

**PHILOMATH CITY COUNCIL
REGULAR MEETING
MINUTES
January 13, 2020**

A. CALL TO ORDER/ROLL CALL

The City Council of the City of Philomath was called to order by Council President David Low on Monday, January 13, 2020, at 7:00 p.m. in the Philomath City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon.

Present:

Mayor Eric Niemann (via teleconference)
Councilor Ruth Causey
Councilor Doug Edmonds
Councilor Chas Jones
Councilor-Elect Matt Lehman
Councilor David Low

Absent:

Councilor Matthew Thomas

Staff Present:

City Manager Chris Workman
City Attorney Jim Brewer
Finance Director Joan Swanson
Public Works Director Kevin Fear
City Recorder Ruth Post

Absent:

Police Chief Ken Rueben

B. OATH OF OFFICE

1. City Councilor-Elect Matt Lehman – Ms. Post administered the oath of office to Mr. Lehman and he took his seat with the Council.

C. CONSENT AGENDA

1. City Council Minutes – December 9, 2019 – Ms. Post noted two Scribner's corrections to the December 9 minutes:

- Page 109, Line 28, to correct the spelling of "Rueben"
- Page 112, Line 26, to correct the spelling of "Softstar"

MOTION: Councilor Causey moved, Mayor Niemann second, to approve the consent agenda for December 9, 2019 as corrected. Motion APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Lehman, Low, and Niemann; No: None).

D. ITEMS REMOVED FROM CONSENT AGENDA

E. VISITORS COMMENTS

Mayor Niemann described a change to the procedure intended to help protect the privacy of speakers by no longer requiring that addresses be announced. There was brief discussion about the benefits to Council of knowing whether someone lives within the City or not. Mayor Niemann noted the speaker form does include the address information.

1. Jeff Lamb – Mr. Lamb reviewed the letter he submitted on January 7, included in the agenda packet as Agenda Item #J.07 regarding the proposed ordinances being considered by the Council, and the public hearing process involved in those amendments. He also described current water concerns and the construction of a new

1 water treatment plant. He stated he is acting as the Chair of Grow Philomath Sensibly
2 (GPS). He identified a question that was asked of Catherine Biscoe during an interview
3 at the last meeting regarding her ability to work with the Council in light of association
4 with GPS, and that it shouldn't impact any decision.
5

6 **2. Joe Sullivan** – Mr. Sullivan questioned the proposed requirement for four parking
7 spaces for a single family dwelling versus the requirements for multi-family dwellings as
8 identified in Agenda Item #G.1, Ordinance #841. He also questioned the elimination of
9 credit for on-street parking that he addressed in his January 9, 2020 email to the Council
10 (Supplemental Agenda Item #E.2). He suggested if the Council was going to keep those
11 proposed amendments that a variance process allowing for case-by-case decision by
12 the City Manager be considered.
13

14 **3. Kay Samms** – Ms. Samms stated she was speaking on behalf of two residents
15 who live on Cooper Lane who are hospitalized. She stated they drank water before
16 receiving a boil water notice and are still sick today.
17

18 **4. Sandy Heath** – Ms. Heath commented on a recent news article regarding the
19 cities of Albany and Lebanon suing CH2M Hill for engineering services. She stated she
20 was unsure if the City uses CH2M Hill for any services. Mayor Niemann noted that the
21 City uses Westech Engineering for engineering services.
22

23 Councilor Causey requested Mr. Fear comment on the issue raised by Ms. Samms. Mr.
24 Fear stated that staff was present when the contractor hung door hangers on all of the
25 locations on Cooper Lane. He summarized the timeline of the contractor hanging door
26 hangers 24 hours prior to the water being shut off to allow work on the storm drain line in
27 that area. He stated once the work was completed, the testing came back clean and the
28 precautionary boil water order was lifted.
29

30 **F. NEW BUSINESS**

31 **1. Committee Appointments –** 32 **A) Planning Commission –** 33

34 **Giana Bernardini** – Ms. Bernardini stated she has lived here approximately four
35 years. She stated she comes to a lot of City Council and Planning Commission meetings
36 and says the work of the Planning Commission includes things she's interested in.
37

38 The other applicant, Carla Merrell, was not present at the meeting. Council voted by
39 signed ballot. Ms. Post announced the results as: Giana Bernardini – 4 (Causey,
40 Edmonds, Jones and Lehman), Carla Merrell – 2 (Low and Niemann).
41

42 **MOTION:** Councilor Edmonds moved, Councilor Lehman second, to waive the two week
43 waiting period and appoint Giana Bernardini to the Philomath Planning Commission.
44 Motion APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Lehman, Low, and Niemann;
45 No: None).
46

47 There was discussion about the appointment of a Council member as an ex officio to the
48 Planning Commission. Mayor Niemann elaborated that he did request Councilor
49 Edmonds attend the November Planning Commission meeting. He described the
50 separation of the two boards and reasons for that separation but noted that the code
51 does allow for appointment of one Councilor in an ex officio capacity. He suggested the
52 objective of doing so would be to improve communication and avoid misunderstanding.

1 He stated he has requested Councilor Causey attend the next Planning Commission
2 meeting to discuss the code amendments she has suggested and that he would like to
3 have a rotation of Councilors at the Planning Commission meetings. He added if a
4 rotation doesn't work well, an adjustment could be made to assign just one Councilor.
5 There was discussion about making assignments for a rotation after Councilor Causey
6 attends the January meeting. Consensus was to proceed with that plan.
7

8 **B) Budget Committee** – Council President Low explained that there were three
9 applicants for three positions. He noted there are two three-year appointments and one
10 two-year appointment open.
11

12 **MOTION:** Councilor Edmonds moved, Councilor Causey second, to waive the two week
13 waiting period and appoint the following individuals, to the Budget Committee, Julie
14 Conner, Christine Kastella and Noelle Cummings, the later to fulfill the shorter term.
15 Motion APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Lehman, Low, and Niemann;
16 No: None).
17

18 **2. Appointments by Mayor: Park Advisory Board** – Mayor Niemann described
19 the challenge of having five good applicants for two positions. He stated he decided to
20 appoint Carol Leach and Sandy Heath. He expressed thanks for Mal Miner's service on
21 the Board, describing some of the projects he has been involved in while on the Board.
22 He stated the candidates had all been notified of his selections prior to the meeting.
23

24 **MOTION:** Councilor Edmonds moved, Councilor Causey second, to confirm the mayor's
25 appointments to the Park Advisory Board as presented. Motion APPROVED 6-0 (Yes:
26 Causey, Edmonds, Jones, Lehman, Low, and Niemann; No: None).
27

28 Councilor Edmonds thanked everyone who applied for positions and the Council
29 declared agreement.
30

31 **3. Farmers Market Seed Money** – Mark McGuire, Chair, Farmers Market Steering
32 Committee – Mr. McGuire described the survey results received from over 200 people.
33 He described the withdrawal of Philomath Community Services from sponsorship of the
34 pilot project and the introduction of Bountiful Backyard as the primary organizer. He
35 explained the intent for the market to be financially self-sustaining. Council President
36 Low questioned what would be covered under incidentals. Mr. McGuire described
37 advertising and other potential costs. He explained that Bountiful Backyard has allocated
38 \$2,000 towards the market and a pool of volunteers has donated \$1,000 for the pilot
39 program. He stated the intent is for the market to begin mid-June with the decision still to
40 be made between Thursday nights and Sundays. He noted the Library has been very
41 helpful in offering restrooms. Council President Low requested follow-up reports. Mr.
42 McGuire described the pricing structure is intended to attract more small vendors and
43 stated the application form has been drafted. He stated there are many craft vendors
44 ready to attend but stressed the importance of farm vendors. He added that the target is
45 ten vendors. Councilor Causey stated she would prefer to make a decision after she
46 knows there is a critical mass of vendors signed on. Mr. McGuire agreed that a decision
47 by April would be adequate. Councilor Edmonds stated he would like to hear more firm
48 information regarding numbers of vendors and the business model. Mr. McGuire stated
49 the next meeting of the steering committee would be at 4 p.m. on January 27 at City
50 Hall. Councilor Jones encouraged Mr. McGuire to reach out to the insurer to ensure his
51 timeline is adequate. Mayor Niemann suggested more information out of the upcoming
52 meeting could be helpful. Mr. McGuire stated he did not believe any vendors were

1 waiting for confirmation of the City's involvement. It was agreed by consensus to table
2 the item until a future meeting and Mr. McGuire was directed to come back when he had
3 the additional information available.

4
5 **4. 2020 Strategic Plan update and approval – Tabled.**

6
7 **5. System Development Charge construction cost adjustments –** Mr. Workman
8 summarized the increase in the Engineering News Record Construction Cost Index by
9 2.59%. He reviewed the proposed increase of \$675 over the total for 2019 based on a
10 single family dwelling. Councilor Causey questioned how the methodology of each of the
11 categories impacts the fees. Mr. Workman summarized the different types of
12 methodologies different consultants can use. He stated the current methodologies are
13 based on outdated project lists; and now that all of the master plans have been updated
14 with new project lists, the methodologies need to be reviewed. He emphasized the need
15 for the fees to be fair and current. Mr. Workman stated each methodology is reviewed
16 individually, using water as an example. He explained that once SDC's are collected for
17 a particular category, such as water or streets, the monies can only be spent on that
18 category of use.

19
20 **MOTION:** Councilor Edmonds moved, Councilor Jones second, the City Council
21 approve the System Development Charge construction cost adjustments as proposed on
22 the 2020 SDC Schedule. Motion APPROVED 6-0 (Yes: Causey, Edmonds, Jones,
23 Lehman, Low, and Niemann; No: None).

24
25 *Council President Low called a break at 8:13 p.m. and reconvened at 8:23 p.m.*

26
27 **6. Samaritan Award Nominations –** Mr. Workman reviewed the Samaritan Award
28 program and the opportunity to name a City Volunteer of the Year. There was discussion
29 about the Council's options. Councilor Jones suggested nominating Rachel Biscoe for
30 the Future First Citizen award. There was additional discussion and agreement about
31 Ms. Biscoe's civic involvement, including with the Gleaners and 4-H. Council President
32 Low suggested nominating Mayor Niemann as the City's volunteer of the year. He
33 described the election process in 2018 and the efforts Mayor Niemann has made to
34 address concerns that have been raised and the great leadership he has shown for the
35 community. He elaborated on the different aspects of Mayor Niemann's involvement in
36 the community. Mayor Niemann noted that Lori Gibbs has just completed a four-year
37 commitment to the Planning Commission, including serving as pro-tem chair several
38 times, and Mal Miner has just completed service on the Park Advisory Board.

39
40 Councilor Jones suggested the Lions Club provides significant work throughout the
41 community. There was discussion about the many different non-profit organizations
42 throughout town. Councilor Jones encouraged having a submission in all categories. Mr.
43 Workman described the volunteer activities of Marcia Gilson on behalf of the Police
44 Department and the possibility of the department making that a separate nomination.
45 Councilor Jones supported the Chamber as non-profit of the year. There was further
46 discussion about possible nominations and the difficulty of making a decision. Mayor
47 Niemann described the effort by the Police Foundation to bring the Chili Cook-off to
48 Philomath. Councilor Edmonds described a young man at the high school who formed a
49 new inclusive group.

50
51 It was agreed by consensus to make the following nominations:

- 52 • City volunteer of the year: Eric Niemann

- Police Department volunteer of the year: Marcia Gilson
- Senior First Citizen: Mal Miner
- First Citizen: Lori Gibbs
- Future First Citizen: Rachel Biscoe
- Non-Profit of the Year: Philomath Police Foundation

7. DLCD Technical Assistance Grant acceptance – Mr. Workman reviewed the \$50,000 grant towards updating the Comprehensive Plan that has been awarded to the City and his recommendation to enter an agreement with ECONorthwest to serve as the consultant on the project. He stated the first meeting of the Technical Advisory Committee would probably be in February and it will be a long process. He added that a dedicated web page would be up within a week for all things related to the Comprehensive Plan update. Councilor Causey questioned if DLCD would approve of this consultant and Mr. Workman stated they have worked with them in the past.

Mr. Workman clarified the reimbursement process of the grant for payment of the consultant. He noted that the City does have \$20,000 budgeted towards this project, and the total cost would be under the combined \$70,000 available.

MOTION: Councilor Jones moved, Councilor Edmonds second, to accept the grant award of \$50,000 from the Department of Land Conservation and Development and direct the city manager to execute the agreement with DLCD and enter into an agreement with ECONorthwest for consulting services. Motion APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Lehman, Low, and Niemann; No: None).

G. ORDINANCES & RESOLUTIONS

1. Ordinance #841 Amending PMC Chapter 18 Zoning, various sections (First reading) – Mr. Brewer read the proposed ordinance by title. Councilor Causey corrected Page 2, Section 3 (D) should read: five (5) acres.

Mr. Workman addressed Page 8, (e) regarding single family and duplex parking. He stated the issue is that people don't park in the garage like they used to. He recommended amending (i) to three spaces per dwelling unit. He also recommended increasing Section C(2) to a maximum 24 foot wide driveway and delete "except homes with a three (3) car garage ... (24) foot wide driveway." There was discussion about RV pads creating a driveway in excess of 24 foot wide, but being allowed as long as the maximum 24 foot wide curb cut is not exceeded. Mr. Fear explained the reasons for limiting a curb cut to 24 feet due to storm drainage down the street. Mayor Niemann questioned if the ordinance was ready for a vote. By consensus, the ordinance was tabled for the language to be updated and presented at the February Council meeting.

2. Ordinance #842 Amending PMC Chapter 18.135 Annexations (First reading) – Mr. Brewer read the proposed ordinance by title.

ROLL CALL VOTE: Yes 6 (Causey, Edmonds, Jones, Lehman, Low and Niemann); No: 0 (None). Ordinance approved at first reading and effective 30 days from passage.

3. Resolution 20-01 Supporting a Veterans & War Memorial Park grant application – Mayor Niemann described the Veterans & War Memorial Park grant program through the Oregon Parks and Recreation Department. He noted communities that have recently received grants through this program. He stated that one of the

1 requirements of the grant is to work with the local veterans' organization and the local
2 American Legion Post has signed a letter of support for this project. He described
3 additional community support that has already been pledged. He reviewed the use of
4 system development charge funds that would be eligible for this project and the
5 reprioritization of the park project list by the Park Advisory Board to move this project to
6 the top of the list. He identified local businesses that have already committed to
7 donations towards the park development effort. He explained that the resolution would
8 be included in the grant application packet and shows strong community support. Mayor
9 Niemann further described the financial requirements of the grant match, including the
10 use of in-kind contributions.

11
12 **MOTION:** Councilor Causey moved, Councilor Edmonds second, to approve Resolution
13 20-01 supporting a Veterans & War Memorial Grant application. Motion APPROVED 6-0
14 (Yes: Causey, Edmonds, Jones, Lehman, Low, and Niemann; No: None).

15
16 **H. COUNCIL REPORTS**

17 **1. Councilor Edmonds** – Councilor Edmonds noted the letter from Van Hunsaker
18 under Information & Correspondence Item #J.6. He volunteered to develop a report
19 encompassing the history of the City Council term length and term limitations issue. He
20 stated he was looking forward to the January and February bus ridership numbers with
21 the college students back in class.

22
23 **2. Councilor Jones** – Councilor Jones reminded everyone that the Open House
24 with Representative Dan Rayfield is Wednesday, January 29, at the Benton County
25 Historical Museum. He stated he will be at Timber Town Coffee on Sunday at 10 a.m.
26 and if the weather is nice, will be taking his dog for a walk. He invited anyone in the
27 community to join him.

28
29 **3. Mayor Niemann** – Mayor Niemann thanked Brad Fuqua for five years of service
30 reporting on Philomath news.

31
32 **4. Councilor Low** – Councilor Low reported on the opening of Timber Town Coffee
33 and stated it will be a beneficial gathering place for the community.

34
35 **I. STAFF REPORTS**

36 **1. City Manager** – Mr. Workman reported the grant application to Willamette Valley
37 Visitors Association for a master plan at Skirvin Park was denied. He reported on the
38 ROI grant application that the City of Sweet Home is acting as fiscal agent for and
39 requested Council approval for Philomath to apply for the USDA grant as a backup plan
40 to fund the Oregon RAIN economic development efforts.

41 **2. City Attorney** – No report.

42 **3. Finance Director** – No report.

43 **4. Police Chief** – Excused.

44 **5. City Recorder** – No report.

45 **6. Public Works Director** – Mr. Fear reported the annual recycling event is set for
46 April 18 and Arbor Day is scheduled for April 27 at the Public Works yard. He reported
47 that the pre-construction meeting has been held for Newton Creek Estates and they are
48 ready to commence construction.

49
50 **J. INFORMATION & CORRESPONDENCE**

51 **1. Philomath Connection ridership for December** – No comment.

52 **2. City website statistics for December** – No comment.

- 1 3. Park Advisory Board minutes of November 14, 2019 – No comment.
- 2 4. Planning Commission minutes of December 16, 2019 – No comment.
- 3 5. Public Works Committee minutes of December 18, 2019 – No comment.
- 4 6. Letter from Van Hunsaker regarding Charter amendments – No comment.
- 5 7. Email from Jeff Lamb representing Grow Philomath Sensibly – No comment.
- 6 8. Updated City Council appointments and contact information – No comment.
- 7 9. FY 2019-2020 Second quarter budget update – No comment.
- 8

9 **K. EXECUTIVE SESSION**

10 1. **Per ORS 192.660(2)(I): Performance evaluations of public officers and**
11 **employees** – Council President Low read the rules for Executive Session and excused
12 the public at 9:37 p.m. He declared a brief recess to allow the public to exit. At 9:47 p.m.,
13 he reconvened the Council in Executive Session.

14 **ROLL CALL:**

15 **Council:** Mayor Eric Niemann (via teleconference), City Councilors Ruth Causey, Doug
16 Edmonds, Chas Jones, Matt Lehman and David Low.

17 **Staff:** City Manager Chris Workman, City Attorney Jim Brewer and City Recorder Ruth
18 Post.

19 **Media:** None.

20
21 **K. RECONVENE IN GENERAL SESSION**

22 1. **Public invited to return** – Council President Low requested that the parking lot
23 be checked and invited the public to return to the chambers at 10:11 p.m.

24
25 By consensus, Councilor Causey was directed to send the draft press release that has
26 been prepared to Mayor Niemann and the City Recorder for distribution.

27
28 Mayor Niemann stated the Council wants to review the evaluation process for the future.
29 By consensus, the project was assigned to the Finance & Administration Committee.

30
31 **L. ADJOURNMENT**

32 1. **Adjournment** – Seeing no further business, Council President Low adjourned the
33 meeting at 10:15 p.m.

34
35 SIGNED:

ATTEST:

36
37
38 _____
Eric Niemann, Mayor

Ruth Post, MMC, City Recorder