

## MYRTLE POINT CITY COUNCIL AGENDA

### Regular Meeting

Monday, July 1, 2024, 6:30 p.m.

Flora M Laird Library Meeting Room | 435 5<sup>th</sup> 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 June 3, 2024 Regular Meeting
- V. ACTION/DISCUSSION ITEMS
  - A. Discussion-Coos County Area Transit (CCAT) changes - presented by David Rupkalvis
  - B. Public Hearing – Establishing Garbage Rates**
  - C. Resolution 2024-08 – Establishing Garbage Rates
  - D. Public Hearing – Establishing Wild Animal Feeding Regulations**
  - E. Ordinance No. 1292 – Adopting Ordinance No. 1292 Establishing Wild Animal Feeding Regulations, Definitions, Prohibited Wild Animal Feeding, Abatement, Penalties and Enforcement; And Severability
  - F. Discussion-Vacant City Council position candidates
- 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 Meeting – July 2, 2024 – 5:00 p.m.
  - B. City of Myrtle Point Town Wide Garage Sale- July 13, 2024, 9:00 a.m. – 4:00 p.m.
  - C. Coos County Fair and Rodeo – July 23 – 27, 2024
  - D. Coos County Fair Parade – Saturday July 27, 2024, 10:00am – 11:00 a.m.
  - E. July 4<sup>th</sup> Holiday- Thursday- City Hall offices closed.
- VIII. INFORMATION ITEMS
  - A. Myrtle Point Public Library Foundation Meeting Minutes – June 4, 2024
  - B. Myrtle Point Public Library Foundation Meeting Agenda – July 2, 2024
- IX. OTHER COMMUNICATIONS
  - A. Staff Reports
  - B. Council Concerns and Comments\*

**THE CITY OF MYRTLE POINT IS A DRUG FREE WORKPLACE**

*The meeting room is handicapped accessible. If you wish to participate or attend the meeting and need special accommodations contact the City Manager's office at (541) 572-2626 in advance of the meeting.*

X. ADJOURNMENT

Notice given this 1st day of July 2024 – Scott Nay, City Manager

\* indicates no material included in packet

**CITY OF MYRTLE POINT  
CITY COUNCIL MEETING MINUTES  
Regular Meeting  
Monday, June 3, 2024 – 6:30 p.m.,  
Flora M Laird Memorial Library Meeting Room  
435 5<sup>th</sup> Street, Myrtle Point**

**Council Members**

**Present:**

Samantha Clayburn, Mayor  
Ivan Hawker, City Councilor  
Mike Wood, City Councilor

Amy Ligons, City Councilor  
Berea Gibbons, City Councilor

**Absent:**

Gary Sullivan, City Councilor

**Staff and Others**

Scott Robinson, Chief of Police  
Scott Nay, City Manager  
Kathy Lewis\*  
Tasha Renard, Fire/Ambulance Battalion Chief

Wayne Ramsey, Public Works  
Ginny Groce, Accountant  
Dan Kleis

(\* indicates remote attendance)

**CALL TO ORDER**

Mayor Clayburn called the City Council meeting to order at 6:31 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 May 6, 2024 Regular Meeting. Councilor Wood moved to accept the minutes as presented. Councilor Gibbons seconded the motion. Mayor Clayburn asked for any discussion or corrections, and hearing none motion carried unanimously.

**ACTION/DISCUSSION ITEMS**

**A. Public Hearing- Sewer Consumption Rate Increase – FY 2024-25 Budget**

Mayor Clayburn announced the Sewer Consumption Rate Increase and asked Manager Nay to give a staff report. Manager Nay explained that during our 2024-25 Budget Committee deliberations there was extensive discussion regarding the sewer fund and the potential need to increase the Sewer Consumption Rates for the 2024-25 Budget. Manager Nay explained that the Reserves and Contingencies in the sewer fund have been depleted and operation costs have increased due to many factors including high inflation resulting in higher than anticipated materials and personnel costs, and increasing State and Federal DEQ Permit requirements to operate the sewer plant efficiently and stay in compliance. Manager Nay also explained that our current sewer service charges are not sufficient to meet the demand for the increased operation costs and we lack operating contingency funds available to cover these deficiencies. Therefore, in the development of the 2024-25

budget process and calculations, it became quite clear that even with appropriate adjustments to expenses, we were still going to have a shortfall of approximately \$51,000 in revenues to cover operational costs which will keep the City from its ability to balance the 2024-25 Sewer Fund. Manager Nay indicated that during the Budget Committee Meeting deliberations it was decided to propose a 15% increase in the sewer consumption rates only for all tiers 1-7 with no changes to the Base Rates. Manager Nay explained that this amount of increase to the rates will be adequate to bring revenues in line with expenses to cover the \$51,000 shortfall in the sewer fund and to balance the budget for FY 2024-25. Manager Nay also stated that the Budget Committee approved the revenue adjustment produced by the rate increases through the Committee's approval of the 2024-25 Budget during the May 13<sup>th</sup> Budget Committee meeting. Manager Nay also stated that the adjustments are included in the 2024-25 approved Budget in the Sewer Fund Revenue Category, under the line titled Sewer Service Charges. Manager Nay explained that the resolution 2024-03 proposes to increase only the Sewer Rate Consumption Charges for all metered accounts and referred the council members to the second page of his staff report which identifies and gives examples of what the effect of the proposed increases would look like within the various consumption blocks (tiers). Councilor Gibbons asked why in the examples given of the effect of the rate increases between Tier 6 and Tier 7 was Tier 6 higher than the example given for Tier 7. There was some discussion around the examples given in the staffing report with Manger Nay indicating that it appears there was a typo error on Tier 6 effects as it would be lower than Tier 7. Councilor Gibbons also asked about how the rates for other Cities in our area compare to this proposal. Manager Nay stated that Coquille was comparable to these rates and that they were considering an increase as well in their 2024-25 Budget and Powers was also looking at potential increases. Manager Nay indicated the increased rates, if approved, would go into effect July 1, 2024. Manager Nay recommended approval of the rate increases in order to operate the sewer system. Mayor Clayburn closed the regular meeting at 6:40 p.m. and opened a Public Hearing regarding the proposed Sewer Consumption Rate increases. Mayor Clayburn called for any public comment. Kathy Lewis stated she had none as she was on the Budget Committee. Dan Kleis also commented that he had no comments. Hearing no other public comments, Mayor Clayburn closed the public hearing at 6:41 p.m.

**B. Resolution 2024-03- Establishing Water and Sewer Rates**

Mayor Clayburn announced Resolution 2024-03 Establishing Water and Sewer Rates. Councilor Wood moved to approve Resolution 2024-03 Establishing Water and Sewer Service Rates. Councilor Hawker seconded the motion. Mayor Clayburn called for discussion. Mayor Clayburn commented to confirm that most people fall into the Tier 1 and Tier 2 consumption levels. Manager Nay confirmed that most water/sewer users are in Tier 1 or Tier 2 levels. Councilor Hawker asked for confirmation that the \$51,000 from increased revenues covers operation expenses in sewer fund budget. Manager Nay confirmed that those revenues would cover expenses to balance the sewer fund for FY 2024-25 budget. No other comments were heard and Mayor Clayburn called for a vote. The motion carried unanimously.

**C. Public Hearing – Proposed Uses of State Shared Revenue**

Mayor Clayburn announced the Proposed Uses of State Shared Revenue and asked Manager Nay to give a staff report. Manager Nay read the staff report which stated that State Shared Revenue is a vital part of the city's annual revenue in the General Fund. The report also identified that all of the \$27,000 of estimated revenue from State Shared Revenue had been included as operating revenue in the General Fund in the Approved Budget. He also recommended that the City Council approve receiving State Shared Revenue in Fiscal Year 2024-25. Mayor Clayburn closed the regular meeting at 6:43 p.m.

and opened a Public Hearing on the Proposed Uses of State Shared Revenue. Mayor Clayburn called for public comment and, hearing none, closed the Public Hearing at 6:44 p.m. and reopened the Regular Meeting.

**D. Resolution 2024-04 – Declaring the City’s Election to Receive State Revenues**

Mayor Clayburn announced Resolution 2024-04 Declaring the City’s Election to Receive State Revenues. Councilor Hawker moved to approve Resolution 2024-04 Declaring the City’s Election to Receive State Revenues. Councilor Ligons seconded the motion. Mayor Clayburn called for discussion and, hearing none, called for a vote. The motion carried unanimously.

**E. Public Hearing – 2024-25 Approved Budget**

Mayor Clayburn announced 2024-25 Approved Budget. Manager Nay read the staff report which discussed that per state budget law the governing body must enact a resolution or ordinance adopting the budget. He explained that appropriations provide local government with the legal spending authority throughout the fiscal year. He also explained the various categories for appropriations as outlined in Resolution 2024-05. Manager Nay also explained that the appropriations will not equal the total budgeted amount as indicated in resolution 2024-05 because there are monies budgeted that are titled unappropriated and not designated for specific purposes. Manager Nay recommended adopting the budget. Mayor Clayburn closed the Regular Meeting at 6:49 p.m. and opened a Public Hearing on the 2024-25 Approved Budget. Mayor Clayburn called for public comment, and hearing none, closed the Public Hearing at 6:50 p.m. and reopened the Regular Meeting.

**F. Resolution 2024-05 – Adopting the Budget and Making Appropriations for the 2024-25 Fiscal Year**

Mayor Clayburn announced Resolution 2024-05 Adopting the Budget and Making Appropriations for the 2024-25 Fiscal Year. Councilor Hawker moved to approve Resolution 2024-05 Adopting the Approved Budget and Making Appropriations for the 2024-25 Fiscal Year. Councilor Wood seconded the motion. Mayor Clayburn called for discussion. Councilor Gibbons asked if the revenues from the new Health District Tax Levy that just passed were included in the budget? Tasha Renard, Battalion Chief, confirmed that, yes, they were included in the budget. Councilor Gibbons then asked what the new revenue amounts would be and Ginny Groce, accountant, indicated that \$120,000 was included in the budget for this line item. There was additional comments and discussion regarding the Health District Tax Levy monies and how it would affect the Ambulance Department moving forward. Mayor Clayburn called for a vote and the motion carried unanimously.

**G. Resolution 2024-06 – Allocating, Categorizing and Levying Ad Valorem Taxes**

Mayor Clayburn announced Resolution 2024-06 Allocating, Categorizing and Levying Ad Valorem Taxes and called on the City Manager for background. Manager Nay read the staff report which explained that the resolution is what gives the city the authority to tax property in order to bring revenue in to the General Fund. Property taxes make up the bulk of the revenue in the General Fund. The tax rate has been and continues to be \$7.995/\$1,000 assessed value. Councilor Wood moved to approve Resolution 2024-06 Allocating, Categorizing and Levying Ad Valorem Taxes on Taxable Property within the Corporate Limits of the City of Myrtle Point for the 2024-25 Fiscal Year. Councilor Ligons seconded the motion. Councilor Hawker asked if tax rate has gone up or down from last year? Mayor Clayburn and Manager Nay stated that it is the same and has been the same rate for a long time. Manager Nay also stated that the rate is the maximum tax rate that can be imposed and that the City of Myrtle Point has no control on setting the rate. Mayor Clayburn called for a vote. The motion carried unanimously.

#### **H. Resolution 2024-07 – Adopting a Revised Pay Matrix for City Employees**

Mayor Clayburn announced Resolution 2024-07 Adopting a Revised Pay Matrix for City Employees. Manager Nay explained that all the full-time employees are paid according to the Pay Matrix. The Pay Matrix included with the resolution adds a 4% COLA as had been discussed during the budgeting process and will take effect July 1, 2024. Councilor Gibbons moved to approve Resolution 2024-07 Adopting a Revised Pay Matrix for City Employees. Councilor Hawker seconded the motion which carried unanimously.

#### **I. Electing a new City Council President**

Mayor Clayburn announced Electing a new City Council President. She explained that Council President Michael Hogan had resigned from the City Council during the May 6, 2024 Council Meeting. Therefore, the council needs to elect a new President. Mayor Clayburn asked the council if there were any volunteers or nominations for Council President. Councilor Wood stated that he would volunteer if there were no nominations. Mayor Clayburn asked if there were any nominations? Some discussion followed as to possible nominations. Following discussion Councilor Wood nominated Councilor Hawker for Council President. Mayor Clayburn called for a vote. The council voted unanimously in favor for Councilor Hawker as Council President.

#### **J. Disbursement of Funds – Council Activities**

Mayor Clayburn announced the Disbursement of Funds. Mayor Clayburn stated that at the end of each fiscal year the council distributes the remaining funds in Council Activities line item. She indicated that there is \$630 left in the fund as they have previously distributed \$250 to Myrtle Point Equestrian Team and \$120 to Myrtle Point High School 2023-24 Yearbook Business Ad. Manager Nay stated that there is one request outstanding for funds for the Myrtle Point High School Fall and Winter Sports Program Ad for Fall/Winter of 2024-25. He indicated that the council normally does the Quarter Page Ad for \$120. There was discussion about needs within the city and several ideas were discussed for possible uses of the funds. Following discussion, Councilor Hawker moved to disburse funds from the Council Activities line of the General Fund, City Council division to the following entities or for the following uses:

\$360.00 to the Fall and Winter Sports Program Ad  
\$270.00 for window painting prize money

Councilor Gibbons seconded the motion which carried unanimously

#### **PETITIONS FROM THE AUDIENCE**

Mayor Clayburn called for petitions from the audience. Kathy Lewis suggested adding a 4<sup>th</sup> place cash award this year for the window painting prize money. Mayor Clayburn indicated the council would consider this suggestion as they decide how to distribute the prize money. There were no other petitions from the audience.

#### **UPCOMING MEETINGS AND EVENTS**

- A. Myrtle Point Public Library Foundation Meeting – June 4, 2024, 5:00 p.m.
- B. Myrtle Point High School Graduation- June 8, 2024, 2:00 p.m.
- C. City of Myrtle Point City Town Wide Garage Sale – July 13, 2024, 9:00 a.m.-4:00 p.m.**

#### **INFORMATION ITEMS**

- A. Myrtle Point Public Library Foundation Meeting Agenda – June 4, 2024
- B. Myrtle Point Public Library Foundation Meeting Minutes – May 7, 2024

## **OTHER COMMUNICATIONS**

### a. Staff Reports:

#### 1. Manager Nay reported on the following:

- a. Dukes Precision I&I Microdetection Study Update –With the rainfall events in late April and early May we were able to get our minimum 1” rainfall amounts needed for the study. Therefore, this phase of the study has been completed and Dukes will be scheduling a date on Thursday June 6 and Friday June 7 to be in Myrtle Point to retrieve the detection units from the manholes. They will be compiling data and present us with a report in 4-6 weeks.
- b. City Council Vacancy Notice – With councilor Michael Hogans resignation from City Council in May we now have a vacant City Council position. Per City Charter a Public notice of City Council Vacancy will be published in the Myrtle Point Herald on Wednesday June 5, 2024. Interested parties are to submit letters of interest to City Hall by Wednesday, June 19, 2024. Candidates will be interviewed at the regular City Council meeting on Monday, July 1, 2024. He did note that this position is one whose term does expire December 31, 2024 and so the position will be available for filing for the November 5,2024 election.
- c. Elections Information – He reminded those Council Members/Mayor whose terms expire on 12/31/2024 that the filing period for election/re-election starts on June 5, 2024 and ends on August 27, 2024. The general election is on November 5, 2024. He will have candidate packets for filing for election available at City Hall on June 5, 2024. He also indicated that the following council members terms expire on 12/31/24: Mayor Clayburn, Mike Wood, Gary Sullivan, and the vacant position now available due to Councilor Hogan’s resignation. Councilor Hawker commented that he was under the understanding that the person who resigns a council position is responsible to find a person to fill that position. Manager Nay and Mayor Clayburn both commented that while we encourage resigning council members to find their replacement, there is nothing in the Charter that makes them responsible to do that. The Council was also reminded that part of the process for filing is to get a minimum 20 registered and validated signatures on a petition and those who sign the petition must also reside within Myrtle Point City Limits. The petition for filing and signatures must be turned in and approved by August 27, 2024 or cannot get on the ballot.
- d. USDA (United States Department of Agriculture) Compliance Review and Security Inspection- The City has a routine USDA Rural Development Civil Rights Compliance Review and Security Inspection scheduled for June 29, 2024 at 9:00 a.m. This is related to the servicing of our loan for the Sewer Plant through the USDA. The inspector will be reviewing various Civil Rights Compliance documentation, as well as taking a tour of City Hall, Sewer Plant, and possibly the pump stations.
- e. Draft “Feeding of Wild Animals” ordinance update – He made the changes to the draft ordinance as discussed at May 6, 2024 City Council meeting. The draft has been sent to City Attorney, for legal review and approval. He did get the final approval from the City Attorney “today” June 3, 2024, but it was too late to get in the City Managers Staff Report for this meeting. He will have the final ordinance prepared for City Council Review and adoption at the July 1, 2024 City Council meeting. He will also put out a “Public Hearing” notice in the Myrtle Point Herald.

#### 2. Police Chief Robinson reported on the following:

**Personnel** – Officer Pierce is on his Annual Military Training in Alaska, May 27- June 14. Officer Gilbert is currently on Paternity Leave for a couple of months for the birth of his new son.

**Training and Activities** –

- Officer Angove stopped a stolen vehicle in Myrtle Point a couple of weeks ago. When Officer Angove attempted to approach the vehicle, the driver attempted to injure Officer Angove by ramming into Officer Angove's vehicle and then driving away. Officer Angove was not injured and pursued the stolen vehicle to Powers where pursuit ended as became too dangerous to continue. The suspect was later identified. Officer Angove's vehicle was damaged and is currently in the body shop in Myrtle Point awaiting repairs.
  - Four officers participated in the "Pin blue Line" police team challenge bowling pin charity shootout on May 18, 2024. Myrtle Point Police Department performed very well.
  - Jigsaw Productions documentary – In 2018 there was a case in Myrtle Point that one of our officers was involved with. Very disturbing and grotesque case involving animal sex abuse. The suspect was arrested, convicted, and sentenced to 24 years in prison. A production company, Jigsaw Productions, is doing a documentary on this case and others like it for A & E and has contacted Chief Robinson about doing an interview related to this case. Chief Robinson is reluctant to do the interview, but after discussion with City Manager Nay they decided to go ahead and do the interview to be able to at least control the narrative. Councilor Hawker asked if Chief Robinson had an idea as to the actual intent of Jigsaw Productions doing this documentary? Chief Robinson answered that he believed that they are trying to expose that this behavior/culture is present in our society. Chief Robinson indicated that he did not believe they were trying to glorify this behavior. He indicated that he told the production company that he was going to stick to the script in the interview as far as what the police report says and what was recorded and will only answer questions as to what are the facts in the case and not opinion.
  - Officer Investigations and Arrests – Had a stabbing incident at skate park which was initially a road rage incident gone sideways and a suspect has been identified and has fled the State. The report and case will be sent to Coos County DA.
  - Body Cameras- The Police Department is at the end of their 5- year contract with Motorola. They are going to make a switch to a different vendor this summer. The Myrtle Point Rotary Club has approached the Police Department about continuing the Rotary Clubs support for expenses related to the Body Cameras.
3. Accountant Groce reported on the following:
- 2024/2025 Budget Prep** – The Approved Budget 2024/2025 has been presented today for adoption by City Council. The adopted Budget for 2024-2025 will be completed and ready for July 1, 2024 Council Meeting.
- 2023-2024 Financial Audit** – The Audit document for 2023-2024 is expected this week from the auditors.
- Minimum Wage** – Oregon rural minimum wage will increase from \$13.20/hr. to \$13.70/hr. on July 1, 2024. The only positions effected by this are the volunteer firefighters. However, they also receive a stipe-end.
- Workers Comp** – The annual Workers Comp audit with SAIF will be onsite on June 5, 2024. This should be the last annual on-site audit. We are in year 3 of a 3-year program with SAIF for them performing on-site audits when you first start using them.
4. Public Works Leadman Ramsey reported on the following:
- Pothole Patching** – Just finished another round of patching potholes on Kincheloe St., View St. and Maple St. Will be focusing patching on 7<sup>th</sup> Street and others. We Will be continuing this work as we move into 2024-2025 Budget Year.
- Harris St. Project Update** – This project has been completed. Public Works crews will be going through and redoing some driveway approaches and alleyway. Mayor Clayburn commented that the Crosswalk lines had not been painted at the stop sign at 4<sup>th</sup> and Harris St. She asked if Public Works could paint the white crosswalk there? Leadman

Ramsey indicated that we were aware of that being missed and that Public Works would schedule the crosswalk to be painted at the end of June so that it is there before the start of the Coos County Fair, at the end of July.

**North Bend Medical Center sidewalks** – Work is continuing on the replacement of sections of the North Bend Medical Center sidewalks. We are also replacing a section of sidewalk near Generations Tax and Wealth Management on Corner of Spruce Street and 5<sup>th</sup> Street.

**Brush Pickup** – Brush pickup is over till after Coos County Fair. If your constituents want to know about picking up brush, they can contact City Hall and make an arrangement with Public Works.

**Bicycle Repair Station**- The Logging Museum purchased a bicycle repair station and Public Works crew has installed the station at the Logging Museum property.

**Sewer Plant Wash Out update** – Leadman Ramsey had to send out a Public Notice of a wash out event at the Sewer Plant that happened on Sunday, June 2, during the 1” of rainfall event we had. He discussed the process we are using with adding new chemical per DEQ requirements, to bring down our phosphorous levels, as required. It appears that we had approximately 3 DEQ violations pertaining to our permit from this washout. We have some questions for DEQ as to this process and our permit. We are trying to set up a phone call with DEQ to discuss our questions and options available. Councilor Hawker asked if there was a consultant who is knowledgeable on this that the City could contact to assist us. Leadman Ramsey indicated that he has a contact that he is going to connect with to discuss our situation.

**Water Leaks Season** – This is the time of year for City water line leaks to appear. We have had three to repair so far this season.

**Burn Season**- Wanted to remind everyone that Burn Season is almost upon us.

**DEI Training** – Reminded the City Council that they passed a resolution a couple of years ago requiring DEI training. This training is coming up for various employees including City Council Members to complete.

**Dog Park update** – Mayor Clayburn asked about update on the dog park at Rotary Park? Leadman Ramsey indicated he needs some funds to complete it. He said he first needs to relocate the old swing set to another location near the new equipment by jungle gym. He indicated that he needs to know what kind of ground covering material is to be used for the base of the park and then what kind, size and location of fencing is wanted. He did indicate that more money has been spent on doggy pick up stations and supplies for Rotary Park since the stations have been put in. Mayor Clayburn suggested that we contact the Myrtle Point Rotary Club, since it is named Rotary Park, to discuss some financial support from them for putting in the dog park. She did indicate to Leadman Ramsey to maybe begin with the fencing issue utilizing the concrete wall of the tennis courts as back wall and running fencing from that. Other details of the park will be decided and communicated to Leadman Ramsey.

**Misc.** – Councilor Hawker asked a question to Leadman Ramsey and Chief Robinson regarding outside lighting behind City Hall at rear entrance to Police Department. Councilor Hawker commented that he had received a citizen question regarding why no outside lighting to rear entrance to Police Department or no camera? There was discussion that a motion detector dusk to dawn light was located outside the rear entrance and that it was working when last checked a couple of nights prior. There was some discussion also around getting a camera out in that area. It has been discussed previously, but nothing was done. The cardboard on the rear door window was also discussed and while it is maybe not be the best option, it does provide security and safety from people outside looking into the Police Department through the door. Leadman Ramsey also reported on a fully loaded semi-truck that has been going all the way up to top of Spruce Street and parking where the driver lives each day. This is

damaging to Spruce St. roadway. Public Works has made contact with the owner/driver of the truck and the owner/driver has agreed to park the loaded truck down at bottom of Spruce Street from now on. Councilor Gibbons asked about who was doing the patching up on Spruce St. Leadman Ramsey indicated that we contracted that out to Coast Paving to do.

5. Fire Chief Burris was not in attendance, but he did submit a Staff Report that was included in the Councilors meeting packets. Mayor Clayburn gave a brief summary of Chief Burris's staff report as follows: Chief Burris is very happy with the passing of the Myrtle Point Health District operating levy. He is also gearing up for the Wildland Fire Season and the Myrtle Point Ambulance assisted with the recent jet boat races.

#### Council Concerns and Comments

1. Councilor Wood asked about a progress update on getting City Ordinances available on-line? Manager Nay commented he had recently received notice that the codification of the ordinances process has just been completed by the company who was contracted to do so. They will be mailing out the hard copy very soon and we should also receive a digital copy that we can then put on the City's website for people to access the ordinances.
2. Councilor Ligons shared a concern she had about the vacant lot on Harris Street, where the house caught fire and burned down. Her concern is that the grass is super overgrown and with the wildfire season coming up what are going to do about that? There was some discussion surrounding how to deal with this situation and it was decided that the City Public Works Department will mow the grass and make the lot safe from potential fire.
3. Mayor Clayburn commented on the Chamber of Commerce needing assistance for Harvest Festival. She indicated that the Chamber of Commerce membership meetings are not well attended and there is only 3-4 active members who are working on the planning of Harvest Festival. The Chamber is looking for volunteer assistance in manpower, from the city, to help with the various events. She also commented on attending the Memorial Day ceremony and encouraged others to attend next year.

#### **ADJOURNMENT**

Having no further business for the City of Myrtle Point, Mayor Clayburn adjourned the Regular Meeting at 8:06 p.m.

07/01/2024

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Samantha Clayburn, Mayor  
City of Myrtle Point

# City of Myrtle Point Agenda Item Report

**To:** Mayor Clayburn and City Council  
**From:** Scott Nay, City Manager  
**Date:** July 1, 2024  
**Re:** Resolution 2024-08 Establishing Garbage Rates



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## BACKGROUND

Waste Connections has requested City Council approval for a 3.71% rate increase, which equates to an increase of \$0.84 per 35-gallon can per month for garbage service in the City of Myrtle Point, effective August 1, 2024. The resulting monthly charge will be \$23.59 per month for one 35-gallon can picked up once per week.

## RELATED CITY POLICIES

None

## COUNCIL OPTIONS

- **Approve the Request:** SAMPLE MOTION – *“I move to approve Resolution 2024-08 Establishing Garbage Rates.”*
- **Deny the Request:** SAMPLE MOTION – *“I move to deny the request for an increase to garbage rates for the following reason: \_\_\_\_\_.”*

## CITY MANAGER’S RECOMMENDATION

It is recommended to approve the requested garbage rate increase.

## ATTACHMENTS

- Resolution 2024-08 Establishing Garbage Rates
- Rate Adjustment Request letter from Waste Connections

**RESOLUTION 2024-08**

**A RESOLUTION OF THE CITY OF MYRTLE POINT CITY COUNCIL  
ESTABLISHING GARBAGE RATES**

**WHEREAS**, Garbage service in the City of Myrtle Point is provided by exclusive franchise to Waste Connections; and

**WHEREAS**, per the terms of the franchise agreement Section 3 A (a.) the franchisee (Waste Connections) is entitled to charge fair and reasonable rates for services provided; and

**WHEREAS**, in order to approve the request the City Council shall find the franchisee's rate proposal fair and reasonable; and

**WHEREAS**, the most recent rate adjustment became effective on July 1, 2023; and

**WHEREAS**, the franchisee is requesting a 3.71% rate increase for a cost-of-living adjustment; and

**WHEREAS**, ORS 294.160 requires the City to provide an opportunity for public comment on any resolution or ordinance "prescribing a new fee or a fee increase or an increase in the rate or other manner in which the amount of a fee is determined or calculated" and such opportunity was given at the regular council meeting on July 1, 2024 and public notice was published in the newspaper of record on June 19, 2024 inviting public written or oral comment.

**NOW THEREFORE**, the Myrtle Point City Council hereby resolves:

**SECTION 1 – GARBAGE RATES:** Waste Connections proposal to charge \$23.59 per month for one (35) gallon can picked up once per week, with rates for larger cans adjusted proportionately, is considered fair and reasonable and the requested rate increase is hereby approved.

**SECTION 2 – REPEALER:** Resolution 2023-18 Establishing Garbage Rates is hereby repealed.

**SECTION 3 – EFFECTIVE DATE:** This Resolution shall become effective on August 1, 2024.

Adopted by the Myrtle Point City Council this 1st day of July 2024.

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Samantha Clayburn, Mayor

ATTEST:

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Scott Nay, City Manager

# City of Myrtle Point Agenda Item Report

**To:** Mayor Clayburn and City Council  
**From:** Scott Nay, City Manager  
**Date:** July 1, 2024  
**Re:** Ordinance No. 1292 – Establishing Wild Animal Feeding Regulations, Definitions, Prohibited Wild Animal Feeding, Abatement, Penalties and Enforcement; And Severability



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## BACKGROUND

As was discussed at the April 1<sup>st</sup> and May 6<sup>th</sup> City Council meetings, the City of Myrtle Point has received many complaints of the feeding of Wild Animals, in particular turkeys, and the damage that these animals do to private and public property because of this practice. At the April 1<sup>st</sup> City Council meeting I was directed to develop a draft Wild Animal Feeding Ordinance. The City Council read and reviewed the draft ordinance at the May 6<sup>th</sup> City Council meeting. The City Attorney has reviewed the draft ordinance initially presented at the May 6<sup>th</sup> City Council meeting. Ordinance No. 1292 incorporates the recommended changes. The ordinance has now been amended to state an effective date of August 1, 2024.

## RELATED CITY POLICIES

None.

## COUNCIL OPTIONS

- **Adopt the Ordinance:** This requires a two-step process.
  1. SAMPLE MOTION – *“I move to read Ordinance No. 1292 by title only.”* (Approve 1<sup>st</sup> motion and read ordinance by title only.)
  2. SAMPLE MOTION – *“I move to adopt Ordinance No. 1292 Establishing Wild Animal Feeding Regulations, Definitions, Prohibited Wild Animal Feeding, Abatement, Penalties And Enforcement; And Severability.”*
- **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. 1292.

## ATTACHMENTS

- Ordinance No. 1292 – Establishing Wild Animal Feeding Regulations



## ORDINANCE NO. 1292

### AN ORDINANCE OF THE CITY OF MYRTLE POINT, OREGON ESTABLISHING WILD ANIMAL FEEDING REGULATIONS, DEFINITIONS, PROHIBITED WILD ANIMAL FEEDING, ABATEMENT, PENALTIES AND ENFORCEMENT; AND SEVERABILITY

#### 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 the feeding of wild animals on public and private property within City Limits.

##### **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) "City" means the city of Myrtle Point
- (2) "Songbird" means any of a large number of bird species in which the vocal organ is developed in such a way as to provide various sound notes commonly known as a bird song. Songbirds are generally described as passerines.
- (3) "Wild Animal" means any amphibian, bird, fish, mammal, reptile, or other animal which is not normally domesticated in this state; or any non-domestic, or untrained animal which because of its size, natural disposition, or other characteristic constitutes a hazard or menace to persons or animals or is likely to damage property. Without limiting the generality of the foregoing, such animals include, but are not limited to, a bear, rat, mouse, coyote, opossum, turkey, raccoon, skunk, fox, deer, feral cat, rabbit, squirrel, waterfowl, or any bird other than songbirds as defined herein.
- (4) "Waterfowl" means any bird that frequents the water or lives around rivers, lakes, etc. including, but not limited to, ducks, geese, swans, and herons.
- (5) "Attractant" means any substance that draws animals to a particular location and includes, but is not limited to, food, garbage, or salt lick. Attractant does not include lawns, flowers, shrubs, trees, or gardens that are eaten by wild animals.

##### **Section 3. Feeding of Wild Animals Prohibited**

The attracting or feeding of wild animals within the city limits is declared to be a public nuisance and is prohibited at all times. Feeding of wild animals includes a person placing or knowingly allowing food or other attractants to be placed or to remain on their property or public property with the intent of attracting or feeding wild animals. Nothing contained in this section shall prohibit the feeding of songbirds provided that the bird food is contained in a

feeder which is reasonably designed to avoid access by wild animals and placed in a manner to avoid access by wild animals. This section does not prohibit the feeding of wild animals kept under a permit issued by the Oregon Department of Fish and Wildlife.

**Section 4. Abatement**

In the event that any part of the city is experiencing the presence of wild animal populations that threaten the health and welfare or endanger the property of Myrtle Point citizens, the city shall take those steps authorized by the appropriate regulatory agency to disperse or otherwise control the offending wild animals. Should the city manager determine that feeders for songbirds are attracting wild animals, the city shall require that those persons remove feeders until such time that the wild animals disperse. Failure to remove feeders within 24 hours from notification shall constitute a separate violation of this ordinance.

**Section 5. Penalties and Enforcement**

Any person violating any provision of this ordinance may be subject to a minimum \$100 and maximum \$250 fine for each offense. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues

**Section 6. 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 7. Effective Date**

The provisions of this ordinance shall become effective August 1, 2024

First Read: May 6, 2024

Amended: July 1,2024

Adopted by the City Council of the City of Myrtle Point this 1st day of July, 2024.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Samantha Clayburn, Mayor

\_\_\_\_\_  
Scott Nay, City Manager/Recorder

# City of Myrtle Point Agenda Item Report

**To:** Mayor Clayburn and City Council  
**From:** Scott Nay, City Manager  
**Date:** July 1, 2024  
**Re:** City Council Vacancy

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## BACKGROUND

City Councilor Michael Hogan announced his resignation at the April 1, 2024 City Council meeting. His resignation took effect after the May 6, 2024 City Council meeting. In accordance with the City Council Rules, notice of the vacancy was published following his resignation. Interested candidates were to submit a letter of interest no later than June 19, 2024. City Council was to interview candidates at July 1, 2024 City Council meeting. The City Council Rules state that the Council will interview candidates for the appointment and following interviews, the Council will make the appointment either at the same meeting or no later than the next meeting. City Council was to interview candidates at July 1, 2024 City Council Meeting. Unfortunately, as of this date, there have been no letters of interest submitted and so there will be no interviews at this meeting.

The City Charter states that vacancies in elective offices of the city shall be filled by appointment by a majority of the remaining members of the council. The City Charter also states: “No person shall be eligible for an elective office of the city unless at the time of such person’s election, he or she is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve (12) months immediately preceding the election. The council shall be final judge of the qualifications and election of its own members subject, however, to review by a court of competent jurisdiction.” **This term for this position expires Dec 31, 2024 and so is up for election at November 5, 2024 General Election.**

## RELATED CITY POLICIES

None

## COUNCIL OPTIONS

- Continue to Post the Notice of Vacancy for the position
- Do nothing - the position will be on the ballot as “vacant” with option for write-in candidates.

## CITY MANAGER’S RECOMMENDATION

None

## ATTACHMENTS

None

MYRTLE POINT PUBLIC LIBRARY FOUNDATION

MONTHLY MEETING

JUNE 04, 2024

5:00 pm

MINUTES

President Huntley called the meeting to order at 5:08 pm. Directors attending: Debbie Bushnell, Carol Runde, and Barbara Caffey. Also attending: Amy Bruno, Library Director.

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

TREASURER'S REPORT: The treasurer reported no expenditures. Revenues include \$650.00. It is the last contribution from a payroll deduction gift and will appear in next month's treasurer's report. Also received a check for \$164.27.

SOLAR: Amy consulted with 2 companies directed her way from the Engery Trust of Oregon website. Average yearly savings from solar panels would be about 40% of the power bill. Solar panes average about a 25 year life span. With incentives up front it would take about nine years of savings to equal the cost of the installation. Energy Trust incentive equals about the cost of 1 year of energy. The federal government has tax credits for solar energy. As the library is a government agency, the tax credits can be sold to for profit businesses. The company installing the solar panels can broker the transfer of the energy credits. With incentives and credits, the library would need to fundraise for approximately \$43,563 to install solar panel. Amy is also researching a State of Oregon renewable energy incentive.

LEAVES: The flyer for the leaves is finished, as is a separate flyer for the bricks.

LIBRARY EVENTS: School year programs are wrapping up, with preparations for Summer Reading Program. Pokemon Club averaged 15-29 kids. There have been rocks with Pokemon characters distributed in the community. People returning a rock will be entered to win in a drawing.

The library has a new fax machine. Price for fax service: Sending: \$1.00 for the first page, \$.50 for each page after, with a cap of \$10.00. Incoming faxes are \$.20 per page.

OTHER BUSINESS:

The 100<sup>th</sup> anniversary celebration needs to change to August 17<sup>th</sup>. Changing the book sale to August 10<sup>th</sup> – 11<sup>th</sup>. Set-up for the book sale will be August 9<sup>th</sup>.

A board member is interested in the library having a site at the City-wide garage sale on July 19<sup>th</sup>.

NEXT MEETING: The next meeting was set for Tuesday, July 02 2024 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 6:53 pm.

Submitted by,

Barbara Caffey

Secretary

MYRTLE POINT PUBLIC LIBRARY FOUNDATION

MONTHLY MEETING

JULY 02, 2024

LIBRARY MEETING ROOM

5:00 pm

\*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

SOLAR

LIBRARY EVENTS

GARAGE SALE

BOOK SALE

FUNDING FORMULA INFORMATION

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.

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## CITY MANAGER'S REPORT

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**TO:** MAYOR & CITY COUNCIL  
**FROM:** SCOTT NAY, CITY MANAGER  
**DATE:** JULY 1, 2024

### **Elections Information**

I want to again remind those Council Members/Mayor whose terms expire Dec. 31, 2024 that the filing period for petitions for election/re-election is from June 5, 2024- August 27, 2024. General election is scheduled for Nov. 5, 2024. Election packets are available at City Hall.

### **OSU Extension Bldg. – Sale/Land Lease update**

As discussed at March 4<sup>th</sup> City Council meeting, Coos County has been working towards the purchase of the Ohlson Baxter Building (OSU Extension Office). The sale is getting closer to being completed sometime around August, 2024. The City of Myrtle Point holds a land lease agreement for the lease of the land that the building sits on. This lease will continue to remain in effect after the sale of the building. The City Attorney and myself have been working with Coos County legal counsel to review and assign the land lease to Coos County from current Lessee- Umpqua Rural Development Corporation. I expect to receive a draft of the amended land lease in July for review and finalization to coincide with the closing of the sale of the Bldg.

### **USDA Security Inspection and Civil Rights Compliance Review**

On June 26, 2024 we had the above mentioned compliance review of our Sewer Plant and connected services as required by USDA Rural Development due to the Loan we have with USDA for the Sewer Plant and View Street Pump Station. They do a Loan Servicing Inspection every 5 years during the term of the loan and a Civil Rights Compliance review every 3 years. Overall, we performed fairly well and had most documentation in place. The Inspections consisted of reviews of our required documentation, overall processes, policies and procedures in providing services to the public. The inspector then toured the Sewer Plant, View Street Pump Station, City Hall, and Library council meeting room. We are awaiting final official report of the inspection, but she indicated that overall she was satisfied with what she reviewed. One item of mention included:

- Our Excess Crime liability insurance policy needs to have a minimum limit of no less than the annual Loan payment amount. We will need to increase our policy limits to meet that minimum.

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## STAFF REPORT

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**TO:** MAYOR & CITY COUNCIL  
**FROM:** GINNY GROCE, ACCOUNTANT  
**DATE:** JULY 1, 2024

### **2024/2025 NEW FISCAL YEAR**

- Budget books completed, distributed, and posted on our website
- Document submission to county assessor deadline is July 15
- Closing the books for 23/24

### **2023/2024 FINANCIAL AUDIT**

The 2023/2024 Audit document has been received, filed with the state, and posted on our website

### **WORKERS' COMP ANNUAL AUDIT**

The annual Workers' Comp on-site audit (2022/2023) with SAIF was completed with favorable comments from the auditor, John Sprague.

The annual Worker's Comp report for 2023/2024 is due July 16.

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## POLICE CHIEF'S REPORT

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**TO:** MAYOR & CITY COUNCIL  
**FROM:** SCOTT ROBINSON, CHIEF OF POLICE  
**DATE:** JULY 1, 2024

### Personnel Report:

- Officer Pierce Returned from Military Annual Training
- Officer Gilbert Paternity Leave

### Training and Activities

- Officer George "Parade" Motorcycle
- Coos County Fair  
Parking, Derelict Vehicle, Homeless Camp Enforcement  
DUII Saturation Patrol

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## LIBRARIAN'S REPORT

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**TO:** MAYOR & CITY COUNCIL  
**FROM:** AMY BRUNO LIBRARY DIRECTOR  
**DATE:** 6/24/2024

**Summer Reading – We are off to a great start** 37 people came to our kickoff. That is a very big number for here. We have been averaging 10-12 people at the lunch programs. I have had 4 summer intern applications and plan to hire 2 of them this week. I have hired internally (Anna) for the janitorial position. We received a grant from CAM that provides art kits and supplies for the kids weekly from July – August. We are looking forward to this creative addition to our summer plans. Lastly, although it does not show right now the rolling bookshelves and other movable furniture that I purchased to facilitate and house our larger than ever, summer reading programs are working great! Thank you, City Council, for working with me in this area.