

City of Mt. Angel  
City Council Meeting Minutes

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**CITY COUNCIL**

**7:00 PM**

**March 1, 2010**

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The City of Mt. Angel's City Council met in a regular session Monday, March 1, 2010 at the Community Meeting Room, 290 E. Charles Street, Mt. Angel, Oregon.

I. **CALL TO ORDER:** The regular meeting of the Mt. Angel City Council was called to order at 7:06 pm by Mayor Rick Schiedler.

II. **FLAG SALUTE:**  
Mayor Schiedler led the salute to the flag.

III. **ROLL CALL:**

**COUNCIL**

Rick Schiedler, Mayor  
Ray Eder, Council President  
Darren Beyer, Councilor  
Michael Donohue, Councilor  
Kelly Grassman, Councilor  
Teresa Kintz, Councilor  
Andrew Otte, Councilor

**STAFF**

Pete Wall, Interim City Administrator  
Michele Hall, Assistant to City Administrator  
Tracy Grambusch, Finance Director  
Dan Bernt, Public Works Superintendent

IV. **APPEARANCE OF INTERESTED CITIZENS:**

Kenny Wilson addressed the Council about speaking more clearly into the microphone. He has difficulty hearing and it helps if the Council speaks into the microphone.

Megan Raymond addressed the Council about CERT. She described the opportunity for people to be involved in the Community Emergency Response Teams. They had their first meeting last week.

Councilor Otte asked what the numbers currently were for volunteers. Mrs. Raymond responded that they are at about 8 volunteers; they are looking for about 12-20 at this time. Mrs. Raymond is looking at specializing teams and modeling them after a successful program in Keizer.

V. **REVIEW ACCOUNTS PAYABLE:**

Councilor Beyer asked about Lexipol a subscription charge for the police department. Mrs. Grambusch stated the Chief would have to speak to that but she believes it has to do with police policies and some legal support. If they subscribe to the service they are not charged for legal advice in certain situations.

Councilor Beyer asked about the refund to the St. Mary's Estates Homeowner's Association. Mrs. Grambusch explained that they have mistakenly been billed for a 2 inch meter and they have a one inch meter. They have been refunded for the overcharge.

VI. **CONSENT AGENDA:**

- a. Approve minutes of February 1, 2010 meeting.
- b. Approve minutes of February 16, 2010 special meeting.

- c. Approve Liquor License Renewals.
- d. Resolution to authorize the Mayor to sign renewal agreement with City of Woodburn for Police Records Management.
- e. Resolution adjusting budget for unanticipated income.
- f. Resolution adjusting budget for unanticipated income.
- g. Resolution adjusting budget for unanticipated carryover.

Councilor Donohue moved to approve the consent agenda. Councilor Beyer seconded.

The motion was passed with the following vote:

**AYES: 6                      NAYS: 0                      ABSTAIN: 0**

**New Business to accept donated property**

The Council moved item 10.b forward since Mrs. Henrietta Saalfeld was in attendance to witness the agreement. Mr. Wall explained that Mrs. Saalfeld has generously donated her property downtown to the City. A resolution has been prepared to enable the City to proceed in accepting the donation. Henrietta Saalfeld and Jim Berchtold were present in the audience to witness the passing of the resolution.

Councilor Otte moved to accept the donation of real estate from the Henrietta T. Saalfeld Living Trust. Councilor Donohue seconded.

The motion was passed with the following vote:

**AYES: 6                      NAYS: 0                      ABSTAIN: 0**

Mrs. Saalfeld addressed the Council about how pleased she was to donate her property in the name of her parents. She hopes that many will enjoy the property as much as she has over the years. The Mayor signed the resolution and Mrs. Saalfeld and Mr. Berchtold, the executor of the Saalfeld Family Trust were presented copies of the Resolution.

(Recorder’s note – This resolution was assigned number 1322)

**VII. CORRESPONDENCE:**

No questions.

**VIII. STAFF REPORTS:**

**a. Police Department**

A written report by Chief Earhart was included in the council packet.

**b. Public Works**

A written report by Dan Bernt was included in the council packet.

Council Beyer asked about the annual Cross-connection report. Mr. Bernt stated that it is the annual report that is due for the backflow devices.

**c. Finance**

A written report by Tracy Grambusch was included in the council packet.

Councilor Donohue asked if the City offers both BlueCross and Kaiser insurance to the employees. Mrs. Grambusch affirmed that CCIS does offer the option for employees to choose either plan.

**d. Special Report**

A written report was submitted by Assistant to the Administrator, Michele Hall.

Councilor Otte asked about the requirements of the State for the Parks grants. Mrs. Hall explained that funds are limited in the second half of the biennial budget so they requirements are more stringent. They are looking for shovel ready projects that are part of the City's Master Plan and are prioritized. The City still needs to adopt the Parks Master Plan as part of the Comprehensive Plan. Councilor Grassman inquired about the need to adopt the Parks Master Plan again. She was under the impression that it had already been adopted. Mrs. Hall and Mr. Wall explained that it had been accepted by the Council, but to do an alteration to the City's Comprehensive Plan the Master Plan is reviewed by the Planning Commission and then recommended to the City Council for an approval to update the Comprehensive Plan. The Planning Commission has looked at the plan, but staff has held off moving forward as there was the Saalfeld Family Park acquisition in the works.

Councilor Otte asked if there were other grant opportunities available. Mrs. Hall said that the City had received some information on other grants, but that it would take some time to investigate. Her hope is to prepare well for the next grant cycle for the state and in the process put the City in good position to be able to apply for other grants as well.

**IX. OLD BUSINESS:**

- a. Resolution to adopt Council Rules
- b. Employment agreements

Jim Kosel brought to the Council some suggestions for the Council Rules. On 4e there it should say "meetings" instead of "meeting" as this applies to all meetings.

Mr. Kosel thought that the reference to the phrase "Mayor may be interpreted as Presiding Officer" should be "Mayor will be interpreted as Presiding Officer."

He was concerned under Audience Decorum that a person addressing the Council would even have to state their address for the record. Many cities are now just allowing the person to state the City in which they reside. There was some discussion on the fact that it already stated in the rules that the addresses would not appear in the written minutes. He felt this would still not protect privacy as a person could request a recording of the meeting. Councilor Kintz pointed out that in the public meeting manual a person does state their name and address for the record unless a person feels that it is a matter of personal safety to them. He pointed out that the address is already written on the "request to speak" form. He also wanted the requirement removed in the public hearing procedures. Councilor Grassman asked if we had to have it. Mr. Wall said he didn't see why not if we have an address on a form. Councilor Grassman recommended it read they will state their "city of residence". There was consensus to include this language.

Mrs. Hall requested to address the Council. She directed the Council's attention to a list of recommended changes that had been sent via e-mail by Councilor Kintz. The scrivener's errors had been changed in the final draft, but there were some topics the Council might want to take into consideration.

The first was that a censure would be issued in private. There was a consensus that this would be a good addition.

The next item was reconsideration/rescinding of a main motion. There was some discussion about the definitions and timing of the main motion. After some consideration, it was decided that Robert's Rules of Order addressed this topic more clearly and so the language would be left as it was in the rules. The Council Rules defer to Robert's Rules of Order when there is not specific instruction.

Councilor Beyer moved to approve the resolution repealing resolution no. 1056 governing proceedings and conduct of the common council and adopting city council rules as amended. Councilor Grassman seconded.

The motion was passed with the following vote:

**AYES: 5                      NAYS: 1                      ABSTAIN: 0**

Councilor Kintz opposed the motion.  
(Recorder's note – This resolution was assigned the number 1323.)

### **Employment agreements**

Mr. Wall explained that this item of business is a carryover from the last meeting when the Council wished to speak with Special Counsel Mark Amberg. The agreements are essentially the same except for a few exceptions. The term of the contract has been reduced to 2 years with the opportunity of a one year extension if the City Administrator wishes to do so. The severance packet has been reduced from six months to three months.

Mr. Kosel had a question about the language in the contract, on page 3 subsection C. It talks about an employee resigning; the language seems to contradict with the exclusivity clause in the contract. Mr. Wall explained that the exclusivity clause means that the employee will basically not "moonlight" while they are employed. If the agreement is terminated on either side, then it is no longer an issue. Mr. Kosel suggested a change of language might be necessary. Mr. Wall recommended that any changes would need to be run by the City's legal counsel.

Councilor Otte moved to authorize Interim City Administrator to sign employment agreements with Finance Director Tracy Grambusch and Police Chief Brent Earhart. Councilor Beyer seconded.

The motion was passed with the following vote:

**AYES: 5                      NAYS: 1                      ABSTAIN: 0**

Councilor Kintz opposed the motion.

## **X. NEW BUSINESS:**

### **a. Repeal and Replace City Tree Ordinance**

Mr. Wall explained that this is an attempt at some housekeeping to get to the place where we can set up the Park/Tree Board. This new ordinance essentially removes all references to the Tree Board and

then can be revisited again when the advisory committee can make recommendations to the City Council for making any further changes.

Councilor Donohue moved to adopt an Ordinance of the City of Mt. Angel repealing and replacing Ordinance No. 706, amending the Mt. Angel Code of Ordinances, Chapter 94, providing for the care of city trees. Councilor Otte seconded.

Mr. Wall advised the Council that this ordinance can be passed by the Council in one meeting with a second reading of the Ordinance by title with a unanimous vote, if the Council so desired.

The Mayor recognized Jim Kosel who pointed out that the second “whereas” may be incorrect. He did not remember this topic being a part of the 2009 goal setting meeting, he felt it would better represent what happened if the language stated that the City Council desired this and did not make reference to the citizens in the 2009 goal setting meeting. After some discussion, the Council concurred that the language should be changed.

Councilor Donohue called the question. The Mayor called for a vote of the motion on the floor.

The motion was passed with the following vote:

**AYES: 6                      NAYS: 0                      ABSTAIN: 0**

Councilor Otte moved to adopt an Ordinance of the City of Mt. Angel repealing and replacing Ordinance No. 706, amending the Mt. Angel Code of Ordinances, Chapter 94, providing for the care of city trees with amendment to the second paragraph removing the language “and citizens in the 2009 Goal Setting session”. Councilor Donohue seconded.

**The motion was passed with the following vote:**

**AYES: 6      NAYS: 0      ABSTAIN: 0**

(Recorder’s note – this Ordinance was assigned number 723.)

**XI. CITY ADMINISTRATOR’S REPORT:**

Mr. Wall gave a verbal report.

Mr. Wall wished to draw the Council’s attention to the letter from the Engineer regarding the I&I project.

Staff will be preparing a packet of information containing several documents that Council has requested including the CIP and Transportation Plans.

**XII. CITY COUNCILOR’S REPORT:**

Councilor Grassman is on the LOC conference committee. They had their first meeting last Friday. They are evaluating the educational opportunities that might be presented at the conference. They are looking for input from City Administrator.

She is also on the Transportation Board and is looking forward to more opportunities there.

Councilor Otte reported that the Communication Committee is continuing to produce product and he invites any Councilors to contribute. The next meeting will be held on March 22, 2010.

Councilor Eder would like to go out for the RFQ for legal services. Mr. Wall asked for a consensus of the Council and he suggested that an employment committee as the City Attorney is an employee of the Council. By consensus the Council instructed Mr. Wall to proceed.

**XIV. MAYOR'S REPORT:**

The Mayor thanked staff for all of their hard work this month.

**XV. RECESS REGULAR MEETING:**

Mayor Schiedler recessed the regular meeting at 8:31 p.m.

**XVI. EXECUTIVE SESSION:**

An executive session was called in accordance with ORS 192.660(2) (a) to consider the employment of a public officer, employee, staff member or individual agent. Members of the media, designated staff, and those authorized by the Mt. Angel City Council may attend.

The executive session was convened at 8:45pm.

The executive session was adjourned at 9:10 pm.

An audio recording was made of the meeting; it is exempt from public disclosure.

**XVIII. RE-CONVENE REGULAR SESSION:**

The regular meeting of the Mt. Angel City Council re-convened at 9:11 pm.

Councilor Otte made a motion to authorize the Mayor to sign an employment agreement with Susan Muir for the position of City Administrator. Councilor Grassman seconded the motion.

The motion was passed with the following vote:

**AYES: 6    NAYS: 0    ABSTAIN: 0**

**XVIV. ADJOURN REGULAR SESSION:**

Mayor Schiedler adjourned the regular meeting at 9:12 p.m.

Respectfully submitted by:

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Michele Hall, Assistant to City Administrator

ATTESTED BY:

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Rick Schiedler, Mayor