

CITY OF MERRILL
REGULAR BUSINESS MEETING
Wednesday, August 9, 2023 5:30 P.M.

MEETING CALLED TO ORDER:

Mayor Pro Tem Johnson called the Wednesday, August 9, 2023 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: Mayor Pro Tem Johnson, Councilor Gatliff, Councilor Baley, Councilor McCollam (absent), and City Recorder Hernandez.

FLAG SALUTE:

The **Flag Salute** immediately followed with Mayor Pro Tem Johnson requesting Councilor Gatliff take the lead.

MAYOR STATEMENT:

Mayor Pro Tem Johnson 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 Johnson 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:**
Approve July 12, 2023 City Council Meeting Minutes
Councilor Gatliff made a motion to approve the entire consent agenda. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- **Phone Poll:**
- **Business License Renewals:**
- **Business Licenses:**
Freedom Forever Oregon, LLC
Refer to meeting minutes for motion.
- **Accounts Payable:**
July 2023 Account Payables: *Refer to meeting minutes for motion.*
July 2023 Water Transfer: *Refer to meeting minutes for motion.*

STAFF REPORTS:

- **Police:** Report: Police Commissioner McCollam reported via text the report from City of Malin Mayor Hughto: City of Malin patrolled 76 hours in July.
- **Public Works:**
 - Public Works Director Matthews submitted report and Mayor Pro Tem Johnson read into the record: Checked lifts; well level is 82 foot with pump running; completed and submitted Discharge Monitoring Report; hung pink tags; performed multiple locates; obtained TKN sample; cleaned Cattails from lagoon; added 2" valve on east-side of park for irrigation; met with Business Oregon regarding ARPA funds and walk audit of the Swisher and Fourth Street Project; Utility Worker Taylor is updating dump station at lagoon; dirt from Trotman and Granite is being transferred to the lagoon; trimmed trees; replaced water line off of Grant Street; Granite hit

4' main, repaired, which resulted in water outage throughout City of Merrill; removed ¾" service at old antique store; completed and submitted Small City Allotment Grant requesting \$150,000.00 for chip sealing by Klamath County; met with Oregon Department of Transportation Manager Bill Nash regarding upcoming Safe Routes to School Project 1 to begin 2025; accepting outside dumping; cleaned restrooms and replaced faucet in women's restroom; resolved one sewer plug; wrote article for newsletter; sprayed weeds; replaced hydraulic hose on Bobcat, starter broke and replacement \$282.00 + shipping; repaired track on Bobcat; Brian O'Connor irrigated out of lagoon; met with Oregon Department of Transportation; and removed Lost River Bluegrass Banner.

- **City Recorder:**

- City Recorder Hernandez reported: Resolutions/Ordinances, continued ARPA construction monitoring checklist compilation and meeting; Business Oregon Swisher Road Audit; assisted with Small City Allotment Grant submission; continuing to set-up ASYST and train City Clerk Northcutt on program; met with Oregon Department of Transportation General Manager Bill Nash (SRTS) Part 1; and other daily administrative duties.

- **Lawyer:**

- Report: No report.

- **Code Enforcement:**

- Report: Code Enforcement Officer Perry submitted report and read: Total closed out notices/abatement from January to July is 38 out of 40, 2 residents have made contact via telephone, and 14 abatements have been mailed for the month of July. Code Enforcement Officer Perry is working on 2 abandoned vehicles attracting vandalism. Merrill Rural Fire Department has been in contact regarding fire updates. Weed abatements have been the focus of the month. Code Enforcement Officer Perry submitted Noxious Vegetation Flyer.

- **Planning:**

- Report: Report was submitted and reviewed by City Council.
- US Cellular Colocation (Change of Equipment) 455 Lincoln Street: Tabled.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

Report: No report.

NEW BUSINESS:

- Discuss Request for Coverage: City Recorder Hernandez submits a Request for Coverage annually health, dental, and vision. The City of Merrill has capped employees at \$1,560.80 since 2017. City Insurance Services notified the city that if the member contributes toward the cost for dependent coverage, then the member must pay at least 50% for any coverage level; therefore, the issue will need to be addressed in the next fiscal year budget.
- Discuss City Hall Rental Violation Penalties: The City has had an ongoing issue with renters supplying liquor at parties. City Recorder Hernandez submitted multiple lease agreements from municipalities around the State of Oregon for review. City Recorder Hernandez sought clarification whether City Council wanted to rethink allowing liquor at parties. If so, there are requirements from OLCC, permitting, and fees to be had. Tabled.
- Approve Air Conditioning Bids for City Hall: From the 3 bids, the most expensive bid is also the most powerful: Frigidaire 18,000 BTU Window Mounted Room Air Conditioner for \$629.00. Councilor Galtliff made a motion to approve the Frigidaire 18,000 BTU Window Mounted Room Air Conditioner for \$629.00. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- 520 E Front Street Letter of Approval: Coldwell Bank is requesting verification from the City of Merrill that 520 E Front Street Merrill, Oregon 97633 is zoned commercial with living quarters. Should the property be utilized as a residential property, then the tax lot would then be classified as non-conforming. The footprint of a non-conforming use may not be changed. Repair or replacement of a nonconforming use or structure damaged by fire or other natural disaster shall be permitted in the same location and manner

provided the work commences within 1 year and is completed within two years (must be rebuilt to the same footprint). Repair or replacement of a damaged nonconforming use or structure not commenced within 1 year shall comply with this code, which means that the property must revert to commercial use. City Council authorized Mayor Pro Tem Johnson to sign the verification letters.

OLD BUSINESS:

- Letters of Interest for Mayoral Vacancy/Appointment: No submittals.
- Discuss Flag Cost Estimates: Tabled.
- Discuss 4-H Animals Located at 435 Polk Street: Issue has been abated.
- Police Proposal: Tabled.

ORDINANCES:

- 2060 Cal-Ore Communications Franchise-Second Reading: CLEC Manager Rodney Wood presented on behalf of Cal-Ore Communications, an internet provider. Cal-Ore Communications has the desire to build fiber throughout the City of Merrill with connectivity for all residents and businesses. As of August 9, 2023, 74 residents and 4 businesses have expressed interest while performing a survey. Cal-Ore Communications is a child company of Cal-Ore Telephone, which is a telephone company in Tulelake, Dorris, Tionesta, etc. There are offices in Klamath Falls, Oregon and Weed, California. Cal-Ore Communications is part of the Consortium Lease. The fiber would be opened by Lost River Jr. Sr. High and distributed to the city from the location. A design is established, and upon approval, could be deployed in as little as six weeks. All construction will be overhead. Ordinance 2060 Cal-Ore Communications Franchise was read into the record by title for the second reading. Councilor Gatliff made a motion to approve Ordinance 2060 Cal-Ore Communications Franchise. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Ordinance 2061 Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 E Pre-Fabricated Metal Containers-First Reading: City Recorder Hernandez read Ordinance 2061 Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 E Pre-Fabricated Metal Containers into the record. City Recorder Hernandez stated the Planning Commission requested the verbiage “multiple pre-fabricated metal containers on commercial or industrial lots must be separated no less than 3 feet” after (5). No further changes were recommended before the second reading at the September 13, 2023 Regular Business Meeting.

RESOLUTIONS:

- Resolution 2023-925 Correcting Tax Lot 4110-011AB-00100 435 W Front Mapping from Residential to Commercial: City Recorder Hernandez read Resolution 2023-925 Correcting Tax Lot 4110-011AB-00100 435 W Front Mapping from Residential to Commercial into the record. Councilor Baley made a motion to approve Resolution 2023-925 Correcting Tax Lot 4110-011AB-00100 435 W Front Mapping from Residential to Commercial. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor.
- Resolution 2023-926 Transfer Funds to Comply with Budget Law Requirements: City Recorder read Resolution 2023-926 Transfer Funds to Comply with Budget Law Requirements into the record. Councilor Gatliff made a motion to approve Resolution 2023-926 Transfer Funds to Comply with Budget Law Requirements. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.

OTHER-FUTURE AGENDAS:

- Review Ordinance Agricultural Uses for amendments.

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.

Chief of Police Hoy has researched that in Interim Chief of Police could swear Chief of Police Hoy in as a Reserve Officer for the State of Oregon and patrol both borders. The City of Merrill will constantly fight for the hours paid no matter which organization is contracted. There are a couple of Reserve Officers willing to transfer. Chief of

Police Hoy commented on issues occurring on the border of Oregon and California and reciprocation. Chief of Police Hoy suggested public comments in a public forum.

Retired Chief of Police Broussard explained the organizations gained by hiring a Chief of Police, who should have the capability of working with other organizations, which has zero cost to the city. Retired Chief of Police Broussard reiterated comments made by Chief of Police Hoy.

Chief of Police Hoy has City Council support. City of Merrill has Chief of Police Hoy contact information.

No further public comment followed.

ADJOURN MEETING:

Councilor Gatliff made a motion to adjourn the August 9, 2023 Meeting. Councilor Baley 2nd the motion. With all in favor, the meeting adjourned at 6:17 p.m.

Respectfully Submitted,

Joanne Johnson 9-13-2023
Joanne Johnson – Mayor Pro Tem Date

Rayna Hernandez 9-13-2023
Rayna Hernandez – City Recorder Date

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