

**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 OCTOBER 7, 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 (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

Sandra Foote Gregory, 680 Douglas. Foote stated she saw the diagram of the Amazon building coming in. She asked how the three driveways coming out on Butteville would affect the City of Gervais.

Councilor Gonzalez explained that one driveway would be for deliveries, the other two would be for workers and office personnel.

Laura Clifton, 1065 6th St. She thanked the Police Department for handling the roaming chicken problem on 6th Street. Clifton asked the council to consider updating a city code ordinance to address livestock because there were roaming goats climbing on her husband's truck. She provided the council with an example of the current ordinances and her suggestion of what changes could be made.

Mayor Gilland asked the council if they could include this in the upcoming council work session on October 21, 2021.

Clifton asked if anything was happening with the skate park. She explained to the council that she asked to join the parks and rec committee and hadn't received a phone call.

Mayor Gilland stated she would address how to move forward with this issue after public comment.

Danielle Howitt, 147 E Fir Dr. She has lived in Gervais for almost 12 years. She has had an ongoing problem with cats in her front and back yard.

Mayor Gilland asked the Chief if he knew what to do.

Chief Chase responded there weren't any ordinances that addressed cats.

Howitt asked if there could be a limit put in place on how many cats you could own. She suggested rules being put in place and fines if they weren't followed.

Harvey suggested the city putting out a letter stating the situation is getting out of hand.

Mayor Gilland stated the council would look at this situation to see if there was anything they could do.

Clifton mentioned the nuisance clause under the livestock ordinance and suggested it be moved to domesticated animals.

There was a council discussion about the roaming goats not being fed right and living in a dangerous situation.

Chief Chase stated the owner of the goats had been cited and was scheduled to appear in court next week. The abuse of the goats had been communicated to Marion County.

*Mayor Gilland added a discussion about parks and rec to the agenda.

Gilland stated she went through the minutes and found where the previous Mayor (Platt) mentioned starting a parks and rec committee after she resigned from being Mayor. Gilland stated she had previously spoken with Laura Clifton and after not hearing anything from the previous Mayor for 10 months she wanted to appoint Clifton as the Chair of the parks and rec committee. Gilland asked to meet with City Manager Marston and Laura Clifton to go over guidelines and rules for it. Mayor Gilland stated she wasn't removing Platt from the committee but was removing her as the chair and appointing Clifton as chair.

There was a council discussion about getting kids involved in the committee.

Councilor Wagner stated the previous Mayor was excited about the parks and rec. Wagner suggested approaching Mrs. Platt first before appointing a new chair because she had so much history and background information and she took pride in wanting to start a parks and rec committee.

Gilland stated that there hadn't been a phone call in 10 months and she was standing with her decision to appoint Clifton as the chair of the committee.

Council President Wagner asked if there was a council vote needed for Mayor Gilland to do that.

Mayor Gilland stated that per the charter she had every right to elect a chair for the parks and rec committee.

6. Consent Calendar:

- a. Approval of the minutes of the August 19, 2021 Work Session
- b. Approval of the minutes of the September 2, 2021 Regular Session
- c. Approval of bill list for August 26 – September 28, 2021

Councilor Bartch made a motion to approve the October 7, 2021 consent calendar as presented, seconded by Councilor Foreman. 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 4th Street (continued)
 - I. Opened public hearing and note time for the record
Mayor Gilland read the opening statements and noted the time of record as 7:30 PM. Gilland explained that Council President Wagner would be taking over due to ex parte contact that she would explain later in the hearing. Council President Wagner asked the opening questions.
 - II. Declaration of ex parte contact of interest.
Mayor Gilland recused herself because there was communication on her Facebook page while the hearing was still open.
Councilor Bartch stated she commented on the Mayors post but she did not believe it would affect any of her decision making.
 - III. Staff Report
Holly Byram noted that this staff report was replacing the original staff reports dated May 27, 2021 for the June 3, 2021 public hearing. This public hearing was continued at the regular July, August, and September public Gervais City Council meetings. Holly explained that the applicant submitted a revised site plan and storm report.

Holly noted that the property being proposed is commercial retail and the proposal is two different buildings. The first building is an 800 square foot one-story for professional office space, and the second one is a mixed-use 3-story building which means it has 3,200 square feet of ground floor commercial and eight (8) apartments above on the second and third floors. Other site improvements include shared parking, landscaping, pathways, and utilities.

Holly reported that this was a Type II Site Development Review, the neighbors receive notice and the City Council makes the final decision on the application unless there is an appeal made.

Holly stated the applicant's goal in revising their site plan was to accommodate what they heard from Gervais about the off street parking. The original site plan included 23 parking spaces and the new site plan provides 30 parking spaces. This is a 30% increase. All spaces are a standard size of 9x18. Last time there were 10 compact spaces and now there are only 2. They accomplished this by shrinking building footprints, they shrunk side setbacks of landscaping and reduced the 2 shared dumpsters to one shared dumpster. These were the primary changes. There are no other significant changes. The revised site plan meets the adopted Gervais Development Code standards. Within the 30 spaces of parking are 2 ADA spaces with ramps.

Holly pointed out that the applicant has 4 legal lots of record on this site. Those are arranged into 3 different tax lots. They are not allowed to have parking in side setbacks. One of the new recommended conditions of approval is that all four legal lots on the property are consolidated into one parcel. That would resolve the issue of having parking in a side setback in a commercial retail zone. It is intended to be a downtown pedestrian friendly setting.

Holly provided ratios for minimum parking requirements.

Multi-family dwellings - 1 ½ spaces per dwelling unit

Retail store – 1 space per 400 SF plus 1 space per 2 employees

Professional offices – 1 space per 200 SF plus 1 space per 2 employees

Restaurant – 1 space per 4 seats or 8 feet of bench length

Holly explained that the applicant is proposing to restrict the types of uses that will help control the parking onsite.

Holly stated that staff had some concerns of restricting uses and not allowing restaurants, cafes and coffee shops because we were going for the pedestrian friendly downtown, we want economic development and we want new businesses.

The applicant feels confident that they accommodate the cities storm water standards in an underground facility on this site.

The applicant had the trash hauler review the proposed enclosure to ensure that would work for them. There is one enclosure that will be shared on site. They have taken the ADA ramp and widened it an additional 10 feet to allow passage space for haulers to collect the dumpster.

Holly reported that overall the applicant has done a good job of addressing the community's concern about parking onsite.

In the conditions of approval Holly explains the CC&R's ensure sufficient parking based upon the proposed business types.

A. Commercial Building #1 (Professional Offices was approved with 5 parking spaces

- B. Commercial Building #2 (Commercial Retail) was approved with a total of 10 parking spaces, 5 per each of the two tenant spaces.
- C. Holly asked that the City Council consider the proposed Restaurant/ Café/ Coffee shop (and similar establishments) may be permitted in any of the above commercial tenant spaces if the seating capacity is limited to meet the parking ratio standard of the Gervais Development Code. Restaurant seating ratio is 1 space per 4 seats or 8 feet of bench space.

Holly explained that if the city council agrees with this condition then they can go ahead and motion to approve and adopt as written or if they disagree with this condition, to make a condition whether or not this is appropriate.

Holly concluded her presentation and provided the city council with options:

1. Motion to approve the applicant's revised site plan, adopt the findings and recommendations as written
2. Motion to approve the applicants revised site plan as written, with other city council revisions
3. Motion to deny the full development
4. Motion to continue the public hearing

IV. Proponents Presentation

Brandie Dalton with Multi-Tech Engineering introduced herself to the council as representing the applicant. She reported that they have reviewed the staff report and the new conditions of approval and do not have any problem with them. They do not have a problem consolidating the lots into one lot. She thanked the council for the opportunity to revise the site plan. Brandie stated that Holly summarized everything and she was ready to answer any questions the council would have.

Councilor Foreman asked if the Chief's concern about the rear parking lot and if safety precautions were addressed.

Dalton responded they would have cameras on the buildings and eyes on the street because of the multi-family dwellings, but she does not know how else to address it based on the revised site plan. Dalton welcomed suggestions for safety measures from the Police Department.

Councilor Gonzalez asked about apartment parking. He asked if there would be a limit on how many families could rent an apartment.

Dalton explained they are not involved in the rental of the buildings and that regulations would need to be established by whoever owns the buildings.

Council President Wagner requested motion censored lighting in the back parking lot area. Wagner stated the ADA parking space next to the trash recycle seemed hard to get to.

Dalton stated they could look at moving the ADA parking space to the other side.

There was a council discussion about the size of the dumpster and recycle bins and concerns about accommodating the trash.

Dalton stated they originally had two because they had the same concern. But in order to accommodate required parking, one had to go. Dalton stated they worked with the trash haulers on this and they approved one for the two uses and location. Dalton made note of the council's concerns and stated that she should talk to the project manager.

Chief Chase explained his original comment and recommended lighting for crime prevention.

V. Opponents Presentation

Erica Ramon, 720 4th Street, stated she did not support the site development because there wasn't enough parking.

The council explained that there would be 30 parking spots in the development.

City Manager Marston showed Ramon a picture of the site development.

The council had discussion about parking requirements throughout the City of Gervais.

Erica Ramon requested a continuance.

There was council discussion about assigned parking.

VI. Proponents Rebuttal

Dalton stated everything had been addressed. Dalton asked that if the council does decide to continue the hearing, then to please make sure she understood why.

VII. Close public hearing

The hearing was closed at 8:46 PM

VIII. Council Discussion

The council discussed signage dictating business parking hours and assigned parking.

The council discussed not excluding the restaurants, cafés, and coffees shops.

Councilor Foreman motioned to approve the applicant's revised site plan, and adopt the findings and recommended conditions of approval contained in the revised staff report to the City Council date September 30, 2021 with revisions as follows: Designating parking spaces for residents in 8 apartments, addressing the anti-theft lighting in the parking area and upgrading the

dumpster as necessary to accommodate contained trash, seconded by Councilor Gonzalez. The motion is unanimously carried and so moved.

9. Actions Items – none

10. Old Business - none

11. New Business – none

12. Staff Reports

a. City Manager

City Manager Marston reminded the council that they scheduled a work session to review ordinances regarding parking and noise. She asked the council if she should add a discussion on livestock. The council said yes and the Mayor wanted to discuss cats. That work session is scheduled for October 21, 2021 at 6:30 PM.

Marston reported that John, Kyle and she had been meeting with FEMA and are wrapping up the project. Marston explained the process of gathering information and FEMA's process of coding cost of damages. She reported that \$40,000 was assigned to the debris portion of the storm project. Marston stated they are waiting on the contract price to do the permanent work at the tree farm. Her hope is that the project will go out to bid next week and the bids will be due the 27th of October, so that she can have it ready for the council to give their intent to award the contract at the November council meeting. Marston stated if that deadline couldn't be met there would need to be a special meeting in November to take care of that.

Marston reported that the Chief and she had been working on the grant forms for the City Hall generator. There were a few more hoops to jump through before that project was completed.

City Manager Marston spoke briefly about her evaluation and stated the council should've received an email from Scott Dadson with a link. She printed a hardcopy of his memo as well.

Marston apologized that she did not have her self-evaluation finished but she would email it to the council next week.

Mayor Gilland asked if Marston has found anything out about pay equity and asked Marston if she talked with BOLI or anybody about moving that forward and what we need to do to get into compliance. Marston replied that she was going to talk again to Eileen White with PSU, as she told Marston she could talk with her more about it. Marston had not had a chance yet due to being off for medical reasons and then a vacation. Mayor Gilland acknowledged that it is in Marston's radar.

Gilland asked about dates for the City Attorney to come out to talk about rules on the charter and possible rule changes.

Marston stated she would follow up with Chad

b. Police Department – Chief Mark Chase

Chief Chase reported that they had the director of the Oregon Operation Life Saver in town. They did a video with the kids at the tracks. They were able to teach K-5th about rail safety.

Yesterday was the second lesson for DARE and officers graduated from that.

Chase informed the council that Lt. Seibel officially retired from law enforcement.

Chase explained that Kim, the Admin Assistant retired as well and she was moving to Tennessee.

Chase reported that Chaplain Stephen Anderson provided training and taught a course on Law Enforcement wellness. He stated it was well received and he will be coming back on a regular basis to check in with the officers.

Chase informed the council that they had an opportunity to go to the EAGLE's lodge and they donated \$1275 to the DARE program.

Councilor Barch asked if the City was down two officers. Chief Chase explained that filling the one position was delayed due to COVID complications but that the new officer is expected to start on November 15th.

Councilor Foreman asked if there was recruitment for the new position.

Chief Chase replied yes and gave the council information on the recruitment process and said that he had about 75 people on a list through National Testing Network and let the council know they were evaluating credentials. Chase stated that as of today he had been in communication with at least 20 of the 75 applicants with initial discussions and then interviews.

Councilor Foreman asked about the recruitment for the Admin Assistant position and asked if it had been advertised.

Chief Chase explained that it had not been advertised yet because he and City Manager Marston were looking at possibly reconfiguring the position. He explained that officer Kristen Quinn that went on maternity leave will come back part-time in uniform to help with the front desk position. Officer Quinn's primary duty will be to help in the Admin Assistant position, but she will be available for emergencies if she's called out.

Councilor Foreman stated that the Police Admin Assistant should be a full time position. Chase explained that he and City Manager Marston were evaluating the position to see if what was required for the position could be accomplished in a part-time position. Chase stated he thought they would need someone full time but they are taking a look at it.

Councilor Foreman asked if it was standard practice to not advertise publicly for those positions. Chief Chase replied no and that the position would be announced publicly. Chase explained that there are people who are interested in the position and have talked with him about the position, but eventually they will need to apply and go through the process.

Councilor Harvey confirmed with Chief Chase that the new officer coming to the City is certified and asked where he came from. Chief Chase responded that he will be coming from Portland State University.

c. Public Works – Superintendent John Robinson

Superintendent Robinson contacted Marion County Public Works about the railroad crossing on Ivy. They have been in contact with Union Pacific and they have no date when it will be repaired.

Robinson stated he had 3 bids on the retention pond. That contract is signed and they will begin installation on December 2nd and it should be finished by the 8th.

Robinson informed the council that the city needed a new generator for the water pumps. He recommended a Cummings generator because it would save the city money in maintenance cost. Robinson asked for a consensus from the council.

Councilor Bartch motioned to approve getting the generator, seconded by Councilor Gonzalez. Motion was unanimously carried and so moved.

Councilor Harvey suggested solar lights for the Black Walnut Park.

Robinson stated that we did receive two radar signs after being sent away for repair and they were put back up.

Harvey asked about the speeding information.

Robinson stated they would work out the logistics and provide the Police Department with the information.

12. Business from the Mayor or Council

Councilor Foreman wanted to start a warm coat drive through the month of November. Select a place to donate and communicate it out through social media. Coats could be collected in the community and given back to the community.

Council President Wagner suggested Foreman connect with the school district because in the past the school collected coats and what remained went to Sacred Heart church.

Mayor Gilland stated she would donate some of her time and suggested that Foreman and Wagner get together to share ideas.

Council President Wagner asked about the basketball hoop for the kids and if it could be discussed at the upcoming work session.

Mayor Gilland stated that it would have to be moved to a different session and suggested that Wagner take it this item to the parks and rec committee.

13. Adjourn

Mayor Gilland adjourned the meeting at 9:22 PM.

I, DENISE DAHLBERG, DO HEREBY CERTIFY THAT THE FOREGOING MINUTES OF SAID MEETING OF THE GERVAIS CITY COUNCIL HELD ON OCTOBER 7, 2021 ARE, TO THE BEST OF MY ABILITY, CORRECT AS RECORDED.

ATTESTED:

Denise Dahlberg, City Recorder

Annie Gilland, Mayor

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