

**MINUTES OF THE REGULAR SESSION OF THE GERVAIS CITY COUNCIL
COUNTY OF MARION, STATE OF OREGON
HELD AT GERVAIS CITY HALL AT 7:00 PM ON MARCH 7, 2019**

1. Call to Order

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

2. Pledge of Allegiance

3. Roll Call

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

Staff Present: City Manager Susie Marston, City Recorder Tim Rhyne, Police Chief Peter Spirup, Police Lieutenant Mark Chase, Utility Worker John Robinson

Others Present: Chris & Diana Bartch, Holly Byram, Jose Mariana Ruiz, Roger West, John Brosy, Joe Budge

4. Announcements/Appointments

- a. Additions/deletions to the agenda
 - i. Joe Budge, Woodburn Fire District – Discussion of Free Smoke Alarm Campaign

5. Public Comment:

- a. 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.

Woodburn Fire Chief Joe Budge came before the council to give information about a free smoke detector campaign that the Woodburn Fire Department will be hosting along with the American Red Cross. This area is one of four areas around the country that have been selected to be participants in this campaign. Chief Budge gave details and outlined how the program would work in Gervais. The program is expected to begin sometime in March to early April. In response to a question from Mayor Platt, Chief Budge noted that not every house in Gervais is going to be contacted. Homes that are high-risk will be contacted first. He asked how he could find out which homes in Gervais were the most at risk regarding smoke alarm deficiency. Chief Spirup suggested that the Police Department be contacted to help identify high-risk homes.

6. Consent Calendar:

- a. Approval of the minutes of the February 7, 2019 Work Session
- b. Approval of the minutes of the February 7, 2019 Regular Session
- c. Approval of bill list for January 30 – February 26, 2019

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

7. Public Hearing

- a. ANX 2019-01/ZC 2019-01 - Annex portions of two contiguous parcels totaling 0.53 acres into the Gervais City Limits, and change the zone from Marion County UT – Urban Transition Zone to City R2 Medium-Density Residential Zone.
 - i. Open public hearing and note time for the record
 - Mayor Platt opened the public hearing at 7:08 PM. The Mayor and Holly Byram read opening statements as required by law.
 - ii. Declaration of ex parte contact or conflict of interest
 - None noted
 - iii. Staff Report
 - Holly Byram presented her staff report and findings to the Council. She noted that this hearing is a continuation of the land use process begun by James Arnold and his consultant John Brosy. This current public hearing is to consider bringing the property into the City, out of the County. She discussed the various requirements relating to annexation of property into City limits. Holly proceeded to review the findings in the staff report. Please see the written staff report for more details.
 - iv. Proponents presentation
 - John Brosy briefly spoke to the council regarding his support of the proposed annexation and zone change.
 - v. Opponents presentation
 - None noted
 - vi. Proponents rebuttal
 - None noted
 - vii. Staff summary
 - None noted
 - viii. Close public hearing
 - The hearing is closed at 7:27 PM.
 - ix. Council discussion
 - None noted
 - x. Council motion, second and vote

Councilor Gregory made a motion to approve ANX 2019-01/ZC 2019-01 adopt the findings of the staff report dated February 28, 2019 and direct staff to prepare an enacting ordinance for the City Council consideration following conclusion of the County UGB concurrence process. Seconded by Councilor Leiva. All present councilors voted "yes." Motion is unanimously carried and so moved.

- b. PAR 2018-01 – Partition the subject property into three (3) lots measuring approximately 0.31 acres, 0.68 acres, and 2.24 acres in size
- i. Open public hearing and note time for the record
 - Mayor Platt opened the public hearing at 7:31 PM. The Mayor and Holly Byram read opening statements as required by law.
 - ii. Declaration of ex parte contact or conflict of interest
 - Mayor Platt declared Ex Parte because of conversations she had in the past with the applicants.
 - Councilor Leiva declared a conflict of interest due to being the son-in-law of the applicants and because his home adjoins the property of the applicant. Councilor Leiva stepped down from the dais and excluded himself from the discussion for the remainder of the public hearing.
 - iii. Staff Report
 - Holly Byram spoke to the council and outlined her staff report relating to the proposed lot partition. The application proposed to divide the lot in question into three separate parcels. However, because of language in the City code, the primary lot can only be separated into two distinct parcels since there is a shop located on one of the proposed parcels. It is recommended by the city planner to split the lot into two parcels instead of three. Holly discussed utility access to the proposed parcels. Please see the written staff report for more details.
 - iv. Proponents presentation
 - The applicant Jose Ruiz, 1025 Ivy Avenue, approached the council to state his support for the application. He talked with the council about the paving requirement that was noted in the staff report. It was noted that any utilities that require excavation through the pavement will be repaired by the developer.
 - v. Opponents presentation
 - Roger West, 972 Lantana Lane, spoke to the council about his concerns of increased traffic conditions when the proposed parcels become developed. Roger stated his concern that most or all of the traffic from the developed land will be forced to use Mesquite and Lantana. There was brief discussion about potential traffic flow relating to this application.
 - vi. Proponents rebuttal
 - None noted
 - vii. Staff summary
 - None noted
 - viii. Close public hearing
 - The hearing was closed at 8:15 PM.
 - ix. Council discussion
 - Mayor Platt asked Holly Byram about the paving requirement as detailed out in the staff report and a brief discussion followed.
 - x. Council motion, second and vote

Councilor Gregory made a motion to approve Partition 2018-01 to be modified as recommended in the staff report, to be a 2-parcel partition. Seconded by Councilor Wagner. All councilors voted “yes.” Motion is unanimously carried and so moved.

- c. Supplemental Budget for Capital Reserve Fund
 - i. Open public hearing and note time for the record
 - Mayor Platt opened the public hearing at 8:22 PM.
 - ii. Declaration of ex parte contact or conflict of interest
 - None noted
 - iii. Staff Report
 - Susie reviewed that the council recently voted to establish a capital reserve fund. The primary source of revenue for this fund will be proceeds from the sale of old city hall. To establish this new fund a supplemental budget must be approved. Since the fund is new, a public hearing is required to be held.
 - iv. Proponents presentation
 - None noted
 - v. Opponents presentation
 - None noted
 - vi. Proponents rebuttal
 - None noted
 - vii. Staff summary
 - None noted
 - viii. Close public hearing
 - Mayor Platt closed the public hearing at 8:25 PM.
 - ix. Council discussion
 - None noted
 - x. Council motion, second and vote

Adopt Resolution 19-004, a 2018-19 Supplemental Budget to make Appropriations for the Capital Reserve Fund.

Councilor Wagner made a motion to adopt Resolution 19-004, a 2018-19 Supplemental Budget to make Appropriations for the Capital Reserve Fund. WHEREAS, by adoption of Resolution 19-002 on February 7, 2019, the Capital Reserve Fund has been established for the City of Gervais; and WHEREAS, the purpose of the Capital Reserve Fund is to collect sales installment revenue from the sale of the City's former city hall building to use for future council approved capital improvement projects; and WHEREAS, the former city hall building was sold on November 21, 2018 and an agreement was made between the City and the buyer for the City to carry an interest-bearing contract with monthly installment payments made to the City from the buyer over a five year term. NOW, THEREFORE, THE CITY OF GERVAIS RESOLVES AS FOLLOWS: The City Council of the City of Gervais hereby adopts a supplemental budget for fiscal year 2018-19 and hereby makes appropriations and shown below. Motion seconded by Councilor Gregory. Motion is unanimously carried and so moved.

8. Action Items

- a. Adopt Ordinance 19-001 Vacating the 10-foot Wide Remainder of Juniper Avenue Public Right-of-Way between 8th Street and Ivy Avenue, together with the Intersecting 20-foot Wide Public Alley Bound by Juniper Avenue and Ivy Avenue, within Block 77 of the Gervais Town Plat.

Mayor Platt noted that this ordinance stems from the hearing at the February 2019 meeting.

Councilor Wagner made a motion to adopt Ordinance 19-001 Vacating the 10-foot Wide Remainder of Juniper Avenue Public Right-of-Way between 8th Street and Ivy Avenue, together with the Intersecting 20-foot Wide Public Alley Bound by Juniper Avenue and Ivy Avenue, within Block 77 of the Gervais Town Plat. Seconded by Councilor Gonzalez, Motion is unanimously carried and so moved.

b. Adopt Fiscal Year 2019-2020 Budget Calendar

Councilor Wagner made a motion to adopt the fiscal year 2019-2020 budget calendar, seconded by Councilor Gregory. Motion is unanimously carried and so moved.

Mayor Platt noted that there are two openings on the budget committee and that applications can be picked up at the City Hall front desk.

c. Reschedule July 2019 Council Meeting

Since the July 2019 council meeting falls on July 4th, Susie asked for discussion on an alternate date to hold the meeting. Councilor Gregory asked about availability of 4th of July event payments due to changing the meeting date. There was brief discussion about the new date for the July meeting. Mayor Platt asked Susie to send out some potential dates to the council and they will pick the best date.

d. Discussion to Revisit Raffle Proceeds of Surplused 2004 Silverado

Mayor Platt introduced the topic of discussion and reviewed the prior decision to raffle the 2004 Silverado. There was discussion among the staff and council about the estimated value of the truck and how the proceeds of the sale would be distributed back into the funds. John Robinson gave information about the current condition of the truck.

Mayor Platt stated that the old motion would need to be rescinded and a new motion made in its place. She also stated that the council needs to give staff specific direction on how to distribute the funds when the truck is sold or raffled.

Councilor Wagner made a motion to repeal the motion made in February 2019 at the City council meeting for the raffle of the 2004 Silverado and redirect staff to sell the 2004 Silverado. Seconded by Councilor Leiva. Motion is unanimously carried and so moved.

9. Staff Reports:

a. City Manager

- i. Susie stated that she has been preparing the budget for the 2019-20 fiscal year and has already been meeting with staff. There is an expected increase in property tax revenue in light of the new construction that has been occurring throughout town. One particular revenue increase has been the quarterly marijuana tax payments from which Gervais has been receiving approximately \$7,000 per year.

Susie mentioned that an RFP has been issued for city audit services and has been advertised. The RFP due date is April 12th. The budget committee meeting is May 16th at 7:00 PM. The goal-setting session that was scheduled had to be canceled due to

illness. There is a new available date of March 27th. Susie spoke to the council regarding recognition for retiring Public Works Superintendent Pat Claxton.

b. Police Department

Chief Spirup didn't have further details beyond his written report. In response to a question from Councilor Wagner regarding police/fire communications for Gervais.

c. Public Works

There was discussion amongst the council about Pat's report for February. Pat outlined several projects that he would like to see completed in the future. Mayor Platt asked about utility workers that were working on Douglas Avenue. John Robinson responded that DataVision has been converting above-ground utilities to below-ground locations.

10. Business from the Mayor or Council

Mayor Platt spoke about upcoming events for April 2019 including the annual citywide cleanup. She will be in touch with Republic Services to ask for assistance as in prior years. She also briefly discussed Arbor Day activities. As in prior years, volunteers are needed and encouraged to help. There was a brief discussion about the operation of the annual city cleanup and how to deal with differing kinds of refuse.

Councilor Wagner mentioned that a circus will be hosted in town at the Gervais Elementary School. There was a brief discussion about the event.

11. Adjourn

The meeting was adjourned at 9:12 PM.

I, TIM RHYNE, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON MARCH 7TH, 2019 ARE, TO THE BEST OF MY ABILITY, CORRECT AS RECORDED.

ATTESTED:

Timothy Rhyne, City Recorder

Shanti M. Platt, Mayor