

City of Mt. Angel  
City Council Meeting Minutes

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**CITY COUNCIL**

**7:00 PM**

**December 5, 2011**

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The City of Mt. Angel's City Council met in a regular session Monday, December 5, 2011 at the Community Meeting Room, 290 E. Charles Street, Mt. Angel, Oregon.

1. **CALL TO ORDER:** The regular meeting of the Mt. Angel City Council was called to order at 7:01 pm by Mayor Rick Schiedler.

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

3. **ROLL CALL:**

**COUNCIL**

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

**STAFF**

Susan Muir, City Administrator  
Kelsey Lewis, Assistant to the City Administrator  
Dan Bernt, Public Works Superintendent  
Mike Healy, Police Chief  
Chaunee Seifried, Finance Director

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

None.

5. **APPEARANCE OF INTERESTED CITIZENS:**

None.

6. **CONSENT AGENDA:**

a. Approve City Council meeting minutes for November 7, 2011.

Assistant to the City Administrator K. Lewis stated a correction to the minutes, page 2 of 8, Item 6 to change the month from August to October.

Councilor Kintz stated a correction to the minutes on page 3 of 8; she wanted to change "Barbara Bochsler's sidewalk" to "the sidewalk in front of B. Bochsler's house."

Councilor Otte moved to approve the consent agenda with the above amendments; Councilor Beyer seconded.

**AYES: 6**

**NAYS: 0**

**ABSTAIN: 0**

Councilor Eder stated that he wanted to direct the City Administrator to cap sewer lateral reimbursements authorized under Resolution 1377 at \$2,000 per single-family residential structure. Councilor Grassman asked why; Councilor Eder explained that one repair could wipe out the whole

fund and he wanted more than one party to have the opportunity per year. Councilor Kintz commented that if there was a cap it would not necessarily cover 100% of the cost for any applicant. Councilor Beyer asked Public Works Superintendent D. Bernt how much a sewer lateral repair costs on average; D. Bernt answered that he could not give an average because there are too many variables such as depth of the pipe, the distance it travels underneath the street, the distance between the house and the sewer main, etc., that affect the cost. Councilor Eder asked for confirmation that D. Bernt had previously estimated \$2,000 to \$5000; D. Bernt answered that those amounts were possible.

Councilor Kintz stated that she thought they should do something different with sewer laterals. She stated that the City should not expect any citizen to pay to dig up the street and replace it. She stated that repair and maintenance should be paid for through sewer rates. She commented that the money should come out of the sewer fund. Councilor Beyer stated that the Council should talk about putting more money toward that in the next year's budget.

Councilor Eder commented that he looked at the program as a step in the right direction. Councilor Otte stated he was fine with having a cap. Councilor Grassman said she thought that a cap was reasonable and that the Council could change it in the future.

Councilor Kintz asked why the Council could not put more money toward sewer later repair now from the sewer fund. S. Muir said that if directed staff could go back and look for more money for this program than the current \$5,000. Councilor Grassman suggested that staff look for additional money to propose for the coming budget year since it was already well into this budget year; S. Muir confirmed that staff could definitely do that. She commented that staff would be asking the Council for their budget goals in January. S. Muir clarified that as approved by the Council last month the program would go into effect January 1<sup>st</sup>, 2012 and was not retroactive.

Councilor Bischoff said he would like a cap higher than \$2,000. Councilor Kintz stated that she thought there should be much more available than that from the sewer fund. Councilor Grassman asked how much she wanted; Councilor Kintz said she thought it should be \$10,000 and would not agree with having a cap. She also stated that she thought the repair should be based on the property line, not the public right of way. She felt that that was the City's responsibility to pay for the right of way and that would make it more in-line with the County.

Mayor Schiedler commented that when the conversation started about sewer laterals it seemed that the intent was to have the City pay for repairs in the right of way. He asked Councilor Eder if he brought forward the motion for a cap because the program only had \$5,000 this year and asked the Council if down the road when there is more money in the fund if they would want to raise or eliminate the cap. Councilor Grassman commented that she had been thinking of suggesting they add more money to this fund in January. She commented that she was ok with having a cap for now because there is only \$5000 but would want to eliminate the cap at some point. Councilor Grassman also commented that she still felt the homeowner should have some responsibility for their lateral so the cost should not be completely paid by the City. Councilor Bischoff commented that he was fine with a cap this year but wanted to talk about this topic again during the budget discussions in the spring.

S. Muir confirmed that the Council could increase the dollar amount in this program as a line item in either this year or next year's budget in January. She stated that the Council could also entertain motions to direct money left over from the Taylor Street project toward this program. Councilor Grassman stated that the Council had been working on this goal for a long time and established the program last month. She wanted to focus on other things and come back to this issue during budget discussions since staff would be starting next year's budget discussions in January anyway. Councilor Kintz stated that she felt strongly that the Council should put more money into sewer lateral repairs now and not have a cap.

Councilor Eder moved to direct the City Administrator to cap sewer lateral reimbursements authorized under resolution 1377 at \$2,000 per single-family residential structure; Councilor Otte seconded.

**AYES: 5**

**NAYS: 1**

**ABSTAIN: 0**

Councilor Kintz opposed the motion.

**7. REVIEW ACCOUNTS PAYABLE:**

Councilor Beyer asked about dumping fees for leaves on pages 3 and 5 of 6; D. Bernt confirmed that the charges were split into two funds. It was a fee of \$300 per quarter regardless of whether the City has anything to dump.

Councilor Kintz asked about the charge for Fisher Park irrigation project on page 4 of 6; she wanted to know why it was paid in November when the project had not started yet. S. Muir confirmed that sometimes contractors were paid part of their fee in advance of project and she stated that the irrigation project would begin that week or the next.

Councilor Kintz asked about the charge from Speer Hoyt, LLC on page 2 of 6; S. Muir confirmed that it was the legal fee for writing and advising on the RFP for towing services which was outlined in Item 10c of the packet.

**8. COMMUNICATIONS/CORRESPONDENCE:**

None.

**9. UNFINISHED BUSINESS:**

a. Taylor Street bids

S. Muir stated that as directed in the October Council meeting, staff sent out for formal bids to improve Taylor Street from Cleveland to Oak and Elm to Cherry [4 blocks total]. The City received 9 bids with a wide range of dollar amounts and the lowest responsible bidder came in at \$52,773.34. She stated that the first step on this item was to award the contract.

Councilor Otte moved to approve the attached resolution awarding the 2012 Taylor Street project to H & H Paving; Councilor Beyer seconded.

**AYES: 6**

**NAYS: 0**

**ABSTAIN: 0**

S. Muir explained that staff had discovered some additional cost for required sidewalk ramp improvements estimated at around \$1,200, which meant that there was \$17,426.66 left over. She stated that the Council had many options on how to spend the remaining money and a few of those options were outlined in the staff report, such as rolling over the money into the next year's budget, doing additional sidewalk or street improvements on Taylor or Elm Street, or allocating funds to a 50/50 sidewalk repair program, among others. At that time she opened it up for Councilors to discuss what to do with the remaining money.

Councilor Beyer asked D. Bernt about paving; D. Bernt confirmed that the estimates for Taylor Street improvements were for a simple overlay. Councilors asked about adding another street into the bid and S. Muir explained that it goes against public contracting law to amend a contract after its already been bid out or in the process of being awarded. Councilor Otte commented that it would be fine to consider them as two separate projects and H & H Paving may bid and receive the second contract through the separate bidding process. S. Muir confirmed that another formal bidding process would incur extra costs for the city engineer and for advertising, but it certainly could be done and staff could determine the appropriate process if the Council wanted to do another bid. She noted that if the right process was to do a formal bid staff would come back to the Council for awarding the contract.

Councilor Kintz suggested using the remaining money to do the sidewalks on Taylor Street in the current year and then next year funding improvements on the last section of Taylor Street from Cherry to Alder Street.

Councilor Otte stated that he would like to do nothing with the funds for the moment and save it for after having a wider conversation with Taylor Street neighbors. S. Muir stated that the City planned to have meetings in January or February with the Fire District and the property owners on Taylor Street to discuss limiting parking along the street. Councilor Otte suggested that the conversation should include the possibility of taking out one or more sidewalks to make the street wider. The problem area in question was between Elm and Alder Streets. Councilor Kintz stated that it did not make sense to take the sidewalk out. Councilor Grassman asked who would be notified about the meeting and S. Muir said the City could give notice or invite any group to talk about these issues. She reviewed what was in a September staff report about the plan to invite Taylor Street neighbors to talk about what to do for that street section.

Councilor Beyer asked why the City would pave Taylor to Cherry Street before the Council made a decision on whether to keep the sidewalks along that area of Taylor Street. Councilor Otte stated that to address the options given at that point he would like to get informal bids for Elm Street from Taylor to E. College and for Taylor Street from Cherry to Birch Street.

Councilor Grassman stated that she was interested in continuing improvements on Taylor Street but she was concerned about moving forward without having the conversation with residents on that street first.

Councilor Otte asked why the City did not get the Special City Allotment grant to improve Elm Street. S. Muir responded that the grant process was more competitive this year because of the limited awards. She added that the City does not have very many streets that qualify and are good candidates for the grant at this point. She confirmed that staff would follow up with the state to see why the City did not get the grant.

Councilor Kintz stated that she wanted to wait until the next budget cycle to do additional street improvements and use the extra money to do the sidewalks on Taylor Street.

Councilor Beyer asked if the City had enough money to do the Marquam sidewalks; S. Muir answered no because the railroad area was going to be more expensive than originally estimated. Councilor Beyer said he agreed with Councilor Otte that they should get bids for the two streets and use any leftover money on sidewalks.

S. Muir received direction from the Council to get bids for overlays on Elm Street from Taylor to E. College and for Taylor from Cherry to Birch and bring back to Council. Administrator Muir commented that she would coordinate with the Fire Chief to schedule a meeting with the Taylor Street residents sometime in January.

10. **NEW BUSINESS:**

a. PGE franchise

Mayor Schiedler stated that when he is not in the role of Mayor of Mt. Angel, he is an employee of PGE. After reviewing conflict of interest rules, he did not believe that he had an actual conflict of interest on this agenda item, however there may have been a perception of a conflict and therefore he was removing himself from the discussion and handing the gavel over to the Council President Eder to facilitate that agenda item. He stated that he would not be voting on or discussing the matter. He asked the City Recorder to note in the minutes that he stated this on the record and handed the gavel over to Councilor Eder and moved to the audience for this agenda item.

S. Muir stated that this item was an extension of the existing franchise with PGE which was set to expire in January 2012. Since the draft franchise agreement was unlikely to be finished in January it was necessary to extend the existing franchise. She stated that PGE is fine with an extension of three months. She noted that the proposed resolution would authorize her to extend the franchise for another three months if necessary. The new franchise agreement would go through the full public process before the City Council. S. Muir also noted that even without an agreement PGE was still required by state law to pay their franchise fees.

Councilor Otte moved to approve the attached resolution authorizing the City Administrator to sign a three month extension of the Mt. Angel PGE franchise agreement; Councilor Bischoff seconded.

**AYES: 6**

**NAYS: 0**

**ABSTAIN: 0**

b. N. Pershing parking

S. Muir stated that this item was follow-up from a previous conversation at the November meeting regarding traffic on N. Pershing Street. After that meeting Police Chief Healy instructed officers to observe the area. Officers observed that there was no actual speeding on N. Pershing but there was congestion particularly around 700 block and people have trouble seeing children playing in the street. Staff did some analysis and concluded that the street met the minimum requirements, but that if the Council wanted to limit parking, staff recommended designating the east side of N. Pershing no parking.

Councilor Otte stated that he would designate the west side as no parking and have it go from the bottom of the hill down because kids walk on the west side and most cars parked on the street belong to residents on the east side.

Councilor Grassman suggested getting more input from residents. Councilor Bischoff pointed out that the petition from N. Pershing residents did not say anything about limiting parking; it asked the Council to develop a remedy to the congestion on the street.

Councilor Eder asked D. Meissner [the resident who testified at the November meeting] what the neighbors expected to result from their petition; D. Meissner said they know that parking would have to be limited.

Fire Chief Fleck said that it is very difficult to get an emergency vehicle through with all the kids around but stated that he could not recommend which side would be better to limit.

Councilors further discussed the issue. Councilor Beyer asked if the City could post temporary signs in case they decided to change it; S. Muir said she would recommend installing them in the ground and removing them if needed.

Councilor Kintz moved to direct the City Administrator to designate the west side of N. Pershing Street as no parking for the area from the 800 block at the top of the hill south to W. Marquam Street; Councilor Eder seconded.

**AYES: 6**

**NAYS: 0**

**ABSTAIN: 0**

Councilor Kintz asked if staff would notice the neighbors around the change; S. Muir stated that the City would not normally notice residents about a parking change. Councilors Grassman and Kintz stated that they would deliver notices if staff printed them.

c. City towing procurement

Police Chief M. Healy explained that the police department often uses towing services in the course of its work and that the existing contract with Potter's Towing expired in October 2011. Staff sought advice from the City's attorney and he recommended using an intermediate procurement process for the new contract in order. M. Healy stated that it is much better to have a contract so that the tow provider is required to provide its location, hours, rates, and response times clearly. Requiring the provider to be

on the Oregon state non-preference list means that the provider is monitored by state police so the City knows it is safe and the responsive time will be appropriate. M. Healy noted that the person whose vehicle is towed pays the fee, not the City.

Chief Healy stated that he mailed requests for proposals to nine tow providers in the area and anticipated responses.

Councilor Kintz asked why he would mail to a Woodburn tow business since it would not be within 5 miles; M. Healy said that it is nearby and he wanted to be thorough and fair in making the opportunity available to everyone. The responders have to show that they meet the requirements in their response. M. Healy stated that this would be a two year contract with possibility for two year extension.

Councilor Beyer moved to authorize the City Administrator to select a towing operator through an intermediate procurement process and sign a contract that could exceed \$50,000 over the life of the contract. Councilor Otte seconded.

**AYES: 5**

**NAYS: 1**

**ABSTAIN: 0**

Councilor Kintz opposed the motion.

Councilor Grassman asked why Councilor Kintz opposed; Councilor Kintz stated that she was not comfortable with having the City Administrator do a contract without additional review and approval from the Council. Councilor Grassman commented that she liked the proposed procurement process because it would give the City the flexibility to choose the best provider instead of the lowest bidder so there would be better customer service. Councilor Kintz stated that she did not agree and did not think that the City would be required to take the lowest bidder if there was something negative about the bidder.

#### **11. CITY DEPARTMENT REPORTS:**

Administrator Muir asked the Council for volunteers to serve on committees to select the next auditor, the city engineer, and the engineer to work on the Wastewater facility master plan. All three RFPs are scheduled to go out sometime over the next two to three months and staff would like to get the committees up and running. She made further suggestions for how to arrange the selection committees.

Councilor Otte asked if it was necessary to have a committee to pick the auditor when there are only a few in the state to choose from; S. Muir said that she would recommend that in order to have more buy-in into the final selection.

Councilors Beyer and Eder and Mayor Schiedler volunteered for the city engineer selection committee. They would also make up the selection committee for the engineer to write the wastewater plan which would be separate RFP processes. Councilors Otte and Bischoff volunteered for the auditor selection committee. Councilor Grassman said she would do anything, S. Muir suggested the auditor selection committee.

Councilor Otte asked about the location, installation, and design of the sign for the Saalfeld Family Park. S. Muir responded that the location and design will be decided by the Park Tree Board. Councilor Otte wanted a deadline to be set on installing that sign because it still had not been done two years after the donation of the Saalfeld property. S. Muir said she has been in contact with Jim Berchtold, the representative for the Saalfeld family, about the project and he was excited about the progress. Councilor Grassman asked when the sign would be installed; S. Muir answered that it would be sometime in the spring. Councilor Bischoff commented that he was excited about progress on the Saalfeld Park and the selected landscape architect Linda Richardson.

Councilor Grassman stated that the finance report provided to the Council looked good and she was happy to see the positive letter for the Police Department too. Councilor Otte commented that Officers McDonough and Lamoreaux coordinated everything in that situation and demonstrated exemplary behavior. Councilor Grassman asked if the City has a way to recognize them for a thing like this; Chief Healy responded that they do recognize great service but that he sets the bar very high so that his staff continues to strive for excellent service. He thanked the Council for their feedback on their performance. Councilor Bischoff commented that he would like it noted that the Council recognized Officers Lamoreaux and McDonough for their good work; S. Muir responded that it would be noted in the minutes.

Councilor Bischoff asked if the Council would receive a finance report every month in the future; S. Muir responded that they planned on a quarterly report. Councilor Otte asked how much time it takes to create the report and if it could be customized to save time for the finance director. Finance Director Seifried responded that it is not automated currently but she was working on the software to make it more customized. She stated that it was a start and she wanted feedback from the Council so she could provide the information they wanted. Councilor Otte stated that he would think about that and get back to her. Councilor Grassman stated that she was very happy to have the report and would respond to C. Seifried soon.

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

None.

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

Mayor Schiedler stated that Councilors may have seen a recent article in the Woodburn Independent about issues in Mt. Angel and that he appreciated that media are covering Mt. Angel and reaching out to him and staff for information about what is happening in Mt. Angel. He also stated that he and Administrator Muir would be going to Kennedy High School to talk with a government class. They planned to present about the differences between federal, state and local government, give career advice, and talk about their roles as Mayor and City Administrator.


Mayor Schiedler said he was working on the design of the benches for the city parks and would have cost estimates soon so they should know approximately how much each bench will cost and how many they could get with the funding.

Mayor Schiedler stated that the Chamber of Commerce did a good job of decorating the gazebo in Berchtold Park. He noted that the new tree commemorating Harold Kraemer on the corner of City Hall and the Saalfeld House were decorated for the holidays as well. He thanked everyone who helped in the process.


14. ADJOURNMENT OF REGULAR MEETING:

Mayor Schiedler adjourned the meeting at 9:07 pm.

Respectfully submitted by:

  
Kelsey Lewis, Assistant to the City Administrator

Attested by:

  
Rick Schiedler, Mayor