

MINUTES
April 9, 2012, 6:30PM
 CITY COUNCIL CHAMBERS, CITY HALL
 29592 ELLENSBURG AVE
 GOLD BEACH OR 97444

Call to order: Time: 6:30PM

1. **The pledge of allegiance**

2. **Roll Call:**

	Present	Absent
Mayor James Wernicke	X	
Council Position #1 Jeff Crook	X	
Council Position #2 Larry Brennan	X	
Council Position #3 Brice Gregory		X
Council Position #4 Doug Brand	X	
Council Position #5 Tamie Kaufman	X	
Acting City Administrator Jodi Fritts	X	
Student Liaison Lyndsey Dixon		X

3. **Special Orders of Business:**

Update from Public Works Superintendent Will Newdall on Wastewater Treatment Plant project

Public Works Superintendent Will Newdall gave an update on the Wastewater Treatment Plant project. He told the Council that 28% of the project has been completed by time. He indicated that crews are continuing to put siding on the equipment pole building and that the vents have been installed. The city engineer suggested that Freeman Rock do a test run batch of concrete for the drain line encasement to test the concrete's properties to make sure that it would meet specs. Freeman Rock agreed to do so, and one load was a little light on air and the other was close to being exact on specs. It provided an opportunity to make sure the concrete met specs so that there was no waste of product.

He told the Council that excavation was started for the head works pump station wet well and was completed. Proper compaction of the rock was met and the base was set, which was a large piece of concrete that weighs 76,000 pounds, with a crane. The fairgrounds wet well has been completed with the install for the base and all the tiles for the valve vault and it's all been back drilled and core drilled.

He indicated that the week prior the pumps and the electrical wiring configuration was approved. He said that they didn't really like what had been submitted as far as wiring and how it was attached to the pumps, and after communication back and forth, they found a way to accomplish the City's needs to meet specification. The submittals for the pumps were approved and will be showing up in the near future.

He indicated that there was a meeting with DEQ last Wednesday, and they inspected the work that had been completed and also interviewed employees to make sure they

were paid the correct wage. He said that they were very pleased with the progress of the project and will be back in approximately three months to do another inspection.

He indicated that on the following Wednesday USDA will come down and do an overview of the project, verify what's being done and note any concerns that the City has, as they are the lenders of the money for the project.

4. Consent Calendar
None scheduled

There were no consent calendar items scheduled.

5. Citizens Comments
As presented to the Mayor at the beginning of the meeting

The Mayor told the audience that there are 12 people who indicated that they had a desire to address the Jeff Ferguson situation. He said that the Council was willing to listen but were not going to ask questions nor be answering questions. He said that he would give everyone three minutes to speak. He requested that when they were making comments to be civil.

Mark Lottis, 5 Star Charters, addressed the Council and said that his business relies heavily on tourism. He requested that the Council resolve their issues or differences with Jeff Ferguson and put him back to work doing a job that he does so well.

Robert Minshew, owner of Happy Days Malt Shop, addressed the Council and said that he didn't come in an adversarial mode or to point an accusing finger at anyone, but rather came to appeal to their sense of community and to impress upon them the urgency of resolving the issues. He said that many Gold Beach citizens and beyond have expressed their concern, as evidenced by more than 22 letters to the editor in both the Curry County Reporter and the Pilot.

He told the Council that there are many projects that are in the fire now, and with Jeff Ferguson's dismissal some of them are sitting idle. When the Visitor's Center was asked if they could help with a project, their response was that their plate was full. He said that members of the Promo Committee were emailed and their response was the same.

He said that he understood that the City would not be replacing Jeff Ferguson at this time, and he told the Council that Gold Beach is facing one of the most challenging and difficult seasons ahead of it. He indicated that you see in the paper that the Sheriff is struggling to keep the jail open and the county officials are considering declaring an emergency. He indicated that, after hearing comments from the senator and our state representative at a meeting the previous week, help is not going to come from the federal government or the state. He said that the business owners had to do it themselves and they needed all of the help they could get.

He requested the Council on April 16, 2012, to look beyond the unfortunate circumstances that caused the dismissal of Jeff Ferguson and render a decision that will best serve the community of Gold Beach and its merchants.

Dixie Boley, part owner of Fishermen Direct Seafoods, addressed the Council and said that the glass ball hunt promotion that Jeff Ferguson was instrumental in bringing to Gold Beach brought tourists and locals into her business and it has made her business money. She said that Jeff Ferguson made her money and, as a business owner, she couldn't ask anyone to do any more than that.

Leslie Keating, owner of Interior Coverups, addressed the Council and said that she has lived in Gold Beach 35 years, 25 of those she's been running Interior Coverups. She told the Council that Jeff Ferguson is probably one of the biggest driving forces Gold Beach has ever seen as far as promoting the area. She told the Council that her business is not one in which a lot of tourists come into, but with the glass ball promotion, she's had several tourists come in and purchase some items and made money. She said she's hoping that other businesses will make money so that they will come to her store and buy things locally. She said that Jeff was fun and easy to work with. She appealed to the council to give Jeff Ferguson his job back.

Buck Rosendahl, owner of Woof's Dog Bakery, addressed the Council and said that the glass ball promotion has been a huge success among many merchants. He said that when you think of Gold Beach you think of Jeff Ferguson, that no one has more passion for Gold Beach than he does. He told the Council everything Jeff Ferguson has done to support and promote Gold Beach outweighs any possible reasons for dismissal.

Deirdre Oliver addressed the Council and said that she was new to Gold Beach and that Jeff Ferguson has always been good to her. She wanted to give him her support.

Larry Hammer addressed the Council and said that he has come into possession of the packet that was used to justify Jeff Ferguson's dismissal. In reading through it, he said he would have to agree, based on the information contained within the packet, that the City was justified in dismissing him. He told them that, unknown to the Council, the information was not placed in there by people in the room and so they were not at fault for the inaccurate information.

He told the Council that one of the portions of the packet was alleged insubordination. He said that he had worked with Jeff Ferguson directly on those issues and that one of them was facebook. CA Ellen Barnes ordered Jeff Ferguson to no longer allow comments to go on the facebook page. He said that he worked with Jeff Ferguson directly for several days trying to figure out how to make that happen. When they went to CA Ellen Barnes and told her that they couldn't stop the comments from going onto the facebook page, she became very angry and told them to take it down immediately. He told the Council that there was no insubordination on the part of Jeff Ferguson and he knew that because he worked with him directly.

He told the Council that there were also allegations of insubordination in relation to signing of contracts. He stated that Jeff Ferguson and all of his predecessors signed contracts and it wasn't until CA Ellen Barnes started in her capacity that it was found to be in violation of City policy. He said that as soon as Jeff Ferguson was informed of this he stopped signing contracts, and two weeks after being told he was not to sign contracts, a contract he signed prior came into City Hall, and that was what the allegation of insubordination was.

He told the Council that there were allegations of not getting along with others. He said that every time he went to see him it was a good day to see him. He said that doesn't mean people don't have bumps in the road and they get tired and fatigued from working very hard, but he said that you couldn't accuse him accurately on not being able to get along with others.

He told the Council that based on the inaccuracies in the packet, there's just not enough justification for Jeff Ferguson's termination.

Jim Carey, owner of Rogue Outdoor Store, addressed the Council and said that it was about 40 years ago that he came to Gold Beach and fell in love with the area. He told the Council that he got involved in the City like Jeff Ferguson did. He has been involved with the Jaycees, Rotary, budget committee, and has been on the City Council. He told the Council that when he was on City Council he pushed to get a City Administrator and was instrumental in the hiring and firing of the first one.

He said that on April 16th he hoped the City Council would have a format in which they'll discuss the issues. He told the Council that he felt there were inaccuracies in the packet, also. He said that some of the testimony to the Council and the Mayor from the previous CA left a little bit to be desired and reminded him kind of the liberal press.

He told the Council that in the second paragraph on page 1 of the packet would lead one to believe that the previous CA had three separate meetings at which Jeff Ferguson was reprimanded. He told them that they might want to check that fact, that it might come down to just one reprimand.

He referred the Council to page 1, bullet 9, of the packet and then ran out of time to address the Council.

Tony Antunes, owner of Porthole Café, addressed the Council and said that he's read the information put on the website and he doesn't feel the punishment fits the crime. He said that a large group of local businesspeople believe Jeff Ferguson should be given another chance. He wants the Council to look at all of the positive things he has done, not just the few negatives. He asked: What do you do when a great employee makes a mistake? He asked: Do you fire them or work with them to resolve the issue? He said that Jeff Ferguson has been a great employee and ambassador of Gold Beach.

He told the Council that it is his opinion that this has been blown way out of proportion by those involved and it was time that those involved put their egos on hold, sit down with the City Councilors and talk about the issues like adults and do what is in the best interest of the community of Gold Beach. He told the Council that he would like to see Jeff Ferguson get his position back and move forward with the business of promoting the community.

Sue Johnson addressed the Council and told them that she was very pleased that she could read both sides of the matter on the website. She said that she was stunned when she read that the entire affair is obviously a personal agenda and thought that Jeff Ferguson got on the wrong side of CA Ellen Barnes. She said that it angers her on how much was wasted by Ellen Barnes using her time and Jeff's to write snippy emails, conjuring up untruths by taking things out of context. She said that it's embarrassing to her that the City couldn't scrape up any more justification than what was in the packet to fire an employee of the City. She told the Council that she's concerned about the amount of money that the City is wasting on this and the liability being created that could cost the City a great deal of money.

She asked the Council to please consider overturning the dismissal and asked them, after careful review of the presented documents to carefully consider whether discipline at the highest level is appropriate in this instance.

Lawrence "Moe" Johnson addressed the Council and told them he was born and raised in Gold Beach. He said that this is the first time he's ever been ashamed to say he came from Gold Beach. He told the Council that he was going to say a couple of words about "skelly rights," which came out in a California lawsuit in the 1970's, that says, "Public employees must be provided a pre-disciplinary hearing with management before they may be suspended (for five days or more), demoted or terminated. The Court decided that this right is rooted in the federal constitution which says that a citizen cannot be deprived of property without due process. In other words, when a governmental agency threatens to take income from one of its employees, this threat to his 'property' requires due process." He indicated that he wouldn't even have this kind of meeting, instead he'd be lawyered up and in court right now.

Tommy Biggs was called to speak and requested that his time be given to Jim Carey. The Mayor told him that Jim Carey already had his three minutes. Tommy Biggs told the Council that Jeff Ferguson knows how to sell the city, and if the Council wants the city to prosper, then they have to give him his job back.

Lucie La Bonte addressed the Council and told them that she has a lot of respect for the Chamber director and for Jeff Ferguson. She said that she even asked Jeff Ferguson to run for County Commissioner. He declined because he loved his job. She told the Council that when she was down at the Brookings Home Show she had people tell her that Jeff Ferguson is the best thing that ever happened to Gold Beach.

She reported an incident with herself regarding an email she sent that was very painful and horrible to her. She was thankful that Scott Boley had stood up for her.

She told the Council that she hoped that they would stand up for Jeff Ferguson, that he was really good for Gold Beach. She hoped that the Council would give him another chance because everyone needs one more chance.

Margaret Speece addressed the Council and told them that she thought Jeff Ferguson's dismissal should be reconsidered. She said that if this would have happened in the private sector, the repercussions would be heard far and wide. She said that she thinks he loves this area and does his best to promote it.

The Mayor thanked everyone for their comments and for their civil presentations.

6. Public Hearing

No public hearings are scheduled

There were no public hearing scheduled.

7. Citizen Requested Agenda Items

George Edwards, Freeman Rock

CA Fritts explained to the Council that she got a call earlier and Freeman Rock asked to be pulled off of the agenda. She said that the engineers are present if the Council had any questions for them. Councilor Tamie Kaufman asked if the problem got resolved. Aaron Speakman, one of the engineers present, told the Council that as far as they know the problem was resolved, but there was always the due process of contracts where they can submit claims.

8. Public Contracts and Purchasing

None Scheduled

There were no Public Contracting or Purchasing items.

9. Ordinances & Resolutions

a. Resolution R1112-29 Revising the City of Gold Beach Business Plan

CA Fritts explained that this Resolution was brought to the Council at the March meeting to see if there were any changes to be made. No changes were given to her. The Resolution is ready for adoption.

MOTION: Councilor Larry Brennan made a motion to approve Resolution R1112-29, a Resolution revising the City of Gold Beach Business Plan. Councilor Jeff Crook seconded.

Mayor Wernicke called for discussion or debate.

Councilor Tamie Kaufman pointed out that she thought she found a typo. After general discussion, it was decided that there was no typo.

Mayor Wernicke called for discussion or debate. Hearing none, he called for the vote.

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

10. Miscellaneous Items (including policy discussions and determinations)

- a. Update on Infrastructure Finance Authority (IFA) loan to grant conversion
- b. Further discussion on mobile vendors
- c. Budget Calendar and upcoming meetings

Update on Infrastructure Finance Authority (IFA) loan to grant conversion: CA Fritts explained that the loan to grant conversion is something that's been in the works for over a year. She said that the City had a verbal agreement with IFA that holds one of the loans that the City has for the Wastewater Plant. The loan was for \$1.9 million. The City had requested last year to have \$500,000 of that converted to a grant and the IFA approved that verbally, and the City has been conversing with them to get that in writing. The City now has that in writing. That will significantly reduce the loan. CA Fritts gave credit to Ellen Barnes who did all of the work to get all of the paperwork together to receive the grant.

Further discussion on mobile vendors: CA Fritts explained that she had done some research to see how other communities handle mobile vendors. She said each city does it a little different. Some cities don't regulate them at all and some cities just require them to get a business license. Currently the City of Gold Beach just requires mobile vendors to have a business license. If they're a mobile food vendor, they have to get approval through the Health Department just like a restaurant would.

In doing her research, CA Fritts reported that Port Orford doesn't permit mobile vendors beyond a business license but do prohibit them from being located on any city right-of-ways. Brookings is just the opposite in that they can't be located on private property and must be located in the city right-of-way. Brookings doesn't issue a permit, but they do issue a letter to the mobile vendor with conditions, sort of like a mini conditional use permit. She indicated that she did supply information about Springfield because she liked some of the information that they had about the operation, required parking space, and the ability for the vehicle to pull off the roadway so it's not impeding traffic.

The Mayor suggested giving the Council a chance to review all of the information and at the next meeting decide if they want to have a work session to fashion an ordinance. There was general discussion regarding mobile vendors and it was decided that the Council would explore what other cities are doing and decide what they want to do.

Budget Calendar and upcoming meeting: CA Fritts told the Council that they should have received their copy of the draft budget. She explained that this Thursday, April

12, is the first official budget committee meeting. If there needs to be additional meetings, they will be scheduled for the following Thursday and then the Thursday after that if needed. On May 3rd is when the Budget Committee would make a motion to recommend the proposed Budget Plan to City Council, and then at the June meeting is when the Council would actually adopt the budget. She told the Council that this year was the first year that there has to be two notices for the budget hearing, and this year the legislature permitted either the first or second notice to be published on the City's website to count as one, but that the LB forms still need to get published in the paper.

11. City Administrator's Report
To be presented at meeting

CA Fritts gave a report which is attached to these minutes.

12. Mayor and Council Member Comments

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

The Mayor wanted to thank the Public Works employees. He said he thought they have done a fantastic job in the last couple of weeks due to the weather. He also shared with the Council that people out on the beach looking for the glass balls have found some unexpected things. It was reported that someone found 6 1/2 pounds of marijuana and turned it into the police department.

Councilor Jeff Crook commented on how the City Council meetings don't usually get a big crowd, and he thanked everyone for coming and giving their opinions. He also thanked CA Fritts for what she does. He told her she has a great staff.

Councilor Tamie Kaufman commented that it's not every day that you get somebody out there in a rainstorm and they still have a smile on their face, referring to the Public Works employees. She told the Council that Councilor Brice Gregory was absent from the meeting because he and his wife had their first baby. She also wanted to compliment the Council and Mayor. She said she's been involved with the City since the 1990's and this is the best combination she's seen. She said that they don't always agree, don't always disagree, but seem to get the job done. She said that they don't back stab each other and don't conduct secret meetings, which has not always been the case in other committees she's been on. She also said that she appreciates the police department.

13. Citizens Comments

The Mayor invited Jim Carey to speak. Jim Carey addressed the Council and continued where he left off beforehand. He read the testimony from page 1 of the packet where it states, "He's willing to compromise but not to conform in areas that don't align with his personal make-up and his character." He also read the quote from Jeff Ferguson, "I fully realize that rules are rules and policies are policies, and when I am made aware will adhere to all of them." He told the Council that what was put in its place is, "He makes disparaging remarks about the public sector." He also wanted the Council to take to heart the note on page 51 where Jeff Ferguson states that he'll try and run the Visitor's Center and Promo Committee more like business.

He said that the Council needs to come to a clear understanding on the brochure contract issue, which he believed came from a misunderstanding between Jeff Ferguson and Ellen Barnes.

He asked the Council to rectify the problem and reinstate Jeff Ferguson.

14. Executive Session

There was no executive session.

Tony Antunes requested to speak in regards to the mobile vendor issue. He told the Council his stance on the mobile vendor issue is that if they come in the summer months for special events, they're welcome. It's the people that show up that don't live here that he has a problem with. He said that the current mobile vendor is local and lives here. That's not who he's talking about. He said that he appreciates the Council looking at other cities and their ordinances but wanted Gold Beach to take a lead on this, like requiring a mobile vendor to be a citizen of Gold Beach for two years. It's to prevent people that just go from city to city and grabbing a piece of the pie and then moving on to the next. He would like to see people prevented from passing through and taking dollars that the local businesses are trying to survive on for four to five months out of the year to stay in the community.

Bob Minshew requested to speak in regards to the mobile vendor issue. He said that he would like to underscore what Tony Antunes had just said. He said that he has no problem with the people who are living in the community being in the mobile vendor business. He would like to see something on the books that outlines what can and cannot be done.

The grievance hearing is scheduled for April 16, 2012, at 6:30PM. The next regularly scheduled meeting of the Gold Beach City Council is Monday, May 14, 2012, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon

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

Mayor Wernicke called for discussion or debate. Hearing none, he called for the vote.

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

15. Adjourn Time: 7:40PM



Candy Cronberger, City Recorder



AGENDA
April 9, 2012, 6:30PM
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: Time: _____

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

	Present	Absent
Mayor James Wernicke		
Council Position #1 Jeff Crook		
Council Position #2 Larry Brennan		
Council Position #3 Brice Gregory		
Council Position #4 Doug Brand		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison Lyndsey Dixon		

3. **Special Orders of Business:**
Update from PW Super Will Newdall on Wastewater Treatment Plant project
4. **Consent Calendar**
No consent calendar items
5. **Citizens Comments**
As presented to the Mayor at the beginning of the meeting
COMMENTS WILL BE LIMITED TO 3 MINUTES PER SPEAKER
6. **Public Hearing**
No public hearings are scheduled
7. **Citizen Requested Agenda Items**
George Edwards, Freeman Rock
8. **Public Contracts and Purchasing**
None scheduled
9. **Ordinances & Resolutions**
 - a. Resolution R1112-29 Revising the City of Gold Beach Business Plan
10. **Miscellaneous Items (including policy discussions and determinations)**
 - a. Update on Infrastructure Finance Authority (IFA) loan to grant conversion
 - b. Further discussion on mobile vendors
 - c. Budget Calendar and upcoming meeting

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

11. **City Administrator's Report**
To be presented at meeting

12. **Mayor and Council Member Comments**
 - a. Mayor James Wernicke
 - b. Councilors
 - 1) Jeff Crook
 - 2) Larry Brennan
 - 3) Brice Gregory
 - 4) Doug Brand
 - 5) Tamie Kaufman
 - c. Student Liaison, Lyndsey Dixon

13. **Citizens Comments**
As presented to the Mayor at the beginning of the meeting
COMMENTS WILL BE LIMITED TO 3 MINUTES PER SPEAKER

14. **Executive Session**
None scheduled

The grievance hearing is scheduled for April 16, 2012, at 6:30PM. The next regularly scheduled meeting of the Gold Beach City Council is Monday, May 14, 2012 at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

15. **Adjourn** **Time:** _____

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

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

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 7.

Council Hearing Date: April 9, 2012

Department: Public Works

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Citizen Requested Agenda Item: Freeman Rock

SUMMARY AND BACKGROUND:

This matter is before the Council as a Citizen Requested Agenda item. A representative of Freeman Rock has requested to be placed on the agenda to discuss concerns about the Wastewater Treatment Plant Construction.

Freeman Rock is a sub-contractor to the prime, Stellar J. The contract requires all communication to go between the prime contractor and then on to our designated project managers Dyer Partnership. We notified Stellar J that Freeman had requested to be on the council agenda. Dyer Partnership will be in attendance to answer any questions the Council may have.

FINANCIAL IMPACT:

None at this time.

DOCUMENTS ATTACHED:

- None

REQUESTED MOTION/ACTION:

None

COPY OF REPORT SENT TO:

Council, Public Works Super Will Newdall, Aaron Speakman, Dyer Partnership, George Edwards, Freeman Rock

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 9 a.

Council Hearing Date: April 9, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Resolution R1112-29 updated Business Plan

SUMMARY AND BACKGROUND:

The Council held a special meeting March 5th to review and update the adopted city Business Plan. The proposed changes have been made and were reviewed at the March 12th meeting.

FINANCIAL IMPACT:

None at this time but the plan contains financial goals and policies

DOCUMENTS ATTACHED:

- Resolution R1112-29 and the revised Business Plan.

REQUESTED MOTION/ACTION:

A motion to adopt/not adopt the revised Business Plan.

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council & Department Heads

RESOLUTION R1112-29

**A RESOLUTION REVISING THE CITY OF GOLD BEACH
BUSINESS PLAN**

- WHEREAS:** In Resolution R1011-04, the City adopted the City of Gold Beach Business Plan which set the City's short and long term goals in regards to community, sustainability, economic development and quality of life; and
- WHEREAS:** The City Council proposed to review the plan annually, or sooner, to ensure the goals are being met; and
- WHEREAS:** The City Council met in special session on March 5, 2012 and reviewed and proposed updates to the plan. The plan revisions were approved at the March 12, 2012 regular City Council meeting.

NOW, THEREFORE, BE IT RESOLVED that the Gold Beach City Council hereby rescinds Resolution R1011-04 and adopts the revised City of Gold Beach Business Plan attached as EXHIBIT A to this resolution as a guiding document for city policies, goals, and a shared vision for the City of Gold Beach.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, and EFFECTIVE THIS 9th DAY OF APRIL, 2012.

APPROVED BY:

James H. Wernicke, Mayor

ATTEST:

Candy Cronberger, City Recorder

City of Gold Beach Business Plan

REVISED MARCH 2012

Goals & Objectives	Priority/Action Items	Responsible Party	Target
GOAL 1: Achieve Fiscal Sustainability			
<ul style="list-style-type: none"> Sufficient revenue to sustain City services at appropriate levels. Provide competitive employee compensation. Balanced revenue system that recognizes demands on City services by residents, businesses and visitors. Stable, effective and accountable management. Include sustainability considerations in purchasing decisions. Encourage new private investment in the City. Expedite implementation of approved development plans. 	1	CA	ONGOING
	Maintain yearly contingency of at least 5% and an unappropriated ending fund balance of a minimum of 15% in the General Fund operating budget.		
	2	CA/CC	09/2010 03/2013
	Establish fiscal and budget policies for the City.		
	3	CA	06/2011 ONGOING
	Maximize long-term debt repayments.		
	4	CA	09/2010 COMPLETED
	Improve and simplify financial reporting and monitoring.		
	5	CA	12/2010 03/2013
	Develop five-THREE year revenue/expenditure forecast.		
6	CA/PWS	April annually ODD YEARS	
BI-Annually review System Development Charges and update as needed.			
7	CA	April annually	
Review and update all fees annually.			
8	CA	ONGOING	
Aggressively pursue grant funding.			
9	CA	11/2010 REVISIT 11/2013	
Undertake comprehensive compensation and classification review and update City salary schedule. COMPLETED BUT REVISIT			
10	PWS	ONGOING	
Seek alternative energy solutions for City operations.			
GOAL 2: Enhance Quality of Life in Gold Beach			
<ul style="list-style-type: none"> Enhance opportunities for social interaction among citizens of the community. Encourage the development of recreational activities and community events that benefit all ages. 	1	CC	07/2010- 05/2011 REVISIT
	Pursue formation of a parks and recreation district. REVISIT DUE TO ECONOMY		
	2	CA/CC	07/2010- 05/2011 ONGOING
Pursue development of a community garden.			
3	CC	08/2010 REVISIT 2015	
Develop community vision and mission statement. COMPLETED BUT REVISIT IN 2015			

KEY:

CC = City Council CA = City Administrator PC = Police Chief PWS = Public Works Superintendent
 FC = Fire Chief

City of Gold Beach Business Plan

REVISED MARCH 2012

Goals & Objectives	Priority/Action Items	Responsible Party	Target
<ul style="list-style-type: none"> Promote and assist in developing educational opportunities. 	4	CA	Ongoing
	Pursue opportunities to enhance education outreach and workforce/VOCATIONAL training programs for Gold Beach residents.		
	5	CA	07/2010 ONGOING
	Provide community events and activity schedule		
	6	PWS	ONGOING
	Update and maintain park facilities		
GOAL 3: Improve Internal Systems			
Positive workplace environment and employee morale. Assure internal consistency and efficiency. Excellent customer service.	Conduct quarterly workshops AS PART OF REGULAR COUNCIL MEETINGS to review progress on goals.		
	1	CA/CC	10/2010 ONGOING
	JANUARY: Review Goals 1 & 2 APRIL: Review Goals 3 & 4 JULY: Review Goals 5 & 6 SEPTEMBER: Review Goals 7 & 8		
	2	CA/CC	09/2010 EVERY 3 RD YEAR 2013
	Review and update administrative policies and procedures. COMPLETED REVIEW AT SAME TIME AS TEAMSTERS CONTRACT AND SALARY STUDY		
	3	CA/CC	08/2010
	Review and update personnel policies and procedures. COMPLETED REVIEW AT SAME TIME AS TEAMSTERS CONTRACT AND SALARY STUDY		
	4	PWS	09/2010 ONGOING
Complete public works standards and specifications for new plant.			
5	CA	Ongoing	
Regularly review and update organizational chart.			
6	CC	Ongoing	
Review and update Municipal Code.			
7	PWS/FC/PC	06/2011 ONGOING	
Integrate infrastructure data into GIS.			
8	CA	06/2011- 12/2012 THEN ONGOING	
Computerize, catalog and back-up City records			

KEY:

CC = City Council
FC = Fire Chief

CA = City Administrator

PC = Police Chief

PWS = Public Works Superintendent

City of Gold Beach Business Plan

REVISED MARCH 2012

Goals & Objectives	Priority/Action Items	Responsible Party	Target
GOAL 6: Influence Economic Growth			
Establish development policies and public improvements/standards that recognize economic trends. Secure needed resources. Establish policy that City is pro-growth.	6	Improve project readiness to take advantage of federal/state funding opportunities	CA/PWS Ongoing
	1	Study annexation pros and cons INFO GATHERING AND WORKSHOPS	CC 01/2011 SUMMER 2012
	2	Pursue development of an urban renewal district. FORMED AGENCY	CC 09/2010 AGENCY FORMED 07/2010
	3	Participate in regional economic development activities; develop strategic partners.	CA Ongoing
	4	Develop and regularly review/update infrastructure master plans and development standards.	PWS/CA 07/2011 ONGOING
5	Develop plan for addressing downtown parking needs. TASK TO PLANNING COMMISSION	CA/ PLANNING COMM 05/2011 ONGOING	
GOAL 7: Effective Intergovernmental Relations			
Influence regional, state, national policy on issues important to achieving City goals. Secure grant funding. Efficient use of City resources. Orderly urban growth. Achieve City goals through strategic partnerships.	1	Participate in intergovernmental agencies and initiatives that further the City's goals.	CA/CC Ongoing
	2	Develop strategic partners, public and private.	CA/CC Ongoing
	3	Improve relations with the Fair Board, County and Port District and participate in joint activities with Port Orford and Brookings	CA/CC Ongoing

KEY:

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City of Gold Beach Business Plan

REVISED MARCH 2012

Goals & Objectives	Priority/Action Items	Responsible Party	Target	
GOAL 8: Update City Planning				
Become more proactive in planning activities	1	Update the current city sign code and incorporate it into the zoning ordinance	CA/CC	05/2011 12/2012
	2	Develop general zoning standards for "hot button" topics such as: <ul style="list-style-type: none"> • Homeless shelters • Wind turbines • No pornography near schools • Credit for on-street parking and parking in general • Viewscape/Viewshed protection standards • Height limits – generally • Maximum/minimum setbacks in commercial and high density residential zones • Affordable housing 	ASD/CC	03/2012
		Investigate the ODOT Safe Routes to School program for possible grant opportunities for the library sidewalk and other pedestrian/bike path projects.	CA	11/2010 ONGOING
	4	Update the land division code	CA/CC	06/2012 06/2013
	5	Formulate site review/site design standards for building permit and land use applications. This would include landscaping requirements OPEN SPACE OPTIONS.	CA/CC	07/2011 06/2013
	6	Triage the current Comprehensive Plan and begin the process of updating the chapters (current comp plan circa 1984).	CA/CC	01/2011 12/2012

KEY:

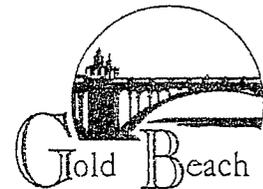
CC = City Council
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**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. 10 a.

Council Hearing Date: April 9, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Update on IFA loan/grant

SUMMARY AND BACKGROUND:

The Infrastructure Funding Agency (IFA) approved the City's request to convert \$500K of one of our WWTP improvement loans to grant. Staff will give brief background on the loan and what the grant conversion means.

FINANCIAL IMPACT:

Significant. This reduces the City's wastewater debt by \$500,000 which will lower our required payment

DOCUMENTS ATTACHED:

- IFA letter and loan amendment

REQUESTED MOTION/ACTION:

None. Informational item only

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council & PW Super Will Newdall



RECEIVED
MAR 30 2012
CITY OF GOLD BEACH

March 28, 2012

Honorable James Wernicke, Mayor
City of Gold Beach
29592 Ellensburg Avenue
Gold Beach, OR 97444

RE: Water Wastewater Fund, Gold Beach Wastewater Improvements, Amendment Number # 3,
Project Number Y09001.

Dear Mayor Wernicke:

Enclosed are two (2) originals of Amendment Number 3, Water Wastewater Fund Agreement.

Please sign and date the two originals of Amendment Number 3 of the Agreement. Please return the originals to our office by May 29, 2012. Upon receipt of the amendment originals they will be signed and one original will be sent to you for your project files.

If you have any questions, please do not hesitate to contact your Regional Coordinator, at 503-986-0096, or email to: becky.a.bryant@biz.state.or.us

Sincerely,

A handwritten signature in cursive script that reads "Alina Petutsse".

~~for~~ Becky Bryant, Regional Coordinator
Infrastructure Finance Authority

Enclosure

C: File
chron

Amendment Number 3

Project Name: Wastewater Improvements

This amendment is made and entered into by and between the State of Oregon, acting by and through its Oregon Infrastructure Authority of the Business Development Department ("State"), and the City of Gold Beach ("Borrower"), and amends the Financial Assistance Award Contract (as amended, "Contract"), Project Number Y09001 and Loan Agreement (as amended, "Loan Agreement") both dated as of November 14, 2008 (the Contract and Loan Agreement collectively the "Agreements") for the above-named Project. Capitalized terms not defined in this amendment shall have the meanings assigned to them by the Agreements.

Recital: The initial award by State of financing for the Project included the future possibility of converting \$500,000 of the Loan to a grant, contingent upon Borrower's compliance with certain conditions specified in the award. Borrower has applied to State for this grant, and State acknowledges Borrower has complied with the award conditions and is willing to make the grant.

Accordingly, the parties agree that \$500,000 of previously disbursed Loan proceeds are converted to a grant and that no repayment obligations apply to the grant, and that Borrower shall execute a replacement Note evidencing the reduced amount of the Loan.

The State shall have no obligation under this amendment, unless prior to May 29, 2012, the Borrower delivers to the State the following items, each in form and substance satisfactory to the State and its Counsel:

- (i) this amendment duly executed by an Authorized Officer of the Borrower;
- (ii) a replacement Note duly executed by an Authorized Officer of the Borrower; and
- (iii) such other certificates, documents, opinions and information as the State may reasonably require.

Except as specifically provided above, this amendment does not modify the Agreements, and Agreements shall remain in full force and effect during the term thereof. This amendment is effective on the date it is fully executed and approved as required by applicable law.



STATE OF OREGON
acting by and through the
Oregon Infrastructure Finance Authority of the
Business Development Department



CITY OF GOLD BEACH

By: _____
James P. Ruef, Manager
Program Services Division

By: James Wernicke
The Honorable James Wernicke
Mayor of Gold Beach

Date: _____

Date: 4/2/2012

APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:

/s/Lynn T. Nagasako per email dated March 27, 2012
Lynn T. Nagasako, Sr. Assistant Attorney General

PROMISSORY NOTE

(Dated) _____,

Gold Beach, OR

FOR VALUE RECEIVED, the CITY OF GOLD BEACH, 29592 Ellensburg Avenue, Gold Beach, OR 97444 ("Borrower"), unconditionally promises to pay in lawful money of the United States of America to the order of the STATE OF OREGON, acting by and through its OREGON INFRASTRUCTURE FINANCING AUTHORITY of the BUSINESS DEVELOPMENT DEPARTMENT, at its principal office at 775 Summer Street NE, Suite 200, Salem, Oregon 97301-1280 (hereinafter "State"), the principal sum of One Million, Thirty-Three Thousand, Three Hundred and Eight Dollars (\$1,033,308), or so much thereof as is disbursed pursuant to the Loan Agreement (as defined below) plus interest on the outstanding principal balance hereof at the rate of Four and 99/100 percent (4.99%) per annum from the date first disbursed until paid. Interest shall be computed on the basis of a 360-day year, consisting of twelve (12) thirty-day (30-day) day months.

This Note is subject to, and secured pursuant to, the terms and conditions of that certain loan agreement dated as of November 14, 2008 between the State and the Borrower (as amended from time to time the "Loan Agreement"). Capitalized terms not otherwise defined in this Note shall have the meanings assigned to them by the Loan Agreement.

Unless earlier repayment is received hereunder or under the terms of the Loan Agreement, commencing on the First Payment Date and thereafter on December 1 of each year, the Borrower shall make installment payments of principal and interest in such amounts as calculated in accordance with Section 2.02 of the Loan Agreement until the Maturity Date, at which time the entire outstanding principal balance and all accrued unpaid interest shall be due and payable in full.

This Note is subject to the mandatory and optional prepayment provisions in Section 2.04 of the Loan Agreement.

Each payment made by the Borrower hereunder shall be applied first to State's costs and expenses, then to accrued unpaid interest, then to reduce the outstanding principal amount of the Loan unless the Loan Agreement provides otherwise.

This Note is given to avoid the execution by Borrower of an individual note for each disbursement of Loan proceeds by State to Borrower in accordance with Section 2.01 of the Loan Agreement. In consideration thereof, Borrower authorizes State to record in State's files the date and amount of each such disbursement, the date and amount of each payment and prepayment by Borrower hereunder and the amount of interest accrued and paid. Borrower further agrees that absent manifest error, such notations shall be conclusive evidence of borrowing, payments and interest under this Note; provided, however, that failure to make any such notations shall not affect the obligations of Borrower hereunder or under any of the Loan Documents.

If any Event of Default occurs, the outstanding balance of the Note, including principal, interest and other charges, if any, shall, at the option of the State, become immediately due and payable in accordance with Section 6.03 of the Loan Agreement. Failure or delay of the holder of this Note to exercise any option available to the State under the terms of this Note or the Loan Agreement shall not constitute a waiver of the right to exercise the option in the event of any continuing or subsequent default and shall not constitute a waiver of any subsequent breach of the same or of any other provision of this Note or the Loan Agreement.

All parties to this Note hereby waive presentment, dishonor, notice of dishonor, and protest. All parties hereto hereby consent to, and the holder hereof is hereby expressly authorized to make, without notice, any and all renewals, extensions, modifications or waivers of the time for or the terms of payment of any sum or sums due hereunder, or under any documents or instruments relating to or securing this Note, or of the performance of any covenants, conditions or agreements hereof or thereof, or the taking or release of collateral securing this Note. No liability of any party on this Note shall be discharged by any action consented to above taken by any holder of this Note.

To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, the prevailing party in any dispute arising from this Note shall be entitled to recover from the other its reasonable attorney fees, expenses and costs at trial and on appeal. Reasonable attorney fees shall not exceed the rate charged to the State by its attorneys. The Borrower shall, on demand, pay to the State reasonable expenses incurred by the State in the collection of payments due under this Note.

This Note is made with reference to, and is to be construed in accordance with, the laws of the State of Oregon without regard to principles of conflicts of law.

This Note is subject to, and is secured pursuant to, the terms and conditions of the Loan Agreement.

Notice to Borrower: Do not sign this Note before you read it.

CITY OF GOLD BEACH

By: _____

Title: _____

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. **10 b.**

Council Hearing Date: April 9, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA

Email: jfritts@goldbeachoregon.gov

TITLE: Further discussion on possible regulation of mobile vendors

SUMMARY AND BACKGROUND:

Staff was asked by a citizen to discuss with the Council possibly prohibiting or regulating mobile vendors—specifically food vendors—within the city limits. It was brought to the Council in March as a discussion item. Further information was requested.

The bottom line: there is no hard and fast rule. Some cities regulate them, some do not, some allow them temporarily, and others allow them permanently in specific locations. Attached are some sample codes, ordinances, or authorization letters from small towns. Port Orford does not regulate them beyond requiring a business license. Brookings issues an authorization letter with conditions. Ironically Port Orford says they *cannot* be located on city right-of-ways and Brookings *only* allows them on city right-of-ways.

FINANCIAL IMPACT:

None at this time. If the Council wishes to pursue development of a code chapter legal counsel will be required to review the final proposal.

DOCUMENTS ATTACHED:

- Code information from Brookings, North Bend, Lakeview, Junction City, Springfield, The Dalles, and Hood River

REQUESTED MOTION/ACTION:

Discussion item only at this time.

COPY OF REPORT SENT TO:

Council



City of Brookings

898 Elk Drive, Brookings, OR 97415
(541) 469-1100 Fax (541) 469-3650 TTL (800) 735-1232
gmilliman@brookings.or.us

GARY MILLIMAN

City Manager

Credentialed City Manager

International City Management Association

April 26, 2011

David Bacon
D.B.'s Thunder Grill and BBQ
PO Box 7152
Brookings, OR 97415

Dear Mr. Bacon;

This letter authorizes you to conduct your food vending truck business on public rights-of-way (streets) controlled by the City of Brookings pursuant to Brookings Municipal Code Section 5.05.060 under the following conditions. This authorization does not extend to City parking lots, parks or other public properties, nor does it extend to public property under the control of other public agencies, such as the Oregon Department of Transportation, Brookings Harbor School District or other agencies. Note that Chetco Avenue (Highway 101) and the sidewalks located appurtenant to Chetco Avenue are under the jurisdiction of the Oregon Department of Transportation (ODOT).

CONDITIONS OF APPROVAL

1. When operating adjacent to a sidewalk, a minimum unobstructed pedestrian passage area of 36-inches must be obtained at all times.
2. No electrical cords, ropes or other devices that may constitute a trip and fall hazard shall extend across any sidewalk or pedestrian-way.
3. The City issues permits for the conduct of festivals and parades from time to time. Such permits shall supersede this authorization to conduct business on the public right-of-way within the area subject to the event permit and within 200 feet of the area subject to the event permit unless separate approval has been granted by the event operator.
4. Business shall not be conducted in any area of the City which is predominantly residential.
5. Business shall not be conducted within 50 feet of any restaurant.
6. All areas around your food vending truck shall be kept in a neat and orderly condition, free of debris and litter generated by your business activities or your patrons. You must provide a litter receptacle for use by your patrons at the site where you are conducting business and remove all trash upon departing the site.

7. There shall be no sale or consumption of alcoholic beverages at any time on public property or right-of-way.
8. At all times during the conduct of business the vendor vehicle must be legally parked, shall not be parked on the sidewalk or obstruct a pedestrian way or a driveway.
9. You may place one sandwich board type sign on the right-of-way adjacent to your vehicle, subject to the 36-inch clearance indicated above.
10. Provide the City of Brookings with the following certificates of insurance:
 - a. Automobile liability.
 - b. Comprehensive General Liability with limits of not less than \$500,000 and listing the City of Brookings as an additional insured.

Failure to comply with any of the above listed conditions when operating on rights-of-way controlled by the City of Brookings will result in the revocation of your business license and/or a fine of up to \$500 per day.

Please contact me if you have any questions concerning this matter.

Respectfully,

Gary Milliman
City Manager

Cc: Administrative Services Director
Planning Director
Chief of Police

additional period of one year without a new application. (Ord. 1752 § 1, 1989; Ord. 1733 § 4, 1988)

5.16.050 Public record.

All applications and other records relating to the administration of this chapter shall be public records which are open to public inspection and the information may be released by any city employee or official. (Ord. 1733 § 5, 1988)

5.16.060 City duties and liabilities.

Neither the city of North Bend nor any of its officers or employees shall be obligated to make any investigation of applicants for a certificate of registration and they are not required to verify any of the information supplied. The city of North Bend also does not assume any responsibility or liability for information provided to members of the public or others concerning any registered solicitors, their applications, or their organizations or employers. (Ord. 1733 § 6, 1988)

5.16.070 Conduct of solicitors.

In carrying on solicitations within the city of North Bend, all solicitors shall be required to discontinue any presentation or solicitation and to leave the premises promptly if asked or told to leave by the occupant or if the occupant expresses a disinterest in such solicitation. (Ord. 1733 § 7, 1988)

5.16.080 Civil penalties.

Upon conviction of a violation of this chapter, a civil penalty may be imposed in an amount not to exceed \$500.00. (Ord. 1733 § 8, 1988)

Chapter 5.20

SELLING GOODS FROM VEHICLES OR TEMPORARY OR MOVABLE STANDS

Sections:

- 5.20.010 Purpose – Intent.
- 5.20.020 Exemptions.
- 5.20.030 License – Required.
- 5.20.040 License – Application.
- 5.20.050 License – Appeal.
- 5.20.060 Violation – Penalty.

5.20.010 Purpose – Intent.

The council hereby finds and determines that the practice of selling goods, services or contracts from vehicles or temporary or movable stands or containers creates special problems of enforcing regulations for the protection of the public health, safety, morals and welfare within the city of North Bend, that the mobility and temporary nature of the businesses affect the enforcement of traffic, sanitation, building and zoning regulations in the city of North Bend and that such businesses should be licensed, regulated and controlled. (Ord. 1336 § 1, 1966)

5.20.020 Exemptions.

As used in this chapter, the business of selling, soliciting or peddling goods, services or contracts from vehicles or temporary or movable stands or containers shall not include the delivery of goods, services or contracts previously purchased or ordered, nor shall it include sales by wholesalers to retailers. (Ord. 1336 § 2, 1966)

5.20.030 License – Required.

It shall be unlawful for anyone to offer for sale, sell, vend, solicit the sale of or peddle goods, wares, merchandise, produce, services or contracts from vehicles or temporary or movable stands or containers within the corporate limits of the city of North Bend, unless and until there shall have been obtained for such business a license as provided for in this chapter. (Ord. 1336 § 3, 1966)

5.20.040 License – Application.

(1) All applicants for a license, under this chapter, shall file with the city recorder a statement containing the names and addresses of the owners and operators of the business, the exact location or locations proposed to be used for the conduct of such business, the names and addresses of the own-

ers and persons in possession of the property where such business will be located, a description of the utility services which will be used at such location, together with the proposed manner and method of disposing of any waste materials resulting from the operation of such business, and a description of the proposed methods of handling vehicular and pedestrian traffic created by such business together with the proposed on-street and off-street parking proposed for the customers of such business.

(2) The application statement shall be reviewed by the city recorder, chief of police, and city engineer to determine whether the proposed business will comply with the zoning, building, sanitation and traffic laws of the city of North Bend, and whether the operation of the business will be hazardous or injurious to the public or adjoining property by reason of traffic or sanitation, and whether or not such business will be unsightly having reference to the condition and standards of the neighborhood.

(3) If the chief of police and city engineer shall not file any objection to the issuance of such license and if it shall be determined that such business would not be in violation of any of the laws of the city of North Bend, then, after payment of the fees provided herein, the city recorder shall issue a license for such business stating therein the location or locations of such business and the time during which such business will be operated. The fees for the license provided herein shall be in the amount of \$500.00 for each location at which the applicant proposes to do business, and such license shall be for a period of 60 days.

(4) Any organization, society, association, corporation or person desiring to sell, solicit or peddle from vehicles or temporary or movable stands or containers as herein provided for charitable, religious, educational or philanthropic purposes may receive a permit therefor by complying with all of the provisions of this section, except that no license fee shall be charged. The recipient of such permit shall, at the request of the city recorder, file a financial statement showing a breakdown of all receipts and disbursements from sales made as a result of such registration and permit within 30 days from the end of the permit period.

(5) Applicants for a license may file a request with the city council for the waiver or reduction of license fees together with information to establish that the applicant qualifies for such waiver or reduction as provided in this paragraph. The city council may authorize a waiver or reduction of

license fees for any activity, festival or other event which is determined by the council to promote or advertise the city of North Bend or the community of which such city is a part and is found to be in the public interest. In authorizing such waiver or reduction of fees, the council may impose conditions and limitations consistent with the purposes of this chapter and the protection of the public.

If an applicant is proposing to conduct sales in conjunction with an existing business which has a use permit for the premises, and if the holder of the use permit applies for and receives a permit for such additional use in compliance with the zoning and other regulations relating to such use, then the applicant who has qualified for a license as provided in this chapter may be issued a license on the payment of a fee of \$50.00 for the qualified location and such license shall be for a period of six months. (Ord. 1722 § 1, 1987; Ord. 1715 § 1, 1987; Ord. 1706 §§ 1, 2, 1986; Ord. 1336 § 4, 1966)

5.20.050 License – Appeal.

In the event that an applicant for a license under this chapter shall be denied such license by the city recorder, the applicant may file a notice with the recorder of intent to appeal to the council of the city of North Bend, and the council shall hear and determine such appeal at its next regular meeting held not less than 10 days after the filing of the said notice of intent to appeal, and the decision of the council at such hearing shall be final and conclusive. (Ord. 1336 § 5, 1966)

5.20.060 Violation – Penalty.

Violation of, or failure to comply with, any provision of this chapter is punishable, upon conviction, by a fine not to exceed \$300.00, and each day that such violation shall continue and persist, after due notice thereof, shall constitute a separate and distinct violation of this chapter. (Ord. 1386 § 2, 1969; Ord. 1336 § 6, 1966)

ORDINANCE NO. 815

AN ORDINANCE PROVIDING FOR THE LICENSING OF ITINERANT MERCHANTS AND TRANSIENT VENDORS; PROVIDING PENALTIES FOR VIOLATIONS HEREOF; REPEALING ORDINANCE NO. 289 IN ITS ENTIRETY AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

THE TOWN COUNCIL OF THE TOWN OF LAKEVIEW ORDAINS AS FOLLOWS:

Section 1 - Purpose. The purpose of this Ordinance is to provide for the licensing of Itinerant Merchants or Transient Vendors as those terms are defined below within the Town of Lakeview and providing a penalty for a violation hereof.

Section 2 - Definition. For the purposes of this Ordinance the terms Itinerant Merchant or Transient Vendor mean any person, business entity or any other type of organization that engages in the temporary business of selling, offering for sale and/or delivering goods, food or beverage, merchandise or services, either house to house or from any real property located within the Town of Lakeview.

Section 3 - Activities Not Included Within Definition. The definition of Itinerant Merchant or Transient Vendor as set forth above does not include the following activities:

- (a) Newspaper vendors.
- (b) Regular commercial travelers employed by a wholesale business who sell goods, merchandise or services to merchants or businesses located within the Town of Lakeview for the purpose of resale or otherwise.
- (c) The acts of merchants located within the Town of Lakeview in selling or delivering goods in the regular course of business.

(d) Persons soliciting money, donations or financial assistance of any kind or the selling or distributing of items of literature or merchandise upon the streets, in office buildings, by house to house canvass or in public places for a charitable, religious, educational, patriotic, or philanthropic purpose.

(e) Bona fide auctions conducted pursuant to law.

(f) Sales required by statute or by order of any court.

(g) Rummage sales for the purpose of raising money for charitable, religious, education, patriotic or philanthropic purposes.

(h) Garage and yard sales conducted by residents of the Town of Lakeview.

(i) Any activity conducted at the Lake County Fairgrounds.

(j) Fund raising efforts conducted by any IRC Section 501(C)(3) not for profit corporation.

Section 4 - Prohibited Conduct. It shall be unlawful for any Itinerant Merchant or Transient Vendor to engage in selling, offering for sale and/or delivering goods, food or beverage, merchandise or services in the Town of Lakeview without first obtaining a license to do so.

Section 5 - Issuance of License and License Fee. The Town Manager of the Town of Lakeview, in his or her sole discretion, may issue or refuse to issue a license to an Itinerant Merchant or Transient Vendor hereunder. If a license is issued pursuant to the provisions of this Ordinance then a fee shall be collected from the recipient thereof simultaneously with the issuance of the license. The amount of the fee shall be established by resolution of the Town Council and will be a per diem fee based upon the number of days the Itinerant Merchant or Transient Vendor engages in business within the Town of Lakeview.

Section 6 - Penalties. Any violation of this Ordinance shall be prosecuted in the Lake County Circuit Court and shall be deemed to be a Class B Violation pursuant to the provisions of ORS 153.008 and 153.012 as now in effect or as may be amended from time to time.

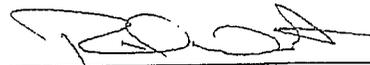
Section 7 - Severability. If any section, subsection or provision of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining portions of this Ordinance.

Section 8 - Repeal of Ordinance No. 289. Ordinance No. 289 as enacted by the Town Council on May 3, 1938 is hereby repealed in its entirety as are all other ordinances or parts of ordinances in conflict with the terms and provisions of this Ordinance.

Section 9 - Emergency Clause. This Ordinance and its purposes being necessary for the preservation of public peace, health and safety of the Town of Lakeview and its inhabitants, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect after its passage by the Lakeview Town Council.

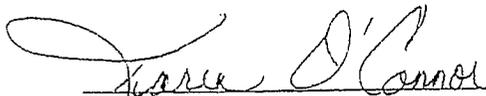
This Ordinance was read by title only and no council member requested that the Ordinance be read in full and thereafter was adopted unanimously.

DATED this 11 day of October, 2005.



Rick Watson, Mayor

ATTEST:



Town Recorder

(2) Past criminal conviction(s) involving unlawful trade practices as defined in ORS 646.608, fraud or crimes involving moral turpitude.

Section 7. Review of Application. An application review shall include the following steps, upon receipt of a completed application by the city recorder:

- (a) A background check on the applicant's criminal record by the Police Department.
- (b) A check of the records of the Attorney General's office for conviction(s) of unlawful trade practices.
- (c) A check of consumer complaints filed with consumer protection organizations.
- (d) Approval with respect to provisions of the city's zoning ordinance.
- (e) Approval with respect to use of streets, sidewalks, and traffic flow.
- (f) Approval with respect to the proposed use of a structure.
- (g) Approval with respect to county, state, or federal regulations governing health and safety.
- (h) Approval with respect to potential fire dangers.

A completed application will take no longer than five (5) working days to process through all city offices.

Section 8. Basis for Denial. An application for a business permit shall not be granted if one or more of the following conditions exists:

- (a) False or misleading information is supplied on the application.
- (b) The applicant has been convicted of a crime involving unlawful trade practices as defined by ORS 646.608, fraud or moral turpitude, within the past two years.
- (c) The applicant has been subject to an unlawful trade practices suit or investigation under ORS Chapter 646 which resulted in civil penalties assessed against him/her.
- (d) The applicant has been convicted of a violation of this ordinance within the past two years.
- (e) The applicant fails to provide written proof of permission to operate from a specific location, signed by the owner or person having care and custody of the building or property.
- (f) The applicant's proposed business violates other local, county, state, or federal laws.
- (g) The applicant has failed to comply with other conditions imposed by this ordinance.

Section 9. Conditions of a Business License. Temporary and itinerant businesses shall be subject to the following conditions:

- (a) The licensee shall display the license during all hours of business operation and solicitation or canvassing within the city.
- (b) The license is not transferable.
- (c) The conduct of the applicant's business operations shall conform with statements made in the application and with any special conditions of operation imposed upon the license.
- (d) The licensee shall not advertise, specifically or in substance, any sale conducted under the permit to be a "closeout sale," "adjuster's sale," "creditor's sale," "assignee's sale," "adjustment sale," "quitting business sale," "removal sale," "liquidation sale," or "fire sale" without first having so stated in the application and provided proof that the above titles accurately describe the merchandise or reason of sale.

(e) Customers shall not obstruct traffic along any sidewalk or street. The minimum setback between any display, table, sign, or customer service area shall be 16 feet from the face of each curb abutting a street.

Section 10. Use of Revenues from Business Licenses. The City Council may allocate revenues generated by this ordinance for any administrative cost or public improvement from which the licenses are benefited.

Section 11. Notice of Revocation of License. A business license shall be revoked if:

- (a) The licensee has violated any of the provisions of this ordinance, or
- (b) The licensee has made untruthful statements on the application, or
- (c) The licensee has violated any of the special conditions applied to the approval of the application.

The chief of police shall give written notice to the licensee that a license has been revoked and list the reason(s) for revocation. The revocation notice shall contain a statement that licensee will be given the opportunity to appeal the action. No new license will be issued for two years to the individual, firm, company, corporation, association or partnership who was the licensee for a revoked license. Fees paid for a license are nonrefundable.

Section 12. Appeal of Notice of Revocation. A written notice of appeal must be filed with the city recorder's office within five (5) days of receipt of a notice of revocation of a business license. The appeal will be scheduled as an agenda item at the next regularly scheduled meeting of the City Council. The appellant will be given notice of the date, time, and place that the appeal will be heard and will be given the opportunity to offer oral or written testimony. A copy of the City Council's decision shall be mailed to the appellant by certified mail.

Section 13. Insurance Representatives. Insurance company agents and representatives who go from house to house within the city, either selling or offering for sale policies of insurance, shall, upon demand of an occupant of the house or of a law enforcement officer, exhibit a certified copy of the agent's or representative's Oregon license to sell insurance.

Section 14. Repeal. Section 16 of Ordinance No. 221; Ordinance No. 280 and Ordinance No. 322 are repealed.

Section 15. Penalties. Any person, firm, company, corporation, association or partnership engaged in a temporary or itinerant business which has been found guilty of violating the provisions of this ordinance shall pay a fine. The maximum fine shall be \$200. A separate penalty shall be assessed for each day such person, firm, company, corporation, association or partnership is found guilty of violating provisions of this ordinance.

Section 16. Invalidation Clause. Invalidity of any section, clause, sentence, or provision in this ordinance shall not affect the validity of any other section, clause, sentence or provision of this ordinance which can be given effect without such invalid part or parts.

Section 17. Emergency Clause. This ordinance is enacted by the Council in the exercise of its police power and for the purpose of regulating certain businesses and obtaining revenue through licensing of them. In order to obtain the revenue as soon as possible, an emergency is declared to exist. This ordinance shall take effect immediately upon its enactment.

Passed by the Council and approved by the Mayor July 23, 1985

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Springfield Municipal Code

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Chapter 7 BUSINESS

TRANSIENT MERCHANTS

7.470 Definition.

Transient merchant is any person engaged in the business of selling goods or services from a booth, cart, wagon, vehicle or device of any other type, or building upon any private property, when the person is not regularly engaged in a permanently established business of selling goods or services in the city. Any merchant regularly engaged in the vending of food, ice cream, beverages and refreshments who has obtained a vending on city streets permit from the city shall not be considered a transient merchant under this section.

7.472 License Required.

No person shall establish, maintain or operate as a transient merchant within the city unless a license for that use is obtained from the city. Every transient merchant, whether for hire or not, shall be deemed a transient merchant subject to the provisions of sections 7.470 to 7.476. Each licensee shall meet the standards as described in sections 7.000 to 7.006.

7.474 Standard of Operation.

The following shall be required of all transient merchants:

- (1) Written permission shall be obtained from the property owner.
- (2) All sales shall occur entirely on private property.
- (3) All display areas on the property shall be paved, and shall be outside the required 25 foot vision clearance triangle.
- (4) Required parking spaces and landscaped areas of the established business on the property shall remain clear.
- (5) There shall be room to pull a vehicle off the roadway so that hazardous traffic conditions are not created. Once off the roadway, there shall be adequate room for vehicles to park. Transient merchants shall not rely on parking required of the established business.
- (6) Transient merchants may be allowed only on property that is zoned CC-Community Commercial or MRC-Major Retail Commercial.

7.476 License Fee.

Each licensee shall be required to pay the applicable license fee as set by council resolution.

GENERAL ORDINANCE NO. 97-1216

AN ORDINANCE REGARDING THE REGULATION OF
TRANSIENT MERCHANTS

THE COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1. Definitions.

A) "Transient merchant" as used in this ordinance means and includes every person who occupies a fixed location and who is engaged in or participating in a temporary or transient business of selling or exhibiting for sale, or purchasing, goods, wares, or merchandise of any name or nature in the City. The term "transient merchant" shall not be construed to apply to an operator of a concession or business exhibiting for sale, goods, wares, or merchandise of any name or nature as part of or in connection with any athletic event, rodeo, carnival, festival, fair, or public exhibition or event held within or without the City.

B) "Temporary or transient" as used in this ordinance generally means a business not conducted from and within a permanently constructed, fully enclosed structure; however, the term also includes a business conducted from and within a hotel or motel room, or within any space leased or rented on a short-term basis..

Section 2. License Required. No person or other entity shall engage, conduct or participate in the business of a transient merchant in the City without first obtaining a license as provided in this ordinance.

Section 3. License Fee. Application. Issuance. The license fee for a transient merchant as set forth in the attached Exhibit AA@, shall be paid in advance of licensing. Application for such licensing shall be made to the Finance Department in writing and shall contain the name and address of the person or entity to whom the license has been issued, the nature of the business to be conducted, the day or days for which the license is to be granted, the location upon which the business will be conducted, and a description of the business operation adequate to inform City officials of its appearance and manner of operation. The Finance Director or authorized designee shall review the application, and upon verification that the license fee has been paid and all other requirements have been met, the license shall be issued. The transient merchant shall receive a copy of the license and shall display it conspicuously at its place of business.

Section 4. State and County License Required. No license shall be issued to a transient merchant unless the applicant submits with its application documentation that it has obtained all health and sanitary licenses from the State and County where applicable.

Section 5. Signs. Any sign erected or maintained by a transient merchant shall comply with regulations for signs adopted by the City.

Section 6. Agent for Service. The applicant shall appoint a local person, acceptable to the City Attorney, as an agent for accepting service of process, notice or demand required or permitted by law to be served upon the applicant. The applicant shall submit with its application the agent's acknowledged consent to accept such service for the applicant.

Section 7. Conditions. In addition to the requirements herein, conditions of operation which are necessary to protect the public health, safety and general welfare may be imposed on a license.

Section 8. Grounds for Denial. In addition to the requirements listed above, a license shall not be issued if:

- A) Any false or misleading information is supplied in the application or any information requested is omitted from the application.
- B) The applicant has been convicted of a crime involving unlawful trade practices as defined by ORS 646.608, fraud or moral turpitude within the last five (5) years.
- C) The applicant has been the subject of an unlawful trade practices suit or investigation under ORS Chapter 646 which resulted in civil penalties assessed against it.
- D) The applicant's proposed actual business operation presents a danger to the public health, safety and general welfare which cannot be alleviated through the imposition of a condition of operation.
- E) The applicant is unable to provide proof of compliance with all applicable State and County licensing requirements.
- F) The applicant has failed to comply with any other applicable provision of this ordinance relating to the proposed conduct of the business.

Section 9. Transferability. No license issued pursuant to this ordinance shall be transferable.

Section 10. Revocation. A license, once issued, may be revoked upon the following grounds:

- A) Violation of any of the requirements of this ordinance.
- B) The actual operation of the transient business in a manner presenting a danger to the public health, safety and general welfare, or creating a public nuisance.
- C) Fraud, misrepresentation or incorrect statement contained in the application for the license.
- D) Fraud or misrepresentation in the course of conduct of the licensed business.
- E) Conviction of any crime involving fraud or moral turpitude.
- F) Violation of any ordinance of the City of The Dalles.

Notice of revocation shall be delivered to the licensee or its agent setting forth in writing the grounds thereof by the City Attorney. Notice shall be delivered either personally or by certified mail, return receipt requested, to the current address shown on the City's records. Upon receipt of such notice, the licensee's business operation shall be terminated and removed within two (2) hours. Upon revocation, the City shall refund any unused license fees.

Section 11. Violations. Violation of any of the provisions of this ordinance is an infraction, punishable by a fine not to exceed the sum of \$250.00 for each violation thereof. The sale of each article by any transient merchant without a license shall be deemed a separate offense under this ordinance and a separate violation of this section.

Section 12. Appeal. Any transient merchant aggrieved by the denial or revocation of a license or any action taken by the City under this ordinance shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the City Clerk within three (3) days of the action or conduct complained of, a written statement setting forth the grounds for appeal. The City Council shall set a time and place for hearing within thirty (30) days of receipt of such statement and written notice shall be delivered to the appellant and all affected parties in the manner provided herein for delivery of notices of revocation. The decision of the City Council after such hearing shall be in writing, shall set forth findings of facts and shall be final. A certified copy of the decision of the Council shall be delivered to the appellant and all affected parties in the manner indicated above.

Section 13. Action on Expiration of License. Upon the termination of its license, the transient merchant shall remove its business operation, including all signs and vehicles from the licensed location within two (2) hours and shall leave the location in a clean and orderly manner.

Section 14. Exemptions.

A) Any non-profit organization, community organization, service club, or charitable organization or seller of Oregon-grown produce grown by that seller, whose activities fit within the definition of a "transient merchant", shall be exempt from the licensing requirements herein and entitled to a license without a fee on the condition that it submit to the Finance Director in writing:

- (1) The names and addresses of the officers and/or directors of the organization.
- (2) The name and address of the person actually in charge of the operation.
- (3) A description of the operation adequate to inform the Finance Director and other City officials of its appearance and manner of operation.

B) Notwithstanding the exemption described above, any conditions of operation which are necessary to protect the public health, safety, and general welfare may be imposed on a license granted under subsection (A).

C) Notwithstanding the exemption described above, the license of an exempt organization or individual may be denied or revoked upon the grounds set forth in Section 10. All rights of appeal set forth above shall apply to an exempt organization or individual.

Passed by the City Council and approved by the Mayor December 8, 1997.

5.12.150 Exemption from provisions

CHAPTER 5.16 - SECURITY PATROL SERVICES

- 5.16.010 Security patrol service or system defined
- 5.16.020 Security patrol license and employee permits required
- 5.16.030 License--Application--Required information
- 5.16.040 License--Investigation and recommendation
- 5.16.050 Security bond--Requirements
- 5.16.060 Employee permits--Application--Issuance conditions
- 5.16.070 Licenses and permits--Terms and conditions-- Suspension and revocation
- 5.16.080 Appeal procedure
- 5.16.090 Licenses and permits--Duration--Transferability
- 5.16.100 Licenses and permits--Renewal
- 5.16.110 Licenses and permits--Fees
- 5.16.120 Violation--Penalty

CHAPTER 5.20 - TAXICABS

- 5.20.010 Applicability of provisions
- 5.20.020 License--Required
- 5.20.030 License--Application--Required information
- 5.20.040 License--Duration--Investigation and report
- 5.20.050 License--Issuance conditions
- 5.20.060 Service rates--Establishment--Exhibition required
- 5.20.070 Vehicle requirements--Annual inspection
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- 5.20.090 License--Fees
- 5.20.100 Carrying unlawful material prohibited
- 5.20.110 License--Transferability
- 5.20.120 Cab driver permit--Required
- 5.20.130 Cab driver permit--Issuance conditions
- 5.20.140 Cab driver permit--Fees--Renewal
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- 5.20.180 Effect of notice
- 5.20.190 Violation--Penalty
- 5.20.200 Franchise agreements

CHAPTER 5.24 - USED ARTICLE DEALERS

- 5.24.010 License--Required--Applicability of provisions
- 5.24.020 License--Application--Fees--Investigation-- Appeals
- 5.24.030 License--Issuance
- 5.24.040 License--Transferability
- 5.24.050 License--Exhibition requirements
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- 5.24.080 Purchases--Restrictions
- 5.24.090 Sales--Restrictions
- 5.24.100 Enclosure requirements
- 5.24.110 Compliance with state law required
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TITLE 5 - BUSINESS TAXES, LICENSES AND REGULATION

CHAPTER 5.04 - BUSINESS AND OCCUPATION TAXES (Repealed by Ord. 1925, effective April 25, 2002)

CHAPTER 5.07 - TRANSIENT MERCHANTS AND SPECIAL EVENTS

{Ord 1527, 1983; Amended Ord 1595, 1988, Amended Ord 1595, 1988; Repealed Ord 1726, 5/98;

Re-enacted Ord. 1752, 1998; Amended Ord. 1757 eff. 1999; Amended Ord. 1825, 2002); amended Ord. 1859, 2004; Amended Ord. 1870 (2005)

Sections:

- 5.07.010 Title
- 5.07.020 Purpose and Scope
- 5.07.030 Definitions
- 5.07.040 License - Required - Fees
- 5.07.050 License - Application - Standards and Limitations
- 5.08.060 Application Process - Issuance - Appeal
- 5.07.070 Display of License
- 5.07.080 Removal of Structures
- 5.07.090 Penalty - Hold Harmless and Indemnification

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5.07.010 Title. The provisions of this chapter are intended to authorize and regulate transient vending and special events on all property within the City of Hood River. To that purpose, there is added to the Hood River Municipal Code Chapter 5.07 entitled "Transient Merchants and Special Events," and those sections and subsections set forth below.

5.07.020 Purpose and Scope.

A. This ordinance provides reasonable and necessary regulations for the licensing of transient merchants and special events in order to:

1. Protect the public health and safety;
2. Maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks and areas open to the public;
3. Prevent interference with the peaceful enjoyment of the areas near places where the transient vending activity or special event is occurring; and
4. Preserve, protect and enhance the economic, scenic, historic and aesthetic values and objectives of the city.

B. The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation.

C. These regulations shall apply to activities on city-owned and leased property.

D. These regulations shall not apply to garage sales, yard sales, rummage sales or swap meets conducted on private property, provided that the sale is not conducted over a period in excess of 4 consecutive days or more often than 3 times per calendar year.

E. These regulations shall not apply to sales conducted by municipal, government, religious, charitable, educational or other similar organizations, provided that the sale is conducted on premises owned or leased by the applicant for the regular conduct of its business or affairs.

F. These regulations shall not apply to temporary or seasonal uses within permanent structures, except for those activities within permanent structures subject to regulation as a special event.

G. Regulation of special events shall not apply to private parties or to events taking place within a permanent structure having a current on-premise license from the Oregon Liquor Control Commission.

H. Exemption of a use from the provisions of this chapter shall not exempt the use from other applicable provisions of this Code.

5.07.030 Definitions. The following definitions shall apply to this chapter:

"Dance" includes a dance which is open to the public, or for which admission is charged directly or indirectly.

"Person" includes the singular and plural and any individual, firm, corporation, association, club, co-partnership or society or any other organization.

"Special event" includes any activity which is likely to attract at any one time an assembly of persons, conducted for a specified period at one or more locations within the City under the auspices of and subject to the supervision and direction of a single person, including but not limited to festivals, fairs, shows, exhibitions, auctions, city or regional celebrations, athletic events, and

public dances.

"Transient merchant" includes any person who offers food, beverages, produce, merchandise, a service, or other thing of value for sale within the city on a temporary or seasonal basis. The following classes of transient merchants are hereby established:

1. Class 1: A transient merchant requiring direct connection to City-operated utilities for the preparation or storage of that which is being offered for sale. "Utilities" includes water, storm sewer or sanitary sewer. A license to a Class 1 transient merchant is issued for a single period per calendar year, not to exceed 180 consecutive days, with no renewals or extensions.
2. Class 2: A transient merchant not requiring direct connection to City-operated utilities for the preparation or storage of that which is being offered for sale. A license to a Class 2 transient merchant is issued for a period of 30 consecutive days, with a maximum of 5 renewals per calendar year (maximum 180 days).

"Waterfront" includes that area in the City located north of Interstate 84, west of the Hood River, and east of Wells Island.

5.07.040 License - Required - Fee. No person shall engage in business as a transient merchant or conduct a special event within the city without first obtaining a license as provided in this chapter. No person shall be deemed to be exempt from the application of this chapter by reason of that person having conducted business within the City prior to the effective date of this ordinance. The license fees shall be set by resolution of the City Council. The fees shall be payable in full at the time of submission of an application and shall be non-refundable. No license shall be assignable or transferable or shall authorize the applicant to conduct any other type of business or special event.

5.07.050 License - Application - Standards and Limitations. An applicant for a license under this chapter must file an application in writing. The City Recorder shall provide the application form and establish written procedures and submittal requirements necessary to process the application in accordance with this Chapter. The application will be reviewed to determine compliance with the following standards and limitations:

A. Transient Merchant License.

1. The proposed use must meet the definition of "transient merchant" and be subject to classification as set out in Section 5.07.030. Any use not meeting the definition of "transient merchant" or subject to classification shall be deemed to be a use subject to review under chapter 17.03.050.
2. Transient merchants shall not be permitted in the R-1, R-2 or R-3 zones. Written permission of the property owner for the proposed use shall be required. No encroachment upon city rights-of-way shall be permitted.
3. Each license shall be issued for a single fixed location, and no transient merchant shall change location except upon a permitted license renewal; provided, however, that the Waterfront shall be considered one location for purposes of this section, and movement within the Waterfront shall be subject to regulation by the Port of Hood River or its designee.
4. No transient merchant who is a food vendor shall be permitted to provide tables or seating for the use of patrons. A table for condiments will be permitted.

B. Special Event License

1. The proposed use must meet the definition of "special event." Any use not meeting the definition of "special event" shall be deemed to be a use subject to review under chapter 17.03.050.
2. Special events shall not be permitted in the R-1, R-2 or R-3 zones. Written permission of the property owner for the proposed use shall be required.
3. A special event license is issued to the sponsor of the special event.
4. The license shall be limited to the duration of the special event, not to exceed 15 days.
5. The application must be submitted 30 days prior to the first day of the special event. An application submitted after the deadline will be considered if accompanied by a late fee and submitted no later than 14 business days prior to the first day of the special event. If the 30th day falls on a day when the City administrative offices are closed, the application will be considered if it is received by the City on the next business day.
6. The Chief of Police shall have the authority and discretion to set general policy for security and safety for special events and to determine the specific security and safety requirements for an individual special event.

C. All licenses shall also comply with the following:

1. All licenses must comply with all applicable state and local laws, including but not limited to regulations and standards imposed or enforced by the Hood River County Sanitarian and the Hood

River Municipal Code.

2. All waste shall be disposed of in compliance with all city, county and state standards, and may not be poured into storm sewers or onto the ground. Adequate trash receptacles must be provided in accordance with the terms of the license.

3. No use will be permitted:

- a. Within the required landscape or setback area of the property;
- b. That blocks vision at street intersections;
- c. That blocks a crosswalk or otherwise impedes the flow of pedestrian traffic;
- d. That blocks entrances or exits from buildings;
- e. That blocks a driveway or otherwise impedes the flow of vehicular traffic;
- f. Within 10 feet of any disabled parking space or access ramp;
- g. Within 50 feet of any entrance or driveway to a health care facility with an emergency or urgent care facility, school, or police or fire station;
- h. Within any service drive of a parking lot; or
- i. In a location that conflicts with any fire or safety code regulations.

4. The City Recorder may impose conditions of approval on the license that are necessary to comply with the requirements of the license and this chapter. In determining whether to grant or deny a license, or in setting any conditions of approval, the City Recorder shall consider:

- a. The need to maintain the free flow of pedestrian and vehicular traffic on streets, sidewalks and areas open to the public;
- b. Criminal history of the applicant or event sponsor;
- c. Any documented history of problems with an applicant or event previously held;
- d. Suitability of the premises for the type of activity applied for; and
- e. Compliance with all applicable local and state laws, ordinances and regulations, and the standards set forth in this section.

5. The conditions applicable to a license may include the right of the city or the County Sanitarian to a post-licensing inspection of the licensee's business premises to insure compliance with appropriate structural, mechanical, fire, health and/or safety regulations or concerns. Inspection may also be conducted from time to time during the course of the license period, as deemed necessary by the city or the County Sanitarian. If the licensee fails, within the specified time, or if no time is specified, a reasonable time, to remedy any non-complying practice or defective condition identified as a result of any inspection, the licensee's license shall be revoked, without refund.

6. The Fire Marshal shall have the authority and discretion to set general policy for fire safety, including inspections, and to determine the specific fire safety requirements and require a fire safety inspection for any individual transient merchant or special event. Whenever in the opinion of the Fire Marshal it is necessary for public safety at a special event, the Fire Marshal may require the special event licensee to contract with the City for standby fire and emergency medical watch through the City's Fire Department. The licensee shall be responsible for paying the City's fee for such coverage and the licensee shall execute a contract for the services as a condition to receiving the special event license.

7. The Building Official shall have the authority and discretion to require structural inspections for any temporary structure.

8. All licensees for use of City-owned property, including rights-of-way, shall be required to furnish evidence of liability insurance providing primary coverage in an amount that is not less than the City's tort liability limits established by the Oregon Legislature naming the City as an additional insured. The liability insurance shall apply to, and provide coverage for, any and all claims for bodily injury and property damage arising from or caused by the use for which the license is granted and shall be primary coverage. In lieu of meeting the insurance requirements of this section, any governmental entity may enter into an agreement with the City to indemnify and hold the City harmless in the event of any damage or injury resulting from the use.

9. All licenses shall include a condition of approval requiring the licensee to reimburse the City the costs incurred by the Police Department and Fire Department in responding to the special event or transient merchant's operation. Payment must be made to the City within 30 days of the date of the City's invoice. In any action to collect unpaid balances, the City is entitled to collect its cost and attorney fees.

5.07.060 Application Process - Issuance - Appeal.

A. Application Process. Upon receipt of a completed application and fee, the City Recorder shall refer the application to the appropriate city departments for review and, if applicable, to the County Sanitarian.

B. Issuance. The City Recorder shall issue a license if the City Recorder finds that the application

has been approved by the appropriate departments, or can meet approval through appropriate conditions.

C. Appeal. Any person whose application for a license has been denied, whose license has been issued subject to conditions, who disagrees with the transient merchant class assigned to the application, or whose license has been subsequently revoked, may appeal the decision to the City Manager. The City Manager's decision may be appealed to the City Council. The appeals shall be filed within five (5) days of the date of the decision from which the appeal is being made and shall be filed with the City Recorder. No business shall be conducted during the pendency of the appeal. The fee for appeals shall be set by Council resolution. The Council shall schedule a hearing date that shall not be later than the second regular session following the filing of the written appeal with the City Recorder, and shall notify the applicant of the date and time that the applicant may appear either in person or by a representative.

5.07.070 Display of License. The licensee shall display the license, together with any conditions, at all times on the business premises, in a location visible to customers.

5.07.080 Removal of Structures. Any structures, carts, vending units, tents, tables or other appurtenances used by the licensee may not be located or relocated on the property until commencement of the license term, and shall be removed from the property promptly upon expiration of the license term.

5.07.090 Penalty - Hold Harmless and Indemnification. Any person who violates or causes a violation of any provision of this chapter shall be subject to punishment as prescribed in Chapter 1.12 of the Hood River Municipal code. Upon any violation the City Manager, or a designee of the City Manager, may order the licensed activity to cease, and upon receipt of written notice, the activity shall immediately cease. Any such persons and licensees shall indemnify and hold the city and its officers, agents and employees harmless from and against all claims for injury, loss or damage arising out of or in any way related to the operation of licensee's business. This agreement to indemnify or defend shall survive termination or revocation of licensee's license.

CHAPTER 5.09 - HOTEL TAX

Sections:

- 5.09.010 Title
- 5.09.020 Definitions
- 5.09.030 Tax Imposed
- 5.09.040 Collection of Tax by Operator - Rules for Collection
- 5.09.050 Operator's Duties
- 5.09.060 Exemptions
- 5.09.070 Registration of Operator - Form and Contents - Execution - Certification of Authority
- 5.09.080 Due Date - Returns and Payments
- 5.09.090 Penalties and Interest
- 5.09.100 Deficiency Determinations - Fraud - Evasion - Operator Delay
- 5.09.110 Redeterminations
- 5.09.120 Security for Collection of Tax
- 5.09.130 Lien
- 5.09.140 Refunds
- 5.09.150 Collection Fee
- 5.09.160 Administration
- 5.09.170 Appeals to City Council
- 5.09.180 Severability
- 5.09.190 Violations
- 5.09.200 Penalties

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5.09.010 Title. There is added to the Hood River Municipal Code Chapter 5.09 entitled "hotel tax" and those sections and subsections that are hereafter set forth. (Ord 1500, 1981)

5.09.020 Definitions. Except where the context otherwise requires, the definitions given in this section govern the meanings of the following words and phrases as used in this chapter.

A. "Accrual accounting" means a system of accounting in which the operator enters the rent due

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**



Agenda Item No. **10 c.**

Council Hearing Date: April 9, 2012

Department: Administration

Contact/Title: Jodi Fritts, CA
Email: jfritts@goldbeachoregon.gov

TITLE: Budget Calendar and upcoming meeting

SUMMARY AND BACKGROUND:

The Budget Calendar was included in the proposed FY 2012-2013 budget document. The budget has been available since April 5th at the Administrative Office and online at our website (www.goldbeachoregon.gov). The first meeting of the budget committee will be Thursday, April 12th.

FINANCIAL IMPACT:

The calendar has not impact but the budget is all impact.

DOCUMENTS ATTACHED:

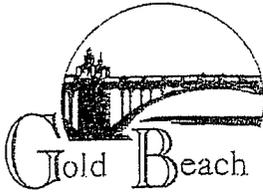
- Budget Calendar

REQUESTED MOTION/ACTION:

None. Informational item only

COPY OF REPORT AND ATTACHMENTS SENT TO:

Council



City of Gold Beach
Fiscal Year 2012-2013
Budget Calendar

District _____ City of Gold Beach
Budget Officer _____ Jodi Fritts-Matthey, City Administrator
Newspaper (ORS 193.010) ___ Curry County Reporter

- March 26(Website) Publish first legal notice of Budget Committee meeting on April 12th for purpose of receiving 2012-2013 proposed budget and State Revenue Sharing
- March 30Department directors submit budget recommendations to budget officer
- April 4(Newspaper) Publish second legal notice of Budget Committee meeting on April 12th
- April 5A copy of the proposed budget is filed at City Hall and copies are delivered to Budget Committee members
- April 12General meeting of the Budget Committee
1. Presiding officer is elected
 2. Budget Officer presents proposed budget and budget message
 3. Public Hearing on proposed budget and State Revenue Sharing
- April 19 and 26Additional Budget Committee meetings, if needed
- May 3General meeting of the Budget Committee to pass a motion recommending to the City Council a budget for Fiscal Year 2012-2013 and approving an amount or rate of total property taxes to be certified for collection
- May 14Public hearing on use of State Revenue Sharing funds and first reading of ordinance declaring city's election to receive State Revenue Sharing funds.
- May 23First Notice – Publish “Financial Summary and Notice of Budget Hearing” scheduled for June 11th and advertisement of 2012-2013 Budget including summary budget statements
- May 30Second Notice – Publish notice of first publication of “Financial Summary and Notice of Budget Hearing” scheduled for June 11th
- June 11City Council meeting adopting the FY 2012-2013 Budget
1. Public hearing on the recommended 2012-2013 Budget and proposed use of State Revenue Sharing funds
 2. City Council adopts a resolution making appropriations and levying property taxes
 3. Second reading and adoption of ordinance declaring the city's election to receive State Revenue Sharing funds
- June 30Certify property tax levy to county assessor