



CITY COUNCIL AGENDA
February 9, 2017, 6:30PM
Regular Meeting
CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444

Call to order: Time: _____

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

	Present	Absent
Mayor Karl Popoff		
Council Position #1 Melinda McVey		
Council Position #2 Larry Brennan STARTING VOTE		
Council Position #3 Becky Campbell		
Council Position #4 Doug Brand		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison VACANT		

3. **Special Orders of Business:**
 NONE SCHEDULED

4. **Consent Calendar:**
 TRANSCRIPTIONS – June 2016 and January 2017 regular meetings

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

6. **Public Hearing**
 NONE SCHEDULED

7. **Citizen Requested Agenda Items**
 - a. Dave Lacey-update on federal mineral withdrawal
 - b. Cheryl Meeker-barking dogs

8. **Public Contracts and Purchasing**
 NONE SCHEDULED

9. **Ordinances & Resolutions**
 - a. Resolution R1617-08 recommending restoration of recreational immunity

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

10. Miscellaneous Items (including policy discussions and determinations)

- a. Quarterly Review of City Goals 1 & 2
- b. Review of deed for transfer of property to non-profit
- c. Direction for FOG loan program
- d. OHA approval of water master plan-FYI only

11. City Administrator's Report

To be presented at the meeting

12. Mayor and Council Member Comments

- a. Mayor Karl Popoff
- b. Councilors
 - 1) Melinda McVey
 - 2) Larry Brennan
 - 3) Becky Campbell
 - 4) Doug Brand
 - 5) Tamie Kaufman
- c. Student Liaison, Vacant

13. Citizens Comments

As permitted by the Mayor

14. Executive Session

No executive session is scheduled

The next regularly scheduled City Council meeting is **Monday, March 13, 2017, at 6:30PM** in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

15. Adjourn Time: _____

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



CONSENT CALENDAR

**Transcripts for June 2016 & January 2017 Regular
Council meetings sent in a separate packet**



CITIZEN REQUESTED AGENDA ITEMS



SECTION 7.

City Requested Agenda Items

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**

Agenda Item No. **7. a.**

Council Meeting Date: February 13, 2017

TITLE: Update on federal mineral withdrawal proposal

SUMMARY AND BACKGROUND:

Dave Lacey requested to address the Council and update you on the status of the mineral withdrawal proposal. I have attached 2 press releases related to the mineral withdrawal.

REQUESTED MOTION/ACTION:

None-information only

PRIOR COUNCIL ACTIONS ON THIS MATTER:

COPY OF SEPTEMBER 2016 AGENDA REPORT:

In June the Council adopted Resolution R1516-16, a resolution supporting the mineral withdrawal from certain federal lands in our county and neighboring Josephine. As suspected, our collective voices are barely being heard in Washington DC. Congressman DeFazio has asked local proponents to support having a legislative hearing on the matter.

Mark Sherwood who was one of the supporters with Dave Lacey has respectfully asked that the Mayor and/or Council write a letter to the Congressman in charge of the House Natural Resources Committee: Ron Bishop. His request, and a draft proposed letter, is attached for your review. If the mayor/council chooses to grant the request, I will draft a letter on our City letterhead. I will include our resolution and previous letter (attached) as well.

COPY OF JUNE 2016 AGENDA REPORT:

Citizen Dave Lacey came to the May meeting requesting that the Council publicly support the Southwestern Oregon Watershed and Salmon Protection Act and mineral withdrawal. We said that we would send a letter supporting the act prior to the comment deadline of May 27th and follow-up with a formal resolution in June.

I sent a letter on May 20th on behalf of the City and received confirmation that the USFS received it. I have attached a copy of the letter, general info on the comment period, and copies of the federal and senate and house bills (S346, HR682). The formal resolution is attached for your adoption.



U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C.

BLM
WASH DC
2017

BLM Announces Southwest Oregon Withdrawal

More than 100,000 acres of federal lands will be protected to safeguard critical watersheds

Joint News Release, Forest Service Pacific Northwest Region & Bureau of Land Management Oregon/Washington

Portland, Ore. – The Bureau of Land Management (BLM) announced today that the Assistant Secretary for Land and Minerals Management has signed a public land order for a 20-year term withdrawing lands managed by the U.S. Forest Service and the BLM in the southwest corner of Oregon, subject to valid existing rights.

This withdrawal includes 95,805 acres of National Forest System lands on the Rogue River-Siskiyou National Forest, and 5,216 acres of Bureau of Land Management public lands in the Medford and Coos Bay Districts of the BLM. The lands are in Josephine and Curry Counties. The Assistant Secretary's Order withdraws these lands from settlement, sale, location, and entry under the public land laws, location and entry under the U.S. mining laws, and operation of the mineral and geothermal leasing laws, for a period of 20 years while Congress considers legislation to permanently withdraw those areas. This action will also protect the natural resources in the southwestern Oregon watersheds from possible adverse effects of mineral development.

This withdrawal does not prohibit or restrict any other authorized uses on these lands. The withdrawal protects these watersheds from possible adverse effects of mineral development. Also, while this action prohibits the location of new mining claims, it does not prohibit ongoing or future mining exploration or extraction operations on valid pre-existing mining claims.

The area covered by this action is generally known as the Klamath Mountains and includes the Rough and Ready-Baldface Creek and the Hunter Creek-North Fork Pistol River subwatersheds of southwestern Oregon. The defining characteristic of the proposal is the North Fork of the Smith River, which originates in the Kalmiopsis Wilderness and drains most of the area under consideration for withdrawal. Creeks that feed into the North Fork and other rivers that flow to the Oregon Coast offer unique ecological features stemming from the confluence of the Coast Range,

Cascades, and Siskiyou Mountains. A high concentration of rare plants, forested trails, and scenic views are all emblematic of these drainages. Rough and Ready Creek and Baldface Creek are listed as eligible for National Wild and Scenic River designation by the U.S. Forest Service.

The areas protected include the watershed of the National Wild and Scenic North Fork Smith River in Oregon and the watershed of Rough and Ready Creek. These rivers are known for their wild salmon and steelhead populations, and provide vital economic, recreation and natural resources to the area.

Additional information about the BLM’s mineral program is available online at: www.blm.gov.

The BLM manages more than 245 million acres of public land, the most of any Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's mission is to sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations. In Fiscal Year 2015, the BLM generated \$4.1 billion in receipts from activities occurring on public lands.

[Return to the Press Releases](#)

RELEASE DATE

Thursday, January 12, 2017

ORGANIZATION

BLM

OFFICE

Oregon-Washington

CONTACTS

Name: Michael Campbell

Phone: (503) 808-6031

Name: Virginia Gibbons

Phone: (541) 690-6681

Search



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DeFazio, Huffman, Wyden, Merkley Secure Critical 20 Year Mining Ban in Southwestern Oregon, Smith River Watershed

Jan 12, 2017 | Press Release

WASHINGTON—Reps. Peter DeFazio (D-OR) and Jared Huffman (D-CA) and Senators Ron Wyden (D-OR) and Jeff Merkley (D-OR) today secured a twenty-year ban on new mining projects in an ecologically and economically critical region in Southwest Oregon.

The areas protected include the watershed of the National Wild and Scenic North Fork Smith River in Oregon, the watershed of Rough and Ready Creek (an eligible Wild and Scenic River and tributary to the National Wild and Scenic Illinois and Rogue rivers), as well as 17 miles of the National Wild and Scenic Chetco River.

These rivers are known for their wild salmon and steelhead populations, and provide vital economic, recreational and natural resources to the area.

Also protected from mining would be the headwaters of Hunter Creek and the Pistol River—two prized native salmon and steelhead rivers that flow directly into the Pacific Ocean along the spectacular Wild Rivers Coast of Southern Oregon and Northern California.

"This is an incredible victory for Southwest Oregon," said **Rep. Peter DeFazio**, D-OR. "This mining ban will support the area's recreation economy, safeguard safe drinking water sources for thousands of families in the area, and stop the threats of foreign-owned nickel mining companies who want to strip-mine this beautiful area. I'm proud to have helped to protect this unique land, and I thank my colleagues for their help in accomplishing this important goal."

"The people of Del Norte County, the Elk Valley and Tolowa Dec-ni' tribes, and thousands of other Californians and Oregonians who cherish the Smith River have united in working to secure two decades of protection for this spectacular landscape and its wildlife for future generations," said **Rep. Jared Huffman**, D-CA. "I applaud the Obama Administration for taking this action today and thank my colleagues for their hard work and support."

"I'm very pleased this unique landscape will be safeguarded for 20 years from future mining operations, protecting clean water, diverse ecosystems and recreation opportunities for Oregonians," **Senator Ron Wyden** said. "With Oregonians' overwhelming support for this action, I have been a long-time strong advocate for this approach because it provides Congress time to pass a bill that will permanently protect this special place."

"The pristine waters of these Southwest Oregon rivers are a public treasure that we owe it to future generations to preserve," said **Senator Jeff Merkley**. "Mining would have posed an unacceptable threat to the region's clean water and to the fishing and recreation economy that many rely on. These lands and waters belong to all of us, and today's news is a huge victory in the fight to ensure that our beloved citizen-owned resources are passed down to future generations in the same condition we received them."

Issues: Natural Resources

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SECTION 7.

City Requested Agenda Items

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**

Agenda Item No. 7. b.

Council Meeting Date: February 13, 2017

TITLE: Request to address Council on barking dogs

SUMMARY AND BACKGROUND:

Cheryl Meeker who lives on Tenth Street has requested to address the Council and Mayor about barking dogs and their deleterious effects to her health.

I have attached the information she provided to staff. I redacted any personal info such as phone numbers and email addresses.

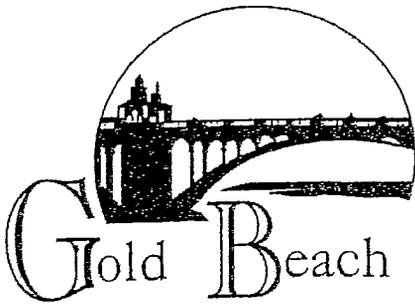
The only code reference we have for barking dogs is:

Nuisance and Offense Code – Ordinance No. 644

5.510 Unnecessary Noise.

No person shall create or assist in creating or permit the continuance of unreasonable noise in the City of Gold Beach. The following enumeration of violations of this section is not exclusive but is illustrative of some unreasonable noises.

- (1) The keeping of an animal that by loud and frequent or continued noise disturbs the comfort and repose of a person in the vicinity.



City of Gold Beach
29592 Ellensburg Avenue
Gold Beach, OR 97444
541-247-7029

CITIZEN REQUESTED COUNCIL AGENDA ITEM

I WISH TO BE PLACED ON THE AGENDA FOR THE FOLLOWING DATE:

Feb 13th (Monday)

NAME: Cheryl Moecker

ADDRESS: [REDACTED] 10th St GB 97444

PHONE: [REDACTED] EMAIL: [REDACTED]

Representing:

I will be representing myself

I will be representing (Organization Name) _____

NATURE OF BUSINESS TO BE PRESENTED: _____

Ideas, proposals, ways to manage/enforce rules for the few folks who allow their dogs to BARK endlessly creating anger, hostility, deleterious health effects and affecting our community.

I have been researching ways other countries & communities have developed solutions & enforcement.

I have also learned how harmful ^{this hostile} noise is to humans & all creatures -



Gold Beach Police Department
 29592 Ellensburg Avenue
 Gold Beach, OR 97444
 Phone: 541-247-6671 Fax 541-247-9681

Voluntary Statement Form

Date and Time of Complaint: Jan 17 2017 1130 Am

Victim/Complainant Name: Meeker Cheryle + 0
Last First Middle

Address: i am at [redacted] 10th St
Street & Number City State Zip Code

Daytime Phone: [redacted] Evening Phone: _____

Date of Birth: 3/9/ SS#: _____ Driver's License #: _____
(for financial crimes only)

Vehicle Identification: _____
License Plate Make/Model Year Color

Date & Time of Incident: on going ie ^{yesterday} this AM 10 bark incidents betw 1015-1030 AM

Location of Incident: the offensive party is [redacted] Lanikai Lane

Suspect Information: (Name) i do not know altho I did speak him re noise

Vehicle Identification: _____
License Plate Make/Model Year Color

Witness Information: (Name) See Pet. tim → MORE to come Phone #: _____

Summary of Incident: They moved into Afrane up ^{top} 10th St from barking & decline to restrain their multiple dogs - when approached re. my concerns he was dismissive, arrogant, and unable to consider anyone else - stated "barking is what dogs do"

I have MANY frightening tapes, my home is invaded, our neighborhood has become hostile - even walk one cannot

Signature: Cheryle Meeker Date: 1/17/2017 up hill without being verbally assaulted



Gold Beach Police Department
 29592 Ellensburg Avenue
 Gold Beach, OR 97444
 Phone: 541-247-6671 Fax 541-247-9681

Voluntary Statement Form

Date and Time of Complaint: Jan 17, 2017 1130

Victim/Complainant Name: Mecker, Cheryl
 Last First Middle

Address: [Redacted] 107th St
 Street & Number City State Zip Code

Daytime Phone: [Redacted] Evening Phone: _____

Date of Birth: _____ SS#: _____ Driver's License #: _____
 (for financial crimes only)

Vehicle Identification: Corolla 2005 S/We
 License Plate Make/Model Year Color

Date & Time of Incident: ongoing - have many recordings, even from 8:15 Am today

Location of Incident: [Redacted] Russel

Suspect Information: (Name) I do not know altho have spoken to them

Vehicle Identification: _____
 License Plate Make/Model Year Color

Witness Information: (Name) _____ Phone #: _____

Summary of Incident: _____

Since Feb of 2016 the barking of their dogs has disturbed my peace as well as all around them. I interviewed many & will begin door to door pet. tion drive - They were breeding very noisy dogs - The city has written to them I have written to them, Spoken to them & have many recordings

Signature: _____ Date: _____

Yet they persist in allowing their
dogs to bark, (locked in small cage)
I am hostage in my home and yard
and Hoarse from requesting quiet -

When raining they must think we do not
hear it for the dogs bark all day -

I will gather more proof -
(they should move out of town
OR seriously begin training
their poor dogs -

It is intolerable for me -

They live across the creek out my back
door - and new inconsiderate dog owner
now moved to neighborhood & dominates noise
out front.

Dear Neighbors,

I am adversely affected by the recent onslaught of hostile, persistent barking of the dogs at [REDACTED] Lanikai (the A frame uphill)

I have attempted to converse with the owners who dismissed my concerns, are inconsiderate + told me they believe that "Barking is what dogs do." (I am seeking legal remedies for friendly resolution) and need support and info regarding my neighbors concerns + perceptions.

I have begun researching the adverse and ill affects of this hostile, persistent, rancous barking on the human nervous system.

I am a hostage in my own (poorly insulated) home and am continually disturbed and it is affecting my health, + the health of my household.

I have also learned that such loud, hostile constant barrage of noise affects the entire community, creates anger, stress etc

Of course a dog will bark but most owners are responsible and considerate -

We have two who are not -

including [REDACTED] Lanikai Ln - The people at [REDACTED] Russel are also creating a nuisance

and disturbing the Peace across the lower part of 10th St. I have appealed to them many times.

If you agree with my efforts there are ways to help so that we can again enjoy our beautiful community -

① call Candy Cronberger 541-247-7209 with the city of GB, express your concerns -

even better - write a brief comment
ccronberger@goldbeachoregon.gov

② Call GBPD / dispatch

541 247 3242 ext #41

to voice a complaint

drop a note in my mailbox

or email me

or call/text

I will be presenting ideas, info & solutions to the city council on Feb

Join if you choose to

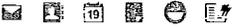
And thank you
Cheryl

January 15, 2017

We, the undersigned are concerned about keeping our community quiet & harmonious. Recently, new residents have endangered ~~the~~ ^{have} and disturbed our peace by allowing their multiple, hostile, loud, disruptive, rancous dogs to bark throughout the day. Attempts to reason with these folks failed. They are creating a noise pollution that is hostile & is adversely affecting our health, increasing stress, disrupting households and creating frustration & anger, and hostility in our community. It is challenging to walk or work outside and ⁱⁿ home has become invaded pervasively by this noise. We ask the city & law enforcement to help us resolve this unnecessary disturbance.

1. Cheryl Mecker [REDACTED] W. 10th
2. Mark W. Woodger [REDACTED] Vera St.
3. Zelze Young [REDACTED] Vera Street
4. Patrick Wall [REDACTED] Ellersburg #10
5. Bonnie Snyder [REDACTED] Lavin St.
6. Joseph Worrell [REDACTED] " "
7. Harry Paterson " " "
8. David Wehr [REDACTED] Daniels Ct

Q All cheryl, search your mailbox



Compose

Inbox (1648)

Drafts (15)

Sent

Archive

Spam (154)

Trash

Smart Views

Important

Unread

Starred

People

Social

Shopping

Travel

Finance

Folders

Calendar

Deleted Messages

Defaults

Junk

Notes

Sent Messages

Stuff

Unsent

Recent

Design Personalized Stamps



Search Now

Archive Move Delete Collapse Expand

Kitchen Heater (6)

People

- [Redacted] Jan 14 at 10:59 AM
- [Redacted] Jan 14 at 6:33 PM
- [Redacted] Jan 15 at 4:38 PM
- [Redacted] Jan 16 at 9:52 PM
- Steve [Redacted] Jan 17 at 12:26 PM



To Steve Koscella CC/BCC

Sent from my iPhone

On Jan 17, 2017, at 11:26 AM, Steve Koscella

Hi Cheryl,

Such a drag to hear the scourge of barking dogs has invaded 10th St. I just don' get how people can allow it. Dogs bark as an alert that something is amiss. If they bark continuously it is like a misfiring car alarm going off all the time. I lost good renters at Lacy St. as an ass hole neighbor insisted his dog needed to bark whenever anyone came out on the deck. I ended up renting to a dog owner who's dog peed all over the carpet and ate the latches off the windows. So barking dogs end up costing me a lot. I will be glad to complain to the city.

John Peirick does not do electrical, but he gave me the name of Tod Wilson Electric 541-247 9473. It would be good to have him check out the heater and feasibility of installing a wall board unit. Again, Sorry to hear about the unnessary noise.

Steve

On Mon, Jan 16, 2017 at 8:52 PM, cheryl marie

Hi Steve,, my mistake re the fence but it sure looks continuous,, even to the three boards. place laterally. Will snap a pic in AM to send to you. We even matched up your overlapping 2x4s as I thought that gave a nice touch.

I will give John Patrick a call as in the long run you probably want it.

I have a favor to ask of you. I have realized that my increased stress is also due to incessant barking dogs. I have made some progress with help from city and law enforcement and today went door to door giving information re the ill health effects of barking dogs and getting a petition signed. I learned most are also affected and upset. A new insanely arrogant man and wife moved into the A frame atop the hill and his multi barking dogs are extremely loud

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Letter from Landlord
1/17

Send [Icons]

All cheryl, search your mailbox



Compose

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Inbox (1648)

Barking dogs

People

Drafts (15)

[Redacted sender name]

Jan 17 at 12:40 PM

Sent

Greetings,

I have owned property at 94195 and 94197 10th Street for nearly 15 years. During that time I have invested considerable time, energy, and money to renovate these 1940's era houses and bring them up to modern standards. I strive to be a responsible landlord and good neighbor. I was quite upset to learn that one of my tenants may be leaving because she is surrounded by barking dogs.

Dogs bark to let their owners know that something is amiss which is fine, however if they bark incessantly it is like a broken car alarm constantly irritating and placing neighbors on edge. I have never understood how a dog owner can allow this to continue. It is irresponsible and costs me real dollars in terms of lost revenue and lowered housing values.

Please see that existing laws are upheld regarding this issue.

Yours truly, Steve Koskella

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Important

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Shopping

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Rheumatoid Arthritis Symptoms



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+ 1 more contacts

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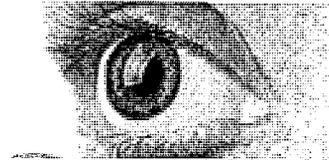
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Jan. 17 2017
Letter from Steve Koskella
he owns 3 homes in G.P.



The Symptoms & Side Effects of Force-Feeding Noise into the Domestic Environment

Despite its reputation as a minor irritant, research has shown noise to be a debilitating and potentially lethal toxin. Hence, forcibly projecting noise into someone's living quarters in chronic fashion has the potential to disrupt their autonomic and endocrine functions severely enough to catapult the entire family into a state of frequent agitation and near constant distress, thereby setting in motion a predictable process of physical, mental, and emotional deterioration, accompanied by functional impairment and the severe disruption of interpersonal relationships. This chart delineates that process.

The immediate effect of an externally generated in-home noise inundation:

Increased heart rate	Respiration increases	Blood pressure increases	Shift in hormonal profile	Shift in electrolyte balance	Dry mouth	Goose bumps
Sweating	Pupils of the eye dilate	Changes in blood lipids	Altered blood viscosity	Altered blood flow	Cold hands	Cold feet
Digestion slows dramatically	Stomach upset	Loss of appetite	Transient sexual dysfunction	Tooth grinding	Bracing/muscle tension	Anxiety
Agitation	Irritability	Anger	Aggression	Interpersonal conflict	Discord within the family unit	Self-medicating
Functioning impaired	Physical coordination impaired	Accident rate potentiated	Error rate potentiated	Inability to think clearly	Judgment is impaired	Inability to make decisions

The impact of forcibly projecting noise into the home environment over time:

Autonomic disruption grows constant	Sense of constant tension	Endocrine disruption constant	Constant emotional upset	Emotional lability	Exaggerated startle response	Fear of being startled
Anticipatory anxiety	Uncontrollable rumination	Chronic anger	Chronic strife within the family	Chronic depression	Chronic disorganization due to constant disruption of scheduled activities	Schedule is adjusted so all activities revolve around the noise source
Noisy rooms of house abandoned	Uncontrollable rage	Increased risk of violence	Affectionate exchanges cease	Chronic sexual dysfunction	Social relationships abandoned	Social activities abandoned
Childhood learning impaired	Kids fall behind in school	Adult job performance dips	Upset over new job stress	Symptoms mimicking psychological disturbance develop	Difficulty falling asleep - even in a quiet environment	Difficulty staying asleep - even in a quiet environment
Chronic fatigue	Merriment becomes rare	Chronic restlessness	Concentration impaired	Memory impaired	Chronic muscle tension	Chronic muscle contraction headaches
Persistently recurring migraine headaches	Aversion to going outdoors	Regular exercise ceases	Once occasional high blood pressure now becomes chronic	Heart disease takes root	Old substance use increases	New substance use begins
Substance use solidifies	Marked consumption of Rx drugs	Reaction time is slowed	Accident rate increased	Sensitivity to noise is heightened	Family interactions grow dysfunctional	Children fail in school
Chronic overeating	Newfound overweight problem	Chronic loss of appetite	Newfound underweight problem	Chronic gastro-intestinal distress	Resilience wanes as adaptive capacity is diminished	Gums and dental health deteriorate
Ongoing hair loss	Exacerbation of pain	Worsening of preexisting maladies	Immune system dysfunction - increased risk of cold, flu, and infection	Increased risk of developing stress-related disorders	Increasing frequency of illness in general	Recuperation from illness hampered
Exhaustion	Heart palpitations	Classical conditioning generates secondary distress and discord	Abandonment of recreational activities	Abandonment of essential activities	Hopelessness/suicidal ideation	Premature aging

After years of being elevated due to noise force-fed into the home, chronic hypertension – the silent killer – wreaks irreversible damage.

End Organ Damage:

Enlarged heart	Heart attack	Heart failure	Hardening of the arteries	Aneurysm
----------------	--------------	---------------	---------------------------	----------

fight-flight response



constant
random
unpredic
insulting
hostile

Section One:
Quieting Your Own Dog

This page about **Chronic Barking** is part of Section Seven: the **Harm** section of barkingdogs.net

Section Two:
Personally Silencing Your Neighbor's Dogs

Go to the index for this article

Page One of a four-page article:
Why Exposure to Chronic Barking is So Profoundly Debilitating

Section Three:
The Barking Laws and the Courts

Introduction

People who have never suffered through extensive exposure to chronic barking often find it difficult to understand why it should be such an incredibly upsetting, debilitating ordeal. This section tells you why that is, beginning with a discussion of how our bodies react to exposure to chronic noise.

Section Four:
To Quiet Your Home Town

The Physiology of the Upset Victim

Section Five:
The Noise Activist's Guide

The various organs of your body are connected in a way you may not have thought of before. Your **eyes, heart, lungs, digestive system, and the smooth muscles of your vascular system** (among other organs) are all connected to your brain by nerve cells, which are also called neurons.

Section Six:
More Info on Chronic Barking

Section Seven:
The Harm Done

Picture the way telephone lines run across the country connecting one city to another. The telephone line running from Los Angeles to San Francisco is not one continuous wire. It is many wires, each connected to the next. When an electronic signal goes from one city to another over the phone line, it travels in relay fashion from wire to wire until it reaches its destination. These particular types of neurons are like that. They carry electrical impulses from the brain in relay fashion, only instead of running from city to city, they run from the brain to the other organs of the body.

Section Eight:
The Cause of the World's Chronic Barking and Biting Epidemics

Section Nine:
The Cure for the Barking Epidemic and All of Our Dog Related Problems

Because the brain is wired up to these particular organs through the same relay system of neurons, it can simultaneously create changes in all the connected organs at once by sending electrical impulses traveling along the neural pathway.

Section Ten:

If your brain sends electrical impulses along the neural pathway telling the connected organs to speed up, the pupils of your eyes will open

[The Barking Dog News](#)

[Section Eleven: Barking Dogs YouTube](#)

[Sec Twelve: Barking Dogs Facebook](#)

[Sec Thirteen: The Barking Dogs Bulletin Board](#)

[Sec Fourteen: About This Website](#)

[Sec Fifteen: The Kitchen Sink](#)

[Link to Us!](#)

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[Dog Science Network](#)

[New Animal Control.Org](#)

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wider. Your heart will begin beating faster and your breathing will increase as your lungs begin to work harder. Also, the smooth muscles of your vascular system will react in a way that reduces the blood flow to your hands and feet and channels more blood deep into your body to the major organs. The one exception is your digestive system. When the speed-up message is sent, everything speeds up except your digestion, which slows down. The more things speed up, the greater the sense of tension we feel. When you feel emotionally upset in an excited, high energy sort of way, you are in a state of autonomic speed up.

If your brain sends electrical impulses along the neural pathway telling the connected organs to slow down, your pupils return to normal size and your heart rate and breathing slow. At the same time, the smooth muscles of your vascular system channel more blood into your hands and feet and less to the major organs. As you might expect, when the slow-down message is sent, your digestive system reacts by speeding up. That's why digestion is a more pleasant process when you're relaxed than when you're tense.

The more things slow down, the more relaxed we are likely to feel.

The Autonomic Nervous System & the Endocrine System

The organs of the body that are beyond our conscious control, like those listed above, together with the nerve cells that connect them, are known as the Autonomic Nervous System (ANS).

Notice that when you hear the sharp report of a barking dog, it gives you a start. Physically you feel yourself give a little jump and you experience a sudden sense of tension. That feeling is the autonomic nervous system speeding up the inner workings of your body. As the barking continues on, the neurons continue firing and you become increasingly tense.

When a dog barks, he creates sound waves. Sound waves are real physical entities that have a real physical effect on our bodies. We can't see them, but they are there and they carry the output of the barking dog to the sensory hair cells of our ears, which then carry the report of the sound into our brains. The brain, in turn, stimulates the ANS, which makes us feel tense.

Hormones are chemicals manufactured within our bodies. Under certain conditions, those hormones are released into our blood streams by our body's various glands. Different hormones do different things. They regulate our growth, our metabolism, our sexual desires and our sense of well being and distress. While the ANS makes us feel tense, it is the endocrine system that makes us feel anxious when we are in close proximity to a barking dog. That's not surprising really. The hormonal (endocrine) system is regulated by a primitive part of the human brain

that seems to respond instantly to the primitive threats and messages of desperation that are implicit in the voice of a chronically barking dog. That's part of why barking drives people wild.

To really appreciate the impact that chronic barking has on your autonomic and endocrine systems and, thus, your emotional state, you must also factor-in the length of time required for our bodies to return to normal after an acoustic shock like that which we receive when a nearby dog releases a loud, sudden, percussive burst of barking. If it happens only once, you may return to normal in a matter of seconds. However, with each additional episode of barking, your systems fire-up more quickly, and it takes a little longer to return to baseline. If it happens frequently enough, you will still be wound-up from the last outburst when the next one hits, with the result that you will be forever tense, and at no point will you ever be able to become truly relaxed in your own home.

Some people have an autonomic nervous system that works like greased lightning, while others have a relatively sluggish function of the ANS. The more readily your ANS fires up, the faster your endocrine system will kick in, and the longer it will take your body to return to a relaxed state after you are exposed to a flurry of barking.

[Go forward to page two of this article](#)

[Go to the index for this article](#)

**This page about [Chronic Barking](#) is part of Section Seven:
the [Harm](#) section of [barkingdogs.net](#)**

Written by [Craig Mixon](#), Ed.D.,

[Spanish translation - Traducción al español](#)

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BarkingDogs.net



Section One:
Quieting Your
Own Dog

This page is part of Section Six:
the More Information section of barkingdogs.net

Section Two:
Personally
Silencing Your
Neighbor's Dogs

Acoustic Shadows and Acoustic Facilitation

Barking creates sound waves that cause our brains to stimulate our autonomic nervous system, as well as our endocrine system, in ways that make us feel tense and upset. But you only suffer to the extent the sound waves get to where you are, and sound waves can be blocked and/or directed.

Section Three:
The Barking
Laws and the
Courts

Buildings, groves of trees and other geographic features can block sound waves the same way an object can block sunlight and, thereby, create a shadow. In that same fashion, a physical barrier can prevent the noise of a nearby dog from reaching a given point. On the other hand, the lay of the land can also channel the sound, thereby allowing it to travel great distances. That means features that rise up from the land, like hills, or rows of houses, can also direct the sound and facilitate its travel, by shepherding it along in much the same way that the banks of a river guide the channeled water from one location to the next.

Section Four:
To Quiet Your
Home Town

Section Five:
The Noise
Activist's Guide

Section Six:
More Info on
Chronic Barking

Because of that, in times of war, people close to the fighting often report that they cannot hear the sounds of the nearby battle, while others, much further away, provide accounts of having heard the din quite clearly.

Section Seven:
The Harm Done

Section Eight:
The Cause of the
World's Chronic
Barking and
Biting Epidemics

It is not uncommon for the same thing to happen with barking dogs. That's why the people living two doors down may not even know the dog is barking, while people trying to rest in their living room two blocks away are driven insane by the noise.

Having a firm grasp of this concept is essential for judges, prosecutors and all others involved in the adjudication of barking dog litigation.

Section Nine:
The Cure for the
Barking Epidemic
and All of Our
Dog Related
Problems

This page is part of Section Six:
the More Information section of barkingdogs.net

Section Ten:

be cautious of this man

How to persuade your neighbors to quiet their barking dogs

ie ↓

<http://www.barkingdogs.net/persuadeneighbors.shtml>

But what if it doesn't? What if you do all of the above and the barking continues? Well, unfortunately, that brings us to the third classification of those who keep barking dogs: the malicious and the recalcitrant.

Malicious and/or Recalcitrant Dog Owners

In my experience, better than 45% of those who maintain noisy dogs are reflexively obstinate people who ignore polite requests and pathetic pleas, and will quiet their dogs only if you hound them for an extended period of time. Incredibly, an equal percentage are dig-in-your-heels, never-give-an-inch, hard core, incorrigibles whose perspective parallels that of Charleton Heston: i.e. you can have quiet when you pry it out of their cold, dead hands.

At first blush, it doesn't seem possible that the rate of recalcitrance could be that high. After all, if you randomly selected ten people on the street and did a psychological work-up on them, you might find that one or two of them are chronically oppositional. But you would never expect to find that 90% of those whom you randomly evaluated, were predisposed to that kind of behavior. Nonetheless, if you take a close look at those who keep chronically barking dogs, the rate of recalcitrance does indeed seem to be that high.

I'm convinced that the extremely large percentage of belligerent people found among those who choose to keep chronically barking dogs is due to the fact that it is a self-selecting population. In other words, there exists such a high rate of hostility among those with barking dogs because keeping a barking dog within earshot of a neighbor's home is a hostile thing to do. That's why we find a disproportionately large percentage of hostile people among those who choose to do it.

It should be no surprise, then, that the great majority of the time, when you scratch the surface of a person keeping a barking dog, you will find someone prone to hostility and/or altogether lacking in empathy. So trying to persuade someone to take responsibility for their canine can be a treacherous proposition, and taking steps to force them to do it can be downright dangerous.



ORDINANCES & RESOLUTIONS



SECTION 9.

Ordinances & Resolutions

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**

Agenda Item No. 9. a.

Council Meeting Date: February 13, 2017

TITLE: Resolution R1617-08 a resolution supporting the restoration of recreational immunity

SUMMARY AND BACKGROUND:

One of the League of Oregon Cities four legislative priorities this year is the restoration of recreational immunity. An Oregon Supreme Court ruling last spring effectively striped local governments of the immunity we have had since the Public Use of Lands Act was passed in 1995. The League is encouraging cities to adopt a resolution supporting the legislative reinstatement of the immunity. I have attached our version of the League's model resolution.

REQUESTED ACTION & SUGGESTED MOTION

Adopt the resolution and direct staff to forward the adopted resolution to the League and our local state representatives

I make the motion that the Council adopts Resolution R1617-08, a resolution recommending restoring recreational immunity rights, and forward a copy of the adopted resolution to our state representatives.

Cities Encouraged to Pass Recreational Immunity Resolutions

The League is asking city councils across Oregon to pass resolutions urging the Oregon Legislature to restore recreational immunity. The Public Use of Lands Act was passed in 1995 to encourage public and private land owners to expand recreational access by limiting their liability to those recreating. However, the Oregon Supreme Court has ruled that the immunity enjoyed by land owners does not extend to employees, agents or volunteers, and this exposes cities and other land owners to tort claims brought against their employees. The League has identified the restoration of recreational immunity as one of its top legislative objectives for 2017. Cities are encouraged to adopt this [sample resolution](#) and provide it to their legislators.

Contact: Scott Winkels, Intergovernmental Relations Associate – swinkels@orcities.org

Workgroups to Start Transportation Package Methodology

This week, the Joint Committee on Transportation Preservation and Modernization, co-chaired by Senator Lee Beyer (D-Springfield) and Representative Caddy McKeown (D-Coos Bay), announced the first steps in the development of a transportation funding package.

Four legislative workgroups will take on the initial development, crafting proposals to be integrated into one comprehensive package.

The four workgroups are :

- Highway, road and street preservation and maintenance (to include seismic preparedness);
- Traffic congestion;
- Public transit and safety; and
- Multimodal and freight (to include aviation, port/marine and rail).

A schedule of meetings has not yet been announced.

Contact: Craig Honeyman, Legislative Director – choneyman@orcities.org

IN THIS ISSUE

- [Legislative Session Underway](#)
- ["City Day at the Capitol" is Next Wednesday](#)
- [Cities Encouraged to Pass Recreational Immunity Resolutions](#)
- [Workgroups to Start Transportation Package Methodology](#)
- [Statewide Budget Hearings Scheduled](#)
- [Select Bill Summaries](#)
- [Legislative Hearing Schedule](#)
- [Supreme Court Says City Councilor's Anti-Union Editorial May Violate Labor Laws](#)
- [State Shared Revenue Report Corrected](#)
- [108 Cities Respond to LOC Street Conditions Survey](#)



Recreational Immunity

Priority

Ensure that employees, officers and other agents of landowners, including cities, are exempt from liability under Oregon's recreational immunity law.

Background

Landowners in Oregon are immune from civil liability in the event a person is injured on their property provided that they were recreating and that the property owner did not charge a fee for access to their land. However, the Oregon Supreme Court has ruled that the employees or other agents of the landowner may be liable if a person is injured as a result of their actions. For public agencies that are required to indemnify and defend their employees against such claims, recreational immunity has been stripped away.

Without effective recreational immunity, cities will expose themselves to unwarranted risks if they expand recreational opportunities in their community. Indeed, some have been forced to close parks. Oregon's recreational opportunities are utilized to a high degree by its citizens, contribute to quality of life and should not be compromised by the possibility of such lawsuits.

Outcome

Restore the civil immunity landowners and their employees had against tort actions for injuries sustained while recreating.

RESOLUTION R1617-08
A RESOLUTION RECOMMENDING RESTORING RECREATIONAL IMMUNITY RIGHTS

WHEREAS, in 1995, the Legislative Assembly declared it to be the public policy of the State of Oregon to encourage landowners to make their land available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes, and;

WHEREAS, recreation includes, but is not limited to: outdoor activities such as hunting, fishing, swimming, boating, camping, picnicking, hiking, nature study, outdoor educational activities, water sports, winter sports, viewing or enjoying historical, archaeological, scenic or scientific sites or volunteering for any public purpose project, as well as: gardening, woodcutting and for the harvest of special forest products, and;

WHEREAS, the Public Use of Lands Act has increased the availability of land for free recreation by citizens and visitors alike by limiting liability to cities, counties, park districts, irrigation districts, schools and private landowners, including property-owner associations, farmers and timber companies that, by virtue of this act, allow members of the public to use or traverse their lands at no charge for recreation purposes, and;

WHEREAS, for twenty years, the Public Use of Lands Act has been broadly interpreted to extend this immunity from liability to apply not only to landowners but also to the landowner's employees agents, and volunteers, and;

WHEREAS, in *Johnson v. Gibson*, the Oregon Supreme Court held that when the Legislature passed the Public Use of Lands Act, it intended to immunize only the landowner, otherwise the Legislative Assembly would have included employees, agents and volunteers in the Act, and;

WHEREAS, this ruling effectively undermines a landowner's recreational immunity from tort liability under the Act because public employers are statutorily required to represent and indemnify their employees and most, if not all, landowners who allow access to their lands free of charge will ultimately be responsible for the negligence of their employees that results in injury to a member of the public or property, and;

WHEREAS, the City of Gold Beach has parks and other land open and available to the general public for recreation purposes; and

WHEREAS, landowners—such as the City of Gold Beach, will likely face substantially increased insurance premiums for this new risk exposure and/or have to close their property or amenities to Oregonians trying to recreate due to the result of this decision.

THEREFORE BE IT RESOLVED, the City Council of the City of Gold Beach, supports legislation in the 2017 Oregon Legislative Assembly promulgated to restore recreational immunity to landowners and their officers, employees, agents or volunteers who are acting within the scope of their employment or duties, so to allow Oregonians to access public lands for recreational use and enjoyment.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, and STATE OF OREGON, THIS 13th DAY OF FEBRUARY, 2017.

APPROVED BY:

Karl Popoff, Mayor

ATTEST:

Jodi Fritts, City Administrator/Recorder



MISC. ITEMS

**INCLUDING POLICY DISCUSSIONS &
DETERMINATIONS**



SECTION 10.

MISC ITEMS (including policy discussions & determinations)

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**

Agenda Item No. **10 a.**

Council Meeting Date: February 13, 2017

TITLE: City Goals (Strategic Plan) Review

SUMMARY AND BACKGROUND:

To get back on our quarterly Goal Review schedule we will be reviewing Goals 1 & 2 this month.

REQUESTED ACTION:

Review goals and suggested changes and propose additional if the Council wishes.

***PREVIOUS REPORTS ON THIS TOPIC
FROM JANUARY AGENDA REPORT***

We have a total of 8 Goals. We take 2 Goals per quarter to review so that each goal is reviewed annually. Because of various reasons the quarterly reviews did not happen for 2016.

I went through all 8 Goals and have made notes on most of them. We decided a few years back to leave prior notes on each action items so that we can have a quick look on what has taken place on a particular item historically. The most recent note is at the beginning. An asterisk * signals the beginning of a note.

I am also sending this as a separate PDF so you can see the colored highlights.

City of Gold Beach Strategic Plan

(formerly Business Plan)

February 2017 Goal 1 & 2 Review

Goals & Objectives	Priority/Action Items	RP	Target Date	
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. 	1a	<p>Maintain yearly contingency of at least 5% and an unappropriated ending fund balance of a minimum of 15% in the General Fund operating budget.</p> <p>* As of end of fiscal year 2016 the balance of the General Fund Reserve Fund was: \$32,500 <i>*A General Fund Reserve Fund was established by the Council in 2011 to accrue the desired contingency.</i></p>	CA/CC	ONGOING
	1b	<p>Establish fiscal and budget policies for the City.</p> <p><i>*Financial internal control policies were adopted by the Council in June 2014. *Formal budget policies have not been proposed yet.</i></p>	CA/CC	09/2010 03/2013
	1c	<p>Maximize long-term debt repayments.</p> <p><i>All outstanding loans, besides wastewater debt, have been paid off either outright or as interfund loans to maximize savings interest returns.</i></p>	CA	06/2011 ONGOING
	1d	<p>Improve and simplify financial reporting and monitoring.</p> <p><i>*As of this morning we moved to a cloud based hosted solution for our Caselle software to eliminate local equipment and IT needs. *In the fall of 2015 we went with an online bill pay service (sister company of Caselle) for utility and other City payments. This has increased staff productivity and been a good service to our customers who can now access their accounts at any time, not just to pay but also review their history. *In 2011 municipal financial management software was purchased and implemented to integrate utility billing, payroll, AP/AR,</i></p>	CA	09/2010 COMPLETED

City of Gold Beach Strategic Plan

(formerly Business Plan)

February 2017 Goal 1 & 2 Review

Goals & Objectives	Priority/Action Items	RP	Target Date
	<p><i>business license, and municipal court functions into one computing platform.</i></p>		
	<p>1e Develop five-THREE year revenue/expenditure forecast.</p> <p><i>This is still an action item.</i></p> <p>*Will work on having this prepared by the 2017-2018 budget process</p>	CA	12/2010 03/2013 03/2016
	<p>1f BI-Annually review System Development Charges and update as needed.</p> <p>*Now that we have completed the Water Master Plan, Water Rate Study, and Water Rate Update we should consider attacking this item.</p> <p><i>*2015 was to have been first review year. We are in the process of completing an updated Water Master Plan and water rate study. The SDC charges will be reviewed when the water rate study is completed in spring 2016.</i></p>	CA/PWS	April annually ODD YEARS
	<p>1g Review and update all fees annually.</p> <p>*We updated fees and muni court fines February 2016</p> <p><i>*Utility fees are reviewed and updated annually. Other fees have been reviewed annually since 2012. Municipal court fines will be reviewed in fall 2015</i></p>	CA	April annually
	<p>1h Aggressively pursue grant funding.</p> <p><i>Staff continually looks for grant funding for priority projects identified by the Council.</i></p>	CA	ONGOING
	<p>1i Undertake comprehensive compensation and classification review and update City salary schedule.</p> <p>*We just received notification from Teamsters that contract negotiations have been opened for the represented members of the GBPD.</p>	CA	11/2010 Reviewed with Teamsters contract—next review 2017

City of Gold Beach Strategic Plan

(formerly Business Plan)

February 2017 Goal 1 & 2 Review

Goals & Objectives	Priority/Action Items	RP	Target Date	
	<p>Our City Salary schedule is scheduled to be updated at the same time as the Teamsters to stay in sync. An updated salary schedule will be presented at budget time.</p> <p><i>* The Council made the policy decision to update the schedule at the same time the Teamsters contract is up for review. The most current review was completed in 2014. The next review is schedule for 2017</i></p> <p><i>*The first compensation and classification review and salary schedule update since 1997 was completed in 2011.</i></p>			
	<p>1j</p> <p>Seek alternative energy solutions for City operations.</p> <p><i>This is an ongoing process.</i></p>	CA/PWS	ONGOING	
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. • Promote and assist in developing educational opportunities. 	<p>2a</p>	<p>Pursue formation of a parks and recreation district.</p> <p><i>*We briefly discussed maybe shelving this subgoal. It's up to the council whether to remove or keep it...</i></p> <p><i>*We have not discussed this in a long time.</i></p> <p><i>*The Council made the determination to table this matter until the economy fully recovers from the recession since other funding issues such as County law enforcement and schools take higher priority.</i></p>	CC	07/2010-05/2011 REVISIT
	<p>2b</p>	<p>Pursue development of a community garden.</p> <p><i>*Another community garden is attempting to be established at Buffington Park. We have been supporting those efforts.</i></p> <p><i>*Initially a community garden was established on property adjacent to the Presbyterian Church on Hillcrest. The Council provided free water service to the garden. Interest waned and the garden</i></p>	CA/CC	07/2010-05/2011 ONGOING

City of Gold Beach Strategic Plan

(formerly Business Plan)

February 2017 Goal 1 & 2 Review

Goals & Objectives	Priority/Action Items	RP	Target Date
	<p><i>gradually went away due to lack of interest. Another community garden was established at Buffington Park in 2015.</i></p> <p>2c</p> <p>Develop community vision and mission statement.</p> <p>*We have not revisited this in a while, but the current statement still feels very relevant.</p> <p><i>*A community vision and mission statement was adopted in 2011. The statement is posted at city hall, on the Council dais, on the City letterhead and website. The statement will be revisited in 2015.</i></p>	CC	08/2010 REVISIT 2015
	<p>2d</p> <p>Pursue opportunities to enhance education outreach and workforce/VOCATIONAL training programs for Gold Beach residents.</p> <p>*This is a topic at a lot of meetings I attend. Curry Public Library has made some exciting plans and progress towards helping improve STEAM (Science, Technology, Engineering, Art and Math) for local kids. If we can support those efforts that would be a great community collaboration.</p> <p><i>*This is an ongoing effort and tough nut to crack.</i></p>	CA	ONGOING
	<p>2e</p> <p>Provide community events and activity schedule</p> <p><i>An integrated community events and activity calendar is kept up to date by the Visitor Center staff and posted on the City and Visitor Center websites. Events are listed on the two city facebook pages as they come up.</i></p>	CA	07/2010 ONGOING
	<p>2f</p> <p>Update and maintain park facilities</p> <p>*We had Leathers & Associates come back this past fall for a 20 year (1996!) check-in</p>	PWS	ONGOING

City of Gold Beach Strategic Plan

(formerly Business Plan)

February 2017 Goal 1 & 2 Review

Goals & Objectives	Priority/Action Items	RP	Target Date
	<p>on Kid Kastle. They said the playground has been “well cared for over the years” but their overall assessment is the structure is in MEDIUM condition. 20 years is the expected life span of these structures and we are now moving into year 21. We have safety and ADA issues that will be addressed at budget time.</p> <p><i>*This in an ongoing effort. A Parks Master Plan would be a good tool if we could find funding to develop one.</i></p>		



SECTION 10.

MISC ITEMS (including policy discussions & determinations)

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**

Agenda Item No. **10 b.**

Council Meeting Date: February 9, 2017

TITLE: Donating City Leased Property to Non-Profit Organization

SUMMARY AND BACKGROUND:

In January the Council reviewed information from legal counsel regarding this matter. Council directed staff to start the process to transfer the property to the non-profit group. Legal Counsel, Lauren Sommers, has prepared a deed for the transfer. After I received the draft I forwarded it to the non-profit for their review. They notified me last week that their Board was good with the transfer deed.

I have attached a copy of the deed (with the property location and identification of the non-profit redacted because our packets are published on the internet) for your review and approval. If it meets with the Council's approval, I would like to respectfully request a motion to formalize that approval and authorize the City Administrator to execute the documents related to the transfer.

REQUESTED ACTION AND SUGGESTED MOTION

Approve the transfer deed document and authorize the CA to execute the documents.

SUGGESTED MOTION: I make the motion we approve the statutory bargain and sale deed as prepared by legal counsel and authorize the city administrator to execute the documents related to the property transfer.

PREVIOUS REPORTS ON THIS TOPIC

FROM JANUARY AGENDA REPORT:

Last month a request was made by Lea Sevey the Director of a local non-profit organization, to have the City donate the property they currently lease from the City. The property was leased to the organization in 1992 for 99 years subject to a specific purpose and use—for which it is has, and still is, being utilized. Part of the reason the City leased the property originally is that it had no useful purpose to us as City



SECTION 10.

MISC ITEMS (including policy discussions & determinations)

owned property. We have no utilities or appurtenances on the subject property and I am unsure why we even own the property since there is no history in the file. I suspect it was seized by the County at one time for tax foreclosure and they in turn donated it to the City.

After discussing the matter with Ms. Sevey at the December meeting the Council asked me to consult with legal counsel and ask specifically:

Q- Can we donate the property or do we have to offer it for sale on the open market?

A – According to legal counsel, ORS 271.330(2) allows cities to donate property to a “qualifying nonprofit corporation” for the purpose of providing any of the following:

- (A) Low income housing;
- (B) Social services; or
- (C) Child care services

The non-profit in question definitely provides (B) Social services, and probably provides the other two, so they do qualify as an entity we can outright donate the property to.

Q – Can we put a reversal clause in the donation?

A – Legal counsel advised that yes, we can, and yes, we definitely would.

Q – Are there any negatives?

A – Neither I nor legal counsel can see any obvious negatives. We don’t, and haven’t utilized the property. And for all practical purposes we can’t anyway because of the current lease which doesn’t expire until about 2091. We also don’t currently derive tax revenue so we aren’t out that money (we are out it already). We have no utilities here and no future plans for utilities because of its location and elevation.

DUE TO THE SENSITIVE NATURE OF THE WORK THAT THE NON-PROFIT PROVIDES STAFF HAS REDACTED ANY MENTION OF THEIR GROUP'S NAME AND THE LEGAL DESCRIPTION OR ADDRESS OF THE PROPERTY

**Until a change is requested,
send all tax statements to:
REDACTED**

**After recording return to:
REDACTED**

Statutory Bargain and Sale Deed

The City of Gold Beach, Grantor, conveys to *REDACTED*, Inc., Grantee, the following-described real property (Property):

THE LEGAL DESCRIPTION WILL BE HERE FOR THE RECORDED DEED

True consideration for this conveyance is other property or value.

This Deed is subject to all covenants, restrictions, and agreements of record, which by this reference are incorporated herein, as though such covenants, restrictions, and agreements were fully set forth in this Deed.

Should the Property ever be used for something other than a home for *THIS SECTION REDACTED*, fee title to the Property will immediately and automatically revert back to Grantor.

Should Grantee transfer Property, or should any mortgage or Deed of Trust be foreclosed on Property, then the title acquired by such transfer or foreclosure, and the person or persons who thereby and thereafter become owner or owners of the Property, shall be subject to and bound by all the restrictions, conditions, and covenants set forth in this instrument.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED

IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this _____ day of _____, 2017.

GRANTOR:

By: _____
Jodi Fritts, Gold Beach City Administrator

STATE OF OREGON)
) ss.
County of Curry)

This instrument was acknowledged before me on the _____ day of _____, 2017, by Jodi Fritts, City Administrator of the City of Gold Beach.

Notary Public for Oregon



SECTION 10.

MISC ITEMS (including policy discussions & determinations)

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**

Agenda Item No. **10 c.**
Council Meeting Date: February 9, 2017

TITLE: Direction on FOG Loans/Grants

SUMMARY AND BACKGROUND:

We finally got the info out to all the FOG producers in town notifying them of required compliance. We have had good feedback from the producers and so far everyone is on board for compliance. We had our first request for financial assistance for installation/upgrade to a producer's FOG collection system. It occurred to me that we have budget approved the \$150,000 set aside for loans/grants, but we never came up with a process. Staff is requesting direction from the Council on how you wish to address the grant/loan program requests.

STAFF QUESTIONS:

- Grants AND loans or just loans?
- What is the most an individual producer can request?
- Flat amount or percentage of total cost?
- What is the longest we will go for repayment?

Below are some staff suggestions and attached is a basic request for installment plan form.

STAFF SUGGESTIONS:

- If we offer grants, I would suggest \$500-\$1000
- The loan amounts can be added to the monthly utility bill—there is a section in Caselle specifically for this type of utility related financing—that would eliminate staff having to separately track and bill accounts.
- Financing time based on the amount financed but no more than 5 years total.

REQUESTED ACTION AND SUGGESTED MOTION

Decision on fog/grant process and direction to staff

SUGGESTED MOTION: Will depend on proposed action regarding the process...

REQUEST FOR FOG COMPLIANCE GRANT/LOAN

INSERT HERE A BRIEF SUMMARY OF THE COUNCIL DECISION(S) REGARDING THE PROGRAM

The Fog Compliance Grant/Loan Program is a reimbursable program—the program will reimburse your expenses for compliance, but does not provide up-front monies. It is strongly suggested you coordinate with Public Works PRIOR to ordering or installing your FOG collection system to ensure your proposed system will meet the City specifications.

When you make an application for reimbursement, the Public Works department staff will inspect your installed system and make a recommendation to the program administrator. If their recommendation is favorable your request will be processed and the program administrator will notify you of the terms of the reimbursement. Once you accept the terms, the City will reimburse City Council approved allowable costs. Your installment repayment plan will be added to your monthly utility bill.

If you fail to make three (3) consecutive payments on your plan the program administrator will refer the matter to the City Council and recommend that your unpaid balance be turned over to our municipal debt collection service. Pursuant to our agreement with the collection agency, once an account has been turned over to them, the City will no longer accept payments and your account will remain with the collection agency until paid in full.

Business Name:	Owner Name:
Business Address & Phone:	
Reimbursement Request Amount: \$	
Signature	Date:

Requests for reimbursement through the FOG Grant/Loan Compliance Program require submission of actual receipts for equipment, materials, labor, and any other costs associated with the FOG compliance equipment installed. Requests for reimbursements without receipts will be returned to the applicant unprocessed.



SECTION 10.

MISC ITEMS (including policy discussions & determinations)

**GOLD BEACH CITY COUNCIL
AGENDA REPORT**

Agenda Item No. **10 d.**
Council Meeting Date: February 9, 2017

**TITLE: Oregon Health Authority, Drinking Water Program
Water Master Plan Approval**

SUMMARY AND BACKGROUND:

The City formally adopted the Water Master Plan early last year. After Council adoption the plan was sent to the OHA Drinking Water Program for their review and approval. We received their formal approval this month. I have attached a copy of their approval letter.

REQUESTED ACTION AND SUGGESTED MOTION

None, FYI only



PUBLIC HEALTH DIVISION
Drinking Water Program

Kate Brown, Governor

Oregon
Health
Authority

448 Tenney Dr.
Rogue River, OR 97537
(541) 450-0354

January 27, 2017

RECEIVED

FEB 01 2017

Aaron Speakman, PE
The Dyer Partnership.
1330 Teakwood Ave.
Coos Bay, OR 97420

CITY OF GOLD BEACH

scott.g.curry@state.or.us

**RE: Plan Review #160-2016 / Approval
Water System Master Plan / City of Gold Beach (PWS #4101059)**

Dear Aaron:

We have received a copy of the Water Master Plan for the City of Gold Beach, along with the \$4125 plan review fee.

We note that this plan examines the current condition of the City's water system, evaluates options for accommodating future growth over the 20-year planning period, and identifies areas for recommended improvements. Specifically, we note the following:

1. **With regard to the water source**, the City has sufficient water rights to the Rogue River to cover the anticipated demand over the 20-year planning period.
2. **With regard to water treatment**, the capacity of the water treatment plant (2 MGD) should be adequate to serve the anticipated maximum daily demand at the end of the planning period. With only modest growth predicted, no major changes or additions to the treatment process should be necessary.
3. **With regard to treated water storage**, we agree that the six existing reservoirs are in good condition, and note that they are regularly cleaned and inspected.
4. **With regard to the distribution system**, the approximately 27 miles of piping appears to be in reasonably good condition considering the age and different types of piping material. Some deficiencies are identified, including the leaking mainline along Jerry's Flat Rd, and some waterlines that need to be upsized for adequate fire flow.
5. **A phased capital improvement plan** is presented for dealing with the identified deficiencies in a systematic manner, and financing options are addressed.

We feel that this plan meets our criteria for water system master plans, and it is approved. We encourage the City to re-visit this plan periodically and update it when necessary. Thank you for submitting this plan for our review.

Sincerely,

Scott G. Curry, P.E.
Regional Engineer / Drinking Water Program