
CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday, February 8, 2022 6:00 P.M.

MEETING CALLED TO ORDER:

Mayor Carlson called the Tuesday, February 8, 2022 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 Johnson, Councilor Carleton, Councilor Baley, Councilor McCollam, Mayor Carlson, and City Recorder Hernandez.

FLAG SALUTE:

The Flag Salute immediately followed with Mayor Carlson requesting Councilor Carleton 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 comment followed.

CONSENT AGENDA:

- **Meeting Minutes:**
January 11, 2022 Council Meeting Minutes: Councilor Carleton made a motion to approve the January 11, 2022 Meeting Minutes and entire consent agenda. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.
- **Phone Poll:**
1/18/2022-415 Clay Street Manufactured Home Building Application (Councilor Carleton, Councilor Johnson, Councilor Baley 3-0 Approved (Verbal))
1/18/2022-415 Clay Street Land Use Compatibility Statement (Councilor Carleton, Councilor Johnson, Councilor Baley 3-0 Approved (Verbal))
1/19/2022 Corrective Action Plan Letter (Councilor Carleton, Councilor Johnson, Councilor Baley, Councilor McCollam 4-0 Approved (Verbal))
Purchase 2014 Ford F-150 \$19,005.20 Letter (Councilor Carleton, Councilor Johnson, Councilor Baley, Councilor McCollam 4-0 Approved (Verbal))
Phone polls ratified. Refer to Meeting Minutes for motion.
- **Business License Renewals:**
- **Business Licenses:**
Lost River Investments 610 E Front Street Business License, Lost River Investments 125 McKinley Street Rental Business License, Petrik Rentals Rental Business License, Holt Ag Solutions Business License, Mt. Shasta Delivery Business License, Frankie's Business License, Baley Rental Business License, 111 N. Garfield Duplex Business License, Ed Staub's Business License, Stateline Auto Parts, Inc. Business License, Isler Group, LLC dba Gilman & Co. Business License, Victoria Hernandez Rental Business License, Victoria Hernandez Duplex Business License, Joseph Mountain/Willena Galvan Rental Business License, Pappy Ganders Business License, Kucera, Inc. dba Mia & Pia's Pizzeria & Brewhouse Business License, Bunkhouse Business License, Troy Containers Business License.
Refer to Meeting Minutes for motion.
- **Accounts Payable:**
January 2022 Account Payables: *Refer to meeting minutes for motion.*

January 2022 Water Transfer: *Refer to meeting minutes for motion.*

STAFF REPORTS:

• **Police:**

- Police Commissioner Baley stated personally investigating the Umpqua Bank Robbery and the Waterhole Robbery. The arson is set for grand jury. Officer Srch wants to be the Chief of Police and is adamant. The marshal is on leave. Police Commissioner Baley explored the idea of eliminating the Marshal Position and hiring another Officer. Mayor Carlson stated the relationship between the Police Department and the City Council and suggested a special workshop. Councilor Johnson stated requirements and expectations need to be addressed from Officers. Police Commissioner Baley discussed the requirement of the having Officer's reside in Merrill. The action item to set a Work Session was taken. Officer Srch submitted a report for City Council.

• **Public Works:**

- Public Works Director Matthews submitted report and read: Checked lifts; took water and sewer samples; well level is 76 foot with pump running though weather is effecting recovery; completed and submitted Discharge Monitoring Report; hung pink tags; performed five locates; allowed outside dumping, which has resulted in approximately \$60,000.00 to date; cleaned restrooms; cleaned at lagoon; cleaned shop; fixed three sewer plugs; wrote monthly article for newsletter; attended meeting with ODOT in regards to Safe Routes to School Grant. City Recorder Hernandez stated the City is reapplying for the upcoming local Safe Routes to School Grant for the Falvey Road portion of the project. The City will be required to match 20% of the grant. City Recorder Hernandez contacted a couple residents affected by the accidents with feedback to bolster the grant. Trimmed trees at the park with special thanks to Tulelake for the lift truck; piled brush; graded roads; removed water line at Staub's property; worked on Water Street Lift Station; worked on budget; met with Rural Klamath Connects; worked on fence placement on Court Drive; purchased 2014 Ford F-150 for \$19,005.20.

• **City Recorder:**

- City Recorder Hernandez submitted report and read: Audit submitted, Corrective Action Letter submitted, and fees paid. The audit cost \$25,000.00. Continue ASYST data entry; Statement of Economic Interest (SEI) List finalized with submissions due by April 15th to avoid civil penalties; special thanks to Councilor Johnson for correcting the Merrill Commercial and General Fund Checking online accounts; mailed unclaimed property submission/letter to be finalized March 17, 2022; attended LOC/CIS Employer Guide to Employment Resolutions webinar; hosted Rural Klamath Connects meeting; worked on Budget, LBI, Budget Message, Appropriations, and binder; submitted US Department of Treasury Debt Report; PERS Risk Assessment; submitted Badge Data for the ODOT DUII Overtime Grant; conferenced with Chris Cheng-ODOT; and other administrative duties.

• **Lawyer:**

- Report: City Recorder Hernandez spoke with City Attorney Nathan Ratliff. The advice given was to follow procedures, processes, and worked with City Insurance Services (CIS) to hopefully come to a resolution.

• **Code Enforcement:**

- Councilor Baley inquired whether the City of Merrill has a street sweeper. Public Works Director Matthews stated a negative. Councilor Baley commented about the built-up gravel at certain intersections. Public Works Director Matthews stated the gravel can be pushed to the sides. The State of Oregon sweeps Highway 39 when requested. Councilor Baley sought clarification on the legality burning barrels. City Recorder Hernandez stated a Burning Ordinance was passed May 2018 prohibiting the use of burn barrels. Councilor Baley stated the safety of burn barrels versus burning garbage on the ground. City Recorder Hernandez stated burn piles are restricted to 36 inches in diameter for natural vegetation. Garbage is prohibited.

- **Planning:**

- Report: City Clerk Northcutt reported Verizon Wireless submitted a Land Use Compatibility Statement with an Agent Authorization Form and a Permission Letter from US Cellular to utilize the tower. All Verizon Wireless materials, antennas, are restricted to the caged unit. Planning Commission approved the application to be forwarded to City Council. Councilor Carleton made a motion to approve the Verizon Wireless Land Use Compatibility Statement. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor. The Land Use Compatibility Statement for 169 E Court Drive was approved for an extension for a wheelchair assessable restroom as all setbacks are in compliance with the Development Code. Councilor Carleton made a motion to approve the Land Use Compatibility Statement for 169 E Court Drive. Councilor Baley 2nd the motion. The motion passed 4-0 in favor. A Land Use Compatibility Statement was submitted for Troy Containers located at 505 E Front Street. The proposed use is for shed displays, rental storage containers, and open storage for Recreational Vehicles and boats. The application was approved by Planning Commission to be forwarded to City Council. Councilor McCollam made a motion to approve the Land Use Compatibility Statement for 505 E Front Street. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor. A new Building Application was submitted for 179/181 E Court Drive that had a Cease and Desist Order. New specifications have been submitted. Planning Commission made the following conditions: fence posts must be removed with the property returned to its original state, the contractor must contact Public Works Director Matthews prior to work to ensure compliance with specifications, and the contractor must contact the residents at 191 E Court Drive 24 hours prior to work. Another Cease and Desist Order will be placed if conditions are not complied with. Public Works Director Matthews personally coordinated with the resident at 179/181 E Court Drive to ensure the fencing specifications are in compliance with height, property lines, right-a-way, and easements. City Recorder Hernandez will not recommence construction without City of Merrill authorization. Councilor McCollam made a motion to approve the Building Application with conditions. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor. Miles Gatliff (191 E Court Drive) inquired to the Pacific Power Easement. Public Works Director Matthews was shown paperwork from Pacific Power and communicated with Gary Fields from Pacific Power. Mayor Carlson stated being unable to speak on behalf of Pacific Power. City Clerk Northcutt sought City Council approval, in accordance with chapter 4.2.700, that Ed Staub obtain a Surety Bond for 100% of the estimated cost of the project as required by the Street Cut Permit. City Engineer Darryl Anderson will approve the amount of the bond.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Public Works Director Matthews reported Lost River Arts and Cultural Alliance has received the following sponsorship: \$1,175.00 Lion's Club, \$1,500.00 Jim and Lori Baley, \$300.00 Sherm's Thunderbird, and \$300.00 Gold Dust. Lana Hickey will publish the Lost River Bluegrass pamphlets. Donations have been made to Tulelake, The Crab Feed, and Lost River Running Raiders Girl Basketball. Tom Lacey's widow generously donated books and other local memorabilia. Johana Hernandez completed her Senior Project for the Audio-Visual Library Room in the Merrill Historical and Modoc War Museum.

NEW BUSINESS:

- Presentation by Klamath County Commissioner DeGroot: Commissioner DeGroot thanked Mayor Carlson and City Council. Klamath County is in the process of creating a county wide Road District. The district does not change the jurisdiction of any roads. The district does not have a tax base; therefore, will not collect taxes for the citizens of Klamath County. The district does not have employees. The Board of Directors of the district is the County Commissioners. The persons performing the work for the district is the Public Works Department of Klamath County. Operations would not change, period. The district is about money. When Timber Revenues became obsolete, in 2000, an act was passed, The Self Determination Act of 2000, for counties to receive Rural School Dollars (SRS). The county receives federal dollars in one of two ways: Rural School Payments and Payment-in-lieu-of-taxes (PILT) due to the amount of federally owned land in Klamath County. Full funding of PILT, Klamath County would receive approximately \$3.2 million annually. 100% of the funds are deposited into the General Fund for Law Enforcement; however, Klamath County does not receive \$3.2 million dollars because a formula used by

the treasury reduces the payments based upon prior year payments. Funds secured for Rural Schools, \$4.2 million dollars, PILT revenues are reduced to \$800,000.00-\$900,000.00. For the past two decades, Klamath County loses \$2.5 million dollars annually. In Michigan and Colorado, and Harney County Commissioner Mark Owens, now State Representative Owens, began working on apportioning Rural School Dollars into a district; thereby, no longer having a prior year payment and receiving 100% of PILT revenues. A law in Oregon was required to pass to allow for the redistricting. The bill passed last year. Klamath County Commissioner DeGroot's agenda is to formalize a district for the \$2.5 million dollars. In order to create a district, voters pass a tax-based district or create a district with the permission of every municipality. Chiloquin, Bonanza, and City of Klamath Falls have passed resolutions. Commissioner DeGroot sought a resolution from City of Merrill. Councilor Carleton made a motion to pass Resolution 2022-874 Klamath County Road Service District. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor. Discussion ensued regarding cartels and marijuana grows locally and around the state. Mayor Carlson inquired to local law enforcement. Commissioner DeGroot will advise at a later date. Mayor Carlson inquired about Local Fire Risk Mitigation-Senate Bill 762-in regard to the Bureau of Reclamation weed abatement on federal lands. Klamath County has a Weed Control Department. Department Head Todd Pfeiffer executes contracts with Bureau of Land Management, Forest Service, and the like. There may be a mechanism to explore the issue.

- Senate Bill 762: A Special Meeting was held February 4, 2022. Mayor Carlson stated agendizing weed growth and garbage storage during the upcoming Work Session. Councilor Carleton stated weed abatement is in the Development Code. Mayor Carlson stated height in not addressed. Councilor Carleton rebutted nuisance. Councilor Baley stated the necessity for a weed height. Councilor Baley stated that if the City can send out one letter to a resident that the City can sent letters to every resident. Mayor Carlson suggested 8 inches in a drought year and 12 inches in a regular season than residents cannot claim to be singled out. Councilor Carleton refuted a height due to enforcement methods. Public Works Director Matthews questioned the definition of a drought year as every year is a drought year. Weeds need to be short. The suggestion of no vegetation was mentioned and dust problems that would result. Mayor Carlson stated residents are allowed to store garbage; however, garbage must be stored in a three-sided, non-combustible container.
- Discuss Bulk Water Sales: The City of Merrill charges \$5.00 per 1,000 gallons. The suggestion is to raise the price to \$10.00 per 1,000 to be more competitive yet still below the average. Mayor Carlson inquired to the amount of water sold per year. City Recorder Hernandez state the City of Merrill sold approximately \$1,200.00 in the 19/20 fiscal year at \$5.00 per 1,000 gallons. Councilor Carleton inquired to how the water is measured. Public Works Director Matthews stated by the truck.

OLD BUSINESS:

- Discuss Utility Easement: Tabled.
- Neighborhood Watch Update: Tabled.
- Consider Endorsing "Welcome to Merrill" Signs/ODOT Improvement Project: Resident Lois Taysom has continued to update the City on the progress with ODOT in regard to the welcome sign and landscaping. The information will be forwarded when it becomes available.

ORDINANCES:

- Bill 2050 Amending Development Code 3.3.400 Fences and Walls-Second Reading: City Recorder Hernandez read Bill 2050 corrections into the record for the second reading, Type 1 Land Use Review as a Type 1a. Councilor Carleton made a motion to approve Ordinance 2050. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.
- Bill 2051 Amending Ordinances Nuisances Affecting Public Safety Subsection (E)-Second Reading: City Recorder Hernandez read Bill 2051 corrections into the record for the second reading, Type 1 Land Use Review as a Type 1a. Councilor Johnson made a motion to approve Ordinance 2051. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.

RESOLUTIONS:

- Resolution 2022-868 Address Change: City Recorder Hernandez read Resolution 2022-868 into the record. Councilor Baley made a motion to approve Resolution 2022-868. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.

- Resolution 2022-869 Transfer Funds to Comply with Budget Law Requirements: City Recorder Hernandez read Resolution 2022-869 into the record (line items 6 and 7 are one transfer). Councilor Johnson made a motion to approve Resolution 2022-869. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2022-870 Transfer Funds and Equipment Purchase: City Recorder Hernandez read Resolution 2022-870 into the record. Councilor Baley made a motion to approve Resolution 2022-870. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2022-871 Bulk Water Increase: City Recorder Hernandez read Resolution 2022-871 into the record. Councilor McCollam made a motion to approve Resolution 2022-871. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2022-872 Proclaim FBLA-PBL Week: City Recorder Hernandez read Resolution 2022-872 into the record. Councilor Carleton made a motion to approve Resolution 2022-872. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2022-873 Proclaim Alcohol Awareness Month: City Recorder Hernandez read Resolution 2022-873 into the record. Councilor Baley made a motion to approve Resolution 2022-873. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2022-874 Klamath County Road Service District: *Refer to Presentation by Klamath County Commissioner DeGroot for motion.*

OTHER-FUTURE AGENDAS:

- Workshop to discuss Code Enforcement, Limits on Bulk Water, Police Department Structure, Weed Abatement, and Garbage Storage.

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.

Public Works Director Matthews discussed the need for Code Enforcement. Councilor Baley suggested a meeting after City Council to discuss Code Enforcement as the Code Enforcement Commissioner. Public Works Director Matthews noted the passing of Kathy Hinton and David King.

Kallie Gatliff (191 W Court Drive): Resident Kallie Gatliff thanked the City of Merrill for assistance.

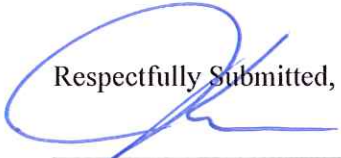
Councilor Carleton submitted a letter to City Council:

After 22 years of service, I have decided that the time has come for me to resign my position on both the Merrill Planning Commission and the Merrill City Council. I will resign my position on the Planning Commission effective April 1, 2022. I will resign my position on the City Council effective June 1, 2022. It has been a rewarding experience these past years as I have seen many positive changes in the City over this time.

Councilor Carleton stated the decision to resign is due to the City doing well, a strong Planning Commission, a good staff, and feel comfortable stepping away. After so many years you forget you are representing the people, not yourself. It is difficult to make the decisions the people want versus personal wants. There comes a time for someone else to take the reins. The City has constructed a new sewer system and water system during service. The City has the best staff, City Council, and Planning Commission. It is important to remember the City Council is representing the public. The perfect example is when the property for the Solar Farm was rezoned. Five people opposed but was approved by the City Council. A Councilor may not agree but it is the people. If you make a bad decision, you can say, "well that is what you wanted". After the Solar Farms decision, a Councilor left City Council and the other moved away. Do not interject personal feeling. City Council thanked Councilor Carleton for his service and applauded.

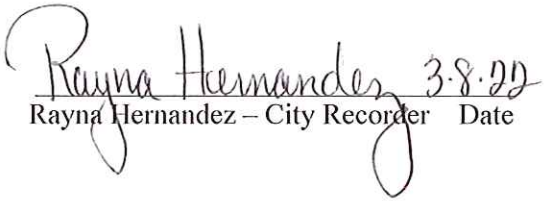
ADJOURN MEETING:

Councilor Johnson made a motion to adjourn the February 8, 2022 Meeting. Councilor McCollam 2nd the motion. With all in favor, the meeting adjourned at 7:24 p.m.

Respectfully Submitted,


Bill Carlson - Mayor

08/11/22
Date


Rayna Hernandez - City Recorder

3-8-22
Date

