

Minutes
Aurora City Council Meeting
Tuesday, April 08, 2014, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Pete Marcellais, Marion County Deputy
Mary Lambert, Finance
Darrel Lockard, Public Works Superintendent
Dennis Koho, City Attorney
Charlcie Kaylor, Building Dept LLC

STAFF ABSENT:

VISITORS PRESENT: Tom Potter, Aurora
Joseph Schaefer
Annie Kirk, Main Street
Scott Reilly
Tara Weidman

1. Call to Order of the City Council Meeting

The meeting was called to order by Mayor Bill Graupp at 7:02 p.m.

2. City Recorder does roll call

Mayor Graupp – present
Councilor Sallee- absent
Councilor Brotherton -absent
Councilor Sahlin – present
Councilor Vlcek – present

3. Consent Agenda

- I. **City Council Meeting Minutes** – March 11, 2014, pg 4 #7 9A. first bullet make sentence more clear. Bullet 3 regarding contracting for over time and fire hydrants (wrong out of place typo)
PG 5 Red Cross months Sahlin makes comment regarding proclamation being pointless if we aren't going to participate was made by him not Sallee.
- II. **Planning Commission Meeting Minutes** – March, 2014
- III. **Historic Review Board Minutes** –February, 2013

Councilor Vlcek asks clarification on as to whether or not they can attend the PC meetings or not. City Attorney Koho reply's to the question. He states that as long as they (Council members) are not deliberating on a decision of any kind they (Council members) may attend as a group. It could be argued that on an item that is likely to come before you it could be an issue so if it does just state and clarify your attendance at that meeting. City Recorder Richardson states after contacting a few colleagues regarding the subject that it could be perceived in correctly by the public and that you must declare if any subject matter came before you for a decision later on. As City Attorney Koho agrees with declaring any ex-parte contact.

Mayor Graupp, I think if it is special circumstances and special speakers then it's really something that could be tolerated however we do all have access to the tapes as well.

Correspondence

I.

Motion to approve the consent agenda with the corrections stated was made by Councilor Vlcek and is seconded by Councilor Sahlin. Motion Approved by all.

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.

Phil Hankins, Aurora asks the status of the light pole base located on Albers Way. Public Works Superintendent Darrel Lockard is working on a solution. The Mayor explains that we contacted PGE and because of the way it is constructed we will need to reconstruct it so we are working on it.

Bryon Shriver, Aurora updates the city council with his water filter from his residence and shows that it is still brown. Mayor Graupp informs him that he as well came in last month and showed council his water filter and it looked about the same. There is always going to be iron in the water. Hopefully with well 5 working better it will help with the water quality.

Councilor Vlcek asks if we have received any data from other city's regarding this same type of filters on homes to see if they look the same or different. Mayor Graupp no I don't believe anyone followed up on this yet.

Annie Kirk, I would like to know if there is going to be a parade or not. Mayor Graupp informs her that prior to an email that he received earlier today his answer would have been no however it is now up in the air I am waiting to hear back from this person.

No one else spoke....

5. **Public Hearing** Opens at 7:22 pm

A. **On Permit and Inspection Fee Proposal for Increase**

Mayor Graupp opened the public hearing calling for comments hearing none closes the public hearing at 7:23 pm there was no discussion amongst councilors.

A motion is made by Councilor Sahlin to direct staff to do an Ordinance for the next meeting on the proposed fee change and is seconded by Councilor Vlcek. Motion Passes by all.

6. **Mayor's Report,**

A. **Mayor Graupp** Most of the items that I want to address is already on the agenda so I really don't have anything at this time.

7. **Discussion with Parks Committee, Councilor Sahlin** updates the council our parks contract expires May 31, 2014 so we need an RFP for both Parks and 99E frontage. **Annie Kirk**, strongly advises that the company would be licensed in all phases of landscape and maintenance. We did have a volunteer that stated they would help with the RFP.

The Park was recently cleaned up by a Marion County work crew (at no charge) just in time for our Easter celebration it took 10 people about 7 hours. There were many items that were not being done such as the pine needles clean up and limb removal.

It was the consensus of the Council to put out for an RFP for Parks maintenance along with 99E and the triangles and boxes along Main Street and Ehlen Rd.

- It was also briefly discussed to see if a County work crew would work for certain aspects of these maintenance items.
- Parks committee would also like a schedule for the locks at the park for the restrooms.
- The committee is also having tree 137 looked at by Bruno tree services as it has been identified as a problem.

8. **Discussion with Traffic Safety Commission,** Deputy Marcellais informs council that this Friday at 9am he has a meeting with the Marion County Traffic Engineer regarding Ehlen Rd. Hwy 551 that is an ODOT issue and we will see what happens.

Councilor Sahlin asks deputy Marcellais point blank how many people have to die at that intersection on Hwy 551 before ODOT will do something about it? Deputy Marcellais makes suggestion to offset the lights which is the most cost effective solution. Sahlin do

we have any leverage? Planning Commission Chair Schaefer suggest math statistics as ODOT is math driven.

City Attorney Koho states that you have a legislator in your midst you could ask him. At which point the Mayor welcomes Vic Gilliam as a visitor. Mr. Gilliam informed deputy Marcellais that he would look into this and get back to him.

9. Reports

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

- Updated patch was presented and it was the consensus of the council to move forward with the patch as presented.
- Very routine month, other than the store at the north end of town had now been burglarized as well.
- Proposal regarding the use of overtime for grants just waiting to hear back.
- Waiting to hear back from Marion County Public works for paint back program for the fire hydrants and curbs. This will save the city a few dollars.

No more questions at this time.

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

1. Revenue & Expense Report

- We are working on a new format on the budget documents as per the States new forms.
- Park reserve .45 cents was that interest.
- Councilor Vlcek asks about the report that the previous Finance Officer provided regarding percentages spent and wanted to know if they could get that. Mary explains her process and why she had not put them in but is asked to do so.
- Budget committee meetings start at the end of the month April 30, 2014

C. Public Works Department's Report – (not included in your packet)

1. Monthly Status Report (Storm Water)
2. Monthly Status Report (Water)
3. Parks Report, OSU Tree Report

Superintendent Lockard reads his report as presented he also informs council that the Marion County work crews that helped with the park did a good job and were easy to work with.

- Still working on results from well 5
- Focusing on pumps currently
- Is informed to get barriers on sidewalk near 2nd street by coffee shop
- Once well 5 is up and going we will be looking at coagulation to help with the water quality this will help catch the iron.
- We are looking at leaks on Liberty that is why we are working on the pumps.

- Working on obtaining a camera for the sink hole on Main Street.

No more questions,

D. City Recorder's Report (included in your packet) reads her report.

Discussion items were,

- Possible lease option on water tower should be at the next meeting
- In forms council that there has been some work done on the server and that we should be setting some dollars aside in the next year or two for that.
- Clarification regarding sewer charges per EDU, brief discussion regarding what is the trigger at which time it is determined that a kitchen determines separate dwelling unit.

It is the consensus of council to direct staff to move forward in notifying potential property owners of this issue and if they see differently to contact city staff.

No more questions.

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

- There has been some movement on the Eddy property they would like to meet to discussion terms and conditions of sale regarding liens filed on the property by the city.

10. Ordinances and Resolutions

A. Discussion and or Action on Ordinance 475 An Ordinance Regulate Medical Marijuana. First Reading. Mayor Graupp had directed staff to put this on the agenda because of the May limitation to act. So we can approve or discuss at this point.

We do have a recommendation from Planning Commission and Chair Schaefer is here to present it. The recommendation from Planning Commission is to draft new code language regarding zone specific areas. However we have already done a few code changes and are very aware of the costs involved each time.

City Attorney Koho, if council doesn't take action then State law will take effect and it will be allowed within a 1000 feet from childcare, school ect.

Mayor Graupp, one word that I don't care for is it says reasonable, time, reasonable dates.

Chair Schaefer, to me it makes sense to allow 9 to 5

A second reading would need to take place April 30, 2014 to pass prior to the May 1st deadline.

Our Business license currently doesn't allow us to issue a license based on the fact that it would be non- lawful and since we have had it for a long time and can document that it's a start.

Councilor Vlcek, it makes sense to wait until after the election and to wait and see what other cities are doing.

Sahlin, what is behind the moratorium because of the outrage that has been stated to legislatures? So they acted on it and came up with a moratorium.

Koho, one of the items we are looking at is a longer radius and then there won't be many locations to achieve it.

Motion to approve first reading of Ordinance 475 an Ordinance Establishing a Moratorium on Medical Marijuana Facilities within the City of Aurora was made by Councilor Vlcek and seconded by Councilor Sahlin.. Passed by all.

There will be a Special Council meeting April 30, 2014 6 pm

Councilor Sahlin what stops someone from taking action on us for blocking it. Would we refer them to the state? Koho yes we would the state gave us the authority to do so.

B. Discussion and or Action on Permit Inspection Fee Proposal, an Ordinance needs to be done for the next meeting.

11. New Business

A. Discussion and or Action on Clarification and or Policy Regarding Resolution Number 633 and Code Section 13.08 Sewer Charges. Discussed earlier in the agenda and staff were directed to identify and inform property owners and enforce the additional sewer rates to apply.

B. Discussion and or Action on Draft Budget Item with Marion County Sheriff.

Motion to approve and or Continue with Marion County Sheriff Services and approve the contract as is made by Councilor Vlcek and is seconded by Councilor Sahlin. Motion Passes Unanimously.

1. One question regarding communication services and why it is highlighted. Staff will look into this and provide an answer.

12. Old Business

- A. **Discussion and or Action on approval of ACVA Draft Letter to Citizens Regarding Weed Control. Look park internal proposal. Tabled.**
- B. **Discussion and or Action on ACVA Grant Fund Request for Island Maintenance. Tabled**

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Councilor Vlcek , states for the record a few items that he is concerned with and confronts Mayor Graupp.

- Regarding the recent Marion County Comp Plan Amendment and proposed sale of water to the Airport from the City of Aurora. Did the Council direct you to begin this process and or to have these conversations regarding the sale of water to the Airport? **Mayor Graupp** no I was not.
- Also I received an email for clarification on another item and I want to know if in fact it did happen or if this is just a rumor. I would like to know if you have been in contact with anyone regarding a Fed Ex facility here in Aurora near the south end of the airport. **Mayor Graupp** no, so there has not been any discussion concerning businesses and the airport. **Mayor Graupp** Fed Ex I don't even know what that is regarding. **Councilor Vlcek**, according to the email they are trying to obtain property for a distribution center. **Mayor Graupp** states that is news to me.
- **Mayor Graupp** asks Councilor Vlcek if that is real news is he announcing that and **Vlcek** states hopefully not. **Councilor Vlcek** states that it was an email that was sent to me and **Graupp** asks if we can all read it. **Vlcek** it simply states that you were in discussion with people regarding this and **Graupp** states no.
- **Annie Kirk** asks Councilor Vlcek if he is referencing the recent French Prairie meeting and **Councilor Vlcek** states yes. **Kirk** confirms that she heard that information regarding this at the French Prairie meeting. **Mayor Graupp**, I was at the French Prairie meeting and there was no discussion regarding this. **Kirk** again states that allegedly Mayor Graupp had participated in conversations with representatives regarding Fed Ex who is allegedly looking into property at the Airport. **Mayor Graupp** states again no there was no such conversation at that meeting in fact the meeting was about the City of Donald and the neighboring communities regarding participation in a tax levy to gain more Marion County Deputies in the North Marion County area. Which I had chose not to discuss tonight because I had told them I have no comment because that was a Donald suggestion. There were various representatives there for this discussion point regarding Donald's proposal. This was a meeting that I have participated in since my days on the Planning Commission and there was absolutely no discussion regarding the issue of Fed Ex at this meeting it was all about Donald's proposal on a local tax levy as I had said earlier. **Councilor Sahlin** asks if they are a public body and if they are required to have minutes. **Mayor Graupp** states no they are not a public body. They do have a published agenda.

- Councilor Vlcek** going back to expanding the city water up to the Aurora Airport you were in discussion with the Airport and County representatives? **Mayor Graupp** states that his statement to them was that they should have that discussion with the city of Aurora. **Graupp** because I was informed by the County that the Airport was trying to negotiate a deal with Wilsonville for water and my response to the Marion County Economic Development manager was why wouldn't they talk to Aurora. **Councilor Vlcek** ok so who was responsible for getting the item onto the County agenda. **Graupp** the county commissioners were **Vlcek** which one? **Graupp**, Patte Milne and this may be a misunderstanding of the County Planning Commission regarding that. **Vlcek** who requested it to be pulled from the agenda? **Mayor Graupp** as soon as I saw it on there since we questions regarding it I requested it to be taken off. Also my Planning Commission chair in his opinion they were not following the process and so from that knowledge and he is very knowledgeable I made the request. **Vlcek** so that was the day before or the same day of the meeting? **Mayor Graupp** no that was the day that all of the Marion County Commissioners were in discussion and they had to get an agreement from all of them before it could be pulled and one of them was on vacation so they had to wait on that commissioner to return. Once they had a consensus then they couldn't pull it off but essentially they had to vote it off the agenda. We had talked with Brandon about a week after that notice and said hey we were not ready for this at this time. **Councilor Vlcek** I wish I had the name of the Commissioner that I spoke to I must have miss placed it and **Graupp** states it was Don Russo and **Vlcek** agrees that it sounds familiar. In my discussion with him when I told him the first he had heard of it was the day of the council meeting he was then quite surprised at that as a member of council that I had no knowledge of it prior to the council meeting.
- Bottom line what I am getting to is when you go out and represent the city of Aurora when it is something that is potentially a big ticket item such as this and I have talked to you about this before that I want communication with the council before discussions begin and that the council is either giving you the thumbs up or down on these types of items. **Mayor Graupp** ok fair enough. I don't feel like we made any commitments there it was to just open the door if Aurora wanted to proceed. **Vlcek** opening the door still means you are representing the city on this and you need to talk with us first. Especially since look at what happened last fall. I mean really the political unrest on this obviously the citizens from that meeting are upset with the fact that we don't have enough water and that we are looking at selling water I think that there are better ways that we could have done it and maybe had it been sold to the public beforehand well really I don't think we could sell it at all. I mean the city has a long history of not wanting the Airport to expand and so for us to open the door to more airport noise and everything that goes along with that. There are a lot of people in the city that don't want that to happen. I think we need to have these kinds of discussions as a council first before any of us just go out speaking with others on city business at other venues. Is that going to happen I mean you can say yes and then you're going to go right back out and do it again. **Mayor Graupp** I can tell you the process I followed **Vlcek** well the process that we followed on the hiring of the Public Works employees I

did not hear any of those discussions prior to the hiring of them. It was supposedly all discussed with other people and I want to hear these things and I am tired of hearing about these things at the last second at meetings and through the grapevine. If you don't want me to be a functioning member of council then I might as well resign right now if that is as little of what you think of me as a member of this council that I am not included in any of these decisions then I am wasting my time. **Graupp** well I, I, well I think you are a great part of the council **Vlcek** then why am I not being included in these discussions? **Graupp** I followed the processes that needed too **Vlcek** ohCouncilor Sahlin can we not turn this into an inquisition please this is not going to get worked out that way **Vlcek** well I am tired of just not being a part of the discussions. Councilor Sahlin ok I think you have made your point and your being heard I just don't want to spend another hour on this or arguing about this. **Vlcek** honestly I am not sure I am being heard by the right person so I say adjourn this meeting I am done.

Graupp any other comments

Kirk, let me offer a suggestion I know that from history with a past Mayor we had was very active and in her activeness there was hesitation in the community and If I recall correctly a similar type concern came up where council in my recollection did not feel necessarily that they were in touch with what she was talking about in the community. I recall that the council discussed with her regarding this and that she would inform council prior to any discussions or intentions of attending various meetings so that council was aware of the discussions prior to them happening and then there was a report given to council afterwards. There was then clear documentation of what was happening it seemed to be a cooperative approach to this situation at that time and addressed those concerns. Then Kirk asks City Recorder Richardson if she recalled this and it was confirmed by Richardson. Richardson explained that the Mayor provided an agenda or schedule of events and the topics prior to and then received council input on these items prior to attending and then after the meeting she then gave a report back to council regarding those issue. **Councilor Sahlin** this was our last female Mayor was it? Kirk yes it was. **Councilor Sahlin** really oh ok I am not sure that's the way to handle this. **Kirk** well I think that could be debated. **Sahlin** I see the transparency issue. **Councilor Sahlin** it was not my intent to shut you down Councilor **Vlcek**. I just really don't want to turn this into a heated argument. **Sahlin** I think that Rick has some valid points relative to this. This is not the private sector and we are just not at liberty to go in and say were representing Aurora. I know that you have had discussions with me but if we're not including all of the council then that can result in problems. **Councilor Sahlin** I think for the record your point is taken and I do agree with some of it. **Vlcek** ok thank you that's all I wanted was it to be on the record. **Attorney Koho** the only point I have is that in informing everyone just make sure your not deliberating on a decision in private with the majority vote and at times that's a juggling act, **Vlcek** there is a difference in making a decision and simply communicating with council and informing them of the direction he is going Koho absolutely.

Vlcek the last point I want to make is that I have not been included in the direction that is being taken **Councilor Sahlin** in hindsight I am sure if people could have made different decision they would relative to the outcome of this issue. I did say that things could and should have been done

differently. I really think the County took us for granted on this issue but I don't have all the facts. Councilor Vlcek well I don't either and that's the problem and that's where we need to get back to the transparency if it would have been I don't think we would be having this discussion.

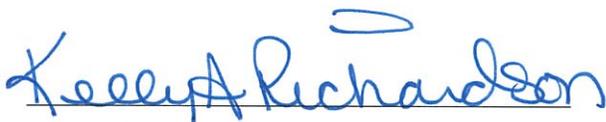
Any other topics for tonight's meeting hearing none Mayor Graupp

13. Adjourn at 9:05 pm.



Bill Graupp, Mayor

ATTEST:



Kelly Richardson, City Recorder