

CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday, October 13, 2015
6:00 P.M.

MEETING CALLED TO ORDER:

The meeting was called to order at 6:00 p.m. by Mayor, Tim Saunders.

ROLL CALL:

Roll Call was taken with the following members of Council and others being present:
Councilor Smith, Councilor Lesh, Councilor Carleton, Mayor Tim Saunders, City Recorder - Oma Rowley and City Attorney – Melvin Ferguson
Absent: Councilor Taylor

The flag salute immediately followed.

To minimize legal expenses to the City of Merrill, business pertaining to guidance needed from the City Attorney was grouped together and advanced to the beginning of the meeting as follows:

NEW BUSINESS:

- **Marijuana sales in Merrill City Limits – Louie Miller –Owner of Native Herbs Medical Marijuana Dispensary** (located at 2300 Washburn Way, Suite B, Klamath Falls, OR) addressed Council by expressing his business interest within the City of Merrill and stating that Merrill is the gateway to Reno by way of the main highway passing through the town of Merrill. Mr. Miller is interested in a business start-up or in assisting a business start-up in Merrill. Councilor Carleton stated that he would like to see how the voters in Merrill voted and if, in fact, the City of Merrill voters opposed it, he would not support it. City Attorney, Melvin Ferguson, suggested that Council discuss policy in a work session. It was agreed by Council to hold a Work Session on October 27, 2015 @ 6:00 pm to discuss. The Attorney offered to be available. Councilor Smith stated that she would like to better understand the pros and cons. Pros discussed would be receiving revenue for marijuana sales. By prohibiting the establishment of medical or recreational marijuana businesses, Merrill would not eligible to receive the distribution of state marijuana tax revenues.

ACTION ITEMS/GENERAL BUSINESS:

- **622A Waste Management Franchise renewal.** City Attorney, Melvin Ferguson distributed the final version to review. The City Recorder is to receive the Franchise agreement emailed on October 13, 2015 by Waste Management of Oregon (WMO). In a pre-discussion, the Attorney reiterated the 5 year term and the insurance increase to \$2 million. Ordinance 622A was read by Title, open for discussion (no discussion) and re-read by Title. Councilor Smith made a motion to renew the Franchise agreement with WMO and to approve Ordinance 622A. There was a 2nd by Councilor Carleton. All other members present voted Aye and the Motion carried.

RESOLUTION

- **2015-737 PW Director Job Description.** The City Attorney recommended an addition to the end of the PW Director Job Description. He recommended adding the same last two paragraphs as written in the City Recorder Job Description. These two paragraphs read:

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Councilor Smith made a motion to approve Resolution 2015-737 PW Director Job Description with the addition of the two paragraphs as described by the City Attorney. There was a 2nd by Councilor Lesh. All other members present voted Aye and the Motion carried.

At this point of the Council meeting, the City Attorney left the Council meeting and the regular agenda order resumed, starting with New Business.

NEW BUSINESS:

- **Valley Fire, Lake County, California Courtesy Resolution** was read by Mayor Tim Saunders. Mayor Saunders expressed support from the Mayor, City Council and residents of Merrill, Oregon by supporting all their efforts taking place in Lake County, California in rebuilding their communities. Councilor Carlton made a motion supporting the Valley Fire Courtesy Resolution. There was a 2nd by Councilor Smith. All other members present voted Aye and the Motion carried.
- **Discussion on Customer Water Deposits \$50.63 Rental Units; Deposit Required.** Councilor Smith had requested this item be added to the agenda to be discussed in the Council meeting. The City Recorder explained that Customer Water Deposit refunds are given upon termination of a rental as per current protocol and per \$50.63 Rental Units. The City Recorder also explained that the customer deposit helps to protect water/sewer budgeted revenue dollars and to protect tax payers' dollars. Customer Deposit activity between June 2013 – August 2015 was analyzed. It was found that 46% of deposits were used against past due accounts upon termination of services and 54% of deposits were refunded. As a result of the current refund practice and protocol, the City Recorder has written off \$0 for renter's past due accounts. The City Recorder proposed raising the Customer Deposit to \$195.00 to better match the 70 day turn-off practice. Council stated they were not interested in increasing the deposit amount from \$130 to \$195.

OLD BUSINESS:

- **Sewer rates.** Discussion of existing sewer rates as well as a Commercial rate for sewer services. Councilor Carleton started a discussion related to outside services and Church rates. The City Recorder offered to provide an analysis of Churches and their respective service rates at the November 2015 meeting. Councilor Carleton made a motion to increase the outside City limit sewer rate to be 150% of the inside City limit sewer rate. There was a 2nd by Councilor Smith. All other members present voted Aye and the Motion carried. There will be a Resolution prepared for the November Council meeting.
- **Status of No U-Turn signs for Washington Street between E. Front and E. First Streets.** A No U-Turn sign would help to deter illegal turns. The PW Director stated that he forgot to order the signs for Washington Street but that he would order them soon. Marshal Bicknell corrected his misstatement from the September 8, 2015 meeting by clarifying that you **CANNOT** legally cross over a double yellow line to get to the Post Office parking lot. There was no update by Marshall Bicknell about talking to people and educating them about this issue.

CONSENT AGENDA:

1. Minutes Approval for September 8, 2015

Councilor Carleton stated that the first paragraph under "Other" should be amended to read: prepared by KC Assessor's Office and not Mark Gallagher. A motion was made by Councilor Carleton to accept the amended September 8, 2015 minutes. There was a 2nd by Councilor Lesh. All other members present voted Aye and the Motion carried.

2. Business Rental License/renewals:

- One-day business permit for Mia & Pia's Beer Garden and review of the OLCC application for temporary use of an annual license for Mia & Pia Potato Festival beer garden 10/17/15 event.

There was a motion made by Councilor Carleton to accept the one-day permit for Mia & Pia's Beer Garden and to approve the OLCC application for temporary use of an annual license for Mia & Pia's. There was a 2nd by Councilor Lesh. All members present voted Aye and the Motion carried. Council expressed that Marshal Bicknell is authorized to sign OLCC applications. Council would still like to review the OLCC applications.

3. Ratify Phone polls:

- AP approval: Accounts Payable
 1. 9/22/15 - \$16,048.65 approved 9/22/15: Councilors: Lesh, Smith & Taylor (mailed 9/23/15)
- Merrill Lumber invoice # B88473 for Public Works – Streets for cement, couplers & pipes. Repairs exceed \$500. Approved 9/24/15 \$516.18 by Councilors: Taylor, Lesh & Carleton.
- Valadez 2015 business rental license \$50, 316 Clay Street. Approved 9/11/15 by Councilors: Carleton, Lesh & Smith.

- Ferguson Water Works \$628.23 – clamps to rebuild stock for 2" lines. Approved 9/30/15 by Councilors: Lesh, Smith & Taylor.

Councilor Smith made a motion to approve the ratification of phone polls. There was a 2nd by Councilor Carleton. All members voted Aye and the Motion carried.

4. **Bills for approval: Accounts Payable 10/12/15 check run approval** – inadvertently skipped. Payables were approved 10/13 – 10/14/15 by Phone poll and mailed on 10/15/15. Ratification will be on the November 2015 agenda.

ACTION ITEMS/GENERAL BUSINESS:

ORDINANCES distributed in the Councilor pre-meeting packets:

- ✓ **622A Waste Management of Oregon Franchise agreement** (see top of agenda same item)

RESOLUTIONS distributed in the Councilor pre-meeting packets:

- ✓ **2015-736 City Recorder Job Description**
Resolution 2015-736 was read by title, open for discussion (no discussion) then re-read by title. Councilor Smith made a motion in approval of Ordinance Resolution 2015-736. There was a 2nd by Councilor Carleton. All members voted Aye and the Motion carried.
- ✓ **2015-737 PW Director Job Description** (see top of agenda same item)
- ✓ **2015-738 Adopt the GIS Dept., City of Merrill City Limits Map and obtain final maps**
Currently in draft 5/28/15 (Exh A) and 6/2/15 (Exh B).
Resolution 2015-738 was read by title, open for discussion (no discussion) and re-read by title. Councilor Carleton requested that the City Recorder provide a copy of Exhibit A map for the Planning Commission binders. Councilor Smith made a motion in approval of Resolution 2015-738 to adopt the GIS prepared, City of Merrill maps and obtain final maps. There was a 2nd by Councilor Lesh. All members voted Aye and the Motion carried.

RECORDER'S REPORT:

The Recorder's report presented by the City Recorder included:

Accounts Receivable

Bank Balances

ACH detail/POS detail – August and September 2015

Payroll

- The City Recorder provided in pre-meeting packets the City Attorney invoice
- details dated August and September 2015.
- The City Recorder reminded that spending >\$500 without prior Council approval is an audit issue and a policy violation per Resolution # 689. A copy of this Resolution was distributed to Council in pre-packets for review prior to the meeting. The City Recorder asked assistance from the Council on how to enforce the pre-spending policy and offered to develop an approval form. Council decided as a group that the accountability and policy enforcement will fall on the respective Commissioners of each Department.

- The City Recorder discussed the section of the City of Merrill Rules 4.1 – Deadline (distributed in pre-meeting packets). Per the Merrill Rules 4-1, the City Recorder requested that agenda submission items of topic be provided by Tuesday of the calendar week prior to the Council meeting. Late submissions shall be put on the Agenda of the next regularly scheduled meeting.
- A DVD is available for any interested Council member that would like information on the Environmental Impact Statement related to Jordan Cove Energy and the Pacific Connector Gas Pipeline Project. Councilor Lesh expressed an interest in the DVD. Councilor Smith made a motion to approve the Recorder’s report. There was a 2nd by Councilor Carleton. All members voted Aye and the Motion carried.

PUBLIC WORKS:

- See PW Director’s report for October 2015 attached to minutes.
- Greg Matthews reported that next budget session (FY 16/17) he will request moving the lift station out of the middle of the road on Water Street.
- In the September 2015 Council meeting, a question was posed by the PW Director to Council whether to paint all curbs yellow 20 ft from crosswalks for the safety for the City of Merrill? Pros and cons were discussed. Council requested to readdress in the October meeting to allow time for the PW Director and the Marshall to chat with businesses and discuss curb painting.
This item was not re-addressed in October. It will be added to November Council meeting as an update.

POLICE:

- Car crash involving the Mayor’s Pickup.
- Prevention example: Keeping an eye on a Gentleman previously arrested for theft and DHS involvement because of convicted sex offense (not a registered sex offender) and was cohabitating with a bunch of females was spotted back in town by Officer Srch. He has since left town.
- All other Police business is going well.

LAWYER: See Beginning of the Council Meeting

Legal Advisor, Mel Ferguson attended the Council meeting for the following:

- Participation in discussion of marijuana sales request within the City of Merrill city limits (see comments in the New Business section);
- Distribute the latest Franchise agreement and discuss some aspects of the Waste Management Franchise (see Ordinance 622A comments);
- Added comments on the PW Director Job Description (see comments with Resolution 2015-737).

CODE ENFORCEMENT OFFICER REPORT: STAN HINTON (Absent this meeting)

- Marshal Bicknell asked Council to consider issuing Mary White, owner of property located at 304 E. Second Street, new \$1500 citations every 10 days of property

noncompliance (no additional notices will be sent). This collection is made through the Court and not a lien process. The Court handles the collections for the City of Merrill. Councilor Smith made a Motion to approve sending a new \$1500 citation every 10 days while property is in noncompliance. There was a 2nd by Councilor Lesh. All members voted Aye and the Motion carried.

- The September 2015 Code Enforcement Councilor Report was distributed with Councilor pre-meeting packets. Per Stan Hinton, 50 cumulative abatement verbal and written notices have been sent out since July and all are in compliance. Two new notices are scheduled to be sent: 1) Bragg-Water Street for trash and uncovered vehicles and 2) Merry Walker for cleanup debris (has had 5 months) from demolition of cabins/units at 331-335 Second Street, Unit 226 at corner of Clay & Second Streets and units 216, 218, 222, 224 on Clay Street.
- Easement on Water Street outcome. Gary Robeson and Paul Friebe have paid for a survey of property lines on Water Street. It has been determined that the City of Merrill lift station is in the center of the 16' easement. A 20' easement exists on the west side of the Aschoff/Bragg property.

PLANNING – Commissioner Carleton

- **Dollar General** is in the hands of Klamath County at this point. The City of Merrill has signed off on the plans and they have been sent to Klamath County.
- **William Carlson has purchased the 2 acre vacant lot at 615 E. Front Street** and has filed for an application for a building permit with the City of Merrill.
- The Planning Commission met on 10/12/15 with a **Solar Company based out of Florida, Origis Energy (Michael Chestone - Director of Development)** to discuss installing a 65 acre solar farm (partly City, some County property) north of the property where Dollar General is planning to build (along the highway). They have an option on the property which is currently zoned both commercial and residential. A zone change will be required. This property is ideal for Origis due to the distance from the substation being less than 1½ miles. A next meeting is scheduled for November to discuss additional facts and figures, i.e. property tax revenue for the City. One City concern is the attractiveness factor. Origis is willing to do what is necessary to hide or make attractive the solar panels from view on Highway 39.

PUBLIC COMMENT:

- Water Street resident, Gary Robeson, stated that the recent survey clarified the property boundaries. He asked that we incorporate in the next budget cycle the cost of having the lift station be put underground with a drivable plate. This should be an inexpensive repair.
- Gary Robeson asked for clarification on the OLCC process to assure meeting OLCC timelines. The City Recorder stated that a phone poll approval process exists for Council approving business items that cannot wait for regularly scheduled monthly Council meetings.

- Council has asked to be informed of the OLCC applications for events but they give signature authorization to the Marshal for the City of Merrill.

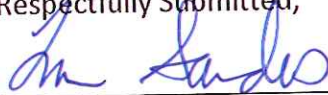
OTHER:

- PW Director, Greg Matthews, discussed various museum contributions consisting of: (3) guns from Frank Adam's grandson (three year loan basis), water color picture, cumulative donations of nearly \$15K and the offer to paint a mural in Merrill. There has been difficulty finding volunteers so the Museum project has been at a standstill with the PW Director doing work on personal weekend time. The PW Director stated to that his feeling is that to keep the interest of donators some City paid time of PW staff will be necessary in order to continue with the Museum. A discussion of Council followed. Council agreed that Public Works staff could work on the Museum as long as other City work has been completed.
- Mayor Saunders shared that he would be out of town from October 14, 2015 – October 24, 2015 assisting with the Valley Fire recovery efforts and that Council President, Melody Smith will be in charge.


ADJOURN:

The meeting was adjourned at 7:40 p.m. in a Motion by Councilor Carleton and a 2nd by Councilor Smith. All members present voted Aye and the Motion carried.

Respectfully Submitted,



Mayor, Tim Saunders Date 11/10/15



Oma Rowley – City Recorder Date 11/10/15