

CITY OF MERRILL
REGULAR BUSINESS MEETING
Wednesday, September 13, 2023 5:30 P.M.

MEETING CALLED TO ORDER:

Mayor Pro Tem Johnson called the Wednesday, September 13, 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, Councilor Baley, Councilor McCollam (absent), and City Recorder Hernandez.

FLAG SALUTE:

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

No public comment followed.

CONSENT AGENDA:

- **Meeting Minutes:**
Approve August 9, 2023 City Council Meeting Minutes
Councilor Gatliff made a motion to approve the entire consent agenda. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- **Phone Poll:**
- **Business License Renewals:**
- **Business Licenses:**
Sheila Hayes 100 W. Court Drive
Merrill Polar Bear
Volcanic Winery, LLC
Refer to meeting minutes for motion.
- **Accounts Payable:**
August 2023 Account Payables: *Refer to meeting minutes for motion.*
August 2023 Water Transfer: *Refer to meeting minutes for motion.*

STAFF REPORTS:

- **Police:** Report: City of Malin Chief of Police Richards reported patrolling approximately +/- 80 hours. Domestic disturbances have been reported at the Merrill apartments relating to unauthorized guests. Traffic has been slow with the construction. Chief of Police Richards stated the Reserve Officers have been on vacation; therefore, Chief of Police Richards has been sole patrol officer. A significant number of hours have been on Harpold and Malone Road in regards to theft.
- **Public Works:**
 - Public Works Director Matthews submitted report and read into the record: Checked lifts; well level is 79 foot with pump running; completed and submitted Discharge Monitoring Report; hung

pink tags; performed multiple locates; finished irrigating at the lagoon; cleaned Cattails from lagoon; added 2" valve on east-side of park for irrigation; updated and submitted Operation and Maintenance Manual for the Swisher and Fourth Street Project; Utility Worker Taylor updated dump station at lagoon; awaiting Small City Allotment Grant request of \$150,000.00 for chip sealing by Klamath County; met with Oregon Department of Transportation Manager Bill Nash regarding upcoming Safe Routes to School Project 1 to begin 2025; accepted outside dumping (\$23,000 to date); cleaned restrooms; resolved two sewer plugs; wrote article for newsletter; rebuilt 4" waterline in front of Martin's Food Center; sprayed weeds; moved dirt at lagoon; replaced hydraulic hose on dump trailer; R & J Auto has police vehicle for maintenance; ordered tires for pick-up truck, need 24" rim for tractor.

Commissioner Henslee inquired about the correlation to the well recharging level and the system from when the City Well ran dry. Public Works Director Matthews stated the level used to be at 56', which has declined and not rebounded (current 70'). Public Works Director Matthews maintains weekly water levels.

- **City Recorder:**

- City Recorder Hernandez reported: Submitted Public Works Operations Maintenance Plan and invoices to Business Oregon for the Swisher Road/Fourth Street Water Project; completed AHUPS; completed LRACA business renewal with Oregon Secretary of State; completed ASYST Utility Billing set-up, etc.; met with Spring Street Analytical regarding invoicing errors; communications with City Engineer Darryl Anderson regarding Morello Construction's change proposal payment; continuing ASYST Payroll set-up; and other daily administrative duties.

- **Lawyer:**

- Report: No report.

- **Code Enforcement:**

- Report: Code Enforcement Officer Perry submitted report for City Council to review. Code Enforcement Perry was not in attendance. Mayor Pro Tem Johnson stated the Code Enforcement 2009 Dodge Charger requires repairs that exceed the \$500.00 threshold and requested a motion to approve repairs through R & J Auto. Councilor Gatliff made a motion to approve to repair the 2009 Dodge Charger. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.

- **Planning:**

- Report: Councilor Gatliff reported on the Development Code, State and County Standards. Accessory setbacks with residential, commercial, and industrial zones were discussed. The decision was made to take no action.
- 332 N Polk Street Fence Application: Councilor Gatliff made a motion to approve the 332 N Polk Street Fence Application. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- US Cellular Colocation (Change of Equipment) 455 Lincoln Street: Councilor Gatliff reported that the Planning Commission reviewed the RF Safety Assistance Merrill Microwave Replacement Report for US Cellular. Authorized Agent Greg Warford was available via telephone for questions regarding the report. The Planning Commission approved the report to move forward to City Council. Councilor Gatliff made a motion to US Cellular Colocation (Change of Equipment) 455 Lincoln Street. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

Report: Public Works Director Matthews reported the Merrill Historical Society is mentoring Bella Hernandez who is painting a mural of Stonebridge of the Applegate Trail, and Chase McAuliffe who is mapping a compiling articles of the Old Merrill Cemetery. A fan of Carl Barks from Kentucky donated \$1,200.00 worth of books. The Lost River Bluegrass Festival has all the bands contracted for 2024. Public Works Director Matthews listed the bands and discussed the talent. Lost River Arts and Cultural Alliance is assisting with the Klamath Basin Potato Festival. New Christmas lights have been purchased to decorate Front Street. Commissioner Henslee inquired about applying for the Klamath County Tourism Grant. Public Works Director Matthews stated receiving the grant for the 2023 year.

NEW BUSINESS:

- Klamath County Commissioner(s) Discussion: Board of Commissioner DeGroot, Commissioner Morris, and Commissioner Henslee called the meeting to order at 5.48 p.m. Others in attendance: Public Works Director Morris.
 - Policing: Commissioner Henslee inquired about the direction City of Merrill is in relation to the police department. Mayor Pro Tem Johnson stated Councilor McCollam is managing the police department plans and requested to table the subject until a meeting is held between Commissioner Henslee and Councilor McCollam. Tabled.
 - Emergency Management Update: Commissioner Morris stated a transition in Emergency Management. Klamath County is in the process of hiring a new manager. The selection has been narrowed to two candidates with a second round of interviews. Once the candidate is established, contact will be made with the community. Commissioner DeGroot estimated the individual should be in place by the end of September. A national search was conducted. One candidate is local in another department within Klamath County and the other is from Montana. Both candidates are phenomenal. Commissioner Henslee commented on the future of rebuilding the Emergency Management Office.
 - Jeremy Morris-Public Works Update: Public Works Director Morris introduced self. Public Works will be working; however, lane closures will be prohibited October 12-13, 2023 related to the traffic generated from the eclipse event, avoid working on major connector roads such as: Sprague River Road, Silver Lake Road, or anything that connects highway to highway to self-inflict a traffic problem. Public Works works Monday-Friday; however, management and staff will be available for dispatch on Saturday and Sunday of the event in case of emergency. Reminder that Klamath County has a large equipment fleet, approximately 200 pieces of equipment that range in size. Notifications are sent via email before the equipment is surplussed. Public Works Director Morris inquired about the Safe Routes to School Falvey Project that Klamath County is in partnership with. Public Works Director Matthews affirmed the project is still in process as Phase III. Public Works Director Morris is concerned about the reconstruction of the Falvey intersection for agricultural equipment turning left. With the project being Phase III, there should be time to coordinate to address the safety issue. Public Works Director Matthews stated concern with the grade on HWY 39. Public Works Director Morris stated the Safe Routes to School Curb Ramp Project is nearly completed by Granite Construction; however, it is important for the City to be involved in the final walk through of the project. Otherwise, the City is financially responsible for maintenance within the City right-of-way regarding construction defects. The Klamath County Commissioners have funded a study for potential ground water recharge within the Klamath Basin. Surface water and ground water are interconnected. Klamath County is of the opinion that there are opportunities if surface water is restricted and kept in the river, water is not flowing naturally as it has for eons, which is not recharging the aquifer. One method to recharge an aquifer is to have the water injected into a well directly, defined as Aquifer Storage Recovery (ASR). Another path is to pursue legislative change that would allow beneficial use of water stored in Klamath Lake. For example, with fictitious numbers, 10,000 acre feet could flow down the surface irrigation system in December, another 10,000 acre feet in January, another 10,000 acre feet in February, and another 10,000 acre feet in March, but the numbers add up to 40,000-50,000 acre feet to recharge the aquifer system. Currently, 100,000 acre feet is being pumped out of the system, which is only sustainable at 50,000 acre feet. Therefore, Klamath County Commissioners have appropriated ARPA funds to hire a consultant group to study aquifer recharge through the Public Works Department. The anticipation is good news from the study within the next 6-12 months to implement pilot projects within the Klamath Basin. The aquifer system runs north to south within the Klamath Basin. To recharge, water access is necessary, and the best locations would be the A, B, C, and D Canals with existing infrastructure. Further discussion ensued. Summer of 2022, Klamath County Crack and Chip Sealed the streets within the City of Merrill. The Public Works Department recently submitted a cost estimate for the upcoming Small City Allotment Grant for the City of Merrill for the remaining 2.2 miles. Main Street is in need of an overlay within the next 5-6 years and is likely the busiest street in town for truck traffic, excluding HWY 39. Public Works Director Morris discussed S. Main Street, Hill Road, and Falvey Chip Sealing in 2018. Klamath County has a 5-6 year rotation and S. Main Street Chip Sealing should

be approaching soon. Further discussion related to supplies, notice, and geography ensued. Public Works Director Morris stated Oregon State law changed allowing cities to have radar enforcement by non-manned vehicles. Further discussion ensued regarding the set-up. Public Works Director Matthews thanked Klamath County again for the previous Chip Sealing Project.

- Eclipse Event: Commissioner Henslee is content with Klamath County's planning of the eclipse, despite misgivings a couple weeks prior. A Multi-Agency Coordination (MAC) Group was established. Commissioner Henslee described an Incident Command Post and the reasons an Incident Commander was nonviable for the eclipse event. Oregon Department of Transportation involving traffic, law enforcement, waste management, and emergency medical are just a few agencies involved in the MAC Group. Klamath County is planning for October 10-15 for the eclipse. Up to 60,000 people are expected to visit Klamath County with the majority in attendance on October 13-15. The actual eclipse is Saturday, October 14, 2023, at 9:12 a.m. Klamath County is in the path of totality meaning the longest duration of the eclipse. The best location within the nation is Crater Lake. Klamath County contacted Jefferson and Crook County to gain insight from the Great Eclipse of 2017, whom were exceptional with details previously unthought of. Klamath County requested the messaging be passed onto residents, which is be prepared and be patient. All major thoroughfares (HWY 97, HWY 140, HWY 39) will be at a standstill. During the 2017 event, from the Ochoco's to Prineville, Oregon was at a standstill and bumper to bumper for 30 miles, and the Klamath County eclipse will exceed the 2017 event. Commissioner Henslee reiterated "Be Prepared". The suggestion is to buy groceries one week early, purchase fuel one week early, and have cash on hand. Owners of RV's should have water and a charged battery. Have a plan B in the event of infrastructure issues such as power, which will affect wells, and the drain on technology, cell towers specifically. Visa and debit card transactions will be affected as well. Klamath County is anticipating two significant events at Running Y and Fort Klamath. Please avoid those areas if possible. Lastly, have fun, which is a once in a lifetime opportunity for many.

Mayor Pro Tem Johnson inquired whether Klamath County Sheriff's Department and City of Klamath Falls Police Department are merging. Klamath County Commissioner's stated negative and Commissioner Henslee provided further detail. Each resident within Klamath County pays for police services, yet only 20,000 residents benefit from police services within Klamath County. The Sheriff's Department spends all hours within the Urban Growth Boundary. Rural communities wait for officers to respond, if at all, then immediately report back to the Urban Growth Boundary. The idea is to contract with Klamath Falls City Police to provide policing within the Urban Growth Boundary and the deputies provide policing in the rural communities for equitable, fair, transparent, and consistent policing to everyone. There is a duplication of effort equating to wasteful spending.

Commissioner DeGroot adjourned the meeting at 6:18 p.m.

- City Hall Rental Violation Penalties: Tabled.
- Volcanic Winery, LLC Liquor License Application: Mayor Pro Tem Johnson accepted the application and signed on the City of Merrill's behalf September 8, 2023.
- Waste Management Franchise 2023 Rate Adjustment: The annual percentage rate increase is 5.825% and the Klamath County Solid Waste Division passed a 13% rate increase. Councilor Gatliff made a motion to approve the rate increase. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Discuss Chapter 2 Subsection 2.2.400 Residential District Special Use Standards (B) Agricultural Uses for Amendments: Tabled.
- Audit Engagement Letter: Documents have been submitted but still awaiting the Audit Engagement Letter. Tabled.
- Discuss Positive Pay Option and Fees: Tabled.

OLD BUSINESS:

- Letters of Interest for Mayoral Vacancy/Appointment: Resident Spencer McBride submitted Letter of Interest. Tabled for October 11, 2023 Regular Business Meeting.
- Discuss Flag Cost Estimates: Action item to provide estimate for a Telescoping 20 ft. Flagpole with a 4 x 6 American and Oregon State Flag. Tabled.
- Police Proposal: Tabled.

ORDINANCES:

- Ordinance 2061 Amending Development Code Chapter 4.8 Misc. Permits; 4.8.100 E Pre-Fabricated Metal Containers-Second Reading: Tabled.

RESOLUTIONS:

- Resolution 2023-927 Transfer Funds to Comply with Budget Law Requirements: Mayor Pro Tem Johnson read Resolution 2023-927 Transfer Funds to Comply with Budget Law Requirements into the record by title. Councilor Gatliff made a motion to approve Resolution 2023-927 Transfer Funds to Comply with Budget Law Requirements. Councilor Baley 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.

No public comment followed.


ADJOURN MEETING:

Councilor Gatliff made a motion to adjourn the September 13, 2023 Meeting. Councilor Baley 2nd the motion. With all in favor, the meeting adjourned at 6:33 p.m.

Respectfully Submitted,


Joanne Johnson – Mayor Pro Tem

Date


Rayna Hernandez – City Recorder

Date

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