



# CITY COUNCIL AGENDA

**April 10, 2017, 6:30PM**

*Regular Meeting*

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 Melinda McVey		
Council Position #2 Larry Brennan		
Council Position #3 Becky Campbell		
<b>Council Position #4 Doug Brand</b>		
<b>STARTING VOTE</b>		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison VACANT		

**3. Special Orders of Business:**

*NONE SCHEDULED*

**4. Consent Calendar:**

TRANSCRIPTIONS – August 2016 and March 2017 regular meetings

*NOTE: due to size transcripts sent in separate file*

**5. Citizens Comments**

*As presented to the Mayor at the beginning of the meeting*

**6. Public Hearing**

a. Proposed ROW use fees

**7. Citizen Requested Agenda Items**

*NONE SCHEDULED*

**8. Public Contracts and Purchasing**

*NONE SCHEDULED*

**9. Ordinances & Resolutions**

a. Second Reading Ordinance No. 663 - Use & Occupation of the Public Right of Way and Establishing an Application Process, Fee, and Terms of Such Use

*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*

- b. Resolution R1617-09 Setting ROW Fees
- 10. Miscellaneous Items (including policy discussions and determinations)**
  - a. Review of proposed FOG Compliance Program policy and forms
  - b. Budget Calendar
- 11. City Administrator's Report**  
*To be presented at the meeting*
- 12. Mayor and Council Member Comments**
  - a. Mayor Karl Popoff
  - b. Councilors
    - 1) Melinda McVey
    - 2) Larry Brennan
    - 3) Becky Campbell
    - 4) Doug Brand
    - 5) Tamie Kaufman
- 13. Citizens Comments**  
*As permitted by the Mayor*
- 14. Executive Session**  
*None Scheduled*

The next regularly scheduled City Council meeting is **Monday, May 8, 2017, at 6:30PM** in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

The **Budget Committee will convene on Monday, April 24, 2017, at 5:30PM** in the Council Chambers for the initial budget hearing. Subsequent hearings may follow that week if needed.

- 15. Adjourn Time: \_\_\_\_\_**



# **PUBLIC HEARING**



**SECTION 6. Public Hearing**  
**SECTION 9. Ordinances & Resolutions**

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**GOLD BEACH CITY COUNCIL**  
**AGENDA REPORT**

Agenda Item No. **6 a. & 9 b.**  
Council Meeting Date: April 10, 2017

**TITLE: Public Hearing – Right-of-Way Use Fees and proposed Resolution**

**SUMMARY AND BACKGROUND:**

This resolution was prepared by legal counsel, Christy Monson, as part of the adoption of the Right-of-Way Use Ordinance No. 663 (first reading in March, second reading later in this meeting).

**NEEDED ACTION:**

**Proposed fee adoptions require a public hearing prior to adoption. The Council should consider any comments received. A proposed resolution is attached the highlighted areas are the fee amounts that should be determined. After the close of the public hearing and deliberations the Council may choose to adopt/not adopt the proposed resolution.**

**SUGGESTED MOTION:**

**I make the motion that the Council adopts Resolution R1617-09, a resolution setting Right-of-Way use fees and franchise fees for all communication, cable, and utility providers subject to Ordinance No. 663, the “USE & OCCUPATION OF RIGHT OF WAY ORDINANCE”.**

## RESOLUTION R1617-09

### A RESOLUTION SETTING RIGHT OF WAY USE FEES AND FRANCHISE FEES FOR ALL COMMUNICATIONS, CABLE, UTILITY PROVIDERS SUBJECT TO ORDINANCE NO. 663, THE CITY'S "USE & OCCUPATION OF RIGHT OF WAY ORDINANCE"

**WHEREAS**, pursuant the City of Gold Beach Ordinance Number 663 (referred to herein as the Right of Way Management Ordinance) and the City's home rule authority under the Oregon Constitution Article XI, Section 2, the City Council has the authority to establish fees for all Communications, Cable, or Utility Providers using or occupying City right of ways; and

**WHEREAS**, pursuant to the Right of Way Management Ordinance and the City's home rule authority under the Oregon Constitution Article XI, Section 2, the City Council has the authority to set registration fees or application fees for all such Providers; and

**WHEREAS**, it is fair and just to ask users or occupiers of City's publicly owned and managed rights of ways to compensate the City for their private, for-profit use of a valuable public asset which is essential to transit throughout our City; and

**WHEREAS**, the City Council desires to establish generally-applicable Right of Way Use Fees and Franchise Fees consistent with federal and state law; and

**WHEREAS**, the Cable Communications Policy Act of 1984 (47 USC 521 et seq) authorizes City's to impose a Franchise Fee on Cable Providers for the use and occupation of the public right of way; and

**WHEREAS**, the Telecommunications Act of 1996 (47 USC 151 et seq) authorizes City's to impose a Franchise Fee on Telecommunication Carriers for the use and occupation of the public right of way; and

#### **NOW, THEREFORE, it is resolved as follows:**

1. Cable Service Fees. The City Council hereby sets the Right of Way Use Fee and Franchise Fee for provide Cable Service Providers occupying the City rights of way at five percent (**5%**) of the Provider's Gross Revenues derived from the provision of Cable Services within the City.
2. Non-Cable Communications Service Fees. The City Council hereby sets the Right of Way Use Fee and Franchise Fee for all Communications Service Providers who occupy the City rights of way to provide Communications Services other than Cable Service within the City at **XX percent (XX%)** of the Provider's Gross Revenues derived from the provision of Communications Services other than Cable Services within the City.

3. Utility Fees. The City Council hereby sets the Right of Way Use Fee and Franchise Fee for all Utilities who occupy the City rights of way to provide Utility Services within the City at **XX percent (XX%)** of the Provider's Gross Revenues derived from the provision of Utility Services within the City.

4. Haul Fees. The City Council hereby sets the Right of Way Use Fee and Franchise Fee for all Communications, Cable and Utility Providers who occupy or use the City Rights of Way but do not provide any Services within the City at **\$500 or \$XX per linear foot of Right of Way occupied, whichever is greater.**

5. Definition of Gross Revenues. As used herein, Gross Revenues shall mean any revenue derived in any way by the Provider from the operation of their Facilities to provide Communications, Cable or Utility Services (as those terms are defined in the Right of Way Management Ordinance) in the City including, but not limited to: amounts for premium cable services, advertising, home shopping channels, revenue-sharing arrangements or use or rental agreements, installation and all leased-access payments to Grantee. However, that "Gross Revenues" shall not include: (1) any taxes, fees or assessments collected by the Grantee from Subscribers for pass-through to a government agency, including, without limitation, any state or federal administrative fees or sales or utility taxes; (2) uncollectible bad debt; (3) refunds or deposits paid to subscribers; and (4) other applicable exclusions available under applicable State or federal statutes.

6. Delegation of Rulemaking Authority. The City Council hereby delegates to the City Administrator or his or her designee the authority to establish fair and reasonable rules to implement this Right of Way Management Ordinance, including but not limited to: 1) rules regarding the establishment of reasonable pole attachment fees for Providers who attach equipment onto City-owned poles or onto poles within the City's right of way; and 2) rules regarding when the City will deem a Provider's Franchise Agreement expired for the purposes of implementing the Right of Way Management Ordinance.

6. Registration Fee. The City Council hereby sets the Registration Fee for all Communications, Cable and Utility Providers at **\$200.**

7. Franchise Application Fee. The City Council hereby sets a Franchise Application Review Fee for all Communications, Cable, and Utility Providers at **\$200.**

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 10<sup>th</sup> DAY OF APRIL, 2017.

APPROVED BY:

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Karl Popoff, Mayor

ATTEST:

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Jodi Fritts, City Administrator/Recorder



# **ORDINANCES & RESOLUTIONS**



**SECTION 9.**

**Ordinances & Resolutions**

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**GOLD BEACH CITY COUNCIL**

**AGENDA REPORT**

Agenda Item No. **9. a.**

Council Meeting Date: April 10, 2017

**TITLE:       Second Reading Ordinance 663 - Right of Way Use &  
Occupation ordinance**

**SUMMARY AND BACKGROUND:**

The first reading of this ordinance occurred at the March meeting. Tonight is the second reading.

**SUGGESTED MOTION**

**I make the motion that the Council approves the second reading of Ordinance 663 by title only.**

If the motion passes, the CA will read the ordinance title into the record to complete the 2<sup>nd</sup> reading. The ordinance is enacted and will go into effect in 30 days.



# **MISC. ITEMS**

**INCLUDING POLICY DISCUSSIONS &  
DETERMINATIONS**



**SECTION 10.**

**MISC ITEMS** (including policy discussions & determinations)

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**GOLD BEACH CITY COUNCIL AGENDA REPORT**

Agenda Item No. **10 a.**

Council Meeting Date: April 10, 2017

**TITLE: Proposed FOG Compliance Assistance Program Forms**

**SUMMARY AND BACKGROUND:**

In March we again discussed the FOG compliance assistance incentives. I had made a few proposal in the March report and after discussion, the Council directed me to prepare program materials for this meeting.

The Council consensus was:

- Each requestor must pay 25% of total cost
- Each requestor will be eligible for a 25% grant—public or private FOG producer. If a public/non-profit entity feels they need a larger grant the CA will bring the request to the Council.
- Each requestor is eligible for a 4% interest rate loan up to 50% of the total project costs. Repayment will be in 1, 5, or 10 year increments based on the loan amount. Loans will be added to monthly utility billing.
- The City will pay the vendors directly.

I have developed draft program materials for your review based on your direction. The Grammar Police weren't here when I finished the draft so she hasn't proofed them yet—she'll catch grammar and typos (way better than any of us!) please just review the content.

**REQUESTED ACTION**

**Please review, discuss, and propose suggested changes or improvements to the program materials.**



To help ensure FOG compliance, the City offers a grant/loan program to eligible FOG producers. Please see our FOG FAQs on the following pages for info about what FOG is, how it's generated, and why it's important to reduce it in your drain lines and the City sewer facilities. Compliance is the law, but it also saves you and the City money. Compliance helps reduce the costs of sewer backups in your sewer lines, and within the entire City sewer system from the conveyance lines, the pumps and intake equipment, all the way down to the sewer treatment plant.

If you are a FOG producer, staff from the Public Works Department will meet with you to assist you with a plan of compliance. Depending on the type and quantity of FOG you produce, compliance may be as simple as an under-the-sink device, or as complicated as in-ground device located outside of your building. Once the proper equipment is identified, if you need financial assistance with the purchase and installation of the equipment, the City can help. The City offers the following assistance:

**Each requestor is required to contribute at least 25% of the total equipment and installation costs.**

GRANT: The City will provide each requestor a grant in the amount of 25% of the total equipment and installation costs.

LOAN: The City will provide each requestor a loan in the amount of 50% of the total equipment and installation costs at a 4% interest rate. City staff will prepare a projected loan amortization schedule once a compliance plan has been approved. Depending on the size of the loan, repayment can be in 1, 5, or 10 year increments. Loan payments are made monthly as part of the regular monthly utility billing.

**To request a FOG Compliance Assistance Grant/Loan please:**

- Complete the application on the back of this form.
- Schedule a time to meet with the Public Works staff to identify your needed compliance equipment. Public Works can help you with where to locate appropriate equipment vendors and installation contractors—*(you may be able to perform the work yourself subject to compliance with Oregon Plumbing Code)*.
- Obtain written quotes for the equipment and/or installation costs. **DO NOT BEGIN WORK UNTIL THE BIDS HAVE BEEN REVIEWED AND APPROVED BY CITY STAFF.**
- Schedule an appointment with the City Administrator to go over your cost estimates. The Administrator will have Public Works at this meeting to ensure your proposal meets the City FOG regulations. If the FOG compliance estimates exceed \$5,000, and you are not the property owner where the equipment will be installed, the property owner will be required to co-sign the Compliance Assistance request.



- The Administrator and Public Works Director will determine if your financial assistance proposal meets our program guidelines. Once that determination has been made, the City will pay for the equipment and contractors directly.
- After the installation has been inspected and approved by the Public Works Department, the total project cost will be determined and a loan repayment schedule will be prepared. The loan repayment will begin 30 days following the acceptance by the City and you. The repayment schedule is in equal monthly payments that will be added to your regular monthly utility billing.

**REQUEST FOR FOG COMPLIANCE ASSISTANCE GRANT/LOAN**

<p><b><u>APPLICANT INFO</u></b></p> <p>Name: _____</p> <p>MAILING Address: _____</p> <p>_____</p> <p>City, State, Zip: _____</p> <p>Daytime Phone: _____</p>	<p><b><u>OWNER INFORMATION</u></b></p> <p><i>If same as Applicant no need to complete this section</i></p> <p>Property Owner Name: _____</p> <p>MAILING Address: _____</p> <p>_____</p> <p>City, State, Zip: _____</p> <p>Daytime Phone: _____</p>
<p><b><u>TYPE OF FOG PRODUCER</u></b></p> <p>Is your business:</p> <p><input type="checkbox"/> Restaurant or food vendor?</p> <p><input type="checkbox"/> Non-profit entity?</p> <p><input type="checkbox"/> Governmental agency?</p> <p><input type="checkbox"/> OTHER—Please describe: _____</p>	<p><b><u>PROPERTY INFORMATION</u></b></p> <p>Street Address of business: _____</p> <p>_____</p> <p>Assessor Map/TL#: _____</p> <p>_____</p>

**APPLICANT CERTIFICATION**

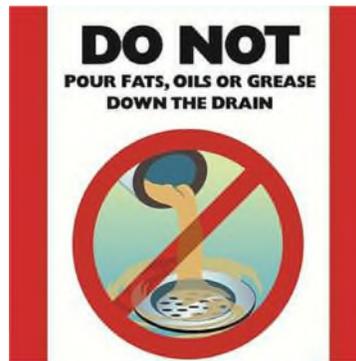
By my signature I certify that the information provided herein is correct. I certify that all provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. By signing this application form I acknowledge that I am granting the City of Gold Beach staff or their agent(s) authorization to enter onto the subject property for the purposes related to this application proposal. I have read the FOG Compliance Assistance Program guidelines contained in this document and understand and agree to the provisions of the program. I understand if I am approved for a grant/loan I will be required to sign a promissory note and repay the loan subject to the terms at the time of said loan.

\_\_\_\_\_  
 Signature of Applicant

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Please print name legibly

## CITY OF GOLD BEACH FOG FAQs



### What is FOG and what is the FOG control program?

F.O.G. stands for Fats, Oils, and Grease. Fats, oils, and greases are natural by-products of the cooking and food preparation process. The FOG control program is being implemented by the City in order to monitor and reduce the amount of FOG that enters our sanitary sewer system.

### How does FOG create a sewer blockage?

Fats, oils and grease in a warm liquid form may appear to be harmless since they flow easily down the drain. However, as the liquid cools, the FOG solidifies and separates from other liquids in the sewer pipes. The layer of FOG sticks to the sewer pipes and, over time, the flow of



wastewater becomes restricted and causes a backup or overflow. This solidification is sometimes referred to as "FAT-BERGS". These fat-bergs can become so thick they require drilling to break them loose, or in worst cases, complete removal and replacement of that section of sewer line.

### Why is the issue of sanitary sewer overflows (SSOs) important?

About 50% of the City's sanitary sewer calls can be attributed to FOG. Overflowing sewers release bacteria, viruses, and other pathogens that may be dangerous to human health. The



raw sewage may be released into your business or home or out into the street. SSOs are gross and expensive to clean up, and if they occur on private property, it is you, the property owner, who are responsible for the clean-up. Should a blockage occur in our (City) sewer main, then the City is responsible for the clean-up. The costs associated with SSOs are not limited to the City's costs of containment, removal, and disposal of contaminated materials. Emergency line cleaning, disinfection, sampling, testing and public notification can be very expensive. Non-direct costs may include property damages, EPA and DEQ enforcement actions (fines), and increased insurance premiums. These costs are passed down to the consumers in the form of higher rates.

**Is there a law against overflowing sanitary sewers?**

Yes. The federal Clean Water Act and the Oregon DEQ comparable water quality regulations prohibit wastewater discharges except under very specific circumstances.

**Why should homeowners and businesses take the responsibility? Isn't the sanitary sewer system the responsibility of the City?**

The efficient operation of the sewer system affects all of us. Raw sewage exposure can be very dangerous not to mention just plain gross. If a sewer backup occurs on your property, it is your responsibility to clean up and that can be expensive. Repeated calls to clean out blocked City sewers result in higher rates for all users. Helping prevent FOG helps keep costs down for all users.

**What are the sources of FOG? Who produces FOG?**

Common sources of FOG include meat fats, dairy products, food scraps, cooking oils, baked goods, sauces, dressings, sandwich spreads, gravies, marinades, dairy products, shortening, lard, butter and margarine. FOG is produced by restaurants, cafeterias, delis, bakeries, residential homeowners, daycares, assisted living, social halls, etc. In short, any location, residential or commercial with food service capabilities.

**Can the City tell where FOG is coming from?**

Yes. By checking manholes and using CCTV, the City can tell which sanitary service area, and usually which specific building or neighborhood, FOG is coming from. If FOG blockages are occurring frequently in a certain area, the City will make an effort to inform the residents in the area so that they can be more aware of their FOG disposal methods and help to fix the problem.



### **Can't I just use large quantities of detergent to wash grease down the drain?**

Products such as detergents that claim to dissolve grease just pass the grease down the pipeline and cause problems elsewhere. You may remove the grease from your immediate vicinity but you are only helping to create a larger problem downstream.

### **Why are oils that do not solidify a problem?**

Oils entering the system cause problems in two ways:

1. Many **do** solidify at lower temperatures, and therefore clog the system. Even if they don't solidify they often bind to other forms of fats and grease.
2. Some oils move through the system so quickly that they cannot be fully broken down in the treatment process.

### **How should I dispose of fats, oils and grease?**

Larger quantities of fats, oils and grease left in pans from cooking should be placed in a tin can and stored in the refrigerator or freezer. Once the container is full it can be discarded in your household garbage. Smaller amounts of cooled grease, salad dressings and sauces should be scraped into the trash with a spatula. Any excess grease can be absorbed with a paper towel and tossed into the garbage.

### **What do I do with the oil used in deep fryers?**

Wait until the oil in your fryer has completely cooled and use a funnel to pour the oil into a container. If you are not planning to reuse the oil, seal the container tightly and put it in the trash. Never pour oil down your home's plumbing or into the storm drain.

### **Isn't throwing containers full of grease into the landfill just creating a different problem?**

Over time, fats, oils and grease are very effectively broken down under landfill conditions. Fats, oils and grease cause greater environmental problems when they enter the wastewater system.

### **Can I use my garbage disposal?**

Home garbage disposals do not keep grease out of the sewer system. In fact, garbage disposals help contribute to the problem of blocked sanitary sewer pipes. Food particles stick to the grease that clings to pipe walls and speeds the blockage of pipes.

*What should I avoid putting down my kitchen sink/garbage disposal?*

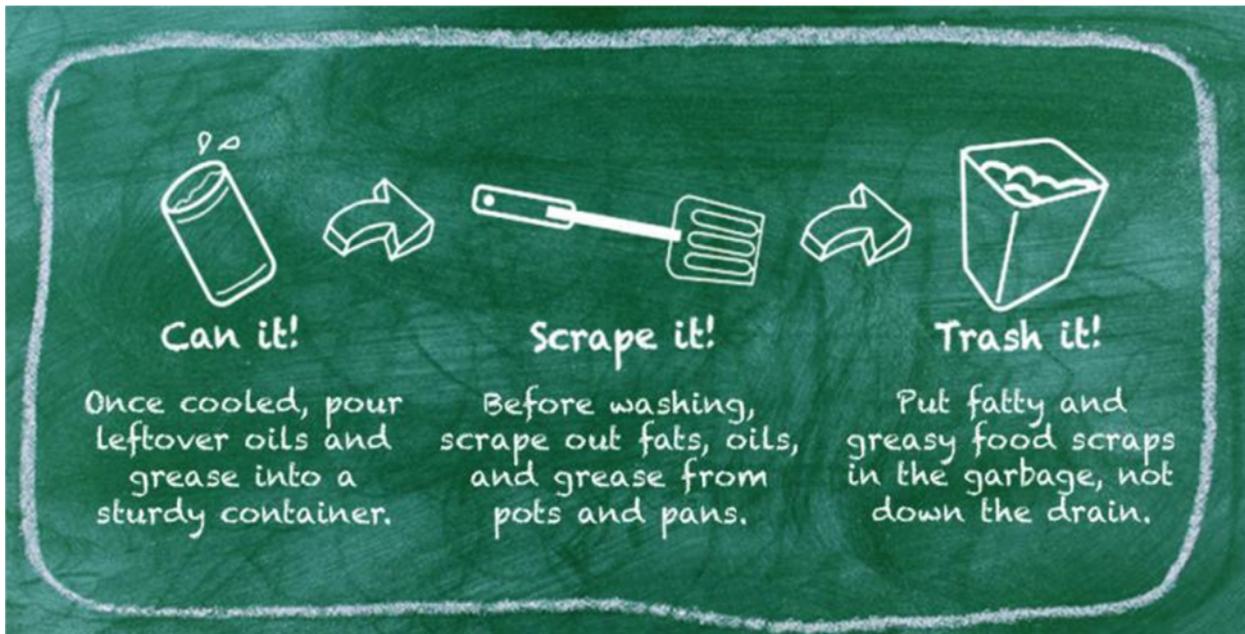
- Butter, margarine
- Lard
- Cooking Oil
- Bacon Grease

- Egg shells
- Coffee grounds
- Meat scraps
- Potatoes/potato peels
- Rice
- Pasta
- Gravy
- Salad dressing
- Jello/gelatin
- Stringy veggies such as celery, corn, asparagus, artichokes, and onions
- Banana peels

*What is okay to put down my kitchen sink/garbage disposal?*

- Non-starchy foods
- Anything that doesn't solidify or gel when cooled
- Citrus fruit and peels
- Melons

### What can I do to keep FOG out of the sewer system?



### What should I do if I experience a sewer blockage or overflow?

First, call the City at 541-247-7029. We will come and determine whether the blockage is on your property or in the City sewer main. If the blockage is on your property you will need to hire a plumber to fix the problem.



**SECTION 10.**

**MISC ITEMS** (including policy discussions & determinations)

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**GOLD BEACH CITY COUNCIL AGENDA REPORT**

Agenda Item No. **10 b.**  
Council Meeting Date: April 10, 2017

**TITLE: Proposed FY1718 Budget Calendar**

**SUMMARY AND BACKGROUND:**

FYI ONLY: Attached is the proposed budget process calendar. The initial hearing is scheduled for Monday, April 24<sup>th</sup> (our reserved 4<sup>th</sup> Monday). If we need additional days we can discuss them that night. The proposed budgets will be delivered to you Monday, April 17<sup>th</sup>. The Budget Notice (below) will be posted to the website tomorrow and the legal notice in this Wednesday's paper.

**PUBLIC NOTICE**

CITY OF GOLD BEACH & Gold Beach Urban Renewal Agency  
BUDGET COMMITTEE MEETING  
**Monday, April 24, 2017 at 5:30 PM**  
Gold Beach City Hall Council Chambers, 29592 Ellensburg Ave

A public meeting of the Budget Committee of the City of Gold Beach, Curry County, State of Oregon, will be held at City Hall on the above referenced date to discuss the fiscal year July 1, 2017 through June 30, 2018, proposed operating budgets for the City of Gold Beach and for the Gold Beach Urban Renewal Agency. The purpose of the meeting is to receive the budget message, receive comment from the public on the proposed budgets, and conduct a public hearing on State Revenue Sharing. This is a public meeting where discussion and deliberation by the Budget Committee will take place. Any person may appear at the hearing and discuss the proposed programs with the Budget Committee.

A copy of the proposed budget document may be inspected or obtained (at a cost of .25 per page) at City Hall on **Tuesday, April 18, 2017**. The proposed budgets will also be posted on the City's website: [www.goldbeachoregon.gov](http://www.goldbeachoregon.gov)

Jodi Fritts, Budget Officer

PUBLISH: [www.goldbeachoregon.gov](http://www.goldbeachoregon.gov) April 10, 2017

## Proposed 2017-2018 City of Gold Beach & Gold Beach Urban Renewal Agency Budget Calendar

DATE	EVENT
<b>April 10, 2017</b>	First legal notice of Budget Committee Hearing on April 24 <sup>th</sup> posted on <a href="http://www.goldbeachoregon.gov">www.goldbeachoregon.gov</a>
<b>April 12, 2017</b>	Second legal notice-newspaper publication of April 24 <sup>th</sup> Budget Committee hearing
<b>April 17, 2017</b>	Copy of proposed budget filed at City Hall, published on website, and distributed to Budget Committee members
<b>April 24, 2017</b>	First Hearing of the Budget Committee <ul style="list-style-type: none"> <li>• Presiding officer elected</li> <li>• Budget officer presents budget message and proposed budget</li> <li>• Public hearing on proposed budget and hearing on State Revenue Sharing funds</li> </ul>
<b>Week of April 24<sup>th</sup> (or later)</b>	Additional budget committee hearings, if needed
<b>April or May, 2017 TBD by Budget Committee</b>	Final meeting of Budget Committee to review approved changes to budget officer proposed budget and pass a motion recommending a budget for fiscal year 2017-2018 to the City Council, and approving an amount or rate of total property taxes to be certified for collection by Assessor
<b>June 3, 2017</b>	First newspaper published notice in Pilot of the Notice of Budget Hearing (City Council) and Financial Summary Also posted on <a href="http://www.goldbeachoregon.gov">www.goldbeachoregon.gov</a>
<b>June 7, 2017</b>	Second published notice in CC Reporter & Pilot of the Notice of Budget Hearing (City Council) and Financial Summary
<b>June 12, 2017</b>	City Council Hearing <ul style="list-style-type: none"> <li>• Public hearing on the recommended budget and proposed use of State Revenue Sharing funds</li> <li>• Council adopts resolution declaring the City's election to receive State Revenue Sharing funds</li> <li>• Council adopts resolution making appropriations and levying property taxes</li> </ul>
<b>June 19, 2017</b>	Certify property tax levy to County Tax Assessor

*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.*