

**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 SEPTEMBER 1, 2022**

**1. Call to Order**

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

**2. Pledge of Allegiance**

**3. Roll Call**

Mayor Annie Gilland	Present
Councilor Pamela Foreman	Present
Councilor Baltazar Gonzalez	Present
Council President Micky Wagner	Present
Councilor Diana Bartch	Absent
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: None

**4. Announcements/Additions:**

Council President Wagner had information regarding the Sam Brown House. Mayor Gilland affirmed this could be mentioned during Mayor and Council business.

**5. Public Comment**

Mayor Gilland voiced that it would be acceptable for anyone speaking during public comment to write their address on a piece of paper and give it to Denise if they felt uncomfortable verbally giving it. She mentioned not being able to find an OPML law stating people had to verbally give their address. Councilor Foreman suggested maybe they could just say Gervais. Mayor Gilland asked for a council consensus.

***Mayor Gilland noted council consensus.***

Teresa Diaz, 923 Mahan Loop asked if any ordinances have come any further that would allow her to have additional parking space in what would currently be considered yard to get her vehicles off the street. When asked by Mayor Gilland if she was notified, Diaz stated she was not and that the last she heard it had gone to the attorney and didn't hear anything after that point. Mayor Gilland asked City Manager Marston if she had record of the notification sent to Teresa Diaz. City Manager noted she did. Mayor Gilland told Diaz she would look into it and thanked her coming.

Councilor Foreman voiced that an audience member was recording and videotaping, and it was her understanding of the council rules that it had to be approved by the presiding officer and didn't hear that happening. Mayor Gilland stated she approved it because it is for her own personal records, explaining that sometimes the minutes take too long to "get here" and so she wants to do her own so she doesn't have to bother anyone. According to Gilland, she has asked more than four times to get the playback from Zoom and never received it from Denise or City Manager Marston. Councilor Foreman expressed concern for the meeting being recorded and stored on a personal device when it's being recorded on Zoom and on the City's server.

Council President Wagner asked why a few of the council members were called out about asking for copies of the chat, and that none of us have anything to hide, but it would have been respectful for the whole council to get the information.

Mayor Gilland thanked Council President Wagner for her comment, announced that she was Annie Gilland, lived at 280 3<sup>rd</sup> Street, and that she was going to record the council session for her private use. She further stated that the minutes were months behind, vague and incomplete and wanted a record that is complete.

Out of respect for everyone in the room, Council President Wagner suggested instead of Laura Clifton filming everyone in the room, to keep the camera only on the person speaking.

Mayor Gilland affirmed they would keep the camera filming on the council.

## 6. Consent Calendar:

- a. Minutes of the July 7, 2022 Regular Session
- b. Minutes of the August 4, 2022 Regular Session
- c. Bill list for July 27 – August 22, 2022
- d. Treasurers Report for period ending August 22, 2022

*Requested Action: Motion to approve the September 1, 2022 consent calendar as presented.*

***Councilor Foreman made a motion to approve the September 1, 2022 consent calendar as presented. Seconded by Council President Wagner. Mayor Gilland took a vote. Foreman-Aye, Gonzalez-Aye, Wagner-Aye, Harvey-Ney. 3-Aye votes, 1-Ney vote. Motion is carried and so moved.***

## 7. Committee Reports

- a. Ad Hoc – Skate Park/4<sup>th</sup> July

Laura Clifton reported there was no quorum and no meeting. They did have someone present some information. Mayor Gilland asked if she would tell the council about it. Clifton indicated she would share when she has more information.

## 9. Old Business

- a. Activity tracker

Public Works Superintendent provided the council with reports from the speed signs, and while Council Harvey made reference to it, he asked Robinson if he would explain what was on the report. Robinson explained the data was from the last 2 weeks, and it is broken down by number of cars, speed and time. He explained the speed signs pick up data when drivers are outside of town. There was a discussion about calibrating the signs for more accuracy. Harvey explained the sign flashes 'slow down', gives exact MPH when driver is at sign, and asked for that information. Robinson explained the need for a laptop and having PD help gather data. Councilman Harvey reiterated wanting the information to see where the police officers should be placed. Council President Wagner asked if Chief Chase and Robinson could let the council know where most of the citations were being issued and if some of the mobile units were still in use, then placing them in the areas where most speeders were. Chief Chase said, absolutely.

Mayor Gilland allowed Sandra Foote-Gregory from the audience 2 minutes if her comment was on topic. Foote-Gregory inquired about speed signs with cameras in them. Robinson explained that those types of speed signs are tied into a company that issues a citation when taking the photo. The company mails the citation to the speeder and gets a percentage of the money paid on the citation. Teresa Diaz (from audience) explained that the list where most citations were issued would not be helpful because it wouldn't tell the council where the speeding is happening.

Councilor Harvey asked if staff could look into a better set up for the signs.

Councilor Gonzalez confirmed with Chief Chase there were warning signs placed in different locations. Chief Chase pointed out the warning signs were in city limits, but the County maintains them.

Councilor Foreman points out that the data does not show how many people are in compliance with the speed. She suggested if you look at the speeds, it would be possible to determine the time of day the traffic is faster. She explained that the numbers were high all day, but if the officers could review pockets of time, they may be able to narrow it down. In the past she pointed out that speeds signs with cameras issuing tickets was a great idea, but wanted to see a resolution before Amazon was finished. Mayor Gilland suggested reviewing the data and moving the discussion to October's agenda because she liked Pam's idea. Lopez (from the audience) said the speed signs were incorrect. He said the officers needed to be moving around. Gilland replied she would look into that and agreed that there were enough officers and they should be patrolling.

In reference to the activity tracker, Council President Wagner gave an update on CERT training. It generally the training happens in February and September. There are five training dates, which are September 9<sup>th</sup>, 10<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup> and 23<sup>rd</sup>. The class is 21 hours in total and free. It teaches emergency preparedness and how to assist in the event of a catastrophe. Gilland suggested moving on and putting information about it on the website. Gilland commented that her focus was prioritizing city goals because not many were being accomplished.

## 10. Action Items

- a. Oregon Infrastructure Contract 4599-DR-OR

City Manager Marston provided a memo with information in the council packet and asked for questions from the council. Hearing none, Mayor Gilland asked for a motion.

***Council President Wagner made a motion to accept Oregon Infrastructure Contract 4599-DR-OR as written. Seconded by Councilor Foreman. Gilland took a vote. Foreman-Aye, Gonzalez-Aye, Wagner-Aye, Harvey-Aye. Motion is unanimously carried and so moved.***

- b. Oregon Infrastructure Contract 4599-DR-OR Amendment No. 1

When asked by Councilor Harvey, City Manager Marston explained the amendment was in regards to the FEMA funding that was approved for the tree farm, which was destroyed by the ice storm. The original amount that FEMA was going to reimburse the City was 75%, and the City would match 25%. The addendum increases the reimbursement to 90%, as a result of President Biden signing HR 2471 on March 15

***Councilor Foreman made a motion to accept Oregon Infrastructure Contract 4599-DR-OR Amendment No. 1 as written. Seconded by Council President Wagner. Gilland took a vote. Foreman-Aye, Gonzalez-Aye, Wagner-Aye, Harvey-Aye. Motion is unanimously carried and so moved.***

## 11. New Business

- a. Discussion on LOVE, Inc. Water/Sewer Bill Assistance Program.

Mayor Gilland reported that she and City Manager Marston met with Destiny from Love Inc. because a lot of Gervais citizens (at least 10-15 people) have trouble paying their water bill. Gilland explained that Love Inc. offers a service that provides help one time a year. Marston clarified that the assistance would be in accordance with what the City sets up with Love Inc. For each check written to customers, the City would pay 15% of that check. Mayor Gilland noted that Gervais citizens were hurting and there were currently no resources available. Gilland felt that this would put the City in contact with Family Building Blocks and also allow us to work on transportation for our seniors. Gilland asked the council to consider partnering with Love Inc. City Manager Marston noted the council would set the parameters on how much they wanted Love Inc. to assist people. There was a discussion about the details of what the City could offer. Mayor Gilland provided a directive to Marston to look and see what the City could afford and bring back to October agenda. Council President Wagner asked Marston for an average of the bills.

## 12. Staff Reports

### a. City Manager

City Manager Marston provided a written report. She noted the joint meeting with the School Board on September 15<sup>th</sup> at 6:00 pm. The group will be meeting in the cafeteria at the high school, then touring the facilities, and meeting back at the school district office for discussion.

Marston reminded the council of the LOC conference coming up October 5<sup>th</sup> – 7<sup>th</sup> and that registration is open. Marston is registered and plans to attend and offered help in registering council members if needed. Council President Wagner asked to be registered.

Marston reminded the council she would be gone September 16-21<sup>st</sup> attending a conference in Columbus.

Marston informed the council she was looking into tinting the administrative office windows for privacy and safety purposes. The cost would be about \$1,800. Marston asked council what they would think about that.

Gilland asked about the park lighting because kids were chased in the park and she was more concerned about that than the windows. Robinson communicated that he was in the process of getting 3 bids and he had 2 contractors that hadn't responded back. Gilland voiced that she could try to have a contractor call Robinson and give a bid. Robinson noted that several contractors do not service the Gervais area.

Getting back to the discussion on the window tinting, Councilor Harvey asked where the tint would go and how dark it would be. Marston explained she is looking at tinting the windows where Abby, Denise and she are and there would be some translucency. Harvey asked what was wrong with the blinds. Marston explained there was nothing wrong with the blinds, that it was the brightness. Harvey had no problem with a light tint but noted that it is nice to know if staff was there if he drove by. He could also see if we were here or just see inside to see if we were being robbed. There was a discussion about different types of tints and cheaper ways of it being done. Councilor Foreman asked for samples before determining which one was more suitable for our needs. Gilland asked for a council consensus.

***The council gave consensus for Susie to move forward in providing tint samples for the council to look at.***

Jose Ruiz (from the audience) suggested tinting half the window.

City Manager Marston reported the Datavision franchise is up for renewal. She informed the council there were certain obligations to keep that going. Marston will be in communication with Renee from Datavision about next steps.

## **b. Police Department – Chief Mark Chase**

Chief Chase pointed out the legend with offenses that were being reported to council in his staff report. Chase noted that National Night Out and the neighborhood meet and greet was successful.

Gilland reported that she spoke to Chief Chase and asked him to generate a list of ordinances that are being violated around town and where he is at in the process. Gilland wants the council to be informed that the ordinances violations are being worked on. Mayor Gilland asked for Chief to generate a list by address of ordinance violations and where the first point of contact was to date and wanted it on the October agenda. Foreman asked about privacy and addresses. Gilland's son expressed that (from the audience) violations were obvious, and if you listed the street and went up and down the street you could figure out who it was. He disagreed with Gilland and stated that it could be a general list.

City Manager Marston asked what the council would be doing with that information. Gilland stated the council would know the ordinances are being worked on because she gets complaints all the time about inequality and the council was the oversight. Marston suggested perhaps a summary report because this was an area the city council doesn't get into the weeds on because it is an administrative function where Chief oversees ordinance according to the code. Marston stated if Gilland wanted that information it could be handled through a public records request. Mayor Gilland stated she was requesting that record for the city.

Council President Wagner noted she was on the fence with Gilland's request because she felt it was in violation of the city charter. Gilland noted that in the charter it stated the council was supposed to be informed on what was being administered.

Councilor Harvey reported that he has received calls about certain things not getting resolved and that the council did need to talk about it without putting names out there. Harvey believed the council had the right to direct something to happen if needed. Mayor Gilland said she has no power or vote but believed the council should have the oversight on that.

Councilor Foreman was concerned about handling that type of business in a public arena and how that would dictate because the citations were driven by the police officers. Mayor Gilland said she didn't want to get involved in police matters but would like to know how to respond to her constituents.

City Manager Marston explained that the proper thing to do when responding to the constituents is directing them to the staff. Mayor Gilland said she has tried and they are not comfortable doing that. Harvey said the solution would be if Mayor Gilland gets a complaint from a constituent for her to get with Susie or the Chief and they can apprise her of the situation and then Gilland could talk to her constituents and keep it out of the public arena. Gilland asked who she would report to if it wasn't being taken care of. Harvey said report back

to the City Manager and Chief, and if it still wasn't taken care of, to then report to the council and they would take care of whatever business at that time.

Council President Wagner asked about privacy and bringing names to PD and City Manager. Gilland said she would never bring names because it was an invasion, she wanted to be a voice for the citizens and she did report a complaint to the Chief today.

Chief Chase stated that he and Marston could work on a format and invited the Mayor to come in and communicate what she would like to see. Chase established that he did not want the Mayor to be involved with a complainant and a person they were correcting. Chase explained his understanding of administering the community policing philosophy and outlined the details of how the ordinances were handled. Chase agreed that in a small town, sharing information in a public setting would not be in the best interest of citizens and there were risks involved. He encouraged Mayor Gilland to have citizens come in and talk to police to develop trust.

### **c. Public Works – Superintendent John Robinson**

Superintendent Robinson reported that ALM was in the final stages of getting the tree farm up and running. The irrigation system in zones 9 and 10 is finished and he is hopeful to see trees in the ground tomorrow. The last process would be removing logs from the property.

Robinson signed a contract to have electrical work done on Fourth Street to set the existing electrical boxes into the ground and cemented over so that the telephone company can have their driveway back.

Robinson updated the council on the street projects. Harvey asked if 7th and 8<sup>th</sup> Streets would be a no parking zone. Robinson wasn't going to make it a no parking and stated it was up to council and Chief to decide. Harvey stated it was something that needs looking into because he sees another problem getting ready to happen.

An audience member asked about storm drains. There was a discussion about improvements and storm drains. City Marston explained there was a storm drain fund is fairly new and slow growing. The City does have a storm drain master plan with the projects lined out. She explained that part of the current project had some storm drain work, and that it was split up by schedules. The bid for this schedule came in way out of the budget, and so that portion of the work was pulled out. Marston explained that we are looking for bids and hopes for the storm drain work to get done in that area. There was a discussion about funding the project and Gilland asked for it to be prioritized. City Manager Marston said they are actively looking for bids.

## **13. Business from the Mayor or Council**

Mayor Gilland read an email from Brian Miles at Woodburn IT in regards to the allegations against her read into public comment from another city council member at the previous council

meeting. She stated the email was proving the allegations against her were false and she would be taking it to the Chief for further investigation.

Council President Wagner stated she was the co-chair of the Gervais Community Progress Team. Wagner mentioned bringing the Historical Sam Brown House into the city. The Sam Brown House is the very first architecturally designed home in Oregon. Wagner spoke about all the people involved in renovations and helping with moving the home. Wagner mentioned gathering donations for the home. She mentioned the bricks from the fire place would be available for people to sponsor and dedicate and that Councilor Gonzalez could utilize some of the bricks to build the Veterans Wall.

Mayor Gilland mentioned there was a brick fundraiser in place for the Veterans Wall through Bricks-R-Us and suggested talking with Micky about what that could look like.

Council President Wagner informed the council the home would be placed on the property next to public works. Wagner will have keys to the home in the next two weeks and invited people to come take a tour.

Mayor Gilland mentioned the railroad property for potential location of future business.

Councilor Foreman brought up conversations on social media and in the community about chickens. There was never an ordinance passed allowing chickens. There was a discussion about chickens and livestock in the city. The ordinance does not allow livestock or chickens in the Gervais city limits.

#### **14. Adjourn**

Mayor Gilland adjourned the meeting at 8:27 pm.

**I, DENISE DAHLBERG, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON SEPTEMBER 1, 2022 ARE, TO THE BEST OF MY ABILITY, CORRECT AS RECORDED.**

ATTESTED:

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Denise Dahlberg, City Recorder

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Annie Gilland, Mayor