

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

Council Members

Present:

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

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

Absent:

None

Staff and Others

Scott Robinson, Chief of Police
Bob Love, Public Works
Amy Bruno, Library Director
Ginny Groce, Accountant*
Kathy Lewis*
Andy Harless & Jeannie Fosdick

Wayne Ramsey, Public Works
Darin Nicholson, City Manager
Willy Burris, Fire Chief*
Tim Groce*
Don Marinello

(* indicates remote attendance)

CALL TO ORDER

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

ROLL CALL

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

CONSENT ITEMS

- A. Mayor Clayburn announced the Consent Items – Minutes of the January 3, 2023 Regular Meeting. Councilor Sullivan moved to receive, accept and approve the minutes as submitted. Councilor Hogan seconded the motion which carried unanimously.

ACTION/DISCUSSION ITEMS

A. Update – 1030 Harris Street

Mayor Clayburn called on the residents of 1030 Harris Street for an update on the status of the property. Andy Harless stated his name and addressed the council. He indicated that the attorney has been difficult to get ahold of and nothing has been heard regarding the status of the probate filing. He also stated that the attorney indicated that she would help with filing for a building permit but nothing has happened with that so far. Councilor Sullivan asked if there was a time limit on the probate. Mr. Harless indicated that there was not a time limit but indicated that the attorney had told them it would take about four months. Councilor Sullivan asked if there were any other obstacles to obtaining a building permit. Mr. Harless indicated there were not any. Councilor Sullivan also asked if there were any attractive nuisances at the property and asked Police Chief Robinson if he had been by the property recently. Chief Robinson said he gets comments from other citizens about the fact

that there are always a number of individuals standing around a camp fire in the front yard and that there have been some noise issues. Regarding garbage, Chief Robinson did not think there was a problem. He also noted that the residents have been keeping Harris Street pretty clear and vehicles are being parked along the B Street side of the property. Mayor Clayburn asked about a second travel trailer on the property. Jeannie Fosdick spoke and indicated that the trailer had been on site the entire time. Mayor Clayburn asked the City Manager if it had been approved by the Planning Commission. Manager Nicholson said it had not been and asked the residents of 1030 Harris Street if the trailer had been located somewhere else on the property before as he didn't remember seeing it previously. Ms. Fosdick indicated that the trailer had been behind one of the vehicles. Mr. Harless explained that the trailer was being used for storage. Manager Nicholson asked if anyone was living in it. Mr. Harless indicated that some teenagers sleep in it some of the time. Manager Nicholson stated that the Planning Commission only approved one trailer for temporary residential use. He indicated that using the other trailer for storage is OK but there should not be people residing in it. He also encouraged Mr. Harless and Ms. Fosdick to keep in mind the perception other citizens have regarding what they are allowing on the property. Councilor Hogan asked Mr. Harless and Ms. Fosdick if all the work on the house had been completed up to the point where a structural permit is required. Mr. Harless explained that he needs to construct one more interior wall prior to tearing off a damaged section of exterior wall. Councilor Hawker asked if the paperwork from the attorney was available. Ms. Fosdick indicated that the only paperwork she'd received had already been furnished to the City Manager. There was some related discussion. Manager Nicholson encouraged Mr. Harless and Ms. Fosdick not to allow other individuals to reside on the property as that was a condition of the Temporary Dwelling Permit approved by the Planning Commission. They indicated that they understood. Councilor Hawker asked for clarification that the longer travel trailer was the one approved for temporary dwelling. Mr. Harless said that was correct. Councilor Hawker asked if anyone was living in the house. Ms. Fosdick said there was not as there is no roof at all on the house. There was some related discussion. Councilor Hawker then advised Mr. Harless that he should be careful about the lumber used to reconstruct the house as he believed the Building Codes Department would require graded lumber. Mr. Harless said that he would ask the Building Inspector. Mayor Clayburn asked the City Manager to contact the attorney to find out the status regarding the probate process. Manager Nicholson asked Ms. Fosdick if the phone number he had for her was current. She said it was not and that she would get her new phone number to him.

B. Resolution 2023-02 – Accepting Grant Funds from the Oregon Department of Transportation Small City Allotment

Mayor Clayburn announced Resolution 2023-03 Accepting Grant Funds from the Oregon Department of Transportation Small City Allotment and called on the City Manager for background. Manager Nicholson gave background and stated that the city had been selected for a grant of \$250,000 for improvements to Harris Street from 4th Street to Hwy 42. He indicated that the total estimated cost of the project was \$325,360 and that the city would need to budget to cover the remaining cost. He also indicated that it would be best to perform the work in the summertime, but the grant time frame would allow for the work to take place either in 2023 or 2024. There was some discussion about the scope of the proposed work. Mayor Clayburn called for a motion. Councilor Hogan moved to approve Resolution 2023-02 Accepting Grant Funds from the Oregon Department of Transportation, Small City Allotment, for Repairs to Harris Street between 4th Street and 8th Street. Councilor Wood seconded the motion. Mayor Clayburn called for discussion. There was some additional discussion about the scope of the project. There was also discussion about how to reduce the scope of the project in order to minimize the amount of city funds needed. Following discussion, Mayor Clayburn called for a vote. The motion carried unanimously.

C. Resolution 2023-03 – Adopting the 2023 Coos County Multi-Jurisdictional Natural Hazards Mitigation Plan

Mayor Clayburn announced Resolution 2023-03 Adopting the 2023 Coos County Multi-Jurisdictional Natural Hazards Mitigation Plan. Manager Nicholson explained that the plan is something that needs to be updated every five years and that the city participated with the county and other cities on the update effort. By adopting the plan, the city will be eligible to receive FEMA funds in the event of a disaster or for mitigation work that is undertaken. Mayor Clayburn called for a motion. Councilor Wood moved to approve Resolution 2023-03 Adopting the 2023 Coos County Multi-Jurisdictional Natural Hazards Mitigation Plan. Councilor Sullivan seconded the motion which carried unanimously.

D. Oregon Public Works Emergency Response Cooperative Assistance Agreement

Mayor Clayburn announced the Oregon Public Works Emergency Response Cooperative Assistance Agreement. Manager Nicholson explained that the agreement would be with ODOT but they are making the same agreement with other cities and counties to allow resources to be pooled in the event of an emergency. Mayor Clayburn called for a motion. Councilor Sullivan moved to approve the Oregon Public Works Emergency Response Cooperative Assistance Agreement and authorize the City Manager to sign the agreement. Councilor Hawker seconded the motion. There was some discussion about scenarios in which the agreement would come into play. Councilor Gibbons said she was surprised that we don't already have an agreement. Manager Nicholson said that we do and this is a renewal of the existing agreement. Following discussion, Mayor Clayburn called for a vote. The motion carried unanimously.

E. Draft Ordinance Establishing Camping Regulations

Mayor Clayburn announced the draft Ordinance Establishing Camping Regulations. Manager Nicholson explained that ordinance is needed in response to legislation at the state level over the past few years concerning homelessness and camping. The city's current camping regulations are very limited and just state that camping is not permitted on public property. The draft ordinance maintains the prohibition against camping on public property but allows for limited camping on private properties if owners wish to allow it. Manager Nicholson indicated that the trend in other cities appears to be to allow limited camping on private properties such as at religious institutions. On these properties, the draft ordinance allows for up to three campers. The draft ordinance also permits homeowners to have one camper or tent on their property, which also is a trend in other cities. Manager Nicholson noted that there are not time limits specified in the draft ordinance. He explained that the state has identified that homelessness can't be outlawed and that is the motivating factor behind the limited allowances for camping. Manager Nicholson then stated that if the City Council is comfortable with the draft ordinance, he recommended that it be sent to the City Attorney for review. He also noted that a new policy needs to be in place by July 1, 2023. Mayor Clayburn called for a motion on the matter. Councilor Sullivan moved to approve the draft Ordinance Establishing Camping Regulations and direct the City Manager to have it reviewed by the City Attorney. Councilor Hogan seconded the motion. Mayor Clayburn called for discussion. Councilor Sullivan expressed concern about the draft ordinance and problems that could arise from allowing camping on private property. He then suggested exploring time limits for camping. Councilor Gibbons agreed. Mayor Clayburn asked the Chief of Police about squatters rights in relation to camping on private property. Chief Robinson said that the landlord-tenant issue doesn't come into effect unless they establish residency. Typically, if a person has stayed on a property for about two weeks or begins receiving mail at the location, residency is established. After that, a property owner likely would need to follow the eviction process. He also noted that landlord-

tenant disputes are civil in nature and the police don't have any authority. There was some related discussion. Mayor Clayburn mentioned that one of the recommendations from the homelessness workshop which she and the City Manager had attended was that cities should not identify specific sites where camping is allowed, but rather exclude certain locations. A liability can be created if a city specifies certain locations for camping as it may imply that those locations are safe. Manager Nicholson clarified that the draft ordinance does not specify locations where camping may occur, rather it prohibits certain locations. Councilor Gibbons asked why three vehicles rather than one was specified for properties such as churches. Manager Nicholson indicated that other cities had similar provisions – Coos Bay and several others allow three vehicles, Eugene allows for five. He indicated that the number could be reduced to two or one. There was some related discussion. Manager Nicholson mentioned that Medford also allows for overnight camping in a car parked on the street, but the car must move every 24 hours. That provision was not included in the draft ordinance and the Myrtle Point Police Department has already dealt with an individual sleeping in a car. Councilor Hogan asked Chief Robinson his opinion of the draft ordinance. Chief Robinson indicated that he thought it was pretty good in that it prohibits camping in parks and on sidewalks, which are the areas most visible to the public. He indicated that the department has already dealt with people camping in cars as well as other derelict vehicles and they will continue to do so. He also indicated that he expects the most difficult problems the department will face in the future will arise out of situations where people allow others to camp on their private property and later decide they want those camping to leave. There was some discussion about regulating camping. Councilor Gibbons asked why the fine was \$25.00. Manager Nicholson indicated that the fine can be assessed daily, but the people that would be affected by it won't have the means to pay high fines. Councilor Gibbons indicated that it didn't seem like a very compelling reason to follow the rules. Manager Nicholson said that he could explore whether or not a higher fine would be reasonable. There was some related discussion. Councilor Gibbons spoke about the homeless problem in Reedsport, where she works fulltime. She has heard from some residents that they are scared to go to the store because of the homeless people hanging around the entrance. She doesn't want Myrtle Point to end up with similar problems. Police Chief Robinson said that stories like that sadden him, because stores are private property and they have the right to trespass people if they are causing problems. He also said he believes the ordinance won't result in big changes in homeless problems from those we are dealing with currently. There was some more related discussion. Following discussion, Mayor Clayburn called for a vote on the motion to send the draft ordinance to the City Attorney. The motion carried unanimously.

F. Accessibility Requirements for City Website

Mayor Clayburn announced the Accessibility Requirements for the City Website. Manager Nicholson explained that there are laws governing accessibility requirements for websites of public agencies. Some of the requirements include color contrast and proper formatting of content for use with auto-reading software. Manager Nicholson indicated that he had been contacted recently by two different companies which provide services to identify and address accessibility problems. He asked if the City Council would prefer to contract for services to identify and correct problems or to take down content to reduce the liability. There was some discussion about performing a one-time scan to try to correct existing problems. Manager Nicholson said that would be OK if he could figure out how properly format new material to meet accessibility requirements. Mayor Clayburn called for a motion before continuing discussion. Councilor Hogan moved to remove posted documents from the city website in order to reduce the liability of potentially inaccessible content. Councilor Hawker seconded the motion. Councilor Hogan asked if there would be any kind of violation if the posted documents were removed. Manager Nicholson said he did not think so and the

documents are just posted for convenience of the public to access them. There was some related discussion. Councilor Hogan asked if perhaps it would be a good time to get an updated quote for codification of the city ordinances and start fresh with the website to get things in compliance with accessibility standards. Manager Nicholson indicated that he was planning to ask if there was interest in pursuing codification. He also stated that he believed that Epuerto was working on a website upgrade. There was discussion related to the website and documents that it would be nice to have posted. Mayor Clayburn suggested checking with Coos Bay and others to see who they use to ensure accessibility. Manager Nicholson said he could look into that. Following discussion, Mayor Clayburn called for a vote on the motion to remove posted documents from the city website. The motion carried unanimously.

PETITIONS FROM THE AUDIENCE

Mayor Clayburn called for petitions from the audience. There were none.

UPCOMING MEETINGS AND EVENTS

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

INFORMATION ITEMS

- A. Myrtle Point Public Library Foundation Meeting Agenda – February 7, 2023
- B. Myrtle Point Public Library Foundation Meeting Minutes – January 3, 2023
- C. Safe Routes to School Recommended Projects for 2023-2024 Competitive Construction Grant Program

OTHER COMMUNICATIONS

- A. Staff Reports:
 - 1. Accountant Groce had nothing to report.
 - 2. Fire Chief Burris had nothing to report.
 - 3. Senior Maintenance Worker Ramsey gave an update on the Sunset Park improvements. He said there is about \$5,200 left in the Skip Ohlsen Fund but the quote for fencing, including both the 12-foot-tall backstop and 4-foot-tall perimeter fence, is about \$7,000. He plans to wait until the next fiscal year to complete the fencing. There also are some other improvements planned at the park which will not take place until funds are available. Sr. Maintenance Ramsey also reported on a water leak which occurred over the previous weekend. He also reported on Inflow & Infiltration investigation and repair work occurring on the sewer collection system. Sr. Maintenance Ramsey also answered some questions from the City Council. Following some discussion regarding unfinished improvements Sunset Park, Mayor Clayburn directed Sr. Maintenance Ramsey to find out if he could get the 12-foot-tall backstop fence constructed without exceeding the remaining amount available within the Skip Ohlsen Fund.
 - 4. Chief of Police Robinson reported that things are going well. Officer Lance Pierce is scheduled to go to the Police Academy in March. He also indicated that the jail is open at this time.
 - 5. Library Director Bruno reported that things are going well. Construction is slightly ahead of schedule, although there was a mishap in which electricity to the easterly porch light and the shed was cut off and has not yet been restored. She also reported that the bookshelf, which had been on the easterly porch to display free books, had been stolen. The books from the shelf were placed on the ground. Mayor Clayburn asked about the used book sale which took place over the weekend. Director Bruno said she believed that they raised about \$600.
 - 6. Manager Nicholson reported on the following:

- a. Rotary Park Playground Equipment – The new play equipment for the Rotary Park Playground Rehabilitation arrived in Myrtle Point on January 18th. The equipment is currently being stored at the City Shop pending the scheduling of installation. Installation is expected to occur sometime in the spring.
 - b. DEI Training – All full-time and regular part-time employees completed assigned diversity, equity and inclusion (DEI) training in the month of January. In accordance with the provisions of Resolution 2022-16, city employees and volunteers are to complete DEI training on a biennial basis; managers and department heads are to complete the training annually. It was agreed that Manager Nicholson would assign the same training course staff had completed to the volunteers.
 - c. Safe Routes to School – The City of Myrtle Point submitted a grant application in 2022 under the Safe Routes to School program administered by ODOT. The city was not approved for a grant in the current grant cycle. A list of the projects recommended for award is provided in the Information Items.
 - d. Codification of Ordinances – A representative of American Legal Publishing, a company which provides legal review and codification of city ordinances, contacted the city. The representative had provided a presentation a couple of years ago regarding codification of city ordinances but the City Council decided at the time not to pursue the matter. The rep. asked if another presentation would be beneficial at this time. If so, it can be scheduled for one of the upcoming City Council meetings. Codification and legal review would have the benefits of the elimination of redundancies or conflicts between ordinances, elimination of conflicts which may exist with state laws, and the provision of a clear, comprehensive city code. In addition, once complete the code can be posted online for citizens to access. Manager Nicholson indicated that the previous quote for codification was slightly over \$10,000 and he expected it to be slightly higher at this time. There was some discussion about the codification process and the need for it. Manager Nicholson explained that there are some ordinances that need to be updated and that could be handled as part of the process. There was some more discussion and it was determined that a presentation would be helpful.
 - e. Skip Ohlsen Fund – Manager Nicholson explained that the Skip Ohlsen Fund was established by an endowment left to the city. The principal amount is held in a CD and only the interest is budgeted and spent. He indicated that the CD is due to roll over and explained that now is the city's opportunity to make changes, if desired. Manager Nicholson asked if the council would prefer a shorter term and higher interest rate, knowing that there is a chance that interest rates would be lower the next time it matures, or a longer term and slightly lower rate. There was some discussion and it was determined to try to get the best combination of interest rate and term possible.
- B. City Council Concerns & Comments
1. Councilor Wood thanked the Myrtle Point Police about dealing with a homeless camp which had photos posted on a social media site.

ADJOURNMENT

Having no further business for the City of Myrtle Point, Mayor Clayburn adjourned the Regular Meeting at 8:54 p.m.

03/06/2023

Samantha Clayburn, Mayor
City of Myrtle Point