

CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday, April 12, 2022 6:00 P.M.

MEETING CALLED TO ORDER:

Mayor Carlson called the Tuesday, April 12, 2022, Business Meeting to order at 6:00 p.m.

ROLL CALL:

Roll call was taken with the following members of Council and others being present: Councilor Johnson, Councilor Carleton, Councilor Baley, Councilor McCollam, Mayor Carlson, and City Recorder Hernandez.

FLAG SALUTE:

The Flag Salute immediately followed with Mayor Carlson requesting Councilor Carleton to take the lead.

MAYOR STATEMENT:

Mayor Carlson asked that everyone please turn cell phones on silence. All meetings are recorded. When addressing the City Council, please speak clearly and state your name.

PUBLIC COMMENT:

Mayor Pro-Tem Carleton stated the public is invited to provide their comments and opinions to the City Council at this time on issues of concern. Non-emergency issues brought up in this form will not be considered tonight other than in this preliminary discussion, but if found warranted, may be considered at a future meeting of the city council. Public comment is limited to five minutes per person.

No public comment followed.

CONSENT AGENDA:

- **Meeting Minutes:**
March 3, 2022 Work Session Merrill Town Hall-No Quorum: Councilor McCollam made a motion to approve the meeting minutes. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
March 8, 2022 Meeting Minutes: *Refer to Meeting Minutes for motion.*
March 16, 2022 Special Business Meeting Minutes: *Refer to Meeting Minutes for motion.*
Councilor Johnson made a motion to approve the entire consent agenda. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- **Phone Poll:**
Rogue Valley Farm Equipment Disc \$1,300.00 (Councilor Johnson, Councilor Baley, Councilor Carleton Approved 3-0)
Councilor Johnson stated approving the phone poll verbally that was not listed on the agenda. City Recorder noted the change to be reflected in meeting minutes. *Phone polls ratified. Refer to Meeting Minutes for motion.*
- **Business License Renewals:**
- **Business Licenses:**
La Michocana Annual Business License
Tacos ala Mexicana Annual Business License
Pena Annual Rental Business License: 222 Washington Street
KFalls Lick Tubs LLC Annual Business License
Merrill Baptist Church Fireworks Weekend Business License: Councilor Baley inquired to the location of the fireworks stand. City Recorder Hernandez stated at the Merrill Baptist Church. Councilor Johnson inquired to requirements for the fireworks stand. City Recorder Hernandez stated State Fire Marshal approval and City Council approval.
Refer to Meeting Minutes for motion.
- **Accounts Payable:**
February 2022 Account Payables: *Refer to meeting minutes for motion.*
February 2022 Water Transfer: *Refer to meeting minutes for motion.*

STAFF REPORTS:

• **Police:**

- Councilor Baley reported Marshal Broussard has been patrolling. Marshal Broussard has been representing the City well by making arrests, writing tickets, and the like. Councilor Baley inquired to the distribution of fine revenue from City of Malin citations.

• **Public Works:**

- Public Works Director Matthews submitted report and read: Checked lifts; took water and sewer samples; well level is 76 foot with pump running; completed and submitted Discharge Monitoring Report; hung pink tags; performed four locates; allowed outside dumping, which has resulted in approximately \$80,000.00 to date; cleaned restrooms; cleaned at lagoon; cleaned shop; fixed two sewer plugs. The City of Merrill tied for third place on Part I of the STRS Grant for the Falvey Road Reconstruction Project and thanked Chris Cheng. Public Works Director Matthews continued report: purchased 6' disc costing \$1,300.00; rebuilt four meters and boxes on Falvey Road; worked on Willow Street pump; submitted Cross Connection Reports; wrote monthly article for newsletter; attended meeting with ODOT in regard to Safe Routes to School Grant; obtained Chip Seal Agreement from Klamath County for two miles with approval; piled brush and loaded limbs; sprayed weeds; and attended zoom meeting with various grant providers.

• **City Recorder:**

- City Recorder Hernandez stated the City of Merrill has multiple businesses that have not submitted Annual Business Licenses. City Recorder Hernandez sought penalties to be imposed beyond the late payment fee. Discussion ensued. The determination was to create a letter stated further action will be pursued. City Recorder Hernandez submitted report and read: Submitted Statement of Economic Interest (SEI); Statement of Economic Interest (SEI) List finalized with submissions due by April 15th to avoid civil penalties; revised Budget, LB1, Budget Message, and Appropriations; received PILT revenue; updated Job Descriptions for compliance; transferred title and registration for 2014 Ford F-150 at Department of Motor Vehicles (DMV); requalified DMV Record Inquiry Account (DMV2U); printed, folded, and mailed 350 copies of Quality/Consumer Confidence Report; copied 170 SRTS English and Spanish packets and correspondence; assisted with Oregon Arts Commission Grant; US Census Payroll submission; US Department of Treasury Unclaimed Property submission; Oregon Department of Transportation Survey; Human Resources Electronic File update; completed fire extinguisher inspection; investigative contract and coordination; Oregon Community Grant Application; auto insurance and driver license inquiry; and other administrative duties. No questions followed.

• **Lawyer:**

- Report: Staff has been in contact periodically with the City Attorney regarding personnel issues.

• **Code Enforcement:**

- No Report.

• **Planning:**

- Report: A Planning Commission Meeting was held April 4, 2022. The Planning Commission accepted Kallie Gatliff to serve on the Planning Commission with the approval of City Council. Mayor Carlson nominated Kallie Gatliff to the Planning Commission. Councilor McCollam 2nd the nomination. The motion passed 4-0 in favor. The Planning Commission is awaiting a Land Use Compatibility Statement from Umpqua Bank for sign replacement, an Agent Authorization Form, and payment. Truck parking was discussed on Front Street with direction to issue a letter to a resident blocking a crosswalk and creating a hazard for children. Solar Ordinances were discussed. Planning Commission is awaiting a Right-of-Way Permit and bonding from Ed Staub and Sons to complete the Street Cut Permit. City Engineer Darryl Anderson relayed a message

stating Ed Staub and Sons does not want a Performance Bond but will provide a Certified Check/Cash Bond in lieu of. City Engineer Darryl Anderson approved.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Public Works Director Matthews reported Lost River Arts and Cultural Alliance applied and interviewed for a grant from the Roundhouse Foundation for \$2,000.00. Lost River Arts and Cultural Alliance was awarded \$3,500.00. Ticket sales opened online March 1, 2022 and has sold \$2,000.00 to date. Tiny Mighty and Strong from Tulelake, California will provide activities at the Lost River Bluegrass Festival. A free show will be held Thursday, July 7, 2022 featuring the Western Flyers. Lost River Arts and Cultural Alliance has received the following sponsorships: City of Merrill, Merrill Parks Department, Frank King, Robin King, Duncan Family Farms, Merrill Lion's Club, Michael Sheets, Jim and Lori Baley, Basin Fertilizer, Merrill Polar Bear, Fast Break Convenience Store, Sherm's Thunderbird, Anderson Engineering, Wild Goose Meadows, KLAD, Pape Machinery, Glen Gailis, McKoen and Sons, Austin Staub, Gold Dust Farms, Andrew Smith Dentistry, Fireserve, Cal-Ore Produce, Spring Street Analytical, and more to come. Public Works Director Matthews communicated with Oregon Heritage Foundation about grants for ground penetrating radar to locate those buried and remembered with markers.

NEW BUSINESS:

- Position #1 Vacancy Letters of Interest (Resignation Effective June 1, 2022): City Recorder Hernandez stated the City has received a well written letter of interest. Councilor Carleton's resignation has been verbal and the City of Merrill has yet to post the position in writing. Tabled.
- Discuss ARPA Project(s) and Reporting: ARPA Reporting is due April 30, 2022. The City of Merrill could choose to use the ARPA funds as revenue loss during this time period only. The funds could be used for road construction, water sewer infrastructure, or actual revenue loss; however, the City could elect to use the funds for water sewer infrastructure. Some of the projects are Swisher Road Project, Fourth Street, and Water Sewer Lift Station upgrades. A second tranche is to be distributed in 2022. Discussion of use of funding ensued. The April reporting period allows the funds to be flexible. Thereafter, the reporting is more extensive for water sewer infrastructure. The funds must be obligated by December 31, 2024 and the project must be completed by December 31, 2026. The consensus of the City Council is to use the ARPA Funding for water sewer infrastructure.
- Discuss Reinstating Municipal Court: In the past, the City of Merrill budgeted fines for \$80,000.00; however, the City of Merrill had the reputation for speed traps, which the repercussions are presently ongoing. Mayor Carlson stated rumors of bad experiences with the court. The City Council holds the authority to appoint the judge.
- Safe Routes to School Plan Final Report: Oregon Department of Transportation is beginning to stage the project. The City of Merrill will be responsible for resetting water valves, which City Engineer Darryl Anderson is engineering.
- Adopt Revised City of Merrill Employee Handbook: The Employee Handbook was revised to include the Crown Act in the Anti-Discrimination/Anti-Harassment Policy, Workplace Violence, Bereavement Leave, and no expectation of privacy for all City owned equipment. Tabled for the City Council to review further.
- Consider Police Evaluations Scorecard: Mayor Carlson presented the City Council with a scorecard. The suggestion is for the Police Commissioner and Marshal to present the scorecard to the City Council annually. Councilor Baley was in agreement.
- Candidate Christensen Disclosure: Mayor Carlson disclosed helping Candidate Christensen's campaign. The title, "Mayor" may be used, but all views and opinions shall be that of the individual and not the City. No discuss followed.
- Discuss Fourth Street Extension (Bureau of Reclamation): As was discussed fifteen years ago, in the future, the City of Merrill must develop Fourth Street. 11 acres, 16 acres in total, of undeveloped land is on Fourth Street. Public Works Director Matthews proposed beginning the process to extend Fourth Street to Highway 39 through the Bureau of Reclamation. Public Works Director Matthews also proposed connecting an 8 inch line to the 6 inch line at the end of Polk Street to the Klamath Irrigation Ditch with 2 hydrants. Sewer already exists. West Coast Pipe estimated the project at \$80,000.00 with one hydrant. The City of Merrill would be entirely looped.
- Discuss Swisher Road Project: *Swisher Road residents were present in the audience.* The wells on Swisher Road are running dry. A majority of the Swisher Road residents are interested in annexation. A 4 inch blind

flange could be connected to a 6 inch main line with 2 hydrants. West Cost Pipe estimated the project at \$85,000.00. Meters, boxes, and connections would be separate, which would be installed by City of Merrill Public Works at \$1,500.00 each. Discussion of water line installation and revenue ensued. Councilor Carleton emphasized the line would be paid for by grant money. In conjunction with annexation, the residents and City would benefit. A vote of the people and the City would be required. A Development Agreement was suggested with a majority of the residents to proceed with the project. Property values would increase and insurance rates would decrease with the availability of City water. Robert Sluga (Swisher Road Resident) stated the City of Klamath Falls has residents sign an agreement to annexation in exchange for water and sewer, which give the City leverage. The cost of the project became too expensive for two residents and requesting \$10,000.00-\$12,000.00 from other residents is also too expensive. Mayor Carlson proposed creating a Development Agreement with rates for residents who choose to annex and for those who refuse. Without annexation, the cost of connections would be \$3,000.00-\$5,000.00. Swisher Road appears to be in the Urban Growth Boundary (UGB). Councilor Carleton stated the annexation process involves Department of Land Conservation and Development (DLCD) and all property within the Urban Growth Boundary must be annexed before new property can be annexed but must be researched. Robert Sluga (Swisher Road Resident) inquired whether Dencer Lane was within City Limits. Councilor Carleton stated negative. Public Works Director Matthews stated the water line connected to Dencer Lane is on City property. The consensus of City Council is to move forward on the annexation and engineering of the Swisher Road Project. City Council approved City Engineer Darryl Anderson to begin engineering Swisher Road Project. Discussion of County Roads ensued.

- Discuss Swisher Road Annexation: *Refer to Discuss Swisher Road Project.*
- Letter of Thanks to Representative Reschke (\$275,000) and Letter to the Editor: No objection to Letter of Thanks to Representative Reschke (\$275,000) and Letter to the Editor.
- Discuss Police Housing: Mayor Carlson stated Police Housing would be part of police compensation in the future. Councilor Carleton suggested researching grant opportunities for police housing. Councilor Johnson suggested buying an already built home. Councilor Baley opined Merrill Police Department staff should live within City Limits. City Council stated housing is difficult to find, but with provided housing, staff would be guaranteed to be within the City. Discussion of grant writing and reporting ensued. Councilor Johnson also suggested a modular home.
- Authorization to Add Police Commissioner to Auto Insurance: City Recorder Hernandez sought approval from City Council to add Police Commissioner Baley to the Auto Insurance to move the police vehicle. Mayor Carlson inquired to the cost. City Recorder Hernandez stated no additional cost. There is a cost to the Department of Motor Vehicles (DMV) inquiry, which has already been performed. Councilor Johnson inquired whether the Recorder's Office would retain the police vehicle key. City Recorder Hernandez stated the decision would be of the City Council whether the Recorder's Office retains the key or Police Commissioner Baley keeps the key on person. Councilor McCollam opined the keys be kept in the Recorder's Office after the vehicle is moved. Public Works Director Matthews stated no objection to staff moving the police vehicle. No objections to Police Commissioner Baley being added to the Auto Insurance.

OLD BUSINESS:

- Discuss Utility Easement: *Mayor Carlson recused self-due to potential conflict.* Councilor Carleton met with Christina Bigoni about a 10-foot easement on the triangular property behind the Dollar General. The easement would belong to the City of Merrill. Christina Bigoni agreed to the easement along the length of the property. City Engineer Daryl Anderson would write the Easement Agreement. A 20-foot easement would exist for water and sewer. The City would maintain maintenance. The Bigoni's would receive two free water hook-ups and two-free sewer hook-ups in exchange for the easement as an incentive.
- Consider Water Contract with State of Oregon: Tabled.
- Discuss Weed Height and Abatement: No objections followed to an 8-inch weed height during drought years. Code Enforcement would use discretion.
- Discuss Garbage Storage: For residents who do not use Waste Management services, garbage outside of storage should be prohibited. Garbage should be stored in an enclosed container. The action item for Code Enforcement Baley, Mayor Carlson, and City Clerk Northcutt to create an ordinance for garbage storage.
- Discuss Police Department Contracting: Councilor Baley stated the City of Malin was offered \$100.00 per hours for two months with a cap at \$7,000.00. The City of Malin declined the offer. Councilor Johnson clarified \$75.00 per hour for 46 hours per month was offered. The City of Malin counteroffered 35 hours

per month at \$100.00 per hour. Mayor Carlson stated the City of Bonanza is contracting with Klamath County for patrol. The City of Bonanza is contracting for \$2,500.00 per month for 30 hours per month. The City of Malin was contracting with the City of Malin for \$2,500.00 per month for 40 hours per month at \$62.50 per hour. Councilor Carleton stated contracting with Klamath County would be more fiscally responsible. Councilor Baley stated the City of Malin is already patrolling the City of Merrill without compensation. Councilor McCollam sought clarification that City of Malin decline \$7,000.00 for two months. Councilor Johnson and Mayor Carlson affirmed. City Council authorized Mayor Carlson and Police Commissioner Baley to negotiate a contract with Klamath County Sheriff's Department on a monthly basis at \$3,500.00 per month. The negotiation is to include fine share revenue distributions.

ORDINANCES:

RESOLUTIONS:

- Resolution 2022-879 Adopt Revised City Recorder Job Description: City Recorder Hernandez read Resolution into the record by title. City Recorder Hernandez explained Senate Bill 569 regarding the need to update all Job Descriptions requiring a driver's license to perform essential job functions. City Recorder Hernandez stated Hours of Work were added, the reasonings for travel, and generalized accounting software. Councilor McCollam made a motion to approve Resolution 2022-879. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2022-880 Adopt Revised City Clerk Job Description: City Recorder Hernandez read Resolution into the record by title. City Recorder Hernandez explained Senate Bill 569 regarding the need to update all Job Descriptions requiring a driver's license to perform essential job functions. City Recorder Hernandez stated Hours of Work were revised, the reasonings for travel, and generalized accounting software. Councilor Johnson made a motion to approve Resolution 2022-880. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2022-881 Adopt Revised City Marshal Job Description: City Recorder Hernandez read Resolution into the record by title. City Recorder Hernandez explained Senate Bill 569 regarding the need to update all Job Descriptions requiring a driver's license to perform essential job functions. City Recorder Hernandez stated Code Enforcement was added to reflect the language in City Recorder, City Clerk, and Officer Job Descriptions. Psychological examination was added to Job Qualification Requirements. Councilor Johnson made a motion to approve Resolution 2022-881. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2022-882 Adopt Revised Officer Job Description: City Recorder Hernandez read Resolution into the record by title. City Recorder Hernandez explained Senate Bill 569 regarding the need to update all Job Descriptions requiring a driver's license to perform essential job functions. City Recorder Hernandez stated Code Enforcement was added to reflect the language in City Recorder, City Clerk, and Marshal Job Descriptions. Be able to pass a medical physical, psychological examination, and drug test following a conditional offer of employment was added to Job Qualification Requirements. Councilor Johnson made a motion to approve Resolution 2022-882. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2022-883 Adopt Revised Public Works Director Job Description: City Recorder Hernandez read Resolution into the record by title. City Recorder Hernandez explained Senate Bill 569 regarding the need to update all Job Descriptions requiring a driver's license to perform essential job functions. City Recorder Hernandez stated ODOT Bridge Reporting was added along with clarification of wording in Examples of Principle Duties. Councilor Carleton made a motion to approve Resolution 2022-883. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2022-884 Adopt Revised Utility Worker I Job Description: City Recorder Hernandez read Resolution into the record by title. City Recorder Hernandez explained Senate Bill 569 regarding the need to update all Job Descriptions requiring a driver's license to perform essential job functions. Councilor Carleton made a motion to approve Resolution 2022-884. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2022-885 Adopt Revised Utility Worker II Job Description: City Recorder Hernandez read Resolution into the record by title. City Recorder Hernandez explained Senate Bill 569 regarding the need to update all Job Descriptions requiring a driver's license to perform essential job functions. Grant writing

was removed. Councilor Baley made a motion to approve Resolution 2022-885. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.

- Resolution 2022-886 Transfer Funds to Comply with Budget Law: City Recorder Hernandez read Resolution into the record by title and read the required transfers with reasoning. Councilor McCollam made a motion to approve Resolution 2022-886. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.

OTHER-FUTURE AGENDAS:

- Solar Farm Cease Generation Order

PUBLIC COMMENT:

The public is invited to provide their comment and opinion to the City Council at this time on issues of their concern. Non-emergency issues brought up in this forum will not be considered tonight other than in this preliminary discussion, but if found to be warranted, may be considered at a future meeting of the City Council. Public comment is limited to 5 minutes per person.

Cesar Cobian (223 W. Second Street): *Resident Cesar Cobian elected to communicate with a translator.* Cesar Cobian stated having too many problems at the house. A big problem is having five cats. The cats **** outside the fence. The neighbor throws the **** back to the house. There are too many cats around from different neighbors.

Mayor Carlson stated Animal Control will not respond to cats, but Animal Control will loan a trap. The trapper can then take the cats to Animal Control. Owners will be notified. The City does not involve itself in cats.

Councilor Johnson stated cats can also be brought to the Humane Society. The Human Society has a spay and neuter program.

Cesar Cobian (223 W. Second Street): The translator stated none of the cats at Cesar Cobian's house are his. He only has five cats, but they are always basically inside.

Mayor Carlson reiterated earlier comment.

Cesar Cobian (223 W. Second Street): Resident Cesar Cobian questioned the neighbor throwing **** back to house. The translator clarified the cats relieve themselves at the neighbor's house. The neighbor thinks the cats are Resident Cesar Cobian's and throws the fecal matter back onto property. They throw the **** inside daughter's pool, the second time was over the barbeque, and now two times on side of door.

Mayor Carlson stated the civil issue is not a public matter but volunteered to mediate between the neighbors.

Cesar Cobian (223 W. Second Street): Resident Cesar Cobian stated she cried and wanted place cleaned. Resident Cesar Cobian cleaned. She feeds the cats but not her cats because she likes the animals.

Mayor Carlson reiterated trapping and mediation.

Cesar Cobian (223 W. Second Street): The problem is many times pictures and letters from here. Resident Cesar Cobian understood wood outside the house. Resident Cesar Cobian has picture of truck that he had to sell because he has two pick-ups. Resident Cesar Cobian has a pick-up for work and had to sell one because it was outside the house and does not understand because he sees cars outside of houses. One house had nine cars. Resident Cesar Cobian does not think the owners use all the cars because one or two people live there. There is a lot of junk, broken cars outside of house. Resident Cesar Cobian stated having one trailer outside the house and had to "get rid of it". The trailer for the firewood was broken and was waiting for some time to fix but had to "get rid of it too". Resident Cesar Cobian does not understand why.

Mayor Carlson stated there are many broken down vehicles.

Cesar Cobian (223 W. Second Street): Resident Cesar Cobian stated only at his house and reiterated ridding of property and "inside too".

Councilor Johnson stated other residents are receiving letters for abandoned vehicles and junk. Resident Cesar Cobian is a resident taking responsibility and abating the issue. Many residents ignore the letters and continually receive them.

Cesar Cobian (223 W. Second Street): Resident Cesar Cobian reiterated the issues.

Public Works Director Matthews stated the City of Merrill is seeking a Code Enforcement Officer.

Councilor Carleton opined to have Code Enforcement or not.

Public Works Director Matthews stated the fecal matter should be addressed.

Swisher Resident Robert Sluga stated the issue is proof.

Cesar Cobian (223 W. Second Street): Resident Cesar Cobian offered testimony from daughter.

Mayor Carlson stated meeting for contact information.

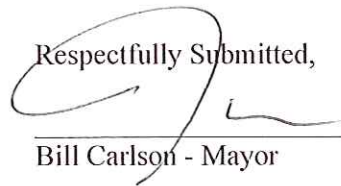
Teresa Perry (425 Grant Street): Resident Teresa Perry stated not having a local police department does not benefit the City and is not in the best interest for the residents and the community. In the past 30 days that the City has not had coverage, it has resulted speeding through town, late night loud music in all parts of the neighborhood, speeding up and down in the City Limits, up and down Grant Street in particular, cars squealing tires in intersections and burnouts in the center of the road, which occurred at 11:00 p.m. Placing the police vehicle in public does not distract anything. The vehicle poses a liability because it is not under surveillance for vandalism or the like. Several residents have knowledge of the police situation, and the vehicle is not a deterrent. The vehicle doesn't do anything but make it a target. Resident Teresa Perry sought the City Council to greatly consider the options besides disbanding the Police Department and referenced surrounding communities without a police presence. Resident Teresa Perry reiterated opposing disbanding the Police Department and depending upon outside agencies.

Councilor Carleton stated, "we do not like it either, Teresa."

ADJOURN MEETING:

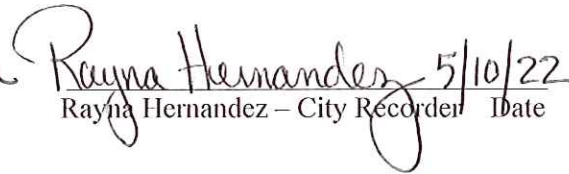
Councilor Johnson made a motion to adjourn the April 12, 2022 Meeting. Councilor McCollam 2nd the motion. With all in favor, the meeting adjourned at 7:47 p.m.

Respectfully Submitted,



Bill Carlson - Mayor

10 May 22
Date



Reyna Hernandez - City Recorder Date

Folder A #21