

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 DECEMBER 7, 2023

1. Meeting was called to order at 7:00 p.m.
2. Pledge of Allegiance
3. Roll Call was taken by Mayor Gilland

Councilor Harvey	Present
Councilor Ramon	Present
Council President Gregory	Present
Councilor Gonzalez	Present
Councilor Ladd	Present
4. Staff Present: Recorder Roger Brown, Public Works Superintendent Kyle Jentzsch, and Police Lt. West
5. Announcements/Additions:
Mayor Gilland changed the agenda – Item#8 Public Hearing changed to Item# 10 and Item #10 New Business will move up to item #8
6. Public Comment: This is a business meeting of the City Council. The City values and welcomes public input on matters of City concern. Please address the Council as a whole rather than individual Council Members or City staff. Council action on items brought up in Public Comment is limited by the Oregon Open Meeting Law. The Council may direct Staff to study the matter and reschedule it for further consideration at a later date. Public comment is limited to three minutes per person with an optional two minutes for Council questions and answers. If you wish to address Council, please come forward to the podium and identify yourself for the record.

Bill Richards, Past President of the Woodburn Eagles and current President of the Woodburn Riding Eagles presented to the city a check for \$1,000 donation to the DARE program
7. Consent Calendar:
 - a. Approval of minutes
 - I. November 9, 2023 Regular Session
 - b. Bills list for October 2023
 - c. Bills list for November 2023

Council President Micheal Gregory motioned to approve the consent calendar as presented. Councilor Gonzales seconded. Unanimous vote - the ayes have it and the motion carried and so moved.
8. Committee Reports
9.
 - a. None
10. Presentations

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- a. Gervais Wastewater Treatment Plan Upgrade – Contract Award
Gordon Ramon from Tetra Tech explained that 6 bids were received and the contractors board and referenced were checked and everything checked out. He recommends that city council awards the project to R&G Excavation for \$1,468,257. Then a letter of intent would be sent to them. With the holidays you are looking at early January for the contracts to be signed.

Mayor Gilland asked if there was a contingency for change order and Mr. Ramon replied that it was not a part of the bid process but typically a 5% change orders. Being a retro fit you could expect 7%.

Mayor Gilland also asked Kyle to explain the finances of using the AARPA funds and Mr. Ramon also explained that some elements of this project would be eligible to use SDC funds.

Council President Micheal Gregory motioned to award R&G Excavating the bid for \$1,468,257. Councilor Harvey seconded.

Council President Micheal Gregory discussed using SDC funds for any extra costs & it was noted that we still have grant funds that could be used.

Mayor Gilland called a roll call vote:

Councilor Harvey	yes
Councilor Ramon	yes
President Council Gregory	yes
Councilor Ladd	yes
Councilor Gonzales	yes

Unanimous vote - the ayes have it and the motion carried and so moved.

- b. *Resolution 23-011 appointing intern pro tem Manager Roger D. Brown*

Council President Micheal Gregory motioned to resolution 23-011. Councilor Ladd seconded.

Mayor Gilland called a roll call vote:

Councilor Gonzales	yes
Councilor Ladd	yes
President Council Gregory	yes
Councilor Ramon	yes
Councilor Harvey	yes

Unanimous vote - the ayes have it and the motion carried and so moved.

- c. Council consent – to Interim pro-tem City Manager Roger Brown and Lt. West to fill the vacant Police Officer Position to bring back this information to the council to be considered.

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Consensus was giving to begin the process to start looking for another Police Officer

11. Public Hearing opened at 7:25 pm

- a. Public Hearing on land use file: Site Development Review #SDR 2023-02. Applicant requests approval to develop a two-story multi-family development with eight apartment units, parking lot, landscaping, and tenant storage. The location is the unaddressed property at the end of Alder Avenue near 1st Street. Three existing lots are proposed to be combined, totaling 20,459 SF.

Holly Byrom, City Planner explained the requirements of this hearing.

Mayor Gilland screened the council members & audience and disclosed that this was briefly brought up at the previous meeting but was redirected to this meeting.

Holly Byrom, City Planner provided and went over the staff reports in the packets, the requirements & what the applicant is providing for council review.

Mayor Gilland questioned the “no parking” on 1st Ave to Alder due to the turning radius of the apparatus.

Kathy Harvey asked a question from the audience “Even the people that live there may not be able to park in front of their house.?” Mayor Gilland “to be determined later”

Applicants Presentation was presented by Mark Grenz, 1155 13th SE in Salem, OR. The Designers / Site Engineers and have reviewed the criteria from the City Planner and Staff and believe there will be no issues to comply. They will work with fire and staff to meet the criteria for the apparatus to stay on the payment. Lighting will splay down and not out so it won't bother the neighbors. He also notes that their would be no increased impact on the storm drain system.

It was discussed that anything large like a garbage truck needs to back down the street.

Public testimony for Support of the project:

Lazar Kalugin, builder & owner of the property. Thinks it is a good project for the neighborhood and will be widening the road and adding a fire hydrant.

Council member Harvey asked about “supplying an area for children”. Mr. Kalugin replied “yes” but had not been determined yet.

Kyle Jentsch, Public Works Superintendent, clarified that it would need to be 800 square feet area for the children.

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Public testimony in opposition of the project:

Jeremy Kropf, 45 Alder, opposite of the proposed land use area. His concern of this building at the end of the ½ block where there is 3 houses. Quadrupling the amount of residents. Worried about parking and the overflow parking that may impact his property and may be dangerous for emergency vehicles to maneuver. This will impact the entire frontage of his house and only his house.

Mayor Gilland addressed the fact that Gervais does put up “no parking” signs when needed that could be a deterrent? Mr. Kropf noted that as he understands it they may need to eliminate all street parking to accommodate a fire truck and the traffic will impact his house since they are building on a dead end road.

Councilor Harvey did agree with Mr. Kropf in regards with the cars we have issues with other apartments in the city with a 2 car limit. We have cars lining the street.

Mr. Kropf also expressed concern regarding “sewer gas” that the now get.

Mayor Gilland questioned Mr. Kalugan regarding “enforcing the 2 cars per unit rule” & he said “absolutely”.

Mayor Gilland explained the process to Mr. Kropf that this process needs to happen so they may put together a package to address the question or concerns.

Any neutral parties that would like to speak:

Kathy Harvey, 1080 7th ST., she wanted to know how large each unit would be?

Applicants’ rebuttal:

Mark Grenz shared that they would work with staff and fire to make the maneuver and stay on the payment. He believes Mr. Kalugan would work with management to enforce the 2 car policy & place “no parking signs” if that is determined as necessary. Adding the 8 units should improve the flow and any smell that may be happening from low flow. Proposed 2 bedroom / 2 bath 950 sq ft units. This project would be a fairly significant improvement to the street surface and should offset the extra traffic this project may incur.

Gordon Ramon from Tetra Tech did concur that more flushing should keep that line clear.

STAFF – no final comments

No request

Public Hearing closed 8:24 pm

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Council discussion: Council President Gregory understands feels that they are put in a tough position because they do understand the public views and the other side trying to make improvements and meet the criteria. There has to be a very good reason or legal standing to reject the proposal.

Holly explained this is just an "approval" for the project to move forward and they have a year to submit revised plans to meet the requirement.

If the council is to deny the application then they would need to make finding to deny the application as to what standard were not being met.

Open discussion that councils decision must be based on what is presented to them

Councilor Gonzales asked Fire Chief Joe Budge regarding the problems on Ivy ST. Fire Chief Budge did not personally review these plans but it was reviewed by the State Fire Marshall. that he didn't want a repeat or Ivy or Misti Ct.

Council President Gregory motioned to APPROVE Site Development Review file #SDR 2023-02 and adopt the findings and recommended conditions of approval contained in the staff report to the City Council. Seconded by Councilor Ladd .

Mayor Gilland called a roll call vote:

Councilor Gonzales	yes
Councilor Ladd	yes
Councilor Harvey	yes
Councilor Ramon	yes
Council President Gregory	yes

Unanimous vote - the ayes have it and the motion carried and so moved.

12. Staff Reports:

- a. Police Department – Lt. Tim West as attached verbal & was provided in the packet

Council President Gregory asks that an "existing" report be presented when staff is leaving.

- b. Public Works - Public Works Superintendent Kyle Jentzsch, verbal report & is attached in packet. They have already used the VAC truck. Any types of wage increases should be put in front of the council.

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Council President Gregory asks for it to be submitted in writing for council's review to be kept updated. Wages, merit increase, tier raises etc. The mayor can expedite this by consensus.

- c. Administration – Rodger Brown City Manager Pro tem / City Recorder – submitted a report attached in the packet. PERS has not been paid in 7 months and he is working with PERS on how to get this done. Missing paperwork for the Audit.

Council President Gregory asked if there would be any fines being incurring? City Manager pro tem Roger Brown is talking with PERS to try and mediate.

Censes was giving to hire a company to help close the books on the last 7 months that we are behind.

13. Business from the Mayor or Council

Mayor Gilland commented that the light parade is tomorrow & ending with the tree lightening.

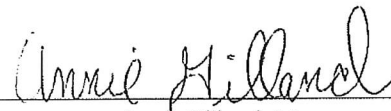
14. Adjourn at 8:55 pm

**I, ROGER BROWN, DO HEREBY CERTIFY THAT THE FOREGOING
MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD
ON September 7th, 2023 ARE, TO THE BEST OF MY ABILITY, CORRECT AS
RECORDED**

ATTESTED:



Roger Brown, Pro tem City Manager / City Recorder



Annie Gilland, Mayor

Submitted by Laura Clifton