

**CITY OF PORTORFORD
CITY COUNCIL MEETING MINUTES
IN THE GABLE CHAMBERS
THURSDAY, MARCH 15, 2018**

Mayor and Council	Present	City Staff	Present
Jim Auburn	x	Terrie Richards City Admin/Recorder	x
Jim Campbell	x	Shala McKenzie Kudlac City Attorney	x
Caroline Clancy	x	David Johnson Finance Director	x
Pat Cox	x	Hank Hobart Police Chief	x
John Roorbach	x		
Tim Pogwizd, Mayor	x		
Brett Webb, President	x		

Media Present: Brice Wagner, Port Orford News
Others Present: 35

1. Call to Order

Mayor Pogwizd called to order this Regular Meeting of the Common Council of the City of Port Orford in the Gable Chambers on Thursday, March 15, 2018 at 3:30 p.m. He then asked those present to rise and join him in the pledge of allegiance.

2. Additions to the Agenda – Jubilee Committee

3. Special Presentation to Citizens/Council

Meg Reed with DLCD presented the Coastal Resilience Grant opportunity – adding to our comprehensive plan the city’s plan for tsunami evacuation and “Beat the Wave Mapping”. The grant total is \$24,000, \$12,000 from DLCD and \$12,000 from the city as in-kind. Councilor Auburn made the motion to authorize the city to proceed with this tsunami preparation grant with the stipulation that all of our contributions are in-kind with Councilor Roorbach as second. Motion carried.

Councilor Cox Aye Councilor Clancy Aye Councilor Webb Aye
Councilor Campbell Aye Councilor Auburn Aye Councilor Roorbach Aye

Jubilee – Christy Phillips presented to the council changes the new Jubilee board has planned for this year 4th of July celebration. This is their 60th year the theme is the “Diamond Jubilee”. She requested the Council approve closing off Battle Rock Park for the day of the fourth only from 7:00 am to 11:00 pm. They will supply handicap accessible port-a-potty’s placing them in the first two parking spaces to block off the rest of the park. After some discussion, the Jubilee agreed to move the barricades further in for easier turn around. Councilor Cox made the motion to allow from seven to eleven we give the Jubilee the portion they need with Councilor Webb as second. Motion carried.

Councilor Cox Aye Councilor Clancy Aye Councilor Webb Aye
Councilor Campbell Aye Councilor Auburn Aye Councilor Roorbach Aye

4. Citizens’ Concerns

- *Penny Sues spoke on item 6a. asked the council to deny the request of ERPD and stating her reason why.
- *Theresa Kolibaba spoke about the bus shelter stating that Jerry McManus helped with it last time and found the perfect place on 15th street by the library parking lot.
- *Karen Auburn spoke in favor of the request made by ERPD stating the benefits to the city.
- *Gary Wickham spoke in favor of the bus shelter

*David B. Smith (State Representative) spoke of the benefits to the city that Elk River Property Development will bring to the area with developing the golf course and stated the process they have gone through to this point.

5. Departmental and Liaison Reports

Admin: Reminded the Council to file their SEI

Police: Councilor Clancy questioned the Chief about a citizen calling her regarding her case. The Chief stated they have exhausted the case and cannot do any more for her.

PORT: the Port Manager is doing a good job all is running well. The re-development project is moving forward.

TLT: New committee now the applications are due April 6, 2018 and the committee will meet the following week.

Watershed: they are looking at approaching lake front properties, sending out by-law notification.

Emergency Management: there were quite a few people at the first meeting – planning a second. There is a lot to be done yet. Notification by cell phone.

Health: questions were asked at the CHN meeting, they will attend next month's meeting to give a presentation.

6. Old Business

Marijuana Ordinance 2018-01 First Reading. Councilor Cox questioned the hours going to ten am to ten pm. After some discussion it was decided to allow the business hours of eight am to ten pm., Clarification on the description of “adjacent to or fronting on Highway 101” was asked for. A comma will after the word zone fixes the problem – all agreed. Councilor Clancy asked about the Head Start – it is not an accredited school by state standards. Councilor Auburn moved to refer ordinance 2018-01 as modified to a second reading next month with Councilor Roorbach as second. Motion carried.

Councilor Cox Nay

Councilor Clancy Aye

Councilor Webb Nay

Councilor Campbell Aye

Councilor Auburn Aye

Councilor Roorbach Aye

Bus Shelter Placement: Councilor Cox asked about the mailbox as it was discussed at the last meeting. More investigation is needed for the mailbox. Councilor Cox moved to acquire the box for this unit for future placement with Councilor Campbell as second. Motion carried. There was discussion of where the shelter would go. CA Richards understands the criteria and has volunteers ready to install the shelter when it gets here. Councilor Cox moved to instruct staff to make it happen.

Effluent: Troy Russell of Elk River Development presented to the Council a request to allow them the recycled wastewater and the city staff, CA Richards, Legal Counsel Kudlac, and Public Works to begin discussion of the next step in the process – their engineer talk to the city's engineers. He reminded Council that two years ago they approved a modification to the NPDES permit to allow a second outfall. A year ago, the Council approved a pump station and the pipeline to go through town. A month ago, Curry County approved the second half of the pipeline and the reservoir. Councilor Campbell asked if there was enough storage to handle the effluent in the winter months – Yes it is a hundred foot lake. They are providing the city with an easement to help with the infrastructure. Their installation is at no cost to the city and they will indemnify the city. Councilor Clancy asked for details in a contract. Mr. Russell explained those who are paid to do that would work out the details and the contract.

Councilor Auburn moved to provide the city's treated effluent to Elk River Property Development for irrigation of the Pacific Gales Golf Course, at no cost to ERPD. With flow recommendations from future engineering work to maintain the current ocean outfall viability, and in turn, the ERPD will allow the City of Port Orford the ability to cross their property adjacent to the sewer treatment plant with water and sewer infrastructure at no cost to the city for the use of the property for the city's infrastructure. This motion also directs city staff to work with the engineers to move forward with a secondary outfall project,

including the ability to accommodate all outfall should the ocean outfall be no longer viable with Councilor Campbell as second. The Mayor asked Councilor Cox to be a liaison to the project.

Councilor Roorbach stated as mentioned this is an incremental process. The final adjudication of your position with a tentative approval of the board of commissioners and 1705 in not in affect what so ever at this time. Therefor any current agreements and all other work should be viewed in terms of speculative projects that does not yet exist. Further, he suggested that all current project work and all co-joining agreements between the city and the applicant and requests made to the council regarding this matter be set aside until the matter is adjudicated in court. State Representative David B. Smith corrected misinformation – the Board of Commissioners did approve this project, the Board of Commissioners approval is the law. Penny Sues stated that it is disingenuous to say this is the law when it is not the law; there is an appeal with LUBA right now. Councilor Cox asked to have both the City’s legal counsel and city planner involved in this process. Councilor Webb is unhappy with the paragraphed motion. Legal Counsel Kudlac clarified what the letter was asking and the motion is more inclusive. Councilor Clancy can agree that the engineers can start speaking but she agrees to nothing else. Motion carried with the Mayor breaking the tie vote.

Mayor Pogwizd Aye Councilor Cox Aye Councilor Clancy Nay Councilor Webb Nay
Councilor Campbell Aye Councilor Auburn Aye Councilor Roorbach Nay

7. New Business

Parks Request to apply for Grants – Sharlyn Harvey is working on the grants for improvements to the horse arena; create an amphitheater at Buffington Park and new docks for the Pinchurst boat ramp. Councilor Cox moved to give her approval to move forward on writing grants for these projects with Councilor Clancy as second.

Councilor Cox Aye Councilor Clancy Aye Councilor Webb Aye
Councilor Campbell Aye Councilor Auburn Aye Councilor Roorbach Aye

Ms. Harvey also shared with Council that OPB (Oregon Public Broadcasting) is looking at doing a documentary series on the Port Of Port Orford and the community and the Ports influence on culture and our economy. Professor Steve Lawton is going to be a consultant on the project.

Check signing – the Mayor explained that it is sometimes difficult to get two Councilors in to sign checks at no fault of their own we are just busy. He explained that the City Administrator would be the first person to sign but if she is not available the Finance Director would be the second to sign but it would always require a councilor as the second signee so there is oversight. So they are asking that either/or can sign. Councilor Webb does not have a problem with that as long as the CA or Finance does not sign his or her own checks. Councilor Cox thinks that functionally that is great and reiterated about who was signing. Councilor Auburn moved to allow the City Administrator or the Finance Director to sign checks along with at least one Councilor or the Mayor with the stipulation that nobody can sign checks made out to themselves with Councilor Webb as second. Motion carried.

Councilor Cox Aye Councilor Clancy Aye Councilor Webb Aye
Councilor Campbell Aye Councilor Auburn Aye Councilor Roorbach Aye

Arts Council Street Fair – Beverly Bacak and Steven Dahl of the Arts Council request the council approve the closure of 8th Street from HWY 101 to Idaho. All property owners are on board with this event. They held this same event last year. They will be providing port-a-potty and a dumpster. They would like to have the street from 9:00 am to 6:00 pm the fair will run from 11:00 am to 5:00 pm. Councilor Cox moved authorize the Arts Council to close 8th street from Oregon Street to Idaho on August 11, 2018 from 9:00 am to 6:00 pm with Councilor Clancy as second. Motion carried.

Councilor Cox Aye Councilor Clancy Aye Councilor Webb Aye
Councilor Campbell Aye Councilor Auburn Aye Councilor Roorbach Aye

Planning Commission Appointments of Carolyn La Roche and Kim Nye – Councilor Clancy move to make Planning Commission appointments to Carolyn La Roche “and Doreen Ames” because they are both currently serving and they both want to re-up their spot – motion died for lack of a second. Councilor Webb moved to appoint Carolyn La Roche to the Planning Commission with Councilor Cox as second. Motion carried.

Councilor Cox Aye Councilor Clancy Aye Councilor Webb Aye
Councilor Campbell Aye Councilor Auburn Aye Councilor Roorbach Aye

Councilor Auburn moved to appoint Kim Nye to the Planning Commission with Councilor Campbell as second. Councilor Cox asked about a conflict of interest for a realtor to be on the Planning Commission. Legal Counsel Kudlac stated that the State allows one person from real estate to be on the commission. Motion carried.

Councilor Cox Aye Councilor Clancy Nay Councilor Webb Aye
Councilor Campbell Aye Councilor Auburn Aye Councilor Roorbach Nay

8. Consent Calendar – Councilor Campbell moved to approve the consent calendar with Councilor Auburn as second. Councilor Cox was under the impression his question on the two exempt properties in the 10MU zone was going to be discussed at this meeting. The Mayor apologized he did not get that out of the conversation. He instructed the City Recorder to add it to the April agenda.

Councilor Cox Aye Councilor Clancy Aye Councilor Webb Aye
Councilor Campbell Aye Councilor Auburn Aye Councilor Roorbach Aye

9. Continuing Action – Water and Sewer Projects

10 Considerations

- a. Citizens, Theresa Kolibaba – the Council made a mistake not reappointing Doreen Ames
- b. Staff – None
- c. Council – Councilor Webb wanted to answer to the council and the public as to why he chose not to vote for Doreen Ames reappointment. She exhibited some troubling behavior that was quite public, that was very disparaging the comments of the Council and our partner the Rotary. I do not believe that it reflects well on the city, it has nothing to do with her work he believes he can no longer trust opinions coming from that person based on what he has seen.
Councilor Clancy is not happy with the council’s decision on the effluent.
Councilor Roorbach read reasons to create a feeding wild animal ordinance – could not hear all of his comments everyone was talking at the same time.
- d. Mayor – sometimes there are tough decision to be made we are not all going to agree on everything – we need to learn to get along.

11. Future Meetings:

City Council Meeting ♦ April 19, 2018 ♦ 3:30 PM ♦ City Hall Council Chambers

12. Adjourn

There being no further business Mayor Pogwizd adjourned the meeting at 5:08 p.m.

Attest:

Mayor Tim Pogwizd

City Recorder, Terrie Richards