

City of Port Orford

City Council Meeting Minutes In the Council Chambers Tuesday, June 18th, 2019

Mayor and Council	Present	City Staff	Present
<i>Gary Burns</i>	X	<i>Terrie Richards, City Admin/Recorder</i>	X
<i>Tim Pogwizd, Mayor</i>	X	<i>Shala McKenzie Kudlac, City Attorney</i>	X
<i>Pat Cox, President</i>	X	<i>David Johnson, Finance Director</i>	X
<i>Jim Campbell</i>	X	<i>Hank Hobart, Police Chief</i>	X
<i>James Garratt</i>	X		
<i>Carolyn LaRoche</i>	X		
<i>Travis Williams</i>	X		

Media Present: Port Orford News – Brice Wagner

Others Present: 15

1. Call to Order

Mayor Pogwizd called to order this Regular Meeting of the Common Council in the City of Port Orford Gable Chambers on Thursday, June 20, 2019 at 3:32. He asked those present to rise and join him in the Pledge of Allegiance.

2. Additions to the Agenda –

Mayor Pogwizd stated he had an addition to the agenda under 8.e., New Business, right-of-way and under Presentation to Citizens/Council, Mr. Levi Easlon will be recognized for his service to the City of Port Orford.

Mayor Pogwizd asked Mr. Gary Burns to come forward to be appointed to the City Council. Mr. Gary Burns was sworn in as a city council member after citing the oath of office. Mayor Pogwizd welcomed Gary Burns on board.

3. Special Presentation to Citizens / Council –

Mr. Easlon is thanked for 10-1/2 years of service to the City of Port Orford. Mayor Pogwizd spoke to the appreciation of service. Mr. Easlon is moving on to the county. He will be a Deputy. Mr. Easlon is presented with a certificate by the Mayor. Council members thanked Mr. Easlon for his service and congratulated him on his position with the county.

4. Consent Calendar

Minutes of May 16, 2019

Councilor Garratt moved to approve the Consent Calendar as presented with Councilor Cox as second. *Motion carried 6-0*

*Councilor Cox Yes Councilor LaRoche Yes Councilor Williams Yes
Councilor Burns Abstain Councilor Garratt Yes Councilor Campbell Yes*

5. Citizens' Concerns –

Dorene Ames presents regarding the Three-Minute council rule. Ms. Ames desires to keep the three-minute rule. Terrie was able to find that other cities will go with five minutes. Ms. Ames feels it should be left up to the mayor if the question presented to the council could go beyond the five minutes. Ms. Ames states part of her liberty in the US is to have a voice in government.

Gary Wickham, Hubbard Creek Road, presents regarding the three-minute rule also. Mr. Whitcomb states one of the main purposes the city council has meetings and public meetings is for the public to come forth with their concerns in a public matter. Mr. Wickham encourages the public to at least have five minutes of say. Gary states he is definitely in favor of the five-minute rule. He would like to see no restrictions.

Mr. Battersby states he has asked twice now to be allocated no more than 15 minutes for his presentation regarding Gorse Action Group. Mayor Pogwizd stated that presentation would not be allowed unless council chose to override his decision. Council cited point of order and ruled the Gorse presentation out of order.

Cynthia and Rhone Stetson are present but not on the agenda. They are advised to speak under Citizen's Considerations at the end of the meeting.

Teresa Kolibaba speaks on Order in Decorum where it refers to council etiquette; specifically no member will ever chastise, integrate or criticize anyone during an open meeting. She stated a city councilor said something to the county, and the council tried to censor her for making another tell the truth. Ms. Kolibaba does not think that should be silent and thinks people should be able to say whether or not somebody had made an error. Referring to page 6, order in decorum 3.2.

Teresa Kolibaba addressed the memorandum for the Appropriation Resolution 2019 and felt the part in exhibit A that addresses an increase in appropriation for additional work in researching ordinance language to update the city for employment. Ms. Kolibaba feels whoever is hired for planning should already know the information and should not be paid extra for research to learn their job.

6. Departmental Reports

- Public Works – Duane Eckhoff confirmed the leak at the sewer plant is patched up and water is back 100 percent. Mr. Eckhoff reports major part of duties have been toward Fourth of July cleaning up Main Street and Jackson Street for the parade. We have a meeting Monday with one of the Jubilee Committees to go over the route. Mr. Eckhoff reports Joe Marsh put three 10-yard loads of shale on the 5th Street access road down to the beach.

Mr. Eckhoff reports TAG, quote for the repeater is 7,655 dollars. The repeater will be installed at the Cedar Terrace Fire Hall.

A survey crew came down and surveyed the water treatment plant over the contact tank issue. They were there for two days. The crew has done a lot of pothole work and have a lot more to do. The fire hydrant meter was moved down to the old cannery to meter their water use during the demo; it is back at 19th Street now. The standpipe at Wyoming Lift Station was leaking and is now repaired.

Three different residents were contacted and were cooperative about clearing a path to their water meter. A crewmember twisted his knee over some rope that was in the grass.

The right of way permit for 607 20th looks very nice.

As we know, the county was getting quite a bit of water from us. Duane spoke with Peter Busman who advised the county could get water from Childer's Road and Airport Road. There has been communication about county possibly using water out of Garrison Lake. This would prevent them depleting Port Orford's treated water for county to wash rock. Duane does not perceive any problems with county using Garrison Lake.

OSHA Consultant did a walk through of the city shop, water plant and sewer plant. There were several trees down that were removed. A stop sign was knocked down and repaired. The grinder pump is out at the Visitor's Center, to be replaced. Public Works has a new volute and pump for the Arizona Lift Station. The volute has to be shipped back for wrong size. The park host quit, so the city is now picking up the slack. The dog waste bag dispensers have been installed.

The crew was called to unplug toilets at the Visitor's Center 7 times; the toilets were not plugged, they just were not flushing. A sign might be in order to advise the public to flush.

Public Works had 17 locates and 14 service calls. They had two call-outs. One was a wastewater issues at Idaho Lift Station. One was a water call out at Deady Street pump station, lost prime.

Councilor LaRoche needed the water loss, which was 45.8%. "Water loss" is for lack of a better term. It includes two unmetered facilities and other effects.

- Administration – Terrie Richards stated Curry County road department would like to pull water from Garrison Lake and asks the city allow them to use the city water rights for the purposes that Duane mentioned, which would prevent them from using Port Orford's treated water. Mayor Pogwizd asked for approval by consensus. Councilor Cox was concerned about a snail issue in the lake. Councilor LaRoche stated that was discussed at the watershed meeting, and it was decided that they were only wetting down rock and controlling run off, thus there should not be any problems. **Consensus passed 6-0.**

Councilor Cox *Aye* ***Councilor LaRoche*** *Aye* ***Councilor Williams*** *Aye*
Councilor Burns *Aye* ***Councilor Garratt*** *Aye* ***Councilor Campbell*** *Aye*

Counselor Cox had a question for Terrie regarding the answer to the letter received from NOAA on May 10 regarding how the city is prepared for disaster. Terrie replied the answer was “working on it.” The explanation included the Tsunami Preparedness grant they were processing.

Councilor Williams requested where the city is at with approval regarding Dyer engineering and if it has gone out to bid yet. Terrie reported moving forward and does not have information on the bid stating “they have not contacted me and let me know it has gone out to bid yet.” Terrie offered to find that information.

- Police Department – Chief Hobart and Mr. Easlon were called forward. Nothing to report. Chief Hobart presented Mr. Easlon with a city badge. Mayor Pogwizd stated his appreciation to Mr. Easlon for his service. Councilor Williams thanked Mr. Easlon for the IT work he has done for the police department. Councilor Cox wanted to move that the city compensate Chief Hobart for the badge expense. Mayor Pogwizd advised that a vote was not needed. Compensation has already been approved. Councilor LaRoche expressed appreciation of Mr. Easlon’s past assistance to the elderly.
- Port – Councilor Cox reported on July 8 dredging will begin and continue five to seven days. July 14 the Breakwater project will begin and continue until October. There will be a lot of truck traffic at the Port and requests locals stay above as much as possible, as it will be tight at the Port. The Port is pursuing a grant for infrastructure.
- Main Street/TLT – Councilor Williams reports they have had two meetings. They had one listening session, which they are apparently doing every month where they meet with Umpqua Works in regards to various community issues. As part of that they have designated three committees to deal with housing, local foods, and communications. They are trying to work on getting more newspaper involvement in the community. They are looking for incentives for local and outside investors to work with nonprofits on setting up housing. If they are approved for the TLT funds and have the availability to do it, they may be putting up some form of kiosk system to have more permanent advertising that will not require continual investment.
- Fire board – Councilor Garratt reports the Fire Board approved the use of their fire hall for the repeater system for the water system. The Fire District is about ready to take delivery of a pumper tender with 1000 gal a minute pump and 3000-gallon on board.
- Parks – At the parks meeting, it was discussed putting in a cover for the putters at the mini-golf and agreed on a plan to do that. Appreciation was expressed to Jim Hajek for the work he put into that. There are a couple applicants for park host.
- Water Shed – Councilor LaRoche reports a lot of discussion on Gorse at their meeting. They are attempting to get a grant, which looks promising. There was a presentation on using the lake water. There was an interesting presentation from Mike Hewitt about water.
- Health – Mayor Pogwizd was informed by Councilor LaRoche that she is assigned health, but has not been notified of any meetings, which occur quarterly.
- Emergency Management – Councilor Garratt attended what was to be the last meeting; however, there is one more. Port Orford will have a map for the tsunami overlay zone.

- Councilor Williams reported that Jim has two positions and suggested the fireboard be taken to Gary Burns if he is willing to take it on, which would give everyone one position. Gary reported his agreement to do so, stating he goes to the fire boards anyway. Councilor Garratt reported he can take both positions on. The fireboard was left with Councilor Garratt.

7. Old Business

- a. **State Revenue Hearing:** Each year the state distributes excess revenues collected for special taxes such as liquor and gasoline. In order to be eligible to receive these funds, the city must hold two public hearings; one before the budget committee and one before the city council, to discuss possible and proposed uses of the funds. The use of state revenue sharing funds in the past includes police, fire or parks operations. The amounts estimated and incorporated in the 2019-2020 budget is 11,340 dollars. Mayor Pogwizd opened a public hearing to receive testimony from the public regarding possible uses of the state revenue funds. Mayor Pogwizd requested if staff has received any correspondence or contact from the public regarding the use of state revenue sharing funds. They had not. Mayor Pogwizd asked if anybody would like to testify regarding the use of state revenue funds. Mayor Pogwizd declared the public hearing closed after hearing no further requests to testify.

Police District: David Johnson reported the budget committee recommended a search for a permanent funding source for the police department trying to get away from having to renew the levy every five years. They looked at forming a special district, and that option was not available for a city. This could be formed through the county as a facilities district, but unfortunately by doing that the county commissioners are the board. There would be no elected board for that district, which takes control away from citizens, which is not in their best interest. A different method of continuous source of funding will be researched. Mayor Pogwizd invited questions, hearing none he moved on.

- b. **Approve revision of council rules:** Councilor Garratt moved to revise the council rules as proposed with Councilor Williams as second. Mayor Pogwizd confirmed the motion states 3. *Motion carried 5-1*

<i>Councilor Cox</i>	<i><u>Nay</u></i>	<i>Councilor LaRoche</i>	<i><u>Aye</u></i>	<i>Councilor Williams</i>	<i><u>Aye</u></i>
<i>Councilor Burns</i>	<i><u>Aye</u></i>	<i>Councilor Garratt</i>	<i><u>Aye</u></i>	<i>Councilor Campbell</i>	<i><u>Aye</u></i>

- c. **Resolution 2019-12, Tourism Advertising Agency:** Councilor Williams moved to accept Resolution 2019-12 with Councilor Garratt as second. *Motion carried 6-0.* Main Street Revitalization Association is advertising agency.

<i>Councilor Cox</i>	<i><u>Aye</u></i>	<i>Councilor LaRoche</i>	<i><u>Aye</u></i>	<i>Councilor Williams</i>	<i><u>Aye</u></i>
<i>Councilor Burns</i>	<i><u>Aye</u></i>	<i>Councilor Garratt</i>	<i><u>Aye</u></i>	<i>Councilor Campbell</i>	<i><u>Aye</u></i>

- d. **Ordinance 2019-05:** Councilor Williams moved to change the ordinance on paragraph 2, first sentence, states funds will be released at the beginning of the fiscal year but not to exceed 11,000 dollars with Councilor Cox as second. Main Street Revitalization Association is advertising agency. Attorney Kudlac reads that ordinance 2019-05 with the

change of funds will be released at the beginning of the fiscal year not to exceed 11,000 dollars at the beginning of line 2 is accepted. *Motion carried 6-1*

Councilor Cox *Aye* *Councilor LaRoche* *Aye* *Councilor Williams* *Aye*
Councilor Burns *Aye* *Councilor Garratt* *Nay* *Councilor Campbell* *Aye*

Mayor Pogwidz reported he has a councilor that wants to change his vote. Let the record reflect that Councilor Garratt has changed his no vote to a yes vote. *Motion carried 6-0.*

Councilor Cox *Aye* *Councilor LaRoche* *Aye* *Councilor Williams* *Aye*
Councilor Burns *Aye* *Councilor Garratt* *Aye* *Councilor Campbell* *Aye*

8. New Business

- a. **Revenue Sharing:** Councilor Garratt moved to approve resolution 2019-14 as amended, which includes the property taxes at the rate of \$2.2688/1000 of assessed value and the public safety local option tax levied at the full value of \$1.80/1000 of assessed value for 2019-2020 as presented with Councilor Williams as second. *Motion carried 6-0.*

Councilor Cox *Aye* *Councilor LaRoche* *Aye* *Councilor Williams* *Aye*
Councilor Burns *Aye* *Councilor Garratt* *Aye* *Councilor Campbell* *Aye*

- b. **Adopting 2019/2020 budget:** David Johnson reported that after the budget committee made their recommendations the Police Chief came in and asked that one of his officers receive an additional step increase, which would increase the resolution under public safety by 2,045 dollars. The total for public safety would be \$548,098. Since the increased money was taken out of contingency, it does not change the appropriations or the value of the budget. It increased the public safety fund.

Councilor Williams moved to approve resolution 2019-15 as amended, which includes a property tax at the rate of \$2.2688/1000 of assessed value of the public safety local option tax levy at the full value of \$1.80/1000 of assessed value for 2019/2020 with the changes made to the resolution with Councilor Garratt as second.

Discussion: Councilor Cox requested why the number would not be less since the city just lost a senior officer. David Johnson reported that the plan was to have another officer from the Reserves come in at the same level due to his hours and training. *Motion carried 5-1.*

Councilor Cox *Nay* *Councilor LaRoche* *Aye* *Councilor Williams* *Aye*
Councilor Burns *Aye* *Councilor Garratt* *Aye* *Councilor Campbell* *Aye*

- c. **Resolution 2019-16, Adopting Salaries and Wages:** David Johnson reports, with the increase in this resolution, police officer #2 salary would be increased \$1456.00 to a total of \$44,793. Councilor Garratt moved to adopt resolution 2019-16 with the proposed changes with Councilor Williams as second. *Motion carried 6-0.*

Councilor Cox *Aye* *Councilor LaRoche* *Aye* *Councilor Williams* *Aye*
Councilor Burns *Aye* *Councilor Garratt* *Aye* *Councilor Campbell* *Aye*

- d. **Resolution 2019-17:** Councilor Garratt moved to adopt resolution 2019-17 changes with Councilor Williams as second.

Discussion: Councilor Cox thought the City got money back from planning, but yet City is short quite a bit. Mr. Johnson reported the contract planner was involved in the overlay zone and tasks that were related to the planning commission that were not anticipated.

Motion carried 5-1.

*Councilor Cox Nay Councilor LaRoche Aye Councilor Williams Aye
Councilor Burns Aye Councilor Garratt Aye Councilor Campbell Aye*

- e. **Right of Way:** The property owner is in attendance to answer any further questions. Councilor Garratt moved to approve the right of way with Councilor Williams as second.

Motion carried 5-1.

*Councilor Cox Aye Councilor LaRoche Nay Councilor Williams Aye
Councilor Burns Aye Councilor Garratt Aye Councilor Campbell Aye*

9. Continuing Action – Mayor stated they could remove action item c Advertising.

10. Considerations

a. **Citizens** –

- Cynthia and Rhone Stetson 1895 Washington asked about the status of their several filed complaints regarding cat attacks on their chickens. Terrie advised the Rhones that their complaint was a civil issue with their neighbor. Attorney Kudlac advises that people are supposed to keep their cats on their own property, but the City does not have something in the code to regulate that. Attorney Kudlac stated that the council would have to make the decision to take that regulation on Terrie advised that the only way she knows to send a letter to a property is to go to the GIS and find out who owns the property, since there is no way to know the rental properties in town. Cynthia is warned to calm down. Cynthia did not calm. Councilor Garrett suggests the chickens are the owner’s responsibility to protect with measures such as fencing or other manners. Councilor Garrett moves that Cynthia Stetson be dismissed.

Councilor Cox asked if, in the future, could water bills be used to find out who is living in the residence as an option. Terrie stated she would try to look up a name in the water system; however, the problem is the same. Rent sometimes includes water. Councilor Garratt suggested putting this subject on as an agenda item and maybe even do a workshop to discuss different ways of doing this. Registering as a rental with tenants registering as well is an option.

- **Dorene Ames:** Requesting ordinances on livestock within the city, specifically on control and harboring livestock, so they do not encroach on other people’s property without vacating them out of Port Orford.

Ms. Ames is advising an email was sent today to Terrie and Pat Cox regarding more uncontrolled building on 12th one lot up from California Street on the right-hand side. There are multiple dwellings going onto one lot again. They have still not heard anything about the over-height home at the end of 13th that is multiple that was supposed to be single. She would like to see some language change in that ordinance.

Ms. Ames had it verified by OSP today that James Garratt's address is 42588, Port Orford Loop outside of the city. That is the address that he confirmed with the US Marshals when they did their sexual offender sweep.

- **Teresa Kolibaba:** Teresa concurs with the problem of cats. People on both sides are feeding feral cats, which attracts cats to kill birds and scaring mice and rats into their house. The pet shop is feeding feral cats. She advised people do not feed feral cats.
 - **Marty Million:** Marty asked a question and concern on 19th Street between Jackson and Jefferson. That street serves 10 households; however, the City nor the County maintains that street. It is in bad disrepair. Mr. Million wrote a letter and received the explanation that the contract between the county and the city does not include that street because of the width of the right of way. Mr. Million requested this come up for review to see how this street can be repaired. Terrie advised almost six years ago, this question came to her, and it was explained to her that street was not a dedicated street, so in those cases the property owners would get together for repairs. Mr. Million advised that the paving of the designated streets is done by the county by contract. The streets that are not in the contract become basically abandoned. The residents on those streets will not pay the cost of paving those streets, so the residents on those streets are left with no recourse. Mayor Pogwizd advised Terrie could contact Curry County Road Master and ask the question. They are sometimes quite helpful to the City of Port Orford, although cannot guarantee any outcome.
- b. **Staff** – None.
- c. **Council** –
- **Councilor Cox** requested to get “come climb the Battle Rock” off the website. This was spoken about at the Battle Rock meeting. Terrie is not sure if she can instruct that content to be remove or if she needs council to do this by consensus. Mayor Pogwizd requested if everyone is in agreement to remove the wordage regarding climbing on Battle Rock from the website.

<i>Councilor Cox</i>	<u><i>Yes</i></u>	<i>Councilor LaRoche</i>	<u><i>Yes</i></u>	<i>Councilor Williams</i>	<u><i>Yes</i></u>
<i>Councilor Burns</i>	<u><i>Yes</i></u>	<i>Councilor Garratt</i>	<u><i>Yes</i></u>	<i>Councilor Campbell</i>	<u><i>Yes</i></u>

Councilor Cox also had a question on the stop sign at the corner of Deady and Cemetery Road. Terrie reports she did have a conversation with Duane. Terrie still needs to get with the Police Chief and Denny. Terrie states that in her conversation with Duane he stated this has been requested several times, but they deemed it not safe, possibly because of the way that street was going at that time. Now with ODOT coming in for a change, it is unknown if that configuration will stay the same as it is right now. Possibly the ODOT change will remedy the situation.

Councilor Cox requested information on the bus stop. Terrie advised it is waiting on Rotary. They chose to install the bus stop as a project for the City. The city crew cleaned out the area that Rays Market has allowed to be used for the bus stop. The Rotary will come in to do the rest of the bus stop including concrete and shelter this summer.

d. **Mayor –**

Mayor Pogwizd states the city is not perfect and unfortunately makes mistakes. The mayor expresses that he does not like that cats are allowed to run free and recognizes that they cause a lot of issues.

11. Future Meetings:

City Council Meeting ♦ Thursday, July 18, 2019 ♦ 3:30 P.M. ♦ City Hall Council Chambers

12. Adjourned

There being no further business, Mayor Pogwizd adjourned the meeting at 4:50 p.m.



Tim Pogwizd, Mayor

Attest:



City Recorder, Terrie Richards