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**PHILOMATH CITY COUNCIL**  
**REGULAR MEETING**  
**MINUTES**  
**March 9, 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, March 9, 2020, at 7:00 p.m. in the Philomath City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon.

Present: Absent:

Mayor Eric Niemann (via videoconference)  
Councilor Ruth Causey  
Councilor Doug Edmonds  
Councilor Chas Jones  
Councilor Matt Lehman  
Councilor David Low  
Councilor Matthew Thomas (via teleconference)

Staff Present:

City Manager Chris Workman  
City Attorney Jim Brewer  
Finance Director Joan Swanson  
Police Chief Ken Rueben  
City Recorder Ruth Post

Absent:

Public Works Director Kevin Fear

**B. CONSENT AGENDA**

**1. City Council Minutes – February 24, 2020 –** Ms. Post noted a correction to Page 8, Line 38 and 39: Add “D. Visitors Comments” and “None”; with subsequent sections re-lettered.

**MOTION:** Councilor Edmonds moved, Councilor Jones second, to approve the consent agenda for March 9, 2020 as amended. Motion APPROVED 7-0 (Yes: Causey, Edmonds, Jones, Lehman, Low, Thomas, and Niemann; No: None).

**C. ITEMS REMOVED FROM CONSENT AGENDA**

**D. VISITORS COMMENTS**

**1. Ann Buell, Philomath, OR –** Ms. Buell commented on the negative health and quality of life issues being created for her because of the Millpond Crossing subdivision construction. She stated specific concerns regarding interruption of water and electricity services and felt the construction was creating a health hazard for her. (Supplemental Agenda Item #D.01)

**2. Robert Biscoe, Philomath, OR –** Mr. Biscoe questioned if audio recordings of committee meetings are being posted on the website. Ms. Post stated she'd be happy to show Mr. Biscoe where all of the meeting audios are posted.

Mr. Biscoe wondered what a System Development Charge reimbursement was. Mr. Workman explained projects that are eligible for some SDC reimbursements because the developer was required by the City's master plan to put in larger pipes than their

1 project needed, and he also explained about creation of a reimbursement district to  
2 authorize the developer to collect a cost share from adjacent property owners who  
3 benefit from new pipes installed by the developer. There was discussion about The  
4 Boulevard Apartments qualifying for and requesting both a reimbursement district and  
5 SDC reimbursement.  
6

7 Council President Low requested clarification from Mr. Workman about the Millpond  
8 Construction issues described by Ms. Buell. Mr. Workman stated they have received  
9 both compliments and complaints regarding the work being performed by the developer.  
10 He stated that there are requirements for notification of interruptions in service. He  
11 stated that the notices being handed out should include a phone number to contact if  
12 there are issues. He encouraged Ms. Buell to contact Public Work if and when there are  
13 issues. He described contacts he's had with Mid-Valley Gravel representatives and  
14 stated they were very responsive to correcting issues that were brought to their  
15 attention. There was discussion about the hours of work authorized by City code and  
16 enforcement penalties.  
17

18 **E. NEW BUSINESS**

19 **1. FY 2020-2021 General Fund Fee review** – Ms. Swanson reviewed the  
20 information provided in the agenda item summary regarding the General Fund Fee,  
21 including the original reasons the fee was implemented and the most recent revenue  
22 results. She noted the inclusion in the Capital Improvement Plan of transfers to the Land,  
23 Building & Equipment Fund and the need to increase the General Fund ending balance  
24 target amount due to inflation. She reviewed the recommendation from the Finance &  
25 Administration Committee to reduce the fee from \$10 to \$5 for the coming fiscal year.  
26

27 Councilor Edmonds appreciated the news coming from the Committee and the intent to  
28 honor the commitment to the community of the original goals of the fee.  
29

30 **MOTION:** Councilor Edmonds moved, Councilor Causey second, the City Council  
31 approve a \$5 per month General Fund Fee for fiscal year 2020-2021. Motion  
32 APPROVED 7-0 (Yes: Causey, Edmonds, Jones, Lehman, Low, Thomas, and Niemann;  
33 No: None).  
34

35 Council President Low explained that the fee will now be included in the budget to be  
36 presented in April.  
37

38 **2. FY 2020-2021 Capital Improvement Plan review and adoption** – Mayor  
39 Niemann described the Public Works Committee's review of the CIP for the coming  
40 fiscal year, notably the replacement of the sewer vac truck and the set asides for library  
41 and city hall building remodels.  
42

43 Ms. Swanson summarized the infrastructure schedules for water, sewer and street  
44 improvements, savings for the water treatment plant. Mayor Niemann noted that the  
45 approved plan will then move into the budget process.  
46

47 Mr. Workman reviewed the inclusion of water, sewer and street improvements to bring  
48 North 11<sup>th</sup> Street and South 16<sup>th</sup> Street up to City standards and improve safety. He also

1 reviewed improvements slated in three years for South 17<sup>th</sup> and 18<sup>th</sup> Streets and noted  
2 that these projects are all in the master plans.

3  
4 Ms. Swanson described the impact on sewer rates to complete the projects.

5  
6 **MOTION:** Councilor Edmonds moved, Councilor Low second, the City Council approve  
7 the 2020-2021 Capital Improvement Plan as presented. Motion APPROVED 7-0 (Yes:  
8 Causey, Edmonds, Jones, Lehman, Low, Thomas, and Niemann; No: None).

9  
10 **3. FY 2020-2021 Utility Rates Review** – Mayor Niemann noted that the water rate  
11 increases last year to prepare for the water treatment plant were more aggressive and  
12 the growth that is beginning to occur allows for a less aggressive increase this year. He  
13 described the sewer rate increase needs. He noted the comparison of rates to other  
14 communities included in the meeting packet.

15  
16 Councilor Edmonds described the discussion at the Public Works Committee regarding  
17 the water rate increase to prepare for the water treatment plant. Mayor Niemann agreed  
18 that it was good news especially combined with the reduction in the General Fund Fee.

19  
20 Councilor Causey requested the methodology used in comparing to the other cities. Ms.  
21 Swanson explained that each city uses a different fee methodology, but the totals are  
22 intended to be apples-to-apples comparisons. Councilor Causey requested a disclaimer  
23 in the future to explain that. She questioned what ability a customer has to control their  
24 own bill. Ms. Swanson explained the difference between the fixed costs of the base rates  
25 and the impact of reducing water usage to control water and sewer per unit costs. She  
26 described the differences between summer water usage with sewer averaging and  
27 winter usage.

28  
29 Councilor Causey noted concerns that the Public Works Committee discussion focused  
30 on increasing the per unit charge on sewer when there are projects that need to be  
31 completed, and the base rate is the more certain revenue. Ms. Swanson described  
32 philosophies behind balancing base fees and per unit rates. Mayor Niemann agreed that  
33 this was a point of discussion by the Committee and it is a delicate balance between the  
34 two philosophies.

35  
36 Councilor Lehman questioned the difference between the projected rates needed for the  
37 water treatment plant as shown by Business Oregon to the Finance and Administration  
38 Committee and where the water rates are currently. Ms. Swanson explained that the  
39 information shown by Business Oregon was a year old and better actual data today  
40 provides firmer rates. There was discussion about the water rates originally anticipated  
41 to increase by larger increments and the development that is coming on-line that is  
42 offsetting some of that.

43  
44 Mayor Niemann described the comparisons with the City of Jefferson and construction of  
45 their similar water treatment plant. He noted that Philomath is able to use the lessons  
46 learned at Jefferson since we share the same engineering firm.

47  
48 **MOTION:** Councilor Edmonds moved, Councilor Causey second, the City Council  
49 approve Resolution 20-02 setting utility fees in the City of Philomath as presented.  
50 Motion APPROVED 7-0 (Yes: Causey, Edmonds, Jones, Lehman, Low, Thomas, and  
51 Niemann; No: None).

1  
2  
3 **4. City Council Vacancy in Office** – Mayor Niemann noted the City Council  
4 attendance requirements specified by the City’s Charter and the absence of Councilor  
5 Thomas at meetings over the past 60 days.  
6

7 Councilor Thomas explained that Mondays are his busiest days at work as a medical  
8 driver. He stated he has reviewed the schedule with his supervisor and she’s agreed to  
9 work with him to enable him to attend Council meetings on Monday nights. He  
10 apologized for having missing as many meetings as he has. He stated he would like to  
11 continue to be an asset to the Council.  
12

13 Mayor Niemann stated understanding of work/life balance. He emphasized the need for  
14 communication in the event a meeting needs to be missed. Councilor Thomas stated  
15 understanding of the need to communicate and his confusion that it was more than a  
16 courtesy notification. Mayor Niemann explained the one of the Council’s obligations is to  
17 fulfill the City Charter.  
18

19 Council President Low questioned if there has been something specific in the past two  
20 months that was impacting his ability to attend. Councilor Thomas stated people are  
21 sicker in the winter and need medical transport, particularly on Mondays.  
22

23 Councilor Thomas restated his employer will enable him to attend meetings on Mondays  
24 as needed. He vowed to be in better communication. Mayor Niemann requested prior  
25 notice of an absence at a minimum to the City Manager. Councilor Edmonds described  
26 communication concerns and requested a firm commitment.  
27

28 Councilor Jones stated his respect for the City’s working volunteers. He stated everyone  
29 has different standards for communication, but he believes Councilor Thomas now  
30 understands the level of communication needed.  
31

32 Councilor Edmonds stated appreciation for Councilor Thomas’ apology and  
33 acknowledgement. Council President Low described the commitment that elected  
34 officials make to the community, but he also understood the personal situation described  
35 by Councilor Thomas. He stated the value of Councilor Thomas’ perspective,  
36 participation and vote.  
37

38 Councilor Thomas noted his job has changed since he was elected. He described the  
39 challenges of being in a vehicle and the inability to call in during a meeting. Mayor  
40 Niemann stated he acknowledged the challenges that Councilor Thomas is facing but  
41 the importance of fulfilling the obligations of an elected official.  
42

43 Councilor Edmonds requested that Councilor Thomas review Chapter VII of the City  
44 Charter to ensure he fully understands the standard. He stated he was willing to give  
45 Councilor Thomas a vote of confidence this time.  
46

47 **MOTION:** Councilor Jones moved, Councilor Causey second, to grant Councilor  
48 Thomas a consent for absence from all the Council meetings occurring in the 60-day  
49 period. Motion APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Lehman, Low and  
50 Niemann; No: None; Abstained: Thomas.)  
51

1 **F. ORDINANCES & RESOLUTIONS**

2 **1. Resolution 20-02 Adopting 2020-2021 Utility Rates – See Agenda Item #E.03.**

3  
4 **G. COUNCIL REPORTS**

5 **1. Councilor Edmonds –** Councilor Edmonds reported on the improved bus  
6 ridership statistics (Agenda Item #I.01). He stated hope that the ridership continues to  
7 increase. Councilor Jones concurred that ridership is the highest it has been in three  
8 years.

9  
10 **2. Council President Low –** Council President Low questioned the Planning  
11 Commission's charge to serve as the Citizen Committee on Involvement (CCI). Mayor  
12 Niemann described the origination of land use planning in Oregon and the State  
13 requirement for a CCI. Mr. Brewer explained the designation of the Planning  
14 Commission as the CCI is in the Comprehensive Plan. Mr. Workman explained that the  
15 Comprehensive Plan is aspirational with regard to policies and the City's zoning code  
16 provides the specific requirements for citizen involvement opportunities.

17  
18 **3. Councilor Jones –** Councilor Jones questioned if Corvallis has a Planning  
19 Commission and a separate CCI. Mr. Brewer stated Corvallis has a board that works as  
20 an advisory body community involvement and diversity. Councilor Jones stated there  
21 may be opportunities for more citizen involvement in Philomath. There was brief  
22 discussion about high school students serving as honorary members of City Councils  
23 and on boards.

24  
25 Councilor Jones stated in follow-up to the Town Hall with Dan Rayfield that he is now in  
26 discussions with Representative Sara Gelser for a Town Hall.

27  
28 Noelle Cummings, Philomath, OR – Ms. Cummings stated she serves on the Corvallis  
29 Involvement and Diversity Advisory Board and they have had a high school student  
30 participate on the board in the past.

31  
32 Mr. Workman described a high school student who did serve on the Park Advisory  
33 Board, but he graduated and he has since been unable to recruit another student.

34  
35 **4. Mayor Niemann –** Mayor Niemann congratulated the high school basketball  
36 teams with both the boys and girls now participating in the state tournament.

37  
38 Council President Low noted the City's website includes information regarding the  
39 coronavirus.

40  
41 **5. Councilor Edmonds –** Councilor Edmonds questioned the status of the water  
42 line easement at the Philomath Middle School property. Mr. Workman stated the School  
43 Board is discussing that matter at their work session tonight and he hopes to have more  
44 information after tonight.

45  
46 Councilor Edmonds questioned the status of the tennis court agreement. Mr. Workman  
47 stated maintenance responsibilities had delayed completion of the agreement but he  
48 was hopeful for completion soon.

49  
50 **H. STAFF REPORTS**

51 **1. City Manager –** Mr. Workman reported the findings on the recent public safety  
52 study by Benton County will be provided to the Council in the next month or two. He

1 stated the grant application for the Veterans' Memorial Park has passed the first level of  
2 review and there is an opportunity to listen in to the next review level via a link. He  
3 reported on the school circulation study that will be using Corvallis Area Metropolitan  
4 Planning Organization (CAMPO) for public outreach and that the project has been  
5 forwarded to ODOT for release of funding. He requested Council permission to attend an  
6 out of state conference in Vancouver, Washington. Council gave consensus for Mr.  
7 Workman's attendance at the conference.  
8

9 **2. City Attorney** – Mr. Brewer reported on the Lepman LUBA Appeal, stating the  
10 record is now settled and is in the briefing stage. He also reported on the Benton County  
11 response to the coronavirus and potential need for involvement of the Police Department  
12 in the future. Chief Rueben added that they are also receiving guidance from the  
13 Attorney General's Office. Mr. Brewer explained that the State emergency declaration  
14 allows the State to access federal funds and triggers protocols by the State Health  
15 Authority. Chief Rueben added that it changes assignments within the State Police  
16 Department that also affects local jurisdictions.  
17

18 **3. Finance Director** – Ms. Swanson reviewed the City's intent to change  
19 Information Technology service providers from the Council of Governments (COG) to a  
20 new firm. She described changes that have happened within the City's technology needs  
21 and personnel changes at the COG. She stated the City received four good responses  
22 to the City's Request for Proposals. She stated a firm in Eugene that serves several  
23 other communities has been chosen to serve as the City's new contracted IT provider.  
24 She stated the services will be more expensive but it is an essential service. Chief  
25 Rueben described some of the recent issues that have had critical impacts or the  
26 potential to have critical impacts on police operations.  
27

28 Ms. Swanson reported that the budget calendar is included in the meeting packet  
29 (Agenda Item #1.10). She described the delay in producing the calendar due to  
30 scheduling a training session with the League of Oregon Cities in early April.  
31

32 Ms. Swanson summarized the differences in the fees between the COG and the new IT  
33 firm. Mr. Workman emphasized the need to have the IT services available on a proactive  
34 basis. He described the comparability of the two finalists that were considered. Mr.  
35 Workman stated the intent is to move to the new firm as soon as possible.  
36

37 Councilor Edmonds described the impacts of ransomware and approved of the move.  
38 Mayor Niemann noted that IT resiliency is in the Strategic Plan.  
39

40 **4. Police Chief** – Chief Rueben announced that the Chili Cookoff received an  
41 award for small events that benefit charities. He stated that interest is high for the 2020  
42 event at the Frolic Grounds in September.  
43

44 **5. City Recorder** – Ms. Post reminded the Council that they should be receiving  
45 their emails from the Oregon Government Ethics Commission to file their annual  
46 Statement of Economic Interest and requested any Councilor having issues with the City  
47 email account to contact her as soon as possible.  
48

49 **6. Public Works Director** -- Excused.  
50

51 **I. INFORMATION & CORRESPONDENCE**

52 **1. Philomath Connection ridership for February** – No additional comment.

