

REGULAR BUSINESS MEETING
Wednesday, July 13, 2022 5:30 P.M.

MEETING CALLED TO ORDER:

Mayor Carlson called the Wednesday, July 13, 2022 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: Councilor Johnson, Councilor Gatliff, Councilor Baley, Councilor McCollam, Mayor Carlson, and City Recorder Hernandez.

FLAG SALUTE:

The **Flag Salute** immediately followed with Mayor Carlson requesting Councilor Johnson 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 Pro-Tem Carleton 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:**
July 13, 2022 City Council Meeting Minutes: Councilor Johnson made a motion to approve the entire consent agenda. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- **Phone Poll:**
- 6/14/2022 Ed Staub Canopy 105 W. Front Street Taxlot #08000,08100,07800,07901 (Councilor Johnson, Councilor McCollam, Councilor Baley, Councilor Gatliff) Approved 4-0 (Verbally)
- **Business License Renewals:**
- **Business Licenses:**
Shelby Say Business License
Refer to Meeting Minutes for motion.
- **Accounts Payable:**
June 2022 Account Payables: *Refer to meeting minutes for motion.*
June 2022 Water Transfer: *Refer to meeting minutes for motion.*

STAFF REPORTS:

- **Police:**
 - Report: Marshal Broussard is continuing to service City of Merrill. There was an attempted burglary the evening of July 12, 2022. Councilor Baley and Councilor Gatliff attended City of Malin's City Council meeting July 12, 2022, to discuss police contracting.
- **Public Works:**
 - Public Works Director Matthews submitted report and read: Checked lifts; well level is 79 foot with pump running; completed and submitted Discharge Monitoring Report; hung pink tags; performed six locates; allowed outside dumping, which has resulted in \$1,180 for the first two weeks in July; cleaned restrooms; cleaned and piled brush at lagoon; cleaned shop; fixed two sewer plugs; met with Oregon Department of Transportation in regards to Falvey Road Project; met with Klamath County Board of Commissioners in regards to the Chip Seal Project and Falvey

Road Project. Klamath County Commissioners approved to complete the Chip Seal Project, which was approximately one mile short. Klamath County Chip Sealed Elm Street, Clay Street, Main Street, First Street, and Second Street. The quality of the work was exceptional. Public Works Director Matthews continued with report: wrote monthly article for newsletter; sprayed weeds (discussed Puncture Vine); resumed siding City Hall; met with Rural Klamath Connects; hung and removed Bluegrass Festival banners; set-up Bluegrass Festival. Public Works Director Matthews thanked the City Council for support.

- **City Recorder:**

- City Recorder Hernandez stated Merrill Rural Fire Department has invited the City Council to dinner at 4:30 p.m. and a tour of the Merrill Fire Department to be followed by City Council Meeting on August 10, 2022 by Mr. Ongman. No opposition was stated. City Recorder Hernandez read submitted report to City Council: Continuing Oregon Department of Transportation (ODOT) Grant Part 2; obtained Letters of Support for ODOT Grant; attended Klamath County Work Session in regards to Chip Sealing and Falvey Road Project; added City Councilor Gatliff to Oregon Ethics Commission and removed City Councilor Carleton; communications in regards to the Dry Well Program; hosted Rural Klamath Connects; emailed Oregon Community Foundation grant recommendation; submitted contracts to Vector Control, Pitney Bowes, and City Insurance Services Property and/or Liability Insurance; mailed Fiscal Year 2022/2023 Budget Packet to Klamath County; mailed LB 50 and Appropriation Resolution to Klamath County Assessor; completed Department of Administrative Services (DAS) Revenue Sharing; returned OLCC Application to Business Owner; reviewing General Journal for year end compliancy and accuracy; working on SAMS renewal for City of Merrill and Lost River Arts and Cultural Alliance; completed Workman's Comp audit and renewal; concluded Property and Liability Insurance; entered 2022-2023 fiscal year budget into QuickBooks and set-up new fiscal year; and other daily administrative duties.

- **Lawyer:**

- Report: Communications for City Administration.

- **Code Enforcement:**

- Councilor Baley reported on letters, warnings, and verbal communications, residents are complying.

- **Planning:**

- Report: City Clerk Northcutt reported on a Land Use Compatibility Statement and General Review Application from Ed Staub & Sons for a shed that was approved to move forward to City Council. A Land Use Compatibility Statement for 606 E Second Street RV Carport/Change of Footprint was built out of compliance 5 years ago and brought to the City of Merrill by Klamath County Code Enforcement. Blueprints were provided by the resident. Abatements have been complied with except for Water Street. An extension has been granted. A Permits Required Forms was suggested by Klamath County to be revised to City of Merrill standards (agendize). Matthew Fairfield was recommended to be appointed by City Council on July 11, 2022 by the Planning Commission (agendize). The ally at El Jeffe's will be painted "No Parking".
- Approve Land Use Compatibility Statement-Merrill Cardlock Shed: Councilor McCollam made a motion to approve Ed Staub & Sons Land Use Compatibility Statement-Merrill Cardlock Shed. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.
- 606 E Second Street RV Carport/Change of Footprint: Councilor Johnson made a motion to approve Mike Soto's 606 E Second Street RV Carport/Change of Footprint application. Councilor Gatliff 2nd the motion. The motion passed 4-0 in favor.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Public Works Director Matthews reported Lost River Arts and Cultural Alliance donated \$200.00 to Ore-Cal Little League; \$200.00 to Tiny, Mighty, and Strong; and \$200.00 to Merrill Fire Department.

Discussion of Merrill Fire Department Breakfast ensued. The Lost River Bluegrass Festival was a success. Public Works Director Matthews thanked the sponsors, volunteers, City of Merrill, and fans. The Merrill Historical Society donated \$200.00 to the Ore-Cal Little League. Nadine Gasser donated her great Grandmother Zumpfe cook stove with a 1908 waffle maker.

NEW BUSINESS:

- Appoint Water Commissioner: Councilor Johnson made a motion to appoint Councilor Gatliff as Water Commissioner. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.
- Discuss Solar Ordinance: There have been quality issues with company's installing solar panels within the City of Merrill. The Planning Commission had recommendations for the City Council. Mayor Carlson read the recommendations highlighted in yellow into the record. Mayor Carlson suggested verbiage for bypass reclose stability.
- Contract for Water Assistance Provisions between Klamath and Lake Action Services and City of Merrill: City Recorder Hernandez stated the contract reads straightforward; however, on page 2 of 6 4(m) states: "To provide at no cost to the Department, Eligible Household, or Agency, written information on an Eligible Household's drinking water and/or wastewater services costs, bill payment history, and/or arrearage history for no more than the previous 12 monthly billing periods, even when it may be from a prior occupant household." City Recorder Hernandez was uncomfortable releasing an owner's or tenant's information who is no longer in residence. Mayor Carlson inquired to the deadline for contractual submission. City Recorder Hernandez stated the program is from January 2022-September 2023. Mayor Carlson stated unfamiliarity with Klamath and Lake Community Action Services. City Recorder Hernandez stated programs are being initiated with ARPA Funding. Tabled.
- Discuss Juneteenth Holiday: City Recorder Hernandez questioned whether the City of Merrill is required to observe Juneteenth Holiday as the City accepts Federal Grants. Tabled.

OLD BUSINESS:

- Organizational Structure for Code Enforcement: Councilor Baley stated Code Enforcement is already structured. Councilor Baley stated the information within the packet appears to be a paid position for a large city. Councilor Baley stated being the Code Enforcement Commissioner and sees no need for a Code Enforcement Officer. City Recorder Hernandez stated a Code Enforcement Officer was discussed during budget to create. The job description in the packet was derived from Klamath County and modified for City of Merrill by eliminating the criminal element. Code Enforcement Officer was added to a line item. Councilor Johnson inquired whether City Clerk Northcutt's workload would be reduced with a paid Code Enforcement position. City Recorder Hernandez stated depending upon the hours worked, which were discussed as part-time. Public Works Director Matthews discussed an experience Code Enforcement Officer in a contracted position. City Recorder Hernandez stated with a part-time position, the City of Merrill would not offer benefits; however, life insurance may be a requirement. Tabled.
- Discuss Redesignation of ARPA Fund Project: City Recorder Hernandez stated no need for redesignation as the Swisher Road Project and Fourth Street/Alley Improvement estimate will utilize the \$275,000.00 Business Oregon funds and the \$189,000 ARPA funds.
- Update on Swisher Road Annexation: City Engineer Darryl Anderson presented. The City of Merrill received funding for Water Improvement through legislative appointment. The City of Merrill also received ARPA funds. The projects proposed are the Swisher Road Project by added a water line to serve residents outside City Limits; developed a Consent to Annexation, which will be sent to the City of Merrill legal counsel. The Consent to Annexation forms are complete and ready for signatures. When the properties are annexed, the Swisher Road Project may proceed, which is at the discretion of the City. There are rules for annexation. One is consent. Work on Fourth Street and an alley has been included in the estimate. Public Works Director Matthews inquired to a timeline on the annexation. City Engineer Darryl Anderson stated the signed Consent to Annexation forms will be sent to legal counsel. The City of Merrill's legal counsel would then create a resolution/ordinance for the City to approve, notify Department of Revenue and other affected taxing districts, Merrill Rural Fire Department, and Klamath County. The process will take approximately 60 days depending upon legal counsel. City Engineer Darryl Anderson stated the project will update the City Water System to current standards by adding fire hydrants, fire protection, and supply water to the residents. City Engineer Darryl Anderson compiled estimates for each portion of the project.

The project will be bid as one with an itemized bid schedule for each phase. Estimations are difficult currently due to material and fuel costs. The estimates are high. Public Works Director Matthews stated the estimates is for a 4-inch connection instead of a 6 inch connection, which would be more beneficial to the City for fire suppression and pressure, and the change will increase the project cost. Councilor Baley inquired whether the fire hydrants need to be in place before the annexation. City Engineer Darryl Anderson responded with a negative. City Engineer Darryl Anderson did recommend annexation as a priority. The project includes more than required number of hydrants that could be reduced to cut cost. Councilor Baley discussed the legalities of fire hydrants. Public Works Director Matthews stated the project includes Fourth Street as well. Mayor Carlson inquired to annexation property to the south of Swisher Road. City Engineer Darryl Anderson supported annexation if the City is going to supply utilities and if the residents desire to annex. Discussion of geography and properties ensued. City Engineer Darryl Anderson stated the annexation does not include the road. Klamath County will continue to maintain South Merrill Road. Mayor Carlson stated the City could place an assessment upon the properties to help pay for the project to supply utilities. Mayor Carlson suggested "making a deal". Public Works Director Matthews suggested not "making a deal" because the residents do not have the funding to install utilities, which is the agreement for annexation. Mayor Carlson inquired to charging a connection fee. Public Works Director Matthews affirmed with \$1,000.00 inside City Limit connection fee, \$1,500.00 outside City Limit connection fee. Mayor Carlson inquired to a Majority Vote. City Engineer Darryl Anderson affirmed and stated the statute was supplied to City legal counsel, a Triple Majority Rule and detailed. City Engineer Darryl Anderson stated the majority of the residents on Swisher Road are agreeable to annexation. Discussion of annexation ensued. City Engineer Darryl Anderson stated working with Oregon Department of Transportation (ODOT) on the Curb Ramp Project. A few utilities will need to be lowered at four intersections and will be handled by a company such as Bob's Excavation. Councilor Gatliff made a motion for Public Works Director Matthews to circulate the Consent to Annexation Forms. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.

- Code Enforcement Pay Schedule: Tabled.
- Discuss Contract with City of Malin Police Department: Councilor Baley stated discussing the mutual consent to contract for \$100.00 per hour for 15 hours per week. The City of Bonanza was contracting \$100.00 per hour for 30 hours per month for one year. Councilor Gatliff stated the City of Malin desires a contract. City Council consensus was to approve City Attorney Ratliff to draw up a contract between the City of Merrill and City of Malin for \$100.00 per hour, 15 hours per week, for 3-6 months, with re-evaluation at the six-month marker.

ORDINANCES:

RESOLUTIONS:

- Resolution 2022-895 Adopt Code Enforcement Officer Job Description: Tabled.
- Resolution 2022-896 Formal Adoption to Legal Dissolution of the Merrill Police Department: City Recorder Hernandez read Resolution 2022-896 into the record and discussed the final obligations of the City. Councilor Johnson made a motion to approve Resolution 2022-896. Councilor Gatliff 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2022-897 Adoption of Weed Height Abatement and Garbage Storage During Drought: City Recorder Hernandez read Resolution 2022-897 into the record. Councilor Gatliff made a motion to approve Resolution 2022-897. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2022-898 Recognize Juneteenth: Tabled.

OTHER-FUTURE AGENDAS:

- Mayor Carlson suggested agendizing Executive Session items on a regular business meeting agenda. City Recorder Hernandez state that public officials can prevent civil penalties by receiving a legal opinion from the City Attorney wherein the City Attorney advises that the executive session is lawfully permitted under Oregon law. The one simple action prevents individual city officials a civil penalty imposed on them by the commission.

PUBLIC COMMENT:

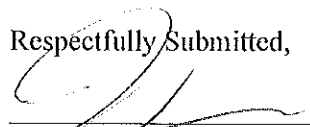
The public is invited to provide their comment and opinion to the City Council at this time on issues of their concern. Non-emergency issues brought up in this forum will not be considered tonight other than in this preliminary discussion, but if found to be warranted, may be considered at a future meeting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

No public comment followed.

ADJOURN MEETING:

Councilor Gatliff made a motion to adjourn the July 13, 2022 Meeting. Councilor Baley 2nd the motion. With all in favor, the meeting adjourned at 6:35 p.m.

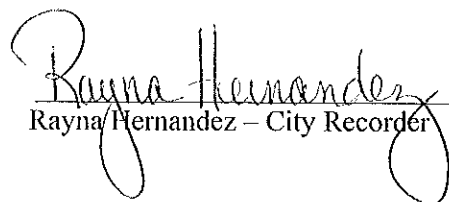
Respectfully Submitted,



Bill Carlson - Mayor

10/11/22

Date



Rayna Hernandez - City Recorder

8/10/2022

Date

Folder A #29