

**PHILOMATH COMMON COUNCIL**  
**MINUTES**  
**March 10, 2014**

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6 **1. CALL TO ORDER**

7 The common council of the City of Philomath was called to order on Monday, March 10,  
8 2014, at 7:00 PM in the Philomath City Hall Council Chambers by Mayor Rocky Sloan.  
9

10 **Present:** Mayor Rocky Sloan, Councilors Angie Baca, Nolan Bartlow, Matt Bierek,  
11 Charla Koeppel, Jason Leonard and Sean Manning.  
12

13 **Staff:** Randy Kugler, City Manager; Jim Brewer, City Attorney; Ken Elwer, Chief of  
14 Police; Kevin Fear, Public Works Director; Joan Swanson, Finance Director; and  
15 Ruth Post, City Recorder.  
16

17 **2. CONSENT AGENDA**

18 **2.1 City Council Minutes – February 10, 2014**

19 **2.2 Public Works Committee Minutes – February 11, 2014**  
20

21 **MOTION:** Councilor Koeppel moved, Councilor Manning second, to approve the  
22 consent agenda and the council agenda for March 10, 2014, as presented.  
23 Motion APPROVED 7-0 (Yes: Baca, Bartlow, Bierek, Koeppel, Leonard, Manning,  
24 and Sloan; No: None.)  
25

26 Mayor Sloan announced that this is City Manager Randy Kugler's last meeting  
27 before he retires March 14.  
28

29 **3. ITEMS REMOVED FROM CONSENT AGENDA**

30 **3.1** None.  
31

32 **4. OATH OF OFFICE**

33 **4.1 Police Sergeant Ken Rueben –** Sergeant Rueben received the oath of office for  
34 police officers from Ms. Post. Sergeant Rueben thanked his family for their  
35 support and described the excellent reputation that Chief Elwer and the  
36 Philomath Police Department has that attracted him to this position.  
37

38 **5. PRESENTATIONS**

39 **5.1 Philomath Downtown Association Quarterly Report – Kay McGee, PDA**  
40 **President, Philomath, OR** – Ms. McGee highlighted the accomplishments of the  
41 PDA as provided in her written report. She stated there would be an upcoming  
42 push for new volunteers. She described efforts by PDA Executive Director  
43 Michelle Waddell to meet with local businesses and stated that a new  
44 communications piece would be coming out.  
45

46 **5.2 Benton County Health Department Tobacco Ordinance Revisions – Sara**  
47 **Harstein, Benton County Health Department, Corvallis, OR** – Ms. Harstein  
48 stated it has been two years since she initially appeared before the City Council  
49 regarding emerging tobacco issues. She stated that Mr. Kugler and Mr. Brewer  
50 represented the City in the countywide tobacco issues discussion. She noted that  
51 Corvallis and Benton County have completed their review of the issue and have  
52 updated their codes.  
53

1 Ms. Hartstein reviewed the definitions related to electronic smoking devices, the  
2 health issues and the enforcement issues. She described the recommended  
3 amendments to the Philomath Code to prohibit the sales of e-smoking devices to  
4 minors. She reviewed the health risks associated with hookah smoke and the  
5 issues associated with the Oregon Indoor Clean Air Act. She noted that  
6 Philomath Code currently enables hookah lounges to open through the  
7 grandfathered tobacco retail store clause. She described recommended  
8 amendments to the Philomath Code to remove that grandfathered exception.  
9

10 Ms. Hartstein reviewed enforcement responsibilities throughout the county and  
11 the Benton County Health Department's involvement. There was discussion  
12 about federal and state involvement in regulation and the lack of long-term health  
13 studies on the new products. Councilor Bierek questioned the proposed  
14 language limiting the type material being smoked and suggested there may be  
15 legitimate uses.  
16

17 Councilor Bartlow expressed concerns about a blanket prohibition of electronic  
18 smoking devices without receipt of more documentation about known harms from  
19 using them.  
20

21 Mayor Sloan opened the floor up for questions from Mr. Crocker's high school  
22 social studies class in attendance and Ms. Hartstein fielded those questions. Ms.  
23 Hartstein summarized that the goal is to update the Philomath Municipal Code to  
24 prevent the use of e-smoking devices indoors and prevent the ability of hookah  
25 lounges to open.  
26

27 There was brief discussion about the proposed ordinance language presented to  
28 the Council. Mr. Brewer clarified that the amendment is not on the agenda for  
29 consideration tonight and this ordinance amendment could be brought back to a  
30 future meeting for Council consideration. There was discussion about the lack of  
31 education at the high school on these issues. Ms. Hartstein offered to present her  
32 education program at the high school.  
33

34 **5.3 Corvallis Benton County Economic Development Office – Amy Jauron,**  
35 **Corvallis Benton County Economic Development Officer, Corvallis, OR – Ms.**  
36 **Jauron introduced herself and provided background on the traded sector jobs**  
37 **that her office focuses on. She described her contacts with Philomath business**  
38 **interests such as the PDA and the Chamber and local businesses such as Gene**  
39 **Tools and Corvallis Tool Company. She stated that her office tries not to focus**  
40 **too heavily on one town over the other. She described the Ray's Market issue**  
41 **due to the store closures in both Philomath and North Albany. Ms. Jauron**  
42 **described her recent contacts with Gene Tools and the complimentary attitudes**  
43 **they have about working with City staff. Ms. Jauron distributed an information**  
44 **sheet (Supplemental Agenda Item #5.3).**  
45

46 **6. VISITORS/PETITIONS**

47 **6.1 None.**  
48

49 **7. STAFF REPORTS**

50 **7.1 City Manager – Mr. Kugler reported on acquisition of the eastside welcome sign**  
51 **property. He stated that the property is being donated by the owner and is**  
52 **currently being appraised. He updated the Council on the park shelter project. He**  
53 **stated it is back to being worked on daily and should be ready for June wedding**

1 reservations. He also reported on the potential federal grant that is being  
2 supported by ODOT to fund the Philomath Downtown Streetscape project. He  
3 stated that the Downtown Streetscape consultant Murray, Smith and Associates  
4 is producing the grant application for the City. He stated that the City has a good  
5 match through the Urban Renewal District and project ready design which makes  
6 it a strong grant contender.  
7

8 Mr. Kugler acknowledged that this is his last Council meeting before retirement  
9 and thanked Mr. Mike Crocker for being on the Council that hired him 18 years  
10 ago. He thanked longtime Councilors Bierek, Koeppe and Baca for the positive  
11 impact they've had on the community and encouraged the newer Councilors to  
12 continue their service. He encouraged the high school students to continue to  
13 participate and become future leaders and City Councilors. He thanked staff for  
14 their support over the years.  
15

16 **7.2 Public Works Director** – Mr. Fear reported Public Works is currently advertising  
17 for a Utility Maintenance Worker to fill a recent vacancy. He reminded Council  
18 that Spring Cleanup is April 14-19 at the Public Works Compound, and Arbor  
19 Day is April 25 with a tree planting at noon. He stated that the Lions Club has  
20 approached the City about planting a tree in honor of Mrs. Peavy who passed  
21 away recently and the planting would be at City Park.  
22

23 **7.3 City Recorder** – Ms. Post reported that since January 1, building permit activity  
24 has picked up. She stated that plans for a duplex and two houses have been  
25 processed and she has had conversations with six other contractors on  
26 upcoming projects. Ms. Post reminded the Council that the annual Systems  
27 Development Charge increase voted on in January does not take effect until April  
28 1.  
29

30 **7.4 Finance Director** – Ms. Swanson thanked Mr. Kugler for his impact over the  
31 past 18 years and stated her pleasure at having worked with him.  
32

33 **7.5 Police Chief** – Chief Elwer thanked Mr. Kugler and wished him well.  
34

35 **7.6 City Attorney** – Mr. Brewer stated that Mr. Kugler has been a great City  
36 Manager. He also stated that he is working on a model ordinance provided by the  
37 Police Chief's Association regarding prohibition of marijuana dispensaries.  
38

## 39 **8. COUNCIL REPORTS**

40 **7.1 Councilor Baca** – Councilor Baca thanked the City for the donation to hospice in  
41 remembrance of her mother.  
42

## 43 **9. NEW BUSINESS**

44 **9.1 2013-2014 Council Goals Update** – Mr. Kugler reviewed the status of the  
45 Council's workplan as outlined in the Council Goals update dated March 10,  
46 2014. Councilor Baca stated that the emergency preparedness kits will be  
47 ordered in batches of 8 at a time in order to gain the best discounts.  
48

49 **9.2 2014-2015 Capital Improvement Plan Review** – Ms. Swanson stated that there  
50 are not a lot of projects scheduled for the upcoming year in the CIP due to tight  
51 funding. She reviewed each of the schedules. She described the radio  
52 transmitters to be added to the water meters to improve meter reading efficiency.  
53 Mr. Fear reviewed the riprap project for the old sewer lagoons to prevent erosion  
54 of the dikes. Ms. Swanson further described how the original construction of the  
55 lagoons took into account the direction of the wind and that the dikes were

1 ripped on the opposite side that but that time has eventually caused the other  
2 banks to need riprap. Ms. Swanson described the grant application for the  
3 proposed North 11th Street Park. Mr. Fear described the property that the City  
4 owns on North 11th Street that houses the well building and is being proposed  
5 for a park location.

6  
7 **MOTION:** Councilor Koepp moved, Councilor Leonard second, the 2014-15  
8 Capital Improvement Plan be approved as presented. Motion APPROVED 7-0  
9 (Yes: Baca, Bartlow, Bierek, Koepp, Leonard, Manning and Sloan; No – None.)

10  
11 **10. ORDINANCES / RESOLUTIONS**

12 **10.1 Ordinance #787 amending PMC 12.20.010 Sidewalk Construction, Property**  
13 **owner responsibilities – First Reading** – Mr. Brewer explained the proposed  
14 language addresses infill sidewalks created by property partitioning. Mr. Brewer  
15 read the ordinance twice by title.

16  
17 **ROLL CALL VOTE:** Yes: Baca, Bartlow, Bierek, Koepp, Leonard, Manning and  
18 Sloan. No: None. Ordinance approved unanimously at first reading, effective  
19 April 9, 2014.

20  
21 **10.2 Resolution 14-01 Setting Utility Rates** – Mr. Kugler explained that staff and the  
22 Public Works Committee have reviewed the rates and only a 2.6% increase to  
23 sewer rates is being recommended. He stated no rate increases are being  
24 recommended for water rates, storm drain fees or street utility fees. Mayor Sloan  
25 described the comparison of Philomath's rates to other mid-valley cities.

26  
27 **MOTION:** Councilor Baca moved, Councilor Bierek second, the City Council  
28 approve Resolution 14-01 setting utility fees in the City of Philomath. Motion  
29 APPROVED 7-0 (Yes: Baca, Bartlow, Bierek, Koepp, Leonard, Manning and  
30 Sloan; No – None.)

31  
32 **10.3 Resolution 14-02 Supporting grant application for N. 11th Street Park** – Mr.  
33 Kugler explained that this is the City's second attempt to secure an Oregon Parks  
34 grant for the proposed North 11th Street Park project.

35  
36 **MOTION:** Councilor Manning moved, Councilor Baca second, the City Council  
37 approve Resolution 14-02 authorizing application for a Local Government Grant  
38 from the Oregon Parks and Recreation Department and delegating authority to  
39 the City Manager to sign the application. Motion APPROVED 7-0 (Yes: Baca,  
40 Bartlow, Bierek, Koepp, Leonard, Manning and Sloan; No – None.)

41  
42 **11. INFORMATION/CORRESPONDENCE**

43 **11.1 Website report for February 2014** – No comments.

44 **11.2 Philomath Connection ridership for February 2014** – No comments.

45  
46 **12. ADJOURNMENT**

47 **12.1 Adjournment** –Seeing no further business, Mayor Sloan adjourned the meeting  
48 at 8:21 p.m.

49  
50 **SIGNED:**  
51 Rocky Sloan, Mayor

**ATTEST:**  
Ruth Post, MMC, City Recorder