Minutes
Aurora City Council Meeting
Tuesday, April 10, 2012 at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT:

Kelly Richardson, City Recorder,
Jan Vlcek, Finance Officer
Lyle McCuistion, Chief of Police
Bob Southard, Water Superintendent

STAFF ABSENT: Otis Phillips, Waste Water Superintendent

VISITORS PRESENT:

Jim Fisher, Aurora
Cheryl Hauser, Aurora
Jan Metger, Aurora
Julie Widing, aurora

1. Call to Order of Regular Meeting

The meeting was called to order by Mayor Greg Taylor at 7:01 p.m.

2. City Recorder does Roll Call

Councilor Graupp - Present
Councilor Roberts – Present
Councilor Sahlin – Present
Councilor Vlcek – Absent for training excused
Mayor Taylor – Present

3. Consent Agenda

I. City Council Meeting Minutes – March 13, 2012 & January 10th, 2012
II. Planning Commission Meeting Minutes – March 06, 2012
III. Historic Review Minutes February 23, 2012.

Councilor Sahlin brought to City Recorder, Richardson that they were all missing pg 3 of the Planning Commission minutes for the March 06, 2012 meeting so we will wait for next month to review them. It was also suggested to mark question and answers more clearly in the minutes.

A motion to approve the consent agenda as stated is made by Councilor Graupp and seconded by Councilor Sahlin motion passes.

Correspondence

I. Social Media For Disaster Response and Recovery Flyer

II. **Email from Adam Silver, in regards to Cell Tower Lease Options,** the question is, are they proposing to rent space on the tower, yes I believe so (City Recorder). Councilor Vlcek states that it would be beneficial for them to come and make a presentation at the next Council meeting.

III. **League of Oregon Cities Bulletin.**

IV. **2013 Special City Allotment Grant Program,** discussion and question was asked did we apply for this last year, Southard states yes however we did not qualify. This year we know what criteria to follow and we hope to obtain the grant.

V. **LOAC Advisory Board Meeting Notice**

A motion to approve the correspondence is made by Councilor Roberts and seconded by Councilor Graupp. Motion Passes Unanimously.

4. **Visitor**

Anyone wishing to address the City Council concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the City Council could look into the matter and provide some response in the future.

Jim Fisher, Aurora I have a couple of items to let you know about.
1. I would like to inform everyone of the Flag Retirement Ceremony in June, and we invite anyone to observe the flags being retired and invite you to bring any flags that are in need of retirement.
2. I am very concerned about public safety, the property next to the American Legion Hall the property still has a basement and stairs and now it is simply a large hole in the ground. Is there something that can be done about this? I believe that Mr. Eddy has been addressed on it before and I believe that this could be an issue for the city. The American Legion Hall is rented to families and this is a real issue. Mayor Taylor states at one time we required him to fence the property and at some point it was removed because of conflict, I (Mayor) believe this should be torn down and filled in. Councilor Sahlin lets Mr. Fisher know that the City now knows the process and we should follow up on this.

Cheryl Hauser asks if the North Marion library items could be moved up. Mayor Taylor explains that we are hoping too.

5. **Discussion with the Parks Committee**

- **Parks Committee Report (not in packet)** no one in attendance. Councilor Sahlin thanked former Councilor Brotherton for all his help last year with the ball field. Mayor Taylor states the Parks Committee has asked to be kept in the loop when and if decisions regarding the park are made. It is also stated that the Parks Committee is adamant that professionals 'be contacted when trees are in need of trimming.
- Public Works Superintendent Southard states the trees have been trimmed by Triple T our park maintenance company.
- Councilor Sahlin asks council if he can move forward on the purchase of a new pitching plate due to the damage to the old one from last year. Everyone on Council agrees to the purchase of the new plate.

6. **Discussion with Traffic Safety Commission**

a. **Traffic Safety Report (not Included in your packet) Council** No one from Traffic Safety was in attendance. Chief McCuistion is in training and therefore no questions can be asked.

7. **Reports**

Police Chief's Report – (included in your packet) Chief McCuistion is in Bend for training so Mayor Taylor read his report into record and as attached. Mayor Taylor asks City Attorney Koho to look into the Ordinance violations that the report refers to on the Eddy property.
Also Mayor Taylor asks Koho about the Hubbard towing contract that Chief McCuistion reported on last month. Koho states that he doesn't so far see the financial gain that the Chief was referring to however I will review it further.

- Councilor Sahlin asks the council as a whole do we really want to allow the permits for truck parking? City Attorney, Koho states that it is in our Municipal Code listed in chapter 10. The council decides to table this discussion until further review can be done.

No more questions from the Council.

A. **Finance Officer's Report – Financials** (included in your packets)

1. Revenue & Expense Report
   - Kelly and I attended the Excel training and we really learned a lot.
   - The first budget meeting will be Wednesday April 25th at 6:30 here at City Hall.
   - Grove Mueller and Swank are still interested in performing our audits. **The consensus of the Council is to continue with Grove Mueller and Swank for the City audits.**
   - I have two corrections from what is printed in the supplemental budget as follows pg 2 line 24 should read 4,000 and pg 33 line 18 should read 4,000, as a transfer.
   - Finance Officer Vlcek reads her budget message and states no line item exceeds over 10%.

No more questions from the Council.

B. **Public Works Department's Report** – (included in your packet) Southard reads his report as attached.

1. Monthly Status Report (Storm Water) Southard states that his department is working closely with the Finance Officer on next year's budget.

- We have fixed Lake Liberty and it is no more.
- The first of March a compressor on the filtration unit lost a drive belt and a key off the motor.
- We have an opportunity to purchase the steel plates and other safety equipment items at a low price and they are waiting to hear back from us.
- Councilor Sahlin asks Southard about the heavy drag for the ball field and let him know where he placed it and Southard stated he would put it in storage

No more questions for Bob from the Council.

A. Waste Water Treatment Plant Update (from Otis Phillips) there was not a lot of discussion on the report as submitted.

- Mayor Taylor states that we signed a 3 year agreement with the River Keepers and as of January 31, 2012 they had made no comments and did not respond so this situation has come to an end.

There were no more questions from the Council.

C. **City Recorder's Report** (included in your packet)

- Confirmed that the Excel training class was very good.

Gives a brief overview of the written report as submitted.

No questions from the Council.

D. City Attorney's Report – (not Included in your packet)

- The State approved our program conditionally for 1 year.
- The State did have 3 areas they would like to see us address.
  - Check list
  - A licensed code enforcement company
  - Implementation of the E-permitting process was the only area we had not planned on.
  - Mayor Taylor our timeline for implementation is. Koho States that July 1, 2012 and I do need to finalize with Marion County.
- Koho states there was no response to the letter to the former IT Dept, so I will give him a phone call.
- Councilor Graupp asked if a letter was written to Mr. Patzer and request his fine payment for his HRB fines. Koho states it will go out this week.

There were no more questions of City Attorney, Koho.

8. Ordinances and Resolutions

A. Resolution Number 649 A Resolution Adopting the Supplemental Budget for FY 2011-2012, and Re-Appropriating Funds,

	GENERAL FUND	
	Personal Services	245,214
	Materials and Services	305,101
	Capital Outlay	
15,950		
	Transfers & contingency	116,736
	Total	**$683,001**
	STREET/STORM FUND	
	Personal Services	23,502
	Capital Outlay	
30,950		
	Contingency	75,251
	Materials and Services	**42,832**
	Total	**$172,535**
	WATER OPERATING FUND	
	Personal Services	96,049
	Materials and Services	112,280
	Capital Outlay	
124,750		
	Contingency	127,319

	Total	**$460,398**

	SEWER OPERATING FUND	
	Personal Services	115,954
	Materials and Services	136,315
	Capital Outlay	
30,000		
	Contingency	124,381
	Total	**$406,650**
	TOTAL Re-appropriated funds	**$ 1,722,584**

A motion is made to approve the supplemental budget and Resolution Number 649 as submitted by Councilor Graupp and seconded by Councilor Sahlin. Motion Passes Unanimously.

A. **Resolution Number 648 A Resolution Establishing The finance Charges, Involuntary Disconnection Fees and Re-Connection Fees, Door Hanger Fees, and Establishing Fees for Tampering with the Water Meter for City Water System and amending Resolution Number 532.** Resolution Number 648 was read by title only and it was discover a typo on original Resolution Number 532 which will be corrected.

A motion is made by Councilor Sahlin to approve Resolution Number 648 as amended and it is seconded by Councilor Roberts. Motion Passes Unanimously.

9. Old Business

A. Update on Discussion with Fire Department in regards to water situation. It was decided to table this situation because Councilor Vlcek is not in attendance.

10. New Business

A. **Discussion and or Action Esa and National flood Insurance Program,** Planning Chairman Joseph Schafer explains on the subject of flood plains and up and coming regulations. The document in front of you is WA litigation. FEMA has been sued from two different groups since this has gone into effect. Currently now we are looking into Oregon, and the Salmon Habitat.

Chairman Schaefer introduces Christine Shirley from DLCD, she is trying to help develop a program to help facilitate a salmon friendly program for habitat, with a minimum of confusion.

Currently the State of Oregon is looking into their program and to see if this program will not harm salmon habitat. My opinion is that this will not pass I believe that this program as listed will harm habitat. Consultation in WA formed a jeopardy decision and they agree that this would hurt the salmon habitat. Options proposed as follow;

1, Developed a model Ordinance for local government
2. Developed a check list that local government would use to follow.

3. Each applicant would have to prove to the local government agency they have met all of the FEMA items for compliance.

FEMA really didn't want everyone to gravitate to item 3; FEMA was expecting the trend to follow item 1 or 2 now there are many lawsuits pending.

Shirley states, I have been watching for the nuts and bolts of this and have been looking at the model Ordinance proposed in WA and I have determined in the State of Oregon it will not work. Oregon is now looking into an option number 4 if you will that will look at the best practices per say and look at each activity in conjunction with best management items to follow before you could build in the flood plain area, reason for this was so that if they follow all the items in the list then it could be approved. Currently in WA a biological study would need to be done and DLCD and I do not want this for Oregon, in the new handout I gave to each of you this is outlined. At this point NIMS is looking at this and have realized that option number 4 approach might be a good idea, and a work group has been formed so we can look at the specific activities and best practices that might work.

Goal 5 is the natural resource goal, if protection of salmon habitat makes us to do a full on natural resource inventory we are trying to come up with something that won't force us into a full on goal 5 implementation in Oregon. Not sure if we can achieve this, if this has to go into a full on 5 implementation this will affect every city in Oregon.

One activity at this point without full consideration is filling in the flood plain. This is an application for filling it up and then it would be taken out of the flood plain, and now communities and the fill that has been placed is now under review

City Attorney Koho asks who is and has the authority, Chairman Schaefer states, WA is saying that FEMA may not have the authority to make this stick however DLCD is hoping to not go down the same road as in WA so we do not have to do a biological study. If these rules are from bank to bank how do you regulate that? The proposal now is the entire area where there is a threat for salmon habitat. My Opinion (Schaefer) we do not want channel migration zones. So, the Oregon proposal is without the channel migration area.

Scott Brotherton, Aurora how can Federal Government come to the cities and say how we can delegate the monies an how is it that fish come first.

Answer, Aurora, is in a great place because currently Aurora doesn't let building happen in the flood plain area. So how does this pertain to Aurora, if someone came before Aurora to do a fill application for a map revision and Christine Shirley suggest not doing this. So if someone comes before you for fill application you need to get a conditional letter before any fill goes down, so that FEMA would have to do the inspection of it so your local city doesn't have to look at this.

I (Christine Shirley) suggest that the city looks at this situation and develops your own Ordinance to regulate or define what fill is and how it applies. Christine states she has language that could help us with this.

Mayor Taylor states we are concerned about the property the city owns.

Joe Fidanzo, Aurora Oregon, states my house is higher than any house along there.

Mayor Taylor in the endangered species act it states that anything you do to hurt the flood zoned or salmon habitat. So if we till it up or apply herbicides in the park anything if you can show that this will not hurt the habitat then you could move forward but if you couldn't prove it then you can't. Christine

proposal is to provide a guideline to help facilitate these activities and produce a list that can be followed.

If you apply the clean water act best practices many of these I will introduce into the best practice guide that I am working on. If I can facilitate option number 4 then we will have guidelines to follow and help us.

Safest thing would be to hire a biologist to examine the park property then it will have to be approved by powers to be NOA fisheries. If financially we cannot afford this then we are ok because we do not allow building in the flood plain, and we need to look at not allowing fill applications either along with no paving or other items.

Final statement consider regulating fill and do not sign map revision for fill and if you do then allow a conditional fill application so FEMA has to look at it. Follow the best practices.

B. **Discussion and or Action on North Marion Library Association,** Cheryl Hauser of Aurora and Lori Widing, Aurora and Jan Metger, Aurora We are proud to introduce the North Marion Library association. We are currently opening our doors for patrons, and many readers in the community feel there is a large gap in the library for Aurora. We are looking into grants; we have received many positive comments. One possibility that we are researching is a book mobile and or a building. One of the fundraising ideas we are looking into is a rummage sale to produce funds for the North Marion Association. Currently we are collecting donations for the rummage sale so we can get books. It is suggested they get in contact with Daniel Kinder who is head of the Colony Days, along with Betsy Imholt. Imholt is coordinating the summer concert series in the park maybe they could be of some help. City Attorney Koho states that we did this in Keizer and we may have some books to get you started I will let you know.
The book mobile locations so far were looking at Hubbard because it is centrally located. Mayor Taylor states that we can put a letter in the news letter and possibly the city web-site. Hauser is in need of a treasurer for the committee. Jim Fisher asks if you are looking at donations now. Mayor Taylor and the City Council wish you the best.

C. **Discussion and or Action Supplemental Budget FY 2011-2012,** mostly this is just moving some dollars around to get us through. Motion is stated in the Finance Officers report section.

D. **Discussion and or Action on Liquor License for Topaz Home-style at 21668 Hwy 99E,** there is no discussion.

A motion to approve the OLCC license for Topaz 21668 Hwy 99E is made by Councilor Roberts and seconded by Councilor Graupp. Motion Passes Unanimously.

E. **Discussion on Planning Commission and Historic Review Board Proposal.** Mayor Taylor has a proposal to make to Council, we have openings on both Planning Commission and the Historic Review Board, discussion on whether or not HRB has a quorum the majority of the time. Mayor Taylors' proposal is to combine the PC and HRB to be a nine member board and have HRB fill those board positions and I think that it would expedite applications and be a service to the

community. I think that it would benefit both boards because they can work together and learn a lot about how each board works. I would ask that each of you think about it and give it some serious thought. I do not want to take any action please just think about it.

F. Discussion and or Action on Historic Review Board Updates, this item is tabled until next meeting.

11. Adjourn

A motion to adjourn the April 10, 2012 meeting at 9:10 pm was made by Councilor Roberts and seconded by Councilor Graupp. Motion Passes Unanimously.

Greg Taylor, Mayor

ATTEST:

Kelly Richardson, City Recorder