

**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 JUNE 3, 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	Present
Councilor Baltazar Gonzalez	Present
Council President Micky Wagner	Present
Councilor Diana Bartch	Present
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: KJ Lewis, Municipal Relationship Manager for Republic Services and Chad Jacobs, Beery, Eslner & Hammond, Please see the meeting log sheet for other attendees.

4. Announcements/Additions

- a. Addition to Agenda item 10. d. Dandy Stevens requesting to amplify music at the Grad Night party on June 5th
- b. Change to Agenda item 9. Mayor Gilland switched a. with b. in order to hear the consideration of renewal of IGA between cities of Donald and Gervais for police services first.

5. Public Comment

Sandra Foote Gregory lives at 680 Douglas Ave. Sandra requested the fire building be moved so that it is not so close to the school. Sandra couldn't understand why the council didn't know about Donald extending their program. She expressed her concern for police availability and wants 24/7 police coverage for Gervais.

Brian Wagner lives at 166 Hemlock Dr. and has been a Gervais resident for 15 years. Wagner pointed out discord and disharmony in the community through social media, press and public comments. Wagner advised some ways that the community could come back to a place of trust and unity. He encouraged City officials to review "So you want to run for Public Office" and chapter 10 of the Oregon Municipal Handbook, "Working with the Public". He informed the

council that both of these documents could be found on the LOC website and can help with a variety of topics for elected officials. He requested a possible creation or adoption of different communication policies.

Dale Ryder lives at 980 7th St. Dale's father-in-law hand dug a ditch on Juniper and 6th years ago. When they sold the house the builder put four new houses on 6th and Ivy. They ran an 8 inch tile in front of their houses to the ditch that goes nowhere and it's flooding out the other peoples' yards, including his when a heavy rain comes. Ryder requested a catch basin because he believes it will fix all the water problems on that street. Mayor Gilland directed to him to speak to the City Manager about this issue.

Joe Budge, Chief of the Woodburn Fire District thanked the council for their support on the fire bond that was on the May ballot. It was approved by 70% of the voters. He looks forward to working with the City and Council to reestablish the fire station for this community.

Cesar Sandavol lives at 945 7th St. Sandavol requested a skate park. He indicates that with the expansion of Gervais it would be a perfect time. Sandavol explained that the skate park would get a lot of use because there are a number of BMX bike riders and skaters in Gervais. Council President asked Sandavol and his friends to come up with a drawing of what they would like.

Linda Jensen has lived in Gervais for 16 years. Jensen expressed her respect for the council members for the work they do for the City, but inquired about negative things that are being said amongst some of the councilors and mayor and how it impacts the respect from the community. Jensen explained to the council that if they wanted to be voted in to a position where people respect them, they should watch what they say about each other.

6. Consent Calendar:

- a. Approval of bill list for April 24 – May 25, 2021

Council President Wagner made a motion to approve the June 3rd, 2021 consent calendar as presented, seconded by Councilor Foreman. Motion is unanimously carried and so moved.

7. Presentations

- a. Republic Services Annual Report – KJ Lewis, Municipal Relationship Manager
KJ Lewis introduced herself and her co-presenter Travis Comfort, the Municipal Contract Administrator. KJ Lewis gave an overview of Covid's impact on the recycling industry and legislative bills that will reduce consumer confusion on what type of recycling can be done in Oregon. She discussed what the year looked like with what was a variety of emergencies. Republic Services supported communities and boosted moral during these emergencies in several ways. During the 1st uncertain months of the Covid lockdown, they provided meals to the frontline essential workers. When the wildfires came they helped their employees with unexpected expenses and provided lodging for those that were displaced. In the ice-storm they provided lodging, meals, and generators for those who lost power. Lewis expressed that they really take care of their employees because they want them to be able to take care of the consumer and the curbside service they rely on. Lewis was happy to share that they had not received one complaint from the City of Gervais last year. Travis Comfort provided a financial

update and recognized the efficiencies of the rate adjustment from last year. The disposable and recycling is the largest expense. There is an increase in fuel cost this year between 20 and 30%. Comfort referenced a pie chart breakout for the 35 gallon rate customer, showing the disposal at 42% and labor at 17%. KJ Lewis closed with drawing the council's attention to the sustainability goals. Lewis informed the council that Republic Services sponsors events at the local level and clean up events in the community. They are also a charitable foundation that focuses on neighborhood revitalization such as community gardens, habit for humanity, and affordable housing projects. She thanked the City of Gervais for their partnership and encouraged the council to reach out if they had any projects they needed help with.

Mayor Gilland spoke about partnering with Republic Services for the Gervais City Clean Up in September or October.

b. Council Discussion Regarding Roles & Responsibilities, led by Chad Jacobs with Beery, Elsner & Hammond, LLP

Chad Jacobs introduced himself and gave a little background of his credentials. Jacobs explained that he has been with BEH for 10 years, before that he was the General Counsel for the League of Oregon Cities and before that he was the Senior Deputy City Attorney in the City and County of San Francisco, California. Jacobs stated that he has 21 years of experience with councils of all sizes. He stated he was grateful to be in Gervais because there were a lot of good things going on in the city and that's what makes a community like this one thrive. Jacobs gave 3 suggestions that would help council and council relations. Step 1 is training – dealing with Role and Responsibilities. He offered detailed training and discussion that would help the council understand the laws that apply, such as public meeting laws, public records laws and how those have an effect on some of the things the council is doing, such as social media. Step 2 is reviewing the policies in place - things that govern the City Council. He suggested that the council go through the rules and see if they are working for them or if there are changes or updates needed, such as a social media and cell phones on the dais. Once they have set the rules that they all commit to abiding by the rules. Step 3 is a facilitated discussion to really talk about interpersonal communications. He assured the council that they are not alone in what they are going through and he would be happy to assist any way he can.

Councilor Harvey questioned various situations and communications within the council.

City Attorney Jacobs explained to Harvey that the council acts as a body and is able to address a situation as a body. Attorney Jacobs reiterated that when you have council rules in place that govern how a body operates and what standards you expect everyone to abide by, that sets forth the standard by which you can judge those types of communications. Jacobs stressed the importance of the council going through the rules and having everyone on the same page about what the rules mean and what standard they will hold themselves to.

Councilor Harvey agreed that the council as a body needs to go over the rules and they all need to be on the same page.

The council agreed that the 3 step training process is needed.

8. Public Hearings

a. Site Development Review, File No. SDR 2021-01, 600 Block of 4th Street

I. Open public hearing and note time for the record

Mayor Gilland read opening statements and noted the time of record as 8:00 PM.

Holly Byram also read her opening statements as required by law.

II. Declaration of ex parte contact of interest

None Noted

III. Staff Report

Holly Byram presented the information from the staff report to the council.

She mentioned Gervais's land use hearings go to city council as the first step.

The property that is proposed for development is just over ½ an acre and is 20,000 SF. There are 2 different buildings being proposed. On the corner closest to City Hall is a one story commercial building for 1200 SF and the other is a 3 story mixed use building, constituting two different buildings all proposed on the same lot sharing landscaping, parking and amenities.

Holly explained that the applicant has been in close communication with city staff. They submitted lot line adjustments to consolidate the lots. The City approved the consolidation of the lots in preparation for this development.

The decision criteria are to help Gervais City Council understand which criteria they must consider when making a decision on the proposed development. The criteria are found in the adopted Gervais Development Code (GDC), most recently amended in 2018. Holly explained the permitted uses for these buildings; business offices, art gallery, banks, restaurants, and service related industries.

She touched on dimensional standards. Maximum structure height is 40 feet. The applicant is proposing to build to the height limit of 40 feet.

Holly explains that the most important decision to consider is Chapter 17.144 – Site Development Review. Holly touched on the various criteria. The developer is responsible for the improvements, such as fire hydrants, streets, water and sewer hook ups. The developer will pave the 20 foot alley. She explained the different ratios for parking. She explained that staff found they do not have quite enough parking, but they do have the ability to shift around their site to accommodate this. She believes these criteria could be met with a revised site plan and that this could be a condition of approval. The City Engineer has provided in detail what is needed for City approval.

Overall staff found that the development that's proposed does meet or can meet the Gervais Development Code in compliance with conditions of approval. These conditions include due diligence, cost of development, public improvements, City Engineer comments, lot consolidation, shared parking, landscaping, off-street parking, vision clearance area, continued parking

provision, lighting signs, utility easements, approval expiration, and time extension.

Holly and the council discussed parking requirements for the new development. She stated that at this point they have met the minimum requirements for the commercial development, but it would be important for staff to track parking ratios as new businesses come in.

IV. Proponents Presentation

Brandie Dalton with Multi-Tech Engineering introduced herself to the council as representing the applicant. She mentioned they have been working with the City for a long time and they are aware of the parking issues. She mentioned they are revising their site plan to provide more parking. They are aware that the parking will be based on the commercial use as they come in. She understands the parking agreements. They have read all 15 conditions of approval and they are revising their plan to accommodate those. They have addressed all the criteria and feels it warrants council approval.

V. Opponents Presentation

Dale Ryder lives 980 7th St expressed concern about parking. He believes it will over flow and cause issues.

VI. Proponents Rebuttal

Sandra Foote Gregory lives at 680 Douglas Ave asked if the alley would be used for parking and if it could be used for parking. Brandie stated the alley will not be used for parking. Byram followed up by saying the alley would be used to access the long row of parking. Typically a parking spot requires 24' of backing space, and the alley provides 20' of backing space.

Council Wagner asked if anyone ask talked with the family next to the proposed development about the parking. City Manager Marston is not aware of any communication, but there was a notice mailed to that property owner, giving them an opportunity to speak for or against the application tonight.

Ana Contreras lives at 285 Ivy Ave expressed concern about parking because Gervais doesn't have enough parking as it is anywhere. While she is supportive of growth, she recognizes there is work to do to improve streets and sidewalks.

Erica Ramon lives at 720 4th St expressed her concern about parking. She stated there is not enough parking.

Holly and Brandie discussed parking requirements and the options to resolve this. Holly suggested that one thing the city council could discuss is the possibility of allowing the applicant to provide somewhere towards the maximum amount of parking rather than the minimum. This would allow for flexibility for any type of business that comes in. The idea is to set the developer up for success. Dalton agreed with Byram and thought the maximum was being applied since most jurisdictions do apply the maximum parking for

the highest use. Dalton was not able to fully respond to that without doing calculations and design on the site. She indicated it might be difficult to provide for the maximum amount of parking due to the small lot size and meeting requirements that were already difficult to meet for this particular development.

VII. Close public hearing

The hearing was closed at 8:42 PM

VII. Council discussion

Mayor Gilland entertained council discussion or a motion.

Councilor Foreman motioned to continue the public hearing to the July 1st city council meeting so that the applicant can come back and give the council a revised idea of the parking situation for better clarification. Council President Wagner seconded the motion. The motion is unanimously carried and so moved.

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b. Public Hearing – Budget Hearing for 2021-22 Fiscal Year

I. Open the Hearing

The hearing was opened at 8:44 PM

II. Hear Public Testimony

None noted

III. Take Additional Questions or Comments

None noted

IV. Close Public Hearing

The hearing was closed at 8:44 PM

V. Adopt Resolution 21-007, A Resolution Adopting the 2021-22 Budget, Making Appropriations, Imposing the Tax, and Categorizing the Tax

Council President Wagner made a motion to Adopt Resolution 21-007, A Resolution Adopting the 2021-22 Budget, Making Appropriations, Imposing the Tax, and Categorizing the Tax. Councilor Gonzalez seconded the motion. The motion is unanimously carried and so moved.

9. Old Business – (Item b. was switched with a.)

- b. Consider renewal of IGA between cities of Donald and Gervais for police services (continued discussion)

Mayor Gilland asked for staff recommendation. Chief Chase and City Manager Marston did not recommend moving forward with the renewal of IGA between Gervais and Donald for police services. Chief Chase provided in writing the answers to the councils questions regarding Donald policing.

Councilor Foreman and Council President Wagner thanked the Chief for his effort in providing the detail, the breakdown and the graphs.

There was a council discussion about policing in Donald.

Councilor Harvey made a motion to accept the recommendation of the staff not to renew the IGA between Gervais and Donald for policing services. Councilor Foreman seconded the motion. Mayor Gilland took a single vote. 3 yes votes, 2 no votes. The motion is carried and so moved.

- a. Consideration to contribute to Woodburn Tourism Kiosk

City Manager Marston explained to the council she would be filling in for Amanda Setzer. She explained that Amanda provided some information to the council at the last city council meeting about the Kiosk. The council asked her to come back with more data. Amanda checked with the company and the data was hard to come by. She provided additional information about the Kiosk and how it supports tourism in the area. At that time the council was considering contributing \$5,000 from the grant money received from the Community Prosperity Program. Based on a matrix provided by Setzer, the suggested contribution from Gervais would be \$2,500. There was discussion amongst the council about what the money could be used for; potentially a skate park.

Councilor Foreman made a motion to carry over the discussion to consider contributing to Woodburn Tourism Kiosk until the council knew if the money could be used for a park. Motion is unanimously carried and so moved.

10. Action Items

- a. Adopt Resolution 21-008, A Resolution Requesting State Revenue Sharing Funds

Council President Wagner made a motion to Adopt Resolution 21-008, A Resolution Requesting State Revenue Sharing Funds. Councilor Gonzalez seconded the motion. Motion is unanimously carried and so moved.

- b. Adopt Resolution 21-009, Budget Transfers for Fiscal year 2020-21

Council President Wagner made a motion to Adopt Resolution 21-009, Budget Transfers for Fiscal year 2020-21. Councilor Bartch seconded the motion. Motion unanimously carried and so moved.

- c. Ratify City Manager Decision to Issue Permit to Gervais School District under GMC 8.04.110 for prom

Council President Wagner made a motion to ratify City Manager decision to issue permit to Gervais School District under GMC8.04.110 for prom. Councilor Gonzalez seconded the motion. Motion unanimously carried and so moved.

- d. Consideration to Issue Permit to Gervais School District under GMC 8.04.110 for Grad Night Party

Marston received a request from GSD Superintendent Dandy Stevens, requesting permission to amplify music for their graduation party to be held Saturday, June 5. In accordance with Gervais Municipal Code, if an application is brought forth, then the council can issue a permit to amplify music.

Councilor Foreman made a motion to ratify City Manager decision to issue permit to Gervais School District under GMC 8.04.110 for Grad Night Party. Council President Wagner seconded the motion. Motion unanimously carried and so moved.

11. Staff Reports:

- a. City Manager – Susie Marston

City Manager Marston explained to the council that the City of Gervais did qualify for FEMA funding for the recovery of the tree farm. FEMA will cover 75% of the cost and the remaining 25% will be the City's responsibility. There will be several steps to go through to get the FEMA funding. It will be a while till we see the FEMA money, so in the meantime we need to come up with another source of funding. Marston states that she has been working with Business Oregon and there may be a grant opportunity. She will find out more information next week.

- b. Police Department – Chief Mark Chase

Chief Chase mentioned there had been several questions from the previous council meeting about the staffing level, job descriptions, personnel matters, and hours of operation. He included these topics in his written staff report and asked if the council had any questions. There were no questions. Chase informed the council of the second annual wellness session held for the officers and their spouses. Chase reported that officers directly involved in the critical incident this month, participated in a "defusing." He explained the recruitment process for new candidates. Chase recognized the H.A.R.T activation and gave them multiple accolades for their professionalism and quality in dealing with crime scenes here and in Silverton.

- c. Public Works – Superintendent John Robinson

Superintendent Robinson provided the council with an update on the tree farm. He explained that zone one is currently operational. The next zone will be finished tomorrow and the 3rd zone will be finished in a week. Robinson is hopeful to get the tree farm half harvested in the summer months and the other half completed in the fall before the wet season.

There was a discussion about possible solutions for the speeding in various neighborhoods.

Councilor Foreman requested that Chief Chase research photo enforcement.

Chief Chase asked for a consensus.

Mayor Gilland asked for a consensus from the council on the statement requesting research on photo enforcement. All councilors approved consensus.

12. Business from the Mayor or Council

- a. Mayor Gilland mentioned the crosswalks by the Black Walnut Park being faded and asked that they be repainted. She also requested more lead-in signs for the park to indicate there are children in the area.

13. Adjourn

Mayor Gilland adjourned the meeting at 9:29 PM.

I, DENISE DAHLBERG, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON JUNE 3, 2021 ARE, TO THE BEST OF MY ABILITY, CORRECT AS RECORDED.

ATTESTED:

Denise Dahlberg, City Recorder

Annie Gilland, Mayor