

CITY OF MERRILL
REGULAR BUSINESS MEETING
Tuesday May 8, 2018

MEETING CALLED TO ORDER:

The meeting was called to order at 6:00 p.m. by Mayor Carlson.

ROLL CALL:

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

Flag Salute:

The Flag Salute immediately followed with Mayor Carlson asking Councilor Taylor 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 Smith made a motion to approve the meeting minutes for April 10, 2018, City Council Minutes with one amendment. Smith was listed under Consent Agenda; Accounts Payables; Number 3 as seconding the motion. Councilor Smith was absent and the name needed to be corrected with Councilor Lesh. Councilor Taylor 2nd the motion. The motion passed 3-0 in favor.
- **Business License:**
 2. Councilor Smith made a motion to approve the April Business License list to include Fairhaven Church of God Weekend Permit 5/12/18-5/13/18 (5.00) and Hernandez Lawn Mowing Renewal. Councilor Taylor 2nd the motion. The motion passed 3-0 in favor.
- **Accounts Payable:**
 3. Councilor Smith made a motion to approve the April Accounts Payables after questions regarding the *Herald and News* invoice. Councilor Taylor 2nd the motion. The motion passed 3-0 in favor.

STAFF REPORTS:

- **Police:**
 - City Marshall Bicknell reported on half a dozen arrests, maybe more. One arrest, the investigation had been ongoing for three years and brought to a conclusion. BINET (Basin Interagency Narcotics Eradication Team) has been instrumental in communications and cooperation. The City of Merrill and outer agencies have been targeting methamphetamines. The city has started to see the disruption emerge in the form of dissolving networks. Marshal Bicknell thanked Klamath County Sheriff's Office and the City of Malin. Steve Johnson with safety and security worked along with Marshal Bicknell to refine some situations resulting from an incident in Merrill. Keith attended a 40 hour course in Klamath Falls pertaining to Crisis Intervention. He is a first responder with mental health and personal crisis.
 - Councilor Taylor asked about heroin as an issue. Marshal Bicknell reported he is on the subcommittee with local area public safety coordinator and Klamath County has a high opioid

prescription problem. At last count, pharmacies are prescribing 7,000 opioid prescriptions in a population of 65,000. Exclude certain age groups, and 12%-15% of the population have opioid prescriptions. With proactive measures, working with physicians, etc., and the prescriptions are no longer prescribed, heroin makes its appearance. Those addicted look for other means.

- Councilor Taylor asked about the influx of transient residents with the lack of employment. Those are societal issues. Klamath Housing Authority manages the 13 apartments on 3rd Street, which use to be managed by the USDA. The apartments have a high turnover. They have federal regulations to follow (no simple landlord/tenant eviction).
- **Public Works:**
 - Public Works Director Matthews reported on multiple tasks performed. The well level is at 66 at 150 ft. Public Works Director is not concerned about the town running out of water but want to be proactive and watch the water levels closely.
 - Public Works Director Matthews highlighted a water break on N. Garfield and did not have the proper supplies. Matthews asked for a motion to replenish clamp supplies for \$1289.68. Council Taylor made a motion to approve the \$1289.68 to provide water pipe repairs of various sizes. Councilor Lesh 2nd the motion. The motion passed 3-0 in favor.
 - Purchased a new "Chopper" for mowing/weeding.
 - John Fitzroy has been bringing plants from Redmond for the Good Duck Park.
 - Public Works Director Matthews contacted ODOT about extending the sidewalk project in Polk Street, but there has been no response from Darryl Newton.
- **City Recorder:**
 - The 16/17 audit has been e-mail to Romig & Associates, PC. City Recorder Hernandez passed necessary contracts to be signed and submitted for final approval. The 16/17 audit completion is for June 30, 2018 and the 17/18 audit completion is scheduled for December 31, 2018.
 - Budget Packets were provided for the City Council Members. The budget was submitted to the *Herald and News* for publication (printed in Sunday's edition).
 - Budget Citizen Committee needed to be appointed as listed: Regina Picke'. Councilor Smith made a motion to appoint Regina Picke' as the Budget Committee for the 18-19 fiscal year. Councilor Taylor 2nd the motion. The motion passed 3-0 in favor.
 - Bills are current and issues needing attention have been resolved.
- **Lawyer:**
 - Not requested to attend.
 - Mika Blain has been employed as the County Attorney and will be closing her office. Mika Blain referred 4 attorneys. Mayor Carlson was able to make contact with 3 of the 4. Mayor Carlson's intention is to hire an attorney on an interim basis as the RFP process is ongoing with the City Council approval.
- **Code Enforcement:**
 - City Marshal Bicknell reported Stan Hinton has given an indefinite leave of absence. City Marshal Bicknell asked the Council to approve a gift card to recognize Stan Hinton for his years of volunteer work to the City of Merrill. Councilor Smith made a motion to approve a \$75.00 gift card for Stan Hinton. Councilor Lesh 2nd the motion. The motion passed 3-0 in favor.
 - Brandi Shilling has performed 372 volunteer hours to date for Code Enforcement. Brandi Shilling has transitioned to Stan Hinton's position.
 - Brandi Shilling reported on 8 compliances and 6 open cases. One case past compliance deadlines and Brandi Shilling asked the City Councilors for authorization on issuing a \$1000.00 citation (case no. 1800). Councilor Taylor made a motion to support Brandi Shilling in the abatement and approve issue a \$1000.00 citation. Councilor Lesh 2nd the motion. The motion passed 3-0 in favor.
 - Brandi Shilling and Marshal Bicknell would like to issue an RFP at a future date for lawn care. Code Enforcement's goal is to start a process and system for liens through record keeping and expenditures. Councilor Smith inquired whether the liens were considered in the budget. Marshal Bicknell stated yes.
- **Planning:**
 - None

Project Merrill:

- Public Works Director Matthews viewed the 24 baskets grown for Project Merrill at Farm Country Nursery on Anderson Road. Matthews stated they are beautiful.
- The Bluegrass Festival has 6 bands set to perform. Klamath County Commissioners has approved a \$2500.00 grant to be spent on outside city limits advertisements/publications. Public Works Director Matthews has been coordinating with Jennifer McKoen, owner of County Cork Collectibles. Councilor Lesh inquired about brochures to be given to the public. Matthews stated that posters have been created and Matthews will deliver advertisements to Councilor Lesh. Matthews thanked sponsors and local businesses for their support.
- Umpqua Bank would like to give away ice cream during the Bluegrass Festival instead of the Potato Festival. Friday will have performances, and Saturday will have performances all day, FBLA/Pancake Breakfast, Lori Ross/Pie and Ice cream for Shakespeare Festival Fundraiser, and Tulelake FFA/Tri-Tip to name a few clubs and events per Matthews.

NEW BUSINESS:

- **Consider Oregon Economic Zone Endorsement:** Mayor Carlson introduced Betty Riley with the Economic Development District of Southern Oregon (Special District of Klamath and Lake County) and Larry Holzgang representing South Central Oregon Economic Development and the State of Oregon. The status of the Enterprise Zone is the city has provided a list of parcels one acre or larger. The proposal is to allow the parcels as an overlay as an incentive for incoming business to be exempt from taxes for 3-5 years if qualifications are met.
- The Enterprise Zone is a tax abatement offered to new or expanding businesses in the traded sector. Retail businesses do not qualify. Examples of businesses in the area who have qualified: Freemont Sawmill, C & C Machines, Panel Processing of Oregon, and Cascade Potato in Malin. 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. By right, the business meeting qualifications and submits an application prior to any construction could qualify for three years. Businesses would have to pay wages at 150% and have a level of investment. 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. There is property and/or business overlapping with possible qualifications for tax abatement. The deadline is June 30, 2018 to be included in the application submitted to the State of Oregon. Mayor Carlson met with the Planning Committee and reported there was unanimous support. Tabled due to incorrect resolution is folder for City Council.
- **Announce Policy for Public Safety Work on Private Property:** A tree on Front Street was obstructing the view of a School Zone Warning sign. An employee went onto private property to trim the tree, which had city approval. However, due to lack of communication and notification to landowner, it has created controversy. Mayor Carlson proposed to enforce the new personnel policy for emergency and non-emergency work on private property.
- **Endorse Legal RFP:** Mika Blain has been employed as the County Attorney and will be closing her office and the city needs to take possession of files by May 22, 2018. Mika Blain referred 4 attorneys. Mayor Carlson was able to make contact with 3 of the 4. Mayor Carlson's intention is to hire an attorney on an interim basis as the RFP process is ongoing with the City Council approval. An RFP has been published in the *Herald and News*.
- **Consider Standing Down Office Transition Team:** Due to the stability of the City Recorder's Office, the City Council proposed to appoint Councilor Taylor to head the City Recorder's Office and Councilor Lesh as Police Commissioner. So Appointed.
- **Define a City Council Quorum:** A City Council Quorum for The City of Merrill is defined by three voting Council Members. When only two of four Council Members are present, the Mayor is a voting member. The Mayor may be a deciding vote for breaking ties when four Council Members are present.
- **Consider Waiving Utility Fees for City Council Members:** Mayor Carlson reiterated Councilor Carleton's proposal (Councilor Carleton absent) for waiving Utility Fees for active City Council Members. Councilor Smith acknowledged the multiple volunteers hours in a four year term by City Council, but Councilor Smith wanted to hear comments from citizen's in audience:
 - ❖ **Martin Picke':** Martin Picke' thought it was not a bad idea, but as a business owner, Picke' is sensitive when it comes to taxes. He already pays income tax, Corporate Tax, and Tax to Klamath

County. Also, if Regina were to ever run for council, how would it be fair to the residents to pay for a business' water when business and personal are on one meter?

- ❖ **Marshal Bicknell:** As a resident, he would be in favor of active members receiving free water and sewer, but not for a lifetime. There is a limited population and not many people want to take the responsibility of council. As for a business, Bicknell proposed an individual discount on a business water bill. Klamath Falls Council Members receive health insurance.
- ❖ **An attendee confirmed Klamath Falls Council Members** receive health insurance to present day.
- ❖ **Public Works Director Matthews:** As a resident, Matthew's was in favor of Council Members receiving free water and sewer during the four year term as an incentive for other residents to run for Council. As a past Council Member, Matthews stated how being a Council Member is a thankless job and a small incentive for the many hours volunteered.

Councilor Smith stated the free water and sewer would be a loss of income for the city and would not be imposed as a tax to the residents due to budgeting structure. Councilor Smith suggested researching other cities and benefits granted to Council Members in their jurisdictions for comparison. This gives other citizens the opportunity to give public comment. Tabled.

- **ET Capital Easement Agreement and Plans:** Solar developer who sold out to North Carolina and are requesting a Landscape Easement to maintain the landscape for the lifetime of the project around the perimeter of the Solar Plant. The Solar Plant submitted an application and provided a legal description, which was submitted to Darryl Anderson for approval. The engineer approved the project. Councilor Smith inquired about the insert stating the easement would be null and void if property were to be sold. Tabled.
- **Consider Truck Parking on Front and Main Streets:** Oregon Department of Transportation (ODOT) controls main thoroughfares, and the City of Merrill does not have jurisdictions to regulate parking on thoroughfares controlled by ODOT. Front Street and Main Street are zoned the same. Truckers have to obey Federal and State Laws. There is no off pavement parking, which is the only enforceable act.

OLD BUSINESS:

- **Cable Plant Condemnation Effort Status:** On April 12th, one ownership claim to the Merrill Cable Plant was received from Hunter Communications. The ownership claim was based upon an agreement between Hunter Communications and PacifiCorp which included a maintenance obligation. In response, the City requested to review a copy of the agreement and for Hunter Communications to provide state rules it had alluded to in its ownership claim that would complicate the City's effort to potentially condemn the plant. Hunter responded to the City's information request by submitting an agreement that was signed by neither party. Hunter also declined to provide any specifics on the state rules it had alluded to. The Cable Plant Committee consists of Councilor Carleton, Mayor Carlson, Marshal Bicknell, and City Attorney Mika Blain. Attorney Blain's practice is closing as she transitions to a County Attorney position. Mayor Carlson intends to hire an interim attorney to take her place as the formal attorney request for proposal process proceeds.
- **Cable Plant Custodian RFP Status:** The City of Merrill received one proposal for the Cable Plant Custodian from Fire Serve, LLC. Mayor Carlson stated it was a strong proposal for the Cable Plant Committee to review. In Mayor Carlson's opinion, with Fire Serve submitting the only proposal, Fire Serve should be the lead proposal for custodianship.
- **Potentially Award Cable Plant Custodian Upon Ownership of the Cable Plant:** Tabled.
- **Status of Morris Building Permit:** The Planning Commission met and denied the Morris Building Permit due to the following reasons: The Morris residence is a residential unit on commercial property (nonconforming); therefore, both commercial and residential codes apply. Expansions are prohibited on nonconforming properties and permit was out of compliance with 20 ft [sic]* setbacks. Morris has filed an appeal. *Setbacks should be 10 ft. (2.2.120).
- **Status of Malin Security Arrangements:** Senator Merkley visited last month with the City of Merrill. The potential for security of local infrastructure and a partnership with the City of Malin. No formalizations are in place.

ORDINANCES:

- **Second Reading-Enterprise Zone Endorsement:** Tabled pending copies to City Council (Move to resolution*).

- Second Reading-Chapter 29 Merrill Clean Air Ordinance: City Marshal Bicknell read ordinance with respect Councilor Smith and Taylor absent from April 12, 2018 Council Meeting. Edits were made. Ordinance will be posted in English and Spanish on website and businesses. Councilor Smith made a motion to accept Chapter 29 Merrill Clean Air Ordinance. Councilor Lesh 2nd the motion. The motion passed 3-0 in favor.

RESOLUTIONS:

- *Second Reading-Enterprise Zone Endorsement: Tabled pending copies to City Council.

FUTURE AGENDAS:

- None proposed

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.

- ❖ Joe Spendolini (consultant with Fire Serve) thanked the mayor and asked the City of Merrill not to all the cable plant decision to go beyond next month. Hunter Communications has asserted ownership claim to the county when the county had ownership. Pacific Power did not challenge the county at that time if Hunter truly had ownership. Hunter has delayed the process enough. Councilor Smith recognized Mr. Spendolini's frustration; however, due to unforeseen circumstances, The City of Merrill needs to follow laws and regulations. The Mayor's intention is to seek an interim attorney and seek legal counsel.
- ❖ No other public comment.

ADJOURN MEETING:

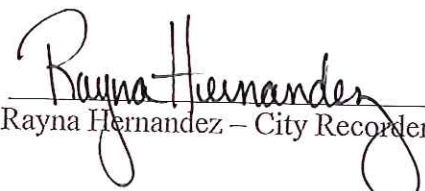
- Council Taylor made a motion to adjourn. Councilor Smith 2nd the motion. With all in favor, the meeting adjourned at 7:23 p.m.

Respectfully Submitted,



Bill Carlson - Mayor

15 Jun 18
Date



Rayna Hernandez - City Recorder

6/15/18
Date