



Harrisburg City Council Minutes September 14, 2016

The Harrisburg City Council met on this date at City Hall, located at 120 Smith St., at the hour of 6:30pm. Presiding was Mayor Robert Duncan. Also present were as follows:

- Mike Caughey
- Robert Boese
- Sarah Puls
- John Loshbaugh
- Adam Keaton
- City Administrator Brian Latta
- City Recorder/Asst. City Administrator Michele Eldridge
- Finance Officer Tim Gaines (who joined briefly towards the end of the meeting)

Absent this evening was Councilor Kim Downey.

Concerned Citizens in the Audience: Joseph Crenshaw, 396 Schooling St., wanted to address the Council. He grew up in Harrisburg, and has recently moved back to town with his family. He noticed the Library; he loves it, and Cheryl does a good job there. But it needed more attention and quality. It's not getting enough attention from this body. He'd like to know what action Council will take, and what priority that they are making it to find something different for the Library?

- Mayor Duncan told him that the City has money that has been set aside for the Library; he invited Eldridge to talk more about those efforts.
- Eldridge said that the City has set aside funds for the Library, and that while she wasn't certain of the actual amount, there is about \$340,000 or so that's been set aside. However, that includes the value of the land that might not be able to be applied in the future. The City had been applying for grants for a while, but then the economy had the downturn. The Harrisburg Library Guild is still working on raising funds for the Library, and still has the Capital Campaign set up.
- Mayor Duncan said it sounded like Joseph needed to be on the Library Board.
- Crenshaw said that there is a board meeting tomorrow night, and he'd like to apply for the opening.
- Latta told him that he should add to Eldridge's comment. The land that was set up for the Library building, is part of what the Harrisburg Fire/Rescue department wants to purchase if they succeed in getting a bond. There is money set aside in the Capital Improvement Plan, and in other areas, that give us an opportunity to do something with the Library. The Harrisburg Library Guild, is similar to a 'friends of the library', and

they've taken on the capital campaign. It's proving hard to build something at the dollar value for the conceptual design. We might go back to the drawing board, and look at something that is smaller, and better to manage.

- Crenshaw thanked the Council for allowing him to talk, and said that he'd be back in the future.

Consent List Approval

- Boese asked for the minutes of July 27th, 2016, to be amended. In the railroad discussion, he's not certain what was said; but he didn't grow up on the street. Therefore, he'd like to have that removed. (Pg. 19, 3rd paragraph.) The Council decided to amend the line to instead say "Boese said that the street was there before the railroad."
- Boese then brought up a concern about the travel that staff was taking. His concern was that Gaines went last year too, but did Ross?
- Latta told him no, she hadn't gone. Gaines needs to go because of changes and updates to the financial programs. Ross is the one who works in several programs that nobody else does. She needs to get hands on training from Caselle.
- Boese said that he was just concerned about the expense. He's assuming that the cost is double, because it's for two people.
- Latta said yes, it was. We could get clarification from Gaines later tonight if he'd like.
- Boese then **motioned to approve the Consent List as amended. He was seconded by Caughey. The City Council then voted unanimously to approve the Consent List as amended. The action of approving the consent list, approves the following:**
 - **The payment of the July and August 2016 bills**
 - **The minutes of July 11, July 27, and August 24, 2016**
 - **The Out-of-State Training and Travel Expenses for the Utility Billing II Clerk and Finance Officer.**

The matter of Adopting Ordinance No. 946, "AN ORDINANCE OF THE CITY OF HARRISBURG ADDING MUNICIPAL CODE SECTION 1.05.030 AND AMENDING SECTIONS 3.07.130, 5.3.090(b), 8.05.170(1), 8.10.080(2), 9.35.090(3), AND 10.05.310 TO ALLOW FOR RESOLUTION OF VARIOUS OFFENSES AND CODE ISSUES BEFORE THE APPROPRIATE JUDICIAL JURISDICTION AND VENUE"

Staff Report: Latta noted that the Government Committee had reviewed this ordinance, and That it added flexibility to the Municipal Court.

- Caughey **motioned to approve Ordinance No. 946, "AN ORDINANCE OF THE CITY OF HARRISBURG ADDING MUNICIPAL CODE SECTION 1.05.030 AND AMENDING SECTIONS 3.07.130, 5.3.090(b), 8.05.170(1), 8.10.080(2), 9.35.090(3), AND 10.05.310 TO ALLOW FOR RESOLUTION OF VARIOUS OFFENSES AND CODE ISSUES BEFORE THE APPROPRIATE JUDICIAL JURISDICTION AND VENUE"**, and was seconded by Puls. **The City Council then voted unanimously to approve ordinance No. 946, and thereby setting up jurisdiction and venue for various offenses.**

The matter of Reviewing the City's Fee Schedule and Approving Resolution No. 1147, "A RESOLUTION APPROVING THE FEE SCHEDULE FOR CITY SERVICES."

Staff Report: Latta explained that not many changes were made to the fee schedule. The solicitation license was changed, and right-of-way permits were updated as well, to cover the actual cost for engineering fees. In addition, we had removed PW labor and equipment charges; those have been added back in.

- Keaton asked about the fee increases based on actual costs; could Latta explain what's involved in that?
- Latta said that engineering fees can be quite burdensome, which is why the fee schedule should reflect covering actual costs.
- Keaton asked why it was worded the way it was. Since the fee and actual costs were the same for the two types of fill permits, couldn't we combine them?
- Latta told him that actually, the two types of fill permits are broken out in the ordinance. The actual costs will differ depending on the complexity of the fill project and the amount of engineering time needed for the review.
- Puls **motioned to approve Resolution No. 1147, "A RESOLUTION APPROVING THE FEE SCHEDULE FOR CITY SERVICES."** She was **seconded** by both Caughey and Loshbaugh at the same time. **The City Council then voted unanimously to approve Resolution No. 1147, and thereby approving the fee schedule for 2016-2017.**

The matter of Discussing the 4th Street Railroad Project

Staff Report: Latta briefly recapped the history on the railroad project for 4th St. P&W (Portland & Western Railroad) provided us with a limited draft of the project area. Their project plan is to close down part of 4th Street for this project, and make it one way during the work. His recommendation is that the City Council require them to file a ROW (right-of-way) permit, which allows both Public Works and our City Engineer to review the design. Part of this process, as a City, is that he thinks we should have our own design standard requirements. He would like Council to direct staff to prepare those design specifications.

- Jason Sims, representing P&W Railroad, asked why Latta had called it 'their project'.
- Latta asked him to excuse the language; it is a joint project. He is requiring the ROW permit because then we would know specifically what you are doing. There is not enough detail in the drawings that they've provided so far; the City doesn't have enough detail for us to really know the extent of the work that you are doing, and how it will tie in to our funding. It's a joint project, so we will work together on this. The funding on our side will come in over time. Without knowing what you are doing specifically, it's hard for them to know what to do. He'd also like to know what kind of time this will take.
- Sims asked what kind of time is he asking about?
- Latta said that one of his concerns is the road base, because doing separated roadways and exposed tracks is quite expensive. If we are just doing asphalt, then we can afford to do that this year. However, if it's separated roads, curbs, gutters, and sidewalks, then the funding will take at least two years. We can accommodate something, but without knowing exactly what you are doing, then it's hard for us to proceed.
- Sims said that he was pretty specific on the timeline, and how important that was. He came to the City with the opportunity to get this done in June, and we've now lost the

opportunity to get this work done this year. What he originally proposed would have been done over the summer. They would need to take out all the asphalt. If you want them to file a ROW permit, then you've completely backed up the project, and the most we can do this year is track maintenance. He's not sure that the city is clear on what they want. Nothing in our agreement says that we have to get a permit. His suggestion is for the City to figure out the funding. When you have that together, you can come to us with a proposal.

- Latta said that we want more detail. If you give us a better design standard, then we can work with them on that.
- Sims said that when they come back, that they need to choose at time other than 6:30. They have to get up extremely early in the morning, and 6:30 is extremely hard for them.
- Latta told them that we can accommodate that. You won't need to come to Council if we have design standards to follow. In the design specifications, you can comment on how best to proceed.
- Sims said that there is no guarantee that they'll be back next year. They have to apply for the work they plan to do also. If you have a design standards in place that we can submit with our package, then that will help us to apply for it.
- Mayor Duncan said that we could have that ready, then when will your guys need the plan?
- Sims said that to do work in June, they typically are applying for it in January.
- Mayor Duncan felt that we could come up with the funding. Collectively, finding the funding is the same thing we have to do. We had hoped that we could pull through together on it; we have to find something that would be good for our citizens.
- Sims said that they don't want to keep pursuing this until we have those design specifications done.
- Latta said that he's sorry that government moves slowly, but part of that is because we want to do it right. We want to be more prepared; he doesn't want to throw more money at this unless it has a good design, and good focus. Coming to us in July and August simply doesn't give us enough time.
- Sims said that Monroe to Macy is very bad; they will put in asphalt and curbing to create a solid surface. At last one section will be done. Next month is already the rainy season. Other concerns they have are Kesling to Macy, and Kesling to Schooling. If you guys have the capability, we can get in there and do saw cuts, and patch some portions. Small portions of railroad need to be cut out. If the city has any kind of funding at all, to put towards asphalt in these cases, then that will help out.
- Latta said that it might be good to walk down to the job site, and go over that with them. Scholz is not here this week, so we can do that next week. We do have some funds in the street fund, although he's not sure how far they will stretch.
- Sims said that he could meet them there. It won't be perfect; they'll be marking it off.
- Latta said that it would be good if they could hold off until Monday.

Sims and his employee left the session at this point.

- Brian Shaddy, 205 S. 4th St. asked if the public will be allowed to see the final design.
- Latta said yes, they would.
- Shaddy said that the railroad is right in front of his house, and he see's people hitting their heads on their car roofs all the time.
- Latta said that the railroad thinks they can do what they want without us looking at it. But it is in our right-of-way. We can invite public input and concerns from citizens
- Shaddy said that you can see their engines rocking back and forth, and scraping the road on both sides.
- Latta said that the railroad knows it's a safety issue there. He hopes that they will give us some specific project design.
- Mayor Duncan said that he doesn't want this to be a repair for just a year or two. He wants it to last, so we don't have to mess with it again.
- Shaddy said that the problem is that they put the tracks on clay; and it's pushing up the road.
- Latta explained what a ROW permit usually covers. We don't send out notices for driveway cuts. But for a project like this, then yes; we often have concerns. From a political standpoint, those guys need to keep their jobs. But we also need to make sure that citizens get to participate.

The Council discussed the situation some more. Concern was expressed about the level of hostility that the P&W employees were expressing. Mayor Duncan said that they want to do the project next week, and the money is ready now. If they don't do it now, the money could disappear. Puls said that it would help if the drawing wasn't a hand drawn scratch mark. Caughey said that they actually were rather calm tonight. Latta said that they are frustrated. The problem is that they are used to the railroad being in their row. It's in our row. They can't come in and expect to have something done in two weeks, rather than two months. Keaton asked for clarification then, that Harrisburg pre-dates the railroad. Caughey said yes. If Harrisburg was brought in later than the railroad, it would be a different issue. Shaddy asked when the City would want to do a project meeting. Latta told him it would probably be an open house. That will allow people to provide comments and have input on the design. What we don't want to do, is to have a project that negatively impacts citizen's property, just because. Some of this might be perceived negatively, but it's only necessary for public safety.

Latta talked about what we'd prefer to see, with a separated road, similar to 4th street between Territorial & Smith. There is curbing on the inside. The roadway there is narrower than standard. A standard width would be 4 to 5 feet wider. Another issue, is where crossings will be. We would upgrade the crossings to meet ADA standards. The city would put in the street, whatever we can't get them to do. There is still an additional 35' to 45' with curbs. You might have a sidewalk on one side of the street, and not on the other. Concerns were expressed about the work done in Junction City lately; because they are already having problems with it. Mayor Duncan was really pleased with the maintenance for his section of 4th street. There is virtually nothing that is breaking down. Shaddy expressed concern about homes without access from one side of the street to the other, if there is a fire. Would the fire department have to go all the way around getting to that property? Suzan Jackson added that she has a large driveway, but a lot of the other places all through there don't have that. If you have trailers, or big trucks, how would that work? Mayor Duncan said that on his section, which

is skinnier, you can do it. Jackson said that another issue is that you can't park your vehicle in front of your house. Latta also expressed his feelings about how close a driver can be to a railcar, with the road divided this way. He also reminded everyone that Junction City turned out the way they did, because they didn't have a franchise agreement; which we do have.

- Puls **motioned to direct staff to prepare an ordinance creating a city of Harrisburg standard specification for railways in the city's ROW. She was seconded** by Caughey, and the **City Council voted unanimously to have staff design standard specifications for a railway within the City row.**

The matter of Reviewing the City's 4th Quarter Financial Report Document

Finance Officer Report: Gaines said that these numbers have not yet been audited, so there is a possibility that some of them will change. There is some revenue that we still are receiving.

- Latta noted that we received the paperwork today from ODOT that extends the time period for us to do the Moore St. project. Therefore, we will not lose the \$50,000 we had planned on from ODOT for that project. Technically, they are extending it to February 5th, 2018. We just need to send in the signed agreement.
- Boese asked about the building permit and land use fees line.
- Caughey said that we've gotten a lot in revenue in some cases. If he remembered correctly, it's pass through. We collect the fees, but then forward the majority of it towards Linn County.
- Gaines said that was correct. Rather than trying to forecast the budget the way we used to, we tried to look just at the numbers that were our actuals last year. We really don't know how much to budget. We take the funds in, and get to keep some of it, and the rest goes on to Linn County.
- Caughey asked whether the Dollar General was included in those figures.
- Eldridge said that the commercial and industrial developments will really skew the numbers.
- Gaines said that it would be nice to keep more money, but we have to have our own department to do that.
- Eldridge said that we tried to do that in the past, but there was a moratorium on changing building permit companies. They wouldn't allow us to change.
- Latta reminded the Council that H.A.R.T. separated from the City, and are doing really well. The money that remains in the budget after audit will go to them.
- Gaines said that we can't tell how much it will be without going through the audit. He is guessing that we have \$35,000 or \$36,000 or so. He asked if we are also doing the \$15,000 we normally have budgeted,
- Latta told him yes. We gave them \$15,000 a year, which we'll want to do again; and then we'll add in whatever is remaining.
- Gaines said that he does have a bit of a concern about when he should be paying them.
- Latta said that we need to wait until we understand how much money we have, and then send them 90% or 80%. Then we can give them the remaining funds when the numbers are audited.

- Keaton **motioned to approve the 4th Quarter Financial Report for fiscal year 2015-2016, and was seconded** by Loshbaugh. **The City Council then voted unanimously to approve the 4th Quarter Financial Report.**

Discussion with the Linn County Deputies

- Deputy Klein was present for Council, and summarized some of the numbers from the last two months. (Reports are available in the Council agenda.)
- Latta said that he doesn't like the balance of traffic warnings compared to the number of citations issued. Small things don't bother him; what does is moving violations, going through stop signs, excessive speed, or using a cell phone. We are giving warnings to people who are causing safety problems. If we give a warning to someone who runs a stop sign, then the next time, they may not slow down, and that's the time that a kid is there. He's not bashing the sheriff's office at all when he says this; it's just that we would like a better way of handling these things. He mentioned to Deputy Klein that he knows that they have 7 contract cities. They hear from 7 City Administrators, and 7 Councils. Surely, there are some things that are similar between cities. He suggested that perhaps we could arrange for a contract City meeting with the sheriff's office, where we can express all of our concerns, identify similar problems, and come up with some solutions. It would help with better communication and better efficiency from the Linn County Sheriff's Office (LCSO). We may not all get what we want, but it's a compromise.
- Deputy Klein said that his Captain said yes to that meeting, and they are talking to a few other people. He thought it would be nice for everyone to get together.
- Latta said that at a small cities meeting, we found that some of us had some of the same concerns. If we can communicate that all together, then it makes everyone more efficient. He wants to be an advocate, and find the best way to educate the citizens. That would be not just warnings, and citations, but also the entire judicial process. The LCSO has police powers for the City, so we are making sure that our citizens are safe, and we pay LCSO to make sure our laws are enforced.
- Deputy Klein said that he wanted to be careful, because it's not supposed to be a revenue maker. We don't want to have a reputation for that. He agrees that some of the warnings probably could have been citations instead.
- Latta said that he loved the thought of having more communication. He wants to make sure that everyone knows that we aren't doing this for revenue. It's not about money; it's about safety. In Municipal Court, our Judge understands that. If somebody gets pulled over, and it's their first offense, he'll ask questions, and make sure that they feel bad about it. Then he tells them they screwed up, but he won't penalize them to the max. The max is typically \$500 to \$1,000; but he can suspend the entire fine except perhaps the first \$100. If a person pays the \$100, and doesn't get a ticket for three years, then he tears it up. It doesn't go on their record. It's suspended, but it's not reported. It's constructive, and a reward for good behavior. That \$900 is hanging over their head, so they know that they need to behave. He thinks that going through the judicial system is good for educating people.

- Deputy Klein said that he had conveyed some of that to his Captain. There are some consistent concerns that they hear.

Council expressed some concerns about traffic in town. Loshbaugh mentioned again all the people who blow through the stop signs at 7th and Territorial. One day, he watched a cop car sitting there. He wrote ten tickets, and didn't even have to move his car. Mayor Duncan wasn't happy about people driving through with blaring stereos. Other's agreed, and talked about people aggressively passing in speed zones. They also talked about people parking their vehicles pointing in the wrong direction. Council agreed that they didn't like the practice. Latta said that we are trying to streamline the process from having the vehicles parked on the street for too long. Scholz used to give them ten days after issuing a notice of violation, but he (Latta) thinks it should be 24 hours. Also, do we want to limit the time a vehicle is parked in front of their house without moving? The code reads that you can park in front of your house up to 14 days, but only 48 hours in front of a neighbor's home. It happens a lot. People can park a vehicle, move it, and then move it back. There are problem areas in town, and he doesn't know if 14 day period makes any sense. Puls was a fan of the shorter time period.

Deputy Klein said that we can tag them. They do knock on doors. They write a report, and then have 24 hour service for towing. There are only specific services that they use for towing; policy requires them to use only a service out of Linn County. If an owner requests assistance on moving a vehicle, then they can use a service out of Junction City. Loshbaugh asked if that would apply even if we had a towing service in town. Deputy Klein told him that was correct.

The matter of Approving the City Administrator Employment Agreement

Staff Report: Eldridge told the Council that this is the current and final City Administrator Contract Agreement. She said that the Personnel Committee recommends that Council authorize it.

- Latta said that some of the things he wanted out of this, was to separate his salary from the wage scale; he felt if he makes recommendations on the Personnel Committee, then he shouldn't be on the same scale.
- Puls said then that you are no longer on the City wage scale?
- Latta confirmed that. He is at the top of the scale currently. If you want him to have more money, then great; otherwise, he'll remain at this amount. Other changes requested were to the severance package.
- **Caughey motioned to Approve the City Administrator Employment Agreement and Authorize the Mayor to Sign the Document on Behalf of the City. He was seconded by Loshbaugh, and the City Council voted unanimously to approve the City Administrator Employment Agreement.**

Other:

Boat Ramp:

- Latta said that while we had good news about the SCA grant, we don't in relation to this one. We were denied; but we are pursuing some more options.
- Caughey asked who we have to beat up in order to get approved.

- Latta told him that it's a permitting process with the DSL (Department of State Lands) and the Army Corp of Engineers. The Army Corp of Engineers was the more concerned party. The conditions that would be applied would be the same as before, but we could probably work with it better. To do that, we have re-submit the permit, find out if the conditions are the same or not, and pay a few thousand. We can start down the process again, and see what the permit fee and cost is, and then work with OSMB (The Oregon State Marine Board), to assist with the funding we need. It would likely cost \$75,000 to \$150,000 or so.
- Loshbaugh asked if we could just refile the permit with OSMB.
- Latta said it was OSMB who was willing to give us \$125,000 for the grant match on the grant we didn't get. We know we can go to them, and say that we'll put in \$75,000, and we need you to throw in the additional funding. They are in favor of having the boat ramp re-opened.
- Puls asked if the permitting process would be with the DSL, or with the Army Corp of Engineers?
- Latta told her it's a joint permit that goes to both of them.
- Puls commented that the DSL said that we could move forward, but the Army Corp of Engineers said no, correct?
- Latta said that was correct. We approached both of them as an exempt activity, with no permits. The DSL said yeah, they thought we could do that, but the Army Corp of Engineers said no; we would have to get a permit. They said that they would work with us, so the conditions would make sense. We have to work with the ODFW (Oregon Department of Fish & Wildlife) too. He thought there was a way to do that, working with the OSMB. They have advisory committee's with each other. Remember that with the permitting process, there are only certain times you can work in the water; generally from July through September.
- Loshbaugh said then that we can't go back to the original permit. That called for a silt fence in the middle of the river current.
- Latta thought we can go back to that permit. He would say that we want to build the ramps, which is why we did the ConnectOregon Grant. That would build what we wanted before; but the whole thing was brought down by the silt fence. He thinks we can strategize a way to file for a Parks grant, receive funds from OSMB and use City money. Going through the permit process while we are pursuing grants is advantageous.
- Loshbaugh said that there is no way to just revitalize the whole permit then.
- Latta said that we would submit all the same information. He doesn't think it's changed much, but we might need new criteria. We could file a new review for them, but perhaps not need to submit new engineering.

Railroad Contract

Caughey asked about the contract language in the franchise agreement. When it says that they will pay us per the lineal foot for rail facilities. Where do those facilities stop and start for us? Latta thought it was LaSalle through Territorial. Caughey and Latta briefly discussed which part of the railroad that they were paying for. Latta said that it's only counts in the right-of-way

for our street; it wouldn't apply to where it runs through other property. Caughey had hoped that where it runs through City property and the park in the south, that it could be counted. Latta told him that even if the UGB were expanded, it wouldn't count.

Drug Take Back Day

- Eldridge informed the Council that the official Drug Take Back Day for Harrisburg was Saturday, October 22nd, from 2:00 to 3:00, and will be held here at City Hall at 120 Smith St. She had hoped to move it, but it's sponsored by the DEA, and this is the only day in which they are holding it successively in four cities.

Library Computers

- Eldridge shared that the Library Guild had purchased the new computers for the Library, and that they were being installed as of this Friday.
- Puls asked about a CWCOG session that was coming up, and wasn't certain as to what she should mention is going on for the City.
- Latta told her the boat ramp, and park works well.
- Eldridge reminded her to talk about the Sesquicentennial too.
- Puls then said that she knew we had done something like this a while ago, but it hasn't happened for a few years. She thought we should hold an employee appreciation event. Maybe Council could host that for all the City employees.
- Latta said that he does hold a holiday party every year. He has a breakfast, and white elephant exchange; and pays them for not working. We hold it out of the senior center. He knows Chuck did a BBQ at the public works shop during the safety break week. He will buy his guy's lunch on occasion.
- Puls thought that maybe Council as a whole could give them an appreciation lunch.
- Latta said that we had 13 full time employees, 2 seasonal, 1 part-time in the library, and 4 or 5 on-call employees. He would guess that we would have no less than 14 or 15 employees at something like that.
- Latta then remarked that Court was held today, and went fairly well. We would like to move it down to the Justice Center instead. We had all the chairs full, although there was room for everyone, it was tight. We got through them all in 20 minutes, and received \$400 in revenue. If we get traffic, we will definitely want to move the court. Lemhouse is ok with that, as long as we work around his schedule.

With no further business, the City Council adjourned at the hour of 8:25pm.

Mayor

City Recorder