

**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 JUNE 2, 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 Councilor Gonzalez

**3. Roll Call**

Mayor Annie Gilland	Present
Councilor Pamela Foreman	Present
Councilor Baltazar Gonzalez	Present
Council President Micky Wagner	Present
Councilor Diana Barch	Present
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:** none

**5. Public Comment**

Allison Kelly, 250 E. Ivy Ave. Gervais, Oregon. Kelly raised the issue of Mayor Gilland encouraging citizen engagement on her Facebook page and then censoring citizens by blocking those with contrary opinion; violating first amendment right of freedom of speech. Kelly continued to express her concern of Mayor Gilland's bullying and disrespect to the citizens of Gervais if they disagreed with her.

Melanie Blaire, 250 E. Ivy Ave. Gervais, Oregon. Blaire pointed out Mayor Gilland using personal Facebook page for business publicizing city hall information, lobbying against the bond, posting community events, censoring others and violating of 1<sup>st</sup> amendment rights. Blaire stated Mayor Gilland had worked closely with members of the community to dig up personal and financial information about her and other members of the community, accused residents of the community of doing drugs, and allowed a non-resident of Gervais to join the Ad Hoc committee. Blaire pointed out the committee is working on the skate park, a basketball tournament, the 4th of July, circus and park lighting. Blaire noted the Ad Hoc committee should have one task assigned and then the committee should be disbanded.

Rocky Sherwood, 2622 Nina Place, Hubbard, OR. Sherwood reminded the council that he gave Gervais their first Christmas parade and he would support any committee that allowed his kids to be a part of it.

Jorge Ruiz, 1010 McCallum Lane, Woodburn, OR. Ruiz informed the council of opening his own Mexican food business in Hubbard.

Linda Jensen, 1060 8<sup>th</sup> St., Gervais, OR. Jensen told Council President Wagner she didn't agree with her joining a Facebook hate page and suggested she could have monitored it without joining. Jensen told Wagner if she ran again she would get no votes because people wouldn't respect someone joining that type of group.

Sandra Foote-Gregory, 345 7<sup>th</sup> St., Gervais, OR. Foote-Gregory stated she was grateful for all of the wonderful contributions that Annie had given the town. She said Annie worked diligently to improve this town and she represented the good citizens of this town very well.

Brian Wagner, 166 Hemlock Dr., Gervais, OR. Wagner clarified that Council President Micky Wagner was his wife. He stated he wasn't up there to throw stones or debate with any of the garbage going on. He continued telling the council it was childish on both sides. He said everyone should come together instead of tearing each other apart.

Christy Richardson, 545 2<sup>nd</sup> St., Gervais, OR. Richardson mentioned to the council she volunteers often and had never been treated as poorly as she was when volunteering at the circus. She commended Council President Wagner for bringing the circus to town and said her family had a wonderful day. Richardson couldn't understand the belittling of Council President Wagner. Richardson voiced that all of the controversy was because Mayor Gilland couldn't separate her personal feelings from her professional role and that was what Mayors were supposed to do. Richardson pointed out she was blocked by the mayor and had never said anything bad about her or argued with her.

Lucas Blair, 250 Ivy Ave E, Gervais, OR. Lucas pointed out that the mayor was breaking the rules yelling at the councilman, her city residents, being disrespectful to him in the audience and continued to talk and let other people talk past their time. Lucas claimed to have a screenshot of the mayor calling someone a bitch on social media.

In summation of the intensive deliberations, interruptions and arguing throughout the entirety of public comment, there was no council action taken. Listen to audio for more on this discussion.

Mayor Gilland moved item 8. Presentation on the agenda to item 6.

Marion County Circuit Court Judge – Erious Johnson, Jr. - Judge Johnson introduced himself as the newest Marion County Circuit Court Judge appointed on February 2nd and sworn in on February 14<sup>th</sup>, taking the bench March 1<sup>st</sup>. Johnson had been introducing himself to surrounding community because he wanted to be accountable, transparent and meet the

community. He explained that he was from the Bronx where there were gang bangers, kids being killed, people were throwing hypodermic needles out of windows and Gervais was arguing about facebook posts.

Johnson explained everyone was coming out of a pandemic; everyone was stressed and acknowledged the need for community. He pointed out the need for accountability and pointed out what the world needed was so much bigger than all of this. He encouraged everybody to work through the hard stuff together. Johnson stated that politicians needed to be held accountable by the people and they were doing that, whether their responses were accepted or not. He thanked everyone for their time, said he had to get home to feed his dogs, and consequently he hoped to not see anyone in his chambers.

## 6. Consent Calendar

- a. Approval of the minutes of the May 5, 2022 Regular Session
- b. Approval of the minutes of the May 19, 2022 Budget Committee
- c. Approval of Bill List for April 26 –May 30, 2022

***Councilor Bartch made a motion to approve the June 2, 2022 Consent Calendar as presented, Seconded by Council President Wagner. Motion is unanimously carried and so moved.***

## 7. Committee Reports

- a. Ad Hoc – Skate Park

Laura Clifton asked if the council had any questions. Council President Wagner read from the council rules **Section 22.2 Duty of Ad-hoc Committees**. The mayor may form ad-hoc committees to deal with specific tasks within specific timeframes, make recommendations to the council and record minutes of the meeting, which will be forwarded to the council after approval. The mayor will establish the membership criteria for the ad-hoc committees. Residency may be a required criterion but does not have to be a required criterion. Council President Wagner asked what the original task of the Ad-Hoc Committee was. Mayor Gilland replied it was the skate park. Wagner told Laura Clifton she appreciated what the committee was trying to do but was taking care of too many things at once. Wagner pointed out Laura Clifton talking during City Council meetings. Wagner stated the ad-hoc committee should be one task and one task only, then disbanded. Wagner stated it could be found on League of Oregon Cities.

Mayor Gilland stated Gervais did not follow League of Oregon cities, they follow their own rules. Arguing ensued. Mayor Gilland interrupted with a Point of Order –stating that Wagner made her point and that Wagner did not agree with how the Ad-Hoc Committee was appointed.

Clifton spoke about volunteers at the circus and said Rocky Sherwood and Cole could attend any meeting they wanted to if it was public.

Mayor Gilland read from the council rules Section 22.3 Appointment of Ad-hoc Members.

The mayor will appoint members of the ad hoc committees. The mayor will designate the chairperson and the vice chair. Membership on the committees will be appointed as needed to advise the council on specific programs or projects. Members will continue to serve until their mission is accomplished, or they are removed, replaced or reappointment.

There were discussions about how each group of volunteers was treated at the circus, texting conversation about pictures, and opinions were shared about how the set up could've been done better. Arguing ensued. Reactions varied. No council action was taken. Listen to audio for more on this discussion.

Cliffton said firework permits were in place. Gilland has been getting donations for city to raffle off, Copperridge band was booked for entertainment, and it was recommended to bring your own lawn chair.

City Manager Marston reported she was finishing up the parade permit and asked what time the staging would start. Mayor Gilland said 9 am. Marston asked what time the parade would start. Gilland said 10:30 am and stated Rocky Sherwood would be there.

Bartch asked Cliffton about the status of the basketball tournament. Cliffton stated they would probably have to cancel, there were no registrations and in the future they could try again. Mayor Gilland clarified that they didn't rent the church for a religious factor, but because it was \$505.00 versus \$3000. Gilland clarified it was to save tax payers money.

City Manager Marston asked Annie if she rented the church, and if there was any money paid, or contracts performed. Mayor Gilland said no, her husband Keith reserved it and she would have him call and cancel the reservation.

Council President Wagner asked Cliffton if the \$500,000 for skate park kit was an actual figure. Gilland said it was an example. Cliffton said it wasn't a kit and that had been misspoken.

Public Comment - Kathy Harvey, 1080 7<sup>th</sup> St. (no relation to Councilman Harvey)After hearing how volunteers were being treated; it would be a cold day in hell before she ever volunteered for anything in Gervais if that was the kind of thanks people received when giving freely of their time, said Harvey.

#### **8. Mayor Gilland moved item 8. Presentation on the agenda to item 5.**

Before Budget hearing 2022-23, Mayor Gilland added a discussion about the COLA, to the Agenda.

Councilor Harvey said he did some checking around the COLA was lower than 7.4%. Mayor Gilland said the State of Oregon was 3%, Hubbard was 4.63%, Social Security is giving 5.9%, Salem was 4.52% and PERS was 2%. Gilland stated she knew that Susie did not know about this discussion happening and she knew that Susie gave her word, but she wasn't comfortable

with it – not because Susie’s word wasn’t good, but procedurally needed to be fixed in case of an emergency situation the City would be locked into it. Mayor stated she liked Hubbard’s 4.63% and Social Security was 5.9%. She asked if the council would be willing to meet in the middle.

Bartch didn’t like that there were no numbers in front of the council and did not feel comfortable just picking a number and as a group there wasn’t a system formatted. She knew City Manager Marston was in the process of getting information for the council and wanted to wait for that.

Mayor Gilland suggested using the CPI index 12 points of data and divide and not cherry picking. Harvey stated that Marston put the number in as 7.4%. Mayor Gilland said if they signed the budget tonight that’s what it would be.

Marston responded no, and clarified that if the council adopted the budget tonight it was still on the understanding that the council hadn’t agreed on a COLA yet and the discussion could happen in July, however the budget needed to be adopted by June 30<sup>th</sup> to be in compliance with Oregon Budget Law. Gilland didn’t like the procedural idea of it all.

Council President Wagner asked if it was possible to get numbers in black and white, bring them back, compare and come to a compromise amongst the council because she remembered Susie saying before if they approved it was for the budget not the COLA. Harvey said the only way he would agree to approving is if he had something in writing that said the 7.4% was reduced to zero and then come back and talk about it; otherwise he would vote no on the budget. Mayor Gilland agreed.

Councilor Foreman established that it was previously discussed at the budget committee meeting that they would omit this component, and pass the budget to meet state law. The council would then come back and make a decision based on that. Foreman couldn’t understand why Harvey and Gilland wouldn’t move forward and pass the budget because the caveat was in black and white and documented already.

Harvey asked Susie if the budget said anything about the 7.4% in it. Marston replied yes, and explained that the personnel cost was based on the 7.4% COLA and it was discussed at Budget Committee Meeting that her suggestion was to move forward with the budget the way it was with the understanding that she wouldn’t do any COLA changes until council had the discussion on the COLA and decided how they wanted to move forward. Listen to audio for further discussion.

***Councilor Harvey made a motion to change the COLA from 7.4% to 5%. Councilor Bartch seconded, Mayor Gilland took a roll call vote. All voted ‘AYE’. Motion is unanimously carried and so moved.***

## **9. Budget Hearing for 2022-23 Fiscal year**

- I. Open the Hearing – Mayor Gilland Opened the Hearing at 8:18 pm
- II. Hear Public testimony - none
- III. Take Additional Questions or Comments - none
- IV. Close Public Hearing – Mayor Gilland closed Public Hearing at 8:19 pm.
- V. Adopt Resolution 22-004, A Resolution Adopting the 2022-23 Budget, Making Appropriations, Imposing the Tax, and Categorizing the Tax

***Councilor Bartch made a motion to Adopt Resolution 22-004, A Resolution Adopting the 2022-23 Budget, Making Appropriations, Imposing the Tax, and Categorizing the Tax. Seconded by Council President Wagner. Motion unanimously carried and so moved.***

## **10. Old Business**

- a. See activity tracker – none

## **11. Action Items-**

- a. Adopt Resolution 22-005, Budget Transfers for Fiscal Year 2021-22  
City Manager Marston explained that budget law allows one transfer at the end of the year. She noted the purposes of these transfers were to cover extra expenditures for legal fees and extra surveying fees for street projects.

***Councilor Bartch made a motion to Adopt Resolution 22-005, Budget Transfers for Fiscal Year 2021-22. Seconded by Council President Wagner. Motion unanimously carried and so moved.***

- b. Resolution 22-006, Requesting State Revenue Sharing Funds  
Marston explained this resolution was telling the Department of Revenue that Gervais wants to continue to receive the cigarette tax, marijuana tax and liquor tax.

***Council President Wagner made a motion to accept Resolution 22-006, Requesting State Revenue Sharing Funds. Seconded by Councilor Gonzalez. Motion unanimously carried and so moved.***

- c. Resolution 22-007, Establishing the Public Works Vehicle/Equipment Replacement Fund

***Councilor Foreman made a motion to accept Resolution 22-007, Establishing the Public Works Vehicle/Equipment Replacement Fund. Seconded by Councilor Bartch. Motion unanimously carried and so moved.***

## **12. New Business**

- a. Circus report and consideration to host in 2024

***There was a consensus from the council to have the Circus back in 2024.***

It was set forth that Council President Wagner would call the circus and let them know.

b. Schedule public hearing for July 7, 2022 for File #VAC 2021-02 Petition to vacate the public alley in Block 68, bound by Ivy, Hemlock, 7<sup>th</sup>, and 8<sup>th</sup> submitted by Scott Mickalson.

***Councilor Bartch made a motion to schedule public hearing to consider a petition for vacation of the public alley in block 68, also referenced as file #VAC 2021-02, to be held during the next regular meeting of the City Council, which is Thursday, July 7, 2022 at 7:00 pm. Seconded by Councilor Harvey. Motion was unanimously carried and so moved.***

c. Authorize purchase of City Hall Generator

***Councilor Bartch made a motion to approve the purchase and installation from Northside Electric for \$34,650 including a 10% contingency. Seconded by Council President Wagner. Motion was unanimously carried and so moved.***

Brian Wagner in the audience asked if the generator had the capability to switching over to diesel if necessary. Chief Chase explained that it would have the capability of switching over to diesel if necessary.

Mayor Gilland welcomed interactive comments and questions and mentioned she did break the rules for this type of thing.

### **13. Staff Reports**

#### **a. City Manager**

City Manager Marston provided her written report in the packet and asked if anyone had questions. Gilland asked Marston if the \$153,000 Water study done was already paid for. Marston replied, yes. The Mayor asked if Gervais already had a 20 year study for growth done by Holly Byram. Marston replied yes and that it's in the city general plan. She explained there all kinds of different components to it, but the three components, buildable lands inventory, economic analysis, and the housing needs analysis were all updated in 2014. Mayor Gilland asked for a copy for general knowledge.

Marston continued in reporting to the council about the land use application that was submitted for multihousing. Marston noted the multifamily development on a vacant property on Winfield and was scheduled to take place at the July 7th council meeting on public hearing. Marston read from an email provided by City Planner, Holly Byram to remind the Council that land use applications are governed by a specific set of state rules, which say that the decision makers should only consider information provided during the public hearing available to all parties.

This means the application, staff findings, consulting agency/department comments, and any councilor should not discuss with each other, their family, friends and neighbors and this of course includes social media and other online forums. If they do, council will need to disclose the ex parte contact and the information they acquired so that all parties are operating on the same information.

Mayor Gilland admits to doing that when she was a new Mayor and having to recuse herself.

City manager Marston shared a very special announcement. Marston mentioned loving her staff and recognized Chief Chase for being awarded the D.A.R.E. Law Enforcement Executive of the Year. Together, she and the former Lieutenant Craig Seibel nominated Chase for this award and found out he was selected last week. Marston had a nomination letter that she wanted to read aloud but she didn't think she could get through it. She apologized and instead congratulated Chief Chase.

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

Chief Chase provided a written report.

Councilor Harvey asked Chief Chase why they were driving PD cars home, suggested it was unnecessary considering gas prices and consequently believed that this was giving them a raise. Harvey asked why the Gervais PD vehicles being driven home were unmarked and stated the cars should be marked. Harvey asked who authorized the police to drive cars home. Chase stated that was an administrative function that the City Manager should weigh in on and referred to Marston.

City Manager Marston explained that the Chief of Police was a working Chief and him and the lieutenant are both on call after hours. By them taking a vehicle they are able to respond directly to a call rather than having to go to the garage and transfer personal car to working car. Marston clarified that if they got a call in the middle of the night they could respond a lot faster.

Chief Chase provided an example and explained during the ice storm he was able to get on the PD vehicle computer, get access to information and coordinate things. Once he was able to get free from the fallen trees, he drove to Gervais and arrived timely. Chief Chase was able to set up a command post 24/7 for the city. Chase affirmed these logistics were important to provide the city in emergency situations. When the Sheriff's Office isn't able to respond and they are able to get here in a timely manner. Chase did not know of any policy that Gervais Police officers could not take car home

Harvey asserted that in past it was never allowed and his concern was Police Department being 2/3rds of the city's budget. Harvey pointed out the city paying for wear and tear and fuel because the cars were driven a total of 40 miles a day. Harvey did not have a problem with driving cars home in an emergency but was not in support of driving them home every day.

Councilor Foreman asked Councilor Harvey about the Gervais policy that they have had forever stating they don't take police cars home. She wasn't aware of a written policy and was trying to understand Harvey's position. Harvey said he would find it for her.

Mayor Gilland stressed the needs of sidewalks, safe roads, and park lighting. Gilland suggested allowing one of the cars to go home and agreed with Harvey about the wear and tear

and the high gas prices. Gilland suggested one on call to get to the computer or be in charge and reimbursing mileage in case of an emergency.

Marston was interested in seeing the policy that was set because she wasn't aware of anything saying they couldn't do this. Marston affirmed that it was an administrative function and she supports the officers taking a vehicle home in order to respond in a more timely manner.

Harvey indicated that it wasn't an appropriate use of tax payers' dollars and felt the council should've been notified, so the council could've made the decision.

Mayor Gilland said the council should've been informed because they were the governing body and no one was above them. Gilland noted that it was in the Charter the City Manager could hire, fire, supervise and do administrative things, but the council is where she was accountable. Gilland asked Marston what she meant by administrative function.

City Manager Marston replied by the Charter says the Council gives her authority to oversee the Police Department, Public Works, and the Administration and the day to day operations.

Gilland said the governing body was in charge and Marston's boss and asked if they could make a resolution changing that in the Charter. Marston replied yes, but she wanted to hear that from the whole council. Marston clarified that she was trying to say that she supported the 2 officers taking their vehicle home in order for them to respond in a timely manner. Marston acknowledged Chase's point during the ice storm and him having access to his special police computer in his car.

Chief Chase understood the concern and appreciated what was brought forward and him and Susie would meet to discuss the council's concerns and look at recommendations.

Mayor Gilland asked for a cost projection, how much the mileage was going home is for the last year and some data so they could see if it outweighed John's point. Gilland asked for detail showing what it would cost the city and what would they be saving if maybe just one car went home. Or perhaps the costs if they were on call or reimbursed. She asked for the cost of a different computer for home that he can get onto. Gilland stated that cost projections would help them understand what they could and couldn't afford.

Chief Chase noted the concern, said they were great questions and noted that he and Susie would review the issue and bring back some requested data.

Marston asked to hear from the rest of the council.

Council President Wagner said she could see both sides and after working closely with EMS, being on the fire engines and in ambulances and had seen the computers and how much different they were. Wagner understood the rising gas prices. To start things off she wanted to

see in black and white where it said that cars weren't allowed to be taken home, because if that was the case they had to start from there.

Councilor Bartch agreed with Wagner and saw both sides. Bartch wanted to see some general information of when the officers were on call and how much were they actually called back in.

Chief Chase informed the council that it's a couple of times a month. Chase recounted certain events that took a lot of time and explained the importance of having all resources and gear readily available. Chase had concerns about him and the lieutenant responding to an emergency from home and not being able to run code, or crashing a private vehicle and the city being responsible for that. Chase explained that he was unaware of the long standing rule Councilor Harvey spoke of. Chase noted it was a common practice and that generally the chief and the second in command do take vehicles home for responding and managing things. He could see the council's points and both sides of it and he said he could bring back some information to share and then the council could make a decision on how they wanted to proceed.

Councilor Gonzalez said he understood the Chief's point about responding with private vehicle.

There was a question from the audience about unmarked cars. Harvey said that he wanted all the PD vehicle's marked. Wagner said she thought at least one (the Chief's) should be unmarked. Gilland wanted the cars marked and commented that Gervais had a really big police force for the size of Gervais . Councilor Gonzalez voiced that Gervais had an excellent police department.

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

Superintendent John Robinson brought up an operational issue. He explained the lagoon system and how it functioned. He recommended putting in a solids collector which would extend the life of the lagoon not having to dredge maybe for 10 years. It takes all the flushable wipes that aren't flushable, the plastics and all the stuff that does not break down in the lagoon, mixes it up and puts it into a container and to dispose. The price tag we're looking at is right around \$500,000. Robinson explained they had enough SDC money and asked for a council consensus to move forward. City Manager Marston recommended it because it would take stress off of the current system, increases capacity and efficiency. Marston said it would preserve the aeration system and prolong the dredging. After discussion regarding solids collector, the consensus of the council was the following:

***The council gave consensus to move forward with purchase of solids collector.***

Councilor Bartch asked Robinson about speed signs. He replied they were out for repair. Harvey asked for information about how many speeders were coming into town and told Robinson he has previously asked for it. Robinson said when they come back he would get the data to the council. Bartch asked if they were going to open splash pad. Robinson said yes. Bartch asked how often the flowers were watered on Douglas. Robinson informed the council

they were watered every day and fertilized once a week. Gilland asked about banners for 4<sup>th</sup> of July. Robinson said they were delivered and didn't fit the poles, they were sent back and reordered. They would be here by next Tuesday.

Councilor Gonzalez explained that he was told they were moving too fast with the Veterans Wall and were going to forget a lot of things. Gilland asked Rocky to give Marston contact information for the engineer he recommended.

Councilor Foreman pointed out that she wanted to partner to help with Veterans Wall and wanted to be notified and included in those meetings. Gilland said anyone who wanted to help could come. Gilland told Foreman those committee meetings were held the first Tuesday after the council meeting and it would be listed on the agenda. She encouraged Foreman to attend when that item was on the committee's agenda.

Council President Wagner voiced the "National Night Out" was planned for 1<sup>st</sup> Tuesday of August. She mentioned the need of a movie screen, pyramids and bathrooms opened.

Mayor Gilland asked if there was more of a generalized location. Council President Wagner suggested Rocky hang some fliers in the area and perhaps people could offer to give rides.

#### 14. Adjourn

Mayor Gilland adjourned the meeting at 9:09 PM

**I, DENISE DAHLBERG, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON JUNE 2, 2022 ARE, TO THE BEST OF MY ABILITY, CORRECT AS RECORDED.**

ATTESTED:

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

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