

CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday July 13, 2021 6:00 P.M.

MEETING CALLED TO ORDER:

Mayor Carlson called the Tuesday, July 13, 2021 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 Picke (telephone), Councilor Carleton, Councilor Baley*, Councilor McCollam, Mayor Carlson, and City Recorder Hernandez.

**Councilor Baley exited City Council Chambers at 6:00 p.m. and returned at 6:01 p.m.*

FLAG SALUTE:

The Flag Salute immediately followed with Mayor Carlson requesting Councilor McCollam to take the 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.

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.

No public comment followed.

CONSENT AGENDA:

- **Meeting Minutes:**
June 8, 2021 Council Meeting Minutes: Councilor Carleton made a motion to approve the June 8, 2021 Meeting Minutes and entire consent agenda. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- **Phone Poll:**
- Prohibit fireworks within City Limits until extreme risk of fire danger expires (Councilor McCollam-Text; Councilor Picke-Text; Councilor Carleton-Text; Councilor Baley-Text) Approved 4-0 in favor. (*Councilor Carleton rescinded vote. Verbal Nay.*) Approved 3-1 in favor.
Councilor Carleton stated problems with the consent agenda. The phone poll for the fireworks. Councilor Carleton stated for the record that Councilor Carleton's first response was not to be interpreted as in favor. The vote should have been 3-1 in favor.*
Mayor Carlson stated the issue was an emergency and made the interpretation.
Councilor Carleton stated votes should be I approve or disapprove to avoid ambiguity.
**Recorder's note: All ambiguous texts are followed with verbal communications for clarification.*
- OLCC Bluegrass Festival Application-Mia and Pia Pizzeria (Councilor McCollam-Text; Councilor Picke-Text; Councilor Baley-Verbal) Approved 3-0 in favor.
- Resolution 2021-851: Transfers to Comply with Budget Law Requirements-City Hall Rental \$75.00, City Hall Rental \$75.00, Reimburse General Fund Payroll Taxes \$587.04; Reimburse Street Fund Payroll Taxes \$849.91 (Councilor Picke-Text; Councilor McCollam Verbal; Councilor Baley-Verbal) Approved 3-0 in favor.
Refer to meeting minutes for motion.
- **Business License Renewals:**
- **Business Licenses:**
- **Accounts Payable:**

June 2021 Account Payables: *Refer to meeting minutes for motion.*

June 2021 Water Transfer: *Refer to meeting minutes for motion.*

STAFF REPORTS:

- **Police:**
 - Officer Srch reported for the calendar month: 45 calls for service; 5 vehicle stops; 4 citations; 4 outside assists; 2 crimes reported (one resolved and one open); and continuing the DUII Overtime Grant coverage.
Councilor Baley inquired whether any issues arose during the Lost River Bluegrass Festival. Officer Srch responded negative. Officer Srch thanked Teresa Perry for Civilian Security coverage during the festival.
 - Phone Poll Ratification: Fines (\$500.00) for Noise Complaint Violations (Councilor Carleton-Verbal; Councilor Pickc-Email; Councilor McCollam Text; Councilor Baley-Verbal) Approved 4-0 in favor. *Refer to meeting minutes for motion.*
 - Discuss Noise Complaint Poll-*The Merrill Doings*: Four responses were submitted to the Recorder's Office and all were in favor of stricter noise enforcement.
- **Public Works:**
 - Public Works Director Matthews submitted report and read: Checked lifts; took water and sewer samples; well level is 85 foot with pump running; completed and mailed DMR; hung pink tags and performed shutoffs; performed multiple locates; read meters; annual dumping revenue was \$62,000.00; Utility Worker Taylor and Utility Worker Roman Vazquez fixes a water leak for an elderly resident; cleaned restrooms; cleaned shop; fixed two sewer plugs; increased set point volume on water tank; installed siding on City Hall; Utility Worker Roman Vazquez has been mowing a spraying weeds; Lost River Bluegrass Festival set-up and managed. The Chip Seal Project for 3rd Street was awarded for \$92,000.00.
- **City Recorder:**
 - City Recorder Hernandez submitted report and read: 19/20 FY Audit is completed and will be submitted to the state July 14, 2021. City Recorder sought a signature for a \$1,000.00 Department of Land Conservation and Development (DLCD) Grant for Planning or authorization to sign on the behalf of the City. City Council deferred to Chairman Trotman of the Planning Commission. City Recorder Hernandez continued with report: Submitted FY 22 Annual Certification for Revenue Sharing; Mailed Budget Packet to Klamath County Clerk; Submitted Tax Certification to Klamath County Assessor (LB 50); Annual Form 5500 (401(k) Plan) Electronically Filed to IRS; WC Payroll Estimates and WC SAIF Application; Excess Crime Coverage Application Renewal; CIS Annual Open Enrollment-Health Insurance; Requested Hunter Communications Franchise Tax Reporting with No Response; Public Records Request; Attempted to Contact Austin Auburn (Solar Company) with No Response; Submitted Badge Data; Bid for Third Street Chip Seal Project; Records Retention and Back Office Organization. City Recorder Hernandez thanked Umpqua Bank for file cabinet donation and to Utility Worker Taylor and Utility Worker Roman Vazquez for delivering and arranging the filing cabinets.
- **Lawyer:**
 - Report: Not requested to attend.
- **Code Enforcement:**
 - Report: Officer Srch referred to City Clerk Northcutt. The storage container at 215 Willow Street was given an extension until July 13, 2021. A 14 day abatement was mailed July 13, 2021 for non-compliance. Officer Srch stated a 90% plus compliance on Code Enforcement.
 - Phone Poll Ratification: Fines (\$500.00) for Noise Complaint Violations (Councilor Carleton-Verbal; Councilor Pickc-Email; Councilor McCollam-Text; Councilor Baley-Verbal) Approved 4-0 in favor.

Councilor Carleton inquired whether there have been any further noise complaints from the fined individual.

Officer Srch responded negative.

- Discuss Noise Complaint Poll-*The Merrill Doings*: There were four responses from the poll. All were in favor of stricter noise enforcement.

- **Planning:**

Mayor Carlson recused self due to conflict of interest. Pro tem Mayor Carleton presided. Pro tem Mayor Carleton recused self due to conflict of interest. Chairman Trotman of the Planning Commission presented Planning Report and Reviewed Applications.

- Report: Chairman Trotman reported on the Residents from Swisher Road approached planning for water and sewer installation. A Land Use Compatibility Statement was given to a resident who intends to purchase property at 505 Front Street, which is zoned commercial. Discussions for code revision and grants have ensued. Partition will be defined as 3 or less lots and 4 or more lots will be defined as a subdivision. The partition for Fourth Street was approved. A committee is participating in Work Session to review the Development Code.

- Merrill Commercial Breach of Contract Complaint:

Developer Bill Carlson: "I do have a statement. Good news that Stukel Mountain is now in the position to close early on the balance of the property and proceed with project hotel.

Unfortunately, a trust issue has developed and I need to go on record to give notice of Breach of Contract, Tortious Interference in Business, and Due Process Violations in actions that have resulted in loss of revenue. As we fast forward, first, the individuals involved, their actions.

Second, the City Council intervene. Third, the project defend its interests. I requested a respectful request last month to have the City Attorney review the situation to advise the City Council in the best way to recover from the situation. If the City Attorney is unavailable, an alternate legal resource would be CIS Pre-loss consultant. Thank you."

Mayor Carlson presided and inquired whether there was anything more for planning.

Councilor Carleton inquired whether a copy available for all City Councilors. Mayor Carlson stated a copy will be delivered to the Recorder's Office.

Mayor Pro Tem Carleton: "What exactly is the Breach of Contract?"

Developer Bill Carlson: "I am not prepared to talk about that in this (*inaudible*)."

Mayor Pro Tem Carleton: "Alright. Let me go back. You are saying the City is stopping you from building. Is that correct?"

Developer Bill Carlson: "I...I understand that somebody called the Building Department after the project was approved and complicated the Building Permit Application process."

Mayor Pro Tem Carleton: "Okay. If I recall correctly, the Land Use Compatibility Study that you had, was approved by the City. Was that not correct?"

Developer Bill Carlson: "I am not going to respond to that tonight. It is not agendized. I would like to talk about..."

Mayor Pro Tem Carleton: "Well, you got it here. It is under your complaint."

Developer Bill Carlson: "I am not prepared to discuss that tonight. I would like to do it with the City Attorney."

Mayor Pro Tem Carleton: "Did the County reject that Land Use Compatibility Study?"

Developer Bill Carlson: "No comment. My understanding is a call was made to the planning by somebody at the City. I do not know who that is."

Mayor Pro Tem Carleton: "The County rejected it right because you filled it in for ODOT? Is that correct?"

Developer Bill Carlson: "That's not correct."

Mayor Pro Tem Carleton: "That isn't?"

Developer Bill Carlson: "I'm...Dick, we need to speak about this with the attorney."

Mayor Pro Tem Carleton: "The City Attorney is not going to represent you and the City."

Developer Bill Carlson: "The City Attorney represents the City of Merrill."

Mayor Pro Tem Carleton: "Okay. Then we have been advised at this point, you need to get a third party to represent you, which would be an attorney because the attorney is not going to represent you and us both."

Developer Bill Carlson: "No comment."

Mayor Pro Tem Carleton: "That's how it is. That's how it is going to be. If you want to pursue it, the third party attorney, and personally, I am uncomfortable with our attorney handling this because I do not think our attorney understands Land Use Laws. And I think there are other routes we can go. We ran into this problem with the... when the solar plant went in. We had an attorney that didn't understand Land Use Laws and wasn't interested in looking into it. One option that understands Land Use Law's, would be Darryl Anderson. Understands the procedures and so forth. The other option is to get an attorney that does understand Land Use Laws. Any comments?"

Councilor McCollam and Councilor Baley were in favor of obtaining a specialize attorney.

Public Works Director Matthews: "May I make a comment?"

Mayor Pro Tem Carleton: "Sure."

Public Works Director Matthews: "First, this is off the subject, but I am uncomfortable with the mayor can sit there and say, 'I want talk to our City Attorney and meet with them' from his position. I mean I know he is sitting off the board right now, but anybody else coming in is not going to come up here and say, 'I want to meet with the City Council'."

Developer Bill Carlson: "Absolutely incorrect."

Public Works Director Matthews: "I am not done. The City Council Attorney, and so I am not real comfortable with the mayor being able to call a meeting..."

Mayor Pro Tem Carleton: "Well, Greg, that's not going to happen."

Public Works Director Matthews: "Well, whether it's going to happen or not, he's callin' for it. So, I am not real comfortable with that."

Developer Bill Carlson: "For the record, I am calling for that in accordance with the In Person Complaint Process as (*inaudible*) by City Policy."

Mayor Pro Tem Carleton: "Well."

Developer Bill Carlson: "And I would also volunteer to...if you are not comfortable with the City Attorney, CIS has a bank of attorney's, many Land Use Specialists. That would be fine as well."

Mayor Pro Tem Carleton: "We will see what we can do about...what is your guy's feelings on this? What do you want to do?"

Councilor McCollam: "You know that Anderson pretty well?"

Mayor Pro Tem Carleton: "Yeah. He has been our engineer for a long time. Uh, I do not know whether he, in this case, be more appropriate than an actual attorney that understands Land Use Laws. In this case, that is what we need."

Councilor McCollam: "You know of anyone?"

Mayor Pro Tem Carleton: "I do not know an attorney off hand. No."

Developer Bill Carlson: "I would like to make one more comment. I would like to advise Mr. Carleton to recuse himself because he is one of the individuals involved and could have some liability."

Mayor Pro Tem Carleton: "I am?"

Developer Bill Carlson: "You signed the letter."

Mayor Pro Tem Carleton: "I signed the letter? Which letter?"

Developer Bill Carlson: "The one denying the City Attorney's viewing of this, and I, uh, have no further comment tonight."

Public Works Director Matthews: "I do. Uh, I am uncomfortable, and have been uncomfortable for six months now, that, uh, we have a mayor that is, for at least by perception, uh, using his office to advance his agenda. Uh, and I do not care if he is sitting over here, I do not care where you are sitting at. Uh, for you to be doing business like that, I am uncomfortable for what has gone on from here, and I am uncomfortable from here on out with the rest of that property. Uh, I am very uncomfortable in a way that I am not going to put myself in a position where I am going to get in trouble. So, as far as me cooperating with whatever you are doing is slim to none because I think it is way out of line for the mayor to be able to call this...these meetings, to be able to approach our office in there, with our office staff in there, to be able to approach public works here with even your ideas. I think it smells of...what do you call it? Of, uh, well..."

Mayor Pro Tem Carleton: "Ethics."

Public Works Director Matthews: "No not ethics. What do you call it?"

Mayor Pro Tem Carleton: "Conflict of interest."

Public Works Director Matthews: "Whatever it is. It just puts everybody in an uncomfortable position, and not only do I think that it's probably not legal for you to do it. I think ethically, I think it's not the right thing to do, and I would propose that if you're going to advance all the rest of the land over there, that you would at least give us the opportunity to have you step down until all this is done that you can come back four years later and run again."

Mayor Pro Tem Carleton: "Dawn, you are involved in this too. Do you have any comments on it?"

Planning Chairman Trotman: "It's hard to comment when I don't know. There are no specifics."

Mayor Pro Tem Carleton: "Yeah."

Planning Chairman Trotman: "I know as a Planning, when this was...the Land Use was proposed to us, two or three years ago, he came and we were told, that's when he switch some back from commercial to residential with the correct permitting. And then the over the past year, it's been a water/sewer issue that Planning has requested that water and sewer be at the property prior to building and that's we I thought it was."

Developer Bill Carlson: "I want to secure my voice, and that is I understand that perception of conflict of interest, but the City should have said no to the sale prior to cashing the check and then denying the permit, which I would say is a conflict of interest itself as well. And I will recuse myself. I would like to request a (*sic*) either yes or no by August 1, which will determine which direction to be taken."

Mayor Pro Tem Carleton: "On the request? A yes or no on what?"

Developer Bill Carlson: "On either the CIS Insurance or our City Attorney."

Public Works Director Matthews: "If I may pile on the conflict of interest, a man was denied putting any storage units down on the north end of that because they were storage units. And then, perception wise, our mayor comes up and wants to put storage units there. Without water or sewer there. Perception. It may not be illegal and it may not be unethical, but perception wise, it looks to me like it smells."

Developer Bill Carlson: "One more account. The reason we put storage units is because it is what will help to get the water and sewer there. Water and sewer can go there once we have the easement. I have been talking to you unsuccessfully (33:09). The City can get an easement. I can't. Once the City gets an easement, I will (*inaudible*) the water and sewer next day."

Public Works Director Matthews: "Again you are talking about the City doing the mayor's work for him."

Developer Bill Carlson: "Again, the answer is that there's no sewer, there can be no (*inaudible*) structures. That is the logic behind that."

Public Works Director Matthews: "We have already done the easement through there for the mayor's benefit. Not for the mayor's benefit, but for our benefit, but it benefits the mayor. Now he is asking us to get an easement through there so he can benefit from the sewer. What is the perception of that to everybody out here?"

Mayor Pro Tem Carleton: "Just out of curiosity, and this is neither...doesn't need to be adversarial or nothing, but you talked to the Bigoni's about an easement?"

Developer Bill Carlson: "I have. I attempted to purchase some property, to purchase the easement, but she doesn't seem to be..."

Mayor Pro Tem Carleton: "Did she give you a reason?"

Developer Bill Carlson: "She did not. I would prefer not to speak about that tonight. I would be happy to speak about that at a workshop. I would be happy to speak about that with CIS."

Planning Chairman Dawn Trotman: "I think we need to go back and review the minutes of the meetings where, Bill, you had asked and I believe that we said as soon as you said, 'As soon as I get water and sewer there, I can proceed?' and we both said, 'Yes'. It is...you are calling it an unmanned structure, but what we are talking about is, and we have had this discussion before, is that it is storage units that people are going to rent, and people are going to move in and out of, and need clean up availability of water and sewer. This is a Phased Development. And also in that property have a strip mall. So, this is where I'm getting confused because we need to review the minutes because I'm sure the...you said to us, 'So then you agree when I get water and sewer there, I can proceed'."

Developer Bill Carlson: "If the City Council would like me to go further, I would be happy speak to that. Otherwise, I will be quiet, but the project went through seven approval processes. All seven were unanimously approved. After those seven unanimous approvals, I came forward with a

proposal, the City cashed the check, now the City wants additional conditions after the fact, which were not in the deal. That's a Breach of Contract."

Mayor Pro Tem Carleton: "Let's go back to this then. You said the City has done everything to approve it so far right? Then why isn't it being built?"

Developer Bill Carlson: "Because somebody at the City Hall called somebody at the County and said don't issue the permit, and that's what they told the County. So we can investigate who said what to whom. I'd rather not do that. I would rather just get this project going, and that's why I gave you three options. One is what's been done is done. Two is the City Attorney. Three is I can take it from there, and I really don't want to take it from my perspective."

Public Works Director Matthews: "Well, I would like to comment on one other thing that really concerns me, mayor. There was a Land Use Compatibility that was signed by me, and you altered that document."

Developer Bill Carlson: "I did not."

Public Works Director Matthews: "After I signed the dog-gone thing, you went and filled out the ODOT thing. Don't tell me you didn't. After it was signed by me! Wouldn't it have smart to come to me and say, 'Greg, this is what I am going to do after you have signed it?'"

Developer Bill Carlson: "I am not going to address that. That's immaterial."

Public Works Director Matthews: "Well, I am addressing it. I've signed the permit, so who else was on there and everything. It was a done deal, and then all of a sudden we get it back and hold one to the other there, and he filled out the ODOT portion after it had been signed and approved."

Developer Bill Carlson: "I filled out the ODOT after I gave the application to ODOT. ODOT gave me verbal and permit specialty, verbal that it was not applicable, they had no jurisdiction, and that is what I put on the form."

Mayor Pro Tem Carleton: "Yeah. ODOT didn't really appreciate that either."

Public Works Director Matthews: "Well, that's what I am talking about. Everything about it is a conflict of interest."

Developer Bill Carlson: "I am done speaking. It needs to be CIS."

Mayor Pro Tem Carleton: "We will discuss it at some point."

Developer Bill Carlson: "My expectation is August 1st one way or the other and that is the way it has to go."

Mayor Pro Tem Carleton: "Nope. In order to do that, we have to have a Special Meeting unless you want to go further with it now."

Councilor McCollam: "I will be out of town until August 2nd starting tomorrow."

Mayor Pro Tem Carleton: "We need a quorum, which would be..."

Developer Bill Carlson: "The In Person Complaint Process is one City Council Member, City Legal Counsel, and the party making the complaint. I suggest maybe Mr. Baley could sit in on that conversation."

Mayor Pro Tem Carleton: "That's not going to happen Bill."

Developer Bill Carlson: "That is the City Policy on how to address it."

Mayor Pro Tem Carleton: "That's not going to happen."

Developer Bill Carlson: "Let the record reflect that that is not going to happen."

Mayor Pro Tem Carleton: "You need to acquire a third party representative to bring your case, and then we can go to the City Attorney. The City Attorney is not going to sit down with you and us and be used for your benefit."

Developer Bill Carlson: "It is the City benefit. Not your benefit and not my benefit. You're in this as well."

Mayor Pro Tem Carleton: "Fine. Have at 'er."

Developer Bill Carlson: "Let the record reflect that my request for In Person Complaint is denied for a second time."

Mayor Pro Tem Carleton: "It hasn't been denied yet."

Developer Bill Carlson: "Mr. Baley asked to consider..."

Mayor Pro Tem Carleton: "We are going to decide how to proceed. We will probably have to have a Special Meeting. Does anybody have anything further on this?"

Councilor Baley: "This is before I got on the City Council, but if that property over there changed from city (*sic*) to residential and the mayor had about everything to do with it, then that is

probably unethical. Maybe not illegal. I don't know. That's what I really don't know. To your own monetary benefit."

Public Works Director Matthews: "I don't mean to interrupt you there, Bill (*sic*). What's one more, I mean how it is presumed. That was all commercial. For the mayor's benefit, it was turned to residential. I agree it was done legally and everything else, but everything is being done legally doesn't make it..."

Developer Bill Carlson: "Just for the purpose of, not refuting, but gaining our perspective, what I proposed is going to generate, if it is successful, tremendous amount of revenue on an annual basis, as well as permanent basis, as well as job stasis from anything that was proposed before. The two proposals before mine were well under the appraised value. My offer was well above the appraised value and the City is not the worse for it."

Mayor Pro Tem Carleton: "Don't misunderstand, Bill. We all want to see it done. You know as well as I do that I have been encouraging you to have it done from the word go, but you can't keep changing everything in the middle of the stream."

Developer Bill Carlson: "The seven applications that were unanimously approved have not changed."

Mayor Pro Tem Carleton: "They are, and you ran up to County Office and got a Building Permit, if you got that, you would have been going. Your County refused it."

Developer Bill Carlson: "Somebody made a phone call."

Public Works Director Matthews: "One last statement. Now for having said that, for six months, I have helped you. Councilman Carleton got the easement in. Councilman Carleton got the blueprints of where the waterline was. I found the waterline for you, which is from here to that chair away from your property, and there's the water. Instead, of going up Fourth Street and around and about everything. For you to say that we have stopped you. All I can see is that the City of Merrill has helped you, and that is going to put our buttes in a bind."

Developer Bill Carlson: "And I said thank you for that help and I mean that."

Mayor Pro Tem Carleton: "This part of the meeting is done with."

- Horizon Power Applications: Councilor Baley made a motion to approve the Horizon Power Applications. Councilor McCollam 2nd the motion. The motion passed 3-0 in favor.
- Land Partition General Application Review: Mayor Carlson appointed Councilor McCollam to sign the General Review Application on behalf of City Council.
- Land Partition General Application Appeal(s) (If Applicable): No appeals were submitted for the Land Partition.
- General Review Application Revision: City Clerk Northcutt dictated the Type 1 A Review is supposed to be classified as a Lot Line Adjustment instead of a Partition with a fee of \$50.00. Land Partition is a Type 1 B Review, which the application now reflects and the fee was increased to \$250.00. The definition for Land Partition was changed to 3 or less parcels and Subdivision 4 or more parcels. The signature page was clarified and redesigned. Councilor McCollam made a motion to approve the General Review Application revisions. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Public Works Director Matthews highlighted the Nathan Merrill Unveiling. Betty Ganong was in attendance, whom is the last Merrill, and is 96 years old. Public Works Director Matthews thanked City Staff who help with the ceremony.

The Lost River Bluegrass Festival was a success. Public Works Director Matthews thanked all the volunteers, staff, bands, sponsors, and a special thank you to Teresa Perry. The Lost River Bluegrass Festival had a box for attendees to enter receipts from local businesses for a prize and for the event to obtain tourism information. Public Works Director Matthews stated gratitude.

NEW BUSINESS:

- Discuss Guide to Executive Decisions: Mayor Carlson stated 14 reasons to hold an Executive Session, 10 for municipalities and read into the record. No further discussion followed.
- Swisher Road Water and Sewer Installation: (*Councilor Picke left meeting at 6:55 p.m. due to water main break; Councilor Carleton exited City Council Chambers at 6:54 p.m. and returned at 6:56 p.m.*)

Eva Sluga (15546 Swisher Rd): "Hi. My name is Eva Sluga. I am a Swisher Road Resident. I approach the people on to see if they wanted to get water on our street, and I am really trying to learn everything I need to know, and get everybody's feelings about what they want out of this. I know it is going to be a hardship for some that I think at this point right now that we want to move forward. We feel like, um, I know at our house, things are kind of you know, iffy. Everybody has a different, um, you know place to water or you know, their usage going on around us, and that, um, I decided to come forward and get information. I contacted Greg, and he kinda guided me about some information, um, there was paperwork done about three years ago, and I was told we could retrieve that, and that didn't happen. So, we are trying to start all over again. Looks like we are going to have to try to have somebody give us an estimate of what it is going to cost. (*Inaudible*) all the way down the road, um, and I have been trying to contact people, um, that aren't there. Particularly, the person that owns the unit, not the unit, the road, um, I did have a long conversation with him. He lives in California, um, and he says you know if he can be kept up to speed about costs and where we go from there. I know I have voiced to everyone who is interested who has any questions to please bring them forward. The last meeting that we had, there were a lot of questions. At this point right now, I don't think we are interested in sewage. We want water, and if that's possible, um, I think we can try to go forward with that. Um, we were told that we needed to come to you to make sure that this can happen. I know that we have been reaching out again to Josh. He is an engineer on our road. I was trying to get his feedback. Maybe he might know some people, (*inaudible*) he might know some people too. We had, uh, Ken, he developed all these houses down our road. Um, how did that all come about as far as accessing all those people that have that line on City water? So, um, what's all the process of this? Um, so, some of the questions were, you know, will the City be flipping the cost for the meters? Um, fire hydrants? Is that something we are mandated to do? Um, and can we, you know, go out by ourselves and find somebody to do the excavation on and bring that line down? Um, you know, would that be (*inaudible*)? So, and then we would try and get that cost. We would know what everybody is doing in the end."

Public Works Director Matthews stated, if remembering correctly, the cost was estimated at \$15,000.00 for everything not including installation. There is a four inch flange that can be connected too; however, the flange will have to be increased to six inch. Hydrants would be mandatory.

Councilor Baley inquired whether Swisher Road utilizes City water.

Public Works Director Matthews stated Swisher Road wants to install City water.

Councilor Baley stated Swisher Road is outside City Limits.

Discussion ensued about the installation of City water on Dencer Lane. Swisher Road will have to form a committee. Ferguson Water Works may be able to estimate the cost.

Ana Leon Alvarado (Swisher Road): "Can we open up a bid to bring somebody in look at how much it is going to cost?"

Public Works Director Matthews stated working with the residents to have Ferguson Water Works estimate the costs, but all business will be through whomever estimates the costs. Plans are time consuming to the businesses. An engineer will be required to review the plans.

Josh Harland (Swisher Road): "My name is Josh Harland. My main question is taking City water, is annexation required?"

Public Works Director Matthews stated annexation is not required. Discussion about outside service ensued.

Councilor Baley suggested the residents of Swisher Road and Public Works Director Matthews set-up a meeting to discussion water installation outside of City Council.

Public Works Director Matthews stated the water meters are \$1,500.00, which includes installation. Water for outside City Limits is \$48.50.

- Discuss American Rescue Plan Act (ARPA): The City of Merrill may be receiving \$189,801.48 in American Recue Plan Act Funds. The Department of Administration is in the process of setting up the system similar to the Covid Relief Funds. The City of Merrill have more information next week. There will also be reporting to the Treasury Department and the City of Merrill will need to set up internal controls with the recommendation to utilize the City Attorney. The funds may be used for water sewer infrastructure and suggested using the funds to repair the lagoon or upgrade the sewer lift stations.
- Merrill Commercial Reserve Online Banking Authorization: The Merrill Commercial Reserve is not linked to the other accounts online. City Council approved the letter to submit to Umpqua Bank to allow connection. Mayor Carlson authorized Mayor Pro Tem Carleton to sign the letter on behalf of the City of Merrill.

- Approve Appliance(s) Bid(s) for City Hall Kitchen: The Maytag 33-Inch Wide Top Freezer Refrigerator from Merit's Home is \$899.96 and \$899.00 from The Home Depot. The Frigidaire Oven is \$200.00 cheaper than The Home Depot, \$800.00 versus \$1,000.00. Councilor Carleton made a motion to approve the purchase of refrigerator and stove through Merit's Home Appliance. Councilor McCollam 2nd the motion. The motion passed 3-0 in favor.
- LOC Pilot Program-15 Hours Free Legal Advice and Agreement: The City of Merrill falls within the parameters for League of Oregon Cities Pilot Program for 15 hours of free legal advice for three years. The legal advice pertains to ordinances and resolutions, not litigation, for example. Councilor Carleton made a motion to approve the LOC Pilot Program for free legal advice. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- OMA Summer Conference Approval: Mayor Carlson applied for a scholarship to attend the OMA Conference in Coos Bay to cover the motel and conference fees. There would be no charge to the City. No objections followed.
- Discuss Additional Cyber Security Coverage: The City of Merrill is covered for \$50,000.00 through property and liability insurance. Cyber Security events can cost into the hundreds of thousands. City Council was in agreement to revisit and entertain for the 22/23 FY. Discussion about security cameras ensued with work performed by David Wade.
- Consider Cancelling Fireworks Ban: Councilor Baley stated aerial fireworks and sparklers by dry grass are hazardous; however, fireworks in the street are safe. Officer Srch stated the firework ban is an imposition on the community. There is a state ban on aerial fireworks. The City of Merrill is implementing extreme rulings that the surrounding communities have not imposed in regards to fireworks. Councilor Carleton was in agreement. The fire department and the City of Merrill could have used the opportunity as positive image, but turned into a negative. The fire department approached the City, but was not patrolling. Councilor Baley stated the ban was a good idea, but did not mean yes or no. Councilor McCollam suggested lifting the ban. Councilor Carleton suggested lifting the ban and post a statement in the newsletter. Councilor Carleton made a motion to lift the ban and post a statement in the next water billing to the effect of using responsible judgement. Councilor McCollam 2nd the motion. The motion passed 3-0 in favor.
- Consider Temporary Policy for Police Personal Time: Mayor Carlson proposed temporarily lifting the limit for Police Personal Time for six months. Discussion about state regulations ensued. Mayor Carlson stated following up with the City Attorney to ensure legality. Mayor Carlson stated personal time is a benefit that the City has control over. Councilor McCollam was in agreement of extending the proposed policy for six months past the capped limit. Councilor Carleton 2nd the motion. The motion passed 3-0 in favor.

OLD BUSINESS:

- Municipal Home Rule: Tabled.
- Merrill Solar Project Update: City Recorder Hernandez stated a certified letter was mailed approximately one week ago detailing the fine and lien of property.

ORDINANCES:

- Bill 2046-Home Rule-First Reading: Tabled.
- Bill 2047-Amending 4.1.300 Type I B (Administrative) (C) Notice of Application for Type I B Administrative Decision-First Reading: City Recorder Hernandez read Bill 2047 into record for the first reading. No objections or alterations followed. Councilor Carleton made a motion to file the lien, for fines past due, and any future fines. Mayor Carlson stated the actions are currently being followed and will follow up August 10, 2021.

RESOLUTIONS:

- Resolution 2021-845: Adopt Vaccine Awareness Month: Tabled.
- Resolution 2021-846: Declaring an Economic, Mental Health, and Criminal Activity Crisis Due to the COVID-Related State Emergency Declaration and Relating OSHA Mandates and Guidance: Stricken from future agenda(s).
- Resolution 2021-849 Authorized Bank Custodian: City Recorder read Resolution 2021-849 Authorized Bank Custodian into the record. Councilor Baley made a motion to approve Resolution 2021-849.

Councilor Carleton 2nd the motion. The motion passed 3-0 in favor. City Clerk Northcutt signed Resolution 2021-849 due to City Recorder Hernandez named as Bank Custodian.

- Resolution 2021-850 Declaring Support of Water Rights: Tabled.
- Resolution 2021-852 Authorizing the Participation in LOC Pilot Legal Program: City Recorder Hernandez read Resolution 2021-852 Authorizing the Participation in LOC Pilot Legal Program into the record. Councilor Carleton made a motion to approve Resolution 2021-852. Councilor McCollam 2nd the motion. The motion passed 3-0 in favor.

OTHER-FUTURE AGENDAS:

Establish an Executive Session

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 was remiss in thanking Officer Srch in regards to a delicate situation during the Lost River Bluegrass Festival.

Councilor Carleton inquired whether an Executive Session would be appropriate in addressing Developer Bill Carlson's concerns. Councilor Carleton stated seeking legal advice on how to proceed.

Bill Carlson recommended League of Oregon Cities.

City Recorder Hernandez stated seeking advice previously and was advised to contact City Attorney.

Discussion of contracts and obtaining another attorney ensued. Councilor Baley was in favor of obtaining another attorney.

Bill Carlson stated personnel/personal (*sic*) comments should be in Executive Session.

ADJOURN MEETING:

Councilor Baley made a motion to adjourn the July 13, 2021 Meeting. Councilor Carleton 2nd the motion. With all in favor, the meeting adjourned at 7:39 p.m.

Respectfully Submitted,

Richard Carleton 8/10/21
Bill Carlson - Mayor Date
Mayor pro tem

Karee Northcutt 8/10/2021
Rayna Hernandez - City Recorder Date 20
City Clerk.