

City of Port Orford

City Council Meeting Minutes In the Gable Chambers Thursday, February 20, 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>	X	<i>Dave Johnson Finance Director</i>	X
<i>Jim Campbell</i>	Resigned		
<i>James Garratt</i>	X		
<i>Carolyn LaRoche</i>	X		
<i>Travis Williams</i>	Excused		

Media Present: Brice Wagner

Others Present: 18

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, February 20, 2020 at 3:32 p.m. He asked those present to rise and join him in the Pledge of Allegiance.

2. Additions to the Agenda: None.

3. Presentation to Council/Citizens –

Census 2020 – Gary Eckert addressed the mayor and the council members as representing the 2020 census. Mr. Eckert is a recruiter, recruiting census takers. Census takers are paid 18 dollars an hour plus 58 cents a mile for driving and driving time counts. The job begins March 1 to end of July. Census takers can work up to 40 hours a week. There is a need in North County. Applicants are subject to a background check and fingerprinting.

Mr. Eckert stresses the census is mandated in the constitution every ten years. The ultimate purpose is to count every person in a residence. The survey will not be sent to post office boxes. The census taker will contact people not in mail delivery. There is a group assigned to count transients. The federal government has 675 billion dollars for different causes around the country, which amounts to \$3100.00 per person. The money is divided out between all communities.

A packet containing flyers has been left in the City Hall office. Applications can be submitted online. Recruiting ends next week. Applicants will then be contacted. There is two days of paid training.

ODOT Update – Heather Neavoll is transportation project manager for ODOT District 7. Darrin Neavoll is District 7 manager for ODOT presented an update.

Heather Neavoll gives presentation of projects to Councilors with the scope of projects. At Tenth Street there will be some curb extensions and crosswalks marked. Oregon Street will have a curb extension with an island for a safe crossing area. Sixth Street Triangle Square will have safer crossing. Jackson Street will have curb extensions with a couple of crosswalks as well as Jefferson Street.

Ms. Neavoll advised council of six sites for new streetlights, Madrona, 15th, 12th, 10th, Jackson and Jefferson streets. The lights will be dark sky compliant.

A visual of the proposed island is presented. The roadway will be narrowed, but there will be an island with a rapid flasher for the children to get to a safe refuge and then continue to cross the remainder of the street. Width of the island is 7 feet. Under that will be a concrete slap making a total of 11 feet. There will be a marked crosswalk. The bike lane will continue through, but there will not be any on-street parking in the area. Street striping will not change from current striping. ODOT needs city input and approval. It will then go to the ODOT mobility committee to approve narrowing the roadway for the trucking industry, etc.

Pros and cons of the island:

Pros – Safer pedestrian crossing, shorter crossing distance, flashers in the center for more visibility and awareness, narrower roadway resulting traffic slowing in the area, school district support.

Cons – Narrow roadway for wide vehicles and towable, difficult turning movements for trucks or RVs up to the roadway from 12th Street turning left, restricted left turn movement, restricted emergency services from using the center lane of travel.

This was discussed with emergency services, which came up with the conclusion that if traffic is waiting for a pedestrian there is no route for the emergency vehicles to get around the traffic. There is no place for a diversion, thus creating delays. The fire department is not directly objecting to the island. The day-to-day safety for the children crossing is supported.

CA Richards questions why the size of the school zone has become smaller. Mr. Neavoll advised that school zones were not consistent and compliant with new rules. Port Orford's school zone has been decreased in size to make them align with engineering guidelines.

Councilors are in support of the island by consensus. Unless there is a problem, no update is necessary with the exception of Jefferson Street.

Schedule for projects to bid late 2021 with construction to be in 2022. If a contractor is on board, they might come out in the winter of 2021 to start the sidewalk, which can be done

7. **Old Business:** None.

8. **New Business:**

a. **State of Oregon Budget Law, Corrective Action –**

Councilor Cox moved to approve the corrective action for the State of Oregon Budget Law as presented with Councilor LaRoche as second. *Motion carried 4-0.*

Discussion: Mr. Johnson advised councilors that this is due to violation of a law. After the council meeting in June it was discovered that citizens had been over charged for sewer SDCs. Mr. Johnson focused on getting the money back to the citizens. There was not an emergency board meeting called for budget adjustment and appropriate the money to refund, which resulted in over budget.

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

b. **Resolution 2020-06 Business License Fee –** Councilors that have a business can vote.

The resolution change states *a new business or one generating up to 10,000 dollars.*

Councilor Burns moves to approve the change for the business license fees with Councilor LaRoche as second *Motion carried 3-1.*

Discussion: None. Councilor Garratt speaks his opinion that this change does not solve or fix anything, and the city is losing revenue. It will have very little effect on the citizens and very little effect on the businesses. He feels it is not unreasonable to continue as it currently is. The finance department agrees with the change. David Johnson feels that with the higher fees, there were less business licenses and with the lower fees, the city will start getting more people purchasing business licenses, which will reflect less of a revenue loss. The revenue loss can be replaced with a new revenue such as marijuana taxation. Mr. Johnson reports making a change to the business license application omitting the part that allowed the city to see financial records of the businesses, which is included in this meeting packet.

Councilor Garratt *No* *Councilor Burns* *Yes* *Councilor LaRoche* *Yes*
Councilor Cox *Yes*

c. **Approve ODOT Contract, Paving Ocean View –** Councilor Garratt moved to approve the ODOT contract, Paving Ocean View with Councilor Burns as second. *Motion carried 4-0.*

Discussion: The full amount of the grant will be used. There will be no cost left to the city. Main Street has permission to painting Ocean View with a whale tail. It is suggested to contact ODOT for the whale tail paint.

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

- d. **Approve Coquille Tribe Grant, Fort Point Trail** – Councilor Cox moved to approve the Fort Point Trail grant for the Coquille Tribe with Councilor Burns as second. ***Motion carried 4-0.***

Discussion: Mr. Lawton, volunteer coordinator of the project, is available for questions. He reported receiving a ten-thousand-dollar grant from the Coquille Indian Tribe due to the archeological survey received last summer. Ground disturbance or excavation is not allowed, so building the fence and stairway to the bluff at the end of Jackson Street will require all aboveground construction at a greater cost. The goal is to have the project completed and constructed with the Shutter Creek Correctional Institute work crew in September. City Council expressed appreciation to Mr. Lawton for the work and time he has put into this project.

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

- e. **Approve Dredging Contract for Hubbard Creek Impound** – Councilor Burns moved to approve the dredging contract for the Hubbard Creek Impound with Councilor LaRoche as second. ***Motion carried 4-0.***

Discussion: Councilor Cox had a suggestion to change the approval of the budget up to 7,500 dollars to include a valve replacement that needs to be done. David Johnson advised the budget could be adjusted at budget time.

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

- f. **Right-of-Way Request 11th and Idaho** – Councilor Garratt requested a verbal proposal by the applicant, Mr. Shepard.

Mr. Shepard stated he is clearing up the lots. There will be a survey tomorrow to clarify lines. Mr. Shepard would like to remove the existing trees on the property line. His proposal is to build a triplex for elderly people. He will need to clear the grounds, level the grounds and start from scratch. He would like to add a three-foot cyclone fence around the perimeter, but not in the driveway area, approximately ten feet onto city property. This would be the same as it was done in the past on the other side at 12th and Idaho.

Councilor Burns moved to approve the removal of the trees but deny the fence at this time with Councilor LaRoche as second. ***Motion Carried 4-0.***

Discussion: Councilor Garratt is familiar with the property but cannot see where the lines are on the property. He is inclined to approve the fence unless there is a reason presented not to. He feels a three-foot fence does not hinder visibility and there is not street parking near a stop sign. He would like to see the fence worked out. Councilor Burns is compliant with recommendations from staff. Councilor LaRoche feels council should approve the tree removal part now. Councilor Cox asks if the fence can be addressed after the tree removal. Mayor Pogwizd advised that he could come back in front of the council with another right of way request. CA Richards advised that there is a 3 to 4-foot chain link fence at the other side of the block. It does not hinder the view. They angled the fence in

the corner and now use the angled space to park their vehicles and trailer in the right of way. The vehicles do hinder the view. This fence will likely create the same issue. Mr. Shepard advised there is a utility pole and stop sign in the area preventing a parking problem.

Vote is for the tree removal only.

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

- g. Appointment to Planning Commission** – A letter was received from Chair McHugh recommending Krista for a position on the planning commission. Councilor Burns moved to approve Krista Nieraeth for the planning commission seconded by Councilor LaRoche. **Motion carried 4-0.**

Discussion: The new protocol for committee appointment is not yet in place.

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

- h. Marijuana Tax – pose the question of the 3% tax** – The question, does the council want to send to the voters the marijuana tax. That will allow the voters to decide if marijuana is taxed in the city limits or not. Shala Kudlac advised that staff would prepare and bring back the ordinance for City Council. This can be a consensus. Councilor Cox would like to specify where the money is going, which he feels will help the ballot measure pass. David Johnson suggested the tax go to help the police department justified by the extra work caused by the dispensary. The police chief feels the dispensary has not caused excess work for law enforcement. There have been some DUII arrests including marijuana and alcohol. Methamphetamines have increased the workload. A full proposal will be created prior to being presented to voters in November. **Consensus passed 4-0.**

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

- i. TLT Grant Amount Adjustment** – Last year after the TLT cycle, councilors were disappointed that the Jubilee did not get their full funding for the fireworks. The solution to that problem would be to increase the 10,000-dollar grant to 14,000 dollars and give the Jubilee 4,000 dollars every year for the seed money for the fireworks. Dave Johnson advised that 16 years ago, the TLT grant was 10,000 dollars and the city was bringing in 50,000 dollars in TLT funds. Today, it is still a 10,000-dollar grant but the city is now bringing 100,000 dollars in TLT funds. He feels it is justified to increase the grant amount 25 percent or similar. He sees no problem with 15,000. Mayor Pogwizd suggested 4,000 to seed the fireworks and then increase the 10,000 to 11,000 dollars.

Councilor Burns moved to increase the TLT annually from 10,000 to 15,000 and give the Jubilee \$4,000 for their seed money with Councilor Garratt as second. **Motion carried 4-0.**

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

9. Continuing Action Items –
See list.

10. Considerations

a. Citizens:

Teresa Kolibaba – Resident of Port Orford speaks on the right of way for the fence on at 11th and Idaho. She asked if the city ordinance on fences states no chain link fences. This is confirmed. She stated this is the third time he has asked for a right of way. The first was at 11th and Idaho, this one, and another behind the Wooden Nickel. She speaks on employee retirement and a private contractor for sewer and water. She states the pensions from private companies are not as dependable as the government pension since businesses go bankrupt. She states the contractors want to use city vehicles and wonders if they will take as good care of the vehicles as the city does. She asks if ODOT is putting a light at Jackson and Highway 101. Councilors advised they are getting back to the city on that topic, but it appears it will go on Jefferson.

b. Staff: None.

c. Councilors: Councilor Cox asked if the Parks Commission meets soon enough to approve the Easter egg hunt. It is confirmed the commission does.

Councilor Garratt reminded council that the fire contract renewal is running out of time to discuss and resolve. He is also concerned regarding the business license fee. He does not feel it is solving anything. A problem he would like to be solved is when businesses go out of business, they leave their signs posted, and do not properly clean up after sign removal. Mayor Pogwizd reminded council that Monday the 3rd is a 5:00 workshop to work on the fire contract. Councilor Williams will be contacted to see if there is enough information received from the fireboard for a workshop meeting. An executive session was suggested to prevent a quorum. Attorney Kudlac will research and advise council regarding an executive session. Commissioner Cox suggested writing a letter with bullet points to the fireboard prior to the workshop. David Johnson will compile information needed from the fireboard.

d. Mayor: Mayor Pogwizd reported the Jacobs Company might come to Port Orford on March 2 for a workshop to discuss the privatizing of water and sewer.

11. Future Meetings:

Regular meeting of the Common Council of the City of Port Orford Thursday, March 19, 2020 at 3:30 at City Hall Council Chambers.

Workshop for the City Council of the City of Port Orford Monday, March 2 at 5:00 p.m., for Jacobs Company and/or fireboard.

12. Adjourned

There being no further business, President Cox adjourned the meeting at 5:40 p.m.



Mayor Tim Pogwizd

Attest:



City Recorder, Terrie Richards