

**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 JANUARY 13, 2021**

1. Call to Order

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

2. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Gonzalez

3. Roll Call

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

Mayor Gilland announced the postponement of the swearing in of Police Officer Zane Rise till February. Mayor Gilland swapped item numbers 8 (Ad Hoc Committee Report) and 6 (Presentations) on the agenda.

5. Public Comment

Rocky Sherwood, President and CEO of City of Hubbard Events Team, 2622 Nina Pl., Hubbard, OR, 97032. Sherwood thanked the council for allowing him and his team to come into Gervais and have a holiday parade.

Christopher Bartch, 929 Mahan Loop, Gervais. Bartch requested the council look at creating a stronger ordinance in relation to fireworks and wanted to see fireworks banned in the city limits. Bartch addressed his concern of random fireworks going off in the middle of the night. Mayor Gilland suggested Bartch talk to Police Chief in regards to fireworks ordinances. She wasn't sure what the current ordinance read and wondered if it was a matter of enforcing what

was currently written. Bartch reiterated that he would like the council to take on the task of addressing the fireworks ordinances. Chief Chase passed out information of legalities in regards to fireworks.

6. Presentations

a. Woodburn Fire District – Request for American Rescue Plan Allocation (ARPA) Funds

Chief Joe Budge informed the council of a grant opportunity that has opened up with Marion County and that he will be applying for it, requesting funds for the construction of the shared-use building that was discussed during the prior Bond project discussions. Marion County has \$67 million of their ARPA distribution allocated to this grant program. He explained that ARPA funds were distributed to state, county and local jurisdictions. Fire districts were not part of that distribution. Budge prepared a Powerpoint presentation to illustrate the proposed site of the building, which is located at the current public works facility. The Fire District and City have engaged with an architect and the city planner to look at the site to ensure that this building will also allow room for the Sam Brown House, if the City chooses to place it there. City Manager Marston reviewed the original agreement from initial discussions of the project during the Bond project. The agreement was for the City to pay 25% of the construction costs up to \$50,000, and the Fire District would pay the remaining. She explained that the “ask” is still the same, only Chief Budge will ask for that \$50,000 to come from ARPA funds allocated to the City to show a commitment on the grant request. Budge explained that on the grant request, other amounts committed to the project will be identified, such as the Bond revenue and the City commitment. At councilor Harvey’s request, Marston told the council the City was estimated to receive \$562,000 and has not had discussions on what to use that money for. She explained that the City has until 2024 to obligate the funds. Since the initial discussions of the building, Budge explained that the Fire District has been looking at different options and a bigger footprint of the building to include living quarters. Budge explained that the building was originally a smaller project and the cost had grown substantially, but the request to the city council remains at a maximum of \$50,000, which is what was originally discussed. By engaging an architect, he was able to develop plans for a cost estimate to be used in the grant application to Marion County. Budge reported that the cost estimate came in at \$2.6 million, which the estimator considers a worst case scenario. If this grant application is not awarded, then the City and the Fire District will have to talk and negotiate again. There was discussion about how the original agreement stated that the city will pay 25% of additional construction costs above \$200,000. Chief Budge knows that the expectation of the council is to not go over the \$50,000. He recognizes that we are in a completely different circumstance, and he would like to honor that. For this application, he is only asking for \$50,000. Marston reminded the council that the agreement dated January 28, 2021 is not a legally binding contract. It was approved as a general concept. Marston explained that tonight, Chief Budge is talking about the grant application and is asking for the City’s commitment to the \$50,000 that was first discussed. By showing the City’s commitment to contribute, it strengthens the application. Details of this discussion are available by listening to the audio provided on the City’s website.

Council President Wagner made a motion to support the application of the Woodburn Fire District to the Marion County ARPA grant funding and approve submitting the letter of

support with a maximum commitment of \$50,000, seconded by Councilor Foreman. Motion is carried and so moved.

b. Gervais School District – Partnering with City on Community growth and sustainability.

Henry Bustamante, the Gervais School District Board of Directors Chair, presented in person at the meeting and Dandy Stevens, Gervais School District Superintendent attended via Zoom. Mr. Bustamante requested to schedule an annual meeting between the city council and the School Board to communicate about community spaces, various partnerships, community events, community beautification, and business growth opportunities. There was a discussion and deliberation about how to effectively have a joint meeting for each body to share its strategic goals and the time required to make it happen. Council President Wagner was in favor of the joint meeting to discuss goal planning. Councilor Bartch communicated the importance of partnering with the school district to benefit the community. Mayor Gilland informed the council that she did not accept the original requested February 3rd joint meeting because it was supposed to be about a bond the School District was trying to pass and the School District wanted City Council support. Gilland noted that she did not want to speak for her council on how they felt about supporting a bond for the School District because the City Council was elected to be the voice for all taxpayers. Gilland stated she wanted to stay neutral on that topic. Bustamante requested an annual joint meeting. Harvey agreed the annual meeting would be good. Council President Mayor Gilland preferred a work session for the joint meeting. Dandy Stevens agreed that the work session was a great idea and noted importance of representing all taxpayers and explained the school district currently had a significant amount of support for the bond. Stevens explained that topic would be something the school board would want to talk with the City about because it's a game changer for the Gervais community. City Manager Marston and Dandy Stevens will look at dates for the joint meeting and bring back to the council for approval.

7. Consent Calendar

- a. Approval of the minutes of the December 2, 2021 Regular Session
- b. Approval of bill list for November 24 – December 27, 2021

Council President Wagner made a motion to approve the January 13, 2022 consent calendar as presented, seconded by Councilor Bartch. Motion is unanimously carried and so moved.

8. Committee Reports

a. Ad Hoc – Skate Park

Mayor Gilland announced a meeting between Sacred Heart where the park committee will ask to use their property. There was a discussion about funding for the park. Gilland invited Marston to sit in on the January 18th meeting with Sacred Heart. Clifton asked for a commitment of funds for the park. The council suggested Clifton get the estimates for the skate park and bring it back to City Manager Marston and the Council. Marston requested a plan before applying for Parks and Rec grant. There was a council consensus to use current funds for a park. Listen to audio for more on this topic.

9. Public Hearing - none

10. Action Items

a. Renew Personal Services Agreement between City of Gervais and Beery, Elsner & Hammond, LLP

City Manager Marston explained the Personal Services Agreement is up for renewal. Marston gave the council two options on the terms of the renewal. One was to keep it the way it has been, meaning the agreement would terminate after one year. The other was for a term that automatically renews each year. Council wanted to keep it the way it was with a one year term.

Councilor Bartch made a motion to renew the contract with Beery, Elsner & Hammond for one year, seconded by Councilor Foreman. Motion is unanimously carried and so moved.

b. Approve agreement with Mid-Willamette Valley COG to facilitate council rules update.

Mayor Gilland did not think this was necessary and felt the council was working well together. Harvey suggested the council read the rules, bring their changes to the meeting and then send it to the COG for review. He felt it would be faster and more cost effective. Councilor Gonzalez agreed. Councilor Bartch noted the council had currently been working well together, she wasn't sure that everyone would feel heard and not get trampled on without a facilitator. Councilor Foreman felt the council was capable of doing it themselves, but wanted to make sure they didn't inadvertently cause the city an issue because they did not receive council during the session. Marston explained that there was nothing preventing the council from doing it themselves and at the end it would be sent out for legal review. Councilor Foreman was okay to give it their best effort then send it to legal. Council President Wagner agreed the council could do it themselves then send it to legal.

Councilor Harvey made a motion for the council to do the rules on their own and go to Bill Monohan for legal counsel review, seconded by Council President Wagner. Motion is unanimously carried and so moved.

11. Old Business

a. See activity tracker

Mayor Gilland was pleased to see that items were moving off the tracker. Councilor Foreman was concerned with the gap in the fence around the retention pond at Ivy Woods and was concerned that it wasn't fully enclosed. Robinson explained the gap was the responsibility of the contractor, and eventually that portion of fence will be constructed. Councilor Foreman and Mayor Gilland noted they were pleased with how the fence looked.

12. New Business

a. Overview and Acknowledgement of 5-Year TMDL Report and Implementation Plan

Superintendent Robinson reported the TMDL report is what's required by Oregon DEQ to perform maintenance on the storm system. Robinson communicated that he will be asking the City to fund a Vac Trailer in the next year or two.

b. Renewal of telephone franchise with Gervais Telephone dba Datavision

City Manager Marston reported that the franchise expired in May of 2021 and Datavision will still honor it if City Council is interested in renewing it. If City Council is interested, Marston stated she would engage herself to renew and because the legal language has changed, she would get the Attorney to help.

Mayor Gilland asked for a consensus from the council to approve renewal of franchise with Gervais Telephone dba Datavision. All councilors present approved consensus.

c. Discontinuation of Datavision Video Franchise Agreement

Marston explained the City has a franchise agreement with Datavision to provide cable service in town. Datavision buys the service from EZVideo in Canby, but they are discontinuing this service. This has resulted in the discontinuation of the cable franchise agreement with Datavision.

13. Staff Reports

a. City Manager

City Manager Marston provided her written report. She was contacted by Gervais School District about setting up Saturday market in their parking lot. Marston reviewed the code and noted there was nothing that addressed these types of events. She suggested the council that the City waive any fees that may apply to them because she couldn't find anything in the code that shows a process for the City to get involved. Marston wanted to use this as an opportunity to update Section 5 in regards to the business license program and the city attorney will help with the language. There was a council discussion about events and vendors and potential business license charges. Marston wanted to let the council know she wasn't going to be charging this group any fees because they would be on school property but she would like to engage the City Attorney to help her update that ordinance. Council approved. Marston informed the council about a call from a contractor wanting to demolish the old building on 4th and Elm. Marston checked the code regarding the preservation of the building and reviewed the comprehensive plan and found that none of the downtown buildings are listed as a historic interest. She wanted to make the council aware of what the plan was and she would be in touch with property owner. Mayor Gilland asked if they would save the 1902 face. Council President Wagner suggested purchasing some of the bricks off the building and keeping them for the veterans wall as representation of old Gervais. Councilor Gonzalez asked to salvage the entire front piece with the 1902 sign. Marston said she would write a letter with the request of preserving the 1902 sign. Marston closed with reporting that the Public Meetings Law now requires a virtual option to all the meetings.

b. Police Department – Chief Mark Chase

Chief Mark Chase referred to written report due to the hour.

c. Public Works – Superintendent John Robinson

Superintendent John Robinson referred to written report due to the hour.

14. Business from the Mayor or Council

Mayor Gilland stated she spoke to Susie about spring cleanup date. Gilland will approach council with Councilor Gonzalez on the veteran’s wall in March.

Councilor Foreman had something to share and we lost entire zoom connection due to the server going down. Mayor Gilland texted Councilor Foreman. Councilor Foreman replied to the group that she wanted to discuss the issue of roaming dogs, dogs biting other dogs and people voicing concerns about safety walking around town. Chief Chase gave the council a handout about dogs being a nuisance, suggested council look at it and discuss. Chase stated that when there is a complaint they state it, cite it and they have a cooperative relationship with Marion County Dog Control.

14. Adjourn

Mayor Gilland adjourned the meeting at 9:05 PM

I, DENISE DAHLBERG, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON JANUARY 13, 2021 ARE, TO THE BEST OF MY ABILITY, CORRECT AS RECORDED.

ATTESTED:

Denise Dahlberg, City Recorder

Annie Gilland, Mayor