

CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday, September 8, 2015
6:00 P.M.

MEETING CALLED TO ORDER:

The meeting was called to order at 6:01 p.m. by Mayor, Tim Saunders.

ROLL CALL:

Roll Call was taken with the following members of Council being present:

Councilor Smith, Councilor Lesh, Councilor Carleton, Councilor Taylor, Mayor Tim Saunders and City Recorder - Oma Rowley

Absent: None

The flag salute immediately followed.

NEW BUSINESS:

- The Merrill Lions Club letter dated August 11, 2015 was distributed to Council in their pre-meeting packet to review. There was no discussion.
- Council was provided the Waste Management Franchise renewal (Draft Ordinance 622, 9-20-2005) edited with the City Attorney's related changes in their pre-meeting packets as well a revision adding Section 18. It was noted that Section 18 should be added to address related attorney fees and costs. Councilor Carleton asked why the term is being changed from a ten year to a five year term? The City Recorder reiterated from the July Council meeting that the City Attorney has recommended, going forward, that the City of Merrill enter into 5-year term agreements/contracts.

In a phone conversation, Mel Ferguson asked the City Recorder to communicate a couple of options for Council to consider in terms of sourcing for garbage collection:

- 1) That Council, in good faith, feels Waste Management is the best deal for the City of Merrill because the Council is not aware of any other source for garbage collection for the City of Merrill area and that Council is doing everything they should to protect the public resources; or
- 2) Council could follow a sole source contract procedure which would be to make a written finding of one source, publish notice, hold hearing and then contract with a single source. Note: sole source should be the process for the next term- 2020 if no other source is available.

A motion was made by Councilor Carleton to accept the Franchise renewal revisions. There was a 2nd by Councilor Taylor. All other members present voted Aye and the Motion carried. Waste Management has not yet provided revisions. Ordinance 622A will be on the agenda for October.

- FEMA Flood map & National Flood Insurance Program (NFIP) materials were distributed to the Mayor to distribute to Council members and also in their pre-meeting packet.

There is not a reasonable amount of time to meet the deadlines as set by NFIP and the TA Grant for this year. Key points are: 1) no one in the City of Merrill will be able to buy flood insurance from NFIP and 2) that homeowners in Merrill who are located in the flood zones shown on the new flood map will likely have difficulty in obtaining or keeping a federally insured mortgage if they do not have flood insurance. The City Recorder will research to see if feasible for next year? Councilor Smith made a motion to by-pass and take no action to join the NFIP this year. There was a 2nd by Councilor Lesh. All other members present voted Aye and the Motion carried.

OLD BUSINESS:

- **Revise Job Descriptions**

- City Recorder Job Description revisions. Councilor Smith, as Recorder's Office Commissioner, stated that the City Recorder's job description needs to reflect: shall (instead of may) be the Budget Officer. The City Recorder discussed the vision of providing packets in February to the other Department Heads to prepare their respective Dept/Fund budgets. The City Recorder also shared Excel spreadsheets that are a current work-in-progress that will provide the Department Heads with monthly expense to budget detail. This data will be a budget tool for the upcoming budget and should satisfy the request by Councilor Carleton to have actual prior spending detail.
- PW Director's job description, signed and dated by the PW Director was provided to the City Recorder by Councilor Carleton.

A Resolution for both job descriptions will be on the October agenda.

- **Sewer rates.** Discussion of existing sewer rates as well as a Commercial rate for sewer should be established. This will be discussed further in the October council meeting.
- **One-Way Washington Street** between E. Front and E. First Streets. The topic of U-Turn was discussed. In Oregon, unless the intersection is posted with a U-Turn permitted, you cannot make a U-Turn. There is also a solid yellow line down Washington Street that disallows turning left across the line. A sign would help to deter illegal turns. The PW Director stated that he will order a couple of signs for Washington Street tomorrow. Marshall Bicknell will try to talk to people and educate them as well. This item is considered closed.

CONSENT AGENDA:

1. **Minutes Approval for July 14, 2015**

A motion was made by Councilor Smith to accept the July 14, 2015 minutes. There was a 2nd by Councilor Carleton. All other members present voted Aye and the Motion carried.

2. **Business Rental License/renewals:**

2015 – Business Rental License as per report:

The City Recorder provided the August 2015 Business License list.

A motion was made by Councilor Carleton and a 2nd by Councilor Lesh to approve the Business licenses list for June 2015. All members present voted Aye and the Motion carried.

3. CAL-ORE Wetlands and Waterfowl Council Fundraiser one-day business permit for 11/14/15. A motion was made by Councilor Carleton to approve the CAL-ORE one-day permit and a 2nd by Councilor Smith. All members present voted Aye and the Motion carried.
4. Three-day business license for Arlynn Rose McKeon Corn Sales at the Civic Center. Council agreed that there is no business permit charges to farmers. There was a motion made by Councilor Smith to show appreciation to farmers and to not charge a daily permit fee. There was a 2nd by Councilor Lesh. All members present voted Aye and the Motion carried.
5. **Ratify Phone polls:**
 - AP approval: Accounts Payable
 1. 7/29/15 - \$16,036.57 approved 7/30/15: Councilors: Lesh, Smith & Carleton (mailed 8/1/15)
 2. 8/7/15 - \$36,628.04 approved 8/7/15: Councilors: Lesh, Smith & Carleton (mailed 8/7/15)
 3. 8/25/15 - \$7,258.54 approved 8/25/15: Councilors: Lesh, Smith & Carleton (mailed 8/25/15)
 - OLCC license renewal, approved 8/4/15 by Councilors: Lesh, Smith & Carleton. Distributed in the Councilor pre-meeting packets: "OLCC Reasons to Deny or Restrict a License List".
 - R&J Auto repair bill for Public Works 2003 Ford Pickup F150 – Brakes/pads/oil change. Repairs exceed \$500. Approved 7/24 and 7/29/15 for \$699.43 approved by Councilors: Taylor, Lesh & Smith. Councilor Carleton stated that we should do a better job of overseeing our procurement process so that the City Recorder does not get blindsided with an invoice that is over the \$500 limit. Councilor Smith remarked that we need to pay attention to the >\$500 rule. The City Recorder reminded that it is an audit issue.
 - Detached carport – Johantobers – repealed phone poll due to exempt status from portable accessory.
6. **Bills for approval: Accounts Payable 9/8/15 check run approval**

Councilor Carleton made a motion to approve the 9/8/15 bills. There was a 2nd by Councilor Smith. All members voted Aye and the Motion carried.

ACTION ITEMS/GENERAL BUSINESS:

ORDINANCES distributed in the Councilor pre-meeting packets:

- ✓ **252A** Amend Merrill Business Regulations Chapter 110 Section 4 Schedule of Fees. Ordinance 252A was read in title/heading, no discussion, reread in title. Councilor Taylor made a motion in approval of Ordinance 252A amending the General Licensing

Schedule of Fees. There was a 2nd by Councilor Smith. All members voted Aye and the Motion carried.

✓ **229A Amend Title XV: Land Use Chapter 154: Subdivision & Partitions Section 154.102: Fees**

Ordinance 229A was read in title. No discussion followed. Re-read in title. Councilor Taylor made a motion in approval of Ordinance 229A amending Fees. There was a 2nd by Councilor Smith. All members voted Aye and the Motion carried.

RESOLUTIONS distributed in the Councilor pre-meeting packets:

✓ **2015-732 Bank Signature Authorizations**

Resolution 2015-732 was read by title, names of authorized signers, removal of the Recorder as a signer but retaining bank transfer authorization. There was no discussion. Resolution 2015-732 was then re-read by title. Councilor Smith made a motion in approval of Ordinance Resolution 2015-732. There was a 2nd by Councilor Taylor. All members voted Aye and the Motion carried.

✓ **2015-733 Outside City Limit water rates and reinstate 150% outside city limit charges**

Resolution 2015-733 was read by title. The PW Director inquired if this rate change included any sewer rates? Councilor Carleton responded that Sewer rates will be addressed in a separate resolution. Resolution 2015-733 was the re-read by title. Councilor Smith made a motion in approval of Ordinance Resolution 2015-733. There was a 2nd by Councilor Lesh. All members voted Aye and the Motion carried.

✓ **2015-734 Direct Appoint Darryl Anderson to the \$20K Master Plan project**

Resolution 2015-734 was read by title and the section that the City of Merrill resolves. Mel Ferguson, City Attorney, was present to discuss details of this resolution to direct appoint Darryl Anderson to the Waster Master Plan Project. Future options for a City Engineer would be:

- 1) Direct a City Engineer for each project, or
- 2) Due a one-page RFP to solicit for Engineering services. RFP would include:
 - a. Experience/skills needed for City projects
 - b. Experience with small cities
 - c. Certifications
 - d. Term of five year period
 - e. Solicit proposals from companies in this area
 - f. Look for best fit (not cheapest) for the City of Merrill
 - g. Make contact with area engineers, i.e. Anderson Engineering, ZCA, Adkins, etc.

Mel Ferguson reiterated that Oregon Attorney General rules are if <\$100K it is ok to do a direct appointment. The City Attorney recommends that the City Recorder and attorney work together on an informal process to solicit engineering services to allow for other businesses to have a chance at our City business. Resolution 2015-734 was re-read by title. Councilor Taylor made a motion in approval of Resolution 2015-734 to direct appoint Darryl Anderson to be the City Engineer for the \$20K IFA Water Master Plan project. There was a 2nd by Councilor Carleton. All members voted Aye and the Motion carried.

- ✓ **2015-735 Amend Water Rates Out-side the City limits (due to 2015-733 150%)**
Resolution 2015-735 was read by title and the paragraph relative to outside city limit customers being charged 150% of city limit rates. Discussion included the City Recorder's statement that Customers will receive advance written notification mailed with their September and October utility billing statements. The new rate will begin with the November 1, 2015 meter usage. Resolution 2015-735 was re-read in title. Councilor Smith made a motion in approval of Resolution 2015-735 to amend water rates out-side the City limits based on 150% of inside City limit rates. There was a 2nd by Councilor Taylor. 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 – to be provided at the October meeting

Payroll

The City Recorder reviewed a report detailing cost/fund breakdown for the City Attorney invoice dated August 25, 2015.

Klamath County remote computer contract \$100/monthly fee waived by Klamath County. Contract signed by Mayor, Tim Saunders. Using the remote computer access allows the Recorder's office to access property ownership details and maps via the computer. This is useful for both utility customer and for code enforcement searches.

Councilor Smith made a motion in approval of the Recorder's report. There was a 2nd by Councilor Lesh. All members voted Aye and the Motion carried.

PUBLIC WORKS:

- See PW Director's report for September 2015 attached to minutes.
- Les Schwab Inv# 23100084213 for \$884.36 for tires for the 2003 Ford 150 was discussed by the PW Director. Councilor Smith made a motion to approve the invoice in the amount of \$884.36 for tires. There was a second by Councilor Taylor. All members voted Aye and the Motion carried.
- 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.

POLICE:

Report:

- R&J Invoice # 24655 for \$2,047.48 was discussed by the Marshall. Since the repair of the 2009 Dodge Charger had been ongoing for several months and involved Lithia, R&J and Emmets all trying to diagnose the problem (thought to be the transmission or steering column), the Marshall was not in the loop as costs were accruing. The Mayor stated that he would speak to R&J about communication with invoices exceeding \$500. There was a motion by Councilor Smith to approve the remaining R&J 2009 Dodge

repair bill in the amount of \$2047.48. There was a 2nd by Councilor Lesh. All members voted Aye and the Motion carried.

- Three thefts: UPS package stolen from a resident's front porch; forged check at a local business; City of Merrill Public Works truck was stolen. All involved were arrested, crimes solved and property was returned.

LAWYER:

Legal Advisor, Mel Ferguson arrived at the Council meeting at 6:46 to discuss the renewal of the Waste Management Franchise (see comments in New Business section) and to discuss Direct Appointment of Darryl Anderson to the \$20K Master Plan project (see comments with Resolution# 2015-734). Mel Ferguson waited for Councilor Carleton to go home to get a document and bring back to the Council meeting for him. Mel Ferguson left the meeting directly following receiving the document.

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

- The August 2015 Code Enforcement Councilor Report was distributed with Councilor pre-meeting packets.
- Water Street property lines. No update was given in Stan's absence.

Marshal Bicknell discussed:

- Dangerous Building: On August 7, 2015, the Judge made the verdict to fine \$1K citation fine for non-compliance of a dangerous building located at 304 E. Second Street (Mary White). The Court is requesting a payment arrangement by Mary White.
 - Marshal Bicknell addressed the Council stating that Mary White has made no attempt to abate the dangerous building, even after being sited \$1K, and that a second citation notice should be sent to abate. If no response within 30 days, a second citation of \$1,500 will be issued. There was a motion by Councilor Taylor to approve issuing a \$1500 citation 30 days after being noticed. There was a 2nd by Councilor Lesh. All members voted Aye and the Motion carried.

PLANNING – Commissioner Carleton

- **Dollar General Design Review – Site Plan.** The Planning Commission and Anderson Engineering have reviewed the site plan. Anderson Engineering has made a few changes. The engineering costs incurred by Anderson Engineering on behalf of the Dollar General will be costs paid by Dollar General. There was a motion by Councilor Smith to approve the Site Plan for Dollar General. There was a 2nd by Councilor Lesh. All members voted Aye and the Motion carried.
- **Dollar General Land Partition (General Review option on application).** Dollar General has applied for a land partition with the City of Merrill. The property has not yet been exchanged. The City of Merrill has received a signed release in approval of the subdivision of 1.07 acres to partition. It is anticipated that a map be received

today. This is an administrative only process and does not require planning or council permission.

- Kudos from Councilor Carleton were given to City Clerk, Iliana de Leon, for compiling the Development Code and Comprehensive Plan instructional binders and for her involvement in Planning. The City Recorder stated that between July 15, 2015 and September 8, 2015 the City Clerk had logged 38.25 hours to Planning tasks.

PUBLIC COMMENT:

Martin and Regina Picke' were present during the Council meeting and were introduced as the new Wildgoose Lodge owners.

OTHER:

Councilor Carleton suggests adopting the **City Limit maps** currently in draft from Klamath County, dated 5/28/15 and 6/2/15, prepared by ~~Mark Gallagher~~. A Resolution will be put on the agenda for next council meeting. *Correction per Councilor Carleton, KC Assessor's office prepared. JR.*

ADJOURN:

The meeting was adjourned at 8:10 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,

 10/13/15

Mayor, Tim Saunders Date

 10/13/15

Oma Rowley – City Recorder Date