

PHILOMATH COMMON COUNCIL
MINUTES
June 10, 2013

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6 **1. CALL TO ORDER**

7 The common council of the City of Philomath was called to order on Monday, June 10,
8 2013, at 7:00 PM in the Philomath City Hall Council Chambers by Mayor Rocky Sloan.
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10 **Present:** Mayor Rocky Sloan, Councilors Nolan Bartlow, Matt Bierek, Charla Koeppe,
11 Josh Kvidt, Jason Leonard and Sean Manning.
12

13 **Staff:** Randy Kugler, City Manager; Scott Fewel, City Attorney; Ken Elwer, Chief of
14 Police; Kevin Fear, Public Works Director; Joan Swanson, Finance Director; and
15 Ruth Post, City Recorder.
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17 **2. CONSENT AGENDA**

18 **2.1 City Council Minutes – April 8, 2013**

19 **2.2 Street Closure Request – Philomath Community Church for July 21, 2013**

20 **2.3 Finance/Administration Committee minutes – May 21, 2013**
21

22 **MOTION:** Councilor Kvidt moved, Councilor Bierek second, to approve the
23 consent agenda and the council agenda for June 10, 2013, as presented. Motion
24 APPROVED 7-0 (Yes: Bartlow, Bierek, Koeppe, Kvidt, Leonard, Manning, and
25 Sloan; No: None.)
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27 **3. ITEMS REMOVED FROM CONSENT AGENDA**

28 **3.1** None.
29

30 **4. PUBLIC HEARING**

31 **4.1 FY 2013-2014 City Budget –** Mayor Sloan opened the public hearing at 7:01
32 p.m. to receive public testimony on the proposed FY 2013-2014 City Budget.
33 Seeing no public requesting to testify, Mayor Sloan closed the public hearing at
34 7:02 p.m.
35

36 **5. VISITORS/PETITIONS**

37 **5.1 Michael Sprouse, Philomath, OR –** Mr. Sprouse stated he has a concern about a
38 group of 10-12 teenage boys using the park basketball court. He stated they are
39 taking over the park. He stated that he has taken care of kids trying to
40 skateboard in the area but is not in a physical condition to prevent them from
41 being there. He stated they stay for two to three hours at a time playing
42 basketball. He stated this is preventing the smaller neighborhood kids from using
43 the park. He stated the families in the neighborhood have closed their doors and
44 are avoiding the park. He explained that he sits in his garage and watches the
45 park and takes control. Councilor Kvidt asked if Mr. Sprouse had any
46 suggestions. Mr. Sprouse suggested removing the basketball hoops. He stated
47 these are not rowdy teens. He stated they sometimes play music and leave the
48 car doors open. He stated he is afraid he is going to overstep his bounds
49 eventually. Mayor Sloan questioned what hours they are in the park. Mr. Sprouse
50 stated they might show up on a weekend at 2:50 in the afternoon. He stated they
51 have been there from 7:00-9:20 p.m. He stated they showed up at 5:30 today.
52 Councilor Manning questioned if they are being intimidating. Mr. Sprouse stated
53 they are not, but he believes their presence is what is preventing neighborhood

1 kids from using the park. Councilor Bierek questioned if it is the same group or
2 different people. Mr. Sprouse said it is the same group every time and he has
3 taken down their vehicle tag numbers. He restated that they are not
4 discourteous. Mr. Sprouse requested the City call the kids and set a time limit on
5 their use of the park. Mayor Sloan stated that the Council prefers to encourage
6 citizens to use the parks, not discourage them. Mayor Sloan stated he has
7 several friends who live in that neighborhood and he hasn't heard of any issues.
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9 **6. STAFF REPORTS**

10 **6.1 City Manager** – Mr. Kugler reported that the City's grant application to Oregon
11 State Parks and Recreation for improvements to create a park on North 11th
12 Street has been accepted. He stated that Planner Jim Minard presented the
13 grant to OSP last week and the City should receive a decision within 60 days. He
14 stated the proposed North 11th Street Park plan does include basketball courts
15 that might take pressure off of the Westbrook Park.
16

17 **6.2 Public Works Director** – Mr. Fear provided an update on the Applegate Street
18 Project. He stated that the contractor will begin next Monday, June 17.
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20 **6.3 City Recorder** – No report.
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22 **6.4 Finance Director** – Ms. Swanson reported on the meeting convened by Benton
23 County to review the Hewlett-Packard property tax refund decision with all of the
24 county taxing districts. She stated that the County is anxious to get the refund
25 paid to HP. Mr. Fewel stated that the County may still appeal the decision but the
26 refund needs to be paid to avoid additional interest. He noted that the many
27 taxing districts were not kept apprised of potential settlement negotiations prior to
28 the judicial decision. There was additional discussion about the meeting and the
29 smaller taxing districts affected by the decision. Mayor Sloan questioned if it
30 appears the County plans to appeal. Mr. Fewel stated that the problem with
31 appeal is the need to determine there was legal error. He stated this appeal was
32 handled by the Department of Justice and Department of Revenue. Ms. Swanson
33 stated that staff was able to present a funding solution to the City and Urban
34 Renewal Budget Committees that will enable the City to pay its bills in full.
35

36 **6.5 Police Chief** – Chief Elwer reported that the Meet'n Place wishes to close South
37 12th Street for the remainder of their Cruise In nights. He stated there have been
38 no issues with the closures that have already happened. Council concurred there
39 was no issue with this. Chief Elwer also reported Officer Koeppe will be putting
40 on Bike Rodeo Day this week at the school. He stated he would be presenting
41 the Hunt Scholarship on Wednesday night at the high school awards ceremony.
42 He also stated the Active Shooter Drill on Saturday was successful and he
43 thanked Officer Gurski and Marcia Gilson from the Fire Department for all their
44 efforts to plan the drill.
45

46 **6.6 City Attorney** – No report.
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48 **7. COUNCIL REPORTS**

49 **7.1** None.
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51 **8. NEW BUSINESS**

52 **8.1 Auditor of Record Contract Award** – Councilor Koeppe explained that the
53 Finance/Administration Committee reviewed the audit proposals for a three year

1 contract. Ms. Swanson explained that the City is required to have an independent
2 audit by an outside audit firm. She reviewed the history of the audit firm used for
3 the past 12 years and stated they have done an excellent job. She reviewed the
4 response to the City's request for proposals. Councilor Koeppe stated she has
5 had a change of mind as to who she recommended. She stated that the HP case
6 came to light after the Committee met and she stated concerns about personnel
7 changes at Koontz and Perdue that she learned after the Finance/Administration
8 meeting. She stated they are currently recruiting for an auditor and that sends up
9 a red flag to her. Councilor Leonard stated that in totaling up the 3-year contract,
10 the additional expense of Koontz and Perdue over the low bidder Pauly, Rogers
11 would cost \$8,100 more, and he didn't see any red flags with Pauly, Rogers.
12 Councilor Kvidt agreed that he believed Pauly, Rogers would be fine. Councilor
13 Bierek questioned if there was a requirement to use the low bidder. There was
14 discussion about this being a personal services contract and the fee accounting
15 for 30% of the selection criteria. Councilor Bierek questioned the value moving to
16 a new firm for a savings of \$1,050 over the contract term compared to the
17 additional staff expense to introduce a new auditor to the City's systems.
18 Councilor Kvidt stated his experience is that it is good to have fresh eyes every
19 once in a while. Ms. Swanson stated that there is additional work to review
20 processes and schedules with a new firm but stated she was happy to work with
21 anyone the Council chooses. Councilor Koeppe agreed with Councilor Kvidt's
22 recommendation of using a new firm after 12 years to avoid seeming
23 complacent. Councilor Bierek questioned the auditor selection process used at
24 Citizens Bank. Councilor Kvidt stated they use a new auditor every 3 to 4 years.
25 Mr. Fewel stated he serves as chair of the Citizens Bank Audit Committee. He
26 stated they have used the same firm for several years but they require the firm to
27 provide different staff people from year to year. Ms. Swanson stated that Grove,
28 Mueller & Swank is too small to provide different staff from year to year. Mayor
29 Sloan stated agreement with using a new firm and also saving some money.
30

31 **MOTION:** Councilor Bierek moved, Councilor Leonard second, the City Council
32 approve a contract for the years ending June 30, 2013 through June 30, 2015
33 with Pauly, Rogers & Co., and authorize the City Manager to sign the necessary
34 documents. Motion APPROVED 7-0 (Yes: Bartlow, Bierek, Koeppe, Kvidt,
35 Leonard, Manning, and Sloan; No: None.)
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37 **9. ORDINANCES/RESOLUTIONS**

38 **9.1 Ordinance #784 Comcast Franchise Agreement** – Mayor Sloan stated this
39 ordinance will be tabled until the July meeting. Mr. Kugler explained a late
40 recommendation from Comcast to the language associated with the Public,
41 Education and Government access station that isn't in the current agreement. He
42 described the modification suggested by Comcast. He stated these modifications
43 constitute substantial changes that will require the ordinance to be reposted. Mr.
44 Fewel stated he agreed this was a substantial change.
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46 **10. INFORMATION/CORRESPONDENCE**

- 47 **10.1 CWACT Notes from May 23, 2013 meeting** – No comments.
48 **10.2 Memo regarding citywide cleanup statistics** – No comments.
49 **10.3 Website hits report for April 2013** – No comments.
50 **10.4 Philomath Connection Ridership for May 2013** – No comments.

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ADJOURNMENT

11.1 Adjournment – Seeing no further business, Mayor Sloan adjourned the meeting at 7:35 p.m.

SIGNED:
Rocky Sloan, Mayor

ATTEST:
Ruth Post, MMC, City Recorder