

Minutes
Aurora City Council Meeting
Tuesday, March 12, 2024, 7pm
City Council Chambers, Aurora City Hall
21420 Main Street NE, Aurora, OR 97002

STAFF PRESENT: Mary Lambert, Finance Officer; Mark Gunter, Public Works Superintendent; Deputy Pete Walker; David James Robinson, City Attorney; Luke Tabor and Peter Olsen, City Engineer; Stuart A. Rodgers, City Recorder

STAFF ABSENT: NA

VISITORS PRESENT: Joseph Schaefer, Julie Sixkiller, Aurora

1. CALL TO ORDER OF THE AURORA CITY COUNCIL MEETING

Mayor Brian Asher called the meeting to order at 7:02pm.

2. ROLL CALL

Mayor Brian Asher-Absent
Councilor Mercedes Rhoden-Feely-Present
Councilor John Berard-Present
Councilor Charles Roper-Present
Councilor Wendy Veliz-Absent

3. AFFIRMATIONS

Joseph Schaefer thanked Public Works for the demolition of the home and clean-up next door to City Hall.

4. CONSENT AGENDA

- a) City Council Minutes—February 13, 2024
- b) City Council Work Session Minutes, February 13, 2024
- c) Planning Commission Minutes—February 6, 2024
- d) Parks Committee Minutes—January 15, 2024
- e) Historic Review Board Minutes—January 23, 2024

Councilor Charles Roper moved to pass the Consent agenda. The motion was seconded by Councilor John Berard and passed.

5. VISITORS-No visitor comment.

6. CORRESPONDENCE

- a) Bleicherode, Germany Sister City Update
The City Recorder provided an update, referencing the packet material of an official certification of Sister City International status as well as the upcoming travels to Bleicherode of an ancestor relation of the Aurora founder Wilhelm Keil, a Donald Kunz, who has been integral as a go-between for the two cities to further this connection. It was

noted based on an email communication from Kunz that there was an error on Wilhelm Keil's gravestone, suggesting a future correction.

b) Airport Land Use Update
Circuit Court Decision re 2012 Master Plan

The opinion is in the packet. The Court of Appeals agreed the case is moot because the 2019 decision is ineffective as a result of LUBA's remand and the agency not picking up the issue on remand. The Court of Appeals did, however, agree that the Appeals Court erred in dismissing it with prejudice, so on that point the city prevailed. Joseph Schaefer noted the case result is procedural only, not substantive.

TLM Wastewater Report by Environmental Management Systems, Inc.

With successful appeal of the original application, a new application has been submitted, this time only for helicopters – no fixed wing aircraft. With the new application, there was a revised sewer report submitted. Options for sewage disposal – Option 1: connect to drain fields at south end of airport property. Option 2: connect to Columbia Helicopters which has a septic system that drains to the north end of the property. Option 3: no hook up to any septic system but do as the airport control tower and sewage goes into holding tanks, pumped regularly and shipped out. Schaefer noted there is an acknowledgement that this requires a Goal 11 exception, given in the last appeal an unanswered question of whether such an exception could be postponed. The court recognizes the exception is needed now.

c) PGE Rate Review Filing

This communication was provided as information only, and Council requests a presentation from Portland General Electric (PGE) at its next meeting. Additionally, there was a question of whether the rate increase was related to litigation arising from the wildfires. Given Bonneville Power provides power to all electric utilities in the region, PGE would have been impacted by the up-chain rate increases. Councilor John Berard asked about inviting a solar power company to present to Council, and the City Recorder will reach out to Councilor Wendy Veliz about a PGE presentation on solar options, including incentives and opportunities at the individual level.

7. NEW BUSINESS

a) Public Safety Report

Deputy Pete Walker was joined by Deputy Garrett Olson, discussing the purchase of a new patrol vehicle and Aurora-specific markings to identify its service to this community while standardizing the look among vehicles throughout the county. Walker noted increased enforcement near Kasel Court. It was noted speeding tickets have increased.

b) Wastewater Treatment Plant: Alternative Delivery Method of Contracting, Findings, RFP to Reference as Example

The City Engineer, Keller Associates, provided a handout outlining City of Aurora Construction Projects across time. There were no questions about the draft findings in the packet. Edits to the draft RFP document will be made prior to the next Council meeting and be ready in final format for advertising the following day for Construction Manager/General Contractor (CMGC) services. A notice will go out 14 days prior to the

April Council meeting in the Daily Journal of Commerce to notice a public hearing associated with this Council decision.

8. OLD BUSINESS

a) Council Communication w Community

Councilor Roper noted a goal to have a form to solicit contact information from residents by the next newsletter.

b) Economic Opportunities Analysis (updated Buildable Lands Inventory)

Joseph Schaefer noted the main change to acreage in the inventory is the Hellhake property with an applicant for development withdrawing its application, the property now reclassified as vacant buildable land. The next Technical Advisory Committee (TAC) meeting will be held March 18, 3pm, with documents just in for that meeting.

c) Aurora Traffic and Traffic Speed

The City Recorder noted a letter of support for a Marion County initiative and the Aurora welcome sign application submitted to ODOT.

9. HEARING [5 min.]

a) LA 23-01 Public Hearing Before City Council; Subject: Legislative Text Amendments to Title 8, 10, and 16

Councilor Rhoden-Feely conducted the Public Hearing, closing the Council meeting and opening the hearing at 7:39pm. The City Planner Curt Fisher assisted in giving the staff report. Some Council discussion took place to clarify on recreational vehicles, which represented an expansion of code and flexibility for property owners, and there was no public comment. The hearing was closed at 7:47pm.

On page 100 of the packet, Exhibit A., AMC 8.08.080 Nuisances, relative to allowance of razor wire in the industrial zone – these changes drafted by Council Rhoden-Feely will be sent along to the City Planner in preparation for a second ordinance reading in April.

The rest of revisions are clerical: AMC 10.08.040 (p.101) B3, extra “in a” / 16.36.050 (p.107), as well as under 16.36.050 a double set of commas at start of second line and an extra comma under that same section following the Chapter 16.52 reference.

Councilor Rhoden-Feely moved to adopt a revised staff report with the following revisions to Exhibit A with changes to AMC 8.08.080 – subsection A – A fence constructed of other material may be capped by barbed wire that shall be placed no less than six feet six inches from the ground provided that the fence is no closer than three feet from a sidewalk, public way, or adjoining residential property lines. AMC 16.38.060 – Adding an exception for fences capped with barbed wire in the industrial zone, conforming to the measures just read above. This motion was seconded by Councilor Roper and carried.

10. ORDINANCES, RESOLUTIONS, AND PROCLAMATIONS

- a) Ordinance 502, An Ordinance Amending Title 8 (Health and Safety) and Title 10 (Vehicles and Traffic) and Title 16 (Land Development) of the Aurora Municipal Code [first reading; see referenced Exhibit under Hearing Staff Report above]

Councilor Rhoden-Feely first read the above ordinance by title.

- b) Resolution 85[4], A Resolution for Awarding and Designation of Proposer as Consultant or Contractor for City of Aurora Water Projects

Public Works Superintendent Mark Gunter provided a brief explanation of this and the following resolution.

Councilor Berard moved to adopt Resolution 85[4] to award and designate the proposer as the consultant for City of Aurora water projects, Councilor Roper seconded, and the motion passed.

- c) Resolution 85[5], A Resolution for Awarding and Designation of Proposer as Consultant or Contractor for City of Aurora Wastewater Projects

Councilor Berard moved to adopt Resolution 85[5], Councilor Rhoden-Feely seconded, and the motion passed.

11. EXECUTIVE SESSION

Councilor Rhoden-Feely moved Council out of its regular meeting at 8:23pm and back into the regular meeting at 9:08pm.

For the record, Councilor Rhoden-Feely noted a new application from TLM pending at Marion County for development of the former church camp property owned by TLM. That proposal is similar to the last proposal that the city objected to for a number of concerns related to traffic and land use issues. The city's goal and policy is that this is an urban project and an urban project belongs in the city.

Language was provided for a motion to continue to work toward the city's goal of bringing the airport and adjacent properties into the city by addressing concerns of citizens with respect to the TLM application at the county hearing. That motion was made by Councilor Berard and seconded by Councilor Roper.

The second point about the airport touched on briefly earlier in a Correspondence discussion about the airport is that the city received a Court of Appeals decision agreeing with the Circuit Court that the action in the case regarding the 2012 master plan and 2019 findings is mooted because LUBA remanded the 2019 findings to the Oregon Aviation Board which board has chosen not to take any action to adopt further plans or findings. As a result, they are ineffective. There appears to be in the courts of that litigation a disagreement between the city on the one hand and the Department of Justice on the other as to the implication of the 2019 findings being ineffective on the 2012 master plan. Councilor Rhoden-Feely thinks it important to seek some clarification and

declaratory relief under the Administrative Procedures Act (APA) to know which plan is the master plan.

Councilor Berard moved to provide direction for Councilor Rhoden-Feely to work with the city's counsel to pursue the path of declaratory judgment, which motion was seconded by Councilor Roper and carried.

12. REPORTS

a) Finance Officer

Finance Officer Mary Lambert's report is in the packet, and she noted that the city is beginning to spend some big money on the two big projects in town.

b) Public Works

Public Works Superintendent Mark Gunter noted clean-up on the Cole Lane property. There was a pre-bid meeting for well drillers. Two weeks from now, the city will have the CMGC for the sewer project toward a hearing at the April Council meeting. Councilor Berard thanked Gunter and Rodgers for videos and photos posted online showing city project progress.

c) City Attorney – no report beyond staff report.

d) City Recorder – nothing to report beyond the staff report.

e) Traffic Safety Liaison – nothing to report this month.

f) Airport – Nothing beyond what was already discussed earlier in the meeting.

g) Planning – Nothing beyond what was already discussed.

h) Community Outreach – No report.

i) Community Preparedness – Nothing to report this month.

j) Parks Committee – Nothing to report beyond minutes from this committee in packet.

k) Mayor's Report – No report this month.

13. ADJOURN

Councilor Rhoden-Feely adjourned the meeting at 9:13pm.


Councilor Rhoden-Feely, Council President

ATTEST:


Stuart A. Rodgers, City Recorder