

CITY OF MERRILL  
BUDGET HEARING  
and  
REGULAR BUSINESS MEETING  
301 E SECOND STREET MERRILL, OREGON 97633  
Wednesday, June 10, 2024 5:30 P.M.

**MEETING CALLED TO ORDER:**

Mayor Guthrie called the Wednesday, June 10, 2024 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 Johnson, Councilor Gatliff, Councilor Baley, Councilor McCollam, Mayor Guthrie and City Recorder Hernandez.

**FLAG SALUTE:**

The **Flag Salute** immediately followed with Mayor Guthrie taking the lead.

**MAYOR STATEMENT:**

Mayor Guthrie 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 Guthrie 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.

**BUDGET HEARING:**

- Approve Budget Appropriations (Resolution 2024-946): Councilor Johnson made a motion to approve Resolution 2024-946. Councilor McCollam 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Approve Tax Rate (Resolution 2024-946): Councilor Johnson made a motion to approve Resolution 2024-946. Councilor McCollam 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 2024-945): Councilor Johnson made a motion to approve Resolution 2024-945. Councilor Gatliff 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.

**CONSENT AGENDA:**

- **Meeting Minutes:**  
Approve May 08, 2024 City Council Meeting Minutes  
Approve May 17, 2024 Special City Council Meeting Minutes  
Councilor Gatliff made a motion to approve the consent agenda. Councilor Johnson 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- **Phone Poll Ratification:**
- **Business License Renewals:**
- **Business Licenses:**  
CowBelle Boutique  
Jason Perkins Construction LLC (Weekend)  
*Refer to Meeting Minutes for motion.*
- **Accounts Payable:**

May 2024 Account Payables: *Refer to Meeting Minutes for motion.*

May 2024 Water Transfer: *Refer to Meeting Minutes for motion.*

### **STAFF REPORTS:**

- **Police:**

Report: Mayor Guthrie spoke with Sergeant Hetherwick prior to the meeting. Mayor Guthrie relayed that Sergeant Hetherwick completed Supervision Training. Councilor Baley inquired whether Sergeant Hetherwick has been issuing citations. City Recorder Hernandez stated two citations were written May 11, 2024. Councilor McCollam stated there is an issue with incorrect fine amount written on the tickets. Councilor Johnson inquired whether the tickets will be rejected for incorrect fines. City Recorder Hernandez stated incorrect amounts are a loss of revenue. Mayor Guthrie stated Sergeant Hetherwick relayed the two tickets were on S. Merrill Road, and the violators were travelling at 50-55 mph in a 25 m.p.h. zone. On behalf of Sergeant Hetherwick, Mayor Guthrie inquired whether there was an increase in Klamath County Sheriff Department's patrol while Sergeant Hetherwick was at training. Councilor Johnson stated a negative. Oregon State patrolled graduation weekend and Malin Police Department. Sergeant Hetherwick informed Klamath County Sheriff's Department of his absence and the inference was that Merrill would see a saturation in patrol. Councilor McCollam has heard feedback from the Klamath County Sheriff's Department regarding the City of Merrill and suggested delving into the matter. Councilor McCollam attended Bonanza City Council meeting to discuss police matters. Councilor McCollam discussed the Council of Government Meeting June 18, 2024 at the Klamath County Fairgrounds. Councilor McCollam and Sergeant Hetherwick will be in attendance. Councilor McCollam segued into the difficulties of maintaining a one-man police force 40 hours per week when employees accrue personal time, sick leave, vacation, and comp. Councilor Baley inquired about the return date of the Reserve Officer. Councilor McCollam stated the original return date was July 1, 2024; however, the date has been pushed into the fall. Councilor Baley stated a Reserve Officer needs to be sought. Discussion of Reserve Officers and Officers ensued. Code Enforcement Officer Perry stated that the ticket books should have a cheat sheet listing fines and offenses on the cover. Councilor McCollam stated the fine schedule was emailed to the Police Department. Bonnie Murdock at Klamath County Justice Court supplied the fine schedule. Councilor McCollam stated the yellow line on Washington Street needs to be eliminated. City Recorder Hernandez stated Public Works is waiting on the new fiscal year budget.

- **Public Works:**

Public Works Director Matthews submitted report and Councilor Johnson read into the record: Checked lifts; well level is at 70 foot with pump running; completed and submitted Discharge Monitoring Report; sampled water for TKN on wheel line; hung pink tags; performed multiple locates; cleaned tules from the lagoon; accepted outside dumping resulting in approximately \$84,980 revenue; fixed two sewer plugs; unplugged Tulelake's and Newell's sewer lines; planted flowers and set-up water at Friends of Merrill Park; levelled dirt at lagoon; sprayed weeds; mowed parks; painted signage for Washington Street; installed Washington Street; Washington Street is One-Way; Utility Worker Taylor installed playground equipment; sprayed Merrill Commercial property and lagoon; hung Bluegrass Festival; completed ODOT permits to hang banner across HWY 39. City Recorder Hernandez explained how City of Tulelake's Public Works lost equipment in a fire; therefore, City of Merrill Public Works has been assisting Tulelake and Newell. Discussion ensued regarding the playground equipment. The Michael Hawkins Memorial Scholarship fund donated \$800.00 to install the playground equipment, made a donation to Lost River's Baseball/Softball Team, provides scholarships, and other positive community contributions. City Council requested a plaque to honor Michael Hawkins Memorial Scholarship fund efforts be ordered and presented.

- **City Recorder:**

Report: City Recorder Hernandez reported the SF 5500 IRS Filing for retirement has been submitted; completed DLCD Rezoning Application; submitted Oregon Community Foundation Grant Request for FBLA in the amount of \$3,000.00, which was expedited; attended Senior Recognition at Lost River High School and presented 3 \$500.00 scholarship on the behalf of Lost River Arts and Cultural Alliance (LRACA); Chris Cheng, Regional 4 Representative has been influential assisting the City of Merrill with grants and is using the City of Merrill as a success story; met with Midland Empire to review Property and Liability Schedule; City Clerk Northcutt travelled to Lakeview to obtain City Engineer Anderson's

signature for a Land Partition Vacate; attended Unclaimed Property Webinar; City Clerk Northcutt is working on the new phone system transfer process; held 2<sup>nd</sup> Budget Meeting and clean-up; other daily administrative duties.

- **Lawyer:**

Report: No report.

- **Code Enforcement:**

Report: Code Enforcement Officer Perry submitted report and read into the record: in the past two weeks, seven abatements were mailed with a near 100% compliance to date, including the solar plant. The Willow Street abatement is ongoing, but the owners may have to dismantle the building. 435 N Polk Street submitted a letter to the Recorder's Office requesting a waiver to temporarily home two sheep for 4-H/FFA. This is an ongoing annual issue, prior to obtaining livestock. Mayor Guthrie inquired to neighbor complaints. Code Enforcement Officer Perry stated the sheep are housed in a kennel behind the garage and the shavings fall into Fourth Street creating a fire hazard. Mayor Guthrie wanted documentation to confirm that the lambs are 4-H/FFA animals. Code Enforcement Officer Perry will follow-up. Continued neglect of the animals will be cause to contact the 4-H/FFA Coordinator. Fire Chief Heim has prohibited burning and will submit a letter in coordination with Code Enforcement Officer Perry in English and Spanish. Mayor Guthrie stated residents are burning garbage in the evening in the vicinity of Grant Street. Code Enforcement Officer Perry checked on City Hall after rentals. No further issues have arisen regarding harassment from a resident.

- **Planning:**

Report: No report.

**LOST RIVER ARTS AND CULTURAL ALLIANCE:**

Report: Public Works Director Matthews and City Recorder Hernandez awarded scholarships as previously mentioned. Lost River Bluegrass Festival is upcoming.

**NEW BUSINESS:**

- Review Camping Ordinances: City Recorder Hernandez submitted the City of Merrill Camping Ordinance along with Klamath County and City of Medford Camping Ordinances. City Recorder Hernandez recommended repealing the City of Merrill Camping Ordinance in favor of Klamath County Camping Ordinance. City Council was in agreement.
- FEMA Floodplain Final Determination: City Recorder Hernandez informed the City Council that the "final flood hazard determination for Klamath County, Oregon and Incorporated Areas, in compliance with Title 44, Chapter 1, Part 67, Section 67.11, Code of Federal Regulations (CFR)." "On the effective date of the FIRM, a one-year compliance period begins during which time your community must adopt a floodplain management ordinance that meets the minimum Federal requirements of 44 CFR Part 60.3(b) of the 'National Flood Insurance Program and Regulations'. Communities that fail to adopt the required ordinance by the end of the one-year period are considered to be noncompliant and cannot participate in the National Flood Insurance Program (NFIP) until your community adopts the required ordinance." City Recorder Hernandez stated past consensus of the City Council has been to be noncompliant. Councilor Johnson inquired to the purpose of the National Flood Insurance Program. "Flood insurance, Federal grants and loans, Federal disaster assistance, and Federal mortgage insurance are not available for the acquisition or construction of structures within the identified SFHAs in nonparticipating communities." City Recorder Hernandez updated Mayor Guthrie on the multi-year floodplain process starting with the original floodplain covering north of HWY 39 to the Dollar General, the appeal process, and final determination. Each City Councilor was polled, and the consensus was to remain noncompliant/nonparticipating.
- Authorize General Review Application for Submission: City Council reviewed the General Review Application. Councilor Gatliff made a motion to approve the General Review Application. Councilor Johnson 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.

**OLD BUSINESS:**

- Memorandum of Understanding for Klamath County Governments: City Recorder Hernandez reviewed *Memorandum of Understanding for Klamath County Governments* and had a concern regarding paragraph five, which states: “MEMBERSHIP The membership of the group shall consist of the signatories of the Memorandum and any incorporated city, special district, or other legally established governmental entity in Klamath County which may become a member as herein provided. Continued membership in good standing, including the right to vote and participate in group meetings, shall be conditioned upon being attending and participating in meetings regularly. Membership may be attained by legally established governmental entities governed by officials directly elected by the people by entering into a written declaration of unconditional acceptance of the conditions of this Memorandum.” The City of Merrill has five representatives and multiple employees. City Recorder Hernandez questioned whether the City of Merrill would lose voting rights by sending alternative representatives. Code Enforcement Perry interpreted the paragraph as the signatories were the sole voting members. Tabled.

**ORDINANCES:**

- 2062: An Ordinance Amending Development Code Chapter 1.3.300 Definitions: A clerical error, “Sate” should read “State” was corrected. Councilor Johnson made a motion to approve 2062: An Ordinance Amending Development Code Chapter 1.3.300 Definitions. Councilor Gatliff 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- 2063: An Ordinance Amending the City of Merrill, Oregon Development Code Chapter 3 Community Design Standards: Councilor Gatliff made a motion to approve 2063: An Ordinance Amending the City of Merrill, Oregon Development Code Chapter 3 Community Design Standards. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.

**RESOLUTIONS:**

- Resolution 2024-948: Transfer Line-Item Funds to Comply with Budget Law Requirements: Resolution 2024-948: Transfer Line-Item Funds to Comply with Budget Law Requirements was read into the record by title. Councilor Gatliff made a motion to approve Resolution 2024-948: Transfer Line-Item Funds to Comply with Budget Law Requirements. Councilor McCollam 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Resolution 2024-949: line-Item Transfers to Comply with Budget Law Requirements: Councilor Baley made a motion to approve Resolution 2024-949: line-Item Transfers to Comply with Budget Law Requirements. Councilor Gatliff 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.

**OTHER-FUTURE AGENDAS:**

- Approve Credit Card
- Reconsider Positive Pay: Councilor Johnson, City Recorder Hernandez, City Clerk Northcutt, and Umpqua Bank Representatives met regarding fraud protection, various fraud methods, and fraud coverage. AI is contributing to an increase in fraud. City Recorder Hernandez and Councilor Johnson discussed past fraud the City of Merrill experienced and future fraud recovery limitations. A City is high risk due to the nature of business. Councilor McCollam suggested opting in for one year as a trial. Discussion ensued regarding transferring to another bank. Councilor Johnson stated Umpqua Bank will directly speak to staff relating to the accounts where a bank in Klamath Falls may be prohibitive from speaking to the office. Proximity is also a benefit.

**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.

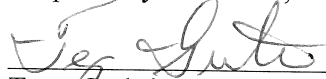
Upon hiring an employee for a certain position, a condition known, was residency within City Limits was mandatory. A temporary exception was made until the condition could be met; however, there has been no attempt to meet the condition. The temporary exception of residency has been altered.

Code Enforcement Officer Perry will adjust hours for the summer. Code Enforcement Officer Perry's laptop is overheating and requested a new laptop that is smaller and lighter. The computer cost \$2,000.00. The City of Merrill spent \$10,000.00, and every employee has had issues with the computers. Councilor Johnson suggested having the computer diagnosed. A new computer will require three bids if over \$500.00 at the beginning of the new fiscal year.

**ADJOURN MEETING:**

Councilor Johnson made a motion to adjourn the June 12, 2024 Meeting. Councilor McCollam 2<sup>nd</sup> the motion. With all in favor, the meeting adjourned at 7:38 p.m.

Respectfully Submitted,

  
Terry Guthrie – Mayor

7/10/2024  
Date

  
Rayna Hernandez – City Recorder

7-10-24  
Date

Folder A 06-12-2024-18-21-54