

**CITY OF MYRTLE POINT
CITY COUNCIL MEETING MINUTES
Regular Meeting
Monday, November 7, 2022 – 7:30 p.m.,
Flora M. Laird Memorial Library Meeting Room
435 Fifth Street, Myrtle Point**

Council Members

Present:

Samantha Clayburn, Mayor
Stephanie Martell, City Councilor
Leif Schrader, City Councilor

Daniel Martin, Council President
Mike Wood, City Councilor

Absent:

Michael Hogan, City Councilor

Gary Sullivan, City Councilor

Staff and Others

Scott Robinson, Chief of Police
Willy Burris, Fire Chief
Bob Love, Public Works
Ginny Groce, Accountant*
Doug & Amy Ligons
Jeannie Fosdick
Chuck LaRue

Darin Nicholson, City Manager
Amy Bruno, Library Director
Wayne Ramsey, Public Works*
Tim Groce, Planning Commission*
Kathy Lewis*
Andy Harless

(* indicates remote attendance)

CALL TO ORDER

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

ROLL CALL

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

CONSENT ITEMS

- A. Minutes of October 3, 2022 Regular Meeting – Mayor Clayburn announced the Minutes of the October 3, 2022 Regular Meeting. Councilor Martell moved to approve the minutes as submitted. Councilor Martin seconded the motion which carried unanimously.

ACTION/DISCUSSION ITEMS

A. Follow-Up – Dangerous Building – 1030 Harris Street

Mayor Clayburn announced the follow-up on 1030 Harris Street. Manager Nicholson stated that Jeannie Sanchez-Fosdick and Andy Harless had provided a letter from their attorney stating that steps were being taken for them to obtain ownership of the property at 1030 Harris Street and that they would be able to apply for building permits. Manager Nicholson indicated that it appeared that the occupants were complying with requirements set forth by the City Council the previous month. Manager Nicholson also reported that the Planning Commission had approved a Temporary Dwelling Permit for use of a travel trailer at the site with the condition that they provide temporary electrical service and a sewage pump for the trailer. He believed the items were in the process of being completed but was uncertain of the status. Jeannie Sanchez-Fosdick addressed the City Council and reported that

temporary power had been hooked up. Andy Harless addressed the City Council and stated that they had purchased a sewage grinder pump for the trailer but still needed to purchase the appropriate piping. Mayor Clayburn asked how long the Planning Commission approved the Temporary Dwelling Permit for. Manager Nicholson said they approved it for six months. Mayor Clayburn asked if the Small Estate Affidavit had been filed, and if so when. Ms. Fosdick said that had been filed on the preceding Thursday. Mayor Clayburn thanked Ms. Fosdick and Mr. Harless for the steps they had taken and asked them to return the following month to provide another report.

B. Resolution 2022-17 – Accepting a Grant from the Oregon Parks and Recreation Dept.

Mayor Clayburn announced Resolution 2022-17 Accepting a Grant from the Oregon Parks and Recreation Department. Manager Nicholson reported that this was for the \$75,000 grant from the Oregon Parks and Recreation Department for the planned playground improvements at Rotary Park. He said he had not yet received the grant agreement but expected it in the early part of November. Manager Nicholson also reported that the playground equipment supplier had requested payment by November 30th but the state does not reimburse expenditures which occur before a grant agreement is executed. Mayor Clayburn called for a motion. Councilor Wood moved to approve Resolution 2022-17 Approving Receipt of Grant Funds from the Oregon Parks and Recreation Department. Councilor Schrader seconded the motion which carried unanimously.

C. Resolution 2022-18 – Authorizing Award of a Construction Contract for the Flora M. Laird Memorial Library Renovation

Mayor Clayburn announced Resolution 2022-18 Authorizing Award of a Construction Contract for the Flora M. Laird Memorial Library Renovation. Manager Nicholson explained that bids had been received for the planned construction project, but as with other recent projects, the bid prices were about double what had been anticipated. Upper Valley Builders/Daniel Horner submitted the low bid at \$865,124. The other bids were over \$1 million. Following the bid opening, Manager Nicholson and Library Director Amy Bruno had some conversations with Mr. Horner and the Architect about ways to reduce construction costs while keeping the major elements of the project intact. Mr. Horner had presented a Value Engineering budget of \$777,199 following the conversation. Manager Nicholson and Library Director Bruno noted some of the cost saving measures which had been identified. Manager Nicholson stated that he recommended awarding the project because it has been such a long process for the Library Foundation to raise the funds that it does have. He indicated that there is adequate Operating Contingency in the General Fund to allocate funds for the construction project. Mayor Clayburn called for a motion. Councilor Wood moved to adopt Resolution 2022-18 Authorizing Award of a Construction Contract for the Flora M. Laird Memorial Library Renovation. Councilor Martell seconded and called for discussion. Councilor Martell went on to state that the City Council had not been involved in the project at all during development and she was concerned about spending city funds on it. Manager Nicholson explained some of the history of development of the project but stated that since it was Library Foundation money that was paying for plans, he had not thought to bring plans to the City Council. He also stated that a construction cost estimate had been developed around New Years of 2022 for the Library Foundation to present to the Ford Family Foundation in order to obtain a construction grant. Manager Nicholson summarized the amount of money the Library Foundation had raised as well as how much had been granted by the Ford Family Foundation. Councilor Martell asked about the timeline for use of the grant funds. Director Bruno summarized the deadlines which she remembered for the various grants. Manager Nicholson indicated that his recollection was that the Ford Family Foundation grant was decided upon at the April 2022 meeting and

therefore would have a report due sometime around April 2023. He indicated that other grants had reports due within the month. Regarding progress on the project, Manager Nicholson explained that it had gone from concept phase in December 2021, to a funding announcement in April from the Ford Family Foundation, to final design during the summer. He indicated that the architect had the bid set of plans ready in September and the bid opening was originally scheduled for October 5, 2022, but was then postponed two weeks to October 19, 2022. Councilor Schrader asked if there were any bonding requirements for the project. Manager Nicholson said that the contractor would be required to obtain a Performance Bond for the project and a Bid Bond had been required at the time of bidding. Councilors Schrader and Martell questioned why Upper Valley Builders bid was so much lower than the other bidders. Manager Nicholson explained that one of the factors was a subcontractor bid of about \$130,000 for site civil work and he thought he could do that work himself for much less. Another factor was a roof which had a subcontractor bid of about \$40,000, which he also planned to handle in-house. There was more discussion about how the project had been developed and costs estimated. Councilor Martell then asked, if approximately \$300,000 of the Operating Contingency were used for the library project, would it affect any other projects, such as the fire station. Manager Nicholson did not think it would affect other projects since the General Fund is what's being considered for the additional funding. He also pointed out that a project such as the fire station would not likely be bid before the next fiscal year. Councilor Schrader also expressed concern about using half of the Operating Contingency for the project. There was some related discussion about funding of the project and the possibility of other unforeseen expenses. Councilor Martin asked if the library would be closed and emptied out during construction. Director Bruno indicated that she would want to remove all the books and most of the furniture, but had thoughts on how the time that the library had to be closed could be minimized. She spoke about which library services could continue to be offered during a closure. Councilor Martell asked about the number of days of completion for the contract. Manager Nicholson said he did not know off the top of his head. Councilor Schrader asked who would contract with whom for the project. Manager Nicholson stated that, because it is a city building, the city would contract with Upper Valley Builders, however the Library Foundation's funds would be spent first and then city funds thereafter. Councilor Schrader asked about the contractor's draw schedule if the contract is approved. Manager Nicholson indicated that he expected there to be monthly draws. Councilor Martell asked if the AIA contract would be used. Manager Nicholson said it would be. Councilor Martin expressed concern about the possibility of not completing the project and then having to propose a bond measure to complete it. Manager Nicholson stated that he did not see that as a remote possibility. He did follow up by saying that if the project is not completed at this time, the Library Foundation likely would lose the grant funds it has obtained. Councilor Schrader asked if there have been instances in the past in which the city has had to spend half of the Operating Contingency. Manager Nicholson said that most likely it has occurred. He also pointed out that it is quite unusual to have \$600,000 in the Operating Contingency of the General Fund, and in recent years it has been as little as about \$75,000. Based on that, Manager Nicholson indicated that he did not feel it would be a problem since there would still be about \$300,000 remaining. Manager Nicholson also explained that a significant portion of the money budgeted as Operating Contingency was from ARPA funds which had not received at the time the budget was prepared. Now that the funds have been received, he indicated that they could be allocated for use. Councilor Martell asked Library Director Bruno if she felt the project would be beneficial. Director Bruno said she did. She went on to describe some changes to the project scope which had been discussed and how those would benefit the library. There was some other related discussion about the project scope and cost. Councilor Martin pointed out that there was \$156,945 in the Operating

Contingency of the Library Fund. Manager Nicholson explained that money from the Library Fund could not be spent on the building as it is for operational purposes only. He also mentioned that the Library Trust Fund could be used to buy furniture. There was some related discussion. Mayor Clayburn called for other discussion. Councilor Martell stated that she would like to see the contract form, to know the days to completion, and to know the bonding requirements. There was then a question about the scope of the project which Manager Nicholson and Director Bruno answered. Councilor Martell also asked how long it was anticipated that the library would be closed, how much it would cost to close it down and move things, as well as other unknowns. There was then discussion about postponing the decision and when it could be revisited.

Following discussion, Mayor Clayburn called for a vote on the motion to adopt Resolution 2022-18 Authorizing Award of a Construction Contract for the Flora M. Laird Memorial Library Renovation. The vote was unanimous against – the motion did not carry.

D. Resolution 2022-19 – Declaring Surplus Equipment in the Public Works Department and Establishing Disposition Procedures

Mayor Clayburn announced Resolution 2022-19 Declaring Surplus Equipment in the Public Works Department and Establishing Disposition Procedures. Manager Nicholson explained that the Public Works Department had purchased a package which included several different pieces of power equipment. It was later determined that they don't need two of the pieces of equipment – a portable generator and gas-powered air compressor. They would like to sell the unneeded equipment in order to recoup a portion of the cost. The city ordinance on Public Contracting Rules and Procedures indicates that bids need to be requested in the event that a department determines that equipment is surplus to its needs. Councilor Martell moved to approve Resolution 2022-19 Declaring Surplus Equipment in the Public Works Department and Establishing Disposition Procedures. Councilor Schrader seconded the motion. Mayor Clayburn called for discussion. Councilor Martin asked for clarification about the purchase and whether the price paid was \$6,950 rather than \$25,193 as indicated on the order summary sheet. Senior Maintenance Worker Ramsey said that was correct. Following discussion, Mayor Clayburn called for a vote on the motion to approve Resolution 2022-19. The motion carried unanimously.

E. OMA Homelessness Taskforce Request for Support

Mayor Clayburn announced the OMA Homelessness Taskforce Request for Support. Manager Nicholson explained that he and Mayor Clayburn had attended a homelessness workshop in Newport a couple of weeks previously. The memo, which was included in the City Council packets, summarized a proposal which had been developed by a taskforce put together by the Oregon Mayors Association. The proposal seeks to obtain funding from the State for every municipality in Oregon, based on population, to address State mandates to provide services to homeless people. Manager Nicholson also described proposed uses for the funds the OMA will be requesting. The City Council discussed the matter. Mayor Clayburn clarified that the proposal from the OMA is in response to decisions by the Ninth Circuit Court of Appeals which require cities to make certain provisions for homeless people but provide no mechanism to pay for services or improvements. There was some additional discussion. Following discussion, Councilor Schrader moved to issue a letter of support for the Oregon Mayors Association Partnership to Solve Statewide Homelessness Emergency. Councilor Martell seconded the motion which carried unanimously.

PETITIONS FROM THE AUDIENCE

Mayor Clayburn called for petitions from the audience. Chuck LaRue addressed the City Council and indicated that he moved to Myrtle Point in February 2019 and likes it here. He handed out a list of issues about which he is concerned including illegal immigrants, voter ID, and second amendment rights.

UPCOMING MEETINGS AND EVENTS

- A. Myrtle Point Public Library Foundation Meeting – October 4, 2022, 5:00 p.m.
- B. Flora M. Laird Memorial Library Board Meeting – October 11, 2022, 11:00 a.m.
- C. Myrtle Point Planning Commission Meeting – October 25, 2022, 7:00 p.m.

INFORMATION ITEMS

- A. Myrtle Point Public Library Foundation Meeting Agenda – October 4, 2022
- B. Myrtle Point Public Library Foundation Meeting Minutes – September 6, 2022
- C. Flora M. Laird Memorial Library Board Meeting Agenda – September 13, 2022
- D. Flora M. Laird Memorial Library Board Meeting Minutes – August 9, 2022
- E. Myrtle Point Planning Commission Meeting Minutes – August 30, 2022

OTHER COMMUNICATIONS

A. Staff Reports:

1. Manager Nicholson reported on the following:
 - a. Library Director – Amy Bruno started work as the new Library Director on October 10th. She's had a busy four weeks getting to know the various staff, board members, and peers with whom she'll be working. She has gotten involved quickly with the Library Renovation project, meeting with both the architect and contractor, along with the City Manager, to coordinate some changes to the plans which she and the library staff wanted to see. So far, things are going well.
 - b. Elected Essentials Workshops – The League of Oregon Cities is putting on a series of Elected Essentials workshops. These workshops are valuable training for newly elected officials, but they also provide a good opportunity for seasoned officials to review legal requirements and limitations pertinent to their positions. Locally, the workshops will take place on December 7th in both Bandon and Roseburg. The main workshop is from 7:30 a.m. to 5:30 p.m. with lunch provided. A Mayor's Workshop follows the training from 6:00 to 8:00 p.m. Councilor Martin suggested inviting the new City Councilors, which Manager Nicholson said he would do.
2. Police Chief Robinson reported that Nate and Allison Harris had a new baby girl on October 13th. In the meantime, he and the two remaining officers have been covering patrol shifts 24-7. Chief Robinson also reported that new hire, Lance Pierce, made it through the background check and psychological evaluation without any issues. He was scheduled to start work on November 8th and he is currently scheduled to begin Police Academy on April 17, 2023. Justin Angove is in week 13 of the Police Academy. Although he had an injury the previous week, Chief Robinson was still hopeful that he would be able to complete the academy on December 9th. Chief Robinson also reported on a recent trial involving the owner of a dog that attacked and killed a local woman about a year ago. The outcome was a guilty verdict for Criminally Negligent Homicide. He commended Officer Gilbert for his good work on the case. Chief Robinson also reported that Reserve Officer Jason Fletcher and former Officer Mike Harris had both been nominated to receive the Oregon Peace Officer Association Life Saving Award. The awards will be presented at the OPOA banquet on November 18th. Chief Robinson also spoke about the election, particularly Ballot Measure 114 and the implications it will have on law enforcement departments.

3. Fire Chief Burris reported on the recent Fire Department Open House and the good time he had spending time with some of the local citizens. He also reported that Firefighter/ Paramedic Cameron Sykes had taken a position with Redmond Fire & Rescue. That created a vacancy in the Ambulance Department which was advertised and now has been filled by an individual from Charleston Fire Department. He indicated that it was difficult to attract applicants and believes the problem was related to wages, which are lower than other agencies. Chief Burris also reported that the Fire Department received a summertime staffing grant which allowed them to hire one of the department's volunteers almost full-time and some others on a part-time basis. It also helped pay for some overtime for the full-time staff. He reported that because of the grant, there were four staff members at the station when a call came out for a fire in a shop building recently. They were able to respond very quickly and save the adjacent home, which he believed would have been burned if he had not had the additional staff. Chief Burris also reported on another staffing grant he is looking into. Regarding the Ambulance Department, Chief Burris reported that the oldest ambulance is in the shop. He also reported that on two occasions recently, two individuals who were being transported went into sudden cardiac arrest, and the crew was able to defibrillate, do CPR and give medication to stabilize them. One has already been released from the hospital and he expected the other to be released soon. He brought it up to demonstrate the importance of having well-trained staff and the best equipment possible.
 4. Library Director Bruno introduced herself and reported that she's been getting up to speed with everything going on at the library. She reported that the Lego Club has been building a Lego city. She also reported on an upcoming craft materials swap planned in November. Leftover items from the swap will be donated to the Hospice Thrift Store. Director Bruno also reported that it is planned to use the meeting room as a gift-wrapping station one Saturday in December.
 5. Accountant Groce had nothing to report.
 6. Senior Maintenance Worker Ramsey reported that the basketball court slab at Sunset Park had been poured. The next steps are placing the basketball hoop and constructing the high fence behind the hoop. He also reported that it is planned to spend time video inspecting the sewer system.
- B. City Council Concerns & Comments
1. Councilor Martell asked for an update on the water leak self-insurance program. Manager Nicholson indicated that he hadn't had time to work on it. Councilor Martell also asked about McKays receipts for the library. Manager Nicholson indicated that McKays donates a percentage of the receipt total to the Library Foundation, but did not know the percent. Library Director Bruno said that they had received \$113 last month from McKays. She also mentioned Amazon Smile which makes donations to the Library Foundation.
 2. Mayor Clayburn indicated that she would be out of town on December 5th but could join the meeting via Zoom. Alternatively, the December meeting could be postponed. She also announced Christmas Lights the Night on the second Saturday of December and gave details about the events planned.

ADJOURNMENT

Having no further business for the City of Myrtle Point, Mayor Clayburn adjourned the Regular Meeting at 8:55 p.m.

11/21/2022

Samantha Clayburn, Mayor
City of Myrtle Point