

**City of Port Orford**  
**City Council Special Meeting - Water**  
**In the Gable Chambers / Virtual participants**  
**Thursday, August 27, 2021 at 9:00 A.M.**

<b>Mayor and Council</b>	<b>Present</b>	<b>City Staff</b>	<b>Present</b>
<i>Pat Cox, Mayor</i>	X	<i>CA Ginsburg</i>	X
<i>Gary Burns</i>	X	<i>Shala Kudlac, City Attorney</i>	X
<i>Tim Pogwizd, President</i>	X	<i>John Isadore, Public Works</i>	X
<i>Lorin Kessler</i>	X		
<i>James Garratt</i>	X		
<i>Carolyn LaRoche</i>	X		
<i>Greg Tidey</i>	X		

Others Present:

**1. Call to Order**

Mayor Cox called to order this Special Meeting of the Common Council on Thursday, August 27, 2021, at 9:00 a.m.

**2. Water Restrictions Approval:** Mayor Cox introduced the topic of water restrictions. There is a lot of process prior to a moratorium on water use. Mayor Cox asked councilors to address anything on the list they received yesterday that they think is egregious or overdone or missing.

Councilor Pogwizd reviewed the list and suggested grants for water saving devices. He addressed the fact that the city will save water with these devices but also will lose revenue. He feels saving water is in the city's best interest now. The grants cover aerators, showerheads and low-flow toilets.

Mayor Cox expressed concern about restricting the boat wash, since boat engines cannot function correctly without flushing. He offered for the Port to post signs asking to limit water usage at the boat wash. Councilor Tidey recommended limiting recreational use of the boat wash and not commercial; however, there are some smaller commercial "live fish" boats.

CA Ginsburg suggested not approving right of way requests that include boring or excavating to prevent water line breakage. John Isadore agrees it could cost the city four feet of water with a breakage. Councilor Pogwizd suggested postponing the requests until after rainfall returns.

John Isadore reported the water supply recovery rate is slow due sediment with the lack of dredging in the past. Water use is higher than recovery. Immediate dredging of the impound requires state permitting since only 25 yards a year can be removed currently. The city is still

4 losing 40 to 50 percent of water. There are new connections scheduled. John Isadore  
5 suggested not allowing new connections.

6  
7 Mayor Cox is concerned about the Port digging with the excavator instead of dredging.  
8 Digging introduces a risk of nicking the bentonite layer, which will cause water loss. John  
9 Isadore reported the city started seeing decrease in recovery Wednesday. It could be due to  
10 low water in the tributaries of the watershed. The dam needs replaced due to rot at the very  
11 bottom. If the lower drain were to be functional a lot of the sediment would be flushed out.  
12 Pulling from the top is not getting rid of the sediment, which is why the compound is filling  
13 with sediment.

14  
15 CA Ginsburg reported having conversations with state representative for water, Mr. Downs,  
16 and Jason from RCAC. It is a free service for Jason to come to Port Orford for a consultation  
17 and plan of attack. The state informed CA Ginsburg that Garrison Lake is listed as Port  
18 Orford's emergency water source. Public Works needs to confirm that Garrison Lake  
19 pumphouse is still hooked up to city services. CA Ginsburg believes it has been down since  
20 1993. Samples will have to be tested for city use. Mayor Cox reminded council that Garrison  
21 Lake is a lagoon. The clear water is 15 to 20 feet down in the middle. There was a snail  
22 problem causing pump problems that partly caused the shutdown. Councilor Kessler shared a  
23 study that showed the septic tanks on the north side of the lake were draining into Garrison  
24 Lake. Winters sometimes cause overtopping adding saltwater to the lake. Mayor Cox  
25 suggested the fire department use Garrison Lake water.

26  
27 Mayor Cox inquired about new connections. Legal counsel Kudlac advised it could be done  
28 for a short time period through water restrictions, but much more than two months a  
29 moratorium will have to be put in place with a work-out plan. Port Orford is one of the few  
30 cities in Oregon that does not have a section on water restrictions and conservation in the  
31 municipal code. Port Orford has to use state statute since nothing is in the Port Orford code.  
32 Declaration of emergency is required to implement things not in city code. Councilor Burns  
33 would like to get an water restriction ordinance in motion.

34  
35 Legal counsel Kudlac advised that today council should implement water restrictions, so the  
36 public is aware, and possibly curtail some water use. City Council should then start the  
37 process of declaring an emergency and put the resolution in place. Councilor Pogwizd  
38 suggested addressing this as a widespread drought problem, not just a Port Orford drought  
39 situation. After the declaration is written, the City Council will have to vote on it. CA  
40 Ginsburg provided samples of restrictions. Councilor Pogwizd would like to see the word  
41 "suggestion" removed. CA Ginsburg would like to see the right of way permits added.  
42 Restrictions can be put into a letter and sent to the public.

43  
44 John Isadore stated there were 10 or 11 new connection this year. CA Ginsburg advised there  
45 are three pending with three or four new construction that will be requesting soon. Property  
46 owners have the option of a well. Legal counsel Kudlac advised that the pending connections

4 have likely guaranteed to their lenders they have access to water and can finish their build.  
5 This will create a problem with their loans. She suggested not cutting off those that the city  
6 has approved and is in process. Those should be treated the same as people currently on the  
7 water system.

8  
9 New applicants can be delayed. If delayed by moratorium there must be a workout plan  
10 within 60 days, after which there is another timeline to implement the plan. The plan could  
11 be dredging the reservoir, fixing the dam and start the mainline replacement; all of which  
12 needs funding. This might require voters to approve a bond. CA Ginsburg advised that  
13 declaring a state of emergency might qualify Port Orford for emergency funding to help with  
14 infrastructure. Councilor Pogwizd and Mayor Cox spoke with David Brock Smith and  
15 Senator Weiden’s staff about five months ago, both of which stated Port Orford was not on  
16 the current list but possibly the next, which is just around the corner. He suggested a follow  
17 up conversation with them due to new funding available.

18  
19 Councilor Pogwizd moved to declare a state of emergency on the water shortage problem to  
20 include no watering of lawns; no filling of pools or spas; no car washing at home, use  
21 commercial carwash; no new water hookups; water in restaurants only if requested, to  
22 provide bottled water; no power washer usage; no washing of boats, watercrafts, ATVs,  
23 UTVs unless at designated carwash with the exception of commercial fishing fleet, who are  
24 to flush at a reduced level. Indoor water conservation: take shallow baths instead of showers,  
25 saves 15 to 20 gallons per day; showers five minutes or less; do not use the toilet as a  
26 garbage can, excessive flushing wastes water; turn off water while brushing teeth; run only  
27 four loads of laundry and dish washers; use garbage disposal less and compost more.  
28 Collectively this will save millions of gallons per year. This emergency declaration is to be in  
29 place for 60 days starting September 1, 2021 – with Councilor Burns as second. **Motion**  
30 **carried 6-0.**

31 Discussion: CA Ginsburg wants the right of way permits added. Councilor Garratt is  
32 concerned about interfering with construction income.

33 **Councilor Garratt** Yes **Councilor LaRoche** Yes **Councilor Burns** Yes  
34 **Councilor Kessler** Yes **Councilor Tidey** Yes **Councilor Pogwizd** Yes

35  
36 Councilor Pogwizd moved that boring or excavating in city right of ways be suspended for  
37 60 days with Councilor Burns as second. **Motion carried 6-0.**

38 Discussion: None.

39 **Councilor Garratt** Yes **Councilor LaRoche** Yes **Councilor Burns** Yes  
40 **Councilor Kessler** Yes **Councilor Tidey** Yes **Councilor Pogwizd** Yes


41  
42 A declaration of emergency with formal resolution will be drafted and presented at a special  
43 meeting to be scheduled prior to the September 1 deadline. The special meeting can include a  
44 discussion of a moratorium. To inform citizens, a letter will have to go out to the public,  
45 posted on the city webpage, posted on the city Facebook page and posted around town.

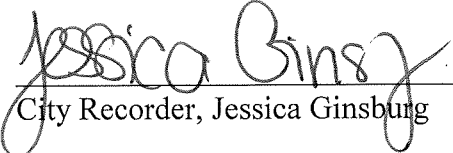
4 Informative information will be sent to city council members and the Port. The Port will look  
5 into dredging in lieu of excavating to prevent damage.

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7 **3. Adjourn:** There being no further business, Mayor Cox Adjourned the meeting at 9:45 a.m.

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Attest:

  
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Mayor, Pat Cox

  
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City Recorder, Jessica Ginsburg