

Regular Council Meeting Minutes
September 13, 2023

The regular meeting of the Arlington City Council was held on September 13, 2023, in the Council Chambers of the Municipal Building and via telephone conference.

Presiding: Mayor Jeffery Bufton.

Council Present: Denise Ball, Marshall Swope, Matthew Irby, Kayla Rayburn and Mark Davidson.

Council Absent: Jerry Hanan.

Staff Present: Recorder Kari Hayter, PWS Shanna Gronquist, Attorney Ruben Cleaveland and Planner Kirk Fatland.

Guests: Larry Johnson, Jed Crowther and Chris Jackson.

Call to Order: Mayor Bufton called the regular meeting to order at 6:30 p.m. Pledge of Allegiance Recited.

1. PUBLIC COMMENT

Mr. Larry Johnson, ASD #3 – Started the school year and up-dated the “A”. Mr. Johnson thanked school board members present for their service and Councilor Davidson for his dedication as a school employee. We’re in the process of installing new manufactured homes on school property. We’ve also purchased a duplex. We have staff retiring and need to secure housing for new staff. We are proud of our school and the direction we are going. I am fortunate to be the Superintendent; the kids are fabulous. Mr. Johnson gave an up-date on school sports. Homecoming is the first week of October, we’ll provide free hot dogs and hamburgers. Mayor Bufton asked where are you citing the manufactured homes. Councilor Davidson stated on 1355 E 2nd across from the daycare and on 1300 Main between the baseball field and cemetery shop.

2. CONSENT AGENDA - Consent agenda consisted of the following items:

- a. Approval of Minutes - Regular Meeting August 9, 2023.
- b. Approval of bills as listed.

Councilor Irby motioned to approve the consent agenda and the bills as listed, motion seconded by Councilor Davidson. Motion passed unanimously.

3. Kirk Fatland, Tenneson Engineering

a. **Ordinance No. 439 – An Ordinance Amending Section 4.11 – ‘Earth Movement and Removal’ of the City of Arlington Ordinance No. 383 to Address Cutting, Filling and Grading and Establishing a Grading Permit Procedure.** Planner Fatland stated currently the Planning Commission doesn’t have guidelines for cut and fill. This gives them more tools to request additional information. This is what the Planning Commission has recommended the City Council adopt. Planner Fatland read from the Ordinance. Planner Fatland stated we tiered this, so everyone isn’t required to get a grading permit. Councilor Davidson stated a three-foot cut or fill can be done without a permit. If you have an unlevel lot, you can cut and fill on each side as long as it is under three feet either way. Planner Fatland stated this allows for us to ask the engineer to look at the cut or fill. If this is too erroneous, we can re-evaluate. Councilor Ball asked doesn’t building codes look at compaction. Planner Fatland stated yes. We looked at other cities ordinances when drafting this Ordinance, we did not want to go too far out of our lane. We would like to be informed of cut and fill so we can pass it along to Engineer Baird for review. I asked Tenneson’s Engineers to review the Ordinance; they approved of the cut and fill language. **The consensus of the Council was to have City Engineer Baird review the Ordinance before**

proceeding with adoption. Councilor Ball asked what do you think about demolition permits. Usually, you have other agencies involved. Planner Fatland stated most nearby cities don't have demolition permits. It's not necessarily a bad thing. Mayor Bufton stated please look into demolition process and provide additional information.

4. **BRAD BAIRD, ANDERSON, PERRY & ASSOCIATES – Unable to attend.**

5. **Review of Section 7-4-4 (J) of Chapter 4 of the Arlington City Code – Utility Shutoff for Delinquency in Payment.**

Recorder Hayter stated we recently received a complaint about our utility shutoff notification process for delinquent utility bills. The complainant finds our red door tag notice to be aggressive. Recorder Hayter gave additional details about the complaint. Recorder Hayter stated a Past Due Notice letter is mailed to residents when their account is 60 days past due. A red door tag is taped to resident's door after the past due notice is mailed and no payment has been received. The red door tag gives residents a week to pay before water service is discontinued. I called several neighboring cities and asked about their process and door tag colors. Two of the cities have yellow door tags and one uses white. Two of the cities charge a fee if a door hanger is hung; \$5.00 and \$10.00. Two cities mail shutoff notices after 60-days past due like Arlington. One city mails their bills on the 25th due by the 15th of the following month. On the 16th anything over 30-days receives a late notice and 10-days to pay or shut off occurs. After five days of no payment, a yellow door tag is hung with a \$5.00 charge for the tag and five days to pay before shut off. If shut off, a \$40.00 fee to turn the water back on is charged. The account and fees must be paid in full before the water is turned back on. Mayor Bufton stated they are quite a bit more aggressive than we are. Councilor Rayburn stated before you get the letter, you are essentially two bills behind. Recorder Hayter stated you are on the verge of 90 days behind, you have a current bill, a bill in the 30-day column and 60-day column. Attorney Cleaveland stated that's the purpose of the hanger is you want to make sure you provide actual notice and an opportunity to correct a deficiency. Also, to rule out something getting lost in the mail. The purpose of the door hanger is to take every action you can to notify the property owner before the essential service is shut off. Councilor Davidson stated I think we should leave it just as it is, you can see a red door tag, it sticks out. Attorney Cleaveland stated it is called a red tag notice; I didn't know other cities use different colors. Councilor Davidson stated if the red offends you, pay your water bill. Councilor Rayburn stated people might think another colored notice is an advertisement. Mayor Bufton stated we make every effort to work with people. Recorder Hayter stated we offer payment plans. Councilor Ball asked how many complaints have you had requesting not to receive a red door hanger. Recorder Hayter stated only this one, many people like the red door hangers as a reminder. Councilor Ball stated for one person, I would never consider changing our rules. PWS Gronquist stated we also use a red tag for late notices at the Airport RV Park. Attorney Cleaveland stated the more attention you can draw to the notice the better. A door hanger is standard. I would not recommend doing a shut off without notice. Everything you can do to draw attention the notice the better; red does signify emergency. **The consensus of the council was to leave the utility shut off process and red door tag notice as is.**

6. **COUNCIL ACTION**

a. **Ordinance No. 438 – An Ordinance Amending the City's Sewer Use Regulations as Codified in the Arlington City Code, Title 7, Chapter 5, to Update the Code Regarding Maintenance and Replacement of Service Laterals.** Attorney Cleaveland stated we reviewed this at the last Council Meeting and decided to put it up for adoption. Recorder Hayter stated this could affect the Water Sewer Reserve Fund if several sewers need to be replaced. Councilor Ball went over appropriate items to flush. Attorney Cleaveland read from Section E of the Ordinance regarding maintenance and process for structure failure. The City is only responsible for structural failure, the property owner is responsible for maintenance. Structural failure's will be determined

by the Public Works Director. Mayor Bufton stated we will do everything we can to mitigate replacement. Councilor Ball stated I think we should notify the public of appropriate items to flush. Mayor Bufton stated I call for a motion to adopt the ordinance. **Councilor Rayburn motioned to have the first reading of Ordinance No. 438 by title only, motion seconded by Councilor Ball. Motion passed unanimously.** Attorney Cleaveland read Ordinance No. 438 by title only. Mayor Bufton called for a motion to accept the first reading of Ordinance No. 438. **Councilor Rayburn motioned to accept the first reading of Ordinance No. 438 by title only, motion seconded by Councilor Swope. Motion passed unanimously.** Mayor Bufton called for a motion to have a second reading of Ordinance No. 438 by title only. **Councilor Davidson motioned to have the second reading of Ordinance No. 438 by title only, motion seconded by Councilor Ball. Motion passed unanimously.** Attorney Cleaveland gave a second reading of Ordinance No. 438 by title only. Mayor Bufton called for a motion to accept the second reading of Ordinance No. 438 by title only and adopt Ordinance No 438. **Councilor Ball motioned to accept the second reading of Ordinance No. 438 by title only and adopt, motion seconded by Councilor Davidson. Motion passed unanimously.**

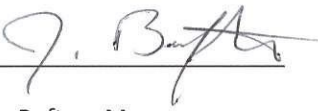
7. COUNCILOR REPORTS

- Councilor Davidson – No report.
- Councilor Rayburn – Trash cans arrived and the sanitation truck is moving along. I attended a tour of the Hansford facility; it was educational. They are making a huge effort to clean-up.
- Councilor Hanan – Absent.
- Councilor Irby – No report.
- Councilor Swope – Please use shooting safety and ear plugs.
- Councilor Ball – No report.
- PWS Gronquist – No report.
- Attorney Cleaveland - I worked with Kari and got the letter out to the park with a broken fire hydrant.
- Recorder Kari Hayter – The Auditors were here today.
- Mayor Bufton – No report.

Chris Jackson asked about the recycle dumpsters on Cottonwood. Mayor Bufton stated WM provides those as a courtesy and removed them due to abuse.

Executive Session opened at 7:26 p.m. pursuant to ORS 192.660(2)(e): To conduct deliberations with persons designated by the Governing body to negotiate real property transactions.

Executive Session closed 7:41 p.m. Mayor Bufton stated no decisions. Regular meetings closed at 7:42 p.m.



Jeffery Bufton, Mayor



Kari Hayter, City Recorder