

CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday, October 10, 2017

MEETING CALLED TO ORDER:

The meeting was called to order at 6:00 p.m. by Mayor Carlson

ROLL CALL:

Roll call was taking with the following members of Council and others being present: Councilor Smith, Councilor Carleton, Councilor Lesh, Councilor Taylor and City Recorder Cobb.

The **Flag Salute** immediately followed.

MAYOR STATEMENT:

Mayor Carlson asked that everyone present please turn cell phones on silence, and stated that all meetings are recorded. Mayor Carlson asked the public when addressing Council, please speak clearly and state your name.

PUBLIC COMMENT:

Mayor Carlson stated the public is invited to provide comments and opinions on issues of concern. Non-emergency issues brought up in this forum will not be considered tonight, other than a preliminary discussion. If found to be warranted, it may be considered at a future meeting of the City Council. Public comment is limited to five minutes per person. Mayor Carlson asked if anybody is present for public comment. No public comment was available.

CONSENT AGENDA:

- 1) **Minutes Approval for September 12, 2017:**
- 2) **Ratify Phone Polls:**
Phone poll ratification for business license for Cal-Ore Wetlands & Waterfowl Council
- 3) **Accounts Payable Report:**
Report presented.

A motion was made by Councilor Smith to approve the September 12, 2017 City Council meeting minutes, the business license for Cal-Ore Wetlands, and the Accounts Payable report for September, 2017. There was a 2nd by Councilor Taylor. All other members voted aye and the motion carried.

STAFF REPORTS:

POLICE:

- Marshall Bicknell stated that things have gone well in the month of September for the Merrill Police Department. Marshall Bicknell reported that crime rates are down. Marshall Bicknell stated that Officer Srch is on vacation, but that he will be returning in time for the 2017 Klamath Basin Potato Festival.
- Marshall Bicknell reported that the Merrill Police Department assisted several other Government agencies in the eviction of a problem tenant, and the result was successful.

PUBLIC WORKS DEPARTMENT:

- The Public Works Director, Greg Matthews presented City Council with the September, 2017 Public Works report.
- Public Works Director Greg Matthews stated that he would like to instate a two cent increase in the sewage dumping date, which is currently at eight cents per gallon. Public Works Director Matthews stated that he would like to make this change by the first of the year.
- Public Works Director Matthews reported that the Good Duck Park project is proceeding well, with the City of Merrill promptly receiving the reimbursement monies from Klamath County. Public Works Director Matthews reported that the City has received an extra grant from the United States Fish and Wildlife Department to assist in the completion of the project.
- Public Works Director Matthews reported that the City of Merrill met with the Oregon Infrastructure Finance Authority (IFA) on October 6, 2017 to give a presentation on the Merrill Water Project. The presentation went very well, and the funds were granted to the City for the Merrill Water Project.
- Public Works Director Matthews asked Council for permission to act as a vendor and set up liaison for the 2017 Klamath Basin Potato Festival. Council agreed.

CODE ENFORCEMENT: MARSHALL BICKNELL:

- Marshall Bicknell reported that Code Enforcement has been experiencing good compliance with the notices sent out previously. Marshall Bicknell stated that Rod Green had contracted with Pacific Corp to abate their property of weeds. Rod Green had started the process, and it will be completed within the next day or two.
- Marshall Bicknell asked Council for permission to cite the residents at 316 Clay Street if they do not comply with the abatement notice for noxious weeds. Marshall Bicknell stated that there have been two notices sent out previously, which have been ignored. Marshall Bicknell stated that the next step in the procedure will be to send out a certified letter stating that if they do not comply, that they will receive a citation for noxious weeds.

A motion was made by Councilor Taylor to give Marshall Bicknell permission to issue a citation for the residence at 316 Clay Street if the noxious weed abatement notice is not complied with. There was a 2nd by Councilor Smith. All other members voted aye and the motion carried.

- Marshall Bicknell stated that he would like Council's permission to create a written procedure by which the City can pursue liens. Marshall Bicknell reported that this would involve properties in the City of Merrill that are either un-owned or currently in the process of foreclosure. Marshall Bicknell stated that this procedure would involve building a budget which the City could use to contract out to do the landscaping needed for the properties. Marshall Bicknell stated that this would make it possible for the City to put a lien on these abandoned properties. Marshall Bicknell has spoken with Klamath County on how to start the process. Marshall Bicknell reported that this gives the City the option to pay the back taxes on the property when the County starts the foreclosure on it.

Councilor Smith asked Marshall Bicknell to draw up a procedure and bring it to a future Council meeting.

- Marshall Bicknell reported that Code Enforcement Officer Stan Hinton has reduced his hours that he has been working on Code Enforcement, and has been training the Police Department volunteer, Brandi Shilling in Code Enforcement. Marshall Bicknell asked Council to appoint Brandi Shilling as a second Code Enforcement Officer. A motion was made by Councilor Smith to appoint Brandi Shilling as a Code Enforcement Officer. A 2nd was made by Councilor Lesh. All other members voted aye and the motion carried.

RECORDER:

Mayor Carlson stated that there is a proposal to change the position of City Clerk from a temporary position to a permanent position.

A motion was made by Councilor Carelton to change the position of City Clerk from temporary to permanent. There was a 2nd by Councilor Lesh. All other member voted Aye and the Motion carried.

City Recorder's Report:

A motion was made by Councilor Smith to approve the Coty Recorder's September, 2017 report. A 2nd was made by Councilor Carelton. All other members voted aye and the motion carried.

LAWYER:

Not requested to attend.

PLANNING:

Councilor Carelton reported that he has been working with Les Schwab, Pacific Power & Light and the Oregon Department of Transportation on establishing an entrance into the Les Schwab parking lot. Councilor Carelton state that while there was originally a concern about the clearance with the power lines, Mayor Carlson went out and examined the entrance and there is enough clearance. Councilor Carleton stated that he also received the Site Design Plan for Les Schwab along with the appropriate fee. Councilor Carelton stated that a conference call had been set up for October 19, 2017 to discuss the entrance for the property that would be coming off of Highway 39. Mayor Carlson stated that there needed to be a regional discussion involving the entrance off of Highway 39, the Fourth Street entrance and the entrance to the Merrill Solar Project.

NEW BUSINESS:

- **Discuss options for Accommodating Commercial and Industrial Customers:**
Mayor Carlson stated that the City was well represented on the meeting with the Oregon Infrastructure Finance Authority on October 6, 2017. Mayor Carlson reported that after the meeting, he was approached a manufacturer that was interested in starting a business in Merrill. Mayor Carlson reported that there is not a 20 acre piece of commercial property available at this time to accommodate such a business. Mayor Carlson stated that the last time the Urban Growth area was modified was in 1980, and he would like City Council to look into options to expand that area. Mayor Carlson will work with Public Works Director Matthews and the State of Oregon and bring a report to the November, 2017 City Council meeting.
- **Report on Mayor Outreach and Proposed Goals:**
Mayor Carlson stated that he held a Mayor Outreach meeting at City Hall on September 30, 2017. Mayor Carlson stated that the meeting was not well attended, and that he would like to present the three goals at this Council meeting. Mayor Carlson's goals are as follows:
 - 1) Mayor Carlson would like to measure the success of the City by measuring the increase in property values, with a goal of an increase of two percent per year, per the Zillow index.
 - 2) Mayor Carlson would like to consider rewriting chapter 150 of the City code, regarding manufactured homes.
 - 3) Mayor Carlson would like to propose a project for the beautification of Front Street, with success being measured by two properties being improved per year.

- **Potentially Establish Advisory Group for a Revision of Chapter 153 of the City Code – “Mobile Homes”:**

Mayor Carlson stated that Chapter 153 of City Code allows manufactured homes to be placed with minimal foundations. Mayor Carlson stated that in other jurisdictions, a full perimeter concrete foundation is required. Mayor Carlson stated that a concrete foundation changes the home from personal property to real property. Mayor Carlson stated that he will meet with the Planning Commission Chairman, Martin Hicks, to look at possibly rewriting Chapter 153 of the City Code, and he will bring a report to a future Council meeting.

- **Approve 3.2% Rate Increase for Waste Management:**

Mayor Carlson reported that Waste Management appeared before the City Council at the September, 2017 Council meeting and requested a 7.46% rate increase, with the rate increase consisting of 3.46% in accordance with the Consumer Price Index for Water/Sewer and trash collection, and a 4% increase added to that for Capital Improvements on the Company's trucks. Mayor Carlson met with Waste Management discussed the Capital Improvement part of the increase. Mayor Carlson stated that Waste Management agreed to waive the 4% increase. Mayor Carlson and Waste Management again looked at the Consumer Price Index, which had dropped from 3.4% to 3.2%. Mayor Carlson stated that Waste Management indicated in writing that the company would accept the 3.2% rate increase. Mayor Carlson reported that the franchise agreement between the City of Merrill and Waste Management expires in 2020, and that the fees should be assessed in 2020 with a possible revision of the Ordinance.

A motion was made by Councilor Smith to approve the 3.2% increase with Waste Management. A 2nd was made by Councilor Taylor. All members voted aye and the motion carried.

- **Consider participation in LIBOR Class Action Lawsuit:**

Mayor Carlson stated that Council members had received a letter from the current City Attorney, Mel Ferguson, regarding the City being involved in a LIBOR class action lawsuit. Mayor Carlson asked Council if they would like to pursue this option, and pay the attorney fees involved.

A motion was made by Councilor Smith to decline the class action lawsuit. There was a 2nd by Councilor Taylor. All other members voted aye and the motion carried.

- **Define Cable Plant and discuss status:**

Mayor Carlson reported that he has met with both the City and Klamath County to define the cable plant. Mayor Carlson stated that the definition shall be as follows;

“All cable television infrastructure located within the City of Merrill, and those associated extensions which reach beyond the City boundaries”. Mayor Carlson stated that the company Almega originally owned the cable plant, and the company had extensions that reached beyond the City limits and into the county area, and the complete infrastructure is considered the Merrill Cable Plant. Mayor Carlson reported that multiple parties insert some degree of ownership in the Merrill Cable Plant. Mayor Carlson reported that the City had a series of meetings with Klamath County in the month of September, 2017 and has a meeting scheduled in October, 2017 to meet with Pacific Corp. Mayor Carlson would like to identify a member of City staff and a Council member to attend the meeting with Pacific Corp, to assert that the City of Merrill can own the cable plant beyond City boundaries.

- **Report on Oregon Infrastructure Finance Authority (IFA) and potentially establish Water Project Oversight Group:**

Mayor Carlson stated that he would like to recognize Public Works Director Greg Matthews, for his work on the presentation to IFA. Mayor Carlson proposed that Council appoint a member to be a liaison between the City Council and the decisions that are made in the field as to how funds from the State of Oregon are used. Councilor Carelton suggested that the Merrill Water Project be handled as projects for the City of Merrill have in the past, with the City Engineer Darryl Anderson being heavily involved, and also Public Works Director Matthews and Councilor Carleton overseeing the project as the Head of the Water/Sewer Commission.

- **Define and discuss Merrill Commercial:**

Mayor Carlson stated that the City of Merrill has been presented with two parcels of land from ET Capital, Inc. Mayor Carlson reported that one parcel is 5.12 acres, and the second property is 1.1 acres and now belongs to the City of Merrill. Mayor Carlson asked City Council to discuss what Council will like to do with this acreage. Council agreed to sell the property.

- **Consider placing future of Merrill Water tank on the next ballot:**

Mayor Carlson asked Council to discuss the option of putting the future of the Merrill Water Tank on the next election ballot, as the Merrill Water Project eliminates the need for the Merrill Water Tank.

A motion was made by Councilor Smith to keep the Merrill Water Tower. A 2nd was made by Councilor Carelton. All members voted aye and the motion carried.

OLD BUSINESS:

- **Hunter Communications presentation:**

Mayor Carlson asked Hunter Communications if the company would like to present further information or make a final statement.

Carey Cahill presented City Council with a quote for services for the City of Merrill, and stated that Hunter Communications is working with Klamath County over ownership of the cable plant.

- **FireServe Presentation:**

Mayor Carlson asked FireServe if the company would like to discuss a further proposal.

Ryan Neimi reported that FireServe has spoken with Klamath County and that it has been stated by the County that the intentions are to gift the Merrill Cable Plant to the City of Merrill. Ryan Neimi stated that FireServe has been working on cleaning out the building by the Merrill Water Tower and installing equipment. FireServe hopes to have internet access to City Hall by the month of November, as per the franchise agreement.

- **Revisit Internet Service Provider Franchise Agreement:**

Mayor Carlson stated that at the September, 2017 City Council meeting, Council authorized Mayor Bill Carlson to enter into a franchise agreement with FireServe. Mayor Carlson made one modification to the franchise agreement to specifically exclude the Merrill Cable Plant. Carey Cahill of Hunter Communications asked for a copy of the franchise agreement.

- **Discuss timing of the Water Rate increase:**

Mayor Carlson asked City Council for a discussion as to when to instate the water rate increase for the Merrill Water Project. Councilor Carelton stated that he would like to wait until January, 2018.

A motion was made by Councilor Smith to implement the already approved Water Rate increase to become effective January, 2018. A 2nd was made by Councilor Taylor. All other members voted aye and the motion carried.

- **Report on enforcement action supporting Merrill Sloar Project Conditions of Approval:**

Mayor Carlson stated that there was a motion made by the Planning Commission to have a better Decommissioning Bond in place by no later than November 15, 2017. City Engineer Anderson is working on the new Decommissioning Bond for ET Capital that further covers the costs of the City to remove the project in the future. Mayor Carlson stated that if ET Capital does not comply, a Stop Work Order will be issued to the company on November 16, 2017.

- **Status of Legal Services Request for Proposals (RFP):**

Mayor Carlson stated that an RFP has been posted for Legal Services for the City of Merrill, with a deadline of October 27, 2017.

ACTION ITEMS/ GENERAL BUSINESS

- **ORDINANCES:**

There were no ordinances proposed.

- **RESOLUTIONS:**

There were no resolutions proposed.

PUBLIC COMMENT:

Mayor Carlson stated the public is invited to provide comments and opinions on issues of concern. Non-emergency issues brought up in this forum will not be considered tonight, other than a preliminary discussion. If found to be warranted, it may be considered at a future meeting of the City Council. Public comment is limited to five minutes per person. Mayor Carlson asked if anybody is present for public comment.

Rod Green asked Council about the changes made in the Landscaping Plan for the Merrill Solar Project. Councilor Smith stated that at this point the Landscape Plan is still in the stages

of the Planning Commission. Mayor Carlson reiterated the dates of the Planning Commission meetings and encouraged the public to attend.

Adjourn:

- The meeting was adjourned at 7:18 p.m. in a motion by Councilor Taylor with a 2nd by Councilor Smith. All members present voted aye and the motion carried.

Respectfully Submitted,

Mayor, Bill Carlson

Date

Meagan Cobb – City Recorder

Date