

**CITY OF MERRILL**  
**REGULAR BUSINESS MEETING**  
Wednesday, January 11, 2023 5:30 P.M.

**MEETING CALLED TO ORDER:**

Mayor Pro Tem Johnson called the Wednesday, January 11, 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 (*arrived 5:36 p.m.*), 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.

Teresa Perry (425 Grant Street): Resident Teresa Perry stated, "thank you", and opined that the City of Merrill has stellar employees. Resident Teresa Perry further thanked the employees who resolved an issue at 425 Grant Street. Resident Teresa Perry thanked the office staff for answering questions and the like.

Mayor Pro Tem Johnson thanked Resident Teresa Perry for attending and actively participating at City Council Meetings.

**OATH OF OFFICE:**

- Oath of Office-Councilor Johnson: City Recorder Hernandez swore Mayor Pro Tem Johnson into office.  
"I, Joanne Johnson, do solemnly swear I will uphold the Constitution of the United States of America; the State of Oregon; the City Charter and Ordinances of the City of Merrill; and I will, to the best of my ability, honestly, faithfully, and lawfully perform the duties of City Councilor for City of Merrill, so help me God.
- Oath of Office-Councilor Gatliff: Mayor Pro Tem Johnson swore Councilor Gatliff into office.  
"I, Kallie Gatliff, do solemnly swear I will uphold the Constitution of the United States of America; the State of Oregon; the City Charter and Ordinances of the City of Merrill; and I will, to the best of my ability, honestly, faithfully, and lawfully perform the duties of City Councilor for City of Merrill, so help me God.
- Oath of Office-Councilor Baley: Mayor Pro Tem Johnson swore Councilor Baley into office.  
"I, Steven Baley, do solemnly swear I will uphold the Constitution of the United States of America; the State of Oregon; the City Charter and Ordinances of the City of Merrill; and I will, to the best of my ability, honestly, faithfully, and lawfully perform the duties of City Councilor for City of Merrill, so help me God.

**CONSENT AGENDA:**

- **Meeting Minutes:**
  - Approve December 14, 2022 Meeting Minutes
  - Approve December 19, 2022 Work Session Meeting Minutes
- Councilor Gatliff made a motion to approve the entire consent agenda, recusing self from the Merrill Polar Bear Business License and Councilor McCollam recusing self from Merrill Motel/RV Business License

due to conflicts of interest. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 3-0 in favor with Councilor Gatliff's recusal and Councilor McCollam's recusal.

- **Phone Poll:**

- Chief of Police/Marshal Advertisement Approval: (Councilor Baley-Verbal, Councilor McCollam-Email, Councilor Gatliff-Email, Mayor Pro Tem-No Vote) 3-0 in favor, 1 no vote.

- Authorizing Councilor Baley to Renew Malin Police Department Contract: (Councilor Baley-Verbal, Mayor Pro Tem Johnson-Verbal, Councilor Gatliff-Email, Councilor McCollam-Email) 4-0 in favor.

*Refer to meeting minutes for ratification.*

- **Business License Renewals:**

Lester Realty 211 W Second St. Rental Business License, Lester Realty 612 W Third St #1-4, Martin's Food Center Business License, Merrill Lumber Company Business License, Merrill Clinic, LLC Business License, Wild Goose Lodge Business License, Tater Patch Quilts Business License, Janet Herman 305 N. Main Rental Business License, Ramon Torres 225 Clay St Rental Business License, Merrill City Storage Business License, CTI Home Based Business License, Jesse D. Hickey Farms Business License, Hickey Croy, LLC Business License, Hickey Organics Business License, Ribbon-n-Print Home Based Business License, 107 N Garfield Rental Business License, Umpqua Bank Business License, Tony Johnson 223 W Second St Rental Business License, Carter Offices Business License, Crater Lake Realty 308 Front St Rental Business License, Orem Rental #1 and #2 Rental Business License, Verna Hughes 325 N Washington Rental Business License, Verna Hughes 125/127 E Front Street Rental Business License, The Waterhole 2 Business License, Quail Mountain, Inc. Delivery Business License, Holt Ag Solutions Business License, Rookstool Moden Rental Business Licenses (3), Fast Break of Oregon, LLC Business License, K&K Espresso & Deli Business License, Reynold's Ag Services Business License, Troy Containers Business License, Basin Fertilizer & Chemical Co., LLC Delivery Business License, Veronica Valadez 316 Clay Street Rental Business License

*Refer to meeting minutes for motion.*

- **Business Licenses:**

Polar Bear Business License

Merrill Motel/RV Business License

*Refer to meeting minutes for motion.*

- **Accounts Payable:**

December 2022 Account Payables: *Refer to meeting minutes for motion.*

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

## **STAFF REPORTS:**

- **Police:**

- Report: Police Commissioner Baley stated the City of Malin Police Department continues to issue traffic tickets, which has included semi-trucks, several arrests that include warrants (one in Merrill), and three welfare checks. Police Commissioner Baley stated a retired employee retrieved personal belongings from the office without personal knowledge and stated displeasure. Police Commissioner Baley discussed the open position for Chief of Police with Sheriff Kaber. Police Commissioner Baley stated contacting Oregon League of Cities to post the open position; however, Oregon League of Cities never followed through with an email. City Recorder Hernandez stated the position has already been posted with the Oregon League of Cities.

- **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 six locates; allowed outside dumping, which has resulted in approximately \$65,000.00; cleaned restrooms; fixed two sewer plugs; wrote article for newsletter; fixed water main break at Clay Street; attended Work Session December 19, 2022; pumped off Water Street Lift Station and Billy Gallagher fixed electronics; pumped off Willow Street Lift Station; City Engineer Darryl Anderson released Swisher Road and Fourth Street Water Project Bid for publishing; PPL lost a leg on transformer and burned a heat sensor at lagoon, which required a \$350.00 replacement the Winema Electric repaired; Utility Worker Taylor and Roman Vazquez have been remodeling City Hall; plowed snow; replaced front tire on snowplow; repaired radiator on side-by-side; Rodney

Green repaired carburetor on flusher truck; mailed Road Report to Oregon Department of Transportation; mailed Road and Bridge Report to Oregon Department of Transportation; attempted to resolve dispute regarding private sewer line running under neighbor's property, which is a civil matter; assisted potential business create plan for sewer connection; communications involving manufactured home replacement, which has been rescinded.

- **City Recorder:**

- City Recorder Hernandez reported: completed Employee W-2's, filed NEC 1099 and 1096, filed I-Wire Reconciliation, filed 1099 and W-2 with the Oregon Department of Revenue and Social Security Administration, uploaded Northwest Retirement Employee Data Schedule and Questionnaire, created and posted Chief of Police Advertisement, Business Oregon correspondence, created Resolutions, and other administrative duties.

- **Lawyer:**

- Report: City Recorder Hernandez requested the Lawyer Audit Letter be emailed to Robin Peile at Romig & Peile.

- **Code Enforcement:**

- No Report.

- **Planning:**

- Report: The Planning Commission had a pre-application meeting regarding a Land Use Compatibility Statement for 228 W Front Street. The plans include a food truck and trailer that will provide restrooms. The owners are attempting to locate the sewer line with the assistance of Public Works Director Matthews. Lighting was discussed. Parking will not be allowed on the lot and the business will have all customers park on the street. City Engineer Darryl Anderson has requested the applicants include bench seating and landscaping to the Land Use Compatibility Statement. City Clerk Northcutt stated Oregon Department of Transportation has agendized the application for January 23, 2023, as the property is along HWY 39.

#### **LOST RIVER ARTS AND CULTURAL ALLIANCE:**

- Public Works Director Matthews reported the Merrill Historical Society, Klamath County Museum, and Lava Beds National Monument is holding a seminar Tuesday, January 17, 2023 located at 301 E Second Street Merrill, Oregon 97633 at 6:30 p.m. The Klamath County Museum has advertised the event. The Merrill Historical and Modoc War Museum houses an astonishing photography collection from the Modoc War, which will be displayed. Another Modoc Tour will be held Saturday, January 14, 2023 starting at the Merrill Historical and Modoc War Museum. The Lost River Bluegrass festival signed the final band. The line-up will be the Edgar Loudermilk Band from Georgia, the Western Flyers from Texas, the Central Valley Boys from California, Kentucky Sky from Idaho, Walter Jamboree from Tennessee, and local Mountain Valley Strangers. Lost River Arts and Cultural Alliance held a board meeting January 10, 2023 to discuss business that included festival pricing. The prices for tickets and camping will remain the same. The mission is for the festival to remain affordable for families. Discussions of funding and sponsorships ensued. Bev Moore, owner of Farm Country Nursery, estimated the Merrill Beautification flower baskets will cost \$2,800.00 or more. Public Works Director Matthews requested \$3,000.00 from the Solar Fund to fund the flower baskets. Councilor McCollam made a motion to approve \$3,000.00 to Lost River Arts and Cultural Alliance for the flower baskets. Councilor Gatliff 2<sup>nd</sup> the motion. The motion passed 4-0 in favor. Lost River High School Senior Jesli Hernandez has completed her Senior Project and is on her way to graduating!

#### **NEW BUSINESS:**

- Discuss Schedule for Meetings with County Commissioners: Klamath County Commissioners are requesting a semi-annual meeting with respective Council/leaders for updates in projects within the community. The first meeting would be in March at the Government Center located at 305 Main Street in Klamath Falls. The second would be at the September 13, 2023 City Council meeting. The consensus of the City Council was to schedule a meeting no later than March 15, 2023 later in the afternoon.



- Oregon Department of Transportation Speed Zone Investigation Report: The City of Merrill submitted a Speed Study Application in 2020. Oregon Department of Transportation is recommending reducing the speed T Les Schwab Tires and the Dollar General from 45 to 30; reducing city limit speed from 30 to 25; and reducing the speed at St. Augustine's Church from 45 to 30. Oregon Department of Transportation is seeking City Council approval to the recommendations. Councilor Gatliff made a motion to approve the Speed Zone recommendations. Councilor McCollam 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Oregon Liquor and Cannabis Commission Update Advisory to Cities and Counties: Applications must be approved with the city or county before proceeding to the State of Oregon.
- Appoint Budget Committee (Teresa Perry, Ben Keeney, Miles Gatliff, Franceska McAuliffe): Councilor Gatliff recused self, due to conflict of interest. Councilor McCollam made a motion to appoint the Budget Committee. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 3-0 in favor with one recusal due to conflict of interest.
- Approve Letter to Horizon PWR: City Council read the letter contained within City Council packet prior to the meeting. City Council authorized Mayor Pro Tem Johnson to sign the letter.
- Letters of Interest for Mayoral Vacancy/Appointment: No letters of interest have been submitted.
- Discuss Employee Pay Schedule Revision: During the December 19, 2022 Work Session, the consensus was to eliminate Step O, add federal cost of living to each Step, and revise the verbiage to: Steps 1-7 shall be annual in addition to federal cost of living. Steps 8-10 shall be bi-annual in addition to federal cost of living. After an employee has reached Step 10, the employee may qualify for a longevity raise. *All raises are subject to the City of Merrill's fund availability; therefore, the City of Merrill reserves the right to suspend raises due to budgetary constraints.* Councilor Gatliff inquired whether the Officer Pay Schedule included cost of living increase to each Step. City Recorder affirmed and would make necessary changes to reflect included cost of living. Councilor Gatliff made a motion to approve the Pay Schedule changes. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Discuss Part-Time Code Enforcement Officer: City Recorder Hernandez stated the City of Merrill is hiring for a Chief of Police/ Marshal that job duties shall include Code Enforcement; however, the City of Merrill is unsure when the position will be filled. There is an interest in the Code Enforcement part-time position by a local resident that would benefit the City greatly. Wages were approved for a Code Enforcement Officer for the 22-23 Fiscal Year Budget and to hire a Code Enforcement Officer is possible. Councilor Gatliff stated approval to proceed with a Code Enforcement Officer. Councilor McCollam approved with a review of the Code Enforcement position when the Marshal is hired. The transfer of job duties could be distributed to the Marshal, City Clerk Northcutt, and Code Enforcement Commissioner. Code Enforcement Commissioner Baley stated having time for Code Enforcement in the winter with no violations. In the spring, Code Enforcement Commissioner Baley is called away from work for Code Enforcement complaints; therefore, the only option is to proceed since self cannot perform the duties of Code Enforcement nor City Clerk Northcutt, and the City does not have a Marshal. City Clerk Northcutt opined that a Code Enforcement Officer year-round is essential so there is a person available to have abatements completed in a timely manner. Public Works Director Matthews praised the perspective Code Enforcement Officer. Details regarding the appointment of a Code Enforcement Officer ensued. Councilor McCollam made a motion to open the Code Enforcement Position to appointment. Councilor Gatliff 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Discuss Chief of Police Advertisement: City Recorder Hernandez created an advertisement based upon feedback from the December 19, 2022 Work Session. Upon completion, the City Councilors were phone polled for approval to post to meet City Council's deadline. City Recorder Hernandez listed the publishing sites: *Herald & News*, [Klamathbasinjobs.com](https://klamathbasinjobs.com), Oregon State Police/DPSST website, League of Oregon Cities, Oregon Chiefs of Police Association, City of Merrill website, Indeed, Zip Recruiter, Jobs2Careers, Nexxt, Glassdoors, and niche sites. The City of Merrill received a resume within 24 hours of the posting. City Recorder inquired to [iHireLawEnforcement](https://www.ihirelawenforcement.com) posting for \$349.00. City Council declined.
- Renew Police Contract with Malin Police Department: The Malin City Council approved the police contract at the January 10, 2023 City Council Meeting. Councilor Gatliff made a motion to approve the renewed police contract. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.

#### **OLD BUSINESS:**



**ORDINANCES:**

- 2057 Amend Chapter 90.23 Nuisances Affecting Public Safety-First Reading: City Recorder Hernandez read 2057 Amend Chapter 90.23 Nuisances Affecting Public Safety, which was previously passed; however, previously passed amendments were excluded due to clerical error and re-incorporate. The first reading was approved without amendments.

**RESOLUTIONS:**

- Resolution 2023-909 Transfer Funds to Comply with Budget Law Requirements: City Recorder Hernandez read Resolution 2023-909 Transfer Funds to Comply with Budget Law Requirements into the record. Councilor McCollam made a motion to approve Resolution 2023-909 Transfer Funds to Comply with Budget Law Requirements. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Resolution 2023-910 LUC Extension Request: City Recorder Hernandez read Resolution 2023-910 LUC Extension Request into the record. Councilor Gatliff made a motion to approve Resolution 2023-910 LUC Extension Request. Councilor McCollam 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Resolution 2023-911 Transfer Funds to Comply with Budget Law and Increase Line Item: City Recorder Hernandez read Resolution 2023-911 Transfer Funds to Comply with Budget Law and Increase Line Item into the record. Councilor McCollam made a motion to approve Resolution 2023-911 Transfer Funds to Comply with Budget Law and Increase Line Item. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 4-0 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.

Councilor Gatliff reminisced about Easter Egg Hunts in the City of Merrill as a child. In 2022, Councilor Gatliff, family, and business hosted an Easter Egg Hunt at the Civic Center Park. Councilor Gatliff sought permission to host the Easter Egg Hunt at the City Hall Park for 2023. The Civic Center Park is home to the Canadian Geese in the spring and the City Hall Park has fencing that will allow for better control with more hiding places. Public Works Director Matthews stated the facility has restrooms. Councilor Gatliff mentioned donors and volunteer opportunities. Councilor McCollam suggested the Lost River High School mascot to wear the bunny costume.

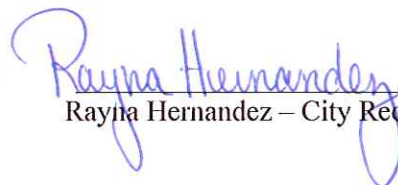
Public Works Director Matthews acknowledged the volunteerism of Councilor McCollam.

**ADJOURN MEETING:**

Councilor Gatliff made a motion to adjourn the January 11, 2023 Meeting. Councilor Baley 2<sup>nd</sup> the motion. With all in favor, the meeting adjourned at 6:33 p.m.

Respectfully Submitted,

 2-8-23  
Joanne Johnson – Mayor Pro Tem Date

 2-8-2023  
Rayna Hernandez – City Recorder Date

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