

**PHILOMATH COMMON COUNCIL**  
**MINUTES**  
**June 28, 2004**

The common council of the City of Philomath met on Monday, June 28, 2004, at 7:05 PM in the Philomath City Hall Council Chambers. Mayor Chris Nusbaum called the meeting to order.

**I. ROLL CALL**

**Present:** Mayor Chris Nusbaum, Councilors Eric Karbowski, Kathi Harwood, Ken Schaudt, Scott Ramsey, Richard Matson, and Susan Craig.

**Staff:** Randy Kugler, City Manager; Scott Fewel, City Attorney; Joan Swanson, Finance Director; Beau Vencill, Public Works Director; Ken Elwer, Chief of Police; and Ruth Post, City Recorder.

**II. PRESENTATIONS**

- 1) **Community Service Youth Recognition Award** – Mayor Nusbaum and Philomath Community Foundation Representative Rod Harvey presented a certificate of recognition to Daniel Keese as the recipient of the 2004 Community Service Youth Recognition Award. Mr. Keese is a 2004 graduate of Philomath High School. Mr. Harvey also presented Mr. Keese with a scholarship award from the Philomath Community Foundation.
- 2) **Swearing in of Officer David Gurski** – Mayor Nusbaum swore in new Philomath Police Department Officer David Gurski.

**III. CONSENT AGENDA**

- 3) **Council Minutes** – June 14, 2004
- 4) **Summer Baseball League Request for Temporary Camping in City Park**
- 5) **Council Appointment of Representatives to the MPO and EDP.**
- 6.1) **Public Works Committee Minutes** – June 2, 2004
- 6.2) **Ordinance Committee Minutes** – June 23, 2004

|  |
|--|
| <p><b>MOTION:</b> Councilor Harwood moved to approve the consent as presented. Motion seconded and approved unanimously.</p> |
|--|

**IV. ITEMS REMOVED FROM CONSENT AGENDA**

None.

**V. PUBLIC HEARINGS**

- 7) **Liquor License Application – The Wine Vault** – Mayor Nusbaum opened the public hearing at 7:09 p.m. Being no public testimony, Mayor Nusbaum closed the public hearing at 7:09 p.m.

Several Council members voiced support of the new downtown business. Chief Elwer stated there was no negative history in the background check.

|   |
|---|
| <p><b>MOTION:</b> Councilor Ramsey moved the City Council recommend approval to OLCC of the liquor license permit for The Wine Vault. Motion seconded and approved unanimously.</p> |
|---|

- 8) **Community Development Block Grant Application** – Mayor Nusbaum reviewed the stipulations of the CDBG public hearing, specifically the opportunity to take testimony on

the needs of low and moderate income persons who might benefit from CDBG funding and to take testimony on the Oregon Crafted project that is under Council consideration tonight. Mayor Nusbaum opened the public hearing at 7:12 p.m.

Joan Shea, Oregon Council for Business Education, 1520 Balboa St., Eugene, OR – Ms. Shea summarized the proposed Oregon Crafted project to be funded by this grant. Councilor Schaudt asked Ms. Shea to explain the education opportunities offered by the OCBE. Ms. Shea described the workshops they have offered to local area artisans and upcoming workshops. Councilor Karbowski questioned if artisans must be juried to be included in the Oregon Crafted project. Ms. Shea explained they did not and that it is a self-selection process. They do, however, require the artisans to have a designated studio space. She stated that 75-100 artists in the 4 county area included in the grant may benefit from the grant. She estimated approximately 18 artists in the Philomath/Benton County area would be included.

Ms. Shea thanked Mr. Kugler and Ms. Swanson for their efforts in helping assemble and process the paperwork involved in the grant process for this economic development project.

Being no further public testimony, Mayor Nusbaum closed the public hearing at 7:22 p.m.

- 9) **Proposed Rate Increase for Corvallis Disposal and Recycling** – Mayor Nusbaum opened the public hearing at 7:23 p.m. Mayor Nusbaum reviewed the staff memo included in the Council packet. Being no public testimony, Mayor Nusbaum closed the public hearing at 7:24 p.m.

## VI. VISITORS/PETITIONS

- 10) Alesha Coleman, 650 N 9<sup>th</sup> Street, Philomath, OR – Ms. Coleman stated she is a PHS student active in Future Business Leaders of America (FBLA) and has qualified for the FBLA national competition in Denver, Colorado, this summer. She explained she is looking for sponsorships to help fund her trip. Ms. Swanson reviewed the budget situation regarding requests such as these and that before making a decision the Council must find it in the public's interest to support such a request.

**MOTION:** Councilor Karbowski moved to direct the Finance Director to make a \$500 donation payment to Ms. Coleman to help fund her trip to FBLA Nationals in Denver, Colorado. Motion seconded.

There was discussion about the amount of funds available in the Police Youth Recognition line item. Councilor Ramsey stated his support for efforts such as Ms. Coleman's to represent the City at the National level and felt it was in the best interest of the City to support those efforts. There was discussion about the fundraising Ms. Coleman has accomplished so far. Councilor Schaudt noted the prior Council's stance regarding requests such as these and while he agreed with supporting Ms. Coleman, he thought \$500 was too much for one person. There was discussion about whether this would set a precedent that would lead to difficulties in the future. Mayor Nusbaum suggested a guideline for requests such as these be worked out in a standing Council committee. Councilor Karbowski stated that as long as he was on Council, he would be very generous to anybody representing the City at a national level. After further discussion, Mayor Nusbaum questioned if Councilor Karbowski would like to amend his motion to reduce the donation amount. Councilor Karbowski declined. Councilor Ramsey restated his support of a \$500 donation.

**VOTE:** Motion failed 3-4 (No – Matson, Craig, Schaudt, Nusbaum.)

**MOTION:** Councilor Karbowski moved to direct the Finance Director to make a \$300 donation payment to Ms. Coleman to help fund her trip to FBLA Nationals in Denver, Colorado. Motion seconded and approved 6-1 (No – Schaudt).

**VII. STAFF REPORTS:**

**City Manager** – Mr. Kugler reported on the Imagine One Philomath Strategic Plan Responsible Party meeting held this afternoon. Mr. Kugler also reported that staff is reviewing zoning on the west end of Applegate Street to determine if there should be rezoning from light industrial to commercial for some properties. Finally, he reported that Joe Malcolm from Citizens Bank contacted ODOT about improving the landscaping around their weigh station.

**Public Works Director** – Mr. Vencill reported that Bac-Gen had completed their review of the City's water treatment facilities and did not find any potential major energy savings. He noted that the minor energy savings recommendations they found would be incorporated during scheduled equipment upgrades. Councilor Karbowski questioned if the City could utilize captured methane as an energy source. Mr. Vencill explained with an open lagoon system this isn't as feasible but it could be investigated.

**City Recorder** – Ms. Post reported that City staff is raising and lowering the flags in response to the recent flag theft. She also reported she will be on vacation the week of July 5 and election filings would not be accepted during that week. There was discussion about improving the rope system on the flag poles to prevent future thefts.

**Finance Director** – No report.

**Police Chief** – Chief Elwer reported the police facility plans are nearly finalized.

**City Attorney** – No report.

**VIII. NEW BUSINESS**

**11) Review of Rate Increase Proposal from Corvallis Disposal & Recycling –**

Carol Dion, General Manager, Corvallis Disposal & Recycling Co., PO Box 1, Corvallis, OR – Ms. Dion summarized the rate structure for Philomath as related to Corvallis and Benton County. She reported they have not requested a rate increase since 2000 and this would be an overall 5% increase. There was discussion and questions of Ms. Dion regarding the billing process.

**MOTION:** Councilor Ramsey moved the City Council find that the proposed rate structure for Corvallis Disposal does support the objectives of Section 2 of Ordinance #568 and said revised rate structure be implemented as of September 1, 2004. Motion seconded and approved unanimously.

**12) Consideration of CDBG Grant for Oregon Crafted Project –** Councilor Karbowski declared an actual conflict of interest and recused himself from further discussion or decision on this issue. Councilor Harwood requested further explanation from Ms. Shea on how this grant will benefit the artisans and the City.

Joan Shea, OCBE, 1520 Balboa St., Eugene, OR – Ms. Shea summarized the federal

government's efforts to target micro-enterprises to push their income up so they require less government assistance. Artisans fit that micro-enterprise definition given that a large proportion of these people fit the Federal guidelines for low to moderate income.

**MOTION:** Councilor Craig moved the City Council instruct staff to work with the Oregon Council for Business Education and the Oregon Economic and Community Development Department to complete the requirements for acceptance of a Community Development Block Grant, for the Oregon Crafted Program. Motion seconded and approved 6-0 (Abstained – Karbowski).

- 13) Bid Award for Industrial Way Extension** – Mr. Kugler reviewed the history of this project. He noted the benefits of the project including reducing truck traffic on North 15<sup>th</sup> Street from Thompson Timber's log yard, gaining access to City owned property, and that Gene Tools founder Dr. James Summerton was paying for the project plus donating \$15,000 to the City for handling the project. Mr. Vencill reviewed the three bids received. Local contractor Mid-Valley Gravel was the low bidder. At the City Engineer's recommendation, Mr. Vencill stated that a contingency fund was added to the bid due to the proximity of wetlands near the project.

**MOTION:** Councilor Harwood moved the City Council award the bid for the extension of Industrial Way to Mid Valley Gravel for \$158,384.82, including contingency fund. Motion seconded and approved unanimously.

#### **IX. RESOLUTIONS / ORDINANCES**

- 14) Proposed Ordinance #723 – To Establish a Park Advisory Board** – Mr. Fewel read the proposed ordinance twice by title.

**ROLL CALL VOTE:** Ordinance approved unanimously and enacted effective July 27, 2004.

- 15) Proposed Resolution Designating Certifying Officer for CDBG** – Mr. Kugler stated this resolution is a requirement of the CDBG grant.

**MOTION:** Councilor Harwood moved to approve Proposed Resolution 04-09 appointing the City Manager as the designated certifying officer for the Community Development Block Grant. Motion seconded and approved 6-0 (Abstained – Karbowski).

- 16) Proposed Resolution to Adopt 2004-05 Budget**  
**17) Proposed Resolution to Make Appropriations for the 2004-05 Budget**  
**18) Proposed Resolution Imposing and Categorizing Taxes**  
**19) Proposed Resolution Declaring Intent to Receive State Revenues**

**MOTION:** Councilor Schaudt moved the City Council approve the Resolution adopting the 2004-05 budget, the Resolution making appropriations for the 2004-05 budget, the Resolution imposing and categorizing taxes, and the Resolution declaring the City's election to receive State revenues. Motion seconded.

Councilor Ramsey stated he is still in disagreement with paying the deferred compensation.. He stated he had contacted the cities on the list provided by Mr. Kugler and felt there were discrepancies between the figures he had gathered and Mr. Kugler's

figures. He disagreed with giving a 4% increase to the city manager. Mayor Nusbaum questioned if Councilor Ramsey was objecting to the salaries of all the department heads or just the city manager. Councilor Ramsey stated he was objecting to the city manager's salary because it is the highest. Councilor Matson stated that the focus should be on the budget and critique of the city manager should be reserved for the city manager's performance review.

Mr. Kugler clarified that the comparison he provided was for the upper step pay level for those cities because he is at the upper step in his position. He stated he couldn't be certain that the information Councilor Ramsey had received from the comparison cities was for the upper step or what they are currently paying their city manager. Mr. Kugler responded to statements made by Councilor Ramsey during Budget Committee hearings and at this meeting (Supplemental Agenda Item #16A). Councilor Ramsey responded to Mr. Kugler's follow-up information and stood by his statements.

Councilor Karbowski stated he would approve the budget when management is reviewed before the budget is approved.

|   |
|---|
| <b>VOTE:</b> Motion approved 5-2 (No – Karbowski and Ramsey). |
|---|

**X. INFORMATION / CORRESPONDENCE:**

**20) Letter Supporting Portland & Willamette Railroad Grant Application** – Councilor Schaudt requested clarification as to the location of the railroad crossing in question. Mr. Kugler provided some clarification and stated he would provide additional details when he received them.

**XI. ADJOURNMENT:**

Being no further business to come before the City Council, the meeting was adjourned at 8:48 p.m.

SIGNED: Chris Nusbaum, Mayor

ATTEST: Ruth Post, City Recorder