

City of Mt. Angel  
City Council Meeting Minutes

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CITY COUNCIL

7:00 PM

July 5, 2011

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The City of Mt. Angel's City Council met in a regular session Tuesday, July 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 7:02 pm by Mayor Rick Schiedler.
2. **FLAG SALUTE:**  
Mayor Schiedler led the salute to the flag.
3. **ROLL CALL:**

<b><u>COUNCIL</u></b> Rick Schiedler, Mayor Ray Eder, Council President Darren Beyer, Councilor Andrew Otte, Councilor Kelly Grassman, Councilor Teresa Kintz, Councilor Karl Bischoff, Councilor	<b><u>STAFF</u></b> Susan Muir, City Administrator Kelsey Lewis, Assistant to the City Administrator Dan Bernt, Public Works Superintendent Mike Healy, Interim Police Chief Kay Wiesner, Accounting Clerk
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4. **PRESENTATIONS, GUESTS, AND ANNOUNCEMENTS:**  
Mayor Schiedler announced that interim employee Mike Healy would be staying as Mt. Angel Police Chief. He commended M. Healy for his work in the position thus far. S. Muir swore M. Healy in as Police Chief of the City.
5. **APPEARANCE OF INTERESTED CITIZENS:**  
Jim King [also known as Mohan Dass] came to speak about domestic violence and child abuse. He described handouts that he provided for the Council including statistics on those topics. J. King stated that the City should provide literature for the public and have an aggressive approach to the problem. The Council thanked him for coming.
6. **CONSENT AGENDA:**
  - a. Approve City Council meeting minutes for June 6, 2011
  - b. National Night Out street closure applicationCouncilor Eder moved to approve the consent agenda; Councilor Otte seconded.  

AYES: 6                      NAYS: 0

7. RE VIEW ACCOUNTS PAYABLE:

Councilor Grassman noted additional portable toilets shown on page 6 of the report under the Parks Fund and asked how many and where those were located. Superintendent Bernt answered that Humpert, Fisher, and Ebner Parks each had one for seasonal use.

Councilor Grassman also noted that the City purchased bolt cutters; S. Muir confirmed that and stated that staff has since had facility keys copied as well.

8. COMMUNICATIONS/CORRESPONDENCE:

None.

9. UNFINISHED BUSINESS:

None.

10. NEW BUSINESS:

a. Oktoberfest agreement

Councilor Otte described how he and S. Muir met with Oktoberfest representatives to re-work the agreement. He explained that the existing 1967 ordinance did not serve either party so they wanted to create an updated agreement. Councilor Otte acknowledged Chris Bischoff and Pete Wall for their work on behalf of Oktoberfest. He stated that the agreement proposed in the packet was very different than the ordinance that was put in place in 1967 and that it was intended to put common practice in writing in clear, understandable language. There was also much additional conversation about the agreement in the community in relation to the new community building and neighbors who live on Cleveland Street. Administrator Muir and Councilor Otte attended and facilitated one meeting each between Oktoberfest and Cleveland Street neighbors.

S. Muir stated that this was the first opportunity for the Council to give feedback to her and to Oktoberfest representatives about the agreement. She responded to several questions she received by email about the amount of money received from Oktoberfest in past years. S. Muir clarified what the City receives from Oktoberfest in property taxes as shown in the proposed agreement [\$1683.51] is only a portion of the full property tax bill. Oktoberfest agreed to continue to pay this amount in lieu of taxes in anticipation of their organization's change to tax-exempt status. S. Muir explained that the capital project contribution of \$1,500 was a new addition to the agreement that will be used to benefit the community. She also described how the City will recover costs for attorney, street closure and park reservation fees in this agreement. S. Muir assured the Council that the City will apply for grants from Oktoberfest Foundation as well. She emphasized that as shown in Attachment A, Oktoberfest will cover the actual cost of public works and police services.

S. Muir described meetings that Oktoberfest and the City had with neighbors along Cleveland Street and their concerns with addressing use of the street, dust abatement, etc. In a meeting the week before they came together to discuss improvements to the dust conditions and Oktoberfest representative John Gooley got an estimate for basic dust abatement at \$12,000. There was a follow-up meeting that

afternoon [July 5<sup>th</sup>] in which the group quickly decided that it was not a long-term solution and not the kind of improvement that would be a right resolution for any party. The best solution seemed to be a \$30,000 overlay, and at that meeting, Highland Labs committed to paying for \$20,000 of that cost. Raul Garza, who represents the other neighbors on Cleveland, said he would go back and see how much they were willing to contribute and S. Muir told the group that she would come to the Council to see what they wanted to do. S. Muir recommended that the City pay for at least \$1,300 toward the project, which was the City's portion based on percentage of property frontage owned. She felt it was a win-win situation and the City may want to consider paying more than that amount to ensure that the project went forward.

Councilor Grassman asked about drainage in that area; Superintendent Bernt explained ways that it could be mitigated. S. Muir stated that this would not be a City project so it would not necessarily follow the same standards.

S. Muir stated that at the end of the meeting, Oktoberfest committed \$2800 to the project through John Gooley, the neighbors were going back to discuss \$600 for the four neighbors. Councilor Kintz asked where the overlay would end; it would end at the south end of the Wiengarten. After that it would be gravel. She wanted to know which neighbors would be paying. S. Muir said that they did not anticipate Marion County Housing Authority to offer anything since they chose to access their building off another street, but Oktoberfest would be approaching them to see if they would be willing to contribute.

Councilor Eder suggested that J. Gooley ask the Oktoberfest Board if they could pave the whole street and not have any gravel. J. Gooley said not this year. He stated that he had not yet spoken to the Piatz and Bauman families [other property-owners on the street] about contributing since Highland Labs just made this offer today. S. Muir commented that the opportunity came together very quickly and they have not had the chance to speak with everyone yet.

Councilor Otte asked if the paving could be done before Oktoberfest this year; S. Muir and J. Gooley said yes. Councilor Otte suggested that the City contribute the remainder after Highland Labs and Oktoberfest, so \$30,000 minus \$20,000 from Highland, minus \$2,800 from Oktoberfest would leave \$7,200 for the City. He commented that the City would receive a huge benefit from the improvement of the street. Councilor Bischoff stated that he would agree if Oktoberfest paid a little more than \$1500 to capital improvement in the agreement; Councilor Otte responded that that wasn't the topic they were negotiating.

Councilor Eder stated that all of the property-owners should be at least asked to contribute something. S. Muir stated that as part of their contribution, Highland Labs was hoping to get the alley behind their building overlaid as well. The group did not have an estimate for the alley yet but has ordered one. She stated that she did not commit to including it, but felt it was reasonable to roll it into the whole project and partner on the cost.

Councilor Kintz asked how long the overlay would last; D. Bernt said it could last for twenty years if it was just used for residential traffic. S. Muir said that she spoke with Highland Labs about partnering to be prepared for maintenance costs on that section of street.

Councilor Grassman asked what the City would do if people ask then for their gravel street to be improved as well after seeing this happen. S. Muir responded that this is a question that will always come up and that the City can take those comments as direction for future improvement projects. Councilor Grassman suggested that the Council discuss the Cleveland Street improvement at the end of the meeting and go forward with the Oktoberfest agreement first. Councilor Otte wanted to clarify that the street improvement and the agreement were two separate issues.

Mayor Schiedler announced members of the public to speak. Raul Garza came to speak about Cleveland Street. He felt that nothing had been done about the street and stated that he and other neighbors did maintenance on their own. He stated that no one helped them, except for Highland Labs with dust abatement one year. He wanted his house and Cleveland Street to look nice during Oktoberfest. He said that the City had not put in gravel in a very long time. He stated that he and the neighbors were willing to contribute some money to paving and repairs on the street. He was concerned about safety for children and wanted to have signs posted to slow down drivers and a gate that would be closed most of the year going toward the Oktoberfest property. He said that he thought Oktoberfest should be paying to improve the street.

Pete Wall came to speak about the Oktoberfest agreement. He stated that the Oktoberfest Board voted to approve the agreement as proposed in the packet. He wanted to be available to answer any questions on behalf of the Oktoberfest Board. He urged the Council to seize the opportunity and accept Highland Labs' \$20,000 offer for the Cleveland Street improvements.

Councilor Grassman asked about the gate that R. Garza mentioned; he responded that the gate at the edge of Oktoberfest property leading toward Cleveland would be open only from Labor Day Monday to the Monday after Oktoberfest. P. Wall stated that people will have to get used to not having that access.

Councilor Kintz commented that she did not think that the payment in lieu of taxes based on the current tax was fair because the new community building would be valued at a higher level than the old one. Councilor Otte clarified that the new building will be owned by a non-profit, tax-exempt organization, so the City would not receive property tax money based on the use of the new building regardless. P. Wall clarified that the Fire District and School District would continue to receive the same amount in lieu of taxes, not only the City. He commented that Oktoberfest agreed to that several months ago because they did not want the school and the fire district and the City to be harmed in the process of moving to a non-profit status.

Councilor Eder asked why the City should be obligated to pay anything over \$1,000 for attorney fees; P. Wall responded that Oktoberfest has no control over that review by the city attorney so they cannot control the cost. S. Muir explained that attorney review is necessary to make sure the City is protected.

She did not anticipate any more need to consult the attorney on the agreement. Councilor Otte commented that attorney fees are a cost of doing business and the City is recovering some of the cost through this agreement.

Councilor Grassman also commented that people ask her all the time why the City has to pay anything for Oktoberfest. P. Wall responded that people benefit from Oktoberfest as a community and as taxpayers through non-profit giveaways and bringing in business and other ways. Councilor Grassman stressed that people are asking her how Oktoberfest benefits them since they feel it inconveniences them. She specifically commented that water and parks are not paid for in this agreement. She did not feel that \$1,500 was enough and stated that it was a very small amount.

Oktoberfest representative Chris Bischoff stated that the \$1,500 included in the agreement was \$1,500 more than the City received last year and this is a first year of this new restructuring of the agreement. He stated that Oktoberfest wanted to see this number go higher but could not do it this year. C. Bischoff commented that it was not meant to be a slap in the face, but rather a compromise. He said this was what Oktoberfest and the City negotiated.

Councilor Kintz said \$1,500 was nothing and suggested \$10,000 as a starting point. She said that Oktoberfest could give more. Councilor Bischoff wanted Oktoberfest to provide more to the Cleveland Street project. He agreed with Councilor Grassman.

Councilor Grassman stated that she did not agree with renting out the Saalfeld Family Park and wanted that to be a public space. She was concerned that the pavers are not ready for heavy usage and did not feel that Oktoberfest needed that space. Councilor Eder asked what Oktoberfest would use the space for; C. Bischoff stated that there would be no entry fee, no entertainment, but there will be food and beer. He said that it would be for families to be able to get food for kids and beer for parents since parents cannot go into taverns with their kids.

S. Muir asked Councilors to give her direction if there is consensus on an item that they would like to change in the agreement so she could take that back to negotiations with the Oktoberfest representatives.

Councilor Beyer said that he was alright with the agreement in general but wanted Oktoberfest to contribute to the Cleveland Street improvements. Councilors further discussed use of the Saalfeld Family Park. Councilors Grassman, Eder, Kintz, and Beyer were against use of Saalfeld House by Oktoberfest. Councilors Otte and Bischoff were alright with that use. S. Muir took direction to take that provision out of the agreement.

Councilor Grassman wanted more compensation for use of the parks. Councilor Otte stated that he did not see that this part was important during their negotiation given the small cost involved. Councilor Kintz asked how park fees work for the baseball tournament that comes in during Oktoberfest.

Chris Bischoff said it did not make a profit. He stated that costs were addressed for water and parks but not itemized on the agreement. It was included in the \$1,500.

Councilor Grassman commented that she wanted a specific dedication to the community, not the giveaways to non-profits. S. Muir asked if adding language in the capital project contribution provision about the specific costs not being charged would address some of this concern. Councilor Otte said he wanted everyone to recognize that this is the first time we are reworking this old agreement and he cautioned against putting too much detail into it. Councilor Grassman wanted to make sure that the Oktoberfest Board understood that the proposed contribution was less than what she wanted.

Councilor Grassman wanted to discuss street closures. She stated that during Oktoberfest and particularly in her neighborhood, people park in private driveways and yards and it is a major nuisance for property-owners. She wanted to address the problem in the agreement. Councilor Grassman stated that she asked the Administrator and Police Chief and understood that the City cannot really enforce the parking issue other than to send out an officer. S. Muir stated that it is the property-owner's right to have a vehicle towed, but that takes cash and finding a tow truck operator willing to come out. She explained that property lines are poorly delineated in that area of town and it makes it very difficult for the police officers to enforce anything because without a survey line they can't tell where the public right-of-way begins. Councilors discussed possible solutions including more "no parking" signage, additional street closures, a dedicated vendor parking area, and a tow truck on-call. S. Muir responded that the City can designate "no parking" areas in town if there was a safety issue.

Councilor Grassman proposed street closures for the two blocks on Palmer between Garfield and Sheridan; Sheridan between Palmer and College; and Cleveland between Palmer and College. Councilor Beyer pointed out that it did not seem fair for the general public to be blocked from parking when a friend of a property owner could. He suggested that they need to choose: only residents could park there, or anyone could. Councilor Eder suggested that S. Muir and M. Healy figure out how to deal with the parking in front of driveways issue. Fire Chief Don Fleck said that he would like to participate in the discussion. S. Muir confirmed that she would discuss with the Police and Fire Chiefs to address the parking issues, not necessarily to close them, but to address parking in front of driveways.

C. Bischoff asked the Council reconsider allowing Oktoberfest to rent the Saalfeld Family Park. He said that they have already invested some funds in having that venue at the site. He confirmed that the tent would be on pavers and the grassy area would be for sitting. Councilor Eder asked how much they have invested since C. Bischoff said they have already invested into this concept of using the park; J. Gooley said they have signed contracts for around \$2500 but no money has been paid out yet. C. Bischoff commented that the vendors on the north end of town have suffered and this venue is intended to draw more people to that area.

Councilor Kintz asked how much it costs to rent a city park; S. Muir answered that it is \$25, plus \$25 because Oktoberfest would be serving alcohol. The fee resolution is not clear about whether the cost is per day or per reservation. S. Muir said she interpreted it as per reservation.

J. Gooley also commented that Oktoberfest has advertised the venue on their website in anticipation that it would be approved by the Council. Councilors Grassman and Kintz commented that it was unwise for Oktoberfest to obligate itself before getting approval.

Councilors Eder, Beyer, and Kintz reconsidered and were willing to accept the Saalfeld House provision for one year. S. Muir confirmed that she would no longer ask for that provision to be removed from the agreement.

Mayor Schiedler asked Councilors for any more discussion. Councilor Eder stated that he was ok with the agreement and had no additional issues to discuss. Councilor Kintz wanted Oktoberfest to pay \$10,000 every year, period. Councilor Bischoff asked if the City could apply for a grant specifically for Cleveland Street improvements. C. Bischoff responded that the City could certainly apply that way but he could not guarantee that it would be awarded. Councilor Grassman asked C. Bischoff if Oktoberfest anticipated increasing the capital contribution in future years; he responded that due to the cost of the new community building, he did not anticipate the amount increasing for four or five years. He said that he wanted the amount to go up but did not feel comfortable promising that as one member of the Board.

Councilor Grassman asked why the City was not awarded the grant last year to build the Saalfeld House sign. S. Muir said that the City was not awarded the grant but was told that Oktoberfest would build the sign for the City. Councilor Grassman stated that she wants to collaborate with Oktoberfest but getting turned down for a grant did not have a good public perception. She emphasized that it would be important for the residents of Mt. Angel to have a better perception of Oktoberfest.

Councilor Otte stated that the proposed agreement was much better than what is currently in place and the Council needed to go one step at a time. He commented that the door was open to have the discussion every year about the dollar amount. He wanted to emphasize that the group designated the \$1,500 specifically for a capital project contribution so that the community would see a tangible benefit, not just a dollar amount going into the city budget.

S. Muir asked for confirmation that she was being directed to repeal Ordinance 320 and make some changes to the street closure/traffic issues with the police and fire chiefs to update the agreement. Those changes could be handled administratively outside the agreement but S. Muir would keep Councilors informed of the changes.

Councilors Grassman and Kintz stated that they were still not satisfied with the dollar amount for the capital project contribution.

Councilor Otte asked that the Council stop discussion on that issue for the moment and go back to the Cleveland Street improvement issue. Councilor Otte felt strongly that the City should take the opportunity to take up the \$20,000 from Highland Labs, with Oktoberfest paying \$2,800 and the City picking up the remaining \$7,200. He did not feel that the City should delay a decision for any length of time. Councilor Grassman felt that Oktoberfest should pay more and thought that Mt. Angel residents living on other gravel streets were going to want their street to be paved as well. Councilor Bischoff suggested that the street be paved to the extent that \$20,000 from Highland Labs would buy. S. Muir stated that the group discussed the option of narrowing the paving so that it would match that amount but decided against it because it would not really address the dust problem. She also stated that Highland Labs offered the money with the understanding that it would be part of a complete paving of the street. Councilor Otte suggested that City put forward a maximum of \$7200 toward the paving of Cleveland Street and the alley. Councilors further discussed past street improvement projects and which sections of Cleveland Street should be paved.

Councilors Kintz and Grassman were interested in having a special meeting to discuss Cleveland Street funding.

Councilor Eder asked where the money would come from; S. Muir responded that it could come from the streets, parks, or sidewalk program funds. Councilor Otte and S. Muir stated that the Council did not need to decide where the money would come from in the City budget that night but that it did need to give a dollar amount commitment in order to get the project done before Oktoberfest.

[The Council moved on to Item 12, Review of Staff Reports, while the Deputy City Recorder prepared the meeting recording device for extended use. Discussion resumed on this item once the recorder was ready.]

S. Muir committed the City, J. Gooley, and R. Garza to talking to all the property owners along Cleveland to notify them of the opportunity as soon as possible and see if or how much they would be willing to contribute. Councilor Eder commented that the City should take advantage and contribute to a project that had a good possibility of happening instead of being concerned about other places where no one was offering money to improve the street. Councilor Eder moved to contribute a maximum of \$6,000 to improve Cleveland Street; Councilor Bischoff seconded.

**AYES: 6**

**NAYS: 0**

The Council directed staff to come back with the options for the source of the \$6,000. Councilor Kintz wanted staff to come back with a summary of all the costs for the project.

Returning to the Oktoberfest agreement Item 10a, Councilor Otte stated that he considered the number that Oktoberfest is contributing to be \$7,000, counting attorney costs, Cleveland street improvements, payment in lieu of taxes, and the capital project contribution of \$1,500.

Councilor Grassman moved to approve the Oktoberfest agreement with additional work to be done administratively on parking conflict issues on the above-mentioned streets. Councilor Otte seconded.

**AYES: 5                      NAYS: 1**

Councilor Kintz opposed the motion.

b. Special City Allotment grant application

S. Muir described the options for street improvements that were given in the council packet and handed out estimates given by D. Bernt. She explained that Oregon Department of Transportation (ODOT) was accepting applications for \$50,000 this year instead of \$25,000 which makes it more competitive. She spoke with the representative at ODOT; the City can apply for funding on non-consecutive streets in one application but cannot use a high scoring street to balance out a low scoring street. The ODOT representative said that the important thing was traffic volume. He summarized the best candidate to have a significant amount of traffic and a negative appearance. S. Muir recommended Option # 1, Elm Street from Taylor to Marquam Street, as the option that best fit that description. Councilors discussed the options and received clarification on the location of the projects.

Councilor Otte moved to authorize application for the Special City Allotment grant on Elm St. from College to Marquam Street; Councilor Bischoff seconded.

**AYES: 6                      NAYS: 0**

**11. CITY ADMINISTRATOR'S REPORT:**

Administrator Muir acknowledged the Mt. Angel Fire District for their win in a recent golf tournament.

**12. REVIEW OF WRITTEN STAFF REPORTS:**

Councilors commented that they liked the new format for city staff reports.

a. Police Department: Chief Mike Healy – written report

Councilors asked questions about the grand jury case relating to the recent officer involved shooting. S. Muir stated that if the City is sued in relation to the incident she would contact City/County Insurance Services. Chief Healy reminded the Council that any party can sue another for any reason but it does not mean that they will win the suit. He also stated that there was no significant damage to the police car related to that incident. S. Muir stated that the City did not incur hospital costs for the suspect in the case.

Councilor Bischoff commented that it appeared that the Woodburn officers who covered for our officers during their administrative leave wrote more traffic tickets.

b. Public Works Department: Superintendent Dan Bernt – written report

Superintendent Bernt gave a status report on the telemetry system.

Councilor Eder asked how many hours the temporary parks staff member is working; S. Muir answered 32 hours per week.

c. Finance Department: Susan Muir – written report

Councilor Otte asked if the City had received any applications for the Finance Director position yet; S. Muir confirmed that there were several so far.

d. Library Department: Collette DeCock – written report

There were no questions.

13. COUNCILOR/COMMITTEE REPORTS:

Councilor Eder asked if there was any way to pave in the right of way on Taylor Street. He noticed that when vehicles are parked on the street, two-way traffic tends to drive into the gravel and grass to pass. D. Bernt responded that it would be a big project because they would have to dig down first to make it level before laying asphalt. Councilor Eder suggested this as something to consider in the future when talking about Taylor Street.

Councilor Eder also asked about the corner lot on Marquam and Garfield by the cemetery. S. Muir stated that the City received another complaint today about it. Officer Charpiloz will be following up on that. The Police Chief is aware of the situation.

14. MAYOR'S REPORT:

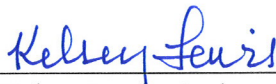
Mayor Schiedler stated that Mike Ferris won the Mayor for a Day contest in Mt. Angel and will be eligible for competition at the state level. He also stated that he attended the Mayor's Rodeo during the Molalla Buckaroo this weekend.

Councilor Eder suggested that when the Council anticipates that a meeting will go late that they should schedule the meeting to begin earlier. S. Muir stated that she was hearing from the Councilors that they would be open to an earlier meeting if they knew it will be a long discussion. Councilor Eder commented that the present meeting had gone on ridiculously late.

15. ADJOURNMENT OF REGULAR MEETING:

Mayor Schiedler adjourned the meeting at 11:02pm.

Respectfully submitted by:



Kelsey Lewis, Assistant to the City Administrator

Attested by:



Rick Schiedler, Mayor