



## AGENDA

### MOLALLA CITY COUNCIL MEETING

January 09, 2019

7:10 PM

Molalla Adult Center

315 Kennel Ave., Molalla, OR 97038

*Mayor Jimmy Thompson*

*Council President Elizabeth Klein  
Councilor Leota Childress  
Councilor DeLise Palumbo*

*Councilor Terry Shankle  
Councilor Jody Newland  
Councilor Keith Swigart*

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#### **CALL TO ORDER**

Convene Meeting and Roll Call  
Pledge of Allegiance

#### **PUBLIC COMMENT/COMMUNICATIONS AND PRESENTATIONS**

- [1.](#) Swearing in of new Councilors and taking oath of office.
- [2.](#) Swearing in of Police Department Officers
- [3.](#) City Council Liaison/Roles 2019 Year

*(Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Council does not generically engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Council.)*

#### **ADOPTION OF AGENDA**

#### **CONSENT AGENDA**

- [4.](#) City Council Minutes December 12, 2018
- [5.](#) Contract Award of Public Works Shops Sewer & Stormwater Improvements Project #16-07

#### **PUBLIC HEARING**

#### **ORDINANCES, RESOLUTIONS, PROCLAMATIONS**

- [6.](#) Resolution 2019-01 Volunteer Compensation Limits
- [7.](#) Resolution 2019-02 Appointment of Budget Officer 2019-2020 FY.

#### **NEW BUSINESS**

- [8.](#) 2019-2020 Budget Calendar

#### **OLD BUSINESS**

#### **REPORTS AND ANNOUNCEMENTS**



## **AGENDA**

### **MOLALLA CITY COUNCIL MEETING**

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#### ***EXECUTIVE SESSION***

*Held pursuant to Oregon Public Record Law, ORS 192.660(2):*

(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

#### ***ADJOURN***

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Agenda posted at City Hall, Senior Center, Library and the City Website at <http://www.cityofmolalla.com/meetings>

This meeting location is wheelchair accessible. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-829-6855

# City of Molalla

## City Council Meeting



### Agenda Category: Public Comments/Communications and Presentations

<b>Subject:</b>	Swearing in of new Councilors and taking oath of office.
<b>Recommendation:</b>	N/A
<b>Date of Meeting to be Presented:</b>	January 9, 2019
<b>Fiscal Impact:</b>	N/A
<b>Submitted By:</b>	City Recorder Richardson
<b>Approved By:</b>	City Manager Dan Huff

<b>Background:</b>
Oath of office <ul style="list-style-type: none"><li>• Klein</li><li>• Childress</li><li>• Shankle</li></ul>

# City of Molalla

## City Council Meeting



### Agenda Category:

## PUBLIC COMMENT/COMMUNICATIONS AND PRESENTATIONS

<b>Subject:</b>	Swearing in of Police Department Officers
<b>Recommendation:</b>	N/A
<b>Date of Meeting to be Presented:</b>	January 9, 2019
<b>Fiscal Impact:</b>	N/A
<b>Submitted By:</b>	Chief Lucich
<b>Approved By:</b>	City Manager, Huff

<b>Background:</b>
Officer Travis Hill
Officer Michael Wakefield
Officer Brandon Buchanan

# City of Molalla

## City Council Meeting



### Agenda Category: Public Comment/Communications and Presentations

<b>Subject:</b>	City Council Liaison/Roles 2019 Year
<b>Recommendation:</b>	Assign Council Roles
<b>Date of Meeting to be Presented:</b>	January 9, 2019
<b>Fiscal Impact:</b>	N/A
<b>Submitted By:</b>	CR Richardson
<b>Approved By:</b>	CM Huff

<b>Background:</b>
Council roles for 2019 <ul style="list-style-type: none"><li>• Council President</li><li>• C-4</li><li>• Library</li><li>• Chamber</li></ul>



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**CALL TO ORDER OF THE MOLALLA CITY COUNCIL MEETING;** the regular meeting of December 12, 2018 was called to order by Mayor Jimmy Thompson at 7:04 P.M.

**COUNCIL ATTENDANCE:**

Mayor Jimmy Thompson – Present  
Councilor Elizabeth Klein – Present  
Councilor Leota Childress – Present  
Councilor DeLise Palumbo – Present  
Councilor Glen Boreth – Present  
Councilor Jody Newland - Present  
Councilor Keith Swigart – Present

**STAFF IN ATTENDANCE**

Dan Huff, City Manager – Present  
Gerald Fisher, Public Works Director – Present  
Chaunee Seifried, Finance Director – Present  
Rod Lucich, Police Chief – Absent  
Kelly Richardson, City Recorder – Present  
Diana Hadley, Library Director – Absent  
Chad Jacobs, City Attorney – Absent

Pledge of Allegiance

**PUBLIC COMMENT/COMMUNICATIONS AND PRESENTATIONS**

1. ODOT Presentation of Safety Audit Update for Hwy 213-Toliver Road Intersection.  
The Road Safety Audit 2018 was prepared by Kittelson & Associates for ODOT. The report can be viewed in its entirety on the City of Molalla website in the December 12, 2018 Council packet. Elizabeth Wakefield and Kate Freitag with ODOT presented the Safety Audit. The report covered high, medium and low-cost solutions to make the intersection safer. The report favored a roundabout as the best solution. Many of the lower cost items such as vegetation trimming and the addition of signs has already been scheduled. Following the presentation Councilors had a few clarification type questions although no decisions were made. ODOT is continuing to move forward.

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**ADOPTION OF AGENDA**

Motion made by Councilor Boreth to adopt the agenda as presented. Seconded by Councilor Swigart.  
Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

**CONSENT AGENDA**

Motion made by Councilor Childress to approve the consent agenda as presented. Seconded by Councilor Newland. Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland.



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2. City Council Minutes November 28, 2018
3. Resolution 2018-25 Canvas Election Results 2018

***PUBLIC HEARING***

4. Wastewater Master Plan and Collection System Plan

Public Works Director Fisher presented his staff report regarding the Wastewater Master Plan along with the DEQ approval letter and comments. The letter, along with Fisher's staff report, can be viewed on the City of Molalla website in the December 12, 2018, Council Packet. The entire Master Plan is also in the Council packet on the website. Fisher clarified that at no time did the City initiate or ask for year around discharge. The plan requires a permit modification. However, there is a process that would need to be followed. Approving the Plan doesn't modify the permit. This Master Plan would cover the next 20 years' projections for growth. Fisher presented to Council the comments that were sent prior to the hearing, which can also be viewed in the Council packet on the City website.

Following PWD Fisher's opening comments, Dyer Partnership presented the Master Plan in its entirety. The presentation began with key milestones and identified completed and on-going projects. It continued with existing and projected wastewater flows. They moved into collection system deficiencies and collection system improvements. Also identified are pump station deficiencies and improvements with cost projections. The plan covers wastewater treatment plants deficiencies and improvements before moving into the objectives and requirements that would follow adoption.

Following the presentation slides by Dyer Partnership, Councilors asked questions regarding the plan and the processes outlined in the plan.

Councilor Palumbo asked for clarification on grit removal. Dyer's response: it is to separate and remove grit. Dyer stated that because of lagoons being used for both storage and treatment that is why the City is seeking to expand discharge into May if river conditions allow. The newly proposed plant will treat up to class B and the only reason to ask for class C is because of possible extenuating circumstances and to stop violations. This draft covers DEQ concerns regarding the possibility of permit modification failure.

Mayor Thompson clarified that the City is only asking for this scenario of extended discharge period if the circumstance were to arise and all the conditions of the river and flow were met. Fisher confirms that is correct and stated that if it were a wet May and City tried to irrigate, we could possibly be in violation of our recycle water use plan therefore, if conditions were right in the river it would allow us to discharge. Mayor Thompson reiterates if we meet all standards and river conditions are met there is no degradation of the river. Dyer stated that is correct.

The 4 permit scenarios are;

1. No permit modification.
2. Mass load increase not approved, May discharge allowed.
3. Mass load increase approved, May discharge not allowed.
4. Mass load increase approved, May discharge allowed.



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Mayor Thompson called for public Comments in favor of or opposed to at 8:05pm  
Joan Zuber - 44731 S. Elk Prairie Rd, stated that she felt everyone should have an opportunity to participate in the process. This impacts everyone along the river, in her opinion. Zuber also commented that people were upset when discharging into the river began in 2007. Zuber asked how you can adopt a plan if you're not sure of which one you're choosing. Mayor Thompson explained that if the plan is adopted, it would be adopted with the four different scenarios.

Councilor Newland clarified with PWD Fisher that there were multiple open public meetings where the public could come in and give comments and feedback. Fisher informed Newland that is correct and for months there were meetings open to the public. All the meetings are noticed and open to everyone.

Pamela Lucht submitted a form but had no comment. Hearing no more comments, Mayor Thompson called to close the hearing.

Motion made by Councilor Boreth to close the public hearing at 8:10 pm. Seconded by Councilor Swigart.  
Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

Councilor Palumbo confirmed with PWD Fisher that all noticing requirements for the public hearing were followed. Fisher confirmed that all noticing requirements were followed. The open public process was followed, and anyone could have participated and provide comment. Councilor Palumbo asked Fisher if ever there was a time someone made a comment and the City followed or considered that comment. Mayor Thompson recalled a time when a comment during the recycled water use plan was taken into consideration. CM Huff stated everyone had an opportunity to participate and they did as comments show.

Hearing no more questions they move onto Ordinance 2018-17.

***ORDINANCES, RESOLUTIONS, PROCLAMATIONS***

5. Ordinance 2018-17 Wastewater Facility Use and Collection Plan  
Councilor Newland questioned section 2, why is there an emergency clause. PWD Fisher: because this is a complete replacement of the previous plan. There needs to be something in its place and to keep moving forward.

Motion made by Councilor Boreth to read by title only Ordinance 2018-17 for the first reading. Seconded by Councilor Childress.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

Motion made by Councilor Swigart to read Ordinance 2018-17 by title only for the second reading. Seconded by Councilor Newland.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

Motion made by Councilor Swigart to adopt Ordinance 2018-17 for the Wastewater Facility Use and Collection Plan of 2018. Seconded by Councilor Childress.





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Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

6. Resolution 2018-26 adopting operations plan and fee schedule

Motion made by Councilor Swigart adopt the Clackamas County Operations plan and the fee schedule as their own. Seconded by Councilor Newland.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

***NEW BUSINESS***

7. IGA with Clackamas County to Administer Building Codes Review

Mayor Thompson directed staff to look at Clackamas County's turnaround time on permits and to possibly look at other agencies. CM Huff explained to Council that the state building codes division has made recent rule changes that could affect other third-party agencies and their ability to perform the work.

Motion made by Councilor Swigart to direct City Manager Huff to sign the proposed IGA with Clackamas County Building codes Division. Seconded by Councilor Boreth.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

8. Clackamas County Seeking City Support of Vehicle Registration Fee

Draft letter option of increasing vehicle fee, following a brief discussion regarding an increased County wide vehicle road maintenance fee. Council decided not to support the increase. Mayor Thompson was fine either way, however many of the Councilors opposed for various reasons. City of Molalla have their own road maintenance issues and, in the Molalla plan, it would have created \$468,000 a year for maintenance and voters opposed it. Councilor Klein pointed out that the County fee would generate approximately \$148,000 which would not maintain much. Councilor Newland attended the meeting and felt that Clackamas County neglected to show what would be maintained and how the dollars would be spent.

***OLD BUSINESS***

N/A

***REPORTS AND ANNOUNCEMENTS***

- Councilor Elect Shankle and Chamber Board member had nothing.
- Finance Director Seifried had nothing
- PWD Fisher informed Council that they already had his November-December report Fisher pointed out the number of I & I items that have been completed this year. Fisher thanked Councilor Boreth for his service to Molalla.
- CR Richardson thanked Councilor Boreth for serving his community.
- CM Huff thanked Councilor Boreth for all that he had done for the City and hoped to see him again in some capacity. Huff also thanked Boreth for all the support over the years.



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- Councilor Newland thanked Councilor Boreth for the valuable training she had received from him in this short time. Newland let everyone know the swimming pool is having a drive for toiletries for showers for the homeless. Newland had a lot of fun at the tree lighting event and wished everyone a Merry Christmas and Happy New Year.
- Councilor Palumbo thanked Councilor Boreth for his service to Molalla.
- Councilor Swigart thanked Councilor Boreth for his many years of service.
- Councilor Childress stated that Fenton Avenue looked good paved and thanked Councilor Boreth for everything. Childress thanked CR Richardson for the *Council Rules* in word version. Childress wished everyone a Merry Christmas and Happy New Year.
- Councilor Klein thanked Councilor Boreth for being such a good mentor and really leading by example with such professional conduct. Klein thanked the community for coming out to the visioning meetings. Facilitator Flood will begin gathering everything together and making an action plan.
- Mayor Thompson thanked Councilor Boreth specifically for always being there for our new Council members and helping them transition into the Councilor role.
- Councilor Boreth thanked everyone saying it's been an honor and a privilege to serve this community. Boreth stated it's been an amazing opportunity and he thanked everyone for their generous comments. Boreth commented that in the eleven years of service he was very impressed by CM Huff and the professionalism of all the City staff. Boreth thanked Huff for raising the bar.

***ADJOURN***

Motion made by Councilor Boreth to adjourn the December 12, 2018 meeting at 8:40 pm. Seconded by Councilor Swigart.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Boreth, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland

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Mayor, Jimmy Thompson

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Date

ATTEST: \_\_\_\_\_  
Kelly Richardson, CMC  
City Recorder

# City Of Molalla

## City Council Meeting



### Agenda Category: Consent Agenda

**Subject:** Contract Award for the PW Shops Sewer & Stormwater Improvement project #16-07

**Recommendation:** Council Approval

**Date of Meeting to be Presented:** January 09, 2019

**Fiscal Impact:** \$209,870 (FY 18-19 Capital Projects)

**Background:**

Below is the Bid Summary for the three lowest responsible bidders. The City advertised an Invitation to Bid on November 21, 2018 and November 26, 2018 in the Daily Journal of Commerce. On December 20, 2018, the City received and opened 15 bids including the following lowest three bids:

- |                                 |              |
|---------------------------------|--------------|
| 1. Emery & Sons Construction    | \$209,870.00 |
| 2. Gelco Construction           | \$233,698.50 |
| 3. Jesse Rodriguez Construction | \$237,505.50 |

After review of the bids, Emery and Sons Construction was deemed the lowest responsible bidder. A Notice of Intent to Award was issued to all bidders on December 21, 2018 and no protests were received. Staff recommends City Council award the contract to Emery and Sons and authorize the City Manager to execute a contract and any change orders within the approved budget.

SUBMITTED BY: Gerald Fisher, Public Works Director  
APPROVED BY: Dan Huff, City Manager



**RESOLUTION NUMBER 2019-01**

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON, A  
RESOLUTION EXTENDING WORKERS' COMPENSATION COVERAGE TO  
VOLUNTEERS OF THE CITY OF MOLALLA.**

**WHEREAS,** Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteers listed in this resolution, noted on payroll schedule and verified at audit; and

**WHEREAS, Public Safety Volunteers**

**Applicable   X   Non-applicable**

An assumed monthly wage of *[\$800.00 per month per volunteer]* will be used for public safety volunteers in the following volunteer positions (check all that apply):

- Police reserve
- Search and rescue
- Firefighter
- Emergency medical personnel
- Ambulance drivers
- Other

; and

**WHEREAS, Volunteer boards, commissions for the performance of administrative duties.**

**Applicable        Non-applicable   X**

Oregon minimum wage will serve as assumed wage for both premium and benefits calculations and will be used per each volunteer board, commission for the performance of administrative duties. The covered bodies are (list each body):

; and

**WHEREAS, Volunteer council positions for the performance of administrative duties.**

**Applicable   X   Non-applicable**

Council volunteer positions stipend would be assumed for the performance of administrative duties.

and;

**WHEREAS, Manual labor by elected officials.**

**Applicable  Non-applicable**

Oregon minimum wage will serve as assumed wage for both premium and benefits calculations for public officials for the performance of non-administrative duties other than those covered in paragraph 2 above

List duties *[appropriate classification code will be applied by underwriting]*

and;

**WHEREAS, Non-public safety volunteers**

**Applicable  Non-applicable**

All non-public safety volunteers listed below will track their hours and Oregon minimum wage will serve as assumed wage for both premium and benefits calculations. SAIF will assign the appropriate classification code according to the type of volunteer work being performed. (List specific non- public safety volunteers below)

- X Parks and recreation
- X Public works
- X Library

and;

**WHEREAS, Public Events**

**Applicable  Non-applicable**

Volunteers at the following public events will be covered under workers’ compensation coverage using verified hourly Oregon minimum wage as basis for premium and/or benefit calculation: (List specific events)

and;

**WHEREAS, Community Service Volunteers/Inmates**

**Applicable  Non-applicable**

Pursuant to ORS 656.041, workers’ compensation coverage will be provided to community service volunteers commuting their sentences by performing work authorized by the City of Molalla.

Oregon minimum wage tracked hourly will be used for both premium and benefit calculations, verifiable by providing a copy of the roster and/or sentencing agreement from the court.

and;

**4. WHEREAS, Other volunteers**

Volunteer exposures not addressed here will have workers' compensation coverage if, prior to the onset of the work provided that City of Molalla:

- a. Provides at least two weeks' advance written notice to SAIF underwriting requesting the coverage
- b. SAIF approves the coverage and date of coverage
- c. SAIF provides written confirmation of coverage

Oregon minimum wage tracked hourly will be used for both premium and benefit calculations, verifiable by providing a copy of the roster.

**Now, Therefore, the City of Molalla Resolves as follows:**

**Section 1.** City of Molalla agrees to maintain verifiable rosters for all volunteers including volunteer name, date of service and hours of service and make them available at the time of a claim or audit to verify coverage.

**Section 2.** To provide workers' compensation coverage as indicated above.

**Section 3.** Effective upon passage this day;

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Mayor, Jimmy Thompson

ATTEST:

\_\_\_\_\_  
Kelly Richardson, CMC, City Recorder



**RESOLUTION NUMBER 2019-02**

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON,  
APPOINTING CITY MANAGER AS BUDGET OFFICER FOR FISCAL YEAR  
2019-2020.**

**WHEREAS**, Municipal Budgeting requires the appointment of a Budget Officer to prepare and present the budget for the City of Molalla; and

**WHEREAS**, the City of Molalla is initiating preparation of its fiscal year 2019-2020 budget.

**Now, Therefore, the City of Molalla Resolves as follows:**

Section 1. To appoint City Manager, Dan Huff as Budget Officer for fiscal year 2019-2020.

Section 2. Effective immediately upon passage.

Duly Appointed this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by Molalla City Council.

\_\_\_\_\_  
Mayor, Jimmy Thompson

ATTEST:

\_\_\_\_\_  
Kelly Richardson, CMC, City Recorder

# City of Molalla

## City Council Meeting



### Agenda Category: NEW BUSINESS

<b>Subject:</b>	2019-2020 Budget Calendar
<b>Recommendation:</b>	Adopt
<b>Date of Meeting to be Presented:</b>	January 9, 2019
<b>Fiscal Impact:</b>	N /A
<b>Submitted By:</b>	Finance Director, Seifried
<b>Approved By:</b>	City Manager, Huff

<b>Background:</b>



## **CITY OF MOLALLA & URBAN RENEWAL - Revised 2019-20 BUDGET CALENDAR**

The process followed in the preparation of this budget complies with the Local Budget Law established by the State of Oregon (ORS Chapter 294). The process and calendar of events leading up to the adoption of this budget are as follows.

January 9, 2019	Appoint Budget Officer by Resolution (ORS.294.331)
January 2019	Budget worksheets delivered to Departments.
March 15, 2019	Department Heads submit final proposed budgets to Budget Officer
April 2019	Budget 101 Presentation (If needed) <i>6:30pm @ the Molalla Adult Center</i>
April 12, 2019	Budget Officer/Finance Final Budget Worksheets.
April 18, 2019	Publish Notice of 1 <sup>st</sup> Budget Meeting (ORS.291.401) to include Shared Revenue hearing and Public comment. Post on Website.
May 1, 2019	<b>Budget Committee Meeting #1</b> (Wednesday) <i>6:30pm @ the Molalla Adult Center</i>
	Additional Budget Committee Meetings (Will decided May 1st if needed)
	Budget Committee approves and forwards to City Council (ORS.406)
June 5, 2019	Publish Notice of Budget LB/UR Forms (ORS 294.421)
June 12, 2019	Budget Hearing before City Council (ORS 294.430)
July 15, 2019	Submit tax certification document to County Assessor (ORS 294.555)

***TO ALL: Budget committee has openings for the citizen committee. If you know anyone interested please have them contact the City Recorder.***