



City Council Work Session Meeting Minutes September 29, 2020

Mayor: Robert Duncan, Presiding
Council President: Mike Caughey, Present
Councilors Present: Kimberly Downey, Robert Boese, Adam Keaton, and Charlotte Thomas
Absent: Councilor Randy Klemm
Staff Present: City Administrator John Hitt, Asst. City Administrator/City Recorder Michele Eldridge, and Public Works Director Chuck Scholz.
Meeting Location: Harrisburg Municipal Center located at 354 Smith St.

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

CONCERNED CITIZEN(S) IN THE AUDIENCE. All present when the meeting was called to order were there for items on the agenda.

NEW BUSINESS

THE MATTER OF REVIEWING HMC 9.55 IN LIGHT OF RECENT COURT DECISIONS REGARDING USES OF PUBLIC PARKS FOR CAMPING/SLEEPING PURPOSES

STAFF REPORT: Hitt summarized the information in the agenda bill and noted that CIS is asking City Council to consider asking the City Attorney to draft a new ordinance addressing this issue. He asked if the Council would like to consider this?

City Council started discussing this issue; Mayor Duncan asked if the decision was being appealed, and Hitt told him it was. He added that it is likely two years before they get a decision. Keaton said that the 9th Circuit Court is in Boise, and it's the most overturned court in the nation. He thought this was likely working through pending litigation. It could be a decision that is at the mid-point of a longer process. He didn't necessarily think that we should modify our ordinances based on a temporary decision. Hitt thought it wasn't final as of yet. Downey said that CIS keeps bringing this up. It's interesting that they are asking again, and it's clear that they are more concerned about it. They told us to consult our City Attorney's at the time. She agreed that the \$500 should be changed, because it far too hard for a person who is homeless to deal with that kind of a fee. \$100 may actually not be enough to deter someone. Caughey agreed and felt \$500 was far too much. Even \$100 might be too much. But he thought there should be some kind of a deterrent. We don't need to arrest a bunch of people who are homeless and camping. Thomas said that's assuming that the person camping doesn't have a choice. In Eugene, they deal with people who do have a place to be, but they choose to not follow rules and to camp at those locations. But she agrees that if someone is destitute, that \$500 is a huge number. She's not sure what a solution to the issue in Harrisburg would be.

Scholz said that frequently people who want to be in the parks are ones who are in a RV. People set up tents in the parks over the 4th of July, that's typically when we are telling them no. We haven't run off any homeless people. Thomas was fine with a \$100 fine, but the \$500 was exorbitant, but then added except for the weekend of the 4th of July! Downey knew that we have homeless people. If we talked with Gods Storehouse, and HART Center, they would be aware of who they are. Scholz said that we have some that are under the bridge, and there is another dozen or so along the high-water mark in the 100-acre park. Downey asked if there were more since the Junction City camp was shut down? Scholz told her no. They typically use the park but return elsewhere to sleep. Thomas asked him if they weren't stopping them, and Scholz told her that he doesn't stop them from using the park. Caughey said that LCSO (Linn County Sheriff's Office) would often provide rides for homeless in the county. Perhaps they would do that with ours. Thomas liked that idea. We can't provide facilities for the homeless but having them transported to where there are facilities is a good idea.

THE MATTER OF REVIEWING AND DISCUSSING CITY COUNCIL PROCEDURAL RULES AND GOVERNANCE POLICIES

STAFF REPORT: Hitt summarized the information in the agenda bill, and asked Council how they would like to proceed in relation to whether someone is taking too long, or is perceived as such, when they are passionate about a subject when addressing Council. If a Councilor wanted to add something to the agenda, they could do so by making a motion, having it seconded, and everyone voting on it. The Mayor has the primary ability to enforce any time limits. Perhaps two minutes is too short, and people should have 3 to 5 minutes. Then if the Mayor fails to take action, and everyone is ok with it, it's not a problem, but if someone has an issue with something going on too long, a point of order motion could be made, which would allow a vote of Council to take place. Council can decide whether or not to allow a discussion to extend longer than what is typically allowed. There was also a section added in that allows a Council member to take over a discussion if the Mayor is challenged. Council could move any discussion to another meeting or could move it to the end of the meeting.

Downey liked having the discussion. She is in favor of letting people speak up. But then, there are some times when people have gone on too long. The construction issue was one of those. Perhaps we should just decide on a case by case basis. Caughey agreed and said that cutting someone off is not always realistic. He thinks it's important for someone to get an issue off their chest. But he feels that we've gone way, way, way beyond what we should have allowed. Five or ten minutes he thought would be good. While we are talking about these issues, he wanted to bring up the issue of Executive Sessions. He felt it was better to hold them before a Council meeting, so that people don't get sent out of the room, and then have to return. He hoped that perhaps we could hold those at 6:00. Downey liked that, but we would need to make sure that it doesn't extend beyond a certain time. Once the pandemic is done, perhaps we could meet in the Jury Room, so we don't impact people arriving for the meeting.

Thomas liked a five-minute span, and to not allow people to go over ten minutes in time. If there is lots of conversation between us and the person, it's not bad, and she felt that was different. Keaton supported two minutes, and didn't mind people going longer, as long as you have the ability to cut someone off. Rather than stating rules that say you have to give ten minutes, he would prefer that we not limit ourselves, especially if there is a subject that a lot of people are talking about. Sometimes it's not a discussion; it's people airing grievances. It's not good to have five or ten people with ten minutes allotted to each. Restricting to two minutes still allows them to air grievances. It doesn't happen very often, but he likes it if they talk for a while, that they don't repeat themselves over and over.

Mayor Duncan liked the two minutes as well, because it feels more gracious when we allow them to go to five or ten minutes. He's also felt that if citizens want to talk about something not on the agenda, and it's a potentially long discussion, that we should schedule it for a different night.

September 29, 2020

He felt strongly that while we may have titles, and can limit discussion, that we are also servants to the people in this community. With anything, we are here to serve the people of this town. Some of the most important things we can do is to listen to them, and if it costs us fifteen or twenty minutes, then he doesn't feel that's a bad thing. We can always call a point of order if we need to. He's been doing this for over 18 years, and the reporters that used to come said that we have the best meetings, because we are respectful, and that it felt like we are allowing family members to be talking at a gathering. If 25 people are sitting here, then yes, we should be more formal. If things go on too long, someone can call a point of order, and then tell them that we'll discuss it more at the next meeting, and staff will get in touch with you. When most people are here, they feel served, because we listened.

Downey said that's as long as they know we are taking it seriously. The sad part is that with long segments of speech, people may not remember everything. We try to keep our notes together, but some people aren't happy. Donna Duncan, in the audience, said that these meetings are great. When the Mayor first got on Council, meetings were typically held until 11:00 at night. Mayor Duncan added that as for the Jury Room, he felt you could hear too much. He hated doing interviews in there. He'd like to hold executive sessions first. Thomas suggested that we pipe in white noise, or something. Keaton said that we could also go to the Library. The Council discussed the issue for another fifteen minutes or so. Hitt wanted to make sure that he understood what Council wanted to change. Downey told him that she liked the changes in red, as did Mayor Duncan and Keaton. Hitt added to the conversation that if the limit is two minutes, someone who has something important to say may cut themselves off, or worse, may not even come. They should be considering that as well. Mayor Duncan asked for a consensus on what Council liked, and the decision was a period of two to five minutes.

THE MATTER OF UPDATING HARRISBURG CRIME STATISTICS

Hitt asked the City Council how often they wanted to get the reports on crime statistics, that he has access to. Downey liked once a quarter, which the other Councilors agreed as adequate. Keaton liked the graph of how the crimes were broken down over time. Downey agreed and wanted to see how many people have vehicles broken into over time. Consensus was to have the crime report statistics shared with them on a quarterly basis.

THE MATTER OF ADOPTING RESOLUTION NO. 1245 TO BEGIN THE PROCESS OF THE CITY OF HARRISBURG ASSUMPTION OF THE BUILDING AND ELECTRICAL CODE PROGRAMS.

STAFF REPORT: Hitt summarized the staff report, and noted that while staff had to turn in the application to the State as of October 1st, that we needed to have the City Council approve the proposed resolution, which authorized our application and the process to assume the control of our building and electrical code programs. The draft paperwork is included for your information, but the only thing you are doing tonight, is to approve the resolution. The IGA that is here is still being negotiated, and the Junction City Council has to approve it first. He felt that the program would give us better service to our citizens, as well as providing us with a small increase in revenues. The turn around time for Linn County is slower than what we would prefer, and the new program would increase that speed. In addition, they would be more accessible, and could meet with citizens here in the office. That's something Linn County doesn't do. He see's it as an improvement in our service levels. Of course, he could always make all these arguments, and everything could still blow up in our faces, but he thinks that this is the better way to do things.

Mayor Duncan asked who would be reviewing and doing inspections and was told it would be Junction City. He was ok with that as long as it wasn't Lane County. Caughey asked if someone needs something, do they have back up employees when someone is out? Hitt told him yes, they do, and they can also ask for assistance from the City of Eugene. Hitt said that he would be submitting the paperwork tomorrow, and the state would then have until the end of this calendar year to ask us to tweak the program. Linn County can also object to the program; the

September 29, 2020

state will be involving them. He asked them for feedback himself, and they still haven't answered. We may need to adjust our code slightly. If all is approved, we will switch over on July 1st, 2020. The Building Code Division (BCD) will give us approval, likely sometime in January or February. Caughey asked Scholz if he had any thoughts on this, and Scholz told him that it sounds like they are good.

- **Caughey motioned to adopt Resolution NO. 1245, "A RESOLUTION APPROVING SUBMISSION OF OREGON STATE BUILDING CODES DIVISION, "PROGRAM ADMINISTRATION REQUEST" AND ASSURING CITY COMPLIANCE WITH ALL REQUIREMENTS AND STANDARDS OF OAR CHAPTER 918 AND ORS CHAPTERS 455 AND 479." He was seconded by Downey, and the City Council voted unanimously to approve Resolution No. 1245, authorizing the City to file the application to assume our own building and electrical code programs on July 1, 2020.**

OTHER ITEMS

ADJOURN: The meeting was adjourned at the hour of 8:03pm.

Mayor

City Recorder