

Minutes
Aurora City Council Meeting
Tuesday, September 08, 2015, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main Street NE, Aurora, OR 97002

STAFF PRESENT Mary Lambert, Finance Officer
 Dennis Koho, City Attorney

STAFF ABSENT Kelly Richardson, City Recorder
 Darrel Lockard, Public Works Superintendent
 Deputy Sheriff Dale Huitt

VISITORS PRESENT:

1. CALL TO ORDER OF THE CITY COUNCIL MEETING

Meeting was called to order by Mayor Bill Graupp at 7:01 pm

2. CITY RECORDER DOES ROLL CALL

Mayor Graupp- Present
Councilor Sahlin - Present
Councilor Sallee-Present
Councilor Southard-Present
Councilor Vlcek - Present

3. CONSENT AGENDA

- a) City Council Meeting Minutes – August, 2015, Councilor Sallee points out in the minutes the Marion County Deputy Report, pg 2 of 10 states she had requested the speed trailer to be on Liberty Street. Pg 3 comments on action items, Councilor Vlcek asked about the SCA Special City Allotment Grant we had not applied for and is wondering if we have missed our opportunity. Mayor Graupp replies that the issue was addressed at last month’s meeting. Councilor Southard asked for a date on when the leak at the park would be fixed. Mayor Graupp states this is unknown and we can talk about it during the public works report. Councilor Vlcek still wants an explanation as to why we did not apply for the SCA grant as this was something very important and emphasized at the budget committee meeting, Pg 4 Councilor Sallee asked about the Emergency Response plan she had asked for it to be a regular agenda item. I would like to see it under Old Business each month. Sallee doesn’t understand the City Planner staff report dates and Mayor Graupp clarifies.
- b) Planning Commission – August, 2015
- c) Historic Review Board Meeting – July, 2015

ACTION ITEM; Put the EOP on the agenda each month, Council wants explanation why we did not make application for the SCA grant.

Motion to approve the consent agenda as amended was made by Councilor Vlcek and is seconded by Councilor Southard. Motion approved by all.

4. CORRESPONDENCE –

- a) Wave Broad Band Fee Increase
- b) New Contact Information for Rail Road, Councilor Vlcek wanted to confirm the phone number because it didn't look correct.

5. VISITORS

Anyone wishing to address the Aurora 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 Aurora City Council could look into the matter and provide some response in the future.

Anna Rankin – Pudding River Watershed Council Coordinator, I know that you have been talking about the money left on the books at the council. I can try to get a small grant to add to it so I would like to talk to you about developing an Aurora Mill Plain Corridor Restoration 25% grant match. Would council like to pursue this opportunity? Councilor Vlcek asks if this would be valid as to our last conversation regarding the evasive species and maintenance. Anna states It looks like your ultimate goal is a dog park and a cleaned up creek area. Graupp - this is really just a thought at this point. Second thought was what is the city plan regarding your storm water management? The money can be spent internally for management. Graupp asks how often we need to meet with Pudding River Council and states he is a large proponent of conference calls. Graupp would like to put Anna on the agenda for October for the next steps.

6. REPORTS

a) Mayor Bill Graupp

- Mayor informs the group of the discussions at the Planning Commission meetings referring to RV parking; so far the discussion is leaning toward no more than one RV per site, must be moveable/operable at all times and cannot have ramps or stairs/structures of any kind built around the RV. They are trying to address this as there have been some complaints that RVs are being used as storage units and/or living area. Do we want them to continue with these discussions? It is the consensus of the Council to move forward. Second item is storage containers as structures/shed storage. Sahlin states the intent was that structures under 200 square feet are not regulated. The Planning Commission wants to disallow in the commercial district. Council discussion is review the code and they don't feel that we should be the good taste cops especially if it is less than 200 square feet. Lastly, regarding the marijuana regulations, The Planning Commission's intent is to have recreational fall under the same regulations as our recent code update regarding medical marijuana rather than reinvent the wheel. Councilor Vlcek, what about grow operations? Mayor Graupp states that we didn't allow it in the Historic District and only in specific areas in commercial zone. Consensus is to move forward as presented.

Council discussed, NA

ACTION ITEM: NA

b) Marion County Deputy

- Deputy report - none on file.

Council discussed. Mayor Graupp informs the group that in discussions with the Sheriff's Office they are currently looking into speeding issues and accidents on Airport and Arndt Rd. Marion County Planners, ODOT, ODA and Clackamas County are included. Councilor Sahlin stated all they need to do is a protected left hand turn lane, case closed. Mayor Graupp responded that ODOT won't allow that. Just letting you know of the discussions. Also we're going to see a lot more traffic on Airport Rd from the airport now that vehicles will not be allowed on the runway.

Mayor Graupp asks consensus of council on painting the curbs along 99E in the no parking areas. Councilor Vlcek asks who is going to pay for it. He doesn't think we should pay for it but asks which side are you referring to? Mayor Graupp responds it is the East side abutting the bakery and the medical offices. This was a request from Marion County Sheriff's office to make it safer along 99E. Consensus of the council is for them to spend some time hanging tickets and let the matter take care of itself.

ACTION ITEM: NA

c) Finance Officer

- Finance Officer Report included in packet – Lambert asks if there are any questions. She added that Kris and Bob had requested a current Expense to Budget report each month with their council packets and states it will be much more current, as the Treasurer's Report is always a month behind. Do members want that report included as part of my report? Consensus is no. Report will be run for councilors Sallee and Southard only.

Lambert stated Mistie Hesse as the consultant CPA who will be working very closely with her to close out the year and prepare for the audit. Mistie was recommended by Sabino Arredondo, a CPA Lambert knows from the Canby accounting firm Wilcox and Arredondo.

ACTION ITEM: Action to be.....

d) Public Works

- Public Works Report included in packet - Mayor Graupp states he has not spoken to Lockard in a few days. I do know that they recently had a few water meters go bad and they were working on those. I believe they were cut on our side from landscaping activities. There were 5 trees taken out in the park. Reports on DEQ are finished. We are working on calling the 3 applicants for the Utility Worker position. Councilor Sallee asks if anyone else from Council is doing interviews. Mayor Graupp states this is just the initial round and Darrel and he will conduct those at this time. Councilor Vlcek asks a

question regarding the flow meter calibration report - this is due before December and has been completed and it looks like we were 4 months behind. Mayor Graupp confirms. Sallee –state she had forwarded a project description list to Mayor Graupp. He replies they have changed the format and it's a work in progress. Sallee said she would also like to see a master list of mandatory reports as well as a copy of the flow report. Mayor Graupp responds he thinks they can email it to her but he doesn't think it needs to be a part of the Council packets. Sallee states she made a request of this information. Mayor Graupp responds that he had instructed Lockard not to spend time on it because it is extra work and until we are back to full staff he is not going to have him spend time on this. Councilor Vlcek states he requested it as well and the Mayor reiterated his answer.

Councilor Sallee asked if Darrel will be at the next meeting because she has the following questions for him

1. The first few items on the report seem repetitive;
2. I have repeatedly asked for a master projects list;
3. I would like a mandatory testing report with due dates;
4. Has the deadline for the DEQ report been extended and if so why;
5. Has the flow meter calibration been done?
6. Water consumption - this is what I have been requesting in a report to see the flow demands;
7. Status of the roads- this looks like it's been on here for several months now;
8. The park trees - this seems to be a repetitive issue I thought we had already looked into this. I do see 4 more will be removed in September.

Sallee also stated that stop lines has been on the report since March and seems like an easy fix. Southard stated he thinks the best solution would be a permanent stop line affixed so that we don't have to continue using staff time.

Council discussed that they are frustrated with the lack of response to their requests regarding public works and would like to see where Lockard's time is being spent. We all have a task list of items that need to be done. How can you operate the department without one? Sahlin states he just doesn't see where items are completed and we really don't know if reports are being filed. We have stated that we want Darrel to be a worker but that also means items need to be completed to be in compliance with the job. Councilor Vlcek states all we get is told he did not have time and that excuse is really wearing thin at this point. If he doesn't have time then where is his time being spent?

ACTION ITEM: The Councilors are asking for a more detailed report and task items.

e) Parks Committee

- Park report - Councilor Sahlin asks Councilor Vlcek the status on the soccer goals. Vlcek replied it was his understanding that his contact had them completed but he will check on them again.

Council discussed the infield wondering who is responsible for maintenance; Councilor Sahlin believes Living Color has been spraying it. The infield has been looking good.

Vlcek asks if they have access to rollers for the field to which Sahlin replied he will look into it for next spring.

ACTION ITEM: NA

f) City Recorder

- City Recorder Report included in packet - I do know she has an upcoming conference following her vacation. Councilor Vlcek asks if there are 5 new homes are we over our budgeted amount now. Lambert states a few fees came in before the new fiscal year.

Mayor Graupp informs Council that beginning this month services at city hall could slow due to beginning the upgrades to the server and the financial software.

ACTION ITEM: Action to be.....

g) City Attorney

- City Attorney Report –The main issue to present is the Eddy property. For the record as background, a suit was filed to enforce the city's right to enforce fines or foreclose on property. Eddy appealed to city council and city council found that the fines were appropriate and did not exceed the value of the home. Currently he has a purchaser and they have made us an offer that was discussed during the executive session for an amount and for the new owner to agree in writing that the property will be in full compliance of the code within 120 days I would ask for authority, by motion, to have authority to settle the matter at \$12,500.00 and resolution of compliance issues on the property within 90 days. Furthermore, council acknowledges that the amount may not be possible and that I may go down to the amount that was discussed during executive session.

Council discussion included Vlcek voicing his concern that if they construct something and they need approval that we don't hinder them or file a lien with regards to the 90 day compliance if they are trying to get something approved. Mayor Graupp stated we will make sure they are aware they are in the Historic District and as such they must comply with title 17 moving forward.

ACTION ITEM: Action to be.....

Motion to give City Attorney Koho the ability to negotiate the target amount at \$12,500 with the ability to go down to the original amount discussed in executive session and to have them in writing state they will be in compliance with the code within 90 days is made by Councilor Sahlin and is seconded by Councilor Vlcek. Motion passed by 4-1

7. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- a) Discussion and or Action on Resolution 702 this Resolution is for an Amendment for Insurance benefits naming Spouse and multiple children and the costs involved.

Motion to approve Resolution Number 702 with the changes added for spouse and multiple children at a cost to the employee of \$200.00 dollars is made by Councilor Vlcek and seconded by Councilor Sahlin. Motion passed by all.

8. NEW BUSINESS

- a) Discussion and or Conversation with City Engineer John Ashley. Discussion regarding the Wastewater Treatment Plant Master Plan - John Ashley/Peter Olsen @ Kellar and Associates. Ashley states that essentially what they did was meet with Public Works and discussed the following plan. They walked through the plant and put together a scope of work. He also contacted Michelle Billbury with the State of Oregon regarding getting a technical assistance grant to go along with it to help defer costs. Councilor Vlcek asked if this is strictly wastewater. Olsen replied yes it is and they are currently finishing up with the storm water plan. Graupp explains that at last month's meeting we had this scope of work and the council asked to have City Engineer Ashley come and explain the scope of work before allowing him to sign it so that is why they are here. Ashley turns it over to Peter Olsen with Kellar and Associates to explain further and he states that he is only speaking about the treatment plant, not collections. Olsen provides council with a few examples and states his belief that the one that best fits our needs is Lane Community College for level and scope of work. These are the guidelines and this is how DEQ wants it presented. We can't forget these various components. This is what we use and it's very structured and because of budget issues we feel that this variation will best address your issues and give you a plan for the life cycle. We will have a workshop with Council and final review and adopted document. What this doesn't include any Airport annexation possibilities as that doesn't apply at this time. Next year we will possibly look at the collections system. Councilor Vlcek had a question regarding task 5. Kellar states they will look at the as-builds to determine this. Councilor Sahlin asks if this plan takes into consideration capacity increases/ expansion at the treatment plant. Kellar states he thinks a more appropriate place for this is in the collections system at a later date. City Attorney Koho asks if they come up with recommendations and or actions to be done. Kellar replies yes but you are the governing body. It will come as a recommendation and DEQ will then do whatever it is they do.

Motion to accept proposal/task order from City Engineer Ashley is made by Councilor Southard and is seconded by Councilor Vlcek. Motion is passed by all.

Councilor Sahlin asks the status of the Storm Water Report. City Engineer Ashley answers that they have collected a lot of the data but there is still a bit more that needs to be collected and verified. We still need data for a few streets and John Newburg, the surveyor, will meet with Darrel to collect the data needed. This issue has been going on for around 6 years so we need to get this done. Councilor Vlcek asks if this report allows us to know what we should charge for sewer to which Ashley answers that the data will help but the Bartlett report will deal with the financial services.

Sallee states she doesn't think we looked at the June meeting minutes since we didn't have July meeting. it was discussed and Mayor Graupp states that we did review them at the August meeting.

- b) Discussion and or Action on SEDCOR Fee Schedule – Mayor Graupp states this is up for discussion only as he needs more information. Hubbard has decided to charge for applications within the EZ and this came up from the COG as there is one enterprise zone and all in the zone would need to do the same thing. The question is what happens if Donald and/or Aurora don't charge the fee? Mayor Graupp asks if anyone has an issue with charging a fee or applications in the EZ. The consensus of the council is to not worry about it until the Mayor comes back with more information.

9. OLD BUSINESS

- a) Discussion and or Action on Appeal Notice (2015-01) Historic District Overlay Sills Property , You should have a packet of information and Mr. Sills is not here for the 3 month however he asked to move on. Staff found that they have replaced windows with vinyl that is not in compliance of the code title 17 contributing structure. Mr. Sills admits that he didn't follow procedure and make application prior to installation which is what trigger this whole thing.

- 1) Honor the appeal and say it's ok
- 2) We can give a partial appeal with amendments of what we want to see
- 3) Deny the appeal which means the windows would need replaced with wood windows at stated by code.

I went down an inspected the building and had some thoughts, City Attorney Koho states just as a preliminary and to state for the record if anyone has gone down and looked at the property they should state that for the record, Mayor Graupp has anyone gone down to the property or have any type of financial investment Councilor Vlcek and Mayor Graupp along with City Attorney Koho state they have been to see the property.

Council Discussion, Mayor Graupp does state there are obviously different sections to the building in question and there are some fairly new sections. Other than the windows everything else has been brought up to code. On the section of building in question the windows are clearly not in compliance of the code title 17. I did not see the building prior however Sills claims that he only replaced what was there from the 70's renovation. Councilor Sallee at this time states that at one time her parents did own that property. I (Graupp) do remember seeing it was in disrepair when I came to town and the building does look good now but I am not advocating this in anyway. He did violate a key component.

Councilor Sahlin I don't want to talk about this for an hour I don't have a problem with it. Councilor Sallee is the majority of the house built after 1920 correct yes. Councilor Vlcek I have 2 feelings the first impression of the street I like it the fact that he is acknowledging they didn't follow the rules I think we deal with so we don't set a precedence that you can do whatever you want and then file an appeal later. I think we allow it and I think give them a fine and move on. Mayor Graupp states I think that is where I was going but Councilor Sahlin that is what we did with the Airport Rd property we fined I believe \$500.00 then and moved on. Sallee thought the property looked great I looked at the code and if you look at the definition of renovate it follows that and technically it is a nonconforming structure so I am fine with charging them a fee and then allowing them to keep what they have. Mayor Graupp states I think around 1,000 is appropriate since it is a contributing structure Vlcek thinks 1,000 is too steep. Mayor Graupp because what HRB wants is for them to replace them back with wood that would be at a higher cost. Sahlin since the city has now set a precedence that you can't just do what you want or you will be fined and they can save face but the city is not a push over I think split the

difference go with \$750.00 and move on. City Attorney your fine I understand what council is saying and I will draft an order for the Mayor to sign.

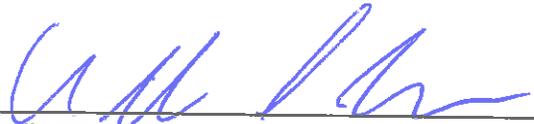
Motion by Councilor Vlcek that they uphold the appeal to allow the property owner to keep the windows however impose a fine in the amount of \$750.00 dollars for not making application prior to his project and is seconded by Councilor Sallee. Motion passed by all.

Councilor Sallee and with that I think this is something that Planning Commission and HRB the City office somehow we have to come up with a way to better communicate they are in the historic district something in the water bill something. Finance officer Lambert states it is in their water bill, Councilor Vlcek did they have to take out a permit Councilor Sallee no because it's a remodel it is a window replacement. So there is no way to capture that see that's the thing. Councilor Vlcek well ok if there had been then I would say congratulations you made it but since there was not well then there was not a loop hole that he didn't follow I am still ok with the \$750.00 Councilor Sallee yes so then that is setting a precedence moving forward that there is some sort of fine for that is appropriate per case. Mayor Graupp we should put in the letter that it was a nonconforming structure Councilor Sallee no that it is a non-contributing structure according to the 2011 inventory so that needs to be in the letter.

Vlcek what is the status of the house on highway 99E the Raneu property Mayor Graupp it is in the works we are just trying to finish up with the Eddy property.

10. ADJOURN,

Mayor Graupp adjourned the September 08, 2015 Council Meeting at 8:47 PM.



Bill Graupp, Mayor

ATTEST:



Mary Lambert,
Finance Officer