

City of Mt. Angel
City Council Meeting Minutes

CITY COUNCIL

January 4, 2016

7:00 PM

The Mt. Angel City Council met in a regular session in the Community Meeting Room, 290 E. Charles Street, Mt. Angel, Oregon.

1. **CALL TO ORDER:** The regular session of the City Council was called to order at 7:04 p.m. by Mayor Otte.
2. **FLAG SALUTE:** Mayor Otte led the salute to the flag.
3. **ROLL CALL:**

COUNCIL

Andrew Otte, Mayor
Kelly Grassman, Council President
Darren Beyer, Councilor
Karl Bischoff, Councilor
Ray Eder, Councilor
Pete Wall, Councilor
Don Fleck, Councilor

STAFF

Eileen Stein, City Manager
Justin Hogue, Assistant to the City Manager
Mike Healy, Police Chief
Dan Bernt, Public Works Superintendent

4. **PRESENTATIONS, GUESTS, AND ANNOUNCEMENTS:** No presentations this evening.
5. **APPEARANCE OF INTERESTED CITIZENS:** All parties requesting to address the City Council were interested in speaking about the annexation. As a result, Mayor Otte explained that testimony would be taken while the Council was considered the annexation ordinance.
6. **REVIEW CORRESPONDENCE:** All correspondence received was in reference to the annexation and was considered in the discussion of the annexation ordinance.
7. **REVIEW WRITTEN STAFF REPORTS:**
Councilor Fleck thanked the Library for starting the Teen Advisory Board (TAB) program that will reach out to teens and help young people become involved in the library to a greater extent.

Councilor Eder asked Public Works Superintendent Bernt if Public Works would be patching pot holes by the fountain. Public Works Superintendent Bernt said that pot hole repair was scheduled to begin when the weather warms up a little more.
8. **REVIEW ACCOUNTS PAYABLE:**
Councilor Fleck, in reference to a plaque purchase, thanked the Police Department for recognizing officers for a job well done.

Councilor Beyer, referencing about a charge from Westech Engineering for participation in the Infrastructure Committee, asked if Westech was attending the meetings. Manager Stein confirmed that they do attend meetings.

9. CONSENT AGENDA:

- a. Approve Regular Meeting Minutes for December 7, 2015
- b. Approve Council Workshop Minutes for December 14, 2015

Councilor Beyer moved to approve the Consent Agenda as amended; Councilor Wall seconded.

Beyer:	AYE	Fleck:	AYE
Bischoff:	AYE	Otte:	AYE
Eder:	AYE	Grassman:	AYE
Wall:	AYE		

The motion passed unanimously.

10. UNFINISHED BUSINESS

No unfinished business to address tonight.

11. NEW BUSINESS:

- a. Ordinance Annexing 20 Acres into the City Limits

Frank Kirkbride, Lacey, WA, the project applicant/manager for the annexation and property development, introduced himself to the City Council. He apologized for being unable to attend the public hearing last July, which referred the annexation to the voters. He wanted to assure the Council that the upcoming project is a single family dwelling development that is intended to meet or exceed the City's Code. They have a long history of creating well designed living spaces with nice open spaces and sufficient traffic patterns to support the neighborhood designs. They are very aware and supportive of the City Codes and long range goals and have already incorporated them into their plan for this property. They are aware that there will need to be some property transfer for streets, water and sewer easements and are prepared to fully cooperate with the City's needs. Mr. Kirkbride explained that the investors will be hiring local area contractors to complete any work that is done. The investors feel this makes the most sense as the local contractors are familiar with the area and one of the goals of the investors is to support the economy by bringing work to the area. He explained that the investment group has successfully developed other properties in other cities using this philosophy and wants to continue that as they begin work on the project here. He thanked the Council and said he looks forward to working with the City.

Ron Wachter, Pullman WA, is one of the owners of the property, was raised in Mt. Angel and has many connections to the community still. He wanted to assure the Council that they are familiar and appreciative of the atmosphere of Mt. Angel and they are anxious to contribute to the vision of the community. Mr. Wachter mentioned his upbringing in and current connections to the community. He said that the property is owned by RJM, LLC which are the initials of his sisters and him. His sisters still live in the area as do much of their extended family. He shared that in his fertilizer business, he is

very involved with the Environmental Protection Agency (EPA) and meeting federal standards and he is very conscience of the taking into account the relevant codes and the desires of the Council. He dispelled the idea that there were plans to make these properties low-income housing and stated the projects will be largely market driven. They are not in a rush to complete the project and will proceed when feasible and the planning comes together.

Jim Kosel, Mt. Angel, OR addressed the Council about the process. He said that he went to the Oregon Department of Land Conservation and Development (DLCD) and asked for help on the definition of “contiguous” as he disagrees with how the City has interpreted it. The DLCD said they do not interpret definitions; he would need an attorney for that. He said that he read minutes from the public hearing last July and feels the City Planner did not provide enough information to the Council for them to make a good decision on this annexation. The planner should have discussed more about the challenges faced in annexing this property. He was particularly concerned about the creation of three land locked properties and what this annexation now means for them both under City Code and State statute. He cited examples of other projects done in the past that may not have complied with state statute and feels the planner did not put enough effort into informing the Council of the laws and conflicts he feels this annexation will cause. Mr. Kosel addressed the idea that the farmers are protected from unnecessary complaints, he gave examples where complaints were brought against farmers who had new development occur nearby and how the farmers had to spend time and money defending themselves. He explained his experience with city planning in Clackamas County and how that shaped his perspective that not enough information was provided upfront to address some issues he believes will come up because of this annexation process.

Councilor Fleck said that the City Attorney has looked at the proposed annexation and the attorney sees no legal reason that would prohibit the acceptance of this annexation. When the gentlemen decide to build, there will be lots of eyes assuring that the project complies with City standards as part of the development process, he said. The voters have supported this annexation. He recalled, as Fire Chief, sitting through the meetings where the decisions were made that the power to grant annexations be removed from the Council and referred to the voters, which was later reflected in the City Charter. Since the City has chosen to support this annexation, by their vote, he is going to vote in favor of it.

Mayor Otte addressed the definition of the word “contiguous” which is causing some confusion. Mayor Otte wanted to share his personal opinion and how he came to his definition of “contiguous”. He referenced the 48 contiguous states of the United States of America where some states are surrounded on all sides by other states, but many do not share a common border. He said that there is no question that the property must touch the city limits, but takes issue with the idea that the property must be completely surrounded. He referenced an annexation to the north of the City that was completed several years ago, which was also not completely surrounded by the City, but was annexed into the city limits. Mayor Otte also wanted the concerned parties to know that he is reading their letters and hearing what is being said. He affirmed that there are some very legitimate concerns, but believes that those concerns will be addressed as part of the development process. He understands some of the concerns living on the edge of town, having lived there himself and will work to see those issues addressed. Mayor Otte also shared that part of his responsibility as Mayor is to look at the financial aspects of the City. He spent some time figuring out what this project would mean financially to the City and shared the economic projections he calculated. Using very conservative projections, he estimated there will be a minimum tax revenue increase of \$38,000 from this project, which for the City of Mt. Angel would be a significant increase in the budget. He also addressed the revenue

projections for the schools, figuring just tax revenue, would bring in nearly \$42,000 plus the \$7,000 per child from the state. If there were 60 homes that housed 2 children each, that would be an additional \$840,000 to the school district. He said that there are many issues to be addressed concerning this property, but they will be handled during the development process.

Councilor Beyer stated that his concern is that the mink farm and other farms are protected. He said that is something the developers will need to take into account as they plan the development.

Julie Smith, a neighboring property owner, whose property will be made an island, asked who they will be able to talk to about their rights as property owners. Mayor Otte stated that is a good question. Manager Stein reminded the audience that the Council was considering the first reading of the ordinance regarding the annexation tonight, they are not considering anything more than that and there will be a second reading at the next meeting before the property is officially annexed. Manager Stein said after the ordinance is passed and the property is annexed into the City, the property then comes under the full spectrum of the City's Development Code. A lot of the concerns that have been raised are things that the City will be looking at when there is an application for development. Manager Stein said there are more recent state laws that protect property owner's rights, in the event that an island is created. There are specific provisions in state law that guide the process, should an island property ever be considered for annexation by the City. Mrs. Smith wanted to have access to the state language and how long those laws have been in place because the property had already been subject to an action by the City in the past for an access, and at the time, the City had threatened to condemn the property. She would like to understand her rights and avoid that kind of situation. Mayor Otte asked that the information be provided to Mrs. Smith. Manager Stein reassured Mrs. Smith that there are existing islands within the City that the Council and the City are content to leave such properties as islands at this time. She also explained that sometimes a City needs to procure an easement on a property, condemning a portion of the property is one way that may be accomplished, but the full property is rarely subject to condemnation. She wanted to make sure that there was no confusion about a voluntary annexation, an involuntary annexation, and the forced acquisition of property by eminent domain as those processes are all very different and have different purposes. She stated that even in an eminent domain process, there is a financial transaction. If there is disagreement on value, a judge sets the value of the property, so there are some protections and compensation that are a part of that process.

Councilor Wall said there are very strict laws that govern property transactions and what cities are allowed to do. There are protections for property owners and government cannot just do as they wish on a whim. He also shared that he has been involved with many cities over his career and every city has islands, there is no compelling reason to rid the City of all island properties, unless there is a situation such as a health hazard.

Manager Stein said that the Oregon State Legislature has time and again supported the rights of the property owners, even as city associations have moved toward minimizing island properties. The League of Oregon Cities, from time to time, tries to encourage cities to annex island properties to make the land use process more uniform, but the state supports the property owner. She stated that there is a very strong policy preference in the state legislature to support the rights of property owners and feels that legislation passed in recent years will overwhelmingly support the ability to refrain from incorporating into the City.

John Gooley, Mt. Angel, OR asked if the lots are going to be available to local builders or are the owners planning to build them themselves or perhaps higher a big builder. He suggested that there are a lot of builders in the area that are familiar with the needs of the City. Mr. Kirkbride said they just had a meeting regarding this. He assured the public that they are very concerned about utilizing local businesses and supporting the community. They plan to work with local builders as much as possible. Mr. Wachter said that this small development would not be financially attractive to the big box builders, even if they considered that an option, which they do not. Again, Mr. Kirkbride expressed that they want to support local communities by providing jobs.

Marlene Ruef, Mt. Angel, OR, one of the neighboring farmers, addressed the Council. They are concerned about the impact of the development. They farm mink and their farm often has flies. She also added that they were threatened in the past when they were approached about selling 75 acres to the city as part of the sewer treatment plant. She explained that is one of the reasons the neighbors are attending these meetings very interested and concerned with what is happening with this annexation and the development plans. She is afraid the City will try to take another 75 acres if this development creates the need for increased space at the sewer plant. If that happens, their family business will be shut down.

Linda Bentz, Mt. Angel, OR, is concerned about the farmers. One of her neighbors was “shafted” by previous subdivisions. A farmer’s pastureland was turned into swampland by the drainage from the development creating three distinct lakes on his pastureland. When he went to sell, a newspaper reporter claimed it was a wetland needing protection, when it had been pastureland all along. She is very concerned that the development will cause problems for farmers and no one will protect the farmers and their land. She is also concerned about traffic patterns and people going too fast around the edges of town. Manager Stein addressed the question of storm-water runoff. She explained there are recent, very strict laws that govern the runoff of storm water from one property to another, that will be one of the issues addressed in the development process.

Councilor Wall reiterated what Mayor Otte said, that the concerns that have been addressed to the Council have been heard. Each concern will be addressed in the course of the development process. The Planning Commission will be looking at each of these issues as part of the planning process, if people feel that the Planning Commission did not handle the application properly, the Council can look at the application, and there is an appeal process beyond the Council if needed.

Manager Stein stated that the Charter dictates the Ordinance may be passed tonight, if there is a unanimous vote, they may also have the second reading tonight as all procedural requirements have been met. Mayor Otte stated he preferred to spread the vote over two meetings. Councilor Fleck stated he thought that was wise in case some other information came forward.

Councilor Bischoff moved to conduct a first reading of AN ORDINANCE DECLARING TERRITORY ANNEXED TO THE CITY OF MT. ANGEL AND AMENDING THE MT. ANGEL ZONING MAP. Councilor Grassman seconded the motion.

Beyer:	AYE	Otte:	AYE
Bischoff:	AYE	Grassman:	AYE
Eder:	AYE	Wall:	AYE
Fleck:	AYE		

The motion passed.

Manager Stein addressing the audience, explained that this was just a first reading which means it will be considered again in the February regular meeting. At this point, the annexation has not been approved, just to avoid confusion.

Mr. Kirkbride asked if there are any citizens interested in the project, if they might give their information to Justin and they will be put on a mailing list. The stakeholders are interested in community feedback and willing to take into account citizen concerns.

b. Ordinance Regarding Recreational Vehicle Parking

Mayor Otte asked if this ordinance had met the procedural requirements to pass this ordinance in one meeting. Manager Stein stated that the requirements had been met.

Councilor Wall said that the Council had discussed having a longer period of exemption than is written in the Ordinance. He was concerned by passing something that needs to be addressed every year, it is creating a situation where the task is overlooked. The Council decided that this would be addressed in a resolution.

Councilor Eder moved to conduct a first reading of AN ORDINANCE AMENDING THE MT. ANGEL MUNICIPAL CODE CHAPTER 70 “TRAFFIC AND PARKING REGULATIONS,” ADOPTING A DEFINITION OF RECREATIONAL VEHICLE; ADOPTING A RECREATIONAL VEHICLE PARKING RESTRICTION, AND AUTHORIZING THE COUNCIL THE DISCRETION TO ADOPT A TEMPORARY EXEMPTION. Councilor Wall seconded the motion.

Beyer:	AYE	Otte:	AYE
Bischoff:	AYE	Grassman:	AYE
Eder:	AYE	Wall:	AYE
Fleck:	AYE		

The motion passed.

Councilor Fleck moved to conduct a second reading and adopt AN ORDINANCE AMENDING THE MT. ANGEL MUNICIPAL CODE CHAPTER 70 “TRAFFIC AND PARKING REGULATIONS,” ADOPTING A DEFINITION OF RECREATIONAL VEHICLE; ADOPTING A RECREATIONAL VEHICLE PARKING RESTRICTION, AND AUTHORIZING THE COUNCIL THE DISCRETION TO ADOPT A TEMPORARY EXEMPTION. Councilor Bischoff seconded the motion.

Beyer:	AYE	Otte:	AYE
Bischoff:	AYE	Grassman:	AYE
Eder:	AYE	Wall:	AYE
Fleck:	AYE		

The motion passed.

12. CITY MANAGER'S REPORT:

City Manager Stein said that there was no executive session tonight as they are still working out some contract wording with the Mt. Angel Police Association contract. The plan is to have an executive session before the February meeting. She also reminded the Council of the goal setting session on Saturday, January 9th, from 9:00am – 2:30pm. Packets are available in Council Dropboxes and a paper packet will be available at the meeting. The session will be facilitated by Jennie Messmer, Deputy Director, Mid-Willamette Valley Council of Governments, at no charge. The meeting will take place at the Fire Hall.

13. COUNCILOR/COMMITTEE REPORTS:

Councilor Eder stated he will not be here February 1st. He also asked if they would be meeting in two weeks. Manager Stein said that meeting will not be necessary. He also thanked Mayor Otte and Councilor Fleck for how they addressed the citizens tonight. He felt that they were well spoken. He also asked Public Works Superintendent Bernt if there was anything that could be done about the water accumulation at Paul's Motors. Public Works Superintendent Bernt reported this is a problem area in the city. All the water from Abbey Hill drains right through that location and overwhelms it. He maintains communication with the owner to try and work with him as weather conditions cause the system to being overwhelmed.

Councilor Grassman also thanked the Mayor and Councilor Fleck for what they shared. She commented that the citizens felt they were heard and she greatly appreciated it.

Councilor Beyer said he would like to cut down the second meeting, he is feeling a strain being away from his family. He said he knows the Infrastructure Task Force is important, but he is aware of the financial strain of the city. He is concerned that spending \$1,100 in one meeting is a lot of money. Councilor Fleck said that, he understands that concern, but he feels the information that is provided and the direction that Steve Ward is providing is well worth the investment. He feels that the long term savings will cover these expenditures. Councilor Wall concurred and said that he is normally wary of engineering bills, but this has been a help in setting a course for this committee and the recommendations they will make. Councilor Fleck said he did feel that watching those expenses would be prudent.

Councilor Eder said that he feels Councilor Beyer's concern is valid and he would like to explore ways that we could address that. Councilor Grassman concurred and said there will be several months that she will not be available.

14. MAYOR'S REPORT:

Mayor Otte wanted thank Library Director Caster for the success of the Santa event at the library. He also complimented Superintendent Bernt and Chief Healy on the great job on handling a tree that fell over a road recently. By the time the Fire District got there, City staff was already there working on the problem

15. ADJOURNMENT:

Mayor Otte adjourned the meeting at 8:28 p.m.

Respectfully submitted by:


Justin Hogue, Assistant to the City Manager

Attested by:


Andrew Otte, Mayor