

City of Port Orford
City Council Meeting
In the Gable Chambers / Virtual participants
Thursday, April 21, 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>Lorrin Kessler</i> | X | | |
| <i>James Garratt</i> | X | | |
| <i>Carolyn LaRoche</i> | X | | |
| <i>Greg Tidey</i> | X | | |

Others Present: Luke Pyke, Sara Lovendahl, Deborah McNeil, Michael Hewitt, Ann Vileisis, Greg Thelen, Linda Tarr. Teresa Kolibaba.

1. Call to Order

President Cox called to order this Meeting of the Common Council on Thursday, April 21, 2022, at 5:30 p.m.

2. Additions to the Agenda: None.

3. Presentation to Council / Citizens: Citizens-Community Center Fund Raising Committee – Referred to workshop.

4. Consent Calendar

a. Approve Minutes March 17, 2022: Councilor Pogwizd moved to approve the minutes for the March 17, 2022 council meeting as written with Councilor LaRoche 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

Sara Lovendahl encouraged councilors to approve funds to hire attorney Daniel Kerns to assist the city in developing an approach to regulating short term rentals. She spoke on options brought up by Mayor Cox. She urges the Planning Commission to move forward on the topic of short-term rentals and perform their due diligence.

Ann Vileisis spoke on item 8. m., Short Term Rentals. Ms. Vileisis did some research on attorney Dan Kerns and appreciated his experience on short term rentals. She felt short consultations with the attorney would be helpful and save money. Ms. Vileisis supports hiring attorney, Dan Kerns.

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6. Department Reports

a. Public Works: A written report has been provided to councilors with some highlights presented by John Isadore. Renewing water rights at Garrison Lake has become challenging with some costs involved. In the interim he will revisit Coastguard Station. The City of Port Orford’s master plan states water intake has to be 1000 gal/hr and the equipment supports 500 gal/hr. One has to be adjusted. Councilors discussed controlling distribution to coordinate with the system. Mr. Isadore reported that cross-connects have been handled and ODOT is doing an ADA improvement this summer with crosswalks and lighting.

b. Administration/Finance: The building inspector moved abatements to the next meeting. The Lindburg house has been red tagged. TLT funds have increased. Business license applications have increased. City owned buildings are going to be inspected due to roof leaks. The wastewater building is priority, as their leak is worst. City Hall was successfully repaired.

Councilors discussed the budget and priority of repairs needed with CA Ginsburg. Visitor Center skylights leak. Councilors suggested taking out the skylights. Citation collection is moving forward with current collection at 107,000 dollars. CA Ginsburg confirmed that the 107,000 dollars collected from citations is what the city retains.

c. Planning: A written Planning update is submitted to councilors. Writing updated code for ADUs was discussed at the last Planning Commission meeting. Councilor Kessler expressed appreciation to the Planning Commission for their research regarding vacation rentals.

d. Liaison:

Fire District - Councilor Garratt reiterated that Fire District volunteers are need.

Watershed – Councilor LaRoche introduced Linda Tarr. Linda Tarr reported on the grant process. Councilor Kessler would like to speed up the process. Ms. Tarr reported she is doing most of the process on her own with assistance from DEQ in connecting to other possible assistance available. Ms. Tarr updated on the gorse. Erin Minster used fire prevention funds to continue but ran out. She is able to use some ODOT money to mow the gorse and knock it down. She will check on payment through Business Oregon and reimbursement. CA Ginsburg clarified the process. Ms. Tarr is going to tour the easement road off of Vista with CA Ginsburg. Ms. Tarr suggested John Isadore join the tour.

Port – Mayor Cox reported meeting with BOEM and DLCD on April 11. Port Orford is on the offshore wind map. The buffer area was respected on the map and marked out. The Port will find out about funding for 2 cranes on May 12.

Parks – Councilor Tidey advised that Fourth of July fireworks will be at Battle Rock this year and other festivities will be at Buffington Park. The new disk golf course is paid for

4 at no cost to the city. Benches at Battle Rock need replaced. John Isadore has information
5 on concrete weather resistant benches and will present it to the councilors.

6 **Emergency** – Councilor Burns is informed that if Emergency Management makes
7 recommendations to City Council, they will need a formal Emergency Management
8 Committee. If such a committee is formed, the municipal code will need updated.

9 Councilor Burns introduced Jim Howe. Mr. Howe reported receiving 500 dollars in
10 product. They are looking for grants. The fire board approved the use of a space in the
11 fire station for two 40-foot container caches.

12 **School District** – Councilor Kessler reported losing the second-grade teacher and are
13 looking for a replacement for next year.

14 **Main Street** – Councilor Burns reported progress with opening a childcare learning
15 center. This will be discussed at the May 2 meeting, which is at 4:00 p.m. The Port
16 Orford map and the town guide are going to the publisher. Main street is waiting for
17 grants to finance city hall landscaping and bike rack application.

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19 **7. Old Business:**

20 **a. Water Conservation Rates:** CA Ginsburg reported success with the conservation rates.
21 Financial forgiveness for discovering unknown leaks and unique occurrences is
22 discussed. City councilors agree by consensus that an ordinance needs to be in place to
23 address rates and forgiveness. CA Ginsburg will write an ordinance to be considered on
24 **next month’s agenda.** CA Ginsburg reported that a high-rate report is available at the
25 end of each month.

26

27 **b. Building Permit Issued by City of Port Orford:** Councilor Garratt suggested the City
28 of Port Orford gets a follow up review after the county building department approves a
29 permit and before building permits are issued. A motion was made and rescinded due to
30 clarity.

31 Councilor Garratt moved to approve the City of Port Orford to issue building permits
32 with a double check process to have the final say with Councilor Tidey as second.

33 ***Motion carried 6-0***

34 Discussion: Councilor Kessler asked about jurisdiction. The county must follow city
35 ordinance and codes. CA Ginsburg will communicate with county building department if
36 there is conflict. Building permit instructions will list that the city has final sign-off.

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

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40 **c. Approval of Redfish Rocks lease of the Visitor Center:** Councilors wants to see proof
41 of insurance for the first 30 days added to the lease. There is a typo that needs corrected.
42 Councilor Burns moved to approve the lease between Port Orford and Redfish Rocks
43 pending the amendments, with Councilor Tidey as second. ***Motion carried 6-0.***

44 **Discussion:** Councilors were reminded to proceed with caution since the rental
45 agreement of Buffington Park building did not work out. Redfish Rocks has been in the

building for two years on a handshake agreement. Lease will state maintenance responsibility the same as handshake agreement.

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

d. Approve Main Street Lease of Visitor Center: Councilor Burns moved to approve the lease of Main Street and City of Port Orford 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

8. New Business

a. CTR Rates: Luke Pyle, district manager of CTR is present. He presented supporting details for a rate adjustment of 4.7 percent increase to take effect May 1, 2022. Councilor Pogwizd moved to approve the CTR rate adjustment with Councilor Burns as second. *Motion carried 5-1.*

Discussion: Councilor Kessler is concerned basing the rate increase on the national CPI is not in the best interest of the west coast small communities that are financially depressed in comparison.

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

b. Water wells in Port Orford City Limits: John Isadore clarified the type of well the city will need. It is his opinion that the old holding tank on Deady Street is a better idea. A well system will need to provide 315 gal/min and a water storage tank will be needed. Deady Street holding tank is 200,000 gallons. Councilor Pogwizd reminded that wells are to assist with water supply and not take the place of the current water supply. Logistics and needed research is discussed. Retaining Garrison Lagoon as an emergency water source for the fire department is suggested. The cost of wells might exceed the cost of dredging the current impound.

c. Rotary Club Request for Hybrid Meeting Equipment: Mike Hewitt, president of the Rotary Club is in attendance. Mr. Hewitt gave history of Rotary Club achievements. COVID introduced virtual meetings to include international speakers. Out of town members are able to attend the virtual meetings. Part of the money being spent on the installation of internet and software will go back into the building, as the Rotary Club volunteers maintenance. Repayment is discussed. Internet security was discussed. A motion was made and rescinded due to clarity. Councilor Garratt moved to approve the payment of 4,184.98 dollars to Unified Communication for the proposed Rotary hybrid communication equipment and software to be installed by a licensed contractor at the American Legion Hall contingent on a ten dollar increase in rent going into a repayment fund approved by Rotary Board with Councilor LaRoche as second. *Motion carried 6-0*
Discussion: As above.

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

6
7 Councilor LaRoche moved to extend the meeting with Councilor Burns as second.

8 *Motion carried 6-0.*

9 Discussion: None.

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

12
13 **d. Budget Committee Application Approval – Kelly Bechtel:** Councilor Burns moved to
14 approve Kelly Bechtel’s application for the Budget Committee with Councilor Kessler as
15 second. *Motion carried 6-0.*

16 Discussion: None.

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

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20 **e. Budget Committee Approval – Barbara Wright:** Councilor Burns moved to approve
21 Barbara Wright’s application for the Budget Committee with councilor Kessler as
22 second. *Motion carried 6-0.*

23 Discussion: Ms. Wright clarified she is a Port Orford resident and plans to make this her
24 forever home.

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

27
28 **f. Budget Committee Approval – Cory Aschauer:** Councilor Burns moved to approve
29 Cory Aschauer’s application for the Budget Committee with Councilor LaRoche as
30 second. *Motion carried 6-0.*

31 Discussion: None.

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

34
35 **g. Port Orford Historic Preservation Commission – Maurisa Markstein:** Councilor
36 Burns moved to approve Ms. Markstein’s application for the Historic Preservation
37 Commission with Councilor Garratt as second. *Motion carried 6-0.*

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

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41 **h. Right of Way Request – Katrina Smith (Paramount Utility):** Councilor Burns moved
42 to approve this right of way request on contingency that public works’ conditions are met
43 with Councilor LaRoche as second. *Motion carried 6-0.*

44 Discussion: Public Works conditions described.

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

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i. Right of Way License – Katrina Smith (Paramount Utility): Councilor Burns moved to deny the right of way request with Councilor Kessler as second. *Motion tied 3-3 with Mayor Cox voting no due to extenuating circumstances. Motion carried*

Discussion: Legal Counsel Kudlac asked about a current franchise agreement. CA Ginsburg will have to research and confirm prior to this permit. Waterline research needs done for safety.

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

Councilor Garratt supported tabling this until next meeting pending further information. Legal Counsel Kudlac reminded councilor they did not vote to deny and did not vote to approve with this motion.

Councilor Garratt moved to table this request pending factfinding with Councilor Burns as second. *Motion carried 6-0.*

Discussion: This will be tabled and **next month’s agenda.**

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

j. Right of Way License – Russ Adams: This involves a culvert. Councilor Burns moved to table approval of this request pending clarification with Councilor Kessler as second. *Motion carried 6-0.*

Discussion: Councilor Burns suggested the culvert is already in place. John Isadore will inspect prior to approval.

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

k. Recognizing Juneteenth as a Holiday: Legal Counsel Kudlac informed council that this is already a federal holiday, so the city has to recognize it. Councilor Tidey moved to approve Juneteenth as a holiday with Councilor Burns as second. *Motion carried 6-0.*

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

l. Historic Preservation Commission: This commission is currently under the Planning Commission. They are requesting to be their own entity to report directly to City Council. The Planning Commission has already approved this request. Councilor Burns moved to approve for the Historic Preservation Commission to be out of the Planning Commission and act as their own commission to report to City Council with Councilor Kessler as second. *Motion carried 6-0.*

Discussion: History of original setup was discussed.

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

4 **m. Short Term Rentals:** A workshop is scheduled at the Community Building at 5:30 p.m.
5 on 042722. Legal Counsel Kudlad agreed with hiring Mr. Kerns; however, councilors
6 will have to be organized with their use of the attorney’s due to cost. Councilor Garratt
7 moved to table. Motion died due to lack of second. Councilor Burns moved to direct city
8 staff to proceed with the contract with Mr. Kerns for the next council meeting with
9 Councilor Tidey as second. *Motion carried 6-0.*

10 Discussion: As above.

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

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14 **n. Approval for Franchise Agreement with Ziplly Fiber Optics:** Councilors discuss that
15 general liability insurance is too low. A drop from 7 to 4 percent is not acceptable. Mike
16 Murphy needs removed from the contract. Councilor Garratt does not approve of Ziplly’s
17 business operations. Councilor Pogwizd moved to table this decision until conflicts are
18 addressed with Councilor Burns as second. *Motion carried 6-0.*

19 Discussion: Councilors suggested general liability insurance of 7 percent or better. CA
20 Ginsburg will research other cities’ contracts. CA Ginsburg will inspect to see if Ziplly
21 has already begun work prior to contract agreement.

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

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25 **o. Security Cameras in City Hall:** Advantages discussed. Public and staff will be aware
26 they are being recorded. Councilor Pogwizd moved to approve security cameras in City
27 Hall with some type of mandatory check-in record to assist in looking up video time with
28 Councilor Tidey as second. *Motion carried 6-0*

29 Discussion: As above.

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

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33 **p. Set Workshop Dates:** Community Building workshop with City Council next
34 Wednesday from 5:30 to 6:45 p.m. then to office staff structuring workshop for one hour,
35 6:45 – 7:45 p.m. This meeting will be a hybrid meeting. City Councilors agreed to this
36 meeting by consensus. Further workshops needed for water infrastructure, goal setting
37 and Gary Milliman.

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39 **9. Continuing Action Items:**

- 40 • Seasonal gas tax: Tabled to November due to high fuel costs.
- 41 • Text my Gov
- 42 • Website update
- 43 • Data storage
- 44 • Audit approval
- 45 • Ordinance 2022-05 – Abatement of Nuisance and Dangerous Housing.

4 **10. Considerations:**

5 **Citizens:**

6 Teresa Kolibaba, city resident, stated negative comments regarding the Historic Preservation
7 Committee’s relationship with planning/city council and their lack of supervision.

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9 **Staff:** None.

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11 **Councilors:**

12 Councilor LaRoche requested enforcement of people getting approved right of way
13 applications prior to beginning their project. CA Ginsburg will review code for enforcement.

14
15 Councilor Garratt would like to see violation of protocol during council meetings
16 discontinued. Councilor Garratt expressed his appreciation to all of the volunteers for the
17 City of Port Orford.


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19 **Mayor:** None.


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21 **10. Future Meetings**

22 **Thursday, May 19, 2022, Regular Council Meeting 5:30, hybrid.**

23
24 **11. Adjourn:** There being no further business, Mayor Cox Adjourned the meeting at 8:28 p.m.

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28 Attest:

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32 _____
33 Mayor, Pat Cox

31 
32 _____
33 City Recorder, Jessica Ginsburg