
CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday November 9, 2021 6:00 P.M.

MEETING CALLED TO ORDER:

Mayor Carlson called the Tuesday, November 9, 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 Johnson, Councilor Carleton, Councilor Baley, Councilor McCollam (via telephone), Mayor Carlson, and City Recorder Hernandez.

FLAG SALUTE:

The **Flag Salute** immediately followed with Mayor Carlson requesting Councilor Johnson 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 Pro-Tem Carleton 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.

Jim Farmer (133 Monroe): Resident Jim Farmer stated a housing crisis within City of Merrill and requested help. Resident Jim Farmer is being evicted (read the eviction notice) and stated the desire to continue residing within Merrill. Mayor Carlson suggested to mediate a meeting with Resident Jim Farmer and apartment management.

CONSENT AGENDA:

- **Meeting Minutes:**
October 12, 2021 Council Meeting Minutes: Councilor Johnson made a motion to approve the October 12, 2021 Meeting Minutes and entire consent agenda. Councilor Carleton 2nd the motion. The motion passed 3-0 in favor, 1 abstained.
- **Phone Poll:**
- **Business License Renewals:**
- **Business Licenses:**
- **Accounts Payable:**
October 2021 Account Payables: *Refer to meeting minutes for motion.*
October 2021 Water Transfer: *Refer to meeting minutes for motion.*

STAFF REPORTS:

- **Police:**
 - Officer Srch reported for the calendar month October 2021: 38 calls for service, 19 vehicle stops with unknown number of citations, 2 outside assists performed by Merrill Police Department, and 30 outside assists performed by Malin Police Department. 3 crimes were reported. The bank robbery and Washington Street fire continue to be under investigation. A warrant had to be resubmitted, which may take 6-9 months. Officer Srch formally thanked Marshal Broussard and team of Officers for assisting and covering for the City of Merrill during Officer Srch's medical absence. Officer Srch detailed absence. Councilor McCollam requested a 911 dispatch log for each calendar month. Officer Srch stated unless a person is LED certified (LEDS, the Law Enforcement Data System, is a database created for law enforcement records such as warrants, protection orders, stolen property, criminal histories, and other vital investigative files.) in the

State of Oregon, 911 dispatch logs are considered privileged information. Councilor Carleton stated negative to the request. Officer Srch confirmed. Councilor McCollam requested the number of call outs on future monthly reports beginning December 1, 2021.

- **Public Works:**

- Public Works Director Matthews submitted report and read: Checked lifts; Took water and sewer samples; Well level at 89 feet with pump running; Completed and mailed Distribution Monitoring Report (DMR); Hung pink tags and performed shutoffs; Performed three locates; Outside dumping with year to date totaling approximately \$41,000.00; Cleaned restrooms; Cleaned at lagoon; Cleaned shop; Maintained burn pile; Replaced pump and motor at Lincoln Street; Rebuilt piping; Fixed one sewer plug; Wrote monthly article for newsletter; Potato Festival was successful; Moved stage, cleaned after Spudfest, hauled garbage; Reset PSI point at the well pump due to sleep mode; Removed seasonal flower baskets (no Christmas Baskets); Reported welfare check on resident and was reported to have passed away; Zoom meeting with Department of Land Conservation and Development in regards to Comprehensive Plan; Finished CEU for water distribution certification; Thanked Ron Broussard and Malin Police Department for service.

- **City Recorder:**

- City Recorder Hernandez reported on a new audit through Oregon State Treasury for unclaimed property; ARPA reporting postponed until April 2022; Submitted Intergovernmental Agreement to City Engineer per City Council request; Mailed Request for Proposal to named attorney's; Contacted PERS and Klamath County to transition account; Communications with Umpqua Bank for account management; Housing webinar (OCPDA); Reinstalled and transitioned Microsoft account; Public records requests; Communications with Anderson Engineering in regards to a partition; Department of Land Conservation and Development Conference in regards to Comprehensive Plan; Continued audit communications and submissions; Editing Development Code; and other administrative duties.

- **Lawyer:**

- Report: Not requested to attend.

- **Code Enforcement:**

- Report: All current abatements have been resolved. Councilor Carleton inquired to the abandoned vehicles at 110 Main Street. Officer Srch stated the owner will be moving the vehicles and cargo container in the near future.

- **Planning:**

- Report: Chairman Trotman absent. Councilor Carleton reported on the meeting with Department of Land Conservation and Development. No new information on the Ed Staub Cardlock Project. Commissioner Keith Baley replaced Chairman Hicks whom resigned. Planning Commission renewed Commissioner Keith Baley's five year term (January 1, 2022-December 31, 2026). Planning Commission sought confirmation from City Council to appoint Commissioner Baley. City Clerk Northcutt is composing a log of corrections to the Development Code. Mayor Carlson appointed Commissioner Baley to Planning Commission for a five year term and sought City Council endorsement. Councilor Carleton made a motion to approve the appointment of Commissioner Baley. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.
- Approve General Review Application Revisions: City Clerk Northcutt stated the application contained conflicting information with the Development Code and has been revised to negate the conflicts with approval from the Planning Commission. Councilor Carleton made a motion to approve the changes on the General Review Application recommended by the Planning Commission. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Public Works Director Matthews stated Lost River Arts and Cultural Alliance reported on volunteerism for Senior Projects. One project involves photography for the museum in the Audio Visual Room of long-time

residents. The other project is the refurbishment of their great grandfather's fiddle, which has been completed. Public Works Director Matthews stated Project Merrill has depleted funding for the Beautification Project. Lost River Arts and Cultural Alliance will request donations from local businesses for the flower baskets. The annual Christmas Program will be December 4, 2021 at 6:00 p.m. at the Civic Center. The Merrill Historical Society will be raising funds to paint a mural on the wall next to the MIA/POW Park.

NEW BUSINESS:

- Discuss Supervisory Signature(s) on Police Documents: Marshal Broussard of Malin Police Department offered to sign police documents as a supervisor. Mayor Carlson deferred to Officer Srch. Councilor Carleton clarified the offer is signatory only. Officer Srch stated the document creating a time constraint was signed on behalf of Officer Srch as the Lexipol Manual stated the chain of command, associated with formal documents, the next ranked officer or assigned police officer may sign if the Chief is unavailable. Officer Srch called and confirmed with DTSSP.
- Interim Marshal Position: Councilor Baley discussed the replacement of employees. Councilor Johnson stated remaining status quo. Mayor Carlson stated the City is waiting on insurance processes, which are confidential. Councilor Carleton stated remaining status quo. Councilor McCollam stated remaining status quo until the City is allowed to legally move forward. Gary Robeson (405 Water Street) suggested a "TAU" Temporary Authorized Assignment for the position. Mayor Carlson inquired whether Officer Srch was limited functionally by position and the impact on operations. Officer Srch stated Administrative and Departmental Policy. The difference is the job description between Officer and Chief of Police. For example, Sargent in Arms and reporting to City Council is not in the Officer Job Description. Officer Srch explained to Councilor Carleton that interim temporarily fills a position instead of replaces. Councilor Carleton advised following legal advice.
- Appointment of Commissioner(s): The Office Commissioner was to be formally appointed. Mayor Carlson appointed Councilor Johnson as Office Commissioner. Councilor Carleton made a motion to approve the appointment of Councilor Johnson as Office Commissioner. Councilor Baley 2nd the motion. The motion passed 3-0 in favor. Mayor Carlson proposed City of Malin Police Department chain of command with no Police Commissioner or maintain City of Merrill Police Department chain of command with a Police Commissioner to City Council. Councilor Baley stated the necessity of a Police Commissioner; however, if a replacement is required, Councilor Baley suggested Councilor McCollam. Mayor Carlson stated the consensus of City Council is to maintain City of Merrill structure. Councilor Carleton affirmed as the commissioner is a liaison between the employee and City Council. Five bosses for one employee will not work. Mayor Carlson advocated for City of Malin model.
- Potential of Neighborhood Watch: Public Works Director Matthews advocated for a Neighborhood Watch as a citizen. Councilor Carleton inquired whether Officer Srch had experience with Neighborhood Watch. Officer Srch affirmed long past with the Sheriff's Department. Feelings were mixed. Citizens may create a unique liability situation to compensate for a sworn officer. Neighborhood Watch does reduce small petty crimes. Neighborhood Watch depends upon people, personalities, and structure. Some work well, others disastrous. Merrill is unique. Merrill has the ability to watch out for itself and fellow neighbors. Citizens are already performing as a Neighborhood Watch informally. Public Works Director Matthews concurred with Officer Srch; however, a formal Neighborhood Watch would create a stronger deterrent. Councilor Baley suggested signage. Public Works Director Matthews inquired to the requirements supporting signage. Officer Srch stated various levels of active performance in a Neighborhood Watch. Higher crime neighborhoods use a buddy system walking streets with a flashlight and a phone available for 911. Signs have a psychological impact. Public Works Director Matthews suggested a phone tree. Mayor Carlson researched with the National Sheriff's Association. Any group may register and Mayor Carlson registered with email address. The City of Merrill is "officially recognized by the National Sheriff's Association" as a Neighborhood Watch. The recommendation is the Neighborhood Watch leadership to contact the local Police Department, but a formal connection does not need to exist. Councilor Johnson reiterated a phone tree to report suspicious activity. Public Works Director Matthews was nominated to establish a Neighborhood Watch Program. Councilor McCollam was in favor of a Neighborhood Watch Program and nominating Public Works Director Matthews.
- Potential Nullification SB 554 2021 Gun Bill: Nullification may be viewed as overly aggressive and proposed a Safe Storage Resolution instead. Tabled.

- HB 3115 Impact on Oregon Cities and Counties: City Recorder Hernandez stated HB 3115 will require the City to review the current camping or homeless ordinance. City Recorder Hernandez requested the ordinance be reviewed by League of Oregon Cities with free legal hours to become compliant. City Council consensus would invoke Home Rule provisions of local concern. Mayor Carlson noted HB 3115 and City of Merrill ordinance to keep people safe.
- Review Accident Liabilities: Councilor McCollam requested establishing a committee to review accidents by City Employees. Guidelines are provided by City Insurance Services (CIS). Councilor McCollam recommended self, Councilor Johnson, and an expert to participate for the committee.
- Discuss Utility Easement: *Mayor Carlson recused self and stepped away from the board due to potential conflict of interest.* The City of Merrill would benefit to pursue a Utility Easement through Bigoni's property for access. The easement would go to the City, a 20 foot easement combined with Les Schwab. Anderson Engineering is working with Les Schwab for another Utility Easement. The developer would be responsible for line installation and associated costs. The City would offer a couple of free hook-ups to Bigoni's in exchange for the easement. The developer could maintain the lines or gift to the City. Then the City would be responsible for maintenance. Discussion of ownership and maintenance ensued. Councilor Johnson was in favor.

OLD BUSINESS:

- Request for Proposals (RFP): City Council selected Jennifer Schade, Nathan Ratliff, and Mika Blain for Request for Proposals. City Attorney Nathan Ratliff was the sole responder. Councilor Johnson made a motion to approve Attorney Nathan Ratliff as the City Attorney. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor. Councilor Carleton will notify City Attorney Nathan Ratliff of the decision. City Recorder Hernandez will notify Attorney Jennifer Schade of the decision. City Attorney Nathan Ratliff will compose a formal Professional Contract.
- Solar Plant Lien Update: Mayor Carlson was successful filing a \$3,088.00 lien against the solar plant for failure to produce the Water Rights documentation agreement along with Klamath County and City of Merrill administration fees. The City maintains the right to accrue interest and pursue future fees. The proposal is to communicate to the solar company that in addition to the \$3,088.00 lien, there will be an additional \$1,000.00 dollars per month starting December 1, 2021 or until the Condition of Approval is satisfied. Councilor Baley suggested notifying City Attorney Nathan Ratliff of the lien. Mayor Carlson affirmed. Mayor Carlson stated notifying the solar company by certified letter that the lien is in place and the company will continue to be fined \$1,000.00 per month starting December 1, 2021 until conditions of approval are met. Councilor Carleton made a motion to contact the proper authorities to draw up the documents that the lien would accrue \$1,000.00 per month until the documentation is satisfied. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.
- FEMA Update: The significant success made by the City of Merrill has not been formally recognized by the Federal Government. The City of Merrill is required to follow-up with additional efforts to ensure the documentation is recognized. City Engineer Mark Miller has been in communication in regards to the appeal process.
- ADA Intergovernmental Agreement: The agreement was emailed to City Engineer Darryl Anderson per City Council recommendation. The agreement is due December 1, 2021. Councilor Carleton made a motion to approve the ADA Intergovernmental Agreement upon approval from the City Engineer. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor. The consensus of City Council is for Mayor Carlson to sign upon subject of review.

ORDINANCES:

- Bill 2048 Amending Development Code Chapter 1.3.300 Definitions (First Reading): City Recorder Hernandez read Bill 2048 Amending Development Code Chapter 1.3.300 Definitions into the record. The word "Definition" should read "Definitions". Councilor Carleton emphasized the ordinance is changing the definition of calendar year. City Council approved the first reading.
- Bill 2049 Amending Development Code Chapter 4.3 Land Divisions and Property Line Adjustments 4.3.100 Purpose (First Reading): City Recorder Hernandez read Bill 2049 Amending Development Code Chapter 4.3 Land Divisions and Property Line Adjustments 4.3.100 Purpose into the record. Chapter 4.8.100 F was requested to be researched due to clerical error, which should read 4.3.100 F. City Council approved the first reading with contingency.

RESOLUTIONS:

- Resolution 2021-859 Transfer Funds to Comply with Budget Law Requirements: City Recorder Hernandez read Resolution 2021-859 into the record by title. Councilor Carleton made a motion to approve Resolution 2021-859. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2021-860 Thanking Neighbors: Mayor Carlson read Resolution 2021-860 Thanking Neighbors into the record. Councilor Johnson made a motion to approve Resolution 2021-860. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2021-861 Responsible Storage: Mayor Carlson read Resolution 2021-861 Responsible Storage into the record. Councilor Carleton made a motion to approve Resolution 2021-861. Councilor Baley 2nd the motion. The motion passed 4-0 in favor.

OTHER-FUTURE AGENDAS:

- SCOEDD Project: Idaho-Coos Bay Trail

PUBLIC COMMENT:

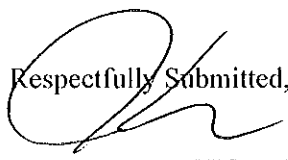
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Gary Robeson (405 Water Street): Gary Robeson sought the City of Merrill to consider a telephone number for citizens to call for the Neighborhood Watch, the program should be informal, and signage. The Neighborhood Watch should be communicated through the newsletter with the Utility Bill and which activities should be reported for focus.

ADJOURN MEETING:

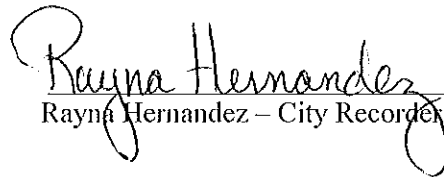
Councilor Baley made a motion to adjourn the November 9, 2021 Meeting. Councilor Johnson 2nd the motion. With all in favor, the meeting adjourned at 7:20 p.m.

Respectfully Submitted,



Bill Carlson - Mayor

15 DEC 21
Date



Reyna Hernandez - City Recorder

12-15-2021
Date