

City of Port Orford
City Council Meeting Minutes
In the Gable Chambers
Thursday, October 15, 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>David Johnson, Finance</i>	X
<i>Lorrin Kessler</i>	Excused		
<i>James Garratt</i>	X		
<i>Carolyn LaRoche</i>	X		

Media Present:

Others Present: Erin Minster, Max Beeken

1. Call to Order

Mayor Pogwizd called to order this Regular Meeting of the Common Council on Thursday, October 15, 2020 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: Watershed will be discussed under department reports.

3. Presentations to Council/Citizens: None.

4. Consent Calendar – Councilor Burns moved to approve the minutes for the council meeting of August 20, 2020 with Councilor Cox as second. ***Motion carried 4-0.***

Discussion: None.

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

Councilor Garratt **Yes**

5. Citizen Concerns: None.

6. Departmental Reports:

Mayor: Mayor Pogwizd introduced Linda Tarr of the watershed who addressed the Wilson parcel. Ms. Tarr is concerned about the parcel because of the high price of timber and the tributary streams on steep slopes that are a concern for DEQ. The forester from Lone Rock Timber confirmed Mr. Wilson has put the parcel up for sale with a broker. If Lone Rock gets the bid, they will work with the city on a purchase price when logged in 2024. Funding is available to purchase property of a critical nature in a watershed, but it would take significant work and time to get the financing together. The city can partner with Wild Rivers Land Trust, Sustainable Northwest, and possibly Ecotrust. DEQ will assist. A City Councilor would have to work with the groups to put finances together for purchase prior to clear cut or

work with ODFW and eventual owner to minimize the damage of clear cutting. Clear cutting can increase sedimentation in the water reservoir, which will increase the cost of water treatment. Councilor Garratt agreed to work with the watershed on this Wilson parcel. Ms. Tarr will provide appropriate contact information for Sustainable Northwest and the watershed council. Ms. Kudlac will compose a letter to the landowner.

Mayor Pogwizd provided a letter requesting the city open the Community Center for the annual Christmas dinner. COVID restrictions are reviewed. Current local guidelines will need followed. The event organizer will have to provide a social distancing officer. The event organizer needs to provide information on how they will comply with COVID guidelines. By consensus, city councilors agree to have CA Richards contact the event organizer for that information.

Administration: CA Richards reported on the grit system. There is more than one version of what is to happen with the grit system. CA Richards will schedule a meeting next week with the Dyer engineer, sewer plant operator, Councilor Burns and Councilor Cox onsite to discuss the versions and what is going to need done. Dyer can modify the task order if needed.

CA Richards shared the dredging proposal, which is 750 for immobilization and 750 for demobilization, 215 to use excavator with 80 dollars an hour for the operator at a minimum of 4 hours for a total of \$2,680. She shared a time and material contract to provide equipment and labor for City of Port Orford's water reservoir dredging consisting of 320 long-reach excavator with a 60-foot boom and biodegradable hydraulic fluid, operator, 5-yard dump truck and driver. The city is to have responsible personnel onsite at all times for layout, control of excavation depths, disposal and to supervise all removal operations. Billeter Marine, LLC will not be responsible for any of the damage to existing structures. Equipment is booked through October. Not included are permits, locates, erosion, sediment control, survey testing, sounding for depths or limits of removal, repair of gate valve at discharge of reservoir. Councilor Cox advised that dragging can rip the lining and the water will drain out, thus the need for the dredge. Billeter has a laser to prevent lining damage; however, the city is responsible for the damage if it occurs. Mayor Pogwizd reported they can only move 25 yards of silt. Councilor Cox suggested waiting until next November allowing time to replace the valve, which will then allow the silt to blow out. Currently there is approximately eight feet of silt above the valve. Mayor Pogwizd requested Commissioner Cox research information and share the information in a meeting next week.

CA Richards reported a date set for the 23rd at 1:30 p.m. for a pre-con meeting regarding the contact time. She is finishing the Oregon Street paving contract and will be submitted to David for review. It can then go out to bid and can begin when weather permits.

Mayor Pogwizd addressed the problem with bats at the A-frame. CA Richards will follow up on the bat problem.

Councilors: Councilor Burns is concerned that beginning skateboarders are hopping on the bench in the pickle ball court damaging the court surface. Currently the pickleball courts are locked in the evening and open during the day. Councilor Burns will be meeting with Frank Shores hopefully this weekend to see what elements can be added to the skate park to provide the skate boarders what they enjoy. Possibly a key can be provided to a local pickleball user in order to keep the courts locked when not in use. Councilor Burns will contact Parks Commission regarding this problem.

Councilor Cox updated councilors on the Port. The Port had their basin cleaned out and dumped at the city contained in a dumpster being dealt with by the Port.

7. Old Business

A. Watershed IGA Grant Extension.

Councilor Cox moved to approve the watershed IGA Grant Extension with Councilor Burns as second. *Motion carried 4-0.*

Discussion: As part of the Oregon Health Authority grant, there are some options in removing the gorse and some other invasive species in that area. The city is the owner of the property and the city holds the easement. There has been some discussion around having a third party hold the conservation easement, which would bring it into better compliance. Wild Rivers Land Trust representative, Max, adds that with the Wild Rivers Land Trust board will accept the conservation easement if the city wants to work with them and transfer it. Costs can come from grants, etc. to no expense the city's budget. This is a bit of a procedure that can take two or three years to complete. Erin advised that they had to decouple the work in the OHA grant from the conservation easement. This is a reason they had to ask for an extension in the modification. She supports the city moving forward with Wild River Land Trust holding the easement to avoid conflict of interest.

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

Councilor Cox moved to approve the intergovernmental agreement between the City of Port Orford and the Curry Soil and Water Conversation District with Councilor Burns as second. *Motion carried 4-0.*

Discussion: As above

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

Councilor Cox moved to approve Wild Rivers Land Trust to begin the process of assigning the watershed conservation easement subject to review of future documents with Councilor Burns as second. *Motion carried 3-1.*

Discussion: As above.

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

B. Ordinance 2021-01 Burn Ordinance Second Reading.

Mayor Pogwizd reads that this is an ordinance of the Common Council of the City of Port Orford amending ordinance 2015-05 to extend the burn period.

Councilor Burns moved to pass ordinance 2021-01 Burn ordinance in its second reading with Councilor Garratt as second. *Motion carried 3-1.*

Discussion: Councilor Cox asked if the fire department was contacted asking to exempt fires that do not coincide with Coos Forest Protective directives. Councilor Garratt reminded that council had agreed to pass this ordinance amendment and make further modifications to the ordinance at a later date.

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

8. Considerations:

A. Citizens:

Ann asks councilors for clarification on the process related to the Outdoor Lighting Ordinance. She understood that the ordinance was sent back to the Planning Commission for adjustment on specific issues; however, she did not see it on the agenda. Ann mentioned regarding the streetlights on highway 101 CCEC offered to post a sample lighting fixture. Ann asks that the mayor and council consider the request. CA Richards confirmed the Outdoor Lighting Ordinance went back to the Planning Commission, and the city has not received anything back, thus it is not on the agenda. Legal counsel Kudlac explained that if the Planning Commission makes revisions, the Planning Commission will have to hold a hearing and send it back to council for another hearing. Motions cannot be made at a workshop.

Councilor Cox moved to send the lighting ordinance back to planning for further research with Councilor Burns as second. *Motion carried 4-0.*

Discussion. Councilor LaRoche stated this comes after the first reading and feels they could pass the ordinance and make amendments later to avoid going back to a first reading. Legal Counsel Kudlac advised they are not at the readings yet. At this point, when the ordinance is passed back to Planning, new hearings will have to be held.

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

B. Staff: None.

C. Councilor:

Councilor Garratt was not in attendance when the decision was made to extend the paving project on Port Orford Loop. He feels that at the point where they terminated the paving, being the same as previous points is making the same mistake as prior and will lead to increased rapid degradation in the corner. He feels they should continue paving around the corner to a more suitable stopping point. CA Richards reported that until Dianna can prove otherwise, her property pins go over to the fence line of the RV park, so that section is not the city's to pave. Councilor Cox suggested contacting ODOT to pave the next 20 feet to get around the corner. CA Richards can advise the county that

there is concern about where the pavement ends. Tide Water can also be contacted with the information on the location of the paving seams.

Councilor Garratt reminded council that burning has been opened. They have already received a fire response call due to fire escaping the burn barrel. Councilor Garratt asked if there is a plan in place to reopen city offices when appropriate. CA Richards advised a plan including appointments, masks, one person at one time, protective barrier between public and employees, drop box etc.

Councilor Burns asked CA Richards if she had contacted the county asking if the city has any say in requests for amendment on building permits. CA Richards emailed but has not heard back and will pursue contact this week.

D. Mayor:

Mayor Pogwizd offered his appreciation to the city councilors and staff for all they do. He will be running for city council this election.

9. Future Meetings:

Thursday, November 19, 2020, Regular Council Meeting at 3:30 p.m. by virtual meeting.

10. Adjourned

There being no further business, Mayor Pogwizd adjourned the meeting at 5:13 p.m.

Attest:



Mayor Tim Pogwizd

City Recorder, Terrie Richards