

**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 JUNE 6, 2019**

**1. Call to Order**

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

**2. Pledge of Allegiance**

- a. The Pledge of Allegiance was recited.

**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	Present

Staff Present: City Recorder Tim Rhyne, Police Chief Mark Chase, Public Works Superintendent John Robinson

Others Present: Please see sign-in sheet.

**4. Announcements/Appointments**

- a. Swearing in Police Chief Mark Chase
  - i. Mayor Platt swore in Mark Chase as Police Chief
- b. Additions/deletions to the agenda – None noted

**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.

**6. Consent Calendar:**

- a. Approval of the minutes of the May 2, 2019 Regular Session
- b. Approval of bill list for April 26 – May 29, 2019

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

**7. Public Hearing:**

- a. Public Hearing for Annexation #ANX 2019-02, Zone Change #ZC 2019-02, and Subdivision #SUB 2019-01 referred to in the application as “Ivy Woods Estates”
- i. Open public hearing and note time for the record
    - Mayor Platt read opening statements and noted the time of record as 7:07 PM. Holly Byram also read her opening statements as required by law. Councilor Harvey asked about the physical dimensions of public notices.
  - ii. Declaration of ex parte contact or conflict of interest
    - None noted
  - iii. Staff Report
    - Holly Byram presented the information from the staff report to the council. She mentioned that the consolidated land use application is officially handed over to City Recorder Tim Rhyne. Contained in the complete land use application are the signed application forms, petition for annexation, plan set, traffic study, storm water report, geotechnical report, fire district correspondence, verification of property ownership and UGB coordination agreement. Holly proceeded to outline the annexation, zone change and subdivision applications. The total size of the project is about 13.6 acres, of which 11.87 acres are being annexed.

There are three basic requests present: to annex property into the city limits, re-zone that property as R-2 medium density residential, and to create a 62-lot subdivision. Holly discussed the application timeline as well as the physical location and aspects of the subdivision. The staff report shows the portions of the land that are already in the city limits and which portions that are not. Holly reviewed the criteria for annexation and zone change. She stated that City staff are recommending that the council approve the request for annexation and zone change. Holly discussed the traffic study that was completed in relation to this project as well as the requirements that must be met for a subdivision. Minimum lot size will be 6600 square feet. Street access and utility easements were discussed. The proposed full street width is 55 feet while curb-to-curb width will be 34 feet. The remaining width on each side will have a planter strip and sidewalk.

Holly and the council discussed the portion of land that is set aside for a city park within a subdivision. Approximately 27,800 square feet is the portion of land that will be reserved. The applicant is asking to pay a fee for the value of the land in lieu of park land. The city could theoretically use those funds to help develop a future park.

Holly stated that the subdivision application is found to meet all the development standards.

The staff recommendations are listed in the staff report and Holly reviewed those items as well as requirements from Marion County and other entities.

Please see the written staff report for more in-depth detail.

iv. Proponents presentation

- Zach Pells of AKS Engineering came before the council and discussed several aspects of the project. He touched on the traffic impact study which was completed by Lancaster Engineering. He stated that the intersections that are impacted by this subdivision will not be degraded significantly.

Zach also commented on the request for the fee in lieu of park land. He talked about the reasons that the fee in lieu was requested. Councilor Harvey asked about the estimated number of children that will live in each home of the subdivision. Zach replied that there will be an average of 2.2 children per home. Mayor Platt talked about the need for a city park on that side of town. There was discussion among the council about the need for park land in town. In response to a question from Mayor Platt, Zach talked about how the lots are legally created.

Zach addressed a concern about parking space in the driveway. It was noted that the setback for each driveway in the subdivision is 20 feet.

Councilor Harvey expressed concern about the site lines for the proposed intersection at 8<sup>th</sup> Street and Ivy Avenue. There was discussion among the council about the safety concerns on the curve on Ivy Avenue. Councilor Harvey also talked about the water volume available at the subdivision. A brief discussion about water pressure ensued. John Robinson explained the water system and how the water pressure test is done.

Chris Bartch, 929 Mahan Loop, agreed with Councilor Harvey about his traffic concerns on 8<sup>th</sup> and Ivy and stated that there are already safety issues in that area. Chris also spoke about his concerns about the number of children that will be in the subdivision and the need for a park in that area.

Marianna Ruiz, 1025 Ivy Avenue, shared her concerns about the storm drainage for the proposed subdivision and asked who would be responsible for storm drainage. Mayor Platt replied that the storm drainage work would be completed by the developer. Holly Byram stated that the storm drainage project will be held to whichever standard is higher, the City or the County. The council discussed the current plans for storm water drainage in the subdivision. In response to a question from Councilor Leiva, Zach Pells gave information as to why Hemlock was not being opened up for this subdivision.

Monty Hurlly of AKS Engineering spoke to the council about the project, specifically about the traffic concerns at the intersection of 8<sup>th</sup> Street and Ivy Avenue. He also mentioned street widths in the subdivision. Lastly, he talked about the concern of park land in Gervais.

Councilor Wagner discussed her concerns about the need for park land and also the potential number of children who will live in the subdivision. There was continued discussion about park planning in Gervais as well as student safety.

- v. Opponents presentation
  - None noted
- vi. Proponents rebuttal
  - None noted
- vii. Staff summary
  - None noted
- viii. Close public hearing
  - The hearing was closed at 8:44 PM
- ix. Council discussion
  - Mayor Platt reviewed the different options that the council can take regarding approval or denial of the application. The council deliberated over the park land and fee in lieu of park land. After discussion, the council decided to approve the annexation and zone change applications and postpone the subdivision approval.
- x. Council motion, second and vote

***Councilor Harvey made a motion to approve Zone Change #ZC 2019-02 and Annexation #ANX 2019-02 and continue the public hearing on July 2<sup>nd</sup> to continue discussion of Subdivision #SUB 2019-01. Required information for discussion would be:***

- ***Total amount of land allocated for park use***
- ***Total dollar amount of fee in lieu of park land***
- ***Total amount of land and/or fee in lieu of park land if a partial split is desired***

***The motion was seconded by Councilor Leiva. Individual Votes:***

***Councilor Gonzalez: Yes***  
***Councilor Wagner: Yes***  
***Council President Gregory: Yes***  
***Councilor Leiva: Yes***  
***Councilor Harvey: Yes***

***Motion is unanimously carried and so moved. A 5-minute break was held before continuing the meeting.***

- b. Public Hearing – Budget Hearing for 2019-20 Fiscal Year**
  - i. Open the Hearing
    - The hearing was opened at 9:09 PM
  - ii. Hear Public Testimony
    - None noted
  - iii. Take Additional Questions or Comments
    - None noted
  - iv. Close Public Hearing
    - The hearing was closed at 9:10 PM

8. Presentations  
a. None noted

9. Action Items

- a. Resolution No. 19-005, A resolution adopting the 2019-20 Budget, making appropriations, imposing the tax, and categorizing the tax

***Councilor Gregory made a motion to approve Resolution No. 19-005, A resolution adopting the 2019-20 Budget, making appropriations, imposing the tax, and categorizing the tax. Seconded by Councilor Leiva. Motion is unanimously carried and so moved.***

- b. Resolution No. 19-006, A resolution requesting state revenue sharing funds

***Councilor Gregory made a motion to approve Resolution No. 19-006, A resolution requesting state revenue sharing funds. Seconded by Councilor Wagner. Motion is unanimously carried and so moved.***

- c. Resolution No. 19-007, Budget transfers for fiscal year 2018-19

***Councilor Wagner made a motion to approve Resolution No. 19-007, Budget transfers for fiscal year 2018-19. Seconded by Councilor Leiva. Motion is unanimously carried and so moved.***

- d. Ordinance No. 19-003, An ordinance amending the Gervais Municipal Code by adding chapter 15.10, Gervais Dangerous Building Code, to existing Title 15, Buildings and Construction

The council briefly discussed dilapidated buildings in Gervais and how to secure vacant buildings. Chief Chase spoke about the purpose of this ordinance and how it will potentially be used.

***Councilor Gregory made a motion to approve Ordinance No. 19-003, An ordinance amending the Gervais Municipal Code by adding chapter 15.10, Gervais Dangerous Building Code, to existing Title 15, Buildings and Construction. Seconded by Councilor Wagner. All councilors voted "yes". Motion is unanimously carried and so moved.***

- e. Ordinance No. 19-004, An ordinance amending portions of Chapter 1.16 of the Gervais Municipal Code, adopting changes to the code's definitions and existing lien filing and docketing provisions and repealing all existing legislation that conflicts with these amendments

***Councilor Wagner made a motion to approve Ordinance No. 19-004, An ordinance amending portions of Chapter 1.16 of the Gervais Municipal Code, adopting changes to the code's definitions and existing lien filing and docketing provisions and repealing all existing legislation that conflicts with these amendments. Seconded by Councilor Gonzalez. All councilors voted "yes". Motion is unanimously carried and so moved.***

- f. Consideration to approve contract for continued land use planning services with Mid-Willamette Valley Council of Governments

Susie mentioned that this contract is issued on a yearly basis. There are minor changes to the contract, and MWVCOG now offers legal services to cities which contract with them. Councilor Wagner asked about wording in the contract. Susie stated that we typically contract one year at a time.

***Councilor Wagner made a motion to approve the contract for continued land use planning services with Mid-Willamette Valley Council of Governments. Seconded by Councilor Gregory. Motion is unanimously carried and so moved.***

**10. Staff Reports:**

**a. City Manager**

- i. Susie mentioned that the 4<sup>th</sup> Street project should be going out for bid very soon. The vacant Court Clerk position is also open for applications and will close on July 3, 2019. A dinner is being planned to honor retired Police Chief Spirup. Councilors and spouses are welcome to attend the dinner.

**b. Police Department**

- i. Chief Chase talked about his report format and touched on some current activities in the department such as a surprise evidence audit. He will be reviewing the department and offering recommendations regarding any needed changes. One thing Chief Chase will be pursuing is accreditation for the department. Marion County Officer Don Parisi will be helping with that goal. The council gave consensus to the Chief to move forward with the accreditation program.

**c. Public Works**

- i. John Robinson told the council that a new Public Works employee has been hired, Joseph Bechtold. The bridge in the large park should hopefully be completed by the 4<sup>th</sup> of July. As of now the splash pad is inoperable, but Public Works is planning to do a temporary fix to have it working for the 4<sup>th</sup> of July events. There was discussion about the splash pad and the historical problems that have occurred.

**11. Business from the Mayor or Council**

Councilor Wagner asked the Chief about recent complaints about an attempted break-in. Councilor Gregory asked why these land use discussions are held prior to the public hearing. Mayor Platt stated that all applicants are allowed to be present at public hearings. The council discussed how land use discussions are held. Staff and council talked about how public hearings are operated and what information can be discussed outside of the hearing.

Mayor Platt gave details about the annual cleanup and mentioned that PGE is planning to donate food for the next cleanup. The Mayor gave details about her upcoming personal schedule. Lastly, Councilor Wagner told the council about the upcoming bike rodeo. The event will be held at the Gervais Elementary School.

12. Adjourn

The meeting was adjourned at 9:52 PM.

**I, TIM RHYNE, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON JUNE 6, 2019 ARE, TO THE BEST OF MY ABILITY, CORRECT AS RECORDED.**

ATTESTED:

\_\_\_\_\_  
Timothy Rhyme, City Recorder

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Shanti M. Platt, Mayor

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