



Harrisburg City Council Minutes
April 23, 2014

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

- Roger Raven
- Kimberly Downey
- Don Shipley
- Mike Caughey
- City Administrator Brian Latta
- City Recorder/Asst. City Administrator Michele Eldridge
- Public Works Foreman Rick Nelson

Absent this evening were Robert Boese, Sarah Puls, and Youth Advisor Garrett Ross.

The matter of Recognizing Community Development Superintendent Tim Bunnell

- Mayor Duncan invited the Council and staff to share their thoughts about Tim Bunnell. He was a legacy, as far as the City was concerned.
- Raven said that Tim was such a wonderful person to work with; and not just with parks, but for all these years; he's helped me with youth activities, and the City. It doesn't matter if he really had time to work on these or not, he was always available 24-7. When I think of the 4th of July, all the festivities, his coaching, and interaction with community members...he will be missed dearly. I'm feeling blessed that we could be around him for many years.
- Shipley said that when I first met him, I didn't like him; but he grew on me. He's lost a very dear friend. He did a lot of things, like Roger said, that were outside of his duties. He will be very hard to replace with his knowledge, and everything he did for the City. He came to like him a lot, and will miss him.
- Caughey said that he knew him only a few years; he was the one who introduced him to Public Works, and the facilities, etc. He finally got to know when he was jerking his chain; you won't be able to find him a replacement for that.
- Downey said that she's still in shock; as she realized that during roll call, Tim Bunnell is not here. She really doesn't know what to say; she'll start crying soon. She's still in shock; he helped me a lot, and not just in his City capacity. He was one of the first people she met here working with Matilda. He went to the business owners, and they wanted the kiosk, he said it would be a pain in the rear. He had it down by the river, and

he had to take care of it. He was always involved in everything, no matter what you did; he was there to see if there was anything you needed. He had a strange sense of humor, but also had a big teddy bear heart. He was scary to her at first, but after a while, he was ok.

- Latta said that the other day, he set the City hall alarm off; Tim was always here first. It's sad to walk by his door in the mornings, and the door is closed. He always had his morning routine; he shared what Public Works did every day, and then told personal stories and jokes. He got to the point where Tim told him stories and he had to ask him if that is really going on Tim....and it was usually no. He was a great person; when people were in need, he helped, because that was the type of person he was. It's a huge loss for the City. It won't be easy to replace him. We can replace the position, but not the person. Latta said that he will be there on Saturday; we are helping Amy and the family as much as we can, and we'll make sure he's not forgotten. It's good to see things happening for him in his memory. There was a softball memorial, and now the big memorial. In his professional capacity, he was always helping his City family, and the many relationships he built.
- Eldridge said that staff is all having a very hard time of dealing without Tim being there. You are so used to everything he used to do, keeping you informed, checking in on you, and of course, sharing anything and everything about what kind of a weekend he had, what his plans for the week were. She had to clean out his office, and it was such a wrenching thing to do. It was amazing how much he was involved in other things. We'll have a huge hole to fill. She was on the Harrisburg Festival and Events Association with Tim; she not only worked with him, but also volunteered with him. We have our first meeting without him tomorrow night. It's going to be a very sad meeting for us.
- Mayor Duncan said that the first time he met Tim; he had never lived in a home that was his, until he arrived here. When he was growing up, we were vagabonds; he went to 15 different schools. He moved here, into a town he liked. He wanted to restore the home, because it had such history in it. We moved in, and were sleeping on the floor, because we had waterbeds, and the floor couldn't hold them. The sewer started backing up in the back yard; his kids were just starting first grade, and they had no money. Tim came out, said hi, and he let me know right away, that it's his (Bobby's) problem. The previous home owner didn't say anything about it, but it was an old clay line. He didn't get along with the guy, who lived there, but he could see that, and he understood. You get to the point that you'd hug him to see the soft side; you had to show your soft side for him to be soft to you, and that was just his nature. If it's bad, he was still our Tim. The sewer line was incredibly expensive to fix, but he worked with me on it. He was amicable, and was somebody he could work with, but when he (Bobby) became Mayor, he wouldn't want to do the job without him. To allude to his comedic side, he himself lived with a con man for 12 years; his dad was a carnie; he can usually pick them out immediately, and he just could not figure Tim out...he doesn't know why. It was very frustrating, when you couldn't figure him out. He'd talk to him about it; but you know he's pulling your chain when his lips are moving. He doesn't know who said this, but diligence is excellence over a long period of time. He was incredibly good with what he did for the City, whether he liked you or not, he did what was best for the City. You worked with him day to day,

and talk about a legacy. We have a lifetime of...you can't walk down the street, or look at a tree, or a building, where his impact doesn't show. Long after we are gone, he will still have an impact on the City. He (Bobby) met on Monday morning with staff, and it will never be the same...it will get better, because of the way he left the City, and how he trained everyone, including the citizens'. That's what a City needs. Those are the key ingredients. Yes, it's a drag; it won't be the same....but it will get better. His passing has such an impact on a City like this.

The matter of Approving the Payment of the March 2014 Bills

- Downey **motioned to approve the bills, and was seconded** by Caughey. **The City Council then voted unanimously to approve the payment of the March 2014 bills.**

The matter of Approving the Minutes of March 12, 2014 and March 26, 2014.

- Shipley **motioned to approve the minutes, and was seconded** by Downey. **The City Council then voted unanimously to approve the minutes of March 12th and March 26th, 2014.**

The matter of Review and Approval of a Gazebo Rental Fee Waiver Request by Calvary Chapel.

- Downey made a declaration that she had loaned money to Calvary Chapel, so she feels like she should be declaring a conflict. She doesn't have any problems on voting on this issue, since we would not have a quorum if she stepped away.
- Latta told her it was fine in this case, if she feels that she can make a fair and impartial decision.
- Downey said that she would recuse herself if we had a quorum; she wanted to make sure she declared it.
- Latta said that this is a request allowed by Resolution 1031, and 542; Council may waive the fees for non-profit and civic organizations. The gazebo rental fee is \$60, and there is a \$300 refundable cleaning deposit. This request is for the National Day of Prayer. He is comfortable with the request, and doesn't see a need for us to charge a fee for that. However, they will have food and drinks, and live music, and he didn't feel comfortable waiving the deposit. Our policy is to hold the check for the deposit, and only cash it if the area isn't cleaned up. Council can waive just one, or it could decide that the City can clean up any mess.
- Caughey said that he thought it was a non-refundable deposit. If the deposit is refundable, then he doesn't have an issue with it. If they clean everything up, then they'll get their money back.
- Latta confirmed that it's a refundable deposit. If you leave it clean and the same as it was; if that is the case, then we don't cash the check, and give it back to them.
- Shipley **motioned to waive the \$60 Riverfront Park and Gazebo Rental fee for Calvary Chapel, and to only require the \$300 Refundable Deposit. He was seconded** by Caughey, and the **City Council voted unanimously to approve the waiver of the rental fee for Calvary Chapel to use the gazebo and park on May 1st, 2014.**

The matter of an Ordinance Amending Section 6.10.050 of the Harrisburg Municipal Code.

Staff Report: Latta said that this ordinance amendment is a recommendation from the Government Committee, from the meeting on April 1st, 2014. Our current code only requires leashes on dogs in City parks. This amendment will expand it so it applies throughout the City. If someone is walking a dog on a street or sidewalk, in a park, or on City owned land, they would be required to have their dog on a leash.

- Caughey was concerned about the wording that was used in the ordinance. He would prefer a change in language to canine, instead of the current wording. He also was concerned about other pets like pygmy goats, pet ferrets, or pot-bellied pigs, and whether these leash requirements should apply to them.
- Latta told him that he felt it was covered because of flexibility in the terms that are used. When it comes to certain animals, it's covered under the other terms we have, such as livestock. He explained how he had to enforce that with some of the people who lived in county pockets still inside the city. He didn't think it would be a problem to enforce it with those types of animals. If Council really wanted to change it to canine, then we can come back at the next meeting for a 2nd reading of the ordinance.

Charlene Jorgensen, in the audience, was concerned about whether a sidewalk would be considered city right-of-way, or was considered private property. Latta realized that she was confused about responsibility for fixing sidewalks, which falls to the property owners abutting the sidewalk. It is considered city right-of-way. Responsibility falls to that property owner. Therefore, he would respond to someone on the sidewalk in front of a house as being in the City right-of-way. Jorgensen then relayed her concerns in regards to how the law was being applied, and a discussion ensued between her and Sergeant Brad Kelley, who was also present. She was concerned about another animal running at large in the park, and about a sign with the ordinance number that was no longer there. She asked how many warnings are given to someone. Latta told her that warnings are usually given first, and you receive a notice of violation. You are given standards to comply with, and are warned what will happen if the rules aren't complied with by the deadline. If they've been warned, and it happens again, then generally, it's kicked up to a citation. That's unless Council says it should be given at the first offense. We can change that if they'd like.

Jorgensen then told the Council about issues with a Jack Russell terrier that she had been complaining about. After listening to the issue, Latta told her that was being dealt with through the court systems, rather than the city. If the person in question hasn't complied with the order, then the Judge should be hearing about that. Sergeant Kelley agreed with that assessment. Since it is an issue with a judgment, then it should be heard there. However, if a new incident occurred, then she could contact the deputies in animal control, or him. Sergeant Kelley added that if the Judge sees a citation coming through over and over, eventually, something will happen.

Kay Barnett, in the audience, then said that she was still concerned about pets, other than dogs. She'd like to have the ordinance enlarged to include domesticated pets, and that they should be on a leash in addition to dogs. They explained about a friend who takes ferrets on a walk, and there was also a pet rabbit that was kept on a leash. Shipley added information about a recent issue in the news with a duck who had attacked someone, who was now suing the

owner for six million. The ordinance is really clear when it comes to farm animals, but a ferret is not a farm animal. How should we deal with it? Downey suggested that we review it at the Government Committee level. Mayor Duncan said that we can approve this ordinance tonight, and then take the other animals to be discussed at the Government Committee.

- Shipley then **moved to adopt Ordinance No. 919, “AN ORDINANCE AMENDING HMC 6.10.050, EXPANDING THE ‘DOG ON LEASH’ ORDINANCE TO ALL PUBLIC PARKS AND CITY-OWNED RIGHTS-OF-WAY.”** He was **seconded by Downey, and the Council voted unanimously to approve Ordinance No. 919, and thereby changing the rules to require dogs to be on a leash anywhere outside of the owners’ personal property.**

The matter of a Discussion of the Law Enforcement Contract Between Linn County Sheriff’s Office and the City.

Staff Report: Latta said that we’ve had a contract with Linn County for ages....Bunnell thought it was for over 30 years. We have a good relationship with them, and are satisfied with the services. There is a suggested 5% increase, which covers health care and PERS for the most part. He thought this was a good time for Council to discuss and identify what our needs and requirements are, in connection with enforcing municipal code, traffic code, and criminal code. Within each of those, we can generate a large list of things that we can prioritize. However, his plan is not to do that tonight; he just wants to get a sense of the three main areas. Are we satisfied with the current enforcement, or is there something we can change that will work better for us. He had talked with Captain Guilford, who said that their priorities were criminal, traffic, and municipal services, in that order. If Council agrees, they will continue to enforce that. If they don’t, then we may prioritize other municipal services higher than that. Perhaps they would prefer to put municipal services higher than most traffic offenses, as an example. He explained how the 70% time for 4 deputies translated in hours provided, with anytime they are working on Harrisburg issues, applying to the hours. That, for instance, covers if they are transporting a criminal from Harrisburg to the jail. It would cover the time from the arrest, to the jail, and then back to the City. He had a handout that he gave Council, which provided a synopsis of where they spent their time over the last year. (Please see Addendum No. 1)

He went over the hand written notes on the handout, that for the cost we are currently paying, we roughly receive 15.3 hours a day of service. If we were to reduce the contract from 4 deputies to 3, then they would roughly spend 11.48 hours a day in Harrisburg. In essence, one deputy down would reduce 4 hours a day from services in the City limits. You can see the actual costs for each deputy on the form, and technically, we pay about \$64,000 for each deputy. Our contract is for full service, meaning that if we have a special need, such as traffic, or animal control, then we can request special attention for that need. If we don’t specify any requirements, then they respond to all complaints by their priorities. If you decide that you want to provide a non-certified code enforcement officer in the City, that person would focus on violations of the Harrisburg Municipal Code. The city would need to find the funds for that, which could come from reducing the number of deputies specified by our contract. He personally can also change how he responds to code violations as well. His philosophy is that it’s a complaint based system, unless it’s a matter of public safety. Do you want him to start

actively looking for violations? If so, then he can respond; but that also takes time away from other priorities. Maybe Council would have some other ideas.

He is asking Council to do two things tonight. To identify your priorities in regards to criminal issues, traffic, and municipal code violations. We can have a meaningful conversation on what to focus on. However, he should caution Council that we need to have a decision made on the contract, because just like us, the county is in budget mode, and they need to know if we are going to approve this at this amount. You might want to discuss all of this over the next year, and sign off on the current contract, and then approach the idea of change gradually.

Caughey asked about some of the detail on the report, which Sergeant Kelley clarified for him. He was surprised by some of what he sees, because when we see a monthly report, they are lot smaller numbers than what he sees in this report from the captain.

- Raven said that he likes the way things are now. He likes 4 deputies on the contract, and the priorities that they have. He likes the way that we could ask for them to focus on an issue, but doesn't want to change the priorities.
- Shipley agreed with him.
- Downey said she had a complaint this week that people were getting a lot of traffic tickets lately, which she hadn't heard before.
- Sergeant Kelley told her that they were blitzing to try to improve safety. That's stuff like cell phone violations, or seat belt violations.
- Raven asked if that was part of the 4 deputy's types of duties.
- Sergeant Kelley told him no, that was way different. If you want them to focus on traffic though, they can change their priorities. He added that crashes that you see on the report can be a car being clipped. Most of these are very minor. If it's a bad crash, or a fatality, than obviously, it would be a high priority.
- Downey said that maybe what we can do is to focus on something for a while to get it under control. Perhaps we could move municipal violations up to priority two, and after people realize that there are more teeth there, move it back to three.
- Latta and Jorgensen both talked about people not stopping at crossing, particularly the one on 3rd St. Council is working on that particular crossing to make it better.
- Latta continued, saying that we can work with the Sergeant and Captain, to say hey, focus on this on a certain week. We can also request that for certain violations, we issue citations the first time, with no warnings. But if you do that, be prepared to get people who are cited here in City Hall. Council can make that decision.
- Downey felt criminal activity should be the first priority.
- Mayor Duncan asked what percentage they spend on paperwork.
- Sergeant Kelley said it would be hard to say. It depends upon the issue.
- Raven agrees with the concept of focusing on something, but he doesn't think we should change priorities. Sergeant Kelley is at most of our meetings, and he knows what we are concerned about. He thinks we should just continue forward as we've been doing.
- Sergeant Kelley said that he talks with Latta quite a bit, and you can call him anytime.

- Latta said that we needed to have this conversation. It's enlightening to find out if everyone agrees with what we are doing. We haven't focused on priorities, but it sounds like we are all on the same page.
- Caughey asked on code violations, when Public Works employees are out doing their job, do they report back on any problems?
- Latta told him sometimes, yes. For instance, if they see abandoned vehicles when they are sweeping streets, then they'll give him license plates, etc.
- Raven was ok with them coming in and letting him know that, but he doesn't want to take away from their time in the field either.
- Downey said that they can take a cell phone picture.

Council talked about some changes that the City could make, in terms of communication, but they didn't want him to be spending too much time on it. Raven especially didn't want them to spend too much time on it. However, Rick Nelson, the Public Works foreman, said that if they are sweeping, and they see a car there for two months in a row, they put a license down. They follow up all the time. When he looks for street lights that are out, he notices cars, boats, trailers, etc., and he gives that to Brian. They don't actively search for things, but they do notice them. Shipley thought that's how it should be. He didn't want Public Works out actively looking for violations.

- Shipley then **motioned to approve the Law Enforcement contract Between the Linn County Sheriff's Office and the City as is. He was seconded** by Caughey, and the **Council voted unanimously to approve the 2014-2105 Law Enforcement Contract with Linn County.**
- Downey thanked Sergeant Kelley for doing the best they can, and then thanked him again, for the great job they do.

The matter of an Ordinance Amending Section 5.05.120(2) of the Harrisburg Municipal Code.

- Downey **motioned to approve Ordinance No. 920, "AN ORDINANCE AMENDING HMC 5.05.120(2), TO CLARIFY THE DELINQUENT FEE IS ESTABLISHED BY CITY COUNCIL RESOLUTION."** She was **seconded** by Caughey, and the **City Council voted unanimously to approve the amending to the Business License Ordinance.**

The matter of Judging and Selecting Winners for the "If I were Mayor" Contest.

Staff Report: Latta explained the scoring system, and sent the Council out to judge the elementary school posters. The Council then handed in the score sheets for the middle school entries. One of the essays handed in was by someone in high school, who technically was not supposed to submit essays, but the Council allowed an award because there were only two middle school entries. They then watched the presentation submitted by the high school entrant. The winners are as follows:

High School Presentation:

- Jasmine Kaur 1st Place

Middle School Essay

- Alexis Thomas 1st Place

- Lane Charles Dykstra 2nd Place
- Deziree Brock (High School) 3rd Place

Elementary School Posters:

- Ingrid Flores 1st Place
 - Kathy Islas 2nd Place
 - Trinity Kietzke 3rd Place (Tie)
 - Ashlyn Baird 3rd Place (Tie)
 - Natalie Thomas 3rd Place (Tie)
- Latta said that we would have awards handed out to the elementary school at an assembly in the future. All the 1st place winners will go on to Salem, to compete in the state-wide contest.
 - Caughey suggested that we talk with the school about having some of the kids, especially middle school and high school, attend a Council meeting now and then.

The matter of Discussing the Annual Evaluation for City Administrator Brian Latta, and a Step Increase to be Effective May 1st, 2014.

Personnel Committee Report: Downey told the Council that Latta prefers open meetings, so everyone can read the minutes and see what we had to say about him. He's been such a good fit for our City. Staff members present said that they appreciated his teamwork, and that he is very positive. His ratings were very high.

Mayor Duncan agreed, and thought we did a great job in hiring him. We are always so wary that we could pick a wrong person, and he thinks that we are blessed with our choice. All of Council remarked that he was doing a great job. Downey told him that we appreciate your leadership skills.

Shipley said that he had concerns after Tim passed away, because of the certifications and the requirements we had for wastewater and water system operators. Latta already had it figured out, and had contacted the proper authorities. Latta added that both Rick Nelson and Don Costello were level ones in all the certifications. Nelson will be obtaining a level 2 as soon as possible, so if we are short the Public Works Director, we will have someone to cover it. We have asked for an extension of time to hire a new Director from the DEQ, for our wastewater operations, and we are working with the Oregon Health Authority on the water certification. He added that we can talk to OAWU and pay a monthly fee for their certification if needed.

- Caughey then **motioned to Approve the Annual Evaluation for City Administrator Brian Latta, and to Approve the Step Increase from Step 5 to Step 6 on the Harrisburg Wage Scale, to be Effective as of May 1st, 2014. He was seconded by Downey, and the City Council voted unanimously to approve Brian Latta's annual review to be exceeding a good rating, with a score of 4.3 out of 5, and to approve the annual step increase.**

Others:

Quarterly Report

- Latta handed out the quarterly report. We are pretty much on target for meeting our budget expectations. He will put it on the agenda at the next Council meeting, but wanted to give Council some time to review the report.

Business Welcome Packet

- Latta was working on a business welcome packet, which will include the Mayor's welcome, and information about the town, including City organization information. It will include demographics, statistics, the number of businesses we have in town, and other things such as a street map, information about the historical district. He will be visiting businesses once it is complete; Caughey has volunteered to go with them. We want to find out what we can do better, and what is working well now.

H.A.R.T. Director Recruitment

- Latta said that we recruited for the H.A.R.T. Director position. We had 4 well qualified applicants for the position. The interview panel was made of himself, Media Culver from the H.A.R.T. Board, Peggy Purkerson, and Sarah Puls. After much deliberation, we selected a candidate; he did references today, and is satisfied with them, and will make the job offer tomorrow.
- Caughey wanted to make sure that they passed the background check.
- Eldridge said that she would be taking care of that right away.

Community Development Superintendent Replacement

- Latta told the Council that we are working on filling this position. We are reviewing the job description and will strategize in May for how we will fill the position. Any candidate will likely be starting in August.
- Shipley didn't want to rush into it either.
- Eldridge reminded everyone that she had handed out a Code Book Supplemental for Council, and walked them through the directions on how to put the replacement pages into their code books. She had also provided a new workbook fee schedule for the Council notebooks.

With no further business, the City Council adjourned at the hour of 8:39pm.

Mayor

City Recorder



Addendum No. 1 **LINN COUNTY SHERIFF'S OFFICE**

Bruce W. Riley, Sheriff

1115 S.E. Jackson Street

Albany, OR 97322

Phone: 541-967-3950

www.linnsheriff.org

MARCH 2013 TO MARCH 2014 YEARLY TOTALS

TRAFFIC CITATIONS: 56

TRAFFIC WARNINGS: 228

TRAFFIC CRASHES: 22

ADULTS CITED /VIOLATIONS: 8

ADULTS ARRESTED: 66

JUVENILES CITED/VIOLATIONS: 6

JUVENILES ARRESTED: 26

COMPLAINTS INVESTIGATED: 1075

TOTAL HOURS SPENT IN HARRISBURG: 5591
 CONTRACTED 70% COVERAGE OF 4 DEPUTIES FOR YEAR: 5577
 CURRENT COST PER DEPUTY FOR 70% OF TIME \$63,593.00 x3 (deputies)

Deputy time in city < 15.31/hr/Day (4/70%)
 11.48/hr/Day (3/70%)

ACTUAL YEAR TO DATE COSTS

Salary	\$57,204	Information Tech	\$ 1,928
Certification	\$ 3,000	Materials/Equipment	\$ 3,781
Longevity	\$ 3,000	Uniforms/Equipment	\$ 3,000
Education	\$ 1,400	Dispatch	\$12,549
Fringe	\$28,294	Supplies	\$ 3,972
Payroll	<u>\$21,738</u>	Records	\$ 2,536
Total: \$114,636		Vehicle/Maintenance	<u>\$12,900</u>
		Total: \$40,666	

Actual Year to date costs per Deputy..... \$155,302.00

Actual Year to date cost per Deputy@ 70%..... \$108,711.00

ACTUAL YEAR TO DATE COST FOR 4 DEPUTIES @ 70%..... \$434,844.00

CURRENT CONTRACT FOR 70% OF 4 DEPUTIES..... \$254,375.00 (58% of real cost)

COST DIFFERENCE OF 4 DEPUTIES @ 70%.....\$180,469

COST OF 4 DEPUTIES @ 30%.....\$186,364

LINN COUNTY TOTAL YEARLY COST \$366,834