorized businesses (e.g., services, fee reductions, regulatory flexibility)
- Assist in making unused, publicly-owned real estate in the zone available to authorized businesses
- Fulfill arrangements worked out with local taxing districts during pre-designation consultations
- Enter into written agreements with and reasonably request additional local requirements of authorized businesses, in extending the exemption for four or five years in total or in allowing special long-term rural tax incentives
- Adopt resolutions to waive statutory requirement of a 10 percent employment increase (stipulating alternative employment minimum and potential, other local conditions), for existing businesses that invest \$25 million or more, or that measurably modernize operations and fund workforce training
- Change the boundary of the zone to remove areas or to add new areas or cosponsors, subject to statutory guidelines, by passing resolutions and sending request to Business Oregon
- Elect to terminate the enterprise zone.

In an urban enterprise zone, the sponsor also may establish a local policy and standards for additional, worker-related conditions that are consistently imposed with the standard three-year exemption.

### Hotels, Motels & Destination Resorts

Typically, only non-retail operations are eligible for enterprise zone exemptions. Nevertheless, cities/counties seeking designation of an enterprise zone have a **one-time opportunity** to exercise the option to allow qualified property of hotels, motels and resorts to receive standard tax exemption.

To do so, the resolutions of application by each city/county government sponsor must expressly state that such businesses will be eligible for exemption in the enterprise zone, if designated.

This option may be taken selectively among the city and county jurisdictions that would co-sponsor the enterprise zone.

These inter-jurisdictional restrictions should be clarified in the application and associated resolutions, but they—and the basic hotel/resort option—may be revised and finalized by resolution up to six months following the zone's designation.

The zone sponsor may irreversibly rescind the overall hotel/resort option while the zone exists. In the case of a preexisting enterprise zone that previously exercised this option, it is automatically retained as such with redesignation of the zone, unless the application indicates otherwise.

## Application For Enterprise Zone Designation

### The Incentive & Impact of a Zone

In combination with efforts to upgrade local economic capacity (e.g., infrastructure, industrial sites), an Oregon enterprise zone is meant to induce additional private-sector investment and jobs by signaling a receptive business climate, as well as a significant, but short-term benefit to a project's cash flow, which in turn would ...

- Encourage homegrown entrepreneurs and firms to start-up and grow
- Prompt bigger re/investments than might otherwise occur
- Accelerate investment, expansion and hiring compared to an ordinary rate
- Expand employment—projects are required to add one new, full-time job or increase by 10 percent
- Bolster early success of business projects
- Help needier regions overcome dislocations and deficiencies afflicting the local economic structure
- Attract investment and facilities that would move or locate outside of Oregon/locality and
- Promote higher levels of employee compensation with 5-year abatement.

Enterprise zone exemptions do not necessarily affect available funds for local public services (depending on statewide equalization of school funding and on how relevant limitations for tax rates and levies affect new industrial property in the particular tax code).

Indeed, enterprise zone incentives can help to enlarge the future local tax base, which under the current property tax system would increase future local revenue.

In considering an enterprise zone, there are two key questions that local governments should ask:

1. What are the expected local investments that will happen anyway, but that might still receive an exemption? ... and
2. Would these exemptions be adequately offset by additional investments/jobs or other advantages of the zone?

**RESOLUTION R1112-32**

**A RESOLUTION TO AWARD A CONSTRUCTION CONTRACT FOR  
WATER RESERVOIR REHABILITATION IMPROVEMENTS**

**WHEREAS**, The City solicited interested bidders for proposed water reservoir rehabilitation improvements; and

**WHEREAS**, Six individual bidders submitted bids for consideration for the water reservoir rehabilitation 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**, Shields Painting Corporation submitted the lowest responsible bid for the project with a bid of \$162,038; 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 Shields Painting Corporation as the lowest responsible bidder; and

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

**NOW, THEREFORE, BE IT RESOLVED:** the City Council of the City of Gold Beach, awards the construction contract for water reservoir rehabilitation improvements to the lowest responsible bidder, Shields Painting Corporation 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 14<sup>th</sup> day of May, 2012.

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

ATTEST:

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

# Miscellaneous Items

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. **10 a.**

Council Hearing Date: May 14, 2012

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Department: Administration

Contact/Title: Jodi Fritts, CA

Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

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**TITLE: Possible Donation of Property to the City**

**SUMMARY AND BACKGROUND:**

We have been contacted by a representative of Chevron Corporation about the possible donation of a Hwy 101 frontage lot to the City of Gold Beach. The subject property is located south of the Cape Café. The property has been for sale for some time with no offers. They contacted us last week about buying the property and I declined. They called back and then asked if we would be interested in a donation of the property. I said we would be interested in that.

The property is zoned Commercial and is approximately 30,000 square feet (approximately .70 acres) and fronts onto Hwy 101. The lot is undeveloped and fully fenced.

**FINANCIAL IMPACT:**

None at this time. This is not a firm offer but an interest request.

**DOCUMENTS ATTACHED:**

- Information regarding the property.

**REQUESTED MOTION/ACTION:**

**Direction on how to proceed**

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council

**From:** Nicholson, Ted @ Portland [mailto:Ted.Nicholson@cbre.com]

**Sent:** Wed 5/9/2012 5:03 PM

**To:** Candy Cronberger

**Cc:** Lowe, Cory @ Portland; Larry Fischer

**Subject:** RE: 29171 S Hwy 101 Gold Beach

Hi Candy,

Sorry about sending the wrong flyer.

Please see the attached Gold Beach flyer and let us know if the city would accept this property as a donation from Chevron. No promises and completely subject to Chevron approval but need to ask the question.

Thanks

Ted Nicholson | Senior Vice President

Licensed in - OR, WA, AZ

CBRE | Brokerage Services

384 SW Upper Terrace Drive, Suite 203 | Bend, OR 97702

T 541 647-1230 | F 541 306 4668 | Cell 541 620 2319

[ted.nicholson@cbre.com](mailto:ted.nicholson@cbre.com) | [www.cbre.com/ted.nicholson](http://www.cbre.com/ted.nicholson)

[Click here to view our team listings.](#)

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## Identify Results

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### Coordinate Position

Geographic: 42° 24' 3.6" N, 124° 25' 17.0" W  
StatePlane: 3862466, 292423

### Ortho Image 2005

Request X: 3862466.528609673  
Request Y: 292423.8726514709  
Raster ID: 1  
Band 0: 115  
Band 1: 109  
Band 2: 84

### Urban Growth Boundary

NAME: Gold Beach

### Parcels

MAPTAXLOT: 3715-01DA-01000  
TAXLOT: 01000  
MAPNUMBER: 37S15W01DA  
OR MAPTAXLOT: 0837.00S15.00W01DA--000001000

### Assessment

PROP\_ID: R12222  
MAP TAX LOT: 3715-01DA-01000  
State Property Class: 200  
CO\_PROP\_class: 210  
LEVY: 1820.54  
RMV\_TOTAL: 224,850  
RMV\_LAND: 224,850  
RMV\_IMP: 0  
RMV\_LSU: 0  
ASSESSED VALUE: 170,720

### Situs

PROP\_ID: R12222  
MAP TAX LOT: 3715-01DA-01000  
SITUS\_ONE: 29271 ELLENSBURG AVE  
SITUS\_TWO: GOLD BEACH, OR 97444

### Owner

PROP\_ID: R12222  
OWNER: UNION OIL CO. OF CALIFORNIA  
ADD\_1: C/O CHEVRON CORPORATION  
ADD\_2: PROPERTY TAX DEPARTMENT  
ADD\_3: P O BOX 1392  
CSZ: BAKERSFIELD, CA 93302-1392  
MAP TAX LOT: 3715-01DA-01000

FOR SALE

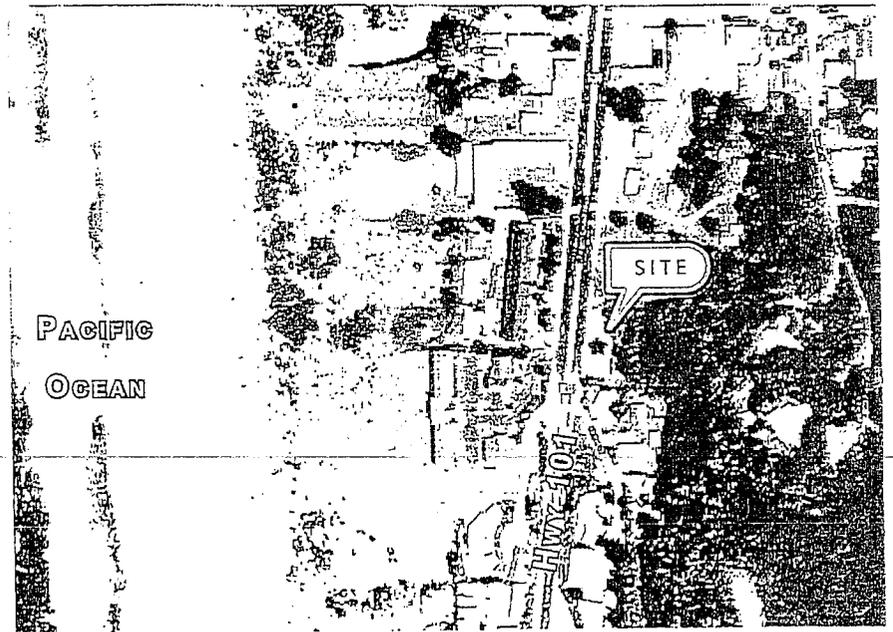
# HWY 101 COMMERCIAL LOT GOLD BEACH, OR

29271 S ELLENBURG AVE :: GOLD BEACH, OREGON 97444

FEATURES:

PRICE: \$200,000  
LOT SIZE: ±33,000 SF  
ZONING: Commercial zone (C-4)  
APN: R12222

- Convenient location on Hwy 101
- 159 feet of frontage
- One of few undeveloped lots left on Hwy 101
- Good exposure
- Priced to Sell



FOR MORE INFORMATION PLEASE CONTACT:

Ted Nicholson  
503.221.4815  
ted.nicholson@cbre.com  
[www/cbre.com/ted.nicholson](http://www/cbre.com/ted.nicholson)

**CBRE**  
CB RICHARD ELLIS

FOR SALE

# HWY 101 COMMERCIAL LOT REEDSPORT, OR

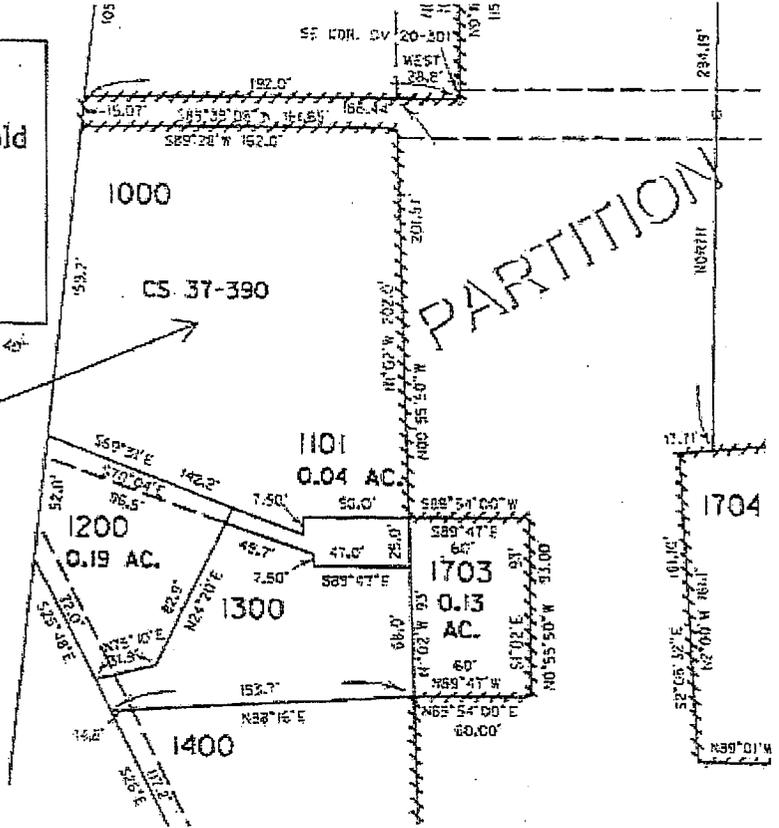
29271 S ELLENSBURG AVE :: GOLD BEACH, OREGON 97444

PLAT MAP

**EXHIBIT B**  
 Address: 29271 South Ellensburg Avenue, Gold Beach, Curry County, Oregon  
 Reference Number: Tax Map #37s 15w 01da  
 Parcel Number: Tax Lot #1000

The Site

HWY 101



FOR MORE  
 INFORMATION  
 PLEASE  
 CONTACT

**Ted Nicholson**  
 503.221.4815  
 ted.nicholson@cbre.com  
 www/cbre.com/ted.nicholson

CB Richard Ellis | 1300 SW Fifth Avenue | Suite 3000 | Portland, OR 97201 | www.cbre.com/portland

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**CBRE**  
 CB RICHARD ELLIS

**GOLD BEACH CITY COUNCIL  
AGENDA REPORT**



Agenda Item No. 10 b.

Council Hearing Date: May 14, 2012

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Department: Finance Department

Contact/Title: Jodi Fritts, CA

Email: [jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

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**TITLE: May Financial Update**

**SUMMARY AND BACKGROUND:**

Revenue and expenditures summary through the month of April are attached. April is 83% into the fiscal year. Overall revenues are exceeding expenditures. In the General Fund Revenues are at 95.46% and expenditures are at 75.51%.

There are some minor supplemental budget adjustments that will be proposed at the next council meeting. No additional expenditures over what were approved for the year are proposed—only movement within and between funds.

Attached also is the allocation to the various funds of the City's cash assets.

**FINANCIAL IMPACT:**

None at this time, information only.

**DOCUMENTS ATTACHED:**

- R & E summary and cash statement

**REQUESTED MOTION/ACTION:**

No action needed

**COPY OF REPORT AND ATTACHMENTS SENT TO:**

Council

ANALYSIS BY FUND AS OF END OF APRIL 2012: 83% OF YEAR SPENT

GENERAL FUND - 10	
GENERAL FUND TOTAL	95.46%
REVENUES	75.51%
EXPENDITURES	
GENERAL FUND REVENUES	
PROPERTY TAXES	95.68%
FEES & PERMITS	146.33%
INTERGOVERNMENTAL	85.85%
FRANCHISE FEES	58.89%
COURT FINES	64.64%
MISC REVENUE	340.45%
GENERAL FUND EXPENDITURES BY DEPARTMENT	
NON-DEPARTMENTAL	100.22%
COUNCIL	
	77.98%
MUNI COURT	
PERSONNEL	75.67%
MATERIALS & SERVICES	41.07%
CITY MANAGEMENT	
PERSONNEL	76.20%
MATERIALS & SERVICES	57.14%
POLICE	
PERSONNEL	75.75%
MATERIALS & SERVICES	69.20%
FIRE	
PERSONNEL	89.72%
MATERIALS & SERVICES	39.80%
PARKS	
MATERIALS & SERVICES	69.18%
CAPITAL OUTLAY	28.71%

FUNDS WITH PERSONNEL COSTS	
STREET FUND - 24	
STREET FUND TOTAL	113.54%
REVENUES	33.44%
EXPENDITURES	
PERSONNEL	
MATERIALS & SERVICES	90.68%
CAPITAL OUTLAY	58.82%
WATER FUND - 22	
WATER FUND TOTAL	88.79%
REVENUES	38.12%
EXPENDITURES	
PERSONNEL	
MATERIALS & SERVICES	75.09%
DISTRIBUTION	51.77%
MATERIALS & SERVICES	59.74%
INTAKE/TREATMENT	16.55%
CAPITAL OUTLAY	
SEWER FUND - 23	
REVENUES	97.00%
EXPENDITURES	59.45%
PERSONNEL	79.97%
MATERIALS & SERVICES	66.09%
PROMO - 24	
REVENUES	88.62%
EXPENDITURES	64.21%
PERSONNEL	81.93%
MARKETING & PROMOTION	50.67%
VC OPERATING EXPENSES	81.53%
HUNTER CRK HIGHTS	
WATER - 26	
REVENUES	597.09%
EXPENDITURES	100.48%
LID REVENUE	596.83%
TRANSFERS OUT	100.00%
STATE REVENUE SHARING - 51	
REVENUES	94.37%
EXPENDITURES	100.00%
SPECIAL CITY ALLOTMENT - 54	
REVENUE	0.09%
EXPENDITURES	0.00%
911 RESERVE FUND	
REVENUES	61.40%
EXPENDITURES	0.00%
SEWER 101 DEBT SERVICE - 62	
REVENUES	90.49%
EXPENDITURES	51.86%
18 CORRECTION FUND - 63	
REVENUES	60.85%
EXPENDITURES	16.71%
WATER RESERVE - 64	
REVENUES	96.88%
EXPENDITURES	36.08%
MMWTP CONSTRUCTION - 65	
REVENUE	22.58%
EXPENDITURES	9.52%
SEWER RESERVE FUND - 74	
REVENUES	87.76%
EXPENDITURES	46.81%
FLEET REPLACEMENT - 91	
REVENUE	100.04%
EXPENDITURES	0.00%
SELF INSURED - 92	
REVENUES	97.51%
EXPENDITURES	7.42%
BUILDING RESERVE - 93	
REVENUES	71.15%
EXPENDITURES	0.00%
FIRE TRUCK RESERVE - 94	
REVENUES	28.15%
EXPENDITURES	0.00%
PARKS RESERVE FUND - 95	
REVENUE	100.04%
EXPENDITURES	0.00%
GENERAL FUND RESERVE - 96	
REVENUES	100.04%
EXPENDITURES	0.00%

CITY OF GOLD BEACH  
 COMBINED CASH INVESTMENT  
 MAY 31, 2012

COMBINED CASH ACCOUNTS

01-101	CASH - STERLING CHECKING	1,271,057.11
01-102	CASH - STERLING SAVINGS	200,043.35
01-103	CASH - UMPQUA SAVINGS	3,775,809.37
01-105	CASH - UMPQUA CHECKING	485,889.24
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	TOTAL COMBINED CASH	5,732,799.07
01-160	UTILITY CLEARING/WAT/SEW/MISC	277.09
01-165	BIZ LICENSE CLEARING	112.50
01-170	MUNI COURT CLEARING	( 39,339.00)
01-100	CASH ALLOCATED TO OTHER FUNDS	( 5,693,849.66)
		<hr/>
	TOTAL UNALLOCATED CASH	<u>.00</u>

CASH ALLOCATION RECONCILIATION

10	ALLOCATION TO GENERAL FUND	576,316.78
21	ALLOCATION TO STREET TAX FUND	256,788.23
22	ALLOCATION TO WATER UTILITY FUND	786,238.02
23	ALLOCATION TO SEWER UTILITY FUND	433,207.05
24	ALLOCATION TO COMMUNITY PROMOTION FUND	58,458.60
26	ALLOCATION TO HUNTER CRK HGTS/EMERALD HILLS	51,553.71
51	ALLOCATION TO STATE REVENUE SHARING FUND	5,462.05
54	ALLOCATION TO SMALL CITY ALLOTMENT FUND	28,583.94
55	ALLOCATION TO 911 FUND	5,448.85
62	ALLOCATION TO HWY 101 SEWER PROJECT FUND	298,907.39
63	ALLOCATION TO I&I CORRECTION FUND	154,017.11
64	ALLOCATION TO WATER RESERVE FUND	9,857.24
65	ALLOCATION TO WWTP IMPROVEMENT FUND	1,096,191.94
74	ALLOCATION TO SEWER RESERVE FUND	1,078,510.62
91	ALLOCATION TO FLEET REPLACEMENT FUND	34,563.91
92	ALLOCATION TO NONINSURED/VEH DAM/UNEMPLOY	70,321.29
93	ALLOCATION TO BUILDING RESERVE FUND	382,303.89
94	ALLOCATION TO FIRE TRUCK RESERVE FUND	211,410.49
95	ALLOCATION TO PARKS RESERVE FUND	6,002.51
96	ALLOCATION TO GENERAL FUND RESERVE	6,502.71
97	ALLOCATION TO WATER DEPOSITS RESERVE	143,203.33
		<hr/>
	TOTAL ALLOCATIONS TO OTHER FUNDS	5,693,849.66
	ALLOCATION FROM COMBINED CASH FUND - 01-100	( 5,693,849.66)
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ZERO PROOF IF ALLOCATIONS BALANCE .00