

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

Mayor and Council	Present	City Staff	Present
<i>Pat Cox, Mayor</i>	X	<i>CA Ginsburg</i>	X
<i>Tim Pogwizd, President</i>	X	<i>Shala Kudlac, City Attorney</i>	X
<i>Gary Burns</i>	X	<i>John Isadore, Public Works</i>	Excused
<i>Lorrin 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

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

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

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

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

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

Health – No report.

7. Old Business

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

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

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

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

b. Vacation Rentals: The planning commission has asked for a workshop January 4 during their usual Planning Commission meeting. Councilor’s ask for a 5:30 meeting. This time 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	<i>Councilor Garratt</i>	<u>Yes</u>	<i>Councilor LaRoche</i>	<u>Yes</u>	<i>Councilor Burns</i>	<u>Yes</u>
28	<i>Councilor Kessler</i>	<u>Yes</u>	<i>Councilor Tidey</i>	<u>Yes</u>	<i>Councilor Pogwizd</i>	<u>Yes</u>

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**

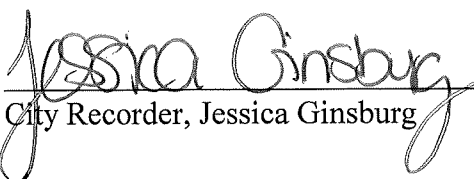
32 **Thursday, January 21, 2022, Regular Council Meeting 5:30, hybrid.**

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

37 Attest:

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39
40
41
42 

Mayor, Pat Cox



City Recorder, Jessica Ginsburg