

CITY OF MERRILL
PLANNING COMMISSION HEARING
SUPPLEMENTAL BUDGET HEARING and
REGULAR BUSINESS MEETING
Tuesday August 11, 2020 5:30 P.M.

MEETING CALLED TO ORDER:

Chairman Hicks called the Tuesday, August 11, 2020 Planning Commission Hearing to order at 5:31 p.m.

ROLL CALL:

Roll call was taken with the following members of Planning present: Chairman Hicks, Commissioner Trotman, Commissioner Carleton, Commissioner Green, and Secretary Northcutt.

MERRILL PLANNING COMMISSION HEARING:

- Stukel Mountain Ranch Planned Unit Development Plan and Agreement Preliminary Plat and Zone Change (Refer to General Review Application)-
 - Stukel Mountain Ranch Planned Unit Development Plan has previously been reviewed and discussed. The intent of the business meeting is for a zone change to allow development of residential housing units on Merrill Commercial Property located on Highway 39. Commissioner Carleton clarified the zone change would entail a portion of the Merrill Commercial Property designated commercial to revert to residential. Chairman Hicks stated the property in north of Les Schwab, which has had a for sale sign. The proposal is to build residential housing on approximately two acres of Merrill Commercial Property, which requires a zone change. The City of Merrill sold Merrill Commercial for development.
 - A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision. The criteria outlined in section 4.1.500 of the Planning Code has been reviewed by the Planning Commission and approved. The Planning Hearing's purpose is to decide whether to recommend approval of the zone change to the City Council. The Planning Commission forwards recommendation to the City Council who motions to approve or disapprove.
 - Chairman Hicks inquired whether any Planning Commissioner has Ex Parte Communications with the developer. Chairman Hicks stated negative. Commissioner Trotman stated negative. Commissioner Green stated negative. Commissioner Carleton affirmed communications pertaining to formalities and the application process.
 - Chairman Hicks sought public comment.
Martin Picke Owner of Wild Goose Lodge (105 E Court Drive): "I do have some questions and concerns regarding the planning of the whole entire area. One of my concerns is the proposed off-set. It's the proposal for the motel being built there. The twenty-eight room motel. So, I just had a couple of questions and comments I would like to make as a business owner in town. I guess that the pros motel is due to the possibility of the Jordan Cove Project going through thereby generating an income from transient room taxes (*inaudible*). No comment. Okay. I hope you realize all this has been thought out that if...transient room tax is based upon the status of 30 days. Anything greater than 30 days, transient room tax is not applicable. The guest or the business who rents those rooms do not pay it. Now having said that, reading through your notes, here you have a projected income of \$42,000 revenue based on a 5% transient room tax. This equates to a gross income of \$800,000 a year. (*inaudible*) based on 100% occupancy. Having been in the motel business for now five years, I find that totally unrealistic. That just does not happen. If the Jordan Cove Project does go through, that is only going to be, from my understanding, that project is going to last only maybe three years. What happens at the end of three years? Is that company that built the motel be happy with the motel sitting idle for the next I don't know how many years? Cause, trust me, our occupancy have never, very rarely been 100%. Very rarely is it and we're a small motel. And this is also along with the Merrill Motel. I doubt they have been at 100% very often. Our occupancy on a good year was 56% based on twelve months. So if the Council is

basing a decision, and Bill, this is directed at you too, if you are basing a decision to allow a motel to be built on a projected income of \$42,000, it is not going to happen. That is just not realistic. Secondly, the other problem I have with this is because, and the Merrill Motel, this is going to be competition to our motel. And having said that, there is a chance that this does go through, it will force us to close. Our motel has been an integral part of this community since 1940. Okay. So, what we'll do, having said that, I will do everything I can to inhibit this. Trust me I will. I will get together if you find a developer willing to do this, I will sit down with that developer and I will open our books up and say, 'Okay. Here is our occupancy record for the last five years. You make an educated business decision if you wish to go ahead with this or not'. Especially through the winter months when things are real (*inaudible*). And I just as a businessperson myself, and I have been in management for many years, and aviation, I know what makes sense and what doesn't make sense. I have had to deal with the branch of the Federal Government because of my past dealings. So, I have been in management. I have things I see and I do question. Now, Bill this is directed at you and please take it in the right sense. As a mayor, you have an obligation to the existing businesses in town. All of them. Every single business. So, you need to make a decision, I feel, do you want to be a developer or the mayor of this town?

Chairman Hicks suggested a meeting between Bill Carlson and Martin Picke.

Martin Picke Owner of Wild Goose Lodge (105 E Court Drive): "Have you read the notes Martin?"

Chairman Hicks stated negative.

Martin Picke Owner of Wild Goose Lodge (105 E Court Drive): "Okay (*inaudible*) maybe you should."

Chairman Hicks stated the commission's responsibility is to decide whether the project is feasible.

Martin Picke Owner of Wild Goose Lodge (105 E Court Drive): "Okay, does that include is it feasible for the other businesses in town?"

Commissioner Carleton stated the public comment has been directed toward the commercial aspect of the proposal. Tonight's business is for the residential zone change, which does not address the comments relating to the commercial aspect of the proposal.

Martin Picke Owner of Wild Goose Lodge (105 E Court Drive): "I think it does actually. I think it is all (*inaudible*) parcel of it."

Commissioner Carleton stated, "that is your opinion of it".

Martin Picke Owner of Wild Goose Lodge (105 E Court Drive): "As a rate payer, I think I have a right to voice my opinion whether you like it or not, and I just think that, to me, there is a conflict of interest here and things need to be dealt with and talked about within the Planning Department by all parties before a decision is made. That's all I have to say on this."

Chairman Hicks stated comments are wanted; however, not directed toward persons.

Bill Carlson (Developer): "Yes Mr. Chairman. Thank you, Mr. Picke, for your concern and interest. Just a brief introduction to the project. First, I have stepped down in regard to this project. I hold office for the City of Merrill. Councilor Melody Smith is overtaking all oversight in regard to this project. Just a brief background. We are proposing 14 residential pads. One of them would be a flex pad for potential access or for a commercial parcel. We have drawn a hotel. In addition, we have had interest from a travel site. I have talked to a major hotel chain that has responded to my outreach. As well as travel center to sell gasoline and food along those lines. So it is not necessarily a motel. It is a commercial spot, and I think it is suited for a motel or a travel center. Point taken about the challenges of occupancy. I did project \$42,000. I will yield to the Planning Commission. The dollars for the room tax, I do know we pay a lot when we send people to Alturas or to Lakeview. The taxes there are about \$10 per night per room. And we are also proposing three commercial pads. Just a brief history of the project. This land came to the City's ownership as a part of the Solar Site. The City got a fairly good deal and got this land 5.12 acres. We wanted to sell it. We put it on the market for...it's been on the market for over a year. We had two proposed offers, which in my opinion were lowball and they were for putting sheds to put on this very important parcel in the north part of town. We were considering accepting one of those. I put in a separate offer because I thought we could put together something more in line with the vision we had for the City, which would be a nice footprint coming in from Klamath Falls, which is some nice houses and a business. As far as revenue, that's a City Council decision than a Planning Commission decision. I will note though, where the solar panels are that was all formally

residential. So the original vision for that north part of Merrill was to have houses and commercial. With the houses taken up by the solar panels, now I think this proposal to put some residential some commercial is consistent with the master plan. I have consulted with the local fire officials. I did with Mr. Carleton talk about...we did go through the codes as far as what's appropriate to go through this process. I have spoken with Joe (*inaudible*) on a preliminary basis for ODOT. ODOT will need to approve whatever is comes to the City Council slash Planning Commission. Come up with your own separate set of questions. What is the access requirements? You will see there is one document there as far as Phasing Plan. We are proposing Phase One be limited to houses and have the hotel slash travel center slash commercial sites be Phase Two. The reason for that is because that would generate more traffic and have a more expensive turning lane. Finance with compared to the previous offers, the proposals for sheds either temporary or permanent, the tax rate be \$42,000 per year or half of that is a significant increase over the alternate proposal. Permitting processes for clarification tonight is Mr. Carleton talked about this as a political approval for the zone change as well as a second chance for public discussion about the project. Later, the plans will go to the City Engineer to review those plans for consistency with City Code. Also, it will go to ODOT Engineer to review the traffic counts to determine the improvements to Highway 39. If we are successful with that at point, the final stage is the final plat, which would happen probably in six to nine months and then a design review if there would be the hotel or the travel center or different commercial sites. That would be handled by a separate review by the Planning Commission. And with that, (*inaudible*) questions about the proposed project."

Commissioner Carleton inquired if the intention of the hotel is to accommodate the Jordan Cove Project or other travelers.

Bill Carlson (Developer): "Mr. Carleton, what I can say is I do work in the energy business. We do have massive energy infrastructure just south of town. I have, in my past, been tasked with finding local motels to house those personnel. I believe the electrical infrastructure, the natural gas infrastructure here with Northwood's Natural, the Canadian Company, as well as just travel on the highway. There's 5,000 plus vehicles that travel through here on a daily basis. I know Alturas hotels, there's multiple hotels in Alturas where they're often tough to get. The hotels in Lakeview, we often send people there. Those are often times filled up. So, my gut tells me there's a decent chance for hotel and we did get feedback from a national hotel chain."

Cheryl Ward (632 W Second Street): "How many houses are there going to be room for and how big is the motel or hotel going to be room wise?"

Bill Carlson (Developer): "Cheryl, the proposal is a 14 single family housing unit parcels. The minimum size is 7,700 square feet in accordance with City Code. I have drawn a 24 unit hotel. I am not a hotel professional. There are people with better calculations who would plug in the exact number. It might be 12. It might be 26. It could be 24. I don't know (*inaudible*)."

Chairman Hicks stated a large hotel firm would only back a viable business. Chairman Hicks empathized with Martin Picke about competition and used Dollar General as an example of competition with Martin's Food Center with survival of both entities. Individuals desire variety. Competition equates to capitalism.

Martin Picke Owner of Wild Goose Lodge (105 E Court Drive): "And your right Martin, but I do feel that the existing businesses should be taken into consideration for longevity within this community and what they have contributed to the community throughout the years. That's my concern and obviously, as a business owner, survival is what we do to survive."

Chairman Hicks affirmed.

- A statement of failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue. In response to the statement read, Chairman Hicks address Martin Picke. Chairman Hicks did not want to interrupt Martin Picke except when Bill Carlson was directly addressed.
- Commissioner Carleton entered Jean Dahlquist of Fair Housing Council of Oregon questions into record:
 - 1) What are your housing needs as dictated by your HNA and BLI? (Tables work great for this part and can be re-used for most amendments)

- 2) What is the current status of meeting those needs? (also something that can be re-used for numerous amendments depending on your rate of change)
- 3) Quantify how will the current amendment affect the ability to meet those needs (add development potential for needed housing, decrease, or neutral). This is often done as a range, such as "add 40-50 units of MFH".
- 4) Based on the above, does the amendment satisfy Goal 10?

Chairman Hicks stated that so be entered.

Commissioner Carleton reiterated the purpose of the meeting is the rezoning of Merrill Commercial Property on the north-side from commercial to residential to allow housing.

Commissioner Trotman stated the understanding of allowability to make a zone change as the property was previously rezoned for the solar project; therefore, the property is being reverted to original zoning as residential that had been zoned commercial for the solar project. The solar project is not all City ground. The intent of the Planning Commission is to revert the deeded property to City of Merrill to residential for clarification.

Chairman Hicks stated the concern of the City of Merrill was the loss of commercial frontage to Highway 39 due to the lack of commercial property. A zone change for residential behind commercial frontage would be acceptable.

Stan Hinton (110 N Polk Street): "I have a question on that. I understand the reason you want to turn part of this back into residential is to reestablish more residential property?"

Commissioner Carleton stated to recover a portion of the 17 acres lost.

Stan Hinton (110 N Polk Street): "This residential property is still going to be owned by one company or are they going to be individual residential properties that individuals can buy?"

Commissioner Trotman stated 14 individual houses. The property is currently owned by one individual. The land developer will sell each house individually to a family. The land beneath the house is not going to be the development. The land will belong to the homeowner.

Stan Hinton (110 N Polk Street): "Completely individual then. The commercial adjacent property to residential property is going to have to be compliant with residential coding to where it is adjacent to residential property. The residential property and the commercial property, where they join, are considered adjacent. Then the commercial property, adjacent to the residential, has to go by residential codes, set-backs."

Commissioner Carleton affirmed. The set-backs where the residential property abuts against a commercial property. The set-backs would be different, which increases.

Stan Hinton (110 N Polk Street): "That would be the only part of the commercial property would have to fall under residential codes."

Commissioner Carleton stated the set-backs for commercial property adjacent to a residential property.

Stan Hinton (110 N Polk Street): "Just like it is now."

Commissioner Carleton affirmed.

Chairman Hicks stated there is no plan at this time to extend any of the streets across the canal.

Julie Bensie (656 Second Street): "I just like the City as it is. I hate to see it grow."

- Before the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearing body shall grant the request by scheduling a date to finish the hearing (a "continuance") per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection. Chairman Hicks stated for persons who objects or feels the need for more time to present evidence, the opportunity to speak is now. No further public comment followed.

Commissioner Trotman made a motion to change the commercial to residential to house 14 individual residences. Commissioner Green 2nd the motion. Chairman Hicks stated Commissioner Trotman made a motion. Commissioner Green 2nd the motion. The motion carried 3-0 in favor.

The Planning Commission recommends to the City Council that the zone change be made.

- Appeals of Type II decisions are heard by City Council as follows:
 - (1) Who may appeal, the following people have legal standing to appeal a Type II decision:
 - a. The applicant or owner of the subject property.
 - b. Any other person who participated in the proceeding by submitting oral or written comments.

Chairman Hicks stated persons may appeal the Planning Commission decision to the City Council at the City Council Meeting if so desired.

- Chairman Hicks entertained a motion to adjourn. Commissioner Trotman made a motion to adjourn the section of the Planning Commission Meeting. Commissioner Green 2nd the motion. The motion carried 3-0 in favor. The meeting adjourned at 6:01 p.m.

**Refer to Planning Commission Meeting Minutes for Approval and Signatures.*

MEETING CALLED TO ORDER:

Council President Smith called the Tuesday, August 11, 2020 Supplemental Budget Hearing and Business Meeting to order at 6:11 p.m.

ROLL CALL:

Roll call was taken with the following members of Council and others being present: Councilor Smith, Councilor Hinton, Councilor Carleton, Councilor Picke, Mayor Carlson (recused), and City Recorder Hernandez.

FLAG SALUTE:

The Flag Salute immediately followed with Council President asking Councilor Carleton to lead.

MAYOR STATEMENT:

Council President Smith 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:

Council President Smith 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.

CITY COUNCIL HEARING:

- Stukel Mountain Ranch Planned Unit Development Plan and Agreement Preliminary Plat and Zone Change (Refer to General Review Application)-Council President Smith stated the only item discussed tonight is the zone change. Council President Smith sought opposition to change the portion of Merrill Commercial Property from commercial to residential and polled City Council. Councilor Hinton stated previous opposition; however, questions were adequately answered. No opposition was stated from Councilor Carleton or Councilor Picke. Council President Smith sought a vote to approve the zone change. Councilor Picke voted aye; Councilor Hinton voted aye; Councilor Carleton voted aye; Council President Smith voted aye. The vote passed 4-0 in favor. Council President Smith stated all appropriate steps are being followed. No public comment from attendees.

**Mayor Carlson was invited to lead the City Council Meeting. Mayor Carlson deferred to Council President Smith. Mayor Carlson recused self due to conflict of interest as applicant and developer.*

SUPPLEMENTAL BUDGET HEARING:

- Approve Supplemental Budget: Council President Smith inquired whether the Supplemental Budget was in regards to the overage of the Water Improvement Project. City Recorder Hernandez affirmed and elaborated that the City of Merrill signed a contract stating any over expenditures would be paid from the Water Sewer Reserve. Public Works Director Matthews provided a detailed list of additional construction resulting in change orders. Council President Smith highlighted water rates would not increase. The amount due will be paid from Water Sewer Reserve, which has \$350,000.00 and continues to accumulate funds for the loan repayment from the water sewer transfers; however, the initial funds will be withdrawn from the reserve for the over expenditure. Councilor Carleton compared the Water Improvement Project to a home remodel where surprises occur once the wall has been torn down. For example, the Presbyterian Church

and surrounding residences were being served from a one inch water line that dead ended, which was inadequate among other items. The generator was not included in the original bid. Councilor Hinton stated no other choice but to accept the expenditures. Councilor President Smith sought public comment. No public comment followed. Council President Smith made a motion to approve the supplemental budget. Councilor Carleton 2nd the budget. The motion passed 4-0 in favor.

- Resolution 2020-824: Appropriate Interfund per Budgetary Law: Council President made a motion to approve Resolution 2020-824. Councilor Picke 2nd the motion. The motion passed 4-0 in favor.

CONSENT AGENDA:

- **Meeting Minutes:**
July 14, 2020 Council Meeting Minutes: Councilor Picke made a motion to approve the July 14, 2020 Meeting Minutes. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- **Phone Poll:**
Martin's Food Center Business License (Councilor Smith-Verbally Approved; Councilor Hinton-Verbally Approved; Councilor Picke-Approved via text)
Oregon Liquor Control Commission Application (Beer and Wine) Martin's Food Center (Councilor Smith-Approved via text; Councilor Hinton-Verbally Approved; Councilor Carleton-Approved via text)
Fisher Industrial Water Level Indicator \$504.00 (Councilor Smith-Approved via text; Councilor Hinton-Verbally Approved; Councilor Picke-Approved via text)
Councilor Smith made a motion to ratify phone polls. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- **Business License Renewals:**
- **Business Licenses:**
- **Accounts Payable:**
July 2020 Account Payables: Councilor Smith made a motion to approve the account payable. Councilor Carleton 2nd the motion. The motion passes 4-0 in favor.
July 2020 Water Transfer: Councilor Smith made a motion to approve the water transfer. Councilor Picke 2nd the motion. The motion passed 4-0 in favor.

STAFF REPORTS:

- **Police:**
 - Marshal Bicknell submitted a report to City Council and read. Marshal Bicknell thanked Officer Srch for remaining available and responding on days off while Marshal Bicknell was on vacation. Calls for service have been typical for summer months with service requested provided. Marshal Bicknell stated two calls have resulted in substantial investigation and follow-up time. The first case was a death investigation determined to be of natural causes. The next of kin was difficult to locate and required coordination with an out of state agency. Next of kin was located. The second case was domestic in nature but involved several potential serious crimes, which required multiple interviews, evidence gatherings, and follow-ups. The initial investigation has been completed but requires continued investigation. Marshal Bicknell was prohibited from providing details. The Lost River Rodeo was successful from a law enforcement perspective. There was only a minor damage traffic collision prior to the event. Marshal Bicknell was moved by the tribute to law enforcement officers and other first responders during the open ceremony, Marshal Bicknell would like the rodeo to return next year. Marshal Bicknell has been working night shifts the last couple of months. Marshal Bicknell stated the belief that working nights has helped keep incidents down and allowed law enforcement to respond quicker to calls for service. Marshal Bicknell will be switching to daytime shifts to address the reorganization of Code Enforcement and update the Merrill Police Policy Manual. There have been several new policies and laws created by the legislature. Merrill Police Department needs to be in compliance. Marshal Bicknell provided statistics of Merrill Police Department activity for July 2020. Finally, Merrill Police Department was approved for a \$3,500 over-time grant from the Oregon Department of Transportation for speed and DUII enforcement. The grant will be available October 1, 2020 through September 30, 2021.
Councilor Carleton stated drivers are not stopping for pedestrians at crosswalks and suggested increasing patrol at crosswalks. Marshal Bicknell stated there is an issue with vehicles not

stopping for pedestrians; however, drivers stop when the patrol car is present. Marshal Bicknell stated the desire to see the crosswalks painted yellow for visibility. Marshal Bicknell has been requesting the curbs be painted yellow for the last eight years. Marshal Bicknell has stepped-up patrol by parking at Tater Patch Quilts, Washington Street, and Polar Bear where the majority of complaints originate. A meeting with Oregon Department of Transportation was held with little progress. Marshal Bicknell stated the City will have to paint the sidewalks at Garfield Street, Polar Bear, Martin's Food Center, Washington Street, and Main Street within Oregon Department of Transportation guidelines. Councilor Hinton asked why there is such difficulty to have the curbs painted yellow. Councilor Hinton stated Oregon Department of Transportation does not oppose the City painting the curbs. Discussion of painting curbs ensued.

- **Public Works:**

- Public Works Director Matthews submitted a report to City Council to review.

- **City Recorder:**

- City Recorder Hernandez submitted report and read: Submitted Workman's Comp Audit for 2019-2020; transcribed the Solar Plant Landscaping Meeting; submitted the Annual Housing Unit and Population Survey as no change since no new housing has been built within City limits; submitted Oregon State Treasury and Public Depositor Annual Verification; attended two Human Resource webinars; attended teleconference for COVID Relief Funds (CRF); registered the City of Merrill through the Department of Administrative Services for CRF distribution and allocation. The City of Merrill has \$50,000 for reimbursable expenses related to COVID-19 until December 31, 2020. City Recorder Hernandez continued with report: provided a Letter of Support for NEA; wrote a City Hall Deposit Forfeiture Letter to an individual who allowed alcohol on the premises and children to use the chairs and bumper cars resulting in damage to the Recorder's Office door; follow-up with Heidi Binder for the Rodeo funds; continuing compilation for upcoming audit; attended FEMA webinar for an upcoming Open House beginning communications November 2020; attended Labor Implications webinar; and other daily administrative duties. Councilor Carlton stated meeting to discuss whether the City Engineer on the public meeting and notify the affected residents. Councilor Carleton stated the preference of an Open House than a webinar. City Recorder Hernandez stated the earliest date for the Open House process is November 2020. OR Solar funds (Klamath County) were not received for the 19/20 fiscal year. The date has changed to November with regular tax revenue. Revenue should be received for the 20/21 fiscal year.

- **Lawyer:**

- Report: Not asked to be in attendance.

- **Code Enforcement:**

- Report: Mayor Carlson, Councilor Hinton, Marshal Bicknell, and City Clerk Northcutt reviewed procedures to incorporate into existing ordinances to create uniformity and future direction. Marshal Bicknell sought clarification on conflict between Charter Code of Ordinances and Development Code. Chickens have become a current issue and existing codes conflict with one another. Marshal Bicknell read both codes into record. Discussion of enforcement and history behind the ordinances ensued. City Council was undetermined which code to revert to when in conflict; however, Councilor Carleton stated the stricter of the two codes prevail when in conflict. Councilor Smith inquired whether an abatement has been issued for the empty lot next to Umpqua Bank. Marshal Bicknell responded with a negative. Councilor Smith asked that a citation be issued. Marshal Bicknell stated a notification is the first procedure. Councilor Carleton stated Les Schwab is out of compliance. Councilor Hinton stated the trees in the alleyway need to be cut by the City. Marshal Bicknell affirmed among other streets and properties. Marshal Bicknell has made arrangements to begin Code Enforcement this week.
- Discuss Code Enforcement Restructuring: Councilor Carleton stated the policy of Code Enforcement is rather cumbersome. For example, there are eight or nine Code Enforcement Officers. Marshal Bicknell stated capability. Councilor Carleton suggested the City of Merrill have two Code Enforcement Officers with one Code Enforcement Commissioner. Too many

persons as Code Enforcement will not accomplish the objective of the City. Councilor Hinton stated the public has a right to file a Code Violation. Councilor Carlton affirmed. Councilor Smith inquired to sections referenced. Councilor Carleton stated one City Council member rather than ten oversee Code Enforcement. City Council discussed Code Enforcement dictated by City Charter. Councilor Smith stated the Code Enforcement Commissioner should be the Police Commissioner due to the same personnel for Law Enforcement and Code Enforcement. Councilor Smith stated City Councilors have multiple responsibilities. Councilor Carleton made a motion that the City of Merrill have one Council Member oversee Code Enforcement who would be appointed by the Mayor. The City of Merrill would have two Code Enforcement Officers in the field appointed by the Mayor in the event of personnel changes. Councilor Smith stated naming the Marshal as Code Enforcement. Councilor Carleton stated a future Code Enforcement Officer may not be the Marshal. The City of Merrill has a Council Member as Code Enforcement Commissioner appointed by the Mayor, which is a motion. Then the City of Merrill has two Code Enforcement Officers also appointed by the Mayor. Councilor Picke inquired whether the Code Enforcement Officers could be citizens within the community. Councilor Carleton stated Code Enforcement could be any person. Councilor Hinton stated a non-staff person would be a volunteer. Councilor Carleton stated not necessarily. Councilor Hinton stated the City of Merrill currently has two Code Enforcement Officers, two Police Officers, and (*inaudible*) appointed by the Mayor. Councilor Smith stated agreement to the Mayor appointing two City Employees as Code Enforcement Officers. Councilor Carleton stated agreement. Marshal Bicknell stated citations are to be signed by two Code Enforcement Officers by City of Merrill Policy and inquired whether City Council would sign the citations. Councilor Carleton asked why two signatures are needed. Councilor Smith asked whether two signatures are policy. Marshal Bicknell stated the City of Merrill lost a case due to one signature and the employee leaving. City Council was unaware the City of Merrill lost a case and stated two signatures are acceptable. Marshal Bicknell suggested, which was voted upon, allowing the City Clerk to sign citations due to conflicting schedules. City Clerk can sign as a second officer and testify as a record keeper and knows all the information. Councilor Carleton stated the City Recorder and City Clerk should only process paperwork. Councilor Smith stated Marshal Bicknell and Officer Srch would be the only two to sign the citations. Marshal Bicknell stated at the July 14, 2020 Meeting, City Clerk Northcutt was allowed to sign citations, which has currently changed. Councilor Smith stated the City Clerk was strictly to handle paperwork and take pictures. Councilor Carleton made a motion that the City of Merrill have one Council Member oversee Code Enforcement who would be appointed by the Mayor and have two Code Enforcement Officers who are City Employees appointed by the Mayor. Councilor Picke questioned what would happen in the event the Mayor wanted to appoint the Public Works Director or Utility Worker II. Councilor Carleton amended the motion to include with City Council approval. Councilor Smith stated having the Mayor appoint a City Council Member as Code Enforcement Commissioner not limited to the Police Department and eliminate the rest of the motion since City Council decided the Police Department would be Code Enforcement and City Clerk be the record keeper. Councilor Carleton did not limit Code Enforcement to the Police Department or Councilor Hinton due to future proceedings. Councilor Smith stated the Police Department is in charge of Code Enforcement and the Mayor shall appoint one Code Enforcement Commissioner. The City Council Member reserves the right to decline the appointment. Councilor Hinton stated agreement with the Police Department as Code Enforcement though having voiced opposition in the beginning. The City Council started and should finish even if the structure fails. Councilor Smith sought a motion where the Mayor shall appoint a City Council Member to oversee Code Enforcement with City Council approval. Councilor Carleton stated agreement. Councilor Hinton 2nd the motion. The motion passed 4-0 in favor.

- **Planning:**
 - Report: The Water Project is complete. Paperwork has been signed. Councilor Smith stated issues with water fluctuation. Councilor Carleton stated problems regulating the pressure between the two tanks. The overhead tank continues to be available for use.

PROJECT MERRILL:

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Report: The Merrill Historical Society is donating \$1000.00 toward the Nathan Merrill Headstone. Public Works Director Matthews is asking the City of Merrill to match the \$1,000.00 with Oregon Community Foundation Funds through submitted report. Councilor Picke made a motion to donate \$1,000.00 to the Merrill Historical Society out of the Solar Fund. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor. City Recorder Hernandez has the design for the marker and any other donations are welcome. Merrill Historical Society bought 50 pounds of dog food for the Klamath County Animal Shelter. Councilor Smith read the remaining submitted report for the record: "The first Lost River Roundup was held and could not have turned out any better. We would like to thank Council for their generous support and for letting City workers contribute city time for setting it up. It was the most patriotic, family-oriented display I have ever been involved with. Thanks to Bill for getting the ball rolling."

NEW BUSINESS:

- Presentation by Klamath County Economic Association (KCEDA): Julie Matthews presented as Project Manager for Klamath County Economic Development. The purpose of the presentation is to update the City of Merrill on what Klamath County Economic Development does and the existence of the corporation and vice versa. Klamath County Economic Development works with and focuses on trade sectors, which brings money into the communities. Klamath County Economic Development is the new Enterprise Zone Manager. There is a section of Merrill that lies within the Enterprise Zone. Klamath County Economic Development looks at three different categories. First is recruitment and attraction looking for businesses to come into Klamath County. Assets are used within Klamath County to meet the customer's needs, which may entail looking for sites whether for sale or not. Negotiations then follow. For a three year cycle, the goal is to sign nine companies, 250 jobs, and \$100,000,000 invested into the County. Recruitment and attraction is a high risk endeavor. KCEDA will review a number of projects. 25 recruitment and attraction projects are being reviewed. The CAT tax has hurt the attraction and recruitment businesses. The category costs time and money. Retention and expansion is the next area reviewed, which is the easiest category. Retention and expansion allows KCEDA to work behind the scenes with City Council, the County, the owner, and a known business. The Marriot Hotel, opening September 11, 2020, was given as an example. KCEDA met with City Councilors individually and gave 440,000 reasons to allow Marriot Hotel into the community from annual transient tax. The final category is Entrepreneurial Ownership. KCEDA would like Klamath County to be a haven for entrepreneurship on a scalable level. KCEDA partners with Catalyze Klamath, Oregon Institute of Technology (OIT), and Klamath Community College (KCC) to provide insight and information on international or outside businesses to bring revenue into Klamath County. There are incentives for all three sectors. KCEDA wrote a strategic plan (153 page report) for all five targeted industries: natural resources, advanced manufacturing, clean technology, high technology, tourism and outdoor equipment. Julie Matthews discussed methods and goals to break down barriers to improve the climate and competitiveness of Klamath County. KCEDA follows a Toll Gate System and currently has 9 projects in Toll Gate Zero idealization; 13 projects in Toll Gate 1; 16 projects in Toll Gate 2; 5 projects in Toll Gate 3; and no projects in Toll Gate 4 though 6 were recently completed. Discussion of projects and numbers ensued. Through Business Oregon, a state program, KCEDA is the zone manager, which effects new and expanding businesses. Generally the businesses are not retail. Guidelines are followed, which offers 100% property tax exemption for three to fifteen years, number of jobs created, and type of business. Eligibility criteria include maintaining a certain number of jobs and incentives must be approved by the local sponsor. The local sponsor is Klamath County Commissioners and City of Klamath Falls. The Enterprise Zone for 15 years, 12.5 million dollars, hire 15 full-time employees, and pay 150% of median wages for Klamath County, which is currently \$39,316.00; for 5 years, hire 5 full-time employees and pay 150% of median wages for Klamath County; 3 years is 10% hire and wage increase, which is almost automatic approval. KCEDA offered a membership packet.
- Agricultural Land Lease Renewal 2020-2025: Brian O'Connor's Land Lease expired June 30, 2020. The lease payment has been received for August 1, 2020. The lease is a renewal for 5 years with no changes. Councilor Carleton made a motion to approve the Agricultural Land Lease Renewal. Councilor Picke 2nd the motion. The motion passed 4-0 in favor.
- Resident Lee Harris Day Proclamation: Council President Smith recapped that a local resident, Lee Harris, passed who was involved in the local community. There was a motion to have a Resident Lee Harris Day

Proclamation. Mayor Carlson stated fully supporting the proclamation. The action item to purchase a plaque with the date of her passing to give to the family.

- Water Sewer Hook-up Policy: Tabled for staff review. May not reappear on September 8, 2020 Agenda.

OLD BUSINESS:

- Declaration of Support for Merrill Police Department: Council President Smith read the Declaration of Support into the record:

“The City of Merrill notes with sadness the degeneration of Seattle and other American Cities to the point where we observe them today. The call to disband municipal police forces is irresponsible and, if successful, will create a power vacuum to be filled by Natural forces which these Cities’ leaders do not seem to have the foresight to understand.

We note with pride the low crime rates and strong spirit of community enjoyed by our City. We further recognize the central role the Merrill Police Department plays in maintaining this way of life we enjoy. The City of Merrill stands behind City Marshal Bicknell and Officer Srch as they perform their important work.”

Marshal Bicknell thanked City Council and stated appreciation.
- FEMA Update: City Recorder Hernandez reiterated FEMA will begin contacting Cities the beginning of November 2020 to schedule Open Houses.
- Solar Plant Violation Update: Mayor Carlson reported from the audience. Councilor Carleton, Resident Andrea Walker, and Mayor Carlson met with Carolina Solar to walk and inventory the landscaping. A letter was mailed stating expectations to the owner with a deadline of August 28, 2020 to create and finance a plan. Otherwise, a punitive process shall begin. The Solar Plant has until the end of November. Alternative landscaping options ensued. Councilor Carleton stated other violations included providing a plan with the proper water authority, KID or Water Resources, on keeping the Water Rights intact, and maintaining a drip system. City Recorder Hernandez stated the City of Merrill paid the Solar Plants KID water bill and has sought reimbursement. There has been no response. Mayor Carlson stated Carolina Solar is the representative and was a pleasure to work with.
- Report on Resident Safety Concerns: Tabled.
- Merrill Cell-Site Proposal: Council President inquired to the location of the Cell-Site. City Recorder Hernandez stated the location is the U.S. Cellular tower. Councilor Picke stated the company leases the tower to other companies on the behalf of City of Merrill. Councilor Carleton stated the want for a presentation. City Recorder Hernandez inquired whether the City Council wanted to phone the representative. Councilor Carleton stated the City of Merrill has a contract in place with U.S. Cellular and pays franchise payments. City Recorder Hernandez stated the City of Merrill receives approximately \$1,300.00 monthly from U.S. Cellular. Councilor Picke was opposed to the Terms of Conditions. Mayor Carlson was opposed to the proposal. City Council consensus was to oppose the proposal.

ORDINANCES:

- Bill 2027-Amending Chapter 90: Health and Sanitation: Nuisances §90.27 Violations; Remedies Subsection (B)-First Reading: Council President read Ordinance 2027 Chapter 90: Health and Sanitation: Nuisances §90.27 Violations; Remedies Subsection (B) into the record by title and sought City Council recommendations on the first reading. Gary Robeson (405 Water Street) sought clarification on the word remedy. Does remedy mean cost? Marshal Bicknell used weeds as an example. In the event notices and citations were issued with no compliance, the City would abate the violation and charge the offender for the abatement. There would be a violation, action by the City of Merrill to abate the violation, and if the offender refused to pay the abatement, the City of Merrill could proceed to place a lien on the property. Gary Robeson stated the Ordinance does not state Marshal Bicknell’s example of a remedy. Councilor Carleton agreed the verbiage as confusing. Council President Smith sought solution by adding dates. Marshal Bicknell opposed due to emergency situations. Councilor Hinton stated the above mentioned is already in the lien process. Gary Robeson stated remedy does not say cost. Council President stated the ordinance has been in effect since April 16, 1974. Gary Robeson stated the wording is ambiguous. “It’s not a penalty to have to abate. That’s your cost you have to absorb.” Council President Smith affirmed. Gary Robeson agreed, yet stated the ordinance does not include the language. Council President Smith stated violation remedy is the language. Remedy is taking care of a problem and remedy the violation. Marshal Bicknell stated the City remedies the situation in the event the offender refuses. Councilor Carleton stated

the language needs to be included. Marshal Bicknell stated the language is in liens under remedies. City Council agreed to the first reading provided facts are reviewed. Councilor Hinton stated the lien process is very clear.

- Bill 2028-Amending Chapter 90: Health and Sanitation: Nuisances §90.26 Abatement; Procedures-First Reading: Council President Smith read Ordinance 2028 Amending Chapter 90: Health and Sanitation: Nuisances §90.26 Abatement; Procedures into the record by title and sought City Council recommendations on the first reading. Council President Smith stated Ordinance 2028 further details Ordinance 2027. Ordinance 2028 incorporates Code Enforcement Policy and Procedures approved by City Council. City Council agreed to the first reading. Gary Robeson (405 Water Street) recommended the word burden in place of remedy for Ordinance 2027. The cost of the abatement is not a penalty, but is an additional burden. The abatement is the burden to the land owner at no cost to the City, in effect. The violation is a burden to the person violating code. Marshal Bicknell stated remedy is legal terminology and may desire to have the City Attorney review the language. Burden has a legal connotation, remedy another. Council President Smith deferred to Mayor Carlson to approve City Attorney consultation if needed.
- Bill 2029-Regulation of Utilities in RV Parks-First Reading: Tabled for staff review. May not reappear on September 8, 2020 Agenda.

RESOLUTIONS:

- Resolution 2020-822: Transfer Funds to Comply with Budget Law Requirements: Resolution 2020-822: Transfer Funds to Comply with Budget Law Requirements corrects revenues and purchases deposited and withdrawn to comply with the budget. Councilor Picke made a motion to accept Resolution 2020-822: Authorizing the Common Council of the City of Merrill Oregon to Transfer Funds to Comply with Budget Law Requirements. Councilor Hinton 2nd the motion. The motion passed 4-0 in favor.

OTHER-FUTURE AGENDAS:

- Council President Smith inquired about fraud protection in place by City of Merrill. The City has liability insurance. City Recorder Hernandez watched a webinar on Cyber Security. Tillamook County had the same amount of liability insurance as City of Merrill, \$50,000.00. A Cyber Security ransom cost Tillamook County \$525,000.00 for ransom, attorney fees, and cyber security company fees. Business accounts, especially with public funds, with fraudulent transactions does not guarantee coverage or reimbursement of funds. There are programs such as Positive Pay. The more often two employees are working in the office, bank accounts are checks, and checks are tracked enhances security. The City must protect itself as much as possible. Larger companies are targeted due to large amounts in checking accounts for fraudulent sums into hundreds of thousands of dollars.

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.

James Farmer (133 Monroe Street): "This is *The Roseburg Beacon*. I am a mailed subscriber to this. This newspaper has been around about 10 years and is circulated in all fifty states, and to be bluntly honest, I am disgusted with *The Herald and News*. I think it has really gone downhill. I think this is good bulwark against *The Herald and News* and certainly the *Ashland Daily Tidings*, *The Hitler*, and *The Medford Mail Tribune*. *The Foggy Bottom Trombone*. Its good bulwark against them and the *Eugene Registered Guard* and the *San Francisco Chronicle* and all of them. I would like to donate it to the City Hall. I believe it would be Brian or Reena (*sic*). It doesn't matter, I guess. They've got articles in there from the *New American*, a bi-weekly periodical of the John Birch Society. Anyway, that's all I have to share."

Gary Robeson (405 Water Street): "Yes. I have a second question. I was hoping on the Code Enforcement Report, during the City Council Meeting, was how many active Code Enforcement things are going on in the City. So like in the Police Report there's like an arrest here..."

Marshal Bicknell and Council President Smith stated there is a Code Enforcement Report that will be reinstated.

Rodney McCollam (435 W Front Street): "I am Rod McCollam and my wife, Nancy. We recently moved back to Merrill in January. Initially, we came back to help take care of our mother, and she passed away before we got home. So, in the meantime, we are going to continue to operate her business as she had it set-up. I know there are rumors floating around. I have visited with Dick a little bit and Stan some, but our short-term mission there is to continue operating her business the way she ran it with the addition of that we want to add two RV sites and we are working through. We haven't presented our plan to the Planning Commission yet, but that will be coming up soon. Anybody has any questions of us, please feel free to come see us or give us a call, but that is what I wanted to share for the short-term."

City Council welcomed back the McCollam's. Councilor Carleton sought clarification on the two RV sites.

Rodney McCollam (435 W Front Street): "Yeah. They are two existing. We just need to relocate (*inaudible*) by adding to the infrastructure. It's just refiguring what's already there."

ADJOURN MEETING:

Councilor Carleton made a motion to adjourn the August 11, 2020 Meeting. Councilor Picke 2nd the motion. With all in favor, the meeting adjourned at 7:47 p.m.

Respectfully Submitted,



Bill Carlson - Mayor

130C12020

Date



Rayna Hernandez – City Recorder

10/13/2020

Date