

Additions to the Agenda - none

3. Special Presentation to Citizens/Council – ODOT Update on paving highway 101. Darrin Neavoll and Mark Leedom presented visual information for the council to see where the rapid flashers and bump outs will be placed. Mr. Neavoll thanked the police department for their help with the tree down in Humbug. Mr. Leedom went through each area of change. The grade school will have a center island with rapid flasher. The Council will do a workshop for sidewalk repairs. Paving in Port Orford will be in the spring/summer of 2021.

State Representative David Brock Smith gave a legislative run down. There were seventy-five bills dropped. Proposed tax/rate increase in gas and utilities.

4. Citizens Concerns

Penny Suess requested a stop sign at Cemetery Loop as it can be dangerous trying to come off of Deady.

Theresa Kolibaba inquired about the posting of the planning commission position she did not see it at the post office

The Mayor Liaison appointments were as follows:

Port – Councilor Cox

Main St/TLT – Councilor Williams

Fire Board – Councilor Garratt

Parks – Councilor Auburn

Water Shed/Health – Councilor LaRoche

Emergency Prep. – Councilor Campbell

Councilor Auburn asked for a liaison to Planning Councilor Campbell disagreed and asked Legal Counsel to explain. Ms. Kudlac stated that when application issues come up council is the second step for a decision and there are times there needs to be a clear division. The Council would like a planning representative to attend the council meetings for better communication between the Council and the Planning Commission.

5. Departmental Reports

6. Old Business

a. The Police Levy. The Mayor stated that the Council is limited to what they can do as councilors and as the city. He asked Ms. Kudlac to speak on that. Ms. Kudlac stated that city employees can't be advocates and council cannot use city resources to push a yes vote. Councilor Campbell asked if they could hold a town hall meeting. The Mayor agreed they do need a public outreach meeting because in his opinion this is the most important thing in front of them right now. A date was set for Wednesday, January 29, 2019 at 5:00 PM to 8:00 PM. Legal Counsel will verify if council chambers can used.

7. New Business

a. Resolution 2019-06 Workers Compensation Coverage to Volunteers. Adding the Steering Committee involved with the Tsunami Readiness Grant and the volunteers that will be handing out a survey. Councilor Auburn moved to approve Resolution 2019-06 with Councilor Campbell as second.

Motion carried 6 - 0

Councilor Cox Aye

Councilor LaRoche Aye

Councilor Williams Aye

Councilor Auburn Aye

Councilor Garratt Aye

Councilor Campbell Aye

b. Resolution 2019-07 To Change The Authorized Signatory for Checking and Savings at Rogue Credit Union. Councilor Cox moved to approve Resolution 2019-07 with Councilor Auburn as second.

Motion carried 6 - 0

Councilor Cox Aye

Councilor LaRoche Aye

Councilor Williams Aye

Councilor Auburn Aye

Councilor Garratt Aye

Councilor Campbell Aye

c. Public Meetings Law. The Mayor asked Legal Counsel Ms. Kudlac to give the council a few tips. Ms. Kudlac told the council that if they were not able to attend the training provided by the LOC can be found on their website. One of the major things is the rules regarding emails. If a councilor wants to email a fellow councilor it needs to go through the city administrator. There are two reasons for this; one is so the city can maintain a record of that correspondence which the city is required to do. The other is to insure a councilor does not create what is called a “serial meeting via email” and what that is when a councilor emails the group, they all start responding to one another, and that actually creates a public meeting. The majority of the council cannot email back it creates a quorum. It is ok to send information to fellow councilors through the city administrator but please do not respond to one another. It is the same as a quorum of councilors cannot get together at a coffee shop and talk about city business.

A Lane County Judge made a groundbreaking decision in regards to Public Meetings Law. If one councilor goes and talks to another councilor individually and then goes to another councilor on the same matter a meeting is created if the same subject is discussed – it is a violation of the public meetings law if it reaches a quorum. Those violating this law were found to be personally liable for a descent amount of money that the insurance did not cover.

The Mayor asked if Legal Counsel preferred that if the City Administrator sends out those emails they still not respond. Ms. Kudlac stated council can reply but go through the City Administrator and “do not reply all” it is not good practice. If the council is going to email one another, it should be information only without dialog and questions. If the council is going to have a conversation, it should be here with the full council.

The Mayor asked Ms. Kudlac to speak on the Powers of a Councilor. Ms. Kudlac informed council that as elected officials they do not have the ability to bind the council on their own, that is what they come here and vote on. While speaking with their constituents a councilor should not give the representation that, they have the right to bind the council. A councilor’s power comes by sitting here and casting their vote. Letters – unless they have the vote of the council, they should not be signing letters as a councilor; letters should be signed as an individual. If the council has any questions on procedure contact Ms. Kudlac through the City Administrator. She will respond via email to all Councilors so they all get the same answer.

Councilor LaRoche asked what they were to do if a citizen wants something on the agenda. Ms. Richards stated the procedure is to contact the Mayor or three councilors together can ask for and agenda item. The Mayor stated that he very seldom would he not agree to putting something on the agenda. It gets tricky when three councilors ask for an agenda item, if one of the three talk to a fourth a quorum has been formed. Ms. Kudlac reminded the Council they have council rules, those rules are usually reviewed with every new council for changes. The Mayor said they are going to have a workshop to review the rules.

d. Amendment to the water and sewer master plan. The City Administrator explained to the Council for the City to move forward with funding projects a PER (Preliminary Engineering Report) is required. The sewer PER is \$17,600 and the water is approximately \$25,000. She stated that the two things that have to be done are the contact time and the PLC. Ms. Richards asked the Council to approve moving forward with the PER. After several minutes of discussion on replacing the PLC the Finance Director suggested they move ahead and get a firm quote to replace the PLC and vote on it at the next meeting. The Mayor liked Mr. Johnson’s suggestion.

Councilor Cox made the motion to move forward on replacing the PLC at the water plant with Councilor Auburn as second.

Motion carried 6 - 0

Councilor Cox Aye

Councilor LaRoche Aye

Councilor Williams Aye

Councilor Auburn Aye

Councilor Garratt Aye

Councilor Campbell Aye

The Council agreed to the PER on hold and have a workshop on January 29, 2019 at 5:00 PM.

5. Departmental Reports

- The CA presented a copy of the letter from the fire department asking if this was an agenda item for February. Mayor agreed.
- The CA presented a copy of the Curry County Board of Commissioners agenda suggesting they request the County's meeting agenda's to stay apprised of what the County is doing.
- The CA asked for a member at large to represent the community at the quarterly meeting with CTR to discuss trash issues. Ms. Ames raised her hand she was given an application.
- The CA asked the Council to approve a tree removal company to remove five trees on N. King Street that are in danger of damaging the home across the street. She received two proposal Blue Sky at \$4,800.00 and Derrick Watjen at \$2,500 to \$3,000. Councilor Campbell moved to hire Derrick Watjen to do the job with Councilor Cox as second. After several minutes of discussion the vote was taken.

Motion carried 6 - 0

Councilor Cox Aye

Councilor LaRoche Aye

Councilor Williams Aye

Councilor Auburn Aye

Councilor Garratt Aye

Councilor Campbell Aye

- The CA made the announcement for volunteers in Planning, Parks, Budget and Visitor Center Host.

8. Consent Calendar

a. Councilor Cox moved to appoint Michele Leonard and Dianne Schofield to the Planning Commission with Councilor Auburn as second. Councilor Auburn stated the he felt the Planning Commission should go back to a seven member board that it was not right that two people make decisions for the city.

Motion carried. 6 - 0

Councilor Cox Aye

Councilor LaRoche Aye

Councilor Williams Aye

Councilor Auburn Aye

Councilor Garratt Aye

Councilor Campbell Aye

9. Continuing Action

a. Water b. Sewer c. Chamber d. Vac. Rentals e. Board of Appeals f. Planning Process

10 Considerations

a. Citizens

- Doreen Ames suggested having the Engineers audit the changes they have suggested. Suggested having a tree doctor come in and mark the viable trees bring in a logger and set aside the money received for projects.
- Karen Auburn reminded the Council about the Ford Foundation meeting on the 30th and it was requested the council attend. The Council moved the workshop to January 29, 2019.
- Beverly Bacak spoke for the Port Orford Arts Council stating the Parks Commission approved the Arts Council the use of the A-Frame. This information was not in the packet, she is asking the council to approve so they did not have to wait until the next meeting. The Mayor personally could not approve without having time to see the contract. He gave the council the opportunity to override his decision. After some

discussion Councilor Cox moved to allow the Arts Council the use of the A-Frame, no second. The Mayor explained there are things that need to be done before he could agree. Legal Counsel agreed with the Mayor and advised council there should be a written and signed agreement. Councilor Cox rescinded his motion. Ms. Bacak will have an agreement for the next meeting.

- Theresa Kolibaba suggested another answer to cutting the trees on N. King street. She believes anyone who wants to be on Planning or Council should have to show proof of residency. She stated the brush cleaning next to Ray's it looks like brush was pushed into the wetland drainage.
- Penny Suess mentioned an article about Pacific Gales Golf Course that is disturbing to her. The Mayor explained his conversation with Mr. Haley that contradicts the article and their plans have not changed.
- Jack Pruitt congratulated the new council members. He stated his concern for road safety for bicycles and no one in town sells lights.

b. Staff – None

c. Council

- Councilor Garratt – Ord. Officer, Hold meeting twice a month, Adjust meeting time,
- Councilor LaRoche – Tree removal ordinance

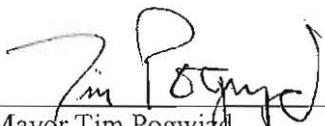
d. Mayor - None

11. Future Meetings:

City Council Meeting • February 21, 2019 • 3:30 PM • City Hall Council Chambers

12. Adjourn

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



Mayor Tim Pogwizd

Attest:



City Recorder, Terrie Richards