

CITY OF MERRILL
BUDGET HEARING
and
REGULAR BUSINESS MEETING
Wednesday, June 14, 2023
5:30 P.M.
301 E. Second Street Merrill, Oregon 97633

MEETING CALLED TO ORDER:

Mayor Pro Tem Johnson called the Wednesday, June 14, 2023 Budget Hearing and Business Meeting to order at 5:31 p.m.

ROLL CALL:

Roll call was taken with the following members of Council and others being present: Mayor Pro Tem Johnson, Councilor Gatliff, Councilor Baley, Councilor McCollam, and City Recorder Hernandez.

FLAG SALUTE:

The **Flag Salute** immediately followed with Mayor Pro Tem requesting Councilor Baley 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.

Jesus Fernandez (435 Polk Street): Resident Jesus Fernandez has been in disagreement with Code Enforcement the last few weeks. Resident Jesus Fernandez has sheep 4-H Sheep for his children at residence in a kennel. The sheep are at the house to be walked, trained, and observe weight. According to Code Enforcement, City of Merrill Code does not allow farm animals within City limits. Resident Jesus Fernandez sought an exception for the 4-H Sheep. Children not allowed to have animals results in "shutting them down" from the program. Resident Jesus Fernandez acknowledged that the animals could be housed outside of City limits; however, the children lose work hours with the animals. The 4-H Program is from May to August.

Councilor Baley stated animals are allowed within the City of Merrill depending on acreage and the type of animal.

Resident Jesus Fernandez stated 10,000 square feet per animal but argued that 4-H animals are not farm animals that are raised year-round. The animals are special for the program. According to the 4-H Coordinator, Mrs. Miller of Lost River Jr. Sr. High School, the smaller the living area, the better for showmanship.

Councilor Baley inquired to the location of the animals.

Resident Jesus Fernandez stated in the backyard on Polk Street and Fourth Street.

Mayor Pro Tem Johnson stated tabling the issue until the Councilmen have a chance to view the location.

Resident Jesus Fernandez stated his daughter raised a Reserve Champion in 2022.

Councilor McCollam was in agreement in tabling the issue until July. At the July City Council Meeting, the issue may be tabled once again, which leads to August when the animals will be at fair. In August, the City Council can review the ordinance.

BUDGET HEARING:

- Approve Budget Appropriations (Resolution 2023-919): City Recorder Hernandez read Resolution 2023-919 into the record and read the General Fund, Street Fund, and Enterprise Fund Appropriations, Unappropriated Reserves, and Unappropriated Ending Fund Balances for a Total Budget Appropriation, of all funds, for the Fiscal Year 2023-2024, \$5,368,973; Total Unappropriated and Reserve Amount in all funds \$713,707; Total Adopted Budget for the Fiscal Year in the amount of \$6,082,680 as approved by the Budget Committee. Councilor Gatliff made a motion to approve Resolution 2023-919. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Approve Tax Rate (Resolution 2023-919): City Recorder Hernandez read Resolution 2023-919 into the record by imposing and categorizing property taxes at the permanent tax rate of \$3.1210/\$1,000. Councilor Gatliff made a motion to approve Resolution 2023-919. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Ordinance/Resolution Declaring the City's Election to Receive State Revenues (Resolution 2023-918): City Recorder Hernandez read Resolution 2023-918 into the record. Councilor Gatliff made a motion to approve Resolution 2023-918. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.

CONSENT AGENDA:

- **Meeting Minutes:**
May 10, 2023 Meeting Minutes: Councilor McCollam made a motion to approve the entire consent agenda. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor.
- **Phone Poll:**
Special Business Meeting, Wednesday, June 7, 2023 4-0 in favor (Councilor Gatliff-Text, Councilor McCollam-Verbal, Councilor Baley-Verbal, Mayor Pro Tem Johnson-Text)
Refer to Meeting Minutes for ratification.
- **Business License Renewals:**
- **Business Licenses:**
Freddie 169 2023 Home-Based Business License
Refer to Meeting Minutes for motion.
- **Accounts Payable:**
May 2023 Account Payables: *Refer to meeting minutes for motion.*
May 2023 Water Transfer: *Refer to meeting minutes for motion.*

STAFF REPORTS:

- **Police:**
 - Report: Councilor McCollam reported in juvenile delinquency, a broken window at the Merrill Police Department, and left a message with Sheriff Kaber in regard to police contracting. City of Malin Mayor John Hughto updated the City Council on the juvenile delinquency. Discussion of juvenile processes ensued.
- **Public Works:**
 - Public Works Director Matthews submitted report and read: Checked lifts; well level is 80 foot with pump running; completed and submitted Discharge Monitoring Report; submitted Total Kjeldahl Nitrogen sample; hung pink tags; performed multiple locates; Morello Construction completed Fourth Street Water Line Extension, meters to be installed June 15, 2023 on Swisher Road, and connecting valve in alley; assisted Morello Construction with water break on Grant Street; filled ditch on Willow Street; trimmed trees; burned limb pile; allowed outside dumping, which has resulted in approximately \$106,000 to date; cleaned restrooms; fixed two sewer plugs; fixed water main break; wrote monthly article for newsletter; sprayed weeds; Winema Electric fixed lagoon pump last month; replaced tempered glass at kiosk; new installation of water meter on Highway 39; O'Connor irrigating out of lagoon; met with Oregon Department of Transportation; hung flower baskets and set-up water system; playground equipment is in the process of being transferred to City Hall Park. Mayor Pro Tem Johnson inquired to the playground installation date so Merrill Presbyterian Church can assist. Public Works Director Matthews stated the equipment should be moved by next week. Public Works Director Matthews thanked Resident

Ursula Nunn for donated decking. Councilor McCollam sought confirmation that the bulb-outs were being re-engineered. Public Works Director Matthews affirmed.

- **City Recorder:**

- City Recorder Hernandez submitted report and read: Held Budget Meetings #1 and #2; Remitone Cancellation; Created Annexation Letters to Utilities and Communication Companies; Complied Annexation Packets for: Utilities and Telecommunication Companies, Oregon Department of Revenue, Oregon Secretary of State, Klamath County Assessors, and Klamath County Clerk; Submitted Change Order #1; Communication and submission for new franchise within Merrill; AHUPS Annexation Questionnaire; Oregon Community Foundation grant submission with meeting minutes; Business Oregon Disbursement; Emergency water break notifications; and other administrative duties.

- **Lawyer:**

- No Report.

- **Code Enforcement:**

- Code Enforcement Officer Perry submitted report and read: Eight notices were mailed from May 2023 to June 2023. One notice was resent. Twenty-three abatements have been resolved year to date. Two brochures have been created and one was mailed with utility water billing. Lighting that needs to be replaced was documented and worked with Malin Police Department in relation to juvenile delinquency. Code Enforcement Officer Perry described the brochures and educational value for residents. Fire Chief Heim notified Code Enforcement Officer Perry in regard to fire season and will continue with updates. Code Enforcement Officer Perry is looking to work with the City Council in regard to the 4-H animals.

- **Planning:**

- Report: Councilor Gatliff reported Land Use Compatibility Statement for Industrial Tax Lot 4110-00100-00801 is for a garage at 181 E. Court Drive. Resident Christa Ingalls interjected. Resident Christa Ingalls called for Councilor Gatliff and Councilor McCollam to recuse themselves from business involving 179 E Court Drive and 181 E Court Drive. Councilor McCollam falsified himself as a Code Enforcement Officer documented in a police report dated July 2, 2020. Councilor Gatliff in continuing legal challenges involving a fence line/porch. Councilor Gatliff stated reporting the Planning Commissions business to City Council. Resident Christa Ingalls interjected that McVey has never has to reapply and referred to page 2 of the application, which states every approved application shall expire and become void if work authorized is not started, is suspended or is abandoned for a period of a year or more. The project is ongoing and has never stopped. Mayor Pro Tem Johnson stated the plans have changed. Resident Christa Ingalls stated negative. The application was approved for residential on May 13, 2021. "The paperwork did not make it to the County." City Recorder Hernandez stated all permits and applications are void in the County and has been referred back to the City of Merrill. Resident Christa Ingalls reiterated the application for residential was approved May 13, 2021. City Recorder Hernandez reiterated the fact that County permits and applications have been voided and referred back to the City of Merrill. Resident Christa Ingalls conferred with legal council and the expiration statement makes it a moot point. Resident Christa Ingalls should never have to reapply. Mayor Pro Tem Johnson commented that a quorum would not exist with the recusal of Councilor McCollam and Councilor Gatliff. Councilor McCollam inquired whether City Council is required to accept Christa Ingalls demand for recusal. Resident Christa Ingalls stated there is a legal conflict of interest and can sue the City after speaking with an attorney. Resident Christa Ingalls reiterated recusal pertaining to business related to 179 E Court Drive and 181 E Court Drive. Councilor McCollam and Resident Christa Ingalls parried. Resident Christa Ingalls read the police report into the record describing her complaint. Public Works Director Matthews inspected the outbuilding, which are in compliance; however, a concrete pad is six feet from the property line. The set-back is 10 feet. Four feet must be cut to bring into compliance. Due to the owner's non-compliance, the issue is to be resolved by the owner. On November 29, 2022, Resident Christa Ingalls was directed by City Clerk Northcutt to follow Klamath County guidelines. Public Works Director Matthews stated the concrete

slab was not on the site plan. Resident Christa Ingalls stated the concrete was never intended as a patio. Public Works Director Matthews reiterated the omission in original plans and the set-back of 10 feet is to be met. Mayor Pro Tem Johnson requested Councilor Gatliff to proceed with the Planning Report. Resident Kim Gatliff inquired what her fence line dispute has to do with a building application for 181 E Court Drive as the issue has been resolved. Resident Christa Ingalls stated no issue with cutting the concrete slab back by 4 feet. Resident Christa Ingalls stated issue with cutting the slab back by 4 feet due to inability until August and the necessity to proceed with construction. Mayor Pro Tem Johnson stated commencement is prohibited until the concrete slab is cut back by 4 feet. The City Council is referring Land Use Compatibility Statement for Industrial Tax Lot 4110-00100-00801 back to the Planning Commission whom shall authorize final determination to avoid conflict of interest or impropriety.

- Land Use Compatibility Statement for Industrial Tax Lot 4110-00100-00801: Councilor Gatliff stated Land Use Compatibility Statement for Industrial Tax Lot 4110-00100-00801 is for the replacement of an industrial walk-in cooler, which meets all setbacks. Councilor Baley made a motion to approve Land Use Compatibility Statement for Industrial Tax Lot 4110-00100-00801. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor. A vote was retaken due to confusion. Councilor Baley made a motion to approve Land Use Compatibility Statement for Industrial Tax Lot 4110-00100-00801. Councilor McCollam 2nd the motion. The motion passed 3-0 in favor.
- Land Use Compatibility Statement for 455 Lincoln Street (Verizon Wireless): Councilor Gatliff stated Land Use Compatibility Statement for 455 Lincoln Street (Verizon Wireless) is for a replacement generator. Councilor Baley made a motion to approve Land Use Compatibility Statement for 455 Lincoln Street (Verizon Wireless). Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor.
- Approve Revised Land Use Compatibility: Councilor McCollam made a motion to approve the Revised Land Use Compatibility and Revised Building Application. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor.
- Approve Revised Building Application: Councilor McCollam made a motion to approve the Revised Land Use Compatibility and Revised Building Application. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Public Works Director Matthews reported Lost River Arts and Cultural Alliance commented on the success of the flower baskets. The Lost River Bluegrass Festival will be the largest to date. Public Works Director Matthews sought permission for overflow camping at the City Hall Park. There was no objection from the City Council. Mayor Pro Tem Johnson did suggest Merrill Elementary. Public Works Director Matthews stated inquiring in previous years without success. City Recorder Hernandez stated Lost River Arts and Cultural Alliance presented two scholarships at Lost River Awards Night to Jesli Hernandez and Maria Murillo for excellence in visual arts.

NEW BUSINESS:

- Presentation by City of Malin Mayor Hughto: Mayor Hughto thanked Councilor McCollam and Mayor Pro Tem Johnson for attending City of Malin's City Council Meeting. Mayor Hughto presented newly sworn City of Malin Chief of Police Patrick Richards. Chief Richards presented by introducing self, experience, personal history. Chief Richards discussed future plans for the policing organization that will include City of Malin and City of Merrill along with Klamath County software integration. Chief Richards stated, on a side note, there must be an element of personal gain to be convicted of impersonation in criminal and case law.
- Approve Ballot Box and Location: Klamath County is offering to install a Ballot Box in front of City Hall at no charge. There was no objection from City Council.
- Discuss Flag Day-Donations: Councilor Baley proposed the installation of the American Flag outside of City Hall. The cost could be self-sustaining through donations. The flag must be lit. Chief Richards suggested a solar flagpole. The estimated cost is \$400.00-\$500.00. The item was agendaized for July 12, 2023 City Council Meeting.
- Discuss Creation of Woke Cancel Culture Resolution: Councilor McCollam stated the City of Merrill Pledges Allegiance to the Flag at every meeting. The City of Merrill signs documentation to uphold the constitution. The Woke Cancel Culture is anti-American. Florida Governor DeSantis is considered anti-

Woke. The City of Merrill should be considered anti-Woke. That does not mean the City of Merrill is not inclusive. The City of Merrill will not adhere to the Woke Cancel Culture Movement. Public Works Director Matthews agreed. Freedom of speech and personal beliefs should not result in economic retaliation. Future generations will suffer the fallout from complacency. The United States was founded by Christians to escape oppression. To protect and adhere to the United States of America Constitution, then a resolution needs to be in established. Agendize Woke Cancel Culture Resolution for July 12, 2023 City Council Meeting.

- Renew City of Malin Police Contract: The City of Malin Police Contract ends June 30, 2023. The contract can be cancelled with notice; therefore, with City of Malin's consent, the term date has been changed to July 1, 2023-June 30, 2024. Mayor Hughto and Chief Richards affirmed. Councilor McCollam made a motion to approve the City of Malin Police Contract. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.

OLD BUSINESS:

- Letters of Interest for Mayoral Vacancy/Appointment: No Letters of Interest were submitted.
- Discuss Tax Lot #4110-001CC-07300 Encroachment: Rhine Cross Group surveyed the Fourth Street property. The property is encroaching. Public Works Director Matthews discussed the encroachment with City Engineer Darryl Anderson on how to further proceed. The solution would be for an easement onto City right-of-way. Matthew Trotman, owner of Tax Lot #4110-001CC-07300, was in favor of an easement and reimbursement of Rhine Cross Group invoice.

ORDINANCES:

RESOLUTIONS:

- Resolution 2023-920: Transfer Funds to Comply with Budget Law Requirements: City Recorder Hernandez read Resolution 2023-920: Transfer Funds to Comply with Budget Law Requirements into the record by title. The City Council reviewed the resolution. Councilor Gatliff made a motion to approve Resolution 2023-920: Transfer Funds to Comply with Budget Law Requirements. Councilor McCollam 2nd the motion. The motion passed 3-0 in favor.
- Resolution 2023-921: Transfer Funds to Comply with Budget Law Requirements: City Recorder Hernandez read Resolution 2023-921: Transfer Funds to Comply with Budget Law Requirements into the record. Councilor McCollam made a motion to approve Resolution 2023-921: Transfer Funds to Comply with Budget Law Requirements. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor.

OTHER-FUTURE AGENDAS:

- Police Proposal
- Cal-Ore Franchise Ordinance

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.

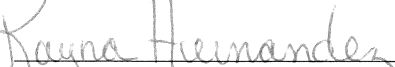
Public Works Director Matthews and Kim Gatliff has a new granddaughter, Elise Sage, who was flown to Doernbecher Children's Hospital, but has a good prognosis.

ADJOURN MEETING:

Councilor Baley made a motion to adjourn the June 14, 2023 Meeting. Councilor McCollam 2nd the motion. With all in favor, the meeting adjourned at 6:50 p.m.

Respectfully Submitted,

 7-12-23
Joanne Johnson – Mayor Pro Tem Date

 7-12-2023
Rayna Hernandez – City Recorder Date

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