

MINUTES
THESE ARE DRAFT MINUTES UNTIL APPROVED BY THE
COUNCIL
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444
MONDAY, JULY 13, 2009
REGULAR MEETING: 6:30 P.M.

CALLED TO ORDER BY MAYOR WERNICKE AT 6:30 P.M.:

THE PLEDGE OF ALLEGIANCE:

ROLL CALL:

	<u>PRESENT</u>	<u>ABSENT</u>
Mayor James Wernicke	_____X_____	_____
Council Position #1 Sue Johnson	_____X_____	_____
Council Position #2 Larry Brennan	_____X_____	_____
Council Position #3 Peter Peterson	_____X_____	_____
Council Position #4 John Truesdell	_____X_____	_____
Council Position #5 David Alexander	_____X_____	_____
City Planner Jodi Fritts	_____X_____	_____

****NOTE:** If anyone wishes to address this Governing Body, please present a completed "Business from the Audience" request to the Mayor at this time. Your request will be added under the CITIZEN COMMENTS section of our agenda. Comments and participation from the audience shall be limited to 5 minutes without redundancy.

CONSENT CALENDAR: (A)

Approval of Council Minutes:

4/27/09 Public Hearing Appeal: 6/3/09 Workshop Session:
6/8/09 Regular Council Meeting: 6/8/09 Executive Session:
6/22/09 Special-Regular meeting: 6/22/09 Executive Session:
7/7/09 Executive Session: 7/7/09 Special Meeting.

Review of bills paid in the amount of \$358,972.06.

MOTION-> Alexander moved to approve the Consent Calendar as presented, second by Johnson. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

PUBLIC HEARINGS:

WERNICKE-> Opened the public hearing regarding Ordinance # 626 at 6:32 p.m.

CITY OF GOLD BEACH FLOOD DAMAGE PREVENTION ORDINANCE # 626
(FDPO) (B)

This is a proposal to amend and update the existing 2000 edition of the Gold Beach Flood Damage Prevention Ordinance, adoption of the amended FEMA Flood Insurance Study (FIS) and digital Flood Insurance Rate Maps (FIRM) for the City of Gold Beach (incorporated area of Curry County) in order to meet the standards of Paragraph 60.3(d) of the NFIP regulations (44 CFR 59, etc.) as required by the Federal Emergency Management Agency

WERNICKE-> Jodi Fritts, our city planner will give a report regarding this ordinance.

FRITTS->The city currently has a flood damage prevention ordinance because the city puts its' faith in the National Flood Insurance Program. This means that people in the city that live in flood hazard areas are allowed to purchase flood insurance because we have an ordinance.

Periodically FEMA comes through and updates their maps. When they do that, we are required to re-adopt the map and update our flood ordinance if anything has changed in regards to FEMA requirements.

Two years ago FEMA instituted a nationwide map modernization program. Our flood insurance study (FIS) was done over a period of years from the 70's and most recently in the late 90's. We are not adopting a new flood insurance study. It is basically the same study that was done then, they are just modernizing the maps so they are in a digital format. So the maps haven't changed, they are just in a different format. In order to comply with federal law, we have to re-adopt them.

We weren't expecting to get the digital format until September but we got it last week. It has been uploaded into the county's geographic information system. This will allow us to pull up properties and that layer will be shown.

As part of the map modernization, if our ordinance is not in compliance with the FEMA requirement, they require us to update that. Along with all the other jurisdictions in Oregon, we sent a copy of our flood damage prevention ordinance about six months ago to the state. They are the go-between FEMA and the city. They reviewed it and many of the changes that you see are recommendations either from state

building codes or from FEMA in order to comply with their standards now.

Our most recent flood ordinance was adopted in 2000. Fritts stated it was not her intent to adopt this ordinance tonight. This has been to the planning commission for a public hearing, they recommended adoption with some changes.

Fritts asked if there were any questions. Truesdell found some corrections and brought them to her attention. If anyone else has changes, it would be easier to contact me rather than go through this page by page at a hearing. She will present the final document to the council at a later hearing.

WERNICKE-We will remove it from the agenda. I have a question on the appeal board. The changes seem to be that the appeal board shall be the planning commission-the Gold Beach City Council has been marked out. I didn't see any reference to the city council ever being in the process of the appeal.

FRITTS-That is correct. I think where the planning commission was coming from, is traditionally they are the second step and you are the last step. You've noticed the same thing in reverse. As you suggested, we need to include both of them. Change it to "The appeal of the planning director's determination goes to the planning commission and an appeal of the planning commission will come to the council. The maps will be left here if anyone would like to take a look at them.

ALEXANDER stated he had a list of questions and would contact Fritts directly regarding those.

WERNICKE-> Asked if anyone in the audience wished to comment on Ordinance # 626. No comments.

WERNICKE-> Closed this public hearing regarding Ordinance # 626 at 6:39 p.m.

PUBLIC CONTRACTS AND PURCHASING:
INFORMATIONAL REPORT FROM POLICE CHIEF ZANIK REGARDING
PURCHASE OF POLICE VEHICLES (C)

JANIK-I am here to work and review with you a vehicle purchase and equipment plan that I have formulated to assist the Gold Beach Police Department in vehicles that (couldn't hear). The most important thing to me is the challenge of making sure I am under-budget, which is my goal. I want to be as transparent as I can in this process so you have an idea of what I am thinking and why I am going in this certain direction. I do appreciate the opportunity to have operational command of the police department. I also anticipate questions you may have regarding some of those operational decisions.

This one, in my opinion, is an opportunity to become more efficient and (couldn't hear) given the limited resources that we have.

\$30,000 has been appropriated for this fiscal year for a new vehicle purchase. I wanted to get the "biggest bang for the buck". It cost almost \$29,195 to fully equip and purchase one new police car. That's a lot of money.

The way I addressed this issue was to look at the opportunity of purchasing two used surplus vehicles from other governmental entities. With the current assigned vehicle program, this would allow for the department to have one "spare" or swing vehicle available when an assigned vehicle is down for maintenance. I want to make sure that you understood is that it is always the primary option to go with new equipment because you have an obligation to provide your officers and the public with the safest method of providing law enforcement services.

We had an opportunity to take advantage of a good deal in the purchase of a 4x4 SUV Ford Expedition that is the same year and model as the one we currently have so there is consistency in the vehicles.

I was asked why it is necessary to purchase another 4x4. The answer is simple. Whether we like it or not, we have over three miles of beach to care for. Whether we like it or not and whether or not we want to share responsibility to the great State of Oregon, or the parks department, or some other governmental entity, the fact of the matter is people are going to call the Gold Beach Police. Sometimes that call is not at a leisurely thing-they want response now. So how do we get there? Fumble around and go in the shed and fire up in the Quad Rhino and maybe in about 15-20 minutes you are good

to go. You could also take the opportunity of taking a regular 2-wheel drive out there and get buried in the axles in the sand. You could take that risk-I don't think you want to do that. A 4x4 gives us the opportunity to get on that beach. We've seen plenty of opportunities where a 4x4 could have been used even on the roads here at Gold Beach when there has been ice and inclement weather. A 2-wheel drive is not only dangerous, it's just not going to make it there.

Janik continued reviewing his July 6, 2009 memo (C) with the council regarding the benefits of purchasing the two used vehicles. Impressions are important. That's why Janik demands that all police vehicles be kept clean and subject to his inspection. He commended the officers for their successful efforts and also their willingness to accommodate fellow officers when a vehicle is in the shop. We have two vehicles with 75,000 miles on them. Janik touched on the importance of the SUV's having the ability to carry additional equipment in the case of an emergency.

Alexander-Stated he fully understood that it is common practice for smaller rural communities to seek their units from a larger communities. I have had an association with the Portland police and I know how they rigidly keep their cars updated. Generally I am in support of this. Alexander asked if there was a restriction on the State Revenue Sharing Funds (\$15,000) that would be used for vehicle(s) purchase.

Janik-Didn't believe there was a restriction that said it had to be a "new" vehicle but he will check that out.

Wernicke-Would this proposed vehicle purchase be helpful if we were to get a "cops grant" officer?

Janik-If we should get the stimulus officer, we would have a vehicle they could "step" into. We would probably give them one of the older vehicles.

Johnson-How many cars do we have now?

Janik-We have one for every officer, which is four vehicles, plus the decoy car.

Johnson-So we have five vehicles, we have four officers, and we're going to buy one more at least and maybe another one?

Janik-Correct. We have a "swing" vehicle. I mentioned earlier that there is no "give" right now. When a car is down we have to start pushing an officer over. It is not the most effective way to do business. They've been very cooperative in pushing another car over. I think there are some opportunities here-another time-another discussion regarding staffing and having that second car available.

Johnson-I think we usually have extra cars more than we have extra officers. We've had situations where they've had to share one but I don't see where that has bothered anyone too much. I mean why would it? I would have to think about it long and hard before I would think it was OK to buy an extra car just to have it sitting around.

Janik-It's never a good situation when you have a car operating 16 hours a day. You are "lighting the fuse" at an accelerated point when that car is running 16-20 hours plus a day.

Johnson-But they are not running 8 hours a day here.

Janik-That is true but they have that opportunity that that vehicle is going to be put to use 16 hours a day under that scenario. Police vehicles are driven entirely different than private vehicles.

A brief discussion followed.

Peterson-I have a question on the "black and white" (the painting of the existing cars-not the proposed vehicles).

Janik-I am going to suspend that transition for now. I would like to do it tomorrow if I could but I've got some other big fish to fry right now. I want you to get used to this idea first. I would like to keep it on the table. I believe that is the best bang for the buck as far as overall police visibility and the image of professional policing.

99% of our visitors never have any interaction with the police department, they are law abiding citizens but there is that 1%. That 1% can range anywhere from a person who is just going to take the opportunity of being out of town and having a good time, to a career criminal. From my review and past experiences, a black and white car means that police business is about to begin. I'm not saying that to be negative or intimidating but it is a viable unmistakable presence of

police professionalism. Janik gave some examples of the "black and white" presence.

Peterson-So you have stated that the "black and white" is put on the back burner? (answer-yes)

Truesdell-Congratulated Janik on his successful tenure, for the changes Janik has been able to make and the positive comments Truesdell has heard in the two months that Janik has been here.

I would like to caution ourselves on micro-managing a department head. I fully support anything certainly within any department head's ability as long as the budget is maintained. That's our authority to not get too much into the details or nitty gritty on how the job is being done unless it is immoral, unethical or whatever and I don't see any of that. I have nothing but compliments.

The only comment I have on purchasing a new vehicle, and I'm not certain about this-I am a brand new councilor. Everything that I understood from the day I was sworn in and going into the budget cycle, it discussed funding of a new police vehicle. In our minutes of May 11th, Mayor Wernicke discussed State Revenue Sharing Funds. He did explain it, and I quote "the budget committee held a public hearing and recommended the purchase of ½ of a new police vehicle". That has been fairly consistent and I just want to make sure, sort of in the same vein as Councilor Alexander. I am going further than looking at what federal grants or state laws may hold us to. I am equally concerned with what impression of the five of us had, as well as our five lay committee budget members. That is our authority and I just want to make sure the council feels totally comfortable with that.

Janik-You could look at it another way-they will be new to us. I think I have fulfilled that very fine definition, although to my benefit. There is a company called "CAFO" that screens used equipment-they discard equipment that would not be functional. This makes a great opportunity for smaller agencies to gather some of that equipment. The caveat that CAFO wants to install it. That is how they make their money. If something bad happens, they will take care of it, it doesn't fall back on the agency. They come highly recommended.

Peterson-Received several compliments regarding Janik's presence at the "Party at the Port". Thank you. Another lady told me she had to call our police department and she has never had any faster and professional police service.

Johnson commended Janik for putting to use one of the police bikes that had been purchased several years ago and never used.

Wernicke thanked Janik for his detailed informational presentation and the time he took to shop around and get the best deal for the city.

ORDINANCES AND RESOLUTIONS:

ORDINANCE # 626-REMOVED FROM THE AGENDA UNTIL A LATER DATE
THE FLOOD DAMAGE PREVENTION ORDINANCE OF THE CITY OF GOLD
BEACH, OREGON AND AMENDING ORDINANCE # 552

THIS IS AN ORDINANCE AMENDING AND UPDATING THE EXISTING 2000 EDITION OF THE GOLD BEACH FLOOD DAMAGE PREVENTION ORDINANCE # 552, ADOPTION OF THE AMENDED FEMA FLOOD INSURANCE STUDY (FIS) AND DIGITAL FLOOD INSURANCE RATE MAPS (FIRM) FOR THE CITY OF GOLD BEACH (INCORPORATED AREA OF CURRY COUNTY) IN ORDER TO MEET THE STANDARDS OF PARAGRAPH 60.3(d) OF THE NFIP REGULATIONS (44 CFR 59, ETC.) AS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

ORDINANCE # 625 (D)

AN ORDINANCE READOPTING AND AMENDING THE GOLD BEACH UTILITY CODE, AND REPEALING ORDINANCES # 578 AND 605 AND ANY OTHER ORDINANCES THAT MAY BE IN CONFLICT

MOTION: Johnson moved to approve the first reading of Ordinance # 625 by title only as read into the record by Mayor Wernicke, second by Peterson. Following discussion, Johnson rescinded her motion and Peterson withdrew his second.

Johnson moved to approve the first and second readings of Ordinance # 625 by title only, second by Peterson. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

FIRST READING:

MOTION: Alexander moved to approve the first reading of Ordinance # 625 as read by title into the record by Mayor

Wernicke, second by Johnson. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

MAYOR AND COUNCIL COMMENTS:

MAYOR - JAMES WERNICKE:

I'm going to bring up a matter tonight that occurred a couple of weeks ago. I'm sure, at some point in time each of the councilors will have some comment on the matter after I finish my remarks. I want to preface it by noting that mistakes are made every day. Mistakes involving the public trust or confidence are often more difficult to excuse but none the less, they are still mistakes. If knowledge and an apology are given, it's time to get over it and move on.

This is my perception and I cannot speak for the councilors involved, nor will I attempt to.

Three councilors, Larry Brennan, Sue Johnson, and David Alexander, in my mind, made such a mistake. They signed a document purporting to be a permit to broadcast music outside of a city employee's business. Such a permit would, by the terms of our noise ordinance, require a public hearing before the full council prior to it being issued. Public hearing and a vote, prior to it being issued.

The consequence of the three councilors' signatures was affectively a document that represented the majority decision of the city council without a public hearing and without a formal vote.

The situation was reported to the state ethics committee, which indicated that the matter should be resolved locally. Now we can debate that the noise ordinance was ambiguous in its application and we can debate whether the procedure employed in gathering signatures was a violation of the open meeting law. But like many other things affecting public service, it is the appearance of impropriety, right or wrong that we must make every effort to avoid. The only way to do that is to be as open and as transparent as possible. And that includes publicly acknowledging our mistakes.

I do not believe there was any intent to violate the public trust or confidence. Signing the document was an effort to help their friend without consideration of the potential that the action might appear to be an intentional effort to circumvent the rules.

The ordinance is being reviewed for amendment by legal as we speak. We've all been reminded of how important it is to conduct openly and transparently and to acknowledge our mistakes even when it will not satisfy the habitual nay sayers, nor those with an underlying personal agenda.

With that said, I am going to interrupt my comments-I have a lot more to report but I would like to hear from the councilors that were involved in this, in fact I would like to hear from the full council. At the conclusion of their comments I would like to go back and complete the comments I have on the matter and other matters.

Brennan-My statement, as far as this incident goes is that I signed a letter I did not understand-I had no intent to violate any rules or laws. This was a mistake and I apologize.

Johnson-I'll say almost the same thing as Larry said. You did say it was purported to be a permit, which it was not-there is no way I thought I was signing a permit. I'm not making excuses, I should have read it better. My intention was to sign what I thought was a letter of support for what he was doing. And I was really thinking of more of the OLCC because at the time I didn't know anything about a city permit. But anyway, I was wrong and I apologize, hit me, whatever you want to do, that's all I can do.

Alexander-First of all, I would like to say that at no time did I have any intention to do anything that was either illegal or unethical. In hindsight, I do understand it was a mistake. Not the first I've made in 60 years of living and quite likely not to be the last. However, I've always learned more from my mistakes than I ever have from my successes and I believe I've learned a great deal from this mistake. That's my statement. Thank you.

WERNICKE asked if any of the other councilors wished to comment. (no one did)

On the 27th of this month, the council will have its first meeting on the conservation zone since the planning commission dealt with it. The council did visit the area in question. We went down to the South Beach Park and trudged our way up the sandy beach with Jodi Fritts accompanying us and pointing out the potential or possible location of various lines that have been placed out there. All in an effort to kind of get

our bearings on the issues that are going to be presented by the location of the conservation zone. I anticipate that we will do that again before any final decision is made by the city council. We have a very thick packet of information that has been provided to us by the planning commission that we need to review prior to the hearing on the 27th. We may have to have two hearings, we'll see how it goes.

The interview dates for the city administrator applicants will begin July 16th at 9:00 a.m. We have selected four applicants to interview-one will be at 9:am and one at 10:30 am on July 16th. One will be at 9:am and one will be at 10:30 am on July 23rd.

We also have three applicants for the vacancy on the planning commission. I believe we will be interviewing those applicants just prior to our meeting on the 27th at 5:45 p.m.

Jeff Denney has resigned as Public Works Superintendent-his last day of work at the city will be July 15th. He has worked for the City of Gold Beach since March 1988. He will certainly be missed. Will Newdall will be taking Jeff's place. He has been with the department since 1994. He has been the Wastewater Treatment Plant Superintendent since 1999. He has been involved in the planning, funding and construction issues of our new treatment plant since the process commenced. That transition will be very helpful.

Ron Hanson has been in the department since 2000. On July 16th, Ron will be promoted to the Wastewater Treatment Plant Superintendent.

Will Newdall was sitting in the audience-the Mayor and Council all wished him good luck!

With Jeff resigning, it leaves us with a bit of a glitch. There is no one on staff with the needed water certifications for the water treatment plant. Certifications take time and they require that you pass a test as well. Will does have a certification I but we need a certification II. He has the required length of time in, now it is just a matter of getting him scheduled for the next available class.

In the meantime, we have to have a person with a certification II standing to sign off on various readings. Until Will can get certified as a level II, the city manager of Brookings, Gary Milliman has graciously allowed us to make use of the

services of their certified II qualified water plant operator at their cost. That person will come up and sign off on the necessary forms weekly until the time Will gets his level II.

Mr. Milliman has also requested of us that we let it be known that he would like to find adult volunteers to serve on the local boy scouts district committee. If anyone would like to serve, or know someone that would like to serve, please contact me and I'll contact Mr. Milliman and let him know. Right now everyone on it is from the Brookings area and he would like to expand it to the Gold Beach and Port Orford area.

COUNCILORS:

Peter Peterson-Very satisfying meeting. PJ answered our questions, the council and everything looks great.

John Truesdell-I echo that. It is not easy being an elected official, it's not easy sitting up here representing the citizens. I've had easier jobs in my life and this is one of the most difficult. We are held to a higher standard, we are human. I do appreciate the six of us that sit up here, I don't always agree with the six of us but I do appreciate that we do work together.

Been working with the city promotions committee on an upcoming promotion event we're going to be kicking off in Gold Beach starting September 1, 2009 and continuing until September 1, 2010. More details will follow at the next meeting. Basically this is a "stay in Gold Beach and win \$10,000 gold" program.

David Alexander-Regarding the City's official web site- www.cityofgoldbeach.us - you'll find the most recent monthly messages from the chief and mayor. You'll also find the most recent update on the new sewer project. Another thing that has generated quite a bit of positive comment for the web site has been our practice to update the ODOT reports. There is a ton of construction going on, especially immediately to our north and south.

The archive project-we are now in possession of the equipment that will allow us to scan city documents and save them in the appropriate pdf format. I'm reading the manuals now, then we will configure it to the city's laptop and then it will be ready for the high school volunteers to start that project.

I've also sent the graphics to our contact Mark, who is working on getting the contacts he needs with OSU. The project is progressing.

WERNICKE-Officer Sevey, from our police department has left the city's employment. He is going to serve in Iraq for a private security company. Roy Steward, who has served as our reserve officer for some period of time, and has done an outstanding job, has been promoted to an officer in our police department. It will be necessary for Roy to go to Salem at some point in time, hopefully some time during the winter months when things slow down.

The monthly report from the engineer on the Wastewater Treatment Plant is printed out and on the table in the back of the room for anyone wishing to have a copy.

The lease we need from the Port is on the Port's 7/16/09 agenda. We need to have that in place prior to moving forward with our funding source.

CITIZEN COMMENTS:

Don Kendall-Lives outside the city but I am the emergency services coordinator for the city. I have given Wernicke a brief outline of some duty statements. Please give copies to the council. I also want to invite the people and the dais themselves to come to Citizens for Emergency Preparedness meetings, held here at city hall, the second Tuesday of every month @ 2:00 p.m., if you would like to be involved, county wide, for emergency services.

WERNICKE- Stated these are outlines of the duties of our coordinator-we can look though them and make changes if you want to. At some point these will be codified. Wernicke then gave the council their copies.

ANNOUNCEMENTS

Special Meeting on 7/27/09 at 6:30:

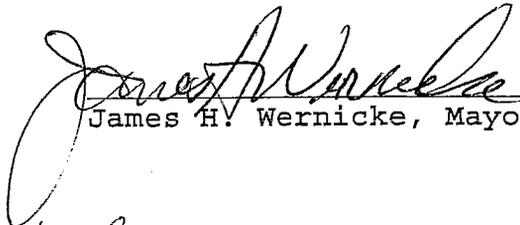
5:45 P.M. Interview applicants for the planning commission vacancy.

6:30 P.M. Public Hearing regarding the conservation line.

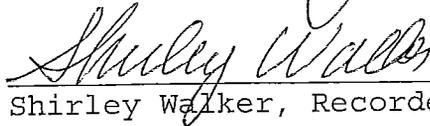
The next regular meeting for the Gold Beach City Council is scheduled for Monday evening, AUGUST 10, 2009 in the Council Chambers of City Hall, 29592 Ellensburg Ave., at 6:30 P.M.

ADJOURNED at 7:37 p.m. All Ayes to Adjourn.

PASSED BY THE GOLD BEACH CITY COUNCIL ON AUGUST 10, 2009.


James H. Wernicke, Mayor

ATTEST:


Shirley Walker, Recorder

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, Director, Office of Civil Rights, Washington, D.C. 20250-9419