

**CITY OF MERRILL
BUDGET HEARING and
REGULAR BUSINESS MEETING
Tuesday July 14, 2020 6:00 P.M.**

MEETING CALLED TO ORDER:

Mayor Carlson called the Tuesday, July 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 Hinton, Councilor Carleton, Councilor Picke, Mayor Carlson, and City Recorder Hernandez.

FLAG SALUTE:

The Flag Salute immediately followed with Mayor Carlson asking Councilor Picke 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.

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.

Carol Bement (431 W. Water Street): "I am Carol Bement. I live at 431 W. Water Street. I just wanted to report the dog barking at Phil Bragg's house that's been controlled. The only thing that is ongoing is about once a week he has a party, and they get loud and obnoxious and anyone leaving those parties are driving under the influence. I just wanted to put that out. I am also here, Sharon Greene was supposed to join me. We are concerned about sidewalk crossing safety in the City of Merrill. I walk every day to the Post Office. I have all summer. I cross from my house. I cross at the farthest crosswalk by Stan's house, which is Polk Street I believe, and I walk all the way down to the Post Office, walk all the way down to the far crosswalk, cross that crosswalk, and come home. The reason for that is then people can see me and I can see them. I have been.....um, people will stop. I will wave at them. I will cross to the middle. The other side will just keep on going. They do not want to stop. I have been yelled at, flipped off, honked at, and hit, almost hit multiple times while I am walking. And Sharon being much tinier than I am, and crossing there at R & J Auto, which I think is Washington Street, to the Post Office. It is very hard for her to cross to take the mail and take the mail back, and just wanted to bring it up. This is my husband's aunt, Diana Bement, from Arizona, and she would also like to speak about this.

Diana Bement (Arizona): "I entered your lovely town three weeks ago today with a bang. I stopped at the crosswalk at R & J Auto to let a child pass. Other people just aren't crossing at the crosswalks because a gentleman didn't notice a vehicle stopped there and rammed me. He admitted to 30 m.p.h. Made no pretense of stopping. I spent, I was fine leaving the accident, but spent four days in the I.C.U. at the hospital in Klamath Falls. One of these days somebody is going to get killed at that crosswalk, severely injured, and your county is going to be out of a lot of money. A lot more money than it would take to put up some kind of a flashing light or stop light. Something to make it so it makes it safer to cross the crosswalks."

Councilor Carleton stated O.D.O.T would not allow a light to be installed at the intersection of HWY 39 and Washington Street.

Carol Bement (431 W. Water Street): "She doesn't know what O.D.O.T is."

Councilor Carleton and Marshal Bicknell simultaneously responded Oregon Department of Transportation.

Diana Bement (Arizona): "What is the problem?"

Marshal Bicknell stated City of Merrill had installed flashing lights at the intersection of HWY 39 and Washington Street and Oregon Department of Transportation removed the signage.

Mayor Carlson inquired to the penalty of not yielding to a pedestrian in a crosswalk.

Marshal Bicknell stated \$265.00 Class B Violation and discussed patrolling Front Street.

City Recorder Hernandez stated Sharon Greene was unable to attend but submitted concerns in writing for the record.

Marshal Bicknell stated painting the curbs yellow 20 feet in each direction of the crosswalks would create needed visibility.

Councilor Smith stated painting the curbs was previously agendized.

Councilor Hinton stated current socioeconomic events have hindered progress.

Marshal Bicknell inquired whether Oregon Department of Transportation was responsible for the removal of No Truck Parking signage. Persons in a crosswalk are not visible when a truck is legally parked on Highway 39 by the Civic Center and Martin's Food Center.

Councilor Carleton affirmed.

Discussion of speed traps ensued.

Mayor Carlson stated a meeting with be held internally with staff (Mayor Carlson, Councilor Hinton, and Marshal Bicknell) within the next month to address safety concerns.

Jim Farmer (133 Monroe Street): "I second what she is saying. It is dangerous to cross west of Front Street as a pedestrian. Idiots don't pay attention and their not observant while their driving and I have almost been clipped. No, uh, it is dangerous."

No further public comment followed.

CONSENT AGENDA:

- **Meeting Minutes:**
June 09, 2020 Council Meeting Minutes. Councilor Smith made a motion to approve the entire Consent Agenda. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- **Phone Poll:**
Rodeo Opportunity Oregon Community Foundation Funds (Councilor Smith-Verbally Approved; Councilor Carleton-Verbally Approved; Councilor Picke-Approved via Email).
Polaris Repair \$700.00 (Councilor Hinton-Verbally Approved; Councilor Smith, Councilor Picke, and Councilor Carleton-Approved via Email).
Refer to motion made under Meeting Minutes.
- **Business License Renewals:**
- **Business Licenses:** Councilor Smith made a motion to approve Fermin Sandoval Business License. Councilor Hinton 2nd the motion. The motion passed 4-0 in favor.
- **Accounts Payable:**
June 2020 account payables. *Refer to motion made under Meeting Minutes.*
June 2020 Water Transfer. *Refer to motion made under Meeting Minutes.*

STAFF REPORTS:

- **Police:**
 - Marshal Bicknell submitted a report to City Council and read. Marshal Bicknell returned from a two week vacation and thanked Officer Sreh, the Malin Police Department, and the Klamath County Sheriff's Office for the assistance while absent. Marshal Bicknell praised Public Works Director Matthews for the effort involved finalizing the completion of the multi-million dollar water project. Marshal Bicknell stated statistics and highlights from the past month. Marshal Bicknell stated City Council directly heard from the accident victim. The victim was not feeling the injuries; however, within 24 hours, the victim was in the Intensive Care Unit, which is common. R & J Auto's video security system captured the entire incident. Marshal Bicknell described the incident. From the statistics, Marshal Bicknell expanded upon the stolen vehicle. The owner had left the keys in the vehicle. The vehicle was later recovered in Klamath Falls, which may have been connected to two other stolen vehicles in Klamath County the same day. A domestic violence incident was a repeat of a previous arrest involving a young man assaulting family members. A new complaint involved the harassment of a dog by a beaver. The report was referred to the Oregon State Police and Fish and Wildlife. Marshal Bicknell finished with the current state of new legislation and orders from Salem. The policy of the Merrill Police Department is to not enforce laws relating to masks, social distancing, and group activities. Marshal Bicknell stated the opinion that other government agencies are a better choice to enforce the ever changing regulations. The City Council was in agreement.

- Discuss Traffic Speed within City of Merrill (Requested by Residents): *Refer to Public Comment.*
- **Public Works:**
 - Public Works Director Matthews submitted a report to City Council and read: Checked lifts; took water and sewer samples; well level is at 83 feet, 15 feet below 2019 levels. The static level is decreasing in the aquifer and will reach a danger zone at 140 feet. Filled out DMR; read meters; performed multiple locates; cleaned restrooms; flushed hydrants; dislodged two sewer plugs; mowed park lawns; repaired leak at Lincoln Lift Station; repaired towable electric sprayer; pumped Willow Street twice; Polaris repaired by Klamath Basin Equipment; sprayed lagoon and streets; ordered gravel for shoulder work; currently pumping Water Street Lift Station with Billy Gallagher repairing issue; chopped Merrill Commercial Property; and built forks for backhoe. Public Works Director Matthews stated testing negative for the Wuhan Virus. An employee for the City of Merrill tested positive for the virus. The majority of staff were tested as a precaution for public safety with negative results. Councilor Smith stated appreciation for the testing. Public Works Director Matthews continued: The new water tank is fixed; the valve on the 50,000 gallon tower is leaking and may require a water shut-off; booster pumps have been online for a week at 52 psi; West Coast Pipeline is replacing 8" valve and Water Project will be completed. The 50,000 gallon water tower will be drained at approximately 2:00 a.m. July 15, 2020. Mayor Carlson inquired whether the legacy tank will be operational back-up or a museum piece. Public Works Director Matthews stated the tower will be operational depending upon the psi. Public Works Director Matthews noted Resident Lee Harris passed away July 6, 2020 and was very involved in the community.
- **City Recorder:**
 - City Recorder Hernandez submitted report. City Recorder Hernandez submitted City of Merrill Cellsite Proposal and requested each City Councilor review the proposal for later comment regarding the U.S. Cellular Land Lease. City Recorder Hernandez read: Submitted levied tax documentation to Klamath County Tax Assessor's Office; submitted State Revenue Sharing via email (new); submitted 2020-2021 FY Budget Packet to Klamath County City Clerk; set-up 2020-2021 FY Budget in QuickBooks; Planning; Oregon State Unemployment submissions and communications; and received bonding for City Clerk Northcutt. The City of Merrill website has transitioned to a WordPress Program. There have been multiple issues requiring City Clerk Northcutt to work with Impressions Design. City Recorder Hernandez continued: 2020 Elections City Council updated information to Klamath County; submitted past due utility information to Holly Fields for application disbursement; began compilation for upcoming audit and fiscal year end; attended FEMA Webinar; met with Karen Buell; met with Earl Perry; and other administrative duties.
- **Lawyer:**
 - City Attorney Schade inspected a letter for the water tank. The invoice was \$45.00. Mayor Carlson stated anticipating engaging the City Attorney services in the event of complications with the Solar Plant Landscaping.
- **Code Enforcement:**
 - Report: Marshal Bicknell reported on continuing City Clerk Northcutt Code Enforcement training on procedures and filing. There are filing errors and corrections in the meanwhile.
 - Discuss Amending Chapter 133 *City Charter and Code of Ordinances*: Councilor Hinton read Chapter 133.01 (B) (1): "The keeping of an animal which by loud and frequent or continued noise disturbs the comfort and repose of a person in the vicinity;" for the record. Councilor Hinton sought the opinion of City Council to strike the sentence from *City Charter and Code of Ordinances* as Klamath County enforces animal control. Councilor Carleton inquired the purpose of removing the offense. Councilor Hinton questioned the purpose of keeping the ordinance with no enforcement. Klamath County enforces animal control. Mayor Carlson was in favor of having the ordinance in the event of local enforcement. Marshal Bicknell used the Water Street Dog Complaint as an example of Klamath County Animal Control expertise. Mayor Carlson inquired

to the harm to keep the ordinance yet defer to Klamath County Animal Control. Marshal Bicknell stated Klamath County Animal Control enforces Oregon State Law, which makes the ordinance redundant. City of Merrill is in favor of Klamath County Animal Control as the primary investigator. Marshal Bicknell stated if an offense occurs, Marshal Bicknell would work with Klamath County Animal Control as a witness, which has worked well in the past. Chickens were mentioned. Marshal Bicknell stated chickens are different codes. The ordinance discussed is about noise. Councilor Hinton stated only one residence within City of Merrill has enough footage for chickens, goats, or cows (10,000 feet for four goats). Discussion of parcel footage within City of Merrill ensued. The animals must be 40 feet from the house and any adjacent structure. The consensus of City Council was to keep Chapter 133.01 (B) (1).

- Discuss Code Enforcement Preliminary Restructuring: Marshal Bicknell stated the understanding all were in consensus with Code Enforcement organization. Councilor Hinton stated negative. Councilor Hinton stated Officer Srch should become a Code Enforcement Officer and City Clerk Northcutt should be allowed to take photographs in the presence of a Code Enforcement Officer to relate to clerical duties. Code Enforcement should be disbanded otherwise. Mayor Carlson posed the question of: Does City Council want the City Clerk to take on any risk? The consensus is there is risk in anything, but what is reasonable for a City Clerk. Allowing a City Clerk to knock on doors is unallowable. Councilor Hinton stated the City Clerk is not to be put into a harmful situation. Councilor Hinton reiterated City Clerk Northcutt taking pictures to answer residents' questions, clerical duties, and state visually seeing the Code Violation. Councilor Smith stated the tasks sound reasonable with the condition of organization and structure within the City Recorder's Office. City Clerk photographing is allowable; however, the City Clerk should not knock on doors, speak with persons about abatements and vice versa. Those tasks should be the responsibility of Marshal Bicknell. Marshal Bicknell stated Code Enforcement would entail two hours, one day per week, and has been discussed with City Recorder Hernandez. Marshal Bicknell stated City Clerk Northcutt would take notes while Marshal Bicknell would exit the vehicle to take pictures. City Hall is listed as the contact for any abatement questions. City Clerk Northcutt would become educated and could answer any questions pertaining to Code Enforcement. Marshal Bicknell and Councilor Hinton both desire to have Officer Srch appointed as a Code Enforcement Officer. Councilor Smith stated Code Enforcement is about the wording. Marshal Bicknell's subordinates should have a different title. Marshal Bicknell stated preparations must be in place in the event of Marshal Bicknell's unavailability due to circumstance. Marshal Bicknell stated the City of Merrill already experienced the issue with City Clerk Jensen's name listed on the citation and no longer with the City of Merrill. The City must have a least two Code Enforcement Officers. City of Merrill's Charter states Code Enforcement Officers must be designees of the Council and must obey the City's rules. Mayor Carlson stated the subcommittee came to the consensus that the City of Merrill should have eight Code Enforcement Officers. Marshal Bicknell stated the City of Merrill's Charter directs each member of City Council as Code Enforcement Officers as Code Enforcement must be enforced by City Council. Mayor Carlson stated City Council would have authority to sign citations. Mayor Carlson sought objection to the interpretation. Councilor Smith sought clarification. Marshal Bicknell stated Code Enforcement as a duty of City Council. Mayor Carlson stated Marshal Bicknell would be the supervisor. Discussion of structure, organization, and education ensued for the benefit of City of Merrill. Mayor Carlson sought refinement to the restructuring of Code Enforcement. Councilor Smith stated the approval the direction of Code Enforcement. Councilor Smith and Councilor Carleton approved Officer Srch for Code Enforcement. The action item to provide City Council with written Code Enforcement procedures for August 11, 2020.

- **Planning:**

- Report: Mayor Carlson has been in contact with multiple hotel corporations, Klamath County Chamber of Commerce has helped create contacts, and the Public Planning Commission Hearing is August 11, 2020. The goal is to close early and build. Councilor Carleton stated a stick building is planned at 134 E. Second Street. There are issues with the set-backs. The lot is 67 feet north to south. The house would face Washington Street to the east. The set-backs on a corner lot are 15 feet from each street to ensure safety and visibility. The existing lot is smaller than normal.

Waivers, variances, and precedents ensued. Planning Commission Meeting to be held July 16, 2020.

- 110 N. Polk Street Fence Application: Approved for signature by Councilor Smith.

PROJECT MERRILL:

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Report: The Nathan Merrill Marker Grant was denied. The grant was only eligible for existing monuments. Public Works Director Matthews stated appreciation to Scharri Brennan and Carol Mattos for the coordinated effort.
- Discuss the American Rodeo Update: Bridwell Pro Rodeo located in Redding, California will host The American Rodeo at the Merrill Commercial Property July 25, 2020. Bleachers will be loaned from the Tulelake Fairgrounds. Donny Heaton will rototill the property. Public Works Director Matthews detailed the event. The event will be held regardless of COVID-19. Councilor Smith inquired to ticket sales. Public Works Director Matthews stated Merrill Lumber, R & J Auto, and online. Rhonda Nyseth inquired to the Potato Festival Candidates attending the rodeo. Mayor Carlson affirmed the Potato Festival Candidates and the Flag Guard from Klamath Falls will be in attendance. Public Works Director Matthews is seeking four or five volunteers to park vehicles for an hour and a half. The City of Merrill is technically in compliance with Oregon State Law. The event meets 32 feet per person. The lot allows for 4,000 people. The event with 2,000 would be hugely successful.

NEW BUSINESS:

- Address 2020 Potato Festival: Rhonda Nyseth, president of the Merrill Lions Club, presented the 2020 Potato Festival Plan. Members of the Merrill Lions Club contacted the Governor's Office about events and cancellations. Rhonda Nyseth has been working with the Director of Public Health, Klamath County Commissioners, and Commissioner Kelly Minty Morris. The City of Merrill Mayor Carlson measured the distance of the parade route. 32 feet per attendee is required to ensure social distancing. The Merrill Potato Festival normally has 1,500 attendees. The distance measured would allow for 3,800 attendees. Marshal Bicknell stated the parade must be between Polk Street and Lincoln Street; otherwise, Oregon Department of Transportation would shut down the parade. Mayor Carlson drafted a letter. Rhonda Nyseth discussed the expectations of the Queens Court, which will be electronic and digital. There is a Plan A and Plan B for the Kick Off Dinner (refer to submission). Food has been eliminated from the Talent Show/Queen Coronation, and there is Plan A and Plan B due to restrictions. The barbeque will be prepackaged and distributed allowing for social distancing; otherwise, the barbeque will be cancelled. The parade will function as normal. The Civic Center will be closed with no exhibits. There will be extra restrooms and handwashing stations.

OLD BUSINESS:

- Oath of Office (*moved to the beginning of Council Meeting*): Mayor Carlson performed Oath of Office. Councilor Picke repeated as follows:
"I, Regina Picke, do solemnly swear or affirm 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."
Mayor Carlson congratulated Councilor Picke as audience applauded.
- Discuss Solar Plant Landscaping and Violation: A meeting is to be held July 17, 2020 at 10:00 a.m. with a representative of the solar company. Mayor Carlson and Councilor Carleton reviewed the conditions of approval. There are three violations. The landscaping is supposed to screen the project from view, which the landscaping does not. The landscaping is supposed to be watered by drip irrigation, which is not in place. The company was supposed to work with the Water Authority to guarantee preservation of Water Rights and file a plan and provide proof to the City of Merrill, which the City of Merrill has never received. A letter was presented to City Councilors. The fine is \$1,000.00 per violation, which may be \$1,000.00 per day per violation. The opinion of Mayor Carlson and Councilor Carleton is the immediate enforcement. Personnel were at the solar plant recently. A plan and a bond the improvements deadline is November 20, 2020. Councilor Hinton inquired to the violations. Councilor Carleton stated the violations are contractual.

Councilor Hinton inquired to the portion of landscaping the City of Merrill may enforce. Mayor Carlson stated the City of Merrill may own property outside of City limits as well as own an agreement outside of City limits. Councilor Smith stated the entirety of landscaping was contractual. Councilor Carleton affirmed. Councilor Hinton inquired whether the City of Merrill has the agreement in writing. All affirmed. Resident Andrea Walker has submitted citizen complaints.

- Letter of Thanks and Congratulations to Convoy Protest: Mayor Carlson drafted a general letter of support. The intention is to issue a letter of congratulations.
- FEMA Update: Community Awareness: Anyone within the community affected within the floodplain change would be welcome to an Open House where FEMA, mapping, and informational purposes would be available.

ORDINANCES:

RESOLUTIONS:

OTHER-FUTURE AGENDAS:

City Recorder Hernandez omitted the appointment of Councilor Picke as Office Commissioner during Recorders Report. Councilor Picke accepted the appointment.

Marshal Bicknell suggested a resolution for Lee Harris Day Proclamation. Lee Harris was a resident for 30 years and extremely involved in the community and organizations for the betterment of the City. Councilor Smith suggest a plaque of recommendation. City Recorder Hernandez stated the City of Merrill purchased flowers for Lee Harris to enjoy during her final days.

Councilor Smith listed days of unavailability.

Councilor Smith inquired to the deadline for City Council Elections. City Recorder Hernandez stated August 25, 2020 at 5:00 p.m.

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.

Jim Farmer (133 Monroe Street): "Oh, I have the floor?"

Mayor Carlson affirmed and asked Jim Farmer to state name for the record.

Jim Farmer (133 Monroe Street): "My name is Jim Farmer. You can read my letters in the *Herald and News* under J. Jean Farmer. I am a staunch Second Amendment, Pro-Life, activist and advocate of women's (*inaudible*). Chief Brian is here tonight because I wanted to bring this up. This, *The New American* is the bi-weekly periodical of the John Birch Society in Appleton, Wisconsin. I am a Bircheran and I do not apologize for that. There's somebody up in Roseburg who's a Chapter Leader of the John Birch Society that has a letter penning in the *Herald and News* defending the society, but as many of you know, our local law enforcement has been under vicious, vindictive, hateful attack. And I got this magazine, it is a July 6 issue of *The New American* that says this, it shows a protestor, 'Save a Life, Kill a Cop', and I am going to donate this to Brian and Keith. I was hoping Keith could make it tonight, but I will just read this: 'The movement sweeping America and even Europe is about setting people against each other, fulminating unrest, attempting to crush American System of local police while moving toward nationalized and even globalized police and centralized government. George Soros funding the unrest, billionaire globalist George Soros who said China had better functioning government than America was the one major financiers of the group orchestrating the unrest. China is better after Mao's regime exterminated an estimated 63 million Chinese'. No, I don't think so. Black Lives Matter, Background Check, Black Lives Matter glorifies communists, socialists, and mass murders while demonizing America demonstratively false claims narratives. Anyway, I'd like to share these books. I've written letters to the newspaper advocating these books: *Dial 911 and Die the Shocking Truth about the Police Protection Myth*. Anyone on the Council wants to read these books are welcome to take them home. This is *Deadly Force Understanding Your Self-Defense* by Masaud Aude. This book is *Armed and Female Taking Control* by Paxton Quigley. Anyone on City Council take these home and return them to me is welcome to do so and one thing about *Dial 911 and Die*, I had this letter here in the *Lake County Examiner*, I wrote on Wednesday May 13, 2020. It says, 'Okay, *Dial 911 and Die the Shocking Truth about the Police Protection Myth* by Richard W. Stevens'. And all due respect to law enforcement it can also be viewed online at

gpfo.org. *Dial 911* not only expresses myths, fallacies, and failures of police protection and response time, but likewise the same for restraining orders. The latter of which is little or no comfort for women who are (*inaudible*) stalked, and abused. The courts and judiciary have ruled consistently local law enforcement has no legal duty to provide protection to security and security individuals, but only provide for or attempt to the public at large.' And anyone who wants a copy of this can see me afterwards. That's all I have to share, I am not use to...I've never addressed the City Council before. I am not use to this. I am use to doing a communion meditation when I get up on stage at the Shasta Way Christian Church in Klamath Falls every three months, but this is new."

ADJOURN MEETING:

Councilor Smith made a motion to adjourn the July 14, 2020 Meeting. Councilor Carleton 2nd the motion. With all in favor, the meeting adjourned at 7:22 p.m.

Respectfully Submitted,

Melody Smith Pro tem
8-11-2020
Date

Bill Carlson - Mayor

Rayna Hernandez 8-11-2020
Rayna Hernandez - City Recorder Date