

CITY OF MERRILL
REGULAR BUSINESS MEETING
Wednesday, March 8, 2023 5:30 P.M.

MEETING CALLED TO ORDER:

Mayor Pro Tem Johnson called the Wednesday, March 8, 2023 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: Mayor Pro Tem Johnson, Councilor Gatliff (absent), Councilor Baley, Councilor McCollam, and City Recorder Hernandez.

FLAG SALUTE:

The **Flag Salute** immediately followed with Mayor Pro Tem Johnson requesting Councilor McCollam take the lead.

MAYOR STATEMENT:

Mayor Pro Tem Johnson 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 Johnson 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.

City of Malin City Recorder Nunn submitted a letter to the City Council, written by City of Malin Mayor Hughto, and read the letter into the record.

“Unfortunately, I am unable to attend this meeting tonight so I have asked our City Recorder to bring this information to you in my place.

First, our current force of part-time officers have been doing a very good job for both Malin and Merrill. They have covered the requirements of the contract and have created a schedule to continue meeting the requirements. Acting Chief, Sergeant Alan Nealy is easily accessible and very helpful.

The City of Malin will be hiring one and possible two more certified part-time officers during our next City Council meeting on the 14th of March. This will make it that much easier for our Police Department to maintain coverage for both of our Cities.

Our current officers, Nealy, Doddridge and Cody Broussard have been doing a great job. Joining Sergeant Nealy on patrols, Officer Cody Broussard is advancing in his training and able to patrol in his own vehicle. Officer Doddridge will be attending the police academy this year and is quickly advancing in his training in order to patrol on his own as well. The new part time officer we are going to hire is a certified officer and will be able to patrol on his own after the initial hiring requirements are fulfilled.

I have attempted to contact Mayor Pro Tem Johnson to discuss these issues but have been unable to connect with her yet. Malin looks forward to continuing our contract with you. I would be glad to answer any questions you may have. You can call anytime.”

CONSENT AGENDA:

- **Meeting Minutes:**
- Approve February 8, 2023 Meeting Minutes
Councilor McCollam made a motion to approve the entire consent agenda. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.

- **Phone Poll:**
Councilor Gatliff made a motion to approve the Morello Construction Bid for \$312,238.00. Mayor Pro Tem Johnson 2nd the motion. The motion passed 3-0 in favor, 1 no vote. (Councilor Gatliff Approved-Text, Councilor McCollam-Text, Mayor Pro Tem Johnson-Text)
Refer to meeting minutes for ratification.
- **Business License Renewals:**
- O'Grady Air B&B Rental, Isler Group LLC dba Gilman & Co., La Michocana, Tacos ala Mexicana, K Falls Lick Tubs, Inc., El Meson Laundromat, Azamar 122 N Washington Rental, Bunkhouse Jack
Refer to meeting minutes for motion.
- **Business Licenses:**
- **Accounts Payable:**
February 2023 Account Payables: *Refer to meeting minutes for motion.*
February 2023 Water Transfer: *Refer to meeting minutes for motion.*

STAFF REPORTS:

- **Police:**
 - Report: Police Commissioner Baley introduced former Klamath Falls Chief of Police Dave Henslee, Klamath County Captain Brian Bryson, Klamath County Sheriff Chris Kaber, and Former City of Malin Marshal Ron Broussard. Police Commissioner Baley stated the Sheriff's Department has been of great assistance with the Chief of Police/Marshal application process. Sheriff Kaber was invited by Police Commissioner Baley. Discussions have been held with Police Commissioner Baley regarding the hiring process of a police officer in the State of Oregon to accommodate Department of Public Safety Standards and Training (DPSST) standards, which have increased over the last few years. For example, a background investigation, psychological testing, and a physical exam are required. It was the understanding that Captain Bryson narrowed down the applicant pool for the City of Merrill. Police Commissioner Baley affirmed. Sheriff Kaber extended further help with advice or opinions about the process. Klamath County has a vested interest with any certified officer working in the county. Klamath County has enjoyed a working relationship with other police organizations for the past 30 years. Klamath County is hopeful the Chief of Police/Marshal to be will continue the working relationship. In the meantime, if the City of Merrill's need are unmet with the contract with the City of Malin, Klamath County Sheriff's Department will respond appropriately. Sheriff Kaber discussed the process and importance of a background investigation and encouraged sufficient time. Sheriff Kaber requested an invitation to sit on the hiring committee panel and would appreciate the offer. In the event Sheriff Kaber is unavailable, Captain Bryson can substitute for Sheriff Kaber. Klamath County Commissioner Dave Henslee introduced self and wife as owners of 5H Cattle Company off Pope Road and moved to Merrill about 4 years ago. Commissioner Henslee was a police officer for 48 years and retired as the Chief of Police from the City of Klamath Falls and currently serves as a County Commissioner. Police Commissioner Baley notified Commissioner Henslee about an agenda item. Commissioner Henslee offered support in whichever capacity the City of Merrill needs regarding the hiring process. Commissioner Henslee has literally hired hundreds of police officers, captains, sergeants, lieutenants, and run Chief of Police panels including Chief of Police hiring processes. Commissioner Henslee is a background investigator with years of experience in policing. Commissioner Henslee is connected to the Oregon Association Chiefs of Police, a board member for the Accreditation Alliance that accredits police organizations within the State of Oregon and State of Alaska, and heavily involved in the F.B.I. National Academy and served as the president of the Oregon Chapter. Commissioner Henslee offered support 24/7 and offered to review the applications. Commissioner Henslee is deeply passionate about who is hired as he considers the City of Merrill his hometown. Former Marshal Ron Broussard opined the City of Merrill utilize the resources offered. Retired Marshal Broussard, as an officer for 54 years, stated knowing what the City of Merrill is seeking in an applicant, having served the community. Hiring is a difficult process. Careful consideration and time must be taken because the employee becomes a liability. Retired Marshal Broussard is intending on submitted a proposal to the City of Merrill after July 1, 2023.

- **Public Works:**

- Public Works Director Matthews submitted report and read: Checked lifts; well level is 76 foot with pump running; completed and submitted Discharge Monitoring Report; hung pink tags; performed multiple locates; allowed outside dumping, which has resulted in approximately \$85,000.00; cleaned restrooms; fixed two sewer plugs; wrote article for newsletter; pumped off Willow Street Lift Station twice; Utility Worker Taylor and Roman Vazquez have completed remodeling City Hall hallway; downed tree at quilters and Dencer Lane; disassembled tank on flusher truck, sanded, brushed, cleaned, and painted inside; worked on sewer snake and ordered parts; replaced sign on Third Street with Stop Sign; plowed snow twice; assisted City of Tulelake unplug a sewer line with City of Merrill flusher truck; burned the burn pile; City of Merrill Park District purchased two loads of gravel, which City of Merrill staff spread at the Civic Center parking lot; Merrill Head Start is donating playground equipment to be installed at the City Hall Park; and met with Oregon Department of Transportation. The Curb Ramp Project bulb-out curb extensions are being revised. Washington Street will become a One-Way.

- **City Recorder:**

- City Recorder Hernandez reported: met with Tonia Ulbricht with Discover Klamath; Klamath County Captain Bryson reviewed Chief of Police resumes; Ricoh installation; reviewed Employee Handbook for updates; communications with DPSST; police interview questions and resume metric forms; and other daily administrative duties.

- **Lawyer:**

- Report: City Attorney Ratliff emailed the Swisher Road Annexation Ordinance Draft and Legal Description.

- **Code Enforcement:**

- Report: Code Enforcement Officer Perry sent out four new notices. An extension has been granted due to inclement weather and work schedules. Four violations were abated from February 2023 with one reassigned. Code Enforcement Officer Perry is working towards compliance. Code Enforcement Officer Perry is working on a few new violations.

- **Planning:**

- Report: No report.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Public Works Director Matthews reported on the article written for the *Merrill Doings*. The Lost River Bluegrass Festival has executed contracts for the 2023 line-up: Edgar Loudermilk Band from Georgia, the Western Flyers from Texas, the Central Valley Boys from California, Kentucky Sky from Idaho, Walter Jamboree from Tennessee, One Button Suit, and local Mountain Valley Stranglers. Tonia Ulbricht with Discover Klamath is advertising the Lost River Bluegrass Festival on the east coast. Headliner Edgar Loudermilk will be performing at the Historical Broadway Theater in Malin, Oregon on April 6, 2023, at 6:00 p.m. There is limited seating of 250 and the tickets are \$5 each. Tickets can be purchased at Merrill Lumber, Malin City Hall, Merrill City Hall, Kalina's Hardware, and Discover Klamath. Lost River Arts and Cultural Alliance approached Principal Angela Wallin of Lost River High School about students interested in art and history for Senior Projects. Public Works Director Matthews is mentoring Isabella Hernandez for her Senior Project.

NEW BUSINESS:

- Consumer Confidence Report: The Consumer Confidence Certification Form has been submitted, and the Consumer Confident Report has been mailed to each resident; therefore, the City of Merrill is in compliance.
- FEMA Revised FIRM and FIS Report: (*City Council Meeting resumed*) FEMA has submitted the revised map (displayed for viewing). Due to the revisions, properties have been removed from the flood plain. City Recorder Hernandez inquired whether the City Council wants to move forward on flood insurance or time

to review, though the insurance is not mandatory currently. City Council consensus was not to adopt flood plain insurance.

- Discuss Tax Lot #4110-001CC-07300 Encroachment: Tax Lot #4110-001CC-07300 is the property on Fourth Street, Malin Co-op, that encroaches upon the City of Merrill right-of-way. Washington Federal is aware of the encroachment. A potential buyer is inquiring to the city's position regarding the encroachment. The city had required the property owner have the property surveyed via City Attorney letter. All communications ceased. City Recorder Hernandez inquired whether the City Council desires the City Attorney to revisit the issue. Councilor McCollam and Mayor Pro Tem Johnson affirmed. Mayor Pro Tem Johnson stated a survey must be performed. City Recorder Hernandez sought directional clarification on compensation or an easement. Public Works Director Matthews inquired about the building's location on city right-of-way. City Recorder Hernandez stated six to 10 feet. Public Works Director Matthews stated the building has been in existence for years but opined that the city needs compensation. The property belongs to the City of Merrill. Mayor Pro Tem Johnson was of the same opinion as Public Works Director Matthews. Moving a building six to ten feet would be difficult. Mayor Pro Tem Johnson stated moving forward on the land survey to determine compensation. Consensus of City Council was to proceed with a land survey.
- Approve Central Square (ASYST) Software Relicensing: To transition from QuickBooks to Central Square (ASYST), the relicensing fee is \$7,625.00. Councilor McCollam made a motion to approve the relicensing. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Oregon Department of Transportation Speed Zone Order: The order has been placed to reduce speed limits. Public Works Director Matthews stated the locations and speed reduction limits.
- Discuss City Council Commissioner Positions: Tabled.
- Establish Panel for Chief of Police Interviews: Councilor McCollam inquired to Sheriff Kaber what an adequate number of representatives for a panel. Sheriff Kaber stated 4-5. The panel usually consists of Human Resource personnel, Captain Bryson, and a couple supervisors. Councilor Baley stated the panel for the City of Merrill would be the City Council and the Mayor, and Councilor Baley sought confirmation that Sheriff Kaber would participate. Sheriff Kaber stated the date, time, and commitment is unknown. First, narrow the applicant list to 4-5 and schedule the interviews in one-hour increments and develop questions from CIS, who has a vested interest. There is the possibility that none of the applicants are a good fit. Qualifications is not enough. Councilor McCollam inquired how many councilmen Mayor Pro Tem Johnson wanted to have on the panel. Mayor Pro Tem Johnson stated two. Councilor McCollam stated the addition of the four professionals in attendance would be beneficial. Commissioner Henslee stated that the last Chief of Police interview, the city had two panels. One panel contained staff, business owners, a high school student, and persons who had a different perspective, with more of a community feel. The other panel was law enforcement specific. The law enforcement panel was able to direct the questions about police practices and the like. The other panel focused on engaging the community and the youth of the community as an officer. Commissioner Henslee recommended two panels to increase participation and transparency. Mayor Pro Tem Johnson inquired to the working of the two panels. Commissioner Henslee stated multiple applicants were present and were shuffled from room to room, which was completed within a day. The city also had a department only panel, which consisted of only staff. Public Works Director Matthews stated that interview panels are limited to the questions directed at an applicant. Public Works Director Matthews inquired whether a community panel had the same limitations. Commissioner Henslee affirmed that the limitations are the same and that a Human Resource employee was present. Retired Marshal Broussard reiterated the importance of the background investigation because other departments will minimize an employee's conduct to rid themselves of the said employee. Police Commissioner Baley assumed Sheriff Kaber, Commissioner Henslee, and Retired Marshal Broussard will be on the panel. Police Commissioner Baley asked whether Captain Bryson would sit on the panel. Captain Bryson stated at the direction of Sheriff Kaber. Resident Cindy Taylor agreed to sit on the Community panel. Resident Isaac Nunn volunteered for the Community panel as he recently went through the hiring process as City Recorder for the City of Malin. Councilor McCollam suggested inviting Martin's Food Center owner Kelly Phillips, R & J Auto owner Rodney Green, Polar Bear owner and City Councilman Kallie Gatliff. An audience member stated Basin Ambulance and Merrill Rural Fire Department as possibilities who work with the police department. Commissioner Henslee suggested a Meet-n-Greet for the entire community to be introduced to the applicants. A future date will be set based upon schedules. *Law Enforcement personnel exited the meeting and a break ensued.*

- Discuss Imposing Late Fees on Water Utility Billing: Mayor Pro Tem Johnson stated the City of Merrill does not impose late fee on utility services. City Recorder Hernandez stated the City of Merrill issues Past Due Notices once an invoice is three months delinquent. There is an average of 40 Past Due Notices per month. City Council stated favor for imposing a late fee. Public Works Director Matthews discussed a flat rate verses a percentage. Mayor Pro Tem Johnson inquired whether City of Klamath Falls imposes a late fee. Commissioner Henslee stated researching. Mayor Pro Tem Johnson posed the same question to Retired Marshal Broussard. Marshal Broussard stated the invoices are turned over to a collection service, Carter Jones. City Recorder Hernandez stated the City of Merrill places a lien on the property for unpaid debts. Public Works Director Matthews described the additional time Past Due Notices place on staff. Councilor McCollam inquired to the additional time an imposed late fee would place on the office staff. City Recorder Hernandez opined minimal. Marshal Broussard suggested contacting League of Oregon Cities for additional information. Agendize for April 12, 2023.
- Lost River Arts and Cultural Alliance \$3,000 Request: Public Works Director Matthews requested \$3,000.00 from the Oregon Community Foundation Fund for the Lost River Bluegrass Festival. Councilor McCollam made a motion to approve the \$3,000.00 grant. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Discuss Truck Parking on Front Street: City Clerk Northcutt created a letter, at the direction of the Planning Commission, to a semi-truck operator who is violating the ORS 811.50 by parking too close to intersections and driveways thereby creating a safety hazard. This is the final warning. If another complaint is lodged, the City of Malin will be called to site the operator.

OLD BUSINESS:

- Letters of Interest for Mayoral Vacancy/Appointment: No submittals.
- Determine Status of Police Contract with Malin Police Department/Review Budget: The Police Budget no longer has funds to continue the contract. City Recorder Hernandez has drafted a letter stating the effective cancellation date shall be March 31, 2023. The Recorder's Budget will pay for the March contracting. Councilor McCollam inquired whether the Recorder's Budget has the funding. City Recorder Hernandez stated the funds can be used from legal/audit. City Recorder Hernandez has considered the expenses to hire a new Chief of Police or the contract and sought the direction of City Council. Another direction would be a Supplemental Budget that would require a hearing. Councilor Baley stated the budget has been tight for years and suggested increasing water and sewer fees. City Recorder Hernandez stated water and sewer are propriety funds and remain separate. The general and police fund come from taxes and state revenue. Marshal Broussard stated the psychological exam was \$600.00 and the background check was \$1,000.00. Commissioner Henslee volunteered to perform the background check at no expense to the City. The background check will take one month. City Council was grateful. Commissioner Henslee asked to have the contract placed on the agenda for the meeting March 9, 2023 at the Government Center. Tabled.
- Approve Letter to City of Malin: Tabled.

ORDINANCES:

RESOLUTIONS:

- Resolution 2023-913 Adopt the Legal Reinstatement of Merrill Police Department: City Recorder Hernandez read Resolution 2023-913 Adopt the Legal Reinstatement of Merrill Police Department into the record. City Recorder Hernandez stated a letter to DPSST still needed to be drafted. Councilor McCollam made a motion to approve Resolution 2023-913 Adopt the Legal Reinstatement of Merrill Police Department. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Resolution 2023-914 Transfer Funds to Comply with Budget Law Requirements: City Recorder Hernandez read Resolution 2023-914 Transfer Funds to Comply with Budget Law Requirements into the record by title. Councilor McCollam made a motion to approve Resolution 2023-914 Transfer Funds to Comply with Budget Law Requirements. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Resolution 2023-915 Transfer Line-Item Funds to Comply with Budget Law Requirements: City Recorder Hernandez read Resolution 2023-915 Transfer Line-Item Funds to Comply with Budget Law Requirements into the record by title and requested City Council review the resolution. Councilor Baley made a motion to approve Resolution 2023-915 Transfer Line-Item Funds to Comply with Budget Law Requirements. Councilor McCollam 2nd the motion. The motion passed 3-0 in favor.

OTHER-FUTURE AGENDAS:

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 stated a pre-construction meeting was held Monday, March 6, 2023, with Morello Construction in regard to the Swisher Road Project. Once supplies are available, the project will begin.

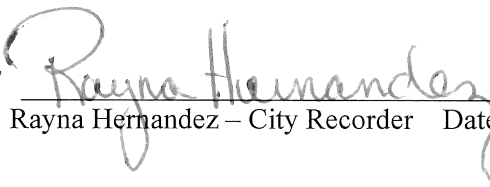
ADJOURN MEETING:

Councilor Baley made a motion to adjourn the March 8, 2023 Meeting. Councilor McCollam 2nd the motion. With all in favor, the meeting adjourned at 6:46 p.m.

Respectfully Submitted,


Joanne Johnson – Mayor Pro Tem

4-12-2023
Date


Rayna Hernandez – City Recorder

4/12/2023
Date

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