

PHILOMATH CITY COUNCIL
MINUTES
April 11, 2016

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6 **1. CALL TO ORDER**

7 The City Council of the City of Philomath was called to order on Monday, April 11, 2016,
8 at 7:00 p.m. in the Philomath City Hall Council Chambers by Mayor Rocky Sloan.
9

10 **2. ROLL CALL**

11 Present:

12 Mayor Rocky Sloan
13 Councilor Doug Edmonds
14 Councilor Charla Koepp
15 Councilor Jason Leonard
16 Councilor Sean Manning
17 Councilor Eric Niemann
18

Excused:

Councilor Angie Baca

19 Staff Present:

20 City Manager Chris Workman
21 City Attorney Jim Brewer
22 Police Chief Ken Rueben
23 Finance Director Joan Swanson
24 Public Works Director Kevin Fear
25 City Recorder Ruth Post
26

27 **3. CONSENT AGENDA**

28 **3.1 City Council Minutes** – March 14, 2016

29 **3.2 Police Committee Minutes** – February 4, 2016 (corrected)
30

31 **MOTION:** Councilor Koepp moved, Councilor Manning second, to approve the
32 consent agenda and the council agenda for April 11, 2016, as presented. Motion
33 APPROVED 6-0 (Yes: Edmonds, Koepp, Leonard, Manning, Niemann and
34 Sloan; No: None.)
35

36 **4. ITEMS REMOVED FROM CONSENT AGENDA**

37 **4.1** None.
38

39 **5. PROCLAMATIONS**

40 **5.1 Arbor Day** – April 28, 2016 – Mr. Fear explained that Operations Supervisor
41 Garry Black secured a grant to purchase seedlings that third graders from
42 Philomath Elementary and Blodgett will be able to plant and take home on Arbor
43 Day. Mayor Sloan read the proclamation declaring April 28, 2016 as Arbor Day in
44 Philomath.
45

46 **5.2 Inspired Day** – April 13, 2016 – Mayor Sloan read the proclamation declaring
47 April 13, 2016 as Inspired Day in Philomath.
48

49 **6. VISITORS/PETITIONS**

50 **6.1 Al Lahey, Oregon Sequoia LLC** – Mr. Lahey stated he is requesting water and
51 sewer utility service for his property on North 7th Street. He described the history

1 of zoning for the property and the delayed annexation agreement that extended
2 sewer service to the adjacent property. He requested that the Council consider
3 his petition so he can come back to the next meeting and get an answer
4 regarding what services he has legally available. (Supplemental Agenda Item
5 #6.1) Mayor Sloan agreed to review the request with the City Manager and City
6 Attorney and will let Mr. Lahey know if he needs to come to the next meeting.
7

8 **6.2 Philomath Fire & Rescue Bond – Tom Phelps, Retired Fire Chief, and Tom**
9 **Miller, Fire Chief, Philomath Fire & Rescue** – Mr. Phelps and Chief Miller
10 reviewed the ballot measure that Philomath Fire & Rescue has on the May 2016
11 election ballot. They referred to the handouts for frequently asked questions and
12 the budget for the bond (Supplemental Agenda Item #6.2)
13

14 **6.3 Music in the Park Summer Concert Series – Dale Collins and Sonlla Heern,**
15 **Philomath Park Advisory Board** – Mr. Collins and Ms. Heern distributed
16 information about the summer concert series that the Park Advisory Board has
17 planned for City Park this summer. He requested that the City Council consider
18 waiving the park reservation fee. Ms. Heern described the types of bands that the
19 Board chose. She noted that they had many bands submit applications. There
20 was discussion about the concessions that will be available. Mr. Collins stated
21 they have obtained sponsors to defray the cost of banners. There was discussion
22 about setting precedent for waiving the fees. Mr. Workman described the events
23 that the Council has previously waived the reservation fee for. Ms. Swanson
24 stated that if this is a City event then it would fall under the City's oversight for
25 liability coverage.
26

27 It was agreed by consensus that, as a City sponsored event, there is no park
28 reservation fee applicable.
29

30 **7. PUBLIC HEARINGS**

31 **7.1 PC16-03 Comprehensive Plan and Zone Map Amendments. Applicant:**
32 **Cross Development for Dollar General; Location: 658 Main Street (12-6-**
33 **11DA Lot #2600).** Mayor Sloan opened the public hearing at 7:47 p.m. Mr.
34 Brewer read the rules and order for testimony on the application. Councilor
35 Edmonds stated that he had contacted officials at two other cities that had Dollar
36 General stores to obtain additional background about the company. No conflicts
37 of interest or ex-parte contacts were disclosed and none were rebutted.
38

39 Presentation of staff report: Mr. Workman summarized the findings. He explained
40 that the lot is split zoned, with the northern half being zoned commercial and the
41 southern half being zoned light industrial. The application is to change the entire
42 lot to commercial in order to allow for the construction of a retail store. He stated
43 there are still sufficient properties zoned light industrial and staff recommends the
44 change.
45

46 Presentation by the applicant: Matt Rasmussen, P.E., Tectonics Design Group,
47 Reno, NV – Mr. Rasmussen stated he did not have a specific presentation and
48 was happy to answer any questions.
49

50 Presentation by proponents: None.
51

1 Presentation by opponents: None.

2
3 Testimony of neutral parties including governmental bodies: None.

4
5 Rebuttal by the applicant, limited to issues raised by opponents: None.

6
7 Mr. Rasmussen waived the 7-day period to submit final written arguments. Mayor
8 Sloan closed the public hearing at 7:56 p.m.

9
10 **7.2 PC16-03 Discussion and decision** – Mayor Sloan opened the application to
11 discussion by the Council. Councilor Edmonds questioned what recourse is
12 available if a project is begun and not finished. Mr. Brewer stated that a private
13 project is not subject to City recourse. Councilor Niemann stated that this store
14 would be a step forward on the Council’s goal regarding re-establishment of a
15 grocery store. Mayor Sloan agreed to re-open the public hearing to receive more
16 information from the applicant. Mr. Rasmussen described the types of food items
17 that stores typically carry. Councilor Edmonds described the types of products
18 the stores sell based on his private research. Mayor Sloan re-closed the public
19 hearing at 8:03 p.m.

20
21 **MOTION:** Councilor Edmonds moved, Councilor Niemann second, the Findings
22 of Fact as presented in the staff report be adopted and the City Council approve
23 the requested Comprehensive Map from Industrial to Commercial and the Zoning
24 Map amendments from Light Industrial to General Commercial as presented in
25 File No. PC16-03 and the City Manager be directed to present an amending
26 ordinance to the Council for its consideration and action. Motion APPROVED 6-0
27 (Yes: Edmonds, Koeppe, Leonard, Manning, Niemann and Sloan; No: None.)

28
29 **7.3 PC16-01 Zoning Code Amendment – Urban Forest; Applicant: City of**
30 **Philomath; Location: Citywide.** Mayor Sloan opened the public hearing at 8:06
31 p.m. Mr. Brewer read the rules and order for testimony on the application. No
32 conflicts of interest were disclosed and none were rebutted.

33
34 Presentation of staff report: Mr. Workman explained that this proposed
35 amendment is part of the entire package of urban forest management policies
36 that have come from Public Works. He stated that the policies placed the burden
37 of activities on the City and there were no responsibilities being placed on
38 citizens. He stated that this code language is intended as a balance between
39 private property owners and a holistic community maintenance of the urban
40 canopy. He explained the permit process created by the amendment for cutting
41 down a significant tree on private property. He explained the mitigation fund
42 option for owners who choose not to replant on their own property.

43
44 Councilor Manning questioned what research has been done to determine how
45 many trees are being cut down. Mr. Workman stated one to two calls per month
46 are received but he is concerned about trees such as on North 12th Street being
47 cut due to development. Councilor Niemann questioned if the tree canopy is a
48 criteria for Tree City USA status. Mr. Fear stated it is not. Councilor Edmonds
49 noted that many subdivisions already have CC&Rs that have tree requirements
50 and questioned the need for additional regulation.

1 Councilor Manning questioned if a diseased tree would be subject to permit and
2 replacement. Mr. Workman reviewed the abatement of a nuisance. Councilor
3 Koeppe questioned what type of additional information citizens would receive
4 before this took effect. Mr. Workman stated there would still be an ordinance to
5 be considered.
6

7 Mr. Workman noted that the requirement to have an arborist review the tree was
8 stricken by the Planning Commission and should not have been included.
9 Councilor Koeppe stated her opposition to requiring citizens to obtain a permit
10 before cutting down their own trees. Councilor Edmonds stated he didn't believe
11 the City's mission statement fit with this requirement. He encouraged education
12 and promotion of healthy trees in the community.
13

14 Councilor Leonard voiced support for the amendment citing preservation of the
15 tree canopy along the golf course he manages in Corvallis.
16

17 Presentation by the applicant: Nothing additional.
18

19 Presentation by proponents: None.
20

21 Presentation by opponents: None.
22

23 Testimony of neutral parties including governmental bodies: None.
24

25 Rebuttal by the applicant, limited to issues raised by opponents: None.
26

27 Mr. Workman waived the 7-day period to submit final written arguments. Mayor
28 Sloan closed the public hearing at 8:32 p.m.
29

30 **7.4 PC16-01 Discussion and decision** – Mayor Sloan opened the application to
31 discussion by the Council.
32

33 **MOTION:** Councilor Edmonds moved, Councilor Koeppe second, to not accept
34 the findings of fact as presented in PC16-01. Motion approved 5-1 (Yes:
35 Edmonds, Koeppe, Manning, Niemann and Sloan; No: Leonard).
36

37 **STAFF REPORTS**

38 **7.1 City Manager** – Mr. Workman reported on the contract that has been signed for
39 the Phase I environmental site review of the old service station site. He also
40 reported that the City has received an inquiry regarding potentially selling a city-
41 owned parcel off of North 20th Place. He stated the parcel has significant
42 wetlands on it and could be useful as a trailhead in the future. He suggested that,
43 if the Council is interested in selling the property, to consider retaining an
44 easement for future trail use. Consensus was to agree to let the potential buyer
45 obtain an appraisal of the property.
46

47 **7.2 Public Works Director** – Mr. Fear reported on the upcoming Spring Clean-up
48 and hydrant flushing. He reported that work on beginning to refill the medians will
49 begin after July 1. He stated that ODOT funded and planted the original
50 landscaping despite the lack of water service to most of the islands. He stated

1 that three trees look like they're going to survive in a relocated setting and many
2 of the roses have been replanted in the parks.

3
4 **7.3 City Recorder** – Ms. Post reminded the Council that the deadline to complete
5 filing of the Annual Statement of Economic Interest is this Friday, April 15. She
6 thanked those members of the Council who have already completed their filing.
7

8 **7.4 Finance Director** – Ms. Swanson reported that the draft budget for next fiscal
9 year will be delivered this Friday and to contact her if there are any questions.
10

11 **7.5 Police Chief** – Chief Rueben reported on the search over the past week for a
12 missing Philomath man. He thanked the Benton County Sheriff's Department for
13 their assistance. He reported on the effect of social media use on a case like this.
14 He reported that the department passed re-accreditation and only had one
15 recommendation for improvement regarding adding an alarm on the evidence
16 room door. He reported on the culmination of a six-month investigation that
17 resulted in serving three search warrants and recovery of substantial quantities of
18 stolen property.
19

20 **7.6 City Attorney** – Mr. Brewer reported that the Council should hold a discussion
21 about Senate Bill 1573 related to annexations and the City's charter amendments.
22 He recommended scheduling an executive session to discuss it further.
23

24 **8. COUNCIL REPORTS**

25 **8.1 Councilor Niemann** – Councilor Niemann reported the OSU Football team is
26 putting on an event with local scouting groups on April 20 and this aligns with the
27 Council's goal to collaborate with OSU and LBCC.
28

29 **10. ORDINANCES & RESOLUTIONS**

30 **10.1 Ordinance #806 Amending 18.35.040 R-3 Multi-Family Residential Densities**
31 **for PC15-06** – Mr. Brewer read the proposed ordinance twice by title.
32

33 **ROLL CALL:** 6-0. Yes: Edmonds, Koeppel, Leonard, Manning, Niemann and
34 Sloan. No: None. Ordinance approved at first reading. Effective date: May 10,
35 2016.
36

37 **10.2 Ordinance #807 Comprehensive Plan and Zone Map Amendment for PC16-**
38 **03, 658 Main Street** – Mr. Brewer read the proposed ordinance twice by title.
39

40 **ROLL CALL:** 6-0. Yes: Edmonds, Koeppel, Leonard, Manning, Niemann and
41 Sloan. No: None. Ordinance approved at first reading with emergency clause.
42 Effective date: April 11, 2016.
43

44 **11. NEW BUSINESS**

45 **11.1 Urban Forestry Plan** – Mayor Sloan tabled this agenda item until the next
46 meeting.
47

48 **12. INFORMATION & CORRESPONDENCE**

49 **12.1 Website report for March 2016** – No comment.

50 **12.2 Philomath Connection ridership for March 2016** – Councilor Edmonds noted
51 that ridership is down and looks forward to seeing a breakdown on funding for

1 the bus service during the budget process.
2 **12.3 Philomath City News – April Edition – No comment.**

3
4 **13. ADJOURNMENT**

5 **13.1 Adjournment** – Seeing no further business, Mayor Sloan adjourned the meeting
6 at 9:04 p.m.

7
8 SIGNED:
9 Rocky Sloan, Mayor

ATTEST:
Ruth Post, MMC, City Recorder