

CITY OF MERRILL  
REGULAR BUSINESS MEETING  
Wednesday, February 8, 2023 5:30 P.M.

**MEETING CALLED TO ORDER:**

Mayor Pro Tem Johnson called the Wednesday, February 8, 2023 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, Councilor Baley, Councilor McCollam (*via telephone*), and City Recorder Hernandez.

**FLAG SALUTE:**

The **Flag Salute** immediately followed with Mayor Pro Tem Johnson requesting Councilor Gatliff 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 Johnson 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 January 11, 2023 Meeting Minutes
- Approve January 20, 2023 Work Session Meeting Minutes  
Councilor Gatliff made a motion to approve the entire consent agenda. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- **Phone Poll:**
- Date and Time for Special Meeting: (Councilor McCollam-Email, Councilor Gatliff-Email, Mayor Pro Tem Johnson-Text, Councilor Baley-No Vote) 3-0 in favor, 1 no vote.  
*Refer to meeting minutes for ratification.*
- **Business License Renewals:**
- Langley 217 N. Washington Rental, A Branded Boutique, Alonzo Duplex 130 Monroe Rental, Les Schwab Tire center #231, Rocking 4R Water LLC Delivery, Alonzo 212 Monroe Rental, Dan's Auto Body, Petrik 337 N. Jefferson Rental, Hendrix 425 W First and 131 N Polk Duplex Rental, Stateline Auto Parts, Kucera, Inc dba Mia & Pia's Pizzeria & Brewhouse, Schwan's Home Service Delivery, R & J Auto Repair, Frankies, Baley Rental 133 E First Rental, Lost River Investments (2), Pena 222 Washington Rental, Mt. Shasta Spring Water Co. Inc. Delivery, Walker Rental and Duplex Rental, Establo Alexa, Kfalls Maintenance, Pape Machinery, Inc., H & T Organics, LLC Rental, Mountain 412 E Front Street Rental, Pappy Gander & Co., Dollar General #16686, Hernandez 124/128 Duplex Rental, Casa De Villanueva, Villanueva Rental (4)  
*Refer to meeting minutes for motion.*
- **Business Licenses:**
- **Accounts Payable:**  
January 2023 Account Payables: *Refer to meeting minutes for motion.*  
January 2023 Water Transfer: *Refer to meeting minutes for motion.*

## **STAFF REPORTS:**

- **Police:**

- Report: Police Commissioner Baley stated transients have been loitering by the Post Office and bank; however, options are limited due to Oregon Law. Malin Police Department has been issuing tickets and patrolling the City. Marshal Broussard reported on spending seven and a half hours in the City of Merrill on February 8, 2023, on calls regarding a transient disturbance, and similar reports have been made throughout the week and month. Marshal Broussard responded to a Federal Warrant regarding attempt to commit suicide with a Springfield 45. Marshal Broussard responded to a call at Merrill Elementary and has been called out nearly every night for the month of January. Activity will escalate as the temperature warms. Councilor Johnson inquired if any of the subjects were armed. Marshal Broussard affirmed. The subject had multiple knives and a pistol. The pistol was discovered to be a soft air pistol, similar to a BB Gun. A police officer cannot make that distinction at night. The subject was arrested and was back in Merrill the following day. Chief Hoy and California Highway Patrol assisted Marshal Broussard.

- **Public Works:**

- Public Works Director Matthews submitted report and read: Checked lifts; well level is 74 foot with pump running; completed and submitted Discharge Monitoring Report; hung pink tags; performed three locates; allowed outside dumping, which has resulted in approximately \$80,000.00; cleaned restrooms; fixed one sewer plugs; wrote article for newsletter; pumped off Willow Street Lift Station; secured Transfer Station Shop door; Winema Electric repaired another issue at the lagoon; Utility Worker Taylor and Roman Vazquez have been remodeling City Hall; scraped alleys and parking lot; dispute regarding private sewer line running under neighbor's property, which is a civil matter has been resolved; removed Christmas lights (thank you to Gary Fields); piled brush at lagoon; received bids for the Swisher Road and Fourth Street Water Project: Granite Construction-\$587,587.00; Bob's Excavating-\$332,233.00; Morello Construction-\$312,238.00, which is the winning bid. City Engineer Darryl Anderson has worked with Morello Construction in the past.

- **City Recorder:**

- City Recorder Hernandez reported: audit has been completed and submitted, which includes Weakness and Deficiency Letter; met with Laurie Kemper (CIS) Risk Management Plan FY 2022-2023; created, ordered, and mailed Marshal retirement card; completed Jurisdictional Contact update, and SEI will be due April 15, 2023; contacted Great Basin Insurance for an Accord 25-S for the Klamath County Tourism Grant compliance; ordered Code Enforcement supplies (business cards, cellular phone, gas card, uniform, etc.); Code Enforcement hire packet; Code Enforcement Training (thank you to City Clerk Northcutt); Chief of Police Advertisement correspondences; resolutions; attended Rural Klamath Connects meeting; met with Mayor Pro Tem Johnson to review budget and wages; met with Public Works Director Matthews to review budget and wages; completed budget, LB1, appropriations, calendar, and Budget Message; however, awaiting property insurance increase/decrease announcement; travelled to Lakeview to obtain City Engineer Darryl Anderson's signature for a Land Partition; emailed City Engineer Darryl Anderson Annexation Consent Forms; wrote article for newsletter/peer edited; invoiced PILT annual scheduled payment; completed DLCD Grant Close-Out Report; approved Northwest Retirement Year-End Reconciliation; and other daily administrative duties.

- **Lawyer:**

- Report: No report.

- **Code Enforcement:**

- Report: Mayor Pro Tem Johnson welcomed Code Enforcement Officer Perry as the newest member of the organization. Code Enforcement Perry submitted report of violations with one notification and no complaints. Code Enforcement Commissioner Baley stated Code Enforcement Officer Perry has been doing an excellent job.

- **Planning:**

- Report: The Planning Commission approved a Land Use Compatibility Statement for 228 W Front Street, which is commercial property. The plans include a Jalapenos Food Truck. The submitted site plan required corrections per City Engineer Darryl Anderson who then approved. The application has been approved by Oregon Department of Transportation due to no Front Street (OR 39) access. The business will be walk-up with no drive-thru. Future plans may include access from Jefferson Street, which would require City Council authorization. Landscaping must be completed by Spring 2023. A Building Application was submitted for 335 N Washington Street. The garage shall be removed and replaced with a larger building for additional storage/shop. The setbacks are in compliance per Public Works Director Matthews. Councilor Johnson inquired to a date when the food truck will begin service. City Clerk Northcutt stated the sewer line still needs to be located, ¾ gravel laid for drainage, the cement pad poured, and restrooms in place.
- Land Use Compatibility Statement 228 W. Front Street: Councilor Gatliff made a motion to approve the Land Use Compatibility Statement 228 W. Front Street. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Building Application 335 N. Washington Street: Councilor Gatliff made a motion to approve the Building Application for 335 N. Washington Street. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Approve Planning Commission Reappointment Position #1: Planning Commissioner Mark Smith has volunteered to renew Position #1 for five (5) years. Councilor Gatliff made a motion to approve Planning Commissioner Mark Smith to Position #1. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.

**LOST RIVER ARTS AND CULTURAL ALLIANCE:**

- Public Works Director Matthews reported the Merrill Historical Society, Klamath County Museum, and Lava Beds National Monument held a seminar Tuesday, January 17, 2023, located at 301 E Second Street Merrill, Oregon 97633 at 6:30 p.m. Seventy people were in attendance, and thirty people via zoom. The Merrill Historical and Modoc War Museum houses an astonishing photography collection from the Modoc War, which is on loan at the Klamath County Museum Modoc War Exhibition. A Modoc Tour was held Saturday, January 14, 2023, starting at the Merrill Historical and Modoc War Museum. The Lost River Bluegrass Festival emailed contracts for the 2023 line-up: Edgar Loudermilk Band from Georgia, the Western Flyers from Texas, the Central Valley Boys from California, Kentucky Sky from Idaho, Walter Jamboree from Tennessee, One Button Suit, and local Mountain Valley Stranglers. Ticket prices will remain the same. Public Works Director Matthews requested \$3,000.00 from the Oregon Community Foundation Fund. The request was tabled. Lost River Arts and Cultural Alliance donated tickets to the Merrill Lions Club Crab Feed, to CASA Blanca, and to a fundraiser for a little boy having medical problems in Tulelake, California. Edgar Loudermilk will be performing at the Broadway Theater in Malin, Oregon in April 2023. Tickets will be \$5.00 each. Lost River Arts and Cultural Alliance donated up to \$1,000.00 for the City Hall remodel due to limited Capital Outlay funding.

**NEW BUSINESS:**

- Discuss Chief of Police/Marshal Application Review: The item was agendaized during the January 11, 2023 City Council Meeting. The City of Merrill has received 14 resumes for review. City Insurance Services (CIS) has provided interview questions and metrics. Councilor McCollam suggested closing the Chief of Police/Marshal posting tonight. A date and time shall be set upon the return of Councilor McCollam.
- Discuss Marshal Broussard's Proposal: Marshal Broussard presented a proposal to the City Council (personal time). Marshal Broussard stated not representing any Police Department nor City. The City of Merrill has the upcoming Lost River Bluegrass Festival, Merrill Lions Club Crab Feed, and construction projects on Front Street. Marshal Broussard has approximately 40 years of experience in law enforcement management, a supervisor 40 years during law enforcement career, and have handled all aspects of law enforcement. Marshal Broussard performs with minimal liability and the like. Marshal Broussard proposed to bring the City of Merrill up to speed. Marshal Broussard is retiring February 15, 2023, which will impact the City of Bonanza, City of Merrill, and City of Malin. Law enforcement is short staffed. City of Merrill's Police Department was disbanded, but the City is in the process of hiring a Chief of Police. Marshal

Broussard proposed to be a consultant on the behalf of City of Merrill. Marshal Broussard could review the resumes, set-up an oral board, and ensure the City hires the best applicant for the community. Upon the retirement of Marshal Broussard, the City of Merrill will have no patrol for 11 days. The Klamath County Sheriff Department patrols no later than 3:00 a.m. Marshal Broussard has been called out numerous times 3:00 a.m. to 4:00 a.m. for parties and fights. There will no longer be the option to call Marshal Broussard after retirement. Beginning in March, the City of Merrill will be without law enforcement for 50-23 days (*sic*). There will be no one to respond, no one to call except 911. Marshal Broussard spoke to 911 Dispatch and advised them of the situation. Marshal Broussard proposed a part-time position to provide coverage and available for callouts 25 hours per week, 100 hours per month. Marshal Broussard discussed the consequences directly contributing to lack of law enforcement based upon choices and options. Mayor Pro Tem Johnson requested a written proposal from Marshal Broussard. Chief of Police Hoy from Tulelake, California introduced self. City of Malin, City of Merrill, and City of Tulelake are very close, but very isolated from assistance. Chief of Police Hoy stated support for Marshal Broussard, but also to provide mutual aid when needed. Hopefully, the reciprocation will continue when the Merrill Police Department is reinstated. When the departments are fully staffed, one police officer is on duty and, with the criminal element and how police officers are viewed, circumstances are dangerous. Chief of Police Hoy stated having two full time police officers on staff who have full authority to assist the three communities. Without transitional assistance, as Marshal Broussard is offering, the hiring process will be difficult. Chief of Police Hoy will also respond to Malin. There will be a gap. Police authority may cross state lines. Councilor McCollam requested tabling the proposal until a written proposal is submitted and the City Council can have discussions during Executive Session. Councilor Baley inquired to the timeframe Councilor McCollam is returning due to no police coverage after February 15, 2023. Councilor McCollam stated the City of Merrill is still under contract with the City of Malin with a minimum of 40 hours of coverage. The City of Merrill needs to communicate directly with the City of Malin before jumping to conclusions. Councilor Baley stated keeping the contract with the City of Malin until reinstating the Police Department and has already communicated such. Public Works Director Matthews thanked the City of Malin for law enforcement coverage and stated support for Marshal Broussard. Resident and Postmaster Cindy Taylor stated support for Marshal Broussard and mentioned Marshal Broussard would be the first to respond even when the City of Merrill had an active Police Department. Councilor Baley stated support for Marshal Broussard and opined hiring him part-time. Resident Cindy Taylor has witnessed an increase in homelessness and intoxication. The transients cannot be arrested, but police presence is a deterrent.

- Determine Status of Police Contract with Malin Police Department: Mayor Hughto of City of Malin addressed the City Council in regard to the Police Contract. The City of Malin would like to continue the contract. Marshal Broussard retires February 15, 2023. The City of Malin can guarantee 40 hours of patrol per month with a possibility of 60 hours per month. Tabled.
- Approve Drafted Letter to City of Malin: Tabled.
- Discuss Supervisory Roles: Tabled.

#### **OLD BUSINESS:**

- Letters of Interest for Mayoral Vacancy/Appointment: No Letter of Interest have been received.
- US Cellular Memorandum of Lease and First Amendment to Ground Lease: The US Cellular Memorandum of Lease and First Amendment to Ground Lease was previously approved by City Council authorizing Mayor Pro Tem Johnson to execute the contacts; however, US Cellular added Legal Description of Premises. Councilor Gatliff made a motion to approve the changes to the US Cellular Memorandum of Lease and First Amendment to Ground Lease. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.

#### **ORDINANCES:**

- 2057 Amend Chapter 90.23 Nuisances Affecting Public Safety-Second Reading: City Recorder Hernandez read 2057 Amend Chapter 90.23 Nuisances Affecting Public Safety into the record by title as the second reading. The first reading was approved without amendments. With no other recommended amendments, City Recorder Hernandez sought a motion to approve. Councilor Gatliff made a motion to approve 2057 Amend Chapter 90.23 Nuisances Affecting Public Safety. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.

**RESOLUTIONS:**

- Resolution 2023-912 Transfer Funds to Comply with Budget Law Requirements: City Recorder Hernandez read Resolution 2023-912 Transfer Funds to Comply with Budget Law Requirements into the record. Councilor Gatliff made a motion to approve Resolution 2023-912 Transfer Funds to Comply with Budget Law Requirements. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Resolution 2023-913 Legal Re-establishment of Merrill Police Department: Tabled.

**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.

City Clerk Northcutt thanked the City Council to learn the proceedings of City Council.

Councilor Gatliff thanked the Public Works Director Matthews and Utility Worker's Roman Vazquez and Taylor for filling in potholes in the parking lot by the Polar Bear. Customers have made positive comments.

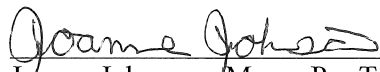
Councilor Gatliff thanked Lost River Arts and Cultural Alliance for a donation towards the Easter Egg Hunt.

Councilor Gatliff stated that a solar company is soliciting costumers again and will provide the contact information.

**ADJOURN MEETING:**

Councilor Gatliff made a motion to adjourn the February 8, 2023 Meeting. Councilor Baley 2<sup>nd</sup> the motion. With all in favor, the meeting adjourned at 6:20 p.m.

Respectfully Submitted,



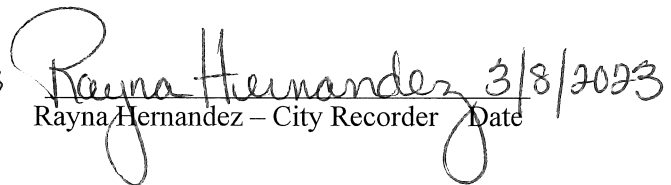
Joanne Johnson – Mayor Pro Tem



Folder A 02-08-2023-18-31-30

3-8-2023

Date



Rayna Hernandez – City Recorder

Date