

**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 JULY 7, 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	Absent
Councilor Baltazar Gonzalez	Present
Council President Micky Wagner	Present
Councilor Diana Bartch	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

Mayor Gilland moved item 9 a and b in place of item 6 and item 6 will be item 9.

5. Public Comment

Sandra Foote Gregory, 680 Douglas Ave, Gervais Oregon. Foote-Gregory thanked Andrea and her son, and all the people who helped with the parade for doing a wonderful job. She thanked the people for carrying on with what she and her husband used to do.

Sue Fessler, 1020 6th St, Gervais, Oregon suggested to the Council to ban fireworks for 4th of July and New Year's, except for the show. She had friends that lost their dog. He had cancer and it got so upset the blood pressure went up and it bled out. Sue explained her dog has been a basket case, her sister's dog has been the same way, and she read on Gervais Neighbors a lot of people felt the same way. Fessler felt they need to be banned in town especially and the big booms needed to be enforced with a big fine if they get caught.

Bartch said they had spoken about it before and the enforcement of it is what becomes an issue. Chief Chase communicated the big booms were already illegal and they try to do as much as they can with it, but it's dark. It's difficult and you have to be able catch a person in the act and that they make as many contacts as they can.

Chief Chase stated that there were very few complaints this year, although lots of legal fireworks going on. Chase said he thought it would be something that the Council could look at and if they want staff to proceed with research on what other communities have done, they definitely could bring back information to the council to take a look at. Wagner agreed and stated the issue they had was the officers going out, but there's a lot people watching for PD and sirens. Wagner stated a new resident of Gervais had a dog who was having multiple seizures and had one today and she took medicine over to them.

Council asked Chief Chase to look into what other communities were doing. Harvey suggested the council think about a complete ban with a pricey fine. Gilland proposed getting the research back and then doing a workshop. Directive was to do the research. Chase said they would work on it.

Laura Gutiérrez, 367 E Elm Dr., Gervais Oregon. Gutiérrez asked council to look into the community members who did want fireworks. Although she understood the danger, she wanted the research on the other perspective.

Council clarified the research would be done on the illegal fireworks. Harvey suggested informing Gutiérrez when that workshop happened so she could come and listen.

Councilor Bartch read into public comment an email from Jordan Olmsted that was addressed to all of the councilors. It read, "I wanted to inquire whether the mayor's recent comments on the school bond measure is the city's formal position on the matter, and if the city feels that there is not a need for public schools as the church is the only school Gervais needs?". (There was a screenshot inserted into the email of something that was said that says "I can say what I want (with Annie's picture) about anyone I want, because I am the mayor and I go to church. The church is the only school we need. This is my town, retard.") Signed, Sincerely, a concerned citizen.

Councilor Bartch noted she wanted it read into public record because it was a public comment for the group and to let people know that as far as she was aware there was no Council consensus in regards to school bond.

Mayor Gilland claimed it was photo shopped and told Marston she wanted to meet with IT because she was getting spammed by black death and she would be calling the city attorney as well.

Brian Wagner, 166 E Hemlock Dr, Gervais, Oregon. Wagner brought 3 items to the council that he thought everyone should be aware of and start thinking about in order to move forward. He explained what a hate group was and wasn't. He advocated that not everyone on social media in question belonged to a hate group. He defined victim playing and asked the council to start communicating with each other professionally.

Arcadio Pena, 201 E Hemlock Dr, Gervais Oregon. Pena shared that he's a street ministry pastor and wanted to let everyone know that he'll be going around Gervais doing water baptisms in the name of Jesus. He stated he had researched prior presidents that had done well in this country and George Washington said a nation without God is no nation at all. He looked up to George Washington as a founding president and he wanted people to know who he was.

Rocky Sherwood, 2622 Nina place, Gervais, Oregon. Sherwood thanked all the Gervais residents, the Gervais police force and his own Police Chief, Dave Rash and his officers. Sherwood communicated the need to take ahold of all of our communities, end this hate and put our differences aside. His job as a promoter in outside communities was to spread love and provided opportunities for Cole who loves Gervais with his whole heart. He thanked Councilor Harvey for all his hard work staying in the booth, and all the vendors who had booths at the event. He expressed his love for the community.

Laura Gutiérrez, 367 E Elm Dr., Gervais, Oregon. Gutierrez asked how all of this information got to the Spanish community. She offered herself in helping provide information to the families in Gervais who only spoke Spanish.

6. Public Hearings

- a. **VAC 2021-02, Public Alley Vacation, Block 68 of the Gervais Plat, bound by 7th Street, 8th Street, Hemlock Avenue and Ivy Avenue**
 - I. Open the Hearing – Gilland opened hearing at 7:26 pm
 - II. Continue hearing to August 4, 2022

Council President Wagner made a motion to continue the public hearing for Alley Vacation Petition file number VAC 2021-02 to the next regular meeting on Thursday, August 4th, 2022 at 7:00 PM at Gervis City Hall. Seconded by Councilor Bartch. Motion is unanimously carried and so moved.

- III. Mayor Gilland closed meeting at 7:29

Councilor Harvey asked Holly Byram, Gervais City Planner, what the general amount of time was to do a vacate like this because he remembered previous vacates not taking as long. Byram explained that alley vacation procedures were actually in the Oregon Revised Statutes rather than in the Gervais Development Code, and the ORS states that you have to have so many signatures on your petition before the City Council can schedule a public hearing. She continued to explain that the City actually has three vacations in-house right now, and this is the first one to get across the finish line to actually get scheduled. What usually happens is you'll have a property owner get their immediate neighbors' signatures for that alley vacation. The petition she sends will tell them all the remaining signatures they need to get. So the remaining signatures have to be 200 feet in either direction of that alley, and then from block to block basically. So basically, they'll pay for staff time to print out those property owner names and addresses and then they can go door to door and get

those signatures. Byram communicated that the step that takes the most time is for that property owner to get the affected area signatures, and it's difficult to do because not all the houses are owner occupied and sometimes they have to mail out for the signatures. Harvey asked if it was the same procedure used in the past. Byram replied it was the same procedure. Mayor Gilland clarified with Byram if getting the signatures is what had taken so long. Byram replied yes and explained by statute, City Council cannot schedule the public hearing until they have signatures of 100% of the abutting property owners and 2/3 of the affected area, which is that 200 feet in either direction block to block.

b. SDR 2021-02, Site Development Review, and PAR 2022-01, Partition, located on Winfield Street between 1063 and 1113 Winfield Street, also referenced as Parcel 2 of PP 2020-037. Tax Lot #052W26BA001106.

- I. Open the hearing
Mayor Gilland opened the hearing at 7:33 pm
- II. Ex-parte Contact or Declaration of Conflict of Interest
None
- III. Staff Report
Holly Byram, Associate Planner, Mid-Willamette Valley COG reviewed the staff report with council.
- IV. Proponents Presentation
Matthew Johnson, architect with Studio 3 Architecture, Brian Vendetta, engineer (attending via Zoom), representing Ivan Cam, owner of the lot, discussed the application.

Councilor Bartch asked what the unit mix number is. Johnson explained Building A has two 1 bedroom units, eight 2 bedrooms units, and two 3 bedroom units. Building B has two 1 bedroom units, twelve 2 bedroom units, and one 3 bedroom unit. The 4-plexes are all 2 bedroom units. It was discussed and clarified the retention pond maintenance would be the responsibility of the owner. Bartch mentioned depth of the pond and fencing for safety purposes. Matt mentioned looking at it from a code perspective and would discuss it with the owner.

Brian Wagner, 116 E Hemlock Dr. asked them to consider limiting the amount of vehicles per household.

Laura Clifton, 1065 6th St commented on the water situation and asked if there was bigger pipe used for growth to feed the water. Robinson responded that they would perform fire flow tests on all the hydrants and if it meets the fire department standards, they can do it.

Council President Wagner asked about assigned parking. Matt responded that there would be assigned parking, 2 stalls per unit.

Arcadio asked about parking for a tenant that was a business owner with multiple vehicles.

Rocky Sherwood asked about local landscaping opportunities.

V. Opponents Presentation
None

VI. Proponents Rebuttal
In response to Rocky Sherwood's question, Matt Johnson stated that a landscaper had not been selected and he trusted the economic outpouring would be going out and coming in from Gervais.

VII. Staff Summary
Holly Byram, Associate Planner, Mid-Willamette Valley COG, followed up with a staff summary.

In response to the parking question, Byram clarified that with the 50 foot right-of-way and with easements on either side, there would be sufficient room for parking on both sides of the street for the majority of the 200 foot length on Winfield.

She responded to the question about the water system, and after communicating with the city engineer, she understood that this project would be a benefit to the city's water system in terms of redundancy and looping of the water lines. It would be a benefit to some neighborhoods, especially the neighborhood north of the project.

In response to the question about fencing around the storm water retention ponds, she explained that it was not an unreasonable ask for the safety of the Gervais community and it could added as a condition of approval.

VIII. Close Public Hearing
Mayor Gilland closed the public hearing at 8:24 pm

IX. Council Discussion
Mayor Gilland liked the idea of more housing and them having a recreation area. Councilor Bartch asked Chief Chase if he had reviewed the plans in regards to public safety. Chase responded that he had reviewed it and he would be in touch with the developer (Ivan Cam) when he gets to that point in regards to crime prevention lighting because it was a critical component.

X. Council Motion, second and vote

Councilor Bartch made a motion to approve concurrent Site Development Review File Number SDR 2021-02 and Partition File Number PAR 2022-01 and adopt the findings and recommended conditions of approval contained in the staff report to the City Council with a revision to Condition of Approval #7 as provided in the staff memo dated July 7th, 2022, reducing the minimum right-of-way width from 55 feet to 50 feet plus a 2.5 foot sidewalk easement on either side of Winfield and adding an additional condition to fence around the retention pond near to the recreation area. Seconded by Council President Wagner. Motion is unanimously carried and so moved. Roll Call Vote: Harvey-Aye, Bartch-Aye, Wagner- Aye, Gonzalez-Aye. Motion is unanimously carried and so moved.

Byram confirmed next steps would be a mailed Notice of Decision to the applicant and all members of the public who commented this evening. This would provide an appeal period and if anyone was interested in appealing, they could do so following those instructions.

7. Consent Calendar

Councilor Harvey and Mayor Gilland felt there were a lot of things left out of the June 2, 2022 set of minutes. City Recorder, Denise Dahlberg asked the council to make a motion to accept minutes as is and the requested changes be added into next month's minutes as a procedure moving forward. There was a discussion about communication and an explanation was provided on the objective of minute taking.

Council President Wagner made a motion to accept the minutes from June 2, 2022 as is, with the stipulation that the revisions requested by Councilor Harvey and Mayor Gilland are added and emailed to the council for approval. Seconded by Councilor Bartch. Roll call vote , Harvey-Aye, Bartch- Aye, Wagner-Aye, Gonzalez-Aye. Motion is unanimously carried and so moved.

Councilor Bartch made motion to approve the July 7th 2022 consent calendar as presented, with the exception of the June 2nd regular session minutes that are getting amended. Seconded by Council President Wagner. Motion is unanimously carried and so moved.

8. Committee Reports

a. Ad Hoc – Skate Park

Laura Clifton did not provide a written report. She provided a verbal report stating they had a meeting and finalized plans for the 4th of July. No discussion on the skate park. Clifton asked about paperwork for the dunk tank. Wagner will provide invoice to the City. No meeting in July.

9. Presentations

Woodburn Fire Chief Joe Budge provided an update on the Gervais Fire Station. Budge provided a PowerPoint presentation reporting on the fire bond that was approved last May and

explained the effects to the City of Gervais. He explained the objectives approved by the voters. Budge touched on the replacement of emergency equipment, tax rate looking like \$0.17 per thousand and it not looking likely they'll ever reach the \$0.26 that was authorized. He noted the Fire District had acquired the ability to purchase property at Jennings and Butteville Road on a 5 acre parcel. He pointed out the property was zoned as farmland and found that the law allowed siting of fire stations so they will be pursuing exclusions. Budge identified a new road going along the urban growth boundary and that it was an ideal location for future development to cover all of the area in the fire district. Councilor Gonzalez asked for maps of the area. Budge said the maps were reflective of the City of Woodburn but he could provide some for Gervais. Budge informed the council that when the new fire station goes in, the ISO rating for coverage would improve from a 3 to a 2, which would result in a 5% reduction in insurance premiums that residents pay. Gervais residents would get that back with the investment being made in the new station. He showed a slide of the building that houses five fire fighters. He explained they currently had the funding for a basic building and they would be looking for additional funds from the county and state to improve the structure. The overall budget approved by the Fire District Board of Directors is \$3.1 million and they are moving forward with those plans now. He explained it will take about 6 months for the variance process to be finalized and they plan to select their contractor and begin construction this time next year. It will take 6-9 months to complete the project and they will staff volunteers during the spring of 2024. Budge reported this would become the third staffed fire station for the fire district and in the next 5-10 years it will be staffed with career firefighters.

11. Old Business

a. Activity tracker

none

b. Consumer Price Index Information

There was a discussion about Consumer Price Index rate calculation. Mayor Gilland expressed concerns with the way the CPI was calculated and suggested it would be more gradual and less impactful using an annual percentage verses the one month. Bartch pointed out using the CPI calculation as is would be beneficial in the long run. There was a discussion about what a floor and ceiling cap calculation would like. Marston pointed out the importance of staying consistent with the CPI calculation and that it was the key in keeping up with the ebb and flow of the economy. Marston stated the funds need to be run like a business to keep up with current costs.

The council consensus was for City Manager Marston to talk to engineer about a floor number and a cap in regards to the CPI rate.

12. New Business

a. Renew Land Use Planning Contract with Mid- Willamette Valley Council of Governments

Marston explained this was a consideration for the council to approve the contract for the land use planner. Her current fee is \$91 and will increase to \$94

Councilor Bartch made a motion to renew Land Use Planning Contract with Mid- Willamette Valley Council of Governments. Seconded by Council President Wagner. Motion is unanimously carried and so moved.

b. Resolution No. 22-008, A Resolution Authorizing an Intergovernmental Agreement for Municipal Judge between the Cities of Gervais, Hubbard, Aurora, Silverton, Mt. Angel, Donald and Sheridan.

Marston explained that in order for these cities to share the current Gervais Judge, Lori Coukoulis they had to enter into an IGA. Sheridan council recently appointed her as their judge. This resolution authorizes Sheridan to be included in the IGA.

Council President Wagner made a motion to accept Resolution No. 22-008, A Resolution Authorizing an Intergovernmental Agreement for Municipal Judge between the Cities of Gervais, Hubbard, Aurora, Silverton, Mt. Angel, Donald and Sheridan for municipal judge services. Seconded by Councilor Bartch. Motion is unanimously carried and so moved.

c. Approve Marion County Subrecipient Agreement BO-4608-22 for 2021 ARPA Funds and authorize City Manager to sign the same.

Councilor Bartch made a motion to approve Marion County Subrecipient Agreement BO-4608-22 for 2021 ARPA Funds and authorize City Manager to sign the same. Seconded by Council President Wagner. Motion is unanimously carried and so moved.

13. Staff Reports

a. City Manager

Marston reported that bids were collected to move forward on previously discussed street projects. There will be a recommendation made to the council with the intent to award a contract at the August 4th council meeting.

The annual city audit will be in August, and Denise Dahlberg, City Recorder is a key player.

Marston informed the council she would be attending the OCCMA Summer Conference at Eagle Crest in Redmond, and for this first time she has the opportunity to attend the annual ICMA (International City Managers Association) Conference in Columbus, OH September 17-21st. Marston explained that she normally would not attend this conference because the cost is prohibitive to the City, but this year her travel expense would be covered by OCCMA because she is the President of the organization.

b. Police Department – Chief Mark Chase

Chief Chase referred to his written report. No council questions.

c. Public Works – Superintendent John Robinson

Superintendent Robinson referred to his written report. No questions from the council.

14. Business from the Mayor or Council

Mayor Gilland expressed that 4th of July was a big hit and movie night was good.

Council President Wagner mentioned National Night Out would be better because of the weather.

Councilor Harvey asked Robinson if there was a city clean up done before the July 4th event and asked for extra clean up next year. Robinson replied that there was a cleanup done but no power washing or blowing. There was lots of tree trimming and other duties. Harvey asked for it to be cleaner next time.

Marston recognized and thanked Chief Chase and all the officers for taking care of the traffic plan and getting the parade through town. She recognized the Public Works Department for doing all the prep work ahead of time and also volunteering on a holiday where they're not normally scheduled to work. They came in and helped with the parade and garbage coordination and all the behind the scenes stuff. She also recognized Woodburn Fire District for being on hand for fire watch.

Mayor Gilland recognized the whole City and Rocky Sherwood. Brian Wagner offered to help pressure wash sidewalks if Public Works needed the help next year.

Council President Wagner mentioned National Night out would be August 2nd. She mentioned the School District would be providing a BBQ meal. Wagner stated there would be raffles and games and invited the community to come have a good time.

I, DENISE DAHLBERG, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON JULY 7, 2022 ARE, TO THE BEST OF MY ABILITY, CORRECT AS RECORDED.

ATTESTED:

Denise Dahlberg, City Recorder

Annie Gilland, Mayor