

City of Mt. Angel
City Council Meeting Minutes

CITY COUNCIL

August 1, 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 7:06 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
Ray Eder, Councilor
Don Fleck, Councilor
Pete Wall, Councilor

STAFF

Mike Healy, Interim City Manager/Chief of Police
Justin Hogue, Assistant to the City Manager
Dan Bernt, Public Works Superintendent
Carrie Alexandria Caster, Library Director

ABSENT

Karl Bischoff, Councilor

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

None

5. **APPEARANCE OF INTERESTED CITIZENS:**

None

6. **REVIEW CORRESPONDENCE:**

The following correspondence was presented to the Council after the packet was prepared:

- A letter from Westech which will be addressed under New Business, agenda item #11e
- A letter from Officer Ferguson, a copy of his resignation, which the Interim City Manager, Mike Healy included in the packet for the Council's information.
- A letter from Henrietta Dill thanking the Council for the \$5,000 Façade Improvement grant award for the Glockenspiel, military figures.

7. REVIEW WRITTEN STAFF REPORTS:

Councilor Eder asked about the status of the investigation into the stability of City Hall. Interim City Manager Healy said he was under the impression that the Council had received the latest information on City Hall in an earlier report. Councilor Grassman asked if he was referring to the seismic report. She stated that she had not seen it. The rest of the Council concurred that at least a summary was received, but not the full report. Interim City Manager Healy said that he would resend a copy of the report. Councilor Fleck stated that addressing the issue of City Hall would be the number one priority for the new City Manager.

Councilor Eder asked Public Works Superintendent Dan Bernt what the best process was for reporting a dangerous, sidewalk panel. Public Works Superintendent Bernt replied to inform Public Works of the location. Councilor Eder said the location was near the Northeast corner of E. Marquam and North Main Street. He said there was a lip on the second panel that presented a trip hazard. He also mentioned that a low hanging tree branch was obstructing the sidewalk in that area. Public Works Superintendent Bernt said Public Works had planned to remove the branch this coming week and would take care of the obstruction.

Councilor Grassman said that she has received a lot of positive feedback about the Police Department. She said that people have reported that they are trying to show their support for the police officers.

She has also heard good feedback about the Library, especially the summer reading programs.

Councilor Fleck asked if there was any more information on the insurance changes reported in the Administration staff report. Interim City Manager Healy said not at this time, the attorney is still attempting to schedule meetings to open negotiations with the unions about the options since the current insurance plans will no longer be offered by health insurance companies.

Councilor Eder is concerned that the backdoor of City Hall is rotted and is in need of attention and he would like to make sure that it is addressed soon.

8. REVIEW ACCOUNTS PAYABLE:

Councilor Fleck asked about the Caselle program, he feels it is expensive and he would like the new Finance Director and new City Manager to review the program to see if it is worth what the City is spending on it. He would like assurance that it is being utilized to its full potential. Interim City Manager Healy reported that he is working to ensure that staff are trained and beginning to utilize the modules to their maximum potential. He stated that part of the expense in this invoice was a new work order module added for Public Works, allowing them to receive requests electronically. They are working to schedule training on this new module. Councilor Fleck stated that he understands that this is one of the premier systems, but is the City getting its dollars' worth for the program. Interim City Manager Healy stated the City is not getting its full value out of the program until the last piece is implemented and it is his goal to ensure that the program is fully implemented and staff is trained on the software as quickly as possible.

Mayor Otte said that at Mayor's conferences there was discussion about Caselle. When the Mayors were asked about it, it was clear that almost every city uses it. Councilor Grassman said she understood that it had the most capabilities out of similar software and was the most efficient of the programs. She also said that these modules were part of the package they have been talking about for some time to increase our capabilities and that the upgrade had been included in the budget. Interim City Manager Healy said they

went ahead and purchased the upgrade right away because in doing so, Caselle was offering, for a limited time, another helpful module.

9. CONSENT AGENDA:

a. Approve City Council Regular Meeting Minutes for June 6, 2016

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

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

The motion passed.

10. UNFINISHED BUSINESS

No unfinished business.

11. NEW BUSINESS:

a. Special City Allotment Grant

Assistant to the City Manager Justin Hogue reported that after the reviewing the streets that need attention, the City Engineer and staff felt that the most suitable candidate for the grant, what would best meet the criteria for the program and be the most cost effective, was a portion of East College Street. The project would involve grinding near the curb and an overlay to smooth out the places where the concrete base is pushing through the street. The City Engineer, gave a cost estimate of \$59,000 to complete the improvements on East College, and the grant amount is \$50,000.

Councilor Fleck wanted to know how many points this site qualified for on the grant application, as several years ago, the State changed the process to a point based system. Assistant to the City Manager Hogue said they looked at ways to maximize the number of points, such as choosing projects near schools, which East College fulfills. Mayor Otte said that in the past there were three elements the State considered when reviewing projects and that the project had to meet at least one of the three.

Public Works Superintendent Bernt explained some of the more technical details of the scope of the project along this street that would make it advantageous to improve. Mayor Otte mentioned that the grant program was discussed at the Mayor's conference. The League of Oregon Cities (LOC) is looking at bringing the program to the attention of the legislature as the program has been in place for over 20 years and the funding for it has never increased, it has remained 1.1 million dollars since its inception. Part of the reason for the changes that occurred a few years ago, was the increase in street repair costs so in order to allow cities to complete projects the grant award was increased to \$50,000, but that meant that fewer cities could qualify for the grant money each year.

Councilor Beyer made a motion to approve a resolution authorizing a Special Cities Allotment Grant application for the City of Mt. Angel; Councilor Fleck seconded.

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

The motion passed.

b. Marijuana Sales Tax Referendum

Assistant to the City Manager Hogue explained the resolution that would adopt a 3% tax on the sale of recreational marijuana. He explained that if the ban on marijuana is passed then this tax would not go into effect. If the voters pass the ban on marijuana and the tax is not in place, the City cannot collect a tax and would be unable, under the statute, to revisit the question of a tax for two years. Mayor Otte said he understood that this tax did not qualify for a special election, it had to be addressed in a general election.

Councilor Fleck felt he somehow did not get all the information as he feels this issue snuck up on him. He wondered if the other safe guards the Council had set in place had been thrown out by a court case. Assistant to the City Manager Hogue said that everything is still in place. Councilor Fleck feels if the City has safety as a priority, that voting for this is a moot point as no one is going to be able to sell marijuana under the current regulations. Assistant to the City Manager Hogue stated that there is area in the Light Industrial Zone that one could potential locate a marijuana shop. Mayor Otte explained that this is the one piece resulting from modifications to Measure 91 that the Council had yet to address. If the voters decide to allow sales, the City needs to have this in place to collect the tax. Councilor Fleck said he agreed with the intent, but morally, he cannot vote for it.

Councilor Eder moved to approve a resolution calling an election on November 8, 2016, to refer to the voters of the City of Mt. angel, Oregon, a tax on retail sales of recreational marijuana in the City of Mt. Angel and adopting a ballot title and explanatory statement; Councilor Wall seconded.

Councilor Grassman said that she agrees with Councilor Fleck and cannot morally vote in favor of the resolution. Councilor Beyer and the Mayor said they understood the morality aspect, but if the voters choose to allow sales in the City, they want to protect the City's ability to collect the tax. Councilor Wall said that this is an issue where the voters can decide and that it is their choice. He doubts they will pass a law allowing sales in the City, but if they do, this enables the City to tax it. Mayor Otte assured the Council that they were not alone in their concerns. Other City Councils are grappling with this same issue.

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

The motion passed.

c. An Ordinance Amending Recreational Vehicle Parking

Interim City Manager Healy explained that the Council is voting on an update to the recently passed ordinance. After the ordinance was passed, a party applied for an exemption the day after the Council meeting with the request expiring 12 hours after the subsequent Council meeting. That application brought up the issue of timing and that it may be disadvantageous to wait for Council approval on these applications. As was discussed at the May meeting, it would be prudent to authorize the City Manager or their designee to be able to grant an exception.

Councilor Beyer moved to conduct a first and second reading to approve an ordinance amending the Mt. Angel Municipality Code Chapter 70 “Traffic and Parking Regulations” authorizing the City Manager the authority to grant a temporary exception; Councilor Grassman seconded.

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

The motion passed.

d. An Ordinance affecting Nuisances to the Public Peace

Interim City Manager Healy explained that the item up for consideration was a result of the May Council meeting during which the Council addressed a complaint by a citizen about early morning garbage pick-up and street sweeping. This ordinance is an attempt to remedy that issue. The ordinance did not allow for early morning activities, although traffic and other downtown activities make garbage pick-up and street sweeping at other times untenable. This ordinance amends the code and allows for certain activities to begin at 5 a.m. instead of 7 a.m.

Councilor Fleck moved to conduct a first and second reading to approve an ordinance amending the Mt. Angel Municipal Code Title IX, Chapter 97 “Nuisances Affecting the Public Peace” expanding the hours that certain noise(s) are not in violation; Councilor Beyer seconded.

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

The motion passed.

e. Bid Award for 2016 CIPP Project

Interim City Manager Healy referenced the letter from Westech that was provided to the Council at the meeting. He asked Public Works Superintendent Bernt to deliver the staff report.

Public Works Superintendent Bernt explained that this was a yearly project that replaces the liners in the sewers as the system is old and is part of the City’s maintenance schedule.

Councilor Grassman moved to award a contract for the 2016 CIPP Project for Main and East College Streets to Michael's Corporation for the amount of \$74,155 and authorize the Interim City Manager to execute a contract on behalf of the City; Councilor Wall seconded.

Mayor Otte asked why there was a large difference in some of the costs reflected in the bids. Public Works Superintendent Bernt said that it is not unusual for the numbers to vary widely. He does not know the exact the reasoning behind the quotes. Councilor Grassman asked for additional details on permitting expenses listed in the bids. Public Works Superintendent Bernt said that sometimes companies bid high when they are busy and have other jobs and are not sure they will be able to actually do the project. Councilor Wall explained there are all kinds of reasons that the applicants vary on charges, he has seen this many times and it is not unusual.

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

The motion passed.

f. 2016 Oktoberfest Special Event Agreement

Interim City Manager Healy explained that this is a multi-year contract that was negotiated with Oktoberfest with the assistance of Councilor Eder. It increases the term of the contract to 3-years, it removes language referring to single year references, and adds the capital improvement contribution of \$2,000, which will be billed to Oktoberfest when the City bills for public safety services, Public Works services, and other City costs. Mr. Bischoff, President of Oktoberfest, provided Attachment A, which are the maps for festival activities. Attachment B is a breakdown of City services that will be billed to Oktoberfest. Unless there are any questions or concerns from the Council, the agreement is ready to be executed between the City and Oktoberfest.

Councilor Grassman asked about the \$2,000 that was to be contributed last year. Interim City Manager Healy said he would have to check on it as he did not know the answer.

Mayor Otte would like the word “shall” removed and replaced with “will” throughout the contract to maintain consistency. He also wanted to verify that the appropriate dollar amount for insurance was being required, especially in regards to the marathon. Interim City Manager Healy confirmed that the insurance had been raised from one million to two million when the festival added the marathon. He said that he had discussed this issue with them and they are fine with the additional insurance. Mayor Otte was also concerned that there might not be any language that opens the door for renegotiation in subsequent years should the need arise. Councilor Fleck pointed out that there was a provision that allowed for a written request to amend the agreement and reopen negotiations. Mayor Otte said he agreed that would open the door for further discussion if necessary. Things can change and he wanted to protect everyone’s right to revisit the agreement if changes did occur.

Councilor Grassman asked about the park permit approval for Saalfeld Park and the house. She was under the impression that the Historical Society was using the house and she felt that the Historical

Society should be consulted and their approval obtained for using the Saalfeld house. Interim City Manager Healy said staff would check into that.

Councilor Beyer moved to approve an Agreement for Temporary Use of City Property and Rights-of-Way for Oktoberfest Special Event and authorize the Interim City Manager to execute the agreement; Councilor Eder seconded.

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

The motion passed.

g. Advisory Committee Appointments

Councilor Wall moved to appoint Robert Kister to the Library Board for a 4-year term ending June 30, 2020; Councilor Beyer seconded.

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

The motion passed.

The Council thanked Mr. Kister for volunteering to serve in this important City position.

h. Discussion of Future Agenda Items

Interim City Manager Healy reported there was some negative feedback to the water/sewer letters that were sent out. A subsequent letter with additional detail has been sent out. They also received a letter from Mr. Allen who was very upset about submitting his information for the account. Presently, only his wife is registered on the account and he cannot be provided with information as he is not listed. Situations such as these are what staff is trying to resolve with the letters and Interim City Manager Healy has responded to Mr. Allan's letter.

The next City Council meeting was set for Tuesday, September 6th to accommodate for Labor Day.

CITY MANAGER'S REPORT:

The City is scheduling a meeting to discuss health care options with the unions.

Levi Ferguson has resigned from the police department.

The Mayler case against the City has been dismissed and the City Attorney believes that will be the end of it.

National Night Out is the following night. The Police Department is providing hot dogs and there will be a rock climbing wall.

Staff has forms available to file candidacy for public office, in the event any of the Councilors were interested in running again.

12. COUNCILOR/COMMITTEE REPORTS:

Councilor Beyer wanted to express his appreciation for Officer Ferguson, he has grown a lot over the years and has been a valuable asset to the community. He will be missed by the citizens and particularly by Councilor Beyer's family. He appreciates the Chief's mentoring of these young officers; they become such community minded officers.

14. MAYOR'S REPORT:

Mayor Otte attended the Mayor's Conference this year. There is a huge senate bill being proposed on transportation. The LOC is also going to address the Small City Allotment. The LOC also intends to address the law regarding annexations. There is also some changes in public meeting laws. He felt that sitting down with other Mayors was very valuable.

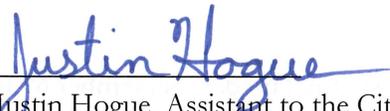
He visited with the Mayor of Elgin, where they have a student position on the City Council. They have access to the information the City Council has, they have an advisory vote, but there are several requirements they must meet. At the end of the school year, the City presents the student with a \$500 scholarship as long as the requirements were met. The Mayor of Elgin feels it is a successful program and Mayor Otte asked the Council to consider it. Councilor Grassman said she thought it was a good idea. Councilor Eder suggested they discuss it again at the next meeting. Councilor Wall felt the educational opportunity to teach children about local government is missing from schools and this would be a great way to introduce students to what occurs in local government. Mayor Otte will request some more information for the Council.

The LOC conference is coming up if any Councilors are interested, the information is available online.

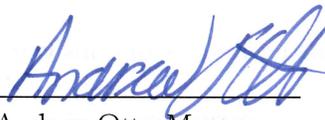
15. ADJOURNMENT:

Mayor Otte adjourned the meeting at 8:09 p.m.

Respectfully submitted by:


Justin Hogue, Assistant to the City Manager

Attested by:


Andrew Otte, Mayor