

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

**Council Members**

**Present:**

Samantha Clayburn, Mayor  
Ivan Hawker, City Councilor  
Amy Ligon, City Councilor

Michael Hogan, Council President  
Berea Gibbons, City Councilor  
Mike Wood, City Councilor

**Absent:**

Gary Sullivan, City Councilor

**Staff and Others**

Scott Robinson, Chief of Police  
Wayne Ramsey, Public Works Leadman  
Scott Nay, City Manager  
Doug Ligon  
Kathy Lewis\*

Willy Burris, Fire Chief  
Amy Bruno, Library Director  
Ginny Groce, Accountant

(\* 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 April 1, 2024 Regular Meeting. Councilor Wood moved to accept the minutes as presented. Councilor Hawker seconded the motion which carried unanimously.

**ACTION/DISCUSSION ITEMS**

**A. ODFW Presentation- Stuart Love- Wild Turkeys/other wild animals within city limits.**

Mayor Clayburn announced the Presentation by ODFW representative Stuart Love of wild turkeys and other wild animals within city limits. Mayor Clayburn noted that the presenter, Stuart Love, was not present at the meeting and the decision was made to move on with the other agenda items and return to this agenda item later in the meeting should Presenter show up in attendance.

**B. Discussion/Review- Draft copy of city of Myrtle Point “Feeding of Wild Animals” Ordinance; Copies of City of Bandon and City of Philomath “Feeding of Wild Animals” Ordinances.**

Mayor Clayburn announced the decision to move on with other agenda items and return to this agenda item later in the meeting.

### **UPCOMING MEETINGS AND EVENTS**

- A. Myrtle Point Public Library Foundation Meeting – May 7, 2024, 5:00 p.m.
- B. 2nd City of Myrtle Point Budget Committee Meeting – May 13, 2024, 7:30 p.m.

### **INFORMATION ITEMS**

- A. Myrtle Point Public Library Foundation Meeting Agenda – May 7, 2024
- B. Myrtle Point Public Library Foundation Meeting Minutes - April 2, 2024

### **OTHER COMMUNICATIONS**

#### **A Staff Reports:**

- 1. Manager Nay reported on the following:

**NPDES Permit Process update:** explained that this is the DEQ proposed Water Quality Permit renewal that we are required to do as part of our Sewer Plant operations.

Indicated that Leadman Ramsey and Manager Nay completed the applicant review period with submitted questions as of April 3, 2024. Those questions were answered by DEQ and so we are currently in the next phase which is the public comment period which ends on May 31, 2024.

**Possible change in July 1, 2024 council meeting date:** Manager Nay stated that the scheduled July 1, 2024 council meeting was on Monday with the 4<sup>th</sup> of July on Thursday. Manager Nay asked if there was going to be any conflicts in meeting on that date with it so close to 4<sup>th</sup> of July? Council members were in full agreement to go ahead and keep the July 1, 2024 date for the July council meeting.

**Changes to Staff Reporting process:** Manager Nay stated that he has requested to have all the Department Head staff reports for council meetings be submitted to him in writing prior to council meetings, so that these reports can be included in council packets for review prior to the meetings.

- 2. Accountant Groce reported on following:

**2024/25 budget prep** – Changes requested at the 1<sup>st</sup> Budget meeting held on April 22 2024 have been implemented in the budget document and will be presented to Budget Committee on May 13<sup>th</sup>, 2024 for approval.

**Property and Liability Insurance Renewals** – The annual renewal for our property and liability insurances has been reviewed by managers and completed for the 2024/25 fiscal year.

**Paid Leave Oregon** – Accountant Groce reported that employees are using the Paid Leave Oregon policy that we purchased through The Hartford. So far, city employees have had four claims and there are three more claims in the works.

**State Unclaimed Properties** – Wanted to let council know that each year the State of Oregon requires us to submit outstanding funds as unclaimed property to them to hold until those persons come forward to claim them. She had gone online and found that many of our employees and/or their families had monies deposited with the State waiting to be claimed. Encouraged people to check into this for themselves.

- 3. Police Chief Robinson reported on following:

**Bomb Threat at Myrtle Point High School** – Chief Robinson reported that today, May 6<sup>th</sup>, 2024 Myrtle Point High School had a bomb threat called in. Administration at The High School called the Myrtle Point Police Department and Chief Robinson and officer Lance Pierce responding in person to the High School. Chief Robinson indicated that from the initial bomb threat call in, it did not seem like a credible threat. After discussion with High School Administration and District Superintendent, the decision was made to

evacuate all students to a safe area at the fairgrounds and then to do a search of the school. Chief Robinson indicated that the search went well at the high school and nothing was found to indicate a bomb was in the building or on-site. He did indicate that there were issues on the school's side of things during the evacuation. Chief Robinson indicated that PD had contacted the FBI and then got a tip from another student and working together on these they identified a juvenile suspect and parents of suspect were contacted. Chief Robinson indicated that as a juvenile and due to regulations surrounding such, the suspect was not taken into custody initially, but turned over to the parents. Chief Robinson stated that there was now no threat to the safety of the community and that the suspect would be charged with a crime. Chief Robinson reported that he also took part in a roundtable discussion with School Administration and teachers later in the day to talk about what went well and what did not go well. Chief indicated that what he identified from this exercise was that he did not contact Fire/Ambulance Chief Willy Burris about the incident, as Chief Burris was out on an ambulance call. However, Chief Robinson said he should have contacted Chief Burris and publicly apologized. There was some further general comments/discussion with Council Members regarding the bomb threat incident.

**Personnel:** Officer Pierce will be attending military annual training, May 27th-June 14th, 2024; Officer Gilbert will be on Paternity Leave as of May 26th, 2024. PD will have some staffing challenges coming up.

**Training and Activities:**

- Chief Robinson and Sergeant Harris participated in Officer Involved Shooting (OIS) Investigations Training.
- Emergency Vehicle Operators Course (EVOC), April 2th- May 1st, 2024.
- Sergeant Harris is attending Crisis Intervention Training (CIT), May 6th-10th, 2024.
- The "Pin Blue Line" police team challenge bowling pin charity shoot, May 18th, 2024.
- Officers Pierce and Angove are attending Report Writing Training, May 21st, 2024 (online).
- ETHOS Academy Ethics/Leadership training, May 23<sup>rd</sup>, 2024.
- We have started School Zone targeted traffic enforcement patrols due to more complaints from the public.

**Radio/Dispatch Project Update:** Have not received any new numbers for services for this and financially will probably need to look for alternative funding sources in the new 2024-25 budget year. There may be some possibility of a relocation of a repeater being set up near Myrtle Point area, which would help this issue.

4. Public Works Leadman Ramsey reported on the following:

**Water Reservoirs:** We have 3 quotes for insert valve for inlet to the big tank. We accepted bid for \$19,900 from Fergusson water works. We are working on getting 3 quotes for the repair of the slide area. One bid has come in for just under \$60,000.

**Pavement Patching:** There will be another round of patching our streets in this budget year. We will be spending around \$45,000 for this. Some of the sites include View Street- 3 squares, Kincheloe St. at the bottom, and Spruce St. These areas are being painted with white boxes around the areas to be patched.

**Sidewalks at North Bend Medical Center Clinic:** There is a section of sidewalk torn up and blocked off for replacement along 3rd street and Maple Street. Public Works will be working on getting some forms put up and concrete poured for new sidewalks.

**Harris St. project update:** Waterline is completed and online. The project plans called for a 2" asphalt grind and digging down at 6<sup>th</sup> and Harris. During the grinding we found there was only 2 inches of asphalt around all intersections and most of the sides of Harris with dirt underneath that. For the street to be done right we would have to sub excavate 12 inches and then rebuild

the subgrade which is outside of the scope of work in the contract and would cost extra to do. We declined the extra added cost, as we do not have money for it in the budget. That is why Harris Street is closed from 7<sup>th</sup> Street to 4<sup>th</sup> Street, as even light traffic would have a damaging effect to what is left on the street. The Contractor will be placing a 3" asphalt overlay instead of the 2" as planned in the contract. Johnson Rock Products has scheduled paving for Wednesday, May 8<sup>th</sup>, 2024. Working with the School District on alternative bus pick-ups for Wednesday. Leadman Ramsey also apologized to Fire Chief Burris for not letting him know of the Harris St. closure.

**Sewer Treatment Plant update:** The treatment plant is getting cleaned up and personal belongings are being moved off the Plant site. As part of the DEQ draft permit process the city will have to bring our phosphorous numbers down by injecting alum into our basins. We have received our alum and are working on the dosing. We are also having a little problem with duck weed and are working to resolve the issue. Leadman Ramsey also stated that with this last heavy rainfall event over the last week we did get over 2 inches of rain which gave us what we needed to meet the I & I detection project requirements. Councilor Hawker asked a question re: Harris St. Project- He asked if adding the 3" asphalt overlay instead of the 2" per contract add more money to the original bid? Manager Nay answered by stating that, Yes, it added more to the contract, but by deleting many other things that were not needed to be done because of scaling down of the project the overall increase cost to the total project amounted to \$3300 or less than 1% increase, which is really good.

**View Street concern update:** Leadman Ramsey has met with the Maintenance person from E.L. Edwards Realty, who manages the apartments on View St. and they are agreeable to share in the cost of fixing the issue with the water drainage on the east side of the street along their property. Leadman Ramsey does not have a solid cost or dollar amount for the project yet, as he needs to do some measurements for drain pipe and come up with costs of two new catch basins along the apartment complex property. The city will also be giving them the option of fixing their driveway entrance to the apartments after the city fixes the drainage issue along the street. Leadman Ramsey agreed at Mayor Clayburn's request, to contact Stephanie Martell the property owner who initiated the concern, to let her know the status of the project and how the City is going to fix the situation.

5. Library Director Bruno reported on the following:

**Reading club:** Our 8 weeks of Wings of Fire Club had 6-10 kids per session. Pokemon Club started this month and the library expects similar numbers of kids as attended the Wings of Fire Club. Library now has 2 adult book clubs meeting weekly in the Oregon Room. Library personnel are working on the Toddler reading time program, which will start after the summer reading is over.

**Grants:** The library and foundation have each won a grant from the Barbara E. Knudsen Foundation. The Library won \$1309 to support monthly multigenerational programs both in house and outreach using a curriculum called Bi-Folkal. The foundation won \$1088 for a digital wall display as well as software and hardware to use it. The Library is collaborating with the Senior Center to display their menus on the display board, as well as possibly being used for kids artwork displays, etc.

**Distribution Formula update:** Director Bruno was happy to announce that the Coos County Board of Commissioners have approved of the CCLB formula that allocates funds to the individual libraries in our organization. Flora M Laird Library will only be taking a small cut in the allocation and have prepared for and absorbed it in the funding for the 2024-25 budget year.

6. Fire Chief Burris reported on the following:

**Pet Rescue Kit:** The Ambulance Department has recently purchased 4 new updated Pet Rescue Kits. Chief Burris brought a sample kit with him and displayed one to the council.

The Department is currently in the middle of training on these with staff. These kits mainly contain oxygen masks for varying sizes of pets.

**Myrtle Point Health District 5 yr. operating levy ballot measure:** Chief Burris noted the new measure on the ballots. He gave a brief history of the Myrtle Point Health District and its original tax rate of .20/\$1000. He noted that this rate has not changed since the districts inception in 1991. He noted that the function of the Health District was and still is to support the MP ambulance program and services. The new rate increase being asked for is .30/\$1000. The Health District is asking for the community's support and wanting to get the word out on this measure.

**Personnel:** Two FT employees will be out very soon on "Baby Leave". Staffing will be challenging, but the department will cover the shifts as needed.

Councilor Gibbons had a question for Chief Burris re: The Health District- Does the new tax rate that the Health District is asking for go 100% to support the Fire and Ambulance Depts.? Chief Burris answered that it goes 100% to support the Ambulance Dept.

Councilor Gibbons also asked Chief Burris about whether they would transport a pet to a Veterinarian if needed, for which they might have to use the pet rescue kit on? Chief Burris answered that they would, but there really is no local pet urgent care services, so mainly the Pet Rescue Kits are used for treating on-site as needed.

Councilor Hawker asked Chief Burris if, with the Pet Rescue kits, do they have the decals they can give people to put in their windows saying they have a pet. Chief Burris answered no they don't, but could probably get some.

**Action/Discussion Agenda items revisited;**

**A. ODFW Presentation with presenter Stuart Love on wild animals in city limits:**

Mayor Clayburn announced this item for a second time and seeing that the presenter was still not present, the council agreed to move on to discuss Item B.

- B. Discussion/Review - Draft Copy of City of Myrtle Point "Feeding of Wild Animals" ordinance.** Mayor Clayburn announced the discussion of Draft copy of City of Myrtle Point "Feeding of Wild Animals" ordinance and review of sample ordinances from the Cities of Bandon and Philomath. Mayor Clayburn announced that this is meeting 1 of "no - public showing up" for discussion of feeding of wild turkeys within city limits. Manager Nay started the discussion by stating that he had put together the Draft Ordinance for review by the council. He indicated that he had utilized copies of sample ordinances from the Cities of Bandon and Philomath in putting together this draft ordinance. Councilor Hawker commented on Section 5 (Penalties and Enforcement) of draft ordinance as to whether the penalties would be enforced on first offense with no warnings? Some discussion ensued on this issue with the common consensus of council, city manager and Police Department that the City's rule of thought is to give a first warning before giving an actual citation. There will be an initial education period with citizens by various notices and other resources on this ordinance once adopted. The amount of the penalties for violations was briefly discussed and general consensus is that the penalties need to be high enough to actually do some good and motivate people to not violate the ordinance. Mayor Clayburn commented on the "Waterfowl" definition under Section 2 (Definitions). There was some discussion on this among council members with no changes being proposed in the "Definition" language. Councilor Gibbons asked the question about why the ordinance language was so complicated and why couldn't we just say "Don't feed the turkeys and if you do feed the turkeys this is the fine?" Mayor Clayburn commented that we are not limiting this

ordinance to just turkeys, but all Wild Animals. Manager Nay also commented that he agreed with Mayor Clayburn, and it was drafted in such a way that applies to all "Wild Animals". This way we don't have to keep revisiting this for each individual wild animal the City may have problems with in the future. Other discussion ensued about the feeding of "Songbirds" and hummingbirds and the types of feeders used to feed them. Mayor Clayburn re-directed discussion on this back to language in Section 3 of the draft ordinance which addresses this. Councilor Hawker also commented that the whole purpose in this ordinance is to deal with the "Wild Animals" that are a menace or nuisance and that damage private property, such as the turkeys are. Councilor Gibbons asked if the City Police will be the ones doing the enforcement of this ordinance? Police Chief Robinson answered that "yes, that is what we do." He did comment further that they would definitely take a "soft approach" to enforcement in the beginning through education of the ordinance with citizens who may be in possible violation of it. He did indicate that he and the Police Department support this ordinance. Chief Robinson did comment that the language in Section 5 (Penalties and Enforcement) should be modified to say "may" (instead of "shall") be subject to a minimum \$100 and maximum \$250 fine for each offense. Further discussion was held regarding Penalties and Enforcement with consensus being that we make the change in language from "shall" to "may" in Section 5 as proposed by Chief Robinson, and that the amount of the penalties are adequate as stated in the draft ordinance. Mayor Clayburn commented on the feeders for the "songbirds". She stated that they need to be of a type that does not attract wild animals or that other wild animals cannot get into. Manager Nay referred to Section 3 (Feeding of Wild Animals Prohibited) in the ordinance which does address this issue. Discussion ended with the City Council in agreement with the draft ordinance, with the minor changes as discussed, and to move forward with a final ordinance. Manager Nay wanted clarification from the council on the changes to be made and the only change to be made is to the wording in Section 5 from "shall" to "may". No further discussion on this was held.

#### **Petitions From the Audience**

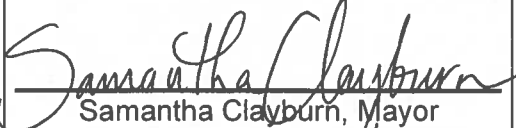
Mayor Clayburn called for petitions from the audience. Mayor Clayburn recognized Kathy Lewis, Petitioner. Kathy Lewis commented that as far as she is concerned Turkeys are a menace to her property as they will bang on her windows at her house and the windows are very large and expensive to replace if broken. She has had to use whatever means she has available to move them away from her house when they come on her property. Kathy did ask if she could comment about something with the turkeys off the record during the meeting without being recorded. Mayor Clayburn and Manager Nay responded that this is public meeting so we could not stop the recording of it per her request. Kathy Lewis did respond that she did scare the turkeys away last "Saturday" but would not say how. She did say no harm was done to the turkeys in those efforts and they have not returned since. Mayor Clayburn commented that according to ODFW hazing of turkeys is acceptable to move them off your property. Mayor Clayburn then called for other petitions from the audience and there were none.

#### **Council Concerns and Comments:**

1. Councilor Hogan – Stated that he had no concerns, but wanted to comment that it has been an honor and a privilege to serve on the city council. He has appreciated working with members of the council and the city staff. He ended with saying "Thank you for allowing me this privilege".

**ADJOURNMENT**

Having no further business for the City of Myrtle Point,  
Mayor Clayburn adjourned the meeting at 7:39 p.m.

6/3/2024  
  
Samantha Clayburn, Mayor  
City of Myrtle Point