



MINUTES

September 9, 2013, 6:30PM

City Council Meeting

Note: These minutes are a near-verbatim transcript of the meeting.

Call to order: **Time: 6:28 PM**

1. **The pledge of allegiance**
2. **Roll Call:**

	<i>Present</i>	<i>Absent</i>
<i>Mayor Karl Popoff</i>	X	
<i>Council Position #1 Melinda McVey</i>	X	
<i>Council Position #2 Larry Brennan</i>	X	
<i>Council Position #3 Brice Gregory</i>	X	
<i>Council Position #4 Doug Brand</i>	X	
<i>Council Position #5 Tamie Kaufman</i>	X	
<i>STARTING VOTE</i>		
<i>City Administrator Jodi Fritts</i>	X	
<i>Student Liaison Vacant</i>		

3. **Special Orders of Business:**
 - a. *National Preparedness Month Proclamation*

Mayor Karl Popoff: The mayor read the National Preparedness Month Proclamation into the record.

- b. *Interview potential Planning Commission member*

Mayor: We will be interviewing today, but will not be making any decisions tonight. Mr. Fitzstephens, will you come up here. The interview process will be a question from each of our councilors beginning with position #1 Melinda McVey asks of you. At the end of the councilors questions, if I have any questions I will ask them at that time. Then we will go around one more time if the councilors have any further questions. To begin with you will have a couple of minutes to give the council any information about yourself that was not included on your application that you think might be pertinent to the council at this time.

Patrick Fitzstephens: I don't think there is anything further to add. I believe I said that I like my city and would like to be a part of what goes on in the decision making.

Councilor Melinda McVey: What do you think are your strengths that you bring to the City?

Fitzstephens: I don't know. I have never been in a position like this, so I don't know how to answer that. I have some business history.

Councilor McVey: Are you laid back, opinionated, outgoing?

Fitzstephens: Oh, I suppose I am a bit opinionated, but I love to form a consensus so I am more than willing to work with other people's ideas as well.

Councilor McVey: Thank you.

Councilor Larry Brennan: What do you think the most important issue is facing the city in the next 2 years?

Fitzstephens: I would say business; increasing tourist related business is the first thing that pops into my head.

Councilor Brice Gregory: Are you familiar with the urban renewal project that we have established?

Fitzstephens: Not very familiar. City Administrator Fritts gave me some paperwork on it. I did go online, but did not quite understand how it works. Seemed like there were tax breaks in the future possibly? Urban renewal sounds great; we could certainly use some urban renewal.

Councilor Doug Brand: I'm going off paper here. What businesses have you been associated with in the past?

Fitzstephens: I owned a liquor store for 18 years.

Councilor McVey: Where was that?

Fitzstephens: In Smith River, CA.

Councilor Kaufman: Do you have any experience dealing with difficult people?

Fitzstephens: Yes, I do.

Councilor Kaufman: Can you give us an idea of how you deal with that?

Fitzstephens: When I had a business 99% of the time the customer was right. I learned that early on to pacify the customer. In a situation like I think you are talking about I just hold my ground when I think I am right on a subject. I don't just cave in on a subject.

Councilor Kaufman: You probably dealt with people who were drunk and couldn't sell any more alcohol to. That would be difficult.

Mayor: What other volunteering have you done in the past?

Fitzstephens: The dog shelter, Marine Mammal Center in Crescent City, Boy Scout leader.

Councilor McVey: Have you attended any of our Gold Beach or county, state or federal meetings at all?

Fitzstephens: I have attended a number of city council meetings.

Mayor: Anyone have anything further? Like I said Pat, we will not be making a decision tonight. I want to thank you very much.

4. Consent Calendar

Minutes: December 10, 2012 and May 13, 2013 meetings

MOTION: Councilor Tamie Kaufman made a motion to approve the consent calendar. Councilor Melinda McVey seconded the motion.

Mayor Popoff asked if there was any further discussion or debate. Hearing none, he called for the vote.

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

5. Citizens Comments

As presented to the Mayor at the beginning of the meeting

Mayor: I don't see any citizen comments, but I do see County Commissioner Brown here. Do you have anything you would like to say to us?

Curry County Commissioner Susan Brown: No, I'm here just to listen and observe.

Mayor: All right, I'm glad you are here.

Councilor Brand: The House Bill that the Governor is trying to get passed on the income tax levy, can you speak to that for a minute if the rest of the Council body doesn't mind.

Mayor: No, not at all.

Commissioner Brown: Are you talking about the one on Public Safety Financial Distress?

Councilor Brand: Yes.

Commissioner Brown: It has passed. It has to be invited by the commissioners to come down through the county to intervene. The commissioners have to agree with the Governor, so it takes both parties for anything to happen.

Councilor Brand: And this is the one that does not require a vote by the people.

Commissioner Brown: Correct. It is only for public safety. The bill does not include assessment and taxation. The bill specifically reports public safety pieces of county government.

Councilor Brand: Do we know how much it is going to impose?

Commissioner Brown: The Governor is not coming in to impose any debt.

Councilor Brand: This is an income tax he is going to...

Commissioner Brown: They passed the bill for counties that can't provide minimum public safety services. In the county that is the Sherriff, Warrant Officer, access to a jail. That's it. Curry County will always be able to provide those minimum mandated services. So, I don't know how the Governor would be able to come in here and do that. We don't have to have a physical jail here, just transportation to a jail.

Councilor Brand: Ok, I just wanted everyone to be on the same page.

Commissioner Brown: I did have a conversation with Senator Kruse a couple of weeks ago clarifying this. It has to be agreed upon by the commissioners. The Governor can't arbitrarily just come in. He has to be invited in by the commissioners. We have to agree to it and not be able to meet the minimum safety standards. I don't foresee that ever happening.

Mayor: Sandy, come on up and give your name and position here at the City for the record.

Sandy Vieira: My name is Sandra Vieira, I live at 94320 Gauntlett Street. I am the Director of the Gold Beach Chamber of Commerce. I wanted to come to show our gratitude for the remarkable arrangement of having our office moved down to the Visitor Center. Just last month was the actual move, on August 1st. Sue & I have worked very closely together to make sure we don't waste our resources duplicating our efforts. Recently we have been working on our ads. During the few weeks that I was gone I got nothing but positive feedback on the new location and the work being done. Everyone thinks this was a great move. Thanks to Jodi and her staff for helping to make this happen in such short order.

6. Public Hearing

Alley vacation hearing (continued from August meeting)

Fritts: Lauren, our attorney, had asked that we have this strip of land surveyed. That was completed last week. If you have any questions about why we are vacating it we can close the Public Hearing and discuss it.

Mayor: Open Public Hearing at 6:47 pm

Mayor: Are there any public comments? None

Mayor: Close Public Hearing at 6:48 pm

7. Citizen Requested Agenda Items
None scheduled

8. Public Contracts and Purchasing
None scheduled

9. Ordinances & Resolutions
a. First Reading Ordinance 649 alley vacation

Fritts: Does anyone have any questions about the vacation process or what we need to do?

Mayor: I think you did a pretty good job of answering our questions last month.

Fritts: I did have one of the property owners come in to talk to me today. I sent the notices out about 2 months ago. She was concerned about where the fence line was on the neighboring person's property. I think that her concern is that she has been utilizing the entire alley as backyard. While she is gaining 5' officially I think she feels that she is losing some because she has been using all 10' of the alley.

Mayor: I wish then that she had shown up for the Public Hearing. Was she informed?

Fritts: Yes.

Fritts: She said that she had planted some shrubbery and helped rebuild her neighbor's fence. At first I was concerned that she didn't know where her property line was. She said, no that she was aware of where her property line was, but chose to plant the shrubs in an area that didn't belong to her.

Councilor McVey: Possession is nine-tenths of the law.

Fritts: I think that is what she thinks. Adverse position works for private individuals, but not for a government entity.

Councilor Gregory: Is her beef that her plants and shrubbery are on the other persons five-feet?

Fritts: Yes

Councilor Gregory: Then that would be between her and the other person.

Fritts: That is what I told her. Really, nothing has changed. Her plants and her shrubs are still on property that does not belong to her. All that changed was who the owner of that property is.

Councilor Brennan: Before that was city property. Now whose property is it?

Fritts: A five-foot strip goes to each property owner.

Councilor Brennan: So, is her fence going to be in someone else's five feet now?

Fritts: Well, it wasn't her fence. She helped repair her neighbor's fence. She has been utilizing that whole ten foot as her back yard.

Councilor Brennan: I see, so she has to deal with her neighbors.

Fritts: I asked her if she did not realize that this was not her property. She replied that she was aware that it did not belong to her. But, she planted the shrubs anyway.

Mayor: Is she ok with everything now?

Fritts: No.

Mayor: You were not able to convince her that we are not after her.

Fritts: She thinks that we should just leave it alone.

Councilor Kaufman: So, we have spent the money on the survey, decided not to build the alley (which would be more detrimental to her shrubs) and once this is over her adverse position starts however many years from that day. So, I don't see that we are hurting her too bad. I think it still makes sense. If it made sense to vacate before, it still makes sense now.

Councilor McVey: So, she doesn't have a legal stand.

Mayor: Correct. It is understandable that she wants things to stay the same, but she has no legal standing. Are there any other questions or are we ready for a motion?

MOTION: Councilor Larry Brennan made a motion to approve first reading of Ordinance 649 by title only. Councilor Tamie Kaufman seconded the motion.

Mayor Popoff asked if there was any further discussion or debate. Hearing none, he called for the vote.

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

Fritts: I will read the title into the record for the first reading. Ordinance #649 An Ordinance to vacate an undeveloped alley located within the boundaries of the City of Gold Beach, located in the SE quarter of the SE quarter of section 36, township 36 S, range 15 W,

Willamette Meridian, Curry County, Oregon and repealing any Ordinances which may be in conflict. First reading.

- 10. *Miscellaneous Items (including policy discussions and determinations)***
 - a. Update on fire truck levy*

Fritts: At the last meeting you approved the fire truck levy that we have done for years. As soon as the resolution was signed we filed what is called the Ballot Title with the City Election Office, which is basically us. We have to publish this in the paper and there is a certain amount of time that the voters can object to the Ballot Title, not that there is a measure on the ballot, just the title of the measure. Once that expired we filed the official ballot with the county on Sept 3rd. As far as I know everything is in order, it met all the requirements. I did prepare an explanatory statement for the voters pamphlet based on what the state guidelines for elections. The County Clerk said that they do not publish a voter pamphlet. The state publishes one, but that doesn't include county measures.

Councilor Kaufman: I thought they did. You may have to pay for it, but I thought they published them.

Fritts: So did I. So, I forwarded a copy of it to the League of Women Voters. I was going to speak with legal counsel because I do have enough time that I could put this into the water bills before the elections in November. It would not cost us anything extra because the bills are already going out. So, if legal counsel says we are allowed to do this, then I would need your approval. It is posted on our website. I feel that it is important to get the information out there.

Mayor: How many different levies will be facing the people of Gold Beach? It should be about three, with four total including the Port Orford police protection levy. This actually has me a little bit concerned. I am hoping the people will understand that this has been going on since 1989 and if we do not pass this levy insurance rates go up.

Councilor McVey: How about if you wrote an article for the paper in laymen's terms that everyone could understand?

Mayor: That is not a bad idea.

Councilor Kaufman: Just a caution that you and Jodi be very careful. I think once it is a ballot and it is finalized that you guys can't talk about it except to give information on it when requested. I think we as elected officials can give opinion, but we want to be very careful.

Fritts: Yes, we can talk about it outside of City Hall, but not here. That is a good point. I will talk to legal counsel and then see what we can do. I will also contact the State Clerk, if it is not hideously expensive.

Councilor Kaufman: They may not be publishing a voter pamphlet because it is not an election year. If it is going to cost a lot we could take up a donation.

Fritts: I am not opposed to a donation but if it is going to cost \$5000 I don't think we should do it.

*a. Upcoming meetings and trainings
See Calendar attached.*

Fritts: The dedication for the Veterans Memorial at South Beach Park will be this Saturday at noon. You are all welcome to attend, light refreshments afterwards at the Visitor Center. For people with a handicap sticker we will allow to park in the upper parking lot, everyone else we are asking to park below. We will have a couple of cars to shuttle folks up the hill. I have talked to PW, Chief Andrews and Mr. Shultz to help direct traffic during that time. League of Oregon Cities Conference at the end of the month. All reservations have been made. Packets will be ready for you the week before. Itineraries that they give you do not have to be followed if you see another session you would like to attend.

11. City Administrator's Report
To be presented at meeting by CA Fritts. See narrative attached.

Fritts: City Administrators report attached.

12. Mayor and Council Member Comments
a. Mayor Karl Popoff

Mayor: I think most of you know that City Administrator Fritts and I went to the Coastal Caucus in Lincoln City. City Administrator Fritts wishes she had gone to her other conference and the Mayor wishes he had gone with her. I was underwhelmed. I did have a nice discussion with County Commissioner Brown outside the meeting. I heard nothing constructive about our issues. What we need are jobs. They took away our logging and we have not been able to fill those jobs. There is a bill put forth by DeFazio that would open up O&C land. The problem is that Curry County does not own a big piece of that land. If they open up that O&C land for harvesting what would that actually bring into the County coffers?

County Commissioner Brown: Oh, a lot. They are only talking about opening up fifty percent of the O&C land. The other fifty percent is set aside for additional wilderness, litigation and trust. This bill is due to be voted on this week. The issue is that they put the land in trust. They are hoping to get away from lawsuits that might come because the land is a different entity. We have some of the smallest O&C properties (Curry County) of the 18 counties. If I remember right last year we brought in \$400K. Another couple \$100K in logging could happen for Curry County if this bill passes. The problem is the Federal land that is locked.

Councilor Brand: What was the house bill number again?

County Commissioner Brown: House Bill #1526, Shradder, Walden, DeFazio

Councilor Brand: And how many are Republicans and how many Democrats?

Mayor: Waldon is the Republican the other two are Democrats.

Councilor Brand: Well, there's a shock.

Mayor: But, they are working together on it. What did you think of that conference?

County Commissioner Brown: No comment.

Mayor: See, you are smarter than I am.

County Commissioner Brown: The networking was the best part of it.

Mayor: Yes, I think so too.

b. Councilors

1) **Melinda McVey**
Nothing

2) **Larry Brennan**
The German film crew filmed the Brew fest, everyone having fun.

3) **Brice Gregory**
Nothing

4) **Doug Brand**
"The trick is, you don't die waiting for prosperity to occur"

5) **Tamie Kaufman**

I was wondering if at some point we could put on our agenda to look at our policy for City property. I don't have any opposition to what was done, but I think that were the Veterans Memorial was put was Jodi's decision. I think in the future we may want to consider that being a Council decision before putting a permanent structure on City property.

Mayor: That is a Council decision.

Fritts: That is not the way the City Code is currently written.

Mayor: That is a policy.

Fritts: The City Code lists the duties of the City Council and City Administrator. The duties of the City Administrator are the disposition of all City property.

Mayor: Now, if that is City Charter we have no authority to change that. We can look at it.

Fritts: No, it is a City Code.

Councilor McVey: That brings up a question to me. Why was it moved from the Port?

Fritts: There were utility conflicts. Where the Port had leased them the property there were existing utility problems. So, when it came time to bid the project they contacted the City and we said, wait a minute, we have a main water and sewer line right under where they were going to put the memorial.

Councilor Kaufman: I don't disagree with the decision or location of the memorial. I didn't realize and apparently the Mayor didn't either, that that was not a council decision. It just seems that we do have enough property to look at other places.

Fritts: If I dispose of property, that is a council matter, like the vacation of the alley. That does need to be brought before the council.

Councilman Gregory: But, in theory, isn't donating land the same.

Fritts: It is not donated. Once that memorial is built it becomes part of our parks system. So we are retaining our property. They are building it, we are maintaining it. They don't have any ownership over our property.

Councilor Gregory: Ok, I see your point.

Mayor: It wouldn't be a bad idea to get that on the agenda. Anything further?

Councilor Kaufman: I have 3 more. I believe that annexation is coming soon?

Fritts: Yes. I spoke with a contractor working to get the county's assessment data uploaded into their geographic information system. Last week I sent him a data request. I have not heard back from him yet, but he wanted to know what our timeline was. I replied that I would like to have it back for the next Council meeting. I would like to present to you the number of parcels, assessed value and how much of their assessment is going to the Wedderburn Fire District. Next month I hope to have annexation data for you.

Councilor Kaufman: The next question I have is can we schedule a council meeting or workshop after the LOC conference to discuss the different ideas we learned about at the meeting while it is fresh and see what we may want to implement. What do you guys think about that?

Councilman Gregory: I'm not going so I would like to hear what you guys come back with.

Councilman Brand: I thought we talked about that 2 years ago.

Fritts: Having a debrief?

Councilor Kaufman: We have never done it that I know of.

Fritts: I think that is an excellent idea.

Councilor Kaufman: Can everyone pull out their calendars.

Mayor: We have quite a bit of stuff coming up.

Councilor Kaufman: Can we do it before the Council Meeting on the 14th or would that be too far out?

Mayor: It would have to be in the evening and in October? If we don't have a lot on the agenda that could work, otherwise I would like to have it on another evening all together. We could call it a Council Workshop Meeting.

Councilor Gregory: How about October 28th?

Fritts: We normally reserve the fourth Monday for an extra council meeting if needed. Would that be too far out?

Councilor McVey: Why not the Monday before the council meeting? October 7th if nothing is scheduled.

Mayor: Councilor Brennan is on the road a lot. I think the best date may be the fourth Monday of the month reserved for Council? October 28, 2013 at 6:30 PM.

Fritts: Does that date work for everyone? Just keep reading your packets to keep the info fresh in your mind.

Mayor: Anything further?

Councilor Kaufman: The last thing I have is it is amazing how many positive comments I get about Chief Dixon Andrews. I feel really lucky to have such a Peace Officer around.

Mayor: And there he is blushing and hiding his eyes. (Round of applause). I have heard many like comments as well.

Councilor McVey: Just to clarify, we are having our regular council meeting after we return from LOC but won't be debriefed for two more weeks?

Mayor: Correct. I think that will be the best night for everyone concerned to meet. Just take your notes and refresh yourself during the month so you don't forget what you wanted to talk about. Oh, and am I booked for four nights?

Fritts: Yes, you are due to leave Wednesday.

Mayor: Anything else?

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, October 14, 2013 at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

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

Mayor Popoff asked if there was any further discussion or debate. Hearing none, he called for the vote.

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

15. Adjourn Time: 7:30pm

Approved January 13, 2014

Candy Cronberger, City Recorder