

**Agenda**  
**Aurora City Council Meeting**  
 Tuesday, January 9, 2024 at 7pm.  
 City of Aurora Council Chambers  
 21420 Main Street NE, Aurora, OR 97002

**To participate via Zoom:**

<https://us02web.zoom.us/j/87093760146?pwd=Q2lnOE9rdlJBTG01bWd0QlZjL3VQQT09>

Meeting ID: 870 9376 0146

Passcode: 284059

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

**2. ROLL CALL**

Mayor Brian Asher

Councilor Wendy Veliz

Councilor Mercedes Rhoden-Feely

Councilor Charles Roper

Councilor John Berard

**3. AFFIRMATIONS [2 min.]**

**4. CONSENT AGENDA [2-3 min.]**

a) City Council Minutes—December 12, 2023

b) Planning Commission Minutes—December 5, 2023

c) Parks Committee Minutes—November 21, 2023

d) Historic Review Board Minutes—December HRB Meeting Cancelled, No Minutes

**5. VISITOR**

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.

**6. CORRESPONDENCE [5-7 min.]**

a) Airport Land Use Update

b) Aurora Colony Historical Society Letter

c) Aurora State Airport Master Plan PAC Meeting, Tues., Jan. 30, 2024, 5pm-7pm

**7. NEW BUSINESS [25-30 min.]**

a) Public Safety Report

b) Appoint 2024-2025 Budget Officer

c) OLCC Liquor License Renewal, Recommendation

d) Appointment of Andrew Robinson as Parks Committee Chairman

**8. OLD BUSINESS [1-2min.]**

a) Council Communication with Community

b) Economic Opportunities Analysis

c) Aurora Traffic and Traffic Speed

**9. HEARING-NA**

**10. ORDINANCES, RESOLUTIONS, AND PROCLAMATIONS [10 min.]**

- a) Resolution 851, A Resolution of the City Council of the City of Aurora, Oregon, Amending Resolution No. 838 and Adopting a new Schedule of Fees for Planning and Zoning Applications
- b) Resolution 852, A Resolution Establishing Business License and Related Fees
- c) Resolution 853, A Resolution to Award a Contract for Abatement and Demolition Services

**11. EXECUTIVE SESSION**

ORS 192.660(2)(e): To conduct deliberations with persons you have designated to negotiate real property transactions

ORS 192.660(2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed

**12. REPORTS [5-10 min.]**

- a) Finance Officer
- b) Public Works
- c) City Attorney
- d) City Recorder
- e) Traffic Safety Liaison
- f) Airport
- g) Planning
- h) Community Outreach
- i) Community Preparedness
- j) Parks Committee
- k) Mayors Report

**13. ADJOURN**

# Consent Agenda

## Minutes

### Aurora City Council Meeting

Tuesday, November 12, 2023, 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 (Zoom); Stuart A. Rodgers, City Recorder

**STAFF ABSENT:** NA

**VISITORS PRESENT:** Jan Peel, Joseph Schaefer, Julie Sixkiller, Tina Zech, Aurora; Matt Williams, consultant

#### 1. CALL TO ORDER OF THE AURORA CITY COUNCIL MEETING

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

#### 2. ROLL CALL

Mayor Brian Asher-Present  
Councilor Mercedes Rhoden-Feely-Present  
Councilor John Berard-Present  
Councilor Charles Roper-Present  
Councilor Wendy Veliz-Present (Zoom) – Joined at 7:03pm

#### 3. AFFIRMATIONS

Councilor Charles Roper recognized Jan Peel for her help with Aurora Bucks this year and the huge survey response the city received. Mayor Asher thanked the downtown merchants for the wine and chocolate event this year. The tree lighting was also very successful, and there were a lot of generous people in town who supported the giving tree. It was noted the food bank operation was a success and that there were both a lot of people in need as well as volunteers who helped out. Carolers from the Presbyterian Church were out singing this evening.

#### 4. CONSENT AGENDA

- a) City Council Minutes—November 14, 2023
- b) Planning Commission Minutes—November 7, 2023
- c) Parks Committee Minutes—No minutes for last month
- d) Historic Review Board Minutes—October 24, 2023

Councilor Mercedes Rhoden-Feely moved to pass the Consent agenda. The motion was seconded by Councilor John Berard and passed.

#### 5. VISITORS-No visitor comment.

## 6. CORRESPONDENCE

- a) Land Conservation and Development Commission Initiates Rulemaking for Areas of Cultural Significance: Seeks Volunteers to Serve on Rules Advisory Committee  
Joseph Schaefer provided some context for the Economic Opportunities Analysis and how important the administrative rules that come out of the above-referenced DLCD process. Historic Review Board are welcome to volunteer as are other Aurora residents. There will be three 3-hour daytime meetings held in Salem. Volunteers will need an alternate in case of absence. Julie Sixkiller will consider this opportunity and let Schaefer know tomorrow.
- b) Hubbard Staff Memo to Council on Metro MPA Boundary Expansion  
This information provided to Aurora City Council as context for this land use issue. Mayor Asher noted he has met with the president of the Metro Council about this issue and a few other items, and Metro attorneys are still trying to decipher what this means.
- c) Recreational Immunity Documents  
Provided at the request of the City Attorney based on last month's Council discussion.
- d) 2023 PSU Population Estimate  
This item was presented to Council as an FYI only.

## 7. NEW BUSINESS

- a) Public Safety Report  
Deputy Walker explained about a graffiti statistic from the previous year and that no reported cases have occurred this year. Walker provided a report on the radar reader board around town, and the machine is sitting in the 25-mph zone on the 99e currently and will be for another couple of days. Requested locations the machine has been located at are Airport Road and Albers Way as well as Liberty and Bobs Avenue. A discussion took place as to how to showcase the statistics provided as additional material with the suggestion of drafting a narrative. The radar reader is available as requested.
- b) Airport Land Use Update  
Nothing additional than provided under Old Business 8 c and Reports below.

## 8. OLD BUSINESS

- a) Aurora Traffic and Traffic Speed – this item already discussed under Safety Report.
- b) Council Communication w Community: Aurora Bucks Survey Update  
Councilor Charles Roper provided a brief update, indicating the survey was completed last month with a total of 184 responses, all due to the Aurora Bucks incentive. Assuming 75 percent were redeemed, the city would spend about \$2,300. It is unknown at this point how many of the vouchers will be redeemed, but as of now there are \$475 worth of vouchers redeemed. A summary of the data was included in the report as well as results. Many residents are happy with the city newsletter but would prefer a digital version to come more regularly rather than waiting for it in the mail every two months. Less than 1% of respondents currently get city updates via email, but the preference of up to 60% of respondents wanted to get email – so a significant gap from where people get their news

and where they prefer to get it. The first step would be to collect emails from residents and segment what the city sends out based on resident interests. Councilor Veliz noted the need to set up the structure for collecting emails, identify who is going to develop a weekly newsletter, and for investment in the city's website. Veliz requested a summary of survey comments, and Councilor Roper will provide those. Roper noted that with the city's website server being upgraded, there is an opportunity to align the survey and website projects, possibly switching to a new platform.

c) Economic Opportunities Analysis: Buildable Lands Inventory Information

Joseph Schaefer noted that a buildable lands inventory is the first step or deliverable in conducting an economic opportunities analysis with the whole point of this exercise to identify how much land there is to develop. It was noted that much of the available land along Hwy 99e is not developable due to the steep slope of the land.

## 9. ORDINANCES, RESOLUTIONS, AND PROCLAMATIONS

- a) Resolution 848, A Resolution for the Expected Expenditure/Purchase of a New Hurco VAC300D Trailer - Diesel

Councilor Mercedes Rhoden-Feely moved to accept Resolution 848, seconded by Councilor Roper and passed.

- b) Resolution 849, A Resolution for the Recognition of the North Marion High School Girl's Soccer Team as 2023 Championship Winners

Councilor Wendy Veliz moved to accept Resolution 849, seconded by Councilor Roper, and passed.

- c) Resolution 850, A Resolution Accepting Updated 2023 Wastewater Facilities Planning Study (WWFPS)

Councilor Rhoden-Feely moved to accept Resolution 850, seconded by Councilor Roper, and passed.

## 10. EXECUTIVE SESSION

Mayor Asher closed the regular Council meeting at 7:12pm, invited visitors in the Council chambers to exit the room, and entered Executive Session. The Executive Session closed at 7:40pm when Mayor Asher re-opened the regular Council meeting.

## 11. REPORTS

- a) Finance Officer

Finance Officer Mary Lambert noted the city is still solvent, and there were no questions.

- b) Public Works

Public Works Superintendent Mark Gunter noted a newspaper invitation soliciting bids for demolition of the house (21440 Main Street) next to City Hall. With an Oregon Department of Environmental Quality approval, the wastewater treatment project will move forward steadily and more of the federal funds will be spent increasingly quickly

relative to the deadline for doing so. Councilor Rhoden-Feely plans to meet with Superintendent Gunter and Finance Officer Lambert to discuss budgeting bond funds.

c) City Attorney – David James Robinson provided an overview of his report.

d) City Recorder - Nothing additional other than report in packet.

e) Traffic Safety Liaison - Nothing to add beyond Deputy Walker's presentation.

f) Airport

Joseph Schaefer noted that on a new airport master plan, the Federal Aviation Administration provided approval of a forecast of future flight activity following the review of five drafts of this forecast. There will be another public advisory committee meeting in the next couple of months. The appeal cases have been pretty quiet, but there will be a hearing on January 5. Still no word from the Court of Appeals on the 2012 master plan case. The EOA was discussed earlier in the meeting under Old Business.

g) Planning

Schaefer referenced code amendments with the main item an extension of marijuana business closing hour from 8pm to 10pm. There is also interest in extending the morning opening hour from 10am to 9am to be more in line with the Pub's breakfast hours.

h) Community Outreach

Mayor Asher referenced the community food bank draws more people with each passing month. A couple of additional signs were discussed as well as a possible second monthly food bank event. Mayor Asher would like a boxed food bank blurb in the next newsletter.

i) Community Preparedness

Details were shared about a Shaky Ground Escape Room, April 6-7 for 96 people, and Council and staff are invited to participate. Aurora Emergency Preparedness will seek \$2500 in donations and sponsorships to make the event possible.

j) Parks Committee – A change is anticipated in the chair position in the near future.

k) Mayors Report

Mayor Asher noted a meeting with US Representative Andrea Salinas and the US Secretary of Agriculture toward overcoming red tape associated with grant applications. There is a bipartisan bill to change the rules for small cities to make soliciting funds easier. Mayor met last week with the state aviation board about changes to how the board operates relative to the problems that have been created by the board in the past. Mayor Asher will be signing the EV contract with PGE shortly. He wished all a safe and happy holiday with families and cautioned to watch speed in traveling and the amount of food folks consume.

**12. ADJOURN**

Mayor Asher adjourned the meeting at 8:19pm.

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Brian Asher, Mayor

ATTEST:

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Stuart A. Rodgers, City Recorder

DRAFT



**Minutes**  
**Aurora Planning Commission Meeting**  
 Tuesday, December 5, 2023 at 7 P.M.  
 City Council Chambers, Aurora City Hall  
 21420 Main Street NE, Aurora, OR 97002

**STAFF PRESENT:** Stuart A. Rodgers, City Recorder

**STAFF ABSENT:** NA

**VISITORS PRESENT:** NA

**1. CALL TO ORDER OF THE AURORA PLANNING COMMISSION MEETING**

Chair Joseph Schaefer called the meeting to order at 7pm.

**2. ROLL CALL**

Chairman Joseph Schaefer-Present

Vice Chair Craig McNamara-Present

Commissioner Bud Fawcett-Present

Commissioner Jim Stewart-Present

Commissioner Jonathan Gibson-Present

Commissioner Tyler Meskers-Present

Commissioner Bill Graupp-Present

**3. CONSENT AGENDA**

a) Planning Commission Minutes – November 7, 2023

Commissioner Tyler Meskers moved to accept the Consent Agenda, Commissioner Bud Fawcett seconded, and the motion carried.

**4. VISITORS**

Samantha (and Dalton) Justice, visiting, discussed an interest in extending open hours for Justice Cannabis to 9am (from 10am), given the Pub opening earlier for breakfast. A previously submitted request was made to extend the closing hours from 8pm to 10pm.

**5. OLD BUSINESS**

a) Airport Land Use Update

State Aviation Board Meeting, December, 7, 2023 – Planning & Programs  
 Manager Update

Chair Schaefer provided an overview of these slides and made note that the ODAV is participating in a DLCD state land use coordination program with a meeting on December 12. Schaefer noted there will be a hearing on the church camp case January 5, 2024. Still nothing from the Court of Appeals on the master plan case, and no news on the new master plan. Commissioner Jonathan Gibson noted there was discussion at the monthly PAAM meeting about the need for air traffic controllers. Bruce Bennett recently assumed leadership of this organization, and that is why Schaefer reached out to invite his participation in the EOA technical advisory committee. Schaefer will reach out to City Planner Curt Fisher to establish a formal land use file for the EOA.

b) Economic Opportunities Analysis

Chair Schaefer noted that the first deliverable for this project is a trends memo with a mid-February date.

-Technical Advisory Committee

This committee will host three meetings: first in early January, second in late February, and third in late March. Canby, Wilsonville and DLCD economic development staff will participate in the committee. Though not required by state administrative rule, this outreach represents an effort to solicit suggestions from stakeholders in the larger area. The first deliverable Schaefer and Fisher will work on is the inventory of employment lands. The work product will be a spreadsheet of every property in the city and urban growth boundary with commercial and industrial lands. The objective of this look is to determine whether properties can take more development. If vacant, cleared, and flat, properties would qualify to be included as part of the inventory. The inventory, once complete, will be loaded onto the city's website so that it can be available for viewing by residents and businesses. As a general rule for commercial property, if the value of the building gets to be less than the value of the dirt, then the property is ripe for redevelopment. A public open house will be held in early March at the Planning Commission's regular meeting that month. A Planning Commission hearing will be held in May, Council hearing held in June, and Marion County Board of Commissioners hearing in July or August. The EOA should wrap by end of next summer.

-Visioning Process

This process will be included as part of regular Planning Commission meetings.

c) Code Amendments for Review – Anticipated February 2024 Hearing

Schaefer noted that in the Gateway District, a business has installed a chain link fence with barbed wire on top. Schaefer considers barbed wire fencing inappropriate outside of the industrial zone. Commissioner Jim Stewart presented a draft storm drain document from Clackamas County based on state standards. The storm drain code will be inserted in Aurora Municipal Code (AMC) Title 16.32.020. Stewart will modify the wording to make the insertion Aurora specific.

**6. ADJOURN**

Chair Schaefer adjourned the meeting at 7:20pm.

  
\_\_\_\_\_  
Joseph Schaefer, Chair

ATTEST:

  
\_\_\_\_\_  
Stuart A. Rodgers, City Recorder

**From:** [Aaron](#)  
**To:** [Recorder](#)  
**Subject:** RE: November Parks Committee Meeting Minutes  
**Date:** Tuesday, January 2, 2024 1:14:19 PM

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Hi Stuart – Happy New Year.

Here's a quick summary. Hope this suffices.

Parks Meeting 11/21/23

Chair Aaron Ensign- Present

Vice Chair Marilee Sullivan- Present

Member Rick Brownell- Present

Member Andrew Robinson- Present

Aaron Ensign nominated Andrew Robinson at Committee Chairman. Marylee seconded the nomination. All members in favor. Andrew nominated.

Very best,  
Aaron

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**From:** Recorder <[Recorder@ci.aurora.or.us](mailto:Recorder@ci.aurora.or.us)>  
**Sent:** Tuesday, January 2, 2024 10:13 AM  
**To:** Aaron <[aaron@curryandco.com](mailto:aaron@curryandco.com)>  
**Subject:** RE: November Parks Committee Meeting Minutes

Hi Aaron,

Following up on the email just below, relative to appointment of Andrew to the Chair assignment. And whether there was anything you'd like to go to Council next week.

Hope you and yours enjoyed the Christmas season and have a solid start to the new year!

***Stuart A. Rodgers***  
***Aurora City Recorder***  
***O - 503-678-1283***  
***C - 503-409-1434***

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**From:** Recorder  
**Sent:** Tuesday, December 5, 2023 8:47 AM  
**To:** 'Aaron' <[aaron@curryandco.com](mailto:aaron@curryandco.com)>  
**Subject:** RE: November Parks Committee Meeting Minutes

When you have the minutes, could you send them along with a motion, second, and vote?

***Stuart A. Rodgers***  
***Aurora City Recorder***

# Correspondence



December 18, 2023

Dear Friend of the Aurora Colony Historical Society,

As the year draws to a close, we are reflecting on the journey we've shared at the Aurora Colony Historical Society. Your support has been the backbone of our endeavor and we are so grateful for your commitment to preserving our unique piece of local history.

During the past year we made significant strides in restoring the Stauffer-Will Farm program to its pre-pandemic strength. Thanks to you we were able to welcome 2,284 students and 662 teachers and chaperones to the farm, where our volunteers and staff provided them with a very special, hands-on, immersive experience. We consistently hear from returning teachers that the Stauffer-Will Farm program is their top field trip priority due to its impact on students. Our 2024 program is filling fast!

This year some classes planted sunflowers during their visit to the farm. We're delighted to share seeds from those flowers with you as a token of our appreciation, and an invitation to continue to grow with us.

In the coming year we will complete an update to our strategic plan and we will shift our focus to you, our valued members and donors. Expect the return of regular newsletters, improved membership benefits, new program opportunities, and a renewed emphasis on the profound investment you have made in our organization.

Your steadfast generosity allows us to preserve our history and to share the lessons of the Aurora Colony with others. Together, we can continue to cultivate the seeds of knowledge for future generations.

Thank you for being an integral part of our community and for helping us continue to tell the fascinating story of the Aurora Colony.

With warm regards and wishes for a happy New Year,

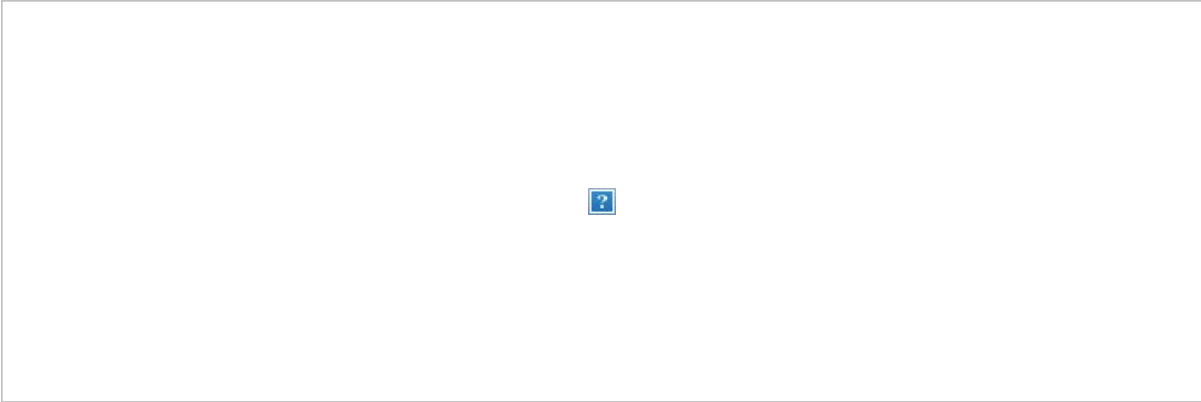
*Diane Kocher Downs*

Diane Kocher Downs,  
President, Board of Directors  
Aurora Colony Historical Society



**From:** [Joseph Schaefer](#)  
**To:** [Recorder](#)  
**Subject:** For CC Correspondence Notice - Aurora State Airport Master Plan PAC Meeting  
**Date:** Monday, January 1, 2024 8:59:28 AM

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Having trouble viewing this email? [View it as a Web page.](#)



# NOTICE OF A MEETING

## FOR THE AURORA STATE AIRPORT Airport Master Plan Project

Notice is hereby given that the Oregon Department of Aviation (ODAV) will hold an online (via Zoom) Public Planning Advisory Committee (PAC) meeting.

**When:** Tuesday, January 30, 2024, from 5:00 p.m. - 7:00 p.m.

**Where:** Zoom or Join by Phone

Please register and join the virtual **PAC meeting** by visiting: [https://publicproject.net/AuroraAirport \(-> Inks.gd\)](https://publicproject.net/AuroraAirport (-> Inks.gd))

This meeting will provide an opportunity for the PAC and project stakeholders to review Working Paper 1, Federal Aviation Administration (FAA) approved forecast, and learn about the Airport Master Plan project. For copies of the airport planning work products, please visit: [https://publicproject.net/AuroraAirport \(-> Inks.gd\)](https://publicproject.net/AuroraAirport (-> Inks.gd))

### Accessible Meeting Information

Special accommodations are available upon advanced request. Please contact Alex Thomas at least 48 hours prior to the event to discuss specific needs.

For airport questions or project information, please contact Alex Thomas, ODAV Planning & Programs Manager, through the following means:

Email: [Alex.R.Thomas@odav.oregon.gov](mailto:Alex.R.Thomas@odav.oregon.gov)

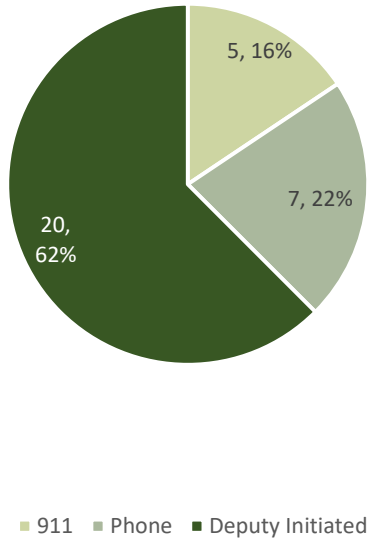
### Stay Connected with Oregon Department of Aviation:



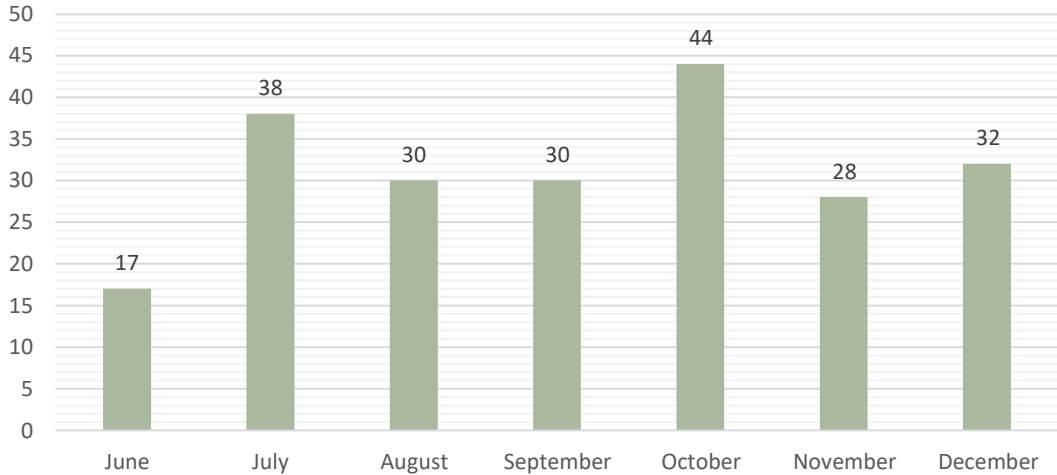
# New Business

**32 total calls for service**

Calls for Service by Call Source - December 2023

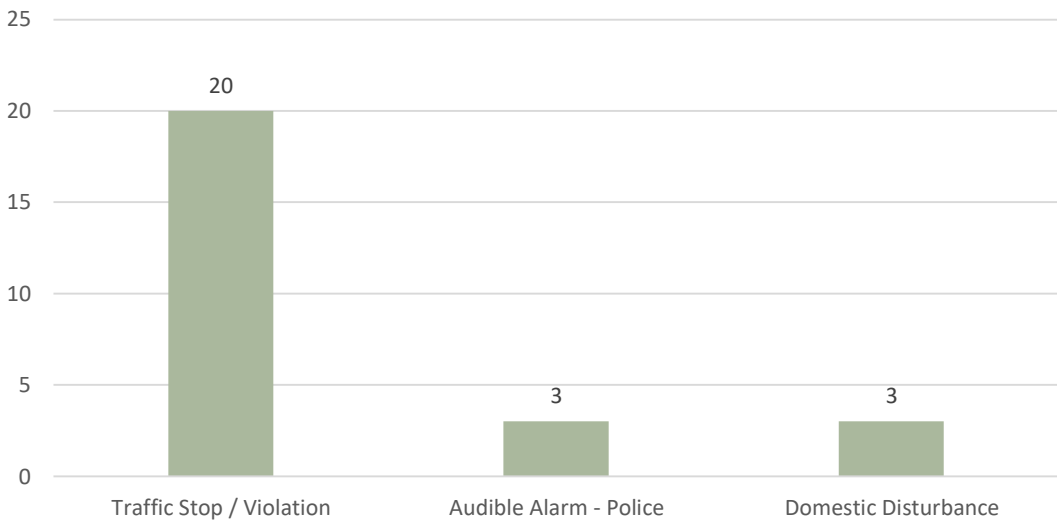


Calls for Service by Month 2023



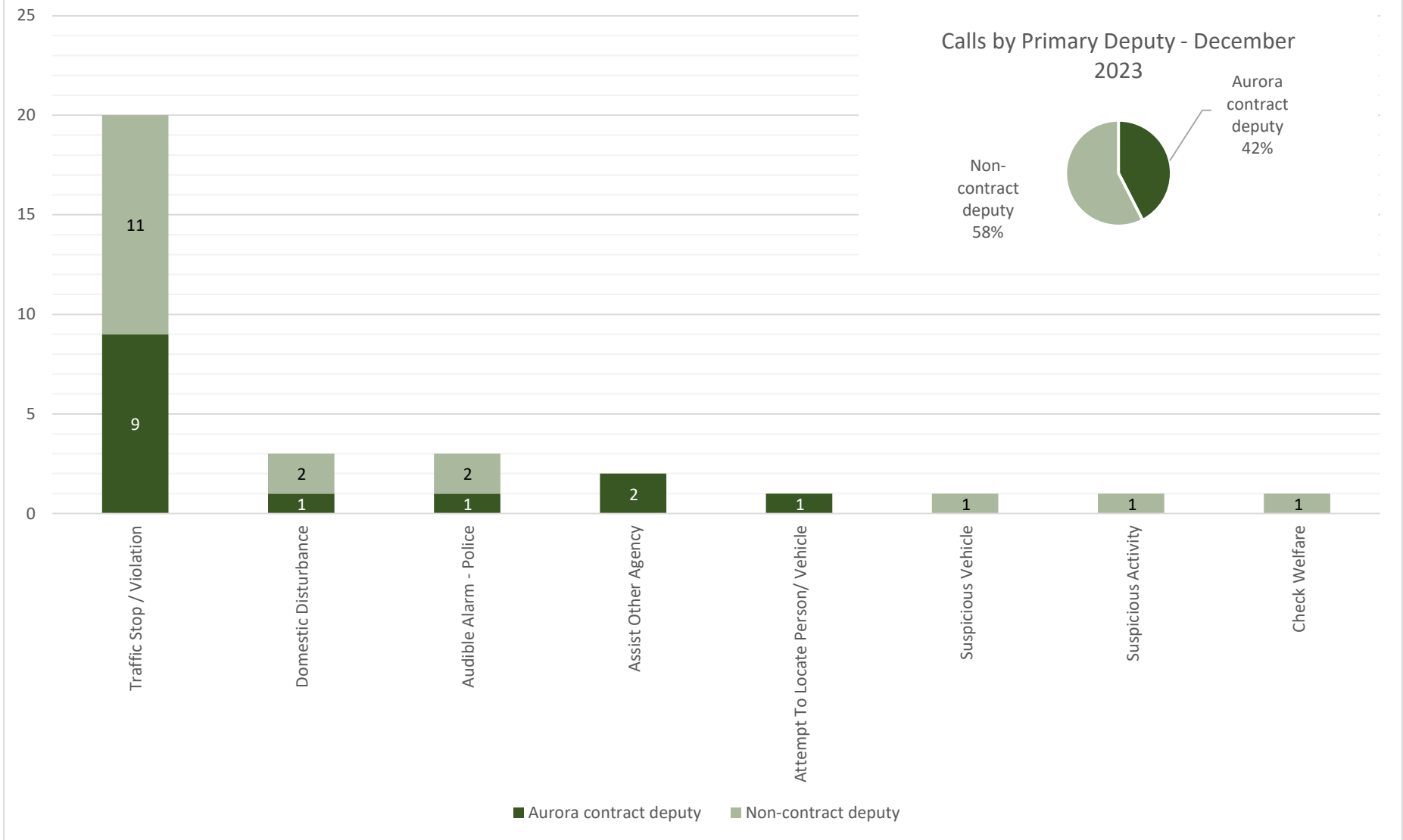
\*June 2023 is the first full month for which data is available after the implementation of the new computer aided dispatch (CAD) system.

Top Calls for Service - December 2023





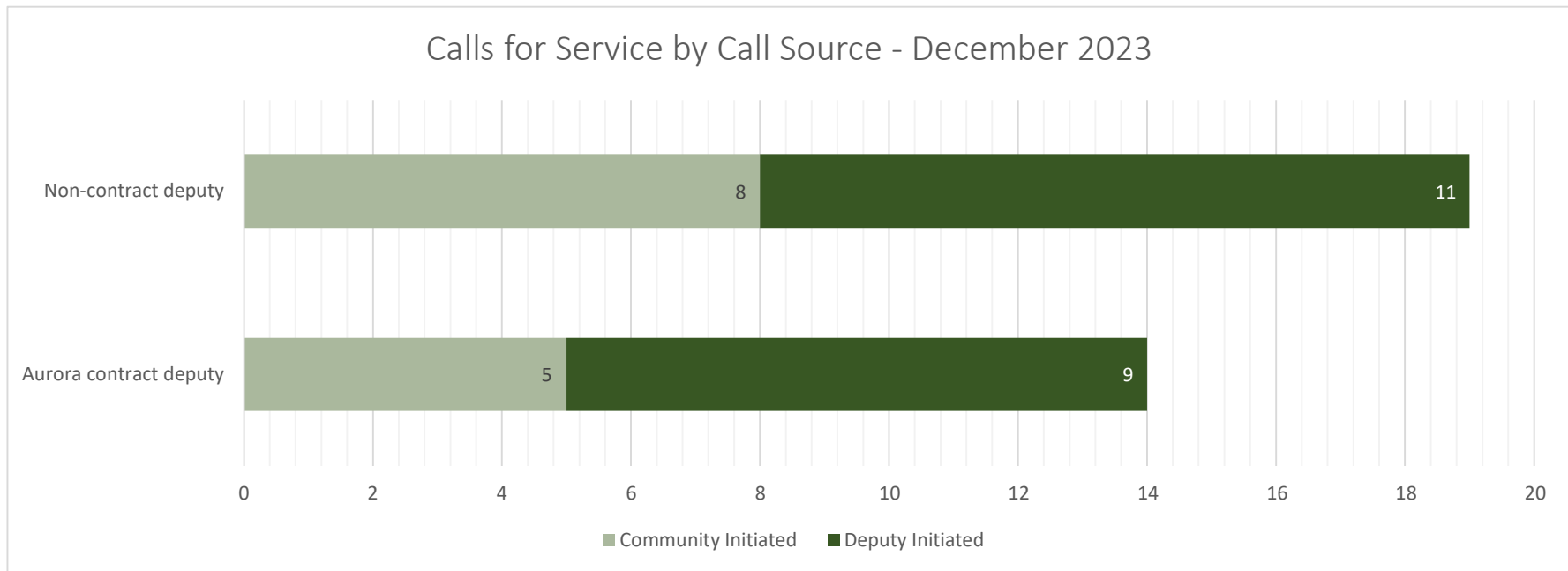
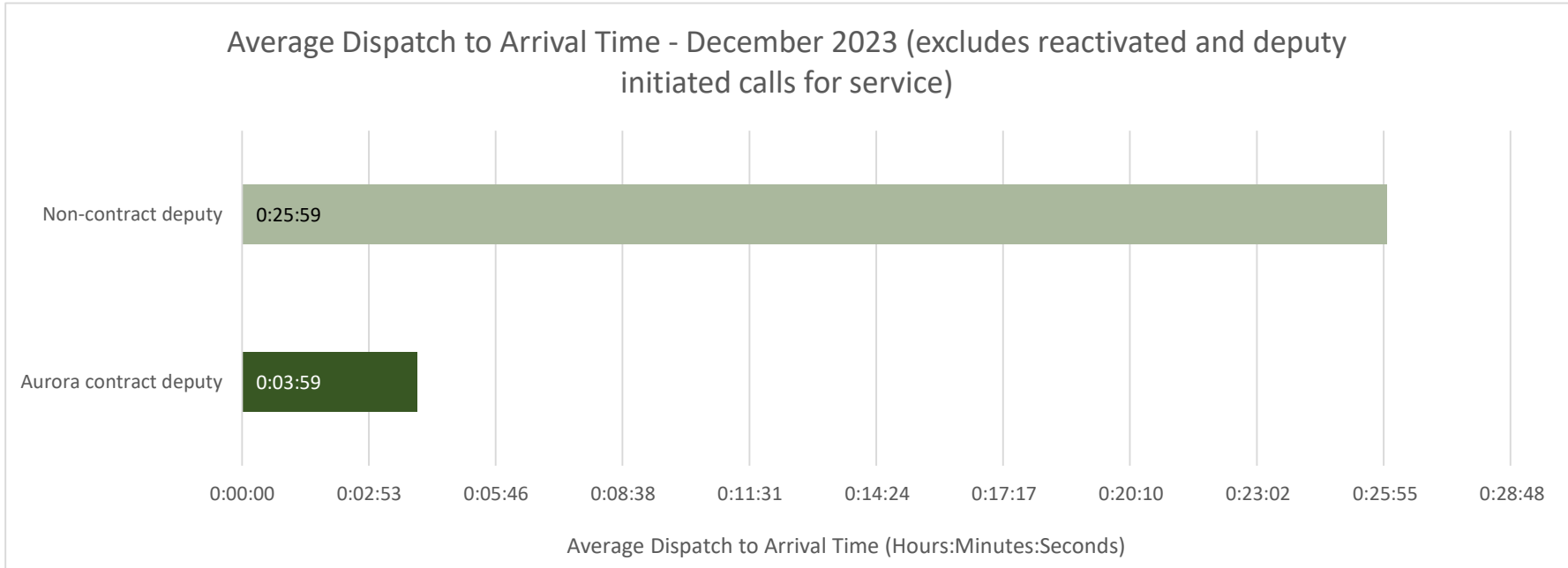
### Call Type by Primary Deputy - December 2023

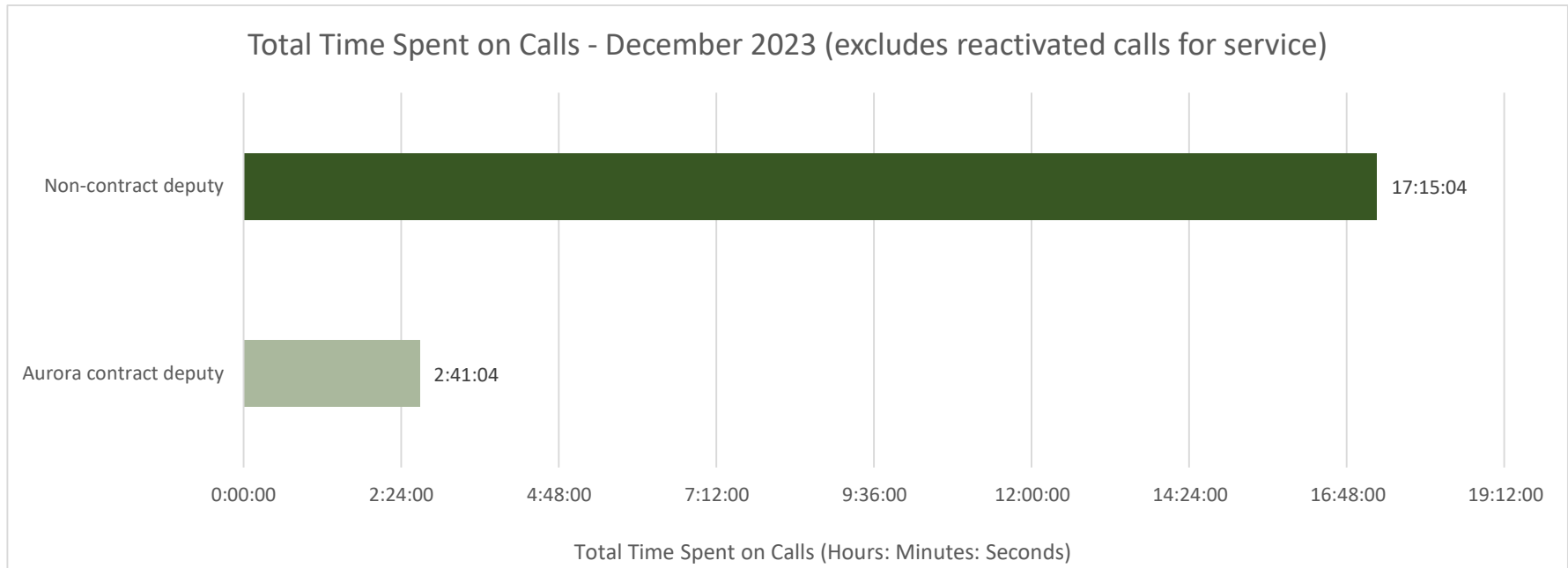
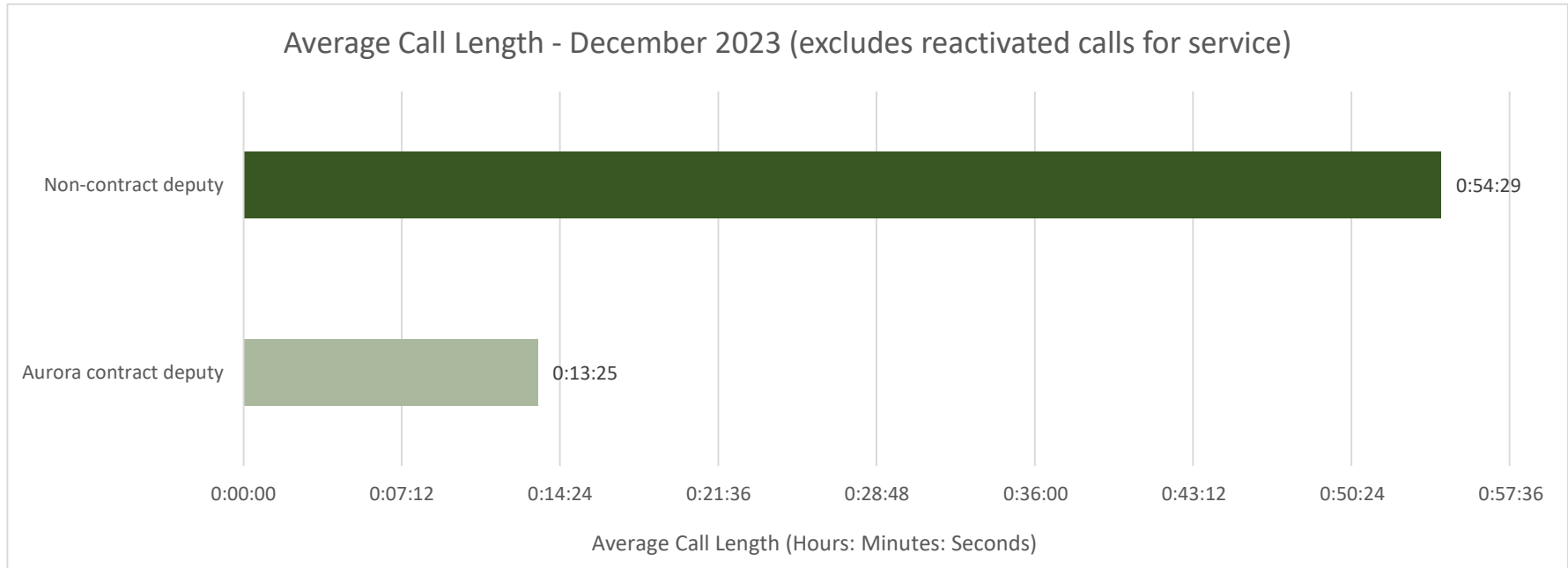


Incident Type	Sum of Dec-22	Sum of Dec-23	Raw Difference	% Change
Assist Other Agency	1	2	1	100%
Attempt To Locate Person/ Vehicle	0	1	1	-
Audible Alarm - Police	5	3	-2	-40%
Check Welfare	1	1	0	0%
Citizen Contact / Assist	2	0	-2	-100%
Domestic Disturbance	3	3	0	0%
Driving Complaint	1	0	-1	-100%
Emotionally Disturbed Person	3	0	-3	-100%
Found Property	1	0	-1	-100%
Illegal Parking	2	0	-2	-100%
Message For Officer	1	0	-1	-100%
Missing Person	3	0	-3	-100%
Noise Complaint	1	0	-1	-100%
Suspicious Activity	1	1	0	0%
Suspicious Vehicle	3	1	-2	-67%
Tow	1	0	-1	-100%
Traffic Stop / Violation	39	20	-19	-49%
<b>Grand Total</b>	<b>68</b>	<b>32</b>	<b>-36</b>	<b>-53%</b>

**Calls for Service by Time of Day and Day of Week - December 2023**

Time of Day	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Grand Total
1:00 AM	0	0	0	0	0	0	0	0
2:00 AM	0	0	0	0	0	0	0	0
3:00 AM	0	0	0	0	0	0	0	0
4:00 AM	0	0	0	0	0	1	0	1
5:00 AM	0	0	0	0	0	0	0	0
6:00 AM	0	0	0	0	0	0	0	0
7:00 AM	0	0	0	0	0	0	0	0
8:00 AM	0	0	0	0	0	1	0	1
9:00 AM	0	0	0	0	2	0	0	2
10:00 AM	0	0	0	0	2	0	0	2
11:00 AM	0	1	0	0	2	0	0	3
12:00 PM	0	1	0	1	2	1	0	5
1:00 PM	0	0	0	3	1	2	0	6
2:00 PM	0	0	0	0	3	1	0	4
3:00 PM	0	0	1	1	0	1	0	3
4:00 PM	0	0	1	0	0	0	0	1
5:00 PM	0	0	1	0	0	0	0	1
6:00 PM	0	0	0	0	1	0	0	1
7:00 PM	0	0	0	0	0	0	0	0
8:00 PM	1	0	0	0	0	0	0	1
9:00 PM	0	0	0	0	0	0	1	1
10:00 PM	0	0	0	0	0	0	0	0
11:00 PM	0	0	0	0	0	0	0	0
12:00 AM	0	0	0	0	0	0	0	0
<b>Grand Total</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>13</b>	<b>7</b>	<b>1</b>	<b>32</b>





Patrol Zone: SMS-AURORA  
 Month: December 2023  
 Total Calls for Service: 32  
 Print Date/Time: 1/2/24 8:14

\*Note: One call for service can generate multiple incident numbers

Incident #	Incident Date	Incident Type	Call Source	Reactivated	Dispatch to Enroute	Enroute to Arrival	Dispatch to Arrival	Start to Close	Primary Unit	Deputy Type
2023-00037460	12/1/23 3:06	Audible Alarm - Police	Community Initiated	No	0:06:15	0:00:00	0:06:15	1:42:21	A138	Non-contract deputy
2023-00037472	12/1/23 7:04	Audible Alarm - Police	Community Initiated	No	0:03:05	0:00:00	0:03:05	1:55:23	A162	Non-contract deputy
2023-00037500	12/1/23 11:55	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:05:50	A197	Non-contract deputy
2023-00037508	12/1/23 12:33	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:11:02	A197	Non-contract deputy
2023-00037512	12/1/23 12:44	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:03:31	A197	Non-contract deputy
2023-00037531	12/1/23 14:42	Check Welfare	Community Initiated	No	0:00:00	0:00:00	0:00:00	1:02:34	A037	Non-contract deputy
2023-00038034	12/5/23 15:08	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:03:46	A197	Non-contract deputy
2023-00038201	12/6/23 11:15	Assist Other Agency	Community Initiated	Yes	0:00:00	0:00:00	0:00:00	7:29:48	A137	Aurora contract deputy
2023-00038226	12/6/23 14:30	Attempt To Locate Person/ Vehicle	Community Initiated	No	0:00:13	0:01:55	0:02:08	0:20:15	A137	Aurora contract deputy
2023-00038386	12/7/23 10:57	Traffic Stop / Violation	Deputy Initiated	No	0:00:06	0:00:00	0:00:06	0:32:32	A197	Non-contract deputy
2023-00038397	12/7/23 11:43	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:10:15	A197	Non-contract deputy
2023-00038781	12/9/23 20:06	Suspicious Activity	Community Initiated	No	0:35:04	0:00:00	0:35:04	1:58:39	A034	Non-contract deputy
2023-00038980	12/11/23 11:40	Suspicious Vehicle	Community Initiated	No	0:00:00	0:00:00	0:00:00	0:59:59	A182	Non-contract deputy
2023-00039179	12/12/23 14:03	Assist Other Agency	Community Initiated	Yes	0:00:10	0:19:51	0:20:01	5:05:08	A137	Aurora contract deputy
2023-00039204	12/12/23 16:40	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:03:15	A137	Aurora contract deputy
2023-00039338	12/13/23 12:17	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:06:23	A197	Non-contract deputy
2023-00039341	12/13/23 12:27	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:06:16	A197	Non-contract deputy
2023-00039345	12/13/23 12:47	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:05:26	A197	Non-contract deputy
2023-00039620	12/14/23 17:25	Domestic Disturbance	Community Initiated	No	2:12:05	0:00:00	2:12:05	3:25:21	A106	Non-contract deputy
2023-00040190	12/18/23 10:03	Domestic Disturbance	Community Initiated	No	0:02:33	0:07:15	0:09:48	1:15:23	A137	Aurora contract deputy
2023-00040792	12/21/23 8:07	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:17:35	A137	Aurora contract deputy
2023-00040801	12/21/23 8:49	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:03:18	A137	Aurora contract deputy
2023-00040809	12/21/23 9:19	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:14:44	A137	Aurora contract deputy
2023-00040817	12/21/23 9:51	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:03:42	A137	Aurora contract deputy
2023-00040830	12/21/23 10:50	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:06:49	A197	Non-contract deputy
2023-00040841	12/21/23 11:30	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:04:48	A197	Non-contract deputy
2023-00040866	12/21/23 12:36	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:02:42	A137	Aurora contract deputy
2023-00040879	12/21/23 13:16	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:03:55	A137	Aurora contract deputy
2023-00040884	12/21/23 13:21	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:03:16	A137	Aurora contract deputy
2023-00040887	12/21/23 13:30	Traffic Stop / Violation	Deputy Initiated	No	0:00:00	0:00:00	0:00:00	0:05:36	A137	Aurora contract deputy
2023-00041331	12/24/23 19:46	Domestic Disturbance	Community Initiated	No	0:16:54	0:14:33	0:31:27	2:35:34	A111	Non-contract deputy
2023-00042057	12/29/23 13:57	Audible Alarm - Police	Community Initiated	No	0:00:00	0:00:00	0:00:00	0:07:23	A137	Aurora contract deputy

## OLCC Licenses for Renewal - Notice

	License Type	License Type Description	Licensee Name	Expire Date
AURORA COLONY GROCERY	O	OFF-PREMISES SALES	AHN & JO LLC	3/31/2024
FILBERT'S FARMHOUSE KITCHEN	F-COM	FULL ON-PREMISES SALES	BEAN & COMPANY LLC	3/31/2024
MAIN ST MARKET 11	O	OFF-PREMISES SALES	RELIANCE PETROLEUM LLC	3/31/2024
PACIFIC HAZELNUT FARMS	O	OFF-PREMISES SALES	ANDREW HALLS ENTERPRISES LLC	3/31/2024
PHEASANT RUN WINERY TASTING ROOM	L	LIMITED ON-PREMISES SALES	PHEASANT RUN WINE LLC	3/31/2024
THE AURORA COLONY PUB	F-COM	FULL ON-PREMISES SALES	CJCP INC	3/31/2024

# Ordinances, Resolutions and Proclamations



**CITY OF AURORA**

**RESOLUTION NO. 851**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, OREGON, AMENDING RESOLUTION NO. 838 AND ADOPTING A NEW SCHEDULE OF FEES FOR PLANNING AND ZONING APPLICATIONS**

WHEREAS, the City of Aurora finds that the policy established and implemented by Resolution No. 253 in 1993, that applicants for planning and zoning matters shall pay the entire cost of processing their applications, should be continued and updated;

WHEREAS, the City finds that the Planning and Zoning Charges were last updated and amended May 9, 2023;

WHEREAS, the City finds that the Planning and Zoning Charges need to be updated and amended to reflect increased costs of City Consultants, as well as to adequately prepare the City for a certain level of expected growth named in the City of Aurora Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA THAT:**

Section 1:

The City of Aurora Schedule of Fees for Planning and Zoning Applications set forth in Resolution No. 851 be and hereby is amended to provide for the Schedule of Fees/Deposits set forth in Exhibit “A” attached hereto and by this reference incorporated herein.

**INTRODUCED AND ADOPTED** this 9th day of January, 2023

**CITY OF AURORA, OREGON**

BY: \_\_\_\_\_  
Brian Asher, Mayor

\_\_\_\_\_  
Date

ATTEST:

BY: \_\_\_\_\_  
Stuart A. Rodgers  
City Recorder

**CITY OF AURORA SCHEDULE OF FEES/DEPOSITS FOR PLANNING & ZONING APPLICATIONS**

The following estimated user fees are hereby imposed as a fee/deposit against the actual cost for processing land development applications and related permits. The "user fee" philosophy underlying these charges is designed to eliminate the amount of general fund monies used to process land development applications and permits, by charging the entire cost of the City providing that service directly to the person utilizing or receiving the benefit of the service. In this way, existing property tax revenues are not used to subsidize the processing of new land development applications.

Where the term "actual costs" is used, these costs include, but are not limited to, services rendered by the city planning consultant, city engineer consultant and city attorney, as well as all City administrative costs for communicating and meeting with the applicant/property owner and others, public notices, agency referral notices, staff reports, notices of decision, development agreements, correspondence, postage, photocopying, supplies, financial accounting and city clerical work.

If the actual costs exceed the deposit, the City reserves the right to request an additional deposit from the applicant/owner and the City will send an invoice for the additional charges to the applicant. The City shall not issue final approvals for land development and/or issue building permits, until all land development and other fees, including any additional charges are paid. If the applicant chooses to withdraw the application before preliminary approval has been issued by the City, then any unused deposit fees shall be refunded to the applicant upon the City's receipt of the applicant's written withdrawal and request for refund.

**NO APPLICATION SHALL BE REVIEWED OR ACCEPTED FOR PROCESSING TO DETERMINE ITS COMPLETENESS UNTIL ALL FEES/DEPOSITS ARE PAID.** Please note that additional land development and building permit fees/deposits may be required by the City, Aurora Rural Fire District, Marion County or State of Oregon.

This schedule of fees/deposits is amended effective May 9, 2023 pursuant to City Resolution No. 838, and is applicable to the following land development applications and related permits. The costs for application processing shall be based on the actual costs to the City of such processing and shall be based on the following hourly rates:

City Contracted planning services	\$76-104/hr.	City Public Works	\$65.00/hr.
City Contracted Engineering Services	\$130-220/hr.	City Recorder	\$55.00/hr.
City Attorney	\$225.00/hr.	City Admin.	\$45.00/hr.

**PLEASE NOTE:** The following fees/deposits marked with an asterisk (\*) require that public hearing notices be published in the Canby Herald, which additional cost of publication shall be charged to the applicant.

**FEE DESCRIPTION**

1. **PRE-APPLICATION CONFERENCE**..... Actual Costs \$1,000.00 deposit
2. **QUASI-JUDICIAL MAP AND TEXT AMENDMENTS**
  - a. **Comprehensive Plan Amendment** ..... Actual Costs-\$3,000.00 deposit\*
  - b. **Zoning & Development Ordinance Amendment**..... Actual Costs-\$3,000.00 deposit\*
3. **CITY ANNEXATIONS** ..... Actual Costs-\$2,000.00\*
4. **SITE DEVELOPMENT REVIEW**
  - a. **Residential Zones (R-1, R-2)**
    - 1) **Manufactured Home Parks**..... Actual Costs-\$3,000.00 deposit\*
    - 2) **Development other than a single family home**
      - a) **Project Value -0- to \$49,999**..... Actual Costs-\$750.00 deposit
      - b) **Project Value \$50,000 to \$99,999**..... Actual Costs-\$1,000.00 deposit
      - c) **Project Value \$100,000 to \$499,999**..... Actual Costs-\$1,500.00 deposit
      - d) **Project Value \$500,000 and over**..... Actual Costs-\$2,000.00 deposit
  - b. **Commercial Zone (C) and Industrial Zone (I)**
    - 1) **Project Value -0- to \$49,999**..... Actual Costs-\$750.00 deposit
    - 2) **Project Value \$50,000 to \$99,999**..... Actual Costs-\$1,000.00 deposit
      - a) **Project Value \$100,000 to \$499,999**..... Actual Costs-\$1,500.00 deposit
      - b) **Project Value \$500,000 and over**..... Actual Costs-\$2,000.00 deposit
5. **LAND DIVISIONS**
  - a. **Subdivisions - Tentative and Final Plats**..... Actual Costs-\$3,000.00+\$50.00/lot deposit\*
  - b. **Partitions-Tentative & Final Map Review**..... Actual Costs-\$1,000.00 deposit\*
6. **CONDITIONAL USE PERMITS**

SCHEDULE OF FEES/DEPOSITS /EXHIBIT A RESOLUTION 838

Approved 5-9-2023

**Commented [CF1]:** Add this language to the application form so the applicant is on notice that they may need to provide an additional deposit.

**Commented [CF2]:** Once a land use application is deemed complete, the City is obligated to issue a final decision within 120 days of the completeness date. The City cannot refuse to issue land use decisions, but it can withhold building permits.

**Commented [CF3]:** Research, drafting the pre-application summary, holding the meeting, and responding to any follow up questions is taking 12-16 hours of planning time. 12 hrs \* 104 hr for MWVCOG planner = \$1,248. This does not include the time of the City engineer, public works, city recorder, or building permit officials that also should be contributing time to the the pre-app.

**Commented [CF4]:** Set one rate for all site development review. There is no correlation between development review costs and zoning designations.

**Commented [CF5]:** There is very little correlation between the value of a project and the time spent to review a site development review application. The same requirements and process apply to every development, regardless of cost. Planning cost estimate: \$1,200 for completeness review + \$600 for notice + \$1,200 for staff report + \$1,200 for final plat review = \$4,200. The cost of enforcing conditions of approval, engineering, public works, and administrative time will push that much higher.

**Commented [CF6]:** Planning costs will be similar to SDRs. Engineering/PW cost are likely to be much higher.

**Commented [CF7]:** Planning cost estimate: \$1,200 for completeness review + \$600 for notice + \$1,200 for staff report + \$1,200 for final plat review = \$4,200. Engineering, public works and City administrative costs additional.

**Commented [CF8]:** Same planning costs as SDRs

- a. All Zones, excluding Marijuana Processing ..... Actual Cost - \$1,000.00 deposit\*
  - Marijuana Processing/Products in the allowable zone ..... Actual Costs - \$2,500.00 deposit\*
  - b. Minor Alterations of Conditional Use Permits ..... Actual Costs-\$400.00 deposit
  - c. Home Occupations ..... Actual Costs-\$ 300.00 deposit  
((\$75.00 deposit for Type I home occupations that are **not** referred to consultants)
7. **VARIANCES**
- a. Minor Variance from dimensional and setback standards, etc. .... Actual Costs-\$500.00 deposit\*
  - b. Major Variance from public facilities standards..... Actual Costs-\$1,000.00 deposit\*
8. **HISTORIC OVERLAY DISTRICT PERMITS**
- a. Certificate of Appropriateness (New Construction/Major Renovations).... Actual Costs-\$600.00 deposit\*
  - b. Certificate of Appropriateness (all others)..... Actual Costs- See HRB fee schedule
  - c. Demolition Permit ..... Actual Costs-\$350.00 deposit\*
9. **NON-CONFORMING USE OR STRUCTURE (also may require Site Design Review Approval)**
- a. Reinstatement, Enlargement or Alteration of Use ..... Actual Costs-\$600.00 deposit\*
  - b. Alteration or Expansion of Structure
    - 1) Residential Zone (R-1 and R-2) ..... Actual Costs-\$750.00 deposit\*
    - 2) Commercial Zone (C) ..... Actual Costs-\$1,000.00 deposit\*
    - 3) Industrial Zone (I) ..... Actual Costs-\$1500.00 deposit\*
10. **TEMPORARY USES OR STRUCTURES**
- a. Temporary Uses/Structures (Planning Director approval)..... Actual Costs \$200.00 deposit
  - b. Temporary Uses/Structures (Planning Commission approval)..... Actual Costs \$350.00 deposit
11. **LOT LINE ADJUSTMENTS** ..... Actual Costs-~~\$1,000.00~~ deposit
12. **APPEALS**
- a. From Administrative Decision or HRB Decision
    - 1) Hearing Required ..... Actual Costs-\$800.00 deposit\*
    - 2) No Hearing Required ..... Actual Costs-\$600.00 deposit
  - b. From Planning Commission Decision ..... Actual Costs-\$800.00 deposit\*
13. **TRANSCRIPTS FROM APPEAL HEARINGS** ..... By Ordinance, actual costs
14. **STREET VACATION AND/OR DEDICATION** ..... Actual Costs-\$1,000.00 deposit
15. **INFRASTRUCTURE AND RIGHT-OF-WAY PERMITS**
- a. Right-of-way Permit Review ..... Actual Costs\$200.00 deposit + bond and insurance
  - b. Infrastructure Permits (Sewer, Water, Street and Storm improvements, includes City Engineer and Public Works review) ..... Actual Costs \$500.00 deposit + bond and insurance
  - c. Access Permit Application ..... Actual Costs \$250.00 deposit
  - d. Loading Space Within Right of Way ..... \$500.00 Annual Fee
16. **ACCESSORY DWELLINGS**
- a. Administrative Decision ..... Actual Costs \$400.00 deposit
  - b. As Limited Land Use Decision ..... Actual Costs \$500.00 deposit
  - c. As Quasi-judicial Decisions with HRB approval ..... Actual Costs \$800.00 deposit
17. **HOME OCCUPATION BUSINESS**
- a. Type 1 ..... \$100.00
  - b. Type 2 ..... \$250.00
18. **SIGN PERMITS**
- a. Permanent Signs in All Zone ..... Actual Costs \$100.00 deposit
  - b. Certificate of Appropriateness for Signs in Historic District ..... \$25.00
19. **FENCES MORE THAN 6 FEET TALL**

Commented [CF9]: \$1,600 for planning + additional cost for engineering and PW

- a. Replacement ..... \$45.00
  - b. Variance ..... \$150.00\*
- 20. ZONING & DEVELOPMENT ORDINANCE INTERPRETATION ..... Actual Costs-\$500.00 deposit
- 21. ALL APPLICABLE CURRENT SYSTEM DEVELOPMENT CHARGES AS ADOPTED BY ORDINANCE OR RESOLUTION ARE HEREBY INCORPORATED HEREIN BY THIS REFERENCE. A SCHEDULE OF ALL BUILDING PERMIT AND OTHER APPLICABLE DEVELOPMENT FEES CAN BE OBTAINED BY CONTACTING THE CITY RECORDER AT CITY HALL AT 503-678-1283.
- 22. HOURLY RATE FOR LAND USE SERVICES: Zoning confirmations, interpretations of development code criteria, land use compatibility statements, or other services/assistance related to the development ordinances not listed above shall be the responsibility of the interested party/applicant. Services requiring in excess of fifteen minutes of staff time shall require a fee of \$150.00 to cover staff time. Time in excess of one hour shall be the responsibility of the interested party and billed to them as such.
- 23. Legal Publications and Noticing costs related to any and all applications.....\$At Cost

## RESOLUTION NUMBER 852

### A RESOLUTION ESTABLISHING BUSINESS LICENSE AND RELATED FEES

**WHEREAS,** The City of Aurora Oregon has a fee schedule established for Business license in the City of Aurora,

**WHEREAS,** The City of Aurora needs to update said fee schedule to reflect the current fees being charged, in relation to New Business License and Renewals along with revised delinquency fees charged.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, OREGON THAT:**

**Section 1,** The City Council Resolution 722 is amended,

**Section 2:** The City shall hereby charge the following Amended Business License Fees and related charges until hereafter amended by city resolution:

<u>TYPE OF BUSINESS LICENSE</u>	<u>FEE</u>
New Principal Annual License (one year)	\$100.00
Principal Annual Renewal	\$ 50.00
New Sub Lease / Consignment License	\$ 50.00
Sub-Lessor Renewal	\$ 30.00
Seasonal (120 days or less)	\$ 30.00
<del>Weekend (2 days)</del> Two Day	\$ 20.00
One Day	\$ 15.00
<del>(Medical Marijuana Dispensary)-</del>	
<del>To all Marijuana</del> Business - any type	<del>\$5,000.00</del> \$2,500.00
Renewal of Marijuana any type	<del>\$5,000.00</del> \$1,500.00
Psilocybin New License	\$2,500.00
Psilocybin Renewal	\$1,500.00

OTHER FEES AND CHARGES

Delinquency Charge	\$15.00
Reinstatement Fee	\$100.00

**INTRODUCED AND ADOPTED** this 9<sup>th</sup> day of January 2024.

**CITY OF AURORA, OREGON**

**BY:** \_\_\_\_\_  
**Brian Asher, MAYOR**

**ATTEST:**

**BY:** \_\_\_\_\_  
**Stuart A. Rodgers, CMC**  
**City Recorder**

**CITY OF AURORA  
RESOLUTION NO. 853**

**A RESOLUTION TO AWARD A CONTRACT FOR  
ABATEMENT AND DEMOLITION SERVICES**

**WHEREAS** a competitive hiring process was conducted by the City of Aurora to solicit bids for demolition and asbestos remediation services for the address 21440 Main Street NE, Aurora, Oregon from December 6, 2023 to December 20, 2023 through its website and social media as well as through local (Statesman Journal, Canby Herald) and state (Oregonian) newspapers over a period of two weeks to solicit such bids;

**WHEREAS** the competitive bidding process yielded five bids to complete both abatement and demolition objectives set forth in the solicitation, and those bidders are as follows:

- Lane Coat Construction \$112,304.00
- NWS Construction \$80,869.62
- Sutherland Construction 80,500.00
- TH Construction \$115,268.00
- 3 Kings \$112,500.00

**WHEREAS**, in accordance with state procurement laws, the lowest bidder was selected to perform the demolition and remediation services.

**AND WHEREAS** the lowest bidder and expected cost of the above-referenced services were anticipated to exceed \$15,000 and Chapter X, Section 5 of the City Charter provides that contractual obligations or expenditures of approved budgeted funds for a single purchase in the excess of \$15,000.00 shall be authorized by resolution;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA THAT:** the City Council approves Sutherland Construction's bid of \$80,500.00;

**BE IT FURTHER RESOLVED** that, once drafted and agreed upon, the Mayor is authorized to sign a contract for services.

**INTRODUCED AND ADOPTED** by the Aurora City Council at a City Council meeting held on Tuesday, January 9, 2024, and is effective upon passage.

ATTEST:

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Brian Asher, Mayor

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Stuart A. Rodgers, City Recorder



*A Division of Willamette Construction Services Inc.*  
8823 N. HARBORGATE ST., PORTLAND, OR 97203 ~ PH: 503-239-6858  
OR CCB #221268 • WA L&I # LANEC\*\*821MO

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December 20, 2023

**OWNER:**

City of Aurora

**ATTN:**

Mark Gunter

**PHONE:**

503-678-1283

**EMAIL:**

[pws@ci.aurora.or.us](mailto:pws@ci.aurora.or.us)

**JOB/LOCATION:**

City of Aurora – Notice of Request for Residential Structures Demolition Bids  
21440 Main Street, Aurora, Oregon 97002

Number of Pages (including this cover): 04

Thank you for the opportunity to submit a quote on your project. Our proposal includes this cover letter, and Exhibit A – Project Proposal / Qualifications / Exclusions.

**PROJECT DISCUSSION:**

Exhibit A – Abatement

Exhibit B – Building Demolition

Sincerely,

*Michael Morales*

Estimator/Project Manager

Office: 503.239.6858 ext # 107

Fax: 503-232-6130

Cell: 971-804-5533

Email: [mike.morales@lanecoinc.com](mailto:mike.morales@lanecoinc.com)





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8823 N. HARBORGATE ST., PORTLAND, OR 97203 ~ PH: 503-239-6858  
OR CCB #221268 • WA L&I # LANEC\*\*821MO

Date: 12/20/23

Project: City of Aurora – Notice of Request for Residential Structures Demolition Bids

Page: 02

## EXHIBIT “A” – ABATEMENT PROPOSAL

### Abatement Of Hazardous Materials

1. Removal/Abate Asbestos Containing Materials per local, state, and federal requirements as followed:
  - a. 10,525 sq ft of ACM plaster/texture/compound for combined spaces in the Front Room, Main Floor Bedroom, Kitchen, Basement, Upstairs Hallway and Upstairs Bedroom 1.
  - b. 150 sq ft of ACM vinyl/mastic for combined spaces in the Kitchen.
  - c. 3,000 linear feet of ACM wire wrap throughout the House and Basement.
2. All DEQ notifications to be paid.
3. Work will be completed by Oregon Certified Asbestos Workers and an Oregon Certified Supervisor will be always on site.

**Total Cost of Asbestos Abatement: \$ 87,804.00**

**Price good for 30 days from proposal date**

## EXHIBIT “A” – ABATEMENT QUALIFICATIONS / EXCLUSIONS

1. All costs are based on award of full scope of work as described herein.
2. Contents & Salvage items will be removed by others prior to project start.
3. All layouts and utility disconnect are by others.
4. All work is at a regular 5-day, 40-hour work schedule with hours between 7 a.m. – 3:30 p.m. (M-F)
5. Client to provide clear access to the work zone.
6. Client to provide for any street or sidewalk closures.
7. Client to provide water connection and power.
8. Excludes all weather-related issues, covers, protections, diversions and or water intrusions.
9. This proposal does not include additional costs for materials not identified in the Hazardous Materials Survey Report.
10. Minimum trip & equipment charge of \$650.00 to apply for all additional mobilizations onto site that aren't specified in the inclusions listed above.
11. If this proposal is accepted, it shall become part of the Subcontract in whole.
12. Mutually acceptable project schedule, payment terms and other contract terms shall be negotiated and set forth in a written contract/subcontract document that shall incorporate the Terms/Exclusions/Scope Clarifications and Scope of Work of this proposal.
13. A Project Manager for the G.C. with the authority to approve and execute this Proposal will be required to notify Laneco of approval in writing prior to the project start.
14. Prime Contract, Subcontract, Plans, Specifications, and work not listed in this Proposal does not supersede this Proposal.
15. If this Proposal is accepted, it shall become part of the Subcontract in whole. The Subcontract requires a mutually agreed upon project schedule, payment terms, insurance and/or bonding requirements, and contract terms and shall incorporate this Proposal by reference, including the Qualifications/Exclusions.
16. Excludes Overtime, Holiday Pay, or Weekend Work except if noted above in the specific inclusions.



A Division of Willamette Construction Services Inc.

8823 N. HARBORGATE ST., PORTLAND, OR 97203 ~ PH: 503-239-6858  
OR CCB #221268 • WA L&I # LANEC\*\*821MO

Date: 12/20/23

Project: City of Aurora – Notice of Request for Residential Structures Demolition Bids

Page: 03

## EXHIBIT “B” – DEMOLITION PROPOSAL

### Residential Building Demo

1. Provide Erosion Control around the property.
  - a. Provide and install straw waddles around the property prior to demolition.
2. Demo and remove existing single-story wood framed house on raised foundation in its entirety.
  - a. All content within the building to be removed prior to abatement and demolition.
  - b. Including backfilling of the existing basement with native surrounding soil.
  - c. Including existing footings and foundation.
  - d. Including cutting and capping of existing sewer and water lines.
3. Demo and remove existing carport and garage.
  - a. Including existing concrete footings and foundation.
4. Demo and remove existing (2) tree stump and(1) walnut tree.
5. Site is to be backfilled and graded with existing materials within the site.
  - a. No importation of backfill materials are to be brought into the site, unless approved as a change order from the City of Aurora.
  - b. Site is to be left rough graded and sloped to the adjacent lot, (21420 Street).

***All debris as a result of demolition will be disposed of leaving site broom swept upon completion. All Demolition work to be completed within (1) mobilization. This Proposal is based on NON-Prevailing Wage. Bid Proposal and Exclusions list are to be attached to the contract, as scope section.***

**Total Cost of Demolition: \$34,500.00**

***Price is guaranteed for 30 days from Proposal date***

## EXHIBIT “B” – DEMOLITION QUALIFICATIONS / EXCLUSIONS

### QUALIFICATIONS

1. All costs are based on award of full scope of work as described herein.
2. No work can be scheduled or commenced prior to receipt of the existing property abatement survey.
3. All pricing stated above is based on one (1) mobilization and a regular workday of Monday through Friday 7AM to 4PM.
4. All labor is based off non-prevailing wage rates and does not include certified reporting.
5. All permits, fees, special inspections, testing, layouts, utility disconnects, locates and re-locates are to be done by G.C.
6. Covering of holes/trenches, perimeter guards/railings at leading edges, work area fencing, site security, and established travel paths/detours for the public, traffic and other trades are the responsibility of the G.C.
7. G.C. to allow for Laneco drop boxes/dump trucks at nearest egress to Laneco's work area and provide parking three (3) Laneco vehicles/trailers for the duration of Laneco's scope.
8. G.C. to provide temporary lighting, water/power connections, and restrooms facilities within 100' of work area for the duration of Laneco's scope.
9. Laneco is not to be held responsible for (a) any unknown/hidden conditions, including but not limited to conduits, piping, MEP or other foreign objects buried in or attached to ceilings, walls, slabs, or footings; or (b) any costs associated with damages caused by cutting, chipping, or breaking of these ceilings, walls, slabs, or footings.
10. A minimum trip & equipment charge of \$1,000.00 to apply for all additional mobilizations onto site.
11. All additional work (outside scope as listed above in this Proposal) will not commence until approval from the G.C.'s Site Superintendent/Foreman/Project Manager, with authority to do so, is received in writing.
12. The minimum change order base cost is \$1,250.00 and will escalate depending on the size of the additional work.
13. A Project Manager for the G.C. with the authority to approve and execute this Proposal as stated will initial the noted areas and sign the Acceptance of Proposal.



*A Division of Willamette Construction Services Inc.*

**8823 N. HARBORGATE ST., PORTLAND, OR 97203 ~ PH: 503-239-6858  
OR CCB #221268 • WA L&I # LANEC\*\*821MO**

- 
- 
14. Prime Contract, Subcontract, Plans, Specifications, and work not listed in this Proposal does not supersede this Proposal.
  15. If this Proposal is accepted, it shall become part of the Subcontract in whole. The Subcontract requires a mutually agreed upon project schedule, payment terms, insurance and/or bonding requirements, and contract terms and shall incorporate this Proposal by reference, including the Qualifications/Exclusions.

**EXCLUSIONS**

1. Cutting, capping, safe offs, and/or decommissioning of any/all utilities, fluids and gases, including but not limited to electrical, mechanical, sewer, gas, and water.
2. Traffic control, traffic control plan, flaggers, fencing, and safety barricades.
3. Grade work, compaction, testing, and/or shoring/bracing.
4. Dust control of non-Laneco work areas.
5. All Protection of non-work areas is by others.
6. Overtime, holiday pay, night work or weekend work.

***We appreciate your consideration of our proposal and encourage you to call with any questions you may have. We look forward to hearing from you.***



# PROPOSAL

**Project:** 21440 Main St Residential Demo  
**For:** City of Aurora Oregon

**Date:** 12/20/23  
**Time:** 1:35 PM

**Scope:** Demolition of residential structures (at 21440 Main St), foundations, basements, trees/stump removal, asbestos abatement, backfill, rough grade to adjacent lot

Mobilization	\$ 1,150.00
Demolition and haul off	\$ 34,265.72
Backfill	\$ 10,695.00
Tree/brush removal	\$ 1,265.00
Abatement	\$ 33,493.90

**Amount:** **\$ 80,869.62**

---

**NOTES** Does not include hazardous material survey  
Abatement priced off identified materials in report given at time of bid  
If additional materials are identified, suspected, or new survey required abatement price is subject to change  
Does not included septic, water, sewer, or underground electrical removal

**EXCLUSIONS**

Hazardous Material Survey, Permits, sales tax, and any unforeseen condition resulting in additional work.

**TERMS**

Net 30  
This proposal is good for 30 days.

**ACCEPTANCE**

**By:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

*If you have any questions in regards to this proposal, please feel free to call me at (360)904-1258*

Thank You,

*Darryl Becker Jr*

Sutherland Construction LLC  
46880 NW Sunset Hwy  
Banks Oregon 97176



**SUTHERLAND CONSTRUCTION LLC** **12/20/23**

BID	SHIP TO	INSTRUCTIONS
House Demo 21440 Main Street	City of Aurora Oregon	Oregon CCB# 209162

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
1	Mob	\$2000.00	\$2000.00
1	Asbestos removal	\$17500.00	\$17500.00
1	Tree Removal	\$7500.00	\$7500.00
1	House/garage removal		
	Includes all concrete and house demo And haul off/equipment		\$41500.00
1	Backfill/final cleanup		\$12000.00

Price does not include Demo Permit and Erosion Control

SUBTOTAL	\$80500.00
SALES TAX	
SHIPPING & HANDLING	
<b>TOTAL BID</b>	<b>\$80500.00</b>

Thank you for your business!

**CONTRACTOR QUALIFICATION STATEMENT continued**

List the major construction projects your organization has completed in last 5 years

Project Name	Owner	Architect/Engineer	Amount	% Complete	Completion Date	Contact Person	Phone #
Munger demo	Metro		\$45000.	100	4/23	Adam Breckon	5037645489
Hydrant replace	State		29000.00	100	6/23	Jason	5039310170
Bend tesla	Tesla Oregon		21000.00	100	4/23	Justin	9715637214
Rio verde			11000.	100	3/23	Keith duyck	5035048288
Push wall Demo	Metro		46500.	85%		Eric Crandall	5033481821

List 3 subcontractors ~~XXXX~~ can contact for a reference.

Name	Specialty	Contact Name	Phone #
Iconix water works	Pipe supply	Mitch Davis	5035758976
Ferguson	Pipe Supply	Rich	5038494547
Global Electric	Electrical	Justin Speiring	9715637214

List 3 suppliers ~~XXXX~~ can contact for a reference.

Name	Specialty	Contact Name	Phone #
Evans/skns	Trucking	Matt Evans	5036796131
Herb Hill	Rock/trucking	Mory Herb	5039391304
Cand E	Equipment	Ceaser	5037188080

**Bank Reference**

Name: US Bank  
 Address: Banks oregon  
 Contact Name Davis Smith Phone number: 503/324/2094


**Bidder signature**

This information provided is true and complete.

Bidder signature

Print Name of Company Sutherland Construction LLC

Print Name of Authorized Signor/Title Glenn Sutherland /owner

Signature 

Date **December 20, 2023**  
 Project **Aurora Demo Project**  
 Location **21440 Main Street, Aurora, OR**



Owner **City of Aurora, Oregon**  
 Addendum **none**

<b>Job #</b>
<b>TH23074</b>

ccb:235055

		Labor Total	Material Total	Subcontractor Total	Equipment Total	Other Total	Budget Total
01000	General Conditions, supervision, vehicle, fuel, porta-a-pot, etc.	\$ 6,375.00	\$ -	\$ -	\$ 1,005.00	\$ -	\$7,380
02050	Demo house, garages, slabs, fireplaces, bushes, shrubs, stumps, excess topsoil to go to Aurora Treatment plant, grind stumps as needed, grade to match existing nearby grades, backfill and compact basement in 8" lifts	\$ -	\$ -	\$ 62,620.00	\$ -	\$ -	\$62,620
02200	Demo includes removal of excess topsoil to City of Aurora's Waste water treatment plant for storage for free - as per conversation with Mark Gunter			Included			
02210	Grading - to match surrounding grade. Top layer of fill material for parking lot by City of Aurora per M.G.			Grading Included			
02270	Slope Protection / Erosion control	\$ -	\$ -	\$ 3,737.00	\$ -	\$ -	\$3,737
02800	Asbestos Abatement - as per report from City of Aurora. Basically remove all drywall and vinyl.	\$ -	\$ -	\$ 21,791.00	\$ -	\$ -	\$21,791
02900	Removal of 60' black Walnut Tree, stump grinding	\$ -	\$ -	\$ 6,949.00	\$ -	\$ -	\$6,949
15000	Cap off water and sewer lines	\$ -	\$ -	\$ 1,212.00	\$ -	\$ -	\$1,212
Subtotal Costs							<u>\$103,689</u>
Contractor Fee							\$9,369
Liability Insurance							\$1,556
Permit Allowance - excluded							\$0
Subtotal							<u>\$114,614</u>
Bonds							\$0
Contingency							\$0
CAT fee .0057							\$654
<b>Total Proposed Budget</b>							<u><u>\$115,268</u></u>

**Notes:**  
 See attached Clarifications / exclusions page.  
 The "Clarification" page is part of this bid package.  
 Both pages together make up our proposal.

Demo Permit - EXCLUDED, City of Aurora to purchase demo permit. Cost Unknown.

**THIS PROPOSAL IS BASED ON NON-PREVAILING WAGES!**

See Clarification page concerning Heating oil Tank

Date 12/20/2023

Project **Aurora Demo Project****TH23074**Location **21440 Main Street, Aurora, OR**Owner **City of Aurora, Oregon**Addendum **none****Standard Exclusions:**

- 1 The building permit and / or construction taxes, or plan check fees due are not included in this budget.
- 1a We exclude Clean Water Services (or similar with "Aurora" ) permit and fees and sewer fees & permit cost. Unconfirmed costs.
- 2 Hazardous material (**Asbestos only** - as per SanAir report, 10/7/23) removal is included in this budget.
- 3 Utilities metering devices, connections or user fees are not included.
- 4 Full or part time security and/or guards or fencing are not included.
- 5 Demolition permit to be purchased and paid for by City of Aurora.
- 6 Any Electrical, Low Voltage, data changes of ANY sort are excluded.
- 7 Any items, scopes or details not shown on the attached Head Sheet, whether real or implied, are excluded.
- 8 Any material delays or personel delays are excluded.
- 9 Abatement of any unknown materials (Lead , Radon, chemicals etc. are excluded. - unknown scope)
- 10 This proposal is only valid for 15 business days; due to the extreme fluctuations in pricing for materials and equipment.
- 11 Acts of God or Mother Nature are excluded; and costs related to damages are excluded.
- 12 Lead times on equipment and materials; and availability of equipment, materials, or manpower are not confirmed at this time - pending contract award.
- 13 Construction personnel to have access to onsite restrooms, via a port-a -pot to be provided by us.
- 13a Final layer of gravel to be provided and installed by City of Aurora (per Mark Gunter). We have no design for the parking lot.  
  
Decommissioning cost for any oil tanks are excluded - size and condition are unknown. There appears to be a tank on South side of main house near NW Gas connection point.
- 14 Two copper lines and a vent pipe are visible. ***Upon Request, We can provide a bid for decommissioning / removal of the Heating oil Tank (once the top of the tank is exposed for access and measurement, during demo)***
- 15 Normal business hours only. Evening or split shift hours, or weekends are excluded.  
  
Demolition / excavation scope of work includes removal of excess topsoil. Per Mark Gunter, this soil can
- 16 be transferred to Aurora Waste Water Treatment plant and off-loaded at no cost. If this arrangement is incorrect or cannot be implemented then a Change Order will be required for the disposal of the top soil.
- 17 Erosion control fencing is included.
- 17a Any "historic preservation" constraints or costs are excluded - unknown at this time.  
  
All possible precautions will be taken to protect the old cedar fence and yard along the North property
- 18 line. Any damage to the fence or yard during the project will need to be corrected via a Change Order from City of Aurora. ( Of Note: the property line and fence are only +/- 2' to 2.5' from the house.)  
  
The City of Aurora has already disconnected NW Gas and Electrical service. We will disconnect and cap off water and sewer lines at a point East of the Sidewalk that runs
- 19 North/South. NW Gas will need to cap off the gas line outside of the demolition area. NW Gas work can be coordinated by TH Builders Corp.

**Value Engineering / Recommendations or Clarifications**

- 1 Any Hidden conditions that impact the scope of work are excluded.
- 2 The attached proposal is based on standard wages. Prevailing Wages are excluded on a project total below \$125000, per Mark Gunter.
- 3 Any special permits, or any permits/ permit cost not listed are excluded.

**Submitted by:** Michael Winans / Joe Sheets





**Date: December 20, 2023**

**To: The City of Aurora**  
**Attn: Mark Gunter | [pws@ci.aurora.or.us](mailto:pws@ci.aurora.or.us)**  
 21420 Main St.  
 Aurora, OR 97002

**Proposal #P23447**

**RE: Residential Structure Demolition**  
**21440 Main St., Aurora, OR 97002**

**Thank you for the opportunity to submit a proposal for asbestos abatement and the demolition of the above mentioned project.**

**3 Kings Environmental Inc. will provide labor, materials, equipment, and disposal to perform the following:**

- 1) Perform abatement of asbestos materials - up to 1,100 SF of lath and plaster ceilings, 3,300 SF of lath and plaster walls, asbestos tape and wire in the basement and 192 SF of sheet vinyl flooring in the kitchen. Demolition of (1) two story residence with a basement, detached garage, carport and shed to include concrete foundations, basement walls, footings and foundations. Tree/Stump removal. Rough grade entire lot to adjacent lot slope. Cap sewer within 5 feet of existing structure footprint.

**Price \$112,500.00**

Price valid for 30 days from date of proposal

**Our proposal does not include any of the following:** State taxes or fees, bonds, street or sidewalk closures, engineering, layout, all other hazardous materials, salvage of items for others, backfill, compaction, asphalt removal, excavation, septic tanks, UST's, AST's, wells, batteries, Industrial Hygienist, fire extinguishers, grease traps, paint cans, refrigerants/freon recovery, lead abatement/ lead containing soils. (buildings must pass TCLP) others to make "safe" for removal, electrical/fiber/cable/telephone/water/gas capping disconnects or relocation, work area to be clear and free of all furnishings/debris, shoring, security walls, bracing or fencing, private or publicly installed utilities, unforeseen conditions not normally found in this type of construction, accelerated schedule. This proposal is to become a part of the contract. In case of any conflict between the terms of this proposal and those of the bid documents in this contract, the terms of this proposal control and supersede the terms contained in the bid or contract documents.

If you have any questions, feel free to contact me at 360-907-4511.

*Tiffany Fields*

Tiffany Fields  
 Project Manager  
 3 Kings Environmental, Inc.  
 P O Box 280  
 Battle Ground, WA 98604  
[tfields@3kingsinc.com](mailto:tfields@3kingsinc.com)  
 360-907-4511

# Reports

## Report from the Finance Officer for January 9, 2024

- The Finance report as of December 2023, the sixth month of fiscal year 2023-2024 is included. I have also included the Revenue vs Expenses Summary for December 2023. This report shows amounts received and spent in each fund during the month.
- The ending bank balances on December 31, 2023 are:
  - Checking - \$ 87,846.11
  - LGIP - \$ 4,688,329.67
- I continue to monitor and report as required on the following grant projects –
  - ❖ Well #3 Replacement – CSFRF Grant Agreement # 8009
  - ❖ Water Storage Tank / Pump Station – Contract # SR2227
  - ❖ ODOT Pedestrian Crossings – Contract # 7300000004941
  - ❖ Wastewater Treatment Facility – Contract # SR2301
  - ❖ Water Lines – Grant Agreement # BO-4566-22 with Marion County
  - ❖ House Bill 5202 (2022 Regular Session) General Fund Grant Agreement Number 107-2022-5202-65, Subrecipient Agreement with the Aurora Rural Fire Protection District No. 63
- Keeping current with payables and receivables.

Respectfully,



Mary C. Lambert

1/4/2024

**CITY OF AURORA -FINANCE REPORT Ending December 31, 2023**

	FUND	BUDGET	*BALANCE @ June 30, 2023	TOTAL REVENUES	% TO DATE	BUDGET less contingency	TOTAL EXPENSES	% TO DATE	END BALANCE December 31, 2023	Gains / (Losses)
10	GENERAL	1,230,586.00	601,600.80	465,464.04	74.00%	933,395.00	300,504.58	32.19%	766,560.26	\$ 164,959.46
15	CITY HALL BUILDING	162,900.00	153,948.00	3,945.51	44.07%	162,900.00	4,658.15	2.86%	153,235.36	\$ (712.64)
20	AURORA COLONY DAYS	35,070.00	24,591.08	12,922.31	123.32%	28,467.00	19,981.80	70.19%	17,531.59	\$ (7,059.49)
29	PARK SDCs	91,705.00	80,720.59	1,900.56	17.30%	91,705.00	0.00	0.00%	82,621.15	\$ 1,900.56
30	STREET/STORM	1,401,146.00	732,789.29	70,557.95	10.56%	1,234,320.00	126,185.00	10.22%	677,162.24	\$ (55,627.05)
35	ST/STORM RESERVE	187,060.00	169,784.10	11,336.49	65.62%	187,060.00	0.00	0.00%	181,120.59	\$ 11,336.49
39	ST/STORM SDCs	121,111.00	107,558.42	2,532.42	18.69%	121,111.00	0.00	0.00%	110,090.84	\$ 2,532.42
40	WATER OPERATING	1,042,100.00	658,843.77	258,481.95	67.44%	915,830.00	159,777.07	17.45%	757,548.65	\$ 98,704.88
45	WATER RESERVE	1,725,000.00	700,890.42	16,298.79	1.59%	1,725,000.00	10,836.50	0.63%	706,352.71	\$ 5,462.29
46	WATER GRANT SR2227	2,863,431.00	7,752.50	36,113.00	1.26%	2,863,431.00	34,694.80	1.21%	9,170.70	\$ 1,418.20
49	WATER SDCs	94,210.00	70,811.14	1,667.24	7.13%	94,210.00	0.00	0.00%	72,478.38	\$ 1,667.24
50	SEWER OPERATING	1,097,200.00	664,697.66	274,803.54	63.54%	822,091.00	261,879.63	31.86%	677,621.57	\$ 12,923.91
55	SEWER RESERVE	3,187,400.00	85,879.96	104,376.51	3.37%	3,187,400.00	0.00	0.00%	190,256.47	\$ 104,376.51
56	WWTF GRANT SR2301	3,662,000.00	10,560.00	2,270.00	0.06%	3,662,000.00	26,330.00	0.72%	-13,500.00	\$ (24,060.00)
57	G. O. DEBT SERVICE	287,375.00	27,921.03	245,675.85	94.69%	287,375.00	6,187.50	2.15%	267,409.38	\$ 239,488.35
59	SEWER SDCs	95,335.00	85,532.33	2,013.83	20.54%	95,335.00	0.00	0.00%	87,546.16	\$ 2,013.83
60	SPECIAL PROJECTS BOND	7,151,000.00	0.00	0.00	0.00%	2,000,000.00	0.00	0.00%	0.00	\$ -
	<b>TOTALS</b>	<b>24,434,629.00</b>	<b>4,183,881.09</b>	<b>1,510,359.99</b>	<b>7.46%</b>	<b>18,411,630.00</b>	<b>951,035.03</b>	<b>5.17%</b>	<b>4,743,206.05</b>	
	* Balance per 2023 audit					Contingencies = 6,022,999			4,743,206.05	\$ 559,324.96

# General Ledger

## Revenue vs Expenses Summary



User: MaryL  
 Printed: 1/4/2024 - 12:30 PM  
 Fiscal Year: 2024  
 Fiscal Period: 6

Fund	Description	YTD Balance Before Period	Revenues for Period	Expenses for Period	Year to Date Amount
10	GENERAL FUND	142,155.27	76,131.01	53,326.82	164,959.46
15	CITY HALL BUILDING FUND	-1,449.31	736.67	0.00	-712.64
20	Aurora Colony Days Fund	-8,049.70	1,307.96	317.75	-7,059.49
29	Park SDCs	1,556.74	343.82	0.00	1,900.56
30	STREETS/STORM FUND	-59,121.75	14,358.13	10,863.43	-55,627.05
35	Streets/Storm Reserves	8,184.47	3,152.02	0.00	11,336.49
39	Streets/Storm SDCs	2,074.29	458.13	0.00	2,532.42
40	Water	89,565.14	51,351.18	42,211.44	98,704.88
45	WATER RESERVE FUND	2,522.88	2,939.41	0.00	5,462.29
46	Water Storage Grant Project	-15,315.20	32,822.00	16,088.60	1,418.20
49	Water SDCs	1,365.63	301.61	0.00	1,667.24
50	Sewer	-44,370.88	77,558.38	20,263.59	12,923.91
55	SEWER RESERVE FUND	103,584.78	791.73	0.00	104,376.51
56	WWTF Grant Project	-11,160.00	0.00	12,900.00	-24,060.00
57	SEWER DEBT SERVICE	195,415.30	44,073.04	0.00	239,488.34
59	SEWER SDC FUND	1,649.52	364.31	0.00	2,013.83
60	Special Projects - Bond	0.00	0.00	0.00	0.00
	Report Totals:	<u>408,607.18</u>	<u>306,689.40</u>	<u>155,971.63</u>	<u>559,324.95</u>

# City Council

## Public Works Activity Report

Dec 2023

**Wastewater:** Routine operation and maintenance 24/7 365.

- Wastewater Treated 1.9 MG
- Review plans for development
- Completed DMR form to report DEQ, EPA

**Water:** Routine operation and maintenance 24/7 365.

- Wells are running 8.0 hours daily producing an average of 74,000 gal per day.
- Total water production 2,300,000 Gal.
- Wells 4 in production

**Streets:** Routine operation and maintenance.

- Monitoring streetlights
- Catch basins cleaning
- Street sweeping
- Pothole remediation.
- Working with ODOT Hwy 99 Crossings
- ADA ramps on Hwy 99
- SCA grant Application submitted

**Park:**

- Monitor trees for safety issues
- Pressure wash hard surfaces
- Rodent removal
- Tree planting in park

**Meetings and/or Training Attended**

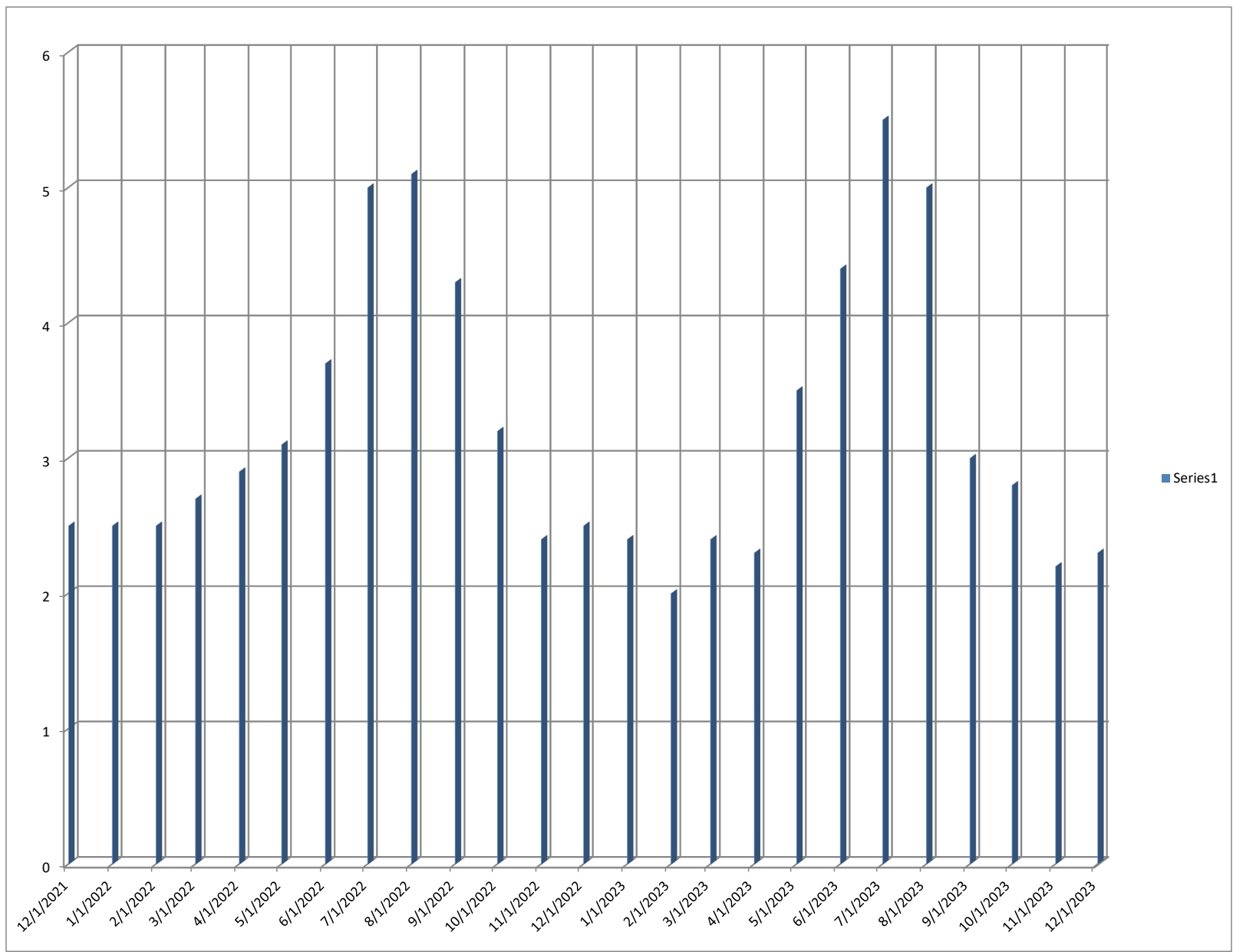
- NW Section of American Water Works Association
- Meeting to discuss Well 3 replacement options
- Respectfully: Mark Gunter PWS

**Public works project list**

- New Water storage tank
- Replace well #4
- Wastewater treatment Plant

Dec-21	2.5
Jan-22	2.5
Feb-22	2.5
Mar-22	2.7
Apr-22	2.9
May-22	3.1
Jun-22	3.7
Jul-22	5
Aug-22	5.1
Sep-22	4.3
Oct-22	3.2
Nov-22	2.4
Dec-22	2.5
Jan-23	2.4
Feb-23	2
Mar-23	2.4
Apr-23	2.3
May-23	3.5
Jun-23	4.4
Jul-23	5.5
Aug-23	5
Sep-23	3
Oct-23	2.8
Nov-23	2.2
Dec-23	2.3

Monthly Water use In Million Gallons



Series1

City of Aurora – City Attorney’s Report to City Council for January 9, 2024

1. Verizon cell tower matter: No response from Verizon regarding their term sheet or the city’s response.
2. Assisted staff in code and statute interpretation to manage local cannabis and psilocybin matters.
3. Finalized PGE EV Charging station legal agreements.



## January 2024 City Recorder Report

Here are some highlights from the previous month:

-Coordinated with city contractors and internally to wrap most details for the storage facility development at Ottaway and Hwy 99e. Full occupancy should be ready to provide in the next week or so, pending good weather for striping.

-Coordinated with city contract planner toward scheduling of a Planning Commission hearing for River City Holdings, a boat storage facility applicant.

-Assisted property owner for a partition plat that lapsed its two-year window toward renewing the owner's planning application with deposit toward construction of a new single-family dwelling in town.

-Assisted the North Marion Tourism Collaborative identify a few Aurora businesses in town that could benefit from Digital Boost Program grant funds to improve their online presence. An official application process will follow mid-January with selection of at least one business for consultant services. Resulting audit information received would likely be beneficial to other Aurora businesses.

-Prepared information relating to Marijuana conditional use permits and a Psilocybin application in preparation for January's City Council meeting.

-Assisted Public Works in wrapping up the bid process for remediation and demolition services for the house next to City Hall.

-Attended a monthly December administrator's lunch at the Mid-Willamette Valley Council of Governments with city administrators and managers.

-Enjoyed the Christmas season with family and friends as well as a strong start to the New Year!

Respectfully submitted,

Stuart A. Rodgers

9:15 AM

01/02/24

**Aurora Business License**  
**Deposit Detail**  
 December 1, 2023 through January 1, 2024

Type	Num	Date	Name	Account	Amount
<b>Deposit</b>		<b>12/07/2023</b>		<b>Business License ...</b>	<b>200.00</b>
Payment	166	12/05/2023	RELIANCE PETRO...	Undeposited Funds	-100.00
Payment	2742	12/07/2023	MVY Motors, LLC	Undeposited Funds	-100.00
TOTAL					-200.00
<b>Deposit</b>		<b>12/14/2023</b>		<b>Business License ...</b>	<b>180.00</b>
Payment	15704...	12/13/2023	COMCAST BROAD...	Undeposited Funds	-50.00
Payment	15704...	12/13/2023	COMCAST BUSINE...	Undeposited Funds	-50.00
Payment	4812	12/14/2023	Conjured Treasures	Undeposited Funds	-80.00
TOTAL					-180.00
<b>Deposit</b>		<b>12/28/2023</b>		<b>Business License ...</b>	<b>100.00</b>
Payment	15732...	12/27/2023	MCImetro Access Tr...	Undeposited Funds	-50.00
Payment	2594	12/28/2023	THE RUSTY GATE	Undeposited Funds	-50.00
TOTAL					-100.00

# ADDITIONAL DOCUMENTS

Issue: Is the local business license fee a “fee” that is prohibited by preemption under the statutes ORS 475A (Psilocybin) and/or ORS 475C (Cannabis)?

Conclusion: Probably not. It is untested by litigation and as far as I can ascertain, not conclusively decided by legislature or administrative rule.

Discussion:

Aurora imposes a business license fee on cannabis businesses and intends to impose a similar fee for psilocybin businesses. The fees imposed (and proposed) on these two classes of businesses are higher than business license fees charged to other businesses. This business license regime is consistent with Aurora’s historic practice of fee scheduling. For example, business license fees for two-day business licenses are proportionately higher than annual fees.

My initial reading of the statutes resulted in my opinion that Aurora is not charging a fee for a license for the manufacturing or sale of cannabis and psilocybin products. Aurora is charging a fee for a business license as it does every other business in Aurora and the particular business is a psilocybin business. A local business license fee is a fee on the privilege of doing business within the city.

In addition, cities are generally permitted to set different fees for business licenses based on certain business classifications so long as the city can discern a substantial difference between business types such as the cost of administration of a particular license. For example, a business license for an establishment that sells cannabis may have higher city administrative costs necessary for oversight versus a lessor regulated industry such as clothing boutique. (See *In Ex Parte Fine*, 124 Or 175 (1928)).

In furtherance of my research, I polled city attorneys through the OCAA list serve. I got no responses. My search of legislative history did not reveal any discussion about preemption.

Stuart Rogers and I emailed the OLCC directly and asked for their interpretation of the statutes. OLCC replied to my request. The response is as follows:

Under ORS 475A, cities and counties are prohibited from charging fees for psilocybin business licenses. Specifically, ORS 475A.527 states that, “the authority to require a license for the manufacturing or sale of psilocybin products in this state, or for the provision of psilocybin services in this state, is vested solely in the Legislative Assembly.” And, ORS 475A.534 states that, “the authority to impose a tax or fee on the manufacturing or sale of psilocybin products in this state, or on the provision of psilocybin services in this state, is vested solely in the Legislative Assembly. A county, city or other municipal corporation or district may not adopt or enact ordinances imposing a tax or fee on the manufacturing or sale of psilocybin products in this state or on the provision of psilocybin services in this state.”

I responded with a discussion outlining the difference between a local business license and a fee imposed locally on the “manufacturing or sale of psilocybin products” and the OLCC replied:

Our section strives to offer accurate information to the public, including partners in local government, to allow for partners to make informed choices regarding implementation of psilocybin services in their communities. We offered the reference to ORS 475A.527

in that spirit, but we do not intend to interfere with the ability of local governments and their counsel to interpret the statute and determine whether proposed business licenses for psilocybin businesses are permitted. OHA does not have a position on the legal issue and provided the statutory reference as a courtesy.

The LOC guidance is as follows:

Under Oregon law, cities are permitted to adopt “reasonable regulations” of commercial marijuana activities. This includes placing conditions on commercial marijuana activities through the issuance of local business licenses, or through a separate licensing or registration system for marijuana establishments. Both ORS 475C.449 and ORS 475C.897 provide that local governments may impose reasonable regulations on the time, place, and manner of operation of recreational and medical marijuana facilities, respectively. The League believes that, under the home rule provisions of the Oregon Constitution, local governments do not need legislative authorization to impose time, place, and manner restrictions, and that the Legislature’s decision to expressly confirm local authority to impose certain restrictions does not foreclose cities from imposing other restrictions not described in state law.

Note that the local business license law cannot have as its requirement comply with federal law because, arguably, requiring local marijuana businesses to comply with federal law is not a “reasonable” regulation because it precludes any of them from operating within the city – cannabis is still illegal federally.

I don’t know that under my own research and analysis I would have put a business license under time, place, and manner regulation. The issue for me is in statutory interpretation. Generally, when a concept is specifically discussed in a section of a statute that statute section should be interpreted to be a complete discussion on that topic. In both cannabis and psilocybin, time/place/manner are dealt with in one section of the ORS. Preemption of local fees is dealt with in another.

Conclusion: Following the guidance offered by the LOC, that imposing a local business license fee is not preempted and specifically allowable as a reasonable time, place, and manner restriction, Aurora is in a defensible position in imposing local business license fees for cannabis and psilocybin.

CITATIONS:

**Business License Fee:**

**475C.113 Ordinance allowing delivery of marijuana items to consumers; prohibition on local tax or fee.**

(1) The governing body of a city or county may adopt ordinances that allow the delivery of marijuana items to consumers located within the jurisdiction of the city or county from an adjacent city or county.

(2) If the governing body of a city or county adopts an ordinance under this section, the governing body must provide the text of the ordinance to the Oregon Liquor and Cannabis Commission.

(3) A city or county that adopts an ordinance under this section may not impose a tax or fee on the retail price or delivery cost of marijuana items delivered within the city or county. [2021 c.155 §2]

**475C.429 Preemption of municipal charter amendments and local ordinances.**

The provisions of ORS 475C.005 to 475C.525 are designed to operate uniformly throughout the state and are paramount and superior to and fully replace and supersede any municipal charter amendment or local ordinance inconsistent with the provisions of ORS 475C.005 to 475C.525. Amendments and ordinances that are inconsistent with the provisions of ORS 475C.005 to 475C.525 are repealed. [Formerly 475B.454]

**475C.453 Local tax or fee; referral to electors for approval.**

(1)(a) Except as expressly authorized by this section, the authority to impose a tax or fee on the production, processing or sale of marijuana items in this state is vested solely in the Legislative Assembly.

(b) Except as expressly authorized by this section, a county, city or other municipal corporation or district may not adopt or enact ordinances imposing a tax or fee on the production, processing or sale of marijuana items in this state.

(2) Subject to subsection (4) of this section, the governing body of a city or county may adopt an ordinance to be referred to the electors of the city or county as described in subsection (3) of this section that imposes a tax or a fee on the sale of marijuana items that are sold in the area subject to the jurisdiction of the city or the unincorporated area subject to the jurisdiction of a county by a marijuana retailer that holds a license issued under ORS475C.097.

(3) If the governing body of a city or county adopts an ordinance under this section, the governing body shall refer the measure of the ordinance to the electors of the city or county for approval at the next statewide general election.

(4) An ordinance adopted under this section may not impose a tax or fee:

(a) In excess of three percent; or

(b) On a registry identification cardholder or on a designated primary caregiver who is purchasing a marijuana item for a registry identification cardholder. [Formerly 475B.491]

**475A.524 Preemption of municipal charter amendments and local ordinances.** The provisions of ORS 475A.210 to 475A.722 are designed to operate uniformly throughout the state and are paramount and superior to and fully replace and supersede any municipal charter amendment or local ordinance inconsistent with the provisions of ORS 475A.210 to 475A.722. Amendments and ordinances that are inconsistent with the provisions of ORS 475A.210 to 475A.722 are repealed. [2021 c.1 §79]

**475A.527 No local licenses.** The authority to require a license for the manufacturing or sale of psilocybin products in this state, or for the provision of psilocybin services in this state, is vested solely in the Legislative Assembly. [2021 c.1 §80]

**475A.534 Local tax or fee; referral to electors for approval.** (1)(a) The authority to impose a tax or fee on the manufacturing or sale of psilocybin products in this state, or on the provision of psilocybin services in this state, is vested solely in the Legislative Assembly.

(b) A county, city or other municipal corporation or district may not adopt or enact ordinances imposing a tax or fee on the manufacturing or sale of psilocybin products in this state or on the provision of psilocybin services in this state. [2021 c.1 §82]

**Time, Place, and Manner regulation (According to the LOC includes local business licenses)**

**475A.530 Local time, place and manner regulations.** (1) For purposes of this section, “reasonable regulations” includes:

(a) Reasonable conditions on the manner in which a psilocybin product manufacturer that holds a license issued under ORS 475A.290 may manufacture psilocybin products;

(b) Reasonable conditions on the manner in which a psilocybin service center operator that holds a license issued under ORS 475A.305 may provide psilocybin services;

(c) Reasonable limitations on the hours during which a premises for which a license has been issued under ORS 475A.210 to 475A.722 may operate;

(d) Reasonable requirements related to the public’s access to a premises for which a license has been issued under ORS 475A.210 to 475A.722; and

(e) Reasonable limitations on where a premises for which a license may be issued under ORS 475A.210 to 475A.722 may be located.

(2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license has been issued under ORS 475A.210 to 475A.722 if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not adopt an ordinance that prohibits a premises for which a license has been issued under ORS 475A.305 from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under ORS 475A.305. [2021 c.1 §81]

**475C.449 Local time, place and manner regulations.** (1) For purposes of this section, “reasonable regulations” includes:

(a) Reasonable conditions on the manner in which a marijuana producer that holds a license issued under ORS 475C.065 may produce marijuana or in which a researcher of cannabis that holds a certificate issued under ORS 475C.289 may produce marijuana or propagate immature marijuana plants;

(b) Reasonable conditions on the manner in which a marijuana processor that holds a license issued under ORS 475C.085 may process marijuana or in which a researcher of cannabis that holds a certificate issued under ORS 475C.289 may process marijuana;

(c) Reasonable conditions on the manner in which a marijuana wholesaler that holds a license issued under ORS 475C.093 may sell marijuana at wholesale;

(d) Reasonable conditions on the manner in which a marijuana retailer that holds a license issued under ORS 475C.097 may sell marijuana items;

(e) Reasonable limitations on the hours during which a premises for which a license has been issued under ORS 475C.005 to 475C.525 may operate;

(f) Reasonable requirements related to the public’s access to a premises for which a license or certificate has been issued under ORS 475C.005 to 475C.525; and

- (g) Reasonable limitations on where a premises for which a license or certificate may be issued under ORS 475C.005 to 475C.525 may be located.
- (2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license or certificate has been issued under ORS 475C.005 to 475C.525 if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not:
- (a) Adopt an ordinance that prohibits a premises for which a license has been issued under ORS 475C.097 from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under ORS 475C.097.
  - (b) Adopt an ordinance that imposes a setback requirement for an agricultural building used to produce marijuana located on a premises for which a license has been issued under ORS 475C.065 if the agricultural building:
    - (A) Was constructed on or before July 1, 2015, in compliance with all applicable land use and building code requirements at the time of construction;
    - (B) Is located at an address where a marijuana grow site first registered with the Oregon Health Authority under ORS 475C.792 on or before January 1, 2015;
    - (C) Was used to produce marijuana pursuant to the provisions of ORS 475C.770 to 475C.919 on or before January 1, 2015; and
    - (D) Has four opaque walls and a roof. [Formerly 475B.486]

### **Land Use:**

State law requires certain marijuana facilities to obtain a land use compatibility statement (LUCS) from a local government before the state will issue a license (ORS 475C.053)

#### **475C.053 Duty to request land use compatibility statement.**

- (1) Prior to receiving a license under ORS 475C.065, 475C.085, 475C.093 or 475C.097, an applicant shall request a land use compatibility statement from the city or county that authorizes the land use. The land use compatibility statement must demonstrate that the requested license is for a land use that is allowable as a permitted or conditional use within the given zoning designation where the land is located. The Oregon Liquor and Cannabis Commission may not issue a license if the land use compatibility statement shows that the proposed land use is prohibited in the applicable zone.
- (2) Except as provided in subsection (3) of this section, a city or county that receives a request for a land use compatibility statement under this section must act on that request within 21 days of:
  - (a) Receipt of the request, if the land use is allowable as an outright permitted use; or
  - (b) Final local permit approval, if the land use is allowable as a conditional use.
- (3) A city or county that receives a request for a land use compatibility statement under this section is not required to act on that request during the period that the commission discontinues licensing those premises pursuant to ORS 475C.950 (4)(b).
- (4) A city or county action concerning a land use compatibility statement under this section is not a land use decision for purposes of ORS chapter 195, 196, 197, 215 or 227. [Formerly 475B.063]



**475A.270 Duty to request land use compatibility statement.** (1) Prior to receiving a license under ORS 475A.290 or 475A.305, an applicant shall request a land use compatibility statement from the city or county that authorizes the land use. The land use compatibility statement must demonstrate that the requested license is for a land use that is allowable as a permitted or conditional use within the given zoning designation where the land is located. The Oregon Health Authority may not issue a license if the land use compatibility statement shows that the proposed land use is prohibited in the applicable zone.

(2) Except as provided in subsection (3) of this section, a city or county that receives a request for a land use compatibility statement under this section must act on that request within 21 days of:

- (a) Receipt of the request, if the land use is allowable as an outright permitted use; or
- (b) Final local permit approval, if the land use is allowable as a conditional use.

(3) A city or county that receives a request for a land use compatibility statement under this section is not required to act on that request during the period that the authority discontinues licensing those premises pursuant to ORS 475A.718 (4).

(4) A city or county action concerning a land use compatibility statement under this section is not a land use decision for purposes of ORS chapter 195, 196, 197, 215 or 227. [2021 c.1 §19]