

CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday September12, 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, and City Recorder Cobb. Councilor Taylor was present at 7:05 p.m.

The **Flag Salute** immediately followed.

MAYOR STATEMENT:

Mayor Carlson asked that everyone present please turn cell phones on silence, and that all meetings are recorded. 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 OF THE AGENDA:

1) Minutes Approval for August 8, 2017:

A motion was made by Councilor Smith to accept the August 8, 2017 City Council minutes. There was a 2nd by Councilor Lesh. All other members stated Aye and the motion carried.

2) Ratify Phone Polls:

Councilor Smith made a motion to approve the business license for Billy Gallagher. There was a 2nd made by Councilor Carleton. All other members present voted Aye, and the motion carried.

3) Bills for Approval: N/A

STAFF REPORTS:

POLICE:

- Officer Srch reports that at this point in time they have nothing to report.

PUBLIC WORKS DEPARTMENT:

- The Public Works Director, Greg Matthews presented City Council with the Public Works report.
- Public Works Director Greg Matthew stated that Marshall Bicknell had an estimate done for the camera installation at City Hall. The cost is estimated to be \$1940.00, which is allotted in the FY 17/18 budget. Council agreed to proceed with the installation.
- Public Works Director Matthews stated that Wet-N-Wild installed a sprinkler system at the Good Duck Park, using part of the \$250,000 Grant from Jordan Cove. Public Works Director Matthews asked Council to clarify which Fund the City will be paying these bills from, as it is stipulation to the grant that the City pays the original bill, with a quick turnaround reimbursement by the grant. Council agreed take this out of the General Fund.
- Public Works Director Matthews stated that he will be attending a meeting in Salem on October 6, 2017 for the Water Improvement Project on October 6 2017. Public Works Director Matthews extended an invitation to Council to attend, either in person or via tele-conference.
- 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.

RECORDER:

City Recorder Meagan Cobb presented the August report:

Accounts Receivable

Bank Balances

ACH Detail

Payroll

A motion was made by Councilor Smith to accept City Recorder Cobb's August 2017 report. There was a 2nd by Councilor Carleton. All other member voted Aye and the Motion carried.

City Recorder Cobb also discussed the following:

- The City Recorder stated that she still has not been able to contact Romig & Associates regarding the certified letter from the Oregon Secretary of State regarding a past due audit. City Recorder Cobb stated that she will continue to attempt to reach Romig and Associates and will have an answer for Council at the October meeting. City Recorder Cobb will also contact Romig & Associates regarding an extension on the FY 17/18 audit, which is due at the end of December.
- City Recorder Cobb asked for clarification on paying the City Attorney bill for time charged pertaining to the Merrill Solar Project. Council agreed to pay the bill from City Funds, with a re-imbusement by ET Capital.

LAWYER:

Not requested to attend.

CODE ENFORCEMENT: STAN HINTON

- Code Enforcement Officer Hinton reported that in the month of August he sent out fourteen written notices for abatement violations. The complaints varied from obnoxious weeds to junk debris and abandoned cars. Half of the violations have been resolved at this time.
- Code Enforcement Officer Hinton reported on the mosquito abatement. Officer Hinton stated that the City of Malin has a fogger and that it has been discussed if the Merrill Police Department and Code Enforcement should approach the City of Malin with the proposition to rent it. Councilor Smith asked about cost of purchasing one and Public Works Director Matthews said he would get some cost estimates and come back at a future Council meeting with a proposal.
- Code Enforcement Officer Hinton reported he spoke with representatives from Klamath County regarding the issue of changing Water Street back into a public road way. Code Enforcement Officer Hinton stated that the County recommended that the City of Merrill take down the City street sign, as this has been private property since 1962.
- Code Enforcement Officer Hinton reported that Wells Fargo sent a letter stating that they are not responsible for the abandoned house on 212 Monroe. Wells Fargo gave Officer Hinton four different companies to contact and none of the companies have claimed ownership of the property. Officer Hinton stated the City could turn it over to the Attorney General for the State of Oregon, with the other option being to start a lien process on the property. Council agreed to map out a plan and revisit this at the October Council meeting.

- Code Enforcement Officer Hinton reported that he has temporarily turned Code Enforcement over to Officer Scrh for the duration of the winter, as he will be out of town.

PLANNING:

- 1) Councilor Carleton reported that Les Schwab has sent in the Land Partion for the two pieces of property and they have been signed and turned into the County. The next step for Les Schwab is the deed and landscape plan and to map out road underneath the power lines. Les Schwab reported to Councilor Carelton that they have mailed payment for the Land Use Compatibility.

OLD BUSINESS:

- **Project Merrill Update:**

Katie Jameson reported that Project Merrill has accomplished a variety of different projects in the City of Merrill; including the Good Duck Park, downtown hanging baskets, and the 2017 Klamath Basis Potato Festival Clean Up Day on October 12, 2017. Project Merrill has partnered with other local communities to build the website, RuralKlamathConnect.org. Katie Jameson reported that Project Merrill received Grant from the Ford Family Foundation to do some branding and promoting of the small communities in the area. Travel Oregon is scheduled to hold a series of workshops over the next few months.

- **Waste Management Update:**

Ben Harrington, the District Manager for the Klamath Falls division of Waste Management, approached Council and asked if he could clear up any questions about the proposed rate increase for services in the City of Merrill. Mayor Carlson asked Ben Harrington to clarify the rate increase. Ben Harrington reported that Waste Management is basing the new rate on the aggregated base rate plus four percent, based on the City averages for Water/Sewer/Garbage rates. Mayor Carlson stated that he was not prepared to make a decision at this time and would like to meet with Waste Management in the next month, and the rate increase will be discussed further at the October, 2017 Council meeting.

- **Consider a Proposal for Internet Service:**

Mayor Carlson reported that he met with both Hunter Communications and FireServe, LLC in regards to potentially partnering with the City regarding abandoning the cable plant associated with the former communications provider, Almega Cable. Mayor Carlson discussed the issue with the Public Utilities Commission, and would like to ask the two service providers if they would like to provide the Council with any more input beyond what has been previously presented.

1. **Hunter Communications:** Mayor Carlson stated that a representative was not present to address Council.
 2. **FireServeLLC:** Fire Serve LLC representative Lee Matcchett reported that FireServe LLC has nothing further to present at this time.
- **21K Transportation Grant – Jordan Cove and Pacific Connector:**
Michael Heniks from Jordan Cove reported several new grants are available for small city projects, some of them up to \$5000.00. Applications will be due by November 1, 2017, and available on line. Jordan Cove is getting ready to file the new applications for the pipeline project. This will give them a new docket number, and the ground breaking should happen in 2019. This project is for a natural gas pipeline that runs from Malin to Coos Bay. Pacific Connector will build in the tap for the pipeline to provide for further growth in this region at no charge to the cities. Michael Heniks introduced Steve Vincent from Vista Utilities to continue the discussion.

Steve Vincent with Vista Utilities reported that in order for Vista to spend the money to build a natural gas distribution system 8,000 feet downhill from where the current pipeline runs, Vista would need to justify the cost with a survey of the amount of customers in Merrill willing to convert their homes to natural gas. Steve Vincent stated that the tap offered by Pacific Connector free of charge is a significant asset to the City. Steve Vincent stated that he will return to Council at a later date with a formal proposal. Mayor Carlson extended an invitation to Vista Utilities to let Council know if there is anything the City can do in partnering with the company to help justify the expansion of the gas line into the City of Merrill.

NEW BUSINESS:

- **Presentation by ET Capital, Inc:**
Rick Nowicki, Senior Construction Manager for ET Capital, reported that the Merrill Solar Project is currently under construction. Rick Nowicki stated that ET Capital has an innovation plan in which they will be submitting the first of the week. Rick Nowicki reported that the AC feeders have been installed, the fence should be finished by the end of the week and within two weeks the DC feeders will be going in the ground, along with the modules arriving from China.

- **Report on Stop Work Order – Merrill Solar Project:**

Mayor Carlson reported July, 2017 there was a Stop Work Order placed on the Merrill Solar Project due to the Conditions of Approval not being met by ET Capital. Mayor Carlson met with ET Capital and Councilor Carleton and they were able to bring the concerns down to three. The three issues that were brought up were the Merrill Fire Department being able to view the plans for the road lay-out, inspection fees and the issue of the De-Commissioning Bond. The City of Merrill has given ET Capital until September 22, 2017 to address these issues.

Mayor Carlson asked Council for an agreement on inspection fees. Mayor Carlson asked Council to approve inspection fees of Legal Review fees, Engineering Review fees plus ten percent. Councilor Carleton reported that the current General Application states that all consultant fees will be paid by the applicant. Mayor Carlson asked ET Capital to turn in plans for any modifications in the Landscape Proposal as soon as possible, as any modification in the original plans will have to go before the Planning Commission and have a hearing and comment period.

- **Report on Stabilizing Office Staff:**

Mayor Carlson reported that the former City Recorder, Oma Rowley had resigned and that City Recorder Meagan Cobb had been filling in as both City Clerk and City Recorder during the time that Council was working on applications to fill the vacant City Clerk position. Mayor Carlson attempted to retain former City Recorder Oma Rowley's services as a consultant, but was unsuccessful. Mayor Carlson authorized City Recorder Cobb to work up to five hours of overtime per week while the City Clerk position was vacant. City Recorder Cobb worked under 10 hours of overtime during that period.

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

Mayor Carlson stated that he has had meetings with both potential internet providers. Fire Serve LLC has a very detailed plan and Hunter Communication has a less detailed plan. Fire Service LLC., offered to provide service to the City of Merrill with eight phone lines and 100GB of internet service free of charge. This will which will eliminate about \$600.00 a month for internet and phone service for City Hall. Fire Serve has asked the city to waive the franchise fees in order to provide this service and keep customer costs at under \$100 per month. This will be a five year agreement. Mayor Carlson would like to issue a resolution which would authorize Mayor Carlson to enter into an agreement with Fire Serve LLC in accordance to the frame work they have provided in their submittals. FireServe LLC has expressed interest in starting work as soon as possible. Mayor Carlson asked to be allowed to draw up the process changes and to execute the agreement.

Councilor Smith made a motion that will allow Mayor Carlson to make the final changes on the franchise agreement and move forward with it. The motion was 2nd by Councilor Taylor. All other members voted Aye and the motion carried.

Fire Serve LCC consultant Joe Spendolini asked if there was anything available on the previous cable company agreement, regarding the use of the cable plant and the shed by the water tower. Mayor Carlson explained that there were steps and meeting he had to go through with Klamath County for the abandonment the cable plant, as the County has a claim to the cable plant as well, due to back taxes. Joe Spendolini reported that the FireServe LLC will need permission for use of a portion of the storage building by the tower in order to provide the services outlined in the presentation. Councilor Carleton made a motion to amend to the motion to state that the City approves a franchise and license agreement with Fire Serve LLC. This would include the use of part of the storage shed by the water tower that is currently used by Public Works. The amend motion was seconded by Councilor Smith. All other members voted Aye and the amended motion carried.

- **Report on Proposal to seek Legal Services:**

Mayor Carlson reported that City is looking at options to hire a new City Attorney. The City has done some preliminary work with an attorney from Klamath Falls named Mika Blain with positive feedback. Mayor Carlson anticipates Mika Blain, Attorney at Law, will respond to the RFP for Legal Services that will be posted shortly. Mayor Carlson will contact the current City Attorney, Mel Ferguson as a courtesy.

- **Mayor Plan to Solicit Public Feedback:**

Mayor Carlson reported that as the new Mayor he feels he has an obligation to reach out to the community and offer to hear concerns and input. Mayor Carlson will be at City Hall on a Saturday in the month of September from 10 a.m. to 2:00 p.m. as an effort to reach out to the Citizens of Merrill and get their input on City projects.

- **Water Rate Increase Update:**

Mayor Carlson reported that nothing will be done with implementing the water rate increase until after the meeting with Business Oregon on October 6, 2017. The City will be waiting for the final improvement of the Water Improvement project from the State of Oregon before implementing

- **Personnel Records:**

Mayor Carlson report that currently employee records are stored off site and are incurring attorney fees for filing costs. The City of Merrill would like to bring the records back to the office at City Hall to eliminate this charge. Councilor Smith asked City Recorder to research the cost of a small, fireproof safe to store employee records in, and present her findings at the October, 2017 Council meeting. If this decision is reached by Council, Mayor Carlson and Councilor Smith will be the only two with keys to retain the integrity of employee records.

- **Banking Transactions**

Mayor Carlson asked Council for a motion to authorize City Recorder Meagan Cobb to have access to bank accounts and some banking transactions. This is an account authorization request and it does not give authorization to sign checks. Councilor Smith made a motion to give City Recorder Meagan Cobb an account authorization form. The motion was seconded by Councilor Lesh. All other members voted Aye and the motion carried.

- **Mayor Authorization to Sign Checks:**

A motion was made to give authorization to Mayor Carlson to sign checks. The motion was seconded by Councilor Smith. All other members voted Aye and the motion carried.

ACTION ITEMS/ GENERAL BUSINESS

- **ORDINANCES:**

There were no ordinances proposed

- **RESOLUTIONS:**

Mayor Carlson reported would like to propose resolution to authorize Mayor Carlson to process a condemnation action on the former Almega cable plant, also for Mayor Carlson to execute a franchise agreement with Fire Serve LLC and Mayor Carlson has authorization to work with applicants to execute these agreements.

Adjourn:

- The meeting was adjourned at 7:47 p.m. in a motion by Councilor Smith and seconded by Councilor Carleton. All members present voted aye and the motion carried

Respectfully Submitted,

Mayor, Bill Carlson

Date

Meagan Cobb – City Recorder

Date