



## MOLALLA CITY COUNCIL MEETING

May 08, 2019

7:00 PM

Molalla Adult Center  
315 Kennel Ave., Molalla, OR 97038

*Mayor Keith Swigart*

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

*Councilor Terry Shankle  
Councilor Jody Newland  
Councilor Open Position*

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### **CALL TO ORDER**

Convene Meeting and Roll Call  
Pledge of Allegiance

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

*(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**

1. City Council Minutes April 24, 2019
2. 18-17 Phase 1 Sewer – Project 7 Fenton

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

3. Ordinance 2019-06 MMC Chapter 2.06 Planning Commissions and Boards

### **NEW BUSINESS**

4. Planning Applications

### **OLD BUSINESS**

### **REPORTS AND ANNOUNCEMENTS**

### **EXECUTIVE SESSION**

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

5. Held pursuant to Oregon Public Record Law, ORS 192.660(2): (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

### **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



**Minutes of the Molalla City Council Regular Meeting  
Molalla Adult Center  
315 Kennel Ave., Molalla, OR 97038  
Wednesday, April 24, 2019**

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**CALL TO ORDER OF THE MOLALLA CITY COUNCIL MEETING; the regular meeting of Wednesday, April 24, 2019 was called to order by Mayor Keith Swigart at 7:02 P.M.**

**COUNCIL ATTENDANCE:**

Mayor Keith Swigart – Present  
Councilor Elizabeth Klein – Present  
Councilor Leota Childress – Present  
Councilor DeLise Palumbo – Absent  
Councilor Terry Shankle – Present  
Councilor Jody Newland – Present  
Councilor Open Position – Present

**STAFF IN ATTENDANCE**

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

Pledge of Allegiance

**PUBLIC COMMENT/COMMUNICATIONS AND PRESENTATIONS**

Michelle Carter 315 N. Molalla Avenue. Addressed Council regarding her application and willingness to serve on the Molalla Budget Committee.

1. Application for Budget Committee

Motion made by Councilor Newland to appoint Michelle Carter to the Budget Committee, Seconded by Councilor Childress.

Voting Yea: Councilor Klein, Councilor Childress, Mayor Swigart, Councilor Newland, Councilor Shankle

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**ADOPTION OF AGENDA**

Motion made by Councilor Childress to adopt the agenda as presented, Seconded by Councilor Newland.

Voting Yea: Councilor Klein, Councilor Childress, Mayor Swigart, Councilor Newland, Councilor Shankle



**Minutes of the Molalla City Council Regular Meeting  
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**CONSENT AGENDA**

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

2. City Council Minutes April 10, 2019
3. 18-06 WWTP Headworks Improvements
4. IGA With ODOT For Right of Way Services
5. Resolution 2019-11 Exercising the Power of Eminent Domain for Highway 211
6. Resolution 2019-12 System Development Charges Fee Update

**ORDINANCES, RESOLUTIONS, PROCLAMATIONS**

7. Resolution 2019-04 Special Event  
Motion made by Councilor Childress to approve Resolution 2019-04 setting criteria for the Special Events fee,  
Seconded by Councilor Klein.  
Voting Yea: Councilor Klein, Councilor Childress, Mayor Swigart, Councilor Newland, Councilor Shankle
8. Resolution 2019-08 Police Department Fee Schedule  
Motion made by Councilor Newland to approve Resolution 2019-08 as presented, Seconded by Councilor Shankle.  
Voting Yea: Councilor Klein, Councilor Childress, Mayor Swigart, Councilor Newland, Councilor Shankle

**NEW BUSINESS**

**OLD BUSINESS**

9. Discussion Chapter 2.06 Planning Commission

It was the consensus of the Council to have the area/radius be 3 miles based on the information presented by staff.

**REPORTS AND ANNOUNCEMENTS**

Chief Lucich presented each Council member with a letter of commendation for their great service towards both the community and for supporting City of Molalla staff members.  
Lucich then presented City Manager Dan Huff with a letter of commendation for his leadership ability both in the Community he serves but with the staff he directs.

CM Huff introduced new staff members Cindy Chauran as the new Senior Accountant who recently came from the City of Stayton. Huff also introduced the new City Planner Alice Cannon with over 25 years of experience in local government.



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Mayor Swigart swore in several officers and administered the oaths of office for promotions within the department as follows;

- 1) Jamil Kassab sworn in as an officer.
- 2) Travis Hill sworn in as an officer.
- 3) Brandon Buchanan sworn in as an officer.
- 4) August Watkins sworn in as a sergeant.
- 5) Christopher Long sworn in as the lieutenant.
- 6) Frank Schoenfeld sworn in as the chief of police.

***ADJOURN***

Motion made by Councilor Childress to adjourn the April 24, 2019 meeting at 7:45 pm, Seconded by Councilor Klein.

Voting Yea: Councilor Klein, Councilor Childress, Mayor Swigart, Councilor Newland, Councilor Shankle

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Mayor, Keith Swigart

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Date

ATTEST:

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Kelly Richardson, CMC  
City Recorder

# City Of Molalla

## City Council Meeting



### Agenda Category: Consent Agenda

**Subject:** Contract Award for the Ph 1 Proj 7 Fenton Improvements project #18-17

**Recommendation:** Council Approval

**Date of Meeting to be Presented:** May 08, 2019

**Fiscal Impact:** \$251,231 Sewer Capital Projects & Water Capital Projects FY 18-19 & FY 19-20

**Background:**

Below is the Bid Summary for the three lowest responsible bidders. The City advertised an Invitation to Bid on March 27, 2019 and April 03, 2019 in the Daily Journal of Commerce. On April 24, 2019, the City received and opened 4 bids including the following lowest three bids:

- |                           |              |
|---------------------------|--------------|
| 1. Clackamas Construction | \$251,231.00 |
| 2. N. Santiam Paving      | \$297,820.00 |
| 3. Moore Excavation       | \$323,633.19 |

After review of the bids, Clackamas Construction was deemed the lowest responsible bidder. A Notice of Intent to Award was issued to all bidders on April 25, 2019 and no protests were received. Staff recommends City Council award the contract to Clackamas Construction 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



THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS, INC.

## **NOTICE OF INTENT TO AWARD**

April 25, 2019

Bobbie Mohler  
Clackamas Construction Inc.  
28890 SE Hwy 212  
Boring, OR 97009

Re: City of Molalla  
Phase I – Project 7 Fenton Ave Sewer & Water Line Replacement  
Project No. 198.12

Dear Bobbie Mohler:

Bids were received and opened on April 24, 2019 for the above project. After review and evaluation of the bids, the apparent lowest responsive bidder was determined to be Clackamas Construction Inc.

The City of Molalla, at their regular Council meeting on May 8, 2019, is expected to approve the award of the Contract to Clackamas Construction Inc., the apparent low bidder. Award of the Contract is conditional on the following:

1. Five (5) days after the date on the Notice of Intent to Award is sent to Clackamas Construction Inc. and the other bidders, no protest is received.
2. If a protest is filed, then, until the City of Molalla provides a written response to all protests filed within five (5) days after the date on the Notice of Intent to Award that denies the protest and affirms the award.
3. Award of the Contract to Clackamas Construction Inc. by the Council.

If in the event these conditions cannot be satisfied, then the City of Molalla reserves the right to reject all bids and rebid the project or take other actions it deems in its best interest.

Sincerely,



Joseph Goette, PE  
Project Engineer

cc: Gerald Fisher, Public Works Director

# City of Molalla

## City Council Meeting



### Agenda Category: Ordinances, Resolutions, Proclamations

<b>Subject:</b>	Ordinance 2019-06 MMC Chapter 2.06 Planning Commissions and Boards
<b>Recommendation:</b>	Adopt updated language
<b>Date of Meeting to be Presented:</b>	May 8, 2019
<b>Fiscal Impact:</b>	N/A
<b>Submitted By:</b>	City Manager, Huff
<b>Approved By:</b>	Dan Huff

<b>Background:</b>
This is the updated language for chapter 2.06 that Council has discussed.



## ORDINANCE NUMBER 2019-06

### AN ORDINANCE OF THE CITY OF MOLALLA, OREGON, AMENDING ORDINANCE 2108-05 MOLALLA MUNICIPAL CODE CHAPTER 2.06 HEARING BODIES AND THEIR DUTIES.

**WHEREAS**, the Molalla City Council recently had implemented Ordinance 2018-05;  
and

**WHEREAS**, had reestablished chapter 2.06 Hearing Bodies and Their Duties outside  
of the Development Code; and

**WHEREAS**, the City of Molalla had not at that time updated any of the language  
and processes; and

**WHEREAS**, the City of Molalla is ready to update the language and process to  
better meet the needs of the City.

**Now, Therefore, the City of Molalla does ordain as follows:**

#### Section 1. 2.06.020 Qualification—Compensation.

The Hearings Officer shall be a member in good standing of the Oregon State Bar  
Association and shall be paid such compensation as agreed between such Hearings  
Officer and the City of ~~Molalla Council~~. (Ord. 2018-05 §1)

#### Section 2. 2.06.030 Adoption of rules for conduct of hearings.

The Hearings Officer shall follow rules of procedure for the conduct of hearings  
pursuant to this chapter, ~~provided~~ and not in conflict with the Development Code.  
~~such rules do not conflict with state law, the City Charter and ordinances, or the~~  
~~Comprehensive Plan. A copy of such rules shall be available for review at no cost or~~  
~~purchased for a nominal fee.~~ (Ord. 2018-05 §1)

#### Section 3. 2.06.060 Purpose.

~~The purpose of the Citizens Advisory Committee is to assist in determining the  
community's interest in land use proposals and present such view at public hearings  
before the Hearings Officer, Planning Commission and City Council. A Citizens  
Advisory Committee meeting shall be for the purpose of reviewing current land use  
applications, ordinance and Comprehensive Plan amendments, and preparing written~~

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or oral testimony regarding such proposals to be presented at the appropriate public hearing. The Committee is authorized to file appeals from a decision of the city staff or Hearings Officer. The Planning Commission acts as the city's officially recognized Citizen Advisory Committee. (Ord. 2018-05 §1)

**Section 4. ~~2.06.070~~ Appointment and terms of members.**

~~The Planning Commission is appointed as the Citizens Advisory Committee. At the discretion of the City Council or on petition by resolution from the Planning Commission, the City Council may establish a separate Citizens Advisory Committee. Terms of members shall run concurrently with their membership on the Planning Commission. If a separate Citizens Advisory Committee is established, the Mayor with the consent of the City Council shall appoint to it at least three but no more than seven voting citizens who reside within the city limits. Such appointments shall be for a term of one year and may be terminated at the pleasure of the Mayor with the consent of the City Council. (Ord. 2018-05 §1)~~

**Section 5. ~~2.06.080~~ Meetings—Quorums—Officers.**

~~The Citizens Advisory Committee shall operate under the same rules and policies as those established for the Planning Commission. (Ord. 2018-05 §1)~~

**Section 6. 2.06.100 Created—Composition—Compensation.**

A. There is created a City Planning Commission for the City of Molalla.

1. The Planning Commission shall consist of the following:

a. Voting Members.

i. A minimum of three but no more than seven members to be appointed as outlined in Section 2.06.110.

ii. No more than two voting members may be non-residents of the city. Non-residents must live within a three-mile radius of the City. There shall be more residents of the city than non-residents sitting on the board at all times. There shall always be more residents of the City than non-residents on the Commission.

b. City Involvement Seats on the Planning Commission.

~~i. An additional two non-voting members on the board. Non-voting members will be afforded the privileges and rights given to voting members with the exception of voting privileges. Non-voting members shall be given priority consideration for the positions on the Planning Commission as positions become available given that they meet the criteria as set forth in subsection (A)(1)(a) of this section.~~

~~ii. Appointment of non-voting members shall occur as outlined in Section 2.06.110.~~

c. It is the policy of the City of Molalla that involving youth in the public decision-making process promotes interest and participation. provides the opportunity to enhance the community's interest in this process for generations to come. Accordingly, the Planning Commission may also have up to two additional non-voting members of high-school age, who must live within the Molalla River School District.

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- ~~— i. — A youth applicant must be 16 years of age or older.~~
- ~~— ii. — Meetings may go late into the evening. Students under the age of 18 shall not be allowed to go later than 9:00 p.m. on school nights, or 10:00 p.m. on nights when there is no school the following day. If the staff believes the frequency of Planning Commission meetings will disrupt the student's school work or interfere with the student's school schedule, staff may request the student be absent from certain meetings. Students shall be required to provide proof that their grades are being maintained at a minimum of a "C" average.~~
- ~~— iii. — Students will be expected to participate fully in discussions.~~
- ~~— iv. — Appointment of non-voting youth members shall occur as outlined in Section 2.06.110.~~
- ~~— d. — Individuals interested in serving on the Planning Commission shall meet the following criteria:~~
  - ~~— i. — Reside within the City of Molalla, except as otherwise provided in this section.~~
  - ~~— ii. — Not more than two members may have the same occupation.~~
  - ~~— iii. — Must be a citizen of the United States of America.~~
- ~~— B. — The composition of the Planning Commission shall meet the requirements of ORS 227.030. Commission members shall receive no compensation.~~ (Ord. 2018-05 §1)

Section 7. **2.06.110 Terms of members.**

A. Each member of the Planning Commission shall be appointed as provided in the City Charter to a four-year term. Any vacancies shall be ~~filled~~ appointed by the Mayor with the consent of the City Council for the ~~unexpired~~ remaining portion of the term.

B. Unexcused absences from three regular meetings may disqualify a member at which time the Planning Commission may request that the Mayor appoint a replacement. Members shall call, mail, or drop-off a letter to staff in order to be excused from regularly scheduled meetings.

C. All appointments to the Commission may be terminated at the pleasure of the Mayor with the consent of the City Council. (Ord. 2018-05 §1)

Section 8. Effective this Ordinance is necessary for the immediate preservation of the public peace, health and safety, and , pursuant to section 18 of the Molalla City Charter, it is effective immediately upon passage by Council and approved by the Mayor this date \_\_\_\_\_.

/ / / / /

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Read the first time on \_\_\_\_\_ and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

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Keith Swigart, Mayor

ATTEST:

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Kelly Richardson, CMC, City Recorder

# City of Molalla

## City Council Meeting



### Agenda Category: New Business

<b>Subject:</b>	Planning Applications
<b>Recommendation:</b>	
<b>Date of Meeting to be Presented:</b>	May 8, 2019
<b>Fiscal Impact:</b>	N/A
<b>Submitted By:</b>	Kelly Richardson, City Recorder
<b>Approved By:</b>	Dan Huff, City Manager

<b>Background:</b>
Two Volunteers for Planning Commission  Jacob Giberson  Connie Farrens



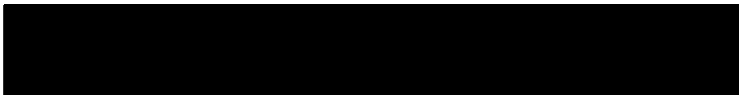
**City of Molalla**  
**Application for Appointment to Citizen**  
**Committee/Board/Commission/Council**

Date: March 20, 2019

How long have you resided in the City 3y25

Committee/Board/Commission/Council position of interest: Planning commission

Name: Jacob Ray Giberson



State/Province: Oregon

Zip/Postal Code: 97038

Home Phone: [Redacted]

Work Phone: [Redacted]

\*E-Mail: [Redacted]

**Current or Previous Community Affiliations or Activities:**

Molalla warming center volunteer, football and t-ball coaching, Oktoberfest volunteer.

**Why would you like to serve on this Committee/Board/Commission/Council and give any other background you might have in this area.**

I would like to help my community in what ever way I can, the planning commission I believe most fits my 20+ year back ground in construction management. Furthermore I have education and competitive skills in speech and debate in high school and college.

**If applying for re-appointment to this Committee/Board/Commission/Council/Task Force, please indicate what has been the key accomplishment of the group during your service.**


**If you could make any improvement to the Commission/Board/Committee/Task Force, what would it be?**

I think I would come into the position as a planning commissioner with a open mind, ready to help apply current code as equally and accurately as possible. I hope in doing so we can help bolster our already great community by garnering interest for business and industry through intelligent planning.

\*Signature: [Signature]

3/20/19

117 Molalla Ave/PO Box 248 Molalla Oregon 97038  
Ph: 503.829.6855 Fax: 503.829.3676 [www.cityofmolalla.com](http://www.cityofmolalla.com)

REV: 02/14/2019 Citizen Application Recorder

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Email back to: [cityrec@cityofmolalla.com](mailto:cityrec@cityofmolalla.com)



**City of Molalla**  
**Application for Appointment to Citizen**  
**Committee/Board/Commission/Council**

Date: **3/20/2019**

How long have you resided in the City Out side City limits

Committee/Board/Commission/Council position of interest: **Planning Commission**

Name: **Connie Farrens**

Address:

State/Province: **OR** Zip/Postal Code: **97004**

Home Phone: Work Phone:

\*E-Mail:

**Current or Previous Community Affiliations or Activities:**

*TEAM BOARD OF DIRECTORS, MOLALLA CHAMBER BOARD OF DIRECTORS  
FORD COHORT I  
BUSINESS & PROPERTY OWNER DOWNTOWN MOLALLA*

**Why would you like to serve on this Committee/Board/Commission/Council and give any other background you might have in this area.**

*I am interested in being on the planning commission because I would like to be a part of our growing community. I have experience with TEAM as a board member and the Molalla Area Chamber of Commerce.*

**If applying for re-appointment to this Committee/Board/Commission/Council/Task Force, please indicate what has been the key accomplishment of the group during your service.**

*N/A*

**If you could make any improvement to the Commission/Board/Committee/Task Force, what would it be?**

**\*Signature:**

*Connie Farrens*

117 Molalla Ave/PO Box 248 Molalla Oregon 97038  
Ph: 503.829.6855 Fax: 503.829.3676 [www.cityofmolalla.com](http://www.cityofmolalla.com)

REV: 02/14/2019 Citizen Application - City Recorder

Email back to: cityrec@cityofmolalla.com

# City of Molalla

## City Council Meeting



### Agenda Category: Executive Session

<b>Subject:</b>	Held pursuant to Oregon Public Record Law, ORS 192.660(2): (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
<b>Recommendation:</b>	
<b>Date of Meeting to be Presented:</b>	May 8, 2019
<b>Fiscal Impact:</b>	N/A
<b>Submitted By:</b>	Kelly Richardson, City Recorder
<b>Approved By:</b>	Dan Huff, City Manager

<b>Background:</b>
Continued from previous meeting.