



## Harrisburg City Council Minutes June 10, 2015

The Harrisburg City Council met on this date at City Hall located at 120 Smith St., at the hour of 6:32PM. Presiding was Council President Mike Caughey. Also present were as follows:

- Kimberly Downey
- Robert Boese
- Sarah Puls
- John Loshbaugh
- City Administrator Brian Latta
- City Recorder/Asst. City Administrator Michele Eldridge
- Public Works Director Chuck Scholz

Absent this evening were Mayor Robert Duncan, Don Shipley, and Youth Advisor Bo Kelson.

### Concerned Citizens in the Audience:

- Jim Kirk, 575 S. 2<sup>nd</sup> St., said that the stop sign installation on 2<sup>nd</sup> St has really made a difference in traffic. The speeds of vehicles dropped off for a while, but it's increased again. He suggested that another stop sign at Fountain would assist further. He doesn't ask our deputies to follow up on it because all you get is excuses for why they can't.
- Caughey told him that's part of an on-going conversation with the sheriff's department. We are negotiating a new contract, which should be finalized shortly. The expectations of the City are expressed, and we will continue to be far more forceful with that than what we've been in the past. There is a heightened awareness of the needs of the citizens; there are several locations that are issues in town. He won't promise anything, but it will be passed on. We hope that we will be getting a better response to problems.
- Latta said that he's been a squeaky wheel when it comes to law enforcement. 9 citations are far more than what we've had in the past. He came to town on Saturday; they could have issued 30 citations on the gravel bar. The last couple of days, the deputies have been by several times a day. He thinks you'll see more traffic citations and enforcement through the City. We will look at the possibilities of a new stop sign. Scholz has the authority to look at that.

### Consent List Approval

- Latta said that the Library Board did not have a quorum; therefore, the Council won't be able to appoint Jayne Detering to the Library Board.
- Puls **motioned to remove the Library Board Appointment from the Consent List, and was seconded** by Downey. **The City Council voted unanimously to pull the Library Board appointment from approval of the consent list.**
- Downey then **motioned to adopt the Consent List for June 10, 2015. She was seconded** by Puls, and the **council voted unanimously to approve the Consent List. The adoption of the consent List results in the following actions:**
  - **The payment of the May 2015 bills.**
  - **The appointment of Charlene Jorgensen and Re-Appointment of Pat Briggs as H.A.R.T. Board members.**
  - **The review of the City's 3<sup>rd</sup> Quarter Financial Summary Document**

### The matter of Establishing Real Property Liens and Approving Ordinance No. 934, "**AN ORDINANCE TO LEVY NUISANCE ASSESSMENTS AGAINST REAL PROPERTY IN THE CITY OF HARRISBURG**"

- Caughey said that after reading through the language in here, he realized that he was unfamiliar with the term 'non-district' liens.
- Eldridge told him that there are three types of liens that the City has. Those are utility liens, non-district liens and district liens. District liens refers to a Public Improvement District, which can also be called a Local Improvement District. These liens are not technically from a specific district, therefore, we call them non-district liens.
- Latta said that with certain lien types, we are required to adopt ordinances. There is a lot of inconsistency in our code. This will be a common practice in the future to put these into our consent list. What you see with this ordinance are all violations for tall grass. We assign a dollar value to the abatement, and assign a non-district lien. We might change the ordinance in the future to assign the lien via a resolution. We will be bringing together all of our lien types, going backwards, and covering all the liens in the docket.
- Caughey asked how we collect on these if they aren't paid.
- Latta told him that these are the unpaid ones. If people can't afford to pay the invoice for an abatement, it can become a lien. When the property owner then sells the property, through the transaction, a title search will be made. That's where the lien comes up, and we get paid through escrow. People do have the ability to pay these off at any time.
- Downey didn't feel that 30 days was enough time to wait for an invoice to be paid before going to lien. She is used to seeing 90 day liens. If you go with 30 days, you'll be filing liens like crazy.
- Caughey thought that 90 days make more sense.
- Latta said that we will be addressing that in the future. For now, all of these liens are already on the lien docket; we just haven't followed the proper process. All of these are assessed, and we are waiting for them to be paid.
- Downey was concerned about citizen's not being aware of the assessment.
- Puls said that they receive a letter that tells them about the process.
- Latta described the lien process; most of this is abatement. Once we notify them, if they don't respond, or if its vacant property, then we go to court, and get a warrant to do the

work. We then send the bill to the property owner on record. If we don't get a response, it goes onto the lien docket. Through this process, we've already had a month, if not two months, ahead of assigning the lien in which the property owner was notified.

- Downey would like to have that changed. 90 days is the time period industry wise.
- Loshbaugh said not with construction liens. Those are 30 days.
- Downey said yeah, but the contractor is in contact with the client, and they know about it. But yes, she'd have to concede that there are some 30 day liens
- Loshbaugh said that he would be in favor of 30 day liens especially on nuisance abatements. Most of these nuisances are on vacant homes. You send them a bill, and if they pay, we take the lien off.
- Eldridge said that as part of the process we'll be following up on, we'll be adding an appeal process. We have also discovered that there is a statutory interest charge that we can be charging, larger than what we currently use.
- Puls thought that our interest rates were really low.
- Downey **motioned to approve Ordinance No. 934, "AN ORDINANCE TO LEVY NUISANCE ASSESSMENTS AGAINST REAL PROPERTY IN THE CITY OF HARRISBURG", and was seconded** by both Puls and Loshbaugh at the same time. **The City Council then vote unanimously to approve the ordinance assessing liens against real property for existing liens on the lien docket.**

#### The matter of Recognizing the Service of a Resigning HART Board Member

**Staff Report:** Latta said that Casimira Sepulveda has been a HART Board Member for 12 years, and has done a fantastic job in serving in that capacity. Her service to HART won't end; she will continue to be a volunteer, just not on the board. In the background of every event we hold, she's been there. She does a lot of work for HART, and we want to recognize her. As such, we have a resolution expressing our thanks for all of her hard work.

- Casimira thanked Council for recognizing her.
- Boese then **motioned to approve Resolution No. 1103, "A RESOLUTION THANKING CASIMIRA SEPULVEDA FOR HER OUTSTANDING SERVICES AS A HART BOARD MEMBER". He was seconded** by Puls, and the City Council voted unanimously to approve Resolution No. 1103".

#### The matter of a Resolution Extending Workers' Compensation Coverage to Volunteers

- Puls asked why we have to do this every year.
- Eldridge told her because our insurance company required it. Cities can change who they cover from year to year.
- Loshbaugh **motioned to approve Resolution No. 1104, "A RESOLUTION EXTENDING THE CITY OF HARRISBURG'S WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF HARRISBURG FOR POLICY YEAR 2015-2016". He was seconded** by Downey. **The City Council then voted unanimously to approve Resolution No. 1104, and to extend Workers' Compensation to city volunteers.**

The matter of Approving a Parade Permit for the Old Fashioned 4<sup>th</sup> of July Parade on July 4, 2015.

- Downey motioned **to approve the issuance of a parade permit for the 2015 Old Fashioned 4<sup>th</sup> of July Parade Permit, subject to the conditions of approval.** She was **seconded** by Loshbaugh, **and the City Council voted unanimously to approve the Parade Permit for the 4<sup>th</sup> of July.**
- Latta told the City Council that they always have the opportunity to throw in additional conditions, if they ever had any concerns about anything.

The matter of Discussing Priceboro Park and Abutting Properties Fence Issue

- Caughey said that this issue is one he brought up. He was aware that one of the homes had sold, and the mechanism for informing the new owner failed. He wanted this brought up again. Although he wasn't on Council at the time, he was in the audience when we discussed this issue.
- Boese said that the person who sold their home were supposed to tell the new owner. How did they get out of doing that?
- Caughey said that they did have a duty to disclose the information. However, the home was foreclosed on, and the bank didn't know about it. The current owners bought the home, and didn't know about it; they are now trying to sell it again.
- Latta noted that in 2012, the City Council decided that the property owners had 5 years to move the fence. That date is in August 2017. Other mechanism's that would require the fence to be moved was if the property sold, or if any of the fence fell down, or needed replacement. The problem with that is that people build fences quickly, and repairs, even more so. There is a challenge with enforcing this unless we get lucky and the PW crew is around, and notices it in mid-construction. We have a few options; we can wait until August of 2017, and then tell them to move their fences if they haven't done it yet; or we can notify the property owners in advance of 2017, that we would like to have their fences immediately relocated, and if needed, we can move the fences for them, and invoice them. Then they can make payments on it, or we can also do a lien. He felt this is the correct option we should give situations like this in the future, especially when the fences are on city property. He would like to get a consensus from Council on which of these options they would like. Do you want to wait until the date we gave them previously, or be more proactive, and get it done sooner?

Boese asked about the amount of distance that most of the owners had to move the fence, and was told most of them are a little more than 2'. The distance gets narrower the further north you go on the four properties. Boese said that if he was the home owner, he'd just remove the back of the fence and leave it. Caughey said that with the first house to the south, it's actually a little more than 3'. Council reviewed some of the history behind how the situation arose, with the developer putting the fences in the wrong location, and what the city had to do to show that the fences were in an incorrect location. Boese was concerned about requiring them to do it immediately, but Latta told him that if the homeowners wanted, they can keep the timeframe as stated. He suggested that perhaps we could do a deed restriction on each of the properties that would show up when a title search was done. Historic districts often operate with deed restrictions. Downey didn't want another house to go into foreclosure, and for us to have the repair of the fences put off more.

Latta said that we can put a deed restriction on the properties now, and then in 2017, we can inform the property owners that it's time to move the fences if they haven't done so yet, or they can have the city do it, and put a lien on the property. Puls asked if we would forewarn the citizens, and Latta told him that he would send something out next year, and to give them a reminder, and let them know about the deed restriction. Puls liked getting the deed restriction on the properties right away, and then reminding the homeowners next year. Boese agreed, and thought that we could just go in and do the work all at once, for all four properties. That way, the work is done, and we don't have to wait anymore. Latta reminded them that the property owners could take care of it at anytime. Caughey liked the suggestion that Latta had, and felt it was the cleanest and fairest of the options.

- Loshbaugh **motioned for the City Administrator to put deed restrictions on the homes off of Priceboro to have the fences moved by 2017. Downey seconded the motion.**
- Kay Barnett, in the audience, asked if the people in the homes are aware of the abatement.
- Latta told her that they are. He talked to the ones who had bought the house from foreclosure. They came in to check to see if there were any issues with the home, and talked with him, so they knew about it. He told them they had until August of 2017 to move the fences.
- **The City Council then voted unanimously to have deed restrictions put on the four properties, to have the fences moved on the properties in 2017.**
- Latta said another motion could be made, to inform the property owners in 2016 that they have until August 2017 to relocate the fences, and if it's not done, the city will do the work and will assess the property.
- Puls **motioned to inform the property owners in 2016 that they have until August 2017 to relocate the fences, and if it's not done, the city will do the work and can place a lien on the property. Downey seconded the motion.**
- Boese thought it better to meet face to face with people instead of informing them by letter. He thought a friendly face from the city works better than a letter.

Downey knew that two of them don't live there. One is flipping the home, and the other is a rental. They live outside of town. Latta said that he can knock on the doors and talk to the residents there. Caughey reminded everyone that 3 of the 4 owners were here in Council, and knew what the requirements were. Puls thought that the renters should know about it. Latta said documentation is important; he wouldn't want to skip that. But he is fine with getting out to talk to the property owners first. Boese liked that, he didn't want to make enemies. Puls asked how much it would cost to move the fences, and Boese said that we should have a cost proposal for them when we send the letters. Scholz said that the City could relocate it, but he feels that we should use a licensed fencing company. We could never make it right for someone with an attitude. Loshbaugh agreed, and said that we have more things to do than to relocate fences.

- **Council then voted unanimously to inform the property owners in 2016 that they have until August 2017 to relocate the fences, and if it's not done, the city will do the work and can place a lien on the property, and to follow the procedure as stated above.**

Others:

Harrisburg Beach and Local Law Enforcement

- Latta noted that Council should look at the law enforcement report (Please see Addendum No. 1) we are still in negotiations with them on the current contract; the county's lawyers have it right now. He thinks that we will get improved services, and a few more hours from them. We are heading in the right direction.
- Downey said that she had a fairly young person who mentioned to her that with the warm weather, the riff raff are moving back onto the beach.
- Latta said that he came in last weekend, on Saturday and Sunday, and there were at least ten to fifteen cars a day parked on the bar, with fires every night. On Monday, he came in and called Lieutenant Duncan. He asked why they weren't patrolling the beach; she said that she had called them, but she didn't know if they had made it down there or not. She said if it happens again, to call dispatch. The next day, it was getting hot outside, and he noticed it starting again, and called dispatch. They were here within 20 minutes. They were back again, and the deputies returned the next afternoon, and started writing citations. He noticed that yesterday, there were no cars on it, and today, the same. He felt that people were getting the word now.

Loshbaugh talked about the difference between just boat trailer parking, and regular parking which would include both vehicle and boat trailer. He felt that the parking by the river should only be for boat trailers. He had heard that they were ticketing boat trailers, rather than cars. Latta said that he didn't think that was the case. Loshbaugh noted that the parking is for boat trailers. He was frustrated that the fire department had a call to the river, and that they had to go to either Hayworth's, or Cartney Lane, and otherwise couldn't get in the river. Latta said that he will continue to push for reinstating the boat launch ramp, and is reaching out to our federal legislators. He remarked that the DSL was out of the way now. Caughey thought it would be beneficial to get the fire department involved in that fight, and Latta said that is correct; he talked to them at the local level, and he felt that will help more than just the city squawking about it.

Poplar Plantation Project

- Scholz said that he gotten fantastic news; we don't have to do a poplar plantation project. With Latta pushing, and him asking questions, they did a little research, and found where we met certain regulations...we don't have to harvest our existing poplars, and can continue to maintain them.
- Council's reaction was amazed, and thought that news was wonderful!

Puls asked how long ago that they had heard that; Scholz said that the state forestry department said that you can do what you want. The DEQ authorized the poplar trees, and if a tree falls down, you can cut it. He said that we can't really verify uptake figures, because they haven't been around long enough. Loshbaugh said that they are now selling poplar boards at Jerry's. Scholz said that with proper maintenance, we can replace a tree if it goes down, or dies. Latta added that regulations say that we can't use them as a commercial activity; we can't make a profit from them. We can give them away, we can chip them, we can do different things with them. We can remove the bad varieties, and replace them with the good ones. As the trees get bigger, they have more propensity to fall down, but at the same time, they have a bigger ability for uptake. Latta said that Scholz really did a lot of research on this, and should

get the credit for it. Adam Keaton, Budget Committee Member, asked then if a wind storm happens, we can replace them. He was told yes. Latta said that in 2020, we need to increase the acreage. Scholz said that he agrees, and thinks that we can do the work ourselves. Keaton asked if we weren't near the maximum usage then?

Scholz told him no. He felt that we were at about 68% right now; but those are hypothetical numbers. Loshbaugh, who had worked extensively in the plantation, talked about the varieties we had. He recommended replacement of the bad variety we had in there. Caughey was enthused, and thought that would help with the budget. He asked if we had the paperwork that told us that it was allowed. Latta agreed that it would help, and verified that we had the paperwork; he had given it to Eldridge to file away carefully. Loshbaugh asked if there is a market for one variety; can we sell for lumber, and replant. Latta told him that the statutes don't say what the commercial activity is defined as. We might be able to sell them, but he doesn't think that we can grow them for the explicit reason of commercially selling them. The purpose for them to be there is for uptake. Scholz thought it switched over to forestry management, if we make 20% over the amount of the costs of the plantation. We have to play around with that. The price of them would really have to skyrocket to reach that.

Loshbaugh agreed, and thought if you had a group of trees susceptible to breakage, like two rows, and planted another variety there, that we probably wouldn't get into trouble for that. Scholz agreed, and said as long as it falls under 20%, it would be replanting, and not forest management, and we are not doing it for profit.

- Caughey wanted to comment that he's heard a lot of things over the years; you can't do this, you aren't allowed to do that, but thinking about what we just found out, in relation to the boat ramp, and the poplar tree farm, when we thought we couldn't touch it, and the situation with the sheriff's department, and the issue with the railroads; well, he's heard over and over that we can't do anything with certain subjects, and it turns out that if we've had a lot of discussion with the agencies, and given pressure, things can change. He thought with Brian Latta and Chuck Scholz on board, that we were in a lot better position than we used to be. He wanted to say thank you to the two of them for doing that for Harrisburg.

**With no further business, the City Council adjourned at the hour of 7:50pm.**

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Mayor

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City Recorder



# LINN COUNTY SHERIFF'S OFFICE

**Bruce W. Riley, Sheriff**

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Albany, OR 97322

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## 2015

### MONTHLY REPORT TO THE CITY OF HARRISBURG FROM THE LINN COUNTY SHERIFF'S OFFICE

**FOR THE MONTH OF:**

**May**

TRAFFIC CITATIONS: -----	<b>9</b>
TRAFFIC WARNINGS: -----	<b>15</b>
TRAFFIC CRASHES: -----	<b>1</b>
ADULTS CITED / VIOLATIONS: -----	<b>3</b>
ADULTS ARRESTED: -----	<b>7</b>
JUVENILES CITED / VIOLATIONS: -----	<b>0</b>
JUVENILES ARRESTED: -----	<b>3</b>
COMPLAINTS/INCIDENTS INVESTIGATED: -----	<b>110</b>
TRAFFIC HOURS-----	<b>29.5</b>

<b>TOTAL HOURS SPENT IN:</b>	<b>HARRISBURG</b>	<b>405.5</b>
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**70 PERCENT COVERAGE OF FOUR DEPUTIES PER MONTH= 404 HOURS**

**Bruce W. Riley,  
Sheriff, Linn County**

**By: Lt. Michelle Duncan**