

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, January 2, 2019 in the Council Chambers, City Hall, 109 Maddox, Amity, Oregon.

City Treasurer/Recorder Jackie Loos swore in Council Members Robert Andrade, Ryan Lehman, and Joshua Simonson. Loos conducted roll call.

Councilors Present

Councilor Robert Andrade, Councilor Ryan Lehman, Councilor Caralyn Miller, Councilor Joshua Simonson, Councilor Max Walker, and Mayor Michael Cape.

Councilors Absent

Councilor Rudy van Soolen

Staff Present

City Administrator Interim Chad Olsen, City Treasurer/Recorder Jackie Loos, Public Works Superintendent Gary Mathis, and City Clerk Natasha Johnson. Also, present was COG City Attorney Bill Monahan and City Planner Holly Byram.

CONSENT AGENDA:

Councilor Walker moved to approve the consent agenda, which consisted of bills from December 2018 and minutes from regular session dated December 5, 2018. Councilor Miller seconded the motion. With no discussion, the consent agenda was approved 5-0.

CITIZEN COMMENTS/QUESTIONS:

Erin Rainy with Amity DIG thanked everyone that helped with the holiday festivities and talked about the Daffodil Festival in March.

Rob Kistler talked about volunteering his time to lead a process for creating Design Standards for Amity's Commercial and Industrial zones. Kistler talked about his background in architecture. He stated that his understanding is that the downtown core guidelines appeared to be adopted in Amity's Transportation Plan (TSP) but not in the Development Code. City Administrator Olsen stated that he believes the guidelines are adopted, however, the zoning map had not been updated. City Planner Holly Byram talked about the Central Business District (CBD) and confirmed that the zoning map had not been updated to show that district. She explained that there were two types of guideline standards, one being in the TSP and the other in the development code. Councilor Simonson asked how the City would get up to date. Kistler would like to do all the background work and work with Byram. Simonson asked if there would be a conflict of interested since Kistler is on Amity Planning Commission. Olsen stated that it was not a normal procedure since the change would go before the Planning Commission for recommendation back to Council. Olsen stated that he personally wouldn't advise the Council to allow Kistler to update the code without the planner's assistance. Simonson asked what the potential cost could be. Byram stated that she would provide an estimate of the costs. Olsen stated that the Department of Land Conservation & Development (DLCD) may have grant money to help fund the City. Olsen stated that staff would put together scope and costs and bring back to

council. Mayor Cape asked if the Council was interested in pursuing the update. Byram stated that the Comprehensive Plan shows where the CBD zone is supposed to be. She stated that it is important to get public input as well. The Council decided it was in the City's best interest to continue to gather more information and revisit at the February Council meeting.

Susan Karp, Three Trees Lane, Amity OR, asked the Council to continue the public hearing item due to public process. City Attorney Bill Monahan stated that she should hold her comment until the public hearing is open.

NEW BUSINESS:

- a. Public Hearing for City Planning File #ZC1811-01- SCR Management, LLC Request to Change the Comprehensive Plan Map Land Use Designation from Residential to Commercial and to Change the Zoning from R3, High Density Residential to GC, General Commercial – Mayor Cape opened the public hearing. Cape reads the hearing script. Cape stated that he had a potential conflict of interest due to temporary agricultural employment with the land owner and drives by site. Councilor Walker, Simonson, Miller, Lehman, and Andrade all declared that they have driven by are familiar with the lot. There was no time limit for public testimony given.

- b. City Planner Staff Report for Planning File #ZC1811-01 – City Planner Holly Byram presented the Staff Report and went over attached exhibits. Byram stated that the applicant submitted two additional exhibits. Exhibit “G”, a memo from ECONorthwest and Exhibit “H”, a letter attached to Exhibit G from 1000 Friends of Oregon dated 2010. Byram went over the application. She stated that the applicant wants to be consistent with the tax lot to the north of the property, which is zoned General Commercial and stated that there is not a development associated with the application. She explained to the Council that their decision would be based on Amity's Comprehensive Plan, Amity Development Code, and the Oregon Statewide Planning Goals. Byram discussed the Findings – Background, which included property location, prior land use decisions, procedure & timeline, public notice, and staff summary of planning commission public hearing on December 18, 2018. Next Byram talked about the Findings – Comprehensive Plan Map Amendment Criteria. Byram stated that the Comprehensive Plan does not have specific criteria and that it refers to the Oregon Statewide Planning Goals. Byram then briefly reads the goals to Council and that all applicable goals have been met. Byram stated that staff concluded that the requested Comprehensive Plan Map Amendment complies with the applicable decision criteria which were determined to be the Amity Comprehensive Plan as well as the Oregon Statewide Planning Goals. Staff and the Planning Commission recommend the City Council approve the requested Comprehensive Plan Map Amendment, which changes the land use designation of the subject property from Residential to Commercial. Lastly, Byram talked about the Findings – Zone Change Criteria and stated that staff and Planning Commission conclude that the requested Zone Change application complies with the applicable decision criteria within the Amity Development Code. Staff and the Planning Commission recommend the City Council approve the requested Zone Change from R3, High Density Residential to GC and General Commercial for the subject property.

Mayor Cape asked for testimony of the applicant. Elaine Albrich, Legal Counsel for the applicant SRC Management, submitted a brief overview of their presentation, which included a map showing the location of the property, overview of request. *(For more detail on this presentation provided by Elaine Albrich, please see slide deck presentation by visiting our website: <https://www.cityofamityoregon.org/agenda-packets>).* She stated that the concerns that were expressed at the Planning Commission meeting had been addressed and they had come up with concrete and supportable findings. She stated that no development is proposed with this application and that any future development would be subject to site

design review and subsequent Council approval. She talked about the items discussed at the Planning Commission hearing, such as compliance with Goal 10: Housing, and stated that the Staff Report findings are adequate. She stated there were some questions regarding land needs for commercial development that City Planner Byram had already discussed and lastly, she talked about the old application vs the current application. Next, she introduced Becky Hewitt from ECONorthwest to go over their evaluation regarding the City's population and residential land supply. Hewitt concluded that a zone change from R-3 to GC would not leave the City with a less than adequate supply of residential land (*For more detail on this evaluation provided by ECONorthwest, please see memo by visiting our website: <https://www.cityofamilyoregon.org/agenda-packets>*). Mayor Cape asked Hewitt to state who ECONorthwest was and what they do. Hewitt stated that they were a consulting firm that works with Urban Growth Expansions, Housing Analysis', and Economic Opportunity Analysis' for all types of cities throughout the State. Lastly, Albrich encouraged the Council to follow the Planning Commission's recommendation and approve the request, supported by findings. She stated that the application had been properly noticed and there was not a need for continuance.

Mayor Cape asked if there were any presentations from proponents. A member from the audience stated that the Council should decide to continue, that anyone who had testimony could decide if they wanted to present now or at the continuance. City Attorney Bill Monahan stated that the Council has the discretion and can take testimony and if they decide to continue the hearing, they can take testimony then as well. There were no presentations from proponents.

Mayor Cape asked if there were any presentations from opponents. There were none.

Mayor Cape asked if there were any presentations from neutral parties, including governmental bodies. Susan Karp, 3 Trees Lane, Amity OR, asked the Council to consider continuing the hearing to February for several reasons. She discussed the public notice and how she had never seen notice for Planning Commission and City Council meetings published together. She stated that based on the applicant's response to subsection, "citizen involvement" it appeared that the applicant also thought there would be an additional notice if the Planning Commission approved his request. She stated there was no listing on the City website of the Planning Commission meeting until December 7, 2018. She talked about the hearing taking place during the school's holiday break when people are out with their kids. She stated that the meeting information being available only 5 days prior to meeting. She stated that one of the planning goals states, "encourage active citizen participation" and believes that all the things stated above created an obstacle for people to attend the meeting. She stated that the application submitted is by the same owner, same property, and looking for the same zoning outcome as the application that came before the Council in March of 2018, that was rejected. She stated that anyone that provided testimony at that Planning Commission meeting received a letter from the City of its denial and that those same attendees should have received written notice of the meeting as well. She stated that she sent City Recorder Jackie Loos a request of who testified at the March meeting and received no response. Lastly, Karp asked that the Council continue the hearing so that citizens can participate and be educated on what is going on.

Melissa Steele, Trade Street, Amity OR, directly across the street from the property stated that there are a lot of people still on break. She talked about the neighborhood and how the homes are grandfathered in as single-family residents and may not necessarily be converted back to General Commercial. She talked about the March application from SRC, when they were proposing a Dollar General; there was a room full on her neighbors that couldn't be there tonight because of the holiday. She respectfully requested a continuance so that the citizens that it directly affects could have their voices heard.

Shannon Trunde, W 2nd Street, Amity OR, stated that she lived right behind the property and believes

that any development would put additional strain on traveling in the area. She asked for a continuance so that residents could address their concerns.

There were no additional neutral parties.

Mayor Cape asked for rebuttal by the applicants, limited to issues raised by opponents. Albrich stated that she had nothing more to add, however, reiterated that any future development would be subject to the Site Design Review process, which would allow for citizen comments.

Mayor Cape stated that now was the time to determine whether to continue and keep the record open. Councilor Walker asked Loos if the meetings were properly posted at City Hall, Post Office, etc., which Loos stated that they were as well as the bank. Mayor Cape asked if the City followed public notice standards, which Loos stated they had. Mayor Cape asked if the applicant waived the seven-day period to submit final written argument. Applicant stated "yes."

Cape closed the public hearing.

Councilor Simonson moved to deny the request to change the Comprehensive Plan Map. Simonson doesn't feel that there are clear standards; he believes the City would be better off with residential lands. He stated that the City already has issues with their water/wastewater supply. He also agrees with Susan Karp's testimony regarding public notice and access to information. Lastly, Simonson feels like the application is 2nd go around from the application presented in March 2018. There was no second and Councilor Simonson's motion died.

Councilor Walker moved that the City Council adopt the Staff Report findings, approve both requests to Comprehensive Plan Map Amendment and Zone Change and direct staff to prepare an enacting ordinance for City Council consideration. Councilor Lehman seconded the motion.

Councilor Andrade stated that he believed that the Council needed additional facts and wasn't ready to approve. He believes that the residents should have an opportunity to voice their opinions. Mayor Cape explained that there was a time where Andrade could have made a motion to continue. Councilor Walker stated that he agreed with having community participation, however, the City posted notices in multiple locations. He also stated that Council meetings are always the 1st Wednesday of the month. Walker stated that the City experiences lack of participation even when there is not a holiday.

Councilor Andrade restated that the citizens should have the opportunity to have their voices heard. Councilor Lehman stated that this was the second public meeting held regarding the topic. He stated that the Staff Report showed that there was no public participation and asked why the City should push it off another month for possible no participation. Mayor Cape stated that the Council needed to focus on discussion regarding the motion presented.

Councilor Walker stated that based on the Staff Report, all criteria has been met and there is additional information provided that the Council did not have previously. The Council discussed possible strains on infrastructure with any development.

With no further discussion, the motion passed 3-2, with Councilor Simonson and Councilor Andrade in opposition. Mayor Cape stated that this was a final decision by City Council. This decision may be appealed to the Land Use Board of Appeals (LUBA) within twenty-one (21) calendar days after the City Council decision notice is mailed.

- c. Grove, Mueller & Swank Audit Presentation – Postponed to February 6, 2019 Council Meeting.
- d. Election of Council President – Councilor Miller nominated Councilor Walker as council president. Councilor Simonson seconded the motion. Councilor Walker nominated Councilor Simonson as council president. There was no second and motion died. With no further nominations, the motion to elect Councilor Walker passed 5-0.
- e. Appoint Budget Officer & Approve Proposed Budget Calendar – Councilor Walker moved to appoint Jackie Loos as the Budget Officer for fiscal year 2019-2020 and approve the proposed budget calendar. Councilor Lehman seconded the motion. City Administrator Olsen stated that since he was the interim Administrator, it would be best to give Loos the title. With no discussion, the motion passed 5-0.
- f. Disposal of Surplus Property (Police Items) – City Administrator Olsen talked about the items listed, which consisted of three police vehicles and six ballistic vests. He explained that the expired vests would dispose of them through the Sheriff's Office and the City would hold the non-expired vests until they too expire. Olsen stated that the vehicles would be disposed through the Sheriff's Office as well. Mayor Cape asked about the proposal to keep on of the newer Dodge Chargers for City use. Cape talked about putting any funds back into the budget for police services. Olsen talked about the vehicle purchases came out of the General Fund and could be allocated to police services. Councilor Andrade asked why staff would need to keep a vehicle. Olsen explained that it would be used for City travel, such as meetings or conferences instead of using personal vehicles. The Council discussed the idea of keeping a police vehicle for administrative use. Councilor Lehman asked why the City would use the Sheriff's Office to dispose instead of doing it in house. Olsen stated that the Sheriff would have more resources and they would do it as a courtesy to the City with no fees. Mayor Cape asked about the non-expired vests and how they would be disposed of since they are custom fit. Olsen explained that the vests would be released to an agency if one of the reserves decided to take a position with that agency. If the vests are not used and expire, they will go into inventory. Mayor Cape asked for clarification on how the non-expired vests would be disposed of. Olsen stated that the non-expired vests would stay in the City's possession until they expire. He continued by saying that if any of the former reserves took a position elsewhere, the vests would be available to that agency.

Councilor Walker moved to declare the referenced police vehicles and ballistic vests as surplus property and authorize the City Administrator to dispose of according to the City's Contracting and Purchasing Policies. Councilor Simonson seconded the motion. Councilor Walker stated that he would like to direct staff to designate any proceeds to the police reserve to be used in future police expenditures. Councilor Lehman asked if a specific agency that had assisted the police department in the past would be able to have first opportunity to one of the surplus vehicles to improve their service to the community. Sergeant Whitlow from the Sheriff's Office explained that there is a government site they use and stated that they would have to bid on the vehicle like anybody else. Mayor Cape stated that he would like to be able to help surrounding agencies, however, he would like for the City to be able to get as much revenue back as possible to go toward police services. With no further discussion, the motion passed 5-0.

- g. Financial Services Engagement Letter- Piper Jaffray & Co. – City Administrator Olsen stated that as part of the United States Department of Agriculture – Rural Development loan, Rural Development will not release funds without substantial completion of the project. Therefore, Amity will be required to secure interim financing to cover water project costs before Rural Development releases the loan/grant funds. He stated that the City will need to contract with an underwriter/placement agent to secure a short-term loan/bond and recommends Piper Jaffray & Co. City Attorney Bill Monahan stated that he did not see any

issues with the proposed underwriter/placement agent engagement letter.

Councilor Walker moved to authorize the City Administrator to execute the attached engagement letter with Piper Jaffray & Co. to act as the City's underwriter/placement agent for the Water System Improvement Project. Councilor Lehman seconded the motion. With no further discussion, the motion passed 5-0.

- h. Discussion on Goal Setting Session – The Council discussed holding their Annual Goal Setting Session on Saturday, February 9, 2019 at 8:30 a.m., where they will discuss committee assignments. Mayor Cape would like to get council input prior to February 9, on possible topics to discuss during the meeting as well.

DEPARTMENT REPORTS:

Interim City Administrator by Chad Olsen: Olsen submitted a written report and talked about how he'd been spending a lot of time getting familiar with the Water System Improvement Project. There were no questions for Olsen.

City Recorder by Jackie Loos: Loos submitted a written report and had nothing to add. There were no questions for Loos.

Public Works Report by Gary Mathis: Public Works Superintendent Mathis submitted a written report and had nothing to add. Mayor Cape asked about the Wolfe Avenue repair. Councilor Andrade asked about the trees ruining the sidewalk along Trade Street. Mathis stated that he hasn't had a chance to look at them yet but would. Walker asked about some other street repairs around Wolfe. There were no more questions for Mathis.

City Engineer Billing Report: There was a billing report submitted. There were no questions for the City Engineer.

City Planner Report: an itemized invoice was presented to the Council. There were no questions for the City Planner.

Library Report by Marcia Robbins: Head Librarian Robbins was not present but submitted a report. There were no questions for Robbins, however, the Council would like more details on the condition of the library building. Mathis explained some of the rotting that is happening to the building. Olsen stated that he would get someone to come out to do an estimate and to make sure there are no hazards to staff and patrons.

Law Enforcement Report by Sheriff's Office: The Sheriff's Office (SO) submitted a report for the month of December, as well as an annual report. Councilor Lehman asked if the City had full coverage per the contract and Sergeant Whitlow stated that has had two full-time SO staff. Councilor Lehman also asked about the decals for the SO vehicles. Whitlow stated that he had some proposed decal placements for the Council to approve. Council discussed reviewing those at the committee meetings. Whitlow also talked about the upgrading they have done, which consisted of the addition of security system.

City Attorney Report: COG City Attorney Bill Monahan was present and introduced himself to Council and public. There were no questions for Monahan.

REPORTS FROM MAYOR AND COUNCILORS:

Mayor Cape- Mayor Cape submitted a written report and talked about scheduling a work session for the city administrator recruitment. The council decided to hold the work session on January 19, 2019 at 9 a.m. He also stated that he was elected to be on the Board of Directors for the Mid-Willamette Valley Council of Governments (COG) to represent Yamhill County, which is help by a mayor of a small city. There were no questions for the mayor.

Councilor Walker- Chairperson for the Ordinance Committee submitted a written report and had nothing to add. Mayor Cape asked if he's had time to spend on Council Rules. Walker stated that he is currently working with the mayor of McMinnville and they will send their copy to work from. There were no questions for Councilor Walker.

Councilor Miller- Chairperson for the Community Engagement Committee did not submit a report but was present and talked about the Christmas Done Bright Contest results. There were no questions for Councilor Miller.

Councilor Simonson- Chairperson for the Finance Committee did not have anything to report. There were no questions for Councilor Simonson.

Mayor Cape mentioned that committee assignments would be assigned at the February 9 goal-setting session. There was discussion on committee meeting minutes.

Councilor Lehman- Replaced as Chairperson for the Police Committee did not have anything to report, as he was just sworn in.

Councilor Andrade- Replaced Chairperson for the Water & Sewer Committee did not have anything to report, as he was just sworn in.

Councilor van Soolen- Chairperson for the Parks and Streets Committee was not present and did not submit a report. There were no questions for Councilor van Soolen.

Councilor Walker moved to adjourn. Councilor Miller seconded the motion. Motion passed 5-0.

Approved by City Council February 6, 2019

Michael Cape, Mayor

Attest:

Jackie Loos, City Recorder