

PHILOMATH CITY COUNCIL
MINUTES
April 13, 2015

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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 13, 2015,
8 at 7:05 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 Angie Baca
14 Councilor Doug Edmonds
15 Councilor Jason Leonard
16 Councilor Sean Manning
17 Councilor Eric Niemann
18

Excused:

Councilor Tamera Hull

19 Staff Present:

20 City Manager Chris Workman
21 City Attorney Jim Brewer
22 Chief of Police Ken Elwer
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 9, 2015
29 **3.2 Park Advisory Board Minutes** – March 3, 2015
30 **3.3 Public Works Committee Minutes** – April 2, 2015
31 **3.4 Police Committee Minutes** – April 9, 2015
32

33 **MOTION:** Councilor Leonard moved, Councilor Baca second, to approve the
34 consent agenda and the council agenda for April 13, 2015, as presented. Motion
35 APPROVED 6-0 (Yes: Baca, Edmonds, Leonard, Manning, Niemann and Sloan;
36 No: None.)
37

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

- 39 **4.1** None.
40

41 **5. PROCLAMATION**

- 42 **5.1 Declaring Arbor Day on April 24, 2015** – Mayor Sloan read the Arbor Day
43 Proclamation. This marks Philomath's 21st year as a Tree City U.S.A. A tree
44 planting ceremony will be held April 24 at 12:00 noon at East Newton Creek Park
45 on the bike path just north of Applegate Street.
46

47 **6. VISITORS/PETITIONS**

- 48 **6.1 Jerry Jackson Sr., and Steven Graves, Philomath, OR** – Mr. Jackson requested
49 that the Council consider adopting a panhandling ordinance. He described what
50 he believed was the increased presence of panhandlers coming into the
51 community. He stated that the Council does have a history of providing

1 assistance to those in need of food via the Philomath Community Services. He
2 described safety concerns and stated he has never felt unsafe before but has
3 experienced the feeling recently.
4

5 Mayor Sloan questioned if the City has any ordinances to address this. Chief
6 Elwer stated that there really aren't any in the Philomath Code. Mayor Sloan
7 agreed that he has seen the panhandlers that Mr. Jackson is describing. There
8 was additional discussion about the areas where they seem to be gathering.
9 Councilor Edmonds questioned if this is an ongoing issue. Chief Elwer stated
10 over the past six months there seems to have been an increase. Councilor Baca
11 stated she's noticing an increase in foot traffic that is leaving more trash in her
12 yard on Main Street. Councilor Niemann stated he has noticed an increase in
13 hitchhikers in town. Mayor Sloan recommended having City Manager pursue
14 next steps to address this request.
15

16 **7. STAFF REPORTS**

17 **7.1 City Manager** – No report.
18

19 **7.2 Public Works Director** – Mr. Fear reported that Spring Cleanup began today
20 and runs through Friday, 8:00 a.m. to 4:00 p.m., and Saturday until the bins are
21 full. He stated that the Police Department has been pro-active in contacting
22 citizens who need to clean their yards up.
23

24 He stated that Public Works will have the reservoir on Pinnacle Place cleaned
25 and inspected during the week of April 20th. He stated this will be the first
26 cleaning of this reservoir since it was built. He explained that the clean water
27 Philomath produces creates less silt build-up and helps keep these maintenance
28 costs down. He also reported that for Earth Day on April 22nd, the Kings Valley
29 Charter School will be planting trees at City Park.
30

31 Councilor Edmonds questioned what happens to the silt that is collected off the
32 bottom of the reservoir. Mr. Fear stated there is a sewer manhole cover within
33 reachable distance and the silt will be deposited there.
34

35 **7.3 City Recorder** – Ms. Post reported that all members of the City Council have
36 filed their Annual Verified Statement of Economic Interest with the State.
37

38 **7.4 Finance Director** – Ms. Swanson reported that the Kugler Community Hall is
39 open for reservations and is very popular. She also reminded the Council that
40 budget documents will be delivered this Friday, with the first meeting on
41 Wednesday, April 22. Councilor Leonard requested that Ms. Swanson's staff
42 track the types of usage for the Hall.
43

44 **7.5 Police Chief** – Chief Elwer reported that Officer Wes Knight has been focusing
45 on code compliance and at the end of this week the voluntary compliance period
46 ends. He stated that there is an opportunity for people to use spring cleanup to
47 get rid of junk this week for free. Chief Elwer described the types of cases being
48 followed. Mayor Sloan described the importance of neighbors helping keep their
49 yards clean so as not to negatively impact the property values of their
50 neighborhood. There was discussion about the substantial number of junk
51 vehicles involved in the cases Officer Knight is working on.

1
2 **7.6 City Attorney** – No report.
3

4 **8. COUNCIL REPORTS**

5 **8.1 District Robotics Competition** – Councilor Edmonds reported that the District
6 Robotics Competition was very successful. Ms. Swanson complimented
7 Councilor Edmonds for all of the work he put into the success of that event.
8

9 **8.2 Philomath Express** – Councilor Niemann stated that subscription numbers are
10 rising for the Philomath Express and they are up to 318 subscriptions.
11

12 **8.3 PYAC** – Councilor Leonard provided an update on PYAC activities, including the
13 upcoming garage sale. He noted that Councilor Niemann is now on the PYAC
14 Board.
15

16 **9. NEW BUSINESS**

17 **9.1 City Council Vacancy** – Mr. Workman stated Councilor Hull submitted her
18 resignation since she is moving out of the city limits. A press release will be
19 issued and information posted on the website as of tomorrow morning for
20 Councilor Hull's position. Mayor Sloan described the process for interviewing
21 interested applicants at the next Council meeting. Ms. Post requested that
22 interested citizens come in to City Hall to receive a full explanation of the time
23 commitment involved along with the application.
24

25 **9.2 Appointment to Tree Advisory Board** – Mr. Fear explained that Jerry Mock has
26 previously served on the Tree Board, and the Public Works Committee is
27 requesting that the Mayor re-appoint him. Mayor Sloan requested and received
28 consensus from the Council for the appointment.
29

30 **9.3 Police Chief Transition** – Mr. Workman confirmed that Chief Elwer will be
31 retiring effective August 21, 2015. He explained his desire to promote a new
32 Chief from within the department. He requested a consensus from the Council to
33 focus on an internal recruitment initially. Council provided unanimous consensus
34 for an internal recruitment. Councilor Leonard questioned the qualifications
35 standards for a Police Chief. Mr. Workman stated that there is a definite standard
36 for a Chief and that standard will not be lowered in looking internally. Chief Elwer
37 stated he has been working towards this for over two years and laying
38 groundwork for upward growth from within the department.
39

40 **9.4 Water Capacity Plan Update** – Mr. Fear summarized the recommendations
41 from the City's engineer, Westech Engineering, regarding water capacity plans.
42 Mayor Sloan stated his agreement with the engineer's proposal. He explained
43 that the City of Corvallis is not currently interested in selling any of their water
44 rights. However, Mr. Workman stated that Corvallis is interested in continuing the
45 sale of water to Philomath via the intertie. He stated that with direction provided
46 by the Council on this recommendation, he will work on those negotiations. Mr.
47 Fear stated that a long-term agreement with Corvallis is important for several
48 reasons, including the ability to provide emergency water service. Councilor
49 Edmonds stated that his concerns about this issue have been answered. He
50 questioned if Corvallis has other contract water users. Mr. Fear was unaware of

1 any. Mr. Workman stated he would get that question answered. Council
2 consensus was for staff to proceed with the engineer's recommendation.
3

4 **10. ORDINANCES / RESOLUTIONS**

5 **10.1 Ordinance 798 adding PMC 5.40, a chapter regarding medical marijuana**
6 **facilities, and setting an effective date (First Reading)** – Mr. Workman
7 provided an overview of the ordinance. He stated the ordinance was reviewed by
8 the Police Committee last Thursday. Councilor Edmonds described the
9 recommendations of the Committee. He stated that the Committee did make the
10 requirement that the applicant provide proof of background check, rather than the
11 City having to bear that cost. Chief Elwer explained that the higher fee is due to
12 the various inspections that are required in the ordinance. He stated it may even
13 require additional staffing to cover the inspections and follow up on complaints.
14 Councilor Baca reviewed the setback requirements in the ordinance. Mr.
15 Workman commended the City Attorney's office for their efforts in drafting the
16 ordinance. He stated it is a good ordinance and the restrictions all point back to
17 purposes outlined in the ordinance. He stated everything in it is defensible.
18 Councilor Niemann stated the ordinance dovetails with the recommendations
19 provided by the League of Oregon Cities. Councilor Baca questioned if there is a
20 map. Mr. Brewer stated it is up to the person who is applying. He stated that his
21 office recommends the facilities ultimately be addressed in the zoning code.
22

23 Councilor Leonard requested further clarification of the background check
24 process. Mr. Brewer described the conviction restrictions placed on operators,
25 employees and volunteers. Mr. Brewer clarified that this ordinance does not
26 address recreational marijuana. Councilor Edmonds stated the Police Committee
27 did discuss the recreational marijuana issue and understands they will need to
28 address that at a later date. Mr. Brewer read the proposed ordinance twice by
29 title.
30

31 **ROLL CALL VOTE:** Yes: Baca, Edmonds, Leonard, Manning, Niemann and
32 Sloan; No: None. Ordinance APPROVED 6-0 at first reading. Ordinance effective
33 May 1, 2015.
34

35 **10.2 Resolution 15-02 Setting fees for certain services, licenses and permits –**
36 Mr. Workman explained that this resolution applies to the ordinance that was just
37 approved. The resolution stipulates the fees required for the medical marijuana
38 facility initial application and renewal application. He noted that the fee is set to
39 cover the expense of the application and ongoing work by the Police Department.
40 He noted the one amendment to change the name of Park Shelter #1 to Randy
41 Kugler Community Hall. Mayor Sloan questioned if staff had reviewed the
42 existing fees on the schedule. Ms. Swanson stated there is a chance another fee
43 resolution will be brought back at the next Council meeting to discuss a fee for
44 Public Works development review. She stated the other fees will be reviewed at
45 that time.
46

47 **MOTION:** Councilor Niemann moved, Councilor Manning second, to adopt
48 Resolution 15-02, a resolution repealing Resolution 14-05 and setting fees for
49 certain services, licenses and permits, superseding all previous resolutions
50 relating to fees for these services, licenses and permits as amended. Motion

1 APPROVED 6-0 (Yes: Baca, Edmonds, Leonard, Manning, Niemann and Sloan.
2 No: None.)
3

4 **11. INFORMATION/CORRESPONDENCE**

5 **11.1 Website Report for March 2015** – No comments.
6

7 **11.2 Philomath Connection Monthly Ridership for March 2015** – No comments.
8

9 **11.3 FY 2014-2015 Third Quarter Budget Update** – No comments.
10

11 **11.4 Thank you from Randy Kugler regarding naming of Randy Kugler**
12 **Community Hall** – No comments.
13

14 **11.5 CWACT Notes from March 26, 2015, meeting** – Mayor Sloan stated there is no
15 good news coming from ODOT on highway funds. There was brief discussion
16 about landslide issues on Highway 20.
17

18 **12. ADJOURNMENT**

19 **12.1 Adjournment** – Seeing no further business, Mayor Sloan adjourned the meeting
20 at 8:09 p.m.
21

22 SIGNED:
23 Rocky Sloan, Mayor

ATTEST:
Ruth Post, MMC, City Recorder