

MYRTLE POINT CITY COUNCIL AGENDA

Regular Meeting

Monday, August 19, 2024, 6:30 p.m.

Flora M Laird Library Meeting Room | 435 5th 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 July 1, 2024 Regular Meeting
- V. ACTION/DISCUSSION ITEMS
 - A. Presentation- Linda Maxon-Update-Coquille Valley Hospital MP Clinic ***
 - B. Discussion- Complaints -Outdoor Portable Toilets-644 8th St./629 Cedar St.**
 - C. Water Plant Slide Repair Project- Award Scope of Services**
 - D. Approval for Purchase of mini excavator**
 - E. Discussion- Changes to September City Council meeting dates ***
- 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 Planning Commission Meeting – August 27, 2024 – 7:00 p.m.**
 - B. First day of school- Tuesday September 3, 2024**
- VIII. INFORMATION ITEMS
 - A. Myrtle Point Public Library Foundation Meeting Minutes – July 2, 2024
 - B. Myrtle Point Planning Commission Meeting Agenda – August 27, 2024
- IX. OTHER COMMUNICATIONS
 - A. Staff Reports
 - B. Council Concerns and Comments*
- X. ADJOURNMENT

Notice given this 19th day of August 2024 – Scott Nay, City Manager

* indicates no material included in packet

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.

**CITY OF MYRTLE POINT
CITY COUNCIL MEETING MINUTES
Regular Meeting
Monday, July 1, 2024 – 6:30 p.m.,
Flora M Laird Memorial Library Meeting Room
435 5th 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
1-Vacant council position

Staff and Others

Scott Robinson, Chief of Police
Scott Nay, City Manager
Amy Bruno, Library Director
Rodger Ryan
Chuck LaRue

Wayne Ramsey, Public Works
Ginny Groce, Accountant
Pat Ryan
David Rupkalvis, CCAT

(* indicates remote attendance)

CALL TO ORDER

Mayor Clayburn called the City Council meeting to order at 6:30 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 June 3, 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. Discussion – Coos County Area Transit (CCAT) changes – David Rupkalvis, Presenter-** Mayor Clayburn announced Coos County Area Transit (CCAT) changes and presenter David Rupkalvis. He started discussion by thanking City Manager Nay for his efforts in working with Mr. Rupkalvis. He then announced that CCAT bus service has been working on some changes to their routes and schedules as things were not working too well for the outlying customer users in Coquille and Myrtle Point. He announced that these changes were going into effect as of today, July 1, 2024. The changes will consist of an on-demand service where a user in Myrtle Point can call for a ride and tell them what time and where to pick them up and the bus service will come to that location at chosen time and pick them up. The bus will take them to desired location for drop off and then will pick them up

from that location at the requested time of the user. Bus service will then take user to any other desired location and time as requested by user. This service will currently be a Monday – Friday service, but hopefully will extend to Saturday Service in the future. The cost for the bus service will be \$2.00 each way which is much more affordable than a taxi cab. Mr. Rupkalvis also mentioned that their “Timbers Route” bus service will continue as has been and will not change. This route is a popular route that goes from Coos Bay/ North Bend to Myrtle Point and back three times per day. He then stated that any veteran can use CCAT’s bus services for free. They just need to complete a form to verify they are a Veteran. Mr. Rupkalvis then discussed CCAT’s Advisory Board and stated that there are two open positions available on this board, which are voluntary positions. He left some application forms with the council to share with citizens who might be interested in being on the advisory board. Councilor Gibbons asked Mr. Rupkalvis the question as to whether this new on-demand bus service was available in Arago or Powers? He indicated that the on-demand service would not include those out-lying areas as it is designed for users within the City limits of Myrtle Point and Coquille. Councilor Hawker asked if they were going to have more than one bus available for the new service? Mr. Rupkalvis answered that one bus will be used initially and they will add more as demand increases.

B. Public Hearing- Establishing Garbage Rates

Mayor Clayburn announced the Public Hearing for Establishing Garbage Rates. Before opening public hearing Mayor Clayburn asked Manager Nay to give a staff report. Manager Nay reported that Waste Connections has submitted a proposal for a 3.71% rate increase for garbage rates which equates to an increase of \$0.84 per 35-gallon can per month. Manager Nay then introduced Luke Pike, Waste Connections representative, and asked him to further discuss the proposal. Mr. Pike introduced himself to Council and stated that Waste Connections had purchased the garbage service from J&L Sanitation in July of 2023. He discussed the recycling modernization act which has been delayed and due to start in July 2025, which will delay the recycling program to Myrtle Point until then as well. He then discussed the rate increase proposal. He stated that they calculate their rate increases based on around 75% of CPI, which is Consumer Price Index. Councilor Gibbons commented that she believed there had been a large rate increase last year after the buyout from J&L and then with this requested rate this year, should the city expect to be getting annual rate increases like this proposal every Year? Mr. Pike answered that potentially that would be true based on what the CPI is each year. Mayor Clayburn closed the regular meeting at 6:44p.m. and opened a public hearing on Establishing Garbage Rates. Mayor Clayburn asked for public comments and acknowledged Pat Ryan- Mr. Ryan commented that garbage service was very important to the city and he was in favor of mandatory garbage service. Mayor Clayburn then recognized Amy Bruno for comment. Ms. Bruno asked about whether the new garbage containers were going to be given out now, as discussed last year during Waste Connections buyout and would there be increased rates due to that? Mr. Pike answered that getting a new can would not add additional cost to rates and that the new cans would probably not be rolled out until sometime in 2025. Mayor Clayburn asked for any other public comments and hearing none closed the Public Hearing at 6:47p.m. and re-opened the regular meeting.

C. Resolution 2024-08- Establishing Garbage Rates

Mayor Clayburn announced Resolution 2024-08 Establishing Garbage Rates. Councilor Hawker moved to deny the request for an increase to garbage rates for the following reason: the rates are going up but the service is going down a lot. Councilor Gibbons seconded the motion. Mayor Clayburn called for discussion. Councilor Hawker explained that he has had problems with Waste Connections with his garbage service at his business and at home. The quality of service has decreased. He has had some issues with the billing of his service. He stated that he has also had issues with garbage being left scattered around after being picked up. Mayor Clayburn also commented that she has had issues with Waste

Connections billing department and lack of good customer service. She commented that she has a hard time passing on a rate increase to her constituents while there is lack of quality of service with Waste Connections. Mr. Pike indicated that he understood the concerns and discussed the extreme growing pains that have gone along with this purchase and transition. Mayor Clayburn asked for other discussion and hearing none called for a vote of the motion to deny the garbage rates increase. Motion carried unanimously.

D. Public Hearing – Establishing Wild Animal Feeding Regulations

Mayor Clayburn announced the Public Hearing for- Establishing Wild Animal Feeding Regulations. Before opening public hearing Mayor Clayburn asked Manager Nay to give a staff report. Manager Nay reported on the discussion earlier this year at the April 1st, 2024 meeting about the feeding of wild animals, turkeys in particular. The feeding of wild animals ordinance was drafted and brought up at the May 6th meeting. Discussion and changes were made to it and then was sent to the City Attorney. Once adopted the ordinance would be in effect starting August 1st, 2024. Mayor Clayburn closed the regular meeting at 6:57pm and opened public hearing on Establishing Wild Animal Feeding Regulations. Mayor Clayburn asked for public comments and acknowledged Pat Ryan- Mr. Ryan asked if we're supposed to not feed the turkeys like the state wants and how will this be enforced? Mayor Clayburn explained that it's for the feeding of all wildlife in general, and our local Police Department is going to enforce this. She also explained that first you will be given a verbal warning, if you continue to feed the animals then you will be fined and you will go to City Municipal Court. Councilor Wood explained that this will be complaint driven. Mayor Clayburn asked for other discussion and hearing none closed the Public Hearing at 7:04pm and re-opened the regular meeting.

E. Ordinance No. 1292 – Adopting Ordinance No. 1292-Establishing Wild Animal Feeding Regulations, Definitions, Prohibited Wild Animal Feeding, Abatement, Penalties and Enforcement; And Severability

Mayor Clayburn announced Ordinance No. 1292-Adopting Ordinance No. 1292 Establishing Wild Animal Feeding Regulations, Definitions, Prohibited Wild Animal Feeding, Abatement, Penalties and Enforcement; And Severability. Councilor Hawker moved to read ordinance by title only Mayor Clayburn moved to motion and Councilor Ligons seconded. Motion carried unanimously. Mayor Clayburn then read the Ordinance as stated above. Councilor Hawker moved to adopt ordinance No. 1292- Establishing Wild Animal Feeding Regulations, Definitions, Prohibited Wild Animal Feeding, Abatement, Penalties and Enforcement; And Severability. Mayor Clayburn moved to motion and Councilor Wood seconded. Manager Nay handed out a flyer provided by ODFW that could be used along with a copy of the Ordinance to hand out to residents. Councilor Wood mentioned having businesses around town posting the flyer as well. Mayor Clayburn brought up discussions they have had with ODFW about trapping of the turkeys and that it is not an effective method. The city of Bandon tried trapping for 3 years and only got 6 turkeys. Councilor Wood said he was initially against this sort of thing until he sat down and did some research and come to the conclusion that we really don't have much of a choice. Mayor Clayburn asked for other discussion and hearing none called for a vote in adopting Ordinance No. 1292-Adopting Ordinance No. 1292 Establishing Wild Animal Feeding Regulations, Definitions, Prohibited Wild Animal Feeding, Abatement, Penalties and Enforcement; And Severability. The vote was 5 Ayes and 0 Nays. Motion carried unanimously. Ordinance No. 1292 is adopted.

F. Discussion- Vacant City Council position candidates

Mayor Clayburn announced discussion-Vacant City Council position candidates. Mayor Clayburn asked City Manager Nay to present the discussion. He discussed that Councilor Hogan resigned at the April meeting making the May 2024 meeting his last. At this point, no

one has submitted a letter of interest for being on City Council, so there will be no candidate interviews. There was further discussion from Council and Manager Nay was directed to continue to post the notice of council vacancy on our city website and in the paper and go from there.

PETITIONS FROM THE AUDIENCE

Mayor Clayburn called for petitions from the audience and acknowledged Pat Ryan- Mr. Ryan brought up issues at Maple and Hermann St. involving himself and the church nearby. The proposed solution that was agreed upon was to put gravel down where Hermann St. is from Maple to Spruce Street. Mayor Clayburn then acknowledged Chuck Larue. He asked about Myrtle Point becoming a sovereign sanctuary city and explained what that is. Mayor Clayburn indicated that there is nothing planned for our area to become a sanctuary to illegal immigrants. There were no other petitions from the audience.

UPCOMING MEETINGS AND EVENTS

- A. Myrtle Point Public Library Foundation Meeting – July 2nd, 2024, 5:00pm.
- B. City of Myrtle Point Town Wide Garage Sale – July 13th, 2024, 9:00am - 4:00pm.
- C. Coos County Fair and Rodeo – July 23rd - 27th, 2024.
- D. Coos County Fair Parade – Saturday July 27th, 2024, 10:00am- 11:00am.
- E. July 4th Holiday -Thursday- City Hall office closed.

INFORMATION ITEMS

- A. Myrtle Point Public Library Foundation Meeting Minutes – June 4th, 2024.
- B. Myrtle Point Public Library Foundation Meeting Agenda – July 2nd, 2024.

OTHER COMMUNICATIONS

a. Staff Reports:

1. Manager Nay reported on the following:

- a. Manager Nay reminded 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 27th, 2024. General election is scheduled for Nov. 5th, 2024. Election packets are available at City Hall.
- b. OSU Extension Bldg. – Sale/Land Lease update: As discussed at March 4th 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.
- c. 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.

2. Accountant – Ginny Groce

a. 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

b. 2023/2024 FINANCIAL AUDIT

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

c. 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 16th.

3. Leadman- Wayne Ramsey

- Work is continuing on NBMC sidewalk- almost done.
- New hire Ronny Winingham passed his review and is doing well and is eager to learn.
- New NPDES permit was issued from DEQ and goes into effect August 1st, 2024. This permit requires the operator to be a level 3.
- Coos County Fair Parade float for the city is in progress, it will be a Radio Flyer wagon pulled by a truck. Mr. Ramsey asked for volunteers to hand out candy.
- Councilor Hawker asked Leadman Ramsey if we train staff to be level 3 in order to operate the Sewer Plant or do we hire out for this. Mr. Ramsey said we will train current staff to get them certified.
- Councilor Ligon asked if the milk plant in town also gets fined for high phosphorus when we get fined due to their issue. Leadman Ramsey mentioned that they have been fined in the past and we will continue to work with them to get their levels down.

4. Police Chief- Scott Robinson

Personnel Report:

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

Training and Activities:

- Officer George "Parade" Motorcycle
- Coos County Fair- We are wrapping up on Parking, Derelict Vehicle, Homeless Camp Enforcement. Reminder that these types of things are complaint driven. We are really focusing on the area that surrounds the fairgrounds for fair week.
- DUII Saturation Patrol- Sargent Hill with Oregon State Police reached out about having presence in town Friday and Saturday night of the fair. Last year there were approximately 136 stops with only 1 DUII.
- Last meeting he talked about Jigsaw Productions getting in touch with us regarding a case for a documentary they are producing. He had a conversation about this with the District Attorney who was the prosecutor on this case. The case is currently in appeal and the DA's opinion is that we do not make any statements at all.
- Chief Robinson wanted to clarify that the releasing of inmates at the jail after 7 days due to not having legal representation is a Federal mandate, it has nothing to do with State or County mandates.
- The state camping on Public Property Law was discussed and Chief Robinson said we have had no issues in the past year since this law came in effect.

5. **Library Director- Amy Bruno**

Summer Reading – We are off to a great start. Had 37 people come to our kickoff. That is a very big number for here. We have been averaging 15-20 people at the lunch programs. We have had 4 summer intern applications and plan to hire 2 of them this week. She 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. Although it does not show right now, the rolling bookshelves and other movable furniture that was 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. Lastly, the Library is paying for an extra porta potty to be at Rotary Park due to complaints about how bad the current one can get.

Council Concerns and Comments:

1. Councilor Gibbons wanted to say good job to our Ambulance/Fire departments. She gave them very high praises and a thank you for taking such good care of her family. She also wanted to note that she likes the proposed Hermann St. idea about putting gravel down but is wondering if there is a more cost effective alternative. Chief Robinson voiced that putting gravel down is not going to fix the issue between Mr. Ryan and the church. Maybe we could paint lines in the grass so it looks more like a street. Councilor Gibbons asked if it is possible to vacate that part of Hermann St. Manager Nay said we could, but that it would just be a process since there are multiple homes that would be involved. Leadman Ramsey stated that we would need a right of way to be able to work on lines if need be.
2. Councilor Hawker asked about where we are on more lighting at Rotary Park and brought up lights in the gazebos. He did add that having Officer Angove living across the street from the park has been awesome and there has definitely been a decrease in night time activity in the park. Manager Nay did say there is no progress on lights as of now. Councilor Hawker asked if we could put in speed bumps around the park as people like to treat it as a race track. His main concern is Railroad Ave. and asked if we could put in 3 speed bumps. Leadman Ramsey is going to look into it. There was some discussion about changing the speed limit at the park and Chief Robinson is going to do some research on this. Mr. Hawker asked about progress on the dog park? It is still on Leadman Ramseys agenda but he has some questions about the fencing, filler, benches etc. Various ways about getting funding was discussed. Mr. Ramsey suggested meeting at the park and drawing out a plan so they can get a plan set in stone.
3. Mayor Clayburn shared a concern about the OSU Extension office where she works. They rent out the conference room and have an extensive check list of do's and don'ts. When their cleaning lady came to work this morning she noticed a burnt spot outside. They then watched the video surveillance and witnessed someone smoking and flick the ash into the mulch. Within 40 mins then could see smoke forming and at night they could see embers but never an actual flame. It could have been so much worse and she wanted to remind everyone it's fire season and to be careful. Mayor Clayburn brought up that the hanging flower baskets around town are looking good and hopes more businesses will start participating. She then asked Leadman Ramsey when the stop sign at 4th St. and the fair board office are coming out? Wayne said he will get on that. Mayor Clayburn has been hearing complaints about a porta potty in an alley way said that the porta potty is not in the alley but is on private property. She stated that having a porta potty is not against any city ordinance so if anyone else gets complaints, that is the answer.
4. Councilor Ligons had questions on if we are doing anything proactive about the rotting trees in the parks. Leadman Ramsey suggested getting some of the trees topped but

we would have to hire out for that. Mayor Clayburn wants us to get an arborist out to check the trees and get what is needed trimmed so they don't become dangerous.

ADJOURNMENT

Having no further business for the City of Myrtle Point, Mayor Clayburn adjourned the Regular Meeting at 8:38 p.m.

08/19/2024

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: August 19, 2024
Re: Complaints of Portable outdoor toilets on private properties- 644 8th St. /629 Cedar St.



BACKGROUND

There have been various complaints regarding Porta Potty's at the two addresses stated above from neighbors. There has also been an official complaint made DEQ. The city has been in touch with the property owners regarding this situation. Both property owners have stated to me that there is something wrong with their sewer lines, but not sure what is the problem. Public works has been out to investigate and there are no issues with the cities side of the sewer main lines, therefore it is in the sewer lateral lines between the street connection and the houses, which is the property owners responsibility to repair. There seems to be financial issues with both property owners in affordability of having these lines investigated and repaired as needed. Thus, both properties have been using the Porta Potties on their properties for a minimum of 6-8 months that I am aware of and probably longer. The city does not have any ordinances to address this situation specifically. The Nuisance Ordinance only addresses indirectly from the stand point of Section 2(G) -Prohibited Health Hazards - Where it talks about outside toilets that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition. I have talked with Roto Rooter, who services both of these, and they stated that 644 8th street gets serviced Once a month. 624 Cedar St. gets serviced every two weeks and most recently changed to weekly. The city has performed on-site inspections of the units at different times/days within the last month and the units have been observed as very clean with no offensive odors emanating from them at that time. Myrtle Point Rotary Club has also discussed this with me and are discussing how the club might be able to assist financially or otherwise.

I have been in contact with DEQ regarding the official complaints. I have explained to them what the city has done up to this point per my discussion in this report. I have asked DEQ to provide me or direct me to any ORS's or OAR's pertaining to usage of Portable Outdoor Toilets in residential areas that would give the City some direction in this matter. As of the date of this report I have not heard from nor had any other contact with DEQ. I am hopeful that before or by the time of the Council Meeting I may have further information for you.

RELATED CITY POLICIES

Nuisance Ordinance No. 1282

COUNCIL OPTIONS

August 15, 2024

- Discussion of situation/ Public input from neighbors/subject property owners attending meeting

CITY MANAGER'S RECOMMENDATION

None

ATTACHMENTS

- Nuisance Ordinance No. 1282

ORDINANCE NO. 1282

AN ORDINANCE DEFINING NUISANCES; PROVIDING FOR THEIR ABATEMENT; PROVIDING PENALTIES; AND REPEALING ORDINANCE NO. 1171

THE CITY OF MYRTLE POINT ORDAINS AS FOLLOWS:

Section 1. Definitions

In this Ordinance unless the context otherwise requires, the following words and phrases shall have the meanings ascribed to them by this Section:

- A. “Abate” means to put an end to or to reduce in degree or intensity.
- B. “Abandoned Vehicle” means a vehicle parked in any public way for a period of more than 48 consecutive hours.
- C. “Alarm” means any electronic or other signal that requests, causes or is intended to cause a response by emergency services personnel (Police Department, Fire Department, 9-1-1 Dispatch); or any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which emergency services personnel are expected to respond.
- D. “Audible Alarm” means any audible sound produced upon activation of an alarm system.
- E. “To Camp” means to set up or to remain in or at a campsite.
- F. “Campsite” means any place where any bedding, sleeping bag, or other materials 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.
- G. “Derelict Building” shall mean a building which has been without lawful occupant for more than 60 days, and which is not sufficiently secured against the intrusion of flora, fauna or unlawful occupancy.
- H. “Enforcing Officer” means the person authority by the City to enforce nuisance abatement provisions. This shall include, but not be limited to the City Manager, Police Officers, Building Inspectors, the Fire Chief and the State Fire Marshall or designee.
- I. “False Alarm” means an alarm signal which announces a need for emergency services personnel when no such need exists. This does not include an alarm signal caused by violent weather conditions or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

- J. "Person" means an individual, firm, estate, trust, partnership, association, corporation, or any other legal or commercial entity.
- K. "Person in Charge of the Property" means an owner, agent of the owner, occupant, lessee, contract purchaser or other person having possession or control of property or supervision of a construction project.
- L. "Person responsible" means the owner or the person in charge of the property, or any person who otherwise causes a nuisance to exist.
- M. "Rodent Habitat" means any condition which attracts or is likely to attract, feed, or harbor rats, mice, or any other animal likely to carry disease or cause injury to persons or damage to property.

NUISANCES AFFECTING PUBLIC HEALTH

Section 2. Prohibited Health Hazards

No person shall allow, cause, create permit or suffer a nuisance affecting public health on private or public property. The following are not exclusive but illustrative of nuisances affecting public health, and may be abated as provided in this Ordinance:

- A. Open vaults or privies constructed and maintained within the City, except those constructed or maintained in connection with construction projects in accordance with State Health Division regulations.
- B. Accumulations of debris, rubbish, manure and other refuse that are not removed within a reasonable time.
- C. Putrescible wastes not removed at least every seven (7) days.
- D. Stagnant water that affords a breeding place for mosquitoes and other insect pests.
- E. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water.
- F. Decayed or unwholesome food offered for human consumption.
- G. An outside toilet, cesspool, septic tank, barn, stable, corral, pen, chicken coop, rabbit hutch or other premises that are in such a state or condition as to cause an offensive odor or that are in an unsanitary condition.
- H. Any Building, Structure, Vehicle or Equipment maintained or constructed in such a way that it attracts or harbors rats, mice, or any other animal likely to carry disease or cause injury to persons or damage to property.

- I. Liquid wastes drained from private premises.
- J. Mastics, oil, grease or petroleum products introduced into the sewer or storm water system.
- K. Animal carcasses on streets or private or public property.
- L. Animals or birds afflicted with communicable diseases.
- M. Animals or birds maintained, kept or housed in such a number to create offensive odors or noise.
- N. Pigs or swine maintained, kept or housed in the City.
 - 1. Notwithstanding the temporary exhibition of pigs or swine on the premises of the Coos County Fairgrounds during an organized event is allowed and not declared a public nuisance.
 - 2. Notwithstanding maintaining, keeping or housing of a pig or swine commonly referred to as a Miniature Vietnamese, Chinese or Oriental Potbellied pig (*sus scrofa vittatus*) is allowed and not declared a nuisance under the following conditions:
 - a. The pig or swine's height shall be no greater than 18 inches at the shoulder and its weight shall be no more than 95 pounds.
 - b. No more than three (3) pigs or swine shall be kept at any one residence.
 - c. The pig or swine shall be restrained and not allowed to run at large.
 - d. The pig or swine shall be kept or housed primarily within the residence.

NUISANCES AFFECTING PUBLIC SAFETY

Section 3. Prohibited Hazards to Public Safety

No person shall allow, cause, create, permit or suffer a nuisance affecting public safety on private or public property. The following are not exclusive but illustrative of nuisances affecting public safety and may be abated as provided in this Ordinance.

- A. Woodpiles, wood, lumber, rocks, bricks, blocks or metal within the streets or alleys or upon the sidewalks or planting strips for a period of time longer than 24 hours after placement of such material without first obtaining a permit from the City Council.
- B. A container with compartment of more than one cubic foot capacity with a door or lid that locks or fastens automatically when closed that cannot be easily opened from the inside, maintained or left in a place accessible to children.
- C. A well, cistern, cesspool, excavation, or other hole of a depth of four feet or more and a top width of 12 inches or more uncovered, not fenced or without a suitable protective construction.

- D. Unguarded machinery, equipment or other devices appealing, dangerous and accessible to children.
- E. Lumber, logs or piling placed or stored in a manner to be appealing, dangerous and accessible to children.
- F. Excavations remaining open for an unreasonable amount of time without erecting proper safeguards or barriers.
- G. A building that has been found to be a Dangerous Building per City Ordinance No. 1181.
- H. A Derelict Building which is without lawful occupant and which is insufficiently secured against the intrusion of flora, fauna or unlawful trespass.

Section 4. Obnoxious Vegetation

No person shall allow, cause, permit or suffer obnoxious vegetation on property or in the right-of-way of a street, alley or sidewalk abutting the property. Obnoxious vegetation must be cut down or destroyed as often as needed to prevent the creation of a health, fire, safety or traffic hazard, or in the case of weeds or other obnoxious vegetation, from maturing or going to seed. Obnoxious vegetation includes:

- A. Vegetation that is or is likely to become:
 - 1. A health hazard;
 - 2. A fire hazard;
 - 3. A traffic hazard, because it impairs the view of a public right-of-way or otherwise makes the use of the thoroughfare hazardous; or
 - 4. Grass and weeds exceeding 10 inches. Properties used for crop cultivation and livestock grazing are exempt from the tall grass and weeds provisions if a five foot wide cut or cleared fire break surrounds the perimeter of the property.
- B. Poison oak or poison ivy.
- C. Blackberry bushes or vines that extend into a public way, a pathway frequented by children, or cross a property line.

Section 5. Trees, Bushes and Shrubs

- A. No person in charge of property shall allow or permit trees, bushes or shrubs on property abutting a street, alley or sidewalk to interfere with vehicular or pedestrian traffic. A person in charge of property shall keep all trees, bushes or shrubs on the premises, including the adjoining parking strip, trimmed so that any overhanging portions are at least eight feet above the sidewalk and at least 12 feet above the roadway.
- B. No person in charge of property shall allow a dead or decaying tree to stand if it is a hazard to the public or to persons or property on or near the property.

Section 6. Derelict Buildings

- A. No person responsible shall allow a building to remain without lawful occupant and unsecured against intrusion for more than 60 days. Upon the 61st day, a vacant building that is not secured shall be deemed derelict.
- B. The person responsible for a vacant building shall notify the City if the building remains vacant for more than 60 days. The person responsible must provide either proof the building is secure or a plan to abate the nuisance.
- C. The City may charge a fee for the administration of this Section which shall be set by resolution of the City Council. The fee will be calculated based on costs of administration as well as the cost of additional fire protection and law enforcement attention to such a building.
- D. Payment of the fee shall be in addition to and not a substitute for any fines or penalties incurred under this Section or under Ordinance 1181 (Dangerous Buildings).

Section 7. Unauthorized Dumping

- A. No person shall deposit or allow, on public or private property, an accumulation of rubbish, trash, debris, refuse or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property, constitute a rodent habitat, or would be likely to injure a person, animal or vehicle travelling on a public way.
- B. No person shall deposit trash, rubbish, debris, or refuse which was generated from a residence on business into public trash receptacles located in City Parks.

Section 8. Fences

- A. No person shall allow, construct, permit or maintain a barbed wire fence along a sidewalk or public way. Notwithstanding, barbed or razor wire is permissible for security fencing in industrial zones per standards set forth in the Myrtle Point Development Code.
- B. No person shall allow, construct, permit, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person.

Section 9. Surface Waters

- A. No person shall permit rainwater, ice or snow to fall from a building or structure onto a street or public sidewalk or to flow across the sidewalk.
- B. The person in charge of property shall install and maintain in a proper state of repair, adequate drainpipes or drainage system, so that overflow water accumulating on the roof or about the building is not carried across or on the sidewalk or other property.

Section 10. Sidewalk Accumulation

No person shall cause, permit or allow an accumulation of leaves, snow, ice, rubbish or other litter, or any obstruction upon a sidewalk abutting that person's property.

Section 11. Odors and Burning

No person shall cause or allow any condition which causes an offensive odor or is unsanitary. No person shall burn in wood stoves, fireplaces, burn barrels or open fires any clothing, wet garbage, plastic, wire, insulation, automobile parts, asphalt, petroleum treated material, rubber products, animal remains, animal or vegetable matter resulting from the handling, preparation, cooking or servicing of food, or any other material which normally emits dense smoke or noxious odors.

Section 12. Sifting or Leaking Loads

- A. No person shall drive or move a vehicle on any street unless it is constructed or loaded so as to prevent its contents from dropping, sifting, leaking or otherwise escaping.
- B. Any person driving a vehicle from which any contents have dropped, sifted, leaked or escaped must remove the substance or material from the street within three hours.

NUISANCES AFFECTING PUBLIC WELFARE

Section 13. Radio and Television Interference

- A. No person shall operate or use an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design.
- B. This Section does not apply to devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.

Section 14. Unreasonable Noise

No person shall allow, cause, create or permit the continuance of unreasonable noise. The following enumerated noises are not exclusive but illustrative of unreasonable noises:

- A. The keeping of an animal which by loud and frequent or continued noise disturbs the comfort and repose of a person in the vicinity.
- B. The use of an engine, machine or device which is so loaded or out of repair, unmuffled, or operated in such a manner as to create a loud or unreasonable grating, grinding, rattling or other noise.
- C. The use of a mechanical device operated by compressed air, steam or otherwise unless the noise created is muffled.

- D. The construction, including excavation, demolition, alteration or repair of a building, vehicle or equipment other than between the hours of 7:00 a.m. and 9:00 p.m. except with a permit issued by the City Council.
- E. The use or operation of any automatic or electric musical instrument, phonograph, loudspeaker, stereo or sound amplifying device so loudly as to disturb persons at least five feet beyond the property on which the sound originates. Sound produced in conjunction with officially organized sporting events, parades, festivals, fairs and other events issued a permit from the City Council are exempt from the noise limitations.

Section 15. Accumulation of Debris and Materials

No person shall allow, cause, permit or suffer any old or scrap copper, brass, pipe, rope, wire, rags, batteries, paper, plastic, trash, rubber, debris, waste, or junked, dismantled, wrecked, scrapped or ruined appliances, motor vehicles or other vehicles, or appliance, motor vehicle or other vehicle parts, iron, steel, or other old or scrap ferrous or nonferrous material, metal or nonmetal materials to accumulate on public property or on private property within the sight of the public.

Section 16. Alarm Systems

- A. Purpose – The purpose of this Section is to require that owners of alarm systems which summon or use emergency services (Police Department, Fire Department, 9-1-1 Dispatch) maintain the reliability of their alarm systems in order to prevent unnecessary and expensive responses to false alarms.

- B. False Alarms

When a determination has been made by Myrtle Point Police Department that a false alarm has occurred, causing unnecessary response by emergency services personnel, the following procedures will apply:

1. First False Alarm. In a 12-month period, the first false alarm will result in a written Notice of False Alarm to the property owner, informing them of the false alarm. The notice shall be sent by regular mail to the address on file with the County Assessor. It shall be the property owner's responsibility to notify any tenant(s) of the property, as applicable.
2. Second False Alarm. In a 12-month period, the second false alarm will result in a written Notice of False Alarm to the owner, which shall include a warning that any subsequent false alarms will result in fines. The notice shall be sent by certified mail.
3. Three or More False Alarms. If, within a 12-month period, three or more false alarms occur at a property, fines in the amount set by resolution of the City Council shall be billed to the property owner. All notices of false alarms and assessments of fines shall be by certified mail.

C. Suspension or Revocation of Service

1. Once a property owner has reached five false alarms in a 12-month period, the Police Department may, with 10 days written notice, discontinue response to the location. The 10-day written notice shall be personally served or sent by certified mail. This Section is not applicable to fire alarms or medical alarms.
2. Emergency response will be resumed upon the occurrence of the following:
 - a. Receipt of full payment of all fines owed;
 - b. At least 30 days have elapsed from the date of the last false alarm;
 - c. Written request from the property owner has been received; and
 - d. Evidence of corrective action on the part of the owner is presented, reviewed and approved by the Chief of Police or his designee.
3. Based on the above criteria, the Chief of Police or his designee shall determine whether to approve a request to resume response to an alarm system.
4. Any denial to resume response to an alarm system with a history of false alarms may be appealed to the City Council within 10 days of receipt of such notice of denial.

D. Silencing Audible Alarms

Any bell, horn or siren used in conjunction with an alarm system which is permitted by the property owner to sound continuously for more than 15 minutes, or resets it to create an intermittent tone and continues to cycle for more than 15 minutes, is hereby declared to be a public nuisance and may be summarily disconnected or otherwise silenced by the Police Department or other emergency personnel. Disconnection may be by any means necessary to silence the alarm. Any and all repairs shall be the responsibility of the owner.

E. Liability of City

The City of Myrtle Point, or any official, employee or agent thereof shall not be liable for any damage resulting from the silencing of alarms.

CONDUCT PROHIBITED ON PUBLIC PROPERTY

Section 17. Alcohol on Public Property and Public Rights-of-Way

- A. It is unlawful for any person to drink any alcoholic beverage upon any street, sidewalk, or other public right of way.
- B. It is unlawful for any person to have in his possession while upon any street, sidewalk, or other public right-of-way any bottle, can, or other receptacle containing any alcoholic beverage which has been opened or a seal broken or the contents of which have been partially removed.
- C. This Section does not prohibit the consumption of alcohol in sidewalk cafes which have been issued permits by the City of Myrtle Point.

- D. This Section does not prohibit the use of alcohol on public property or public rights-of-way within the areas designated when a Special Event Permit with Alcohol Allowed has been issued by the City of Myrtle Point, provided the Permittee is in compliance with all applicable Oregon Liquor Control Commission requirements.

Section 18. Animals

- A. No person owning, in control of or responsible for any dog shall allow that dog to be in any park or public right-of-way if the dog is not held securely on a leash no greater than eight feet in length, except in such parks or portions of parks which may be designated as off-leash areas; provided, however, that a violation of any rule governing any designated off-leash area shall be a violation of this Section.
- B. No person shall bring or keep any animal in any park or public right-of-way if the animal is not within the person's immediate reach and control.
- C. No person shall allow any animal in that person's ownership, possession, custody or control to injure any other person or animal or damage any property in any park or public right-of-way. Any person so allowing any animal to cause any such injury or damage shall be liable for the full amount of the injury or damage.
- D. No person shall allow any animal in the person's possession, custody or control to discharge any fecal material in any park or public right-of-way unless the person promptly removes and disposes of the fecal material in an appropriate trash receptacle. No person shall allow any animal in the person's possession, custody or control to enter or remain in any park or public right-of-way unless the person has in the person's possession appropriate scoop, bag, or other items necessary to remove and properly dispose of any fecal material deposited by the animal.

Section 19. Camping Prohibited

- A. No person shall camp in or upon any sidewalk, street, alley, lane, public right-of-way, park or any other publicly owned property or under any bridge, unless otherwise allowed by declaration of the City Manager or his/her designee in emergency situations.
- B. Upon finding it to be in the public interest and consistent with City goals and policies, the City Manager may exempt a special event from the prohibitions of this Section through permit or other decree and shall specify the period of time and location covered by the exemption.

Section 20. Notices and Advertisements

- A. No person shall affix or cause to be distributed any placard, bill, advertisement or poster upon any real or personal property, public or private without first securing permission from the owner or person in charge of the property.

- B. Any placard, bill, advertisement or poster found posted or otherwise affixed, upon any public property contrary to the provisions of this Section may be removed by any employee of the City. The person responsible for such illegal posting shall be liable for the cost incurred in its removal.
- C. This Section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the City regulating the use of and location of signs and advertising.
- D. This Section shall not be construed to prohibit the distribution of advertising material during any parade or approved public gathering.

Section 21. Public Nuisance Property

- A. No person or person in charge of property shall allow, cause, create, permit or suffer any place or business where patrons, employees, residents, guests, owners or occupants have been cited for three (3) or more of any of the below listed behaviors on the property or within 50 feet of the property, during any six month period.
 - 1. Public Nuisance, Myrtle Point City Ordinance No. 1171.
 - 2. Assault, ORS 163.160, 163.165, 163.175 or 163.185.
 - 3. Sexual Abuse, ORS 163.415 or 163.425.
 - 4. Public Indecency, ORS 163.465.
 - 5. Endangering the Welfare of a Minor, ORS 163.575.
 - 6. Criminal Trespass, ORS 164.245.
 - 7. Criminal Mischief, ORS 164.345, 164.354 or 164.365.
 - 8. Disorderly Conduct, ORS 166.025.
 - 9. Harassment, ORS 166.065.
 - 10. Unlawful Use of Weapon, ORS 166.220.
 - 11. Providing Liquor to a Person Under 21 or to Intoxicated Person, ORS 471.410.
 - 12. Purchase or Possession of Liquor by Person under 21, ORS 471.430.
 - 13. Destroyed or Totaled Vehicles, ORS 819.010.
 - 14. Abandoned Vehicles, ORS 819.100.
- B. In addition to the abatement procedures prescribed in this Ordinance, any violation of this Section warrants the imposition of a fine, pursuant to Section 30 of this Ordinance.

UNENUMERATED NUISANCES

Section 22. Unenumerated Nuisances

The acts, conditions or objects specifically enumerated and defined in Sections 1 through 21, inclusive, are declared public nuisances and may be abated by the procedures set forth in this Ordinance.

ABATEMENT PROCEDURES

Section 23. Notice to Abate

- A. On determination that a nuisance exists, the City shall cause that written notice shall be served upon the person responsible for the nuisance.
- B. The notice to abate shall contain:
 - 1. A description of the real property, by street address or otherwise, on which the nuisance exists;
 - 2. A direction to abate the nuisance within a specified timeframe;
 - 3. A description of the items or conditions creating the nuisance;
 - 4. A statement that, unless the nuisance is removed, the City may abate the nuisance, and the cost of abatement will be charged to the person responsible; and
 - 5. A statement that failure to abate a nuisance may warrant citation, the imposition of a fine, and seizure and disposal of personal property creating the nuisance; and
 - 6. A statement that the person responsible may protest the notice to abate by giving written notice to the City Manager within 72 hours from the receipt or posting of the notice.
- C. If the person responsible is not the owner of the property where the nuisance is located, an additional notice shall be sent to the owner's address, according to the property's tax rolls, additionally stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.
- D. If the notice is not received by the property owner or person responsible for the nuisance a notice shall be posted on the premises or at the site of the nuisance.
- E. If the notice is posted or personally delivered, the person posting or delivering the notice shall execute and file a certificate stating the date and place of the posting or delivery.
- F. An error in the name or address of the person responsible shall not make the notice void.

Section 24. Timeframe for Abatement

- A. If abatement is required within 24 hours of receipt of the notice, the notice must be personally delivered to the person responsible or posted on the premises or at the site of the nuisance in two conspicuous locations.
- B. If the notice of abatement allows more than 24 hours to abate the nuisance the notice may be personally delivered, posted on the premises or at the site of the nuisance, or mailed by certified mail.
- C. The concerns for the public's health, safety and welfare and the extent of the nuisance shall be considered by the City in determining the timeframe for abatement.

Section 25. Abatement by the Person Responsible

- A. Within the timeframe specified in the notice to abate, the person responsible shall remove the nuisance or shall request an extension of time or, within 24 hours of receipt or of posting, file a protest that no nuisance exists.
- B. If the person responsible or property owner requests an extension of time, the City Manager may grant reasonable extensions or accommodations to the specified timeframe.
- C. If the person responsible or the property owner protests that no nuisance exists, a written statement that specifies the basis for the protest shall be filed with the City Manager. An appeal fee, in an amount set by resolution of the City Council, shall be paid at the time a written protest is filed with the City Manager. No protest shall be heard unless the appeal fee is paid. If the Council or its designee determines that no nuisance exists, the appeal fee shall be refunded to the person who paid it.
- D. The statement shall be referred to the City Council as a part of its regular agenda at its next meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the Council. The Council shall determine whether a nuisance in fact exists and set a timeframe for the abatement of the nuisance. The determination shall be entered in the official minutes of the Council. Council determination shall be required only in cases where a written statement has been filed as provided. The decision of the Council shall be final.
- E. If the Council determines that a nuisance in fact exists, the person responsible shall abate the nuisance within the timeframe specified.

Section 26. Abatement by the City

- A. If the nuisance has not been abated by the person responsible within the time allowed, the City Manager may order the nuisance to be abated and take any actions reasonably necessary to abate, including seizure and disposal of personal property.
- B. The Enforcing Officer charged with abatement of the nuisance, or contractors acting under the direction of the officer, shall have the right to enter into or upon property at reasonable times to investigate or abate a nuisance. In the event that abatement requires access to a home or other area which may create a reasonable expectation of privacy, the Enforcing Officer shall obtain a warrant allowing entry and abatement.
- C. Prior to removing and disposing of items creating the nuisance, the Enforcing Officer shall post a notice at the site of the nuisance, and personally serve the responsible party or send the person responsible for the nuisance a certified letter, identifying the pending abatement by the City and the timeframe thereof.
- D. The City Manager shall keep an accurate record of the expense incurred by the city in physically abating the nuisance and shall include an additional charge equal to 10 percent of those expenses for administrative costs.

Section 27. Joint Responsibility

If more than one person is a person responsible for the nuisance, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the City in abating nuisance.

Section 28. Assessment of Costs

- A. The City Manager shall forward to the owner and the person responsible, by certified mail, a notice of assessment stating:
 - 1. The total cost of the abatement, including administrative costs.
 - 2. That the costs as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.
 - 3. That if the owner or the person responsible objects to the cost of the abatement as indicated, a notice of objection may be filed with the City Manager not more than five (5) days from the date of the notice of assessment.
- B. No later than 30 days after the date of objection, the Council, in regular course of business, shall hear and make a decision on the objections to the costs assessed.
- C. If the costs of the abatement are not paid within 30 days from the date of the notice of assessment, an assessment of the costs, as stated or as decided by the City Council, shall be made by resolution and shall be recorded as a lien on the property from which the nuisance was removed or abated.
- D. The lien shall be enforced on the same manner as liens for street improvements, utility bills and other City liens and shall bear interest at the current statutory interest rate. Interest shall accrue from the date the resolution is approved by the City Council.
- E. An error in the name of the owner of the person responsible or a failure to receive the notice of assessment will not void the assessment, and it shall remain a valid lien against the property.

Section 29. Summary Abatement

City Officials may proceed to summarily abate a health or other nuisance which imminently endangers human life or property. The person responsible for such a nuisance shall reimburse the City for costs incurred in abating the nuisance.

GENERAL

Section 30. Penalties

A fine may be imposed for violation of any part of this Ordinance in an amount to be set by resolution of the City Council.

Section 31. Separate Violations

- A. Each day's violation of a provision of this Ordinance constitutes a separate offense.
- B. The abatement of a nuisance is not a penalty for violation of this Ordinance, but is an additional remedy. The imposition of a fine does not relieve a person of the duty to abate the nuisance.

Section 32. 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 33. Repeal

Ordinance No. 1171 adopted on the 20th day of June 1994 is hereby repealed.

Section 34. Savings Clause

Notwithstanding Section 33, the ordinance repealed thereby shall remain in force for the purpose of authorizing the prosecution, conviction and punishment of a person who violated that ordinance prior to the effective date of this Ordinance.

Adopted by the City Council of the City of Myrtle Point this 4th day of September 2018.

ATTEST:

Barbara A. Carter, Mayor

Darin Nicholson, City Manager

City of Myrtle Point Agenda Item Report

To: Mayor Clayburn and City Council
From: Scott Nay, City Manager
Date: August 19, 2024
Re: Scope of Services proposal for repair of landslide area at Water Plant



BACKGROUND

At the April 1, 2024 City Council Meeting Public Works Leadman Ramsey gave a staff report on a landslide that had occurred on city property on the hillside between the Main Water Plant building and the large two million gallon water tank. At that time, it was too wet to do any work there to repair the slide area so Public Works has been monitoring the slide area and working with private contractors, and Civil West Engineering on recommendations to get direction for a scope of work to repair this area. The scope of work was completed, and proposals for site repair work were received from interested contractors. The proposal that best meets the criteria was submitted by Wheeler Excavating, LLC in the amount of \$64,177.18. The City has used Wheeler Excavating for other jobs in the past, has the right size of equipment to adequately perform the scope of work, and has a good reputation.

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 cost, this project applies. There are adequate funds budgeted in the Water Reserve Fund for this work to be done.

RELATED CITY POLICIES

None

COUNCIL OPTIONS

- **Authorize Project Award:** SAMPLE MOTION – *“I move to approve the Scope of Services submitted by Wheeler Excavation, LLC to perform the landslide site repair work between the Water Plant and large water tank for a fee not to exceed \$ _____.”*
- **Do Nothing:** No motion required.

CITY MANAGER’S RECOMMENDATION

It is recommended to approve the Scope of Services.

ATTACHMENTS

- Scope of Services – Wheeler Excavating, LLC-Site Work Estimate

Wheeler Excavating, LLC
92305 Hall Creek
Myrtle Point, OR 97458 US
541-297-2165
tomwheeler243@gmail.com

Estimate



ADDRESS
City of myrtle point Attn Wayne

ESTIMATE #	DATE	EXPIRATION DATE
1199	05/02/2024	08/25/2024

DATE		DESCRIPTION	QTY	RATE	AMOUNT
	02 Site Work	Quote includes all mob, labor, equipment, and materials for slide repair behind water storage facility. Including removal of aprx 1200 yds of slide material and disposing of offsite, supporting water line during excavation with rubber tired crane and or augured in support posts if necessary. Lining slope with 8oz non woven geotextile fabric, placement of aprx 80 yds rip rap at toe to support inlay and replace slide material with 10 to 12"-0 rock , shape and compact slope.	1	64,177.18	64,177.18

TOTAL

\$64,177.18

Accepted By

Accepted Date

City of Myrtle Point Agenda Item Report

To: Mayor Clayburn and City Council
From: Scott Nay, City Manager
Date: August 19, 2024
Re: Purchase of a mini excavator



BACKGROUND

Public Works Department has been putting money aside each year in the budget for the purchase of various vehicles and equipment as needed. One of the items that has become available at a very reasonable price is a new Peterson CAT Mini Excavator (306 Compact). This machine is very versatile and easily maneuvered into areas that our older Backhoe just cannot get into. Public works does an extremely large amount of earth work, roadway repairs, ditches, etc. for which this style of machine would be much more efficient and save time on projects than using the backhoe. We have obtained 3 separate estimates of Mini Excavator Costs- 2 are for new machines and 1 is for a used machine:

Kubota – NEW - \$126,689.00

Peterson CAT – NEW - \$108,615.60

Peterson CAT – USED - \$95,038.65 – Has 2660 hours

The funds for this purchase will come from the following:

General Fund- Public works- Vehicle- \$40,000

Water Fund- Vehicle - \$20,000

State Tax Street – Vehicle - \$23,000

Sewer Reserve Fund – Capital Outlay- I&I Sewer Line Repair/Replacement-\$12,808

State Tax Streets - Capital Outlay-Patching Program - \$12,808

Total = \$108,616.00

RELATED CITY POLICIES

None

COUNCIL OPTIONS

- **Approve purchase of a Mini Excavator:** - SAMPLE MOTION- “ I move to approve purchase of a mini-excavator for an amount not to exceed \$_____.”
- **Do Nothing** – No motion required

CITY MANAGER’S RECOMMENDATION

I recommend purchase of the New Peterson CAT Mini Excavator in amount of \$108,615.60

ATTACHMENTS

- Peterson CAT- New excavator Estimate
- Peterson CAT – Used excavator Estimate
- Kubota- New excavator estimate



Aug 06, 2024

CITY OF MYRTLE POINT
ATTN: RICH REESE
MYRTLE POINT
Oregon
97458

Attention: WAYNE RAMSEY

RE: Quote 229266-02

Dear Wayne,

We would like to thank you for your interest in our company and our products. We are pleased to quote the following for your consideration.

One (1) New Caterpillar Model: 306 Compact Construction Equipment

STOCK NUMBER: PM03715 **YEAR:** 2024

This Quote is valid for 30 days, after which time we reserve the right to re-quote. If there are any questions, please do not hesitate to contact me.

Sincerely,

Andy Ward
Machine Sales Representative
Peterson CAT
+1 541-297-8613
AWWard@petersoncat.com

MACHINE SPECIFICATIONS

306 07A CR MHE DCA4F	638-2085	\$128,270.00
DRAIN, ECOLOGY	382-8757	\$0.00
BELT, SEAT, 3" RETRACTABLE	510-6085	\$0.00
ALARM, TRAVEL	511-6170	\$0.00
CAT KEY, WITH PASSCODE OPTION	522-6460	\$0.00
LIGHTS, LED	522-6499	\$0.00
CAMERA, REAR VIEW	522-6505	\$0.00
306 07A CR MINI EXCAVATOR	523-7568	\$0.00
BOOM, SWING	523-7583	\$0.00
ENGINE, EPA TIER 4 FINAL	523-7593	\$0.00
ELECTRICAL ARR, C2.4 HRC	523-8003	\$0.00
TRACK, 16", RUBBER BELT	527-2800	\$0.00
LINES, STICK	532-7890	\$0.00
LINES, BOOM	532-7892	\$0.00
CONTROL, QC, 3 LINE	532-8607	\$0.00
LINES, QC, LNG STK, 3 LINE	532-8634	\$0.00
INSTRUCTIONS, ANSI	535-8483	\$0.00
NO EXTRA COUNTERWEIGHT	538-2663	\$0.00
LINKAGE BUCKET W/ LIFTING EYE	538-2697	\$0.00
TRAVEL PEDALS	541-4573	\$0.00
SOFTWARE, PROPORTIONAL CONTROL	557-1709	\$0.00
SOFTWARE, STICK STEER CONTROL	557-1710	\$0.00
SOFTWARE, 2 WAY CONTROL	557-1711	\$0.00
SOFTWARE, CODED START	557-1713	\$0.00
MONITOR NEXT GEN, ADVANCED, CR	557-5082	\$0.00
HEATER, WATER JACKET	566-0462	\$0.00
SEAT, MECH SUSP, FABRIC, CAB	569-7627	\$0.00
BLADE, ANGLE, BOCE	579-2605	\$0.00
STICK, LONG, ANGLE BLADE	579-2627	\$0.00
EOU HOUSE SWING COVER, 6T	605-3335	\$0.00
WIRING GP	604-0125	\$0.00
COVER GP	605-3336	\$0.00
PLUG GP	605-3338	\$0.00
SHIPPING/STORAGE PROTECTION	0P-2266	\$274.00
THUMB, HYD + COUPLER, PG, HYD, 5T	575-0492	\$7,583.00
ATHENS DEALER PDI & FUEL	590-9288	\$410.00
INTEGRATED RADIO V2	639-4467	\$545.00
PRODUCT LINK, CELLULAR PL243	557-5067	\$0.00
12" HD BUCKET	464-9907	\$1,333.00
18" HD BUCKET	464-9909	\$1,472.00
24" HD BUCKET	464-9911	\$1,639.00
47" GRADING BUCKET	388-9664	\$1,694.00
BUCKET PINS	282-2785	\$333.00

SELL PRICE	\$143,553.00
EXT WARRANTY	Included
SOURCEWELL MEMBER DISCOUNT AT 20% OF CAT CONTENT	(\$28,710.00)
PETERSON DISCOUNT	(\$6,843.00)
NET BALANCE DUE	\$108,000.00
SALES TAX (0.57%)	\$615.60
AFTER TAX BALANCE	\$108,615.60

WARRANTY

Standard Warranty: 24 Months, 2000 Hours
 Extended Warranty: 306-36 MO/3000 HR PREMIER

F.O.B/TERMS: Customer's jobsite

ADDITIONAL CONSIDERATIONS

- Quoted as per Sourcewell Contract# 032119-CAT

611 - 61000 - 40,000
 121 - 4000 - 20,000
 141 - 4000 - 23,000
83,000

\$ 25,615.60

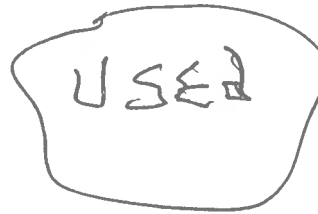
131 - 4127 - 89000
 141 - 4450 - 35,467



Aug 08, 2024

CITY OF MYRTLE POINT
ATTN: RICH REESE
MYRTLE POINT
Oregon
97458

Used



Attention: WAYNE RAMSEY

RE: Quote 229382-01

Dear Wayne,

We would like to thank you for your interest in our company and our products. We are pleased to quote the following for your consideration.

One (1) Used Caterpillar Model: 306 Compact Construction Equipment

SERIAL NUMBER: 6G600389

YEAR: 2020

This Quote is valid for 30 days, after which time we reserve the right to re-quote. If there are any questions, please do not hesitate to contact me.

Sincerely,

Andy Ward
Machine Sales Representative
Peterson CAT
+1 541-297-8613
AWWard@petersoncat.com

MACHINE SPECIFICATIONS

306 07A CR MHE CFG14A	579-2613
ENGINE AR-PRIM - S/N 7KW00941	515-9511
DRAIN, ECOLOGY	382-8757
BELT, SEAT, 3" RETRACTABLE	510-6085
ALARM, TRAVEL	511-6170
306 07A CR MINI EXCAVATOR	523-7568
BOOM, SWING	523-7583
ENGINE, EPA TIER 4 FINAL	523-7593
ELECTRICAL ARR, C2.4 HRC	523-8003
TRAVEL PEDALS	541-4573
FILM, COUPLER, ISO	555-8731
SOFTWARE, PROPORTIONAL CONTROL	557-1709
SOFTWARE, STICK STEER CONTROL	557-1710
SOFTWARE, 2 WAY CONTROL	557-1711
SOFTWARE, CODED START	557-1713
ATHENS DEALER PDI & FUEL	0P-6845
INTEGRATED RADIO	511-6219
CAT KEY, WITH PASSCODE OPTION	522-6460
LIGHTS, LED	522-6499
LIGHT, REAR, LED	522-6502
CAMERA, REAR VIEW	522-6505
MIRROR, RIGHT SIDE, REAR VIEW	523-6409
LINES, STICK	532-7890
LINES, BOOM	532-7892
CONTROL, QC, 3 LINE	532-8607
LINES, QC, LNG STK, 3 LINE	532-8634
INSTRUCTIONS, ANSI	535-8483
LINKAGE BUCKET W/ LIFTING EYE	538-2697
COUNTERWEIGHT, EXTRA, 550LBS	542-6391
PRODUCT LINK, CELLULAR PL243	557-5067
MONITOR NEXT GEN, CAMERA READY	557-5068
HEATER, WATER JACKET	566-0462
SEAT, AIR SUSP, FABRIC, HEATED	569-7626
THUMB, HYD + COUPLER, PG, HYD, 5T	575-0540
BLADE, ANGLE, BOCE	579-2605
STICK, LONG, ANGLE BLADE	579-2627
RUBBER TRACKS	527-2809
USED 47" GRADING BUCKET	
12" HD BUCKET	
18" HD BUCKET	
24" HD BUCKET	
BUCKET PINS	

SELL PRICE	\$94,500.00
NET BALANCE DUE	\$94,500.00
SALES TAX (0.57%)	\$538.65
AFTER TAX BALANCE	\$95,038.65

F.O.B/TERMS: Customer's jobsite



Wayne Ramsey <wramsey@ci.myrtlepoint.or.us>

Used 306 mini excavator

1 message

Andy Ward <AWWard@petersoncat.com>

Mon, Aug 5, 2024 at 12:54 PM

To: "wramsey@ci.myrtlepoint.or.us" <wramsey@ci.myrtlepoint.or.us>

Wayne,

Please find attached, some information and pics of a used 306 at the Cat dealer in Spokane. It has 2660 hours on it and it is priced at \$75,000 plus \$2500 in freight to get it here.

The machine is pretty well equipped with cab, angle blade, quick coupler, thumb, extra counterweight, LED lights, rear camera and heated seat.

It has steel track and I believe it originally had rubber pads on the shoes, but the pictures look like those are either gone or pretty well chewed up.

Please call or reply with questions.

Thank you,

Andy Ward

Machine Sales Rep

awward@petersoncat.com

541-297-8613 cell

6 attachments



image003.jpg
150K



image005.jpg
168K



image007.jpg
164K



image009.jpg
150K



image002.jpg
128K

 **6G600389 Configuration.pdf**
20K



Oregon.gov

KX080-5R3A WEB QUOTE #2799494

Date: 7/29/2024 9:08:45 AM

— Customer Information —

RAMSEY, WAYNE

CITY OF MYRTLE POINT

wramsey@ci.myrtlepoint.or.us

541-572-2626

Quote Provided By

UMPQUA VALLEY TRACTOR

KRYS SCHINDLER

2165 NE STEPHENS ST

ROSEBURG, OR 97470

email: krys@uvtractor.com

phone: 5416723369

— Standard Features —

— Custom Options —



Kubota

K Series

KX080-5R3A

*** EQUIPMENT IN STANDARD MACHINE ***

PLEASE CONTACT YOUR AUTHORIZED KUBOTA DEALER FOR
AVAILABILITY AS QUANTITIES ARE LIMITED

FEATURES

Auto Idler
Rubber Or Steel Track Models
Air Conditioned ROPS/OPG
(Top Guard, Level 1) Cab
Cloth Suspension Seat
Kubota 2 Hydraulic Pump Load
Sensing System
2 Variable Displacement
Pumps
All Controls Hydraulic Pilot
Controls
Two Operating Pattern
Selection System
Accumulator
Standard Front Dozer Blade w/
Float
Optional Float Angle Blade w/
Bolt-on Cutting Edge
360 Degree Full Rotation
70 Degree Left, 60 Degree
Right Boom Swing
26.4 gpm Adjustable Auxiliary
Hydraulics Port 1
14.7 gpm Adjustable Auxiliary
Hydraulics Port 2
Thumb Bracket and Relief
Valves
Five-Second Quick Preheat
System
Key Switch Stop System
Half Pitch Rubber Tracks
Self-Bleed Fuel System
Auto-Downshift Two-Speed
Travel System
Swivel Negative Brake
Travel Negative Brake
Third Line
Keyless Start - Standard
Rearview Camera - Standard
Air Ride Suspension Seat -
Standard
Adjustable Seat and Console
Controls - Standard
Telematics Wiring & Modem -
Standard
7" LCD Color Display -
Standard
LED Work Lights
Auto-shut off

ENGINE

V3307 Kubota DI CRS Turbo Tier 4 Final
Diesel Engine
4 Cylinder, 4 Cycle
62.3 Net HP @ 2200 rpm (SAE J1349)

OPERATIONAL

DIMENSIONS

Max Digging Depth 15' 1"
Max Digging Radius @ Ground
Level 23' 6.3"
Max Vertical Digging Depth 12'
7.6"
Max Dumping Height 17' 2.7"

DOZER BLADE

DIMENSIONS

Width 86.6"
Height 19.7"
Lift Above Ground 19.7"
Drop Below Ground 19.7"

PERFORMANCE

Digging Force @ Bucket (K7427)
14,660 lbs.
Digging Force @ Dipper Arm 8,554
lbs.
Travel Speed (Low) 1.7 mph
Travel Speed (High) 3.1 mph
Climbing Ability 36% / 20°
Lift Capacity 6,500 lbs.
Over Front
Blade Grounded
4.0 Ft. Load Point Height
12.0 Ft. Load Radius

DIMENSIONS AND OPERATING WEIGHT

KX080-5R3, Rubber Tracks, Air
Cond. ROPS/OPG (Top Guard,
Level 1) Cab, Dozer Blade,
Dipper Arm, Counterweight
Overall Length 21' 1.9"
Overall Width 7' 2.6"
Overall Height 8' 4"

KX080-5R3A Base Price: \$134,764.00

(1) AT&T TELEMATICS MODEM DCU6700-AT&T TELEMATICS MODEM	\$449.00
(1) PIN GRABBER COUPLER K6141-PIN GRABBER COUPLER	\$5,843.00
(1) HYD THUMB PIN GRABBER K6125-HYD THUMB PIN GRABBER	\$5,845.00
(1) 18" PIN-ON TRENCHING BUCKET K7416-18" PIN-ON TRENCHING BUCKET	\$3,099.00
(1) 36" PIN-ON TRENCHING BUCKET K7419-36" PIN-ON TRENCHING BUCKET	\$3,988.00
(1) 60" PIN ON GRADING BUCKET K7438-60" PIN ON GRADING BUCKET	\$4,638.00
(1) KX080-4S ADDITIONAL WEIGHT KIT PNF K7494-KX080-4S ADDITIONAL WEIGHT KIT PNF	\$1,214.00

Configured Price: **\$159,840.00**

State of Oregon Discount: **(\$38,253.84)**

SUBTOTAL: **\$121,586.16**

1Yr KX080-5R3A Extended Warranty **\$2,200.00**

Dealer Assembly: **\$234.67**

Freight Cost: **\$2,268.75**

PDI: **\$400.00**

Total Unit Price: \$126,689.58

Quantity Ordered: 1

Final Sales Price: \$126,689.58

**Purchase Order Must Reflect
the Final Sales Price**

To order equipment — purchase orders must be made out and
returned to:

Kubota Tractor Corporation

Attn: National Accounts

1000 Kubota Drive

Grapevine, TX 76051

or email NA.Support@kubota.com

or call 817-766-1171 or fax 844-682-1581

*All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price. All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.

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100-100000

MYRTLE POINT PUBLIC LIBRARY FOUNDATION

MONTHLY MEETING

JULY 02, 2024

5:00 pm

MINUTES

President Huntley called the meeting to order remotely at 5:03 pm. Directors attending: Debbie Bushnell, Carol Runde, and Barbara Caffey. Also attending: Amy Bruno, Library Director.

MINUTES: Carol moved the minutes be approved as written, with the correction that the garage sale is July 17. Debbie seconded. Motion passed.

TREASURER'S REPORT: The treasurer reported no expenditures or revenues. The mystery check for \$164.27, received the previous month was for McKay's receipts. The previous treasurer did the McKay's receipts and used her home address, then deposited the check in the account. Sally will speak with the previous treasurer about appropriate communication, and that the PO Box is the acceptable address for the Foundation.

SOLAR: Amy asked the builder and architect for a structural engineering report on the roof. Randy Nishimura is sending the report via usb drive, as it was too large to email.

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

LIBRARY EVENTS: Summer Reading is going well.

The libraries 100th anniversary celebration was switched back to August 10. There is a Coos County business renting bounce houses, which is far more convenient than Eugene. Carol moved the Foundation allocate \$734.00 to pay half of the fee for entertainer, Spencer Sprocket. Debbie seconded. Motion passed. Spencer Sprocket will put on an Elgin Heimer tribute show.

GARAGE SALE: A library board member will be working toward getting garage sale items ready, as it is a board project.

BOOK SALE: Because the 100th anniversary celebration was changed back to August 10th, the book sale will be August 17th. Memory said that the previous sale hours were Saturday 9-4 and Sunday 11-3. Barbara will check last year's flyer to verify hours. The buck-a-bag sale will be the last hour. It was suggested that the news release for the book sale could include information on fundraising for solar.

The library district funding formula is still a work in progress. The consultant, hired by the City of Coquille, resigned. More news to come.

OTHER BUSINESS: Debbie asked if the Foundation wanted to continue have the bazaar. The consensus was, yes!

NEXT MEETING: The next meeting was set for Tuesday, August 06 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 6:52 pm.

Submitted by,

Barbara Caffey

Secretary



**CITY OF MYRTLE POINT
PLANNING COMMISSION MEETING AGENDA**

**Regular Meeting
Tuesday, August 27, 2024, 7:00 p.m.
Flora M. Laird Library Meeting Room
435 5th Street, Myrtle Point**

Remote attendance also is available – Please use one of the following options:

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

Meeting ID: 753 227 2341 | Passcode: Myrtle

or

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

- I. CALL TO ORDER – President Lewis
- II. ROLL CALL – Planning Commission Members
- III. CONSENT ITEMS
 - A. Meeting Minutes – November 28, 2023
- IV. ACTION/DISCUSSION ITEMS
 - A. **Public Hearing – Two-Parcel Partition Request – 605 Bender**
- V. PETITIONS FROM THE AUDIENCE
- VI. ADJOURN

Notice Given this 27th day of August, 2024

Scott Nay, City Manager

CITY MANAGER'S REPORT



TO: MAYOR & CITY COUNCIL
FROM: SCOTT NAY, CITY MANAGER
DATE: AUGUST 19, 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. I need your SEL 121 Signature Sheet no later than August 20 so as to have time to verify signatures by August 27 deadline. As of this date, we have two new candidates for City Council positions who names will appear on the November ballot. They are – Shelley Clayburn and Ryland Parker.

Ordinance 1292- Feeding of Wild Animals Prohibited

Reminder that this ordinance is effective 8/1/2024. Education/information packets have been put together for distribution as needed.

Ordinances now accessible on city website

We now have a link on our website to access City of Myrtle Point Ordinances and ability to search for specific ones. This is part of the services we receive through the Codification process recently completed. As new ordinances are adopted, they will be made available online as well.

STAFF REPORT



TO: MAYOR & CITY COUNCIL
FROM: GINNY GROCE, ACCOUNTANT
DATE: AUGUST 19, 2024

2023/2024 FINANCIAL AUDIT - CORRECTION TO JULY REPORT

On the July report I mentioned the 2023/2024 Audit document had been filed, it should have stated the 2022/2023 Audit document.

2023/2024 AUDIT PREP

The onsite audit for 2023/2024 is scheduled for September 12.

UNEXPECTED ABSENCE

Results of an MRI on 8/2 showed that I needed surgery as soon as possible, visit with surgeon on 8/5 resulted in a surgery being scheduled for 8/6. I hope to be released to return to work by 9/1.

POLICE CHIEF'S REPORT



TO: MAYOR & CITY COUNCIL
FROM: SCOTT ROBINSON, CHIEF OF POLICE
DATE: AUGUST 19, 2024

Personnel Report:

- All officers returned from leave
- Summer vacation coverage

Training and Activities

- Coos County Fair Wrap-up and Debrief
- Body Cameras, Rotary Donation
- Jigsaw Productions Documentary

LEAD MAN REPORT



TO: MAYOR & CITY COUNCIL
FROM: WAYNE RAMSEY, LEADMAN
DATE: 08-24, 2024

Fair is over.

It has been a busy 1 ½ months, we've had 5 or 6 water leaks, 2 big ones.

The leak on maple and c st. is fixed, it turned out to be 3-inch crack long ways on a 6 inch main. We are still working on the land slide at the water plant,

Asphalt curbs are set to go on railroad at rotary

Tree service, I've talked to 2 arborists one gave me a quote of 60 dollars per tree assessed, we have just under 20 trees. Dollars amount t just under 2000 to asses.

Wwtp, the new permit is in effect. 8-13 we experienced an upset from 7:15am to 8:30 am. We did contract with Gary Dagit from Coquille to be our signer for right now. We are

We did get the report back from dukes, the report tells us that 70 percent of our sewer lines show elevated flows. We will be using this information on targeting problem areas.

Excavator.....