

**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 OCTOBER 6, 2022**

**a. Call to Order**

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

**b. Pledge of Allegiance –**

Mayor Gilland led the Pledge of Allegiance

**c. Roll Call**

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

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

Others Present: None

**d. Announcements/Additions:**

None

**5. Public Comment**

Teresa Diaz, 923 Mahan Loop reported she had a ticket in 2020 for a vehicle parked in her yard. Diaz explained she submitted a request to the city and was granted one parking spot out of the three she requested. She came back to city council and requested further additional parking on her property and after several council meetings, according to her understanding, the matter was to be sent to the city attorney to have an ordinance changed. Diaz stated she came to previous council meetings for a progress report and that she was told the results had already been sent to her. Diaz explained she then received a duplicate copy of what she received in 2021 with her original request; she understood that City Manager Marston had to speak with the city planner because this ordinance change required a different process. Diaz called the city planner to see if the city manager had talked with her. The legislative process for development codes was explained to Diaz by the city planner. Diaz requested the council move forward with the legislative process. She explained that she wanted to have permanent parking on her property so that she wouldn't be ticketed on the street.

In response to Councilor Harvey's question about the rules for parking on the street, Chief Chase responded by saying the vehicle should be moved after 72 hours. He added that a

warning is issued prior to citation, and the other option is to watch a vehicle that has not moved, then tag it for towing.

Harvey asked because he has noticed some cars parked in the same spot for more than 3 days and asked if the PD usually puts a sticker on them. Chief responded same as before.

Harvey recognized some sort of a problem. Harvey said, "It seems like there's a problem here, and I think we need to take care of this and get on it", and asked Chief "Do you guys agree?" Chief asked, "What do you mean by take care of it?" Harvey said we need to either change the ordinances and do what we say we're going to do or if we're not going to do that, then "council needs to take care of business and stand up to it."

Marston reminded the council that she explained previously in April that the yard parking is in the City's development code and to update it, it goes through a different process because it's a legislative amendment. She explained that a list of changes is made and when there's enough to justify the cost and the time, she works with Holly (city planner) to get it going.

Gilland asked Marston if she explained it to Ms. Diaz. Ms. Diaz stated that she came in last month and said that it was resolved, and that she had been notified that there was a resolution. Gilland suggested that the council talk about this at another time.

Gilland stated that Tess did try and come and do something correct, so obviously there's a discrepancy here. "I don't even know how to handle this." Harvey said we can have a "workshop or something".

Foreman directed a question to Susie, "It's on the list. Can you tell me how many you need on the list before she can take action?" Susie didn't know if there is a number that could be assigned to it. Foreman asked if Susie could give her an idea of a cost. Susie explained that to advertise in the paper could be anywhere between \$150-\$200, and then there's the cost of Holly's time, legal review (city attorneys) – it's hard to say because it would depend on the amount of time and how many changes would need to be made. Foreman asked if there are others on the lists that are pursuing parking or if there was only one. Susie said these are not tied to individuals; they are just changes to the city's code that would apply to anyone living in the City. Foreman was trying to establish the burden of cost vs. resolution so the council can decide if it's cost prohibitive to move forward on it.

Gilland recognized that the whole area where Tess lives is burdened with parking problems.

Gilland suggested putting this on the November agenda to decide a date for a worksession. She suggested looking for a solution and asked for a consensus. Harvey agreed. Wagner agreed to table it. Wagner suggested we look at all of the streets where there are parking issues.

Harvey said, "So in this case, we have a person that is being ticketed. Is there some way that we can stop the tickets until we can deal with this and take care of the problem, instead of just keep writing the tickets?" Foreman said, "That sounds like a Chief of Police question."

Gilland said, "For tonight, the council has given consensus that we're going to go ahead, table this to November, where we will make a date for it, and I know that's a long process, but then everybody can do their homework and what they want to look into and what their thoughts are and maybe we can talk to someone and maybe go out and talk to the neighbors or something, ok?"

Gilland asked Denise if she needs clarification. Denise responded "Just to paraphrase, you want to move the discussion to the November meeting to then discuss a workshop..." and Gilland said, "Correct, that is correct."

When Gilland was ready to move to the next person with public comment, Harvey stated that he "didn't get an answer to his question, and I'd like to get an answer to that." He turned to the Chief and asked, "What can we do Chief? Can we do something til then? Because we agree we have a problem." Chief responded, "What are you asking the police to do?" Harvey said, "I'm asking you if we can hold off on popping these tickets on there all the time until we can deal with this." Chief then asked, "Is that the consensus of the council, that you want to direct the operations of enforcement of codes to subside immediately at this meeting? I don't know if you'd want to get into that realm." Harvey responded, "Well, if it was anything else, I would say the same thing until the council can deal with it, because it seems to be a problem. I think that we should be able to allow that to take place." Chief responded, "Let me ponder that, talk to Susie about it..." Gilland said, "Ok, let's get a consensus from council on this as well. You did mention consensus that the council would like to maybe think about doing that? You asked for that Chief. Let's just take the consensus, Pam?"

- Foreman – No
- Bartch – "I'm fine with holding off for the time-being.
- Harvey – Yes
- Wagner – "I think we should, I mean as much as Ms. Diaz has gone through and such, I think we do need to talk about it a little bit more and go through some sort of a process before we just stop."

- Gilland – “Thank you, the consensus is they would like it to stop. Now, I would like to move on from this. Has everybody’s questions been answered?”

Marston asked for some clarification on “what that was”. Denise asked for clarification on what the consensus is. Gilland stated, “The consensus was, Ms. Diaz has approached the council for relief, and the council was granting that relief on giving her tickets until we can hear it, because she’s been through a lot waiting, and there’s been some discrepancies she’s pointed out, so the council is giving consensus that we will hold off on ticketing her.” Marston, asked, “So, does this just apply to her?” Gilland responded, “She’s come for relief. Susie, I...” Harvey interjected, “Mayor” and then said “Well, Micky go ahead, you got your hand up before me.” Micky said, “I’m sorry, just so I could clarify, I was with Pam in that we need to discuss this more before we make a decision to stop this ticket, because if this is happening to other people potentially...” Gilland said, “Ok, so then we have a tie on that, is that right? If we go back to that we had two yes’s and two no’s, is that right?” Harvey said, “That’s right.” Gilland said, “I’m going to say that unless it’s breaking a law, and you can show me that, I think we should hold off because she’s came before council to ask for relief. She has been here for over a year and a half, trying to do the right thing. So, yes.”

Marston responded, “Mayor, just because you stated that unless it’s against the law, I will run it by the city attorney just to double check.” Gilland said, “Oh please do, Susie, I wouldn’t want to be in the wrong on this. I’m trying to do the right thing. So yes, please do call them and find out what the legalities of it are and, if we are able to grant her relief because she’s asked for it, I’d like to.”

From the audience, Joe Ruiz said, “Does that mean everybody gets a free pass” Harvey said “Do you have a problem, Joe? What is your problem? Okay, we’ll take it up right now. If you have a problem, bring it up to us and we’ll take it up. No, but you’re trying to make this something...” Gilland called for a point of order and invited Mr. Ruiz to speak during public comment.

Jani Whitsett, 460 6<sup>th</sup> St., gave public comment regarding speeding and asked for speed bumps on Fifth and Sixth and more patrols. She personally had 2 cats killed and mentioned lots of children living on that street.

Tilda Flores, has lived in Gervais for 21 years. She is running for Mayor and acknowledged the need for change. Gervais needs to get fixed. Gervais needs an upgrade.

Gricel Malstrom, 960 Winfield St. Malstrom had an exchange with Ms. Diaz in the audience and expressed she was fighting for the same thing in reference to a disabled parking spot. She then

asked Councilor Foreman where she was at on the issue after talking with her 2 months ago. Malstrom expressed that, "If this lady's getting a pass, then I'd like a pass, this gentleman here looks like he's disabled and that if anyone who is disabled should get a pass if this lady is approved a pass to move the vehicles every 72 hours", as she has to do. She expressed her disapproval of tinted windows. Malstrom suggested dealing with current issues such as cats and rodents, not chickens. She communicated she is running for and she will be the Meet and Greet, On October 18, 2022. Malstrom redirected her question to Foreman and Foreman replied she hadn't heard anything different. Malstrom expressed her disappointment in not hearing back from Foreman.

JR Lopez, lives on 6<sup>th</sup> St. He sees cops on Sixth street at the stop sign in the morning and then another spot where they're putting in a new driveway in the afternoon. He opined that there has to be a way for the people to work with the city.

Susie stated "After giving it a little bit of thought, I think that the council should reconsider the action that you took in giving Ms. Diaz relief, and the reason is I think you're setting the precedence. Ms. Malstrom provided a great example. Tess Diaz was issued a ticket, and we're not going to talk about it now, it's not the proper time, but it's technically in the hands of the municipal court, and it's up to the judge to hear Tess's testimony and decide on if she wants to give her relief or not." Gilland responded, "Ok, Susie, I want to stop you there..." Susie continued, "Listen, can I finish please? But moving forward, what I was hearing Councilor Harvey say is to maybe not issue tickets until the council has had a chance to look at the parking situation and come up with a solution. But I do think the council should reconsider giving relief on a ticket that's already been issued."

Gilland said, "We never, Susie I'll address that. We did not state or take a consensus to remove any tickets; that is nothing we should ever touch. We were saying from here forward, just to clarify. So, I'm sorry for interrupting you, but no, you're right, we were not talking about tickets that are already issued, so..." Marston said, "Ok, that's not how I understood it ...and how it was understood by the audience" Gilland said, "Ok, so to clarify, well, how many in the audience understood it? (hands raised). Let's just clarify to how Susie articulated it, it was perfect. Thank you."

## **6. Consent Calendar:**

- a. Minutes of the September 1, 2022 Regular Session
- b. Bill list for August 23 – September 27, 2022
- c. Treasurers Report for period ending September 27, 2022

*Requested Action: Motion to approve the October 6, 2022 consent calendar as presented.*

***Council President Wagner made a motion to approve the October 6, 2022 consent calendar as presented. Seconded by Councilor Bartch. Mayor Gilland took a vote. Foreman-Aye, Wagner-Aye, Harvey-Aye, Bartch-Aye. Motion is carried and so moved.***

## **7. Presentations**

a. School Health Grant Initiative – Creighton Helms, Gervais School District  
Dr. Creighton Helms, Gervais School District Director of Student Services and Federal Programs walked the council through the school based health grant received and what it means. In January of 2022 Gervais School District received a \$90,000 grant to assess the whole health needs of the community at large. Creighton explained the importance of hearing from the community and identifying what the health needs are for students. He shared that comprehensive ways to gather data would be through survey links, facebook pages, yielding data using incentives, like Starbucks gift cards, hosting information nights, and advertised participation of focus groups and interviews. The end results of the grant would be that community members that don't have kids in the district but have health needs would also benefit. Creighton encouraged Gervais to be incredibly transparent if there are concerns and noted they are doing everything they can to address the health needs of the community. In the GSD, 1 out of 5 students self-report not being in good or better health. 8% of students report they have physical self-care needs that are not met. 48% of Gervais students have reported feeling depressed, stressed, or anxious and that makes it hard to do their best at school. 12% of Gervais students self-reported considering or attempting suicide. 37.7% economically disadvantaged students are chronically absent. Creighton communicated that the child's academic, mental, physical and behavior health impacts their ability to achieve their very best. He wants the community to know the GSD is incredibly important and they would appreciate services that address these health needs to a greater degree.

Creighton noted from this process, there are school based health centers throughout the state. The goal is to amplify school nursing and add more counseling. They are considering using Sam Brown building to provide help and support for community. There is more information located on School Based Health Centers on the GSD website. Creighton believed the Gervais community would benefit deeply. He provided contact information that can be found on the School District website.

Council President Wagner asked about the potential use of Sam Brown House for nursing services. Bartch clarified that Creighton was referring to the Sam Brown School, not the Sam Brown House. Creighton talked about the different rooms in the Sam Brown School that would have a private shower and washer and dryer for students that haven't been able to do laundry or bathe regularly. This would be a place where they could directly go and address the child's whole self needs.

Wagner touched on the bullying that comes from not have basic needs met.

Creighton said the nurse practitioner could offer sports physicals, vision screenings, and health screenings.

From the audience, Grisel Malstrom suggested Creighton gather data from field workers and single parents.

Creighton relayed a message from the Superintendent of GSD, Dandy Stevens, notifying council that the District is hosting several community engagement nights, October 25<sup>th</sup>, 26<sup>th</sup>, and November 2<sup>nd</sup> (spanish only) to further explore ideas regarding the bond and how to move forward. Stevens asked each council member to invite 4 people to attend those evenings.

Mayor Gilland said that she wouldn't be at the Meet and Greet on October 18<sup>th</sup> due to a prior family event but is available to anyone who has questions or would like to know more about her.

Council President Wagner stated that she spoke with the school and that councilor candidates are able to attend, ask questions and speak.

## 8. Public Hearing

a. Site Development Review #SDR 2022-01

Holly Byram, City Planner stated the applicant requested extra time and asked the council to make a motion to continue the public hearing to a date and time of December 1, 2022.

***Councilor Bartch made a motion to continue the public hearing to December 1, 2022. Seconded by Councilor Foreman. Motion is carried and so moved.***

## 9. Action Items

a. Schedule public hearing for November 3, 2022 for File #VAC 2021-03, Petition to vacate the public alley in Block 25, bound by Elm, Fir, 2<sup>nd</sup> and 3<sup>rd</sup> submitted by Samuel Andrade, 560 3<sup>rd</sup> Street.

***Councilor Bartch made a motion to schedule public hearing for November 3, 2022 for File #VAC 2021-03, Petition to vacate the public alley in Block 25, bound by Elm, Fir, 2<sup>nd</sup> and 3<sup>rd</sup> submitted by Samuel Andrade, 560 3<sup>rd</sup> Street. Seconded by Councilor Foreman. Motion is carried and so moved.***

## 10. Old Business

a. See activity tracker

Mayor Gilland suggested prioritizing and cleaning up the activity tracker.

b. Discussion on LOVE, Inc. Water/Sewer Bill Assistance Program

City Manager Marston included a memo in the packet with a recommendation to the council of funding this program with \$5,000. Her thought was that it would be paid out of the water and sewer funds since it would be revenue coming back into those funds. She explained that if the \$5,000 was used, then it would cost the City \$750, which would be split between the water, sewer and maybe the storm drain funds. Bartch understood that this benefit would be offered

once a year and wondered how many of the 10-12 households are repeat default accounts. Marston replied that most of them are repeat households. Gilland asked if the council was okay with the amount.

Councilor Foreman acknowledged the amount was a good start and wanted to see what it would be like for the first year and then wanted to readdress whether there was potential to add more funding in the future.

Mayor Gilland stated she liked that idea and just wanted something because Gervais had nothing.

In her report, City Manager Marston recommended a motion for the council to consider.

***Councilor Foreman moved to authorize the city manager to work with Love, Inc. on drafting a contract of \$5,000 for city council review and approval to provide utility billing assistance for Gervais residents. Seconded by Councilor Bartch. Motion is carried and so moved.***

Mayor Gilland noted she took a suicide prevention class at the school and was asked if council would be interested in facilitating a suicide prevention workshop. She felt it was important for the community. Council was in agreement. Councilor Foreman suggested scheduling the workshop after work hours. Council President Wagner addressed the importance of reaching out to families, offering education, being mindful to look for changes and speaking up.

Mayor Gilland asked for a consensus to have City Manager Marston reach out to Rosetta about possible dates to facilitate a suicide prevention workshop. Marston acknowledged that she would notify her of the council's interest in the suicide prevention workshop and get some possible evening or Saturday dates.

c. Discussion on Speed Sign Data

Councilor Foreman reported the data was difficult to analyze and suggested reviewing time frames for higher incidences as an aggregate piece of information for officers to look into. Superintendent John Robinson suggested photo cameras being the solution. Foreman mentioned the value in photo enforcement. Chief Chase noted that speed cameras were not allowed in Gervais and suggested talking to the legislators. Council President Wagner understood the high number of speeders was from 2 pm – 8:30 pm and asked Chief Chase if that was a reasonable understanding. Chief Chase stated it was a reasonable assumption, which coincides with calls received and patrols being designated during those times.

d. Discussion on Window Tinting

Mayor Gilland reviewed the samples and is not for the tinting. She believed it should be put on the budget behind other priorities. Gilland stated kids are being chased at the park and suggested park lighting is more important. Gilland acknowledged the brightness and noted there were blinds available. She opined that it was a luxury and that there were more important things to be taken care of. Harvey was in agreement.



Councilor Foreman acknowledged the value in the tinting ask and noted equal value of blinds that open from the bottom up to still be able to let natural light in. Foreman stated that because it's currently functional that it didn't need to be done at this time. Bartch was in agreement. Wagner was in agreement, but it needed to be revisited. Since we were entering fall and winter, the discussion could be moved out to spring of next year. She felt the privacy would also provide extra security.

Gilland asked for a motion to put it off until budget time. Marston clarified that she received a second quote of \$1,539 and there was money in the budget under building improvements. Gilland asked for a council consensus.

***The council consensus was to revisit it at a later date.***

## 11. New Business

- a. Consideration to extend telecommunication franchise to Gervais Telephone Co./Datavision  
City Manager Marston explained that the franchise expired in May, 2021 and when she was alerted to this, she forwarded it to the city attorney to help renew it. In August of this year, Marston was told by the city attorney that we would have to go with a third attorney at a rate that is about twice as much as the city's attorney. Marston met with Renee at Datavision, and they are recommending extending the franchise to November 1, 2023 to allow time to consider options on renewing franchise. When asked by Councilor Bartch, Marston explained that the extension would be subject to the terms of the original franchise.

***Councilor Foreman made a motion recommending council extend telecommunication franchise to Gervais Telephone Co./Datavision to November 1, 2023. This will give staff ample time to look at options in renewing franchise agreement. Seconded by Councilor Bartch. Motion carried and so moved.***

## 12. Staff Reports

- a. City Manager – Susie Marston

City Manager Marston noted the street projects were underway and items were addressed that resulted in extra costs of about \$28,000. She reported they would not be handled in the form of a change order because this is a quantity based contract. Yesterday she was also notified, while they were working on Grove and 7<sup>th</sup>, there was an issue on Grove that would result in \$15,000 of extra costs. Marston acknowledged that this was a lot of money, but she budgeted \$50,000 in contingency that can be used to cover the extra costs.

Mayor Gilland inquired about storm drain problem that was omitted and asked Marston if there would be SDC funds available to fix the storm drain problem while it was open, because people will be flooded out if not fixed. Marston explained that SDC money is restricted to certain projects that are identified in the master plan. Marston explained that one of the fixes was a storm line and that there will be a catch basin in the area of Ivy and 7<sup>th</sup> which would benefit that area. Marston explained that currently budgeted in the storm drain fund is

\$19,500 and that is what staff is trying to stay under to do the other project, which will be a separate project.

Marston communicated that LOC provided dates for elected official's trainings. She listed the ones in the area in her staff report.

Marston was in communication City Administrator Eric Underwood at Donald. She explained that pre-Covid, they would team up and offer ethics training and Government 101 trainings to newly elected officials and staff. She would like to start that back up and invite neighboring communities.

Marston acknowledged the new ballot box Marion County provided and shared the city would be reimbursed for the costs of installation.

b. Police Department – Chief Mark Chase

Chief Chase noted ordinance enforcement using a philosophical approach for review. Chase explained that depending on the situation a verbal agreement to abate may occur, and or a written warning or a citation issued (parking violations). Depending on the violation, they take pictures, complete an incident report and send a formal letter. Chase stated each violation takes an hour or more of the officer's time. Chase reported in 2021 they followed up on 154 ordinance violations, with 135 being incident reports. Between January 1, 2022 and September 26, 2022 they followed up on 90 ordinance violations, with 66 being incident reports. Chase pointed out there are currently 11 open cases and 8 people on probation with the court.

c. Public Works – Superintendent John Robinson

Superintendent Robinson explained he made contact with four contractors in regards to park lighting and one has responded with an estimate of \$7,000. Robinson noted his recommendation was not to go with solar because they are not dependable, there are supply issues, and he recommended a hard-wired system. Robinson communicated the price did not cover installation. Robinson explained there was \$5,000 currently budgeted and it end up being \$15,000. In response to Councilor Harvey's question, the cost would be for 5 to 6 lights. There is currently a roof light in the pavilion, a couple of outdoor lights on the restroom and street lights on Hemlock. Mayor Gilland told Robinson she would forward a bid from S and S.

Robinson reported that he had three bids for the storm drain project ranging from \$24,000-\$41,000. Mid is \$28,000 and there is only \$19,000 budgeted. Robinson spoke about the open ditch between 6<sup>th</sup>/7<sup>th</sup> storm drain project, catch basin, pipe, and tying storm drains. On 7<sup>th</sup> and Ivy they found an 8 inch storm drain line, the storm drain will be going in and noted that will be where paving stops. They reinstalled with new pipe, and new catch basins went in on 7<sup>th</sup> and Ivy. Robinson explained that new issues come up, which results in accruing costs after ground is dug up. Councilor Harvey asked what it would cost to put a catch basin where the pipe is and on 6<sup>th</sup> street where some of the complaints are coming in. Robinson explained it would be about \$5,000, but putting in a catch basin wouldn't fix the issues because water won't drain because pipes are almost flat. It drains, but not quickly. Robinson noted ballards going in on 8<sup>th</sup>

and Ivy and 8<sup>th</sup> street will be closed. Harvey requested Robinson install no parking signs on that street to avoid future parking issues. Robinson stated if the council wanted him to install no parking signs, he would do it.

Council President Wagner asked Robinson for a cost estimate for installation of poles and fixtures for next month's council meeting

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

Mayor Gilland voiced that Gervais was invited to the Hubbard Harvest Festival on Saturday October 15<sup>th</sup> at Barendse Park and that Gervais resident Isidor Reyes was playing Latino music from 2-5 pm. Gilland acknowledged other communities were invited and it would be a nice event for families.

Gilland mentioned she would be talking to the school about available dates for the staging area for Christmas drive-thru. She asked Chief Chase if he could escort, and Chase asked if it was a city parade. Gilland emphasized that it was not a parade, just an informal drive-thru. Chase said to keep him informed of when the event is happening. Gilland asked to put a flyer on the website.

Superintendent Robinson clarified that the speed bumps on Black Walnut were installed to slow people down for kids getting off the bus.

Council President Wagner asked Mayor Gilland if she needed help with the drive-thru. Gilland replied, "sure" and stated everyone was welcome. Wagner thanked Maria Paniagua, Laura Clifton and Brian Wagner for successfully completing CERT training. Wagner acknowledged Laura and Brian for doing an amazing job volunteering at the Woodburn Fire District open house.

### **14. Adjourn**

Mayor Gilland adjourned meeting at 8:48 pm.

**I, DENISE DAHLBERG, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON OCTOBER 6, 2022 ARE, TO THE BEST OF MY ABILITY, CORRECT AS RECORDED.**

ATTESTED:

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

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Annie Gilland, Mayor