

**CITY OF MERRILL**  
**REGULAR BUSINESS MEETING**  
Tuesday April 10, 2018

**MEETING CALLES TO ORDER:**

The meeting was called to order at 5:30 p.m. by Mayor Carlson.

**ROLL CALL:**

Roll call was taken with the following members of Council and others being present: Councilor Smith (absent), Councilor Lesh, Councilor Carleton, Councilor Taylor (absent), Mayor Carlson, City Recorder Hernandez. Representing the Planning Commission was Martin Hicks.

The **Flag Salute** immediately followed with Mayor Carlson asking Councilor Carleton to lead it.

**MAYOR STATEMENT:**

Mayor Carlson asked that everyone please turn cell phones on silence. All meetings are recorded and when addressing the council, please speak clearly and state your name.

**PUBLIC COMMENT:**

Mayor Carlson stated the public is invited to provide their comments and opinions to the City Council at this time on issues of concern. Non-emergency issues brought up in this form will not be considered tonight other than in this preliminary discussion, but if found warranted, may be considered at a future meeting of the city council. Public comment is limited to five minutes per person.

No public comments followed.

**CONSENT AGENDA:**

- **Meeting Minutes:**
  1. Councilor Carleton made a motion to approve the meeting minutes for March 13, 2018, City Council Minutes. Councilor Lesh 2<sup>nd</sup> the motion. The motion passed 2-0 in favor.
- **Business License:**
  2. Councilor Carleton made a motion to approve the March Business License list to include Szemenyei rental renewal and K&K Espresso Deli renewal. Councilor Lesh 2<sup>nd</sup> the motion. The motion passed 2-0 in favor.
- **Accounts Payable:**
  3. Councilor Carleton made a motion to approve the March Accounts Payables after questioning MERP, lawyer fees, DMV fees, and Ferguson billing. Councilor Lesh 2<sup>nd</sup> the motion. The motion passed 2-0 in favor.

**STAFF REPORTS:**

- **Police:**
  - City Marshall Bicknell reported on a couple arrests and an individual who plead to a three year sentence involving a weapon this summer. Keith will be attending a 40 hour course in Klamath Falls pertaining to Crisis Intervention, which will be free.
- **Public Works:**
  - Public Works Director Matthews reported on multiple tasks performed. Highlighted was the need for a new 5 ft. tractor mower costing under 2000.00 and a 2400.00 bid on gutters for City Hall. Mayor Carlson suggested budgeting the gutters for the 18-19 fiscal year.
  - Public Works Director Matthews highlighted on Utility Worker Taylor tasks.
  - Darryl and Public Works Director Matthews opened the Water Project bid at 2:00 p.m. on April 10, 2018. There was one bid for \$691,841.00 by Yellow Jacket from Portland but based in Arizona. The bid entails decommissioning the old well and drilling a new well within 30 days after closing working 24 hours per day (1054-1058 ft. @ 900 ft. encased-using old pumps). There is a contingency of \$234,000.00, which can be put towards the bid. Councilor Lesh asked when the deadline was for the bid. Public Works Director Matthews stated April 10, 2018 @ 2:00 p.m. Companies contacted by Darryl could not be bonded for the construction amount, did not want a

government contract, or had other projects conflicting with the Water Project. Other materials needed with be a separate bid (example: tanks, etc.). Councilor Carleton made a motion to reward Yellow Jacket the contract for the well drilling. Councilor Lesh 2<sup>nd</sup> the motion. The motion passed 2-0 in favor.

- Councilor Carleton stated he has been in contact with Oregon Water Resources for a grant to upgrade the water lateral lines.
- **City Recorder:**
  - City Recorder Hernandez stated a Budget Officer needed to be officially voted in. Councilor Lesh made a motion to vote City Recorder Hernandez in as Budget Officer. Councilor Carleton 2<sup>nd</sup> the motion. The motion passed 2-0 in favor.
  - Budget Citizens Committee needed to be appointed as listed: Lee Harris, Teresa Perry, Bill Howard, Jesus Fernandez, and a vacant appointment to be filled. Councilor Carleton made a motion to appoint those named as the Budget Committee for the 18-19 fiscal year. Councilor Lesh 2<sup>nd</sup> the motion. The motion passed 2-0 in favor.
  - City Recorder Hernandez listed items still outstanding from last council meeting and listed resolved issues: Ameritrade, Umpqua Banking, Taxes, City Recorder Hernandez' bond, and OSHA Safety Training. Items to be reviewed for April 10, 2018 Council meeting entailed reviewing New Public Records Law excel spreadsheet and Water/Sewer reserve monthly water billing transfer.
  - Tulelake Fairgrounds called asking for firework donations. Councilor Lesh made a motion to donate 400.00 toward fireworks. Councilor Carleton 2<sup>nd</sup> the motion. The motion passed 2-0 in favor.
- **Lawyer:**
  - Not requested to attend.
  - Mayor Carlson consulted regarding Arlene Morris. Mayor Carlson will meet with Arlene Morris on April 11, 2018 to discuss options.
- **Code Enforcement:**
  - City Marshall Bicknell reported Hinton reported on issuing 3 notices (two on Water Street). There have been no results but a few inquiries on junk vehicles. The other was issued a week ago involving overgrown weeds in an alleyway.
- **Planning:**
  - Martin Hicks stated the Planning Commission had no new business other than ajenized for the Council Meeting.
  - Councilor Carleton proposed possibly attending a training in Central Point held in May. The cost is 95.00 per person for a two day training.
  - Planning Commission discussed the procedures Lone Star BBQ & Drive Thru needs to complete to become a new business. The business would need issuance of a Structural Permit by Klamath County for a permanent structure, and an application filed with a site plan (setbacks, entrances, exits, size of structure, etc.) presented to the Planning Commission.

### **Project Merrill:**

- Lee Harris invited Betty Tyree and Tina Young as the face of City of Bonanza. Lee Harris stressed the success of projects through the support of the City Council, community involvement, tourism, etc.
- Lee Harris introduced Mayor Betty Tyree and Tina Young to see the faces of Merrill City Council. Tyree and Young will be travelling to other communities to increase visibility, increase the support of the five communities through the learning of practices and vice versa (events, projects, etc.). Mayor Carlson welcomed Tyree and Young.
- Public Works Director Matthews informed the Council the check for the Bluegrass Festival arrived; however, the check was 6000.00 instead of the requested 7000.00 by Oregon Community Foundation. Public Works Director Matthews and City Marshal Bicknell will work with the given funds. There are unresolved questions as to how the money is to be repaid and research will be needed. Ajenized.
- John Fitzroy from Fish and Wildlife and Public Works Director Matthews has invited the Lost River Junior Senior High School FFA and Tom Taylor as a Booster of Lost River Junior Senior High School and the Lost River Baseball Team to ingrain community involvement and

informational knowledge bestowed by John Fitzroy. The City of Merrill may provide lunch to those helping with the physical labor of planting trees, laying sod, and so forth. Superior Fencing is going to build a wooden fence across the front of the park. 7000.00-8000.00 dollars' worth of shrubbery have been allotted for the park and the signage is finished ready to install.

- o Public Works Director Matthews thanked sponsors for the Bluegrass Festival and Project Merrill.
- o Lee Harris invited Mayor Carlson to a tour of City of Merrill scheduled for Thursday April 12, 2018 at 8:30 a.m. A representative from the Ford Foundation and another guest will be present to see the progress made from grants and donations.

#### NEW BUSINESS:

- **Consider Presentation by Oregon Economic Development on Economic Zones:** Mayor Carlson introduced a guest of the city, Betty Riley with the Economic Development District of Southern Oregon (Special District of Klamath and Lake County). The Enterprise Zone is a tax abatement offered to new or expanding businesses. It is an abatement to improvements on property. It does not affect the existing tax basis, but would allow for businesses investing 50,000.00 plus and creating at least a 10% increase in employment in an area to qualify for no tax on personal property or investment. The Enterprise Zone has been in existence for 20 years, but the existing zone only has a 10 year authorization and is requesting a re-designation. A map was present featuring designations. The Enterprise Zone does have restrictions: businesses for traded sectors and income coming from an outside source are permitted; no retail businesses. By right, the business meeting qualifications and submits an application prior to any construction could qualify for three years. The sponsors could add an extended benefit of two years as requested. Businesses would have to pay wages at 150% and have a level of investment. There is the potential for a community service fee to be charged with extension. Riley went on to explain the boundaries of Klamath County. Riley asked the City Council Members to pass a resolution acknowledging the Economic Zone, not as sponsors, but consenting to the Enterprise Zone Benefit in this community. Discussion followed involving more acreage, qualifications, property tax and impacts on districts (fire, park, cemetery, ESD, education, and schools), eligibility, and property values. Once the Enterprise zone has been adopted with mapping approved by the state, the Enterprise Zone Manager and Assessor has the authority to approve business applications. Martin Hicks asked if the Enterprise Zone would be forced upon an existing business. Existing businesses have to follow application processes. Riley explained the zone was not off setting anything. Councilor Carleton voiced his concern with decisions from past ventures. The deadline is June 30, 2018 to be included in the application submitted to the State of Oregon. Update parcels. Tabled.

Adjourn Joint Session (cancelled).

Call to Order Meeting of the Merrill Planning Commission:

- **Consider the proposal to include all parcels greater than one acre in size within the existing Urban Growth Boundary within the enlarged Oregon Enterprise Zone:**
- **Provide Recommendation to City Council:**
- **Discuss Commercial Property zoning and standards:**

Adjourn Planning Commission Meeting: Did not convene as a quorum/cancelled.

Call to Order Regular Session of the Merrill City Council (which was never adjourned).

- **Consider the recommendation of the Merrill Planning Commission regarding expanding the footprint of the Oregon Enterprise Zone within the Urban Growth Boundary:** Tabled.
- **Report on Senator Merkley Meeting:** The meeting was 20 minutes. Mayor Carlson put forth a proposal to provide security services for critical infrastructure. Councilor Smith, City Marshal Bicknell, Malin City Marshal Broussard, and other person representing utilities were also present at the meeting. Presented were real security concerns, provided options for local law enforcement to back up major infrastructure. Next action item is for Mayor Carlson to make a presentation to Senator Merkley whom will therefore pass the presentation onto Homeland Security. It may provide an augment for local enforcement budget.
- **Consider Proposal from Vector Control Vendor:** Mayor Carlson reviewed the proposal and it was in accordance with the presentation. Councilor Carleton made a motion to approve Vector Control. Councilor Lesh 2<sup>nd</sup> the motion. The motion passed 2-0 in favor. The vendor asked about questions. In response, the

vendor stated the company would begin services at the end of April but has already scouted for possible high breeding areas. The vendor will have an open house on April 26, 2018. Contract will be executed April 11, 2018.

- **Review Draft County-City Development Agreement:** Prevents the creation of a utility district not within the City of Merrill. Tabled.
- **Report from Councilor Taylor on Quorums:** Councilor Taylor was absent. Tabled.
- **Consider Directing Planning Commission to Develop Plan for Merrill Commercial:** Defined as the 5-6 acres at the Solar Site. Land may be sold raw, developed, or with approvals in place with entitlements. Money may be used as rebates. Councilor Lesh expressed the plan as an excellent idea. Planning Commission will review with suggestions.
- **Proposal for Waiving Water-Sewer Fees for City Council Members:** Tabled.

#### **OLD BUSINESS:**

- **Cable Plant Condemnation Effort Status:** Notices were posted throughout February and March. Locally posted and in *Herald and News* newspaper, website, and direct notices regarding the city's intention to condemn for lack of payment of franchise fees. Cable Plant is defined as cable television infrastructure within the city limits and logical extensions thereof outside of city limits. Solicited entities who may lay claim to ownership. Cable Plant Assessment Team comprised of Mayor Carlson, Attorney Mika Blain, and Councilor Carleton. No comments.
- **Cable Plant Custodian RFP Status:** Notices were posted throughout February and March. Locally posted and in *Herald and News* newspaper, website, and direct notices. The Cable Plant Custodian, does create liability for the city, would be the responsible party to fix problems. In exchange, they would gain exclusive business use of the Cable Plant. Both closing dates are for April 12, 2018 (Thursday). No comments.

#### **ORDINANCES:**

- **Second Reading-Residential Zoning Classifications:** Planning Chairman Hicks recommended the Zoning Classification with unanimous support. Councilor Smith held reservations at March meeting. Councilor Carleton made a motion to accept Ordinance 2018-155-A Commission effective in 30 days. Councilor Lesh 2<sup>nd</sup> the motion. The motion passed 2-0 in favor. Planning Chairman Hicks asked for copies to be delivered to the Planning Commission within the week.
- **Second Reading-Revise Manufactured Housing Code:** Councilor Carleton made a motion to accept Ordinance 153-01-A as modified by the Planning Commission effective in 30 days. Councilor Lesh 2<sup>nd</sup> the motion. The motion passed 2-0 in favor. Planning Chairman Hicks asked for copies to be delivered to the Planning Commission within the week.
- **First Reading-Economic Zones:** Postponed
- **First Reading-County-City Development Agreement-Formally Adopt:** Tabled
- **First Reading-Chapter 29 Merrill Clean Air Ordinance:** City Marshal Bicknell read ordinance with alterations made during meeting. Councilor Carleton made a motion to accept the first reading of Chapter 29 Merrill Clean Air Ordinance with modifications made. Councilor Lesh 2<sup>nd</sup> the motion. The motion passed 2-0 in favor.

#### **RESOLUTIONS:**

- None proposed

#### **FUTURE AGENDAS:**

- Inviting the residents of Court Drive to attend Council Meeting.
- Management of Semi-Truck Parking.
- Non-conforming use hearing on Morris Property.

#### **PUBLIC COMMENT:**

The public is invited to provide their comment and opinion to the City Council at this time on issues of their concern. Non-emergency issues brought up in this forum will not be considered tonight other than in this preliminary discussion, but if found to be warranted, may be considered at a future meeting of the City Council. Public comment is limited to 5 minutes per person.

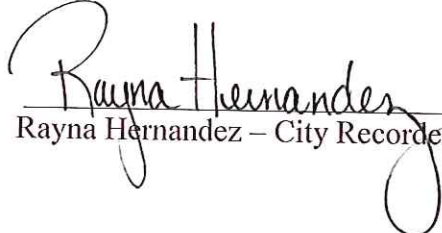
**ADJOURN MEETING:**

- Councilor Carleton made a motion to adjourn. Councilor Lesh 2<sup>nd</sup> the motion. With all in favor, the meeting adjourned at 7:05 p.m.

Respectfully Submitted,

  
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Bill Carlson - Mayor

15 JUN 18  
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Date

  
\_\_\_\_\_  
Rayna Hernandez - City Recorder

6/15/18  
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Date