

CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday November 11, 2020 6:00 P.M.

MEETING CALLED TO ORDER:

Mayor Carlson called the Tuesday, November 11, 2020 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 Smith, Councilor Hinton (absent), Councilor Carleton, Councilor Picke, Mayor Carlson, and City Recorder Hernandez.

FLAG SALUTE:

The Flag Salute immediately followed with Mayor Carlson asking Councilor Picke to lead.

MAYOR STATEMENT:

Council President Smith 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:

Council President Smith 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.

Karlie Flager (411 Water Street): "My name is Karlie Flager. I live at 411 Water Street here in Merrill. I am here due to a complaint that was filed to you guys from our neighbors about a storage container and dogs barking. I kinda wanted to put my story out there because they have never tried to come and talk to me about any kind of issues and we constantly get the cops called on us all the time for noise complaints or barking. It's just kinda starting to get tired, like you know, we're really tired of pretty much being harassed about it. We tried blocking to you know where the dogs are not going to be bothering them too much, but my dogs are there to alert me if someone shows up on my property. Um, that's pretty much why I am here just trying to seek some help seeing what we can do to come to an agreement with them to just get them off of our backs over little things that we have already tried to take care of as is."

Mayor Carlson suggested facilitating a mediation between the parties.

Karlie Flager (411 Water Street): "I do not know if you guys had gotten the letter or not that they filed. I believe that was yesterday. So, I just wanted to put my opinion out there and my side of it out. Thank you."

Sheila Llewellyn (Owner of 411 Water Street): "I am Sheila Llewellyn. My son's house, Phil Bragg and Karlie's, his fiancé, it actually belongs to us legally on my dad's and family. She has very clearly explained what happened, but I don't know. We're hoping someone has some ideas. We have been on the phone today 'cause I realize, they say, 'well, you can't file them for harassment'. She came around, this is Carol, walked around the end of the connex and took a picture after the little Hispanic gals next door, really nice people over there, the little dog had gotten out. So the big dogs barked, and the little girl was trying to get her dog back in. Immediately, Karlie told her dogs to stop. The stopped. She creeps around the corner of the connex and takes pictures and this isn't the first time. I was mowing the lawn and weed eating and Donny was crawling along the trailer (*inaudible*). I do not know what to do anymore with these people. Um, I have known them my whole life. So, our plan is, we went today, filed a legal description and the legal set-backs. We know where the easements are. Um, and as of right now, we've got to measure it off with what they are saying, I do not know how it works. Does anyone know the set-back, the legal set-back for like fencing from your property line? Is that a City thing or a County thing?"

City Council stated City.

Sheila Llewellyn (Owner of 411 Water Street): "City. Okay. Okay, then we would need to know that. As it looks now, their home is actually encroaching on dad's property. Um, they are too close and I went out today to look for the little markers. I don't know. I mean, I don't know. I just, we don't know and Dick called me one night as if he

was concerned about the kids that they didn't take the dogs, and they usually do. The dog, big dog, (*inaudible*) little dog, and then the next day, they got a complaint on the dogs. There which, I told them to fight it because the dog, not that night, was home, but Ben Keeney went over that night and put him in his crate in the house immediately. The dates that they have down on the paper, they have video, the dog is out camping with them. I don't know. It's just like they... I tried to talk to Donny a long time ago when they went round and round the first time. I couldn't even talk to him. He was just kind of like jumping up and down. I was like, 'Donny I used to babysit you. Slow down'. But we've got two polar opposites, but something. They just can't keep doing this. Otherwise, I guess I could talk to Brian. I said, 'I need to do it', I know it seems really petty, but will put cameras on our property facing their property that will record anytime something moves so we can validate. One, when the dogs are barking on our side. What they are doing, um, he just, I don't know what else to do at this point unless the City of Merrill has some ideas. We have tried everything and granted things two years ago were pretty rough over there. Now it is pretty quiet most of the time. They has a visit one night. Was it Keith or Brian? When you were barbequing with your dad? But her dad was there and they were barbequing and they had called it in as it sounded like somebody was having a brawl over there. I don't know. So, you guys, if anybody has any suggestions, but our idea was to either push the boundary line and say please (*inaudible*). If they do something over there, fine, but this is getting ridiculous. Or try to put a fence down between the two of them, which I do not know if it would help because the kids did move the connex. She claimed that whatever these little camera things were to divert the dogs from barking. Well immediately when we got the complaint, the kids and I, we got the dogs checked, licensed, and (*inaudible*). He has a bark collar. He is in the house every night in a crate. I do not what more they can do. And then they put the connex there. She proceeded, I guess, to tell Keith. I don't know who she was quoting, Brian, it was Keith who was there, and told her that they weren't doing anything wrong, and she told them they were anti-barking devices. They might have been, but the other one was definitely a camera in a little (*inaudible*) house as far as I could tell. When they put the connex there, but she moved it to the front corner."

Mayor Carlson stated the 5 minute limit has expired. Mayor Carlson suggested facilitating a mediation between the parties and meeting after City Council to obtain contact information.

Councilor Carleton stated the set-backs are 10 feet from the property line. Public Works Director Matthews, Marshal Bicknell, and Councilor Carleton discussed the legal description of Water Street.

Sheila Llewellyn (Owner of 411 Water Street): "According to the document here, it is not an official street. Other side is an easement. I've got the tax documents, and it appears to not be. The other side is not recognized as a street."

Marshal Bicknell stated the drive may be an easement to the bottom properties. Discussion ensued.

Gary Robeson (405 Water Street): "My name is Gary Robeson. I am all open to have a discussion, a meeting, a reconciliation, any way shape or form regarding dogs and things of that nature. (*inaudible*) I did research that land partition 56-97 I want to reserve for Code Enforcement. I want to add on the October 18 (*inaudible*) complaint about a Costco Box being moved to the edge of the easement, and I want to ask Brian about his inspections (*inaudible*) and the result. So I will save it for that. And Carol Bement did give a statement yesterday and signed it. It simply documents what we talked about earlier regarding the 40 foot long, 8 ½ foot high, 8 foot wide Costco Box, which weighs 3.4148 tons. So it is not portable by any extent of the imagination. I will save that for Code Enforcement."

Marshal Bicknell stated the residents just move the box.

Councilor Smith stated the Costco Box does not need to be addressed by Code Enforcement as the box is allowed.

Councilor Picke stated there is no weight limit on portable containers.

CONSENT AGENDA:

- **Meeting Minutes:**

October 13, 2020 Council Meeting Minutes: Councilor Smith made a motion to approve the October 13, 2020 Meeting Minutes and ratify the phone polls. Councilor Carleton 2nd the motion. The motion passed 3-0 in favor.

- **Phone Poll:**

Lumber for Pole Barn \$923.52 (Councilor Carleton-Verbal 8:47 am; Councilor Smith-Text 9:00 am; Councilor Picke-Text 9:08 am; Councilor Hinton-Text 9:57 am) 4-0 approved.

Tulalake Fairground Event Sponsorship \$500.00 (Councilor Smith, Councilor Picke, Councilor Carleton) 3-0 approved.

Developmental Agreement to Support Final Plat (Councilor Picke, Councilor Hinton, Councilor Carleton-Verbal) 3-0 approved.

Oregon Department of Transportation Intergovernmental Agreement Letter (Councilor Carleton-Email 11:06 am; Councilor Smith-Email 3:39 pm; Councilor Picke 9:34 am) 3-0 approved.

Klamath Works DEQ Grant Partnership (Councilor Carleton-Email 12:40 pm; Councilor Hinton-Verbal 2:39 pm; Councilor Picke-Email 8:09 am) 3-0 approved.

Refer to meeting minutes for motion.

- **Business License Renewals:**
- **Business Licenses:**
- **Accounts Payable:**

October 2020 Account Payables: Councilor Smith made a motion to approve the account payable. Councilor Carleton 2nd the motion. The motion passes 3-0 in favor.

October 2020 Water Transfer: Councilor Smith made a motion to approve the water transfer. Councilor Carleton 2nd the motion. The motion passed 3-0 in favor.

STAFF REPORTS:

- **Police:**
 - Marshal Bicknell submitted a report to City Council and read. The past month has been calm. Children are back in school full-time, harvesting is drawing to a close, and business has been good. Klamath Basin Potato Festival was a success. Marshal Bicknell listed statistics for the month of October 2020. COVID jail restrictions are still enforced and limits arrests. Violent crimes, domestic disturbances, and permission on larger thefts and drug crimes. Failure to appear for felony violations result in a failure to appear citation. Marshal responded to a call on Dodd's Hollow. The persons has felony warrants. Marshal Bicknell cited the persons for failure to appear. In 2010, Klamath County Jail shut down two of three pods due to lack of funding. Failure to appear court hearings exploded because people knew they would only receive a "cite and release". Marshal Bicknell stated uncertainty on whether increased crime will migrate to Merrill. Measure 110 passed in Oregon decriminalizing user quantities of heroine, methamphetamine, and cocaine. In the event dangerous drugs are discovered on a person, police can only issue a citation. The violator is then given the opportunity to attend treatment or pay a fine. Usually, when an offender is arrested for user quantities, the person goes to drug court. In drug court, the offender is given the opportunity to seek paid treatment. Upon successful completion of treatment, the offense may be dismissed from the person's record. The process is now null and void. The process was close to 50% recovery.
- **Public Works:**
 - Public Works Director Matthews stated checking lifts, completing DMR, lawn maintenance, cleaned restrooms. The men's restroom was vandalized and sought approval for a security camera. Discussion of purchase and location of security camera ensued. The City of Merrill was awarded \$92,000.00 from the Small City Allotment Grant to chip seal Third Street.
- **City Recorder:**
 - City Recorder Hernandez submitted report and read: wrote violation letter, met with Mayor Carlson and City Attorney Schade, and submitted Portland State Housing Survey. City Recorder Hernandez stated working on the Inspire Museum Grant for but having difficulties with grant.gov; therefore, have transitioned to Klamath County Cultural Coalition (KCCC) for the same project. City Recorder Hernandez continued with report: Winter Festival communications, teleconferenced with FEMA for December City Council Meeting, submitted Intergovernmental Agreement to Oregon Department of Transportation, created Waiver of Liability for City Hall Activities for Klamath County form, preparing for Supplemental Budget due to the Small City Allotment Grant Award, preparing for City Council transference with Bank Authorization Letters, Resolutions, and Oath of Office, and other administrative duties.
- **Lawyer:**
 - Report: Mayor Carlson and City Recorder Hernandez met with City Attorney Schade for general business. A second meeting was held. The City has the opportunity to receive a free building from Klamath County that would benefit the Public Works Department. City Attorney Schade ensure a smooth transfer of title for the Transfer Station with Klamath County.

- **Code Enforcement:**

- Report: Marshal Bicknell reported October 2020 20 notices were issued with 7 second notices; 8 of the 20 notices were completed and the remaining 12 are in progress. One notice was issued for November 2020.

Gary Robeson (405 Water Street): "Regarding easements in our neighborhood, I paid \$500.00 to Tru-Line Survey on 9/21/2015 (*inaudible*) to remove (*inaudible*) of where the lines were. (*inaudible*) and that partition, 37-97, is of my neighborhood describes (*inaudible*) land partition and confirmed that the (*inaudible*) city easement was not any particular property and that we weren't attached to that lift station. Secondly, a land partition 56-97, I shared all these with the City of Merrill. The Mayor came down, the Code Enforcement person, Stan Hinton, came down. (*inaudible*) was and what the easements were on the side of the neighborhood that the Sconce's did their partition is only a 16 foot wide easement. On the Ted Roller one, which effects the edge of Bement's property, there is a 20 foot easement starting at 3 ½ foot north of Vyrna's cyclone fence and in align with that, running up to the north to the abandoned Water Street, and 20 feet to the east. I made sure that the location of the Costco Box, it's about 4 feet inside the easement, so if you go to Bement's property line and measure over 20 feet, as it sits today, it is four foot inside. So my question was why and what did you base your decision on to say that it was okay just as it sits? My other question is did you take it dimensions?"

Marshal Bicknell stated negative and insure whether the drive is an easement.

Gary Robeson (405 Water Street): "It's recorded. It's on the title."

Mayor Carlson inquired whether the easement was a public access easement.

Gary Robeson (405 Water Street): "It's a non-exclusive public access easement for ingress and egress. So it is subject for all to use. So then there is a set-back about 10 feet. So if it was 4 feet in then it needs to be moved to the east."

Marshal Bicknell stated the set-back should be no more than an alley.

Councilor Carleton stated from the property line.

Marshal Bicknell stated Mr. Robeson declared the property line is 20 feet and drew a diagram for Councilor Carleton.

Councilor Carleton reiterated the set-back would be 10 feet from the property line.

Gary Robeson (405 Water Street): "Do you want to deal with facts? Here is Land Partition 56-97 and here is the survey stake and here is Vyrna's piece of property."

Councilor Smith stated agendizing for December 8, 2020 City Council Meeting.

- **Planning:**

- Report: Utility Worker Taylor erecting a building at the old sewer plant. Bill Gallagher completed work at Merrill Mobile for compliance. Councilor Carleton stated working with the Recorder's Office to located discrepancies in the *Code of Ordinances* and *Development Code* to present to Planning Commission to create unity. Councilor Carleton stated the possibility of creating a committee to update the *Development Code* and create a five year plan.

PROJECT MERRILL:

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Report: Public Works Director Matthews stated the Christmas Program is prohibited from performing at the Merrill Civic Center, which has been held at the venue for the past 13 years. The program will be held outside at the Flag Pole Park. Public Works Director Matthews will have the stage, a fire, heaters, snacks, coffee, and hot chocolate on December 5, 2020 from 4:00 p.m.-6:00 p.m. There will be a Christmas Bazaar December 5, 2020 outside at Merrill City Hall Park. Beverly McCormick is hosting the bazaar. All proceeds will go towards the Nathan Merrill Headstone Fund. Public Works Director Matthews and City Recorder Hernandez has been working on an Audio Visual Library Grant for \$2,000.00. Mayor Carlson took the action item to promote the Christmas Program on the radio.

NEW BUSINESS:

- Proposed Les Schwab Letter: *Mayor Carlson recused self due to conflict of interest and Council President Smith proceeded.* There was not a Public Utility Easement for the water line behind Les Schwab. The developer and City of Merrill is seeking a Water Utility Easement in front of Les Schwab so Water and

Sewer Infrastructure can extend to the northwest. Les Schwab was concerned about the requirement of a sprinkler system installed. Due to the implementation of the Water Improvement Project, Les Schwab will not be required to install a sprinkler system. Councilor Picke stated there is a misspelling in the letter. Councilor Carleton made a motion to mail the letter to Les Schwab. Councilor Picke 2nd the motion. The letter passes 2-0 in favor.

- Discuss Legal Notices and Advertisements Format and Pricing in *Merrill Doings* Newsletter: Mayor Carlson suggested seeking legal advice from the City Attorney about generating revenue by posting Legal Notices in the *Merrill Doings* from residents or businesses. Councilor Smith was hesitant due to postage increase. Mayor Carlson stated the revenue generated from the posting would cover increased cost. Advertisements would also generate revenue. Councilor Picke and Councilor Carleton stated favor of the idea. Mayor Carlson stated the advertisement would be \$25.00 for a small posting and \$50.00 for a private 2 inch notice.
- Discuss Transfer Station: Klamath County contacted the City of Merrill to gift the Transfer Station. City Council stated no objection.

OLD BUSINESS:

- Review Solar Landscaping Response:
Lynn Forest: "I am Forest Lynn. I am with Carolina Solar Services. We do the operations and maintenance over at the Merrill Solar facility. We are here to represent the new owner and client for us NESM, New Energy Solar Management. If you guys are familiar with those you have dealt with in the past, that was Heelstone, and they have since sold this site to the new owner. I have seen some of the documents from the last conversations, and I here to answer any questions, give status updates, and let you guys know kind of where we are at right now in the remediation, and answer any questions and take any concerns back to our client so we can get their approval, execute anything that needs to be done to satisfy your needs."
Councilor Smith stated concerns have been in letters.
Councilor Carleton stated the terms in the approved Landscaping Agreement stated the project would be shielded from view. Councilor Carleton questioned Forest Lynn whether he thought the project was shielded from view.
Lynn Forest: "I do not. You are asking me if I personally look at it and think it is shielded from public view. No, I do not think it is at this point."
Councilor Carleton stated shielding the Solar Plant from public view was one of the agreements, which is non-compliant and has been for three years.
Lynn Forest: "Understood."
Councilor Carleton stated the City of Merrill expects the landscaping to be completed. Otherwise, fines will be levied.
Forest Lynn: "I think that has been communicated to NESM, but I can say we have done thus far is we've got a subcontractor now, Wet-n-Wild, LLC out of Klamath Falls. They have since planted 72 shrubs. I understand the shrubs are not going to do anything in the near future here. If they survive the winter, they need time to go and then they also need water. Um, right now we are waiting for the growers over in the Willamette Valley for the subcontractor to bring over some trees that are going to be replanting all the dead ones for. If I understand what my client has ordered me to do, it's not my place to make decisions for them. It's to execute them. What we have been told is that we will be planting every shrub that was dead, every tree that is dead currently will be replaced as well, and then the watering schedule and my company will be handling. We are actually going to increase our frequency of watering to ensure they survive through the winter. Sorry through the summer. We were doing once every other week. So that totaled about 9 to 11 watering's this current year, and if that wasn't enough to keep them alive, we are actually going to ensure that the (*inaudible*) survives by increasing the watering's. So that is what I can do to make that promise to you here. As far as what NESM needs to do, um, that is where I can take your concerns back to them. Hopefully get my approval to execute them."
Councilor Carleton inquired to the status of a written agreement between the proper water authority and the solar company to preserve the water rights to be submitted to the City, which is a condition of approval.
Forest Lynn: "I believe in the most recent letter they do list out the three watering specifics."
Councilor Carleton reiterated a written agreement between the Oregon Water Resource or Klamath Irrigation District and the solar company to preserve the water rights to be submitted to the City, which is a condition of approval.

Forest Lynn: "I will flag that issue to them. It is not something my company as a subcontractor handles. We will communicate #8 as the highest priority right now."

Councilor Carleton inquired whether Wet-n-Wild has made an effort to communicate landscaping plans with the City of Merrill.

Forest Lynn: "We did request Dan House, the project manager of Wet-n-Wild, to come down here, but he is a subcontractor and it is not his responsibility to attend Council Meetings."

Councilor Carleton stated Dan House does not have to attend a City Council Meeting. The City of Merrill is receiving multiple citizen complaints in the community because the agreement should have been completed three years ago. Efforts should be made for the plans to be approved by the City. The Solar Plant is continuously being sold to another company before the agreement is fulfilled.

Forest Lynn: "Understood. Again I wish I could make decisions and I cannot, I am not responsible for the companies that sell these properties back and forth. I really hope that NESM will turn a leaf of this. I can tell that they are serious about meeting your needs. They have been trying to do these action items as soon as possible, but currently with winter coming there is not a lot we can do besides release our plan to you for what we intend to do in 2020."

Councilor Carleton stated the next step would be for the company to submit a performance bond to ensure compliance with the agreement.

Forest Lynn: "Okay."

Mayor Carlson stated self, Resident Andrea Walker, and Councilor Carleton walked the perimeter of the property to count the dead vegetation, which were sticks from the ground. In addition to the 72 counted, there were numerous plants mowed over throughout the years. City Clerk Northcutt estimated the plantings from the original planting. City Clerk Northcutt estimated 700 to 800 plantings, which included shrubs, trees, and the like. Mayor Carlson inquired whether City Clerk Northcutt could submit the original plan to Forest Lynn for NEMS with the expectation that the plantings visibly dead and the original plantings should also be replaced.

Forest Lynn: "How did the Council here feel about the third party investigation for that count? Um, also an update, I did try very hard to try to get the original planting from Ben Johnson. The, uh, Timberline guy, he actually is not returning my calls anymore. He refuses to give me what he currently has. He says he lost it in an old computer. So, I tried my best to get an original count by getting that third party contractor out, by sending my guys out who are not licensed landscapers, trying to get their count and comparing the two, and I think the reason why we settled for the 72 shrub and the current eight trees that we replaced, that number came from the third party licensed landscaper who has nothing to do with my company or, you know, you guys. So, he was a third party, completely unbiased so to say. So, we had him try and count everything he possibly could. That was the thing I took over to you or as far as where our recommendation came from to plant. I think that is where the recommendation came from."

Mayor Carlson stated walking with the subcontractor, Four Seasons. The plants were tallied; however, the count did not include mowed plantings. The number is most likely closer to City Clerk Northcutt's estimation.

Forest Lynn: "The other item that I wanted to bring up is the rodent remediation plan. I think, in part, what a lot of the plants are dying from like drought. You are not getting enough water. The other one that is a big factor is a little bit more difficult for my comin' here right now is the rodent infestation. So, you go around the plants I am sure you guys might have seen since you walk it, they are burrowing all over the place. It is a big issue that we are dealing with right now. I have been talking to two different subcontractors who will be doing...well hopefully giving us their advice or taking on the contract to deal with the rodents to protect the plants, and if that does not work out, I have actually put together a plan for using my internal in house company to just do some rodent repellent that we are going to use. It won't harm any local wildlife or harm any of the plants and we plan to apply it weekly even though it could be 30 days. That is what we are trying to do to ensure the longevity of a buffer once it gets established."

Mayor Carlson stated a representative from the organization responded to the water rights issue by saying as long as the company waters a certain number of times annually, the rights will be preserved. The City of Merrill requires a signature on the plan from the Water Authority to establish legality.

Forest Lynn: "If these documents and action items can get turned over to me, I can see what my company can do as soon as possible. In the meantime, I can take all of that to NESM and proceed through as much as I can."

Councilor Carleton stated the deadline is December 1, 2020. Fines become \$1,000.00 per day.

Forest Lynn: "Understood and will we be getting an alert from you guys before any such fines take place?"

Mayor Carlson stated a number of items have been identified: the number of plants and the Water Rights Plan signed by the Irrigation District.

Forest Lynn: "I believe in the last letter they did address water rights and future water rights that will be paid to KID. So, if you like, I could re-forward that letter to you guys? Uh, I have it on my laptop. I didn't want to be looking at my laptop while talking to you. I could actually supply you a date and the document where they do list out that specific Water Right Agenda that."

Councilor Carleton asked Forest Lynn to reiterate statement. Councilor Carleton stated the City of Merrill needs a letter between Klamath Irrigation District or Oregon Water Authority and the solar company. The letter needs to be signed by both parties establishing water rights.

Mayor Carlson sought approval from City Council for Councilor Carleton and Mayor Carlson to work with Forest Lynn to bring issues into compliance. No objection followed from City Council.

Forest Lynn: "I will not be able for the next couple of weeks. I will be going out of town for work. I really think NESM is who you should really be working with. I am just here to represent them. I can't sign anything. I can't approve anything. I only take the message to them. So, what I would like to do is make sure I relay the correct information to get them set up with you so that they can actually get all that executed."

Mayor Carlson stated the action item for Mayor Carlson and Councilor Carleton to clarify all pertinent information and submit the information to Recorder Hernandez who will distribute to all parties. Clear expectations will be directed to NESM through Forest Lynn to reach a resolution.

Forest Lynn: "Perfect."

Gary Robeson (405 Water Street): "Could I ask one question? Are you protecting existing water rights to make sure they don't get extinguished?"

Councilor Carleton affirmed.

Gary Robeson (405 Water Street): "And that's the key."

Councilor Carleton affirmed.

Gary Robeson (405 Water Street): "We are not talking about a new water right. We are talking about this property had a water right, and you want to protect that water right. I hear what you are saying. When it comes to water rights, it is written in blood. So, we need to protect existing water rights and I don't think this is junk."

Mayor Carlson stated the City of Merrill intend to clearly state expectations to protect existing water rights in the form of agreement by developers as well as the Irrigation District.

Discussion of drip irrigation and maintenance records ensued.

- Discuss Acknowledgment and Acceptance of Encroachment Tax Lot 7300/Parcel A: Tax Lot 7300/Parcel A is a property under contract to be sold. During the property transfer, it was discovered Tax Lot 7300/Parcel A encroaches on public lands, which is a large encroachment. Washington Federal sought acknowledgement and acceptance of the encroachment from the City of Merrill. Based upon public comment and expert knowledge, the acknowledgement and acceptance is not in the best interest of the City. The process moving forward should be to have the property surveyed and either sell the property or follow the incorporated process. The City of Merrill is liable. The cost of the survey should befall Washington Federal. The action item is for staff and City Council to approach the property owner stating the encroachment is unacceptable and is the owner's responsibility to survey the property. An agreement will be made to transfer the land. Councilor Carleton stated the City of Merrill must preserve the City Street the property encroaches upon.
- Review and Approve Revised Employee Handbook: City Councilor stated no objections to the Revised Employee Handbook and adopted.

ORDINANCES:

RESOLUTIONS:

- Resolution 2020-829: Transfer Funds to Comply with Budget Law Requirements: City Recorder Hernandez read Resolution 2020-829 into the record by title. City Recorder Hernandez stated the transfer amounts are for purchases made on the credit/debit machine that are automatically deposited into the Water Sewer Checking account but are budgeted for the General Fund. City Recorder Hernandez listed City Hall Revenue, Notarization Revenue, and Fingerprinting Revenue. Councilor Smith made a motion to approve Resolution 2020-829. Councilor Picke 2nd the motion. The motion passed 3-0 in favor.

OTHER-FUTURE AGENDAS:

- Discuss Mediations Between Water Street Residents

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.

Gary Robeson (405 Water Street): "Two comments. I had this survey done by Tru-Line Survey, the same one that did the land partition (*inaudible*). Yet I hear people say tonight, 'Is there a road there? Is there anything to be dealing with?' Second of all, I had somebody approve it on sight, on 10/18, who is a Code Enforcement person said, 'this is okay' without doing any homework. Without doing any due diligence to look up land partitions. So who in the City keeps track of (*inaudible*), but it should be cured. This is public information. I went to the Assessor's Office (*inaudible*) got these documents. (*inaudible*)."


Mayor Carlson stated the County has a land surveyor. The City of Merrill does not.

Gary Robeson (405 Water Street): "The City of Merrill should recognize these surveys and these easements that are part of the permanent record for maintenance and for access. Thank you."

ADJOURN MEETING:

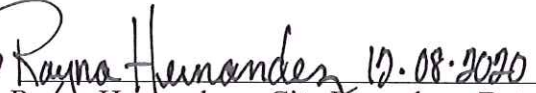
Councilor Smith made a motion to adjourn the November 11, 2020 Meeting. Councilor Picke 2nd the motion. With all in favor, the meeting adjourned at 7:05 p.m.

Respectfully Submitted,


Bill Carlson - Mayor

Date

12-3-2020


Rayna Hernandez - City Recorder

Date

12-08-2020