

Minutes
Aurora City Council Meeting
Tuesday, August 13, 2013, 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
Bob Southard, Water Superintendent
Otis Phillips, Waste Water Superintendent
Dennis Koho, City Attorney
Pete Marcellais, Marion County Deputy

STAFF ABSENT: NONE

VISITORS PRESENT: Kris Sallee, Aurora
Ernie Peter, 21383 Liberty Aurora
Karen Townsend, Aurora
Gayle Abernathy, 15109 2nd Aurora
Jim Metzger, 21151 Main Aurora
Mella Frasier, 20940 Yosemite, Aurora
Merra Frochen, Aurora
Ron & Mary Vankleef, 20787 Yukon
Josie Hyde, 14953 Ottaway
Patrick Harris, 15038 2nd ST
Bill Matthiu, Smith Rock
Joseph Schaefer, Aurora
Paul & Tina Zock, 14947 RoosterRock
Annie Kirk, 21370 Main

1. Call to Order of the City Council Meeting

The meeting was called to order by Mayor Greg Taylor at 7:00 p.m.

2. Administrative Assistant does roll call

Mayor Taylor – present
Councilor Graupp - present
Councilor Brotherton -present
Councilor Sahlin – present
Councilor Vlcek – present

3. Consent Agenda

I. City Council Meeting Minutes – July 09, 2013

- II. Planning Commission Meeting Minutes – July 02, 2013
- III. Historic Review Board Minutes –June 27, 2013

Correspondence

- I. Letter of Resignation/Retirement from Public Works Assistant Ricky Sellers
- II. Email from Luanne Berkey in regards to the LED proposal and the bridge poles.
- III. Added at meeting Ted Reasler Letter
- IV. Added Resignation/Retirement letter's from Bob Southard, Public Works Superintendent and Jan Vlcek, Finance Officer.

Motion to approve consent agenda was made by Councilor Vlek, seconded by Councilor Graupp. Motion passes.

4. Visitors

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.

Ernie Peter, Liberty Street informed Council about the puddle in front of my side walk, **Mayor Taylor** there are 2 leaks in a 60 year old line and we are trying to come up with a plan so we do not have to turn the entire town's water supply off while completing the work.

Jan Metger 21151 Main Street, water bills are so high and now because of the law suit we are expected to pay even more. **Mayor Taylor** 1st the law suits in the past have nothing to do with water prices we are not a loud to transfer money out of the water fund to pay those types of expenses the water sales are only for the water department expenditures and infrastructure. **Metger** asks about whether it is true or not if we have sold our water. **Mayor Taylor** we have sold water for bulk water permits which is metered however during this hot dry spell we have not. We did have one mistake where some water was sold however we did address this and it was not a lot.

Ron Vankleef, Yukon, how much water do we really have in the underground reservoir I thought we had enough to sustain Aurora.

Mayor Taylor many people do not understand where we get our water, many cities pull water from a river so there is more of it to go around. We pull our water from an aquifer we tap the Mt. Hood Troutdale aquifer and because there are so many before us we are last in line so then the ability to refill our wells has been slow to recover. Because of the surrounding area we are in a serious situation if the wells had gone much lower we could have been forced to shut the water off completely we were trying to avoid that.

We have a daily consumption lately of 204, 000, 00 gallons a day almost double what we pull during normal times. Of that 56,000 thousand gallons goes through the sewer plant that's

what you use in your home so the other 140 thousand gallons goes on the ground this is a serious situation. We are not the only city having this problem many cities are having this issue. We did initiate this a few years back and it was successful however this time the odd/even schedule was not observed and did not work so we were forced to declare an emergency.

Lois Smith Cody Lane, I don't understand the whole thing about the aquifer however during the rainy season maybe we need to store water in some sort of a tank for just these types of situations.

Mayor Taylor, we could look at this as a solution however currently it is not in the budget this is a very expensive issue and we have obligations to attend to.

Smith do we have a moratorium on building in our area because it seems to me that we should regulate that.

Mayor Taylor, let me put it to you this way if you were to stop all watering outside then it would put us back in the safe zone so please conserve water is not a never ending resource.

Annie Kirk, please clarify rumor or not is our current filtration unit taxed/over worked because of this issue. **Mayor Taylor** no it is not a problem it remains the same.

(Question from audience no name was stated) how many wells do we have and **Mayor Taylor** currently we have 5 but 3 are currently on line.

Smith is there any way to tap into the Pudding river? **Mayor Taylor** no there isn't.

Annie Kirk asks about the leak at the park **Taylor** both leaks will be taken care of at same time which will be very soon.

Vancleef, question I don't like it but now we have people policing each other and this is becoming an issue in my opinion.

Mayor Taylor, I understand but that is why we are trying to address this issue, this is a blanket deal this is not an individual problem please don't take offense to it.

No one else spoke.

5. Public Hearing Calls

Mayor Taylor calls to order at 7:25 pm

A. Discussion on Legislative Amendment 2013-01 (LA-13-01)

Mayor Taylor calls for the staff report, items below are read into the record it gives explanation of the hearing and that everyone was notified in the Historic District.

REQUESTED ACTION

Upon closing of the August 13, 2013 City Council public hearing on Legislative Amendment 13-01, the Council's task is to make a decision whether to adopt the proposed amendments to Title 17 of the Aurora Development Code.

The City Council's options and sample motions to support each option follow:

- A. Motion to adopt the staff report and direct staff to prepare an ordinance **approving Legislative Amendment 13-01**:
 1. As presented by staff and the Planning Commission; or
 2. As amended by the City Council (stating revisions)

- B. Motion to adopt the staff report with changes and direct staff to prepare a resolution **denying Legislative Amendment 13-01** for the reasons specified in the City Council's deliberations (the motion should include a summary of reasons for the denial from the deliberations)

- C. **Continue** the public hearing:
 1. To a time certain, or
 2. Indefinitely

BACKGROUND

In 2012, the City Council directed the Planning Commission to work with the Historic Review Board on an update to Title 17- Historic Preservation, also known as the "Historic Preservation Ordinance of the City of Aurora", which provides preservation standards and regulations for the design of buildings and structures within the historic commercial and residential overlays of the City of Aurora.

Generally, the proposed update includes changes to the following:

- Clarify which structures in the district are considered "contributing" and "non-contributing".
- Clarify/establish standards related to: additions, porches, landscaping, paint colors, signage, etc.
- Clarify noticing requirements and the responsible entities for decisions in the historic district.
- Clarify/update design standards applicable to properties and structures within the historic district.

Legislative Amendment 13-01 includes the adoption of the draft code amendments to the Aurora Municipal Code. The revisions are attached in a **bold** and ~~strikethrough~~ format for review purposes under **Exhibit A**.

On July 2, 2013, the Planning Commission held a public hearing on the proposed amendments. The staff report was presented and testimony was received from the audience. The draft minutes from the July planning commission meeting are included under **Exhibit C**. The Planning Commission directed staff to adjust the proposed amendments based upon testimony received and deliberations among the Planning Commission.

FINDING OF FACT AND CONCLUSIONS

The Aurora City Council, after careful consideration of the testimony and evidence in the record, adopts the following Findings of Fact and Conclusions:

1. In accordance with the post-acknowledgement plan amendment process set forth in Oregon Revised Statute 197.610(1), the City Planner submitted the draft proposed amendments to the Oregon Department of Land Conservation and Development on May 29, 2013, which was 35-days prior to the first evidentiary hearing on July 2, 2013.
2. Amendments to the Code, Comprehensive Plan, and/or Maps are considered Legislative Amendments subject to 16.80.20. Legislative Amendments shall be made in accordance with the procedures and standards set forth in AMC 16.74-Procedures for Decision Making-Legislative. A legislative application may be approved or denied.
3. AMC 16.74.030 outlines notice requirements. 10 days prior to the first evidentiary hearing, the City sent written notice of both hearings to all property owners within the historic commercial and historic residential overlays. Section 16.74.030.C.3. requires notice to be published at least seven days prior to the scheduled hearing date. Notice was also published in the Canby Herald on July 3rd, 2013 for the City Council public hearing date. As there are two hearing dates, staff finds adequate notice to allow for comment period has been provided in conformance with the Aurora Municipal Code. Notice was also posted at City Hall on August 7, 2013.
4. Proposed amendments for consideration of legislative changes to the provisions of the Comprehensive Plan, implementing ordinances and maps are a legislative action, not a quasi-judicial action. Section 16.74 calls for amendments to the Development Code to be processed as a recommendation by the planning commission and the decision by the city council.
5. AMC 16.74.060 includes the standards for decision of Legislative Amendments as outlined under FINDINGS below.
6. The Planning Commission reviewed the proposed legislative amendments at the July 2, 2013 public hearing and recommended approval of the amendment with minor changes.

The Aurora City Council reviewed the proposed legislative amendments at a August 13, 2013 public hearing.

FINDINGS

A. The recommendation by the planning commission and the decision by the council shall be based on consideration of the following factors:

1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes (ORS) Chapter 197;

FINDINGS: Goal 1, Citizen Involvement: A public hearing on the proposed amendments was held before the Planning Commission on July 2, 2013 and a second hearing was held by the City Council on August 13, 2013. Notice was posted at City Hall, published in the Canby Herald, and provide to the Historic Review Board. The staff report was available for review one week prior to the planning commission hearing. This is consistent with City procedures. Goal 1 is met.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged AMC. Goal 2 generally supports clear and thorough local procedures and the code update is intended to clarify, simplify and streamline regulations for the approval entity and the general public. Goal 2 is met.

Goal 3, Agricultural Lands: Goal 4, Forest lands: Goals 3 and 4 are not applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 states that state and federal agencies should develop statewide natural resource, open space, scenic and historic area plans and provide technical assistance to local and regional agencies. The City consulted with the State Historic Preservation Office (SHPO) on the draft code amendments and received feedback from SHPO which was discussed by the Planning Commission at their July 2nd hearing. SHPO also provided feedback and a draft historic resources inventory for use by the City. Staff finds the code amendments are in compliance with Goal 5.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not address Goal 7 resources.

Goal 8, Recreational Needs: Goal 8 is not applicable. The proposal does not address Goal 8 resources.

Goal 9, Economic Development: The draft code amendments partially respond to a need identified within the business community to clarify code requirements. The proposed code amendments are not found to deter employment or business opportunities. Goal 9 is met.

Goal 10, Housing: Goal 10 is not applicable. The proposal does not address Goal 10 issues.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposal does not address Goal 11 issues.

Goal 12, Transportation: The draft code amendment provide for some parking exemptions for historic commercial properties to allow greater flexibility for historic resources in meeting newer code provision for parking. However, the proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues.

ORS 197 does not include specific notice requirements for legislative processes but the City met all notice requirements under AMC for processing a legislative amendment application. ORS 227.186, more commonly known as Measure 56 notice, does not apply as the proposed amendment does not reduce permissible uses of properties in the affected zone. However, the City did send notice to every property owner within the historic commercial and residential overlay for both hearings.

2. Any federal or state statutes or rules found applicable;

FINDINGS: Staff finds the adoption actions are consistent with Oregon Revised Statute 197.610(1) for notice to the Department of Land Conservation and Development. Measure 56 notice was not required as the proposed amendments do not reduce permissible uses on historic commercial and residential overlay zone properties. However, notice was mailed at least 10 days prior to the first public hearing to all historic commercial and residential overlay properties. lands. Notice was also mailed to the Oregon State Historic Preservation Office (SHPO) who provided comments on the draft code update (see **Exhibit B**). Staff finds this criterion is met.

3. The applicable comprehensive plan policies and map; and

The following Comprehensive Plan Goals and associated policies were found to be applicable to this application:

Goal 1- Citizen Participation: Develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

FINDINGS: A public hearing on the proposed amendments was held before the Planning Commission on July 2, 2013 and a second hearing was held by the City Council on August 13, 2013. Notice was posted at City Hall for both public hearings at least one week prior to the hearing and published in the Canby Herald on July 3rd for the August City Council meeting. The staff report was available for review one week prior to both hearings. This is consistent with City procedures. Staff finds this condition is met.

Goal 2- Planning Process: Establish a land use planning process and policy framework document (comprehensive plan) as a basis for all decisions and actions related to use of land and ensure adequate factual base for such activities.

FINDINGS: Adoption actions are consistent with the acknowledged AMC. The update to Title 17 is also intended to clarify when properties or structures are subject to decisions or actions and clarify the approval authority for said decisions. The intent of the update is also to provide better noticing of decisions and appeal opportunities for all decision. Staff finds this condition is met.

Goal 9- Economic Policies

- 3. Foster commercial and industrial activities to meet the expressed needs of City residents.*

FINDINGS: The draft code amendments respond to a need/concern identified within the historic overlay to clarify the code and remove interpretations of the code in order to all applicants a greater understanding and clarity on the regulations and design standards to be followed. The proposed code amendments are not found to deter employment or business opportunities. Staff finds this condition is met.

Goal 12- Transportation Policies

- 2. Encourage transportation improvements which support the community's economic development and create a pedestrian friendly atmosphere.*
- 3. Establish a street system which is consistent with orderly growth, minimizes conflicts with adjacent land uses, and provides a circulation system which is safe and efficient for both vehicles and pedestrians.*

FINDINGS: The draft code amendments reduce the parking standards for some commercial historic properties to be more in line with the small lot sizes and their potential inability to meet current parking standards. Staff finds this condition is met.

- 4. The applicable provisions of the implementing ordinances.*

FINDINGS: Title 17 is intended to provides preservation standards and regulations for the design of buildings and structures within the historic commercial and residential overlays of the City of Aurora. The application and legislative amendment intends to clarify implementing ordinance within Title 17. In addition, the update intends to clarify noticing requirements and decision authorities for properties subject to Title 17. Staff finds the proposed code amendments can be established in compliance with the development requirements and implementation ordinances of the Aurora Municipal Code.

B. Consideration may also be given to proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

FINDINGS: Staff does not find a change in circumstance or mistake but rather the City Council directed the Planning Commission to work with the Historic Review Board to clarify and update inconsistencies in the implementing ordinances so as to ease understanding of requirements for property and business owners within the historic district. Staff finds this criterion is met.

STAFF FOLLOW-UP /NEXT STEPS:

If the Council's oral motion is to approve the amendments, staff will prepare an ordinance for the Council to pass at the September 10, 2013 Council meeting. The ordinance will include a "clean copy" of the amended language (the ~~strikeout~~ and ***bold italics*** will be removed), and findings as an exhibit (same as above) to support the decision, along with a "mark-up" copy as an exhibit.

Once the ordinance has been passed and signed, a copy will be provided to the Oregon Department of Land Conservation and Development within 5 working days of being signed and a 21-day appeal period will ensue. A notice of the decision with appeal instructions will be provided to any party that participated at the Planning Commission or City Council public hearings.

The ordinance will be effective 30-days after passage and signature unless council would like to insert an emergency clause establishing an earlier effective date.

a) The Council should note that the proposed amendments to Title 17 include ***noticing requirements*** to property owners within 100 feet of a subject application on Notices of Decisions. This procedure has not been historically followed and the resulting procedures may add additional cost to the City for mailings and staff time. Staff suggests the City Council review the current Historic Review Board fee schedule to account for these additional costs.

b) Section VI. Public Facilities, Item K. Local Government of the Aurora ***Comprehensive Plan*** (page 79 of 100), the Historic Review Board is described as comprised of "a

representative from the Council, a representative from the Planning Commission, a member of the Aurora Colony Historical Society, a resident of the Historic District and either a licensed builder or architect, or a citizen at large". The City has found difficulty in staffing the HRB in the past and the current HRB does not meet this text. The Council should consider an update to HRB description within the Comprehensive Plan at some point in the future.

EXHIBITS:

Exhibit A- Draft code update to Title 17

Exhibit B- Review comments from State Historic Preservation Office (SHPO)

Exhibit C- Minutes from the July 2, 2013 Planning Commission hearing on draft code updates to Title 17

Open public testimony at this time,

Karen Townsend, The HRB recommends that the City Council not pass this yet– We believe that it still lacks some very important elements that could be achieved in a relatively short period of time. We are asking you to return it to PC to have a joint meeting with HRB to complete the following four elements:

- The sidewalk standard has been changed to require trowelled borders which are a conflict with the city's substantial investment in new sidewalks over more than ten years.
- A special designation and standards section for Colony structures is of vital importance in protecting their original facades and workmanship which is not fully covered in the proposed standards like it was in our current Guidelines. Landmark status alone does not answer our concerns and there are no special standards in the code for landmarks anyway.
- The code lacks a set of general guidelines to guide the board when a question arises that is not specifically addressed.
- Taking the responsibility for all new construction out of HRB has never been proposed or discussed at any PC or HRB meetings and needs to be addressed by the boards together.

Due to time constraints, other members of the board will address some of these points

Chapter 17.16.010 (page 10)

The Historic Review Board shall no longer have the authority to approve, deny or approve with conditions new construction within the historic overlay zones.

- *Why has this come up at the last hour of nearly a two year process with so little discussion?* This is a major change in the confidence the city has in the HRB and the process it has been using for more than twenty years. In that time, we are aware of no issues with previous applications for new construction that have gone through the board and been denied, no lawsuits based on any decision by HRB regarding new construction nor any appeals going to the city for a denial of a new construction application.
- *The Aurora Comprehensive Plan addresses Goal 5 requirements for Historic Resource Policies* by giving the HRB responsibility for "Maintaining the historic context within which significant sites and structures are located by managing of existing AND FUTURE DEVELOPMENT. (pg 59)
- *What all will constitute "new construction"?* Besides new buildings on vacant lots, will this also include new accessory buildings (see accessory structures) and what about new construction in attachments and additions to existing structures?
- *Why was this proposed change never brought forward prior to the end of the public hearing at PC?* There has been no opportunity until now to respond to it. It was never discussed at either PC or HRB meetings. We believe the PC acted on it at the public hearing without fully thinking it through and without any input from HRB. No one from the public was informed of this proposed change in advance of the

public hearing and because of the public hearing format it could not be debated except by PC. This looks to the public like the city is pushing something through without enough notice or comment.

- After the public hearing I was asked by people attending the hearing to explain what the reasoning was. I formally asked for a written explanation so that I could understand it myself but was refused. The PC chairman came to the following HRB meeting and verbally gave us the reasoning which included:
 - **SHPO recommended it.** No, SHPO did not recommend this. SHPO only recommended that some functions such as what they term “aesthetics – landscaping, signs” be done by PC so that HRB could focus on more permanent elements including materials and “citing” which refers to new construction or relocating buildings. And remember, SHPO only recommends – each city takes from their recommendations only what fits their own circumstances and policies.
 - **The legal element: PC has a city planner to provide staff reports for new construction.** Well, doesn’t the city planner work for the city? In the past, HRB always has had a city planner’s staff report for applications like new construction. There would be no difference in the cost – it would be the same report that she would furnish PC.
 - **The appeal process “If the HRB denies a new construction application”.** The same standards are to be used by both HRB and PC. If it is to be denied by HRB it would also be denied by PC. If appealed, either would go to the city council. Denials are issued by either body on the basis of findings of fact. The new standards are clear and easy to understand without interpretation, isn’t that the point of this whole exercise?

By taking away HRB authority on new construction **you are sending a message to the public that you do not trust the board to make a correct decision.** The public expects that the Historic Review Board will not only follow the city code but will also reflect the importance of Aurora’s historic context as it is spelled out in the Comprehensive Plan and policies.

- We urge you to retain the original language in this section or send this back to the PC and HRB for more discussion.

Gayle Abernathy Board Member, Special Designation and Standards for Colony Structures

It is vitally important that the city of Aurora protects the original Colony structures that remain and have language for both their designation and standards in place in this code. The current Guidelines protect Colony structures by:

- Prohibiting changes to all facades, not just visible facades
- Prohibiting additions, therefore keeping their original form
- Allowing only original paint colors
- Preserving original workmanship for which the Colony was known by repairing and rehabilitating rather than replacing.
- Retaining original features such as the Colony’s original eave detailing.

It has been suggested that using the term Landmark will be sufficient, however:

- There are no special standards included in the code for landmarks, only a definition and a procedure for designating them.
- Aurora’s current landmarks list includes Post-Colony structures which do not have the same unique architectural features as Colony structures. Post Colony structures, while they are important landmarks to Aurora’s history; do not vary from other buildings of the same type throughout the broader local area or in the US itself. The code as proposed allows more liberal standards on these type of properties for paint, additions, and façade changes to the rear for instance. The HRB believes these allowances are justified.

Why it is important to highlight Colony structures:

- The Comprehensive Plan specifically addresses the significance of the Aurora Colony to the city’s identity, vision, growth, and quality of living on 9 different pages.
 - The Colony’s historic character is a vital part of the city’s plans to enhance community livability and economic expansion as stated in the Comp Plan on its opening page.

- The Colony's architecture is the visual remainder of the Colony's history and is unique in that it is the largest collection of its type in the Northwest.
- The national historic district designation is based on the history and architecture of the Aurora Colony. The original colony was one of the nations most socially and economically successful 19th century experiments in communal Christian living.
- Aurora has become a national destination for heritage tourism contributing to the city's economic vitality.
- In its Vision Statement, the city's foundation document is based upon preserving and enhancing this historic legacy and village atmosphere.

There are twelve Colony structures within the city's historic overlay zones. We believe these important structures need to retain the protection they now have in our current Guidelines. The HRB chairman has submitted a draft of Design Standards for Aurora Colony Structures to the Planning commission in the same format as our new code. It has never been discussed by them but is a lot of work already done and this could be included with very little extra effort

Patrick Harris Museum Curator, these are well stated points I will address Planning Commission there are open spaces within the city let's look at how difficult it would be to address these. This is not something that the Board could not address they have been doing so for years quite successfully. It was brought up by Councilor Graupp and there really was not a lot of time to address it. I ask the Council not to pass the document at this time and to send it back to Planning so some of these issues could be resolved.

Mella Frazier Board Member, Change in our Sidewalk Standard for Historic District

Section 17.40.130 Public Right of Way
A.1. and B.1

It has been changed to "trowelled edges are required"

We have been gradually building and replacing hundreds of feet of sidewalks with the design that was offered by the city's contracted designers and accepted by the city, county and state over the last dozen years at a cost of hundreds of thousands of dollars. Currently almost 20 blocks plus two islands are using the current standard which represents about ¾ of the commercial historic overlay.

Our current design: The design consists of a plain crosswise broom finish with scoring into squares measuring 24-36" with no trowelled edges. This was designed to be a reasonably priced alternative to traditional brick sidewalks which were never used in Aurora.

There have been no safety issues as a result of this design. The proposal increases costs as well as it will not look compatible with the existing design.

Mera Frochen Board Member, I have nothing to read simply here for support.

Wakeley, contributing and non-contributing structure identification was started by SHPO You have control of interpretations.

Joseph Schafer Commission, to address the sidewalks, currently we have a broom finish and the edges are not trowelled and my concern is a tripping issue. You now have a sharp corner. So by requiring a trowelled edge you now have a rounded edge and I believe it takes away the tripping hazard.

So it has been suggested to trawl the edge and then fully broom over the top so there is no smooth edge section.

Townsend, I do not think at this point we should be changing what we are already doing. I disagree that this is a tripping hazard.

Mayor Taylor this is a debate for later.

Chairman Schaefer, taking away authority from HRB on new construction this didn't come out of left field this came out SHPO comments many cities don't handle signs, paint, and landscape. This was something that was brought out in the public meeting and it could have been discussed.

Any more testimony, hearing none.

Mayor Taylor closes the public hearing at 7:59 pm

Mayor Taylor opens the floor to the councilors for deliberation,

Councilor Graupp The Planning Commission along with the Historic Review Board has been working on this document for a year or so now and they have presented a very clear and precise document.

A few years ago SHPO completed an inventory that used the contributing and non contributing distinction the Planning Commission using this distinction took the Historic Guidelines and made it easier to understand in some areas it relaxed the issues and in some it made the rules much stricter.

Graupp, secondly if an application is heard through the HRB and a decision is appealed it would then go straight to Council. Land use decisions should be heard by the Planning Commission the Historic Board should recommend to them and if an appeal is filed it would then go to council.

Graupp recommends 17.16.030 PG 405 section D no member should reside on any other board. I would like to see this removed so we are in better alignment with the comp plan.

City Attorney **Koho** I think this exempts city council.

Wakeley there is a distinction for HRB in the comp plan statement, regarding the makeup of the board.

Koho, I think that there is a problem with council being on the HRB especially since they are on the appeal board.

Councilor Sahlin, if we send it back to PC will we have to go through the public hearing process again. **Wakeley**, You can state a time and place to go through this again following the review by the PC.

Not sure that I am so worried about sidewalks, however I do have concerns on new construction. **Wakeley** this is an unwritten rule that it would go to HRB for comment. Also the PC has to follow the same Title 17 criteria as would HRB for new construction.

Councilor Vleck back to D,

Sahlin, answer to my own question on SHPO comments, pg 404 section 17:16:20 B
Pg 409 we have really essentially added responsibilities to the HRB not taken them away.

Councilor Brotherton we are trying to streamline this issue.

Graupp, I was asked by a citizen in regards to section 17.40.50 pg 446 on sky lights on the rear of a building or where they would be unseen. I spoke to SHPO about this issue since they were not visual their comments were that it would be allowed. For Commercial only and on a contributing structure. Councilor Sahlin maybe only on flat roof.

No more comments

Mayor Taylor an enormous amount of work has gone into this document I think a lot of great things have been done here. I had hoped that both entities would be at a better accord and agreement. If it was up to me I would send it back and have these items fixed however it's up to the entire council.

1. First do we consider removing the word appoint yes it is agreed by all.
2. Sky lights no, I think we need more discussion on this.

So we are looking at

Motion to adopt the staff report and direct staff to prepare an ordinance approving Legislative Amendment 13-01: with revisions stated to remove the word appoint and to continue discussion on sky lights was made by Councilor Brotherton and seconded by Councilor Graupp. Passes Unanimously. Staff is directed to draft and Ordinance.

6. **Discussion with Traffic Safety Commission, none**

7. **Reports**

A. Marion County Deputy Report – (included in your packet)

- **Reads his report as presented**
- **National night out was a success**
- **I would like to get watch groups**

No more questions from Council.

- **Finance Officer's Report – Financials (included in your packets)**
 1. Revenue & Expense Report
 2. Letter of intent to retire

- Spring Book training for \$175.00 an hour is a great deal
- **Public Works Department's Report** – (included in your packet)
 1. Monthly Status Report (Storm Water)
 2. Monthly Status Report (Water),

You can see where some (water) came back according to my report. We are gaining a little ground.

- A. **Waste Water Treatment Plant Update** (from Otis Phillips, (included in your packet)
- B. All good, no problems currently I am getting an estimate on software to check on the plant from home to save me from driving in every Saturday and Sunday.

Reuse plan bring in some options at the next council meeting.

No questions from Council.

- **City Recorder's Report** (included in your packet) , Reads her report as presented there were no questions from the Council.
- **City Attorney's Report** – (not Included in your packet)
 - **Ordinance later on in the agenda**

8. Ordinances and Resolutions

A. Discussion and or Action on Resolution Number 676 a Resolution On volunteer Workman's Comp.

Motion to approve Resolution Number 676 was made by Councilor Graupp and is seconded by Councilor Vlcek with the additions of number 2 and 3. Motion Passes Unanimously.

B. Discussion and or Action on Ordinance 471 On Making Water Conservation Plan Mandatory yearly. No motion or consideration was made however a discussion did ensue.

Mayor Taylor explains that he put in place a level 3 all exterior band on watering. It is my intention to move it to a level 2 this comes out of the water conservation plan with these changes To make mandatory odd even, would be under permitted use, sprinklers 10 minutes per zone in 24 hour period. No watering between 10 am and 6 pm complete ban on pools, washing sidewalks, or houses unless there is a safety issue. Until October 1st 2013

Councilor Sahlin what about washing vehicles well that is up for discussion, it is decide to ban washing vehicles.

Councilor Vlcek what about a specific zone ban. I think that it's good that citizens are policing one another that way the ban should help.

Mayor Taylor proposes a question about charging high users more. Nothing comes of this question.

It is the consensus of the council to approve the outline as presented to council stated by Mayor Taylor.

C. Discussion and or Action on Ordinance 472 on Making a Water Usage Cap and Accessing a Possible Fee. This Ordinance was not considered.

9. New Business

A. Discussion and or Action on Legislative Amendment 2013-01 (LA-13-01)

Motion to adopt the staff report and direct staff to prepare an ordinance approving Legislative Amendment 13-01: with revisions stated to remove the word appoint and to continue discussion on sky lights was made by Councilor Brotherton and seconded by Councilor Graupp. Passes Unanimously. Staff is directed to draft and Ordinance.

10. Old Business

Discussion and or Action on LED Proposal from PGE, Councilor Sahlin and I met with PGE we chose the top one (Leo Tek),

Councilor Vlcek, I am still not clear on which poles are being replaced (all)

1. Except the acorn style because they do not have the technology to so as of yet and the bridge remains ours. Lumens there are different lights and different light appear differently so I would suggest that they be uniform across the board.

2, How do we get the money? We will receive a credit in the street fund. We will see it in about a year. They won't cut us a check it will be as a credit.

Motion to authorize the Mayor to sign the agreement and to ask for them to be uniform across the board is made by Councilor Graupp and seconded by Councilor Brotherton. Passes Unanimously.

B. Discussion and or Action on Consideration on Eddy Property Proposal.

As presented by City Attorney Dennis Koho as follows;

Mayor Taylor and Members of the Council:

I met with Mr. Eddy today to see if there is any way in which we could agree on steps he could take to avoid fines. I told him I could agree to nothing, but could discuss possibilities and forward them to the Council for consideration. His biggest problem is time. He will be out of state for about a month starting in early August. He wants to reach agreement, if possible, before then. Here is what he can agree to at this point:

- A five-year agreement, signed by both parties
- The basement would be covered by a camouflage tarp or the existing metal top, at the Council's option
- Underlying wood would be inspected to make sure it has at least five years of life remaining
- The top (tarp or metal) would be covered by bark dust
- The bark dust would be maintained in good condition during the life of the agreement
- Fencing exists on three sides of the property now. He will fill in the remaining side with arborvitae or cedar at the Council's choice and approved fencing.
- Completed by October 15
- Fines and enforcement to be stayed until October 15. If not completed on time, fines would be backdated to the original date of enforcement.

Because he will be leaving town soon, he needs to have some idea if this proposal will be acceptable. If not, what will be acceptable? The Council may not meet via email, but you can discuss concerns with staff. Staff can come to some conclusion about the Council's position and relay it to Mr. Eddy. Formal resolution will need to be in open council session at your next meeting.

Very little discussion by council on the proposal,

A motion is made by Councilor Vlcek to reject the proposal and seconded by Councilor Sahlin. Motion Passes Unanimously.

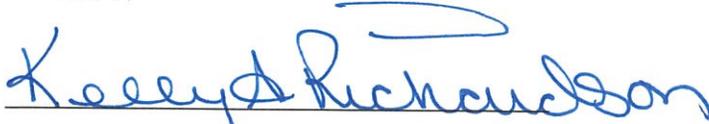
11. Adjourn

A motion to adjourn the August 13, 2013, meeting at 9:27 p.m. was made by Councilor Vlcek and seconded by Councilor Sahlin and passed unanimously.



Bill Graupp, Acting Mayor

ATTEST:



Kelly Richardson, City Recorder