

City of Mt. Angel
City Council Meeting Minutes

CITY COUNCIL

7:00 PM

August 1, 2011

The City of Mt. Angel's City Council met in a regular session Monday, August 1, 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:**

<u>COUNCIL</u> Rick Schiedler, Mayor Ray Eder, Council President Darren Beyer, Councilor Andrew Otte, Councilor Kelly Grassman, Councilor Teresa Kintz, Councilor Karl Bischoff, Councilor	<u>STAFF</u> Susan Muir, City Administrator Kelsey Lewis, Assistant to the City Administrator Dan Bernt, Public Works Superintendent Mike Healy, Police Chief
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4. **PRESENTATIONS, GUESTS, AND ANNOUNCEMENTS:**
None.
5. **APPEARANCE OF INTERESTED CITIZENS:**
None.
6. **CONSENT AGENDA:**
 - a. Approve City Council meeting minutes for July 5, 2011
Administrator S. Muir stated that staff suggested making two amendments to the minutes: on page 7 of 10, second paragraph, from "Councilors Grassman and Kintz were frustrated that Oktoberfest obligated itself before getting approval" to "Councilors Grassman and Kintz commented that it was unwise for Oktoberfest to obligate itself before getting approval." The second suggested amendment was on page 8 of 10, second paragraph from "a special meeting to make a decision on whether to put City money toward Cleveland Street" to "a special meeting to discuss Cleveland Street funding." Councilor Kintz commented that she wanted to make clear that she felt that the Council should have the costs before committing any funding. S. Muir responded that staff suggested the amendment to make it more general.
 - b. Oktoberfest honorary citizen proclamation
 - c. Street closure application for Glockenspiel fundraiser
 - d. Street closure application for Oktoberfest Road Race

e. Cost of living adjustments for FY 11-12
S. Muir clarified that the City Administrator would receive the same cost of living adjustment as other exempt employees per her employment contract. She stated that the staff report was not clear on that point.

Councilor Otte moved to approve the consent agenda as amended; Councilor Grassman seconded.

AYES: 5 NAYS: 1

Councilor Kintz opposed the motion.

Councilor Grassman asked for clarification from Councilor Kintz as to why she opposed the motion; Councilor Kintz responded that she was against any cost of living pay increases for staff as a rule.

7. RE VIEW ACCOUNTS PAYABLE:

Councilor Eder asked if the amount shown in the report for dispatch services was the normal cost for NORCOM. S. Muir answered that it was the annual fee; Police Chief M. Healy commented that it is an increase over last year. S. Muir stated that in the FY10-11 adopted budget it was \$52,000 and this year was budgeted at \$56,000. Mayor Schiedler commented that it was a large sum but that the City did not really have a choice. M. Healy agreed and added that it was within reason given his experience in other cities.

Councilor Bischoff asked about costs for telemetry system repair; Superintendent D. Bernt responded that it was the final bill and that the telemetry was working.

Councilor Kintz stated that she did not see why the City has an outside janitorial service clean the public restroom facilities. S. Muir stated that many cities do this and that she would provide the contract information for those services to Councilor Kintz. D. Bernt stated that the janitorial service for the public restrooms was under a separate contract than the City Hall cleaners. Councilor Bischoff asked if Public Works staff could clean the public toilets; D. Bernt said they would not be able to clean them everyday due to staffing shortages. S. Muir responded that having the Public Works employees do that work would be more expensive because they are paid more per hour than the relatively low cost that the janitorial service charges. She stated that if the Council wanted staff to pursue that option we would have to decide what else to take off the Public Works workload so that they would be able to take on the task. Councilor Kintz commented that she did not think the current service cleaned the public restrooms every day. Councilor Grassman stated that for \$10 per day the City could not expect to find anything less expensive. Councilor Eder commented that the contract benefited the community as well.

8. COMMUNICATIONS/CORRESPONDENCE:

Administrator Muir stated that the City received a letter from Carol Piatz that day and she handed it out to the Council. Councilor Grassman stated that she did not see how the Council could do anything about the Oktoberfest gate that C. Piatz wrote about; S. Muir confirmed that requiring a driveway permit [and gate] to the Oktoberfest property was an administrative decision made based on Oktoberfest's election to use Academy Street as their primary access. In negotiations with their

neighbors, Oktoberfest agreed to only use the Cleveland access for two weeks of the year. She stated that other than this letter, she had not heard anyone asking for that to change yet. Councilor Grassman asked if staff would be responding to the letter; S. Muir said she would call C. Piatz.

9. UNFINISHED BUSINESS:

a. Public hearing to consider repeal of Ordinance 320 (Oktoberfest franchise)

Mayor Schiedler opened the public hearing to consider repealing Ordinance 320, the framework that allows Oktoberfest to utilize city streets and parks for the annual festival. In the July meeting the Council voted to approve a new agreement and this was the last step to replace the old agreement with the new. Mayor Schiedler welcomed members of the public to speak; seeing no one present to speak, he closed the hearing.

Administrator Muir confirmed that the agreement was approved by the Council and signed by the City and Oktoberfest.

Councilor Kintz asked about Oktoberfest's tax status; it was named in the new agreement as an Oregon 501(c)4 non-profit corporation. S. Muir commented that their tax status was similar to the Mt Angel Community Foundation's 501(c)3 status.

Councilor Otte moved to repeal Ordinance 320; Councilor Bischoff seconded.

AYES: 5 NAYS: 1

Councilor Kintz opposed the motion.

S. Muir confirmed that staff would need to bring this ordinance back next month for a second reading because it was not a unanimous vote.

b. Cleveland Street improvement funding source

S. Muir explained that during the last meeting the Council approved the expenditure of \$6,000 to contribute to the improvement of South Cleveland Street with the source of such funding to be determined at a later date. S. Muir described the options for funding sources for the Cleveland Street project as included in the packet. She stated that staff recommended the Street Reserve Fund, Street Projects line item. She welcomed questions and discussion from the Council.

Councilor Kintz asked where Street Fund contingency money comes from; S. Muir responded that it is money left over in the fund from last year and she was not sure of the original source at the beginning of last year. D. Bernt said it was a combination of gas tax and miscellaneous carryover funds.

Councilor Bischoff suggested Street Contingency as the source of funding; Councilor Grassman agreed. Council Beyer asked for confirmation that the \$9,020 in the Street Contingency fund would likely not be

enough to cover an emergency; Superintendent Bernt agreed. Councilor Otte suggested a 50/50 split between Street Projects and Sidewalk Projects.

Councilor Bischoff stated that he was opposed to taking it from the street or sidewalk project money. Councilor Beyer agreed with Councilor Bischoff; he would choose Street Contingency. Councilor Kintz said she changed her mind and agreed with taking from Street Contingency.

S. Muir reminded the Council that contingency funds are not normally planned to be spent; they are held for unexpected situations and emergencies. That is why the funds are mostly carried over each year. In an ideal world those monies would never be spent because there would be no unplanned expenses. She commented that using this money for the street improvement would give the City a nice product for the money.

Councilor Bischoff asked if the Council could use the Oktoberfest money, the \$1500 capital contribution and the payment in lieu of taxes, back into the Street Contingency to replace this money. Administrator Muir responded that she could check the mechanics of the budget but did not see any problem with that idea.

Councilor Grassman commented that she was fine with any of the suggestions discussed so far.

Councilor Bischoff moved to approve the allocation of \$6,000 from Street Contingency fund for the Cleveland Street Project; Councilor Beyer seconded.

AYES: 5 NAYS: 1

Councilor Eder opposed the motion.

10. NEW BUSINESS:

a. Woodburn Ambulance franchise work session

Administrator Muir presented Shawn Baird from Woodburn Ambulance who was available to answer questions. S. Muir stated that Woodburn Ambulance has been graciously working with an outdated and expired franchise agreement and that it made sense to modernize the framework from a franchise to a licensing agreement. She noted that there are several other jurisdictions in the area that use a licensing agreement for ambulance services. S. Muir asked that the Council review the proposal included in the packet, have an informal discussion, and give staff direction on the topic. She recommended a licensing system.

Councilor Kintz commented that the rate sheet that S. Baird provided did not include the Rural Metro service; he responded that they were still in the middle of setting their rates so he did not have that one. She said that Woodburn Ambulance was \$300 more than Rural Metro service; S. Baird agreed with that assessment. He stated that Rural Metro is able to spread their cost over about twice as many patients so their costs are lower. S. Baird confirmed that Rural Metro only covers the City of Salem, except for

mutual aid. Woodburn Ambulance has a much larger coverage area but has fewer calls, many of which are for patients on Medicare and Medicaid which has low reimbursement rates.

S. Muir confirmed that if the Council wanted to go forward with a licensing agreement staff would bring this back in a public hearing to repeal the current franchise ordinance and replace it with the new agreement.

Councilor Kintz requested that staff bring a comparison of the fee as a percentage of revenue instead of a flat rate. S. Muir responded that it would be difficult to negotiate moving to a percentage of revenue since the City currently receives a flat rate and it would require a completely new agreement. S. Baird confirmed that it would be very problematic for Woodburn Ambulance. S. Muir stated that she could ask our attorneys and research whether there would be any barriers to going with a percentage of revenue. She noted that it would be a legal question and staff would have to consult the attorney to answer that. Councilor Grassman asked Councilor Kintz what her thinking was on charging a percentage; Councilor Kintz responded that she simply wanted it to be more beneficial and more income for the City. Mayor Schiedler asked S. Muir how time-consuming this question would be for the attorney; S. Muir answered that she anticipated that it would be a relatively quick process to research. The Mayor questioned whether it would be worth it to spend the money on the attorney.

Councilor Grassman commented that she thought of ambulances as providing a service and not as much as users of the streets. She stated that Mt. Angel has a large population of retired people and people on public assistance, and the ambulances provided a valuable service to residents. Councilor Otte also commented that he felt it was a service that should be provided and not considered as a revenue source. He stated that it would be easier for the City and Woodburn Ambulance to be able to anticipate the revenue amount and with a percentage that would be unknown.

Councilor Otte stated that the ambulance agreement would be much better as a licensing process; Councilor Beyer and Mayor Schiedler agreed. Councilor Kintz said that if it should be a license, then the licensing fee should be higher.

Councilor Grassman asked S. Baird to explain the rate sheet he provided. He explained that Advanced Life Support 2 was the type of assistance most often sent out and described some of the other providers. He stated that right now budgetary certainty was very important for Woodburn Ambulance, hence the interest in a flat rate. Councilor Kintz asked for the rate per mile; S. Baird answered that it was \$20 per mile.

S. Muir said the Council was not required to come to any decision at that meeting but rather to direct staff on how to proceed with the framework.

Councilor Beyer moved to direct the City Administrator to bring back an ordinance to repeal the current Woodburn Ambulance franchise and replace it with an ordinance for licensing ambulance providers in the City; Councilor Eder seconded.

AYES: 6 NAYS: 0

b. Credit/debit card payment option work session

Administrator Muir explained that staff regularly receives questions about accepting credit cards and wanted to get discussion from Council. She explained that the City would have to pay processing fee for handling cards. This would likely have an impact on the City's utility funds due to the cost of processing fees. S. Muir noted that the fee estimates included in the packet were high estimates based on high usage of credit cards. The City would also need to purchase or lease payment terminals; she proposed having one for the library, one for city hall, and one for the police department. There might also be infrastructure costs for an extra phone line or possible extra software. Councilor Eder asked if S. Muir was thinking of purchasing or leasing the hardware; she said she received a good offer for purchasing.

S. Muir confirmed that the City cannot charge individual credit card users an extra fee for using that payment type. The City would have to and absorb that cost into the utility funds or increase the rates for all customers. She stated that for the first year staff would assess the financial impact without adjusting any rates. Councilor Grassman commented that she heard from previous court staff that it would dramatically increase revenue from court fines and would save staff time to take credit cards. Councilor Grassman stated that it was a good idea and the City should try it. Councilor Otte commented that he worked with S. Muir in getting this information and she really has the best deal available.

Councilor Otte clarified that the cost estimates are based at utility bills, not court costs. S. Muir stated that staff would be careful about which payments the City accepts credit cards for once staff gets to the implementation stage. For example, the City would not want to accept large payments like system development charges on credit because the fee would be charged as a percentage.

S. Muir confirmed that if Council directed her to go ahead with the one-year trial at that meeting, she would go forward with making an agreement.

Councilor Kintz moved to direct the City Administrator to bring credit/debit cards to the City and provide the Council with financial reporting periodically during the first year; Councilor Eder seconded.

AYES: 6 NAYS: 0

11. CITY REPORT:

- a. Police Department: Chief Mike Healy – written report
- b. Public Works Department: Superintendent Dan Bernt – written report
- c. Finance Department: Susan Muir – written report
- d. Library Department: Collette DeCock – written report

Councilor Bischoff asked if the Chief of Police would be attending National Night Out; S. Muir stated that he would in fact be one of the hosts.

Councilor Kintz asked when the Council would hear about bids on sidewalk projects; S. Muir stated that there is no bidding process going on currently but that the City would be asking for public input on which areas of town need sidewalk improvements first. She commented that what she heard from the Council last year was that they wanted more public discussion on this topic. S. Muir stated that she would keep the Council informed on the projects. Councilor Kintz further asked about bids on irrigation projects; S. Muir responded that the costs for irrigation projects were small enough that they do not require Council approval so staff would obtain three bids and then select one. D. Bernt stated that staff has two bids so far. S. Muir said that staff could certainly provide copies of the bids to the Council.

Councilor Grassman asked how many reserve officers the City has; current there are zero reserves. Chief Healy commented that the department has six possible new reserves coming in from recent interviews.

12. COUNCILOR/COMMITTEE REPORTS:

Councilor Otte commented that during the process of researching the possibility of accepting credit cards, Administrator Muir was a quick learner and did a great job in the negotiating process.

Councilor Eder asked if the City has a city business license; it does not. He asked why the City does not because he was contacted by a citizen in town who noted that most nearby jurisdictions have them. S. Muir responded that she has been asked about this before and it is the City's choice on whether or not to have one. Assistant to the City Administrator Lewis commented that the City had a business license in the past and she believed it was repealed in 2006. She also noted that the City does have a permitting process for both extension of business outdoors and for transient merchants. S. Muir encouraged the Council to consider what the City would get out of requiring business licenses and what the businesses would get out of it. She noted that these licenses are not huge revenue generators. If the fee is too high it would discourage business. In her experience if people are trying to use the licensing process to enforce zoning code it is not effective and if there is a zoning violation the City can enforce the code without having a business license.

Mayor Schiedler asked for staff to bring back information about the history of the previous business license in Mt. Angel including when it was enacted and when repealed.

Councilor Grassman asked Chief Healy about what could be done about kids riding skateboards in the area behind the Bier House because of safety concerns; he responded that he would look into it.

Councilor Bischoff stated that regarding the Oktoberfest tent at the Saalfeld House during Oktoberfest, he wanted to have staff to follow up after the festival. S. Muir confirmed that they would not have permission to make any alterations to the Saalfeld Family Park like taking out rose bushes except for evening out the sidewalk for safety. S. Muir stated that she would convey to the Oktoberfest

representatives that the City wants the Saalfeld House returned to the way it was after the festival is over.

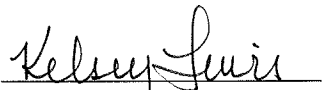
13. MAYOR'S REPORT:

Mayor Schiedler announced that he would attend the Mayor's Conference in Madras and during that conference the winner of the Mayor for a Day contest would attend the conference and receive a laptop. R. Schiedler commented that Cara Pallone from the Silverton Appeal will be writing an article on the subject.


14. ADJOURNMENT OF REGULAR MEETING:

Mayor Schiedler adjourned the meeting at 8:48pm.

Respectfully submitted by:


Kelsey Lewis, Assistant to the City Administrator

Attested by:


Rick Schiedler, Mayor