

CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday, November 14, 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: Mayor Carlson, Councilor Smith, Councilor Carleton, 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 October 10, 2017:

2) Ratify Phone Polls:

Mia's and Pia's

A motion was made by Councilor Smith to approve the business license for Mia's and Pia's. A 2nd was made by Councilor Taylor. All other members voted aye and the motion carried.

A motion was made by Councilor Smith to approve the October 10, 2017 City Council meeting minutes, and the October 11, 2017 City Council Executive Session minutes. A 2nd was made by Councilor Taylor. All other members voted aye and the motion carried.

STAFF REPORTS:

POLICE:

- Marshall Bicknell stated the investigation regarding matter discussed in the City Council Executive Session is ongoing, and may take several months to complete.
- Marshall Bicknell reported that there was one vehicle theft in the month of October, however the vehicle was recovered within a few minutes of the theft being reported.
- Marshall Bicknell reported that the camera installation in City Hall is now completed. Marshall Bicknell stated that when the new internet service is installed at City Hall, there will be monitors placed in the City Recorder's Office to give the City Recorder and City Clerk the ability to view the hallway and the parking lot.
- Marshall Bicknell stated that the City of Malin has offered to gift to the City of Merrill an extra police vehicle that was given to them by the City of Bend. Marshall Bicknell intends to use the vehicle for Code Enforcement, and as a spare vehicle in the event that one of the other cars breaks down. Councilor Smith stated that the car is to remain at City Hall and not be taken home at night.
- Marshall Bicknell reported that a pricing scanner was stolen from the Mobile gas station.

Councilor Carleton stated that he has been working with Marshall Bicknell and Klamath Home Builders Association to encourage home building in the City of Merrill. Marshall Bicknell has identified several empty lots within the City. Councilor Carleton reported that Marshall Bicknell will create a Power Point presentation to demonstrate the benefits of living in Merrill to potential developers.

PUBLIC WORKS DEPARTMENT:

- The Public Works Director, Greg Matthews presented City Council with the October, 2017 Public Works report.
- Public Works Director Greg Matthews stated that the dirt has been spread at the Good Duck Park, and the water leak has been fixed.
- Public Works Director Matthews reported that John Fitzroy from the United States Fish & Wildlife Department has purchased the tables, benches and the trash receptacles for the Good Duck Park. Public Works Director Matthews stated that John Fitzroy has set aside \$5K for native plants and trees for the Park.
- Public Works Director Matthews introduced the new Utility Worker, Tom Taylor.

RECORDER:

City Recorder Cobb reported that the Grant checks from Klamath County have been received and deposited.

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

Mayor Carlson stated for the record that Councilor Lesh joined the meeting.

LAWYER:

Not requested to attend.

CODE ENFORCEMENT: MARSHALL BICKNELL:

- Marshall Bicknell stated that a bid was made from a contractor to assist with the mosquito control in Merrill next summer.
- Marshall Bicknell stated that in 2017 Code Enforcement has handled 36 cases. Marshall Bicknell stated that out of those 36 cases, all but two have been resolved and both of those cases involved property left behind by deceased individuals.
- Marshall Bicknell stated that he has found a registered owner through Klamath County on 638 E First Street. Marshall Bicknell has contacted the last owners on record and requested that they either maintain the property or release interest in it so that the City can pursue possibly buying the property in the event of a tax lien from Klamath County.

PLANNING:

Planning Commission Chair Martin Hicks reported that the Merrill Solar Project has met the Conditions of Approval from the Planning Commission and are proceeding with Landscaping Plan part of the project. Planning Commission Chair stated that the Commission is giving the Merrill Solar Project extra time on the De-commissioning Bond.

Councilor Carleton reported that the Oregon Department of Transportation (ODOT) has agreed with the proposed Fourth Street entrance for Les Schwab. Councilor Carleton stated that the next step in the process will be for Les Schwab to petition the City for that access, as well as to Pacific Power & Light for permission to build the access under the power lines.

NEW BUSINESS:

- **Report on City meeting with Pacific Corp Joint Use Development and follow up with conversations Klamath County regarding Merrill Cable Plant:**
Mayor Carlson reported that Marshal Bicknell, Councilor Carleton and himself met with Jeff Kent with Pacific Corp, along with a team of business analysts on October 24, 2017. Mayor Carlson stated that Pacific Corp is willing to turn over their interest in the Merrill Cable Plant to a third party.

Mayor Carlson stated that Klamath County would prefer that Pacific Corp turn the Cable Plant over directly to the City of Merrill. Mayor Carlson stated that once the City of Merrill has ownership of the Cable Plant, the City becomes responsible for the care of the power pole that it is attached to. Mayor Carlson stated that it is in the City's best interest to sign the Cable Plant over to a franchisee in a timely matter to mitigate this responsibility. Mayor Carlson asked Council for permission to pursue ownership of the Merrill Cable Plant and post an RFP to assign the Plant to a franchisee. City Council agreed.

- **Consider assigning Pacific Corp Franchise Agreement responsibilities to City Council President:**

Mayor Carlson stated that the City has an agreement with Pacific Corp to provide power to the City of Merrill. Mayor Carlson stated that the agreement is coming up for a conclusion and renewal. Mayor Carlson would like to identify a member of City Council to represent the City in franchise negotiations.

Mayor Carlson introduced Todd Andres of Pacific Corp to speak before City Council regarding the proposed changes to the franchise agreement. Todd Andres stated that there will be very few changes addressed in the new franchise agreement. Councilor Smith agreed to be the liaison for the City of Merrill regarding the franchise renewal with Pacific Corp.

- **Project Merrill presentation on Downtown Beautification Initiative:**

Mayor Carlson stated that an ordinance will be proposed to allocate up to \$6K of the Oregon Community Foundation Fund (OCF) and to proceed with a gatekeeping process, with Project Merrill being Gatekeeper #1 and City Council being Gatekeeper #2. Mayor Carlson stated that this Ordinance will be presented further in the agenda

- **Presentation of Merrill Commercial to allow for possible sale:**

Mayor Carlson stated that the City of Merrill is a Public Body that owns Public Lands. Mayor Carlson reported that he has been working with Klamath County on the rules and process to proceed with the sale of the property.

- **Identify Individual to negotiate potential transfer of Pacific Corp property on 4th Street to the City of Merrill. POC is Michael Lacker @ (503) 813-6658:**

Mayor Carlson stated that Pacific Corp owns a two acre parcel of land on Fourth Street and would like to transfer Land Use Rights over to the City of Merrill. Mayor Carlson stated that he would like to appoint a member of City Council to oversee this possible lease agreement. Councilor Carleton stated that he and Public Works Director will oversee this project.

- **Discuss a process to collect fees for Public Records Requests:**

Mayor Carlson stated that he will propose a resolution regarding potential office fees for Public Records Requests later in the meeting. Mayor Carlton proposed that City residents will be able to access two free Public Records requests per year, however if a resident goes over the two request limit, or the request is made by someone outside the City limits, the charge will be \$25. Mayor Carlson stated that there will be a resolution proposing this fee increase later in the meeting.

- **Review Section 39 of the City Charter:**

Mayor Carlson reviewed Section 39 of the City Charter with Council, and reiterated that no Council member may spend over \$100 of City Funds without bringing the purchase before the City Council.

- **Status report on developing a process to award an Engineering contract for the Merrill Water Project:**

Mayor Carlson explained the process by which bids must be received for the engineering contract according to the Department of Justice. Mayor Carlson explained that if the dollar amount to retain consultant services is under \$100K, then the City may select the person they feel is best for the job, however if the cost up to \$250K or more then the City must use an RFP process to select the best candidate. Mayor Carlson stated that if the cost to retain consultant services is over \$250K then the City must use an RFP process and also create a qualifications committee to assess the proposals, identify the most qualified candidate and seek to negotiate a contract with the selected candidate.

Mayor Carlson stated that the State of Oregon has issued the City of Merrill a \$15K grant to retain an individual to create the RFP and assist the City in administering it. Mayor Carlson stated that an individual has been identified whom has provided these services for the City of Tulelake in the past, and Mayor Carlson will meet with him and attempt to retain his services for the City of Merrill.

- **Assess Legal Services RFP and potentially award Legal Services Agreement:**

Mayor Carlson stated that the City of Merrill received one response to the RFP for City Legal Services, Mika Blain of Blain Law.

A motion was made by Councilor Carelton to appoint Mika Blain as the City of Merrill City Attorney A 2nd was made by Councilor Smith. All members voted aye and the motion carried.

- **Consider Conflict Waiver for City Attorney:**

Mayor Carlson reported that City Attorney Mika Blain represented an land owner that filed an appeal regarding the Merrill Solar Project and is disclosing that to the City Council.

- **Review Section 6.3 of City Council Rules; Determine process to access Legal Services and communicate Legal options:**

Mayor Carlson reported that the City Attorney Mika Blain would like it discussed what the process will be as acting City Attorney. Mayor Carlson reported that per Section 6.3 of City Council rules, written authorization must be obtained by the Council President before accessing Legal Services.

- **Report on Environmental submittal for Merrill Water Project:**

Mayor Carlson stated that City Engineer Darryl Anderson prepared a submittal for the Mayor to sign and to send to the State of Oregon to apply for a waiver to exempt the City of Merrill from filing an Environmental Impact Statement.

Mayor Carlson made some edits to the letter, removing the specified pump sizes and the removal of the Merrill Water Tower.

- **Consider new process to post City Council agendas:**

Mayor Carlson stated that he has instated a monthly staff meeting the week before City Council meetings to go over the agenda with staff. Mayor Carlson invited a member of City Council to attend. Mayor Carlson stated that the packets and the agenda will now be distributed by close of business on the Thursday before Council meetings. Mayor Carlson asked that all agenda items be communicated to the City Recorder prior to that date.

- **Presentation on Highway access limitations and risk to Merrill Commercial:**

Mayor Carlson that he has concerns about the highway access from Highway 39, as there is a possibility of losing the development rights to Merrill Commercial. Mayor Carlson proposes to add in the Oregon Department of Transportation's (ODOT) permitting requirements to require the State of Oregon to consider both the Les Schwab land and Merrill Commercial in the permitting process. Mayor Carlson requested a month to get together with the Oregon Department of Transportation and discuss the process.

Councilor Carelton stated that the access to Les Schwab and Merrill Commercial is slated to come off of Fourth Street. Mayor Carlson asked Councilor Carleton if the request has been made to reduce the speed limit. Councilor Carleton stated that he has spoken with ODOT and the agency states that it is too early in the project to do a traffic study. Councilor Carelton stated that in speaking with the City Engineer Darryl Anderson, City Engineer Anderson stated when signing the Land Use Compatibility Study, that it should be stated as a Condition of Approval that signing the Study did not give permission for Les Schwab to apply for a building permit with Klamath County.

Mayor Carlson requested that the discussion be tabled for a month and approached again at the November 2017 City Council meeting.

Councilor Smith suggested having a special City Council meeting on November 28, 2017 to review this discussion.

- **Access agreement proposal with Les Schwab:**

Councilor Carelton stated that Les Schwab has proposed that the company will maintain the portion of City property that the access to Les Schwab will overlap. Mayor Carlson stated that this is an exchange of a Public Asset to a private developer and that conditions should be discussed.

- **Discuss New Employee Orientation:**

Mayor Carlson stated that the City of Merrill has recently hired several new employees and that at this time there is no new employee orientation in process for new hires. Councilor Smith asked Mayor Carlson to work on an employee manual in the City staff meetings and present a finalized version to City Council for approval.

OLD BUSINESS:

- **Confirm Decommissioning bond for ET Capital:**

Mayor Carlson reiterated that an agreement has been reached with ET Capital regarding the Decommissioning Bond, with a total of \$32K in present day funds and a future value of \$106K.

- **Distribute proposed Mobile Home Code Improvements:**

Mayor Carlson stated that there are two improvements he would like to make to the Mobile Home Code. Mayor Carlson stated that the new code will require a full perimeter concrete foundation on manufactured homes. Mayor Carlson stated that another proposed change is regarding RV's that stay for up to two months in the City of Merrill. Mayor Carlson stated that the fee for that stay would be \$25 per month with the new ordinance and will cover water and sewer usage by the temporary residents.

- **Report on meeting with Attorney Mel Ferguson:**

Mayor Carlson stated that he met with Attorney Mel Ferguson and the Attorney declined to submit an RFP for the City Attorney position. Mayor Carlson also stated that he has retrieved the employee records from Attorney Mel Ferguson and has them locked in a secure location, and will bring them to City Hall and store them in a secure file cabinet in the back of the City Recorder's Office.

- **Discuss possible credit cards for City Hall Department Heads:**

Mayor Carlson stated that the City Department Heads have made a case before him that their job can be done more efficiently and they will be able to get better discounts if they have a credit card and can purchase from cheaper businesses than what is currently on contract with the City of Merrill. City Council agreed to authorize two debit cards to keep in the City Recorder's office for Department Heads with a \$500 limit.

ACTION ITEMS/ GENERAL BUSINESS

- **ORDINANCES:**

- 1) Downtown Beautification; First Reading. First reading will be tabled until the December 2017 City Council meeting.

- **RESOLUTIONS:**

- 1) Collection of Office Fees;

A motion was made by Councilor Taylor to approve the proposed Office Fee Resolution. A 2nd was made by Councilor Smith. All other members voted aye and the motion carried.

- 2) Statement of desire to extend Highway 39 45 MPH Zone North and West to the existing ET Capital Maintenance Access Intersection and to incorporate provisions for Merrill Commercial access into any permitting on the land's single access entitlement;

Mayor Carlson rescinded the proposed resolution.

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.

Adjourn:

- The meeting was adjourned at 8:11 p.m. in a motion by Councilor Smith with a 2nd by Councilor Taylor. All members present voted aye and the motion carried.

Respectfully Submitted,

Mayor, Bill Carlson

Date

Meagan Cobb – City Recorder

Date