

**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 MARCH 1, 2018**

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	Present
Councilor Wes Leiva	Present
Councilor John Harvey	Present

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

Others Present: Holly Byram, Mid-Willamette Valley COG; Various citizens

3. Announcements:

- a. Additions/deletions to the agenda
 - i. Delete New Business Item (6b)

4. 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.**

5. Consent Calendar:

- a. Approval of the minutes of the February 1, 2018 Regular Session
- b. Approval of bill list for January 25 – February 22, 2018

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

6. New Business

- a. Public Hearing for Street Vacation (VAC 2017-01) to vacate Hemlock Avenue public right of way between 6th and 7th Streets

- i. Open public hearing and note time for the record
 - Opened at 7:03 pm
- ii. Declaration of ex parte contact or conflict of interest
 - Councilors Harvey and Gregory stated that they know the applicant, but no conflict of interest.
- iii. Staff Report
 - Holly Byram introduced herself and presented the staff report to the council. The purpose of the request to vacate Hemlock Avenue is to increase the size of the abutting properties. Holly explained the process of the street vacation. Please listen to the audio for more details.
- iv. Proponents presentation
 - Richard Duncan stated expressed his appreciation to the council for considering the street vacation and stated that he didn't have much to add to Holly's report.
- v. Opponents presentation
 - None noted
- vi. Proponents rebuttal
 - None noted
- vii. Staff summary
 - The staff recommendation is to approve the application for the vacation of Hemlock Avenue between 5th and 6th Streets.
- viii. Close public hearing
 - Closed at 7:12 pm
- ix. Council discussion
 - Mayor Platt asked about the city easement found on the street being vacated and also about who would carry the costs of the application. Holly responded that the applicant would be responsible for the costs involved in the street vacation. Councilor Harvey asked Mr. Duncan about the property that he owned surrounding his house as well as his reasons for desiring the street vacation. There was a brief discussion about setbacks and building structures after a street vacation. Councilor Wagner asked about the signatures listed on the application of the surrounding home owners. Mr. Duncan responded that all the listed signatures are home owners.
- x. Council motion, second and vote

Councilor Wagner made a motion to approve the vacation 2017-01, proposal to vacate the 60-foot wide by 220-foot long Hemlock Avenue public right-of-way in between 6th and 7th Streets, allowing for the 12-foot wide easement for public utility. Seconded by Councilor Gregory. All councilors indicated approval by saying "aye" except Councilor Leiva who was not present for the initial discussion. Motion is unanimously carried and so moved.

~~b. Consideration for Donation to Mr. & Miss Gervais Pageant (Doernbecher Children's Hospital)~~

c. Adopt Resolution No. 18-003, Transfer of Contingency in the Wastewater Fund

Susie Marston stated that the city has a pump out at the French Prairie lift station that is nearing end of life. Since it is a critical lift station, this resolution will be used to transfer \$10,000 in the Wastewater from contingency to capital outlay to cover the cost of a new pump. Councilor

Gregory asked Pat how he knew the pump needed to be replaced. Pat replied that the seals are failing in the pump and that the pump itself is approximately 28 years old.

Councilor Wagner made a motion to adopt Resolution No. 18-003, Transfer of Contingency in the Wastewater Fund, seconded by Councilor Gregory. Motion is unanimously carried and so moved.

d. Adopt Resolution No. 18-004, A Resolution Expressing Opposition to Messages of Hate

Susie explained that the purpose of this resolution was in response to some behaviors that were displayed at previous 4th of July parade events. The original thought was that a resolution such as this would help the Police Department enforce the law when such behaviors took place. However, Police Chief Spirup explained that the 1st Amendment would not allow the department to enforce a law preventing someone from engaging in lawful speech or activities. While the resolution can still be adopted, it cannot be used as a tool to assist the Police Department in preventing lawful behavior. This resolution basically sends a message that the City of Gervais does not condone messages of hate. After a question from Councilor Gregory, there was a brief discussion among the council on the authority of a committee, e.g. 4th of July Committee, to regulate certain activities relating to an event. Chief Spirup described a situation that brought about the idea for this resolution. Susie stated that the resolution is not a tool, just a statement.

Councilor Gregory made a motion to adopt Resolution No. 18-004, A Resolution Expressing Opposition to Messages of Hate, seconded by Councilor Wagner. Motion is unanimously carried and so moved.

7. Staff Reports:

a. City Manager

Susie Marston mentioned that there were questions at the end of the last work session regarding ADUs. A report from Holly Byram has been distributed to the council with that information. Holly addressed the council regarding the report that was distributed. The report included information regarding building code, unit size, setbacks, owner occupancy, review process and example photos. Holly stated that she would return at a future meeting with sample code to be reviewed and adopted.

Susie said that she is working with the city attorney on renewing the Wave Broadband franchise which expires on April 27th. The last time the franchise was signed was in 1988. There have been several changes to the cable act since that time, so the new agreement will include those changes. There was a short discussion about the cost changes in the new agreement.

Susie also mentioned that the approved parking project from April 2017, which was brought to the council in part by Fire Chief Iverson, will be implemented in three upcoming phases. Information will be distributed to make homeowners aware of the upcoming changes. Phase one will be on Lantana and Mesquite Avenues, phase two will be E Hemlock Avenue, Moore Street and Taylor Street. Phase three will be changes to parking on Bonefant, Depoe, Misti and Thornbury Courts. Public Works has installed 20-MPH speed limit signs on East Grove and Ivy

Avenues. There was a brief discussion about the changes to parking on the above streets.

Susie reminded the council about the upcoming work session with the budget committee on March 15th to review the fund balances and their trends.

b. Police Department

Chief Spirup updated the council about the recruitment of a new officer and said that there are five final applicants. There will be second interviews held in the coming week. While it was originally thought it would be problematic finding an applicant, the recruitment has been successful thus far.

The Chief recently attended a day-long training with the school district on earthquake preparedness. Chief Spirup also talked about recent school threats that happened during the past week. There was a debriefing with the school district today to discuss how the events were handled.

Recently, the Oregon Chiefs Association put on a conference for small police departments. The Chief talked about the challenges that many departments are facing, as well as the good status of the Gervais Police Department.

Councilor Gregory asked about a question about handling school threats. Chief Spirup gave information regarding appropriate response to such a threat. There was a brief discussion among the council about the recent school threats.

c. Public Works

Pat talked about a recent pump that was repaired and then failed soon thereafter. Thankfully, the company who did the initial repairs had it up and running in just a couple of days. The pump in well #1 has also been having some problems recently. It has been kicking off mid-run and having an issue with water hammer. Pat explained the possible cause of the problem and mentioned that the controller for the pump will be replaced. Pat stated that the pump in well #1 should eventually be replaced.

Councilor Gonzalez asked about some activity on 1st Street and Pat commented that DataVision Coop is placing cable boxes underground. In response to a question from Councilor Wagner, Chief Spirup stated that the security camera from the Black Walnut park is in California being repaired.

Susie mentioned that PGE is installing a new street light on Douglas Avenue across from the high school.

8. Business from the Mayor or Council

Mayor Platt mentioned that Aumsville is going to be a part of Tree City USA and have asked to be sister cities in that regard. They have invited Gervais to be at a council meeting for the occasion, and Susie Marston will be attending the meeting. Mayor Platt talked about items relating to park development as well as a parks and recreation committee. Aumsville may have resources that will be helpful to Gervais.

The Mayor talked with the council about recent citizen concerns about cars speeding into town on Ivy Avenue at Lantana and Mesquite. Chief Spirup mentioned that there may be grants available up to \$15,000 to cover costs relating to flashing speed signs, etc. Mayor Platt talked about concerns relating to recycling service in Gervais. There was a short discussion among the council about the costs that could change for customers in Gervais. The council discussed the annual city cleanup and about helping citizens bring items to the cleanup.

Councilor Gregory updated the council on the 4th of July activities and noted that the next meeting will be held on March 27th at 6:00 pm.

9. Adjourn

The meeting was adjourned at 8:29 pm.

I, TIM RHYNE, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON MARCH 1, 2018 ARE, TO THE BEST OF MY ABILITY, CORRECT AS RECORDED.

ATTESTED:

Timothy Rhyne, City Recorder

Shanti M. Platt, Mayor