

REGULAR MEETING OF THE COUNCIL
CITY OF AMITY, OR

Minutes

Regular Meeting of the City of Amity City Council was held at 7:00 p.m. on Wednesday, April 15, 2021 in the Council Chambers, City Hall, 109 Maddox, Amity, Oregon.

Councilors Present:

Councilor Rachel King, Councilor Sandy McArthur, Councilor Napua Ann Rich, Councilor April Dyche, Councilor Robert Andrade and Mayor Ryan Lehman

Councilors Present via Zoom

None

Councilors Absent

None

Staff Present

City Recorder Natasha Johnson and City Administrator Mike Thomas

CONSENT AGENDA:

Councilor Rich moved to approve the Consent Agenda. Councilor Andrade seconded and with no further discussion motion passed 5-0.

CITIZEN COMMENTS/QUESTIONS:

- A. Yamhill County Sheriff's Report: YCSO did not attend the meeting due to being on a call. There were no comments for the YCSO.
- B. DIG Report: Erin Rainey updated Council regarding Daffodil Festival. She let Council know that Amity High School has started making the hanging baskets for downtown. There were no further comments for DIG.
- C. Citizen Mark A. asked Council regarding variance to Ordinance 653. There was discussion between Council and Mark. Mayor Pro Temp Lehman let him know it is on the Agenda and will discuss further when get to that portion.

Citizen Bobbie F. asked Council about the cost of getting more officers to patrol. She asked the Sheriff's office for follow up regarding a call for service and that she never received a follow up call. Bobbie also expressed concerns about the YCSO's office response call and how they handled her call for law enforcement service. When questioned by Council, Bobbie F. stated the response time was fast, but that the Deputy did not respond to what she thought she asked for in her call for service. Councilor King let her know Council hears her concern. Administrator Thomas will follow up with Sheriff's Office. Councilor Lehman explained what the contract allows. Councilor Dyche let her know that she will follow up with Administrator Thomas and YCSO.

By the end of the meeting, Administrator Thomas, was able to connect Bobbie F. with the YCSO

Deputy who responded to her original call, to address her concerns. This issue was resolved off line.

Citizen Rob K. brought up to Council a concern regarding complaint filed with the State against Councilor Lehman and (then) Mayor Cape. He wanted to know why no record of the complaint was in the possession of City Staff. He wanted Councilor Lehman to provide the complaint to Council before Council voted on Councilor Lehman becoming the next Mayor. Councilor Rich asked if Citizen Rob K. submitted a complaint.

Citizen Rob K. said he asked for a copy of the complaint from Administrator Thomas and was told no complaint had been submitted. Administrator Thomas explained that the City never received a copy of the complaint from the state or citizens.

Administrator Thomas let the Council and Citizen Rob K. know he would have to go to the State to see if they have the complaint and if they can provide a copy to him. He also explained that the State is under no obligation to send a complaint to City if the State's Ethic Board finds the complaint is not valid.

Councilor Rich said that since there is no documentation or complaint on record with the City, then until Citizen Rob K. submits supporting documentation regarding his claim, the City should move on from this topic. Councilor Lehman explained to Citizen Rob K. that his time was up, and that he had exceeded his allotted time (three minutes) for citizen comments. Citizen Rob K. cursed and stated that Councilor Lehman of being vindictive and unwilling to hear opposing voices. Councilor Lehman explained he is being out of order and he (and Councilor Andrade) directed Administrator Thomas to mute Rob K. Citizen Rob K. cursed again and as he was being muted, he disconnected from the ZOOM component of the meeting.

Councilor Lehman went on to state to Council that he has not heard anything from the state regarding the complaint and he only heard of the complaint from Administrator Thomas, who learned of it by Citizen Rob K. and decided to inform him (and prior Mayor Cape). But no copy has been provided to the City at this time. He continued and added as far as he is concerned there is no complaint because nothing has been sent to the City at this time. Councilor Rich explained nothing has been brought forward at this time to the City so not an issue at this time.

Citizen Bobbie F. stood up at this point to state to Council that she filed the complaint mentioned by Citizen Rob K. with the State. She stated that she filed it against Councilor Lehman and (then) Mayor Cape and she went to great detail regarding her logic for the complaint and what was contained in the complaint. She told Council that the only person who knew she filed a complaint was Citizen Rob K. Councilor Dyche said stated that it was apparent that the State deemed that the complaint was unactionable and therefore the Council needed to move on. Councilor Dyche let Citizen Bobbie F. know that her allotted time was up and Councilor Lehman moved the meeting along.

Councilor Lehman read into record a written comment he received from Citizen Judy M. regarding weight limit sign on Stanley Street and she would like the sign removed.

OLD BUSINESS:

- A. Second Reading and Approval of Ordinance 668: City Administrator Thomas did the 2nd

reading of Ordinance 668. Councilor Rich moved to approve and enact Ordinance 668; A Temporary Ordinance of the City of Amity Addressing Camping Within Amity. Councilor Dyche seconded and with no discussion motion passed 5-0.

B. Approve Variance to Ordinance 653: City Administrator Thomas went over background regarding variance to Ordinance 653. Councilor Andrade did not see an issue with allowing the Citizen Mark A. to keep his 24 chickens. Administrator Thomas explained further on grandfathering him in to keep his chickens if the ordinance changed in the future. Councilor Rich brought up establishing that 24 poultry would be max forever and that in the future if there is an issue with neighbors to re-visit the variance. Citizen Mark A. just wants to make sure he's not breaking any ordinances. Councilor Dyche said she agrees with Councilor King and that if there is a complaint filed regarding it that the Council will re-visit the variance and asked that City Staff put that wording into the variance. Councilor Andrade thinks should be no more than 6 per adult in the household. Administrator Thomas explained that should be a max because if there are lot of adults living in one household there could be a lot of chickens. Councilor Andrade said add wording only 6 chickens per adult in the household with a max of 24 poultry. Councilor King moved to approve exemption in accordance with Ordinance No. 653, Section 16, to Citizen Mark A; allowing him to retain his current level of poultry regardless of future changes to City Ordinances. Councilor King add the condition that if a formal complaint made to the City regarding the chickens, then Citizen Mark A. will come before Council for a continuance to the variance. Citizen Mark A. asked for clarification and if it is only for his neighbors to file complaint or anyone. Councilor King clarified the condition for Citizen Mark A. She motioned for this.

Councilor McArthur seconded and there was discussion. Administrator Thomas asked Council if they wanted to include the cap of 24 poultry in the variance. Councilor McArthur said to include the cap of 24 poultry. Councilor King also said to have cap of 24 poultry in the variance. Councilor Andrade asked if City needs to post about it to the community. Administrator Thomas explained that the variance is a case-by-case situation.

Councilor Lehman added the amendment to the motion on the table, capping at 24 poultry for the property of Citizen Mark A. to the variance. With no further discussion motion passed 5-0.

NEW BUSINESS:

A. Appointment of New Mayor: Councilor Lehman went over background regarding why Amity was appointing new Mayor. He added that the City checked with the City Attorney that the process was legal and accurate under City Charter. Councilor Lehman took it as the Council President would become Mayor, but the City went beyond by opening the position to the public. The City Attorney agreed that the City did follow the process, but went above and beyond, which was in its favor.

Councilor Rich had questions for Councilor Lehman. 1st question she asked was what three steps he would be taking for the City in the near future. Councilor Lehman answered the question. She then asked him what his greatest strength would be being the Mayor. Councilor Lehman answered stating he wants the City and Citizens to succeed, and he wants everyone to work together. She asked him with his experience being on the Council and what he plans on improving on as Mayor. He answered stating he plans on improving the City by giving

good common approaches towards moving the community forward. Councilor Rich asked him a question regarding development. He answered that question, too. She asked him about his plans holding a Town Hall Meeting. He answered that he does plan on executing Town Hall Meetings. At this time, he is not sure when or what topic yet. She added that all the Councilors had a chance to have one on one conversations with him and ask questions.

Councilor Rich moved to appoint Ryan Lehman as the next Amity Mayor effective immediately. Mayor's term to expire December 31, 2024. Councilor King seconded and with no further discussion motion passed 5-0.

B. Appointment of New Council President: Mayor Lehman gave background regarding Council President and needs to fill it now that he is the Mayor. Councilor Andrade asked if it is demanding and what it entails. Mayor Lehman described the duties of the position. Councilor Andrade moved to appoint Councilor King as Council President for the remaining year of 2021. Councilor Dyche seconded motion. Councilor King said she accepts and would be honored to be the President. With no further discussion motion passed 3-1.

C. Council Committee Assignments: Mayor Lehman explained to Council that will need to re-assign Finance Committee Chair since he is now Mayor. He appointed Council President King as Finance Committee Chair. When the newly appointed Councilor gets on, they will become the new lead contact for Infrastructure, but in the meantime, he will be the lead for infrastructure. Administrator Thomas asked if this was authorization for the City to advertise for a Council Vacancy. Mayor Lehman said yes.

D. Proclamation of Child Abuse Prevention Month: Administrator Thomas gave background regarding the proclamation. Mayor Lehman read the proclamation to the Council. Councilor Dyche moved to approve the Child Abuse Proclamation. Councilor Rich seconded motion and with no further discussion motion passed 5-0.

E. Approval of Liquor License: Administrator Thomas gave background regarding Liquor License. Councilor Rich moved to approve Liquor License application for Fred's Bistro located at 516 S Trade St. Councilor McArthur seconded motion and with no further discussion motion passed 5-0.

F. Continuation of Emergency Declaration: Administrator Thomas gave his update regarding the County's and State's Emergency Declarations for COVID. The State has extended out to May 2nd, but the County terminated their declaration. He explained that he is neutral at this time due to the split decision and is leaving it up the Council. Councilor Dyche asked if the money just received from the grant if it is dependent on having a State of Emergency. Administrator Thomas explained it did not. Mayor Lehman asked if the last grant money that we received if that was dependent on the Emergency Declaration. Administrator Thomas explained that none of the COVID money the City has received required a declaration.

Councilor King asked Administrator Thomas if he has used any of his additional granted authority in the Emergency Declaration at this time. Administrator Thomas explained has only used his powers to implement the micro-grant program, but Council tacitly approved that action. Mayor Lehman asked Administrator Thomas for confirmation that he is fine either way. Administrator Thomas said yes that was correct.

Councilor Dyche asked about future funding and if Administrator Thomas has any concerns that future funding would be tied to the Emergency Declaration. He said he is unaware of any funding being tied down to a declaration. Councilor Dyche asked about State funding. He explained the only funding he is aware of right now from the State needing a declaration is tied to wildfire response and Amity is not eligible for that money.

Councilor Rich feels the City should follow what the State is doing and there is no harm in continuing. Councilor Dyche agrees with Councilor Rich. Mayor Lehman expressed concern that while COVID is still a problem, he doesn't conclude Amity is facing an Emergency. He thinks that if we are not using any of the powers given by a declaration, then what's the point of having it.

Councilor King asked if Administrator Thomas or Mayor Lehman declared an emergency what is the window to let Council know. Administrator Thomas explained the thought the timeline is 24 hours if he declares it and if the Mayor declares it would be 72 hours and would have a special meeting. He said he would have to double check to make sure though. She also asked if another Councilor thought Emergency how to declare one. Administrator Thomas answered that.

Mayor Lehman explained further and if there is an actual emergency in town, he will be at City Hall in response. Councilor Rich explained to Council why she wants to keep the declaration and warned Amity could lose out on grants. Mayor Lehman asked why to have something in place if not using it. Councilor McArthur explained that Councilor Rich wants to be proactive instead of reactive.

Councilor Dyche moved to continue the Emergency Declaration 2020-06 and retain the additional authorities granted therein and revisit at June Council Meeting. Councilor McArthur seconded and with no further discussion motion passed 4-1 (abstain).

G. Approval of New Employee Handbook: Administrator Thomas went over the background for needing a new employee handbook and that it has been revised along the CIS model template handbook. Councilor King want Administrator Thomas to let CIS know there is an error in CIS handbook regarding FMLA. He agreed. Councilor Rich moved to approve the Employee Handbook for 2021. Councilor McArthur seconded and with no further discussion motion passed 5-0.

H. 1st Reading Ordinance 669 – Ziplly Fiber Franchise: Administrator Thomas went over the background regarding Ordinance 669. Councilor Dyche moved to conduct a first reading by title only to approve Ordinance 669, the Franchise Agreement with Ziplly Fiber. Councilor King seconded and with no further discussion motion passed 5-0.

I. Approve Resolution 2021-02 Decorum: Administrator Thomas went over the background regarding Resolution 2021-02. Councilor Rich moved to approve Resolution 2021-02. Councilor McArthur seconded and with no further discussion motion passed 5-0.

J. Approve Resolution 2021-03 Water Project Bonds: Administrator Thomas went over the background regarding Resolution 2021-03. Councilor Dyche moved to approve Resolution 2021-03 Water Project Bonds. Councilor Andrade seconded and with no further discussion motion passed 5-0.

- K. Appoint Budget Committee Members: There were no applications for the City's Budget Committee Members. City Recorder Johnson will readvertise and push the closing date to the end of April and Council will appoint any new members at the May Council meeting.
- L. Discussion Budget Hearing Meetings: City Recorder went over background regarding getting budget hearing scheduled. Council all decided to have first budget meeting on May 7th at 6pm to allow for time to have a second budget meeting if needed and this would allow for time to publish the meetings.

DEPARTMENT REPORTS:

City Administrator Report: Administrator Thomas submitted his report and had nothing to add. There were no comments for him.

City Recorder/Treasurer Report: City Recorder Johnson submitted her report and added new City Clerk Chrisy Worthington is doing an amazing job. There were no comments for City Recorder.

Public Works Report: Superintendent Mathis submitted his report and was not present at the meeting. Mayor Lehman wants to make sure he is aware that he needs to get his report submitted early so it is included in the report. Recorder Johnson let Council know that she did ask for the reports extra early, and he was on vacation. Administrator Thomas updated Council regarding park cameras being installed. There were no further comments for Public Works.

Library Report: Librarian Jenkins submitted her report and was not present at the meeting. Mayor Lehman asked for an update regarding the Library being painted. Administrator Thomas let Council know the City paid for the paint and supplies, but the labor is being donated. The painting should start in the next couple of months. There were no further comments for the library.

City Engineer Billing Report: Billing report submitted. There were no comments.

City Attorney/Planner Billing Report: Billing report submitted and there were no comments.

BUSINESS FROM THE MAYOR & CITY COUNCILORS:

Mayor's Comments: Mayor Lehman submitted his report, which is included as the Work session minutes and had nothing else to add. There were no comments for Mayor Lehman.

Councilor Sandy McArthur Comments: Councilor McArthur submitted her report, which is included as the Work session minutes and had nothing else to add. There were no comments for Councilor McArthur.

Councilor Robert Andrade Comments: Councilor Andrade submitted his report, which is included as the Work session minutes and had nothing else to add. There were no

comments for Councilor Andrade.

Councilor Napua Ann Rich Comments: Councilor Rich submitted her report, which is included as the Work session minutes and added that she is still concerned about the COVID risk level the County is still in and appreciates all the outreach that City Administrator Thomas is getting out to the Community in response. Mayor Lehman stated that he knew of another funding opportunity from LOC for businesses, asking City Staff to share the information, directing our local business to reach out to LOC and see if they qualify for the funding. There were no further comments for Councilor Rich.

Councilor King Comments: Councilor King submitted her report, which is included as the Work session minutes and had nothing else to add. There were no comments for Councilor King.

Councilor Dyche Comments: Councilor Dyche submitted her report, which is included as the Work session minutes and had nothing else to add. There were no comments for Councilor Dyche.

Councilor Rich moved to adjourn meeting at. Councilor Andrade seconded and without further discussion motion passed 5-0.

Approved by City May 5, 2021

Ryan Lehman, Mayor

Attest:

Natasha Johnson, City Recorder