

CITY OF PORT ORFORD
REGULAR SESSION of the COMMON COUNCIL
GABLE CHAMBERS
MONDAY, APRIL 16, 2007 at 7:00 p.m.

Councilors present: M. Finch, Sr., J. Hewitt, J. Campbell, J. Marshall, S. Abbott,
C. Eskelson, and Mayor J. Auburn

Councilors absent: None

Staff present: M. Murphy, City Administrator; J. B. Trew, City Attorney
M. Creighton, Police Chief; B. Manes, City Recorder

Others present: J. Stoler, Curry Local News Service; Evan Kramer, Port Orford Today

Citizens present: ~20

Mayor Auburn called the Regular Session of the Common Council of the City of Port Orford to order at 7:08 p.m., April 16, 2007. He then asked all present to rise and join him in the pledge of allegiance.

Special Reports

Mayor Auburn called on **Gayle Wilcox**, Fire Chief, to answer any questions regarding her Quarterly Report. Councilor Finch and Mayor Auburn both commended **Gayle** for the cooperation between the various fire departments as well as our Police Department, both in training classes and in response to calls.

Citizens Concerns

He then called upon **Everett Dial**, Curry County District Attorney. He invited everyone to come to the Town Hall meeting on Tuesday night to talk about the county budget. If there are no Federal Funds and the initiative going before the public does not pass, it will have some real severe impacts on the county. Probably the most dramatic of which will be the possibility of no road deputies to respond to crimes in the county. He stated that there is an organization called People for Curry County's Future who are collecting official's signatures for support for the ballot measure at the Town Hall meeting.

Mayor Auburn called on **Myrna Baker** and **Sidney Rhodes** who read the proclamations regarding Alcohol abuse proclaiming April as Alcohol Awareness Month, and a Proclamation for Not Being a Party to Teenage Drinking in Spring 2007.

David Smith, President of Port Orford North Curry Chamber of Commerce, passed out to the council the Chamber of Commerce Board of Directors suggested sample of water rates for businesses that he felt would be fairer to businesses than the water rates passed by the council last month. It is assumed in this sample that there are 107 businesses which would pay double the base rate of residences. He requested the council look over the seven plans and consider changing the previously passed rates where

businesses are concerned. **Smith** stated that the board came up with this as it was inferred that if they could come up with some scenarios, the council would consider them.

Councilor Abbott asked if we could meet with Dave Johnson to determine whether we should consider this proposal. Councilor Hewitt stated that he thought that would be a good idea. Councilor Finch noted that he was unaware that council had asked the Chamber to do this. Mayor Auburn stated that we didn't, they did it on their own. Councilor Finch stated that the decision had been made and he didn't understand why all of a sudden we're changing it again. Councilor Hewitt replied that they weren't changing it, just looking at it again. Councilor Finch stated that they had a whole year to do that.

Departmental Reports

City Administrator and Public Works

Councilor Abbott asked if we had the money to fix the A-Frame Roof. Mayor Auburn stated that the Parks Commission has been looking at this and they have a possible volunteer roofer who will do it for us.

Councilor Campbell asked if we had *I and I* for any other cities as he wondered how bad off we were compared to others. Mike Murphy responded that he wasn't sure, but he knew that Gold Beach got so bad they had to line their pipes, and most of the cities don't have the waste water plant capacity that we have. It's not hurting our plant at all.

There was discussion about the water leaks and when American Leak Detection would come, and if there was any other technology that could be used. Murphy stated that there was not. Councilor Finch stated that American Leak Detection found leaks for both Yachats and Florence, both of which are right on the coast. There was discussion about using pressure gauges and trying to isolate areas to find leaks. Murphy told them that they have done that in areas where they could and have found some leaks and fixed them. He felt it was possible that there were leaks where they didn't even know the pipes ran as this is an old, incompletely mapped system.

Councilor Hewitt asked if Murphy was working on controlling the overtime costs in public works. Murphy stated that the person who works weekend duty has Monday and Tuesday off. We still have to have someone turn off the water plant everyday, which costs us an hour of overtime, but we have no way to overcome that.

Financial Report

Councilor Abbott asked about the Modern Floor Covering Co., Item 1088. Murphy replied that it was for the American Legion Hall which was covered by a grant. Councilor Hewitt asked about 1089, Pang Swee Chee. That was a citation refund.

Police Report

Councilor Hewitt noted that the Chief was looking for donations for shotguns and AR-15's, and asked if he really needed AR-15's. Chief Creighton stated that actually they needed some kind of rifle, and asked if Councilor Hewitt had watched CNN, today, showing the Virginia Campus shootings? He stated that he had, but he didn't feel that

was essential for Port Orford. Someone asked about an AR-15, and it was described as similar to an M-16.

Chief Creighton stated that the problem in an active shooter incident is that we need to be proactive and be prepared for anything. The objective if it's in a school is to immediately enter the school and take out the suspect. If you have only a revolver you had better be a pretty doggone good shot if you're going to shoot down a hallway and take out an active shooter. In any active shooter incident it is safer for everyone involved to have a rifle of some kind, and we don't have any right now. The AR-15 is the rifle of choice in most departments. His officers are qualified to use AR-15's and shot guns, and they qualified in Gold Beach.

Planning Report

Councilor Finch noted that the Planning meeting was short, but the Phase II portion was delivered in depth.

Councilor Abbott asked about the proposed annexation ordinance and whether it would be presented to the council at their next meeting. David Holman stated that a hearing for the annexation ordinance was not required, but the Planning Commission felt it would be in everyone's best interest to have as much public input as possible, so it will be included in Planning's Public Hearing on May 8th.

Liaison Reports

Chamber of Commerce

Councilor Hewitt stated that the Port Orford and North Curry County Chamber of Commerce met at the Port and Starboard Restaurant on April 9th. High speed internet was discussed, again. There are apparently three different operations underway and we hope one of them comes through this year. The Parks Commission made a report and are trying to find people to sponsor one of the holes at the miniature golf course, to help upgrade it. The Visitor Center had almost 2,000 sign ins last month and 44 whale sightings. The new brochures are out. There was a discussion of water rates, pretty much what **David Smith** presented tonight. Monday the 23rd of April there is a Hughes House, Light House tour at 4:00 p.m. for anyone who deals with the public. Hughes House accepts donations, and the Light House normally charges \$2.00 per person.

CTR & Streets

Councilor Eskelson said that he had nothing to report on streets, but he spoke with Pete Smart today, who described something that is in the works. It's a plan to set up a common depository for the disposal of the bulk of hazardous waste somewhere like Beaver Hill. In company with this there would be small portable sheds at various landfills to accept hazardous waste once a year at Gold Beach, Brookings, Port Orford, Bandon, Coos Bay and Lakeside, all of which would then go to Beaver Hill for disposal. There is also a plan for electronic waste rather than paying at the landfill. This would be added on to the rate for garbage pickup, and would give you free disposal of these items at the transfer site. Nothing will probably come of this until next year, but it is being discussed.

Councilor Finch asked if there was a list of hazardous waste materials. Councilor Eskelson told him they might have one at the transfer site, or at CTR in Brookings.

Parks / TLT

Councilor Finch stated that there were not enough people to have a meeting.

Planning

Councilor Finch already gave his report.

Port

Councilor Marshall stated the Port Commission met on March 20th and discussed the water rate increase. They discussed many ways to conserve water as there is a lot of water wasted at the Port with people washing their cars off and fishermen leaving the hoses running when they're finished washing down their boats. They are putting up signs that only facility users can use water and sending out letters to the fishermen. Regarding dredging it seems Nehalem Dredge disassembled, they are no longer there. The Port will put out bids again this year with the money from last year and this year. Last year the bids were all beyond their means. They are hoping to get it done by June and with the use of a clam shovel, which kept the port open for about three years when they used it before. POORT is working to get money from an enterprise called Shore Bank Cascadia, which focuses on capital lending. Crab catch has declined; salmon season opened last Saturday with the catch not being very good but the price is \$6.50 lb. There is a new owner at Dock Tackle, and it is now called Griff's.

Watershed Council & Lake

Councilor Abbott reported that he went to his first Garrison Lake Restoration meeting made up of State, County and of course City officials and participants and a lot of progress is being made regarding the efforts on the outflow to control the level of the lake. The Indian Tribes cooperated a great deal in the process by okaying the digging despite the potential for artifacts in this area. The next meeting will be Wednesday night at 5:30p.m., followed by the Watershed Council at 7:00p.m. The Watershed Council will be taking a tour of the water treatment plant.

Subcommittees

Public Safety

Councilor Campbell reported that Public Safety meets on the first Tuesday of each month, and the majority of their meeting was with Ken Dukek from the Curry County Juvenile Department discussing some changes he wants. They elected to have him come back to the next meeting and will try to get a proposal to bring to the council at the next meeting. There are some changes he proposes that the Chief and a few of us don't quite agree with so we'll see what we can work out and bring it to the council.

Public Works

Councilor Eskelson reported that they had their meeting on April 4th at 5:00 p.m., and got into a discussion of projects. He stated that he wound up with four pages of projects for

which the City doesn't have the money to tackle. He stated he would take it up with the budget committee, but he didn't know what they were going to do with it.

Mayors Report

No Questions.

Old Business

Approve Changes to the Council Rules.

Councilor Abbott asked if there was a missing page as he thought there was a page of 5.0 regarding various appointments. The Mayor and City Administrator explained that those were all covered in the Ordinances and in the Charter, so were not needed.

MOTION: Councilor Finch moved to approve the Council Rules. The motion was seconded by Councilor Eskelson.

Roll Call Vote:

“Yes” M. Finch, Sr., J. Hewitt, J. Campbell, J. Marshall,
S. Abbott, C. Eskelson,

“No” None

Motion Passed: 6-0

Approve Resolution 2007-11: Amend Exhibit A of Resolution 2007-04 Add Appeal & Vacation Fees

Mayor Auburn stated that he would entertain any comments from the public on this Resolution. Since there were no comments from the public, he asked Murphy to explain what this was. Murphy explained that the fees for a Vacation or an Appeal were left off the original Resolution 2007-04.

Attorney Trew asked if council received his memos. Councilor Campbell stated that perhaps they should look into it more as we must not overcharge. Mayor Auburn stated that the charges were not out of line as there was a lot work involved by the Planner and Staff if there is an appeal. There was further discussion regarding whether or not these fees were reasonable. Our Planner didn't feel they were unreasonable, she just did not have an estimate of the time these items would take.

It was agreed to query our Planner again, and come back with it next month.

Approve Resolution 2007-13 Creation of Police Dept. Drug Enforcement Line Item for Donations

MOTION: Councilor Finch moved to Adopt Resolution 2007-013: Creation of Police Department Drug Enforcement Line Item for Donations. Councilor Campbell seconded the motion.

Councilor Hewitt stated that this still didn't address the anonymity. He did not feel it was something he could vote for, as he felt it was setting up a system that could be perceived to be misused. He suggested that there be no cash donations as there's no way to track those, there is no transparency in this system as it is presented. He was not saying that it would be misused, but rather that someone could be accused of doing something wrong and having no way to go back and use the system to show that nothing went wrong. He also felt the donor ought to be known to someone besides the Police Chief and Dave Johnson, such as the Mayor or City Administrator.

Councilor Abbott agreed and stated that number 8. says "shall pursue appropriate investigations" and he felt it should be "drug investigations", and number 10. doesn't call for a periodic review by the City Council, rather it says "may be reviewed annually by the City Council". He did not feel they were discharging their responsibility to supervise the Police Department by having it permissive rather than mandatory. Councilor Abbott continued, stating that number 11. states the money may be used for reward purposes, which he would oppose because he has a perception of this as turning neighbor against neighbor. Why would someone need money to report a crime. He opposed this portion of the proposal, especially.

Councilor Marshall asked if the reward was based on arrest and conviction. Chief Creighton stated that the reward was based on arrest and conviction and was a much used and popular system. Councilor Campbell agreed with him and felt they should vote this in so that Mark could get started on this.

Roll Call Vote:

"Yes" M. Finch, Sr., J. Campbell, C. Eskelson,
Mayor Auburn

"No" J. Hewitt, J. Marshall, S. Abbott,

Motion Passed: 4-3

Approve the City Right-of-Way Brush Trimming/Removal Permit for Phil & Mary Colozzi.

Mike Murphy showed slides of the brush to be trimmed for visibility. He also showed pictures of a shore pine that was protruding into the street which may pose a danger to side mirrors, etc., and a dead tree in front of Mary Loan's business.

Councilor Hewitt commented that he didn't think the council needed to hear this and would let public works make the decisions. Councilor Campbell felt that if something could be a danger then public works could make the decision.

New Business

Approve Resolution 2007-14: Setting Water Rates Outside City Limits

Mayor Auburn stated that he would take any public comment concerning this Resolution

Jay Stoler asked how many people this affected. Murphy replied that he believed there were eight water customers outside City limits. It was asked if they were all residential? Murphy replied that there was just one commercial user. Mayor Auburn asked what other cities were doing. Murphy replied that they were all over the map, but the majority doubled both base rates and consumption. Previously, our customers paid the same base rate and double the consumption. Now, we are charging them one and one-half times the base rate and the consumption is the same as inside City limits. Councilor Campbell asked if this was about the same percentage increase as within the City, and Murphy told him it was. Councilor Abbott stated that he read the attorney's memo and he felt we should put it off until next month and have a public hearing, as probably no one affected is here tonight.

Councilor Campbell stated that we are still the City Water Company servicing those users. We already had a workshop and a public hearing on the city water rates, and this is just an addition to that.

MOTION: Councilor Finch moved to adopt Resolution 2007-14: Setting Water Rates outside City Limits. Councilor Eskelson seconded the motion.

Councilor Hewitt asked John Trew if he had any other concerns besides those in his memo. Attorney Trew stated that what he was trying to say in his memo was that he thought the City needed to have an opportunity for public comment. Now how you as the policy makers decide to implement that public comment is your decision. Councilor Hewitt felt that there was sufficient public notice regarding the increase in water rates, which affected all water users

Roll Call Vote:

“Yes” M. Finch, Sr., J. Hewitt, J. Campbell, J. Marshall,
C. Eskelson,

“No” S. Abbott

Motion Passed: 5-1

Approve Resolution 2007-15: Worker's Compensation for Volunteers

MOTION: Councilor Campbell moved to approve Resolution 2007-15: Worker's Compensation for Volunteers. Councilor Finch seconded the motion.

Roll Call Vote:

“Yes” M. Finch, Sr., J. Hewitt, J. Campbell, J. Marshall,
S. Abbott, C. Eskelson,

“No” None

Motion Passed: 6-0

Accept County Document Conveying Post Office Alley to the City of Port Orford

Mayor Auburn stated that this had been discussed before, and approved and they now needed to accept the deed. He noted that Teresa Kolibaba was interested and was in the audience and asked if she had anything to add.

Teresa Kolibaba asked if the City Administrator had called ODOT and gotten permission to have an alley off of Highway 101, as you cannot have an alley without their permission. Also, you can't have an alley unless you can prove the need for one, and alley's are public-right-of-ways and this land has been a tax lot for 150 years, and she didn't know how they could make an alley out of a tax lot. You don't need all that room there, and we haven't been able to do anything for 18 years since that land was ours to use. Teresa stated that she expected the council to discuss her concerns like they did the dead tree in the park instead of their one sentence decision.

MOTION: Councilor Campbell moved to accept the Statutory Bargain and Sale Deed for the E 20' of lot 5, Block 46 to the Plat of 1865, City of Port Orford from the County. Councilor Eskelson seconded the motion.

The Mayor stated that public input was over that once a motion was made the council could discuss it. Right now we are simply accepting that property, and once it is recorded then what the council does about it can be discussed. Councilor Marshall asked if that means that until the property is ours we can do nothing to help her with her problem. The Mayor told him that was correct. Councilor Hewitt stated that he appreciated her writing her long letter which contains a great deal of history, and right now we are simply voting to accept the property offered by the county.

Roll Call Vote:

“Yes” M. Finch, Sr., J. Hewitt, J. Campbell, J. Marshall,
S. Abbott, C. Eskelson,

“No” None

Motion Passed: 6-0

Approve New Gravel Drive at 20th and Deady Street for Jim Tronson

Councilor Marshall asked if Mike Murphy had looked at the property. He stated he had not, but that he knows the property, and believes it is necessary as it goes straight up behind the property. It was determined that Mike should look at it and bring it to public works meeting, and then it can come to the council next month.

Discuss the Stop Sign at 18th and Jackson

Mayor Auburn stated that the Staff's recommendation is to put in the four-way stop to help control traffic at 18th and Jackson and the Police Chief wants it as well.

MOTION: Councilor Finch moved to make a four-way stop at 18th and Jackson. Councilor Hewitt seconded the motion.

Roll Call Vote:

“Yes” M. Finch, Sr., J. Hewitt, J. Campbell, J. Marshall,
S. Abbott, C. Eskelson,
“No” None
Motion Passed: 6-0

Consent Calendar

8. Consent Calendar

- a. Proclamation: Alcohol Youth*
- b. Proclamation: Alcohol General*
- c. Approve Appointment of Parks Commissioner, Elaina Bailey*
- d. Appointment of Councilor Finch as Parks Liaison*
- c. Approval of Meeting Minutes*

Monday, March 19, 2007, Regular Session of the City Council

MOTION: Councilor Campbell moved to approve the Consent Calendar. Councilor Finch seconded the motion.

Roll Call Vote:

“Yes” M. Finch, Sr., J. Hewitt, J. Campbell, J. Marshall,
S. Abbott, C. Eskelson,
“No” None
Motion Passed: 6-0

Continuing Action Items

Burn Pile Closure

Mike Murphy stated that the Fire Chief feels that we need to do it correctly when we do it. The Police Chief stated that the burn pile should not be allowed to get so large and it would work better. Murphy stated that we don't currently have a volunteer to burn and monitor it. Councilor Marshall stated that he would be willing to monitor the burn pile either after work or on Saturday's. He stated that he is qualified, and would monitor it to be sure that only the proper items be put on the burn pile. It was decided to discuss it further at the Public Safety Meeting, and the Mayor thanked Jake for his generous offer.

Leak Detection

Still awaiting weather window for American Leak Detection to come check our water leaks.

One-Way Street: 13th – Tichenor

Waiting on the School Board's decision.

Considerations

Citizen Considerations

Jay Stoler asked when the four-way stop would be put in on 18th and Jackson. Murphy replied that it would be put in as soon as we could get to it.

Pat Buffington stated that she had two things, the first was on the water rates. She pointed out that council had not addressed the cost of purchasing water from the City when ones well goes dry. The second, on the acceptance of the post office alley, she would suggest that the City have the County set the property lines so you know where the lines are. Councilor Campbell stated that they are already set and all the corners are there.

Chris Hawthorne asked about water meters, and whether or not the old meters are not turning at the rate they ought to be so we are losing it that way. Murphy responded that we have replaced some of the meters and it's a mixed bag; some were turning slower and some faster, but none were way off.

Teresa Kolibaba asked if businesses in homes would be paying business water rates because she didn't think that was fair. Mayor Auburn stated that that was a proposal from the Chamber of Commerce and not from the City. **Teresa** then said that someone told her there was a big water leak at Battle Rock Park, and she asked why they didn't report it to the City. He told her he didn't think anyone would believe him. Also, she wondered how you could test the pressure in the water lines when you have air vents along the line and doesn't that interfere with getting a constant pressure in the water lines. Murphy replied that it shouldn't because they only release air, if there's water there they don't release anything, so it should hold the pressure. If the pressure drops it will let air in so you don't draw a vacuum in your pipe and will let the air back out again usually at the top of the pipes. **Teresa** then asked if trees are cut down in the public right-of-ways who gets the firewood from those trees. Usually the home owner there would get it, or if it's an empty lot, anyone can pick it up. Neither ODOT nor the City workers are allowed to take it.

Evan Kramer noted that the council voted on the water rates and he thought they were to go into effect on May 1 for one year based upon the recommendations of the finance director. He commented that the Chamber has presented a nice proposal, but he liked what the City has done and he'd like the council to stick with it. The Chamber's proposal just represents one group, and businesses in town vary as to water use. At my business, Evan stated, we use less than 2,000 gallons of water per month, while the port uses 100,000. It's nice that they've put all this time and effort into their proposal, but council voted and committed for the next year and he hopes council remembers that.

Councilor Campbell stated that he agreed with Evan, even though he voted against the water rates proposal, he will not vote to open it up for another year. It's a done deal.

Staff Considerations

Murphy stated that a lot of time went into producing the rate schedule that was adopted last meeting, and he was not convinced that the entire membership of the Chamber of Commerce would be in favor of paying double the base rate, especially realty offices, art galleries and other small water users. Their proposal is just for a very few.

Regarding the one-way street by the school, Murphy explained, the school board has been talking about taking out the front lawn and making staff parking and an unload area for the kids by the front door. So that will be a parking lot if ODOT allows them to leave and enter the highway there in a loop. Councilor Marshall asked if they were doing that because of the one-way street proposal, or was that already in the works. That was already in the works. They did initially propose the one-way street, but decided that it would be too far for staff to walk. Councilor Hewitt asked if they needed City approval to do that. Murphy replied that they did not.

The City Recorder proposed changes to the Council Rules previously approved as they were a little different from what was actually occurring. She suggested that "Presentations to the Council/Citizens" under 2.3.1, be changed to read "Special Reports and Presentations" as the /Citizens is confusing and unnecessary and it is currently referred to as Special Reports. Also, 3.2, second sentence, the word "personnel" should be removed as "employee" was removed from the first sentence. These changes will be taken up and approved next month.

Councilor Considerations - None

Mayor Considerations

Mayor Auburn stated that we have an opening on the budget committee for which we have advertised and if we have volunteers he would like to be able to make the appointment and have the council approve it at the budget committee meeting. Council approved by consensus.

Future Meetings

Wednesday, April 18th, Council/Planning Commission/Port Planning Meeting 3:00 to 6:00 p.m.

Monday, April 30, 2007, First Budget Meeting & Public Revenue Sharing Hearing at 5:00 p.m.

Thursday, May 3, 2007, Second Budget Meeting & Public Comments at 5:00 p.m.

Monday, May 7, 2007, Third Budget Meeting; Thursday May 10, 2007, Fourth Budget Meeting

Monday, May 14, 2007, Fifth Budget Meeting; Monday, May 21, 2007, Regular Council Meeting

Mayor Auburn adjourned the meeting at 9:05 p.m.

By _____
Jim Auburn, Mayor

ATTEST:

Beverley Manes, City Recorder