

**CITY OF MERRILL  
SUPPLEMENTAL BUDGET AND BUDGET HEARING  
AND  
REGULAR BUSINESS MEETING  
Tuesday June 8, 2021 6:00 P.M.**

**MEETING CALLED TO ORDER:**

Mayor Carlson called the Tuesday, June 8, 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, Councilor Carleton, Councilor Baley, Councilor McCollam, Mayor Carlson, and City Recorder Hernandez.

**FLAG SALUTE:**

The **Flag Salute** immediately followed with Mayor Carlson requesting Councilor Carleton 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.

Councilor Baley recognized Resident Randy Rieger with an appreciation plaque for snow plowing. Applause followed.

Randy Rieger (233 N. Garfield): "It's all fun. Wow. Thank you. That's pretty cool."

James Farmer (133 Monroe St): "Jim Farmer. I would like to donate my issue of *Range* magazine to City Hall, and my Cousin Brenda over in Paisley, Oregon in Lake County got this renewed for me. So, uh, I will leave this will Rayna. It is a good magazine. It is in the spirit of Merrill, and, uh, this book, I do not know if I have ever shared this book titled *Dial 911 and Die* the shocking truth about the police protection myth by Richard W. Stevens. So, it's not to say that police won't respond to a 911 call, but the U.S. Supreme Court discretionary have consistently ruled that all local law enforcement has no moral or legal duty to respond to a 911 call or provide protection and security to individuals only to provide the same to the public at large, and it says here, 'Steven's book is a reminder that there is no substitute for citizens' only means to defend their own lives. Even the most advanced cellular phone is no substitute for a good .38 special'. I use this as a reference after rebuked and told off two Medford TV stations in the last week from using the dishonest term Trump Gun Violence. I (*inaudible*) impured Facebook, and I rebuked and called them out and said that is a dishonest, morally, and intellectually dishonest comment. There is no such thing as gun violence."

Developer Bill Carlson (*recused self as mayor and deferred to Mayor Pro-tem Carleton*): "My name is Bill Carlson representing the Stukel Ranch Project. I am here to communicate my concerns that individuals on the Planning Commission, that in my opinion, have overstepped their authority and outside of due process. This introduced risks to both the project and the City, which I would like to avoid if at all possible. I respectfully request the matter be heard by the City Attorney with the meeting being held the next two weeks to discuss the issue with the City Attorney, a member of the City Council, and project representative. I plan to deliver a formal request to the City Recorder in the near future. Thank you."

Councilor Carleton inquired whether copies were submitted to City Council. Developer Bill Carlson submitted read letter to Mayor Pro-tem Carleton.

### **BUDGET HEARING:**

- Approve Budget (Resolution 2021-843): City Recorder Hernandez read Resolution 2021-843 appropriations into the record and highlighted the Budget Committee Meetings. Councilor Picke made a motion to approve Resolution 2021-843. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Approve Tax Rate (Resolution 2021-843): City Recorder Hernandez read Resolution 2021-843 tax rate of 3.121 into the record. Councilor Picke made a motion to approve Resolution 2021-843. Councilor Carleton 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Ordinance/Resolution Declaring the City's Election to Receive State Revenues (Resolution 2021-842): City Recorder Hernandez read Resolution 2021-842 into the record. Councilor Picke made a motion to approve Resolution 2021-842 with the date change of 2020-2021 to 2021-2022. Councilor Carleton 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.

### **SUPPLEMENTAL BUDGET HEARING:**

- Approve Supplemental Budget: The Supplementary Budget was brought before City Council January 2021; however, the second page now presented, was missing from the packet and tabled. The Water Improvement Project was to be completed 19/20 FY; however, the project carried over into the 20/21 FY. The Supplementary Budget is to comply with Oregon State Budget Law.
- Resolution 2021-837: Appropriations per Budgetary Law: Councilor Carleton made a motion to approve Resolution 2021-837 and the Supplemental Budget. Councilor McCollam and Councilor Picke 2<sup>nd</sup> the motion simultaneously. The motion passed 4-0.

### **CONSENT AGENDA:**

- **Meeting Minutes:**  
May 11, 2021 Council Meeting Minutes: Councilor Carleton made a motion to approve the May 11, 2021 Meeting Minutes and entire consent agenda. Councilor Picke 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- **Phone Poll:**
- **Business License Renewals:**
- **Business Licenses:**
- **Accounts Payable:**  
May 2021 Account Payables: *Refer to meeting minutes for motion.*  
May 2021 Water Transfer: *Refer to meeting minutes for motion.*

### **STAFF REPORTS:**

- **Police:**
  - Officer Srch reported for the calendar month: 53 calls for service, 31 traffic stops, 4 outside assists for Malin Police Department and Klamath County Sheriff's Department, 2 reported crimes (1 pending), and 34 traffic citations.  
Officer Srch began the Oregon Department of Transportation DUII Overtime Grant on Memorial Weekend.
- **Public Works:**
  - Public Works Director Matthews was absent but submitted report to City Council.
- **City Recorder:**
  - City Recorder Hernandez submitted report and read: City Recorder Hernandez reported holding Budget Meetings, continue Asyst data entry, attended the Nathan Merrill Unveiling, attended SAIF Claims Webinar and SAIF Premium Audit Webinar, fulfilled public records requests, drew a bird for RKC requested donation for website auction, and City Clerk Northcutt is in the process of updating the website to comply with Oregon State and Portland University database.
- **Lawyer:**
  - Report
- **Code Enforcement:**

- Report: Officer Srch reported Code Enforcement efforts with two notices for April 2021. One is completed and the other is in process. May 2021 has 12 notices with five abatements completed. Noxious vegetation and brush are the majority of abatements. One abatement is to remove a Connex container that will be unable to comply with set-backs. A LUC review was never submitted to the Recorder's Office.
- **Planning:**
  - Report: Applications were discuss that will be presented to Planning Commission June 14, 2021.

#### **PROJECT MERRILL:**

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

- Public Works Director Matthews was absent but submitted report to City Council.

#### **NEW BUSINESS:**

- Merrill Solar Project Lien for Unpaid Fines and Administrative Expenses: City Recorder Hernandez stated Klamath Irrigation District mails invoices to ET Capital, the original solar company. City Recorder Hernandez attempted to have the address changed; however, the request was denied. City Recorder Hernandez requested Klamath Irrigation District notify City of Merrill when an invoice becomes available, which did not happen. As a result, the Merrill Commercial Property has an outstanding bill of \$92.00 with a \$200.00 lien fee now attached. The new solar company was notified of the lien and is seeking a solution to the issue. Mayor Carlson stated the solar company is sensitive to liens. There are outstanding fines issued by the City of Merrill in the amount of \$2,000.00. Councilor Carleton inquired if the solar company has responded to the fines. City Recorder Hernandez stated negative. Mayor Carlson communicated with the solar company via email. Mayor Carlson suggested an increase fine of \$3,000.00, pursue a lien, and administrative costs associated with the lien process. Councilor Carleton made a motion to lien the solar property for administrative expenses and unpaid fines. Councilor Picke 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Municipal Home Rule: In 1906, the nation was decentralized, and Cities decided to make their own rules. The Municipal Home Rule is enforced, but court rulings have lessened Cities authority. Mayor Carlson stated The Home Rule allows the City of Merrill to challenge controversial issues from Washington D.C. or the state capitol, and the changes are not applicable until settled in the courts. City Council stated interest.
- Position on Water Curtailment: Weekly meetings at the Head Gates in Klamath Falls have been held. Mayor Carlson presented June 2, 2021 as an individual, stipulating not a representative of the City of Merrill. Mayor Carlson spoke to the importance of agriculture to the City and the ruling of zero water revisited. Mayor Carlson inquired whether the City Council would like to make a statement to support water rights. Mayor Carlson opened discussions to City Council. Councilor Carleton stated support as in 2001. Councilor Picke and Councilor McCollam affirmed. Mayor Carlson stated drafting a resolution with City Recorder Hernandez for the July 13, 2021 City Council Meeting.

#### **OLD BUSINESS:**

- Discuss Reserve Officer Program: Officer Srch stated consideration for budget consideration associated with the Reserve Officer Program. City Recorder Hernandez stated July 1, 2021 SAIF will be City of Merrill's Workman's Comp Insurance Provider. The City of Merrill estimates employee payroll including volunteers. Costs are paid at the beginning of the fiscal year. The office requires a decision on the Reserve Officer Program for Workman's Comp coverage. The City does not want to incur a deficit during audit. City Recorder Hernandez stated approval would be for the program to move forward for insurance purposes and not the approval of the Reserve Officer. Councilor Carleton inquired whether a policy manual was in place for Reserve Officers qualifications, expectations, and such. Officer Srch affirmed in the Lexipol Policy Manual. Councilor Baley stated the Reserve Officer Program should be taken off the agenda tonight until there is more information on Marshal Bicknell. The City Council has no knowledge and should be informed. The City Attorney was to send a letter and has not. City Recorder Hernandez and Mayor Carlson has requested the letter numerous times without results. Mayor Carlson apologized. Councilor Carleton agreed with Councilor Baley and needs to know who the Reserve Officer will be. Councilor Carleton stated support with minimal expense. Officer Srch stated understanding Councilor

Carleton's concerns and explained the application process and examinations. Attrition is 90%. Officer Srch stated the desire to introduce the City Council with an applicant who has been vetted and becomes a candidate. Councilor Carleton stated the City Council has not been introduced to a candidate in the past. Officer Srch stated having no control over the past. Councilor Carleton stated postponement until a candidate is determined. Officer Srch stated having a viable candidate. Councilor Carleton inquire to whom. Officer Srch stated Teresa Perry with met qualifications; however, background investigations have yet to be performed because the Police Department does not have the authority by City Council. Officer Srch stated the City of Merrill has a serious budget consideration. Without City Council approval for the Reserve Officer Program, the implementation of the program will be suspended for another year without resources. Councilor Carleton approved Teresa Perry with the assurances that future applicants will be presented to City Council. Officer Srch affirmed after the vetting process. Councilor Picke stated personally researching the Reserve Officer Program and the City Council does make the final decision on Reserve Officers. Officer Srch stated the City Councilor is faced with two issues. The first, is it reasonable, viable, and to the benefit of the City to have a Reserve Program? Yes or no? Once in place, then the individual Reserve Officer are handled on a candidate by candidate basis after presented to City Council. One is to have the program. One is to have the people. Councilor Carleton stated support for Teresa Perry; however, until City Council knows more about Marshal Bicknell, Councilor Baley's opinion has merit. Officer Srch understood the frustration from all parties; however, the Police Department must continue to function and anticipate needs toward a five year goal. Failure is more difficult to rebound from. Councilor Baley stated understanding the burden placed upon Officer Srch; however, City Council needs to know the circumstances as stewards of the City. Officer Srch referred to Mayor Carlson. Councilor Picke stated anticipating a worst case scenario. Does the City Council approve the Reserve Officer Program or hire another officer from another jurisdiction? Councilor McCollam favored Teresa Perry as a candidate and inquired whether wages were available for a temporary officer. Mayor Carlson stated negative. Councilor McCollam stated Councilor Baley's assessment as valid. Officer Srch stated Marshal Bicknell personally selected Teresa Perry for the reinstatement of the Reserve Program in the event of unforeseen circumstances. Councilor Carleton inquired to Teresa Perry's qualifications. Teresa Perry detailed education, family, and history with law enforcement. Councilor Carleton stated satisfaction. Budget, Workman's Comp, and Reserve Officer funding was reiterated. Councilor McCollam inquired whether Officer Srch was the only active officer currently. Officer Srch affirmed. Councilor McCollam inquired whether Officer Srch was the trainer for the Reserve Officer. Officer Srch affirmed. Councilor McCollam inquired whether Officer Srch was acting Chief. Officer Srch affirmed. Councilor Baley suggested tabling the Reserve Officer Program. Councilor Picke stated if the Reserve Officer Program is tabled, the Reserve Program cannot be implemented for another year. Councilor Carleton made a motion to approve the program for this candidate solely, not long term. The process is to be repeated for a new candidate. Officer Srch stated acceptance and invited Councilor Carleton to meet informally to review the process. Mayor Carlson stated a motion has been made to approve the Reserve Officer Program limited presently to the identified candidate. Councilor Picke stated opposition to the stipulation of limitation(s). Councilor Picke 2<sup>nd</sup> the motion. Councilor McCollam voted nay. Councilor Baley voted nay. Mayor Carlson voted aye to break the tie. The motion passed 3 in favor, 2 against.

#### ORDINANCES:

- *Councilor Carleton exited the City Council Meeting at 6:51 due to a fire.*
- Bill 2041-Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 D Temporary RV (Recreational Vehicle) Residence-Second Reading: City Recorder Hernandez read Bill 2041 by title-Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 D Temporary RV (Recreational Vehicle) Residence into the record. City Recorder Hernandez read the changes from the first reading: Section (3) verbiage "not exceed may not" is recommended be changed to "may not exceed". Councilor Picke made a motion to approve Ordinance 2041. Councilor McCollam 2<sup>nd</sup> the motion. The motion passed 3-0 in favor.
- Bill 2043-Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 F Demolition Permits-First Reading: City Recorder Hernandez read Bill 2043 by title-Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 F Demolition Permits into the record. City Recorder Hernandez stated no changes were made from the first reading. Councilor Picke made a motion to approve Ordinance 2043. Councilor McCollam 2<sup>nd</sup> the motion. The motion passed 3-0 in favor.
- Bill 2044-Amending Development Code Chapter 1.3.300 Definitions-First Reading: City Recorder Hernandez read Bill 2044 by title-Amending Development Code Chapter 1.3.300 Definitions into the

record. City Recorder Hernandez read the changes from the first reading: the word “us” is to be changed to the word “use”. Councilor Picke made a motion to approve Ordinance 2044. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 3-0 in favor.

- Bill 2045-Amending Development Code Chapter 1.3.300 Definitions-First Reading: City Recorder Hernandez read Bill 2045 by title-Amending Development Code Chapter 1.3.300 Definitions into the record. City Recorder Hernandez stated no changes were made from the first reading. Councilor Picke made a motion to approve Ordinance 2045. Councilor McCollam 2<sup>nd</sup> the motion. The motion passed 3-0 in favor.
- Bill 2046-Home Rule-First Reading: Tabled.

#### **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: Tabled.
- Resolution 2021-847 Transfer Funds to Comply with Budget Law Requirements: City Recorder Hernandez read Resolution 2021-847 into the record. Councilor Picke made a motion to approve Resolution 2021-847. Councilor McCollam 2<sup>nd</sup> the motion. The motion passed 3-0 in favor.
- Resolution 2021-848 Transfer Funds to Comply with Budget Law Requirements: City Recorder Hernandez read Resolution 2021-848 into the record. Councilor Picke made a motion to approve Resolution 2021-848. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 3-0 in favor.

#### **OTHER-FUTURE AGENDAS:**

- Guide to Executive Sessions

#### **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.

James Farmer (133 Monroe Street): “I am concerned about Keith overexerting himself. You know, taking on this burden, getting burned out. Historically law enforcement is high stress, demanding, dangerous, and can often be depressing because what those in law enforcement face. Who’s the first to response to the scene of a suicide? That’s right. A police officer. That’s depressing. It’s not a pleasant subject to bring up, but it’s true.”

Mayor Carlson spoke of the partnership between Merrill Police Department and Malin Police Department. Mayor Carlson stated comments warranted, and we are appreciative of our police resources.

Murray Kullrich (429 N Polk Street): “In recent weeks, there has been a large diesel truck parked on Main Street between Polk and...what’s the next street this way? I forgot. Um, anyway, that big truck, it parks there for more than a day at a time. Like two or three days at a time, and when you come out of Polk Street, which is what I live on, you can’t see past that truck. And I’ve been...I’ve got the finger twice for sticking my truck out into the street ‘cause I can’t see what’s comin’. It’s a dangerous situation. Today at 2:45 p.m., two little kids stepped off the curb, I have to be at that intersection, two kids stepped off the curb and have to step into the street to look around the truck. Now if those kids were not diligent and walked out into the street, they are already 10 to 12 feet off the curb because of that truck being parked there. If somebody pulls out of that parking lot across the street, and they don’t see it, there’s going to be a problem. These two little girls scared the daylights out of me because they took off running across the street, but they knew nobody was coming because they has already stepped into the street. Is there anything we can do about that? Maybe limit the time to 15 minutes parking or something along those lines?”

Mayor Carlson deferred to Officer Srch.

Officer Srch stated at present time, there are no limitations on parking or an illegal violation. Officer Srch stated understanding Resident Kullrich’s concern. Officer Srch has been approached by multiple residents and is working on a solution with an alternative to parking.

Councilor Picke stated the ODOT grant will resolve the issue in the near future on Front Street.



Martin Picke (220 Clay Street): "I think the other problem we've seen around town too, it's not only by (*inaudible*), it's at the crosswalks themselves. It should be a painted area, um, you get vehicles parking right up close to the crosswalk, and you've got the same problem with people, pedestrians, crossing the designated crosswalk. Vehicles park too close to that crosswalk, you should have a 20 foot, I am not sure what the law states, but I believe 20 feet back to allow enough visibility on oncoming traffic (*inaudible*) that crosswalk to see pedestrians entering it. On the crosswalks they don't, and this town may not have it. You can park right next to that crosswalk, and that's another issue that needs to be addressed."

Councilor Picke stated the City of Merrill was going to paint the curbs but decided not to waste resources because the ODOT grant will address the issue.

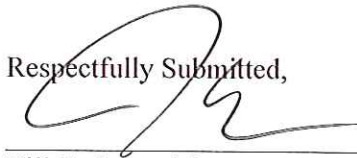
Mayor Carlson inquired whether Truck Parking should be agendized for July 13, 2021.

Councilor Picke stated the City of Merrill does not have the authority to regulate truck parking on Highway 39. Mayor Carlson requested the Merrill Police Department monitor the truck parking and approach City Council if resources are needed.

**ADJOURN MEETING:**

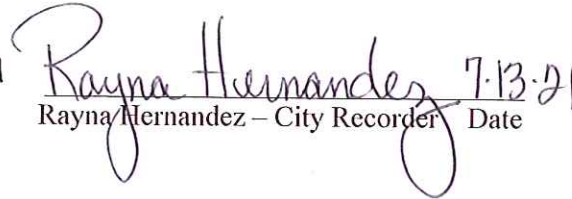
Councilor Picke made a motion to adjourn the June 8, 2021 Meeting. Councilor Baley 2<sup>nd</sup> the motion. With all in favor, the meeting adjourned at 7:10 p.m.

Respectfully Submitted,



Bill Carlson - Mayor

13 JUN 21  
Date



Rayna Hernandez - City Recorder

7-13-21  
Date

\* AS APPROVED BY  
DICK CARLSON

