

MINUTES
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVENUE
GOLD BEACH OR 97444
MONDAY, JANUARY 12, 2009
REGULAR MEETING 6:30 P.M.

WERNICKE CALLED THE REGULAR MEETING TO ORDER AT 6:30 P.M.
which followed the Executive Session

PLEDGE OF ALLEGIANCE:

All Councilors, the Mayor and City Administrator were present

****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.

Wernicke stated he was going to change the order of some of the agenda items.

RESOLUTION R0809-11 (A)

A RESOLUTION CONFIRMING THE APPOINTMENTS OF THE PLANNING COMMISSION AND SETTING TERMS OF OFFICE

Interviews for the two applicants for position # 5 were held Thursday. Following the interviews, Toni Foss was chosen.

MOTION:-> Johnson moved to approve Resolution 0809-11 inserting Toni Foss as Planning Commissioner # 5, second by Peterson. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

Wernicke-I officially appoint Toni Foss as Planning Commissioner # 5.

CONSENT CALENDAR: (B)

Approval of Council Minutes of 12/15, 12/17/08 & 1/07/09.
Review of bills paid in the amount of \$35,639.08.

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

CITIZEN AND/OR AGENCY REQUESTED AGENDA ITEMS:

RIPARIAN SETBACK REQUIREMENTS FOR URBAN STREAMS (C)

(Info from Planner is attached as (D)

WERNICKE-> Jim Freedman would like to address the Council regarding this agenda item.

Freedman stated he would like to address the Council regarding the debauchment of all of the local streams in the City. Specifically of Dean Creek and the work that has been done on Dean Creek the last couple of years. I thought briefly about talking briefly to you guys and asking you to pass some legislation that would protect your urban creeks but I know there already is legislation and that you are aware of it. So I'm actually here to ask you to enforce the existing riparian setbacks that are found in your ordinances, section 3-281. I've taken the liberty of adding (couldn't hear) where I thought it should be on the items I handed out. (Couldn't hear) the Oregon Department of Fish and Wildlife (ODF&W) Civic Fisheries Management Council, California Division of Fish and Wildlife, Washington State Division of Forestry, Patrol Association, Commercial Fishermen, Sport Fishermen and others have tried to save the salmon. It hasn't worked. I copied an article out of the Oregonian from early 1990's (I highlighted the graph) , which shows the population of fish-this is Coho population and what has happened to the Coho population, which in 1976, the total number of fish that were taken off the coast, I believe, was about 2.3 million fish. You project it forward to 2008 and 2009, the total number of fish is essentially zero.

There are some small fishing areas north of Cape Falcon, they have a small open season in Brookings for a few days but essentially, there are no fish being taken off the coast last year. I understand that in 2009 the return, and 2008 was as bad, or worse, that it was in 2007 and 2008 and I understand there will be no commercial season again this year.

The populations are stressed. It hasn't worked. A couple of weeks ago, Dave Snazuk removed all of the vegetation on the west side of Ellensburg on property he purchased. He went down into the riparian area and removed every piece of vegetation. I personally believe there was no survey of the plants that were down there to determine which ones were invasive species and which ones were native species, including some or possibly, endangered native species.

I received a letter today from Jodi Fritts in which she said "Dear Dave, we have received a complaint that the riparian vegetation has been removed/disturbed, on the above referred parcel. I have enclosed a copy of the City's Significant

Natural Resources (SNR) zone for your review. As you can see, removal of riparian vegetation is prohibited except under specific circumstances. The setback on your particular property is fifty (50') feet from the top of the bank on either side of the creek. Please contact me immediately so that we can discuss rehabilitation and mitigation measures".

I will try to give you some information in a few minutes to show you that it is actually 75' on either side of the top of the bank.

Last year, about this time, Jodi Fritts wrote a letter to Brad Wood, who had done very much the same thing on the other side of Ellensburg-he had removed all of the vegetation up to and including the top of the bank on Dean Creek. Jodi (Fritts) stated "I have received a few "third hand complaints about recent site work performed at the proposed Skate Park. I conducted a site visit Friday with District Biologist, Todd Confer, of ODF&W to investigate the claims of removal of riparian vegetation and encroachment in the riparian area. We walked the site and took photographs of the work that had been completed. Todd (Confer) was satisfied that the work performed was within parameters originally discussed with the Skate Park when they applied for the riparian variance in 2002.

That riparian variance was good for one year until 2003. In 2003, Brad Wood got a renewal of the variance for one year, which then expired in 2004. He comes back in 2008 without any permits, removes all of the riparian vegetation and then Todd Confer and Jodi Fritts require him, as a mitigation, to put some drift fence around the area where he has removed all the vegetation. I do not believe there was either a vegetation analysis at that site, nor an analysis of the number and the kinds of species of animals, which could very well be threatened or endangered species.

Dean Creek is a vital habitat for two endangered species-the coast run of the Coho Salmon and the coast run of Lahotan Cut Throat. In her letter to me today, she (Fritts) stated that "she had talked to Maggie at the Watershed Council and Todd Confer and that they believe that (and this I also highlighted for you) I checked with Todd Confer at the ODFW and since Todd and I have discussed this particular creek in the past, as I recall, it was not a fish bearing creek since it had been culverted heavily". I think I can bring people into this august body that have, in fact, fished on Dean Creek in past years and caught trout and salmon out of the creek.

I'd like to bring your attention to an article that was in the Curry Coastal Pilot on December 27, 2008, entitled "Fish use occasional streams during recent winter storms". An OSU Biologist, Chuck Futtish, is doing some studies on Hamilton Creek in Ashland Oregon and he has shown that not only do Steelhead use Hamilton Creek, which is a small creek that goes into the urban area of Ashland, but Steelhead and Coho also use the side streams that are off the main stem of rivers and creeks in this state, especially when water is high for habitat and for survival. I believe that Dean Creek is, or should be, one of those creeks, as should be Riley Creek and as should be Cuniff Creek. Dean Creek empties into the bay into the lower Rogue Watershed, and is thereby protected.

Freedman referred to section 3-281 of your ordinance (C). entitled Riparian Quarters. The riparian area adjacent to a river or stream consisting of the area of transition from Aquatic ecosystems to a terrestrial ecosystems. Freedman referred to other pertinent sections of the ordinance.

Wernicke-Does the fact that a good portion of Dean Creek is culverted, especially completely underneath the port grounds, have any affect on Dean Creek's potential as a fish stream?

Freedman-Absolutely. There are no fish that will pass from the river, into Dean Creek and up Dean Creek. BUT both the Coho and the Lahotan Cut Throat are endangered and they must mitigate the damage that has been done to Dean Creek. I've already told people from ODFW, the Lower Watershed Council, and OSU and I've told them they are going to have to remove all of that culvert. You're going to have to restore Dean Creek. You're currently restoring Riley Creek. You need the habitat. If you want to save salmon species, not only Coho, but Chinook species, you are going to have to repair the habitat. There is no reason why you cannot make it feasible for the salmon to move up Dean Creek, at least as far as Buffington Park, so these salmon smolts and fingerlings can survive to move down. They need up to two years before they go to the ocean.

Johnson-What would it take to mitigate that? How would you do it?

Freedman-We were at a meeting today looking for funds from the forest service and the BLM, the Secure Rural School Act, or Timber funds or Title II funds or whatever-I believe there is a way to get some of those funds. There is \$403,000 right now

available to Curry County. You can get people like Cecil LaFever, Duane Rath, people like that-remove all of that culvert down there. I've already told ODFW they might have to move their building. I truly believe you guys are looking at the extinction of runs of salmon. Look at the numbers-look at the returns.

You could meander Dean Creek from where it goes under the road, all the way to the port. Dean Creek used to run into the Rogue River where the airport is now. Dean Creek runs alongside the airport. There is a lot of area that is undeveloped. You could meander Dean Creek from where it goes under the road, all the way to the port. You're going to have to lower it down so the water will go into the creek and that the fish can move up. In spite of the fact that no one wants to commit to doing.....they're talking about spending trillions of dollars on infrastructure improvement-be real cheap to improve Dean Creek. I assume you know that the Oregon Department of Transportation is planning on probably putting "fish friendly" passages underneath Ellensburg at this next paving? That will probably happen when they pave. So the fish could then pass upstream from in Riley Creek, Dean Creek and Cunniff Creek, could pass upstream.

It probably 10-15 years before Ellensburg is re-paved.

Freedman-You probably need to get on it now if you want it to happen in 10-15 years-if you want the power lines down, you need to start talking now. I have not presented this to the port. I don't think they would be too happy about it. It seems like it is a habit in this community to do things and then ask for forgiveness. I have no horse in this race, no dog in this fight, no children, no grandchildren.

Wernicke-Thank you for bringing this to our attention, I'm sure most of us didn't know the history of Dean Creek.

A brief discussion followed.

Freedman-In closing-please direct your staff to enforce your ordinances that are on the books now to stop this before it happens again. I think Dean Creek is saveable. Freedman mentioned several agencies that he thinks would be interested in participating in the funding.

Ed Frazier-Taxpayer and citizen in this area: People should be more concerned about the children in this town-something for them to do to burn off their energy after school. For 10

years, my wife and I, along with other people in this town, have been trying to raise some funds to build a skate park.

Frazier gave background information about how the skate park originally got started and how important it was to the young people. Never seen any minnows, salmon, etc. in Dean Creek.

Freedman-The current new president at the hatchery wants to start an "internship" in which the high school kids and the environmental classes will work at the hatchery, which they already do BUT also work on improving the environment. Getting them involved with lyology (the study of water) and the environment and eco systems is a good way to get them involved. This gives them a good education and background for jobs in the future. Environmental jobs will be the jobs in the future.

Jodi Fritts-Planner-I just want to assure you that council doesn't have to direct staff to enforce the ordinance. That is part of my job. When I'm notified of violations or when I am made aware of them, I do follow up on the violation. It's not necessary to tell me that I need to do that. In fact, I've already been working on this situation. I don't know that a public hearing is the best place to discuss it before the property owner has even received the letter from me. I would be happy to discuss this issue. I think it would be more appropriate outside of a public hearing.

I just want to clarify one point. The portion of the ordinance that Mr. Freedman read is the county's riparian ordinance, not the city's significant natural resources. The county has adopted what is called a Goal 5 Safe Harbor-where if there isn't an inventory done of all the water bodies, wetlands and streams, in a particular jurisdiction; they can choose to adopt "Safe Harbor". This basically is a 50' setback or 75' setback from a stream rather than doing individual studies.

The city actually has a wetlands inventory that was approved by the Division of State Lands so there are particular setbacks on each of the water bodies in the city and they are on the city's wetland maps that have been adopted.

Alexander-It is my understanding that the planning commission and your department does not have people to actually go out and patrol areas looking for violations? (Correct) So your best source of information that a potential violation may have occurred is if community members bring that to your attention, correct?

Fritts-It expedites the process if I know about it myself instead of hearing it third hand for fourth hand.

Alexander-So it would be more efficient that instead of them coming to another agency, which may lose things in the translation to your agency, to come to your agency and specifically directly to you with their information, correct? This gives them a faster response?

Fritts-Correct and that relates to any kind of potential violation. Whether it is building codes or anything that relates to building or planning within the city. We can get on it sooner if we're made aware of it quicker. The city and the county doesn't have a "code enforcement" officer or body that is dedicated to that. It is done as a "time permits" situation. Your tax dollars don't go to code enforcement. We try to follow up on them as quickly as we get them but if we have paying applications in front of it, those will get priority. If it is something that we've been made aware of we certainly take care of it as quickly as we can.

PUBLIC CONTRACTS AND PURCHASING:

CRESCENT CITY AIRPORT

Mayor Wernicke-Status Report

We've written a letter to the group that is organizing this regional airport concept and we've yet to hear back from them. It is on my agenda to call their legal counsel this week.

ORDINANCES AND RESOLUTIONS:

RESOLUTION R0809-10 (A)

A RESOLUTION CONFIRMING COUNCILOR'S ANNUAL APPOINTMENT OF MAYOR PRO-TEM FOR THE CALENDAR YEAR OF 2009

MOTION:-> Johnson move to approve Resolution R0809-10, inserting David Alexander's name as Mayor Pro-Tem for the calendar year of 2009, second by Brennan. Johnson, Brennan, Peterson, Truesdell and Alexander voted "AYE". VOTE 5 AYES

WERNICKE-> I officially appoint David Alexander as our new Mayor Pro-Tem for 2009.

MISCELLANEOUS ITEMS:

CITY BEAUTIFICATION PROGRAM

Councilor Truesdell-Status Report

Will attend the next Planning Commission (PC) meeting and chat with them to find out if the PC wants to keep what we called

an "architectural committee" within their purview. See what their interest is and go with their recommendations. If they would like to keep it on the PC, and to allow them to pursue it vigorously and if not, I'll come back to the council and see if the council may be interested in appointing a separate committee.

MUNICIPAL COURT

Writing Misdemeanor Tickets into Municipal CT

WERNICKE-> The Council agreed to put our Municipal Court in an "active" state for a six-month trial period and we would review income and expenses at the end of the six months. That period is over. A decision needs to be made whether to continue with an active Muni Court or not. Rod Black, the Judge has been volunteering his time (and we really want to thank him for that) during the six-month trial period and the clerk has been taking care of the Muni Court bookwork during her regular working hours.

There were 12 court days - the clerk estimates 15 hours per court date for her time - if she had billed for her time, it would amount to \$2,500.20: postage amounted to \$33.60.

Revenue taken in through December 31, 2008 is \$4,689.00.
\$951.00 is due that is on a payment plan. (G)

Additional financial information was given to us this evening.
(H)

I don't think we can do anything tonight because there are still a lot of unanswered questions. The information appears to be incredibly promising.

Rod Black-Muni Court Judge - In six month's time we took in \$9,113.50, which was deposited into the city funds. We have outstanding money of \$1,567 that comes from failure to appear citations. Our expenses, as you can see are \$933 for this year.

A brief discussion regarding revenues and expenditures followed.

Projected for a year-with a salary for myself and for putting my court clerk on for the hours that are specified, our future operating expense should be \$9,272. We should double, at least, what we took in in six months.

Wernicke-Your estimate that the revenue would double in one year-isn't that predicated on the fact that the tickets would have to double also? We would like to have supporting documentation for these figures and have time for all of us to thoroughly review the information and revisit it at the February meeting.

Black-There is no reason that it shouldn't double. Even if it stayed the way it is, we would pay our expenses. We wouldn't be making any money but we would pay our expenses. We will provide a spreadsheet. The best thing to do is to get with Gail Whitmore. She is doing the spreadsheet and she is the one that pretty much put this together except what my out-of-pocket expenses were.

Truesdell-Do we currently have what is classified by ORS 22.13.42 something called-are we a "court of record"? (NO)
Is there a reason why we are not? (Unknown)

Johnson-Did your figures include "benefit costs"? The agreement was the clerk's duties were supposed to be volunteer-it wasn't supposed to be taking Gail's time.

Black-I didn't need to because from what I understand, my clerk already gets the benefits. I don't get benefits.

Wernicke-Is it possible to get the information to the council within the next week so there is ample time to review it?
(YES)

CITY ADMINISTRATOR'S REPORT

Port Draft Proposed Ordinance 1-09

Comments by Administrator Flynn (I)

The City will provide the same level of coverage and enforcement of ordinances to the port as we do any other properties within the City limits.

Truesdell-Section 8 under enforcement - states that citations will require appearance in the District Court for Curry County. I recommend the Port consider that being changed to Municipal Court of the City of Gold Beach or its' assignees.

Errol Roberts-Port Manager-Your comment about changing where the jurisdiction lies within the court system. That is drawn verbatim from ORS 198 (I believe it is 198, if it isn't, I do have the correct number in my office). The ORS establishes that the Port may formulate its ordinances. If they are

located within a municipality, it is the municipality's responsibility to enforce those ordinances. If it is outside the municipality, then enforcement falls to the County. That is where those two come together. I think they do it for simplification. If you've got a violation outside the City limits and one within, you don't have to appear in two different courts. So you could do it all within circuit court. (District court will be changed to Circuit court)

The purpose of this ordinance (this is about the 3rd or 4th revision that I know of) is to get it brought up to date. We have taken out all the applicable sections from previous ordinances and left just the law itself in the ordinance. I submitted a copy of the draft ordinance to the City and the County (Sheriff department) for comments and review and also for awareness that we do in fact have an ordinance in place.

Flynn gave a recap of the STP monthly progress report (J) received from Kerbo Engineering. The plan is to have the plant "up and running" by October 2010. Copies of the monthly report are available by request and are always posted on the board in the lobby.

Truesdell-In response to my question to Kerbo regarding projected sewer rates: Kerbo stated estimated sewer rates would be between \$55 and \$65 per Equivalent Dwelling Unit (EDU), which she feels is similar to what we have now.

Peterson-Four or five months ago, Mr. Henry brought up the subject of the sidewalk to the library-where are we on this project? Have we proceeded with an engineering company or something to take a look at it and see what we can do.

Flynn-Jeff Denney is working on some potential sources and discussing funding possibilities with the library to try and get some good grants to help finance the project. We still have a problem in one area-the curb is right next to the bank.

Peterson-inquired about the purchase status of the police car that will be purchased out of the 0809 budget? I know we are having some problems with some of our current vehicles. How about the possibility of leasing patrol cars? That was brought up once.

Flynn-The police car has been ordered but it will be about 2 months before we get it. Leasing is too expensive and is a long term situation-not cost effective for a smaller town like we have. It is a Chrysler product.

MAYOR - JAMES WERNICKE:

The County contacted Councilor Truesdell regarding their need to have a city representative fill former Mayor Popoff's seat on the Curry County Solid Waste Advisory Committee. They meet once every three months on the fourth Tuesday at 3:30 PM in the Commissioner's meeting room. They would like it filled by their January 27th meeting. Would someone like to volunteer to be the city representative? David Alexander volunteered.

CITIZEN COMMENTS:

Wernicke advised the audience that the Police Chief resigned today. As a consequence, much about the current circumstances with the Chief remain confidential. The Council and myself are not going to be intimidated nor baited to break those confidences. I know there is a lot of emotion for and against the Chief. But at this point in time the Council and the Mayor cannot respond to much of it. We're going to have an executive session tomorrow afternoon to determine whether we are going to accept the offer of resignation.

I know there are several people here that want to address this situation. Before I ask you to do so, I'm mindful that we want to do this in a respectful manner, no name calling or any such thing and let's try to keep it from being overly repetitious. Once it gets repetitious we're going to have to bring it to an end..

Tia Bowers-97949 Lucus Lane - Brookings OR although I work in Gold Beach. Would like to read a police impact statement Let us note that the department heads of finance, water, sewer, road and fire are all left alone to run their departments as they see fit. The police department employees have experienced severe micro-management over the last 4.5 years. When Chief Merkley was trying to acquire necessary safety and rescue equipment without cost to the City or people of Gold Beach, he was further micromanaged and harassed.

It is shameful that the City Council has pushed away yet another qualified Chief. Something citizens may not know about Chief Merkley is his tireless effort to assist them in times of crisis. For example, during stormy weather, he

routinely goes out on his own time and with his own equipment and patrols the City to assist residents in need.

GB PD Staff believes over the past four years that the City Council, City Administrator or the previous Mayor, should have come and talked to them to get input, discuss or work out any problem. We are left with the lingering question-when the last officer goes off duty and the City is not willing to pay for personnel to be on-call, what will the City do to keep the citizens safe?

Wernicke-Have you ever worked with the police department here in the City?

Bowers-No. I'm in a place of employment where we've had to call on the police department often and times that we have not felt safe.

Wernicke-So some of the things you have said you have heard from other people? (yes)

David Darnell-Boomer Bend-(outside the City limits) I was kind of shocked. I did not know that the Chief resigned today. Don Flynn is a friend of mine. I have no hard feelings towards him; I know he and the Chief did not get along. At one time, I offered to have a measure put on the ballot for election of the City Chief but the Chief didn't want it, he was hoping things would straighten out. I talked to him just before all this happened and he told me things were going a lot better. But Don (Flynn) will tell you; I've known him for a long time. When this started years ago, I talked to Don (Flynn) about talking to the Chief, the Chief about talking to Don (Flynn), just trying to get the problem straightened out. But all of a sudden I see it isn't straightened out. I can't go on to what I was going to say because I just found out the Chief resigned today, so I'm kind of stuck as to what I was going to say.

Margie Roberts-95350 Tutuni Hollow Drive-we have property here in town. I think this might be an appropriate time just to remind everyone that the Mayor and City Council are dedicated volunteers who give up their time and do what is best for the City. There are many people in the City who appreciate what you do and that you have the best interest of those that live in the City when you make decisions. I for one appreciate it.

Barbara Eells-28049 Hunter Creek Road, which is in the City limits.

I think as citizens of the City of Gold Beach, what we're looking for in government is transparency, openness, and accountability. One of the sad things about living in a small town is how easy it is for people to (couldn't hear) perceptions that may or may not be accurate. I think that for City government to be open, disclosed-if they are related to someone else in the City, if they've got a familial relationship through marriage, if they've got strong social ties, things that might be perceived to be a conflict of interest or favoritism-all that kind of thing needs to be out in the open as far as good City government.

Given the situation that we have right now, and with Chief Merkley resigning, I have grave concerns for the public safety of this City. There is a history of concern. We had another fine police chief, Bob Rector, who felt he could no longer work for the City because of micromanagement and pressure and harassment and now we have another Chief gone.

I believe the City needs to be, whether it is the Mayor, the Council, the Administrator, the staff, needs to be open with the citizens of Gold Beach unless there is an ongoing criminal investigation of Russ Merkley, I think the citizens of Gold Beach deserve to know what is going on. Because we don't. We're going under assumptions and third hand information and rumors and none of that is good for the City, the City Council for the operations of this City.

I don't know what this Council wants in terms of a police chief. I just retired in the last few months from working years in child abuse investigations. I worked many cases with Russ Merkley. He is a fine officer; no question in my mind whatsoever. So I'm not sure what this Council wants in terms of a police chief. It seems to me that if there are problems, short of crimes being committed, that you would have someone on board who is a skilled person in negotiating, looking at mitigating circumstances and coming to an equitable conclusion. I'd like to read briefly something from a Washington State Statute that I think is very apropos in this circumstance.

"The people do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so they may retain control over the instruments they have created."

I believe you do the people of this City a disservice by not being open about what is going on. I am going to present to you a formal letter (K) requesting all memos and written material that resulted in Russ Merkley being suspended. I have no idea whether I will get that information or not but as a citizen, tax payer of this City, this is my request.

Wernicke-Thank you. May I ask you a couple of questions before you present that to us and while you are at the podium? Would you have the City Council violate statutes of Oregon in order to make the information public? Would that be something that you would agree with?

Eells-No but I would want to know what information can be made public. And I also want to know that I can come to this City Council meeting and present my two cents worth and make my request, whether it is honored or not, and not feel that I'm going to be interrogated as a result. Having said my piece, I am done.

Brent Thompson-29509 Crook ST-Occasionally I go to an Oregon Planning Institute Conference in Eugene in September. In 2005, they brought up a grant program that was called the "Safe Route To Schools Act" that congress passed. It had a couple of purposes. One to make it so parents would be more likely to have their kids walk or bicycle to school if there were routes that were safe for them. I don't know what happened with the grant writing. I mentioned this a couple of times to the previous Mayor and I also had a letter in the paper regarding this.

My understanding, after being at this planning conference in 2005, was that grant money was to be available, radiating out from schools to a distance of 2 miles. That money could be used to improve sidewalks or pathways or build new sidewalks and pathways or to purchase easements to then construct sidewalks and pathways with the idea that schools have bicycle and pedestrian routes radiating from the school to increase the probability that kids would walk or bicycle rather than being taken by their parents.

My understanding as to how this would work: The state would do rule writing as to what criteria a City would need to follow to apply for these grants. I think the way it would probably work is possibly the planning commission or another committee appointed by the Mayor & Council would meet to figure out what the priorities would be. Maybe adopt a

pedestrian bicycle transportation plan for the City. Then after they've had this work out radiating lets say from Riley Creek to the high school, then I think they would set the priorities about what the top 3 or 4 things would be and then apply for grants based on those priorities. I don't know. My thinking is if the City Administrator could be instructed to follow up on this and to make a call and find out whatever might have happened to these federal funds-if they ever did get to the state. If the rule writing was ever done and if the rule writing was done, as far as how a City would go after this money, then how would Gold Beach be able to get in line for some of this money. I don't think it would be a big stretch to the library as one of the top priorities.

Just call the Oregon Department of Transportation and ask who is handling the "Safe Routes To Schools Plan". Maybe someone will know something about it. If they haven't heard anything about it that means they may have passed the act but didn't fund it. I really don't know. If they don't know anything about the Plan, then you could ask who might handle any grant requests for pedestrian or bicycle improvements within a municipality and maybe they could find it that way.

Truesdell-It's a great idea. I've been chatting with the new library director a little bit. We've been looking at a different kind of concept, it is no where near fruition in bringing it to the City Administrator. We've been thinking about the possibility of taking the wetlands immediately down from the library and putting pathway lighting and doing a wetlands restoration in that area then as a primary foot and perhaps bicycle pathway. The concept would be up to the library. Grant funds may be available for wetlands.

Melinda McVey-94275 Sevey Road, Gold Beach

I would like to read a prepared statement.

The problem with the Gold Beach Police Department has been on-going for many years. The problems increased when Don Flynn was appointed City Administrator. Chief Russell Merkley was suspended over a difference of opinion of the interpretation of the policy regarding light duty and should not have resulted in a suspension. This was not a criminal offense and there is no reason he should have been suspended.

As a result of the suspension, Chief Merkley, the citizens have once again suffered at the personal agendas perpetrated by the Gold Beach City Government. Don Flynn and other personal attacks on the police department are unprofessional

and reflect an adversarial atmosphere that Don (Flynn) has helped to create and maintain.

Chief Merkley should be fully re-instated immediately. Furthermore, the City of Gold Beach owes Chief Merkley an apology and a promise that Don Flynn will no longer be his supervisor.

I've known Don (Flynn) for quite a few years and have been a big fan of his. We worked together on the Fair Board and other things. I don't mean to personally attack Don (Flynn) but I'm very very disappointed in the way this was handled.

I don't know the inside story, as we're not allowed to. I've heard 3-4 different sides to the story but it's very upsetting because I was here during the Rector time, I was here with the City Administrator Fedje and through a few others. I really thought this was the time that we could all work together. Instead, I've never seen a split so much in the City government. I even tried to run for the City government, I was not elected but I thought maybe my word could get in. I voted for all of you except John (Truesdell) I'm sorry John. He and I have laughed and giggled over that for a long time.

COUNCILORS:

Larry Brennan-My comments are based on an incident that occurred to me on Friday afternoon. This Council and Mayor were duly elected by the citizens of Gold Beach. We took an oath to abide by the laws and constitution of the State of Oregon and the City Charter and Ordinances of the City of Gold Beach. We will not be intimidated, influenced or threatened by a group of misinformed individuals who would rather govern by mob rule.

Peter Peterson-Thanked Russ Merkley for the service that he has performed to the City, the service that he has done for the citizens of this City. The Chief will be missed by many of the citizens here tonight as well as many of those who are unable to appear. I want to personally thank the Chief for the job he has done. I want to thank everyone that came forward tonight expressing their opinions one way or the other.

David Alexander-Since being appointed as Liaison to the Oasis House, I have had an exchange of letters with Lea Sevey, the Director. I will be attending their board meeting on the 16th and all their future board meetings to provide whatever

support we can as a City to that very worthy organization. No one deserves to be a victim of domestic violence in any of its ugly forms because there is no excuse for it in our community. It is my supreme honor to act as liaison to that organization.

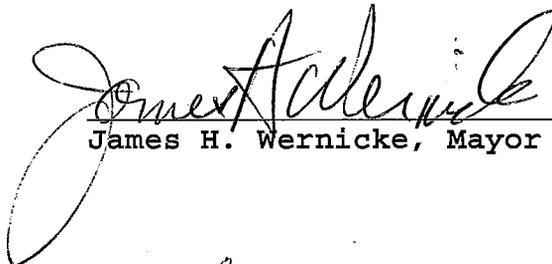
ANNOUNCEMENTS

The next regular meeting for the Gold Beach City Council is scheduled for Monday evening, February 9, 2009 in the Council Chambers of City Hall, 29592 Ellensburg Ave., at 6:30 P.M.

ADJOURNED at 7:58 P.M.:

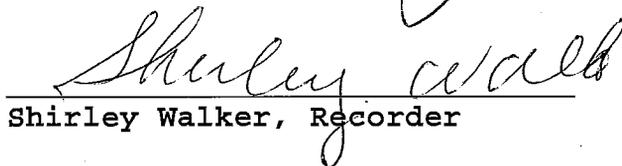
The location of the hearing/meeting is accessible to the disabled. Advance notice is requested if special accommodations are needed. Call (541) 247-7029 so that appropriate assistance can be provided. The City of Gold Beach is an affirmative action EEOE and complies with section 504 of the rehab act of 1973. Complaints of Discrimination should be sent to: USDA, Director, Office of Civil Rights, Washington, D.C. 20250-9419

Passed by the Gold Beach City Council on February 9, 2009.



James H. Wernicke, Mayor

ATTEST:



Shirley Walker, Recorder