

**MINUTES OF THE REGULAR SESSION OF THE GERVAIS CITY COUNCIL  
COUNTY OF MARION, STATE OF OREGON  
HELD AT GERVAIS CITY HALL WITH ZOOM ALTERNATIVE AT 7:00 PM ON AUGUST 4, 2022**

**1. Call to Order**

Mayor Annie Gilland called the meeting to order at 7:00 pm.

**2. Pledge of Allegiance**

The Pledge of Allegiance was led by John Harvey

**3. Roll Call**

Mayor Annie Gilland	Present
Councilor Pamela Foreman	Present
Councilor Baltazar Gonzalez	Absent
Council President Micky Wagner	Present
Councilor Diana Barch	Present (via Zoom)
Councilor John Harvey	Present

Staff Present: City Manager Susie Marston, City Recorder Denise Dahlberg, Police Chief Mark Chase, Public Works Superintendent John Robinson

Others Present: None

**4. Announcements/Additions:**

Mayor Gilland deleted item 7 due to no Ad Hoc meeting and substituted for a presentation by Council President Wagner.

City Manager Marston removed July 7, 2022 Regular Session minutes from the consent calendar. They will be on the September agenda

**5. Public Comment**

Melanie Blair, 250 E Ivy Ave., Gervais, OR was not present, but submitted a written document prior to the council meeting. Mayor Gilland read her public comment aloud. Blair addressed parking issues and speeders on Ivy. Blair suggested parking permits for parking issues and speed bumps for Black Walnut and 1<sup>st</sup> Street. Blair volunteered her time to catch stray cats and for help with a solution for a fix and release and rehome the cats.

Mayor Gilland addressed Blair's comment and asked about ordinances on trailers in driveways and suggested that enforcing would help the parking issue. Gilland asked Marston about Tess Diaz and her request. Marston replied she had responded to Diaz. Councilor Foreman noted several feral cats in the area and suggested inquiring about a vet coming to Gervais for free spaying. Gilland knows someone who can help. Council President Wagner stated that the Humane Society was at capacity and suggested reaching out to them for potential help with the

intent of limiting the population of cats. Gilland, Foreman and Wagner will find resources on how to get a free clinic in Gervais.

Gricel Malstrom, 926 Winfield St, Gervais, OR. Malstrom stated she donated to the feral cat association and she would reach out to see if they could do anything for the Gervais community. Malstrom asked for an ADA accommodation and to speak for 3-5 minutes. She informed the council of being stalked and harassed by a community member. She explained Gervais officers showed compassion and did what they could. She complained that at times there were late responses and insufficient tactics from law enforcement officials. Malstrom pointed out that she asked Chief Chase to walk with her through her neighborhood to establish confidence and leadership and was informed she could organize a block party. She did not feel she should organize a block party or block a street to have a state official be present. Malstrom claimed a homeless woman came to her door and she called 911. She called again after 20 minutes and she wasn't given an ETA. Malstrom voiced that it was unacceptable when she received a call at 7:30 am from someone apologizing for no officer on duty. Malstrom communicated there was currently an investigation underway in regards to 911's negligence. Malstrom claims to have identified an unmarked police car parked out front of her home in the morning hours and pointed out that Gervais had no police coverage at night. Malstrom asserted that she would not stand for retaliation and felt she was discriminated against when denied a disability parking area near her home. She concluded that she wanted to be an asset to Gervais using her many skills.

Mayor Gilland stated she went to Malstrom's home and watched video about the harassment from neighbor. Gilland advised Malstrom that she would not intervene and would allow the Police Officers to do their job. Malstrom is having a block party and asked the Chief and Mayor to attend. Mayor Gilland said she would attend and bring strawberry shortcake for the block party. Foreman stated she would make every effort to attend.

#### **6. Consent Calendar:**

- a. Minutes of the June 13, 2022 Work Session
- b. Bill list for July 1 – July 26, 2022
- c. Treasurers Report for period ending July 26, 2022

*Requested Action: Motion to approve the August 4, 2022 consent calendar as presented.*

***Council President Wagner made a motion to approve the August 4, 2022 consent calendar as presented. Seconded by Councilor Foreman. Motion is unanimously carried and so moved.***

#### **7. Presentations**

##### **a. Mr. & Mrs. Santa – Micky Wagner**

Council President Wagner presented Mr. & Mrs. Clemmons (Mr. & Mrs. Santa) with a token of appreciation for their dedication to serve during the Gervais Christmas celebrations. Wagner acknowledged they were leaving and they would be missed.

**b. Next steps: Building a Partnership for the Betterment of the Entire Community – Gervais School Board Members**

Ana Contreras, 20 year community member, addressed the council as a community member, parent and as part of the Gervais School Board. She asked the Gervais City council to partner with the Gervais School Board and explained that as the two biggest employers, the importance of working together to successfully improve the schools and the town. In May the school district asked the community to consider a bond of \$35 million to renew and expand the aging facilities. Contreras noted it had been 30 years since a bond had been passed in the Gervais District. She explained that although the bond did not pass this time, the school board would continue to move forward and consider pursuing the same course of action. Contreras noted the main reason the Board was for the bond was for the safety and security of the students. Their learning environment is important too.

Contreras shared a timeline of the pre-bond planning process. She shared that the District received a grant for an independent facilities assessment of the District's three school buildings, which is what was required to apply for a State of Oregon grant of \$4 million, which the District applied for. The assessment helped determine the status of the facilities and what it might cost to upgrade, rebuild and replace. She spoke about the status of facilities, noting leaking roofs, an old HVAC system, plumbing issues and more as examples. The pre-bond committee, which was made up of parents, teachers, administrators and business partners, used the information from the assessment to come up with a bond proposal that aligns with the District's current priorities and values. The resources that are available to the community determine the extent of support provided to families, and Gervais is a low income community and as such, suffers, because it doesn't have the financial resources that so many other towns have. She spoke about the negative consequences to the community, in the effects of poverty resulting in destructive personal choices and increased crime. The pandemic has impacted the financial and health disparities that we have. A lack of health insurance and access to health services and feelings of isolation have compounded existing inequalities. Contreras explained that we are facing serious obstacles. Comparing wealthy to poor schools, such as Gervais, Contreras stated that poor schools often get less money in state funding and grants than wealthy schools. This is compounded by many children living in an unstable home or unsafe environment, which interferes with students' ability to learn. With the lack of preparation for school, teachers spend a lot of time teaching students basic skills.

Maria Contreras, 20 year community member talked about progress and the affordability of living in Gervais. She expressed the importance of working together to support students. She noted several factors that would increase the population and affect the community: People seeking affordable housing, increasing migration at the border, the new amazon building and new housing in Woodburn and Gervais. Contreras explained the inability to improve the school or community if the City Council and School Board were not working together and asked for the City's time, commitment and support for the schools. She spoke about the disagreements over the last year around how to proceed with the bond and explained that the District provided multiple avenues for community involvement in the pre-bond process by creating a website

with bond information and facts. The District also provided tours and presentations for the community. She acknowledged an awareness of how the request for a bond created division in the community at a time where our nation is dealing with effects of the pandemic. It is unlikely these will be resolve quickly, and that is why it is imperative to work together for the success of the students, and noted that the longer we put off on passing the bond, the more likely it will cost everyone in the future. She asserted there would be plenty of opportunities to help advance the direction of the bond. The school board is asking for a commitment from at least two city council members to participate on the pre-bond planning committee.

Mayor Gilland suggested a meeting to discuss meeting times and commitments using a sign up genie. Council President Wagner asked for a walk through of the schools. Anna Contreras replied they would provide tours and show them the leaky roofs, etc. Contreras asserted that it was imperative and not going away and the community needs to come together.

**c. D.A.R.E. Law Enforcement Executive of the Year – Chief Mark Chase**

Marston read the nomination letter submitted to D.A.R.E. aloud and presented Chief Chase with the D.A.R.E. award.

Chief Chase thanked Marston and stated it wouldn't be possible without the support of the previous and current leaders of the community and recognized D.A.R.E. for the most effective evidence based, law enforcement led program in the world taught in over 56 countries. He acknowledged Gervais as leaders because D.A.R.E. has been taught here for three years, and the curriculum will eventually be brought to the middle and high schools. The evidence of elementary, middle and high school will be implemented in Gervais over the years and he's hopeful that we'll be an example of that. Chase thanked Marston for the nomination and expressed his appreciation to community leaders for their support in moving forward with the program.

Mayor Gilland shared about losing a family member to drugs, her support for the D.A.R.E. program and expressed her gratitude to Chase and officers for doing a great job.

Gilland invited Ana and Maria and Dandy to Gricel's block party and asked them to bring some resources.

**8. Public Hearings**

**a. VAC 2021-02, Public Alley Vacation, Block 68 of the Gervais Plat, bound by 7<sup>th</sup> Street, 8<sup>th</sup> Street, Hemlock Avenue and Ivy Avenue**

- I. Open the Hearing  
Gilland opened hearing at 7:51 p.m.
  
- II. Ex-parte Contact or Declaration of Conflict of Interest  
None

- III. Staff Report  
Holly Byram, Associate Planner, Mid-Willamette Valley COG provided the staff report.
- IV. Proponents Presentation  
None
- V. Opponents Presentation  
None
- VI. Proponents Rebuttal  
None
- VII. Staff Summary  
Holly Byram, Associate Planner, Mid-Willamette Valley COG reminded council that procedurally through the acting ordinance, when the City vacates the alley, the alley right-of-way gets split down the middle and then those pieces of alley get attached and become a part of the private party lots next to it.
- VIII. Close Public Hearing  
Mayor Gilland closed hearing at 8:04 p.m.
- IX. Council Discussion  
None
- X. Council Motion, second and vote

***Council President Wagner made a motion to approve vacation of the 20-foot wide by 200-foot long public alley located within block 68 of the Gervais Town Plat, adopt the findings and recommended condition of approval presented in the staff report, and direct staff to present an enacting ordinance. Seconded by Councilor Foreman. Motion is unanimously carried and so moved.***

## **9. Old Business**

### **a. Activity tracker**

Councilor Harvey asked Superintendent Robinson to bring information from the radar signs.

Mayor Gilland inquired about the time frame on park lights. Robinson responded he was in the process of getting three bids.

Council President Wagner asked if there was any word on Sam Brown House. Robinson responded last time he spoke with them it was \$70,000 to move it from present location to property on Douglas. Wagner mentioned reaching out to Historical Society. There was a discussion about the historical value and what parts would be moved. Gilland suggested

establishing a coffee shop or business that makes money if Gervais acquires the Sam Brown House. Marston responded that would be something to think about in the future after the home was moved. It would need to be rezoned. There was a discussion about money, sustainability, and historical memorabilia.

#### 10. Action Items

a. **Ordinance No. 22-003, an ordinance vacating the 20-foot wide public alley within Block 68 of the Gervais Town Plat, bound by 7<sup>th</sup> Street, 8<sup>th</sup> Street, Hemlock Avenue and Ivy Avenue.**

*Council President Wagner made a motion to approve Ordinance No. 22-003, an ordinance vacating the 20-foot wide public alley within Block 68 of the Gervais Town Plat, bound by 7<sup>th</sup> Street, 8<sup>th</sup> Street, Hemlock Avenue and Ivy Avenue. Seconded by Councilor Harvey. Motion unanimously carried and so moved.*

b. **911 Emergency Services Agreement**

Moved to September meeting. Chief Chase reported he was waiting for information.

c. **Approve Contract for Services with Grove, Mueller & Swank, P.C. to conduct FY 2021-22 annual audit.**

There was a discussion about changing auditors and Marston will prepare a request for proposal moving forward.

*There was a council consensus for City Manager Marston to do a RFP for new auditor. (This was given after Item e, awarding bid for street projects)*

*Council President Wagner made a motion to approve Contract for Services with Grove, Mueller & Swank, P.C. to conduct FY 2021-22 annual audit. Seconded by Councilor Foreman. Motion is unanimously carried and so moved.*

d. **Accept audit Engagement Letter from Grove, Mueller & Swank, P.C.**

*Councilor Foreman made a motion to accept audit Engagement Letter from Grove, Mueller & Swank, P.C. Seconded by Council President Wagner. Motion is unanimously carried and so moved.*

e. **Intent to award bid for street projects**

*Councilor Foreman made a motion with the intent to award bid of \$667,573 for street projects. Seconded by Council President Wagner. Motion is unanimously carried and so moved.*

## **11. New Business**

### **a. Ballot for 2023 Legislative Priorities Due August 5**

Marston informed the council what the Legislative Priorities Ballot from the LOC was and explained that the council needed to vote on their top 5 legislative priorities. She explained that she needed to respond tomorrow by 5 pm. There was a council discussion to decide on their top 5 priorities. Council decided on housing issue, public official protection, transportation, water rates, and property tax. City Manager Marston will report on the council's behalf.

### **b. Discussion about Measure 109 – Psilocybin mushrooms**

A memo on this subject was provided in the council packet by City Attorney, Emily Matasar. The memo described the actions that the City could take in regulating this activity. However, City Manager Marston started the conversation by informing the council that state law prohibits locating a service center within residential zones of an incorporated city or within 1,000 feet of a school. In addition, state law prohibits the manufacturing of psilocybin products outdoors. Marston explained that the City of Gervais is primarily residential and the rest of the commercial and industrial properties are within 1,000 feet of the schools. Mushroom activity is prohibited by state law. She explained that the options outlined in the memo were similar to when marijuana was made legal and so they know that the commercial and industrial properties are within 1,000 feet of the school from assessing it back then. The City's options would be to put a ballot title on the November Ballot, put a moratorium in place or set time, place and manner restrictions. Marston explained that because state law covers Gervais, no council action would be needed.

## **12. Staff Reports**

### **a. City Manager**

Marston explained staff was sick the week prior.

Annual Audit is coming end of August, Denise is key player.

Denise received a grant to attend the CIS Conference in Salem.

Chief Chase and Marston have been on a steering committee for a Natural Hazard Mitigation Plan. Council will be able to review the plan and then it will be sent to FEMA for approval. The end result will be that Gervais gets a FEMA Approved Hazard Mitigation Plan, which will be a great tool to obtain grants.

After the audit, Marston and Denise will start making appointments for getting demonstrations on different websites.

Marston reported that the City has two active ODOT grants, ARPA grant from Marion County, and the FEMA tree farm project, all requiring a lot of reporting and record keeping.

Marston reported back to council on their request to have her check in with rate specialist Deb Gallardi and City Engineer Gordon Munro. Monroe commented that using the CPI as we've been using it is straight forward and defensible. Using a floor and ceiling is more complex and indicated it has pros and cons. There will be times when the adjustment is out of sync with the actual circumstances so if ceiling set too low it could be a long term problem, as the rates would fall behind where need to be, and if the floor is set too high there could be a perceived equity question; rates going up and no defensible reason. Having an appropriate ceiling is a buffer for citizens during inflationary times, particularly those on fixed incomes. Having a floor allows the city to stay ahead of the game and perhaps do some catch up. Setting a floor and ceiling appropriately is important and should be revisited to make sure it is doing what it is intended on doing. Deb Gallardi was in agreement with all of Gordon's comments and in summary added that using the CPI alone as we do now, at a minimum, is still not keeping up with capital improvements needed and suggested using the CPI as suggested and not assigning a floor and ceiling.

Mayor Gilland stated her and Susie would be meeting with Rosetta from Love, Inc. on August 9<sup>th</sup> to discuss a potential partnership. Gilland shared her thoughts with the council on water bill assistance and asked if they were okay with her suggesting \$5,000 a year for people in need and having Love, Inc. distribute on behalf of Gervais. Council was okay with it. Someone from the audience (Gricel?) would donate \$1,000 to Love, Inc.

Council Wagner about getting Gervais on the list with Love, Inc. for community assistance and stated that Hubbard, Aurora, St. Paul, and Donald are listed. Mayor Gilland thought that would take a partnership with Love, Inc. and would ask about that. Council President Wagner suggested making funds available within the City. There was a discussion about distribution of funds and partnership with Love, Inc. Mayor Gilland thought giving assistance this way would put staff in a vulnerable position.

**b. Police Department – Chief Mark Chase**

Chief Chase provided a written report in the council packet. He responded to the questions about feral cats and people living in trailers. They have investigated and issued citations for ordinance violations that have been a problem. In keeping with the philosophy council has asked of the police department, Chase reminded the council that they try to work with people first before issuing fines. Sometimes, he explained, that's all that gets their attention to comply. Chase explained that the police department is conducting business and he welcomed anyone to come visit him if they had questions or issues about what is being done and how it is being taken care of.

**c. Public Works – Superintendent John Robinson**

Robinson reported a main leak at Hemlock. Public Works contacted Superintendent from Hubbard who had the part needed to fix it. It was repaired by Kyle and Joe and they did a great job. Robinson stated this was the second main leak in 6 months. The saddle mains are wearing out and Robinson is in communication with City Manager Marston about a plan to fix the mains in that area. Foreman suggested being more proactive in communication and informing

community members about their water being shut off. Robinson explained Public Works notifies City Hall. There was a discussion about how to inform Gervais Citizens.

**13. Business from the Mayor or Council**

**14. Adjourn**

Mayor Gilland adjourned the meeting at 8:51 pm.

**I, DENISE DAHLBERG, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON AUGUST 4, 2022 ARE, TO THE BEST OF MY ABILITY, CORRECT AS RECORDED.**

ATTESTED:

\_\_\_\_\_  
Denise Dahlberg, City Recorder

\_\_\_\_\_  
Annie Gilland, Mayor