

CITY OF MERRILL
REGULAR BUSINESS MEETING
Wednesday, September 14, 2022 5:30 P.M.

MEETING CALLED TO ORDER:

Mayor Carlson called the Wednesday, September 14, 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: Councilor Johnson, Councilor Gatliff, Councilor Baley, Councilor McCollam (absent), Mayor Carlson, and City Recorder Hernandez.

FLAG SALUTE:

The **Flag Salute** immediately followed with Mayor Carlson requesting Councilor Baley 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:**
 - Approve August 10, 2022 City Council Meeting Minutes
 - Approve August 17, 2022 Special Meeting Minutes
 - Approve September 7, 2022 Special Meeting MinutesCouncilor Gatliff made a motion to approve the entire consent agenda. Councilor Johnson 2nd the motion. The motion passed 3-0 in favor.
- **Phone Poll:**
 - Approve Oregon Department of Transportation Temporary Easement 8/24/2022 (Councilor Gatliff-Text, Councilor Johnson-Text, McCollam-Text, Councilor Baley-Verbal) approved 4-0 in favor.
Refer to meeting minutes for motion.
- **Business License Renewals:**
- **Business Licenses:**
 - Darci Hallmark-A Branded Boutique Business License
Refer to Meeting Minutes for motion.
- **Accounts Payable:**
 - August 2022 Account Payables: *Refer to meeting minutes for motion.*
 - August 2022 Water Transfer: *Refer to meeting minutes for motion.*

STAFF REPORTS:

- **Police:**
 - Report: Marshal Broussard reported for the month of August 2022: Burning Man traffic travelled through; performed traffic stops; responded to a gang fight at the Water Hole and later at Willow Street and Elm Street; proactive in regard to drugs; performed warrant arrests; responded to complaints of minors riding motorcycle and ATV's in town; and responded to resident complaints suffering from mental health issues. Malin Police Department is spread thin between Bonanza,

Tulelake, and Merrill, but the City of Merrill is receiving the contractual 60 hours. Police Commissioner Baley reiterated open communications with Marshal Broussard.

- **Public Works:**

- Public Works Director Matthews submitted report and read: Checked lifts; gathered water samples needed for Gross-Alpha Test and received the results; well level is 93 foot with pump running; completed and submitted Discharge Monitoring Report; hung pink tags; performed six locates; allowed outside dumping, which has resulted in approximately \$30,000.00; cleaned restrooms; cleaned and piled brush at lagoon; cleaned shop; hauled and spread dirt at lagoon; fixed two sewer plugs; mowed and watered lawns; sprayed weeds; completed residing City Hall; abated vegetation on Merrill Commercial Property; purchased new tires for the Ford F-150; measured streets for the proposed Chip Seal Project with Klamath County; submitted the Small City Allotment Grant requesting \$175,000.00; changed five water meters; met with Rural Klamath Connects; and the Curb Ramp Project will most likely commence spring of 2023.

- **City Recorder:**

- City Recorder Hernandez completed and submitted Small City Allotment Grant in partnership with Public Works Director Matthews; submitted Consent to Annexation Forms to City Attorney Ratliff; submitted Engineer Work Order to City Engineer Anderson; submitted Klamath and Lake County Contract; submitted Temporary Easement to City Engineer Anderson for recommendation and processing; communications with Klamath County and Oregon Secretary of State Elections Division; submitted Election Application to Klamath County and received measure; and continuing audit; and other daily administrative duties.

- **Lawyer:**

- Report: No activity to report.

- **Code Enforcement:**

- Councilor Baley and City Clerk Northcutt reported the certified letters containing the fine for Code Enforcement violations were returned; however, they were also mailed without certification and were not returned. A vendor has been selling illegally on City of Merrill sidewalks. A letter to Cease and Desist will be hand delivered in English and Spanish.

- **Planning:**

- Report: The City Engineer is continuing to work with Ed Staub's and Sons in regard to the Cardlock Station.
- 315 N Washington Street Fencing Application: Planning Commission approved 315 N Washington Street Fencing Application.
- Discuss Zoning Discrepancy: Planning Commission will discuss and present to City Council.
- Discuss Truck Parking Signage Amendment: Planning Commission will discuss and present to City Council. Public Works Director stated City of Merrill has a Truck Parking Ordinance, but trucks are parking on HWY 39 for days. Public Works Director Matthews was unsure whether Oregon Department of Transportation supports the ordinance. The ordinance prohibits truck parking between signs; however, there are no signs. Public Works Director Matthews stated removing the verbiage about signage and prohibit truck parking altogether. Councilor Baley stated uncertainty of control over truck parking as a State Highway. Public Works Director Matthews affirmed. Discussion of signage, truck parking, and Oregon Department of Transportation processes ensued. Public Works Director Matthews sought possible resolutions to the issue from City Council.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Public Works Director Matthews reported Lost River Arts and Cultural Alliance Secretary Joyce Furlong is resigning and will be replaced by Rayna Hernandez. Public Works Director Matthews reported The Western Flyers will be returning for the 2023 Lost River Bluegrass Festival and other bands contracted for

July 2023. City Recorder Hernandez is continuing to mentor Jesli Hernandez on a mural at Lost River High School for her Senior Project. Addison Taylor is working on the Merrill Historical and Modoc War Museum and the organization owes \$60.00 for Addison Taylor's labor.

NEW BUSINESS:

- Discuss Status of Police Commissioner: Police Commissioner Baley pondered resigning Police Commissioner position due to the number of meetings attended; however, Police Commissioner Baley has decided to remain in position.
- Discuss Development for Time Off Benefit Program: Tabled.
- Police Department Expenditure Report: Tabled.
- US Cellular Ground Lease Amendment: Tabled.
- Ricoh Contract: The City of Merrill has a contract with Ricoh that expires January 2023. Ricoh is proposing a new contract that will replace the outdated copy machine and reduce the monthly payment of \$385.00 by \$127.00 per month. Councilor Johnson made a motion to approve the Ricoh Contract proposal. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor.
- State of Oregon Intergovernmental Agreement (Potable Water): City Recorder Hernandez stated on March 8, 2022 City Council Meeting requested three conditions for a contract from the State of Oregon: non-liability for non-potable water, a no obligation clause in the event the well depth/levels become too low, and a rate of \$10.00 per 1,000 gallons. The contract honors the rate but caps the purchases at \$17,000.00 without compensation thereafter. The contract is for treated potable water. Public Works Director Matthews stated the water supplied to the City of Merrill is untreated. The consensus of City Council was to have the contract revised.
- Waste Management 2022 Rate Adjustment: Waste Management is proposing a 4.353% increase based upon the published Consumer Price Index. Per 622A Ordinance, the City Council shall decide whether to accept the proposal or hold a public hearing October 12, 2022; otherwise, the increase will go into effect October 1, 2022. Councilor Gatliff made a motion to accept the price increase. Councilor Johnson 2nd the motion. The motion passed 3-0 in favor.

OLD BUSINESS:

ORDINANCES:

- 2053 Management Franchise: City Recorder Hernandez read Ordinance 622A as automatically renewing annually after expiration. Waste Management read Ordinance 622A as possibly automatically renewing annually after expiration or only renewing for one year after expiration; therefore, Waste Management has requested a new ordinance. To avoid ambiguity, City Recorder Hernandez changed Section 20 to read: Franchise Term. This Franchise is granted for a term (the "Term") of five (5) years commencing October 13, 2022 and terminating October 12, 2027. At least 120 days prior to the expiration of this Franchise, Waste Management of Oregon, Inc. and the City shall agree to either extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise. Waste Management of Oregon, Inc. shall have continued use of the streets, alleys and ways of the City to provide solid waste collection service to persons, businesses, and others within the City and any annexations thereto, and to charge for such services and fees herein under provided as set forth herein in the event an extension or replacement Franchise is not entered into upon expiration of this Franchise. Additional information to be added to the ordinance are Waste Management's City Attorney name and the Vice President's. Councilor Johnson made a motion to approve the first reading of Ordinance 2053 with additional information from Waste Management to be added. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor.

RESOLUTIONS:

- Resolution 2022-901 Transfer Funds to Comply with Oregon Budget Law: City Recorder Hernandez read Resolution 2022-901 Transfer Funds to Comply with Oregon Budget Law into the record. Councilor Gatliff made a motion to approve Resolution 2022-901. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.
- Resolution 2022-902 Grant Oregon Department of Transportation Temporary Easement: City Recorder Hernandez read Resolution 2022-902 Grant Oregon Department of Transportation Temporary Easement

into the record. Councilor Baley made a motion to approve Resolution 2022-902. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor

OTHER-FUTURE AGENDAS:

- Allow Food Truck's at Farmer's Market without Business License

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.

Councilor Baley inquired to the Ordinance Prohibiting Psilocybin completion and implementation. City Recorder Hernandez stated the submission to the election officials was due the day after passing the ordinance. The City has a measure to be voted upon during the November elections.

Mayor Carlson welcomed Resident Tim Saunders back to the community.

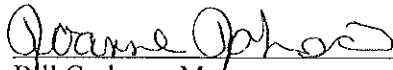
Ana G Leon Alvarado (Swisher Road) requested an update on the Water Project. Public Works Director Matthews stated the City is in the process of approving the schematics with Business Oregon to be put out to bid. The goal is to start installation fall of 2022.

No further public comment followed.

ADJOURN MEETING:

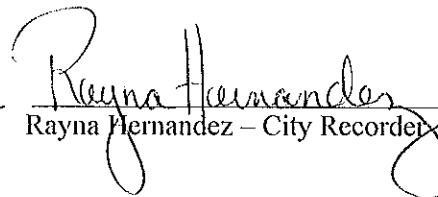
Councilor Gatliff made a motion to adjourn the September 14, 2022 Meeting. Councilor Baley 2nd the motion. With all in favor, the meeting adjourned at 6:19 p.m.

Respectfully Submitted,


Bill Carlson - Mayor

Date

10-12-2022


Reyna Hernandez - City Recorder

Date

10/12/2022

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