

CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday February 12, 2019 6:00 P.M.

MEETING CALLED TO ORDER:

Mayor Carlson called the Tuesday, February 12, 2019 Regular Business Meeting to order at 6:00 p.m.

ROLL CALL:

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

FLAG SALUTE:

The Flag Salute immediately followed with Mayor Carlson asking Councilor Hughes 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:**
Councilor Smith made a motion to approve Council Meeting Minutes for January 8, 2019. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.
- **Phone Poll:**
Councilor Smith made a motion to approve Business License January 15, 2019: Mia & Pia Pizzeria. (City Recorder Hernandez confirmed phone poll tally February 13, 2019 to City Council through e-mail.) Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.
- **Business License Renewals:**
City Council approved the following Business License Renewals as submitted before City Council by phone poll on February 15, 2019: K & K Espresso and Deli Business License, Marlene Snapp Rental License, Betty VanRansler Business License, Jeff Smith/Cathlene Kenstler Rental License, Reynold's Ag Service Business License, Gilbert Villanueva Rental License (2), Hendrix Duplex Rental License, Victoria Hernandez Rental License (2), The Bunk House Business License, Merrill Presbyterian Rental License, Pappy Gander Business License, Casa Villanueva Business License, Umpqua Bank Business License, and Stateline Auto Parts Business License. The phone poll passed 4-0 in favor (Councilor Smith, Councilor Johnson, Councilor Hughes, and Councilor Carleton).
- **Business Licenses:**
Midtown Eatery & Pub Business License: Councilor Carleton stated Midtown Eatery & Pub will require a state license. Nita Fruitt and Wayne Powell, business owners of Midtown Eatery & Pub, required approval from City Council before applying for the Oregon Liquor License. An official location and business license from the City are mandatory. The business is in the process of installing another restroom to meet Oregon Liquor Control Commission (O.L.C.C.) requirements for a full bar license. Councilor Carleton stated a Land Use Compatibility Application will be required for approval by City Council then Klamath County would issue the permit. Councilor Johnson inquired to the occupancy limits. Nita Fruitt and Wayne Powell stated the business would be a 50 person maximum capacity with O.L.C.C. requiring a minimum of 25 person capacity. The business owner's elaborated on business plans regarding the service of liquor.

Cowbelle Boutique Delivery License: Councilor Hughes inquired to the location of Cowbelle Boutique. City Recorder Hernandez stated the business is outside of City limits on Malone Road. The owner requires a City business license for certain vendors. Cowbelle Boutique sells clothing. Councilor Carleton made a motion to approve Midtown Eatery & Pub Business License with a full bar and approve Cowbelle Boutique Delivery License. Councilor Smith 2nd the motion. The motion passed 4-0 in favor.

- **Accounts Payable:**

Councilor Smith inquired to a voided check in the Council packet. City Recorder Hernandez stated the check is in the packet for transparency. Councilor Smith and Public Works Director Matthews discussed purchasing within budgeting limitations. Councilor Smith made a motion to approve the January Accounts Payables. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.

Councilor Smith made a motion to approve the January Water Sewer Transfer. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.

STAFF REPORTS:

- **Police:**

- Marshal Bicknell submitted a monthly report to City Council and reported before Consent Agenda. Marshal Bicknell intent is to attend the Justice Re-investment Conference early morning in Salem February 13, 2019. Marshal Bicknell reported on a domestic violence case resulting in multiple felony charges for assault; an individual continually trespassing at the four-plex on West Third Street with the individual evading capture; two arrest warrants; six traffic stops; 3 motor vehicle accidents; domestic disturbance; mutual aid to other law enforcement agencies; and a natural death. Highlighted, Krista Moore, the local librarian, whom dedicates time to check on the local elderly residents. Krista Moore was the person whom discovered the deceased resident. Please thank Krista Moore for her selfless acts of kindness toward the City of Merrill's elderly residents.

- **Public Works:**

- Public Works Director Matthews submitted a report of work performed and read submission. Highlighted was the estimated completion of the Well House as March 1, 2019. Utility Worker Taylor remodeling the women's bathroom at City Hall, draft letter to O.D.O.T. composed, and meeting(s) held with the Cemetery Board Members were also noted.
- Mayor Carlson inquired to the Flood Plain correspondence. A meeting will be held with a Federal Emergency Management Agency (FEMA) representative. Mayor Carlson stated skepticism with conclusions. Public Works director Matthews praised Mayor Carlson with the questions raised in regards to FEMA conclusions.

- **City Recorder:**

- City Recorder Hernandez submitted correspondence from Klamath County from the Oregon Water Resources Department (OWRD) regarding OWRD Notice of Proposed Rulemaking: Local rules governing control of well use in the Upper Klamath Basin.
- City Recorder Hernandez stated one bid was submitted for the police vehicle. Mayor Carlson opened the sealed envelope with initials on the back of the envelope. The single bid was from John Schwarzer for \$1,150.00. Councilor Carleton made a motion to except the bid to John Schwarzer. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor. Councilor Hughes stated the license plates need to be removed before the car is released to the buyer.
- City Recorder Hernandez sought approval to lower the water rates per Ordinance 2018-10-01 Water Rate Equalization. January 2019 had a \$1,000.00 increase in revenue. Public Works Director Matthews stated the City of Merrill will generate the revenue to support the two dollar decrease in water billing. City Recorder Hernandez confirmed. Klamath County Housing authority communicated a hardship to the budget passed October 1, 2018. Consensus was the ordinance was mailed for public comments before October 1, 2018. Prior to the ordinance passing, Klamath Housing Authority was paying \$7 per unit. Councilor Smith stated a dislike for raising and lowering the water rates. Mayor Carlson stated the intent for the water rates to be revenue neutral. Merrill Mobile Manner needed clarity with the new water rates, and Public Works Director Matthews will contact before next water billing.

- City Recorder Hernandez detailed the accounting software issues experienced in January 2019. The necessary updates downloaded between the years 2016, 2017, and 2018. The result was a loss of customer data, water billing, payments entered late, and an extension on the audit. With customer support, the issue was resolved in two and a half days. ClerkBooks Municipal Accounting is a software program made directly for Municipal entities, which contains a utility billing program. The initial cost would be around \$5,000.00. Asyst (current program) cost \$7,000.00 initially and \$3,000.00 annually for an incomplete program.
- **Lawyer:**
 - City Attorney Jennifer Schade is in the process of reviewing the Urban Camping Ordinance.
- **Code Enforcement:**
 - Marshal Bicknell reported on a warning issued regarding a couch. The resident complied.
- **Planning:**
 - None

PROJECT MERRILL:

- Mayor Carlson stated the concrete pad for the Klamath Water Brigade Bucket should be prioritized; approximately \$2000.00. Councilor Smith stated Project Merrill was advocating for the Klamath Water Brigade Bucket. Mayor Carlson inquired to any objection in pursuing the subject. No objections followed.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Public Works Director Matthews highlighted the meeting with the Cemetery Board. March 16, 2019 has been scheduled as the Merrill Cemetery Clean-up Day contingent upon the weather.
- New sponsors for The 2019 Bluegrass Festival are as follows: Michael Sheets dba The Merrill Clinic, Basin Immediate Care, The Lion's Club with a generous donation of \$1,000.00, FireServe with supplying the Festival with internet, and a special thank-you to Councilor Carleton for approaching FireServe. Public Works Director Matthews and Ronnell Matthews will be attending a presentation to accept a \$600.00 grant from Klamath County Cultural Coalition for The Bluegrass Festival. Other grants and sponsorships are being pursued. Resident Lee Harris has been working with vendors.
- Merrill Historical Society had a 50 70 Springfield rifle by Kendall Hannon from Castro Valley, California donated. Kendall Hannon purchased the rifle for the sole purpose of donating the rifle to the Merrill Historical and Modoc War Museum. The rifle costs approximately \$1000.00. The rifle is identical to what is currently on display in the museum, and the rifle may be handled. Russel Shaw loaned a Calvary Saber from the Modoc War era. The saber was discovered in an onion field.

NEW BUSINESS:

- Elect Mayor Pro Tem/Council President: Per Merrill City Charter, a Mayor Pro Tem/Council President is to be elected each odd year. Councilor Carleton made a motion to continue with the current Council President, Councilor Smith. Councilor Hughes 2nd the motion. The motion passed 4-0 in favor.
- Report of League of Oregon Cities Meeting in Salem: Mayor Carlson thanked the City Council for authorizing the League of Oregon Cities Conference in Salem, Oregon on January 24, 2019. Mayor Carlson met with Senator Linthicum, Representative Reschke, and 12 other mayors from around the state. The networking was invaluable.
- Discussion of Proposed County Oversight of Local Tobacco Sales: Mayor Carlson met with Klamath County Representatives for Community Disease, Erin Chulten and Kareem Bloomfield. The proposal is Klamath County would provide oversight of businesses within the City of Merrill that sell tobacco and tobacco products for a fee. Klamath County would employ underage decoys to purchase tobacco. The oversight would be optional for the City of Merrill and the businesses to be a part of the Klamath County Tobacco Retail Licensing Program. Councilor Carleton inquired to the license cost. Mayor Carlson replied the license would cost approximately \$300.00 annually. Councilor Hughes stated the state already has oversight. Councilor Smith was in agreement the state already has oversight. Councilor Carleton stated the local businesses could decide to opt-in, but with oversight already in place by the State of Oregon, the City of Merrill should not require businesses to obtain a special license. The consensus was local businesses are not required within City limits to purchase a special tobacco license.
- Discuss Payroll: Councilor Smith inquired to when timecards need to be signed by department heads and when payroll needs to be run. City Recorder Hernandez stated the Employee Handbook states payroll is the 15th and 31st. The City of Merrill pays on the 1st and the 16th. Concessions have already been made when payroll falls on a weekend with City Police working. For example, the upcoming payroll ends during the

weekend. Timecards need to be signed, payroll needs to be run, taxes needs to be deposited, PERS and retirement needs to be submitted. Payroll is already three days late on Tuesday. Otherwise, the City of Merrill is efficient with payroll in-house. Councilor Smith stated the timecards are a communication issue if questions arise. Staff needs to meet with department heads at least once per month as per the Chain of Command Guidelines. Mayor Carlson stated the action item will be to invite Councilor Smith to the next March 2019 Staff Meeting with a week prior notice.

- Potentially Define Who the Municipal Health Official is for the Purposes of Enforcing Building Codes: Mayor Carlson will meet with a County Official with the concern of residential (tenant) complaints regarding mold and the City's obligation. Marshal Bicknell stated the City of Merrill licenses rentals and businesses. Mayor Carlson stated the initial information from Klamath County is the tenant is the person responsible for mold testing. When tests confirm the presence of mold, other obligations fall into place. There were no objections to deferring to Klamath County as being the Municipal Health Official.
- Discuss Fire Department Drainage: Mayor Carlson stated the Fire Department drainage is an open action item.
- Report on 2nd Amendment Workshop: A public Workshop was held February 5, 2019 to discuss concerns with state proposed regulations. Mayor Carlson distributed a symbolic resolution to City Council for review. The intention was to create a resolution not legally challengeable resulting in thousands of dollars in legal fees. Councilor Carleton communicated with the National Rifle Association (NRA). The response was: "Thank you for reaching out us on this issue. Unfortunately, because of Constitutional Supremacy, unless your State has Home Rule Provisions in its Constitution, there is nothing you can pass that can be more than a political statement on the issue. There is no wall any locality can build to keep the State Legislature or Federal Government out". Others have been contacted. A local involved with the NRA suggested contacting Klamath County and attorneys on how the Klamath County resolution was drafted. Mayor Carlson stated the resolution before City Council meet the political statement requirements. The deadline is May 2019 to be placed on the ballot. Conversation followed describing rural communities upholding the Constitution instead of enforcing regulations in violation.
- Authorization Letter from City Staff to O.D.O.T.: Public Works Director Matthews distributed a letter to Oregon Department of Transportation (O.D.O.T.) requesting a guardrail and flashing sign on the southwest side of Highway 39 leading into the City of Merrill. There have been numerous accidents, one fatality, and is a pathway for school children. There was no opposition to Public Works Director Matthews, Planning Commissioner, and Mayor Carlson to release the authorization letter.
- Discuss Commercial Work on Residential Property: Tabled.
- Discuss Meeting Time for Water Meter Ordinance: The issue is a couple of duplexes have a single water meter creating hate and discontent in some cases. The intent is to have a new water meter installed when a tenant vacates before establishing new occupancy at owner's expense. Public Works Director Matthews stated two duplexes within the City of Merrill contain one water meter. The duplexes are Grandfathered; however, the Grandfather Clause ends once the duplex is vacated. Discussion of costs followed. Councilor Carleton suggested a resolution with the Grandfather Clause and the City paying the initial water meter cost. Public Works Director Matthews stated the City breaks even on water meter installation.

OLD BUSINESS:

- Report Cemetery Improvement Project: The Cemetery Board is going to "crunch" figures and may need to pay more for maintenance. The improvements are going to be a collaborative effort. Merrill Historical Society will barbeque burgers for volunteers March 16, 2019 with weather permitting. All equipment is in place for irrigating Merrill Cemetery. Maintenance to the pump may be needed. Danny Hickey will excavate the sump. Councilor Smith praised Public Works Director Matthews and Ronnell Matthews for the research, discovery (seven unmarked graves), and maintenance to the cemetery. Ronnell is working on a grant to purchase a ground penetrating radar to locate and mark the forgotten. Mayor Carlson thanked Public Works Director Matthews and Ronnell Matthews for their efforts.
- Discuss Code Enforcement Changes: Draft Code Enforcement Procedures have been submitted for City Council review and comment. Mayor Carlson is in the process of drafting Code Enforcement Policy. Councilor Carleton and Councilor Johnson stated approval.

ORDINANCES:

- 2019-03-01: Urban Camping Regulation (First Reading): The ordinance is modeled after another ordinance in Miami, Florida drawing national attention. The ordinance reads as a non-resident illegally camping within City limits is prohibited from returning for 60 days. City Attorney Jennifer Schade is to review the document for legality. No objections followed.

RESOLUTIONS:

- Resolution 2019-780: Residential Address Change: Resident Minda Christensen has requested an address change from The City of Merrill. Resident Minda Christensen's address decreases instead of increases. The issue has created numerous problems with mail delivery and the concern for lapse in emergency response time. Klamath County requires authorization from City Council before a residence is readdressed. Numerous entities must be contacted. Resident Minda Christensen will need to make changes to mortgage documents. City Recorder Hernandez retrieved City map for Councilor's review after discussion of location of residence. Councilor Smith made a motion to approve Resolution 2019-780: Residential Address Change provided the new address coincidences with the residences before and after. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.

FUTURE AGENDAS:

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.

- No public comments followed.

ADJOURN MEETING:

- Councilor Carlton made a motion to adjourn the February 12, 2019 Meeting. Councilor Smith 2nd the motion. With all in favor, the meeting adjourned at 7:15 p.m.

Respectfully Submitted,

Bill Carlson - Mayor

12/22/19

Date

Rayna Hernandez 3-10-19

Rayna Hernandez - City Recorder Date