

**PHILOMATH CITY COUNCIL
MINUTES
May 9, 2016**

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6 **1. CALL TO ORDER**

7 The City Council of the City of Philomath was called to order on Monday, May 9,
8 2016, at 7:00 p.m. in the Philomath City Hall Council Chambers by Mayor Rocky
9 Sloan.

10
11 **2. ROLL CALL**

12 Present:

13 Mayor Rocky Sloan
14 Councilor Angie Baca
15 Councilor Doug Edmonds
16 Councilor Charla Koepp
17 Councilor Jason Leonard
18 Councilor Sean Manning

12 Excused:

13 Councilor Eric Niemann

19
20 Staff Present:

21 City Manager Chris Workman
22 City Attorney Jim Brewer
23 Police Chief Ken Rueben
24 Public Works Director Kevin Fear
25 City Recorder Ruth Post

21 Finance Director Joan Swanson

26
27 **3. CONSENT AGENDA**

- 28 **3.1 City Council Minutes – April 11, 2016**
29 **3.2 Park Advisory Board Minutes – April 5, 2016**
30 **3.3 Park Advisory Board Minutes – May 3, 2016**
31 **3.4 Public Works Committee Minutes – April 7, 2016**

32
33 **MOTION:** Councilor Koepp moved, Councilor Manning second, to approve the
34 consent agenda and the council agenda for May 9, 2016, as presented. Motion
35 APPROVED 6-0 (Yes: Baca, Edmonds, Koepp, Leonard, Manning, and Sloan;
36 No: None.)

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

- 39 **4.1 None.**

40
41 **5. VISITORS/PETITIONS**

42 **5.1 Allen Lahey, Oregon Sequoia LLC, Monmouth, OR -- Mr. Lahey stated**
43 **he received the City Attorney's memorandum regarding his property earlier**
44 **today. He stated he still doesn't understand what the condition of approval means**
45 **that he appealed to the Planning Commission and believes that he's received**
46 **unequal treatment. Mr. Lahey summarized the delayed annexation agreement**
47 **that is associated with his property and the circumstances that he feels make his**
48 **case for receiving water and sewer services from the City.**

49
50 **5.2 David Lin, Corvallis, OR -- Mr. Lin is the owner of the old mill site on**
51 **North 19th Street and north of Main Street. He believes development of the**

1 property is important to the City. He described types of development inquiries he
2 has received that he didn't believe we're good for the community. He wants to
3 know the community better and what the community would like to have for
4 development. After learning that the community doesn't want the jail here, he
5 wants to make sure that an office development to house something like the
6 County Health Department and clinic would be considered acceptable. Mayor
7 Sloan suggested that Mr. Lin come to one of the monthly Philomath Community
8 Networking meetings to talk to other community leaders. Mr. Lin stated he has a
9 short timeline to present a proposal to the County in July. He described other
10 possible uses of the property, such as a laminate cross-beam mill. He requested
11 support from the Council for the Health Department proposal. Mayor Sloan
12 suggested Mr. Lin prepare more information to submit and put the matter on the
13 June meeting agenda. Mr. Lin stated he needed a response sooner than that.
14 Councilor Manning stated that the Council is open to considering most types of
15 development. Councilor Edmonds questioned if another meeting could be
16 scheduled to discuss this. Mayor Sloan suggested a work session be scheduled
17 for May 23rd at 7:00 p.m.
18

19 **5.3.** Brenda Doreen and Terry Hamilton, Philomath, OR -- Ms. Hamilton
20 stated she had sent an email out to the Council describing the junk situation with
21 her neighbor. She described the scenario that had led her to appear before the
22 Council and her disappointment in the years that have ensued with no progress
23 in cleaning up the neighbor's junk. Mr. Hamilton described stated the neighbor
24 has a blatant disregard for City ordinance. Chief Rueben stated that over 200
25 hours of officer time has been devoted to this property with over 1,100 photos
26 taken documenting the state of the property. He stated that this direction has
27 been taken at the advice of the Municipal Court Judge and the City Attorney's
28 office. He stated the process is now in the hands of the Judge and a \$16,500
29 citation was issued today to the property owner. He stated that this is not a
30 situation where an arrest can be made because it is a City code violation. He
31 stated the process is now in the Judge's hands and they will continue to
32 document the state of the property. He stated there is no dialogue being
33 conducted between the Police Department and the property owner at this point
34 because it is now in the Court's hands.
35

36 Ms. Hamilton stated her concern that she was not receiving responses from
37 Chief Rueben and Mr. Workman. Chief Rueben described the reasons he has his
38 officers take calls instead of himself to ensure accurate documentation is kept.
39 Ms. Hamilton expressed her frustration with the entire process and with the
40 addition of the City delivering dirt to the neighbor's property. Mr. Workman
41 described the reasons that the dirt was delivered to the right-of-way adjacent to
42 the neighbor's property to address a low spot resulting in storm water flowing
43 onto his property. Chief Rueben recapped the investigation and citation process
44 with this property that began last July.
45

46 Mr. Workman described his efforts to communicate with Ms. Hamilton and to
47 ensure that she was receiving updates. Chief Rueben described the next steps in
48 the case and the process that has to continue to be worked through. Mr.
49 Workman stated his commitment to continue to see the case through. Ms.
50 Hamilton described the outcome of an appraisal of their own property with the
51 condition of the property next door. Mayor Sloan stated he attended the

1 neighbor's court appearance today and will take time next month to attend the
2 next court appearance. Councilor Edmonds stated he also attended the court
3 appearance and approves of the Judge's course of action.
4

5 **6. PUBLIC HEARINGS**

6 **6.1 Proposed Uses of State Revenue Sharing Funds** – Mayor Sloan
7 opened the public hearing at 8:05 p.m. Ms. Post described the proposed
8 allocation of funds and the requirement to hold the public hearing. Seeing no
9 public testimony, Mayor Sloan closed the public hearing at 8:07 p.m.
10

11 **7. STAFF REPORTS**

12 **7.1 City Manager** – Mr. Workman reported on the Music in the Park plans,
13 including publication of brochures, food concessions and scheduling the library
14 bookmobile to be there. He invited everyone to attend. He also stated that the
15 City's oral presentation will be the first week in June for the State Park grant but a
16 decision isn't received until October. He also reported on the status of the
17 Service Garage environmental assessment and report of findings. He stated that
18 DEQ and the sellers have been notified of the results of the testing.
19

20 **7.2 Public Works Director** – Mr. Fear reported that hydrant flushing is
21 going well. He stated it should be complete this week. He thanked Mayor Sloan,
22 Mr. Workman and Chief Rueben for their assistance on Arbor Day in helping the
23 students plant trees. He stated Public Works would like to organize this event
24 again next year. Councilor Edmonds questioned if any surprises are being
25 discovered during the hydrant flushing. Mr. Fear stated this is primarily high
26 velocity scouring of the water lines with no line inspection involved.
27

28 **7.3 City Recorder** – Ms. Post reported that building permit activity
29 continues to be busy, including the Dollar General store plans being almost ready
30 to issue and plans received for the seismic upgrade at the Fire Department. She
31 requested that everyone please check for an email regarding the final Budget
32 Committee meeting scheduled for May 19th.
33

34 **7.4 Finance Director** – Excused.
35

36 **7.5 Police Chief** – Chief Rueben reported he just came back from a
37 conference on community response to active shooters and disasters. He stated it
38 addressed the effects on a City of such an event and it would be good to debrief
39 the entire Council on the topic, possibly in a work session setting.
40

41 **7.6 City Attorney** – No report.
42

43 **8. COUNCIL REPORTS**

44 **8.1 Mayor Sloan** congratulated Angie Baca and her husband Tom on his
45 retirement from the Post Office. Councilor Baca thanked everyone for coming out
46 to the retirement party.
47

48 **9. NEW BUSINESS**

49 **9.1 Planning Commission appointments** – Mr. Workman summarized
50 the two vacancies that currently exist on the Planning Commission. He stated

1 that applicants Jeannie Gay and Lori Gibbs are both in attendance tonight to
2 answer any questions.

3
4 **MOTION:** Councilor Koeppel moved, Councilor Baca second, the City Council
5 waive the two week waiting period and appoint Jeannie Gay to the Philomath
6 Planning Commission for the remainder of the current four-year term set to
7 expire December 31, 2016, and Lori Gibbs to the Philomath Planning
8 Commission for the remainder of the current four-year term set to expire
9 December 31, 2018. Motion APPROVED 6-0 (Yes: Baca, Edmonds, Koeppel,
10 Leonard, Manning and Sloan; No: None)

11
12 **9.2 Liquor license application – Vinwood Taphouse at 1736 Main**
13 **Street** – Chief Rueben stated that there is no disqualifying information and this is
14 a new business with no prior history. Councilor Edmonds questioned the outdoor
15 seating plans. Mr. Workman stated there is an additional agenda item to discuss
16 the City requirements for screening of outdoor seating where alcohol is being
17 served.

18
19 **MOTION:** Councilor Manning moved, Councilor Koeppel second, that the
20 Philomath City Council recommend approval of the liquor license for Vinwood
21 Taphouse at 1736 Main Street. Motion APPROVED 6-0 (Yes: Baca, Edmonds,
22 Koeppel, Leonard, Manning and Sloan; No: None)

23
24 **9.3 Discussion on temporary suspension of PMC 9.10.060(J)**
25 **regarding Drinking Alcohol in Public Place, Screening Requirement** – Mr.
26 Workman summarized the request made two years ago to temporarily waive the
27 screening requirement to allow outdoor seating when alcohol is being served,
28 specifically at the Meet'n Place Tavern. He stated that no complaints have been
29 received since suspension of the requirement. He noted that the application from
30 Vinwood brings the issue to the forefront.

31
32 Chief Rueben described OLCC requirements to monitor outdoor seating. He
33 described potential concerns with having multiple locations outside to monitor.
34 He encouraged the new Vinwood owners to communicate with the Department
35 and to hold discussions about the best way to set up business operations.
36 Councilor Baca stated concerns with the back side seating due to proximity to
37 residents.

38
39 Tim Vincent, Vinwood LLC, Philomath, OR -- Mr. Vincent stated that they already
40 plan to fence in the rear area if OLCC approves it. He stated they would like to
41 have the front seating because it is a draw when people can see a welcoming
42 atmosphere. Mr. Workman stated the screening is specifically a City code issue.
43 He noted that all liquor licenses undergo the annual review by the Council; and if
44 issues occurred, there is an opportunity to address them during the annual
45 renewal. Mr. Vincent answered questions regarding the location of the proposed
46 front outdoor seating. He stated that they are proposing to take about half of the
47 building space that True Value previously occupied.

48
49 Councilor Koeppel noted that the two families involved in Vinwood have been in
50 the community for many years. Councilor Leonard stated he sees this type of
51 seating in Corvallis and Albany and believes it would be acceptable to allow.

1 There was discussion about directing staff to prepare an amendment to the
2 ordinance striking the screening requirement.
3

4 Mr. Vincent described the monitoring plan for the proposed rear outdoor seating
5 area. Council agreed by consensus to direct staff to prepare an amending
6 ordinance striking the screening requirement from the municipal code.
7

8 **9.4 Request for city water from Allen Lahey, Oregon Sequoia LLC –**

9 Mr. Brewer stated that the City has a contractual requirement through the
10 delayed annexation agreement to allow extension of sewer service to Mr. Lahey's
11 property; however, there is no contractual requirement to provide water access.
12 He stated there appears to be well water available to the property. Mr. Brewer
13 stated that Mr. Lahey could apply for annexation; and if successful, then water
14 and sewer service could be legally provided by the City. Councilor Koeppe noted
15 that Mr. Lahey keeps referencing the Dollar General decision but stated that the
16 Dollar General store is completely located within the City limits and is, therefore,
17 an entirely different type of partition decision.
18

19 Councilor Edmonds questioned why Mr. Lahey hadn't received the memo earlier
20 than today. Mr. Workman stated the agenda was posted showing the new
21 business item and he extended a courtesy call to Mr. Lahey this afternoon to
22 ensure he knew it was on the agenda.
23

24 **9.5 OLCC liquor license renewals –** Chief Rueben stated the City has
25 good cooperation from all of the businesses that sell alcohol and there was no
26 disqualifying information. Councilor Edmonds questioned if 10 businesses is a
27 strain on police resources. Chief Rueben described all of the positive efforts by
28 Chris Ihrig at The Meet'n Place to cooperate with the Police Department. He
29 stated that the City is lucky to have good ownership. He stated the department's
30 emphasis is on businesses that over-serve and create DUII's. Councilor
31 Edmonds questioned if there is a list of recommendations for businesses. Chief
32 Rueben stated that OLCC has a list of requirements and recommendations. He
33 described the further steps taken by Mr. Ihrig to ensure that the business is
34 proactive in avoiding issues. Councilor Baca stated she doesn't expect issues
35 from the Vinwood owners. Chief Rueben agreed but stated concerns about
36 monitoring the rear seating area. Councilor Edmonds stated his desire to have a
37 list of recommendations and best business practices created for new business
38 owners.
39

40 **MOTION:** Councilor Koeppe moved, Councilor Baca second, that the Philomath
41 City Council recommend approval of the liquor licenses for the following
42 businesses:

- 43 . Philomath Towne Pump at 1841 Main Street
- 44 . Ixtapa Restaurant at 1702 Main Street
- 45 . Jona's Market at 100 S 8th Street
- 46 . Philomath Market at 1405 Main Street
- 47 . Philomath Shell at 1830 Main Street
- 48 . Reliance Petroleum (Chevron) at 1414 Main Street
- 49 . The Meet'n Place at 1150 Main Street
- 50 . La Rockita at 1413 Main Street
- 51 . Eats & Treats Café at 1644 Main Street

1
2 Motion APPROVED 6-0 (Yes: Baca, Edmonds, Koeppe, Leonard, Manning and
3 Sloan; No: None)
4

5 **9.6 Urban Forestry Plan – Review and adoption** – Mr. Fear stated this
6 plan is a requirement of the City's ordinance that had never been previously
7 developed and adopted. Councilor Edmonds questioned if the plan provides any
8 policy enforcement. Mr. Fear stated this is more of an education piece and
9 doesn't have any ordinance implications. Councilor Edmonds questioned the
10 ordinances listed on Page 11. Mr. Brewer stated this is a policy piece that lists
11 potential ordinances to be considered for implementation. He compared it to the
12 City's Comprehensive Plan.
13

14 **MOTION:** Councilor Edmonds moved, Councilor Koeppe second, the City
15 Council approve the Urban Forestry Plan as presented. Motion APPROVED 6-0
16 (Yes: Baca, Edmonds, Koeppe, Leonard, Manning and Sloan; No: None)
17

18 **10. INFORMATION & CORRESPONDENCE**

19 **10.1 Website report for April 2016** – No comment.

20 **10.2 Philomath Connection ridership for April 2016**– No comment.

21 **10.3 Philomath City News – May Edition** – No comment.

22 **10.4 Resignation email from Leroy Fenn from Planning Commission** – No
23 comment.
24

25 **11. EXECUTIVE SESSION**

26 **11.1 Legal Counsel per ORS 192.660(2)(h)** – Mayor Sloan called a recess at 9:02
27 p.m. At 9:11 p.m., he excused the public and moved the City Council into Executive
28 Session. He read the rules and process for the executive session.
29

30 Attendance: Mayor Sloan; City Councilors Baca, Edmonds, Koeppe, Leonard, and
31 Manning; Mr. Workman, Chief Rueben, Mr. Fear and Ms. Post.
32

33 At 9:33 p.m., Mayor Sloan moved the Council back into public session.
34

35 Council agreed by consensus to uphold Section 11.1 of the City's Charter and directed
36 staff to prepare a resolution for Council consideration at the next meeting to support that
37 intention.
38

39 It was agreed to hold a work session and Council meeting on May 23rd at 7:00 p.m. to
40 receive more information from David Lin regarding his property and to consider the
41 resolution supporting application of City Charter Section 11.1.
42

43 **12. ADJOURNMENT**

44 **12.1 Adjournment** – Seeing no further business, Mayor Sloan adjourned the meeting
45 at 9:35 p.m.
46

47 SIGNED:
48 Rocky Sloan, Mayor
49

ATTEST:
Ruth Post, MMC, City Recorder