



AGENDA
February 11, 2013, 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 Karl Popoff		
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 Vacant		

3. Special Orders of Business:

- a. WWTP Project Update-Public Works Super, Will Newdall
- b. Financial Update: Commissioner David Smith, Curry County

4. Consent Calendar

None scheduled

5. Citizens Comments

As presented to the Mayor at the beginning of the meeting

6. Public Hearing

- a. Continuation of Dangerous Building Hearing: 29704 Shore Pine Lane
- b. Initial OLCC Liquor License Request: Corner Drug & Gifts
- c. Initial OLCC Liquor License Request: Gold Beach Resort

7. Citizen Requested Agenda Items

None scheduled

8. Public Contracts and Purchasing

None scheduled

9. Ordinances & Resolutions

- a. Resolution R1213-06, a resolution regarding the Dangerous Building determination of 29704 Shore Pine Lane
- b. Second reading Ordinance 645, amending ordinance 637 (Urban Renewal)
- c. Resolution R1213-08 codifying water and sewer rate resolutions

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

10. Miscellaneous Items (including policy discussions and determinations)

- a. Interview potential Urban Renewal Citizen Committee member
- b. Final FOG review
- c. Water Maintenance Rate policy discussion
- d. Ethics training for commission members
- e. Upcoming meetings and trainings

11. City Administrator's Report

Will be presented at meeting

12. Mayor and Council Member Comments

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

13. Citizens Comments

As presented to the Mayor at the beginning of the meeting

14. Executive Session

None scheduled

The next scheduled meeting of the Gold Beach City Council is Monday, March 11, 2013, 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

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3. SPECIAL ORDERS OF BUSINESS

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 3 b.

Council Hearing Date: February 11, 2013

Department: Council

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Financial Update from Commissioner David Smith

SUMMARY AND BACKGROUND:

Curry County Commissioner David Smith would like to discuss the Curry County financial situation to keep the Council and Mayor informed and seeks input on possible solutions.

FINANCIAL IMPACT:

None at this time but could impact the City in the near future

DOCUMENTS ATTACHED:

- None

REQUESTED MOTION/ACTION:

None at this time.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council and Commissioner Smith



6. PUBLIC HEARING

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 6 a.

Council Hearing Date: February 11, 2013

Department: Administration and Police

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Dangerous Building Hearing : 29704 Shore Pine Lane

SUMMARY AND BACKGROUND:

FEBRUARY UPDATE: At the December hearing the Council continued the hearing to February to allow the property owner time to complete the following:

- 1) **Patch holes in the exterior siding and secure entry points into the structure; and**
- 2) **Post No Trespassing signs on the exterior of the building; and**
- 3) **Appoint a local responsible party that we can contact for issues related to the property; and**
- 4) **Remove the trash and debris from the interior of the structure.**

A site visit was conducted by staff on Friday, February 7th to verify if the conditions have been met. It does not appear that much has been accomplished. The exterior siding still has large holes which would be entry points. There has been plywood installed but I believe that the plywood installed by the Public Works staff. A friend of the owner was there working when we arrived and said he expected the owner today and that he would be present for the hearing Monday. Looking through the rear window it appeared that the debris in the kitchen area has been removed. The garage area is full of debris. Some progress has been made but not a lot. Staff will conduct another site visit Monday prior to the hearing in the hopes that owner will be able to finish the required work.

DECEMBER REPORT: This matter came before the Council at the November as a request for a public hearing. The public hearing date was set and advertised for this meeting. A notice was sent to the owner in California and two notices were published in the newspaper.

Code Section 5.370 states (in part): *"...At the hearing the Council shall determine by resolution whether or not the building is dangerous. The Council may, as a part of hearing, inspect the building; and the facts observed by the Council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or other person interested in the property or building shall have the right to be heard. As such hearing the Council shall have the power to order any building declared to be dangerous removed and abated, if in its judgment such removal or abatement is necessary in order to remove the dangerous condition; or the Council shall have the power to order the building made safe and to prescribe what acts or things must be done to render the same safe."*

I will be conducting a site visit the day of the hearing to determine whether anything has changed since the November meeting when this was first introduced. I will take new photographs at that time to present to the Council.

To date, I have heard nothing from the owner Richard Butler. I do not know if he will be attending the hearing.

FINANCIAL IMPACT:

None at this time. There may be costs incurred if it is determined that City must abate the building.

DOCUMENTS ATTACHED:

- December 18, 2012 letter to the owner
- Draft Resolutions for Dangerous/Not Dangerous Determination

REQUESTED MOTION/ACTION:

After the Monday site visit and the resumption of the hearing, the Council must determine whether the building is dangerous or has been made relatively safe and therefore does not meet the definition of dangerous.

There are several actions that should occur:

- 1) **A determination, by motion, whether the building is dangerous or not.**
- 2) **Adopt the resolution regarding the determination.**
- 3) **How to proceed if the building is determined to be dangerous.**

1a) Proposed Motion if the building is determined to be dangerous:

I make the motion that the building located at 29704 Shore Pine Lane meets the City Code definition of dangerous building under code section 5.350(1) (a, b, c, d depending on what the Council determines) and is hereby declared a dangerous building.

1b) Proposed Motion if the building is NOT determined to be dangerous:

I make the motion that the building located at 29704 Shore Pine Lane does not meet the City Code definition of dangerous building under code section 5.350(1).

2) Depending on what the Council determines the resolution accompanying that decision should be adopted:

I make the motion to adopt Resolution R1213-06, a resolution regarding the dangerous building determination of the building located at 29704 Shore Pine Lane.

3) If dangerous, how to proceed: Abatement? Removal? Make the building safe by doing what?

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council, PD and PW



City of Gold Beach

29592 Ellensburg Avenue • Gold Beach, OR 97444

www.goldbeachoregon.gov

Administration: 541-247-7029 • Police: 541-247-6671

Visitor Center 541-247-7526 • www.goldbeach.org

December 18, 2012

Richard Butler
PO Box 883
Yreka, CA 96097

RE: 29704 Shore Pine Lane

Dear Mr. Butler:

This is a follow-up to the city council hearing on December 10th. Thank you for attending the meeting and giving us information about your property. At the hearing, the Council made the following determination: the dangerous building hearing would be continued until February 11th to allow you time to:

- 1) Patch holes in the exterior siding and secure entry points into the structure;
and
- 2) Post No Trespassing signs on the exterior of the building; and
- 3) Appoint a local responsible party that we can contact for issues related to the property; and
- 4) Remove the trash and debris from the interior of the structure.

If you have any questions regarding this punch list please contact me. Again, thank you for your attention to this matter.

Sincerely,

Jodi Pritts

City Administrator

jfritts@goldbeachoregon.gov

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

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 6 b.

Council Hearing Date: February 11, 2013

Department: Administration and Council Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Initial OLCC Liquor License Request-Corner Drug

SUMMARY AND BACKGROUND:

The Oregon Liquor Control Commission requires applicants to obtain City approval for granting of a license to serve alcohol. The applicants are requesting the Council recommend granting them approval for Off-Premise retail sales. The applicants have submitted the required forms and license fee. The Police Department has reviewed the application and found no adverse information which would prohibit issuance of the license.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- City liquor license review form

REQUESTED MOTION/ACTION:

Grant or deny the request

I make the motion to recommend that the OLCC GRANT/DENY the request by Tim Yantis of Corner Drug for a liquor license for off-premise retail liquor sales.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council



City of Gold Beach

29592 Ellensburg Avenue • Gold Beach, OR 97444

www.goldbeachoregon.gov

Administration: 541-247-7029 • Police: 541-247-6671

Visitor Center 541-247-7526 • www.goldbeach.org

Application

Liquor License

Circle: Temporary New Renewal Change

BACKGROUND: TIMOTHY L. YANTIS - Corner Drug
Name of Person and Business Applying

has applied for a renewal of an OLCC Class Code 11 Liquor License.

retail
Sales

Investigation reveals no adverse information which would prohibit issuance of this permit.

RECOMMENDATION:

Approval of Application

Cost:	NEW	✓ \$100.00
	CHANGE	\$ 75.00
	RENEWAL	\$ 35.00
	TEMPORARY	\$ 35.00

Gail Whitmore, 314 02/04/13

Signature

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**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 6 c.

Council Hearing Date: February 11, 2013

Department: Administration and Council Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Initial OLCC Liquor License Request-Gold Beach Resort

SUMMARY AND BACKGROUND:

The Oregon Liquor Control Commission requires applicants to obtain City approval for granting of a license to serve alcohol. The applicants are requesting the Council recommend granting them approval for Off-Premise retail sales. The applicants have submitted the required forms and license fee. The Police Department has reviewed the application and found no adverse information which would prohibit issuance of the license.

FINANCIAL IMPACT:

None

DOCUMENTS ATTACHED:

- City liquor license review form

REQUESTED MOTION/ACTION:

Grant or deny the request

I make the motion to recommend that the OLCC GRANT/DENY the request by Angel's Management Inc.-Gold Beach Resort for a liquor license for off-premise retail liquor sales.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council



City of Gold Beach

29592 Ellensburg Avenue • Gold Beach, OR 97444

www.goldbeachoregon.gov

Administration: 541-247-7029 • Police: 541-247-6671

Visitor Center 541-247-7526 • www.goldbeach.org

Application

Liquor License

Circle: Temporary New Renewal Change

BACKGROUND: Angels Management — Gold Beach Resort
Name of Person and Business Applying

has applied for a renewal of an OLCC Class Code 11 Liquor License. *retail sales*

Investigation reveals no adverse information which would prohibit issuance of this permit.

RECOMMENDATION:

Approval of Application

Cost:	NEW	\$100.00 ✓
	CHANGE	\$ 75.00
	RENEWAL	\$ 35.00
	TEMPORARY	\$ 35.00

Heil Whitmore
Signature

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



January 30, 2013

Gold Beach Resort would like to request that the "Board" sign off on an OLCC license for our company. The purpose of the license is to provide wine, for purchase, to our guests. Customers would not be served alcohol at the business.

Thank you for your consideration.

Respectfully,

A handwritten signature in cursive script that reads "Tammie White".

Tammie White

Manager

Gold Beach Resort



9. ORDINANCES & RESOLUTIONS

**IS NOT A DANGEROUS BLDG
RESOLUTION R1213-06**

**A RESOLUTION REGARDING THE DANGEROUS BUILDING
DETERMINATION OF A BUILDING LOCATED AT
29704 SHORE PINE LANE**

WHEREAS, a Dangerous Building Hearing was held on December 10, 2012, pursuant City Code Section 5.370; and

WHEREAS, notice was given of the hearing to the owner(s) of the property located at 29704 Shore Pine Lane, Assessor Map number 3615-DC tax lot 600, according to the above referenced code section; and

WHEREAS, the hearing was conducted according to the procedures outlined in the Code, and evidence was taken in the form of exhibits, and oral and written testimony; and

WHEREAS, the Council continued the hearing until February 11, 2013, to allow the property owner time to address deficiencies the Council noted in the maintenance of the structure; and

WHEREAS, at the resumption of the public hearing on February 11, 2013, the Council found that the building located at 29704 Shore Pine Lane **did not** meet the definition of Dangerous Building as defined in Section 5.350(1) and therefore could not be deemed "dangerous".

NOW, THEREFORE, BE IT resolved the City Council of the City of Gold Beach finds that the building located at 29704 Shore Pine Lane is not a Dangerous Building as defined by City Code.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 11th DAY OF FEBRUARY 2013.

Karl Popoff, Mayor

ATTEST:

Candy Cronberger, City Recorder

IS A DANGEROUS BLDG

RESOLUTION R1213-06

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DETERMINATION OF A BUILDING LOCATED AT
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WHEREAS, the hearing was conducted according to the procedures outlined in the Code, and evidence was taken in the form of exhibits, and oral and written testimony; and

WHEREAS, the Council continued the hearing until February 11, 2013, to all the property owner time to address deficiencies the Council noted in the maintenance of the structure; and

WHEREAS, at the resumption of the public hearing on February 11, 2013, the Council found that the building located at 29704 Shore Pine Lane **met** the definition of Dangerous Building as defined in Section 5.350(1) and therefore is deemed "dangerous".

NOW, THEREFORE, BE IT resolved the City Council of the City of Gold Beach finds that the building located at 29704 Shore Pine Lane is a Dangerous Building as defined by City Code.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 11th DAY OF FEBRUARY 2013.

Karl Popoff, Mayor

ATTEST:

Candy Cronberger, City Recorder

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 9 b.

Council Hearing Date: February 11, 2013

Department: Administration and Council Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Second Reading Ordinance 645 amending Ordinance 637 Urban Renewal Membership

SUMMARY AND BACKGROUND:

The first reading of Ordinance 645 occurred at the January meeting. There was a question at that time about whether the Council had the authority to alter the makeup of the Urban Renewal Agency. The City Charter Section 4 states: *the city has all powers that the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.* The Charter grants the council authority to enact or repeal ordinances (laws).

ORS 457.055 provides that any time after adoption of the ordinance creating the urban renewal district, *"the governing body of a municipality may, by ordinance, transfer the authority to exercise the powers of the urban renewal agency to any other body authorized to exercise those powers ... All duties and obligations of the urban renewal agency shall thereafter be assumed by the body to which those powers are transferred."*

Attached is the legal opinion from City Counsel Sommers regarding the authority to transfer the powers of the URA from one body to another.

JANUARY AGENDA REPORT: At the December meeting the Council directed me to prepare an amendment to the Urban Renewal Ordinance (637) to change the membership of the agency. The direction was the council was to become the agency and a four person citizen advisory committee would also be formed.

FINANCIAL IMPACT:

None at this time

DOCUMENTS ATTACHED:

- Copy of Ordinance 645
- City Counsel Sommers legal opinion

REQUESTED MOTION/ACTION:

The first reading of Ordinance 645 occurred at the January meeting.

Second Reading Suggested Motion:

I move that the Council adopt Ordinance No. 645, amending Ordinance No. 637, and approve the second reading of the ordinance by title only.

If the motion is approved, the City Administrator will read the ordinance title into the record. The ordinance is enacted and becomes effective on the 30th day after enactment.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

ORDINANCE NO. 645

**AN ORDINANCE AMENDING ORDINANCE 637
WHICH CREATED THE GOLD BEACH URBAN RENEWAL AGENCY**

WHEREAS, in 2010 the City Council recognized the need for the formation of an urban renewal agency; and

WHEREAS, the City Council, by Ordinance 637 created the Gold Beach Urban Renewal Agency; and

WHEREAS, after the completion and review of an Urban Renewal Feasibility Study, the City Council voted to proceed with the development of an Urban Renewal Plan; and

WHEREAS, Ordinance 637, Section 4, detailed the membership of the Urban Renewal Agency; and

WHEREAS, the City Council determined the membership of the Gold Beach Urban Renewal Agency should be modified.

NOW, THEREFORE, the City of Gold Beach Ordains as follows:

Section 4: Membership of Ordinance 637 shall be repealed and replaced with the following:

Section 4: Membership:

- (1) City Council: The Gold Beach Urban Renewal Agency shall be comprised of the five (5) standing members of the City Council. The term of office for each Urban Renewal Agency member shall be concurrent with that member's term of office as a city councilor.
- (2) Citizens: A four (4) person Citizen Advisory Committee shall be appointed to serve with the Agency in an advisory capacity. Three (3) members shall be residents of the City of Gold Beach. One member may live outside the city limits but within the Gold Beach Urban Growth Boundary.
- (3) Term of Office: The Citizen Advisory Committee members shall be appointed by the Mayor with majority approval of the City Council. The term of office of each citizen member shall be for a period of four (4) years. Notwithstanding any other provision of this ordinance, two (2) citizen members appointed in 2013 shall serve a term of two (2) years, and two citizen members appointed in 2013 shall serve a term of four (4) years.
- (4) Removal: A Citizen Advisory Committee member who engages in misconduct may be removed by the Mayor and Council after a hearing. The hearing shall be

conducted by the Mayor at a special City Council meeting called for that purpose and the decision of the Mayor and Council shall be final. Thereafter, the Mayor shall appoint, with majority approval of the Council, a replacement member to fill that position.

PASSED and ADOPTED by the City Council of the City of Gold Beach, State of Oregon, on this 11th day of February 2013.

Karl Popoff, Mayor

ATTEST:

Jodi Fritts, City Administrator

First Reading: January 14, 2013

Aye: 5 Nay: 0

Second Reading: February 11, 2013

Aye _____ Nay _____

Candy Cronberger, City Recorder

Jodi Fritts

From: Lauren Sommers <lauren@speerhoyt.com>
Sent: Thursday, January 24, 2013 4:40 PM
To: Jodi Fritts
Subject: Urban Renewal Agency Powers

Jodi,

You asked whether the City Council has the authority to transfer the powers of the City's urban renewal agency from one body to another. The short answer is yes.

The powers of an urban renewal agency may be exercised by any of the following bodies: 1) a housing authority; 2) an appointed board or commission composed of at least three members; or 3) the city council. When the City creates an urban renewal agency, it must designate the body with the power to exercise the authority of the agency, but the City can later transfer that authority to a different body. ORS 457.055 provides that any time after adoption of the ordinance creating the urban renewal district, "the governing body of a municipality may, by ordinance, transfer the authority to exercise the powers of the urban renewal agency to any other body authorized to exercise those powers ... All duties and obligations of the urban renewal agency shall thereafter be assumed by the body to which those powers are transferred." In other words, ORS 457.055 gives the Council the authority to transfer the powers of the urban renewal agency to a new board, as long as the board is one of the three types of bodies allowed by statute to exercise the powers of an urban renewal agency.

In 2010, the City adopted Ordinance No. 637, which created the Gold Beach Urban Renewal Agency and designated an appointed body consisting of a mix of citizens and city personnel to function as the Urban Renewal Agency's board. The Council is currently considering the adoption of Ordinance No. 645, which would transfer the powers of the Urban Renewal Agency from the board created by Ordinance No. 637 to the Council itself. The transfer of authority from the current board to the Council is clearly allowed by ORS 457.055.

Please let me know if you have questions or concerns about any of this.

Lauren

Lauren Sommers

Local Government Law Group P.C.

A Member of Speer Hoyt LLC

975 Oak Street, Suite 700

Eugene, OR 97401

Telephone: (541) 485-5151

Fax: (541) 485-5168

lauren@speerhoyt.com

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**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 9 c.

Council Hearing Date: February 11, 2013

Department: Administration and Finance Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Resolution R1213-08 Water and Sewer Utility Rate Codification

SUMMARY AND BACKGROUND:

Currently there are three different resolutions adopted at different times that regulate water and sewer utility rates. For the sake of clarity the rates should be codified into a single document. This will help with tracking the resolution and help prevent mistakes in the future. Additionally, there is currently no inflation factor built into the water rate structure. The sewer rates have an inflation factor based on the Municipal Cost Index and are updated in July annually. The rates in the resolution are the *CURRENT* rates and do not reflect any increases at this time.

FINANCIAL IMPACT:

Continuation of current revenue rates

DOCUMENTS ATTACHED:

- Resolution R1213-08

REQUESTED MOTION/ACTION:

Approve or deny R1213-08

Suggested Motion:

I make the motion to APPROVE/DENY Resolution R1213-08, a resolution setting water and sewer rates and implementing an annual inflation adjustment rate and repealing resolution R1011-30 and R0809-08 and any other resolutions that may be in conflict.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

RESOLUTION R1213-08

A RESOLUTION SETTING WATER & SEWER RATES AND IMPLEMENTING AN ANNUAL INFLATION ADJUSTMENT RATE AND REPEALING RESOLUTION R1011-30 & R0809-08 AND ANY OTHER RESOLUTIONS THAT MAY BE IN CONFLICT

WHEREAS, The City of Gold Beach provides water and sewer utility services for businesses, agencies, and private residents within the Gold Beach city limits, and water service within the Urban Growth Boundary; and

WHEREAS, the City of Gold Beach Utility Code Sections 3.125 & 3.400 grant the City Council exclusive control over and regulation of water and sewer use charges, including the authority to review, and by resolution, to set or change charges; and

WHEREAS, the City Council has determined that annual rate adjustments are necessary to keep pace with inflation; and

WHEREAS, the current utility rates are contained in various resolutions and are not currently codified into a single document; and

WHEREAS, the Council has determined that a single utility rate resolution would help eliminate possible confusion and create greater billing efficiency.

NOW, THEREFORE, BE IT RESOLVED that in order to maintain financially sustainable water and sewer utility systems, the City Council for the City of Gold Beach hereby authorizes annual revenue adjustments, based on the Municipal Cost Index published by American City and County, for the City of Gold Beach Water and Sewer Utility Funds beginning July 1, 2013.

BE IT FURTHER RESOLVED the City Council of the City of Gold Beach, Oregon, adopts the codified utility rate schedule attached to this resolution as EXHIBIT A and hereby repeals Resolution R1011-30 and 0809-08 and any other resolutions that may be in conflict.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, AND EFFECTIVE THIS 11TH DAY OF FEBRUARY 2013.

Karl Popoff, Mayor

ATTEST:

Candy Cronberger, City Recorder

RESOLUTION R1213-08 EXHIBIT A

WATER AND SEWER UTILITY RATES including reserve and debt service

WATER	BASE RATE
--------------	------------------

Inside City Residential	\$ 15.85	First 1500 Gallons
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Outside City Residential	\$ 17.47	First 1500 Gallons
---------------------------------	----------	--------------------

Inside City Commercial	\$ 21.85	First 3000 Gallons
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Outside City Commercial	\$ 24.38	First 3000 Gallons
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****Rates will be adjusted annually on July 1 based on the prior 12 month Municipal Cost Index average**

SEWER	RATE
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Sewer Utility	\$ 20.60	Per EDU/ERU	Monthly sewer usage fee
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Sewer Reserve	\$ 3.00	Per Account	Reserve fund for Sewer maintenance
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WWTP Debt Service	\$ 20.00	PER EDU/ERU	Debt service for WWTP plant
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Sewer Line 101 Debt Service	\$ 6.00	PER EDU/ERU	Debt service for Hwy 101 main sewer line improvements in completed in 2005
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****Sewer Utility rate will be adjusted annually on July 1 based on the prior 12 month Municipal Cost Index average**



10.
MISC ITEMS
(INCLUDING POLICY DISCUSSIONS &
DETERMINATIONS)

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 10 a.

Council Hearing Date: February 11, 2013

Department: Administration and Council Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Interview Potential Urban Renewal Citizen Advisory Committee Member and Review Draft Appointments Resolution

SUMMARY AND BACKGROUND:

The second reading of Ordinance 645 amending the membership of the Urban Renewal Agency will occur tonight. The new make-up of the agency will include a four member citizen advisory committee. Two members (Karen Richmond and Sandra Vieira) of the current agency would like to be appointed as citizen members. An additional citizen, Beth Barker-Hidalgo, has submitted an application for consideration. Her application is attached.

FINANCIAL IMPACT:

None at this time

DOCUMENTS ATTACHED:

- Barker-Hidalgo application
- Draft Citizen Advisory Committee appointment resolution

REQUESTED MOTION/ACTION:

Interview and consideration of members for the advisory committee. Review and suggested changes of draft appointment resolution R1213-09.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council



CITY OF GOLD BEACH APPLICATION FOR APPOINTMENT
TO BOARD, COMMISSION OR COMMITTEE

I am interested in serving as a member of the Gold Beach Urban Renewal Agency

Position # _____

Name: Beth Barker-Hidalgo

Mailing Address: [REDACTED] Gold Beach, OR 97444

Resident Address (if different from above): _____

Home Phone: [REDACTED] Work Phone: _____

Current Employment: Self-employed

Your area of interest: Emergency Management, Econ. Dev, Youth

Why do you want to serve: I am invested in assisting the community in a positive manner

Previous service in this appointed position or a similar position: _____

Other volunteer activities: CPTI Board of Directors, Curry County Transit Fund Advisory, G.B. Senior Center

Does your schedule allow you to attend daytime meetings? Yes

Does your schedule allow you to attend nighttime meetings? Yes

Does your schedule limit the days you could attend meetings? No

RECEIVED

JAN 13 2013

CITY OF GOLD BEACH

Additional comments: I look forward to serving the
Community in any way I can.

A copy of my Oregon Driver's License # _____ is attached.

By my signature below, I certify that I meet the requirements listed below for this vacant position. I also understand my residency may be verified.

Requirements:

City Council Position:

Resident of City of Gold Beach for one year prior to appointment.

Planning Commission:

Four members must be city residents; one member can reside within the Urban Growth Boundary.

Budget Committee:

Resident of City of Gold Beach.

Promo Committee:

Two members chosen from Chamber; two members chosen from GB Motel Owners Association; one member at large, directly involved with the tourist industry and chosen by the City Council.

Ben Baker-Hodges

RESOLUTION R1213-09

**A RESOLUTION CONFIRMING APPOINTMENTS TO THE URBAN
RENEWAL CITIZEN ADVISORY COMMITTEE AND
SETTING TERMS OF OFFICE**

- WHEREAS:** The appointment and term of office procedures are set forth in Ordinance #645, Section 4, adopted February 11, 2013; and
- WHEREAS:** Four vacancies currently exist on the Citizen Advisory Committee; and
- WHEREAS:** Interested persons have previously served on the Urban Renewal Agency board or have submitted an application for review by the Council & Mayor.

NOW, THEREFORE, BE IT RESOLVED that the Gold Beach City Council hereby appoints:

Karen Richmond to fill vacant Position #1, term to expire December 31, 2017

Sandra Vieira to fill vacant Position #2, term to expire December 31, 2015

Beth Barker-Hidalgo to fill vacant Position #3, term to expire December 31, 2017

Position #4, term to expire December 31, 2015 is VACANT

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 11th DAY OF MARCH, 2013.

Karl Popoff, Mayor

ATTEST:

Candy Cronberger, City Recorder

RESOLUTION R1112-24

A RESOLUTION CONFIRMING APPOINTMENTS TO THE URBAN
RENEWAL AGENCY AND SETTING TERM OF OFFICE

- WHEREAS:** The appointment and term of office procedures are set forth in Ordinance #637 adopted July 26th, 2010, Section 4; and
- WHEREAS:** One vacancy currently exists on the Urban Renewal Agency; and
- WHEREAS:** Interested persons have submitted an application for review by the Council & Mayor.

NOW, THEREFORE, BE IT RESOLVED that the Gold Beach City Council hereby appoints:

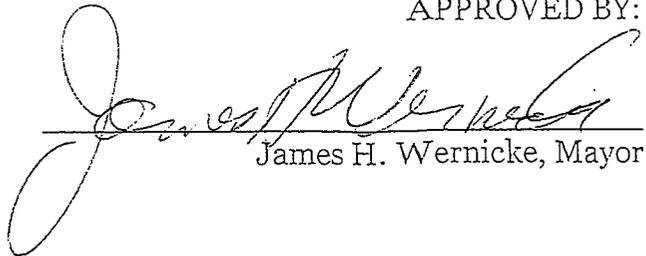
Karen Richmond to fill vacant Position #1 on the Gold Beach Urban Renewal Agency, term to expire December 21, 2014 and;

Reaffirms the previous appointments of:

Laurie H. Brand to Position #2	expires December 31, 2012
Katherine Valentino to Position #3	expires December 31, 2014
Sandra Vieira to Position #4	expires December 21, 2012

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 13th DAY OF FEBRUARY, 2012.

APPROVED BY:


James H. Wernicke, Mayor

ATTEST:


Candy Cronberger, City Recorder

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 10. b.

Council Hearing Date: February 11, 2013

Department: Public Works

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Final FOG Draft Ordinance Review

SUMMARY AND BACKGROUND:

I provided a draft FOG ordinance at the January meeting. I would like a final review of the draft so that we can put the first reading on the March agenda. There are a few questions we need to answer. Specifically: on page 11: how long will we give businesses to comply? And second, on page 12: what will the penalty for non-compliance be? We are trying to include penalties in the fee resolution so the ordinances do not have to be re-adopted for each fee change so this section should reflect that.

JANUARY REPORT: As we get closer to putting our new WWTP online we need to address this issue. I am attaching some photos of what FOG looks like in the plant. It's pretty nasty stuff and we need to keep it out of the new plant.

I sent the draft ordinance from CIS to the attorney for her review. She crafted a different document that she feels provides better protection and specificity.

We originally discussed this issue in June:

FROM JUNE REPORT: FOG stands for Fat, Oil and Grease. Commercial and Industrial sewer users are required to have what is referred to as a Grease Trap on their drains in order to prevent FOG from entering the sewer system and causing harm.

The City first study this problem in 2007 and in 2009 discussed with the various restaurants and commercial kitchens in town the need to come into compliance with DEQ requirements for discharge to our wastewater system. The City did not aggressively pursue enforcement due the needed improvements to our wastewater system at that time. However, the new plant will be going online in approximately 12 months and we need to start the process of compliance.

Attached is the Industrial User Report prepared in 2007 by Dyer Partnership. The report briefly explains the issue. There are several issues related to compliance which we should discuss and then plan for compliance.

FINANCIAL IMPACT:

None at this time

DOCUMENTS ATTACHED:

- Attorney prepared draft FOG ordinance

REQUESTED MOTION/ACTION:

Make suggested changes so that I can have City Counsel Sommers review them for inclusion in the final version for the first reading in March.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

PW Super Will Newdall

AN ORDINANCE AMENDING SECTIONS 3.410, 3.425, 3.445, 3.455, AND 3.460
OF THE GOLD BEACH UTILITY CODE; AND ADOPTING PENALTIES FOR
NON-COMPLIANCE

WHEREAS, the City of Gold Beach wishes to ensure that its public sewer remains in good working condition and complies with applicable requirements of the Oregon Department of Environmental Quality and United States Environmental Protection Agency regarding the regulation of the discharge of fats, oils, greases and other substances into the public sewer;

NOW, THEREFORE; THE CITY OF GOLD BEACH ORDAINS AS FOLLOWS:

Section 1. Section 3.410 of the Gold Beach Utility Code is amended to read as follows:

3.410 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this sewer code shall be as follows:

(1) “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

(2) “Building drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(3) “Building sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

(4) “Combined sewer” shall mean a sewer receiving both surface runoff and sewage.

(5) “Commercial user” shall mean any premises used for commercial or business purposes.

(6) “Domestic waste” shall mean any wastewater emanating from dwellings.

(7) “Equivalent Residential Unit (ERU)” shall mean a volume of wastewater which incurs the same costs for operations and maintenance as the average volume of domestic waste discharged from an average residential dwelling unit in the treatment works service area. For purposes of making this determination the City shall utilize the metered water use records of the City. Where a user believes his wastewater discharge to the treatment works is substantially different than his water consumption, an appropriate adjustment shall be made providing the

user demonstrates to the satisfaction of the City the actual wastewater discharge. The volume attributed to an ERU where the BOD, suspended solids or other characteristic of the wastewater discharged by a user is significantly greater than domestic waste shall be adjusted to account for the difference in the costs of treatment. The superintendent shall file a list of ERU's for each commercial establishment.

(8) "FOG" shall mean a substance or material discharged into the public sewer that has the potential to partially or completely obstruct a building sewer or any sewage works. FOG includes both polar and non-polar FOG.

(9) "FOG Generator" shall mean any commercial user that discharges FOG into the public sewer, including but not limited commercial users that operate food service establishments, commercial laundries, car washes, filling stations, commercial garages, and similar businesses with any type of washing facilities (including pressure washing and steam cleaning).

(10) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(11) "Industrial wastes" shall mean liquid wastes from any nongovernmental user of publicly owned treatment works identified in the standard Industrial Classification Manual, 1972, Office of Management and Budget, under Divisions A,B,D,E and I.

(12) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(13) "Non-polar FOG" shall mean FOG not of animal or vegetable origin, including but not limited to petroleum oil, grease, grit, sand, and lint.

(14) "Person" shall mean any individual, firm, company, association, society, corporation or group.

(15) "Ph" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(16) "Polar FOG" shall mean FOG of animal or vegetable origin, including but not limited to fats and oils.

(17) "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

(18) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

- (19) "Residential User" shall mean user of a single family dwelling.
- (20) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.
- (21) "Service area" shall mean all the area served by the Gold Beach sewage works.
- (22) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present.
- (23) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.
- (24) "Sewage works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (25) "Sewer" shall mean a pipe or conduit for carrying sewage.
- (26) "Sewer user" shall mean any person specifically requesting sewer service or using city sewers.
- (27) "Shall" is mandatory; "may" is permissive.
- (28) "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.
- (29) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.
- (30) "Superintendent" shall mean the superintendent of sewage works and/or of water pollution control of the City of Gold Beach, or his authorized deputy, agent or representative.
- (31) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.
- (32) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (33) Any words or phrases which are not particularly defined herein shall be construed as defined in the Zoning Code of the City of Gold Beach, and if not defined therein, then as defined by the City of Gold Beach Building Code.

Section 2. Section 3.425 of the Gold Beach Utility Code is amended to read as follows:

3.425 Building Sewers and Connections.

(1) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(2) There shall be four classes of building sewer permits:

- (a) Residential, which shall include single-family residences, apartments, duplexes and courts.
- (b) Residential/commercial, which shall cover hotels and motels, etc.
- (c) Commercial, which shall cover commercial non-residential uses.
- (d) Industrial, for service to establishments producing industrial waste.

(3) Prior to receiving city sewer service, a person shall make application to the City Administrator for a sewer hookup permit, on a form prescribed by the City. The application shall include consent to allow city inspectors to enter onto the premises during business hours to inspect, observe, measure, sample, and test sewage discharges. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Administrator or the superintendent. The applicant shall state the use for which sewer service is required.

(4) If the applicant is a FOG generator, in addition to the application materials required by paragraph (3) of this section, the applicant must also submit the following management plan for the City's review and approval, which shall include:

- (a) The name or position of the staff person in charge of compliance with the City's sewer regulations;
- (b) Identification of the sources of FOG discharged by the user;
- (c) An employee training manual with new employee training and continuous education programming regarding discharge of FOG;
- (d) A description of disposal and recycling programs for FOG utilized by the user;
- (e) A list of housekeeping practices related to FOG;

(f) Copies of signs or notices to be posted at drainage stations related to disposal of FOG;

(g) Emergency contact information to enable the City to contact the user on a 24 hour basis; and

(h) A requirement for documentation of actions taken to reduce discharge of FOG, including but not limited to training sign off sheets and maintenance, cleaning, and incident reports.

(5) If the use for which sewer service is required changes so that a different class of building sewer permit would be applicable, the sewer user shall apply for a new permit and pay all charges required for an initial permit.

(6) All costs and expense incident to the installation and connection of the building sewer, and any inceptor or other device required by section 3.445(6) of this code shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(7) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(8) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this Code.

(9) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements, rules and regulations as now composed or in the future amended by the state of Oregon through its authorized and delegated representative in administering a state sewer code. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(10) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged from the building.

(11) No person shall make connection of roof downspouts, exterior foundation drains, area way drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(12) The connection of the building sewer into the public sewer shall conform to the requirements, rules and regulations as now composed or in the future amended by the state of Oregon through its authorized and delegated representative in administering a state sewer code. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(13) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(14) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. In addition, when any sewer work involves street or alley pavement cuts or tunneling, the work shall be performed in accordance with the provisions of the Gold Beach Local Improvement Code.

Section 3. Section 3.445 of the Gold Beach Utility Code is amended to read as follows:

3.445 Use of the Public Sewers.

(1) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, or approval of the superintendent, to a storm sewer, combined sewer or natural outlet.

(3) No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails; and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following-described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150°F (65°C).

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65°C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.

(f) Any waters or wastes containing phenols or other taste- or odor-producing substance in such concentrations exceeding limits which may be established by the superintendent, as necessary, after treatment of the composite

sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of (9.5).

(i) Materials that exert or cause:

(i) Unusual concentration of inert suspended solids such as, but not limited to, fullers earth, lime slurries, and lime residues; or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

(ii) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

(iii) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Effluent containing more than 100 mg/liter of polar FOG

(j) Effluent containing more than 250 mg/liter of non-polar sediments including sand, lint, and grit.

(5) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section (4) above, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

- (c) Require control over quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section (6)(j) below.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

(6) FOG generators must install grease interceptors, traps, or biological processes, that comply with standards adopted by the City prior to discharging into the public sewer. The grease inceptor, trap or biological process must be accessible for sampling, cleaning and inspection, must be properly maintained by the FOG generator, and must remain in continuous operation. The FOG generator must also provide a suitable location to allow city staff to sample representative effluent discharged by the FOG generator.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

(8) When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer as to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

(10) No statement contained in this Code shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial

waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern.

(11) Industrial users shall comply with Section 204 of PL 92-500 and the rules and regulations regarding Industrial Cost Recovery as published in the August 21, 1973, Federal Register, Volume 38, Number 161.

Section 4. Section 3.455 of the Gold Beach Utility Code is amended to read as follows:

3.455 Powers and Authority of Inspectors.

(1) With the consent of the property owner or other person with possession or control of the property, he superintendent and other duly authorized employees of the City bearing proper credentials and identification may enter onto private property for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Code. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) In the event that the superintendent cannot gain permission to enter onto private property from the property owner or other person with possession or control of the property, , the superintendent may seek entry through any legal means including, without limitation, making application to any court of competent jurisdiction for issuance of a warrant. The warrant application will identify the premises upon which entry is sought, and the purpose for which entry is desired.

(3) The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 5. Section 3.460 of the Gold Beach Utility Code is amended to read as follows:

3.460 Procedure for Disconnection; Appeal Procedure; Penalties.

In every case where a sewer account is not paid by the 25th day of the month after the bill is presented, or where any premises is in violation of this Code, the following steps may be taken:

(1) In the case where the violation is a delinquency in the sewer bill, the Sewer Department shall send written notice to the last known address of the sewer user and to the

premises as reflected by City records, that water service will be disconnected ten (10) days after the date of said notice unless the arrearage is immediately corrected. Said notice shall indicate the amount of all arrearages, including penalty fees and shall indicate that if any person disputes the amount owing, they can appeal to the City Administrator in the manner provided in subsection (3) of this section.

(2) In the case of any other violation, the City Sewer Department shall send written notice to the last known address of the sewer user and to the premises as reflected by the city records that water service will be disconnected twenty (20) days after receipt of said notice, unless the violation is corrected prior to that date. Said notice shall indicate specifically the violation causing the disconnection and shall indicate that if any affected person disputes the violation stated in the notice, they can appeal to the City Administrator and the City Council in the manner provided in subsection (3) of this section. Should the violation not be abated within the said twenty (20) days after receipt of the notice, the superintendent shall be instructed by written order from the City Administrator's office to immediately terminate the water service to the subject property unless an appeal has been filed pursuant to subsection (3) of this section.

(3) A customer, occupant or owner of the premises who questions or disputes the correctness of a notice of intent to disconnect service may file with the City Administrator a request for a hearing within seven (7) days of the date of the notice. If a hearing has been timely requested, the City Administrator shall hold an informal conference to attempt to resolve the matter. In the case of a notice of intent to disconnect service for non-payment, the decision of the City Administrator shall be delivered at the conclusion of the informal conference and shall be final. In other cases, if no informal resolution is achieved, the City Council shall hold a hearing and consider relevant evidence presented by the appellant and the City. The Council shall determine whether the reasons prompting the notice of intent to disconnect are correct. Notice of the decision of the Council shall be mailed by first class mail to the customer at the billing address and to the occupant of the premises and to any other address specified by the appellant. In the event of an appeal to the City Council, service shall not be terminated until three (3) days after mailing of the notice of the decision. A notice of intent to disconnect service shall include information about the appeal process contained in this subsection.

(4) Where the violation is failure to pay delinquent sewer fees and penalties, water service may be reinstated upon payment of those fees. For any other violation, water service shall not be reinstated until such time that all violations have been cured, and a new application has been made and all fees required for initial application have been paid.

(5) Any person violating any of the provisions of this Code shall become liable to the City for any expense, loss or damage occasioned to the City by reason of such violation.

Section 6. FOG generators discharging into the public sewer at the time this ordinance is adopted shall have ~~after the effective date of this ordinance to comply with the~~ requirements of Section 3.445(6) of the Gold Beach Utility Code. If a FOG generator does not comply with Section 3.445(6) of the Gold Beach Utility Code within the required time frame, notwithstanding Section 3.460(2) of the Gold Beach Utility Code, the City may

proceed to notify the FOG generator of the failure to comply with this section and to immediately terminate water service to the premises. The FOG generator shall have all the appeal rights provided in Section 3.460(3) of the Gold Beach Utility Code. In addition to termination of water service the City may assess a penalty for failure to comply with this section. The penalty for non-compliance with this section shall be \$. Each day of non-compliance with this section constitutes a separate violation.

GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 10. c.

Council Hearing Date: February 11, 2013

Department: Administration & Finance
and Public Works

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Water/Sewer Maintenance Rate Discussion

SUMMARY AND BACKGROUND:

We currently have a water utility Maintenance Rate for water and sewer utility customers. The rate has been around in different iterations for many years and has always been a billing nightmare. I had requested back in 2003 that the rate be eliminated entirely due to the amount of staff time (both Administrative and Public Works) needed to monitor the accounts. The City is losing water and sewer revenue monthly due to the improper use of the rate.

I am currently surveying other cities to see if they have a similar rate or not, and if so, how do they regulate it. Regardless of the results I would like to respectfully request that we eliminate the rate because of the loss of revenue and excessive staff time needed to monitor it. It should be noted that we technically do not have a resolution authorizing the rate since Resolution R0809-12 was repealed in September. Other water and sewer rates are reflected in resolutions that have not been repealed.

FINANCIAL IMPACT:

Stabilization of actual use water and sewer revenue

DOCUMENTS ATTACHED:

- Information About Your Utility Bill flyer with maintenance rate info

REQUESTED MOTION/ACTION:

Decision on whether to continue/discontinue maintenance rate

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council
PW Super Will Newdall



City of Gold Beach • 29592 Ellensburg Avenue • Gold Beach, Oregon 97444

Business Office 541-247-7029 • Police Department 541-247-6671 • www.goldbeachoregon.gov

• Visitor Center 541-247-7526 • www.goldbeach.org

INFORMATION ABOUT YOUR UTILITY BILL (Residential accounts)

Required Deposit: Water/Sewer \$200 deposit Water only: \$100 Sewer only: \$150
(Effective Sept. 10, 2012-not retroactive)

Bills are due on receipt and become late after the 10th of the following month. A 10% penalty is assessed if your payment is not received by close of business on the 10th. If you use online bill pay include your account number on their check. **If you pay online through your bank, please understand your payment is not instant to us—it takes between 7-10 days for us to receive your payment from the bill payer.**

WATER service **inside** city limits is \$15.85 per month. This is for the first 1,500 gallons. After the first 1,500 gallons you are charged on a per gallon rate. This is the only charge that changes monthly based on your usage. We read meters monthly approximately the 3rd week of the month. Water service **outside** city limits is \$17.47 per month for the first 1,500 gallons. After the first 1,500 you are charged on a per gallon rate. This is the only charge that changes monthly based on your usage. We read meters monthly approximately the 3rd week of the month.

SEWER is made up of four individual charges that total \$49.60. The charges are explained below:

- \$20: Sewer Treatment Plant Reserve-this is a debt service fee (per EDU*) which will go to paying on the \$11 million loan for the new treatment plant.
- \$20.60: Regular Sewer-this is the basic sewer fee (per EDU) which is when you actually flush your toilet. This fee pays for the maintenance and day-to-day operation of the treatment plant. *(This fee was formerly \$19 and by resolution went up \$1 effective July 1, 2011)*
- \$6: Sewer Line 101- this is a debt service fee (per EDU) which pays on the \$1.5 million loan we received in 2005 for improvements to the main sewer line under Hwy 101.
- \$3: Sewer Reserve-this is a per customer fee that goes into a reserve account for future sewer improvements.

If you have both sewer and water your monthly minimum bill will be at least **\$65.45**. If your water usage is more than the minimum 1,500 gallons the water rate changes depending on actual gallons used. The city does not serve sewer outside city limits.

A maintenance rate (vacation/out-of-town: no water through meter) is available as follows:

<u>Inside City Limits</u>	*	<u>Outside City Limits</u>
Water: \$7.50		Water: \$8.00
STP: \$20		
SL 101: \$6		
Reserve: \$3		
TOTAL \$36.50		TOTAL \$8.00

EDU: means Equivalent Dwelling (or Residential) unit. This is what one household is assessed for sewer use. The state has a chart to determine EDU's for commercial and industrial uses. If you wish to see this chart please feel free to ask at our business office.

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



GOLD BEACH CITY COUNCIL AGENDA REPORT



Agenda Item No. 10. d.

Council Hearing Date: February 11, 2013

Department: Administration and Council Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Mandatory Ethics Training for Commission Members

SUMMARY AND BACKGROUND:

Pursuant to Administrative Policy 218.1, yearly ethics training is required for all city elected officials, employees, and documented volunteers. The Administrative office coordinates and documents the training. We have one commission member that appears unwilling or unable to attend the training. I'd like to have direction from the Council on how to proceed. It is my feeling that requesting the training be completed by March 31st is not unreasonable, but it is a Council policy so I would like some guidance on a reasonable timeline for completion annually.

FINANCIAL IMPACT:

None the training is free from the OGEC

DOCUMENTS ATTACHED:

- Admin Policy Section 218.1

REQUESTED MOTION/ACTION:

Direction on policy enforcement and timeline for completion of training annually

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

218 Personal Conduct

218.1 Code of Ethics

The successful operation and reputation of the City of Gold Beach is based on the ethical conduct of the city's employees. The city's reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, regard for the highest standards of conduct and personal integrity and fairness.

All city elected officials, employees and volunteers are considered public officials and are subject to the state of Oregon's Government ethics laws. The city will comply with these and all applicable laws and regulations and expects all employees to conduct business in accordance with the letter, spirit and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. **Annual ethics training is mandatory for all city elected officials, employees and documented volunteers. Yearly ethics training, as approved by the Oregon Government Ethics Commission, will be coordinated and documented by the Administrative office for all public officials.**

In general, use of good judgment based on high ethical principles will guide you with respect to lines of acceptable conduct. If a situation occurs where it is difficult to determine the proper course of action, the matter should be discussed with your supervisor or department director for advice and consultation.

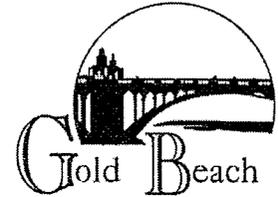
Compliance with this policy of business ethics and conduct is the responsibility of every city employee. If you believe anyone has violated this code of ethics, you should report it to a department director or city administrator immediately.

218.2 Gratuities

The giving and receipt of gifts (favors or gratuities) for an employee's personal benefit or gain is disfavored because of the appearance of impropriety it creates. Therefore, employees of the city may not accept any gift from any person (person includes individuals and entities, such as corporations or other governmental bodies) engaged in or attempting to engage in business transactions with the city or who has a legislative or administrative interest in the employee's work with the city. This is because such gifts might affect or give the appearance of affecting the employee's judgment in the impartial performance of his or her duties.

However, unsolicited gifts such as flowers and candy may be acceptable under Oregon law and may be accepted so long as the gift does not provide the employee with any personal gain. If you are offered a gift and are not sure whether to accept or deny it, contact a department director or the city administrator for guidance.

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 10. e.

Council Hearing Date: February 11, 2013

Department: Administration and Council Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Upcoming Meetings and Trainings

SUMMARY AND BACKGROUND:

Several upcoming meetings and trainings:

February 13: LOC Small Cities R4 meeting—Port Orford, no cost

February 27: LOC City Day at the Capitol, \$15 + travel to Salem

March 5: DOR Local Budget Law Workshop—Coos Bay, no cost

March 22: (tentative may be 23 or 24) Distant Tsunami Response Training, no cost

I have attached info about each training. If you would like to attend any (or all!) please let me know and we will make the arrangements.

FINANCIAL IMPACT:

All but the City Day at the Capitol are FREE

DOCUMENTS ATTACHED:

- Information regarding each training opportunity

REQUESTED MOTION/ACTION:

None at this time but if you wish to attend please let us know

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council

Jodi Fritts

From: Mandy Allen <mallen@orcities.org>
Sent: Monday, January 28, 2013 1:56 PM
To: Jodi Fritts
Subject: SCR4 - Small Cities R4 - Mtg Info & RSVP Call

SCR4 Meeting Info and RSVP Call

UPDATE: Please note the meeting venue has changed and lunch is hosted.

RSVP: If you have not done so already, please RSVP online by **clicking here** or by contacting Mandy Allen, Small Cities Support Network Coordinator, at mallen@orcities.org or (503) 588-6550. *RSVPs are a tremendous help by enabling us to prepare sufficient food, materials and facilities.*

Host City: Port Orford

Date & Time: 02/13/2013 from 11:00 am to 1:00 pm

Location: **VENUE CHANGE:** Port Orford City Hall, 555 W 20th Street, Port Orford, OR 97465
[\[map\]](#)

Lunch: Hosted

Join Us: Please join LOC Small Cities and a group of your peers for a productive network meeting and fabulous food!

Discussion / Presentation Items Include:

- Jeff Griffin - Regional Solutions, Governor's Office - will provide a fiscal status update on Coos and Curry counties.
- First Lieutenant, Duffy Cavanaugh - Project Officer for the Innovative Readiness Training Program (IRT) - will speak about the National Guard's IRT Program that hones skills and improves unit readiness for soldiers & airmen while helping communities stretch infrastructure budgets. The program is built to support three avenues of needs: Engineering (Construction); Medical (Day Clinics or Dental needs); and Transportation (Moving big items). With the support of the National Guard, you can do more with le\$\$!
- Jennie Messmer - Member Services Director, LOC - will provide an update on the League's current activities.
 - LOC's current legislative priorities
- Representatives from the region's cities will provide an update on city activities, including current challenges and successes.

RSVP:

If you have not done so already, please RSVP online by **clicking here** or by contacting Mandy Allen, Small Cities Support Network Coordinator, at mallen@orcities.org or (503) 588-6550. *RSVPs are a tremendous help by enabling us to prepare sufficient food, materials and facilities.*

Thank you,
Mandy
Small Cities Support Network Coordinator



Mandy Allen, Member Services Support Specialist

mallen@orcities.org

(503) 588-6550 general | (503) 540-6615 direct | (503) 399-4863 fax
1201 Court St. NE, Suite 200 | Salem, Oregon 97301

www.orcities.org | Small Cities Support Network: www.orcities.org/smallcities

Helping Cities Succeed



2013 City Day at the Capitol

Wednesday, February 27, 2013

AGENDA

8:30 – 10:00 a.m. Salem Conference Center, Willamette Foyer

- I. Continental Breakfast and Registration

9:00 – 9:45 a.m. Salem Conference Center, Willamette B

- II. Legislative Orientation (Optional, official event kicks off at 10:00 a.m.)

10:00 a.m. – 12:30 p.m. Salem Conference Center, Willamette B

- III. Welcome and Introductions
- IV. Legislative Session Overview
- V. Issue Briefings
- VI. Working with the Media

12:30 – 1:45 p.m. Salem Conference Center, Willamette C

- VII. Group Lunch
- VIII. Governor John Kitzhaber – Scheduled to Appear
- IX. Legislative Leadership Invited

1:45 – 4:15 p.m. State Capitol

- X. Bus Shuttle to Capitol
- XI. Personal Visit with Legislators
- XII. Bus Shuttle to Salem Conference Center

4:30 – 6:00 p.m. Salem Conference Center, Willamette Foyer

- XIII. Legislative Reception

Schedule Announced for Local Budget Law Workshops

The Oregon Department of Revenue has released the schedule for its 2013 Basic Local Budget Law workshops. This free training is designed for governing body members, budget committee members, finance directors, administrators and budget officers who are involved in the budget process for their local government. It covers the basics of local budget law and some aspects of the property tax laws of the state as they apply to preparing a local government's budget. Each session will begin at 9:00 a.m. and conclude at 3:30 p.m. There is no pre-registration.

The 2013 Basic Local Budget Law Workshop schedule is below. This workshop is designed for governing body members, budget committee members, finance directors, administrators, and budget officers who are involved in the budget process for their local government. It covers the basics of Local Budget Law and some aspects of the property tax laws of the state, as they apply to preparing a local government's budget. The workshop covers information included in the [Local Budgeting Manual](#).

Registration and fees: Workshop is free; no registration required.

Hours: 9 a.m. to 3:30 p.m.

Workshop instructors: Finance & Taxation analysts with the Oregon Department of Revenue.

If you have any questions, please contact:

Oregon Department of Revenue
Finance, Taxation & Exemptions
503-945-8293

Email: finance.taxation@state.or.us

[Additional local budget information](#)

[Printable workshop dates and information](#)

Date	Venue
Tues. – March 5, 2013 Coos Bay	Southwestern Oregon Community College Empire Hall - Rooms E & F 1988 Newmark Ave. Coos Bay, OR 97420 <u>Map</u> <u>Campus map</u>

Distant Tsunami Response Training during the Spring Road Show

Oregon is at risk from both distant and local tsunamis. A distant tsunami is far more common than local, and has much less impact. The major concern for a distant tsunami is managing the public response, which in the past has often been out of proportion to the hazard. After the Japan 2011 tsunami event, a group of coastal stakeholders met over the course of a year and half to develop a consistent set of response guidelines. This three hour workshop will introduce the best practices and decision making processes involved in the response to a distant tsunami.

Who should attend this workshop? Anyone in your county that is involved in decision-making during a distant tsunami event. This could be warning point coordinators, public officials, school administrators, first responders and public information officers. It is important to bring together as many of those who will need this updated information and will play a role in the next distant tsunami response effort.

What will be involved in the training? Participants will be introduced to the new guidelines, best practices and decision-making processes developed by the Distant Tsunami Working Group. Material will be presented to participants who will have opportunities to practice the new decision-making processes.

Oregon Emergency Management will provide the trainer, we only need a local venue capable of holding the required number of people, which will vary according to location. We'll provide training materials, registration, and any follow-up. We will provide one training per county, so please coordinate locally to provide the best attendance at the training.

Please contact Althea Rizzo between January 3-16, 2013 to arrange your training.

Information I will need:

- Date of the training (please refer to the over-all Road Show Schedule for when I will be in your county)
- Location & Street address
- Time (reserve a four hour block)
- Contact name and information
- Number of anticipated participants

March 22nd tentative