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

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

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

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

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

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

c. Planning: Refer to report in the packet.

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

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

7. Old Business:
   a. Appointment to Parks Commission – Jerry McManus: Parks sent a recommendation to City Council to continue recruiting for a commissioner.
   b. Update Continuing Items: A workshop was held. Most was crossed off and focus is to be on Seasonal Gas Tax and Building with its many facets; Board of Appeals, Planning, accessory dwelling units and possibly vacation rentals. There will be a goal setting meeting to finetune the Building focus.
Counselor Burns addressed the item of Community Emergency and its necessity. He will do some more work on that and bring it to the next meeting. This item might need two liaisons to move faster. Counselor Burns is interested in mental health issues in town and how situations will be handled. Mayor Cox reported the city is talking to health organizations, police, and DA on issues.

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

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

City Council dark sky concerns:

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

The above information will be sent in writing to the Planning Commission including Ann Vileisis’ concise synopses.

Building Height Ordinance:

- Exemptions: Legal Counsel Kudlac explained that exemptions mean those types of structures do not have to comply with height restrictions. Conditional use generally means that the use is allowed but the city retains the ability to put conditions on that structure, such as setbacks or design features, etc. Conditions are allowed with conditional use permits. Councilor Kessler remarked on an issue where somebody might want to build a two-story building but maybe use more lot space than allotted that benefits the community. For instance, it might bring in good jobs and benefit the community such as an assisted living facility, which would enable people to stay in the community they love.
- Two-story restriction – Councilors Pogwizd and Garratt questioned why people are limited to 2-story buildings so long as they stay withing the height restrictions. Councilor
Garratt would like people to be able to do what they want with a building internally within the height restriction. Mayor Cox feels the two-story angle will make the process intricately more difficult. He has a hard time telling people what they have to do with their property. He felt most public testimony was against tall building heights, not necessary the two-story buildings. He would like Planning to research what other similar communities have for zoning ordinances. He suggested addressing the buildings zones that have a higher building height limit.

Councilor Burns moved to recommend Planning look at a 35-foot limit in the commercial zone and to limit exceptions to the commercial zone with Councilor Kessler as second. **Motion and second rescinded.** For discussion: The motion is discussed and clarified.

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

For discussion: It is clarified that the industrial zone is still at 45 feet height restrictions.

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

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

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

8. New Business:

a. CTR – approve 2021 Rate Adjustment Request.

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

Councilor Pogwizd moved to approve the 2021 rate adjustment from CTR with Councilor 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.

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

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.

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

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.

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

d. Approved Intergovernmental Agreement with Port Orford Rural Fire Protection District: The contract and a letter from Gary Anderson was previously submitted to councillors 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.
Gary Anderson and Mari Lockhaas from the fire district were in attendance. Mr. Anderson stated they are trying to reach parody. The fire district is looking at an addition of 340,000 dollars over a period of ten years. Equipment will need updated in preparation for earthquake or wildfires.

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

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

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

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

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

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

   b. Staff
      None.

   c. Councilor
      Councilor Pogwizd suggested asking ODOT to put up a sign when doing their project addressing unmuffled Jake-brakes.
Councillor Garratt spoke on building heights. He stated it does not take a lot of growth to show in a small city. Small cities will not have longevity if they do not grow. It is important to encourage healthy growth.

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

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

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

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

d. Mayor
None.

10. Continuing Action Items
Gas tax is still on the continuing action items. Councillor Garratt will get the information to councilors. Fire contract is added to the agenda next month. Liaison reports are added to the agenda next month.

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

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

Attest:

City Recorder, David Johnson