

CITY OF MERRILL
REGULAR BUSINESS MEETING
301 E SECOND STREET MERRILL, OREGON 97633
Wednesday, December 13, 2023 5:30 P.M.

MEETING CALLED TO ORDER:

Mayor Guthrie called the Wednesday, December 13, 2023 Business Meeting to order at 5:27 p.m.

ROLL CALL:

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

FLAG SALUTE:

The **Flag Salute** immediately followed with Mayor Guthrie requesting Councilor McCollam take the lead.

MAYOR STATEMENT:

Mayor Guthrie 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 Guthrie 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 November 7, 2023 City Council Meeting Minutes
Councilor McCollam made a motion to approve the entire consent agenda. Councilor Johnson 2nd the motion. The motion passed 3-0 in favor.
- **Phone Poll:**
- **Business License Renewals:**
- **Business Licenses:**
Cobian Rental Business License
Cobian Rental Business License
Modoc Electric, LLC DbA Jalapenos Business License
Ribbon-n-Print Business License
Kactus Creek Boutique Business License
The Sewing Works Business License
Refer to meeting minutes for motion.
- **Accounts Payable:**
November 2023 Account Payables: *Refer to meeting minutes for motion.*
November 2023 Water Transfer: *Refer to meeting minutes for motion.*

STAFF REPORTS:

- **Police:**
- Report: Sergeant Hetherwick stated reporting to a domestic arrest during the November 7, 2023 City Council Meeting, submitted report and read into the record: One Domestic Violence Arrest, One Hit and Run (Damage with Report), Two Welfare Checks, Six Traffic Stops, Four Call-Outs, Two Citizen Assists,

Three Mutual Aids for Klamath County Sheriff's Office, One Parking Complaint, One Vacation Check, and Two Office Walk-Ins (civil).

- Discuss Approval for Body Cam Program and Cellular Phone Replacement: Klamath County Sheriff's Office, City of Malin Police Department, and Klamath Falls City Police utilize and Body Cam Program called Visual Labs. The program is used through a cellular phone and automatically uploaded to the cloud. Transfer of data to other agencies is via link. The program tracks an officer in real time, which is ideal in emergency situations. The program calculates locations through Geo Fencing. The program is solely compatible with androids. The annual license is \$750.00 per year and a \$125.00 set-up fee. The cost for two users is \$1,690.00 (*sic*). Chief Hoy stated the program works well. The benefit of the program is easy access for the District Attorney. Councilor Johnson inquired about data retention longevity. Sergeant Hetherwick was of the belief until the case is adjudicated. Chief Hoy clarified a felony is 10 years, miscellaneous is one year, and a misdemeanor is three years. Discussion between Councilor McCollam and Sergeant Hetherwick regarding costs ensued. Mayor Guthrie inquired about the annual cost after set-up. Sergeant Hetherwick stated \$1,690.00 per year. Chief Hoy added that the Reserve Officer cellular phone can be issued during shifts; thereby, reducing the need for additional cellular phones. No motion was entertained.
- Discuss Purchase of Police/Code Enforcement Vehicle: The Fleet Manager for Lincoln City Police Department has a 2006 4WD Chevy Tahoe Code Enforcement Vehicle for \$3,000.00. Sergeant Hetherwick detailed the additions of the vehicle with 137,000 miles and detailed maintenance records. Chief Hoy stated Tulalake Police Department purchased four vehicles from Deschutes County for \$15,000.00. One of the vehicles was designated for Public Works; however, the 2019 Dodge is fully equipped (\$6,000.00) for patrol with 160,000 miles. City of Tulalake is willing to swap the 2019 Dodge for and 4WD Truck in the City of Merrill's fleet, or the equivalent. *The City Council exited chambers to view the 2019 Dodge at 5:46 p.m. City Council re-entered the chambers to resume City Council at 5:50 p.m.* Chief Hay stated the brakes and wheel bearing have recently been replaced, but the tires are at 50%. Council McCollam stated for auditing purposes, the transaction would be cleaner for the City to issue a check for the 2019 Dodge. The City does not have a truck to trade in the fleet. Further discussion ensued regarding the purchase. City Recorder Hernandez stated a Supplemental Budget would need to be held and provide public notification via publications prior to the meeting. City Council approved to move forward with the purchase of the vehicles and plan on budgeting \$9,000.00-\$10,000.00 for the vehicles.
- Criminal Justice Code of Ethics/Oath of Office: Reserve Officer Travis Pace was sworn into Office:

"I, Travis Pace, do solemnly swear I will uphold the Constitution of the United States of America; the State of Oregon; the City Charter and Ordinances of the City of Merrill; and I will, to the best of my ability, honestly, faithfully, and lawfully perform the duties as a Reserve Police Officer for City of Merrill, so help me God."

Criminal Justice Code of Ethics (Form F-11) was tabled.

Chief Hoy introduced self to the City Council. Chief Hoy has been meeting with Siskiyou and Klamath District Attorney's, Tulalake City Council, and Siskiyou and Klamath 911 Dispatch to research cross deputization. The Oregon and Idaho Borders currently cross deputize, which is geographically similar to the Tulalake and City of Merrill area. Chief Hoy is Oregon Certified. Tulalake City Council approved Chief Hay to be cross sworn. Chief Hoy described local events where cross deputization would have been beneficial to both communities. The cost to the City would be a psychological examination (\$640.00) as an unpaid Reserve Officer. The benefit for Chief Hoy would be the ability to investigate in Oregon. Chief Hoy has multiple patrol vehicles at his disposal and a K9. Chief Hoy's motivation is to remain certified with the State of Oregon, have the ability to investigate within Oregon, and potentially run for Sheriff in five years. Councilor Johnson requested further information. Agendize. Mayor Guthrie inquired to a prior United States President whom declared that any officer has arrest powers within the United States. Chief Hoy affirmed with the clause any officer has arrest powers in the event of loss of property, limb, or life. An out of state officer could detain a person and a reporting agency would transport the individual. An out of state officer cannot cross state lines, arrest an individual, and transport the individual across state lines.

- **Public Works:**
 - Public Works Director Matthews (absent) submitted report for the record and reviewed by City Council: Checked lifts; well level is at 73 foot with pump running; completed and submitted Discharge Monitoring Report; hung pink tags; performed multiple locates; acquired water and sewer samples; installed new starter on flusher truck; purchased new alternator and muffler for Bobcat; fixed two water breaks (S. Merrill Rd. and Grant Street); building shelter for Bobcat at Lagoon (temporary lean-to); completed testing for CEU's for water and wastewater; cleaned tules from lagoon; accepted outside dumping resulting in approximately \$53,000 revenue; cleaned restrooms; fixed three sewer plugs; attended RKC Meeting; Winema fixed floats at the lagoon; received a bid to wire well pump to generator (\$2,200.00) with an additional two for 2024-2025 Budget; scraped roads at lagoon; and praised Utility Workers Roman Vazquez and Taylor for their efforts while Public Works Director was on medical leave.
- **City Recorder:**
 - City Recorder Hernandez reported: Oregon Module Payroll Training (was delayed due to Ontario Module Payroll Key Code); discussed Audit Letter with City Attorney; discussed Franchise Ordinances with City Attorney (the City reserves the ability to negotiate); assisted with Background Investigation Report; submitted Swisher and 4th Street Close-Out Report; Oregon Department of Revenue Training; Department of Motor Vehicles (DMV) ARS Management and Record Inquiries; updated 2024-2025 Payroll Schedules; 2024-2025 Fiscal Year Budget Compilation; Audit Testing to begin soon and may have to request an extension; and other daily administrative duties.
- **Lawyer:**
 - Report:
- **Code Enforcement:**
 - Report: Code Enforcement Officer Perry submitted report and read into the record. Code Enforcement Perry reported mailing four notices, attending the Safety Meeting Friday, December 8, 2023, patrolling weekends, answering mail and emails throughout the week. Code Enforcement Perry intends to work increased hours during the Winter Break. A flyer about winter maintenance will be mailed with the Utility Billing. Mayor Guthrie inquired to semi-trucks on city streets. Code Enforcement Perry addressed a complaint regarding a semi-truck parked on city streets, and a solution was reached. The semi-truck in question was a safety issue. The truck encroached within 20 feet of a crosswalk at a four-way intersection. Vehicles were creeping into traffic for visibility. Sergeant Hetherwick also spoke with the business owner of the semi-truck. Code Enforcement Perry stated other semi-trucks park on city streets; however, the trucks do not pose a safety hazard.
- **Planning:**
 - Report: Report submitted and read into the record.
 - 415 N Main Street (Tax Lot #4110-001CC-07300) LUC: File 24-2023. The LUCS application was reviewed to determine whether a Type II Procedure (Quasi-Judicial) for the Conditional Use Permit and the requirements for an ADA compliant parking lot was necessary. The Planning Commission determined no hearing was required. The determination was that the owners follow the ADA requirements and recommend a 2 ½ +/- encroachment permit/easement. Planning Commission passed File 24-2023 3-0 in favor. Commissioner Johnson made a motion to approve 415 N Main Street (Tax Lot #4110-001CC-07300) LUC. Councilor McCollam 2nd the motion. The motion passed 3-0 in favor.
 - 530 N Main Street (Tax Lot #4110-00200-01700) LUC: File 25-2023. The Planning Commission made a motion to approve 530 N Main Street (Tax Lot #4110-00200-01700) LUC and Site Plan for Modular Removal and new office as given, with the condition the modular home be removed in compliance with Klamath County Policy and Procedures. The motion passed 4-0 in favor. Councilor McCollam made a motion to approve 530 N Main Street (Tax Lot #4110-00200-01700) LUC. Councilor Johnson 2nd the motion. The motion passed 3-0 in favor.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

Report: No report.

NEW BUSINESS:

- Approve Operations, Maintenance and Replacement Plan Addendum: The addendum is for the Fourth Street and Swisher Waterline Project. The Close-Out Report was due December 8, 2023, and Business Oregon is waiting on the formal approval of the Operations, Maintenance and Replacement Plan Addendum, which is to be submitted December 14, 2023. Councilor McCollam made a motion to approve the Operations, Maintenance and Replacement Plan Addendum. Councilor Johnson 2nd the motion. The motion passed 3-0 in favor.
- Payroll Schedules for 2024-2025 FY (Effective 7/1/2024): Payroll Schedules were reviewed. Councilor Johnson made a motion to approve Payroll Schedules for 2024-2025 FY (Effective 7/1/2024). Councilor McCollam 2nd the motion. The motion passed 3-0 in favor.

OLD BUSINESS:

- Discuss Flag Cost Estimates: Tabled.
- City Hall Rental Violation Penalties: Tabled.
- Discuss Positive Pay Option and Fees: Councilor Johnson explained Positive Pay. The annual fee is \$45.00 per month, per account or \$600.00 annually per account. Councilor McCollam inquired whether City recorder was in favor of Positive Pay. City Recorder Hernandez was not in favor of the cost and inquired whether the City could sign up for mobile banking. Councilor Johnson stated Umpqua Bank staff are researching on the City's behalf. The City is already expending \$2,000.00 + annually. Tabled.

ORDINANCES:

- Ordinance 2061 Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 E Pre-Fabricated Metal Containers-Third Reading: The Ordinance 2061 Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 E Pre-Fabricated Metal Containers was mailed to all residents for public comment. No further changes were recommended from the second reading, nor public comment, and was read into the record by title. Councilor Johnson made a motion to approve Ordinance 2061 Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 E Pre-Fabricated Metal Containers. Councilor McCollam 2nd the motion. The motion passed 3-0 in favor.

RESOLUTIONS:

- Resolution 2023-931: Transfer Funds to Comply with Budget Law Requirements: Resolution 2023-931: Transfer Funds to Comply with Budget Law Requirements was read into the record. Councilor McCollam made a motion to approve Resolution 2023-931: Transfer Funds to Comply with Budget Law Requirements. Councilor Johnson 2nd the motion. The motion passed 3-0 in favor.

OTHER-FUTURE AGENDAS:

- Scheduling Police Department

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.

Code Enforcement Perry inquired about the Best of Show Christmas Decorations. City Recorder Hernandez stated the Christmas Best of Show was published in the newsletter and winners will be announced for January 10, 2023.

ADJOURN MEETING:

Councilor Johnson made a motion to adjourn the December 13, 2023 Meeting. Councilor McCollam 2nd the motion. With all in favor, the meeting adjourned at 6:37 p.m.

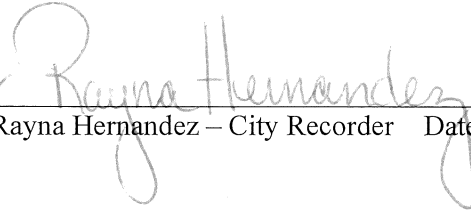
Respectfully Submitted,



Terry Guthrie – Mayor

1/10/2024

Date



Rayna Hernandez – City Recorder

Date

1.11.2024

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