

**SPECIAL SESSION OF THE
COUNCIL CITY OF AMITY, OR**

Minutes

Work Session of the City of Amity City Council was held at 5:00 p.m. on Wednesday, November 16, 2022, in the Council Chambers, City Hall, 109 Maddox, Amity, Oregon.

Councilors Present:

Councilor Melissa Bojorquez, Councilor Acie Dunlap, Councilor McArthur, Council President April Dyche, and Mayor Rachel King

Councilors Present via Zoom

None

Councilors Absent

Councilor Cody Goings

Staff Present

City Administrator Michael Thomas

CITIZEN COMMENTS/QUESTIONS:

- A. Citizen Comments: Ms. Lilian Engel asked about the homelessness situation within Amity. Mayor King responded with the City's current response to the limited number of homeless individuals in the community. She then asked Mayor King how to get a full prohibition of psilocybin on the ballot in 2024. Council President and Mayor King both responded with some recommendations for petitioning the City Council in the next 24 months. Finally, she asked about heating and cooling centers for the homeless.

NEW BUSINESS:

- A. Mr. Terry Howard Claim: Administrator Thomas reviewed the claim the Mr. Terry Howard levied against the City of Amity and its Water Treatment Facility. He described the properties in question and the deliberations he, the City Attorneys, our City Engineers, and the US Department of Agriculture, Rural Development, have already undertaken with Mr. Howard. He then discussed the claim request by Mr. Howard. Finally, he summarized a proposed recommendation to be made by the City

Initially, Council President Dyche recused herself from voting upon or deciding any course of action made by the City, based on a potential conflict of interest. Mayor King then stated that there would be no commitments or decisions made in this meeting, merely a discussion of the guidance to go forward with the negotiations.

Councilor Dunlap asked whether Mr. Howard had made previous claims against the City. And what Mr. Howard was specifically asking for in his claim. City Administrator Thomas, replied and elaborated on the Howards request. Councilor Bojorquez and the City Administrator also mentioned that the railroad and a County highway cut through the property in question.

Councilor Dunlap asked whether this matter had a likelihood of going to Court and the costs associated with going to Court for a resolution. City Administrator Thomas replied, then Mayor King elaborated on the costs associated with delaying the construction schedule for our contractor(s).

City Administrator Thomas then mentioned the USDA's limitations on providing funding to our infrastructure project during our negotiations with Mr. Howard. He and Mayor King then discussed potential "work arounds" on a lack of USDA funding.

Mayor King then opened the meeting up to discussion. Councilor McArthur then asked how Mr. Howard came up with his proposed settlement amount. City Administrator Thomas replied it was based upon an estimated compensation for a lack of crops harvested. Administrator Thomas then elaborated that the amount is based on some perceptions and assumptions made by Mr. Howard. Mayor King then described Mr. Howard's actual math.

Councilor Dunlap asked whether the City had honored our portion of the agreement as established in the initial deed. Mayor King answered that the City was honoring the agreement, but that the disagreement is based on how to interpret the farming rights. City Administrator Thomas then described how Mr. Howard perceived the timeline based on documentation Mr. Howard provided the City. The Administrator, then discussed how the farming rights may or may not have transferred. Councilor Dunlap asked if there were any 'possession becomes ownership' legal precedents that applied in this case, based on Oregon Land Use laws.

Mayor King then asked Council what guidance they would have for the City Administrator going forward. She provided some potential ideas for types of guidance. Councilor Bojorquez asked if returning the land to Mr. Howard's family would result in a loss to potentially expand the City's Treatment Plant into the future. City Administrator Thomas replied that it would but suggested a potential solution. There was a quick discussion that an agreement must be made that eliminates future claims, and a discussion about the joint ownership, requiring any agreement must be with each owner of the property.

There was a quick discussion led by Councilor Dunlap regarding water rights as per the deed. Councilor Bojorquez recommended not removing water rights. Councilor Bojorquez asked if we needed to include the railroad or ODOT into this discussion. Mayor King stated there likely wasn't an issue regarding those rights of way.

The City Administrator, then provided an additional course of action as provided by the attorneys, which was to provide an appraisal of the property and offer to and agree to the appraisal price. Mayor King declined that option. Councilor McArthur asked how much land was at stake with the request and how much could be farmed again. Councilor Bojorquez described how long the property has been fenced and the rationale behind fencing our property, then requested how that may change our negotiations. Councilor Dunlap restated the dilemma, while Mayor King and Councilor Bojorquez proposed a recommendation to offer a settlement. Councilor McArthur stated that the City needed to keep the right to the land, as we owed it to the community at large to have the ability to expand in the future to meet community needs. Yet, she recommended that we could extend a right to farm the land in a limited capacity. At this point, Mayor King made a recommendation for a proposal.

Mayor King and Administrator Thomas then discussed how the negotiations would be concluded, a potential timeline, and that any agreement will need the signatures of the property owner(s) and Mayor King.

At this point, the Mayor and Council established their guidance for the City Administrator to move

forward with the negotiations and for him to offer a counter proposal to Mr. Howard, as established by Council. There were some final comments and questions about the terminology to use and the legal ramifications of the offer we're presenting. These were addressed by the City Council and the Administrator. Councilor Bojorquez made a few comments on the technical aspects of the negotiations. Mayor King then established the final terms for the City's initial counterproposal to Mr. Howard.

- B. Tree Lighting Ceremony and the Amity Fire/Downtown Improvement Group (DIG) Christmas Event: Councilor Dyche discussed the plan for December 2nd's festivities. She provided the timeline of events, and what events the Fire District and DIG will offer up to the community. She also described the roles for both Amity Fire and DIG.

Mayor King discussed the City's plan for the evening. She asked about some resources for the event and stated that she would be engaged in executing the event. Councilor Dunlap made a recommendation, which Mayor King appreciated.

- C. Homelessness: Mayor King discussed that after the City approved to support the Oregon Mayor's Association's (OMA's) proposal on solving homelessness, they reached out to the City Administrator for potential uses of the funding. The City Administrator, noting Mayor King's comments in the Council Meeting, provided heating and cooling centers and some advocacy work. Mayor King then described how this morphed into a very basic "1-pager" for lobbying purposes by the OMA.
- D. Election Results: Mayor King asked City Administrator Thomas to go over the election results. Councilor Bojorquez asked how we established precincts versus electing at large. At this point Mr Engel asked how the elections worked, to which Mayor King replied with an explanation. The results being that the psilocybin measure passed, while for our Councilors we had 1 clear winner, 1 potential winner, and a multi-way tie. Councilor Bojorquez asked about the timeline as to when the results would be finalized. Mayor King elaborated further. Mayor King and Councilor Bojorquez discussed the availability of Elected Official Training for the new elects.

COUNCILOR COMMENTS:

- A. Councilor Dunlap: Councilor Dunlap had no comments and there were no comments or questions for him.
- B. Councilor Bojorquez: Councilor Bojorquez had no comments and there were no comments or questions for him.
- C. Councilor Dyche: Councilor Dyche had no comments and there were no comments or questions for her.
- D. Councilor Goings: was not present at the meeting and there were no comments or questions for him.
- E. Councilor McArthur: Councilor McArthur had no comments and there were no comments or questions for her.
- F. Mayor King: Detailed the City County Dinner and the Regional elected officials lunch she attended. She highlighted McMinnville as being a great host!

Councilor King adjourned the meeting at 6:25 PM.

Approved by City Council December 7, 2022

Rachel King, Mayor

Attest:

Natasha Johnson, City Recorder