

**MYRTLE POINT CITY COUNCIL AGENDA**  
**Regular Meeting**  
**Monday, July 3, 2023, 7:30 p.m.**  
OSU Extension Meeting Room | 631 Alder 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 June 20, 2023 Regular Meeting
- V. ACTION/DISCUSSION ITEMS
  - A. City Council Vacancy
  - B. Municipal Judge Vacancy
- VI. PETITIONS FROM THE AUDIENCE

This is a public meeting and the media may use information presented.
- VII. UPCOMING MEETINGS AND EVENTS:
  - A. Flora M. Laird Memorial Library Board Meeting – July 11, 2023, 11:00 a.m.
  - B. Myrtle Point Public Library Foundation Meeting – July 18, 2023, 5:00 p.m.
- VIII. INFORMATION ITEMS\*
- IX. OTHER COMMUNICATIONS
  - A. Staff Reports
  - B. Council Concerns and Comments\*
- X. ADJOURNMENT

Notice given this 29<sup>th</sup> day of June 2023 – Darin Nicholson, City Manager

\* indicates no material included in packet

**CITY OF MYRTLE POINT  
CITY COUNCIL MEETING MINUTES  
Regular Meeting  
Tuesday, June 20, 2023 – 7:30 p.m.,  
OSU Extension Service Meeting Room  
631 Alder Street, Myrtle Point**

**Council Members**

**Present:**

Samantha Clayburn, Mayor  
Ivan Hawker, City Councilor  
Michael Hogan, City Councilor

Gary Sullivan, City Councilor  
Mike Wood, City Councilor

**Absent:**

Berea Gibbons, City Councilor

**Staff and Others**

Amy Bruno, Library Director  
Ginny Groce, Accountant\*  
Bill Richardson, Waste Connections

Darin Nicholson, City Manager  
Kathy Lewis\*  
John & Linda Murray, J&L Sanitation

(\* 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 June 5, 2023 Regular Meeting. Councilor Sullivan moved to accept, approve and receive the minutes from the last City Council meeting. Councilor Hawker seconded the motion which carried unanimously.

**ACTION/DISCUSSION ITEMS**

**A. Public Hearing – Garbage Rate Increase**

Mayor Clayburn closed the Regular Meeting at 7:31 p.m. and opened a Public Hearing on the proposed garbage rate increase. Manager Nicholson indicated that a garbage rate increase had been requested by J&L Sanitation and suggested having the Murrays explain the need. The Mayor called on the Murrays and they explained that the county was raising disposal fees by over \$10 per ton effective July 1, 2023. They are simultaneously selling their business to Waste Connections but Waste Connections could not request the fee increase since they don't yet have the franchise. Mr. Murray indicated that Myrtle Point would still have the lowest garbage rates in the County even after the increase. Councilor Hogan pointed out that based on the increase in disposal fees, the costs to J&L are increasing 9.6% but the requested garbage rate increase is only 9%. Mayor Clayburn called for any comments from the public and, hearing none, closed the Public Hearing at 7:35 p.m. and reopened the Regular Meeting.

**B. Resolution 2023-18 Establishing Garbage Rates**

Mayor Clayburn announced Resolution 2023-18 Establishing Garbage Rates. Councilor Hogan moved to approve Resolution 2023-18 Establishing Garbage Rates. Councilor Wood seconded the motion. Councilor Hawker asked Mr. Murray if he was concerned that the disposal fee increase was a greater percentage than the garbage rate increase being requested. Mr. Murray indicated that he was not concerned. The council also asked for input from Mr. Richardson, representing Waste Connections. He did not see a problem with the requested garbage rate increase and indicated that he did not foresee the need for additional rate increases in the near future. Following discussion, Mayor Clayburn called for a vote on the motion to approve Resolution 2023-18 Establishing Garbage Rates. The motion carried unanimously.

There was some follow-up discussion with Mr. Richardson regarding possible changes to operations once Waste Connections assumes ownership of the business.

**C. Resolution 2023-19 Declaring Surplus Vehicles and Equipment in the Public Works Department and Establishing Disposition Procedures**

Mayor Clayburn announced Resolution 2023-19 Declaring Surplus Vehicles and Equipment in the Public Works Department and Establishing Disposition Procedures. Manager Nicholson reported that the Public Works Department has some vehicles and equipment that are either not practical to repair or are not used and the department wishes to get rid of them at this time. Following explanation, Councilor Hawker moved to approve Resolution 2023-19 Declaring Surplus Vehicles and Equipment in the Public Works Department and Establishing Disposition Procedures. Councilor Hogan seconded the motion which carried unanimously.

**D. Resolution 2023-20 Approving an IGA for Regional Hazardous Materials Emergency Response Team Services**

Mayor Clayburn announced Resolution 2023-20 Approving an IGA for Regional Hazardous Materials Emergency Response Team Services. Manager Nicholson explained that the IGA was an update to the city's existing agreement for HAZMAT response. He indicated that the Fire Department has participated in the program for the past four years but the agreement is renewed every two years. He also identified that Coos Bay Fire Department is the primary HAZMAT response agency in the area and Myrtle Point Fire Department provides support services as it is able. Councilor Sullivan moved to approve Resolution 2023-20 Approving an Intergovernmental Agreement for Regional Hazardous Materials Emergency Response Team Services. Councilor Hawker seconded the motion which carried unanimously.

**PETITIONS FROM THE AUDIENCE**

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

**UPCOMING MEETINGS AND EVENTS**

- A. Myrtle Point City Council Meeting – July 3, 2023, 7:30 p.m.
- B. Flora M. Laird Memorial Library Board Meeting – July 11, 2023, 5:00 p.m.
- C. Myrtle Point Public Library Foundation Meeting – July 18, 2023, 5:00 p.m.

**INFORMATION ITEMS**

- A. None

**OTHER COMMUNICATIONS**

- a. Staff Reports:

1. Manager Nicholson reported on the following:
  - a. Municipal Fundamentals – The League of Oregon Cities is offering a Municipal Fundamentals for Government Officials class at a number of locations around the state in August and September. The local class will take place in Coquille on Friday, September 8<sup>th</sup> from 8:30 a.m. to 1:00 p.m. Please let me know if you are interested in attending.
  - b. 1030 Harris Street Update – Manager Nicholson identified that the 75-day timeframe for demolition and site cleanup at 1030 Harris Street expired on June 17, 2023. He showed some pictures of current conditions and asked for direction from the City Council. He said that he could request quotes to complete the demolition and site cleanup. Options were discussed about how to proceed. The council directed the City Manager to request quotes for demolition and site cleanup and to send a letter to the owners about the plans to do so. Manager Nicholson said the owner may protest the plan and, if so, he may have to refer it to the City Council.
  - c. Municipal Court Judge – Manager Nicholson reported that Matthew Muenchrath had to step down from serving as Municipal Court Judge as he had been appointed to serve as Coos County Circuit Court Judge. Manager Nicholson indicated that an associate of Mr. Muenchrath's, Scott Culpepper, had expressed interest in serving as Municipal Court Judge. Manager Nicholson also mentioned a retired City Manager who serves as the Municipal Court Judge in Bandon and Powers and had previously indicated that he was interested in serving in Myrtle Point as well. There was some discussion on the matter. There was a question about cost of each option. Manager Nicholson did not have any cost information but said he could request it.
  - d. 908 Hermann Street – Mayor Clayburn asked about the status of the Dangerous Building at 908 Hermann Street. Manager Nicholson reported that he had sent notice of the City Council's order for the building to be demolished and the site cleaned within 60 days, but he had not heard anything back from the owner.
2. Accountant Groce had nothing to report.
3. Library Director Bruno reported that the library renovation is nearing completion. Painting is under way and it is looking good. The Library programs in the park are going really well, with about 20 kids in attendance that day. She also reported that a crochet group meets in the park on Tuesdays and some of the children from the library program are interested in learning how to crochet. Director Bruno reported that two people have found all of the Waldo characters except one. She said there has been a lot more enthusiasm than she expected. There was some discussion about the contest. Director Bruno also reported that there are two performers coming during the summer for the reading program. There was some discussion about performers. Mayor Clayburn mentioned a performer called Code Can Dance
- a. City Council Concerns & Comments – There were none.

### ADJOURNMENT

Having no further business for the City of Myrtle Point, Mayor Clayburn adjourned the Regular Meeting at 8:11 p.m.

07/03/2023

Samantha Clayburn, Mayor  
City of Myrtle Point

# City of Myrtle Point Agenda Item Report

**To:** Mayor Clayburn and City Council  
**From:** Darin Nicholson, City Manager  
**Date:** July 3, 2023  
**Re:** City Council Vacancy

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## BACKGROUND

City Councilor Kim Krantz announced her resignation at the June 5, 2023 City Council meeting. In accordance with the City Council Rules, notice of the vacancy was published following her resignation. A letter of interest in the vacant position has been received from one individual, Amy Ligons.

The City Council Rules state that the Council will interview candidates for the appointment and following interviews, the Council will make the appointment either at the same meeting or no later than the next meeting.

The City Charter states that vacancies in elective offices of the city shall be filled by appointment by a majority of the remaining members of the council. The City Charter also states: “No person shall be eligible for an elective office of the city unless at the time of such person’s election, he or she is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve (12) months immediately preceding the election. The council shall be final judge of the qualifications and election of its own members subject, however, to review by a court of competent jurisdiction.”

## RELATED CITY POLICIES

None

## COUNCIL OPTIONS

- **Interview & Appoint Applicant:** SAMPLE MOTION – *“I move to appoint Amy Ligons to the vacant City Council position.”*
- **Postpone the Appointment:** SAMPLE MOTION – *“I move to continue the decision regarding appointment until the next regular City Council meeting.”*

## CITY MANAGER’S RECOMMENDATION

None

## ATTACHMENTS

- Letter of Interest: Amy Ligons
- Oath of Office

06/13/2023

City of Myrtle Point  
Myrtle Point City Council  
424 5<sup>th</sup> St  
Myrtle Point OR 97458

This letter is to express my interest in the City Council seat vacancy.

I am long time resident of Myrtle Point and active in the community. In 2010-2011 I served on the Coos Head Start Parent Committee. In 2015-2018 I served on the Myrtle Crest PTK. During this time, we fundraised and wrote grants to replace the Primary playground equipment. September 2018, the playground was officially installed for the school year. Currently I am a sitting board member for the Myrtle Point Booster Club and participate in many fundraising and community improvement opportunities. We are currently wrapping up the Softball Field Renovations and have turned our focus to the Track Revitalization Project. Track replacement and resurfacing begins July 1, 2023.

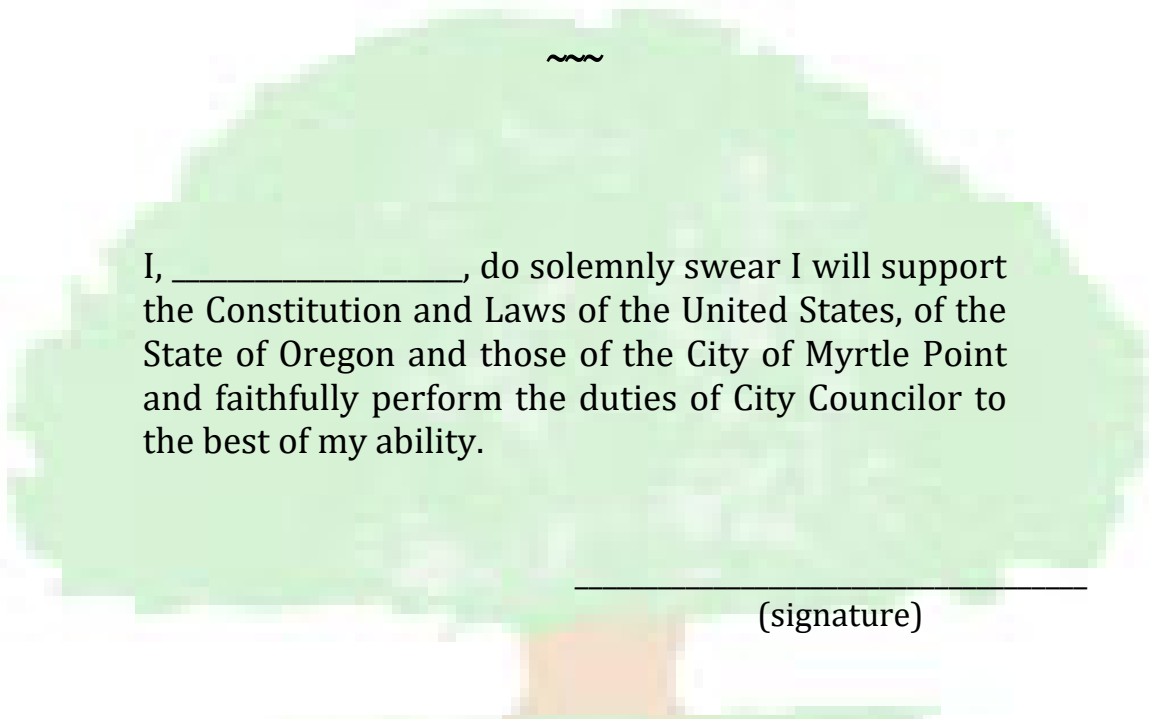
I look forward to hearing from you regarding my interest in the open City Council vacancy.

Sincerely,

A handwritten signature in blue ink that reads "Amy Ligons". The signature is written in a cursive, flowing style.

Amy Ligons

# ***OATH OF OFFICE***



I, \_\_\_\_\_, do solemnly swear I will support the Constitution and Laws of the United States, of the State of Oregon and those of the City of Myrtle Point and faithfully perform the duties of City Councilor to the best of my ability.

\_\_\_\_\_  
(signature)

State of OREGON

County of \_\_\_\_\_

Signed and sworn to before me on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
Notary Public – State of Oregon

# City of Myrtle Point Agenda Item Report

**To:** Mayor Clayburn and City Council  
**From:** Darin Nicholson, City Manager  
**Date:** July 3, 2023  
**Re:** Municipal Judge Vacancy

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## BACKGROUND

Municipal Judge Matthew Muenchrath announced his resignation on June 15<sup>th</sup> due to his appointment to the Coos County Circuit Court Judge position. The City Charter states that the council may appoint a municipal judge and such pro-tem judges as it considers necessary to serve at the pleasure of the council. Scott Culpepper, an associate of Matthew Muenchrath, has expressed interest in serving as Municipal Judge. Gary Milliman, a retired City Manager who serves as Municipal Judge for the Cities of Bandon, Brookings, Lakeside, Port Orford, Powers, and Sublimity has also expressed interest. Mr. Culpepper plans to attend the City Council meeting on July 3<sup>rd</sup> in order to meet the City Council and answer questions. I obtained fee information from Mr. Milliman in an attached email.

## RELATED CITY POLICIES

None

## COUNCIL OPTIONS

- **Appoint an Applicant:** SAMPLE MOTION – *“I move to appoint \_\_\_\_\_ to the vacant Municipal Judge position.”*
- **Postpone the Appointment:** SAMPLE MOTION – *“I move to continue the decision regarding appointment until the next regular City Council meeting.”*

## CITY MANAGER’S RECOMMENDATION

None

## ATTACHMENTS

- Email – Gary Milliman
- Oath of Office





Darin Nicholson &lt;manager@ci.myrtlepoint.or.us&gt;

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## Municipal Judge

4 messages

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**Darin Nicholson** <manager@ci.myrtlepoint.or.us>  
To: Gary Milliman <gmilliman@brookings.or.us>

Wed, Jun 28, 2023 at 9:51 AM

Hi Gary,

I hope you are doing well and enjoying the summer. I wanted to touch base because our current Municipal Judge, Matthew Muenchrath, has announced his resignation due to his appointment to the Coos County Circuit Court Judge position. Are you still serving as Municipal Judge for the various cities as before, and if so, do you still have capacity to possibly take on another seat? Also, after we spoke last year you provided me with a summary of the fees you typically charge for your services as Municipal Judge. Have those fees changed? Thank you!!

Darin Nicholson, City Manager  
City of Myrtle Point  
*"In the Heart of the Myrtlewoods"*  
424 Fifth Street | Myrtle Point, OR 97458  
Phone: (541) 572-2626 | Fax: (541) 572-3838  
[manager@ci.myrtlepoint.or.us](mailto:manager@ci.myrtlepoint.or.us)

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**Gary Milliman** <gary@garymilliman.com>  
To: Darin Nicholson <manager@ci.myrtlepoint.or.us>

Wed, Jun 28, 2023 at 10:11 AM

Hi Darin. Yes, I have capacity and would be happy to assume this assignment.

Question: Does your Municipal Code or Charter require the Judge to be an attorney? I am not an attorney.

I am vacationing in Canada this week and would be happy to send a couple of sample agreements when I return on Saturday. We should talk about scheduling; would be great if I could schedule on the same day as Port Orford and Powers. My court session fee is \$325.

Gary  
[Quoted text hidden]

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**Darin Nicholson** <manager@ci.myrtlepoint.or.us>  
To: Gary Milliman <gary@garymilliman.com>

Wed, Jun 28, 2023 at 10:56 AM

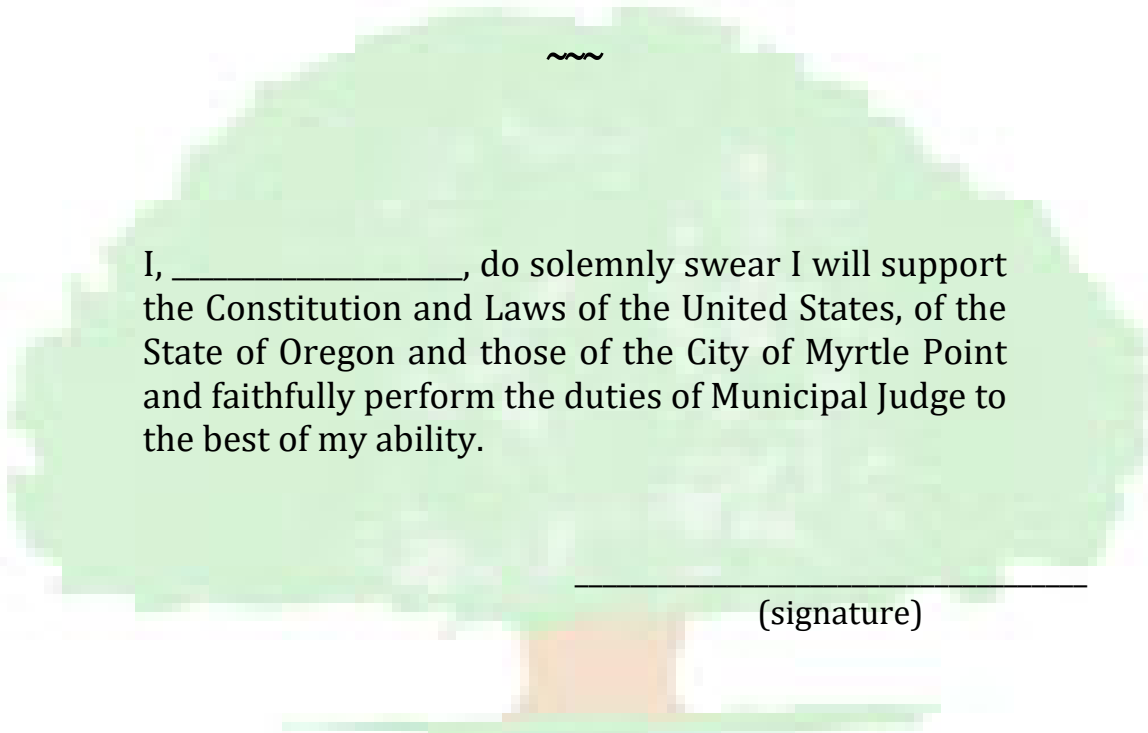
Hi Gary,

Thank you for getting back to me so quickly! Sorry to interrupt your vacation. The City Council is exploring options and we do have one other potential Municipal Judge at this point. The City Charter doesn't require the Municipal Judge to be an attorney and I don't believe the subject is addressed anywhere else, but I will check. I think we could work it out to schedule court on the same day as Port Orford and Powers. Thanks for providing the fee info. Enjoy the rest of your vacation!

Darin Nicholson, City Manager  
City of Myrtle Point  
*"In the Heart of the Myrtlewoods"*  
424 Fifth Street | Myrtle Point, OR 97458  
Phone: (541) 572-2626 | Fax: (541) 572-3838  
[manager@ci.myrtlepoint.or.us](mailto:manager@ci.myrtlepoint.or.us)

[Quoted text hidden]

# ***OATH OF OFFICE***



I, \_\_\_\_\_, do solemnly swear I will support the Constitution and Laws of the United States, of the State of Oregon and those of the City of Myrtle Point and faithfully perform the duties of Municipal Judge to the best of my ability.

\_\_\_\_\_  
(signature)

State of OREGON

County of \_\_\_\_\_

Signed and sworn to before me on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
Notary Public – State of Oregon

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## CITY MANAGER'S REPORT

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**TO:** MAYOR & CITY COUNCIL  
**FROM:** DARIN NICHOLSON, CITY MANAGER  
**DATE:** JULY 3, 2023

### 1030 Harris Street

Bids have been requested from three local contractors for demolition and site clearing at 1030 Harris Street, but at the time of preparing this report no bid has been received yet. Notice was also sent to the property owner of the city's intent to complete the demolition and assess the costs against the property. A decision on this matter is expected to be requested at the August 7<sup>th</sup> City Council meeting.

### 908 Hermann Street

A Public Hearing was held on June 5, 2023, per the requirements of Ordinance No. 1181 Providing for the Abatement of Dangerous Building Nuisances, regarding the condition of the shop building at 908 Hermann Street. Following the hearing, the City Council declared the building a Dangerous Building within the meaning stated in Ordinance No. 1181, Section 1, Definition (d) "A structure in such weak, dilapidated or deteriorated condition that it endangers a person or property because of the probability of partial or entire collapse," and ordered the building to be removed and the site cleaned within 60 days. Based on the hearing date, demolition and site cleaning should be completed no later than August 4, 2023. No communication regarding this matter has been received from the property owner at this time.

### Swearing In Ceremony

An invitation addressed to the Mayor and City Council was received for the Swearing In Ceremony of Matthew Muenchrath as Coos County Circuit Court Judge. The ceremony is scheduled for Monday, July 10, 2023 at 11:30 A.M. at Courtroom #1 of the Coos County Courthouse in Coquille. Please see the attached invitation for additional information.

THE HONOR OF YOUR  
PRESENCE IS REQUESTED  
for the  
SWEARING IN CEREMONY  
of

**MATTHEW MUENCHRATH**

Monday, July 10, 2023

11:30 A.M.

Swearing in Ceremony: Courtroom #1  
at the Coos County Courthouse  
250 North Baxter, Coquille, Oregon

Refreshments to be served in the Jury Assembly Room  
following the ceremony

Please refer all questions to Thomas Lankford,  
Trial Court Administrator at 541-396-8372 (70030)