

City of Port Orford
City Council Meeting Minutes
In the Gable Chambers
Thursday, June 18, 2020 at 3:30 P.M.

Mayor and Council	Present	City Staff	Present
<i>Tim Pogwizd, Mayor</i>	X	<i>Terrie Richards, City Admin/Recorder</i>	X
<i>Gary Burns</i>	X	<i>Shala Kudlac, City Attorney</i>	X
<i>Pat Cox, President</i>	Excused	<i>David Johnson, Finance</i>	X
<i>Vacant</i>		<i>Chief H. Hobart</i>	X
<i>James Garratt</i>	X		
<i>Carolyn LaRoche</i>	X		

Media Present:

Others Present:

1. Call to Order

Mayor Pogwizd called to order this Regular Meeting of the Common Council on Thursday, June 18, 2020 at 3:30 a.m. The meeting is held via internet connection due to COVID-19 restrictions set in place by the State of Oregon. Mayor Pogwizd announced that Travis Williams has resigned from the City Council. He no longer lives in the city limits.

2. Additions to the Agenda: None.

3. Consent Calendar – Councilor Garratt moved to approve the consent calendar as written with Councilor LaRoche as second. *Motion carried 3-0*

Councilor Burns Yes *Councilor LaRoche* Yes *Councilor Garratt* Yes

4. Citizen Concerns:

Patricia Blank of Port Orford speaks in support of right of way.

5. State Revenue Hearing

Each year the state distributes excess revenues collected from 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 and/or parks operations. The amount estimated and incorporated into the 2020-2021 budget is 11,340 dollars.

Mayor Pogwizd opened the public hearing to receive testimony from the public. Hearing no public testimony, Mayor Pogwizd asked the staff to disclose any correspondence or contact from the public regarding the use of state revenue funds. Hearing none, Mayor Pogwizd closed the public hearing.

6. Department Reports

City Administration:

Councilor Burns asked for information on well drilling with the city yard being a potential site. CA Richardson reports the watershed council was looking into the well while working with a local geologist. They identified Hubbard Creek and the city shop as good locations to drill. Proposals will be needed. The COVID-19 pandemic interrupted the progress.

Councilor Garratt wanted an update on the fire department proposal. David Johnson reported he has been in contact with Nancy multiple times. Currently their attorneys are writing new contract language. There have been changes in the fireboard, which caused a delay. It has been established that January is the end of the two-year period.

7. A. Conditional Use Permit 16-02 and 16-03 Findings: The hearing was conducted at last city council meeting.

Councilor Burns moved to extend the CUP 16-02 and CUP 16-03 and to approve the findings as presented with Councilor Garratt as second. **Motion carried 3-0.**

Discussion: None.

Councilor Burns Yes Councilor LaRoche Yes Councilor Garratt Yes

B. Bid Process for Contact Tank: With the motion, a motion is needed to approve a professional service agreement with Dyer.

Councilor Garratt moved to approve the contact tank going to bid and establish a professional service agreement with Dyer with Councilor Burns as second. **Motion carried 3-0.**

Discussion: None.

Councilor Burns Yes Councilor LaRoche Yes Councilor Garratt Yes

8. New Business:

a. Resolution 2020-14, Adopting the 2020-2021 budget:

Councilor Burns moved to approve the 2020-2021 budget with Councilor Garratt as second. **Motion carried 3-0.**

Discussion: None.

Councilor Burns Yes Councilor LaRoche Yes Councilor Garratt Yes

Property Taxes for the year 2020-2021:

Councilor Garratt moved to approve property taxes 2020-2021 at the rate of 2.2688/1000 with Councilor Burns as second. **Motion carried 3-0.**

Councilor Burns Yes Councilor LaRoche Yes Councilor Garratt Yes

Public Safety Option Tax:

Councilor Garratt moved to approve \$1.80/1000 Public Safety Option Tax with Councilor Burns as second. **Motion carried 3-0.**

Councilor Burns Yes Councilor LaRoche Yes Councilor Garratt Yes

b. Resolution 2020-15, Adopting Employee Wages:

Councilor Burns moved to approve the Resolution 2020-15 with Councilor Garratt as second. *Motion carried 3-0.*

Discussion: None.

Councilor Burns Yes Councilor LaRoche Yes Councilor Garratt Yes

c. Resolution 2020-16, State Revenue Sharing:

Councilor Burns moved to approve Resolution 2020-16 with Councilor Garratt as second. *Motion carried 3-0.*

Councilor Burns Yes Councilor LaRoche Yes Councilor Garratt Yes

d. Right of Way Requests – Ken Gibson, Brian Munford, Kristin Howard:

Councilor Burns moved to approve Ken Gibson’s right of way request with Councilor Garratt as second. *Motion failed 1-2.*

Discussion: Councilor Garratt reported he looked at the described trees for removal. The trees were flagged. It appeared city property was going to be modified and damaged in regard to the right of way. He feels the proposal damages more than is reasonable; however, he could not see a better way to achieve their goal of moving a pre-manufactured home onto their property. Councilor Garratt suggests any space not used for driveway should perhaps have trees replanted at owner’s expense.

Councilor Burns reported he also looked at the property. He could not see a problem with the driveway. The large cypress trees will not be removed. Some of the trees to be removed are dead. He feels that it would be an improvement to the property.

Councilor Burns Yes Councilor LaRoche No Councilor Garratt No

Councilor Garratt moved to approve Ken Gibson’s right of way request with the modification that he be required at his own expense to reasonably replant trees of a similar kind to either side of the driveway to replace those removed with Councilor LaRoche as second. *Motion carried 3-0.*

Discussion: None.

Councilor Burns Yes Councilor LaRoche Yes Councilor Garratt Yes

Councilor Burns moved to approve the right of way for Brian Munford with Councilor Garratt as second. *Motion carried 3-0.*

Discussion: Councilor Garratt confirmed Mr. Munford wants to put in a temporary pen to house dog, which will infringe on the city street. In the past the council has accepted similar requests. The pen will be removable at the request of the city.

Councilor LaRoche asks why he cannot put the pen on his own property. Councilor Burns reported there is not room for the temporary pen on Mr. Munford’s property and it is already in place. The neighbors are not concerned.

Councilor Burns Yes Councilor LaRoche Yes Councilor Garratt Yes

Councilor Burns moved to deny Kristin Howard’s right of way request with Councilor LaRoche as second. *Motion carried 3-0.* Right of way request is denied.

Discussion: Councilor LaRoche reported it appears to have been denied by public works. Councilor Garratt supports the idea of doing beautification of the city streets and commends Kristin Howard for the interest in making the property and the city streets look nice; however, he is not in favor of approving the right of way simply because the city administration and public works believe it will interfere in the functionality of the city. Councilor Burns agrees that since public works worries the chosen plants could cause roots to be invasive into the city's water lines, he is concerned. Councilors agree that the adjoining property owner should be contacted for permission before anything is done on their property.

Councilor Burns Yes *Councilor LaRoche* Yes *Councilor Garratt* Yes

e. Seasonal Gas Tax Discussion:

Councilor Garratt suggested a seasonal gas tax that would apply six months out of the year during the traveling season. During those months, a two-cent tax is proposed. Other jurisdictions have between two and four cent seasonal gas taxes. Councilor Garratt proposed the revenue be dedicated for percentages to go into different budgets rather than a general fund. He proposed road repair, sidewalk additions and maintenance. Travel months definition is discussed. Councilor Garratt proposed April 15 and subsequent six months. Councilor LaRoche suggested the fishing area be taxed due to the fishing industry's use of fuel through November. CA Richards will research and advise councilors if this can get on the ballot in November. David Johnson believes August 5 is the deadline. He suggested the Street Capital Improvement Fund for the revenue. The marijuana tax will be on the ballot this year also. Councilor Burns suggested a workshop to address variances. He suggested putting this out to the public to see the reaction. Attorney Kudlac reminded council that there are ballot titles, etc. that will have to be approved by council before putting this on the ballot. Councilors will have to discuss whether this will involve cardlock and the port. Travelers use cardlock fuel. Mayor Pogwizd will contact the port to determine their retail.

Councilors will schedule a workshop for Monday, June 29 at 5:00 p.m. to decide on verbiage, and make detailed decisions. Attorney Kudlac will draft a title and some verbiage prior to the workshop.

9. Considerations

a. Citizen

Teresa Kolibaba of Port Orford suggested the plants involved in the right of way for Kristin Howard and the replanting on Ken Gibson's right of way come from a certified nursery and are not from southern Oregon or northern California because of oak root fungus. Ms. Kolibaba speaks on the sign for the Arts Council District. She feels Councilor Burns should not have voted due to a conflict of interest being on the Arts Council, which invalidates his vote. She states there are about 30 businesses between Deady and 9th Street and only four or five that are art related. She feels the Arts District sign is ridiculous.

Chris Hawthorne of Port Orford requested a burn permit. He would like it available for use when the weather is conducive to burning. The burn will be on his property on the lake. He will call the fire dispatch prior to the burn and inform them of the controlled burn. His burns have been inspected favorably in the past. Mr. Hawthorne agreed to inform the neighbors prior to burning. Councilor Garratt suggested he is allowed to burn before the next council meeting or until the Coos FPA changes the fire status. The current burn ordinance allows a 48-hour permit. Due to windy conditions, 48 hours is not often sufficient for safe burning.

Councilor Garratt moved to approve Chris Hawthorne's burn permit to burn until July 23 or until Coos FPA changes their fire danger level above low with Councilor Burns as second. ***Motion passed 3-0.***

Discussion: Councilor LaRoche asks if those who wants a burn permit be allowed to call the office, the office prepare the permit, and the office allows citizens to pick up their permits at a pre-chosen location. David Johnson agrees they can fill out the application, put the money in the box, and the burn permit can be placed outside.

Councilor Burns Yes Councilor LaRoche Yes Councilor Garratt Yes

Chris Hawthorne advised he is unable to get city services to lots 800 and 1300 at south end of the city. He requests those lots be put back into the county and out of the city. Attorney Kudlac advised it is a process to change the city boundary in coordination with the county. Mayor Pogwizd called on Mr. Lawton to speak on his experience. Mr. Lawton stated it is a complicated planning commission issue. Mr. Hawthorne reported he cannot get city sewer or city water even though the city water runs through the property. The city has allowed people outside the city limits to get sewer and water, and as a result there is not enough water or sewer availability for people inside the city. Mr. Hawthorne is paying city taxes on the property and his neighbors are not, but the neighbors get the city services and Mr. Hawthorne does not. CA Richards asks if this is a 2-inch line and asks how many houses are on it. Mr. Hawthorne guessed that there are 4 houses on it plus a resort. The resort is not in the city limits. There is also a motel, but it is unknown if the motel is on the water but is on the sewer. CA Richards states the line is too small to accommodate. The city would have to upgrade to a larger diameter waterline. CA Richards will confirm the line size. Attorney Kudlac will look into the de-annexation process.

b. Staff

CA Richards asked for clarification on time limitations for burn permits in the immediate future. Councilor Garratt reiterated the timeline for Chris Hawthorne was July 23 or until Coos FPA changes their fire danger level above low, which ever came soonest. Councilor Garratt feels this is a special circumstance outside of standard permits for Chris Hawthorne since he has an extensively large piece of woodland property that requires continuous clearing and cleaning for fire safety. Mayor Pogwizd suggested changing burning permit verbiage at a later meeting. Councilor Garratt suggested adding the need to modify the permit process to the upcoming workshop. Mayor Pogwizd and councilors agree to add burn permits to the next workshop. David Johnson asked CA Richards to

have Patty put packets for applications for burn permits for citizens to pick up. Citizens can fill them out and ring the buzzer for approval and payment.

CA Richards and councilors expressed appreciation to David Johnson for taking time away from his vacation for this meeting.

Councilor Garratt expressed his appreciation for the police department for interacting with people's feelings and opinions regarding COVID-19. He advised Chief Hobart that there were locals speeding through town at 60 to 70 MPH Tuesday evening at about 8:30.

c. Councilors

Councilor Burns asked that county dispatch be notified on all burn permit uses. Councilor Burns is ready to address the emergency response ordinance and suggests a workshop.

Councilor Burns is concerned about the grit system. Mayor Pogwizd advised it is in the budget, which starts July 1. Mayor Pogwizd stated council needs to make a decision about the engineer prior to starting the project. The engineer RFP will also be discussed at the workshop on the 29th.

Councilor Garratt pointed out that the loss of councilors may not provide a good liaison status. He is willing to take on more liaison if needed.

d. Mayor

Mayor Pogwizd encouraged councilors to enjoy the good weather outdoors.

9. Future Meetings:

Workshop Monday, June 29 at 5:00 p.m.

Thursday, July 16, 2020 Regular Meeting of the Common Council at 3:30 p.m. held virtually via the same link as today.

10. Adjourned

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

Attest:



Mayor Tim Pogwizd



City Recorder, Terrie Richards