

**Minutes**  
**Aurora City Council Meeting**  
Tuesday, May 10, 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  
Linda Kendrick, Koho Law

**STAFF ABSENT:** Dennis Koho, City Attorney

**VISITORS PRESENT:** Don Thwing, 14740 Orchard  
Greg Taylor, Aurora  
SGT. Sherburn, Marion County Sheriffs  
Tara Weidman, 21331 Main

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**1. CALL TO ORDER OF THE CITY COUNCIL MEETING**

Meeting was called to order by Mayor Bill Graupp at 7:03 pm

**2. CITY RECORDER DOES ROLL CALL**

Mayor William Graupp- Present  
Councilor Jason Sahlin – Present came in late after roll call.  
Councilor Kris Sallee-Present  
Councilor Robert Southard-Present  
Councilor Tom Heitmanek - Present

**3. CONSENT AGENDA**

- a) City Council Meeting Minutes –April, 2016,  
Councilor Sallee points out a typo on the bottom of pg 2 encoring and on pg 13 item C,  
refers to photos are incorrectly identified.
- b) Planning Commission – April, 2016
- c) Historic Review Board Meeting – NA

**ACTION ITEM: NA**

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

a) **CORRESPONDENCE**

- **FEMA Notice Regarding Biological Opinion**, Graupp informs them this will be discussed during Planning Report.

**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.

**Don Thwing**, 14740 Orchard Street, has concerns regarding the Orchard View retention pond and what is the status on the city's part. Because Don is claiming that he has not received anything from the city and Mayor Graupp informs him that various notices have gone out and various meetings have taken place. Don informs Council that a group of homeowners are beginning to clear out the area however they are in need of direction to make sure they clear out enough. **Mayor Graupp** informs Mr. Thwing that the city was unaware that they had decided to clean up the area and that the city was researching the costs involved and along with various scenarios of how to bill for it with that said as of now no letters have gone out. Graupp asks Thwing to keep city up to date on the cleanup efforts.

Action Item: Public Works go down and inform them of what needs to be done. Graupp asks Thwing to email city staff to inform us of who is in charge of the cleanup efforts and a list of property owners involved.

**5. REPORTS**

a) **Mayor Bill Graupp**

- Speaks to the recent Biological Opinion Released by National Marine Fisheries Service and the recommended flyer that the Aurora Planning Commission wanted to send out to the entire citizen population of Aurora. This would explain the opinion and inform citizens of any upcoming changes that could possibly affect their property. Councilor Sallee suggests that the City Records Office not be listed as contact but instead attend the next Planning Commission meeting. Staff agrees with Councilor Sallee regarding her comment.

It is the consensus of the Council to send out the postcard to all citizens within the city limits.

Council discussed. NA

**ACTION ITEM: NA**

b) **Planning**,

- Planning Commissioner Weidman adds the discussion regarding the possibility of updating the city charter to show the recent change in annexation processes mandated by the State of Oregon.

Council discuss briefly and decide to wait until there are more changes to make it more cost effective not to say we won't follow the State mandate.

No more questions

**ACTION ITEM: None**

c) Public Safety,

- Deputy Huitt reports that most of the calls are standard with one exception as to frequency of calls on the weekends. The schedule will be changed to reflect the trend.
- There have also been more ORS violations along with increased parking citations and various other items. Councilor Sallee asks for clarity on who generated these and Deputy Huitt states they are generated by myself as I see them occurring.
- Mayor Graupp ask Huitt if Marion County will be participating in the June 10<sup>th</sup> Shakeout and Huitt states yes we will in conjunction with the Marion County Emergency Management.
- Hazard Mitigation meeting was a fact finding mission regarding the processes to see if there were any holes in the processes.
- Councilor Sallee asks Deputy Huitt if he can speak to the recent ORS violations and SGT Shurburn intercedes and states no we cannot it is an ongoing situation and citations have been issued and gone to court.

d) Finance, Good

- Good news is the Budget Committee approved the budget.
- Were in good standing right now I don't foresee any issues. I have asked Public Works to keep in touch since it is near year end.
- Councilor Sallee brings up the charter section chapter 10 section 5 regarding single purchase items over a set amount needs a resolution. In regards to Finance Officer Lamberts comment regarding the new truck purchase for Public Works. Mayor Graupps comments were not if it was budgeted for and Sallee disagrees as she stated she read it in the charter. They agree to research and make it right.
- Mayor Graupp thanks all of the budget members involved they did a great job and thank you for your service.

e) Public Works

Waste Water

- Continuing with the permit process with DEQ
- 2 lift stations pumps replaced
- New irrigation pump replaced and installed

Water

- Wells running 10 hours a day producing and average 190,000 gal per day.
- Well 5 is off until summer
- Councilor Sahlin asks if the drinking fountain in the park has been fixed yet and Lockard states no we are waiting on nicer weather.

Streets

- Routine operations and maintenance
- Catch basin cleaning
- Street sweeping

- Council Discussion,
- Councilor Sallee ask if the quotes for the street striping have been concluded, Lockard informs her that it is scheduled for today and start tomorrow. We received one quote and came in at just under \$10,000. Including park items as well.
- Councilor Sahlin asks if City Recorder Richardson can reach out to George Cam regarding the paving of Keil Park II. Richardson will reach out to them and get a time frame of when.
- Councilor Sallee at what point can we insist it be done Southard as soon as he pulls permit for the last home. So if he doesn't pull a permit for 5 years we are stuck yes that is correct. (Southard)

**ACTION ITEM: NA**

f) Parks Committee

- **Mayor Graupp**
- The park is looking good and looks ready to go, Lockard states we are beginning to pressure wash to makes sure shelters are clean.
- Councilor Sahlin states since he didn't make it to budget I hesitate but can I request funds so we can purchase soccer nets. Mayor Graupp hesitates and Lambert says we can look into it.
- Concert series is in process, and will be on Wednesday nights from 7-9 and 7-10 on Colony Days. There will be a Farmers Market at Colony Days as well.
- Chalk contest as well.
- Parade is the same route however the run will have a different route.

Council discussed, NA

**ACTION ITEM:**

g) City Recorder

- Recorder report as attached, if you have any questions regarding it.
- Also attached is a copy of my job description as requested.
- Along with the Administrative process for Ordinance violations.
- List of contracts and dates.
- Councilor Sallee states two different sections of the code and doesn't feel that the City Recorder should be the code enforcement officer and serve people with violations. She feels it is much better suited for the police. The City Recorder should be issuing letters verses walking around. Mayor Gruapp is fine with the combined effort of staff regarding code enforcement and feels it is the only way it will work as a team effort.
- Councilor Sallee asks about council procedures I guess you will provide that for next month? City Recorder Richardson states yes I ran late and from here on out I would request that council items requested would need a consensus of the council before staff is directed to produce the material or job performed. Because we are receiving so many requests from Councilor Sallee of items she wants to see on the agenda.
- Councilor Sallee so I think it does state that councilors have the right to make requests of items to be placed on agenda, Richardson you can make the request but it doesn't

mean that it will happen because I take direction from the City Administrator. Mayor **Graupp** mostly because of the research involved from staff regarding the various request. **Graupp** for example the Council procedures that takes a lot of research and since we got bogged down with other items it just didn't happen. **Mayor Graupp** suggest an agenda item same as the school board called future topics and Sallee likes that idea and for that to be added. Richardson explains that is simply what she meant that it be a group request not just one person at a time.

- Councilor Sallee, so can we see a more complete list next month because I notice we don't have on the Marion County contract. Richardson states because those are more like a IGA an Inter Governmental Agreement. Sallee well then I think it would be helpful to know the difference and see those as well. Richardson yes Webber should be on there. My point is to review them and know when there up for renewal and so forth. I would like to see or have comments regarding that. Southard agrees it's a good idea to review them. Councilor Sahlin little off topic but I think also knowing the requirements of what were required to be doing relative to state requirements concerning Public Works. List of contracts oldest first. Consensus is to move forward on this tract.

**ACTION ITEM: Add future topics as an agenda item  
Contract Review Gustafson Insurance and Valley Credit.**

h) City Attorney

- City Attorney report Eleanor Beatty in conjunction with Linda Kendrick present while Dennis is doing better however is not in attendance at this time and until I (Eleanor) feel as though he is up to the task I will be supervising. They presented a draft contract for FY 2016/2017 for Council to review for next month.
- There are a number of city codes that are in conflict with State statues and Federal changes will need to be made in the near future.
- Mayor Graupp just wanted to inform the group that at the last budget meeting we allowed Councilor Sallee to call in for the meeting because I had done it once last year. However we now know we cannot do that unless we can make the same accommodation for the public which we are not set up to do so we will not be doing that again in the future.
- Channels of communication between council members and our office as I understand the communication goes from City Councilors to the City Recorders office to the Mayor and then onto our office if necessary. The City Councilors do not contact our office directly there are channels that need to be followed.
- Resolution issue and how resolutions should be presented, I have found some conflicting information the charter says they can be presented by council members however it also says in the code that salary administration that propose for their dept that the Mayor causes them to be prepared for the city. How that would look is discussion then Mayor would present the issue to council and then the council as a whole would decide if a resolution or ordinance needs done staff would then prepare and bring back to council for vote. Councilor Sallee so if a councilor wants to bring that up for a topic we are now going to have during future topics. Correct.
- Councilor Sallee so I have a question regarding when State Statue trumps because I went to League of Oregon Cities to educate myself and they said State Statue doesn't always trump. They had said if we don't have it in our code then State statue takes

over. Kendrick as long as you have a code that doesn't conflict with State statute. If the code is silent on that issue then local government can take steps to create code but it must line up with State statute.

- Recreational immunity, I did speak with Beatty on this issue and Beatty states that most likely the legislation is going to be doing something about this issue moving forward because it is a bad decision. CIS will be working hard on this issue. Mayor Graupp to add to this Public Works and I have begun reviewing LOC sign regulations to make sure we are up-to-date and meeting the new laws.
- Ross Tort Claim notice that was sent to CIS as the claims are unfounded and no merit they are going to deny all liability and request for funds. CIS is handling it. Mayor Graupp explains the situation in brief Ross RV Food Carts claims that we the city are not allowing him to conduct business the way he wants and in truth he has not applied and followed the processes and he claims we are not handling water late fees correctly. There have been a variety of code violations and he is asking for dollars because he claims we have cost him. Councilor Sallee is there a reason we were not involved Mayor Graupp because we were waiting on legal that is a staff matter to get legal involved and working on these types of situations.

Council discussed, Councilor Sallee comments regarding our current legal coverage since Dennis is out sick wants to discuss our alternatives. My concern is if we were to be in a true law suit. We have the ability to do a pro-tem lawyer who has government knowledge and can handle these things. **Mayor Graupp** these guys have insurance to cover this type of thing they can get a specialist if they need to. **Beatty**, your contract is with the firm and even when Dennis is working many of these things are worked out together as a team and the firm is fine but any time you're not satisfied with our service by all means you can go out for bid. **Sallee** but how does the city select the attorney if the need were to arise well you really don't need to since we are the firm that represents the city. **Sallee** questions there specialty and **Beatty** reiterates I am licensed in the State of Oregon. Like I (**Beatty**) said previously we work as a team at the firm and I have been advising and working with Dennis all along the way so I am fairly familiar with most of the City concerns and issues. **Sallee** well I just know that most attorneys have a specialty, **Beatty** no actually there are no specific specialties most attorney just pick and choose what they want to work on.

**ACTION ITEM: None Council is fine with how everything is working during Dennis absence.**

## **6. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS**

- a) NA

## **7. NEW BUSINESS**

- a) Discussion regarding City Contracts, Councilor Sallee the reason I brought this up was to simply review our contracts because many of them don't have end dates and just want to make updates relative to what we're doing.

It is the consensus of the council as future topics review Gustafson and Valley Credit Services at the next council meeting and also to include a IGA list.

**8. OLD BUSINESS**

- a) Discussion and or Action on A Resolution Regarding Employee Merit Increases, It was the consensus of the council to have a resolution prepared to address this matter.

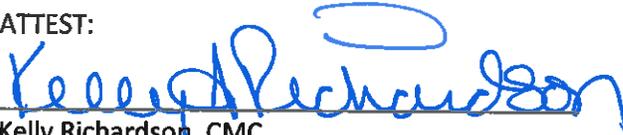
**9. ADJOURN,**

Mayor Graupp adjourned the May 10, 2016 Council Meeting at 8:30 PM.



Bill Graupp, Mayor

ATTEST:



Kelly Richardson, CMC  
City Recorder