

City of Port Orford
City Council Meeting
In the Gable Chambers / Virtual participants
Thursday, February 17, 2022 at 5:30 P.M.

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

Others Present: Chris Hawthorne, Greg Thelen, Leila Thompson, Tom Calvanese, Pamela Berndt, Aaron Ashdown, Ciaran Fraser, Sara Lovendahl, Ann Vileisis, Tara Ramsey, Monica Ward of Curry County, Cynthia Stetson

1. Call to Order

President Cox called to order this Meeting of the Common Council on Thursday, February 17, 2022, at 5:30 p.m.

2. Additions to the Agenda: Water Conservation Rates, item 8C, is removed from Old Business.

3. Presentation to Council / Citizens: Tara Ramsey and Tom Calvanese representing Redfish Rocks presents an update and information on the Redfish Rock Marin Reserve and public involvement. Data gathered by Redfish Rocks is shared with scientists. Community involvement includes boat tours, Redfish Rocks on the Dock, videos and Junket walking tour accessible through an app. They have several volunteer opportunities. Contact information: www.redfishrocks.org, Facebook: <https://www.facebook.com/RedfishRocksCT> Instagram: @redfishrockscommunityteam.

4. Consent Calendar

a. Approve Minutes January 20, 2022: Councilor Burns moved to approve the minutes for the January 20, 2022, council meeting with Councilor Kessler as second. ***Motion carried 6-0.***

Discussion: None.

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

5. Citizen Concerns

Citizen expressed appreciation to councilors and mayor. She spoke on short term rentals. She is owner of short-term rentals. She stated STRs are not legal at this time. She supports

4 the planning commission to develop a reasonable ordinance. She does not support changes
5 until the planning commission finishes the process.
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7 **6. Department Reports**

8 **a. Public Works:** A written report has been presented to councilors. Getting parts for
9 repairs is taking 4 to 6 months. They had a complete failure at the Arizona Lift Station,
10 which is directly across from Garrison Lake. Billeter Marine gave an estimate of ten to
11 fifteen thousand dollars to repair the pressure line. The station will have to be lifted up
12 approximately 8 feet, repairs made, and then replaced. Other bids are pending. Dam
13 repair and dredging is in the near future.

14 **b. Administration/Finance:** A written report was submitted to councilors. Quotes for
15 wastewater repair are forthcoming. Cash management is helping build funds for the
16 future.

17 **c. Planning:** A report was submitted by the Planning Commission. CA Ginsburg now
18 attends the planning commission meetings. Chair Nieraeth and CA Ginsburg are
19 conducting a survey to the public to see what they want with the short-term rentals. CA
20 Burns would like to see all building permits come back to the council for final approval.
21 CA Ginsburg will approach Legal Council Kudlac for legalities. Councilors approved by
22 consensus. **This will be added to next month's agenda.**

23 **d. Liaison:**

24 **Fire District** – Councilor Garratt reiterated the fire district is still looking for volunteers
25 to serve as fire fighters and positions of assistance. The fire district will lose a senior
26 volunteer firefighter next month.

27 **TLT** – Councilor Pogwizd reported this is a work in progress. One application has been
28 received.

29 **Watershed** – Councilor LaRoche reported there was not a meeting this month.

30 **Health** – Councilor Burns has no report.

31 **Port** - Commission Port President, Leila Thompson, is in attendance and shared a new
32 resolution approve by Port Commissioners in January. Resolution 2022-01 is read. The
33 resolution essentially stated that as the search for clean energy continues and is supported
34 by the Port, the Port is protecting the fishing waters and a buffer area from offshore wind
35 generated energy. Port Orford is listed as a desirable area due to wind.

36 **Parks** – Councilor Tidey gave a report on funds raised. Disk golf is moving forward. The
37 A-frame is cleaned out.

38 **Emergency** – Councilor Burns would like the Cedar Terrace Fire Station to be available
39 for emergency caches. This will need to be negotiated with the Fire Board. By consensus,
40 councilors agree with Councilor Burns to pursue the use of the Cedar Terrace Fire
41 Station. Future signage is discussed.

42 **School District** – Councilor Kessler reported on the successful field trips at city facilities.

43 **Main Street** – Councilor Burns reported Main Street is working on a Dining Out and
44 Service Guide to post at lodging locations. They are looking at starting a childcare
45 facility. Main Street is working with ODOT on pavers in the crosswalk with an idea of
46 adding agates to curbing. They are planning on planting trees alongside Driftwood

Elementary. They are also working on a pavilion for bicycles. Summer project ideas are needed.

7. Old Business:

a. First Reading Ordinance 2022-04 Water Curtailment: Councilor Kessler moved for council to adopt the water curtailment ordinance 2022-04 and approve the first and second reading by title only as an emergency to take effect February 18, 2022 with Councilor Burns as second. *Motion carried 6-0.*

Discussion: None.

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

Ordinance read by Mayor Cox by title.

b. Second Reading Ordinance 2022-04 Water Curtailment: Councilor Kessler moved to proceed with the second reading for the council to adopt water curtailment ordinance 2022-04 and approve the first and second readings by title only as an emergency to take effect February 18, 2022 with councilor Burns as second. *Motion carried 6-0.*

Discussion: None.

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

Councilor Kessler moved to adopt ordinance 2022-04 Water Curtailment with Councilor Burns as second. *Motion carried 6-0.*

Discussion: This is to take effect immediately as an emergency ordinance.

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

c. Hubbard’s Creek Repair Bids: John Isadore recommended the lowest bid since they are comparable. Billeter Marine had the lowest bid. CA Ginsburg stated policy requires three bids, but only two bids came in during the time frame. Legal Counselor Kudlac stated it is appropriate to move forward with the two bids.

- 1) Stettler Supply Company
- 2) Billeter Marine, LLC

Councilor Burns moved for city council to accept the bid from Billeter Marine, LLC for 12,508 dollars to perform the repairs at Hubbard Creek Reservoir with Councilor Kessler as second. *Motion carried 6-0.*

Discussion: None.

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

d. Seasonal Gas Tax Discussion: Mayor Cox received a suggestion to address which fuel station this would affect by stating ethanol-based fuel only.

Councilor Burns moved to change the seasonal gas tax ordinance to be ethanol based fuel only with Councilor Kessler as second. **Motion carried 6-0.**

Discussion: Councilor Garratt supports this solution.

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

- e. **Water Infrastructure Update:** CA Ginsburg gave an update on grants. She and Mayor Cox met with Commissioner Brock-Smith asking for funding information. He was able to provide an application to take to legislature. Mayor Cox suggested a workshop to address grant finding and writing.

8. New Business

- a. **First Draft of Ordinance 2022-05 Abatement of Nuisance and Dangerous Housing:**

Mayor Cox is concerned that this wording is complicated. There is not a strict timeline. Councilor Pogwizd moved to table this document until next meeting to allow time for review with Councilor Garratt as second. **Motion carried 6-0.**

Discussion: None. **Add to next month's agenda.**

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

- b. **Water Curtailment 2nd Level Declaration:** John Isadore suggested the city continue pursuing this due to lack of rain.

Councilor Burns moved to declare a second level of concern from the water curtailment ordinance 2022-04 beginning on February 18, 2022 with Councilor LaRoche as second. **Motion carried 6-0.**

Discussion:

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

- c. **Water Conservation Rates:** This has been removed from the agenda.

- d. **Contract for Water Assistance Provisions:** Councilor Burns moved to allow the city administrator to sign the vendor agreement with Oregon Coast Community Action low-income water assistant program with Councilor Kessler as second. **Motion carried 6-0.**

Discussion: None.

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

- e. **Right of Way Usage-Stephen Stetson:** Councilor Burns does not have a map or drawing of the location for the fence. Cynthia Stetson stated the fence is completed on a prior approved right of way application. She does not feel there is a need for a right of way since the fence is six inches inside their property line and not in the right of way. She is not sure why the right of way was filed. John Isadore wants the wood left in the right of way removed. He approved of the fence itself. This right of way request is dismissed.

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f. Vacation Rentals: Planning is addressing this as requested in the workshop. Planning commissioners had legal questions, which CA Ginsburg addressed. Definitions need established. Councilor Burns moved for council to direct the planning commission to review and amend the definitions for hotel/motel/lodging/short term rental in the City of Port Orford code with Councilor Garratt as second. ***Motion carried 6-0.***

Discussion: Reasoning for need is discussed and clarified.

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

9. Considerations

Citizens:

Ann Vileisis expressed her appreciation to the councilors for their work on the urgent water issue. She spoke on a project that is 150 feet tall but is not mentionable due to loopholes in the code. Earlier meetings there were suggestions to review and update the codes. Ms. Vileisis would like to see city council be proactive on updating codes.

Staff: Dam repair will be six to eight weeks out.

Councilors:

Councilor Pogwizd addressed the 250,000 dollars that was earmarked for meters, which had to be used for water and sewer repairs. He reported on a problem with the electric meters reading while sitting on a desk.

Councilor Burns asked about the process of changing outright use to conditional use. Legal Counsel Kudlac stated it would have to go through a hearing process but the hearing could address more than one change. It would start at a workshop, then open to public hearings.

Councilor Garratt addressed the verbal assault of the staff during the meetings. It is not acceptable, and he will not tolerate it. Mayor Cox agrees and will also not allow it.

Councilor Burns moved to conduct next meeting online with Councilor Kessler as second. ***Motion passed 6-0.***

Discussion: Hybrid meetings are now state law.

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

Mayor: Mayor Cox suggested restoring continuing action items to the agenda but to keep them at a lower number.

10. Future Meetings

Thursday, March 17, 2022, Regular Council Meeting 5:30, hybrid.

4 **11. Adjourn:** There being no further business, Mayor Cox Adjourned the meeting at 7:35 p.m.

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8 Attest:


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Mayor, Pat Cox



City Recorder, Jessica Ginsburg