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AUMSVILLE CITY COUNCIL

Minutes – November 23, 2020

Mayor Clevenger called the meeting to order at 7:02PM via Zoom Conferencing. Council present was: Mayor Derek Clevenger, Nico Casarez, Angelica Ceja, Larry Purdy, and Della Seney. Council absent: Ryan Bambrick and Doug Ecclestone. City Administrator Ron Harding (CA Harding), City Clerk Colleen Rogers (CC Rogers) were also present via Zoom. The meeting was video recorded to be released later.

AGENDA APPROVAL: Councilor Casarez moved to approve the agenda as presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

VISITORS: There were six online attendees. Login information was provided for members of the community to listen to the discussion.

PUBLIC COMMENT: Madeline Sattler, Communications Director for the Cascade School District, introduced herself to Council. She stated that even with the COVID-19 restrictions there are still a lot of things going on in the district. She commented that all Aumsville students are on distance learning at this time. Staff at the junior high and high school are working on activities that help to stay in touch with students and keep them engaged and communicating. CA Harding commented that he had been in contact with Madeline and is working with other staff members regarding our Youth Council that we are working on. He stated that he is scheduled to be doing a web presentation for the Government class on Local Government. CA Harding has been working with the school staff to create an outline for the Youth Council Program and will bring an outline to Council at the first meeting in December. Council thanked Madeline for her comments. There were no other public comments.

CONSENT AGENDA: Council reviewed the November 9, 2020 Council meeting minutes. Councilor Seney moved to approve the consent agenda as presented. Councilor Casarez seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

PUBLIC HEARING: Chapters 4, 5, and 6 Code Updates

Mayor Clevenger opened at 7:07 pm

CA Harding presented the staff report for the code updates. He stated that staff have been engaged in an effort for about a year and half to do an overview of all City ordinances and bring them into compliance with current case law, Oregon Revised Statutes (ORS), and/or standard operating procedures that have changed. There are a good number of the ordinances

that are no longer relevant and will be eliminated by repeal ordinances. He went through each ordinance pointing out the changes that were being recommended.

(Ordinance No. 682 Repealing and Replacing Ord. 311) Social Games

This ordinance was rewritten by the city attorney. The new ordinance clarifies social gaming as regulated by the city and exemptions for charitable and service group fundraisers like the fire departments turkey shoot event. Council will set a permit cost by fee resolution and the permit will be approved by the chief of police.

(Ordinance No. 683 Repealing and Replacing Ord. 316) Posting of Notices

Changes in wording for clarity and to allow for recent court cases regarding freedom of speech.

(Ordinance No. 344 Recommend Repeal by 684) Criminal Code Adoption. The state adopted criminal code serves sufficiently for the city.

(Ordinance No. 366 Recommend Repeal by 685) Fireworks Code Adoption. Fireworks would be permitted under a new section in our development ordinance. Firework stands would need to be licensed by the state fire Marshall under the state code and receive a temp permit under the city special event permit in order to operate in the city.

(Ordinance No. 686 Repealing and Replacing Ord. 369) Nuisances

Revised definitions of leash, junk, person(s) responsible, nuisance noises, derelict buildings, and worded for clarity. There is a new section included for derelict buildings. This will provide authority for the City to take action on these buildings as needed. There is also an appeals section included before the City takes any type of action. The City does have the right to lien a property when abating any nuisances with a process requiring Council action. Most of the changes simply reorganize and clarify current requirements. We also deleted section that contradicted the intent of the ordinance.

(Ordinance No. 687 Repealing and Replacing Ord. 405) Drinking in Public

Clarification of wording aligning with our Charter authority and state law. No change to the effect of the ordinance.

(Ordinance No. 688 Repealing and Replacing Ord. 410) Curfew

Updates to language for clarity and current case law and ORS.

(Ordinance No. 689 Repealing and Replacing Ord. 433) Graffiti

Minor changes were made to allow the City to recover the cost of damages.

(Ordinance No. 434 as amended by Ordinance No. 463) Parental Responsibility

Reviewed by City Attorney – they recommend possible repeal. We may bring new ordinance to Council at a later date.

(Ordinance No. 690 Repealing and Replacing Ord. 490) Alarm System Regulations

Definitions were updated and will allow more false alarms without penalty as it's common for false alarms during the original set up and training period. The late fee section was removed for expired permits and replaced it with "late penalty may be charged." Changed the alarm

permit fee to be determined by Council resolution. Removes Section 12, Training Requirements. Removes Section 15, Sound Limitations.

(Ordinance No. 691 Repealing and Replacing Ord. 505) Parks and Public Area Regulations

Updates to the language for clarity. Section 14, deletion of firearms. Section 23 rewritten for Exclusion Period.

(Ordinance No. 555 Recommend Repeal by Ord 693) Giving False Information to Police Officer: Recommend repeal by city attorney.

(Ordinance No. 564 Recommend Repeal by Ord 694) This ordinance required residents to register with the Aumsville Police Department if convicted of a sex crime as defined by State Law. We currently use the state police registry when needed. They manage the database within current state ORS guidelines.

(Ordinance No. 695 Repealing and Replacing Ord. 597) This Ordinance established driving and criminal history record check policies concerning public employment and public service providers and volunteers. Changes were simply wordsmithing and clarification.

(Ordinance No. 697 Repealing and Replacing 171) Vehicle Parking

The ordinance was changed to allow enforcement easier and to clarify the intent of certain sections. Sections were deleted that conflict with the ordinance intent or implementation. Further defines city rights-of-way, strengthens storage of vehicles language.

(Ordinance No. 306 Recommend Repeal by Ord 698) Parking Regulations We do not issue parking permits for neighborhoods streets. Recommend repeal.

(Ordinance No. 699 Repealing and Replacing 349) Bicycles, Skateboards, Scooters, and Roller Skates Regulations. Wordsmithing for clarifications and readability. Addition of E-bikes and Business District definitions. Additions of sections after 6 for clarity.

(Ordinance No. 700 Repealing and Replacing 363) Truck Routes: Updated description of Truck Route. Increase allowable gross vehicle weight to be more in line with current residential use.

(Ordinance No. 370 Recommended Repeal by Ord 701) Traffic Code Adoption: This ordinance is not needed per state ORS 811. Recommend repeal.

(Ordinance No. 702 Repealing and Replacing 659) Business and Peddlers License: Removes Peddler's license and requires a standard business license. Wordsmithing for clarity and removal of Emergency clause. Requires all businesses to get a business license regardless of location if they do business in the city limits and sets rates for a license by resolution of Council and establishes fines. The change removes violation from a criminal to civil fine. Business who participate in temporary community events are exempt from the license requirement as long as a special use permit or park event permit is issued for the event itself.

Council Questions: Councilor Purdy inquired if changes to the Parks and Public Area Regulations, Ord. 691, include concealed gun permit holders in the Firearms Prohibition section. Mayor Clevenger stated that the State ORS gives exception to concealed permit holders. Chief Schmitz verified this and stated that our officers have the authority to ask them to leave the park, but we can't stop them from carrying a concealed weapon as long as they have a proper permit to carry.

Councilor Seney asked for clarification regarding subcontractors doing business within the city. CA Harding stated that this would require businesses that are located in another city but doing business in the City of Aumsville to apply for a business license. This would make it universal to all businesses doing work in Aumsville. More discussion followed. CA Harding will do some more research and bring it back to the next meeting.

Public Comments: Dayadevi Heart asked if people working at home remotely due to COVID-19 or if someone doing beading or journaling and sell it on eBay have to have business license, and lastly, does the Kirby guy have to get a license for each employee selling door to door?

CA Harding answered that people working at home due to COVID-19 would not be required to get a license. The home occupation license is more for businesses like if you were building cabinets to sell in your garage, tax preparation service, and that type of business. The license is also so that we can make sure that the business is not triggering some sort of land use issue where there might be an activity that conflicts with the residential area. As far as the Kirby salespeople; if they are employees of the Kirby Company they would be under one license for the company. If they are independent contractors, they each would need a license.

There were no more questions or comment.

Mayor Clevenger closed the public hearing at 8:03 pm

There was no further Council discussion or deliberation.

Council Decision:

Each of the following ordinances were read for the first time by title only before Council voted. Councilor Casarez made a motion to approve the first reading by title only of Ordinance No. 682 AN ORDINANCE UPDATING THE AUMSVILLE MUNICIPAL CODE TO INCLUDE PROVISIONS RELATING TO SOCIAL GAMES AND REPEALING ORDINANCE NO. 311 as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 683 AN ORDINANCE LIMITING THE POSTING, PLACING, DISPLAYING, AND ATTACHING OF SIGNS OR ANY OTHER MATTER ON PUBLIC PROPERTY TO ANY TREE, POLE, OR POST SITUATED ON ANY PUBLIC PROPERTY WITHIN THE CITY, AND REPEALING ORDINANCE NO. 316 as Presented. Councilor Casarez seconded. Motion APPROVED 6-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 684 AN ORDINANCE REPEALING ORDINANCE NO. 344, AN ORDINANCE CONCERNING THE OREGON CRIMINAL CODE as Presented. Councilor Casarez seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Casarez made a motion to approve the first reading by title only of Ordinance No. 685 AN ORDINANCE REPEALING ORDINANCE NO. 366, CONCERNING THE OREGON REVISED STATUTES CHAPTER 480 RELATING TO EXPLOSIVES as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 686 AN ORDINANCE DEFINING NUISANCES, PROVIDING FOR THEIR ABATEMENT, PRESCRIBING PENALTIES, AND REPEALING ORDINANCE NO. 369 as Presented. Councilor Ceja seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Casarez made a motion to approve the first reading by title only of Ordinance No. 687 AN ORDINANCE LIMITING THE CONSUMPTION OF ALCOHOLIC LIQUOR UPON PUBLIC STREETS AND OTHER PLACES; PRESCRIBING A PENALTY THEREFORE AND REPEALING ORDINANCE NO. 405 as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 688 AN ORDINANCE CREATING A JUVENILE CURFEW WITHIN AUMSVILLE'S CITY LIMITS; ESTABLISHING PARENTAL /GUARDIAN RESPONSIBILITY AND REPEALING ORDINANCE NO. 410 as Presented. Councilor Casarez seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Casarez made a motion to approve the first reading by title only of Ordinance No. 689 AN ORDINANCE MAKING IT UNLAWFUL TO POSSESS GRAFFITI IMPLEMENTS, PROVIDING FOR THEIR SEIZURE AND PROVIDING PENALTIES, AND REPEALING ORDINANCE NO. 433 as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 690 AN ORDINANCE ESTABLISHING PROCEDURES REGULATING ALARM SYSTEMS WITHIN AUMSVILLE, TO BE KNOWN AS THE "AUMSVILLE ALARM ORDINANCE" AND REPEALING ORDINANCE NO. 490 as Presented. Councilor Ceja seconded Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Casarez made a motion to approve the first reading by title only of Ordinance No. 691 AN ORDINANCE REGULATING THE USE OF PARKS, PARKWAYS, PUBLIC SQUARES, PUBLIC GROUNDS, STREETS, BOULEVARDS, PATHS, SIDEWALKS, GREENWAYS, REST AREAS, PLAYGROUNDS AND OTHER AREAS AND REPEALING ORDINANCE NO. 505 as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 693 REPEALING ORDINANCE 555 CONCERNING GIVING FALSE INFORMATION TO POLICE as Presented. Councilor Casarez seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 694 AN ORDINANCE REPEALING ORDINANCE NO. 564, AN ORDINANCE CONCERNING REGISTRATION OF RESIDENTS CONVICTED OF A SEX CRIME as Presented. Councilor Purdy seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Purdy made a motion to approve the first reading by title only of Ordinance No. 695 AN ORDINANCE ESTABLISHING DRIVING AND CRIMINAL HISTORY RECORD CHECK POLICIES CONCERNING PUBLIC EMPLOYMENT AND PUBLIC SERVICE PROVIDERS AND VOLUNTEERS, AND REPEALING ORDINANCE NO. 597 as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Casarez made a motion to approve the first reading by title only of Ordinance No. 697 AN ORDINANCE RELATING TO THE PARKING OF VEHICLES AND TRAILERS ON CITY STREETS, PRIVATE OR PUBLIC PROPERTY; SETTING REGULATIONS AND PENALTIES FOR VIOLATIONS, AND REPEALING ORDINANCE 171 as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 698 AN ORDINANCE REPEALING ORDINANCE NO. 306, AN ORDINANCE REGULATING PARKING IN THE CITY OF AUMSVILLE as Presented. Councilor Ceja seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Purdy made a motion to approve the first reading by title only of Ordinance No. 699 AN ORDINANCE REGULATING THE USE OF BICYCLES, SKATEBOARDS, SCOOTERS, ROLLER SKATES AND SIMILAR APPARATUS WITHIN THE CITY AND REPEALING ORDINANCE NO. 349 as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Casarez made a motion to approve the first reading by title only of Ordinance No. 700 AN ORDINANCE RELATING TO MOTOR VEHICLE TRAFFIC, ESTABLISHING A TRUCK ROUTE, AND REPEALING ORDINANCE 363 as Presented. Councilor Ceja seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Purdy made a motion to approve the first reading by title only of Ordinance No. 701 AN ORDINANCE REPEALING ORDINANCE NO. 370, AN ORDINANCE CONCERNING THE OREGON UNIFORM TRAFFIC CODE as Presented. Councilor Seney seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney made a motion to approve the first reading by title only of Ordinance No. 702 AN ORDINANCE REQUIRING ALL BUSINESSES AND PEDDLERS IN THE CITY OF AUMSVILLE TO MAKE APPLICATION FOR A LICENSE, FIXING FEES, PROVIDING FOR THE MANNER FOR ENFORCING THIS ORDINANCE, AND REPEALING ORDINANCE NO. 659 as Presented. Councilor Casarez seconded. Motion APPROVED 4-1: (Yes: Councilors Casarez, Ceja, Seney, and Mayor Clevenger. No: Purdy.)

OLD BUSINESS: None

NEW BUSINESS:

CA Harding explained that this resolution is to set the water and sewer rates at the current rates. At the last Council meeting we adopted the new Sewer and Water Rates Ordinance which now requires fees to be set by resolution. This resolution simply sets the fee. Councilor Seney made a motion to approve Resolution No. 16-20 A RESOLUTION ESTABLISHING WATER AND SEWER RATES FOR THE CITY OF AUMSVILLE. Councilor Casarez seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Council reviewed and discussed Councilor Bambrick's resignation. Councilor Casarez made a motion to accept Councilor Bambrick's resignation effectively immediately. Councilor Ceja seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ceja, Purdy, Seney, and Mayor Clevenger. No: None.)

Council discussed whether to cancel the December 28th Council meeting. Council consensus was to cancel the second meeting in December 2020.

CITY ADMINISTRATOR'S REPORT: CA Harding updated Council on the COVID-19 epidemic. The Aumsville zip code area had a rise and we are now at 80 positive cases since the beginning of the outbreak. He stated that the virus continues to be an ongoing issue of concern. Staff continues to maintain our current COVID-19 protocols.

CA Harding talked about the Governor's latest closure order. He stated that the city offices have been deemed exempt as essential services. Our city hall lobby updates and restrictions make it one of the safest places to enter. There are some additional requirements for our police department. We will not be citing businesses that don't comply, but we will be educating our residents. If we do see businesses that are repeatedly out of compliance, we will write a report to OSHA then it will be up to OSHA to do enforcement.

CA Harding reported that we just got our estimated population; 4215 as of July 1, 2020.

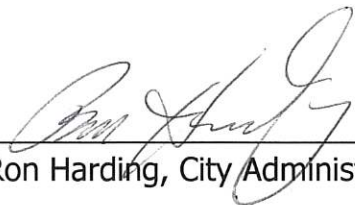
Mayor Clevenger reached out to Governor Brown's office to see if they are advocating for businesses in small cities. These businesses are impacted differently than those in the larger cities.

MAYOR/COUNCIL REPORTS AND INITIATIVES: Councilor Casarez asked everyone to support our local businesses as much as possible. Mayor Clevenger updated Council with his travel schedule. He has a return date of Dec. 15th.

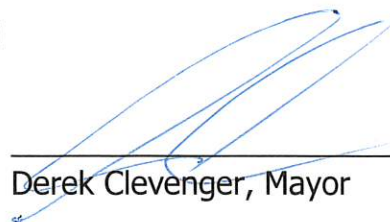
GOOD OF THE ORDER: None

CORRESPONDENCE: None

ADJOURNED WITHOUT PREJUDICE AT 8:50 PM



Ron Harding, City Administrator



Derek Clevenger, Mayor