

**City of Port Orford**  
**City Council Meeting Minutes**  
**In the Gable Chambers / Virtual participants**  
**Thursday, March 18, 2021 at 3:30 P.M.**

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

Media Present:

Others Present: Gary Anderson, Mari Lockhaas, Dana Gurnee, Penny Suess, Rowland Willis, Luke Pyke Cynthia Stetson

**1. Call to Order**

Mayor Cox called to order this Regular Meeting of the Common Council on Thursday, March 18, 2021 at 3:32 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:** Item 11, future meetings should read that the next meeting will be April 15, 2021.

**3. Presentations to Council/Citizens**

None scheduled. Curry Transfer and Recycling (CTR) are present for a presentation if desired. See 8A.

**4. Consent Calendar** – Councilor Burns moved to approve February 18, 2021 council minutes with Councilor Kessler as second. *Motion carried 6-0.*

Discussion: None.

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

**5. Citizen Concerns:** None.

**6. Departmental Reports:**

a. Public Works: Public Works superintendent, John Isadore, presented a detailed paper report to council members. He spoke on the contact tank, which is proposed for completion end of September. Port Orford water break, still missing a valve on Madrona. This will stay on the worklist until completion. They are working through issues and repairs in wastewater. All items will remain on the list until complete. ODOT repave will

4 bid in October and start in summer. Public works will perform preparation for the project.  
5 Gold Run subdivision. An update was given. Mayor Cox asked about the condition of the  
6 grit system. Mr. Isadore reported they will do more investigating to see if they can repair  
7 it prior to replacement.

8  
9 Mayor Cox asked about a timeline on the contract for the contact system. CA Johnson  
10 reported the contact system is ahead of schedule and is in the actual construction of the  
11 tank. It appears that it will be finished in July. Councilor Garratt complimented Mr.  
12 Isadore's report.

- 13  
14 b. Admin/Finance: Finance Director Johnson referred to his written report. Councilor's  
15 complimented Mr. Johnson on the report. Councilor Pogwizd asked about a bill in  
16 dispute. Finance Director Johnson reported the dispute is regarding the sewer line by the  
17 Castaway. This is still under dispute.

18  
19 Councilor Pogwizd spoke on the Fort Point stairway project. Parks Commissioner  
20 Kessler asked if the contract should go out to bid since this is a city project. David  
21 Johnson replied that Main Street is actually heading this project and will then present the  
22 project to the city on completion. Mr. Lawton reported he will cooperate with the city of  
23 they need this to go out to bid. Mr. Lawton hopes Parks Commissioner Kessler will get  
24 involved, as he will be helpful.

- 25  
26 c. Planning: Refer to report in the packet.

- 27  
28 d. Watershed: Councilor LaRoche introduced Linda Tarr. Ms. Tarr reported a contract was  
29 signed today between the Conservation Fund and Wilson Inc. The real estate transaction  
30 should be completed in the next couple of months. Funding for Clean Water Source  
31 Protection through DEQ is underway. A grant is being written to cover the cost of due  
32 diligent and yellow book appraisal, which is about 20,000 dollars. Ms. Tarr reported they  
33 will be able to do a Forest Management Plan on all of the area owned by the city in the  
34 watershed if successful in getting the grant.

- 35  
36 e. Liaison: Councilors will think about assignments they are interested in. This will be on  
37 the agenda next month.

38  
39 **7. Old Business:**

- 40 a. Appointment to Parks Commission – Jerry McManus: Parks sent a recommendation to  
41 City Council to continue recruiting for a commissioner.  
42 b. Update Continuing Items: A workshop was held. Most was crossed off and focus is to be  
43 on Seasonal Gas Tax and Building with its many facets; Board of Appeals, Planning,  
44 accessory dwelling units and possibly vacation rentals. There will be a goal setting  
45 meeting to finetune the Building focus.  
46

4 Councilor Burns addressed the item of Community Emergency and its necessity. He will  
5 do some more work on that and bring it to the next meeting. This item might need two  
6 liaisons to move faster. Councilor Burns is interested in mental health issues in town and  
7 how situations will be handled. Mayor Cox reported the city is talking to health  
8 organizations, police, and DA on issues.

9  
10 c. Planning Commission request for clarification on Dark Sky and Building Height  
11 ordinances:

12 Dark Sky: Planning commissioner Cynthia Stetson was in attendance. She reported the  
13 Planning Commission was hoping the City Council could narrow down what it is that the  
14 Planning Commission is supposed to be working on and submit this in writing for accurate  
15 commissioner referral. Legal Counselor Kudlac advised that the planning commission  
16 needs better direction in writing, and this must go through the hearing process at both  
17 levels.

18  
19 City Council dark sky concerns:

- 20 • Facilitate Coos-Curry Electric Coop and ODOT goals for highway 101 lighting to  
21 coincide with the city ordinance.
- 22 • Council felt enforcement penalties were too strict as a misdemeanor. Move towards  
23 allowing a time frame to amend the lighting to comply with the ordinance prior to  
24 penalizing. Other city's dark sky enforcement policies should be researched.
- 25 • Amend wordage requiring people to run electricity all the way to the exterior of their  
26 property to shine lights inward. That is not a cost-effective solution. The ordinance  
27 should dictate people meet the requirements of the ordinance and not dictate process.
- 28 • Lit signs: Lit signs should be pertinent to the dark sky ordinance, not sign ordinance.  
29 Councilor Garratt suggested a statement be made that lit signs be turn off at night. If the  
30 signs are not on at night, they do not need to comply with the ordinance. If lit signs need  
31 to be on at night they should comply with the ordinance. Councilors would like Planning  
32 to research other city's lit sign ordinances.

33  
34 The above information will be sent in writing to the Planning Commission including Ann  
35 Vileisis' concise synopses.

36  
37 Building Height Ordinance:

- 38 • Exemptions: Legal Counsel Kudlac explained that exemptions mean those types of  
39 structures do not have to comply with height restrictions. Conditional use generally  
40 means that the use is allowed but the city retains the ability to put conditions on that  
41 structure, such as setbacks or design features, etc. Conditions are allowed with  
42 conditional use permits. Councilor Kessler remarked on an issue where somebody might  
43 want to build a two-story building but maybe use more lot space than allotted that  
44 benefits the community. For instance, it might bring in good jobs and benefit the  
45 community such as an assisted living facility, which would enable people to stay in the  
46 community they love.
- 47 • Two-story restriction – Councilors Pogwizd and Garratt questioned why people are  
48 limited to 2-story buildings so long as they stay within the height restrictions. Councilor

4 Garratt would like people to be able to do what they want with a building internally within  
5 the height restriction. Mayor Cox feels the two-story angle will make the process  
6 intricately more difficult. He has a hard time telling people what they have to do with their  
7 property. He felt most public testimony was against tall building heights, not necessary the  
8 two-story buildings. He would like Planning to research what other similar communities  
9 have for zoning ordinances. He suggested addressing the buildings zones that have a  
10 higher building height limit.

11  
12 Councilor Burns moved to recommend Planning look at a 35-foot limit in the commercial  
13 zone and to limit exceptions to the commercial zone with Councilor Kessler as second.

14 ***Motion and second rescinded.***

15 Discussion: The motion is discussed and clarified.

16  
17 Councilor Burns moved to recommend to Planning to limit commercial zones to 35-foot  
18 building height and to explore which zones appropriate exemptions would be allowed and  
19 what those exemptions would be with Councilor Kessler as second. ***Motion carried 6-0.***

20 Discussion: It is clarified that the industrial zone is still at 45 feet height restrictions.

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

23  
24 Councilor Burns moved to limit the industrial zone to 35 feet with Councilor Tidey as  
25 second. ***Motion carried 4-2.***

26 Discussion: Councilor Pogwizd clarified that these motions are intended as instructions to  
27 be sent to planning. Councilor Garratt clarified the industrial zone locations being more or  
28 less outside of the town. He is concerned about limiting industry that could provide jobs  
29 by limiting the zone to 35 feet.

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

32  
33 Mayor Cox clarified the motions were made and approved with intention to send this  
34 back to planning for appropriate exemptions in all zones and to consider a 35 feet  
35 building height in commercial and industrial zones.

36  
37  
38 **8. New Business:**

39 **a. CTR – approve 2021 Rate Adjustment Request.**

40 Councilor Garratt addressed Mr. Pyke regarding an increasing problem with street trash  
41 after scheduled trash retrieval. Councilor Garratt suggested latching trash bins, which  
42 prevents animal, bird and wind problems. Mr. Pyke reported they currently have certified  
43 bear carts. They are expensive. They have a strap they offer to customers that attach to  
44 their current cart. They will advertise this offer and reach out to customers in the  
45 problem areas. Mr. Pyke requested a list of the problem areas.

46  
47 Councilor Pogwizd moved to approve the 2021 rate adjustment from CTR with Councilor  
48 Garratt as second. ***Motion carried 6-0.***

Discussion: Councilor Pogwizd expressed appreciation to CTR for their service to the community and keeping their rates at 1.4 percent.

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

b. Accept lowest bid for Ocean View (Oregon ST) Paving: A grant has been approved. A bid now has to be accepted. The lowest bid was submitted by Tidewater. Councilor Pogwizd moved to accept the Ocean View Paving project bid from Tidewater with Councilor Kessler as second. **Motion carried 6-0.**

Discussion: Councilor Pogwizd discussed the Port Orford Loop paving and how they ended at a bad location for the road transitions. He suggested they look at that while they have the equipment in town to see if there is a solution. David Johnson will discuss the problem with them; however, they were instructed by the city where to start the project and they followed those directions, thus this will likely be at the cost to the city.

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

c. Speed Zone change at Highway 101 and Madrona Street: Mayor Pogwizd summarized that for years this has been a concern. The crosswalks are implemented now. This would be to keep drivers around the 30-mph speed until outside of town.

Councilor Burns moved to pass the speed zone change at Highway 101 and Madrona to a 30 mile per hour with Councilor Kessler as second. **Motion carried 6-0.**

Discussion: Councilor Garratt stated it is generally a good idea to agree with the ODOT recommendations.

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

d. Approved Intergovernmental Agreement with Port Orford Rural Fire Protection District: The contract and a letter from Gary Anderson was previously submitted to councilors for review. There is a sizeable increase after two years. Finance Director Johnson gave a history of the contract with the Rural Fire Protection District. The fire department will not annex the city into the fire district, which does not give representation of citizens on the fireboard. Because of the lack of representation, Finance Director Johnson requested a 10 cent/1000 decrease. The fire department suggested a rate increase over three years, so the increase does not impact the city budget too much. Finance Director Johnson proposed 52 cents/1000 for the first year, 57.5 cents/1000 the second year and 63 cents/1000 the third year. Minus the rent, this would bring in 64,912 dollars in the fiscal year of 2023 which is a 26,000 dollar increase for the fire department. Finance Director Johnson recommends the 63 cents/1000 and keeping the rent the same as current.

Mayor Cox reported the city has paid for the current year and has time to consider the contract for another month. Hydrants and water infrastructure are a city responsibility. Citizens benefit from lower insurance rates and higher protection rate.

4 Gary Anderson and Mari Lockhaas from the fire district were in attendance. Mr.  
5 Anderson stated they are trying to reach parity. The fire district is looking at an addition  
6 of 340,000 dollars over a period of ten years. Equipment will need updated in preparation  
7 for earthquake or wildfires.  
8

9  
10 Mayor Cox will add the fire district increase to the agenda next month.  
11

12 **9. Considerations**

13 **a. Citizen**

14 Steve Lawton reported the COVID bill was passed by congress. The state will get 4.2  
15 billion dollars. Out of that 1.5 billion will go to counties, cities and communities. Curry  
16 County will get 4.4 million. Brookings is getting 1.32 million. Port Orford is small so will  
17 get under 1 million. He suggested council review the use of the funds.  
18

19 Steve Lawton addressed the building height ordinance and the effect on density. He is  
20 concerned about off-site and on-site parking requirements and the effect on street  
21 parking. He suggested off-site improvement fees to developers, which is common in most  
22 cities.  
23

24 Mr. Lawton addressed senior living. He reported movement in legislature trying to  
25 mitigate potential risk with natural disasters. They are considering limiting what type of  
26 facilities are in the tsunami inundation zone.  
27

28 Mr. Lawton addressed the use of jake-brakes by trucks coming into the north side of town  
29 and coming down the hill into the south side of town. He stated trucks do not have to use  
30 the jake-brakes but choose to in order to reduce brake repair costs in spite of city  
31 ordinance.  
32

33 Paul Scott addressed the International Dark Sky Association and recommended the site to  
34 councilors. He stated there is a lot of focus on building height, but he feels building  
35 heights do not destroy people or families; however, meth does. Mr. Scott gave a report on  
36 his opinion about the meth problem and lack of response.  
37

38 **b. Staff**

39 None.  
40

41 **c. Councilor**

42 Councilor Pogwizd suggested asking ODOT to put up a sign when doing their project  
43 addressing unmuffled jake-brakes.  
44

4 Councilor Garratt spoke on building heights. He stated it does not take a lot of growth to  
5 show in a small city. Small cities will not have longevity if they do not grow. It is  
6 important to encourage healthy growth.

7  
8 Councilor Burns gave a report from Parks Commission. Parks is asking meeting  
9 attendance to be put in the job description for the park host. Legal Counsel Kudlac  
10 advised that the park host needs to be informed that this subject is up for discussion so  
11 they can have input. This can be done at the Parks Commission meetings.

12  
13 Councilor Burns asked when the Visitor Center and Community Building can be opened.  
14 The county is currently at moderate level for COVID. Interim CA Johnson will look into  
15 open attendance in meetings and reopening centers.

16  
17 Councilor Burns stated Parks Commissioner Thompson requested a city email address. It  
18 will be provided. Parks commission is asking for a Face Book page. Legal Counsel  
19 Kudlac stated it can be done but there is a procedure that will have to be followed. It will  
20 have to be maintained. Comments must be kept for ten years. Regulation guidance is  
21 available on League for Oregon Cities. Expanding the city website might be an  
22 alternative.

23  
24 Councilor Burns reported people are using city trash bins for personal dump locations. He  
25 asked for a city ordinance to address that problem. Councilor Pogwizd stated there are  
26 signs addressing penalty for theft of services at Battle Rock. Cans can be locked or  
27 designed with smaller holes in the top. The city does not want to discourage people from  
28 volunteering to pick up garbage from the parks. Trash left outside the receptacle will be  
29 strewed by birds and wind.

30  
31 **d. Mayor**

32 None.

33  
34 **10. Continuing Action Items**

35 Gas tax is still on the continuing action items. Councilor Garratt will get the information to  
36 councilors. Fire contract is added to the agenda next month. Liaison reports are added to the  
37 agenda next month.


38  
39 **11. Future Meetings:**

40 Thursday, April 15, 2021 Regular Meeting of the Common Council at 3:30 p.m.


41  
42 **12. Adjourned**

43 There being no further business, Mayor Cox adjourned the meeting at 6:04 p.m.

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\_\_\_\_\_  
Mayor, Pat Cox

Attest:

  
\_\_\_\_\_  
City Recorder, David Johnson