

This document is supplemented by agenda packet materials, meeting materials distributed and audio recordings of the meeting and may be reviewed upon request to the City Recorder.



## Harrisburg City Council Minutes October 08, 2024

---

Mayor: Robert Duncan, Presiding  
Council President: Mike Caughey, Absent (Excused)  
Councilors Present: Kimberly Downey, Robert Boese, Randy Klemm, and Charlotte Thomas (via Phone)  
Councilors Absent: Cindy Knox (Excused) and Youth Advisor Taylor Tatum (Excused)  
Staff Present: City Administrator Michele Eldridge, Public Works Director Chuck Scholz, Finance Officer/Deputy City Recorder Cathy Nelson and City Recorder/Municipal Court Clerk Lori Ross  
Meeting Location: Harrisburg Municipal Center Located at 354 Smith St

The Pledge of Allegiance was led by Mayor Robert Duncan

**CALL TO ORDER AND ROLL CALL** by Mayor, Robert Duncan at the hour of 6:30pm

**CONCERNED CITIZEN(S) IN THE AUDIENCE:** Troy Jones of Gap Rd, and member of Friends of Gap Rd (FOGR) updated Council on the status of the Muddy Creek Energy Park proposal which included the following:

- Qcell has not yet filed an application, and they have until May of 2025 to submit, or to file an extension.
- There are still lots of questions regarding the wetlands and the ODFW is requiring a two-year study before construction can begin.
- Jones stated that Brownsville is supporting FOGR as neighbors of the organization and they would like to ask the same from Harrisburg. Jones will give a copy of their letter of support to Michele to present to Council for review. He further commented that FOGR would like Council to support them in their cause.

- Downey once again informed Jones that she has two conflicts and won't be commenting on the matter.
- **THE MATTER OF APPROVING A RESOLUTION ADOPTING COUNCIL POLICY 24-1.05 – NEW FRANCHISE PROCEDURES:** Eldridge informed Council that she did look at different resources regarding new Franchise Procedure Policies and didn't get any responses. Eldridge referred to **Addendum 1**, an updated version of Exhibit A for Ordinance No. 1296. Knox had requested the word "technology" be removed from the last line of 24-1.05.020 and just say "services" instead. Eldridge informed Council the agreement was created by our City Attorney, Sean Kidd and pointed out section "C" under Procedures which outlines the questions asked and section "A"; City Staff Procedures which outlines staff involvement and responsibilities.
- Jason Robinson, with Hunter Communications, commented that these are questions they like to be asked, and they appreciate it.
  - **Klemm motioned to approve Resolution No. 1296, "A RESOLUTION ESTABLISHING CITY COUNCIL POLICY 24-1.05: NEW FRANCHISE PROCEDURES" AND THEREBY ADOPTING COUNCIL POLICY NO. 24-1.05 as amended and was seconded by Boese. The motion passed unanimously by a vote of 4-0.** (Yes: Downey, Klemm, Klemm and Thomas. No: None.)

**THE MATTER OF ESTABLISHING A FRANCHISE AGREEMENT WITH HUNTER COMMUNICATIONS BY ADOPTING ORDINANCE NO. 1005, "AN ORDINANCE ESTABLISHING A FRANCHISE AGREEMENT FOR FIBER INTERNET SERVICES WITH HUNTER COMMUNICATIONS":**

Eldridge introduced Stephen Parac and Jason Robinson with Hunter Communications. She reviewed the staff report. Some highlights included:

- Hunter Communications is an Oregon grown company, they offer faster services, and she likes the idea of providing competitive pricing for our residents.
- Eldridge referred to page 12 of the agenda showing the rates compared to Xfinity for residential customers and noted that commercial rates will be presented by Hunter.
- Eldridge stated the plan is to go underground with connections for the majority of town with the older parts of town being piggy backed with other utilities.
- The above ground utility boxes will be similar to what Xfinity and Pacific Power provide.
- Eldridge pointed out that there could be a drop in revenue from Xfinity with customers switching but feels it will offset from revenues received from Hunter.
- Eldridge reached out to two other City Managers, including Oakridge, and was told they have no issues with Hunter Communications.
- Scholz spoke with several communities and received neutral feedback.
- Nelson reached out to three communities and received feedback from one stating no issues or concerns.

Parac reviewed his presentation as shown in Exhibit C. Some of his highlights included:

- Hunter Communications is celebrating 30 years in business.
- Hunter has an overall rating of 4.8 out of 5 on Google.
- Teacher/Military discounts available.
- Hunter is a member of the Tri-County Chamber of Commerce and is involved in community events.
- Once approved, connections could begin in early/mid 2025.
- Hunter offers business internet and phone services, and depending on level of service needed, cost ranges from \$99 to mid-\$200 for 300 or 500 MPS's, or 1 or 2 Gigs.
- Klemm asked if the upload and download speeds were the same. Parac answered yes.

- Parac stated that due to the cost of fiber, rural areas have wireless components including towers and antenna's. Fiber connections are used in and between towns.
- Mayor Duncan asked about the difference between Hunter and Xfinity. Parac replied they don't offer TV services, but you can purchase your choice of any streaming service, often at a cheaper price and not just what Xfinity offers.
- Dana Henry, of Whitledge Place, asked about the effects of ice for above ground wires. Parac responded that under extreme circumstances, and if the power goes out, there is no service until Pacific Power can restore service. This would also affect fiber connections. Henry also asked about installation fees. Parac replied that Hunter doesn't charge installation fees.
- Klemm asked if there would be a change in the aerial appearance of the town with this new connection. Parac replied that he is confident that when they make their connections, they will leave it looking better than they found it. Robinson added that they take pride in their work.
- Eldridge reviewed the changes made to the agreement as shown in Exhibit B. She noted the recent change to section 2.3.2, as per the request of Caughey, and the addition of more words under the term "Conduit" as shown in **Addendum 2**.
  - **Klemm motioned to approve Ordinance No. 1005, "AN ORDINANCE ESTABLISHING A FRANCHISE AGREEMENT FOR FIBER INTERNET SERVICES WITH HUNTER COMMUNICATIONS" as amended and was seconded by Downey. The motion passed unanimously by a vote of 4-0.** (Yes: Downey, Klemm, Klemm and Thomas. No: None.)
- Klemm asked to be updated on the business services that are offered by Hunter.

**THE MATTER OF APPROVING THE CONSENT LIST:** Nelson pointed out page 93 of the agenda and referred to the payment for \$177,684.03 to the United States Treasury. She informed Council the amount was interest for the Water Bond Project that was over the capped limit. She doesn't see it happening in the future since we are now spending the funds.

- No further comments or concerns.
  - Downey **motioned to approve the consent list and was seconded by Klemm. The motion passed unanimously by a vote of 4-0,** (Yes: Downey, Klemm, Klemm and Thomas. No: None.) **A motion to approve the consent list approved the following:**
    - **Minutes from August 27, 2024 & September 10, 2024 City Council Meeting**
    - **The Payment Approval Report for September 2024**

#### **CITY ADMINISTRATOR VERBAL REPORT:**

- **Skatepark After Dark:** Eldridge referred to **Addendum 3** commenting that this is an outreach program for at-risk and homeless children. This year they have reached out to the HART Center.
- **Flushing:** Routine fall flushing is scheduled for October 21<sup>st</sup> to the 25<sup>th</sup>.
- **Water Plant Construction:** Scholz informed Council they have broken ground on the North Plant, and they will be building the plant next to Well No. 8
  - Klemm asked that if the price of steel increases significantly, would that extra cost come back on us. Scholz replied that once the contract is signed, if there is a skyrocket in cost, that doesn't get passed on to the contractor, but to the City. Scholz further commented that most of the items, besides the tanks and construction materials, have already been purchased. Scholz doesn't think an

increase will be a factor in completing the project. Worse case would be the project becoming operational in the summer of 2027 instead of 2026.

- Eldridge added the City still has available for financing the Special Public Works Funds, through the State of Oregon, \$2M in HRA Funds as well as another \$2M available before reaching our maximum indebtedness. The City Bond Funds and HRA Funds will be spent before borrowing any additional funding.
- **Dog Park:** Scholz stated the Park is leveled, fenced, signed, the grass seed is planted, and work will begin on the gravel parking area tomorrow. Scholz noted that residents are already using the park and encouraged Council to visit the impressive park.

**OTHER ITEMS:**

- Nelson noted we have capped out on investment interest and the rate is going down from 5.3% to 5.15%
- Scholz informed Council the sidewalk on 6<sup>th</sup> street, by the new playground, is completed.
- Scholz also updated Council on a pressure sewer line replacement at the main lift station. They were able to bore through existing pipe at Knife River and pull the new pipe behind it from Knife River to Eagle Mart and replaced under Gheen Irrigation's property. They still have about 7,000 ft to replace, but the nasty part of the project is complete.

**With no further business, the City Council Meeting adjourned at the hour of 7:59pm.**

---

Mayor

---

City Recorder

**RESOLUTION NO. 1296**

**A RESOLUTION ESTABLISHING CITY COUNCIL POLICY 24-1.05: 'NEW FRANCHISE PROCEDURES'**

WHEREAS, the City Council that the City hasn't worked with a company requesting a new franchise agreement for at least 25 years; and,

WHEREAS, the City Council also has the responsibility of working on behalf of the citizens to obtain more efficient and better services; and

WHEREAS, the adoption of this resolution will provide City Staff with the procedures that will guide the City on partnering with a new company, while also best protecting the City's assets.

NOW, THEREFORE BE IT RESOLVED that City Council Policy, 'CP 24-1.05' is hereby adopted as presented to the City Council as shown in 'Exhibit A'.

Adopted by the City Council of the City of Harrisburg, OR on this 8<sup>th</sup> day of October, 2024 and made effective this same day.

\_\_\_\_\_  
Mayor, City of Harrisburg

ATTEST:

\_\_\_\_\_  
City Recorder

# EXHIBIT A

## CITY OF HARRISBURG

### COUNCIL POLICY MANUAL

#### POLICY AREA 1 – GENERAL

##### CP 24-1.05 New Franchise Procedures

##### Adopted:

##### 24-1.05.010 Purpose

The City is being approached by companies who desire to use our infrastructure and to establish a franchise agreement with the City of Harrisburg. This policy states the city's process for establishing a new partnership for a franchise request.

##### 24-1.05.020 Policy

It is the City Council's decision as to whether or not the City will establish a new relationship with a company who is seeking a franchise agreement. Preferences shall be based upon companies that are from the State of Oregon. All new franchise agreements shall have non-exclusive rights.

- A new franchise agreement should be based on and provide a minimum of two of the following:
  - Additional revenue for the City
  - Competitive rates that save citizens money
  - Provide new services for citizens

##### 24-1.05.030 Procedure

- a. A letter requesting a franchise agreement with the City should be submitted a minimum of (1) one month ahead of the meeting it desires to be considered in. It should include contact information for other municipalities where it is currently operating.
- b. The City Administrator shall schedule a meeting with a company representative to provide this policy, review procedures, and to obtain more information from the franchisee.
- c. The City Attorney will provide the initial franchise agreement language.

- c. A company requesting to use the city's infrastructure shall provide a presentation and report to the City Council based on what kind of services it will offer to the City and our citizens. The report is due on Monday two weeks before the City Council meeting. The report shall include the following:
- What kind of infrastructure the franchisee is adding
  - Which existing franchisee's is the company partnering with in Harrisburg, if any
  - What kinds of rates and services will be charged to citizens, and details on how it will benefit them.
  - What the ultimate build-out will look like.
  - How will Customer Services be provided to consumers in this area, and where will they be located?

24-1.05.040 City Staff Procedures

- a. The City Administrator shall contact a minimum of 3 City Administrators or City Attorneys for the municipalities in which the franchisee is already present for references.
- Staff will also verify with the Harrisburg City Attorney that there are no problems that they have heard about in relation to the franchisee
  - Staff should provide a brief analysis of what other current franchisees might be affected by the additional franchise proposal in the future staff report.
- b. The Public Works Director will contact a minimum of 3 Public Works Directors/PW Foreman in municipalities in which the franchisee is already present. Focus shall be on work done in the right-of-way, and utility problems.
- c. The Finance Officer shall contact 2 municipalities to verify financial obligations have been met.

24-1.05.050 Review and Update

This policy shall be reviewed every five years by the City Administrator and updated as appropriate.

Approved on \_\_\_\_\_

Resolution No. \_\_\_\_\_

1.2 This Agreement and the grant of authority conferred herein are not exclusive. The City reserves the right to grant the authority to others to use the Franchise Area during the term of this Agreement. The Franchisee shall respect the rights and property of the City and other authorized users of the Rights-of-Way. This Agreement does not confer on Franchisee any right, title or interest in any Right-of-Way beyond that expressly conferred herein. This Agreement does not confer any right or privilege to use or occupy any other property of the City or any other entity.

1.3 Nothing in this Agreement shall be construed to prevent the City from constructing sewers; from grading, paving, repairing or altering any Right-of-Way or from constructing, installing, repairing or removing water mains or any other public work or improvement. If any of the Franchisee's Telecommunications System interferes with the work described in this subsection, the Franchisee's Telecommunications System shall be removed or replaced according to Section 4 of this Agreement.

## **SECTION 2. RULES OF CONSTRUCTION; DEFINITIONS.**

2.1 Throughout this Agreement, captions are intended solely to facilitate reading and reference and shall not affect the meaning and interpretation of this Agreement.

2.2 When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" will always mean mandatory and not merely directory.

2.3 For the purpose of this Agreement, the following terms, phrases, and their derivations shall have the meanings given below unless the context indicates otherwise.

2.3.1 "City" means the City of Harrisburg, Oregon and the area within its boundaries as extended in the future.

2.3.2 "Conduit" is an electrical raceway for the enclosure of electrical conductors and may consist of rigid conduit of electrical metallic tubing, ~~or~~ plastic tubing, cable, fiber optics, optical fiber and other transmission facilities.

2.3.3 "Council" means the legislative body of the City.

2.3.4 "Customer," "user" or "subscriber" shall mean any person or entity lawfully receiving telecommunications service.

2.3.5 "Facility" means any tangible component of the Franchisee's Telecommunications System including, but not limited to, fiber, wires, cables, pipes, mains, ducts, conduits, vaults, pedestals, poles, antennas, power boxes, cabinets and electronic equipment.



# SKATE PARK after dark

Free, public events at FIVE local skateparks!  
For youth ages 10-24 and their families

**All Events 5-7pm!**

**Harrisburg - 10/30**

Pumpkin + Face Painting,  
Costumes, Photo Booth

**Sweet Home - 11/6**

Karaoke and  
Glow-in-the-dark shirts!

**Albany - 11/12**

Youth Vigil +  
Friendship Bracelets

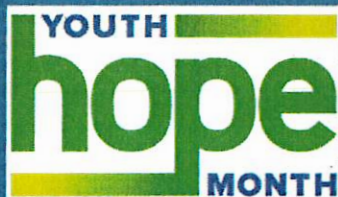
**Lebanon - 11/14**

Scavenger Hunt and  
Yard Games!

**Corvallis - 11/20**

Live Music &  
Community Art Project

Serving hot food, hot drinks, winter gear,  
cool clothes, and tons of resources for youth!



**Questions?**  
**Text 541-745-4591**  
**or DM us on**  
**Facebook/Instagram**

