

CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday January 8, 2019 6:00 P.M.

MEETING CALLED TO ORDER:

Mayor Carlson called the Tuesday, January 8, 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 Smith 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.

OATH OF OFFICE:

- Council President Smith swore Mayor Carlson into office: "I, William Carlson, do solemnly swear I will uphold the Constitution of the United States of America; the State of Oregon; the City Charter and Ordinances of the City of Merrill; and I Will, to the best of my ability, honestly, faithfully, and lawfully perform the duties of Mayor for City of Merrill, so help my God." Marshal Bicknell presented the Mayor an engraved gavel from the City of Merrill.
- Mayor Carlson swore Councilor Elect Hughes into office: "I, Nathan Hughes, do solemnly swear I will uphold the Constitution of the United States of America; the State of Oregon; the City Charter and Ordinances of the City of Merrill; and I Will, to the best of my ability, honestly, faithfully, and lawfully perform the duties of Mayor for City of Merrill, so help my God." Mayor Carlson congratulated Councilor Hughes.
- Mayor Carlson swore Councilor Elect Johnson into office: I, Joanne Johnson, do solemnly swear I will uphold the Constitution of the United States of America; the State of Oregon; the City Charter and Ordinances of the City of Merrill; and I Will, to the best of my ability, honestly, faithfully, and lawfully perform the duties of Mayor for City of Merrill, so help my God." Mayor Carlson congratulated Councilor Johnson.

CONSENT AGENDA:

- **Meeting Minutes:**
Councilor Smith made a motion to approve Council Meeting Minutes for December 13, 2018. Councilor Carleton 2nd the motion. The motion passed 3-0 in favor.
- **Phone Poll:**
Councilor Smith made a motion to approve Resolution 2019-778: Transfer F/Y Reimbursement Taxes to Water Sewer Fund; Well House and Pump Revised Bid December 14, 2018; and Business Licenses December 14, 2018 (El Meson (2), Yummy's Catering, and Schwan's Home Delivery). Mayor Carlson 2nd the motion. The motion passed 3-0 in favor.
- **Business License Renewals:**

Councilor Smith made a motion to approve the following Business License Renewals as submitted before City Council: MJ Trucklines, Basin Fertilizer, Lost River Investments (2), Superior Fence, Kevin Conway, Merrill Lumber Company, Denise Hill, R & J Auto, Ed Gilman & Co., Les Schwab Tire, Gary and Janie Orem, Arrowhead Cleaning, Merrill Motel, Donahoe Rentals, Mt. Shasta Water, Antonio Cobian (3), Matt's Fender Mender, Dan's Auto Body, Parks-Hickey Hay Sales, Jensen Trucking, and DeLeon Rentals (3). Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.

- **Accounts Payable:**

Councilor Smith made a motion to approve the December Accounts Payables. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.

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

STAFF REPORTS:

- **Police:**

- Marshal Bicknell welcomed Councilor Hughes and Councilor Johnson. Marshal Bicknell reported on duties performed by self and Officer Srch. There were a few domestic violence arrests, two assaults and one restraining order violation. Marshal Bicknell assisted with a motor vehicle crash on Anderson Road with minor injuries and reported to a home disturbance resulting in a juvenile arrest. Officer Srch assisted with a motor vehicle crash East of Merrill with minor injuries and a medical with a possible overdose. Marshal Bicknell assisted Malin Police Department with a disturbance, responded to a disturbance at The Dollar General, and responded to the Mobile Station to assist an individual with neurological difficulties. Marshal Bicknell thanked the residents of Merrill whom have dedicated time to aid an elderly couple terminally ill and in Hospice Care. A meeting was held with Avista to begin the process of bringing natural gas service to Merrill. The Crown Victoria is open to bids.
- Marshal Bicknell attended the memorial service for Newman, California Police Corporal Ronil Singh in Modesto. Corporal Singh was murdered during a traffic stop for driving under the influence. The suspect has a long criminal history and was in the United States illegally after being previously deported. Corporal Singh was a legal immigrant from Fiji, survived by his wife and 5-month old son. Newman Police Department is similar to Merrill in relation to size and community ties. Over a thousand police vehicles participated in the procession with an estimated two thousand in attendance.

- **Public Works:**

- Public Works Director Matthews submitted a report of work performed. Highlighted was the completion of the Well House as March 1, 2019. Mayor Carlson inquired to clarification as to whether the sulfur smell will be eliminated once the new water source is tapped. Public Works Director affirmed and expanded upon the issue with anodes in water heaters as a possible cause to the water smell. Mayor Carlson elaborated on the status of Merrill Water Project stating the project is over budget. There are two bidding options. 60% of the money is for distribution. The Economy Piping Model, The Deluxe Model (with others in-between) and City Council would decide the model based upon costs. Utility Worker Taylor hooked-up a sewer line for a family in need with an absent landlord. Public Works Direct sought approval for water meter setters totaling \$1,105.99 from McDonald. Councilor Smith made a motion to approve the cost of \$1,105.99 for water meter setters. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
- Public Works Director Matthews submitted examples of Christmas decorations for winter 2019 seeking approximately 12 new ornamentations. Councilor Carleton inquired to whether Project Merrill would consider the purchase of new decorations. Resident Lee Harris stated Project Merrill has a retreat scheduled for Friday, January 11, 2019 from 12:00-5:00 at the Running Y. The possibility to seek upcoming Downtown Beautification Grants could be discussed.
- A light was installed on the Flag Pole the prior year. Merrill Lion's Club just now received the bill from William Gallagher. The City of Merrill agreed to pay the installation for \$443.00.

- **City Recorder:**

- City Recorder Hernandez submitted a letter of recommendation for City Council to view. The letter was approved. City Recorder Hernandez reported on the status of the audit. An extension

was filed and approved for February 1, 2019. A letter was mailed to City Attorney Schade seeking information and issues with the Asyst Program have delayed the audit.

- The City of Merrill has been asked by Oregon League of Cities to host the March 2019 Regional Meeting. Hosting the Region 10 Meeting was approved.
- **Lawyer:**
 - Mayor Carlson stated City Attorney Schade found an administrative error after thorough review with the bond for the Well House.
- **Code Enforcement:**
 - Code Enforcement is in the process of creating procedures from observing a violation (from a citizen or a staff employee) to notices. Definitions will be included. Intention is to distribute the procedures for City Council to review and edit. Mayor Carlson stated a policy has been drafted to enforce the procedures. The next step will be to update the Charter Code and Ordinances to coincide with the Development Code to avoid conflicts. Councilor Carleton stated partitions are nonexistent in the Development Code nor Commercial Signage.
- **Planning:**
 - Planning Commissioner Chairman Hicks submitted an application for a 2017 Manufactured Home for Lot 18 on Court Drive on behalf of Andrew Taylor. The application meets all requirements to set-backs and foundation. Public Director Matthews stated Lot 18 has existing hook-ups. The application lacked the proper approval line for Public Works. Councilor Smith made a motion to approve the application conditionally upon completion of the correct form and obtaining the proper signatures. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.

PROJECT MERRILL:

- Resident Lee Harris stated Project Merrill has a retreat scheduled for Friday, January 11, 2019 from 12:00-5:00 at the Running Y.

LOST RIVER ARTS AND CULTURAL ALLIANCE:

- Lost River Arts and Cultural Alliance received a \$600.00 grant from the Klamath County Cultural Coalition. Jennifer McKoen from County Cork Collectibles stated the company would advertise vendors for Lost River Blue Grass Festival on the business website since the company will no not host the Farm Fair. Resident Lee Harris is managing the vendors with 50 spaces at \$50.00 per site, Lost River Blue Grass Festival has the potential of earning \$2500.00. Public Works Director Matthews sought permission for overflow to park and camp at Merrill City Hall Park. Councilor Smith stated the City has allowed previous events to use the park. Marshal Bicknell stated the park would allow for easier security. Councilor Carleton was instrumental at securing free promotional advertising from KLAD. Katie Jameson will help with other grant opportunities. Daniel Woodhead III donated \$10,000.00 to The Merrill Historical Society.

NEW BUSINESS:

- Presentation by Michelle Tyree:
Michelle Tyree stated a meeting was held last week with The City of Merrill and Steve Vincent. In the event the Jordan Cove Project is successful, Avista would be glad to supply the community with natural gas. Michelle Tyree has been the Gas Operations Manager with Avista for one year; however, has 25 years with Transmissions with PGT TransCanada. The City of Bonanza was successfully supplied with natural gas three years ago. There was the potential of 147 customers and transition is slow the first year before fuel prices are compared by residents. Transition is now phenomenal. Malin is supplied with natural gas as well.
As of January 1, 2019 there has been significant changes to 811: Call Before You Dig. Michelle Tyree brought information on the subject for residents and asked those in attendance to spread the word. Klamath County was the most impacted by the number of lines hit. Opportunities to educate the public are continuously sought. Good mapping for water sewer lines is imperative for natural gas installation and was an issue in Bonanza. Bonanza was given updated mapping by Avista detailing accurate data. In the case Jordan Cove is approved, Avista would work with ODOT, whom Avista has a good rapport with. Avista also works in cooperation with Pacific Power. The working relationships throughout the communities are seamless. Michelle Tyree wanted the community to have a face with the name. Marshal Bicknell has Michelle Tyree's contact information and business cards were left for the public. Marshal Bicknell

elaborated to the timeline of events as being 3 years in the future. Promotion and education are keys to success due to Avista performing a survey of the residents in the future. Avista has been a nice partner. Michelle Tyree stated prior to current position, she was the Project Customer Coordinator. A file has been kept of all Merrill residents interested in natural gas. Utilities are regulated by the PUC. Mayor Carlson inquired to the financial analysis being positive. Michelle Tyree stated approval appears doable. There are many factors to consider. There are 5 communities seeking natural gas installation with Merrill being the largest. Councilor Carleton stated natural gas would be extremely advantageous business wise. Mayor Carlson was in agreement, especially from an industrial perspective. Michelle Tyree listed the attractive attributes within the City of Merrill which industry seeks.

- Presentation by Hakeem Broomfield and Erin Chulten: Tobacco Policy: Tabled.
- Report on League of Oregon Cities Chain Forum Concern: February 2018 Tri-County Metropolitan Transportation District of Oregon (a municipal corporation of the State of Oregon) versus Amalgamated Transit Union Local 757 (a labor organization) was ruled upon. The Supreme Court of the State of Oregon solidified serial meetings are not permitted. Mayor Carlson communicated examples. Recommendation from Oregon League of Cities is: if an issue arises creating a quorum, do not engage. State the issue needs to be brought before City Council in a public meeting.
- City Council City Email for Public Records: Mayor Carlson stated the City of Merrill has deactivated the Facebook Page due to retention requirements. Email for Public Records is another new issue. Mayor Carlson stated all correspondence with external parties will be cc through the City Recorder to ensure proper retention. City emails are retained through an outside vendor. Marshal Bicknell suggested each Council Member have a City maintained email. Despite the device, the email will be separate. A personal device may be seized during an investigation. The cost is \$5 per person per month to the City. Councilor Smith was not opposed to a member choosing to have a City maintained email account. Councilor Hughes stated each member should have a City maintained email account for separation.
- Republic of Washington: Sanctuary for Gun Owners: Councilor Carleton and Mayor Carlson have discussed creating a sanctuary for gun owners within the Urban Growth Boundary of the City of Merrill with the new gun laws. Councilor Carleton received an email from the Republic of Washington located by the Canadian Border. The Republic of Washington is in the process of creating an ordinance to develop a sanctuary for gun owners. The decision has drawn national attention. The City of Merrill would pursue a similar ordinance with public support. Mayor Carlson proposed holding a series of workshops the first being the first week in February 2019. An informal luncheon was held with the Klamath County Sheriff. The risk is not to set bad case law. When a municipality overreaches, a court rules against the municipality, the municipality is set back. Decisions should include the City Attorney and residents. Action item to create a public workshop February 2019.
- Potentially Authorize Travel to Meeting of Mayors/Per Diem: Oregon League of Cities is holding a conference January 24, 2019. In attendance will be The Mayor's Association. Mayor Carlson sought approval for expenses. City Council approved.

OLD BUSINESS:

- Report Cemetery Improvement Project: Councilor Carleton contacted two cemetery board members (Bill Beasley and Jim Carleton). Councilor Smith's intention is to meet with Public Works Director Matthew's to view the cemetery January 9, 2019 to create a plan to move forward. Six additional unmarked graves have been located. On Sunday, January 6, 2019, Public Works Director Matthews and Romell Matthews mapped the cemetery. Information was discovered on a website listed six additional names. The unmarked graves are visible due to the sunken sod. Public Works Director Matthews would like to level the ground, level crooked headstones, install irrigation, and mark the forgotten. Councilor Smith inquired to the members to contact. They are as follows: Bill Beasley, Jim Carleton, and Brent Haskins. Councilor Carleton stated Bill Beasley does not have a written records of those buried at the cemetery. Records were burned the same year a fire swept through the cemetery. Action item to set-up a meeting with cemetery board after creating list of improvements.
- Report on Code Enforcement Changes: City Marshal Bicknell has drafted procedures. Mayor Carlson has drafted a policy. The packet will be circulated at a later date and discussed at February 12, 2019 City Council Meeting.
- Report on Water System Progress: Refer to Public Works Report.

- Report on ODOT Meeting: Mayor Carlson received a telephone call from ODOT about permitting. City Council approved Mayor Carlson to represent Merrill at a meeting. Mayor Carlson authorize the Les Schwab entrance as officially being Fourth Street. Merrill Commercial was discussed and The State of Oregon seemed amiable about granting a second access. ODOT has initiated the speed limit study. Councilor Carleton and Marshal Bicknell discussed a speed limit study by the City of Merrill.

ORDINANCES:

- 2018-771: Offenses Against Property-Second Reading: Councilor Carleton and Marshal Bicknell reviewed the ordinance. The ordinance is not a duplicate. The word utilities has been added as what is City owned or administered. The City of Merrill administers utility franchises. An individual carrying out criminal mischief, the City of Merrill would pursue criminal prosecution. The ordinance allows the City of Merrill to pursue civil prosecution of an entity. Councilor Smith made a motion to approve Ordinance 2018-771: Offenses Against Property. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.

RESOLUTIONS:

- Resolution 2018-776: Amending Increasing Rental Units; Deposit Required: As of January 2019 water rates will decrease by \$2.00 per Ordinance 2018-10-01 Water Equalization. It is necessary to amend rental unit deposits from \$164.00 to \$162.00 as per Chapter 5-§50.63 Rental Units; Deposits Required. Councilor Smith made a motion to approve Resolution 2018-776: Amending Increasing Rental Units; Deposit Required. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2019-777: Authorize Signature Bank Accounts: A Bank Authorization Letter has been drafted and emailed to Umpqua Bank authorizing Councilor Hughes and Councilor Johnson to be added to all accounts. Councilor Lesh and Councilor Taylor are to be removed from Umpqua Bank Signature Card. Resolution 2019-777 resolves that deposits may be withdrawn upon by check or written order by elected officers in the listed availability. Councilor Smith stated the letter to Umpqua Bank needed to be amended by removing City Clerk Jensen as the undersigned to Mayor Carlson. Councilor Smith made a motion to approve Resolution 2019-777: Authorize Signature Bank Accounts. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.
- Resolution 2019-779: Authorization to Maintain Confidential Files: Mayor and Office Commissioner have the sole authority of maintaining personnel files. Resolution 2019-779 allows City Recorder access to maintain personnel and confidential files in a timely manner. Requests to view personnel or confidential files must be documented by signature. Employees have the right to view their file and must submit written authorization (ORS 652.750) though limited to the hiring process, promotional process, disciplinary action, or termination in laymen terms. Medical files, workman's comp or files pertaining to American's with Disabilities Act must be kept separate. Councilor Carleton made a motion to approve Resolution 2019-779: Authorization to Maintain Confidential Files. Councilor Johnson 2nd the motion. The motion passed 4-0 in favor.

FUTURE AGENDAS:

- Notice to residents pertaining to active Planning Commission and Code Enforcement with ordinances to be followed mailed with water bills.
- Fire Department Drainage Issue: Development Code was not followed properly. A storm drain should have been installed. Discussion of options, history, and responsibility followed.
- Sanctuary State of Oregon: Marshal Bicknell stated there is a push through the State Government to create Oregon as a State Sanctuary for immigration. The creation sets a policy where law enforcement is prohibited from contacting I.C.E. (Immigration and Customs Enforcement) to report a criminal that may be in the country illegally. California is currently a Sanctuary State. Marshal Bicknell would like an ordinance created to protect the safety and security of the City of Merrill Residents.
- Authorization letter from City Staff to ODOT documenting immediate improvements for safety purposes.

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.

Martin Hicks asked if a guard rail can be installed on the curve coming in to town by ODOT. Another car crashed through a resident's fence again. One day, a car is going to crash through their bedroom.

Marshal Bicknell and Public Works Director Matthews stated meetings have been held with ODOT discussing a guard rail at the curve.

Councilor Hughes listed the accidents preventable by a reduced speed.

Mayor Carlson stated Jarrod Johnson from ODOT has a list of all accidents and which will be part of the speed study.

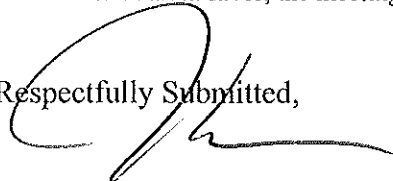
Discussion followed.

Matthew Hughes stated, "kudos to the new City Councilors and the old City Councilors, Public Works, etc. for the interest with the City of Merrill. For the new interest and the old interest in the City of Merrill. Just listening about the guardrail coming into town, if the record holds, those topics have been addressed and been in front of ODOT eons ago. 20-30 years ago. So...for my two cents, keep ringing it. Keep ringing the bell and do not let ODOT rest. They are our public servants."

ADJOURN MEETING:

- Mayor Carlson made a motion to adjourn the January 8, 2019 Meeting. Councilor Johnson 2nd the motion. With all in favor, the meeting adjourned at 7:38 p.m.

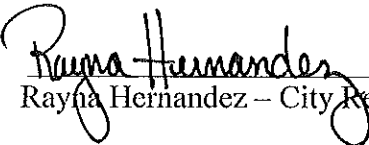
Respectfully Submitted,



Bill Carlson - Mayor

11 Feb 19

Date



Rayna Hernandez - City Recorder Date