

**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 2, 2021**

1. Call to Order
2. Mayor Annie Gilland called the meeting to order at 7:00 pm.
3. Pledge of Allegiance  
The Pledge of Allegiance was led by Councilor Gonzalez

4. Roll Call

Mayor Annie Gilland	Present
Councilor Pamela Foreman	Excused
Councilor Baltazar Gonzalez	Present
Council President Micky Wagner	Present (via Zoom)
Councilor Diana Bartch	Present
Councilor John Harvey	Present

Staff Present: City Manager Susie Marston, City Recorder Denise Dahlberg, Police Chief Mark Chase, Superintendent John Robinson

Others Present: None

4. Announcements/Additions  
None

5. Public Comment  
None

6. Consent Calendar:

- a. Approval of the minutes of the August 5, 2021 Regular Session
- b. Approval of bill list for July 30 – August 25, 2021

***Councilor Bartch made a motion to approve the September 2, 2021 consent calendar as presented, seconded by Councilor Gonzalez. Motion is unanimously carried and so moved.***

7. Presentations  
None

8. Public Hearing
  - a. Site Development Review, File No. SDR 2021-01, 600 Block of 4<sup>th</sup> Street (continued)
    - i. Opened public hearing and note time for the record  
Mayor Gilland opened and noted the time of record as 7:02 PM.

Gilland stated the staff recommended continuing the public hearing, as requested by the applicant.

Gilland requested a motion to continue the public hearing to October 7, 2021.

Councilor Gonzalez asked what the problem was now.

Holly Byram informed the council that the reason the applicant is requesting an extension of time is because they are swamped and are having a hard time getting CAD resources (people who draft plans) to draft the new revised plan.

Mayor Gilland asked for a motion to continue the public hearing to October 7, 2021.

***Councilor Bartch made a motion to continue the public hearing for land use file #SDR 2021-01 to the next regularly scheduled City Council meeting of 7:00 pm on Thursday, October 7, 2021 without taking additional staff report, public testimony, or Council discussion during this evening's meeting, seconded by Councilor Wagner. Motion was unanimously carried and so moved.***

- II. Close public hearing  
The hearing was closed at 7:05 PM

9. Action Items

- a. Ratify permitting of noise request at 960 8<sup>th</sup> Street

Gilland requested a motion.

Councilor Harvey asked Chief Chase if there were any noise complaints when the High School had their event.

Chase stated that they went over towards the end of the event and asked them to turn it down, but he didn't know of any complaints.

Harvey asked what the decibel sound limit for Gervais was. Harvey reported the main reason he asked was because it was extremely loud.

Chase explained he didn't know what the decibel level was but would look it up.

There was a discussion amongst the Council suggesting providing a potential list of rules to residents who request permission of noise.

Council President Wagner mentioned a previous noise disturbance in her neighborhood and wondered if it was possible to even gage decibel levels with live band instruments.

Harvey replied yes. They would need to provide the police department with a decibel meter and the police officers could check and see what it was. Harvey stated it shouldn't be expensive.

Chief Chase read the ordinance talking about the instruments and that you shouldn't be able to hear them within a 1000 ft.

Chase communicated that when the police department gets a complaint of noise disturbance, they go to the location, ask them to turn it down and a majority of the time it goes away. He explained that when noise is permitted, there is a challenge.

Councilor Bartch stated that if the City is giving permits, then better parameters need to be put in place. Council decided to schedule a work session to discuss ordinances.

Councilor Harvey mentioned a noise disturbance where he told the neighbors that he appreciated them having a good time, but kindly asked them to turn it down because it was going on past 12:00 am and they did.

Chase mentioned if there is not an officer on duty at 1 o'clock in the morning, Marion County will not typically respond to the noise complaint. He explained that a volunteering complaint is handled with a warning and most people are willing to comply. He explained that when there is permission given it puts the police department in a tough bind. He stated that parameters of the permit should be looked at to give the police department the authority to make decision.

Gilland agreed that something needed to be put in place because people do work and sleep.

Council President Wagner agreed that the noise is getting out of hand and it's every weekend. She wished there was a way to take care of it.

Mayor Gilland asked how the council could fix this. She asked Susie what needed to be done.

Marston responded that it was an ordinance issue and the best thing to do would to have a work session to review the noise ordinance. She suggested staff making some revisions and bringing them to the council for review.

Bartch asked if it would be possible to review more than one ordinance in a work session.

Council decided to schedule a work session to discuss ordinances.

Gilland asked for a motion to ratify permission of the current noise request at 960 8<sup>th</sup> Street.

***Councilor Bartch made a motion to ratify council decision to permit occupant at 960 8<sup>th</sup> St at their residence on August 21, 2021, seconded by Councilor Harvey. Motion was unanimously carried and so moved.***

10. Old Business  
None

11. New Business  
None

## 12. Staff Reports:

### a. City Manager – Susie Marston

City Manager Marston informed the council that she and the Mayor met a representative from Amazon. She reported that they have made application for a Site Development Review and she had sent information to the council about the meeting if they wanted to attend on Sept 9<sup>th</sup>, 2021. She explained that the new Amazon building would be a fulfillment center where products would be delivered from the port of Portland, sorted and then taken to the distribution center in Salem. Marston reported that they will have 1800 new jobs so there will be traffic from the work associates and the primary traffic will be from trucks going up and down I-5. Marston communicated there was a discussion about the traffic being re-routed through Gervais if there was a wreck on I-5 and they both felt the Mayor's concerns were heard. Marston stated that Amazon had more analysis they were doing and that they would try to schedule their work shifts to lessen the impact of traffic on high foot traffic times in Gervais. She stated that in meetings Amazon has had with other communities, traffic is the number one concern of the project. Marston made note of Amazon's interest in tying in with the technical education schools for future recruiting purposes.

Gilland stated they spoke to Amazon about the infrastructure and that with the growth, Gervais would need to expand on the infrastructure. Gilland stated they would look at Gervais's turns where the 18-wheelers would travel through. Mayor Gilland expressed her concern and stated she felt heard. She stated Amazon takes interest in communities like Gervais. Gilland stated that Amazon would be putting in a roundabout on Hwy 219 that leads into Butteville.

Councilor Gonzalez asked Superintendent Robinson if that was a County Road.

Robinson replied yes. Douglas and 3<sup>rd</sup> and Ivy are all County highways. He explained that the roundabout would be going in closer to their fulfillment center.

Councilor Gonzalez asked if the highways would hold up with the weight of the traffic.

Superintendent Robinson said he hopes so. Robinson explained that Douglas was really starting to show the truck traffic. It is getting to the point where you can see the double line through the asphalt. He explained that it is County road and the County is responsible for maintaining it.

Mayor Gilland stated she planned on addressing it if it becomes an issue.

The council discussed asking more questions at the September 9<sup>th</sup> meeting.

Councilor Harvey addressed the problem at the railroad track crossing. He hoped that a letter could get sent to them asking what the time frame would be in fixing it. He explains that it's getting worse and people who drive across too fast become airborne.

Superintendent Robinson explained Union Pacific has been contacted, they are aware of it and it's on their list.

Gilland stated maybe Amazon could talk to them if they were involved.

Chief Chase spoke to Union Pacific the other day and they did say it was on their list of things to do. Chase agreed that it was bad.

Gilland asked the Chief specifically if he would be at the Sept 9<sup>th</sup> Amazon meeting because she wanted to know what he thought about traffic being re-routed through Gervais.

Chase suggested the City Council working with County Commissioners on making Butteville through Gervais a 'no truck' route. That doesn't prohibit farmers or local deliveries from taking place, but it would prohibit trucks from entering Hwy 219 and Butteville driving through town back to Hwy 99.

Gilland stated that is what Gervais needs to know and if they couldn't re-route, what could they do for upgrades.

Chief Chase stated he could attend the Sept 9<sup>th</sup> meeting and even put it on the Gervais big screen so they all could attend as a group.

Gilland stated that Amazon mentioned reducing traffic for their 1800 employees by introducing park and ride ideas. She suggested the council think of ideas to discuss at the Sept 9<sup>th</sup> meeting; that would cut down on the traffic in Gervais.

Marston stated that the City of Woodburn is working on an extra transit line that runs from Wilsonville, stops at Woodburn, Keizer, and goes to Salem and back.

Councilor Wagner stated that during the holiday season the Woodburn Outlet Mall has their employees ride shuttle buses from a certain parking location.

Mayor Gilland noticed Bartch wanting to comment and allowed public comment.

Chris Bartch asked what the logistics to the Amazon's September 9<sup>th</sup> meeting would be because lots of people would want to attend

Gilland asked if they could collaboratively meet in the council room and not overwhelm Amazon on September 9<sup>th</sup>.

City Manager Marston replied that she planned on attending and staff could set up the council room and it would be a public meeting.

Chief Chase stated that he and Marston would let the Amazon planning commission know that Gervais would be inviting community members to Zoom in here, so they are aware of community members' questions

Harvey suggested the public writing down their questions and one person do the talking.

Mayor Gilland suggested the Chief be the liaison for Gervais on the September 9<sup>th</sup> meeting.

Chief Chase accepted.

Gilland asked Chief Budge if he had any concerns about Amazon traffic.

Chief Budge stated that he had been to a number of the Amazon meetings and they are addressing the issues as they come up. Budge stated he didn't have any concerns at this time but was interested to see their study.

Gilland stated that it was 2 years away and we should be looking at the interests of Gervais.

Marston stated that during the discussion with Amazon she felt they were being mindful of the impacts they were bringing to the area. She felt they were heard.

Gilland agreed the meeting went well and they were heard.

Marston closed with letting the council know that the LOC conference was canceled

b. Police Department – Chief Mark Chase

Chief Chase reported the number of service calls, arrests, traffic offenses, and warnings for the month of September. Chase stated the police department enjoyed participating in National Night Out, recognized the council for their participation and thanked Micky for putting that on. Chase reported that they were invited to the North County Community Connection Day in Woodburn and that Officer West provided them information about the Gervais PD and promoted the D.A.R.E program. Chase stated the Gervais School Bus Mall was going well in the mornings and the afternoons get busier.

Bartch stated that all the buses that are currently there are what's going to be there for this year, but moving forward they would like to put another bus up there.

Chase informed the council that Officer Markum and West attended the REID training school (advanced interview interrogation school). Chase stated the day after the training, there was a significant stabbing in Gervais and they concluded that investigation. Chase recognized that Officer Megale applied his training and did a remarkable job.

Chase stated the council asked for a yard parking ordinance be provided for review. He acknowledged the documentation that he provided to the council on City Ordinance 17.80.030, which states no parking in yard areas. Chase provided the link to the city ordinances to the council. Chase explained how to use the link by referencing the item through word search. He explained that the link is a good reference and suggested directing community members to the online link when contacted about ordinances.

Council President Wagner asked Chief Chase if the officers are looking for parking ordinance violations, because there has been a trailer parked on the street for a week. Now it's on the grass right next to the neighbor's fence. Wagner wanted to make sure that this type of thing is not allowed. She stated that it's like parking a car in the yard.

Gilland stated she had seen other residents laying cement on both sides of the home and didn't think it looked bad as long as it was done nicely. She was hoping that with the lack of parking

the council could look at allowing them to do something like that if they did the necessary work. Gilland stated that several people have done it and she is not sure they were allowed to do it.

Councilor Bartch said that was part of her question because the ordinance states “exclusive of driveways”. Bartch asked how the council would determine what a driveway was if the resident just cemented.

Marston stated that the City is allowing residents to park on the garage side of the home because of the parking issue. City Manager Marston stated there is a system in place where the resident comes in and makes the request and the Chief, John and herself review it. If they are all in agreement that it is okay, then they sign off on it. They require that the resident grvels it a certain way to preserve the ground underneath. The problem of cementing in other areas of the yard is that it’s a violation of code. It may look nice but it is still a designated yard area. That is where the problem is.

Gilland asked what was being done about the people who do the cement work without permission. She stated we have someone like Miss Diaz who is trying to resolve it the right way. Gilland asked how we can tell her she can’t do it when her neighbors have it done already.

City Manager Marston replied that it is hard. The officers try to enforce the ordinances in town. She explained that the 1<sup>st</sup> step is to issue a compliance letter and we try to work towards compliance. Marston explained that you have the people who don’t want to comply, the people who don’t care and the people who will comply. Marston continued to explain that it’s tricky because with these types of things, other people don’t see the work behind the scenes. They don’t see that this person has been contacted 3 or 4 times about the issue. Whereas with speeders, that is visible because they have them pulled over.

Gilland stated it should go into a work session to find a solution.

Councilor Wagner brought a public discussion on social media in regards to having chickens in the city limits. Wagner stated that several people have asked why chickens are not allowed if they don’t make noises 24/7 and they only provide eggs. Wagner stated she didn’t have an answer. She asked the Chief if he had received any complaints about a home close to the Dollar General with chickens.

Chief Chase stated he had no recollection of anyone by Dollar General with chickens. He reported that there was a compliance letter sent to someone who had chickens, trash, junk parts, cars parked in the yard and trash coming into the road. He has had several domestic calls at that location and that’s how he found out about the chickens. Chase explained that PD does not generally get complaints about chickens. Chase stated that if they are clean and neat and the chickens don’t cackle, then PD won’t know about it.

Chase commended Chief Budge and the Woodburn Fire District for taking care of the 6 acre fire and asked if Chief Budge wanted to say anything.

Chief Budge stated there were multiple sets.

Chief Chase reported there is still an ongoing investigation but they did identify the three kids who set multiple fires around the high school. About half a dozen fires were set and those did not spread. The fire set south of the soccer field and the baseball fields, at the edge of the high school property eventually spread. Chase stated they have interviewed the 3 of them, identified them and they have confessed.

Gilland asked if the kids told him why they did it.

Chief Chase stated that he cannot release too much information because it's about juveniles, but he believes they were horsing around and being juveniles. Chase stated that he knew one of the boys. Chase stated that having activities in town for kids to do is important because idyl hands become mischievous. He explained there are a number of issues and they are currently working with the school district to address things now that the children are back to school. Chase reported that Officer West was working through a safety plan with all the children and they have met with their parents. Chase spoke about the seriousness of the case and that it was a Class A felony case.

Chase explained the extensive work involved in documenting ordinances and the order of importance in which each case is handled.

c. Public Works – Superintendent John Robinson

Superintendent Robinson provided the council with a tree farm update. Robinson explained the formal bid process was taking some time. He informed the council of some maintenance issues that they are working on. He explained the flow meter failed and a replacement had been purchased. The water plant had a filter backwash valve leak and a repair kit had been purchased. Robinson reported a pressure switch on a large surge tank at the water plant that would be repaired in the evening when there is less demand on the system. He stated there was a water leak on E Hemlock that was repaired and it took 5 hours before water was back on. Robinson explained he received one bid at \$14,000 that will enclose the Ivy Woods retention pond. He is waiting on a couple of more bids.

Marston explained the original amount the council approved was \$7500.

There was discussion amongst the council about retention ponds and the danger of children drowning with the rains coming.

Marston asked Robinson about the first estimate and stated that this particular estimate comes in high. She explained they are waiting on a couple of more estimates. Marston explained to the council if they wanted to authorize the lowest bid; once it comes in then they could move forward on it.

***Councilor Bartch motioned to allow the city to put in the fence using the cheapest bid, seconded by Councilor Harvey. Motion was unanimously carried and so moved.***

12. Business from the Mayor or Council

Mayor Gilland stated that the City Manager position had a yearly review that COG facilitated and asked if that was something that needed to be scheduled.



Marston reported that she will let Scott Dadson know to move forward. He sends out an email with an online survey and that is how to move forward. The council needs to watch for an email.

Mayor Gilland asked Chief Chase to give her the dates of the D.A.R.E graduation. Chase said he would do that.

Mayor Gilland asked Council President Wagner if her friend could do the CERT training since she was unable to do it for a while.

Wagner stated that Roth Mill was more than willing to do it. Wagner said she would contact him and have him get in touch with Susie so she could put it on the agenda. She explained the class could be taken online at FEMA.gov/search. There are hands on trainings after the online class.

The council decided to have a work session on October 21, 2021 at 6:30 to address the noise ordinance and the parking ordinance.

Councilor Bartch asked if Marston would bring some ideas and suggestions on how to re-word the ordinances.

Marston stated she would come with some suggestions.

Council President Wagner thanked everyone for coming to National Night Out. She stated that they were to get \$260 that was donated to CPT towards school supplies, coats and socks for kids through the winter.

### 13. Adjourn

Mayor Gilland adjourned the meeting at 8:25 PM.

**I, DENISE DAHLBERG, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON SEPTEMBER 2, 2021 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