



## Harrisburg City Council Business Meeting Minutes September 10, 2019

The Harrisburg City Council meeting was opened at 6:36pm. Presiding was Mayor Robert Duncan. Councilors present: Kimberly Downey, Robert Boese, Adam Keaton, and Randy Klemm. Absent were Councilors Mike Caughey and Charlotte Thomas. Staff members present were 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.

**CONCERNED CITIZEN(S) IN THE AUDIENCE.** All present were there for items on the agenda.

### RESOLUTIONS

#### **THE MATTER OF ADDING GOVERNMENT WATER RATES TO THE CURRENT WATER RATES SCHEDULE BY APPROVING RESOLUTION NO. 1221 AND SETTING AN EFFECTIVE DATE OF OCTOBER 1, 2019.**

- After hearing the staff report; Keaton **motioned to approve Resolution No. 1221, "A RESOLUTION AMENDING WATER RATES RESOLUTION NO. 1215, BY REPLACING AND ESTABLISHING NEW GOVERNMENTAL SERVICE RATES AND SETTING AN EFFECTIVE DATE."** He was **seconded by Downey, and the City Council voted unanimously to approve Resolution No. 1221, and thereby establishing new governmental service rates in order to compensate for the larger meters now present at the school.**

### NEW BUSINESS

#### **THE MATTER OF DISCUSSING AND APPROVING A SECOND ADDENDUM TO THE SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY FOR THE 100-ACRE PARK**

**Staff Report:** Eldridge presented the staff report and explained that after sending a formal letter to Knife River, indicating that the City was ready to close on October 1<sup>st</sup>, as originally agreed upon, that it was discovered that the partition had not yet been done on the property. Because the property is located outside the city limits, the Linn County Planning Commission is the agency who must approve the partition. This must take place prior to any property being sold. She had contacted Jeff Steyaert at Knife River and had asked them how they would be addressing the fact that the terms required in Section 1 of the Addendum sale agreement would not be met. Knife River then provided a proposed second addendum, asking for an extension of the closing date, as

allowed by the agreement. The timeframe is based upon the timing of the Linn County Planning Commission.

- Jeff Steyaert, representing Knife River, was in the audience, and noted that the partition has now been formally submitted to the Linn County Planning Commission.
- Eldridge continued with the staff report, noting that the City appreciated receiving the \$20,000 that had been requested, and as required by the first addendum; and had done so as of the prior week. Staff wanted to confirm how long the reclamation process can take, since it is not addressed in the original agreement or in either addendum.
- Steyaert told the City Council that their intent is to complete the reclamation as quickly as possible. DOGAMI (the Department of Geology and Mineral Industries) was responsible for approving the amount of sloping required in the reclamation. This is a medium scale reclamation and should be done relatively soon. The longest run they have ever had was in Beaverton, where it took 3 years to finish the reclamation process. He had handed out a copy of the reclamation permit, which has been provided to the Council. (Addendum No. 1).
- Mayor Duncan asked if they would be completed with that by December?
- Steyaert told him that's it's a smaller scale of slope on the ponds, but it would bite into the next calendar year.
- Mayor Duncan expressed his disappointment about this. It's been more than 10 years since we started this process. You asked for another ten years, but we asked for it to be done in 5. The partition was supposed to have been done already. Bill Morris would never have done this to us. The Mayor was very leery of the reclamation process and would prefer a firm date on the reclamation. While he realized that our hands are tied, he is still saddened, hurt, and disappointed that we aren't able to take possession of the property as agreed upon.
- Steyaert told him that the partition was a separate process, so it had been surveyed, and has now been submitted. He felt that the process would be complete by the closing date on the new addendum.
- Boese also expressed that he was disappointed to hear about the delay. The plans have been drawn out, and people are excited about this property. Lots of people have told him that they are very anxious to have access to this property. We thought that the date was set in stone. As the Mayor has already stated, he knows our hands are tied, but he is very disappointed in the delay.
- Steyaert said that Knife River has filed the reclamation plans and depending upon the approval for the slope of the ponds, and DOGAMI's approval, we should be able to proceed with the reclamation right away. He wanted to point out too, that they will be planting approximately 210 trees as part of this process.
- Keaton said that he wasn't on Council when the original agreement was made, so he doesn't have the same time invested as others here. He would like to know if the City has received the \$30,000.
- Eldridge confirmed that it was noted in the report, and that we had received the full amount.
- Downey said that she was really emotional about this, as all of us are.
- Klemm said that we've been waiting a long time for this property. It was given to us to make the City a better place. He shared the frustration expressed by Mayor Duncan and Councilor Boese, about the dates being extended. People are asking us about the park, and we have to be able to answer them with a level of confidence that it will be done soon. There is a sense of urgency here, since we've

been waiting for the property since the recession began. It seems like there has been adequate time for the partition to be completed, and for the transfer of ownership to take place. He would like to make certain that this can be completed by December 31<sup>st</sup>.

- Eldridge noted that she had also expressed some concern about liability issues in relation to this. Steyaert had provided them with a copy of the bond on the property, and she had been in contact with our risk insurance providers about whether it was adequate for the city.
- Boese asked if Steyaert had a firm date for the reclamation to be completed?
- Steyaert said that it was likely to take about a month and a half from when DOGAMI approves the plan; once they confirm the slopes we need, we can get started, and then can replant the property.
- Downey asked if he can guarantee how long it will take?
- Steyaert said that it looked pretty good for them to be done within that month and a half.
- Downey said that she was really disappointed in this being extended.
- Steyaert said that he will take it (the criticism).
- Klemm said that it feels like it's not high on their priority list.
- Boese asked if there was a list of things that still needed to be completed.
- Steyaert said that they will be operating for a little while longer. But after DOGAMI approves the reclamation permit, they would be switching to that process.
- Mayor Duncan asked if there were fish in the ponds.
- Steyaert said that there are in the south pond, and there is a culvert that leads to the north pond. That channel remains open when there is free flow of water.
- Eldridge noted that the reclamation permit requires them to monitor the banks, revetment and stream buffers.
- Klemm **then motioned to authorize the City Administrator or his designee to sign the second addendum to the Sale Agreement and Receipt for Earnest Money for the 100-acre park.** He was **seconded** by Downey. **The City Council then voted unanimously to approve the motion, and which extended the closing date for the 100-acre park to Dec 31, 2019.**

#### **THE MATTER OF APPROVING AN IGA BETWEEN THE CITY AND OREGON CASCADES WEST COUNCIL OF GOVERNMENTS (OCWCOG) FOR CITY ADMINISTRATOR RECRUITMENT ASSISTANCE.**

- Downey **motioned to approve the IGA between the City and OCWCOG for City Administrator Recruitment Assistance.** She was **seconded** by Klemm. **The Council then voted unanimously to approve the IGA between the City and OCWCOG for recruitment services for the next City Administrator.**

#### **OLD BUSINESS**

#### **THE MATTER OF DISCUSSING THE ENHANCED LAW ENFORCEMENT BID FROM COBURG AND JUNCTION CITY POLICE DEPARTMENTS.**

**Staff Report:** Eldridge summarized the findings in the staff report. She noted that at the last meeting, that the City Council spoke with Sheriff Yon, and she felt that we came to a better understanding of what both the City and LCSO wants out of our current relationship. However, she also knew that it was a priority for the City Council to obtain additional traffic enforcement services in the City. If the City Council wishes to proceed with the process of obtaining additional traffic

enforcement services, then the previous City Administrator had already made a recommendation to sign an IGA with the City of Coburg.

- Klemm noted that there really wasn't much difference between the bids that were provided.
- Boese agreed, and said that technically, Coburg was \$200 less than Junction City. He was in favor of getting the agreement going.
- Keaton said that there were some differences between the two organizations. He was disappointed in the results of the response. He was happy that in the last meeting with the Sheriff, and that he did a much better job in responding to us. That might have been intentional, but he felt it was much less formal, less stiff, and far better than before. However, they didn't even get half of the hours (of traffic enforcement) that they were supposed to in the last report. They only had 19.75 hours of traffic enforcement. He thinks that Coburg will be more responsive; they do show a solid training record.
- Boese liked the thoroughness of the response.
- Keaton thought that the Sheriff had made a good presentation.
- Downey agreed, and said that she appreciated that presentation. The Sheriff comported himself better. She is impressed that he will work with us. She would love to have a deputy designated to us, but he apparently can't do that. She wonders that we couldn't get retired deputies, like Junction City and Coburg have, that could work closer with us.
- Mayor Duncan said that's actually been suggested over the years.
- Downey was in favor of having another meeting with him. He did say that it's hard for the deputies to differentiate between traffic and other procedures, and thought it was maybe a reporting issue.
- Keaton said that there would never be perfect accuracy. If they did a percentage of time, he thought it would work in their favor.
- Scholz said that he lived in the community that the Sheriff had talked about. He can tell them that the problems that he stated Monroe was having, was actually from him hearing from his counterpart in Benton County. In Junction City, they would all be paid officers, but in Coburg, they only have reserves. The reserve officers have to pay for their own uniforms and training. He liked that it would assist them in that.
- Boese said that he wasn't impressed by the presentation that was given, but he saw a difference in how it was presented.
- Downey just wished that we were able to get the services we needed from LCSO; she was really surprised by the results of the last report from them.
- Boese then **motioned to approve the bid from the Coburg Police Department, and to authorize the City Administrator or their designee to create an IGA for Council Approval. He was seconded by Keaton. The City Council then voted unanimously to approve the bid from the City of Coburg Police Department, which once approved, would obtain an additional 20 hours of traffic enforcement services for the City of Harrisburg.**
- Downey noted later in the meeting, (following the consent list vote) that in relation to this issue, that she was originally not prepared to make a decision; but she had done so because of what was shown in the report. It's important to her to have it noted in the public record that she is open to changing her mind.

**THE MATTER OF APPROVING THE CONSENT LIST**

- Keaton **motioned to approve the consent list and was seconded** by Klemm. **The City Council then voted unanimously to approve the consent list. Approved, was the following:**
  1. **The payment approval report for August 2019**
  2. **The City Council minutes of July 22, 2019**

**THE MATTER OF AUTHORIZING THE MAYOR TO SIGN THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF HARRISBURG AND INTERIM CITY ADMINISTRATOR JOHN HITT**

- Downey **motioned to Authorize the Mayor to sign the Employment Agreement as Proposed Between the City of Harrisburg and Interim City Administrator John Hitt. She was seconded** by Klemm, and the **City Council voted unanimously to approve the employment agreement as stated within the agenda.**

**OTHER ITEMS**

- Eldridge informed the Council that the Pacific Northwest Marathon was returning to town for the 2<sup>nd</sup> year. Brian had been told that they weren't holding it this year, but we were contacted by them the weekend before Brian's last day. Because it has a tourism impact, she made sure to accommodate them, and came in on Saturday to run the GIS and send out notices to everyone within 300' of the race routes. That notice was sent to approximately 150 households. The ordinance requires a minimum of ten days notification and provides the ability for property owners to respond. That deadline will fall only two days ahead of the actual race day.
- Eldridge then notified Council that we had just received a packet from Republic Services with this year's rate increase. Last year, Council had a visit from representatives that couldn't answer their questions, and they asked for Julie Jackson, the Operations Manager, to come to Council to explain the 5.6% increase that was charged last year. This year, there is only a 2.4% increase being proposed. Would Council like her to contact Julie and ask her to be at a future Council meeting to discuss this increase with them?

Council was concerned about the increase, even though it was less than the previous year. Downey asked if there was any way to look at a different company providing garbage services. Eldridge told her that she could look at the franchise agreement and determine what we were allowed to do. Keaton suggested that we look at a private company who takes care of garbage in Sweet Home, and perhaps check with Sanipac and Junction City garbage services as well. He was on the solid waste advisory board, so felt that there were likely other areas that could perhaps provide services for Harrisburg. Eldridge noted that she is approached on an annual basis by Gheen Irrigation, who always had an issue with what was charged to our industrial companies for garbage collection. She would look into this and bring it to a future meeting. Council suggested that she might want to let Republic Services know that we were doing this.

- Eldridge had also been informed that OCWCOG Executive Director Fred Abousleman had given his notice and was planning on moving back to the east coast. His contract required him to give them several months before leaving, but they would be looking for a new director in the meantime.
- Eldridge then told City Council that this coming weekend, there was a fun event in town, at the Harrisburg gallery, with J & S Art. Shelley Roenspie was holding an

open house, which included a book signing, as well as getting to meet the artists represented in the gallery. Snacks and music would also be provided.

- Eldridge, who apologized for having so many others, said that we were also working on a letter to send to the Linn County Planning Commission. She had been notified by the attorney we hired to review the OCWCOG contract (due to a conflict from our city attorney also being their attorney) that we should be concerned about the changes Linn County was making to their shared spaces with UGB's around cities. Albany, and another city were both filing letters in opposition. She had talked with Jim Brewer, the City attorney about it, and he agreed that we should likely file something with the county in order to preserve our rights. The City hadn't had a chance to review the letter and determine how exactly it would affect us.
- Council consensus was to agree with that action.
- Finally, Eldridge indicated that the Main Street Conference was being held in Tillamook this year, in the first weekend of October. We are required to send at least one person per year to the conference in order to maintain our standing. She suggested that if any of the Councilors would like to go with her to the conference, that it was one of the least expensive that she typically see's, and the hotel was extremely affordable as well; there were still funds left for council training. She told Council to contact her by the end of the following week if they wanted her to reserve a spot and hotel room for them.
- Tim Gaines then said that he was looking into the possibility of getting tablets for Council to use, that they could keep their agendas and city business on. The prices were becoming more affordable every year. He asked if Council would be interested in this?
- Consensus by Council was yes, they would appreciate that.
- Eldridge said that it was a terrific way for them to keep track of the city email, and city business, so it didn't cross over into their personal lives. We would need to create a policy for how to protect both the City, and the Councilors, in the use of the tablet, but that it would be easy to do.

**With no further business to discuss, the City Council adjourned at the hour of 8:07pm.**

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Mayor

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City Recorder

Oregon Dept. of Geology & Mineral Industries  
Mineral Land Regulation & Reclamation Program  
229 Broadalbin St. SW  
Albany OR 97321-2246  
(541) 967-2039

CC: Thopper Schure  
Fred Smolony  
Suebos Phipps  
Steve Hite.

\* please review & file Jeff!

**OPERATING PERMIT -- Renewal  
ISSUED SUBJECT TO ANY LISTED CONDITIONS**



Knife River Corp. NW - Tangent  
32260 Old Highway 34  
Tangent OR 97389-9770

ID No.: 22-0038  
County: Linn  
Section: 16  
Twp: 15S  
Range: 4W  
Site Name: McNutt Site

This permit shall be in effect, unless revoked or suspended for cause, from the date of issuance and shall remain in effect so long thereafter as the Permittee pays the annual fee to renew the permit, complies with the provisions of ORS 517.750 through 517.955 as applicable, the Rules as promulgated to administer the Oregon Mined Land Reclamation Act, the approved reclamation plan, and any conditions attached to this permit, and maintains a performance bond as required by the Act.

Issuance of this permit is not a finding of compliance with state-wide planning goals or the acknowledged comprehensive plan. The applicant must receive land-use approval from local government before using this permit.

NOTE: Reclamation plans may be modified per ORS 517.831 and OAR 632-(030) and (035)-0035.

CONDITIONS: (Conditions may be appealed per OAR 632-030-0056 or OAR 632-035-0050. If an appeal is made, this permit is invalid until the condition(s) appealed is/are resolved and the permit reissued.)

The Permittee must:

1. establish and maintain riparian vegetation within the 200-foot excavation setback from the Willamette River.
2. annually monitor the stability of the channel bank, revetment and stream buffer. Site conditions must be documented by establishing photo points and collection of field notes to evaluate if the mainstem of the river is migrating towards the high flow channel along the right (east) channel bank. The monitoring information will be submitted to DOGAMI upon request. Amend the hydraulic stability plan (bank sloping and revegetation) upon request by DOGAMI if site conditions indicate lateral channel migration may cause capture of the south cell by the river, destabilize the stream buffer or undermine the revetment.
3. not create above water cutslopes nor below water cutslopes to a depth of 6 feet below ordinary low water steeper than 3:1 (H:V) during mine or reclamation activities.
4. not discharge any storm water into the Willamette River or side channels without first obtaining a DEQ 1200A permit.
5. not mine until June 1 of any year when flooding of the river enters the south mine pond.
6. leave the slide gate for the fish culvert open any year when flooding from the river enters the south mine pond.
7. annually monitor the success of the stream buffer and pond bank plantings and file a report with DOGAMI by July 1, 2015 detailing the status of the stream buffer and pond bank plantings. Additional reports must be submitted every subsequent 5 years until the revegetation plan is fully implemented.
8. conduct maintenance grading as needed or required by DOGAMI to insure the fish egress channel allows open access to the river until June 1 of any year.
9. replace gated fish culverts with open channel(s) during final reclamation of the south pond.
10. maintain vehicle access to the power transmission lines and provide a 75 foot radius setback from the edge of excavation and all towers.
11. conduct no mining, filling or mining related activity within the nonpond pit area under the DOGAMI Operating Permit.

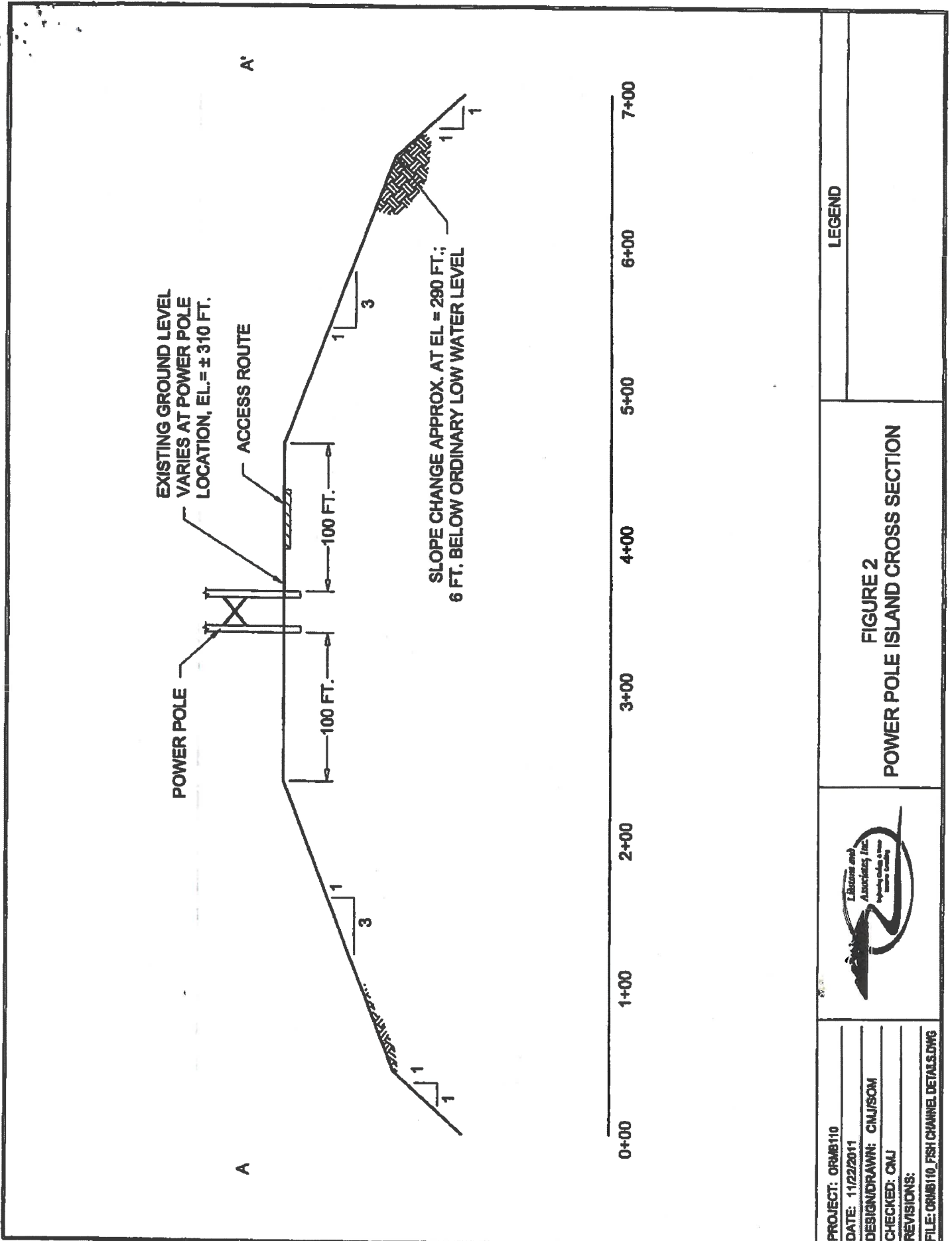
Issued 9/3, 2019

Vaughn Balzer  
Reclamationist

**RENEWAL IS REQUIRED BY JULY 31, 2020**

c: Linn County Planning Department  
Oregon State Parks & Recreation Resource Management & Planning Salem





LEGEND

FIGURE 2  
POWER POLE ISLAND CROSS SECTION

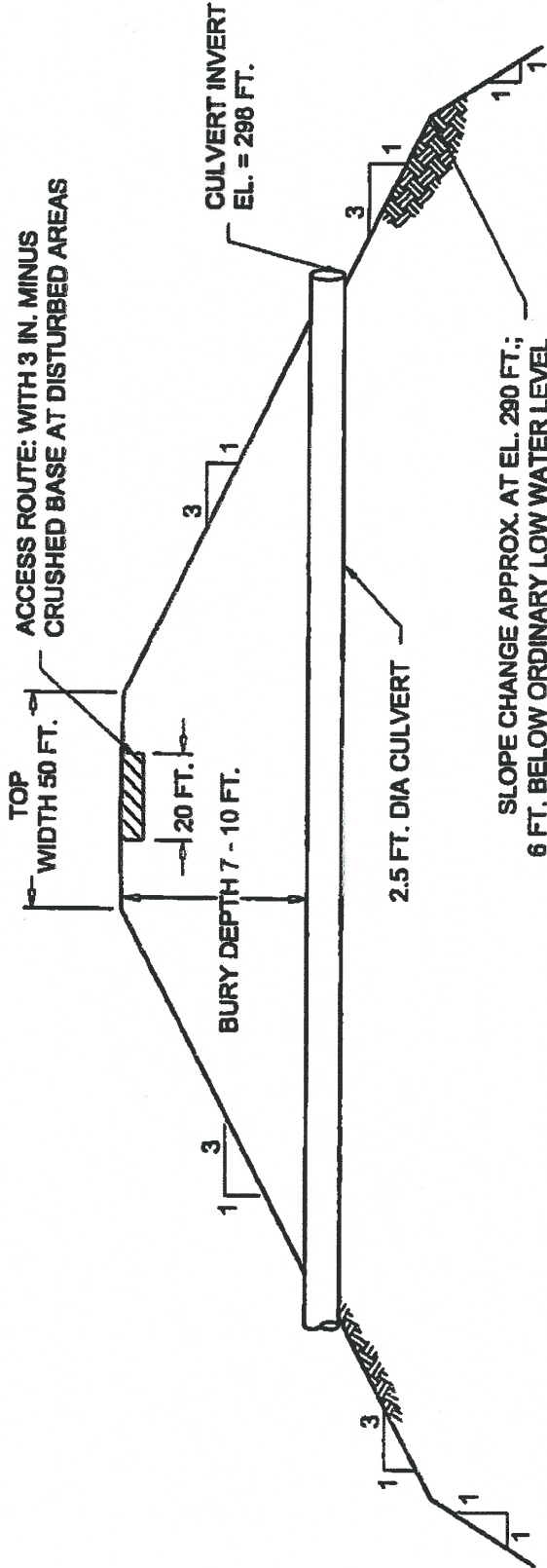


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| PROJECT: ORMB110                       |
| DATE: 11/22/2011                       |
| DESIGN/DRAWN: CHJ/SOM                  |
| CHECKED: CHJ                           |
| REVISIONS:                             |
| FILE: ORMB110_FISH CHANNEL DETAILS.DWG |

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TOP OF ACCESS ROUTE EL. = ±310 FT.  
VARIES WITH EXISTING GROUND LEVEL



0+00    0+50    1+00    1+50    2+00    2+50    3+00    3+50

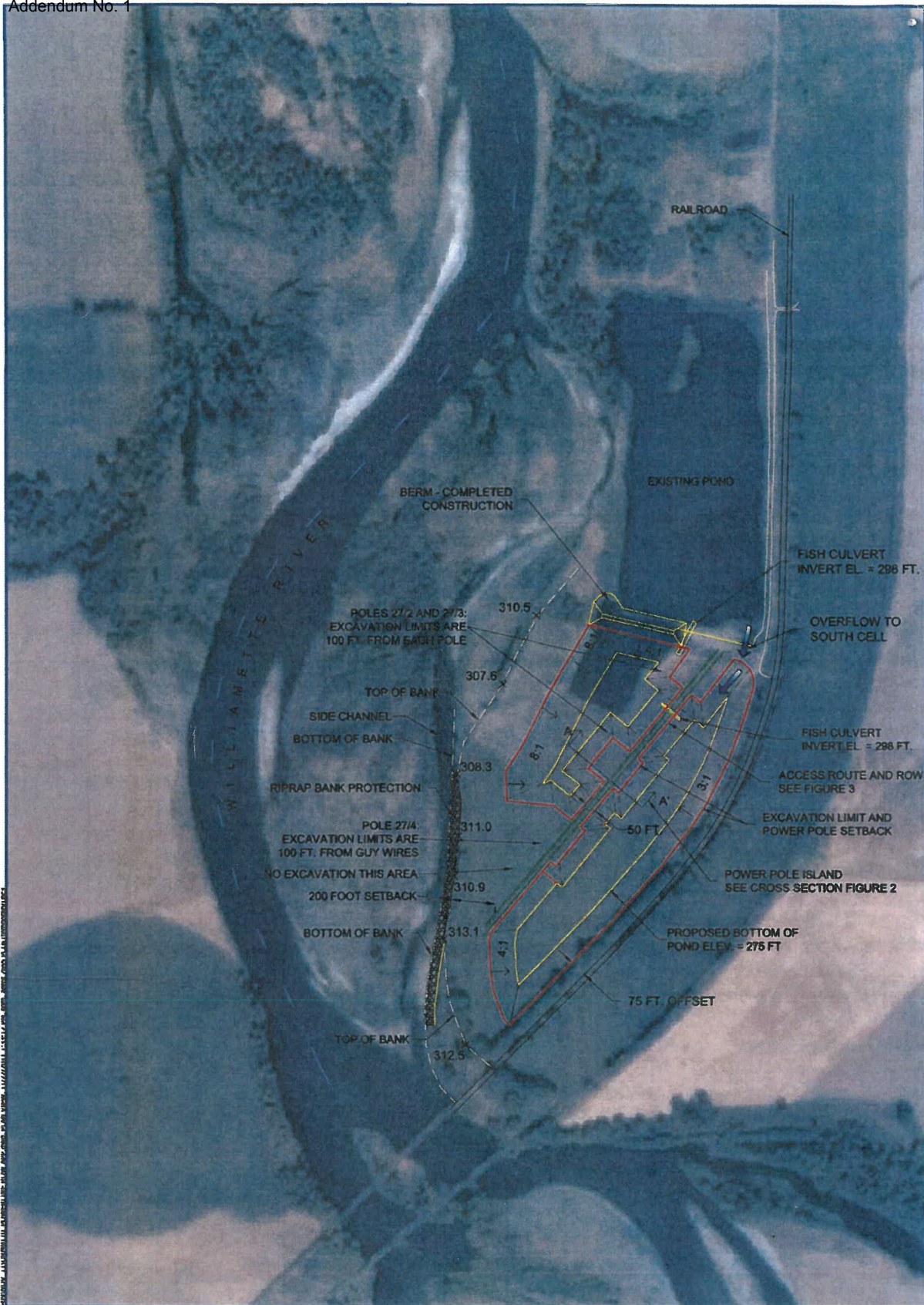
PROJECT: ORMB110  
DATE: 11/22/2011  
DESIGN/DRAWN: CMJ/SOM  
CHECKED: CMJ  
REVISIONS:  
FILE: ORMB110\_FISH CHANNEL DETAILS.DWG



FIGURE 3  
ACCESS ROUTE AND CULVERT  
INSTALLATION MCNUITT SITE

LEGEND

1:08:12:10\ACONNECT\AMTATION PLAN UPDATE 8-29\NOV 11\ORMB110 Fish Channel Details.dwg, CULVERT INSTALLATION P3 REVISED, 11/22/2011 1:08:53 PM, User: 7655 PCL6



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|--|----------|-------------|-----------|
| PROJECT NUMBER                         | 01803110 | CONTRACTOR  | CH2M HILL |
| DATE                                   | 11/11/11 | DESIGNED BY | CMU       |
| <b>MCNUTT SITE<br/>SOUTH MINE POND</b> |          |             |           |
| FIGURE                                 | 22020103 |             |           |
| <b>1</b>                               |          |             |           |



**LEGEND**

x SURVEY POINTS, 2008

