

**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 APRIL 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 Councilor Gonzalez.

**3. Roll Call**

Mayor Annie Gilland	Present
Councilor Pamela Foreman	Present
Councilor Baltazar Gonzalez	Present
Council President Micky Wagner	Excused
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**

a. Wastewater Operator of the Year Award Presentation – Kyle Jentzsch (Presented by Heath Cokeley, OAWU)

Heath Cokeley of OAWU announced that Kyle Jentzsch has been named the 2020 Wastewater Operator of the Year and presented Kyle with a plaque to recognize this. Kyle's presence and the community's admiration for him was obvious, Cokeley said, and he personally saw how he dedicated himself to his work and supported his community on a daily basis, and you couldn't ask for a better operator than that.

**5. Public Comment**

Laura Clifton, 1065 6<sup>th</sup> St, Gervais. Laura expressed her concern with the increase in the water bill. She said an error had been made. Clifton stated she got the information from Susie of what table she used. Clifton points out that the year's average was 4.3 percent, and the table runs from January 1.5% to December 6.5%. She questioned the 6.5% and felt it was pulled incorrectly. Mayor Gilland asked if Clifton was referring to the percentage being based on a month rather than a year's average. According to the CPI - Consumer Price Index, the annual average of those figures was 4.3 percent, explained Clifton. It was something she felt needed to be looked into. Mayor Gilland requested that Marston look into the matter further.

Rocky Sherwood, 2622 Nina Pl., Hubbard, OR, 97032. Cole Mosslater was introduced by Sherwood. Cole assisted in the planning of Gervais' first annual holiday parade. He plans to assist with future initiatives and will be present at the Gervais City Clean Up.

## 6. Consent Calendar

- a. Approval of the minutes of the March 3, 2022 Work Session
- b. Approval of Bill List for February 25 – March 31, 2022.

***Councilor Foreman made a motion to approve the April 7, 2022 Consent Calendar as presented, seconded by Councilor Bartch. Motion is unanimously carried and so moved.***

## 7. Committee Reports

### a. Ad Hoc – Skate Park

Laura Clifton reported that they had their discussion and determined that the only area where the skate park could be built was on Birch St. Sacred Heart is willing to have something on the grounds, but not a park with a physical building. With a skate park, there is far too much concrete. They don't seem to want a swing set either. A dog park was not suggested by Mayor Gilland.

After examining the folder, Clifton would have additional knowledge about the Fourth of July. Gilland inquired as to whether the parade had been granted a permit. Chief Chase said that if the council agreed to hold a parade, the process of obtaining a permit would take around 30 days. Mayor Gilland asked the council if they wanted a parade. Bartch agreed. Laura reported that the permit cost was \$150. Laura lacked a vendor form and did not know what to charge. With inflation, Gilland questioned Marston what a reasonable price was. It was \$25 and an extra \$5 for electricity in years past, replied Marston. Marston stated there was a form available and someone from the committee could pass them out. There was some debate on how much to charge vendors. Marston indicated that in the past, a transfer from the General Fund was required to supplement the 4th of July budget, and that it wouldn't be a bad idea to raise the vendor price. They would discuss further.

Clifton gave an update on the three on three basketball tournament's progress. The city website had a flyer, and registration was open. The tournament would be held at Sacred Heart. Indoor courts and a smaller hoop court would be available for younger children. They have enough space to add a few more courts. They have parking, bathrooms, and a kitchen. Gilland reported that the weekend rental was \$505.00; \$105 for liability insurance and a \$500 fully refundable deposit. Gilland stated that they would be providing trophies and inquired of Susie as to how they could finance for them. Susie mentioned that she would require the approximate amount of money. Gilland requested that the council agree that once Laura had come up with a budget figure, Susie could add it to the budget at that time. Consensus was adopted by the council. Officers were requested by Gilland to be on duty during the event.

Bartch inquired if there would be any further information on the game hours and what food would be provided for spectators and supporters. Laura stated that she would keep everyone updated. Councilor Foreman inquired if the school was aware of the situation. Laura stated that they would inform them. Councilman Gonzalez stated that he would be available to assist on that particular day. Copperridge Band was suggested by Rocky Sherwood for the 4th of July. The next Ad Hoc Committee meeting will be Tuesday at 6:30 p.m., according to Gilland.

## **8. Action Item**

### **a. Amendment to the IGA with Marion County for Community Prosperity Initiative**

Councilor Foreman asked for clarification on the language about the effective date through June 30, 2022 on page 22. Marston explained the original agreement was only good for 3 years and ended June 30, 2022. The amendment starts on page 20 and goes from 2022-2024 and ends at 2 years.

*Councilor Bartch moved to accept Amendment to the IGA with Marion County for Community Prosperity Initiative , seconded by Councilor Foreman. Motion is unanimously carried and so moved.*

### **b. Ordinance 22-001, An Ordinance Amending Title 6, Chapter 6.04 of the Gervais Municipal Code, Regarding Animals at Large**

Councilor Bartch confirmed that there were no additional changes beyond what the council made. Councilor Harvey acknowledged that a violation of the chapter is considered a Class IV Civil Infraction and asked if there would be a warning before the infraction is placed on somebody. Chief Chase responded that when enforcing ordinances, they usually talk to the person first and then research the property and person's background. If there had been no past violations, they would send a notice and speak with them. If there had been previous violations, they would send an official notice in the mail explaining the ordinance, the complaint, and the offense, as well as any future content that may result in a fine.

Someone from the audience asked what animals at large meant. Harvey responded that animals need to be secured and it was illegal for them to be roaming around. Harvey directed the audience member to the Gervais Police Department if he needed to make a complaint.

*Councilor Bartch moved to approve Ordinance 22-001, An Ordinance Amending Title 6, Chapter 6.04 of the Gervais Municipal Code, Regarding Animals at Large, seconded by Councilor Gonzalez. Motion is unanimously carried and so moved.*

### **c. Ordinance 22-002, An Ordinance Amending Title 8, Section 8.04.140 of the Gervais Municipal Code, Regarding Discarded Motor Vehicles**

Harvey claimed that he agreed with the majority of the text, but that he disagreed with the last sentence that addressed the police officers. "They shall have the right to enter any premises

where they may have reason to believe such nuisance exists,” he continued. He thought that line should be eliminated because he didn't think it was a nuisance if you couldn't see it.

Councilor Foreman read the ordinance from the beginning. “The Chief of Police and/or the City Ordinance Officer or their designee shall properly examine every such case reported to them”, and explained that this would be a case reported to them and that they can’t arbitrarily decide to go in. Foreman liked the language and did not want it removed.

Mayor Gilland stated if there was a conflict amongst neighbors and they wanted to complain, but they couldn’t see anything, they could potentially start a neighbor war.

Councilor Foreman clarified by saying the language stated it was a case reported to them and did not want any barriers for the Gervais Police Department if they needed to enter a property. She respectfully disagreed and did not want the language removed. Gonzalez agreed with Harvey that the language should be deleted. Bartch agreed with Foreman that the language was acceptable and that if the police felt there was a criminal act on a property, they have the right to enter that property.

Harvey motioned to take the last line out of the sentence and go with the rest of it, seconded by Councilor Gonzalez. Mayor Gilland took a roll vote. Councilor Foreman asked if it could be tabled until Councilor Wagner was present. Harvey called for a point of order and stated there had been a motion made, it was seconded and now a vote has to be made.

***Harvey motioned to adopt Ordinance 22-002, An Ordinance Amending Title 8, Section 8.04.140 of the Gervais Municipal Code, Regarding Discarded Motor Vehicles, with the removal of the last sentence in B. that states “and they shall have the right to enter any premises where they may have reason to believe such nuisance exists”. Mayor Gilland took a roll vote. Harvey voted aye, Gonzalez voted aye, Bartch ney Foreman ney. Gilland broke the tie with an aye vote.***

## **10. Old Business**

### **a. See activity tracker**

Councilor Foreman asked if there had been a discussion with Chief Budge about other options. Marston replied she touched base with him. They are currently having an analysis done for a coverage area if they locate a station on the north side of Gervais, and he will be bringing an update back to the council.

### **b. Discussion on where to direct circus ticket sales proceeds**

Mayor Gilland noted that Council President Micky Wagner asked for the money to be split half to skate park and half to PD such as CERT for the emergency preparedness items, bike rodeo helmets and other community orientated items. Mayor Gilland asked for some of the proceeds to go to the DARE program. Bartch replied that DARE should fall in under the PD portion.

***Councilor Bartch motioned to have circus proceeds split in half between the skate park and Police Department community including DARE and CERT, seconded by Councilor Harvey. Motion is unanimously carried and so moved.***

## **11. New Business**

### **a. Arbor Day Proclamation**

Mayor Gilland read the official Proclamation aloud and proclaimed April 30<sup>th</sup>, 2022 as National Arbor Day.

### **b. Budget Committee Member Applications**

Mayor Gilland asked to hear from the applicants. She asked council to consider it and make a decision at the May meeting. There was just one position open, and three candidates applied.

Applicant Hugo Fernandez stated that he has lived in Gervais since 2011. He appreciated being a part of the community. He discussed establishing roots in Gervais and his four childrens' involvement in the Gervais School District. His son Hugo, who is currently on the skate park committee, inspired him to get involved. Mr. Fernandez has worked in the fields of social work, senior care, and migrant education. He claimed that despite not having a history in budgeting, he still had a lot to offer. Hugo Fernandez welcomed the opportunity to get involved.

Councilor Bartch encouraged Mr. Fernandez and said that experience was not necessary.

Applicant Laura Clifton submitted an application for the role. She has been a Gervais resident since 2005. She has been attempting to become more involved in the Gervais community. She's been studying the water master plans and everything that has to be done for the city's infrastructure. She was intrigued as to how the funds would be dispersed in order to make it work. In her company, she is the regulatory compliance officer. She works as an internal auditor as well. Clifton claims she wears many hats and has the time to do so. She has been listening and attending meetings.

The third applicant was not present.

Mayor Gilland mentioned the possibility of a second opening becoming available. Gilland had just exchanged a few words with Elena (Maria) Contreras and wasn't sure she'd be able to continue. In regards to her membership, Gilland would invite Contreras to contact City Manager Marston.

## **12. Staff Reports**

### **a. City Manager**

A written report was produced by City Manager Marston.

The City was awarded \$1,000,000 for Marion County's Round 1 ARPA application, which will take care of most of the short term list on the capital improvement plan in the wastewater fund. That will be extremely beneficial to Gervais.

The Gervais School District got a grant from the Safe Routes to School program, which resulted in a report, according to Marston. The final report has been completed and will be accessible for public feedback on the Gervais website.

Marston said the problem with the council's emails has been fixed.

Marston mentioned having the joint meeting with the School Board on March 7<sup>th</sup> and Councilor Bartch and Foreman would report on that during Business from Mayor and Council tonight.

The Department of Revenue provides three separate videos and links and they are provided in the packet to help with the upcoming budget. The budget committee will meet on May 19 at 6:30 p.m., says Marston.

Small regional gatherings are held by the League of Oregon Cities. Cities alternate hosting duties. On Wednesday, May 12th, Marston volunteered to host, and encouraged city councilors to attend.

On June 2nd, there could be a land use public hearing on the area between Ivy Woods and Winfield Ranch.

Marston informed council of the LOC Spring Conference on April 21st and 22nd, and offered to register them if they wanted to go.

Marston reminded the council that the Government Ethics Commission's Statement of Economic Interest was due on April 15th. If they required assistance, please contact Denise.

Lastly, Marston requested an executive session to address her quarterly review. Mayor Gilland responded that they are going to postpone that for a while.

Marston inquired if there was anything else the council wanted her to bring to the meeting next month. There was nothing right of hand, replied Mayor Gilland.

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

Chief Mark Chase mentioned the DARE program starting at Sacred Heart and provided the council with his written report.

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

Superintendent John Robinson provided the council with his written report.

Robinson noted that Union Pacific fixed the railroad crossing on Ivy.

The tree farm is progressing and most of the zones have been logged except for zones 9 and 10. They will prep the ground and once that is done they will plant the trees. There was a discussion about the company hired to do the work.

Robinson acknowledged and honored Kyle Jentzsch for receiving the Wastewater Operator of the Year award.

Councilor Gonzalez asked what would happen to all the trees after removed. Robinson replied they would be hauled off and cut into chips as part of the agreement.

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

Councilor Bartch informed everyone that there was a Farmers Market at Gervais High School on Saturday. Cotton candy, gyros, nachos, chili dogs, baked bread, various household products, and flowers would be available in May.

Councilor Foreman informed the council that she, Councilor Bartch, and City Manager Marston were present at the March school board meeting. She jotted down some broad ideas. They made it clear that there was no quorum present. The meeting's goal was to examine the importance of collaboration. The objectives were articulated in terms of possibilities, resources, and efforts, among other things. Foreman mentioned a few things that she thought were fantastic. It didn't matter where you start with a vision, just start. We can have grandiose ideas but it was fine to begin with simple steps. Job training programs with the City and schools were among the topics considered. That included concrete pouring, fence construction, and learning opportunities for students in the community. There was a discussion about a Library. Foreman explained the Library in Woodburn would be starting homebound deliveries with a bus. They discussed festivals to bring people in. Basketball or pickle ball, food carts, Farmers market, Movies in the park, Car show. Foreman said a street chalk art competition was mentioned and that would be a really fun baby step to take. Foreman noted the grant writer was extremely competent in the work she had done historically and ideas that she had. National Guard Civilian Project, Rural Business Development, Community Development, and T-mobile Smart Growth America were four of her initiatives. The overall focus was what could the community do and how they can they come together. They also stated that asking the community what they want was one of the finest ways to get started, then come up with ideas from there.

Councilor Bartch said her biggest takeaway was that the community needed to come together, with the city and school board working together to make things happen through a combination of grant funding and community events.

Mayor Gilland said Councilor Gonzalez would be talking about the Veteran's wall in May. Mayor Gilland wanted to ask if Birch Street could be looked at for the skate park. Councilor Harvey mentioned doing something for Ivy Woods because we took their money. He said in the future they should think before giving away property that could've been used for a park. Gilland asked what they got for the property. Harvey said \$70,000 for 2 lots. Mayor Gilland

said she looked up what constitutes a community park and a skate park is the new happening thing. She said they could do a skate park and that was a nice sizeable lot. Robinson clarified that any property that was considered would need to be vacated first and explained the procedure of vacating a lot. Clifton asked about paperwork to get it done. Marston stated it would be a City initiated application and a council decision and she would want to get Holly Byram involved. Gilland asked what the next step would be. Bartch asked if there would be fees involved in the next step. Marston replied it would be the cost of the City planner. There was discussion about talking with Sacred Heart about the park and what they would be willing to do. Harvey asked Susie about a rule used for Ivy Woods to buy the property back from us. Marston said it was in the subdivision development code. He wanted to look into changing it because of the headache. Along those lines, Marston mentioned in the ordinance discussion the council had revisions to yard parking. The City attorney reminded her that because it is part of the City development code to get that updated it has to go through a different process and there would be public notice involved. Holly has been keeping track of these code amendments and others she has found in her work. Marston said if the council wanted to add this to it, they could. Robinson suggested finding out the size, imprint and what would it cost to have the skate park and get it on paper. Council's consensus was for Laura Clifton to contact contractors for skate park prices.

#### 14. Adjourn

Mayor Gilland adjourned the meeting at 8:22 PM

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

ATTESTED:

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Denise Dahlberg, City Recorder

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Annie Gilland, Mayor