
CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday, March 8, 2022 5:30 P.M.

MEETING CALLED TO ORDER:

Mayor Carlson called the Tuesday, March 8, 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 Carleton (arrived at 5:34 p.m.), Councilor Baley, Councilor McCollam, Mayor Carlson, and City Recorder Hernandez.

FLAG SALUTE:

The **Flag Salute** immediately followed with Mayor Carlson 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.

Gary Robeson (405 Water Street): Inquired to reserving the right to speak during New Business: Police.

CONSENT AGENDA:

- **Meeting Minutes:**
February 4, 2022 Special Meeting Minutes: Councilor McCollam made a motion to approve the February 4, 2022 Special Meeting Minutes. Councilor Johnson 2nd the motion. The motion passed 3-0 in favor.
February 8, 2022 Meeting Minutes: Councilor Johnson made a motion to approve the entire consent agenda. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
February 22, 2022 Work Session Minutes: *Refer to Meeting Minutes for motion.*
- **Phone Poll:**
Approve Work Session Time and Date February 22, 2022 2:00 p.m. (Councilor Johnson, Councilor Baley, Councilor McCollam Approved 3-0)
Phone polls ratified. Refer to Meeting Minutes for motion.
- **Business License Renewals:**
- **Business Licenses:**
Pourhorse LLC Annual Business License
Casa Villanueva Restaurant Annual Business License
Gilbert Villanueva Annual Rental Business License: 219 N Clay Street
Gilbert Villanueva Annual Rental Business License: 235 N Clay Street
Gilbert Villanueva Annual Rental Business License: 125 Jefferson Street
Refer to Meeting Minutes for motion.
- **Accounts Payable:**
January 2022 Account Payables: *Refer to meeting minutes for motion.*
January 2022 Water Transfer: *Refer to meeting minutes for motion.*

STAFF REPORTS:

- **Police:**
 - Councilor Baley reported an Officer on Administrative Leave.

- **Public Works:**
 - Public Works Director Matthews submitted report and read: Checked lifts; took water and sewer samples; well level is 76 foot with pump running. Public Works Director Matthews stated concern due to surrounding properties drilling wells. Councilor McCollam inquired to the well level in 2021. Public Works Director Matthews stated the same and continued report; completed and submitted Discharge Monitoring Report; hung pink tags; performed nine locates; allowed outside dumping, which has resulted in approximately \$70,000.00 to date; cleaned restrooms; cleaned at lagoon; cleaned shop; fixed one sewer plugs; wrote monthly article for newsletter; attended meeting with ODOT in regards to Safe Routes to School Grant; met with Commissioner DeGroot and Public Works Director Morris in regard to chip sealing and detailed meeting; measured streets for chip sealing and emailed to Public Works Director Morris; piled brush and loaded limbs; graded roads; replaced pump on lift station at Water Street; posts removed on Court Drive Right-of-Way and resident property; built toolbox for 2014 Ford F-150; installed multiple new yield and stop signs.
- **City Recorder:**
 - City Recorder Hernandez submitted report and read: Continue ASYST data entry; Statement of Economic Interest (SEI) List finalized with submissions due by April 15th to avoid civil penalties; revised Budget, LB1, Budget Message, and Appropriations; submitted resolutions passed by City Council to Commissioner DeGroot, Lost River Jr./Sr. High, and Public Health Authority; invoice for PILT Revenue due March 15, 2022; attend Lost River Bluegrass Meeting; attended Safe Routes to School Draft Plan Review Meeting and submitted grant; attended Budget Training; met with Commissioner DeGroot, Public Works Director Morris, and Public Works Director Matthews for the Small City Allotment Grant, compiled requested information, and correspondences; delivered hard and electronic copies of *Charter*, *Code of Ordinances*, and *Development Code* to City Attorney Nathan Ratliff; attended City Insurance Services (CIS) Conference; and other administrative duties. No questions followed.
- **Lawyer:**
 - Report: Mayor Carlson has been in contact with City Attorney Nathan Ratliff regarding administration issues.
- **Code Enforcement:**
 - No Report. Public Works Director Matthews reported on meeting with Fire Chief Heim. An article will be included in the next newsletter detailing requirements and contact information for assistance. Councilor Carleton inquired whether Fire Chief Heim will co-author the letter. Public Works Director affirmed.
- **Planning:**
 - Report: A position for the Planning Commission is vacant.
 - Approve Right-of-Way Permit: The Right-of-Way Permit was approved with by the Planning Commission March 7, 2022. Councilor Carleton made a motion to approve the Street Cut Permit (sic) [Right-of-Way Permit]. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
 - 505 E Front Street Land Use Compatibility Statement: City Engineer Darryl Anderson has commented to concerns regarding to property lines.
 - 01-2022 Street Cut Permit: The Ed Staub Street Cut Permit was approved with conditions by the Planning Commission March 7, 2022. Councilor Carleton made a motion to approve the Ed Staub Street Cut Permit. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.
 - 220 Elm Street Fencing Application: Fencing applications are administrative without requiring City Council approval; however, Public Works Director inspected the fence(s) that required modification. No objection to Mayor Carlson signing the applications followed.

- 240 Elm Street Fencing Application: Fencing applications are administrative without requiring City Council approval; however, Public Works Director inspected the fence(s) that required modification. No objection to Mayor Carlson signing the applications followed.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Public Works Director Matthews reported Lost River Arts and Cultural Alliance has been working on sponsorships, grants, and items to sell at the festival. Ticket sales opened online March 1, 2022 and has sold \$1,200.00 to date. Three veteran's will be honored by Quilts for Veterans and thanked Diana Bicknell. Lost River Arts and Cultural Alliance has received the following sponsorships: Merrill Parks Department, Frank King, Robin King, Duncan Family Farms, Merrill Lion's Club, Michael Sheets, Jim and Lori Baley, Basin Fertilizer, Merrill Polar Bear, Sherm's Thunderbird, Anderson Engineering, Wild Goose Meadows, KLAD, Pape Machinery, Glen Gailis, Gold Dust Farms, and Andrew Smith Dentistry. Public Works Director sought funding for the Lost River Bluegrass Festival of \$3,000.00 from the Solar Fund. Councilor Johnson made a motion to approve \$3,000.00 for the Lost River Bluegrass Festival. Councilor Baley 2nd the motion. The motion passed 4-0 in favor. Resident Stan Hinton donated a bird cage to the Merrill Historical and Modoc War Museum from the Offield House, whom George Offield was the first mayor of City of Merrill and held office for 25+ years.

NEW BUSINESS:

- Consider Water Contract with State of Oregon: Rhonda Nyseth (Department of Human Services, Office of Resilience and Emergency Management) presented. The agency was born two years ago due to a mass care situation. Mass care is food, water, and shelter for mass disasters and natural disasters. One project is the Dry Well Program in Klamath County, which is funded by the State of Oregon, administered by Klamath County. The program orders and purchases water tanks. The water tanks are delivered to home owners by volunteers. The State of Oregon pays for the water trucks that fill the water tanks weekly. There are over 300 dry wells in Klamath County. 10 more wells ran dry after the first of the year. The program is anticipating more dry wells due to the lack of precipitation, etc. As contracts are being drawn and rewritten to continue providing water to the home owners, the program sought approval to utilize water from the Merrill well. Councilor Carleton inquired to the use of the water. Rhonda Nyseth stated domestic and livestock purposes. Rhonda Nyseth's neighborhood ran dry and is a customer of the program. Rhonda Nyseth receives 1,000 gallons per week for a family of four, a dog, and two cats. There is no yard or irrigation. Water is provided for livestock. Cars are not allowed to be washed per contract. The City of Klamath Falls provides water from the County Road Department. City of Klamath Falls does not charge the state for the water. The State of Oregon pays for the water deliveries approximating \$40,000.00 monthly, which is expected to increase. The major expenditures are the hauling and driving. The trucks are 3,000 gallons that supply three homes. Utilizing the Merrill well could save the driver a minimum 30-60 minutes per haul. More families could be served. Public Works Director Matthews stated the City of Merrill has the capability of providing water for the program. Councilor Johnson inquired whether families with livestock receive more than 1,000 gallons. Rhonda Nyseth affirmed. The distribution is 250 gallons per person but is unsure the allotment for livestock. Mayor Carlson stated water from a fire hydrant is considered "non-potable" and stated concern about the liability of providing a home with "non-potable" water. Rhonda Nyseth stated the water received is considered non-potable and was directed not to drink the water. The water is treated in the truck; therefore, treated water is retreated and homeowners are instructed not to drink the water. Public Works Director Matthews stated the City of Merrill's water is not chlorinated. Non-potable is semantics as the water from the hydrant is the same water source as spigots directly from the water source. Councilor Carleton inquired to the water being tested from the truck to release the City from liability. Rhonda Nyseth would research. Public Works Director Matthews stated testing each tank would be cost prohibited. Public Works Director Matthews opined the City of Merrill would want to alleviate the hardship of families by providing the service. The Dry Well Program may become the model for the State of Oregon. Councilor Carleton inquired whether the City of Klamath Falls receives compensation for the water. Rhonda Nyseth stated negative. Mayor Carlson stated the water system was paid for by the rate payers and there should be compensation as it would be unfair to the citizens. Councilor Carleton was in agreement. The bylaws for City of Klamath Falls states the city cannot sell water to others than their constituents; therefore, the City of Klamath Falls cannot charge outside usage. Discussion of bulk water transactions within the City ensued. Public Works Director Matthews stated the City of Merrill charges \$10.00 per 1,000 gallons. Discussion about Emergency Management Plans ensued. Resident Gary Robeson

suggested a no obligation clause in the contract based upon availability pertaining to well levels. The State of Oregon would draft a contract by Max Seller with the following conditions: verbiage stating non-potable water to waive liability, a no obligation clause based upon well water levels, and a rate of \$10 per 1,000 gallons. The City Council will vote upon the contract at April 12, 2022 City Council Meeting.

- Discuss Weed Height and Abatement: Tabled.
- Discuss Garbage Storage: Tabled.
- Discuss Bulk Water Limits: *Refer to Consider Contract with State of Oregon.*
- Discuss Code Enforcement: No comments from City Council followed.
- Discuss Police Department Policy, Procedures, and Structure
 - Review and Consider Existing Policies and Procedures;
 - Consider Four Policing Approaches;
 - Disband Entirely;
 - Disband-County Contract;
 - Malin Partnership;
 - Existing Structure;
 - Consider Models for Partnering with the City of Malin;
 - Consider Intra-Government Agreement versus Creation of New District;
- Discuss Police Commissioner and Appointment
- IACP Consolidating Police Services

Councilor Johnson suggested tabling all items until there is a decision from Malin City Council. Mayor Carlson met with Commissioner DeGroot and Mayor Zieg. The consensus was in favor of combining forces. Commissioner DeGroot suggested each municipality name three people sit on an oversight board. An independent police force would serve both municipalities, would have a board of Malin and Merrill, with a chair and co-chair that would be rotated every other year. Councilor Carleton sought clarification that the suggestion was combining forces with Malin. Mayor Carlson affirmed. Councilor Carleton inquired to contracting with the Sheriff's Department. Mayor Carlson and Mayor Zieg met with Sheriff Kaber. Chiloquin uses a similar model. The Sheriff's Department contracts with Lakeview but has a different model. Resident Stan Hinton inquired whether Chiloquin has a sub-station. Mayor Carlson stated negative. Chiloquin contract for 10 hours per week of patrol for a nominal cost. A patrolman is in Chiloquin 40 hours per month. Resident Stan Hinton inquired if the Merrill Police cars would be gifted to Malin and Bonanza upon incorporation and whether Officer Srch be stationed in Malin. Mayor Carlson stated the proposal would follow the Modoc Sheriff Model that has a resident Officer in each city. The officer would check in once a day with headquarter and start and end in home city. Councilor Carleton stated interest in both options. Discussion of cost ensued, \$30,000.00 for 40 hours per month contractually verses \$200,000.00 annually by the City of Merrill. Agendized for April 12, 2022. Resident Gary Robeson inquired to considerations for maintaining the existing structure. Mayor Carlson stated benefits to a local Police Department. Councilor Carleton favored maintaining the present structure to prevent issues. Resident Gary Robeson stated the quality of personnel in the Police Department. If there is a feeling that the officer is not social, not community oriented, is not interfacing with the community properly or could be improved upon, are performance reviews performed by the City annually with the employees so public comments are reviewed on an annual basis for improvement. If not, then the City Administration is not acting in the best interest of the community. There is a drug problem. One officer was proactive. Small community police needs was discussed in relation to performance review and training. Resident Gary Robeson opined the need for a Police Officer in town 40 hours per week and designated expectations of performance, such as school pedestrian crossing, traffic control, improve relations with the public, etc. Mayor Carlson has been working on an evaluation system for the Police Department, as a non-officer. There has to be an evaluation. Mayor Carlson proposed a structural change for individual officer's as a good solution. Mayor Carlson proposed a Workshop for Police Evaluations. Resident Gary Robeson stated a performance evaluation should be performed in each department and does not need to be special. The goal is interfacing with the community with the community made to feel positive. Personnel are supposed to be approachable by children, adults, businessmen. Rhonda Nyseth recommended the inserting the language of the contract that the patrol deputy has to maintain within the City limits of Merrill and Malin so many hours per day or so many hours per week on top of can only be pulled for other duties in the County such as shootings, mass events, etc.

Mayor Carlson transferred the meeting to Council President Carleton and exited chambers at 6:20 p.m.

Resident Arlene Morris inquired whether the Sheriff's Department would solely patrol Highway 39 or City streets if contracted with. Councilor Carleton stated uncertainty.

OLD BUSINESS:

- Discuss Utility Easement: Councilor Carleton referred to the parcel behind Les Schwab and Dollar General. The recommendation, in exchange for an easement with the City, is to offer the property owners 2 water hook-ups and 2 sewer hook-ups at no charge. The easement would be an advantage to the City. The City has a water line running through the property. The easement would be adjacent to the line allowing for a 20 foot easement for water and sewer to the northern property owned by City of Merrill. A ten foot easement with conditions. Councilor McCollam made a motion to meet with City Engineer Darryl Anderson, City of Merrill, and Bigoni's to propose a an easement behind Les Schwab and Dollar General, which would include two water hook-ups and 2 sewer hook-ups. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.
- Neighborhood Watch Update: Public Works Director Matthews stated information on the Neighborhood Watch will be printed in the upcoming newsletter, form a list, and hold a meeting.

ORDINANCES:

RESOLUTIONS:

- Resolution 2022-875 Transfer Funds to Comply with Budget Law Requirements: City Recorder Hernandez read Resolution 2022-875 into the record. Councilor Baley made a motion to approve Resolution 2022-875. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.

OTHER-FUTURE AGENDAS:

- Councilor Carleton's Position #1 Vacancy Letters of Interest-Resignation June 1, 2022

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.

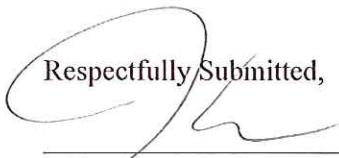
Polly Tickner (405 Water Street): Resident stated garbage is more than a fire hazard. It is a health issue that is increasingly worsening. Resident complained about garbage and stench on Garfield Street.

Commissioner Baley directed Resident Polly Tickner to file a Code Enforcement Complaint at the Recorder's Office.

ADJOURN MEETING:

Councilor Baley made a motion to adjourn the March 8, 2022 Meeting. Councilor McCollam 2nd the motion. With all in favor, the meeting adjourned at 6:29 p.m.

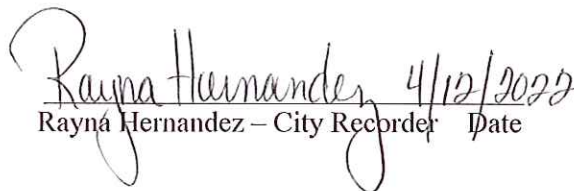
Respectfully Submitted,



Bill Carlson - Mayor

12/1/22

Date



Rayna Hernandez - City Recorder

Date

Folder A #21