

CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday December 8, 2020 6:00 P.M.

MEETING CALLED TO ORDER:

City Council President Smith called the Tuesday, December 8, 2020 Business Meeting to order at 6:00 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 (teleconferenced for FEMA presentation), and City Recorder Hernandez.

FLAG SALUTE:

The Flag Salute immediately followed with City Council President Smith asking Councilor Hinton 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.

PRESENTATION:

- FEMA Pre-recorded Virtual Open House Presentation:

KLAMATH COUNTY FLOOD MAPS HAVE BEEN UPDATED AND ARE AVAILABLE FOR REVIEW

In cooperation with the state, county, tribes, and other local communities, FEMA has updated flood maps to more accurately represent the risk of flooding in Klamath County. FEMA has developed a virtual StoryMap website for residents to learn more about what these flood maps mean for Klamath County. You can access the StoryMap by visiting bit.ly/klamathstorymap.

Via the StoryMap, property owners and community residents can learn about the flood mapping process, what the changes mean for them, and information about flood insurance. Residents can also find direct contact information should they need additional help or information.

The city of Merrill encourages community members to visit the website, learn more about your flood risk, and ask additional questions via the contact information provided on the website. You can preview the maps at bit.ly/klamathmapcomparison, or request a flood map for your property by emailing PropertyIDMap@starr-team.com.

Flooding is the most common and expensive natural disaster in the United States. Statistics show that homes in the high-risk areas on flood maps have a 26-% chance of being flooded at some point during a 30-year mortgage. Learn more about the costs of flooding and flood insurance on the FloodSmart website at www.floodsmart.gov. Find more information on flooding and flood safety at <https://www.klamathcounty.org/810/Floods>. While federal flood insurance is not available to property owners within the city of Merrill, the city is actively considering joining the National Flood Insurance Program so that you can purchase flood insurance in the future.

- Live Question and Answer: Ted Perkins of FEMA stated the video summarizes the purpose of FEMA's live question and answer session. Ted Perkins or Megan Main can be contacted to receive the video presented if unable to hear during the presentation. Megan Main is the Community Outreach Specialist,

Mitch Gain is the Sub-plain Management Specialist, and Jonathan Johnson is the Project Manager for the Klamath Study in particular teleconferencing to address questions about the organization or ongoing flood studies.

Mayor Carlson: "Hi Ted. My name is Bill Carlson. I wish I could be there in person today, but I can't. But the history of this, we...couple of years back we identified a topographical (*inaudible*) and took care of about 90% of the concerns in the City. This year we retained a surveying company to survey the cross sections of Lost River. As we understand it, we'll get credit for the (*inaudible*) for Lost River in the model. And just a question I have, Ted, is we got that data, I think, several months back. Has that model been rerun with that data or is that still to be done?"

Ted Perkins: "Thank you. Yeah, um, so we did receive all that information. It came kind of after we were already in the production of the preliminary map. So, our process is actually to address this during the appeal period. The information you provided is valuable, and it will very likely adjust what the floodplains look like. But at this point, our main mechanism is we have to wait for the appeal period to address it. We will then show you what that changed result looks like, as well as all the community staff, and then we'll talk out that resolution and make sure you guys are on board with the revisions we make on that."

Mayor Carlson: "I guess my only concern, Ted, is that we do have the capacity to do additional, to provide additional data to make the model even more accurate, which would probably lower the elevation. If we do still have a couple problem areas after we incorporate the cross sections do we have the opportunity to provide additional data or does that window close?"

Ted Perkins: "So, we haven't even opened the appeal period yet. So, our next step is kinda doing the outreach to make sure the people know the preliminary maps are there. So you have all the way until when the appeal period closes. And so, so we are going to start with this, um, what we call like a Storymap. It is basically a website which has ways to get the word out about the flood maps in terms of any questions people might have. Uh, and that will probably take several months to make sure we are getting enough hits. It is actually reaching as many people as we would do a public meeting, and once we feel we've gotten to that stage, we will reconvene with community staff and then start talking about opening that appeal period. So, at this point, you know, if everything goes really smoothly, I'm thinking we may try to start the appeal period in March or April. And so again it is a 90 day appeal period. You may have all the way until June or July to get that information."

Mayor Carlson: "Okay, so if I understand right, that...we'll, we'll, we'll know how effective that Lost River cross section data was in the March, April, May timeframe, and if it not enough, we would have a month plus to get you additional data by the May, June, July timeframe."

Ted Perkins: "I am going to start talking with Johnathan Johnson, who is also on the line, just about maybe even trying...we will see if we can start looking at this now. Um, but uh, we won't be able to officially give you the answer until the appeal period starts. The way the legal process works. We can kinda start looking at the model and running it so we have a feel for how much it is going to change."

Mayor Carlson: "We very much appreciate that Ted, and thank you for working with us."

Ted Perkins: "Oh, yeah, no problem. Thank you for providing a better explanation."

Mayor Carlson: "That's all I had."

Councilor Carleton: "I've got a question for you. This is Dick Carleton, Merrill Council, and, uh, Tulalake Irrigation District has provided an Operation Plan during a flood to use their canals to disperse, get rid of some of the water. Have you received that Operation Plan for Tulalake Irrigation District?"

Ted Perkins: "I, yes, we did receive that as well. I think, uh, haven't delved in too deeply enough. So one of the things with those kinds of plans is we need to make sure that is exactly how it is going to operate when that 1% probability event occurs. So we probably be reaching out and talking to you guys about that in a little more depth to make sure we understand the operation and all that, but, yes, we received it and we do plan on evaluating that and talking about that with you guys further."

Councilor Carleton: "Okay, thank you."

City Recorder Hernandez sought questions from the audience. City Recorder Hernandez stated no further questions from the audience or City Council.

CONSENT AGENDA:

- **Meeting Minutes:**

November 11, 2020 Council Meeting Minutes: Councilor Picke made a motion to approve the November 11, 2020 Meeting Minutes and ratify the phone polls. Councilor Hinton 2nd the motion. The motion passed 3-0 in favor.

- **Phone Poll:**
- Engineering Fee for Pole Barn \$700.00 (Councilor Carleton 10:00 am; Councilor Hinton 10:30 am; Councilor Picke 3:00 pm; Councilor Smith 6:00 pm) 4-0 approved.
- Metal Sheeting for Pole Barn \$1,333.57 (Councilor Carleton 10:00 am; Councilor Smith 6:00 pm; Councilor Picke 11:00 am) 3-0 approved.
- Resolution 2020-830 Transfer Funds per Budget Law Requirements (Councilor Smith-Text 11:20 am; Councilor Picke-Text 11:39 am; Councilor Hinton-Verbal 12:13 pm; Councilor Carleton-Verbal 3:16 pm) 4-0 approved.
- Resolution 2020-831 Transfer Funds per Budget Law Requirements (Councilor Smith-Text 1:20 pm; Councilor Picke-Text 1:18 pm; Councilor Carleton-Verbal 3:16 pm) 3-0 approved.
- CRF Laptop Purchases for Staff Teleworking (Councilor Smith-Text 2:20 pm; Councilor Picke-Email 6:05 pm; Councilor Carleton-Verbal 1:08 pm) 3-0 approved.
- CRF Television and Webcam Purchases for City Council Teleworking (Councilor Hinton-Verbal 1:35 pm; Councilor Picke-Text 9:28 am; Councilor Carleton 9:31 am) 3-0 approved.
- Water Sewer Transfer Final Water Improvement Project Invoice \$109,769.29 (Councilor Carleton-Verbal 2:23 pm; Councilor Hinton-Verbal 3:03 pm; Councilor Picke-Email 9:04 am) 3-0 approved.
Refer to meeting minutes for motion.
- **Business License Renewals:**
- **Business Licenses:**
- **Accounts Payable:**
November 2020 Account Payables: Councilor Carleton made a motion to approve the account payable. Councilor Picke 2nd the motion. The motion passes 3-0 in favor.
November 2020 Water Transfer: Councilor Carleton made a motion to approve the water transfer. Councilor Picke 2nd the motion. The motion passed 3-0 in favor.

STAFF REPORTS:

- **Police:**
 - Marshal Bicknell submitted a report to City Council and read. Marshal Bicknell reported the majority of calls are in line with welfare checks and services to people. There were no calls regarding too many people at a single location, and no calls regarding masks or other COVID related complaints.
The local area is currently experiencing an increase in COVID cases, many originating from the Tulalake area. Marshal Bicknell stated the opinion that local residents are making common sense decisions and respecting one another, which are qualities of the community.
Marshal Bicknell was pleased with the participation and attendance of the Christmas Program. There was fellowship, respect, and relationships, which makes us human, and has not been lost within the community.
Officer Srch and City Recorder Hernandez have been working on the logistics for the Oregon Department of Transportation (ODOT) Grant to patrol the highways. Overtime is matched with the ODOT Grant. Officer Srch patrolled a couple hours on Sunday, which resulted in 6 speeding citations ranging from 71 miles per hour to 103 miles per hour. The driver who received a citation for 71 miles per hour was criminal suspended and would have been taken to jail; however, due to COVID, a citation was issued.
Marshal Bicknell and City Recorder Hernandez have been purchasing teleworking equipment in the event employees are required to work from home. Marshal Bicknell is in the final process of updating and installing software on the new laptops for the Police Department may work remotely from City Hall.
Marshal Bicknell stated statistics for the month.
Marshal Bicknell responded to a 911 call where the victim was unable to speak. The dispatcher was under the impression the person was seeking medical attention. Due to the nature of the call, Marshal Bicknell was contacted while off duty to investigate. Basin Ambulance staged at the Fire Hall while Marshal Bicknell attempted to locate the subject. GPS from the cell phone placed the call from an address on W. Third Street. Marshal Bicknell was unable to immediately locate the individual. While speaking to another resident, a quiet moan was heard from approximately 100 feet away. A young man was on the ground and barely breathing. Dispatch was contacted to send

medical. A local resident and Marshal Bicknell were able to turn the young man on his side to breathe. A strong marijuana smell emanated from the young man. Basin Ambulance immediately transported the young man to Sky Lakes Medical Center. Another young man exited a residence to ask about the situation. Marshal Bicknell informed the young man and inquired whether he knew the victim. The young man stated the victim was his friend and he was the person who laid and left the victim on the ground. Marshal Bicknell sought information on anything the victim had taken or consumed. The young man stated only marijuana. Marshal Bicknell sought the victim's name and age. The friend stated the name and the age of 14, which was a surprise as the person appeared older. Marshal Bicknell was able to determine the victim consumed marijuana and the supplier. The supplier was charged with 2 counts of giving marijuana to minors. The charge would normal result in arrest; however, due to COVID, a citation was issued. The District Attorney's Office has chosen to prosecute the case and charges have been filed. Councilor Smith inquired whether all the computers have been ordered. City Recorder Hernandez affirmed. The City Recorder laptop has yet to be received. Marshal Bicknell is in the process of installing software to make the laptops functional.

- **Public Works:**

- Public Works Director Matthews submitted report and read: Checked lifts, water and sewer samples, the well is at 77 feet, completed DMR, hung pink tags with shut offs, performed multiple locates, cleaned restrooms. Mayor Carlson informed Public Works Director Matthews the cost and style of cameras used at the storage facility and volunteered to assist with the purchase and installation. Public Works Director Matthews continued with report: cleaned shop, cleaned at the lagoon and dumping revenue has increased to \$1,000.00 per month, burned the burn pile, fixed two sewer plugs, raked leaves, fixed three water leaks at Dan's Auto Body, replaced street signs, moved stage to Flagpole Park for Christmas Program, hung Christmas decorations and thanked Brett Ingram and Gray Fields, Part-Time Laborer hung Christmas lights on the tower. Public Works Director Matthews and City Recorder Hernandez attended a zoom meeting with Oregon Department of Transportation and received confirmation that the City of Merrill was granted a \$2.3 million dollar grant for sidewalks from the Safe Routes to School Program. Only two towns in Region 4 received funding.

- **City Recorder:**

- City Recorder Hernandez submitted report and read: CRF Reimbursement, Northwest Retirement Safe Harbor Notice distributed to employees, CRF purchases for teleworking, began 2021-2022 Budget, grant submission, CIS trainings, and other administrative duties. City Recorder Hernandez thanked Councilor Smith and Councilor Hinton for service and dedication as December 8, 2020 is their last meeting. City Recorder Hernandez acknowledged Councilor Elect Rodney McCollam and Councilor Elect Steven Baley in the audience.

- **Lawyer:**

- Report

- **Code Enforcement:**

- Report: Marshal Bicknell reported continuing the project of "Junk" cars. Code Enforcement has 95% compliance. There are two vehicles at one location, which started with seven vehicles. The residents received a third and final notice sent by certified mail to remove the two remaining vehicles.
- Code Enforcement Letter to City Council: At the November 11, 2020 City Council Meeting, discussion regarding a portable storage unit, property lines, easements, and set-backs ensued. Marshal Bicknell researched the issues. Marshal Bicknell wrote a letter to City Council at the end of the investigation and read the letter into the record:

Code Enforcement researched City of Merrill Ordinances and Development Code regarding easements related to property lines. Code Enforcement has determined the City of Merrill has no authority on property line determination and easements on private property. Once a property line has been certified by a licensed surveyor, Code Enforcement will investigate complaints regarding

set-backs. Any disputes regarding easements and property lines may be resolved by Klamath County Circuit Court.

Councilor Hinton stated the understanding, by reading City Council Meeting Minutes, which Mayor Carlson stated the City of Merrill would resort to Klamath County Code Enforcement on easements. Councilor Hinton stated Klamath County Code has a two foot set-back on easements and thought the shed should have a two foot set-back. Councilor Smith stated the understanding that the shed currently meets set-back requirements. Councilor Hinton stated the shed is currently on the easement. Marshal Bicknell stated assuming the property line is known. Councilor Hinton stated the property line is on the west side of the easement. There was not a lot adjustment on the easement. The 20 foot easement is on Bragg's property; therefore, there should be a two foot set-back on the east side for the shed. The original north to south 16 foot easement for parcels 1, 2, and 3, there was a lot adjustment. The county did the easements. Councilor Carleton stated the city's position is not to worry about easements. The city's only concerned with set-backs. Disputes with easements are a civil matter. The City is not the developer. Councilor Carleton stated the set-back for the shed could be from the property line and could fence along the easement line. Councilor Hinton stated the Mayor had commented that the City would abide by County Code. Tabled.

- **Planning:**

- Report: Councilor Carleton reported on a Land Use Compatibility Statement for Merrill Commercial approved by the Planning Commission December 7, 2020. Councilor Carleton sought the City Council to follow the Planning Commission recommendation to approve the Land Use Compatibility Statement for Merrill Commercial. Councilor Hinton inquired whether the only access will be from Les Schwab. Councilor Carleton affirmed the access would be from Fourth Street, which is the access to Les Schwab. Discuss about access followed. Councilor Carleton made a motion to approve Bill Carlson's Land Use Compatibility Statement. Councilor Hinton 2nd the motion. The motion passed 3-0 in favor. Councilor Carleton reported on a Land Use Compatibility Statement for a roof mounted solar panel on Patsy Terry's residence approved by the Planning Commission December 7, 2020. Councilor Carleton made a motion to approve Patsy Terry's Land Use Compatibility Statement. Councilor Picke 2nd the motion. The motion passed 3-0 in favor. Councilor Carleton stated the Planning Commission set-up a committee to begin reviewing *The Land Use Development Code*. *The Land Use Development Code* and the *Charter, Code of Ordinances* conflicts in areas. A couple City Council members and Planning Commission members will review the codes. Councilor Hinton inquired whether outside assistance will be required. Councilor Carleton stated outside assistance is not required; however, Councilor Carleton will seek the assistance of Earl Perry. Prior assistance from Portland did not work well.

PROJECT MERRILL:

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Report: Public Works Director Matthews stated the Christmas Program was a success. Public Works Director Matthews thanked John Hill for the heaters, Nick Staub for the heater, Brian Bicknell for being the MC, and everyone who attended. The event was needed. People were stopping because they saw a gathering. The Lost River Bluegrass Festival received a \$5,000.00 grant from South Central Oregon Economic Development District (SCOEDD), which will help offset lost revenue. Public Works Director Matthews thanked SCOEDD. The Historical Society for Merrill Historical and Modoc War Museum has decided to increase the donation of \$1,000.00 to \$1,500.00 for the Nathan Merrill Headstone along with the \$1,000.00 from City of Merrill will allow the project to move forward. Public Works Director Matthews now has a complete set of Potato Festival Pamphlets.

NEW BUSINESS:

- Presentation by Ryan McNiven: Councilor Carleton introduced Ryan McNiven who is a member of a group working on reopening businesses in Klamath County.

Ryan McNiven: "I am Ryan McNiven. I own a business in Klamath Falls, Merit's Home Center. I am also one of the founders of, many some people have heard of it, Citizens' for Reopening Klamath County. You guys heard of that? For that group, uh, the thing that happened at the Fairgrounds a couple months ago that got really great attention from the *Herald and News* was us and what was reported that happened on the court house steps a couple of weeks ago. Everybody saw that. Basically, the big thing is, obviously we know COVID is real, we are deniers or anything like that, but I think a lot of this, especially in the smaller communities, have a big problem with the measures that have been taken because of COVID and how it's affecting businesses and individual schools. So many different things. So, when did said, 'will you make a presentation?' and I wasn't quite sure what you wanted, but I put together a couple of things." Ryan McNiven submitted Declaration of Intent Klamath County Citizens' Declaration Regarding COVID-19 Regulations to City Council for the record. "The first thing I handed you there it was a Declaration of Intent was written up in conjunction with some lawyers with The Freedom Foundation and with our intent at some point to, if the need arises to not comply with these orders that we are getting from all high, ideally we are trying to do things the right way and be respectful. We have a packet we are sending to Kate Brown that includes...I working with Kelly Minty Morris and she was working with a group of 13 counties and got 100% of participation from all the County Commissioners in these 13 counties as well as all the State Representatives and Senators that represent the areas. Basically saying that the powers or the decisions processes in relation to COVID needs to be made in each County. We know how to deal with our counties, we are better equipped. I think Kate Brown potentially couldn't find Merrill on a map right? But her ordinances and mandates still effect everything that happens here in Klamath Falls and little communities. So, I have been working with the County Commissioners and we got that piece put together from the Chambers of Commerce in Klamath Falls. We have a couple thousand signatures I think from individuals, probably 300 from businesses basically stating they do not like the direction we are going in. We want more control locally over how we are going to do this. That is kind of who our group is and what we do. So, after you guys get a chance to look at it, I also brought with me signature page for the, uh, declaration if you guys agree with it. I would love to get your signature. Second thing I brought, now again, not knowing exactly what you guys were hoping or expecting from me, I wrote kind of a generic press release. You do not have to use it. You can throw it away, make a fire out of it or something like that, but, uh, I would tell you what I would like to see, honestly, is, uh, small community like Merrill putting out a press release basically saying that we refuse or we are no longer going to go along with these heavy handed approaches from our governor that don't work for our community. It is hurting our kids in school. It's hurting our businesses. Just as an example as I drove in here tonight, there must have been 15 to 20 cars at the Dollar General. Okay, which is great. I do not have a problem with that, but there was one car parked in front of the Mexican restaurant with one person picking up the order. All the chairs were sitting on top of the tables. No business, but it is safer for 20 cars loads of people to be sitting at the Dollar General. I do not know about you guys, but to me that is a problem. Restaurants, bars, and gyms are unfairly targeted in this current mandate. If anybody wants the statistics, less than 1% of new cases of COVID come from restaurants, bars, and gyms combined. It's not where these cases are coming from. Additionally with bars and restaurants particularly and health places, they basically, as part of their licensing, have to have health inspections. They have to be trained on how to actively clean. So their facilities are probably the cleanest businesses you can possibly find and yet they are the ones targeted here. It doesn't make sense. It isn't right and here in the holiday season, these people are having to lay off employees. They can't even pay bills let alone take care of their family over the holiday season. To me, it is a cruel thing. The press release, like I said, like I said just out of my head today. I'd love again to see the City adopt something like this and say, 'Hey. We know how to take care of our citizens' here in a common sense sort of way. Respectfully, we are no longer going to participate in the (*inaudible*). We are going to do things that make sense. We are going to support our businesses. We are going to push to open schools, and we are actually going to listen. We are going to listen to the citizens', which is something our government has not been doing.' You know, I keep hearing press conferences, 'we are all in this together'. I do not know about you guys, but I have never had a phone call, a letter, I've never been asked my opinion. You know as a business owner and resident, I keep getting more taxes and more mandates and all these things that makes it harder to do business, but no input on how we do this. It's in the press release here in the end, but in a nut shell, government is of the people, for the people, by the people. Government is supposed to govern at the consent of the govern, which is us right? And it isn't happening. So, I am not happy about it. I hope nobody else is happy about it either. And, so, I think we are at a point that we either lay down and take it, or we stand up and say no more, and we start pushing back. I am honestly a little disappointed in Klamath Falls that they haven't put more pressure. I've

got the commissioners to do a public statement saying that they are supporting businesses and they directed OSHA not to enforce some of these mandates, which is great, but then it stops. I thought they should have came up with, uh, say, 'Hey, we are not doing that, but here's our plan. Here's how we are going to keep people safe and keep businesses open'. They should have went a step farther, but I don't think they liked the negative push back they got. So, that was it. They did what they thought was their duty and then they quit. I think if smaller communities, which is where all these (*inaudible*) happen anyways. They build from the good ol' boy community into the hard workers and the people that care about community and family and business and stuff anyway. I think a lot of these new consortiums like this and smaller communities branching out and saying, 'No more'. Maybe they'll.... I don't want to use the term I was going to use, but maybe they will man up a little bit in Klamath and do some of the things they should be doing. I have a lot of friends who have bars, restaurants, and gyms like in all these places. One example I give is, uh, The Red Zone Sports Bar. He paid \$35,000.00 in state licensing. He paid \$25,000.00 to the City for licensing just to be able to run his business. Plus, his business license, all of his equipment, remodeling, advertising, his employees, all the food and everything he needs, and he did everything right. He paid all this money out to be able operate and now he's told he can't operate. So he has all this obligation, this overhead, he owes all this money, but he can't make money to pay it. It's an example of something that's not right. So anyway, I guess what I am looking for from you guys is some support and maybe light a fire under some of the other communities around us as well."

Councilor Smith inquired whether Ryan McNiven typed the press release.

Ryan McNiven: "Yes."

Councilor Smith stated favor of the press release.

Councilor Carleton stated having Mayor Carlson review the last paragraph of the press release. Councilor Carleton stated full support.

Ryan McNiven: "One last thing that I would throw out is, is part of what we have been doing, you know trying to push back, is around May I developed a relationship with the Freedom Foundation. They are a non-profit law firm that basically supports businesses and individuals who are being unjustly attacked by the government, and they also go after unions as well, but that is kind of a side bar. They, uh, they basically people whose civil liberties (*inaudible*) they fight on their behalf. I put Casey's in contact with them. They are representing Casey's Restaurant right now. They just took on Keno Grill. Additionally, and they are basically on standby to talk to them before I came down to talk today. And what they said, 'If anybody is being attacked, first thing you do, call them and tell them about it'. There are people willing to fight alongside us and with us and on our behalf. And I think businesses need to know there's support there. And then one last thing, she had a, the lawyer I was talking to today, she had a former retired OSHA enforcer actually call and say, 'Hey, I do not agree with anything that has been happening here. I want to be able to give you information and support'. And so he volunteered that. Hopefully, in the next couple of days, I am going to get a breakdown of visitors still working through that of loopholes or whatever we can get away with. Ways that we can help fight OSHA a little bit. But one big thing he did say is that they are using fear tactics. You know they come in heavy handed. They want to freak people out. They just tell people don't panic, don't freak out, don't pay the fines, don't worry if you get red tagged on behalf of the business. These things can be appealed, they can be fought, and that gives you time to get the lawyers involved. It's not necessarily so cut and dry. You know when you get a threatening letter, I personally have been turned in to OSHA five times, but I haven't been fined once, so."

Councilor Hinton sought clarification that red tags are warnings.

Ryan McNiven: "Yes. The red tag means that they have deemed something inappropriate has happened even against warnings. Like Casey's was told you need to shut down, and they didn't and for a good reason. They are like, hey, we are a small business. If we close down, we are never going to reopen again. We can't afford this. So, they did what they thought they had to, and I fully support them in that. So the red tag came after they refused to comply there, and, uh, and they were given multiple fines. So their fines are probably north of \$10,000.00 at the moment, but like I said, they are not paying it. They've got legal representation. Questions for me at the moment?"

Public Works Director Matthews stated favoritism to presenter Ryan McNiven and stated the hypocrisy of the governor and mandates. People should have a choice. If persons have issues attending gatherings, then the persons should not attend but not prevent others from self-regulation. Citizens should support County Commissioners because of the push back from critics.

Ryan McNiven: "I am not anti-mask, although I personally do not want to wear one, but I am not anti-mask. I think that our personal liberties and freedoms do not cease to exist even in a pandemic. What's

written in the constitution, freedom we have, does not get put on hold, but unfortunately, they have been. I think people will gladly let it happen. So, I think it is time to stand up and say no."

Public Works Director Matthews stated respecting private and public businesses; however, outdoors and in home are personal choices. The mandates are destroying lives financially and used Mia's and Pia's as an example.

Ryan McNiven: "That is 20 employees that you are talking about with Mia and Pia's. I heard that Red Rooster's and Main Street Bagels may not be reopening. Obviously we lost Sizzlers. Light House Yogurt Shop downtown has been closed since March and hasn't reopened yet. So, I am guessing they are not reopening. I mean there is more. Belagio's out at the golf course. I mean it is just numerous examples. The problem is there is going to be more examples the longer this goes on. Small businesses can't function with no income. Common sense. They made some money available, but it is a drop in the bucket from what is needed, and it was literally gone in 15 minutes. So, my friends and I said, 'Hey, there is money out there. They're like it is already gone. It's already closed'. 15 minutes in and no access."

Public Works Director Matthews stated Executive Action or not, something must be done.

Councilor Carleton stated agreement and action must start somewhere. The economy will become worse.

Ryan McNiven: "Just so you know, when they came out with the letter in the newspaper, the letter in the newspaper. Many folks saw it. They came out with a letter saying they were against the one size fits all mandates from the state. They supported our businesses and they instructed Klamath Health Authority not to enforce these rules, which is how Casey's is still working 'cause the OHA hasn't touched them, but the reason they put that letter out is one, 'cause I was raggin' on them. Two, I gave out all their e-mail addresses to every business owner I knew. I said, 'Please, e-mail them and let them know how upset you are and tell them how it is affecting you'. And they got flooded with e-mails. It matters when we make our voices heard."

- Certified Election Results: President Councilor Smith thanked and welcomed the incoming Councilors. Public Works Director Matthews thanked and stated appreciation for City Councilors.
- Approve Third Street ODOT Grant Contract: Councilor Hinton made a motion to approve the Third Street Grant Contract. Councilor Picke 2nd the motion. The motion passed 3-0 in favor. Public Works Director Matthews stated the City pays for the construction and is reimbursed upon completion.
- Discuss Resident Easement Letter to City Council: Tabled.

OLD BUSINESS:

- Review Solar Landscaping Response: Councilor Carleton stated time to fine the company again. The Solar Company discussed implementing slats for the landscaping through Bowers Fencing. Councilor Carleton visited with Bowers Fencing December 7, 2020. The Solar Company has not proceeded forward with the implementation. Public Works Director Matthews inquired whether the City received the revenue for the initial fine. City Recorder Hernandez stated no. Discussion followed regarding fines, dates, court, and processes. Documentation from Klamath Irrigation District regarding water rights was due November 30, 2020, which is past due and needs a fine. Marshal Bicknell stated the City needs a concise law the Solar Company violated, issue a citation based upon the law, and send the law to the judge. Councilor Carleton stated the law is in the Conditions of Approval. The action item for Marshal Bicknell and Councilor Carleton to coordinate with Solar Company fines.
- Discuss Acknowledgment and Acceptance of Encroachment Tax Lot 7300/Parcel: City Recorder Hernandez stated a letter has been mailed to Charles Laird with Washington Federal. The letter has a response date of January 8, 2021 in regards to the encroaching property to have surveyed and paid by property owner for a titled land transfer or move the building.

ORDINANCES:

RESOLUTIONS:

- Resolution 2020-832: Police Payroll Transfer: Council President Smith read Resolution 2020-832 Police Payroll Transfer into the record. Councilor Picke made a motion to accept Resolution 2020-832. Councilor Hinton 2nd the motion. The motion passed 3-0 in favor.
- Resolution 2020-833: Police Reserve Transfer: Council President Smith read Resolution 2020-833 Police Reserve Transfer into the record. Councilor Picke made a motion to pass Resolution 2020-833. Councilor Hinton 2nd the motion. The motion passed 3-0 in favor.

- Resolution 2020-834: Water Improvement Project Finalization: Council President Smith read Resolution 2020-834: Water Improvement Project Finalization into the record. City Recorder Hernandez stated the finalized billing for the Water Improvement Project was \$14,000.00 in the red even after the supplemental budget. A poll phone approved the transfer for payment; however, the resolution formalizes the transfer and increases the Capital Outlay line item. Councilor Carleton made a motion to approve Resolution 2020-834. Councilor Picke 2nd the motion. The motion passed 3-0 in favor.

OTHER-FUTURE AGENDAS:

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): "You know when we give a pledge of allegiance to the flag, we pledge allegiance to the republic for which it stands not democracy. America is a republic not a democracy as my letter in the *Herald and News* eludes to, and I was very disappointed with their illustrious editor when he deleted a website I include in the letter. A 30 minute John Burke Society issue titled 'View of America' that teaches the difference between a democracy and a republic. And also, I had a letter in there previously about the dumbing down of our students and our government control socialist public schools calling (*inaudible*) universities academia, and I want to read you a quote from this magazine my cousin Brenda, who lives in Phoenix, Oregon got me as a gift and it says: 'Ours may become the first civilized nation destroyed. Not by the power of our enemy, but by the emergence of our (*inaudible*) dangerous nonsense teaching our children, and in an age of our fictional governance, (*inaudible*) artificial sweetened idiot.' So that is all I have to share for tonight. There I have had my two cents and I feel better."

Councilor Carleton stated reading in the news that 30% of our children are failing with remote learning.

Marshal Bicknell stated the staff at Merrill Elementary is frustrated. The staff wants to teach the children and was happy to be one of few schools to remain open. The students were caught up and back on track right before the closure prior to Thanksgiving. Learning is suffering again. Marshal Bicknell stated the cruelty of current events to our children. Just cruel.

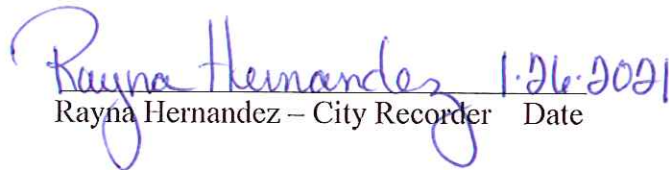
ADJOURN MEETING:

Councilor Hinton made a motion to adjourn the December 8, 2020 Meeting. Councilor Picke 2nd the motion. With all in favor, the meeting adjourned at 7:31 p.m.

Respectfully Submitted,


Bill Carlson - Mayor

26 JAN 21
Date


Rayna Hernandez – City Recorder

1-26-2021
Date