



595 Main Street, Aumsville, OR 97325  
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Email: [rharding@aumsville.us](mailto:rharding@aumsville.us)

# PUBLIC MEETING NOTICE

## JOINT PLANNING COMMISSION and CITY COUNCIL MEETING

Via Zoom Video Conference

**MONDAY, APRIL 26, 2021**

### **A G E N D A**

**1) CALL TO ORDER: 7:00PM**

- a) Approve Agenda

**2) PRESENTATIONS, PROCLAMATIONS, & VISITORS**

- a) **Public Comment:** Due to the COVID-19 Virus Council will conduct the meeting via Zoom conference call. Public Comment will be accepted from online attendees at this time. Comments are limited to 5 minutes and only for comments on items other than Public Hearings listed below. There is a public comment period within each hearing. You may also submit comments by emailing City Administrator Ron Harding at [rharding@aumsville.us](mailto:rharding@aumsville.us) by noon on April 26, 2021.
- b) **Visitors:** For information about how to attend the meeting online, please visit our website <https://www.aumsville.us/citycouncil/page/city-council-regular-meeting-78> or email [crogers@aumsville.us](mailto:crogers@aumsville.us) to request log in instructions.

**3) CONSENT AGENDA: Action**

- a) April 12, 2021 Council Meeting Minutes

**4) PUBLIC HEARING: None**

**5) OLD BUSINESS: None**

**6) NEW BUSINESS:**

- a) Review for approval Resolution No. 05-21 A RESOLUTION AUTHORIZING 2020-2021 BUDGET APPROPRIATION TRANSFERS IN THE WATER AND SEWER FUNDS.
- b) Review for approval Resolution No. 06-21 A RESOLUTION AMENDING THE TRANSPORTATION CIP WITHOUT CHANGING METHODOLOGY OR TSDC RATE
- c) Right-of-Way Issue – Discussion

**7) CITY ADMINISTRATOR REPORT: (Information)**

- a) Review Check Register April 12, 2021 through April 15, 2021

**8) MAYOR AND COUNCILORS REPORTS**

**9) GOOD OF THE ORDER: Other Business May Come Before the Council at This Time**

**10) CORRESPONDENCE: None**

**11) EXECUTIVE SESSION: None**

**12) ADJOURNMENT MEETING**

The City of Aumsville does not and shall not; discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.

Anyone wishing to speak on an agenda item should ask to be recognized by the Mayor or Chair at the beginning of that agenda item. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities must be made at least 48 hours prior to the meeting. Please call (503) 749-2030 and leave a message or Oregon Relay Service for TDD at (800) 735-2900.



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## **AUMSVILLE CITY COUNCIL**

### **Minutes – April 12, 2021**

Mayor Clevenger called the meeting to order at 7:01 PM via Zoom Conferencing. Council present was: Mayor Derek Clevenger, Nico Casarez, Angelica Ceja (7:06), Doug Ecclestone, Scott Lee, Della Seney, and Walter Wick. Council absent: none. City Administrator Ron Harding (CA Harding) and 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 Wick seconded. Motion APPROVED 6-0: (Yes: Councilors Casarez, Lee, Ecclestone, Seney, Wick, and Mayor Clevenger. No: None.)

#### **PRESENTATION:**

##### **Budget Committee Appointment**

Council received two applications for the vacant Budget Committee position: Katie Wallace and Jay Marshall. After a brief discussion Councilor Casarez moved to appoint Katie Wallace to the Aumsville Budget Committee. Councilor Wick seconded. Motion APPROVED 6-0: (Yes: Councilors Casarez, Ecclestone, Lee, Seney, Wick, and Mayor Clevenger. No: None.)

##### **Arbor Day Proclamation**

Mayor Clevenger read into the record a proclamation proclaiming April 30<sup>th</sup>, 2021 as Arbor Day. CA Harding explained that the proclamation is part of our Tree City program. He stated that staff are putting together a video about the proper way to plant a tree and researching some possible free tree seedlings that could be given out to residents that want them.

**VISITORS AND PUBLIC COMMENT:** There were three online attendees and no public comment. Login information was provided for members of the community to make public comment at this time and listen to the discussion.

**CONSENT AGENDA:** Council reviewed the March 22, 2021 Council meeting minutes. Councilor Casarez moved to approve the consent agenda as presented. Councilor Ecclestone seconded.

Motion APPROVED 7-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Lee, Seney, Wick, and Mayor Clevenger. No: None.)

**PUBLIC HEARING: Aumsville Development Code Update Ord. No. 703**

Mayor Clevenger opened the Public Hearing at 7:07 PM.

Staff Report: CA Harding explained that the updates are mostly for clarity and scrivener error correction. He went through the staff report and pointed out some of the changes.

Mayor Clevenger called for general testimony and there was none. He then called for questions from Council and there were no questions.

Mayor Clevenger closed the public hearing at 7:15 PM.

There was no Council deliberation and Mayor Clevenger called for a motion. Councilor Wick moved to approve the first reading by title only of Ordinance No. 703 repealing and replacing Ordinance No. 670 as presented, adopting findings contained in the staff report. Councilor Casarez seconded. Motion APPROVED 7-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Lee, Seney, Wick, and Mayor Clevenger. No: None.)

Mayor Clevenger stated that with a unanimous passing of the first reading of Ord. No. 703, Council may choose to do a second reading and adoption at this same meeting. Councilor Casarez moved to approve the second reading by title only and adopt Ordinance No. 703 repealing and replacing Ordinance No. 670 as presented, adopting findings contained in the staff report. Councilor Seney seconded. Motion APPROVED 7-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Lee, Seney, Wick, and Mayor Clevenger. No: None.)

**OLD BUSINESS:** Council reviewed an agreement with the Mid-Willamette Valley Council of Governments (MVCOG) for the Aumsville Residential Building Land Inventory and Parks Master Plan Update. CA Harding explained that this agreement is for putting together the information needed to apply for expansion of the city's Urban Growth Boundary (UGB). This would also allow the City to apply to bring our recently acquired 23 acre park property into the UGB so we can begin the process of annexing it into the city limits. CA Harding introduced Renata Wakeley, spokesperson for MVCOG. Ms. Wakeley summarized the process that their staff will be implementing to fulfil the agreement and Council had no questions. Councilor Casarez moved to authorize CA Harding to enter into an agreement with MVCOG for contract services for UGB expansion as well as buildable lands inventory as presented. Councilor Ceja seconded. Motion APPROVED 7-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Lee, Seney, Wick, and Mayor Clevenger. No: None.)

**NEW BUSINESS:** Council reviewed Resolution No. 03-21 A RESOLUTION APPROVING THE CHANGE OF INDIRECT CONTROL OF THE FRANCHISEE UNDER THE CABLE TELEVISION

FRANCHISE. CA Harding explained that this Resolution is routine when a cable company has changes to their majority shareholders. It is mainly a Resolution that Council acknowledges the Franchise terms. Councilor Seney move to approve the Change of Indirect Control of the Franchisee Under the Cable Television Franchise WaveDivision VII, LLCC as presented. Councilor Ecclestone seconded. Motion APPROVED 7-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Lee, Seney, Wick, and Mayor Clevenger. No: None.)

Mayor Clevenger introduced Resolution No. 04-21 A Resolution in support of congressional appropriations for wastewater facility. CA Harding explained the this is basically a resolution for Council acknowledging the ask for Congressman Shrader, Senator Wyden, and Senator Merkley to work together to assist the City with federal funding to pay for the 10-15 million dollars of capital expenditure needed to build a new mechanical wastewater facility. He cited the process for the City to get direct appropriations from federal funding. This is a longshot and may not come through. There was no discussion. Councilor Casarez moved to approve Resolution No. 04-21 A RESOLUTION TO SUPPORT FEDERAL APPROPRIATIONS FOR THE CITY OF AUMSVILLE WASTEWATER TREATMENT FACILITY. Councilor Seney seconded. Motion APPROVED 7-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Lee, Seney, Wick, and Mayor Clevenger. No: None.)

**City Administrator Report:** CA Harding reported that there have been 272 COVID-19 cases accumulative in our zip code since the onset. He commented that the cases are along trends with other cities.

The event committee has met and are working on the details of upcoming events. We focused mainly on the Corn Festival and getting things lined up. The festival will be on August 21<sup>st</sup> this year. The theme that the committee is recommending is "All Dressed Up and Nowhere to Grow" playing off of COVID-19 restrictions.

The dog park is scheduled for mid-May for fencing to be installed. The wheelchair swing will be installed in Wildwood Park.

We have everything together to complete the community center kitchen. Council gave consensus for CA Harding to go forward with the remodel.

Our parks took a beating this year and they will need some sprucing up. The parks are open, but there is still a lot of clean up needed.

CA Harding stated that with the Public Works staff workload and the pending adding of a new wastewater treatment facility as well as the new east side park, there will be a need to look at adding another staff person. Council consensus was for CA Harding to present this through the budget process.

**MAYOR/COUNCIL REPORTS AND INITIATIVES:** Councilor Casarez thanked City staff for all their efforts to make the Easter event a huge success. He stated that he got a lot of good feedback from citizens.

**GOOD OF THE ORDER:** Mayor Clevenger discussed his work travel itinerary with Council.

**CORRESPONDENCE: None**

**EXECUTIVE SESSION: None**

adjourned without prejudice at 7:56 PM

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Derek Clevenger, Mayor

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Ron Harding, City Administrator



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## **STAFF REPORT**

**TO:** City of Aumsville City Council

**FROM:** Ron Harding, City Administrator  
Joshua Hoyer, Finance Officer

**Date:** April 26, 2021 City Council Meeting

**SUBJECT:** Budget Appropriation Transfers

**RECOMMENDATION:** Staff requests authorization to transfer budget appropriation from contingency to Transfers in the Water and Sewer Funds, to provide enough resources for the remaining 2% administrative fee transfers to the General Fund.

**BACKGROUND:** The city periodically assesses a 2% administrative fee from the Water and Sewer Funds to the General Fund. The first transfer each fiscal year occurs in October and covers collections between March and September of the current calendar year. The second transfer in March covers collections from October through February. A combination of growth and increased water consumption have led to the city collecting higher than expected revenues for services.

The city originally budgeted to transfer \$16,889 to the General Fund from the Water Fund as its 2% administrative fee on \$844,450 in anticipated collections between March 2020 and February 2021. However, during this period the city collected \$860,577.10. The appropriate administrative fee in total would be \$17,211.54. An additional \$323 in transfer authority is needed from the Water Fund to the General Fund.

In the Sewer Fund, the administrative fee to the General Fund was budgeted at \$17,144; however, with collections of \$869,501.34 between March 2019 and February 2020, this administrative fee would amount to \$17,390.03, a difference of about \$247.

Staff is requesting a budget appropriation transfer from contingency to transfers within the Water and Sewer Funds to allow these final administrative fee transfers to be made in full.

**CURRENT SITUATION:** ORS 294.463 grants local governments authority to transfer budget appropriations from contingency up to fifteen percent (15%) of the fund's original total appropriations. This limitation amounts to about \$159,904 in the Water Fund, and \$155,195 in the Sewer Fund. To date, there have been no other adjustments to contingency in either fund.

The impact on the 2020-21 fiscal year budget would be as follows (Rounded up to the dollar for budget presentation):

| WATER FUND                      |                        |                          |                        |
|---------------------------------|------------------------|--------------------------|------------------------|
|                                 | Current Appropriations | Change in Appropriations | Amended Appropriations |
| Transfers                       | 200,939                | 323                      | 201,262                |
| Operating Contingency           | 112,837                | (323)                    | 112,514                |
| Net change in requirements      |                        |                          | 0                      |
| SEWER FUND                      |                        |                          |                        |
| Transfers                       | 141,194                | 247                      | 141,441                |
| Operating Contingency           | 98,430                 | (247)                    | 98,183                 |
| Net change in requirements      |                        |                          | 0                      |
| GENERAL FUND                    |                        |                          |                        |
| RESOURCES                       | 2,069,779              | 570                      | 2,070,349              |
| Reserved for Future Expenditure | 177,994                | 570                      | 178,564                |
| TOTAL REQUIREMENTS              | 2,069,779              | 570                      | 2,070,349              |

### **Council Options**

1. Approve Resolution 5-21 to transfer budget appropriations as outlined.
2. Reject Resolution 5-21.
3. Remand Resolution 5-21 to staff for revision.

**MOTION:** *I move to approve Resolution 5-21 as presented by staff.*



**RESOLUTION NO. 5-21**

A RESOLUTION AUTHORIZING 2020-2021 BUDGET APPROPRIATION TRANSFERS IN THE WATER AND SEWER FUNDS.

**WHEREAS**, the City has experienced a greater increase in water and sewer collections revenue than anticipated between March 2020 and February 2021; and

**WHEREAS**, the City assesses a 2% administrative Fee from the Water and Sewer Funds to the General Fund based on the Collections; and

**WHEREAS**, the Water and Sewer Funds lack sufficient appropriations in the Transfers category to provide for the remaining Administrative Fees to the General Fund for October 2020 through February 2021 collections; and,

**WHEREAS**, ORS 294.463 grants local governments authority to transfer budget appropriations from contingency up to fifteen percent (15%) of the fund’s original total appropriations; and,

**WHEREAS**, transfers from contingency in the Water Fund within the fiscal year to date aggregate to not more than fifteen percent of the fund's original total appropriations;

**NOW THEREFORE, BE IT RESOLVED** that the Aumsville City Council amends the 2020-2021 Fiscal Year Budget as follows:

| WATER FUND                      |                           |                             |                           |
|---------------------------------|---------------------------|-----------------------------|---------------------------|
|                                 | Current<br>Appropriations | Change in<br>Appropriations | Amended<br>Appropriations |
| Transfers                       | 200,939                   | 323                         | 201,262                   |
| Operating Contingency           | 112,837                   | (323)                       | 112,514                   |
| Net change in requirements      |                           |                             | 0                         |
| SEWER FUND                      |                           |                             |                           |
| Transfers                       | 141,194                   | 247                         | 141,441                   |
| Operating Contingency           | 98,430                    | (247)                       | 98,183                    |
| Net change in requirements      |                           |                             | 0                         |
| GENERAL FUND                    |                           |                             |                           |
| RESOURCES                       | 2,069,779                 | 570                         | 2,070,349                 |
| Reserved for Future Expenditure | 177,994                   | 570                         | 178,564                   |
| TOTAL REQUIREMENTS              | 2,069,779                 | 570                         | 2,070,349                 |

**BE IT FURTHER RESOLVED** that this resolution becomes effective upon adoption.

CONSIDERED AND PASSED BY THE AUMSVILLE CITY COUNCIL ON THE 26TH  
DAY OF APRIL 2021.

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Derek Clevenger, Mayor

ATTEST:

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Ron Harding, City Administrator



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## **STAFF REPORT**

**TO:** City of Aumsville City Council  
**FROM:** Ron Harding, City Administrator  
**SUBJECT:** Del Mar west intersection design

**RECOMMENDATION:** Approve Resolution No. 06-21, amending the City's Capital Transportation Improvement project list to include the Del Mar west intersection design.

### **BACKGROUND:**

During strategic planning sessions, the City discussed ways to assist local development of the Interchange Development (ID) zone. After some discussion on aligning barriers with solutions, we identified steps that could be beneficial in resolving some of the barriers. One recommendation was to design the intersections at Del Mar, both east and west, to help establish cost of investment for future development. More so, opening up this thru street will help increase the allowable trips generated from the ID zone by providing more circulation for traffic.

The Del Mar west was identified in the Transportation System Plan (TSP) as a project, but was listed as developer-driven since, at the time, there were undeveloped lots and the city anticipated this connection with that development. The development did not occur as anticipated, so the project was not completed but should have been included in the System Development Charge (SDC) project list at that time.

Council sees this intersection as a key to assisting future growth in the City and would replace a lower priority project with the Del Mar intersection design at this time to move the project forward. This is needed because the City does not desire to change the methodology or increase cost associated with Transportation SDC at this time.

The City is exploring grants to also help update the current Transportation Plan and help develop land use planning strategies to make developing the ID zone more desirable.

**MOTION:**

- Approve Resolution No. 06-21 amending the City Capital Transportation Improvement project list to include the Del Mar west intersection design.
- Approve Resolution No. 06-21 amending the City Capital Transportation Improvement project list to include the Del Mar west intersection design as modified by:
- Move to remand back to staff for revisions as directed.

**RESOLUTION NO. 06-21**

**A RESOLUTION AMENDING THE TRANSPORTATION CIP WITHOUT CHANGING METHODOLOGY OR TSDC RATE**

**WHEREAS**, the City of Aumsville recently held a number of strategic planning session and explored options for traffic circulation, capacity, and ways to make the interchange development zone more desirable for development; and

**WHEREAS**, the City of Aumsville previously adopted System Development Charges (SDC) methodologies and rates for the Transportation SDCs (TSDC); and

**WHEREAS**, pursuant to the authority granted by ORS 223.309(2), the City of Aumsville wishes to amend the City's Transportation Capital Improvement Plan (CIP) to replace a currently listed project with the design of the Del Mar West intersection; and

**WHEREAS**, this amendment to the Transportation CIP will not change the TSDC methodology or the transportation SDC rate.

**NOW, THEREFORE, THE CITY OF AUMSVILLE HEREBY RESOLVES AS FOLLOWS:**

**SECTION 1.** The City of Aumsville's Transportation CIP is hereby amended under the authority granted by ORS 223.309(2) and any other applicable laws to remove one current project and replace it with the design of the Del Mar West intersection, as set forth in the attached Exhibit A, which is incorporated herein.

**SECTION 2.** This Resolution shall take effect immediately upon approval.

CONSIDERED AND PASSED BY THE AUMSVILLE CITY COUNCIL OF THE 26th DAY OF April 2021.

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Derek Clevenger, Mayor

ATTEST:

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Ron Harding, City Administrator



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## **STAFF REPORT**

**TO:** City of Aumsville City Council  
**FROM:** Ron Harding, City Administrator  
**SUBJECT:** Discussion regarding right-of-way encroachments

**RECOMMENDATION:** No recommendation

### **BACKGROUND:**

The city has codes that protect right-of-way easements dedicated for public use. Today new developments are required to build a 60-foot right-of-way, which includes sidewalk on both sides of the street. However, when our older neighborhoods were built, the right-of-way dedication was the same, but the streets were constructed narrower, leaving some right-of-way behind the sidewalks of properties as shown in the attached map.

Our codes do not permit private use of right-of-way areas for good reason. When someone uses the right-of-way as an extension of their yards and then sells their home, the new buyers only see the finished yard and not the invisible line where the right-of-way is located. When staff then needs to access to the right-of-way, we tend to get resistance as owners feel the property belongs to them.

Because we have had so many code violations for fences, the city implemented a no-fee Type A Permit process last year for all fences. We have had good success with this program in preventing many homeowners from constructing fences that do not meet the code.

Recently we had a fence permit filled out by a property owner. The property owners were informed by staff where the right-of-way was located and decided not to install the fence because it would sit approximately 5 feet back from the sidewalk (10 feet from face of curb). They wanted to take it to the sidewalk. A few weeks later, their neighbor constructed a fence without getting a permit from the city. He installed the fence up to the sidewalk and was not conforming with the current code. We issued a

violation notice, which he appealed to the city administrator. Clearly, his fence violates city codes and needs removed; however, in the course of looking into the issue, I see a larger policy discussion that we should have.

One approach is to simply apply the codes as written and not permit fences in the right-of-way area. So far this is our approach as we follow the code.

However, because of the way the streets in the older part of the city were constructed, many lots have 6-10 feet of the front yards that exist in the right-of-way. Is it unreasonable to allow front yard fences to be in these areas? Front yard fences can only be constructed 36 inches high. If Council feels this should be an exception, then we must decide how to implement the change in policy. Because we are issuing a permit, which now creates a paper trail, we need to make sure any fence that does not conform to the code is explained and documented.

Our city attorney has provided two paths if Council wants to pursue allowing fences within the right-of-way.

His preferred recommendation would be to allow the fences during a Type A permitting process and having the owners execute a right-of-way use agreement. This would be filed with Marion County and become part of the title report. The agreement simply shows new buyers where the right-of-way is located and lets them know at any point the city can use this right-of-way at its discretion. The staff would only issue this in certain areas of the city, but mainly the older neighborhoods. One difficulty with this process is we would need to charge for the agreement. I would want a fee of approximately \$250.00.

An alternative is to simply set a policy that allows staff to approve these minor permits within rights-of-way at their discretion and put a disclaimer at the bottom of the permit that states "The issuance of this permit does not provide homeowner any extended rights over city right-of-way should the fence be located in any portion over the city right-of-way." This is the easiest way to implement a policy change and does not really cost anything additional.

Council Discussion:

AFTER RECORDING, RETURN TO  
CITY OF \_\_\_\_\_  
\_\_\_\_\_ STREET  
\_\_\_\_\_, OR \_\_\_\_\_

## ENCROACHMENT AGREEMENT

This Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_ ('City') and \_\_\_\_\_ ('Owners'). The Owners own property with an address of \_\_\_\_\_, which is legally described as <lot and block> (the "Property"). The Owners [currently have or desire to construct ] a \_\_\_\_\_ on the Property that encroaches into the public right-of-way for \_\_\_\_\_ (the "ROW"). The City has the exclusive right to hold and manage the ROW for the benefit of the public. Subject to Owners' compliance with the terms and conditions of this Agreement, the City will allow Owners to maintain the encroachment.

The City grants Owners and their successors and assigns the authority to maintain the \_\_\_\_\_ located on the Property that encroaches into the ROW. A picture accurately depicting the location and condition of the \_\_\_\_\_ as of the date of this Agreement is attached as Exhibit A. A description showing the portion of the ROW burdened by the encroachment ('Encroachment Area') is attached as Exhibit B.

In consideration of which the Owners and their assigns hereby promise and agree as follows:

1. To release, discharge and covenant not to sue City for any claim, demand, loss, cost, expense or cause of action, of any nature, arising out of or related to Owner's use, occupation or enjoyment of the Encroachment Area, including any claim arising out of or related to work performed in the ROW. Examples of such work include but are not limited to street cleaning, paving, striping or the construction, reconstruction or maintenance of the ROW or other improvements within the ROW such as curbs, gutters, sidewalks, street trees, street lights, or landscape strips.
2. To reimburse the City for the total repair expense if repair work is necessitated by damage caused as a result of the encroachment.
3. To cooperate with the City and any franchise utility company in the event that such entity needs access to the Encroachment Area to service, maintain, or repair utilities, including removal of the \_\_\_\_\_ or other structures or improvements in the Encroachment Area if required to provide access for such service, maintenance, or repair. Owners shall be responsible for all costs associated with repair or replacement of such encroachment improvements when removal is required.
4. To completely and permanently remove the \_\_\_\_\_ and all other structures or improvements in the Encroachment Area at such time as they are no longer needed, or when the City deems it necessary to accommodate public improvements on or in the right-of-way, including but not limited to paving, striping, curbs, gutters, sidewalks, street trees, street lights, or landscape strips. Removal of the encroachment improvements shall be done at the sole expense of the Owners.



5. To comply with all federal, state and local laws that apply, now or in the future, to Owner's use, occupation and enjoyment of the Encroachment Area.

Owner will indemnify and hold harmless City, its officers, elected officials, directors, employees, agents and contractors from and against any and all claims demands, losses, costs, expenses or cause of action, of any nature, arising out of or related to Owner's exercise of the authority City grants in this Agreement, provided that Owner shall not be responsible for any claims arising from the negligence or intentional conduct of City, its employees, its agents, or independent contractors.

Unless and until it is terminated, this Agreement runs with and binds the Property. Owner may not otherwise assign or transfer the authority City grants in this Agreement without the prior written consent of the City, which it may withhold in its sole discretion.

This Agreement shall terminate if Owner fails to maintain the \_\_\_\_\_ and all other structures or improvements in the Encroachment Area or Owner uses or occupies any part of the right-of-way outside of the Encroachment Area. The authority the City grants in this Agreement shall terminate upon removal or relocation of the \_\_\_\_\_ and other structures or improvements in the Encroachment Area.

This Agreement does not convey to Owner any right, title or interest in or to the right-of-way other than a license to occupy and use the Encroachment Area consistent with its terms. The Owner's obligation to indemnify the City and to remove the \_\_\_\_\_ and all other structures or improvements in the Encroachment Area survives termination of this Agreement.

This Agreement is governed by and construed in accordance with the laws of the State of Oregon, without respect to conflict of laws principles. Failure of the City at any time to require performance of any provision of this Agreement shall not limit the City's right to enforce the provision, nor shall any waiver of a breach of a provision of the Agreement be a waiver of any subsequent breach of the provision or a waiver of the provision itself or any other provision. No amendment or modification of this agreement shall be valid unless in writing and signed by the City and re-recorded against the property.

WITNESS our hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Owner

\_\_\_\_\_  
\_\_\_\_\_, City Manager

**NOTARIZE DOCUMENT BELOW**

STATE OF OREGON )

) ss.

County of \_\_\_\_\_ )

On this . day of \_\_\_\_\_, 202\_, personally appeared before me, the above named persons, \_\_\_\_\_, \_\_\_\_\_, known to me to be the persons(s) whose signature is above subscribed, and acknowledged to me that this is a free act and deed, for the uses and purposes therein expressed. In witness whereof, I have hereunto set my hand and affixed my official seal on the day and year last above written.

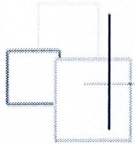
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

My Commission Expires: \_\_\_\_\_

DRAFT



Right-of-Way



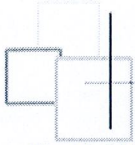
# Accounts Payable Register

City of Aumsville

Fiscal: 2020-21  
Deposit Period: 2020-21 - April  
Check Period: 2020-21 - April - First Council

| Number                                       | Name                                    | Print Date | Amount                                |
|--|---|------------|---------------------------------------|
| <b>Riverview Community Bank</b>              | <b>9001000967</b>                       |            |                                       |
| <b>Check</b>                                 |   |            |                                       |
| 54660  | 911 SUPPLY                              | 4/12/2021  | \$179.98                              |
| 54661  | ARETE ADVISORS LLC                      | 4/12/2021  | \$250.00                              |
| 54662  | AUMSVILLE ACE HARDWARE                  | 4/12/2021  | \$54.03                               |
| 54663  | BEERY ELSNER & HAMMOND LLP              | 4/12/2021  | \$1,352.60                            |
| 54664  | BETHEL BAPTIST CHURCH                   | 4/12/2021  | \$12,700.00                           |
| 54665  | BMS TECHNOLOGIES                        | 4/12/2021  | \$2,470.90                            |
| 54666  | CITY OF KEIZER                          | 4/12/2021  | \$90.00                               |
| 54667  | CRUISE MASTER ENGRAVING                 | 4/12/2021  | \$39.25                               |
| 54668  | D & W AUTOMOTIVE                        | 4/12/2021  | \$533.22                              |
| 54669  | MNOP                                    | 4/12/2021  | \$970.05                              |
| 54670  | MOONLIGHT MAINTENANCE                   | 4/12/2021  | \$494.75                              |
| 54671  | NCL OF WISCONSIN, INC                   | 4/12/2021  | \$583.13                              |
| 54672  | OFFICE DEPOT, INC                       | 4/12/2021  | \$626.29                              |
| 54673  | O'REILLY AUTO PARTS                     | 4/12/2021  | \$23.97                               |
| 54674  | PRO SOUND AND VIDEO                     | 4/12/2021  | \$3,125.00                            |
| 54675  | SANTIAM TREE SERVICE INC.               | 4/12/2021  | \$2,600.00                            |
| 54676  | STAYTON TIRE & AUTOMOTIVE               | 4/12/2021  | \$21.60                               |
| 54677  | THE AUTOMATION GROUP                    | 4/12/2021  | \$7,099.17                            |
| 54678  | ULTRABAC SOFTWARE                       | 4/12/2021  | \$798.00                              |
| 54679  | ULTRAX BUSINESS SOLUTIONS               | 4/12/2021  | \$31.32                               |
| 54680  | WATERLAB CORP                           | 4/12/2021  | \$1,985.50                            |
| 54681  | WAVE                                    | 4/12/2021  | \$18.42                               |
| 54682  | WESTECH ENGINEERING INC                 | 4/12/2021  | \$18,206.00                           |
| 54683  | WHITNEY EQUIPMENT COMPANY, INC          | 4/12/2021  | \$54.96                               |
| <u>EFT Payment 4/14/2021 10:53:07 AM - 1</u> | DE LAGE LANDEN FINANCIAL SERVICES, INC. | 4/14/2021  | \$85.00                               |
| <u>EFT Payment 4/14/2021 10:53:07 AM - 2</u> | INVOICE CLOUD                           | 4/14/2021  | \$1,758.09                            |
| <u>EFT Payment 4/14/2021 10:53:07 AM - 3</u> | OREGON DEPARTMENT OF REVENUE            | 4/14/2021  | \$65.90                               |
| <u>EFT Payment 4/14/2021 10:53:07 AM - 4</u> | PACIFIC POWER                           | 4/14/2021  | \$9,161.78                            |
| <u>EFT Payment 4/14/2021 10:53:07 AM - 5</u> | REPUBLIC SERVICES #456                  | 4/14/2021  | \$60.00                               |
| <u>EFT Payment 4/14/2021 10:53:07 AM - 6</u> | VERIZON WIRELESS                        | 4/14/2021  | <del>\$78.12</del> 38.97              |
|  | <b>Total Check</b>                      |            | <del>\$65,517.03</del>                |
|  | <b>Total 9001000967</b>                 |            | <del>\$65,517.03</del>                |
|  | <b>Grand Total</b>                      |            | <del>\$65,517.03</del><br>\$65,477.92 |

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# Payroll Register

City of Aumsville

Fiscal: 2020-21  
Deposit Period: 2020-21 - April  
Check Period: 2020-21 - April - First Council

| Number                                | Name                              | Print Date        | Amount             |
|---------------------------------------|-----------------------------------|-------------------|--------------------|
| <b>Riverview Community Bank</b>       | <b>9001000967</b>                 |                   |                    |
| <b>Check</b>                          |                                   |                   |                    |
| 54659                                 | Casarez, Santos N                 | 4/15/2021         | \$83.02            |
| <u>Direct Deposit Run - 4/12/2021</u> | Payroll Vendor                    | 4/15/2021         | \$35,283.37        |
| <u>EFT04272021</u>                    | PERS                              | 4/15/2021         | \$12,047.81        |
| <u>EFT23504043</u>                    | EFTPS                             | 4/15/2021         | \$12,588.57        |
| <u>EFT38251282370413</u>              | Oregon Department of Revenue      | 4/15/2021         | \$3,445.72         |
| <u>EFTHSA04152021</u>                 | HSA Bank                          | 4/15/2021         | \$1,105.00         |
| <u>OSGP04152021</u>                   | VOYA - STATE OF OREGON - LG#:2234 | 4/15/2021         | \$565.00           |
| <u>V04152021</u>                      | Valic                             | 4/15/2021         | \$575.00           |
|                                       | <b>Total</b>                      | <b>Check</b>      | <b>\$65,693.49</b> |
|                                       | <b>Total</b>                      | <b>9001000967</b> | <b>\$65,693.49</b> |
|                                       | <b>Grand Total</b>                |                   | <b>\$65,693.49</b> |