

**PHILOMATH CITY COUNCIL
MINUTES
July 27, 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, July 27, 2015,
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 Angie Baca
14 Councilor Jason Leonard
15 Councilor Sean Manning
16 Councilor Doug Edmonds
17 Councilor Charla Koeppel
18

Excused:

Councilor Eric Niemann

19 Staff Present:

20 City Manager Chris Workman
21 City Attorney Jim Brewer
22 Finance Director Joan Swanson
23 Police Chief Ken Elwer
24 City Recorder Ruth Post
25 Public Works Director Kevin Fear
26 Planner Jim Minard
27

28 **3. CONSENT AGENDA**

29 **3.1 City Council Minutes – June 22, 2015**

30 **3.2 Park Advisory Board Minutes – June 2, 2015**

31
32 **MOTION:** Councilor Baca moved, Councilor Edmonds second, to approve the
33 consent agenda and the council agenda for July 27, 2015, as presented. Motion
34 APPROVED 6-0 (Yes: Baca, Koeppel, Leonard, Manning, Edmonds and Sloan;
35 No: None.)
36

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

38 **4.1** None.
39

40 **5. PUBLIC HEARINGS**

41 **5.1 PC15-01 PMC Chapter 18, Zoning Code, Amendments; Applicant: City of**
42 **Philomath; Address: City wide.** Mayor Sloan opened the public hearing at 7:01
43 p.m. and Mr. Brewer announced the rules for conduct of the public hearing and
44 testimony.
45

46 Staff Report: Mr. Minard presented the staff report as included in the packet.
47 Councilor Edmonds questioned if the resolution in the staff report for PMC
48 18.35.030 should include the words “in height.” Mr. Minard confirmed they
49 should.
50

1 Testimony of Proponents: Mayor Sloan noted that there were five letters received
2 in support of the amendments. Two were included in the agenda packet. The
3 other three were labeled Supplemental Agenda Items #5.1A, 5.1B and 5.1C.

4
5 Testimony of Opponents:
6 Harriet Hughes, Philomath, OR – Ms. Hughes spoke in opposition to the change
7 in the definition of “Family” in PMC 18.15.010 Definitions. She described the life
8 situations that her tenants find themselves in and the requirements she makes of
9 them. (Supplemental Agenda Item #5.1D) Members of the Council asked several
10 questions regarding the 10 homes that Ms. Hughes operates.

11
12 Testimony of Neutral and Governmental Parties:
13 None.

14
15 There was no request to keep the record open. Mayor Sloan closed the public
16 hearing at 7:26 p.m.

17
18 Mr. Minard clarified that existing residences being used under the current
19 definitions allowed by PMC 18.15.1010 will continue to be allowed and that the
20 addition of the boardinghouse definition will apply to use in the R2 residential
21 zone.

22
23 Discussion: There was discussion about the definition of family and clarification
24 that the number of unrelated people living together would effectively be reduced
25 from five to three. Mr. Workman stated there is an expectation in an R1 zone of
26 single family residential uses and converting a single family residence into a high
27 density use isn’t compatible with the R1 zone.

28
29 **MOTION:** Councilor Koeppe moved, Councilor Manning second, to accept the
30 amendments and findings of fact and direct the amending ordinance to be
31 presented to the City Council for action. Motion APPROVED 6-0 (Yes: Baca,
32 Edmonds, Koeppe, Leonard, Manning, and Sloan; No: None)

33
34 **5.2 PC15-03 Comprehensive Plan and Zoning Map Amendment and**
35 **Subdivision; Applicant: H&R Homes and Chapel Drive LLC; Address:**
36 **Unaddressed, Tax Map 12-6-12D Tax Lot #500.** Mayor Sloan opened the
37 public hearing at 7:36 p.m. Mr. Brewer read the rules for conduct of the public
38 hearing and testimony. Mayor Sloan asked for ex parte contact or conflicts of
39 interest. None were declared and there was no rebuttal.

40
41 Staff Report: Mr. Minard explained the location of the parcel of property that is
42 proposed to be rezoned from Public zoning to Low Density Residential. He stated
43 that staff finds that the application conforms to the criteria for the rezoning.

44
45 With regard to the subdivision application, the only comments received were from
46 the Public Works Director regarding the requirement that all infrastructure be
47 constructed according to the Philomath Public Works Design Standards.

48
49 Councilor Edmonds questioned if the street stubs to the east would be required
50 to be paved. Mr. Minard stated they would be. He also clarified that the path
51 between lots 15 and 16 would be dedicated public right-of-way. There was

1 discussion about the dedicated open space conservatory on the north of the
2 property and the dedication of a public path to the school.

3
4 Testimony of Applicant: Brian Vandetta, Udell Engineering, stated that the
5 applicant accepts the condition regarding a public path to the school. He stated
6 the applicant is willing to accept all of the conditions proposed by staff. Councilor
7 Baca stated this is a very thorough application. Mr. Vandetta stated that the
8 applicant is eager to begin work on the subdivision.

9
10 Testimony of Proponents: None.

11
12 Testimony of Opponents: None.

13
14 Testimony of Neutral and Governmental Parties: None.

15
16 Councilor Edmonds questioned if the school district is aware of the condition of
17 approval regarding the path. Mr. Minard explained that the city will work with the
18 school district to meet their needs. Mayor Sloan noted that the Superintendent of
19 the Philomath School District is in the audience and was nodding approval. Mr.
20 Workman stated this subdivision will be a positive addition and Mayor Sloan
21 stated the subdivision would be good news for the school district.

22
23 There was no request to keep the record open.

24
25 Councilor Edmonds suggested adding flexibility to the language for the
26 pedestrian path. Mr. Brewer explained the first action should be to consider the
27 Comprehensive Plan and Zoning Map application. Mayor Sloan stated he is
28 familiar with the developer and knows that he wants to make a good impression
29 on the community with this development.

30
31 Mayor Sloan closed the public hearing at 8:10 p.m.

32
33 Discussion on Comprehensive Plan and Zoning Map application:

34
35
36 **MOTION:** Councilor Koeppe moved, Councilor Edmonds second, the findings of
37 fact as presented in the staff report be adopted and the City Manager be directed
38 to present an ordinance amending the Comprehensive Plan and Zoning Maps to
39 reflect Low Density Residential for the subject property as presented in File No.
40 PC15-03. Motion APPROVED 6-0 (Yes: Baca, Edmonds, Koeppe, Leonard,
41 Manning, and Sloan; No: None)

42
43 Discussion on Subdivision application:

44
45 **MOTION:** Councilor Manning moved, Councilor Leonard second, to approve the
46 application for the Chapel Drive preliminary plat based on the findings of fact
47 contained in the staff report dated July 21, 2015, for file PC15-03 and subject to
48 the conditions of approval in the staff report as presented.

49
50 **AMENDMENT:** Councilor Edmonds moved, Councilor Baca second, to amend
51 the motion to change Condition of Approval #16 to insert the word "or" after "lots

1 15 and 16.” Motion to Amend APPROVED 6-0 (Yes: Baca, Edmonds, Koeppe,
2 Leonard, Manning, and Sloan; No: None).

3
4 Amended Motion APPROVED 6-0 (Yes: Baca, Edmonds, Koeppe, Leonard,
5 Manning, and Sloan; No: None)

6
7 **6. VISITORS/PETITIONS**

8 **6.1 Lilly’s Lope for Hope Kugler Hall Rental Fee Waiver Request – Paula May,**
9 **Philomath, OR** – Ms. May stated she is requesting that the fee for the use of City
10 Park and the Kugler Hall be waived for the suicide awareness event Lilly’s Lope
11 for Hope. She described the use of the funds that they raise and the
12 sponsorships that they receive to reduce the costs associated with putting on the
13 event. She stated their goal is for none of the \$30 fee paid by the participants to
14 go towards costs for the run. She requested a waiver of the fees for two blocks of
15 the park rental time. Councilor Baca suggested reducing the fee to only charge
16 for one block. She noted that the fee covers the expense of city staff to clean up.

17
18 Chris May, Philomath, OR – Mr. May stated there were probably 500 people in
19 the parking lot the day of the event last year.

20
21 Councilor Manning questioned if there is any criteria for non-profits to make
22 these requests. Ms. Swanson provided the history of taking the question of
23 waivers to the Finance/Administration Committee, which designated the three
24 groups to receive a fee waiver. Councilor Edmonds stated the concern of setting
25 a precedent for waivers. The Council consensus was to leave the fee as is.
26 Mayor Sloan offered to donate funds to pay half of the fee. Several other
27 members of the Council requested that Ms. May contact them for contributions.

28
29 **7. STAFF REPORTS**

30 **7.1 City Manager** – Mr. Workman provided information about signing up for the
31 citizen academy with the Sheriff’s office. Councilor Baca stated she previously
32 participated in this program and recommended it. Mr. Workman also updated the
33 Council on the proposed abandonment of a number of public right-of-way alleys
34 throughout the city. He stated a public notice was published last Friday, letters
35 have been mailed to all of the adjacent property owners, and Public Works
36 posted notices on the ends of all of the alleys proposed for vacation. He
37 described this as a win-win with the property owners. There was discussion
38 about the options available to the property owners. Mr. Fear stated that no alleys
39 were included in the list that had any city utilities. Mr. Workman stated that the
40 public hearings on the abandonments would be at the August 10 City Council
41 meeting.

42
43 Mr. Workman stated a request has been received to add an American Legion
44 sign at each end of town on the same poles as the Rotary and Lions Club signs.
45 Consensus was to approve the placement of the signs. Mr. Workman stated that
46 Maggie Sweetin extended a thank you to Public Works for trimming the roses in
47 the median at 15th and Main.

48
49 **7.2 Public Works Director** – Mr. Fear reported that the rip rap of lagoon cell #2 has
50 been completed within budget and all of the lagoons will be able to be used as
51 needed this year. He described fog sealing scheduled with the County in August

1 or September and the crack sealing that is being done in preparation for that. Mr.
2 Fear stated that the flow of the Marys River is still sitting in good shape. He
3 stated that the intertie with Corvallis is also still available as an additional water
4 source.

5
6 **7.3 City Recorder** – Ms. Post invited everyone to the installation of the Philomath
7 Public Art Council’s new bike rack and the Rotary bench at the Library on August
8 15 at 10:00 a.m.

9
10 **7.4 Finance Director** – Ms. Swanson noted the 4th quarter budget summary was
11 distributed (Supplemental Agenda Item #7.4) and the Finance Department will be
12 recruiting for a part-time utility billing cash receipting clerk.

13
14 **7.5 Police Chief** – Chief Elwer reported there were no problems during the Frolic &
15 Rodeo. He stated the fish rodeo was a success for PYAC. He stated that Officer
16 Gurski will become Sgt. Gurski as of tomorrow and several applications were
17 received for the lateral position that was opened up with one being fully qualified.

18
19 **7.6 City Attorney** – Excused.

20
21 **8. COUNCIL REPORTS**

22 **8.1 Councilor Edmonds** – Councilor Edmonds reported he attended the Chamber
23 Board meeting recently but they were lacking a quorum so couldn’t make any
24 decisions. He stated they are still discussing the future of several of the programs
25 that had been under the direction of the Philomath Downtown Association.

26
27 **9. NEW BUSINESS**

28 **9.1 Social service agency funding allocations for FY 2015-2016** – Ms. Swanson
29 explained the City’s policy regarding the partial use of state revenue sharing to
30 fund non-profit requests that benefit the community.

31
32 **MOTION:** Councilor Baca moved, Councilor Manning second the City Council
33 approve Social Service contributions for fiscal year 2015-16 to the following
34 agencies: PYAC \$6,400; Philomath Community Services \$5,000; Senior Meals
35 \$1,000; Strengthening Rural Families \$1,250; and ABC House \$2,750 for a total
36 of \$16,400; and further move the City Council approve contributions from the
37 Water and Sewer Funds for fiscal year 2015-16 to the following agencies: FISH
38 Emergency Services \$3,000 and We Care \$3,000 for a total of \$6,000. Motion
39 APPROVED 6-0 (Yes: Baca, Edmonds, Koeppe, Leonard, Manning, and Sloan;
40 No: None).

41
42 **9.2 Lagoon pipeline easement** – Mr. Fear explained the expansion of the lagoon
43 operations in 2012, including land application of effluent. He stated that the
44 farmer on the east side of Bellfountain Road is interested in future potential land
45 application using the City’s effluent. He stated that the prior owner of the property
46 that gave the easement for the road to the lagoons wasn’t willing to give a
47 pipeline easement down that road but has since sold that property. He suggested
48 that, with a new owner, now could be a good time to negotiate a pipeline
49 easement down the road. The pipeline would be necessary to deliver effluent to
50 the east side of Bellfountain Road. Mr. Fear stated that 36 million gallons is
51 currently being land applied in the summer and discharge into the Marys River in

1 the winter. He stated that opening up the additional acreage for land application
2 could currently cover all of the City's discharge needs during the summer. Ms.
3 Swanson explained that the farmer that is leasing the City's property and
4 currently using the land application is the same farmer who owns the property on
5 the east side of Bellfountain Road. She explained that there is already a clause in
6 the farmer's contract to accommodate the additional land application. There was
7 discussion about the existing infrastructure that is set up for the extension of the
8 pipeline.
9

10 **MOTION:** Councilor Baca moved, Councilor Leonard second, to have staff
11 negotiate a pipeline easement addition to the road easement to the lagoons and
12 bring it back for Council approval. Motion APPROVED 6-0 (Yes: Baca, Edmonds,
13 Koeppe, Leonard, Manning, and Sloan; No: None).
14

15 **10. ORDINANCES & RESOLUTIONS**

16 **10.1 Ordinance #799 – Amending PMC Chapter 18 – Zoning** – Mr. Brewer read the
17 proposed ordinance twice by title.
18

19 **ROLL CALL:** Ordinance APPROVED 6-0. Yes: Baca, Edmonds, Koeppe,
20 Leonard, Manning and Sloan; No: None.
21

22 Mr. Brewer stated that this is a final land use decision and is appealable to LCDC
23 within 12 days of the signing of the ordinance.
24

25 **10.2 Ordinance #800 – Comprehensive Plan & Zoning Map Amendment for Tax**
26 **Map 12-6-12D Tax Lot #500 owned by Chapel Drive LLC** – Mr. Brewer read
27 the proposed ordinance twice by title.
28

29 **ROLL CALL:** Ordinance APPROVED 6-0. Yes: Baca, Edmonds, Koeppe,
30 Leonard, Manning and Sloan; No: None.
31

32 Mr. Brewer stated this is a final decision appealable to Land Use Board of
33 Appeals within 12 days of the date of signature of the ordinance.
34

35 **11. INFORMATION & CORRESPONDENCE**

36 **11.1 Thank you letter from Philomath Community Services regarding parking lot**
37 **paving** – No comment.
38

39 **11.2 Website report for June 2015** – No comment.

40 **11.3 Philomath Connection ridership for June 2015** – No comment.
41

42 Mr. Workman thanked everyone for the support during the Frolic & Rodeo and
43 thanked the city for sponsoring the fireworks.
44

45 **12. ADJOURNMENT**

46 **12.1 Adjournment** – Seeing no further business, Mayor Sloan adjourned the meeting
47 at 9:05 p.m.
48

49 **SIGNED:**
Sean Manning, Council President

ATTEST:
Ruth Post, MMC, City Recorder