

CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday February 11, 2020 6:00 P.M.

MEETING CALLED TO ORDER:

Mayor Carlson called the Tuesday, February 11, 2020 Regular Business Meeting to order at 5:57 p.m.

ROLL CALL:

Roll call was taken with the following members of Council and others being present: Councilor Smith, Councilor Johnson, Councilor Carleton, Councilor Hinton, Mayor Carlson, and City Recorder Hernandez.

FLAG SALUTE:

The Flag Salute immediately followed with Mayor Carlson asking Councilor Hinton to 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 and address.

PUBLIC COMMENT:

Mayor Carlson 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.

CONSENT AGENDA:

- **Meeting Minutes:**
Councilor Smith made a motion to approve the Meeting Minutes for January 14, 2020. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- **Phone Poll:**
Kucera, Inc DBA Mia & Pia's Pizzeria and Brewhouse Weekend Business License (Crab Feed).
- **Business License Renewals:**
Reynold's Ag Service; Lost River Investments; Lost River Investments Multiple Rentals; Martin Hicks Rental; Martin's Food Center; Casa Villanueva Restaurant; Villanueva 219 Clay Street Rental; Villanueva 235 Clay Street Rental; Alma Pena Rental; H & T Organics, LLC; Isler Group, LLC DBA Gilman & Co.; Stateline Auto Parts, Inc.; Dollar General Store #16686; Deborah Baley Rental; Pappy Gander's; Umpqua Bank; Mount Shasta Spring Water; Antonio Sanchez Rentals. Councilor Smith made a motion to approve the Business Licenses. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- **Business Licenses:**
Holt Ag Solutions; Chris O'Grady Rentals. Councilor Smith made a motion to approve the Business Licenses. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- **Accounts Payable:**
Payables for Approval: Councilor Smith made a motion to approve the Accounts Payable. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
Water Sewer Transfer Approval: Councilor Smith made a motion to approve the Water Transfer. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.

STAFF REPORTS:

- **Police:** Marshal Bicknell submitted report and read. Merrill Police Department responded to 15 traffic related complaints and stops for the month. Merrill Police Department handled one animal complaint. The loose dog was transported to the Humane Society. There has been a decrease in animal complaints since the *Merrill Newsletter* "Loose Dogs: A Problem in Merrill" was published. The Human Society and Sheriff's Office stated the article impacted their organizations.

Merrill Police Department responded to a couple trespass situations. Transients were attempted to construct camps. City of Merrill must remain vigilant on transients as removal is difficult. Klamath Falls is experiencing difficulties with the transient population.

Welfare checks are the most common call, which have been increasing by the month. The calls are usually generated by a concerned relative, an ex-partner concerned about children, or a passerby concerned about a transient or mentally ill person. Four welfare checks were requested this month. Welfare checks require a fair amount of time, investigation, and needed resources. The social service aspect of police investigation is one reason so much time is designated for the local Crisis Intervention Training. The 2020 training will be in April at Kingsley Field. Emergency Medical Technicians (EMT) from Basin Ambulance and Fire District #1, Air Guard Security Forces, and members from local law enforcement agencies will be in attendance.

Marshal Bicknell attended a quarterly meeting with Klamath County Emergency Services. Klamath County Emergency Services has a new director and two part-time coordinators. There are multiple future plans and exercises.

City Recorder Hernandez and Marshal Bicknell completed two Incident Command Courses sponsored by Federal Emergency Management Agency (FEMA). Chief John Heim of the Merrill Rural Fire District will be hosting additional courses. The courses teach the coordination of large and small incidents, which may lead to special grants.

City Recorder Hernandez and Marshal Bicknell participated as judges at the Regional Future Business Leaders of America (FBLA) competition at Oregon Institute of Technology. Marshal Bicknell has been participating for twenty years.

Officer Srch held a safety class at Merrill Elementary.

- **Public Works:**

- Public Works Director Matthews submitted report and read: Checked lifts, Took water and sewer samples, filled out DMR, filled out and mailed Wastewater Management Plan to DEQ (annual), Hung pink tags, multiple locates, cleaned bathrooms, flushed hydrants, had 3 sewer plugs, replaced fill hose on flusher truck, filled holes in streets with gravel, scraped weeds from lagoon, dumped lagoon trailer, sterilized lagoon, cut limbs. Paul Ross removed the Christmas decorations from the telephone poles. An employee from Pacific Power arrived two days later to remove the lighting and desires to continue helping with Christmas decorations. Public Works Director Matthews stated budgeting \$500.00 for the removal of Christmas decorations as a contingency. Christmas decorations will no longer be displayed due to deterioration. Christmas decorations are presently 30% discounted. The estimated cost for replacement is \$4000.00. Councilor Smith stated the funds should be requested from the Solar Payment-in-Lieu Revenue instead of the Community Foundation interest. Discussion of Payment-in-Lieu funds ensued. Permission to move forward with the pricing and purchasing Christmas decorations in coordination with City Recorder Hernandez was advised. Public Works Director Matthews continued with report: worked on the chlorinator at the lagoon, filled tracks made by tractor on south-side of tank, tank work is coming along at 56 foot in height and 600,000 gallons. The roof has been constructed and booster pumps will be installed upon delivery. Utility Worker Taylor is in the process of reconstructing the men's bathroom at City Hall. Councilor Hinton stated Public Works Director Matthews aided the owner of Dan's Autobody with fence placement. The business allowed Public Works Director a 6 foot path around the perimeter of the well, installed fencing poles, and cleaned the business lot. Public Works Director Matthews thanked Councilor Hinton and Marshal Bicknell for their cooperation. Public Works Director Matthews also thanked Marshal Bicknell for the response to an individual creating a disturbance.

- **City Recorder:**

- City Recorder Hernandez reported on form 5500 SF has been signed and submitted for retirement; completed Federal Emergency Management Training (FEMA) course; completed EAP Webinar-Human Resource Management; compiled letters of support; adjusted and reclassified expenditures and payable in Quick Books; continued work on mural draft; continued on DAR Grant and other administrative duties.
- City Clerk Jensen completed an overtime payroll training and finished creating a digital copy of *Charter and Code of Ordinances*.

- **Appoint Budget Committee Officer:** Councilor Smith made a motion to appoint City Recorder Hernandez as Budget Committee Officer. Councilor Hinton 2nd the motion. The motion passed 4-0 in favor.
- **Appoint Budget Committee Members:** Councilor Smith made a motion to appoint the listed Budget Committee Members: Regina Picke, Teresa Perry, Jesus Fernandez, and Steve Baley. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.

Mayor Carlson sought approval from City Council to create the City of Merrill as an alternate County seat in the event of an emergency for funding opportunities. City Council sought clarification. Mayor Carlson gave the example of a back-up control center. State grants involving communications could fund the purchase of equipment and generators. The advantage to the City of Merrill is the non-existence of natural gas. No objections followed.

- **Lawyer:**
 - Mayor Carlson stated no contact with City Attorney Jennifer Schade. City Council inquired to the number of no responses or delays. Mayor Carlson stated a couple. The action item to set expectations; two days urgent and two weeks routine. No objection followed.
- **Code Enforcement:**
 - Marshal Bicknell stated Code Enforcement has received 100% compliance on multiple abatements involving livestock and rubbish. An abatement for fence height is under dispute. An abatement involving the removal of a vehicle has been in communication with Marshal Bicknell. The owners do not have keys for the vehicle. The Gallagher abatement is pending with a citation date of February 15, 2020. Councilor Hinton stated City Council should move forward with a citation if compliance has not been met. No objection from City Council followed. Tony Herman submitted a letter to Code Enforcement stating the years the fence has existed. The height of the fence was increased approximately three years ago, which was stained red. The fence is 12 inches above code. The fence needs to be reduced to 4 foot. Tony Herman challenges the abatement stating the height should be "grandfathered". The Grandfather Clause excludes height; however, the clause applies to fence boundaries. A response letter to Tony Herman should state the fence must comply with City of Merrill Ordinances. City Council was in agreement. Councilor Smith stated Code Enforcement appears to be working and appreciates the effort.
- **Planning:**
 - **Hickey Organics Presentation:** Councilor Carleton recused self due to family involvement. Jim Carleton presented. Jim Carleton represented Hickey Organics. Councilor Smith stated the project is represented as a storage building. Councilor Smith stated residents concern for hemp storage. Jim Carleton stated the storage facility purpose is strictly to house two poly water tanks and a water softener. The water tanks stored outside will be moved inside and out of the elements where they will be insulated. Councilor Hinton asked if equipment was needed. Jim Carleton stated the equipment is already present. The equipment will be enclosed and insulated. They will not be used for hemp storage. Councilor Smith inquired to future hemp production. Jim Carleton was not present on behalf of Hickey Organics future farming operations; however, as a consultant, previous issues should be minimal. The hemp footprint should be smaller with a different variety of plant.
 - **Hickey Organics Land Use Compatibility Statement:** Councilor Johnson made a motion to pass and allow Mayor Carlson to endorse the Land Use Compatibility Statement and Building Application. Councilor Hinton 2nd the motion. The motion passed 3-0, 1 rescued due to family involvement.
 - **Hickey Organics Building Application:** *refer to Hickey Organics Land Use Compatibility Statement for motion to approve.* Councilor Carleton the project is legitimately farm exempt.

PROJECT MERRILL:

- Request for Beautification Matching Grant Funds:

Letter submitted January 14, 2020:

“This is a formal request for matching grant funding for our ongoing Beautification of Merrill. (please reference the ordinance attached) (*sic*) We have been granted \$3000 from Rural Klamath Connects in which we need matching funds in order to utilize that grant. That money has been earmarked for more benches for Front St and also to fund the hanging baskets for the Spring/Summer of 2020. The grant needs to be fulfilled by Feb. 29,2020 (*sic*)

Thank you for your consideration of our Request.”

Linda Woodley presented. Project Merrill requested funds for the Merrill Beautification Matching Grant as a Rural Klamath Connects Project. In 2018 and 2019, Project Merrill was granted \$2,000.00. Benches were purchased. Rural Klamath Connects granted Project Merrill \$3,000.00 for 2020. Rural Klamath Connects grant requires matching funds. Linda Woodley presented documentation to City Council for the previous two years. Ford Family Foundation and private donations make the Merrill Beautification Project possible. Councilor Smith requested an accounting of fund allocations for 2019. Funds must be used by April 2020. Discussion of funds and approval for matching grant ensued. Project Merrill deadline for commitment would be February 29, 2020. Merrill Bucket Brigade funds ensued. Funds must be returned by June 2020. Councilor Carleton stated the \$3000.00 are contingent upon Oregon Community Foundation approval.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Public Works Director Matthews reported on meeting held week of February 2, 2020. Public Works Director Matthews thanked Councilor Carlton for contact with KLAD sponsorship. Ryan Nemi, owner of Fireserve, offered to donate internet connection for the Lost River Bluegrass Festival. Lost River Arts and Cultural Alliance donated \$100.00 and two weekend passes for the Merrill Lion’s Club Crab Feed raffle. Merrill Historical Society gathered letters of support for the Nathan Merrill Headstone Project. Eric Brorby will create and install the marker for \$2,500.00 (18”x6”x24”@die; 26”x12”x6” P1 base with engraving and photograph). Merrill Historical Society is awaiting contact from The Daughter of the American Revolution. Public Works Director Matthews and City Recorder Hernandez are working on funding options for the Mural Project. The estimated project will cost \$5,000.00. Merrill Historical Society has been submitting articles published in the Merrill newsletter. Lost River Bluegrass is seeking sponsorship and volunteers. Lost River Arts and Cultural Alliance donated another 100 lbs. of dry dog food to the Humane Society.

NEW BUSINESS:

- US Census Presentation: Tabled.
- Merrill Baptist Church Presentation: Pastor John from Merrill Baptist Church presented. Merrill Baptist Church has had an issue with semi-trucks turning around in the churches driveway. The church has spent a large sum repairing the driveway. The driveway is in disrepair again. Pastor John sought No Parking and No Turning Around signage from City of Merrill. Public Works Director Matthews stated the City of Merrill has signage. Councilor Smith stated the City of Merrill will post signage if the semi-trucks are trespassing; however, if the semi-trucks are parked overnight at the Dollar General, City Council has no authority. Public Works Director Matthews stated the City will repair the damage caused by the Water Project. Pastor John asked City Council whether the unpaved driveway was an emergency entrance or exit. Steve Baley stated the driveway is an emergency entrance and exit for the police and fire department. Location of the driveway ensued. Pastor John sought permission to post a sign at the entrance of the driveway. Marshal Bicknell stated the driveway is private property. Steve Baley stated the fire department could install a post with a chain blocking the entrance.
- Employee Health Insurance Options: Councilor Carleton stated employee raises should be used to offset employee health insurance contributions. Councilor Smith stated no objection except written approval from the employee. Councilor Carleton stated the budget is a fiscal year. The insurance is a calendar year. City Recorder Hernandez stated the premiums are contracted. In October, the employees contract chosen plan. January the plans become effective. Councilor Carleton stated the plan overlaps the fiscal year. City Recorder Hernandez gave examples of health insurance and raise options, which would affect the employee pay schedule and budget. Councilor Hinton inquired to other options. City Recorder Hernandez stated another option is for an employee to be given a raise and the health insurance contribution be deducted. Councilor Carleton stated an employee would be given a raise. When the health insurance becomes effective in January, deduct the difference of raise from the paycheck for the health insurance. City Recorder Hernandez stated wages may not be reduced once effective. Councilor Smith stated the pay

schedule will need to be changed for options by budget. Marshal Bicknell stated a health savings account could be the solution. The contributions are pre-taxed. City Recorder Hernandez stated the City pre-pays for health insurance. Payment could become problematic if an employee chooses when to reimburse the City. Councilor Hinton inquired whether employees have 100% coverage currently. Councilor Smith stated negative. Insurance was capped years ago. City Recorder Hernandez stated 2016. Mayor Carlson stated the action item of a more detailed plan. Pay schedule step discussion ensued. Councilor Smith suggested adding verbiage to the schedule on a year by year employee approved basis. Mayor Carlson stated action item for Councilor Smith to work in coordination with City Recorder Hernandez for solutions.

- Support for Kiosk at Merrill's Veteran Park (Oregon Tourism): Oregon Tourism is seeking City Council support for a kiosk, which highlights the five communities. The major focus would be on Merrill with information of the other four towns. The project is part of the branding of the five communities. Councilor Carleton inquired to the location. Public Works Director Matthews stated on the east-side of the existing kiosk at Veteran's Park. Councilor Carleton inquired whether the kiosk was fully funded. Linda Woodley stated the funds will be raised. The kiosk will be designed by The Lookout Company in Portland, Oregon. Rural Klamath Connects worked with Holly McPhee 3 years ago to help with promotion of the five friendly towns. Discussion of kiosk content and five friendly town promotion ensued. No objection from City Council.
- Consider Host Meet the Candidates: Mayor Carlson was approached to support Sheriff Kaber. Mayor Carlson sought the support of City Council to extend an invitation to Daren Krag and Sheriff Kaber or other candidates to host Meet the Candidate Night. No objection from City Council.

OLD BUSINESS:

- Proper Parking Setbacks from Crosswalks within City of Merrill: Public Works Director Matthews inquired the number of curbs and sidewalks to be painted throughout town. Councilor Hinton stated Front Street. Public Works Director Matthews stated the foreseen resident inquiring to other streets. Councilor Hinton stated painting the curbs and crosswalks at the bank and post office will blend together with Washington Street. Public Works Director Matthews stated primarily painting Front Street and address issues as they arise.
- Discuss Washington Street Improvements: A meeting was held with City Engineer Darryl Anderson. The suggested solution is to make Washington Street one-way. Councilor Hinton proposed making Washington Street one-way between Front Street and First Street in a northern direction. Councilor Smith stated opposition. Mayor Carlson stated a motion has been made to create Washington Street one-way heading north. The motion was not seconded. The motion failed 1-3. Discussion tabled. Discussion about liability ensued.

ORDINANCES:

- Bill 2026 Hunter Communications, Inc. Franchise Ordinance: First Reading: City Recorder Hernandez stated the verbiage for the Hunter Franchise remains the same except for the highlighted areas. The yellow highlight is from CenturyLink Franchise; however, additional verbiage needs to be added to include internet. City Recorder Hernandez read the changes for the record:

1. "From and after the date of Hunter Communication, Inc. acceptance of this Ordinance and until its expiration, Hunter Communication, Inc. will pay the City seven percent (7%) of Hunter Communication, Inc. local exchange access service Gross Revenue (as defined in ORS §§221.515 and 403.105). Payment shall be made in quarterly installments due on or before the last day of the month following the end of each calendar year quarter during the Term of this Franchise. Such payment made by Hunter Communication, Inc. will be accepted by the City of Merrill in payment of license, privilege or occupation or tax or fee for revenue or regulation, franchise fee, or any permit or inspection fees or similar charges for street openings, installations, construction or for any other purpose now or hereafter, or other forms of excise or revenue taxes based upon or measured by revenues, employees, payroll, property, facilities or equipment of Hunter Communication, Inc. to be imposed by the City of Merrill upon Hunter Communication, Inc. during the term of this Franchise.

The verbiage from the City Attorney to impose a penalty states as follows:

2. A \$150.00 late fee shall be imposed if payment is not received within 10 days of the quarterly payment on or before the last day of the month following the end of each calendar year quarter during the Term of this Franchise. An additional 10% late fee thereafter will be imposed if payment is not received within 30 days

of the quarterly payment on or before the last day of the month following the end of each calendar year quarter during the Term of this Franchise.

Councilor Hinton inquired to imposing a deposit in addition to a late fee penalty. Mayor Carlson stated the option has been discussed. Mayor Carlson gave the example of a \$1000.00 deposit to draw upon. Councilor Carleton inquired to current payment. Hunter Communication contacted the Recorder's Office regarding the franchise renewal. City Recorder Hernandez explained changes will be made to late payment penalty due to delinquent payments. City of Merrill received a payment shortly thereafter. City Council was in agreement to include a deposit.

3. A deposit of \$1000.00 shall be made by _____ (date). Once the deposit is depleted, it must be renewed no later than 10 days.

The following additional language was agreed upon: of gross revenue earned from all services, specifically including data, voice and video services, provided by Grantee through Grantee's use of the City rights-of-way.

4. City's acceptance of any payments due under this section shall not be considered a waiver by City of any breach of this franchise.
5. Grantee agrees and covenants that it will not challenge the validity of the franchise fees under this ordinance as long as they do not exceed the maximum amounts established by applicable statutes.

Councilor Carleton inquired to whom determines the fees paid by Hunter Communications. City Recorder Hernandez stated payment is based upon Hunter Communications revenue. Mayor Carlson stated City of Merrill is allowed to audit Hunter Communications.

RESOLUTIONS:

- Resolution 2020-811: Transfers to Comply with Budget Law Requirements: City Recorder Hernandez read Resolution into the record by number and gave a detailed explanation of transfers. Councilor Smith made a motion to approve Resolution 2020-811. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.

FUTURE AGENDAS:

- Discuss Status of Emergency Operating Plan with Tulelake Irrigation District
- Review Solar Farm Landscape Maintenance

PUBLIC COMMENT:

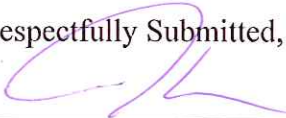
The public is invited to provide their comment and opinion to the City Council at this time on issues of their concern. Non-emergency issues brought up in this forum will not be considered tonight other than in this preliminary discussion, but if found to be warranted, may be considered at a future meeting of the City Council. Public comment is limited to 5 minutes per person.

Public Works Director Matthews spoke of remembrance on behalf of Geneva Richards. A grave-side ceremony will be held Saturday, February 15, 2020 at 1 p.m. at the I.O.O.F Cemetery. No further public comment followed.

ADJOURN MEETING:


Councilor Carleton made a motion to adjourn the February 11, 2020 Meeting. Councilor Smith 2nd the motion. With all in favor, the meeting adjourned at 7:24 p.m.

Respectfully Submitted,



Bill Carlson - Mayor

10 MAR 2020
Date



Rayna Hernandez – City Recorder Date