

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

Council Members

Present:

Michael Hogan, Council President
Berea Gibbons, City Councilor*
Amy Ligans, City Councilor*

Mike Wood, City Councilor
Ivan Hawker, City Councilor

Absent:

Samantha Clayburn, Mayor

Gary Sullivan, City Councilor

Staff and Others

Scott Robinson, Chief of Police
Willy Burris, Fire Chief
Scott Culpepper
Kathy Lewis*
Justin Angove, MP Police (arrived ~8:20)

Darin Nicholson, City Manager
Wayne Ramsey, Public Works
Gary Milliman
Colleen Engle, American Legal Publishing*

(* indicates remote attendance)

CALL TO ORDER

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

ROLL CALL

President Hogan asked the City Council members to state their names for the roll.

CONSENT ITEMS

- A. President Hogan announced the Consent Items – Minutes of the July 3, 2023 Regular Meeting. Councilor Hawker moved to accept the minutes as presented. Councilor Wood seconded the motion which carried unanimously.

ACTION/DISCUSSION ITEMS

A. Municipal Judge Vacancy

President Hogan announced the Municipal Judge Vacancy. Manager Nicholson summarized that at the previous meeting, the council interviewed Scott Culpepper. He also had handed out a resume and statement of qualifications from Gary Milliman, who serves as Municipal Judge for Bandon, Brookings, Port Orford, and Powers. Manager Nicholson indicated that Mr. Milliman was present and available to answer questions the council may have. President Hogan asked Mr. Milliman to introduce himself. Mr. Milliman did so and explained that he has been serving as a Municipal Judge and Judge Pro Tem for ten years. Prior to that, he served as City Manager in Brookings for 11 years, as well as other locations for a total of approximately 48 years. He indicated that he had completed the National Judicial College program for non-attorney municipal judges in accordance with Oregon law. He served as the Zoning Administrator in Fort Bragg, CA during his tenure as City Manager there, and in that role, he ruled on various land use hearings. Mr. Milliman said he enjoys

the work and currently serves as the Vice President of the Oregon Municipal Judges Association and conducts training in the field. He explained his schedule and indicated that he would like to work in Myrtle Point on either a Tuesday or Thursday in order to split time with the other cities he serves. Mr. Milliman stated that his fee is \$325 per court session. In addition, he requests cities he serves to split the cost of ongoing training as well as his membership in the Oregon Municipal Judges Association and attendance at their annual conference. Mr. Milliman also spoke about his approach as a municipal judge to securing compliance with local code. There were some questions from the City Council which Mr. Milliman answered.

President Hogan called for either a motion for appointment of one of the candidates, or a motion to continue the decision. Councilor Gibbons moved to appoint Mr. Culpepper to the vacant Municipal Judge position. Motion failed for lack of a second. Councilor Hawker then moved to appoint Mr. Milliman to the vacant Municipal Judge position. Councilor Gibbons seconded the motion in order to allow for discussion. Councilor Hawker stated that Mr. Milliman's was his first choice due to his extensive experience. Councilor Gibbons said that she felt the council had two good choices. While she felt that a law degree was important, she could also see that Mr. Milliman's experience qualified him for the position. Councilor Gibbons also liked that Mr. Culpepper is more local to the area and would be available to keep the existing Municipal Court date and time. She concluded by stating again that she felt both were good candidates. Following discussion, President Hogan called for a vote on the motion to appoint Mr. Milliman to the vacant Municipal Judge position. The motion carried unanimously.

B. Codification Presentation – Colleen Engle, American Legal Publishing

President Hogan announced the codification presentation. Manager Nicholson explained that the City Council had previously considered the possibility of codifying the city's ordinances. He said there is a cost to it, but he feels there would be a great benefit to the community. Manager Nicholson then introduced Colleen Engle of American Legal Publishing to provide a little more information. Ms. Engle explained the work of American Legal Publishing. She explained that during the codification process all the city's ordinances are reviewed for consistency with one another as well consistency with state and federal laws. There was discussion about the benefits of also including the Development Code as part of the codification process. Part of the benefit of codification is that the code will be online and accessible to the public. Ms. Engle emphasized that the code is for the public and it should be available so that citizens can know the rules that they need to follow. Regarding the process, Ms. Engle said to expect it to take 9 to 12 months. There was some discussion about the cost of the proposal. Ms. Engle stated that it is common for cities to split the cost across two budget years due to the duration. Manager Nicholson indicated that there was money in the budget for codification. There was some more related discussion. Police Chief Robinson answered some questions from the council regarding the Police Department's need for access to city regulations. Fire Chief Burris also commented on the matter. Both thought that online access to the code would be helpful. President Hogan asked about ADA accessibility of the online code. Ms. Engle explained that their hosted codes have a AA rating for ADA accessibility. There was some additional discussion. Following the presentation and discussion, President Hogan called for a motion. Councilor Wood moved to approve the Ordinance Recodification Proposal and authorize the City Manager execute the Codification Agreement. Councilor Hawker seconded the motion which carried unanimously.

C. Dangerous Building Follow Up – 1030 Harris Street

President Hogan announced the Dangerous Building Follow Up regarding 1030 Harris Street. Manager Nicholson explained that at the April 3, 2023 City Council meeting, the council ordered demolition of the remaining portion of the structure and site cleanup within 75 days. The work was not completed within the allotted timeframe, and at the June 20th City Council meeting the council requested that bids be obtained to complete the demolition and cleanup work. Manager Nicholson noted that there were three bids for the work included in the council packet with the lowest bid of \$8,150 submitted by JBL Trucking & Excavating. He also explained that the former occupant had been doing some work at the site and had requested a time extension in order to complete the work. Manager Nicholson recommended that if a time extension were allowed that it not exceed 45 or 50 days in order to allow for further review at the October 2, 2023 City Council meeting. Fire Chief Burris noted that some of the debris from the site appeared to be getting moved to another location in town. Police Chief Robinson agreed. President Hogan called for a motion. Councilor Hawker moved to abate the Dangerous Building at 1030 Harris Street and award a contract to JBL Trucking & Excavating to demolish the remaining portions of the structure and clean the site. Councilor Wood seconded the motion. Councilor Hawker asked about the need for an asbestos inspection and whether there was any concern about the possibility of other hazardous materials at the site. Fire Chief Burris said he had no concerns. Manager Nicholson said he could discuss the matter with the contractor, but based on his experience and what he had observed, he did not believe there were asbestos materials on the site. He also indicated that if the contractor took a load that was discovered to include asbestos containing materials, he believed the contractor would be liable. The City Council discussed the matter and noted the long duration of the cleanup that had occurred to date. Following discussion President Hogan called for a vote on the motion to award a contract to JBL Trucking & Excavating for the demolition and cleanup work. Councilor Gibbons recused herself due to her familial relationship to the contractor. President Hogan and Councilors Hawker, Ligons and Wood voted “aye.” There was no opposition. The motion carried.

D. Dangerous Building Follow Up – 908 Hermann Street

President Hogan announced the Dangerous Building Follow Up regarding 908 Hermann Street. Manager Nicholson gave the background on the building which was damaged by a fire on October 5, 2022. He noted that the City Council had reviewed the matter at its June 5, 2023 meeting and had ordered removal of the building and the site to be cleaned within 60 days. Based on the time frame established, the deadline for building removal and site cleanup was August 4, 2023. Manager Nicholson stated that since sending out notice of the City Council’s decision in June he had not received any communication from the property owner until that day. He read an email that he had received earlier in the day from the property owner which explained the delay and requested a time extension of 60 days. The email also indicated that the property owner was open to working with another contractor if there was one that could complete the work more quickly than the contractor she was working with. Manager Nicholson stated that some work had begun to clean up the site but the building was still standing. There was discussion about obtaining bids for demolition and site cleanup should the owner fail to follow through. Manager Nicholson agreed to do so and to connect contractors with the property owner. President Hogan called for a motion. Councilor Hawker moved to grant a time extension of 45 days for demolition and cleanup at 908 Hermann Street. Councilor Wood seconded the motion which carried unanimously.

E. Update Check Signing Authority

President Hogan announced Updating Check Signing Authority. Manager Nicholson explained the need for the update, particularly to add staff members since Bob Love is

planning to retire in October. Following the explanation, Councilor Wood moved to authorize the City Manager to update the check signing authority and bank account access as presented. Councilor Hawker seconded the motion which carried unanimously.

F. EnBiorganic Proposal

President Hogan announced the EnBiorganic Proposal. Manager Nicholson gave some background about EnBiorganic which had been discussed in previous City Council meetings. He explained that the company had proposed to do a free pilot study to show the effectiveness of their technology. Upon reading the agreement for the pilot study, only the first two months were free, followed by 12 months in which a fee would be charged. The firm indicated that the city would save enough in operating costs from electricity and chemicals to offset the \$3,000 monthly fee during the remaining 12 months of the study. The agreement also specified a \$7,435 mobilization fee. Manager Nicholson was skeptical about the possibility of any actual savings but thought it might be close to breaking even based on the monthly fee, however he felt that the mobilization fee would not be recovered. He believed that the treatment process could benefit from the technology despite the cost. There was some discussion about the benefits of the technology to wastewater treatment in general. Manager Nicholson said that the primary benefit for Myrtle Point was likely to be a reduction in biosolids which would in turn result in a reduction in operational costs. There was some discussion about operations at the wastewater treatment plant and how realistic the estimated savings were as predicted in the agreement. Senior Maintenance Worker Ramsey indicated that he felt that I/I needed to be addressed first to reduce the frequency of solids washouts during wet weather. Manager Nicholson concluded that, while it was a gamble whether or not any operational cost savings would be realized, it might reduce the frequency of violations at the treatment plant. After further discussion, President Hogan called for a motion to table the matter. Councilor Hawker moved to table the matter until after the first of the year. Councilor Gibbons seconded the motion which carried unanimously.

PETITIONS FROM THE AUDIENCE

President Hogan called for petitions from the audience. Kathy Lewis asked Chief Burris about renewal of her FireMed membership. Chief Burris said they hadn't been canceled but they would get it taken care of.

UPCOMING MEETINGS AND EVENTS

- A. Myrtle Point Public Library Foundation Meeting – August 8, 2023, 5:00 p.m.
- B. Myrtle Point City Council Meeting – Tuesday, September 5, 2023, 7:30 p.m.

INFORMATION ITEMS

- A. Myrtle Point Public Library Foundation Monthly Meeting Agenda – July 18, 2023
- B. Myrtle Point Public Library Foundation Monthly Meeting Minutes – June 6, 2023

OTHER COMMUNICATIONS

- A. Staff Reports:
 - 1. Manager Nicholson had nothing to report.
 - 2. Senior Maintenance Worker Ramsey reported that two vehicles and the wood chipper had been sold at auction but the two trash pumps which were advertised had not been purchased. He also reported on the sink hole in 16th Street. He plans to dig into that sometime soon to determine how to make a repair. He believes the bottom of the pipe is eroded and he may be able to provide a temporary repair with concrete slurry. He also reported on a number of water leaks which occurred during the previous month,

operations at the wastewater treatment plant, operations during the fair, an upcoming CT tracer study at the water storage tanks, a planned I/I improvement project on the sewer main within Willow Street between C and B Streets and other matters.

3. Police Chief Robinson reported that the fair went pretty well, but there was an issue with traffic patterns and backups that will need to be addressed for future years. On the night of the Lone Star concert, the DUII Enforcement Taskforce, which included State Police and several other agencies, made 135 traffic stops. There was only one DUII. He said on a large majority of the stops there were drunk people in the car but they had a designated driver. He felt that the public is responding well to the idea of prevention. Chief Robinson also reported that with an increase in temperatures, they have seen more transients moving toward the coast from inland areas. Officers continue to try to direct them toward locations with resources, such as Coos Bay. Chief Robinson also announced that Reserve Officer Jason Fletcher recently achieved 10 years with the department; Sergeant Nate Harris received his Supervisory Certification on July 19th; Officer Lance Pierce graduated the Police Academy on July 14th and was awarded the Best Shooter award; and Officer Justin Angove was released to full duty and received his Basic Certification from DPSST on July 19th.
4. Fire Chief Burris reported that the fair went well, but one of the nights they got several calls off-site just as the rodeo was starting. He thanked the Public Works Department for their work related to the Defensible Space grant. He also reported on an unfortunate traffic accident above Powers in which a US Forest Service Fire Fighter died. He thanked all the fire departments and the Myrtle Point Police Department for their participation in a procession of emergency in honor of the fallen fire fighter, who was from Colorado. Chief Burris also reported that he had recently been deployed to the Flat Fire and expects to go back again on August 15th.

B. City Council Concerns & Comments – There were none.

CLOSE REGULAR MEETING – President Hogan closed the Regular Meeting at 9:06 p.m. and announced an Executive Session per ORS 192.660(2)(i) “To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.” Manager Nicholson asked if the council wished to postpone the evaluation due to the time. It was agreed to postpone the evaluation.

ADJOURNMENT

Having no further business for the City of Myrtle Point, President Hogan adjourned the meeting at 9:07 p.m.

09/04/2023

Samantha Clayburn, Mayor
City of Myrtle Point