



AGENDA

**MOLALLA CITY COUNCIL MEETING
June 8, 2022
7:00 PM
Molalla Civic Center
315 Kennel Ave, Molalla, OR 97038**

Mayor Scott Keyser

**Council President Jody Newland
Councilor Elizabeth Klein
Councilor Terry Shankle**

**Councilor Leota Childress
Councilor Crystal Robles
Councilor Eric Vermillion**

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.

*In accordance with House Bill 2560, the City of Molalla adheres to the following practices:
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 by 4:00pm 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 – May 25, 2022.....Pg. 2
 - B. Contract Award: WWTP Decant Facility.....Pg. 43
- 4. PRESENTATIONS, PROCLAMATIONS, CEREMONIES**
 - A. Library Board Appointment (Hadley).....Pg. 46
 - B. Wayfinding Kiosk Art Contest Winners.....Pg. 49
- 5. PUBLIC COMMENT & WRITTEN COMMUNICATIONS**
(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 generally 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.)
- 6. PUBLIC HEARINGS**
 - A. USDA Rural Development Application for Wastewater Treatment Plant Financing.....Pg. 50
- 7. ORDINANCES AND RESOLUTIONS**
 - A. Resolution No. 2022-07: USDA Rural Development Loan.....Pg. 51
- 8. GENERAL BUSINESS**
 - A. Municipal Court Judge Contract Renewal.....Pg. 55
- 9. STAFF COMMUNICATION**
- 10. COUNCIL COMMUNICATION**
- 11. ADJOURN**

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
May 25, 2022**

CALL TO ORDER

The Molalla City Council Meeting of May 25, 2022 was called to order by Mayor Scott Keyser at TIME

COUNCIL ATTENDANCE

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

STAFF IN ATTENDANCE

Dan Huff, City Manager; Christie Teets, City Recorder, Mac Corthell, Community Development Director; Andy Peters, Public Works Division Manager.

CONSENT AGENDA

- A. City Council Meeting Minutes – April 27, 2022.....Pg. 3
- B. Work Session Meeting Minutes – April 27, 2022.....Pg. 6
- C. Work Session Meeting Minutes – May 11, 2022Pg. 7

A motion was made by Councilor Childress to approve the Consent Agenda, seconded by Councilor Vermillion. Vote passed 7-0, with all Councilors voting Aye.

PRESENTATIONS, PROCLAMATIONS, CEREMONIES

- A. Interfor Presentation

Mr. Zach Haas from Interfor submitted regarding Oregon Department of Forestry Habitat Conservation Plan. The letter was read by Mayor Keyser in its entirety.

City Recorder Teets requested that Mayor and Council move Item 8A to Item 4B. Council agreed by consensus, and the Skate Park Presentation followed.

- B. Skate Park Presentation – Family of Timateo De La Cruz

Ms. Salena De La Cruz-Forsythe presented a slide show to Council requesting the renaming of the Molalla Skate Park, in honor of her brother, Timateo De La Cruz. Ms. Cruz shared a suggested timeline, and offered her assistance in the project. Mayor Keyser explained that currently there was not a policy of this nature in place. He stated that Council would like to look into renaming a park. Mayor Keyser thanked Ms. De La Cruz-Forsythe for her time, and shared his condolences to the family.

Connie Gordon, supporter of Timateo De La Cruz, submitted a letter to the City Recorder also requesting the renaming of the skate park.

PUBLIC COMMENT

None.

PUBLIC HEARINGS

- A. Molalla Enterprise Zone Re-Designation and Expansion

Community Development Director Corthell explained that the process for re-authorization and /or expansion of an enterprise zone requires special notice to all taxing districts in the zone, public outreach, and a public hearing to provide those affected with a chance to comment. Staff has completed all notice requirements for this hearing.

Businesses locating or expanding in an enterprise zone may be eligible to receive an exemption from property taxes for three to five years on new investments including building construction, improvements, and equipment.

Mayor Keyser opened the Public Hearing for the Molalla Enterprise Zone Re-Designation and Expansion at 7:31pm.

Mr. Todd Gary of the Molalla Fire Department, spoke in favor of the re-designation. Mr. Gary stated that something for Council to consider when bringing new business to town is insurance rates. Mr. Gary referenced the ISO (Insurance Services Office) and how it relates to insurance for the business community. High insurance rates can become a deterrent to business owners.

Councilor Klein reference the four districts as City, Fire, School, and Aquatic Center. She wanted to know if the exemption would impact all of them. Mr. Corthell responded yes.

Councilor Shankle asked Mr. Corthell if other businesses have taken advantage of the incentive in the past. Mr. Corthell shared that Pacific Fiber Products (PacFiber) and Licotek Medical each have.

This opportunity is eligible to industrial businesses only, not for grocery, retail, construction, and finance institutions. This is geared towards industrial jobs. Mayor Keyser asked if Dansons would fall into this category, Mr. Huff replied yes, if they were to apply and meet criteria.

Mayor Keyser closed the Public Hearing at 7:46pm.

ORDINANCES AND RESOLUTIONS

- A. **Resolution No. 2022-05**: Authorizing the Partial Release of the Municipal Lien on Property Known as 12786 S. Toliver Rd.

Mr. Corthell shared the Staff Report representing this Resolution. This property is scheduled to be used by ODOT for the Hwy 213 Round-a-Bout project. This property is currently liened by the City. ODOT is requesting a partial lien, that provides the space that ODOT needs, while honoring the lien with the City.

A motion was made by Councilor Vermillion to approve Resolution No. 2022-05, seconded by Councilor Shankle. Vote passed 7-0, with all Councilors voting Aye.

GENERAL BUSINESS

- C. Planning Commission Discussion

City Manager Huff stated to Council that included in packets is the current Molalla Municipal Code language for Planning Commission and Council. Any decision to change current language is Council responsibility.

Rae Botsford, Planning Commission Chair, approached Council with a few items from her six years on the Planning Commission regarding a Hearings Officer. Ms. Botsford agreed with Council regarding the importance of having a quorum in order to hold meetings. She shared that in past years, there have been difficulties filling seats on the Commission, therefore at times making it hard to hold a meeting. She also shared her concern of having a Hearings Officer, is citizen involvement and education.

Mayor Keyser stated that currently there isn't anything in our Code regarding how an open Planning Commission position is filled. He would like Council to consider having a Public Notice created, giving other citizens an opportunity to apply. He also addressed the importance of attendance for those appointed, as meetings are held once a month.

Mr. Corthell suggested a Work Session for Council to evaluate current language, including edits and suggestions.

D. Contract Award: RFP for Auditing Services

A motion was made by Councilor Vermillion to approve the contract award for Auditing Services, seconded by Councilor Robles. Vote passed 7-0, with all Councilors voting Aye.

STAFF COMMUNICATION

- Public Works Division Manager Peters had no report.
- Community Development Director Corthell shared the monthly Community Development Department report with Council.
- City Recorder Teets announce that June 1st, Candidate packets for the November 2022 General Election will be available.
- City Manager Huff informed Council that he would provide upcoming meeting dates for the Police Facility CPC.

COUNCIL COMMUNICATION

- Councilor Vermillion announced the dates and times for upcoming Chamber and MRSD Board Meetings.
- Councilor Robles shared that the Library will be holding a Repair Fair this Saturday.
- Councilor Childress addressed Mayor Keyser regarding recent posts on Facebook involving Molalla Cares nonprofit organization. She referenced money that is being held for the Skate Park, as well as the Molalla River Jam proceeds that will be used the following year. Ms. Childress is requesting proof of the IRS Determination Letter for Molalla Cares, or if there is not one, that Mayor Keyser not reference that there is one to the public. Mayor Keyser responded that Councilor Childress is welcome to contact his CPA for Molalla Cares.
- Councilor Shankle had no report.
- Councilor Klein had no report.
- Council President Newland announced that the Molalla Farmer’s Market is starting this week. The Library is bringing back the Music in the Park series this summer. She also encouraged people to get involved in our community, as there are many volunteer opportunities.
- Mayor Keyser reminded people of the upcoming Molalla River Jam, encouraging people to carpool if possible. A Saturday Market is also being held. There are no other tickets available.

[For the complete video account of the City Council Meeting, please go to YouTube “Molalla City Council Meetings – May 25, 2022”](#)

ADJOURN

Mayor Keyser adjourned the meeting at 8:45pm.

Scott Keyser, Mayor

Date

ATTEST:

Christie Teets, City Recorder



May 25, 2022

Molalla City Council

Dear Council:

Oregon Department of Forestry Habitat Conservation Plan

Thank you for the opportunity to speak with you tonight about the States Proposed Habitat Conservation Plan and draft Environmental Impact Statement (EIS). As some of you may already know the Oregon Department of Forestry is embarking on a Habitat Conservation Plan to cover the State Forests of Northwest Oregon, which on the surface may sound like a good idea but after reading the draft EIS the its clear that the plan will have some severe consequences as a result. Current Iterations show a 50% reduction in available acreage for harvest from state forests, which would severely reduce the annual output of timber sold from state forests and forecasts show that the revenue generated from reduced harvests will not support operating costs of the department, making them rely on general fund dollars which they do not currently do.

Interfor operates a sawmill in Molalla, OR and employs 125 people. We currently produce around 180 Million Board Feet of lumber per year and directly employ 125 people at our mill. We also operate a sawmills in Philomath, OR, and Longview, WA which both employ about the same amount of people and rely on State Forest Volume for a portion of their timber supply. Oregon Forest Industries Council estimates that approximately 11 jobs are created with the harvest of 1 million board feet of timber. For just our Molalla mill that equals about 825 jobs that are supported by our operation, many of those jobs are here in Molalla. During the scoping process for the draft EIS many mills were not contacted about employment numbers and potential effects of reduced harvest from state forests.

In our current situation in the aftermath of the 2020 wildfires 100's of thousands of acres burned locally which will effectively put those acres off the table for available harvest for at least the next 40 years. The United States Forest Service is planning on reducing harvest levels in region 6(Oregon and Washington) by 200 million board feet per year for the next 5 years, and in Oregon private forests will subject to new laws that will reduce available acres for harvest with increased stream buffers on private lands. All of this reduction is expected to take out 7 sawmills in Oregon over the next 40 years. In the meantime we are also dealing with increased fire prevalence on the landscape and millions of acres in need of forest management treatments. Reducing harvest on public lands will effectively reduce the contractor pool available to treat acres in need, this coupled with the disappearance of sawmills will reduce our states capacity to process logs that would come from these treatments.

As an industry collectively we would like for the state to re-analyze the EIS and their proposed habitat conservation plan and put forth an alternative that would treat more acres to increase forest resilience to wildfire and insects and disease. If the state chooses not to do so our preference would be for them to choose option 5 in the HCP or the increased harvest alternative. With a good portion of the

Interfor U.S. Inc.

Molalla Division
15555 S. Hwy. 211
Molalla, OR 97038

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fax: (503) 829-5481

Interfor.com

population of Molalla working in the forest products sector and lumber being one of the most important economic drivers in the City we ask for your support by sending a letter and comments to NOAA fisheries (EIS Preparer), the state forester and the board of forestry asking for more alternatives to be explored that would exclude fewer acres from harvest, and if they cannot do that at least choose option 5.

Thank you for the opportunity to present this important information and for your willingness to support the forest sector economy in Molalla.

Thanks,

Zach Haas

Senior Procurement Forester

Interfor Molalla Division



RENAMING THE MOLALLA SKATE PARK PROPOSAL

Salena De La Cruz-Forsythe on behalf of
Timateo De La Cruz

BACKGROUND

- May of 1997 five local skaters approached their teacher, who just happened to be the mayor of the city, Mike Clarke, for a skate park
 - Timateo De La Cruz
 - Daniel Beaudry
 - Mike Arrigo
 - Shawn Noble
 - Doug Noble
- Mayor Clarke stated that he would support the endeavor with a proposal
- Timateo reached out to me (his sister) and asked for help with the proposal
 - Non-profit, SkatePark Investors was formed by Salena to start the process
 - Proposal was written up and the initiative was approved June 1997

HOW WE GOT THERE

- For three years, Salena and the original skaters worked to fundraise, hosted skate competitions and stayed actively involved in the skater park
- The skaters shared their blood, sweat and tears by committing to this body of work by having their hands in the dirt, laying concrete, promoting the skate park
- June 24, 2000, the skate park officially opened up with a skate competition
- We continued to have skate competitions until 2007, when Salena gave the reigns to younger brother Timateo as a skate liaison
 - Timateo continued to skate and visit the park and mentor local skaters and bust out his own moves.

PROPOSAL

- Timateo was one of the original skaters that brought this endeavor to city council. Had it not been for that first step we may not even have the current skate park we do. Timateo drove those initial conversations to get the ball rolling.
- He reached out to me to assist in moving this body of work forward. I handled the business and technical logistics, met with city representatives, coordinated with skate industry leaders. Timateo was a friend to all, skaters and community members. He had a heart. He had a smile for all. So, I am asking, pleading with you to rename the City of Molalla Skate Park as the Timateo Memorial Skate Park. Show him this town, skaters, all of us, appreciated those efforts.

DELIVERABLES

Deliverable	Description
Deliverable #1	Approve Renaming of the skate park
Deliverable #2	Promote Renaming Event
Deliverable #3	Host Renaming Event
Deliverable #4	Officially Rename skate park Timateo De La Cruz Memorial Skate Park
Deliverable #5	If new skate park is built, promote naming event
Deliverable #6	Host naming event
Deliverable #7	Officially name new skate park Timateo De La Cruz Memorial Skate Park

TIMELINE OF EXECUTION

Description	Start Date	End Date	Duration
Project Start-Molalla City Council Meeting	5/25/22	5/25/22	1 hour
Approval/Denial: Milestone 1	6/8/22	6/8/22	1 hour
Renaming Event: Milestone 2	9/1/22	9/1/22	2 hours
Phase 1 Complete	9/1/22	9/1/22	2 hours

FIRST SKATE COMPETITION

- Church of Christ parking lot with handmade ramps and obstacles by the skaters
September 1997





MAKING THE SKATE PARK



**SkatePark Investors proudly presents:
The Molalla Skate Competition**

When: June 30, 2001 12:30 p.m.
Cost: \$5.00 to enter, all proceeds go back to winners.
Where: Molalla Skate park located on Kennel St.

Directions: Take I-205 South to the Molalla Park Place Exit follow to Hwy. 213, follow all the way through, past Clackamas Community College, keep going. You will hit a 4-way stop with a Shopping Center on the left with a McDonald's and Safeway. Turn left, follow until you pass railroad tracks. You will see Buckaroo Ford dealership and a Burrito stand, turn left on Kennel St. and you can't miss it.
Contact: Salena De La Cruz/CEO, SkatePark Investors, (503) 829-4163 or e-mail salenadacruz@netscape.net.

Helmets are required to compete.



BOB HAWLEY JR./MOLALLA PIONEER
Molalla rollerbladers Josh Herbert, left, Daniel Beaudry, Richard Morgan, Tim DeLacruz, Nathan DeFrates and Mike Arrigo, kneeling, hope to raise enough money to convince the city to help them build a permanent skate park in Clark Park for them and skateboarders.

Skaters raise money for park

Boys sell T-shirts, raffle tickets for new Airwalk snowboard

By BOB HAWLEY JR.
of the Pioneer

The Apple Festival fund-raising meet by local rollerbladers and skateboarders brought in \$254, said Salena DeLacruz, who acts as spokesman and coordinator for the group.
Thirteen contestants showed their stuff in the Church of Christ parking lot on Southeast Fenton Street during a sun break between an otherwise drizzly day.

In the skateboarding competition, Alex Parslow came in first, with Dennis Valenzuela taking second and August Mahamadunivicol taking third.
Mike Olson of Portland took first place among the rollerbladers. Molalla's Tim DeLacruz took second place and Daniel Beaudry took third.

Most of the entrants were rollerbladers, three were skateboarders.

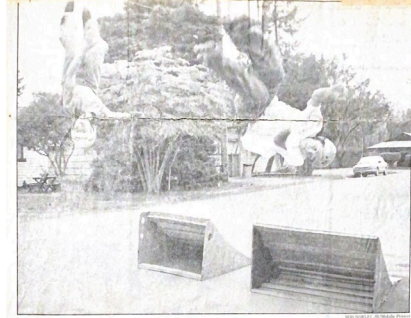
The group, which is raising money in the hopes of building a permanent skate park in Molalla, is planning another meet in May. DeLacruz said she hopes to have some of the companies that provide endorsements at the meet so the winners will have a chance to become sponsored.
In the continuing effort to raise money, the group is raffling off an Airwalk snowboard. Tickets are \$1 each. They're also selling T-shirts for \$10 each that state, "I support the skate park."
Call 829-8625 for raffle tickets, T-shirts and more details.

DeLacruz intends to make another appearance at the Molalla City Council to give a report on the group's progress. City officials have indicated a willingness to work with the group in building a skate park, but have emphasized the need for voluntary donations of material, money and time since the city budget is lean.

Putting youth first



Steven Wilcox
tepar on Kennel Avenue last Wednesday. DeLacruz was instrumental in organizing in-line skaters to convince the city council that a need for such a skatepark exists open this summer.



Molalla rollerbladers Tim DeLacruz and Daniel Beaudry try off homemade ramps in the 800 block of Southeast Fenton Street Sept. 10. Police have responded several times to complaints by a disgruntled, anonymous neighbor.

Rollerbladers seek community help

Some complain as skaters leave downtown for homemade ramps near their homes

By BOB HAWLEY JR.
of the Pioneer

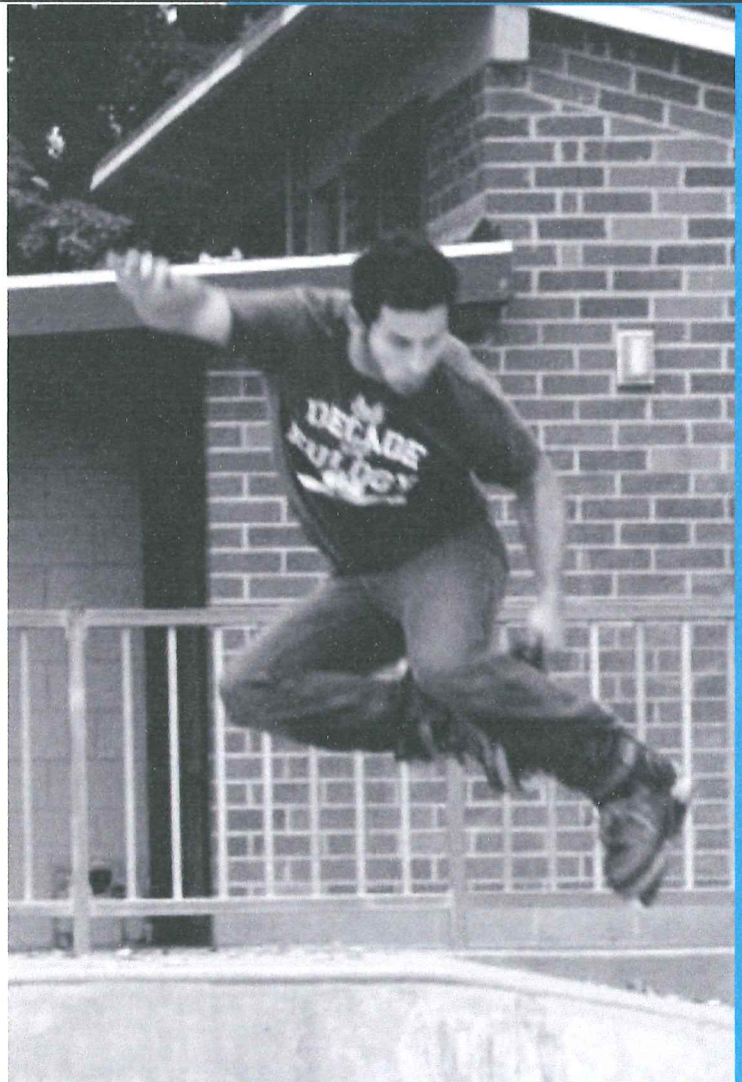
The rollerbladers are at it again.
No, they're not wearing shoppers out of their wits as they try to put within inches of opening people carrying bags of groceries.
They came to the Molalla City Council Sept. 10 to continue planning their city — a city that may bring to the council several months ago. The council did not plan to take the group to research the project and contact local businesses to raise money, instead and later since the city had no money in its budget for such a project.
The boys open the center visiting roller skate parks in the area, but haven't received much response from local businesses. They said they had the boys' names on a list of names and the boys had's received much response from the business community and that it

ASSOCIATED FORMS & RESOURCES

THANK YOU FOR THIS OPPORTUNITY TO
PRESENT OUR PROPOSAL!

2022

Renaming the Molalla Skate Park



Salena De La Cruz-Forsythe

5/25/2022

RENAMING THE MOLALLA SKATE PARK

Molalla City Council

OVERVIEW

I am pleased to submit this proposal to the Molalla City Council on behalf of my brother, Timateo De La Cruz, who recently passed away. My goal is to see the City of Molalla Skate Park renamed to the Timateo De La Cruz Memorial Skate Park.

The Objective

- Need #1: Rename the current City of Molalla Skate Park to the Timateo De La Cruz Memorial Skate Park.
- Need #2: Rename any future skate park the same Timateo De La Cruz Memorial Skate Park.
- Need #3: Assist the City as needed in the renaming and have a grand renaming event.

Support for this Endeavor

- Support #1: Timateo was raised in Molalla and graduated Molalla High School. He is and was well-known among the community and skaters alike.
- Support #2: Timateo was an integral and instrumental person in advocating for the development of the Molalla Skate Park.
- Support #3: What better way to get people to start talking about the skate park again and get more people involved then to rename it after a hometown boy that started the work.

OUR PROPOSAL

Background

In May of 1997, SkatePark Investors was given the opportunity to help local skaters; including the CEO's young brother, Timateo De La Cruz, make their dreams of having a skate park in town a reality. Salena De La Cruz, CEO, welcomed the chance to give back to a place she had called home for most of her life. Skate Park Investors has worked for more than four years to help make the Molalla Skate Park a success by donating their time, money and determination. I have

worked in conjunction with the City of Molalla and local skaters to establish a place where skaters can call their own and not worry about getting police called on them for various complaints ranging from noise to just good old fashioned FUN. SkatePark Investors recognized the need for such a place and facilitated the meetings between the city officials and the skaters. Though it wasn't an easy task, we eventually were able to begin construction of the park. With a lot of volunteer time, and energy the skaters now have a home to call their own. On June 24, 2000, the Molalla Skate Park opened up for blading and boarding.

After the dream took flight, SkatePark Investors was still actively involved in the skate park from minor complaints to promoting and hosting skate competitions until late 2007. Fast forward to 2022, where a new initiative is coming together to develop a new/better skate park. We are not trying to dissuade or hinder that effort. Our intention is to support and promote the renaming of the current skate park and any newly developed skate park as the Timateo De La Cruz Memorial Skate Park.

Timateo was one of the original skaters that brought this endeavor to city council. Had it not been for that first step we may not even have the current skate park we do. Timateo drove those initial conversations to get the ball rolling. He reached out to me to assist in moving this body of work forward. I handled the business and technical logistics, met with city representatives, coordinated with skate industry leaders. Timateo was a friend to all, skaters and community members. He had a heart. He had a smile for all. So, I am asking, pleading with you to rename the City of Molalla Skate Park as the Timateo Memorial Skate Park. Show him this town, skaters, all of us, appreciated those efforts.

Project Deliverables

Following is a complete list of all project deliverables:

Deliverable	Description
Deliverable #1	Approve Renaming of the skate park
Deliverable #2	Promote Renaming Event
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Deliverable #5	If new skate park is built, promote naming event

Deliverable #6	Host naming event
Deliverable #7	Officially name new skate park Timateo De La Cruz Memorial Skate Park

Timeline for Execution

Key project dates are outlined below. Dates are best-guess estimates and are subject to change until a contract is executed.

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CONCLUSION

I look forward to an approved decision to rename the current City of Molalla Skate Park and any newly developed skate parks as the Timateo De La Cruz Memorial Skate Park. Renaming the skate parks support the original skater with whom the initial movement would not have been possible. I have enclosed some pictures and newspaper articles with provide historical context in Appendix I.

If you have questions on this proposal, feel free to contact me at your convenience by email at sld41477@gmail.com or by phone at 503.509.2285.

Thank you for your consideration,

Salena De La Cruz Forsythe

Putting youth first



Salena DeLaCruz, 22, of Molalla throws the first mound of dirt during the ground-breaking ceremony for the Molalla Skatepark on Kennel Avenue last Wednesday. DeLaCruz was instrumental in organizing local skateboarders and in-line skaters to convince the city council that a need for such a skatepark exists. The park is expected to open this summer.

Steven Wilkowske/Molalla Pioneer

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BOB HAWLEY JR/Molalla Pioneer

Molalla rollerbladers Josh Herbert, left, Daniel Beaudry, Richard Morgan, Tim DeLacruz, Nathan DeFrates and Mike Arrigo, kneeling, hope to raise enough money to convince the city to help them build a permanent skate park in Clark Park for them and skateboarders.

Skaters raise money for park

□ Boys sell T-shirts, raffle tickets for new Airwalk snowboard

By **BOB HAWLEY JR**
of the Pioneer

The Apple Festival fund-raising meet by local rollerbladers and skateboarders brought in \$254, said Selena DeLacruz, who acts as spokesman and coordinator for the group.

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In the skateboarding competition, Alex Parslow came in first, with Dennis Valesquez taking second and August Malumandrucoll taking third.

Mike Olson of Portland took first place among the rollerbladers. Molalla's Tim DeLacruz took second place and Daniel Beaudry took third.

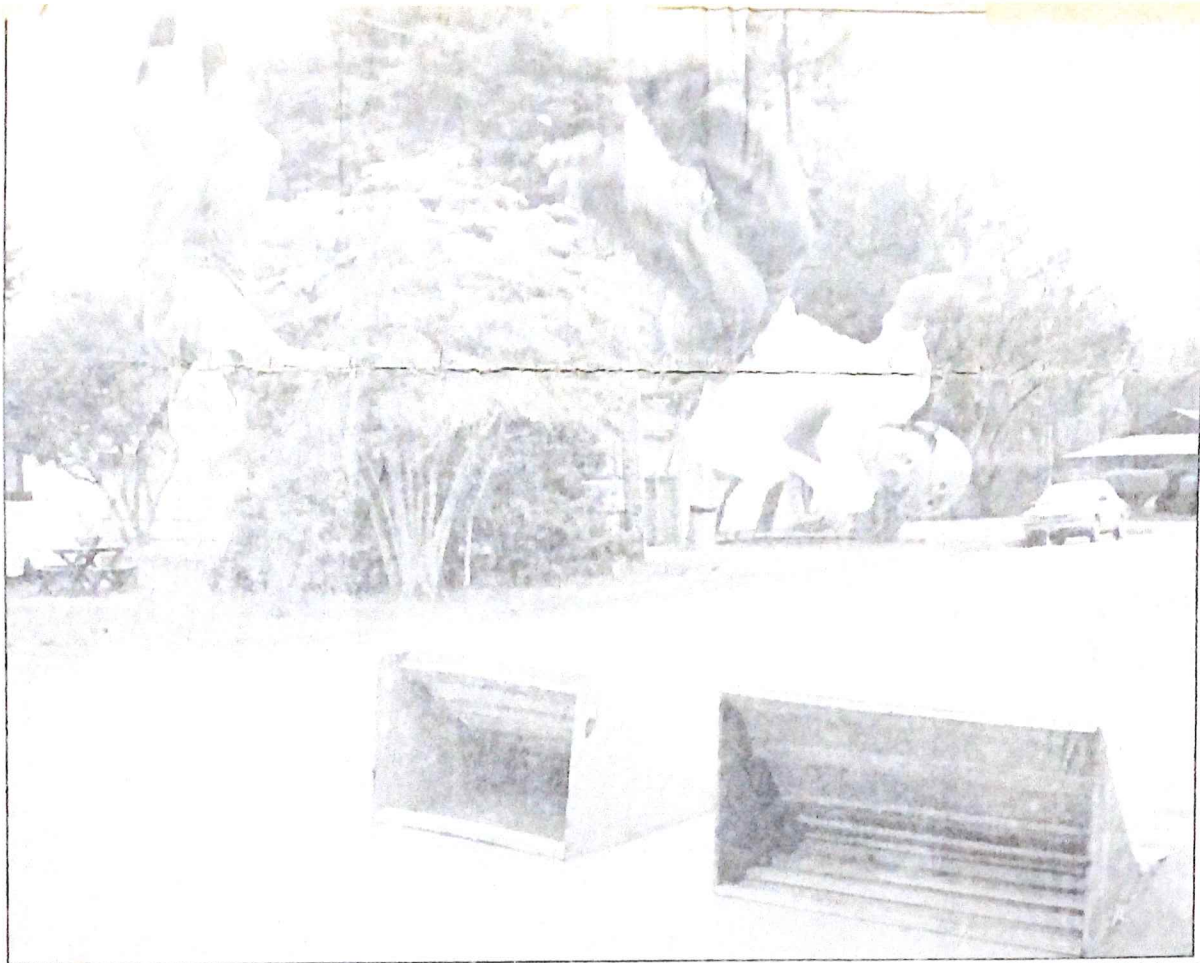
Ten of the entrants were rollerbladers, three were skateboarders.

The group, which is raising money in the hopes of building a permanent skate park in Molalla, is planning another meet in May. DeLacruz said she hopes to have some of the companies that provide endorsements at the meet so the winners will have a chance to become sponsored.

In the continuing effort to raise money, the group is raffling off an Airwalk snowboard. Tickets are \$1 each. They're also selling T-shirts for \$10 each that state, "I support the skate park."

Call 829-8625 for raffle tickets, T-shirts and more details.

DeLacruz intends to make another appearance at the Molalla City Council to give a report on the group's progress. City officials have indicated a willingness to work with the group in building a skate park, but have emphasized the need for voluntary donations of material, money and time since the city budget is lean.



Molalla rollerbladers Tim DeLacruz and Daniel Beaudry fly off homemade ramps in the 500 block of Southeast Fenton Street Sept. 10. Police have responded several times to complaints by a disgruntled, anonymous neighbor.

Rollerbladers seek community help

□ Some complain as skaters leave downtown for homemade ramps near their homes

By **BOB HAWLEY JR**
of the Pioneer

The rollerbladers are at it again.

No, they're not scaring shoppers out of their wits as they fly past within inches of upsetting people carrying bags of groceries.

They came to the Molalla City Council Sept. 10 to continue pleading their case — a case that they brought to the council several months ago.

Acting as spokesman, Selena DeLacruz, the sister of rollerblader Tim DeLacruz, asked the council for permission to close off a section of Shirley Street in front of the Buckeroo grounds Saturday, Oct. 4 for a public competition.

She said the boys hadn't received much response from the business community in their attempt to gather support for a local skate park, so they hoped the public meet would show the

community what they're all about and raise some money at the same time.

Although the council said it supported the boys' efforts, it was hesitant to close the road and suggested the newly paved parking lot at the middle school might be a better location.

Some councilors also said they were concerned about the liability issue.

After running into problems from skating on private property, three of the boys approached the council several months ago asking the city's help in building a skate park, similar to the one in Salem, only on a smaller scale.

The council and police chief asked the boys to research the project and contact local businesses to raise money, material and labor since the city had no money in its budget for such a project.

The boys spent the summer visiting other skate parks in the state, but haven't received much response from local businesses, they said.

Selena DeLacruz said Avison Lumber said it was willing to donate some lumber and Mark at Sentry Market said he knew a local man who

was willing to do the concrete work for the ramps.

Tired of waiting, the boys got together and built their own wooden ramps, which they've set up in the 500 block of Southeast Fenton.

Nearly everyday after school, the boys can be seen twisting and turning as they fly off the ramps, to the consternation of some drivers and neighbors.

Although most of the neighbors appear to be supportive, at least one neighbor is suspected of complaining to the police, another neighbor said.

Tim DeLacruz said officer Homero Reynaga came by last week and warned the boys that if the police received another complaint, a citation would be issued.

Selena DeLacruz said the Oct. 4 date was about the latest they figured they could hold such a skate meet before the rainy days of winter set in.

She figured they would charge entrants \$1 apiece and onlookers \$2 apiece to try to raise money for the skate park.



Christie Teets

From: Connie <luvmy2girls85@gmail.com>
Sent: Wednesday, May 25, 2022 12:51 PM
To: City Recorder
Subject: Molalla skate park

I am writing in support of renaming the Molalla skate park after Timateo Delacruz.

I unfortunately cannot be there this evening.

Timateo was one of the lead forces to establishing this park for our town. His hard work and determination as a kid helped put this idea into motion. Without Tim, Molalla may not have ever had a skate park. It is this type of encouragement we should give to our young that is you want a change, put in the effort for a solution, gain an understanding of diplomacy and government. I want people to remember him, his legacy which without a doubt is this park. I want people to feel encouraged and inspired by this man who is gone too soon.

In an age of technology, our children of this town need to be encouraged to get out, exercise and socialize. With the park in its current state, this could be a wonderful incentive to encourage others to make sure this is a safe area for kids to play, and motivate our town to work together, and shoot for the stars

Connie Gordon
Sent from my iPhone



Molalla Rural Fire Protection District #73

May 18, 2022

RECEIVED
MAY 23 2022
BY: *DA*

City of Molalla
PO Box 248
117 N Molalla Ave
Molalla, OR 97038

RE: Re-Designation and Expansion of Molalla Enterprise Zone


Molalla Fire District has great concerns over the Re-Designation and Expansion of the Enterprise Zone. The record inflation rate and fuel costs are at all-time highs and the Fire District is very concerned about any possible loss of revenue.

Enterprise Zones normally last 3 to 5 years but in Molalla Enterprise Zone, a business can apply for additional Enterprise Zone tax exemption throughout the life of the Enterprise Zone.

Due to lost revenue, any extensions past the 3 years to a business could prove to be detrimental to the Molalla Fire District with reduction of staffing levels available for emergency apparatus to meet the demands of the continued increase in emergency call volume. Along with the reduced revenue, the actual cost of fire suppression, training expenses and call response will continue to fall on the citizens and businesses outside of the Enterprise Zone in which this area retains fire services at no cost.

In addition to the Enterprise Zone, The Fire District currently sees a loss of over \$35,000.00 annually from Molalla Urban Renewal District. At this time, the Urban Renewal District does make the Fire District whole. Monies from the Urban Renewal District can only be used for capital projects, not to hire paramedics or general expenses. The Fire District Board would like to work with the Urban Renewal District for an easy and seamless way towards the Fire District being made whole every year.

The Molalla Fire District Board of Directors understands the value of bringing business and jobs to Molalla and would like to work closely with the Urban Renewal District and the City of Molalla to ensure the best possible coverage to the structures and people in all areas of the city and the Fire District of Molalla at a fair and reasonable expense to our citizens and businesses.


Mike Towner, Fire Board President


Todd Gary, Fire Board Vice President





Community Development Department
 315 Kennel Avenue, PO Box 248, Molalla, Oregon 97038
 Phone: (503) 829-7711 Fax: (503) 829-3676

To: Honorable Mayor & City Council

From: Community Development Director, Mac Corthell

Date: May 25, 2022

Re: Monthly Community Development Report

Table of Contents

LAND USE & PERMITTING 1

LONG-TERM PLANNING 2

CODE ENFORCEMENT 3

ECONOMIC DEVELOPMENT 3

PUBLIC PROJECTS 3

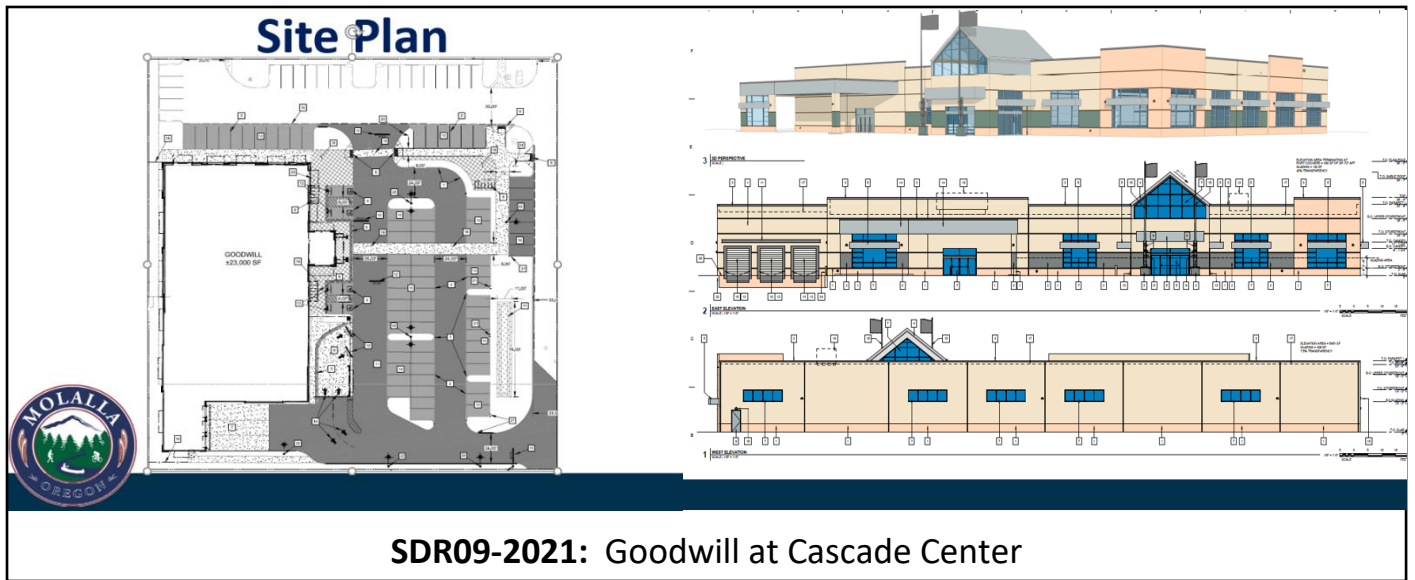
PRIVATE PROJECTS 6

PUBLIC WORKS MAINTENANCE 7

LAND USE & PERMITTING

<u>New Applications 7/1/21 – 5/24/22</u>	<u>Approvals 7/1/21 – 5/24/22</u>	<u>Open Apps 5/24/22</u>
<ul style="list-style-type: none"> • Type I BP Apps – 30 • Type I Other Apps – 45 • Type II Apps – 2 • Type III Apps New– 13 • Type IV Apps – 2 • Final Plat – 1 • Pre-App Requests - 10 	<ul style="list-style-type: none"> • Type I BP Apps – 22 <ul style="list-style-type: none"> ○ Residential Units – 14 ○ Com/Ind Sq Ft – 4,200 • Type I Other Apps – 50 • Type II Apps – 1 • Type III Apps – 9 • Type IV Apps – 2 • Final Plat – 0 • Pre-Apps Held - 11 	<ul style="list-style-type: none"> • Type I BP Apps – 5 <ul style="list-style-type: none"> ○ Residential Units – 211 ○ Comm/Ind Sq Ft - 0 • Type I Other Apps – 3 • Type II Apps – 1 • Type III Apps – 7 • Type IV Apps – 3 • Final Plat – 4 • Pre-Apps Pending - 0

Significant Land Use Approvals May 2022



Upcoming Land Use Hearings

- Unscheduled, Site Design Review – Drive Through Retail (Bank), Cascade Center
- Unscheduled, Site Design Review – Drive Through Retail (Fast Food), 1522 W Main St
- Unscheduled, Site Design Review – Drive Through Retail (Fast Food), Cascade Center
- Unscheduled, Site Design Review – Gas Station, 710 W Main St
- Unscheduled, Site Design Review – Mobile Food Unit Pod, 1400 Fountain Way

LONG-TERM PLANNING

Housing Needs Analysis and Production Strategy

- Funding: DLCD Grant Received to Fund Project, \$5k City Match.
- Purpose: HB 2003 Compliance, Background Study for Sufficiency of Urban Growth Boundary.
- Deliverables: Amendments to Comprehensive Plan and Development Code.
 - Updated Buildable Lands Inventory, Housing Inventory & Needs Analysis, Housing Production Strategy.
- Public Outreach: Molalla Current Page Published, Substantial Public Process Forthcoming.
- Status:
 - Technical Advisory Committee Meeting Complete
 - First Survey for Public Outreach Currently Under Review

Upcoming Initiatives

- Parks Master Plan and CIP Update: FY22-23 (depending on budget)
- Stormwater Master Plan and CIP Update: FY22-23 (depending on budget)
- Employment Land Needs Analysis: FY22-23 (depending on grant funding availability)
- Emergency Management Plan Update: FY22-23 (depending on grant funding availability)

CODE ENFORCEMENT

6/1/21 – 5/24/22

- New Complaints - 73
- Open Cases – 30
 - Open Cases Initial Letter - 16

6/1/21 – 5/24/22

- Cases Closed – 39
 - No Violation – 11
 - Compliance – 28
 - Referred - Other Agency – 6

ECONOMIC DEVELOPMENT

Beautification & Culture CPC

- 2022 Molalla Kiosk Art Contest – Contest Closes 5/26/22
 - Submittals on-hand and being photographed
 - Back Side of Kiosk to be complete by 7/4/22
- Mural Code Project
 - Draft code language reviewed by Committee
 - Final proposed edits due on 6/28/22
 - Next Steps – To Planning Commission for Review at July or August PC Meeting.
- Wayfinding and Gateway Signage
 - Currently reviewing example plans from other communities
- Upcoming Projects
 - Strawberry Park Art & Culture
 - Yelkus Park Art & Culture
 - Architectural Standards



Travel Oregon Molalla River Corridor Destination Assessment

- Funding & Management: Lead by Clackamas County Tourism through Travel Oregon Grant
- Initial Project: Molalla & Molalla River Corridor Recreation Map Development
- Status:
 - Hub and Spoke Assessment Completed, Initial and Long-Term Projects identified
 - Map Action Team Volunteers Identified
 - First Action Team Meeting – Early June 2022

PUBLIC PROJECTS

New Public Projects

22-15 [] Mercury TMDL Implementation Plan

This project will bring our current Total Maximum Daily Load plan into compliance with new Mercury regulations.

22-14 [] ODOT ADA Ramps on Hwy 211

This project was implemented to track ODOT's work on OR-211 and to track any work that City Crews end up having to do in association with the new ramps/sidewalks.

22-12 [] RWUP Update for New Coleman Field

Provides permitting of additional space for recycled water disposal through field irrigation.

Ongoing Public Projects

22-10 [] WWTP Interim Capacity Determination

This project will remain ongoing until the new plant is close to complete. Allows city staff to track capacity issues with existing plant and track how they are reconciled when they occur.

22-05 [] WTP Tracer Study

First phase testing complete, some issues noted with contact time for 1.2mg tank. Re-testing scheduled for Fall.

22-04 [] New 2.0 MG Tank at Water Treatment Plant

Staff reaching out to appraiser and property owner in order to determine FMV of any land acquisition which is phase 1 of this project.

21-13 [] Water Leak Survey and Repairs

Water leak survey complete, most significant water loss issues identified. Leaking water service connections to be repaired under this project, major leak requiring pipe replacement to be corrected under project 21-06. Projected completion in FY22-23, budget dependent.

21-12 [] New Police Facility

Property acquisition complete, project manager contracted, next step is procuring design architect. Full project completion projected in FY24-25 depending on funding.

21-11 [] Fox Park Play Equipment Improvements

Equipment on order, construction expected May-June 2022. Projected completion FY21-22.

21-10 [] Molalla Civic Center Improvements

Phase I Council Chambers/Courtroom: Substantially Complete, awaiting kickplates.
Phase II ADA improvements: CDBG grant awarded, funding and completion projected for FY22-23.

21-09 [] Chief Yelkus Park

Property Acquisition Complete, design phase in public process with Parks CPC. Full project completion projected in FY22-23, or early in FY23-24.

21-06 [] Scandia Waterline Replacement

Major water loss project. Procurement Process Complete, start of construction projected in April, 2022. Projected completion in FY21-22.

21-04 [] City Hall Upstairs Remodel

In construction, more than 70% complete. Projected completion in FY21-22.

21-03 [] Water CIP Rates and SDC Study

Substantially Completed. Currently updating CIP for all systems to normalize SDC rates and provide appropriate project priorities. Projected completion FY21-22.

21-02 [] Molalla Forest Road - Park Road

Currently in design, beginning work to reconcile right-of-way and provide aesthetically pleasing design.
Projected completion FY22-23.

20-07 [] Strawberry Park

Equipment on order, construction expected May-June 2022.
Projected completion FY21-22.

20-03 [] Eckerd Ave, 2nd St, Lola Ave Sewer and Water line replacement

High Priority I/I and water loss project under consent decree. Currently in design phase, projected to go out for bid in April 2022.
Projected completion FY22-23.

19-10 [] WWTP Upgrade

30% Design Approved. Staff preparing to apply for USDA financing. Public meeting on USDA application scheduled for 6/8/22 CC Meeting.
Projected completion FY24-25, subject to change depending on funding availability.

19-09 [] OR 211 / Molalla Signal

Substantially completed, working through punch list items.
Projected completion FY21-22.

18-14 [] City Shops Decant Facility

Currently at 90% design.
Projected completion FY22-23.

18-08 [] OR213/Toliver Roundabout

Pre-Design and Conflict Resolution underway. Expected start of construction March-April 2023.

17-12 [] Shirley Street Curb Extensions, bulb outs

Currently in design.
Projected completion FY22-23.

Recently Completed Public Projects

22-03 [] Shaver St at Hwy 211 Repair

Repair performed in-house; project complete.

22-06 [] CIP Update & SDC Fee Recalculation 2022

Project complete, new CIP and SDC's passed by Council at 4/27/22 CC Meeting.

22-01 [] Sewer Main Emergency Repair (City Hall Parking Lot)

Project completed in FY21-22, working project closeout.

21-14 [] City Hall Reader Board

Project complete.

20-04 [] Shops-Elementary School and WWTP Waterline Replacements

Project Completed in FY21-22, working project closeout.

17-04 [] Odot OR 211 (OR 213 Ona Way) Walking Pathway

Project completed in FY21-22, working project closeout.

PRIVATE PROJECTS

New Private Projects

22-13 [] Goodwill

Awaiting submittal of civil design plans. Relatively minimal due to shovel ready lots at Cascade Center.

22-11 [] River Meadows Subdivision (Horn of Molalla)

Corrections on first review out, awaiting resubmittal.

22-09 [] 1000 W Main St. Multifamily

Corrections on first review out, awaiting resubmittal.

Ongoing Private Projects

22-07 [] Cascade Place Apartments

City Civil Design Review in Process.

22-02 [] 501 E Main Street - C Store

Working with ODOT on approach permit, requires widening of OR 211 at store location. Minor Civil for City.

21-15 [] Danson's Waterline and Frontage Improvements

Project stalled due to PGE dedicated feeder requirement.

21-01 [] Bartell Partition & Development (Patrol Street)

In construction, 90% complete.

20-01 [] Colima Apartments

In construction, 90% complete.

19-13 [] Dollar General

In construction, substantially complete, TCO granted.

19-04 [] Cascade Center Commercial Development

Civil improvements substantially complete, finalizing paperwork and public/private partnership elements for upsizing of systems.

18-16 [] Hix Tractor Supply Store

Civil improvements substantially complete, public/private partnership for Toliver RAB contribution.

17-20 [] Sawyer Truck Repair

Beginning construction, awaiting PGE service relocation to begin improvements.

Recently Completed Private Projects

20-02 [] 643 N Molalla Ave

In warranty period.

21-08 [] 150 Miller

In warranty period.

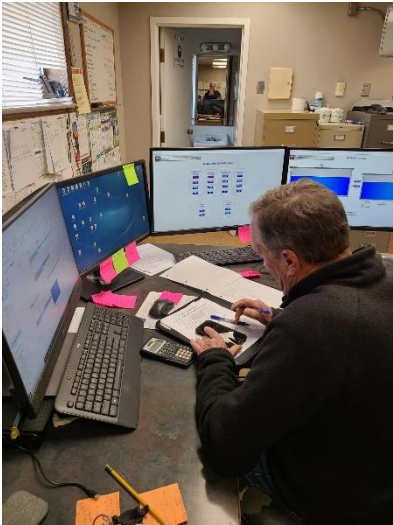
PUBLIC WORKS MAINTENANCE



Left: Utility Crew Repairing the Irrigation at the Civic Center.



Right: Crew putting the Finishing Touches on the Shops Water Line Project.



Left: The Cities Engineering Team Performing Calculations at the Water Treatment Plant for the Contact Tracer Study, Phase 1.

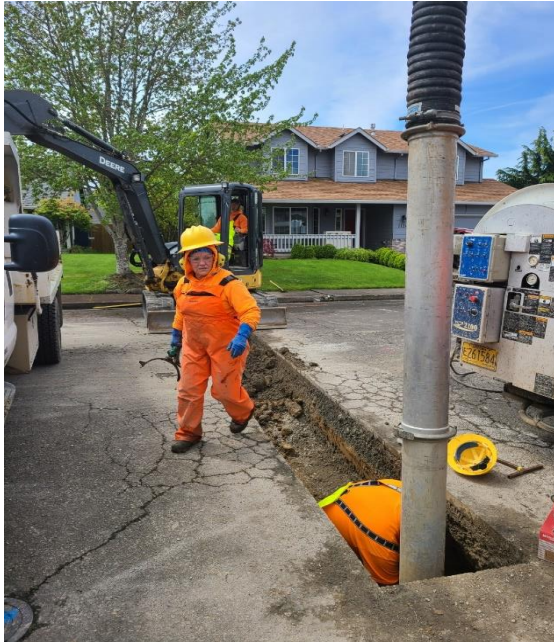


Right: Spring Flushing and Hydrant Exercising



Left: Construction Crews Demo the Old Playground Equipment and Prepare the Site for its Fresh Equipment Upgrades.

Right: Public Works Crews Pressure Washing the Splash Pad, getting ready for the May 31st Launch.



Left: Utility Crew Members Replaced Failed Copper Water Line Service and Mainline Saddles in Big Meadow.

Work Complete During Period

4/26/2022 - 5/24/2022

Work Orders Completed (by Fund)

Water	101
Sewer	45
Storm	5
Street	28
Fleet	7
General__parks_facilities_ect	140
SplitFund__locates_etc	20
Capital	1
Other	22

TOTAL	369

Work Orders Completed (by Team)

Utility_Crew	298
Wastewater_Plant	23
Water_Plant	48
Supervisor	0
Corrective_Action	0
Deep_Backlog	0
Code_Enforcement_Complaint	0

TOTAL	369

Work In Process

Current Load by Team

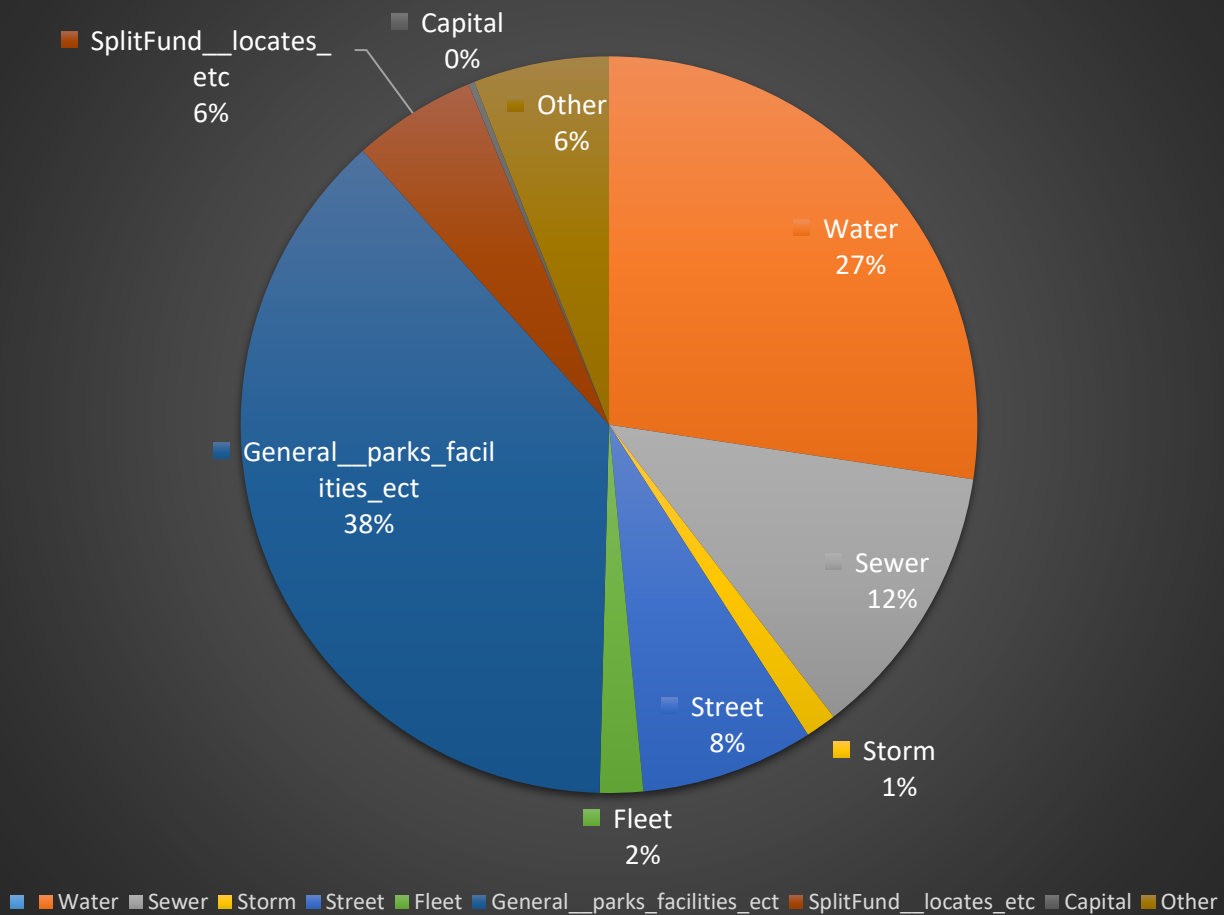
Team	Backlog (# of WOs)	Promise Date Performance
Utility Crew	73	99.85%
Wastewater Plant	28	97.90%
Water Plant	13	96.47%
Supervisor	32	96.67%

Current Financial Encumbrances (Open Approved POs by fund) for Operations

Fund	Account#	\$\$
Sewer Fund	106-601-5-*	\$87407.1
Water Fund	105-501-5-*	\$70895.84
Storm Fund	108-801-5-*	\$5530
Park Fund	101-106-5-*	\$25068.23
Street Fund	104-401-5-*	\$29117.98

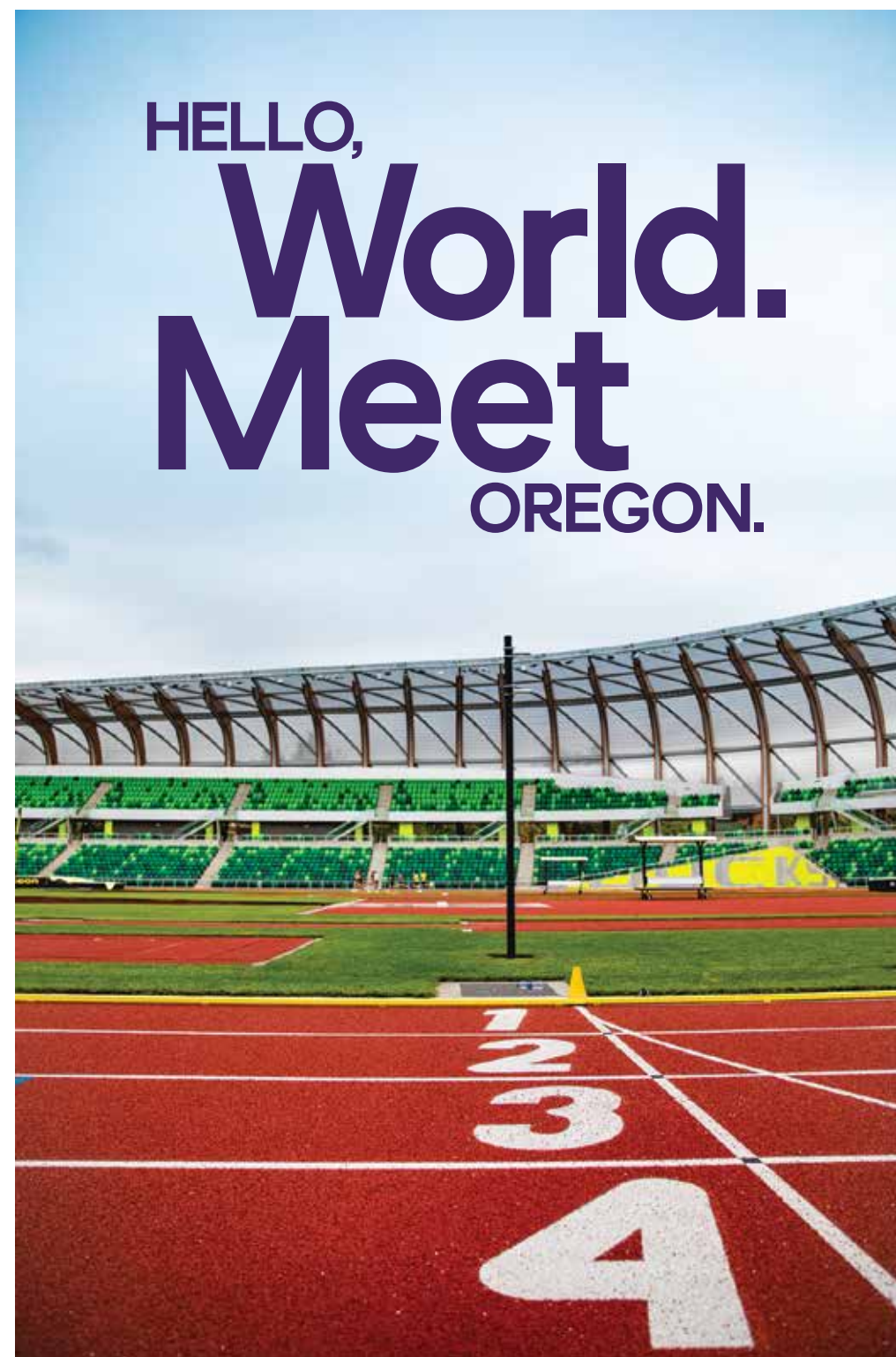
TOTAL		\$218019.1500

Work Orders Completed By Fund



Collateral Items

- 2. Window Cling
- 2. Button
- 3. Table Top Tents
- 4. A-Frame Sandwich Boards
- 5. Yard Signs
- 6. Street Pole Banners
- 7. Tear-Off Maps



OREGON22 – Window Cling & Button

Window Cling 4" x 6"



Button: 2" pin on back



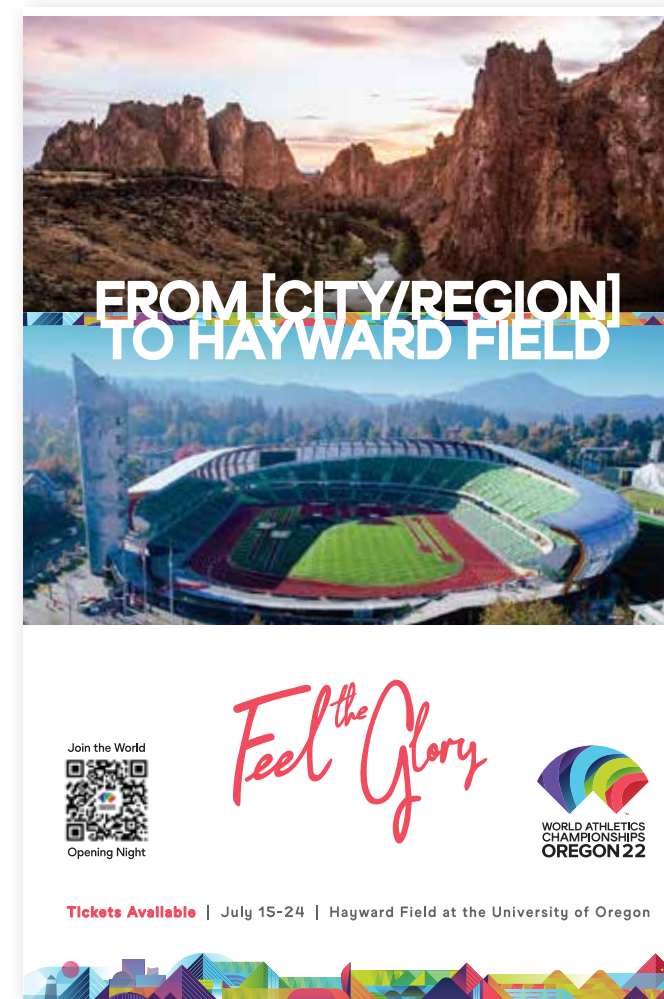
OREGON22 — Table-Top Tents

Table Top Tents 4" x 6"



City or region name here.

front



City or region photo here.

City or region name here.

back

OREGON22 — A-Frame Sandwich Board

A-Frame Sandwich Board 24" x 36"



side 1



side 2



OREGON22 — Yard Sign

Yard Sign w/ H-stand 24" x 18"



City or region name here.

Side 1

City or region photo here.

City or region name here.



Side 2

OREGON22 — Street Pole Banners

Street Pole Banners – 24" x 36"



OREGON22 – Tear-Off Map

Tear-Off Map 17" x 11"



Welcome to the World Athletics Championships Oregon22
Eugene, Oregon, better known as TrackTown USA, is located at an elevation of 426 feet (130 meters). This athletic community is famous for its quality tracks and trails, a storied university athletics program at the University of Oregon, and a reimagined Hayward Field – the state-of-the-art venue hosting the 2,000 athletes from more than 200 nations across the globe, all competing for 49 gold medals. For the first time ever, the Championships will end with the women's 4x400 meter relay and five of the 10 evening sessions will conclude with a women's final. It'll be an event worth watching and joining in – consider joining a free road event on the streets of Eugene and neighboring Springfield (home of literary great Ken Kesey).

Oregon22 Heritage Trail
How much do you know about Dick Fosbury, the Southern Oregon-based athlete who took Olympic gold in the high jump in 1968? How about Maria Mutola, the Mozambique-born athlete who came to Springfield, Oregon in the 1990s and went on to win nine world titles in the 800-meter? The two legends are among 22 track-and-field global medalists who are from Oregon or have made their home in Oregon and are now honored with a place in history along the Oregon22 Heritage Trail. You can visit a plaque with these athletes' names in their hometowns or towns of origin all across Oregon, paying homage to their contributions to the sport. Other legends include A.C. Gilbert, the

Salem athlete who invented the pole vault box in 1908; Portland's H.W. Kerrigan, the first Olympian from Oregon in 1906; and Shalane Flanagan, the Portland long-distance runner who took Olympic silver in 2008.

Places to Run in Oregon
Eugene is the birthplace of the modern running shoe, so you know this city (and the entire state of Oregon) takes its running trails seriously. Take your pick from riverside runs to rocky butte routes and woody adventures. Some of the most popular routes include Pre's Trail in Eugene, named for the legendary Steve "Pre" Prefontaine; the 5 miles of forested trails at Lithia Park in Ashland, home of the world-renown Oregon Shakespeare Festival; and the 80-plus miles of trails in Portland's Forest Park, one of the largest urban parks in the United States. If you prefer sand beneath your feet, try running along the wide-open beaches and wind-swept dunes of Oregon's 363-mile coastline. Or lace up and explore the high-desert mountain trails of Eastern and Central Oregon.

Guided Trips to Enjoy While You're Here
If you love amazing food, drink and the great outdoors, Oregon's diverse cities and natural playgrounds are waiting for you. And here's a pro tip: So many of our iconic adventures are enriched – and made a lot simpler – with the help of an expert guide. Whether you want to raft or fly fish in a





Wild and Scenic river, learn to surf or spot migrating whales along Oregon's pristine coastline, expert guides provide everything you need – from transportation to gear and peace of mind – for a successful excursion. Guides let you skip the hassle of driving and parking and focus on the fun instead. You can sample Oregon's famous craft-brew scene and world-class wineries, ooh and aah at some of Oregon's most iconic waterfalls, or join a volunteer stewardship project to keep Oregon's public lands clean for generations to come.

Know Before You Go
If you can't find lodging in or around Eugene, accommodations are available throughout surrounding communities including Portland (2 hours), Roseburg (68 minutes) and Florence (82 minutes). Drive to Eugene or fly to the Eugene Airport (EUG) via a connecting flight in Portland (PDX) or Roseburg (RBG). During the Championships, the Eugene Riverfront Festival will be the epicenter of entertainment outside of Hayward Field. The free, family-friendly event will showcase Oregon-based food and drink vendors, artisans and cultural performances not to miss. Extend your trip a few days to enjoy all the state has to offer, and consider going car-free or trying one of the bike-share systems in most of Oregon's major cities. Visit one of the eight Oregon Welcome Centers to talk with a friendly travel advisor and find travel guides, maps and inspiration for each region of Oregon.



WELCOME TO OREGON

OREGON, USA

Plan your trip at TravelOregon.com TRAVEL OREGON



Covered Bridges Scenic Bikeway



Haystack Head Lighthouse

Side 1

Side 2



CITY OF MOLALLA

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

Staff Report

Agenda Category: Consent Agenda

Agenda Date: June 8, 2022

From: Mac Corthell, Community Development Director
Approved by: Dan Huff, City Manager

SUBJECT: Project 18-14, City Shops Decant Facility

FISCAL IMPACT: \$220,000

RECOMMENDATION/RECOMMEND MOTION: Approve the Contract for RA Gray Construction as lowest responsive bidder.

I move the Molalla City Council award the contract for Project 18-14, City Shops Decant Facility, to RA Gray Construction.

BACKGROUND: The Decant facility is part of the City's Total Maximum Daily Load (TMDL) strategy that helps ensure storm water is purified to the greatest degree feasible with an aim to continuous quality improvement.

Decant facilities separate liquids and solids before they enter the storm water system in order to retain solids for proper disposal and preserve the storm water system by keeping the solids out of it.

This project has been part of the Capital Improvement Plan since 2018.

The following bids were received:

RA Gray - \$152,888.00

CR Woods - \$154,245.44

GT Excavation - \$182,952.00

RL Riemers - \$199,455.00

Elk Mountain - \$232,250.00



THE DYER PARTNERSHIP
ENGINEERS & PLANNERS, INC.

June 3, 2022

Dan Huff, City Manager
City of Molalla
117 N Molalla Avenue
Molalla, OR 97038

RE: City of Molalla
City Shops Decant Facility
City of Molalla Project No. 18-14
The Dyer Partnership Project No. 198.34

Dear Mr. Huff:

This letter is to recommend action by the City of Molalla in response to the bids received on June 2, 2022 at 2:00 PM for the above referenced project. Five bids were received, and all were responsive and responsible. There were minor errors on several bids. RA Gray Construction had calculation errors on the Bid Form. CR Woods General Contractors did not include the entire Bid Form, initialed where the state should be provided, and 9.03 items were missing. GT Excavating had a calculation error and did not attest the signature on the Bid Form. Elk Mountain Construction was missing the Authority to Sign. The bids were in the following amounts:

1. \$153,632.00 by RA Gray Construction LLC
2. \$154,245.44 by CR Woods General Contractors
3. \$199,455.00 by RL Reimers Company
4. \$206,677.00 by GT Excavating, LLC
5. \$232,250.00 by Elk Mountain Construction Inc.

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

1. Accept the bids.
2. Award a contract to RA Gray Construction LLC in the amount of \$153,632.00.

It is our opinion that RA Gray Construction LLC has sufficient experience and qualifications to satisfactorily construct the project.

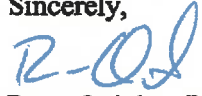
Assuming the City of Molalla and Council concurs with our recommendation; we have enclosed four copies of the Notice of Award. A representative for the City needs to sign all four copies after which they should be returned to our Coos Bay office. (*Please do not date the Notice of Award.*) We will date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

Dan Huff, City Manager
June 3, 2022
Page 2

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,

A handwritten signature in blue ink, appearing to read "R-Quigley".

Ryan Quigley, PE
Project Manager

Enclosure



CITY OF MOLALLA

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

Staff Report

Agenda Category: General Discussion

Agenda Date: June 8, 2022

From: Diana Hadley, Library Director
Approved by: Dan Huff, City Manager

SUBJECT: Library Board Appointments

FISCAL IMPACT: N/A

RECOMMENDATION/RECOMMEND MOTION: Appoint applicants to Library Board

BACKGROUND:

The Public Library has two openings on the Library Board. Attached are applications from interested parties.



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

Date: 04/02/2022

Committee/Board/Commission/Council position of interest: Molalla Library Board

Name: Brittney Closner

Address: 14880 S Leabo Rd

State/Province: OR Zip/Postal Code: 97038

Home Phone: 971-244-2343 Work Phone:

*E-Mail brittneyclosner@gmail.com

Current or Previous Community Affiliations or Activities:

- Small Business Owner in Molalla - Forgiven Fabrication, 2015-current
Volunteered at and employed by the Molalla Adult Community Center, 2013-2019
Volunteered at Foothills Community Church, various roles, 2010-2021

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

I've been looking for ways to get involved with our community, and as an avid reader who has found a new love for the library over the past year, it matches my passion/hobby with my desire to serve my community.

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.

[Empty box for key accomplishment]

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

Admittedly I don't know much about the Library Board, so I can't speak to improvements needed, but am passionate about bringing community together and community outreach.

*Signature:

[Handwritten signature of Brittney Closner]

117 Molalla Ave/PO Box 248 Molalla Oregon 97038
Ph: 503.829.6855 Fax: 503.829.3676 www.cityofmolalla.com



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

Date: 04/23/2022

Committee/Board/Commission/Council position of interest: Library Board

Name: Mechelle Trefethen

Address: 898 Rachel Ln Molalla

State/Province: OR Zip/Postal Code: 97038

Home Phone: 503 851 9811 Work Phone: 503 981 2224

*E-Mail mechelle.trefethen@nwsds.org

Current or Previous Community Affiliations or Activities:

Current-Mt Angel Lion's club 20 years Past secretary, tail twister, boad od directors. * St, Vincents Food bank. Catholic Commuinity Services Volunteer, Previous -CPAO 5 years treasurer.

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 dlike to be involved in the community and serve

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 would want to listen first and add input in a collaborative way.

*Signature:

117 Molalla Ave/PO Box 248 Molalla Oregon 97038
Ph: 503.829.6855 Fax: 503.829.3676 www.cityofmolalla.com



CITY OF MOLALLA

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

Staff Report

Agenda Category: Presentations

Agenda Date: June 8, 2022

From: Mac Corthell, Community Development Director
Approved by: Dan Huff, City Manager

SUBJECT: 2022 Kiosk Art Contest Winners!

FISCAL IMPACT: N/A

RECOMMENDATION/RECOMMEND MOTION: N/A

BACKGROUND:

The Beautification & Culture Committee's Kiosk Art Contest results are in! There are only four entries, so everyone's a winner!

Without further ado, the 2022 Kiosk Art Contest Winners are:

- Sophia Olson, Mask
- Gail JC Booth, Natural Beauty
- Kristy Stephens, Molalla Native Americans
- Dave Jackson, Bareback

Each of the art pieces is on display in the Council Chambers tonight, along with a short narrative. In the coming weeks, professional photographs of the art taken by Dave Jackson, local photographer and B&C Committee member, will be printed by Triangle Design, and installed on the local kiosks by our amazing Public Works Crew.

Additionally, QR codes for: the City website, Molalla Current, Chamber of Commerce Digital Business Map – which is not limited to Chamber member businesses will be installed, along with a sign recognizing the contest's lone sponsor this year BST realty.



CITY OF MOLALLA
Staff Report
Agenda Category: Public Hearings

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

Agenda Date: June 8, 2022

From: Mac Corthell, Community Development Director
Approved by: Dan Huff, City Manager

SUBJECT: Public Hearing - USDA Rural Development Application for Wastewater Treatment Plant Financing

FISCAL IMPACT: \$45 million loan plus debt service

RECOMMENDATION/RECOMMEND MOTION: Hold Public Hearing, no further action required

BACKGROUND: The City of Molalla is currently operating an antiquated wastewater treatment plant under a federal consent decree and Memorandum of Agreement. Part of the consent decree requires the city to construct a new wastewater treatment plant.

City staff along with the City's Engineer of Record, Dyer Partnership, in consultation with Oregon Department of Environmental Quality and a specialized legal team from Ring Bender, LLP, have worked to develop a design for a Sequence Batch Reactor type treatment facility that is more suited to the City's current and future population, the new facility will displace the current Lagoon style treatment facility.

This public hearing is purposed to provide the City Council and the public with an opportunity to ask questions about the project.

This public hearing was noticed in the Molalla Pioneer on May 25, 2022, 14 days prior to this hearing.



CITY OF MOLALLA
Staff Report
Agenda Category: Resolutions

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

Agenda Date: June 8, 2022

From: Mac Corthell, Community Development Director
Approved by: Dan Huff, City Manager

SUBJECT: Resolution 2022—07, USDA Rural Development Loan Resolution

FISCAL IMPACT: \$45 million loan plus debt service

RECOMMENDATION/RECOMMEND MOTION: I move that the Molalla City Council adopt Resolution 2022-07, A RESOLUTION OF THE CITY OF MOLALLA AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ELARGING, IMPROVING, AND/OR EXTENDING ITS WASTEWATER TREATMENT FACILITY TO SERVE AN AREA LAWFULLY WITING ITS JURISDICTION TO SERVE.

BACKGROUND: This resolution authorizes City Staff to pursue up to \$45 million dollars in USDA financing for the new Wastewater Treatment Plant. This does not commit the City to any current debt, nor lock the City into any particular course of action in regards to financing. The Council will have additional opportunities to accept or deny the terms of this financing prior to closing.

The City of Molalla is currently operating an antiquated wastewater treatment plant under a federal consent decree and Memorandum of Agreement. Part of the consent decree requires the city to construct a new wastewater treatment plant.

City staff along with the City's Engineer of Record, Dyer Partnership, in consultation with Oregon Department of Environmental Quality and a specialized legal team from Ring Bender, LLP, have worked to develop a design for a Sequence Batch Reactor type treatment facility that is more suited to the City's current and future population, the new facility will displace the current Lagoon style treatment facility.

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE _____ City Council

OF THE _____ City of Molalla

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Wastewater Treatment

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the _____ City of Molalla
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Forty-Five Million Dollars & 00/100 Cents

pursuant to the provisions of _____ ORS 221 _____; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as City Manager of the City of Molalla
 hereby certify that the City Council of such Association is composed of
7 members, of whom, 7 constituting a quorum, were present at a meeting thereof duly called and
 held on the 8th day of June, 2022; and that the foregoing resolution was adopted at such meeting
 by the vote shown above, I further certify that as of _____,
 the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been
 rescinded or amended in any way.

Dated, this _____ day of _____

Dan Huff
 Title City Manager



CITY OF MOLALLA

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

Staff Report

Agenda Category: General Discussion

Agenda Date: 06/08/22

From: Chaunee Seifried, Finance Director

Approved by: Dan Huff, City Manager

SUBJECT: Addendum to Judge Contract

FISCAL IMPACT: \$10,800 for FY 22/23

RECOMMENDATION/RECOMMEND MOTION: Approve Addendum to the Judge Contract.

BACKGROUND: Since we approved in June of 2021, we have examined the wage component of the contract and found it to be deficient. Staff has worked with Judge Heil for an appropriate update to the contract (addendum attached) and recommend Council approval.

**ADDENDUM FOR
MUNICIPAL JUDGE FOR THE CITY OF MOLALLA**

This Contract is to be amended as follows:

SECTION 5. COMPENSATION AND REPORTING

JUDGE will perform duties described above at the rate of \$2,700.00 per month.

Requests for any compensation adjustments must be made to the City Manager and approved by the City Council between January and March of a given year for budgeting purposes. Any adjustment granted will go into effect at the beginning of the fiscal year (July 1.)

SECTION 10. TERM OF AGREEMENT

This AGREEMENT shall commence on July 1, 2022 and will run continuously for two years. This AGREEMENT will roll over automatically after being reviewed by City Council.

JUDGE serves at the pleasure of the City Council. Therefore, this AGREEMENT may be terminated effective by either party for any reason upon (60) days' written notice of the party's intent to terminate. In the event this agreement is terminated, JUDGE shall receive compensation only for Services performed up to the last day of work performed as a JUDGE.

SECTION 12. GENERAL PROVISIONS

IN WITNESS WHEREOF, the City of Molalla has caused this AGREEMENT to be signed and executed in its behalf by its City Council and duly attested by its City Recorder, and AGENT OF THE CITY has signed and executed this AGREEMENT, both in duplicate, the day and year first above written.

CITY OF MOLALLA:

JUDGE:

By: _____
Scott Keyser, Mayor

By: _____
Lucy Heil, Municipal Judge

ATTESTED:

By: _____
Christie Teets, City Recorder

**AGREEMENT FOR
MUNICIPAL JUDGE FOR THE CITY OF MOLALLA**

This AGREEMENT ("Agreement") is made and entered into this 1st day of July 2021, by and between the CITY OF MOLALLA, a Municipal Corporation, hereinafter called "CITY," and Lucy Heil, hereinafter called "JUDGE" both of whom agree as follows:

WITNESSETH

WHEREAS, the City desires to contract for the services of said JUDGE as Municipal Judge of the City of Molalla;

WHEREAS, it is the desire of the Molalla City Council to establish certain conditions under this contract with said JUDGE;

WHEREAS, JUDGE desires to contract with City as Municipal Judge of said CITY.

SECTION 1. CONTRACT

CITY hereby contracts with JUDGE as the Municipal Judge of said CITY to perform the functions and duties specified in City Charter, attached hereto, and incorporated by reference herein; and to perform such other legally permissible and proper duties and functions as may from time to time arise in the operation of the Municipal Court. This AGREEMENT may be modified in writing when there is agreement by both parties.

SECTION 2. DUTIES

a. Duties include all normal duties of Municipal Judge acting in that capacity for the Municipal Court. These duties include, but are not limited to, having regular arraignments, accepting pleas, conducting bench trials, presiding over jury trials as necessary, and conducting sentencing hearings. It may be necessary to conduct a jury trial on a separate day from regular court day. The JUDGE also issues warrants, such as bench warrants for criminal non-appearances and administrative search warrants, reviews probation reports, and has probation violation hearings. The JUDGE must be available for telephone calls or video conferences to consider probable cause affidavits and other court matters.

b. JUDGE will perform work in a manner according to professional standards observed by those in the municipal court judge profession. JUDGE shall maintain membership in good standing with the Oregon State Bar.

c. The Municipal Court Clerk assists the JUDGE with paperwork and necessary orders. The JUDGE may review court programs, court fines, court charges, and court procedures that are consistent with applicable law. The JUDGE may issue court orders establishing the procedure and amounts of fees consistent with applicable law. The JUDGE will keep the Municipal Court Clerk apprised of changes in laws and procedures. The JUDGE, Municipal Court Clerk and City Prosecutor will meet to review calendars and programs applicable to court operations.

d. While it is agreed that JUDGE shall personally serve as Municipal Court Judge and shall be available to fill the duties of that office generally not less than eighty percent of the time needed to fulfill those duties, it is anticipated that ethical conflicts, scheduling conflicts, vacations, illness, and etcetera will occasionally require the employment of pro tem municipal judges. It is understood that it is in the interest of both parties to maintain an active pro tem judge so that the work for the Municipal Court will not be interrupted when JUDGE must be absent from that position. Therefore, JUDGE shall provide at her own expense, a pro-Tem Judge, who shall sit and hear cases when the JUDGE is absent due to illness, vacation, or when conflicts arise. The pro-Tem Judge or Judges shall be approved by the City Council. To accommodate Council approval, JUDGE shall submit to the City Council the names of those persons whom she wishes to nominate as pro tem judges for the term of this Agreement within twenty days of the effective

date of this AGREEMENT or when a vacancy occurs in the pro-tem position. These persons shall be members of the Oregon State Bar, and in good standing. Any pro tem judge shall also be an independent contractor and not an employee of the City and shall, in JUDGE'S absence, provide the same services listed in this AGREEMENT.

e. The JUDGE will not represent any clients in legal matters where the City is involved, whether in Municipal Court, Clackamas County Circuit Court, or any in any other court of competent jurisdiction.

f. The Council shall conduct an evaluation of the JUDGE'S performance annually. The JUDGE is to develop a self-evaluation form each year and turn it in to the City Manager for the City Council no later than 60 days prior to the scheduled performance review. The date of the evaluation shall be no later than March 31 of each year.

g. The CITY agrees to notify the JUDGE promptly when a citizen is lodged in jail on a Molalla Municipal Charge.

h. Part of JUDGE'S duties may also require the JUDGE to go to the Clackamas County jail located in Oregon City to arraign defendants via video that may be lodged in Clackamas County jail pursuant to a warrant issued by the Molalla Municipal Court.

SECTION 3. CONFLICT OF INTEREST

JUDGE will disclose any actual, apparent, or potential conflict of interest that may exist relative to the services to be provided pursuant to this AGREEMENT. In the event of a potential conflict of interest due to a former attorney-client relationship between JUDGE and an accused, the accused and the City Prosecutor will be given the opportunity to waive the conflict after full disclosure. In the event a former client or the City Prosecutor declines to waive the conflict, a pro-Tem Judge will handle the proceedings. A pro-Tem Judge will be assigned in the event an apparent or actual conflict of interest is identified.

SECTION 4. AGENT OF THE CITY STATUS

JUDGE is an agent of the CITY, and as an agent of the CITY, she is responsible for all employees, subcontractors, and agents performing portions of this work under this AGREEMENT. JUDGE will not be considered an employee of the CITY for the performance of any work under this AGREEMENT.

JUDGE will not be a participant in, nor be in a qualified position as defined by PERS or be eligible for any other benefits provided to CITY employees.

SECTION 5. COMPENSATION AND REPORTING

JUDGE will perform duties described above at the rate of \$1,800.00 per month.

Requests for any compensation adjustments must be made to the City Manager and approved by the City Council between January and March of a given year for budgeting purposes. Any adjustment granted will go into effect at the beginning of the fiscal year (July 1.)

SECTION 6. ANNUAL REVIEW OF OPERATIONS

On an annual basis, JUDGE will prepare a report to the Council regarding court operations. The report shall be provided to the City Manager no later than [insert date].

SECTION 7. NOTICES

All notices, bills and payments shall be made in writing and may be given by personal delivery, by mail, or email to the following.

TO: Finance Director
City of Molalla
PO Box 248 / 117 N. Molalla Ave.
Molalla, OR. 97038
finance@cityofmolalla.com

SECTION 8. COMPLIANCE WITH LAW

- a. JUDGE shall comply with all applicable federal, state and local statutes, ordinances, administrative rules, regulations and other legal requirements in performance of this AGREEMENT.
- b. JUDGE shall not discriminate against any individual because of race, color, religion, sex, age, national origin, physical or mental disability, disabled veteran or veteran status, or any other protected status or activity in violation of local, state or federal law. JUDGE will administer the Court in compliance with City policy and applicable union collective bargaining agreements.
- c. JUDGE shall comply with all requirements associated with access to and confidentiality of law enforcement data system records and categories of records protected by law which come before the Court. JUDGE shall appropriately direct Court staff and the police department with respect to such matters which come to her attention.
- d. JUDGE shall be a contract employee for all federal or state taxes applicable to any compensation or payments paid to JUDGE under this AGREEMENT. JUDGE is not eligible for any federal Social Security, unemployment insurance, or workers' compensation benefits from compensation or payments paid under this AGREEMENT.

SECTION 9. DISPUTE RESOLUTION

Any controversy or claim arising out of or relating to this AGREEMENT, including without limitation, the making, performance, or interpretation of this AGREEMENT or the AGREEMENT documents, shall be attempted to be settled by mediation in good faith prior to any litigation being filed. Any litigation arising under or as a result of this AGREEMENT shall be tried to the court without a jury. Each party agrees to be responsible for payment of its own professional fees, including attorneys' fees.

SECTION 10. TERM OF AGREEMENT

This AGREEMENT shall commence on July 1, 2021 This AGREEMENT shall expire on June 30, 2023, unless terminated as specified in this section. The Parties may, by mutual agreement, renew this AGREEMENT for two- year terms.

JUDGE serves at the pleasure of the City Council. Therefore, this AGREEMENT may be terminated by CITY at any time for its own convenience by written notice to JUDGE, effective immediately or at any time identified. JUDGE may terminate this AGREEMENT, for any reason upon (60) days' written notice of JUDGE'S intent to terminate. In the event this agreement is terminated, JUDGE shall receive compensation only for Services performed up to the last day of work performed as a JUDGE.

SECTION 12. INDEMNIFICATION AND INSURANCE

Except for the performance of her judicial functions for which the City shall indemnify, defend and hold JUDGE harmless, JUDGE acknowledges responsibility for any and all liability arising out of the performance of this AGREEMENT and shall hold City harmless from, indemnify and defend CITY for any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim resulting or allegedly resulting from JUDGE'S acts, omissions, activities or services in the course of performing this AGREEMENT.

JUDGE shall maintain occurrence form commercial general liability and automobile liability insurance for the protection of JUDGE, CITY, its Councilors, officers, agents and employees. Coverage shall include personal injury, bodily injury (including death) and broad form property damage, including loss of use of property, occurring in the course of or in any way related to JUDGE'S operations, in an amount not less than Two Million dollars (\$2,000,000.00) combined single limit per occurrence. Such insurance shall name CITY as an additional insured.

JUDGE shall maintain professional liability insurance as mandated by the Oregon State Bar.

JUDGE is self-employed and is responsible for any claims of workers' compensation that may arise from her self-employment in accordance with Oregon law.

JUDGE shall furnish the CITY certificates evidencing the date, amount, and type of insurance required by this AGREEMENT. All policies will provide for not less than thirty (30) days written notice to the CITY before they may be canceled.

The coverage provided by insurance required under this AGREEMENT shall be primary, and any other insurance carried by CITY shall be excess.

SECTION 13. GENERAL PROVISIONS

JUDGE shall maintain the confidentiality, both external and internal, of that confidential information which JUDGE receives in her capacity as JUDGE, to the extent appropriate. This Agreement shall not be interpreted or applied to affect the proper and public sessions of the Court or proper access to judicial proceedings and Court records not under seal.

JUDGE shall not use any data, pictures, or other representations of the CITY in JUDGE'S external advertising, marketing programs, or other promotional efforts except with prior specific written authorization from the CITY.

JUDGE shall furnish to City JUDGE'S employer identification number, as designated by the Internal Revenue Service or JUDGE'S Social Security number.

The AGREEMENT shall be governed by the laws of the State of Oregon. Venue shall be in Clackamas County, Oregon.

Neither CITY nor JUDGE shall assign or transfer their interest or obligation hereunder in this AGREEMENT without the written consent of the others. Except as otherwise provided above, JUDGE must seek and obtain CITY'S written consent before subcontracting any part of the work required of JUDGE under this AGREEMENT. Any assignment, transfer, or subcontract attempted in violation of this subparagraph shall be void.

All work, including but not limited to documents, drawings, papers, computer programs, and photographs, performed or produced by JUDGE under this AGREEMENT shall be the property of CITY. JUDGE shall retain all books, documents, papers, and records that are directly pertinent to this AGREEMENT for at least ten years after CITY makes final payment on this AGREEMENT and all other pending matters are closed.

This AGREEMENT shall not create any rights in, or inure to the benefit of, any party other than the CITY and JUDGE.

The AGREEMENT incorporates, without limitation, standard contract clauses that are required in every public contract in accordance with the Oregon Revised Statutes Chapter 279B and in particular the provisions of ORS 279B.220, 279B.225, 279B.230 and 279B.235. As such, to the extent applicable under State law, these paragraphs apply to this Agreement. This Agreement hereby incorporates by reference any other standard contract clauses required by federal, state, and local laws, ordinances, and regulations.

If any provision of this AGREEMENT is held to be invalid, it will not affect the validity of any other provision. This AGREEMENT will be constructed as if the invalid provision had never been included.

A waiver by a party of any breach by the other shall not be deemed to be a waiver of any subsequent breach.

This AGREEMENT contains the entire contract between the parties and supersedes all prior written or oral discussions or contracts regarding the same subject.

IN WITNESS WHEREOF, the City of Molalla has caused this AGREEMENT to be signed and executed in its behalf by its City Council and duly attested by its City Recorder, and AGENT OF THE CITY has signed and executed this AGREEMENT, both in duplicate, the day and year first above written.

CITY OF MOLALLA:

By: 
Scott Keyser, Mayor

JUDGE:

By: 
Lucy Heil

ATTESTED:

By: 
Christie DeSantis, City Recorder