



Harrisburg City Council Minutes May 18, 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:

- Kimberly Downey
- Mike Caughey
- John Loshbaugh
- Adam Keaton
- City Administrator Brian Latta (Arrived later in the meeting)
- City Recorder/Assistant City Administrator Michele Eldridge
- Public Works Director Chuck Scholz

Absent this evening were Councilors Robert Boese and Sarah Puls, and Youth Advisor Devon Contreras.

Concerned citizen(s) in the audience: All present were for items on the agenda.

Consent List Approval

- Caughey **motioned to approve the Consent List, and was seconded by** Loshbaugh. **The City Council then voted unanimously to approve the Consent List for May 18, 2016. The adoption of the Consent List approved the following actions:**
 - **The Payment of the April 2016 Bills**
 - **The Minutes of March 23, 2016, and April 13, 2016**
 - **Travel for the City Recorder/ACA to attend the annual Institute of Municipal Clerks Conference in Omaha, Nebraska**

The matter of Approving Resolution No. 1134, "A RESOLUTION AMENDING THE CITY OF HARRISBURG EMPLOYEE MANUAL TO HISTORY AND INTRODUCTION CHAPTERS (FORMERLY POLICY 101) AND POLICIES 121 AT-WILL STATUS & DISCIPLINE, 130 MISCELLANEOUS OREGON LEAVE LAWS, 135 MISCELLANEOUS POLICIES, 136 EMPLOYEE USE OF VEHICLES, 137 PERSONAL USE OF CITY EQUIPMENT, 138 ELECTRONIC TECHNOLOGIES POLICY AND PROCEDURES, NOW COMPUTERS, TELECOMMUNICATION DEVICES AND OTHER ELECTRONIC EQUIPMENT, AND 139 IDENTITY THEFT PROTECTIONS POLICY, NOW CONFIDENTIAL CITY INFORMATION"

Staff Report: Eldridge told the City Council that this had already gone through Council at a previous meeting, so she was there to answer questions if needed.

- Keaton noted that he had found some typos; should he point them out at the meeting.
- Eldridge asked him to give those to staff; we would make corrections. If it was substantial or changed his understanding of an issue, then we should bring it up at a meeting.
- Keaton didn't feel that any of these were any problems, but he did want to have them corrected.
- Loshbaugh then **motioned to approve Resolution No. 1134, "A RESOLUTION AMENDING THE CITY OF HARRISBURG EMPLOYEE MANUAL TO HISTORY AND INTRODUCTION CHAPTERS (FORMERLY POLICY 101) AND POLICIES 121 AT-WILL STATUS & DISCIPLINE, 130 MISCELLANEOUS OREGON LEAVE LAWS, 135 MISCELLANEOUS POLICIES, 136 EMPLOYEE USE OF VEHICLES, 137 PERSONAL USE OF CITY EQUIPMENT, 138 ELECTRONIC TECHNOLOGIES POLICY AND PROCEDURES, NOW COMPUTERS, TELECOMMUNICATION DEVICES AND OTHER ELECTRONIC EQUIPMENT, AND 139 IDENTITY THEFT PROTECTIONS POLICY, NOW CONFIDENTIAL CITY INFORMATION"** (He inadvertently left off one of the policies, but subsequently, noted that his motion included all of the above policies). He was **seconded by Downey, and the City Council voted unanimously to approve Resolution No. 1134, and the latest update for the City's Personnel Manual.**

The matter of Approving Resolution No. 1135, "A RESOLUTION EXTENDING THE CITY OF HARRISBURG'S WORKER'S COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF HARRISBURG FOR THE POLICY YEAR 2016-2017"

- Caughey **motioned to approve Resolution No. 1135, "A RESOLUTION EXTENDING THE CITY OF HARRISBURG'S WORKER'S COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF HARRISBURG FOR THE POLICY YEAR 2016-2017". He was seconded by Downey, and the Council voted unanimously to approve Resolution No. 1135, and thereby extending the City's Worker's Compensation Coverage to Volunteers for the City.**

A Visit with Linn County Deputies

- Sergeant Greg Klein was present this evening, and said that they had no information about the wreck on the bridge; it appears that the Fire Dept. has it cleared up finally.
- Downey said that everyone at Dari-Mart said that there was debris out of a vehicle on the road, and people were trying to avoid it.
- Sergeant Klein reviewed the report for the month of April, which is in the Council appendix. He noted that there were 5 arrests of adults, and that one of the crashes on the report was also on the Harrisburg Bridge; that was a non-injury crash.

Council started expressing their discomfort with ODOT (The Oregon Department of Transportation), not allowing them to lower the speed limit on the other side of the bridge. Downey thought that perhaps we should have Latta follow up on it. Maybe he would have more success than what the City has had previously.

City Administrator Brian Latta arrived at the hour of 6:43pm, having been in the line on the bridge waiting to get through.

Sergeant Klein said that they have a new lieutenant in Albany, who has discussed speeds of roads throughout the county; perhaps we can ask him to look at an analysis. Latta said that ODOT frequently tells us that speeds are not an issue when it comes to accidents like the one tonight. Sergeant Klein said that perhaps we can mention it to the Oregon State Police. Mayor Duncan asked him about how Harrisburg was doing with drug homes. Did we have many of them? Sergeant Klein told him that with the saturations we've had lately, it's helped clear them out, because they had a lot of search warrants. Heroin has become popular again, because making methamphetamines has become harder; those plus prescribed medications that are opium based are also being used. They take those in succession. They had a particular individual that they had been looking for, and he's left recently. We hope that he won't come back. The City Council thanked him as always, for filling them in about what's going on in Harrisburg.

The matter of an Update on the 100-Acre Park Feasibility Study for the City's Consulting Firm
Cameron McCarthy

Parks consultant Colin McArthur was making the presentation this evening. He went over the main concepts with Council and the latest update to the conceptual plan. The main concentration of amenities was in the upper part of the park, in the section that is inside the City's UGB boundary. The lower section of the park will mostly be used as a natural space. There are some parking spaces there and a small trail system with some bridges over the slough. It will be accessible during the warmer months. A lot of this area is going through the reclamation plan with Knife River, and will be largely revegetated.

The following amenities are the main things that citizens had wanted in the park:

- Non-motorized boat access
- Fishing pier/pond access
- Picnic shelter/pavilion stage
- Shelter
- Restroom
- Parking area
- Bike skills course
- Multipurpose lawn
- Native seeding
- Playgrounds
- Picnic area
- Fenced dog park
- Sports field

The soccer field is a good multipurpose field, but is not for competition. It can be used for other events if not being used for sports. The parking areas are expandable, if they are needed in the future. They have a gathering area with shelter, and a restroom structure, although they haven't settled on the type of restrooms yet. He thought the cost of any sewer extensions would be significant. There is a children's playground, and large lawn area, plus a pavilion and picnic shelter, which can double as a performance stage. There is also informal lawn terrace seating. South of the pavilion is a primary trail system, which is a skills course. They wanted a boat launch, which is good for this area. Camping was nixed; however, the way this plan is configured, it could be added in the future if people wanted it. There can be a community garden location here too.

Council talked about the amenities that are planned. Downey wanted to go for a walk, and McArthur told her that the trail system is one of the first things to go in. A person in the audience was worried about how close to the water area the kids playground is. Will there be any protection for that? McArthur told them that a 4' chain link fence is a key element of the playground, although at the feasibility level, it's not shown. Another audience member asked about there being swimming; McArthur said that he's not sure if that will be possible or not. They will be asking one of their team members who are experienced in environmental issues about that. Caughey asked if there was any plan on testing the contents of the water. McArthur said that was incumbent upon Knife River doing that, because they have to answer to the state and county. Mayor Duncan thought that was part of the reclamation requirements. Downey suggested switching the playground with the dog park; McArthur said that they can consider all of that, and the relationships to each amenity.

A member of the audience asked about the impact of potential flood damage in the park. McArthur told him that there are parts of the park that are in the flood plain of the Willamette. In those areas, any structures will be elevated above base elevation. We will design improvements knowing that they would be flooded.

- Mayor Duncan said that they were supposed to have taken possession in 2014, and then they asked us for 10 years to extract gravel. We gave them 5 years. Do you remember the timetable on that? He would like to hear from Council about whether they will want to cap it at 5 years.
- Latta told him that the reclamation will take a longer time, so it's likely to be 2018 before we can take possession. They've done a lot in the southwest pond. A lot of the rock you see stockpiled is from there. As they do projects and use it, they've prepared to take more. They've cleared the topsoil from the southeast pond area, but unless they start using the rock, they'll eventually return the topsoil and cover it up. They will have 2 ½ years for the reclamation.
- Caughey said that we agreed on 5 years, there is still a possible extension of time, but we can still say it's just 5 years we will allow.
- Latta told him that was correct. Knife River wanted to say that they can ask for more time, but nothing says we have to grant that. The Mayor and Council can make a decision in the future about that.

The matter of Considering the Initiation of the Burton St. Improvement District, for Burton St Located East of 9th St.

Staff Report: Latta told the City Council that this wasn't a public hearing; instead, they had wanted to allow public testimony from the people who own homes on Burton St, in the neighborhood located east of 9th St., ahead of the normal process. He reiterated information from the agenda bill, and noted that we have few people in this neighborhood who actually have the ability to remonstrate. Remonstrating is the ability for a homeowner to say that they don't want a project to proceed. If enough citizens who are allowed to remonstrate, do so, then they can actually prevent and/or delay the process from going forward. As noted in the agenda bill, however, there are already three waivers of remonstrance on hand for the abutting properties, and conditions for land use approvals that don't allow for the development of any lots until the street is constructed. The people whose properties have a filed waiver of remonstrance, would not be able to remonstrate against a project. Those without waivers of remonstrance, could object. When assigning a public improvement project, the Council can propose any way they'd like of distributing the costs for the project. They can propose that the City pay for the entire project, not pay for the project, or anything in between.

Latta showed a presentation to the audience. (Please see Addendum No. 1) A citizen can have options to pay on the improvement project. They can pay all at once for the entire assessment, or they can establish a promissory note, and pay in installments. Installments must be chosen within ten days from the first publication. There is another option too, for a citizen to defer an assessment payment because of a delay of benefits. That can only apply if an abutting property does not have, or is denied driveway access or access to any of the local improvements within the right-of way, and the property is not developed for a purpose which makes use of the streets, or any of the improvements. That might make the project a little more palatable to some of the property owners.

- Roger Bristol, 31166 Territorial Dr., was both a developer of the Territorial Divide Subdivision, and a Planning Commission member for the City of Harrisburg. He noted that the ordinance said that a deferral of an assessment can terminate, for the entire amount of the assessment levied, if the abutting property is partitioned, or if it's developed for a use other than a single family dwelling. So does that mean that he can build a single family dwelling and not have to pay the deferred assessment, if he isn't accessing Burton St.? He also felt that the conditions for him to improve Burton shouldn't be treated the same as a waiver of remonstrance. He thought it should allow him to be able to remonstrate.
- Latta told him you could choose the assessment option, to either pay it all within 30 days, or to pay it over ten years. He would need to talk to the City Attorney about whether a total deferral would apply because you aren't using the improvement.
- Bristol said that he was told by Bruce Cleeton and Tim Bunnell that the Diamond Hill Estates property would be developed, and that they would be responsible for improving Burton St.
- Property Owner Brad Bond, 510 N. 9th St., explained his situation. When the economy was good, if you had asked him to do this at that point, he would have been able to do it. Burton is on the side of his property, so why would this improvement benefit him?
- Latta explained that in the future, you might decide to access your property in that direction. You also have a fairly large piece of property. If eventually, you sold the home, or wanted to develop it, you have a potential to remove the current home, and partition the property.
- Bond said that his driveway doesn't access the proposed improvement; it accesses 9th St.
- Latta explained that it's sufficient that there is a possibility for future development. He stated that you need to look at what could occur in the future, not just at what is on the property now.

Property owners, which included Brad Bond, 510 N. 9th St, Roger Bristol, 31166 Territorial Dr., Pete Sutton, 965 Burton St., Ivan Oral Booth, 915 Territorial, Jonathan Bristol, 31166 Territorial Dr., and Larry & Kara Walsh, Fall Creek, generally had the following concerns, which they stated at various points during the discussion:

- They felt that the City should have made the developer of Harvest Glen Subdivision, east of Burton St. develop the part of Burton that is unimproved.
- They felt that the City should have made the original developer of Larry Walsh's property, Jamie Paddock, develop the rest of Burton St., and that they shouldn't have the burden to do so now, because the City allowed him to do that.
- The City should have required them to further develop Burton Street back when the economy was better.

- They felt that the City should allow Larry Walsh to sell the property without requiring the road to be improved. (Kara Walsh added that Larry also hadn't been informed about the development requirement by Jamie Paddock, but Latta told her that it's a legal requirement of a seller of property, to inform the buyer. In this case, Paddock should have informed them of the requirement when they ended up having the property returned to them.)
- Some of the property owners had been burdened during the recession, losing jobs, and income over the years; including coming very close to losing homes because of unemployment.
- The City has several gravel roads that they maintain, and perhaps the other improvements (curb, gutter & sidewalk) could be done, but leave the street itself in gravel.

Downey said that she had to pay for a sidewalk improvement for the station property that she owned, and that it was hard for her to do so, but if she remembers correctly, it was about \$75 a month or so. However, Sutton said that the cost for this project is much more than what most improvements cost, because it's a road improvement, not just a right-of-way project. He would like Walsh to be able to sell his property, and to get out from under the burden he has right now. He asked if he could just maintain the waiver of remonstrance. However Latta said that the problem is where do you stop just having everyone defer the improvement? At what point do you finally take care of getting it done? Bristol was disappointed that John Hammer couldn't use his large parcel; he was the one who was supposed to have improved all of Burton St. That's why they allowed him to defer the improvement for his subdivision. Sutton liked the concept of having a paved street, but just couldn't see paying the high costs of the improvement. If it was just sidewalk, and curb/gutters, then he might be able to afford that, especially if it was \$75 a month. If the cost of the improvement was too high, then he could see what Bond suggested earlier, that you run the risk of people just walking away, and losing their property.

Mayor Duncan suggested that the Walsh's go after Paddock legally; but they had tried that, and it didn't work. The fact that Paddock could walk away from that made the Mayor very upset. Council is there to help the homeowners, but we also can't set a precedent; they have to find a way to try to make it work for everyone. Sutton wasn't against helping Walsh to be able to sell his property, but all of them had cash flow problems, and he doesn't know how to make it financially feasible. The property owners discussed some of the wetland issues for the City; Bristol has a conservatory wetland in his subdivision. However, regardless of the fact that the wetlands issues caused a lot of problems for everyone, the fact remained that we still need to bring streets up to standard. Oral Booth said that he had to pay for the sewer improvement project on 9th Street, and that was \$9,000 or \$10,000. He hasn't planned on doing anything with the property, and is on a fixed budget besides. Bristol thought that perhaps Booth could have the deferrals apply to the property. However, Latta didn't think it would be possible. Perhaps if Booth partitioned the property, then he could do that. But it would have to be done before the project is started. He could take the ten year assessment option. Sutton suggested that perhaps he and Bond could talk about the possibility of doing a lot line adjustment, and taking over the property belonging to Walsh. Maybe that could work, because they wouldn't be developing the property.

Mayor Duncan asked what would happen to the vacant lot if we did the improvement, and he was told by Latta that the City would place a lien on the property. That would happen automatically for all properties in the improvement district. Caughey asked what was keeping Walsh from selling his property, and Latta told him it's because there is a signed waiver of

remonstrance, that doesn't allow the sale of the property until the street is improved. Walsh asked if the City would waive that, but Latta told him we can't. It was a poor decision that they made back then, because you can see where we are now. Downey asked if we could find out externally, without starting the district, how much the entire project would cost? Latta told her that right now, the estimates are in the high \$200,000 to \$300,000 for the entire street. Water and sewer lines are there, but the rest of the street, and right of way would need to be improved. Downey asked if we had the \$150,000 that was listed as the cost. Latta told her he wasn't sure right now of the total amount in the Transportation SDC fund. He said that it was more than enough to cover the project. The Council can decide how much of the costs they want to pass on to the property owners. How much do you want to reduce the cost for the homeowners? You can pay for the entire thing, or you could decide to have them pay 10% or 20% of the total costs; there are a range of options. Downey was concerned about setting a precedent. There would be people like her, who had to pay the full costs of curb, gutter and sidewalks. When we improved LaSalle, they didn't have to pay for the street; it was just curb, gutters and sidewalks. Could we do something like that for these citizens? Could they just be responsible for those improvements?

Latta told her that you can divide the costs however you would like. He didn't necessarily think that they would be setting a precedent here. Each street is completely different, with the types of improvements that are needed. Downey didn't think that anyone had to pay for an entire street like this in the past, it's always been the right-of-way improvements. Latta told her that was correct. Booth talked about what the benefit was for the City for doing this, was it property taxes? Latta told him that there is a lot of difference between what the City did back in 1999, and what we do today. That property would have been required to do that improvement if it came up today. Or we could have built the street, and required them to have a lien at that time. We are also now recording the liens that are made, so that people know about them when the property changes hands. In reality, at the end of the right-of-way for Bristols' subdivision, and the other one, we should have required a type 3 barricade to be installed; the street shouldn't be accessible by those property owners. He said that there are ways to make sure that a property isn't specially benefited by an improvement, depending upon their other access.

Caughey asked how much a right-of-way improvement would cost, without a street. Scholz said that would likely be about \$80,000. The driveways being paved would increase that. Downey thought it ought to work out to about \$7,000 or \$8,000 per property. Latta said it would be more for Bond, because he has more property affected than the others. Loshbaugh gave some history on why they allowed Paddock to do what he did. Basically, they could develop one or two properties, without having to put in a road. He felt that based on that, that maybe we could allow two properties on the south side of the road, and one on the north, for a total of 3 lots, that can be built on. Then you can leave the street as gravel, which is easier to maintain, as long as it's prepared as a proper road bed. Mayor Duncan asked if that would mean that they would need to do the right of way improvements too, but Loshbaugh told him no. Scholz felt that was how we got in trouble with this area in the first place. Latta said we have the same problems today. If we push it to the future, it's less likely to get done, because the assessment will be even larger.

Bristol felt that because Cleeton and Bunnell didn't follow through on what Paddock was supposed to do, that the City is responsible for some of the costs here. Kara Walsh said that she didn't mean to start a war. Her dad is on such a limited budget, and she was trying to help him sell the property. Mayor Duncan asked Latta what he needed to hear from Council. Latta said that he needed to know what they wanted. Does Council want more information before

making a decision? Do you want us to move forward? Sutton asked where the engineering charges the City would encounter be paid from, and was told from street SDC's. We can spend SDC funds on streets that benefit new development. Downey would like to have more information; if nothing else, the actual projected cost for the project. Loshbaugh asked for confirmation that it would cost around \$30,000 for finding out the projected costs of the project. Latta said it wouldn't cost more than that. Loshbaugh asked if they could use \$30,000 from SDC's. Keaton expressed concern that there was a better place to spend the \$30,000 worth of SDC funds. Latta told him that the City was planning on a project at the end of S. 9th St., in the Max Hammer Subdivision, and there might be an opportunity there, but otherwise, there really aren't any other projects like this.

Bristol asked how much of the plans would be developed from the \$30,000; Latta told him that is an estimate to receive approximately 60% to 90% of the total plans. The more developed the plans, the more it will cost, but it will also give us a better estimate, and can be used in the future. Bristol liked the sound of having a better estimate; that way the City can know how to proceed. Keaton wanted to make sure that the expenditure of \$30,000 would give us enough detail to work from. He wanted to make sure that it wouldn't result in a loss. Scholz told him it's not a loss to have 90% of plan details for a project like this. 60% of the plans; yes, that would be a problem. He added that a plan at 90% would allow you to work out the sub-details afterwards. You can accept the engineering plan and just shelve the project. Then in the future, you can open it back up again. Downey asked then if it does come up to \$300,000, and we decide not to do it, then in ten years, we could still use these plans? Scholz told her that was correct. Caughey asked if he had a timeframe for how long the engineering would take? Latta told him that our City Engineers have a heavy work load right now. It would likely take 4 to 6 months.

- **Caughey motioned to direct city staff to initiate the Burton St. Improvement Project, and to return to the City Council with the engineering plan 90% completed so that we can have sufficient information to make this important decision. Downey seconded his motion, and the City Council voted unanimously to approve the proposal to initiate the Burton St. Improvement Project, and to return to Council with a 90% completed engineering plan in the future.**

The matter of Approving a Parade Permit for the Old Fashioned 4th of July Parade on July 4, 2016

- **Downey motioned to Approve the 2016 Old Fashioned 4th of July Parade Permit, subject to the Conditions of Approval; she was seconded by Caughey, and the City Council voted unanimously to approve the Parade Permit for the Old Fashioned 4th of July Parade on July 4, 2016.**

The matter of Making a Recommendation to the Oregon Liquor Control Commission Regarding the Renewal of Liquor Licenses

- **Downey motioned to have no objections to OLCC approving the Liquor License Renewals for Air Thai Cuisine, American Market, Casa Torero, Dari Mart Store #20, EZ Stop Market & Deli, Golden Chopstix, Gridiron Sports Bar and Grill, Harrisburg Station & Eagle Mart, and Ron D Voo Tavern. She was seconded by Keaton, and the City Council voted unanimously to have no objections to the renewals for liquor licenses in the City of Harrisburg.**

Staff Report: Eldridge asked the Council if they wanted to continue to have the liquor licenses brought to them even though there was nothing in our ordinances requiring it. Council is technically not approving the licenses; they are simply recommending that the OLCC continue to approve the issuance of the license. City Staff and the deputies would definitely bring any issues to Council's attention, so if something ever did warrant discussion, and a possible recommendation to discontinue a license, it would be brought to Council.

- Caughey said that if there aren't any issues, they just simply rubber stamp it. He didn't have any problems with that.
- Downey was concerned about applications for new licenses being brought to them.
- Eldridge told them that new liquor licenses would be brought to them, and special licenses as well.
- Keaton was ok with that, as long as any issues were brought to them for review.

Others:

- Latta said that they were continuing to negotiate on some of our franchises. They had also received 3 responses to the Municipal Judge RFP. Eldridge had put out the survey on notebooks, and Sarah Puls had a good comment. Is there a preference for materials to be in a notebook, or would they prefer to have it provided electronically? We can create an electronic notebook, and put it on a thumb drive for Council, as an option.
- Council wasn't sure what they would prefer on that. Caughey asked if there had been any further discussion on the possibilities of obtaining iPad's, or continuing with paper agendas.
- Latta told him yeah, they had looked at it, and it was cost prohibitive.
- Latta then told the Council that we will share information with the fire district, and will have it back by the 25th.

With no further information to discuss, the City Council adjourned at the hour of 9:25pm.

Mayor

City Recorder

Burton Street Public Improvement District

City Council Meeting
May 18, 2016
120 Smith Street

What is a Public Improvement District

- It is formed when the city constructs a public improvement (e.g. a street or utility line) and assesses all or a portion of the costs of the improvement onto property owners specially benefitted from the improvement.

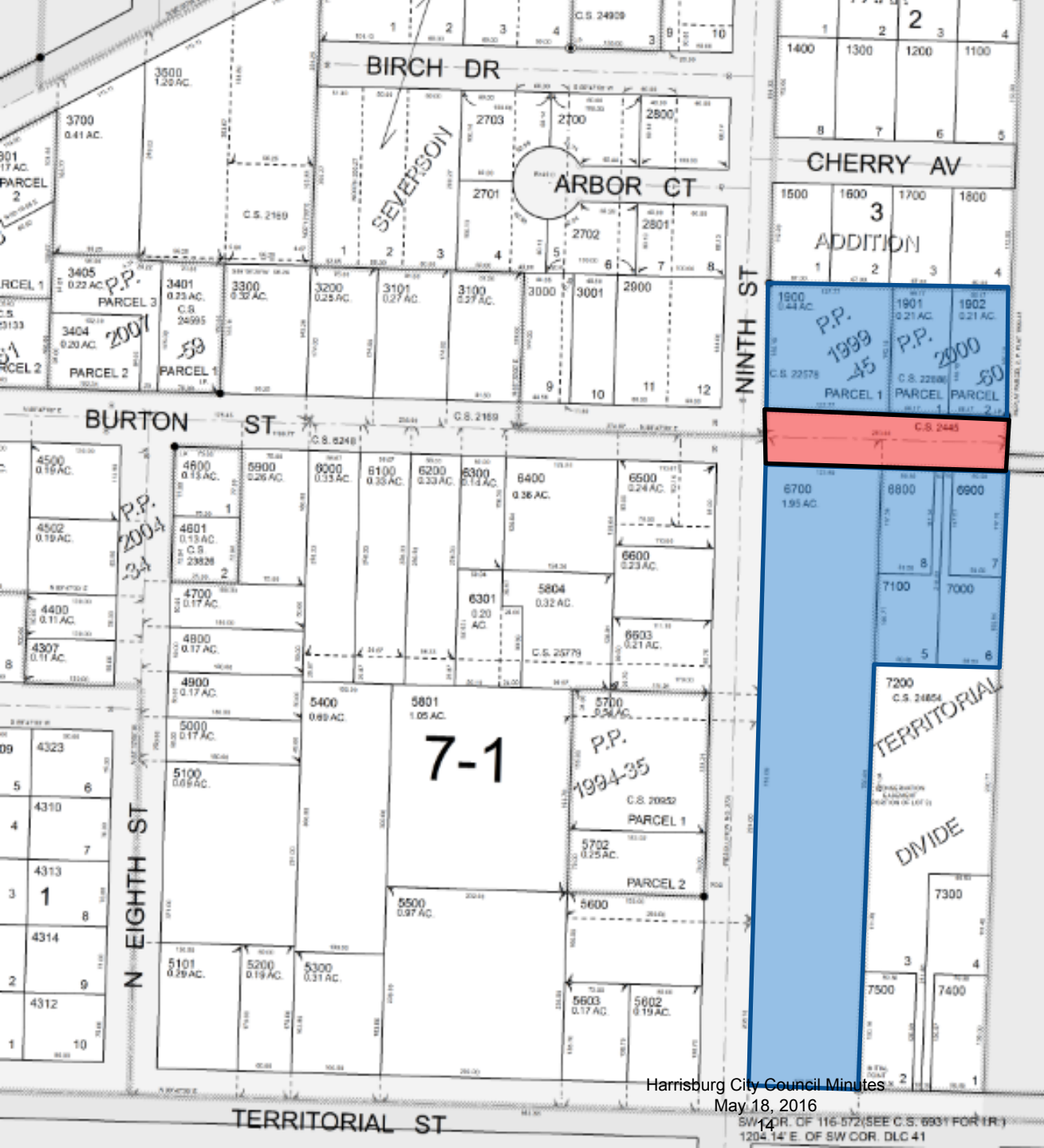
What is the Process

- It is initiated by City Council motion or by 2/3 of the property owners specially benefitted by the improvement
- The City Engineer provides the City Recorder with a survey and report
- Council acts on the report or abandons the project
- Council, by resolution, declares its intent and manner by which the improvement will be completed
- Public notices are published and mailed to affected property owners
- Council holds a public hearing and decides whether or not to move forward with the improvement
- City completes improvement / determines method of assessment
- Assessment ordinance adopted and notice of assessment given to specially benefitted property owners

Assessment Deferral

A Property Owner May:

- Pay the full assessment within 30 days of adoption of the assessment ordinance
- Make application to pay in installments within 10 days of the first published notice of assessment ordinance (Note: installments shall not exceed 10 years)
- May defer all payments under specific circumstances



Subject Site

Unimproved Burton Street

Specially Benefitted Properties