

City of Port Orford
City Council Special Meeting
In the Gable Chambers / Virtual participants
Thursday, November 18, 2021 at 5:30 P.M.

Mayor and Council	Present	City Staff	Present
<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>	Excused
<i>Lorrin Kessler</i>	X	<i>Chief Hobart, Police</i>	
<i>James Garratt</i>	X	<i>Planner Crystal Shoji</i>	
<i>Carolyn LaRoche</i>	X		
<i>Greg Tidey</i>	X		

Others Present: Planning Commissioner Stetson, Planning Commissioner Thelen, Planning Commissioner Rinehold, Representative Brock Smith, Joy May, Kathy Boden and John Shipp, Ann Vileisis, Bret Cecil, Tim Palmer, Joetta Lawrence, Vicki O’Shaughnessy, John O’Shaughnessy, Penny Suess and Dana Gurney, Eric Oberbeck, Dave Bassett, Steve Lawton, Kim Foster, Ogden Kellog Jr., Deanna Brennan, Cheryl Gorn, Summer Matteson, Richard Lathrop, Laurie Prouty, Tom Calvanese, Monica Ward of Curry County, Paul Hewitt, Andy Mehlovitch.

1. Call to Order

President Cox called to order this Meeting of the Common Council on Thursday, November 18, 2021, at 5:31 p.m.

2. Additions to the Agenda: None. The executive session will be rescheduled for December 1.

3. Presentation to Council / Citizens: None.

4. Consent Calendar

a. Approve Minutes October 21, 2021: Councilor Burns moved to approve the minutes for the October 21, 2021, council meeting with Councilor Kessler as second. ***Motion carried 6-0.***

Discussion: None.

<i>Councilor Garratt</i>	<u>Yes</u>	<i>Councilor LaRoche</i>	<u>Yes</u>	<i>Councilor Burns</i>	<u>Yes</u>
<i>Councilor Kessler</i>	<u>Yes</u>	<i>Councilor Tidey</i>	<u>Yes</u>	<i>Councilor Pogwizd</i>	<u>Yes</u>

5. Citizens’ Concerns:

Paul Hewitt addressed three condemnation notices delivered to three addresses in Port Orford that were signed by the county building inspector. He stated the notices cited the incorrect code and feels the proper protocol would be to deliver a certified letter before the condemnation notice is posted on the building. He would like to know if there were actual citizen complaints on the properties, one being 356 7th Street.

4
5 Gary Robertson, resident of the Port Orford urban growth boundary addressed the planning
6 process and zoning regulations being proposed. He would like the council to get more input
7 from associated professionals regarding building heights and vacation rentals rather than just
8 looking at how other cities have handled zoning and ordinance changes.
9

10 **HEARING ORDINANCE 2022-03 BUILDING HEIGHT AMENDMENTS**

11 A history of the ordinance changes in building height amendments was reviewed by Mayor Cox.
12 The Planning Commission submitted recommendations to City Council for consideration.
13

14 **Staff Report:** Planner Crystal Shoji presented the staff report for height amendments 2022-03.
15 Attachment A1 in the packet are the Planning Commission code amendment recommendations.
16 Planner Shoji explained the Planning Commission has 11 exhibits and the order they were
17 received. Planner Shoji advised hearing members that the information from the Port Orford
18 Comprehensive Plan is in italics. Other information provided is not.
19

20 Chapter 1740 from the Port Orford municipal code outlines how the city does their zoning and
21 the comprehensive plan. It states an amendment can be initiated by the city council, planning
22 commission or by application of a property owner or property owners. The process was
23 described.
24

25 Section 1740.040 outlines criteria for text or map amendment. This is a text amendment only.
26 There is no change to the zoning map. The text amendment must comply with Port Orford's
27 Comprehensive Plan goals and policies. The Planning Commission must support their
28 recommendations with materials showing support.
29

30 Statewide Planning Goals outline citizen involvement. This is reviewed with councilors.
31 Statewide Planning Goal 9 addressed economic development. The Planning Commission
32 determined the height restrictions recommended are appropriately supporting economic
33 development.
34

35 Planner Shoji outlined that the Planning Commission referred to Look to the Future for their
36 amendments.
37

38 Planning Commission recommendations:

- 39 1) City Council public hearing is a de novo hearing, meaning the council has the authority to
40 consider all new information.
- 41 2) City Council may adopt, amend, or deny the proposed text amendments presented in
42 proposed ordinance 22-3 including the illustration provided to illustrate two different
43 height limitations within the Marine Activity Zone.
- 44 3) City Council may adopt, amend, or deny any or all of the above findings in order to
45 approve findings that are consistent and support their decision.

- 4 4) City Council can make their decision at this meeting and make any adjustment to the
5 findings that have been recommended by the Planning Commission.
- 6 5) City Council may ask the staff to come back at the next City Council meeting or another
7 meeting to support a different decision or different decisions than the one recommended
8 by the Planning Commission.
- 9 6) City Council can carry over the public hearing or close the public hearing for anymore
10 testimony and make a recommendation today or at another meeting. Any carryover
11 meeting needs to be set to a specific date.
- 12 7) Definitions:
 - 13 a. The word building has been changed to the word structure. A building is a structure,
14 but a structure is not necessarily a building.
 - 15 b. Public: Open to and shared by the citizens of Port Orford for their use and owned,
16 leased or funded by public sources by operations overseen by the city, county or state.
- 17 8) Zone 4C, Commercial – Recommended building height limitation is 35 feet.
- 18 9) Zone 5I, Industrial – Recommended building height limitation is 35 feet.
- 19 10) Zone 7MA, Marin Activity – This zone contains two different height limitations due to
20 topography. Planning recommended 45 feet in the lower part of the zone and 35 feet on
21 the upper level of the zone to comply with neighboring lots.
- 22 11) General Exceptions:
 - 23 a. The section describing the *larger plot of property you own, the higher the height*
24 *restrictions allowed* has been removed from the proposed ordinance.
 - 25 b. Public tsunami evacuation structures have been better defined with the addition of the
26 word “public.”

27
28 Councilor Garratt encouraged a definition for “stories” as in levels of a building added to the
29 ordinance. General definition is basement and attic. He questioned why building was changed to
30 structure in the context but not in the titles.

31
32 **Public Testimony:** Public testimony was opened by Mayor Cox.

33 **Pamela Berndt**, Port Orford resident and Planning Commissioner, attested to a vast amount of
34 research that went into the building height ordinance amendments. Planning Commission
35 findings over the course of more than a year led commissioners to pass the ordinance 2022-03
36 onto the City Council for approval. She urged the City Council to vote yes on ordinance 2022-03
37 as presented today.

38 **John and Vicki O’Shaughnessy**, Port Orford residents, supports ordinance 2022-03 and
39 strongly urged the City Council to approve it as written. They would like the town kept as is.

40 **Jerry Boydston**, Port Orford resident, lives in a two-story house built 2-1/2 years ago. He
41 supports the adoption of this ordinance and feels it will not restrict building height to where a
42 two-story house cannot be built.

43 **Tim Palmer** supports the ordinance for the following reasons: 1) There has been a lot of review.
44 2) Many towns have this, and it works out well. 3) Creative design can solve problems that might
45 come up because of the limit. 4) This is good for the town and good for him personally, because
46 it protects his own property values.

4 **Sara Lovendahl**, Port Orford resident expressed appreciation to the mayor, city council
5 members and staff for their hard work and dedication in consideration of this ordinance. She
6 outlined the history of her support and the actions some citizens took in support of the ordinance
7 amendment of building heights. She feels it is evident the community supports ordinance 2022-
8 03. Ms. Lovendahl delivered a comment from Sharon Rock who could not attend virtually.
9 Sharon asked councilors to vote yes on ordinance 2022-03 as written. Ms. Lovendahl seconds
10 her comment.

11 **Joy May**, Port Orford resident, advised the building height amendments are not unique to Port
12 Orford. Communities everywhere are looking for a balance between offering growth and
13 opportunities for their citizens while still protecting and honoring the unique environments in
14 which they live. She feels the two goals are compatible. She believes ordinance 2022-03
15 achieves that balance. She urges the city council to vote yes on this very important ordinance.

16 **Cathy Boden**, Port Orford resident, expressed appreciation to the city council and mayor for
17 their tireless work put into making the town a better place. She feels the small-town ambiance
18 and natural beauty makes Port Orford special. She owns a long-term rental in Port Orford and
19 has lived in Port Orford for 20 years. She asked city council to follow the recommendation of the
20 planning commission and support ordinance 2022-3.

21 **Ann Vileisis**, Port Orford resident, strongly supports the ordinance and urged councilors to pass
22 it as written. She submitted a written testimony, which provided a lot of reasons why the
23 important ordinance is needed in this community. She provided a timeline showing how long the
24 community has been discussing this idea. She applauds the councilors leadership in this robust
25 process as well as the Planning Commission work. She feels the 35-foot building limitation will
26 address important concerns, bring the town into line with other coastal cities and their height
27 ordinance and will preserve what makes Port Orford special. She feels it will help Port Orford
28 better plan for future growth so it does not get ahead of the capacity of what the water and sewer
29 infrastructure can handle.

30 **Dave Bassett and Eric Overbeck:** Eric Overbeck, past county commissioner, complained that
31 the audio on the virtual meeting is not good for him. Mr. Overbeck is a long-time resident of
32 Curry County. He has a financial interest in a commercial building on Highway 101. He feels
33 the city is rushing on the building height amendments without doing it properly in a live meeting
34 where property owners are given a chance to address their concerns. He feels the GoTo Meeting
35 is not working very well. He respects the hard work commissioners and councilors are doing. He
36 considers what the city is doing is ill advised. He feels it is a taking and does not do anything to
37 unify the city but divides the city further. He feels a lot of those that are voicing support for this
38 ordinance are trying to protect their own investment. He feels this plan does not support future
39 industrial growth and does not support affordable housing. In the aspect of an investor, if he
40 were to buy a piece of commercial property in Port Orford he would have to consider his rate of
41 return on investment. By limiting the footprint and height on commercial property, the city
42 removes any chance of making an adequate return on investment. As a parent, he has two
43 children that would love to live in Port Orford, but they need a job and this limits their
44 opportunity to not only build or develop a business in Port Orford, but to also find an affordable
45 place to live. He stated this was started by people who built their homes in a commercial zone
46 and are now trying to protect their investments. The statements stating that Port Orford cannot

4 provide fire support for a 45-foot-tall building and a big development will use up all water
5 resources and change the smalltown atmosphere and smalltown look of Port Orford are
6 disingenuous. Large commercial buildings have to have built-in fire suppression systems. He
7 appreciated Councilor Garratt's statement defining a story. Stories need addressed.
8 Dave Bassett addressed multiple emails he has sent and asked councilors to read them carefully.
9 He addressed an email from Mae Wang regarding tsunami evacuation and vertical and asked
10 councilors to read that carefully. He encouraged City Council to not act on this ordinance
11 tonight, as it is not ready.

12 **Andy Meholovitch:** Port Orford property owner, expressed agreement with Eric Overbeck. Mr.
13 Meholovitch does not support this ordinance, as he would like to see growth in his property. He
14 has friends that were possibly going to bring a lot of money to this area, but it appears that is less
15 likely. He stated councilors live in a house higher than the ordinance limitations and are voting
16 on the ordinance, which not make any sense.

17 **Steve Lawton,** Port Orford resident, urged City Council to adopt proposed ordinance 2022-03 as
18 written without amendments. He sees that this is not a no-growth ordinance but a well-planned
19 approach to growth. He feels it protects livability and unique character of the community. It is
20 consistent with the vision expressed by local residents in the Looking to the Future report. He
21 feels it helps reduce fire risk and reflects the limited capacity of the water infrastructure. He feels
22 it takes into consideration the real risk of earthquakes and tsunamis. He encourages a yes vote as
23 written.

24 **David Brock Smith,** Representative and city resident, has spent 20 years to manage growth in
25 Port Orford. He helped draft "Looking to the Future" passed in 2006. He has had success in
26 bringing Oregon state dollars to Port Orford and the city of Powers. The state legislature passed
27 money for affordable housing, and he is attempting to bring some of those dollars to the
28 community. In a broader view, the community needs jobs and economic development associated.
29 He agrees with Mr. Overbeck that this ordinance change does not meet Statewide Planning goals
30 9 and 10. In order to build affordable housing, you have to build up and not out. He was on the
31 city council when City Council tried to pass a 15-million-dollar infrastructure package to replace
32 the failing water system. It failed by a few votes. He addressed the 530 million dollars coming to
33 Oregon for water infrastructure funding from the federal government. He is willing to work with
34 council to get some funds to assist in the water system; however, it is difficult for Representative
35 Brock Smith to advocate on behalf of Port Orford while the city is trying to diminish economic
36 develop in the community. It is difficult for him to go to his colleagues and ask for resources at a
37 location that is reducing the potential opportunity to bring in investments that can assist with the
38 overall cost with water and sewer infrastructure. He feels a larger hotel with 60 plus rooms is
39 needed to attract more people to the community. As the city restricts vacation rentals, people will
40 need places to stay. He stated families with children are needed in town to get the resources
41 needed to pay for the schools. Representative Brock Smith suggested Port Orford desperately
42 needs to engage professional services when making these ordinance changes. He advised City
43 Councilor to not move forward with this ordinance and to hire professional services to give
44 recommendations on how to move forward, so that when he goes to advocate for the resources to
45 help Port Orford's failing infrastructure, he can show they are not trying to diminish investments
46 in Port Orford but are trying to attract investors that will help pay for the infrastructures.

4 **Gary Robinson**, EDOBA, has been involved in this process since it first began over a year ago.
5 As a residential and commercial designer, he can adapt to regulations as presented. He sees
6 flaws in the ordinance amendments. He addressed the difference in building heights on flat lots
7 versus sloped lots. He described view angles, which are not drastic. As an example, the viewing
8 angle changes 5.7 degrees from a 35-foot building to a 45 foot building. Commercial buildings
9 require different infrastructure such as higher ceilings. People might develop their property going
10 wider, taking up most of the lot and going up to 35 feet, which might make much more of an
11 impact to adjacent landowners. Building tall rather than wider is more cost effective. He
12 addressed technical issues, such as the definition of how the true height of a building is decided.
13 The language in the ordinance on 1R and 2R zones limits to 2 stories. There needs further
14 research due to his believed errors and omissions in the ordinance as written.

15 **Bret Cecil**, Port Orford resident, expressed appreciation to councilors and the Planning
16 Commission for their work in this ordinance. He introduced himself as a member of the Curry
17 County Indivisible Chapter and Chair of the democratic party in Curry County. As a builder, he
18 has dealt with steep slopes, height limitations, and variations and stated everything can be done.
19 He thinks it is important to protect the character of the city. He feels that a 35-foot building
20 height restriction is a reasonable compromise. He suggested working with David Brock Smith to
21 get some federal money coming from the infrastructure bill to accommodate building and
22 growth.

23 **John Shipp**, Port Orford resident of 22 years, moved here for the small-town atmosphere. He
24 supports the ordinance hoping to keep the town the way it is now.

25 **Steve Montana**, Port Orford resident, agrees with those supporting the ordinance and supports
26 the ordinance as written and strongly urges City Council to approve as written.

27 **Joetta Lawrence**, Port Orford resident, supports the ordinance as written.

28 **Kasi Folden**, Port Orford resident, agrees Port Orford should grow; however she would like it to
29 grow within the boundaries of the charm and personality it has today. She strongly recommends
30 the City Council approve ordinance 2022-03. She addressed the GoTo Meeting challenges
31 people have spoken of, stating she is well over 80 years old and feels if she can successfully
32 attend the GoTo Meeting about everyone else probably can also.

33 **Mark Eason**, new Port Orford resident, strongly supports the ordinance as written.

34 **Barney Eredia**, Port Orford resident, previously lived in Santa Cruz where properties are all on
35 steep hills. Under this ordinance structures would not be able to be built thus not providing
36 housing for the community. He heard that people have been speaking about protecting their own
37 view, not for the benefit of the community but for themselves. He feels this issue has created
38 some polarization in the community. Opposers are concerned with issues that need addressed
39 prior to passing the ordinance. He suggested the city table the ordinance and get more
40 information on the issues people are concerned about in order to address them properly. He feels
41 this would help the city avoid litigation that could occur if ordinance passes as is. Mr. Eredia
42 expressed his appreciation to Mayor Cox for responding quickly to his comments in writing and
43 to all of the council members who are volunteering because they love Port Orford.

44 **Paul Hewitt**, Port Orford resident, addressed the change in verbiage from buildings to structures
45 puts the electricity poles and phone towers taller than the building height recommendations,

4 which might result in lost services. He suggested tabling the ordinance until the verbiage is
5 correct. He feels limiting housing heights limits property values.

6 **Jennifer Head**, Port Orford resident, read a self-prepared written statement. She supports the
7 ordinance to protect the small community atmosphere. She referred to the document, Looking to
8 the Future and reviewed its content written 15 years ago. She feels the community support of the
9 building height ordinance is overwhelming. She feels the value of Port Orford is not linked to
10 building heights or property values but is the unique character and livability. She strongly urges
11 City Council to pass proposed ordinance 2022-03 as written.

12 **Tom Calvanese**, Port Orford resident, spoke in echo of Jennifer Head. He agrees with the
13 importance of the ordinance and appreciates the work put into the ordinance. He speaks in
14 support of ordinance 2022-03 as written and without amendment. He added that job concern
15 should be considered. Jobs in the marine sector are sometimes called blue sector jobs. He spoke
16 of a wage disparity between jobs related to tourism and jobs related to the new blue economy,
17 which are more technical jobs and more advanced training jobs. Those actually bring a living
18 wage to the job holder. There is some significant blue economy redevelopment work underway
19 currently at the Port of Port Orford. Mr. Calvanese expressed appreciation to Representative
20 Smith for his assistance in acquiring the state match necessary to secure an investment from the
21 Economic Development Administration in the amount of 15 to 20 million dollars. Mr. Calvanese
22 encourages councilors to embrace the work that needs to be done to ensure the safety of the
23 residents and visitors of Port Orford in the event of a major earthquake and tsunami. The notion
24 of a tsunami vertical evacuation structure has been presented to the city. Mr. Calvanese provided
25 documents for councilors review.

26 **Aimee Munford**, Port Orford 4-year resident, spoke of her family and how they love Port
27 Orford as it currently is with its charm and ambiance. She encouraged councilors to approve the
28 ordinance as written. She does not want to see any change in the city.

29 **Laurie Prouty**, Port Orford resident, spoke in favor of the ordinance and to keep it as it is.

30 **Court Boyce**, Commissioner, addressed three issues that he will be spending a tremendous
31 amount of time on during his second term: 1) Fire awareness, 2) Housing, 3) Water
32 infrastructure. The water issue is not limited to Port Orford. There is a lot of money coming
33 available that he will work with David Brock-Smith to benefit Port Orford. He recites history
34 stating there has never been a culture, avoid poverty, that lost the middle class. In that sense,
35 small rural communities can lose quality of life, good schools and public safety; which is why
36 housing is an important issue. He encouraged a delay on this ordinance, as anything that might
37 be averse to workforce housing and middleclass home ownership should be considered by
38 council. He expressed appreciation for the council's work and his time to speak.

39 **Cynthia Freeman**, Port Orford resident, expressed appreciation to councilors for their volunteer
40 work and Planning Commission for their extensive work. She is impressed with the process. She
41 feels living wages should be an important discussion. She encouraged councilors to vote yes on
42 2022-03.

43
44 **Due to no additional testimony, Mayor Cox closed the public hearing at 6:57 P.M.**

45
46 **6. Department Reports**

4 **a. Public Works:** Written report was submitted by John Isadore. No deliberation or action
5 needed.

6 **b. Administration:** TLT committee and grant application has been submitted to the city for
7 this year, which will need council time. The water infrastructure funds will begin in
8 spring to summer of 2022. An applicant has been approved for the utility
9 clerk/receptionist job.

10 **c. Finance:** No report.

11 **d. Planning:** No report.

12 **e. Liaison:**

13 **Fire District** – Councilor Garratt reported the fire department is short staffed on
14 personnel/volunteers.

15 **Port** – Mayor Cox reported the redevelopment update will be posted on the Port
16 Facebook page.

17 **Schools** – Councilor Kessler was not able to attend the last meeting. No report.

18 **TLT** – Councilor Pogwizd advised that TLT is looking for volunteers for their
19 committee.

20 **Watershed** – Councilor LaRoche introduced Linda Tarr. Linda Tarr updated on the
21 watershed. She reported Dr. Stewart Reed, restoration biologist with Western Fishes did
22 an evaluation of the city’s dam on Hubbard Creek and habitat above it for the possibility
23 of mitigation to make lamprey passage possible. Return of the lamprey can keep the
24 water clean. Funds from a grant that the Applegate Watershed Council obtained but did
25 not need can cover the cost. Jessica will send the engineering plans for this project when
26 available to Linda Tarr. This project will not interfere with the city’s use of the reservoir
27 including dredging. Mayor Cox would like this topic added to the agenda for next
28 meeting.

29 Linda Tarr reported that the Port Orford Watershed Council voted unanimously to urge
30 the City Council to listen to and take into consideration the assessment of the city public
31 works manager and administrator in regard to the efficacy of issuing new permits for city
32 water service.

33 **Parks:** Councilor Tidey reported the Parks Commission did a walkthrough of Buffington
34 Park. Six of the seven commissioners attended. The commissioners have developed a top
35 10 list of projects for the year.

36 **Emergency Management** – Councilor Burns reported they are working on the education
37 aspect. He met with Jessica and Monica Ward regarding the county emergency plan.

38 **Main Street:** Councilor Burns is now the Main Street liaison. Main Street would like to
39 know if they will be representing the city for advertising as in the past. They publicize in
40 magazines and shows. Councilors will deliberate next month and clarify info with Main
41 Street and new volunteers.

42 Main Street would like permission to paint their new design for Oregon Street where the
43 pavement sign was paved over. Arts Council also has a design, and the public might want
44 input. Conversation will have to be held prior to council deliberations.

45 Main Street would like to use a portion of the Visitor’s Center for storage and small
46 office. Park Commissioners will meet with Main Street to better understand their need.

4 Redfish Rocks was contracted for Visitor’s Center use at one time. Tom Calvanese
5 requested Parks meet with Redfish regarding this topic. City Councilors agree to delegate
6 this topic to the Parks Commission by consensus.

7 **Health** – No report.
8

9 **7. Old Business**

10 **a. Seasonal Gas Tax:** An example of the ordinance was provided to the councilors that is a
11 business license angle of fees. Councilor Garratt suggested the city does not go the
12 business license direction. It is not a recommended direction nor is it the state approved
13 method. There is a state approved method, which would be the stronger way to go. The
14 business license fee does not require a vote from the population; however, due process
15 should be exercised with public involvement. Councilor Garratt encouraged councilors to
16 go the route of an actual gas tax. The State of Oregon will administer the tax without
17 hardships to the fuel stations. Councilors agree by consensus to avoid the business license
18 method. Councilor Garratt reminded councilors that the Sate of Oregon has some
19 regulations on what the tax is used for. The public will want to see a specific road benefit.
20 Councilor Burns suggested three cents a gallon, which is an estimated \$9,000 a year in
21 revenue. CA Ginsburg suggested adding it into this election in lieu of a special election,
22 which costs more money. She will provide cost of adding this to the ballet next meeting.
23

24 **b. Vacation Rentals:** Mayor Cox advised a workshop is needed to discuss directions to
25 give to the Planning Commission. Councilor Burns suggested giving the residential part
26 only to the Planning Commission allowing them to start studying.
27 Councilor Burns moved to ask the Planning Commission to look into short-term vacation
28 rentals in R1 and R2 zones with Councilor Pogwizd as second. **Motion carried 5-1.**
29 Discussion: Councilor Garratt hesitates to give planning the ambiguous instructions while
30 they still have not resolved their current item. He felt having a workshop prior would be a
31 better direction.

32 **Councilor Garratt** No **Councilor LaRoche** Yes **Councilor Burns** Yes
33 **Councilor Kessler** Yes **Councilor Tidey** Yes **Councilor Pogwizd** Yes
34

35 **c. A-Frame Discussion:** The Arts Council has chosen to vacate the A-frame.
36 Reimbursement is discussed. CA Ginsburg suggested charging Parks for the rental since
37 the Arts Council made contract payments. Mayor Cox advised it is not appropriate since
38 Parks is a city entity and the A-frame is a city property. Councilor Pogwizd is concerned
39 about insurance coverage. CA Ginsburg stated there is a 7,000 to 8,000 dollar
40 reimbursement due to the Arts Commission for their refurbishments and electricity.
41 Councilor Burns stated the sum will need reworked since there are items Parks will not
42 want. Councilor Tidey moved to table this pending additional information on
43 reimbursements with Councilor Burns as second. **Motion passed 6-0.**
44 Discussion: The motion is clarified that it is to table until there is more information on
45 compensation. Councilor LaRoche asked for clarification on timing.

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

Councilor Kessler Yes *Councilor Tidey* Yes *Councilor Pogwizd* Yes

d. **First Reading Ordinance 2022-03, Building Height Amendments:** The reading can be by title or in full. Following the reading, a motion is needed to move on to the second reading. Mayor Cox read the first reading by title.

Councilor Burns moved to pass ordinance 2022-03 onto a second reading with Councilor Tidey as second. ***Motion carried 4-2.***

DISCUSSION: Councilor Garratt moved to table until the January meeting. Motion died due to lack of a second. Councilor Garratt stated there were serious verbiage issues. He recommended proceeding with severe caution. The definition of a story as used will restrict a house to a basement and attic. He feels it is an unrealistic expectation. He addressed concern by citizens that due process was not followed in that the mail-out was not received by some citizens. He feels that should be investigated before this vote continues. There are other technical issues, such as building on slanted ground. Councilor Pogwizd agreed with some items Councilor Garratt brought to attention. Mayor Cox reminded councilors they sent this ordinance to Planning suggesting 35 feet, not stories. Councilor Pogwizd agreed it was sent to Planning without outlining how many stories could be put into a structure so long as it met the height restriction. He is concerned about the 6000 square foot site plan review in the 10-MU. He questions the impact on economic development and affordable housing. Legal Council Kudlac reassured Councilor LaRoche that the ordinance is legal. Planner Shoji clarified that two stories is not something that is being added in this ordinance amendment. It was added to the code last year, thus is already in the code. She suggested that be changed now if councilors want it changed.

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

Councilor LaRoche moved to continue the meeting past the time limitation with Councilor Tidey as second. ***Motion passed 5-1.***

Discussion: Councilor Garratt needed to excuse himself from the meeting due to prior engagement.

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

e. **Second Reading Ordinance 2022-03:** Councilors agree for the reading to be read by title. Mayor Cox performed the second reading by title.

Councilor Kessler moved to approve ordinance 2022-03 with Councilor Burns as second. ***Motion carried 4-1.***

Discussion: None.

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

8. **New Business:**

4 a. **Water Curtailment Ordinance 2022-04-Draft Review:** A draft of the proposed
5 ordinance has been reviewed by councilors. Mayor Cox identified on page 1, Hubbard
6 Creek holding pond is identified but the tank needs added. Legal counsel Kudlac will
7 review legalities of giving the authority to public works. Councilor Kessler would like the
8 levels defined allowing curtailment. Mayor Cox stated council needs to define how they
9 want to regulate, by multiple or by amount. Councilor Pogwizd is concerned that there
10 already increasing block grants, which increased water as people use them. It appears that
11 they are doing it again on top of what is there. Councilor Pogwizd read the portion stating
12 that no person or customer shall sprinkle water or irrigate any shrubbery, trees, lawns,
13 grass, ground covers, plants, vines, flowers, garden or any other vegetation. He does not
14 agree that people cannot grow their own food. He is also concerned that a person cannot
15 rinse his construction equipment just as a commercial fisherman can rinse his boat.

16 b. **TLT Committee Appointment – Steve Courtier:** Councilor Burns moved to approve
17 the appointment of Steve Courtier to the TLT Committee with Councilor Pogwizd as
18 second. *Motion carried 5-0.*

19 Discussion: None.

20 *Councilor LaRoche* Yes *Councilor Burns* Yes *Councilor Kessler* Yes
21 *Councilor Tidey* Yes *Councilor Pogwizd* Yes

22 c. **Liquor License Approval – Mr. Ed’s:** Councilor Burns moved to approve the liquor
23 license for Edward Houck with Councilor Kessler as second. *Motion carried 5-0.*

24 Discussion: None.

25 *Councilor LaRoche* Yes *Councilor Burns* Yes *Councilor Kessler* Yes
26 *Councilor Tidey* Yes *Councilor Pogwizd* Yes

27 d. **Right of Way Usage License – 28 Geer Circle:** Councilor Burns moved to approve the
28 right of way request for 28 Geer Circle with Councilor Pogwizd as second. *Motion*
29 *carried 5-0.*

30 Discussion: This is approved by public works contingent on a line locate.

31 *Councilor LaRoche* Yes *Councilor Burns* Yes *Councilor Kessler* Yes
32 *Councilor Tidey* Yes *Councilor Pogwizd* Yes

33 e. **Right of Way Usage License – 1080 Lake Shore Dr:** Councilor Burns moved to
34 approve the right of way request on 1080 Lake Shore Drive with Councilor Kessler as
35 second. *Motion carried 5-0.*

36 Discussion: This involves boring and was approved by public works contingent on a line
37 locate.

38 *Councilor LaRoche* Yes *Councilor Burns* Yes *Councilor Kessler* Yes
39 *Councilor Tidey* Yes *Councilor Pogwizd* Yes

40 f. **Approval of New Employee Manual –** Councilor Pogwizd moved to approve the new
41 employee manual as written by CIS with Councilor Kessler as second. *Motion carried*
42 *5-0.*

43 Discussion: None.

44 *Councilor LaRoche* Yes *Councilor Burns* Yes *Councilor Kessler* Yes
45 *Councilor Tidey* Yes *Councilor Pogwizd* Yes

4 **g. Approval of Parks Commission Top Ten Goals:** Councilor Pogwizd moved to
5 approve the top ten goals of the Parks Commission with Councilor LaRoche as second.
6 **Motion carried 5-0.**

7 DISCUSSION: Mayor Cox asked Legal Counsel Kudlac if this will affect the Parks
8 Master Plan. Legal Counsel Kudlac agrees the Master Plan and the goals need to be in
9 unison. The Master Plan is the governing policy document for Parks Commission.
10 Councilor Burns suggested the Parks Commission establish findings showing how the
11 plan addresses the Master Plan. Councilor Pogwizd observed the top 10 goals appears to
12 be maintenance for the most part.

13 **Councilor LaRoche** Yes **Councilor Burns** Yes **Councilor Kessler** Yes
14 **Councilor Tidey** Yes **Councilor Pogwizd** Yes

15
16 **9. Considerations**

17 **a. Citizens:**

18 Steve Lawton expressed appreciation to the City Council for volunteering and listening to
19 citizens. He supports the workshop to help define the issues around vacation rentals. Mr.
20 Lawton complimented the work and thoroughness of the Planning Commission. He
21 expressed the importance of addressed the water infrastructure.

22 **b. Staff:**

23 **c. Councilor:** Councilor Pogwizd expressed his appreciation to Parks and Planning
24 commissioners.

25 **d. Mayor:** Mayor Cox addressed the process of receiving letters. He wants the public
26 informed that the city is well aware of the water infrastructure concerns. He asked the
27 water structure funding to be added to the agenda for the next meeting. Mayor Cox is
28 concerned about the lack of enforcement of the Dark Sky Ordinance. Police Chief Hobart
29 commented that the ordinance does not allow police participation. The complaints must
30 go to city hall in writing.

31
32 **10. Future Meetings**

33 **Wednesday, December 1, 2021, Executive Meeting.**

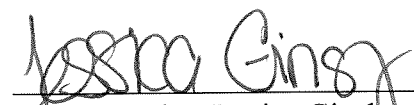
34 **Thursday, December 16, 2021, Regular Council Meeting 5:30 virtual.**

35
36 **11. Adjourn:** There being no further business, Mayor Cox Adjourned the meeting at 8:23 p.m.
37

38
39 Attest:

40
41
42 

43
44 Mayor, Pat Cox


45
46
47
48 City Recorder, Jessica Ginsburg