1. CALL TO ORDER
The City Council of the City of Philomath was called to order on Monday, August 27, 2018, at 7:00 p.m. in the Philomath City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon, by Mayor Rocky Sloan.

2. ROLL CALL
Present:  
Mayor Rocky Sloan  
Councilor Doug Edmonds  
Councilor Jerry Jackson Sr.  
Councilor Charla Koeppe  
Councilor Candy Koetz  
Councilor David Low  
Councilor Eric Niemann

Staff Present:  
City Manager Chris Workman  
Deputy City Attorney Amy Cook  
Police Chief Ken Rueben  
Finance Director Joan Swanson  
Public Works Director Kevin Fear  
City Recorder Ruth Post

Excused:  
Councilor Candy Koetz

3. CONSENT AGENDA
3.1 City Council Minutes – August 13, 2018  
3.2 Police Committee Minutes – July 31, 2018  
3.3 Public Works Committee Minutes – August 2, 2018  
3.4 Park Advisory Board Minutes – August 9, 2018

MOTION: Councilor Jackson moved, Councilor Edmonds second, to approve the consent agenda as presented. Motion APPROVED 7-0 (Yes: Edmonds, Jackson, Koeppe, Koetz, Low, Niemann and Sloan; No: None.)

4. ITEMS REMOVED FROM CONSENT AGENDA
4.1 None.

5. VISITORS/PETITIONS
5.1 Doreen Hamilton, Philomath, OR – Ms. Hamilton requested confirmation from Mr. Workman that they had a conversation in which he stated that the situation with her neighbor’s property was going to be remedied. Mr. Workman stated that he has attempted twice this week but has been unable to meet with him; but in the meanwhile, he described intentions to move forward with abatement of the Callahan property. He described issues with the City code in seeking reimbursement for abatement of the property conditions. Ms. Hamilton described her frustrations with the ongoing situation and her concerns for her family’s safety. She described interactions with her neighbor that leave her increasingly frustrated. Mayor Sloan questioned if Mr. Workman is setting
appointments to meet with the neighbor. Mr. Workman stated he has tried both setting
meetings and unscheduled visits and had difficulties catching him at home. Chief
Rueben described the weekly visual surveys conducted by the department and agreed
with concerns about Mr. Callahan’s outlook. He agreed with the plan moving forward that
Mr. Workman is working on. He offered to keep Ms. Hamilton as informed as possible.
Mayor Sloan stated that Judge Blake has indicated in the past no problems moving this
case towards resolution.

There was additional discussion about methods of making contact and no-contact
situations. Ms. Hamilton questioned what the expectation for timeline could be. Mr.
Workman described putting a complaint in front of the Judge and the ensuing process.
He reviewed the past year of attempting to work with Mr. Callahan. Mr. Workman agreed
to keep Ms. Hamilton as informed as possible.

Councilor Low stated the need for a protocol regarding emails received from citizens and
responding appropriately to avoid conflicting with public meetings law. Mr. Workman
stated that Councilors are welcome to respond to citizens but should not include all
members of the Council on the reply. Ms. Post recommended that Councilors also copy
Mr. Workman on responses so he can be aware of citizen concerns.

5.2 Marion Dark, Philomath, OR – Ms. Dark questioned if the TSP being discussed
under Agenda Item #6.5 was the one published in June. Mr. Workman confirmed it was
the final version of that document. She questioned when Ordinance #832 and #831 were
posted on-line. Ms. Post stated they are not required to be posted on-line but were
posted as a courtesy a week ago. Ms. Post reviewed the City Charter requirements for
posting notice of ordinances at least seven days in advance and her typical process of
having them posted ten days in advance. Ms. Dark requested that the first reading of the
ordinances be postponed due to their size and her desire to review them before
adoption.

6. NEW BUSINESS

6.1 Travel Oregon Competitive Small Grants – Mr. Workman reviewed the grant
application and the proposal from the potential consultant, 3J Consulting. Councilor
Jackson stated he was impressed with the thoroughness of the applications included in
the agenda packet. Councilor Low agreed with Councilor Jackson’s comments and
requested clarification between a strategic plan and a master plan. Mr. Workman
described the difference between a master plan focused on infrastructure needs and
improvements and a strategic plan that includes more extended goals. Councilor Low
questioned if additional events envisioned in a strategic plan would require more
volunteers. Mr. Workman explained that more events don’t necessarily equate into the
Frolic & Rodeo organizing all of those potential events and described more community-
wide involvement. Councilor Niemann stated the proposal seems to align with the Scenic
Byway project.

MOTION: Councilor Edmonds moved, Councilor Low second, to direct the City Manager
to apply to Travel Oregon for a 2018-2019 Competitive Small Grant in cooperation with
the Philomath Frolic & Rodeo. Motion APPROVED 7-0 (Yes: Edmonds, Jackson,
Koepe, Koetz, Low, Niemann and Sloan; No: None.)

6.2 Letter of Intent for Safe Routes to School Infrastructure Competitive Grant
Program – Mr. Workman described the competitive nature of this grant. He stated this is
for a share of the new state transportation tax monies that are specifically designated for
Safe Routes to School programs. He described the $90,000 worth of projects detailed in the grant application packet and stated they are all identified in the City’s adopted Safe Routes to School Plan. Councilor Niemann questioned if the grant is contingent on approval of the new Transportation System Plan. Mr. Workman stated it doesn’t hurt but since the projects are already identified in the adopted Safe Routes to School Plan and in the draft TSP, they should be well qualified. Councilor Niemann stated he was pleased to see Applegate from 16th to 21st included in the application.

**MOTION:** Councilor Low moved, Councilor Koetz second, to direct the City Manager to apply to ODOT for a 2019 Competitive Infrastructure Grant. Motion APPROVED 7-0 (Yes: Edmonds, Jackson, Koepp, Koetz, Low, Niemann and Sloan; No: None.)

**6.3 Lease Agreement for Skirvin Park with the Philomath Frolic & Rodeo** – Mr. Workman stated this is the exact same lease agreement that the City Council approved in November 2017. He reviewed the 99-year lease for a sum of $1 per year and summarized the agreement. He stated that staff believes this is a good deal for the City, Frolic and community. Councilor Edmonds questioned the management of outside events that are beyond the Frolic & Rodeo’s scope. Mr. Workman described the Association using lease agreements to provide the grounds for other users. Councilor Koepp noted residents get a discounted rate for rental of City parks and questioned if there was potential for that with the Frolic grounds. Mr. Workman described the different potential areas that can be rented and the basically flat rate provided. Councilor Niemann noted that the agreement was drafted by the City Attorney’s office. Mr. Workman read into the record the statement from the staff report describing his recusal from involvement with the Frolic & Rodeo Executive Board during their conversations regarding the lease agreement to avoid a conflict of interest.

**MOTION:** Councilor Niemann moved, Councilor Koepp second, the City Council approve the lease agreement for Skirvin Park with the Philomath Frolic & Rodeo Inc, and direct the mayor to sign the agreement on behalf of the City. Motion APPROVED 7-0 (Yes: Edmonds, Jackson, Koepp, Koetz, Low, Niemann and Sloan; No: None.)

**6.4 Rescheduling November 12 City Council meeting date** – Ms. Swanson explained that the auditors will be on-site on September 5 to perform the annual independent audit and she would like to schedule them to present their findings to the City Council in November. She noted that November 12 is Veterans’ Day Holiday observance and this would be the Council’s normal meeting date. There was discussion about alternative dates, and it was agreed to set the meeting for the following day, Tuesday, November 13.

**6.5 Discussion and decision on PC18-07 Transportation System Plan adoption and Comprehensive Plan and Zoning Code amendments** – Mr. Workman reviewed the public hearing process conducted at the prior meeting. He noted that the project list is an important facet of the plan and described how it is implemented through update of the Strategic Plan, Capital Improvement Plan, and other planning activities involving private development. Mayor Sloan questioned if a need arises that isn’t in the TSP, does it preclude it from proceeding. Mr. Workman stated it isn’t precluded but it does make it more difficult to get any grant funding or other federal or state financing options. He described the use of the TSP in reviewing development applications. Councilor Niemann described the projects on the list that are contingent on ODOT funding. He noted the population estimates included in the plan and the likelihood of reaching those estimates more quickly. He described the State mandatory use of the data from the Portland State...
University Center for Population Research and the need to move forward with the plan but remain aware of the population ramifications. Councilor Niemann described projected residential construction data. He questioned if data from the Population Research Center should be regularly included in the agenda packets. Mr. Workman clarified that the annual updated population estimate is included in the Council agenda packet. Mayor Sloan recused himself from further discussion due to his absence during the public hearing on August 13, 2018. Councilor Edmonds noted the plan contains a lot of detail and a lot of work has been done but it is important for the Council to keep their eye on the ball as the plan moves forward.

MOTION: Councilor Jackson moved, Councilor Edmonds second, to approve the Findings of Fact provided in the Staff Report dated March 24, 2018 and direct staff to prepare an amending ordinance for the 2018 Transportation System Plan. Motion APPROVED 6-0 (Yes: Edmonds, Jackson, Koeppe, Koetz, Low, and Niemann; No: None; Recused: Sloan.)

7. ORDINANCES/RESOLUTIONS

7.1 Ordinance #832 adopting Transportation System Plan and amending Philomath Comprehensive Plan and PMC Chapter 18 Zoning related to adoption of the TSP – First Reading – Ms. Cook read the proposed ordinance twice by title. Mayor Sloan recused himself from the vote for the prior stated reasons.

ROLL CALL: Yes – Edmonds, Jackson, Koeppe, Koetz, Low, and Niemann; No – None. Recused: Sloan. Ordinance APPROVED 6-0 at first reading. Effective date: September 26, 2018.

7.2 Ordinance #831 amending PMC 13.20 Sewer System regarding maintenance of sewer laterals – First Reading – Mr. Fear described issues with homeowners failing to maintain their private sewer laterals and the recommendation from the City’s insurer to make maintenance the responsibility of the homeowner as directed by ordinance. Councilor Niemann noted the recommendation included in the agenda packet by the City’s insurer. Councilor Edmonds described the ownership of the private sewer laterals all the way to the main. Councilor Jackson questioned if any educational materials need to be distributed to private sewer lateral cleaning companies. Mr. Fear stated that most of them assume that it is the private homeowner’s responsibility because Philomath is one of the few cities that hasn’t already made that distinction. Mr. Fear described issues experienced, noting they see four to five of these situations per year. There was discussion about publicizing the ordinance change in the City’s newsletter. Ms. Cook read the proposed ordinance twice by title.

ROLL CALL: Yes – Edmonds, Jackson, Koeppe, Koetz, Low, Niemann and Sloan; No – None. Ordinance APPROVED 7-0 at first reading. Effective date: September 26, 2018.

7.3 Resolution 18-18 application for Small City Allotment Grant – Mr. Workman thanked Public Works Operations Supervisor Garry Black for his work in assembling the grant application. He noted the streets included were streets that do not have water or sewer lines underneath that would also require updating. He described the nature of the streets included in the application. He stated the grant application was already submitted but the resolution supporting the application is still needed.

MOTION: Councilor Koeppke moved, Councilor Edmonds second, the City Council approve Resolution 18-18, a resolution to apply for a 2019 Small City Allotment Grant
8. STAFF REPORTS

8.1 City Manager – Mr. Workman reported that eight applications have been received so far for the 2018 Citizens’ Academy with the deadline technically tomorrow but they will be accepted through the end of the week. He reported that the new Venture Catalyst, Corey Wright, was planning to attend tonight’s meeting, but his wife had a baby last week. Mr. Workman described the efforts being directed to small business owners and entrepreneurs by the eight-city collaborative program. He reported on a recent meeting with Kate Porsche and Tom Nelson from the Corvallis-Benton County Economic Development Office regarding economic interests and his appreciation for their efforts on behalf of Philomath. He reported that new part-time Building Permit Clerk Ashley Howell will begin work tomorrow. He also reported that Benton County will be reposting the Planner position with some tweaks to the posting and benefits; and in the meanwhile, Jim Minard is back working on some of the bigger applications currently being reviewed and processed.

Councilor Edmonds questioned what conditions Mr. Workman observed at the Callahan property on his visit today. Mr. Workman described the additional equipment and vehicles that have appeared and the tarps that are being used to cover things. He stated the vegetation has significantly increased from last year.

Councilor Niemann requested an update on direction give to staff last October for an update on the Annexation code criteria. Mr. Workman stated that the code revisions will come before the Council at the September 10 meeting. He stated the Planning Commission focus was on the environmental impact issues and the notification process. He described issues City Recorder Ruth Post addressed in the notification process.

Councilor Niemann also requested update on the request for a two decade snapshot of traffic flow. Mr. Workman stated he did not have an update on that request at this time and would follow up.

8.2 Public Works Director – Mr. Fear provided an update on the water and sewer line installations for The Boulevard Apartments, particularly the right of way night work and transition to work that can be primarily be performed during the day. He stated Public Works did obtain some free dirt from the job site. Councilor Edmonds questioned the use of temporary staff for the summer. Mr. Fear noted the two temporaries used during the summer. Councilor Niemann stated concerns that local sub-contractors are not being used for the large development projects. There was discussion about challenges findings qualified subs for some of the aspects of the projects.

8.3 City Recorder – Ms. Post reported that the filing period for the November election is at 5:00 p.m. tomorrow and there are no additional candidates working towards qualification. She stated there are nine candidates for city council and two candidates for mayor. She also reported the 2018 leaf pickup dates have been posted on the City’s website.

8.4 Finance Director – No report.

8.5 Police Chief – Chief Rueben reported that schools open tomorrow for a half-day and the department would be out on the streets welcoming students on their walk to school. He reported on participation in the full-scale disaster exercise last week and
stated it was an excellent exercise. He also reported that the Chili Cook-off was
cancelled this year, and the Benton County Sheriff’s Office has extended the invitation to
the Philomath Department to host the event next year at the Frolic Grounds to benefit
the Philomath Police Foundation and other local charities. Mr. Workman thanked the
efforts of Philomath Fire & Rescue Chief Tom Miller and Rich Saalsaa for spearheading
the organization of the disaster exercise.

8.6 City Attorney – No report.

9. COUNCIL REPORTS
9.1 Councilor Niemann – Councilor Niemann reported on the passing of Lola
Skirvin and extended sympathies and a moment of silence for the Skirvin Family. He
also reported that PYAC conducted Safety Town and had 60 participants with 25 middle
schoolers volunteering to assist. He stated that PYAC Summer Fun had about 122 kids
enrolled with 40 to 60 attending daily. He reported that the PYAC Carnival is scheduled
for September 14 from 5:30 to 8:30 p.m.

10. INFORMATION/CORRESPONDENCE
10.1 2018 Citizens’ Academy schedule and registration form – No comment.
10.2 Notice of DLCD Housing Planning Assistance decision – No comment.
10.3 Thank you letter from Philomath Community Services – No comment.
10.4 Thank you letter from Vina Moses Center – No comment.
10.5 Thank you letter from ABC House – No comment.
10.6 Letter from Oregon DEQ accepting 2017-2018 TMDL Implementation Plan
Annual Report – No comment.
10.7 Thank you letter from Strengthening Rural Families – No comment.

11. ADJOURNMENT
11.1 Adjournment – Seeing no further business, Mayor Sloan adjourned the meeting
at 8:44 p.m.

SIGNED: Rocky Sloan, Mayor

ATTEST: Chris Workman, City Manager