

**PHILOMATH COMMON COUNCIL**  
**MINUTES**  
**October 14, 2013**

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6 **1. CALL TO ORDER**

7 The common council of the City of Philomath was called to order on Monday, October  
8 14, 2013, at 7:00 PM in the Philomath City Hall Council Chambers by Mayor Rocky  
9 Sloan.

10  
11 **Present:** Mayor Rocky Sloan, Councilors Nolan Bartlow, Matt Bierek, Charla Koeppe,  
12 Sean Manning and Jason Leonard (7:09 p.m.).

13  
14 **Staff:** Randy Kugler, City Manager; Jim Brewer, City Attorney; Ken Elwer, Chief of  
15 Police; Joan Swanson, Finance Director; Kevin Fear, Public Works Director and  
16 Ruth Post, City Recorder.

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18 Mayor Sloan requested everyone stand for a moment of silence in honor of  
19 Philomath resident, U.S. Army Specialist Cody Patterson, killed in combat on  
20 October 6, 2013.

21  
22 **2. CONSENT AGENDA**

23 **2.1 City Council Minutes – September 9, 2013**

24  
25 **MOTION:** Councilor Koeppe moved, Councilor Manning second, to approve the  
26 consent agenda and the council agenda for October 14, 2013, as presented.  
27 Motion APPROVED 5-0 (Yes: Bartlow, Bierek, Koeppe, Manning, and Sloan; No:  
28 None.)

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30 **3. ITEMS REMOVED FROM CONSENT AGENDA**

31 **3.1 None.**

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33 **4. RESOLUTION IN MEMORIAM**

34 **4.1 Resolution in Memoriam Honoring Spc. Cody J. Patterson –** Mayor Sloan  
35 read the resolution honoring Philomath resident Spc. Cody Patterson who was  
36 killed in action on October 6, 2013. Staff was directed to deliver a signed copy of  
37 the resolution to Spc. Patterson's family.

38  
39 **5. VISITORS/PETITIONS**

40 **5.1 Van Hunsaker, Philomath Community Services Vice President, Philomath, OR –**  
41 Mr. Hunsaker distributed a letter requesting improvements to South 9th Street to  
42 assist their customers in coming and going from their facility. He stated the  
43 current status of the street is unsafe for their customers due to the gravel surface  
44 and poor lighting. He stated he understands it is a short street and it would take a  
45 substantial time period to complete any improvements. He suggested that the  
46 adjacent property owners could contribute to the improvements, including them.  
47 He noted that most of their driveway belongs to the City. He requested that the  
48 City consider interim measures to make short term improvements, particularly a  
49 street light located near their driveway.

50  
51 *Councilor Leonard arrived at 7:09 p.m.*

52 Mr. Kugler described some of the challenges with chip sealing due to industrial  
53 traffic on that street by Cantrell Trucking and Hughes Excavating. He also noted

1 that a street light was installed several years ago near the entrance to their  
2 parking lot. Mayor Sloan stated that M&W Electric did donate installation of a  
3 light pole and Pacific Power donated the light in the parking lot several years  
4 ago. Mr. Hunsaker stated he would check on the street light. Mr. Kugler also  
5 noted if the City sees development down the road, system development charges  
6 could be a source of funding; but without that, current funding levels would make  
7 any improvements a challenge. He stated that improvement of the street would  
8 also result in the adjacent property owners being required to install sidewalks,  
9 resulting in another expense. He suggested that the project could be considered  
10 to put on the SDC improvement schedule.

## 11 12 **6. STAFF REPORTS**

13 **6.1 City Manager** – Mr. Kugler updated the Council on the park shelter. He  
14 explained the delay due to the death of the general contractor Dan McGarry from  
15 LND Construction. He stated that he is meeting this Thursday with the lead  
16 foreman from LND to set a new schedule. He noted that paper is on the roof and  
17 Alamo Roofing will be proceeding with that job. He stated that LND has already  
18 contacted RG Smith for the electrical and plumbing. Mr. Kugler also thanked the  
19 Council and staff for nominating him for the League of Oregon Cities Herman  
20 Kehrl Award. He also thanked those that were able to attend the awards  
21 ceremony. He was appreciative of the effort that went into him receiving the  
22 award.

23  
24 **6.2 Public Works Director** – Mr. Fear reported the Applegate Street Project is  
25 nearly completed and there is just some cleanup to wrap up. He also reported  
26 that he is working on an Arboricultural Manual and Urban Forestry Plan for the  
27 City's tree program and has submitted the draft to Bill Dunn from Dunn &  
28 Company Tree Service for review. He stated this will next go to the Public Works  
29 Committee. He also reported that leaf pickup by Republic Services will be on two  
30 Thursdays, November 14 and December 12 this year.

31  
32 **6.3 City Recorder** – Ms. Post reminded the Council that their regular meeting date  
33 on November 11 is a holiday. By consensus, Council agreed to not meet on  
34 November 11 and will meet on the second meeting date of the month, November  
35 25th.

36  
37 **6.4 Finance Director** – No report.

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39 **6.5 Police Chief** – Chief Elwer reported that he is now coordinating with Captain  
40 Hanson on arrangements for the upcoming memorial service and motorcade  
41 honoring Specialist Cody Patterson. He reported that the memorial service will be  
42 on Sunday, November 20, at 2:00 p.m. at the LaSells Stewart Center at OSU. He  
43 stated that the details of the motorcade for the arrival of Cody's remains will be  
44 announced as soon as they are available. What is known at this point is that  
45 his remains will be flown into the Corvallis Municipal Airport and brought through  
46 Philomath before being taken to McHenry Funeral Home. He stated that people  
47 will be able to line up anywhere on Main Street to observe the passing of the  
48 motorcade and pay respects. He stated there will be no additional motorcade  
49 after the memorial service. He also announced that Sergeant Sytsma will be  
50 retiring on December 31 and the position will be posted beginning next week. He  
51 stated the posting will stay open for approximately a month before beginning the  
52 testing and oral boards process.  
53

1           **6.6 City Attorney** – No report.  
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3       **7. COUNCIL REPORTS**

4           **7.1 Mayor Sloan** – Mayor Sloan stated Randy represented Philomath well at the  
5           LOC Awards ceremony.  
6

7       **8. NEW BUSINESS**

8           **8.1 Republic Services rate index proposal** – Mr. Kugler provided a brief history of  
9           the last rate increase negotiations with Republic Services and the idea of  
10           adopting a rate index proposal that was initially presented during those  
11           negotiations. He reviewed the Finance/Administration Committee's  
12           recommendations and requests that the franchise agreement be reviewed for  
13           additional services provided to the City that should be included in the agreement.  
14           He reviewed the proposal and the additional proposed franchise agreement  
15           amendments. He noted the graph in the packet showing the history of rate  
16           increases compared to increases that would have been implemented using a  
17           Refuse Rate Index (RRI) and that the difference is negligible. He stated that the  
18           current franchise agreement is a 1988 document and recommended reworking it  
19           during this process. He suggested if Council can come to agreement about the  
20           RRI proposal, he would bring a new franchise agreement to the Council for  
21           consideration. Councilor Manning questioned if this is a streamlining measure.  
22           Councilor Koeppel stated it is. Mr. Kugler stated this allows Republic to implement  
23           a rate change automatically, instead of coming to the Council every 2 to 3 years  
24           for larger increases. He suggested that Republic has avenues to communicate  
25           the rate increases to customers. Mayor Sloan stated this is a more efficient  
26           process than the every two to three years negotiations. Councilor Bierek agreed  
27           that the franchise agreement should be updated after 25 years.  
28

29           **MOTION:** Councilor Bierek moved, Councilor Leonard second, that the City  
30           Council instruct the City Manager to amend the franchise agreement with  
31           Republic Services per the recommendations of the Finance/Administration  
32           Committee and prepare an adopting ordinance for Council review. Motion  
33           APPROVED 6-0 (Yes: Bartlow, Bierek, Leonard, Koeppel, Manning, and Sloan;  
34           No: None.)  
35

36           **8.2 City Council Vacancy** – Mr. Kugler explained the process that has been used in  
37           the past to fill a Council vacancy as outlined in his memorandum. He stated that  
38           one application for the position has already been received. Ms. Post stated that  
39           past City Councilor Angie Baca has submitted an application for the position and  
40           understands that it will be opened for additional applicants. Council consensus  
41           was to open the vacancy for applications to be considered at the November 25  
42           meeting.  
43

44       **9. ORDINANCES/RESOLUTIONS**

45           **9.1 Ordinance #785 amending PMC 3.20, Public Contracting Procedures** – First  
46           Reading – Mr. Brewer read the proposed ordinance twice by title. Mr. Brewer  
47           noted one correction to Exhibit "A" of the proposed ordinance, Section I(3) should  
48           read: "Public Contracts Valued \$150,000 or More. A public contract for an  
49           amount which is valued at One Hundred Fifty Thousand Dollars or more, shall be  
50           awarded ..."

1  
2 **ROLL CALL VOTE:** Yes: Bartlow, Bierek, Koeppe, Leonard, Manning and Sloan.  
3 No: None. Ordinance approved unanimously at first reading, effective October  
4 14, 2013.  
5

- 6 **9.2 Resolution #13-10 Setting fees for certain services, licenses and permits –**  
7 Mr. Kugler explained that these are the fees that were reviewed at the  
8 September 9 Council meeting.  
9

10 **MOTION:** Councilor Manning moved, Councilor Bierek second, the Philomath  
11 City Council approve Resolution 13-10, repealing Resolution 11-03 and setting  
12 fees for certain services, licenses and permits. Motion APPROVED 6-0 (Yes:  
13 Bartlow, Bierek, Koeppe, Leonard, Manning and Sloan. No: None.)  
14

- 15 **9.3 Resolution #13-11 Assessing and recording liens for construction of**  
16 **private sewer laterals –** Ms. Swanson explained the process for the  
17 construction and billing for the private sewer laterals replaced during the  
18 Applegate Street Project. She noted that a revised resolution has been  
19 distributed due to receipt of one full and one partial payment this week.  
20

21 **MOTION:** Councilor Koeppe moved, Councilor Bartlow second, the City Council  
22 approve Resolution 13-11 to assess property owners the cost of constructing  
23 private sewer lateral lines, and recording the liens in the Benton County lien  
24 records. Motion APPROVED 6-0 (Yes: Bartlow, Bierek, Koeppe, Leonard,  
25 Manning and Sloan. No: None.)  
26

27 There was discussion about the overall success of the Applegate Street Project.  
28 Councilor Koeppe stated a concern about speeds increasing due to the new  
29 asphalt.  
30

31 **10. INFORMATION/CORRESPONDENCE**

- 32 **10.1 Memo from City Manager regarding history of accomplishments –** No  
33 comments.  
34 **10.2 Thank you from PDA for continued support –** No comments.  
35 **10.3 CWACT Notes from August 29, 2013, meeting –** No comments.  
36 **10.4 Philomath Connection ridership for September 2013 –** No comments.  
37 **10.5 Website report for September 2013 –** No comments.  
38 **10.6 Thank you from Ken and Carol Stueve –** Councilor Koeppe stated that Ken  
39 and Carol Stueve will be honored at the October Frolic Committee meeting.  
40 **10.7 City Manager recruitment survey responses –** No comments.  
41 **10.8 Philomath Connection new outbound route poster –** No comments.  
42

43 **11. EXECUTIVE SESSION**

- 44 **11.1 ORS 192.660(2)(a) Employment of Public Officers, Employees and Agents –**  
45 At 7:50 p.m., Mayor Sloan read the criteria for the Executive Session and  
46 excused the public from attendance.  
47

48 **Present:** Mayor Rocky Sloan, Councilors Nolan Bartlow, Matt Bierek, Charla Koeppe,  
49 Jason Leonard, and Sean Manning.  
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