

**MINUTES OF THE REGULAR MEETING OF THE GERVAIS CITY COUNCIL
COUNTY OF MARION, STATE OF OREGON
HELD AT GERVAIS CITY HALL AT 7:00 PM ON JULY 6, 2017**

1. Call to Order

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

2. Roll Call:

Mayor Shanti Platt	Present
Councilor Micky Wagner	Present
Councilor Baltazar Gonzalez	Present
Council President Michael Gregory	Absent
Councilor Wes Leiva	Present
Councilor John Harvey	Present

Staff Present: City Recorder Tim Rhyne, Police Chief Peter Spirup, Public Works Superintendent Pat Claxton

Others Present: Jim Jacks, Mid-Willamette Valley COG; Renee Willer, DataVision Coop

3. Announcements:

a. Additions/deletions to the agenda

- i. Susie Marston requested that agenda items 9 & 10 be switched

4. Public Comment:

Public comment is limited to three (3) minutes per person with an optional two (2) minutes for Council questions and answers. If you wish to address Council please come forward to the podium and identify yourself for the record.

5. Consent Calendar:

- a. Approval of the minutes of the June 1, 2017 Regular Meeting
- b. Approval of bill list for May 25 – June 27, 2017

Councilor Wagner made a motion to approve the consent calendar as presented, seconded by Councilor Harvey. Motion is unanimously carried and so moved.

6. New Business

- a. Public Hearing for Major Sign Variance and Conditional Use Application for DataVision Coop

- i. Open public hearing and note time for the record
 - Mayor Platt opened the public hearing at 7:04pm followed by Jim Jacks reading opening statements. There were no objections from the audience on any of the opening statements.
- ii. Declaration of ex parte contact or conflict of interest
 - There was a discussion among the council about whether having telephone service from DataVision is considered a conflict of interest. Jim Jacks gave information about what is considered a conflict of interest. Mayor Platt and Councilor Leiva declared a potential conflict of interest since they both have phone service from DataVision.
- iii. Staff Report
 - Jim Jacks presented his staff report to the council regarding the sign variance application for DataVision Coop. The council discussed the details of the variance with Jim Jacks.
- iv. Proponents presentation
 - Renee Willer talked with the council about the reasons that DataVision is seeking a variance for their sign project. She urged the council to approve her application and variance and also allow a scrolling function on the sign to be used. There was a short discussion from the council about the variance.
- v. Opponents presentation
 - None.
- vi. Proponents rebuttal
 - None.
- vii. Staff summary
 - Jim Jacks presented the staff summary and recommendation to the council.
- viii. Close public hearing
 - Mayor Platt closed the public hearing at 7:31pm.
- ix. Council discussion
 - The council discussed the variance and adjustments to the sign operation. Jim Jacks discussed his recommendations with the council. The council discussed the process if there were a complaint about the light output of the sign.
- x. Council motion, second and vote
 - Councilor Wagner made a motion to approve the conditional use permit subject with the following conditions, deleting item number three from the list of conditions, with Jim Jacks sending updated wording to Susie Marston to be brought before the council at a later date. Motion seconded by Councilor Leiva. All councilors voted "aye". Motion is unanimously carried and so moved.
 - Councilor Wagner made a motion to adopt the staff report as it applies to the conditional use permit and approving the conditional use permit subject to conditions and approving the major variance subject to the listed conditions. Motion seconded by Councilor Gonzalez. All councilors voted "aye". Motion is unanimously carried and so moved.

b. Public Hearing for Major Sign Variance Application for Dollar General

- i. Open public hearing and note time for the record

- The public hearing was opened at 8:02pm followed by Jim Jacks reading opening statements. There were no objections from the audience on any of the opening statements.
 - ii. Declaration of ex parte contact or conflict of interest
 - None
 - iii. Staff Report
 - Jim Jacks presented his staff report to the council regarding the sign variance application for Dollar General. The council discussed the details of the variance with Jim Jacks.
 - iv. Proponents presentation
 - None.
 - v. Opponents presentation
 - None.
 - vi. Proponents rebuttal
 - None.
 - vii. Staff summary
 - Jim Jacks presented the staff summary and recommendation to the council.
 - viii. Close public hearing
 - Public hearing was closed at 8:14pm
 - ix. Council discussion
 - The council discussed the physical size of the sign and its location. Jim Jacks stated that the staff recommendation is to deny the variance. The council further discussed the variance application.
 - x. Council motion, second and vote
 - Councilor Wagner made a motion to approve major variance 2017-01 allowing a 20-foot free standing pole sign and read the list of conditions. Motion seconded by Councilor Gonzalez. All councilors voted "aye". Motion is unanimously carried and so moved.
- c. Approve Contract for Services with Grove, Mueller & Swank and authorize Mayor to sign same
- Susie explained that this is a contract for Grove, Mueller & Swank to perform the audit for the fiscal year ending June 30, 2017.

Councilor Leiva made a motion to approve contract for Services with Grove, Mueller & Swank and authorize Mayor to sign same, seconded by Councilor Wagner. Motion is unanimously carried and so moved.

- d. Adopt Resolution No. 17-011, 2018 Special City Allotment

Susie stated that this resolution is to approve the application to ODOT for a special city allotment grant. This the same type of grant that was received for improving Ivy Avenue between 3rd and 1st Streets. Maximum amount for the grant is \$50,000. This grant would be used for the widening and improvement of 6th Street between Douglas Avenue and Ivy Avenue.

Councilor Wagner made a motion to adopt Resolution No. 17-011, 2018 Special City Allotment,

seconded by Councilor Gonzalez. Motion is unanimously carried and so moved.

- e. Consideration of preauthorized debits to pay annual USDA loan

Susie told the council that this would be to preauthorize payments for the annual USDA loan payment. There was a discussion among the council about electronic debits from the city bank account.

Councilor Wagner made a motion to authorize the USDA to debit the city checking account once yearly in the amount \$19,996 with the requirement that the City receive a receipt for verification by the council. Motion failed for lack of a second.

7. Staff Reports:

- a. City Manager

Susie distributed an eclipse planning flyer from the county. The county will be holding a community forum on July 18th to address questions or concerns from the community regarding the eclipse. Susie said that the city should try to be as prepared as possible. Councilor Wagner asked if there were any plans made by the School District for the eclipse.

- b. Police Department

Chief Spirup noted that Officer Miranda is leaving the Gervais Police Department to work for the City of Woodburn Police Department. Gervais is currently recruiting for the officer position. The rest of the Chief's comments are found in his monthly report.

- c. Public Works

Pat updated the council on the status of the water tank project. The new lagoon generator arrived today. Dollar General should have their new water line completed by next week, and the damaged trees out at the tree farm have been removed. Mayor Platt asked Pat if the splash pad was repaired and Pat answered in the affirmative. Councilor Harvey asked Pat about the recent 2016 drinking water report, specifically about the arsenic levels in the water. There was a short discussion about the arsenic levels in the Gervais water.

8. Business from the Mayor or Council

Councilor Wagner asked the Chief about people walking multiple dogs in the community park. Mayor Platt mentioned that the Mid-Willamette Valley COG hired a new executive director, Sean O'Day. Sean worked as an attorney for LOC prior to taking the new position. Mayor Platt also reviewed the recent 4th of July activities.

- a. Mayor Platt called for a 5 minute break at 8:50pm. The council reconvened at 8:55pm.

9. Executive session as authorized under ORS 192.660(2)(f), To consider information or records that are exempt by law from public inspection.

The executive session was opened at 8:55pm and closed at 9:25pm.

Councilor Gonzalez made a motion to have Chief Spirup move forward with creating the Lieutenant position, seconded by Councilor Wagner. Motion is unanimously carried and so moved.

Chief Spirup let the council know that Officer Maddy is out on workers comp at this time. The Chief also thanked the council for their support toward him.

10. **Executive Session as Authorized under ORS 192.660(2)(i), To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.**

The executive session was opened at 9:29pm and closed at 9:40pm.

Mayor Platt stated that a letter would be written up for Susie that reviews her recent evaluation.

11. **Adjourn**

The meeting was adjourned at 9:42 pm.

I, TIM RHYNE, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON JULY 6, 2017 ARE, TO THE BEST OF MY ABILITY, CORRECT AS RECORDED.

ATTESTED:

Timothy Rhyne, City Recorder

Shanti M. Platt, Mayor