



AGENDA PHILOMATH CITY COUNCIL

December 9, 2019
Council Chambers; Philomath City Hall

Mission: To promote ethical and responsive municipal government which provides its citizenry with high quality municipal services in an efficient and cost effective manner.

WORK SESSION 5:30 P.M.

- A. ROLL CALL
- B. WORK SESSION
 - 1. Review of 2019 Strategic Plan
- C. ADJOURNMENT

REGULAR MEETING 7:00 P.M.

- A. SPECIAL MUSIC
 - 1. Philomath Elementary School Falcon Singers
- B. ROLL CALL
- C. CONSENT AGENDA

The following items are considered to be routine and will be enacted in one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered under Agenda Item C. If any item involves a potential conflict of interest, Council members should so note before adoption of the Consent Agenda.

 - 1. City Council minutes of November 12, 2019
 - 2. City Council minutes of November 25, 2019
- D. VISITORS COMMENTS

Any citizen attending Council meetings may speak on any item on the agenda, unless it is the subject of a public hearing which has already been closed. If you wish to speak, please complete a Speaker Request Form and turn in to the City Recorder prior to roll call. Testimony time is limited to 5-minutes or as announced at the meeting per speaker.
- E. OLD BUSINESS
 - 1. IGA forming Mid-Valley Prosperity Partnership Economic Strategy and Action Plan 2019 – Discussion and decision
- F. NEW BUSINESS
 - 1. City Council vacant position -- Interviews and decision
- G. COUNCIL REPORTS
- H. STAFF REPORTS
 - 1. City Manager
 - 2. City Attorney
 - 3. Finance Director
 - 4. Police Chief
 - 5. City Recorder
 - 6. Public Works Director

I. INFORMATION & CORRESPONDENCE

1. Philomath Connection ridership for November
2. City website statistics for November
3. Planning Commission minutes of November 12, 2019
4. Planning Commission minutes of November 18, 2019

J. EXECUTIVE SESSION

1. Per ORS 192.660(2)(I): Performance Evaluations of Public Officers and Employees

The Philomath City Council will meet in executive session for the purpose of discussing performance evaluations of public officers and employees. The executive session is held pursuant to ORS 192.660(2)(i) which allows the City Council to meet in executive session to conduct this discussion.

Representatives of the news media and designated staff and other designated persons are allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No final decision may be made in executive session. At the end of the executive session, the Council will return to open session and welcome any waiting audience back into the room.

Council members and staff are reminded that the confidences in this executive session belong to the City Council as a body, and not to the individual members. These confidences should only be disclosed if the Council as a body approves such a disclosure. If a member or staff person does not believe that he or she can maintain these confidences, then they are would invited not to participate in the executive session.

K. RECONVENE IN GENERAL SESSION

1. Public invited to return

L. ADJOURNMENT

CITY MEETING/EVENTS SCHEDULE

(As of 12/04/19)

DECEMBER 2019

December 9 – 5:30 PM – City Council work session
December 9 – 7:00 PM – City Council meeting
December 10 – 4:00 PM – Police Committee meeting
December 16 – 6:00 PM – Planning Commission
December 23 – 7:00 PM – City Council meeting (if needed)
December 24 – 12:00 Noon to 5:00 PM – City offices closed
December 25 – All Day – City offices closed

JANUARY 2020

January 1 – All Day – City offices closed
January 9 – 5:00 PM – Parks Advisory Board
January 13 – 5:30 PM – City Council work session
January 13 – 7:00 PM – City Council meeting
January 14 – 4:00 PM – Police Committee meeting
January 20 – All Day – City offices closed
TBD (due to holiday) – 6:00 PM – Planning Commission (if needed)
January 27 – 7:00 PM – City Council meeting (if needed)
January 29 – 7:00 PM – Town Hall with Representative Dan Rayfield at Benton County Museum Auditorium, 1101 Main Street.

All meetings are held at City Hall Council Chambers, 980 Applegate Street, Philomath, unless otherwise indicated. Tentative meetings may be cancelled if there is no business to be conducted. Refer to the City Meetings & Events calendar on the City's website for confirmation of meetings.

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**PHILOMATH CITY COUNCIL
REGULAR MEETING
MINUTES
November 12, 2019**

A. CALL TO ORDER/ROLL CALL

The City Council of the City of Philomath was called to order on Tuesday, November 12, 2019, at 7:00 p.m. in the Philomath City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon, by Mayor Niemann.

Present:

Mayor Eric Niemann
Councilor Doug Edmonds
Councilor Chas Jones
Councilor David Low
Councilor Matthew Thomas (joined via teleconference at 7:14 p.m.)
Councilor Ruth Causey

Absent:

Staff Present:

City Manager Chris Workman
City Attorney Jim Brewer
Finance Director Joan Swanson (departed at 10:08 p.m.)
Police Chief Ken Ruben (departed at 10:08 p.m.)
Public Works Director Kevin Fear (departed at 10:08 p.m.)
City Recorder Ruth Post

Absent:

In recognition of Veterans' Day yesterday, Mayor Niemann recognized the veterans and the spouses of veterans in attendance. He also recognized Jeffrey Paul Cochran, a Philomath resident who was killed in the Tet Offensive in the Vietnam War, with a moment of silence and display of the Screaming Eagles flag. He noted that there were 50 American flags proudly flown in town yesterday. He also recognized the National American Indian Heritage Month poster on display, providing a brief history of the designation and the recent presentation by The Confederated Tribes of Siletz Cultural Resource Director at the Philomath Genealogical Society. Finally, he stated the largest flag on display yesterday was at Philomath Fire & Rescue where four members of their team just returned from assisting in fighting three wildfires in California as part of the Oregon Task Force.

B. CONSENT AGENDA

1. City Council minutes – October 14, 2019
2. City Council minutes – October 15, 2019
3. Philomath Area Chamber of Commerce 2019 Board of Directors ballot

Agenda Item #B.02: Councilor Low requested amendment of Page 81, Line 19, by adding the sentence: "He indicated this relationship does not bias his judgment."

Ms. Post noted three corrections:

- Page 87, Line 10: Replace "adequate" with "inadequate".
- Page 87, Line 20: Correct "Laurence" to "Lawrence".
- Page 87, Line 26: Correct "busses" to "buses".

1 Agenda Item #B.01: Councilor Jones requested an amendment to Page 76, Line 36:
2 Change “hosting” to “attending”.

3
4 **MOTION:** Councilor Edmonds moved, Councilor Low second, to approve the consent
5 agenda for November 12, 2019 as amended. Motion APPROVED 6-0 (Yes: Causey,
6 Edmonds, Jones, Low, Thomas and Niemann; No: None).

7
8 **C. ITEMS REMOVED FROM CONSENT AGENDA**

9 None.

10
11 **D. PROCLAMATION**

12 **1. American Legion 100th Anniversary** – Mayor Niemann described the many
13 efforts that the American Legion has been responsible for and read the proclamation
14 celebrating the 100th Anniversary of the American Legion and proclaimed November as
15 American Legion Month in Philomath. He provided Allan Callahan, the President of the
16 Philomath American Legion unit, with a copy of the proclamation and a silver dollar
17 marking the American Legion’s 100th anniversary.

18
19 *(Councilor Thomas joined the meeting at 7:14 p.m. by teleconference)*

20
21 **E. PRESENTATIONS**

22 **1. Presentation of Annual Fiscal Audit** – Tara Kamp, CPA, Pauly Rogers &
23 Company, provided the results of the City’s annual fiscal audit and the Urban Renewal
24 Agency’s fiscal audit for the period ended June 30, 2019. She stated the results of the
25 audits for both agencies is excellent. She stated there were no items to be addressed for
26 the Council’s awareness. She complimented Ms. Swanson and her staff on the quality of
27 their work. She noted overall the results were very good. Mayor Niemann noted it’s
28 normal for cities to change auditors every so often to put fresh eyes on the books. Ms.
29 Kamp listed other cities she performs audits for, including Coos Bay and Troutdale. In
30 response to a question by Councilor Causey, Ms. Kamp explained the one
31 recommendation they have noted regarding separating out one fund. Ms. Kamp
32 reviewed the three newest GASB accounting principles reviewed in the audit.

33
34 **2. Stand by Me** – Mike Corwin, OCWCOG – Not present. Tabled.

35
36 **3. Recognition of Citizens’ Academy participants** – Mr. Workman stated that
37 several of the Citizens’ Academy participants are in attendance and certificates will be
38 delivered to them. He reviewed the format of the Citizens’ Academy presentations over
39 the eight week period. He thanked the presenters at this year’s sessions and the 17
40 participants, adding this was the largest class of participants to date. He stated 14
41 participants attended at least seven of the eight sessions: Jessica Andrade, William
42 Wright, Catherine Biscoe, Robert Biscoe, Rachel Biscoe, Ann Buell, Ruth Causey, Chris
43 Clemmer, Andrew Edwards, Jennifer Edwards, Sandy Heath, Chris Kastella, Carla
44 Merrell, and Giana Bernardini. Those in attendance were recognized for their
45 participation.

46
47 Mayor Niemann recognized National Diabetes Month this month, represented by the
48 color sky blue, and provided a statistical overview and risk factors of diabetes in the
49 United States.

50
51 **F. VISITORS COMMENTS**

1 Mayor Niemann read the instructions for participating in Visitors Comments as printed on
2 the agenda noting that visitors may speak on any subject, provided it is not the subject of
3 a public hearing that has already been closed. Mr. Brewer confirmed that the Lepman
4 public hearing is closed and may not be addressed.
5

6 **1. Jeff Lamb, Philomath, OR** – Mr. Lamb read a statement regarding the political
7 process of electing members of the City Council. He noted the involved process of the
8 last City Council election in 2018. He stated the reason for this involvement was
9 because of unfunded and uncontrolled growth. He encouraged the Council to not vote
10 for the Lepman project. Mayor Niemann gaveled Mr. Lamb as out of order for addressing
11 a closed public hearing. Mr. Lamb encouraged the Council not to vote for anything that
12 would violate their campaign promises. He further requested to present the Council with
13 a packet of petition signatures regarding the Lepman project. Mayor Niemann again
14 directed Mr. Lamb that he was addressing a closed public hearing. Mr. Lamb turned the
15 signature sheets in to the City Recorder (Supplemental Agenda Item #F.01).
16

17 *Mayor Niemann called a five-minute recess at 7:36 p.m. and reconvened at 7:41 p.m.*
18

19 Mayor Niemann again read the statement regarding the rules for participating in visitors
20 comments.
21

22 **2. Peggy Yoder, Philomath, OR** – Ms. Yoder distributed copies of a letter from the
23 Planning Commission dated November 12, 2019, regarding the 2040 Technical Advisory
24 Committee, Council agenda item #H.01 (Supplemental Agenda Item #F.02). She read
25 the letter into the record, requesting that the Council postpone a decision on this agenda
26 item until the November 25 City Council meeting. She noted that Commissioner Conner
27 was not able to attend but all of the other members of the Commission were present.
28

29 **3. David Hoagland, Philomath, OR** – Mr. Hoagland stated after speaking at the
30 October 15 City Council meeting, he was contacted by his property manager regarding
31 his comments. He stated his comments to the City Council were his own and he was not
32 representing Oak Springs Apartments. Chief Rueben stated he contacted the apartment
33 manager as follow-up to find out if drivers were cutting through the apartment complex.
34 Mr. Hoagland described ongoing concerns he has about traffic on North 19th Street. He
35 requested a meeting with the Police Chief. Chief Rueben described recent traffic
36 operations on North 19th Street and conversations he has had with the City's engineer
37 regarding possibly moving the speed limit sign further north on 19th Street. Mr. Hoagland
38 described a dog issue that he reported to the Police Department.
39

40 **4. Wendy Hoagland, Philomath, OR** – Ms. Hoagland stated the northbound speed
41 limit change doesn't match the southbound change sign. Chief Rueben agreed and
42 stated he has requested a traffic study from the City's engineer.
43

44 **5. Kay Sams, Philomath, OR** – Ms. Sams stated the non-unanimous triple majority
45 annexation on South 15th Street is concerning residents across the street. They are
46 concerned about contaminated drainage from the construction site of the new
47 development. She stated the construction company doesn't know what they're doing.
48 She described a resident who lives on South 15th Street who doesn't feel the City fathers
49 are representing them. She stated she felt a sense of helplessness and rebellion from
50 people she spoke to while gathering petition signatures.
51

1 **6. Catherine Biscoe, Philomath, OR** – Ms. Biscoe reported that the Beelart
2 Annexation has been appealed to the Oregon Supreme Court. She stated concerns
3 about modification to conditions of approval that can be made through the City Planning
4 Official. She requested that the Council consider Type III and IV land use decisions be
5 required to have any applications for modification to conditions of approval be
6 considered and decided by the same commission or council that made the original
7 decision. She stated she attended the Planning Commission meeting held earlier this
8 evening and supported their discussion and decision. She advocated for inclusion of the
9 Planning Commission in the 2040 Comprehensive Plan Advisory Group and an
10 application process for interested participants.

11 *Mayor Niemann called a recess at 8:06 p.m. and reconvened at 8:12 p.m.*

12
13
14 **G. OLD BUSINESS**

15 **1. Lepman Master Planned Development (PC19-02, et al)** – Mayor Niemann
16 requested any additional ex parte contacts, bias or site visits since the October 15 public
17 hearing.

18
19 Councilor Jones stated he spoke to Mr. Lepman during a recess at the October 15
20 meeting to explain why he'd asked a particular question and spoke to Becca Barnhart,
21 Travel Oregon, who is a friend of his. He stated they did not discuss the specifics of the
22 application. Mayor Niemann updated ex parte contacts he has had since the October 15
23 meeting, including contacts with Jeff Lamb, Alyssa Lewis, Shelley Niemann, Scott
24 Lepman, Robert Biscoe, the Biscoe family and Spider Mann. Councilor Low stated he
25 also had contact with Mr. Lamb at the Spirits Festival.

26
27 Mr. Depa described the format of the Findings of Fact presented for the Council to
28 review. He stated that nothing has changed in the application and the application meets
29 the criteria. Mayor Niemann recommended methodically reviewing the findings of fact to
30 thoroughly vet the application.

31
32 **I. Overview of Applications** – There was discussion about the elements of the
33 applications remaining consistent throughout the application process. Mr. Brewer
34 directed that each application is a separate decision, requiring a separate vote of
35 approval or denial. Mayor Niemann indicated this is a new decision on the applications,
36 as if the Planning Commission had never voted on it. Mr. Brewer stated while the
37 Planning Commission proceedings are part of the record, the Council will make their
38 decision independent of the Planning Commission's.

39
40 **II. Procedures** – Mayor Niemann summarized that there was confusion regarding the
41 separate decisions made at the Planning Commission level and appeals to the City
42 Council that were made. Mr. Brewer stated the Master Planned Development serves as
43 the overarching application and the other applications are contingent upon approval of
44 the Master Planned Development. He stated the Code is clear that if the Master Planned
45 Development is appealed, the entire case is to be reviewed. He stated this is not a
46 review to see if the Planning Commission made any error. Mayor Niemann reviewed the
47 concerns regarding the amount of time provided for public testimony. Councilor Jones
48 noted that he did not believe the statement Ann Buell attributed to him in her written
49 testimony dated October 28 was true and he supported the three minutes provided for
50 oral testimony. Councilor Causey assured the public that she spent a great deal of time
51 reviewing all of the written comments and listening to the oral testimony. Councilor Low
52 noted the Findings of Fact Section II. Procedures specifically outlines the Council's

1 process for the public hearing. Councilor Jones stated he felt the written testimony was
2 the most valuable to review and thanked the public for providing it.
3

4 III. Master Plan Overlay Requirements – Mayor Niemann reviewed the applicant’s
5 application, including all of the special studies that have been received by the Council for
6 review. Councilor Causey requested an additional condition of approval be added
7 requiring an annual inspection of wetlands to ensure survival of at least 50% of the
8 plants. Mr. Workman suggested that would fall within Condition of Approval #23.
9 Councilor Causey requested that Condition #23 be expanded to include more than trees.
10 Councilor Low stated he believed the applicant went beyond the expected regarding the
11 protection of the Nelson’s Checkermallow and agreed with Councilor Causey’s
12 recommendation. Councilor Jones noted that Fish and Wildlife reports that recovery of
13 the Checkermallow is doing well. Mr. Workman stated that Condition #12 specifically
14 calls out protection of the Checkermallow plant.
15

16 On the wetland delineation findings, Councilor Causey requested that the Parks
17 Commission work towards creation of a land trust to preserve the city’s remaining
18 wetlands.
19

20 With regards to the Phase I and II Environmental Assessments, Councilor Edmonds
21 questioned how any new environmental concerns raised during construction would be
22 handled. Mr. Workman stated the City’s nuisance code would be utilized to investigate
23 and hold responsible parties accountable. He stated that any new concerns raised
24 during construction are addressed during the construction development review. He
25 explained the fee paid by the applicant that pays for the City’s engineer to be able to be
26 on-site frequently. At Councilor Low’s question, Mr. Workman stated that any request
27 from the applicant to bury a tank would require permitting. At Councilor Jones’ question,
28 Mr. Workman stated there were no findings requiring additional studies for wildlife
29 habitat but there is still an open wetlands application under review.
30

31 Regarding Traffic Impact Analysis on Page 4, Finding #5, Councilor Jones requested
32 striking the word “overwhelmingly”. Councilor Jones took exception to the issue of the
33 background traffic from The Boulevard, Oak Springs and bus barns not being taken into
34 account and requested a condition requiring that analysis. Mr. Workman suggested a
35 condition requiring the additional analysis, requiring the volume capacity at tested
36 intersections remain under 70% or require mitigation. Councilor Jones stated concerns
37 about the capacity of the intersection at 53rd and Highway 20/34. Councilor Causey
38 noted that although that intersection is outside of Philomath’s jurisdiction, she requested
39 that someone from ODOT address that intersection. Mayor Niemann concurred.
40 Councilor Jones gave feedback that the TIA’s could be written with more clarity.
41 Councilor Thomas stated concerns regarding traffic coming and going from the coast
42 during the summertime, which will also be the RV parks peak usage time. Mayor
43 Niemann questioned if much of the trailer and boat traffic would be new or would be
44 traffic already going through town. Mr. Workman stated that the TIA indicated a 4%
45 increase in traffic at the 19th Street intersection and the question is whether it would
46 require any mitigation. Councilor Low noted that growth happens and infrastructure plays
47 catch-up when the infrastructure nears the breaking point. Councilor Thomas stated
48 infrastructure should be in place before growth happens. Councilor Jones requested TIA
49 Finding #2 on Page 4 that the word “concluded” be changed to “projected.” Mr.
50 Workman agreed to draft a condition capturing the Council’s intent on the TIA.
51

52 *Mayor Niemann called a recess at 9:09 p.m. and reconvened at 9:18 p.m.*

1
2 Mayor Niemann reviewed the aspirational nature of Comprehensive Plan goals and the
3 directive nature of policies. There were no concerns noted regarding citizen involvement.
4 Councilor Jones stated it was unfortunate that there was some confusion with the
5 process but believed every attempt was made to maximize citizen involvement..
6 Councilor Causey suggested the Planning Commission could be tasked with developing
7 amendments limiting further RV parks. Councilor Jones stated during his campaign he
8 suggested that Philomath could be the gateway to the Coast and he likes that idea. He
9 stated the creation of 43 jobs may not seem optimal but there are still substantial
10 industrial-zoned lands available. Councilor Causey reviewed employment statistics that
11 supported the creation of 43 jobs as not being insignificant. Councilor Low described the
12 enhancement of the local economy through indirect jobs created at local businesses.

13
14 Councilor Jones apologized for not introducing a request during the sensitive vegetation
15 discussion to add a condition regarding ecological conservation and education. Mr. Depa
16 stated a conversation had been held with the applicant and they had no issues with such
17 a condition (Supplemental Agenda Item #G.01).

18
19 Regarding Comprehensive Plan Housing goals and policies, Councilor Edmonds stated
20 he has recently come across more people who have adopted a full-time RV lifestyle. He
21 summarized the long-term agreement from the Blue Ox RV Park and was impressed by
22 it. Councilor Low stated he had researched the RV Park legislation and noted that the
23 Blue Ox requirements go above and beyond those. He questioned if the property is sold
24 if there are any conditions of approval that can be enforced. Mr. Workman stated the
25 City's nuisance code could be applied to any complaints received. There was discussion
26 about the State statute regarding limitations on RV parks. Councilor Jones reviewed
27 potential conditions related to the RV park based on ORS 197.493 (Supplemental
28 Agenda Item #G.01). Mr. Brewer reviewed the potential application of these conditions.
29 Councilor Jones noted the significance of an RV park tenant for over 1 year becoming
30 subject to Oregon landlord tenant laws. Councilor Low disagreed with Councilor Jones'
31 interpretation stating he didn't see the premise of the park being a residential use. There
32 was additional discussion about the limitations placed by statute. Councilor Jones stated
33 he was trying to ensure that the Council didn't allow long-term housing in the RV park.
34 Councilor Edmonds stated he did understand that one aspect of the applicant's business
35 model is to serve part long-term and part transitioning customers. Councilor Causey
36 stated she disagreed with imposing limits and agreed with Councilor Low's interpretation
37 of the statute.

38
39 **MOTION:** Councilor Jones moved to include the proposed conditions of approval
40 regarding time-based limitations in the RV park. There was no second to the motion.

41
42 Councilor Jones had concerns about visions for the RV park and proposed a slate of
43 conditions based on language modeled after the Pacific Shores Motorcoach Resort
44 (Supplemental Agenda Item #G.01). Mayor Niemann questioned if these considerations
45 seemed to be covered in the application Councilor Edmonds had received at The Blue
46 Ox RV Park. Councilor Edmonds stated they are somewhat similar. Mr. Depa stated the
47 applicant has no issue with these proposed conditions. Mr. Workman stated these
48 conditions would carry with the property and not the owner in the event the property is
49 sold. There was discussion about the advantages and disadvantages of using a model
50 year cutoff. Councilor Low stated concerns about telling someone how to run their
51 business. He questioned the recourse if the property is sold to someone else. Mr.

1 Workman stated these conditions are tied to the approval of the use and would still be
2 tied to the property. He noted compliance issues would be complaint driven.
3

4 **MOTION:** Councilor Jones moved, Councilor Edmonds second, to add the Guidelines
5 for RV Conditions as a condition of approval. Motion APPROVED 6-0 (Yes: Causey,
6 Edmonds, Jones, Low, Thomas and Niemann; No: None).
7

8 Councilor Jones requested changing Housing Finding #1, Page 6, to read: "While not
9 providing traditional housing, the proposed Recreational Vehicle Park will provide
10 temporary shelter for RV tenants." There was discussion about the wording of the
11 finding. It was agreed to amend it to read: "While not providing traditional residential
12 dwellings, the proposed Recreational Vehicle Park will provide RV parking for
13 vacationing families, temporary housing for seasonal workers, retirees and other."
14

15 On Finding #2, Councilor Jones suggested striking "seeking affordable housing by."
16

17 *Mayor Niemann called a recess at 10:08 p.m. and reconvened at 10:15 p.m. Police*
18 *Chief Rueben, Finance Director Swanson and Public Works Director Fear were excused*
19 *from the remainder of the meeting.*
20

21 Regarding public facilities and services, Mayor Niemann reviewed the findings for
22 general policies, sewage disposal, water, storm drainage and other utilities policies.
23 Councilor Causey acknowledged the importance of water supply and concerns about the
24 Corvallis Intertie Agreement. She noted that the intertie agreement should be secure
25 until the new water treatment plant comes on-line. Mr. Workman stated that the price
26 point on the Rock Creek Water and quality have made its usage desirable recently.
27 There was discussion about the water availability options, including the use of aquifer
28 storage and recovery (ASR). Mr. Workman stated the ASR option is a high priority to
29 complete a feasibility study. Councilor Low noted that there are plans for the future.
30 Councilor Causey questioned what the status of the Intertie would be once the new
31 treatment plant is operational. Councilor Edmonds explained the exercise of the Intertie
32 on a regular basis to ensure its viability. There was additional discussion about water
33 availability. Mayor Niemann questioned if an application could be denied if water
34 capacity exists. Mr. Brewer related this to moving the goalposts and an application must
35 be reviewed based on the available capacity. Mayor Niemann asked Mr. Brewer to
36 explain statute requirements related to moratoriums.
37

38 Councilor Jones noted condition #22 regarding water conservation signage. Mr.
39 Workman stated that the applicant agrees with that condition. Councilor Causey noted
40 changes in the calculations submitted. She stated it is disconcerting that this is the third
41 figure that has been presented. Mr. Workman stated the numbers keep getting finer
42 tuned by the City's engineer. Councilor Jones requested the reserve peak capacity be
43 amended from ".22" to "0.22".
44

45 Councilor Thomas questioned who pays for the franchised utilities to underground their
46 services. Mayor Niemann stated that the utilities themselves pay for those. Mr. Workman
47 stated that the only expense would be line locates that public works is required to
48 provide.
49

50 The Council discussed the Transportation Policies findings being the same as the TIA
51 reports in the Master Planned Overlay Requirements. There was discussion about the
52 condition that had already been proposed associated with an additional TIA updated to

1 reflect The Boulevard, and Oak Springs and bus barns. Councilor Causey requested it
2 be completed during peak summer traffic patterns.

3
4 There were no issues raised under Bicycle and Pedestrian Way Policies. Mr. Depa
5 reviewed the location of the sidewalk and pedestrian walkway/bikeway easement.

6
7 There were no issues raised under Resources and Hazards policies for Open Space,
8 Air, Water and Land Quality or Natural Hazards.

9
10 No issues were raised for Land Division Chapter, Land Use and Design Standards or
11 Requirements for Open Space.

12
13 **IV. Type III – Land Use District and Design Standards Review**

14 Self Storage Facility, Outdoor Storage Area and Industrial Flex Space Review: PC19-02,
15 PC19-03 and PC19-04:

16 Councilor Jones requested Finding #3 be amended to read “0.3%, instead of “.3%.”

17
18 Councilor Causey questioned if the use of natural grass versus the synthetic grass was
19 ever discussed at the RV park. Mr. Depa stated it wasn't. There was discussion about
20 landscaping plans.

21
22 Councilor Jones stated concerns about emergency egress in the event of a fire. Mr.
23 Workman stated the Fire Department did review the application and stated RV's will not
24 be able to cross south to access through the storage facility except if there was an
25 emergency.

26
27 Councilor Jones requested striking “The” from Vehicle and Bicycle Parking Finding #2.

28
29 RV Park Review: PC19-05

30 There was discussion about lighting and light pollution standards.

31
32 Councilor Low noted that the 200 trees to be added are in addition to the 125 trees in the
33 storage area. Mr. Workman noted the addition of the trees to the overall site and the
34 improvement of low-quality wetlands areas in the riparian corridor. He stated that
35 improvement of wetland areas is desirable. Councilor Jones concurred.

36
37 On Vehicle and Bicycle Parking Finding #2, the word “The” was stricken. Councilor
38 Causey questioned the other property creating the gap in the pedestrian path. Mr. Depa
39 stated no discussions have been held with the other property owner. He stated there has
40 been discussion about the specifics of the path and whether it is worth putting in at this
41 time. Mr. Workman stated it is addressed as condition #6. He stated he has spoken to
42 the other property owner and he's not opposed to the pathway.

43
44 **V. Conditional Land Use Review**

45 Councilor Edmonds questioned “natural recharging” in Finding #5. Mr. Depa explained
46 the existing asphalt in that area will be removed and replaced with surfaces that can
47 absorb rainfall.

48
49 Councilor Jones corrected the spelling of “resources” in the first paragraph of the
50 Findings document. There was discussion about Findings #2 and #4 regarding “no
51 negative impacts” versus “negative impacts.” Mr. Workman agreed to draft a condition
52 related to limiting impacts.

1
2 *Mayor Niemann called a recess at 11:19 p.m. and reconvened at 11:31 p.m.*

3
4 Mayor Niemann stated the balance of the agenda will be moved to the November 25
5 City Council agenda.

6
7 **VI. Variance to Maximum Lot Coverage**

8 Councilor Low edited Finding #3 to delete “to” after flexibility, Finding #1 to add an “s” to
9 “Master” and Finding #6 to add “impact” after “adverse.”

10
11 Councilor Jones stated he has issues with this variance and feels the applicant could
12 have flipped the RV park and storage areas to avoid it. He didn’t think it was good to
13 have a variance allowance up to 10%. He disagreed with the existence of a hardship.
14 Mr. Depa acknowledged that Councilor Jones made good points. He added that the
15 issue with the variance came up a significant way through the review process. He noted
16 that a weighted lot coverage calculation could have been substantially under the
17 maximum. He stated what the applicant is proposing is a great service to improving the
18 creek and he felt it meets the criteria for the variance. Councilor Low questioned not
19 foreseeing this possibility as an issue until getting way into the application. Mr. Workman
20 described the different facets involved in the application at the pre-application meeting.
21 He stated it wasn’t surprising to him to get into the review process before it was
22 identified. Mr. Workman explained this is a difficult application with two different types of
23 zoning with different criteria.

24
25 **Conditions of Approval**

26 Mr. Brewer explained the conditions of approval are necessary for the application to
27 meet the criteria. The conditions were reviewed individually for any amendments.

28 #1: Correct “applicant”.

29 #2: No changes.

30 #3: No changes.

31 #4: Mr. Workman explained a title report is typically required before moving forward with
32 the engineering phase.

33 #5: No changes.

34 #6: No changes.

35 #7: No changes.

36 #8: No changes.

37 #9: No changes.

38 #10: No changes.

39 #11: No changes.

40 #12: Correct “zone” to “Zoning”. There was discussion about the addition of the condition
41 requested by Councilor Causey regarding annual inspection of plants and was agreed
42 that this would be a better fit on Condition #21. Councilor Causey requested addition of
43 “Nelson’s” to Checkermallow.

44 #13: No changes.

45 #14: Correct comma at the end to a period.

46 #15: No changes.

47 #16: Councilor Low questioned the allowance for RV park personnel to determine if a
48 violation is given additional time to comply. There was discussion about this being a
49 business practice. Mr. Workman stated this is putting the management on notice that
50 this is the expectation of the City but it would be difficult to enforce.

51 #17: Add closed parenthesis at the end.

1 #18: Mr. Depa explained that the ordinance allows any impervious surface that predates
2 the current code requirements to remain but the applicant has indicated they will be
3 removing all of the impervious surfaces. Councilor Causey questioned if removal of the
4 asphalt can be required. Mr. Workman stated the issue is that if the material was placed
5 before the City had rules not allowing it, it's difficult to require removal of any materials.

6 #19: Mayor Niemann stated this was consistent with the addition of bus stops at The
7 Boulevard and Oak Springs to encourage bus usage. Mr. Depa added that Forest
8 Meadows will also be adding a stop. Correct "assess" to "access."

9 #20: No changes.

10 #21: There was discussion about adding the annual inspection of the trees. There was
11 discussion about addition of a condition of approval addressing wetlands inspections to
12 ensure survival of plants. Agreement was reached to add to Condition #12: The wetland
13 areas shall be inspected annually by a licensed wetlands specialist and a report
14 provided to the City for the first four years following development.

15 #22: Discussion about minor word adjustment to apply to all areas and delete "of the
16 Recreational Vehicle Park and the Industrial Flex Spaces."

17 New Condition #23: It was agreed to add new Condition #23: "TIA Update: Prior to
18 issuing building permits, applicant shall provide an updated traffic impact analysis with
19 data reflecting the Boulevard Apartments, Oak Springs Apartments, the new bus barns
20 and peak summer traffic patterns showing tested intersections remaining below a 70%
21 volume to capacity ratio."

22 New Condition #24: Councilor Jones' proposed "Ecological Conservation and Education"
23 signage condition of approval was inserted as new condition #24.

24 New Condition #25: It was agreed to add the "Guidelines for RV Condition" condition
25 proposed earlier by Councilor Jones with no amendments.

26
27 There was discussion about the wording of Housing Finding #1 (Page 6) regarding
28 providing temporary housing. Mr. Workman stated his notes read: "While not providing
29 traditional housing, the recreational vehicle park will provide residential dwellings for
30 vacationing families, temporary housing for seasonal workers, retirees and others."

31
32 Mr. Workman reviewed the changes to the conditions of approval. There was discussion
33 about minor grammatical corrections identified in the conditions and findings.

34
35 Mr. Workman explained the updated Findings of Fact and Conditions of Approval are
36 included in the decision document. He stated that staff's intent is to have that completed
37 by end of the day tomorrow. He explained that the additional 120 days to process the
38 application and reach a final decision granted by the applicant expires on November 14.

39
40 Mayor Niemann reviewed the Council's options in making the decision. Councilor Jones
41 requested that PC19-07 be removed and determined separately. Councilor Thomas
42 requested that PC19-02 be removed and voted on separately.

43
44 **MOTION:** Councilor Edmonds moved, Councilor Low second, to adopt the Findings of
45 Fact dated November 6, 2019 as modified during Council deliberation and approve the
46 application for the Lepman Industrial Master Plan Overlay proposal with its associated
47 case: PC19-02 Lepman Master Plan Development, subject to the Conditions of
48 Approval dated November 6, 2019 as amended during Council deliberations. Motion
49 APPROVED 4-1 (Yes: Causey, Edmonds, Low and Jones; No: Thomas; Abstain:
50 Niemann)
51

1 Mayor Niemann stated the one rebuttal to any disclosure was his relationship with his
2 wife.
3

4 **MOTION:** Councilor Edmonds moved, Councilor Causey second, to adopt the Findings
5 of Fact dated November 6, 2019 as modified during Council deliberation and approve
6 the applications for PC19-03 Site Plan for the Industrial Flex Space; PC19-04 Site Plan
7 for the Self-Storage and Outdoor Recreational Vehicle and Boat Storage; PC19-05 Site
8 Plan for the Recreational Vehicle Park; PC19-06 Conditional Use Permit for the Riparian
9 Corridor; subject to the Conditions of Approval dated November 6, 2019 as amended
10 during Council deliberations.

11 Motion APPROVED 4-1 (Yes: (Yes: Causey, Edmonds, Low and Jones; No: Thomas;
12 Abstain: Niemann)
13

14 **MOTION:** Councilor Causey moved, Councilor Low second, top adopt the Findings of
15 Fact dated November 6, 2019 as modified during Council deliberations and approve the
16 applications for PC19-07 Variance to maximum lot coverage allowed, subject to the
17 Conditions of Approval dated November 6, 2019 as amended during Council
18 deliberations. Motion APPROVED 3-2 (Yes: Causey, Edmonds, Low; No: Jones and
19 Thomas; Abstain: Niemann)
20

21 Mr. Brewer announced this was a final decision by the City Council with appeal rights to
22 the Oregon Land Use Board of Appeals within 21 days of the date of the proceedings
23 and filing of the decision.
24

25 Mayor Niemann thanked everyone for their participation. The remainder of the
26 November 12, 2019, Council agenda was tabled to the November 25, 2019, meeting.
27

28 **L. ADJOURNMENT**

29 **1. Adjournment** – Seeing no further business, Mayor Niemann adjourned the
30 meeting at 12:40 a.m.
31

32 SIGNED:

ATTEST:

33
34 _____
35 Eric Niemann, Mayor

Ruth Post, MMC, City Recorder

PHILOMATH CITY COUNCIL
REGULAR MEETING
MINUTES
November 25, 2019

A. CALL TO ORDER/ROLL CALL

The City Council of the City of Philomath was called to order on Monday, November 25, 2019, at 7:02 p.m. in the Philomath City Hall Council Chambers, 980 Applegate Street, Philomath, Oregon, by Mayor Niemann.

Present:

Mayor Eric Niemann
Councilor Doug Edmonds
Councilor Chas Jones
Councilor David Low
Councilor Ruth Causey

Absent:

Councilor Matthew Thomas

Staff Present:

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

Absent:

Police Chief Ken Rueben

B. PRESENTATIONS

1. **Pacific Power – Celeste Krueger** – Mayor Niemann noted the last City newsletter included information on how to save money on electricity bills because it's typically one of the largest household bills. Ms. Krueger summarized several handouts that include tips and tricks for saving on electricity (Supplemental Agenda Items B.01). She noted the reasons bills goes up in winter and ways to save on those, including replacing and lowering thermostats, checking filters, not blocking air vents, and not heating unused rooms. She encouraged the use of energy-efficient light bulbs and registering with the Energy Trust of Oregon. She stated that everyone can download the Pacific Power smartphone application to see how energy use fluctuates throughout the day. She described the energy assessments they can do on homes and customer service assistance that is available.

Councilor Jones questioned how energy incentives will change after the first of the year. Ms. Krueger was unsure how they would change but noted they are coordinated through Energy Trust. Councilor Low stated the app was very quick to download.

C. VISITORS COMMENTS

Mayor Niemann read the visitors comments statement printed on the agenda.

1. **Julie Conner, Philomath, OR** – Ms. Conner provided an update on school bus safety. She stated there has been publicity and she thanked the Council for listening to her concerns earlier this year. She stated her daughter who drives bus says it's getting better out there.

2. **Peggy Yoder, Philomath, OR** – Ms. Yoder, who serves on the Planning Commission, commented regarding the 2040 Comprehensive Plan Technical Advisory

1 Committee formation. She suggested the three members of the Planning Commission
2 and six of the nine individuals on the proposed list be appointed to create a nine-
3 member group (Supplementary Agenda Item C.02).
4

5 **3. Sandy Heath, Philomath, OR** – Ms. Heath commented regarding the 2040
6 Comprehensive Plan Technical Advisory Group. She read the Comprehensive Plan Goal
7 I regarding Citizen Involvement, described the Citizen Involvement Program, and read
8 the Comprehensive Plan policies on citizen involvement. She described Oregon’s Goal 1
9 regarding citizen involvement. She stated she and several others have brought Goal 1 to
10 the Council and Planning Commission’s attention and it has been brushed aside. She
11 stated the importance of citizen involvement applying to everyone and that her ongoing
12 agenda is to contribute to the betterment of the community and encourage and education
13 her fellow citizens. She stated it is imperative that the Planning Commission be involved
14 early in the Comprehensive Plan process to represent the citizens as required by Goal 1.
15 (Supplemental Agenda Item C.03)
16

17 **4. Robert Biscoe, Philomath, OR** – Mr. Biscoe stated concern about how many of
18 the proposed members of the 2040 Comprehensive Plan Advisory Group members live
19 within the city limits. He requested a significant participation by citizens and the Planning
20 Commission members who have requested inclusion. He questioned why the minutes of
21 the last meeting weren’t in the packet for approval. Ms. Post stated there was insufficient
22 time between the November 12 meeting and the November 20 deadline for this meeting
23 packet to get the November 12 meeting minutes completed and in the packet. Mr.
24 Biscoe questioned if the audio for that meeting had been posted. Ms. Post confirmed the
25 audio was posted by 8:00 a.m. the morning after the meeting. Mr. Biscoe questioned
26 why all of the agenda packets for prior Council meetings aren’t on the website. Ms. Post
27 explained that posting of past meeting agenda packets isn’t practical due to current
28 staffing availability. Mr. Biscoe stated he’d really appreciate it if the past packet were put
29 on the website.
30

31 **D. OLD BUSINESS**

32 **1. Philomath Housing Stability Fund contribution** – Mayor Niemann
33 summarized the prior action to dedicate money to the housing stability fund and the
34 interim need for an agreement to manage the funds. Councilor Low explained that
35 Philomath Community Services (PCS) will serve as the fiscal agent for the funds as
36 outlined in a memorandum of understanding between the City, PCS and the School
37 District. He stated there are still details to be worked out regarding dissemination of
38 funds. He declared he had no actual conflict of interest due to his position on the PCS
39 Board as he has no involvement with funds. Mr. Workman described these funds as
40 meant to be a last resort one-time assistance to keep someone in housing and the use
41 of the ombudsmen at the School District to serve as the point person. He described the
42 interaction between the three organizations involved. He stated the City’s contribution is
43 \$900 and the School District and PCS are still discussing funding contributions.
44

45 **MOTION:** Councilor Jones moved, Councilor Edmonds second to approve payment of
46 \$900 to the Philomath Family Housing Stability Fund at Philomath Community Services.
47 Motion APPROVED 5-0 (Yes: Causey, Edmonds, Jones, Low, and Niemann; No: None).
48

49 Mayor Niemann suggested a follow-up next year. Ms. Swanson stated that is a
50 requirement of funding from the City’s social service funding policy. Councilor Low
51 described scenarios involving PCS that would result in that being covered next year.
52

1 **2. PC19-08 Amendments to Zoning Code, PMC Chapter 18, various sections –**
2 Mayor Niemann reviewed the timeline of the public hearing proceedings up to this point,
3 noting that no additional written testimony was submitted during the period the record
4 was left open.

5
6 Councilor Low questioned the motivation of the changes proposed in PMC 18.10.050,
7 Plan Approvals. Mr. Workman described the situation that arose with Forest Meadows
8 using an approval that is 17 years old and there being no provision in the City's code to
9 require a new application for approval. There was discussion about the proposed new
10 language regarding expiration of a site plan approval. Councilor Edmonds questioned
11 phased construction developments and the effect of this requirement on them. Mr.
12 Workman stated this new requirement would be applicable to developments that don't
13 have a Development Agreement in place. He stated phased projects have a
14 Development Agreement with specified requirements.

15
16 Councilor Jones questioned how 25% of construction authorized would be determined.
17 Mr. Workman stated this applies to construction of the public infrastructure portion of a
18 project only. He explained that a subdivision can be 100% complete with empty lots
19 waiting for houses to be constructed. He stated infrastructure footages would be used to
20 determine 25%. Councilor Jones questioned if 25% of construction is exceeded, does it
21 waive the time limitation. It was agreed with the current verbiage that it does. Councilor
22 Jones requested striking the 25% reference. Mr. Workman stated that there are factors
23 that can take up time towards the 18 months and an 18-month extension by the Council
24 would be reasonable. There was discussion about the timeframes proposed. Mr.
25 Workman suggested addition of specific language calling out projects with a
26 Development Agreement. There was more discussion about potential changes.

27
28 Councilor Causey requested the motivation for the manufactured home parks changes in
29 18.35.100. Mr. Workman explained the intent is to prevent small acreage parcels of less
30 than five acres from creating small manufactured home parks.

31
32 There was discussion about the manufactured home park requirements in relationship to
33 tiny homes. There was discussion about #7 On Site Sales regarding owner sales. It was
34 agreed to change "resident" to "owner" in the last sentence and strike the first
35 "development" in the last sentence.

36
37 Mr. Workman explained rationale for proposing the changes to PMC 18.40.090,
38 Residential Uses in the Commercial Zone and the preference for commercial activities
39 over residential in the commercial zone.

40
41 Councilor Jones questioned if the proposed amendments for 18.40.090(H) and (H)1
42 were in direct opposition to each other. There was discussion about commercial usage
43 of trailers to storage of materials. Councilor Low questioned if this would be retro-active.
44 Mr. Brewer stated it would be. Councilor Jones suggested adding "outside of industrial
45 zones" to the end of "H". Mr. Workman explained that the Planning Commission made
46 changes to this section resulting in the presented language. There was discussion about
47 the fencing requirement. Councilor Jones suggested fencing "or landscaping". Councilor
48 Edmonds suggested this section would require a lot of policing.

49
50 Councilor Causey corrected 18.40.100 Violation and penalty at the top of Page 6 to
51 18.70.100. Councilor Jones corrected the title of 18.70 to delete the "A". Mr. Workman
52 noted section 18.70.060 should be deleted from the chapter title.

1
2 Mr. Workman explained that the three paragraphs to be deleted in 18.70.010 have been
3 re-organized into other sections. He explained that the addition of a 2 acre or larger
4 applicability in PMC 18.70.020(A) was intended to prevent the landscape conservation
5 requirements from being too onerous for private property owners and would prevent an
6 owner from stripping the trees off property before submitting a development application.
7 There was further discussion about the section. Mr. Workman described the discussion
8 about an urban canopy policy presented to the Council several years ago that was
9 rejected. Councilor Low questioned if this requirement had been in place at the time
10 Neabeack Hill was developed if it would have prevented all the trees from being cut. Mr.
11 Brewer stated it would have made it different.

12
13 There was brief discussion about exemptions and street trees but there were no
14 amendments proposed. Mr. Workman stated PMC 18.70.040(F) reinforces the
15 importance and treatment of street trees by adjacent property owners.

16
17 18.40.100 Violation and penalty was corrected to "18.70.100."

18
19 Councilor Causey requested the basis for the parking amendments in PMC 18.75.030.
20 Mr. Workman stated the intent was to require developers to provide adequate off-street
21 parking. Councilor Low questioned if an existing property owner wants to make changes
22 to their home, would they would be impacted by this section. Mr. Workman stated if they
23 were making changes to the number of bedrooms, yes, they would be impacted. He
24 noted that section (A)1.a regarding Accessory Dwellings must be deleted due to recent
25 state statute changes prohibiting this type of local regulation on ADU's.

26
27 There was discussion about the credits given for garage parking. Mr. Workman stated
28 garages today are not being used for maximum car occupancy, and a 2-car garage
29 typically only has up to 1 car parking in it. He explained that this verbiage is intended to
30 ensure that there is sufficient off-street parking for the additional vehicles households
31 have.

32
33 **MOTION:** Councilor Jones moved, Councilor Causey second, to strike from the first
34 paragraph of PMC 18.75.030: "For calculating parking spaces, a two-car garage shall be
35 calculated as one parking space towards the parking requirement and a three-car
36 garage shall be calculated as two parking spaces towards the parking requirement."
37 Motion APPROVED 3-2 (Yes: Jones, Causey, Niemann. No: Edmonds and Low).

38
39 Mr. Workman suggested increasing (A)1.e.i and ii by an additional space. There was
40 discussion about parking issues on the west end of College Street where people do not
41 use their garage for parking.

42
43 On Page 9, (C)2 Driveways, there was discussion about paving or use of pervious
44 surface pavers being an allowed use. There was discussion about the difference in
45 requirements for driveways adjacent to concrete or asphalt streets.

46
47 On Page 10, Mr. Brewer suggested addition of a.iv: "Approval of each application shall
48 be contingent upon the approval of all of the components of the consolidated
49 application." He explained this being an outcome of the recent consolidated application
50 processed by the Planning Commission and Council. It was agreed by consensus to add
51 this section. Mr. Brewer explained the motivation of deleting section a.
52

1 **MOTION:** Councilor Edmonds moved, Councilor Low second, to accept the findings of
2 fact as amended and direct the City Manager to have the appropriate ordinance with
3 amending language be presented to the City Council for consideration and action.
4 Motion APPROVED 5-0 (Yes: Causey, Edmonds, Jones, Low, and Niemann; No: None).

5
6 *Mayor Niemann called a recess at 9:04 p.m. and reconvened at 9:11 p.m.*

7
8 Mayor Niemann requested Council move to time sensitive issues on the agenda. Council
9 moved to Agenda Item E.03 and E.01. Council then came back to Agenda Item D.03.

10
11 **E. NEW BUSINESS**

12 **1. Removal of public right-of-way easements** – Mr. Workman explained the
13 existing two 25-foot easements that would partially connect 11th and 12th Streets but that
14 lack a partial easement on a third property. He described a southern alignment option
15 that the easements can be obtained for across all three subject properties and that the
16 owners of those properties are agreeable to.

17
18 **MOTION:** Councilor Low moved, Councilor Edmonds second, to approve removal of the
19 public right-of-way easements along the abandoned northern alignment between N 11th
20 Street and N 12th Street and direct staff to proceed with all legal arrangements needed to
21 secure a paved access along the southern alignment. Motion APPROVED 5-0 (Yes:
22 Causey, Edmonds, Jones, Low, and Niemann; No: None).

23
24 **2. IGA forming Mid-Valley Prosperity Partnership Economic Strategy and**
25 **Action Plan 2019** – Tabled.

26
27 **3. Willamette Valley Visitors Association grant application** – Mr. Workman
28 summarized the grant application and the emphasis on encouraging overnight stays.

29
30 **MOTION:** Councilor Edmonds moved, Councilor Low second, to direct the city manager
31 to apply to Willamette Valley Visitors Association Grant in cooperation with the
32 Philomath Frolic & Rodeo. Motion APPROVED 5-0 (Yes: Causey, Edmonds, Jones,
33 Low, and Niemann; No: None).

34
35 **D. OLD BUSINESS (continued)**

36 **3. PC19-09 Amendments to Annexation Code, PMC Chapter 18.135** – Mr.
37 Workman stated the proposed requirements for applications has an expanded list of
38 impact analysis that the City can require. Councilor Jones questioned if the addition
39 addresses aggregate calculations including approved developments. Mr. Workman
40 explained that the future developments to be included would be those with an approved
41 site plan. There was discussion about the maximum density that a property could be
42 developed to and whether or not to consider those in analysis.

43
44 There was discussion about Page 2, #5, regarding receiving information from area
45 agencies such as the School District.

46
47 Regarding (F) Review Criteria, Mr. Workman stated this addresses a property that may
48 be otherwise out of compliance with city code and creates the opportunity to correct
49 compliance issues.

50
51 On Page 3, "F", there was discussion about the School District's boundary maps having
52 been incorrect for The Blvd. Apartments. Mr. Brewer described the subject nature of

1 some of the proposed criteria, particularly #4, and noted that annexation is the only land
2 use action that allows that subjective nature for criteria. There was discussion about the
3 ability to deny an application based on the criteria and defend a denial at the Land Use
4 Board of Appeals. There was further discussion about the proposed criteria and the
5 benefit to the City described in #4. Mr. Workman stated the benefit criteria is not
6 uncommon in other cities.
7

8 There was discussion about “G”, requiring the City to contract and pay for impact studies
9 and add the cost to the application fee.
10

11 **MOTION:** Councilor Edmonds moved, Councilor Causey second, to strike the proposed
12 language on Page 3, “G.”
13

14 Councilor Jones suggested this was intended to ensure that a certified company perform
15 the studies. There was discussion about the requirements. Councilor Jones suggested
16 the City provide a list of acceptable service providers to the applicant. There was
17 discussion about issues surrounding recommending particular providers. Mr. Brewer
18 described lawsuit issues surrounding negligence and degrees of negligence. Mr. Brewer
19 suggested referring this section back to the Planning Commission for further review.
20

21 Motion APPROVED 4-1 (Yes: Causey, Edmonds, Low and Niemann; No: Jones).
22

23 Councilor Jones noted correction of a typo on Page 5, Item #7.
24

25 **MOTION:** Councilor Edmonds moved, Councilor Jones second, to adopt the findings as
26 amended in the Staff Report for the code amendments to “Chapter 18.135 Annexation”
27 as amended in File No. PC19-09 and that the amendments be approved and the City
28 Manager be directed to present to the City Council for consideration and action. Motion
29 APPROVED 6-0 (Yes: Causey, Edmonds, Jones, Low, Thomas and Niemann; No:
30 None).
31

32 **4. Formation of 2040 Comprehensive Plan Advisory Group –** Mr. Workman
33 summarized the work of the consultant and the advisory group. He added the
34 recommendation from the Planning Commission to include at least two of their members
35 on the group.
36

37 Councilor Edmonds reported on his attendance at the Planning Commission meeting
38 and the work that the advisory group will complete. He stated this was one part of the
39 process. Councilor Low questioned if the members of the committee will have more say
40 than citizens who speak at meetings. Mr. Workman described the vetting that the
41 committee will perform in reviewing ideas from the consultant. Councilor Low questioned
42 if the diverse viewpoints in the community will be represented. Mr. Workman stated he
43 wasn’t sure of the intent of the individuals but was looking for members who would be
44 objective and critical thinkers. There was discussion about the number of proposed
45 representatives who are residents. There was discussion about the data to be compiled
46 for the reports such as the buildable lands inventory and the recommendations to be
47 made. Mr. Workman confirmed that none of the decisions to be made by the committee
48 are binding or unchangeable. There was discussion about timetables for preparation of
49 the reports.
50

51 Councilor Jones stated he was concerned about the process for choosing the applicants.
52 He supported the Planning Commission members being on the committee and

1 supported an open application process. Mayor Niemann stated that the decision was
2 made at the October meeting to proceed with the process in this manner. Councilor
3 Causey questioned if there have been prior advisory committees that used participants
4 who were not necessarily residents. Mr. Workman described the makeup of the Citizen
5 Advisory Committee used during the Transportation System Plan update that included
6 representatives from a variety of backgrounds.
7

8 There was discussion about the number of members for the committee. Mr. Workman
9 stated there was nothing particular about having nine members. Councilor Edmonds
10 reviewed the recommendation made by the Planning Commission.
11

12 **MOTION:** Councilor Causey moved, Councilor Low second, to approve the slate of
13 volunteer community members and Planning Commissioners David Stein and Peggy
14 Yoder.
15

16 Councilor Jones recommended adding Planning Commissioner Joseph Sullivan.
17 Councilor Edmonds noted that the Planning Commission had expressed concerns about
18 the number of business people that were already on the list and stated that
19 Commissioner Sullivan is a business owner also.
20

21 Motion APPROVED 4-1 (Yes: Causey, Edmonds, Low and Niemann; No: Jones).
22

23 **F. COUNCIL REPORTS**

24 1. All Council reports were tabled.
25

26 **G. STAFF REPORTS**

27 1. All staff reports were tabled.
28

29 **H. INFORMATION & CORRESPONDENCE**

- 30 1. **Philomath Connection ridership for October** – Tabled.
31 2. **City website statistics for October** – Tabled.
32 3. **Draft Park Advisory Board minutes of October 10, 2019** – Tabled.
33 4. **Oregon's 100-Year Water Vision draft vision and information document** –
34 5. **Letter from Sandy Heath regarding 2040 Comprehensive Plan Advisory**
35 **Group** – Tabled.
36

37 **I. ADJOURNMENT**

38 1. **Adjournment** – Seeing no further business, Mayor Niemann adjourned the
39 meeting at 10:15 p.m.
40

41 SIGNED:

ATTEST:

42
43 _____
44 Eric Niemann, Mayor

Ruth Post, MMC, City Recorder



Philomath City Council
Agenda Item Summary

Title/Topic: IGA Forming Mid-Valley Partnerships (MVP) and Approving the Action Plan

Meeting Date: November 25, 2019
Department: Administration
Staff Contact: Chris Workman

ISSUE STATEMENT:

Shall the Council approve the intergovernmental agreement forming the Mid-Valley Partnership group and approve the 2019 Action Plan?

BACKGROUND:

As noted within the agreement, the rural cities of Adair Village, Lebanon, Brownsville, Monroe, Halsey, Philomath, Harrisburg and Sweet Home are desirous to enhance economic development activities that better serve the public. The cities will utilize resources such as personnel time, capacities, facilities and funding to promote the vision, strategy and goals set forth in the agreement.

About 18 months ago, the City partnered with these same cities, then affectionately referred to as "The Great Eight," to apply for a state grant to help fund entrepreneurial efforts within rural Linn and Benton Counties. The state-recognized and award-winning combined efforts have been fruitful and garnered encouragement from Business Oregon. We recognize that although entrepreneurialism is an important aspect of economic and community development, it is not everything. Other opportunities to combine efforts and address additional challenges are also believed to have great potential.

The city managers of each city have served as the technical advisory committee of the group since its inception, which will continue to be the case with the approval of the agreement by all participating cities.

Attached to the agreement is an Economic Strategy and Action Plan developed by the technical advisory committee over the past several months with the assistance of consultant John Morgan of MorganPCS Group, and a list of deliverables anticipated to be produced.

This is a three-year agreement to continue to monitor the work of Oregon RAIN and leverage additional benefits of working together on economic development related issues identified in the Action plan. There is no direct cost associated with signing the agreement. Any desired expenditures of the group would come back to the various city councils for consideration.

Upon acceptance, the city manager and mayor are directed to sign the agreement on behalf of the City.

COUNCIL OPTIONS:

1. Approve the intergovernmental agreement forming the Mid-Valley Partnership group and approve the 2019 Action Plan.
2. Do not approve the intergovernmental agreement forming the Mid-Valley Partnership group and approve the 2019 Action Plan.

RECOMMENDED MOTION:

"I move to approve the intergovernmental agreement forming the Mid-Valley Partnership group and approve the 2019 Action Plan and direct the city manager and mayor to sign the agreement on behalf of the City."

ATTACHMENTS

- A. Intergovernmental Agreement between Various Municipal Corporations of the State of Oregon



INTERGOVERNMENTAL AGREEMENT BETWEEN VARIOUS MUNICIPAL CORPORATIONS OF THE STATE OF OREGON

PARTIES TO THE AGREEMENT

This agreement made and entered into this ____ day of November 2019, by and between the following municipalities:

Adair Village	Lebanon
Brownsville	Monroe
Halsey	Philomath
Harrisburg	Sweet Home

All listed cities are municipal corporations of the State of Oregon, hereinafter called CITIES, and hereby partner for the formation of the Mid-Valley Partnership, hereinafter called MVP, for the purpose of building economic development capacities for the region. This will be accomplished by creating a joint economic development organization as identified in Exhibit A – “Mid-Valley Prosperity Partnership Economic Strategy and Action Plan – 2019” and by creating the deliverables listed in Exhibit B.

PURPOSE

The CITIES are desirous of enhancing economic development activities that better serve the public. The CITIES will utilize resources such as personnel time, capacities, facilities and funding to promote the vision, strategy and goals set forth herein. This agreement is authorized and provided for by the provisions of ORS 190.010.

IN CONSIDERATION OF THE MUTUAL CONVENANTS CONTAINED HEREIN, THE PARTIES AGREE TO THE FOLLOWING TERMS, PROVISIONS AND CONDITIONS:

1. **Financial Obligations by CITIES.** CITIES shall cost share expenses on mutually agreed to terms allowed and authorized by each CITIES governing body

through the CITIES manager, administrator or authorized designee. Responsibility to meet financial obligations will be the sole responsibility of every political subdivision who is a party to this agreement.

During FY 19-20, expenditures by each City shall be within existing appropriate budgeted funds. A work program and budget will be developed by the Operations Group and proposed to each City in the FY 20-21 and subsequent budget processes.

2. **Service to be Performed by Third-Party Agents.** CITIES shall ensure performance of any services rendered on behalf of CITIES.
3. **Term.** This agreement shall be from November 1st, 2019 through and including June 30, 2022. However, the CITIES shall continue until all agents and third-party obligations are met once officially authorized by this agreement. The CITIES shall review the terms of the agreement and mutually determine if any amendments are desired. For any modification(s) to be effective, any amendment, modification or otherwise shall be in writing and approved by all parties and placed as an attachment or appendices to this agreement.
4. **Indemnification.** To the fullest extent permitted by law, and in accordance with the Oregon Constitution and the Oregon Tort Claims Act, each party to this Agreement shall indemnify, defend, save, and hold harmless the other party and its officers, employees and agents from and against all claims, actions, liabilities, damages, losses, or expenses, arising from actions derived for the purpose of this agreement:

Failure or refusal of one party to perform or fulfill its responsibilities under this Contract or any law, through no fault of the other party. The obligations or rights under this section may not be delegated or assigned without the express consent of the other parties.

The obligations contained in this section shall survive the termination of this Agreement.
5. **Entire Agreement.** This Agreement signed by all parties is the parties' final and entire Agreement and supersedes all prior and contemporaneous oral or written communications between the parties, their agent and representatives. There are no representations, promises, terms, conditions or obligations other than those contained herein.
6. **Venue.** Resolution of any disputes arising out of the performance of this contract shall be maintained in the Circuit Court of Linn County and/or Benton County as a last resort.
7. **Intent.** The intent of this Agreement is to cooperatively create a working relationship that will be mutually beneficial.

IN WITNESS WHEREOF, the CITIES by resolution duly adopted by its respective CITIES Council cause this agreement to be signed by its Mayor and attested by the CITIES Recorder, all on the day and year first above written.

**[Signature Pages to be added individually
to the agreement upon execution.]**

Introduction

Linn and Benton Counties are the heart of the southern part of Oregon's Willamette Valley, stretching east and west from the top of the Cascades to the top of the Coast Range. It is a region with long Native American history and heritage, and the history of pioneers from the eastern United States traveling on the Oregon Trail to reach this land which was and is rich in natural resources and opportunity. The two counties historically have been central to Oregon's agriculture and timber economies. This has included not only raising and harvesting crops and timber, it has included industries for processing, packaging, and shipping finished timber and agriculture products. These industries historically have been the foundation of employment, culture, and society in the two counties.

But, the economic foundation of the region was greatly shaken with the significant reduction of timber harvesting starting in the early 1980's. This eliminated jobs in the woods, jobs in the mills, and jobs in the supporting business community. It created a stagnant and diminishing population and economic base in the cities in the region, especially the smaller cities.

Agriculture remained strong, but the nature of the agriculture industry changed with growing commoditization, technology impacts, and global trade.

During the last two decades, high-technology businesses have located in the region bringing new dimensions to the economy with new employment, capital investment, and assessed valuation. The bulk of the high-tech growth has been in the large cities in the region, specifically Corvallis and Albany. However, the promise of becoming a high-tech hub was tempered with the Hewlett-Packard facility in Corvallis starting strong with employment to major reductions in jobs over time. This is a symptom of the global market and changing technologies encouraging large corporate businesses to rethink their systems, processes, and locations.

Competitive advantage is key to attracting and retaining businesses such as HP, and just as critical in attracting and retaining businesses and investment of all sizes and in all locations.

Starting with the "Rural Linn County Economic Development Proposal" created by leaders from rural cities in Linn County in 2015, leaders from several rural Linn communities continued to meet to discuss economic development strategies for the region. In the fall of 2017, eight cities from rural Linn and Benton Counties applied for a Rural Opportunities Initiative Grant through Business Oregon to partner with RAIN to bring a Venture Catalyst to the region to work with local entrepreneurs. These cities seek to continue the intra-city effort to create efficient and effective structures for furthering the economic objectives of the region beyond the Rural Opportunities Initiative grant and the work done through RAIN.

The initial eight-city collaborative consists of Sweet Home, Lebanon, Brownsville, Halsey, Harrisburg, Monroe, Adair Village, and Philomath. Together they take the name "Mid-Valley Partnership, or MVP. This Strategic Action Plan is the framework for the cities to work together to accomplish common economic goals and respond to common economic opportunities.

The eight-city initial collaborative reviewed the Rural Linn County Economic Development proposal created in 2016. This strategy document is based on that work, seeking to update and expand its scope to meet needs of the broader Linn-Benton region beyond the RAIN project.

Assessment of the Environment, Opportunity, and Needs

- Economic growth is happening throughout Oregon with historically high employment rates, high business investment, high levels of export, and high revenue and profit. However, this growth is primarily happening in larger cities which have the capacity to attract and support this level of economic development. Oregon's rural communities continue to not share this high level of economic prosperity.
- In the Linn-Benton region, Corvallis and Albany have great capacity for supporting economic development in dedicated city staff and active economic development organizations. This capacity allows these larger cities to effectively respond to queries from potential businesses and investors, to respond to Business Oregon and other organizations when they disseminate requests for information on behalf of potential businesses, and to facilitate the siting, development, operation, and growth of new businesses.
- None of the cities in this partnership have the same capacity to participate in these high-level economic development activities. There is no framework to cooperate with or even complement the efforts of Albany and Corvallis in attracting new business investment into the region. The smaller communities get left behind.
- There is significant opportunity for bringing economic investment to the eight cities in the partnership if the cities understand how to position and leverage their individual and joint assets, and how to respond to opportunities.

The best opportunity for economic investment in these communities may lie in working collaboratively, recognizing several things:

- The economic, housing, and services markets no longer focus on individual communities, but instead on systems tying together regions with multiple communities.
- Smaller cities can now compete with any larger city as a location for business investment due to the advent and growing availability of high-speed and high-capacity internet connections.
- Smaller cities have the competitive advantage of small-town livability.
- Each of the partners has assets and opportunities unique to themselves, but potentially stronger when tied together and leveraged.

This strategy is a commitment by each of the cities to work toward a partnership agreement to act as a coordinated economic development entity to accomplish three primary goals:

- To develop a coordinated story about the assets and opportunities available in each of the partner cities, and in the network of the cities working together.
- To research, identify, and pursue economic opportunities created by looking at the partner cities and region as a single economic, housing, and services system.

- To be able to respond to requests for information, invitations to respond to opportunities, create and implement regional economic development strategies, and advocacy for the region's interests.

Assets to Promote and Leverage

The managers and administrators of the Mid-Valley Prosperity Partnership met in August 2019 to build the foundation for the update of prior strategic planning. In that meeting, the leaders identified several assets of the region that create significant economic opportunity. These are in addition to assets identified in earlier work. These are:

- Higher Education – Two major research universities and one technology focused community college are in the immediate region. This presents great opportunity for using land and resources in the eight cities to help the education institutions pursue and expand their research and development programs.
- Traded Sector – While agriculture and timber economies were historically based on growing and harvesting, the expectation in today's economic world is traded sector where the raw materials created by farm and forest activities are processed locally in manufacturing, food processing, and creation of finished products and distribution of those products globally. The cities each have land and resources to expand traded sector businesses.
- Agriculture Businesses – The Willamette Valley, along with all of Oregon, is marked by family farms rather than large scale corporate farming. These farms compete well relying on the power of co-ops to create competitive abilities. However, these systems can be fragile. Strengthening family farms by creating traded sector vertical integration is highly important to the future. As well, providing farmers with additional income streams to diversify their business models will help preserve the family farm foundation of the region. These additional income streams may include produce and meat sales on-site, restaurant services on-site, farm-stays, and other activities.
- Telecommuters and Home-Based Businesses – With the advent of high-speed internet access to all communities, the opportunity exists to attract telecommuters and homebased businesses that can operate completely remotely. These foot-loose entrepreneurs may find livability opportunities in the eight cities where they can operate and succeed on a global scale to be highly attractive.
- Micro-businesses – Generally cannot afford the startup costs necessary in a larger city. The eight cities can provide incubator and micro-business support infrastructure, possible in conduction with the higher institution institutions, and likely at lower costs.
- Available Infrastructure – The Mid-Valley is poised for economic success for many reasons including extensive infrastructure. Not only is the area laced with surface trucking and automobile links including I-5 and several major highways, it has two major rail lines, pipelines, and a regional and several general aviation airports. Each of the cities has sewer, water, and storm systems with capacity to meet development needs. Broadband internet services are widely available. Energy including natural gas and electricity are available at

highly competitive rates. Now under development is a very large containerized freight transfer facility linking trucking to rail amplifying the efficiency of freight movement in the mid-Willamette Valley.

- Physical Alignment – The cities are close together and aligned on a general east/west axis across the Valley. They are connected by state highways. The I-5 corridor is crossed by similar city alignments east and west of Salem and east and west of Eugene. The fact these alignments to the north and south are anchored by large cities gives those aligned regions greater economic opportunity. The Linn-Benton aligned cities have not rallied in the past around common interests and opportunities but have great potential to thrive if the east/west physical alignment is amplified by an east/west economic alignment especially recognizing the north/south links offered by I-5 including easy access to commercial aviation at Mahlon Sweet Field in Eugene.
- Affordability and Ease of Development – The rural communities have more streamlined and less extensive codes than the surrounding larger cities coupled with a “How can we get to yes?” attitude. Land and development costs and fees are generally less than in larger communities. The communities support economic development and, working together, can be a formidable competitor for investment in retention, expansion, and creation of businesses.

Strategy

1. [Establish a rural-focused primary point of contact collaborating with all existing services and organizations to align, focus, and leverage resources and connect entrepreneurs to resources](#)

Existing, relocating, or start-up businesses can all benefit from assistance to successfully implement their growth strategies. A plethora of services and support organizations currently exist at state and local levels to help, but it is difficult for owners of businesses of any size to easily tap into these critical resources. By creating an entity to focus on these rural Linn County interests and represent them to other organizations, the Partnership will ensure those resources are better aligned, leveraged, and accessed in our communities.

As a result of fostering collaboration and helping align and focus resources for the eight rural cities:

- The Partnership will collect, catalog, and share relevant information, organizations, and services, and will help enable businesses to access and utilize needed resources. This will include an asset map to discover and understand the potential available in the region.
- The services to be cataloged shall be broad based including workforce development, finance, small business management assistance, and other important resources to help businesses succeed.
- By connecting existing and potential businesses to these resources, the Partnership will facilitate economic growth and employment opportunities.
- Where resources do not exist, or are not at the needed scale, MVP will identify those needs and work to see they are addressed.

- MVP will be a voice for businesses in rural Linn and Benton counties when working with regional, state, and global entities.
- MVP will plan for realizing the economic potential of the region looking for those places to connect needs and opportunities.

Outcomes

- A complete inventory of local land use and zoning laws and mapping with the means to keep it updated.
- A complete and constantly updated database of land and buildings available for new business development.
- A catalog of business services including banks, accounting, legal, commercial real estate firms, and other professional services available to business owners and entrepreneurs, as well as the government service of Business Oregon, Worksource Oregon, the Small Business Administration, and other economic development organizations.
- Assistance in knowledge of, understanding, and navigating state, county, and local rules and regulations.
- MVP becomes a behind-the-scenes partner helping new or existing businesses make the decisions to locate or expand locally and to increase their success.
- A recognizable organization and regional point of contact to provide advocacy and leadership in regional economic development efforts, serving as a credible entity to work with businesses, the Regional Solutions Team, other state and federal agencies, institutions of higher education, and the Legislature and Congress. Advocacy through the Cascade West Council of Governments and the League of Oregon Cities is currently underway.

2. Connect new entrepreneurs with learning opportunities and start-up support.

A prominent commercial real estate broker recently commented, “I see lots of potential entrepreneurs with great ideas and nothing else.” The “nothing else” these potential businesses lack is financial support for initial purchases, technical assistance, management support, legal training and support, and market research.

- MVP will use its developed network of existing contacts, organizations, and services to assist current and emerging entrepreneurs with accessing the tools and resources they need to bring their ideas to fruition. For example, understanding market rents for vacant storefronts in various communities, guidance or help in developing business plans, or referrals for legal and professional advice on organizational structures and business practices.

Outcomes

- MVP is employing a rural business accelerator approach using the business incubator model developed by RAIN and services such as those provided by Senior Corps of Retired Executives (SCORE).

- The entrepreneur development work is critical to the region and the partnership will continue to sponsor and carry out this work and the program's recommendations.

3. Help link existing and potential employers with a skilled and trained workforce

A reliable source of trained people is critical to attracting new business and retaining existing businesses. Educational programs are underway through other organizations in the county to develop basic work skills. Linn Benton Community College, the City of Albany, Linn County and several local high schools have various programs to assist people of all ages to upgrade their skills, thus enhancing their employability. Worksource Oregon provides extensive information on training and employment opportunities. In addition, employers frequently have job specific training programs. However, existing employers also have made clear the need for basic or soft skills, i.e. timeliness, personal reliability, grooming.

- MVP will support the efforts of all these trainers to produce a skilled workforce to meet current and future needs.
- MVP will cooperate with Worksource Oregon and local workforce development entities to identify needs, opportunities, and systems for creating a larger and better prepared workforce.
- MVP will include training and employment information in both its asset mapping and its publicly available information database.
- MVP will advocate as needed for rural training programs matching the needs of existing and potential rural employers.

Outcomes

- Businesses are matched with trained workforce.
- Businesses are attracted to the region due to an existing, skilled workforce.

4. Advocate for the rural communities and the goals of this partnership for improved market conditions, and improved legislative, regulatory, or government laws, policies, and programs, particularly those directed at workforce readiness and development.

Rural areas generally lack a voice or a seat at the negotiating table. They may not be aware of government programs funding or facilitating economic development efforts, or may lack the capacity to access them. Having a voice, particularly one connected to existing economic development service organizations, is critical to participating in these efforts. Further, ensuring small, rural oriented employers can be heard when legislative or regulatory changes are proposed is also important in maintaining employment and job growth.

- MVP will work with state, county and local governments to ensure regulations and legislation are designed to stimulate rather than stifle local rural business growth including land use regulations, local fees and charges, building permit processes, and civil engineering requirements.

- MVP will work to simplify this task by developing knowledge and contacts within existing organizations.
- Oregon Cascade West Council of Governments is a regional resource for community and economic development efforts. MVP will work with OCWCOG to help leverage economic development programs and services. Oregon Cascade West Council of Governments also provides an advocacy platform to advance policy recommendations to better equip rural settings for economic development. Creating effective relationships with State officials is crucial for effective State involvement.

Action Plan

In order to pursue and accomplish the four goals of the Mid-Valley Partnership, a common structure for working together and getting things done is critical to create. It is evident a formal agreement must be created to establish a formal entity to carry out this work. This entity needs to be funded, housed, and staffed appropriately to meet these needs:

- Facilitate and lead the ongoing work of the partnership.
- Staff resources to pursue the four goals above working with the leaders of the Partnership to set priorities for specific actions and a detailed work plan to achieve them.
- Continue to plan and pursue a detailed and specific economic strategy based on what the partner cities can accomplish working together leveraging the resources and assets of the region.
- Seek outside funding when appropriate to support the work.
- Develop the materials, narrative, and story to be universally used by the Partnership to effectively communicate what is needed to have an entrepreneur understand the assets, resources, and opportunities of the partner communities both individually and together.
- Serve as the primary point of contact for inquiries from Oregon agencies, other economic development organizations, local governments, and existing and potential business entities.

To create this entity, a joint effort and structure will be created by an Intergovernmental Agreement between the partner cities. As the joint effort finds success, the structure of the entity might need to change, but is determined to be appropriate at this time to use an IGA to create agreement on the structure and direction of the economic development entity, to create a system of governance, and to create the financial structure defining each city's contribution.

It is also determined the initial organization needs to be streamlined and focused on creating the required structure and achieving the initial identified goals.

The Intergovernmental Agreement will be drafted with these elements:

- Operational Group to Pursue the Outcomes and Strategies of this Plan
 - ▶ The City Manager or Administrator from each city.
 - ▶ Other staff as needed.

- Administration
 - ▶ The Cities of Lebanon and Sweet Home will jointly be the conveners and managers of the logistics and records of the meetings and activities.
 - ▶ The City of Lebanon will be the fiscal agent for the new entity.
 - ▶ The Operational Group will determine the need for staff and capital resources to carry out the work of the new entity after the first year.

- Finance
 - ▶ The existing working group will determine the needed structure of staffing and resources to carry out the first year of the regional entity. This to be reflected in the IGA.
 - ▶ The existing working group will determine the needed budget to carry out the first year of the regional entity with this to be reflected in the IGA.
 - ▶ The existing working group will determine the contribution needed from each of the partner cities, proportioned in an equitable manner. This will be incorporated into the IGA.

Next Steps

ACTION	RESPONSIBILITY	TIMEFRAME
Draft the Intergovernmental Agreement (IGA)	Subcommittee	Completed by November 1 st , 2019
Develop a presentation summarizing this Plan to be presented to the City Councils of the eight cities with the recommendation to approve the IGA. The presentations will be made by members of the working group including the city managers and administrators.	Subcommittee to develop presentation	Ready to use by November 15 th , 2019
Enter into a three-year IGA based on the Goals, Outcomes, and structure outlined above	Advocacy and Council support by each City Manager and Administrator	Target for IGA approval is December 31 st , 2019
Deliver the presentation to other cities as requested with an invitation to consider joining the partnership	Entire Group	As requested
Define the Scope of Work and Staffing Needs to carry out the Plan	Operation Committee	March 2020
Develop a financial plan for on-going operations to submit as part of each City's 20-21 and subsequent budget processes	Operations Committee	March 2020 and subsequent years
Revise this strategy as needed and update the IGA	Operation committee	Completed within three years of adoption of the initial IGA.

EXHIBIT 'B'

Deliverables

(Projected over the life of the agreement)

Marketing

- ★ The creation of a professional logo.
- ★ Branding: packaging the story of the region for the general public; specifically geared to the clientele the collective is attempting to attract and retain.
- ★ The creation of a professional website.

Asset Mapping

- ★ Develop a comprehensive list of resources to meet the purpose of this partnership including but not limited to:
 - The State of Oregon
 - Non-profit
 - Financial Resources
 - Angel Investors
 - Market Sectors
 - Higher Education Assets
 - Rural Advantages
 - Natural Aspects
 - Amenities
- ★ Oregon Prospector
 - Populate available property with uniformity.
 - Devote resources to maintain this important data base.
 - Identify all relevant information.

Contract Management & Personnel

- ★ Determine how to accomplish necessary objectives.
 - Create work requirements
 - Develop budgetary needs.
 - Agree to means of execution.

EXHIBIT B

- ★ RAIN Entrepreneurship
 - Continue to monitor efforts.
 - Ensure objectives are met per State agreements and obligations.
- ★ Personnel
 - Discuss advantages of hiring personnel.
 - Identify the capacities of existing personnel.
 - Determine housing and equipment needs.



Philomath City Council Agenda Item Summary

Title/Topic: City Council Vacancy; Appointment Timeline

Meeting Date: December 9, 2019
Issue Lead: Mayor Eric Niemann
Staff: City Recorder Ruth Post

ISSUE STATEMENT

Shall the Council appoint a new member of the Council to fill the current vacancy?

BACKGROUND

Section 7.2 of the Philomath Municipal Code states: "Vacant elective city offices shall be filled by appointment by a majority vote of the remaining members of the council. The appointee's term of office begins immediately on appointment and continues throughout the unexpired term of the predecessor."

A press release soliciting applications was distributed on October 14th. Information was also posted on the homepage of the City's website and in the City's newsletter.

Three individuals submitted applications:

- Catherine Biscoe
- Matthew Lehman
- Doug Nelson

All applicants meet the minimum legal requirements and were invited to attend tonight's meeting and answer any questions the Council might have. After the interviews, the Council will vote by paper ballots.

Each Councilor will vote by signed paper ballot for their choice to fill the vacant position. If any one candidate receives the minimum required four votes, that person will be declared the appointee to the position.

If no one candidate receives four votes, a second paper ballot will be distributed with instructions for each Councilor to vote for their top two choices. After tabulation of votes, a third paper ballot will be distributed with directions to vote between the two finalists.

If the Council reaches a final decision on an appointee, that person will take the oath of office at the January 13, 2020 meeting. If no one individual receives the minimum required four votes, the Council may choose to revisit the process or table action until the January 13, 2020 meeting.



PHILOMATH CITY COUNCIL APPLICATION

*Application Deadline: November 27, 2019 at 5:00 p.m.
City Council Interviews/Appointment: December 9, 2019*

An open council position occurs upon the incumbent's resignation or other circumstance specified under Section 7.1 of the City Charter. A majority of the remaining council shall appoint a successor to the position who will then serve the remaining term of that position.

Following is general information about the Council.

Length of Appointment: The balance of the vacated position
Expected Time Commitment: 6-8 hours of meeting time per month
Meeting Day and Time: City Council – 2nd and 4th Mondays each month, 7:00 PM
Committee and representative assignments – dependent upon appointment

Eligibility Requirements:

- Must be a registered voter;
- Must have resided within the city limits the six months immediately preceding appointment.

Councilor Responsibilities:

Ability to become knowledgeable on a wide variety of issues affecting the city. Willingness to consider differing opinions in arriving at a position that will be in the best interests of the city as a whole. Understanding of how the city operates through its City Charter and how the council functions. (Copy of City Charter and Rules of Council attached.)

Background / Experience Which Will be Useful:

Ability to make a decision and to accept the will of the majority of your fellow councilors. Good communication skills. Prior committee membership in a private or public organization. Ability to accept public criticism. Sense of humor.

Prior to making a decision to submit this application, you are encouraged to contact the mayor, a city councilor, or the City Manager to ask any questions you may have.

Name: Catherine Biscoe **Home Phone:** 651-955-2842

Residential Address: (Street) 510 N. 13th Street,
(Mailing) PO Box 848

Occupation, business, trade or profession: non profit management experience and

How long have you been a resident of Philomath: 16 years *Business ownership for more than 17 years.*

May we contact you at work? Yes No **Work Phone #:** 651-955-2842

May we contact you by e-mail? Yes No **Address:** catherinerae17@yahoo.com

City of Philomath registered voter: Yes No

Briefly list your community and/or civic activities and any special qualifications, which you believe, are relevant to this position:

See attached

List business or professional organizations to which you belong.

Why are you interested in serving on the City Council?

Do you have any relevant philosophical attitudes with regard to service as a councilor which you could share with the Council.

Catherine R Biscoe *11/27/2019*

Signature Date

----- **For Office Use Only** -----

Submittal Date:
Appointment Date:

11/27/19 *OB*

Briefly list your community and/or civic activities and any special qualifications which you believe are relevant to this position.

Program Manager, Philomath Community Gleaners: I have served as Program Manager for 2019 and have been re-elected for 2020. I am currently managing 1200-1400 hours of volunteer service per month and the collection and redistributing of as much as 27,000 lbs of food per month to our members and more than 9 other Food Agencies/Programs in Benton County. I have volunteered in this program for more than 10 years.

HOPE Advisory Board 2019: Currently Serving on the Benton County / City of Corvallis HOPE (Homelessness, Opportunity, Planning, Equity) Advisory Board.

Philomath Lions Club: Volunteer with the Book Sale, Chili Cook Off, Philomath Water Forum 2019

Street Outreach and Homelessness / Low Income Housing Advocacy: Working in Philomath, Western Benton County and Corvallis.

Citizen Involvement: Engaging with City of Philomath City Council and Planning Commission members. Public involvement on issues such as the Philomath Water Forum, Annexation Criteria and recent Municipal Code Updates.

Oregon Watershed Enhancement Board – Participated in the 100-year Water Vision Technical Workshop. Continuing to collaborate with individuals statewide on issues of water quality, availability and affordability. Working with OWEB to develop meaningful data support for municipalities and other agencies to help address future water needs.

Citizens Academy 2019: Attended all 9 sessions of the Philomath Citizens Academy 2019

City of Monroe Food Agency Strategic Planning with Senator Wyden's Office: Participated in Monroe and South Benton County area food agency meeting / planning for serving the community. Asked to present successes of Philomath Community Services as it relates to Gleaning Programs and help advise the local food agencies as they develop their programs.

Census 2020 Community Outreach: Working with U.S. Census and Benton, Linn and Lincoln county agencies to encourage full count participation by citizens to ensure full funding for local and State and programs based on accurate count numbers. Involvement includes networking with directors of Salem Area Census Office, local government officials, local community and business leaders and non-profit organizations as well as individuals from all demographics and in all areas of these communities.

Community Involvement: Philomath Frolic Parade, Philomath Chamber of Commerce, Philomath Rotary and Lions guest speaker, Grow Philomath Sensibly, National Night Out, Philomath Fire District Open House and Health Fair, Benton County 4H Fundraisers and sponsorships, Linn Benton Food Share Thanksgiving Basket distribution event, numerous Corvallis and Benton County governmental meetings on varied subjects with Councilors and Commissioners, local Church and other Non-Profit involvement,

Teaching at Local Community College: Taught several courses on various subjects through local Community College.

Business Ownership for more than 17 years.

List business and professional organizations to which you belong:

- League of Oregon Cities: Budget Committee training 2019, Municipal Fundamentals Training 2019, Ongoing training and support as available.
- Past Involvement in Education and Business Organizations relating to Small Business ownership, and numerous trade organizations involved in the Gift Store/Nursery Growers Industry and the Transport/ Logistics Industry.
- Previous business ownership and management of 17 years, including staff management, finance and office management, logistics and business development.
- Speaking experience in front of more than 5,000 people at small business conferences.

Why are you interested in serving on the City Council?

For years, I travelled the United States and most of Canada. Although, I have visited 48 of our States and 11 Canadian Provinces, my family and I chose to settle in Philomath, Oregon.

In serving on the Philomath City Council, I hope to bring objective, fact-based perspectives and viewpoints to a collaborative City Government. One that has a common goal of preserving the uniqueness and character of Philomath, that compelled me to settle in this community, while growing Philomath into a better and brighter version of itself that we can all continue call home.

Background / Experience that will be helpful. My years of past and present committee and leadership involvement shows my ability to work with a group to make decisions but also to respect the decisions of the majority. I have worked with both private and public groups and committees and am able to communicate effectively as well as accept public criticism. Certainly, a sense of humor will be necessary for the position!

Do you have any relevant philosophical attitudes with regard to service as a councilor which you could share with the Council?

Knowledge... Collaboration... Objectivity... Inclusiveness... Openness... Respect.

If we can achieve these things, then nothing is impossible.

Sincerely,
Catherine Biscoe
PO Box 848, 510 N. 13th Street
Philomath, OR 97370

Signature: Catherine R Biscoe

Date: 11/27/2019



PHILOMATH CITY COUNCIL APPLICATION

*Application Deadline: July 26, 2019 at 5:00 p.m.
City Council Interviews/Appointment: August 12, 2019*

An open council position occurs upon the incumbent's resignation or other circumstance specified under Section 7.1 of the City Charter. A majority of the remaining council shall appoint a successor to the position who will then serve the remaining term of that position.

Following is general information about the Council.

Length of Appointment: The balance of the vacated position
Expected Time Commitment: 6-8 hours of meeting time per month
Meeting Day and Time: City Council – 2nd and 4th Mondays each month, 7:00 PM
Committee and representative assignments – dependent upon appointment

Eligibility Requirements:

- Must be a registered voter;
- Must have resided within the city limits the six months immediately preceding appointment.

Councilor Responsibilities:

Ability to become knowledgeable on a wide variety of issues affecting the city. Willingness to consider differing opinions in arriving at a position that will be in the best interests of the city as a whole. Understanding of how the city operates through its City Charter and how the council functions. (Copy of City Charter and Rules of Council attached.)

Background / Experience Which Will be Useful:

Ability to make a decision and to accept the will of the majority of your fellow councilors. Good communication skills. Prior committee membership in a private or public organization. Ability to accept public criticism. Sense of humor.

Prior to making a decision to submit this application, you are encouraged to contact the mayor, a city councilor, or the City Manager to ask any questions you may have.

Name: Matthew Lehman **Home Phone:** 541-602-4505

Residential Address: (Street) 1213 Grant St., Philomath, OR 97370
(Mailing) _____

Occupation, business, trade or profession: Regional Sales Manager

How long have you been a resident of Philomath: 17 years

May we contact you at work? **Yes** **Work Phone #:** 501-515-2668
 No

May we contact you by e-mail? **Yes** **Address:** MLEHMAN418@GMAIL.COM
 No

City of Philomath registered voter: **Yes** **No**

Briefly list your community and/or civic activities and any special qualifications, which you believe, are relevant to this position:

Philomath Budget Committee - 2 years
PYAC Board - 8 years

List business or professional organizations to which you belong.

Why are you interested in serving on the City Council?

My experience with The Budget Committee has increased my interest in local government. I also see that Philomath is entering a transition period and I would like to be involved in that.

Do you have any relevant philosophical attitudes with regard to service as a councilor which you could share with the Council.

I believe in respectful discourse and as much transparency as possible. I believe in fiscal responsibility.

Matthew Lehman

Signature

7/12/19

Date

----- **For Office Use Only** -----

Submittal Date: 7-23-19 11/1/2019
Appointment Date: _____



PHILOMATH CITY COUNCIL APPLICATION

*Application Deadline: November 27, 2019 at 5:00 p.m.
City Council Interviews/Appointment: December 9, 2019*

An open council position occurs upon the incumbent's resignation or other circumstance specified under Section 7.1 of the City Charter. A majority of the remaining council shall appoint a successor to the position who will then serve the remaining term of that position.

Following is general information about the Council.

Length of Appointment: The balance of the vacated position
Expected Time Commitment: 6-8 hours of meeting time per month
Meeting Day and Time: City Council – 2nd and 4th Mondays each month, 7:00 PM
Committee and representative assignments – dependent upon appointment

Eligibility Requirements:

- Must be a registered voter;
- Must have resided within the city limits the six months immediately preceding appointment.

Councilor Responsibilities:

Ability to become knowledgeable on a wide variety of issues affecting the city. Willingness to consider differing opinions in arriving at a position that will be in the best interests of the city as a whole. Understanding of how the city operates through its City Charter and how the council functions. (Copy of City Charter and Rules of Council attached.)

Background / Experience Which Will be Useful:

Ability to make a decision and to accept the will of the majority of your fellow councilors. Good communication skills. Prior committee membership in a private or public organization. Ability to accept public criticism. Sense of humor.

Prior to making a decision to submit this application, you are encouraged to contact the mayor, a city councilor, or the City Manager to ask any questions you may have.

Name: DOUG NELSON **Home Phone:** 541-606-5368

Residential Address: (Street) 411 S. 30TH ST
(Mailing) PHILOMATH OR 97370

Occupation, business, trade or profession: RETIRED - COMMERCIAL RE APPRAISER

How long have you been a resident of Philomath: ABOUT 3 YEARS

May we contact you at work? **Yes** **Work Phone #:** 541-606-5368
 No

May we contact you by e-mail? **Yes** **Address:** 2OREGOND.UG@GMAIL.COM
 No

City of Philomath registered voter: **Yes** **No**

Briefly list your community and/or civic activities and any special qualifications, which you believe, are relevant to this position:

SEE ATTACHED

List business or professional organizations to which you belong.

Why are you interested in serving on the City Council?

Do you have any relevant philosophical attitudes with regard to service as a councilor which you could share with the Council.

Doug Nelson

Signature

Date

11-8-19

----- **For Office Use Only** -----

Submittal Date:

11/8/19

Appointment Date:

Attachment

I received a Gubernatorial appointment to the Oregon Appraiser Certification and Licensing Board (ACLB) where I served two four year terms. The ACLB is the state department task with regulating Real Estate appraisal activity statewide.

I was offered a seat on the national board of the Appraisal Institute but declined because it required substantial travel and time in Washington D.C.

I served several years on the Mid Oregon Production Art Network's Board of Directors. We advocated for and helped develop the film industry within the state and worked closely with the state's Oregon Film Department.

A few years back, I served as a hearings officer on the Lane County Board of Property Tax Appeals (BoPTA).

I'm presently retired - no longer active as a commercial Real Estate appraiser. In the past I was a Member of the Appraisal Institute (MAI) and where I was also awarded the SRA designation.

I'm interested in serving on the Philomath City Council because I recognize that the City will indeed grow in the near future. An awful lot of that growth/development will certainly revolve around land use, development and redevelopment. It's my hope and ambition to help guide that so as to provide positive results and maximum benefit for both present and future inhabitants. I'm confident that my more than three decade career in acquisition, development, valuation, highest and best use analysis can be put to good use. It would be a shame to waste that knowledge and understanding; so I offer it to you.

My underlying basic philosophical attitude is to make wherever I am a better place for all. I view this as not so much a privilege but more of an obligation. This is a deep seated attitude that I hope the City Council finds me appropriate and useful. If not. That's okay.

PHILOMATH CONNECTION RIDERSHIP SUMMARY

2019-2020 SUMMARY TOTAL RIDES -	7,410	DAYS OF SERVICE-	129	AVG RIDE/DAY-	57
2018-2019 SUMMARY TOTAL RIDES -	16,323	DAYS OF SERVICE-	306	AVG RIDE/DAY-	53
2017-2018 SUMMARY TOTAL RIDES -	17,953	DAYS OF SERVICE-	279	AVG RIDE/DAY-	64
2016-2017 SUMMARY TOTAL RIDES -	18,859	DAYS OF SERVICE-	257	AVG RIDE/DAY-	73
2015-2016 SUMMARY TOTAL RIDES -	17,387	DAYS OF SERVICE-	237	AVG RIDE/DAY-	73

MONTH	DAYS OF SVC	TOTAL FOR MONTH	AVERAGE RIDES PER DAY
--------------	--------------------	------------------------	------------------------------

2019-2020

JULY	26	1,381	53
AUGUST	27	1,337	50
SEPTEMBER	24	1,191	50
OCTOBER	27	1,836	68
NOVEMBER	25	1,665	67
DECEMBER	25		0
JANUARY	26		0
FEBRUARY	25		0
MARCH	26		0
APRIL	26		0
MAY	25		0
JUNE	26		0

2018-2019

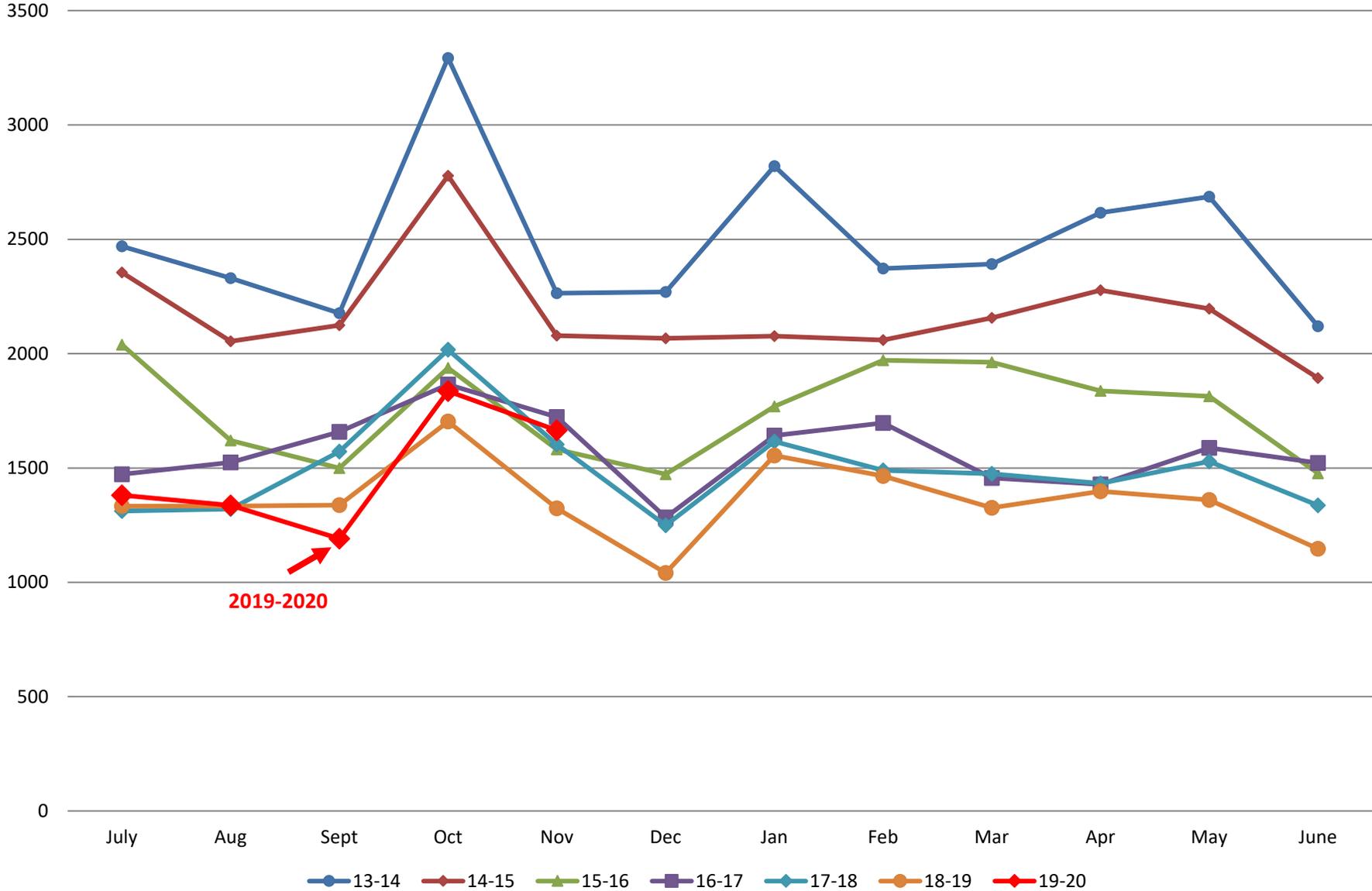
JULY	27	1,333	49
AUGUST	24	1,338	56
SEPTEMBER	27	1,703	63
OCTOBER	25	1,324	53
NOVEMBER	25	1,041	42
DECEMBER	26	1,555	60
JANUARY	24	1,465	61
FEBRUARY	26	1,326	51
MARCH	26	1,398	54
APRIL	26	1,360	52
MAY	25	1,147	46
JUNE			

RIDERSHIP BY WEEK FOR THE MONTH

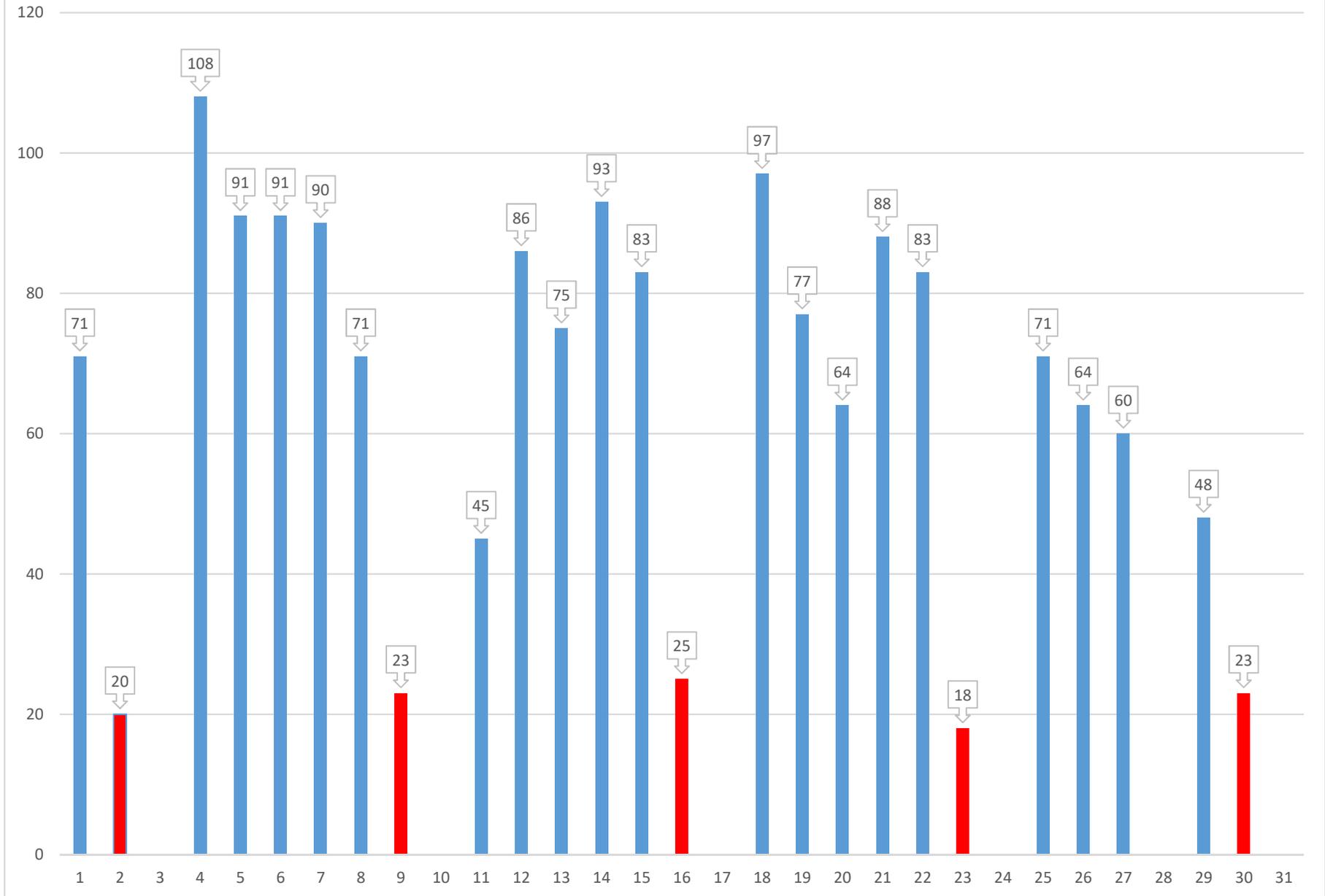
PC ROUTE	*11/1-2	*11/4-9	*11/11-16	*11/18-23	*11/25-30
	91	474	407	427	266

MONTHLY TOTAL 1,665

Philomath Connection Bus Ridership Monthly Totals



Daily Philomath Connection Riders: November 2019



**November
 2019**

Philomath Connection Count TOTAL: 1,665

Weekday Time	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	H 28	29	30	31	
7:00 AM	9			24	12	12	14	7			4	10	10	9	12			18	11	10	12	8			10	9	10		3			214
8:00 AM	9			15	14	14	7	6			7	11	15	15	11			13	10	12	10	10			15	10	5		4			213
10:00 AM	13			18	11	11	12	9			5	13	10	14	8			16	13	10	11	16			14	8	3		7			222
12:00 AM	6			12	12	12	16	10			10	14	14	13	14			15	10	9	7	13			5	12	14		7			225
1:00 AM	9			9	19	19	11	3			6	9	2	5	9			6	7	6	17	8			4	7	11		11			178
3:00 PM	6			17	11	11	13	17			7	14	14	21	16			16	16	12	13	12			11	10	8		7			252
5:00 PM	14			11	10	10	13	14			5	9	8	12	8			8	9	4	14	14			10	7	7		7			194
6:00 PM	5			2	2	2	4	5			1	6	2	4	5			5	1	1	4	2			2	1	2		2			58
Total	71	0	0	108	91	91	90	71	0	0	45	86	75	93	83	0	0	97	77	64	88	83	0	0	71	64	60	0	48	0	0	1556

Weekly Totals: 91 474 407 427 266

Saturday Time	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	H 28	29	30	31		
8:00 AM		3							6							5								3						4			21
12:00 AM		6							12							14								7						11			50
5:00 PM		11							5							6								8						8			38
Total	0	20	0	0	0	0	0	0	23	0	0	0	0	0	0	25	0	0	0	0	0	0	18	0	0	0	0	0	0	23	0	109	

Audience Overview ✓

SAVE EXPORT SHARE INSIGHTS

Nov 1, 2019 - Nov 30, 2019

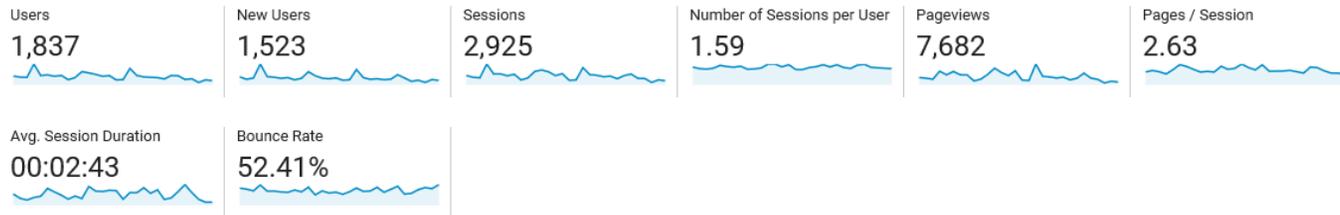
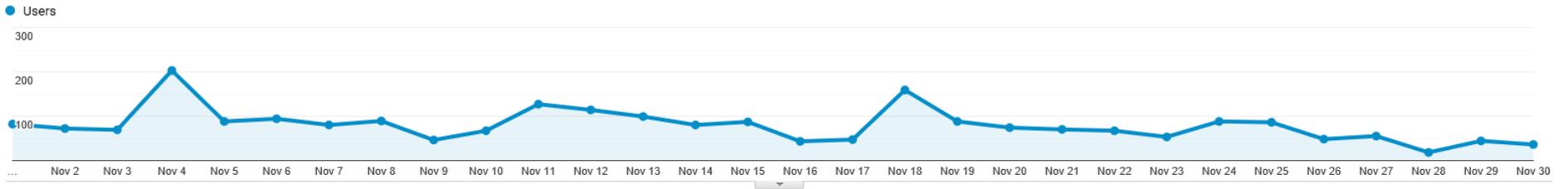
All Users
100.00% Users

+ Add Segment

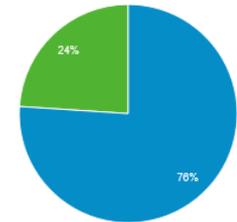
Overview

Users vs. Select a metric

Hourly Day Week Month



New Visitor Returning Visitor



Data from Google Analytics

**CITY OF PHILOMATH
PLANNING COMMISSION
SPECIAL MEETING
November 12, 2019**

Philomath Fire & Rescue Meeting Room
1035 Main Street

CALL TO ORDER:

The special meeting was called to order at 5:00 p.m. by Vice-Chair Lori Gibbs at Philomath Fire & Rescue Meeting Room, 1035 Main Street, Philomath, Oregon.

ROLL CALL:

Planning Commission: Lori Gibbs, Jeannine Gay, Joseph Sullivan, Steve Boggs, Peggy Yoder, and David Stein (5:02 p.m. via teleconference).

Staff: City Manager Chris Workman and City Recorder Ruth Post.

Absent: Commissioner Gary Conner.

NEW BUSINESS:

City Council formation of 2040 Comprehensive Plan Advisory Group -- Vice-Chair Gibbs requested that Mr. Workman provide an overview of the agenda item. Mr. Workman explained that, on his recommendation, the City Council formed the committee at their last meeting. He noted there is a memorandum in the current council agenda packet regarding specifics of the committee. He stated the memorandum explains the process and role that the technical advisory committee will have in the Comprehensive Plan update process. He reviewed the technical advisory grant that the city applied for through DLCD in October. The intent of the grant is to pay for a consultant to compile the four reports needed for a Comprehensive Plan update: housing needs analysis, buildable land inventory, economic opportunity analysis and Main Street plan. He estimated it would take up to three months to compile those. Once the technical data is collected, he added, the process approved by the City Council is for the completed analysis to go to the Planning Commission and City Council for public hearings, round tables, and town halls for public outreach. The results of the outreach discussion would lead to the new Comprehensive Plan policies for approval by the Planning Commission and City Council. He stated the advisory group would primarily review the reports compiled by the consultant. Mr. Workman stated the City Council directed him to reach out to individuals about serving and he collected the names of nine people for the City Council to consider. He added that his thought was for the technical advisory committee to include more people in the overall process.

Vice Chair Gibbs related the process to the Transportation Plan that was just completed using a consultant with a technical advisory committee review before it came to the Planning Commission for review and approval.

Commissioner Yoder questioned if this was the same grant that they had met with Laura Buell about earlier this year. Mr. Workman explained that was a different grant and process for update of the Development Code document, while this grant would be for the Comprehensive Plan update. He noted the grant hasn't been awarded yet, but wanted to be ready to move forward if it is awarded. Commissioner Yoder thought this would have been a good topic for the Planning Commission to discuss at the October meeting that was cancelled. She questioned that some of the proposed committee appointees don't even live in Philomath and she'd hope that was taken into account before the City

Council approves the list. Mr. Workman noted that the City Council memorandum for the November 12 meeting had been updated to complete the missing names.

Commissioner Sullivan stated, whether the Planning Commission agrees or not, the City Council did approve the formation of the advisory group and questioned what, if anything, the Planning Commission wanted to do in the form of a recommendation to the Council. He cited ORS 227.090 Powers and duties of commission. He stated there was nothing wrong or illegal about the city manager making recommendations to the City Council but felt the best outcome was for the Planning Commission to be appointed as the advisory committee. Commissioner Boggs suggested taking a couple of appointees from the Planning Commission to the advisory group. Commissioner Sullivan reviewed Section I. Citizen Involvement in the Comprehensive Plan and the requirement to have a Committee of Citizen Involvement (CCI). He noted that, in small communities, the city is allowed to make the CCI out of another committee and was surprised to discover that the Planning Commission also acts as Philomath's CCI. He stated his biggest issue was with the list of people to be appointed and felt that action should be stopped. He stated it is the Planning Commission's job to say that this should be an open process with applications, advertisement, and selection. He stated the Planning Commission should have that input.

Commissioner Yoder likened the process to applying for a position on the Planning Commission. There was discussion about applicants having to be interviewed and the feeling that a member of the Planning Commission would have some input on the City's future growth. She felt that interested people should apply for the advisory group. Commissioner Sullivan noted that during the Planning Commission interview process he had emphasized that the Comprehensive Plan is out of date and would take steps to help update it. He felt this was why he was appointed.

Commissioner Gibbs supported the committee consisting of people who live within the city but agreed that involving more people broadens the number of people that touch it. Chair Stein stated this issue wasn't on his radar when he made the decision to cancel the October meeting and agreed that the Planning Commission should have some representation on the advisory group. He agreed that the Planning Commission could function as the advisory group but it would increase the amount of work the Planning Commission has to do, which could have disadvantages. He noted that the Planning Commission could be considered not entirely representative of Philomath and establishing a technical advisory group could do a better job.

Commissioner Gay questioned if a technical advisory committee would have an advantage over the Planning Commission. She felt things were pushed very fast and it was unknown to some what was being done. She suggested the committee needs representation from the Planning Commission, citizens and a couple of business people but didn't think an application process would be the best way to go.

Commissioner Sullivan suggested the Planning Commission conduct a well-publicized process and select three appointees with one Planning Commission representative.

Mr. Workman explained that the thinking was for the advisory committee to involve more people in the process. He noted the goal of having some of the people on the proposed list become more involved in city planning. He added that, aside from the school district, Georgia Pacific is the largest employer in the city and the goal would be to have them at the table to help develop policies related to industrial property, with similar reasons for involving the school district and Chamber business community. Commissioner Sullivan stated he hadn't looked at the list and wouldn't mind if they were chosen to

appoint. He added he doesn't object to the people on the proposed list, just the way they were chosen without Planning Commission involvement.

Commissioner Gibbs questioned how long this committee would be active. Mr. Workman reminded the Commission that the grant hasn't actually been awarded yet but would anticipate a six to nine month process. He stated the general outline per DLCD is for an initial meeting with the consultant who then completes each report, the technical advisory committee reviews each report and provides input, repeating the process as each of the four required analysis reports is completed. Commissioner Yoder felt this was work the Planning Commission should be doing.

Commissioner Sullivan reviewed Section IX of the Comprehensive Plan that covers plan amendment and update. Commissioner Yoder questioned the process if the grant isn't awarded. Mr. Workman explained that the current budget does include \$20,000 to begin the Comprehensive Plan update. He reviewed the city's master plans that have now been updated and the Comprehensive Plan is on the city's radar to update next. He stated even if the grant isn't awarded, the process will be able to begin, just possibly with only one analysis report this year. He noted the grant would be nice because it would make it possible to complete all four reports in the coming year.

Commissioner Yoder stated she hadn't had an opportunity to read the City Council memorandum because she'd only just found out about the committee. Commissioner Gibbs questioned how much time appointees would be expected to devote. Mr. Workman estimated four to six meetings over a six to nine month period would be involved. He added that his intent in the recommendations was to get a cross-section of representatives invested in Philomath's future. He added that his intent was never to exclude the Planning Commission. He likened this to staff level work; but rather than just have staff review the analysis, he thought it was better to have a small technical advisory committee perform the analysis review.

Commissioner Sullivan proposed congratulating the City Council on thinking about this and applying for the grant and requesting that they please either appoint the Planning Commission or let the Commission select the appointees. Commissioner Yoder suggested asking the Council to hold off on the appointments and allow the Planning Commission further time for review.

Chair Stein felt the best option was to request the Council take no action until their next meeting in December, which would allow the Planning Commission time to consider the options and frame their recommendation. He felt there should be a Commission representative on the technical committee and agreed that not everyone on the committee needs to be a city resident. He agreed that a Georgia Pacific manager could have a lot to add. He added that a lot of people who speak to the Council don't live within the city limits but have a lot to offer. He suggested if the Council won't delay their decision to request at least one member of the Planning Commission be appointed.

Commissioner Sullivan distributed a proposed memorandum to the Council that he had previously drafted for the Commission to review. Commissioner Boggs stated he approved with requesting the Council delay their decision. Commissioner Yoder stated she liked Option 2 offered in the handout. Commissioner Gibbs stated she saw nothing wrong with the representatives from the different types of groups on the list. There was additional discussion about the work to be performed and the impact of the representatives. Mr. Workman stated there was no specific number of committee members to be appointed and all of the proposed members on the list have agreed to serve. Chair Stein didn't feel that four people was a sufficient number. Commissioner Sullivan reasoned that he had suggested four

because he's been working on ways to get traction on the Comprehensive Plan update and had come up with four after a conversation with the city attorney.

There was discussion about next steps, the upcoming City Council meetings schedule, and scheduling a Planning Commission meeting. There was discussion about rescheduling the regular November 18 meeting that had been previously cancelled and submitting something to the City Council for their November 25 meeting.

Mr. Workman offered potential options for addressing the November 12 City Council discussion on the agenda item, including suggesting to the Mayor for the Council to table their discussion until the November 25 meeting. Versions of a proposed motion were discussed.

MOTION: Commissioner Sullivan moved, Commissioner Boggs second, the Planning Commission deliver the proposed memorandum, amending the final paragraph to request the City Council postpone a decision on Agenda #H.01 until the Planning Commission is able to make a recommendation at the November 25 City Council meeting. Motion APPROVED 6-0 (Yes: Boggs, Gay, Gibbs, Stein, Sullivan and Yoder; No: None.)

ADJOURNMENT:

Vice Chair Gibbs adjourned the meeting at 5:58 p.m.

**PHILOMATH PLANNING COMMISSION
MINUTES**

November 18, 2019

1
2
3
4
5
6 **1. CALL TO ORDER:** Chair Stein called the meeting to order at 6:00 pm. at the City Hall
7 Council Chambers, 980 Applegate Street, Philomath, Oregon.

8
9 **2. ROLL CALL:**

10 **Present:** Chair David Stein, Commissioners Steve Boggs, Gary Conner (via
11 teleconference at 6:03 p.m.), Jeannine Gay, Lori Gibbs, Joseph Sullivan, and Peggy Yoder.

12
13 **Staff:** Chris Workman City Manager; Deputy City Attorney David Coulombe; and City
14 Recorder Ruth Post.

15
16 **Guest:** City Councilor Doug Edmonds.

17
18 **Absent:** None.

19
20 **3. APPROVAL OF MINUTES**

21 **3.1 Minutes of September 16, 2019**

22
23 **MOTION:** Commissioner Yoder moved, Commissioner Gibbs second, to approve the minutes
24 of September 16, 2019, as presented. Motion APPROVED 6-0 (Yes: Boggs, Gay, Gibbs, Stein,
25 Sullivan, and Yoder; No: None).

26
27 *(Commissioner Conner joined the meeting at 6:03 p.m.)*

28
29 **4. BUSINESS**

30 **4.1 2040 Comprehensive Plan Advisory Group involvement** – Commissioner Yoder
31 stated her belief of the outcome of the Planning Commission's (PC) meeting on November 12
32 was that the Commission should be an integral part of the advisory committee. After
33 discussion, it was agreed that having the entire Commission plus the proposed appointees
34 would create too large of a committee at 16 members. Commissioner Yoder proposed any
35 members of the PC who want to serve on the committee should be allowed but it shouldn't be a
36 total of more than 7 members.

37
38 Chair Stein suggested reducing the nine proposed appointees and add a couple of PC
39 members for a mix of PC and the proposed members. Commissioner Yoder stated she would
40 prefer to see the committee consist of more citizens, and it should be a mix.

41
42 Commissioner Sullivan noted they are making a recommendation to the City Council, but the
43 root issue is that it is unclear what the deliverable expectations are for the committee. It would
44 be helpful to know specifically what they are going to be doing. Chair Stein summarized his
45 understanding, including if City gets the grant, a consultant will be hired who will prepare the
46 reports and report back to the advisory committee with the consultant's findings and the
47 advisory committee will provide feedback. The consultant will adjust accordingly and the
48 reports will move on for approval. Commissioner Sullivan stated he understands what the
49 consultant will do but doesn't understand the role of the committee. Chair Stein explained the
50 use of citizens in helping to direct the study because they know the town. There was discussion
51 about the time commitment of the advisory committee members. Commissioner Sullivan stated
52 there are lots of rules for the PC but how this committee will work doesn't seem to be defined.

53 Chair Stein stated it seems pretty clear that the committee will meet anywhere from four to six
54 times and will then be disbanded.
55

56 Commissioner Yoder questioned if this committee will have the same constraints as the PC
57 regarding ex parte contact. Mr. Workman stated the committee will not be setting policy or
58 making a land use decision, so ex parte contact won't apply. He stated it will, however, be
59 subject to public meetings law.
60

61 Commissioner Gay questioned if the consultants would be paid by the report. Mr. Workman
62 explained he hasn't previously hired this particular type of consultant before but his expectation
63 is that it will be a matter of hiring a firm to gather the data and write each report. Commissioner
64 Gay had concerns that consultants don't know the city or the history. There was additional
65 discussion about the expectations of the consultant and the cost. Mr. Workman noted that if
66 staff has to do the work, it will take much longer. Commissioner Gay expressed her concern for
67 having to pay money to a consultant when all of that work was performed for the current
68 comprehensive plan and now someone has to be paid to do it all again. There was discussion
69 about the funds the City has budgeted to begin this process. Commissioner Conner stated he
70 has familiarity with this type of work and explained the process is to select a consultant and
71 negotiate a price. Commissioner Boggs stated the PC should be involved in this process just
72 the same as the standing committees that the City Council serve on.
73

74 Mr. Workman suggested adding a couple more names from the PC to make 11 on the
75 committee. Chair Stein commented that the problem with the draft list is there are nine people
76 and seven are business people. He felt this was too many business people. Commissioner
77 Sullivan stated the desirability as a business person to be on the committee and impact
78 business policies. He felt this should be a more democratic process.
79

80 There was discussion about the likelihood of receiving the grant. Mr. Workman stated the
81 information he has received is promising but not a sure thing. He was doubtful that the City
82 would get the full \$50,000 requested, but noted the City does have \$20,000 budgeted this year
83 towards the project. He expects to receive a final decision within a couple of weeks and would
84 like to get the project kicked off in January. He further explained the need to have discussions
85 with the consultant to determine which reports are a priority to get done first and this may be
86 somewhat dependent on what types of funding may be available now and in the future.
87

88 Chair Stein requested a timeline. Mr. Workman explained the timetables aren't necessarily set
89 and will be impacted by the consultant. Chair Stein questioned if there was a need to rush into
90 establishing a committee. Mr. Workman described a timeline of a couple of weeks to receive
91 the grant response, two to four weeks to get the consultant on board, and the committee
92 beginning meetings after that.
93

94 Commissioner Yoder stated she would like to see an application process for committee
95 members. Mr. Workman explained this process was based on the City Council's direction.
96 Commissioner Yoder questioned if other options were considered by the Council. Councilor
97 Edmonds stated the Council did consider other options and decided to use this one. He
98 suggested the PC put their recommendation together for the Council to consider.
99

100 Chair Stein questioned how many members of the PC were interested in serving on the
101 committee and how many other types of people they would recommend. Commissioner
102 Sullivan stated he only knew one name on the list, Troy Muir; and with an open process, he
103 could feel good about the list. He suggested the process should start over. Councilor Edmonds
104 encouraged the PC to make that recommendation to the Council. He added that the Council is
105 responsible for directing the City Manager to complete the comprehensive plan and this is their
106 committee.

107
108 Commissioner Gibbs felt there is no perfect mix. She did think it was worthwhile to have a
109 couple of PC members on the committee but also saw the benefit of having the different
110 representation from the community. Commissioner Sullivan stated this was the cornerstone of
111 the comprehensive plan and this committee would decide where we're going to start. Chair
112 Gibbs stated she does think this commission should have a role.
113

114 Commissioner Sullivan recommended asking the Council to use some type of open process.
115 Commissioner Yoder stated it sounded like the Council had already had that discussion and
116 chose not to go that way. Commissioner Sullivan emphasized going to the Council with their
117 recommendation.
118

119 Mr. Coulombe explained the Council has the power of the City Charter to determine process
120 and it's not the PC's job to direct them. He stated appointment power is not within the PC's
121 purview and they appear to be getting bogged down on a piece of the process that they have
122 no authority over. Commissioner Sullivan confirmed that the PC understands they have no
123 authority. Mr. Coulombe noted the PC and citizens can make suggestions regarding process
124 but it's up to the Council to make the decision.
125

126 **MOTION:** Commissioner Boggs moved, Commissioner Gibbs second, to recommend to the
127 City Council to add a minimum of two Planning Commission members to the Comprehensive
128 Plan Advisory Group. Commissioner Yoder explained she would vote no because she wants to
129 add more than two. There was additional discussion about the motion stating a minimum.
130 Motion APPROVED 5-1 (Yes: Sullivan, Boggs, Gibbs, Yoder and Stein; No: Gay, Abstain:
131 Conner.)
132

133 There was discussion about having two people who wanted to participate. Chair Stein,
134 Commissioner Yoder and Commissioner Sullivan said they would be willing to participate in the
135 committee. Mr. Workman suggested he could just add the information about the Planning
136 Commission's meeting to the Council memorandum along with the three names or that the
137 Commission could draft a separate document with its own recommendation. There was
138 consensus for him to include it in his memorandum.
139

140 *Chair Stein called a recess at 6:46 p.m. and reconvened at 6:54 p.m.*
141

142 **4.2 Planning Commission rights, responsibilities and functions** – Chair Stein noted the
143 agenda packet contains state statute and city code directions on what the PC does and doesn't
144 do. He added that the name, Planning Commission, suggests they do a lot of planning but that
145 isn't what they really do.
146

147 In response to a question from Commissioner Boggs, Mr. Workman explained that the City
148 does not presently have a Traffic & Safety Committee. He stated although the code provides
149 for one, there hasn't been one established since he's been with the City. Commissioner Yoder
150 stated she was surprised to see the assignments in PMC 2.30.080 Public Facilities. She stated
151 the City has parks that have never come before the PC. Commissioners Sullivan and Boggs
152 stated agreement. Commissioner Sullivan added there were a number of things the PC is
153 supposed to be doing that they're not. There was discussion about parks and any that have
154 been created. Mr. Workman noted the Parks Master Plan was reviewed by the PC before it
155 was sent to the Council for adoption. There was discussion about the ODOT medians in the
156 highway.
157

158 Commissioner Sullivan suggested the PC should remind the Council that these things are in
159 the code and the PC would like to be involved. There was additional discussion about the
160 recent property donation for use as a memorial park in memory of Paul Cochran. Mr. Workman
161 stated the process was only beginning and the Parks Advisory Board would likely be
162 responsible for a lot of the design and planning. Commission Sullivan stated the PC needs to
163 respectfully remind the Council that it is their job to make plans for the City on future growth,
164 parks, and buildings. Chair Stein noted that Section 2.30.090 says the Council may call on the
165 PC, not shall. Ms. Post pointed out that Chapter 2.30 of the code was adopted in 1987 and the
166 Parks Advisory Board has been added since that time. She suggested it may be as simple as
167 the code needs to be amended to correct which body is responsible for certain activities.
168

169 **MOTION:** Commissioner Sullivan moved, Commissioner Yoder second, that the City Council
170 should consider whether the Planning Commission should be consulted when starting actions
171 that could lie within the Planning Commission's scope of responsibility. Motion APPROVED 7-0
172 (Yes: Boggs, Conner, Gay, Gibbs, Stein, Sullivan and Yoder. No: None).
173

174 Commissioner Sullivan reported he had a discussion with the City Attorney, City Manager and
175 Mayor regarding the comprehensive plan kickoff and there is obviously some steam behind it.
176 He believes there should be work on a vision to come up with a picture of what the community
177 wants for the next 20-plus years and that the PC should get together and begin work on that.
178 Chair Stein suggested that during the public discussions surrounding the 2040 plan would be a
179 good time to discuss that.
180

181 Chair Stein recommended that all members of the PC should have a copy of the Oregon
182 Planning Commission Handbook and Mr. Workman offered to get copies distributed.
183

184 **5. ADJOURNMENT:**

185 There being no further business, Chair Stein adjourned the meeting at 7:20 p.m.
186

187 SIGNED:

ATTEST:

188

189 _____
190 David Stein, Chair

Ruth Post, MMC, City Recorder