City of Port Orford
City Council Meeting Minutes
In the Gable Chambers / Virtual participants
Thursday, January 21, 2021 at 3:30 P.M.

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<tr>
<th>Mayor and Council</th>
<th>Present</th>
<th>City Staff</th>
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<tr>
<td>Pat Cox, Mayor</td>
<td>X</td>
<td>Planner Crystal Shoji</td>
<td>X</td>
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<tr>
<td>Gary Burns</td>
<td>X</td>
<td>Shala Kudlac, City Attorney</td>
<td>X</td>
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<td>Tim Pogwizd, President</td>
<td>X</td>
<td>David Johnson, Finance and Admin</td>
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<td>Lorrin Kessler</td>
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<td>James Garratt</td>
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<td>Carolyn LaRoche</td>
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<tr>
<td>Greg Tidey</td>
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Media Present:
Others Present:

1. Call to Order
Mayor Cox called to order this Regular Meeting of the Common Council on Thursday, January 21, 2021 at 3:30 p.m. The meeting is held via internet connection due to COVID-19 restrictions set in place by the State of Oregon.

2. Additions to the Agenda: Deliberations on Building Heights will be added to Old Business.

3. Presentations to Council/Citizens
Dine & Stay – Summer Matteson introduced herself as coordinator for Curry County Division of Economic Development. She reports on the fact that small businesses have been hit hard by the closures brought by the pandemic. In an effort to inject revenue towards the local restaurants, which were hardest hit, a program called Dine to Stay is put in place. In phase 1, which was the pilot they were able to invest 10,000 dollars into the program. The commissioners unanimously voted to allocate an addition 15,000 dollars, which allowed restaurants from Gold Beach and Port Orford to qualify. During phase 1 they sold 254 gift certificates in unincorporated Curry and the City of Brookings. To date in the current phase, they have sold 392 gift certificates including Gold beach and Port Orford. Total revenue generated for the program so far is 19,380 dollars. The overall goal for this phase, with an investment of 15,000 dollars from the county on behalf of unincorporated Gold Beach and Port Orford, will be 45,000 dollars in generated revenue. The purchasers of the gift cards pay 20 dollars and receive 30 dollars in service. The most recent business grant is opening tomorrow afternoon focusing on businesses with 5 or fewer employees. This applies to many Port Orford businesses. Ms. Matteson asked the city council to help spread the word and encourage applicants to contact her office if they need assistance in the process.

Hearing Continued – Building Height in All Zones
Planner Shoji presented the amended staff report. The proposals are unchanged.
City of Port Orford comprehensive plan’s goals and policies are provided to councilors.

**Deliberations:**

Commissioner Burns moved to restrict building heights in R-1 to 30 feet with no more than two stories with Commissioner LaRoche as second. *Motion carried 4-2.*

Discussion: Councilor LaRoche would like to see R-1 go to 28 feet. Councilor Garratt addressed the large amount of feedback from citizens. He overall is speaking against making this change. He does not feel it encourages the growth the city needs. Restricting building height is not the proper way to address the water issues. Many citizens determined it will affect the property values. Councilor Garratt suggested people retain the freedom they have. He would like to keep Port Orford flexible and free. The fire department issued a statement stating this is not a fire issue since buildings are now built in a way as to not pose fire issues. Their recommendation was to leave the height ordinance as is. Councilor Garratt added that some citizens that responded in favor of this proposed ordinance already own buildings with heights outside of this proposed ordinance.

Councilor Burns is concerned that multi-story buildings will bring in a denser population which will exceed the water supply. He personally feels that one story buildings next to two- and three-story buildings are not pleasing to the eye. He would like the town kept in the same theme as it is.

Councilor Pogwizd stated he is undecided. He expressed his appreciation to Ann for providing a map. He feels 30 feet is adequate to build a nice two-story home.

Councilor Kessler is concerned about the watershed. He feels the city is securing water at the current level but not gaining water. He feels that density is an issue. There is an issue with the sewer plant capacity also. He feels a 30-foot two-story house from finished ground level is acceptable.

Mayor Cox stated the city needs to separate the water issue. The water and sewer are separate issues than the building height. The city can work on finding water leaks to enhance the water use.

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Councilor Burns moved to restrict building heights to 30 feet and two stories in zone 2-R with Councilor LaRoche as second. *Moton carried 4-2.*

Discussion: Councilor Tidey would like to see the ordinance left as is.

Councilor Garratt reported the general consensus is to keep things congruent. He reminded council that Planner Shoji stated we are “not supposed to mess up economic development.” Making these restrictions is actually being done for the expressed purpose of preventing economic development in an attempt to prevent developers from coming to Port Orford. He would like this statement on the record. He would like to see councilors given time to speak on rebuttal of another councilor’s statement. The building height will hinder economic development.
Councillor LaRoche thinks the 30-foot restriction is fine. She does not see economical development deterred due to 30 feet building height unless somebody wants to build four or five story apartment buildings. She does not feel that would work in Port Orford.
Councilor Tidey responds that he does not see 5-story buildings on the entire coast and does not think this is an issue. He feels 2-R should stay at 30 feet.
Councilor Burns feels the same for 2-R as he did for 1-R. If a person wants a three-story building in the R-2, it is incongruent with the look the town has.

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Commercial 4-C is currently 45 feet. Councillor Burns moved to restrict building heights to 35 feet in the commercial zone 4-C with a two-story minimum with Councillor LaRoche as second. **Motion failed 2-4.**

Discussion: Councillor Pogwizd spoke of commercial 4-C zone, mostly on highway 101, having shops below and above or living quarters below or above and/or parking below. He feels if a person built a 45-foot building with one level for living, one level for commercial and one level for parking, they would benefit the city by addressing three problems.
Councilor LaRoche feels 35 feet is quite tall. She feels one can get three levels out of 35 feet.
Councilor Kessler reported he feels downtown along Highway 101 buildings can be taller with living quarters above; however, the part of 4-C by Garrison Lake, height limits might be needed.
Councilors Burns would like to see something in place to restrict a 45-foot-high building. If the height were lower and someone comes in with a viable plan, the city might do a conditional use.
Planner Shoji stated that codes in the ordinances would have to be changed to permit conditional uses in building height restrictions. Certain types of buildings can be included in exemptions. This would have to be a separate proceeding in the future.

Councilor Garratt agrees with Councilor Pogwizd's point that a commercial building could resolve multiple issues by having one level for living, one for commercial and one for parking.
Councilor Garratt feels that motels will have trouble complying with the height restriction.
Councilor Garratt is concerned that the City Council is not ready to set a restriction in place until there is more time to consider.

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Industrial zone 5-I currently has no building height restriction. Twenty-five feet has been suggested.
Councilor Garratt moved to make no building height changes in the 5-I zone with Councilor as second. **Motion failed 2-4**

Discussion: Councillor Kessler does not see any problem arising from taller buildings in this zone; however, it is unfortunate there are residents in the zone. Rather than unrestricted, he would like to see a 45 feet height restriction.
Councilor Burns feels there should be a 35 feet height restriction due to the residential areas nearby.

Councilor LaRoche agrees with Councilor Burns.
Councilor Tidey stated if a restriction is going to be implemented in the 5-I zone, it should be concurrent with the other zone changes. With 4-C being a part of this zone, he feels like 5-I zone should be tabled until 4-C is addressed again.

Councilor Garratt agrees that since 4-C has been turned down for changes, 5-I should not be changed. He feels the commercial and industrial section should have some form of alignment with each other. He feels the city needs to be careful on the limits placed on commercial and industrial so as not to hinder economic development.

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Councilor Pogwizd moved to table zone 5-I and review it with the 4-C zone at a later date with Councilor Garratt as second. **Councilor Pogwizd rescinded this motion. Councilor Garratt did not rescind his second. Motion died for lack of another second.**

Discussion: Legal counsel Kudlac advised to table 5-I and bring it back will require an entire new process.

Councilor Tidey moved to restrict building heights to 45 feet in the 5-I zone with Councilor Kessler a second. **Motion carried 5-1.**

Discussion: Councilor Pogwizd asked for clarification on the location of the 5I zone. He commented on the need for a full-size map. Planner Shoji agrees mapping has been a problem for Port Orford for many years. Councilor Garratt feels 5-I is appropriate for a 45 feet restriction.

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Controlled Development Zone 6-CD currently has no building height restrictions.

Councilor Garratt moved to restrict building heights to 45 feet in the 6-CD zone. Motion died for lack of a second. Councilor Kessler moved to make zone 6-CD restricted to no buildings. Planner Shoji advised that is not a valid motion. Motion must restrict heights. Councilor LaRoche moved to restrict building heights to 25 feet in 6-CD with Councilor Burns as second. **Motion failed 1-4.**

Discussion: Councilor Pogwizd is concerned his map is not clear enough to accurately vote. Planner Shoji electronically supplied all councilors with a good zoning map.

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Councilor Burns moved to restrict building heights to 30 feet in zone 6-CD with Councilor LaRoche as second. **Motion carried 3-2.**

Discussion: None.

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Marine Activity Zone 7-MA currently has a 45-feet building height restriction. Currently there are 60 feet hoists in that zone, which might have to increase in height in the future. Currently hoists are excluded. Chair Cox recused himself due to conflict of interest. Councilor Pogwizd moved to continue the 45 feet building height in the 7-MA zone with the cranes as an exception from the height limit with Councilor Garratt as second. Motion carried 6-0.

Discussion: None.

Councilor Burns Yes Councilor LaRoche Yes Councilor Pogwizd Yes
Councilor Garratt Yes Councilor Kessler Yes Councilor Tidey Yes

Public Facilities and Park Zone 8-PF. Councilor LaRoche moved restrict building heights to 30 feet in the 8-PF zone with Councilor Pogwizd as second.

Discussion: It is identified that this includes the American Legion Building and Community Building, Battle Rock, School, city yard, wastewater, city hall as well as other surrounding areas. Councilor Garratt suggested not restricting the public facilities zone not knowing what the future will bring. There is no provision for a conditional use to exceed the height limitation. Councilor LaRoche reminded councilors that schools might need to be higher to accommodate the students in case of a tsunami. Motion failed 2-4.

Councilor Burns No Councilor LaRoche Yes Councilor Pogwizd No
Councilor Garratt No Councilor Kessler Yes Councilor Tidey No

Councilor Tidey moved to make no change in building height restrictions to 8-PF Zone with Councilor Garratt as second. Motion passed 4-3

Discussion: None.

Councilor Burns Yes Councilor LaRoche No Councilor Pogwizd No
Councilor Garratt Yes Councilor Kessler No Councilor Tidey Yes
Tie, Chair Cox Yes

Shoreland Overlay Zone 9-SO is usually 50 feet from the defined part of the ocean. This zone allows propagation and harvesting of forest products, water dependent commercial and recreational, aquaculture, single family resident on existing lot or parcel, dredge material disposal, with conditional uses to include water dependent commercial uses, water dependent industrial uses, subdivisions and partitions, temporary use of dredge material disposable, and other uses not listed that are permitted in the underlying zone. There are no current height restrictions.

Councilor Burns moved to leave the 9-SO zone with the current building restrictions with Councilor Garratt as second. Motion failed 3-4.

Discussion: None.

Councilor Burns Yes Councilor LaRoche No Councilor Pogwizd No
Councilor Garratt Yes Councilor Kessler No Councilor Tidey Yes
Mayor Cox No
Councilor LaRoche moved to restrict building heights to 30-feet in the 9-SO zone with Councilor Pogwizd as second. **Motion carried 5-1.**

Discussion. None.

| Councilor Burns | Yes | Councilor LaRoche | Yes | Councilor Pogwizd | Yes |
| Councilor Garratt | No | Councilor Kessler | Yes | Councilor Tidey | Yes |

Mixed Use Zone 10-MU. Councilor LaRoche moved to restrict building heights to 28-feet in the 10-MU zone. **Motion died for lack of a second.** Councilor Burns moved to restrict building heights to 30-feet in the 10-MU zone with Councilor LaRoche as second. **Motion failed 3-4.**

Discussion: Councilor Garratt stated the 10-MU zone is specially crafted for multi-use and advocated for a slightly high level. Councilor Burns is concerned this is a sensitive area near residential. He does not want to see a 4-story condo next to a 1-story home. Councilor Kessler does not want to see a height restriction higher than 35 in this zone.

| Councilor Burns | Yes | Councilor LaRoche | Yes | Councilor Pogwizd | Yes |
| Councilor Garratt | No | Councilor Kessler | Yes | Councilor Tidey | No |
| Mayor Cox | No |

Councilor Garratt moved to keep the 45 feet building height restriction in the 10-MU zone with Councilor Burns as second. **Motion failed 2-4.**

Discussion: Councilor Burns feels that 45 feet is too high and will be dense for the city water supply. Councilor Pogwizd prefers 35 feet. Councilor Garratt stated the 10-MU zone was created by a previous administration designed as mixed use to accommodate the center of the town. It is the city’s growth area. He encouraged council to leave it at 45, which was discussed at great length when originally created. He stated that water supply is not an appropriate reason to limit building height. There are appropriate ways to limit the water usage in Port Orford.

| Councilor Burns | No | Councilor LaRoche | No | Councilor Pogwizd | No |
| Councilor Garratt | Yes | Councilor Kessler | No | Councilor Tidey | Yes |

Councilor Kessler moved to restrict building heights to 35-feet in the 10-MU zone with Councilor Burns as second. **Motion carried 4-2.**

Discussion: None.

| Councilor Burns | Yes | Councilor LaRoche | Yes | Councilor Pogwizd | Yes |
| Councilor Garratt | No | Councilor Kessler | Yes | Councilor Tidey | No |

Planner Shoji reviewed with council that the ordinance currently states if the building exceeds 35 feet it is subject to site plan review. Council has now limited that so the statement can be omitted. Council agrees by consensus to remove that statement. 10-MU zone signage height remains the same as written.

**Exceptions:** Councilor Burns moved for the boat hoist in the port facility and public observation tower be added to general exception of building height limitations as presented in the staff report with Councilor Tidey as second. **Motion carried 6-0.**
Discussion: None.

Councillor Burns  Yes  Councilor LaRoche  Yes  Councillor Pogwizd  Yes
Councillor Garratt  Yes  Councilor Kessler  Yes  Councillor Tidey  Yes

Section 17.32.050 currently has conditional uses via permit allowing higher building heights than the restrictions stated in the ordinance. At this point in time, the height would be limited by a state fire marshal. The city council will approve or not approve the conditional use permits in accordance to the criteria defined. The conditional use permit is structured currently with the larger the lot, the higher the height. This section needs reviewed by council.

Councillor Tidey moved to leave the conditional use regarding building heights as currently written with Councillor Garratt as second. **Motion carried 5-1.**

Discussion: None.

Councillor Burns  No  Councilor LaRoche  Yes  Councillor Pogwizd  Yes
Councillor Garratt  Yes  Councilor Kessler  Yes  Councillor Tidey  Yes

The Public Hearing is closed by Mayor Cox.

4. **Consent Calendar** – Councillor Pogwizd moved to approve the minutes for the council meeting of November 19, 2020 with Councillor Burns as second. **Motion carried 6-0.**

Councillor Burns  Yes  Councilor LaRoche  Yes  Councillor Pogwizd  Yes
Councillor Garratt  Yes  Councilor Kessler  Yes  Councillor Tidey  Yes

5. **Citizen Concerns:**

David Tarusa (sp?) introduced himself as the direct responsible charge for Port Orford’s water system. He wants to express his appreciation for the work of the City Council. He requested the new administrators contact him once sworn in.

Doreen Ames asked if there will be time for public comments on the building heights. Mayor Cox advised Ms. Ames that she could talk under Citizen Concerns. Doreen Ames asked Councillor Garrett if parking structures are allowed in Port Orford. Councillor Garrett could not provide an answer. She wonders if anybody can build up to 35 feet in the 10-MU and build a parking structure. Mayor Cox stated they cannot exceed the building height limit. Ms. Ames commented that it would be wise to create an advisory business council for business concerns, especially with the crisis of the pandemic. She asked Councillor Garrett to participate. Mayor Cox advised her that this is a subject not on the agenda and suggested she send an email regarding her interest in an advisory business council.

6. **Departmental Reports:**

a. Public Works: Public Works superintendent, John Isadore, reported they are working diligently on water and sewage lift station issues. The biggest burden is the loss of the wastewater treatment level 2 personnel. They are working quickly to replace that position. They are attempting to catch up the water from the water breaks. Having one
tank and one source of water is challenging. They are focusing on getting the water
system and sewer system to 100 percent as quickly as they can. Mayor Cox asked if
council agrees to possibly getting a liner for the tank on the top of Deady Street or
moving the tank that is not in use at the sewer plant to the top of Deady Street. PW
superintendent agrees that this could serve as a backup water source. He has inspected the
tank and feels it is a viable structure. He is concerned about the age of the wastewater lift
stations. The Vista reservoir has one house and a hydrant on it. They can put a lot more
water in the tank; however, there is not enough usage to keep the chlorine up to
acceptable levels. This could be used as a backup once the chlorine level is figured out.
b. Admin: ICA, David Johnson, reported he is doing good so far. Jacob will be the operator
of record until someone is hired.
c. Finance: None.
d. Watershed: None.
e. Liaison: New liaison will be appointed next meeting.
Emergency Preparedness: Councilor Burns reported a meeting on emergency
preparedness. They are coming up with plans for emergency response.
Port: Mayor Cox reported crab season has started. They have moved forward with the
development. They got the geology going, so they can ask for grant money.

7. Old Business:
a. Deliberation on Building Heights: See above.

8. New Business:
a. Election Proclamation:
Councilor Pogwizd moved to approve the Port Orford election proclamation with
Councilor Burns as second. **Motion carried 6-0.**
Discussion: None.

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b. 2019-2020 Audit – Approval:
Councilor Pogwizd moved to approve the 2019/2020 audit with Councilor Burns as
second. **Motion carried 5-0.**
Discussion: Dave Johnson reported the net position went down 300,000, which was
200,000 from government funds and loss of revenue. The other 100,000 was from
proprietary funds and enterprise funds. With the last budget there was a rate increase that
produced 100,000. The financials for the city are in pretty good shape.
Councilor Garratt does not have a copy of the audit so will abstain from voting but does
not lack confidence in David Johnson.

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c. Resolution 2021-03 – Authorized Signatures for City Business
Councilor Burns moved to approve resolution 2021-03 with Councilor LaRoche as second.
Discussion: None.

Councilor Burns  Yes  Councilor LaRoche  Yes  Councilor Pogwizd  Yes
Councilor Garratt  Yes  Councilor Kessler  Yes  Councilor Tidey  Yes

d. Appointments to Parks and Planning
Councilor Pogwizd moved to approve the appointments to Park and Planning with Councilor Burns as second. Rescinded.
Discussion: There is one open seat for Planning with an application from Greg Thelen and two currently seated for reappointment, which are Diane Schofield and Michele Leonard. There is one open seat in Parks with an application from Eddie Kessler. Councilor Kessler asked Legal Council Kudlac if he needed to recuse himself, as one of the applicants is his son. Legal Council Kudlac advised he does not since his son is not an opposing position in the city. Mayor Cox questions a past ordinance allowing only one family member on a city commission or council. Mayor Cox will research the ordinance regarding family members and determine if a change will be needed at next meeting.

Councilor Pogwizd rescinded his motion to approve the appointments to Park and Planning. Councilor Burns rescinded his second.

Councilor Pogwizd moved to table the appointments to Park and Planning with Councilor Burns as second. Motion carried 5-0.

Councilor Burns  Yes  Councilor LaRoche  Yes  Councilor Pogwizd  Yes
Councilor Garratt  Yes  Councilor Kessler  Abstain  Councilor Tidey  Yes

This will be New Business on the next meeting agenda. Information on applications for Planning and Parks will be made to the public.

e. Electronic Meeting Policy
Legal Counsel Kudlac approved the document. She agreed Chat should not be used unless there is technical difficulty. Currently the public is using Chat, which does not become part of the record. The remaining public does not see the Chat. David Johnson will review closing Chat.
Councilor Burns moved to accept the Electronic Meeting Police with Councilor LaRoche as second.
Discussion: None.

Councilor Burns  Yes  Councilor LaRoche  Yes  Councilor Pogwizd  Yes
Councilor Garratt  Yes  Councilor Kessler  Yes  Councilor Tidey  Yes

9. Considerations
a. Citizen
Doreen Ames commented on the Electronic Policy where it states, the only exception to the recording any of the meetings is by the recorder or approved corporate officer for the
purpose of minute taking or sharing for civic engagement purposes. It further states, at no
time will meeting participants record any portion of the meeting. She asks if that means
citizens are not allowed to make a record of the public meeting. Legal Council Kudlac
advised that does not limit the public’s ability to record the meeting, as they always
could. It means the official reporting of the city is done in this format.

b. Staff
None.

c. Councilor
Councilor Garratt requesting a text message when meetings get called since he might not
be available to email. CA Richards accommodated that previously. Mayor Cox agreed to
the arrangement.
Councilor LaRoche asked about returning to the dark sky ordinance. Mayor Cox reported
it is back in planning who has to talk to Coos-Curry and ODOT.

d. Mayor
Mayor Cox is concerned with the continuing action items. He feels it is impractical to
have ten continuing action items. He will have ICA Johnson write them down and start
working on the top three on the list. The list will be adjusted as progress is made.

11. Future Meetings:
Thursday, February 18, 2020 Regular Meeting of the Common Council at 3:30 p.m.

12. Adjourned
There being no further business, Mayor Pogwizd adjourned the meeting at 6:56 p.m.

Attest:

Mayor Pat Cox

City Recorder pro tem, David Johnson