

CITY OF MERRILL  
REGULAR BUSINESS MEETING  
Tuesday, February 9, 2016  
6:00 P.M.

**MEETING CALLED TO ORDER:**

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

The flag salute immediately followed (out of order).

**ROLL CALL:**

Roll Call was taken with the following members of Council and others being present:  
Councilor Lesh, Councilor Smith, Councilor Carleton, Mayor Tim Saunders, City Recorder - Oma Rowley

Absent: Councilor Taylor

**NEW BUSINESS:**

- **Klamath County Predatory Animal Control District Resolution support approving Resolution 2016-745.**

Council was distributed materials in their Council pre-meeting packets for review prior to the presentation. David Hill presented information contained in the materials and introduced Chuck Cleland, Wildlife Specialist. The maximum tax assessment by Klamath County will be on assessed property values with costs not to exceed \$.08 per \$1,000 of assessed value. The first year is projected at \$.06/\$1000. Dave Hill asked the Council to consider approving the resolution to allow voters of Merrill to vote on the matter of district formation. Subject to voter approval, territory within the corporate limits of the City of Merrill would be included. Resolution number 2016-745 as read in totality, discussed and read by title. A motion was made by Councilor Carleton to approve the Resolution document provided in support of the Predatory Animal Control District. There was a 2<sup>nd</sup> by Councilor Smith. All other members present voted Aye and the Motion carried.

**PUBLIC COMMENT:**

- Murraray Kullrich was allowed to address a Street issue under "Public comment" early in the agenda. Mr. Kullrich expressed a concern about safety to pedestrians and traffic in the vicinity of Martin's Grocery store. Large truck parking results in the lack of visibility when trying to pull onto Front Street. It was suggested that there be a "No truck parking" sign posted. Also suggested was a 50' no parking area marking. The Public Works Director commented that ODOT had taken down previously posted "No Truck parking" signs and that there was an ordinance in the 1990's about truck parking. Councilor Carleton will look into delivery truck requirements with Calvin/ODOT.

### **NEW BUSINESS (Continued):**

- **SEI Electronic filing notification.**

A reminder by the City Recorder to Council and to Planning Commissioner that SEI filings will be required to be filed electronically this year by April 15, 2016. The City Recorder will be the set-up point of contact for the City of Merrill and will be assigned a jurisdiction for the electronic filing system (EFS) allowing the Recorder to provide information (seat assignments) regarding the City of Merrill filers to the Commission (SEI). Seat assignment information will include: date of appointment to position, name and email address and phone number. **Council will then receive an email with the survey required to be completed by April 15, 2016.**

- **Romig RFP for Auditing Services for FY 14/15.**

A copy of the Proposal for Audit Services by Romig & Associates, PC was distributed to Council in the pre-meeting Council packets. The audit proposal covered the following fiscal years: 14/15, 15/16 and 16/17. The Romig audit fees, per submitted fee schedule, represent a savings of \$4K over the three year fiscal year period audits. The audit for FY 14/15 is scheduled to begin May 31, 2016. A motion was made by Councilor Carleton to accept the Romig RFP and there was a 2<sup>nd</sup> by Councilor Smith. All other members present voted Aye and the Motion carried.

- **LOC email response to question about grant funding being effected by marijuana related business revenue?** The short answer response is that it is uncertain. It is unknown whether the federal government might, in the future, decide to withhold funding from states or governments that have allowed marijuana businesses that are in violation of federal law. Councilor Carleton stated that he was checking with the USDA about this issue and that they are currently awaiting attorney consultation. Councilor Carleton recommends continuing the ban as per the recent ordinance approval. Marshall Bicknell reminded that there will be a new Administration federally with the upcoming election and that his thoughts are to be patient and wait.

- **Liability insurance contingency for Veterans Affairs contract-parking a Home Based Primary Care Vehicle in City Hall parking lot.** The Recorder forwarded the VA contract for parking requested by Cheryl McCauliffe to Midland Empire Insurance Agency for review. Per Midland Insurance, the VA would need to provide an Auto Liability certificate with a minimum combined single limits of \$1,000,000 and include the City of Merrill as an additional insured. The above insurance requirements were shared with Cheryl who stated that she would pass the information to the VA insurance department. She stated that it might be decided to park the vehicle elsewhere. The Recorder advised Cheryl that the contract could not be approved by Council until acceptable proof of insurance had been provided.

### **OLD BUSINESS:**

- The City Recorder asked if there were comments to the **Oster FY 13/14 Independent Auditor's report**, Financial Statements, (2) supplemental letters that were distributed at the January 2016 Council meeting. Council had a month to review the materials. A

corrective action Resolution is presented as Resolution 2016-743 (see Resolution section in minutes). There were no comments by Council.

### **CONSENT AGENDA:**

**1. Minutes Approval for January 12, 2016**

A motion was made by Councilor Carleton to accept the January 12, 2016 minutes. There was a 2<sup>nd</sup> by Councilor Smith. All other members present voted Aye and the Motion carried.

**2. Business Rental License/renewals:**

January 6, 2016 list of Business License fees were approved in a motion by Councilor Smith and a 2<sup>nd</sup> by Councilor Lesh. All other members present voted Aye and the Motion carried.

**3. Ratify Phone polls:**

AP approval: Accounts Payable

❖ 1/22/16 \$18,847.28

*Approved 1/22/2016 by Councilors: Lesh, Smith & Carleton, mailed 1/25/16*

❖ 1/26/16 Pollard water meters & accessories quote \$1,410.95 by PW Director

*Approved 1/26/2016 by Councilors: Lesh, Smith & Taylor*

*Cancel 2-9-16 this item withdrawn due to better pricing with Ferguson – quote to be forth coming*

Councilor Carleton made a motion to approve the ratification of the 12/22 and 12/31/15 Accounts Payable. There was a 2<sup>nd</sup> by Councilor Smith. All members voted and the Motion carried.

**4. Bills for approval: Accounts Payable 2/5/16 check run approval \$7,028.53 2/9/16 \$64.**

Councilor Smith made a motion to approve the 2/5 & 2/9/16 bills to pay. There was a 2<sup>nd</sup> by Councilor Carleton. All members voted Aye and the Motion carried.

### **ACTION ITEMS/GENERAL BUSINESS:**

#### **ORDINANCES:**

None

#### **RESOLUTIONS**

- *Repeal:* **2015-739** Amend Water rates by \$4 increase. Resolution 2015-739 was repealed due to incorrect above base rates for outside city limit customers (see Resolution 2016-744 to replace). Councilor Smith made a motion to repeal Resolution 2015-739. There was a 2<sup>nd</sup> by Councilor Lesh. All members voted Aye and the Motion carried.
- **2016-742** City Clerk revised Job Description to include Planning Commission Secretary and Code Enforcement Clerk. Resolution 2016-742 was read by title, no discussion and re-read by title. Councilor Carleton made a motion approving Resolution 2016-742 that revises the City Clerk job description. There was a 2<sup>nd</sup> by Councilor Smith. All members voted Aye and the Motion carried. Councilor Carleton commented that Planning has added a lot of work for the City Clerk and also stated that the City Recorder needs to

add Planning duties to the Recorder job description tasks. The City Recorder job description will be revised and submitted by Resolution at the March 2016 meeting.

- **2016-743 Correction of FY 13/14 Audit Deficiencies.** Resolution 2016-743 was read by title, discussion to clarify that "v" listed corrected audit deficiencies and re-read by title. Councilor Smith made a motion to approve Resolution 2016-743. There was a 2<sup>nd</sup> by Councilor Lesh. All members voted Aye and the Motion carried.
- **2016-744 Amend Water rates by \$4 increase** and change outside City Limit over base rates to match inside City Limit over base rates. Councilor Carleton made a motion to approve Resolution 2016-744. There was a 2<sup>nd</sup> by Councilor Lesh. All members voted Aye and the Motion carried.
- **2016-745 KC Predatory Animal Control District** (see New Business section)

#### **RECORDER'S REPORT:**

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

Accounts Receivable

Bank Balances

ACH detail

Payroll

City Attorney 1/25/16 invoice was reviewed

CIS property program issued a credit and a check for \$2004.03 due to the 9/30/15 select building/land improvements appraisal (Asset Works, CIS Property program)

City Recorder asked to attend a free Local Budget Law training class @ KCC 9:00 am-3:30 pm on 2/23/16

Office closure on 2/26/16 from 10:45 am – 1:30 pm to attend a Pathways Try Unity calendar website meeting

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

#### **PUBLIC WORKS:**

- See PW Director's report for February 2016 - attached to minutes.
- Bids for a shop heater (to replace use of propane bottle fills) was presented for: 1) Ed Staub \$2,009, Basin Heating \$3,989 and Brodmerkle (did not submit). Costs to be split between water, sewer and streets. Councilor Carleton made a motion to accept and approve the shop heater purchase from Ed Staub for \$2,009. There was a 2<sup>nd</sup> by Councilor Smith. All members voted Aye and the Motion carried.
- Approval for per diem and training costs to be paid for the Utility Worker I to attend the Level I wastewater treatment class in Salem on March 15-16. Training class cost is \$275.00. Lodging is estimated at \$80/night and meals will be calculated by the City Recorder using the GSA website per diem rates for the Salem area. Total costs may exceed \$500.  
Councilor Smith made a motion to approve the training with associated costs for the Utility Worker I in Salem March 15-16. There was a 2<sup>nd</sup> by Councilor Lesh. All members voted Aye and the Motion carried.

- Per Tom Crist (County), Merrill clean-up day is scheduled for May 7, 2016. Councilor Smith made a motion to approve May 7, 2016 as the Merrill clean-up day. There was a 2<sup>nd</sup> by Councilor Lesh. All members voted Aye and the Motion carried.
- Councilor Carleton shared that the USDA has a grant available for rural development. This \$30K grant, for engineering fees, could be used for water/well improvement. Sam Goldstein is the contact. The Public Works Director will be in touch with Darryl-Anderson Engineering.
- Councilor Smith read a letter written by resident, Deb Powell, in recognition of Greg Matthews-PW Director going above and beyond his job duties.

**POLICE:**

- Monthly report given specifying a couple of warrant arrests, a car theft on Sunday night that was recovered quickly, and dealing with activity at a single drug house.
- Marshal Bicknell presented police activity statistics beginning 2000 and ending 2015.
- Marshall Bicknell announced that a Sargent was shot and killed in Seaside, OR and that he was planning to attend the Memorial Service. The estimated costs would be \$64 meal per diem plus the cost of gas to travel to and from Seaside.
- §90.25 Unenumerated nuisance – Marijuana odor from growth and consumption. Councilors Carleton and Smith would like this item put on next month's agenda for a Council decision whether to add to the unenumerated nuisance section.

**LAWYER:**

Attendance was not requested.

**CODE ENFORCEMENT OFFICER REPORT: STAN HINTON**

- The January 2016 Code Enforcement Councilor Report was distributed with Councilor pre-meeting packets and reviewed by Stan Hinton in the meeting.
  - 1) Marshal Bicknell provided an update on the Property at 304 Second Street, Mary White, who owes the courts \$4K and has been set up for payment but she has only paid on the \$1K so far. Courts has turned her debt over for collection. The new owner will begin house removal in the next 30-45 day period.
  - 2) Councilor Carleton stated that Gary Robeson and Phillip Bragg have come to a mutual agreement to clean-up the Bragg property. The City Recorder shared input from attorney, Mel Ferguson, who suggests inviting both parties to the March Council meeting.
  - 3) Merry Walker has had snow delays and has not met the 2/10/16 deadline. Council asked Stan to contact Merry to get her intentions and give Merry the new 60 day deadline (4/10/16 deadline date).
  - 4) Mysterious pygmy goat complaints at the corner of 1<sup>st</sup> and Clay Streets. The goats remain "at large" and still have not been visible for Code Enforcement. Keep watching.

- 5) John Heim has been given a verbal abatement for vehicles parked on the street. Marshal Bicknell will give a violation for vehicles parked on the street.
- 6) Pig reported on the street on Garfield which will be moved to outside city limits to reside in a pen.
- 7) Front & McKinley Streets at the old hunting club, asbestos siding removal. Per Stan, the contractor is following federal regulations and will come to City Hall for a business license. Contact license information is: CCB 126132 Regulatory number 146973 (note: as of 3/2/16 never contacted City Hall).

#### **PLANNING – Commissioner Carleton**

- Two City of Merrill forms were distributed. The Building application and LUC Statement were modified to conform with the Klamath County forms. City attorney, Mel Ferguson reviewed and approved.  
A Zone change charge fee has been added to the existing fee schedule. As a Type II, \$250+ consulting fees is the typical fee and should be added to the fee schedule for zone change. Councilor Smith made a motion to approve: 1) the Building Application 2) LUC Statement and 3) Zone change fee of \$250 added to the General Review App Type II. There was a 2<sup>nd</sup> by Councilor Lesh. All members voted Aye and the Motion carried.
- **Solar Farm Update (Carleton).** Next steps: Zone change.  
A special Planning Commission public meeting is scheduled for Merrill City Hall on January 22, 2016 @ 6:00 for receiving Community input. A second special Planning Commission public meeting will be held on March 8 at 5:00 prior to the regular scheduled Council meeting. Attorney, Mel Ferguson, will meet with the Planning Commission later in March to discuss the public meeting items of record with the Planning Commission. It is not yet determined what date a recommendation/decision will be made.
- There are trees right at the edge of the right of way on Second Street (Dollar General). This is a Cindy Taylor-Street Commission and Greg Matthews-Public Works Director issue.

#### **PUBLIC COMMENT:**

- Murray Kullrich (see Public Comment following the first item of new business).

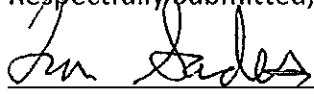
#### **OTHER:**

- Mayor Saunders reminded that Performance Evaluations are due by April 1, 2016.
- The City Recorder reported that resident Robbie Rush reported on the phone to the Recorder that he was unhappy with the upcoming utility rate increase stating that his water has an odor and that he has to buy bottled water.
- Rick Walsh, requestor of a marijuana grow facility, stopped by prior to the start of the Council meet and provided a 6 page handout for Council. Council agreed to continue with the ban on marijuana business activities as per Ordinance 1208-2015. (note: The City Recorder called Rick Walsh to let him know that the ban remains).

**ADJOURN:**

The meeting was adjourned at 8:22 p.m. in a Motion by Councilor Carleton and a 2<sup>nd</sup> by Councilor Lesh. All members present voted Aye and the Motion carried.

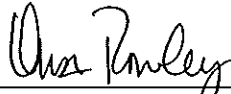
Respectfully Submitted,



Mayor, Tim Saunders

3/8/16

Date



Oma Rowley – City Recorder

3/8/16

Date