

CITY OF MERRILL
REGULAR BUSINESS MEETING
Wednesday, December 14, 2022 5:30 P.M.

MEETING CALLED TO ORDER:

Mayor Pro Tem Johnson called the Wednesday, December 14, 2022 Business Meeting to order at 5:30 p.m.

ROLL CALL:

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

FLAG SALUTE:

The **Flag Salute** immediately followed with Mayor Pro Tem Johnson requesting Councilor McCollam to 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 Carleton stated the public is invited to provide their comments and opinions to the City Council at this time on issues of concern. Non-emergency issues brought up in this form will not be considered tonight other than in this preliminary discussion, but if found warranted, may be considered at a future meeting of the city council. Public comment is limited to five minutes per person.

No public comment followed.

CONSENT AGENDA:

- **Meeting Minutes:**
- Approve November 9, 2022 Meeting Minutes
Councilor McCollam 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:**
- November 9, 2022-November 23, 2022 City Hall Inside Construction/Remodel (Councilor McCollam-Verbal, Councilor Johnson-Verbal, Councilor Gatliff-Verbal, Councilor Baley-Verbal Approved 4-0 in favor)
Refer to meeting minutes for ratification.
- **Business Licenses:**
- Cesar Montano Rental Business Licenses (2), El Jefe's Restaurant, Merle's Custom Butchering, The Sewing Works, Double J Farms, Inc., Modoc Electric, Donahoe Rental Business License, MJ Trucklines LLC, Arrowhead Cleaning & Distribution, Merrill Mobile Manor (MSA Investments), Drew and Melissa Heaton Rental Business License
Refer to meeting minutes for motion.
- **Accounts Payable:**
- October 2022 Account Payables: *Refer to meeting minutes for motion.*
- October 2022 Water Transfer: *Refer to meeting minutes for motion.*

STAFF REPORTS:

- **Police:**
 - Report: Marshal Broussard reported for the month of November 2022. Marshal Broussard communicates on a regular basis with Police Commissioner Baley. Marshal Broussard has not

received any complaints in regard to patrolling the City of Merrill. The Malin Police Department patrols the City of Merrill daily and has been focusing on traffic from the Civic Center. The traffic speed has slowed significantly by using different police units. The Malin Police Department arrested a suspicious person, a City of Malin resident in the City of Merrill, on felony warrants. Theft complaints are below average; however, City of Merrill residents often call during evening hours to report suspicious activity and the Malin Police Department does not include as contracted hours. Marshal Broussard reported to an incident at the "store". Tom Hoy is the Chief of Police in Tulelake, California. Hiring Police Officers is difficult. Marshal Broussard is in the cusp of retirement; however, the officers would be unable to work without supervision, which would be devastating for the City of Malin. Leadership does not place the City in that position. Police Commissioner Baley stated that no complaints have been lodged again the Malin Police Department since and before the contract began. Police Commissioner Baley opined that the City of Merrill Police Department should reorganize and has been researching information for months. Police Commissioner Baley communicated with Sheriff Kaber and Klamath County has improved in terms of personnel. Sheriff Kaber will have interested persons contact Police Commissioner Baley for employment opportunities. The contract with the City of Malin expires January 31 of next year. Councilor McCollam stated the contract is open ended subject to evaluation. Mayor Pro Tem Johnson affirmed that the contract is evaluated every three months. Mayor Pro Tem inquired whether Police Commissioner Baley has been able to set-up an appointment between an employee and Marshal Broussard to remove personal items. Police Commissioner Baley stated a negative as he has been unable to make contact. Marshal Broussard stated the police contract may be cancelled by any party at any time. The City of Malin increased the salary for the Chief of Police, but the City of Malin continues to struggle with finding a replacement. Discussion of the hiring process and qualifications ensued.

- **Public Works:** *Mayor Pro Tem Johnson rearranged the Public Works Report and Lost River Arts and Cultural Alliance Report after Public Comment.*
 - Public Works Director Matthews submitted report and read: Checked lifts; gathered water samples needed for Radionuclide test, which shall not be required for another three to nine years; well level is 70 foot with pump running; completed and submitted Discharge Monitoring Report; hung pink tags; performed five locates; allowed outside dumping, which has resulted in approximately \$60,000.00; cleaned restrooms; cleaned and piled brush at lagoon; cleaned shop; fixed one sewer plug; wrote article for newsletter; removed tree at Merrill Elementary; assembled Manger scene; hung Christmas decorations with a special thanks to City of Tulelake and Gary Fields; rebuilt piping for chlorine at lagoon; pumped off Willow Street Lift Station twice; unplugged pump at Lincoln Street Lift Station and Billy Gallagher replaced burnt electrical unit; Utility Workers Taylor and Roman Vazquez cleaned and organized rooms at City Hall; located water valves that were covered during chip seal; City of Merrill did not receive Small City Allotment Grant for \$175,000.00; plowed snow; purchased new battery and installed on snow plow; Utility Worker Taylor started new project at City Hall on the hallway. Councilor Baley inquired whether the Public Works Department was plowing snow on Sunday, December 11, 2022. Public Works Department Matthews affirmed.
- **City Recorder:**
 - City Recorder Hernandez completed audit testing compilation and audit testing completion; the Annual Safe Harbor Notice was distributed to employees; completed and submitted the US Census Bureau Financials; performed a public record request; changed the reporting official on PERS and retirement; and other daily administrative duties.
- **Lawyer:**
 - Report: City Recorder Hernandez stated receiving an invoice listing annexation. City Engineer Darryl Anderson requested a copy of the Resolution passed November 9, 2022 to proceed to work with City Attorney Ratliff on Swisher Road Annexation.
- **Code Enforcement:**

- No Report.
- **Planning:**
 - Report: The Planning Commission did not hold a meeting for December. City Clerk Northcutt discussed possible agenda items for January 2023.
 - Discuss Truck Parking Signage Amendment: There have been numerous issues with trucks parking on Front Street. Signage is prohibited due to Oregon Department of Transportation. City of Merrill *Code of Ordinances* regulates parking via signage. The verbiage has been modified as written in 2058 Amend Code of Ordinances Title VII: Chapter 75 Parking Schedules.

LOST RIVER ARTS AND CULTURAL ALLIANCE: *Mayor Pro Tem Johnson rearranged the Public Works Report and Lost River Arts and Cultural Alliance Report after Public Comment.*

- Public Works Director Matthews reported the Merrill Historical and Modoc War Museum hosted the Klamath County Modoc History Tour on Saturday, December 3, 2022 for the 150th Anniversary of the Modoc War. The Klamath County Museum has a one-year exhibit on the Modoc War. Public Works Greg Matthews has offered to loan Modoc War photographs. Jim Baley has loaned Modoc War Baskets to the Merrill Historical and Modoc War Museum. The baskets are at least 200 years old and pre-date the war of 1873. Daniel Woodhead III, who authored *Modoc Vengeance*, donated \$5,000.00 to the Merrill Historical Society. Daniel Woodhead III has generously donated to the museum over the years. Lost River Arts and Cultural Alliance held the 15th Annual Christmas Program with approximately 200 people in attendance. Public Works Director Matthews thanked the City of Merrill and the Merrill Parks Department. Don Wise, the 90 years old saxophone player from the Christmas Program, was in a car accident on December 13, 2022, and is in Bend, Oregon due to severe injuries.

NEW BUSINESS:

- Discuss 24 Hour Fitness Business on Front Street: Raelyn Bowman (29303 Demerritt Rd) presented verbal a business plan for Rockcut Fitness tentatively at 115 E Front Street. Raelyn Bowman has not had the opportunity to physically tour the location due to the owner living out of town. Once the location is viewed, Raelyn Bowman will have a better understanding of which type of insurance will be necessary through Great Basin Insurance. The location will be rented. Raelyn Bowman sought City Council comment. Councilor McCollam and Mayor Pro Tem Johnson were in favor of a 24-Hour Fitness.
- US Cellular First Amendment to Ground Lease: US Cellular inquired whether the City Council approved the US Cellular First Amendment to Ground Lease at a prior City Council meeting. The response was that City Council objected to the US Cellular First Amendment to Ground Lease based upon the First Right to Refusal Clause. The verbiage has been removed. The amendment is typical with the company seeking an additional five-year term to lease the property. US Cellular further requested the US Cellular Memorandum of Lease to accompany the US Cellular First Amendment to Ground Lease. Councilor McCollam made a motion to approve US Cellular First Amendment to Ground Lease. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- US Cellular Memorandum of Lease: Councilor McCollam made a motion to approve US Cellular Memorandum of Lease. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Police Safety and Training Courses: Police Safety and Training Courses was requested to be agendized at the November 9, 2022 City Council Meeting in regard to Amendment 114. Amendment 114 has been temporarily suspended.
- Discuss Noise Nuisances Verses Noise Regulations: Noise Nuisances Verses Noise Regulations is in regard to Code Enforcement and request for changes. Stan Hinton stated Noise Nuisances do not have a limited time frame due to a nuisance occurring at any time during the day. To change the code would result in limitations to noise complaint abatements, which could lead to ticket citations. Code Enforcement Baley sought clarification that any individual may make a noise complaint at any time of the day. City Recorder Hernandez affirmed and gave examples.
- Post Position for Mayor: City Council approved to proceed with posting the Position for Mayor.
- Certified Election Results: The Mayoral Recall was held November 15, 2022. The Mayoral Recall was certified December 8, 2022, in favor of recall.

OLD BUSINESS:

- Discuss Merrill Police Department: Councilor McCollam stated reviewing the 2022-2023 fiscal year budget for future contracting and the status to hire a new Chief of Police, which reflects available funding for both. Mayor Pro Tem Johnson stated the City of Merrill should continue to contract with City of Malin for the next three months at least until a Chief of Police is hired. Councilor McCollam suggested beginning the advertisement process for hiring a Chief of Police. Councilor Baley stated after December 31, 2022. City Recorder Hernandez stated the position officially ends December 31, 2022; however, the City of Merrill has no further financial obligations and may post a listing at any time. Discussion of salary verbiage and starting salary ensued. Councilor Baley made the action item to approach the Klamath County Sheriff about advertisement and salaries. Mayor Pro Tem stated having internal information from previous postings. Councilor McCollam opined that the applicant does not have to live within the City of Merrill but has to respond within a certain timeframe. Councilor Baley disagreed stating the applicant should have a Merrill address. Councilor McCollam stated ideally the applicant is local, but the decision must be made before the posting. Also, the City only needs a Chief of Police, not an Officer. Councilor Baley stated starting with a Chief of Police or Marshal. The difference is education. Councilor McCollam stated hands on training is far superior to the paper job. Schooling is important too. Mayor Pro Tem Johnson was in favor of advertising for the Chief of Police to see how many applicants apply, and preferably, the applicants would live closer to Merrill than not; however, Mayor Pro Tem Johnson stated the City may request the applicant to relocate. Councilor McCollam stated having a 10–15-minute response time to Merrill. Councilor Baley inquired where the City would advertise. Mayor Pro Tem Johnson stated the *Herald & News*. Councilor Baley stated the City of Malin has advertised over the whole Country. The action item was made for City Recorder Hernandez to request the advertisement listings and verbiage from City Recorder Nunn. Discussion of budgeting for relocation and possible candidates ensued. City Recorder Hernandez inquired whether the City Council wanted to schedule a Work Session to review Employee Pay Schedules before posting the advertisement. City Council affirmed. Councilor Baley requested the Pay Schedule to inform any potential candidates of potential salary range. City Recorder Hernandez stated the Pay Schedules are located in the 2022-2023 fiscal year budget that was distributed. A Work Session was scheduled for Monday, December 19, 2022 at 9:00 a.m.

ORDINANCES:

- 2057 Amend Chapter 90.23 Nuisances Affecting Public Safety-First Reading: Tabled.
- 2058 Amend Code of Ordinances Title VII: Chapter 75 Parking Schedules-First Reading: Tabled.

RESOLUTIONS:

- Resolution 2022-907 Authorize Council Signatures (Banking Letters): Mayor Pro Tem Johnson read Resolution 2022-907 Authorize Council Signatures into the record by title. December 12, 2022 was changed to reflect Klamath County certified election results of December 8, 2022. Councilor McCollam made a motion to approve Resolution 2022-907. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Resolution 2022-908 Amend §51.23 Sewer Hookup Charge: Mayor Pro Tem Johnson read Resolution 2022-908 into the record by title. City Recorder Hernandez read Resolution 2022-908 Amend §51.23 Sewer Hookup Charge into the record and explained the resolution will bring the City onto compliance. Councilor Baley made a motion to approve Resolution 2022-908 Amend §51.23 Sewer Hookup Charge. Councilor McCollam 2nd the motion. The motion passed 3-0 in favor.

OTHER-FUTURE AGENDAS:

Monday, December 19, 2022 at 9:00 a.m. to discuss: Employee Pay Schedules, Ordinance 2057, Part-Time Code Enforcement Officer, Discuss Open Position for Police Chief/Advertisement.

Discuss Part-Time Code Enforcement Officer.

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): Resident Teresa Perry stated having one question and one comment. Resident Teresa Perry inquired to the status of the part-time Code Enforcement Officer that was discussed months prior and requested an update.

City Recorder Hernandez stated the City Council approved the Pay Schedule and the Job Description. City Council agendized discussion of part-time Code Enforcement Officer for the Monday, December 19, 2022 Work Session and Wednesday, January 11, 2023 City Council Meeting. Mayor Pro Tem Johnson thanked Resident Teresa Perry for the question.

Teresa Perry (425 Grant Street): Resident Teresa Perry commented on the Police Department discussion and the posting of the position. One concern and the feeling of regression is the requirement for a police officer to live within City Limits. Resident Teresa Perry feels that the City is limiting itself to the pool of applicants. One, housing is limited within the City of Merrill. Secondly, an established officer, living in Klamath Falls who would be able to respond within a reasonable timeframe, would have no reason to move to Merrill. Resident Teresa Perry does not want the City to limit itself but does understand the need to respond within a reasonable time or drive distance being a factor if it is going to be any limitation.

Mayor Pro Tem Johnson inquired whether the City of Merrill would provide a vehicle for an officer to take home if the officer resided in Klamath Falls to reduce response time. Councilor McCollam and Councilor Baley stated opposition. Councilor McCollam stated defining a reasonable time. An officer must drive the speed limit regardless of the vehicle and obey the law. Councilor McCollam has personally relocated multiple times to accept a position. Mayor Pro Tem Johnson stated most officers know that they must live within a reasonable distance.

Teresa Perry (425 Grant Street): Resident Teresa Perry stated the officer discussed lives in Klamath Falls. The officer is established and offered a job over the border and not required to move to California to take the position. Resident Teresa Perry questioned why the officer would apply for a position that would require him to move to Merrill, if limits are options. Applicants outside of Oregon may have to become Oregon Certified.

Discussion ensued regarding responding agencies to 911 calls. City Clerk Northcutt stated receiving water service from the City of Malin. Marshal Broussard lives a couple miles from City Clerk Northcutt's residence; however, the residence is within Klamath County Sheriff's Department jurisdiction and the responding officials.

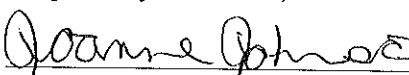
Teresa Perry (425 Grant Street): Resident Teresa Perry stated all Malin Police Department Officers do not reside within the City of Malin. The officers live in Klamath Falls and drive their personal vehicles to City Hall to switch vehicles before their shift. The officers do not respond to outside calls as the calls are the Marshal's responsibility.

No further public comment followed.

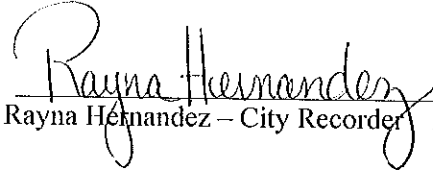
ADJOURN MEETING:

Councilor Baley made a motion to adjourn the December 14, 2022 Meeting. Councilor McCollam 2nd the motion. With all in favor, the meeting adjourned at 6:36 p.m.

Respectfully Submitted,


Joanne Johnson, Mayor Pro Tem

1-11-2023
Date


Rayna Hernandez - City Recorder

1/11/2023
Date

Mayor Pro Tem
Folder A 12-14-2022-18-27-31