



## AGENDA

**MOLALLA CITY COUNCIL MEETING**  
**November 8, 2023**  
**7:00 PM**  
**Molalla Civic Center**  
**315 Kennel Ave, Molalla, OR 97038**

*Mayor Scott Keyser*

*Council President Jody Newland*  
*Councilor Terry Shankle*  
*Councilor Eric Vermillion*

*Councilor Leota Childress*  
*Councilor Crystal Robles*  
*Councilor RaeLynn Botsford*

**WORK SESSION begins at 6:00pm:** Open to the Public, but not open to Public Comment or Testimony

**REGULAR COUNCIL MEETING begins at 7:00pm:** Open to the Public and open to Public Comment or Testimony. Please fill out a comment card and submit it to the City Recorder, prior to the beginning of the meeting.

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*Live-streaming of the Molalla City Council Meetings are available on Facebook at “Molalla City Council Meetings – LIVE” and “Molalla City Council Meetings” on YouTube.*

*Citizens can submit Public Comment in the following ways: attend the meeting, email the City Recorder @ [recorder@cityofmolalla.com](mailto:recorder@cityofmolalla.com) by 12:00pm on the day of the meeting, or drop it off at City Hall, 117 N. Molalla Avenue.*

**1. CALL TO ORDER AND FLAG SALUTE**

**2. ROLL CALL**

**3. CONSENT AGENDA**

A. City Council Meeting Minutes – October 25, 2023

**Pg. 2**

**4. PRESENTATIONS, PROCLAMATIONS, CEREMONIES**

**5. PUBLIC COMMENT & WRITTEN COMMUNICATIONS**

**6. PUBLIC HEARINGS**

**7. ORDINANCES AND RESOLUTIONS**

**8. GENERAL BUSINESS**

A. Building Resilient Infrastructure Communities (BRIC) Grant Discussion

**Pg. 14**

B. Molalla Municipal Code Chapter 17-2.2.030 Bars and Taverns – Discussion (Huff)

**Pg. 15**

C. Civic Center Bathroom and ADA Improvements Contract Award (Huff)

**Pg. 17**

**9. STAFF COMMUNICATION**

**10. COUNCIL COMMUNICATION**

**11. ADJOURN**

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*Agenda posted at City Hall, 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 Meeting

Molalla Civic Center  
315 Kennel Ave., Molalla, OR 97038  
October 25, 2023

### **CALL TO ORDER**

The Molalla City Council Meeting of October 25, 2023 was called to order by Mayor Scott Keyser at 7:00pm.

### **COUNCIL ATTENDANCE**

Present: Mayor Scott Keyser, Council President Jody Newland, Councilor Leota Childress, Councilor Terry Shankle, Councilor Crystal Robles, Councilor Eric Vermillion, and Councilor Raelynn Botsford.

### **STAFF IN ATTENDANCE**

Dan Huff, City Manager; Christie Teets, City Recorder; Mac Corthell, Community Development Director; and Chris Long, Police Chief.

### **APPROVAL OF AGENDA**

Approved as presented.

### **PRESENTATIONS, PROCLAMATIONS, CEREMONIES**

#### A. Police Officer Swearing-In

Chief Long read the Police Officer Code of Ethics to Officers Justin Brenner and Luke Starr, followed by the swearing in ceremony performed by Mayor Keyser.

### **CONSENT AGENDA**

- A. Work Session Meeting Minutes – October 10, 2023
- B. City Council Meeting Minutes – October 10, 2023
- C. TMDL (Total Maximum Daily Load) Implementation Plan – Update

### **ACTION:**

Councilor Robles moved to approve the Consent Agenda; Councilor Vermillion seconded. Motion passed 7-0.

AYES: Vermillion, Shankle, Childress, Newland, Robles, Botsford, and Keyser.

NAYS: 0

ABSENTIONS: 0

### **EXECUTIVE SESSION ANNOUNCEMENT**

Mayor Keyser made an announcement regarding the need to hold an Executive Session, prior to the regular Council meeting. The meeting was held pursuant to Oregon Public Record Law, ORS 192.660(2); 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.

Mayor Keyser asked Assistant City Manager Corthell for the staff report. (See Meeting Minute Attachment #1) Briefly, City staff is asking for Council's approval or denial to allow full Occupancy of the development at 1000 W Main prior to completion of ODOT required improvements on OR 211.

### **ACTION**

Councilor President Newland moved to direct the City Manager to prepare and sign the proposed agreement; Councilor Childress seconded. Motion passed 7-0.

AYES: Vermillion, Shankle, Childress, Newland, Robles, Botsford, and Keyser.

NAYS: 0

ABSENTIONS: 0

## **PUBLIC COMMENT**

- Char Pennie, Molalla resident, spoke in support of Measure 3-602, Supporting a Bond for a new Police Station. (See Meeting Minute Attachment #2)
- David Potts, Molalla resident, spoke in support of Measure 3-602. (See Meeting Minute Attachment #3)
- Ashley Borowczak, Molalla resident, submitted a letter regarding a recent Facebook Live video that Mayor Keyser posted. (See Meeting Minute Attachment #4)
- Lynette Boutelle, Molalla resident, submitted a letter regarding Councilor Childress' ethics violation. (See Meeting Minute Attachment #6)

## **PUBLIC HEARINGS**

None.

## **ORDINANCES AND RESOLUTIONS**

None.

## **GENERAL BUSINESS**

None.

## **STAFF COMMUNICATION**

- Police Chief Long shared that on Saturday October 20, 2023, the Molalla Police Department arrested a twenty-year-old male after receiving information he was possibly selling narcotics to high school students. A search warrant was written on the suspects' vehicle and cocaine, LSD, MDMA, Xanax, codeine, psilocybin mushrooms, marijuana, marijuana vape oil, and a loaded firearm were seized as evidence. The suspect was lodged at the Clackamas County Jail and is being charged with two counts of distribution of a controlled substance, unlawful possession of a controlled substance, unlawful possession of marijuana by a person under 21 years of age, and unlawful possession of a firearm. Chief Long shared that this was a result of someone that saw something and reported it, therefore leading to the investigation and arrest.
- Assistant City Manager Corthell had nothing to report.
- City Recorder Teets had nothing to report.
- City Manager Huff shared a memo with Council from the League of Oregon Cities, seeking volunteers for committees. (See Meeting Minute Attachment #6)

## **COUNCIL COMMUNICATION**

- Councilor Botsford shared that her experience attending the LOC Conference as a new Councilor was a very good one. She feels that Molalla is very well informed about government, codes and ordinances
- Councilor Vermillion was unable to attend the Conference and extended his thanks to ACM Corthell for going in his place. He also announced Molalla Fire Department's upcoming Operation Santa Claus Parade.
- Councilor Robles thanked Chief Long and his officers for the dedication to keeping our community safe. She feels it is a privilege to live in a community that is highly protected by its officers.
- Councilor Shankle announced the upcoming Downtown Trick-or-Treat event that will take place on Halloween, an encouraged families to attend.
- Councilor Childress made the following statement, "During the April 27, 2022, Council meeting, I failed to properly announce an actual conflict of interest concerning Molalla HOPE's request for a lease. I self-reported to the State Ethics Commission. I agreed to the terms of the Stipulated Final Order. In lieu of a civil penalty, I have received a letter of education." She also announced that October is National Domestic Violence Awareness Month and provided the number to the hotline at 800-799-SAFE(7233).
- Council President Newland thanked Councilor Childress for the opportunity to announce that one of the features in the new Police Station that may be built is a safety vestibule for people to escape to if they are in need of a safe room. They can go in and lock the doors behind them and then call the Police from the inside. She also announced that there would not be a Parks CPC meeting in November, that they would reconvene in December.
- Mayor Keyser shared his experience at the LOC Conference, stating that City Councilors attended different classes. A class was provided for City Managers and Mayors to attend together. He very much appreciates the rapport he has with City Manager Huff. He also appreciated the time that Council and staff were able to spend together over dinner, talking and collaborating.

For the complete video account of the City Council Meeting, please go to YouTube  
“Molalla City Council Meetings – October 25, 2023”

**ADJOURN**

Mayor Keyser adjourned the meeting at 7:34pm.

\_\_\_\_\_  
Scott Keyser, Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Christie Teets, City Recorder

Minute Attachments:

1. Staff Report – Development Agreement for 1000 W. Main (Executive Session discussion)
2. Public Comment, Char Pennie
3. Public Comment, David Potts
4. Public Comment, Ashley Borowczak
5. Public Comment, Lynette Boutelle
6. LOC Policy Committees, Dan Huff



## CITY OF MOLALLA

117 N. Molalla Avenue  
PO Box 248  
Molalla, OR 97038

### Staff Report

### Agenda Category: General Business

**Date Presented: October 25, 2023**

**From: Mac Corthell, Assistant City Manager**  
**Approved by: Dan Huff, City Manager**

**SUBJECT:** Development Agreement – 1000 W Main St

**FISCAL IMPACT:** None.

**RECOMMENDATION/RECOMMEND MOTION:** None.

#### **BACKGROUND:**

City Staff is asking for Council's approval or denial to allow full Occupancy of the development at 1000 W Main prior to completion of ODOT required improvements on OR-211. This is not request that staff would typically consider, much less elevate to the Council, but has chosen to in this case for a number of reasons:

1. The well known, and ongoing difficulties and delays with the ODOT development process;
2. The costs associated with ODOT delays visited upon Molalla developers;
3. The long-term neglect of OR-211 by ODOT, that has only been improved by Molalla developers for some time;
4. The substantial financial guarantees for improvements beyond the scope of those required in the land use process;
5. The desire to provide a fair and reasonable development process to those doing business in Molalla.

**If Approved:** Prior to occupancy of 1000 W Main, staff will obtain at least 110% bonding for the ODOT improvements required for both 1000 W Main and 105 S Ona Way, and a fairly substantial set of voluntary improvements on OR-211 that the developer has agreed to make (sidewalk along the north side of OR-211 from terminus near Hezzie Ln to halfway between Ona Way and Industrial Way; sidewalk infill in front of church next to Stone Place Apartments; all associated ADA Ramps and stormwater upgrades; and the North intersection of OR-211 and Ona Way).

So, if the developer does not complete the required improvements, or does not move forward with phase 2 at 105 S Ona Way, the developer – through their bond, would still pay for completion of all three sets of improvements along OR-211 (required for 1000 W Main, required for 105 S Ona Way, and voluntary).

**If Denied:** The developer will experience a \$100,000 per month penalty starting in November.

CHAR PENNIE - 10/25/23

Good evening, Mayor, and City Council Members

I would like to speak out in support of Bond Measure 3-602. For those that are still on the fence about how important this bond is here are some statistics:

There are currently 17 active police officers in Molalla.

The day shift consists of 2 patrol officers, 1 Sergeant & 1 Student Resource Officer

The night shift consists of 2 patrol officers & 1 Sergeant

The police station was built in 1970's when the population of Molalla was 2,000.

Since that time the city has grown to over 10,000.

The national average number of officers per citizen should be 2.4 per 1,000 so technically we should have a total of 24 officers. We are already 7 officers below the national average for our population of 10,000. Our current location is not sufficient for even the average numbers of officers the city needs.

PSU did a 20-year study (in 2022) regarding housing needs for Molalla. The estimated growth projection would see an increase of 5,560 citizens by 2042 making our population growth an average of 755 citizens per year. I personally believe that number is low. Just look at the current construction happening in our city. Who are all those apartment buildings for?

We need this facility to protect our small town feel and keep our streets safe. Once criminals hear that we do not have enough officers to enforce the law you will see an influx of criminal behavior. We know we already have drug houses in Molalla. I understand there have always been drugs in Molalla.

However, for whatever reason it has not affected the safety on your streets. Kids are still able to go outside and play in their yards and ride their bikes through town. If you can imagine a dystopian future of drugs, crime and homeless you would envision Portland, where kids aren't even allowed out in their own front yards.

I have been told on FB that I am fear mongering. Say whatever you wish, I have lived in the "Belly of The Beast" known as Portland and I have seen how things can deteriorate in several years when good people stand by and just watch.

Please vote yes on Bond Measure 3-602!



**DAVID POTTS– 10/25/23 – CITY TESTIMONY IN SUPPORT OF BOND MEASURE 3-602**

Protecting Molalla's quality of life is an inherent value most Molalla residents share. Public safety is prioritized to keep our streets and neighborhoods safe. Providing a safe and adequate police station will promote Molalla as a place that values community safety.

The Molalla Police Department and City Hall have shared the same building since early 1970's when the population of Molalla was approximately 2,000. Today's population is a little over 10,000 people. There is not room in the current building for staff workspace, let alone secure storage for arms and evidence.

Currently, the Molalla Police Department operates without adequate headquarters. The space our police work from now is not appropriate for booking and processing offenders. Police currently have limited, shared desk space to fill out necessary paperwork in the office. Officers do not have adequate lockers, showers or changing facilities. Security needs currently exceed capacity, and there is no room for on-site training or community meetings.

There is no secure temporary holding facility in Molalla, which causes safety concerns when dealing with violent offenders. Molalla is losing officer time and weakening our law enforcement capacity as a result. There is no secure police parking lot or protected garage.

The planned police station would allow us to use our limited police force capacity to maximum effect, increase efficiency and improve our support for the sworn officers who serve our community.

This increased capacity would enable Molalla to have an emergency coordinating center with capacity for wildfire response and other natural disasters.

**I urge you to vote yes for Bond Measure 3-602**

**From:** [Christie Teets](#)  
**To:** [Dan Huff](#)  
**Cc:** [Christie Teets](#)  
**Subject:** FW: Facebook live bully session  
**Date:** Wednesday, October 25, 2023 12:17:48 PM

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Good Afternoon City Council,

I have received the following Public Comment. I will not be reading any messages received at tonight's meeting, however, all items will be announced and placed in the final packet/meeting minutes.

City Councilors are blind copied as to not create a serial meeting.

Best,

***Christie Teets, CMC***

City Recorder

Phone: 503.759.0285 | Fax: 503.829.3676

[www.cityofmolalla.com](http://www.cityofmolalla.com)



DISCLOSURE NOTICE: This email is official business of the City of Molalla and is subject to Oregon Public Records Law.

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**From:** Ashley Borowczak <ashleyborowczak@yahoo.com>  
**Sent:** Wednesday, October 25, 2023 11:51 AM  
**To:** City Recorder <recorder@cityofmolalla.com>  
**Subject:** Facebook live bully session

Dear City Counsel and whom ever else it concerns,

My name is Ashley Starr (Borowczak), I was born and raised in Molalla and moved back a few years ago to raise my family in the wonderful city and community I was proud to grow up in and loved to call my home.

Mr. Mayors statements during his fact sharing session:

"Get off your keyboard and lets go have a beer"

"Ms. Lefever throws up a bunch of crap"

"You guys want to play games, keep poking the bear. Keep playing games and win stupid prizes, thats my motto and everyone should learn from it"

"I put up with so much of this crap"

"If you guys want to be a business in this community you should learn to get along"

"This shit ain't worth it"

My first question is, What bear is Mr. Mayor talking about poking? and what "stupid" prizes will business owners be getting when they play games? Does the city treat those businesses differently based on who owns the business or does the business have to pay more money when they play those "games"? Im just trying to understand the fee schedule of those "games".



I dont actually care about the issue the mayor chose to do a facebook live session for, I will start off by saying that. What seems odd to me though is that our Mayor decided to go on a facebook live like this, to read the "facts" of the matter and clear up some miss information being stated online, and he states during this live how much of a waste of time this is and how he could be spending time with his family but then proceeds to go on and on about his personal opinions about the issue at hand and creating this hostile and "I'm the boss" bully environment. The quotes above are verbatim what the mayor stated during his rant and not something I would expect the mayor to say to his community members during a facebook live session that, again, states multiple times how much a waste of time all this drama is.

The divide he created (and feeds) instead of stating the facts and making sure the city is informed correctly, is disgusting and not something that we should see from our mayor, being the voice of our beloved city and my home. Mr. Mayors threatening and bully behavior in this video is something he should be ashamed of and embarrassed. I understand the person/families who he is talking about did not explain the situation very well, unfortunalty they do not hold the position he does, of mayor and the behavior against them by our mayor, again is something he should be ashamed of. He didn't create this drama, and its such a waste of his time but yet he feels the need to make a video of the "shit that ain't worth it" (his words) and then proceed to bash the community members and businesses.

State the facts, that is all he should have done and ended the session if he didn't want the "Drama. I am assuming he received the information on the piece of paper he is holding from the City (if not apologies for assuming) but, I do hope the city counsel does not hold these same opinions and values as the mayor, nor condones his behavior towards his city and its community members. I would get off my keyboard and go to the meeting but my family commitments are preventing me from being there to read this out loud myself.

What he did and said was not right.

Thank you.

Ashley Starr

**From:** [Christie Teets](#)  
**To:** [Dan Huff](#)  
**Cc:** [Christie Teets](#)  
**Subject:** FW: Public Comment for Today's Council Meeting  
**Date:** Wednesday, October 25, 2023 4:13:48 PM

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Good Afternoon City Council,

I have received the following Public Comment. I will not be reading any messages received at tonight's meeting, however, all items will be announced and placed in the final packet/meeting minutes.

City Councilors are blind copied as to not create a serial meeting.

Best,

***Christie Teets, CMC***

City Recorder

Phone: 503.759.0285 | Fax: 503.829.3676

[www.cityofmolalla.com](http://www.cityofmolalla.com)



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**From:** Lynette Boutelle <lynetteboutelle@gmail.com>  
**Sent:** Wednesday, October 25, 2023 2:46 PM  
**To:** City Recorder <recorder@cityofmolalla.com>  
**Subject:** Public Comment for Today's Council Meeting

So sorry I am submitting this post Noon, I just found out I won't be making the meeting in person. I hope this gets in but understand if it does not.

**My Public Comment:**

My name is Lynette Boutelle, I live in what's considered "Downtown Molalla". My comment is directed to Councilor Childress. You by your own request asked what would constitute an ethics

violation in Advice Number 20-015I. Within 3 years of being advised, you have been found guilty of committing an ethics violation in the Final Order of the Ethics Commission, document 23-09EHM. You have created a lot of distrust, fret, and hostility as well as a deterioration of morale and an increase of Individuals whom we cannot help, within our town for your benefit and so I ask you to step down as City Councilor. Thank you.

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Lynette Boutelle

**From:** [Dan Huff](#)  
**To:** [Christie Teets](#)  
**Subject:** FW: LOC Policy Committees - Coming Up Short of Applicants in Region 3 - Particularly Smaller Cities  
**Date:** Tuesday, October 24, 2023 11:57:57 AM

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I want to bring this up with Council tomorrow night.

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**From:** Patty Mulvihill <pmulvihill@orcities.org>  
**Sent:** Tuesday, October 24, 2023 10:05 AM  
**To:** Dan Huff <dhuff@cityofmolalla.com>  
**Subject:** LOC Policy Committees - Coming Up Short of Applicants in Region 3 - Particularly Smaller Cities

Dan,

I'm emailing to see if you, any member of your council (perhaps your Mayor), other staff, or even regional colleagues have any interest in serving on one of the seven policy committees? Staff pulled a list of applicants for me today, as the application period closes next Tuesday, and I only have a handful of people from Region 3 (particularly smaller cities in Region 3), who have applied. With the number of issues facing those of in the northern portions of the Valley, particularly those that are almost directly adjacent to the metro region, I'm slightly concerned its voice may not be fully included in the policy committee discussions, which could impact the policies that are pursued by the LOC during the 2025 and 2026 legislative sessions.

I know you personally are incredibly busy with your professional and personal life. But it's important to me that your region have a strong seat at the LOC legislative positioning table, and I wanted to reach out to see if you have any time to spare to serve on one of these committees – or time to encourage others in your region to apply to serve.

The seven policy committees include:

- Broadband, Cybersecurity & Telecommunications Policy Committee.
- Community & Economic Development Policy Committee.
- Energy & Environment Policy Committee.
- Finance & Taxation Policy Committee.
- General Government Policy Committee.
- Transportation Policy Committee.
- Water & Wastewater Policy Committee.

Policy committees will have three to six meetings from March to June of 2024. All meetings are held virtually, and typically last no more than 2 hours.

You can access the application [here](#).

Should you have questions about any of the policy committees, please feel free to contact LOC's Legislative Director Jim McCauley. Jim can be reached at [jmccauley@orcities.org](mailto:jmccauley@orcities.org) or at 971.428.7274.

Thanks,  
Patty



Patty Mulvihill, Executive Director  
503-588-6550 cell: 971-428-7271  
1201 Court St. NE, Suite 200, Salem, OR 97301-4194  
[www.orcities.org](http://www.orcities.org)





## CITY OF MOLALLA

117 N. Molalla Avenue  
PO Box 248  
Molalla, OR 97038

### Staff Report

### Agenda Category: General Business

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**November 8, 2023**

**From: Mac Corthell, Assistant City Manager**  
**Approved by: Dan Huff, City Manager**

**SUBJECT:** Building Resilient Infrastructure Communities (BRIC) Grant

**FISCAL IMPACT:** Up to \$12 million in potential funding

**RECOMMENDATION/RECOMMEND MOTION:** Approve.

I move that the Molalla City Council does support staff submittal of a BRIC Grant application for funding to Study, Design, and Construct a new 2.0mg Water Reservoir and new Water Intakes. I further move that the Mayor is authorized to sign a letter of support for these grant projects, and the City Manager is authorized to sign the necessary application documents.

**BACKGROUND:**

Every 5-years, the City of Molalla must submit an addendum to the Clackamas County Hazard Mitigation Plan that is submitted to State OEM and finally to FEMA.

The addendum identifies hazards in Molalla, how likely/frequent those hazards are to occur, and what actions may be taken to mitigate the impacts of those hazards. Once approved by FEMA, several pots of Federal money are made available as grants to fund the projects contained in the plan.

With this in mind, City staff has intentionally and appropriately ensured that those projects in the City's Capital plan with a hazard mitigation element are included in the City's addendum as hazard mitigation actions. The application for BRIC grant funding is part of the City's larger plan to seek financial support for major projects. The new intake and reservoir are expected to cost over \$11 million to study, design, and construct. City staff has been preserving Water Capital funds and Water SDC's to help meet the match requirements for this opportunity.

Additionally, staff has obtained commitments for letters of support from Molalla Fire, Molalla River School District, and Clackamas County OEM if this proposal is approved. Staff also intends to engage state and federal elected officials for support of these projects if this proposal is approved by the Council.



## CITY OF MOLALLA

117 N. Molalla Avenue  
PO Box 248  
Molalla, OR 97038

### Staff Report

### Agenda Category: General Business

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**November 8, 2023**

**From:** Mac Corthell, Assistant City Manager

**Approved by:** Dan Huff, City Manager

**SUBJECT:** MMC Table 17-2.2.030, Bars and Taverns

**FISCAL IMPACT:** N/A

**RECOMMENDATION/RECOMMEND MOTION:** Provide Feedback

#### **BACKGROUND:**

Molalla's Development Code currently allows Bars and Taverns to operate, subject to Conditional Use Permit review, in both Commercial Zones (C-1 and C-2) and in the Light Industrial Zone (M-1).

But, any Bar or Tavern established after 2010 ***"must not be located within 500 feet of another Bar or Tavern."***

The code does not define a Bar or Tavern, and does not define how to administer the 500-foot rule (e.g. property line to property line, door to door, building to building, etc...).

With these concerns in mind staff took this provision to the Planning Commission on 10/4/23 for a recommendation concerning this provision and the Planning Commission voted to remove the 500-foot standard and merge the Bars and Taverns use with the same category used for restaurants – Commercial and Retail Sales and Services.

This would remove the 500-foot prohibition and alleviate the need to define Bars/Taverns, and interpret how to measure the 500-foot prohibition. However, it would also remove the ability to place a Bar or Tavern on Light Industrial (M-1) property.

Below staff has provided 3 logical options for handling of the 500-foot prohibition:

1. Leave it in place, define Bars and Taverns, and interpret how to measure the 500-foot rule.
2. Adopt the planning commission's recommendation to merge the category with Retail Sales and Services thereby eliminating the 500-foot rule and Conditional Use permit requirement, but also eliminating Bars and Taverns from the M-1 zone.
  - a. Eliminates the need to define Bars and Taverns
3. Eliminate the 500-foot rule for Bars and Taverns, change the use to Permitted in the C-1 and C-2 Zones (instead of Conditional Use) and allow them in the M-1 zone subject to Conditional Use.
  - a. A definition for Bars and Taverns would still need to be developed





## CITY OF MOLALLA

117 N. Molalla Avenue  
PO Box 248  
Molalla, OR 97038

### Staff Report

### Agenda Category: General Business

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**November 8, 2023**

**From: Mac Corthell, Assistant City Manager**  
**Approved by: Dan Huff, City Manager**

**SUBJECT:** Civic Center Bathroom & ADA Improvements Contract Award

**FISCAL IMPACT:** \$128,825.64

**RECOMMENDATION/RECOMMEND MOTION:** Approve.

I move that the Molalla City Council Accept the Bids outlined in the Recommendation Letter and Award the Contract to ATK Construction Inc. for \$128,825.64 for Project 21-10 Civic Center ADA Improvements.

**BACKGROUND:**

**The City of Molalla was awarded a CDBG grant to complete ADA improvements at the Molalla Civic Center including:**

1. Remodel of the Public Restroom to meet ADA Compliance
2. Replacement of Sidewalk Ramps on the outer edges of the Civic Center Driveway to meet ADA Compliance (includes relocation of the bus shelter about 10 feet north to allow room for ADA ramp and to provide ADA access to the shelter).
3. Widening of Sidewalk from new ADA ramp adjacent to bus shelter to Council Chamber access ramp.
4. ADA ramp placement at Civic Center front door ADA ramp and associated pathway widening.

**The following bids were received for the project:**

1. \$128,825.64 by ATK Construction, Inc.
2. \$150,896.00 by Dalke Construction Co. Inc.
3. \$230,000.00 by Knife River Materials
4. \$233,887.00 by Brown Contracting, Inc.

**The City's Engineer of Record concurs with staff's recommendation to :**

1. Accept the bids.
2. Award a contract to ATK Construction, Inc. in the amount of \$128,825.64

**Attachments:**

1. Recommendation Letter from Dyer Partnership



THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS, INC.

November 2, 2023

Macahan Corthell, Assistant City Manager  
City of Molalla  
117 N Molalla Avenue  
Molalla, OR 97038

RE: City of Molalla  
Civic Center ADA Improvements  
City of Molalla Project No. 21-10  
The Dyer Partnership Project No. 198.49

Dear Mr. Corthell:

This letter is to recommend action by the City of Molalla in response to the bids received on November 1, 2023 at 2:00 PM for the above referenced project. Four bids were received. There were minor irregularities on the Bid Form from Knife River Materials the contact information and date qualified to do business were not completed. All the bids were responsive and responsible. The bids were in the following amounts:

1. \$128,825.64 by ATK Construction, Inc.
2. \$150,896.00 by Dalke Construction Co. Inc.
3. \$230,000.00 by Knife River Materials
4. \$233,887.00 by Brown Contracting, Inc.

Dyer recommends that the City of Molalla take the following action:

1. Accept the bids.
2. Award a contract to ATK Construction, Inc. in the amount of \$128,825.64.

It is our opinion that ATK Construction, Inc. has sufficient experience and qualifications to satisfactorily construct the project.

Assuming the City of Molalla and Council concurs with our recommendation; we have enclosed four copies of the Notice of Award. A representative for the City needs to sign all four copies after which they should be returned to our Coos Bay office. (*Please do not date the Notice of Award.*) We will date the Award following notification that the City of Molalla accepts the bid and is determined to award the project.

Pursuant to ORS279C.835, the Oregon Bureau of Labor and Industries requires that Form WH-81 be filled out by the contracting agency and sent to them with a copy of the first-tier subcontractor form, if applicable (ORS 279C.370), within 30 days of issuing the Notice of Award. The form is available at:

<https://www.oregon.gov/boli/WHD/PWR/docs/wh81.pdf>

The Owner is also responsible for payment of a Public Works fee to the Bureau of Labor & Industries. This payment is accompanied by Form WH-39 which is available at:

<https://www.oregon.gov/boli/WHD/PWR/docs/wh39.pdf>

Sincerely,

Ryan Quigley, PE  
Project Manager

481 S MAIN STREET  
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