

**PHILOMATH CITY COUNCIL
REGULAR MEETING
MINUTES
August 10, 2020**

A. ROLL CALL

The City Council of the City of Philomath was called to order by Council President David Low on Monday, August 10, 2020 at 7:00 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 with limited capacity available 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.

Present:

Council President David Low
Councilor Ruth Causey
Councilor Doug Edmonds
Councilor Chas Jones
Councilor Matt Lehman
Councilor Matthew Thomas

Absent:

Mayor Eric Niemann

Staff Present:

City Manager Chris Workman
City Attorney Jim Brewer
Finance Director Joan Swanson
Public Works Director Kevin Fear
City Recorder Ruth Post

Staff Absent:

Chief of Police Ken Rueben

B. CONSENT AGENDA

1. City Council minutes of July 13, 2020

MOTION: Councilor Edmonds moved, Councilor Causey second, to approve the consent agenda and meeting agenda for the August 10, 2020 meeting as presented. Motion APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Lehman, Low, and Thomas; No: None).

C. ITEMS REMOVED FROM CONSENT AGENDA

None.

D. PUBLIC HEARING

1. Formation of Landmark Drive Local Improvement District – Council President Low opened the public hearing at 7:05 p.m.

Mr. Workman reviewed the purpose of the public hearing as an opportunity for the property owners on Landmark Drive to address the proposed local improvement district. He noted the receipt of two letters of written testimony that were received, one from Shane McConell included in the packet and from Alan Wells (Supplemental Agenda Item 4.1) on behalf of several property owners. He reviewed the concerns that have been raised.

Peggy Yoder, Philomath, OR — Ms. Yoder stated concerns about the scope of the project and forcing property owners to participate. She stated she didn’t believe the street improvements would benefit the City and recommended that the Council abandon the project.

Alan Wells, Philomath Self-Storage, LLC – Mr. Wells stated support for the project and the potential for business development on the property at the northern end. He described the

1 need for the street to be developed for the economic development benefit to both the
2 existing businesses and the vacant property.

3
4 Councilor Edmonds described his conversation with Barbara Hartz. He reviewed that the
5 next step is to proceed with a detailed engineering report.

6
7 Mr. Wells clarified that his comments represented the owners of all of the other properties
8 except McConell's. He referenced the letter submitted just prior to the meeting
9 (Supplemental Agenda Item #D.04).

10
11 Barbara Hartz, Landmark Realty – Ms. Hartz described the benefit that McConell's property
12 would receive from an improved street. She stated this project is a win for the property
13 owners and for the City with the potential for increased employment.

14
15 Anissa Teslow Cheek – Ms. Cheek questioned who and when someone is allowed to speak
16 during a public hearing. Council President Low described the intent of a public hearing as
17 being to allow people to speak. There was discussion about the process for speaking and
18 allowing for people to speak if they wish.

19
20 Seeing no one wishing to give further testimony, Council President Low closed the public
21 hearing at 7:24 p.m.

22
23 Mr. Workman reviewed the next steps for the potential district and budget considerations.

24
25 **MOTION:** Councilor Edmonds moved, Councilor Causey second, the City Council proceed
26 with improvements to Landmark Drive as described in the Engineer's Report and direct staff
27 to establish a recommended timetable for completion of this project with the considerations
28 the City Manager described in terms of timetable and constraints.

29
30 Mr. Workman reviewed the access of the two McConell lots and options related to them.
31 There was discussion about the northern lot of the two being included in the assessment,
32 but the property fronting on Highway 20/34 could be excluded if there was no access
33 provided on Landmark Drive.

34
35 There was discussion about the engineer's preliminary cost estimates, and the additional
36 verification that needs to be completed to refine the estimate. There was discussion about
37 budget considerations for engineering services. There was additional discussion about
38 precluding access onto Landmark Drive for McConell's property if the front lot were excluded
39 from the district.

40
41 **MOTION TO AMEND:** Councilor Lehman moved, Councilor Causey second, to amend the
42 motion to remove Tax map 12-5-07BC Tax Lot 13100 from the Landmark Drive Local
43 Improvement District assessment with the stipulation that a restriction be recorded against
44 the property prohibiting access via Landmark Drive in a form acceptable to the City. Motion
45 APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Lehman, Low and Thomas; No: None).

46
47 **AMENDED MOTION:** Councilor Edmonds moved, Councilor Causey second, the City
48 Council proceed with improvements to Landmark Drive as described in the Engineer's
49 Report except removing Tax Map 12-5-07BC Tax Lot 13100 from the Landmark Drive Local
50 Improvement District assessment with the stipulation that a restriction be recorded against
51 the property prohibiting access via Landmark Drive in a form acceptable to the City; and
52 further moved, to direct staff to establish a recommended timetable for completion of this

1 project with the considerations the City Manager described in terms of timetable and
2 constraints. Amended Motion APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Lehman,
3 Low and Thomas; No: None).
4

5 Mr. Workman reviewed the next steps for the project include contacting the City's
6 engineering firm.
7

8 **E. VISITORS COMMENTS**

9 1. Julie Jackson, Republic Services – Ms. Jackson reviewed the steps that Republic
10 Services has taken to provide additional services to meet the increase in residential needs
11 during the pandemic. She described the additional benefits that have been provided to their
12 employees to encourage them to spend money locally. Councilor Edmonds thanked
13 Republic Services for the acts of kindness that have been displayed. Councilor Causey
14 extended her thanks. Ms. Jackson summarized the service swings that have occurred in
15 commercial and industrial needs. Council President Low stated appreciation for the
16 continued recycling efforts and that Republic Services feels like a local company.

17 2. Jessica Andrade, Philomath, OR – Ms. Andrade made an acknowledgement statement
18 that the City is on occupied lands. She made three requests of the Council regarding
19 meeting protocols including incorporating land acknowledgments into City meetings and
20 events to create a more inclusive environment and to recognize that systems of oppression
21 have led to the benefit of those who are currently Philomath residents. She also requested
22 allowing for public comments after Council discussions take place and before any voting by
23 the Council, and that the chat box option be opened during Zoom meetings to provide
24 additional avenues for public comments.

25 2. Anissa Teslow Cheek, Philomath, OR — Ms. Teslow Cheek provided history on the
26 lands that the residents of the City currently live, work and play on amongst Indigenous
27 people to provide awareness and education of their history of genocide and the current
28 epidemic of missing and murdered peoples they are facing. She noted that the City Council
29 meeting is part of the outcome of colonization and the residents have benefited from the
30 genocide, murder and abduction of Indigenous people. She reviewed the history of the
31 Treaty of 1855 forcibly removing Indigenous people from this property and the current status
32 of the descendants making up the Confederated Tribe of the Siletz Indians of Oregon and
33 the Confederated Tribes of Grande Ronde Community of Oregon. Ms. Teslow Cheek
34 recognized the financial contributions the Confederated Tribe of the Siletz Indians have
35 made to the community. She described the value of making such a land acknowledgment at
36 the beginning of all City meetings and gatherings. She requested the City provide the
37 community with more resources related to COVID. She described the difficulties navigating
38 the City's website and the need for the COVID-19 section to be updated pending a more
39 thorough website upgrade. She requested bi-weekly newsletters instead of monthly to
40 provide resources on a timely basis. She described her personal skills as a resource
41 navigator and recommended the City establish a resource navigator position paid for out of
42 budget contingency funds.

43 **F. NEW BUSINESS**

44 1. **Charter Amendment Voters' Pamphlet Explanatory Statement** – Mr. Brewer
45 reviewed the word limitations and purpose of the explanatory statement to go into the voters'
46 pamphlet.
47

48 There was discussion about adding a sentence to numeration #4 regarding the six month
49 residency for appointive positions remaining unchanged. Mr. Brewer suggested adding: The
50 residency requirement for appointive positions will continue to be six months.

1
2 **MOTION:** Councilor Edmonds moved, Councilor Causey second, to add the sentence: The
3 residency requirement for appointive positions will continue to be six months. Motion
4 APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Lehman, Low and Thomas; No: None).

5
6 **MOTION:** Councilor Lehman moved, Councilor Edmonds second, to approve the draft
7 explanatory statement for the November Ballot Measure as amended. Motion APPROVED
8 6-0 (Yes: Causey, Edmonds, Jones, Lehman, Low and Thomas; No: None).

9
10 **2. Planning Commission vacancy** – Mr. Workman stated appreciation of Ms. Jeannine
11 Gay in her service on the Planning Commission and her years of service to the community
12 as Mayor, Councilor and on the Commission. He reviewed the balance of the term to be
13 completed by an appointee. Councilor Edmonds expressed his appreciation for Ms. Gay's
14 service.

15
16 **MOTION:** Councilor Edmonds moved, Councilor Jones second, the City Council thank
17 Planning Commissioner Jeannine Gay for her service to the City and Philomath residents
18 throughout the time she served, and direct staff to advertise the vacancy in order to fill the
19 position at the next meeting of the City Council. Motion APPROVED 6-0 (Yes: Causey,
20 Edmonds, Jones, Lehman, Low and Thomas; No: None).

21
22 **3. LOC Annual meeting voting delegate designation** – Council President Low reviewed
23 the conference business meeting and the purpose of the voting representative. He noted
24 that Mayor Niemann has offered to serve as the delegate. Council agreed by consensus to
25 designate Mayor Niemann as the City's voting delegate.

26
27 **4. Coronavirus Relief Fund Reimbursement Request and Emergency Relief**
28 **Programs** – Mr. Workman summarized the different types of expenses that the City can
29 request reimbursement for under the CARES Act. He reviewed the increased traffic to the
30 City's website and limitations of the existing website and the potential for upgrading the
31 website before the end of the year. He reviewed the potential to provide utility bill assistance
32 to customers who have fallen behind, small business relief and social services relief.

33
34 There was discussion about the City's current website provider, GovOffice. There was
35 discussion about accessibility issues that could be addressed through a compliant website.
36 There was discussion about the customers who have fallen behind on their utility billings
37 and those who may fall behind in the upcoming months. Ms. Swanson suggested that the
38 Finance & Administration Committee could develop a criteria for assistance. There was
39 discussion about the current allocation of funds designated for the City through the CARES
40 Act. There was more discussion about utility billing assistance now and in the coming
41 months. Councilor Thomas pointed out that many people on unemployment just lost the
42 supplemental \$600 per week benefit.

43
44 There was discussion about contributing to the local small businesses and the benefits that
45 have already been provided to the local social service agencies. There was discussion
46 about each of the options and about providing assistance to businesses and social service
47 agencies. Ms. Swanson described the outstanding services provided by We Care and Vina
48 Moses in assisting utility customers. She stated concerns about timelines involved and the
49 benefit of general guidelines coming from the Council.

1
2 Mr. Workman described the prioritization that the different potential expenses were
3 presented in.

4
5 **MOTION:** Councilor Jones moved, Councilor Lehman second, the City Council direct staff to
6 submit reimbursement for City Incurred Expenses of \$18,500 related to the coronavirus
7 pandemic while also covering the estimated future city expenses of \$10,000 as described in
8 Item #2. Motion APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Lehman, Low and
9 Thomas; No: None).

10
11 There was discussion about the process of accounting for funds contributed for the payment
12 of utility bills.

13
14 **MOTION:** Councilor Lehman moved, Councilor Edmonds second, the City provide funds to
15 Vina Moses in the amount of \$25,000 to assist Philomath customers that are delinquent in
16 their utility payments or other support for Philomath citizens that are COVID related.

17
18 There was additional discussion about different allocation options related to the utility billing
19 funding assistance and using the Finance & Administration Committee to make allocations.
20 Councilor Lehman agreed to reduce the amount to \$20,000 and Councilor Edmonds
21 concurred.

22
23 **MOTION:** Councilor Lehman moved, Councilor Edmonds second, the City provide funds to
24 Vina Moses in the amount of \$20,000 to assist Philomath customers that are delinquent in
25 their utility payments or other support for Philomath citizens that are COVID related. Motion
26 APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Lehman, Low and Thomas; No: None).

27
28 There was discussion about allocations for small business relief and social service agency
29 relief.

30
31 **MOTION:** Councilor Low moved, Councilor Edmonds second, to start the small business
32 relief program and social service relief program, both of which address COVID-19 related
33 needs with 75% of the approximately \$95,000 available allocated to the small business relief
34 program and 25% to the social service relief fund.

35
36 There was discussion about changing the allocation to 70% and 30%. Councilors Low and
37 Edmonds agreed to that allocation.

38
39 **MOTION:** Councilor Low moved, Councilor Edmonds second, to start the small business
40 relief program and social service relief program, both of which address COVID-19 related
41 needs, with 70% of the approximately \$95,000 available to the small business relief program
42 and 30% to the social service relief fund. Motion APPROVED 6-0 (Yes: Causey, Edmonds,
43 Jones, Lehman, Low and Thomas; No: None).

44
45 *Council President Low called a break at 9:18 p.m. Council reconvened at 9:27 p.m.*

46
47 **G. OLD BUSINESS**

48 **1. Inclusivity Ad Hoc Committee next steps** – Councilor Causey stated support for
49 continuing the Committee.

1
2 **MOTION:** Councilor Causey moved, Councilor Jones second, for the Inclusivity Ad Hoc
3 Committee to continue to meet on a monthly basis.
4

5 Councilor Thomas stated confusion that one specific group was singled out in the resolution
6 based on the color of their skin. Councilor Causey stated there is no intent to exclude
7 anyone, but the focus on Black people was stimulated by the murder of a Black man. There
8 was additional discussion. Councilor Jones described the effort as a moment in time to
9 recognize that Black people are hurting and need evidence that their lives matter.
10

11 Mr. Brewer reviewed the basis of a standing committee being created by ordinance.
12 Councilor Jones stated support for the Committee to continue to develop goals and
13 priorities. Councilor Low described the value of the Committee. There was discussion about
14 the intent of the resolution. Councilor Edmonds questioned if there has been any other
15 feedback since the passage of the resolution. Councilor Jones described the direct feedback
16 the Committee members have received.
17

18 Motion APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Lehman, Low and Thomas; No:
19 None).
20

21 There was discussion about Zoom meeting procedures and the practice of muting videos or
22 not muting them for attendees other than the Council and staff. It was agreed that all videos
23 could remain unmuted as long as there were no distractions.
24

25 **H. ORDINANCES & RESOLUTIONS**

26 **1. Resolution 20-13 Assigning Skirvin Park to the City/School Rate for water**
27 **consumption** – Council President Low recused himself due to a conflict of interest because
28 his son-in-law is the Philomath Youth Activities Club (PYAC) Director. Councilor Edmonds
29 stepped in as the meeting Chair.

30 Mr. Workman introduced Executive Director Eddie Van Vlack. Mr. Van Vlack described
31 concerns about the cost of PYAC paying for an additional water meter to specifically serve
32 the proposed new baseball fields at Skirvin Park. There was discussion about the cost of a
33 meter and system development charges totaling approximately \$10,000. Mr. Fear noted
34 there would be an additional cost for installation of the water service itself.

35 There was discussion about the cumulative costs associated with putting a new meter in.
36 There was discussion about the Finance & Administrations concerns that led to the
37 recommendation for a separate meter. There was discussion about how long it would take
38 for the discounted rate to recoup the up-front expenses and a brief discussion about City
39 water rights in the Marys River. Ms. Swanson noted that use of General Fund contingency
40 funds could be an option to donate to PYAC for the up-front expenses.

41 There was discussion about the timeline for development of the new baseball fields and
42 about options in installing meters. There was discussion about the City potentially installing
43 the service on City property and the Municipal Code exempting the City from the SDC fees.
44 There was discussion about permitting costs, installation costs, and bringing the water
45 service from the east side of South 13th Street.

1 Mr. Brewer recommended the issue be tabled for further investigation. Councilor Edmonds
2 recommended tabling the agenda item until the next Council meeting. Councilor Lehman
3 suggested using a usage tier for applying the irrigation rate.

4 **MOTION:** Councilor Lehman moved, Councilor Causey second, to amend Resolution 20-13
5 to eliminate the requirement for a 2nd water meter and bill water to the Frolic grounds during
6 the designated months of irrigation with the first 200 units at the regular rate, the next 1,000
7 units at the discounted rate and anything beyond that at the regular rate. Motion
8 APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Lehman and Thomas; No: None;
9 Abstained: Low).

10 **MOTION:** Councilor Lehman moved, Councilor Causey second, to approve Resolution 20-
11 13 as amended. Motion APPROVED 5-0 (Yes: Causey, Edmonds, Jones, Lehman, and
12 Thomas; No: None. Abstained: Low.)

13 **G. OLD BUSINESS (continued)**

14 **1. Inclusivity Ad Hoc Committee:** Council President Low read a statement from Mayor
15 Niemann regarding rotating the membership of the Inclusivity Ad Hoc Committee and future
16 direction (Supplemental Agenda Item #7.01). There was discussion about rotating
17 membership or maintaining the current membership at this time. There was discussion
18 about the Committee continuing to meet to develop direction.

19 **MOTION:** Councilor Thomas moved, Councilor Low second, to table the rotation of the
20 Inclusivity Ad Hoc Committee until the next City Council meeting. Motion APPROVED 6-0
21 (Yes: Causey, Edmonds, Jones, Lehman, Low and Thomas; No: None).

22 **I. COUNCIL REPORTS**

23 **1. Councilor Causey –** Councilor Causey reviewed the Planning Commission’s concerns
24 regarding a Transportation Growth Management grant that the Commission had supported
25 applying for as outlined in the letter from the Planning Commission included in the agenda
26 packet. She stated she has requested the City Manager generate a list of grant applications
27 that have been applied for on a quarterly basis.

28
29 Mr. Workman described the timeline of having originally gotten approval of the code review
30 grant followed immediately by the comprehensive plan grants that provided for the update of
31 the comprehensive plan. He agreed that the request for a quarterly update of grants is a
32 good suggestion. He discussed communications with the Council regarding the grant status
33 and the decision not to pursue the TGM grant. Councilor Causey agreed that the current
34 project load would not support pursuing the TGM grant at this time. There was discussion
35 about tracking grants and applications. There was discussion about bringing the topic back
36 to the next meeting.

37
38 **Councilor Thomas –** Councilor Thomas responded to comments made during Visitors
39 Comments and stated he is not ashamed of who he is or where he came from. He described
40 Indigenous people as also having originally come from another location and that he would
41 not be shamed into feeling bad about living in Philomath where others once lived.

42
43 **Council President Low –** Council President Low acknowledged the outreach to local
44 Indigenous tribes that has occurred at the Council level within the past two years, including
45 the recognition of the Siletz Tribe that Mayor Niemann organized in 2019. He noted the
46 Siletz Tribe has been good partners to Philomath Community Services. Councilor Jones

1 noted the partnership of the Siletz Tribe with the School District to allow for continuation of
2 the school mascot.

3
4 **Councilor Edmonds** – Councilor Edmonds reviewed the Philomath Connection bus
5 ridership statistics.

6
7 **Councilor Thomas** – Councilor Thomas reported upwards of 45,000 masks have now been
8 donated by the Corvallis Sewing Brigade.

9
10 **J. STAFF REPORTS**

11 **1. City Manager** – No report.

12 **2. City Attorney** – No report.

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

14 **4. Police Chief** – Excused.

15 **5. City Recorder** – No report.

16 **6. Public Works Director** – Mr. Fear reported the Timber Estates pump station is now
17 officially abandoned and the Newton Creek Estates sewer line extension is complete. He
18 also reported that the 13th Street waterline is finished and they are performing the final walk-
19 through of the Public Works lot paving to wrap up several projects.

20 **K. INFORMATION & CORRESPONDENCE**

21 **1. Park Advisory Board minutes of July 9, 2020**

22 **2. Park Advisory Board minutes of July 23, 2020**

23 **3. Police Department Committee minutes of July 14, 2020**

24 **4. Finance & Administration Committee minutes of July 22, 2020**

25 **5. Philomath Scout Lodge newsletter**

26 **6. Budget update: June 30, 2020 comparison to last year**

27 **7. Philomath Connection bus ridership for July 2020**

28 **8. Police Department Committee minutes of May 19, 2020**

29
30 **L. ADJOURNMENT**

31 Seeing no further business, meeting adjourned at 11:07 p.m. by Council President Low.

32
33 _____
34 David M. Low, Council President

Ruth Post, MMC, City Recorder