

**CITY OF MERRILL**  
**REGULAR BUSINESS MEETING**  
Tuesday October 12, 2021 6:00 P.M.

**MEETING CALLED TO ORDER:**

Mayor Carlson called the Tuesday, October 12, 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, Mayor Carlson, and City Recorder Hernandez.

**FLAG SALUTE:**

The **Flag Salute** immediately followed with Mayor Carlson requesting Councilor Carleton 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.

No public comment followed.

**CONSENT AGENDA:**

- **Meeting Minutes:**  
September 14, 2021 Supplemental Budget and Council Meeting Minutes: Councilor McCollam made a motion to approve the September 14, 2021 Meeting Minutes and entire consent agenda. Councilor Carleton 2<sup>nd</sup> the motion. The motion passed 3-0 in favor.
- **Phone Poll:**
- **Business License Renewals:**
- **Business Licenses:**
- **Accounts Payable:**  
September 2021 Account Payables: *Refer to meeting minutes for motion.*  
September 2021 Water Transfer: *Refer to meeting minutes for motion.*

**OATH OF OFFICE:**

Mayor Carlson appointed Councilor Johnson. Councilor Carleton approved. Councilor McCollam 2<sup>nd</sup> the approval. Mayor Carlson swore Councilor Johnson into office:

“I, Joanne Johnson, do solemnly swear I will uphold the Constitution of the United States of America; the State of Oregon; the City Charter and Ordinances of the City of Merrill; and I will, to the best of my ability, honestly, faithfully, and lawfully perform the duties of City Councilor for City of Merrill, so help me God.”

**STAFF REPORTS:**

- **Police:**
  - Officer Srch reported for the calendar month: 30 calls for service, 7 vehicle stops, 3 citations, 11 outside assists, and 0 new crimes reported. The Umpqua Bank Robbery from July 30, 2021 remains under active investigation. The Merrill Police Department is awaiting information on a warrant. The duration may be 6-9 months. The fire at 227 N. Washington Street investigation has concluded. A PC for an arrest has been issued, and a warrant for arrest from the District

Attorney's Office. As a result of the interviews and investigation, information was gathered on two persons of interest in an attempted murder case, which led to information on drug cartels and illegal marijuana grows. A total of five felony arrests resulted from the investigation. The City of Merrill was awarded \$4,000.00 in DUI and Speed Overtime Grants.

- Temporary Police Officer Research: Officer Srch researched requirements pertaining to the State of Oregon and Merrill Police Department Manual (Lexipol). In the State of Oregon, an officer may only have one badge. The Merrill Police Department may not have reserves from other police departments, which violates state policy. Security surveillance does not meet the needs of City of Merrill for what police works does for the community. Two options are initializing a Neighborhood Watch Program or coverage provided by City of Malin Police Department, which has been agreed upon. Councilor Carleton inquired to the Sheriff's Department. Officer Srch stated one badge that applies across the state. The Sheriff's Department is continuing mutual aid. Councilor Johnson inquired whether the City will have extra coverage for the Potato Festival. Officer Srch affirmed. Councilor Carleton inquired to how Officer Srch is going to respond to the new gun law requiring guns to be locked-up in regards to permitted concealed weapons. Officer Srch stated the Merrill Police Department has not received a briefing from the state to enforce the new law. Mayor Carlson deferred to Councilor Baley in regards to "job scope". Councilor Baley stated investigating wages in comparison to other rural cities before making a recommendation and whether the budget will allow for an increase. Mayor Carlson stated the question of increasing Officer wages to Marshal wages. Mayor Carlson stated the question of creating the title Interim Marshal. Mayor Carlson stated yes as Officer Srch is filling the job position. Councilor Baley stated yes due to performing Marshal duties for the past 6 months. Agendize. Councilor Johnson inquired whether the wages would be retroactive. Mayor Carlson stated potentially. City Recorder Hernandez stated the City of Merrill has a pay scale approved by City Council. Officer Srch stated the urgency for administrative purposes. Officer Srch is unauthorized to sign documents until title of Interim Marshal is granted. Recognition of the Merrill Police Department is due October 18, 2021. City Council directed Councilor Baley to sign the document. Officer Srch stated the document must be signed by the Marshal. Mayor Carlson directed Officer Srch and Councilor Baley co-sign the document. Councilor Johnson and Councilor Carleton wanted to view the document. Discussion of driving the police vehicle home ensued.
- 2009 Dodge Charger Bid-Brakes: Three bids were presented to City Council: Emmett's Auto Repair for \$895.77, Les Schwab Tires \$653.97, and R & J Auto Repair \$620.92. Councilor Johnson made a motion to accept the bid for R & J Auto Repair for \$620.92. Councilor McCollam 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- **Public Works:**
  - Public Works Director Matthews submitted report and read: Checked lifts; took water and sewer samples; well level is 92' with the pump running (an increase of 2 feet from September 2021); completed and mailed Distribution Monitoring Report (DMR); hung pink tags and shutoffs; performed multiple locates; read meters; outside dumping (\$29,000.00 dumping revenue to date); cleaned restrooms; repaired blowout on discharge side of Lincoln Street Pump Station; water tank is completely full; requested "No Truck Parking" from Oregon Department of Transportation (ODOT) at the POW/MIA Park; repaired hot water heater for tank odor on Elm Street; removed a spoon out of a citizen's garbage disposal; located a water leak for a citizen; Oregon Health Authority is requiring the City of Merrill to perform extra testing on the new well; removed the tree from Waldrip property; zoomed with Oregon Department of Transportation (ODOT) in regards to Safe Routes to School; met with Oregon Department of Transportation (ODOT) engineer to review ADA Ramp Plans; prepared stage for the Klamath Potato Festival; completed ODOT parade permit; worked on the Potato Festival; skimmed lagoon; cleaned shop; cleaned at old sewer plant; poured concrete pad for fuel tank; fixed one sewer plug; wrote monthly article for newsletter; Utility Workers Taylor and Roman Vazquez sided and painted City Hall; Utility Worker mowed. Static water levels ensued.
  - Locator Bids: Three bids were provided to City Council: Grainger Utility Service Locator \$2,417.40, Grainger NaviTrack Scout Locator \$1,821.77, and metaldetector.com \$1,399.00. City

Council ratified the phone poll (Councilor McCollam, Councilor Baley, and Councilor Carleton approved 3-0 in favor).

- **City Recorder:**

- City Recorder Hernandez stated the City of Merrill had \$17,000.00 in bank fraud. The funds have been returned; however, once the documents are delivered to the bank, it is imperative for the signature cards be signed as soon as possible. The City has accounts tied to the debit card and ACH deposits to be redirected to the new account. City Recorder Hernandez submitted report and read: General Ledger cash basis reclassifications/adjustments for 20/21 fiscal year to bring line items into balance (Asyst and QuickBooks); submitted Trial Balance and documents to auditor; received \$1,000.00 DLCD Grant for planning; City Clerk Northcutt submitted DLCD \$19,500.00 Comprehensive Plan Grant; conferenced with ODOT-Merrill Elementary Walk; retirement correspondence; volunteering a senior for a Senior Project with the museum; and other administrative duties.

- **Lawyer:**

- Report: Not requested to attend.

- **Code Enforcement:**

- Report: No report.

- **Planning:**

- Report: Chairman Trotman reported on the October 11, 2021 Planning Commission Meeting. Partitions and Subdivisions were discussed. Instead of using calendar year, Planning Commission recommends using 12 months from final approval before a parcel can be partitioned again. Proposal for Ed Staub Card Lock Station was presented. Public Works Director Matthews presented the ADA Curb Ramps. The Street Cut Permit was tabled for the City Engineer to review and tentatively set fees. Chairman Trotman stated the importance of the Street Cut Permit for future utilities to protect the streets. City Clerk Northcutt presented ongoing discussions with Scott Edelman regarding Development Code revisions, which contains contradictions. A Solar Panel Application was revised due to error in zoning.

#### **LOST RIVER ARTS AND CULTURAL ALLIANCE:**

- Public Works Director Matthews stated Lost River Arts and Cultural Alliance has been assisting with the Potato Festival. City Recorder Hernandez and Public Works Director Matthews are mentoring two Lost River High School students with Senior Projects. One project will be a photography collection for the museum depicting local residents with quotes. The other project will be the restoration of an heirloom fiddle and learning to play the instrument. The teachings will be displayed at the Merrill Christmas Program. The Merrill Historical Society attended a luncheon for the Daughters of the American Revolution to speak about the Nathan Merrill Headstone. The organization donated \$100.00.

#### **NEW BUSINESS:**

- Councilor Picke Resignation: Councilor Picke submitted a letter of resignation due to the sale of property and no longer a Merrill resident. Councilor Picke's last day as City Councilman was September 22, 2021.
- Appointment to City Council Position #2 Vacancy: *Refer to Oath of Office after Consent Agenda.*
- Oath of Office: *Refer to Oath of Office after Consent Agenda.*
- Bank Authorization Letter(s): City Recorder Hernandez sought approval from City Council to authorize Mayor Carlson to sign Bank Authorization Letters to add and remove Councilor's. No objection from City Council followed.
- Address Land Services Northwest (Ed Fournier) Questions (*Teleconferenced*): Ed Fournier introduced self as consultant for cellular district. Ed Fournier has been in communications with City Clerk Northcutt in regards to the US Cellular Tower and requested a public records request; however, information in regards to zoning is non-existent. Ed Fournier inquired about the zoning approval from US Cellular and whether the information could be archived at an offsite location. City Council responded with a negative. Ed Fournier assumed the US Cellular Tower was approved as a conditional use as "Utility Facility" is

permitted as conditional use in commercial zone per 155.023(C)(14); however, "Utility Facility" is not defined in chapter 155. Ed Fournier inquired whether a cellular tower is defined as a "Utility Facility". Mayor Carlson welcomed Ed Fournier to peruse decades of meeting minutes and agenda. As for the conditional use permit, Ed Fournier is welcome to apply. Councilor Carleton stated the property rented by US Cellular is zoned commercial; therefore, a conditional use was not required. Ed Fournier reiterated information sought. Mayor Carlson suggested a Preconference Feasibility Report proposed to the Planning Commission if the intent is to develop within City Limits. Ed Fournier sought clarification on the approval process for conditional use. Councilor Carleton stated processes have changed from a decade ago. Codes from a decade ago may not be applicable presently. Ed Fournier inquired to the zoning along the railroad tracks, particularly north of Third Street and asked whether the City exercises zoning review in areas not zoned. Councilor Carleton stated the railroad has a 300 foot right-a-way (100 foot to the south, 200 foot to the east). Ed Fournier stated multiple jurisdictions around the state do not zone railroad property and sought clarification from the City about not exercising zoning patrol on the railroad property. Mayor Carlson stated new territory and referred Ed Fournier to the Planning Commission.

- Notice of Boundary Change to Klamath County Enterprise Zone: Mayor Carlson read the letter submitted by Klamath County Economic Development Association (KCEDA) into the record. The notice may affect tax revenues.
- ADA Curb Ramp Plans (Oregon Department of Transportation): Public Works Director Matthews introduced the ADA Curb Ramp Plans and referred to the submitted maps. The side streets will be narrowed entering HWY 39. The curb ramps will be extended from the sidewalks by 20 feet. Washington Street will officially become a one-way street that was voted upon by City Council. Safe Routes to School Project will begin thereafter. Both projects will decrease traffic speeds. Mayor Carlson stated Wade Luckman presented an Intergovernmental Agreement. Public Works Director Matthews requested to review the agreement and Councilor Carleton suggested the City Engineer review the agreement.

#### **OLD BUSINESS:**

- City Council Proposed Nominations for Request for Proposals (RFP): City Council selected Jennifer Schade, Nathan Ratliff, and Mika Blain. The response deadline will be Friday, November 5, 2021.
- Solar Plant Lien Update: Mayor Carlson stated an update will be brought to the November 9, 2021 City Council Meeting.
- Waste Management 2021 Rate Adjustment: City Council accepted the rate adjustment of 3.687%.

#### **ORDINANCES:**

#### **RESOLUTIONS:**

- Resolution 2021-856 Transfer Funds to Comply with Budget Law Requirements: City Recorder Hernandez read Resolution 2021-856 into the record by title. City Recorder Hernandez explained all of the transfers are dumping revenues paid with a debit card and is required to be transferred to the Water Sewer Reserve Fund to comply with budget. City Recorder Hernandez read the amounts into the record. Councilor Carleton made a motion to approve Resolution 2021-856. Councilor Baley 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Resolution 2021-857 Authorize Signatures on Bank Accounts: City Recorder Hernandez read Resolution 2021-857 Authorize Signatures on Bank Accounts into the record.
- Resolution 2021-858 Letter of Support-DLCD Grant: City Recorder Hernandez read Resolution 2021-858 into the record. City Recorder Hernandez explained City Clerk Northcutt submitted a grant for \$19,500.00 to DLCDC to update the Comprehensive Plan and described new requirements. Councilor Carleton made a motion to approve Resolution 2021-858. Councilor Johnson 2<sup>nd</sup> the motion. The motion passed 4-0 in favor. The grant would provide funds to update the Development Code to reflect updated local and state laws, grammatical errors, punctuation, and discrepancies within the code. The grant would provide a cohesive Development Code and then translated into Spanish. The translation would be performed professionally. The grant was submitted October 1, 2021. The grant requires City Council support; otherwise, the grant will not be considered. Councilor Carleton made a motion to approve Resolution 2021-857. Councilor McCollam 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.

#### **OTHER-FUTURE AGENDAS:**

- Potential Nullification of New Firearms Law
- Interim Marshal
- Potential of Neighborhood Watch

**PUBLIC COMMENT:**

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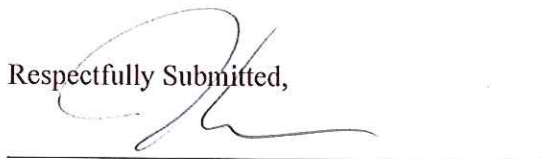
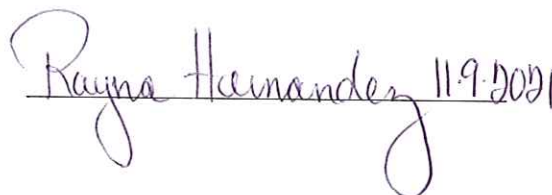
Matthew Fairfield (Country Boy Meats, Inc. 20700 HWY 39, Merrill, OR 97633): Matthew Fairfield presented and sought City Council opinion on a proposed Small Housing Project named Tiny Topia. Long term residence, tourism, and possibly lodging for motorists. Matthew Fairfield sought City Council opinion. Councilor Baley inquired to the location. The location is on Front Street at the blind curve. Councilor Carleton inquired to the number of units. Matthew Fairfield stated the number of units is a design aspect that has yet to be decided. Discussion of entrances and exits ensued. Councilor Carleton inquired to the size of the houses. Matthew Fairfield stated the sizes vary. Currently, Matthew Fairfield has a 12 foot unit. Then there is 16 and 24 foot. Councilor Carleton commented that the lots will be small. Matthew Fairfield clarified the units are capable of being positioned different ways, hence mobile sections to allow for permanent residences verses temporary structural options. Public Works Director Matthews inquired whether all the units will be rentals. Matthew Fairfield stated the project does not envision RV tourism. Everything will be a tiny house on wheels for mobility and restructuring. Public Works Director Matthews reiterated question. Matthew Fairfield stated the tiny homes would be privately owned. Councilor Carleton stated the project would be considered a mobile home or RV park if the homes would remain on wheels. Matthew Fairfield stated the project would not be open to the public and was uncertain whether criteria would be affected by the fact. Councilor Baley inquired whether Planning should be consulted. Chairman Trotman stated Matthew Fairfield is seeking City Council needs opinion whether the project is viable before starting the permitting process with Planning. Mayor Carlson inquired to the number of houses. Matthew Fairfield stated the number is arbitrary on the example provided. Public Works Director Matthews stated the property has existing water but no sewer. Matthew Fairfield affirmed stating the project would have to connect to City sewer. Public Works Director Matthews stated a sewer cleanout exists in proximity to the project. Mayor Carlson stated the City would prefer real property due to tax revenue with preference to the homes attached to the earth. Matthew Fairfield stated the reason for the homes to remain on wheels is the fad of tiny homes, freight and distribution from Colorado. Mayor Carlson stated, if an apartment owner, he would protest the project due to competition in freight charges. Matthew Fairfield stated if a developer was building apartments in Merrill, he would be in agreement. There is a demand for housing. Matthew Fairfield is on the County Economic Committee and reviews proposals to help the housing situation. The project was presented to the Klamath County Tourism Council, whom was in favor and have tourism support. Councilor Johnson inquired whether the houses were self-contained. Mathew Fairfield affirmed and invited City Council to tour 12 by 8 tiny home on HWY 39 with description. Councilor Carleton and Councilor McCollam stated interest. Councilor Carleton inquired to water and sewer connections. Matthew Fairfield stated connecting stations. Discussion of fire hydrants ensued.

Murray Kullrich (429 N. Polk Street): Murray Kullrich inquired whether the City of Merrill intends to hire a replacement police officer. City Council attempted to answer Murray Kullrich's question without violating confidentiality. Mayor Carlson affirmed, in the long term, the City will have two officers and offered solutions to bridge the short-term gap. The issue is sensitive. Murray Kullrich defended Officer Srch and was concerned with burnout. Mayor Carlson thanked Murray Kullrich for concern.

**ADJOURN MEETING:**

Councilor Johnson made a motion to adjourn the October 12, 2021 Meeting. Councilor Carleton 2<sup>nd</sup> the motion. With all in favor, the meeting adjourned at 7:25 p.m.

Respectfully Submitted,

Bill Carlson - Mayor

Date

Rayna Hernandez – City Recorder Date