

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, May 5, 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 (late) and Mayor Ryan Lehman

Councilors Present via Zoom

None

Councilors Absent

None

Staff Present

City Administrator Mike Thomas, City Recorder Tasha Johnson, City Clerk Chris Worthington, and via ZOOM, City Planner Holly Byram, and City Attorney Bill Monahan

CONSENT AGENDA:

Councilor Rich moved to approve the Consent Agenda. Councilor McArthur seconded. Councilor King asked to update wording in the work session minutes, changing the word "contentious" to "consciences" and with no further discussion motion passed 4-0.

CITIZEN COMMENTS/QUESITONS:

- A. Yamhill County Sheriff's Report: YCSO was not present at the meeting. There were no questions for the YCSO.
- B. DIG Report: Eve Silverman with DIG updated Council regarding flower baskets. The baskets should go up 2nd week of June. She let Council know next big event will be the Tree Lighting. Mayor Lehman asked her about testing of the water for the plants. She let him know Public Works usually test the water to make sure watering the baskets goes well.
- C. Citizen Comments: There were no public comments.

OLD BUSINESS:

- A. Second Reading and Approval of Ordinance 669 – Ziplly Fiber Franchise: City Administrator Thomas did the 2nd reading of Ordinance 669. Councilor King moved to approve Ordinance 669; the Franchise Agreement with Ziplly Fiber. Councilor MacArthur seconded and with no discussion motion passed 4-0.

NEW BUSINESS:

- A. Planning Commission Vacancy Appointment: City Administrator went over background regarding Planning Application process. Applicant Melissa Bojorquez introduced herself. Mayor Lehman asked her what makes her want to be on the Planning Commission. She let Council know she wants to be a part of the community. Councilor Rich asked her if she owns or rents. She let Council know she owns her home. Councilor Rich moved to appoint Melissa Bojorquez to the Amity Planning Commission to a term to expire December 31, 2024. Councilor McArthur seconded. Councilor King let Council know that she knows the applicant and she is going to abstain from voting and with no further discussion motion passed 3-0-1 abstain.
- B. Presentation of Certificate of Appreciation: Mayor Lehman presented Sylvie McGee with a certificate for her voluntarily assistance to the City with its AARP Community Grant Application. Councilor McArthur thanked her as well. Ms McGee lives in Washington, so Councilor McArthur will mail her the certificate.
- C. Update Check Signers: Mayor Lehman went over the background regarding check signers. Councilor Rich moved to update the list of authorized check signers on the City of Amity's First Federal Checking account to include Mayor Ryan Lehman, Council President/Finance Committee Chair Rachel King, City Administrator Michael Thomas, and City Recorder/Treasurer Natasha Johnson, contingent on passing the bank's credit check and remove any and all others.

In addition, the Council approved to update the safety deposit box signers to include Mayor Ryan Lehman, City Recorder/Treasurer Natasha Johnson and City Administrator Michael Thomas contingent on passing a bank's credit check and remove any and all others. Councilor Dyche seconded motion and with no discussion motion passed 4-0.

- D. Resolution 2021-01, S20012 A-01 Amity Borrowing Resolution Amendment: City Administrator Thomas gave background regarding Resolution 2021-01. Councilor Rich moved to approve Resolution 2021-01, S20014 A-01 Amity Borrowing Resolution Amendment, accepting the additional funding for the Salt Creek Bridge Project. Councilor McArthur seconded motion and with no further discussion motion passed 4-0.
- E. Resolution 2021-02 Deed Agreement with ODOT: Administrator Thomas gave background regarding Resolution 2021-02. Councilor Dyche moved to approve Resolution 2021-02, transferring deeds to the Oregon Department of Transportation. Councilor McArthur Seconded. Then during the discussion period, Mayor Lehman asked that ODOT provide the City a map in future scenarios like this, so that Council may have a visual of the land in question. Administrator Thomas said he would reach out to ODOT about providing a map. Then Councilor King asked about the ownership of the property and if we are a part of the Cemetery Association, which is the name on the title. Administrator Thomas explained that there is just a sliver of land being turned over, and not any of it is in the cemetery. She asked why the City would be able to approve transfer of rights for property under title to someone else. Administrator Thomas said he will check and get back to the Council. He also stated

that he thinks the Cemetery Association is a private entity. Mayor Lehman, then decided that he did not think the City needed to approve the transfer tonight and the City can table it. He recommended that we check with our Attorney, too, then present all the findings in the June Council Meeting. Councilor King is agreed. Councilor King made motion to table this to June' Council Meeting if able to provide the information regarding the cemetery property. Councilor Rich seconded motion and with no further discussion motion passed 5-0.

F. Public Hearing: Disbandment of the Tourism Committee: Mayor Lehman opened Public Hearing and read the script. He read aloud the reasons for disbanding the Tourism Committee.

Per the script, he asked if anyone in the public would like to speak in favor of disbanding the Tourism Committee. There were no comments from the public. Then Councilor Rich stated that she thinks having the Tourism Committee is great, but no one attends the meetings. She said that DIG does a lot for the community. The work regarding Tourism will continue, but will be in a new form, with more direct outreach with the community. Councilor Dyche explained the City will be able to use the Tourism Funds for tourism without committee meetings while fulfilling its obligations making a committee unnecessary.

Mayor Lehman asked if anyone from the public would like to make a comment for keeping the Tourism Committee. Citizen Eve Silverman made comments supporting the committee. She asked rhetorically if the City did enough outreach to get people to join the Tourism Committee. She requests that if the City decides to keep the Tourism Committee, then for the city to reach out to other businesses and DIG regarding spending tourism funds. Councilor Rich let her know that she and Councilor Dyche reached out to the community regarding joining the Tourism Committee, but there is no interest. There were no more comments regarding keeping the Tourism Committee.

Mayor Lehman closed the public hearing.

Councilor Andrade asked if in the future, how hard would it be to re-start the Committee. Mayor Lehman explained it would involve passing a new Ordinance. Mayor Lehman explained the steps of removing it or getting it back and what disbanding the Tourism Committee entails. Councilor Andrade asked if DIG would take on the responsibilities of tourism. Councilor Rich replied that DIG would not, but Council would work with DIG in determining how to spend tourism funds. Councilor King asked whether the transient tax would still be included in the tourism fund. The was confirmed, by Mayor Lehman who went on to explain that just only the section in the Ordinance requiring the City have a Tourism Committee would be removed. Councilor Dyche explained that this will allow the City to obtain a quorum when looking at Tourism expenditures and plans every month, as the Council will make the quorum. Councilor King moved to disband the Tourism Committee and have City Staff work to update our ordinances to reflect this decision in the new codified code. Councilor McArthur seconded and with no further discussion motion passed 5-0.

G. Public Hearing: Close out of CDBG Grant of \$2.129 Million: Mayor Lehman read Public Hearing Script and opened the hearing. This hearing is a requirement to closeout the \$2,129,242 in grant funding the City obtained to work on its water infrastructure. This hearing gives the public an opportunity to hear what the City did with the money and allow the public a chance to comment and ask questions.

Mayor Lehman asked if there were any questions or comments regarding the project. There were no questions or comments from the public. Mayor Lehman closed the public hearing.

Per the requirement of the hearing, Administrator Thomas went over the details of the City's \$2.129 million grant. He went over all the expenditures to this point and the results. This was the renovation of the water reservoir, the refurbishments to our water filters, the administrative costs, and the remaining direct purchase. He asked if there were any questions from the Council. There were none.

Mayor Lehman asked if Renata Wakeley of the Mid-Willamette Valley Council of Governments (COG), a partner in the project, had anything to add. She added that the City Administrator did a great job summarizing the projects and that the COG will continue to support the Council and City Staff in the next steps in the project, to include securing the funds with USDA. Councilor King went on record to state that she is happy that the work done so far is what saved the City from a major crisis during the recent February winter storm. Mayor Lehman agreed that having the project complete to that point kept our water emergency from turning into a water outage. Finally, Administrator Thomas updated Council about the fact that compared to this time last year, before the project was complete, the City is drawing about 1 million gallons less per month, which is significant and speaks to the efficiencies and improvements made to the system.

H. Public Hearing: Appeal to Planning Commission Decision, Partition for Tax Lot#R5429 00101, DeRaeve Family LLC / Ed DeRaeve:

Mayor Lehman opened the public hearing for city planning file #2101-01P at 7:55 PM. He went over background regarding the planning file. He then read the standard land use public hearing script, stated that the hearing pertained to a quasi-judicial land use decision, opened the public hearing, and read legal matters.

Mayor Lehman asked the Council for declarations of ex-parte contacts, conflicts of interest, bias, or site visits concerning the application. There were none. Mayor Lehman asked if anyone in the audience would like to challenge any of the Councilor's ability to participate in the public hearing. There were none.

Mayor Lehman then asked for the presentation of the Staff Report.

City Planner Holly Byram went over the staff report in the Council's meeting packet, information dated April 28, 2021. She quickly stated a correction to the script, noting that there was only 1 appeal to the decision and not two. She then presented the decision of the Planning Commission, the changes made to accommodate the applicant and the appellant, the stated that Council should have sufficient information to approve the decision

Mayor Lehman asked if any Councilors had any questions for staff. There were none.

Mayor Lehman read aloud about presentation of the appellants. He asked if there was presentation from the Appellant, Jim Affolter. Mr. Affolter chose to make a statement to the Council, stating that they are not appealing the parcel division, but the portion of the proposal removing wording that regarding secondary access using his driveway and only allowing

access to the barn. He asked for clarification regarding the access point and that it shows his driveway is being used as secondary access, which he does not want to be the secondary access point. At this point he concluded his statement.

Mayor Lehman asked if there was presentation from the Applicant. There was from Applicant's Attorney, Margaret Gander-Vo. She let Council know that they have no objections to the proposed modification to the decision and agree with staff's revised decision. She clarified the applicant's stance regarding the secondary access point and stated it just needs to be noted on the paperwork, and they are not planning on using it as secondary access. They are prepared to move forward with the modified decision.

Mayor Lehman asked if there was any public testimony. He explained if someone has legal standing then that individual can testify. There was none.

Mayor Lehman asked if any rebuttal from appellants – There was none.

Mayor Lehman asked if any rebuttal from applicant – There was none.

Mayor Lehman asked the Council if they had any questions for staff. There were a few questions from Council. Councilor King asked if the applicant submitted the original deed in the planning application. Attorney Gander-Vo explained that they did submit the most recent deed with the original application. Councilor King wanted to make sure the application was complete when it went to Staff and Planning Commission. Planner Holly Byram let her know that the application was complete, and it was included in the original application that went to the Planning Commission. There were no further questions or comments from Council.

Mayor Lehman closed the public hearing at 8:25PM and sought further discussion for deliberations by the Council. There was discussion from Council. Councilor King asked Planner Holly Byram regarding the description in the revisions on page 10 paragraph 2 of the staff findings that it should say Nursery or Hwy 153 and not Goucher. Planner Holly Byram agreed, there was a typo. The document should say Nursery or Hwy 153 and not Goucher. She explained the conditions of approval that were adopted were accurate. Our City Engineers comments were correct, Goucher is a collector street, the condition of approvals is accurate, but it was indeed a typo that will need to be addressed. Planner Byram suggested Council will need to change that in their motion.

Mayor Lehman asked if there were any more questions from the Council. There were none.

Councilor King moved to uphold the Planning Commission's decision to APPROVE the DeRaeve Family Partition, file #2101-01P, and adopt the REVISED findings and additional condition of approval #13, as provided in the staff report to the City Council dated April 28, 2021, to address concerns raised by the Appellants and with additional revision of the street named Goucher in the second paragraph of staff findings regarding section 2.202 and 2.211 changing the street name from Goucher to Nursery. Councilor Dyche seconded and with no further discussion motion passed 4-0-1 abstain.

Attorney Bill Monahan went over the appeal process based on the final decision by the City Council.

DEPARTMENT REPORTS:

City Administrator Report: Administrator Thomas submitted his report and asked if Council wants Staff to order pizza for the budget meeting on Friday. Council would like to have pizza delivered locally. He went over the upcoming meetings this month. He updated Council regarding extra requirements regarding the archaeology component of the still stalled USDA water infrastructure project. He went on to mention that the City did not grant funding for installing the dog waste bag stations. He will seek another grant. He got a solicitation for earmark request from Senator Merkley's office and will submit the paperwork by the deadline. Finally, he updated Council that the City selected the lowest bidder, Correct Equipment, for the water meter replacement project. There were no comments for him.

City Recorder/Treasurer Report: City Recorder Johnson submitted her report and had nothing to add. There were no comments for City Recorder.

Public Works Report: Superintendent Mathis submitted his report and was not present at the meeting. There were no comments for Public Works.

Library Report: Librarian Jenkins did not submit her report and was not present at the meeting. The Library will be closed May 8th for Mother's Day weekend. There were no comments for the library.

City Engineer Billing Report: There were no invoices this month. Councilor King asked if they are asked to submit a report or just invoices. Administrator Thomas said if Council wants a report he can check. There were no further 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 added update regarding infrastructure. The Mayor and Councilor King will be joining County Commissioner Kulla's round table discussion on Monday. The discussion will primarily be regarding how to spend the funds thru the entire county regarding infrastructure. He has been listening in on Commissioner's round tables and have reached out to him.

Councilor Dyche asked if there has been anyone interested in being on the Council. City Recorder updated Council that we've received no applications. There were no further 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 did not submit his report due to not being at the meeting 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 praise regarding (new) City Clerk Worthington a good idea regarding businesses involvement in a City welcome packet; the response has been great. There were no comments for Councilor Rich.

Councilor King Comments: Councilor King submitted her report, which is included as the Work session minutes and added that she met with City Recorder Johnson and went over Finance Folder and what she needs to look over. She 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 added update regarding how based on last month's meeting, our Deputies have reached out to Bobbi F., addressed the issue, and confirmed the reason for a lack of contact was a wrong phone number. There were no comments for Councilor Dyche.

Councilor Rich moved to adjourn meeting at 8:55 pm. Councilor McArthur seconded and without further discussion motion passed 5-0.

Approved by City June 2, 2021

Ryan Lehman, Mayor

Attest:

Natasha Johnson, City Recorder