



Harrisburg City Council Work Session Minutes  
August 26, 2015

The Harrisburg City Council met for a special session and work session on this date, at the Harrisburg Justice Center, located at 354 Smith St., at the hour of 5:40pm. Presiding was Mayor Robert Duncan. Also present were as follows:

- Kimberly Downey
- Don Shipley
- Robert Boese
- Sarah Puls
- City Administrator Brian Latta
- City Recorder/ACA Michele Eldridge

Absent this evening were City Council members Mike Caughey, and John Loshbaugh. Finance Officer Tim Gaines showed up later in the meeting.

Concerned Citizens in the Audience:

- Judy Bellas, 640 Crimson Way, had noticed the senior center lights were still on, on Friday nights, and Saturdays. She wanted the City to know about it.

The matter of Discussing Disciplinary Action for a City Employee

***Please Note: an Executive Session had originally been planned, but the employee asked for an open meeting. Notice was sent prior to 24 hours for the change to the agenda.***

**Staff Report:** Latta noted that we here to discuss an employee, our Librarian, Cheryl Spangler. The reason we are here, is to give her a last chance agreement. The City Council hears last chances, demotions, and terminations. The first disciplinary action in this process was a written warning that was given on June 5<sup>th</sup>. There had been mistakes made on previous timecards that resulted in the disciplinary action, and violated policies 120 & 110. He gave Spangler a performance improvement plan, which required her to have no errors on her own timecards, or errors on her employees' timecards, and required her to work within the approved schedule. The time period for the Performance Improvement Plan was 60 days. Cheryl has previously been given warnings multiple times for timekeeping errors. She does really well for a time, and then backslides. Specifically, the previous written warning was for falsifying information on an employee's timesheet, not verifying an employee's timecard resulting in an employee not being

paid for work performing, and modifying her work schedule without approval from her supervisor. The warning was written by himself, and signed off by Michele Eldridge and then Cheryl. We agreed on a performance improvement plan. Part of that, as you'll see on the last page, required Cheryl to have no errors on her timecards, or on her employee's timecards for a period of 60 days. We gave her a strategy to do her timekeeping correctly, and trained her. Cheryl agreed to the performance improvement plan, starting on June 5<sup>th</sup>.

Then, on the July 31<sup>st</sup> timecards, Cheryl made a mistake, in which the employee working for her hadn't remembered to write down her hours. Cheryl didn't catch that. We weren't able to reach that employee before payroll was done, resulting in five hours not being paid to the employee until the next pay period. Then another time keeping error occurred on the August 16<sup>th</sup> timecards, in which Cheryl had approved the timecards for Kathie Sapp and Farrah Miller. Saturday, Aug 8th, Kathie had asked Farrah to work for her. The employee who didn't work, had submitted timecards with hours on it for that Saturday. Cheryl didn't fix it, and forwarded that to the finance officer. The performance improvement plan, as well as the Policy No. 121, regarding disciplinary policy, has the progressions of warnings, starting with verbal, written, and then additional disciplinary actions that can occur. Cheryl has received those warnings already, therefore, there are only a few options left to us. Those are demotions, suspensions, or termination. We believe that a last chance agreement is appropriate. We will train her again on the policy; we have policies for all employees. The only difference between the 1<sup>st</sup> plan, and the 2<sup>nd</sup>, is the time frame. The conditions are otherwise the same.

- Puls noted to Cheryl that you've been here for a long time.
- Spangler said almost 20 years.
- Puls asked if something has changed recently that makes it harder to check timecards?
- Latta told her that the policy changed about 1 ½ years ago. It makes doing timekeeping and payroll clearer. We were paying people on the 16<sup>th</sup> & 31<sup>st</sup>, or whenever the last day of the month was. The problem we had, was that people were turning in timecards before the hours were worked. We changed the policy, to make that pay period to be paid on 20<sup>th</sup> & 5<sup>th</sup>. There had been errors made on people's timecards before, so we changed the policy. It was a structural issue, rather than behavioral.
- Judy Bellas asked if the people who work for the City, are they accurate on their timecards.
- Latta told her that all employees have their own timecards. They are filled out, and reviewed and approved by the supervisor.
- Bellas worried about other people making mistakes on their timecards too.
- Spangler said a lot of the problem is due to a lack of communication; Michele was gone, and she got a call from Latta, who told her she was doing her timecards wrong, because she had comp time, but she can't get comp time. She was going to be gone on Saturday, but she had to figure out timecards by Monday of the next week, and she had

to use the comp time she had. If she was over hours on Saturday, then she had to take hours off on Monday and Friday.

- Latta asked if any of this occurred as part of this infraction.
- Spangler told him that she'd like to finish speaking. Michele the next week, came in, and said she didn't do it right; there is lots of that. What happened with Curt Thomas was her fault, because she was going by the calendar. On Sunday, she had to turn timecards in, because they were due on Monday. So on Sunday, she would rather have been home, but had just gotten home from her trip, and had to come in to do timecards. She had one day to come in, and hoped it was correct. On Curt's timecard, his hours said 3, and she said to herself, that's supposed to be 4.5 hours. Kathie wasn't here, and they switched days. She corrected it, and felt that was ok, because otherwise he would be underpaid, and then we would need to deal with that, so she went in, changed it, and then got in trouble for falsifying timecards; Curt did pay that back. To her mind, it was worse to underpay him than it was to overpay him. Part of her being written up, was because she did that. Nobody told her, emailed, called, left a message, or anything, that hours were changed, there was no message on the desk, that this happened, and nobody told her until it was too late. Nobody told her that nobody showed up that day, and that's why the 3 hours was there. There was nothing there to go on. As far as the mistakes with Crystal goes, she had an hour here, or an hour there; if she (Spangler) had to go somewhere, she (Crystal) would work for her. When Crystal turned in her timecard, everything was fine. When it came to the 2<sup>nd</sup> half of the month, she (Crystal) remembered she hadn't been paid for a day. Crystal filled it in, and didn't tell her. She should have told her that she had forgotten to record a day, which is what she should have done. (She explained how to do that process.) And then she would put on her timecards the same stuff. As far as changes with the timecards, she has no help during the week. She's by herself, and until she has somebody come in, it's all on call. Whether she has on-call people or not, she has to turn in timecards without hours, she has to turn them in, with no hours, and say they didn't work. It's not like she has done it wrong, its stuff she has to come in do this. If someone calls and asks her to make a change, she can't do that. She has to ask if she can change it, and just write it on the card. Honestly, after a while, there is so much that's been wrong on the timecards, that she has nightmares about it, and then waits on timecard day for Michele to tell her something is wrong. She showed some of the recent timecards to everyone. (Please see Addendum No. 1)

Sometimes, she thinks, we just automatically go to the worst response, and spank your kid, before you really talk to them. She sits and waits for the phone call, saying by the way, we have a problem. She remembered the first time Bruce dinged her, because instead of putting 1.75 hours she put 1 and  $\frac{3}{4}$ . That was wrong, and she got in trouble. But having these people she has to go through, it just confuses her. She has to think with all these errors, that to err is human, to forgive is divine. Still a lot of

errors are going on, and sometimes it isn't her, except she's the only one that gets in trouble. Sometimes, the Library didn't get timecards from payroll until the day it was due, because she didn't get it on time. On the 4<sup>th</sup> of July, Michele called her, and the holiday pay was screwed up, and she (Michele) caught it. It does happen, and that's where she gets confused. Look at some of these errors, and someone mentions, does this error cause a problem at the library, does it make it not a library or function as a library? For one, around here, she is the only person in the City that has worked for ten years and not been paid for it. Every time she mentioned it, there was only one person working on it. Everytime she has a question with one person, it's like you snooze you lose, that's the kind of relationship she has with people. We (the library) had a budget meeting scheduled, but nobody knew where he (Gaines) was. At the next one, another person in staff didn't show up, so she's spending her time working, waiting for people to show up for meetings. She has asked for WIFI for six months, it was ok'd, and for that long and longer, people are coming in the library asking for it. For last three days, she's had 2 people from Belgium, coming in and spending hours on the computer, they come to west coast, and they needed WIFI, so they sat outside, and used H.A.R.T. center's WIFI. You can see the box (router), but for some reason, we don't have that yet. We have meetings, and have spent money out of her budget for WIFI, but she still doesn't have it. She has computers that don't work, and asked for months and months for someone to fix them, and someone does a half ass job, and they still don't work. I guess they get paid more, even though every library she knows, have hundreds of people on their computers. But, when she had the multi-cultural event, the first one ever in this town ran by 3 people, it wasn't on the reader board until the night before the event. Was that on purpose, or an error? She has less help now, she has to ask for permission to change anything, and that's for very few hours she has to work. She knows everyone in in this town, is angry over the garbage thing last weekend. More people have come in the library, and told her that they loaded up their rigs, and went down there, but it was closed down, and then they had to go to work the next day with all this stuff in their rigs because there wasn't any dumping. One person (staff) was in Portland instead of being here; was that an error, or intentional?

- Mayor Duncan asked Spangler to limit her comments to just the information in the agenda bill...
- Spangler asked again if it was error or intentional. If you want to fire me over a mistake, then just do it; because people make mistakes, that's all she wants to say. She's sorry that she is crying. This is her job, and she's upset.
- Mayor Duncan said it's ok, crying is understandable with this. He commented that everything you are complaining about has nothing to do with this.
- Latta added if any of that has to do with this infraction.
- Mayor Duncan told her that you can come to City Council meeting, and vent, your board can talk with us. But we are here tonight for specific reason.

- Spangler asked again if it is intentional, or is it an accident.
- Mayor Duncan repeated that this is not the information we are covering tonight. We've been here for 13 years, and for 17 years he's been doing this. This is 3<sup>rd</sup> or 4<sup>th</sup> time you've come in front of Council. It's not rocket science. He was confused by this. We are not making it incredibly difficult to do timecards, and if she disagrees with falsifying the timecard, then maybe what happens is it's because you are not following policy because it's inconvenient for you. I don't understand that.
- Spangler said she has six different people, and six timecards; it's not just her making the mistakes, some of them are making mistakes too, but I'm the one responsible for it.
- Mayor Duncan said you are responsible for that (those timecards).
- Downey asked Tim Gaines, if there are other employees who have made mistakes on their time card.
- Gaines said not to his knowledge.
- Spangler said she thought someone got in trouble.
- Gaines said that he's personally responsible for his two employees. He approves them, and takes them out (of their work stations) to put in the payroll system. If he finds something, prior to the payroll timeline, he talks with them.
- Lori, (with Dave Mitchell, friends of Cheryl's, and owners of the business Gypsy Treasures) said that she wanted to say that she thinks one part of any program and structure, is that the expectation is clearly defined, for every person on that job. Every person who is an employee or volunteer, they make a commitment to do what they have to, and they do it in timely manner, and correctly. Even if it's someone you see every day, and see regularly, it's fine. But it's very different for someone working one hour, or 4 ½ hours, and you are not always there to oversee it. What she comes from is that it's a system that is operated punitively; that's a challenge, and as something that is not supported in the process. If there is difficulty in it, it's not obviously not just one person, it's several different people. Other people are working there, she's not supported by others. So wouldn't it be easier to say, she can't do timecards, because she's off, then maybe Michele should do them. But she knows to follow up when she's not there. She thinks a few of the issues, are from a time when she wasn't present; then there is timeliness, stuff going on that delayed the timelines here, and that holiday mistake. She thinks the issue that she is in a position of trust and responsibility, and knowing that someone has her back, is not there, to know that someone else is stepping up, to help you out, be there, and to do your job successfully. Getting in trouble for timecards all the time, and getting in trouble for doing jobs they really love, that's not right. She realizes and hopes that Council will consider that turmoil, and her feelings, and her level of responsibility, that's what she hopes.
- Latta commented that we made it very clear, and gave Cheryl a written warning and a performance improvement plan; there wasn't lack of information, from before, with other warnings. But we made it very clear on procedures, and what to do. She was trained, and knew how to do it. We went over the errors, and identified them. When Cheryl is

away from office, is the only time she has other people working. She should know firsthand who is working.

- Lori said that for the one error, the employee was scheduled for 4.5 hours, but they were only there for 3 hours. There is inconsistency there, for who is doing her timecards.
- Latta said that he sees that process as well. Cheryl was gone, had training at the end of the week, and worked on Sunday. The person she had scheduled on Friday didn't show up. Michele was checking on the library, and called that employee, who couldn't come in. Michele took on that person, and started calling people, and had someone come down, which was the situation. Michele witnessed him filling out the timecard. Regardless of that, all this training and everything was after that. They are not wanting to fire people. We want our employees following policies. If there are issues, then let's figure it out. We are very clear, and we have been with this since the disciplinary process started. We have been very clear, especially when the process started. This is how it's done, if you aren't going to be there, then let her (Eldridge) know, and can you help me fill out the timecards. Here's the schedule they should be working, which we figured out during training. But after the training, there were still errors.
- Downey asked what about employees who are on that timecard, have they been trained? Cheryl has the ability to discipline them?
- Eldridge told her yes.
- Downey said then obviously, they need to be held responsible. She (Spangler) has that responsibility. She has to make sure that the employees have that done. Is the steps to correct the behavior, is that what we are trying to do? She takes that responsibility for them, and wants to make sure that employees' are followed up with. The steps to be taken are talked about with Cheryl, and knowing that, what authority does Spangler have for that?
- Latta said that the trigger was a timecard correction. She (Spangler) should correct it when they are there. If she is gone on a Tuesday, then when she comes back on a Wednesday, she should open it up, look at it, and see if they worked and did their timekeeping correctly. If something is wrong, she's going to contact them.
- Downey said that in the instance of the employee who forgot to list hours, they forgot that they worked a week before. She added it without telling her boss. They shouldn't be doing that.
- Latta said that Spangler is capable of doing that, and she is. That's her role. Now, personally, if there is a problem with a timecard, and you find errors on someone's timecard, then you can work with them to fix it. But if that error happens over and over, then yes, she should be talking with them. He hasn't had to do that, because generally if there is an error, it doesn't happen again. How Cheryl as a supervisor wants to do that, if she wants to give them a verbal warning, or a written is up to her.
- Puls said that was written down; and shouldn't be up to their discretion. We have a policy on that, and employees have to be following that policy. So Cheryl should be doing that with employees who make errors.

- Spangler said that this last time, there were two of them, one was on a timecard, and she works on a Saturday, filled it out ahead of time, and then didn't show up. She (Spangler) didn't know she filled it out, so she turned it in that way. She didn't know they weren't here. A lot of times, people will call, and in this case, Kathie will call somebody else to come in. They take care of it, and she doesn't know it's happened. A lot of the issues are just human error. Oh, oops, or a lack of communication.
- Puls said that she needs to help your employees, give them a verbal warning, and give them a written warning. If she is working on a Saturday, and can't fill in the timecard on the same day, there is a problem.
- A member of the audience, who wasn't identified, asked why the City doesn't have a timeclock. If that employee makes a change, it goes straight to the supervisor. Why aren't you doing that here?
- Puls said that the City doesn't have all employees on an hourly wage, plus because we have employees classified differently, we'd have to spend money to buy separate systems.
- The person in the audience asked then if maybe there was something the city could buy for Cheryl to look at and use.
- Puls wasn't sure about the ones that rarely work, but maybe there is something out there like that.
- Latta said that there is likely something out there, a technology like that, but all of that takes money, and then maintenance to keep it running correctly. These timecards are kept on the computer.
- The audience member said maybe something could have caught that hour and a ½, discrepancy.
- Latta said that overall, we need to be consistent, otherwise we are creating more work to solve a problem that should be corrected through a better review, whatever the issue is. Cheryl said earlier that they are not communicating with her. To correct that issue, she needs to get them to contact her. It doesn't seem like that is happening. We have previously followed through with a disciplinary process, and the behavior hasn't been corrected. We are going to retrain you, figure it out and make it work. You have to look at your employees timecards, and make sure that they have no errors. You now have 4 other employees, (5 with the part time employee). Other employees don't have issues with their timecards.
- Spangler asked if they have different hours, and maybe work for one day, and then don't work for another six months.
- Latta commented no, but that other employees are more complex...Public Works has to track hours for the jobs they do. It's much more complex, because they have to show when they work in water, or work in streets, etc. But again, those errors from her employees are something that supervisors should catch.

- Downey asked if after a period of time, if Cheryl came up with a program, maybe something on one of her computers, where the employee, can log in, and do timekeeping, would the city help with that.
- Latta said yeah, we can help with that.
- Downey said that she can compare programs and find one that works for her.
- Latta said right, we can verify that timecard. But she needs to double check that.
- Downey said that it's something to make sure they (her on-call employees) were there.
- Latta told her that can be done, and we can find a way to work on that. Again, that's another layer with that, to try to eliminate mistakes.
- Downey said it would help if she felt that there was something she could do. Make sure that staff would commit to do whatever they can to help Cheryl.
- Latta said that's what we have been doing. Part of the last chance agreement is that we train you, and make sure every step is confident. We identified problems, and it's a smooth easy process.
- Mayor Duncan asked how we can possibly make this easier for you. Is there something you see, in this policy, or in this sequence, that could make it easier for you?
- Spangler said no. She can't talk about that right now. (She was upset).
- Mayor Duncan said that he's going to bridge the issue again; this is not good. He thinks that when he looks back over the years, on this issue alone, there are an amazing number of errors. We aren't going to fire you, we just want you to improve. It keeps coming up. We want you to improve. Each time, you want a public hearing, which is fine, and then you tell us how bad we are. He disagrees with that; we've given thousands of dollars to the library, and we've helped the board, we've helped the Library Guild. Your board came to him one night, begging him to look at the Upmeyer house, so he fought for that, and he was raked over the coals with the community. We were able to sell the house, and got out from under it, but we also came out ahead, not only having a solid plan for the library, but also donating \$16,000 to the library. He disagrees with the statement that we don't support the library, because he think we are doing good.
- Spangler said that she would like to do that, but first of all, she doesn't know about that \$16,000, because it's not in her budget. With her budget, when her budget was doubled to \$8,000, it is still nothing compared to other libraries. She's not saying the city is not supporting the library with money, but she is trying to run the library on a daily basis, with machines that don't work, leaks, people tripping on the carpet, computers that don't work, and people that don't know where we are because there isn't a sign. One of her out of town patrons drove around for 45 minutes, and gave up, because they didn't know where it was. After 12 years, there are still people who don't think we have a library.
- Mayor Duncan commented wow, he didn't know someone would run around for 45 minutes looking for it.
- Spangler said it's not their fault. The entrance is on the side of the building, and they can't see it.



- Mayor Duncan said it is their fault; we can pick things apart. He thinks we do really well, but if council thinks we are doing something wrong, does more money fix this?
- Spangler said she is not asking for more money. How about getting peoples support. How about getting working WIFI?
- Mayor Duncan asked then what are you complaining about? He told her that every department head can ask for more money. We all need more money. We need new water, new streets, and it all costs. We all go through the budgeting process that we go through every year; he invited the council to come up with more money. But where is it going to come from?
- Spangler said she's not asking for more money. She just wants WIFI.
- Mayor Duncan said that he doesn't know anything about the WIFI.
- Spangler said what about communication? When was the last time you, or anyone here was last in the Library?
- Mayor Duncan said that he used to come to the Library, but they were sarcastic, snarky, and treated him like dirt; so that's why he quit coming.
- Spangler said well, maybe if you showed up and gave support.
- Mayor Duncan said that he goes where he is welcome.
- Spangler said that she's not going to apologize for when she's joking with people.
- Latta said at this point, staff's recommendation is that we issue a last chance agreement that is for a six month period.
- Spangler said that she doesn't have a problem with it.
- Latta asked Council if they think that's appropriate discipline for it.
- Spangler said if that's what you choose, then she can take it.
- Dave Mitchell asked if you have a conflict, why you don't work on it. Maybe work on some stuff together.
- Mayor Duncan said that there is a lot of things we can do with the Library.
- Latta said that we did stuff on the sidewalk for visibility, and with the WIFI, Eldridge has been working on it for quite a while, for quite a few hours now. The reason it's been held up is because of the requirements we have for a waiver. Without the waiver, an individual comes in, does something illegal, and then we can have our internet shut off, and that's a liability. The H.A.R.T. center WIFI is an issue too. The multitude of issues we have with it is trying to protect the City. With WIFI, the problems with the disclaimer is the modems we have and the system. We have that issue, plus we are being jerked around by IT and a software company. We are getting multiple stories on how to get the WIFI up with the disclaimer. We have been working on that.
- Mitchell said it's better if we know you are trying to do that now.
- Latta said with every issue Cheryl has brought up, we've worked on it. With the computers, there was a virus that really screwed things up, so we bought software, and that software makes it safer. It wipes each computer clean. Those computers last longer. We've done things to try to correct this stuff that she's brought up. If it isn't fixed

yet, we'll continue to work on it. If she says hey, we're being jerked around, she's not being jerked around. We are working on these issues.

- Mitchell said it feels like everything is beating up on her. He feels like that is bad for her reputation.
- Latta agreed, and said that's why we are here, and why his recommendation is to give her more chances. We have a policy we have to follow.
- Downey asked if we are talking about also disciplining the employees. We have a problem as a city if people worked, and aren't getting paid. We don't even know who they are, but we have to have timecards, and they have to be accurate. We have to take care of this.
- Mitchell said so give her a sign, and all the stuff, and she'll be a happy girl.
- Bellas asked about the gap in the payday timeframe, you turn hours in on Fridays, and then don't get the checks until the next Friday, or Monday.
- Latta told her that the policy says that the pay period ends on the 15<sup>th</sup> and 30<sup>th</sup>, (or on the last day of the month) so the next following day, unless it's on a weekend, supervisors are required to send timecards to payroll. So on the last day she works, she fills out the timecard. So on that day, she (Spangler) reviews them, and makes sure they are accurate, on the day after the pay period ends, sends it to Tim by 10:00. We try to complete payroll that same day. We are allowed up to the 5<sup>th</sup> and the 20<sup>th</sup> of the month to issue that check.
- Gaines said that there is a process, he does those as soon as possible, before the 5<sup>th</sup> & 20<sup>th</sup>. We have one employee who doesn't have direct deposit, so they get their check mailed to them.
- Mayor Duncan asked what happens when it falls on weekends, etc.
- Latta told him that the official day is the 20<sup>th</sup>. But we try to do it before then, but with the review and when people turn in timecards, it's stressful for him.
- Downey asked if they aren't marked with the time.
- Gaines told her yes, sometimes a pay period ends on the weekends. Every timecard he releases has the deadline, date and time, for when timecards are due, marked in red, that they are due on this day, and at this time. He went over the procedure for timecards again. He said on occasion, with the timeline, it's the end of the day, and sometimes an employee is still working.
- Downey asked if she was looking at this.
- Spangler said that she comes in and does them even if she's not working.
- Downey said what if we have them with a deadline at noon, to help accommodate that?
- Cheryl said that she just comes in on Sunday, or Saturday, to review them, if they are due on a Monday.
- Downey said that you could tell everyone they are due at a later time, like on a Saturday; you could do it a different way to help with that.

- Latta told her that when it falls on weekends, we already do it. Eldridge works with Spangler, when she says I have this person working on Saturday, or Sunday, and then sends in the timecards, with the exception of the one. Then Michele can look at it on Monday.
- Downey said that she doesn't have back up, but she does them on the weekend?
- Latta said that if the due date falls on a Sunday, it's actually due on a Monday. Michele takes her timecard, so the only issue is the Saturday employee. She can send in the rest on the last day she works.
- Mayor Duncan said that there are couple of ways we can go about this; we can look at a policy change, and the personnel committee could take it and look at it.
- Gaines said that he doesn't always have the timecards from the weekend, which is why it can be a challenge.
- Mayor Duncan asked if a policy change would be helpful.
- Downey told him that we can talk about that.
- Mayor Duncan noted that we've got this last chance agreement, which is set for a period of 6 months, which is 180 days.
- Boese said that he knows that Eldridge is Spangler's supervisor. Could she elaborate on this issue?
- Eldridge thanked Boese for asking her. Spangler's been doing a great job. She said ironically, that we are having this meeting, after having given Spangler one of the better evaluations that she's gotten in a while. This is one of the challenges we have. She's not sure why this is such a challenge for her. Spangler is working extremely hard on coming up with new systems, stats, and a changing environment. We use her administrative time, and make adjustments to it as we need, so if she needs to look at timecards on the weekend, we adjust hours later in the week. It depends upon her schedule. She has been responding to issues the same day, or the next if she didn't get the information in time. She will do everything she can to help Spangler, and to try to make sure that she has all the tools she needs to do timecards correctly. If that means that she is down there with Spangler when the timecards are due a few times to make sure it's being done correctly, then great. She is there for her, whatever she needs.
- Boese said that he's worried about this time frame. So if she makes a mistake, in that six month window, something that is relatively minor, is that a red flag? Do we go to the next step?
- David asked if this was her last chance then.
- Latta said that she has been trained, has been warned, with verbal warnings, written warnings, and is now being given a final written warning. The next step in the process would be termination. We would have to come back to Council for another meeting if that was a case. Some of that you might be thinking this is a minor infraction, but it's not. Looking at the errors from the last time, there have been three or four payroll periods, and on two consecutive pay periods, there were errors; that's after she was

trained on the timecards. It's just a pattern of behavior, and something that we need to have corrected....that we will continue to train her on. That's the position we would be in, if there is any infraction of timecards, we'd be back in front of Council.

- Mayor Duncan commented then it wouldn't be an automatic termination that we'd be here again.
- Downey told him yes.
- Spangler said then this is considered a last chance, then its goodbye? So a last chance agreement, means that's it.
- Downey told her that you are in control of that. That's why they call it a last chance agreement; it's up to her to do it right.
- Mayor Duncan added that we are just following our policy.
- Latta said that we can do a demotion, suspension, or termination. Suspending doesn't fix it, a reduction in pay wasn't appropriate, and termination isn't appropriate, so we went with this form of discipline. That's his recommendation. If council doesn't want to have it be this way, then maybe there is another form of discipline, like a reduction in pay, that is more appropriate. He thinks the policy is fairly explicit.
- Shipley had to say, that we forgive things, and mistakes get made. He'd be fine with 90 days, but we are talking about her walking a straight line for six months, and he thinks that time period is too long.
- Boese thought he agreed; 180 days is too long. He thought 90 days was more appropriate.
- Puls agreed as well.
- Shipley then **moved to issue a last chance agreement with a performance improvement plan for a period of three months.** Downey **seconded the motion, and the City Council voted unanimously to give a last chance agreement to employee Cheryl Spangler for a three month period.**
- Downey added that she's available for Spangler if she'd like to talk. She'd like to find time to do that.

#### The matter of a Council Briefing on the Water Study Project

**Staff Report:** Latta told the City Council that several months ago, we had a water meeting, where we allowed certain dollars to be spent for a water study. We are working with Branch Engineering to do that, and we have both Damien Gilbert from Branch, and Edward Butts PE of 4B Engineering & Consulting, who is a water engineer and our consultant. They are here as a work session to discuss questions, and to help shape this process.

- Mayor Duncan said that we just want you to make the water lots better.
- Gilbert told the City Council that his approach to this, talking with Scholz is that we want to dust off the master water plan. There was a lot of work done 7 years ago, but you have new circumstances, your master plan trajectory has changed, and your sources have changed too. You now have Well No. 8 on board, and Public Works changed wells

No. 5 & 7; so you have more supply since that study. He thought that they would come back to you with a recommendation for a source first, let you guys ask questions, and steer us in the right direction.

- Boese asked with the source, is that considered the wells?
- Gilbert told him that they are the main source. The master plan recommended supporting surface water. We are trying to simplify the source. Should we continue with these wells, or tie into another source. We can look at the river, or not. There are issues with that as well. That's step one; there are not a whole lot of ways to turn that water. We really need to pay attention to recent technology changes too.
- Mayor Duncan said that looking at current events, with the water disaster in Colorado, it really scares him. We are talking about the Willamette River; how costly, or effective is it to keep our wells in shape, and at the same time, if we are getting water out of the river, can we keep the wells, and use them as a backup?
- Gilbert, told him that it's always a concern, dealing with the vulnerability in the stream, especially during the dry summer months, and the stuff that goes in the river from upstream. Surface water is roughly ten times the costs for a treatment cost from 2008. We can take a look at the current data on that.
- Downey said that in the previous study, her understanding was that if we went with river water, eventually, it would be cheaper in the long term, for generations to come. That's why we went with that.
- Gilbert said that a lot of things were justified, when treatment is twice the cost vs. needing more wells. With new conditions, with Public Works, we are at 400gpm more than in the previous report. Adding back the current capacity of the well heads, is where it's at, and it's technically really a source issue, but in capacity. There is a lot of money in constructing new wells, and treating new wells. If you take that away, it's a no brainer. He doesn't want them to go into this with blinders on.
- Downey asked have we looked at ways to do this that are cheaper.
- E. Butts told her that you are looking at a filtering technology; there are a lot of things to look at, like manganese, and there are also hardware problems. But if you balance out the chemicals, it's better to take out iron and manganese, and solids. We can use technology that's more expensive than the cheapest one. There are several new ones that he guarantees will be better. It's possible to bring sources together, and to treat it all together, and then put it in a storage tank, etc. That is probably the best way to order that.
- Gilbert said that faced in these situations, we had one other well head, and 4 wells at the Public Works yard.
- E. Butts said that in the report that he had, we hadn't had Well No. 8 yet. He hasn't looked into that yet. He's assuming that we will have the same sort of issues at another well.
- Scholz told him yes, it has the same parameters.

- Mayor Duncan asked for the audience to hear the answer, since this is an open session; has there been a drawdown at all, or have we lost any capacity.
- Scholz said it was static; it's not any different than it's been for ten years.
- Mayor Duncan asked if we got these water rights for 20 years, and say we decided to stick with wells, are we able to use water rights and give them to a business who can use that? Like something that could create jobs, etc.
- E. Butts said that as a water source, the Willamette is being used by several of his City clients. He said that the rights are all over, up to 50 years of water rights, and about ½ of the cities have filtration. He hasn't looked at your water rights yet, and your needs. The short answer is yes, we often take water rights development for an industrial or commercial use. He wants one word of caution on surface water though. Surface water is a risky thing to pursue, because it requires so much technology and advanced filtration, that quite often, smaller cities have to go out and do a bond measure, in order to get it built. Then after they build the plant, they have to turn around and raise their rates. He had 3 or 4 clients that then had their water consumption crash. There are certain pay back costs, and some people decide that they are not going to pay, and they are not going to use the water that the City planned on. Those are the things you need be careful about.
- Downey said that we want to find a way to get better water, and it's nice to have more experience out there.
- Gilbert thought that with the wells, he'll have to look at the difference in numbers. He has to go back and look at his work; are we talking 2.5 million vs. 5 million? So you can look at a well filtration plant, vs. what you need for river water; it's tricky. If the river doesn't make sense, then they would need more wells.
- Downey said we were working on that, and then the economy tanked. So in 2006, 2007, and 2008, that's why we were looking at all these options.
- Shipley asked does their other client like their water now.
- Engineer told him that one client says there was a huge improvement. After they added a solids filter plant, they decided to dig for more water, and had some of the best tasting water, and now consumption is back where it should be.
- Shipley asked if they had well water similar to ours.
- E. Butts said that it treated about 700 gallons per minute, so it's similar in scope to yours. Most groundwater is in shallow ground. This whole aquifer, from south Salem, to Eugene, is fairly equal in chemistry, but puts out less quality.
- Mayor Duncan asked in the previous water study, and the figures that were thrown out then, does it cost less now than it was then?
- Gilbert said that depends, but most likely yes. If we assume we are doing the study on wells, we would know more, but the big one is if you don't need all those big wells, and filtration. It will cost more in maintenance.
- Mayor Duncan asked how much it was costing to dig wells now.

- Downey added that we were told \$300,000.
- Scholz said that it won't change much. When the study came out, and what was presented, was before Well No. 8 had been completed. It's a great well source, and the same as the Willamette source. Also, Wells 5 and 7, stole power from each other. Those separate well figures were not included in the study. With more wells, there is a lot more water in there.
- Downey asked if we need wells, it's not that difficult to source it in to treatment?
- E. Butts told her that if it's designed properly, there is a way to incorporate them. Water rights for wells, for farmers, turning over to dry land farming, it costs a fraction of a cost to build a new well; that doesn't apply here, but it's something we have to look at. One other thing about surface water, is that we need to look way beyond the future. For 20 years, 30 years, that source has to handle our needs for 200 years, otherwise, and part of what you design for is for the future. Surface water has its own catch 22. That's a conflict that has to be considered.
- Mayor Duncan said that in talking about farms, and water rights to the Willamette; could we switch, and still use the wells?
- E. Butts said that's been done before at other cities.
- Scholz said you are talking about surface water rights to the Willamette; we still have our water rights on Well No. 9 too.
- Mayor Duncan said that he knew about a similar sized town that was north of us that built a filtration plant.
- E. Butts said that was Aumsville. They have about 2,500 people. They had 5 wells that they built a treatment plant for.
- Mayor Duncan asked how much that cost.
- E. Butts thought it was about \$600,000, but the way we did that, was to purchase a filtration system, we bid it, and we had a lot of engineering done, etc. In order to make construction valid.
- Downey thought it would be nice to actually work with the wells.
- Mayor Duncan said that he's been on council for quite a long time; He was concerned about an increase in rates, he knew another City had made some changes and the rates increased more than they anticipated.
- Gilbert said that there are so many ways to look at it. He believes that the average daily demand was supposed to be at 1150 gallons in 2027. Back then, Harrisburg had only 600 or 700gpm, all before Well No. 8 was added and before fixing Wells No. 5 and 7. Now, you are pretty close, probably within 10% of the 2027 gpm projections.
- Scholz added that was based on the population forecasted for 2027.
- Gilbert said that's the other one, is your population. The report projected a population of 4250 in 2014, and you were 3630 last year. He thinks you are close enough that you should probably be thinking about digging another well. There's been enough change that he should probably check into that.

- Mayor Duncan said that Well No. 5, was not a great tasting water, but it's a good producer. Have we considered that back in 2008, we didn't have Well No. 8 as part of that either?
- Latta said that before the town exploded, we captured all the sources, and looked at the best use of future water needs based on growth, and if we need another well, it was intended for growth. We were looking at future wells and supply.
- Scholz said that right now, Well No. 8 doesn't run at its maximum capabilities, it's extra supply pressure; we slow it down, depending upon demand.
- Gilbert thought that the City had everything in place that we can get a quick response on the study. He did add that with the water rights permitting, the river isn't always available.
- Boese was concerned that a lot of the pipes we have are old, and the water tastes terrible from them.
- Puls said that was in some of the north ends of town too.
- Scholz said it's possible, because there is less drawing in that way, so the amount of iron and manganese increases.
- E. Butts asked if we had pipe iron, or cast iron.
- Scholz told him it was a mix of PVC and cast iron.
- E. Butts said then that most of the new stuff is PVC.
- Scholz thought that about 30% of our pipes are still cast iron.
- E. Butts told him that water likes to be in balance. What usually happens, is if you change the chemistry, and take both iron and manganese away, it will clean up the pipes as well. In some cases, as you start growing more, generally, water will pull through, and leaches materials off of the pipe walls. Eventually, there is a fire that draws down the supply too, but some older pipes could be a problem in the future.
- Puls said so we could treat the water, and still have brown discoloration for years.
- E. Butts noted that if we have that situation, there is a cost to change the chemistry, and make it not so corrosive. Most of the built up material on pipe walls, causes your taste and odor issues. We will find that out.
- Gilbert added that with the pipes, it will be accelerated, and there are lots of dead end pipes that we need to change.
- Puls has a fear, that we will pay to treat it, and the water will still be bad.
- Mayor Duncan asked how much money we need to have to replace the pipes.
- Latta said that in the urban renewal district, it will help replace a lot of the old pipes in the downtown area. It won't cost any more money than there is. That money will go to replace pipes.
- Scholz added that some of that will. There is a good amount in the downtown area that is also in the smaller streets. Our biggest chunk, has been updated, and is in relatively good shape, other than a large distribution process; Territorial will be a huge cost. We will have to replace the whole length of Territorial.



- Mayor Duncan asked if that's under the railroad too.
- Scholz told him yes. Overall, that's a huge distribution project, and will really help to get rid of some of the problems downtown.
- Mayor Duncan said then, so when we get this all together, we have it presented to us. If we find it more economical, because we've been kicking around large figures for some time, is there a way to tag onto some kind of government bond, or go to replace that, for what the HRA doesn't take care of?
- Gilbert told him yes.
- Scholz added yes, that's what the master plan recommends. This will fix the distribution, treatment and storage, right here.
- Gilbert said that we will be redoing some of the numbers on the master plan. We'll tell you what we think, and then give you some more answers on treatment.
- Downey said that we'll look at the data with the update on the wells?
- Latta told her that first, we will look at rerunning the new data we have through the master plan. With those calculations, we'll make sure that we know whether it's the river or the wells; and otherwise, which way to go. We'll look at the analysis and our options.
- Boese asked why, as far as samples go, are we taking them at the well heads, or in different locations.
- Scholz told him that we draw samples from the wells, and the state says to take them in certain spots, then we sample for certain substances, like lead and copper.
- Boese asked then if it's close to downtown, and to the edges of the City.
- Scholz told him yes.
- Boese asked him what those results would be.
- Scholz said that within the distribution system, there isn't a whole lot of change. With well water, there are various changes. Some are much higher in hydrogen sulfide, or one in manganese; and that makes an interesting combination.
- Shipley said that he was in support of river water, although maybe he's on shaky ground on that.
- Puls thought it sounds great.
- Latta asked if there was a timeframe that they could tell us, on a study that is well vs. the river.
- Gilbert asked if he could get back to him on that, and give him an answer after he reviews his notes.
- Latta told him that would be no problem.

A Request from Mark Major, who owns property located at 245 S. 1<sup>st</sup> St. in Harrisburg.

**Staff Report:** Latta told the Council that Mark Majors is here, and he shared information with council via a memo that you all have a copy of. (Please see Addendum No. 2) His concern is that he has a 4-plex he owns, on a very small lot downtown. It's a non-conforming use, based on his using the property for 4 dwelling units. He wants to continue that use, but if it's destroyed

by a natural disaster, or fire, etc., because it's non-conforming, it will make him conform to the current zoning standards, that state that only a single family dwelling could be built there. That's if more than 50% of the value of the property was destroyed.

- Downey asked if that had come up with his lenders.
- Majors said that it came up earlier, when he was sent a letter from them about 4 or 5 years ago, but there was some incorrect information on there.
- Latta said yes, he'd like to be able to build that back to the same use he's had for many years now. So he is asking if we can change our ordinance, to allow it.
- Downey said that would be exactly as it is.
- Mayor Duncan thought it would also be as far as where it's located, and how it's located.
- Latta said that he did a lot of work to renovate the building, and it looks much nicer. There is an issue, by our code, that we have to do what the zone allows, and if he refinances, or sells the property, he can't change it.
- Downey asked if these were all there previously.
- Majors said it's near the corner of Moore & 1<sup>st</sup> St. There is an alley between Moore and Macy, and it's the 4-plex right there.
- Downey said that there is an empty lot, and a white house there.
- Majors told her it looks like a single family dwelling from the river side.
- Latta told the Council that from here, he thinks that from the discussion tonight, we can come back another evening, and look at the zoning ordinance.
- Puls asked if there is anything you can stick back in there, that you can give you as much revenue.
- Majors said that it hasn't been an issue, but at same time, we wanted to bring up the issues.
- Latta said that we would be changing the non-conforming rules to allow something that is destroyed to be rebuilt to a non-conforming state. Lots of cities have that. If the property owners tear it down, then you have to comply with zoning. Or if it's a disaster. A property owner, who has a non-conforming use, and something destroys that use, generally can have it be rebuilt, but ours doesn't allow that.
- Downey said it's a very common issue with a mortgage lender; we put it in the file, and it's very common.
- Latta said that we've looked at the non-conforming issue, and it's sort of strange, but if what you want is conforming uses, then the standards we have gives you that. What it prohibits, is something like this; where a person can't get lending, which forces a property owner to either change his use, or convert back to the original. It's there, and it's a law of the City.
- Majors said with that said, he has an addition that has been done, that was permitted through the City and the county, that has been there 26 years. The property has been through other owners; it was a 4-plex in 1989, and there are 4 electrical meters there. That would have required a permit, whether it was through the city or Linn County.

- Latta noted that we aren't looking at an illegal 4-plex. We went back to original ordinance, and the home was built in 1943. It was a C-1 zone, and then in 1989 it reverted back to R-2. While it's not allowed in commercial zoning, the R-2 does allow the 4-plex, so that would be legal. What we can't say is that it can be rebuilt as a four-plex. He would like to know if we can change that to help, so that if there is an act of God, and it's destroyed that we would allow it to be rebuilt.
- Majors would like to keep it so that you don't set a precedence; the lot is very small, you can say if you amend your bylaws, that amends it, and the situation is that nothing would fit there anyways but the current use.
- Latta said that's very challenging. It's making an exception to our ordinances. That fits other people, but this property, and this instance, it doesn't. So that issue is not as clear cut. He would advise council, that if you want to change this, that it's applied City wide. He would be in favor to look at what other cities do, and during that process, say yeah, this is how it is. Sometimes he brings these amendments to you, but then takes it back to the Planning Commission. It sounds like council is in favor of this, so he'll initiate that process, and then we can look at the planning side of things.
- Majors asked if that would be back to the meeting on the 9<sup>th</sup>.
- Latta told him no, it would have to go to the Planning Commission, which will have to go in October. The City Council could look at it after that, which would probably be November. It will be two or three months for the process. He's in favor if we aren't doing this for Majors; instead, we are doing this for everybody.
- Downey agrees that we should do that for everyone. We never have to turn them down when we had that when she worked for a mortgage lender. They could rebuild to exactly the same plan.
- Latta said then we will send out notices.

**With no further business to cover, the City Council adjourned at the hour of 8:30PM.**

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Mayor

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City Recorder



# Timesheet

Employee: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Addendum No. 1

Employee: Spangler, Cheryl

Month, Year: August 2015

Date	# Hours Worked	Nonwork	# Hours						Comments
			Reg Hours	Holiday	Vacation	Sick	Comp Time Out	Comp Time Accum.	
1	-	-							
2	-	-							
3	-	7.50			7.50				As Per Cheryl on 08.17.15. ME changed from regular hours to Vacation
4	-	7.00			7.00				As Per Cheryl on 08.17.15. ME changed from regular hours to Vacation
5	-	7.00			7.00				As Per Cheryl on 08.17.15. ME changed from regular hours to Vacation
6	7.00	-	7.00						
7	4.50	-	4.50						
8	-	-							sat
9	-	-							sun
10	3.00	4.50	3.00		4.50				Farrah covered for me so I could take a friend to an appt.
11	7.00	-	7.00						ME Note: On Monday, Cheryl worked administrative hours, Farrah regular Lib
12	7.00	-	7.00						
13	7.00	-	7.00						
14	1.00	3.50	1.00		3.50				
15	-	-							Timesheet to Supervisor by 8:00 am, 8/17/2015.
Sub-Total	36.50	29.50	36.50	-	29.50	-	-	-	
16	-	-							
17	-	-							
18	-	-							
19	-	-							
20	-	-							
21	-	-							
22	-	-							
23	-	-							
24	-	-							
25	-	-							
26	-	-							
27	-	-							
28	-	-							
29	-	-							
30	-	-							
31	-	-							
Sub-Total	-	-	-	-	-	-	-	-	Timesheet to Supervisor by 8:00 am, 9/1/2015.
Total	36.50	29.50	36.50	-	29.50	-	-	-	

# Timesheet

Employee: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Addendum No. 1

Employee: Thomas, Curt M  
 Month, Year: August 2015

Date	# Hours Worked	Nonwork	# Hours							Comments
			Reg Hours	Holiday	Vacation	Sick	Comp Time Out	Comp Time Accum.		
1	-	-								Comments: Supervisor approval is required for working more than 40 hours in any week. Note amount of time and reason for any work done away from your normal work location.  Zero Hours approved by ME  Note from ME: Curt turned in a written timecard with this note, marked 1.5 hours on the 14th, then crossed them off and initialed. The memo for fixing his time is in his file with a copy of the timecard. worked 1.5 hours today (apply toward overpayment in May) Timesheet to Supervisor by 8:00 am, 8/17/2015.
2	-	-								
3	-	-								
4	-	-								
5	-	-								
6	-	-								
7	-	-								
8	-	-								
9	-	-								
10	-	-								
11	-	-								
12	-	-								
13	-	-								
14	-	-								
15	-	-								
Sub-Total	-	-								
16	-	-								
17	-	-								
18	-	-								
19	-	-								
20	-	-								
21	-	-								
22	-	-								
23	-	-								
24	-	-								
25	-	-								
26	-	-								
27	-	-								
28	-	-								
29	-	-								
30	-	-								
31	-	-								
Sub-Total	-	-								
Total	-	-								

Timesheet to Supervisor by 8:00 am, 9/1/2015.

Harrisburg City Planning Meeting

RE: Changing Current Zoning for Property at 245 S 1<sup>st</sup> St Harrisburg Or 97446

Owner: Mark Major, 2479 Lenore Dr Eugene Or 97404 Mobile # 541-579-3993

I have owned the above 4-Plex property since June of 2006. I purchase the property from Stephen and Claribel McDermott whom had owned the property since at least 1989. Mr. McDermott had informed me this property had always been a 4-Plex since he had owned it. This was confirmed as well by a current tenant of the 4 Plex Jodi Magnum of 26 years.

This building consist of two buildings connected by a carport. Unit #1 is a 900 square foot apartment with 3 bedrooms 1 bath. The Upstairs Unit #2 is a 1 bedroom 1 bath unit. Both units have their own electrical meters. The other units which are called 245 ½ units 1 and 2 are both 1 bedroom 1 bath studio apartments. Both have an electrical meter for each unit as well. Electrical meters as long I know have always required a permit from the governing entity to add or remove.

The problem I am having with the current zoning is that the current Medium Density Zoning will not allow for a full rebuild if the home is destroyed by more than 50%. This is not allowing banks to lend on a property that cannot be rebuilt to original property type.

The current lot is narrow and long which does not make it suitable for a single family unit nor suitable for a Commercial use. I am hoping that the City of Harrisburg will consider that the best use of the property and income potential for the City is to keep it as a 4 Plex.

I have taken great pride in your City and My ownership of the property. When I purchased this property for \$145,000. It was less than desirable. You could have easily considered it a slum. I have put over \$75,000 of my own funds to bring this property up to a standard that is acceptable for me and the City.

The effects of the current zoning requirements would only allow for a small home to be built if the current residence burns beyond 50%. The property is Approximately 42 X 103 feet in dimension. It is bordered by a gravel alley. It is also neighbors a house on the corner which is currently trying to rezone for small business use. The 4 Plex is still in its original design when it was built in 1942.

In Conclusion, this property has been a 4 Plex for at least 26 years, supported by 4 electrical meters as a 4 Plex. The best use of this property should be to keep it as a 4 Plex for the community and the City.

Respectfully Mark Major