



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

AGENDA PACKET 6/4/2024

All city public meetings are being digitally recorded for sound and video camera surveillance.

The City Council of the City of Myrtle Creek will meet on **Tuesday, June 4, 2024, at 5:30 PM** in the Myrtle Creek Council Chamber, 207 NW Pleasant Street, Myrtle Creek, Oregon.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for other accommodations for persons with disabilities, or for remote access 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 commenting 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. Citizens Heard on Non-Agenda Items**
- 5. Consent Agenda** – *Requires a motion*
The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately upon request.
 - 5.1** Approval of minutes of the Regular City Council Meeting for May 7, 2024

6. Public Hearings

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.

6.1 State Revenue Sharing

6.2 Adopting 2024-2025 Budget

7. Resolutions

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.

7.1 Resolution 24-13 – A Resolution to the Oregon Department of Administrative Services Certifying the City’s Qualification to Receive State Revenue Sharing Funds

7.2 Resolution 24-14 – A Resolution Declaring the City’s Election to Receive State Revenues

7.3 Resolution 24-15 – A Resolution Adopting the Budget (**Public Hearing**)

7.4 Resolution 24-16 – A Resolution Imposing Ad Valorem Taxes and Categorizing the Tax Levy as Provided in ORS 310.060(2)

7.5 Resolution 24-17 – A Resolution Making Appropriations

7.6 Resolution 24-18 – Worker’s Compensation Coverage to Volunteers

8. 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.

8.1 Golf Course Discussion

8.2 Airport Discussion

8.3 Elks Scholarship Donation Request

9. City Administrator Report

10. Mayor and Councilor – Committee Reports and Councilor Comments

11. Executive Session

The Myrtle Creek City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660 but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

12. Adjournment



CITY OF MYRTLE CREEK

REGULAR MEETING OF THE CITY COUNCIL

DATE: May 7, 2024

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

PRESIDING OFFICER: Mayor Matthew Hald

COUNCILORS PRESENT: Councilors: Bill Burnett, Diana Larson, Luke Dillon, Robert Chaney, Sr., Susan Harris

COUNCILORS ABSENT:

A quorum was present throughout the meeting.

STAFF IN ATTENDANCE: City Administrator Lonnie Rainville, City Recorder Joanna Bilbrey

CALL TO ORDER: Mayor Matthew Hald called the May 7, 2024 meeting to order at 5:30 PM

PUBLIC PRESENTATION

Paul Hilyard – South Umpqua School District

Paul shared updates for the South Umpqua School District. Graduation rate is up 6 points and is now at 80%. The new superintendent has been selected. The School District will have their budget completed in June. South Umpqua School District is going into the new year with a budget in the black and with no cuts. Enrollment is going down, which does affect the revenue. Summer school has state funding in the amount of \$329,000. This funding will allow some great programs to be planned with the library as the community partner. Graduation is Friday, May 31st at 7:30 PM.

Proclamation – National Police Week

Mayor Matthew Hald read into record the proclamation for National Police Week and presented it to Police Chief Brewster and the entire Myrtle Creek Police Department. Chief Brewster introduced the staff members to Council. Chief Brewster made a special presentation to Sergeant Malek for 20 years of dedicated service to the City of Myrtle Creek.

Proclamation – National Public Works Week

Mayor Matthew Hald read into record the proclamation for National Public Works Week and presented it to Public Works Director Steve Ledbetter and to Parks Director Michael Branson.

CITIZEN COMMENT ON NON-AGENDA ITEM

No citizen comments.

CONSENT AGENDA

Part 1

Motion was made by Councilor Harris and seconded by Councilor Larson to approve the Meeting Minutes for April 16, 2024, as presented. Discussion: none followed

Vote: Motion passed unanimously.

REGULAR AGENDA

Street and Parking Lot Repairs

City Administrator Lonnie Rainville shared with Council that city staff have put together a list of street and parking lot repair that they would like to complete with remaining funds from the 2023/2024 fiscal budget. Exhibit A details bids that were received for the identified projects. The lowest bids have been highlighted.

Motion was made by Councilor Burnett to approve granting the City Administrator authority to award contracts for projects shown in Exhibit A with a combined budget not to exceed \$67,313.66. Motion seconded by Councilor Larson. Discussion: No discussion followed

Vote: Motion passed unanimously.

Code Review Board Application

During the phone conversation with the City Attorney at the last meeting it was decided by Council to create a Code Review Board for the entire MCMC versus just a board to review the animal nuisances code. The original committee application has been modified to add Code Review Board.

Council questioned if the animal code would be one of the first sections to be reviewed. City Administrator Lonnie Rainville shared that the idea is to have 5 committee members, 2 Councilors, and 2 adhoc members that will provide specific insite to code sections. Council questioned how and when it will be decided as to when the board will meet. The City Administrator shared that the applications will be available for approximately 30 days and then a committee will be selected from the applicants.

ORDINANCES & RESOLUTIONS

Ordinance 855 – SECOND READ – An Ordinance Amending the City of Myrtle Creek Zoning Map to Change the Zoning Of Certain Land Within the City (Tax Lot 01400, Section 27BB, T29S, R05W; Property ID R16342; Addressed 186 NE Division St, Myrtle Creek, OR)

Motion was made by Councilor Chaney to approve the Second Read of Ordinance 855 – An Ordinance Amending the City of Myrtle Creek Zoning Map to Change the Zoning Of Certain Land Withing the City (Tax Lot 01400, Section 27BB, T29S, R05W; Property ID R16342; Addressed 186 NE Division St, Myrtle

Creek, OR). Motion was seconded by Councilor Burnett. *Discussion: No discussion followed.*

Vote: Motion passed unanimously.

Resolution 24-08 – A Resolution authorizing a Rate Increase in Residential and Commercial Solid Waste Collection for Wx6 Inc. dba South Umpqua Disposal Service.

John Whitmore spoke to Council regarding the need for the rate increase.

Motion was made by Councilor Burnett to approve Resolution 24-08 A Resolution Authorizing a Rate Increase in Residential and Commercial Solid Waste Collection for Wx6 Inc. dba South Umpqua Disposal Service. Motion was seconded by Councilor Chaney. Discussion: No discussion followed.

Vote: Motion passed unanimously.

Resolution 24-09 – A Resolution Authorizing the City of Myrtle Creek to Apply for a Community Renewable Energy Grant from the Oregon Department of Energy for the Planning for Renewable Energy Projects and Delegating Authority to the City Administrator to Sign the Application

City Administrator Lonnie Rainville shared that he and Councilor Diana Larson met with a representative from the Department of Energy to review possible areas where the City of Myrtle Creek can take advantage of available energy sources. This grant will be to hire a firm to explore possible projects that the City can take advantage of .

Motion was made by Councilor Larson to approve Resolution 24-09 A Resolution Authorizing the City of Myrtle Creek to Apply for a Community Renewable Energy Grant from the Oregon Department of Energy for the Planning for Renewable Energy Projects and Delegating Authority to the City Administrator to Sign the Application. Motion was seconded by Councilor Harris. Discussion: No discussion followed.

Vote: Motion passed unanimously.

Resolution 24-10 – A Resolution Authorizing the City of Myrtle Creek to Apply for an Energy Efficiency and Conservation Block Grant from the Oregon Department of Energy for the Purchase of an Electric Car and Charging Infrastructure and Delegating Authority to the City Administrator to Sign the Application.

City Administrator Lonnie Rainville shared that Oregon Department of Energy has a grant that would assist with the purchase of an electric vehicle and charging infrastructure.

Motion was made by Councilor Larson to approve Resolution 24-10 A Resolution Authorizing the City of Myrtle Creek to Apply for an Energy Efficiency and Conservation Block Grant from the Oregon Department of Energy for the Purchase of an Electric Car and Install Charging Infrastructure. Motion was seconded by Councilor Chaney. Discussion: Discussion was held on types of vehicles.

Vote: Motion passed unanimously.

Resolution 24-11 – A Resolution Declaring City Owned Real Property Surplus and Disposing of Same.

City Administrator Lonnie Rainville shared with Council that the restrictions were placed on two lots that the City owns that limited the height of any building on the property. Those restrictions have been removed and the City would like to sale the properties as surplus through sealed bid. Prop ID R61915 and Prop ID R148381

Motion was made by Councilor Larson to approve Resolution 24-11 A Resolution Declaring City Owned Real Property Surplus and Disposing of Same. Motion was seconded by Councilor Chaney.

Discussion: Council asked which fund the money from the sale would be placed into. The City Administrator said they would be placed in the General Fund.

Vote: Motion passed unanimously.

Resolution 24-12 – A Resolution Adopting the Douglas County 2024 Multi-Jurisdictional Natural Hazard Mitigation Plan.

The City Administrator shared that we have been working with Douglas County and the other municipalities located in Douglas County to amend the Natural Hazard Mitigation Plan. This plan identifies potential hazards within Douglas County and how to mitigate those hazards. Participating with the county allows us to use their resources if something were to happen.

Motion was made by Councilor Larson to approve Resolution 24-12, a Resolution Adopting the Douglas County 2024 Multi-Jurisdictional Natural Hazard Mitigation Plan. Motion was seconded by Councilor Burnett.

Discussion: No discussion was held.

Vote: Motion passed unanimously.

CITY ADMINISTRATOR REPORT

The City Administrator shared that there is a busy calendar ahead, the Airport BBQ is May 18 & 19, the Circus is in town May 18th, Movies in the Park has been scheduled for June 13th, 20th, 27th, and Music in the Park will begin in July.

MAYOR AND COUNCILOR – COMMITTEE REPORTS AND COUNCILOR COMMENTS

Councilor Harris shared that the Wixson Scholarship Committee will be awarding seniors in Riddle, Canyonville, Glendale, Myrtle Creek, and Days Creek a total of \$85,000 this year.

ADJOURNMENT

Mayor Matthew Hald adjourned the regular meeting of the City Council for May 7, 2024 at 6:48 P.M.

Matthew Hald, Mayor

Attest: _____
Joanna Bilbrey, City Recorder

**CITY OF MYRTLE CREEK, OREGON
RESOLUTION 24-13**

**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
_____ DAY OF JUNE, 2024.**

APPROVED BY THE MAYOR THIS _____ DAY OF JUNE, 2024.

Matthew Hald, Mayor

ATTEST: _____
Joanna Bilbrey, City Recorder

**CITY OF MYRTLE CREEK, OREGON
RESOLUTION 24-14**

A RESOLUTION DECLARING THE CITY’S ELECTION TO RECEIVE STATE REVENUES

WHEREAS, State Revenue Sharing Law, ORS 221.770 requires cities to pass an ordinance or resolution each year stating that they want to receive State Revenue Sharing money.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Myrtle Creek, pursuant to ORS 221.770 hereby elects to receive State Revenues for fiscal year 2024-2025.

PASSED BY THE CITY OF MYRTLE CREEK COUNCIL THIS ____ DAY OF JUNE, 2024

APPROVED BY THE MYRTLE CREEK MAYOR THIS ____ DAY OF JUNE, 2024

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey, City Recorder

I certify that a Public Hearing before the Budget Committee was held on April 16, 2024, and a Public Hearing before the City Council was held on June 4, 2024, giving citizens an opportunity to comment on use of State Revenue Sharing funds.

Joanna Bilbrey, City Recorder

**CITY OF MYRTLE CREEK, OREGON
RESOLUTION 24-15**

A RESOLUTION ADOPTING THE BUDGET

BE IT RESOLVED that the City of Myrtle Creek Council hereby adopts the Budget approved by the Budget Committee for fiscal year 2024-2025 in the total sum of \$21,581,798.00 now on file at City Hall.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MYRTLE CREEK THIS _____ DAY OF JUNE 2024.

APPROVED BY THE MAYOR THIS _____ DAY OF JUNE 2024.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey, City Recorder

**CITY OF MYRTLE CREEK, OREGON
RESOLUTION 24-16**

A RESOLUTION IMPOSING AD VALOREM TAXES AND CATEGORIZING THE TAX LEVY AS PROVIDED IN ORS 310.060(2).
--

BE IT RESOLVED that the City Council of City of Myrtle Creek hereby imposes taxes provided for in the adopted Budget at the rate of \$6.5088/\$1,000; and that these taxes are hereby levied upon all taxable property within said city limits as of 1:00 A.M., July 1, 2024. The following allocation and categorization subject to the limits of section 11b, Article XI of the Oregon Constitution make up the above aggregate levy:

Subject to the
General Government
Limitation

General Fund	\$6.5088 per \$1,000
--------------	----------------------

Category Total	\$6.5088 per \$1,000
----------------	----------------------

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF MYRTLE CREEK
THIS ____ DAY OF JUNE, 2024.**

APPROVED BY THE MAYOR THIS ____ DAY OF JUNE, 2024.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey
City Recorder

**CITY OF MYRTLE CREEK, OREGON
RESOLUTION NO. 24 – 17**

A RESOLUTION MAKING APPROPRIATIONS

NOW THEREFORE, BE IT RESOLVED that the City of Myrtle Creek appropriates the following amounts for the fiscal year beginning July 1, 2024, and for the purposes shown below:

GENERAL FUND

<i>Fire Department</i>	208,350
<i>Municipal Court</i>	148,005
<i>Library Department</i>	0
<i>Parks Department</i>	243,545
<i>Community Center</i>	0
<i>General Equipment Department</i>	0
<i>Swimming Pool Department</i>	93,834
<i>Police Department</i>	1,255,307
<i>Public Buildings Department</i>	125,203
<i>Public Works Department</i>	0
<i>Support Services</i>	720,308
<i>Not Allocated Expenditures</i>	233,456
<i>TOTAL APPROPRIATIONS</i>	<i>\$3,028,008</i>
<i>TOTAL UNAPPROPRIATED</i>	<i>\$1,102,091</i>
<i>TOTAL</i>	<i>\$4,130,099</i>

PUBLIC SAFETY FUND

<i>Contract services</i>	36,000
<i>Equipment</i>	4,000
<i>Not Allocated Expenditures</i>	34,000
<i>TOTAL APPROPRIATIONS</i>	<i>\$74,000</i>
<i>TOTAL UNAPPROPRIATED</i>	<i>\$2,300</i>
<i>TOTAL</i>	<i>\$76,300</i>

PUBLIC WORKS SHOP

<i>Materials and Services</i>	41,805
<i>TOTAL APPROPRIATIONS</i>	<i>41,805</i>

SEWER UTILITY FUND

<i>Sewer Services</i>	1,383,841
<i>Not Allocated Expenditures</i>	443,274
<i>TOTAL APPROPRIATIONS</i>	<i>\$1,827,115</i>
<i>TOTAL UNAPPROPRIATED</i>	<i>\$515,636</i>
<i>TOTAL</i>	<i>\$2,342,751</i>

SEWER CONSTRUCTION FUND

<i>Transfer to Sewer Reserve</i>	693,643
<i>TOTAL APPROPRIATIONS</i>	<i>\$693,643</i>

WATER UTILITY FUND

<i>Water Services</i>	3,387,053
<i>Not Allocated Expenditures</i>	433,947
<i>TOTAL APPROPRIATIONS</i>	<i>\$3,821,000</i>
<i>TOTAL UNAPPROPRIATED</i>	<i>\$552,500</i>
<i>TOTAL</i>	<i>\$4,373,500</i>

WATER CONSTRUCTION FUND

<i>Transfer to Water Reserve</i>	2,415,163
<i>TOTAL APPROPRIATIONS</i>	<i>\$2,415,163</i>

AIRPORT FUND

<i>Airport Services</i>	25,100
<i>Not Allocated Expenditures</i>	1,000
<i>TOTAL APPROPRIATIONS</i>	<i>\$26,100</i>
<i>TOTAL UNAPPROPRIATED</i>	<i>\$68,854</i>
<i>TOTAL</i>	<i>\$94,954</i>

STREET FUND

<i>Street Services</i>	768,598
<i>Not Allocated Expenditures</i>	181,330
<i>TOTAL APPROPRIATIONS</i>	<i>\$949,928</i>
<i>TOTAL UNAPPROPRIATED</i>	<i>\$579,074</i>
<i>TOTAL</i>	<i>\$1,529,002</i>

STORM WATER FUND

<i>Storm Water Services</i>	23,250
<i>Not Allocated Expenditures</i>	10,000
<i>TOTAL APPROPRIATIONS</i>	<i>\$33,250</i>
<i>TOTAL UNAPPROPRIATED</i>	<i>\$37,650</i>
<i>TOTAL</i>	<i>\$70,900</i>

WWTP CONST DEBT REPAYMENT FUND

<i>Debt Service</i>	0
<i>TOTAL APPROPRIATIONS</i>	<i>\$0</i>

WTP CONST DEBT REPAYMENT FUND

<i>Debt Service</i>	307,774
<i>Construction Loan Reserve</i>	253,547
<i>TOTAL APPROPRIATIONS</i>	<i>\$561,321</i>

PARK DEVELOPMENT FUND

<i>Park Project Services</i>	115,419
<i>Not Allocated Expenditures</i>	18,000
<i>TOTAL APPROPRIATIONS</i>	<i>\$133,419</i>
<i>TOTAL UNAPPROPRIATED</i>	<i>\$262,206</i>
<i>TOTAL</i>	<i>\$395,625</i>

RV PARK FUND

<i>RV Park Services</i>	32,250
<i>Not Allocated Expenditures</i>	62,750
<i>TOTAL APPROPRIATIONS</i>	<i>\$95,000</i>
<i>TOTAL UNAPPROPRIATED</i>	<i>\$20,000</i>
<i>TOTAL</i>	<i>\$115,000</i>

FIRE DEPT RESERVE FUND

<i>TOTAL UNAPPROPRIATED</i>	<i>\$543,592</i>
------------------------------------	-------------------------

PUBLIC BUILDING RESERVE

<i>TOTAL UNAPPROPRIATED</i>	<i>\$26,400</i>
------------------------------------	------------------------

WATER DEPT RESERVE

<i>TOTAL UNAPPROPRIATED</i>	<i>\$2,584,694</i>
------------------------------------	---------------------------

SEWER DEPT RESERVE

<i>Sewer Camera</i>	100,000
<i>TOTAL APPROPRIATIONS</i>	<i>\$100,000</i>
<i>TOTAL UNAPPROPRIATED</i>	<i>\$817,643</i>
<i>TOTAL</i>	<i>\$917,643</i>

PARKS DEPT RESERVE

<i>Mower Purchase</i>	55,000
<i>TOTAL APPROPRIATIONS</i>	<i>\$55,000</i>
<i>TOTAL UNAPPROPRIATED</i>	<i>\$8,650</i>
<i>TOTAL</i>	<i>\$63,650</i>

POLICE DEPT RESERVE

<i>Police Car Replacement</i>	72,052
<i>TOTAL APPROPRIATIONS</i>	<i>\$72,052</i>
<i>TOTAL UNAPPROPRIATED</i>	<i>\$39,171</i>
<i>TOTAL</i>	<i>\$111,223</i>

PUBLIC WORKS RESERVE

<i>Jet Truck Replacement</i>	60,000
<i>TOTAL APPROPRIATIONS</i>	<i>\$60,000</i>
<i>TOTAL UNAPPROPRIATED</i>	<i>\$434,533</i>
<i>TOTAL</i>	<i>\$494,533</i>

<i>TOTAL APPROPRIATIONS – All Funds</i>	<i>\$ 13,986,804</i>
--	-----------------------------

<i>TOTAL UNAPPROPRIATED AMOUNTS – All Funds</i>	<i><u>\$7,594,994</u></i>
--	----------------------------------

<i>TOTAL of All Funds</i>	<i>\$21,581,798</i>
----------------------------------	----------------------------

<i>TOTAL 2024-2025 FISCAL YEAR BUDGET</i>	<i><u>\$21,581,798</u></i>
--	-----------------------------------

PASSED THIS ____ DAY OF JUNE 2024.

Matthew Hald, Mayor

Attest: _____
Joanna Bilbrey, City Recorder

City of Myrtle Creek, Oregon
RESOLUTION 24-18

A RESOLUTION EXTENDING THE CITY OF MYRTLE CREEK WORKER'S
COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF
MYRTLE CREEK DURING POLICY YEAR 2024-2025

Whereas, the City of Myrtle Creek elects the following:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteer workers listed below.

1. An assumed monthly wage will be used for public safety volunteers and other unpaid volunteers as follows:

Volunteer Firemen	assumed wage of \$1200 per month
Unpaid Reserve Police Officer	assumed wage of \$800 per month
Unpaid RV Park Caretaker	assumed wage of \$25 daily
Summer Youth Work Program	Oregon minimum wage
Community Service/Work Crew	Oregon minimum wage
Airport Support Group	Oregon minimum wage
Volunteer Office Clerk	Oregon minimum wage
Golf Course Volunteer	Oregon minimum wage; and
2. Non-public safety volunteers will keep track of their hours and have their assumed payroll reported in the correct class code for the type of work being performed using Oregon minimum wage; and
3. A roster of active volunteers (public safety and non-public safety) will be kept monthly for reporting purposes. It is acknowledged that CityCounty Insurance Services/Saif may request copies of these rosters during year-end audit; and
4. Unanticipated volunteer projects or exposure not addressed herein will be added onto City of Myrtle Creek's coverage agreement (1) by endorsement, (2) with advance notice to CIS, and (3) allowing two weeks for processing. It is hereby acknowledged that coverage of this type cannot be back dated.

NOW, THEREFORE, BE IT RESOLVED THAT that City Council of the City of Myrtle Creek elects to provide for worker's compensation insurance coverage as indicated above. This resolution will be updated annually.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF MYRTLE CREEK THIS 4th
DAY OF JUNE 2024.**

APPROVED BY THE MAYOR THIS 4th DAY OF JUNE 2024.

Matthew Hald, Mayor

ATTEST:

Joanna Bilbrey
City Recorder

Myrtle Creek - City Council Agenda Report

Agenda item: Golf Course Operations

Meeting Date:	June 4, 2024	Primary Staff Contact:	Lonnie Rainville
Department:	Golf Course	E-Mail:	lrainville@myrtlecreek.org
Secondary Dept.:		Secondary Contact:	

Issue before the Council:

Discussion to accept Umpqua Golf Management's six month notice or allow them to operate on a limited schedule with winter months closed.

Background:

Umpqua Golf Management LLC (UGM) has been operating the Myrtle Creek Golf Course since 2020. Last year they renewed their contract for a five-year period. With the opening of Bar Run Golf Course in Roseburg, UGM has stated that play at the Myrtle Creek Golf Course has slowed. UGM has put forward two options to the City. One is to submit their six month notice to terminate operations of the Myrtle Creek Golf Course effective May 1, 2024 with an operations end date of October 31, 2024. This is allowable under the current contract. Their second option is to close the golf course in November and reopen in March. They agree to do minimal maintenance during the winter months that will allow them to have the course in shape in the spring for play. The City would not require payment from UGM during the winter months.

Fiscal Impact:

Annual payment to the City would be reduced from \$12,500 to 10,850.

Council Options:

Council can accept UGM's six months notice to terminate operations of the Myrtle Creek Golf Course.

Council can accept UGM's proposal to operate the Myrtle Creek Golf Course on a shortened schedule closing in November and reopening in March with a reduction in annual fee paid to the City.

Myrtle Creek - City Council Agenda Report

Agenda item: Use of FAA funding and future of the Airport Discussion

Meeting Date:	June 4, 2024	Primary Staff Contact:	Lonnie Rainville
Department:	Airport	E-Mail:	lrainville@myrtlecreek.org
Secondary Dept.:		Secondary Contact:	

Issue before the Council:

Discussion on the future of the Myrtle Creek Airport. The city has been allocated over \$1,000,000 in funding for maintenance and repairs, but this comes with a long-term commitment to maintain operation of the Myrtle Creek Airport. Do we want to plan for long term use of the Airport and start taking advantage of FAA funding for repairs or do we want to phase out FAA airport operations only running the airport under FAA guidance for the remaining period required by the FAA Improvements grant used in 2008.

Background:

In 2008 the City of Myrtle Creek took advantage of a FAA grant to complete airport improvements. This grant required the City to commit to operating the airport for a period of 20 years. Over the past couple of years, the FAA has committed funding to the Myrtle Creek Airport for repairs and maintenance. The total amount allocated to the airport exceeds \$1,000,000. If the City chooses to use this funding, there will be a commitment to operate the airport for another 20 years. The City needs to decide a path forward for the airport. Does the City want to commit to long term use of the airport and use the FAA funding or does the City want to sunset the airport and only commit to the time period mandated by the Grant used in 2008.

Fiscal Impact:

Committing to long term use of the airport would allow the city to use the FAA funding that totals over \$1,000,000 to complete improvement and maintenance to the airport.

If we choose sunset the airport, this funding will go away.

Council Options:

Council can choose to commit to the long-term use and operation of the Myrtle Creek Airport allowing the city to begin using FAA funding to do repair and maintenance projects.

Council can decide to let the airport sunset, and not use the FAA funding.



Myrtle Creek Lodge No. 1943
Benevolent and protective order of elks
PO Box 703
Myrtle creek, OR 97457

May 1st, 2024

Scholarship Sponsors,

Myrtle Creek Elks Lodge is pleased to announce our 2024 Elks Charity Scholarship Golf Tournament will be held October 5th, 2024 at Myrtle Creek Golf Club in Myrtle Creek, OR. We invite you to become a Major sponsor for \$300, a Scholarship sponsor for \$100 or to donate a raffle item to be raffled at our next golf tournament in October 2024. Proceeds from last year went to graduates from our area from South Umpqua High School, Riddle High School, Days Creek Charter School and Glendale High School who were awarded 18 local scholarships this year for a total of \$10,000. \$1,500 more than 2023! In addition we had one local young man from Riddle High School who went on to win 4th Place in Oregon and \$4,000 in Scholarship Money from Elks National Foundation! The lodge has been helping fund educational needs in our community for many years and hope to continue and grow this program more every year!

In 2023 we had the most sponsors ever with 31 Local businesses and community members who donated a total of \$6,025 towards scholarships with an additional 27 local businesses and community members donating over \$4,500 in Raffle and Swag donations.

Thank you for your support in helping our scholarship program with your \$100/\$300 sponsorship donation which enables you to be a part of the program that helps numerous students go on to college to achieve their dreams. All sponsors will have a sign made for them to be placed around the golf course during the tournament and names on a Thank you banner at the 19th hole! All sponsors and donors will also be recognized at the tournament and in post-tournament acknowledgments in our Lodge publications, local print in newspapers and social media for the Golf Tournament. All proceeds raised will go directly to scholarships for local high school seniors who apply for the Elks Most Valuable Scholarship Program.

In addition if you'd like to put together a 4-person Scramble team. Single golfers are welcome as well (we will place them together with other singles to fill a 4-person team) Call Rebekah Sexauer or Ted Romas to sign up a team.

Please contact us by phone or email by September 1st to confirm your sponsorship and donation or for more information. Rebekah Sexauer phone 541-733-7330 email rebekahsexauer@icloud.com or Ted Romas phone 541-860-2037 email tulotony62@gmail.com.

For Charitable contributions our EIN number is #93-0440674.

Please Make checks payable to Myrtle Creek Elks Lodge/2024 Golf

In Charity,

A handwritten signature in black ink, appearing to read "Rebekah Joy Sexauer".

Rebekah Joy Sexauer

Chairman Scholarship Committee



All Articles

Supreme Court Issues Important Decision Impacting Elected Officials and Use of Social Media



BY:

Stephanie Martinez-Ruckman

MARCH 22, 2024 - (6 MIN READ)



Leadership

Local Authority & Intergovernmental Relations

[Skip to Content](#)

By Amanda Karras, Executive Director, International Municipal Lawyers Association, and Stephanie Martinez-Ruckman, Legislative Director, Human Development, National League of Cities

On March 15th, in *Lindke v. Freed*, the Supreme Court established the test for when local government officials are considered “state actors” for the purposes of the First Amendment when they post on social media. The case is a win for local governments as the test provided by the Supreme Court safeguards the free speech rights of elected officials while balancing the rights of their citizens. More importantly, it is objective and focuses on authority as the test to determine if the official is acting “under the color of state law.”

In cities, towns, and villages across the nation, local elected officials and city staff often rely upon social media platforms both as a formal municipal means of communication as well as an informal way to engage with constituents and personal connections. This court decision allows local leaders to move forward with some clarity as to when the First Amendment applies to their social media accounts.

The facts in this case involve a City Manager, Mr. Freed, who used his Facebook account to post about purely personal items as well as items related to his work as City Manager, such as the City’s COVID-19 policies. He was sued after he deleted comments and blocked someone from his account.

The Court provided guidance and hypotheticals, which may prove instructive to cities as they train staff on the implications of this court ruling. It explained that in cases where someone has the authority to communicate with their residents, for state action to exist and First Amendment liability to attach, “there must be a tie between the official’s authority and the gravamen of the plaintiff’s complaint.” For example, if

[Skip to Content](#)

comments on those posts, he would not be acting with any state authority and would not violate the First Amendment.

More obviously, if a mayor posts something expressly invoking the authority of the City or State, the action takes immediate legal effect and is not otherwise available elsewhere; that post would likely be state action, according to the Court. On the other hand, if the official is merely sharing information that is otherwise publicly available, it is far less likely to be state action.

Public officials may use labels and disclaimers on their social media pages, such as “this is the personal page” of the individual or “the views expressed are strictly my own,” which, according to the Court, would entitle the official to “a heavy (though not irrebuttable) presumption that all of the posts on his page were personal.” However, the Court noted such a disclaimer cannot provide cover to conduct government business on a personal page such as by live streaming a council meeting only on that “personal” page.

[Skip to Content](#)



The Supreme Court took the case to resolve the lower court split — the Sixth Circuit found in favor of Mr. Freed, concluding the proper test to determine if the government official is engaging in state action is to ask whether he was “performing an actual or apparent duty of his office or if he could not have behaved as he did without the authority of his office” while the Ninth Circuit, in a separate case involving the same question, had held that state action applies to public officials’ social media accounts based on the “appearance and content” of the pages — and provide the test to determine when the First Amendment applies to a government official’s social media account.

In a unanimous decision authored by Justice Barrett, the Supreme Court rejected the Ninth Circuit’s subjective “appearance and content” test and concluded that a government official’s social media posts are “attributable to the State only if the official (1) possessed actual authority to speak on

[Skip to Content](#)

spoke on social media.” The Court noted that the “appearance and function of the social-media activity are relevant at the second step, but they cannot make up for a lack of state authority at the first.” The authority must be “real, not a mirage.” The analysis will hinge on substance and not the mere label of the public official, and the Court explains it will require a fact-intensive inquiry.

The Court notes that the line between private and state action can be “difficult to draw.” The difficulty is magnified, the Court explains, because of the nature of some public officials’ work, which can make it seem like “they are always on the clock.” But the Court emphasized that public officials have their own First Amendment rights, including rights to speak about their employment, that they do not relinquish simply by becoming public officials. The burden is on the plaintiff to show the official is “purporting to exercise state authority in specific posts.” Additional factors, such as the use of governmental staff and resources, may help demonstrate the use of that authority.

The Court explains that its test is derived from the text of Section 1983, which provides a cause of action where “[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State deprives someone of a federal constitutional or statutory right.” (internal quotations omitted). Thus, a public official has the authority to speak on behalf of the government if based on a written law, regulation, or ordinance that authorizes that person to make official announcements or if there is a well-established custom such that the “power to do so has become permanent and well settled.” (internal quotations omitted). The Court notes in situations where an account belongs to the government or is passed down to the occupier of the particular office, and those would be government accounts subject to the First Amendment.

As cities, towns, and villages move forward to implement and enforce local

[Skip to Content](#)

your efforts.

The Local Government Legal Center, of which NLC is a founding member, filed an amicus brief (joined by NLC, IMLA, and NACo) advocating for a clear and easy to apply state action test focused on authority.

NLC is Your Voice in Washington

Learn more about how NLC advocates for, and protects the interests of, cities, towns, and villages.

NLC ADVOCACY CENTER

About the Author



Stephanie Martinez-Ruckman

Stephanie Martinez-Ruckman is the Legislative Director of Human Development at the National League of Cities.

[Skip to Content](#)