

CITY OF PORT ORFORD
REGULAR SESSION OF THE COMMON COUNCIL
Thursday, September 19th, 2024, at 4:30 P.M.

If you cannot join in person, please feel free to join this meeting from your computer, tablet or smartphone.

<https://meet.goto.com/659590477>

You can also dial in using your phone.

United States (Toll Free): 1 (877) 309-2073

United States: 1 (646) 749-3129

Access Code: 659-590-477

AGENDA

1. Call to Order/Roll Call/ Pledge of Allegiance
2. Executive Session Under ORS 192.660 (2)(d): To conduct deliberations with persons designated by the governing body to carry on labor negotiations.
3. Possible Action out of Executive Session
4. Reconvene Public Meeting: The earliest general Council business will start is the normal 5:30 start time.
5. Additions to the Agenda
6. Presentations to the Council - None
7. Consent Calendar (pg. 3-8)
 - a. Minutes August 15th, 2024 – Will be released on 9/16/2024
 - b. Application for Appointment: Planning Commission Sarah Lovendal (pg. 3)
 - c. Application for Appointment: Historic Preservation Evan Kramer (pg. 4)
 - d. Temporary Liquor License: Rotary Pasta Dinner (pg. 5-8)
8. Citizen's Concerns (On agenda items only – 3 minute time limit)
9. Public Hearing: None
10. Departmental Reports (pg. 9)
 - a. Administration (pg. 9)
 - b. Finance (As attachment)
 - c. Public Works (pg. 10-11)
 - d. Police
 - e. Planning (pg. 12)
 - f. Mayor's Report

- g. Liaison (pg. 12-13)**
 - i. Port – Webb**
 - ii. School – Rask**
 - iii. Fire District - Tidey**
 - iv. Watershed – Vileisis**
 - v. Parks - Tidey**
 - vi. TLT - Pogwizd**
 - vii. Mainstreet – Burns**
 - viii. Emergency Prep. – Burns**

11. Old Business

12. New Business (pg. 14-26)

- a. Right of Way Permits (pg.14-19)**
- b. Water Leak Policy Discussion (pg. 20)**
- c. Civil West Scope of Work: Culvert Removal (pg. 21 & Attachment)**
- d. MOU with Community Complex Friends & Rotary service (pg. 22-25)**
- e. Assigning Authority to Carry Out Tasks Relating to Community Building to City Administrator Radcliffe (pg. 26)**

13. Continuing Action Items (pg. 27-31)

- a. ORD 2024-02: Irrigation Meter Policy- Second Reading (pg. 27-28)**
- b. ERPD CUP Extension Findings (pg 29-31)**

14. Considerations

- a. Citizens**
- b. Councilors**

15. Adjourn

Consent Calendar (b), (c) Application for Appointment

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 PLANNING COMMISSION

Name: SARA LOVENDAH

Mailing Address: P.O. Box 321 Port Orford OR 97465

Home Address: 31 HAMLET ST PORT ORFORD OR 97465

Home Phone: 541 366 2063 ^{CELL} Work Phone: 541 373 1499 Fax: —

E-mail: SARALOVENDAH@CHARTER.NET

Current Employment: RETIRED

Area of Interest: GROWTH W/FOCUS ON LIVABILITY + FISCAL RESPONSIBILITY

Area of expertise: WORK IN PLANNING/ENGINEERING FOR WESTERN AREA LEPS, DEVELOPED BUDGETS FOR LARGE DISTRICTS - PORTMASTER EVERGLADES + VANCOUVER AREA MANAGER - 1000 EMPLOYEES

Why do you want to serve? I BELIEVE I CAN ASSIST WITH THE GROWTH + DEVELOPMENT OF CITY IN SENSITIVE + MEASURED WAYS, BENEFITING ALL PORT ORFORD CITIZENS.

Previous service in this appointed position or similar position 2 yrs. Port Orford Planning Commission - MEMBER DAVIS CREEK SCHOOL BOARD
LEPS PLANNING/ENGINEERING WESTERN AREA -

Other volunteer activities PRESIDENT POOL BOARD - TREASURER / BOARD MEMBER KALMIDOPHIS ANDERSON - CO-ORDINATE SMART READING PROGRAM DRIEFORD + 10 yrs

Does your schedule allow you to attend;

Daytime Meetings ☐ yes ☒ no Evening meeting ☐ yes ☒ no

Does your schedule limit the day you could attend meetings? ☐ yes ☒ no

Have you ever been convicted of a crime? ☐ yes ☒ no If yes, please explain

Additional Comments IT HAS BEEN A PRIVILEGE TO SERVE ON THE PLANNING COMMISSION. I SINCERELY WANT CONTINUE TO SERVE OUR VERY SPECIAL COMMUNITY.

Date: 8/25/2024 Signature: Sara Lovendahl

Please return application to:

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

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 Port Orford Historic Preservation Com.

Name: EVAN KRAMER

Mailing Address: Box 49

Home Address: 42798 MYRTLE LN. PORT ORFORD, OR 97465

Home Phone: 541-366-2284 ^{cell} Work Phone: 541-290-9204 Fax: _____

E-mail: EVAN39@GMAIL.COM

Current Employment: RETIRED

Area of Interest: HISTORY, URBAN EXPLORING

Area of expertise: INTEREST IN OLD BUILDINGS & FORMER OWNER OF A 1937 GAS STATION IN PORT OR

Why do you want to serve? TO BE USEFUL & HELP PRESERVE SOME OF OUR HISTORY

Previous service in this appointed position or similar position _____

Other volunteer activities Meals for Neighbors dinner, drive per TO doctor, etc

Does your schedule allow you to attend;

Daytime Meetings ☒ yes ☐ no Evening meeting ☐ yes ☐ no

Does your schedule limit the day you could attend meetings? ☐ yes ☒ no

Have you ever been convicted of a crime? ☐ yes ☒ no If yes, please explain

Additional Comments _____

Date: 9-2-24 Signature: Evan Kramer

Please return application to:

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

Consent Calendar (d) Temporary Liquor License



Temporary Sales License – Nonprofit Type 1 (TSL-NP Type 1)

ELIGIBILITY FOR A TSL-NP TYPE 1

The following organizations and agencies may apply for this license:

1. A nonprofit or charitable organization registered as such with the State of Oregon:
 - Oregon Secretary of State. Check this site to determine if your organization has an Oregon Registry Number: [Oregon Secretary of State](#).
 - Oregon Department of Justice. Check this site to determine if your organization is a charitable organization registered in Oregon: [Oregon Department of Justice - search for Oregon Charities](#).

Common examples of when the OLCC can't recognize a nonprofit organization as a registered nonprofit or charitable organization are:

- The organization is registered with the federal government as a nonprofit but is not registered with the state of Oregon as a nonprofit or charitable organization.
- A local organization is affiliated with a national organization that is registered with the federal government as a nonprofit but the local organization is not registered with the state of Oregon as a nonprofit or charitable organization.

2. An agency of the state.
3. A local government or an agency or department of a local government.

LICENSE PRIVILEGES OF A TSL-NP TYPE 1

- Sell at retail distilled spirits, malt beverages, wine, and cider by the drink for consumption in the special event licensed area.
- Sell at retail factory-sealed containers of malt beverage, wine, and cider meant for drinking off of the special event licensed area. Note: you may not sell bottles of distilled liquor.
- Sell at retail malt beverages, wine, or cider in a securely covered container (growlers) meant for drinking off of the special event licensed area. The container may not hold more than two gallons.
- Auction (but not raffle) at retail factory-sealed containers of malt beverage, wine, and cider (but not distilled liquor) for consumption off the premises.
- Auction (but not raffle) at retail open containers of alcohol for consumption on the premises.
- Delivery of malt beverages, wine or cider. Deliveries must occur during the period of the special event license.
- Marijuana use is not allowed: The use of marijuana (both recreational and medical) is not allowed on your special event licensed premises.

****Before you submit an application for TSL-NP Type 1, read the [Special Event Guide for TSLs and Exempt Events](#). Use this guide to assist you in selecting the appropriate special event application and for completing the application. This guide also includes information about accepting items or services from a wholesaler or manufacturer of alcohol as a nonprofit special event licensee.****

OTHER IMPORTANT INFORMATION

- **OLCC may refuse to process your application** if it is not complete or is not submitted in sufficient time for the OLCC to investigate. Typically, an application that is accepted by the OLCC as complete at least two to four weeks before the event date is sufficient time to process most applications.
- **Managing Your Event** - Not following your written plan for managing your event may result in alcohol law violations and may cause the OLCC to deny your future TSL applications.



(TSL-NP Type 1)

DIRECTIONS FOR COMPLETING THE TSL-NP TYPE 1 APPLICATION

1. Fill out the TSL-NP Type 1 application form completely. If your event will be conducted at more than one address, use the TSL-NP Type 1 local governing body and address supplemental form at the end of this application to list the additional addresses.
2. Get the application signed by the local government where the event will take place before you submit it to your local OLCC office (the local government is either the local city if the event address or addresses are within the city's limits or the local county if the event address or addresses are outside the city's limits). The local government may charge you a fee.
 - a. If there is more than one event address on this application, *all the addresses for your event must be within the same local governing body jurisdiction*. If you cannot fit all addresses for the event in the space provided on the application, use the address supplemental page at the end of the application to list the addresses.
3. To avoid a delay in processing your special event license application and to increase the likelihood that the OLCC will be able to approve your application in time for your event, please submit your special event license application to the OLCC office serving the county in which your special event will happen. Find the OLCC office here: [OLCC offices & the counties they serve](#).
 - a. Submit forms to your OLCC office at least two weeks before the date(s) of an event with 1,000 or fewer expected attendance and at least 30 days before the date(s) of an event with 1,001 or more expected attendance.
 - b. Submit the signed application form and the OLCC \$50 per day license fee (\$50 per license day or any part of a license day) and any other required documents to the OLCC. Make payment by check or money order, payable to OLCC. A license day is from 7:00 am to 2:30 am on the succeeding calendar day.

TSL-NP TYPE 1 LICENSE PRIVILEGES:

- Sell at retail distilled liquor, malt beverages, wine, and cider by the drink for consumption in the special event licensed area (provided you meet the food requirements).
 - Sell at retail factory-sealed containers of malt beverage, wine, and cider meant for drinking off of the special event licensed area. Note: you may not sell bottles of distilled liquor.
 - Sell at retail malt beverages, wine, or cider in a securely covered container (growlers) meant for drinking off of the special event licensed area. The container may not hold more than two gallons.
 - Delivery of malt beverages, wine or cider. Deliveries must occur during the period of the special event license.
 - Auction (but not raffle) at retail factory-sealed containers of malt beverage, wine, and cider (but not distilled liquor) for consumption off the premises.
 - Auction (but not raffle) at retail open containers of alcohol for consumption on the premises.
- **Process Time:** Please read the instructions. OLCC needs your completed application in sufficient time to approve it. Sufficient time is typically 2 to 4 weeks before the first event date listed in #8 below (some events may need extra processing time). OLCC may refuse to process your application if it is not submitted in sufficient time for the OLCC to investigate it.
 - **OLCC License Fee:** \$50 per license day or any part of a license day. **Make payment by check or money order, payable to OLCC.** A license day is from 7:00 am to 2:30 am on the succeeding calendar day.
 - **License Days:** In #8 below, you may apply for a maximum of **30** license days per application form.

APPLICATION ON THE FOLLOWING PAGE



Temporary Sales License – Nonprofit Type 1 (TSL-NP Type 1)

APPLICATION: Page 1 of 2

1. Applicant Name: Rotary Club of Port Orford

2. Registry #: 203775390

3. Please check the box that applies to the applicant:

- ☒ A nonprofit or charitable organization registered as such with the State of Oregon.
☐ A state agency.
☐ A local government, or an agency or department of local government.

4. Contact Person: Ulrich Lau

5. Contact Phone: 541-404-5070

6. Contact E-mail: ulrich@ootci.com

7. Event Name: Port Orford Rotary Auction & Pasta Meal

8. Date(s) of event (no more than 30 days): 10/26/2024

9. Start/End hours of alcohol service: 5:30 pm to 9 pm (Include am/pm)

10. Address of Special Event: 421 11th Street Port Orford 97465
(street) (city) (zip code)

If your event will be conducted at more than one address, use the address supplemental form at the end of this application to list the additional addresses.

11. Is any part of the special event licensed premises outdoors? ☐ Yes ☒ No

- If yes, please submit a drawing showing the licensed area and how the boundaries of the licensed area will be identified.

12. List the name(s) and service permit number(s) of alcohol manager(s) that will be on-duty and in the licensed area:
Chris Hawthorne, permit #0F4L67

13. What is the expected attendance *per day* in the area where alcohol will be sold or consumed?

- If the expected attendance per day in the licensed area (where alcohol will be sold or consumed) is **501 or more**, please **submit a Plan to Manage** along with this application.
- If the expected attendance is **301 or more** per day, the event must have at least \$300,000 of liquor liability insurance coverage (ORS 471.168) and you must also answer questions 14 and 15. If your answer is 300 or fewer per day, please skip questions 14 and 15.

14. Insurance Company: Westchester Surplus Lines

15. Policy #: G7358917003



Temporary Sales License – Nonprofit Type 1 (TSL-NP Type 1)

APPLICATION: Page 2 of 2

GOVERNMENT RECOMMENDATION: Please read the instructions. You must obtain a recommendation from the local city or county named in #16 below before submitting this application to the OLCC. If there is more than one event address on this application, all the addresses for your event must be within the same local governing body jurisdiction.

16. Name the **CITY** if the event address is within a city's limits: Port Orford

OR

Name the **COUNTY** if the event address is outside the city's limits:

I affirm the following:

- Minors (people under the age of 21) and visibly intoxicated people will not be allowed to buy, possess, or consume alcohol.
- The only open containers of alcoholic beverage that may be taken off the licensed area are securely covered containers (growlers) of malt beverage, wine, or cider. I will not allow any other open container of alcoholic beverage to leave the licensed area.
- Marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is prohibited on the special event licensed premises.
- The event will meet the food service requirements of a TSL-NP Type 1 (see the Special Event Guide).
- The applicant is a nonprofit organization registered with the Oregon Secretary of State, a charitable organization registered with the Oregon Department of Justice, a state agency, or a local government or an agency or department of local government.
- I am authorized to sign this application on behalf of the applicant. Name of individual

signing (please print): Ulrich Lau

SIGNATURE (electronic signature acceptable): Ulrich Lau Date: 9/6/2024

CITY OR COUNTY USE ONLY: The city/county named in #16 above recommends:

☐ Grant ☐ Acknowledge ☐ Deny (attach written explanation of deny recommendation)

(Optional) City/County contact individual and phone number or email:

City/County Signature:

Date:

FORM TO OLCC: This license is valid only when signed by an OLCC representative. Submit your special event license application to the OLCC office serving the county in which your special event will happen. Find the OLCC office here: [OLCC offices & the counties they serve](#).

OLCC USE ONLY Fee Paid: Date: Receipt #:

License is ☐ Approved ☐ Denied

OLCC Signature:

Date:

Department Reports: Administration (10)(a)

Personnel

We interviewed a candidate last week and former WWTP Operator Crystal will interview this candidate on 9/17/24. We are focused on candidates who are experienced and are able to quickly gain their Certifications. The job will remain open until filled.

Scotti M gave me an official resignation and we have a lead on the Custodial company that could step in. The job continues to be posted on our website (until filled).

Our contract with Government Resource Management (GRM) has been reviewed by our Lawyer Lori Cooper. As I have been given permission by the Council for the Finance Director position, I'll continue to negotiate to hire Anne Heath as a consultant.

Future Plans/ Continuing Business

STR Paperwork

Applications and other paperwork have been sent out. We have had multiple questions about the process, but we are working out the bugs. We have had a few more properties decide to not do STRs based upon the new requirements. We started with 40 and are down to 34. Many are changing to long-term rentals only. We will monitor these places to be sure the ones that are registered with us are the only ones doing STR business.

Grants Update

The Friends of the Community Complex met with Joe Slack and his team last week. The MOU has been reviewed by Lori Cooper and shared with John Johnston and his committee. If you approve it, we will continue work with HGE Architects and the Fundraising "Friends" group. The committee hopes to begin construction in February 2025.

Contractor Water Rates

Contractors using water must check with Public Works every day they want to fill their trucks. They get approval based upon water levels in the tank on Coast Guard Hill. Contractor water rates are increasing.

Fort Point Trail Stairs

Trailkeepers of Oregon have completed this project! Thank you to Gold Beach Lumber for the materials and Steve Lawton for the years of hard work. Teams of people helped with this project over many years. There is a new committee working on interpretive signs for the area with many stakeholders being represented.

Sudden Oak Death Permission for Oregon Department of Forestry

Per Council decision at the last meeting, I have granted permission through ODF's SOD paperwork for two areas in Port Orford. One is up near Deady Street and the other is along California Street near Lakeshore Drive. ODF's Randy Wiese is overseeing this process and is obtaining adjacent landowners' permissions to work on their property, if needed.

Department Reports: Finance(10)(b)

As addendum. And available @

<http://portorford.org/wp-content/uploads/2024/09/9.19.2024-Finance-Report.pdf>

Department Reports: Public Works (10)(c)

Water numbers sold for August 2024

Treated water produced 4,081,000 Water sold 2,630,290- Back-washes 84,000 + 186,000K for leaks **WATER LOSS EST. @ 39.0 %**

Water Treatment plant,

1. Water system tracer study methodology completed and approved scheduled for 9/18/24
2. Water Survey and plant Inspection completed on 8/21/24. Report received on 9/11/24 went really well. OHA conducts a water survey / plant inspection ever 3 years.
3. Communications with Hubbard's have been occurring working Tag as needed.
4. Coast guard hill pump station, working on Quotes.
5. Vista Pump station, disassembled for cause of failure found cartridge bearing failed causing catastrophic damage to impellers.
6. Hubbard's reservoir meter installed (Grant funded)

Water distribution leaks repair:

1. 9th & Washington St. 6'' main break
2. 20th St. 2'' stand pipe

Waste Water plant: Op's:

- New Blower Drives have been Installed with key pads for adjustment.
- Arizona Lift station replacement, design and with final approval from DEQ is done. RFP for install in the works.
- Lift station Pm's

Streets Maintenance

- Brushing on road shoulders
- Right away mowing

Parks

Continue mowing and trimming of parks as time allows.

PW Works Equipment PM's

Small equipment PM's.

Vehicles Pm's

Scrap metal hauled off for city yard

Port Orford Projects 2024-2025	Est. Cost Of Materials	Installation Cost Est.	Project Status
WD Deedy booster pump Replacement	10,000	\$250.00	20%
WTP New Chlorine	5,425.00	Reeived	100%
WTP Coast Guard Hill pump skid Replacem	200,000.00	Install 25,000	20%
Hubbards Flow Meter	6,000.00	No Add.	100%
WTP Hubbards creek pump Controls			0%
WTP Hubbards creek pumps	11,000.00 pumps only	Install 3500 - 5000	50%
Water Plant Tracer Study	5000.00 scheduled 9/18	OHA paid for study	100%
Water Plant Survey	No cost OHA	Completed on 8/21	100%
WWTP Clarifier motor drive	800.00	No Add.	100%
WWC Arizona Lift Station Replacement	125,000.00	Install 25,000	50%
WWTP DO probes 2025/2026	10,000.00	install 2,000	10%
WWTP Humas pond cleaning	90,000.00	No Add.	50%
WWTP Blower drives	11,000 for new drives-	Install 5,000	100%
WWTP Garage door	3,000.00	included	100%
WWTP Roof	15,000.00	On hold Issues with contractor	20%
New items of concern			
Coast Guard Hill Generator			
Vista Pump & Controls			
Deedy Pump shack weather head & base			
City shop lean-to rotten supports			
Vac-Con Blower madifold			

Department Reports: Planning (10)(e)

The DLCD grant for housing code revisions and updates is still in progress. There will need to be a joint workshop between the City Council and the Planning Commission before the end of the year.

The Date/Time of the Planning Commission meeting will be the second Tuesday of each month starting @ 3:30 pm.

The Planning Commission is currently reviewing the CUP extension limit and procedure to make it more consistent with other municipalities and the County.

Jen Head's term as commissioner has expired. The Planning Commission gives thanks to Jen for the work and time she has put into the Planning Commission.

There is currently one vacancy on the Commission.

An application for a bulk bottle drop at Ray's was approved.

Liaison Reports 10(g)

Port: None Submitted

School: Nothing to Report

Fire District: None Submitted

Watershed: None Submitted

Parks: None Submitted

TLT: None Submitted

Main Street: Main Street continues to man the Visitor Center for 6 hours a day. They continue to look for volunteers to do 3 hour shifts.

Kim Foster continues to develop the discoverportorford.org website and posts local news in the Discover Port Orford Facebook page and Instagram page.

EPC: The EPC continues to work on installing a radio in City Hall for Emergency Communications. And the Commission will be working on a plan to install the radios we have had in all of the Public Works trucks. These are the same radios that are in our Police cars so who ever was in command during an incident would be able to communicate with all of the Public Works trucks, Police cars and Fire Department Engines.

The EPC is looking into getting a Starlink setup in City Hall that might do our internet and allow us to communicate outside the Community during a widespread emergency event. There could be a way to secure a setup that isn't very expensive but could be a real asset in an Emergency Event. The EPC continues to work on every imaginable means of communication during an emergency event to have as many options as possible.

We hope everyone in our Community has already or will sign up for the Curry County Emergency Alert Program through Everbridge. If there is a Wildfire Alert, Tsunami Alert, or any kind of Emergency Alert those signed up will receive valuable information through this system by phone, text and/or email. This is the link to sign up:

<https://member.everbridge.net/892807736723773/new>

Commissioners Lawton, Miller and myself met with the new Curry County Emergency Coordinator, Jeff Hughes and the Coos County Emergency Manager, Chip Delyria and Coos Emergency Coordinator, Debbie Mueller. We got a lot of great information and will continue to develop a relationship with Coos County Emergency. They are way ahead of us and are willing to assist in our Emergency Preparedness development.

The Emergency Preparedness Commission attended the Hometown Heroes Fair held at Driftwood School. Commissioner Burns had his Go Bag laid out as an example of possibilities for a Go Bag and gave out handouts on ways to get prepared, including a list of possible Go Bag items. Individuals can start a Go Bag with a garbage bag that they collect items that would help in a Bug Out situation. The preparation for emergency events can evolve over time and doesn't have to happen all at once.

The EPC stresses to everyone in the Community that no one is coming to help us in the event of an emergency for possibly weeks. We could be without water for an extended period of time. Each household having back up water and food is so important!!

New Business 12(a) Right of Way Permits Bassett

City of Port Orford

P.O. Box 310, Port Orford, Ore. 97465
(541) 332-3681 / Fax (877) 281-5307

CITY RIGHT-OF-WAY USAGE LICENSE

City Ordinance Chapter 12.24

Licensee Information:

Name: David Bassett Phone #: 541-660-3131 Date: Aug 13th 2024
Address: 42292 Garrison Lake Rd, P.O. 97465 Signature: David A. Bassett
Property location: 356 7th Street, Port Orford
Assessors Map: 3315-0504 Lot#: 2600 .41 acres

Description of Improvements: Attach Drawings / Plans if available:

Mark Parking Sites including one ADA van accessible site on 7th St for new Food Court. See sketch. Also to be a good neighbor, I plan to refresh all other striping on 7th St in front of Post Office and Quilters Corner so whole of 7th St is fresh and visible. New striping is "mirror image" of existing.

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.
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

Reviewed By: [Signature] Title: PW Date: 8/14/24Recommendation: Approve ☒ Approve w/Conditions ☐ Deny ☐Conditions _____

POLICE DEPARTMENT REVIEW

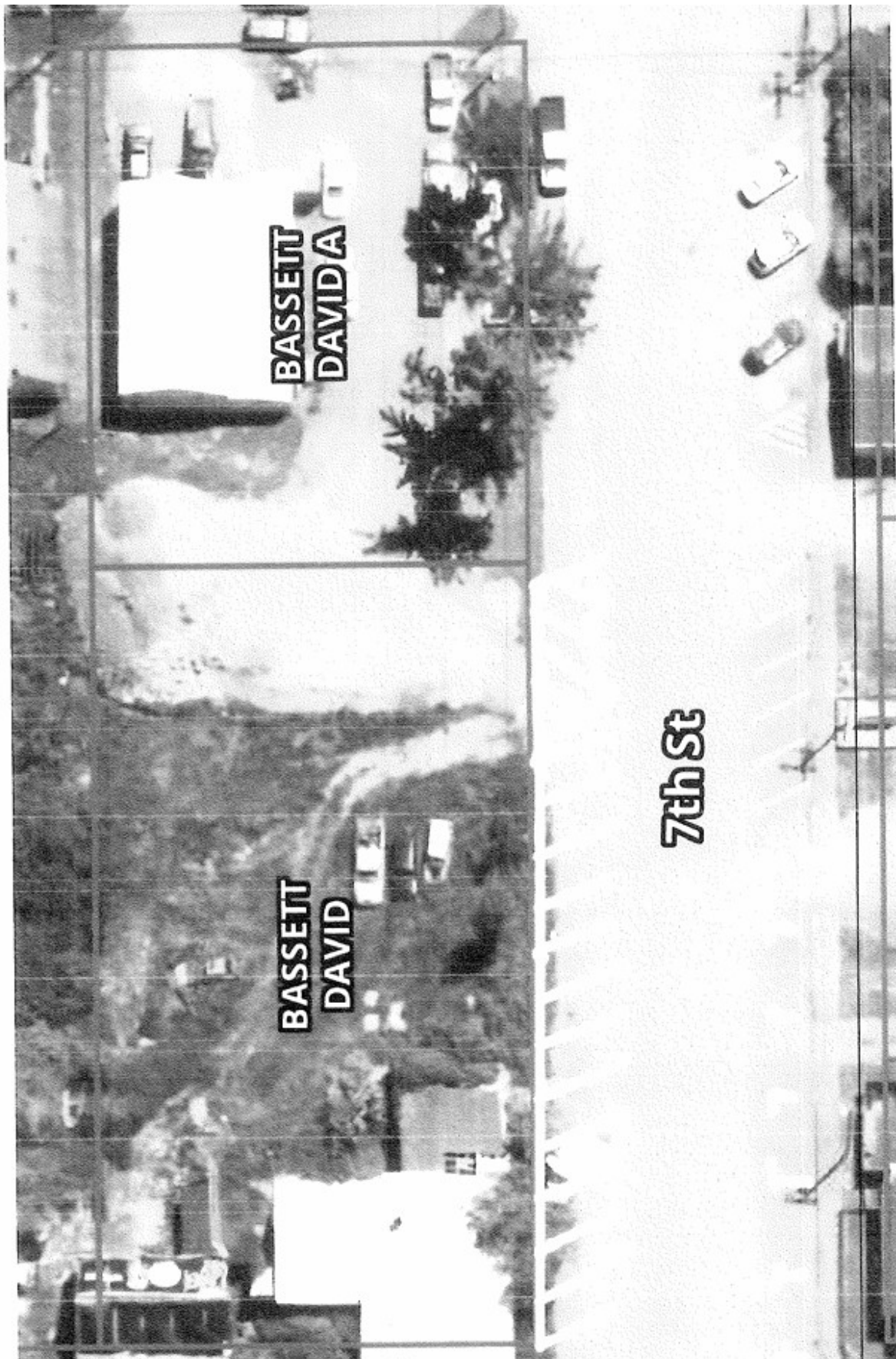
Name: Hank Hobart Title: Police Chief Date: 8-14-24Recommendation: Approve ☒ Approve w/Conditions ☐ Deny ☐Conditions _____

CITY ADMINISTRATION REVIEW & FINAL DECISION

Recommendation: Approve ☐ Approve w/Conditions ☒ Deny ☐Conditions Parking must comply w/ ADA rules. ADA
access must be to Federal code on city rows.
[Signature]

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.



Coast Pavement Maintenance Inc.
 PO Box 923
 North Bend, OR 97459 US
 (541) 297-0392
 Office@coastpavement.com
 www.coastpavement.com

SERVING THE OREGON COAST
 SINCE 1994

COAST
 PAVEMENT
 MAINTENANCE



CCB#205230

Estimate

ADDRESS

David Bassett
 42292 Garrison Lake Rd.
 Port Orford, OR 97465

ESTIMATE # 7632M
 DATE 08/09/2024

DATE	ACTIVITY	QTY	RATE	AMOUNT
	Striping Project Location: Food Trucks-356 7th St. Port Orford, OR 97465. Blow down and clean lines to be striped. Stripe to new layout in white single lines. 9- angled parking stalls 1-ADA and hatch ares in blue pad with white symbol. 1-"NO PARKING" STENCIL in white.	1	725.00	725.00
	Striping Project Location: Port Orford-Post Office Blowdown and clean lines to be striped. Stripe to the existing layout in single white lines., 1-ADA with Blue pad and white symbol 1-Hatch with "NO PARKING" stencil 10 - Parallel Parking spaces across street. 1- "COMPACT" parking stall with compact stenciled. (In-front of Red Curbing) Note: This pricing is only good if paired with striping of Driftwood Elementry school. Mobilization will be charged of \$630 per project if scheduled separately. Please let me know if you have any questions. Thank you, Melanie	1	1,046.00	1,046.00

Thank you for your business,
 Melanie Houk
 Coast Pavement Maintenance, Inc.

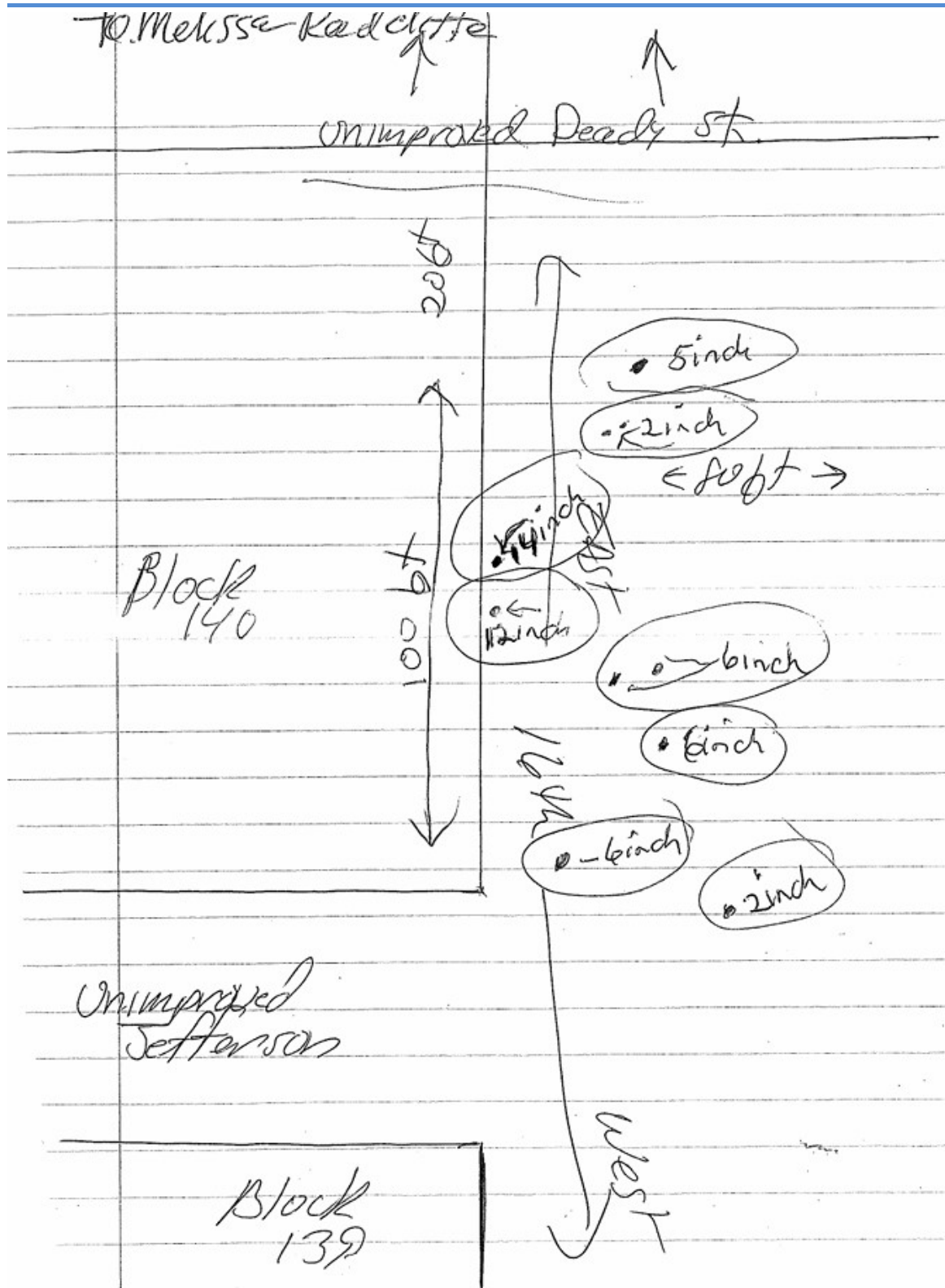
TOTAL

\$1,771.00

Accepted By

Accepted Date

New Business 12(b) Right of Way Permits Armi



✓
Count 9 total trees

# 3 -	2 inch	(Very small Small Small med Large)
# 1 -	5 inch	
# 3 -	6 inch	
# 1 -	12 inch	
# 1 -	14 inch.	

The rest are on my property.

8/19/24 Carlene Armi

to: Melissa Rodcliffe

New Business 12(b) Water Leak Discussion

Background: The City of Port Orford has a catastrophic water leak policy that refunds citizens who have and fix water leaks that cause their monthly usage to drastically increase. This policy is found in Port Orford Municipal Code 13.04.080 which was last updated in 2008. Since then there have been several rate increases that make the formula in this ordinance suboptimal.

Issue: Staff is concerned about one particular aspect of this ordinance; that it refunds those who use less than the base rate a smaller amount than those who use more than the average use. It does this in two ways; first by not accounting for usage under the base usage and second by charging them at the same higher rate as those who use more than the average.

Facts: The refund rate for leak adjustment is a higher rate than what we charge until it reaches over 10,000 gallons. This results in the calculations to return a maximum refund around an average use of approximately 10,275 gallons and decreases the adjustment amount the further away from this value is used. Joseph can explain the math.

Impact: Since we are in a period of water curtailment, staff would like to alter the adjustment formula so that it gives larger adjustments to those who use less than the base rate. This is to further encourage citizens to monitor water use and assist those who are following the curtailment guidelines.

Motions:

- I, Councilor [name], motion to approve treating usage less than the base rate as 2000 gallons for adjustments and directing staff to research or develop an alternative adjustment calculation.
- I, Councilor [name], motion to direct staff to research or develop an alternative adjustment calculation.
- I, Councilor [name], motion to keep the adjustment calculation as it is.

New Business 12(c) Civil West Scope of Work

Background: The City of Port Orford received a 100 percent forgivable loan from Oregon DEQ's State Revolving Fund to do the planning for sediment risk reduction in our Drinking Water Source Area. This is the part of the North Fork Hubbard Creek watershed that feeds our drinking water reservoir.

Our Forest Management Plan identified a failing culvert about 0.75 miles upstream of our reservoir that could pose a high risk to our drinking water if it collapses. Together with the Curry Soil and Water Conservation District and CCD, we applied for this planning loan to do all the engineering and planning needed to proceed with culvert removal. The project also includes a sediment source inventory with recommendations for future management of sediment sources to reduce their risk to our drinking water supply.

Civil West, our city's Engineer of Record, has submitted a Scope of Work for this project for \$38,609. The cost of the project, and of grant administration by CCD, will be paid entirely from the 100% forgivable loan.

The Scope of work is included as an attachment and is available @

<http://portorford.org/wp-content/uploads/2024/09/Culvert-Removal-Scope-of-Service-Updated-5-28.pdf>

Recommended Motion:

- I, Councilor [name], move that the Council approve Civil West's scope of work as presented and direct City Staff to carry out tasks as needed for this project.
- I, Councilor [name], move that the Council approve Civil West's scope of work as amended and direct City Staff to carry out tasks as needed for this project.
- I, Councilor [name], move that the Council not approve Civil West's scope of work.

New Business 12(d) MOU with Community Complex Friends & Rotary Services

Background: The City of Port Orford has received a Community Development Block Grant (CDBG) to renovate the Community Building. The City has received a proposal to partner with The Rotary Club of Port Orford and the organization The Community Center Friends to complete the renovations of the Community Building.

Recommended motions:

- I move that the Council approve the agreement with The Rotary Club of Port Orford & The Community Center Friends as presented.
- I move that the Council approve the agreement with The Rotary Club of Port Orford & The Community Center Friends with the following amendments.....
- I move that the Council not approve the agreement with The Rotary Club of Port Orford & The Community Center Friends.

New Business 12(d) Draft Agreement

DRAFT

Memorandum of Agreement between the City of Port Orford, Rotary Club of Port Orford Community Service Fund and the Community Center Friends

The City of Port Orford (City) has obtained a Community Development Block Grant to renovate its Community Building, located at 421 11th Street. It is the intent of the COPO to partner with The Rotary Club of Port Orford Community Service Fund (Fund) and the Community Center Friends (Friends) to complete renovation of the Community Building and also the American Legion Hall, referred to collectively in this agreement as the Port Orford Community Center Complex (POCCC).

This Memorandum of Agreement (MOA) is between the City, the Fund and the Friends, each a “partner,” in the project of renovating the POCCC.

Purpose

To clarify and assign partner roles and responsibilities in the project of working toward the shared goal of renovating the POCCC facilities owned by the City.

Length of Agreement

This agreement will persist for three (3) years from date of adoption or until the renovation project is completed, and may be revisited as needed by all partners.

Roles and Responsibilities

It is mutually agreed that responsibilities will be shared as follows:

Responsibilities of Community Center Friends (Friends)

The Friends will carry forth the work of raising funds to complete the POCCC renovation.

The Friends will donate raised funds to the City for the express purpose of POCCC renovation.

The Friends will continue to engage the community with fundraising efforts for the POCCC.

The Friends will continue to search for grant funding opportunities for the POCCC with the understanding that the City will process, execute, and administer said grants.

The Friends will contribute its members’ expertise to the ongoing project.

The Friends will coordinate regular meetings with City, the Fund, and its members to carry out project needs.

Friend Co-Chairs John Johnston and Tobe Porter will serve as the Friend's representatives to this agreement.

Responsibilities of the City of Port Orford (City)

The City will carry forth all responsibilities related to receiving and administering federal Community Development Block Grant (CDBG) funds, in coordination with Coos, Curry Douglas Business Development Corporation (CCD), for the purpose of renovating the POCCC.

The City will coordinate with the Friends on their fundraising efforts, providing any necessary City information for grant applications in a timely manner.

The City shall establish line items in its Parks' budget under both revenue and capital expenses to transparently carry forth the financial aspects of the project. One set of line-items will be to show revenues and expenses of the federal CDBG funds; a second set of line-items will show revenue and expenses of the Friends generated funds.

The City will expend the funds raised and donated by the Friends only for projects that aid the purpose of the POCCC renovation. Such expenditures will include those funds focused on renovation of the American Legion Hall portion of the POCCC.

Funds will be expended for project purposes in accordance with all City spending and procurement protocols.

If any residual funds remain after the POCCC renovation is complete, the City may expend these funds only for projects aimed at additional upgrades or for maintenance of POCCC facilities.

The City will attend regular meetings with the Friends represented by staff or by Council members as needed.

The City Administrator will serve as the City of Port Orford representative to this agreement with assistance from Council members.

Responsibilities of The Rotary Club of Port Orford Community Service Fund (Fund)

As an established 501 c(3) organization, the Fund will segregate and securely hold donated funds for the purposes identified in this agreement.

The Fund will provide available funds in a timely manner, including \$112,298 raised by the Friends to serve as match for the City's CDBG grant.

The Fund will communicate with the Friends and City regarding management of funds for the POCCC renovation.

Beginning Status of the collected or pledged funds

All funds reside with Rogue Credit Union

12 MO CD (4/14/25) \$62,500

6 MO CD (10/12/24) \$40,083

Savings Account \$24,973

Pledged Funds \$10,000

Total: \$137,556

CBDG match commitment: \$112,298

Balance for additional POCCC (American Legion Hall): \$25,258

All amounts are rounded to whole numbers and will change as additional funds are collected or pledged.

Future money management decisions shall be coordinated with the City.

Agreed:

Port Orford City Administrator

_____ Date_____

The Rotary Club of Port Orford Community Service Fund

_____ Date_____

Community Center Friends Co-Chairs

_____ Date_____

_____ Date_____

New Business 12(e) Assigning Authority to Carry Out Tasks Relating to Community Building to City Admin Radcliffe

Background: The City of Port Orford has received a Community Development Block Grant (CDBG) to renovate the Community Building. The project was put out to bid and was awarded to HGE Architects. The current proposal from HGE Architects will require approval from The City at multiple steps and on numerous forms.

Issue: There is a timeframe to spend the funds awarded in the CDBG and delays in waiting for City Council meetings may result in funds being lost. Major and final decisions will still be brought to the Council and will be made public so citizens have a chance to comment prior to construction beginning.

Recommended motions:

- I, Councilor [name], move to delegate City Administrator Radcliffe to grant approvals on documents needed to move forward with the project until final design decisions and final construction approval.
- I, Councilor [name], move to delegate City Administrator Radcliffe to grant approvals on documents needed to move forward with the following exceptions.....
- I, Councilor [name], move to not delegate these decisions to City Administrator Radcliffe and to have them brought before the Council for deliberation.

Continuing Action Items 13(a) Second Reading of Ordinance 2024-02: Garden Meter Policy

AN ORDINANCE TO AMEND CHAPTER 13 OF THE PORT ORFORD MUNICIPAL CODE TO INCLUDE: USE OF GARDEN METERS WITHIN THE CITY OF PORT ORFORD

WHEREAS, The City of Port Orford has been offering Garden Meter credits without policy based on the Municipal Code, and

WHEREAS, There has been confusion about the process and responsibilities of receiving credit; and

WHEREAS, It has been determined that a policy based on the Municipal code would resolve the issue.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council authorizes the City of Port Orford to adopt the following as Chapter 13.16.120 Use of Garden Water Meters Within the City of Port Orford.

13.16.120 Use of irrigation water meters within the City of Port Orford

- A. Residential water users may use a city-provided meter to track water used for garden irrigation during the period from May to October.
- B. Users must turn in their self-reported meter reading by November 30th of the current year to request credit for unused sewer service. Reimbursement from previous calendar years will not be eligible to receive credit.
- C. Users must make their meter available for city inspection.
- D. **For meters buried as part of an underground irrigation system, users must comply with S 13.16.040 to prevent backflow.**

Attest – first reading:

Mayor, Pat Cox

Date

City Recorder Pro Tem, Joseph Harrison

Date

Attest – second reading: APPROVED AND ADOPTED this ____ day of _____.

Mayor, Pat Cox

Date

City Recorder Pro Tem, Joseph Harrison

Date

Continuing Action Items 13(b): ERPD Findings

Background: On July 18th, 2024 the City Council overturned The Planning Commission's decision to grant an extension to Elk River Property Development (ERPD) on CUP 16-02 & 16-03. At that meeting, after the public hearing the Council was supposed to review, approve or modify findings on the hearing. This was not done. At subsequent meetings, the Council has discussed and directed Legal Counsel to draft findings that summarize the Council's views; drafted findings have been completed and are being presented for further consideration.

Other information: Legal Counsel is still working on a drafted MOU with ERPD to cover The City's costs on this project moving forward.

Recommended motions:

- I, Councilor [name], move to approve findings regarding the extension of CUP 16-02 & 16-03 as presented.
- I, Councilor [name], move to approve findings regarding the extension of CUP 16-02 & 16-03 with the following amendments.....
- I, Councilor [name], move to direct staff to modify the findings regarding the extension of CUP 16-02 & 16-03 to incorporate the following.....

Continuing Action Items 13(b): ERPD Findings

CITY OF PORT ORFORD

City Council Decision, Order and Findings
2024 Extension of CUP 16-02 and 16-03

Findings:

1. Port Orford Municipal Code 17.32.060 provides that the Planning Commission may extend authorization for a conditional use permit for an additional period not to exceed one year, upon written application to the Planning Commission.
2. In 2016, applicant Elk River Property Development applied for conditional use permits to install pipelines across City property. The purpose of these pipelines is to transport recycled water from the city's wastewater treatment plant to a planned golf course.
3. The City approved the applications for CUP 16-02 and CUP 16-03 on June 16, 2017. Successive one-year extensions have been approved by the City in subsequent years.
4. A request for an extension of CUP 16-02 and CUP 16-03 was timely filed by the applicant on January 3, 2024. At the request of the applicant, processing of that application was held in abeyance by the City until the City issued a signed order for the 2023 extension application. The Order approving the 2023 extension was not signed until March 8, 2024, due to oversight.
5. The City interprets Port Orford Municipal Code 17.32.060 to give the City authority to grant extensions to CUPs for the period of one year per extension. There is no limitation on the number of extensions which may be granted so long as the duration of each does not exceed one year. The Land Use Board of Appeals has confirmed the City's interpretation of Port Orford Municipal Code 17.32.060. See *Suess v. City of Port Orford*, __ Or LUBA __ (No. 2020-076, Jan. 22, 2021).
6. The granting of extensions is not contingent on whether there has been "substantial construction" of the project. If "substantial construction" has taken place, a request for an extension is unnecessary.
7. The City's interpretation is consistent with the previous decisions in this matter granting multiple extensions for a period of one year each.
8. Construction has not started on the pipeline project as of this date. Therefore, the 2024 extension is needed in order to keep the original CUP approvals active.

9. The original CUP approval at issue here includes Condition N, which requires DEQ permitting prior to the start of construction. Condition N says: “No work may commence in any way on any of the pipeline and pump station until all local, County and State permits are in hand.”
10. The Planning Commission voted to deny the extension request by decision dated June 18, 2024. Following a timely appeal by the applicant, and following a public hearing on the applicant’s appeal, the Council hereby approves the requested 2024 extension.

Conclusion and Order:

Based on all of the above, the City Council concludes that another one-year extension of the CUP is warranted.

The appeal is upheld; the decision of the Planning Commission is reversed.

The one-year extension is approved, and the term of this extension runs from June 16, 2023, which is the anniversary of the original permit issued on June 16, 2017.

Signed this ____ day of September, 2024.

Pat Cox, Mayor
City of Port Orford, Curry County

Joseph Harrison, City Recorder
City of Port Orford, Curry County

NOTICE

This is notice of the final decision of the City in this matter. Any party seeking further review must file an appeal directly with the Oregon Land Use Board of Appeals (LUBA) within the timelines set forth in state law. See LUBA’s website for more information.