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**PHILOMATH CITY COUNCIL
REGULAR MEETING
MINUTES
June 8, 2020**

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A. ROLL CALL

The City Council of the City of Philomath was called to order by Mayor Eric Niemann on Monday, June 8, 2020 at 7:08 p.m. Due to the Oregon Governor's Executive Order 20-12 requiring social distancing due to the COVID-19 pandemic, the meeting was held via video conferencing technology with the public allowed to attend electronically and in limited capacity in the Philomath City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon. Instructions with opportunities for the public to comment were provided on the meeting agenda, City's website, and media notice.

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Mayor Niemann expressed concerns during the difficult times occurring nationally.

Present:

Mayor Eric Niemann
Councilor Ruth Causey
Councilor Doug Edmonds
Councilor Chas Jones
Councilor Matt Lehman
Councilor David Low
Councilor Matthew Thomas

Absent:

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Staff Present:

City Manager Chris Workman
City Attorney Jim Brewer
Chief of Police Ken Rueben
Finance Director Joan Swanson
Public Works Director Kevin Fear
City Recorder Ruth Post

Staff Absent:

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B. CONSENT AGENDA

1. City Council minutes of May 11, 2020

MOTION: Councilor Edmonds moved, Councilor Low second, to approve the consent agenda and meeting agenda for the June 8, 2020 meeting as presented. Motion APPROVED 7-0 (Yes: Causey, Edmonds, Jones, Lehman, Low, Thomas and Niemann; No: None).

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C. ITEMS REMOVED FROM CONSENT AGENDA

None.

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D. PUBLIC HEARING

1. FY 2020-2021 City Budget – Mayor Niemann opened the public hearing at 7:12 p.m. Councilor Jones summarized the research regarding unemployment statistics that he had shared in the Council packet. He described concerns about limited public input in meetings during the videoconferencing period. He summarized budget cutting plans at Oregon State University, including delaying purchases and projects, delaying new hires, layoffs and management of reserve funds. There was additional discussion regarding future possibilities due to the uncertain economy. There was discussion about technical difficulties associated with the video meeting and the different methods of providing public comment that were posted on the meeting agenda, website and published public notice. Seeing no other discussion or public comments, Mayor Niemann closed the public hearing at 7:32 p.m.

1 **E. VISITORS COMMENTS**

2 Per Resolution P20-03 Emergency Declaration, live visitors' comments have been
3 temporarily suspended from meetings.

4 **F. PROCLAMATION**

5 **1. Resolution 20-05 to recognize and celebrate the Philomath High School Class of**
6 **2020 graduates** – Mayor Niemann read the proclamation into the record.

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8 Councilor Causey requested the following amendments:

9 Paragraph 1 – Replace “the” with “a” to read: “experienced a dramatic interruption ...”

10 Paragraph 7 – Insert “our” to read: “to many of our outstanding and deserving ...”

11 Paragraph 9 – Do not capitalize the “t” in two thousand and delete the “and” to read “two
12 thousand twenty”.

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14 **MOTION:** Councilor Low moved, Councilor Edmonds second to approve Resolution 20-05
15 as amended. Motion APPROVED 7-0 (Yes: Causey, Edmonds, Jones, Lehman, Low,
16 Thomas and Niemann; No: None.)

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18 **G. OLD BUSINESS**

19 **1. Proposed Landmark Drive Local Improvement District Engineer’s Report** – Mr.
20 Workman reviewed the agenda item summary history of the Landmark Drive infrastructure
21 improvement project and the engineer’s estimate as outlined in the report. He noted the
22 water line costs would be less than estimated due to the existing water line that is in place.
23 He provided next steps, including setting a public hearing for the Council to receive
24 comment from the adjacent property owners and public. Discussion topics included:
25 assessment cost per acre calculations, assessed property values, the existing waterline,
26 estimated project calculations, the ENR 20 Construction Cost Index, future street
27 maintenance, sidewalks in industrial zones, Water Master Plan implications, the history of
28 the access described as Landmark Drive, interested property owners, the options available
29 to the property owners for improving the drive, and repayment options available to the
30 property owners.

31 Barb Hartz, Philomath, OR – Ms. Hartz referenced some of the costs included in the
32 estimate that she believed could be reduced. She described the benefits to neighboring
33 property owners of the improvements, the benefits to the City for additional businesses that
34 could locate there, and benefits of dust reduction for properties located across the highway.
35 She described the win-win potential of the project and expressed appreciation to the Council
36 for considering it.

37 Mayor Niemann reviewed next steps, including setting a public hearing. Mr. Workman
38 described the brownfields redevelopment grant funds the Hartz’ have accessed for analysis
39 of the economic development potential of the property at the northern terminus of Landmark
40 Drive. He described some of the potential economic benefits if Landmark Drive were
41 improved and referred to a diagram of the Landmark Drive area (Supplemental Agenda Item
42 #G.01).

43 There was discussion about wetlands implications on the Hartz property and the likelihood
44 of future development of the property to the north with the completion of road improvements.
45 There was discussion about the financing of the project.

1 **MOTION:** Councilor Edmonds moved, Councilor Causey second, to approve the Engineer's
2 Report for the proposed Landmark Drive Local Improvement District and direct staff to notice
3 a Public Hearing for July 13, 2020 to the affected property owners and the public. Motion
4 APPROVED 7-0 (Yes: Causey, Edmonds, Jones, Lehman, Low, Thomas and Niemann; No:
5 None.)
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7 **H. NEW BUSINESS**

8 **1. Council Terms Charter Amendment review of draft text** – Mr. Brewer reviewed the
9 options for charter amendment text based on the Council's May 11 meeting discussion.
10 There was discussion about the transition election options. Councilor Jones recommended
11 separate ballot measures be presented to the voters for each charter section amendment.
12 Mayor Niemann stated his position that this may not be the correct timing for proposing a
13 change. There was discussion about the development of the ballot language text and the
14 implementation of any change not actually taking effect until the 2022 election. There was
15 discussion about public feedback received to this point.

16 Ms. Post provided a summary of the calendar and deadlines for proceeding. Councilor
17 Edmonds noted the Strategic Plan objective related to a Charter amendment proposal. Mr.
18 Workman reviewed the reasons for the addition of the objective in the Strategic Plan. Staff
19 was directed to schedule a public hearing on June 22. There was additional discussion
20 about the options for Section 3.4.

21 **MOTION:** Councilor Jones moved to include the first option in Section 3.4. There was
22 discussion about the method of determining election to two or four year terms for the first
23 election. Mr. Brewer suggested drafting additional language for the Ad Hoc Committee to
24 review. Second by Councilor Thomas. Motion APPROVED 4-3 (Yes: Jones, Thomas,
25 Causey, and Low; No: Lehman, Edmonds, Niemann).

26 **2. OLCC Application from Eats & Treats** – Ms. Post summarized the application for off
27 premises liquor sales. Chief Rueben stated there was no disqualifying information related to
28 the business. There was discussion about the application and process.
29

30 **MOTION:** Councilor Thomas moved, Councilor Jones second, that the Philomath City
31 Council recommend approval of the OLCC liquor license application submitted by Eats and
32 Treats Café. Motion APPROVED 7-0 (Yes: Causey, Edmonds, Jones, Lehman, Low,
33 Thomas and Niemann; No: None.)

34 **MOTION:** Councilor Thomas moved, Councilor Lehman second, to waive the \$75 new liquor
35 license application for Eats and Treats Café. Motion APPROVED 7-0 (Yes: Causey,
36 Edmonds, Jones, Lehman, Low, Thomas and Niemann; No: None.)

37 **I. COUNCIL REPORTS**

38 **Councilor Low** – Councilor Low summarized the Philomath Community Services (PCS)
39 Annual Report included in the agenda packet. He noted that 73% of families served in 2019
40 had Philomath addresses. There was discussion about the association between the Linn-
41 Benton Food Share and PCS. There was discussion about the revenue sources utilized by
42 PCS, including grants, donations and in-kind contributions.
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44 **Councilor Edmonds** – Councilor Edmonds noted a slight increase in Philomath Connection
45 ridership (Information & Correspondence Agenda Item #K.01) and the potential for
46 additional ridership increases as the County moves into Phase 2 of reopening from the
47 COVID-19 restrictions.
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1 **Councilor Causey** – Councilor Causey reported on her support of a ballot measure to
2 increase the tax on cigarettes, cigars and e-cigarettes.

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4 **Councilor Thomas** – Councilor Thomas reported that the Corvallis Sewing Brigade has
5 donated over 27,000 masks and that they have a Go Fund Me page to contribute towards
6 material expenses. He reviewed the masks and face shields that have been made and
7 donated.

8
9 **Councilor Jones** – Councilor Jones suggested a need for increased public participation
10 methods while using the Zoom videoconferencing platform. Mayor Niemann recommended
11 continued caution on proceeding to in-person meetings. Councilor Thomas advocated for
12 continuing the meetings as-is and delaying in-person meetings at this time. There was
13 discussion about methods of taking public comments electronically. There was discussion
14 about eliminating the restriction on visitors' comments as implemented on Resolution P20-
15 03. Councilor Edmonds encouraged the need to identify visitors to ensure security.

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17 **MOTION:** Councilor Jones moved, Councilor Causey second, to eliminate the suspension of
18 verbal visitors' comments. Motion APPROVED 7-0 (Yes: Causey, Edmonds, Jones,
19 Lehman, Low, Thomas and Niemann; No: None.)

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21 **Mayor Niemann** – Mayor Niemann thanked the Philomath Community Church for support of
22 the Police Department during difficult times. He complimented Living Faith Community
23 Church for the landscaping makeover at the Post Office. He recognized the Church of Latter
24 Day Saints for the truckload of food donated to Linn-Benton Food Share. He recognized
25 Peace Lutheran Church for success in blood drives.

26 27 **J. STAFF REPORTS**

28 **1. City Manager** – Mr. Workman reported he would send the majority of his report via
29 email to the Council tomorrow. He reviewed an Intergovernmental Agreement request from
30 Benton County for a Community Development Block Grant from Business Oregon to support
31 small businesses and micro enterprises (Supplemental Agenda Item #J.01). Council gave
32 consensus to direct the City Manager to sign the IGA.

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34 **2. City Attorney** – Mr. Brewer reviewed the Oregon Court of Appeals decision on SB1573.

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

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38 **4. Police Chief** – No report.

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40 **5. City Recorder** – No report.

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42 **6. Public Works Director** – Mr. Fear reported hydrant flushing should be completed early
43 this week and the contractor on the Timber Estates sewer main project expects to be up to
44 the Timber Estates pump station by the end of the week.

45 **K. INFORMATION & CORRESPONDENCE**

46 **1. Philomath Connection ridership for May** – No additional comment.

47 **2. Finance & Administration Committee minutes of 5/19/2020** – No comment.

48 **3. LOC article on State revenue projections** – No comment.

49 **4. Email from City Attorney's Office regarding Oregon Court of Appeals decision on**
50 **SB 1573 lawsuit** – No additional comment.

51 **5. Letter of thanks from Vina Moses FISH** – No comment.

52 **6. Letter of thanks from ABC House** – No comment.

1 **7. Letter of thanks from Strengthening Rural Families – No comment.**

2 **8. Park Advisory Board minutes of 5/14/2020 – No comment.**

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4 Mr. Workman noted that the Philomath Chamber sent a thank you letter to the Council that
5 he will distribute tomorrow (Supplemental Agenda Item K.9).

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7 **L. EXECUTIVE SESSION**

8 **1. Per ORS 192.660(2)(h) Consultation with Legal Counsel with regard to litigation –**
9 Mayor Niemann read the Executive Session rules and moved the Council into Executive
10 Session via a Zoom breakout room at 9:35 p.m.

11 **ROLL CALL:**

12 Mayor Eric Niemann, Councilors Ruth Causey, Doug Edmonds, Chas Jones, Matt Lehman,
13 David Low, and Matthew Thomas.

14 Staff Present: City Manager Chris Workman, City Attorney Jim Brewer, Public Works
15 Director Kevin Fear and City Recorder Ruth Post.

16 **M. RECONVENE**

17 **1. Return to public session –** The Council reconvened in a public Zoom videoconference
18 meeting at 10:24 p.m.

19 Mr. Brewer recapped the Executive Session discussion regarding options on how to
20 proceed after the decision by the Oregon Court of Appeals on the City's SB 1573 lawsuit.

21 **MOTION:** Councilor Edmonds moved, Councilor Causey second, to not pursue the SB 1573
22 suit at this time. Motion APPROVED 6-1 (Yes: Causey, Edmonds, Jones, Low, Edmonds
23 and Niemann; No: Thomas.)

24 There was discussion about the importance of the will of the local voters and the need for
25 the Council to take available steps to preserve it. There was discussion about possible
26 amendments to the existing City Charter with regard to annexations and the best process for
27 reviewing those.

28 **MOTION:** Councilor Lehman moved, Councilor Edmonds second, to send the Charter
29 annexation language issue to the Planning Commission for further review. Motion
30 APPROVED 7-0 (Yes: Causey, Edmonds, Jones, Lehman, Low, Thomas and Niemann; No:
31 None.)

32 **N. ADJOURNMENT**

33 Seeing no further business, meeting adjourned at 10:36 p.m. by Mayor Niemann.

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Eric Niemann, Mayor

Ruth Post, MMC, City Recorder