

City of Port Orford
City Council Meeting
In the Gable Chambers / Virtual participants
Thursday, April 20, 2023 at 5:30 P.M.

Mayor and Council	Present	City Staff	Present
<i>Pat Cox, Mayor</i>	X	<i>CA Pro Tem Gary Milliman</i>	X
<i>Brett Webb</i>	X	<i>Shala Kudlac, City Attorney</i>	X
<i>Gary Burns</i>	X	<i>John Isadore, Public Works</i>	X
<i>Perri Rask</i>	X	<i>Joseph Harrison, Planning Tech.</i>	X
<i>Ann Vileisis</i>	X		
<i>Greg Tidey</i>	X		
<i>Tim Pogwizd</i>	X		

The minutes were prepared to the best of our ability considering the challenging quality of the audio for those attending in the Gable Chambers. Due to technical problems the meeting was not recorded.

Others Present: Penny Suess (appellant) & Jim Haley (applicant); 23 physically present + approx. 15 additional callers on Go-to-meeting

1. Call to Order (5:30)

Mayor Cox called to order this Meeting of the Common Council on April 20, 2023, at 5:36 p.m. Mayor Cox and attendees recited the Pledge of Allegiance.

2. Additions to the Agenda

- None

3. Citizen Considerations:

- None

4. Presentations to Council/Citizens

- None

5. Consent Calendar: (5:31)

a. Minutes of March 16th regular meeting:

Discussion: Two changes to the minutes; the minutes had incorrectly listed the date as the 15th instead of the 16th and Councilor Burns was the one who seconded the motion during the executive session.

- 4 **b. Minutes of March 23rd special meeting:**
5 Discussion: None
6
- 7 **c. Curry Health Network Community Project Letter of Support:**
8 Discussion: None
9
- 10
- 11 **d. OLCC application for Tasty Kate's Funky Town**
12 Discussion: None.
13
- 14 **e. Joyce Spicer for Historic Preservation Commission Application**
15 Discussion: None.
16
- 17 **f. Kathrine E. Sampel for Parks & Rec Committee application**
18 Discussion: None.
19

20 **Council President Vileisis motioned to approve the Consent Calendar with the**
21 **following changes in the minutes for 3/16/2023:**

- 22 1) correcting the date from the 15th to the 16th
- 23 2) Adding that Councilor Burns seconded the motion from the Executive session.

24

25 **Councilor Burns Seconded**

26

27 **Motion carried unanimously. (5:33)**

28

29 <i>Councilor Burns</i>	<u>Yes</u>	<i>Councilor Vileisis</i>	<u>Yes</u>	<i>Councilor Webb</i>	<u>Yes</u>
30 <i>Councilor Rask</i>	<u>Yes</u>	<i>Councilor Tidey</i>	<u>Yes</u>	<i>Councilor Pogwizd</i>	<u>Yes</u>

- 31
- 32 **6. Citizens' Concerns: (5:34)**
- 33 *i. Chris Hawthorn: Motion to approve additional hours for Daniel Kearns*
34 *incorrectly lists Councilor Burns as voting in opposition; he voted in favor.*
35
 - 36 *ii. Marget Truni: Voiced her approval as a citizen of item 10a. Water*
37 *Resolution revisions as she feels it helps the citizens.*
38
 - 39 *iii. No further Citizen Concern noted; Mayor Cox moved on to next item at*
40 *(5:37)*
41

42 **7. Public Hearing: Appeal of CUP 16-02/16-03 (5:38)**

- 43
- 44 *i. Disclosure of Bias; Council members individually asked questions of staff*
45 *member and citizens for clarification on CUP 16-02/16-03 prior to Public Hearing.*
46 *None felt as though they had sufficient reason to recuse themselves from hearing;*
47 *no challenges on Bias from the community. Similarly, there were no recusal or*
48 *challenges on conflicts of interest. (5:40)*
49

- 4 **ii. Shala Kudlac Esq. specified that this procedure is for evaluating the potential**
5 **approval of an extension, not the approval of the CUP itself;** as well as
6 explained the background of this case, including that LUBA had previously ruled
7 in favor of allowing the Common Council to approve multiple extensions. (5:42)
8
- 9 **iii. Councilors have brief discussion for clarification on what they are allowed to**
10 **rule on and what ruling can be made. Once legal council sufficiently**
11 **answered the councilors questions, Mayor Cox read intro script into record.**
12 **(5:46)**
13
- 14 **iv. Mayor Cox:** **[Intro Script]**
15
- 16 **v. Appellant Testimony (Penny Suess):** Started off with a statement of Non-bias
17 then reminded the Council that while LUBA ruled that the Council could allow as
18 many extensions as it wants, it has the responsibility to deny extensions when
19 pertinent. Why give an extension when; after 6 years and 5 extensions no
20 noticeable progress has been made, significant changes have occurred to Port
21 Orford, our water system is now failing and theres little to no economic or
22 environmental benefit. Thanked the Councilors for their time. **(5:49)**
23
- 24 **vi. Applicant Testimony (James M. Haley):** Been working 23 years on CUP, had
25 internal problems that have been resolved, asks council if they have any questions
26 and thanked them for their time. **(5:52)**
27
- 28 **a. Various Councilors asked questions of Mr. Haley and Shala**
29 **Kudlac Esq;** most questions revolved around the cities
30 obligations upon approving the CUP, which portions of the
31 proposed line would be maintained by which party, potential
32 costs to the City, and specifics about the process at this point
33 and moving forward. **(5:55)**
34
- 35 **vii. Citizen Testimony (6:06) – NOTE: this summarizes testimony provided**
36 **verbally at the meeting and does not have all testimony submitted to the**
37 **public record.**
38
- 39 **viii. Tim Leslie:** All aspects of the construction were reviewed by the Planning
40 Commission during the initial filing of the CUP; no surrounding properties would
41 be effected. The original conditions, recommended by the Planning Commission,
42 stated that the Pump Station would be fully financed by the Applicant. He also
43 feels as though this will be a net benefit for the environment as less waste water is
44 being pumped out to the ocean. **(6:09)**
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- 46 **ix. Chris Hawthorn:** Voiced approval since the benefits outweigh the costs **(6:10)**
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- x. **Dana Gurnee:** There’s no reason to allow a 6th extension, every reason to allow it also applies to denying and allowing them to reapply. It would be better to have them submit a new CUP. **(6:11)**
- xi. **Bret Cecil:** Sent email that barely missed the cut off to be entered into the public record. Testifying against the golf course as it removes the small town character of Port Orford and will not be good for the environment. **(6:13)**
- xii. **Chris Speed:** Local realtor who has applied and used many permits wanted to make note that this is a particularly large project that will likely take a decade or more to fully complete, that multiple extensions are like going to be necessary, but that she thinks the Council should approve them. She approves of the extension and thanked the council for their time. **(6:15)**
- xiii. **Beverly Walter:** Reminds the Council that the COVID crisis was at its peak during the duration of the previous extension and that everything had to stop, so it would be reasonable to grant an extension. She also feels that the project is a net benefit to the environment. **(6:17)**
- xiv. **David Ray Tensioner:** Too much risk to the Community due to the current water moratorium an and curtailments. Doesn’t want the project to cause issues that the City would then be responsible for fixing. **(6:20)**
- xv. **Gayle Wilcox:** Attended the initial CUP and appeal 5-6 years ago and thinks allowing an additional extension creates too much liability for the city. Is against extension, favors reapplication. **(6:22)**
- xvi. **Linda Tarr:** Against the renewal due to the cities current administrative capacity. Wonders how the applicant will provide funding for administrative costs without creating a source of bias. **(6:25)**
- xvii. **Senator Smith:** Provided a letter that is in the public record; bringing forward a few points from it for his testimony. 1) there was a global pandemic that caused delays in supply chain and staffing issues 2) Sanitor Smith believes that repeated appeals by the appelland, Penny Sues, to various levels of government over specific verbiage is malicious in nature 3) Senator Smith believes that this project will save Port Orford millions of dollars **(6:28)**
 - a. By Consensus the Common Council agrees to give Senator Smith additional time to present his point due to technical lag and to answer Council questions **(6:30)**
 - b. **Questions for Senator Smith from Council : Council President Vilesis asked Senator Smith for clarification about how his bill to provide \$750,000 for water recycling would fit with this project – would it go to the city or the**

4 developer. Senator Smith stated it would go to the city for
5 its part.

6
7 **xviii. No further citizen testimony at (6:34)**

8
9 **b. Final rebuttal from the Appellant (6:35) – Note; by appellant request, the Council and**
10 **Senator Smith were able to immediately address some of the testimony, additionally**
11 **there was an interruption from a virtual caller being unmuted. The following contains**
12 **only content of Appellant testimony.**

13
14 **i. Penny Sues (appellant):** Raises concerns whether the bill that’s granting some of
15 the funding is actually going to pass or if its being promised despite being dead in
16 all but name. Voices confusion over having two proposed routes, raising concerns
17 that the applicant indicated that one of them no longer seems to be being
18 considered and that only one of the CUPs should be renewed, not both. Thanks the
19 Common Council for their time. **(6:40)**

20
21 **c. With no more testimony and the final rebuttal ended, the public hearing concluded at**
22 **(6:40)**

23
24 **d. Council Deliberation**

25 **i. Discussion:** Councilor Pogwizd indicated that he thinks this is getting something
26 positive for Port Orford. Councilor Burns indicated that he didn’t think that there
27 should be endless renewals but that he was in favor of renewing this time.
28 Councilor Webb expressed concerns about the specific route. Councilor Vileisis
29 reiterated concerns about the liability to the city for long term maintenance and
30 wanted clarification about when in the process there would be an actual operations
31 contract. Councilor Rask explained that this vote was not the final decision.

32
33
34 **i. Vote: Motion to approve Extension for CUP 16-02/16-03 carries 5-1. (7:12)**

35
36 *Councilor Burns* Yes *Councilor Vileisis* No *Councilor Webb* Yes
37 *Councilor Rask* Yes *Councilor Tidey* Yes *Councilor Pogwizd* Yes

38
39 **Brief Recess for commission as a large number of citizens leave after the public hearing**

40
41 **8. Departmental Reports: (7:15)**

42 **a. Public Works:** A written report has been provided to councilors by Jon Isadore; it is part of
43 the public record and available in full on the Port Orford website.

44
45 **b. Administration/Financial Report:** Report delivered during orally by City Admin Pro Tem
46 Milliman; the city office is currently working on getting the budget ready. Members of the
47 previous budgetary committee have been reached out to and we are in the process of setting a
48 date for the first meeting.

4 **c. Planning:** Written report provided by Joseph Harrison; it is part of the public record and
5 available in full on the Port Orford website.
6

7 **d. Liaison Reports: Liaison report assignments** will be addressed in item 10c. **Reports are**
8 **part of the public record and can be read in full on website. Quick summaries will**
9 **follow.**

10 **i. Fire District**

11 **ii. TLT**

12 **iii. Watershed:** Written Report provided by Council President Vileisis; looking for
13 volunteers, ongoing and upcoming projects may require council action, potential
14 funding close to being secured and additional documents for the council are in the
15 process of being drafted.

16 **iv. Port**

17 **v. Parks**

18 **vi. Emergency Management**

19 **vii. School District**

20 **viii. Main Street:** Written Report provided by Councilor Burns; 70% of bike rack
21 project funding has been secured, TLT grant is requested for remainder. Unspent
22 funds from previous year will spent on new Website. Additional TLT grant
23 funding requested for landscaping projects.
24

25 **9. Old Business**

26 **None**

27
28 **10. New Business:**

29
30 **a. Resolution 2023-04:** The City council adopted Ordinance 2022-04 establishing regulations
31 concerning water curtailment and establishing Port Orford Municipal Code (POMC) Chapter
32 13.05. POMC 13.05.100 establishes regulation of applications for new water service. In
33 administering this section, staff has found that there has been some inconsistency in the
34 interpretation of certain terms, such as “new” or “additional.” **(7:30)**
35

36 Discussion: Councilors raised concerns over specific verbiage being used within the
37 resolution and its implications. Condition 3): Councilors confused by “production is at or
38 above 350 million gallon per day” as a condition to declare risk level; confusion comes
39 from both the “at or above” when the other conditions are “at or below” and millions of
40 gallons per day instead of gallons per minutes.
41

42 Council President Vileisis moved to approve Resolution 2023-04 conditionally upon
43 condition 3 being reworded to make it clearer and to change a mistake; GPM means
44 Gallons Per Minute, not Millions of Gallons Per Day. Additionally, the terminology of
45 “Draught Conditions” needs to be changed to “Emergency Conditions”. Additionally,
46 Conditions need to include the language “include but not limited to” as to allow the Head
47 of Public Works to retain some autonomy in water risk assessment.
48

49 Council Pogwizd as second. **Motion carried 6-0. (7:55)**

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Councilor Burns *Yes* *Councilor Vileisis* *Yes* *Councilor Webb* *Yes*
Councilor Rask *Yes* *Councilor Tidey* *Yes* *Councilor Pogwizd* *Yes*

b. Janitorial Contract: The City has been operating without Janitorial Staff since December 2022; at this time city staff cleans their own work areas once a week and work together to clean common areas. The proposed contract is for \$2450 monthly with an additional \$12.50/hour should janitorial services be needed outside normal work hours and would become effective May 1st 2023 and remain in effect until May 1st 2024 unless renewed.

Discussion: Councilors began by asking questions about the application process and how we receive bids. This evolved into a discussion on why the current contract is for \$600 a month more than the previous one, it seems to be primarily based on insurance requirements changing and to address the discrepancy in amount of work between the seasons; Council split on whether this is high pay for janitorial staff. Chief Hobart confirmed that the applicant cleared criminal background check and could work in PD and Public Works Head Isadore stressed the impact of needing to dedicate Public Works employees to cleaning public restroom facilities.

Councilor Tidey motioned to hire the employee.
Council President Vileisis seconded.
At this time, it is brought to the councils attention that the correct motion should be to approve the contract
Councilor Tidey rescinds his previous motion to hire.

Councilor Tidey motions to approve the contract.
Council President Vileisis seconded

Motion Carries 5-1 (8:17)

Councilor Burns *Yes* *Councilor Vileisis* *Yes* *Councilor Webb* *Yes*
Councilor Rask *No* *Councilor Tidey* *Yes* *Councilor Pogwizd* *Yes*

c. Liaison Reports: Two of the traditional liaison assignments are vacant; fire and school. Additionally, some council members wish to be reassigned. The Council assigned and confirmed the following roles:

- i. Fire District - Burns
- ii. TLT - Pogwizd
- iii. Watershed - Vileisis
- iv. Port - Webb
- v. Parks - Tidey
- vi. Emergency Management - Burns
- vii. School District - Rask
- viii. Main street – Burns

Discussion: Councilors assigned/resigned from roles; Mayor Cox relinquished Port Liaison to avoid conflict of interest. Police removed as a Liaison, none needed at this time. Councilors reviewed the list of Liaisons while assigning/confirming roles.

Commissioner Burns motioned to approve the assignments
Council President Vileisis seconded

Motion carries unanimously. (8:28)

<i>Councilor Burns</i>	<u>Yes</u>	<i>Councilor Vileisis</i>	<u>Yes</u>	<i>Councilor Webb</i>	<u>Yes</u>
<i>Councilor Rask</i>	<u>Yes</u>	<i>Councilor Tidey</i>	<u>Yes</u>	<i>Councilor Pogwizd</i>	<u>Yes</u>

d. Scheduling workshop: City Administrator Pro Tem Gary Milliman recommended a workshop to improve workflow for the Council agenda and packet.

Discussion: Minimally about setting a date

Councilor X Motions to approve workshop for May 4th at 4:30 pm
Councilor Y seconded.

Motion carries unanimously

<i>Councilor Burns</i>	<u>Yes</u>	<i>Councilor Vileisis</i>	<u>Yes</u>	<i>Councilor Webb</i>	<u>Yes</u>
<i>Councilor Rask</i>	<u>Yes</u>	<i>Councilor Tidey</i>	<u>Yes</u>	<i>Councilor Pogwizd</i>	<u>Yes</u>

e. Budget Officer Appointment: The City needs a Budget Officer. City Administrator Pro Tem Gary Milliman volunteered and recommended himself. Council agreed via consensus.

Councilor X motions to approve City Administrator Pro Tem Milliman as the budgetary officer.

Councilor Y seconded.

Motion carries unanimously

<i>Councilor Burns</i>	<u>Yes</u>	<i>Councilor Vileisis</i>	<u>Yes</u>	<i>Councilor Webb</i>	<u>Yes</u>
<i>Councilor Rask</i>	<u>Yes</u>	<i>Councilor Tidey</i>	<u>Yes</u>	<i>Councilor Pogwizd</i>	<u>Yes</u>

11. Continuing action Items.

- None

12. Considerations:

Citizens: (8:29)

- **Penny Suess:** Minutes not signed, packet was not available online until day of hearing, the notice that was sent out was defective, disagrees with policies of records requests will not be fulfilled for records more than 1 year old and will cost requester,

4 site at 860 stagecoach is continuing to be build with no erosion control or site plan on
5 file. (8:35)

6
7 - **Rhone Stetzen:** Took 22 months to get documentation that should have only taken 1
8 month, expressed desire to see a plan that keeps law enforcement officers honest and
9 accountable, accused Corporal Perry and Chief Hobart of altering/forging documents.
10 (8:38)

11
12 - **Ms. Larson (on same call as Rhone Stetsen):** Wants to know if the Council will
13 respond to Rhone Stetsens concerns after citizen considerations. (8:38)

14 **Staff:** None.

15
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17 **Councilors: (8:40)**

18 - **Councilor Rask:** Raised questions on process concerning Talus Way, questions
19 answered by Mayor Cox.

20
21 - **City Admin. Pro Tem Milliman:** Be prepared for multiple special
22 meetings/workshops in the near future to help with work flow

23
24 **Mayor:** Need to be doing more to show appreciation to the city staff.


25
26 **13. Future Meetings:**

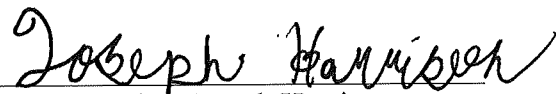
27 **Thursday, May 4th, 2023, Special Council Meeting + Workshop 4:30**

28 **Thursday, May 18th, 2023, Regular Council Meeting 5:30.**

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31 **Adjourn:** There being no further business, Mayor Cox Adjourned the meeting at 9:00 p.m

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35 **Attest:**

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38
39  6/15/23
40 Mayor, Pat Cox

41
 6/16/23
City Recorder, Joseph Harrison

