

City of Merrill
Regular Business Meeting

Tuesday July 10, 2018

6:00 p.m.

Merrill City Hall, 301 E. Second Street, Merrill, OR 97633

MEETING CALLED TO ORDER:

The meeting was called to order at 6:00 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 Taylor, Councilor Carleton, 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 the 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 forum 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.

- ❖ Jeff Wilcee representing Hunter Communications (Local Business Development Representative) introduced self and stated intentions of a working relationship with the City of Merrill.

Other public comment: none.

CONSENT AGENDA:

- **MEETING MINUTES:**
 1. Councilor Smith made a motion to approve the June 12, 2018 Meeting Minutes. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.
 2. Councilor Smith made a motion to approve the June 20, 2018 Special Meeting Minutes. Councilor Lesh 2nd the motion. The motion passes 4-0 in favor.
- **BUSINESS LICENSE:**
 3. None.
- **ACCOUNTS PAYABLES/RECEIVABLES:**

4. Councilor Smith suggested eliminating the detailed report on Water/Sewer Customer Payments. Councilor Smith made a motion to approve the payables. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor.

STAFF REPORTS:

- POLICE:
 - Marshal Bicknell reported on two Probation Violation Arrests (methamphetamine), and the results of July 4, 2018 Holiday Patrol, ODOT Overtime. \$8500.00 in citations have been issued by Marshal Bicknell and Officer Srch working two days each patrolling between the City of Merrill and Max Store. Councilor Smith and Councilor Carleton inquired to the intricacies of fines, locations, and patrol. Marshal Bicknell expanded on explanations. Officer Srch is in process of acquiring a grant to purchase reader signs for each end of town. Marshal Bicknell attended the Good Duck Park Opening. Marshal Bicknell, and on behalf of Public Works Director Matthews, proposed Handicap Parking in front of The Flag Park and The Good Duck Park with Council approval. Councilor Carleton suggested crosswalks.
 - Car Purchase Approval: Quotes: 2014 \$36,008.00; 2019 \$30,535.40; to purchase through State of Oregon \$35,535.00. Councilor Carleton inquired about the outfitting of the new vehicle and recycling materials from retired vehicle. Finance Company quoted \$706.00 for 4 years. Budget for 18-19 FY \$725.00 per month. Marshal Bicknell intends to bid/sell the Crown Victoria. Councilor Taylor suggested selling a vehicle which would bring a higher return. Councilor Carleton questioned the necessities of having the of number vehicles used by Merrill Police Department. Councilor Smith wants the Crown Victoria bid to start at \$500.00. Councilor Taylor opposed the purchase of a new police vehicle. Discussion of mileage followed involving Officer Keith. Councilor Smith made a motion to authorize the purchase of the 2019 Police Vehicle, lowest vehicle bid, with the stipulation of monitoring timecards to review after hour responses. Councilor Carleton 2nd the motion. Councilor Carleton made a motion to bid the 2000 Crown Victoria once the new police vehicle is in possession of the city. Councilor Smith 2nd the motion. The motion passed 3-1 with Councilor Taylor opposed.
- PUBLIC WORKS:
 - Public Works Director was absent; however, a detailed list of duties performed was submitted to the Council.
- CITY RECORDER:
 - Oregon State Revenue Resolution #2018-764 was mailed June 25, 2018 with the deadline of June 30, 2018.
 - Resolution #2018-763 was mailed to the County Assessor's Office July 9, 2018 with the deadline of July 15, 2018.
 - League of Oregon Cities is requesting the Top Four Legislative Priorities for 2018 from the City Council. City Recorder Hernandez requests reviewing the categories and submitting the selection before the August 3, 2018 deadline.
 - City Recorder Hernandez issued copies of the PILT Invoice for \$21,000.00 to be approved, mailed, and revenue received. Councilor Carleton made a motion for the additional payments in the coming years be due as the same date of Payment In Lieu of Taxes are made. Councilor Smith 2nd the motion. The motion passed 4-0 in favor.

- **LAWYER:**
 - Not requested to attend.
 - Contact through interview process.
- **CODE ENFORCEMENT:**
 - Code Enforcement Officer Shilling reported 11 compliances including the Bragg Residence (pictures submitted). 8 abatements were mailed July 10, 2018. Code Enforcement Shilling has been attempting to contact Burlington Northern for vegetation along railroad with no success.
- **PLANNING:**
 - McVey Building Permit was approved and set-backs confirmed by Mayor Carlson.
- **PROJECT MERRILL:**
 - None.

NEW BUSINESS:

- **Klamath County Planning Department: Public Hearing Notice (Urban Growth Boundary):**
 - Klamath County is holding an Open Hearing proposing an accessory building on a residential lot if within the Urban Growth Boundary (Mother-in-Law Type Structure). Mayor Carlson proposed an action item to meet with Gallagher and compare the City of Merrill Codes with the proposal to see if there are any objections. Councilor Carleton wants to maintain the lot sizes dictated within City of Merrill Planning Codes.
- **Possible Les Schwab Modification to Easement Agreement:**
 - The concern is the 40-foot entrance. There may be difficulties with trucks navigating the entrance approaching from the south. The Construction Engineer proposed a 50-foot entrance; however, O.D.O.T has denied the modification.
- **2019 Mayor Goal Setting:**
 - Last Year's Goal: raise property values by 2%.
 - Upcoming 2 Year Goal(s): Pursue Industrial Projects to increase job rates (OIT and Cable Plants); Develop Merrill Commercial with Planning Commission to permit flexibility with developers and structure to sell land (70% of proceeds for tax refunds and utility rebates, 30% for special city projects); Reduce speed limit; Create a Master Plan with the help of Eldman to expand the Urban Growth Boundary.
 - Councilor Carleton suggested a Transportation Plan within the City of Merrill.
- **Code Improvement Project:**
 - The City of Merrill has two sets of Codes and may conflict with one another. Mayor Carlson proposed to the City Council to select a portion of a Code and work to create one hard copy and make Internet accessible. Mayor Carlson proposed an action item for each Councilor to select one Code and navigate the process.
- **Amie McAuliffe Letter of Endorsement:**
 - City Recorder Hernandez submitted a letter of endorsement for the Lost River Community Project to be approved and mailed. Approved.

OLD BUSINESS:

- **ET Capital Modification and Easement:**
 - ET Capital has requested Mayor Carlson to change the language recorded into record from the June 12, 2018 Meeting Minutes. Mayor Carlson responded the language is

unambiguous and straight forward. As of today, Mayor Carlson has been in correspondence with ET Capital's Attorney. Mayor Carlson proposed entertaining ET Capital's language, but the language needs to be reviewed by City of Merrill's Attorney at the corporation's expense. An alternate compromise mentioned was selling the land to ET Capital netting \$24,000.00. Final option proposed was to accept the verbiage already submitted.

- Resolution to Arlene Morris:
 - Work was performed after issuance of Building Permit. Mayor Carlson compared prices. To rent an Auger, the cost is \$355.00 per day. A contractor's labor is \$20 an hour. Mayor Carlson's recommendation is to compensate Arlene Morris \$500.00 for her time, buy construction materials verified by Mayor Carlson, two days rental for Auger (\$355.00 x 2=\$710.00), Contract Labor (\$160.00 x 2=\$320.00), resulting in approximately \$2660.00 compensation. The net cost to the city is \$1500.00-\$1600.00.
 - Arlene Morris inquired about the endorsement from the City of Merrill to seek a refund for the Building Permit issued from Klamath County.
 - Mayor Carlson so executed the resolution to the Arlene Morris Appeal with the support of City Council.
- Status Report on Addressing Inaccuracies in Recent Reporting:
 - Tabled.

ORDINANCES:

RESOLUTIONS:

- Formalize Executive Action Resolution #2018-760:
 - Resolution was addressed at May 18, 2018 Special Business Meeting and was to be finalized June 12, 2018 at Regular Business Meeting. The Resolution was tabled due to clerical error. Mayor Carlson finalized Resolution #2018-760 with his signature after Council Review.
- Signature and Date Clarification of all Official Documentation Resolution #2018-765:
 - The City Recorder is to immediately sign documents and the Mayor is to sign documentation no later than 3 days after implementation per Section 8 34 subsection 5. Due to staff turnover, lapses have occurred. Resolution #2018-765 recognizes timelines have lapsed and waivers legalities in such time frame. Councilor Carleton made a motion to waive the time limits to bring Ordinances/Resolutions signatures to date. Councilor Smith 2nd the motion. The motion passes 4-0 in favor.

FUTURE AGENDAS:

- Meet with Cable Plant Committee. Mayor Carlson thanked PacifiCorp and FireServe for the help regarding information requests. The City of Merrill has a good legal description of the Cable Plant to present to Commissioner DeGroot.

PUBLIC COMMENT:

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 forum 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.

- ❖ Arlene Morris inquired about the speed sign on the Crown Victoria. Would the sign no longer be in commission once the car went to bid?
- ❖ Councilor Smith informed Arlene Morris the Blue Dodge Charger would replace the Crown Victoria.
- ❖ Councilor Taylor informed Arlene Morris she believes the sign is good.

ADJOURN REGULAR MEETING:

Councilor Taylor made a motion to adjourn the Regular Business Meeting. Councilor Carleton 2nd the motion. The motion passed 4-0 in favor, the Regular Business Meeting adjourned at 7:23 p.m.

CONVENE EXECUTIVE SESSION:

The executive session was called to order at 7:27 p.m. by Mayor Carlson.

EXECUTIVE SESSION*:

- City Attorney Selection Workshop

ADJOURN EXECUTIVE SESSION:

Councilor Smith made a motion to adjourn executive session. Councilor Lesh 2nd the motion. The motion passed 4-0 in favor.

RECONVENE REGULAR SESSION:

The regular meeting reconvened at 7:46 p.m. by Mayor Carlson.

Councilor Taylor made a motion authorizing the consent for Mayor Carlson to make a proposal for Jennifer Schade to be the City Attorney. Councilor Lesh 2nd the motion. The motion passed 3-0 in favor.

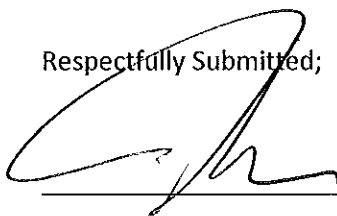
Councilor Carleton abstained due to conflict of interest to select City Attorney.

ADJOURN REGULAR SESSION:

Councilor Lesh made a motion to adjourn the Regular Business Meeting. Councilor Taylor 2nd the motion. The motion passed 3-0 in favor, the Regular Business Meeting adjourned at 7:47 p.m.

**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.*

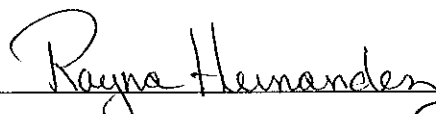
Respectfully Submitted;



Bill Carlson-Mayor

Date

14 AUG 18



Rayna Hernandez-City Recorder

8/14/18

Date