



MYRTLE CREEK CITY COUNCIL  
REGULAR COUNCIL MEETING AGENDA  
MYRTLE CREEK COUNCIL CHAMBER

**AGENDA PACKET 06/05/2018**

*Executive Sessions and Regular Council meetings are being digitally recorded.*

The City Council of the City of Myrtle Creek will meet on **Tuesday, June 5, 2018 at 5:30 PM** in the Myrtle Creek Council Chamber, 207 NW Pleasant Street., Myrtle Creek, OR.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-863-3171.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

**REGULAR COUNCIL MEETING – 5:30 PM**

*Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the meeting place. Anyone that wishes to comment on a subject not on the agenda will be called upon during the “Citizens Heard on Non-agenda Items” section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.*

**1. Call to Order/Roll Call**

**2. Pledge of Allegiance**

**3. Public Presentations - *Items that do not require immediate council action, such as presentations, discussions of potential future action items.***

**4. Consent Agenda (*requires a motion*)**

4.1 Approval of minutes of the Regular City Council Meeting for May 15, 2018

**5. Regular Agenda**

*Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.*

**6. Ordinance and Resolutions**

6.1 Ordinance 818

6.2 Resolution RES-18-05

- 6. Citizens Heard on Non-Agenda Items**
- 7. City Administrator Report**
- 8. Mayor and Councilor – Committee Reports and Councilor Comments**
- 9. Adjournment**



# CITY OF MYRTLE CREEK

## REGULAR MEETING OF THE CITY COUNCIL

**DATE:** May 15, 2018

**PLACE:** Council Chambers, 207 NW Pleasant St., Myrtle Creek, Oregon

**PRESIDING OFFICER:** Mayor Ken Brouillard

**COUNCILORS PRESENT:** Council President Allan Kusler; Councilors: Henry Stevens, Bill Burnett, Gail Black and Susan Harris

A quorum was present throughout the meeting.

**STAFF IN ATTENDANCE:** City Administrator Sean Negherbon, City Recorder Joshua Norton, Public Works Director Quinn Pickering, Police Chief Don Brown, Fire Chief Brandon Everett, and Finance Officer Eadie Calkins,

**CALL TO ORDER:** Mayor Brouillard called the May 15, 2018 meeting to order at 5:30 PM

### **Tim Wilcox 6130 Azalea**

Mr. Wilcox is requesting to have a wedding reception in the park with alcohol.  
Motion was made by Councilor Stevens to accept the application and allow use of alcohol for the event. Second to the motion was made by Councilor Harris. Motion passed unanimously.

### **PROCLAMATION**

#### **EMS Week**

Mayor Brouillard proclaimed May 20 – 26<sup>th</sup> 2018 Emergency Medical Services Week by reading the proclamation into record.

The City was presented with a plaque and invited to the EMS week BBQ.

### **CONSENT AGENDA**

#### **Part I – Approval of May 1, 2018 Council Meeting Minutes**

Motion was made by Councilor Stevens and seconded by Councilor Black to approve the minutes of May 1, 2018 as presented in the council packet. Vote: Motion passed unanimously.

## **Part II – Approval of Payroll & Claims Report for April, 2018**

Motion was made by Councilor Harris and seconded by Councilor Black to accept the payroll and claims report for April, 2018.

*Vote: Motion passed unanimously.*

## **Part III – Acknowledge Receipt of City Committees/Commission Reports**

Motion was made by Councilor Black and seconded by Councilor Harris to acknowledge receipt for Part III of the Consent Agenda as presented in the May 15, 2018 council packet. *Vote: Motion passed unanimously.*

## **DEPARTMENT REPORTS**

### **Finance Officer**

Finance Officer Eadie Calkins submitted her report into record as written. Councilor Stevens pointed out that some line items brought in more than anticipated. Councilor Kusler questioned whether the budget is over built; the budget is built on historical numbers.

### **Police Department**

Police Sergeant Kris Malek submitted his report into record. Sergeant Malek touched on topics such as the department going paperless. The department has two new potential police reserves. Councilor Stevens questioned whether our police systems are secure. The department is currently hiring.

### **Fire Department**

Fire Chief Brandon Everett submitted his report into record as written. The department is preparing for the possibility of an intense fire season.

### **Public Works Department**

Public Works Director Quinn Pickering submitted his report into record as written. There is a Utility I position open.

## **REGULAR AGENDA**

### **Ordinances/Resolutions**

Mayor Brouillard read the Ordinance 814 by title only.

Motion was made by Councilor Stevens to adopt Ordinance No. 814 AN ORDINANCE ANNEXING CERTAIN TERRITORIES TO THE CITY OF MYRTLE CREEK; DISPENSING WITH A CITY WIDE ELECTION ON THE QUESTION; AND WITHDRAWING THE TERRITORY FROM THE TC FIRE DISTRICT. Second to the motion was made by Councilor Harris.

*Vote: Motion passed unanimously.*

Mayor Brouillard read the Ordinance 815 in full.

Motion was made by Councilor Harris to adopt Ordinance No. 815 AN ORDINANCE ANNEXING CERTAIN TERRITORIES TO THE CITY OF MYRTLE CREEK; DISPENSING WITH A CITY WIDE ELECTION ON THE QUESTION; AND WITHDRAWING THE TERRITORY FROM THE RURAL FIRE DISTRICT. Second to the motion was made by Councilor Stevens.

Vote: Motion passed unanimously.

Mayor Brouillard read the Ordinance 816 by title only.

Motion was made by Councilor Black to adopt Ordinance No. 816 AN ORDINANCE ANNEXING CERTAIN TERRITORIES TO THE CITY OF MYRTLE CREEK; DISPENSING WITH A CITY WIDE ELECTION ON THE QUESTION; AND WITHDRAWING THE TERRITORY FROM THE RURAL FIRE DISTRICT. Second to the motion was made by Councilor Stevens.

Vote: Motion passed unanimously.

Motion was made by Councilor Black to adopt Ordinance No. 817 AN ORDINANCE ANNEXING CERTAIN TERRITORIES TO THE CITY OF MYRTLE CREEK; DISPENSING WITH A CITY WIDE ELECTION ON THE QUESTION. Second to the motion was made by Councilor Harris.

Vote: Motion passed unanimously.

City Administrator Negherbon gave a brief overview of the ordinance.

Mayor Brouillard read the Ordinance 818 title only. Councilor asked for clarification between the advisory committee and the Urban renewal agency; the advisory committee will decide on the projects while the agency will govern the urban renewal throughout its life.

Motion was made by Councilor Black to approve Ordinance No. 818 AN ORDINANCE DECLARING THAT BLIGHTED AREAS EXIST IN THE CITY OF MYRTLE CREEK ESTABLISHING THE NEED FOR AN URBAN RENEWAL AGENCY IN THE CITY AND ELECTING A METHOD FOR EXERCISING OF THE POWER OF AN URBAN RENEWAL AGENCY WITHIN THE CITY. CREATING SECTIONS: 2.25– 2.25.090 URBAN RENEWAL AGENCY OF THE CITY CODE. Second to the motion was made by Councilor Black. Discussion:

Vote: Motion passed unanimously.

## **Citizens Heard on Non-Agenda Items**

### **City Administrator Report**

The seismic study has been completed. There are many issues with the building. There is a seismic study scheduled for the Fire Dept. in July. Councilor Burnett asked if the Community Center is scheduled; it has not been scheduled at this time.

### **Mayor and Councilor – Committee Reports and Councilor Comments**

Councilor Harris spoke of her business, The Happy Donut. Things are going well.

Councilor Stevens asked about our City Planner, there is an interim planner currently filling the vacancy.

Mr. Negherbon cited the City Charter and spoke to Mr. Cason's previous concerns regarding the use of the rodeo grounds. As long as the use continues to serve its current purpose it can continue without issues.

Councilor Stevens noted that the League of Oregon City's will be much more proactive in helping cities be successful. Mayor Brouillard spoke to the current development happening around town. Mayor Brouillard asked about the Main Street Association.

### **Eduardo Pineda**

Mr. Pineda spoke to the significance and importance of the rodeo in our community.

**ADJOURNMENT**

Mayor Brouillard adjourned the regular meeting of the City Council for May 15, 2018 at 6:27 p.m.

Attest: \_\_\_\_\_  
Joshua Norton, City Recorder  
City Recorder

\_\_\_\_\_  
Ken Brouillard, Mayor



CITY OF MYRTLE CREEK  
OREGON  
ORDINANCE NO. 818

**AN ORDINANCE DECLARING THAT BLIGHTED AREAS EXIST IN THE CITY OF MYRTLE CREEK ESTABLISHING THE NEED FOR AN URBAN RENEWAL AGENCY IN THE CITY AND ELECTING A METHOD FOR EXERCISING OF THE POWER OF AN URBAN RENWAL AGENCY WITHIN THE CITY. CREATING SECTIONS: 2.25– 2.25.090 URBAN RENEWAL AGENCY OF THE CITY CODE.**

WHEREAS, there exists in the City of Myrtle Creek blighted areas as defined in ORS 457.010(1); and

WHEREAS, such blighted areas impair economic values and negatively impact the health, safety, and welfare of the City's citizens; and

WHEREAS, some portions of these blighted areas may be improved by development and rehabilitation to eliminate the conditions of blight; and

WHEREAS, these development and rehabilitation activities and the prevention and reduction of blight are public purposes for which public money may be spent; and

WHEREAS, there is a need to establish an urban renewal agency to assist in the elimination of blight in Myrtle Creek; and

WHEREAS, ORS 457.035 authorizes the City to activate the powers of its urban renewal agency by adoption of a nonemergency ordinance declaring that blight exists and that there is a need for an urban renewal agency to function in the City and electing one of three ways to exercise the powers of an urban renewal agency in the City;

NOW, THEREFORE, THE CITY OF MYRTLE CREEK ORDAINS AS FOLLOWS:

1. Findings. Based on the existence of blighted conditions, the City Council declares that blighted areas, as defined by ORS 457.010(1), exist within the City and that there is a need for an urban renewal agency to function within the City. The City Council further declares that, pursuant to ORS 457.045(3), all of the rights, powers, duties, privileges, and immunities granted to and vested in an urban renewal agency shall be exercised by and vested in the City Council itself. Any act of the City Council acting as the urban renewal agency shall be considered the act of the urban renewal agency only and not of the City Council. The corporate name of the urban renewal agency activated by this ordinance shall be, and the agency shall be known as the Myrtle Creek Urban Renewal Agency. The Myrtle Creek Municipal Code of ordinances shall be added to as follows:

2. Short Title. This Ordinance will be known as the "City of Myrtle Creek Urban Renewal Agency Ordinance."

3. Adoption. The Council hereby adopts the City of Myrtle Creek Urban Renewal Agency Ordinance.

4. The Myrtle Creek Municipal Code shall be added to as follows:

**Urban Renewal Agency.** Unless otherwise indicated, Ordinance 818 (*May/15/2018*) enacts Sections 2.25.00 through 2.25.090.

**2.25.010 Creation of Urban Renewal Agency.**

Pursuant to ORS 457.035, the Myrtle Creek City Council hereby finds and declares that blighted areas, as defined in ORS 457.010, exist within the city. Given the blighted conditions, the city council declares and recognizes that there is a need for an urban renewal agency to function within the city of Myrtle Creek and hereby created an urban renewal agency. The corporate name of the agency created by this chapter shall be, and said agency shall be known as, the Myrtle Creek Urban Renewal Agency.

**2.25.020 Membership of Agency.**

The city council declares the Agency membership shall be the same as that of the city council. Agency members shall receive no compensation, but shall be reimbursed for duly authorized expenses.

**2.25.030 Term of Office.**

The term of office shall be the same as that of the city council. Appointments to fill vacancies shall be for the remainder of the unexpired term.

**2.25.040 Election of Officers.**

At its first meeting of each calendar year, the Agency shall elect a chairperson and vice chairperson to serve one-year terms. The city administrator or other staff member designated by the city administrator shall keep accurate records of all Agency proceedings.

**2.25.050 Financial interests and participation limitations.**

A member of the Agency shall not participate in any Agency proceedings or action in which any of the following has a direct or substantial financial interest:

The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

Any actual or potential interest shall be disclosed at the meeting of the Agency where the action is being taken.

**2.25.060 Schedule of meetings and quorum.**

Meetings shall occur on the regularly scheduled city council meeting dates unless a special meeting is required. All meetings of the Agency shall be public and shall be scheduled and conducted in accordance with state statutes relating to public meetings. A majority of the members of the Agency shall constitute a quorum. The Agency shall meet at least once a month unless the chairperson and city administrator jointly agree that there is no business to be conducted. Special meetings will be duly noticed as required state statutes relating to public meetings.

**2.25.070 Powers and duties**

The city council further declares, pursuant to ORS 457.045(3), that all of the rights, powers, duties, privileges, and immunities granted to and vested in an urban renewal agency by the laws of the state of Oregon shall be exercised by and vested in the Agency of the city of Myrtle Creek provided, however, that any act of the governing body acting as the urban renewal agency shall be and shall be considered the act of the Agency only and not of the city council.



**2.25.080 Recommendations to city council.**

All recommendations and suggestions made to the city council by the Agency shall be in writing.

**2.25.090 Expenditures.**

The Agency shall have no authority to make expenditures on behalf of the city, or to obligate the city for the payment of any sums of money, except as the same may be authorized by the city council or pursuant to budget appropriations and pursuant to administrative methods by which said funds shall be drawn and expended.

**PASSED BY THE CITY COUNCIL ON THE FIRST READING THIS 15<sup>TH</sup> DAY OF MAY 2018**

**PASSED BY THE CITY COUNCIL ON THE SECOND READING THIS 5<sup>TH</sup> DAY OF JUNE 2018**

**APPROVE BY THE MAYOR THIS 5<sup>TH</sup> DAY OF JUNE 2018**

This Ordinance was PASSED and ADOPTED by the Myrtle Creek City Council by a vote of 5 for and 0 against and APPROVED by the mayor this 5<sup>th</sup> day of June, 2018. This is a non-emergency ordinance and therefore will go into effect 30 days after passage.

\_\_\_\_\_  
Ken Brouillard, Mayor

ATTEST:

\_\_\_\_\_  
Joshua Norton, City Recorder

**CITY OF MYRTLE CREEK  
OREGON  
RESOLUTION NO RES-18-05**

A RESOLUTION TO THE OREGON DEPARTMENT OF ADMINISTRATIVE SERVICES  
CERTIFYING THE CITY'S QUALIFICATION TO RECEIVE STATE REVENUE  
SHARING FUNDS

**WHEREAS**, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

1. Police protection
2. Fire protection
3. Street construction, maintenance, and lighting
4. Sanitary sewer
5. Storm sewers
6. Planning, zoning, and subdivision control
7. One or more utility services

And;

**WHEREAS**, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760,

**NOW THEREFORE BE IT RESOLVED**, that the City of Myrtle Creek hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

1. Police protection
2. Fire protection
3. Street construction, maintenance, and lighting
4. Sanitary sewer
5. Storm sewers
6. Planning, zoning, and subdivision control
7. Water utility

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF MYRTLE CREEK THIS 5th DAY OF JUNE, 2018.**

**APPROVED BY THE MAYOR THIS 5th DAY OF JUNE, 2018 .**

\_\_\_\_\_  
Ken Brouillard, Mayor

ATTEST: \_\_\_\_\_  
Joshua Norton, City Recorder

# Myrtle Creek - City Council Agenda Report

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## Agenda item: Simpson Lane Water Line Improvements

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Meeting Date:	June 5 2018	Primary Staff Contact:	Sean Negherbon 
Department:		E-Mail:	
Secondary Dept.:		Secondary Contact:	Quinn Pickering

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**Issue before the Council:** Simpson Lane Water Line Improvement

**Staff Recommendation:** Award contract to LTM, Inc. dba Knife River Materials in the amount of \$79,360.

**Background:**

Our 2017 Water Master Plan identified several hydraulic ‘bottlenecks’ in our system that restrict the flow of water to the East Reservoir. This project addresses one of those bottlenecks. We also have grant funding to reconstruct that portion of Simpson Lane so it is important that we make the improvements to the water line before repaving the street.

Staff solicited bids from three qualified contractors. Our engineer reviewed the quotes; please see the attached letter.

Our engineer’s recommendation is that we award the contract to LTM, Inc. dba Knife River Materials in the amount of \$79,360.

**Fiscal Impact:** Funds for this project are in the budget for water construction.

**Council Options:**

- Award contract to LTM, Inc. dba Knife River Materials in the amount of \$79,360.
- Direct staff to develop other options.
- Take no action.

**Potential Motion:**

Move to award contract for Simpson Lane Water Line Improvements to LTM, Inc. dba Knife River Materials in the amount of \$79,360.



THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS, INC.

June 1, 2018

Sean Negherbon, City Administrator  
City of Myrtle Creek  
PO Box 940  
207 NW Pleasant  
Myrtle Creek, OR 97457

RE: NE Simpson Lane Water Line Improvements  
City of Myrtle Creek  
Project No. 122.02

Dear Mr. Negherbon:

This letter is to recommend action by the City of Myrtle Creek in response to the quotes received on May 31, 2018 at 2:00 PM for the above referenced project. Three quotes were received. Black Pearl Paving & Excavation did not submit authorization to sign documentation. Gosselin Construction had minor calculation errors. Two of the quotes were responsive and responsible. The quotes were in the following amount:

1. \$79,360.00 by LTM, Inc. dba Knife River Material
2. \$117,612.50 by Black Pearl Paving & Excavation
3. \$152,002.38 by Gosselin Construction

We recommend that the City of Myrtle Creek take the following action:

1. Accept the two responsive and responsible quotes.
2. Award a Contract to LTM, Inc. dba Knife River Materials in the amount of \$79,360.00

It is our opinion that LTM, Inc. dba Knife River Materials has sufficient experience and qualifications to satisfactorily construct the project.

Assuming the City of Myrtle Creek and Council concurs with our recommendation; we have enclosed three copies of the Notice of Award. A representative for the City of Myrtle Creek needs to sign all three copies after which they should be returned to our office. (*Please do not date the Notice of Award.*) We will date the Award following notification that the City accepts the quotes and is determined to award the project.

Sincerely,

Joseph Goette, PE  
Project Engineer

Enclosure

**Section 00510  
NOTICE OF AWARD**

**NOTICE OF AWARD**

Date of Issuance:

Owner:	City of Myrtle Creek	Owner's Contract No.:	
Engineer:	The Dyer Partnership	Engineer's Project No.:	122.02
Project:	NE Simpson Lane Water Line Improvements	Contract Name:	NE Simpson Lane Water Line Improvements
Contractor:	LTM, Inc. dba Knife River Materials		
Contractor's Address:	P.O. Box 1427 Roseburg, OR 97470		

**TO CONTRACTOR:**

You are notified that Owner has accepted your Quote dated May 31, 2018 for the above Contract, and that you are the Successful Contractor and are awarded a Contract for:

City of Myrtle Creek – NE Simpson Lane Water Line Improvements.

The Contract Price of the awarded Contract is: \$ Seventy nine thousand, three hundred sixty Dollars (\$79,360.00)

Three copies of unexecuted counterparts of the Agreement accompany this Notice of Award.

Three sets of the Quote Documents will be delivered separately.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner three fully executed counterparts of the Agreement, fully executed by Contractor. **All dates on the Agreement shall be left blank and the Effective Date of the Agreement will be inserted by Owner when Owner executes the Agreement.**
2. Deliver with the executed Agreements the Contract security (*performance and payment bonds*) and insurance documentation as specified in the Agreement. **All dates on the bonds shall be left blank.** A letter shall be provided, signed by both Contractor and Bonding Company, or authorized agent of Bonding company, which authorized the Owner to insert the date on the Bonds which is the same date as the Effective Date of the Agreement.
3. Parties required to be listed as insured, additionally insured, or also insured shall all be listed on the Certificates of Insurance.
4. Also before you may start any Work at the site you must:
  - a. Submit a project work schedule.
  - b. Videotape Project area.
  - c. Receive a Notice to Proceed from the Engineer.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Agreement.

You are required to return an acknowledged copy of this Notice of Award to the Owner.

ACCEPTANCE NOTICE

\_\_\_\_\_  
City of Myrtle Creek  
(OWNER)

By \_\_\_\_\_  
(AUTHORIZED SIGNATURE)

\_\_\_\_\_  
(TITLE)

Receipt of the above NOTICE OF AWARD is  
hereby acknowledged by \_\_\_\_\_

this the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Employer I.D. No. \_\_\_\_\_