



AGENDA

MOLALLA CITY COUNCIL MEETING
October 14, 2020
7:00 PM
Molalla Adult Center
315 Kennel Ave, Molalla, OR 97038

Mayor Keith Swigart

Council President Leota Childress
Councilor Elizabeth Klein
Councilor DeLise Palumbo

Councilor Terry Shankle
Councilor Jody Newland
Councilor Crystal Robles

MEETING NOTICE: Due to health concerns of COVID-19, this City Council Meeting will be held in accordance with Governor Brown’s Executive Order 20-27. Council Chambers is limited 50 people. The On-Demand replay of the Molalla City Council Meetings are available on Facebook at “Molalla City Council Meetings – LIVE” and “Molalla City Council Meetings” on Youtube.

1. CALL TO ORDER AND ROLL CALL

2. FLAG SALUTE

3. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

- A. Introduction of Planning Director, Mac Corthell
- B. Long Park Gazebo – Ken Fetters.....Pg. 3

4. PUBLIC COMMENT

(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.)

5. APPROVAL OF THE AGENDA

6. CONSENT AGENDA

- A. Meeting Minutes – September 23, 2020.....Pg. 9
- B. Planning Commission Re-Appointments: Jennifer Satter and Connie FarrenPg. 23

7. PUBLIC HEARINGS

8. ORDINANCES AND RESOLUTIONS

9. GENERAL BUSINESS

- A. Economic Development Community Program Committee (Huff).....Pg. 27
- B. Crosswalk Maintenance Agreement (Fisher).....Pg. 34
- C. Dollar General Transportation SDC (Fisher).....Pg. 42

10. REPORTS

- A. City Manager and Staff
- B. Mayor
- C. City Councilors

11. RECESS INTO EXECUTIVE SESSION

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

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

12. RECONVENE REGULAR SESSION

13. ADJOURN

City of Molalla

City Council Meeting



Agenda Category: Presentations

Subject: Long Park Gazebo Presentation

Recommendation: Approval

Date of Meeting to be Presented: October 14, 2020

Fiscal Impact: Up to \$500 – Council Fund

Background:

At the September 23, 2020 City Council meeting, Culture and Art CPC Chair, Ken Feters, approached Council regarding the updating of the Long Park gazebo.

A piano has been donated to Long Park and painted with a First Responder theme. In light of recent events, the committee would like to showcase the piano, including painting the gazebo. The Culture and Arts CPC was granted up to \$500 to fund paint, with the Council approval of paint colors.

Examples are attached to this Staff Report.

SUBMITTED BY: Dan Huff, City Manager
APPROVED BY: Dan Huff, City Manager

From: [Dan Huff](#)
To: [Christie DeSantis](#)
Subject: FW: Long Park gazebo
Date: Monday, October 5, 2020 8:02:45 AM

From: Kenneth Fetters <themainshopmolalla@gmail.com>
Sent: Friday, October 2, 2020 12:11 PM
To: Keith Swigart <kswigart@cityofmolalla.com>; Leota Childress <lchildress@cityofmolalla.com>; Elizabeth Klein <eklein@cityofmolalla.com>; Jody Newland <jnewland@cityofmolalla.com>; DeLise Palumbo <dpalumbo@cityofmolalla.com>; Terry Shankle <tshankle@cityofmolalla.com>; Crystal Robles <crobles@cityofmolalla.com>; Dan Huff <dhuff@cityofmolalla.com>
Subject: Long Park gazebo

Mayor Swigart, City Council

Thank you for approving the funds to paint the Long Park gazebo. The piano honors the first responders of our community. The goal with the paint color is to represent the Molalla people who are also honored in park with the bear and coyote. I contacted the Grand Ronde Cultural Resource Dept. Manager who explained the following.

It is important to recognize that the Molalla people are not just our history but are still alive and well through the Confederated Tribes of The Grand Ronde. "Place" is important to the Molalla; this is the reason for the paint colors of the gazebo.

- *Green posts and back wall to represent the forest and grasses
- * Blue ceiling and facia to represent the sky and water
- * The existing red roof represents the native strawberry which are important to the history of the Molalla

Attached you will find a before and after rendering of the gazebo thanks to David Jackson.

Please contact me with any questions.

Ken Fetters





From: [Dan Huff](#)
To: [Christie DeSantis](#)
Subject: FW: Long Park gazebo
Date: Thursday, October 8, 2020 12:25:08 PM

From: Kenneth Fetters <themainshopmolalla@gmail.com>
Sent: Thursday, October 8, 2020 12:24 PM
To: Keith Swigart <kswigart@cityofmolalla.com>; Leota Childress <lchildress@cityofmolalla.com>; Elizabeth Klein <eklein@cityofmolalla.com>; Jody Newland <jnewland@cityofmolalla.com>; DeLise Palumbo <dpalumbo@cityofmolalla.com>; Terry Shankle <tshankle@cityofmolalla.com>; Crystal Robles <crobles@cityofmolalla.com>; Dan Huff <dhuff@cityofmolalla.com>
Subject: Re: Long Park gazebo

Attached you will find another version requested by Counselor Palumbo.
Thanks for your time Ken

On Fri, Oct 2, 2020 at 12:11 PM Kenneth Fetters <themainshopmolalla@gmail.com> wrote:

Mayor Swigart, City Council

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Ken Fetters





Minutes of the Molalla City Council Regular Meeting

Molalla Adult Community Center
315 Kennel Ave., Molalla, OR 97038
September 23, 2020

1. CALL TO ORDER AND FLAG SALUTE

The Molalla City Council Meeting of September 23, 2020 was called to order by Mayor Keith Swigart at 7:00pm.

2. ROLL CALL

COUNCIL ATTENDANCE:

Mayor Keith Swigart – Present
Council President Leota Childress – Present
Councilor Elizabeth Klein – Present
Councilor DeLise Palumbo – Present
Councilor Terry Shankle – Present
Councilor Jody Newland - Present
Councilor Crystal Robles - Present

STAFF IN ATTENDANCE

Dan Huff, City Manager - Present
Christie DeSantis, City Recorder - Present
Gerald Fisher, Public Works Director - Present
Chaunee Seifried, Finance Director - Present

3. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

Ken Fetters, Culture and Arts Committee Chair – Mr. Fetters shared an update with Council, highlighting the accomplishments of the CAC since the onset of COVID-19. He explained that it has been difficult to meet, however the group is still very active. Thanks to Dave Jackson Photography, several videos have been made and shared. Topics include cardboard castle competitions, gardening, tour of the Dibble House, and the Rodeo Walk of Fame. Other items that have been created during COVID-19 are the resurrection of The Bulletin, and Pianos in the Park.

The First Responder piano has been assigned to the Long Park Gazebo. The gazebo needs some work done, as well as to be painted. The Culture and Art Committee spoke with Mitch Magenheimer about helping with the paint. Mr. Magenheimer stated that he and the Rotary Club would provide the labor, if the City would be willing to provide paint. Mr. Fetters has offered the City his contractor discount. He requested up to \$500 from Council, to paint the gazebo.

Discussion took place and Council decided that they would approve funds contingent upon seeing and approving the design/colors.

A motion was made by Councilor Klein, to approve up to \$500 for paint to the Culture and Arts Committee, for the purpose of painting the gazebo in Long Park. Councilor Shankle seconded. Vote passed 7-0.

4. PUBLIC COMMENT

(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.)

Scott Keyser, Molalla resident, complimented many people in the Molalla area for their hard work during the wildfires. He then read a text from his phone that he stated was from Mayor Swigart. He read ‘Good morning council. I asked Dan to include that our Police Department have 24 hour patrols to discourage any looting. Looting has been a problem everywhere there is a complete evacuation. I do not know if they are patrolling or not, but it can’t hurt to put it out there.’ Mr. Keyser then exited the room.

5. APPROVAL OF THE AGENDA

Approved as presented.

6. CONSENT AGENDA

A motion was made by Councilor Klein to approve the Consent Agenda, seconded by Council President Childress. Vote passed 7-0.

7. PUBLIC HEARINGS

8. ORDINANCES AND RESOLUTIONS

- A. Resolution 2020-20: Authorizing an Emergency Business Assistance Grant Program to Support Local Business Impacted by COVID-19 and the Governor’s Executive Order 20-12

The City of Molalla has applied for funds from the State of Oregon from the Coronavirus Relief Fund (CRF Grant). We have been approved and want to invest \$100,000 into small businesses in our community. This funding opportunity requires fast tracking in hopes of distributing funds to business owners by early October. As a reminder, this money will not be coming from our local citizens but from the State of Oregon CRF Grant funds.

After reviewing materials, Councilors decided that they would like less restrictions to business owners so that more may be eligible to apply. There are other loans and applications available offering assistance. This grant offers up to \$5,000 to businesses. The amount awarded will depend on how many businesses apply. Council would like nonprofits to be able to apply, as well as small business owners with less than ten employees. Finance Director Seifried clarified changes with Councilors and noted the amendments needed.

Due to the nature of the Resolution, and that they are small business owners; Councilors Robles, Klein, and Childress all recused themselves from voting.

A motion was made by Councilor Palumbo to approve Resolution No. 2020-20 as amended, seconded by Councilor Newland. Vote passed 4-0, with Mayor Swigart, Councilor Newland, Councilor Palumbo and Councilor Shankle voting aye.

- B. Resolution 2020-21: Declaring a Local State of Emergency Due to the Beachie Creek and Riverside Wildfires

During the evacuation of the City, on September 10, 2020 the Mayor signed a Declaration of Emergency. Due to disbursements of Councilors, a meeting could not be organized. Resolution 2020-21 ratifies the Mayor’s declaration of last week. This Emergency Declaration will ensure emergency funding for not only city facilities and efforts, but our community as well.

Even though the City of Molalla seems to have escaped harm’s way we have proposed October 14, 2020 as the end date to this emergency due to the ongoing firefighting in our area.

A motion was made by Councilor Newland to approve Resolution 2020-21, seconded by Councilor Robles. Vote passed 7-0.

9. GENERAL BUSINESS

A. Urban Renewal Update

City Manager Huff reported that we have finished our funding cycle, it was processed on Thursday and Friday of the evacuation. Mr. Huff and Ms. Seifried finalized paperwork that week, otherwise it would be pushed out for two more months. The City was able to lock in the lower interest rate.

Mr. Huff and our Economic Development Consultant presented the public building project for a new Police Department to Clackamas County Board of Commissioners this week. The City of Molalla will be placed on their October agenda. Mr. Huff plans to meet with the School District and Fire Department, which are also part of our taxing district. Once that process is complete, a final plan will be presented to Council. This will most likely take place in November.

B. Conflagration Update

Mr. Huff addressed the issue of citizens wanting more information during the fires and evacuation. He explained that Molalla is not the lead agency in a situation such as this, however he commended our Fire Department for all the hard work and communication they were able to provide. *(written comment included in these meeting minutes)*

10. REPORTS

A. City Manager and Staff

City Recorder DeSantis requested that Council look at their November calendars and consider a meeting date change. November 11th is Veteran's Day and City Hall will be closed. November 23rd is the day before Thanksgiving and Council does not typically meet. Ms. DeSantis requested that Council meet on November 18th, in order to accommodate a meeting for that month. Council members agreed to the change.

Finance Director Seifried gave an update on the CRF (Covid Relief Fund) Grant. We have received \$115,000 to date, which has covered supplies needed during Covid. The City has applied for an additional \$121,000 which includes \$100,00 for the Emergency Business Assistance Grant. The total amount that we have available is \$328,000, which leaves us with a remaining \$90,000 through the month of December.

Public Works Director Fisher shared:

- Tractor Supply Store has been issued all permits and will be opening on Friday.
- Cascade Center's preconstruction meeting will take place this week, with plans to permit construction beginning. In addition, plans are almost complete for signalized intersection.
- He now has a map that can be shared with the Chamber of Commerce that shows the striping areas where parking will be removed on Main street.
- The Public Works Ops report is dedicated to work done during the fire. Employees were reporting to work during the fire, as far away as Lincoln City. The Wastewater Treatment Plant created 5.7 million gallons of treated effluent to fight fires., which is allowed through ORS. The Water Treatment Plant drew almost 2 million gallons of water a day. Normal activity is 1.6 million per day, and the highest draw was 2.7 million gallons during the fire.
- DEQ and USGS is working with us to take samples of the Molalla River during the rain event this evening. Agencies want to sample the river before, during and after the rain, to get a sense of what will be coming down during the winter. Crews will work through the night to take and provide samples to DEQ and USGS. Fifty six percent of our water shed was in the burn zone. We are still tracking emergency management costs.
- Smoke and ash will continue to be an issue in our area for some time to come. The Water Treatment Plant is working diligently to provide clean water.

City Manager Huff provided a handout from DEQ that has the State regulations on ash. *(attached to these meeting minutes)*

B. Mayor

Mayor Swigart publicly apologized to Councilor Palumbo for siting her at a previous meeting. He reviewed Charter language and found that publicly criticizing another Councilor applies to during meetings.

Mr. Swigart thanked everyone that helped to save the town during the fire and evacuation period. He thanked the City Staff, including the Police Department and Fire Department. He thanked the citizens of Molalla that stepped into help fight fires.

C. City Councilors

Councilor Robles echoed her thanks for the community effort that took place during the fires. She gave her appreciation to all involved in saving our town.

Councilor Shankle offered her thanks to the City and community. She also brought up Halloween. Councilor Shankle feels that our kids need something to look forward to, so the Chamber is hosting a Trunk or Treat event. This event will be on October 31st at the High School from 4:00-7:00pm.

Councilor Palumbo mentioned her pride in our town. She reminded the community of our Share the Love event, as well as Molalla winning an award for being one of the nicest towns to live in. She expressed her sincere thanks and appreciation to all involved.

Councilor Klein thanked the families of the first responders, for supporting the people that saved our town.

Council President Childress thanked City Manager Huff directly, for his leadership and direction during the fire. She also commended the City staff for their loyalty to the city during the fire.

Councilor Newland shared that she felt that the community of Molalla goes further than our 97038-zip code, and that the pioneer spirit of Oregon is alive and well. She feels that people from all over have proven that in the past several days. She offered high praise to the Fire and Police Department and City Staff, and hopes that we can all come together to debrief, so if there is another emergency in the future, we'll be able to handle even better.

8 ADJOURN

A motion was made by Council President Childress to adjourn at 8:36pm, seconded by Councilor Klein. Vote passed 7-0.

Keith Swigart, Mayor

Date

ATTEST: _____
Christie DeSantis, City Recorder

Mayor and Council

Just a quick update about the fire conflagration event beginning on September 8th and not really letting up until September 18th. It seems like we are back to normal, but it was especially dreary September 10 – 11th. I went home Thursday morning at 2:30 am and was not sure what may happen to Molalla and the surrounding area. Early Friday morning began with a question Chief Schoenfeld asked me.

“Do you know another city official who has had to evacuate a City?”

What I told him was “I do not, other than you”.

Partly because we were not the lead local agency, and, rightly so, information was very hard to obtain. Emergencies, tragedy, and chaos generally expose character. As I have said previously, I am extremely proud of our Molalla Fire District, Molalla Police personnel and Molalla City Staff. Just like this community we are used to not relying on “help” and we made things happen and we got things done. If you turn to the first Vision Plan Focus Area, it states – Resilient. People in our City, surrounding area, staff, and our Fire Department were resilient.

The City of Molalla steered clear of harm’s way, but some of our family, friends and acquaintances did not. This community has quite a lot of recovery to make happen. We will be here for that recovery.

Dan Huff
City Manager



Public Works Department

117 N Molalla Avenue

PO Box 248

Molalla, Oregon 97038

Phone: (503) 829-6855

Fax: (503) 829-3676

September 23, 2020

TO: Dan Huff, City Manager

FROM: Gerald Fisher, Public Works Director

CC: Christie DeSantis, City Recorder

RE: Project Update for Public Works

The following is a list of public and private projects currently underway or in process.

Administrative Projects Underway

1. Staff is working on several individual home construction permits, pre-application projects for new developments, policy and procedure updates, and other improvements to the department.
2. Municipal Code Update – Staff continuing to work on rewrite of MMC Chapter’s 10, 12, and portions of 13 as time allows.
3. ODOT ADA Ramp Replacements – ODOT anticipates construction to begin in December 2020 and continue through December 2021. Staff has informed ODOT representatives of events within the City during that time frame.
4. ODOT Crosswalk Locations – ODOT is working on an IGA. ODOT has agreed to the City maintaining the crosswalks at designated locations and work will begin once an IGA is in place.

Public Capital Projects Underway

5. 17-04 OR 211 Bike & Ped Pathway – Bidding completed. HP Civil deemed lowest bid at \$1,426,135.97. Engineer’s estimate was \$1,698,339. ODOT to issue notice to proceed and a kick-off meeting is scheduled for 10/13/20.
6. 17-15 WTP New Trident 2MGD Filtration Plant, Chemical & Telemetry Upgrades – Demolition of old treatment unit completed. Floor repairs and final electrical work underway. Anticipate project closeout in October 2020.
7. 18-04 WWTP Biosolids Removal – Biosolids removal completed for 2020. Over 400 dry tons removed for the year and contractor has shut down operation until next spring.
8. 18-08 Hwy 213 & Hwy 211 Safety Improvements – Waiting on ODOT to deliver project sometime in 2021. The City’s match is \$10,013 or 7.78%.
9. 18-08 Hwy 213-Toliver Roundabout – Loan agreement executed. Project currently in design and anticipate construction in Spring of 2023.
10. 18-11 Trout Creek Water Right Transfer – Staff issued notice to proceed starting 07/01/20.

11. 18-12 Trout Creek Monitoring Station – Flow monitoring completed. Anticipate project completion this month.
12. 18-14 Decant Facility – Project design will begin in FY 20-21. This project will provide a dewatering station for street sweeping and vector debris prior to disposal. Project is currently in the planning stage.
13. 19-02 Water Master Plan & Water Management & Conservation Plan – Draft Chapters 2 through 7 completed. PAC meeting #2 to be rescheduled due to wildfire event. Planning Commission and City Council hearings tentatively scheduled for the late 2020. Risk Assessment and Emergency Response Plan update underway.
14. 19-03 City Hall Remodel Ph 3 – Design complete and contracts to go out later this month. Anticipate construction later this year.
15. 19-05 Consent Decree Compliance Reporting – The 3rd quarter report was completed on 09/02/20. The 4th quarter report is scheduled for 12/02/20.
16. 19-07 MFR Ped Bridge (P42) – Phase 1 improvements completed. Phase 2 design of bridge structure and pathway improvements underway and construction tentatively scheduled to begin by early 2021.
17. 19-09 OR 211-Molalla Ave Signal – Design of the signal nearly completed and is part of the conditions for Project 19-04 Cascade Center listed below. Developer waiting on plan approvals from ODOT. Estimated construction starting sometime in fall 2020.
18. 19-10 WWTP Upgrade – Loan application under review by DEQ. Once loan is approved, staff will issue a notice to proceed for design.
19. 19-11 Molalla Ave Intersection Improvements (5th & Heintz) – Preconstruction meeting held on 09/21/20. Anticipate Notice to Proceed next week and construction completed by October 2020.
20. 19-12 Phase 1 Project 2 Patrol Street Sewer and Water Reconstruction – Sewer main installed and Contractor is working on sewer laterals. Work on waterline began earlier this week. Project completion anticipated by mid-October. Some delay due to wildfire anticipated.
21. 20-04 Shops & Elementary School Waterline Replacement – Project design will begin in FY 20-21 and will replace pre-1950's waterline providing service to the shops facility and elementary school.
22. 20-05 Creamery Creek Park – Project design will begin in FY 20-21. New City park is on an 11,011 square foot parcel on Mary Drive next to Creamery Creek.

Public Capital Projects Not Started

23. Phase 1 Project 4 Eckerd Ave Sewer and Water Reconstruction – This project will replace the existing water and sewer lines on Eckerd Avenue, 2nd Street (Lola-Eckerd), and the waterline on 4th Street (Lola-Eckerd).
24. Phase 1 Project 6 Lindsey Addition to Molalla LS Sewer Reconstruction – This project will replace or slip line the sewer from the Molalla Avenue lift station to Hood Court.

Private Projects Underway

25. 17-20 Sawyer's Truck Repair – Contractor completed first phase of project. Second phase will be reconstruction and frontage improvements along Toliver Road.

26. 18-16 Tractor Supply Store – Temporary access construction underway. Once agreement is in place for frontage improvements between developer and ODOT, then City will sign off on occupancy. Anticipate store opening within the next month.
27. 19-04 Cascade Center – Plans approved and ODOT approvals to proceed in place. Preconstruction meeting scheduled for 09/24/20.
28. 19-13 Dollar General – 4th plan review completed and waiting on developer to address water quality for connection to ODOT system.
29. 20-01 Colima Apartments – Construction underway. Anticipate completion of public improvements by the end of 2020.

Attached at the end of this memo is an update from Operations. This update covers several months of work by Operations. Thank you and let me know if you have any questions.



Public Works Department
117 N Molalla Avenue
PO Box 248
Molalla, Oregon 97038
Phone: (503) 829-6855
Fax: (503) 829-3676

September 23, 2020

TO: Gerald Fisher, Public Works Director
FROM: Andy Peters, Operations Supervisor

RE: Operations Update for City Council

Gerald,

Attached is our Operations update, covering the period Aug 26th, 2020 – Sept 17th, 2020.

Respectfully,

A handwritten signature in black ink, appearing to be "AP", is written over a light blue horizontal line.

Andy Peters
Operations Supervisor
City of Molalla



Work related to wildfires constituted most of the crew's efforts this reporting period. Not knowing what we were going to face, the entire crew was placed "On-Call" and trucks made ready for emergency operations (Left). Crew were placed on a rotating schedule that would have allowed proper rest periods in case 24/7 duty was required. High dollar assets were evacuated to Canby, one crew member slept in the vector truck to make sure it stayed safe during one of the evenings.

Most of the public works activities began after the fire event, surveying City Infrastructure and assessing possible damage from fires within the City Limits, like the field fire at the Aquatics Center shown Right.



Visibility at the WWTP declined, and the prolonged lack of sunlight may have disrupted some treatment processes. Staff is still trying to determine what effects the unusual conditions may have had on permit parameters. Effluent pumped from the plant between Wednesday September 9th – Sunday September 13th was used directly for fire fighting. The total used for fighting Beachie Creek, Wilhoit, Lionshead fires, and wetting Coleman Ranch Fields as a fire-break for Molalla was 5,700,000 gal. This is considered a beneficial use of Class C Recycled Water allowed under OAR 340-055-0012.



Wildfire ash mixed with tree leaves to form a paste that clogged many catch basins in town, requiring crew response to clear (Left).

Plant Operators at the Water Plant worked to ensure the systems tanks stayed full and available for firefighting throughout the event (top-right). It is difficult to determine how much water taken from the system during the period was for firefighting, but we do know that the average water usage in town leading up to the event was 1,585,314 gal/day, while flows during the event and evacuations was 1,954,756 gal/day. Considering a fire tender truck normally holds between 500 gal – 1500 gal, we can get an idea of how much water Molalla supplied. Peak flows in our system generally don't exceed 1100 gpm but the plant experienced flows as high as 2772 gpm when fire crews were taking water. All testing parameters were also monitored closely to ensure the safety of Molalla's Drinking Water. Nevertheless, some customers are reporting that they can sense an "ash" taste in the water. The City has released a public statement in letter form explaining this situation. Shown bottom-right is a photo the new Trident Filter, working properly, backwashing the ash from filters during its normal cycle on September 22nd.



//End Report//

After the Fire: How to Safely Manage Ash and Debris from Burned Buildings

Fire debris can be hazardous

Losing a home to fire can be extremely traumatic, both physically and emotionally. There is sometimes physical injury and loss of human life in some fires, or the loss of pets. Then there is the loss of property, and items of financial or sentimental value.

With all these things to deal with, the last thing many people think about after a crisis is the hazardous nature of ash and fire debris on their property. But there are some basic things you should understand about ash to fully protect yourself, your family and in some cases, your neighbors.

Some property owners may return to the site in the immediate aftermath of the fire, if only to assess the damage. The first thing to understand before doing this is that ash and debris from burned houses, sheds and other structures can be hazardous, particularly when particles are inhaled. This ash and partially burned debris may contain asbestos, mercury, lead, cadmium, chromium and a variety of other dangerous chemicals.

Before you return to your property

After contacting your insurance company, property owners should develop a plan before returning to the area that was burned. [Check tips from the CDC on how to stay safe after a wildfire.](#)

Use caution around debris

- **Be aware of all electrical hazards** – including those from downed power lines, unstable walking surfaces and sharp objects buried in the ash. Use extreme caution at all times when near the debris.
- **Wear sturdy footwear, eye goggles and heavy duty work gloves.** If possible, wear disposable coveralls and dispose of them after use. If you do not wear disposable coveralls, make sure to have a clean set of clothes to change into after working or rummaging in debris and ashes.
- **Cloth face coverings, paper masks or bandanas are not very effective** at filtering out fine airborne ash, dust or asbestos fibers. N95 and KN95 respirators, if properly fit tested and worn, can offer some protection from airborne particles. See more about masks in next section.
- **Before cleaning up ash and other debris, get the material tested to determine if it contains asbestos.** Many homes and buildings have materials with asbestos. Asbestos use has decreased significantly over the years, but asbestos still exists in some building materials produced today. If it contains asbestos, hire a [licensed asbestos abatement contractor](#). Ash must be adequately wetted to control dust that can become airborne. Water may not always be

available, but it is one of the most important means to control ash and asbestos. Don't use a leaf blower to clean up ash, it will create more airborne particles.

- **Clean recyclable materials such as metals and concrete with water prior to transport**, if possible. This is to reduce the spread of asbestos or other contaminants in the ash.
- **Wash any recovered personal items** with water or wipe with a damp cloth to remove potentially toxic dust.
- **Children should not be involved in clean-up activities.** Do not let children near the debris or in an area where they might breathe airborne particles left from the fire. It's also important to avoid spreading ash and debris around your property.
- **Household chemicals may be dangerous to handle**, so take care before handling paints, bleaches, oils or other household hazardous wastes that may be partially burned.
- **Call your local garbage hauler or transfer station** with questions about waste disposal.

Masks and respirators

Cloth face coverings, paper masks or bandanas are not very effective at filtering out fine airborne ash, dust or asbestos fibers. This is because they typically do not have a tight fit around the face. However, they are good for minimizing the release of droplets that help spread COVID-19.

N95 respirators, if properly fit tested and worn, can offer some protection from airborne particles. Otherwise they may create a false sense of security. N95 respirators, are currently in short supply and being reserved for health care workers due to COVID-19.

KN95s are similar to N95s. Some are NIOSH approved, but do not meet health care standards. Like N95s, KN95s need to fit well enough to form a seal and be properly worn. Some individuals may have more difficulty getting them to fit properly and seal as well as an N95. Learn how to get a proper fit in this short instructional [N95 respirator video from Oregon OSHA](#). Be aware that counterfeit KN95 respirators are on the market. [The CDC has tips on recognizing counterfeit KN95s.](#)

If N95 and KN95 respirators are not available, and you must go to a place with ash and debris, use a face covering that covers the nose and mouth and fits snugly against the sides of the face. Face coverings made of two to three layers are better than those made of one. With any respirator or face covering, make sure that you can breathe comfortably and take breaks away from debris and ash as needed.

Before you rebuild or begin demolition

State rules govern various aspects of managing and removing asbestos, and these rules are in place to protect public health. Refer to guidance on [DEQ's asbestos webpage](#) or contact DEQ prior to starting any demolition activities.

Generally, ash and debris can be presumed to contain asbestos and must be abated properly. Otherwise, Oregon requires that an [accredited asbestos inspector](#) perform an [asbestos survey](#) of the materials to determine next steps. Depending on the results, DEQ can help you determine the appropriate next steps. A survey isn't required for single family homes constructed after Jan. 1, 2004.

Any fire damaged asbestos containing material is considered friable and must be removed by a [DEQ licensed asbestos abatement contractor](#).

DEQ can help

Contact DEQ for help if you:

- Have concerns about asbestos on your property, or if you find evidence of asbestos fibers and want to know more about how to ensure safe disposal.
- Need advice on how to properly dispose of household hazardous wastes such as bleaches, cleaners, paints or oils.
- Need assistance with the inspection or replacement of septic systems.

Find more information:

- Asbestos: <http://ordeq.org/asbestos>
- Household hazardous waste: <http://ordeq.org/hhw>
- Septic systems: <http://ordeq.org/septic>

DEQ Asbestos and Solid Waste Contacts

Office	Phone	Counties Served
Portland	Asbestos: 503-229-6351 or 800-452-4011 Solid Waste: 503-970-4890	Clackamas, Clatsop, Columbia, Multnomah, Tillamook, Washington
Salem	Asbestos: 503-378-5086 or 800-349-7677 Solid Waste: 541-686-7868	Benton, Lincoln, Linn, Marion, Polk, Yamhill
Coos Bay	Asbestos: 541-269-2721, Ext. 222 Solid Waste: 541-686-7868	Coos, Curry, Douglas, Jackson, Josephine
Bend	Asbestos: 541-633-2019 or 866-863-6668 Solid Waste: 541-633-2029	Crook, Deschutes, Harney, Hood River, Jefferson, Klamath, Lake, Sherman, Wasco
Pendleton	Asbestos: 541-278-4626 or 800-304-3513 Solid Waste: 541-633-2029	Baker, Gilliam, Grant, Malheur, Morrow, Umatilla, Union, Wallowa, Wheeler
Eugene	Asbestos (Lane Regional Air Protection Agency): 541-736-1056 Solid Waste: 541-686-7868	Lane

Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.

City of Molalla

City Council Meeting



Agenda Category: Consent Agenda

Subject: Planning Commissioners Re-appointment

Recommendation: Re-appoint

Date of Meeting to be Presented: October 14, 2020

Fiscal Impact: None

Background:

Planning Commissioner Jennifer Satter’s term expired September 30, 2020. She has requested re-appointment to the Planning Commission. (Email attached)

Planning Commission Connie Farren’s term expires December 31, 2020. She has requested re-appointment to the Planning Commission, as well. (Email attached)

To simplify tracking, City Manager Huff would like Commissioners terms to reflect a January – December calendar, therefore, the request is to approve these Commissioners terms from this date through December 31, 2024.

SUBMITTED BY: Christie DeSantis, City Recorder
APPROVED BY: Dan Huff, City Manager

From: [Dan Huff](#)
To: [Connie Farrens](#)
Cc: [Christie DeSantis](#)
Subject: RE: Planning Commission
Date: Friday, July 24, 2020 2:04:00 PM

Thank you Connie.

From: Connie Farrens <cfarrens@cityofmolalla.com>
Sent: Friday, July 24, 2020 2:02 PM
To: Dan Huff <dhuff@cityofmolalla.com>; Christie DeSantis <cdesantis@cityofmolalla.com>
Cc: Dan Zinder <dzinder@cityofmolalla.com>
Subject: Planning Commission

Hi I am writing this email to request my current position on the Molalla Planning Commission be extended to the full term position that will soon be available. Thank you for your consideration. Please let me know if you need anything else from me.
Thank you

Get [Outlook for iOS](#)

From: [Julie Larson](#)
To: [Christie DeSantis](#)
Cc: [Mac Corthell](#)
Subject: RE: Term Expiration
Date: Friday, October 2, 2020 11:11:11 AM
Attachments: [image001.png](#)

Christie-

Here is the reappointment intention from Jennifer Satter. She would like to remain on the Planning Commission.

Thanks!
Julie

From: Mac Corthell <mcorthell@cityofmolalla.com>
Sent: Friday, October 2, 2020 9:51 AM
To: Julie Larson <jl Larson@cityofmolalla.com>
Subject: RE: Term Expiration

Awesome, let's get her on the agenda for next council meeting. Is there any documentation we need to provide?

Macahan "Mac" Corthell, J.D. | Planning Director

City of Molalla

117 N Molalla Ave. | PO Box 248 | Molalla, OR 97038

Phone - [503.829.6855](tel:503.829.6855)

Fax - [503.829.3676](tel:503.829.3676)

Email - mcorthell@cityofmolalla.com

Website - <http://www.cityofmolalla.com>

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From: Julie Larson <jl Larson@cityofmolalla.com>
Sent: Friday, October 2, 2020 9:34 AM
To: Mac Corthell <mcorthell@cityofmolalla.com>
Subject: FW: Term Expiration

From: Jennifer Satter <jsatter@cityofmolalla.com>
Sent: Friday, October 2, 2020 9:20 AM
To: Julie Larson <jl Larson@cityofmolalla.com>

Subject: Re: Term Expiration

I would like to remain on Planning Commission

From: Julie Larson

Sent: Thursday, October 1, 2020 12:11:33 PM

To: Jennifer Satter

Cc: Mac Corthell

Subject: Term Expiration

Good Afternoon Jennifer,

Your Planning Commission term expires today. If you would like to remain on the Planning Commission, can you please reply to this email expressing your desire to do so. We need a response no later than 10/07/2020

Kind regards,

Julie Larson

City of Molalla | Planning Specialist
117 N Molalla Ave. | Molalla, OR 97038
Direct: 503-759-0243 | Office: 503-829-6855
Business Hours: M-F 8:30-4:30



City of Molalla

City Council Meeting



Agenda Category: General Business

Subject: Economic Evelopment Community Program Committee Appointments

Recommendation: Direction/Appointment

Date of Meeting to be Presented: October 14, 2020

Fiscal Impact: Grant Funded

Background:

The Molalla City Council established the Economic Development Community Program Committee on January 22, 2020 (Minutes attached). The purpose of this committee is to develop a high-level approach to development of an economic development plan through a Ford Family Foundation Grant. However, due to COVID-19 and eventual delays community members have not been appointed to the committee.

Robert Thompson applied for the Economic Development CPC and his application is attached as well. We have discussed in the recent past that having a five (5) member Committee including one City Councilor as a participating member could act as the steering committee. Because of the nature of this committee, we have also discussed that City Staff will have management and oversight of the Committee.

Staff recommends that Council identify one Council member for this committee and officially appoint Robert Thompson to the Committee. We will continue to search and find three (3) additional members to be appointed soon.

SUBMITTED BY: Dan Huff, City Manager

APPROVED BY: Dan Huff, City Manager

FOCUS AREA #3

Molalla is... an economically sound and growing community which is evident in the diversity of businesses, partnerships, education, innovation, and the strong work ethic of its people

STRATEGIES

- Develop and sustain an environment for successful economic development and managed growth
- Encourage youth participation in job development

ACTIONS

POTENTIAL PARTNERS

Develop directory of small to large businesses	City, Chamber
Create an economic development plan that identifies a foundation to grow resources and services for the community, i.e. shopping, entertainment, dining, and generates jobs	Clackamas County, City
Host a conference with local businesses, City of Molalla, and the MRSD Board of Directors on innovation and possible areas for growth in Molalla’s local workforce	Local businesses, City, MRSD
Create a branding and marketing plan to encourage entrepreneurs and attract new businesses	Chamber of Commerce
Form a group to advise and advocate for business development	Business community
Strengthen promotion and support of local businesses, craftspeople, artisans, etc. (Made in Molalla)	Chamber of Commerce, business community
Develop a “start a new business” checklist for City website	Chamber, City
Create school/community/business initiatives to develop more local internships for students	Businesses, MRSD, Chamber, service organizations
Promote career technical education for youth, job development, and continuing education	Clackamas Community College, MRSD, Oregon Universities, Colleges, Extension Services



Minutes of the Molalla City Council Regular Meeting

Molalla Adult Community Center
315 Kennel Ave., Molalla, OR 97038
January 22, 2020

1. CALL TO ORDER AND FLAG SALUTE

The Molalla City Council Regular Meeting was called to order by Mayor Keith Swigart at 7:02pm.

2. ROLL CALL

COUNCIL ATTENDANCE:

Mayor Keith Swigart – Present
Councilor Elizabeth Klein – Present
Councilor Leota Childress – Present
Councilor DeLise Palumbo – Absent
Councilor Terry Shankle – Present
Councilor Jody Newland - Present
Councilor Crystal Robles - Present
Student Liaison Natalee Litchfield - Present

STAFF IN ATTENDANCE

Dan Huff, City Manager - Present
Christie DeSantis, City Recorder - Present
Gerald Fisher, Public Works Director - Present
Chaunee Seifried, Finance Director - Absent
Alice Cannon, Planning Director - Present

3. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

A. Presentation - Wastewater Update

Holly DeRamus, wastewater expert and former instructor at Linn Benton Community College (for wastewater), has been contracted by the City of Molalla to perform the duties of the Consent Decree. Ms. DeRamus provided a brief history of the City of Molalla Wastewater Treatment Plant. (Exhibit A)

After the presentation, Councilors had a few clarifying question. Councilor Childress asked if a violation always included a penalty. Mr. Fisher stated that it does not. He feels that because DEQ knows that we are actively trying to fix the problem, that they filed the violation without the fine.

Mr. Fisher shared that Quarterly Reports are being given regularly at City Hall. The next report will be held on March 4, 2020 at 12:00pm in the Conference Room. This meeting is open to the public, however closed for public comment.

4. PUBLIC COMMENT

(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.)

5. APPROVAL OF THE AGENDA

6. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may only be discussed if it is pulled from the consent agenda.)

- A. Meeting Minutes – January 11, 2020
- B. Resolution No. 2020-02: Hazard Mitigation Plan

A motion was made by Councilor Klein to approve the Consent Agenda, seconded by Councilor Newland. Vote passed 6-0.

7. PUBLIC HEARINGS

There were no Public Hearings.

8. GENERAL BUSINESS

- A. Community Program Committee: Culture and Arts Program

A motion was made by Councilor Childress to approve the Culture and Arts Purpose Statement, seconded by Councilor Shankle. Vote passed 6-0.

Culture and Arts Committee Applicants to be appointed include: Ken Feters, Lynsey Knapp, David Jackson, Dannie Aasted and Steve Mysinger.

A motion was made by Councilor Childress to appoint the above listed applicants to the Culture and Arts CPC, seconded by Councilor Shankle. Vote passed 6-0.

- B. Community Program Committee: Economic Development Program

Councilor Childress requested that the last sentence of the Purpose Statement for the Economic Development CPC read, "The committee will consider high-level approaches to economic development in Molalla; the trade-offs associated with different approaches; and recommend appropriate action steps for the City to take to support economic growth in the next 20 years". All Councilors agreed to the amendment.

A motion was made by Councilor Childress to approve the Economic Development CPC with amendment, seconded by Councilor Klein. Vote passed 6-0.

- C. Molalla Area Vision and Action Plan 2030 Adoption

A motion was made by Councilor Shankle to adopt the Molalla Area Vision and Action Plan 2030, seconded by Councilor Robles. Vote passed 6-0.

Councilors praised the efforts of Councilors Klein and Childress in this endeavor. The Vision and Action Plan was a three-year project. All Councilors are pleased with the outcome and look forward to setting goals in accordance with the Plan.

9. REPORTS

- A. City Manager and Staff

Planning Director Cannon reminded Councilors that there is an upcoming hearing regarding the Industrial Hemp Plant. The Hearing will be held on February 11, 2020 at 6:30pm in the Municipal Court at City Hall.

Director Cannon explained that the City is not intending to shut down the business, the goal is compliance around the odor.

Director Fisher shared the Public Works monthly report with Council. (attached) The Department of Transportation will be replacing ADA ramps along OR211 from Hezzie Lane to Mathias Road. This is an outcome of the multi-state

lawsuit that took place regarding ADA ramps and the requirements. The State of Oregon is handling the entire project. It will coincide with the Bike & Ped path project and the stop signal going in at Main Street and Molalla Avenue. We have obtained Federal and State approvals for the Molalla Forest Road Bike and Ped path. The crossing there started to collapse last winter. Design and permitting materials were submitted and last week we received approvals from the Army Corp of Engineering.

The Public Works Shops Facility is nearing completion. Once it is done, Director Fisher will schedule tours with Council members.

Mayor Swigart asked about the status of the Tractor Supply store. Director Fisher stated that the City is waiting for Tractor Supply to come to City Hall to pick up two easements that need to be taken to Clackamas County for recording purposes. The easements have been ready for recording since November. Tractor Supply also needs to comply with the Department of Transportation. They need to submit a set of plans that will grant ODOT's approval, a development agreement to ODOT, a bond to ODOT and approvals for temporary access. ODOT will inform Director Fisher once that has happened.

Director Cannon has three items remaining on her list that Tractor Supply needs to submit.

City Recorder DeSantis – Nothing to report.

City Manager Huff handed out worksheets for the upcoming Work Session Retreat that is taking place on Saturday, January 25, 2020. (attached) He requested that Councilors review them and give feedback at the upcoming Retreat.

B. Mayor

Mayor Swigart attended an Elected Officials class for rules on Elections and what is the candidates responsibility. It was presented by the Secretary of States office.

C. City Councilors

Council President Childress thanked Council for adopting the Molalla Area Vision and Action Plan 2030. The next step is to hire a Vision Coordinator. The Vision Coordinator is covered by a grant from the Ford Family Foundation.

Councilor Klein thanked the Council and community for supporting the Vision and Action Plan.

Councilor Newland shared the Battle of the Badges competition is coming up soon, in support of the Share the Love campaign. This competition is between Police Officers and Fire Fighters. It will be held on February 9, 2020.

Councilor Shankle reminded community members that the Chamber Dinner and Auction is being held on Saturday, January 25, 2020 and tickets are still available.

Councilor Robles informed Council that she has reached out to the Executive Director of Chamber of Commerce, to set up a meeting with her, as the newly appointed Council Liaison.

Student Liason Litchfield reported that Share the Love starts on January 31, 2020 with a kick-off assembly at the High School. T-Shirts will be on sale at Hi-School Pharmacy beginning February 1, 2020. Conferences are being held on January 31, 2020.

10. ADJOURN

A motion was made by Councilor Newland to adjourn the meeting at 8:02pm, seconded by Councilor Shankle. Vote passed 6-0.


Keith Swigart, Mayor

2-12-2020
Date

Respectfully Submitted: 
Christie DeSantis, City Recorder



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

Date: 1/30/2020

Committee/Board/Commission/Council position of interest: Economic Development Committee

Name: Robert Thompson

Address: 109 Ridings Ave

State/Province: Molalla OR Zip/Postal Code: 97038

Home Phone: 503-729-9477 Work Phone: 503-729-9477

*E-Mail RobTRealty@gmail.com

Current or Previous Community Affiliations or Activities:

Chamber of Commerce
Local interaction with local businesses on a professional and personal level
Home office in Molalla

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

I would like to be involved in Molalla's growth as more than just a spectator. I am a business owner, based in Portland but with a home office in Molalla; I have a goal of eventually bringing most of my business from Portland into the Molalla River Corridor. I feel it's

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.

important to help, where I can, to guide the town in the direction that is best for Molalla. I have a particular interest in how small businesses will fit into Molalla's growth.

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

I'm very interested in seeing the town flourish economically while maintaining it's 'small-town' feel. I hope to be able to contribute to the informed decisions the city makes.

*Signature: 

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

City of Molalla

City Council Meeting



Agenda Category: Informational

Subject: OR 211 Crosswalk Maintenance Agreement

Recommendation: None

Date of Meeting to be Presented: October 14, 2020

Fiscal Impact: Street Fund

Background:

Crosswalk striping has not consistently been maintained at approved crosswalks along OR 211 and is currently in poor condition. This intergovernmental agreement will allow for the City of Molalla Public Works Department to install and maintain continental crosswalk striping and provide better visibility at approved crosswalk locations from Kennel Avenue to N. Cole Avenue. Striping at the new signal will still be maintained by ODOT as well as crosswalks not listed in the agreement.

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

INTERGOVERNMENTAL AGREEMENT
Maintenance Agreement
OR 211 Crosswalks: MP 12.64 to MP 13.19

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State" or "ODOT," and the CITY OF MOLALLA, acting by and through its elected officials, hereinafter referred to as "Agency," each herein referred to individually as a "Party" and collectively as the "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, state agencies may enter into agreements with units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.
2. OR 211, also known as Woodburn-Estacada Highway, is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC).
3. State has agreed to allow Agency to install new marked crosswalks along OR 211 between mile points 12.64 and 13.19. Agency has agreed to maintain these crosswalks after installation.

NOW, THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Agency shall, at its own expense, install new crosswalk markings along OR 211 at the following locations (collectively the "Crosswalks"):
 - Kennel Avenue (MP 12.66 – west side)
 - Center Avenue (MP 12.85 – east side)
 - Swiegle Avenue (MP 12.87 – east side)
 - Grange Avenue (MP 12.94 – west and east sides)
 - Lola Avenue (MP 12.98 – west side)
 - North Cole Avenue (MP 13.19 – west side)
 - Metzler Avenue (MP 12.70 – east side)

- Engle Avenue (MP 12.81 – west side)
2. Agency is responsible for all ongoing maintenance of the Crosswalks, including all associated curb extensions and signage.
 3. If Agency fails to maintain the Crosswalks in accordance with the terms of this Agreement, State, at its option, may perform any necessary maintenance and bill Agency as appropriate, seek an injunction to enforce the duties and obligations of this Agreement, or take any other action allowed by law.
 4. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate ten (10) calendar years following the date all required signatures are obtained, whichever is sooner.
 5. Agency shall not enter into any subcontracts for any of the work scheduled under this Agreement without obtaining prior written approval from State.
 6. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279B.220, 279B.225, 279B.230, 279B.235 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
 7. Americans with Disabilities Act Compliance:
 - a. Agency shall ensure that the services it provides under this Agreement (“Services”) comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended (together, “ADA”). Agency shall use ODOT standards to assess whether the Services comply with the ADA, including, but not limited to, ODOT Maintenance Operational Notices MG 100-107 (“MG 100-107”), MG144-03 (“MG144-03”), and MG Activities-2 (“MG Activities-2”).
 - b. The scope of the Services performed under this Agreement is limited to maintenance activities and shall not include alteration, upgrade, or construction of sidewalks or curb ramps, or installation of pedestrian activated signals.
 - c. Agency shall:
 - i. Promptly notify ODOT of completion of Services and allow ODOT to inspect completed Services located on or along a state highway for ADA compliance, prior to acceptance of such Services and release of any Agency contractor, and

\$500,000 must be included. Agency shall ensure that each of its contractors complies with these requirements.

10. Agency shall require its contractor(s) and subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Agency's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the Parties that State shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the State, be indemnified by the contractor and subcontractor from and against any and all Claims.
11. Any such indemnification shall also provide that neither Agency's contractor and subcontractor nor any attorney engaged by Agency's contractor and subcontractor shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that Agency's contractor is prohibited from defending the State of Oregon, or that Agency's contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue claims it may have against Agency's contractor if the State of Oregon elects to assume its own defense.
12. Agency certifies and represents that the individuals signing this Agreement have been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
13. Agency's contact for this Agreement is Gerald Fisher, Public Works Director, 117 N Molalla Avenue PO 248, Molalla, OR 9038, 503.829.6855, gfisher@cityofmolalla.com, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.
14. State's contact for this Agreement is Dan Bacon District 2C Manager, 999 NW Frontage Road Suite 250, Troutdale, OR 97060, 503.665.4451, dan.w.bacon@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.
15. This Agreement may be terminated by mutual written consent of both Parties.

16. State may terminate this Agreement, effective upon delivery of written notice to Agency or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
17. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
18. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
19. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.

20. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
21. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
22. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
23. This Agreement constitutes the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

Signature Page to Follow

Agency/State
Agreement No. 34376

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

CITY OF MOLALLA, by and through its elected officials

By _____

Date _____

By _____

Date _____

APPROVED AS TO FORM

By _____

Date _____

Agency Contact:

Gerald Fisher, Public Works Director
117 N Molalla Avenue PO Box 248
Molalla, OR 97038
503.829.6855
gfisher@cityofmolalla.com

STATE OF OREGON, by and through its Department of Transportation

By _____
Region 1 Maintenance and Operations Manager

Date _____

APPROVAL RECOMMENDED

By _____
District 2C Manager

Date _____

State Contact:

Dan Bacon,
District 2C Manager
999 NW Frontage Rd Suite 250
Troutdale, OR 97060
503.665.4451
dan.w.bacon@odot.state.or.us

City of Molalla

City Council Meeting



Agenda Category: New Business

Subject: Dollar General Transportation System Development Charge (SDC)

Recommendation: None

Date of Meeting to be Presented: October 14, 2020

Fiscal Impact: Transportation SDC

Background:

SimonCRE SMO, LLC who represents Dollar General has submitted the attached request for City Council to modify the Transportation SDC. The Dollar General project is a subset of the Cascade Center project. Dollar General did not control the timing of the overall development and was prepared to move forward with building submittals in September 2019. The SDC's for transportation with the credit for the existing single-family home totaled \$156,430. Those same SDC's on July 2020 totaled \$479,720. Staff has provided the following two options for City Council:

Option A: Set Dollar General's Transportation SDC's to \$156,430 based on September 2019 values.

Option B: Set Dollar General's Transportation SDC's to \$479,720 based on July 2020 values.

Motion: Authorize the Public Works Director to set Transportation SDC's consistent with Option A.

or

Authorize the Public Works Director to set Transportation SDC's consistent with Option B.

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



September 4, 2020

City of Molalla
ATTN: City of Molalla - City Council Members
117 N. Molalla Ave.
Molalla, OR 97038

Re: Transportation System Development Charge - Reduction Request Proposed
Dollar General - 728 West Main Street, Molalla, OR, 97038

Dear Council Members,

SimonCRE SMO, LLC is in a unique position to offer a new general goods retailer for residents of Molalla. It is with a view towards accomplishing this goal that leads us to respectfully request cost relief from the 2020 Transportation SDC fees resulting from Resolution 2019-18, the costs of which impose a financial impasse for our proposed project due to the recent increases on January 1, 2020 and July 1, 2020.

The following memorandum illustrates the constraints of this project as a means to helping inform your decision for the request of granting financial relief.

Please feel free to reach out with any questions or concerns you may have. We look forward to opening a productive and respectful dialogue with the City of Molalla on this matter in order to move our project forward.

Thank you for taking the time to consider this request.

Kind regards,

Peter Krahenbuhl
Vice President of Development
SimonCRE SMO, LLC
(602) 908-2945
Peter.krahenbuhl@simoncre.com

SimonCRE SMO, LLC
6900 E 2nd Street Scottsdale, AZ 85251



SIMONCRE SMO, LLC

DATE: SEPTEMBER 1, 2020

TO: MAYOR KEITH SWIGART, LEOTA CHILDRESS, ELIZEBETH KLIEN, TERRY SHANKLE, DELISE PALUMBO, JODY NEWLAND, CRYSTAL ROBLES, CITY OF MOLALLA - CITY COUNCIL

FROM: PETER KRAHENBUHL, VICE PRESIDENT OF DEVELOPMENT, SIMONCRE SMO, LLC

CC:

RE: 728 WEST MAIN STREET, MOLALLA, OR, 97038 - PROPOSED DOLLAR GENERAL - SYSTEM DEVELOPMENT CHARGES (SDC) – INCREASE AS OF 1/1/2020 AND 7/1/2020

1. **Oregon Revised Statute 223.297 – 223.314.** ORS 223.297 – 223.314 provides “a uniform framework for the imposition of system development charges by governmental units” and establishes “that the charges may be used only for capital improvements.” An SDC can be constructed to include one or both of the following components: (1) a reimbursement fee, intended to recover an equitable share of the cost of facilities already constructed or under construction and (2) an improvement fee, intended to recover a fair share of future, planned, capital improvements needed to increase the capacity of the system.
2. **City of Molalla - Transportation SDC.** The new Transportation System Development Charge (the “TSDC”) for the City of Molalla were approved by Molalla City Council on September 26th, 2018—and implemented on January 1st and July 1st of 2020, known as Resolution 2019-18 (the “Resolution”). The Resolution was proposed in accordance with Oregon state law in response to statewide and regional growth patterns highlighted in the 2018-19 Transportation System Master Plan.
 - a. **TSDC Transition.** Prior to implementation of the Resolution, the previously enacted TSDC was to remain in place, providing an approximately fourteen-month period from the time of approval, spanning from **September 26th, 2018 until January 1st, 2020** when the Transportation SDC increased to 50% of the approved base fee amount. The remaining (50%) increase to the base fee was implemented on July 1st, 2020.
 - b. **TSDC Quotes.** On August 7th, 2020, the City of Molalla Public Works Department, provided TSDC quotes via electronic mail in the amount of \$160,656 (Excluding applicable credits). These fees
 - c. **Locked In.** Public Works provided SimonCRE SMO, LLC with guidance to submit building plans to the City of Molalla Planning Department prior to January 1st, 2020 in order remain “locked in” with the above quoted TSDC amounts in order to avoid increases as a result of the Resolution being partially implemented.

- d. **(Proposed) Dollar General TSDC.** SimonCRE SMO, LLC submitted building plans for the proposed Dollar General to the City of Molalla Planning Department for review on **September 24th, 2019**, approximately 97 days prior to the Resolution being partially enacted. While the review did not start formally until December 2020 due to a State Land wetland certificate needing to be issued for the Cascade Center site, the plans were still in ahead of January 1, 2020 and should have been “grandfathered” in for the project under the lower SDC fee cost.
3. **Commercial TSDC Calculations.** The formula for determining project’s TSDC utilizes information obtained from the Institute of Transportation Engineers (ITE) Trip Generation Manual.
- a. **ITE Vehicle Trip Generation.** The ITE Trip Generation Manual (9th Edition) is used to estimate the number of new vehicle trips generated by a future land use.
- i. The proposed 9100 SF Dollar General falls under Land Use Category 814 - Freestanding Variety Store (“Category 814”). The trip generation rate (the “Rate”) associated with Land Use Category 814 - Freestanding Variety Store is 4.18 average trips per hour.
- b. **TSDC Multiplier.** The Trip Rate for Category 814 is applied as a multiplier to the TSDC Calculation as follows:
- i. $(\text{Gross Square Feet}/1000) \times \text{ITE Trip Generation Rate} \times \text{SDC Base Fee} = \text{TSDC}$
- c. **Dollar General - TSDC Calculation Breakdown.**
- i. **Improvement SDC.** 9.1 (KSF) x 4.18 (Trip Rate) x \$11,813 (Base Fee) = **\$453,869**
- ii. **Reimbursement SDC.** 9.1 (KSF) x 4.18 (Trip Rate) x \$769 (Base Fee) = **\$29,237**
- iii. **Administrative SDC - 2%.** **\$9,412**
- iv. **Residential Credit.** (\$12,826) reduction
- v. **Total TSDC.** TSDC total for the proposed Dollar General is **\$503,919**
4. **Project Hurdles.** The cost to entitle, purchase, and construct the proposed Dollar General project is estimated to be approximately \$2.1 million (excluding SDCs).
- i. **August 19’ Quote.** TSDC: \$160,656 (7% of total estimated project cost)
- ii. **July 20’ Quote.** TSDC: \$479,720 (19% of the total budget - An increase of 298.6%)
5. **Timing / Delays / Unforeseen Changes.** Throughout the duration of pre-development, the proposed Dollar General project has been forced to endure numerous changes in timing, process, correspondence, and economics that have resulted in higher costs for the project.
- a. **City Staff.** There have been four (4) new planners assigned to the project since SimonCRE SMO, LLC first engaged with the City in 2018. Communication and coordination with the municipality are paramount for a project’s success. Timing, costs, and consequences are not easily subdued when the point of contact is being replaced and brought up to speed

regularly. This is not a critique on the City or their Staff, but a point of fact that has had tangible impacts on this project, specifically related to the divergence in guidance.

- b. **Cascade Center.** The Cascade Center has been an ongoing project that has deep implications for the timing and costs associated with the proposed Dollar General project. The timing constraints imposed by the planned ROW improvements extending Leroy Avenue from Main Street (ODOT HWY 211) to South Lowe Road have been challenging to overcome. The Dollar General project is unfortunately at the mercy of the Cascade Center's progress towards construction and dedication of the ROW before we are able to start construction.
 - c. **COVID-19.** Dollar General has been identified as an **essential retailer** by the federal government as a provider of critical supplies to thousands of American communities during the current COVID-19 crisis. SimonCRE SMO, LLC has been tasked with supporting these efforts while simultaneously navigating economic hurdles as a company in the midst of a global pandemic. The resulting delays, increasing costs, and decreased options extending from COVID-19 has been a burden that many have had to shoulder and SimonCRE is no exception.
- 6. Request for Relief by the Applicant.** Due to the unforeseen constraints imposed upon on the proposed Dollar General project, SimonCRE SMO, LLC respectfully requests that the Molalla City Council takes in to account the abovementioned considerations and will prescribe the originally quoted amount for the City of Molalla Transportation System Development Charge SDC (\$160,656). Without the approval of relief from the City Council the proposed Dollar General project will not remain financially feasible to proceed forward. It is not the desire for the developer or Dollar General for project termination to occur. If there are alternative measures that can be offered by the City Council as a means for financial relief, please provide them at this time as we are 100% open to any options available.



October 7, 2020

City of Molalla
ATTN: City of Molalla - City Council Members
117 N. Molalla Ave.
Molalla, OR 97038

Re: Transportation System Development Charge - Reduction Relief Request Proposed Dollar General - 728 West Main Street, Molalla, OR, 97038

Dear Council Members,

SimonCRE SMO, LLC is in a unique position to offer a new general goods retailer for residents of Molalla, however; despite the great advantages the adjacent Cascade Center retail project will bring to the City of Molalla, the internal hurdles for the both projects have created external limitations on the adjoining property developers, to the extent that feasibility has been unintentionally diminished.

Throughout the duration of pre-development, the proposed Dollar General project has endured numerous unforeseen delays primarily stemming from dependencies on the adjacent Cascade Center's entitlement approval timeline. In the summer of 2019 both projects (Cascade Center & Dollar General) were approved by the Planning and Zoning Commission, with a condition that the construction of the planned Leroy Avenue extension roadway would take place prior to issuing a Certificate of Occupancy. Subsequently, the Cascade Center developer applied for an ODOT Right of Way Permit while seeking approval to construct the planned ROW.

The timing constraints imposed by the planned ROW improvements extending Leroy Avenue from Main Street (ODOT HWY 211) have been challenging to overcome. During the time Cascade Center sought ODOT plan approval, Dollar General was provided a City of Mollalla Transportation SDC fee in the amount of \$160,656 (excluding applicable credits). However, the proposed Dollar General project is unfortunately at the mercy of the Cascade Center's progress towards construction and dedication of the Leroy Avenue plans with the City of Molalla and ODOT and therefore could not have obtained a Certificate of Occupancy, nor adhered to paying the originally prescribed Transportation SDC fee until that had occurred.

Following conditional approval by City of Molalla Planning and Zoning Commission, SimonCRE SMO, LLC submitted building plans for the proposed Dollar General, but was delayed due to a State Land Wetlands Certificate issuance requirement imposed on the neighboring Cascade Center site, an additional unforeseen delay that would prevent the Dollar General project from advancing towards plan and final plat approval with the City of Molalla; consequently removing the possibility of paying the originally quoted Transportation SDC before the end of the year 2020.

The Cascade Center's project hurdles have created limitations on the viability of the proposed Dollar General project that can only be remediated by removing the most imposing cost burdens. It is with a view towards progress that SimonCRE SMO, LLC respectfully supports City of Molalla Staff's proposed "Option A" where City of Molalla Transportation SDC fee is \$160,656 as a compromise to the 2020 Transportation SDC fee increases associated with Resolution 2019-18, the costs of which impose a significant cost for the pending project due to the recent increases on January 1, 2020 and July 1, 2020. The Resolution 2019-18 Transportation SDC fee equates \$503,919 (An approximate increase of 298%).

Without the approval of relief from the Molalla City Council, the proposed Dollar General project will not remain financially feasible to proceed forward. It is not the desire of SimonCRE SMO, LLC to terminate the Dollar General project given the heavy time and cost already invested into the project thus far. If there are alternative measures that can be offered by the City Council as a means for financial relief, please provide them at this time as we are 100% open to any options available.

Thank you for your time and consideration for our request for much needed relief.

Sincerely,



Peter Krahenbuhl
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