

**CITY OF PORT ORFORD  
REGULAR SESSION of the COMMON COUNCIL  
GABLE CHAMBERS  
MONDAY, JUNE 18, 2007 at 7:00 p.m.**

**(Public Budget Hearing)**

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

*Councilors absent:* C. Eskelson (Due to Illness)

*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:* ~15

Mayor Auburn called to order this Regular Session of the Common Council and the Public Hearing on the Approved Budget of the City of Port Orford in the Gable Chambers, Monday, June 18, 2007, at 7:00 p.m. He then asked all present to please rise and join him in the pledge of allegiance.

**Additions to the Agenda**

There were none.

**Public Hearing**

Mayor Auburn then opened the Public Hearing on the Approved Budget and asked staff if they had received any written comments on the budget, to which the City Administrator and the City Recorder each replied that they had not. The Mayor then asked if anyone in the audience wished to testify regarding anything in the budget. Since no one asked to speak, Mayor Auburn stated he would then close the Budget Hearing and return to the Regular Session.

**Special Reports**

**Lauri Kreutzer** with South Coast Business Employment stated that she was there to spread the word about a federal grant that is available through South Coast Business, which is termed the Responsible Fatherhood Initiative. The purpose of this "Fatherhood" grant is to help fathers better themselves to bring in a higher family wage to support their families. These appropriations aid in improving and updating skills with education and training in a high growth industry. She stated that the grant can help obtain a GED, provide worksite training, help with a job search and provide counseling among other items, and help with college. The goal is to help fathers bring in a higher wage and thus strengthen their relationships, have less stress and be better fathers. Lauri stated that this was being spread by word-of-mouth, and she was leaving flyers and her card to disseminate to anyone who might need help. She said they would do an assessment, find out their needs, skill levels and interests and see if there is any way they might be able to

help them. This is a five year grant and when we assist someone we would like them to remain connected for at least two years. She stated they offer counseling for the whole family, budgeting assistance, and many other career and family aids, and they follow through so they know what wage and other improvements have been made due to the grant assistance. This is then reported to the grant.

Mayor Auburn thanked her very much and told her of a LEAP meeting at the Senior Center on the 28<sup>th</sup> of June and mentioned that she may want to speak there as well.

### **Citizens Concerns**

**Wendy Thomas** signed up to speak, but she left.

### **Departmental Reports**

#### *City Administrator and Public Works*

Mayor Auburn asked about the leak detection and repairs. Mike Murphy stated that the American Leak Detection came out on June 4<sup>th</sup> for four days and found nine leaks. By their estimation those leaks constitute about two thirds of the city's water loss. They have one more day under the contract, which will be the 1<sup>st</sup> week of July. The three largest leaks have been repaired: one on Flake Street, a large one at the Port, and one on 9<sup>th</sup> Street, which was a service line under high pressure so it was a pretty good leak. There are four fire hydrants to repair and two service lines: one a pretty strong leak and the other just a gasket.

Councilor Hewitt asked if we had any response to the ad for Public Works Superintendent. Mike stated we had one application, and we also had an ad for parks worker for the summer. The Superintendent's position has no closing date, but rather is open until filled.

#### *Financial Report*

Councilor Hewitt asked for clarification regarding the \$1,343 for Subdivision Engineering Fees under the General Fund. Mike noted that that was billed out, and would be recovered.

#### *Police Report*

Chief Creighton stated that there was no more burning of open burn piles per the Fire Chief. Burn barrels were still okay with a permit. He then brought up the Madrona Street property where there had been complaints. He felt the owner of the property had made an effort to clean it up; and Mark didn't feel it was a nuisance and wouldn't cite him for a nuisance violation. There are other places in town that are more of a nuisance than this property, and the owner has taken steps to remove vehicles and has mowed the lot, and going over the nuisance rules, the Chief doesn't feel they apply here.

Chief Creighton reported that he had turned the pictures and reports over to our attorney for consideration. Chief Creighton then stated that the two types of action he could take would be a citation or he could begin the abatement process, which is a ten day process wherein he files an abatement letter with Beverley, the City Recorder, and posts it and

they have ten days to answer it. If they answer it, they can come before the council and dispute it.

Mayor Auburn asked Mark what his recommendation would be. Mark replied that he could not testify that the property was a nuisance. Councilor Hewitt asked what the definition of a nuisance was. Mark replied that a nuisance was detrimental to the property of others, which has to be proven, and who proves that. One man's treasure is another man's junk. Also, it causes or tends to cause diminution of the value, and who decides that when there's a house that has burned down and there are some bricks and some other stuff there. The Chief stated he wouldn't be the one to make that decision. The ordinance also says it has to cause blight, deterioration and unsightliness. He noted that he can find lots of places in town that are unsightly. He read some more of the ordinances, and nothing applied. DEQ didn't feel it was a hazard in any way.

Attorney Trew stated that he would not advise starting the abatement process. Citing in Municipal Court is another matter and would be okay.

Councilor Marshall reported that the Chief might ask him to do a little more as he probably would comply. He also stated that the property belongs to the grandmother of the person the Chief is dealing with. Council directed the Chief to neither cite him nor begin an abatement process.

Chief Creighton reported that the burn pile is large and recommended that the fire department bring over a truck to stand by and burn it, and close the burn pile for the summer. Councilor Marshall stated he had all the burn pile items in small piles for quick burning and one of the city workers raked it all into one big pile. The council concurred with Chief Creighton's recommendation.

#### *Planning Report*

Written Report – No questions.

#### *Liaison Reports*

##### *Chamber of Commerce*

Councilor Hewitt reported that the Chamber meeting was quite short; there were 1838 signed in and nine tour buses at the Visitor Center. They sent out four relocation packs and a little over 3,000 requests for information. The Chamber talked a bit about the wool festival that was well attended, and the Cedar Expo that was also well attended. That was about it, he reported.

Mayor Auburn reported that Senator Gordon Smith was going to be in Coos and Curry Counties on July 2<sup>nd</sup>, and is having an open meeting on South Coast Senior Services at 3:00 p.m. in the Coos Bay City Council Chambers.

### *CTR & Streets*

Councilor Eskelson is back in the hospital, so he is not here to report. Someone asked if there was any word when the contractor was going to fix the torn up street on 20<sup>th</sup> and Arizona. Mike replied that there was no word on that.

### *Parks / TLT*

Councilor Finch stated that the Park Host is gone. Mayor Auburn reported that the Park Host left to be with her family in Montana and had no sooner left than there was vandalism to the basketball hoop in the park. The Parks Commission appointed Mark Murray Vice President, Councilor Finch reported. The jail roof is going to be taken off by the volunteer fire department and Jim Laskaris has offered to install the new one. Laskey-Clifton donated 30 yards of sand for the horse arena. There is talk of applying for a grant for a 100 feet by 300 feet steel building for the horse arena to make it an “all weather” arena. The skaters at the skateboard park will be selling T-shirts over the 4<sup>th</sup> of July.

### *Planning*

Councilor Finch reported that the Planning Commission meeting turned into a very good workshop by Crystal Shoji.

### *Port*

Councilor Marshall reported there would be dredging with a clam shovel, but he wasn't sure if it would be 15,000 yards or 40,000 yards. However, the bid was accepted from the same company that did it last time. Gary Anderson is applying for a grant to get their sewer pump relocated and repaired, and is working with Leesa Cobb of POORT to get a fishing research center at the dock. He reported that there were minus tides so it was difficult for some of the boats to get out. There is a fresh water well at one corner of the dock that they are proposing to pipe in and use for boat washing, etc., to cut down on city water usage.

### *Watershed Council & Lake*

Councilor Abbott reported the lake outlet should be coming to completion in August. This Wednesday night there will be a presentation by Todd Concord of ODFW regarding samplings taken from Garrison Lake. The Watershed Council will not meet again until September.

Councilor Abbott also reported the Garrison Lake Restoration Committee is having the Curry County GIS Coordinator give them instructions in using GIS Wednesday afternoon at Pacific High School. This is open to the public, so anyone interested in this mapping system may attend at 2:00 p.m.

### *Mayors Report*

Mayor Auburn reported that he was asked to march with the Oregon Mayors in the Rose Festival Parade in Portland, and it was especially nice for him as he grew up in Portland. He also reported that he and Mike Murphy attended a Human Resources class on practices to prevent law suits, and he felt that both he and Mike got a lot out of this class.

**Old Business**

Mayor Auburn reported that the council has been on record for sometime supporting the Copper-Salmon Wilderness area proposal, and finally we have a letter from Senator Ron Wyden that he is proposing to designate an area in the Elk River Watershed as the Copper Salmon Wilderness area. He is now on the Senate Energy and Natural Resources Committee and he will try to do something about it. This is the first indication that any of our senators or representatives would do so.

**New Business**

*Approve Resolution 2007-19: A resolution Adopting the Budget of 2007-2008.*

**MOTION:** Councilor Finch moved to Approve Resolution 2007-19 Adopting the Budget for Fiscal Year 2007-2008. Councilor Campbell seconded the motion.

Roll Call Vote:

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

“No” None

Motion Passed: 5 to 0

*Approve Resolution 2007-20: Declaring the City’s Election to Receive State Revenue*

**MOTION:** Councilor Finch moved to approve Resolution 2007-20 declaring the City’s Election to Receive State Revenue for Fiscal Year 2007-2008.

Roll Call Vote:

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

“No” None

Motion Passed: 5 to 0

*Approve Resolution 2007-21: Imposing and Appropriating Taxes for the 2007-2008 Fiscal Year.*

**MOTION:** Councilor Finch moved to approve Resolution 2007-21: Imposing and Appropriating Taxes for the 2007-2008 Fiscal Year. Councilor Campbell seconded the motion.

Roll Call Vote:

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

“No” None

Motion Passed: 5 to 0

*Approve Resolution 2007-22: Taking an Active and Supportive Role in Attracting High Speed Internet for the City.*

**MOTION:** Councilor Hewitt moved to approve Resolution 2007-22: Taking an Active and Supportive Role in Attracting High Speed Internet for the City. Councilor Abbott seconded the motion.

Roll Call Vote:

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

“No” None

Motion Passed: 5 to 0

Mayor Auburn then pointed out that the resolution called for a citizen’s committee to contact providers on behalf of the City to request they provide high speed internet service to the Port Orford area. He proposed to appoint Scotty Auble and Ed McQuade and asked for a volunteer from the Council Members. Councilor Hewitt stated he would be on that committee. Mayor Auburn then told the committee they could ask Valerie Kramer if she would care to serve on the committee as well. Evan Kramer got a laugh when he told them he’ll say “No”.

*Approve Resolution 2007-24: Appropriations and Adjustments to the 2006-2007 Municipal Budget through a Supplemental Budget.*

**MOTION:** Councilor Finch moved to approve Resolution 2007-24: Appropriations and Adjustments to the 2006-2007 Municipal Budget through a Supplemental Budget. Councilor Campbell seconded the motion.

Councilor Hewitt asked what the Homeland Security Grant was for. Mayor Auburn stated it was for fencing around the Hubbard Creek Impound. Mike Murphy added that it was now secured with a gate and that the City also acted as a pass through for grants to Nesika Beach Water for fencing and Wederburn Sanitary, because when Mike left the County they wouldn’t handle those grants.

Roll Call Vote:

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

“No” None

Motion Passed: 5 to 0

*Approve Resolution 2007-25: Save the Blue Building Health and Welfare Services in Port Orford*

**MOTION:** Councilor Finch moved to Approve Resolution 2007-25 to save the Blue Building Health and Welfare Services in Port Orford. Councilor Campbell seconded the motion.

Mayor Auburn stated that they have agreed to keep it open three days a week. An employee at the Blue Building stated that was incorrect, that they have been told not to accept any appointments after the end of June as the Health Department is officially closed after June 30<sup>th</sup>. Everything is being moved to Gold Beach from here, and from Brookings to Gold Beach as well. She felt there would be a rash of unplanned infants, along with a lot of other things.

Mayor Auburn then stated that perhaps along with this resolution we could direct our staff to write a strong letter to the county.

Roll Call Vote:

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

“No” None

Motion Passed: 5 to 0

**MOTION:** Councilor Finch moved to direct staff to write a letter to the county proposing that they keep the Health Services in Port Orford. Councilor Campbell seconded the motion.

Roll Call Vote:

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

“No” None

Motion Passed: 5 to 0

*Ordinance 2007-08: Adding an Annexation Policy to the Zoning Code to be Set Forth as 17.10 Annexation.*

Mayor Auburn stated that he would do the first reading, but it has been suggested already that it be clarified who pays for extending the water and sewer lines to the annexed properties. He asked Mike Murphy to read the proposed changes.

Mike stated that No. 4 was proposed to read “All annexed property shall be served by City sewer and water in compliance with Sections 13.04, 13.08, and 13.10.” He explained that 13.10 was added and provided for payment of SDC’s. Also added was:

“The costs of all necessary infrastructure to City standards shall be borne by the area to be annexed.”

Councilor Campbell asked if legal counsel had read this and approved or disapproved. Attorney Trew replied that there is no requirement that council ask his opinion on ordinances. He saw it first in the packet, and assumed that Planning and Council had worked on it and were satisfied with it. He stated that he read it in terms of did it violate the ORS, which is a very broad statement, but other than that he had not been asked to review or comment on the ordinance.

Councilor Campbell stated that he wanted Attorney Trew to comment on it before he would vote on it. Then Mike was asked if the change he read was the only change. He stated it was, but he also thought the schools should be specifically notified of any annexations.

Attorney Trew then critiqued the ordinance, noting that in several places it was not clear what was meant, such as, “foreseeable impact”. Councilor Finch asked Attorney Trew if he wanted it to be more specific. Trew replied that if he were to be involved he would at least like to be able to answer some of his concerns, yes.

In that case, Mayor Auburn suggested that they have the City Attorney and the Planner get together and give the changes back to us. Attorney Trew told the council he was not trying to make a big complicated thing out of it, but if you look at “17.10.040, Zoning of annexed property shall be subject to Section 17.08.010 Zoning of Annexed Areas, and prior to annexation,” what does that mean? Councilor Hewitt stated it means that an area to be annexed will remain under county rules until such time as it is annexed by the council. Attorney Trew was assured that this was developed and adopted by the Planning Commission and recommended to the council for adoption. He then stated that he would get his answers and comments from Crystal in that case.

There was further discussion about ordinances involving land use, and that the legislature is possibly changing the definition of what is contiguous. Trew also had a question about improving a street in an annexed area, does that mean that only those in the annexed area pay for the improvement. Mike replied that that was so the City would not have to bring a street up to City standards after an area was annexed to the City, but the annexed area would have to do that before the acceptance of the annexation. Also, the water and sewer lines would be extended by the area being annexed. There was further discussion about our other ordinances not covering the areas mentioned in this one.

## **Consent Calendar**

### **9. Consent Calendar**

- a. Approval of Meeting Minutes:
  - Monday, May 21, 2007, Regular Session of the City Council
  - Monday, May 21, 2007, Executive Sessions; Attorney Consultation & Personnel Evaluation

**MOTION:** Councilor Hewitt moved to approve the Consent Calendar. Councilor Abbott seconded the motion.

Roll Call Vote:

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

“No” None

Motion Passed: 5 to 0

### **Continuing Action Items**

#### *Burn Pile Closure*

Mayor Auburn noted that the burn pile is now closed again, so we have dealt with that.

#### *Leak Detection*

American Leak Detection will return in July to complete the job.

#### *One-Way Street: 13<sup>th</sup> – Tichenor*

**Evan Kramer** stated that the plan at the school board meeting last week was to make 13<sup>th</sup> street one-way and Tichenor one-way. Mike stated that they also want to make a bus drop off right against the north side of the building, so the children can exit the bus and go right into the school through that side door. They want to create some kind of a barrier to separate the buses from the cars. Chief Creighton was in favor of these changes and the City had already Okayed that solution, so there was not problem with their proceeding.

### **Considerations**

*Citizen Considerations - None*

*.Staff Considerations – None*

#### *Councilor Considerations*

Councilor Marshall was concerned about the 4 way stop on Jackson and 18<sup>th</sup> because the Stop signs did not have the symbol on them indicating a 4-way stop and he didn't know if we would have some kind of liability without those indicators. State has to use them, but he didn't know if the City did. Council did not appear to believe they were necessary.

Councilor Marshall also stated that he had never heard the Tsunami sirens, and wondered why they were not being tested. It was decided to see if the county would now cooperate and test them all with their system rather than doing it manually as we did the first time..

He then asked when employees who are volunteer fire fighters respond to a fire call are they still on the clock. Mike stated that they were, as he would rather see them continue to be paid rather than make it so they can't afford to respond. After all, they are contributing to the good of the community, and helping to protect the city so he did not feel they should be penalized for that. He would change that if the council so wished. Councilor Marshall said the question was asked of him, which is why he asked.

*Mayor Considerations*

Mayor Auburn noticed that the public works department uses more gasoline than the police department does, and he has had numerous complaints that public works employees are using the trucks for personal business. They have been seen buying tomato plants, stopping at the post office or the grocery store. We have a very liberal policy where we allow them to drive the trucks home and back, and he felt it was time that we change that policy to allow no personal use of the city vehicles. They don't need their trucks at home to respond to a call but can drive their vehicle into the city yard and pick up the truck. It's not a life or death situation. Jay Stoler asked if they kept logs, and Mike stated that they made too many short trips and would be spending too much time logging mileage. Chief Creighton stated that he had a separate gas card for each officer and requires them to write down the mileage every time they fill up with fuel. This also aids in determining the gas mileage for each vehicle.

Mayor Auburn suggested that Mike work with the Chief to set that up with public works, and he can blame the changes on the Mayor and the council.

**Future Meetings**

Monday, June 25, 2007, Public Hearing Phase II Proposed Zoning Changes

Monday, July 16, 2007 at 7:00 p.m. Regular Council Meeting.

Mike Murphy stated he would like to clarify that the County declared fire season beginning Wednesday at 12:01 a.m., which means that all burning requires a permit in the County until fire season is over. There is no open burning during that time in the city, and burn barrels, as always, require a permit.

Mayor Auburn adjourned the regular meeting at 8:28 p.m.

By \_\_\_\_\_  
Jim Auburn, Mayor

ATTEST:

\_\_\_\_\_  
Beverley Manes, City Recorder