
CITY OF MERRILL
SUPPLEMENTAL BUDGET HEARING AND
REGULAR BUSINESS MEETING
Tuesday August 13, 2019 6:00 P.M.

MEETING CALLED TO ORDER:

Mayor Carlson called the Tuesday, August 13, 2019 Regular Business Meeting to order at 6:01 p.m.

ROLL CALL:

Roll call was taken with the following members of Council and others being present: Councilor Smith, Councilor Johnson, Councilor Carleton (arrived at 6:02 p.m.), Councilor Hinton, Mayor Carlson, and City Recorder Hernandez.

FLAG SALUTE:

The Flag Salute immediately followed with Mayor Carlson asking Councilor Hinton to 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 Carlson 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.

SUPPLEMENTAL BUDGET HEARING:

- Approve Supplemental Budget: Hamilton Construction installed sidewalks on Polk Street in accordance with the SCA Polk Street Grant. The construction was to be completed in the 18/19 fiscal year; however, the project carried over into the 19/20 fiscal year. The City of Merrill is required to pay Hamilton Construction for services rendered followed by reimbursement of funds paid. Funds need to be transferred into the Street Fund Checking until grant revenue is received. Councilor Smith made a motion to approve the Supplemental Budget. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2019-802: Appropriate Interfund Loan per Budgetary Law: Resolution 2019-802 details the appropriations of the interfund loan and expenditures for the Special Allotment Grant to comply with Oregon Budgetary Law. Councilor Carleton made a motion to approve Resolution 2019-802. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.

CONSENT AGENDA:

- **Meeting Minutes:**
Councilor Smith made a motion to approve the Meeting Minutes for July 9, 2019. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- **Phone Poll:** Resolution -797: Assign Residential Address (Councilor Carleton verbal @ 9:30 a.m. approved; Councilor Hinton verbal @ 12:34 p.m. approved; Councilor Johnson approved via text) 3 approved in favor, 1 undecided. No objections to the phone poll followed.
- **Business License Renewals:**
- **Business Licenses:**
Longhorn Sheds: Councilor Smith inquired to the location of the business. Raul Garcia stated the intention is to place as many hickory sheds on the lot of 110 W. Front Street at the old Shell Station (owner Brad Staub). Councilor Smith stated esthetic concern of vehicles and hickory sheds clustered on one lot. Raul Garcia stated vehicles would need to be removed. The hickory shed dimensions would be 8 by 8 or 11 by 14. The sheds are small. Raul Garcia stated the location will be more visibly appealing once established.

Public Works Director stated #2 Well is located nearby and will eventually be fenced. Discussion of future plans followed. Councilor Carleton made a motion to approve the business license for Raul Garcia (Longhorn Sheds). Councilor Hinton 2nd the motion. The motion passed 4-0 in favor.

- **Accounts Payable:**

Councilor Smith inquired to the breakdown of the Pacific Power bill. City Recorder Hernandez elaborated. Councilor Smith made a motion to approve the July 2019 account payables. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.

Councilor Smith made a motion to approve the July 2019 water transfer for \$6,720.00. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.

STAFF REPORTS:

- **Police:**

- Marshal Bicknell stated the Lost River Bluegrass Festival was a great success with a couple of issues, which were quickly resolved. A publicized incident was for a warrant arrest. The warrant was for a misdemeanor failure to appear. The incident was initiated by another agency, which quickly escalated. The Klamath County Sheriff's Office was the coordinating agency with assistance from the US Marshal's Office and Malin Police Department. Officer Srch responded to the incident on scheduled day off and was instrumental in resolving the situation. The suspect was arrested without injuries to himself, bystanders, or law enforcement personnel. Animal complaints are lessening. The Sheriff's Office has assigned a full-time deputy to respond to animal related calls. The Police Department assisted other agencies in and around Merrill on four occasions including two attempted suicides, a sex offense investigation, and a fire call. The Police Department also assisted a motor vehicle accident on Highway 39 south of Merrill. Merrill Police responded to six domestic disturbances as the majority. Marshal Bicknell investigated a domestic violence incident with the assistance of the Sheriff's Office resulting in an arrest. Two reported thefts are currently under investigation. A bicycle was stolen from the Mobile Station and household items were stolen from an unlocked recreational vehicle from Dan's Auto Body. Merrill Police Department assisted two citizens with locked vehicles.

- **Public Works:**

- Public Works Director Matthews read from submitted report. Public Works Director Matthews complimented Hamilton Construction on the sidewalk installation on Polk Street. Public Works Director Matthews described the issue of attaching the chopper to the tractor due to the hydraulics, which has been affecting weed control and requested a 50 to 60 horsepower tractor for the 20/21 fiscal year. Power fluctuations have been occurring. Mayor Carlson elaborated on the root cause of power fluctuations. The recloser, if the substation senses a fault on the line, will turn the power off for half a second, which allows the arc to clear. The power is turned on if the power is unfaulted; however, if the power is faulted, the power will turn off for 15 seconds. The power may then lock out and on-site maintenance is required. The City of Merrill has been connected to the new well for three weeks. The new pump is resetting with the power fluctuations. West Coast Piping may possibly start water pressure testing the week of August 19, 2019. Councilor Smith inquired to the repair of excavated portions of the streets currently filled in with gravel. Public Works Director Matthews stated the sections will be paved. The valves will be in the middle of the streets creating easy location. Mayor Carlson inquired whether the water lines in the alleyways will be abandoned. Public Works Director Matthews stated the lines in the alleyways will remain active. Shutdowns will occur once West Coast Pipeline cuts into the lines. Notice will be given to residents. Discussion of the Fire Department Drainage and a 50 to 60 horsepower tractor ensued.

- **City Recorder:**

- City Recorder Hernandez reported on documents submitted for the 18/19 fiscal year audit and submitted 18/19 fiscal year workman's comp audit. The City of Merrill is accepting credit and debit cards with the option to pay online located on the City of Merrill website. There is a three dollar minimum fee. City Recorder Hernandez thanked Ryan Nemi of FireServe for the Ethernet installation. City Recorder Hernandez mentioned other duties performed as listed in Recorder's Report. Highlighted are the new laws and policy requirements for 2020.

- **Lawyer:**

- Mayor Carlson and City Recorder Hernandez has a meeting scheduled with City Attorney Schade on Thursday, August 15, 2019 at 11:00 a.m. to discuss regular administrative duties.
- **Code Enforcement:**
 - Mayor Carlson stated Code Enforcement is currently in a dynamic transition period. City Clerk Jensen is the staff Interim Code Enforcement contact. Issues have been inactively responded to. Councilor Hinton has accepted the role of Code Enforcement Commissioner. A meeting is set for 3:30 p.m., Wednesday, August 14, 2019 to discuss proceeding forward with Code Enforcement. Procedures will be available in two weeks. Councilor Smith inquired whether the procedures would be printed for viewing. Mayor Carlson affirmed. Mayor Carlson stated beginning operations in approximately two weeks, and intends to present City Council with policy and procedures at the September 10, 2019 City Council Meeting. Councilor Smith stated there are active fire dangers such as the pasture on Falvey Road and Les Schwab. Councilor Hinton stated Les Schwab is currently abating the grasses. Councilor Smith stated The Dollar General landscaping is meticulous. Councilor Smith inquired to whom is responsible for the Falvey Road (*sic*) pasture and described the location. Councilor Hinton stated Fairfield. Councilor Carleton inquired whether Councilor Hinton will be the Code Enforcement Officer. Mayor Carlson stated Councilor Hinton will be the Code Enforcement Commissioner. City Council appoints a staff member whom will be City Clerk Jensen. Councilor Smith voiced opposition to City Clerk Jensen patrolling alone. City Council hired two people for the office. Councilor Carleton agreed. Councilor Hinton stated City Clerk Jensen will not patrol alone until comfortable with the position. Councilor Smith and Councilor Carleton reiterated opposition to City Clerk Jensen patrolling, which affects the office. Mayor Carlson stated the action item(s) to have policy and procedures at the Recorder's Office within two weeks for review and attend the scheduled meeting Wednesday, August 14, 2019 at 3:00 p.m.
 - Resident Lee Harris stated concern of teenagers smoking and drinking in the alley and empty lot beside residence with the dry grasses. Discussion followed determining the issue is trespassing.
- **Planning:**
 - No report

PROJECT MERRILL:

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Public Works Director Matthews stated on behalf of Lost River Arts and Cultural Alliance, Public Works Director Matthews would like to thank City Council and the citizens of Merrill for the support and volunteerism for the Bluegrass Festival. The Bluegrass Festival was a success, which highlighted the holism of the Klamath Basin. The Polar Bear hired additional staff and gifted bonuses due to the high volume of customers resulting from the Bluegrass Festival for seven days. Marshal Bicknell supplied transportation to Tater Patch Quilts and The Sewing Works. Merrill Mobile Manner and Casa Villanueva were at full capacity. Public Works Director Matthews stated the opinion of all businesses profiting from tourism the Bluegrass Festival generated. Reiterated were thanks to the City Council, the Recorder's Office, Joyce and Dave Furlong, Ronnell Matthews, Lee Harris, Paula Wick, Robin, Teresa Perry, Officer Srch, Marshal Bicknell, Rayna and Isabella Hernandez, Melody Smith, Mayor Carlson, Margie and Dick Carleton and the vendors and security. *The Bluegrass Express* published the Bluegrass Festival. Councilor Carleton stated the response from the Bluegrass Bands was tremendous with positive comments and desire to return. Councilor Smith commented like for vendors and the uninterrupted to local businesses. Councilor Carleton stated comments frequently heard were friendly community and wonderful setting. Public Works Director reimbursed the City of Merrill \$3000.00 per the November 13, 2018 City Council Meeting decision of \$3000.00 grant \$3000.00 repayable that would become aggregate and aggregate \$6000.00 returned to the City upon success.

NEW BUSINESS:

- Discuss Office Hours: Mayor Carlson composed general Meal Guidelines after conversing with staff and City Councilors. Meal policies shall adhere to all applicable labor laws. Any employee desiring an unpaid meal break, free of work duties, of either 30 or 60 minutes, shall be allowed. Employees of the City owe a full day's work to Merrill residents in exchange for a full day's pay. A "working meal" whereby an

employee could elect to provide paid job coverage while consuming a meal may be mutually beneficial to the City and the employee in certain circumstances. Discretion to use this option is best left to the Department Commissioner. Conflicts with the Meal Guidelines may be brought before City Council September 10, 2019 for resolution. Councilor Hinton submitted 1034 Police Department Meal Policy.

- Traffic Congestion at A&M Shell Station: Councilor Carleton stated the intention of informally meeting with Brad Staub to create a Traffic Flow Plan due to traffic congestion. Councilor Smith questioned the legality of vehicles blocking traffic. Marshal Bicknell stated the issue requires an engineering solution rather than legal. Ideas and designs have been brainstormed with Councilor Hinton. Councilor Hinton stated pump number five is eight feet west of the west-side of the building. When a vehicle is stationed at the pump, and another vehicle stops, the second vehicle is in traffic. The vehicle would be in the City right-of-way. A possibility would be to eliminate pump number five to move the pump forward to ten feet. Councilor Carleton stated parking beside the building head in on the streets violates City Code; however, parking is too scarce to find a resolution. Tater Patch Quilts has three parking spaces in front of the building with no other parking except beside the building. Merrill Lumber Company faces the same issue. A subcommittee of Councilor Carleton and Councilor Hinton was formed to report to City Council on September 10, 2019. Councilor Smith clarified earlier comment of actively talking to residents instead of writing traffic tickets.
- Bob's Excavating Contract and Imposed Penalty: Councilor Carleton stated a letter to Bob's Excavating from Anderson Engineering imposing \$7,400 in liquidated damages may be found in the August 13, 2019 City Council Packet. PacifiCorp desires to complete the contract on the Well House by finishing the electrical work to the Public Works Shop Building and so forth. The City of Merrill relinquished the penalty period but may need to reinstate the penalty as the Well House is incomplete. Public Works Director stated the power is to come out of the Well House and a pole will be removed. The power will be run from the Well House to the Public Works Shop Building. Bill Oden of PacifiCorp is pressuring for completion to close contract. Discussion of reinstating the penalty ensued.
- Waste Management Annual Detailed Report: City Recorder Hernandez stated Waste Management submitted the company's Annual Detailed Report and is available for viewing if desired.
- Renew Approval for Midtown Eatery & Pub LLC OLCC License Application: Wayne Powell stated approval for Oregon Liquor Control Commission (OLCC) Liquor License Application was previously brought before City Council. Due to constraints of the building, Midtown Eatery & Pub LLC will only serve wine and beer. OLCC requests the application be reapproved by City Council. Councilor Carleton made a motion to approve the OLCC Liquor License. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.
- Water Project Amendment Number 1 Authorization Letter: City Recorder Hernandez stated Amendment Number 1 requires Councilor Smith's signature and amends the loan and grant Water Project for 3.3 million. The letter is a formality as the Water Project has been pre-approved for \$3,337,868. Councilor Smith made a motion to approve Amendment Number 1 to the project budget. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- Consider Land Use Change for Merrill Commercial: Agent Margaret Moore was present to correct any misinformation. Merrill Commercial has an interested party. The use would not be in accordance with the Merrill Commercial Plan approved by City Council. The business would be a manufacturing retail outlet. Agent Margaret Moore stated the interested individual is Raul Garcia. Planning Commission would be the lead. The Merrill Commercial Plan approved by City Council was a hotel/assisted living with an office and two pads. Raul Garcia stated the business model would mimic Palm Harbor Home Center for manufactured homes with models, business, and construction. An all-in-one sales area. Change of the original plan may not be necessary but perhaps an extension of the plan. Financing is still in process. Councilor Carleton sought clarification to the sale of the full acreage or partial. Raul Garcia stated the 5 acres. Councilor Hinton inquired to the location of the property. Raul Garcia stated Keith Anderson Manufacturing Home Construction, which loses business due to the velocity of customers as a small company can only service a certain capacity. Raul Garcia envisions a business with modular homes, manufactured homes, and construction to fill a void in the market. Construction on a stick building is only possible six months in a year. Residents may prefer a manufactured or prefabricated home. Councilor Carleton suggested creating a plan to submit to Planning Commission to start the process. Planning Commission would agendaize for City Council for approval or disapproval. Depending upon the decision of City Council, Katherine and Denny Holl should be contacted to annex the property across the highway. Katherine and Denny Holl have

expressed prior interest of annexing. More commercial property would become available. Raul Garcia stated partitioning the property could be another possibility. Councilor Smith suggested presenting a partial and full plan to Planning Commission. Councilor Carleton stated presenting the idea to Planning Commission before starting the permit process.

- Consider Awarding Maintenance Contract for Merrill Commercial: An individual maintained the Merrill Commercial Property for hay during the 2018 year. The individual was unable to maintain the property for the 2019 year. Public Works Director Matthews stated the City would maintain the property. The maintenance of the Merrill Commercial Property is the City of Merrill's responsibility.
- Discuss Mayor's Association Conference: Mayor Carlson attended the Mayor's Association Conference in Medford for two of the three days. A positive idea to communicate with the public is to mail a newsletter with water billing. A draft was emailed to the department heads with positive feedback. Intention is to work with City Recorder Hernandez to mail with the water bills. Any person wishing to communicate with the public may submit an article or recipe. Councilor Smith inquired whom the responsibility of typing the newsletter would befall and public records retention. City Recorder Hernandez stated a paper copy could be included in the City Council Packet for retention. Councilor Smith stated the information submitted to the Recorder's Office could become overwhelming. Councilor Carleton inquired whether the newsletter would increase postage. Mayor Carlson stated four sheets may be mailed before a postage increase. City of Merrill will proceed with the newsletter on a trial basis.

OLD BUSINESS:

ORDINANCES:

- Bill 2019 Minimum Parcel Amendment: First Reading: City Recorder Hernandez stated Bill 2019 Minimum Parcel Amendment was brought before City Council at the July 9, 2019 City Council Meeting which amends the Residential Zone. Councilor Carleton stated the minimum lot size was 7,000 square feet for a residence. An additional second dwelling unit increased by 3,000 square feet. The Ordinance states for each additional unit meaning a lot could be 13,000 square feet and have 3 additional units theoretically. Does the City of Merrill want more than two units per lot? Tabled for clarification.
- Bill 2020 Minimum Parcel Size: First Reading: Tabled.
- Bill 2021 Drainage Policy: First Reading: Drainage Guidelines exist. City Council requests an additional month to merge Bill 2021 and the existing guidelines. Tabled.
- Bill 2022 Amending Ordinance 2017-1010 Public Records Office Fees: First Reading: Oregon State has specific fees for Public Records Request. Ordinance 2017-1010 states \$50 per hour. Oregon State specifies \$25.00 per hour for clerical, \$40.00 per hour for managerial, \$75.00 per hour for professional. Bill 2022 brings the Public Record Fees into compliance with Oregon State Law. Mayor Carlson inquired to professional services related to Public Record Requests and fees incurred. City Recorder Hernandez stated DOJ, special attorney and other applicable legal fees: at the actual hourly rate charges for Public Records Request-related services. Fees are subject to statutory limitations described in ORS 192.440(4)(b). City Council stated no objections, stated first reading, and to be voted upon September 10, 2019.

RESOLUTIONS:

- Resolution 2019-800: Nursing Mothers Policy: New laws become effective January 2020 with deadlines to create policies. Policies are to be created by October 2019; however, the policies may not be available until January 2020. Resolution 2019-800: Nursing Mothers Policy is generic. The resolution states: Mothers can break for a reasonable amount of time whenever they need to express milk (every 1.5-4 hours depending upon the age of the child). If a non-exempt employee takes a lactation break at the same time as a paid rest break, the break is paid. Otherwise, breast milk breaks are unpaid. Oregon law encourages employees to combine lactation breaks with meal periods or rest breaks to avoid further disruption. Nursing mother's must be provided a private area (other than bathroom) in close proximity to the employee's work area that is shielded from view and free from intrusion by coworkers and the public, where they can express milk (Recorder's Office Backroom). Councilor Smith made a motion to approve Resolution 2019-800. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2019-801: Signature On All Bank Accounts: Resolution 2019-801 formally allows Councilor Hinton to sign checks. Councilor Smith stated having made a motion July 9, 2019 to allow Councilor Hinton to be added to the checking account. City Recorder Hernandez affirmed. The resolution is a

formality. Councilor Carleton made a motion to approve Resolution 2019-801. Councilor Smith 2nd the motion. The motion passes 4-0 in favor.

- Resolution 2019-804: Authorizing a Loan from the Safe Drinking Water Revolving Loan Fund: Resolution 2019-804 is a formality authorizing the amended loan from the Safe Drinking Water Revolving Loan Fund as the amendment has been previously approved by City Council. Councilor Johnson made a motion to approve Resolution 2019-804. Councilor Smith 2nd the motion. The motion passed 4-0 in favor.

FUTURE AGENDAS:

- Formally Appoint Councilor Hinton as Police Commissioner
- Front Street and Washington Safety Measures (Crosswalks, Signage, and/or Lights)
- Washington Street Parking at Umpqua Bank and Merrill Post Office
- Discuss Semi-Truck Parking Options on Main Street in Front of Residences

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.

- Teresa Perry (425 Grant Street Merrill, Oregon): “My concern, or I would like to know, is there any type of energy efficient grant or something that would help us that would get better lighting in this building? In this room? Because, yeah, this isn’t cutting it.”
Public Works Director Matthews commented on the waste of electricity though the eclectic appearance is appealing.
Teresa Perry: “They are not energy efficient.
Councilor Carleton inquired whether L.E.D. lights could be installed.
Public Works Director Matthews affirmed though stated the opinion of the globes as the issue.
Teresa Perry: “It is great when you have parties in here when you do not want bright lighting in here, but it is an issue when we always have meetings in here and you have to.....so we can read.”
Councilor Smith and City Recorder Hernandez discussed Capital Outlay in the General Fund Budget.
Councilor Smith suggested appropriating funds toward lighting from Capital Outlay.
Mayor Carlson stated Todd Andres could explain the Blue Skies Program the City could possibly benefit from.
- Lee Harris (212 N. Main Street Merrill, Oregon): “I have brought up before the semi’s that park in front of my property over here. (*inaudible*)....but they are still doing it. My question is: I know it was discussed that there may be a sign that you could put out that says No Truck Parking? I know there is one by the Fire Department on the pole there. I took some pictures that I wanted to show you, and the problem is that I cannot get out when they are parked like that all the way down to the end of the vacant property.”
Councilor Smith asked to view pictures.
Lee Harris: “I have to go all the way down to the end to where Carl lives.”
Councilor Johnson asked to view pictures. Resident Lee Harris approached the City Council to submit pictures on cellular phone.
Councilor Smith inquired to how often the semi-trucks are parking in front of the residence.
- Gary Robeson (405 Water Street Merrill, Oregon): “On the vehicle we use to have, that was portable to move, to either end of the town. So like say on Highway 199 when I drive through O’Brien, there is an old police car there, so it makes me put my brakes on. I thought what we had here in Merrill was pretty good, and then there was discussion about having permanent signs verses mobile on a trailer or anything. I did not know the outcome.
Public Works Director stated the potential of placing a sign stating No Truck Parking Between Signs from Taylors’ Residence to Rush’s Residence or extend Front Street.
Councilor Smith sought to set-up meeting to discuss options.
Councilor Smith stated a permanent sign will be mounted on a telephone pole.
Marshal Bicknell stated Fireserve will assist.
Mayor Carlson inquired whether a speed sign will be on each side of town.
Marshall Bicknell stated a speed sign will be on one side of town with the possibility of another sign next year.
Councilor Carleton inquired to the cost of the project.

Marshal Bicknell stated approximately \$3500.00 or less for one sign.

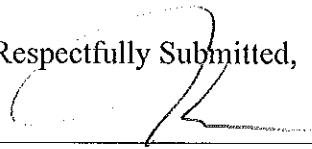
- Public Works Director Matthews stated thanks to the 26 sponsors who supported the Bluegrass Festival. Every sponsor was local from the Klamath Basin.

No further public comment followed.

ADJOURN MEETING:

Councilor Hinton made a motion to adjourn the August 13, 2019 Meeting. Councilor Carleton 2nd the motion. With all in favor, the meeting adjourned at 7:22 p.m.

Respectfully Submitted,



Bill Carlson - Mayor

10/5/19
Date



Rayna Hernandez - City Recorder

9.10.2019
Date