



City Council Business Meeting Minutes June 23, 2020

Mayor: Robert Duncan, Present
Council President: Mike Caughey, Present via Zoom
Councilors: Kimberly Downey, Robert Boese, Charlotte Thomas, and Adam Keaton (arrived at 6:47pm)
Absent: Councilor Randy Klemm
Staff Present: City Administrator John Hitt, City Recorder/Asst. City Administrator Michele Eldridge, Public Works Director Chuck Scholz, and Finance Officer Tim Gaines
Meeting Location: Harrisburg Municipal Center @ 354 Smith St.

CALL TO ORDER AND ROLL CALL by Mayor Duncan at 6:30pm.

CONCERNED CITIZEN(S) IN THE AUDIENCE. (Please limit presentation to two minutes per issue.)

Katherine Houck, a Harrisburg resident who lives on Smith St, was present, and spoke for over a half hour. She has lived in Harrisburg for over 19 years. She was extremely upset with the Linn County Sheriff's Department because they don't get a response, or get the right response. She complained about multiple incidents regarding her family, and how she had been treated. She was upset with actions in the City skatepark, when a guy pulled a knife on kids in the skatepark, but the deputies didn't do anything to him other than questioning whether he had a concealed weapon. Another situation occurred in which a man pulled a gun on children in the skatepark, some of whom were her grandchildren. She was upset at treatment at her home when LCSO (Linn County Sheriff's Office) was responding to a presumed possible crime. She doesn't mind requests to search her home if needed, but what she does mind is to be treated with respect when something like that occurs. She had one time when they showed up with guns pulled, but then two days later, they were very kind, and respectful. She doesn't mind when they treat her that way. She felt that the deputies pick and choose whose calls will be followed up on, and which aren't.

She also explained a situation with a very aggressive dog in her neighborhood and spent quite some time relaying what had occurred. She didn't feel that reports that people are making are being followed up on. She said that Animal Control, only has about 3 people working there that cover all of Linn County. This is a concern. She felt that we need our own police force. If a City the size of Coburg has one, then she feels we should have one too. The dog upset her, when it has

been vicious, and has bit her, and others, and has also hurt her own dog. There have been no citations.

Mayor Duncan asked if she had called the City, and she said that she had several times. She has called LCSO for help. When she calls 911, it is because we need help. She stated that we need either better, or more police officers, or we need our own out here. It takes 30 minutes to 3 hours to have LCSO respond to something. She then relayed a situation with racing cars on her street. She felt that if the deputies can't enforce this kind of thing, then citizens will take things into their own hands, for the safety of their children. She wants to be heard; the money the City has already spent for Coburg police could instead go to our own force.

Mayor Duncan thanked her again for her input. Captain Michelle Duncan was present in the audience, and gave Ms. Houck her card, and said that she would like to talk with her following her presentation.

Cheryl Housler, also a Harrisburg resident, from near Monroe and 2nd St., said that she understands that there are lots of complaints, but nothing done by LCSO. She was upset with people near the river racing up and down the streets, or people in apartments across the street who party loud until 2 and 3 in the morning, and don't shut down until or unless LCSO comes into town. If we had our own police department, she wouldn't need to wait when there is a problem. She was also unhappy with the proliferation of cats in her neighborhood. She said that small towns need their own police department; they make a difference to the community. She said that she didn't have any problems with LCSO; that's not the issue. Its that they don't have enough time allotted in our City. If we had our own police force, then people would be willing to pay for it, just like they do with fire, water and the schools. She reiterated that they do get response, but it takes a long time to get.

Travis Crosman, a resident from 9th Street, also spoke for some time about the need for our own police department. A small town needs its own force. He felt if we twisted the budget around, that we would have what we need to have our own department. He knows that Harrisburg pays for additional services, but LCSO doesn't provide the kind of time we need to have. We need our own police, and community policing. He really likes the deputies at LCSO; they are highly trained, and are good people, but they are understaffed. You are paying for a service, and there is a great deal of time spent responding to calls. If you are outsourcing for traffic services, then that means you are lacking traffic services, and so now the City is paying someone else for those services. He felt that if we had our own department, that response time would be improved. We have a super aggressive dog in town, and someone firing a gun in town; that proves that we have a priority list. He suggested that if you have a force, that you pay officers to live in town, and be part of the community. He talked about some of the positive things a police force would give for Harrisburg. He talked about public safety officers in the schools, and coming to City Council meetings, as well as Municipal Court.

Mayor Duncan told him that this is the 2nd time that the City has looked at this issue. We discovered that it cost a huge amount of money to have our own force. Crosman agreed that yes, you have to spend money. In Oakridge, the entire budget is \$1.2 million.

Mayor Duncan said that when we looked into it before, it was in excess of \$800,000. When we started with LCSO, we were paying only \$175,000 a year. Then there were 5% increases every year for years. Coburg police are a trial run for us. Next year, we maybe able to increase traffic patrols. He would love to see Harrisburg getting its own force. However, those costs are astronomical. If these guys make a mistake, then the insurance and liability are a huge expense. If you want to see officers making mistakes, just watch the news. We don't have the money; it's that simple. After approving bonds 3 times in a row, he doesn't know how much money has to be spent

on a police department. He and Crosman had some discussion about what the City has done in the past, and Mayor Duncan explained how hard it was to even get the water bond passed, or any of the other bonds in the community. He said that the quality of the people that Linn County gives us, is amazing. Crosman asked if there was a committee yet, and Mayor Duncan told him not as of yet, it would be some time. Crosman said that he really liked that we were fixing up downtown, but there are a lot of property crimes happening here. Insurance is skyrocketing, and nobody can lose inventory. At some point, someone is going to take matters into their own hands. He also spoke of the population explosion in Junction City, where a lot of it is from rentals. That increases the chances of people coming here to commit crimes. Downey said that when the City is ready to form a committee, that she would like to be on there. She is a graduate of the Citizens Academy and is happy to help. Crosman has been a police officer and has been in a full-time academy to learn to be an officer.

Katie Boshart Glaser is running for State Representative for House District No. 11 and shared her election campaign information with Council. The district is extremely big, stretching from outside of Lebanon, down to Creswell, and then up to the outskirts of Sweethome, and down to Eugene. She is meeting with Councils in her district, so that she can understand the issues you are dealing with. She knows what it is like in our corner of the state, when your voice is ignored, and all the attention is spent on large populations. Everyone should be represented.

Mayor Duncan encouraged her to stay enthused, and wanting to change things, once she's hit with the reality of Salem. It upsets him when the people vote one way, and then Salem says never mind. He hopes that's something that she will work on. Glaser said that was why she was running. She's worked as a legislative aide in the past, so she knows what it is like. She wants to create balance, so that neither side walks out on the other. She's optimistic that she can create change. Thomas encouraged her to spend time when it's City Day at the Capitol. It's an interesting experience, and we felt that they really didn't care about the small towns. Glaser said that this is why she is running. She thanked them for giving her time to speak, and the Council wished her luck.

STAFF REPORT: LCSO REPORTS FOR MAY 2020

- **Captain Michelle Duncan** said that as the commander in charge of the patrol deputies, she answers to the Sheriff and Undersheriff. Her ultimate goal, which she has relayed to the lieutenants and sergeants, is to serve by our motto, 'Compassion, Integrity and Honesty'. She feels it's one of the most important things they do. Having been a liaison with the cities, has magnified her perception of what services they need to provide. In Harrisburg, we haven't always agreed on how things should be done. We had a discussion and found that we haven't done what we were supposed to be doing. It will take some time to fix those issues. Deputies are only human, and while she trusts her deputies to always do right, it doesn't mean that they don't have bad days. It's her job to help.
- Downey told her that sometimes it's helpful to hear what citizens have to say.
- Captain Duncan said that we are hearing a lot tonight. Sometimes, she agrees with them. She was a resident deputy in Mill City for 7 years. Each city is slightly different. Harrisburg is paying for additional services, rather than just having us taking a call. If you have specific cases, call her, and let her look into it. Sometimes it needs mediation, sometimes it depends upon perception, and which side of the story you get to hear about. Take for instance, speeding. We hear that there is lots of speeding, but when we spend time someplace, there is hardly any, or it's not that bad. The Sheriff doesn't always have to agree, and if that's super important to a City Council, then you'll see things differently. We do far more than

most sheriff's offices, because we look through the logs, we problem solve, and we mediate. Civil disputes are frequent, and those aren't criminal. Because the city contracts them, you don't have to worry about it when someone sues the Sheriff's office. With personnel, you don't have to worry about getting the highly qualified law enforcement officers; they do. Getting qualified officers is getting harder, and we refuse to lower our standards. We still have contract cities, and we want to meet those needs.

- Mayor Duncan said that he heard back east that police are frequently leaving their jobs.
- Captain Duncan said that was true. They have qualified immunity, which means that if they operate in good faith, that you aren't personally liable. She has arrested someone in her past, and then found out that they didn't commit a crime. You can't personally sue her, if she is doing her job. If she's negligent, then that is different. You hear in the media about the cases that are big, whether someone has criminal charges against them, and depending upon what they did, whether they can be sued. Some other positives of contracting with them, is having deputies with time off, where Sergeant Klein can simply backfill that position. A smaller force can't do that. They have resources that Lebanon and Albany don't have, such as a detective division, computer forensics, and child abuse crimes division. A drug case 12 years ago was so much easier to do, then now. You can now have a search warrant on metadata in your cell phone. Their federal reporting and regulatory requirements increase every year. She said that in Coburg, they have a \$566,000 budget, which provides them with a chief, a community support specialist, and two patrol officers; they also have a lot of reserves. In Junction City, they have a \$3,000,000 budget. In Aumsville, it's the same. Years ago, they used to spend 440 hours in Harrisburg. That has been reduced to 275. At the end of the day, they have less presence here. They give Harrisburg more, and always try to go over the hours allotted.
- Thomas said that when we contract with you, it's important to know that we are also part of Linn County. So, the citizens are paying for the Sheriff's hours.
- Captain Duncan explained how their presence here in Harrisburg helps, because they are present here, and we get more service from them. Those deputies also know the community better and can solve crimes easier. They might get a dog haul, and the deputy returns to town, to pick up the dog, and then returns. We don't do that in Tangent, Sodaville, and in Waterloo. We only do that in cities with a contract. If we divert our attention again to traffic, then you won't get the attention you need to apply to more crime. She added that by having us here for those hours on the contract, means that we are closer to respond to crime issues. There are also the jail runs; citizens don't understand that the jail belongs to the Sheriff's office. If you have your own force, there is a chance that you will be charged for that. She said that nobody is trying to make money off of small cities. Just like you, we are talking about the increases we have to pass on. We always get beat up on them. Those are only our personnel costs, not the overhead. Cars are more expensive, as are our computers and equipment. There are costs to keep our deputies safe, especially with COVID. Costs are rising everywhere, and all the small police forces are facing that issue, with significant jumps in their costs as is the sheriff's office. We would love to provide services for free. She doesn't blame City Council and citizens for wanting to have their own force.
- Caughey didn't have any questions for this but looked forward to the report recap.
- Captain Duncan reviewed the report, and City Council had an interactive conversation with her in relation to car theft, crime trends, and juvenile complaints.

She explained a recent issue with a small child in town, that they found was being neglected by the parent. In this case, they had to go above and beyond, as trying to talk to the parent didn't work; they wouldn't go to the door because they were worried about getting arrested. They finally had to write a search warrant, because someone was in danger and needed our attention. That was an extra step for their department and is something that they do for our community. Her team went above and beyond on this issue. She then spoke for some time about the challenges for the deputies and for those working in the jail with the coronavirus pandemic. It's hard for the deputies to cite and then release criminals who would normally go to jail for smaller crimes. The jail is implementing processes that will prevent an outbreak, both for the people who are incarcerated, as much as for the personnel that work in the jail. The deputies are complaining that bad driver behavior is increasing; but the DMV is now waiving registration, along with other requirements. These are all things that they would normally cite someone for.

On the 19th, they had a report of kidnapping. That took over ten hours, 4 deputies, and 3 detectives. The parents were convinced by cryptic messages that their daughter was in danger, but it turned out that she ran away to a boy's house. They would rather respond to something like this in the assumption that it's real, rather than not respond at the level that was needed. Those kinds of issues take a lot of time in reports, because they are major issues.

- Mayor Duncan wanted to apologize for what happened to LCSO with the issue of the school district employee. This is not what this town is, and not what we think about LCSO. He doesn't understand how people can be so broken and misguided, but he wanted to give his apology as a representative for the City of Harrisburg.
- Captain Duncan said that she can't speak for the newer deputies, but she's worked for a long time, and the news stuff and media stuff is tough to hear. Especially in this community, we do things right, and we treat people right, and do the best we can.... not that we do everything right. If we hear that somebody has done something wrong, we hate it as much as anyone. In Harrisburg, it's important for you guys to know that we don't have a gang problem, and people aren't being killed in the streets. We can always do better. There are people in every community who don't like us; this tonight was an example of what Council doesn't see very often but is a regular issue we deal with. We try to be compassionate in what we do. She really does emphasize giving good service, and doing the right thing, especially in relation to city contracts. We are so fortunate, even before the social media posting, to have an outpouring of community support. It does mean something to our deputies, to have the sheriff blasting emails to employees with positive messages, or when they get a box of cookies from someone. We're very appreciative of working here; if we aren't doing something right, and if you have questions, then she wants to know. It may be the law not allowing them to do something.
- Council thanked her for being there.

THE MATTER OF APPROVING STATE REVENUE SHARING RESOLUTIONS, AND HOLDING A PUBLIC HEARING GIVING CITIZENS OPPORTUNITY TO COMMENT ON THE USE OF STATE REVENUE SHARING FUNDS

A PUBLIC HEARING WAS OPENED AT 8:01PM IN ORDER TO GIVE THE PUBLIC AN OPPORTUNITY TO COMMENT ON THE CITY USE OF STATE REVENUE SHARING FUNDS. NO CITIZENS PROVIDED TESTIMONY, AND THE PUBLIC HEARING WAS CLOSED AT 8:02PM

- Thomas **motioned to approve RESOLUTION NO. 1238, “A RESOLUTION CERTIFYING THE CITY OF HARRISBURG IS ELIGIBLE TO RECEIVE STATE REVENUE SHARING MONEY IN FY 2020-21.”** She was **seconded** by Downey, and the City Council voted unanimously to approve **Resolution No. 1238.**
- Thomas then **motioned to approve RESOLUTION NO. 1239, “A RESOLUTION DECLARING THE CITY OF HARRISBURG’S ELECTION TO RECEIVE STATE REVENUES IN FY 2020-21”** and was **seconded** by Downey. The City Council then voted unanimously to approve **Resolution No. 1239.**

THE MATTER OF APPROVING THE CITY BUDGET FOR FISCAL YEAR 2020-21 AND TO ADOPT BUDGET APPROPRIATIONS FOR FY 2020-2021 BY APPROVING RESOLUTION NO. 1240.

- Hitt remarked that there have been no changes recommended by the Budget Committee, unless you choose to change something now. You are limited to only a 10% difference in budgetary changes; otherwise, you’ll need to hold a supplemental budget meeting.
- Keaton **motioned to adopt the approved FY 2020-2021 City Budget, and to approve the FY 2020-2021 City budget through Resolution No. 1240, “A RESOLUTION MAKING APPROPRIATIONS FOR THE CITY OF HARRISBURG, OREGON, FOR THE FISCAL YEAR 2020-2021.”** He was **seconded** by Thomas, and the City Council voted unanimously to **approve Resolution No. 1240, and thereby adopting the FY 2020-2021 City Budget.**

THE MATTER OF DISCUSSION OF A CITY POLICY REGARDING USE(S) OF CITY OWNED PROPERTY FOR POLITICAL ACTIVITIES OR ADVOCACY AS DEFINED IN ORS 260.005

STAFF REPORT: Hitt summarized the reason for this policy being created. He had talked with the City Attorney, and we can’t outright deny someone who is asking to use city property for this purpose. The City Attorney recommended that we establish a policy, or a way to control, or limit how political advocacy is handled, by some degrees. You have a proposed policy, for discussion only at this time (Please see Addendum No. 1) We will have further conversation with staff and the City Attorney. We will want to put time limits on it; such as not having a booth for more than 8 hours, no booths after daylight ends, and no interference with city business. Sections 6 and 7 are dealing with limiting contact between opposing groups.

- Thomas asked what the purpose of that was for?
- Hitt told her that’s for those standing or marching on city property, because they should do so in a way that doesn’t conflict with city business. Signs or placards can’t be place in a public right-of-way. People using public property for this future, must keep the property clean.
- Donna Duncan, a citizen in the audience, asked if it says anything about destruction of public property?
- Hitt said yes, it’s mentioned, but not called out. It says that no public property can be used if it causes damage to buildings, landscaping, city equipment or other property.

- Caughey asked then if each time someone wants to do this, they have to get permission from the City. Did the person on that Saturday get permission to be there?
- Hitt said yes, she did. He saw the applicant several times. Most of the time, there were 4 people at that location. Nobody was arguing, and he didn't see any problems.
- Caughey wanted Council to know that personally, he is very against the City allowing city property to be used for this purpose. With Jim's input, it's obvious we have to allow it, so his intent now is to make certain that public property is accessible.
- Keaton asked if they would need to fill out an application for every day they wanted, or would they have the option to prefill multiple future dates?
- Hitt told him that one application could list up to 3 dates.
- Scholz wanted to emphasize here, that public property could not include the water plant, or wastewater facilities, as those locations would be in violation of state and federal law.
- Keaton was good for that, and for anything that would be a threat to public safety.
- ***By consensus, the Council determined to have a political advocacy policy returned to them at a future meeting.***

THE MATTER OF CONSIDERATION OF A STATE OF OREGON/CITY OF HARRISBURG GRANT AGREEMENT NO. 1070

STAFF REPORT: Hitt reviewed the staff report and noted that although it's from the State of Oregon, it's actually a federal grant. The state will be awarding the funds in accordance with federal law. It's quite a lengthy agreement; and technically, you could turn it down; but then you wouldn't receive any funds for this purpose. You also can't amend it, because they've already signed it. Right now, we have only \$915 reported, but the next report we file, and the one after that, will be substantially larger.

- Thomas asked if there was any kind of downside to this? Would we ever have to pay it back?
- Hitt told her no.
- Downey **motioned to approve Grant No. 1070 a, inclusive of attached exhibits 'a' – 'd' and appoint City Administrator John Hitt as the 'grantee's grant manager' and as authorized signatory for the City. She was seconded by Caughey, and the City Council voted unanimously to approve the grant agreement in order to receive CRF funds from the State of Oregon.**

THE MATTER OF REVIEWING THE CITY 3RD QUARTER FY 2019-2020 FINANCIAL REPORT DOCUMENT.

STAFF REPORT: Gaines noted that due to the Coronavirus, this is coming to you now, rather than in March as originally planned. He warned too, that with all the governmental stuff this year, that it may take longer for some of the financial reports to come to City Council.

- Keaton **motioned to approve the City's 3rd Quarter Financial Report for Fiscal Year 2019-2020. He was seconded by Downey, and the City Council voted unanimously to approve the 3rd Quarter Financial Report for FY 2019-2020.**

THE MATTER OF APPROVING THE CONSENT LIST

- Downey **motioned to approve the Consent List and was seconded** by Caughey. The **City Council then voted unanimously to approve the Consent List. The motion approved the following:**
 - 1. The City Council Minutes for April 28, 2020**
 - 2. The payment approval report for May 2020**
 - 3. The appointment of Travis Walker to the Budget Committee for a term ending this year, and a new 3-year term ending Dec 31, 2023**
 - 4. The appointment of James Blake and Anita McClure to the Library Board, for new 4-year terms ending June 30, 2024**

CITY ADMINISTRATOR VERBAL REPORTS:

1. CA Schedule: Hitt told the City Council that he would tentatively be on vacation from July 22nd, until August 11.
2. HFEA Reverse Parade: Eldridge updated the City Council on the Reverse Parade on the 4th of July and encouraged them to participate.
3. HRA - Project Amendments: Hitt told City Council that you will shortly award another contract for street improvements, which are all scheduled as part of the HRA last major amendment. When that plan was put together, we forecasted the budgeted amounts that applied to these projects. It appears very likely that the cost of these public projects will be less than the original projections. That will likely allow us to schedule additional projects, and thereby increasing our maximum indebtedness. What he hopes to do is an HRA minor Amendment. That doesn't involve the other taxing districts. If you have additional projects, you'd like us to consider, please let Chuck know.
4. Grant Status Updates: Hitt noted that the OPRD (Oregon Parks and Recreation District) grant was submitted, and we got an email on it, that funds will likely be very iffy. That might also apply to the SRTS (Safe Routes to School) grant. We will still apply for them, but chances are, those funds will not be available. He will likely postpone the TGM grant as well, which will delay the TSP plan. That one is due on July 30th.
5. Staffing Updates: Hitt said that we will move this to the end of the HRA Board Meeting.

OTHER ITEMS:

- Hitt told Council that we will be increasing the fees on a temporary basis, for the rental of the gazebo, and the Municipal Center. This is only because we must now take extra staff time to disinfect these facilities. The gazebo doesn't require very much extra work and will only be \$25 more. The Municipal Center will take far more time, so the temporary fee here will be an additional \$75. Mayor Duncan asked if that would be a permanent change, but Hitt told him no, once the pandemic is over, those won't be continued.
- Hitt noted that upcoming will be some changes to our policies in terms of social media. He also read out loud a card that was sent to us from Karen Cota, who has a business in town and received a COVID-19 business grant, telling us of how much she appreciated the grants, and that it was badly needed.

ADJOURN – The City Council adjourned at the hour of 8:33pm, in order to start the HRA Board Meeting.

Mayor

City Recorder

DRAFT

CITY OF HARRISBURG POLICY FOR USE OF CITY OWNED PROPERTY FOR POLITICAL PURPOSE

- I. Definition: 'Political' actions or activities shall be as defined in ORS 260.005 (10)(A) ff.
- II. No City of Harrisburg owned property shall be used for political activities that last more than 8 hours per day nor more than three days per calendar quarter. **All such activities conducted on city owned property shall be done during daylight hours, only.**
- III. Anyone seeking to use city owned property for a political purpose or political activity shall submit a written application to the city identifying the name(s) of responsible parties, the dates (maximum of 3 days per application) and times proposed, the location(s) preferred, and the nature or proposed purpose of the political activity. Said application shall be submitted to city staff at least five business days prior to the proposed political activity.
- IV. No city property may be used for political activities that might cause or create any of the following: 1. A threat to public safety; 2. Violation of any state or federal law. 3. Conflicts with other city approved uses; 4. damage to buildings, landscaping, city equipment or other city properties; 5. Any new or unusual expense to the city for staffing, clean-up, repairs, or similar.
- V. Any person or organization is not allowed to occupy, or block ADA access to a City right-of-way, or otherwise hinder any pedestrian or vehicular traffic.
- VI. All city owned property that is closed to public access cannot be used for political advocacy purposes.
- VII. Any person or organization given approval to use city owned property for political activities must share such locations with others who may oppose or protest the political goals or activities of those who are using city property for similar purposes. **A physical separation of at least 25**

- feet shall be maintained between booths, tents, awnings, or tables, etc. of those engaging in distinct or separate political activities. Those standing on or marching over city property, for the purpose of political advocacy, shall do so in a manner that does not conflict with, or harass others using the same or nearby properties for political advocacy.
- VIII. Signs or placards used for the purpose of political advocacy on city property may not be posted or placed in or on any public right-of-way and otherwise must conform to HMC 18.70.050 (Prohibited Signs)
- IX. Persons or organizations applying to use city property for political activities shall be responsible for thoroughly cleaning the property, after use, of all trash, dirt, garbage, etc. that accumulated during their use. In addition, they must supply and empty, at their own expenses, at least one trash receptacle on the city owned site. Failure to meet these and similar requirements shall result in a denial of any future such use of city property.
- X. The City Administrator or Asst. City Administrator may approve applications that meet the criteria of this policy and designate either the site requested by the applicant, or another city owned site, for the dates and times requested.
- XI. If the City Administrator/Asst. City Administrator should refuse the applicant(s) the use of any city owned property for the desired political activities, then the applicant may appeal such decision to the Harrisburg City Council at their next regularly scheduled meeting.