

PHILOMATH CITY COUNCIL
MINUTES
June 27, 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, June 27, 2016,
8 at 7:06 p.m. in the Philomath City Hall Council Chambers by Mayor Rocky Sloan.
9

10 **2. ROLL CALL**

11 Present:

12 Mayor Rocky Sloan
13 Councilor Angie Baca
14 Councilor Doug Edmonds
15 Councilor Charla Koepp
16 Councilor Jason Leonard
17 Councilor Sean Manning
18 Councilor Eric Niemann
19

Excused:

20 Staff Present:

21 City Manager Chris Workman Police Chief Ken Rueben
22 Deputy City Attorney Dan Miller Public Works Director Kevin Fear
23 Finance Director Joan Swanson
24 City Recorder Ruth Post
25

26 **3. CONSENT AGENDA**

27 **3.1 City Council Minutes – June 13, 2016**

28
29 **MOTION:** Councilor Niemann moved, Councilor Leonard second, to approve the
30 consent agenda and the council agenda for June 27, 2016, as presented. Motion
31 APPROVED 7-0 (Yes: Baca, Edmonds, Koepp, Leonard, Manning, Niemann and
32 Sloan; No: None.)
33

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

35 **4.1** None.
36

37 **5. VISITORS/PETITIONS**

38 **5.1 Alan Lahey, Oregon Sequoia LLC, Philomath, OR** – Mr. Lahey requested an up
39 or down vote from the City Council for the extension of utilities to his property on North
40 7th Street. He stated he is also going before the Benton County Commissioners
41 regarding this matter. Mr. Miller stated the City Attorney Office's recommendation is that
42 the Council thank Mr. Lahey for his time. Mr. Lahey stated this makes the City
43 unresponsive and he disagrees with this and will be going before the Director of LCDC.
44 He stated he expects to be aggrieved to the tune of 7 figures because he is disabled and
45 has requested reasonable accommodation.
46

47 **6. STAFF REPORTS**

48 **6.1 City Manager** – No report.
49

50 **6.2 Public Works Director** – Excused.
51

1 **6.3 City Recorder** – Ms. Post thanked Councilor Baca for her dedication to the
2 community and contribution to the City Council for so many years. Ms. Post reported that
3 Councilor Edmonds has qualified for the November ballot for re-election to City Council.
4

5 **6.4 Finance Director** – Ms. Swanson thanked Councilor Baca for her service also.
6

7 **6.5 Chief of Police** – Excused.
8

9 **6.6 City Attorney** – No report.
10

11 **7. COUNCIL REPORTS**

12 **7.1** Councilor Baca stated she has had fun serving on the City Council and
13 encouraged anyone interested to consider serving.
14

15 **7.2** Councilor Edmonds stated he received an email from a citizen regarding bike
16 paths in relation to the Chapel Drive annexation request.
17

18 **7.3** Councilor Manning stated she had received a contact from members of the
19 Philomath Community Foundation regarding Mr. Holcombe's request at the June 13 City
20 Council meeting for a medical marijuana facility. She stated that the Foundation had
21 been approached by Mr. Holcombe but had not given the request their support.
22

23 **7.4** Councilor Niemann thanked the Corvallis Knights for their support of Philomath
24 and community organizations.
25

26 **8. NEW BUSINESS**

27 **8.1 City Council vacancy appointment** – Mr. Workman explained that one
28 application to fill Councilor Baca's position was received from Candy Koetz. Councilor
29 Edmonds questioned what made her interested in serving on the Council. Ms. Koetz
30 stated that she's served on the Budget Committee for a few years and it was suggested
31 that she consider applying for the Council.
32

33 **MOTION:** Councilor Koeppe moved, Councilor Manning second, the City Council
34 appoint Candy Koetz to fill the vacancy on the Philomath City Council effective July 1,
35 2016, for the remainder of the 2015-2016 term. Motion APPROVED 7-0 (Yes: Baca,
36 Edmonds, Koeppe, Leonard, Manning, Niemann and Sloan; No: None.)
37

38 **8.2 Review of proposed amendment to PMC 9.20 regarding criminal marijuana**
39 **offenses** – Mr. Miller summarized the timeline leading up to the proposed ordinances,
40 including the City Council work session held in March. Councilor Niemann questioned
41 how the ordinances compare to other municipalities. Mr. Miller stated they are
42 comparable. Councilor Edmonds stated the effective dates on #8.3, Pages 7 and 8,
43 need to be corrected. He also questioned the implications of the language regarding
44 crossing state lines. Mr. Miller explained that this language was pulled directly from the
45 state legislation, and the experience in other states that legalized recreational marijuana
46 before Oregon has been that a percentage of registered product disappeared and the
47 understanding is that it has traveled across state lines and into the black market.
48

49 **8.3 Review of proposed amendment to PMC 5.40 regarding marijuana facilities**
50 – Mr. Miller summarized that this ordinance amends PMC 5.40 to extend to all marijuana
51 facilities, instead of just medical marijuana. He stated there are no other major material
52 changes to the existing code.

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2 **8.4 Review of proposed adoption of PMC 5.70 regarding establishment of a**
3 **marijuana tax** – Mr. Miller explained that this is the ordinance that would allow the City
4 to tax marijuana sales within the city limits at the maximum 3% allowed by state statute.
5 He explained the state collects the tax on behalf of the City and noted that tax
6 ordinances are required to be referred to the voters. There was discussion about
7 adopting the tax so it is effective at such time that a facility or processor was located
8 within Philomath.
9

10 Mr. Workman explained that tonight would be just discussion and the ordinances would
11 come forward for a vote at the July 11 City Council meeting. Councilor Edmonds
12 requested confirmation that these ordinances create an umbrella of rules for marijuana
13 in Philomath. Mr. Miller confirmed that. Mr. Workman stated these rules are about selling
14 and criminal prosecution and options are continuing to be considered for warehousing
15 and manufacturing. He described concerns about allowances for minor retail associated
16 with warehousing and manufacturing that would need to be addressed in the City's
17 zoning code.
18

19 **9. RESOLUTIONS / ORDINANCES**

20 **9.1 Resolution 16-04 Transferring Appropriations in 2015-2016 Budget** – Ms.
21 Swanson explained June 30th is the end of the fiscal year 2015-2016 budget and some
22 departments are going to overspend on expenses. She reviewed the departmental
23 expenses that are going over and the reasons for those overages. She noted that the
24 total exceeds the \$50,000 available in contingency funds but additional funds are
25 available in the Municipal Court budget line for prisoner care.
26

27 **MOTION:** Councilor Edmonds moved, Councilor Niemann second, the City Council
28 approve Resolution 16-04 authorizing the transfer of appropriations. Motion APPROVED
29 7-0 (Yes: Baca, Edmonds, Koeppe, Leonard, Manning, Niemann and Sloan; No: None.)
30

31 **9.2 Resolution 16-05 Adopting 2016-2017 City Budget**

32 **9.3 Resolution 16-06 Appropriating 2016-2017 City Budget**

33 **9.4 Resolution 16-07 Imposing & Categorizing Taxes**

34 **9.5 Resolution 16-08 Electing to Receive State Revenue Sharing Funds** – Ms.
35 Swanson explained this is the fiscal year 2016-2017 budget that was approved by the
36 Budget Committee and presented at the June 13 City Council public hearing.
37

38 **MOTION:** Councilor Baca moved, Councilor Edmonds second, the City Council approve
39 Resolutions 16-05, 16-06, and 16-07 adopting the 2016-2017 budget, making
40 appropriations and imposing and categorizing taxes. And further moved the City Council
41 approve Resolution 16-08 declaring the City's election to receive state revenue. Motion
42 APPROVED 7-0 (Yes: Baca, Edmonds, Koeppe, Leonard, Manning, Niemann and
43 Sloan; No: None.)
44

45 **High School Swimming Pool** – Melissa Goff, Superintendent, Philomath School District
46 – Ms. Goff thanked the Council for their consideration of her request at the June 13
47 meeting regarding the swimming pool.
48

49 **10. ADJOURNMENT**

50 **10.1 Adjournment** – Seeing no further business, Mayor Sloan adjourned the meeting
51 at 7:41 p.m.
52

1 SIGNED:
2 Rocky Sloan, Mayor

ATTEST:
Ruth Post, MMC, City Recorder