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**CITY OF MERRILL**  
**REGULAR BUSINESS MEETING**  
Tuesday August 10, 2021 6:00 P.M.

**MEETING CALLED TO ORDER:**

Mayor Pro-Tem Carleton called the Tuesday, August 10, 2021 Business Meeting to order at 6:02 p.m.

**ROLL CALL:**

Roll call was taken with the following members of Council and others being present: Councilor Picke, Councilor Carleton, Councilor Baley, Councilor McCollam (telephone), Mayor Carlson (absent), City Recorder Hernandez (absent), and City Clerk Northcutt.

**FLAG SALUTE:**

The Flag Salute immediately followed with Mayor Pro-Tem Carleton requesting Councilor Picke to take the lead.

**MAYOR STATEMENT:**

Mayor Pro-Tem Carleton 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:**  
July 13, 2021 Council Meeting Minutes: Councilor Picke made a motion to approve the July 13, 2021 Meeting Minutes and entire consent agenda. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 3-0 in favor.
- **Phone Poll:**
- **Business License Renewals:**  
La Michocana  
Tacos ala Mexicana  
Chewy's Barber Shop  
*Refer to meeting minutes for motion.*
- **Business Licenses:**
- **Accounts Payable:**  
July 2021 Account Payables: *Refer to meeting minutes for motion.*  
July 2021 Water Transfer: *Refer to meeting minutes for motion.*

**STAFF REPORTS:**

- **Police:**
  - Officer Srch reported for the calendar month: 42 calls for service; 13 vehicle stops; 4 citations; 6 outside assists; 1 crimes reported (Umpqua Bank robbery occurred on July 30, 2021 under active investigation).
- **Public Works:**
  - Public Works Director Matthews submitted report and read: Checked lifts; took water and sewer samples; well level is 95 foot with pump running; completed and mailed DMR; hung pink tags

and performed shutoffs; performed multiple locates; read meters; outside dumping; fixed water main break on South Merrill Road; measured Swisher Lane for City Engineer Darryl Anderson (1000'); cleaned restrooms; continued Lost River Bluegrass Festival cleanup, which included the stage; skimmed treatment pond at lagoon; installed new appliances in City Hall Kitchen; extended suction 2' at holding pond; Bobcat threw a track and Reynold's Ag repaired; cleaned shop; fixed one sewer plug; increased set point volume on water tank (53'); continued siding installation on City Hall; Utility Worker Roman Vazquez has been mowing a spraying weeds; and pre-design meeting for the Third Street Chip Seal Project scheduled for August 19, 2021. Public Works Director Matthews sought permission to remove a tree that fell on Waldrip's property. The property is used for the Klamath County Potato Festival, Lost River Bluegrass Festival, Martin's Food Center delivery trucks, Merrill Park Board, and Carter Hall access. City Council was in favor. Public Works Director Matthews assisted City of Tulelake with a public relations issue. The lots behind the Klamath Housing Authority has overgrown vegetation. Public works abate the vegetation as the owners are unknown.

Councilor Baley sought further information on the Swisher Road water installation. Discussion ensued.

Public Works Director Matthews applied for \$100,000.00 Small City Allotment Grant for First Street Chip Seal.

- **City Recorder:**

- City Recorder Hernandez submitted report and City Clerk Northcutt read: Submitted DLCD \$1,000 Planning Assistance Grant; Officer Srch was awarded High Visibility Enforcement Grant for 2022; Submitted Small City Allotment Grant-Application, Mapping, Pictures; Submitted ARPA Application to Department of Administrative Services; Confirmed Annual Oregon State Treasury Debt Management; Submitted Annual Housing Unit and Population Survey (AHUPS); Hunter Communications Responded to Franchise Request-New Personnel; CIS Connect Training-Benefit Changes; 2021 Mid Year New Laws Webinar; Submitted 19/20 FY Audit to Business Oregon; Submitted WC Audit (CIS) and NCCI Quarterly WC Audit; Corrective Action Plan-Audit Letter; Other Daily Administrative Duties: Payroll, PERS, Retirement, Payables and Receivables in QuickBooks, Meeting Minutes, Bank Reconciliation, Water Billing, Taxes (Quarterlies), Staff and Safety Meeting Preparation, Notarizations, Customer Service, Deposits and Miscellaneous Duties. City Clerk Northcutt performed Record Maintenance; Clerical Code Enforcement; Traffic Tickets; Payable and Receivable Data Entry in Excel Spreadsheet; Account Receivables; Newsletter Compilation; Dumping Revenue Invoices; Business Licenses; Pink Tags; City of Merrill Website Management; Planning Meeting Minutes. City Clerk Northcutt enrolled in a three day training through League of Oregon Cities and Portland State University in regards to planning.

- **Lawyer:**

- Breach of Contract: City Attorney Jennifer Schade was in attendance. No questions were sought. Candice Carlson had no report for City Council on Merrill Commercial Property.

- **Code Enforcement:**

- Report: Officer Srch reported the cargo container has been abated. Verbal compliance has been successful.

- **Planning:**

- Report: Chairman Trotman reported on the August 9, 2021 Planning Commission Meeting. The 501 N. Main Street Partition was finalized. The meeting minutes from December 2020 to the most current were reviewed regarding the Merrill Commercial Property. The Planning Commission determined to draft a letter to Bill Carlson, owner of 1.11 acres of Merrill Commercial Property with the option to purchase the balance. The letter shall include the ordinances and what need to be followed-up on before further proceedings. City Clerk Northcutt and Planning Chairman

Trotman will draft the letter, distribute to each commissioner, and then mail to Bill Carlson after approval. City Clerk Northcutt updated the commission on the League of Oregon Cities and Portland State University database with requested information. City Clerk Northcutt has been working with Scott Edelman in regards to partition and subdivision verbiage. A work session will be held to update the Street Cut Permit. Mayor Pro-Tem Carleton stated Scott Edelman emailed a model Development Code with wording that is more clear and concise. Scott Edelman has volunteered to assist with the Development Code.

Mayor Pro-Tem Carleton designated Councilor Picke to sign the Land Partition due to conflict of interest.

#### **LOST RIVER ARTS AND CULTURAL ALLIANCE:**

- Public Works Director Matthews thanked the Lost River Football Team for volunteer efforts at the Lost River Bluegrass Festival. Public Works Director Matthews thanked the Lost River Running Raiders for serving pie and ice cream, the Buffalo Chicks, Robin King, for Clogging, and Diana Bicknell for the Veteran's Quilt Presentation. Public Works Director stated appreciation for the Home Town support shown. Support from the City of Merrill, Merrill Parks District, volunteers, and sponsors. Public Works Director Matthews discussed price comparison.

#### **NEW BUSINESS:**

- Corrective Action Plan: Councilor Picke made a motion to adopt the City's Corrective Action Plan. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 3-0 in favor.
- Revised Merrill City Hall Rental Agreement: City Clerk Northcutt detailed deleted, obsolete items from the rental agreement and additions made. Councilor Baley made a motion to adopt the new Merrill City Hall Rental Agreement. Councilor Picke 2<sup>nd</sup> the motion. The motion passed 3-0 in favor.
- Discuss Animal Relocation from Bootleg Fire within City Limits: City Clerk Northcutt stated animals have been relocated to Merrill inside City Limits from the Bootleg Fire and sought a temporary moratorium on animal ordinances inside City Limits. Candice Carlson reported on a resident housing four goats for a person who lost their home to the Bootleg Fire. The resident may not have the necessary square footage for the goats and sought a temporary approval to house livestock. Councilor Picke made a motion to allow animals to be within the City Limits in an emergency situation for a 90 day period. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 3-0 in favor.

#### **OLD BUSINESS:**

- Municipal Home Rule: Municipal Home Rule allows municipalities to nullify actions of the Governor until litigation has been resolved. City Councilors stated favor.
- Merrill Solar Project Update: City Recorder Hernandez submitted letter. Klamath County Planning Commission issued a letter to establish rules in regards to solar farms within the County, which is what the City of Merrill imposed.
- Appoint Police Commissioner: Councilor Pike stated an interest as Police Commissioner. Councilor Baley stated Councilor McCollam and Councilor Baley had disinterests in becoming the Police Commissioner but have shifted position. Councilor Baley had experience as Military Police in Leavenworth, and Councilor McCollam has experience in law enforcement working for Fish and Wildlife. Councilor Picke opined the Mayor should not be Police Commissioner; however, the Mayor appoints the Commissioners. Mayor Pro Tem Carleton affirmed. In the absence of the Mayor, mayoral duties are transferred to the Mayor Pro Tem and was of the same opinion as Councilor Picke. Councilor Baley suggested tabling the issue. Councilor McCollam opposed tabling the issue. Officer Srch spoke with Mayor Carlson on August 9, 2021. Mayor Carlson's recommendation was to abolish the Police Commissioner and place the Police Department under review by City Council. Officer Srch opined maintaining the status quo for the moment for consistency. Councilor Baley reiterated tabling the issue. Mayor Pro Tem Carleton appreciated Mayor Carlson's position; however, stated opposition due to conflicts with multiple management directives. There is a chain of command. Officer Srch explained procedural oversight. Officer Srch recommended Councilor Picke as Police Commissioner. Mayor Pro Tem Carleton inquired whether Councilor Picke has police experience. Councilor Picke stated EMT. Mayor Pro Tem Carleton stated Councilor Baley or Councilor McCollam have police experience. Officer Srch stated administration experience is more beneficial than police experience. Decisions based upon police experience must be current experience. Councilor Picke has

knowledge of police procedures. DPPST would intervene in an egregious event, which would eliminate City Council. The actions of the officer would be subject to State Certification. Councilor Picke stated the City is open to a lawsuit if a new Police Commissioner is not appointed. It is inevitable. For example, in the event of disciplinary actions and the appearance. The Police Commissioner should either be Councilor Baley or Councilor Picke because Councilor McCollam has publically shown disdain for Officer Srch. Councilor McCollam rebutted disdain for Officer Srch. The relationship between Councilor McCollam and Officer Srch has improved in the last 30-45 days. Councilor McCollam stated the complaint was valid and continues to support the accusation. Councilor Picke stated a personal complaint against a City Employee, which is illegal to voice in a public meeting. Councilor Picke reiterated who should be appointed Police Commissioner. Councilor McCollam stated responding accordingly to the subject discussed during City Council. Councilor Picke stated a councilor should know not to in regards to a City Employee. Councilor McCollam appreciated Councilor Picke's opinion. City Attorney Jennifer Schade recommended appointing a new Police Commissioner. The Police Commissioner should be a single individual and not the City Council. City Attorney Jennifer Schade suggested an Interim Police Commissioner with an official appointment at a future meeting due to the unique situation. Mayor Pro Tem Carleton inquired whether any City Councilors desired to withdraw from the nomination. Each City Councilor desired appointment. Councilor Picke is currently Office Commissioner. Councilor Baley is Code Enforcement Commissioner. Councilor McCollam is Street Commissioner. Mayor Pro Tem Carleton recommended Councilor Baley be appointed Interim Police Commissioner. Councilor McCollam made a motion to appoint Steve Baley the Interim Police Commissioner. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 3-1 with Councilor Picke opposing.

**ORDINANCES:**

- Bill 2046-Home Rule-First Reading: Mayor Pro Tem Carleton read Bill 2046 into the record with no amendments suggested.
- Bill 2047-Amending 4.1.300 Type 1 B (Administrative) (C) Notice of Application for Type 1 B Administrative Decision-Second Reading: Mayor Pro Tem Carleton read the Ordinance in by title with no changes from the July 13, 2021 City Council Meeting. Councilor Baley made a motion to approve Ordinance 2047. Councilor Picke 2<sup>nd</sup> the motion. The motion passed 3-0 in favor.

**RESOLUTIONS:**

- Resolution 2021-845 Adopt Vaccine Awareness Month: Councilor McCollam made a motion to approve Resolution 2021-845. Councilor Picke 2<sup>nd</sup> the motion. The motion passed 3-0 in favor.
- Resolution 2021-850 Declaring Support of Water Rights: The resolution is to support farmers who's what has been shut-off. Councilor Baley made a motion to approve Resolution 2021-850. Councilor McCollam 2<sup>nd</sup> the motion. The motion passed 3-0 in favor.
- Resolution 2021-853 Transfer Funds to Comply with Budget Law Requirements: City Clerk Northcutt detailed the transfers. Councilor Picke made a motion to approve Resolution 2021-853. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 3-0 in favor.

**OTHER-FUTURE AGENDAS:**

Funding for Microphones and Conferencing System  
Funding for Request for Proposal (RFP) Contracts  
Potato Festival (Lions Club)


**PUBLIC COMMENT:**

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Public Works Director Matthews mentioned City Recorder Hernandez' family accident on Malone and HWY 39 with positive thoughts.

**ADJOURN MEETING:**

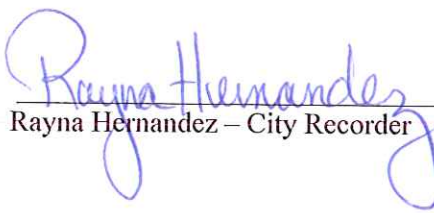
Councilor Picke made a motion to adjourn the August 10, 2021 Meeting. Councilor Baley 2<sup>nd</sup> the motion. With all in favor, the meeting adjourned at 7:14 p.m.

Respectfully Submitted,  


Bill Carlson - Mayor

14 sep 21

Date

 9.14.2021

Rayna Hernandez - City Recorder Date