
REGULAR BUSINESS MEETING

Tuesday May 11, 2021 6:00 P.M.

MEETING CALLED TO ORDER:

Mayor Carlson called the Tuesday, May 11, 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 City Recorder Hernandez 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.

Resident Martin Picke submitted a formal Code Enforcement complaint. Mayor Carlson acknowledge the submittal for the record.

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 Baley 2nd the motion. The motion passed 4-0 in favor.
- **Phone Poll:** Bids for Siding at City Hall-\$3,346.50 (Councilor Picke Approved Via Text, Councilor McCollam Approved Via Text, Councilor Carleton Approved Verbally)
- **Business License Renewals:**
- **Business Licenses:**
- **Accounts Payable:**
April 2021 Account Payables: *Refer to meeting minutes for motion.*
April 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.
On April 20, approximately 5:00 p.m., Officer Srch was involved in a traffic accident. The patrol vehicle was struck broadside on the driver's door. Air bags were deployed. The investigation was forwarded to the Klamath County Sheriff's Department with no reported injuries. Officer Srch was able to continue regular duties using the 2009 Dodge Charger.
On April 26, Officer Srch was dispatched to investigate an accident at the intersection of Malin Siding Road and Stateline Road. Marshal Broussard was involved in the accident. Merrill Police Department investigated the accident as an outside agency.

Oregon Department of Transportation Speed Overtime Grant has been completed. Officer Srch will begin the Oregon Department of Transportation DUII Overtime Grant. Letter of Interest for Oregon Department of Transportation Speed and DUII Overtime Grants for the 21/22 Fiscal Year have been submitted.

- **Public Works:**

- Public Works Director Matthews reported: checked lifts, took water and sewer samples, well static level of 68 feet, completed Discharge Monitoring Report (DMR), hung pink tags with a shut-off, performed multiple locates, read meters, dumping revenue is currently at \$47,215.00 for the fiscal year, Willow Street sewer cleanout, City Engineer Darryl Anderson is compiling a Third Street Chip Seal Proposal, cleaned restrooms, completed Pole Barn awaiting an inspection, cleaned at old sewer plant, cleaned shop, Utility Worker Taylor built racks and fixed the 1985 F350 the City purchased from the Merrill Fire Department for \$1.00, fixed two sewer plug, increased set point volume on water tank, replaced pump on spray trailer, fixed suction pipe at lagoon, purchased siding for City Hall, and worked on budget. Public Works Director Matthews stated Part-time Laborer Roman Vazquez has been mowing and spraying weeds including puncture vines and suggested residents notify City Hall about puncture vine on private or public property to eradicate, which should be communicated in the June newsletter.

- **City Recorder:**

- City Recorder Hernandez submitted report and read: City Recorder Hernandez stated all funds have been submitted to the auditor and started entering payables and receivables for the 20/21 fiscal year into the old accounting system, submitted CIS Property and Liability Renewal, Personnel Concepts Webinar-*Critical Labor Law Updates for Employers*, BOLI Webinar-*Certified Payroll*, submitted publication for budget, distributed budget packets, hosted budget orientation, attended Nathan Merrill's Headstone installation, compiled and mailed invitations, and completed CIS Property claim.

- **Lawyer:**

- Report

- **Code Enforcement:**

- Report: Officer Srch reported Code Enforcement efforts on public nuisance complaints, obnoxious weeds, and several verbal warnings. Officer Srch briefly described the Code Enforcement complaint submitted by Resident Martin Picke.

- **Planning:**

- Report: (*Mayor Carlson recused self due to conflict of interest*) Councilor Carleton stated no activity to report.
- Approve Revised City of Merrill Building Application: Signature lines were added and updated the schematics. Councilor Carleton made a motion to approve all the revised applications. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- Approve Revised Land Use Compatibility Statement (LUC): The requirement for a Building Application was added. Councilor Carleton made a motion to approve all the revised applications. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- Approve Revised City of Merrill Temporary Use Permit: Councilor Carleton made a motion to approve all the revised applications. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- Approve Revised General Review Application: Councilor Carleton made a motion to approve all the revised applications. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.

PROJECT MERRILL:

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Public Works Director Matthews thanked all persons involved to make the Nathan Merrill Headstone installation possible. The Nathan Merrill Memorial unveiling will be Friday, May 28th, 2021, 12:00 p.m., at the Old Merrill Cemetery. Public Works Director Matthews updated City Council on the Lost River Bluegrass Festival and requested the use of the Merrill City Hall Park for overflow visitors. No objections followed from City Council. Public Works Director Matthews, on behalf of Lost River Arts and Cultural Alliance, requested \$3,000.00 grant from the Oregon Community Foundation Funds for the Lost River Bluegrass Festival. Councilor Picke made a motion to approve \$3,000.00 Oregon Community Foundation Funds for the Lost River Bluegrass Festival. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.

NEW BUSINESS:

- The Waterhole 2 Liquor License Application: City Recorder Hernandez stated Owner Cindy Lesh retired. The Waterhole 2 Liquor License Application is administrative for the new owner. Councilor Picke made a motion to approve the Waterhole 2 Liquor License Application. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- Volunteerism Recognition-Randy Reiger: Councilor Baley requested a plaque and Letter of Recognition from the City for snow plowing. No objections from City Council followed.

OLD BUSINESS:

- Discuss Reserve Officer Program: Discuss was opened to City Council. Councilor Carleton stated uninterested until more is known. Councilor Picke inquired to what more information is needed. Councilor Carleton inquired whether City Council would have a vote on who the Reserve Officer would be. Officer Srch stated there is consideration. Yes. Councilor Carleton stated wanting a definite yes. Officer Srch stated anyone presented to the City Council must be vetted. The City does not want strangers. Councilor Carleton stated the question has no been answered. Officer Srch stated, "not knowing how to read that Mr. Carleton" and have read the City of Merrill Policy Manual and Police Manual. Councilor Carleton questioned whether City Council can approve a Reserve Officer. Officer Srch stated not knowing the answer. Councilor Carleton stated uninterest in the Reserve Program. Councilor Picke stated favor for the Reserve Program. Councilor Baley stated no opinion. Councilor McCollam stated concern about the trainer. There have been numerous incidents of complaints from the public and is uncertain whether the complaints have been addressed. Councilor McCollam stated similar to Mr. Hughes the complaint at the April 13, 2021 City Council Meeting and inquired whether the issue was brought to the Chief. Officer Srch was unaware a complaint was levied against the trainer. Councilor McCollam inquired whether Officer Srch would be the trainer. Officer Srch affirmed. Councilor McCollam clarified the complaint was against Officer Srch. Officer Srch confirmed. Councilor McCollam stated two incidents involving Officer Srch and Councilor McCollam's mother and questioned whether the incidents were investigated. Officer Srch recalled the incidents. Councilor McCollam stated concerns about Officer Srch training Reserve Officers in the community. Officer Srch stated the Reserve Officer Program is not about the self. The Reserve Officer Program is about the Reserves and the ability to create Officers that can work within the City of Merrill in a manner the befits the City. Officer Srch inquired whether City Council is attacking an individual or attacking a program. The program will create longevity and a replaceable resource for the City of Merrill. The Police Department will always have complaints. Complaints go will the territory. In law enforcement, Officers are not everyone's hero. The job is performed without infringing on personal rights or families and can occasionally be misinterpreted. Councilor McCollam inquired who determines the type of Officer that befits the City. Officer Srch? Officer Srch stated the vetting process is through the training, yes. The trainee has to be able the perform the duties of an Officer. Councilor Carleton stated the City Council is responsible for staff. City Council hears the results from the public. City Council is responsible to the citizens. Councilor Carleton will not support a program where City Council cannot review the applicants. Councilor Carleton stated support for the Reserve Program but wants control. Officer Srch stated understanding; however, there is a difference between the Reserve Program and the candidates. To begin, the Reserve Program needs to be reinstated. Then candidates may be sought. Councilor Carleton sought Officer Srch to put comments in writing. Officer Srch stated the information is from the Policy Manual. Councilor Carleton stated not from past experience. Officer Srch stated the Marshal is responsible for the troops. The Marshal is responsible to the board. Discussion about representation and accountability ensued. Tabled.

- A Brief History of Oregon Property Tax: City Recorder Hernandez stated A Brief History of Oregon Property Tax is for informational purposes discussed at the April 13, 2021 City Council Meeting and due to time constraints, the packet is for City Council review.
- Discuss Vacate Process: Tax Lot R-4110-011AB-00200-000 (Alley) research for the vacate process: Section 37. Improvements Merrill-Charter states, "The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. Action on any proposed public improvements, except a sidewalk or except an improvement unanimously declared by council to be needed at once because of an emergency, shall be suspended for six months upon a challenge thereto by the owners of two-thirds of the land to be specially assessed therefor. In this section 'owner' shall mean the record holder of legal title or where land is being purchased under a land sale contract recorded or verified to the recorder in writing by the record holder of legal title to the land, the purchaser shall be deemed the 'owner'."

ORDINANCES:

- Bill 2036-Amending Chapter 2 Section 2.2.120-General Residential Zone R-1 Development Standards Table 2.2.120 Dimensional Standards for the R-1 Zone-Second Reading: City Recorder Hernandez read Bill 2036 into the record by title. Councilor Picke made a motion to approve Bill 2036-Amending Chapter 2 Section 2.2.120-General Residential Zone R-1 Development Standards Table 2.2.120 Dimensional Standards for the R-1 Zone. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- Bill 2037-Amending Title XV: Chapter 155.022 Land Usage Section (D) Subsection (6) Minimum Parcel Size-Second Reading: City Recorder Hernandez read Bill 2037 into the record by title. Councilor Carleton made a motion to approve Bill 2037-Amending Title XV: Chapter 155.022 Land Usage Section (D) Subsection (6) Minimum Parcel Size. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.
- Bill 2038-Amending Development Code Chapter 2.2.400 (D) Residential Districts-Special Use Standards; Bed and Breakfast Inns-Second Reading: City Recorder Hernandez read Bill 2038 into the record by title and stated spelling errors were corrected from the first reading. Councilor Picke made a motion to approve Bill 2038-Amending Development Code Chapter 2.2.400 (D) Residential Districts-Special Use Standards; Bed and Breakfast Inns. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- Bill 2039-Amending Development Code Chapter 2.2.400 (H); 5 (a) Residential Districts Special Use Standards; Manufactured/Mobile Home Parks-Second Reading: City Recorder Hernandez read Bill 2039 into the record by title and with no corrections from the first reading as only the word "and" was removed. Councilor Carleton made a motion to approve Bill 2039-Amending Development Code Chapter 2.2.400 (H); 5 (a) Residential Districts Special Use Standards; Manufactured/Mobile Home Parks. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.
- Bill 2042-Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 E Pre-Fabricated Metal Containers-Second Reading: City Recorder Hernandez read Bill 2039 into the record by title and stated section (2) was changed to reflect the suggested verbiage from Planning Commission and agreed upon at the first reading. Section (5) dates were changed per directive of Planning Commission and agreed upon at the first reading. Councilor Picke made a motion to approve Bill 2042-Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 E Pre-Fabricated Metal Containers. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- Bill 2041-Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 D Temporary RV (Recreational Vehicle) Residence-First Reading: City Recorder Hernandez read Bill 2041-Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 D Temporary RV (Recreational Vehicle) Residence into the record. Section (3) verbiage "not exceed may not" is recommended be changed to "may not exceed". City Council agreed to the first reading with changes.
- Bill 2043-Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 F Demolition Permits-First Reading: City Recorder Hernandez read Bill 2043-Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 F Demolition Permits into the record. City Council agreed to the first reading without changes.
- Bill 2044-Amending Development Code Chapter 1.3.300 Definitions-First Reading: City Recorder Hernandez read Bill 2044-Amending Development Code Chapter 1.3.300 Definitions into the record. The word "us" is to be changed to the word "use". City Council agreed to the first reading with changes.

- Bill 2045-Amending Development Code Chapter 1.3.300 Definitions-First Reading: City Recorder Hernandez read Bill 2045-Amending Development Code Chapter 1.3.300 Definitions into the record. City Council agreed to the first reading without changes.

RESOLUTIONS:

- Resolution 2021-844: Transfer to Comply with Budget Law Requirements: City Recorder Hernandez read Resolution 2021-844 into the record by title and explained the resolution are administrative transfers to comply with budgeted line items. Councilor Picke made a motion to approve Resolution 2021-844. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2021-845: Adopt Vaccine Awareness Month: Mayor Carlson desired to change wording on Resolution 2021-845. Tabled to reflect new verbiage.
- 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: Mayor Carlson desired to change wording on Resolution 2021-846 conflicting with Resolution 2021-839: Adopt COVID-19 Statement. Councilor Carleton supported the changes and expressed support for Baker City and other counties. Tabled.

OTHER-FUTURE AGENDAS:

- Work Session on Oregon Municipal Home Rule (League of Oregon Cities) with City Attorney Jennifer Schade

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 inquired whether Hosanna may hold prom at Merrill City Hall Park. No objections from City Council followed.

Public Works Director Matthews stated Utility Worker Taylor and Cindy Taylor have found their missing sister deceased whom had been missing for months and desired to express condolences to the family.

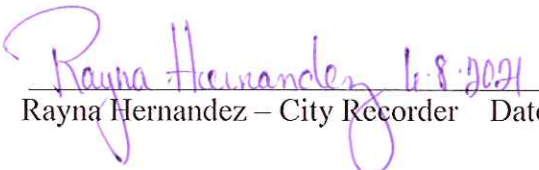
ADJOURN MEETING:

Councilor Picke made a motion to adjourn the May 11, 2021 Meeting. Councilor Carleton 2nd the motion. With all in favor, the meeting adjourned at 7:09 p.m.

Respectfully Submitted,


Bill Carlson - Mayor

08 JUN 21
Date


Rayna Hernandez – City Recorder

6-8-2021
Date