

CITY OF MERRILL
REGULAR BUSINESS MEETING
Wednesday, October 12, 2022 5:30 P.M.

MEETING CALLED TO ORDER:

Mayor Pro Tem Johnson called the Wednesday, October 12, 2022 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, Mayor Carlson (absent), and City Recorder Hernandez.

FLAG SALUTE:

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

Mayor Pro Tem Johnson moved agenda item: Request Oregon Community Foundation Grant for Lost River High School Future Farmers of America Chapter as Star Chapter-Travel Expenditures:

Future Farmers of America Vice President Betty Kay Overcash, Macy Thompson, Lucy Haywood, and Chad Sweat presented. Lost River FFA is travelling to Indianapolis, Indiana for a National Agricultural Convention to build communication and leadership skills. Each participant, 16 students, is required to raise \$1,700.00. The Chapter has raised \$12,820.00 and has a goal of \$28,160.00. Lost River FFA is receiving the National Chapter Award. Only three chapters from every state receive the honor limited to 100 chapters in the nation. The presentation will be streamed on RFD television. Alumni Colton Wright will be travelling with the group to receive the American Degree during the second session. Councilor McCollam made a motion to grant Lost River High School Future Farmers of America \$2,000.00. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor. President of Lost River Arts and Cultural Alliance presented a check for \$200.00 to Lost River High School Future Farmers of America.

No public comment followed.

CONSENT AGENDA:

- **Meeting Minutes:**
- Approve September 14, 2022 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:**
A Country Salon Annual Business License
Refer to Meeting Minutes for motion.
- **Accounts Payable:**
September 2022 Account Payables: *Refer to meeting minutes for motion.*

September 2022 Water Transfer: *Refer to meeting minutes for motion.*
Councilor McCollam requested agendaing: Invoice #8213 Parks and Ratliff, P.C. Dated: 09/02/2022
related to personnel expenditures.

STAFF REPORTS:

- **Police:**
 - Report: Councilor Baley stated Marshal Broussard reported for the month of September 2022 traffic patrol resulting in traffic tickets issued and one arrest. Councilor Baley stated the Malin Police Department has been praised for law enforcement within the City of Merrill.

- **Public Works:**
 - Public Works Director Matthews submitted report and read: Checked lifts; gathered water samples needed for Total Kjeldahl Nitrogen Test and received the results (quarterly); well level is 90 foot with pump running; completed and submitted Discharge Monitoring Report; hung pink tags; performed four locates; allowed outside dumping, which has resulted in approximately \$42,000.00; cleaned restrooms; cleaned and piled brush at lagoon; cleaned shop; hauled and spread dirt at lagoon; fixed two sewer plugs; mowed and watered lawns; installed stop sign at the end of Grant Street; installed dead end sign at the west end of Second Street; replaced yield sign on McKinley Street; began painting City Hall; wrote article for newsletter; removed tree on Front Street; winterized vehicles; Water Project bid approved for publishing by Business Oregon; set-up stage for Klamath Basin Potato Festival; submitted Small City Allotment Grant for \$175,000.00; met with Rural Klamath Connects.

- **City Recorder:**
 - City Recorder Hernandez completed notarization training, test, and submitted payment; completed Frances Online; met with Waste Management; submitted Small City Allotment Grant for reimbursement and received approval; HDR communications for the Curb Ramp Project and submitted resolution with certified documentation; hosted and attended Rural Klamath Connects meeting; submitted Klamath County Tourism Grant for \$10,000.00. City Recorder Hernandez stated the City of Merrill had a missing person report. The missing person is legally blind. Public Works Matthews located the person outside of City limits. The police department has required DPSST submission, City Attorney document request, and communications with U.S. Department of Justice in regard to the 2022 Census. City Recorder continued report: researched First Right of Refusal; submitted Ricoh purchase order; met with Joyce Furlong for records transfer; IRS Required Disclosure Training; Submitted Oregon Secretary of State Filing; submitted Oregon Department of Treasury Unclaimed Property; and other daily administrative duties.

- **Lawyer:**
 - Report: City Attorney Ratliff requested police documents.

- **Code Enforcement:**
 - City Clerk Northcutt reported on a chicken and rooster complaint on Grant Street. The complaint has been abated regarding the rooster. The resident has the acreage (17,000 square feet) for chickens. A letter to Cease and Desist Letter was hand delivered by Councilor Johnson in English and Spanish to the food vendor illegally selling on the City of Merrill sidewalk.

- **Planning:**
 - Report: A Fencing Application was submitted on September 14, 2022, for a wire fence at 310 N. Elm Street, the applicant is not the owner; therefore, a letter was mailed to the registered owner(s). Once proper documentation has been received, the application will be reviewed. The Fencing Application for 134 E Second Street was returned due to missing information. City Clerk Northcutt recommended Fencing Application Procedures whereas further discussion of procedures ensued. The 2022 Annual Report was reviewed with no discussion. Ed Staub's Card Lock Station

must Land Partition the property for the Canopy Application to be approved through Klamath County. The Land Partition was approved by Merrill Planning Commission.

- Discuss Zoning Discrepancy: Tabled.
- Discuss Truck Parking Signage Amendment: Tabled.
- Approve Land partition General Review Application for Single Parcel Partition and Replat of Block 28, Lots 2, 3, and 4 with Contingency: Approve Land partition General Review Application for Single Parcel Partition and Replat of Block 28, Lots 2, 3, and 4 with Contingency that no comments to appeal are made by October 17, 2022. Councilor Gatliff made a motion to approve the General Review Application with contingency. Councilor McCollam 2nd the motion. The motion passed 3-0 in favor.
- Approve Fence Application for 134 E Second Street: Resident supplied missing information on application. Public Works Director Matthews and Utility Worker Roman Vazquez measured the property and supplied the missing information for the application. The resident is in compliance. Councilor McCollam made a motion to approve the Fence Application. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Discuss Lot # 4110-001CD-04300/520 E Front Street, Residential Use in Conjunction with Commercial Property: Tabled.
- Discuss Fence Application Procedures: Tabled.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Public Works Director Matthews reported Rayna Hernandez was appointed Lost River Arts and Cultural Alliance Secretary. Lost River Arts and Cultural Alliance applied for a \$10,000.00 grant through Klamath County Tourism. Public Works Director Matthews thanked Linda Woodley and Discover Klamath by making the grant possible to apply for. Lost River Arts and Cultural Alliance donated \$200.00 to Lost River FFA. The Bluegrass Community lost a very dear friend. Central Valley Boys fiddler, Peter Hicks, passed away. For the Merrill Historical Society, Chris Ratliff donated a saddle made before 1910 and a single shot 22 rifle. Dawn Trotman donated Dr. Frank Trotman's photograph, degree, and other memorabilia. The Merrill Historical and Modoc War Museum received a signed lithograph by Carl Barks from a visitor living in Kentucky.

NEW BUSINESS:

- Request Oregon Community Foundation Grant for Lost River High School Future Farmers of America Chapter as Star Chapter-Travel Expenditures: *Refer to public comment.*
- Allow Food Truck's at Farmer's Market without Business License: City Recorder Hernandez stated Mayor Carlson requested the agenda item. The City of Merrill already has an ordinance where Farmer's Market Vendors do not require Business Licenses.
- Discuss HWY 50 Solar Project Bulk Water (R2 Contracting): The Recorder's Office received a telephone call from R2 Contracting inquiring about the City of Merrill supplying 60,000 gallons of water per day for a total of 7.2 million gallons for a Solar Farm being developed near Lost River High School. Public Works Director Matthews stated 60,000 gallons of water per day would be feasible; however, the City of Merrill should consider that truck traffic and the impact to the roads and the effect to the system. The cost for the bulk water would be \$6,000.00 per day, and the City of Merrill should consider payment in advance due to the history with Solar Farms. Councilor McCollam stated evaluating the system on a consistent basis versus contracting for 6 months. Discussion ensued.

OLD BUSINESS:

- Discuss Development for Time Off Benefit Program: Councilor McCollam suggested a Time Off Benefit Program for employees based upon job performance at the time of evaluations. An Employee Performance Evaluation should be completed by the end of December each year. Councilor Baley inquired to who would evaluate the employees. Councilor McCollam stated the Commissioner for the department. Councilor Gatliff suggested created a chart. Councilor McCollam affirmed by meeting with each employee for job duties with 3-5 critical elements and determine what constitutes successful and exceptional scores or failure. The organization Councilor McCollam is familiar with had 8, 16, and 24 hours of additional benefit time off.
- Police Department Expenditure Report: Tabled.

- US Cellular Ground Lease Amendment: The US Cellular Ground Lease Amendment is requesting a First Right of Refusal. All research unanimously suggests not entering into a First Right of Refusal Agreement. If a business has high employee turnover, for example, and the First Right of Refusal is not abided by due not knowing it is in place, then the prospective buyer and US Cellular could sue the seller. The Landlord and Tenant Act passed in 1987 made the First Right of Refusal a requirement by law, but a municipality is exempt. Councilor McCollam made a motion to *not* approve the US Cellular Ground Lease Amendment. Councilor Baley 2nd the motion. The motion passed 3-0 in favor of opposing the amendment.
- State of Oregon Intergovernmental Agreement (Potable Water): City Recorder Hernandez stated contacting the State of Oregon with changes from the discussion from September 14, 2022, City Council Meeting. City Recorder Hernandez has received no response.
- FEMA Update: The draft Flood Insurance Rate Map (FIRM) Database has been completed. The revised preliminary map products are currently in production. The revised preliminary release is anticipated for late December 2022. Following the resolution of comments/appeals via revised preliminary, a second appeal period will be needed for the unincorporated areas of Klamath County due to updates to the Lost River near the City of Merrill. A revised preliminary is not anticipated following the second appeal period. Following the resolution of any comments/appeals received during the second appeal period, FEMA will send you a Letter of Final Determination (LFD). The scheduled LFD date could change if there are comments or appeals that require additional processing of the Flood Insurance Study and Digital FIRMs. The effective date for the project will be six months after the LFD is issued.

ORDINANCES:

- 2053 Waste Management Franchise-Second Reading: City Recorder Hernandez read Ordinance 2053 Waste Management Franchise in by title. President Jason Rose and Attorney Ame Lewis was added to the ordinance as described during the first reading. There were also spelling errors that were corrected. Councilor Gatliff made a motion to approve Ordinance 2053. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- 2054 Amend Chapter 90.23 Nuisances Affecting Public Safety-First Reading: City Recorder Hernandez read Ordinance 2054 Amend Chapter 90.23 Nuisances Affecting Public Safety into the record. The verbiage is based upon City County Insurance and other Oregon municipalities. City Recorder Hernandez highlighted the changes. Councilor Baley made a motion to approve the first reading of Ordinance 2054 Amend Chapter 90.23 Nuisances Affecting Public Safety with the year 2021 to be changed to 2022. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor.
- 2055 An Ordinance Amending Merrill Title XV: Chapter 154-Land Usage Section 154.102 Fees-First Reading: 2055 An Ordinance Amending Merrill Title XV: Chapter 154-Land Usage Section 154.102 Fees is an ordinance formally amending fees for planning services. Councilor Gatliff made a motion to approve the first reading of 2055 An Ordinance Amending Merrill Title XV: Chapter 154-Land Usage Section 154.102 Fees without changes. Councilor McCollam 2nd the motion. The motion passed 3-0 in favor.
- 2056 *Development Code* 4.1.100 Purpose and Applicability of Review Procedures (C)-First Reading: 2056 *Development Code* 4.1.100 Purpose and Applicability of Review Procedures (C) reflects 2055 An Ordinance Amending Merrill Title XV: Chapter 154-Land Usage Section 154.102 Fees. Councilor Gatliff made a motion to approve the first reading of 2056 *Development Code* 4.1.100 Purpose and Applicability of Review Procedures (C) without changes. Councilor McCollam 2nd the motion. The motion passed 3-0 in favor.

RESOLUTIONS:

- Resolution 2022-903 Transfer Funds to Comply with Oregon Budget Law: Mayor Pro Tem Johnson read Resolution 2022-903 Transfer Funds to Comply with Oregon Budget Law into the record by title. Councilor McCollam made a motion to approve Resolution 2022-903. 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.

Public Works Director Matthews stated Mayor Carlson met with City Attorney Ratliff in regard to Public Works Personnel without including self or supervisor knowledge. Public Works Director Matthews stated Mayor Carlson's action places the City of Merrill at risk for a lawsuit, and Public Works Director Matthews wants to know what was discussed. Public Works Director Matthews has requested the Mayor's resignation in the past and still believes the Mayor should as his meeting with City Attorney Ratliff was a misuse of public funds.

Greg Matthews (234 Garfield Street): As a private citizen, Greg Matthews stated initiating a recall against Mayor Carlson. 32 (*sic*) signatures were required. Greg Matthews obtained over 60 signatures but dated the petition incorrectly. Citizens of Merrill are continuing to approach citizen Greg Matthews to sign the recall petition. There are only 220 residents within the City of Merrill, which demonstrates the direction of the recall. Resident Greg Matthews, once again, called upon the Mayor to resign.

No further public comment followed.

ADJOURN MEETING:

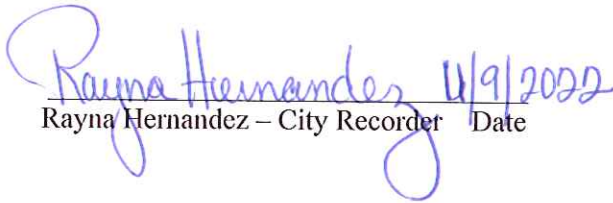
Councilor Gatliff made a motion to adjourn the October 12, 2022 Meeting. Councilor Baley 2nd the motion. With all in favor, the meeting adjourned at 6:42 p.m.

Respectfully Submitted,



Bill Carlson - Mayor

09 NOV 22
Date



Rayna Hernandez - City Recorder

11/9/2022
Date

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