



MINUTES
August 18, 2011, 5:30 PM
SPECIAL MEETING
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH, OR 97444

Call to order: Time: 5:30PM

- 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
City Administrator Ellen Barnes	X	
Student Liaison Vacant		

- 3. Special Orders of Business:**
No special orders of business

There were no special orders of business.

- 4. Consent Calendar**
No consent calendar

There were no consent calendar items.

- 5. Citizens Comments**
Citizen comments from the audience as presented to the Mayor

There were no citizen's comments.

- 6. Public Hearing**
No public hearings

There was not a public hearing.

- 7. Citizen/Agency Requested Agenda Items**
No citizen/agency requested agenda items

There were no citizen/agency requested agenda items.

- 8. Public Contracts and Purchasing**
None scheduled

There were no public contracts or purchasing items.

9. **Ordinances & Resolutions**

- a. **Resolution R1112-12 authorizing the City Administrator to execute contract documents for the wastewater treatment plant construction project**
- b. **Resolution R1112-13 request for Curry County Planning Commission to deny Tidewater mining permit near city water intake**

a. Resolution R1112-12 authorizing the City Administrator to execute contract documents for the wastewater treatment plant construction project
 City Administrator Ellen Barnes explained this resolution authorizes Barnes to sign the documents related to the contract that the council previously awarded to Stellar J. This is one more step in the long approval process. The preconstruction meeting is scheduled for September 6th at 1PM.

MOTION: Councilor Larry Brennan made a motion to approve Resolution R1112-12, a resolution authorizing the city administrator to sign the construction contract with Stellar J Corporation for the wastewater system improvements Phase II project. Councilor Doug Brand seconded the motion.

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

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

- b. **Resolution R1112-13 request for Curry County Planning Commission to deny Tidewater mining permit near city water intake**

CA Barnes explained that Tidewater had made a new request for mining in the area of the water intake. This resolution is continuing the position that the City has taken in the past, which is to deny the request because of its proximity to the water intake.

Councilor Doug Brand asked how close the water intake is to the proposed mining site. City Planner, Jodi Fritts said the proposed mining is approximately 1/4 mile downstream from the water intake. Fritts says the concern is that the application covers the entire parcel which is adjacent to the water intake. Fritts says the intake "shares the bar" with Tidewater at this location. Brand said he saw last year's maps and wondered if this was the same area. Fritts and Barnes said it was.

Mr. Mayor said he understood that they were requesting to remove more material than they had requested last year. Councilor Jeff Crook asked for clarification on the location. Fritts said it was 1/4 mile below the intake site. Barnes said even though it is below our water intake we still have turbidity concerns. Fritts said if we have high

water year, like 1996, it will inundate the mining site and all that disturbed sediment will be in the river. Mr. Mayor said we must also consider Tidewater's previous history.

MOTION: Councilor Doug Brand made a motion to adopt Resolution R1112-13, a resolution expressing concerns about possible gravel mining on a parcel adjacent to the City water intake. Councilor Jeff Crook seconded the motion.

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

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

10. Miscellaneous Items (including policy discussions and determinations)
None Scheduled

There were no miscellaneous items scheduled.

11. City Administrator's Report

Barnes said she would be out of the office Friday, Monday and Tuesday to take her daughters to John Day for vacation. She said they would be digging for dinosaur fossils.

12. Mayor and Council Member Comments

- a. Mayor James Wernicke: said there were a lot of folks in town and on the river and that was a good sign.
- b. Councilors
 - 1) Jeff Crook: nothing
 - 2) Larry Brennan: nothing
 - 3) Brice Gregory
 - 4) Doug Brand: nothing
 - 5) Tamie Kaufman
- c. Student Liaison, VACANT

13. Citizens Comments

Written requests as presented to the Mayor at the beginning of the meeting

There were not citizens comments presented.

14. Executive Session

There was no executive session.

The next regularly scheduled meeting of the Gold Beach City Council is Monday, September 12, 2011, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon

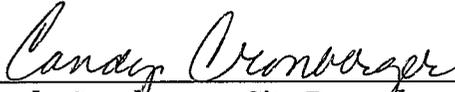
MOTION: Councilor Jeff Crook made a motion to adjourn. Councilor Larry Brennan seconded the motion.

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

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

15. Adjourn Time: 5:36PM

Approved by the City Council, February 13, 2012


 Candy Cronberger, City Recorder

RESOLUTION R1112-12

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE
CONSTRUCTION CONTRACT WITH STELLAR J CORPORATION FOR THE WASTEWATER
SYSTEM IMPROVEMENTS PHASE II PROJECT

WHEREAS: Stellar J Corporation submitted the lowest responsible bid for the project with a bid of \$250,000 for Schedule 1 and \$7,920,427 for Schedule 2 for a total bid of \$8,170,427; and

WHEREAS: On July 19, 2001, the City Council of the City of Gold Beach adopted Resolution R1112-04 awarding the construction contract for the wastewater system improvements phase II project to Stellar J Corporation;

WHEREAS: The amount of the contract with Stellar J Corporation exceeds the city administrator's authority to execute contracts without additional authorization from the city's Contract Review Board as identified in section 1.615 of the Gold Beach Administration Code; and

WHEREAS: Section 1.6000 of the Gold Beach Administration Code identifies the Gold Beach City Council as the designated local Contract Review Board for the City of Gold Beach, pursuant to state of Oregon Public Contracting Code; and

WHEREAS: The construction contract documents between the City of Gold Beach and Stellar J Corporation for the wastewater system improvements phase II project require documentation showing evidence of authorization to execute the contract.

NOW, THEREFORE, BE IT RESOLVED: the City Council of the City of Gold Beach, Oregon, authorizes the city administrator to sign the construction contract documents with Stellar J Corporation for the wastewater system improvements phase II project on behalf of the City of Gold Beach.

Passed by the City Council of the City of Gold Beach, County of Curry, State of Oregon, this 18th day of August 2011.

James Wernicke, Mayor

ATTEST:

Jodi Fritts, City Recorder

R1112-13

A RESOLUTION EXPRESSING CONCERNS ABOUT POSSIBLE GRAVEL MINING ON A PARCEL ADJACENT TO THE CITY WATER INTAKE

Whereas: A request for approval of gravel mining on parcel 3614-16 tax lot 302, a portion of the property locally known as the Old Mill Site on Jerry's Flat Road, has been submitted to the Curry County Planning Commission; and

Whereas: The City of Gold Beach water intake system is located immediately adjacent to this parcel and approximately ¼ mile from the proposed mining location; and

Whereas: The City has serious public safety concerns that such mining would adversely affect the domestic water supply of the City; and

Whereas: The City of Gold Beach previously adopted Resolution R0910-3 which expressed these same concerns.

NOW, THEREFORE, BE IT RESOLVED: the City Council of the City of Gold Beach supports a decision of DENIAL by the Curry County Planning Commission of the requested land use action.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 18TH DAY OF AUGUST, 2011.

James H. Wernicke, Mayor

ATTEST:

Jodi Frits, City Recorder



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

August 18, 2011

Curry County Planning Commission
Courthouse Annex
PO Box 746
Gold Beach, OR 97444

RE: AD-1106 Tidewater Contractors Mining Request

Dear Planning Commission Members:

The City Council is meeting in special session this evening to discuss reaffirming the concerns voiced in Resolution R0910-3 regarding the proposed mining near the City's water intake system.

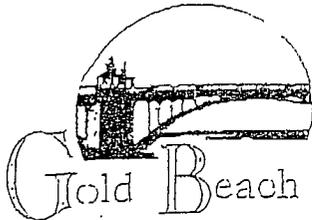
In this letter, the City Administration would like to state again our concerns regarding the potential adverse impact on our domestic water supply. We have written letters in 2008, 2009, and 2010, addressing our specific concerns. I have attached copies of those letters for your review as well as Resolution R0910-3. To summarize the concerns:

- Major mining, over time, could change the river channel and directly affect water quality and clarity and our ability to treat the water
- Possible toxic contamination from the "old Mill" pond if changes are made to surface or subsurface drainage
- In December of 2010 we requested a continuance of a previous hearing on this matter due to alleged violations of state permitting agencies requirements. There is no mention in the staff report of the alleged violations or their resolution. The violations are relevant since this is the same proposal at the same location.

Please enter this letter and the attachments into the written record. If the Council passes a new resolution during their special session it will be sent to the Planning Division prior to your meeting tonight.

Sincerely,

Jodi Fritts
Admin Services Director/City Recorder
jfritts@goldbeachoregon.gov



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

July 8, 2008.

David Pratt, Planning Director
Curry County Public Services
PO Box 746
Gold Beach OR 97444

RE: LAND USE ACTION APPLICATION # AD-0817

Dear David:

I would like to express some concerns regarding the above referenced land use application.

Parcel # 00302 lies directly below the city's water intake and watershed protection area.

Over the course of time, any major mining could very well change the main river channel and directly affect the city's ability to treat the water.

This is a major concern that could result in a very costly expense to remedy the problem.

It could also cause immediate water clarity issues, therefore requiring "boil water orders" within the City of Gold Beach's water system. This part of my concern is in regards to the northwesterly portion of the property (River side Jerry's Flat Road).

Also, regarding the southeast portion of the referenced lot (old mill site), another concern is that any reversal of surface water would cause water clarity issues. If all drainage on this

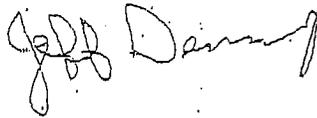
David Pratt
Page 2
July 8, 2008

portion of property would run southwest that should eliminate this concern.

I don't know if you are aware there was recently some minor road building on parcel 00300 that did cause some water clarity issues during high water run-off. This water runs directly above the city's intake via culverts.

Thank you for your consideration regarding my concerns.

Sincerely,



Jeff Denney
Public Works Superintendent

CC: Mayor & Council

P: PLANNING APPLICATION #AD-0817

August 26, 2009

COPY

David Pratt, Planning Director
Curry County Public Services
PO Box 746
Gold Beach, OR 97444

RE: Denial of Land Use Application, Application NO. AD-0910

Dear Director Pratt:

As you are likely aware, the City of Gold Beach is deeply concerned about potential public health risks associated with locating mining activity near the city's water intake system.

On Monday, August 24, 2009, the City Council met in special session to discuss the topic. During that meeting, Council heard testimony from Frank Burris from the OSU Curry County Extension Office. During his testimony, Mr. Burris expressed grave concerns about possible toxic contamination of the estuary near the intakes that could result from gravel mining around the old Mill pond, which is known to contain various contaminants.

After hearing this testimony and taking into consideration other information that has been presented to Council regarding the request for gravel mining at the "old Mill", the Gold Beach City Council expressed a desire to send the Planning Commission a strong message indicating their concerns about the proposed mining project. They unanimously passed the attached resolution as documentation of their concern for public health and safety and asked that I forward it to you for the Planning Commission meeting scheduled on August 27th. They would like it added to the record regarding this matter.

Please feel free to contact me with questions or if you need clarification.

Thank you.

Respectfully,

Ellen Barnes,
City Administrator
City of Gold Beach

RESOLUTION R0910-3

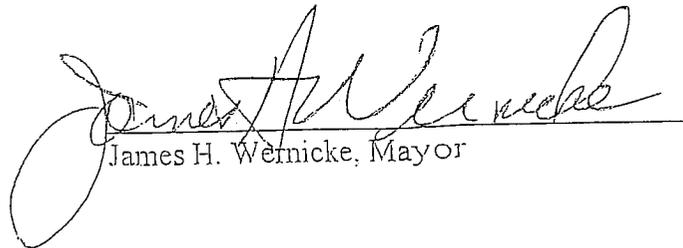
A RESOLUTION SUPPORTING THE CURRY COUNTY PLANNING COMMISSION'S DENIAL OF LAND USE APPLICATION AD-0910 REQUESTING CONDITIONAL USE APPROVAL FOR GRAVEL MINING ON THE OLD MILL SITE ON JERRY'S FLAT ROAD

WHEREAS: Tidewater Contractors, Inc. has had their application for gravel mining in the Forest Grazing and Estuary Resources and Shoreland Overlay and Natural Hazards floodplain zones denied by the Curry County Planning Commission as detailed in *Final Order and Findings of Fact AD-0910*; and

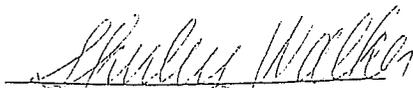
WHEREAS: The City of Gold Beach has serious public safety concerns that such mining would adversely affect the water quality of the City of Gold Beach;

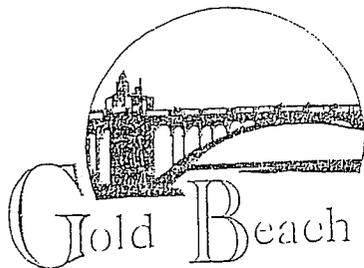
NOW THEREFORE, BE IT RESOLVED: the City Council of the City of Gold Beach supports the Curry County Planning Commission's denial of land use application AD-0910 submitted by Tidewater Contractors, Inc. requesting conditional use approval for gravel mining on the old mill site on Jerry's Flat Road.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, THIS 24TH DAY OF AUGUST 2009.


James H. Wernicke, Mayor

ATTEST:


Shirley Walker, Recorder



8 December 2010

CITY OF GOLD BEACH

29592 Ellensburg Avenue, Gold Beach, Oregon 97444

Phone (541) 247-7029 - FAX (541) 247-2212

Curry County of Commissioners
Curry County Courthouse
PO Box 746
Gold Beach, OR 97444

RE: Request for a Continuance of the Decision to Renew Conditional Use Permit AD-0910

Dear Commissioners:

Last year, I submitted a letter on behalf of the City of Gold Beach City Council objecting to the issuance of a conditional use permit (CUP) to Tidewater Contractors, Inc. for gravel and sand mining at the "old mill" site on the south bank of the Rogue River. The Council's objections to the permit were based, in part, on concerns about Tidewater Contractors, Inc.'s commitment to protecting our environment in their mining operations.

In recent weeks, questions have arisen regarding Tidewater Contractors, Inc.'s success in meeting all of the fourteen (14) conditions of approval of their CUP. As you know, these conditions were incorporated in the CUP not as punitive measures against Tidewater Contractors, Inc., but to help ensure that their mining operations would not significantly harm the environment nor threaten the water supply for the City of Gold Beach and homes served by the Nesika Water District. Most concerning are reports that Tidewater Contractors, Inc. received two Notice of Violation and Compliance Orders (October 26th and October 29th) and a Suspension Order (October 29th) from DOGAMI.

Discussions regarding renewal of their CUP are scheduled for Thursday, December 9, 2010. I understand that DOGAMI is reviewing details leading to the issuance of the notices of violations, but has not yet provided the County with a full accounting of the matter. Until more definitive information is available about Tidewater's operations and the alleged violations, on behalf of the City of Gold Beach, I respectfully request the Curry County Commissioners not renew Tidewater's CUP at this time, but continue the matter until such time that DOGAMI submits their final report to Curry County.

Thank you.

Respectfully,

Ellen Barnes, M.P.A.
City Administrator
City of Gold Beach Oregon

C: City of Gold Beach City Council
Vaughn Blazer, DOGAMI