

CITY OF MERRILL
SPECIAL BUSINESS MEETING
(ORS 192.640(3))
Friday, February 4, 2022 3:00 P.M.

MEETING CALLED TO ORDER:

Mayor Carlson called the Friday, February 4, 2022, Special Business Meeting to order at 3:00 p.m.

ROLL CALL:

Roll call was taken with the following members of Council and others being present: Councilor Johnson, Councilor Carleton (absent), Councilor Baley, Councilor McCollam, Mayor Carlson, and City Recorder Hernandez. Others present: Officer Srch, City Clerk Northcutt, Fire Chief Heim.

FLAG SALUTE:

The Flag Salute immediately followed with Mayor Carlson requesting Councilor Johnson to take the 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 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 present.

CONSENT AGENDA:

NEW BUSINESS:

- Senate Bill 762 and its impact on communities (Fire Chief Heim): Senate Bill 762 is a significant Bill, in which the state may assert more power; thereby impacting the community. Fire Chief Heim discussed the agendas of Senate Bill 762 on Saturday, January 29, 2022. The intent is not to create fear. Due to the drought, conditions within the City of Merrill has changed categorically, Wildland Urban Interface Critical Area. Fire Chief Heim discusses fire suppression changes along Lost River. Drought conditions for the past three to four years have affected lawn vegetation, trees, shrubs, and the like. Economics are affecting the use of water. Various factors has placed the City of Merrill in a higher area of concern for fire officials. Fire Chief Heim distributed *Oregon Office of State Fire Marshal Senate Bill 762 Biannual Report* and *Oregon Office of State Fire Marshal the Gated WYE*. Committees have been formed and have decided Critical Response Responder's (CRR's) are required to implement Senate Bill 762. CRR's are going to be assisting the Fire State Marshal Deputy to suggest fire prevention measures on a local level and will be fire district based. Individual towns and cities CRR will have a different agenda based upon geographical conditions. Funding may provide services for individuals whom are physically unable to abate fire dangers. A final decision may be two years in the future. Additional information may be found at the following websites: [Response Ready Oregon](#) and [Fire Adapted Oregon](#). Fire Chief Heim stated prevention, fire safe and fire wise are two areas of implementation for the City of Merrill. Fire Chief Heim wants the City to care and take prevention to heart. Fire Chief Heim's concern is being stretched too thin in the event of a natural disaster, multiple fire suppression responsibilities. In the event of a lightning strike fire, National Forestry and Oregon State Marshal will deploy resources that are 12 to 24 hours out, thereby depleting natural attack resources. The town becomes vulnerable. Each department has worst case scenarios. Preparedness will benefit residents and the fire department. The fire department has mutual aid response

from Tulelake, California. Fire Chief Heim stated care for the community lived in and community served in. The Emergency Management has funding available for advocating fire wise and fire safe. There are funds for fliers and so forth. Emergency Management can assist with publication. Fire Chief Heim used 2021 July 4th Firework Prohibition as an example and the results. Perception continues to be an obstacle. The language barrier is particularly an obstacle within the City of Merrill. Some residents believe they are purposely targeted. Prevention, safety, and fire wise are the fire department's mission. Fire Chief Heim discussed the map displayed. Dry weather associated with winds, especially easterly winds, drops the relative humidity. Relative humidity is the relative moisture in vegetation. More catastrophic fires occur with easterly winds than average. Wind, weather, and drought creates cause and effect. For example, well drilling due to lack of water jeopardizes the City of Merrill well. Vacant lots and unkempt property creates fuels. Fuel loads with super weather poses threats. Heat index and rapid fuel consumption causes rapid fire growth. Drifters and transients poses a great fire threat. The City of Merrill should have a preparedness and awareness, along with a preparedness and awareness of conditions in part with fire prevention, fire safe, and fire wise. The citizens should have an understanding of why directives are made. The Keno Fire Department assessed all properties within Klamath County for a year and six months. A map was created based upon the assessment. The City of Merrill has three structures that are in moderate fire danger rating. Fire Chief Heim discussed fire ratings. The structures may be located by a cellular phone application. Discussion of the locations ensued. The structures are not property per say, but Bureau of Reclamation property in close proximity to structures: R & J Auto, Pappy Ganders, the antique shop, and Tacos ala Mexicana. The river front property that poses the threat is Bureau of Reclamation property and is in charge of maintenance. Mayor Carlson inquired whether the Oregon Fire State Marshal may impose abatements with the Bureau of Reclamation. Fire Chief Heim stated the process is being researched by self and Oregon State Fire Marshal is in progress. Councilor Johnson inquired whether the fire department has the authority to back burn Lost River. Fire Chief Heim stated with an intergovernmental contract through another federal or private entity. Mayor Carlson stated confidence in the local fire department, but the bill states the State Fire Marshal shall enforce the departments that are applicable to land within a jurisdiction of a local government, which is aggressive and creates a Youth Corps to mitigate fire hazards. If the oversteps local fire districts authority, the City Council should be the appropriate entity for support. Fire Chief Heim stated the intent is to work in partnership to meet standards to be developed. Fire Chief Heim desires to show progress ahead of the regulations. Officer Srch stated the July 4th prohibition, at the request of the Merrill Fire Department, to be a fiasco. Fire Chief Heim affirmed. Officer Srch stated lack of support from the fire department, defiance from citizens, and all grievances were directed toward self. The fire department should have patrolled as the department has the authority to issue citations. Fire Chief Heim stated the fire department does not have the authority. Mayor Carlson and Officer Srch rebutted, under Code Enforcement. Notification was too late. Fire Chief Heim agreed. With little notification, Officer Srch's enforcement created a difficult situation. Officer Srch expects a more timely notification of two or three months and cooperation and exposure from the fire department. There should be no fireworks publications posted for justification to issue citations. Fire Chief Heim stated all grievances have been duly noted and passed on to the Deputy State Fire Marshal. There is only a two or three day notice that the state wants to impose. A small community does not have the structural support for notification. Rural areas do not have the cooperation, and some will have fireworks regardless. Residents will move out to rural areas when fireworks are prohibited within the City, and then there are fires in unexpected areas. Councilor Johnson inquired to whom mandates those decisions. Fire Chief Heim stated Oregon State Fire Marshal and coordinated with Oregon Department of Forestry, Forest Service, BLM, Wildlife; it is everyone in fire suppression.

- Development of a weed height standard for Code Enforcement's use (Mayor Carlson): Public Works Director Matthews and Mayor Carlson suggested 8 inches for noxious vegetation. Officer Srch stated talking to residents in regard to Code Enforcement, and City Clerk Northcutt and Officer Srch have been mailing notifications before abatements. Fire Chief Heim inquired about residents who claim to have no means to abate the issue. Officer Srch stated City of Merrill Burning Ordinance with 97% compliance. Public Works works with residents. Klamath County Code Enforcement ensued.
- The risk of an-site garbage storage and management options (Fire Chief Heim): Outside storage of garbage is a fire risk. Mayor Carlson suggested a three-sided enclosure that residents must store outside garbage instead of on the lawn. Fire Chief Heim affirmed. Councilor Johnson stated the storage of garbage is a health issue as well.

- Informal outreach to large properties of concern: Mayor Carlson referred to Fourth Street as an example and suggested notification to property owners about stricter enforcement beginning March 2022. Fire Chief Heim communicated with PacifiCorp in regard to abatement. Mayor Carlson stated the property has an easement on City property and inquired to the responsible party for abatement. Fire Chief Heim stated PacifiCorp who contracts to third parties according to Todd Andres. The transmission lines are serviced professionally.
- Options for managing federal lands in City boundaries: Fire Chief Heim referred to the Klamath Irrigation District Ditch behind Les Schwab and the Dollar General. If the ditch is empty, the ditch is maintained by the Bureau of Reclamation; however, if the ditch has water, Klamath Irrigation District maintains the property or private individuals. Klamath Irrigation District will clean the property with the fire department on standby for fire suppression. Obstructions are Klamath Irrigation District's responsibility. The winds have to be suitable for maintenance so as not to impact the residents. Councilor Baley inquired whether the fire department is authorized to use private wells for fire suppression. Fire Chief Heim has permission from a property owner to use the well; however, well usage is contracted and if the well runs dry during fire suppression, the responsibility for replacement falls upon the fire department. Mayor Carlson quoted, "The local government may designate the local fire district to enforce the requirements". Mayor Carlson inquired whether the fire department desires the authority or for the City to retain the authority for enforcement. Fire Chief Heim stated the fire department will enforce, but the authority for regular Code Enforcement through the City Council. Everyone is a volunteer and Fire Chief Heim does not want to overstep authority. The fire department also lacks the revenue. Fire Chief Heim stated the enforcement is the City Council's job. Mayor Carlson stated the City Council has the authority to designate the enforcement to the fire department but wants to partner. Fire Chief Heim agreed to partnership.
- A field trip to view maintained and non-maintained properties: Tabled.
- Discussion by Fire Chief Heim: Fire Chief Heim offered to attend a City Council Meeting with the CRR for clarification and transparency.

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.

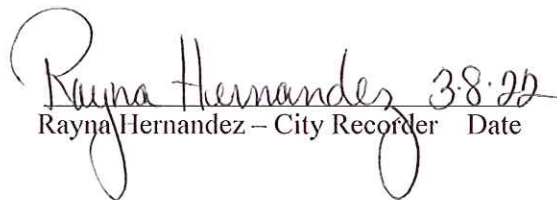
No public present.

ADJOURN MEETING:

Councilor Johnson made a motion to adjourn the February 4, 2022 Meeting. Councilor McCollam 2nd the motion. With all in favor, the meeting adjourned at 3:59 p.m.

Respectfully Submitted,


 Bill Carlson - Mayor 08/01/22
 Date


 Rayna Hernandez - City Recorder 3-8-22
 Date

