

REGULAR BUSINESS MEETING
Wednesday, August 10, 2022 5:30 P.M.

MEETING CALLED TO ORDER:

Mayor Carlson called the Wednesday, August 10, 2022 Business Meeting to order at 5:30 p.m.

ROLL CALL:

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

FLAG SALUTE:

The **Flag Salute** immediately followed with Mayor Carlson requesting Councilor McCollam 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:**
August 10, 2022 City Council Meeting Minutes: Councilor Johnson made a motion to approve the entire consent agenda. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- **Phone Poll:**
- 7/12/2022 Discuss Contracting Terms at Malin City Council Meeting (Councilor Johnson-Text, Councilor Gatliff,-Text Councilor McCollam, Councilor Baley-Verbal) Approved 4-0 in favor
- 7/14/2022 Ed Staub General Review Application 105 W. Front Street Taxlot #08000,08100,07800,07901 (Councilor Johnson, Councilor McCollam, Councilor Gatliff) Approved 3-0 (Text)
Refer to meeting minutes for motion.
- **Business License Renewals:**
- **Business Licenses:**
Linda Goolsbee Airbnb Rental Business License
Refer to Meeting Minutes for motion.
- **Accounts Payable:**
July 2022 Account Payables: *Refer to meeting minutes for motion.*
July 2022 Water Transfer: *Refer to meeting minutes for motion.*

STAFF REPORTS:

- **Police:**
 - Report: Councilor Baley reported Marshal Broussard has been heavily patrolling City of Merrill. Sheriff Kaber and Police Commissioner Baley discussed Police Contracting.
- **Public Works:**
 - Public Works Director Matthews submitted report and read: Checked lifts; gathered water samples needed for Gross-Alpha Test; well level is 92 foot with pump running; completed and submitted Discharge Monitoring Report; hung pink tags; performed six locates; allowed outside dumping, which has resulted in \$1,180 for the first two weeks in July; cleaned restrooms; cleaned and piled

brush at lagoon; cleaned shop; fixed one sewer plugs; mowed and watered lawns; sprayed weeds; continuing residing City Hall; abated vegetation on Merrill Commercial Property and Fourth Street; moved concrete from Merrill Elementary School; met with Oregon Department of Transportation Engineer, City Engineer Darryl Anderson and Lewis from Bob's Excavating in regard to resetting waterlines and hydrants for the Curb Ramp Project, which will be costly at the City's expense; received bids for Utility Worker Taylor's Ford F-150. The City of Merrill is expected to have received all Consent to Annexation Forms excluding one resident who had declined. The City has received a triple majority and the resident shall be annexed. Utility Worker Taylor and Utility Worker Roman Vazquez attended training in Kaiser. Public Works Director Matthews reported on the Neighborhood Watch Meeting held August 9, 2022 at 6:00 p.m. The next meeting will be held November 4, 2022 at 6:00 p.m.

- **City Recorder:**

- City Recorder Hernandez reported HDR, Inc. has been contracted by the Oregon Department of Transportation (ODOT) to assist in the acquisition of right of way interests for improvements on the Klamath, Lake and Deschutes County Curb Ramps Project along OR39 Klamath Falls-Malin Highways in Klamath County. City Recorder Hernandez inquired to the City Attorney or City Engineer to review the documentation. City Council consensus was to have City Engineer Darryl Anderson review the documents and agenda for September 14, 2022. City Recorder Hernandez continued report: completed and submitted Oregon Department of Transportation Grant Part 2 and thanked Active Transportation Liaison ODOT Region 4 Chris Cheng; City Clerk Northcutt and self, attended an Oregon Department of Revenue Training in Eagle Point; submitted a portion of documents to auditor; personnel administration; continuing General Journal Year End (Trial Balance is inaccurately reflecting Budget), Form SF 5500 submitted to IRS for retirement; SAMS renewed, which is required for ARPA funds; created and submitted letter to cancel ODOT DUII Grant; attended Employer Open Enrollment Webinar (CIS); submitted Request for Coverage (RFC); created and submitted Police Contract; and other daily administrative duties.

- **Lawyer:**

- Report: No activity to report.

- **Code Enforcement:**

- Councilor Baley reported on abatements and referred to City Clerk Northcutt for further detail.
- Approve Fine for 425 E. Front Street Code Enforcement Violations: 425 E. Front Street has been sent numerous written and verbal code violations. The citation is for noxious vegetation. City Clerk Northcutt spoke to Bonnie at Klamath County Justice Court. A Code Enforcement Officer must sign the citation, though a badge is not required. City Clerk Northcutt is considered a witness as the Code Enforcement Secretary. Councilor Johnson made a motion to fine 425 E Front Street \$500.00. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.

- **Planning:**

- Report: Planning Commissioner Gatliff reported the Planning Commission tabled discussions on Front Street parking pending Truck Parking Code; the Fire Department Sign was approved with contingencies to the new sidewalk and curb installation; the Bigoni Land Partition was discussed; the Code Enforcement Permit Required Form was approved; the carport definition was tabled; the Land Partition General Review Application Tax Lot #R-4110-002DC-04300-000 Residential and Commercial Zoning Designation comment period has ended with no public comment and recommended for City Council approval; the Water Street Storage Container was tabled.
- Appoint Planning Commissioner Fairfield to Position #4 (Term January 1, 2021 - December 31, 2025): Councilor Gatliff made a motion to appoint Matthew Fairfield as Position #4 Planning Commissioner. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- Approved Permits Required Form: Councilor Gatliff reported the Planning Commission approved the Permit Required Form.

- Approve Land Partition General Review Application Tax Lot #R-4110-002DC-04300-000 Residential and Commercial Zoning Designation: City Recorder Hernandez stated a contingency to approve Land Partition General Review Application Tax Lot #R-4110-002DC-04300-000 Residential and Commercial Zoning Designation at the end of the appeal period of August 15, 2022. The other contingency is as follows: 3 parcel Land Partition with parcel 2 as non-conforming and future code to be followed moving forward per Eric Noble at Klamath County Building Department. Councilor McCollan made a motion to approve the Planning Commission recommendation on Land Partition General Review Application Tax Lot #R-4110-002DC-04300-000 Residential and Commercial Zoning Designation. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Public Works Director Matthews reported Lost River Arts and Cultural Alliance is preparing for the upcoming year. City Recorder Hernandez is mentoring Jesli Hernandez on a mural at Lost River High School for her Senior Project. Lost River Arts and Cultural Alliance offers a \$500.00 scholarship for the arts. Addison Taylor is repairing the Visual Audio Room in the Merrill Historical and Modoc War Museum. Jim Baley will place Modoc Baskets on loan in the museum.

NEW BUSINESS:

- City Council Dinner and Tour of Merrill Rural Fire Department Facility 4:30 P.M.: *No quorum, Councilor Johnson, Councilor McCollam, City Recorder Hernandez, City Clerk Northcutt, Public Works Director Matthews, Fire Chief Heim, Board Member Ongman, Volunteer Lacy Teaters. Toured Facility.*
- Discuss M109-Psilocybin: City Recorder Hernandez contacted Valeree Lane with Oregon Health Authority inquiring about the impact of psilocybin on rural communities. The response was as follows: "People will be required to use this in a therapeutic setting. They could not just pick up a prescription for use at home or somewhere else. A licensed individual would have to set up shop in town for it to have an impact." The state filing deadline for the November ballot is September 12, 2022. The packet contains a sample ordinance. City Council consensus was to prohibit psilocybin with an ordinance to be read at a Special Meeting Wednesday, August 17, 2022 at 5:30 p.m.
- Approve Bid for 2003 Ford F-150 Truck Tires: City Recorder Hernandez stated bids: Basin Tire Services \$734.12, Point S Tire & Auto Service \$1,217.88, Les Schwab Tires \$1,175.84. Councilor Baley inquired to which vehicle the tires are for. Public Works Director Matthews stated the Ford F-150, Utility Worker Taylor's vehicle. Councilor Gatliff inquired whether the bids were for the same product. Public Works Director Matthews affirmed. Councilor Baley made a motion to approve the bid for Basin Tire Services in the amount of \$734.12. Councilor Gatliff 2nd the motion. The motion passed 4-0 in favor.

OLD BUSINESS:

- Contract for Water Assistance Provisions between Klamath and Lake Action Services and City of Merrill: City Recorder Hernandez emailed Energy Team Lead Nicole Clifton for clarification resulting from July 13, 2022 City Council Meeting. The response was as follows: "Our funding comes from the State and Oregon Housing & Community Services. Clarification in the contract page 2 4(m) is only for water usage information not any personal information. If an applicant recently moves into a new home and they do not know what their bill will look like we can ask the utility for recent usage so we can figure out what their bill might look like." Councilor Gatliff made a motion to approve the Contract for Water Assistance Provisions between Klamath and Lake Action Services and City of Merrill. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.
- Discuss Juneteenth Holiday: City Recorder Hernandez stated Juneteenth Holiday is a federal and state recognized holiday. Paid holidays were discussed. Public Works Director Matthews stated confusion over the date of Juneteenth as President Lincoln signed the Emancipation Proclamation January 1, 1863 and stated the travesties to other cultures over the centuries such as the Japanese Internment Camps, Trail of Tears, etc. Councilor Johnson suggested honoring September 11th in place of Juneteenth. Councilor McCollam affirmed and deemed September 11th Patriot Day as a holiday. No action.
- Organizational Structure for Code Enforcement: City Recorder Hernandez discussed the budget with Code Enforcement listed. Code Enforcement Job Description is civil with criminal enforcement removed. Code Enforcement Pay Schedule was discussed. Part-time would not receive benefits. Councilor Johnson

inquired what full time is considered for City of Merrill. City Recorder Hernandez stated 40 hours. Further discussion followed on budget, number of hours, advertisement. Discussion of minimum wage ensued in Klamath County compared to the State of Oregon. Councilor McCollam stated maintenance is underpaid. City Recorder Hernandez stated benefits are excellent. Councilor Baley made a motion to put Code Enforcement Organizational Structure in place. Councilor Gatliff 2nd the motion. The motion passed 4-0 in favor.

- Update on Swisher Road Annexation: Public Works Director Matthews reiterated report from Public Works Report; however, Public Works Director Matthews referred to the Engineering Work Order. Public Works Director Matthews stated the ability to call City Engineer Darryl Anderson for any questions on the work order if needed. The State of Oregon has authorized to proceed with the project. Councilor Gatliff has no comments or changes to the work order. Mayor Carlson stated "having it done this week". Councilor Baley inquired whether Swisher Road will be annexed this week. Public Works Director Matthews stated negative and explained the process.
- Code Enforcement Pay Schedule: *Refer to Organizational Structure for Code Enforcement for discussion.* Councilor McCollam made a motion to approve the Code Enforcement Pay Schedule. Councilor Johnson 2nd the motion. The motion was passed 4-0 in favor.
- Discuss Contract with City of Malin Police Department: Councilor Baley made a motion to ratify the Police Contract with Malin Police Department. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.

ORDINANCES:

RESOLUTIONS:

- Resolution 2022-895 Adopt Code Enforcement Officer Job Description: City Recorder Hernandez read Resolution 2022-895 by title into the record. Councilor McCollam made a motion to approve Resolution 2022-895 Adopt Code Enforcement Officer Job Description. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2022-898 Recognize Juneteenth: *Denied to move forward. Refer to discuss Juneteenth Holiday.*
- Resolution 2022-899 Appropriate ARPA Funds in Combination with Business Oregon ARPA Funds: City Recorder read Resolution 2022-899 Appropriate ARPA Funds in Combination with Business Oregon ARPA Funds into the record with the Engineering Work Order as an attachment for authorization. Mayor Carlson inquired whether Councilor Gatliff had any recommendations for the Engineering Work Order as Water Commissioner. Councilor Gatliff stated negative. No further comments followed. Councilor Johnson made a motion to approve Resolution 2022-899. Councilor Gatliff 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2022-900 Transfer Funds to Comply with Oregon Budget Law: City Recorder read Resolution 2022-900 Transfer Funds to Comply with Oregon Budget Law into the record. Councilor Gatliff made a motion to approve Resolution 2022-900. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.

OTHER-FUTURE AGENDAS:

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.

Arlene Morris (115 N Willow Street): Resident Arlene Morris thanked the City of Merrill for contracting with Malin Police Department.

No further public comment followed.

ADJOURN MEETING:

Councilor Baley made a motion to adjourn the August 10, 2022 Meeting. Councilor Gatliff 2nd the motion. With all in favor, the meeting adjourned at 6:32 p.m.

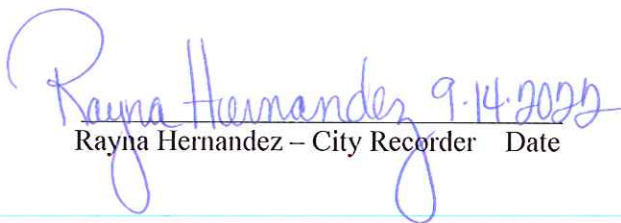
Respectfully Submitted,



Bill Carlson - Mayor

14 SEP 22

Date



Rayna Hernandez - City Recorder

9-14-2022
Date



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