

MYRTLE POINT CITY COUNCIL AGENDA
Regular Meeting
Monday, April 3, 2023, 7:30 p.m.
OSU Extension Meeting Room | 631 Alder Street, Myrtle Point

For those wishing to attend remotely, please use one of the following options:

Join Zoom Meeting: <https://zoom.us/j/7532272341>

Meeting ID: 753 227 2341 | Password: Myrtle

or

Dial-in: 1 (253) 215-8782 | Meeting ID: 753 227 2341 | Passcode: 851522

- I. CALL TO ORDER – Mayor Clayburn
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL – City Council
- IV. CONSENT ITEMS
 - A. Minutes of March 6, 2023 Regular Meeting
- V. ACTION/DISCUSSION ITEMS
 - A. Public Comment – Camping Regulations**
 - B. Ordinance No. 1290 – Establishing Camping Regulations
 - C. Public Hearing – Dangerous Building 1030 Harris Street**
 - D. Resolution 2023-04 – Declaring a Dangerous Building at 1030 Harris Street and Ordering Its Abatement
 - E. Public Hearing – Proposed Supplemental Budget to the 2022-23 Budget**
 - F. Resolution 2023-05 – Adopting a Supplemental Budget to the 2022-23 Budget
 - G. Resolution 2023-06 – Adopting a Job Description for the Position of Student Intern in the Library
 - H. Engineering Scope of Services – Harris Street Improvements
- VI. PETITIONS FROM THE AUDIENCE

This is a public meeting and the media may use information presented.
- VII. UPCOMING MEETINGS AND EVENTS:
 - A. Myrtle Point Public Library Foundation Monthly Meeting – April 4, 2023, 5:00 p.m.
 - B. Flora M. Laird Memorial Library Board Meeting – April 11, 2023, 11:00 a.m.
- VIII. INFORMATION ITEMS
 - A. Myrtle Point Public Library Foundation Meeting Agenda – April 4, 2023
 - B. Myrtle Point Public Library Foundation Meeting Minutes – March 7, 2023
- IX. OTHER COMMUNICATIONS
 - A. Staff Reports
 - B. Council Concerns and Comments*
- X. ADJOURNMENT

Notice given this 30th day of March 2023 – Darin Nicholson, City Manager

* indicates no material included in packet

**CITY OF MYRTLE POINT
CITY COUNCIL MEETING MINUTES
Regular Meeting
Monday, March 6, 2023 – 7:30 p.m.,
OSU Extension Service Meeting Room
631 Alder Street, Myrtle Point**

Council Members

Present:

Samantha Clayburn, Mayor
Gary Sullivan, City Councilor
Berea Gibbons, City Councilor
Kim Krantz, City Councilor

Michael Hogan, City Councilor
Mike Wood, City Councilor
Ivan Hawker, City Councilor

Absent:

None

Staff and Others

Scott Robinson, Chief of Police
Bob Love, Public Works
Amy Bruno, Library Director
Ginny Groce, Accountant*
Nathan George, Police Officer (arrived ~7:40)

Wayne Ramsey, Public Works
Darin Nicholson, City Manager
Willy Burris, Fire Chief*
Kathy Lewis*

(* indicates remote attendance)

CALL TO ORDER

Mayor Clayburn called the City Council meeting to order at 7:30 p.m. and led those present in the Pledge of Allegiance.

ROLL CALL

Mayor Clayburn asked the City Council members to state their names for the roll.

CONSENT ITEMS

- A. Mayor Clayburn announced the Consent Items – Minutes of the February 6, 2023 Regular Meeting. Councilor Sullivan moved to receive, accept and approve the minutes from the last City Council meeting. Councilor Hogan seconded the motion which carried unanimously.

ACTION/DISCUSSION ITEMS

A. Ordinance No. 1290 – Establishing Camping Regulations

Mayor Clayburn announced Ordinance No. 1290 Establishing Camping Regulations and called on the City Manager. Manager Nicholson informed the City Council that the draft ordinance which had been reviewed at the prior City Council meeting had been sent to the City Attorney for comment. He then identified the various additions and changes made by the City Attorney. There were some questions from the City Council which the City Manager answered. He referred to an email from the City Attorney in which some of the council's questions were answered. Regarding a question about the establishment of time limits on persons camping on private property, the attorney recommended not having time limits but addressing issues through other avenues such as nuisance violations. Regarding a question about the magnitude of fines to be imposed for violation of the ordinance, the attorney indicated that a fine higher than \$25 per day was not a problem, but recommended that consideration be given to an individual's ability to pay (i.e., a homeowner allowing

camping in the back yard vs. a large corporation allowing camping on an unused portion of corporately owned property). The attorney also indicated that a flat fine amount would be OK, but suggested that the city be reasonable in imposing the fine and consider the circumstances of each situation, such as whether a property owner has been proactive in trying to address a matter. There was some discussion about whether campers or property owners who allow camping on their property would be subject to fines. Manager Nicholson and Police Chief Robinson indicated that depending on the circumstance, it could be either. There was also discussion about limiting the number of campers on private commercial properties to less than three. Manager Nicholson indicated that comments from the City Attorney during her review indicated that she envisioned the number of campers allowable on commercial properties could vary based on available land area. There was also discussion about allowing camping in city parks during hours of closure in which Councilor Gibbons voiced her objection. Mayor Clayburn pointed out that the ordinance requires the provision of sanitation facilities and that eliminates some parks as potential camping locations. Councilor Sullivan then asked the City Manager to follow up with the City Attorney about whether there would be a distinction between those camping temporarily on a private property and tenants. He indicated that he was concerned about protecting property owners in the event that they may be unable to remove campers if they establish residency on the property. Councilor Gibbons asked if there had been any thought about offering to help get homeless individuals the help they need rather than let them hang out. Police Chief Robinson stated that regardless, the city is required to come up with a policy. There was some related discussion. Manager Nicholson then explained the final question which he had asked the City Attorney was whether or not the proposed regulations allowing for limited camping conflict with existing rules under the Development Code which prohibit property owners from using RVs for dwellings. The attorney didn't think the two ordinances were in conflict. There was some discussion which followed. Councilor Gibbons mentioned concern about allowing camping in city parks where children play. Manager Nicholson commented that camping on public property was the origin of the legal requirements now established regarding camping by homeless individuals. Police Chief Robinson commented that he felt there was a contradiction in Section 3, Paragraph 3, which it allows for lying or sleeping in a city owned park during hours of closure (10: 00 PM to 7:00 AM) but then it prohibits occupying a particular location for more than 24 hours consecutively. He also asked who makes the determination about what "sufficient sanitation" is. There was some related discussion including regulation of restrooms. Following discussion, Mayor Clayburn stated that there needs to be clarification about the wording in Section 3, Paragraph 3 at the least. She suggested tabling the matter until a future meeting. There was no objection. Mayor Clayburn suggested inviting public comment on the matter at the next meeting and directed the City Manager to put something in the newspaper.

B. Budget Committee Reappointment – Lloyd Pounds

Mayor Clayburn announced the Budget Committee Reappointment of Lloyd Pounds. Manager Nicholson indicated that Mr. Pounds had provided an email stating his willingness to continue on the Budget Committee. Mayor Clayburn then appointed Lloyd Pounds to serve another three-year term on the Budget Committee. She called for a vote of support which was unanimous in favor.

C. Budget Committee Reappointment – Kathy Lewis

Mayor Clayburn announced the Budget Committee Reappointment of Kathy Lewis. Manager Nicholson indicated that Ms. Lewis had provided an email stating her willingness to continue on the Budget Committee. Mayor Clayburn appointed Kathy Lewis to serve another three-year term on the Budget Committee. She called for a vote of support which was unanimous in favor.

D. Update Check Signing Authority and Bank Account Access

Mayor Clayburn announced Update to Check Signing Authority and Bank Account Access. Manager Nicholson explained that updates need to be made every couple of years as City Councilors come and go. He also noted that city checks require two signatures. Manager Nicholson identified Mayor Clayburn, Bob Love and himself as current check signers. He also stated that Daniel Martin and Mike West needed to be removed and it is proposed to add Councilor Hawker as an authorized signer. Mayor Clayburn called for a vote on the recommendation to remove C. Michael West and Daniel Martin from all First Community Credit Union Accounts, the Umpqua Bank Checking Account and Skip Ohlsen Checking Account; and to add Councilor Ivan Hawker as a signer on the indicated accounts at First Community Credit Union and Umpqua Bank. The vote was unanimous in favor.

E. Planning Commission Qualifications

Mayor Clayburn announced the Planning Commission Qualifications and called on the City Manager. Manager Nicholson explained that he had recently reviewed the qualifications for Planning Commissioners based on a citizen request. Ordinance No. 1182 Reestablishing the Planning Commission states, among other things, "Members of the Commission may not be officials or employees of the City." Manager Nicholson then explained that Tim Groce has been on the Planning Commission since 2013 and he recently went to work for the City of Myrtle Point in the position of Groundskeeper on a part-time basis. When notified of the discovery, Mr. Groce asked if the matter could be brought to the City Council in order to consider a change of policy. Manager Nicholson then referred to state rules concerning Planning Commissions, which do not prohibit employees from serving on a commission. Based on the request from Mr. Groce, Manager Nicholson requested that the City Council consider a change of the policy. Kathy Lewis asked to comment on the matter and the Mayor agreed. Ms. Lewis explained that every land use hearing starts with commissioners being asked to disclose any ex parte contact, conflict of interest or personal bias on the matter being considered. She indicated that the Planning Commission self-regulates in that way and therefore she sees no reason why Mr. Groce cannot serve on the Planning Commission. Mayor Clayburn then called for a motion. Councilor Hogan moved to direct the City Manager to coordinate with the City Attorney and draft an ordinance which modifies the policy concerning Planning Commissioners such that employees whose positions are not likely to conflict with land use decisions may be allowed to serve on the commission. Councilor Gibbons seconded the motion which carried unanimously.

PETITIONS FROM THE AUDIENCE

Mayor Clayburn called for petitions from the audience. Kathy Lewis asked the City Manager if any members of the Planning Commission had not completed the assigned DEI training. Manager Nicholson said they had all completed it.

UPCOMING MEETINGS AND EVENTS

- A. Myrtle Point Public Library Foundation Monthly Meeting – March 7, 2023, 5:00 p.m.
- B. Myrtle Point Public Library Foundation Annual Meeting – March 7, 2023, 5:30 p.m.
- C. Flora M. Laird Memorial Library Board Meeting – March 14, 2023, 11:00 a.m.

INFORMATION ITEMS

- A. Myrtle Point Public Library Foundation Monthly Meeting Agenda – March 7, 2023
- B. Myrtle Point Public Library Foundation Monthly Meeting Minutes – February 7, 2023
- C. Myrtle Point Public Library Foundation Annual Meeting Agenda – March 7, 2023
- D. Myrtle Point Public Library Foundation Annual Meeting Minutes – March 1, 2022

OTHER COMMUNICATIONS

A. Staff Reports:

1. Manager Nicholson reported on the following:
 - a. DEI Training – As was discussed at the last City Council meeting, diversity, equity and inclusion training was assigned to elected and appointed officials of the City of Myrtle Point in accordance with the provisions of Resolution 2022-16. Most officials completed the training by the February 28th deadline. Those who have not yet completed the training are encouraged to do so.
 - b. 1030 Harris Street – Multiple attempts were made to get information from Attorney Susan Carter regarding the Small Estate Probate filing for 1030 Harris Street. Near the beginning of February, Ms. Carter stated that the probate papers had not yet been filed. She encouraged the City Manager to follow up with her later but no additional information was obtained.
 - c. LOC Spring Conference – The League of Oregon Cities Spring Conference will be held in Seaside on April 25 & 26. Manager Nicholson asked councilors to let him know if they would like to attend the conference and he would arrange for registration and a hotel.
 - d. Chamber of Commerce Hanging Baskets – The Myrtle Point Chamber of Commerce has sent out a sponsorship request for hanging flower baskets for downtown. The sponsorship amount is \$95 per basket. If the City Council wishes to sponsor a basket, funds from the Council Activities line of the General Fund could be used. There is \$912.68 remaining in the line at this time. The sponsorship form is attached hereto. Discussion occurred following the City Manager's report on EV Charging Stations. Councilor Sullivan moved to sponsor one basket. Councilor Gibbons seconded the motion which carried unanimously.
 - e. ODOT Grants Available for EV Charging Stations – The Oregon Department of Transportation is now offering rebates up to \$4,250 (or 75% of eligible project costs) for Level 2 Electric Vehicle charging stations. The program requires installation of a minimum of two charging plugs and the rebate amount is per plug. EV charging stations were discussed in June 2022 but it was decided not to install a station using city funds. At the time, a quote in the amount of \$6,044 was obtained for the purchase a two-plug Level 2 EV charging station. Installation costs are in addition to the cost of the station. It is expected that placement of a charging station can be performed by city staff, but an electrician would be also be needed. The total project cost is likely to be in the range of \$8,000 to \$9,000, so we would likely be eligible for \$6,000 to \$6,750 in total rebates. If the City Council wishes to pursue reimbursement funds for EV charging stations, funds can be budgeted in the 2023-24 budget for the city's portion of the cost. General consensus was to go ahead and apply for the rebate program.
2. Accountant Groce reported that the Skip Ohlsen CD at Umpqua Bank had been closed during the last month because the interest rate was low (below 1% per year). The funds were moved into a CD at First Community Credit Union with an interest rate of 3.198% and a term of 5 years, which will run through February 2028. Accountant Groce also reported that the city had received a Paid Leave Oregon equivalent plan policy from The Hartford. We are still waiting for the state to approve the policy.
3. Fire Chief Burris had nothing to report.
4. Chief of Police Robinson reported that Officer Angove would be in surgery the following day to have his pectoral tendon reattached. He was injured while attending the Police Academy. The recovery time is expected to be between six and twelve weeks. Chief Robinson also reported that Officer Lance Pierce would be starting at the Police Academy on March 20th. His graduation would be in July, just before the Fair. Chief Robinson reported that he would be taking some of the patrol shifts during the absences.

He also reported that he would be driving a white Tahoe. The vehicle was recently donated to the department by Coos Bay PD. Mayor Clayburn asked about Sergeant Harris delivering a baby while on shift. Chief Robinson confirmed that he had done so early Sunday morning.

5. Senior Maintenance Worker Ramsey reported that the decision was made to postpone construction of fencing at Sunset Park until the new budget year when additional funds are available in the Skip Ohlsen Fund for that purpose. He also reported that the Public Works Department just purchased a used one-ton utility truck for a cost of \$15,000.
6. Library Director Bruno reported that the construction project is going well and it is still staying on schedule. Director Bruno also reported that she had received preliminary approval for a teen workplace grant. The LSTA grant, which comes from the State Library, will provide approximately \$4,600 and will allow the library to hire a paid teenage summer intern. Director Bruno also reported on receiving three different grants to do container gardening with kids this summer. One grant is from Whole Foods, one is from a seed library, and last is from Territorial Seeds. She expects that the program will be entirely or mostly paid for under the grants. Director Bruno also reported that the library will be hosting a city-wide "Where's Waldo" hunt this summer. The book's publisher has given libraries permission to share Waldo book character images. There also will be a live Waldo at the Fair on the Saturday of Fair week.

B. City Council Concerns & Comments

1. Councilor Sullivan asked Police Chief Robinson if there was any update on Ballot Measure 114. Chief Robinson reported that there are two lawsuits, one at the state level and one at the federal level. Until the cases are heard, it's status quo. Councilor Sullivan asked some related questions concerning the law, which Chief Robinson answered.
2. Councilor Hogan thanked Kathy Lewis for her willingness to continue on the Budget Committee. He indicated that he enjoys her comments and questions and appreciates her level of involvement in the process.
3. Mayor Clayburn thanked the Police Department and Fire Department for the wonderful parade for the State Champion wrestler, a.k.a. her kid. She also indicated that she understood the same would be done for future State Champions.

ADJOURNMENT

Having no further business for the City of Myrtle Point, Mayor Clayburn adjourned the Regular Meeting at 8:48 p.m.

04/03/2023

Samantha Clayburn, Mayor
City of Myrtle Point

City of Myrtle Point Agenda Item Report

To: Mayor Clayburn and City Council
From: Darin Nicholson, City Manager
Date: April 3, 2023
Re: Ordinance No. 1290 – Establishing Camping Regulations, Definitions, Prohibited Camping, Permitted Overnight Sleeping, Penalties and Enforcement; and Repealing Existing Camping Regulations



BACKGROUND

As was discussed at the last two City Council meetings, an update is needed to the city's camping regulations in order to bring them into compliance with the provisions of House Bill 3115, passed during the 2021 legislative session. The city has until July 1, 2023 to comply with the provisions of the bill. The City Attorney reviewed a draft ordinance initially presented at the February 6th City Council meeting and made some changes and additions. Ordinance No. 1290 incorporates the changes and additions recommended by the attorney. At the March 6th City Council meeting, there were some additional questions asked by the City Council. Below is a list of the questions and the attorney's answers:

- **Q:** Section 3 (3) - Parks are closed nightly from 10:00 PM to 7:00 AM. The Police Chief feels it is redundant to state, "No person shall lie, sleep, or otherwise occupy a particular location for more than 24 hours consecutively." Does he tell his officers to enforce no camping in a park during the daytime or when they have been there for over 24 hours?
A: The attorney advised that the police should use whatever requirement is more stringent. However, there is a risk of demonstrating "unreasonableness" on the part of the city. The cases on homeless persons and camping before the current law was passed spent a lot of discussion on the idea that how many people would be allowed to sleep out in public should be weighed against how much room the city has made available to them. It is likely that this consideration will be used in enforcing the law.
- **Q:** Concern was expressed about "allowing" homeless persons to sleep in public parks as children frequent those areas and there is a desire to keep them safe.
A: The attorney indicated that homeless people have to sleep somewhere. They are also citizens of the community. If we don't want them sleeping parks, we have to come up with another option - most likely one with restrooms and garbage services. The parks are already there. The kids aren't there at night. It seems reasonable to let them sleep in the parks overnight and enforce hourly requirements in the morning.
- **Q:** Section 4 (1)(a) - What would you recommend about the limit on the number of vehicles allowed on a site? Could it be reduced to two, maximum?

A: Same reasonableness issue. If they want to keep reducing area for these folks, they have to come up with an alternative.

- **Q:** Section 4 (1)(b) - Should we add a statement that the request must be reviewed and approved by the City Council?

A: The attorney recommended that the City Manager review the request and, if the decision is not to the liking of the person making the request, they can appeal it to the City Council.

- **Q:** There was concern about what will happen if a homeowner allows a person or family to camp on their property and then decides they would like them to leave. Will they have to follow eviction laws or is there a distinction between campers and tenants?

A: The attorney indicated that she is also curious about this. She stated that several requirements in the law look like they are there to keep folks from being considered tenants, but it's uncertain how a judge would interpret the matter until challenged. She advised that more notice is always better.

RELATED CITY POLICIES

None.

COUNCIL OPTIONS

- **Adopt the Ordinance:** This requires a two-step process.
 1. SAMPLE MOTION – *“I move to read Ordinance No. 1290 by title only.”* (Approve 1st motion and read ordinance by title only.)
 2. SAMPLE MOTION – *“I move to adopt Ordinance No. 1290 Establishing Camping Regulations, Definitions, Prohibited Camping, Permitted Overnight Sleeping, Penalties and Enforcement; and Repealing Existing Camping Regulations.”*
- **Make Changes:** SAMPLE MOTION – *“I move to make the following changes to the ordinance and resubmit it to the City Attorney for further review: _____.”*

CITY MANAGER’S RECOMMENDATION

Approve Ordinance No. 1290.

ATTACHMENTS

- Ordinance No. 1290 – Establishing Camping Regulations, Definitions, Prohibited Camping, Permitted Overnight Sleeping, Penalties and Enforcement; and Repealing Existing Camping Regulations

ORDINANCE NO. 1290

AN ORDINANCE OF THE CITY OF MYRTLE POINT, OREGON ESTABLISHING CAMPING REGULATIONS, DEFINITIONS, PROHIBITED CAMPING, PERMITTED OVERNIGHT SLEEPING, PENALTIES AND ENFORCEMENT; AND REPEALING EXISTING CAMPING REGULATIONS

THE CITY OF MYRTLE POINT ORDAINS AS FOLLOWS:

Section 1. Purpose

The purpose of this ordinance is to protect the safety of citizens and regulate use of public and private property by establishing time, place and manner guidelines concerning camping and overnight sleeping.

Section 2. Definitions

For the purpose of this ordinance, the following definitions shall apply unless the content clearly indicates or requires a different meaning:

- (1) "To camp" means to set up or to remain in or at a campsite.
- (2) "Campsite" means any place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
- (3) "Emergency Circumstances" means that local conditions, whether related to a human conflict, the weather, or labor disputes, have reached a level of magnitude high enough to cause the Mayor to issue a declaration making the Emergency official.
- (4) "Family" means two or more persons related by blood, marriage, adoption, legal guardianship, or other duly authorized custodial relationship, or not more than two unrelated adults.
- (5) "Motor vehicle" means a vehicle that is self-propelled or designed for self-propulsion.
- (6) "Parking lot" means a developed location that is designated for parking motor vehicles, whether surfaced with asphalt, concrete, gravel or other material.
- (7) "Publicly owned property" means any real property or structures owned, leased, or managed by the city or other government agency including public rights-of-way.
- (8) "Public rights-of-way" means any real property owned by the city that is used for the free and unimpeded passage of the public. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, public trails and paths,

and all other easements which provide the public with a right of access or give the city the right to construct, maintain, repair and operate a public improvement.

- (9) “Recreational vehicle” means a vehicle, whether self-propelled or towed, that is designed for use as temporary living quarters.
- (10) “Solid waste” means any garbage, trash, debris, yard waste, food waste, or other discarded materials.
- (11) “Store” or “storage” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

Section 3. Prohibited Camping

- (1) It is found and declared that:
 - (a) From time-to-time persons establish campsites on sidewalks, public rights-of-way, in parks or other public properties, under bridges, and so forth;
 - (b) Such persons, by camping in the public rights-of-way, create unsafe conditions, and by camping on public properties without camping facilities and without regulation, create unsanitary living conditions which pose a threat to the peace, health and safety of themselves and the community; and,
 - (c) Camping, lying, or sleeping on a playground or sports field during the day fundamentally undermines the public’s ability to use that public property for its intended purpose;
 - (d) This section’s regulations are meant strictly to regulate the use of publicly owned property, and are not intended to regulate activities on private property; and
 - (e) The enactment of this provision is necessary to protect the peace, health, and safety of the City and its inhabitants.
- (2) No person shall camp in or upon any sidewalk, street, alley, lane, or other public right-of-way, unless otherwise allowed by declaration of the Mayor in emergency circumstances.
- (3) Lying or sleeping in a city owned park during hours of closure is not prohibited so long as the individual is experiencing homelessness, is not on a playground or sports field, and is not violating any other provision of this section. No person shall lie, sleep, or otherwise occupy a particular location for more than 24 hours consecutively. No person shall camp in publicly owned locations if those locations are without sufficient sanitation facilities.

- (4) Upon finding it to be in the public interest and consistent with council goals and policies, the council may, by motion, exempt a special event from the prohibitions of this section. The motion shall specify the period of time and location covered by the exemption.

Section 4. Permitted Overnight Sleeping

- (1) Notwithstanding the above prohibitions or any other regulation of the City of Myrtle Point:
- (a) Persons may sleep overnight in a vehicle or tent in a parking lot of a religious institution, place of worship, business or public entity that owns or leases property on which a parking lot and occupied structure are located, with written permission of the property owner. The property owner may not grant permission for more than three vehicles or tents used for sleeping at any one time. For purposes of this subsection (1), the term “vehicle” includes a car, camper, and trailer.
 - (b) Property owners wishing to allow more than three vehicles or tents used for sleeping on their property may submit a request in writing to the city. The request should identify the number of vehicles and/or tents planned to occupy the site, the size and location of the site; availability of sanitary facilities and any special circumstances necessitating the additional vehicles or tents, and the anticipated duration.
 - (c) Persons may sleep overnight in the back yard of a single-family residence, with permission of the owner and tenant of the residence. Not more than one family may sleep in any back yard, and not more than one tent may be used for sleeping in the back yard. As an alternative, but not in addition to sleeping overnight in the back yard, not more than one family may sleep in a vehicle parked in the driveway of a single-family residence, with permission of the owner and tenant of the residence.
 - (d) Persons may sleep overnight in a vehicle, on a paved or graveled surface located on a vacant or unoccupied parcel, with the permission of the property owner, if the owner registers the site with the city. The city may require the site to be part of a supervised program operated by the city. The property owner may not grant permission for more than three vehicles used for sleeping at any one time.
- (2) A property owner who allows a person or persons to sleep overnight on a property pursuant to subsections (1)(a), (1)(b) or (1)(c) of this section shall:
- (a) Provide or make available sanitary facilities;
 - (b) Provide garbage disposal services so that there is no accumulation of solid waste on the site;

- (c) Provide a storage area for campers to store any personal items so the items are not visible from any public street;
 - (d) Require a tent or camping shelter in a backyard to be not less than five feet away from any property line; and
 - (e) Not require or accept the payment of any monetary charge nor performance of any valuable service in exchange for providing the authorization to camp on the property; provided, however, that nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions at the campsite.
- (3) A property owner who permits overnight sleeping pursuant to subsection (1) and (2) of this section may revoke that permission at any time and for any reason. Any person who receives permission to sleep on that property as provided in this section shall leave the property immediately after permission has been revoked.
- (4) Notwithstanding any other provision of this section, the city manager or the manager's designee may:
 - (a) Prohibit overnight sleeping on a property if the city finds that such an activity on that property is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or
 - (b) Revoke permission for a person to sleep overnight on city-owned property if the city finds that the person has violated any applicable law, ordinance, rule, guideline or agreement, or that the activity is incompatible with the use of the property or adjacent properties.
- (5) The city manager or the manager's designee may impose administrative civil penalties on property owners who fail to comply with the requirements of subsections (1) and (2) of this ordinance.
- (6) In addition to any other penalties that may be imposed, any campsite used for overnight sleeping in a manner not authorized by this section or other provisions of this code shall constitute a nuisance and may be abated as such.
- (7) With authorization from the city manager or designee in connection with a specific special event, persons may sleep overnight on public property at which a special event is being held. The authorization shall be limited to no more than eight days in any two-week period.

- (8) Nothing in this ordinance creates any duty on the part of the city or its agents to ensure the protection of persons or property with regard to permitted overnight sleeping.

Section 5. Removal of Established Campsites

Any campsite established or maintained in violation of this ordinance shall be removed in accordance with the provisions of ORS 195.505.

Section 6. Penalties and Enforcement

- (1) Any person who violates any provision of this chapter shall, upon conviction, be subjected to a fine in the amount not to exceed \$25. Each day a violation is committed or permitted to continue shall constitute a separate offense.
- (2) In addition to any other penalties that may be imposed, any campsite or camp facilities or camp paraphernalia used for overnight sleeping in a manner not authorized by this section or other provisions of this code shall constitute a public nuisance and may be abated as such. Movement from one location within city limits to another does not constitute abatement by the owner.

Section 7. Severability

The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 8. Repealer

Section 19 of Ordinance No. 1282 of the City of Myrtle Point, adopted on the 4th day of September 2018, is hereby repealed.

Ayes: _____

Nays: _____

Adopted by the City Council of the City of Myrtle Point this 6th day of March 2023.

ATTEST:

Samantha Clayburn, Mayor

Darin Nicholson, City Manager

City of Myrtle Point Agenda Item Report

To: Mayor Clayburn and City Council
From: Darin Nicholson, City Manager
Date: April 3, 2023
Re: Resolution 2023-04 Declaring a Dangerous Building
at 1030 Harris Street and Ordering Its Abatement



BACKGROUND

A structure fire occurred in the residence located at 1030 Harris Street on August 13, 2022. Fire Chief Burris has indicated that the building is not livable and recommended declaring it a dangerous building. During a Public Hearing on October 3, 2022, the occupants indicated that they would like to rebuild the structure. The matter was complicated because the occupants did not own the property but believed they could establish ownership relatively quickly. The City Council agreed to allow the occupants 180 days to work out the matter of ownership and obtain permits to rebuild the structure. The 180 days expired on April 1, 2023.

The Myrtle Point Planning Commission approved a Temporary Dwelling Permit for the use of a travel trailer on the property for a duration of 6 months on October 25, 2022 contingent on fulfilling the requirement for a temporary electrical service within 10 days, obtaining and connecting a sewage pump from the trailer to the sewer service on the property within three weeks, and upon the city receiving no complaints regarding conditions at the site, including people sleeping in cars, except that any such complaints be resolved quickly. The Temporary Dwelling Permit will expire on April 25, 2023. The city has received some complaints about loose dogs from the property but these typically have been resolved. There are some other code violations with additional people camping on the site but not within the travel trailer approved under the Temporary Dwelling Permit. For this reason, staff would advise against extension of the Temporary Dwelling Permit.

Ordinance No. 1181 establishes procedures for declaring a Dangerous Building and ordering abatement of the dangerous conditions or removal of the building. The following steps required by the ordinance have been followed and City Council may order abatement of the dangerous conditions at this time. On September 6, 2022, the City Manager notified City Council of the conditions and a Public Hearing date was set for October 3rd. Notice of the Public Hearing was sent to the property owner on September 8, 2022. Notice of the Public Hearing was published in the Myrtle Point Herald on September 14, 2022. In addition, a second Public Hearing has been scheduled for April 3, 2023. Notice of the Public Hearing was published in the Myrtle Point Herald on March 29, 2023 and a copy of the notice was sent to the occupants on March 24, 2023.

The City Council may wish to ask the occupants for testimony prior to making a decision on this matter.

RELATED CITY POLICIES

Ordinance No. 1181 – Providing for the Abatement of Dangerous Building Nuisances

COUNCIL OPTIONS

- **Approve the Resolution and Set a Timeframe for Removal:** SAMPLE MOTION –
“I move to approve Resolution 2023-04 Declaring a Dangerous Building at 1030 Harris Street and ordering its removal and the site be cleaned, and to set a timeframe of ____ days for completion of the work.”
- **Approve the Resolution and Set a Timeframe for Restoration:** SAMPLE MOTION –
“I move to approve Resolution 2023-04 Declaring a Dangerous Building at 1030 Harris Street and ordering that the building be restored and made safe within ____ days, and that the owner comply with all conditions set forth in Resolution 2023-04 concerning building restoration.
- **Do Nothing:** No motion needed.

CITY MANAGER’S RECOMMENDATION

It is recommended to approve Resolution 2023-04. A timeframe in the range of 60 to 75 days is considered appropriate if demolition is specified. A timeframe of at least 180 days would be necessary if building restoration is allowed.

ATTACHMENTS

Resolution 2023-04 Declaring a Dangerous Building at 1030 Harris Street and Ordering its Abatement

RESOLUTION 2023-04

**A RESOLUTION OF THE CITY OF MYRTLE POINT CITY COUNCIL
DECLARING A DANGEROUS BUILDING AT 1030 HARRIS STREET
AND ORDERING ITS ABATEMENT**

WHEREAS, on August 13, 2022 a structure fire occurred at the residence addressed 1030 Harris Street (T29S R12W 16BB Tax Lot 13300) rendering the building uninhabitable; and

WHEREAS, pursuant to City of Myrtle Point Ordinance No. 1181, Section 3, the City Manager reported to the City Council on September 6, 2022 his concern about the condition of the building at 1030 Harris Street and the danger it poses to residents and the public; and

WHEREAS, the City Council set a Public Hearing on the matter of the building at 1030 Harris Street for October 3, 2022 at the regular City Council meeting; and

WHEREAS, pursuant to Ordinance No. 1181, Section 5, notice of the Public Hearing was sent to the property owner of record on September 8, 2022, and resident of the property, Rolando Sanchez, signed for receipt of the notice on September 10, 2022; and

WHEREAS, pursuant to Ordinance No. 1181, Section 6, notice of the Public Hearing was published in the City newspaper of record on September 14, 2022; and

WHEREAS, the Public Hearing was held on October 3, 2022 at the scheduled place and time; and

WHEREAS, upon request of the occupants, the City Council ordered the building to be restored and made safe within 180 days, with all work permitted and performed in compliance with requirements of the City of Myrtle Point and the Coos County Building Department; and

WHEREAS, the planned restoration of the building has been delayed due to s setback in the occupants' ability to establish ownership of the property; and

WHEREAS, a second Public Hearing on the matter was advertised on March 29, 2023 and held on April 3, 2023 at the scheduled place and time.

NOW THEREFORE, the Myrtle Point City Council hereby resolves as follows:

SECTION 1: The building at 1030 Harris Street (T29S R12W 16BB Tax Lot 13300) is declared a Dangerous Building within the meaning stated in Ordinance No. 1181, Section 1, Definitions (a) and (d).

SECTION 2: Due to the dangerous condition of the building, it shall not be inhabited.

SECTION 3: The conditions creating such danger shall be abated according to one of the following procedures as determined by the owner:

1. The building shall be removed and the site cleaned within _____ days; or
2. The building shall be restored and made safe within _____ days under the following conditions:
 - A. All work on the building shall be in compliance with City of Myrtle Point Ordinances and Coos County Building Department regulations and permits. No work on the building may commence until applicable permits have been obtained.
 - B. The owner shall provide City Council with progress reports on a monthly basis. If a time extension is necessary the owner shall request the extension at least one month prior to expiration in order to allow the City Council to review the request.
 - C. When Final Approval is issued by the Coos County Building Inspector, the owner may request the City Council remove the Dangerous Building designation.

Adopted by the Myrtle Point City Council this 3rd day of April 2023.

Samantha Clayburn, Mayor

ATTEST:

Darin Nicholson, City Manager

City of Myrtle Point Agenda Item Report

To: Mayor Clayburn and City Council
From: Darin Nicholson, City Manager
Date: April 3, 2023
Re: Resolution 2023-05 Adopting a Supplemental Budget to the 2022-23 Budget



BACKGROUND

State budget law requires cities to adopt a supplemental budget when there is an occurrence or condition that was not ascertained when preparing the original budget for the current year and that requires a change in financial planning. If the amended estimated expenditures contained in an individual fund differ by more than 10 percent from those adopted, the governing body must hold a public hearing on the supplemental budget.

There have been several occurrences which were not anticipated when preparing the budget including, but not limited to, the receipt of grant funds from the Oregon Parks and Recreation Department, from the Drinking Water Source Protection Fund, and from the Oregon Department of Transportation Small City Allotment. In the case of each grant, funds must be received and allocated. Additionally, changes in expenditures less than 10% are necessary at this time in several funds as outlined in the attached resolution.

RELATED CITY POLICIES

None

COUNCIL OPTIONS

- **Approve the Resolution:** SAMPLE MOTION – *“I move to approve Resolution 2023-05 Adopting a Supplemental Budget to the 2022-23 Budget to Adjust Revenue and Appropriations in Various Funds due to Circumstances not Anticipated at the Time of Adoption.”*
- **Do Nothing:** No motion required.

CITY MANAGER’S RECOMMENDATION

It is recommended to approve Resolution 2023-04.

ATTACHMENTS

- Resolution 2023-04

RESOLUTION 2023-05

**A RESOLUTION OF THE CITY OF MYRTLE POINT CITY COUNCIL
ADOPTING A SUPPLEMENTAL BUDGET TO THE 2022-23 BUDGET TO
ADJUST REVENUE AND APPROPRIATIONS IN VARIOUS FUNDS DUE TO
CIRCUMSTANCES NOT ANTICIPATED AT THE TIME OF ADOPTION**

WHEREAS, ORS 294.471(1) states that during the fiscal year or budget period for which the original budget was adopted, the governing body of a municipal corporation may make one or more supplemental budgets under several specific circumstances; and

WHEREAS, ORS 294.471(1)(a) permits a supplemental budget due to an occurrence or condition that is not ascertained when preparing the original budget or a previous supplemental budget for the current year or current budget period and that requires a change in financial planning; and

WHEREAS, there have been several occurrences which were not anticipated when preparing the budget including, but not limited to, the receipt of grant funds from the Oregon Parks and Recreation Department, from the Drinking Water Source Protection Fund, and from the Oregon Department of Transportation Small City Allotment; and

WHEREAS, changes in appropriations are necessary at this time in the General Fund, the Water Fund, the Sewer Fund, the State Tax Streets Fund, the Ambulance Fund and the Fire Services Fund; and

WHEREAS, ORS 294.473(1)(a) states that if the amended estimated expenditures contained in an individual fund that is being changed by a supplemental budget made under ORS 294.471 differ by more than 10 percent from the expenditures in the budget as most recently amended prior to the supplemental budget, the governing body of the municipal corporation shall hold a public hearing on the supplemental budget; and

WHEREAS, pursuant to ORS 294.473(1)(b), Notice of Supplemental Budget was published in the Myrtle Point Herald on **March 29th, 2023**; and

WHEREAS, the required Public Hearing regarding the Supplemental Budget was held during the regular City Council meeting on Monday, April 3rd, 2023; and

WHEREAS, all other requirements of ORS Chapter 294 concerning Supplemental Budgets are satisfied under this Resolution.

NOW THEREFORE, be it resolved by the City of Myrtle Point City Council:

SECTION 1 – To receive additional revenues as identified below and to authorize the following transfers and changes in appropriations:

	Current Appropriation	Revenues	Expenditures	Amended Appropriation
Fund 11 - General Fund		\$2,533,521	\$2,533,521	
<i>Unexpected grant revenue for park equipment</i>				
<i>Revenue</i>	\$2,533,521	\$75,000		\$2,608,521
Admin& Finance				
<i>Personnel Services</i>	\$11,236		\$330	\$11,566
Police Department				
<i>Personnel Services</i>	\$865,256		\$4,928	\$870,184
Public Works				
<i>Personnel Services</i>	\$120,435		\$594	\$121,029
<i>Materials & Services</i>	\$72,800		\$6,500	\$79,300
<i>Capital Outlay</i>	\$23,000		(\$6,500)	\$16,500
Parks & Recreation				
<i>Capital Outlay</i>	\$15,000		\$98,896	\$113,896
General Services				
<i>Materials & Services</i>	\$181,815		\$380,124	\$561,939
<i>Operating Contingency</i>	\$624,598		(\$503,065)	\$121,533
<i>Transfer to Water Fund</i>	\$0		\$80,689	\$80,689
<i>Transfer to Sewer Fund</i>	\$0		\$2,746	\$2,746
<i>Transfer to State Tax Streets</i>	\$0		\$1,084	\$1,084
<i>Transfer to Ambulance Fund</i>	\$20,000		\$7,643	\$27,643
<i>Transfer to Fire Fund</i>	\$191,175		\$1,031	\$192,206
		\$2,608,521	\$2,608,521	

	Current Appropriation	Revenues	Expenditures	Amended Appropriation
Fund 21 - Water Fund		\$905,053	\$905,053	
<i>Unexpected grant revenue for watershed improvements (\$30,000) & transferring ARPA funds (\$80,689)</i>				
Revenue	\$905,053	\$110,689		\$1,015,742
Personnel Services	\$418,912		\$2,766	\$421,678
Materials & Services	\$226,675		\$107,923	\$334,598
		\$1,015,742	\$1,015,742	

	Current Appropriation	Revenues	Expenditures	Amended Appropriation
Fund 31 - Sewer Fund		\$1,375,360	\$1,375,360	
<i>Transferring ARPA funds from General Fund</i>				
Revenue	\$1,375,360	\$2,746		\$1,378,106
Personnel Services	\$418,912		\$2,746	\$421,658
		\$1,378,106	\$1,378,106	

	Current Appropriation	Revenues	Expenditures	Amended Appropriation
Fund 41 - State Tax Streets Fund		\$282,720	\$282,720	
<i>Unexpected revenue for Street Grant & transferring ARPA funds from General Fund</i>				
Revenue	\$282,720	\$251,084		\$533,804
Personnel Services	\$113,815		\$1,084	\$114,899
Materials & Services	\$82,150		\$250,000	\$332,150
		\$533,804	\$533,804	

	Current Appropriation	Revenues	Expenditures	Amended Appropriation
Fund 71 - Ambulance Fund		\$1,141,969	\$1,141,969	
<i>Transferring ARPA funds from General Fund</i>				
<i>Revenue</i>	\$1,141,969	\$7,643		\$1,149,612
<i>Personnel Services</i>	\$113,815		\$7,643	\$121,458
		<u>\$1,149,612</u>	<u>\$1,149,612</u>	

	Current Appropriation	Revenues	Expenditures	Amended Appropriation
Fund 75 - Fire Services Fund		\$414,737	\$414,737	
<i>Transferring ARPA funds from General Fund</i>				
<i>Revenue</i>	\$414,737	\$1,031		\$415,768
<i>Personnel Services</i>	\$263,575		\$1,031	\$264,606
		<u>\$415,768</u>	<u>\$415,768</u>	

SECTION 2 – To amend Resolution 2022-06 adopting the 2022-23 Budget.

SECTION 3 – To direct the City Manager to take all necessary action to affect the intent of this Resolution.

Approved by the City of Myrtle Point City Council this 3rd day of April 2023.

Samantha Clayburn, Mayor

ATTEST:

Darin Nicholson, City Manager

City of Myrtle Point Agenda Item Report

To: Mayor Clayburn and City Council
From: Darin Nicholson, City Manager
Date: April 3, 2023
Re: Resolution 2023-06 Adopting the Job Description for the Position of Student Intern in the Library



BACKGROUND

Library Director Amy Bruno has obtained grant funding for a part-time student intern for 18 weeks. The goal is to expose the student to aspects of library operation as well as to help other staff cover the workload. City policy requires the adoption of a job description for each position of employment. The job description included in the attached resolution outlines the duties and responsibilities of the student intern.

RELATED CITY POLICIES

None

COUNCIL OPTIONS

- **Adopt the proposed Job Description:** SAMPLE MOTION – *“I move to approve Resolution 2023-06 Adopting a Job Description for the Position of Student Intern in the Library.”*
- **Do Nothing:** No motion required.

CITY MANAGER’S RECOMMENDATION

Approve the resolution adopting the job description.

ATTACHMENTS

- Resolution 2023-06 Adopting a Job Description for the Position of Student Intern in the Library

RESOLUTION 2023-06

**A RESOLUTION OF THE CITY OF MYRTLE POINT CITY COUNCIL
ADOPTING THE JOB DESCRIPTION FOR THE POSITION OF
STUDENT INTERN IN THE LIBRARY**

WHEREAS, the Library Director wishes to hire a Student Intern to help cover the workload and to expose the student to responsibilities and methods of operating a library; and

WHEREAS, grant funds have been obtained to cover employment costs of a Student Intern; and

WHEREAS, the attached job description identifies the duties, responsibilities and qualifications of the position.

NOW THEREFORE, the Myrtle Point City Council hereby resolves:

SECTION 1. To create the position of Student Intern in the Library.

SECTION 2. To adopt the job description appended hereto and labeled “Attachment A” for the position of Student Intern.

SECTION 3. To set the pay rate at Minimum Wage.

SECTION 4. To make this Resolution effective immediately upon its adoption by the City Council.

Adopted by the Myrtle Point City Council this 3rd day of April 2023.

Samantha Clayburn, Mayor

ATTEST:

Darin Nicholson, City Manager

City of Myrtle Point
Job Description

Job Title: Student Intern
Department: Library
Reports to: Library Director
FLSA Status: Non-Exempt
Approved: April 3, 2023

GENERAL DESCRIPTION:

Performs a variety of clerical duties associated with the operation of the library.

SUPERVISION RECEIVED:

Works under the direct supervision of the Library Director and Senior Clerk. Specific tasks may be assigned in which the Student Intern works with a degree of independence while still under the general supervision of the Library Director or Senior Clerk.

SUPERVISION EXERCISED:

None.

EXAMPLES OF DUTIES AND RESPONSIBILITIES:

1. Work with library staff on a variety of activities, programs, and outreach to the community.
2. Work closely with Library staff to learn about various positions in the organization and how they support each other.
3. Assist customers with library questions, program participation, and computer support.
4. Performs general clerical work, shelving materials, and works with the circulation desk with related duties.
5. Develop a meaningful library project, which will be completed through the course of the internship.
6. Be comfortable sharing successes, challenges, opportunities through a prepared presentation.
7. Work collaboratively with people from all backgrounds.

SUPPLEMENTAL INFORMATION:

This position requires the ability and desire to work with library patrons of all ages and abilities. To deal courteously with the public, and to work cooperatively with co-workers. Some basic knowledge of library principals is helpful.

WORKING CONDITIONS:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this position.

- Works primarily in an office or library environment. Outreach activities may take place outdoors.
- This position requires mobility.
- Occasionally lift and carry and heavy boxes of materials weighing up to 40 pounds.
- Manual dexterity and coordination are required over 70% of the work period while operating equipment such as computers and other standard office equipment.

Reasonable accommodations will be evaluated on an individual basis and depend, in part, on the specific requirement for the job, the limitations related to disability and the ability of the City to accommodate the limitation.

DESIRED SKILLS AND ABILITIES:

The ideal candidate will have great interpersonal skills, be flexible with their time commitment, want to help their community, be interested in working in libraries and have sense of humor. We are looking for service minded individuals who are familiar with a fast-paced library environment.

SPECIAL CONDITIONS:

In order to be considered for this position, the applicant must be a High School Junior or Senior at time of application.

City of Myrtle Point Agenda Item Report

To: Mayor Clayburn and City Council
From: Darin Nicholson, City Manager
Date: April 3, 2023
Re: Engineering Scope of Services – Harris Street Improvements



BACKGROUND

Following approval of the ODOT Small City Allotment grant for improvements to Harris Street between 4th Street and Hwy 42, I contacted Civil West Engineering Services, the city's Engineer of Record, to provide a proposal for design of the planned street and sidewalk improvements. The attached scope of services identifies a fee not-to-exceed of \$31,000 for design services for the planned improvements. This amount is within the amount estimated at the time of the grant application for engineering services. State contracting rules under OAR 137-048-0200 Direct Appointment Procedure, allow for award of professional services contracts up to \$100,000 without following selection procedures set forth elsewhere in the Oregon Administrative Rules. Based on the indicated engineering fees, this work qualifies for direct appointment.

RELATED CITY POLICIES

None

COUNCIL OPTIONS

- 1. Approve the Scope of Services:** SAMPLE MOTION – *“I move to approve the Engineering Scope of Services submitted by Civil West Engineering Services, Inc. for the design of Harris Street Improvements – 4th Street to Hwy 42 for a fee not to exceed \$31,000.”*
- 2. Do Nothing:** No motion required.

CITY MANAGER'S RECOMMENDATION

It is recommended to approve the Engineering Scope of Services.

ATTACHMENTS

- The City of Myrtle Point – 2022 Myrtle Point Roadway Project – Harris Street Improvements – 4th Street to Hwy 42



South Coast Office
486 E Street
Coos Bay, OR 97420

Willamette Valley Office
200 Ferry Street SW
Albany, OR 97321

Rogue Valley Office
830 O'Hare Parkway, Suite 102
Medford, OR 97504

North Coast Office
609 SW Hurbert Street
Newport, OR 97365

ENGINEERING SCOPE OF SERVICES

Date: March 16, 2023

To: Darin Nicholson, City Manager, City of Myrtle Point (City)

From: Marlin Gochnour, PE, President, Civil West Engineering Services, Inc. (CWES)

RE: **2022 Myrtle Point Roadway Project - Harris Street Improvements – 4th Street to Hwy 42**

This document summarizes the proposed Civil West Engineering Services scope of services for the Small Cities Allotment grant from ODOT for rehabilitation of Harris Street from near Hwy 42 down to 4th Street.

Part A – Task Description

The following tasks have been developed to present the action plan we will follow to complete this project.

Task 1 – Project Management and Administrative Services – This task includes administrative and project management efforts related to the management of this project. This includes processing of paperwork and correspondence between Civil West and the City, coordination on financial matters, directing internal resources, meeting with staff on routine issues, preparing monthly project status reports, and other project management activities.

Task 2 – Data Gathering, Design Plans and Bid Documents – Production of Bid Documents for intersection reconstruction at the intersection of Harris Street and 4th, 5th, 6th and 7th Streets and an overlay of Harris Street between each of the intersection reconstructions. This task will include the following support efforts:

- Site topographic survey – CWES will complete a design level survey for the project site that extends up to fifteen feet beyond the existing road section to be impacted by the reconstruction and overlay efforts. Right of way will be shown per record.
- Design documents with contract & bid form will be prepared. We will provide the City an internal review at the 80%, and final design stages of the process.
- Project construction specifications for proposed improvements.
- The City has constructed new pedestrian ramps at all four corners of the intersections of Harris and 5th and 6th Streets. The intersection of Harris and 7th Street has two new ADA ramps. It is assumed all these ramps meet current ADA requirements. As a part of the data gathering, we will verify their ADA compliance. If they are found to not meet current ADA requirements, they can be added to this project by processing an amendment to this

scope of work. We will provide design services for the following intersection pedestrian ramps.

- Harris and 4th Street intersection will have three ramps designed.
- Harris and 7th Street intersection will have two ramps designed.

We will replace portions of the existing sidewalk along the route as requested by the City. All replacement sidewalks will be a direct replacement of the existing facilities. We will provide replacement designs on up to eight alley/driveway approaches to bring them into ADA compliance. All intersection ADA crosswalk routes will be designed to comply with current ADA requirements. Between intersections a grind and overlay will be utilized to provide an aesthetically pleasing road section along the project route.

- We assume we will only be adjusting the rims of sewer and storm water manholes and catch basins along with water valve boxes located within the corridor. No other utility design or relocation is included in this scope of service.
- Development of a Construction Cost Estimate for the project.

Task 3 – Bid Phase Services

Most of this task will be completed by City Staff. We have provided a minimal amount of time to provide responses related to the following items during the bid phase of the project.

- Solicitation coordination, responding to questions from bidders and review of bid results, we have budgeted up to 20-hours of support for this task.

Task 4 – Construction Phase Support

Most of this task will be completed by City Staff. We have provided a minimal amount of time to provide responses related to the following items during the construction phase of the project.

- Submittal review support (4-hours)
- Pay application and change order review support (4-hours)
- Field Inspections (24-hours)
- Closeout assistance with fund support, if required. (8-hours)

This task includes the allowance hours presented above with an additional 8-hours of miscellaneous assistance if needed. Any support hours exceeding the presented allowance must be approved by owner as an amendment to this scope of work.

Task 5 – Reimbursable/Direct Costs – This item will cover direct reimbursable expenses anticipated for the project. These include travel and per diem costs, reproduction and postage expenses, and other reimbursable costs.

Part B – Exclusions

The following tasks are excluded from the scope of services described above. Should the City wish for any of these tasks to be included in the project scope, CWES is happy to provide a revised scope or scope amendment to allow for the completion of these tasks.



- Regulatory review and/or permitting fees.
- Potholing, geotechnical investigation, and/or other subsurface exploration via borings or other methods is not included in this scope.
- Preparation of a construction phase traffic control plan is not included as part of this scope. It is assumed that this will be the responsibility of the contractor.
- Boundary work or easement creation.
- Utility design for all dry and wet utilities.

Part C – Project Fee Proposal

A summary of the proposed fee schedule is provided below:

Task	Summary of Proposed Engineering Budget	Budget
1	Project Management & Administration	\$3,013
2	Data Gathering, Design Plans and Bid Documents	\$18,774
3	Bid Phase Services	\$2,548
4	Construction Phase Support	\$6,332
5	Reimbursables	\$333
Total Proposed Project Budget		\$31,000

The above budget is considered as a not-to-exceed maximum for the scope of work described and will be billed on a time and materials basis to a maximum. Civil West reserves the right to alter distribution of compensation between individual tasks of the work noted herein to be consistent with services rendered but shall not exceed the total estimated compensation amount unless approved in writing by owner. If budget funds go unused, the City will realize the savings.

If additional support is required beyond these tasks, we will communicate with the City on an amendment to the agreement. Any additional work will be billed on a time and materials basis pursuant to the 2022 Rate Schedule attached hereto.

Part D – Project Schedule

We can begin this work immediately upon receiving a notice to proceed. To illustrate a potential project schedule, we have provided the following timeline. It is important to note that the timeline can be adjusted, slowed, or accelerated to meet the needs of the community.

1. Notice to proceed given (assumed) March 2023
2. Obtain/collect and review data March/April 2023
3. Develop planning, designs, and documents Late April – July 2023
4. Bid Phase..... Early August 2023
5. Contract Notice to Proceed Issued Late August 2023
6. Estimated Construction Length 42 Days
7. Project Completion Date October 2023

The schedule above is a preliminary estimate only and can be modified to meet budgetary and scheduling constraints of the City and their other projects.

We are prepared to begin this work as soon as we are authorized to do so. Please let me know if you have any questions, or if you wish to see any alterations to our proposed approach. If the City agrees with this scope of work, please sign below, and provide a copy to our office for our files. Thank you for this opportunity to provide these important services to the City of Myrtle Point.



Sincerely,
Civil West Engineering Services, Inc.



Marlin Gochnour, PE
President

Authorized Representative Signature Accepting Scope of Services

Date



Civil West Engineering Services, Inc. - 2022 Rate Schedule	
STAFF/ITEM	BILLING RATE
ENGINEERING	
Principal Engineer	\$165
Regional Manager	\$160
Senior Project Manager	\$155
Senior Project Engineer	\$145
Senior Engineering Technician	\$120
Project Manager	\$150
Project Engineer	\$134
Staff Engineer	\$114
Engineering Technician	\$84
Drafter	\$75
Inspector 1	\$155
Inspector 2	\$134
Inspector 3	\$114
Engineering Intern	\$50
Clerical	\$52
Surveying	
Senior Surveyor (PLS)	\$150
Senior Survey Technician	\$120
Survey Technician	\$103
1-person Survey Crew	\$160
2-person Survey Crew	\$188
3-person Survey Crew	\$225
REIMBURSABLES	
Mileage	\$0.575 or current IRS rates
Survey Equipment	\$200/day
Lodging, meals as required for travel	Cost
Reproduction, Printing, Etc.	Cost plus 10%
Subconsultants	Cost plus 10%



MYRTLE POINT PUBLIC LIBRARY FOUNDATION

MONTHLY MEETING

APRIL 04, 2023

5:00 pm

LIBRARY MEETING ROOM



Note
attendance
options

AGENDA

*To attend this meeting remotely: dial: (425) 436-6345 and enter the Access Code: 4097605 followed by the pound (#) sign.

CALL TO ORDER

MINUTES

TREASURER'S REPORT

AUDIENCE PARTICIPATION

CONSTRUCTION PROJECT

LIBRARY EVENTS

OTHER BUSINESS

NEXT MEETING

ADJOURN

THE CITY OF MYRTLE POINT IS A DRUG FREE WORKPLACE.
The Library meeting room is handicapped accessible. If you need assistance to attend or participate in this meeting, please contact the Library at 572-2591.

MYRTLE POINT PUBLIC LIBRARY FOUNDATION

MONTHLY MEETING

MARCH 07, 2023

5:00 pm

MINUTES

President Huntley called the meeting to order at 5:00 pm. Directors attending: Barbara Carter, Debbie Bushnell, and Barbara Caffey. Director attending remotely: Linda Kirk. Also attending: Amy Bruno, Library Director.

MINUTES: Debbie moved the minutes be approved as written. Barbara seconded. Motion passed.

TREASURER' REPORT: The treasure reported revenue including: Re-occurring payroll donation: \$50.00; donation: \$500.00; McKay's receipts: \$187.33; sale of Library furniture in February: \$220.00; Kroger \$8.02; and interest for December: \$63.08.

Expenditures included: CD Mason for insurance for the book sale and bazaar: \$145.00; Upper Valley Builders: \$68,587.41; Oregon Secretary of State Corporate fee: \$50.00; PO Box rental: \$78.00; Robertson/Sherwood architects: \$2,408.18.

CONSTRUCTION: Amy reported that construction was on schedule and on budget. She meets with the construction crew twice monthly. It is possible the library will not have to close until May. The library will then be closed from May to sometime in July.

LIBRARY EVENTS: Amy is working with telecommunications companies to get mobile hotspots for library users. Amy received a teen workplace grant for \$4,600. Applications will go out in April. Information will go to the school in March. Boredom Buster Bags are very popular. Grant applications have been submitted for a community garden for kids and a seed library. The library is sponsoring a Waldo hunt (of Where's Waldo fame) from May 20-July 29 (last day of the Fair). Summer Reading will be held in the pavilion at Rotary Park. A closing book store donated around 50 juvenile fiction and young adult books. Other books to give-away to children will be purchased as remainders. The staff has had diversity training. The Valentine party was well attended and featured a craft made with grated crayons. Amy would like to put a basket together for the Rotary Auction. Suggestions were made for the baskets contents. Offers to provide funding were made. The Lions requested help with the Easter egg hunt. The staff is considering making eggs with a "you have won a prize" ticket. Prizes could be books from the FIRST books, or some of the make-a-kite craft kits from Summer Reading.

The next meeting was set for April 4, 2023 at 5:00 pm. The meeting will be held in the Library meeting room with the option of remote dial in.

There being no other business, the meeting adjourned at 5:45 pm.

Submitted by, Barbara Caffey, secretary

CITY MANAGER'S REPORT



TO: MAYOR & CITY COUNCIL
FROM: DARIN NICHOLSON, CITY MANAGER
DATE: APRIL 3, 2023

DEQ Meeting

On March 9th, representatives from DEQ met and toured the wastewater treatment plant. The City of Myrtle Point has been on DEQ's schedule for several years for an updated National Pollutant Discharge Elimination System (NPDES) permit for the wastewater plant. In October 2022 we were notified that a draft permit had been written and we had two weeks to comment on it. Several of the proposed pollutant limits were below what our treatment plant is able to achieve. This was noted in the response to DEQ. It was then discovered by management at DEQ that the permit writing process had been performed without consulting the city (apparently a requirement). Once that came out, management indicated that they would start the process over, with a new draft to be written in consultation with the city and/or the city's engineer.

EnBiorganics

The city was contacted by EnBiorganics, a Canadian environmental science company, regarding a possible pilot study in which specific, naturally occurring bacteria would be introduced into the wastewater collection system to consume nutrients before they reach the wastewater treatment plant. They claim that the process will measurably reduce the amount of biosolids produced in the treatment process, in turn saving money in processing and disposal costs.

Former Library Director

On March 21st, mediation was conducted for two lawsuits filed by former Library Director Shanna (Lou, Murphy) Allen regarding employment with the city and a Workers Compensation claim. Attorneys from CIS and SAIF were involved in the matter. A settlement offer was reached, however at the time of writing this report, the settlement agreement has not been signed.