

PHILOMATH CITY COUNCIL
MINUTES
May 23, 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 23,
8 2016, at 7:00 p.m. in the Philomath City Hall Council Chambers by Mayor Rocky
9 Sloan.

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11 **2. ROLL CALL**

12 Present:

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

12 Excused:

13 Councilor Charla Koeppel

19
20 Staff Present:

21 City Manager Chris Workman
22 City Recorder Ruth Post

21 City Attorney Jim Brewer
22 Police Chief Ken Rueben
23 Finance Director Joan Swanson
24 Public Works Director Kevin Fear

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26 **3. CONSENT AGENDA**

27 **3.1 City Council Minutes – May 9, 2016**

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29 **MOTION:** Councilor Baca moved, Councilor Leonard second, to approve the
30 consent agenda and the council agenda for May 23, 2016, as presented. Motion
31 APPROVED 6-0 (Yes: Baca, Edmonds, Leonard, Manning, Niemann and Sloan;
32 No: None.)

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

35 **4.1 None.**

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37 **5. VISITORS/PETITIONS**

38 **5.1 Allen Lahey, Oregon Sequoia LLC, Monmouth, OR** -- Mr. Lahey
39 distributed a handout related to his property on North 7th Street. He restated his
40 previous justifications to receive water and sewer service to his property outside
41 the city limits. He requested that he not be required to pay for a lack of response
42 from the Planning Commission. He provided the timeline of the delayed
43 annexation agreement and the extension of sewer and water service to the single
44 family dwelling that was on the property on that time. He stated that the
45 interpretation is being misrepresented. He stated there is a conflict between the
46 Charter amendment and the zoning. He stated that legal precedent has been set
47 by the extension of water and sewer to the single family dwelling. Mayor Sloan
48 requested that Mr. Lahey clearly spell out what he is requesting from the Council.
49 Mr. Lahey described the timing of the delayed annexation agreement again and
50 the timeline of the property. He stated that he wants City water.

1 Mr. Workman described the City Attorney's memorandum of legal opinion that
2 was issued earlier this month that states Mr. Lahey could have access to City
3 sewer but not water because of the delayed annexation agreement. Mr. Lahey
4 restated his request for clarification of what legally available services means. He
5 stated that legally water has been extended and legally the boundary of the
6 property is what he has a right to water service for. He stated that he would
7 respond to Mr. Brewer's memo at the June 13 City Council meeting. Mayor Sloan
8 stated that the Council is not living this issue and Mr. Lahey is quoting codes but
9 it needs to be stated in simple terms. Mr. Lahey stated he wants rights to have
10 access to water to meet the zoning allowed for 7,000 square foot lots of single
11 family homes.

12 Mr. Lahey described the water line on Fawn Lane that is stubbed out to the
13 boundary of his property. He instructed the Council to read Chapter 65 of the
14 Benton County Code that sets the zoning for the property at PR-1 for Philomath
15 R-1 zoning. He stated that the City could choose to annex the property at any
16 time. He stated that he didn't know where the terminology legally available came
17 from. He stated that he planned to respond to the City Attorney's memo at the
18 next Council meeting. Mayor Sloan requested that Mr. Lahey provide his
19 response with sufficient time to allow the City Attorney to review it so the Council
20 could have the entire package before the next meeting.

21 Mayor Sloan requested that Mr. Lahey work with Mr. Minard and Mr. Brewer so
22 the City Council can have a clearer picture to work with.

23 **5.2** Mike Sprouse, Philomath, OR -- Mr. Sprouse updated the Council on the
24 tree stump at Westbrook Park that he is trying to raise funds to have carved. He
25 stated the goal is to raise \$3,000 through Go Fund Me; and if insufficient funds
26 are raised, the monies will go into the park in another manner.

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28 **6. RESOLUTIONS / ORDINANCES**

29 **6.1 Resolution 16-03 related to voter approved annexations and**
30 **Senate Bill 1573, directing staff to comply with Section 11.1 of the City**
31 **Charter and Philomath Zoning Ordinances** – Mr. Workman stated the Council
32 had a discussion with the City Attorney at the prior meeting and staff was
33 directed to draft the resolution that is being presented tonight. He stated he has
34 spoken with the Director of the League of Oregon Cities regarding the challenge
35 that Corvallis is moving forward with against Senate Bill 1573.

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37 **MOTION:** Councilor Edmonds moved, Councilor Manning second, the City
38 Council approve Resolution 16-03, a resolution related to voter approved
39 annexations and Senate Bill 1573, directing staff to comply with Section 11.1 of
40 the City Charter and Philomath zoning ordinances. Motion APPROVED 6-0 (Yes:
41 Baca, Edmonds, Leonard, Manning, Niemann and Sloan; No: None.).
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43 **7. ADJOURNMENT**

44 **7.1 Adjournment** – Seeing no further business, Mayor Sloan adjourned the meeting
45 at 7:29 p.m.

46
47 SIGNED:
48 Rocky Sloan, Mayor

49 ATTEST:
Shelley Bartlow for Ruth Post,
MMC, City Recorder