

CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday, July 12, 2016
6:00 P.M.

MEETING CALLED TO ORDER:

The meeting was called to order at 6:01 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 Taylor, Councilor Carleton, Councilor Smith, Mayor Saunders and
City Recorder - Oma Rowley
Absent: Councilor Lesh

The flag salute immediately followed.

A moment of silence was given for the five officers killed in the line of duty in Dallas, Texas.

NEW BUSINESS:

- Mayor Saunders stated that the August 9, 2016 Council meeting will be held at the Merrill Fire Hall with dinner being provided by the Merrill Fire Department prior to the start of the meeting. Mayor Saunders will advise later the time for the dinner.
- The OLCC Renewal notification process and "Reasons to Deny or Restrict a License" list was distributed to Council with the pre-meeting packets. There are (6) License Premises/Tradenames due to expire on 9/30/16. All materials were reviewed by Council. A motion was made by Councilor Smith to approve renewal of all licenses. There was a 2nd by Councilor Carleton. All other members present voted Aye and the Motion carried.
- The City Recorder reviewed the November 8, 2016 General Election calendar for City Candidates noting that the last day to file will be Tuesday, August 30. City Hall will remain open until 5:00 pm to accommodate candidate filings. Candidate Filing forms, SEL 101, were offered that night. The Recorder shared that forms will be available in the Recorder's office.

OLD BUSINESS:

- Sick Leave Donation Policy (Resolution 2016-748) was revised, as per the request of Council, by the City Recorder to reflect: only catastrophic events, donations of sick time only and sick leave donations will be made at the recipient's rate of pay. Council reviewed Resolution 2016-748 as revised. One additional change was requested to be made. #2 under "Donating Employee" to read: Donation Application is to be approved by Council prior to the transfer of donated hours. The City Recorder stated that a Donation Application Request Form will be prepared if the Resolution is approved and submitted for Council review at a later date. A motion was made by Councilor Smith to

approve Resolution 2016-748 as revised as per discussions. There was a 2nd by Councilor Carleton. All other members present voted Aye and the Motion carried.

- The City Recorder reminded of the upcoming dog vaccination clinic on Saturday, July 16, 2016 at the Malin park from 9:00 – noon.
- Council compared their completed LOC Top 4 priority ranking sheets for legislative agenda. After Council discussion the following Top 4 priorities were selected:
 1. Needed Housing Assistance Program
 2. PERS Reform
 3. Funding Water System Resilience
 4. Water Supply Development Fund

The City Recorder will forward the City of Merrill Top 4 priorities list to LOC by the July 22, 2016 deadline. Per the LOC Bulletin distributed to Council, LOC will meet on August 3 to review the results of the Cities balloting and determine how to prioritize Cities issues for 2017. These priority issues will be the focus of City Hall Week meetings to be held around the state September 12-16.

- The City Recorder reported that the correction to the governing body for the Dollar General OLCC liquor license application was verified in an email message with Morgan Wood-Legal Assistance/Northwest Alcohol Law (OLCC). The local endorsement will come from the City of Merrill and not Klamath County. What was important was for the upper right-hand corner of the application was completed correctly (see email dated June 15, 2016 in Council meeting binder).
- The City Recorder shared that the SCA 2017 Grant application packet was mailed on 6/28/16.

CONSENT AGENDA:

1. Minutes Approval for June 10, 2016 Budget Hearing

A motion was made by Councilor Taylor to accept the June 10, 2016 budget hearing minutes. There was a 2nd by Councilor Smith. All other members present voted Aye and the Motion carried.

2. Minutes Approval for June 10, 2016 Council Meeting

A motion was made by Councilor Smith to accept the June 10, 2016 Council minutes. There was a 2nd by Councilor Taylor. All other members present voted Aye and the Motion carried.

3. Business Rental License/renewals: None

4. Ratify Phone polls:

AP approval: Accounts Payable *(The coversheet date was corrected from May 10 to July 12)*

- ❖ 6/27/16 \$6,072.59 Approved 6/27-6/28/2016 by Councilors: Lesh, Smith & Carleton, mailed 6/28/16.
- ❖ 7/1/16 \$9,909.78 Approved 7/1/16 by Councilors: Lesh, Smith & Carleton, mailed 7/1/16.
- ❖ Pollared Water (15 meters) quote \$1,038.55: Approved 6/30/16 by Councilors: Lesh, Smith, Carleton & Taylor

Councilor Taylor made a motion to approve the ratification of the 6/27/16 & 7/1/16 Accounts Payable and the purchase of (15) water meters from Pollard Water. There

- was a 2nd by Councilor Smith. All members voted and the Motion carried.
5. **Bills for approval:** Accounts Payable 7/11/16 check run approval \$2,571.25. Councilor Smith made a motion to approve the 7/11/16 bills to pay. There was a 2nd by Councilor Taylor. All members voted Aye and the Motion carried.

ACTION ITEMS/GENERAL BUSINESS:

ORDINANCES:

- Code Amendment to Basic Utilities Definition to include renewable energy sources. The proposed ordinance was provided by City Attorney, Melvin Ferguson, in letters to Council dated 6/30/2016 and mailed to all Council prior to this Council meeting. The ordinance will be on the September 13, 2016 Council meeting agenda. Councilor Carleton stated that Louise Dix-Fair Housing would need a copy of the amendment. The following is a recap of the steps/timeline stated in the City Attorney's letter dated 6/30/16:
 1. Notice to be sent to DLCD with proposed amendment to Development Code.
 - City Attorney asks Ellen Grover & Nathan Orf's assistance in prep of the notice to DLCD.
 - City Attorney asks Ellen Grover & Nathan Orf's assistance in prep of the notice to be published in the local newspaper for Planning Comm & City Council meets.
 2. Approximately 45 days after DLCD mailing, Merrill Planning Commission to hold a hearing to consider amendment. Testimony will be taken.
 3. Immediately following, Merrill City Council meets to consider the amendment. Testimony will be taken.
 4. Upon City Council approval of code amendment, a staff report will be submitted to the Planning Comm based upon Planning Comm's prior recommendations.
 5. Planning Comm meeting to approve the staff report – no further testimony taken.
 6. Planning Comm approved staff report will go to City Council. Testimony will be taken on the application and Planning Comm recommendation.
 7. Council renders a final decision.

At this point it is thought that the meeting date to consider the amendment might fall on the September 13, 2016, the regular Council meeting date.

Councilor Smith made a motion for City Attorney, Mel Ferguson, to send the proposed Amendment to the Development Code to DLCD. There was a 2nd by Councilor Carleton. All members voted Aye and the Motion carried.

RESOLUTIONS

- **2016-753 Sewer Rate Increase of \$1.00/month to be effective July 1, 2016**
The City Recorder explained that the rate for Outside City Limit sewer users would remain the same at \$38.50 to maintain the \$2.50 over City Limit rate as was done with the recent water rate increase. Resolution 2016-753 was read by title, open for

discussion (none) and re-read by title. Councilor Smith made a motion approving Resolution 2016-753, sewer rate increase \$1.00/month effective July 1, 2016. There was a 2nd by Councilor Carleton. All members voted Aye and the Motion carried.

RECORDER'S REPORT:

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

Accounts Receivable

Bank Balances

ACH detail

Payroll

City Attorney 6/25/16 invoice \$0

USTI (accounting software) V14 System Migration is set for August 24, 2016 on the day that the office will be closed to customers. System work will begin by the City Recorder from August 18-24, 2016.

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

PUBLIC WORKS:

- See PW Director's report for July 2016 - attached to minutes. The PW Director reported that the Water Street lift station is on a private drive easement and that Phillip Bragg is the owner and gives consent to move over 20' which will be a cheaper move than budgeted.
- In addition to the remaining \$5K left on the \$20K Water Master plan grant, a bill was received from Anderson Engineering for \$4,125 (over the \$20K grant budgeted for) for Oregon Health Authority Public Division Review Fee. The PW Director has contacted the City Engineer, Darryl Anderson, to challenge the additional cost of this fee as it is thought that the Review Fee should be included in the \$20K grant.

POLICE:

- Marshall Bicknell reported that business has been running smooth. There was a non-injury wreck. Officer Srch and the State Police were commended on how well the wreck was handled.
- Marshall Bicknell discussed the Lexipol agreement of subscription material annual fee of \$990. Councilor Smith made a motion approving the \$990 fee for Lexipol. There was a 2nd by Councilor Carleton. All members voted Aye and the Motion carried.
- The Marshall has been working with Stan on Code Enforcement.
- The "pig car" will be used once the Worker Comp code# has been established and approved by CIS.

LAWYER:

Not requested to attend.

CODE ENFORCEMENT OFFICER REPORT: STAN HINTON

- Stan asked Council for permission for the Marshall to issue a \$1,000 citation to Michael Lampkins, 203 Monroe Street, for non-compliance of tree trimming. The citation gives an additional 30 days to comply. Councilor Smith made a motion for the Marshall to move forward on the issuance of a citation due to non-compliance of tree trimming at 203 Monroe Street. There was a 2nd by Councilor Taylor. All members present voted Aye and the Motion carried.
- **June 2016 Code Enforcement Councilor Report** was reviewed.
 - Garbage and junk cars need to be cleared from 155 Elm Street.
 - Per information from William Moore, 304 E. Second Street. Danny Hickey has been paid in advance to demolish the house as soon as he can fit it in his schedule.
- Stan added that he would like to request permission from Council to issue a citation to 425 Front Street for stacking garbage in a trailer which is an open container and poses a health violation (see picture). Councilor Taylor made a motion to move forward with a citation on the trailer containing garbage at 425 Front Street. There was a 2nd by Councilor Smith. All members present voted Aye and the Motion carried.
- Stan asked Council their thoughts on burn barrels with screens/spark arrestors. Councilor Smith commented that she does not know enough about this to make a decision and feels it is a liability that sparks might still get out and pose a fire danger. Stan proposes adding language such as "any plastic" to the definition of garbage and eliminating outdoor burning of garbage to §52.01 definition of Garbage. Also Stan would like to eliminate the word "Outdoor" from §92.01 and 92.02.
- Marshall Bicknell and Stan will draw up a Resolution for the August meeting to include amendments to §52.01, §92.01, §92.02. §92.99 would be amended to refer to §10.99 for all penalties as a universal code.

PLANNING – Commissioner Carleton

- **Origis Solar Energy Update (Carleton) – See Ordinance section of minutes**

PUBLIC COMMENT:

- Resident Julie Bensie, 656 W. Second Street, stated that the Dollar General outside security parking lot light shines brightly in her windows and suggests adjusting the light downward. Julie asked if Council could send a letter to Dollar General about the security light on the pole at the end of the building. Councilor Carleton stated that he contacted Robert Vann 2 days ago about the light and that he will contact Robert again to have the security light turned downward. He stated that there are codes against that.

OTHER:

- Resident Dawn Trotman expressed concern to Council about weed abatement at the ditch behind Dollar General.

- Dawn Trotman also expressed concern about children on bikes riding and falling over at the ditch and asked if a bridge or railing could be installed at the ditch area where the culvert covered is with dirt to allow foot traffic to cross the ditch safely.
- Resident, Alberto Ramirez, played a saved voice mail message from his prior landlord for Council to hear. The landlord was asking for a \$69 payment to cover utilities claimed to be used by Alberto. Marshall Bicknell replied that the message played was strictly a landlord/tenant situation and that the City cannot offer advise or get involved. Councilor Smith stated that if Alberto wanted to make the payment to the landlord that one of the City offices could collect it from Alberto and provide it to the landlord.
- Since the City Clerk is working part-time, Councilor Smith is offering for the City Recorder to close early when needed to facilitate the Recorder time to meet numerous deadlines and audit requirements without interruption. The Recorder would need to call Councilor Smith in advance prior to closing the office early. This would help to reduce OT. All Council was in approval of this proposal.
- Mayor Saunders stated that he would be unavailable one week per month routinely and asked Council if they had an issue with his unavailability. Council did not express any concerns. Mayor Saunders stated that he would submit his name as a candidate for the upcoming Mayor election.

ADJOURN:

The meeting was adjourned at 7:59 p.m. in a Motion by Councilor Taylor and a 2nd by Councilor Smith. All members present voted Aye and the Motion carried.

Respectfully Submitted,

Tim Saunders 8/9/16
 Mayor, Tim Saunders Date

Oma Rowley 8/9/16
 Oma Rowley – City Recorder Date