

**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 JULY 5, 2018**

**1. Call to Order**

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

**2. Roll Call**

Mayor Shanti Platt	Present
Councilor Micky Wagner	Absent, excused
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; John Brosy; Joe Budge, Woodburn Fire District; Ted Woodruff; Laurie Ladd

**3. Announcements:**

a. Additions/deletions to the agenda

- 1) Add item 6(i), approve IGA with Marion County for grant proceeds and authorize Mayor to sign

**4. Public Comment:**

**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.**

a. None noted.

**5. Consent Calendar:**

- a. Approval of the minutes of the June 7, 2018 Work Session
- b. Approval of the minutes of the June 7, 2018 Regular Session
- c. Approval of bill list for May 31 – June 26, 2018

***Councilor Leiva 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. Continuation of Public Hearing: UGBA/CPMA 2018-01 Proposal to expand the Gervais Urban Growth Boundary (UGB) by 0.53 acres and apply a land use designation of Residential to that property
  - 1) Open public hearing and note time for the record
    - Mayor Platt read opening statements and the hearing was opened at 7:05pm. This was followed by required opening statements by Holly Byram.
  - 2) Declaration of ex parte contact or conflict of interest
    - None noted.
  - 3) Staff Report
    - Holly Byram presented her staff report to the council members, a continuation from the June 2018 council meeting. She discussed details of those who requested the UGB expansion as well as the criteria around expanding the UGB. The reason this hearing has been continued from June is because the City received letters from the Department of Land Conservation & Development (DLCD) and Marion County requesting additional information. Before a UGB expansion is done, you must have the permission from both of those parties. Holly reviewed the results from the June 2018 public hearing. The property owner in question owns two different land parcels, one of which being the .53 acres. Holly gave additional details in her staff report regarding the required ordinance to have the parcel brought into the UGB. Holly mentioned that utilities are located at the street for the purpose of development. She also discussed other development-related items. Holly talked about population-related items relating to the UGB expansion. After giving her report, Holly stated that City staff recommends approval of the proposed expansion of the UGB.
  - 4) Proponents presentation
    - John Brosy came before the council to voice his support for the UGB expansion and to briefly discuss the recent population estimate changes. John thanked the City Manager and Holly Byram for their support during this process.
  - 5) Opponents presentation
    - None noted.
  - 6) Proponents rebuttal
    - None noted.
  - 7) Staff summary
    - City staff recommends approval of UGBA/CPMA 2018-01.
  - 8) Close public hearing
    - Mayor Platt officially closed the public hearing at 7:30 PM.
  - 9) Council discussion
    - None noted.
  - 10) Council motion, second and vote
    - Councilor Leiva made a motion to approve file # CPMA 2018-01, and adopt the findings of the staff report dated June 27, 2018. Specifically, this action expands the Gervais Urban Growth Boundary by 0.53 acres, assigns a City Land Use Designation of Residential, requests Marion County interim zoning of UT

- Urban Transition, and directs staff to forward the proposal to Marion County Board of Commissioners requesting their concurrence.
  - All councilors voted “aye”. Motion is carried and so moved.
- b. Adopt Ordinance 18-004: An Ordinance of the City of Gervais Expanding the Urban Growth Boundary by 0.53 Acres, Assigning a Residential Land Use Designation on the Gervais General Plan Map to the Subject Property, and Requesting UT- Urban Transition Zone from Marion County as an Interim Zone Designation for the Subject Property

***Councilor Leiva made a motion to adopt Ordinance 18-004: An Ordinance of the City of Gervais Expanding the Urban Growth Boundary by 0.53 Acres, Assigning a Residential Land Use Designation on the Gervais General Plan Map to the Subject Property, and Requesting UT- Urban Transition Zone from Marion County as an Interim Zone Designation for the Subject Property. Seconded by Councilor Gregory. Motion is unanimously carried and so moved.***

- c. Public Hearing: Legislative Amendment #LA 2018-01 Proposal to bring the City of Gervais Development Code into compliance with Oregon Senate Bill 1051, through the adoption of standards to allow Accessory Dwelling Units (ADUs)
- 1) Open public hearing and note time for the record
    - Mayor Platt read opening statements and the hearing was opened at 7:37pm. This was followed by required opening statements by Holly Byram.
  - 2) Declaration of ex parte contact or conflict of interest
    - None noted.
  - 3) Staff Report
    - Holly presented her staff report and briefly reviewed the background of the accessory dwelling unit (ADU) language updates. Holly stated that there are 149 parcels in Gervais that have enough square footage to potentially support an ADU. Those are parcels that are zoned R1/R2 and over 9900 square feet. Holly reviewed the housing goals for Gervais. Holly relayed other various information and stated that staff recommends approval of proposed development code amendments of File LA 2018-01. Holly reviewed the final changes to the code in relation to the ADU code language updates. Holly and the council discussed building material regulations for ADUs. Holly reviewed the ADU regulations as discussed with staff and council.
  - 4) Proponents presentation
    - None noted.
  - 5) Opponents presentation
    - None noted.
  - 6) Proponents rebuttal
    - None noted.
  - 7) Staff summary
    - It is staff recommendation to approve Legislative Amendment #LA 2018-01.
  - 8) Close public hearing
    - Mayor Platt allowed for any public testimony, of which there was none, and closed the public hearing at 8:02pm.
  - 9) Council discussion
    - None noted.

10) Council motion, second and vote

- Councilor Gregory made a motion to accept #LA 2018-01 as amended, seconded by Councilor Leiva.
- Councilors Gonzalez, Gregory and Leiva voted “aye.” Councilor Harvey voted “nay.” Motion is carried and so moved.

- d. Adopt Ordinance 18-005: An Ordinance of the City Of Gervais to Comply with Oregon Senate Bill 1051, Amending the text of the Gervais Development Code to Allow Accessory Dwelling Units in Residential Zones, Subject to Local Siting and Development Standards, and to Allow Affordable Housing Development Associated with Places of Worship in Residential Zones

***Councilor Gregory made a motion to adopt Ordinance 18-005: An Ordinance of the City of Gervais to Comply with Oregon Senate Bill 1051, Amending the text of the Gervais Development Code to Allow Accessory Dwelling Units in Residential Zones, Subject to Local Siting and Development Standards, and to Allow Affordable Housing Development Associated with Places of Worship in Residential Zones. Seconded by Councilor Gonzalez. Councilors Gonzalez, Gregory and Leiva voted “aye.” Councilor Harvey voted “nay.” Motion is carried and so moved.***

- e. Consider Datavision quote for Hosted Communications (VoIP)

Susie explained that the city is planning to switch to a Voice over IP (VoIP) phone system. This is coming since the current City phone system is aging and in need of replacement. City Recorder Tim Rhyne and Susie Marston met with DataVision to discuss possible transition to VoIP. This type of system is becoming more common among home and business phone systems. Susie talked about the costs of switching to a VoIP phone system.

Mayor Platt asked about the security of a VoIP phone system since it is over the internet. Susie Marston and Tim Rhyne responded to her question. In reply to a question from Councilor Harvey, Susie stated that the monthly cost will be equivalent to our current telephone costs. Councilor Harvey also asked about the advantage of switching phone systems and Susie explained the current issues the City is experiencing. There was a brief discussion about phone system maintenance costs.

***Councilor Gregory made a motion to consider DataVision Quote for the Hosted Communication VoIP, seconded by Councilor Leiva. Motion is unanimously carried and so moved.***

- f. Approve Agreement with Mid-Willamette Valley COG for Land Use Planner Services

Susie mentioned that the contract for land use planning services is up for renewal. This is for services from the COG and planner Holly Byram. The hourly rate charged by the COG is increasing from \$79 per hour to \$81 per hour. There was a discussion among the council and staff about the rate charged by the COG for land use services. Mayor Platt stressed how much the COG offers to cities such as Gervais. Susie explained what the COG offers in return for membership and hourly fees such as grant writing, planner services, etc.

***Councilor Gregory made a motion to approve the agreement with Mid-Willamette Valley COG***

***for land use planner services. Seconded by Councilor Gonzalez. Councilors Gregory, Gonzalez and Leiva voted "aye." Councilor Harvey voted "nay." Motion is carried and so moved.***

**The council held a brief 3-minute break.**

- g. Consideration of request for donation to the LOC Foundation

Susie talked with the council about a yearly donation to the LOC Foundation. She mentioned that there are two different funds to which donations can be made. Mayor Platt also made statements in support of the donation and said that she would personally match the City donation.

***Councilor Gregory made a motion to approve a donation to the LOC Foundation in the amount of \$125 with Mayor Platt matching said donation. Seconded by Councilor Leiva. Motion is unanimously carried and so moved.***

- h. Motion to authorize City Manager to contract with Coldwell Banker Commercial Real Estate to list the sale of old city hall

Susie told the council that she recently contacted Alex Rhoten of Coldwell Banker in Salem to discuss selling the old City Hall building. After that discussion, Susie met with an agent to go over the building and discuss steps to sell. The agent suggested pricing the building at \$112,000 which is \$75 per square foot. If the City contracts with Coldwell Banker, then the building would be marketed as far away as Portland. The selling fee is 6%. The Mayor talked about the sale of the building and concerns about its current condition. There was a brief discussion about how to best deal with the sale of the building and how to ensure the condition is brought up to a good standard.

***Councilor Harvey made a motion to authorize the City Manager to contract with Coldwell Banker Commercial Real Estate to sell the old City Hall. Seconded by Councilor Gregory. Motion is unanimously carried and so moved.***

- i. Approval to allow Mayor to sign IGA with Marion County for grant proceeds

Susie stated that she recently applied for grant funds to assist with updating the water, wastewater and storm drain master plans. It was found out that Gervais was awarded the entire amount of the grant, \$25,000. The IGA is an agreement between the county and the City, outlining the conditions of the grant. As part of the agreement, the work needs to be completed by December 31, 2019. Susie asked that the council make a motion to approve this IGA and authorize the Mayor to sign it. There was a brief discussion about the costs for the master plan updates.

***Councilor Gregory made a motion to accept the IGA between Marion County and the City of Gervais for the water, wastewater and storm drain master plan updates and authorize the Mayor to sign. Seconded by Councilor Gonzalez. Motion is unanimously carried and so moved.***

**7. Staff Reports:**

a. City Manager

Susie updated the council on dog licensing in Gervais and stated that the City is now able to license dogs for anyone who lives in Marion County. Susie also mentioned that Gervais recently applied for funding through DLCD for a housing analysis study.

b. Police Department

The Chief informed the council that Officer Snell is scheduled to graduate from the academy on August 10<sup>th</sup> and has been recently working over the holiday week. He also mentioned that the new computers are being installed in the patrol cars, replacing the current aging units.

c. Public Works

Pat talked with the council about recent arsenic testing and stated that the test number has reduced from the most recent prior test. The City also received a quote from Wolfer's for a filter system to take out all arsenic in the City water. The quote was in the amount of \$881,000 plus the cost of a building. The yearly maintenance cost would be \$276,000. The other option would be to put a reverse osmosis water filter in 300 homes in the City at a total cost of about \$150,000. Councilor Gregory asked if reverse osmosis systems are available to the public. Pat answered in the affirmative. There was a short discussion about filter systems. Pat also mentioned that the 6<sup>th</sup> Street project is beginning next week.

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

Mayor Platt thanked everyone who was part of the recent 4<sup>th</sup> of July activities. The Mayor also mentioned that her spring fundraiser that was scheduled for June will now be held in August.

**9. Adjourn**

The meeting was adjourned at 9:00 pm.

**I, TIM RHYNE, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON JULY 5, 2018 ARE, TO THE BEST OF MY ABILITY, CORRECT AS RECORDED.**

ATTESTED:

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Timothy Rhyne, City Recorder

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Shanti M. Platt, Mayor