

**City of Mt. Angel**  
City Council Meeting Minutes

---

**CITY COUNCIL**

**June 6, 2016**

**7:00 P.M.**

---

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 7:06 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  
Don Fleck, Councilor  
Pete Wall, Councilor  
Ray Eder, Councilor (arrived 7:41)

**STAFF**

Mike Healy, Interim City Manager/Chief of Police  
Justin Hogue, Assistant to the City Manager  
Daniel Shafer, Public Works Lead Utility Worker  
Chaunee Seifried, Finance Director  
Carrie Alexandria Caster, Library Director  
McRae Carmichael, City Planner MWVCOG

4. **PRESENTATIONS, GUESTS, AND ANNOUNCEMENTS:**

The City received notification from the Mt. Angel Community Foundation that Phase II of the Festhalle is now complete. A dedication will be held on June 10, 2016 at 4:00 p.m. The Community is invited to attend the ribbon cutting and opening celebration.

5. **APPEARANCE OF INTERESTED CITIZENS:**

Greg Savage, appeared before the Council and read a letter he wrote to the City Council and the Budget Committee addressing the proposed street lighting fees in the new budget. He reminded the Council that, last year, the power company replaced the street lights with cost saving LED lighting. He approached the City last year about how that would impact the cost to the City. He says he did not receive an answer. He is questioning the need for street lighting fees as there is no new service being provided within the City that, in his opinion, would justify a new fee. He would like to know if the fees are going to cover a new project. He is concerned about the impact on citizens and is hoping that this is not an attempt to raise money for the City. Mayor Otte answered that it was one of the many recommendations that came from a committee that was assigned to look at the needs of the City and was introduced to the Budget Committee and now is being considered by the Council. Mr. Savage said he is still concerned that the street lighting fee recommendation is just a fund raising mechanism. Councilor Wall addressed Mr. Savage and shared

that an Infrastructure Committee took a detailed look at the needs of the City and the recommendations were not made lightly. The Council has had to take a hard look at feasible methods to support the needs of the City. Councilor Fleck reiterated that the Infrastructure Committee completed an in depth investigation into the responsibilities of the City and possible revenue sources for addressing those needs. Councilor Grassman shared that while she dislikes taxes herself, she views this as an equitable way for sharing the cost. She also stated that maintaining infrastructure for the benefit of the community is a Council goal. Mr. Savage acknowledged that was a reasonable reason for assessing the fee. Councilor Bischoff said he also supports the work of the Infrastructure Committee, but he understands Mr. Savage's concern and thanked him for sharing this specific concern as it is a frequent question being raised in the community. New taxes and fees are a burden to the citizens; one he felt himself in discussing this option, but with cost increases across the board for services essential to City functions, the City is trying to discover equitably means to support itself.

Carole Grappo appeared before the Council to address the Grandview development traffic and parking impact. Ms. Grappo read and submitted a written statement for the official record.

**6. REVIEW CORRESPONDENCE:**

**7. REVIEW WRITTEN STAFF REPORTS:**

Councilor Beyer asked about the Façade Improvement application, he wanted to know what the application from Joe Traeger represented. Other councilors answered that it was connected with the building formerly utilized by Mt. Angel Developmental Services, 350 E. College Street.

**8. REVIEW ACCOUNTS PAYABLE:**

Councilor Fleck asked about the charge from Jensen Roofing. Interim City Manager Healy answered it was for the Senior Center roof.

**9. CONSENT AGENDA:**

- a. **Approve City Council Regular Meeting Minutes for May 2, 2016**
- b. **Approval of Street Closure applications for Frank-N-Stein's, Mt. Angel Telephone, and Chamber of Commerce**

Councilor Grassman wanted to clarify the direction of the parade. Jim Kosel and Interim Manager Healy confirmed that the parade is starting at the high school and ending downtown.

Councilor Beyer moved to approve the consent agenda; Councilor Bischoff seconded.

<b>Beyer:</b>	<b>AYE</b>	<b>Otte:</b>	<b>AYE</b>
<b>Bischoff:</b>	<b>AYE</b>	<b>Grassman:</b>	<b>AYE</b>
<b>Eder:</b>	<b>ABSENT</b>	<b>Wall:</b>	<b>AYE</b>
<b>Fleck:</b>	<b>AYE</b>		

The motion passed.

**10. UNFINISHED BUSINESS**

**a. Public Comment of City Manager Profile**

Mayor Otte opened the floor for public comment. There was no public comment on the City Manager Profile.

**11. NEW BUSINESS:**

**a. Public Hearing on SDR 16-01 and VAR 2016-01**

Mayor Otte said that he understands the design for the development in the application being present to the Council for appeal has changed. He asked, since the design has changed, why the Council is deciding on a new application. He questioned whether it should go back to the Planning Commission.

Assistant to the City Manager Justin Hogue introduced McRae Carmichael, City Planner with the Mid-Willamette Valley Council of Governments. She explained that since a decision has been made and an appeal filed this hearing is required by statute to take place. Through that process, the applicant decided to also revise their site plan to address the basis for the Planning Commission decision to deny the application, which is why the new information is being brought forth to the Council at this meeting along with the open record of the Planning Commission decision. City Planner Carmichael explained that the Council has the following options for making a decision on this appeal: send it back, affirm the Planning Commission decision, or reverse the Planning Commission decision.

Mayor Otte read the required statement opening the public hearing on SDR 16-01 and VAR 2016-01 an appeal of the planning commission decision in accordance with the municipal code and ORS 197.763 at 7:35pm. There were no conflicts of interests, ex-parte contacts, or bias reported by members of the City Council.

City Planner Carmichael presented the staff report as presented in the City Council Packet. Staff recommendation is that the Council approve the application with a modified design submitted by the applicant.

Mayor Otte asked that if any conflicts of interest, ex-parte contacts, or bias exist, they be declared after Councilor Eder arrived at the meeting. No conflicts of interests, ex-parte contacts, or bias were reported by Councilor Eder.

Councilor Grassman asked if the only design change was the 10 foot setback. Councilor Eder asked if the Planning Commission was notified of the change. She said that all the proper notification procedures were followed. Councilor Bischoff asked if the Planning Commission's decision was explained to the applicant.

Brandy Dalton, Multi-Tech Engineering, representing the applicant, provided a revised site plan to be entered into the public record. She addressed the Council and explained that based on the concerns of the Planning Commission, the applicant revised the site plan to address Planning Commission concerns and include an additional five feet of setback by revising the footprint of the building.

Councilor Beyer asked about parking as it is an issue on the street at that location. Ms. Dalton explained that in accordance with the City regulations, two spaces are provided for parking: in the garage and in the driveway. The street at that point is designated as a fire lane and is not intended for resident parking.

There were no citizens appearing before the Council to comment either in favor or opposed to the decision.

Councilor Bischoff asked where the extra five feet came from. Ms. Carmichael answered that they reduced the footprint of the building.

The public hearing for the Planning Commission appeal for SDR 10-01 and VAR 2016-01 was closed at 7:55 pm.

Councilor Fleck began Council discussion by stating his support for approving the application with the modifications made by the applicant. Councilor Grassman also voiced her support for the new application with the new modifications. Council Wall stated that in the staff report, staff addressed the criteria necessary for this project to be approved.

Councilor Wall made a motion to reverse the Planning Commission decision and approve the amended application based on the criteria set forth by staff, accepting the findings of the staff report; Councilor Beyer seconded the motion.

<b>Beyer:</b>	<b>AYE</b>	<b>Otte:</b>	<b>AYE</b>
<b>Bischoff:</b>	<b>AYE</b>	<b>Grassman:</b>	<b>AYE</b>
<b>Eder:</b>	<b>AYE</b>	<b>Wall:</b>	<b>AYE</b>
<b>Fleck:</b>	<b>AYE</b>		

The motion passed unanimously.

#### **b. Public Hearing on State Shared Revenue**

Mayor Otte opened the public hearing on State Shared Revenue at 8:00 p.m. There were no public comments. The public hearing was closed at 8:01.

Councilor Grassman asked if state shared revenue only included the liquor tax. Councilors named other taxes, commonly referred to as sin taxes, included in state shared revenue.

Councilor Beyer moved to approve a RESOLUTION CERTIFYING THAT THE CITY OF MT. ANGEL MEETS ALL REQUIREMENTS TO RECEIVE STATE SHARED REVENUES FOR FY 2016-17 AND A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE SHARED REVENUE FOR FY 2016-17; Councilor Fleck seconded the motion.

<b>Beyer:</b>	<b>AYE</b>	<b>Otte:</b>	<b>AYE</b>
<b>Bischoff:</b>	<b>AYE</b>	<b>Grassman:</b>	<b>AYE</b>
<b>Eder:</b>	<b>AYE</b>	<b>Wall:</b>	<b>AYE</b>
<b>Fleck:</b>	<b>AYE</b>		

The motion passed.

**c. FY 16-17 Budget Hearing and Adoption**

Mayor Otte opened the Public Hearing at 8:03 pm.

Jim Kosel addressed the Council and stated he supports the budget. He said that he noted one of the goals in the budget is walkability within the City. He commented that the area of Marquam and Birch Street is used daily by citizens and by many of the festivals and other activities that occur within the City. There are very high curbs in that area, which make it difficult and dangerous for pedestrian traffic. He is recommending some money set aside for sidewalks be used to fix that area, making it safer for pedestrians. He said he was aware that there has been some disagreement between the City and the County about the priority of these types of projects. Mr. Kosel spoke with County Commissioner Sam Brentano who indicated that he was willing to look into any hold up on approving sidewalk improvements on the County's end.

The public hearing was closed at 8:08 pm.

Public Works Lead Utility Worker Daniel Shafer said that they have approached the County before and with it being County property, it has been difficult to negotiate with them for making any repairs and improvements to the area. The Council discussed the matter and determined it should be reexamined and that the County should be approached with the concerns raised. Interim City Manager Mike Healy said that staff would look into it further.

The Council had no other concerns about the proposed budget document.

Councilor Eder moved to approve A RESOLUTION ADOPTING THE BUDGET, MAKING APPROPRIATIONS AND CATEGORIZING AD VALORUM TAXES FOR THE 2016-17 Fiscal Year CITY OF MT. ANGEL; Councilor Wall seconded.

<b>Beyer:</b>	<b>AYE</b>	<b>Otte:</b>	<b>AYE</b>
<b>Bischoff:</b>	<b>AYE</b>	<b>Grassman:</b>	<b>AYE</b>
<b>Eder:</b>	<b>AYE</b>	<b>Wall:</b>	<b>AYE</b>
<b>Fleck:</b>	<b>AYE</b>		

The motion passed unanimously.

**d. Public Comment and Master Fee Schedule**

Mayor Otte opened public comment at 8:16pm. There were no public comments. The hearing was closed at 8:16pm.

Councilor Grassman moved to approve A RESOLUTION ADOPTING THE MASTER FEE SCHEDULE FOR SERVICES PROVIDED BY THE CITY OF MT. ANGEL; Councilor Beyer seconded the motion.

**Beyer: AYE**  
**Bischoff: AYE**  
**Eder: AYE**  
**Fleck: AYE**

**Otte: AYE**  
**Grassman: AYE**  
**Wall: AYE**

The motion passed unanimously.

Councilor Fleck said that the Infrastructure Committee worked hard on these recommendations. He feels the Council needs to keep an eye on the budget and spending. If it ends up that the City does better, then the City needs to give money back to the citizens; if it is not enough, they need to go back to the Infrastructure Committee to be looked at again. The Committee recognized they were working with projections, which makes it a bit more difficult as there are many unforeseen variables. Councilor Fleck thanked the Council for their support for the Committee.

Councilors Bischoff and Grassman thanked the Committee for their hard work in assessing the needs of the City and translating that into a budget recommendation.

Councilor Wall said he felt this was a very helpful committee in seeing the realistic financial picture of the City. He feels that this kind of assessment of city needs and rates has been neglected for some time. He appreciated the Council being willing to assign a committee to evaluate conditions at this time. He does not like to assess more taxes either, but he feels the necessary work was done to put the City in a better financial position.

Councilor Grassman felt that the findings of the Committee provided a good foundation for future work to be done and helped the Council recognize and have the opportunity to make sure that the City maintains that balance of its needs and the need for adjustments in rates and fees. She hopes that future Councils will never have to make decisions as hard as this because of the foundation that has been laid.

**e. Wage Scale Resolution**

Councilor Beyer asked if this applied to all the employees or just the non-represented ones. Finance Director Chaunee Seifried answered it was for all the employees.

Councilor Fleck moved to approve A RESOLUTION ADJUSTING THE WAGE SCALE OF EMPLOYEES OF THE CITY OF MT. ANGEL EFFECTIVE JULY 1, 2016; Councilor Grassman seconded the motion.

**Beyer: AYE**  
**Bischoff: AYE**  
**Eder: AYE**  
**Fleck: AYE**

**Otte: AYE**  
**Grassman: AYE**  
**Wall: AYE**

The motion passed unanimously.

**f. Mt. Angel Telephone Franchise Agreement**

The Council expressed a desire to conduct both a first and second reading of this ordinance at this meeting if all members approved.

Interim City Manager Healy said that this ordinance covers all of the goals of the Council set out before the negotiation of this agreement, there was recently a court settlement that helped define what fees cities were legally able to assess and served to strengthen the City’s position in the negotiations.

Mayor Otte questioned if the legal name was Mount Angel Telephone Company or if it was Canby Telephone and if that would affect this agreement. Interim City Manager Healy said that the attorney reviewed the agreement so he felt it was in order, but if the Council desired, he would confirm it for them. Councilor Grassman and Councilor Beyer believed the companies do business as two separate entities, which would make this the proper business name for the telephone company. The Mayor and Council decided to move ahead with the readings. If there does happen to be a correction required after the review of the attorney, they would address that at a later meeting.

Councilor Grassman moved to conduct a first and second reading of and approve AN ORDINANCE GRANTING MOUNT ANGEL TELEPHONE COMPANY A FRANCHISE TO OPERATE WITHIN THE CITY OF MT. ANGEL AND TO PLACE, ERECT, MAINTAIN, LAY AND OPERATE IN, UPON, OVER, AND UNDER THE PUBLIC’S RIGHT OF WAY NECESSARY WIRES AND OTHER APPURTENANCES TO PROVIDE TELECOMMUNICATIONS SERVICES WITHIN THE CITY OF MT. ANGEL; Councilor Bischoff seconded the motion.

<b>Beyer:</b>	<b>AYE</b>	<b>Otte:</b>	<b>AYE</b>
<b>Bischoff:</b>	<b>AYE</b>	<b>Grassman:</b>	<b>AYE</b>
<b>Eder:</b>	<b>AYE</b>	<b>Wall:</b>	<b>AYE</b>
<b>Fleck:</b>	<b>AYE</b>		

The motion passed unanimously.

**g. Advisory Committee Appointments**

Some general discussion took place about the committees and specifically that there are currently no members for the Park/Tree Board, they had all expressed a desire to retire from this board. The City Council was planning to review the need for this board as they have not met in over 2 years and it is currently unclear what their purpose is.

Councilor Wall brought up some clerical corrections regarding the dates of the Library Board terms.

Councilor Bischoff moved to appoint Craig Emch, David Sylvia, and Henry Schacher to the Planning Commission for two (2) year terms ending on June 30, 2018; Councilor Beyer seconded the motion.

**Beyer: AYE**  
**Bischoff: AYE**  
**Eder: AYE**  
**Fleck: AYE**

**Otte: AYE**  
**Grassman: AYE**  
**Wall: AYE**

The motion passed unanimously.

Councilor Beyer moved to appoint John Kuppenbender and Tony Morris to the Budget Committee for three (3) year term ending in June 30, 2019; Councilor Wall seconded the motion.

**Beyer: AYE**  
**Bischoff: AYE**  
**Eder: AYE**  
**Fleck: AYE**

**Otte: AYE**  
**Grassman: AYE**  
**Wall: AYE**

The motion passed unanimously.

Councilor Fleck moved to appoint Deanna Verboort to the Library Board for a four (4) year term ending June 30, 2020; Councilor Eder seconded the motion.

**Beyer: AYE**  
**Bischoff: AYE**  
**Eder: AYE**  
**Fleck: AYE**

**Otte: AYE**  
**Grassman: AYE**  
**Wall: AYE**

The motion passed unanimously.

**h. Approval of Façade Improvement Program Phase II Grants**

General discussion took place about the grant and the projects applicants are proposing. There was some clarification about the amount of money proposed to award each applicant. Councilor Wall said that in previous meetings, it was mentioned that some of these applications were being reviewed again because they didn't quite meet the recommendations of the Design Review Board. He asked if they were all in compliance now. Assistant to the City Manager Hogue affirmed that they were now in compliance. Greg Savage, a member of the Design Review Board addressed the Council and said that the grants don't cover the full cost of the projects, but are seed money or a substantial boost to the project as an incentive. The Board worked to make these projects beneficial for both the City and the recipient. Some projects were too ambitious and the recipient and Board agreed to break the project into phases as long as the phases provided a pleasant looking façade in between phases. He reiterated that the separate \$500 award per project, granted by the Chamber of Commerce to these projects, was separate and an additional bonus to them.

Councilor Grassman moved to approve the Phase II Façade Improvement applications as presented in the staff reports; Councilor Eder seconded the motion.

**Beyer: AYE**  
**Bischoff: AYE**  
**Eder: AYE**  
**Fleck: AYE**

**Otte: AYE**  
**Grassman: AYE**  
**Wall: AYE**

The motion passed unanimously.

**i. Discussion of Future Agenda Items**

Mayor Otte and Interim City Manager Healy reminded the Council of an Executive Session scheduled for June 13, 2016 at 6:00 p.m. to review the City Manager applications with Jenny Messmer.

Interim City Manager Healy reviewed the calendar presented in the City Council Packet.

**12. CITY MANAGER’S REPORT:**

**a. Discussion on Oktoberfest Operating Agreement for 2016/Cost Recovery**

Interim City Manager Healy is working on the proposal by Oktoberfest to pay the cost of City provided services, particularly the Public Works costs that are currently not being paid by Oktoberfest. Oktoberfest requested this as they are uncomfortable with the flat \$5,000 “Capitol Project Contribution.” The police costs and finance department direct costs have been paid in the past and there is records that provide a good estimate. Public Works Superintendent Dan Bernt plans to have an estimate available in July.

Councilor Grassman asked how they are going to track those costs. Interim City Manager Healy said that is what Public Works will be investigating. Councilor Grassman asked if Oktoberfest was aware that it may exceed \$5,000 and was concerned about the use of staff time to investigate if they were just going to choose to not pursue the actual cost approach and go back to the \$5,000.

**b. Marijuana Taxation Elections**

Interim City Manager Healy reported that in addition to a ballot measure to ban the sale of marijuana within city limits, the legislature is also allowing governing bodies to put forth a ballot measure for assessing a tax upon recreational marijuana sales. If the voters do not approve the ban on marijuana sales and there is not a measure on the ballot this November for approving a tax, the City will be unable to collect any revenue or have the opportunity to refer such a tax until November of 2018. If the tax on recreational marijuana sales is referred to the electorate and passes along with the ban on marijuana sales, the tax would not go into effect since the sale of marijuana was banned.

Interim City Manager Healy’s concern is that it will be confusing for the public to address these two separate measures on the same ballot. He would like to see staff and the Council sharing as much information as possible with the public to clarify what those two ballot measures mean for the City. Staff will need direction from the Council as soon as possible as time is limited for preparing the ballot title.

Mayor Otte opened the floor for public comment at 8:52 p.m.

Mr. Savage addressed the Council about his concerns regarding marijuana. He feels that government should not benefit from something that he views as wrong and detrimental for the public. He opposes the tax because it is also illegal on the federal level. He gave his opinion of where marijuana use will lead and urged the Council to take a stance in opposition to the tax.

Public comment was closed at 8:57 p.m.

Mayor Otte explained that decisions made on a statewide level are now requiring the Council to address the issue of marijuana. Small cities are forced to deal with this issue with the best means they have available. Some other cities have been able to deal with this issue by means of business licenses, which are not currently in place in Mt. Angel. The consensus of the Council was to consider referring a tax on recreational marijuana sales to the voters.

**13. COUNCILOR/COMMITTEE REPORTS:**

Councilor Grassman would like to welcome Officer Anela Javor and Emily Marshall, the new police administrative assistant. She also hoped that Lynn Jenks retirement was well celebrated. Chief Healy said it was well celebrated and her service was appreciated. The new assistant is doing well and seems to be a good fit with the officers and other staff members.

Councilor Grassman would like to advocate a ribbon cutting ceremony for Ebner Park. Mayor Otte said that there has been some difficulty getting the right state people here for such a ceremony. Councilor Grassman said it was a big investment by the community and she feels it needs to be acknowledged. It was a really great project and it never received the recognition it was due. Interim City Manager Healy said staff would brainstorm about ideas on a ceremony for Eber Park.

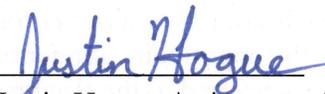
**14. MAYOR'S REPORT:**

Mayor Otte reported that he would be out of town starting the end of June and for a few days in July as well.

**15. ADJOURNMENT:**

Mayor Otte adjourned the meeting at 9:04 p.m.

Respectfully submitted by:

  
Justin Hogue, Assistant to the City Manager

Attested by:

  
Andrew Otte, Mayor