

CITY OF MERRILL
REGULAR BUSINESS MEETING
Wednesday, July 12, 2023 5:30 P.M.

MEETING CALLED TO ORDER:

Mayor Pro Tem Johnson called the Wednesday, July 12, 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 (absent), Councilor Baley, Councilor McCollam, and City Recorder Hernandez.

FLAG SALUTE:

The **Flag Salute** immediately followed with Mayor Pro Tem Johnson requesting Councilor McCollam 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 June 7, 2023 City Council Special Meeting Minutes
Approve June 14, 2023 City Council Meeting Minutes
Councilor McCollam made a motion to approve the entire consent agenda. Councilor Baley 2nd the motion.
The motion passed 3-0 in favor.
- **Phone Poll:**
- **Business License Renewals:**
- **Business Licenses:**
Veros Taco's LLC dba Jalapeno's
Refer to meeting minutes for motion.
- **Accounts Payable:**
June 2023 Account Payables: *Refer to meeting minutes for motion.*
June 2023 Water Transfer: *Refer to meeting minutes for motion.*

STAFF REPORTS:

- **Police:** Report: Police Commissioner McCollam stated Malin Police Department serviced the City of Merrill 71 hours for June 2023. Conversations were held regarding the possibility of merging Malin Police Department and Merrill Police Department. A proposal was submitted to the City of Merrill to be discussed August 2023. City of Malin Mayor Hughto invited City Council to a meeting on Tuesday, July 18, 2023 at 10:00 a.m. with City Insurance Services (CIS).
- **Public Works:**
 - Public Works Director Matthews submitted report and read into the record: Checked lifts; well level is 82 foot with pump running; completed and submitted Discharge Monitoring Report; hung pink tags; performed multiple locates; Morello Construction completed all projects; Morello

Construction installed 2" valve on east-side of City Hall Park for irrigation; met with Business Oregon regarding ARPA funds; filling ditch on Willow Street; Utility Worker Taylor secured and moved playground equipment from Merrill HeadStart Utility Worker Taylor pushing dirt at lagoon, which is from Trotman property and Granite construction sites; trimmed trees; allowed outside dumping; cleaned restrooms; fixed three sewer plugs; wrote article for newsletter; sprayed weeds; replaced hydraulic hose on case tractor; fixed track on Bobcat; O'Connor irrigated from lagoon; met with Oregon Department of Transportation; set-up for Lost River Bluegrass Festival. Public Works Matthews stated that Morello Construction submitted a Change Proposal in the amount of \$10,200.00 for Bid Item #8 and 8a Asphalt Concrete Patching. Councilor McCollam made a motion to approve the Change Proposal (City Council signed final disbursement check with Change Proposal included). Councilor Baley 2nd the

- **City Recorder:**

- City Recorder Hernandez reported: Mailed budget packet and LB 50 to Klamath County Assessors; mailed budget packet to Klamath County Clerk; completed City Annual Verification; 2023-2024 budget set-up and payroll; 2022-2023 general journal year-end; Central Square Software set-up; met with Klamath County Sheriff Officers; submitted WC Audit and payroll; submitted property and liability/breakdown; met with Dirk DeGroot (retirement); resolutions; completed Request for Coverage and updated payroll; and other daily administrative duties.

- **Lawyer:**

- Report: No report.

- **Code Enforcement:**

- Report: Code Fire Chief Heim informed Code Enforcement Officer Perry the transition to High Danger Alert. Code Enforcement Officer Perry volunteered at the Lost River Bluegrass Festival. Swisher Road has been patrolled for the past two weeks and are encouraged with Code Enforcement presence. Code Enforcement Officer Perry has been working in conjunction with Malin Police Department. A conversation was held with a resident regarding weed abatement and has been resolved. An abatement was mailed to the railroad due to overgrown vegetation. Code Enforcement Officer Perry has sent out 7 notices and resent 0 notices. Mayor Pro Tem Johnson inquired about ordinances to resolve dead or dying trees. Code Enforcement Officer Perry affirmed.

- **Planning:**

- Report: Report was submitted and reviewed by City Council. Mayor Pro Tem Johnson requested City Council review the report and make a motion on files 12-2023, 13-2023, and 14-2023. Files 09-2023 and 06-2023 are for City Council review with no further action needed.
- Review of Land Partition General Review Application File #12-2023: Tax Lot #4110-012BB-02700, presently zoned residential, is proposed to Land Partition the single parcel. The current property consists of +/-0.66 acres and is classified as residential waterfront vacant. The applicant has proposed to divide Tax Lot #4110-012BB-02700. There is no development planned. The purpose of the division is for the two owners to hold 100% ownership versus 50%. No comments were submitted during the two-week comment period. The Land Partition was approved to move onto City Council. The Final Decision shall become effective Tuesday, July 25, 2023, contingent upon no comments brought forward and/or opposition before the appeal period ending date, July 24, 2023, no later than 4:00 p.m. Councilor McCollam made a motion to approve Review of Land Partition General Review Application File #12-2023. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Fence Application Tax Lot #4110-011AB-01100: File number 13-2023 is temporary fencing installed to corral goats for vegetation control. The fence shall be located approximately 10 +/- feet from the property line on the south side along the riverbank. Tru-Line markers are in place. The property is allotted up to five goats per 10,000 square feet per City Code 2.2.400 Residential District-Special Use Standards. Councilor McCollam made a motion to approve file number 13-

2023 Residential Fence Application. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.

- Land Use Compatibility Statement Tax Lot #4110-002DD-05000: File 14-2023 is constructing an ADA addition on the northside of residence. The garage shall be demolished and replaced with a 24 by 28-foot garage. Councilor McCollam made a motion to approve file number 14-2023. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Final Planning Commission Decision on Building Application Tax Lot #4110-011AB-01000: File 09-2023 was directed back to the Planning Commission whom shall authorize the final determination to avoid conflict of interest or impropriety. The Planning Commission approved Building Application Tax Lot #4110-011AB-01000 with the following conditions:
 - 1) The concrete slab on the east side of the building must be cut back 10 feet from the property line prior to final inspection.
 - 2) The two non-permanent structures placed on either side of the concrete slab on the east side of the building are not in accordance with State and County Code, which require 3 feet between walls, or 2 feet of projection (roof overhang) for residential buildings, or a fire-rated fire wall between buildings. Non-permanent structures against a building require fire-rated firewall(s) in place or structures moved to meet setbacks.
- Final Planning Commission Decision on Building Application Tax Lot #4110-001CC-00800. File number 06-2023 was approved with conditions on May 10, 2023. The new accessory building must adhere to all City of Merrill and Klamath County Building Codes and Regulations. All Klamath County permits must be submitted to the City of Merrill's Recorder's Office within 60 days following the approval date of May 10, 2023. Failure to comply shall result in violation of City Code. On June 29, 2023, County Inspector Saylor denied final inspection due to garage setback from residence as depicted in site plan. On July 10, 2023, the determination was that the setbacks met State and County requirements. With assistance for County Inspector Saylor, an amended site plan was resubmitted and approved.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

Public Works Director Matthews reported on the success of the annual Lost River Bluegrass Festival. The camping sold out three separate times. Campers were directed to overflow at the City of Merrill City Hall Park. Public Works Director Matthews thanked the volunteers. The festival is a destination point. Public Works Director Matthews reported on a Carl Barks fanatic who visited the Merrill Historical and Modoc War Museum.

NEW BUSINESS:

- Discuss 4-H Animals Located at 435 Polk Street: Tabled.
- Police Proposal: Tabled.
- Project No:SR2303-Merrill ARPA Project Amendment to Engineering: The City of Merrill requests an amendment to the agreement for Project #SR2303 to additional engineering costs. The engineering costs will be increase by \$10,000.00 fir a total engineering budget of \$40,000.00. Mayor Pro Tem Johnson was authorized to sign the documents for approval.
- City Council Invitation to Lost River Community Center Ground-Breaking Ceremony: The City Council has been invited to the Lost River Community Center Ground Breaking Ceremony on July 17, 2023 at 6:00 p.m.

OLD BUSINESS:

- Letters of Interest for Mayoral Vacancy/Appointment: No submittals.
- Discuss Flag Cost Estimates: Tabled.

ORDINANCES:

- 2060 Cal-Ore Communications Franchise: Ordinance 2060 Cal-Ore Communications Franchise was mailed to each resident for public comment. Ordinance 2060 Cal-Ore Communications was read into the record by title and reviewed by City Council. No corrections were suggested. Councilor McCollam made a motion to approve the first reading. Councilor Baley 2nd the motion. The first reading was approved 3-0 in favor to be moved forward for a second reading.

RESOLUTIONS:

- Resolution 2023-922 Transfer Funds to Comply with Budget Law Requirements: City Recorder read Resolution 2023-922 Transfer Funds to Comply with Budget Law Requirements into the record. Councilor McCollam made a motion to approve Resolution 2023-922 Transfer Funds to Comply with Budget Law Requirements. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Resolution 2023-923 Declaring Support and Defense of the U.S. Constitution: City Recorder Hernandez prefaced that Resolution 2023-923 is open to amendments. City Recorder Hernandez read Resolution 2023-923 Declaring Support and Defense of the U.S. Constitution into the record. Councilor McCollam made a motion to approve Resolution 2023-923 Declaring Support and Defense of the U.S. Constitution. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Resolution 2023-924 Declaring Support for Parental Rights: City Recorder Hernandez prefaced that Resolution 2023-924 is open to amendments. City Recorder Hernandez read Resolution 2023-924 Declaring Support for Parental Rights into the record. Councilor McCollam made a motion to approve Resolution 2023-924 Declaring Support for Parental Rights. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.

OTHER-FUTURE AGENDAS:

- Discuss City Hall Rental Violation Penalties
- Discuss Purchasing Air Conditioning

PUBLIC COMMENT:

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Public Works Director Matthews has communicated with Klamath County Public Works Director Morris to contract on the upcoming Small City Allotment Grant in the amount of \$150,000.00 for chip sealing if approved.

No further public comment followed.

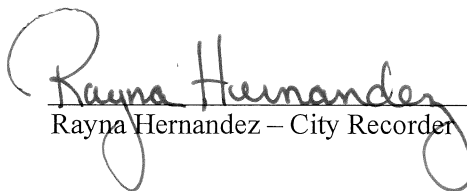
ADJOURN MEETING:

Councilor McCollam made a motion to adjourn the July 12, 2023 Meeting. Councilor Baley 2nd the motion. With all in favor, the meeting adjourned at 6:41 p.m.

Respectfully Submitted,


Joanne Johnson – Mayor Pro Tem

8/9/23
Date


Rayna Hernandez – City Recorder

8.9.2023
Date

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