

City of Brookings

CITY COUNCIL MEETING & *WORKSHOP* AGENDA

Monday, June 10, 2013

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

WORKSHOP – 6:00 PM

A. Call to Order

B. Roll Call

C. Topics

1. Discussion of County Tax Options.
(Workshop and topic at the request of Councilors Hodges and McClain)

D. Council Member Requests for Workshop Topics

E. Adjournment

CITY COUNCIL – 7:00 PM

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Ceremonies/Appointments/Announcements

1. Proclamation – Supreme Americanism Week. [pg. 3]
2. Introduction of new employees:
 - Timothy Brush, Public Works Utility Worker I
 - Dennis Tippetts, Public Works Utility Worker I (Parks)
3. Announcement of June Yard of the Month Awards:
 - Best Residential – Melanie Eaton, 311 Maple Street
 - Best Commercial – Chiman & Meenaxi Patel, Westward Inn, 1026 Chetco Ave

E. Oral Requests and Communications from the audience

1. Public Comments on non-agenda items – 5 minute limit per person.*

F. Staff Reports

1. Status of various State and legislative regulatory matters. [City Manager, pg. 4]
 - a. Chetco River Rulemaking
 1. Email from Chris Castelli, DSL [pg. 5]
 2. Chetco River Rule Final Draft and agenda item. [pg. 6]
 3. Summaries of Brookings hearing and written comments. [pg. 24]
 4. January 28, 2013 Council Agenda Report & Resolution 13-R-999. [pg.33]
 - b. May 30, 2013 Cities of Curry County letter to Governor on HB 3453. [pg. 35]
2. Renewal of amended Intergovernmental Agreement between the City and Upper Chetco Fire Protection District (UCFPD). [City Manager, pg. 36]
 - a. Agreement [pg. 37]

G. Consent Calendar

1. Approve Council minutes for May 28, 2013. [pg. 41]
2. Accept May 2013 Vouchers in the amount of \$415,270.53. [pg. 45]

H. Remarks from Mayor and Councilors

- I. Adjournment into Executive Session** in the City Manager's office, under authority of ORS 192.660(2)(f), "to consider information or records that are exempt by law," and under the authority of ORS 192.660 (2)(e), "to conduct deliberations with persons designated by the governing body to negotiate real property transactions." Council will adjourn from the Executive Session.

*Obtain Public Comment Forms and view the agenda and packet information on-line at www.brookings.or.us, at City Hall and at the local library. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least ten days advance notification. Please contact 469-1102 if you have any questions regarding this notice.

City of Brookings *Proclamation*

Whereas, strengthening the Unity of the United States of America is vital and there is a need to strengthen the American Heart of Emblem, the beliefs of each individual and each Club; and

Whereas, in these interests, it seems appropriate at this time to restate our Citizen Principles by pledging to bear true allegiance to the Constitution of the United States of America, and to the Flag which is the Emblem of our Country; and

Whereas, in keeping with our pledge, the Supreme Emblem Club of the United States of America has adopted the Flag of our Country as our Order's Emblem and the name "Emblem" by which our organization is known throughout the land; and

Whereas, we are Citizens dedicated to the belief that the United States shall be sustained, preserved and perpetuated; and

Whereas, in keeping with our principles, it seems obligatory that we act to more forcefully display these beliefs; that each club create an Americanism Committee and originate and participate with others in patriotic community endeavors; that each Emblem member complete a patriotic deed each day and engage in assisting the Americanism Program of the Benevolent and Protective Order of Elks on every occasion we are invited to participate; and that each club and club member actively work to fulfill our dedicated purpose of bearing true allegiance to the Constitution and Flag of the United States of America.

Now, Therefore, Be it Resolved, I, Ron Hedenskog, Mayor of the City of Brookings, do hereby proclaim the week of June 9th through June 15th, 2013, as

SUPREME AMERICANISM WEEK.

In Witness Whereof, I, Mayor Ron Hedenskog, do hereto set my hand and cause the official seal of the City of Brookings, Oregon, to be affixed this 10th day of June, 2013.



Mayor Ron Hedenskog



CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: June 10, 2013

Originating Dept: City Manager


Signature (submitted by)


City Manager Approval

Subject: Status of various state and legislative regulatory matters.

Recommended Motion:

No action proposed.

Background/Discussion:

The City Manager will report on the status of various state regulatory and legislative matter that the City Council has acted upon, including OAR 141-88 (Chetco River Rulemaking), House Bill (HB) 3453 and HB 2206.

Attachment(s):

- a. Chetco Rulemaking
 - 1. Email from Chris Castelli, DSL
 - 2. Chetco River Rule Final Draft and Agenda item
 - 3. Summaries of Brookings hearing and written comments
 - 4. January 28 Council Agenda Report and Resolution 13-R-999
- b. May 30, 2013 Cities of Curry County letter to Governor on HB 3453

From: "CASTELLI Chris" <chris.castelli@state.or.us>
Date: Tue, 4 Jun 2013 17:55:25 +0000
To: 'Chetco@charter.net' <chetco@charter.net>; STINNETT Dan <dan.stinnett@state.or.us>;
'director@port-brookings-harbor.com' <director@port-brookings-harbor.com>;
'gmilliman@brookings.or.us' <gmilliman@brookings.or.us>;
'harry@currywatersheds.org' <harry@currywatersheds.org>;
'Lostboat3@gmail.com' <lostboat3@gmail.com>; 'Robert Elayer' <relayer@twcontractors.com>;
MAZUR Steve J <steve.j.mazur@state.or.us>; 'val@earlyfishing.com' <val@earlyfishing.com>
Cc: gmilliman@brookings.or.us <gmilliman@brookings.or.us>; GRIMES
Jim <jim.grimes@state.or.us>; PAUL Jim <jim.paul@state.or.us>; STAFFORD
Lorna <lorna.stafford@state.or.us>; TEETERS Tiana <tiana.teeters@state.or.us>; CONFER Todd
A <todd.a.confer@state.or.us>
Subject: RE: OAR 141-88 Chetco River SLB agenda

Hello RAC members,

The Department is taking the draft rules to the State Land Board adoption at the June 11th meeting.
Here is a link to the meeting agenda: http://www.oregon.gov/dsl/SLB/Pages/agenda_jun2013.aspx.
Please find the SLB rulemaking agenda items attached.

All of us at the Department want to thank you for your time and effort in this process.

Christopher Castelli

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<http://www.oregon.gov/DSL/pages/index.aspx>

FINAL DRAFT FOR LAND BOARD ADOPTION

NOTE: The proposed additions to the enacted rules are indicated in **bold underlined type.**

DEPARTMENT OF STATE LANDS

DIVISION 88

**RULES GOVERNING THE ESTABLISHMENT OF RESTRICTIONS ON THE
PUBLIC RECREATIONAL USE OF STATE-OWNED LAND**

141-088-0000 Purpose and Applicability

These rules:

- (1) Govern the establishment of restrictions on the public recreational use of state-owned Trust and Non-Trust Land managed by the Department of State Lands (Department).
- (2) Are in addition to those contained in OAR 141- 082 (Rules Governing the Management of, and Issuing of Leases, Licenses, Temporary Use Permits and Registrations for Structures on, and Uses of State-Owned Submerged and Submersible Land) which govern the imposition of restrictions on the use of, and closures of state-owned submerged and submersible land for activities subject to authorization by the Department.
- (3) Identify areas of state-owned land managed by the Department for which restrictions on public recreational use have been established by rule.
- (4) Do not govern the establishment of restrictions on, or closure to the public recreational use of state-owned land administered by the Department of State Lands within the South Slough National Estuarine Research Reserve.

141-088-0002 Definitions

- (1) **“Asset Management Plan”** is the plan adopted by the State Land Board that provides the policy direction and management principles to guide both the short and long-term management by the Department of the Common School Fund’s real estate assets.
- (2) **“Department”** means the Department of State Lands.
- (3) **“Director”** means the Director of the Department of State Lands or designee.
- (4) **“Emergency”** means a human created or natural event or circumstance that causes or threatens:
 - (a) Human life, health or safety;

- (b) Loss of, or damage to property;
- (c) Loss of, or damage to natural, historical, cultural or archaeological resources; or
- (d) Damage to the environment.
- (5) **“Limited Duration”** means a public recreational use of state-owned land that does not exceed 30-calendar days in the same location.
- (6) **“Non-Trust Land”** is land owned or managed by the Department other than Trust Land. Examples of Non-Trust Land include state-owned Swamp Land, and state-owned submerged and submersible land (land below ordinary high water) under navigable and tidally influenced waterways.
- (7) **“Person”** includes individuals, corporations, associations, firms, partnerships, limited liability companies and joint stock companies as well as any state or other governmental or political subdivision or agency, public corporation, public authority, or Indian Tribe.
- (8) **“Public Recreational Use”** or **“Public Recreational Uses”** are those recreational activities that a person may conduct on state-owned land managed by the Department without having to obtain a prior authorization from the Department as required by these or other administrative rules adopted by the State Land Board. Such uses include, but are not limited to, limited duration hunting, fishing, sightseeing, wildlife observation, hiking, boating, swimming, camping and picnicking.
- (9) **“Removal”** means a removal as defined in ORS 465.200.
- (10) **“Remedial Action”** means a remedial action as defined in ORS 465.200.
- (11) **“State Land”** or **“State-Owned Land”** is land owned or managed by the Department or its agents and includes Trust and Non-Trust Land.
- (12) **“Submerged Land”** means land lying below the line of ordinary low water of all title navigable and tidally influenced waters within the boundaries of the State of Oregon.
- (13) **“Submersible Land”** means land lying above the line of ordinary low water and below the line of ordinary high water of all title navigable and tidally influenced waters within the boundaries of the State of Oregon.
- (14) **“Trust Land”** or **“Constitutional Land”** is all land granted to the state for the use of schools upon its admission into the Union, or obtained by the state as the result of an exchange of Trust Land, or obtained in lieu of originally granted Trust Land, or purchased with trust funds, or obtained through foreclosure of loans using trust funds.

141-088-0004 General Provisions

- (1) All Trust and Non-Trust Land under the jurisdiction of the State Land Board and the Department is open and available for public recreational use provided that such use:

- (a) Is legal under local, state and federal law;
- (b) Is allowed under the Department's Asset Management Plan;
- (c) Does not, due to the nature or duration of the use, unnecessarily prevent other persons from using the same state-owned land; and
- (d) Does not, as determined by the State Land Board or the Department:
 - (A) Substantially interfere with the use of land by persons holding a written authorization from the Department to use the subject site(s), parcel(s) or area(s);
 - (B) Pose a significant risk of harm or damage to the natural, cultural and archaeological resources of the land or to the public; or
 - (C) Substantially interfere with tribal treaty rights.
- (2) Any person may request that the Department impose restrictions on public recreational use of state-owned land, or close state-owned land managed by the Department to public recreational use. A request must be in writing and must clearly state the reasons such a restriction or closure is necessary.
- (3) The Department may also identify state-owned land on which it believes public recreational use should be restricted or that should be closed to public recreational use.
- (4) Restrictions or closures by the State Land Board or the Director will be:
 - (a) Based on a determination that the action is necessary to:
 - (A) Protect human life, health or safety;
 - (B) Prevent loss of, or damage to property;
 - (C) Prevent loss of, or damage to natural, historical or archaeological resources;
 - (D) Prevent damage to the environment;
 - (E) Facilitate or protect a removal or remedial action undertaken by or pursuant to an order issued by the Oregon Department of Environmental Quality (DEQ) or the United States Environmental Protection Agency (EPA);
 - (F) Fulfill an objective of an area management plan developed by the Department; or
 - (G) Meet other land management objectives or terms of any use authorization granted by the Department.
 - (b) As limited in area, duration and scope as necessary to address the identified need for the restriction or closure.
- (5) All restrictions or closures will be promulgated by the State Land Board except that the Director may impose a restriction or closure when the Director determines that:
 - (a) The restriction or closure is necessary to address an emergency; or
 - (b) The restriction or closure is necessary to facilitate or protect a removal or remedial actions undertaken by or pursuant to an order issued by the Oregon Department of Environmental Quality (DEQ) or the United States Environmental Protection Agency (EPA).

141-088-0005 Restriction or Closure Request and Review Process

- (1) Upon receipt of a request to impose restrictions on, or close state-owned land to public recreational use, the Department will review the request to evaluate the need for the restriction(s) or closure.
- (2) As a part of its review, the Department may:
 - (a) Determine if feasible alternative approaches exist to address the problem(s) for which the restrictions or closure is requested; and
 - (b) Contact, persons or groups likely to be impacted by the proposed restrictions or closure including, but not limited to, law enforcement officials, users of the subject site, area or parcel, and adjacent landowners.
- (3) Following its review of the request, the Department will make a recommendation to the Director concerning whether to place the requested restrictions on the public recreational use of, or to close to such uses the state-owned land.
- (4) Upon receipt of the Department's recommendation, the Director will determine whether the restriction or closure must be promulgated by the State Land Board pursuant to OAR 141-088-0006, or may be imposed by the Director pursuant to either OAR 141-088-0007 or OAR 141-088-0008.

141-088-0006 Restrictions or Closures Adopted by the State Land Board

- (1) All restrictions or closures by the State Land Board will be promulgated as rules in accordance with ORS 183.310 to 183.410.
- (2) The State Land Board will adopt the proposed restriction or closure to public recreational use if the Land Board determines:
 - (a) That the restriction or closure is necessary to:
 - (A) Protect human life, health or safety;
 - (B) Prevent loss of, or damage to property;
 - (C) Protect natural, historical, cultural or archaeological resources;
 - (D) Prevent damage to the environment;
 - (E) Facilitate or protect a removal or remedial action undertaken by or pursuant to an order issued by the Oregon Department of Environmental Quality (DEQ) or the United States Environmental Protection Agency (EPA) in pursuit of identifying and remediating contaminated soil or sediments on state-owned land;
 - (F) Fulfill an objective of an area management plan developed by the Department; or
 - (G) Meet other land management objectives or terms of a use authorization; and

- (b) That there is no feasible alternative to accomplish that objective without imposition of a restriction or closure.
- (3) Restrictions or closures adopted by the State Land Board will be as limited in area, duration and scope as necessary to address the identified need for the restriction or closure.
- (4) If the State Land Board adopts a restriction or closure by rule the Department will:
 - (a) Notify affected local, state and federal government agencies and tribal governments, as well as other interested persons or groups that might be affected by the imposition of restrictions or a closure, or that have indicated that they want to be notified of such actions; and
 - (b) Post a notice of such proposed public use restrictions or closure at least four weeks before the time that the restrictions or closure is to take effect:
 - (A) One time in the Public Notices Section of The Oregonian and, if the Director deems appropriate, in another newspaper serving the general area in which the proposed restriction or closure is to occur; and
 - (B) On the Department's website upon imposition of the restrictions or closure at www.oregonstatelands.us

141-088-0007 Restrictions or Closures Imposed by the Director to Address an Emergency

- (1) The Director may impose a restriction or closure in the event s/he determines that the restriction or closure is necessary to address an emergency.
- (2) Restrictions or closures imposed by the Director to address an emergency will be as limited in area, duration and scope as necessary to address the identified need for the restriction or closure.
- (3) If the Director imposes a restriction or closure, the Department will:
 - (a) Notify affected local, state and federal government agencies and tribal governments, as well as other interested persons or groups that the Department believes might be affected by the imposition of restrictions or a closure, or that have indicated that they want to be notified of such actions; and
 - (b) Post a notice of such proposed public use restrictions or closure:
 - (A) One time in the Public Notices Section of The Oregonian and, if the Director deems appropriate, in another newspaper serving the general area of the subject restriction or closure within two weeks after the restrictions or closure take effect; and
 - (B) On the Department's website upon imposition of the restrictions or closure at www.oregonstatelands.us

141-088-0008 Restrictions or Closures Imposed by the Director to Facilitate or Protect Removal or Remedial Actions

- (1) The Director may impose restrictions on, or close state-owned land if the Director determines that the restriction or closure is necessary to facilitate or protect any removal or remedial action undertaken by or pursuant to an order issued by DEQ or EPA.
- (2) Restrictions or closures imposed by the Director will be as limited in area, duration and scope as necessary to address the identified need for the restriction or closure.
- (3) Before imposing a restriction or closure, the Department will provide a 30-calendar-day public comment period on the proposed restriction or closure. An affected party may request a public meeting with agency staff to be held during this 30-day period to discuss the proposed action.
- (4) Notice of this public comment period and the opportunity to request a public meeting with agency staff will be:
 - (a) Sent to affected local, state and federal government agencies and tribal governments, as well as other interested persons that have indicated that they want to be notified of such actions; and
 - (b) Posted:
 - (A) One time in the Public Notices Section of The Oregonian and, if the Director deems appropriate, in another newspaper serving the general area one week before the start of the public comment period; and
 - (B) On the Department's website upon imposition of the restrictions or closure at www.oregonstatelands.us
- (5) A restriction or closure imposed by the Director will not take effect until a date to be determined by the Director which must be at least four weeks following posting of a notice of the restriction or closure.
- (6) If the Director imposes a restriction or closure the Department will:
 - (a) Notify affected local, state and federal government agencies and tribal governments, as well as other interested persons that have indicated that they want to be notified of such actions; and
 - (b) Post a notice of such proposed public use restrictions or closure at least four weeks before the time that the restriction or closure is to take effect:
 - (A) One time in the Public Notices Section of The Oregonian and, if the Director deems appropriate, in another newspaper serving the general area before the start of the restrictions or closure is to take effect; and
 - (B) On the Department's website at www.oregonstatelands.us

141-088-0009 Unauthorized Uses and Penalties

- (1) The unauthorized use of state-owned land managed by the Department constitutes a trespass.

- (2) In addition to any other penalties provided or permitted by law, the Department may pursue whatever remedies are available under law to ensure that any use that is in violation with these rules is either brought into compliance with the requirements of these rules or other applicable law, or ceased or removed.
- (3) In addition to any other penalty or sanction provided by law, the Director may assess a civil penalty of not more than \$1,000 per day of violation for violations of any provision of these rules or ORS 274 that occurs on state-owned submerged or submersible lands pursuant to ORS 274.992.
- (4) The Director will give written notice of a civil penalty incurred under OAR 141-088-0009(3) by registered or certified mail to the person incurring the penalty. The notice will include, but not be limited to the following:
 - (a) The particular section of the statute or this rule involved;
 - (b) A short and clear statement of the matter asserted or charged;
 - (c) A statement of the party's right to request a hearing within 20 calendar days of the notice;
 - (d) The time allowed to correct a violation; and
 - (e) A statement of the amount of civil penalty which may be assessed and terms and conditions of payment if the violation is not corrected within the time period stated.
- (5) The person incurring the penalty may request a hearing within 20 calendar days of the date of service of the notice provided in OAR 141-122-0130(3). Such request must be in writing. If no written request for a hearing is made within the time allowed, or if the party requesting a hearing fails to appear, the Director may make a final order imposing the penalty.
- (6) In imposing a penalty under OAR 141-088-0009 of these rules, the Director will consider the following factors as specified in ORS 274.994:
 - (a) The past history of the person incurring a penalty regarding other trespasses on state-owned land manager by the Department;
 - (b) Any prior violations of statutes, rules, orders and authorizations pertaining to submerged and submersible land;
 - (c) The impact of the violation on public trust uses of commerce, navigation, fishing and recreation; and
 - (d) Any other factors determined by the Director to be relevant and consistent with the policy of these rules.
- (7) Pursuant to ORS 183.090(2), a civil penalty imposed under OAR 141-088-0009 will become due and payable 10 calendar days after the order imposing the civil penalty becomes final by operation of law or on appeal.
- (8) If a civil penalty is not paid as required by OAR 141-088-0009, interest will accrue at the maximum rate allowed by law from the date first due.

141-088-0010 Restrictions for the State-Owned Property at Dibblee Point (Columbia River)

All state-owned land that is under the jurisdiction of the Department in the area known as Dibblee Point or Slaughters Bar, between Columbia River Mile 64.0 and Columbia River Mile 66.0, lying between the Burlington Northern Railroad and the left bank of the Columbia River, west of the Longview Rainier Bridge, in Sections 1 and 12, Township 7 North, Range 3 West, and Sections 7 and 8, Township 7 North, Range 2 West, Willamette Meridian, in Columbia County, Oregon, is closed to all uses between 10 p.m. and 5 a.m.

141-088-0020 Restrictions for the State-Owned Banks of the McKenzie River Bar

All state-owned land that is under the jurisdiction of the Department between the line of ordinary high water and line of ordinary low water along the north bank of the McKenzie River across from Armitage State Park, between River Mile 6.5 and River Mile 7.2, located in Sections 9 and 10, Township 17 South, Range 3 West, Willamette Meridian, in Lane County, Oregon, is closed to overnight camping and motor vehicles, except watercraft, between 10 p.m. and 5 a.m.

141-088-0035 Restrictions for the State-Owned Banks of the Sandy River

All state-owned land that is under the jurisdiction of the Department that is between the line of ordinary high water and the line of ordinary low water and on river islands on the Sandy River from River Mile 0.0 to 37.5 is closed to:

- (1) All uses between 10 p.m. and 5 a.m. throughout the year, and
- (2) Open fires at any time beginning May 1 and ending November 1 of every year.

141-088-0040 Restrictions for the State-Owned Banks of the Columbia River in the Vicinity of Dodson and Warrendale

All state-owned land that is under the jurisdiction of the Department in the vicinity of Dodson to Warrendale that is between the line of ordinary high water and the line of ordinary low water on the Columbia River from River Mile 139.5 to 142.5 is closed to:

- (1) All uses between 10 p.m. and 5 a.m. throughout the year, and
- (2) Open fires at any time beginning May 1 and ending November 1 of every year.

141-088-0050 Restrictions for the State-Owned Banks of the Chetco River

All state-owned land that is under the jurisdiction of the Department that is between the line of ordinary high water and the line of ordinary low water on the Chetco River from the Highway 101 Bridge to River Mile 11 (about one mile upstream from the mouth of Elk Creek) is closed to:

- (1) All uses between 10 p.m. and 5 a.m. throughout the year, and
- (2) Open fires at any time beginning May 1 and ending November 1 of every year, unless a longer period is ordered by the Coos Forest Protective Association.

141-088-0055 Restrictions on Use of Motorized Vehicles in the State-Owned Bed and Banks of the Chetco River

- (1) All state-owned land that is under the jurisdiction of the Department that is below the line of ordinary high water on the Chetco River from the Highway 101 Bridge to River Mile 11 (about one mile upstream from the mouth of Elk Creek) is closed to any and all use by motor vehicles within the wetted channel of the main stem of the river. Excepted from the closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching or the retrieving of boats, vehicles operating under an authorization issued by the Department, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
- (2) For the purposes of this rule, “wetted channel of the main stem” means state-owned submerged and/or submersible land of the primary segment of the river that is inundated by the waterway at the time of use.

141-088-0060 Restrictions for the State-Owned Banks of the Willamette River in the Vicinity of Wheatland Bar Island and Willamette Mission State Park and Adjacent Upland

All state-owned land that is under the jurisdiction of the Department that is between the line of ordinary high water and the line of ordinary low water on the Willamette River, and all state-owned upland that is managed by the Department that is also in the vicinity of, or that comprises Wheatland Island or Willamette Mission State Park is closed to:

- (1) All uses between 10 PM and 5 AM throughout the year,
- (2) Open fires at any time beginning May 1 and ending November 1 of every year, and
- (3) All-terrain vehicles or other motorized vehicle uses except for those involved in the loading or unloading of recreational watercraft and parking during allowable use periods (i.e, 5 A.M to 10 P.M.).

141-088-0070 Restrictions for the State-Owned Bed and Banks of the Willamette River in the Vicinity of the Former McCormick-Baxter Plant

All state-owned land that is under the jurisdiction of the Department that is on the north side of the Willamette River at about River Mile 7 and fronting and abutting the site of the former McCormick-Baxter Plant, the Burlington Northern Bridge, and Willamette Cove as described in easement EA-31530 is temporarily closed to all public uses during the construction period while a sand cap is being placed over contaminated sediments.

141-088-0080 Restrictions for the State-Owned Banks of the Columbia River in the Vicinity of the Gary Island

All state-owned land that is under the jurisdiction of the Department that is between the line of ordinary high water and the line of ordinary low water on the south bank of the Columbia River in the vicinity of Gary Island between River Mile 123.5 and 124.5 is closed to any use without prior written authorization from the Department.

141-088-0090 Closure of Sand Lake Estuary

- (1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Sand Lake estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
- (2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
- (3) The elevation of Mean High Tide corresponds to a tide stage of 7.5 feet (Mean Lower Low Water Datum). The Head of Tide in the Sand Lake estuary extends to the upper limit of the lake. (Sections 19, 20, 29, 30, 31 and 32 of Township 3 South, Range 10 West, Willamette Meridian.)

141-088-0100 Closure of Siltcoos River Estuary

- (1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Siltcoos River estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.

- (2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
- (3) The elevation of Mean High Tide corresponds to a tide state of about 6.5 feet (Mean Lower Low Water Datum). The location of Head of Tide in the Siltcoos River estuary is approximately River Mile 3, at the Siltcoos Lake Outlet (Sections 32, 33, and 34 of Township 19 South, Range 12 West, Willamette Meridian).

141-088-0110 Closure of Tenmile Creek Estuary

- (1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Tenmile Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
- (2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
- (3) The elevation of Mean High Tide corresponds to a tide stage of about 6.5 feet (Mean Lower Low Water Datum). The location of Head of Tide in the Tenmile Creek estuary is approximately River mile 1.1, at the Tenmile Lake Outlet (Sections 22, 23, and 14 of Township 23 South, Range 13 West, Willamette Meridian).

141-088-0120 Closure of Tahkenitch Creek Estuary

- (1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Tahkenitch Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities and vehicles engaged in repair of fences and placement of bank protection material.
- (2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
- (3) The elevation of Mean High Tide corresponds to a tide stage of about 6.5 feet (Mean Lower Low Water Datum). The location of Head of Tide in the Tahkenitch Creek estuary is approximately River Mile 1.2 at the

Tahkenitch Creek Outlet (Sections 19 and 20, Township 20 South, Range 12 West, Willamette Meridian).

141-088-0130 Closure of Berry Creek Estuary

- (1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Berry Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
- (2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
- (3) The elevation of the Mean High Tide corresponds to a tide stage of about 6.3 feet (Mean Lower Low Water Datum). The location of Head of Tide on Berry Creek is approximately the same as the line of Mean High Tide on the beach.

141-088-0140 Closure of Sutton Creek Estuary

- (1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Sutton Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
- (2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
- (3) The elevation of Mean High Tide corresponds to a tide stage of about 6.5 feet, (Mean Lower Low Water Datum). The location of Head of Tide on Sutton Creek is approximately River mile 0.4 (Section 28, Township 17 South, Range 12 West, Willamette Meridian).

141-088-0150 Closure of Twomile Creek Estuary

- (1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Twomile Creek estuary is closed to any and all use by motor vehicles. Excepted from the estuary

closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.

- (2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
- (3) The elevation of Mean High Tide corresponds to a tide stage of about 6.3 feet, (Mean Lower Low Water Datum). The location of Head of Tide on Twomile Creek is approximately River Mile 0.6 (Section 13, Township 29 South, Range 14 West, Willamette Meridian).

141-088-0160 Closure of New River, Floras Creek and Fourmile Creek

- (1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within New River and its tributaries, Fourmile Creek and Floras Creek, is closed to any and all use by motor vehicles. Excepted from the closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
- (2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
 - (a) The elevation of Mean High Tide corresponds to a tide stage of about 6.3 feet (Mean Lower Low Water Datum).
 - (b) The Head of Tide in New River is approximately River Mile 3.1 (Section 15, Township 30 South, Range 15 West, Willamette Meridian).
 - (c) The location of Head of Tide in Fourmile Creek is approximately River Mile 0.7 (Section 2, Township 30 South, Range 15 West, Willamette Meridian).
 - (d) The location of Head of Tide in Floras Creek is approximately River Mile 0.2 (Section 5, Township 31 South, Range 15 West, Willamette Meridian).

141-088-0170 Closure of Euchre Creek Estuary

- (1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Euchre Creek estuary is closed to any and all use by motor vehicles. Excepted from the closure are government-owned vehicles on official business, motor or non-motorized

- boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
- (2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
 - (3) The elevation of the Mean High Tide corresponds to a tide state of about 6.6 feet, (Mean Lower Low Water Datum). The location of Head of Tide of Euchre Creek is approximately the same as the line of Mean High Tide on the beach.

141-088-0180 Closure of Pistol River Estuary

- (1) All submerged and submersible land under the jurisdiction of the Department below Head of Tide within the Pistol River estuary is closed to any and all use by motor vehicles. Excepted from the closure are government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching of boats at designated launching sites, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.
- (2) Head of Tide means the inland-most extent of tidal influence as measured by an increase in water surface level at Mean High Tide (Mean Lower Low Water Datum).
- (3) The elevation of Mean High Tide corresponds to a tide stage of about 6.3 feet, (Mean Lower Low Water Datum). The location of Head of Tide on Pistol River is approximately River Mile 1.4 (Section 20, Township 38 South, Range 14 West, Willamette Meridian).



Oregon

John A. Kitzhaber, MD, Governor

Department of State Lands

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State Land Board

John A. Kitzhaber, MD

Governor

Kate Brown

Secretary of State

Ted Wheeler

State Treasurer

State Land Board

Regular Meeting

June 11, 2013

Agenda Item 3

SUBJECT

Request for adoption of a new administrative rule limiting the use of motorized vehicles on the Chetco River (OAR 141-088-0055).

ISSUE

Whether the State Land Board should adopt the above referenced administrative rule.

AUTHORITY

Oregon Constitution, Article VIII, Section 5

ORS 183; regarding administrative procedures and rules of state agencies

ORS 273; regarding the creation and general powers of the Land Board

ORS 274; regarding submerged and submersible lands in general

BACKGROUND

On October 20, 2011, the Department received a petition for rulemaking from the Chetco River Watershed Council, pursuant to ORS 183.390 and OAR 137-001-0070. The petition sought adoption of a rule limiting use of motorized vehicles in the wetted channel of the Chetco River, subject to certain exceptions. The petition asserted that use of motorized vehicles within the wetted river channel "poses a significant risk of harm and damage to the natural resource of the land and to the public." The Department recommended to the State Land Board that it grant the petition and authorize the Department to initiate rulemaking to impose additional restrictions on the public recreational use of state-owned land on the Chetco River as part of the Department's rules on "Public Recreational Use of State-Owned Property" found in Oregon Administrative Rules at OAR 141-088. The State Land Board approved this request at the December 13, 2011 meeting.

The Department held an agency meeting on July 17, 2012 in the Brookings City Hall. Attending this meeting were:

- Chris Castelli, Nancy Pustis and Gerry Hutson, Department of State Lands
- Steve Mazur, Oregon Department of Fish and Wildlife
- Gary Milliman, Tony Berrin, Chief Chris Wallace and Lieutenant Donnie Dotson, City of Brookings
- Trooper Dan Stinnett, Oregon State Police
- Brent Siebold, Oregon Parks and Recreation Department

The attendees of this meeting were generally supportive of the proposed rule language. Attendees provided additional input into some areas of concern and provided recommendations for members of the rulemaking advisory committee.

The Department convened a rulemaking advisory committee (RAC) on October 30, 2012. The RAC included a number of stakeholders, including the petitioners of the rule. The Department accepted public comment at this RAC meeting. The RAC recommended rule language that clarified the focus of the rule on the main channel, or stem of the river, as opposed to small side channels that may need to be crossed in order to access gravel bars.

After the October 30, 2012 RAC meeting, the Department submitted the following rule language for public review and comment:

141-088-0055 Restrictions on Use of Motorized Vehicles in the State-Owned Bed and Banks of the Chetco River

- (1) All state-owned land that is under the jurisdiction of the Department that is below the line of ordinary high water on the Chetco River from the Highway 101 Bridge to River Mile 11 (about one mile upstream from the mouth of Elk Creek) is closed to any and all use by motor vehicles within the wetted channel of the main stem of the river. Excepted from the closure are Government-owned vehicles on official business, motor or non-motorized boats, vehicles used in the launching or the retrieving of boats, vehicles operating under an authorization issued by the Department, public and private utility vehicles performing company business, vehicles involved in rescue or emergency activities, and vehicles engaged in repair of fences and placement of bank protection material.**
- (2) For the purposes of this rule, “wetted channel of the main stem” means state-owned submerged and/or submersible land of the primary segment of the river that is inundated by the waterway at the time of use.**

PUBLIC INVOLVEMENT

The Department convened a rule advisory committee (RAC) on October 30, 2012. The RAC included the following members:

- Robert Elayer, Tidewater (authorization holder)
- Harry Hoogesteger, South Coast Watershed Coordinator
- Todd Confer for Steve Mazur, Oregon Department of Fish and Wildlife
- Trooper Dan Stinnett, Oregon State Police
- Val Early, Small Business Owner
- Mayor Ron Hedenskog, City of Brookings
- Dr. Washbauer, Petitioner-Chetco River Watershed Council
- Ted Fitzgerald, Port of Brookings-Absent

Public Notice

A notice of this rulemaking effort, which included the Notice of Proposed Rulemaking Hearing and the Statement of Need and Fiscal Impact required by the Oregon Secretary of State, was sent to all current authorization holders, interested parties, and posted on the Department's web site.

Public Hearings

The Department held one public hearing at the Brookings City Hall on December 19, 2012 at 5:00 PM.

PUBLIC COMMENTS RECEIVED

During the public comment period (December 1, 2012 through January 31, 2013), the Department received numerous comments, both for and against the proposed rule. A hearing summary is provided as Appendix B. A summary of the written comments is provided as Appendix C. All of the written and oral comments are available from the Department.

This rulemaking effort resulted in a significant amount of public participation and public comment. The Department received numerous public comments both in favor, and opposition, of the proposed rule. The Department held an agency meeting where state and local agencies recommended moving forward with rulemaking. The Department convened a rulemaking advisory committee that came to consensus on draft rule language limiting the use of motor vehicles within the wetted channel of the main stem of the Chetco River.

PROVISIONS OF THE PROPOSED RULE AMENDMENTS

The proposed rule has the standard list of exceptions for vehicles engaged in launching and retrieving boats, vehicles engaged in company business or responding to an emergency, and vehicles acting under a current authorization from the Department. It is expected that the proposed rule will have a minimal effect on public recreational use with the exception of vehicles attempting to cross the wetted channel of the main stem for reasons not listed in the standard exceptions. It is therefore the opinion of the Department that the proposed rule language meets the intent of the rulemaking petition, by limiting the non-excepted crossings of the Chetco and therefore eliminating the potential environmental harm or safety issues caused by those non-excepted crossings.

RECOMMENDATION

The Department recommends that the Land Board adopt the proposed amendments to the administrative rule governing the establishment of restrictions on the public recreational use of state-owned property.

APPENDCIES

- A. Checto River Watershed Council petition dated October 16, 2011
- B. Summary of Chetco River Rules Hearing on December 19, 2012
- C. Summary of written public comments submitted prior to the close of the comment period (December 1, 2012 to January 31, 2013).
- D. Chetco River Rule Final Draft for Land Board Consideration

**SUMMARY OF LAND MANAGEMENT CHETCO RIVER RULES'
HEARING IN
BROOKINGS**

5:00 PM, WEDNESDAY, 19 DECEMBER 2012

ATTENDEES (names are written as interpreted from the sign in sheets):

**Brent Hodges-Brookings
John Jacobson-Brookings
Heather Hodges-Brookings
Richard Heap-Brookings
Jeff Scott-Brookings
Jeff Boak-Brookings
Matt Flescher-Brookings
Robert Stumbo-Wolf Creek
Jim Antrim-Brookings
Douglas Hodges-Brookings
Herb and Pat Looney-Brookings
Jon Murdus-Brookings
Richard Blazo-Brookings
Ray Brouette-Harbor
Yvonne Maitland-Harbor
Tom Vanwerden-Brookings
Morgan Early-Brookings
Bob Pipier-Brookings
Tom Olsen-Brookings
Norman McAllister-Harbor
Donold Burger-Brookings
Stan Easley-Brookings
A Conrod-Brookings
Lloyd Pettinger-Harbor
Brad Pettinger-Brookings
Loren Stonebrink-Brookings
Tim Stadelman-Brookings
Don Hodges-Brookings
Dianna Blazo-Brookings
Dee Shurtleff-Brookings
Teresa Rice
Kellen Blazo
Windy Sahraz-Brookings
Steve Looser-Brookings
Dave Hodges-Brookings
Phil Bernhardt-Brookings
Cam Lynn-Brookings
Tommy McCormick-Brookings**

J. Cloutier-Brookings
Mayor Ron Hedensky-Brookings
Garrett Scott-Ft. Dick, CA
Dave Frazier-Brookings
Deah Seavoy-Harbor
Nick Gordon-Grants Pass
David McCallister-Grants Pass
Randy Waters-Gold Beach

DSL STAFF:

Christopher Castelli, Hearings Officer

TESTIMONY PROVIDED BY:

Phil Bernhardt, Brookings: Opposed to the proposed rule.

Cam Lynn, Brookings: Opposed to the proposed rule. Has concerns about the petitioner. Wants to know why the river needs to be closed.

Mayor Ron Hedensky, Brookings: Explained the role of the advisory committee and that this rule is about driving in the river. This will keep people from crossing the river, to protect environment and fish.

Dave Frazier, Brookings: Opposed the proposed rule. Existing rules address the proposed problem, we don't need more laws.

Nick Dordon, Grants Pass: Opposed to the proposed rule. Referenced the 1866 and 1872 mining laws. Closure of land is a restriction to veterans.

Tim Stadleman, Brookings: Opposed to the proposed rule. Overregulation is costly and unnecessary.

Don Hodges, Brookings: Opposed to the proposed rule.

Dianna Blazo, Brookings: Opposed to the proposed rule. Discussed the establishment of the country and Oregon. Against any new rules and regulations. Commented on the petitioner.

Dee Shurtleff, Brookings: Opposed to the proposed rule, believes that we have enough rules on the books.

Teressa Rush, Brookings: Opposed to the proposed rule. Too many restrictions in place already.

Steve Looser, Brookings: Opposed to the proposed rule. Does not believe that the environment is being effected by the activities that are proposed to be restricted.

Bob Pieper, Brookings: Opposed to the proposed rule. Commented on the petitioner and their ability to dictate the process. Wants to get their watershed council back.

Norman McAllister, Harbor: Opposed to the proposed rule. Need to enforce the regulations that are already in place. Police the bad behavior, and do not pass new laws.

Donald Burger, Brookings: For the proposed rule. On the Chetco River Watershed Council. Concerned about pollution coming off of the vehicles crossing the river. No time is the right time to run across the river.

Stan Easley, Brookings: For the proposed rule. Lives on the river and is a member of the Chetco River Watershed Council. Concerned about pollution to the drinking water.

Lloyd Pettinger, Harbor: Opposed to the proposed rule.

Agatha Conrad, Brookings: What is the objective of the meeting? Objects to the personal questions and opinions.

Sarah Pettinger, Harbor: Opposed to the proposed rule. Would like to be notified when the Chetco River Watershed Council has a meeting.

Brad Pettinger, Brookings: Opposed to the proposed rule. Did not think that there is a need for the new rule. Discussed how pristine the river is. There is no significant risk to the environment to justify the proposed rule. Law enforcement should enforce the existing laws especially when safety is involved.

Loren Stonebrink, Brookings: Opposed to the proposed rule.

Robert Stumbo, Wolf Creek: Opposed to the proposed rule. Educate yourself on the law. The proposed rule isn't legal. Discussed prescriptive easements. None of these uses or industries have a negative impact on fish. No studies on vehicles passing across a waterway.

Douglas Hodges, Brookings: Opposed to the proposed rule. Enough laws already.

Herb Looney, Brookings: Opposed to the proposed rule. Discussed some suction dredging history and fish.

Richard Blazo, Brookings: Opposed to the proposed rule. Discussed prospecting mining, and the role of regulations. Regulations are too strict, taking away people's rights. Discussed his concerns with the petitioner.

Yvonne Maitland, Harbor: For the proposed rule. Defended the Chetco River Watershed Council. Discussed points from the rulemaking advisory committee. Discussed other recreational restrictions that are in place on the south coast. Concerned about water quality issues for the city of Harbor. Essential Salmon Habitat listed by ODSL and NMFS. Discussed the mission of the Chetco River Watershed Council and followed the OWEB.

Tom VanWoerden, Brookings: For the proposed rule. Member of the Chetco River Watershed Council. Opposed to driving in the river, due to contamination and the proximity to the drinking water intake.

Brent Hodges, Brookings: Opposed to the proposed rule. Need to enforce the rules that are in place instead of adding new rules.

John Jacobsen, Brookings: Opposed to the proposed rule. Overregulated, new rules are not necessary.

Heather Hodges, Brookings: Opposed to the proposed rule.

Jeff Boak, Brookings: Opposed to the proposed rule. There is not a run of Coho Salmon in the Chetco River.

Randy Waters, Gold Beach: Opposed to the proposed rule. Discussed the positives of prospecting for gold and suction dredging.

James Grush, Harbor: Opposed to the proposed rule. Vehicle traffic in the river is minimal. Discussed the lack of Coho in the river, and other regulations. Self-policing in the community is needed.

David McAllister, Grants Pass: Opposed to the proposed rule. President of the Southwest Mining Association. Cannot prove that a vehicle is a point source for pollution. Need to limit government.

Ed McDaniel, Brookings: Opposed to the proposed rule. Concerned about the role of environmentalists in our rulemaking. These rules are chipping away at the local economy.

Ernie Hinz, Brookings: Opposed to the proposed rule. Concerned at the loss of private rights. Questions that number of vehicles crossing at Loeb State Park.

Herb Looney, Brookings: We need to take a look at natural sources of pollution (arsenic in the local rock formations) in the river. Mr. Looney is opposed to the proposed rule.

The full audio from this rulemaking hearing is available from the Department upon request and is posted on the Department's website:

http://www.oregon.gov/dsl/Pages/rules_activity.aspx

LAND MANAGEMENT DIVISION 88 CHETCO RIVER RULEMAKING

Written comments were submitted by the following persons/organizations during the public comment period of December 1, 2012 to January 31, 2013. Their full written comments are available at the Department.

Doug Walker, CRYA Exec VP:

Mr. Walker questions the Department authority to engage in this rulemaking effort. He believes that the Oregon State Marine Board has the authority to regulate vehicles within the wetted channel of a waterway.

Fran Recht, Depoe Bay:

Ms. Recht is favor of the proposed rule.

Yvonne Maitland, Brookings:

Ms. Maitland is in favor of the proposed rule.

The Shipley Family, NA:

They are opposed to the proposed rule.

J. Scott Peterson, Calgary, Alberta, Canada

Mr. Peterson is opposed to the proposed rule.

Julian Parrino, Brookings:

Mr. Parrino is in favor of the proposed rule.

Melissa Bishop, NA:

Ms. Bishop is in favor of the proposed rule.

Tom Quintal, Salem:

Mr. Quintal is opposed to the proposed rule.

Todd Light, Brookings:

Mr. Light is in favor of the proposed rule.

Don Esch, NA:

Mr. Esch is opposed to the proposed rule.

Jon Esch, NA:

Mr. Esch is opposed to the proposed rule. Mr. Esch supports small scale suction dredging.

Grant Fraley, Brookings:

Mr. Fraley is opposed to the proposed rule.

Debra Mihal, Brookings:

Ms. Mihal is in favor of the proposed rule.

Nita Still, NA:

Ms. Still is opposed to the proposed rule.

John F. Rinaldi, NA:

Mr. Rinaldi is in favor of the proposed rule.

Larry Coon, NA:

Mr. Coon is opposed to the proposed rule.

David McAllister, Grants Pass:

Mr. McAllister is opposed to the proposed rule.

Ed Sigrest, Roseburg:

Mr. Sigrest is opposed to Legislative Concept 2125.

Nick Dordon, NA:

Mr. Dordon is opposed to the proposed rule.

Kathi Lindsay, Port Orford:

Ms. Lindsay is in favor of the proposed rule.

Bill Schlichting, Brookings:

Mr. Schlichting is opposed to the proposed rule. He questions the need for the rule based on environmental damage or risk to drinking water. Mr. Schlichting states that there are already restrictions in place, and posted at Loeb State Park.

Edward R Gross, Brookings:

Mr. Gross is in favor of the proposed rule.

Barbara Gross, Brookings:

Ms. Gross is in favor of the proposed rule.

“Stan”, NA:

Stan is opposed to the proposed rule.

Kalmiopsis Audubon Society:

The Kalmiopsis Audubon Society is in favor of the proposed rule.

Jo Earney, NA:

Jo is in favor of the proposed rule.

Dr. Fillmore Earney, NA:

Dr. Earney is in favor of the proposed rule.

Pat and Chuck Russell, Springfield:

Mr. and Mrs. Russell are in favor of the proposed rule; they are concerned about public health on the river.

Margaret H. McHugh, Brookings:

Ms. McHugh is in favor of the proposed rule; she has concerns about the environmental health of the Chetco River and Emily Creek.

Les Dethlefsen, Brookings:

Mr. Dethlefsen is in favor of the proposed rule.

City of Brookings, Brookings:

The City Council of Brookings passed Resolution 13-R-999 on January 28, 2013. They are opposed to the proposed rule.

Cam Lynn, Brookings:

Mr. Lynn is opposed to the proposed rule. Mr. Lynn calls question to the need for the proposed rule, and states that there “has not yet been shown a logical, valid, demonstratable reason for the rule.” Mr. Lynn raises a number of issues with the petitioner’s letter dated October 16, 2011. Mr Lynn provides a brief history/perspective on activities on the Chetco River. Mr. Lynn provides comment on the RAC meeting held October 30, 2011, and comments on a letter from Carl Page dated April 26, 2011.

Albert Geiser, Port Orford:

Mr. Geiser is in favor of the proposed rule.

Oregon Coast Alliance:

The Oregon Coast Alliance is in favor of the proposed rule. “In order to preserve the health and well-being of the City of Brookings and community of Harbor, and to recover dwindling populations of coho salmon, ORCA encourages DSL to adopt a strong rule governing vehicle crossings in the Chetco such as, or similar to, its current proposed rule. DSL’s decision should be guided by the best available science on the subject, including the Draft SONCC Coho Recovery Plan.”

Don Burger, Brookings:

Mr. Burger is in favor of the proposed rule.

Northwest Environmental Defense Center:

The Northwest Environmental Defense Center is in favor of the proposed rule. "Recreational motor vehicle use can permanently alter the physical composition of the river, reduce the water quality, and harm endangered and other species. Motor vehicle use also presents a danger to humans and has been identified as a source of concern with local residents. Therefore, recreational vehicle use in the wetted stream of the Chetco River should be prohibited unless a sufficient analysis of the possible detrimental effects can be conducted and negative impacts are shown to be non-existent."

Judy Kaplan, Brookings:

Ms. Kaplan is in favor of the proposed rule.

Kidd Stubbs, Harbor:

Mr. Stubbs is in favor of the proposed rule.

Klamath-Siskiyou Wildlands Center:

The Klamath-Siskiyou Wildlands Center is in favor of the proposed rule. "There needs to be law enforcement coordination with identification of acceptable motorized use on publicly accessible gravel bars (e.g. class of vehicle and maximum speeds). The state needs to coordinate with the Forest Service so that the same or similar motorized prohibitions apply to Forest Service Lands as well. Without consistency, the already challenging job of providing enforcement for regulations will be even more difficult."

Joanne Wasbauer, Brookings:

Ms. Wasbauer is in favor of the proposed rule.

Julie Campbell, Brookings:

Ms. Campbell is in favor of the proposed rule.

Marius S. Wasbauer, Brookings:

Mr. Wasbauer is in favor of the proposed rule.

Wild Rivers Coast Chapter of Trout Unlimited:

The Wild Rivers Coast Chapter of Trout Unlimited is in favor of the proposed rule and provided "several scientific references to peer reviewed research on the impacts of intream and off-road 4-wheeling."

Marshall Ferg, Brookings:

Mr. Ferg is in favor of the proposed rule.

Pete Celli, Brookings:

Mr. Celli is opposed to the proposed rule in its current form. "i believe a total ban is not required and does not do the harm as stated by the local group calling them selves the water shed council." Mr Celli recommends:

“1. other than direct crossing, no lateral travel. 2. no stopping or washing of any vehicle 3. two trips maximum (one over, one back) except in an emergency”

John Esch, Independence:

Mr. Esch is opposed to the proposed rule.

Patricia Adams, NA:

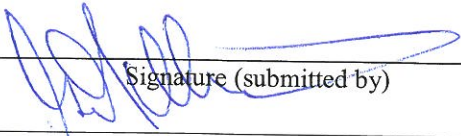
Ms. Adams is in favor of the proposed rule.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: January 28, 2013

Originating Dept: City Council



Signature (submitted by)

City Manager Approval

Subject: City Comment on Proposed Department of State Lands Rule Concerning Motorized Vehicles in the Chetco River

Recommended Motion:

Discussion and possible direction to send a comment letter to the Department of State Lands concerning a proposed rule regarding motorized vehicles in the Chetco River.

Financial Impact: None

Background/Discussion:

The State of Oregon, Department of State Lands (DSL), is proposing a rule that would prohibit the use of motorized vehicles in the wetted channel of the Chetco River, subject to certain exemptions for emergency vehicles and vehicles operated by regulatory agencies.

DSL is seeking public comments on the proposed rule prior to submitting the proposed rule for adoption to the State Land Board. The deadline for written comments is January 31, 2013. At the City Council meeting of January 14, the City Council received a citizen request from Cam Lynn that the City Council oppose the proposed rule and it was the consensus of the City Council to place the matter on a future City Council agenda for possible action.

Attached are various items of correspondence related to this matter, and a draft letter to DSL containing alternative language.

Attachment(s):

- a. Draft letter.
- b. Email from DSL concerning comment period.
- c. Proposed Rule.
- d. Statement of Need and Fiscal Impact.
- e. Chetco River Rulemaking Advisory Committee Meeting Minutes October 30, 2012.
- f. Letter from the Chetco Watershed Council requesting rule October 16, 2011.
- g. Letter from Chetco Watershed Council President Carl Page to Watershed Council Members April 26, 2011.
- h. Correspondence from Cam Lynn.

**CITY OF BROOKINGS
STATE OF OREGON**

RESOLUTION 13-R-999

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKINGS STATING THE COUNCIL'S POSITION ON THE PROPOSED CHANGES TO DIVISION 88, IMPOSING RESTRICTIONS ON THE USE OF MOTORIZED VEHICLES IN STATE-OWNED BEDS AND BANKS OF THE CHETCO RIVER, AND DIRECTING STAFF TO FORWARD IT TO THE OREGON DEPARTMENT OF STATE LANDS BEFORE THE JANUARY 30, 2013, PUBLIC COMMENT DEADLINE.

WHEREAS, the Oregon Department of State Lands (DSL) has proposed a rule imposing restrictions on the use of motorized vehicles in the State-Owned beds and banks of the Chetco River, which is owned by the State of Oregon; and

WHEREAS, the City Council of the City of Brookings (Council) acknowledges that the Chetco River is an important resource for fish propagation, recreation and generation of economic activity; and

WHEREAS, any rulemaking affecting the Chetco River must take into consideration these sometimes conflicting resources;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brookings, Oregon, that the Council opposes the proposed rule as an attempt to address an environmental degradation issue that is unproven, and unduly restricts Brookings residents who have used the Chetco River as a recreational and economic resource for decades.

BE IF FURTHER RESOLVED, that staff is hereby directed to forward this resolution to the Oregon Department of State Lands before the January 30, 2013 public comment deadline.

Passed by the City Council January 28, 2013 and made effective same date.

Ron Hedenskog
Mayor Ron Hedenskog

Attest:

Joyce Herffington
City Recorder Joyce Herffington

Cities of Curry County

Brookings, Gold Beach, Port Orford



Mayor Ron Hedenskog

898 Elk Drive
Brookings, OR 97415



Mayor Karl Popoff

29592 Ellensburg Ave
Gold Beach, OR 97444



Mayor James Auborn

PO Box 310
Port Orford, OR 97465

Governor John Kitzhaber
160 State Capitol
900 Court Street, NE
Salem, Oregon 97301

May 30, 2013

Dear Governor Kitzhaber,

The purpose of this letter is to reiterate our support for House Bill 3453 with the 6th-round amendments. We understand that the House Rules Committee will hold a hearing on this bill on Monday, June 3, 2013.

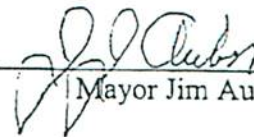
The Cities of Curry County are prepared to work with the Governor's Office to develop and implement intergovernmental agreements to assure the provision of law enforcement services in Curry County in the event that HB 3453 is enacted and its provisions are activated.

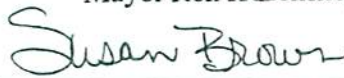
The Cities are also developing local alternatives for funding countywide law enforcement services and we have requested a joint public workshop with the Curry County Board of Commissioners at the earliest possible date, with the goal of developing a law enforcement budget and tax structure than can be supported unanimously by the Curry County Board of Commissioners and the three cities.

Sincerely,


Mayor Ron Hedenskog


Mayor Karl Popoff


Mayor Jim Auborn


Commissioner Susan Brown

Cc: Chris Fick, Intergovernmental Relations, League of Oregon Cities
Greg Wolf, Director of Intergovernmental/Regional Solutions, Governor's Office
Rep. Chris Garrett, Chair, House Rules Committee
Zoe Larmer, House Rules Committee
Curry County Board of Commissioners
Brookings City Council
Gold Beach City Council
Port Orford City Council

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: June 10, 2013

Submitted by: Chief Wallace 27813/201

Originating Dept: Public Safety

City Manager: 

Subject: Renewal of Intergovernmental Agreement between the City of Brookings and the Upper Chetco Rural Fire Protection District.

Recommended Motion:

Renew three-year Intergovernmental Agreement between the City of Brookings and the Upper Chetco Rural Fire Protection District with the addition of section 4.05, Volunteer Recruitment, to commence July 1, 2013.

Financial Impact:

N/A

Background/Discussion:

The Brookings Fire Department responded to 8 calls in the Upper Chetco Rural Fire Protection District (District) in 2012 and received \$12,507 in revenue in fiscal year 2011-2012.

The District has increasingly had a difficult time recruiting and retaining volunteer firefighters. Section 4.05, Volunteer Recruitment, has been added into the contract to assist and encourage the District in keeping volunteer firefighter numbers at an agreeable level.

New language:

4.05 Volunteer Recruitment

District shall use its best efforts to recruit and maintain four (4) volunteer firefighters who shall be residents within the District. Such volunteers shall be required to train with the Brookings Fire Department and shall not use City equipment or respond to emergencies for which they have not been trained.

Attachment(s):

- a. Intergovernmental Agreement

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF BROOKINGS AND
THE UPPER CHETCO RURAL FIRE PROTECTION DISTRICT**

THIS AGREEMENT is entered by and between the City of Brookings, an Oregon municipal corporation, ("the City") and the Upper Chetco Rural Fire Protection District, a rural fire protection district duly organized under the laws of Oregon, ("the District") as authorized by ORS 190.010.

The parties to this Agreement hereby agree to the following terms and conditions:

Section 1: Term and Termination of this Agreement

- 1.01 Term.** This Agreement is for a term of three (3) years, to commence on July 1, 2013 and expiring on June 30, 2016.
- 1.02 Renewal.** Upon its expiration, this Agreement shall automatically renew for another three (3) year term unless the City gives the District sixty (60) days' notice of its intent not to renew the Agreement.
- 1.03 Termination.** At any time during the term of this Agreement, either the City or the District may cancel this Agreement by providing the other party six (6) months' written notice of termination.

Section 2: Compensation to the City

- 2.01 Annual Fee.** The District will pay to the City each year during the term of this Agreement, an annual fee equal to 90% of the property taxes collected for the Upper Chetco Rural Fire Protection District, less the cost of insurance for the District Fire Station.
- 2.02 Due Date.** The annual fee is due by January 31 of each year for taxes received through January. All additional taxes received after January 31 must be paid to the City no later than June 30.
- 2.03 Proration.** The annual fee paid on or before January 31 of each year is compensation for fire protections services for January through December of the current calendar year. Upon termination of this Agreement, the annual fee will be prorated based upon the number of months that fire protection services were provided by the City.
- 2.04 Tax Rate.** If the District's net property tax rate drops below \$0.7125 per \$1,000 of assessed value, the City may terminate this Agreement and be relieved of all duties and responsibilities hereunder upon ten (10) days' written notice to the District.

Section 3: Obligations of the City

- 3.01 Nature of Services.** The City agrees to provide fire protection services to the District, including the use of available pumpers, tankers and personnel. These services will be provided twenty-four (24) hours a day, seven (7) days a week, unless sufficient equipment and personnel would not then be available to assure adequate fire protection to the City. If the demands of the District exceed the available equipment and personnel of the City, the City agrees to invoke any current mutual and automatic aid agreements as may be necessary to provide fire protection to the District. The City may not be liable to the District or its residents for interruption or failure of service caused by circumstances beyond the control of the City.
- 3.02 City Determinations.** The City has the right to determine priority for providing fire suppression and/or other emergency services to the District and that determination is the responsibility of the commanding officer. Further, the commanding officer may, in the exercise of his or her best personal judgment and discretion, decline to commit equipment or personnel to a position that would imperil such resources or negatively impact to an unacceptable level, the ability of the City to provide service to its residents and visitors. The city may not be held liable to the District or its residents for decisions made by the commanding officer under this subsection 3.02.
- 3.03 Provision of Services.** In its provision of fire protection services, the City will do all of the following:
- (a) provide fire protection throughout the District in a professional manner;
 - (b) investigate all fires within the District;
 - (c) train and administer District volunteers; and
 - (c) use its most current operating procedures.

Section 4: Obligations of the District

- 4.01 Building Lease/Upper Chetco Fire Station.**
- (a) Upon the expiration or earlier termination of this Agreement, the building lease currently assigned to the City will automatically terminate. The District will take all necessary steps to carry out this provision.
 - (b) The District will be solely responsible for the maintenance and upkeep of the building.
 - (c) The District will maintain the building in good repair and make the building available for use by City for housing fire apparatus and equipment used in connection with the services provided under this Agreement.
 - (d) The District will procure and maintain fire insurance for said building.

4.03 Equipment.

- (a) All equipment, including vehicles, owned by the City and housed at the District fire station will at all times remain the property of the City. The assignment of specific equipment to be stationed within the District will be determined at the sole discretion of the City.
- (b) Ownership of any and all equipment, including vehicles, conveyed to the City under the IGA dated March 3, 2000, and remaining in possession of the City as of the date of this Agreement, is with the signing of this Agreement, returned to the District to be its property. The District accepts all returned equipment in AS-IS condition.

4.04 Insurance.

- (a) At all times during the term of this Agreement, the District will maintain in full force and effect a policy of insurance containing the following types of coverage in the following minimum amounts:

Property Damage	\$1,000,000
General Liability	\$1,000,000

- (b) The City of Brookings must be named as an additional insured on the policy(s).

4.05 Volunteer Recruitment. District shall use its best efforts to recruit and maintain four (4) volunteer firefighters who shall be residents within the District. Such volunteers shall be required to train with the Brookings Fire Department and shall not use City equipment or respond to emergencies for which they have not been trained.

Section 5: General Provisions

5.01 Notice. Any notice required under this Agreement may be given by personal delivery or first class mail, postage prepaid, to the party at the address below. If notice is given by mail, notice will be deemed to have been given three days after the postmarked date on the envelope.

If to the City:

City of Brookings
Attn: City Manager
898 Elk Drive
Brookings, OR 97415

If to the District:

Upper Chetco Rural Fire Protection District
P.O. Box 2526
Brookings, OR 97415

5.02 Hold Harmless. Neither the City nor any of the City's officers, agents, representatives, employees or volunteers may be held liable to the District or any other person for any claim for injury, damage, loss or expense arising from, or resulting directly or indirectly from the performance of this Agreement, including, but not limited to, claims for alleged

failure to afford firefighting or fire protection equipment or services, court costs and attorneys' fees. Nothing in this Agreement, including any provision for hold harmless, is intended to create any liability or obligations to pay claims on any single incident in excess of the amounts set forth in the Oregon Tort Claims Act. Specifically as to actions to which the Tort Claims Act would apply, the City, by this Agreement, is assuming no contractual liability in any form in excess of those limitations.

- 5.03 Modification.** Any modification or amendment to this Agreement must be in writing and signed by both parties to be valid and enforceable.
- 5.04 Captions.** The captions in this Agreement are for the convenience of the reader and may not be used to interpret or construe this Agreement.
- 5.05 Severability.** If any provision of this Agreement shall be adjudged by a Court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of this Agreement will be unaffected and remain enforceable.
- 5.06 Governing Law.** This Agreement is to be governed by and construed in accordance with the laws of the State of Oregon.

Executed this ____ day of _____, 2010 in Brookings, Oregon.

CITY OF BROOKINGS

**UPPER CHETCO RURAL
FIRE PROTECTION DISTRICT**

Ron Hedenskog, Mayor

Name:

Chairman of the Board of Directors

Attest:

Joyce Heffington, City Recorder

Name:

Secretary of the Board of Directors

City of Brookings
CITY COUNCIL MEETING AGENDA
City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Tuesday, May 28, 2013

Call to Order

Mayor Hedenskog called the meeting to order at 7:01 PM.

Roll Call

Council Present: Mayor Ron Hedenskog, Councilors Bill Hamilton, Brent Hodges, Jake Pieper; a quorum present. Councilor Kelly McClain was absent.

Staff Present: City Manager Gary Milliman, Finance & Human Resources Director Janell Howard, Public Works & Development Director Loree Pryce, Parks/Tech Supervisor Tony Baron, Planning Manager Donna Colby-Hanks, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: No media and four others.

Ceremonies/Appointments/Announcements

Appointment of Scott Clapson to the Public Art Committee.

Councilor Pieper moved, a second followed and Council voted unanimously to appoint Scott Clapson to the Public Art Committee.

Public Hearings/Ordinances/Final Orders/Resolutions

Public Hearing and Final Order in the matter of File CPZ-1-13 changing the Comprehensive Plan designation for Map 41-13-05CB, Tax Lot 10000 from residential to commercial.

Mayor Hedenskog opened the quasi-judicial public hearing in the matter of file CPZ-1-13 at 7:08 PM.

Hearing no exparte, declarations of conflict or personal interest, or objections as to jurisdiction, Mayor Hedenskog reviewed the guidelines and Planning Manager Colby-Hanks reviewed the staff report.

John Bischoff, speaking on behalf of the applicant, said the change was needed to accommodate firefighting equipment.

Chris Pine, Coos Forest Fire Protective Association, applicant, offered to answer questions.

The hearing was closed at 7:38 PM.

Councilor Pieper moved, a second followed and Council voted unanimously to approve the comprehensive zone changes as described in File CPA-1-13, adopt the Final Order and proceed with the ordinance.

Ordinance 13-O-710, amending the Comprehensive Plan designation for Map 41-13-05CB; Tax Lot 10000 from residential to commercial.

Councilor Pieper moved, a second followed and Council voted unanimously to do a first reading of Ordinance 13-O-710 by title only.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to do a second reading of Ordinance 13-O-710 by title only.

Mayor Hedenskog read the title.

Councilor Hodges moved, a second followed and Council voted unanimously to adopt Ordinance 13-O-710, [amending the Comprehensive Plan designation for Map 41-13-05CB; Tax Lot 10000 from residential to commercial].

Public Hearing in the matter of LDC-1-13, deleting Chapter 17.148, Vacations, and adding Chapter 12.50, Vacations, to the Brookings Municipal Code.

Mayor Hedenskog opened the legislative public hearing in the matter of file LDC-1-13 at 7:34 PM.

Hearing no ex parte, declarations of conflict or personal interest, or objections as to jurisdiction, Mayor Hedenskog reviewed the guidelines and Planning Manager Colby-Hanks gave the staff report. There were no public comments and the hearing was closed at 7:41 PM.

Councilor Pieper moved, a second followed and Council voted unanimously to approve amendments to the Brookings Municipal Code as presented in File LDC-1-13 [pertaining to Vacations] and proceed with the Ordinance.

Ordinance 13-O-711 deleting Chapter 17.148, Vacations and adding Chapter 12.50, Vacations, to the Brookings Municipal Code.

Councilor Pieper moved, a second followed and Council voted unanimously to do a first reading of Ordinance 13-O-711 by title only.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to do a second reading of Ordinance 13-O-711 by title only.

Mayor Hedenskog read the title.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 13-O-711 [deleting Chapter 17.148, Vacations and adding Chapter 12.50, Vacations, to the Brookings Municipal Code].

Resolution 13-R-1003 modifying vacation application fee.

Councilor Hodges moved, a second followed and Council voted unanimously to adopt Resolution 13-R-1003 to reduce the application fee for Vacations.

Public Hearing and adoption of Resolutions 13-R-1004 and 13-R-1005, declaring the City's election to receive state revenues, adopting the budget, declaring tax levied, making appropriations for FY 2013-14, and categorizing the levy.

Director Howard provided the staff report.

Mayor Hedenskog opened the public hearing regarding the City's election to receive state revenues at 7:48 PM. Hearing no comments, the hearing was closed at 7:49 PM.

Councilor Pieper said this should be the last year the City sees rate increases this high.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt 13-R-1004 declaring the City of Brookings election to receive state revenues for the 2013-14 fiscal year.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt 13-R-1005, adopting the City of Brookings' budget, declaring tax levied and making appropriations for the 2013-14 fiscal year, and to categorize the levy.

Resolutions 13-R-1006, 13-R-1007 and 13-R-1008, adopting rates for Water and Sewer and System Replacement Fees for 2013-14.

Director Howard gave the staff report.

Mayor Hedenskog moved, a second followed and Council voted unanimously to adopt 13-R-1006, adopting water rates for [fiscal year] 2013-14.

Mayor Hedenskog moved, a second followed and Council voted unanimously to adopt 13-R-1007, adopting sewer rates for [fiscal year] 2013-14.

Mayor Hedenskog moved, a second followed and Council voted unanimously to adopt 13-R-1008, adopting System Replacement Fees for [fiscal year] 2013-14.

Public Hearing and acceptance of \$5,100 from Joe Gastonguay for purchase of surplus Richard Street property.

City Manager Milliman gave the staff report.

Mayor Hedenskog opened the public hearing regarding the sale of surplus property on Richard Street was opened at 7:57 PM. Hearing no comments, the hearing was closed at 7:58 PM.

Councilor Hodges moved, a second followed and Council voted unanimously to accept the bid of \$5,100 from Joe Gastonguay for the sale of surplus property on Richard Street as advertised for sale by the City and authorize the City Manager to consummate the sales transaction.

Public Comments on non-agenda items

Staff Reports

Installation at Oasis Park of Bear sculpture donated by Mike Woudstra.

Supervisor Baron provided the staff report.

Mayor Hedenskog asked if it would be movable and Baron said it would.

Councilor Hodges moved, a second followed and Council voted unanimously to accept a Bear sculpture at Oasis Park donated by local artist Mike Woudstra.

Procurement of prefabricated restroom facility at Mill Beach from CXT, Inc., in an amount not to exceed \$39,134.54.

Supervisor Baron gave the staff report.

Mayor Hedenskog asked if it would be pumped to the sewer system and Baron said it would. Hedenskog then asked if it would hinder the turnaround for fire and Baron said it would not.

Councilor Pieper moved, a second followed and Council voted unanimously to procure a prefabricated restroom facility [for Mill Beach access] from CXT, Inc., in an amount not to exceed \$39,134.54.

Execution of Intergovernmental Agreement in support of a Community Development Block Grant for housing rehabilitation.

City Manager Gary Milliman provided the staff report.

Stacy Howard, NeighborWorks Umpqua, said the grants would go towards critical owner-occupied manufactured home repairs, such as a failed roof or septic system.

Councilor Hodges moved, a second followed and Council voted unanimously to execute an Intergovernmental Agreement in support of a Community Development Block Grant from the 2013 CDBG program for housing rehabilitation.

Consent Calendar

1. Approve Council minutes for May 13, 2013.
2. Approve Liquor License Application for El Rancho Viejo.
3. Receive April 2013 monthly financial report.

Councilor Pieper moved, a second followed and Council voted unanimously to approve the Consent Calendar as written.

Remarks from Mayor and Councilors

Adjournment

Mayor Hedenskog moved, a second followed and Council voted unanimously to adjourn by voice vote at 8:21 PM.

A meeting of the Urban Renewal Agency immediately followed.

Respectfully submitted:

ATTESTED:
this _____ day of _____ 2013:

Ron Hedenskog, Mayor

Joyce Heffington, City Recorder

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
05/13	05/02/2013	70554	4058	44Mag Distributing LLC	10002005	315.00
05/13	05/02/2013	70555	4801	Ali's Graphic Shirts & More	10002005	34.00
05/13	05/02/2013	70556	5004	Blumenthal Uniforms & Equipment	10002005	111.40
05/13	05/02/2013	70557	1169	Brookings Electronic Svs Inc	10002005	7,355.80
05/13	05/02/2013	70558	313	Brookings Vol Firefighters	10002005	2,250.00
05/13	05/02/2013	70559	715	Budge McHugh Supply	10002005	123.55
05/13	05/02/2013	70560	5117	Castle Rock Countertops & Construction	10002005	1,695.67
05/13	05/02/2013	70561	212	Chem Quip Inc	10002005	1,922.29
05/13	05/02/2013	70562	4533	Chetco Activity Center	10002005	140.00
05/13	05/02/2013	70563	1840	Chetco Federal Credit Union	10002005	3,053.00
05/13	05/02/2013	70564	3834	Clean Sweep Janitorial Service	10002005	730.00
05/13	05/02/2013	70565	4545	Coast to Coast Solutions	10002005	211.00
05/13	05/02/2013	70566	1745	Coastal Paper & Supply, Inc	10002005	840.13
05/13	05/02/2013	70567	183	Colvin Oil Company	10002005	3,400.43
05/13	05/02/2013	70568	182	Coos-Curry Electric	10002005	24,722.68
05/13	05/02/2013	70569	5118	Cruise Master Prisms INC	10002005	481.40
05/13	05/02/2013	70570	151	Curry Coastal Pilot	10002005	182.37
05/13	05/02/2013	70571	284	Day Management Corp	10002005	886.50
05/13	05/02/2013	70572	185	Del Cur Supply	10002005	52.95
05/13	05/02/2013	70573	1	Janet Gervase	10002005	41.73
05/13	05/02/2013	70574	1	Lorraine Reinmuth	10002005	44.57
05/13	05/02/2013	70575	1	Brent Siebold	10002005	27.21
05/13	05/02/2013	70576	5119	Down Syndrome Association of SO Oreg	10002005	100.00
05/13	05/02/2013	70577	3342	Fastenal	10002005	449.47
05/13	05/02/2013	70578	2186	Ferguson	10002005	10,200.00
05/13	05/02/2013	70579	4646	Frontier	10002005	24.16
05/13	05/02/2013	70580	5078	Geotechnical Resources, Inc	10002005	7,743.75
05/13	05/02/2013	70581	154	Hagen's Dry Cleaners	10002005	17.00
05/13	05/02/2013	70582	139	Harbor Logging Supply	10002005	97.62
05/13	05/02/2013	70583	199	Harper, Richard	10002005	300.00
05/13	05/02/2013	70584	4171	In-Motion Graphics	10002005	66.20
05/13	05/02/2013	70585	5122	Landmark Ford	10002005	13,866.50
05/13	05/02/2013	70586	328	Les Schwab Tire Center	10002005	1,499.40
05/13	05/02/2013	70587	4498	Mauldin Electric	10002005	270.50
05/13	05/02/2013	70588	2834	Kelby McCrae	10002005	59.00
05/13	05/02/2013	70589	4981	McLennan Excavation, Inc	10002005	149,210.58
05/13	05/02/2013	70590	4269	Milliman, Gary	10002005	67.50
05/13	05/02/2013	70591	283	Mufflers & More	10002005	846.00
05/13	05/02/2013	70592	4781	OHA Cashier	10002005	110.00
05/13	05/02/2013	70593	5120	Oregon Walks	10002005	30.00
05/13	05/02/2013	70594	252	Paramount Pest Control	10002005	45.00
05/13	05/02/2013	70595	4708	Tony Parrish	10002005	550.00
05/13	05/02/2013	70596	322	Postmaster	10002005	820.00
05/13	05/02/2013	70597	207	Quill Corporation	10002005	234.91
05/13	05/02/2013	70598	3954	Riverside Manufacturing Co	10002005	115.95
05/13	05/02/2013	70599	3309	Roberts & Associates	10002005	390.00
05/13	05/02/2013	70600	3369	Schwabe Williamson & Wyatt PC	10002005	507.00
05/13	05/02/2013	70601	3487	Tailored Solutions Corp	10002005	456.00
05/13	05/02/2013	70602	3752	Trace Analytics Inc	10002005	10.00
05/13	05/02/2013	70603	2863	Verizon Wireless	10002005	398.78
05/13	05/02/2013	70604	5121	Richard Verkaaik	10002005	60.00
05/13	05/02/2013	70605	861	Village Express Mail Center	10002005	50.18
05/13	05/02/2013	70606	2178	Watershed, Inc	10002005	70.07

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
05/13	05/09/2013	70607	882	Advanced Security Systems	10002005	70.50
05/13	05/09/2013	70608	2505	Aramark	10002005	89.80
05/13	05/17/2013	70609	3996	Beery Elsner & Hammond LLP	10002005	.00 V
05/13	05/09/2013	70610	4939	BI- Mart Corporation	10002005	125.06
05/13	05/09/2013	70611	715	Budge McHugh Supply	10002005	822.32
05/13	05/09/2013	70612	528	Caselle, Inc	10002005	769.33
05/13	05/09/2013	70613	183	Colvin Oil Company	10002005	5,686.05
05/13	05/09/2013	70614	4578	Comspan Communications	10002005	283.50
05/13	05/09/2013	70615	173	Curry Equipment Company	10002005	6.00
05/13	05/09/2013	70616	166	Dan's Auto & Marine Electric	10002005	94.53
05/13	05/09/2013	70617	259	Da-Tone Rock Products	10002005	311.65
05/13	05/09/2013	70618	185	Del Cur Supply	10002005	292.36
05/13	05/09/2013	70619	1	Miram Glasband	10002005	59.16
05/13	05/09/2013	70620	1	Ray & Judy Lang	10002005	44.40
05/13	05/09/2013	70621	1	David Orozco-Soria	10002005	15.75
05/13	05/09/2013	70622	5124	Dwyer Instruments, INC	10002005	238.60
05/13	05/09/2013	70623	5125	Jordan Fanning	10002005	96.79
05/13	05/09/2013	70624	3342	Fastenal	10002005	653.87
05/13	05/09/2013	70625	153	Ferrellgas	10002005	1,220.70
05/13	05/09/2013	70626	4646	Frontier	10002005	670.62
05/13	05/09/2013	70627	5123	GCB Automation and Marine LLC	10002005	850.00
05/13	05/09/2013	70628	5065	Gold Beach Lumber	10002005	145.98
05/13	05/09/2013	70629	198	Grants Pass Water Lab	10002005	256.00
05/13	05/09/2013	70630	1130	H.D. Fowler	10002005	2,022.80
05/13	05/09/2013	70631	139	Harbor Logging Supply	10002005	93.35
05/13	05/09/2013	70632	162	Kerr Hardware	10002005	1,759.35
05/13	05/09/2013	70633	424	Munnell & Sherrill	10002005	190.26
05/13	05/09/2013	70634	433	NCL of Wisconsin	10002005	938.36
05/13	05/09/2013	70635	4487	Net Assets Corporation	10002005	420.00
05/13	05/09/2013	70636	3935	Northern California Glove	10002005	510.00
05/13	05/09/2013	70637	279	One Call Concepts, Inc	10002005	38.28
05/13	05/09/2013	70638	5008	Online Information Services	10002005	110.50
05/13	05/09/2013	70639	687	Owen Equipment Company	10002005	904.32
05/13	05/09/2013	70640	3751	Proficient Automotive	10002005	360.76
05/13	05/09/2013	70641	2699	Public Works Supply	10002005	182.80
05/13	05/09/2013	70642	187	Quality Fast Lube & Oil	10002005	129.88
05/13	05/17/2013	70643	3309	Roberts & Associates	10002005	.00 V
05/13	05/09/2013	70644	3782	Sensus Metering Systems	10002005	312.50
05/13	05/09/2013	70645	380	Stadelman Electric Inc	10002005	1,066.25
05/13	05/09/2013	70646	1197	Teledyne Isco Inc	10002005	492.89
05/13	05/09/2013	70647	990	UPS	10002005	77.60
05/13	05/09/2013	70648	4370	Verizon Business	10002005	243.10
05/13	05/09/2013	70649	2863	Verizon Wireless	10002005	80.02
05/13	05/09/2013	70650	2122	Cardmember Service	10002005	6,270.92
05/13	05/09/2013	70651	169	Waste Connections Inc	10002005	1,014.81
05/13	05/09/2013	70652	670	Western Equipment Distributors	10002005	180.16
05/13	05/09/2013	70653	917	Wm. H. Reilly & Co	10002005	289.47
05/13	05/09/2013	70654	4363	Robert N. Black, Attorney	10002005	4,659.25
05/13	05/09/2013	70655	3309	Roberts & Associates	10002005	3,240.00
05/13	05/10/2013	70656	3996	Beery Elsner & Hammond LLP	10002005	3,825.00
05/13	05/15/2013	70657	5126	CNOA	10002005	90.00
05/13	05/15/2013	70658	4493	Kyle Kennedy	10002005	24.00
05/13	05/15/2013	70659	4694	Travis Wright	10002005	24.00
05/13	05/16/2013	70660	682	Al's Radio Shack	10002005	70.29
05/13	05/16/2013	70661	342	Applied Industrial Technology	10002005	101.14
05/13	05/16/2013	70662	993	ATCO International	10002005	93.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
05/13	05/16/2013	70663	5127	Michael Berg	10002005	202.00
05/13	05/16/2013	70664	3622	Boardwalk Mail Services	10002005	12.20
05/13	05/16/2013	70665	335	Branom Instrument Co	10002005	76.88
05/13	05/16/2013	70666	148	Brookings-Harbor Chamber of Commere	10002005	750.00
05/13	05/16/2013	70667	4193	C & K Markets, Inc	10002005	190.53
05/13	05/16/2013	70668	5070	Cannon Solutions America	10002005	434.82
05/13	05/16/2013	70669	3015	Charter Communications	10002005	84.90
05/13	05/16/2013	70670	1	Gary & Diana Bousquet	10002005	55.38
05/13	05/16/2013	70671	1	Stephanie Burgess	10002005	290.92
05/13	05/16/2013	70672	1	Ray Engel	10002005	6.65
05/13	05/16/2013	70673	1	Sandy & Michelle Hicks	10002005	73.06
05/13	05/16/2013	70674	1	Karin E.V Larsen	10002005	29.33
05/13	05/16/2013	70675	1	Michael Milligan	10002005	55.47
05/13	05/16/2013	70676	1	Teresa Strasheim	10002005	163.12
05/13	05/16/2013	70677	1	Richard Verkaaik	10002005	81.50
05/13	05/16/2013	70678	2640	Dyer Partnership Inc., The	10002005	13,689.80
05/13	05/16/2013	70679	3342	Fastenal	10002005	1,548.95
05/13	05/16/2013	70680	2186	Ferguson	10002005	215.91
05/13	05/16/2013	70681	4646	Frontier	10002005	883.64
05/13	05/16/2013	70682	154	Hagen's Dry Cleaners	10002005	20.50
05/13	05/16/2013	70683	4526	Janell K. Howard	10002005	516.11
05/13	05/16/2013	70684	4980	iSecure	10002005	33.00
05/13	05/16/2013	70685	4269	Gary Milliman	10002005	229.96
05/13	05/16/2013	70686	283	Mufflers & More	10002005	300.00
05/13	05/16/2013	70687	433	NCL of Wisconsin	10002005	222.34
05/13	05/16/2013	70688	573	OBOA	10002005	140.00
05/13	05/16/2013	70689	3561	Oil Can Henry's	10002005	243.81
05/13	05/16/2013	70690	695	P & S Construction Co, Inc	10002005	935.00
05/13	05/16/2013	70691	3	Alders Street Properties LLC	10002005	148.35
05/13	05/16/2013	70692	3	Matt Galli	10002005	115.28
05/13	05/16/2013	70693	3	John Garcia	10002005	98.53
05/13	05/16/2013	70694	3	Jorge Garcia	10002005	13.94
05/13	05/16/2013	70695	3	Premier Property Management	10002005	22.06
05/13	05/16/2013	70696	3063	Tim Rettke	10002005	7.95
05/13	05/16/2013	70697	5084	RH2 Engineering, Inc	10002005	80.00
05/13	05/16/2013	70698	4448	United Rentals INC	10002005	465.07
05/13	05/16/2013	70699	4831	West Coast Monument & Sign LLC	10002005	150.00
05/13	05/23/2013	70700	882	Advanced Security Systems	10002005	2,764.56
05/13	05/23/2013	70701	4828	American Press, Inc	10002005	375.00
05/13	05/23/2013	70702	5062	Baron Design	10002005	80.00
05/13	05/23/2013	70703	1233	Bart Kast Builder	10002005	1,950.00
05/13	05/23/2013	70704	2407	Blue Star Gas	10002005	2,525.00
05/13	05/23/2013	70705	1169	Brookings Electronic Svs Inc	10002005	911.73
05/13	05/23/2013	70706	148	Brookings-Harbor Chamber of Commere	10002005	10.00
05/13	05/23/2013	70707	193	Central Equipment Co, Inc	10002005	82.18
05/13	05/23/2013	70708	3015	Charter Communications	10002005	990.00
05/13	05/23/2013	70709	183	Colvin Oil Company	10002005	3,633.96
05/13	05/23/2013	70710	182	Coos-Curry Electrical Cooperat, INC	10002005	44.72
05/13	05/23/2013	70711	151	Curry Coastal Pilot	10002005	810.30
05/13	05/23/2013	70712	4534	Daily Journal of Commerce Inc.	10002005	140.30
05/13	05/23/2013	70713	5128	Debra Donahue	10002005	202.00
05/13	05/23/2013	70714	3316	Department of Environmental Quality	10002005	469.00
05/13	05/23/2013	70715	1	Heather Henry	10002005	45.06
05/13	05/23/2013	70716	1	Robbin McMain	10002005	57.27
05/13	05/23/2013	70717	1	Paragon Property Mgmt	10002005	77.11
05/13	05/23/2013	70718	1	Georgia Poole-Alexander	10002005	7.28

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
05/13	05/23/2013	70719	1	Ron Reel & John Arrijuia	10002005	71.05
05/13	05/23/2013	70720	2186	Ferguson	10002005	26.85
05/13	05/23/2013	70721	5092	Flint Trading Inc	10002005	1,997.83
05/13	05/23/2013	70722	4646	Frontier	10002005	188.29
05/13	05/23/2013	70723	5078	Geotechnical Resources, Inc	10002005	21,804.63
05/13	05/23/2013	70724	2940	McLennan Builders Inc	10002005	269.31
05/13	05/23/2013	70725	4855	Oregon Wholesale Seed Company	10002005	217.00
05/13	05/23/2013	70726	687	Owen Equipment Company	10002005	661.88
05/13	05/23/2013	70727	5101	Reserve Account	10002005	500.00
05/13	05/23/2013	70728	5101	Pitney Bowes Bank, Inc	10002005	83.00
05/13	05/23/2013	70729	322	Postmaster	10002005	25.00
05/13	05/23/2013	70730	3751	Proficient Automotive	10002005	177.97
05/13	05/23/2013	70731	207	Quill Corporation	10002005	633.95
05/13	05/31/2013	70732	3	Refund Overpayment	10002005	.00 V
05/13	05/23/2013	70733	612	Strahm's Sealcoat & Striping, INC	10002005	3,757.00
05/13	05/23/2013	70734	142	Tidewater Contractors Inc	10002005	9,910.00
05/13	05/23/2013	70735	169	Waste Connections Inc	10002005	6,827.87
05/13	05/23/2013	70736	2178	Watershed, Inc	10002005	149.06
05/13	05/30/2013	70737	682	Al's Radio Shack	10002005	79.99
05/13	05/30/2013	70738	5061	Bakery by the Sea	10002005	45.00
05/13	05/30/2013	70739	4610	Jason Barrigar	10002005	59.00
05/13	05/30/2013	70740	1233	Bart Kast Builder	10002005	819.00
05/13	05/30/2013	70741	5129	Bever's Floors 'n More, LLC	10002005	408.00
05/13	05/30/2013	70742	5004	Blumenthal Uniforms & Equipment	10002005	1,585.95
05/13	05/30/2013	70743	147	Brookings Glass Inc	10002005	145.00
05/13	05/30/2013	70744	714	Brookings Signs & Graphics	10002005	24.00
05/13	05/30/2013	70745	1373	Cascade Fire Equipment	10002005	54.24
05/13	05/30/2013	70746	3834	Clean Sweep Janitorial Service	10002005	835.00
05/13	05/30/2013	70747	1740	Code Publishing Company Inc	10002005	229.50
05/13	05/30/2013	70748	182	Coos-Curry Electric	10002005	23,589.03
05/13	05/30/2013	70749	284	Day Management Corp	10002005	101.55
05/13	05/30/2013	70750	2640	Dyer Partnership Inc., The	10002005	880.00
05/13	05/30/2013	70751	261	Engineered Control Products	10002005	193.58
05/13	05/30/2013	70752	4642	ESRI	10002005	2,002.06
05/13	05/30/2013	70753	4646	Frontier	10002005	82.39
05/13	05/30/2013	70754	5123	GCB Automation and Marine LLC	10002005	180.00
05/13	05/30/2013	70755	167	Hach Company	10002005	715.67
05/13	05/30/2013	70756	5130	HalfMoon Educaiton Inc	10002005	279.00
05/13	05/30/2013	70757	393	ICMA	10002005	840.00
05/13	05/30/2013	70758	4171	In-Motion Graphics	10002005	53.90
05/13	05/30/2013	70759	3678	Kenneth Manuele	10002005	389.00
05/13	05/30/2013	70760	5131	Med-Tech Resource Inc	10002005	448.37
05/13	05/30/2013	70761	3159	Northcoast Health Screening	10002005	180.00
05/13	05/30/2013	70762	3935	Northern California Glove	10002005	170.00
05/13	05/30/2013	70763	4748	Northstar Chemical, Inc	10002005	4,462.00
05/13	05/30/2013	70764	3603	Norwest Safety	10002005	490.00
05/13	05/30/2013	70765	4899	Oregon Coast Auto Detailing	10002005	300.00
05/13	05/30/2013	70766	5120	Oregon Walks	10002005	30.00
05/13	05/30/2013	70767	252	Paramount Pest Control	10002005	45.00
05/13	05/30/2013	70768	4105	Precision Eyecare PC	10002005	328.00
05/13	05/30/2013	70769	207	Quill Corporation	10002005	404.65
05/13	05/30/2013	70770	3	Paragon Property Management	10002005	28.77
05/13	05/30/2013	70771	5134	James Smith	10002005	202.00
05/13	05/30/2013	70772	380	Stadelman Electric Inc	10002005	8,963.27
05/13	05/30/2013	70773	797	Town & Country Animal Clinic	10002005	98.61
05/13	05/30/2013	70774	3752	Trace Analytics, LLC	10002005	75.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
05/13	05/30/2013	70775	2863	Verizon Wireless	10002005	485.60
Grand Totals:						415,270.53

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Report type: Summary

June 2013

June 2013							July 2013						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

Monday

Tuesday

Wednesday

Thursday

Friday

Jun 3

4

5

6

7

4:00pm 6:00pm CC - Council Wkshp
7:00pm 10:00pm FH-FireTrng

9:00am 10:00am CC - Site Plan
7:00pm 10:00pm CC-Planning Comm

12:00pm 1:00pm CC - Stout Park
7:00pm 9:00pm FH-PoliceResrvs

10:00am 4:00pm CC - Muni Court

Jun 3 - 7

10

11

12

13

14

10:00am 11:00am FH - VIPS
7:00pm 10:00pm FH-FireTrng
7:00pm 9:30pm CC-Council

9:00am 10:00am CC - Site Plan

10:00am 11:00am FH-BRFD
5:30pm 7:30pm CC - Victims Impact

3:00pm 4:00pm CC - Staff

9:00am 10:30am CC-Crm Stoppers

Jun 10 - 14

17

18

19

20

21

7:00pm 10:00pm FH-FireTrng

9:00am 10:00am CC - Site Plan

11:00am 12:00pm CC- Public Art Comm

Jun 17 - 21

24

25

26

27

28

7:00pm 9:00pm CC-Council
7:00pm 10:00pm FH-FireTrng

9:00am 10:00am CC - Site Plan

Jun 24 - 28

July 2013

July 2013							August 2013						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	31

	Monday	Tuesday	Wednesday	Thursday	Friday
Jul 1 - 5	Jul 1 4:00pm 6:00pm CC - Council Wkshp 7:00pm 10:00pm FH-FireTrng	2 9:00am 10:00am CC - Site Plan 7:00pm 10:00pm CC-Planning Comm	3 12:00pm 1:00pm CC - Stout Park 7:00pm 9:00pm FH-PoliceResrvs	4 July 4th - Closed (closest workday if falls on Friday)	5
Jul 8 - 12	8 10:00am 11:00am FH - VIPs 7:00pm 10:00pm FH-FireTrng 7:00pm 9:30pm CC-Council	9 9:00am 10:00am CC - Site Plan	10 10:00am 11:00am FH-BRFD	11 11:00am 5:00pm CC - Muni Court 3:00pm 4:00pm CC - Staff	12 9:00am 10:30am CC-Crm Stoppers
Jul 15 - 19	15 7:00pm 10:00pm FH-FireTrng	16 9:00am 10:00am CC - Site Plan	17	18 11:00am 12:00pm CC- Public Art Comm	19
Jul 22 - 26	22 7:00pm 9:00pm CC-Council 7:00pm 10:00pm FH-FireTrng	23 9:00am 10:00am CC - Site Plan	24	25 7:00pm 9:00pm CC-Parks & Rec	26
Jul 29 - Aug 2	29 7:00pm 10:00pm FH-FireTrng	30 9:00am 10:00am CC - Site Plan	31	Aug 1	2