

**CITY OF PORT ORFORD  
VIRTUAL SESSION OF THE COMMON COUNCIL  
THURSDAY, JANUARY 20, 2022 AT 5:30 P.M.**

**AGENDA**

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1. **Call to Order**
2. **Additions to the Agenda**
3. **Presentations to Council/Citizens**
4. **Consent Calendar**
  - a. Approve Minutes December 16, 2021 **(Pg. 3-9)**
5. **Annual Calendar Beginning of Year Housekeeping**
  - a. Updated Copy of Municipal Code to City Council Members- **(Citizens Can Request Copy at City Hall)**
  - b. Copy of Council Rules provided to Council Members-**(Citizens Can Request Copy at City Hall)**
  - c. List of Current Committee/Commission Memberships-**(Citizens Can Request Copy at City Hall)**
6. **Citizens' Concerns**
7. **Departmental Reports-**
  - a. Public Works **(Pg. 10-11)**
  - b. Administration **(Pg.12-13)**
  - c. Finance**(Pg. 14-16)**
  - d. Planning **(Pg.17)**
  - e. Liaison

Fire District- Garratt	TLT- Pogwizd	Watershed- LaRoche <b>(Pg 18)</b>	Health-
Burns			
Port- Cox	Parks- Tidey	Emergency Mgmt.- Burns	
School District- Kessler	Main Street- Burns		
8. **Old Business**
  - a. Seasonal Gas Tax Draft Ordinance **(Pg. 19-28)**
  - b. Vacation Rentals- Moratorium Discussion **(Pg. 29)**
  - c. Water Curtailment Ordinance 2022-04- Draft Review 3 **(Pg.30-38)**
  - d. Water Installation of New Services **(Pg. 39)**
9. **New Business**
  - a. TLT Committee Appointment- Nancy Fraser **(Pg. 40)**
  - b. TLT Committee Appointment- Michele Leonard **(Pg. 41)**
  - c. Resolution 2022-02 Seasonal Motor Fuel Tax Call to Vote **(Pg. 42)**
  - d. Right of Way Request- Marty Million 1840 Oregon St. **(Pg 43-44)**
  - e. Right of Way Request- Coast Community Health **(Pg. 45-46)**
  - f. Right of Way Request- Lisa Pittelli **(Pg. 47-49)**
  - g. Planning Committee Appointment- Krista Nieraeth **(Pg. 50)**
  - h. Planning Committee Appointment- Pamela Berndt **(Pg. 51)**
10. **Considerations**
  - a. Citizens
  - b. Staff
  - c. Councilor
  - d. Mayor

## 11. Executive Session

a. Call the Executive Session to Order under ORS 192.660 (2)(h)

1- Consultation with Counsel

## 12. Future Meetings

Thursday, February 17, 2022 , Regular Council Meeting 5:30 Virtual

## 13. Adjourn

**PUBLIC:** When you join the meeting (5-10 min. prior to the meeting)

- If you plan to speak/comment during the meeting (when permissible to do so), please announce your name and “how” you are joining the meeting (i.e. by computer and/or phone). Speak slowly and clearly, so the organizer may “find” you and identify your “caller” location.
- Please wait to be called on to speak, to avoid talking over someone.
- When you are not speaking, please mute yourself (so the organizer doesn’t have to do this).
- Please limit side conversations and multitasking while you are in the meeting.
- Be aware even if you are not on camera, sound can be heard over unmuted phones and will be distracting. And if you are on camera “absences” will be noticeable, and also distracting.
- To minimize feedback noise, we will only have the meeting host, Mayor, and one other speaker unmuted at any time during the meeting.
- Please be aware that if poor etiquette is being observed, it may be called out so you have an opportunity to fix the situation.

**City of Port Orford  
City Council Meeting  
In the Gable Chambers / Virtual participants  
Thursday, December 16, 2021 at 5:30 P.M.**

<b>Mayor and Council</b>	<b>Present</b>	<b>City Staff</b>	<b>Present</b>
<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>	Excused
<i>Lorin Kessler</i>	X		
<i>James Garratt</i>	X		
<i>Carolyn LaRoche</i>	X		
<i>Greg Tidey</i>	X		

Others Present: Planning Commissioner Berndt, Planning Commissioner Kocurek, Penny Suess and Dana Gurney, Planning commissioner Greg Tidey, Tom Calvanese, Stephen Lawton, Tim Rossi, Tim Palmer, Monica Ward of Curry County, Nancy Fraser, Laurie Prouty, Amanda Gray of Southcoast Watershed Council.

**1. Call to Order**

President Cox called to order this Meeting of the Common Council on Thursday, December 16, 2021, at 5:31 p.m.

**2. Additions to the Agenda:** Lamprey discussion added to New Business, 8.a.

**3. Presentation to Council / Citizens:** None.

**4. Consent Calendar**

**a. Approve Minutes November 18, 2021:** Councilor Burns moved to approve the minutes for the November 18, 2021, council meeting with Councilor Kessler as second. ***Motion carried 5-0.***

Discussion: None.

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

**5. Citizens' Concerns:**

Ann Vileisis, Port Orford resident, spoke as president of the Kalmiopsis Audubon Society. The group has 400 members in Curry County and about 100 in Port Orford. She spoke her support for the lamprey restoration. Ms. Vileisis encouraged city council to move forward with enforcing the Dark Sky Ordinance.

Miranda Gray, coordinator for the Southcoast Watershed Council which represents all of Curry County, voiced her support for the Lamprey restoration project. She spoke of the low-cost

4 alternative for retrofitting the dam passage for salmon. This would support passage for salmon as  
5 well as lamprey.

6

7 Tom Calvanese, Port Orford resident, addressed the council in support of the Pacific Lamprey  
8 Passage Structure at the Hubbard Creek Dam. He noted this will be in corroboration with Doctor  
9 Stewart Reid with Western Fishes. Mr. Calvanese is speaking as the Fisheries biologist for  
10 Oregon State University as manager of Port Orford Field Station. He would like to support the  
11 project by partnering with Doctor Reid and others to ensure the project is carried out in  
12 accordance with proper practices. Doctor Reid has conducted similar projects in other places  
13 very successfully in collaboration with US Fish and Wildlife.

14

## 15 **6. Department Reports**

16 **a. Public Works:** A written report was submitted by John Isadore. Councilor Pogwizd  
17 asked about the sinkhole on Highway 101 on Port Orford Loop. Mr. Isadore informed it  
18 was an old, abandoned holding tank that collapsed and happened to have the service line  
19 to the Salty Dog running through the middle. To assist the property owner, the city filled  
20 the sinkhole with gravel to avoid a safety hazard. Repair recommendations were made to  
21 the property owner.

22 Mr. Isadore gave a current report on the water supply. Today is only day number 2 that  
23 the City has actually made water due to silt at the watershed. It got down to ten feet with  
24 two-day supply for the city. Hubbard was cleaned up enough to start making water today.

25 **b. Administration:** A written report has been submitted in the packet. City Hall will be  
26 open January 1, 2022. A TLT application was received prior to the meeting. Patty Clark's  
27 last day is end of this month. She has information on an emergency management grant.

28 **c. Finance:** A written report was submitted. Reimbursements for the Ocean View Paving  
29 project has been received. Property tax revenues came in, in November. Department of  
30 Revenue has collected approximately 61,000 dollars in old outstanding citations.

31 **d. Planning:** A letter from CA Ginsburg is in the packet that speaks of an application  
32 submitted for a tower. It is not on the agenda since it is not an action item for this  
33 meeting. It is going in for review through planning. It might come back to council in the  
34 future. City Council is not trying to keep the public from speaking, but it is not  
35 appropriate at this council meeting. Confirmed by Legal Counsel Kudlac who also  
36 reviewed the process with councilors and public.

37 **e. Liaison:**

38 **Fire District** – Councilor Garratt reiterated the need for volunteers.

39 **Port** – Mayor Cox reported the Port is doing good. Crab supply is good and prices are  
40 good.

41 **Schools** – Councilor Kessler reported the high school track is complete and will start  
42 using it when the weather allows. A similar smaller track will be put in at the elementary  
43 school. The schools have 254 students currently.

44 **TLT** – Councilor Pogwizd advised there is no current information. CA Ginsburg is  
45 attempting to find new members. Councilor Pogwizd delivered a volunteer invitation to  
46 those in attendance. Councilor Pogwizd defined TLT as Transient Lodging Tax. Funds are

4 used for cost at the Visitor Center and other tourist areas in Port Orford. They also  
5 provide grants for organizations to use for advertising, beautification and tourism  
6 promotion in Port Orford.

7 **Watershed** – Councilor LaRoche introduced Linda Tarr. Linda Tarr is prepared to speak  
8 on the lamprey agenda item. Work on lamprey would start in late summer or early fall  
9 when water levels are low. Doctor Reid confirmed there is good habitat in watershed and  
10 tributaries. This will require coordination with John Isadore. Ms. Tarr spoke on the  
11 importance of the Forest Management Plan.

12 **Parks:** Councilor Tidey reported a good in-person meeting last week. The playground  
13 fundraiser has brought in over 10,000 dollars of the 60,000 needed. Another fund raiser is  
14 scheduled this weekend. The Parks Department will be taking over the A-frame in  
15 February or March.

16 **Emergency Management** – Councilor Burns reported they are getting emergency  
17 brochures which will be available at Coast Community Health and the library.

18 **Main Street:** Councilor Burns reported the Dining and Arts guide similar to the 2019  
19 issue is being planned by Julie Hawthorne and graphic designer Becky Raymond. A new  
20 design for the Ocean View sign by Arts Council members featuring a whale’s tail. Vicky  
21 Young is chief administrator for the online community calendar printed weekly. Versions  
22 will be in the Post Office and Library. Port Orford News seeing the online calendar as a  
23 competitive threat will no longer publish Main Street articles. Main Street will continue  
24 online efforts to promote its projects. The city mandated TLT expenditures.

25 **Health** – No report.

26  
27 **7. Old Business**

28 **a. Seasonal Gas Tax:** After reviewing rules, 2 cent gas tax is easiest for streamlining the  
29 ordinance. How to sell the gas tax was discussed. The more direct the project for use, the  
30 more likely the tax will pass. By consensus, councilors agree to coming up with a feasible  
31 project. Sunsetting projects are popular and can be entertained. John Isadore, public  
32 works, will submit a list of project possibilities. Due to the small amount of revenue the  
33 tax will bring in, Councilor Garratt suggested not confining to one project. He reminded  
34 councilors that the State of Oregon predesignates uses of gas tax funds. It can also be  
35 used to match a grant.

36 Councilor Burns moved to add a 2-cent gas tax to the next ballot with Councilor Garratt  
37 as second. **Motion carried 6-0.**

38 Discussion: As above. Short and long descriptions for the ballot will be decided on in  
39 future meetings.

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

42  
43  
44 **b. Vacation Rentals:** The planning commission has asked for a workshop January 4 during  
45 their usual Planning Commission meeting. Councilor’s ask for a 5:30 meeting. This time  
46 will be presented to the Planning Commission.

4       **c. A-Frame Discussion:** Letter from Arts Council to not renew has been received. No Art  
 5       Council members are in attendance. Accommodating Arts Council functions was  
 6       discussed. Reimbursement was discussed. Some funds used for building upgrade will be  
 7       refunded. There will not be reimbursement for items inside for the use of the Arts  
 8       Council. Additional settlement will be discussed with Arts Council if needed.

9  
 10       **d. Water Curtailment Ordinance 2022-04 Draft Review:** Mayor Cox asked for the head  
 11       of public works or administrator to notify the council for a stat meeting to declare an  
 12       emergency situation when necessary. He does not feel the staff should have the  
 13       responsibility of declaring the emergency. Councilor Garratt reminded that this ordinance  
 14       is to set criteria under which certain actions occur; thereby the council has made that  
 15       decision by implementing the ordinance. The administrator and head of public works  
 16       should agree on an action and present it to the mayor. If the council disagrees with the  
 17       decision, a special meeting is in order. Gardens have been removed from the restrictions.  
 18       Enforcement penalty for curtailment plan is discussed. Wordage asking people to notify  
 19       the city if additional residents are added to a household is suggested.

20  
 21       **e. Water Infrastructure Funds Update:** CA Ginsburg included the water infrastructure on  
 22       the mitigation plan with Monica at Curry County emergency mitigation plan, which will  
 23       give Port Orford a better chance to receive larger funds as the water infrastructure money  
 24       becomes available. Civil West Engineering presented info with regards to a 750,000-  
 25       dollar COVID-19 grant that just came out that is specifically for water infrastructure. Port  
 26       Orford qualifies due to income level. The preapplication process for this grant with Civil  
 27       West Engineering will be at a cost between 550 and 850 dollars. CA Ginsburg reviewed  
 28       SDC fees and found they can be used for capital improvement. There are regulations that  
 29       would have to be followed.

30  
 31       **f. TLT Grant Approval Follow up from July 2020 – Main Street Mural:** The TLT grant for  
 32       a mural at Salty Dawg has been approved. Susan reviewed history of the Main Street  
 33       organization. A written report was provided to the city council. Main Street is asking for  
 34       approval of 1500 dollars to pay the artist and 500 dollars for Girl Scouts from the grant.  
 35       Councilor Burns moved to pay Main Street for their project with Councilor Pogwizd as  
 36       second. ***Motion carried 6-0.***

37       Discussion: As above.

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

40  
 41

42       **8. New Business:**

43       **a. TLT Committee Appointment:** Laurie Prouty application for the TLT committee is  
 44       received. Councilor Burns moved to accept Laurie Prouty to the TLT committee with  
 45       Councilor Tidey as second. ***Motion carried 6-0.***

46       Discussion: None.

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

6

7 **b. Department of Revenue Agreement for Citation Collections:** A motion is needed to  
 8 move forward. Councilor Pogwizd moved to approve the Department of Revenue

9 Agreement for citation collections with Councilor Tidey as second. ***Motion carried 6-0.***

10 Discussion: The Department of Revenue charges 10 percent for collection from the cited.

11 **Councilor Garratt** Yes **Councilor LaRoche** Yes **Councilor Burns** Yes

12 **Councilor Kessler** Yes **Councilor Tidey** Yes **Councilor Pogwizd** Yes

13

14 **c. Dark Sky Enforcement, Abatement and Penalties:** Many letters have been written to  
 15 persons with lights in violation. Businesses complied with the letters. Councilor Pogwizd  
 16 moved to move forward on abatement and penalties to the fullest extent with the offender  
 17 with Councilor Burns as second. ***Motion carried 6-0.***

18 Discussion: Councilor Garratt questioned abatement and penalties for those who reply to  
 19 the letter with future intentions. Legal Counsel Kudlac advised the offenders were given  
 20 an opportunity to come into compliance prior to the letters being sent.

21 **Councilor Garratt** Yes **Councilor LaRoche** Yes **Councilor Burns** Yes

22 **Councilor Kessler** Yes **Councilor Tidey** Yes **Councilor Pogwizd** Yes

23

24 **d. Opening the Legion Hall and Community Building:** City hall is to open January 1.  
 25 The city is no longer in state of emergency. Councilor Burns was told the Community  
 26 Building is condemned due to mold in the ceiling. CA Ginsburg will follow up on this  
 27 information. By consensus, city councilors agree to open the Legion Hall and Community  
 28 Building pending inspection results. The American Legion Hall needs a lock to the open  
 29 area.

30

31 **e. Lamprey:** Mayor Cox questioned a timeline. Linda Tarr stated the grant has a spending  
 32 deadline. It is recommended to spend the money this year. Repairs for habitat are easy.

33 Lamprey needs wet surfaces with right angles. Dredging might affect the lamprey  
 34 population, but the lamprey will not affect the dredging needs.

35 Councilor Burns moved to proceed with the lamprey project with Councilor Tidey as  
 36 second. ***Motion carried 6-0.***

37 Discussion: The public works will be consulted and involved. The tribes would like to be  
 38 involved in the lamprey project. Councilor Pogwizd confirmed through Mr. Isadore the  
 39 city has staffing for this project and is able to make the repairs.

40 **Councilor Garratt** Yes **Councilor LaRoche** Yes **Councilor Burns** Yes

41 **Councilor Kessler** Yes **Councilor Tidey** Yes **Councilor Pogwizd** Yes

42

## 43 9. Considerations

### 44 a. Citizens:

45 Tim Palmer, 20-year resident of Port Orford, requested an official public process  
 46 regarding Mr. Bassett's 160-foot tower proposed in the center of town. Mr. Palmer

4 commends Mr. Bassett for his verbal commitment to put a hold on his project until he  
 5 receives feedback from the community, and his commitment to avoid doing anything that  
 6 lacks community support. This is not included in the proposal. Mr. Palmer feels it will be  
 7 a violation of privacy and a drop in the quality of life and presents a safety issue with the  
 8 wind and birds. Mr. Palmer requested a public reading on this proposal.

9  
 10 Ann Vileisis, Port Orford resident, spoke on the process of tower approval. She feels  
 11 there is a strong need for public involvement in the decision. She hopes the public can  
 12 speak on the tower proposal prior to its approval.

13  
 14 Susan Russell, president of Main Street and local resident, spoke for others attending the  
 15 last Main Street meeting expressing concern with the tower proposal and a second big  
 16 corporate store coming into Port Orford. Main Street is concerned Port Orford is going to  
 17 look like every other area in the United States with corporate big box stores. She wonders  
 18 if there is a public process to protect the uniqueness and individuality of their small town.

19  
 20 Tom Calvanese, resident of Port Orford, is concerned about the tower. He is hoping there  
 21 is a public process. He supports a hearing. The tower has been presented as multipurpose  
 22 including a tsunami tower. The tsunami evacuation plan has already been approved.

23  
 24 Meeting timeline expired. Councilor Burns moved to continue the meeting with Councilor Tidey  
 25 as second. *Motion carried 6-0.*

26 Discussion: None.

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

29  
 30 Brett Cecil, Chair for Curry County Democrats, local resident and part of the community,  
 31 shared information that the planning director at the county level made a recommendation  
 32 to the board regarding presenting citations to the citizens in the county, asking there be a  
 33 time process included, such as 30-day period to address the violation with intent to apply  
 34 compliance. He is concerned of some of the public discourse at the local level and also  
 35 the national level. Mr. Cecil provided his contact information.

36 **b. Staff:** None.

37 **Councilor:** Councilor Burns asked consensus of the council to move forward to  
 38 ordinance changes regarding community input on building proposed that would have  
 39 broad impacts on the community interests such as public safety, privacy, small town  
 40 character, values and to tie up loopholes that allow others to exploit the intent of  
 41 ordinances. Councilor Burns read a letter regarding his concerns. He asked for a review  
 42 of ordinances and bring them up to date. **Councilors agree to make ordinance review**  
 43 **an agenda item next month.** Legal Counsel Kudlac suggested councilors look at the  
 44 governing land use options already in place. Land use codes sets out differences between  
 45 things that are outright allowed uses and conditional uses. The comprehensive plan in  
 46 place probably needs work. The review includes a cost to the city. There might be grants



4 available. Legal Counsel Kudlac explained the application process and city council  
5 involvement and public involvement. Legal Counsel Kudlac reiterated her  
6 recommendation to Council is to look at their land use codes to see what the outright uses  
7 are. The outright uses generally do not come before the Planning Commission. They are  
8 signed off since they are allowed in the codes.

9 Councilor Pogwizd shared his understanding for the concern of the tower. He also  
10 addressed the advantage of having a Dollar Tree rather than a dirt lot. If the business  
11 follows the city outlines of conditional or outright use the property owner has the right to  
12 build whatever they want so long as guidelines are met. Councilor Pogwizd clarified that  
13 council is being asked to reinvent the guidelines. He appreciates Legal Counsel Kudlac's  
14 advise. It is very costly to change the guidelines. The Dollar General has helped a lot of  
15 citizens in Port Orford. There is a vocal group that wants to control everything and  
16 another group that is the silent majority that might want the new store.

17 Councilor Tidey would like the city to hire a grant writer. The cost of a grant writer will  
18 bring in many more funds. The city is missing out on money by missing deadlines for  
19 grants. CA Ginsburg will research the budget.

20 Tim Palmer allowed to speak on process of the tower. He feels the citizens are boxed out  
21 due to no public process.

22 Councilor Garratt reminded in-person meeting attendees to use their mics properly, as  
23 sound quality is poor when looking at each other away from mics. Councilor Garratt  
24 supports reviewing ordinances and hopes to continue doing so at the next meeting. His  
25 goal is to continue to establish good protocols for the meetings and continue to shore up  
26 the meeting process. He feels the council has done a very good job moving things  
27 forward and making progress.

28 **Mayor:** Mayor Cox reminded council that the City Council deals with black and white  
29 facts.

30  
31 **10. Future Meetings**

32 **Thursday, January 21, 2022, Regular Council Meeting 5:30, hybrid.**

33  
34 **11. Adjourn:** There being no further business, Mayor Cox Adjourned the meeting at 8:07 p.m.  
35  
36

37 Attest:  
38  
39  
40  
41

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

\_\_\_\_\_  
City Recorder, Jessica Ginsburg

## Public Works report for the month of December 2021

### Water Plant: Op's - NO Run Days 5

Raw water into plant 7,038,000 Treated water 5,137,000.

### Immediate Major Issues Water

#### Hubbard's / Reservoir Dredging / Dam leakage

1. Dredging waiting quote and permitting.
2. Dam leakage, Civil West Engineering schedule of temporary repairs looking for a contractor.

#### Water Treatment plant, Finished Water Pump Replacement / Pressure relief valve on raw water

1. Finished water pump replacement, waiting on delivery of new pump / electrical parts were delivered and are on site.
2. Pressure relief valve repairs, still needs to be addressed.
3. Water rights permitting for Garrison Lake and Mill creek from 2007 still in process.
4. Water survey, updating operation and maintenance manuals in progress.

#### Coast Guard Hill Pump Station, Complete Skid Controls / pumps and piping replacement

1. **Coast guard hill pump station pending**, one vender is working on quote, waiting on second vender.

#### Hubbard's Reservoir R&M

1. Scatter 7 turbidity meter fried, received meter back and installed. Meter was updated with new software and needs reprogram "Tag" maybe. I working with Hach tech department to fix issue. To Hach.
2. Dam repairs on hold till we find a contractor to install the liner.

### Water leaks Repaired:

- Tichenor Ave. Still need to set meter and box

### New Services in October 2021

- No new services installed

### Meter Swop out's

- No meter swaps

## Public Works report for the month of December 2021

### Waste Water plant: Op's:

Grit system and classifier replacement on going.

Repairs & maintenance plant / collections.

- Grit removal system, some parts received continue working on repairs.
- Humus Pond Sludge, Received quote 190K
- Idaho Lift Station Controls, down to 1 pump parts received.
- Wyoming, lift-station new electrical issues with controls. Tripping main breaker out Reese has been here twice trouble shooting.
- 25<sup>th</sup> Street Lift-Station, down to 1 pump parts on order parts received.
- Blowers, system went on 12/23/2021, called Portland engineering for trouble shooting. 1 VFD locked out @ 30 HrZ and wouldn't allow increase in order to supply air to basins. Swooped bucket 1 over to 2 in order put spare blower on line. Blower 2 seized and blower 1 running @ 60%. New blowers ordered 4-6 week lead time.
- Clarifier went down on 12/22/2021, but kept tripping out. We put the new east clarifier in service for the first time since 2005. We pumped out & cleanout the main clarifier, found misc. debris. Further trouble shooting lead to control panel in pump room, salt corrosion on contacts. Main clarifier is back in operation, Bandon WWTP brought us 2 loads of bugs.
- Pending Influent Flow Meter, working on quote for replacement meter is no longer supported
- Muffin Monster grinder, is worn out working quote for replacement. Received quote will place order ASAP.

### Streets Maintenance:

- Continue winter time maintenance, mowing and trimming as needed and time allows
- Fire Hydrant Main. Started annual hydrant maintenance on going.
- Filled pothole, at various locations
- Trees, cleaned up and disposed of blown down trees in various locations
- Cleared / cleaned storm basins and drainage throughout the city.

### Parks

- Battle Rocks, Roof leaks in both bathrooms and rotten wood around sky-lights.
- Interpretive trail, wooden decking and railings are failing (rotten).
- Pick up and disposal of trash and debris in parks.
- Un-clog & clean 12<sup>th</sup> St & Battle Rock bathrooms (22 time's) purchased pressure tank for Battle rock bathrooms to increase flush pressure.
- Continue mowing and trimming of parks as time allows.

### PW Works Equipment PM

- Run and Pm generators monthly

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 01/20/2022

SUBJECT: Administration Report

ITEM NO: 7 b.

### Projects Completed:

Union Contract Approved and Signed in July 2021

Ocean View repaving project completed and the submission for grant reimbursement- Reimbursement Received November 2021

New Waste Water Treatment Plant Operator Started in September 2021

Contractor Hired for City Hall repairs

Utility Accounts Receivable Reviewed and Collections letters sent.

Main Street has volunteered to upgrade outside of City Hall beginning the Spring of 2022. Applying for TLT Grant funds for this project.

Business Licenses revenue was budgeted for \$6,500 Currently we have received over \$12,000

Utility Clerk Position has been filled. Please Welcome Caitlyn to our City Hall Family.

### Ongoing Projects and Updates:

**Water Infrastructure Grants-** Working with Civil West Engineering on the 750K grant alone with Monica Ward on the larger money from the state. Governor Brown just appointed someone to be the head of the infrastructure money for the state of Oregon. Monica and I are going to start in the spring on getting information together that will be needed for the grant.

**Building Inspector/Building Code-** Curry County Building Inspector received complaints about a few houses in Port Orford. I would like to recommend to City Council that we update the Uniform Building Code. We Adopted the 1982 version in 1984. However, the last version of the Uniform Building Code was in 1997 when it was replaced with the International Building Code (IBC). The latest version of the International Building Code is 2021.

**Citation Clean up-** I have been reviewing the Open Citation listing and as of December 10<sup>th</sup> I have reviewed \$622,175.36. We have sent \$332,856.91 in Collection letters, \$192,827 needs to be reserved on the balance sheet, \$17,962 are international tickets that will be Written off, \$25,021 has paid, \$26,929 is current receivables (within 30 days), \$26,578 need additional research. When this project started the balance outstanding was \$837,217.86 thru 09/28/2021. As of January 14<sup>th</sup> the balance due is \$748,114.25 thru 09/28/2021 also. Therefore, we have collected **\$89,103.61** in past due Citations.

**TLT Committee and Grant Application-** We have received 4 applications for the TLT Committee. 2 need to be approved on this Agenda. We are ready to start to received the TLT Grant Applications. I have handed a few out and have not received them back yet.

**Emergency Management Planning-** Monica is in the wrap up stages of the plan. We will be having a wrap up session shortly. The survey time was extended to the end of January. Thank you all that participated!

**Watershed Project-**Updated in the Watershed Liaison report by Linda Tarr. On 01/13/2022 I walked the watershed property with Erin and volunteers with the Watershed. It was great to see the progress they have made on the Gorse removal/cleanup. We will be looking for Volunteers to continue with the clean up efforts along with grants and other funding sources to cover costs.

**Kayak Launch-** I have been working with Dave Lacy and his team. The next step is community outreach. They are working on different ways to do this. We also have a memorial rock near where that kayak launch is going to be and it is going to have to be moved. I will contact the family that is listed on the rock.

**Utility Billings-** We are trying to update the contact information for our Water and Sewer customers. In the last billing we included a sheet for you to fill out and update. If you have not returned it to us please do so as soon as possible.

**City Hall, Water Plant and Wastewater Plant-** The buildings that we work in are in need of repairs and "facelifts". We are looking for voluteers that can participate and help with any aspect of the projects that need to be done. We are going to have a new payment window installed at the Receptionist's desk in City Hall soon. Our building permit with Curry County was extended till July of 2022. However, we anticipate having that project completed well before then.

**Field Trip for 5<sup>th</sup> Graders-** I have been working with Nancy, Cathy and Linda on getting a series of field trips set up for Nancy's 5<sup>th</sup> grade class. Currently we have the following days set up. 1/27 Trip tp Watershed and Hubbards Creek Impound, 2/3 Water Treatment Plant, 2/10 Wastewater Treatment Plant, 2/17 City Hall Followed by the City Council meeting. The kids will be doing a project on our water system that is going to be avaiable for all the residents of Port Orford to enjoy.

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 01/20/2022

SUBJECT: Financial Report

ITEM NO: 7 c.

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The General fund has seen an increase in revenue for Business Licenses, Citations and Reimbursements. The expenses are falling in line with what they should be monthly. Parks has raised a significant amount of money for the playground they are will over \$10,000.

There will be an upcycle of expenses in the January Financials along with some fund balance movements. The Property taxes that were received in November were put 100% into the General Fund. Therefore we need to split that amount out among the different funds to get a more accurate view of how the funds look in compared to the budget. This is going to be completed ASAP. Deana and I will be reviewing each account to make sure the split between the funds is accounted for correctly.

Since we are down an accountant in our office Deana and I have split the duties up between us to ensure that the tasks get completed monthly. Currently we are up to date we are just going to do a review of the accounts.

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

**Group Summary**

Account Type	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
<b>Fund: 010 - GENERAL FUND</b>					
Revenue	929,383.00	929,383.00	34,554.63	764,610.15	164,772.85
Expense	929,383.00	929,383.00	17,981.86	183,340.00	746,043.00
<b>Fund: 010 - GENERAL FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>16,572.77</b>	<b>581,270.15</b>	<b>-581,270.15</b>
<b>Fund: 014 - PARKS FUND</b>					
Revenue	260,516.00	260,516.00	7,619.98	78,300.38	182,215.62
Expense	260,516.00	260,516.00	5,732.75	40,128.88	220,387.12
<b>Fund: 014 - PARKS FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>1,887.23</b>	<b>38,171.50</b>	<b>-38,171.50</b>
<b>Fund: 020 - PUBLIC SAFETY</b>					
Revenue	588,755.00	588,755.00	75.00	5,072.23	583,682.77
Expense	588,755.00	588,755.00	41,213.46	207,255.87	381,499.13
<b>Fund: 020 - PUBLIC SAFETY Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>-41,138.46</b>	<b>-202,183.64</b>	<b>202,183.64</b>
<b>Fund: 030 - WATER ENTERPRISE FUND</b>					
Revenue	1,075,142.00	1,075,142.00	40,728.86	222,929.04	852,212.96
Expense	1,075,142.00	1,075,142.00	48,880.54	227,350.06	847,791.94
<b>Fund: 030 - WATER ENTERPRISE FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>-8,151.68</b>	<b>-4,421.02</b>	<b>4,421.02</b>
<b>Fund: 031 - WATER CAPITAL RESERVES</b>					
Revenue	83,408.00	83,408.00	0.00	418.69	82,989.31
Expense	83,408.00	83,408.00	0.00	0.00	83,408.00
<b>Fund: 031 - WATER CAPITAL RESERVES Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>418.69</b>	<b>-418.69</b>
<b>Fund: 035 - SEWER ENTERPRISE FUND</b>					
Revenue	1,321,853.00	1,321,853.00	52,862.07	280,785.51	1,041,067.49
Expense	1,321,853.00	1,321,853.00	40,338.99	149,352.39	1,172,500.61
<b>Fund: 035 - SEWER ENTERPRISE FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>12,523.08</b>	<b>131,433.12</b>	<b>-131,433.12</b>
<b>Fund: 036 - SEWER CAPITAL RESERVES</b>					
Revenue	255,359.00	255,359.00	0.00	411.12	254,947.88
Expense	255,359.00	255,359.00	0.00	0.00	255,359.00
<b>Fund: 036 - SEWER CAPITAL RESERVES Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>411.12</b>	<b>-411.12</b>
<b>Fund: 040 - STREET FUND</b>					
Revenue	177,933.00	177,933.00	75,047.85	106,421.77	71,511.23
Expense	177,933.00	177,933.00	7,796.81	121,733.57	56,199.43
<b>Fund: 040 - STREET FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>67,251.04</b>	<b>-15,311.80</b>	<b>15,311.80</b>
<b>Fund: 042 - STREETS CAPITAL IMPROVEMENT</b>					
Revenue	32,451.00	32,451.00	0.00	30.05	32,420.95
Expense	32,451.00	32,451.00	0.00	0.00	32,451.00
<b>Fund: 042 - STREETS CAPITAL IMPROVEMENT Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>30.05</b>	<b>-30.05</b>
<b>Fund: 045 - EQUIPMENT REPLACEMENT FUND</b>					
Revenue	113,884.00	113,884.00	0.00	184.31	113,699.69
Expense	113,884.00	113,884.00	0.00	0.00	113,884.00
<b>Fund: 045 - EQUIPMENT REPLACEMENT FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>184.31</b>	<b>-184.31</b>
<b>Fund: 061 - WATER SYSTEM DEVELOPMENT</b>					
Revenue	516,563.00	516,563.00	9,096.00	19,198.86	497,364.14
Expense	516,563.00	516,563.00	0.00	0.00	516,563.00
<b>Fund: 061 - WATER SYSTEM DEVELOPMENT Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>9,096.00</b>	<b>19,198.86</b>	<b>-19,198.86</b>
<b>Fund: 062 - SEWER SYSTEM DEVELOPMENT</b>					
Revenue	339,889.00	339,889.00	5,060.00	15,831.19	324,057.81
Expense	339,889.00	339,889.00	0.00	0.00	339,889.00
<b>Fund: 062 - SEWER SYSTEM DEVELOPMENT Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>5,060.00</b>	<b>15,831.19</b>	<b>-15,831.19</b>
<b>Total Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>63,099.98</b>	<b>565,032.53</b>	

## Income Statement

For Fiscal: 2021-2022 Period Ending: 01/31/2022

## Group Summary

Account Type	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
<b>Fund: 010 - GENERAL FUND</b>					
Revenue	929,383.00	929,383.00	5,716.50	770,326.65	159,056.35
Expense	929,383.00	929,383.00	5,622.66	188,962.66	740,420.34
<b>Fund: 010 - GENERAL FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>93.84</b>	<b>581,363.99</b>	<b>-581,363.99</b>
<b>Fund: 014 - PARKS FUND</b>					
Revenue	260,516.00	260,516.00	4,018.94	82,319.32	178,196.68
Expense	260,516.00	260,516.00	1,680.11	41,808.99	218,707.01
<b>Fund: 014 - PARKS FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>2,338.83</b>	<b>40,510.33</b>	<b>-40,510.33</b>
<b>Fund: 020 - PUBLIC SAFETY</b>					
Revenue	588,755.00	588,755.00	5.00	5,077.23	583,677.77
Expense	588,755.00	588,755.00	17,083.23	224,339.10	364,415.90
<b>Fund: 020 - PUBLIC SAFETY Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>-17,078.23</b>	<b>-219,261.87</b>	<b>219,261.87</b>
<b>Total Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>-14,645.56</b>	<b>402,612.45</b>	



# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 01/20/2022

SUBJECT: Planning

ITEM NO: 7 d.

On 01/04/2022 Planning had their 1<sup>st</sup> meeting of the year. They nonminated a Chair and Vice Chair and Secretary. Krista Nieraeth was nonminated as the Chair, Pamela Berndt was nonminated as Co-Chair and Jessica Ginsburg as the Secretary.

Planning attended a workshop with the City Council and have agreed to begin to look at how to manage short term rentals aka Vacation Rentals in Residential Zones. Jessica is going to work on a map where in Port Orford the Vacation Rental homes are located.

The final item was the Conditional Use permit for 16-02 and 16-03. This was voted and approved for an additional year.

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

## Port Orford Watershed Council

December 15, 2021 6:30 PM at via phone conference or live at City Hall (Hybrid meeting)

In attendance: In Person: Linda Tarr, Phyllis John, Sue LaRouche (City Council), John Leuthe, Lin Smith, Kim Foster (citizen)  
Via Phone: Meg Humphrey, Mari Lochhaas, Pat Rhodes,

Approval of minutes: November minutes were approved (1st – Phyllis; 2nd – Mari)

### Recurring Business

Update on OHA Fire Protection Grant- Erin Minster says there is not much to report on this.

Update on OHA Grant for Sorenson Parcel- Erin is planning for a walk of site with Jessica Ginsburg and John Isadore for a walk of site sometime next week, weather and schedules permitting. Linda will let other members know when time is chosen.

Updates on the Wilson Parcel- Grant money has been secured to fund the writing of a Forest Management Plan (FMP), which is needed to apply for Source Water Protection State Revolving Fund financing, which is EPA funding administered by Oregon DEQ. Jacquie Fern and Josh Seeds from Department of Environmental Quality Source Water Protection helped with the Scope of Work wording, which was submitted to Business Oregon. The Forest Management Plan needs to have specific criteria that will qualify the project as a 'Green' project, which qualifies 1/2 of the SWPSRF loan to be forgiven. Business Oregon acts as the fiscal agency for the OHA Forest Management Plan grant. Tawny Bean is the person at Business Oregon who will make sure the bidding process meets legal requirements. J. Ginsburg is waiting to hear back from T. Bean.

Linda reached out to Ben Hayes of Springboard Forestry, who does forest management for Astoria's watershed. He is interested in bidding. He has experience with FMP's that fit criteria for future management and acquisition funding. Tawny Bean of Business Oregon will inform J. Ginsburg of bidding requirements.

Mari suggested to contact local indigenous tribes for additional applicants. Meg suggested contacting Curry Watershed. Curry Watershed Partners are aware of the FMP grant.

Updates on Conservation Fund - Jessica had a meeting with DEQ Source Water Protection State Revolving fund people at DEQ, Chris Marko, and Oscar Orales, as well as Jacquie Fern and John Wros of The Conservation Fund.

J. Ginsburg has set the goal of completing application for April deadline. FMP has to be completed first. If April deadline isn't met JUNE is the next deadline.

Updates on Lamprey Mitigation- Linda contacted the Coquille and Siletz Tribes and Tom Calvanese of the OSU Marine Science Station for support. Because of nature of lamprey, dam can be mitigated inexpensively. There will be no cost to City, because Applegate Watershed Council is sharing excess funds from their similar project done with Dr. Stewart Reid. L. Tarr reported on project at last City Council meeting. Mayor P. Cox put it on the agenda for December Council meeting.

Updates on Storm Chasers Water Monitoring- Linda did sampling on Tuesday. City water worker Brett was at the reservoir that day checking on discrepancies in the City's turbidity monitor. Perhaps the Storm Chaser turbidity lab results can be helpful. Linda sampled above reservoir on the main tributary of the North Fork at a tributary and the South East Tributary. Water samples were sent away to assess organic material and sediment.

### New Business

Meeting Day- It isn't possible to get minutes into the packets for City Council on the day following the meeting, so it was suggested that we meet at 6:30 pm on the first Wednesday of the month and approve minutes by second Wednesday. Linda will confirm that there is no conflict with Council Chambers. (1st- Mari; 2nd- Phyllis)

Letter re: Wake on Garrison Lake- Al Geiser (citizen) has written a letter to POWC asking for only electric motors on the lake because it is the City's secondary water supply and wake causes erosion. Pat suggested looking at lake rules and restrictions. Sue says that the lake is only clean a certain depths. Al will survey other lakeside property owners to determine their feelings about imposing boating regulations.

Watershed Educational Pamphlet- The FMP grant has an educational outreach requirement, so we need to develop and print a pamphlet to educate citizens about best practices for Watershed health. There could also be a separate pamphlet that includes water conservation practices and emergency water storage suggestions and could be posted in lodging locations throughout Port Orford. Also, we need to renew the effort for the Water Front Property Owner's pamphlet that John Leuthe had been working on with Frank Burris.

Kim Foster would like to work on producing these pamphlets and making sure they are received and used. This is her skill set as a marketing professional. It was unanimously approved that Linda Tarr inform City Council at the January meeting that the POWC recommends this. (1st- Mari; 2nd- Meg) Funding for printing is TBD and may be available through the City. City budget is determined in March.

### Member concerns

- Happy Holiday!!!

Meeting adjourned 7:36 PM. (1st-Pat ; 2nd-Meg )

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 01/20/2022

SUBJECT: Seasonal Gas Tax

ITEM NO: 8 a.

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A Draft of the Motor Fuel Tax Ordinance is attached and is for open for discussion on edits and changes. I highlighted 2 sections that are open for discussion.

- 1) Timing for when the Seasonal Tax is active. I wrote April 1 Thru October 31<sup>st</sup>. That is just an option.
- 2) Where the monies are going too. That is a very open ended statement. Discussion at the last council meeting talked about having it a little more detailed. However, putting in specific projects is also too narrow.

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

## Seasonal Motor Fuel Tax Ordinance

### SECTIONS

1. Purpose and Title.
2. Findings.
3. Definitions.
4. Tax Imposed.
5. Amount and Payment.
6. License Requirements.
7. License Application and Issuance.
8. Failure to Secure License.
9. Revocation of License.
10. Cancellation of License.
11. Remedies Cumulative.
12. Delinquency.
13. Monthly Statement of Dealer.
14. Failure to File Monthly Statement.
15. Billing Purchasers.
16. Failure to Provide Invoice or Delivery Tag
17. Transporting Motor Vehicle Fuel in Bulk.
18. Exemption of Exported Fuel.
19. Sales to Armed Forces Exempted.
20. Fuels in Vehicles Coming into City Not Taxed.
21. Refunds.
22. Examination and Investigations.
23. Limitation on Credit for or Refund of Overpayment and on Assessment of Additional Tax.
24. Records to be Kept by Dealers.
25. Records to be Kept Three Years.
26. Use of Tax Revenues.
27. Administration.
28. Voter Referral.
29. When Tax Shall Take Effect.
30. Severability.

“The People of the City of Port Orford ordain as follows”

Section 1. Purpose and Title. This ordinance is enacted to provide additional funds for the construction, reconstruction, improvement, repair, maintenance, operation and use of the public highways, roads, and streets in the city and those subject to city control. This ordinance shall be known as the “Motor Vehicle Fuel Tax Ordinance.”

Section 2. Findings. The City Council of the City of Port Orford finds:

- A. The public highways, roads, and streets in the city and those subject to city control are consistently in need of construction, reconstruction, improvements, repair, upkeep and maintenance, to promote ease of travel and commerce in and around the city;
- B. The city's current revenue sources do not produce adequate funding to fund said construction, reconstruction, improvement, repair, upkeep, and maintenance;
- C. The city wishes to enact a \$0.02 per gallon motor vehicle fuel tax on all motor vehicle fuel dealers **beginning April 1 to October 31** in order to provide additional funds for said construction, reconstruction, improvement, repair, upkeep, and maintenance of the public highways, roads, and streets in the city and those subject to city control;
- D. The city referred a proposed \$0.02 per gallon motor vehicle fuel tax to the electors of the City of Port Orford for their approval at the election held on November 08, 2022.
- E. On November 08, 2022 the electors of the City of Port Orford approved a \$0.02 per gallon motor vehicle fuel tax; and
- F. The monies generated by this ordinance will be dedicated to the construction, reconstruction, improvements, repair, maintenance, operation, and use of public highways, roads, and streets in the city and those subject to city control as required by the Oregon Constitution.**

Section 3. Definitions. As used in this ordinance, unless context requires otherwise, the following words and phrases mean:

- A. City. The city of Port Orford, Oregon.
- B. Dealer. Any person who:
  - 1) Imports or causes to be imported motor vehicle fuel for sale, use or distribution in the city;
  - 2) Produces, refines, manufactures or compounds motor vehicle fuel in the city for use, distribution or sale in the city; or
  - 3) Acquires in the city for sale, use or distribution in the city motor vehicle fuels with respect to which there has been no motor vehicle fuel tax previously incurred.
  - 4) "Dealer" does not include any person who imports into the city motor vehicle fuel in quantities of 500 gallons or less purchased from a supplier who is licensed as a dealer hereunder if that dealer assumes liability for the payment of the applicable motor vehicle fuel tax to the city.
- C. Distributor. In addition to its ordinary meaning, the deliverer of motor vehicle fuel by a dealer to any service station or into any tank, storage facility, or series of tanks or storage facilities connected by pipelines, from which motor vehicle fuel is withdrawn directly for sale or for delivery into the fuel tanks or motor vehicles whether or not the service station, tank, or storage facility is owned, operated, or controlled by the dealer.
- D. Motor vehicle. All vehicles, engines or machines, moveable or immovable, operated or propelled by the use of motor vehicle fuel.

- E. Motor vehicle fuel. Means and includes gasoline, diesel, and any other inflammable or combustible gas or liquid, by whatever name that gasoline, gas, or liquid is known or sold, usable as fuel for the operation of motor vehicles. Propane fuel and motor vehicle fuel used exclusively as a structural heating source are excluded as a taxable motor vehicle fuel.
- F. Person. Every natural person, association, firm, partnership or corporation.
- G. Service station. Means and includes any place operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

Section 4. Tax Imposed. A motor vehicle fuel tax is hereby imposed on every dealer operating within the corporate limits of the city. The city motor vehicle fuel tax shall be paid monthly to the city or its authorized agent.

- A. A person who is not a licensed dealer shall not accept or receive motor vehicle fuel in this city from a person who supplies or imports motor vehicle fuel who does not hold a valid motor vehicle fuel dealer license in this city. If a person is not a licensed dealer or licensed motor vehicle fuel handler in this city and accepts or receives motor vehicle fuel, the purchaser shall be responsible for all taxes, interests and penalties prescribed herein.
- B. A licensed dealer who accepts or receives motor vehicle fuel from a person who does not hold a valid dealer license in this city, shall pay the tax that would have otherwise been imposed upon the unlicensed dealer by this ordinance to the city, or its authorized agent, upon the sale, use or distribution of the motor vehicle fuel.

Section 5. Amount and Payment.

- A. In addition to any fees or taxes otherwise provided for by law, every dealer in the city engaging in the sale, use or distribution of motor vehicle fuel shall:
  - 1) Not later than the 25<sup>th</sup> day of each calendar month, render a statement to the city or its authorized agent, of all motor vehicle fuel sold, used, or distributed by them in the city as well as all such fuel sold, used, or distributed in the city by a purchaser thereof upon which sale, use, or distribution the dealer has assumed liability for the applicable motor vehicle fuel tax during the preceding calendar month and within the time provided in this ordinance ; and
  - 2) Pay a motor vehicle fuel tax on the basis of \$0.02 per gallon of such motor vehicle fuel so sold, used, or distributed as shown by such statement in the manner and within the time provide in this Ordinance.
- B. The motor vehicle fuel tax shall not be imposed wherever it is prohibited by the Constitution, laws of the United States, or the State of Oregon.

Section 6. License Requirements. No dealer, shall sell, use, or distribute any motor vehicle fuel until they have secured a dealer license as required herein.

Section 7. License Application and Issuance.

- A. Every person, before becoming a dealer in motor vehicle fuel in this city, shall make an application to the city or its duly authorized agent, for a license authorizing such person to engage in business as a dealer.

- B. Applications for the license must be made on forms prescribed, prepared, and furnished by the city or its duly authorized agent.
- C. Applications shall be accompanied by a fully acknowledged certificate containing:
  - 1) The business name under which the dealer is transacting business;
  - 2) The address of the applicant's principal place of business and location of distributing stations in and adjacent to the city;
  - 3) The name and address of the managing agent, the names and addresses of the several persons constituting the firm or partnership and, if a corporation, the corporate name under which it is authorized to transact business and the names and addresses of its principal officers and registered agent, as well as primary transport carrier.
- D. If an application for a motor vehicle fuel dealer license having been accepted for filing, the city or its authorized agent shall issue to the dealer a license in such form as the city or its duly authorized agent may prescribe to transact business in the city. The license so issued is not assignable and is valid only for the dealer or fuel handler in whose name it is issued.
- E. No fee shall be charged by the city for securing said license as described herein.

**Section 8. Failure to Secure License.**

- A. If any dealer sells, distributes or uses any motor vehicle fuel without first filing the certificate and securing the license required by Section 7, the motor vehicle fuel tax shall immediately be due and payable on account of all motor vehicle fuel so sold, distributed or used.
- B. The city shall proceed forthwith to determine, from the best available sources, the amount of such tax, and it shall assess the tax in the amount found due, together with a penalty of 200% of the tax, and shall make its certificate of such assessment and penalty, determined by the City Manager or the city's duly authorized agent. In any suit or proceeding to collect such tax or penalty or both, the certificate is prima facie evidence that the dealer therein named is indebted.
- C. Any tax or penalty so assessed may be collected in the manner prescribed in Section 12 of this ordinance with reference to delinquency in payment of the fee or by an action at law.
- D. In the event any suit or action is instituted to enforce this section, if the city is the prevailing party, the city shall be entitled to recover from the person sued, reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law.

**Section 9. Revocation of License.** The city or its authorized agent shall revoke the license of any dealer refusing or neglecting to comply with any provision of this ordinance. The city or its authorized agent shall mail by certified mail addressed to such dealer at their last known address on file, a notice of intention to revoke. The notice shall give the reasons for the revocation. The revocation shall become effective without further notice if within 10 days from the mailing of the notice, the dealer has not made good its default or delinquency.

**Section 10. Cancelation of License.**

- A. The city or its authorized agent may upon written request of a dealer, cancel any license issued to such dealer. The cancellation shall take effect not later than 30 days after receipt of the written request, after which the license shall no longer be effective.
- B. If the city or its authorized agent ascertains and finds that the person to whom a license has been issued is no longer engaged in the business of as a dealer, the city or its authorized agent may cancel the license of such dealer upon investigation after 30 days' notice has been mailed to the last known address of the dealer.

Section 11. Remedies Cumulative. Except as otherwise provided in Sections 12 and 14, the remedies provided in Sections 8 and 10 are cumulative. No action taken pursuant to those sections shall relieve any person from the penalty provisions of this ordinance.

Section 12. Delinquency.

- A. Except as provided in subsection (B) and (C) of this section, if payment of the tax is not paid as required by sections 4 and 5 of this ordinance, a penalty of 1% of such license tax shall be assessed and be immediately due and payable.
- B. Except as provided in subsection (C) of this section, if the payment of the tax and penalty, if any, is not made on or before the 1<sup>st</sup> day of the next month following that month in which payment is due, a further penalty of 10% of the tax shall be assessed. Said penalty shall be in addition to the penalty provided for in subsection (A) of this section and shall be immediately due and payable.
- C. Penalties imposed by this section shall not apply if a penalty has been assessed and paid pursuant to Section 8.
- D. The city or its authorized agent may for good cause shown waive any penalties assessed under this section.
- E. If any person fails to pay the license tax, interest, or any penalty provided for by this section, the tax, interest, and/or penalty shall be collected from that person for the use by the city. The city shall commence and prosecute the final determination in any court of competent jurisdiction an action at law to collect the same.
- F. In the event any suit or action is instituted to collect the tax, interest, or any penalty provided for by this section, if the city is the prevailing party, the city shall be entitled to recover from the person sued reasonable attorney's fees at trial or upon appeal of such suit or action, in addition to all other sums provided by law.

Section 13. Monthly Statement of Dealer. Every motor vehicle fuel dealer shall provide to the city or its authorized agent on or before the 25th day of each month, on forms prescribed, prepared and furnished by the city or its authorized agent, a statement of the number of gallons of motor vehicle fuel sold, distributed or used by the dealer during the preceding calendar month. The statement shall be signed by the dealer or its agent. All statements as required in this section are public records.

Section 14. Failure to File Monthly Statement. If a dealer fails to file any statement required by Section 13, the city or its authorized agent shall proceed forthwith to determine from as many available sources as the city or its authorized agent determines reasonable the amount of motor vehicle fuel sold, distributed, used, or stored by such dealer for the period unreported, and such determination shall in any proceeding be prima facie evidence of the amount of fuel sold, distributed, used, or stored. The city or its authorized agent immediately shall assess the motor vehicle fuel tax in the amount due determined, as pertaining to



the reportable dealer, adding thereto a penalty of ten percent for failure to report. The penalty shall be cumulative to other penalties provided in this ordinance. In any suit brought to enforce the rights of the city under this section, any such determination showing the amount of tax, penalties, and costs unpaid by any dealer and that the same are due and unpaid to the city or its authorized agent is prima facie evidence of the facts as shown.

Section 15. Billing Purchasers. Bills shall be rendered to all purchasers of motor vehicle fuel by dealers. The bills shall separately state and describe to the satisfaction of the city or its authorized agent, the different products shipped thereunder and shall be serially numbered except where other sales invoice controls acceptable to the city or its authorized agent are maintained. The bills required hereunder may be the same as those required under ORS 319.210.

Section 16. Failure to Provide Invoice or Delivery Tag. No person shall receive and accept any shipment of motor vehicle fuel from any dealer, or pay for the same, or sell or offer the shipment for sale, unless, the shipment is accompanied by an invoice or delivery tag showing the date upon which shipment was delivered and the name of the dealer in motor vehicle fuel.

Section 17. Transporting Motor Vehicle Fuel in Bulk. Every person operating any conveyance for the purpose of hauling, transporting, or delivering motor vehicle fuel in bulk shall, before entering upon the public streets of the city with such conveyance, have and possess during the entire time of such hauling or transporting of motor vehicle fuel, an invoice, bill of sale, or other written statement showing the number of gallons conveyed, the true name and address of the seller or consignor, and the true name and address of the buyer or consignee of the same. The person hauling such motor vehicle fuel shall at the request of any officer authorized by the city to inquire into, or investigate such matters, produce and offer for inspection the invoice, bill of sale, or other statement.

Section 18. Exemption of Exported Fuel.

A. The tax imposed by Section 4 shall not be imposed on motor vehicle fuel that is:

- 1) Exported from the city by a dealer; or
- 2) Sold by a dealer in individual quantities of 500 gallons or less for export by the purchaser to an area, or areas outside the city in containers other than the fuel tank of a motor vehicle, but every dealer shall be required to report such exports and sales to the city in such detail as may be required.

B. In support of any exemption from motor vehicle fuel taxes claimed under this section other than in the case of stock transfers or deliveries in their own equipment, every dealer must execute and file with the city or its authorized agent, an export certificate in such form as shall be prescribed, prepared and furnished by the city or its authorized agent, containing a statement, made by some person having actual knowledge of the fact of such exportation, that the motor vehicle fuel has been exported from the city, and giving such details with reference to such shipment as may be required. The city or its authorized agent may demand of any dealer such additional data as is deemed necessary in support of any such certificate, and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of such certificate. The city or its authorized agent, may, in a case where it believes no useful purpose would be served by filing of an export certificate, waive the certificate.

- C. Any motor vehicle fuel carried from the city in the fuel tank of a motor vehicle shall not be considered as exported from the city.
- D. No person shall, through false statements, trick or device, or otherwise, obtain motor vehicle fuel for export as to which the city motor vehicle fuel tax has not been paid and fail to export the same, or any portion thereof, or cause the motor vehicle fuel or any portion thereof to be used, distributed or sold in the city and fail to notify the city or its authorized agent and the dealer from whom the motor vehicle fuel was originally purchased of their act.
- E. No dealer or other person shall conspire with any person to withhold from export, divert from export, or return motor vehicle fuel to the city for sale or use so as to avoid any fees imposed herein.
- F. In support of any exemption from taxes on account of sales of motor vehicle fuel in individual quantities of 500 gallons or less for export by the purchaser, the dealer shall retain in his files for at least three years an export certificate executed by the purchaser in such form and containing such information as is prescribed by the city or its authorized agent. This certificate shall be prima facie evidence of the exportation of the motor vehicle fuel to which it applies only if accepted by the dealer in good faith.

Section 19. Sales to Armed Forces Exempted. The motor vehicle fuel tax imposed by Section 4 shall not be imposed on any motor vehicle fuel sold to the Armed Forces of the United States for use in ships, aircraft or for export from the city; but every dealer shall be required to report such sales to the city, in such detail as may be required. A certificate by an authorized officer of such Armed Forces shall be accepted by the dealer as sufficient proof that the sale is for the purpose specified in the certificate.

Section 20. Fuels in Vehicles Coming into City Not Taxed. Any person coming into the city in a motor vehicle may transport in the fuel tank of such vehicle motor vehicle fuel for their own use only and for the purpose of operating such motor vehicle without securing a license or paying the tax provided in Section 4, or complying with any of the provisions imposed upon dealers herein, but if the motor vehicle fuel so brought into the city is removed from the fuel tank of the vehicle or used for any purpose other than the propulsion of the vehicle, the person so importing the fuel into the city shall be subject to all provisions herein applying to dealers.

Section 21. Refunds. Refunds will be made pursuant to ORS 319.280 to 319.320.

Section 22. Examination and Investigations. The city, or its duly authorized agent, may make any examination of accounts, records, stocks, facilities, and equipment of dealers, service stations, and other persons engaged in storing, selling, or distributing motor vehicle fuel within this city, and such other investigations as it considers necessary in carrying out the provisions of this ordinance. If the examinations or investigations disclose that any reports of dealers or other persons theretofore filed with the city or its authorized agent pursuant to the requirements herein, have shown incorrectly the amount of gallons of motor vehicle fuel distributed or the tax accruing thereon, the city or its authorized agent may make such changes in subsequent reports and payments of such dealers or other persons, or may make such refunds, as may be necessary to correct the errors by its examinations or investigations.

Section 23. Limitation on Credit for or Refund of Overpayment and on Assessment of Additional Tax.

- A. Except as otherwise provided in this chapter, any credit for erroneous overpayment of tax made by a dealer taken on a subsequent return or any claim for refund of tax erroneously overpaid filed

by a dealer must be so taken or filed within three (3) years after the date on which the overpayment was made to the city or to its authorized agent.

- B. Except in the case of a fraudulent report or neglect to make a report, every notice of additional tax proposed to be assessed under this chapter shall be served on dealers within three (3) years from the date upon which such additional taxes become due.

Section 24. Records to be Kept by Dealers. Every dealer in motor vehicle fuel shall keep a record in such form as may be prescribed by the city or its authorized agent of all purchases, receipts, sales, and distribution of motor vehicle fuel. The records shall include copies of all invoices or bills of all such sales and purchases, and shall at all times during the business hours of the day be subject to inspection by the city or its authorized agent.

Section 25. Records to be Kept Three Years. Every dealer shall maintain and keep, for a period of three (3) years, all records of motor vehicle fuel used, sold, and distributed within the city by such dealer, together with stock records, invoices, bills of lading, and other pertinent papers as may be required by the city or its authorized agent. In the event such records are not kept, the dealer shall reimburse the city or its authorized agents for all travel, lodging, and related expenses incurred in examining such records. The amount of such expenses shall be an additional tax imposed hereunder.

Section 26. Use of Tax Revenues.

- A. The city manager or designee shall be responsible for the disposition of the revenue from the tax imposed by this ordinance in the manner provided by this section.
- B. For the purposes of this section, "net revenue" means the revenue from the tax imposed by this ordinance remaining after providing for the cost of administrating the motor vehicle fuel tax to motor vehicle fuel dealers and any refunds and credits authorized herein. The program administration costs of revenue collection and accounting activities shall not exceed ten and one-half percent (10.5%) for the first year and ten percent (10%) thereafter, of annual tax revenues.
- C. The net revenue shall be used only for the activities related to the construction, reconstruction, improvement, repair, and maintenance of public highways, roads and streets within the city which are subject to city control.

Section 27. Administration. The city manager or designee is responsible for administrating this ordinance. In addition, the city manager or designee may enter into an agreement with the Oregon Department of Transportation as an authorized agent for the implementation of certain sections of this ordinance.

Section 28. Voter Referral. This ordinance was referred to the electors of the city of Port Orford at the November 03, 2020 election. A copy of the ballot measure for this referral is attached hereto and by this reference incorporated herein.

Section 29. When Tax Shall Take Effect. The taxation imposed by this ordinance shall commence April 1 thru October 31 annually

Section 30. Severability. If any portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of any remaining portions of this ordinance.

DATED the <sup>th</sup> day of January 2022

Passed or Failed by the following Roll Call Vote

Yes: \_\_\_\_\_

No: \_\_\_\_\_

Passed \_\_\_\_\_ Failed \_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
Jessica Ginsburg, City Recorder

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 01/20/2022

SUBJECT: Vacation Rentals

ITEM NO: 8 b.

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At the planning meeting Wrokshop it was agreed apom that planning would start to review and research the rules and regulations on what other cities do in the residential zones to regulate vacation rentals.

In discussions with Shala, Crystal and myself we have discussed an option of putting a moritorium in place for Issuising Business Licenses to Vacation Rentals in Residential Zones. This a very quick process and would only require a resolution and vote by city council. However, it has already been a challenge in past years getting the vacation rentals to apply for business licenses. So it could just make the people who do follow the rules suffer.

### Suggested Motion:

I make the motion that Council adopts a resolution to temperatly stop issuing business licenses for Short Term Rentals and or Vacation Rentals for a period of \_\_\_\_\_ months.

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 01/20/2022

SUBJECT: Water Curtailment Ordinance 2022-04- Draft

ITEM NO: 8 c.

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Attached is a current Draft of the Curtailment ordinance. John and I have added the heights of the tanks and impound into the levels of concern.

In the past council has discussed the usage penalties and how it will be calculated. In attachment 1.8.c I have printed the Total billed consumption for a 12 month period for residential customers. The average per residence is 3,058 gallons per month.

Would Council like to use that method on then penalty portion of the Ordinance?

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

# Consumption Summary Report

Consumption Test Based on: Total Consumption  
 Consumption to Use: Total Meter Consumption

Consumption Period From: 01/2021  
 To: 12/2021

## Account Class Summaries

Account Class Code - Description	Total Billed Consumption	Total Meter Consumption	Number of Bills	Average Total Cons.	Demand Consumption	Unbilled Consumption
<b>Range 1 From: -999999999 Range 1 To: 999999999</b>						
12A - 12 UNIT APT	372,020	372,020	12	31,002		
14A - 14 UNIT APT	362,170	362,170	12	30,181		
3PX - 3-PLEX	448,120	448,120	48	37,344		
6AP - 6 UNIT APT	179,670	179,670	12	14,973		
RES - RESIDENTIAL	19,629,420	19,629,420	6,780	1,678,258		
<b>Sub Totals for Range 1 -999999999 - 999999999:</b>	<b>20,991,400</b>	<b>20,991,400</b>	<b>6,864</b>	<b>1,791,758</b>		

## Rate Code Summaries

Rate Code - Description	Total Billed Consumption	Total Meter Consumption	Number of Bills	Average Total Cons.	Demand Consumption	Unbilled Consumption
<b>Range 1 From: -999999999 Range 1 To: 999999999</b>						
100 - RES WATER USAGE	19,600,220	19,600,220	6,717	1,674,361		
101 - DUPLEX WATER USAGE	72,680	72,680	24	6,057		
102 - 3 PLEX WATER USAGE	224,060	224,060	24	18,672		
103 - 6 PLEX WATER USAGE	179,670	179,670	12	14,973		
104 - 12 UNIT WATER USAGE	372,020	372,020	12	31,002		
105 - 14 UNIT WATER USAGE	362,170	362,170	12	30,181		
106 - OUTSIDE WATER USAGE	88,700	88,700	24	7,392		
108 - SEWER ONLY	91,880	91,880	39	9,120		
<b>Sub Totals for Range 1 -999999999 - 999999999:</b>	<b>20,991,400</b>	<b>20,991,400</b>	<b>6,864</b>	<b>1,791,758</b>		

*Aug monthly use 3.058 ga*

*512 Services*

## Read Group Summaries

Read Group Code - Description	Total Billed Consumption	Total Meter Consumption	Number of Bills	Average Total Cons.	Demand Consumption	Unbilled Consumption
<b>Range 1 From: -999999999 Range 1 To: 999999999</b>						
1 - Read Group: 1	2,995,260	2,995,260	988	260,140		
2 - Read Group: 2	4,796,730	4,796,730	1,639	405,269		
3 - Read Group: 3	4,173,090	4,173,090	1,174	351,397		
4 - Read Group: 4	3,423,240	3,423,240	1,027	293,895		
5 - Read Group: 5	3,087,260	3,087,260	1,015	267,305		
6 - Read Group: 6	2,515,820	2,515,820	1,021	213,752		
<b>Sub Totals for Range 1 -999999999 - 999999999:</b>	<b>20,991,400</b>	<b>20,991,400</b>	<b>6,864</b>	<b>1,791,758</b>		

## Billing Cycle Summaries

Billing Cycle Code - Description	Total Billed Consumption	Total Meter Consumption	Number of Bills	Average Total Cons.	Demand Consumption	Unbilled Consumption
<b>Range 1 From: -999999999 Range 1 To: 999999999</b>						
01 - Cycle: 01	20,991,400	20,991,400	6,864	1,791,758		
<b>Sub Totals for Range 1 -999999999 - 999999999:</b>	<b>20,991,400</b>	<b>20,991,400</b>	<b>6,864</b>	<b>1,791,758</b>		

## ORDINANCE NUMBER 2022-04

### AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD

The Common Council of the City of Port Orford hereby ordains that the following Ordinance 2022-04 be adopted for Water Curtailment

#### CHAPTER 13.05

##### SECTIONS:

13.05.010	Title
13.05.020	Purpose
13.05.030	Definitions
13.05.040	Application of Procedure
13.05.050	Levels of Concern
13.05.060	Regulation of Prinking and Water During Level of Concern Conditions
13.05.070	Nonessential Residential Water
13.05.080	Nonessential Commercial or Industrial Use
13.05.090	Gutter Flooding
13.05.100	Regulation of Applications for New Water Services
13.05.110	Penalty
13.05.120	Variances

This chapter, together with the any amendments codified in this chapter, shall be known and may be cited as the City of Port Orford Water Curtailment Code and will be referred to herein as "this code".

#### 13.05.020 - Purpose:

The City hereby declares that water shortage emergency condition exists in the City of Port Orford when the Hubbard's Creek holding pond and/or treated water holding tank is below standards set by the Public Works Supervisor. City Administrator and the Public Works Supervisor acknowledges that during such times of low water supply the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the City to the extent that there would be insufficient water for human consumption, sanitation, fire protection and aquatic life protection.

In order to conserve the water supply for the greatest public benefit with particular regards to domestic use, sanitation, fire protection, safety, and aquatic life protection, the City adopts the following regulations and restrictions on the delivery and consumption of water during drought conditions.



**13.05.030 - Definitions:**

In the case where a definition of a term is found to be in conflict with a definition or term in any other City ordinance or regulation, the more restrictive definition shall apply.

**Customer:** means any person designated in city records to receive City of Port Orford water service.

**City Administrator:** means the City Administrator of the City of Port Orford, or any authorized employee of the City of Port Orford designated by him/her

**Person:** means any person, firm, entity, partnership, association, corporation, company or organization of any kind.

**Water:** means water from the City of Port Orford, unless expressly provided otherwise or required by contract.

**Water Curtailment Measures:** means any restrictions or rules set forth in this Ordinance to address the First, Second, Third or Fourth Levels of Concern set forth herein.

**First Level of Concern:** means when water reaches ~~2.5~~ feet in Hubbard's Creek Holding pond or ~~16~~ feet in the treated water tank.

**Second Level of Concern:** means when water reached ~~2.0~~ feet in Hubbard's Creek Holding Pond and/or ~~14~~ feet in the treated water tank.

**Third Level of Concern:** means when water reaches ~~1.8~~ feet in Hubbard's Creek Holding Pond and/or ~~12~~ feet in the treated water tank.

**Fourth Level of Concern:** means when water reached ~~1.5~~ feet in Hubbard's Creek Holding Pond and/or ~~10~~ feet in the treated water tank; or when the State of Oregon declares a drought emergency in Curry County Oregon.

**Designated Party:** Persons designated by the City Administrator to

**13.05.040 –Application and Procedure:**

The provision of the Ordinance shall apply to all customers using water provided by the City of Port Orford at such times as Hubbard's creek decreases to ~~1.5~~ feet or less ~~and/ or -the treated water holding tank decreases to 10 feet~~ or less. Upon implementation of the Water Curtailment Measures, such measures shall remain in effect until the stream flow has increased above ~~yeut~~ trigger level for a continuous 24 hours as verified by the Public Works Supervisor ~~and~~ or City Administrator ~~or the treated water tank is 15 feet or greater.~~

The Penalty provisions for the Ordinance will not be enforced unless and until public notice has been posted in at least three (3) public places or notice has been published in the local newspaper after the first confirmation of Second, Third or Fourth Level of concern conditions, evidenced by the measurement in Hubbard's Creek Holding Pond ~~and the treated water holding tank~~. Notice shall be republished for each separate occurrence of Second, Third, or fourth level of concern conditions following a non-drought period.

**13.05.050 –Levels of Concerns:**

~~There are four levels of concern depending on the levels in Hubbards Creek and or the treated water tank.~~

~~No employee or contractor of the city in the watershed shall violate any rules and regulations adopted by the city to protect the purity of the water and prevent pollution.~~

**13.05.060 – Regulation of ~~Prinking and~~ Water usage During Level of Concern Conditions:**

- 1) First Level of Concern: Conditions, persons and customers are requested to voluntarily reduce their water use. The City may ~~ya~~ issue a formal or informal request for such reduction, including a summary of the water level condition, the reason for the requested curtailment, and a warning that mandatory curtailment will be required if the voluntary measures do not sufficiently reduce water usage by 20% within 30 days.
- 2) Second Level of Concern: Conditions, no person or customers shall sprinkle, water or irrigate any shrubbery, trees, lawns, grass, ground covers, plants, vines, ~~gardens, vegetables~~, flowers, or any other vegetation, except as follows:
  - a. Irrigation, sprinkling, and/or watering is only permitted by residences west of Hwy 101 on even numbered calendar days.

- b. Irrigation, sprinkling, and or watering is only permitted by residences east of Hwy 101 on odd-numbered calendar days.
- 3) Third Level of Concern: Conditions, no person or customer shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, ground covers, plants, vines, flowers or any other vegetation. Direct hand watering of food producing plants (herbs, fruit, and vegetable) shall be permitted.
- 4) Fourth Level of Concern: conditions, there is imposed on persons and customers a mandatory reduction in water usage as follows:
- a. No person or customer shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, ground covers plants, vines, flowers ~~gardens~~ or any other vegetation.
  - b. For residential customers, the City may issue a maximum daily allotment for water use per meter. A person or customer who exceeds the maximum daily allotment shall be subject to the penalty provisions of the Ordinance.
  - c. The City may require the use of shower flow restrictors, toilet damming devices, or other water conservation devices.
  - d. **Bulk water sales shall be suspended.**

**13.05.070- Nonessential Residential Water Use:** The following residential water uses are hereby determined to be nonessential and are prohibited during Second, Third and Fourth Level of Concern Conditions.

- 1) The use of water to wash any motor bike, motor vehicle, boat (excluding Commercial Fishing Vessels), trailer, ~~or airplane or other vehicle~~, except when such water is used at a commercial washing facility;
- 2) The use of water to wash down any sidewalk, walkway, driveway, parking lot, tennis court or other hard-surfaced area, or any building or structure;

- 3) The use of water to fill, refill or add to any indoor or outdoor swimming pool, Jacuzzi pool, except for the following: neighborhood fire control purposes, where the pool has a recycling water system and evaporative cover, or where the use of the pool is required by a medical doctor's prescription; and
- 4) The use of water in a fountain or pond for aesthetic or scenic purposes, except where necessary to support aquatic life.

**13.05.080 – Nonessential Commercial or Industrial Use:** During Second, Third and Fourth level of concern conditions, the following commercial and/or industrial water uses are hereby determined to be nonessential and are prohibited:

- 1) Serving City water for drinking at a restaurant, hotel, café, cafeteria, or other public place where food is sold, served, or offered for sale, to any person unless requested by such person;
- 2) The use of water for scenic or recreational ponds and lakes, except for the minimum amount required to support aquatic life;
- 3) The use of water from hydrants for constructions purposes, fire drills, or any purpose other than fire-fighting
- 4) The use of water by a golf course to irrigate any portion of its grounds except those areas designated as tees and greens;
- 5) The use of water for dust control

**13.05.090 – Gutter Flooding:** No person or customer shall cause water to run to waste in any gutter or drain during a Second, Third, or Fourth level of concern.

**13.05.100 – Regulation of Applications for New Water Services:** No new, additional, further expanded or increased-in-size water services connections, meters, services lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved or installed during a Second, Third, or Fourth Level of Concern.

**13.05.110 - Penalty:** The following penalty provisions apply to violations of this Ordinance:

**Commented [JG1]:** Did you want to do a dollar value as a fine or a multiple. This was not decided at the last meeting

- 1) Penalties for violating this Ordinance shall be cumulative in that they me be in additional to, not in lieu of, other penalties, remedies, or surcharges established by this chapter.
- 2) Second Level of Concern: Any Customers who exceed usage over the 2 times their annual average of water usage shall pay a surcharge of two (2) times the rate for water delivered in excess of the average volume.
- 3) Third Level of Concern: Any customers who excess 2-4 times their annual average of water usage shall pay a surcharge of three (3) times the rate for water delivered excess of the average volume.
- 4) Fourth Level of Concern: Any Customers who exceeds 4 and over their annual average of water usage shall pay a surcharge of four (4) times the rate for water delivered in excess of the average volume.

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**13.05.120 -Variances:** The City Administrator may, in writing, grant temporary variances for prospective uses of water otherwise prohibited after determining that due to unusual circumstances, failure to grant such variances would cause an emergency condition affecting health, sanitation or fire protection.

The City Council shall ratify or revoke any such variance or adjustment as its next scheduled meeting. Any such variance or adjustment so ratified, may be revoked by later action of the City Council.

No such variance shall be retroactive or otherwise justify any violation of this Ordinance occurring prior to issuance of said temporary variance.

The foregoing ordinance was enacted by the Common Council of the City of Port Orford this \_\_\_<sup>th</sup> day of \_\_\_ 1 and effective the \_\_\_<sup>th</sup> day of \_\_\_ by the following vote:

DATED :

Passed or Failed by the following Roll Call Vote

Yes: \_\_\_\_\_

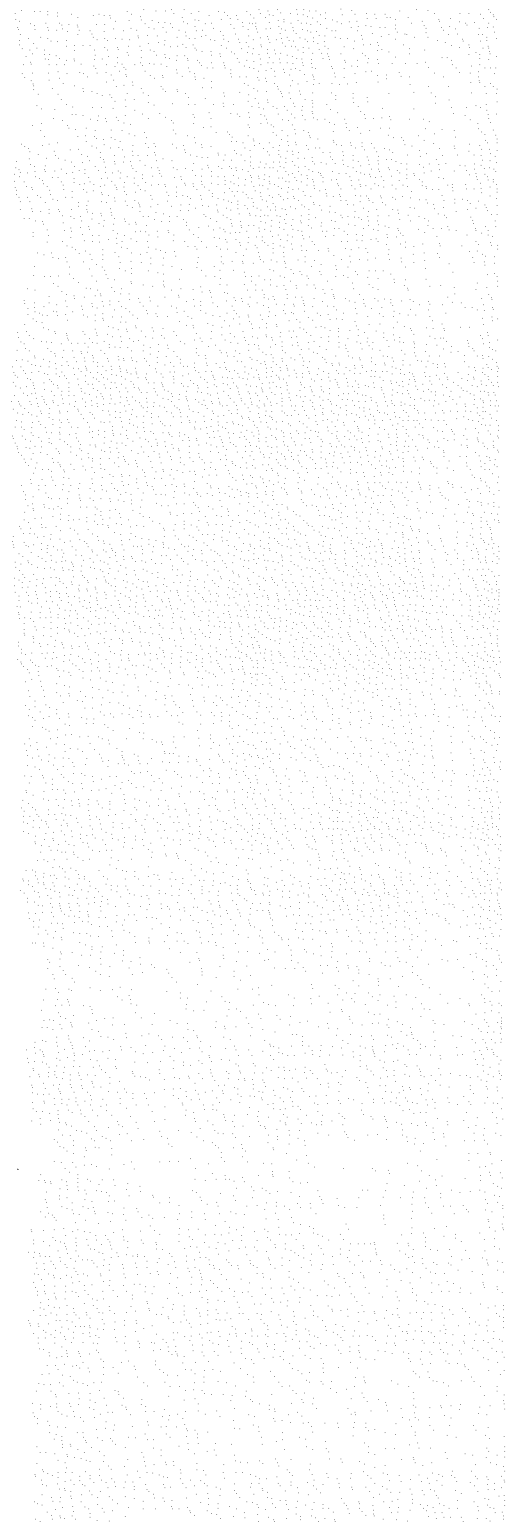
No: \_\_\_\_\_

Passed \_\_\_\_\_ Failed \_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
Jessica Ginsburg, City Recorder



# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 01/20/2022

SUBJECT: New Water Services Installation

ITEM NO: 8 d.

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Since we have been having infrastructure issues John and myself have brought to the Council's attention the strain of the new services on our water and sewer system. With that strain it has been suggested to council to put a hold on new water services within city limits. Newer properties can have a well put on their land. Owners are just required to have sewer according to the rules that have been put in place.

Council is interested in re-visiting this topic due to additional information that has been provided by John and myself.

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

**APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE**

\*\*If you do not wish to have any specific information in this form given out to the general public please let us know, in writing, and tell us the reason why.  
We will try to honor your request within the constraints of the applicable public records law\*\*

I am interested in serving as a member of the TLT COMMITTEE

Name: NANCY FRASER

Mailing Address: P.O. Box 678

Physical Address: 1160 IDAHO STREET

Home Phone: 541-253-8499 Work Phone: — Fax: —

E-mail: nancyfraser0323@gmail.com

Current Employment: —

Your area of interest: HELPING PORT ORFORD COMMUNITY

Your area of expertise: PRIOR BUSINESS OWNER IN PORT ORFORD.

Why do you want to serve? GARY BURNS CONTACTED ME, ALSO WATCHED COUNCIL MEETING REQUESTING VOLUNTEERS.

Previous service in this appointed position of a similar position —

Other volunteer activities PORT ORFORD ARTS COUNCIL  
MAIN STREET REVITALIZATION

**Does your schedule allow you to attend?**

Daytime Meetings  yes  no Evening meetings  yes  no

Does your schedule limit the days you could attend meetings?  yes  no

Have you ever been convicted of a felony?  yes  no If Yes, please explain.

Additional comments: —

Date: 12/17/2022 Signature: Nancy Fraser

Please return to:  
City of Port Orford  
P.O. Box 310  
Port Orford, OR 97465

Phone: 541-332-3681 Fax: 877-281-5307 [trichards@portorford.org](mailto:trichards@portorford.org)



APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE

\*\*If you do not wish to have any specific information in this form given out to the general public please let us know, in writing, and tell us the reason why. We will try to honor your request within the constraints of the applicable public records law\*\*

I am interested in serving as a member of the TLT COMMITTEE

Name: MICHELE LEONARD

Mailing Address: POB 1461, PORT ORFORD, OR 97465

Physical Address: 1126 WASHINGTON ST, PORT ORFORD

Home Phone: 541-366-2147 Work Phone: 541-347-5871 Cell / Fax: 541-707-321-4332

E-mail: bobandmichele1976@gmail.com

Current Employment: Bandon Dunes GOLF RESORT

Your area of interest: COMMUNITY DEVELOPMENT

Your area of expertise: I SIT ON THE COMMITTEE TO RENOVATE THE COMMUNITY CENTER

Why do you want to serve? TO APPLY FOR FUNDING.

Previous service in this appointed position of a similar position none

Other volunteer activities currently only the COMMUNITY CENTER

Does your schedule allow you to attend?

Daytime Meetings  yes  no Evening meetings  yes  no

Does your schedule limit the days you could attend meetings?  yes  no

Have you ever been convicted of a felony?  yes  no If Yes, please explain.

Additional comments: I WORK SATURDAYS, SUNDAYS & MORDAYS from 8am - 4pm.

Date: 12/15/21 Signature: Michele Leonard

Please return to:

City of Port Orford

P.O. Box 310

Port Orford, OR 97465

Phone: 541-332-3681

Fax: 877-281-5307

[trichards@portorford.org](mailto:trichards@portorford.org)

**RESOLUTION 2022-02**

**A RESOLUTION OF THE *COMMON COUNCIL OF THE CITY OF PORT ORFORD*,  
CALLING FOR AN ELECTION WITHIN THE CITY FOR THE PURPOSE OF  
IMPOSING A SEASONAL MOTOR FUEL TAX.**

**WHEREAS**, the City Council has established a two cents (\$0.02) per gallon of motor fuel tax sold within the City; and

**WHEREAS**, ORS 475B.491 requires that the adoption of this tax to be referred to the electors of the City of Port Orford; and

**WHEREAS**, an election specified in ORS 475B.491 will occur on November 8, 2022,

**NOW, THEREFORE,**

**BE IT RESOLVED** by the *Common Council of the City of Port Orford*, as follows:

An election within the City for the purpose of approving the seasonal motor fuel tax on all motor vehicle fuel dealers within the boundaries of the City of Port Orford shall be held on November 8, 2022.

The tax rate to be imposed will be two cents (\$0.02) per gallon.

The two cents (\$0.02) per gallon will be imposed on all motor vehicle fuel dealers within the City limits of Port Orford.

The two cents (\$0.02) tax per gallon on the sale of motor fuel sales will begin on April 1, 2023.

Approved by the *Common Council of the City of Port Orford* and effective this 20th day of January 2022.

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

ATTEST:

\_\_\_\_\_  
Jessica Ginsburg, City Recorder

# City of Port Orford

## CITY RIGHT-OF-WAY USAGE LICENSE

City Ordinance Chapter 12.24

**Licensee Information:**

**Date:** 12-8-21

Name: Marty M. Hixon Phone: 541-604-0525

Address: 214-19<sup>th</sup> ST P.O. Oregon Signature: Marty Hixon

**Property location:** 1840 Oregon ST

Assessors Map#: \_\_\_\_\_ Lot#: 1300  
33-15-09 AA

**Description of Improvements:** Attach Drawings / Plans if available:

Install and maintain Removable Post ~~Across~~ <sup>across</sup>  
Tickers to prevent Damage To Drainage From Vehicles  
due To Muddy conditions on unstable Ground

**Agreements:**

1. Licensee confirms they are the owner of the property adjacent to the City's right of way.
2. Licensee agrees that this license is personal to the licensee, non-transferable and may be revoked by the City of Port Orford at any time and without notice to licensee.
3. Licensee agrees that the use of the City's right of way is limited to the specific use authorized by this license.
4. Licensee shall notify in writing any purchaser of the property of this revocable license.
5. Licensee shall have all utilities and property lines located and marked at licensee's expense before submitting permit. (Utility locate service 1-800-332-2344)
6. The City of Port Orford reserves the right to remove any ground cover, landscaping or structures without compensation to licensee/property owner for utility installation/repair, Street maintenance/repairs, Street widening, Sidewalk construction and/or any other Street improvements, Right-of-way maintenance or any other actions deemed necessary by the City of Port Orford.
7. **HOLD HARMLESS CLAUSE:** The licensee agrees that their performance under this permit is at their own sole risk and that they shall indemnify the City of Port Orford, its agents and employees and hold harmless from any and all liability for damages, costs, losses and expenses resulting from, arising out of, or in any way connected with this permit and from any loss arising from the licensee's use of the property, or from the licensee's failure to perform fully hereunder, and the licensee further agrees to defend the City of Port Orford, its agents, and employees, against all suits, actions or proceedings brought by any third party against them for which the permit holder would be liable hereunder.

# City of Port Orford

## OFFICE USE ONLY

### PUBLIC WORKS REVIEW

Reviewed by: [Signature] Title: Pw Super Date: 1/13/2022

Recommendation: Approve  Approve w/Conditions  Deny

Conditions ~~Post to be removed~~

Post to be removed by May 2022

### POLICE DEPARTMENT REVIEW

Name: Hank Bobart Title: Chief Date: 1-13-22

Recommendation: Approve  Approve w/Conditions  Deny

Conditions \_\_\_\_\_

### CITY ADMINISTRATION REVIEW & FINAL DECISION

Recommendation: Approve  Approve w/Conditions  Deny

Conditions \_\_\_\_\_

If Applicant disagrees with City Administration Review and Final Decision, the matter may be appealed to the City Council. Appeals must be in writing, and requested within 30 days of the final administrative decision or the decision becomes final.

In order to have standing to appeal you must be the applicant, an adjoining property owner, or an adversely affected citizen of the City of Port Orford.

# City of Port Orford

## CITY RIGHT-OF-WAY USAGE LICENSE

City Ordinance Chapter 12.24

**Licensee Information:**

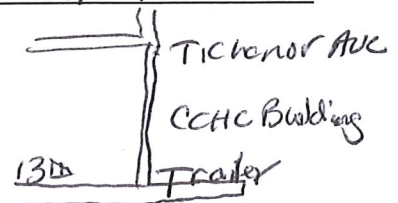
Date: 1-13-2022

Name: Coast Community Health Phone: 541-347-2529 ext 144

Address: 1332 Tichenor Ave. Signature: Richard Gray

Property location: 1332 Tichenor st. South end and 13<sup>th</sup> St.

Assessors Map#: 335 <sup>OSAO</sup> Lot#: 00600



**Description of Improvements:** Attach Drawings / Plans if available:

We Request to Park our CCHC Trailer  
on South end of Property w/ 1/2 Parked on should  
City Rt of Way.

**Agreements:**

1. Licensee confirms they are the owner of the property adjacent to the City's right of way.
2. Licensee agrees that this license is personal to the licensee, non-transferable and may be revoked by the City of Port Orford at any time and without notice to licensee.
3. Licensee agrees that the use of the City's right of way is limited to the specific use authorized by this license.
4. Licensee shall notify in writing any purchaser of the property of this revocable license.
5. Licensee shall have all utilities and property lines located and marked at licensee's expense before submitting permit. (Utility locate service 1-800-332-2344)
6. The City of Port Orford reserves the right to remove any ground cover, landscaping or structures without compensation to licensee/property owner for utility installation/repair, Street maintenance/repairs, Street widening, Sidewalk construction and/or any other Street improvements, Right-of-way maintenance or any other actions deemed necessary by the City of Port Orford.
7. **HOLD HARMLESS CLAUSE:** The licensee agrees that their performance under this permit is at their own sole risk and that they shall indemnify the City of Port Orford, its agents and employees and hold harmless from any and all liability for damages, costs, losses and expenses resulting from, arising out of, or in any way connected with this permit and from any loss arising from the licensee's use of the property, or from the licensee's failure to perform fully hereunder, and the licensee further agrees to defend the City of Port Orford, its agents, and employees, against all suits, actions or proceedings brought by any third party against them for which the permit holder would be liable hereunder.

X:\City Forms\Utilities Forms\Right-of-way license.doc

mailing Address. 1610 1<sup>st</sup> SE Bandon OR 97111

# City of Port Orford

## OFFICE USE ONLY

### PUBLIC WORKS REVIEW

Reviewed by: John Isadore Title: Public Works Date: 1/13/22

Recommendation: Approve  Approve w/Conditions \_\_\_\_\_ Deny \_\_\_\_\_

Conditions movable

### POLICE DEPARTMENT REVIEW

Name: Hank Hobart Title Chief Date 1-13-22

Recommendation: Approve  Approve w/Conditions \_\_\_\_\_ Deny \_\_\_\_\_

Conditions \_\_\_\_\_

### CITY ADMINISTRATION REVIEW & FINAL DECISION

Recommendation: Approve \_\_\_\_\_ Approve w/Conditions \_\_\_\_\_ Deny \_\_\_\_\_

Conditions \_\_\_\_\_

If Applicant disagrees with City Administration Review and Final Decision, the matter may be appealed to the City Council. Appeals must be in writing, and requested within 30 days of the final administrative decision or the decision becomes final.

In order to have standing to appeal you must be the applicant, an adjoining property owner, or an adversely affected citizen of the City of Port Orford.

**City of Port Orford**  
P.O. Box 310, Port Orford, OR 97465  
(541) 332-3681

**CITY RIGHT-OF-WAY USAGE LICENSE**

City Ordinance Chapter 12.24

**Licensee Information:**

Date: \_\_\_\_\_

Name: Lisa M. Pittelli Phone #: 541-366-1636

Address: 352 16<sup>th</sup> St. Signature: Lisa M. Pittelli

**Property location:**

Street location: 352 16<sup>th</sup> St. Assessors Map: \_\_\_\_\_ Lot#: 2600 ?

**Description of Improvements:** Attach Drawings / Plans if available:

Construction of a fence for safety and privacy.

**Agreements:**

1. Licensee confirms they are the owner of the property adjacent to the City's right of way.
2. Licensee agrees that this license is personal to the licensee, non-transferable and may be revoked by the City of Port Orford at any time and without notice to licensee.
3. Licensee agrees that the use of the City's right of way is limited to the specific use authorized by this license.
4. Licensee shall notify in writing any purchaser of the property of this revocable license.
5. Licensee shall have all utilities and property lines located and marked at licensee's expense before submitting permit. (Utility locate service 1-800-332-2344)
6. The City of Port Orford reserves the right to remove any ground cover, landscaping or structures without compensation to licensee/property owner for utility installation/repair, Street maintenance/repairs, Street widening, Sidewalk construction and/or any other Street improvements, Right-of-way maintenance or any other actions deemed necessary by the City of Port Orford.
7. HOLD HARMLESS CLAUSE: The licensee agrees that their performance under this license is at their own sole risk and that they shall indemnify the City of Port Orford, its agents and employees and hold harmless from any and all liability for damages, costs, losses and expenses resulting from, arising out of, or in any way connected with this license and from any loss arising from the licensee's use of the property, or from the licensee's failure to perform fully hereunder, and the licensee further agrees to defend the City of Port Orford, its agents, and employees, against all suits, actions or proceedings brought by any third party against them for which the license holder would be liable hereunder.
8. If applicant disagrees with the action of City Staff, an appeal may be filed with the City Council within 14 days of the action, or the decision becomes final.
9. Criteria that will be used to evaluate proposed right of way use:
  - A. Potential impact on existing utilities (water, sewer, storm water, etc.) including potential future maintenance requirements for those utilities.
  - B. Will the proposed use negatively impact visibility for traffic on adjoining roadways?
  - C. Are there any other potential public safety concerns?
  - D. Will the proposed use be likely to create negative visual impact on adjoining properties?
  - E. Will the proposed use impact any other existing uses?
  - F. Is granting the ROW usage license in the public interest?

OFFICE USE ONLY

Public Works Review

Name: John Isadore Title: Public Works Date: 1/14/2022

Recommendation: Approve: \_\_\_\_\_ Approve with conditions: X Deny: \_\_\_\_\_

Conditions Water meter has to be outside the fence.

Approved via phone w/John

Police Department Review

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Recommendation: Approve: \_\_\_\_\_ Approve with conditions: \_\_\_\_\_ Deny: \_\_\_\_\_

Conditions: \_\_\_\_\_

City Administration Review and Final Decision

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Recommendation: Approved: \_\_\_\_\_ Approved with conditions: \_\_\_\_\_ Denied: \_\_\_\_\_

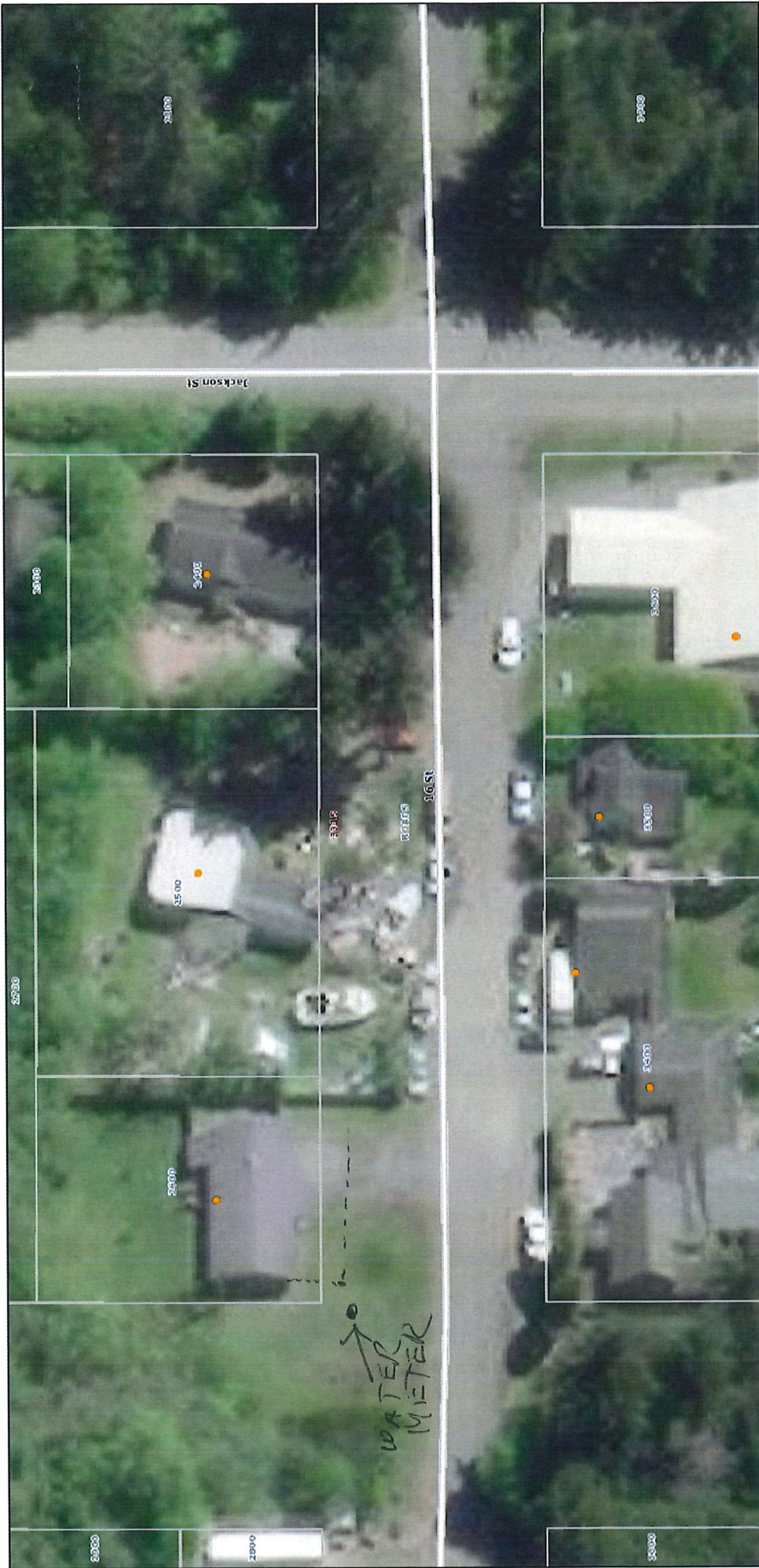
Conditions: \_\_\_\_\_

*If Applicant disagrees with City Administration Review and Final Decision, the matter may be appealed to the City Council. Appeals must be in writing and requested within 30 days of the final administrative decision, or the decision becomes final.*

*In order to have standing to appeal, you must be the applicant, an adjoining property owner, or and an adversely affected citizen of the City of Port Orford.*



# Curry County Web Map



1/13/2022, 2:44:38 PM

World Imagery      Citations      All Roads      City Limits      1:564

Low Resolution 15m Imagery      15cm Resolution Metadata      Highways (1)      Urban Growth Boundary      0      0.01      0.01      0.02 mi

High Resolution 60cm Imagery      Parcels      Situs Address (Current)      Counties      0      0.01      0.01      0.03 km

High Resolution 30cm Imagery      Parcel Labels      Townships

Maxar, Microsoft, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, USGS, EPA, USDA

Created by LCOG for Curry County  
 The information on this map was derived from digital databases from the Curry County regional geographic information system by LCOG. Care was taken in the creation of this map, but is provided "as-is". Curry County and LCOG cannot accept any responsibility for errors, omissions or positional accuracy in the digital

# City of Port Orford

## APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE

**\*\*If you do not wish to have any specific information in this form given out to the public, please let us know, in writing, and tell us the reason why. We will try to honor your request within the constraints of the applicable public records law\*\***

I am interested in serving as a member of the Planning Commission  
 Name Krista Nievaeth  
 Mailing address PO Box 657 Port Orford, OR 97465  
 Residence address if different from above 4241 Vista Dr. Port Orford  
 Home telephone [REDACTED] Work telephone \_\_\_\_\_  
 Email knievaeth@yahoo.com  
 Current employment 2CT  
 Your area of interest Education, Community Growth  
 Your area of expertise Education

Why do you want to serve? To help my community continue to grow in a way that brings economic opportunities, but still maintains the uniqueness of our town.

Previous service in this appointed position or a similar position Planning Commission.

Other volunteer activities \_\_\_\_\_

**Does your schedule allow you to attend;**

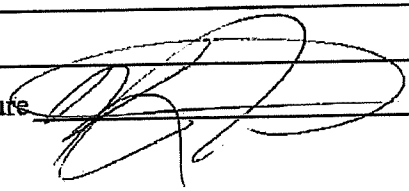
Daytime Meetings  yes  no Evening meetings  yes  no

Does your schedule limit the days you could attend meetings?  yes  no

Have you ever been convicted of a crime?  yes  no If Yes, please explain.

Additional comments I am able to attend meetings after 3:30pm.

Date 12/27/21

Signature 

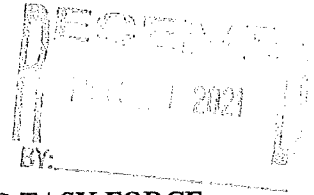
Please return to:

City of Port Orford  
P.O. Box 310  
Port Orford, Oregon 97465

Phone: 541-366-4568

email: [jginsburg@portorford.org](mailto:jginsburg@portorford.org)

# City of Port Orford



## APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE

**\*\*If you do not wish to have any specific information in this form given out to the public, please let us know, in writing, and tell us the reason why. We will try to honor your request within the constraints of the applicable public records law\*\***

I am interested in serving as a member of the Planning Commission

Name Pamela Berndt

Mailing address POB 103 Port Orford OR 97465

Residence address if different from above 709 12th St Port Orford

Home telephone 541 253 1260 Work telephone 541 366 2130

Email 5dotarts@gmail.com

Current employment Will Rivers Land Trust

Your area of interest environment, healthy living, arts & crafts, beach walks

Your area of expertise Marketing/Communications, Outreach, Design, Art, Fundraising, Events

Why do you want to serve? Love of this community and desire to help guide its future. I want to continue as a Planning commissioner in the work we're doing for the people who live here.

Previous service in this appointed position or a similar position Vice Chair on Planning Commission.

Other volunteer activities Port Orford Co-op

### Does your schedule allow you to attend;

Daytime Meetings  yes  no Evening meetings  yes  no

Does your schedule limit the days you could attend meetings?  yes  no

Have you ever been convicted of a crime?  yes  no If Yes, please explain.

Additional comments I would like to continue as Vice chair on the PC - it takes time invested to gain knowledge of proceedings & to be effective.

Date 12-21-2021 Signature [Signature]

Please return to:

City of Port Orford  
P.O. Box 310  
Port Orford, Oregon 97465

Phone: 541-366-4568 email: [jginsburg@portorford.org](mailto:jginsburg@portorford.org)  
Application for Commission Committee  
August 2021