

REGULAR MEETING OF THE COUNCIL
CITY OF AMITY, OR

Minutes

A Regular Meeting of the City of Amity City Council was held at 7:00 p.m. on Wednesday, May 6, 2020 in the Council Chambers, City Hall, 109 Maddox, Amity, Oregon. Meeting was held predominately over a ZOOM teleconferencing network due to the COVID-19 pandemic.

Councilors Present

Councilor Ryan Lehman, Councilor Robert Andrade, Councilor Napua Rich, Councilor Sandy McArthur and Mayor Michael Cape

Councilors Absent

Councilor Jenna Goings and Nicholas Wilkinson

Staff Present

City Administrator Michael Thomas and City Recorder Natasha Johnson

CONSENT AGENDA: Mayor Cape added items 5 Department Reports and 6 Business from the Mayor and Councilors to Consent Agenda. Councilor Lehman moved to approve the Consent Agenda. Councilor McArthur seconded and with no further discussion motion passed 4-0.

CITIZEN COMMENTS/QUESTIONS:

- A. DIG Report: Eve Silverman emailed report in.
- B. CITIZEN COMMENTS: Mayor Cape explained the process of the Land Use hearings on the agenda and if any comments not regarding them would be now.

Citizen Eli Cox thanked City Council for their donation to the Juliette's House for Child Abuse Prevention Month. They would like to put the pin wheels up sometime in the summer or have a credit for next year. He mentioned May is Mental Health Month Awareness and he thanked Amity for being safe. Mayor Cape stated he would like to get together regarding the pin wheels when all the stuff going on is done.

There were no more comments.

OLD BUSINESS:

- A. **2nd Reading and Vote to Approve Ordinance 661 – Re-Establishing Planning Commission:** Administrator Thomas let Council know there have been no changes since the last reading of Ordinance 661. Councilor Lehman made motion to approve Ordinance 661 as is and to enact in thirty (30) days of this date. Councilor Andrade seconded and with no further discussion motion passed 4-0.

NEW BUSINESS:

- A. **Approve Resolution 2020-03 – Accepting the Grant and Loan Contract for the Salt Creek Bridge Water Transmission Line:** The City Administrator went over background of Resolution 2020-03. Councilor Lehman moved to approve Resolution 2020-03, accepting the funding offer and Councilor Rich seconded. Councilor Lehman asked when construction will start. City Engineer Peter Olsen said should start early part of 2021. With no more discussion motion passed 4-0.
- B. **1st Reading Ordinance 663 – Re-Establishing Tourism Committee:** Administrator Thomas went over background of Ordinance 663 and gave the 1st reading. The Administrator brought up that a citizen, Mr Kistler, had some comments for revisions. However, Mr Kistler is a nonvoting member of the Tourism

Committee and that it is up to the Council if they would like to move forward as is or make revisions now; although corrections could still be made prior to the 2nd reading. Councilor Lehman moved to approve Ordinance 663 as is with this first reading, then complete a second reading at the June 3, 2020 City Council meeting for vote to enact; Councilor McArthur seconded motion. Councilor Lehman stated that in deliberations the proposed ordinance changes who is on the Tourism Committee. One change is allowing a business representative or owner that is directly related to tourism and does not have to live in city limits. Administrator Thomas asked Citizen Kistler, who was linked in over an audio ZOOM channel, if he had any additional comments to add since he submitted comments. Kistler did not say anything. With no further discussion motion passed 4-0.

- C. **Re-Appoint Amity Tourism Committee Members:** Mayor Cape let Council know they have three emails from current members asking to be re-appointed. Councilor Lehman moved to re-appoint Amity Tourism Committee Members Rod Hickerson, Erin Rainey, and Barb Bond to the Amity Tourism Committee to a term to expire December 31, 2022 and Councilor Andrade seconded. Councilor Lehman thanked all the current members for all their hard work getting the branding project started and finished. With no further discussion motion passed 4-0.
- D. **Re-Appoint Historic Landmarks Committee Members:** Mayor Cape let Council know they have two emails from current members asking to be re-appointed. Councilor Lehman moved to re-appoint Historic Landmarks Committee Members Eve Silverman and Deb Conrad to the Historic Landmarks Committee to a term to expire December 31, 2023 and Councilor Rich seconded. With no further discussion motion passed 4-0.
- E. **Public Hearing: Site Design Review and Partition, 110 4th Street, Gerald Bieze, Bieze Property Investors LLC:** Mayor Cape read public hearing script, opened public hearing and read legal matters. No member of the City Council declared conflict of interest. Mayor Cape asked if anyone from the Council wish to report any site visits. Mayor Cape then stated that he has been by the property while driving on 99 but has not been by the actual site in the last year.

Planner Byram went over staff report. She explained to Council that the planning file was brought to Council for approval because the Planning Commission lacked quorum during the scheduled public hearing for the file. Mayor Cape asked Planner Byram if the sidewalk requirements are only for frontage on this property or along their (Amity Truck & Tractor's) other property. She explained the sidewalk requirement is only for this property.

Mayor Cape asked Council if they had any clarifying questions for Staff. Councilor Lehman asked Planner Byram for clarification on parking spaces. Planner Byram explained with the City's code requires and it's by done by a ratio of use and space determines parking slots. The closest comparison is commercial uses and therefore this property would need around 10 parking spaces. Councilor Lehman asked if entire paved area counts as parking and if all of the parking slots need to be striped. Planner Byram explained if its the striped spaces shown on the design documents they meet the requirement. Mayor Cape asked why round up to 10 spaces and not 9 spaces. Planner Byram explained the Council can determine either parking space requirement.

Councilor Andrade asked about buffering between properties and where new construction on the property be in relation to other properties and how far back from the fence line will the new building(s) be. Planner Byram explained there will be 10 foot rear setback and the current fence may already meet the screening requirement. There were no more questions for staff.

Mayor Cape asked if the applicant had a presentation. The Applicant did have a presentation. Applicant Bieze explained that all the requirements will be met. Mr Bieze did bring up that the number of parking spaces from going from 5 spaces to 10 spaces is a big difference. The property is in LI and the 5 spaces would meet the code for industrial uses. The 10 spaces are required in GC but this property is in LI, he is not certain why the City wants to apply a different Zone's requirements upon his design. Mr Bieze asks the Council to approve with a variation that allows for 5 parking spaces.

Applicant Bieze brought up another staff recommendation to pave the whole parking lot. He wants to do some gravel and it is more environmental friendly. This is a large lot. Adding another building on the property in the future will benefit the community. Paving the whole lot would be hard for future development. He would like Council to approve as drawn with the whole site not needing to be paved.

Mayor Cape asked if any public testimony – There were none.

Mayor Cape asked if any presentation of Proponents - There was testimony from the Applicant's Attorney Ms Baird. She went over how the property is in LI and not GC and should follow the parking ratios for that zone.

Mayor Cape asked if any presentation of Opponents – There were none.

Mayor Cape asked if testimony of any Neutral Parties – There were none.

Mayor Cape asked if any submitted written commentary – There were none.

Mayor Cape asked if there was a rebuttal from the Applicant – Applicant Bieze asked if he may address Council again. Mayor Cape let Applicant know that he can. Applicant Bieze went over again the paving the whole site versus graveling the site. There are reasons unique to the business for maintaining a gravel area in the parking lot, such as working on machinery with tracks, so as not to destroy pavement.

Mayor Cape asked if there is a request for continuance – There were none.

Mayor Cape asked if there were questions for Staff – Mayor Cape asked Planner Byram to address applicants concerns regarding parking spaces and paving. Planner Byram explained the whole lot doesn't need to be paved but just the parking, driving and maneuvering areas would need to be paved. Applicant Bieze asked to speak. At this point our City Attorney Bill Monahan spoke up and stated the Mayor could reopen this portion of the hearing for the Applicant's rebuttal. Mayor Cape reopened that portion, allowing the applicant's further rebuttal. Applicant Bieze thanked Planner Byram for the clarification and the site design shows pavement where it is required.

Mayor Cape asked if any additional questions for staff. Councilor Lehman asked Planner Byram regarding LI, is a repair facility permitted. If so, then why is the City using GC codes when it is in LI. Planner Byram explained it is because GC best aligned as an appropriate comparison of building use and this is why she used the comparison. Councilor Lehman asked out of the 5 parking spaces how many need to be ADA compliant. Planner Byram said it is up to the building official, but likely the one provided is sufficient.

Mayor Cape asked if any more questions for staff. Councilor Andrade thinks that 5 spaces are too many spaces but at least need 2 or 3 spaces. Applicant Bieze explained that they should be held to the LI code and need parking spaces and 5 is what is required in LI zone not 10 like GC, regardless of the intended use of the facility. The Applicant's Attorney clarified again that the property is in LI not GC and the requirement would be 5 not 10 as staff recommended.

Mayor Cape asked if any further questions for staff – There were none.

Mayor Cape closed public hearing and opened up for deliberations by the City Council. Councilor Lehman reviewed the documents in great detail and made a statement. He explained growing up on a farm and have been to facilities like this with complete gravel lots and paved lots. You need gravel areas to work effective on tractors. He wants to make sure applying codes that are for LI zone. He is in support of approving with the gravel portion shown and 5 spaces.

Councilor Andrade agrees that asphalt will be torn up, by tracked vehicles. He asked if there was a risk assessment done on the pavement. There did not appear to be one accomplished. Still, he agrees with Councilor Lehman. Mayor Cape asked applicant Bieze if he would like to comment. Applicant Bieze referenced page 5 of his submitted Site Review documents. Gravel parallels to paved area and allows long gravel area for mechanic to test drive tracked vehicles without damaging the pavement.

Councilor Lehman moved to approve the concurrent Site Design Review and Partition applications, file #2001-01 SDR and 2003-01 P, and adopt the findings and recommended conditions of approval included in the staff report dated April 24, 2020 as amended by City Council. Amend staff report conditions to allow 5 parking spaces as industrial uses require. Amend staff report by allowing the gravel area to remain gravel as suggested in applicants SDR. Councilor McArthur seconded motion. With no further discussion motion passed 4-0.

- F. **Public Hearing: Appeals to Planning Commission Decision, Site Design Review for 102 S Trade Street, Steve Powell, Hix Snedeker Development LLC.** Mayor Cape read public hearing script, opened public hearing and read legal matters.

Mayor Cape asked if any member of the Council wished to declare a potential or actual conflict of interest or bias. Councilor Lehman explained he had a potential bias to declare. His wife participated in comments on Facebook regarding Dollar General. She has her right to her opinions. He has kept an open mind and has made no opinions to the Applicant.

Mayor Cape explained his potential bias. He states he did work for the property owner three years ago. He does not work for him now and he does not have any bias on the matter.

Mayor Cape asked if any member of the Council wish to report any site visits or ex-parte contacts. Councilor Lehman stated he knows where the site is. He then stated that he has an ex parte contact – Commissioner Kistler brought up the topic at a Tourism Committee meeting. Commissioner Kistler asked another Tourism Committee member, Erin Rainey, how she felt about Dollar General coming to town. All the Tourism Committee members and Councilor Lehman, stopped Mr Kistler stating his comments were not for the Tourism Committee forum and they're to do tourism activities.

Councilor Andrade then stated that he has driven by the property since it abuts Highway 99 but not visited the site.

Mayor Cape has driven by the property but has not toured the site. Mayor Cape states he has an ex parte contact. He had two phone calls with the property owner Mr Sam Coelho. He tried to end the conversations quickly. The first phone call was about procedures and what to expect as the application moved thru the process. The second phone call was about Mr Coelho's frustrations with Planning Commissioner Kistler and the difficulties with development in the town. He also received an email from Coelho that was sent to the Mayor and senior City staff addressing his concerns. He has also been cc'd in emails directed towards Administrator Thomas regarding the legal procedures of the public hearing.

Mayor Cape asked if any member of the audience wishes to challenge the jurisdiction of the Council to hear the matter – There were none.

Mayor Cape asked if any member of the audience wished to challenge the impartiality or ex parte disclosures of any member of the Council – There was from a Mr David Honig. He isn't challenging but he became aware of a letter sent by Mr Coelho that the Mayor mentioned and it argued that the Council should approve application using the City's emergency powers. He wanted to clarify the nature of the letter for the record. Mayor Cape wanted him to make clear that he is not challenging a Council Member's impartiality. Mr Honig states clearly he is not challenging.

Planner Byram read over the staff report that was provided to Council. She went over the background of

the application and approval by Planning. She explained that due to Oregon land use timelines, we need a decision by July 15th due to the 120-day time clock extended with written permission by the applicant, but not past the 245 day deadline. The City received two appeals within the 12-day appeal window she went over the appellants concerns and summarized what ODOT, Amity Code, the Public Works Street Manual, and Amity's Transportation System Plan (TSP) say in regards to the matter. Planning does not have a recommendation and defers to the City Engineer.

City Engineer Peter Olson explained they approved it as submitted, as it is the best use of the space. Safety has been accounted for with the speed of the arriving trucks. They reviewed and approved the proposed design. His recommendation is to approve the application.

Casey Knecht with ODOT reviewed the SDR plan and attended the pre application meeting. ODOT approved the two driveway permit pending City's Land Use decision. Mayor Cape asked for clarification if they considered pedestrians and their safety when considering the driveways. ODOT looked at the proposal with their traffic staff. They concluded that the applications were acceptable as submitted and ODOT approved them.

Mayor Cape asked Council if they had any clarifying questions for staff. Councilor Lehman asked City Engineer that he exercised his authority granted to him by the Development Code adopted by the Council to change the spacing requirement to approve it as it was proposed. Engineer Olson said, yes they did.

Mayor Cape asked if anymore clarifying questions by Council for staff – There were none.

Mayor Cape read aloud about presentation of the appellants. He clarified the applicants and appellants were all able to come to meeting in person. Everyone will be treated the same and will let them know when the 10 minute time limit is up.

Appellant Hanna Cox makes the first presentation. She is appealing the driveway as it violates the safety requirements in the City's own development code. She explained that the submitted Staff Report discusses all her safety concerns and that the Planning Commission shouldn't have approved the application. Planning Commission thus failed to follow its own driveway standards. Amity Development Code (ADC) requires a 40 ft. driveway spacing. The proposed driveway doesn't meet this driveway standard. Ms. Cox states that no one has authority to overrule the standard. Amity Code must be followed. She continues to state that the applicant misleads the City with their proposal. ODOT delegates to the City and if the City's code is stricter then its code must be applied. The City has to follow its codes. ODOT email states their approval is contingent on the city approving the application. Ms. Cox continues to say that the city is required to follow its code as it is more stringent than ODOT's. The City Engineer doesn't have the authority to overlook or change the codes. She also states that the developer is legally obligated to know the City's rules, which it apparently did not. The Legal standards are put in place to protect City's citizens. Planning Commission approval was unlawful and dangerous the decision and cannot be allowed to stand.

Appellant Susan Karp had a presentation via zoom. She submitted a packet to Council and will be referring to it. Her appeal identified three issues. The first issue is the argument on who has jurisdiction. ODOT refers to the city for their Code. In the staff findings the public health factors were ignored. Amity's code states follow public health. She read what the code says regarding public health and that they are not being followed. Applicant can only say what the current plan is but does not follow with future development. She referred to her diagrams that were given to Council regarding driveway. Her last issue is that what ODOT said is wrong regarding pedestrian safety. She referenced ODOT's emails that she provided to Council. Safety issue truck entrance only sign protects Dollar General and the Truck Driver. She states that the proposal, as is, is an accident waiting to happen. There are a lot of safety reasons to reject the application.

Applicant Steve Powell had a presentation. The SDR that was presented back in 2017 was denied only based on the zone change. The property owner had the property rezoned and approved and approached

the current applicant. They look for properties that are zoned correctly and meet with city staff and ask questions. They studied the previous SDR plan and reviewed it. They had a pre application meeting. ODOT met them on site and went over safety issues. ODOT was at the pre application meeting, along with all of the critical members of City Staff. All of the recommendations that were addressed were all good.

Applicant's attorney Mike Connor explained that the Planning Commission approved the application with staff recommendations. The only issue is the access standards. The city in the past has always deferred to ODOT when it is their highway. This was never an issue until planning deliberations. He referred to Amity's code regarding how to delegate approval when it's a state hwy. He states that ODOT didn't delegate back to the City. He also stated that the City Engineer is recommending approval. He concluded that that the applicants complied with the standards. If the Council is not comfortable with the proposal, then Mr Connor requests that the decision should be remanded to the Planning Commission.

Mayor Cape asked if there was any public testimony. He explained if someone has legal standing then that individual can testify. There was testimony from the public:

Edward Ferrar stated that the staff conclusion delivery only driveway doesn't meet city's standards due to the proximity of the intersection. He said City's passes ordinances after deliberations for what's best for the town. He said Planner Byram and ODOT's Knecht both confirmed even though ODOT gave approval that Amity's ordinance must be followed. Amity does not have right to not follow its own standards.

David Honig then commented that the applicant's counsel is misreading what the law says. The City must always be heard from, not just ODOT, and that it doesn't have discretion to not follow its own rules. The City has to enforce their rules. The Applicant's attorney is misleading the Council by stating that all they needed is ODOT approval. They should have reviewed our ADC to see what was needed for approval.

David Beck stated the issue is if the OAR. Is Amity allowed to follow their standards or ODOT standards? Mr Beck says the Planning Commission erred when they approved, using ODOT standards. He said the "town council" must get this right and there are no grounds for the City to approve the project under the current plan.

Eli Cox stated his concern is the public health. There is a potential for an accident with trucks backing up, not seeing someone, and hitting them. Amity not designed for semi-trucks backing-up onto the highway. He asked that for the sake of public health if the City can prevent something from happening then should prevent it from happening.

Mayor Cape asked if any additional comments. There were none.

Mayor Cape read written submission that was submitted by anyone from legal standing. There was one from Bobbi Farquhar. that the Mayor read. Ms. Farquhar's comments were neutral.

Mayor Cape asked if any rebuttal from appellants – There was rebuttal.

Hanna Cox said once you discover or are made aware that it is safety issue then it is not okay to go on with the project as it is. No one should bend or change the original safety standards. The truckers won't know the school schedules or what the changes are. All it takes is fudging one rule and that can cost someone their life.

Susan Karp said that safety issue was not brought up until after hearing was closed; that what the applicant's attorney said regarding meeting standards is not true. She stated she brought up pedestrian safety during the public commentary period at the first public meeting. She didn't hear any comment regarding the 18 inches of spacing and it's not going to change if they do not change the site design. She is adamant that this is a bad site design and should be rejected.

The Applicant's Attorney clarified that the City has always done it this way and they are basing the argument on Code. He referred to the City's code applicable to this project. He went on to state that the City didn't ask for an intergovernmental agreement with ODOT. ODOT approved application as stated previously. The Appellants aren't safety experts; it's just their opinion. Whereas ODOT and the City Engineers are the experts; they considered safety and therefore we should rely on the experts. There will be no trucks backing out and the truckers will limit the deliveries between 9 and 3 once a week. Not sufficient to override the experts. Code says our City Engineer has discretion, which he chose to use. The code and evidence supports approval.

Mayor Cape asked if any Council has questions for staff. Mayor Cape had a question for ODOT. Mayor asked for their opinion after hearing the arguments from appellants. Where does the truth lie? Casey wanted to clarify some points. He said when the City's code is stricter then they apply city's standards. The city's standard is 40 ft. ODOT's is 350 ft. which is stricter. The deviation was granted in this application. The 18 inches is only applied when pedestrian is at crosswalk. The law is that trucks have to stop when a pedestrian is waiting to cross. They didn't believe the 18 inch number was a valid argument. The other issue is if they city has right to apply their code. He can't speak for the city. The city does have the ability to approve or deny. ODOT did already approve the deviation based on their standards. When the deviation was applied, ODOT did look at the safety. There were two accesses so the truck would not have to back-up onto the highway. They looked at crash ratings and pedestrian site. There were several people that looked at this.

Mayor Cape asked for clarification on modes of transportation. Does ODOT looks at all modes of transportation? ODOT says yes that is correct. Mayor Cape asked City Attorney Bill Monahan, having heard both arguments legally what does the city need to follow? Does the city follow ODOT or the ADC? Monahan state it goes to them, the Council, as decision makers. They heard from ODOT, the City Engineer, and now it is up to Council which info submitted provides the greatest weight to Council - consistent with city code. ODOT said the City can modify things. In this case the particular applicant has designed the access to be compliant with ODOT and City standards.

Mayor Cape asked if any questions for staff. There were none.

Mayor Cape asked if questions or comments regarding the application. Mayor Cape asked Ms Cox about siting the amity code regarding our City Engineer. The code does state City Engineer can review and approve plans. She asked who gives him the authority to approve plans. Mayor Cape said the Council gives him that and when enters into the contract.

Mayor Cape asked Ms Karp if her address is outside city limits, as she states she is speaking for the residents of Amity. She said yes it is, but she speaks of the universal safety for all citizens. Mayor Cape stated that he, as an elected official, represents the citizens of Amity. He is offended by some of Ms. Karp's terminology, used throughout the hearing. Every decision made is for the Citizens and every City Councilor does as well. He said it is frustrating when people make statements of the citizens of Amity. She said she respects the Mayor and Council. Her intent was for the pedestrians walking within Amity. She said she hopes he had the same anger when he read the comments that Sam Coelho sent to him in his letter.

Mayor Cape asked if any more questions for staff from Council. Councilor Lehman asked Ms. Karp if she knows what crosswalk school children are supposed to use when crossing Trade St. She said she doesn't know. Councilor Lehman is it is the crosswalk at North end of town with the lights. He asked her if she has ever been a CDL truck driver. She said no, but she has been educated with what she was talking about. Councilor Lehman said the truck entrance is going to have signage. He quoted from material that was submitted by Ms Karp. He said as a CDL driver, getting a CDL is not something he did overnight. The law says to yield and if there is someone at the crosswalk then you have to stop for them. She said there are kids at the crosswalk and there are times when cars don't stop. She said when she talked to the truck driving schools, regarding the truck sign, the truck driving schools were appalled with Dollar General's proposed signage. Councilor Lehman said any reasonable person standard would not

enter the driveway with the signage that says do not enter. She said if everyone uses their common sense, people will still use the driveway. Councilor Lehman said yes but people run stop signs and red lights. Mayor Cape said not to get off track and if any more questions.

Councilor Rich asked for clarification. The truck is not required to backup and that there is a pass thru. Mayor Cape explained the truck would pull forward and back up into loading dock and exit out of dual entrance. There were no more clarification questions or comments.

Councilor Andrade asked applicant if Amity residents would come first for hiring at the store itself. Also, he wants to know if the applicant could install flashing crosswalk lights. Applicant Mr Powell explained they hire local contractors, but it is standard to use local residents. They are not Dollar General and do not hire for the store itself, but they know that policy.

Councilor Andrade asked if they would be willing to fund a blinking crosswalk light. Applicant Mr Powell explained if ODOT has it listed as a condition then they could comply with it. Applicant Attorney said it is an ODOT driven process and would come up in review and it didn't. Councilor Andrade asked for more clarification for hiring up to the owner of the property. Applicant Mr Powell explained own the property but Dollar General is the tenant. Mayor Cape explained further, the applicant will lease to Dollar General and Dollar General will employ.

Appellant Hannah Cox asked to speak. Mayor Cape asked what she had for the record before it closed. She re-read her statement regarding courage and it was nothing personal. Mayor Cape said he recognizes what she was saying but when statements were made that it was easy for someone to take it differently. He just wanted to make sure knows that he does care and has a passion for this and for Amity.

Mayor Cape closed the public hearing and opened up discussion for deliberations by the Council.

Councilor Lehman says that after hearing from ODOT, City Engineer and City Planner that the City has done its due diligence and the issue was addressed and addressed properly.

Councilor Rich wanted to clarify that what she heard from ODOT that they had more stringent rules and they would go with theirs and not the cities. Casey with ODOT said city's is 40 ft. and ODOT's is 350 ft. and more stringent and based on the OAR it would be ODOT's standards that would apply.

Councilor Lehman asked while applying their standards they took in pedestrian and auto traffic in consideration. ODOT says that is correct. Mayor Cape added and bicycles as well.

Councilor Lehman moved the City Council Affirm the decision of the Planning Commission, Approving the Site Design Review, and adopting the recommended findings and conditions of approval included in the Planning Commission decision of February 18, 2020. Councilor Andrade seconded. Applicants Attorney brought to Council attention that if approve adopt findings based on appeal issues and there were no finding with Planning on appeal issues. City Attorney Monahan explained that Council can be stricter. The Planning Commission didn't adopt any additional findings. If Council adopted issues based on appeal issues then would be stricter. Mayor Cape explained that Planner Byram presented different council options and explained to Councilor Lehman said he can keep his motion or add a comment regarding the findings to his motion. Councilor Lehman would like to change his motion. He wants it on the record that he is affirming the decision from the Planning Commission and adopting their findings while addressing the 40 ft. rule. Mayor Cape said he could leave motion as is and add a statement of finding against the appeals argued tonight. Mayor Cape asked if Councilor Andrade agreed to the changes.

Attorney Monahan clarified the findings are based on provided tonight. Council decided in favor of applicant. Findings are relying on staff, ODOT and City Engineer. Applicant's Attorney asked Attorney Monahan that staff would prepare supplemental findings. Mr Monahan explained up to council if they

want to do that.

Mayor Cape went over options with Councilor Lehman regarding motion again. Mayor Cape explained under state of emergency but Governor did not put land use time frame in it and is still in effect. The city is at the end of our timeframe to handle this and the applicant could go straight to LUBA.

Councilor Lehman amended his motion and restated his motion. Councilor Lehman moved the City to Council Affirm the decision of the Planning Commission, Approving the Site Design Review, and adopting the recommended findings and conditions of approval included in the Planning Commission decision on February 18, 2020. Also the City Council is going to approve the City Council decisions and findings provided by the applicant during the appeal hearing. Mayor Cape asked City Attorney B. Monahan if the motion sounds good. He said yes and would cover all the issues raised during the appeal. Councilor Andrade seconded motion. Mayor Cape asked if any discussion. There was from Council. Councilor Rich thanked everyone for staying up and helping. Councilor Lehman wanted to be known on record that it appears that a lot of the comments made were from citizens that do not reside in the City Limits. He is an elected official and looking out for the Citizens of Amity that live in the city limits. Without further discussion motion passed 4-0.

Mayor Cape read the appeal process based on the final decision by the City Council.

DEPARTMENT REPORTS: MOVED TO CONSENT AGENDA

- A. City Administrator Report by Mike Thomas: City Administrator Thomas submitted his report.
- B. City Recorder Report by Natasha Johnson: City Recorder Johnson submitted her report.
- C. Public Works Report by Gary Mathis: Public Works Superintendent Mathis submitted his report.
- D. Law Enforcement Report by Sheriff's Office: YCSO submitted crime stats report.
- E. Library Report by Marcia Robbins: The Head Librarian, Marcia Robbins, submitted a report.
- F. City Engineer Billing Report: See attached billing and nothing to add. There were no comments for the City Engineer.
- G. City Attorney Report: See attached billing and nothing to add. There were no comments for the City Attorney.
- H. City Planner Report: See attached billing and nothing to add. There were no comments for the City Planner.

BUSINESS FROM THE MAYOR & CITY COUNCILORS: MOVED TO CONSENT AGENDA

- A. Mayor Report by Mayor Michael Cape: Mayor Cape Submitted his report.
- B. Councilor Jenna Goings Report: Councilor Goings didn't submit a report.
- C. Councilor Ryan Lehman Report: Councilor Lehman submitted his report.
- D. Councilor Sandy McArthur: Councilor McArthur submitted her report.
- E. Councilor Napua Rich Report: Councilor Rich submitted her report. with nothing to add.

F. Councilor Robert Andrade report: Councilor Andrade submitted his report.

G. Councilor Nickolas Wilkinson report: Councilor Wilkinson didn't submit a report.

Mayor Cape declared the meeting adjourned.

Approved by June 3, 2020

Michael Cape, Mayor

Attest:

Natasha Johnson, City Recorder