

Minutes
Aurora City Council Meeting
Tuesday, April 12, 2016, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main Street NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Mary Lambert, Finance Officer
Darrel Lockard, Public Works Superintendent
Officer Huitt, Marion County
Dennis Koho, Koho Law
Linda Kendrick, Koho Law

STAFF ABSENT:

VISITORS PRESENT:

1. CALL TO ORDER OF THE CITY COUNCIL MEETING

Meeting was called to order by Mayor Bill Graupp at 7:00 pm

2. CITY RECORDER DOES ROLL CALL

Mayor William Graupp- Present
Councilor Jason Sahlin - Present
Councilor Kris Sallee-Present
Councilor Robert Southard-Absent
Councilor Tom Heitmanek - Present

3. CONSENT AGENDA

- a) City Council Meeting Minutes – February 2016 & March, 2016,
Councilor Sallee comments that she expected to see corrections in the February minutes as stated at the March meeting in correction mode however

City Recorder Richardson explains to Sallee that there was no reason to have it in correction mode since you were commenting on the wrong minutes and that your comments regarding the wrong minutes are in the March minutes since they occurred during that meeting.

Sallee goes on to say that the March minutes are hard to read and hard to understand

Richardson ask specifically what sections are you referring to and

Sallee answers a lot of them. Sallee states they are hard to understand who is speaking when and

Richardson explains they are direct from the tape so I cannot control speech.

Sallee then states there are too many corrections so I don't even want to go into it I guess.

Mayor Graupp asks if anyone else has any comments and no one has any further comments.

b) Planning Commission – March, 2016

c) Historic Review Board Meeting –

ACTION ITEM: NA

Motion to approve the consent agenda as was made by Councilor Sahlin and is seconded by Councilor Sallee. Motion approved by all.

a) **CORRESPONDENCE** – EOA Update and Information from Planning Commission, **Mayor Graupp** states that this is the basic structure and how it is all laid out and there are some additional information updates that came in yesterday however they are not in here at this time. This just goes through the various components that DLCD desires to have as a complete EOA.

Councilor Sallee has a question in regards to the EOA, I believe around page 6 or 7 it talks about payment from city at 12%. I guess my (Sallee) bigger concern is that it has a budget summary I want to confirm that it would be zero dollars to city and I want that validated that it is only for non matching dollar grants and cost zero dollars to city. I (Sallee) want it made very clear to the Planning Commission.

Mayor Graupp If I remember his words correctly were going out for sponsors and non-matching dollar grants. Sallee, what are sponsors Mayor Graupp they are people who sponsor and give dollars.

Sallee asks if we have anyone in particular in mind for that and

Mayor Graupp states no I believe his main focus is on grants. Mayor Graupp also states that I take Chair Schaefer at his word when he states zero dollars to the city.

Sallee is fine with that answer as stated.

Heitmanek I thought there would be expense from staff hours spent on this.

Mayor Graupp of course there will be line items in the hours. Mayor Graupp Chair Schaefer was just trying to be open and state that when we get items we need to be open and show in planner's hours.

Sallee then states well then those are costs that the city is incurring,

Mayor Graupp well yes as we are discussing them now in the meeting they need to go somewhere.

Sallee again he said zero cost to the city.

Mayor Graupp, well you have to have council approval it has to be approved and go somewhere. Mayor Graupp as Joseph was saying when we go out for an EOA contractor that would be zero dollars to the city.

Councilor Heitmanek asks for clarification on that and,

Mayor Graupp explains that basically during discussions where the city planner is involved there may be expense line items say like during a planning commission meeting there talking about the EOA she may line items some of her hours to that but we would not pay her anymore than what we would have for the hours she attends that meeting already. Mayor Graupp goes on to say we are asking for a \$10,000 dollar increase for planning services but that is for various items.

Sallee finds the page number which is pg 4 item 12.

No more questions at this time.

4. 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.

No visitors

5. REPORTS

a) Mayor Bill Graupp

- I have been out of town for a while to I don't have anything.

Council discussed. NA

ACTION ITEM: NA

b) Marion County Deputy

- Deputy reports nothing major has been happening primary focus has been on ordinance violations.

Sallee asks how many citations have been issued since last meeting and Huitt answers that two have been regarding business license.

City Recorder Richardson clarifies that one of them was for condition use failure to comply.

Councilor Sahlin asks where we are on the property on 99E safety concerns.

Mayor Graupp actually they attended the Planning Commission meeting by mistake.

Council discussed, **Councilor Sallee** asks for clarification on the focus regarding truck traffic.

officer Huitt list a few, Ehlen Rd, 551 and near North Marion School.

Sallee as how much time is being focused on these and the time spent out at the school? and if that is after our 40 hours or not.

Officer Huitt no when there is crime call we or I respond.

Sallee just curious I know lately there has been a lot more involvement with the schools.

Councilor Heitmanek, ask about the focus on the Boones Ferry Rd is that focus from you ?

Huitt no that is our traffic safety team.

Heitmanek so that is outside of your contract.

Huitt sates yes that is correct. Huitt goes on to explain the basics regarding the traffic safety team process and how I might need to get involved.

No more questions

ACTION ITEM: NA

c) Finance Officer

- Finance officer reports everything is looking good I am very happy with revenue numbers were tracking closely since coming to the end of the year.
- Working furiously on the budget.
- Curious on the latest information on the pudding river water shed 6,000 dollars. Anna Rankin stated that its with a third party right now they had to get it off their books.

Graupp we had talked about a dog park and she (Rankin) was going to look into matching grants and so forth and I think it just dropped to the bottom of the list with everyone being busy. Then a new request came in for storm retention which fits in as well.

Lambert asks whom should I forward this contact information to .

Mayor Graupp states since Planning is involved Tom and I.

Council discussed, NA

ACTION ITEM: NA

Councilor Sallee states she has a report, I would like to add a section where if Liaisons would like to report they can.

- 3/8/16 Kickoff meeting for Hazard Mitigation Plan with Marion County in conjunction with UofO.
- Next Meeting April 27th
- 3/11/16 Met with Boyd Keyser with North Marion Schools to learn what the school has been working on in conjunction with (Hubbard, Donald, Butteville).
- League of Oregon Cities Quarterly Meeting in Sherwood, where Sean O'Day General Council with the League discussed Public Meetings Laws.
- CIS- Pre-Loss deductible increase.
- Legislative update review,
 - SB 1573 re; annexation.
 - SB 1511 re: patient access marijuana.
 - SB 1532 re: minimum wage, 3 tiered phase, begins 7/1/16

d) Public Works

- Public Works report as attached for the most part everything is going well since we fixed the water plant we have had 3 to 5 thousand less effluent in the treatment plant. That is about an 8% reduction.
- Repaired pressure main leak on Ottaway
- Pumps should be installed next week
- Water treatment plant is now fully automated and running as it should have since the beginning.
- About 176 thousand gallons a day
- 7 trees removed in the Park

Council discussed, **Sallee** asks about well 5 and your statement that it is off now when will that come back on this summer if needed yes and its ready to go. Sallee what's the status on the meters

Lockard we are still continuing on the installation plan.

Sallee how many do you know **Lockard** well with construction increasing it has slowed.

Sallee are we still having a lot of water leaks why is it on your report again.

Lockard no but they come about so I have left it on there.

Sallee ok so what is the status of the stop signs and lines you know this has been on here for 13 months I just want everyone to know.

Lockard I am getting quotes.

Sallee we have had that for 13 months let's get it done.

Lockard I hope to have it done by July 1.

Sallee I would like a status report regarding the quotes process at next month's meeting. This has been on here far too long this is one of those things that should have been done in month or 2.

Lockard well there are several things that have come up and I have been working hard to obtain the quotes and many things were back logged when I came on board.

Sallee also what is the status of the SCA Grant that has been on here as well.

Lockard no we just received that day before yesterday and Richardson confirm. Lockard goes on to say Councilor Southard and I have contacted them and working with them on what project would be our best chance.

Sallee when is that due Richardson states August. Sallee can we get an update for next month's meeting.

Heitmanek ask about tree height in the downtown area and asks if that height is the same all over town.

Richardson states that the height is 12 feet and it is the same all over town.

Heitmanek well there are many areas with issues then.

Richardson explains that although the height is the same it is the property owner's responsibility to trim those trees and if they don't and Public Works does it might not be to their standard. Also since we are a complaint driven ordinance violations entity then often times those get overlooked the street sweeper is having issues getting in there that's why this situation has been brought up.

Councilor Sahlin asks if the ACVA is aware that were going to trim those trees.

Richardson states well Townsend is but not sure if the rest of them are aware. Sahlin asks if for a courtesy someone can let them know.

Lockard also informs the council that on a regular basis we get calls regarding the 2nd street bathrooms maintenance and cleanliness and more times than not we get there and no problem in my opinion exists however to them it's terrible. I (Lockard) just want council aware of this situation.

ACTION ITEM: NA

e) Parks Committee

- **Councilor Sahlin**, is there a reason the drinking fountain is not working,

Lockard well it was attached to the old 2 inch line and we will need to replace that.

Council discussed, NA

ACTION ITEM: Get completed and updated contract.

f) City Recorder

- Recorder report as attached, report is fairly simple this time and I would like to express to staff that I need their reports by Wednesday prior to meeting because I am staying far too late to complete the packets.
- Software installation is complete staff has finished their training and so far everything is working as it should. We are experiencing slowness.
- Server install begins tomorrow we won't have computer access or email through Friday. Hopefully this will help the issue.
- I will be receiving a new computer in hopes to solve an old virus issue.
- Sign violations and door hangers have gone out. Typically since we are a small community and feedback from the community I find it works better to contact them before a formal letter and or door hanger from the city goes out. I usually begin with a conversation and bring them an application and sign code to help and explain the process. If after a while I don't see compliance and no application has been made then I will follow up with a door hanger. Following the door hanger typically a letter is then sent out outlining fees and such. I try to get compliance before the formal letter goes out to avoid more problems.
- **Councilor Sallee** wanted to comment on the above process as she states she received a complaint from a business in town, there was real concern as to the approach, and they were approached during one of their busiest times during the day. They did not know who they were talking to they did not know the person was from the city. It was totally out of context and totally inappropriate in the way that they were approached. So they contacted me and I contacted the Mayor and informed him of the issue. You (Mayor) did not return my call or give any sort of information update to me. So I think the big concern for me is our town and our businesses and citizens. I know you guys are trying to enforce code and I don't know if that is Bill (Mayor) direction or not or if there just taking it on their own. I am telling you people of this town are upset. Yes this is a small town and I get that code violations are happening but I think there needs to be a better approach I think if anyone goes to anyone's business you need to see if it is a convenient time to talk with them or not. Certainly not during their busiest time during there day. You need to be identified and say if needed can we talk about this at another time or not. The person who called, she was so upset she felt it was inappropriate and rude there were just so many things that were inappropriate about the approach. I think we need to figure out a different way to handle these situations. If you are just going to hand out citations and letters were still a small community of 900 were not Canby were not Woodburn. She goes on to say knock on a door let them know your getting your last warning a letter whatever I just think it is in bad form because the people of this town do not respect the city staff. I am telling you that is what I am getting from people of the

community. I just think we have to figure out a way to patch the PR problem. We need to figure out how to smooth that over and become partners opposed to here is your citation here is your door hanger.

- **Richardson** asks if she can ask Councilor Sallee a questions and address this issue.

Sallee states sure, Sallee states I am just saying what was told to me.

Richardson states well I get that but you were not a part of the conversation that took place. I would say that I did not go in and not identify myself I always do. I did not have a business card on me however I will next time. The first thing out of my mouth is to state who I am and who I am with. The second thing is May I speak with you regarding this and I can tell you that in the business at the time there were 2 customers at the time this took place.

The business owner stated yes you may speak with me regarding this issue. At which time in a very professional manner I spoke with her regarding her sign and gave her a copy of the sign code and application she would need. She then asked me a few questions and I answered them and I highlighted the information to help her out. There were no issues until she asked what if I choose to just ignore this and I informed her she can choose to ignore this however it could result in fines or equivalent thereof.

That was the extent of the conversation the very first time I would never go in and not represent the city in a professional manner.

The problem I see here your whole domineer here is in a sense that I did do this. You did not come to me and ask me if I attacked this person you just assumed everything she said was how it happened. Nobody in the community likes being told what they can and cannot do on their own property however there is a code to follow and I always present in a professional manner.

Sallee all I am doing is relaying what was relayed to me.

Richardson well from here on out I should probably skip the portion regarding the conversation and go straight to the letter that is probably what is best here especially when you assume the worst.

Officer Huitt at this point chimes and informs Councilor Sallee that his job is to enforce code as enacted by council along with Oregon Revised statutes. I understand it's a small community and I have been doing this for a very long time and nobody likes being told what they can and cannot do on their property. A lot of people don't understand what the municipal code is and what it has to say.

So the approach is a 3 prong approach.

- We have casual conversation stop by introduce myself and inform them of what is going on and what needs to be corrected. If it is not corrected following that it goes to next stage where a door hanger is done and then a letter from the city and then finally a citation.
- Those are followed with a reasonable span of time in between them. Nobody likes to be told. I take the small town approach but the problem you run into is that you have an active municipal code and it has to be enforced fairly and

evenly across the city. You cannot pick and choose who gets what. It either has to be enforced or not at all.

- You cannot have partial enforcement actions that's where you run into problems.

Richardson interjects that she was not the only person that I spoke to that day I made three stops.

Sallee I guess I understand your perspective I think it's really sad and get that people don't understand the ordinances. I still think it goes back to relationships and being patient.

I don't know when or where it is appropriate to serve a citation in a public venue or at a place of business.

Richardson asks well she was the business owner where else was I supposed to go?

Sallee directing her question to Office Huitt the citations that you offered were they in an appropriate location at a business? Sallee my understanding is that Bob was served a citation.

Huitt Bob was served a citation

Salle and was he served at his business or what?

Officer Huitt no he was not.

Sallee and why was he not served at his business why was he served at another business. Sallee why would you do that? That's my point why?

Huitt you were not present during that encounter and I asked Bob to step outside so we were in a private setting so I could communicate with him directly in a private setting where no one else could see. I did not just walk up and hand it to him.

Richardson chimes in with you are assuming things that are not happening.

Sallee I am just saying this is what I am hearing and as a councilor I am presenting it to the council. I feel yes it is important that we need to have some sort of consistency of how we are approaching everyone in town and it just seems like all of a sudden were like ok were enforcing this and that with guns blazing.

Dale I don't agree we have simply gone through the steps and finally were to the final stage.

Richardson we are probably exceeding over 15 month on this one issue alone we have given ample opportunity for compliance.

Sallee well it's the first I have heard of it.

Richardson well I would ask that you not assume come in and talk to staff prior to you forming an opinion and it is staffs function not yours.

Sallee we need to identify who the code enforcer is. I don't believe City Recorder should be code enforcer. I would think the Recorder would be to manage day to day operations not including this. I think we need other councilor's perspective on that.

Richardson and Huitt along with the **Mayor** state it has always been the Recorders office in conjunction with the Police side. It's the only way that it works.

Sallee I would like to see where that has been clarified because I don't think it ever has been and have that for next month.

Council discusses seeing job description for Recorder to determine if code enforcement is a part of it.

Richardson and Huitt state that it has and needs to be a team effort with each role to work properly.

Councilor Sahlin states let's just identify.

ACTION ITEM: Identify code enforcement officer. See job description.

g) City Attorney

- City Attorney report Dennis Koho introduces Linda Kendrick and informs Council that she will be helping out for a while until I am completely back on my feet.
- I did get some things from Councilor Sallee regarding a resolution for merit increases however there was not enough information. For some reason I got this month and last month mixed up so it's not ready at this time. I do believe under current guidelines any councilor can request something be brought onto the agenda so Sallee is correct on that. So I will do the work and get it to the agenda. That does raise the question if that is how council still wants to operate is that anyone can request items on the agenda from me and it could potentially cause an increase if goes hourly if I were to get 5 requests a month from Councilors I would have to begin charging.
Sahlin we just need to know a head of time.
- A records request was done and asked to be free for a city councilor and that is a clear ethics violation if you would charge the public you need to charge everyone the same. You do not get anything because of your position.

Councilor Sallee has a comment on this when I looked up I followed the policy and in that one can request a waiver if it is in conjunction with their job. So along with the request was a request to waive the charge and I was told I still needed to pay for the request as would a citizen. So I then submitted an expense form for reimbursement because I felt that was job related. Because I felt there have been so many issues with the minutes and getting clarity on the minutes. That has been a challenge and so one way to enhance this and make it better would be to have the recordings online on the website so citizens can listen if they would like. Going back to the expense report if I

cannot understand the minutes then I cannot understand what is happening there and what the topic was or the summary. The meetings are so unclear so that's the only reason I was asking for those copies.

Koho one other thing to meet this is to provide the document to you so it could be that a room is provided and the CD and you can listen for yourself.

Sallee well when I was reading all the code I did not see it as a violation. It was just regarding access and waiver of the fee and if the fee is denied. I can then go to the District Attorney. To me it's like charge \$5.00 dollars can I put an expense report in and get reimbursed so I can do my job.

Koho I serve on many other boards and spoke to them and it is most certainly a violation because you would be able to get something that the public couldn't.

Sallee for example you have a new councilor and they need to get up to speed and get current on what is happening are they able to get copies. At what point are you not required to pay. Is it going to cost to get a copy of an electronic record? Sallee so I think it's a gray area.

Sahlin states well they can come listen to the tape.

Dennis your suggestion to place the recording on the website seems to be a good solution.

I (**Sallee**) know other cities do this and I know this doesn't take very long.

Officer Huitt interjects and states this is not as easy as you think and could be costly when you would need to update your band width and other various items but you are correct it can be done with some doing.

Richardson the written minutes however are the official record of the meeting and recordings are only required to be kept for one year. I just have to say that it is very hard to keep up with all of the excessive discussions that happen during these meetings. There should be less discussions that are off topic. If you see things that should be changed when you receive them in your packet there is nothing wrong with you letting me know prior to the meeting.

Sallee I think it would be nice to have video as well.

Sahlin my comment is that in the consent agenda if we try to capture the meeting to the best of our ability then we have done our job. I am not sure why we are discussion uploading hours of conversations if citizens are interested then come to the meeting. My Opinion would be no and Mayor Graupp agrees.

Councilor Heitmanek I have done a lot of reading but I will say that we have done a fairly good job being transparent and open regarding this. Coming into this cold these minutes are very difficult to understand with any context had I not been sitting in the meeting.

I cannot see saving an audio for more than 12 months. Even 3 months is long enough.

Richardson asks what is it that makes them so hard to understand. If council wants to go to the extent of who stated what and be very specific that is fine with me but it will be more staff time to prepare them. It is very hard to capture these conversations in the beginning I was doing bullets to capture topics but that didn't seem to work either.

Heitmanek let me clarify I think what your describing is an impossibility I don't think you can accurately because these conversations are all over the board. I would not expect you to do that for the most part I think there good maybe a few misses here and there. What you lose is the context of those conversations and the only way to get that is to listen to the tape. I think very valuable to have online and what we can afford.

Richardson I can look into it and see what it would entail.

Council discussed, NA

ACTION ITEM: NA

6. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

- a) Discussion and or Action on Ordinance 482 An Ordinance Amending the City of Aurora Municipal Code (Additional Design Standards Accessory Structures in Commercial Zone). Second Reading,

A motion is made to approve Ordinance number 482 An Ordinance Amending the Aurora Municipal Code is made by Councilor Heitmanek and is seconded by Councilor Sahlin. Motion Passes.

- b) Discussion and or Action on Resolution Number 705 A Resolution Authorizing a Credit Limit Increase for Public Works Director Darrell Lockard.

A motion is made to approve Resolution Number 705 A Resolution to increase the credit limit of Public Works Directors Visa card from \$500.00 to \$2,000.00 is made by Councilor Sahlin and is seconded by Councilor Sallee. Motion Passes.

7. NEW BUSINESS

- a) Discussion regarding City Contracts, Councilor Sallee asked at prior council meeting to see a list of city contracts so they could be review before budget. I would like to see when and how long each contract is for and review them for the future. For instance the IT

department contract when was the last time we put out to bid for that I just want to make sure we are getting our money's worth.

- b) Discussion regarding Council Procedures.

Councilor Sallee requests that the Council procedures be reviewed she feels as though they are vague in many areas and wants to see examples from other cities.

Sahlin what is wrong with them?

I (**Sallee**) just think they are vague.

Richardson will look into getting a few samples.

Councilor Sahlin we need to be cautious in how much extra work we are putting onto staff.

- c) Discussion or Review/Comments requested of Historic Review Board The Design Guide. Mayor Graupp explains the guide. I think they did a good job and Planning Commission approved them and felt they were well written. Councilor Sallee stated that two of the photos were incorrect. It is the Consensus of the Council to accept the Design Guide for the Historic District.

8. OLD BUSINESS

- a) Discussion and or Action on Living Color Contract, Councilor **Sallee** asks if this includes maintenance area by the Post Office Yes and **Lockard** states he has a few concerns as well and thinks Richardson and himself will meet with Living Color and go over the map together and make sure it is attached. Consensus of Council is to move forward.
- b) Discussion and or Action on Ordinance Violations/Nuisance Declared Property Location 21367 Hwy 99E Richard Reneau. **Mayor Graupp** states that they came to planning last week they have decided to bring the house down and they will be updating us soon they have stated because of the cost involved they need more time. **Sahlin** well how long are we talking I think 3 months would suffice. **Mayor Graupp** Planning Commission did remind them they need to follow the HRB guidelines title 17.
- c) Discussion and or Action on Recommendation from Planning Commission Regarding Orchard View Storm Water issue. **Mayor Graupp** Planning Commission last week made unanimous recommendation to do something about Orchard view tract A and B city take over those properties maintain them and charge the 38 homes that were supposed to form HOA. They tried their best but how do you get the other 34 home owners to show up and make comments they stated if we don't get response move forward to take action. **Councilor Heitmanek** were they informed about the HOA **Mayor Graupp** yes they were on their deeds. **Mayor Graupp** do we fine them 250 a day or take over and charge maintenance. I don't think homeowners can organize the process. Create an enhanced service district. and we would have to figure out the billing process.

A motion to move forward with staff to comes up with a plan for the city to take over those tracts and bill the 38 homes is made by Councilor Sahlin and is seconded by Councilor Sallee. Motion passed.

Sallee I go back to employee manual we briefly touched on it and with the new employee laws I think this is something we need to work on, staff working on it. Got it handled.

Sallee well if it takes that long how we comply in the meantime staff has it handled and we are on top of the laws as it is part of our job.

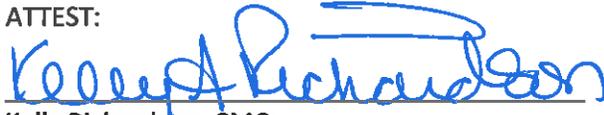
9. ADJOURN,

Mayor Graupp adjourned the April 12, 2016 Council Meeting at 8:52 PM.



Bill Graupp, Mayor

ATTEST:



Kelly Richardson, CMC
City Recorder