



# City of Aumsville



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## **AUMSVILLE CITY COUNCIL Minutes – October 14, 2019**

Mayor Clevenger called the meeting to order at 7:00 PM in the Chester Bridges Memorial Community Center, 555 Main Street, Aumsville, Oregon. Council present was: Mayor Derek Clevenger, Councilors Gus Bedwell, Nico Casarez, Jim Case, Angelica Ceja, Larry Purdy, and Della Seney. Council absent were none. City Administrator Ron Harding (CA Harding), and City Clerk Colleen Rogers (CC Rogers) were also present.

Approval of Agenda: Mayor Clevenger asked for a motion to approve the agenda. Councilor Casarez motioned to approve the agenda. Councilor Ceja seconded. Motion APPROVED 7-0: (Yes: Clevenger, Bedwell, Casarez, Case, Ceja, Purdy, and Seney. No: None.)

### **PRESENTATIONS & VISITORS:**

Corn Festival President Ed Blakesley presented Council with the 2019 Corn Festival annual report. He stated that overall it was a decent festival, they didn't lose money, but they will be making some changes to next year's event that will hopefully make it more profitable. He shared some of the numbers: the beer garden profited approximately \$1,100, corn sales in excess of \$8,000, car show around \$800, BBQ contest \$50, and the souvenir booth \$1,200. The total gross income was \$23,900. Total expenses were not available yet.

Councilor Bedwell voiced his concerns regarding the pedestrian crossing from Mill Creek Park to Porter-Boone Park. He stated that the lighting was positioned in a way that it was blinding the view of oncoming cars. President Blakesley stated that this should not be an issue next year as they are working on a way to get everything in one park venue.

Councilor Purdy asked if Mr. Blakesley could create a written profit/loss statement and bring it back to Council once the expenses have been accounted for. President Blakesley affirmed that he would be willing to do that.

There were 11 visitors in the audience, and two people asked to speak during the public comment period.

John and Tanya Holguin, owners of Lucky You Coffee Shop at 110 N 1<sup>st</sup> addressed Council regarding a metal shipping container they have placed on their lot. Mrs. Holguin received a notice of code violation from the City. She stated that the container is only temporary to

store the contents of their existing building while they are making some renovations and improvements to the back of their business. They are creating an indoor seating area for customers that come to eat at the food trucks during the winter. They are asking to keep it on the premise until they are done with the work. She stated that they have received an enforcement letter from the city that the container is a code violation and must be removed within four days.

CA Harding explained that the letter stated that they had five days to contact City Hall and work out a plan for compliance. Mrs. Holguin explained that she had not actually read the letter, an employee had called her and told her about it. Councilor Ceja asked how long they plan to have the container there. Mrs. Holguin answered that it was hard to say. It will depend on how long the renovation takes. They are hopeful that it will be a couple of months. Mayor Clevenger questioned whether the container should be considered a temporary unit rather than a structure. CA Harding explained that under Marion County building codes it is considered a structure and because it is larger than 120 sf it requires a building permit. This a County regulation that the City has no control over.

CA Harding explained that he has concerns about the business expansion plans that are happening without going through the city's development code process but asked that Council focus on the issue at hand: the unpermitted container and deck improvements. CA Harding explained that Marion County building codes require a permit for any temporary or permanent structure over 120 sf in a commercial zone. The deck requires a permit to ensure that it meets the ADA requirements. He went on to say that any expansion of the business would trigger a Site Development Review (SDR) Application. At this time the City has not received any building permit applications or SDR Application from the Holguins. Turning the storage area of their building into additional dining and seating would be a change of occupancy and use for that portion of the building. This could kick in Oregon Land Use laws that require a public hearing and notification to adjacent property owners. A lengthy discussion followed.

Councilor Bedwell reminded Council that this involves more than City Ordinances, it is also dealing with County and State regulations. He told the Holguins that he wants them to be successful and there isn't anyone in the room that doesn't want that as well. He just wants to see them in compliance.

Councilor Ceja asked if the Holguins were aware that there was a written complaint that was received about the previous ownership of the business. She wanted to make sure that they are not held accountable for things that were missed or ignored by previous City Council or City Administrator.

CA Harding stated that there are some things that we can do to lessen the cost if they go through the SDR process. It would be a way to look at their plan carefully and find ways to help them. He talked about how a variance might be a way to keep the costs down. Mayor Clevenger asked about the cost to file for a variance. He voiced his concern about the costs of variances and SDR applications being cost prohibitive for small businesses. CA Harding stated that the fees can be adjusted by Council. Mayor Clevenger asserted that a case-by-case review is only a band aid on the real problem. He said we have a system that does not

work for small business and it needs to be fixed. Councilor Bedwell asked how would you define a small business. He stated that any business could be a small business. CA Harding stated that under our current code the business would be required to apply for site development review to expand and he has not received an application from Mrs. Holguin as this ordinance requires this process. CA Harding said he is bound by his contract with the City to uphold the ordinances and codes that are in place and cannot exempt a particular business.

Councilor Casarez stated that this is a challenge. He supports finding a way to help small business and is in support of helping them within the boundaries of the local, County, and State regulations.

CA Harding stated that if they go through site development review it will help to identify areas where there are impacts and the codes require improvements to be made. Once this has occurred, we can look at those items to see if some may qualify for a variance to lower costs. He stated that he can work with them on City regulations, but he reminded Council and the Holguins that we can't control what Marion County could come in with. Councilor Ceja encouraged the Holguins to meet with CA Harding and set up a plan as soon as possible, then come back to Council with a written agreement of plans for compliance.

CA Harding asked if Council would require the Holguins to enter a contract with the city where they need to follow our existing land use laws and we would work with them to get them through site development review as required. He also asked Council to understand that he would include in the contract a stay to accumulated fines as long as the applicants completed terms outlined in the site development review process. They would be responsible for those fines if they fail to follow through with the city.

Councilor Purdy made a motion that Council grant a 30 day stay of fines to work with CA Harding to come to an agreement. Councilor Bedwell seconded. Motion APPROVED 7-0: (Yes: Clevenger, Bedwell, Casarez, Case, Ceja, Purdy, and Seney. No: None.)

Mayor Clevenger added that our codes currently prohibit food pods and he would like to revisit that. Councilor Seney reminded Council that this issue is on the list of ordinances that Morgan CPS has been contracted to go through and update. CA Harding stated that the updates will come before Council for final approval, but a food pod would still require improvements under site development review and the same thing could be accomplished using a conditional use application.

Jaime Pickering, 150 3<sup>rd</sup> St., ordinance regarding the prohibiting of 10,000lb vehicles parked on the city streets. He stated that this ordinance needs to be changed to any vehicle that requires a commercial driver's license instead of by weight. CA Harding stated this ordinance is targeted mainly to commercial vehicles like semi-trucks. Street parking was discussed. CA Harding said that he will revisit the ordinance and look at the weight limit. Mr. Pickering asked about small business water use. He owns a wildfire fighting business and has two tanks that he is currently filling with a hose from his residence. This takes a long time. He inquired about filling his rigs by hooking up to a hydrant and was denied. CA Harding stated that Council discussed this subject and made the policy decision to stop

allowing commercial businesses to use city water unless it is for a project within the city limits or serving the community and it was discussed. Mr. Pickering stated that he is a local business owner and he is willing to pay for the water. He asked Council for an exemption to be able to use the hydrant. Mayor Clevenger stated by allowing one business access it could open the door for others. Council consensus was not to grant an exemption.

**CONSENT AGENDA:** Council approved the September 13, 2019 through October 3, 2019 check registers and the September 23, 2019 Council meeting minutes. Councilor Casarez moved to approve the consent agenda as presented. Councilor Seney seconded. Motion APPROVED 7-0: (Yes: Clevenger, Bedwell, Casarez, Case, Ceja, Purdy, and Seney. No: None.)

**OLD BUSINESS:** At the last Council meeting the issue of videotaping meetings was tabled to this meeting when there could be a full Council discussion. Since then CA Harding has been researching different options: videoing and posting to the internet after the meeting, live streaming, or having live streaming with an interactive online system. The least impact on the budget would be the first two options of videoing and posting to our website afterward or live streaming. He explained that once you get into interactive, we would be looking at an added burden on staff and the budget. He reached out to other cities regarding the interactive system. Some of the cities commented that they researched it and found it wasn't a good idea and their lawyers strongly advised them against it. It could open the city up to all kinds of issues and wouldn't add value to Council or citizens. Council members shared their thoughts on the subject. Among those thoughts: videotaping/live streaming is valuable to those who can't come to the meetings, it keeps Council meetings transparent, and we can start with video for now and look at an interactive system in the future.

CA Harding stated that we are getting close to a decision on equipment. He asked Council for direction moving forward. Councilor Bedwell motioned that CA Harding continue to move forward to post video meetings on the city website and include a council meeting email so residents can send comments about the agenda topic before the meeting to the Council. Councilor Casarez seconded. Motion APPROVED 7-0: (Yes: Clevenger, Bedwell, Casarez, Case, Ceja, Purdy, and Seney. No: None.)

#### **NEW BUSINESS: Event Tent Purchase**

CA Harding explained that we were recently awarded a \$3500 grant to purchase an event tent. We originally applied for a \$10,000 grant. With the amount awarded we could purchase a couple of residential grade tents. CA Harding referred to the tent comparisons that he handed out to Council pointing out the commercial grade quality tent options. He is recommending that the city contribute additional funding to be able to purchase two 30' x 40' commercial grade tents and asked Council for direction on which style and quality they would prefer and it was discussed. Council concurred that CA Harding should pursue the purchase of two commercial grade event tents.

CA Harding explained the two items in the budget amendment: setting a budget of \$12k for event tent, and an oversight on line item for building maintenance. Council reviewed Resolution 21-19 A RESOLUTION AMENDING THE 2019-2020 FISCAL YEAR BUDGET.

Discussion: Casarez moved to approve Resolution 21-19 as presented by staff and Councilor Seney seconded. Motion APPROVED 7-0: (Yes: Clevenger, Bedwell, Casarez, Case, Ceja, Purdy, and Seney. No: None.)

### **CITY ADMINISTRATOR'S REPORT:**

CA Harding gave an update on the recent Highberger Ditch cleanup. He stated that they have received a lot of positive feedback from the residents. Staff is working on getting easements for the city to have access.

Police Report – CA Harding gave Council a heads up that our dispatch, Metcom 911, has notified us that they are looking at raising their fees.

Public Works Report – CA Harding stated that we are looking at hiring a consultant to help us to deal with DEQ issues regarding the timeline of the MAO. He estimated \$5,000 for the consultant, but feels it is necessary to work with someone who knows how to work with DEQ issues.

Buildable Land Inventory and UGB Expansion: The estimate to complete the buildable land inventory and apply for the expansion with the Mid-Willamette Valley Council of Governments (MVCOG) is \$34,000. He is trying to work to get that amount lowered. This would include bringing the new park property into the city. We did not budget for this in this year's budget cycle, but we do have some options.

Water Rights and Well Geologist Consultant: CA Harding explained that we are in discussion with a consulting geologist regarding city wells and future sites to locate new wells for the best possible results. We would like them to produce a map marked with all well locations in the area and pumping statistics, including private wells. There is no firm commitment, but this is going to be the best value moving forward.

Vision Plan Update: We are close to completing a draft plan. We will set a meeting in November with our focus group to go over the plan and make any changes. Sometime after the beginning of the year we expect to begin community outreach meetings, depending on edits suggested by the committee.

Christmas in the Park Event: We are planning for a larger attendance this year. Much of the planning work has already been completed. We will be offering the lighted umbrellas again in multiple colors. We are opening the event to local businesses to participate and will be offering free photos with Santa this year. The event will begin an hour earlier at 4pm to allow more photos. Our social media event shows 60 people attending, over 1200 interested, and 15,000 views.

Newsletter: The first newsletter edition was sent out. So far, we have not received any complaints. There were some mailing issues that we think are largely resolved now. If we consider our total cost including equipment maintenance, this issue only costs an additional \$35.00 to print and send directly to residents. The price will increase with larger editions, but this worked well this month. Councilor Seney commented that she received two copies and there are others that had the same thing happened. CA Harding will have staff research and refine the mailing list.

Public Notices: Staff has researched if the newsletter is sufficient under state law to provide public notices. In our research we found a communication plan filed with DLDC. It clearly states that we should be advertising in local papers as well as the newsletter. So, regardless, this will be our new policy and process. This will allow us to cut down on newsletter printing by emailing electronic copies to residents who wish to receive them electronically. We feel like offering this is good timing with the completion and changes of our new website. Council encouraged CA Harding to move forward with this plan in concurrence with the new website.

Veterans Day: Question was whether to meet on Veterans Day, November 11<sup>th</sup> or just meet on the 25<sup>th</sup>. Council concurred they would only meet on November 25<sup>th</sup>.

CA Harding announce that the local Veteran's club and Aumsville Exchange Club are teaming up to put on a Veteran's day celebration in the Community Center Saturday November 9<sup>th</sup>. It will be open to the public and there will be more details to come.

CA Harding expressed to Council that he didn't want them to think he was being indifferent to the local business that spoke earlier. He explained that he has done everything in his authority to work with them. CA Harding commented that resolution is prudent, and he appreciates Council's well thought out discussion.

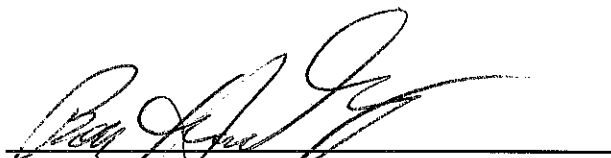
**MAYOR/COUNCIL REPORTS AND INITIATIVES:** Councilor Ceja attended the Marion County Reintegration Initiative Breakfast. Jackie Winters started the program many years ago to help public offenders re-enter the workforce and their communities. The program has been so successful that it will soon lose its funding. Councilor Ceja feels that the program has been an asset to our community as well and wants to be supportive. She also wanted to present the city with a Safety Award from CIS for no worksite injuries. It was presented to our Councilors that attended the recent League of Oregon Cities Conference.

**GOOD OF THE ORDER: None**

**CORRESPONDENCE:** Council received an invitation to attend Community Conversations and Technical Workshops through Oregon Department of Land Conservation and Development.

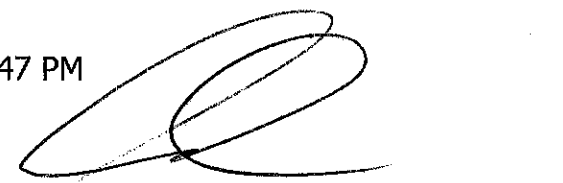
**EXECUTIVE SESSION: None**

The meeting adjourned without prejudice at 8:47 PM



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Ron Harding, City Administrator



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Derek Clevenger, Mayor