

**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 MAY 6, 2021**

1. **Call To Order - Mayor Gilland called the meeting to order at 7:00 PM.**
2. **Pledge of Allegiance**

Mayor Gilland asked Baltazar Gonzalez to lead in the Pledge of Allegiance

3. **Roll Call**

Mayor Annie Gilland	Present	Councilor Micky Wagner	Present
Councilor Pam Foreman	Present	Councilor Diana Bartch	Present
Councilor Baltazar Gonzalez	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: Steve Kreins, Operation Life Saver

4. **Announcements/Additions**

- a. Swearing in of Police Officer Tim West

Mayor Gilland read the Oath of Office to Officer Tim West. Officer Tim West read the Criminal Justice Code of Ethics aloud. Chief Mark Chase explained a little bit about Officer Tim West history.

5. **Public Comment:**

Ana Contreras lives at 285 Ivy Ave and has been a Gervais resident for 20 years. Contreras informed the council that she currently pays \$166.00 a year for a PO Box and can't understand why her physical location does not have a mailbox, when other residents on her street do. Several members on the council directed her to the Post Master for some answers. Contreras emphasized the city's need for sidewalks. Gilland suggested that Contreras contact the City Manager. Contreras pointed out garbage around homes and around the City and asked if someone at the City was supposed to be taking care of that. Gilland replied no. There was further discussion about the residents getting together to do it. Contreras asked what the benefit for Gervais residents was with the Gervais Police Department policing in Donald. Gilland replied that there would be further discussion on that matter later in the meeting.

Sandra Foote Gregory lives at 680 Douglas and has lived in Gervais since 1986. Gregory explained some personal concerns about the corner of Butteville and 219. She

suggested that putting in a turn lane would make it easier to see and safer to turn around the corner. Gilland disclosed that Foote Gregory was her mother and said she would look into it. Council President Wagner explained that this is on ODOT's list of things to do; they are currently trying to figure out what the safest option for everyone is. Councilor Gonzalez reiterated that he has spoken with someone as well and they were looking into it. Foote Gregory suggested it would be helpful for people out walking and getting exercise to take a bag and pick up garbage along the way.

Chief Joe Budge from the Woodburn Fire District discussed a flier that was mailed to Gervais residents. He explained that the flier focuses on how the bond revenue would be used to reestablish fire station 23 in Gervais if the bond levy is approved. He also explained the preparations they are making for the expected growth of the community. Chief Budge asked if anyone had questions. Council President Wagner said that she also had yard signs if anyone was interested in having one to let her know and she would provide one.

Susan Smith lives at 852 Lantana in Gervais and began with presenting her research on drowning being the leading cause of death in children 4 years of age. The statistics included danger of drowning kids in retention ponds. She went on to express her concern with the retention pond at the Ivy Woods Estates and that even with little rain it still has standing water in it. Smith referenced City Ordinance 17.80.090 stating that all required swimming pool and hot tub fencing should be a minimum of 4 feet in height and be equipped with a self-locking gate that closes automatically. Smith asked the council why a retention pond should be held to a lesser standard. Smith indicated that with the hot summer months approaching, the Ivy Woods retention pond would be a huge temptation for small children. Smith urged the council to move to put a safety fence around the retention pond in the new development. Mayor Gilland thanked Smith for her research and let her know that she was heard and that the council would be talking about it later in the meeting.

Katie Gonzalez lives at 21153 Ehlen St NE, Donald, OR 97020. Gonzalez has been serving on the Donald City Council for about 6 years and she is currently the City Council President. Gonzalez explained that she is currently in charge of the focus group Public Health and Civic Engagement, so it's great to come and visit her neighbors. She also came to support the later discussion about the IGA between the Cities of Donald and Gervais for the policing. In her history, Gonzalez has had the opportunity to work closely with the contracting between Donald and Marion County and now Donald and the City of Gervais. Gonzalez expressed her gratitude for what the City of Gervais Police Department has done for her City and even her family. Gonzalez felt it important to note that she comes from a multi-generational, multi-cultural, and multi-lingual household in Donald, so this topic is important to her personally and because she specializes in mental health and drug treatment. Having the police coverage is extremely critical both for her town and the whole North Marion County region. She goes on to explain there is a lot of overlap between the two cities. Gonzalez explained that when there is an issue in Donald that it oftentimes impacts Gervais as well. Gonzales explained that her "ask" of the council as they consider extending the policing contract is to please be open to getting more information. Perhaps have both cities of Gervais and Donald get together to discuss the unknowns and questions about what it

actually means for the City of Gervais. Is it the best use of your money? What happens to the court system? How is this done? Gonzalez communicated that taking the time to understand that from both perspectives before a decision is made is her request.

Mayor Gilland thanked her for coming and said they would be talking about it later.

Heidi Bell City Manager of Donald thanked the mayor and councilors for allowing her to speak. She has been serving as the City Manager of Donald since 2012 and has developed an understanding of how Donald works and how Donald works very well with the City of Gervais. Bell opened with introducing a letter that was prepared for the council and she read the letter aloud. City councilors were provided a copy of the letter.

Bell urged the council to read the letter further with important quotes from the Donald community.

In response to the letter, Mayor Gilland replied that her Facebook page is her Mayors page and it is a survey of what her citizens want. Gilland explained that her concern was Gervais and that she wasn't so much opposed to it as to try to voice the concerns of the citizens. Mayor Gilland said she was sorry if Bell was offended but she will continue to put things out there. Bell replied that she was sorry if there was a misunderstanding and explained that she was not offended by her post.

Council President Wagner replied to Bell and explained that she goes to Donald because her hairdresser is there. Wagner explained that she had talked to several people in Donald that have said just having the Gervais Police presence there has calmed down a lot of theft and tweaker roaming. Wagner explained that it is 10 hours a week and the Chief has promised Gervais that it would not impede on the police coverage for Gervais. There would always be an officer in Gervais to be able to send an officer to Donald. Wagner expressed that in conversation with several people in the Donald community, they are extremely impressed and appreciative because they do have businesses and homes on Main Street. Wagner said that to have that coverage is important. Wagner thanked the Chief. She said maybe having an open house so that both sides can figure out how to co-exist would be a good idea. There was further discussion about Donald policing.

6. Consent Calendar

- a. Approval of the minutes of April 1, 2021 Regular Session
- b. Approval of the minutes of the April 20, 2021 Goal Setting Session
- c. Approval of bill list for March 24 – April 29, 2021

Councilor Foreman made a motion to approve the May 6, 2021 consent calendar as presented, seconded by Councilor President Wagner. Motion is unanimously carried and so moved.

7. Presentations

a. Operation Life Saver

Executive Director of Oregon Operation Lifesaver, Steve Kreins, joined by Claudia House, previous program director on Zoom were in attendance to present an award. Kreins explained that the mission of Operation Lifesaver is to end collision, death and injuries at highway, rail crate crossings and along the right-of-ways at railroad tracks. Over the last few years, the number of incidents have tripled in Oregon for various reasons. Operation Lifesaver believes that law enforcement is a key in reducing those numbers around Oregon. Kreins explained that the reason he is in Gervais tonight is to recognize one of his partners in law enforcement. Operation Lifesaver believes in the three E's; Education, Engineering and Enforcement. He goes on to explain that they couldn't do their mission without their law enforcement officers. All around the states they have great partners, that are not only in law enforcement. Gervais, Oregon Operation Life Saver, and Union Pacific Railroad have worked together to promote rail safety in Gervais over the years, and they couldn't have done it without Gervais and the Police Department. Oregon Lifesaver would like to say thankyou to the Gervais Police Department, the City Council, Micky Wagner, and he stated they were here to recognize Chief Chase. He went on to explain that Chief Chase worked with their organization and served on the Board of Directors for years. He recognized Chief Chase's willingness and dedication to rail safety and presented him with a plaque. On behalf of Captain Vince from the Union Pacific Police Department, Kreins thanked Chief Chase for all of his years of service and for keeping the City of Gervais safe.

8. Action Items

- a. Adopt Resolution No. 21-003, Adopting the 2020-21 Supplemental Budget to Make Appropriations in the General Fund.

City Manager Marston explained that there were three Supplemental Budgets on the Agenda and they are for revenue that was not foreseen at the time the budget was prepared last year. Marston explained that Resolution 21-003 is to appropriate the COPS grant award that Gervais was awarded earlier in the year after the budget was adopted. She explained that the revenue is going into the General Fund under grants and it will be used for police officer wages over the next 3 years. Allocations have been made to cover half of this year and the rest will be put in the ending fund balance to allocate over the next 2 years. Along with sharing the cost with Gervais School District, this is what is helping fund the Student Success Officer. There was brief discussion about the timing and allocations of this grant.

Council President Wagner made a motion to adopt Resolution 21-003, adopting the 2020-21 Supplemental Budget to make Appropriations in the General Fund. Motion is seconded by Councilor Bartch. All Councilors present voted "aye." Motion is carried and so moved

- b. Adopt Resolution No. 21-004, Adopting the 2020-21 Supplemental Budget to Make Appropriations in the General Fund.

City Manager Marston explained that this Supplemental Budget is to appropriate the annual payment from the school district as a result of the agreement the City entered into with them in December of 2020 for a Student Success Officer. The School district will be paying the City \$85,265 annually for the next 5 years. The payment will be split to cover officer wages and all the operating costs of providing one officer. There was discussion about Officer West's working hours and projected costs of his employment.

Councilor Bartch made a motion to adopt Resolution 21-004, adopting the 2020-21 Supplemental Budget to make Appropriations in the General Fund. Motion is seconded by Council President Wagner. All Councilors present voted "aye." Motion is carried and so moved

- c. Adopt Resolution No. 21-005, Adopting the 2020-21 Supplemental Budget to Make Appropriations in the General Fund.

Marston explained that these are funds that the City received from the Coronavirus Relief Fund. These funds were received after the budget was already prepared last year. \$56,000 of this money went out to the Gervais residents as part of the micro-grant program.

Council President Wagner made a motion to adopt Resolution 21-005, adopting the 2020-21 Supplemental Budget to make Appropriations in the General Fund. Motion is seconded by Councilor Bartch. All Councilors present voted "aye." Motion is carried and so moved

- d. Resolution no. 21-006 - Initiating the Enterprise Zone application submittal with the State of Oregon, Business Oregon Department for the Designation of the Woodburn-Gervais Enterprise Zone

City Manager explained that this resolution is part of the process in renewing the enterprise zone and something the council needs to adopt to move forward with the application. Councilor Harvey questioned why the whole city needed to be identified. Jamie Johnk, City of Woodburn Economic Development Director was in attendance and explained that all of the area in the Gervais and Woodburn Urban Growth Boundary is included in the designation, and it takes into account any businesses that are run out of residential homes that may be eligible for enterprise zone abatements, same as in the commercial and industrial zones. It is an opportunity to capture the entire city rather than drawing lines to identify specific areas of the city and potentially missing a business that would otherwise be eligible. Harvey expressed that he was not for it. There was further discussion on how the resolution was written and the wording about a potential tax being added later on down the road. There was further discussion on the value of the enterprise zone to Gervais. Please listen to recording for further detail. There was a listing provided of all properties within the area designated for Gervais, and as an example Johnk explained who would be eligible for enterprise zone abatement on the list. Councilor Harvey expressed a concern about the wording of the enterprise zone resolution and a potential tax being assessed.

Council President Wagner made a motion to adopt Resolution No. 21-006 - a resolution initiating the Enterprise Zone application submittal with State of Oregon, Business Oregon Department for the designation of the Woodburn-Gervais Enterprise Zone. Motion is seconded by Councilor Bartch. Mayor Gilland took a single vote. Councilor Foreman voted no, Councilor Harvey voted no, Councilor Gonzalez voted no, Councilor Bartch voted yes, Council President Wagner voted yes. With 3 no votes and 2 yes votes, the motion failed.

- e. Consideration to renew Land Use Planning Contract with Mid-Willamette Valley Council of Governments and Authorize City Manager to Sign the Same.

City Manager Marston explained that this was a contract that is renewed year to year that allows the City of Gervais to contract with the COG for Land Use Planning. Councilor Foreman asked to understand more about what this meant. Marston explained that there are land use applications available to the public. When the applications come in we have to process them. The applications consist of alley vacations, site-development review, lot line adjustments, etc. The City of Gervais does not have a City Planner on staff like the larger cities do. The City of Gervais has contracted with the COG for planning services for several years to process the applications and make a presentation to the council by staff report. The COG also provides a number of other services such as recruitments and legal services, etc. Marston states that the hourly rate is currently \$87.00 and will increase to \$90.00 for planning services.

Councilor Foreman made a motion to renew the Land Use Planning Contract with Mid-Willamette Valley Council of Governments and Authorize City Manager to Sign the Same. Motion is seconded by Councilor Bartch. Mayor Gilland called for an individual vote. All Councilors present voted "aye." Motion is carried and so moved

- f. Consideration to contribute a portion of Gervais CPI Funds towards the purchase of a Mobile Interactive Digital Tourism Kiosk.

City Manager Marston explained that she had been sitting on a committee called the North Marion County Tourism Collaborative representing the Gervais area. She explained that the purpose for this group is to work together to promote tourism in North Marion County, particularly now since Covid has had such an impact on tourism in the area. This group has been working towards building content and an itinerary for our region and putting it on a digital kiosk. The cost of the kiosk is approximately \$35,000, and the group is looking to cities in our region to contribute towards that cost using a portion of the Marion County CPI funds that were awarded to all cities in Marion County. There was a discussion about other ways to use that money. There was a discussion about the cost, location, and data usage of the Kiosk. Amanda Setzer with the City of Woodburn explained to the council that the kiosk would be moved to various locations. An example she provided was placing it at Bauman's during their annual harvest festival. The kiosk would only be used to showcase things to do in Marion County to keep people within our communities. There are a couple of stationary kiosks being used in Oregon City and Hillsboro as well as state-wide. Setzer explained that using the kiosk over using a smart phone would be easier and information would be

more descriptive than what is provided on Google. Information that is on the kiosk would also download to smart phones. The kiosk would be insured and covered by the City of Woodburn. Councilor Harvey suggested that Gervais contribute \$5,000 towards the cost. Councilor Foreman would support the contribution, but she would like to see data on the usage to justify the cost. Councilor Wagner sees the benefits of having a kiosk in the area and supports the contribution. This discussion will be continued at the June council meeting for consideration, and in the meantime Setzer will bring back information that Councilor Foreman had requested.

- g. Approve Addendum No. 1 to IGA between the City of Donald and Gervais for the provision of court services.

City Manager Marston explained that Gervais provides police services to the City of Donald through an IGA that we have with them. Marston stated that the citations have not been going through the Gervais court and that they are being cited into Marion County court. Donald is agreeable to have them cited into Gervais court. Marston explained that this agreement is an addendum to the original agreement with Donald to provide police services. The revenue from those citations would stay in Gervais. They would be used to offset the personnel costs of our court clerk and she would be processing those dockets.

There was a discussion about added tasks and the potential justification for more pay. There were questions about how many citations were in Donald verses Gervais in the police report. There were various points of view, questions and intensive deliberation amongst the council for and against the addendum. In conclusion, there were high emotions and reactions varied.

Donald City Manager Heidi Bell addressed the council in support of this addendum by explaining that there isn't a large number of citations that come through Donald court and that Donald is not set up well like Gervais to operate a municipal court; the biggest obstacle being not having the software that Gervais has to process dockets. She reiterated that Gervais would keep the revenue from the citations to support police operations.

Before calling for a motion, Mayor Gilland expressed what she has been hearing from citizens who are in opposition to the policing contract with Donald. According to what she is told by the people she has talked to, they want to keep the police in Gervais. Councilor Wagner spoke in support of the police contract and suggested more people need to be heard. Councilor Harvey said he's had several people who have approached him and have said the same thing that Mayor Gilland was saying. At this point during the meeting, in reaction to this conversation, Councilor Wagner interrupted the conversation and said she has to step down and left the meeting.

Mayor Gilland stated she accepted Councilor Micky Wagner's resignation. She asked if anything else needs to happen to please advise her. City Manager Marston will research on how to handle this situation.

Councilor Bartch made a motion to approve Addendum No. 1 to IGA between the City of Donald and Gervais for the provision of court services. Motion is seconded by Councilor Foreman. Mayor Gilland called for an individual vote. Councilor Harvey voted no, Councilor Foreman voted yes, and Councilor Gonzalez voted yes. Councilor Bartch was not called on for a vote, but since she made the motion, it was counted as an affirmative vote. With 1 no vote and 3 yes votes, the Motion is carried and so moved.

- h. Consider renewal of IGA between cities of Donald and Gervais for police services.

After the intense deliberation of the above amendment, Mayor Gilland asked if the council wanted to continue with Item 8. h. Councilor Foreman proposed tabling this action item until June's council meeting. Councilor Gonzales agreed. Councilor Bartch agreed with Foreman and explained that emotions were a little high and there would be a better discussion if given some time.

At this point, Mayor Gilland wanted to appoint another council member. City Manager Marston said that there is a process for that.

Councilor Foreman made a motion to table Item 8. h, to June's council meeting. All Councilors present voted "aye." Motion is carried and so moved

9. New Business

- a. Discuss fencing around the retention pond in Ivy Woods Estates

Superintendent Robinson established an over the phone price of \$6500-\$7500 for a 6 foot galvanized fence with gates for maintenance. The type of fence would determine the cost. Gilland asked what Robinson's recommendation was. Robinson recommended a black chain link because it would fit the neighborhood more. There was a discussion about available funding and the type of fencing. Councilor Foreman was curious if the Marion County CPI funds could be used for this project. Marston will check.

Marston shared with the council that Bob Nelson contacted her about a couple of Boy Scouts he has that are looking for Eagle Scout projects. This is a project they are interested in if the City is willing to allow that. If the Boy Scouts are not able to help with the fence, then Councilor Foreman suggested that maybe they could help with a landscaping project around the fence. There was a discussion on whether the Boy Scouts could work with the type of fence that the city wants to put around the retention pond.

Councilor Harvey made a motion to approve the fencing around the retention pond trying to use funds available at the \$7,500.00 price. Motion is seconded by Councilor Foreman. Motion is carried and so moved.

At this point, the city council took a break

b. Discussion on offering credit card processing

Marston recommended going with Open Edge Credit Card. Their service fees are \$50.00 each month and they have a 3% flat transaction rate. Marston explained that the minimum Utility Bill is \$87.28 a month, so a transaction fee would \$2.62. There was a discussion of how the credit card software would work and the cost of fees. Marston recommended that the transaction fee be considered a cost of doing business for the utility billing. There was a question about passing the fee for court payments on to customers, but Marston said there are rules to passing the fees on to customers, and she would have to research it. For now, we will accept credit cards for utility payments and will start accepting credit cards for court payments when we know how to pass the fee on to the customer.

Councilor Harvey made a motion to offer credit card processing. Motion seconded by Councilor Foreman. Motion is carried and so moved

10. Staff Reports:

a. City Manager - Susie Marston

City Manager Marston stated her and Superintendent Robinson met with Business Oregon, DEQ and USDA to discuss funding options to recover the tree farm. Marston stated that Tuesday she heard from Oregon Emergency Management office that a major federal disaster declaration has been declared. That means we are eligible for FEMA money. Marston explained the process to getting that money is to submit an application by June 3rd. FEMA told us that we need to look for alternative funding because it takes a while. That was the purpose of the meeting with Business Oregon, DEQ and USDA. The three of them laid out some possible funding opportunities for the City of Gervais. They are all low interest loans except for DEQ. They have a principal forgiveness program which is essentially a grant for \$150,000. The problem with DEQ and USDA funding is they cannot get us funding until early spring and we want to get the tree farm project done in late summer, early fall. Early spring will be too muddy to get in there. Business Oregon has the ability to get us that money in time to do the project. They can loan us the full amount which is about \$300,000.00, with an interest rate of 2.5%. No early payoff. We can use the FEMA money to pay them off in full.

Marston asked for a consensus from the council on the statement presented to them. All councilors present approved consensus.

Marston explained the research being done on new website hosting opportunities and that the cost could be covered by the American Rescue Plan dollars.

Marston explained that Marion County called her informing her of an intermodal project in the works. They are working to put in railroad spurs. Marion County is looking at 2 intersections in Gervais, one of them is 3rd & Ivy, and the other one is the 4-way stop at 3rd and Douglas.

b. Police Department – Chief Mark Chase

Chief Chase referenced his written report as is and did not go over it. Chase presented some options for installing the city generator.

Chief Chase asked for consensus for one of the options presented. All councilors present approved consensus to wait and install generator in the fall.

Councilor Foreman asked Chief Chase to put together the data for citations for Donald and Gervais. Foreman asked for them to be split so the council had a digital view of the differences for the June’s council meeting. Councilor Gonzalez asked Chief Chase for coverage data so that the City could appropriately look at the pros and cons of the policing in Donald.

c. Public Works – Superintendent John Robinson

Superintendent Robinson gave an update on the tree farm. He explained to the council that Zone 1 will be done this week. Robinson said they have enough material for 3 zones. Robinson stated the new irrigation is being laid on top of the fallen trees so that when it comes time to harvest those sections, they can reuse it.

11. Business from the Mayor or Council

Mayor Gilland expressed her concern for Donald and asserted her concern for Gervais. Gilland stated that she will continue to do her job because that is what she is elected to do. She stated that she feels for Donald, but feelings need to be checked at the door. Gilland stated she has to look after Gervais. Mayor Gilland closed with apologizing for any high emotions.

12. Adjourn

Mayor Gilland adjourned the meeting at 10:13 PM.

I, DENISE DAHLBERG, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON MAY 6, 2021 ARE, TO THE BEST OF MY ABILITY, CORRECT AS RECORDED.

ATTESTED:

Denise Dahlberg, City Recorder

Micky Wagner, Council President