

CITY OF PORT ORFORD
REGULAR SESSION of the COMMON COUNCIL
GABLE CHAMBERS
MONDAY, NOVEMBER 19, 2007 at 7:00 p.m.

Councilors present: S. Abbott, E. Beck, J. Hewitt, D. Smith, J. Campbell, M. Finch, Sr. and Mayor J. Auburn,

Councilors absent:

Staff present: M. Murphy, City Administrator; S. McKenzie-Kudlac, City Attorney; M. Creighton, Police Chief; B. Manes, City Recorder

Others present: Evan Kramer, Port Orford Today, G. Wilcox, Fire Chief

Citizens present: ~15

Call to Order/Pledge of Allegiance

Mayor Auburn called to order this Regular Session of the Common Council of the City of Port Orford in the Gable Chambers, Monday, November 19, 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

Mayor Auburn opened the Public Hearing for the CR Overlay Zone and immediately continued it to next month because Crystal Shoji the City Planner could not be present. Mayor Auburn then asked if there were any other additions or changes to the agenda. There were none.

Special Reports

Mayor Auburn asked Officer Fink and Sergeant Halse to come forward. He then recognized Officer Fink for getting his Basic DPSST Certification, completing most of the requirements for his Intermediate Certification except for time in grade, and for being Certified as a Taser Instructor, and for not Tasing the Mayor.

He then read a letter of commendation to Sergeant Halse from Chief Creighton, which stated that they received a call from a concerned citizen who was unable to make contact with a resident on Jackson Street. Sergeant Halse responded to that residence, and after making a quick determination that the male resident was in need of medical attention and unable to unlock the door of the residence, he chose to take immediate action by breaking open a window and gaining entry into the residence thereby assisting the subject until the ambulance arrived. By taking immediate action he saved the life of a community member that otherwise might have been lost. Your actions exemplify your level of commitment and responsibility to our community and the high standards of policing you demonstrate every day. Mayor Auburn congratulated Sergeant Halse. There was a round of applause for both police men.

Citizens Concerns (Sign Up)

None

Departmental Reports

Administration and Public Works

Councilor Abbott commented that he liked the idea of expanding the water treatment plant to add storage for the chemicals, and asked what the time frame was on that expansion. Mike stated it was one of the items on the Community Development Grant website to be considered for funding.

Mayor Auburn noted that the water loss is up to 44 percent. Mike stated that it was and we have found a couple of more leaks, one up on Jefferson Street which was a fairly substantial one.

Finance

Councilor Hewitt asked about an item under Public Safety that states “Public Safety received \$3,949.69 in revenue of which \$2,959.06 was from grants.” He asked what the rest of it was from. Chief Creighton stated he had revenue from the Municipal Court and some administrative costs for insurance reports, etc. Councilor Hewitt asked if that was reported to Dave Johnson; was there some reason he didn’t know that. The Chief replied that he didn’t know Dave didn’t know that. Councilor Hewitt stated that it should be shown.

Councilor Abbott asked about item 1040. Mike stated he thought it was the library. Mayor Auburn asked about item 296 as he didn’t get a check for that amount this month. Mike said he should ask Dave. Councilor Hewitt also asked about item 50, check for \$84 to Trew, Cyphers & Meynink. Mike stated it was probably clean up.

Police Department

Chief Creighton stated that he and Fire Chief Wilcox talked with Pacific High School Students on Halloween Day regarding driver safety. He wanted to especially thank Chief Wilcox for her excellent presentation to the students. He reported that they received a very nice thank you letter from Ruby Price for doing that. Councilor Smith stated that he had spoken with Superintendent Price at a Chamber meeting, and she was very pleased and impressed with their presentation and thought they did a wonderful job.

Planning Department

Written Report

Liaison Reports

Chamber of Commerce

Councilor Smith reported that **Ed McQuade** has been in contact with the district manager of Charter Communications, who has put Port Orford into his 2008-2009 budget. The District Manager said that there were questions about other items in his budget, but not about Port Orford. Councilor Smith stated that **Ed McQuade** had also been in contact with Verizon, which has shown an interest in bringing high speed internet to Port Orford.

Councilor Smith asked **Scott Auble** if he had spoken to **Ed** and had anything to add. **Scott** stated that he had talked with **Ed**, and although he hated to be overly cautionary he didn't want too rosy a picture painted, yet. The actual situation, he reported, is that Charter's budget request to build out the infrastructure and start providing service here has not yet been denied. That is good, and it's also good that they are still talking to us and reporting on their budget process to us. However, it doesn't yet say what we've always tried to get out of them, and that is having a date announced and a plan; e.g., "we're going to add such and such a service by this date". Until that happens, **Scotty** continued, the Internet Committee doesn't feel it should report anything other than we're in their budget, they're talking to us, that's great, and we haven't heard any bad news yet and that's great.

Auble then stated that on the Verizon front, **Ed** heard from their Customer Service External Projects representative that according to their criteria for coming into an area and providing service, we need it. That's based on the survey result the committee did showing the number of customers and potential revenues they got from us. That peaked their interest enough that they would like to come out and meet with us some time in January 2008. A date hasn't been set, but they are interested in having a dialogue with us and assessing the situation. So, if you would be interested in doing some planning to impress them when they come out? So far they haven't rejected us, but they are talking with us. Things are looking better than ever. Councilor Smith thanked **Scotty**.

Councilor Smith reported that the Chamber was still working on the electronic speed sign but have received no further donations since the last council meeting. They are going to mail out a letter along with the elections and membership renewals, so they won't go out until the first week in December.

CTR & Streets

Councilor Smith reported he has a call in to CTR since while in Gold Beach he saw CTR picking up commercial recyclables. He wants to find out if they can do that in Gold Beach why not in Port Orford.

Parks/TLT

Councilor Finch reported that the Parks Minutes told the whole story. Also, the TLT Committee was advertising the availability of grants and would have a meeting in January. Mayor Auburn stated that Parks would like council consent to advertise for a Park Host, and Administrator Murphy reported they would also like permission for the City to accept donations for the horse arena. Council gave consensus for both.

Port

Councilor Hewitt reported the Port met one month ago, and agreed to revisit their long range plan at each monthly meeting and update it.

Watershed/Lake

Councilor Abbott reported the Lake Restoration Committee doesn't meet this month because of the holidays. The Watershed Council met October 17th, and had a speaker from POORT (Port Orford Ocean Resource Team), Rachel Moore, about the goal to keep small fisheries families viable in the long term because, as we know, statewide there is a push to create sanctuaries along the coast as well as wave energy parks. There is a lot of public dialogue going on now amongst the fishermen, the wave energy parks people as well as the sanctuary people for restoration of the local habitats along the coast and POORT is representing us well to determine what happens statewide regarding our coast and the fisheries.

He stated he missed the last meeting as it was scheduled early and he had other commitments, but they did have another speaker from POORT, but there will be more on this to follow. He believed they would be coming to the council, and asked the Mayor if he knew. Mayor Auburn stated that he had invited Leesa Cobb and Susana Stoike to give a special report to the council at the January meeting.

Mayor's Report

There were no questions regarding Mayor Auburn's written report. Councilor Abbott asked him how his trip to China was, and he stated that it was great, a very interesting, very modern developing country. He noted that they were starting to become concerned about environmental issues, which he felt was a good sign. He traveled to some other cities out of Shanghai on a very fast bullet train at 274 kilometers per hour, over 150 MPH. He said the thought Japan was the only place that had those, but China does as well. Councilor Hewitt asked if he had looked for any sister cities. Mayor Auburn said he had not, but he could probably do that on their next trip as they would probably be going back. Small cities in China, he reported are like 10 Million people, and large ones are about 100 Million people.

Subcommittees

Public Safety & Ordinance

Councilor Abbott reported that under ordinances Chief Creighton had given them three ordinances from other cities regarding employee and volunteer background checks to be done by the Police Chief, and that is later on the agenda.

Public Works

Councilor Beck reported that they had a discussion about a policy for catastrophic water leaks since the new water rates, to prevent extremely high bills.

Personnel

Councilor Smith reported that they were having their first meeting on Monday, December 3rd at 4:00 p.m.

Finance

Mayor Auburn stated their next meeting would be November 28 at 1:00 p.m.

Old Business

Planning Commission Request/Recommendation Regarding Final Plat Signatures

Mayor Auburn stated that the Planning Commission asked the council to reconsider the signatures as they feel an officer of the City should be the final signature. He felt that since the Mayor cannot attend Planning Commission meetings he is not privy to the background and recommended that the City Administrator, who does attend the meetings be the one to sign the final plats.

The Council asked the City Administrator if he attended the meetings and if he was willing to sign the final plats. He stated that he did attend the meetings and was willing to sign the final plats. The council then agreed by consensus to have the City Administrator sign the final plats.

Approve the Purpose Statement for Chapter 17.33 Site Plan Review as Recommended by the Planning Commission

Mayor Auburn read the purpose statement for the Site Plan Review, and asked the City Attorney what we have to do to accomplish this. She replied that you can approve it tonight as it's not actually regulatory in this form, and doesn't change anything.

Councilor Campbell asked who does the review. Attorney McKenzie-Kudlac stated that the City Planner will do the review unless she finds something vague which she will take to the Planning Commission. Councilor Campbell then wondered who even had the knowledge to do it. Attorney McKenzie-Kudlac replied that the City Planner would have the knowledge to do it, and basically has a check-off list to see if they have complied with the code. She felt the City Planner would have the ability to do that and if she didn't she would bring it forth to the entire Planning Commission. It was explained that if a person was to be specifically designated that would have to be added later, as this was just a purpose statement. The Mayor stated he would entertain a motion.

MOTION: Councilor Hewitt moved to add the purpose statement to Municipal Code Chapter 17.33, Site Plan Review. Councilor Abbott seconded the motion.

Councilor Abbott asked the City Attorney how they should go about specifying who would do the review. She replied that it can be done two different ways: it can be set out in the ordinance, or it can be set out in an administrative guideline on how to do it.

Mayor Auburn suggested the purpose be adopted now, and we ask the Planning Commission to specify who would do the site review. Councilor Hewitt asked if the Chair of the Planning Commission had anything to add to the discussion.

Dave Holman, Chair of the Planning Commission, stated that in discussing this with the City Planner and City Attorney it was his understanding that a simple site plan review would be reviewed by the City Planner and the City Staff, if it is a more complex project the City Planner would determine if the planning commission was capable of doing the review or if the owner of the property would be required to have a consulting architect do the review. He stated he was comfortable with the purpose statement, and he was comfortable with having the planning commission do a site review or determine if a consultant was necessary on a complex project.

There was further discussion regarding who would make the decision, and where and how that would be spelled out. It was agreed this would be taken up by the Planning Commission and recommendations made to the council.

Roll Call Vote:

“Yes”: S. Abbott, E. Beck, J. Hewitt, D. Smith, J. Campbell

“No” : M. Finch, Sr.

Motion Passed 5 to 1

Dave Holman added that regarding the Plat Signatures item, the Planning Commission chair will sign the plat, but the commission felt it was necessary for a City Officer to sign as well, and he felt it was a good combination to have the Planning Chair and the City Administrator each sign.

New Business

Approve Acceptance of Funds from Curry ISP, Inc.

Mayor Auburn explained that Curry ISP is disbanding and they have approximately \$850.00 in funds they would like to transfer to the City, and he would entertain a motion to accept these funds from Curry ISP.

MOTION: Councilor Hewitt moved to approve acceptance of the funds from Curry ISP, Inc. Councilor Abbott seconded the motion.

Roll Call Vote:

“Yes”: S. Abbott, E. Beck, J. Hewitt, D. Smith, J. Campbell
M. Finch, Sr.

“No” :

Motion Passed 6 to 0

Review and Read Entire Ordinance for Police Background Check

Mayor Auburn asked the City Attorney if the ordinance looked okay to her. She indicated that it did. He then asked the Ordinance Committee if they approved it. Councilor Abbott stated the Chief had given the subcommittee three examples of this type of ordinance, but this ordinance has not been looked over by the ordinance subcommittee. He felt it had merit, but there were a few things he would like to see added and the whole thing reviewed by the ordinance subcommittee. Mayor Auburn then suggested that be done and the ordinance brought back to the council at the December meeting.

Chris Hawthorne Testimony Regarding Water Leak

Mayor Auburn noted that the council denied Chris Hawthorne's request for waiver of his water charge due to a leak; however, Hawthorne was out of town last month and has requested he be permitted to give his side of the story.

Chris Hawthorne thanked the council for allowing him to appear, and passed out a photograph of the site of the break and the break itself. He stated there was a combination of events that precipitated this pipe breaking, and primarily the meter was replaced, the box was broken, and the location is on a steep hill and when it was replaced the box wasn't backfilled. Given this situation, over the course of the next 2-1/2 years with the meter reader stepping next to the box and with the corner broken the box became skewed grabbing the pipe and pushed until it sheared off at the connection that goes straight down. In repairing it the City installed a retaining wall to keep that from happening again.

Chris continued, stating that the break was a coupling of the meter box, the steepness of the slope and the box walking because it was broken and didn't have enough tooth to grab the ground so it got moved and broke the pipe. So, nearly 100,000 gallons later he found out his pipe was broken. He felt that this was different from other people's water leaks on their side of the meter because this meter is one-quarter mile from the house and drops off into a very steep ravine, and he didn't believe this was a typical set up for the water meters found in Port Orford. He requested that the City waive at least some part of bill as he felt that it was caused by replacing the meter and not backfilling the box.

Mike directed council to the pictures in their packets, and noted that 7.c.3. gave a good view of the water meter from the top and the two nuts, one on either end of the meter. When replacing the meter you remove those nuts, take the meter out, set the new one in place with gaskets and screw those nuts in. In replacing the meter, you neither disturb the pipes nor the box.

Chris then pointed out where he felt the box was pushing on the pipe, and showed where the ground had dropped off leaving nothing to keep the box from moving.

Mayor Auburn suggested it be put in abeyance until the new ordinance policy for handling catastrophic leaks is completed and see what comes out of that discussion.

Councilor Abbott felt they were comparing apples and oranges as he didn't think the City should forgive people entirely for their water leaks unless it is due to the City's negligence. If somehow the City was negligent in this case, then the City should absorb the expense.

Councilor Finch commented that three City employees looked at it and felt the City did not cause the breakage. **Chris** commented that he took it all apart and was better able to get an idea of what transpired.

Councilor Hewitt pointed out that Mike Murphy asked other cities what they did and received 19 responses, 13 of which gave some kind of a rebate, 6 gave no relief, and one of the 13 did it on a case by case basis.

Councilor Beck stated that he very strongly felt there should be some kind of policy especially since the new rates make a leak of one hundred thousand gallons so punitive. It would be possible to have an 80 year old woman with a \$4,000 water bill. He felt it could be retroactive to when the rates were increased. Councilor Finch disagreed with having it retroactive as he had to pay for all his leaks; however, that was before the rate change.

Councilor Smith brought up the fact that this was discussed in a staff meeting and Dave Johnson came up with a formula that came out to \$3.60 per thousand gallons for the water leakage amount over the average for that customer per month. He stated that he agreed that something does need to be done to provide some relief for a catastrophic leak.

Councilor Smith stated that he didn't think **Chris Hawthorne** was saying that the installation of the water meter is what caused the break. **Chris** stated that was correct, he was not saying that. What he was saying was that over time the meter box gravitated toward the hillside and sheared off the pipe. Having the meter reader walking next to the box eventually pushed it toward the ravine.

Mayor Auburn asked the Public Works Subcommittee to come up with a policy. The City Recorder pointed out that the relief on the sewer due to a water leak is an ordinance, and now that the water rates are high for 20,000 gallons and over, the relief for water should also be an ordinance. Mayor Auburn then directed it to the Ordinance Subcommittee.

After a bit more discussion Mayor Auburn told **Chris Hawthorne** that they would work on a policy and make a decision in his case and he may have to pay the whole bill or he may not. **Chris** thanked the council for their consideration.

Approve Resolution 2008-08: Utility Reconnect Policy

MOTION: Councilor Abbott moved to adopt Resolution 2008-08 a Utility Reconnect Policy. Councilor Smith seconded the motion.

There were questions regarding whether people could still have payment plans, and it was explained that making those arrangements before they get to the shut off point is still in

place. They get a letter then a door hanger with shut off notice, and Patty calls them on the phone, and they can still call and make arrangements for a payment plan.

Roll Call Vote:

“Yes”: S. Abbott, E. Beck, J. Hewitt, D. Smith, J. Campbell
M. Finch, Sr.

“No” :
Motion Passed 6 to 0

Public Hearing Continued to Next Council Meeting, December 17, 2007.

Approve Consent Calendar

8. Consent Calendar

a. Approve Minutes:

October 15, 2007, City Council Regular Session

October 25, 2007, City Council Special Session

MOTION: Councilor Campbell moved to approve the *Consent Calendar*. The motion was seconded by Councilor Smith.

Councilor Finch stated that if we are not continuing to deny Hawthorne’s request as we did at that meeting, then we need to take that out of there. Mayor Auburn explained that it’s what occurred at that meeting and he still has to pay the bill. At this point nothing has changed. When we make the new policy that may or may not change.

Roll Call Vote:

“Yes”: S. Abbott, E. Beck, J. Hewitt, D. Smith, J. Campbell

“No”: M. Finch, Sr.

Motion Passed: 5 to 1

Continuing Action Items ~ None

Mayor Auburn asked what the status of the burn pile is. Mike replied that the smoke issue has still not been dealt with, and the Fire Chief would just as soon it remain closed, but that is up to the council.

Considerations

Citizen Considerations ~ None

.Staff Considerations

Mike Murphy stated that he has received several anonymous complaints, and much as he would like to fix those issues, if it is not signed it cannot be answered and it can't be addressed because it's unsigned. Evan Kramer stated that no good newspaper would publish an anonymous letter to the editor.

Councilor Considerations ~ None

Mayor Considerations ~ None

Future Meetings

Regular Council Meeting & Public Hearing: December 17, 2007, at 7 p.m.

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

By _____
Jim Auburn, Mayor

ATTEST:

Beverley Manes, City Recorder