

Minutes
Aurora City Council Meeting
Tuesday, January 08, 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
Jason Andersen, Police Supervisor
Jan Vlcek, Finance Officer
Jim Buchholz, Marion County Deputy
Bob Southard, Water Superintendent

STAFF ABSENT: Otis Phillips, Waste Water Superintendent

VISITORS PRESENT: Kris Sallee, Aurora
Phil Hankins, Aurora
Charles Donald, Aurora
Steve Lewis, Aurora
Rodger Eddy, Portland
Lori Sahlin, Aurora

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 – December 11, 2012, change the word from tree to locate signage on pg 8 item 11.
- II. Planning Commission Meeting Minutes – December 04, 2012
- III.** Historic Review Board Minutes –November 29, 2012

Correspondence

I. Letter from Allied Waste, name change to Republic Services

- II. Preview of ODOT Speed Study, have this go before the Planning Commission first.**
- II. Notice of Decisions sent out by Historic Review Board**
- IV. Letter of Resignation From Stephen Braun, from Planning Commission**

A motion is made to accept the consent agenda with the change on pg 8 of the December minutes as discussed by Councilor Vlcek and 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.

Charles Donald, Aurora, Follow up on lighting issue that was brought up by our homeowners association Pres at the prior meeting, Mayor Taylor turns it over to Bob Southard in Public Works, I have received an email today and the city will need to install the conduit/standard at our cost, which it is on the schedule for after the water project and then PGE will move the pole for us. We are looking at around 3 weeks or so.

5. Appointments of New Councilors

- A. Appointment of New Mayoral Candidate Greg Taylor**
- B. Appointment of New Councilor Candidate Rick Vlcek**
- C. Appointment of New Councilor Candidate Scott Brotherton**
- D. Appointment of New Council President for 2013 year, Mayor Taylor suggests that we keep Councilor Graupp as the Council President for this next year.**

City Recorder Kelly Richardson performs the swearing in of the new councilor positions along with the mayor's position.

A motion is made by Councilor Sahlin to keep Councilor Graupp as Council President seconded by Councilor Vlcek motion passes.

6. Assignment of New Council Liaison Positions

- A. Administration Liaison, Mayor**
- B. Public Works Liaison, Councilor Brotherton**
- C. Police Contract Liaison, Councilor Vlcek along with that I would add the fire dept.**
- D. Parks Liaison, Economic Development, Councilor Sahlin**
- E. HRB, will be added to Planning Commission and Chairman Schaefer volunteered.**

F Planning Commission liaison, Councilor Graupp

Mayor Taylor assigns the liaison positions as stated above.

7. **Discussion with the Parks Committee**, Lori Sahlin is present is there anything to discuss no not really however she asks about the tree down in the park and if we have notified the insurance company Southard states no not until we have a bid. Sahlin states that now we need to get help assessing the health of the trees I recommend an Arborist. Southard states he is seeking out bids If the bids are under the 2500 dollar limit then Mayor Taylor asks if the council is ok with me signing the contract It is the consensus of the Council to allow Mayor Taylor to enter into a contract if it is at or under the 2500 dollar mark.

8. **Discussion with Traffic Safety Commission**, No one from Traffic Safety was present. Introduction of Deputy Pete Marcellais, with Marion County he is our contracted deputy for Aurora and with that said Traffic Safety is something that you can follow up with and put into your schedule of duties.

Through our interview process with Marion County Pete Marcellais, council is acknowledging the process and accepts the Deputy selected from the interview process.

We were very happy with the caliber of the officers that applied and it was a very hard decision.

9. Reports

- A. **Police Chief's Report** – (included in your packet) Deputy Buchholz explains the Marion County report as prepared for the council, and the process in which it is determined. Along with the dates and times of the calls that could help month to month to determine the stats for the city.

Councilor Vlcek asks if we could get a year to date stat as well added if possible. Again this is a typical report, Councilor Sahlin asks if a traffic stop is done will they show up on this report and Buchholz states yes they will.

Citizen contact with questions won't be included into this report unless I key it into the system later, and unless it is something with substance that occurs I won't add it in.

No more questions at this time....

Jason Andersen, reports on the remainder of police items, we are 95% complete and a few items with the evidence room however most of those have been completed and Marion County has taken control of those items.

- As far as the electronic records, I will work with Deputy Marcellais on this.
- We should be getting a check soon on the firearms this will be a little lower than first expected they were not in as good of shape as first thought.
- On Monday we will take the cars down to Auto Additions, and see if they can assist in selling them for around 2500.00 each.
- I will get a quote on what it would cost to have them stripped down of all the equipment.
- City of Carleton would like some uniforms so I will not have to burn them all.
- City of Mt. Angel is also interested in many of our items.
- I also still need to get with Public Works to see which equipment they can use.

No more questions or comments at this time except to continue on with what needs done.

No more questions of Jason Andersen

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

1. Revenue & Expense Report,

- Throw away the report in your packets there are mistakes that I encountered during the set up of Spring Brooke.
- Because of the closure of the Police Department and to have a clean paper trail a supplemental budget is required. January 29th at 6 pm is the consensus of the council.

There were no more questions from the council.

C. Public Works Department's Report – (included in your packet)

1. Monthly Status Report (Storm Water)

2. Monthly Status Report (Water)

- Currently I am working on changing over to the new lines.
- Councilor Sahlin asks about the Storm Water Master Plan, Southard reports that it is still ongoing at this point; Mayor Taylor requests that it be completed before the next budget season. Southard states I will get right on it.
- During my weekly drive around I have noticed that some of our collection systems lines are starting to settle so I will need to look at costs for repair. Councilor Vlcek asks if we can go back on the company that installed them and Southard states no it is too late.
 - The rest of my report is attached.

No more questions at this time.

- A. Waste Water Treatment Plant Update (from Otis Phillips), he is sick and has been excused.
- Report is attached
 - City Recorder Richardson informs the City Council that she spoke to Phillips and everything is going well with no issues to report.

No questions from Council

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

City Recorder, Richardson gives a brief overview of her report as included in the packet. There were no questions from the Council.

- Working closely with Marion County to learn their processes
- Looking for grants to fund various projects
- Working on code violations around town, and working with Deputy Marcellais on procedure for those.
- Many reports on animal issues in and around town.

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

- **I had received an Ordinance in regards to the Fidanzo** (comp plan amendment) however there were a few language issues and with the holidays and such we were not able to get them corrected in time for this meeting so it's not the corrected version. These are very minor changes and should not affect tonight's decision. (City Recorder Richardson steps into to say that he had forgotten to add this to the agenda for this evenings meeting).
- **Rodger Eddy**, I had a discussion with him today Mr. Eddy is present and wants to cooperate and would like to comply with what we are asking and would like to speak to the council. Mr. Eddy reads a letter he wrote dated January 8, 2013 which is basically a recap of the events leading up to this point. (Attached into the minutes marked exhibit A)
- Attorney Koho states it seems to me that the issues that former Chief McCuistion high lights here are the security of the property and fencing in for security issues.

Mayor Taylor, I think we are going back to a concept that the agreement at that time with former Mayor Carr (if it does exists as the city cannot locate such agreement) in 2001 was 10 years ago, about 2004 or so. I guess our greatest concern is that in the 7 to 8 years the remains is not structural sound at this point in time there is a lot of rot under there and our greatest concern is that nothing has been done to rectify this issue and the foundation would need to be removed because it is not structurally sound at this point.

The fence is a different issue, now the real issue is that we want this foundation and wreckage removed, I know that you have tried to sell it however currently it is not listed and we want the nuisance removed. Eddy states that an engineer has looked at it and the foundation is sound. Councilor Sahlin asks to see the documentation and report from the Engineer. I believe that this is structurally sound and is buildable as it sits now. Eddy states that it is very possible that some of the plywood could be rotted and need to be removed. Eddy states that if it pleases the Council I will get my engineer back and get a report.

Mayor Taylor, we would ask for a report from the engineer, Councilor Vlcek asks Mr. Eddy for a time frame of when this inspection was done by the engineer Eddy answers that it was about 2006 and Councilor Brotherton asks about whether or not he has a more recent report and also clarifies as to what is there on site now which is confirmed to be concrete.

Councilor Sahlin states that we are not here to speculate on the report or on this fence, Eddy states that HRB approved a picket fence Councilor Sahlin what is the use of a 4 foot picket fence and Mayor Taylor states that the fence is not the issue the issue is the elimination of the nuisance.

Koho, explains that the Chiefs letters point out three issues, Mr. Eddy claims he has taken care of two of them. I think that a review process needs to be done by a professional to determine whether or not it is structurally sound, Mayor Taylor, and I believe that this is your issue to resolve and to gain a structural engineer report.

Councilor Sahlin states let get back to the code and that the building is a nuisance. Sahlin reads the code, do we still have the authority to issue a nuisance violation.

Koho, In the Chiefs letters it points out 3 issues now Eddy states he has complied with two of them and if that is in fact true then it would no longer be a nuisance now we may not like the way it looks, but that's not our call to like looks of something.

Eddy, If the council wants an engineer report done I will supply that for the council. Councilor Sahlin at this point to why are we going to authorize a 4 foot fence because it won't help the issue and the chain link fence is not approved.

I think we now need to retract the fence option out of the letter that Chief sent out.

Koho I think Councilor Sahlin laid out the real issues according the code and now it would be a process to rescind the old letter and have the City Attorney issue a new letter out to Mr. Eddy.

A Motion is made by Councilor Brotherton and seconded by Councilor Vlcek, to rescind the letter and reissue a new letter with the correct code violations. Motion Passes.

Mr. Fisher, states that this issue was urged on because I had previously stated the safety issue, I disagree that a fence would not help the safety issue. I really feel that this issue is a safety fence issue. I understand that HRB wants it to look nice and I think that the Council should have dealt with it then and allowed a chain link fence so the land and are was safer for the public.

Councilor Graupp states in reality a safety fence could be issued. This is a code situation not a HRB issue. A chain link fence is not allowed in the code and they would not meet the variance rule.

Councilor Sahlin I think that we need to look at background and we really need to dive into this issue and look at the code to see where our authority lies. The Council makes it clear that this is to be City Attorney Koho's top priority.

10. Ordinances and Resolutions

A. RESOLUTION 662 A RESOLUTION TO AMEND CHAPTER V, SECTION 3 OF THE CHARTER OF THE CITY OF AURORA, 2nd page above next available rather than next scheduled.

A motion is made by Councilor Graupp to approve Resolution Number 662 and is seconded by Councilor Brotherton. Motion Passes.

11. Old Business

A. Discussion and or Action on Councilor Graupp's Presentation on Court Revenue and Expenses. Councilor Graupp reads his report,

- This is an option for Cities (as stated by Graupp)
- With changes 12,000 is being subsidized with taxpayers revenue
- 92% of non-moving violations are not collectible
- 47% of moving violations are not collectible
- 25\$ dollar charge on collections, (which is disputed by City Recorder Richardson as not a charge to the city. The collection agency does not charge the city they charge each defendant a percentage. The 25.00 charge to each defendant from the city would in actual be revenue in)
- Judges reduction is around 14%
- So in my findings there would need to be 1.2 tickets a day or 18 tickets a month to fund itself.
- 8,000 a year at this point
- So at this point we take it to the citizens for a vote
- Data so far we won't clear those numbers
- Average ticket price is 200.00

I do not think this is realistic nor do I think it services our community.

Councilor Vlcek asks Councilor Graupp what is our actual savings if we do not have court Councilor Graupp answers 12,000 however the discussion is bottom line savings what is in this number it is stated Judge, interpreter, city staff, Graupp I just think that this is a better situation for tax payers, Vlcek but this is not an actual savings then it is just a redistribution of fund. So hard numbers what are we saving Graupp states 12,000, City Recorder Richardson states that the judge and the translator does not come up to 12,000 Graupp then says well there is a bit more in that number than that postage and other items and again Richardson states well those items are

not savings they will be redistributed into other departments because they are fixed costs. Mayor states well we are not going to funnel it into court now we are just going to funnel it into other areas. Councilor Graupps states that court costs total is around 35,000 to run court and to eliminate court 24,000 goes away and 12,000 gets redistributed. Mayor Taylor so the 24,000 was funded by citations yes answered Graupp and now you won't see that. Vlcek clarifies that we could have said it was funding other items as well, Mayor Taylor no it was funding court, Vlcek no once it went into the general fund it is essentially funding everything. Brotherton what is court cost 33,607 Graupp answers that's what is budgeted for Municipal Court. Vlcek that's what's budgeted but when we get rid of court what is the actual savings to the city not including what will be redistributed Graupp answers 9,300 for the court and office fees Vlcek well how would those not get redistributed Graupp well like mailing costs because we won't be sending out notices and various other items Vlcek so leases and other items will get redistributed yes, Mayor Taylor so looking at it 32,000 cost 12,000 savings general fund the balance was made up by citations. So if we don't receive over 20,000 in funding over the year it's a wash and it's a negative that we will have to find. Sahlin what is your hesitation with doing this Vlcek thing is we are a week into our new deputy we do not have enough data to make a decision yet we do not know what will be produced from him. So I do not think we can make a decision on this until we have more information to off of.

Mayor Taylor so if we remove this from the charter does that mean we have to get rid of court, Sahlin no it just stops us from being required and it makes it our option.

So Mayor Taylor so we can wait until budget time I say we run court until June and look at it again. We are just laying a foundation to study this.

City Recorder Richardson states well it think we will need to go over those numbers again because I come up with 3,000 in savings for the judge and interpreter so Mayor Taylor asks well then where is the other 30,000 being spent and Graupp states well the judge and interpreter cost way more than that. Mayor Taylor so we can revisit those numbers and details on this during the budget time. I just wanted the council where we are starting from lets go back to the resolution.

12. New Business

A. Discussion and or Action on re-appointment of Merra Frochen to Historic Review Board.

A motion to reappoint Merra Frochen to Historic Review Board is made by Councilor Brotherton and seconded by Graupp. Motion Passes.

B. Discussion and or Action on re-appointment of Kris Sallee to Planning Commission.

A motion to reappoint Kris Sallee to the Planning Commission is made by Councilor Graupp and seconded by Councilor Vlcek. Motion Passes.

C. Discussion and or Action on Liquor License Renewals as listed

- **Aurora Colony Market**
- **Aurora Market and Deli**
- **Fir Point Farms**
- **Hyer Convenience Store**

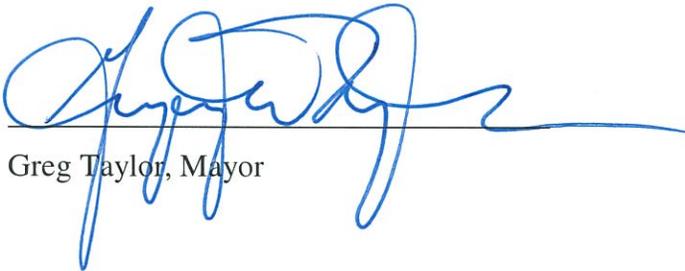
- **Pacific Hazelnut Farms**
- **The Colony Pub**
- **Topaz Bistro**

A motion to approve the OLCC license as listed is made by Councilor Sahlin and seconded by Councilor Graupp. Motion Passes.

There is discussion as to why Fir Point Farms is on our list because it is in Clackamas County.

13. **Adjourn**

A motion to adjourn the January 08, 2013, meeting at 9:05 p.m. was made by Councilor Brotherton and seconded by Councilor Vlcek. Motion Passed Unanimously.



Greg Taylor, Mayor

ATTEST:



Kelly Richardson, City Recorder

Rodger Eddy
2582 NW Lovejoy Street
Portland, Oregon 97210
Phone 503-223-3606

January 8, 2013

City of Aurora
Aurora, Oregon

Regarding property at 21520 Main Street NE, Aurora, Oregon

A notice dated June 18, 2012 from Lyle McCuistion, Chief of Police and Building Official headed "Dangerous Building Notification and Order" that he determined it to be dangerous as defined in the Aurora Dangerous Building Code, AMC 8.10.1010 et seq. with these reasons enumerated:

The foundation is covered with plywood and sheets of metal and the plywood has become very soft and ready to collapse with any weight placed on it. The basement is covered by rotting broken pieces of plywood no longer covering the opening. The entire property is not adequately fenced to keep people out. The conditions must be corrected; necessary permits must be secured and repair construction begun within 60 days. Notification is requested in the event that we choose to demolish the building, and if we fail to begin repair, the city may post a notice and act. Appeal of the notice may be made.

On July 13, 2012 notice of appeal was filed with the city. In the notice, it was stated that the foundation is sound and safe, that the city has previously agreed; and in allowing the present structure, that the city ordered a chain link fence, installation which was achieved, and subsequently ordered its removal which was achieved.

In subsequent conversation with Officer Lyle McCuistion, we notified him that the single opening to the basement, which had been molested by trespassers, had been completely secured with plywood fastened with screws.

The third and last complaint about inadequate fencing was also discussed, but a verbal agreement for re-installation of a chain link fence was invalidated and I appeared before city council to request such permission. I was instructed by city council to appear before the Historic Review Board to discuss the fence. I did so and was told that I was not on the agenda. I contacted city hall to be placed on the HRB's next agenda, and subsequent conversation with City Attorney Dennis Koho indicated a chain link fence would be subject to a variance proceeding. Instead, our application was for a fence in compliance with historic guidelines and for a hearing before the HRB. Approval was received, conditioned by the city council taking no adverse action. Approval of the fence was by the HPE was dated December 7, 2012, contingent upon city council approval.

Exhibit A

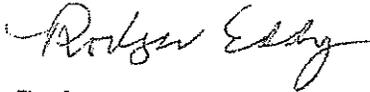
eddy-aurora--page 2

I have heard comments from city authorities that a fence is not allowed, or that a fence will not solve the problem. However, I find nothing in the record to that effect, but only the opposite. In Chief McQuiston's original complaint that "the entire property is not adequately fenced" and that "these conditions must be corrected." I have diligently attempted this, have paid for a permit and received approval from the governing HRB, and now ask for either city council approval, or acknowledgement that such approval is not required, so that I may proceed with the fence.

We of course still dispute the city's original first citation about an inadequate covering and invite a review. The second citation about basement access was corrected months ago. The third citation about lack of fencing is the present subject that we we have been pursuing since the June date, and are still eager to correct. The lack of a fence was the direct result of the city's order to us to remove the security fence. In addition, we have been in compliance of an agreement that was drafted with former Mayor Bill Carr, and was executed by former Police Chief Chris Conboy. The city has been unable to date, as far as we have been informed, to locate the agreement, perhaps because as reported in the November city council meeting that "our records are in a mess."

All we seek is to live within the agreement executed by the city a few years back, in letter and in spirit, and to explain and correct the deficiencies noted in the June notice. The property remains on the market, and we believe the existing structure is historically significant and may be of real value in development.

Very truly yours,



Rodger Eddy