

CITY OF MERRILL
JOINT PLANNING AND COUNCIL MEETING

Followed by:
REGULAR BUSINESS MEETING
Tuesday, September 13, 2016
6:00 P.M.

MEETING CALLED TO ORDER:

Planning Commission Chair, Martin Hicks, welcomed the City Council to the joint meeting of the Planning Commission and Merrill City Council at 6:00 pm.

The Council meeting was called to order at 6:43 p.m. by Mayor, Tim Saunders, following the joint Planning Commission and City Council meeting 6:00 pm - 6:39 pm adjournment. A copy of the minutes of the joint City Council and Planning Commission meeting minutes are attached and by reference incorporated herein.

ROLL CALL:

Roll Call was taken with the following members of Council and others being present:
Councilor Taylor, Councilor Carleton, Councilor Smith, Mayor Saunders, Councilor Lesh, City Recorder - Oma Rowley and City Attorney Melvin Ferguson
Absent: Councilor Lesh was excused from the meeting at 7:14 pm

The flag salute immediately followed.

NEW BUSINESS:

Hearing of Planning Commission being held following notice issued on or about August 23, 2016 to consider a staff report that recommends amending the definition of Basic Utilities in the Merrill Land Amendment Code.

TEXT AMENDMENT MODIFYING THE DEFINITION OF "BASIC UTILITY":

The Planning Commission recommended that Council modify the definition of "Basic Utility" and approve the text ordinance 2016-0913. Mayor Saunders asked for public comment on the text amendment. There was no public comment. Mayor Saunders moved to consider the text ordinance 2016-0913.

City Attorney, Mel Ferguson, stated that there were two options on which to vote to take action on an ordinance. Option #1: To have a first reading and then at some future date have a second reading and vote on the ordinance. Option #2: To allow a single reading (first and second reading at the same meeting) and then vote on the ordinance. To vote on an ordinance after a first and second reading at the same meeting requires unanimous approval of Council. The ordinance itself does not require unanimous approval, but the ability to vote on the proposed ordinance requires unanimous approval. The City Attorney asked Council if there had previously been an entire reading aloud of the text ordinance. The City Recorder responded that the text amendment had been listed on the last three monthly meeting agendas. However, the amendment had not been read aloud at a prior Council meeting.

City Attorney, Mel Ferguson, reiterated that in order for an ordinance to be approved with a single meeting, the vote to allow consideration of the ordinance would have to be unanimous. Otherwise, the City charter requires a first reading and then a second reading at a subsequent meeting. The City Attorney stated that he was unclear if the Charter, Code of Ordinances and Code of Rules was approved by Council and asked Council if they knew when they were approved. Mayor Saunders answered that after he put the binders together his intentions were to have the contents approved. Discussion of the aforementioned will be put on the October meeting agenda.

Mayor Saunders read Ordinance 2016-0913 aloud in its entirety and again by title. Mayor Saunders asked to take discussion. Ferguson indicated that if the proposed ordinance is considered at a subsequent council meeting the vote on the ordinance itself does not need to be unanimous. Councilor Smith made a motion to take action on Ordinance 2016-0913 as recommended by the Planning Commission. There was a 2nd by Councilor Lesh. Councilors Taylor and Carleton were both opposed and Mayor Saunders voted Aye. The motion failed due to not having a unanimous vote. Councilor Smith asked what would be different at the next meeting. There was no response.

Since the motion to take action on Ordinance 2016-0913 failed by Council, next steps and future special meeting time lines were set as follows for both the Planning Commission and Council:

Planning Commission Meeting:

1. 9/20/2016 Planning Commission to meet at 1:00 p.m.
 - a. Consider Origis' application
 - b. Review of City's staff report (for application)

Council Meeting:

2. 9/26/2016 Council to meet at 6:00 p.m.
 - a. Consider the text amendment as recommended by the Planning Commission
 - b. Take action on Ordinance 2016-0913

[Note: Planning Commission meeting date was subsequently changed to 9/27/16 at 1 p.m.]

SPECIAL COUNCIL HEARING TO TAKE TESTIMONY AND WRITTEN COMMENT FOR/AGAINST ORIGIS APPLICATION:

3. 10/10/2016 Council to meet at 6:00 p.m.
 - a. To consider Origis Application
 - b. To consider City Staff's Report
 - i. Notes
 1. Origis will place Herald & News hearing notice at least 14 days prior to meeting plus a one-week lead time for publishing
 2. Origis will send written notice of the hearing to the adjacent property owners

OLD BUSINESS:

1. Church with church house utility rates will be discussed at the October Council meet.
2. Review process by Dept Heads/Supervisors of Liability Insurance Premiums will be discussed at the October Council meet.

CONSENT AGENDA:

1. Minutes Approval for August 9, 2016 Council Meeting

A motion was made by Councilor Smith to accept the August 9, 2016 Council minutes. There was a 2nd by Councilor Carleton. All other members present voted Aye and the Motion carried.

2. Business Rental License/renewals:

- August Business License for a one-day permit and OLCC temporary sales application review of Marshal's approval for CAL-ORE for event date of November 12, 2016. Councilor Carleton made a motion to approve the August 2016 business one-day permit for the CAL-ORE event with OLCC temporary sales application. There was a 2nd by Councilor Taylor. All members voted and the Motion carried.
- 2016 New Business Smoke shop application and attached letter to Council for the location at 132 Front Street was presented by the Recorder. Councilor Smith made a motion to approve the new business application for a smoke shop at 132 Front Street. There was no second. The motion failed. Councilor Smith asked that the smoke shop application be brought back to the October 11, 2016 Council meeting with the intent of having all Council present and available to vote on the motion.

3. Ratify Phone polls:

AP approval: Accounts Payable 8/19/16 \$41,353.92 *Approved 8/19/2016 by Lesh, Taylor & Smith, mailed 8/19/16.* Councilor Carleton made a motion to approve the ratification of the 8/19/16 Accounts Payable. There was a 2nd by Councilor Smith. All members voted and the Motion carried.

4. **Bills for approval:** Accounts Payable 9/12/16 check run approval \$7045.14. Councilor Taylor made a motion to approve the 9/12/16 bills to pay. There was a 2nd by Councilor Smith. All members voted Aye and the Motion carried.

ACTION ITEMS/GENERAL BUSINESS:

ORDINANCES:

- Land code text amendment to Basic Utilities Definition to include renewable energy sources (see Planning Commission section) 2016-0913.

RESOLUTIONS

None

REPORTS:

RECORDER'S REPORT:

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

Accounts Receivable

Bank Balances

ACH detail

Payroll

Other:

- City Hall office will be closed on September 22, 2016 from 9:45 – 1:30 for staff participation in the Community website meeting in Malin (lunch included).
- The November 8, 2016 scheduled Council meeting falls on Election night. The City Recorder asked Council if the Council meeting should be rescheduled for a different date. The Council agreed to keep the November 8, 2016 date and make no date change.
- The IFA \$20K Grant Project was finalized with the Completion report signed on August 11, 2016.
- Fiber Optic Quote by Hunter Communication (Consortium Grant \$\$) was distributed to Council by the City Recorder. The Recorder asked that Council read through the quote options for discussion at the October 2016 Council meet.

Councilor Smith made a motion to approve the September 2016 Recorder's report. There was a 2nd by Councilor Taylor. All members voted Aye and the Motion carried.

PUBLIC WORKS:

See PW Director's report for September 2016 - attached to minutes. PW Director, Greg Matthews stated that his staff will do some weed eating and cleanup of the cemetery as it has become overgrown.

POLICE:

- Marshall Bicknell reported involvement in a 21 year old homicide case.
- The Marshal has sent a letter to ODOT related to Highway 39 to the west of Merrill with concerns about the solid double yellow line and speed limit by Dollar General and continuing to Pape. He has not yet heard back from ODOT. The Marshal is concerned with the amount of traffic accidents relative to that portion of highway and would like to see the double yellow lines extended as well as the 30 mph speed limit section.

LAWYER:

City Attorney, Melvin Ferguson, attended the joint Planning and Council portion of both meetings and was excused from the Council meeting at 7:14 pm, at the end of the solar business.

CODE ENFORCEMENT OFFICER REPORT:

Stan Hinton, Code Enforcement Officer, was absent.

- **August 2016 Code Enforcement Councilor Report** was not reviewed.
- Marshal Bicknell shared that 9 buildings within Merrill have been removed during the past couple of years and that great progress has been achieved from code enforcement efforts as can be seen in google views of Merrill reflective in times prior to code enforcement.
- The Marshal issued the first marijuana ordor code violation at the RV park today.

PLANNING – Commissioner Carleton

None

PUBLIC COMMENT:

- Dawn Trotman thanked the City for the walkway to Dollar General.
- Dawn Trotman asked if a dead-end sign could be posted at the end of Second Street. The PW Director stated that the cost should be under \$100.00 and that he would take care of this.
- The light at Dollar General still needs to be adjusted.

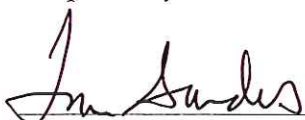
OTHER:

- Mayor Saunders stated that he would be out of town from September 18th – 24th working to rebuild fire zone homes.

ADJOURN:

The meeting was adjourned at 8:16 p.m. in a Motion by Councilor Taylor and a 2nd by Councilor Carleton. All members present voted Aye and the Motion carried.


Respectfully Submitted,



Mayor, Tim Saunders

11/8/16

Date



Oma Rowley – City Recorder

11/8/2016

Date