

CITY OF MERRILL
EXECUTIVE SESSION
Wednesday, May 13, 2026
6:00 P.M.
REGULAR BUSINESS MEETING
301 E SECOND STREET MERRILL, OREGON 97633
Wednesday, May 13, 2026
6:30 P.M.

EXECUTIVE SESSION:

Mayor Guthrie called the Wednesday, May 13, 2026 Executive Session to order at 5:57 p.m. Roll call was taken with the following members of Council and others being present: Councilor Johnson, Councilor Gatliff (recused self-due to conflict of interest, not present), Councilor McCollam (recused self-due to conflict of interest, not present) Councilor Baley, Mayor Guthrie, City Recorder Hernandez, City Clerk Northcutt, Sergeant Hetherwick, and City Attorney Ratliff.

- Discuss Abatement with Legal Counsel-Closed Session

ADJOURN Executive Session:

Executive Session convened at 6:15 p.m.

CONVENE Regular Session:

Representatives of the media are prohibited from reporting on any of the deliberations during this executive session, except to state the general subject of the session as stated above.

MEETING CALLED TO ORDER:

Mayor Guthrie called the Wednesday, May 13, 2026 Business Meeting to order at 6:20 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.

CONSENT AGENDA:

Meeting Minutes:

Meeting Minutes:

- Approve April 08, 2026 Regular Business Meeting Minutes: Councilor Gatliff made a motion to approve the April 08, 2026 Regular Business Meeting Minutes. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.

Business License:

- George Macaluso 2026 ½ Year Rental Business License; Merrill Polar Bear; Refugio Hernandez 2026 Annual Rental Business License x 3; The Waterhole 2, ACNT LLC (435 W. Front Street): Councilor Johnson made a motion to approve the business licenses. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.

Phone poll ratifications:

- 4/16/2026 Approval for Plaque at Veteran’s Park for Public Work Director’s Memorial-Six Foot Concrete Slab with Plaque and Center Stand (Concrete Donated by Ed Staub’s, Labor Donated by Richard Hallmark) (Councilor Johnson-Verbal (10:27 am), Councilor McCollam-Text (3:29 pm), Councilor Gatliff-Verbal (11:34 am), Councilor Baley-No Vote) Approved 3-0, 1 No Vote: Councilor Johnson made a motion to ratify the phone poll. Councilor Gatliff 2nd the motion. The motion passed 4-0 in favor.

Accounts Payable:

April 2026 Account Payables: Councilor Gatliff made a motion to approve Account Payables. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.

April 2026 Water Transfer: Councilor Baley made a motion to approve Water Transfer. Councilor Gatliff 2nd the motion. The motion passed 4-0 in favor.

STAFF REPORTS:

Police:

- Report: Sergeant Hetherwick read submitted report as follows: 10 traffic stops; issued 3 trespasses (Martin’s Food Center, Fast Break, and 234 Polk Street); responded to 4 911 hangup calls, which were to be unfounded; assisted Klamath County Sheriff’s Department with a noise complaint and trespass with drones off Anderson and Hill Road; information was collected regarding minor motor vehicle collision at Martin’s Food Center; assisted Malin Police Department with possible school lockdown; 2 Citizen Assist with directions; Telephonic Harassment passed on to Modoc County Sheriff’s Office due to subject living in Modoc County; investigated assault at 121 Monroe Apartment 1 and determined the incident happened at Stateline RV Park (passed to Siskiyou County Sheriff’s Office); Attempted Assault 2 under current investigation with a Hit and Run Felony at intersection of First and Jefferson Street. An individual backed into another vehicle and drove up onto the hood and smashed the windshield. No medical was needed. Finalized search warrant with Klamath County Sheriff’s Department Detective Golden. The search warrant will be submitted to financial institution for official bank records regarding theft at Water Hole 2. Attended quarterly firearms qualifications with Klamath County Sheriff’s Department. Completed all mandatory training set forth by DPSST.
- Klamath County Sheriff’s Department Police Contract: Tabled.

Public Works:

- Report: Interim Public Works Director Roman Vazquez read submitted report as follows: Checked lifts; submitted DEQ’s Discharge Monitoring Report (DMR); hung pink tags; performed multiple locates; repaired broken waterline along S. Merrill Rd (thank you to Bob’s Excavating); collected water sample; collected and submitted sewer sample to lab; outside dumping revenue invoiced \$103,665.00 to date; bulk water invoiced \$2,240.00 to date; repaired sewer pumps at Polk Street Lift Station; cleaned lagoon; read water meters; sprayed weeds; new backhoe was delivered; collaboration regarding ODOT’s Safe Route to School Project; disced commercial property adjacent to Les Schwab; installed new meter at 332 N Polk and 310 N Polk Street due to low pressure from 1-inch line, relocated to 4-inch line; attended Budget Meetings; and Bobcat caught fire resulting in damaged alternator.

City Recorder:

- Report: City Recorder Hernandez read submitted report as follows: received PILT revenue; held first and second Budget Meetings (thank you to all); SLFRF Annual Report Submission; City Engineer Darryl Anderson signed mylars; Public Depositors Verification Submission. Received bids for Water Line Relocation Project and the contract was received May 13, 2026. Along with Interim Public Works Director Roman Vazquez, City Recorder Hernandez inquired whether the Street Commissioner or the Mayor shall sign. The consensus of the City Council was Mayor Guthrie shall sign the contract. City Recorder Hernandez also submitted CIS Property and Liability Renewal; composed Traffic Control Change Letter; received Audit Draft, submitted and paid to Oregon Secretary of State; and other administrative duties.

Lawyer:

- Report: No report.

Code Enforcement:

- Report: Sergeant Hetherwick reported a court date has been set for ongoing abatement regarding 189 Court Drive.

Planning:

- Report: *Planning Meeting Cancelled*
- Approve *Municipal Code Article 154 Development Code* June 12, 2007, Updates Per DLCD Guidelines: Tabled.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Presentation and Approval for Merrill Historical and Modoc War Signage at The Good Duck Park: Museum Curator Zeke Nunn presented signage for the Merrill Historical and Modoc War requested by the late Public Works Director Matthews. The sign would be located at the Good Duck Park and measure five-foot wide by five and a half foot tall. The cost is estimated at \$800.00-\$1,000.00. The material will be barn wood and the chevron may possibly be sheet metal. The sign will be double sided. The sign will be paid for by the Merrill Historical and Modoc War Fund; however, permission was sought to approve the location of the signage at the Good Duck Park. No opposition followed.
- Oregon Community Foundation Request-Beautification Project: City Recorder Hernandez requested \$3,000.00 on behalf of Lost River Arts and Cultural Alliance for the annual flower baskets along Front Street. Councilor Johnson made a motion to approve \$3,000.00 for the flower baskets. Councilor Gatliff 2nd the motion. The motion passed 4-0 in favor.

NEW BUSINESS:

- Skyline Brewing Meats OLCC Application: Ty Kliewer presented the vision for Skyline Brewing Company Meats LLC. The brewery was started 9 years ago in Klamath Falls, Oregon. The new location will be at Pourhorse with an emphasis on how to rethink agriculture; therefore; the brewery will be focused around BBQ. The brewery will also be partnering with Volcanic Winery. The expected opening will be mid June. Ty Kliewer submitted a preliminary sketch of the improvements to the outside building to the City Council. Councilor Johnson made a motion to approve the OLCC License. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- Corrective Action Plan: City Recorder Hernandez stated the two weaknesses and deficiencies with suggested action were as follows:
“The City requested that Romig & Associates, PC prepare the financial statements, including notes. Generally Accepted Auditing Standards consider the City’s inability to prepare its financial statements in accordance with the cash basis of accounting without the assistance of its auditor to be a control deficiency that adversely affect the City’s ability to report financial data reliably. Due to cost effectiveness, Romig and Associates do not recommend the City make any change in regard to this matter.”
“During the audit we found that two funds’ prior year ending balances did not tie to current year beginning balances. This may have been caused by the books being on a modified basis, and the financial statements being reported on the cash basis. We recommend the city to implement a procedure to change the books from one basis of accounting to another for the financial statements reporting purposes.”
The City Council made a motion to adopt the 2025 Corrective Plan, which is that no action shall be taken per auditor recommendation in the City’s preparation of its financial statement, and an appointment may be setup to discuss the modified and cash basis with Romig & Associates.
Councilor McCollam made a motion to approve the Corrective Action Plan. Councilor Gatliff 2nd the motion. The motion passed 4-0 in favor.
- Discuss Water (*sic*) Relocation Project: Interim Public Works Director Roman Vazquez updated the City Council on the Waterline Relocation Project. There has been miscommunication between City Engineer Darryl Anderson, Oregon Department of Transportation, and Rocky Mountain Construction. A water meter was required to be relocated and Rocky Mountain Construction stated charging City Engineer Darryl Anderson for the relocation due to deadlines unmet. Waterlines will be relocated and 1-inch waterlines replaced with 6-inch waterlines. The cost will be \$190,000.00.

- Position #3 of the City Council: Tabled.
- Discuss Dangerous Dog Restrictions and/or Ban: City Recorder Hernandez was given access to 900 archived ordinances. The State of Oregon has three ordinances contained within the Council Packet. Councilor Johnson stated opposition to the number of chances dangerous dog incidents allotted within the ordinances. Copies of the ordinances were requested for community members by Councilor McCollam whom were in attendance. Discussion regarding dangerous dogs followed. Tabled.
- Appoint Sergeant Hetherwick to Chief of Police: Councilor McCollam made a motion to appoint Sergeant Hetherwick to Chief of Position. Councilor Gatliff 2nd the motion. The motion passed 4-0 in favor.
- Appoint Police Commissioner: Councilor Johnson was nominated by Councilor McCollam, Mayor Guthrie, and Councilor Gatliff due to past history. Councilor McCollam made a motion to appoint Councilor Johnson as Police Commissioner. Councilor Gatliff 2nd the motion. The motion passed 3-0.
- Klamath Project Drought Response Agency's 2026 Small Parcel Assistance Program: City Recorder Hernandez was unsure whether the Klamath Project Drought Response Agency's 2026 Small Parcel Assistance Program pertained to the City of Merrill; however, the City of Merrill owns acreage adjacent to Les Schwab. Mayor Guthrie suggested the City of Merrill opt in the Small Parcel Assistance Program. The purpose is to include small parcels in the water bank. Prior to the option, parcels were required to be 20 plus acres. The concern is the totality of acreage, 3.999 acres or less. The City would be prohibited from watering the acreage. Discussion followed. Councilor McCollam made a motion to opt in to Klamath Project Drought Response Agency's 2026 Small Parcel Assistance Program. Councilor Baley 2nd the motion. The motion passed 4-0 I favor.
- Discussion by Tulelake Chief of Police: Chief Hoy, City of Tulelake Chief of Police, presented a Police Contract to the City of Merrill that has been reviewed by City of Tulelake Legal Counsel and Town of Bonanza Legal Counsel. The Tulelake Police Department is offering patrol from \$5,200.00 per month, minimum of 40 hours per month with over run at no additional charge, and all equipment, materials, and supplies are provided to the Town of Bonanza; however, the contract is delayed due to non-existent ORI and LEDS representative. The City of Merrill's situation is different being that the City has a Police Department but is unable to provide law enforcement 24/7. State of California pays to maintain a Police Department along its borders; therefore, Tulelake Police Department has a healthy budget with the aid of Jenny Coelho. Chief Hoy suggested changing the decal on police vehicle to Tulelake and Merrill Police Departments. Chief Hoy continues to hold certification within the State of Oregon. However, DPSST Standards would still apply. Chief Hetherwick stated the requirements would be a 2-week Peacock Class, psychological test regardless of certification, and a background investigation. Discussion of contractual hours. Border legalities and arrest powers were debated between retired Marshal Bicknell and Chief Hoy. Tabled. A Special Business Meeting at 1:00 p.m. was scheduled to Discuss Police Contracting.

OLD BUSINESS:

- Discuss the Late Public Works Director Memorial Status: City Recorder Hernandez stated Richard Hallmark is donating time to pour concrete and construct the memorial. Ed Staub and Sons donated the concrete. City Recorder Hernandez sought permission to purchase materials for the memorial with the assistance of Richard Hallmark. No opposition followed. After researching plaques, the plaques average \$1,000.00. The late Public Works Director Matthews' widow is composing the epitaph. Again, City Recorder Hernandez sought permission to proceed forward with the plaque once the customization has been provided. No opposition followed.

ORDINANCES:

- 2071 Hunter Franchise: Ordinance 2071 Hunter Franchise was read into the record by title. Hunter Communications has a franchise ordinance on file; however, the ordinance has expired. The only change to the document is the effective date. Councilor Johnson made a motion to approve the first reading. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.

RESOLUTIONS:

- Resolution 2026-999 Transfer Funds to Comply with Budget Law Requirements: Resolution 2026-999 Transfer Funds to Comply with Budget Law Requirements was read into the record by title. Councilor Gatliff made a motion to approve Resolution 2026-999 Transfer Funds to Comply with Budget Law Requirements. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.

- Resolution 2026-1000 Transfer Line-Items to Comply with Budget Law Requirements: Resolution 2026-1000 Transfer Line-Items to Comply with Budget Law Requirements was read into the record by title. Councilor Baley made a motion to approve Resolution 2026-1000 Transfer Line-Items to Comply with Budget Law Requirements. Councilor McCollam 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2026-1001 Bank Signature Authorization: Tabled.

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.

No public comment followed.

ADJOURN MEETING:

Councilor Johnson made a motion to adjourn the May 13, 2026 Meeting. Councilor Baley 2nd the motion. With all in favor, the meeting adjourned at 7:33 p.m.

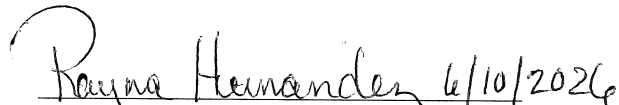
Respectfully Submitted,



Terry Guthrie – Mayor

6/10/26

Date



Rayna Hernandez – City Recorder

6/10/2026

Date

File #2024-09-05-10-20-58