

**CITY OF MERRILL**  
**EXECUTIVE MEETING**  
Tuesday August 14, 2018 5:30 P.M.  
and  
**REGULAR BUSINESS MEETING MINUTES**  
Tuesday August 14, 2018 6:00 P.M.

**EXECUTIVE MEETING CALLED TO ORDER:**

The meeting was called to order at 5:30 p.m. by Mayor Carlson.

**EXECUTIVE SESSION\*:**

- Discuss Personnel Matters

**ADJOURN EXECUTIVE SESSION:**

Councilor made a motion to adjourn the Executive Session. Councilor 2<sup>nd</sup> the motion. With all in favor, the session adjourned at 6:00 p.m.

**CONVENE REGULAR BUSINESS MEETING:**

*\*Representatives of the media are prohibited from reporting on any of the deliberations during this executive session, except to state the general subject of the session as stated above.*

**MEETING CALLED TO ORDER:**

The meeting was called to order at 6:01 p.m. by Mayor Carlson.

**ROLL CALL:**

Roll call was taken with the following members of Council and others being present: Councilor Smith, Councilor Lesh, Councilor Carleton, Councilor Taylor, Mayor Carlson, and City Recorder Hernandez.

**Flag Salute:**

The Flag Salute immediately followed with Mayor Carlson asking Councilor Taylor to lead it.

**MAYOR STATEMENT:**

Mayor Carlson asked that everyone please turn cell phones on silence. All meetings are recorded and when addressing the council, please speak clearly and state your name.

**PUBLIC COMMENT:**

Mayor Carlson 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 comments followed.

**CONSENT AGENDA:**

- **Meeting Minutes:**
  1. Councilor Smith made a motion to approve Council Meeting Minutes for July 10, 2018. Councilor Lesh 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
  2. Councilor Smith made a motion to approve City Council Executive Meeting Minutes for July 10, 2018. Councilor Carleton 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- **Business License:**
  3. Councilor Smith made a motion to approve Victoria Hernandez Rental Renewal and Novedades Beto's Business License Renewal. Councilor Lesh 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- **Accounts Payable:**

4. Councilor Carleton inquired about Ace Towing. City Recorder Hernandez stated the bill was for Officer Keith's Dodge Charger. Councilor Smith inquired to the issues with the Dodge Charger. Officer Srch explained the blades severely damaged the radiator followed by the water pump failing the next day. The Dodge Charger was towed to Officer Srch's residence where a mechanic replaced the water pump. Councilor Smith inquired to the Becky and Lawrence Robison bill. City Recorder Hernandez explained it was a reimbursement for overpayment of water/sewer by owners due to house being sold and no longer a rental. Councilor Carleton inquired about the BOLI payment being part of the Water Improvement Project. City Recorder Hernandez confirmed the BOLI payment was part of the Water Improvement Project. Public Works Director Matthews inquired about missing American Sanitation Dumping Revenue. City Recorder Hernandez replied American Sanitation paid the invoice. The payment was late due to being returned to American Sanitation by the Post Office. The revenue should be reflected in August Payables. Councilor Smith made a motion to approve the July Accounts Payables. Councilor Taylor 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.

#### **STAFF REPORTS:**

- **Police:**
  - Officer Srch reported on menacing and domestic disturbance last week. The incident was an after hour call where the perpetrator was taken to jail for threatening the victim with a knife. Another after hour menacing disturbance occurred last night, August 13, 2018. Hunter Communication's lines were downed by an unknown person today, August 14, 2018. There are no suspects at the moment. The Oregon Department of Transportation Grant has approximately five and a half hours overtime remaining. A significant amount of tickets have been written. Ironically, there have been numerous accidents and deaths on Highway 39 between Stateline and Henley where the overtime hours have been used for patrol. Councilor Carleton inquired about reimbursement to the City. Officer Srch and Councilor Smith explained the hours are separate from regular overtime and is being documented on the timecards then submitted. Mayor Carlson inquired to the number of tickets written in an eight hour shift. Officer Srch replied with 30 tickets the beginning of the week in an eight hour shift but fewer towards currently with 40 traffic stops. Councilor Carleton inquired if speeding was the reason for the stops. Officer Srch replied with primarily, yes.
- **Public Works:**
  - Public Works Director Matthews reported on multiple tasks performed distributed to City Council. The City of Merrill is running off of number two well, which complications have occurred. The issues have been resolved. A variable speed drive has been installed (will not reset itself after power outage) and timer due to overrunning or running out. Numerous water hydrants have been flushed due to the sulfur smell at least weekly with ongoing complaints. The City has never chlorinated the water before; however, after speaking with Darryl, a chlorinator will be installed on the number two well. The new well as been drilled down to 90 ft. Utility Worker Taylor has been working on the fascia trim at City Hall in preparation for gutter installation. Bluegrass Festival was a success with approximately \$1500.00 ahead. George Fiock and Family visited the Modoc Museum. The family made a generous memorabilia donation.
  - Councilor Smith thanked Public Works Director Matthews for the new signs around town and discussion followed of further installations.
  - Councilor Taylor thanked Public Works Director Matthews for all the hard work on the Modoc Museum and commented on the museum being open during City Hall Hours.
  - Officer Srch requested a financial statement from Public Works Director Matthews for the replacement cost of the stop sign destroyed by an unknown assailant earlier in the day, August 14, 2018 when downed Hunter Communications fell. Public Works Director Matthews acknowledged the request.
  - Proposal for Klamath Basin Gutters: Councilor Smith made a motion to approve the \$2150.00 gutter installation proposal. Councilor Taylor 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- **City Recorder:**
  - City Recorder Hernandez informed Council of City Clerk Jensen's Jury Summons September 3, 2018-September 28, 2018.

- Northwest Retirement filed an extension. The extension has been completed with form 5500 filed and reports distributed to personnel.
- The audit is due by August 31, 2018 and is near completion. The City of Merrill loss Crime Coverage until the audit has been submitted.
- There has been no response from the Solar Plant regarding the PILT Invoice. A second letter was provided to the Council for approval. Councilor Carleton suggested a 10% late fee with a deadline of 2 weeks.  
Mayor Carlson stated he will initiate further contact if no response from Solar Plant within 2 weeks.  
Councilor Carleton suggested imposing a 10% late fee.  
Mayor Carlson stated he would relate a late fee within 2 weeks.  
Councilor Smith and Councilor Carleton both stated the Solar Plant can be ultimately shut down if no payment is made.
- City Recorder Hernandez will attend a Social Security Administration/Oregon Revenue Training on August 17, 2018 in Eagle Point.
- **Lawyer:**
  - New City Attorney Jennifer Schade introduced self and detailed work history with 11 years in practice. Public Works Director inquired whether all 11 years of practice has been in Klamath County. City Attorney Schade replied 9 years have been in Klamath County and the other 2 in Jackson and Josephine County. Councilor Carleton inquired about Attorney Schade opening an office in Merrill. Attorney Schade confirmed the possibility of one day per week. Mayor Carlson thanked Attorney Schade for coming on short notice.
- **Code Enforcement:**
  - Code Enforcement Shilling reported on 13 resolved cases; 11 new cases all resolved with the exception of 1; 1 citation in process for a residence on Front Street.
- **Planning:**
  - Mayor Carlson mentioned the Planning Committee Meeting held August 16, 2018 at 6:30 p.m. to discuss development of the Merrill Commercial Site and potential Master Plan for Transportation.
  - Councilor Carleton mentioned the progress of Les Schwab.

**PROJECT MERRILL:**

- Public Works Director Matthews reported on the success of the Bluegrass Festival.

**NEW BUSINESS:**

- Fire Department Ceremonial: Tabled
- Tablets for City Council Members: Ricoh's (copier) last bill was approximately \$1000.00 and paper averages \$60.00. Electronically updating packets would save on expense to the city through materials and personnel time. Electronic packets would be readily available to Council. City Recorder Hernandez opted for paper packet (self) due to office requirements. Discussion followed about internet service/availability. The purchase of new tablets was tabled with Council using personal equipment. A trial basis for electronic packets will move forward with paper available for others.
- Employee Water Bill Compensation per FY 18/19 Budget: Discussion followed as to how the compensation was to be set-up for payroll. A consensus was reach the Employee Water Compensation will be a tax free benefit. Councilor Smith and Councilor Taylor recused themselves due to conflict of interest.
- Workshop for Gun Control: The State of Oregon has been considering comprehensive measures. As a municipality there are different options available to become exempt to avoid potential conflict. Vote of residents through a citizen initiative would be imperative. Councilor Smith inquired to the proposal of gun control. The proposal at the state level, an initiative that would not happen this year, would involve the confiscation of rifles manufactured to allow magazines to dispense a certain amount of rounds. Rural communities and local residents would disagree with that interpretation of the constitution. Mayor Carlson would like to minimize conflict. Municipalities have many legal options. Research options, present options to City Council, and a citizen initiative would be the best offense. Councilor Carleton stated the Ninth Circuit ruled an individual has the right to publically bear arms for self-protection which would supersede Governor Brown.

### OLD BUSINESS:

- Report on Cable Plant Discussion with County: Cable Plant Committee met with Commissioner DeGroot and provided a legal description of the Cable Plant inventory. Mayor Carlson followed-up with no response has been determined forthwith and will continue review.
- Discussion on Master Plan Efforts: Planning Committee is pursuing grants for a City Master Plan including Oregon Department of Transportation Corridors. Councilor Carleton mentioned the grants are directed more towards high density locations. Next funding cycle is in June. A representative is willing to meet with the City.

### ORDINANCES:

- None proposed

### RESOLUTIONS:

- Formalize Resolution 2017-765 Increasing Water Rates per the FY 17/18 Budget: The resolution was passed in September 2017 with the condition of changing the effective date to January 1, 2018. The Mayor and City Recorder never signed the document. City Recorder Hernandez made the necessary changes. Councilor Carleton made a motion to pass Resolution 2017-765. Councilor Lesh 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Resolution 2018-766 Amending Meetings; Time and Places: The resolution changes the time from 7:00 p.m. to 6:00 p.m. on every second Tuesday of the month. Councilor Smith made a motion to pass Resolution 2018-766. Councilor Taylor 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Resolution 2018-767 Increasing Rental Units; Deposits Required: Resolution 2018-767 raises the deposit for tenants from \$70.00 water/\$70.00 sewer to the current base rate of \$82.00 water/\$82.00 sewer. Councilor Smith made a motion to pass Resolution 2018-767. Councilor Carleton 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.
- Resolution 2018-768 Premium Conversion; IRS Section 125: Premiums were capped in December 2015. Two of 6 employees have chosen plans above the capped limit. Resolution 2018-768 allows the City of Merrill to deduct pre-taxed premiums from paychecks at the urging of CIS. Councilor Carleton made a motion to approve Resolution 2018-768. Councilor Smith 2<sup>nd</sup> the motion. The motion passed 4-0 in favor.

### FUTURE AGENDAS:

- Agenize PILT Payments with 10% fee if No Response
- Resolution for City Council Members Water/Sewer Incentive
- Discussion of Police Oversight Process

### PUBLIC COMMENT:

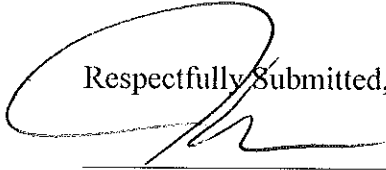
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- ❖ Teresa Perry: Inquired about community involvement and opinions of Council receiving free water/sewer? What was the consensus?  
Greg Matthew spoke as a citizen on behalf of previous community opinions and self. Greg Matthews was personally in favor as having served on Council in past years.  
Mayor Carlson stated incentives to public officials need to be transparent and notice given with discussion to follow.  
Greg Matthews mentioned the conflict with ethics.
- ❖ Teresa Perry: What is the policy of neighboring communities?  
Councilor Smith has researched incentives/benefits to elected officials in neighboring communities. Every community has a different policy where free water/sewer is provided whereas another offers insurance. Other communities do not offer incentives. Council wants to reach a conclusion.
- ❖ Teresa Perry: With the water/sewer placed on the agenda, all the research will be compiled to answer questions?  
Councilor Smith replied the water/sewer placed on the agenda's sole purpose is whether to pursue the incentive and not to make finalize decision. The Council would want more detailed public opinion.

**ADJOURN MEETING:**

- Councilor Taylor made a motion to adjourn the August 14, 2018 Meeting. Councilor Lesh 2<sup>nd</sup> the motion. With all in favor, the meeting adjourned at 7:17 p.m.

Respectfully Submitted,



Bill Carlson - Mayor

11 SEP 18

Date

Rayna Hernandez 9/11/18

Rayna Hernandez - City Recorder Date