

CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday, December 13, 2016
6:00 P.M.

MEETING CALLED TO ORDER:

The meeting was called to order at 6:00 p.m. by Mayor, Tim Saunders.

ROLL CALL:

Roll Call was taken with the following members of Council and others being present:

Councilor Lesh, Councilor Smith, Mayor Saunders and City Recorder - Oma Rowley

Absent: Councilor Taylor, Councilor Carleton

By Phone, joining the Council meeting from 6:00 pm – 6:15 pm, was Michael Chestone, Origis Energy

The flag salute immediately followed.

The Council meeting was held in the City Recorder's office due to phone conference call capabilities for Origis Energy (solar project) joining in via a phone conference.

NEW BUSINESS:

- The Payment in Lieu of Taxes Agreement (PILT) between OR Solar 5, LLC and Klamath County, Oregon and The City of Merrill, Oregon was discussed by City Attorney, Melvin Ferguson. The property tax analysis spreadsheet outlined that the City of Merrill PILT would be a total payout of \$358K with annual payments of:
 - Years 1-20 = \$13K
 - Years 21-30 = \$9K
- In addition, the Additional Payment Agreement of \$153K was discussed and payment Options #1-5 were read, in detail, by City Attorney, Melvin Ferguson. After Council discussion, Council selected Option #4 and approved the signature by the Mayor and legal witness in a motion made by Mayor Saunders with a 2nd by Councilor Smith. All other members present voted Aye and the Motion carried.

Option #4 annual payments will be:

- Year 1 = \$21K
- Year 2 = \$15K
- Year 3 = \$13K
- Year 4 = \$11K
- Year 5 = \$9K
- Year 6 = \$7K
- Year 7 – 13 = \$6K
- Year 14 – 20 = \$5K

Mayor Saunders and the City Attorney, Mel Ferguson, signed 5 copies of both the Payment in Lieu of Taxes Agreement (PILT) and Additional Payment Agreement with Exhibit A (with selected Option 4) so that all 5 copies of each, with original signature, could be sent to the Counsel of OR Solar 5, LLC for signature. The Company's Counsel will be asked to return one each of the agreements to the office of the City Attorney with original signatures of a Company representative and Klamath County officials. Once received, the City Attorney will forward the said agreements with original signatures to the Merrill City Recorder for their records.

The City Attorney will provide a copy to the Assessor and will send four originals of each to Ellen Grover (OR Solar legal counsel).

- The \$125K Community Fund, a lump sum payment by OR Solar 5, LLC, will be wired to the Oregon Community Foundation prior to construction to establish a community fund. The City of Merrill will be in charge of the Community Fund and it will be at the City's discretion as to whether or not a committee will be assigned to recommend fund uses. Michael Chestone will contact Kristin with the Oregon Community Foundation to request her attendance at an upcoming City Council meeting to an overview of the Oregon Community Foundation.
- Statement of votes cast-certified abstract by Klamath County Clerk for November 8, 2016 election read into minutes

Mayor Saunders moved the order of the meeting to the Ordinance section to benefit from guidance from the City Attorney.

ORDINANCES:

- CenturyLink Franchise Agreement was re-distributed with changes by Great Basin Insurance/CIS to Section 9. Changes suggested by the City Attorney were: to correct a type on Page 1; to omit Section 14 (Renewal); to add a new section for Attorney Fees to be Section 20; to renumber Severability to Section 21. The City Attorney will provide the City Recorder the language for Attorney Fees, new Section 20. The City Recorder will send the Agreement back to CenturyLink with the City Attorney and Insurance changes for review by their Counsel. The intent is to review and discuss any Agreement changes made by CenturyLink at the January 2017 Council meeting.
- Binder of Charter, Code of Ordinance and Code of Rules as well as the Comprehensive Plan were discussed. Mayor Saunders shared that only unsigned minutes and ordinances from June 2007 were found. The City Attorney suggested that that an Ordinance be initiated to approve both existing ordinances nunc pro tunc to June 2007. The City Attorney and City Recorder will work on the Ordinance wording. The City Attorney suggested presenting for the first reading at the January 2017 Council meeting; the second reading at the February 2017 Council meeting and approval at the March 2017 Council meeting.

NEW BUSINESS (CONTINUED)

- The City Recorder read the statement of votes cast-certified abstract by Klamath County Clerk for November 8, 2016 election into the minutes as follows:
 - Mayor Tim Saunders
 - 146 votes
 - 94 Write-In
 - Council Position 1, Richmond “Dick” Richmond
 - 183 votes
 - 13 Write-In
 - Council Position 3, Melody Smith
 - 182 votes
 - 13 Write-In

OLD BUSINESS:

- Centurytel monthly phone bill has increased due to the expiration of a three year contract. Mayor Saunders is in the process of seeking price quotes from Verizon and he will do a comparison to Centurytel. The Mayor also shared that Verizon has an LED Street light program. Marshall Bicknell shared that Centurytel stepped in for the 911 emergency situation he was involved in recently.

CONSENT AGENDA:

1) Minutes Approval for November 8, 2016 Council meeting

A motion was made by Councilor Smith to accept the November 8, 2016 meeting minutes. There was a 2nd by Mayor Saunders. All other members present voted Aye and the Motion carried.

2) Business Rental License/renewals:

Business Licenses for November 2016 were all phone polls that were approved under the ratify phone poll section below.

3) Ratify Phone polls:

1. **AP approval:** Accounts Payable 11/29/16 \$57,338.31 *Approved 11/29/2016 by Councilors Smith, Taylor & Carleton and mailed 11/29/16*
2. **2016 prorated Business Licenses**
 - ❖ Dan’s Autobody – Daniel Pettit, 110 Main Street (start 12/1/2016), approved 11/22/16 by Councilors: Carleton, Taylor & Smith
 - ❖ Reynolds Ag Service, LLC, Mike Reynolds, 130 N Polk Street (start 11/1/16) approved 11/22/16 by Councilors Carleton, Taylor & Smith
3. **Over \$500 limit approval**
 - ❖ PW Director polled for approval to purchase \$870 for Chlorine (The Buying Network invoice inserted after the Council meeting) for the Sewer Department which was approved by Councilors Carleton, Taylor & Smith on 11/30/2016

Mayor Saunders made a motion to approve the business licenses for Dan's Autobody, Reynolds Ag Service and the \$870 chlorine purchase for the Sewer Department. There was a 2nd by Councilor Smith. All members present voted Aye and the Motion carried.

4) Bills for approval: Accounts Payable 12/13/16 check run approval \$6,797.33.

Mayor Saunders made a motion to approve the 12/13/16 bills to pay. There was a 2nd by Councilor Lesh. All members present voted Aye and the Motion carried.

5) OLCC Liquor License renewals were approved per the OLCC listing in a motion by Mayor Saunders and a 2nd by Councilor Smith. All members present voted Aye and the Motion carried.

ACTION ITEMS/GENERAL BUSINESS:

RESOLUTIONS

- 2016-754 Whistleblower Protections Policy was read by title and open for discussion. The City Recorder stated that the policy will be required to be read and signed by all employees and retained in their personnel files. Resolution 2016-754 was re-read by title. Councilor Smith made a motion to approve Resolution 2016-754 Whistleblower Protections Policy and there was a second by Councilor Lesh. All members present voted Aye and the Motion carried.
- 2016-755 Workers Compensation Volunteer Coverage was read by title and open for discussion. The City Recorder stated that this resolution adds the Budget Committee to the covered Volunteers and that there are no other changes to the Volunteer resolution. The City Attorney stated that it is additional protection for the City to cover the Budget Committee. Councilor Smith stated that she did not understand why travel to and from a Budget Committee meeting would be covered if an accident or injury occurs and feels that a sign-in timesheet when a Committee member arrives/leaves should document the Budget Committee time. The City Recorder replied that if City business documents are present during travel to and from that it would be considered, from a Workers Compensation perspective, to be City business related and not personal travel. Resolution 2016-755 was re-read and a motion was made by Councilor Smith with a 2nd by Councilor Lesh. All members present voted Aye and the Motion carried.

RECORDER'S FINANCIAL REPORT:

The Recorder's report presented by the City Recorder included:

Accounts Receivable

Bank Balances

ACH detail

Payroll

Office closures:

- December 15, 2016 Audit site visit by Romig
- December 23, 2016 office closed for Christmas extended holiday

Mayor Saunders made a motion to approve the Recorder's report and office closures. There was a 2nd by Councilor Smith. All members voted Aye and the Motion carried.

The City Recorder shared a thank you note received by Julie Bensie for correcting the lighting at Dollar General.

PUBLIC WORKS: Absent

The City Recorder distributed the PW Director's report for December 2016 and is attached to the minutes.

The City Recorder shared that the owner of the Merrill Motel disconnected one of two water meters. The sewer service for the Merrill Motel is classified as a "Trailer Court and Motel" at \$153.50/month which is equivalent to a charge of \$153.50 and to 4.26 single connections. This classification is used for the rental units and for the personal residence. The owner has requested a reduction also to the sewer charge. It is difficult to change a "Trailer Court and Motel" utility bill. There was discussion that it would not be fair to neighboring business that are also seasonal. The request by the owner for a reduction to the sewer bill was denied.

POLICE:

Marshall Bicknell presented a brief report and shared that numerous tagging has occurred and have been cleaned up by the owners. The Marshall is trying out a \$200 consumer grade vehicle mounted camera.

LAWYER:

Attended meeting for the OR Solar 5, LLC and Ordinance sections from 6:00 pm to approximately 6:40 pm.

CODE ENFORCEMENT OFFICER REPORT: STAN HINTON

- November 2016 Code Enforcement Councilor Report was reviewed.
- Ownership for the strip of land between Wild Goose and Merrill Motel is now in the hands of the Klamath County Commissioners and is on their agenda. It is recommended by Merrill Code Enforcement to obtain this strip of property for the City to use as an alley, as a neutral zone that would allow emergency access.
- A letter from Betty Van Ransler's daughter, Linda Robustelli was distributed to Council to review. The letter, dated December 12, 2016 requested an extension to removal of a mobile on the property. Mayor Saunders made a motion to extend the deadline from December 26, 2016 for 90 days.

PLANNING – Commissioner Carleton

None

PUBLIC COMMENT:

Lee Harris asked about semis parking on Main Street and in front of her hotel location. She stated that the Trucks are making ruts and she cannot get to the building if she needs to. The Marshall replied that he cannot ban parking at the entire length of the building and suggested posting designated "No Parking" signs and perhaps Greg could put gravel in front of the building.

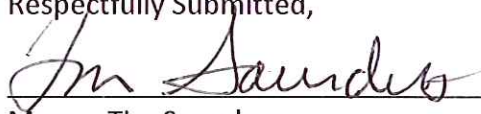
OTHER:

Mayor Saunders stated that he will be out of town from December 14 – December 22, 2016. He will also be out of town for the February Council meeting.

ADJOURN:

The meeting was adjourned at 7:32 p.m. in a Motion by Mayor Saunders and a 2nd by Councilor Smith. All members present voted Aye and the Motion carried.

Respectfully Submitted,



Mayor, Tim Saunders

1/10/17

Date



Oma Rowley – City Recorder

1/10/17

Date

Audio file# WS500040