

**CITY OF MERRILL**  
**REGULAR BUSINESS MEETING**  
Tuesday January 14, 2020 6:00 P.M.

**MEETING CALLED TO ORDER:**

Mayor Carlson called the Tuesday, January 14, 2020 Regular 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 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.

Teresa Perry (425 Grant Street): "I have a question. So, on the new business, the Signage for Merrill Baptist Church, is that the discussion we had about the trucks and having to turn and all that?"

Councilor Carleton: "Yes."

Teresa Perry: "Are we trying to work with the church or the residence right there to see if we can come up with some kind of solution that's not going to impact the truck drivers?"

Councilor Hinton: "They were talking about putting up signs. Is that correct? Isn't that the churches responsibility?"

Teresa Perry: "Trespassing were what was discussed at our last meeting."

Councilor Smith: "Well, yeah, I think the church was saying the trucks were using their parking lot to turn around in and everything."

Councilor Carleton and Councilor Hinton in unison: "Overnight parking."

Teresa Perry: "Overnight parking is kind of, I mean, like I explained to you, they have nowhere else to go in this town. Once their clock runs out, they're there, and they get told they cannot unload, they have to stay put."

Councilor Smith: "But I don't think they should stay put right there."

*(inaudible)*

Councilor Carleton: "Then they can come right here by the Polar Bear and park."

Teresa Perry: "No. They are parked right there in the area where they would unload."

Councilor Smith: "Oh, The Dollar General. People made it sound like they were down in the church parking lot."

Councilor Carleton: "If they are on that lot, then that is not an issue. When they go into the church lot, that's the problem. Not when they are on The Dollar General property."

Councilor Hinton: "Right."

Teresa Perry: "Right."

Councilor Smith: "We all of a sudden have people parking on Third Street all night. Cattle trucks, everything else now, all of a sudden. That's their new hangout, and they leave their stuff running all night long. Yes, I get to listen to it. I do not believe that should happen wither, but there is nothing I can do about it."

Public Works Director Matthews: "If there is overnight parking, as long as you are not camping there, at the Polar Bear. I did not know you were talking about Dollar General Trucks. I thought you were talking about truck drivers."

Teresa Perry: "Because they were saying that they wanted no trespassing signs put out there for the trucks because of being able to turn, but there is no other way because even trying to go around the backside of the building, Les Schwab has their stuff all back there."

Public Works Director Matthews: "Now having said that, is that a concern of ours?"

Councilor Hinton: "Well, it is a concern, I believe, as a church. One of the complaints that I understood that they were having that rigs were overnight with reefers or whatever with their refrigerators running. 'Cause the people living there in that double wide. They have every right to say they don't want them in there, but I believe that is up to the church to take care of. Put signs up or whatever, and not our responsibility. Now whether they can get permission from Les Schwab to go around their park area. Behind The Dollar General, I believe, is owned by Les Schwab. Isn't it?"

Councilor Carleton: "Yes."

Teresa Perry: "They are damned if they do and damned if they don't because that parking space right there is the only space they have to be able to try to turn in and out of that area."

Councilor Hinton: "I can understand that they might be pullin' in there a little bit to turn around, but I didn't think that was the issue."

Teresa Perry: "The church is way further down than where the house is. The double wide is than the store. I don't know. I think we need to have further conversations about this 'cause I don't know how being impacted two doors down. Because it is further down."

Public Works Director Matthews: "I guess I want to repeat again. What does it got to do with us?"

Teresa Perry: "Yeah."

Councilor Carleton: "Just good neighborly..."

Public Works Director Matthews: "That is what I am sayin'. If it is going to get into a big thing."

Councilor Smith: "Like I said, the only problem I thought is that people were straight up going ahead a driving all the way through their property. That I can see. That was my understanding to it. Now just having them (*inaudible*) parked at Dollar General, your right. There is nothing I plan on doing about that, but, yes, they need to put up a sign or something that says, 'not a through truck route' or something in their driveway. That is what I understood the problem to be and I do support that. They do not need to be going in there completely."

Councilor Carleton: "That was how it was presented to me. Why don't we just ask them to come to a Council Meeting?"

Multiple discussions ensued.

Councilor Carleton: "I will go talk to them and see if they will come to the next Council Meeting."

Mayor Carlson stated the item will be agendized for February 11, 2020.

#### **CONSENT AGENDA:**

- **Meeting Minutes:**

Councilor Carleton made a motion to approve the Meeting Minutes for December 10, 2019 and the entire complete consent agenda. Councilor Hinton 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.

- **Phone Poll:**

- **Business License Renewals:**

Donald and Kristine Hendrix Duplex Rental; Carter Hall Business License; Crater Lake Realty Rental; Victoria Hernandez Duplex Rental; Victoria Hernandez Rental; Wild Goose Lodge Motel Business License; Ed Staub & Son's Petroleum Business License; Verna Hughes Commercial Duplex Rental; Basin Fertilizer Delivery Business License; Hickey Organics, LLC Business License; Jesse D. Hickey Farms Business License; Hickey-Croy, LLC Business License; Merrill Lumber Company Business License; Leon Langley Rental; Tony Johnson Rental; Presbyterian Church Rental; Pape Machinery Business License; Merrill Polar Bear Business License; C.T.I. Home Based Business License; Rafael Alonzo Rental; Antonio Cobian Rentals (3); Schwan's Business License; The Sewing Works Business License; Ribbon-n-Print Business License; Orem Rentals (2); M J Trucklines Business License; Marlene Snapp Rental; Walker Rental; Quail Mountain Delivery License; John Walker Rental Business License; Donahoe Duplex Rental; The Merrill Clinic Business License; Kyle and Radina Petrik Rental; R&J Auto Repair Business License; Gary Turner Rental: *refer to meeting minutes for motion.*

- **Business Licenses:**

- **Accounts Payable:**

Payables for Approval: *refer to meeting minutes for motion.*

Water Sewer Transfer Approval: *refer to meeting minutes for motion.*

Councilor Smith requested account payables be reduced to claims for approval and overall totals. The detailed item payable report can be made available in the Recorder Packet for public review.

#### **STAFF REPORTS:**

- **Police:** Marshal Bicknell submitted report and read. Merrill Police Department initiated or assisted in 22 traffic stops resulting in 14 violations, whom received citations and one arrest due to a suspended license. The driver with the suspended license was driving down Front Street with a gasoline nozzle in the gas tank and dragging 10 feet of hose. Merrill Police Department performed tow welfare checks, located a runaway from Utah, assisted a woman who needed services and transported her to Klamath Falls, responded to a property alarm, assisted in a traffic complaint, and towed a hazardous vehicle on Lincoln Street. Merrill Police Department assisted the Sheriff's Office on four occasions, the Klamath Falls Police Department on two occasions, Harney County Sheriff's Office attempting to locate a fugitive, Parole and Probation to contact a client, and the Oregon State Police on two occasions. New Year's Eve was relatively quiet. Two disturbances were responded to two disturbances related to alcohol, which resulted in an arrest due to a warrant. Marshal Bicknell was the first to respond to a fatal motor vehicle accident on Highway 50 and assisted with traffic control. Marshal Bicknell spent Christmas Eve on scene of a homicide investigation being conducted by the Major Crime Team. The investigation is open, and Merrill Police Department will continue to assist the detectives. Two thefts were reported in the City of Merrill. One was propane tanks stolen from The Dollar General, and the other was two chainsaws stolen from the back of a vehicle. There are no current suspects or leads. There were four domestic disturbances in the last month. One of the disturbances resulted in obtaining assistance for the entire family and involving a couple social agencies. Discussion of video surveillance ensued.
- **Public Works:**
  - Public Works Director Matthews submitted report and read. The list included water sewer samples, DOC, which are volatile organic contaminants (every three years), water usage report for State of Oregon (year-end), cleaned gutters, changed oil, ground water production course, DMR, pink tags, multiple locators, cleaned restrooms, flushed hydrants, sewer plugs, scraped, the lagoon, installed lighting (City Hall), built shelving, trouble with Christmas decorations. Discussion ensued detailing the difficulties hanging banners and Christmas decorations. Councilor Smith suggested agenda items for February 11, 2020 City Council Meeting. Received delivery of new sewer pump, water shut-offs, concrete poured for booster pumps and water tank. The tank is to be delivered January 15, 2020. Fuel pump and filter were installed in the Public Works Director's truck. Public Works has been plowing snow. Public Work Director Matthews stated the intent of hiring Utility Worker III for the 2020-2021 fiscal year. Councilor Smith stated a new employee must have adjustable hours to prevent comp time from accumulating including weekend chores. Councilor Johnson inquired to the sewer drain on Front Street in front of Martin's Food Center. Public Works Director Matthews stated the drain may be plugged and will address the issue.
- **City Recorder:**
  - City Recorder Hernandez reported on year-end tax completion. Northwest Retirement year-end documentation has been submitted. Retirement payments must be mailed within seven days after payroll. Checks will be available to sign at time of payroll. City Recorder Hernandez reported on the continuation of record maintenance, updating the employee handbook with 2020 policies, and working on the Daughter of American Revolution (DAR) Marker Grant. The audit was released on January 14, 2020. The audit has been submitted to Oregon Secretary of State and the filing checks have been signed. The City of Merrill purchased an extension to the software program to fix the check reconciliation; however, the solution did not fix the problem. The City purchased an entirely new software program July 2019; therefore, the problem has been resolved. The other is a longstanding request that Romig & Associates, PC prepare the financial statements, including notes due to necessary education and training of personnel. The solution would not be cost effective to the City of Merrill.
  - Discuss Merrill Commercial Revenue and Expenditures for 2020-2021 Budget: City Recorder Hernandez sought City Council input for the Merrill Commercial Revenue and Expenditures for the 2020-2021 Budget to avoid a Supplemental Budget if the property sold. The consensus of City Council was to create a new fund.
- **Lawyer:**
  - Mayor Carlson sought advice on the Gallagher case.

- Approval for Alternate City Attorney: City Attorney Jennifer Schade is a small entity. There has been a lack of responsiveness. Mayor Carlson sought the opinion of an alternate City Attorney for such instances. Councilor Smith stated the City of Merrill should not retain two City Attorney's. Councilor Hinton stated the City of Merrill should retain a new City Attorney. Mayor Carlson agendized reasonable expectations for City Attorney Jennifer Schade for February 11, 2020 in regards to responsiveness.
- **Code Enforcement:**
  - Marshal Bicknell sought permission from City Council to cite an individual, first line in the Code Enforcement report, \$1,000.00 by January 25, 2020 if compliance has not been reached. No objection to the fine followed. A first notice was sent to a resident regarding a vandalized Escalade.
  - Samantha Gallagher Case #19026: Councilor Hinton stated Case #19026 was issued a first notice. A 30 day extension was granted. The owners were to be in attendance after meeting with an attorney. December 12, 2019 City Council Meeting was the second notice; therefore, a certified third notice should be issued. Councilor Smith stated the owners remarked Marshal Bicknell had previously told the owners "not to worry about the hedges". Marshal Bicknell responded with a negative. Marshal Bicknell stated the owners were told to trim the hedges while issuing a speeding citation. An explosive conversation ensued. Mayor Carlson stated no skepticism as the code is black and white. City Council consensus was to proceed with the third, certified notice.
- **Planning:**
  - Hickey Organics Land Use Compatibility Statement: The building on the south end, the old fertilizer shed, is intended to be demolished and rebuilt for storage. Councilor Smith stated the building is huge, 15 foot by 39 foot. Councilor Carleton stated the structure will probably be the length of the building. Councilor Smith stated residents have inquired if the intent of the storage is to store more hemp. Councilor Carleton stated a negative. Councilor Smith inquired, since the storage shed is within City limits, to the noxious odor ordinance. Marshal Bicknell stated the ordinance is specifically for marijuana; however, the City of Merrill has always had an obnoxious smell ordinance. Councilor Smith stated residents have inquired to why the City of Merrill allows the drying, burning, and obnoxious odor within City limits. Councilor Carleton inquired to why the residents with concerns have not brought the concerns before City Council. Councilor Smith stated the residents "did not know", do not want to be lectured, and fear reprisal. Residents were unaware Hickey Organics were within City limits. Marshal Bicknell stated hemp was a new process without a timeframe. Marshal Bicknell stated multiple complaints in regards to odor. Councilor Hinton stated the issue is comparable to Merrill Grain and Feed odor problem. The City of Merrill required the business to raise the stack to eliminate the odor problem. Councilor Hinton stated there is a problem and the City of Merrill needs to address the issue. The odor is a nuisance. Councilor Smith stated residents believe the odor issue will double with the new storage. The residents were under the impression Hickey Organics was outside City limits and exempt from City regulations because hemp is an agriculture product. Councilor Carleton state the difference between Hickey Organics and Merrill Grain and Feed was the establishment years prior to the obnoxious odor ordinance, whereas Hickey Organics hemp is in the early stages of production. The action item is for the City of Merrill to contact Hickey Organics to present the project and include mitigation of smell. Compatibility statement tabled.
  - Hickey Organics Building Application: Tabled.

**PROJECT MERRILL:**

- Request for Beautification Matching Grant Funds: Mayor Carlson read the submitted letter for the record: "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."

Mayor Carlson stated Project Merrill is requesting \$3000.00 from the Solar Fund. Councilor Smith stated disagreement. The money needs to come from the interest. Councilor Smith inquired to proof of financial expenditures from Project Merrill. Councilor Smith desires proof of itemizations and receipts for expenditures for 2019. Councilor Carleton stated an accounting for expenditures. Mayor Carlson stated communicating the requirements for funding. Councilor Carleton stated the funding is to be granted from the interest from the Solar Plant Fund instead of the PILT Revenue. City Recorder Hernandez stated the request was from the Oregon Community Foundation Fund.

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

- Public Works Director Matthews praised the efforts of Project Merrill; however, the City of Merrill hangs the baskets, water the baskets, removes the baskets, as well as the holiday baskets. The City of Merrill is instrumental in regards to the baskets. Councilor Johnson inquired to the costs of the baskets. Public Works Director Matthews stated the baskets are owned, but Beverly Moore plants and grows the flowers in the baskets. Councilor Carleton sought clarification on the labor efforts of City of Merrill. Public Works Director Matthews reiterated the automatic water system purchased and installed by City of Merrill, the hanging of the baskets, and the removal of the baskets.
- Bands are continuing to call to participate in The Lost River Bluegrass Festival. One band offered to perform for free. The Lost River Bluegrass Festival received a \$1000.00 anonymous donation with a note stating support and impact of the festival. The Lost River Bluegrass Festival received a \$1000.00 donation from Dr. Glen Galias. Positive comments about the community and festival from attendees were mentioned.
- Merrill Historical Society met with Carol Mattas from Klamath Historical Society and Scharri Brennan from Daughters of the American Revolution for a grant opportunity involving a marker for Nathan Merrill. Both entities will write a letter of support. Eric Brorby will design and price the marker. Merrill Cemetery and Mayor of City of Merrill intend to write letters of support. Merrill Historical Society will mentor Bianca Aguirre, a junior from Lost River High School, for her Senior Project. The project will be install a video/audio section in the museum and other duties. The Merrill Historical Society will have grand opening as part of Bianca Aguirre's project. Positive comments are continuing from "Night at the Cemetery".
- Lost River Arts and Cultural Alliance donated 200 lbs. of dog food and 2 cases of cat food to the Klamath Animal Shelter.

#### **NEW BUSINESS:**

- Signage for Merrill Baptist Church: *refer to public comment.*

#### **OLD BUSINESS:**

- Discuss FEMA Flood Study: Mayor Carlson made contact with Kraig Beasley and Mark Miller seeking to develop an operating procedure with Tulelake Irrigation District. The majority of the footprint of the flood zone has been eliminated. Two items to further lower the flood zone and remove the Stewart plan completely out of the flood zone, take into account the existing cross section, which does not model by the federal government about a 6 foot depth. Secondly, an agreement with Tulelake Irrigation District to develop an operating procedure to open Tulelake's slueth gates into the drains in the event of a formidable storm. Federal hearings will begin February or March.

#### **ORDINANCES:**

- Bill 2025 Ordinance Amending Chapter 90.23 Subsection C Noxious Vegetation: Second Reading: The ordinance adds language to clarify residents' responsibility that maintenance does not end at the property line. Responsibility carries over to the City right-of-way. Mayor Carlson read the amendment into record for the second time.

"(C) *Noxious Vegetation.* No owner or person in charge of property shall permit weeds or other noxious vegetation to grow upon his or her property. It shall be the duty of an owner or person in charge of the property to cut down or to destroy grass, shrubbery, brush, bushes, weeds, or other noxious vegetation as often as needed to prevent them from becoming unsightly, from becoming a fire hazard, or in case of weeds or other noxious vegetation, from maturing or from going to seed. Vegetation in any parking strip or other public place. Or may require any property owner to trim, prune, or remove any trees, shrubs, plants, or vegetation in a parking strip abutting upon the owner's property.



Councilor Hinton made a motion to approve Ordinance 2025. Councilor Johnson 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.

**RESOLUTIONS:**

**FUTURE AGENDAS:**

- Discuss Employee Compensations
- Discuss Washington Street Improvements

**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 comment followed.

**ADJOURN MEETING:**

Councilor Hinton made a motion to adjourn the January 14, 2020 Meeting. Councilor Johnson 2<sup>nd</sup> the motion. With all in favor, the meeting adjourned at 6:51 p.m.

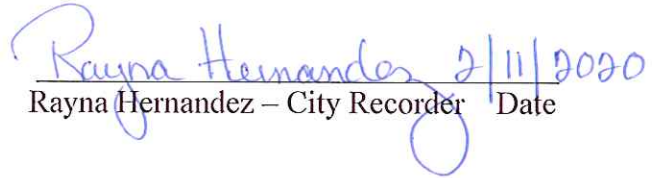
Respectfully Submitted,



Bill Carlson - Mayor

11 Feb 2020

Date



Rayna Hernandez - City Recorder

Date