

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

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**CITY COUNCIL**

**October 3, 2016**

**7:00 PM**

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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  
Pete Wall, Councilor  
Karl Bischoff, Councilor  
Noe Jines, Student Councilor

**STAFF**

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

**ABSENT**

Don Fleck, Councilor

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

a. **Proclamation recognizing October 2016 as Domestic Violence Awareness Month**

Walt Beglau, Marion County District Attorney, addressed the Council about National Domestic Violence Awareness Month. He thanked the Council for officially recognizing Domestic Violence Month. He spoke about how prevalent domestic violence is in Marion County and across the Country. Eleven cases ended in murder within the past 5 years in Marion County alone. The challenges are overwhelming and the County is trying to address this within Marion County communities as it is such a tragedy for families and communities. He is trying to establish a district attorney's office that is adequately trained and available to address this issue. He feels that the support from smaller communities is especially important in addressing this terrible problem. He stated that county-wide options for domestic violence survivors, as well as a strong criminal justice system that is willing and capable of holding offenders accountable, are key components to making progress on this issue that so tragically effects lives and communities. Mr. Beglau wanted to leave a message of hope in the midst of the solemn topic; his office and domestic violence advocacy agencies are hoping to empower the county's citizens to learn more about domestic violence so that we can provide an army of protection for families that are suffering from abuse.

Kim Larson, Director of Victim Assistance for the Marion County District Attorney's Office shared that she believes there is hope even though domestic violence is very grim. She said that educated citizens who are able to reach out and help victims are one of the greatest assets. Believing victims, reporting things that seem dangerous, educating ourselves of the resources available for safety and help for the victims and families are excellent ways for community members to contribute to defeating this problem. Her office and the Center for Hope and Safety can offer support for people who believe they know of a domestic violence situation but are unsure of what to do; and may be afraid for their own safety.

Jane Downing, Director of the Center for Hope and Safety, addressed the Council. She said that the County is very fortunate to have a district attorney's office that has such a great relationship with law enforcement and community organizations that work to provide a safety net for victims. Her agency does serve Mt. Angel and they are the only agency that has shelter assistance for families in all of Marion County. They meet with victims, either at the office or in a safe place, and help transport them to safety. In addition to the shelter, the Center offers support, counseling; they also provide food, clothing, school supplies, and other tangible resources for victims and their families. The shelter is open 365 days a year and houses 200-500 people at any given time. They case manage families and try to help them make the necessary changes so they can become independent and self-sufficient. As a result of their partnership with other community agencies, 92% of their clients go on to receive permanent housing outside of their abusive situation. In addition, the Center provides education to community groups and schools to try and educate students before they get into a domestic violence scenario. The main goal is providing a place for people to go where there is help for them and they do not have to feel trapped and alone. Ms. Downing thanked the Council for allowing them to share about the resources available so that the word can continue to reach throughout the community and into domestic violence situations, that there is help available.

Councilor Wall asked how the program is funded. Ms. Downing stated that the program has several funding sources including the Federal Victim Crime Act, state general fund, some county funding, offender's repayment money, private community funds, and even some monies from marriage license tax.

Mayor Otte said he is grateful that these programs are available.

Councilor Grassman thanked the guests for their work. She has had some experience with each agency and is appreciative of the services they provide.

Mayor Otte read the proclamation officially recognizing October 2016 as Domestic Violence Awareness Month on behalf of the City of Mt. Angel.

**b. Law Enforcement Intentional Use of Deadly Force Response Plan**

Chief Healy explained that the Law Enforcement Intentional Use of Deadly Force Response Plan was developed by a joint committee comprised of County law enforcement agencies pursuant to a 2008

mandate for each county to formulate a response plan. The plan was recently updated with some word changes and the addition of a section called Intentional Use of Deadly Force. He said the plan has been used effectively in instances where a weapon was discharged. Everything in the plan is a prescribed and orderly process for how events should unfold following an incident. Chief Healy wanted the Council to be aware of the updates and provided a copy for their review.

Mayor Otte introduced Noe Jines, who has been appointed as a Student Advisor to the City Council. This is a new program that was just recently and is anticipated to be a rewarding partnership between the City and the School District, by providing a liaison and educational opportunities for both entities.

**5. APPEARANCE OF INTERESTED CITIZENS:**

None

**6. REVIEW CORRESPONDENCE:**

None

**7. REVIEW WRITTEN STAFF REPORTS:**

Councilor Beyer asked about the utility customers that have not complied with the request to update utility service account information, he asked how staff is trying to reach these people. Interim City Manager Healy said they have tried calling and sending several letters. Assistant to the City Manager Hogue said that shut-off notices were mailed out and that shut-offs are scheduled for October 18<sup>th</sup>. Interim City Manager Healy said staff has worked to accommodate people through this process and are still ready and willing to assist people, particularly if they have trouble with the registration.

Councilor Grassman reported that she continues to get great reviews on the library. She is pleased by new programs that Library Director, Carrie Caster, brings to the library. She added that the programs are very well received by the community. She also visited the Police Department and observed the holding cell damage that the City is seeking repair bids for. She also reported that she went on a ride-along.

Councilor Beyer also asked if there was any news on the Heritage Trail grant. Assistant to the City Manager Hogue said that the announcement of the grant recipients should be coming in the next month.

Mayor Otte wanted to address the issue of the difficult visitors during Oktoberfest. He and the Police Chief are working to address the issue. Chief Healy said that he and staff are working on some ideas that may not prevent their presence, but should limit the behavior. Councilor Grassman said that the loudspeaker they used was disruptive and irritating to other guests.

Councilor Eder asked about progress on repairing the back door to City Hall. Assistant to the City Manager Hogue reported that staff have met with four contractors to solicit bids for the project. He said they had received one bid from a local company for approximately \$20,000 which offered a unique solution to the problem. They are expecting to receive the other bids shortly.

**8. REVIEW ACCOUNTS PAYABLE:**

None

**9. CONSENT AGENDA:**

- a. Approve City Council Workshop Minutes for September 6, 2016
- b. Approve City Council Regular Meeting Minutes for September 6, 2016

Councilor Beyer moved to approve the consent agenda; 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>ABSENT</b>		

**Jines**      **AYE**

The motion passed.

**10. UNFINISHED BUSINESS**

- a. Republic Services request for rate increase.

Mayor Otte reminded the Council that the Council had asked staff to bring back a resolution to address the rate increase requested by Republic Services made at the last regular Council meeting. He introduced Matt Cofer who would be available to answer any Council questions. Councilor Bischoff recused himself from the discussion and vote regarding this topic as he works for Republic Services. Councilor Grassman asked for a recap of the reason that the rate increase was being requested. Mr. Cofer explained that the request was due to cost increases adopted by Marion County for solid waste disposal, a significant increase of approximately 30%. Republic Services treats solid waste disposal costs as a pass-through, which is why the company is asking for the rate increase. The Council thanked Mr. Cofer for his patience and explaining the situation.

Councilor Beyer moved to approve a resolution granting a rate increase of 11.8% to Republic Services of Marion County, Oregon (formerly Allied Waste of Marion County, Oregon) in accordance with the franchise approved as Ordinance 704; Councilor Eder seconded.

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

**Jines:**      **AYE**

The motion passed.

**11. NEW BUSINESS:**

- a. Repeal Marijuana Tax Ordinance

Assistant to the City Manager Hogue explained that the City originally adopted this ordinance, as the new marijuana law came into being, in order to protect the City's right to assess a tax. Some subsequent legislative rules made the Ordinance imposing a 10 % tax non-enforceable by setting a maximum tax cap at 3%. Therefore, the City needs to repeal this ordinance and remove the law from the City code. The 3% tax was referred to the voters.

Councilor Grassman moved to conduct a first and second reading of an ordinance repealing Ordinance 741 establishing a tax on the sale of marijuana and marijuana infused products in the city of Mt. Angel and repealing Chapter 116 of the Mt. Angel Municipal Code; 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>AYE</b>	<b>Wall:</b>	<b>AYE</b>
<b>Fleck:</b>	<b>ABSENT</b>		
<b>Jines:</b>	<b>AYE</b>		

The motion passed.

#### **b. Business License Ordinance**

Councilor Grassman stated that she strongly supports a business license was very happy that it is was close to becoming a reality.

Assistant to the City Manager Hogue pointed out some language related to non-profits that he wanted the Council to clarify. The language is common in other city business licenses and he wanted to make sure the language was agreeable to the Council considering the large number of non-profit organizations in town. After discussion, the Council thought the language and exemptions were acceptable.

Councilor Grassman asked about the enforcement method. She wanted to know if they would actively pursue people for a business license. Interim City Manager Healy said that is what the ordinance says, but some of the policy direction will be up to the Council.

Councilor Eder asked if the City would be mailing out applications. Assistant to the City Manager Hogue said that staff is working on applications and the putting the processes in place. Councilor Grassman said that a potential remedy for seeking an exemption could be for the business owner to make a request to the Council. Assistant to the City Manager Hogue said there is some discretion given to the City Manager.

Councilor Wall pointed out there is a punitive component for those not obtaining a business license. Some discussion took place on how that would be enforced. Councilor Wall explained that it means that violators would appear before the court. Councilor Bischoff asked if the \$750 fine was excessive and if there was a way to limit it to \$150 or \$200. Assistant to the City Manager Hogue explained that the penalty section corresponds with the penalty for the Transient Merchant permit for consistency. Councilor Grassman felt that the \$50 fee was insignificant and if the fee was paid they would avoid the penalty. Councilor Bischoff said that there may be some people who would wonder why the City needed this data. Chief of Police Healy said that it is helpful for the Police Department to know what kind of business they may be responding to. Councilor Grassman said there are certain businesses such as hair dressers, painters, or other businesses with chemicals where the information might be useful that if there was a fire.

Businesses may be run out of homes may not meet City Code. Chief of Police Healy said that the Chamber might be interested in some of the information. Councilor Wall said the Chamber does support this at this time. In previous years, there was not support for a business license, which was one of the reasons it previously failed to be adopted. Councilor Grassman said that the information would be good for the City to have, maybe even for the purpose of attracting new business or for informing a potential new business owner if there is already a high number of the same type of business located in town.

Councilor Grassman moved to conduct a first and second reading of an ordinance providing for licenses upon trade, shops, occupations, professions, businesses, and callings for the purpose of revenue and regulation, providing for a method of issuing licenses, providing penalties for violation thereof; Councilor Beyer 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>ABSENT</b>		

**Jines:**       **AYE**

The motion passed.

**c. City Manager Contract**

Councilor Wall moved to approve the employment agreement with Amber Mathieson and authorize the Mayor to sign the agreement on behalf of the City; 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>AYE</b>	<b>Wall:</b>	<b>AYE</b>
<b>Fleck:</b>	<b>ABSENT</b>		

**Jines:**       **AYE**

The motion passed.

**d. Addendum to IGA for Municipal Judge**

Assistant to City Manager Hogue explained that the City Manager of Gervais contacted the City seeking a Municipal Judge. Since Mt. Angel's agreement for a Municipal Judge is with multiple cities, she requested an addendum to the intergovernmental agreement be considered to include the City of Gervais. The proposed motion is to update the current intergovernmental agreement to add the City of Gervais.

Councilor Grassman moved to approve an addendum as presented by the City of Gervais to the intergovernmental agreement for Municipal Judge; Councilor Beyer 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>

**Fleck:** ABSENT

**Jines:** AYE

The motion passed.

**e. Healthcare for Represented Employees**

Interim City Manager Healy explained the new healthcare options that have been offered and negotiated with the labor unions since the healthcare options were changed by the insurance companies through City/County Insurance. The Council was presented with a paper copy of the new plan options.

Councilor Grassman moved to approve the memorandum of understanding between the City of Mt. Angel and the Mt. Angel Police Association and Laborer's Union 483 with respect to the new healthcare package; Councilor Wall seconded.

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

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

**Jines:** AYE

The motion passed.

**f. Discussion of Future Agenda Items**

Interim City Manager Healy said that they have accomplished the remaining future agenda items over the past several months. New items will be brought forth, but are not identified as of now.

Mayor Otte asked the staff to prepare a discussion about the Park/Tree Board for the November meeting.

**12. CITY MANAGER'S REPORT:**

Interim City Manager Healy said that an issue brought to staff's attention, concerning branches located over a section of sidewalk, has been resolved.

He wanted direction regarding the outside city utility customer seeking a waiver for the stormwater fee. The City Attorney highly recommended not granting an exception for just one customer, she said that applying the waiver across the board would be a better approach. Interim City Manager Healy asked if the Council would like for him to pursue this approach with the attorney and have her draft a waiver or if they preferred to discontinue consideration of waivers. The consensus of the Council was to not pursue any further action.

Recently, Mt. Angel Telephone did not pay for a permit application for work in the right-of-way. Interim City Manager Healy reported that Mt. Angel Telephone Company's attorney contacted the City saying the work in the right-of-way permit was a courtesy and that they were exempt per their franchise agreement. The City Attorney said that the franchise agreement did not exempt them from paying the permit fee. Interim City Manager Healy stated there were several options conceived by staff for addressing concerns conveyed by Mt. Angel Telephone, such as an annual permit, or the City can continue applying the fee as it

does presently. Councilor Bischoff asked if the telephone company cuts into the road a lot. Public Works Superintendent Bernt said that they do from time to time. He would support an annual permit as long as they send an application for each project so that Public Works can ensure the City's interests are protected and City property is restored to its prior condition. Councilor Grassman said she is in favor of maintaining the City's past practice of charging \$50 for each work in the right-of-way permit. Councilor Eder said that there is a need to recoup the administrative costs to the City. Councilor Beyer asked how much Mt. Angel pays for the annual Marion County right-of-way permit. Public Works Superintendent Bernt said that the City pays \$100. Councilor Grassman said Mt. Angel Telephone Company should pay the \$50 fee and if there is a significant amount of projects and they have an issue, they can address the Council directly.

### **13. COUNCILOR/COMMITTEE REPORTS:**

Councilor Beyer asked about the food trucks located in the city. He has heard mixed comments about them. Interim City Manager and Assistant to the City Manager Hogue said that all the proper City permits, health code/food handling licensing, and ODOT comments have been adhered to. Some Councilors have heard complaints. Councilor Wall said that some of the specific complaints include concerns over the food trucks complying with the Bavarian theme. Other businesses feel the food carts are undercutting their establishments since they do not share the same overhead, as they do not contribute to the city in the way of property taxes. Mayor Otte said that the only position that the City is able take issue with is compliance with the Bavarian theme.

Public Works Superintendent Bernt said that it does necessitate more supervision by Public Works staff, especially in regards to how gray water and waste disposal is handled. Mayor Otte said that should be covered under the Transient Business Permit and they are at risk of having their permit revoked if they do not comply. Councilor Grassman said that in the future, the Council may need address a permitting process specifically for food trucks.

Councilor Grassman said that she went on a ride-a-long with Officer Snell. She went for just a couple hours. She was impressed with how he handled some community policing issues.

Student Councilor Jines presented a report on items of interest at the local schools. He invited the City Council to participate in an upcoming work session being held by the School District, Strategic Planning Committee. There is a larger student population this year then there has been in previous years. The sports teams are doing quite well and the middle school is enjoying their new soccer team. John F. Kennedy High School was recently awarded the Oregonian Cup which recognizes sports, academics, and sportsmanship. The School District has adopted a new math curriculum, Avid, that it hopes it will help students better prepare for college and future success.

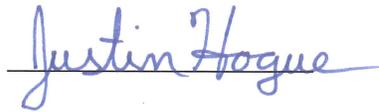
### **14. MAYOR'S REPORT:**

Mayor Otte had no report this evening.

### **15. ADJOURNMENT:**

Mayor Otte adjourned the meeting at 8:32 p.m.

Respectfully submitted by:

A handwritten signature in blue ink that reads "Justin Hogue". The signature is written in a cursive style and is positioned above a horizontal line.

Justin Hogue, Assistant to the City Manager

Attested by:

A handwritten signature in blue ink that reads "Andrew Otte". The signature is written in a cursive style and is positioned above a horizontal line.

Andrew Otte, Mayor