CITY OF MERRILL
REGULAR BUSINESS MEETING
Wednesday, September 09, 2026
6:00 P.M.
Meeting to be held at the Merrill City Hall, 301 E. Second Street, Merrill, OR

Matters for council consideration not scheduled on the agenda can be addressed by the general public under the "Public Comment" section in the agenda. Testimony must be presented according to Council procedures. Items of non-emergency nature may be scheduled for future Council determination in order to provide sufficient time to analyze this issue.

1. **MEETING CALLED TO ORDER**
   Mayor Guthrie called the Wednesday, September 09, 2026 Business Meeting to order at 6:00 p.m.
2. **ROLL CALL**
   Roll call was taken with the following members of Council and others being present: Councilor Johnson, Councilor Gatliff, Councilor Baley, Vacant, Mayor Guthrie and City Recorder Hernandez.
3. **FLAG SALUTE**
   The **Flag Salute** immediately followed with Mayor Guthrie taking the lead.
4. **MAYOR'S STATEMENT:**
   "To avoid meeting disruptions, please place cell phones on silent mode during the meeting. All meetings are recorded. When addressing the City Council, please state your name and speak clearly."
5. **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 five minutes per person. No public comment followed.
6. **CONSENT AGENDA:**

Any item on the Consent Agenda will be removed and considered as a part of the regular agenda upon the request of any member of the City Council or public.

Meeting Minutes:

6.1 Approve August 12, 2026 Regular Business Meeting Minutes
Background: Approve the minutes which summarizes all business by the City Council for the Business Meeting held on the date stated above. Fiscal Impact: None.
Recommended Motion: Approve minutes as presented.
Motion: Councilor Baley made a motion to approve the August 12, 2026 Regular Business Meeting Minutes. Councilor Johnson 2nd the motion. The motion passed 3-0 in favor.

Business License:

6.2 Arizona Solar Solutions DBA Suntria
Background: Business submitted LUCS for 235 N Lincoln Street. Fiscal Impact: $100.00 Revenue for 26/27 FY.
Recommended Motion: Approve Business License as presented.
Motion: Councilor Gatliff made a motion to approve the Business License. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.

Phone Poll Ratifications:

6.3 (a) July 14, 2026 09:23 a.m. Seeking City Council Approval for File No. 04-2026 (Councilor Baley-Email; Councilor Johnson-Verbal; Councilor Gatliff-Verbal) Approved 3-0 in favor.

6.3 (b) August 06, 2026 11:48 a.m. Approval for purchase of 420 14 Inch Gas Powered 66.7cc CutQuick Saw for $1,449.99 (Councilor Gatliff-Text; Councilor Baley-Verbal; Councilor Johnson-Text) Approved 3-0 in favor.

Background: City Councilors were polled for time sensitive City Business on the dates stated above. Fiscal Impact: File No. 04-2026 $50.00 Revenue for 25/26 FY, $1,500.00 Revenue for 26/27 FY; $1,449.99 Expenditure for 26/27 FY.

Recommended Motion: Ratify phone polls as presented.

Motion: Councilor Johnson made a motion to ratify the phone polls. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor.

Bills for Approval:

6.4 (a) Payables for Approval

Background: Payables for approval require 2 signatures on checks and a majority vote. Fiscal Impact: 8/1/26-8/31/26 General Fund Expenditures $15,656.85; Water Sewer Expenditures $46,137.69; Street Fund Expenditures $4,800.89 for 26/27 FY.

Recommended Motion: Approve Payables for Approval as presented.

Motion: Councilor Gatliff made a motion to approve Payables. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.

6.4 (b) Water Sewer Transfer

Background: Transfer $4.00 per sewer connection and $12.00 per water connection per monthly utility payment from Water Sewer Checking to Water Sewer Reserve for Lagoon Principal Annual Loan Payment and Water Improvement Project Annual Loan Payment. Fiscal Impact: Transfer of $6,612.00.

Recommended Motion: Approve Water Transfer as presented.

Motion: Councilor Baley made a motion to approve the Water Sewer Transfer. Councilor Johnson 2nd the motion. The motion passed 3-0 in favor.

7. STAFF REPORTS:

7.1 POLICE:

Report: Chief Hetherwick submitted report and read into the record: 7 traffic stops with 3 citations issued; MVA assist to Oregon State Police on Lower Lake Road and S. Merrill Pit Road; Assist Malin Police Department with 911 hang up (accidental dial); Assist fire with a possible train fire on Hill and Matney Road; DV arrest at Merrill Softball Fields (alcohol level .39); Welfare check twice at 310 N. Monroe; Responded to three Civil Issues involving child custody and entering locked personal vehicle; Unfounded Trespass at R & J Auto (civil).

Councilor Baley inquired to the status of the Tulelake Police Department Contract. Chief Hetherwick stated the contract has been tabled. The background check of another contingent hiree failed.

7.2 PUBLIC WORKS:

Report: Interim Public Works Director Roman Vazquez submitted report and read into the record: Checked lift station pumps; performed multiple locates; collected water and sewer samples; sent Distribution Monitoring Report (DMR); outside dumping invoiced $46,520.00 to date; bulk water invoiced $907.00 to date; cleaned lagoon; read water meters; sprayed weeds; mowed parks; fixed multiple sewer plugs; hung pink tags; purchased new Stihl CutQuik saw; purchased new tractor tire. Interim Public Works Director Roman Vazquez had to reconnect the sewer line at 172 E. Court Drive to the existing sewer line due to a public works locate error. Public Works located the sewer line before work began the year prior;

however, the line located had been abandoned, unknown to Public Works. Continuing the report, Rocky Mountain construction relocated a 1" waterline; met with Oregon Department of Transportation (ODOT); met with Lion's Club regarding the Annual Klamath Basin Potato Festival; painted parking lines at the bank and post office; repaired two stop signs, and Falvey Road is expected to reopen in the near future.

7.2 (a) Permission to Use City of Merrill Flatbed Trail and Ford F-150

Background: Matthews Family is Grand Marshall for Klamath County Potato Festival with an invitation to Interim Public Works Director Roman Vazquez. Seeking permission to use city property for event. Fiscal Impact: None.

Recommended Motion: Approve Matthews Family and Interim Public Works Director Roman Vazquez use city property for the honor.

Motion: Councilor Johnson made a motion to approve the use of city property for the event. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor.

7.3 RECORDER:

Report: City Recorder Hernandez submitted report and read into the record: Reviewed USB Drives; orders Car Wash Prohibited signage; ordered memorial plaque for the late Gregory Matthew's; thank you to Richard Hallmark and others for ordering and erecting the pedestal for memorial plaque; ordered new security cameras-thank you to David Wade; submitted Election Applications to Klamath County Clerk; worked on Dangerous Dog Ordinance; met with ODOT; uploaded documents for Audit 25/26 FY; and other daily administrative duties.

7.4 LAWYER:

Report: Public records request invoice approximately $1,000.00.

7.5 CODE ENFORCEMENT:

Report: Chief Hetherwick submitted report and read into the record: Abated illegal trash dump at Tacos a la Mexicana and illegal food vendors on Front Street.

7.6 PLANNING:

Report: Councilor Gatliff informed the City Council that the Regular Planning Meeting has been rescheduled for later in the month.

7.6 (a) File No. 07-2026 Land Use Compatibility Statement (LUCS); Convert Assessory Structure/Barn into Single Family Dwelling for Tax Lot 4110-0011AB-01000

Background: Councilor Johnson made a motion to approve File No. 07-2026 Land Use Compatibility Statement (LUCS); Convert Assessory Structure/Barn into Single Family Dwelling for Tax Lot 4110-0011AB-01000. Councilor Baley 2nd the motion. The motion passed 2-0, 1 recusal by Councilor Gatliff due to Conflict of Interest. The motion requires a vote by the mayor due to quorum requirements left by the vacancy of Councilor McCollam and recusal by Councilor Gatliff. Fiscal Impact: $50.00 Revenue for 26/27 FY.

Recommended Motion: Rescind motion as stated above. Approve File No. 07-2026 as presented with conditions.

Motion: Councilor Johnson made a motion to rescind the motion for File No. 07-2026 Land Use Compatibility Statement (LUCS); Convert Assessory Structure/Barn into Single Family Dwelling for Tax Lot 4110-0011AB-01000 from the August 12, 2026 Business Meeting. Councilor Baley 2nd the motion. The motion passed 3-0 in favor. Councilor Johnson made a motion to approve File No. 07-2026 Land Use Compatibility Statement (LUCS); Convert Assessory Structure/Barn into Single Family Dwelling for Tax Lot 4110-0011AB-01000. Councilor Baley 2nd the motion. The motion passed 3-0, 1 recusal with Mayor Guthrie casting the deciding vote. Councilor Gatliff recused self due to conflict of interest.

7.6 (b) Approve *Municipal Code Article 154 Development Code* June 12, 2007, Updates Per DLCD Guidelines

Background: Tabled. Fiscal Impact: None.

Recommended Motion: None.
Motion: Tabled.

8. **LOST RIVER ARTS AND CULTURAL ALLIANCE:**
Report: No report.

9. **NEW BUSINESS:**

9.1 Approve Audit Engagement Letter
Background: Annual Audit performed by Romig & Peile CPA. Fiscal Impact: $35,090.00.
Recommended Motion: Approve Audit Engagement Letter as presented.
Motion: Councilor Johnson made a motion to approve the Audit Engagement Letter. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor.

9.2 Discuss Advertising for Officer Position
Background: Recent background investigation ceased. Fiscal Impact: ~ $4,000.00 (advertising, background investigation, medical, psychological testing)
Recommended Motion: None.
Motion: Councilor Johnson made a motion to move forward with advertising for a Police Officer position. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor.

9.3 Appointment to Position #4
Background: Applications for November Ballot was due August 25, 2026. Applications were submitted for Position #3 and Position #2. Position #4 remains unfilled. Mark Warner and Carlos Rivera submitted a written interest in the position 8/31/2026. Fiscal Impact: None.
Recommended Motion: Mayor Guthrie appoints Position #4. City Council motions to approve or oppose the appointment.
Motion: Table until November Business Meeting.

10. **OLD BUSINESS:**

10.1 Discuss Dangerous Dog Restrictions and/or Ban
Background: Breed Specific Dog Ban Ordinances from City of Malin, Malheur County, and City of Heppner were submitted to the City Council for review on May 13, 2026. State of Oregon has behavior based dangerous dog restrictions; however, no State of Oregon statute preempts breed-specific legislation thereby allowing cities and counties to adopt breed specific bans. Thus far, City Council recommended definitions and additional verbiage be added to the City of Merrill Ordinance. Fiscal Impact: Unknown.
Recommended Motion: None.
Motion: The consensus of the City Council was to regulate animal control with current State of Oregon and Klamath County statutes and not impose breed restrictions.

11. **ACTION ITEMS/GENERAL BUSINESS:**

11.1 ORDINANCES:

11.2 **RESOLUTIONS:**

11.2 (a) Resolution 2026-1003 Transfer Funds to Comply with Budget Law Requirements
Background: Purchases made with debit card are withdrawn from General Fund Checking. Payments made using POS Terminal are deposited into Water Sewer Checking. A resolution is required to transfer funds for 26/27 FY appropriations. Fiscal Impact: None.
Recommended Motion: Approve resolution as presented.

Motion: Councilor Gatliff made a motion to approve Resolution 2026-1003 Transfer Funds to Comply with Budget Law Requirements. Councilor Baley 2nd the motion. The motion passed 3-0 in favor.

11.2 (b) Resolution 2026-1004 Adopt Notarization Best Practice Policies
Background: Read resolution into the record. Fiscal Impact: None.
Recommended Motion: Approve resolution as presented.
Motion: Councilor Johnson made a motion to approve Resolution 2026-1004 Adopt Notarization Best Practice Policies. Councilor Gatliff 2nd the motion. The motion passed 3-0 in favor.

11.2 (c) Resolution 2026-1005 Authorized Signatures On All Bank Accounts
Background: Read resolution into the record. Fiscal Impact: None.
Recommended Motion: Approve resolution as presented contingent upon the candidate being appointed to Position #4.
Motion: Tabled.

11.2 (d) Resolution 2026-1006 Authorized Signatures On All Bank Accounts
Background: Read resolution into the record. Fiscal Impact: None.
Recommended Motion: Approve resolution as presented contingent upon the candidate being appointed to Position #4.
Motion: Tabled.

12. OTHER – ADDRESS ITEMS FOR FUTURE AGENDAS:

- Remove decals from Code Enforcement Vehicle

13. 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.

14. ADJOURN Regular Session:

Councilor Gatliff made a motion to adjourn the September 09, 2026 Meeting. Councilor Baley 2nd the motion. With all in favor, the meeting adjourned at 6:53 p.m.

Respectfully Submitted,

Terry Guthrie – Mayor 10/14/2026 Date

Rayna Hernandez – City Recorder 10/14/2026 Date