

**City of Port Orford
City Council Meeting Minutes
In the Gable Chambers / Virtual participants
Thursday, May 20, 2021 at 3:30 P.M.**

Mayor and Council	Present	City Staff	Present
<i>Pat Cox, Mayor</i>	X	<i>John Isadore, Public Works</i>	X
<i>Gary Burns</i>	X	<i>Shala Kudlac, City Attorney</i>	X
<i>Tim Pogwizd, President</i>	X	<i>David Johnson, Finance and Admin</i>	X
<i>Lorrin Kessler</i>	X		
<i>James Garratt</i>	X		
<i>Carolyn LaRoche</i>	X		
<i>Greg Tidey</i>	X		

Media Present:

Others Present: Cynthia Stetson, Dana Gurnee, Penny Suess, Katie King, Mari Lochhaas, David Duncan, Gary Anderson, Ann Vileisis, David Brock Smith, Rowland Willis, Roland Rodriquez, Joy May.

1. Call to Order

Mayor Cox called to order this Regular Meeting of the Common Council on Thursday, May 20, 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: 3A, Presentations to Council/Citizens will be removed. The presenter wishes to wait for an in-person meeting. Additions to 8A, New Business are the appointments to the Budget Committee and to Parks Commission.

3. Presentations to Council/Citizens: None due to cancellation.

4. Consent Calendar – Councilor Kessler moved to approve April 15, 2021 council minutes with Councilor Burns as second. *Motion and second rescinded.*

Discussion: Incorrect title identifying Mayor/councilor in the minutes.

Councilor Kessler moved to approve April 15, 2021 council minutes with amendments as discussed with Councilor Burns as second. *Motion carried 6-0.*

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

5. Citizen Concerns:

Representative David Brock Smith attended virtually from Salem and advised there was a short timeline for congressional directed spending requests, thus he submitted a 10-million-dollar water infrastructure request for Port Orford. The request is not likely to be honored, but it does put Port Orford on the radar for Biden’s infrastructure package in the future.

4 Ann Vileisis, local resident and representative of the Kalmiopsis Audubon Society, urges
5 adoption of the upgraded Outdoor Lighting ordinance. She feels the ordinance is a solid new
6 code and has strong community support. Ms. Vileisis is not clear on what the public process
7 is to move forward towards completion and adoption. She asked that it be made clear when
8 discussing this today.

9
10 Brett Cecil, Port Orford resident, expresses support of the dark sky ordinance. He has
11 reviewed the draft and observed the demo lights on Oregon Street. He reported the light was
12 quite different than the other lights.

13
14 Joy May, Port Orford resident, reiterates what is previously stated by citizens regarding the
15 dark sky ordinance. She is interested to see what the process will be in going forward, as she
16 would like to be involved in supporting the ordinance.

17
18 **6. Departmental Reports:**

19 a. Public Works: Public Works superintendent, John Isadore, presented a detailed printed
20 report to council members. He updated that the contact tank is set and dichlorination and
21 decontamination plans have been through processes. They are waiting on results of
22 testing. They are hoping for final hookup next Tuesday. Public works is working with
23 circuit writers this week and have learned valuable information. Wastewater has blower
24 issues. Wastewater circuit writer has been contacted and will come help with balance
25 issues due to grit or UV systems. UV system parts were ordered today.

26
27 Three lots have been sold in the Gold Run subdivision. Water distribution system looks
28 usable. Valves have been located. Two-thirds of the meter boxes have been found. It
29 appears at least eight services have been installed. The main and upper lines have been
30 flushed. Once the remaining meter boxes and valves are located the entire system will be
31 flushed, chlorinated and flushed again. The wastewater lift station appears salvageable.
32 Reese Electric has been scheduled in the next week or so. The control system, breakers,
33 and electrical will be redone. Ownership of responsibilities will be researched. Finance
34 Director Johnson will research and confirm if the service development charges in the
35 Gold Run subdivision have been paid.

36
37 Mr. Isadore expressed the importance of finding another wastewater treatment plant
38 operator as soon as possible.

39
40 b. Admin/Finance: Interim CA Johnson presented a detailed printed financial and
41 administration report to council members.

42
43 c. Planning: Mayor Cox suggested future interactions with the Planning Commission
44 within legal protocol. Legal Counsel Kudlac advised it is common for City Councils and
45 Planning Commissions to have workshops normally twice or once a year for goal setting
46 workshops.

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- d. Fire District: Councilor Garratt reported the fire department is heavily waiting on the contract. The fire district has a good quantity of volunteers currently.
- e. TLT: Councilor Pogwizd will present questions at the staff meeting this week.
- f. Watershed: Conservation Fund is now the new owners of the Wilson Parcel. Watershed education is being made available to the public. David Johnson has applied for a grant to fund forest management. They have been tree planting at the watershed.
- g. Port: Mayor Cox reported it is budget time for next year. They are waiting on funding. Geological work is set up.
- h. Parks: Councilor Tidey reported Parks Commission has received an application for commissioner from Ciaran Fraser. Her application was supported by other Parks commissioners. A younger voice to the commission is appreciated. A frisbee golf course at Buffington Park was discussed. It is financed. The city has the pavers. Baskets were paid for by Travel Oregon.
- i. School District: Councilor Kessler reported he will be attending the next school district meeting to introduce himself and his purpose as liaison.

7. Old Business:

- a. Port Orford Rural Fire Protection District contract acceptance: Councilors have reviewed the contract. Gary Anderson, David Duncan and Mari Lochhaas from Port Orford RFPD are in attendance. Councilor Burns moved to approve the intergovernmental agreement between the City of Port Orford and the Port Orford Rural Fire Protection District for fire protection services with Councilor Kessler as second. ***Motion carried 5-0.***
Discussion: Representatives of Port Orford RFPD expressed appreciation to Dave Johnson for the effort he put into the contract negotiations.

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

- b. Grant funding for Emergency Plan Coordinator: Councilor Burns has been organizing an emergency plan. In his efforts he located someone to create the emergency plan. The city will attempt to fund the plan with grant money with the approval of the City Council. Councilor Burns will attempt to create a Department of Emergency Response for the City of Port Orford that will be under the supervision of the City Administrator. A Department of Emergency Services is required prior to grant funding. Councilor Burns moved to create a Department of Emergency Services to be under the direction of the administrator of the City of Port Orford with Councilor Kessler as second. ***Motion carried 6-0.***

4 Discussion: Motion was clarified. Administrator position and job description was
 5 clarified. Funding and budget were discussed.

6 *Councilor Garratt* Yes *Councilor LaRoche* Yes *Councilor Burns* Yes
 7 *Councilor Kessler* Yes *Councilor Tidey* Yes *Councilor Pogwizd* Yes
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9 c. Review draft Dark Sky Ordinance: Mayor Cox reported on a productive workshop
 10 meeting with planning commissioners who advised council what is needed to finish this
 11 ordinance. Planning commissioners were advised council was happy with what they have
 12 finished and is asking them to complete the directions given to them today. Legal Counsel
 13 Kudlac advised on the forward process. The dark sky ordinance was removed from the
 14 land use code in the past, which makes it separate from the zoning ordinance. It has to be
 15 adopted the same way as any other city ordinance with two readings, etc. as set out in the
 16 charter. When Planning sends the ordinance back to Council for adoption, it needs to be
 17 very near completion. Councilor Pogwizd questioned enforcement of the ordinance. Five
 18 years for compliance is questioned. Councilor Garratt stated 5 years is common for far
 19 reaching ordinances to allow population time to adapt. If the population is given
 20 appropriate notice and five years, action can be swift and harsh. Five years ensures that
 21 nobody has reason to complain and gives future city council members to make changes
 22 they feel necessary. Legal Counsel Kudlac informed council that the public has 180 days
 23 to mitigate the offending light. If the light cannot be brought fully into compliance, it then
 24 has to be removed within five years. She supports the five-year time period.
 25 Mayor Cox asked for a consensus on accepting what has been received from Planning as it
 26 is written. **Consensus passed 6-0.**

27 *Councilor Garratt* Yes *Councilor LaRoche* Yes *Councilor Burns* Yes
 28 *Councilor Kessler* Yes *Councilor Tidey* Yes *Councilor Pogwizd* Yes
 29

30 d. Reschedule City Council meetings to 5:30 p.m.: Mayor Cox advised that by starting
 31 meetings at 5:30 more people will be given the opportunity to speak.
 32 Councilor Garratt moved that council rules be amended to state meetings will begin at
 33 5:30 p.m. with Councilor Tidey as second. **Motion carried 6-0.**
 34 Discussion: Councilor Pogwizd would like to see meetings that begin at 5:30 p.m. be
 35 given a cap of about 2 hours, making 7:30 a deadline. Legal Counsel Kudlac advised that
 36 City Council can adopt a provision in the council rules that states any meeting beyond two
 37 hours has to be extended by motion.

38 *Councilor Garratt* Yes *Councilor LaRoche* Yes *Councilor Burns* Yes
 39 *Councilor Kessler* Yes *Councilor Tidey* Yes *Councilor Pogwizd* Yes
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41 Councilor Garratt moved to amend the council rules to dictate that any meeting over two
 42 hours requires a motion by the council to proceed with the meeting with Councilor Burns
 43 as second. **Motion carried 6-0.**

44 Discussion: None.

45 *Councilor Garratt* Yes *Councilor LaRoche* Yes *Councilor Burns* Yes
 46 *Councilor Kessler* Yes *Councilor Tidey* Yes *Councilor Pogwizd* Yes

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6 **8. New Business:**

7 **a. Appointment to Budget Committee:** Councilor Pogwizd moved to appoint Ann Vileisis
8 to the budget committee with Councilor Kessler as second. *Motion carried 6-0.*

9 Discussion: This is a 4-year term.

10 *Councilor Garratt* Yes *Councilor LaRoche* Yes *Councilor Burns* Yes
11 *Councilor Kessler* Yes *Councilor Tidey* Yes *Councilor Pogwizd* Yes
12

13 **b. Appointment to the Parks Commission:** Councilor Tidey presented a report on
14 applicant Ciaran Fraser. Councilor Tidey moved to appoint Ciaran Fraser to the Parks
15 Commission with Councilor Burns as second. *Motion carried 6-0.*

16 Discussion: None.

17 *Councilor Garratt* Yes *Councilor LaRoche* Yes *Councilor Burns* Yes
18 *Councilor Kessler* Yes *Councilor Tidey* Yes *Councilor Pogwizd* Yes
19

20 **9. Considerations**

21 **a. Citizens:** None.

22
23 **b. Staff:** None.

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25 **c. Councilors:**

26 Councilor Garratt reported it was brought to his attention that some volunteers were
27 neglected who put in a lot of time. Councilor Garratt would like to make sure people that
28 participate in city government get a little bit of recognition even if just as a simple brief
29 announcement at a City Council meeting. Councilor Garratt reported that people who
30 contributed materially do not receive proper recognition such as Mary Yoder who
31 contributed city hall and the property it resides on and is not recognized publicly.
32

33 Councilor Garratt reminded councilors that they have had discussions prior changing the
34 method of which people are appointed. It was suggested this be done by a procedure or
35 policy in place where the appointed would present a written statement why they feel they
36 would be beneficial and then present themselves to the council.
37

38 Councilor Burns discussed going back to in-person council meetings. Prior to each
39 meeting, the current county status can be found, and appropriate indoor mandates met.
40 Interim CA Johnson will research the process of getting back to regular meetings. The
41 county is currently having in-person meetings. Councilor Pogwizd supports in-person
42 meetings; however, he supports this without a mask due to the length of meetings.
43

44 Councilor Burns asked if there is any way for city property owners who do not live in the
45 city limits to vote during elections. Legal Counsel Kudlac stated the actual city limits will

4 have to be extended to annex those properties in. Location of residence, not business,
5 dictates voting power.

6
7 Councilor Kessler confirmed next meeting will be at 5:30. He questioned this year's
8 Fourth of July city celebration. Councilor Burns confirmed the fire department will shoot
9 off fireworks this year. The Jubilee has the permit and supplies.

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11 **d. Mayor:** None.

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13 **10. Continuing Action Items:**

14 **a. Vacation Rentals:** Councilor LaRoche is concerned about the additional vacation rentals
15 in Port Orford that is not bringing revenue to the city. The transient tax is required for
16 vacation rentals. The vacation rentals on the list are being taxed. The vacation rental list
17 should be updated.

18 **b. Board of Appeals:** Not addressed.

19 **c. Planning Procedures:** Councilor Burns would like a workable vision for the City of Port
20 Orford's future. Legal Counsel Kudlac referred to the comprehensive plan for that vision.
21 The comprehensive plan can be amended, but it is a land use issue that would heavily
22 involve the city planner. This will be added to next month's meeting agenda.

23 **d. ADU's:** There will be a presentation at next month's meeting. Councilor Garratt stated
24 ADUs have been heavily covered in the past. The conclusion was that the problem was
25 enforcement. It was decided to not create more rules if not able to enforce the rules.
26 Mayor Cox agrees building enforcement needs establish prior to moving forward, but he
27 feels there is merit in ADUs.

28 **e. Seasonal Gas Tax:** To be added to the agenda next month's meeting.


29
30 **11. Future Meetings:**

31 Thursday, June 17, 2021, Regular Meeting of the Common Council at 5:30 p.m.

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33 **12. Adjourned**

34 There being no further business, Mayor Cox adjourned the meeting at 4:47 p.m.

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36
37
38 Attest:

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40
41 
42 _____
43 Mayor, Pat Cox

City Recorder, David Johnson