

**MINUTES OF THE REGULAR MEETING OF THE GERVAIS CITY COUNCIL
COUNTY OF MARION, STATE OF OREGON
HELD AT GERVAIS CITY HALL ON AUGUST 6, 2015.**

1. Call to Order

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

2. Roll Call

- a. Council Present: Council Members Micky Wagner, Tony Miller, Wes Leiva, and Michael Gregory. Council Member John Harvey was absence by excuse. Mayor Shanti Platt was present.
- b. Staff Present: City Manager Susie Marston, City Recorder Tim Rhyne, Police Chief Peter Spirup, Public Works Superintendent Pat Claxton.

3. Announcements:

- a. Additions/deletions to the agenda

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 July 2, 2015 Regular Meeting
- b. Approval of the bill list for June 25 – July 28, 2015

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

6. New Business

7. Staff Reports:

- a. City Manager

Susie Marston discussed information about the current and upcoming recreational marijuana (RM) laws. Susie distributed a copy of an email from Gervais city attorney, David Doughman, summarizing House Bill 3400 and its effect on the city. She reviewed recent law changes regarding RM such as Measure 91 and HB 3400. She then discussed a resolution that could be approved if the city wanted to prohibit the sale of RM until the November 2016 elections (moratorium). At that date, it would be up to the voters to decide about prohibiting sales of RM in Gervais. Regarding Oregon State Laws, all of our commercial properties are within 1000 feet of a school property, so medical marijuana (MM) dispensaries are already prohibited. Susie commented that grow sites of MM are

not able to be prohibited under state law, but regulations can be put into place to restrict time, place and manner.

Susie discussed the state shared revenue (OLCC) tax that would be distributed to cities in Oregon. However, this tax would only be distributed to cities that have NOT banned the sale of RM within their city limits. There was a discussion about the way the tax would be calculated and distributed. Susie stated that the city attorney gave Gervais three options. The city could (1.) do nothing at this time and rely on the state regulations and the Gervais city code for control of RM (which doesn't currently address the use of RM), (2.) update our code to address certain issues around RM that could affect the health and safety of the Gervais community, or (3.) adopt an ordinance to put a moratorium in place to prohibit sale of RM until the November 2016 elections. The city attorney recommended that the moratorium be put into place to allow time to make changes before the November 2016 elections. There was a discussion about RM and its use in Gervais. The council also discussed the different regulations between MM and RM. The council had a discussion about dispensaries for MM and RM and how they are regulated. There was also a discussion about the taxes that might be assessed. Susie stated that she would provide a sample moratorium ordinance to the council for their review.

Ethan Stuckmayer, Mayor Platt and Susie Marston met with a representative from the regional solutions team regarding the vacant commercial property at the corner of Douglas Avenue and 99E. At one point, it was thought that ODOT had restricted the access to that property, making it difficult to market. However, the meeting indicated that access was not completely restricted. John Rasmussen of Marion County was also at the meeting and was very helpful. It appears that there is approximately 15-20 feet of unrestricted access to that property off of Douglas Avenue. There was a short discussion about access issues for the property.

Pat Claxton and Susie Marston met with Utility Services Group (USG) to gather information about financing opportunities for reconditioning the older water tank in Gervais. The estimated cost to have the work done is \$200,000 and USG has one option of interest-free financing with a 3-5 year payback period. Another service that USG offers is a maintenance program that would cover future repairs after the refurbishing is completed. The cost for the maintenance plan is unknown at this time, and it would depend on several factors. Pat and Susie will be looking at other companies for bids for the project. Susie made comments about the current lack of funds for such a project. Even with the startup of the Water Reserve Fund, additional funds will be needed to support such a project. Susie suggested that a maintenance fee be charged on each water account, for example, \$5 each month. While the Water Fund has yearly 2.5% (roughly \$5,000 a year of additional revenue), that is barely sufficient to keep up with increasing operating costs of the Water Fund. Susie encouraged the council to consider implementing a maintenance fee to help supply the Water Reserve Fund for capital maintenance. Adding a \$5 monthly maintenance fee to each account would bring in approximately \$40,000 each year. Maintenance fees are not uncommon in other surrounding cities. Another option to bring in some water revenue would be to sell the vacant lot next to the water tanks. It was originally purchased for the water system and is no longer needed. There was a short discussion about said property. The old city hall could also be sold and the proceeds be put into the Water Reserve Fund.

The Woodburn Chamber of Commerce is hosting a block party Thursday, August 13th from 5:30-7:30pm at the DataVision building. City staff and council members are all

welcome to attend. There will be a barbeque for food and a live band. The new chamber director, Holli Thomas, is trying to create interest and attract organizations.

Today is Ethan Stuckmayer's last day working in Gervais. He worked on several analysis studies for Gervais and organized a TAC team that performed updates to the city's comprehensive plan. Mayor Platt presented Ethan with a plaque in thanks for his efforts working for the City of Gervais.

b. Police Department

Chief Peter Spirup gave some details about recent police calls that have occurred throughout the last month. One of the common causes relating some of these police calls is the use of methamphetamines. There have been a number of burglaries during the past month, some of which are still being investigated. One burglary in particular involved the theft of 10 firearms and over 17,000 ounces of silver. The silver was valued at about \$250,000.

There was also a search warrant obtained to search a room that is being rented by a local meth addict and his girlfriend. Because of evidence on that search warrant, approximately 9 car break-in cases in Gervais are being cleared. There is more evidence to examine so there will likely be more cases resolved.

The Gervais Police responded to a 911 call with the fire department to a young woman who overdosed on drugs and was hallucinating. There were several mental health calls in the past month that took up a tremendous amount of time and resources. All of said calls were related to the use of methamphetamines. Because of the use of meth, one of the young ladies has basically destroyed her own home due to mental effects of the drug. Chief Spirup would like to attempt to raise awareness of the effects of this drug and to encourage the community to help fight the use of this drug. County mental health officers have been in town several times for these calls since Gervais doesn't have that kind of resource available. There was a discussion about the difficulties dealing with mental health police calls and body cameras. There was a discussion about how the town could be more involved in fighting the problems associated with drug use.

c. Public Works

Pat Claxton talked with the council about the deterioration of the older water tank. The new water tank is receiving its first inspection in September. The first inspection is free to the city, and the other two inspections, which are required to keep the 10-year warranty, will cost \$1,000 each. When the company came out to inspect the old tank, they took pictures of the interior of the tank. There is a lot of rust in the tank which could get into the drinking water. The longer the decay is allowed to spread, the more it will cost to have it repaired. The estimated cost to recondition the tank in its current condition is \$200,000. The interior beams are in a condition enough to save them if the reconditioning is done soon. There was a discussion about the condition of the tank and about when to have the work completed. The council discussed different ways to fund the reconditioning of the old water tank.

Pat mentioned that the new Public Works employee has been hired and will begin work soon. He is eager to learn and will hopefully be a good fit in the position. Mayor Platt asked Pat about the lights that are on Douglas Avenue and the replacement bulbs.

8. Business from the Mayor or Council

a. Mayor

Mayor Platt thanked the people who helped with the 4th of July event. Mayor Platt also talked about the details of the event and where changes might be made. Since the event is not sustaining itself by profits, Mayor Platt suggested holding a meeting of the 4th of July committee to discuss the event and its outcome. The police department was active and helped throughout the day. The Mayor thanked the city staff for the work that they do for the city.

b. Council

Tony Miller asked what it would take to start a fire department in Gervais. The council discussed the costs and work involved with creating a fire department.

9. Adjourn

The council meeting was adjourned at 8:32 pm.

I, TIM RHYNE, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON AUGUST 6, 2015 ARE CORRECT AS RECORDED.

ATTESTED:

Tim Rhyne, City Recorder

Shanti Platt, City Mayor