



AGENDA

MOLALLA CITY COUNCIL MEETING
May 27, 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 to Governor Brown’s Executive Order 20-25. Council Chambers is limited to 25 people. The meeting will be live-streamed via Facebook “Molalla City Council Meetings – LIVE”.

1. CALL TO ORDER AND ROLL CALL

2. FLAG SALUTE

3. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

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 – April 22, 2020.....Pg. 3
- B. Meeting Minutes – April 30, 2020.....Pg. 10
- C. Meeting Minutes – May 13, 2020.....Pg. 12
- D. Reappointment of Planning Commissioner, Jacob Giberson.....Pg. 17

7. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. Resolution 2020-10: A Resolution Extending Resolution 2020-06 and Resolution 2020-07 Declaring a State of Emergency Due to COVID-19 (Huff).....Pg. 18

8. GENERAL BUSINESS

- A. Discussion: Charitable Relief Fund (Swigart).....Pg. 19
- B. Discussion: Change in Election Process Due to COVID-19 – Ordinance for General Election November 2020 (Swigart/Huff).....Pg. 20

9. REPORTS

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

10. 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 Regular Meeting

April 22, 2020

7:00 PM

City Hall Conference Room – Virtual Meeting
117 N. Molalla Ave., Molalla, OR 97038

1. CALL TO ORDER AND FLAG SALUTE

The Molalla City Council Regular Meeting was called to order by Mayor Keith Swigart at 7:01pm.

2. ROLL CALL

COUNCIL ATTENDANCE:

Mayor Keith Swigart – Present
Councilor Elizabeth Klein – Present
Councilor Leota Childress – 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 - Absent
Alice Cannon, Planning Director - Absent
Darlene Bishop, Executive Admin. Asst. - Present

3. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

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.)

- A. Scott Keyser, Molalla Resident – Email submission, included in these meeting minutes.
Mayor Swigart and City Manager Huff - Responses included in these minutes, also.

Councilor Palumbo stated that she agreed with Mr. Keyser’s email, that the City should not assess a \$15 late fee for utility billing. She shared that she was the only Councilor that voted against the fee when it was put to vote a few years ago.

Councilor Childress called “Point of Order”. There was discussion regarding the appropriateness of commenting on a citizen’s public comment. Councilor Childress stated that we do not generally remark, Council Palumbo felt as though in the past as a group Councilors had commented. The matter was dropped, and Councilor Palumbo stated that she was relieved to know that the City was currently not having an issue with people paying their bill.

Councilor Palumbo left the meeting at 7:14pm. Councilor Palumbo rejoined the meeting at 7:19pm.

NOTE: After careful review of this meeting and the Molalla City Code, it is noted that Chapter 1.02.090 Public Comment states:

- a) *Citizen and community group sign-up forms will be available at each regular business meeting. At the time on the agenda designated for public comment and during any public hearing, any member of the public desiring to address the Council must first request to be recognized by the Mayor and then state their name and address for the record. The Council may set time limits for comments. The Council may request that groups with like comments choose a spokesperson to present joint remarks.*
- b) *During public meetings, all public comments should be directed to the question under discussion and addressed to the Mayor representing the Council as a whole.*
- c) *In general, Councilors will not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff and reviewed before placing on a future agenda. (Ord. 2007-05 §1)*

5. APPROVAL OF THE AGENDA

Councilor Childress requested that Item D be removed from the Consent Agenda and moved to General Business.

6. CONSENT AGENDA

- A. Meeting Minutes –March 23, 2020 (Emergency Meeting)
- B. Meeting Minutes – March 25, 2020 (with Exhibits)
- C. OLCC Permit: Humble Pig
- D. Contract Award: Phase I Project II – Patrol Avenue Sewer and Water Reconstruction

Councilor Newland made a motion to approve the Consent Agenda having removed Item D for discussion, Council Robles seconded. Vote passed 7-0. Recorder DeSantis moved Item 6D to General Business Item 8B.

7. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. Resolution 2020-05: Sewer Fee Update (Fisher)

Public Works Director Fisher presented his staff report to Council, explaining the need for the rate increase and referring to the previous meetings presentation.

Councilor Klein made a motion to read the Resolution by title only, seconded by Councilor Childress. Vote passed 7-0.

Councilor Newland made a motion to adopt Resolution 2020-05, seconded by Councilor Robles. Vote passed 7-0.

8. GENERAL BUSINESS

- A. ODOT Cooperative Improvement Agreement No. 34035.....Pg. 55

In accordance with ODOT development requirements, the City must enter into a Cooperative Improvement Agreement (CIA) with the Oregon Department of Transportation (ODOT) and the developer for construction and ongoing maintenance of the improvements in front of the Cascade Center development and signal at OR 211 and Molalla Avenue.

A motion was made by Councilor Childress to authorize the City Manager to enter into an agreement with ODOT, seconded by Councilor Newland. Vote passed 7-0.

Item D from the Consent Agenda becomes General Business.

Contract award for Phase I Project II – Patrol Avenue Sewer and Water Reconstruction. The City advertised an Invitation to Bid on February 26 and March 4, 2020 in the Daily Journal of Commerce. On March 25, 2020, the City received and opened a total of seven bids. Moore Excavation was the lowest bidder and was awarded the contract.

Councilor Childress questioned whether Moore Excavating had done work for the City in years previous. Public Works Director stated not since he had been employed with the City. Councilor Klein inquired about the process of choosing a contractor.

Mr. Fisher explained the set of guidelines and criteria for submitting a contract that is set by the State of Oregon for public agencies. The City of Molalla follows that criteria when awarding a contract.

A motion was made by Councilor Palumbo to approve the contract award for Patrol Avenue, seconded by Councilor Robles. Vote passes 7-0.

9. REPORTS

A. City Manager and Staff

Ms. DeSantis had nothing to report.

Mr. Fisher shared the Public Works crew report with Council. Operations Supervisor Andy Peters is providing opportunities for the crew to learn new skills. The crew has poured concrete pads at the new Shops Facility where gravel used to be. Many training opportunities have become available during the City wide shut-down of COVID-19. Our crews are using the extra time to their advantage.

Mr. Fisher informed Council that he will be bringing three small updates to the Molalla Municipal Code, Chapter 21, for driveway and sidewalk updates to the next meeting.

Mr. Fisher also stated that he wished COVID would let up soon, because he would like a haircut.

Mr. Huff explained to Council that he and Mr. Swigart are trying to figure out how to re-establish Coffee with the Mayor, given the current Executive Order in place by the Governor.

Mr. Huff jokingly stated that when the pandemic is over, he will decline all virtual meetings. He would also like to have a haircut.

B. Mayor

Mayor Swigart would like a haircut, too.

Mr. Swigart is attempting to try a Zoom Meeting for Coffee with the Mayor. He has enlisted Robert Thompson's help.

The Clackamas County Mayor's attended a meeting with Governor Brown, discussing the possibility of reopening rural cities.

C. City Councilors

Council President Childress thanked Operations Supervision Andy Peters for the photo journal that he submitted for his Public Works report. She felt the photos were extremely helpful in showing the work that has been done around the City.

She reminded Mr. Fisher that Celebrate Molalla is taking place on September 19th. She would appreciate not having any streets blocked off due to construction, during that event.

Councilor Klein has attended White House briefing calls regarding the small business Paycheck Protection Program. She encouraged small businesses to be ready to submit an application when the funding is available. She also shared that there are other grants available, as well.

Councilor Palumbo shared that she has done her own tracking on the COVID deaths in Oregon. She was encouraged to find that deaths are going down.

She also shared that she has spoken with the Principal at Molalla High School and the Fire Department about displaying names of the Senior Class of 2020 on the giant reader board. All parties involved are looking forward to honoring our kids that way.

Councilor Palumbo also stated that she felt encouraged by the way we have all learned to use the technology we have since the COVID-19 crisis began.

Councilor Newland encouraged everyone to continue to be kind and not vilify one another. She feels when times are stressful it is easy to forget these things.

Mayor Swigart asked Councilor Newland about the library reopening. She deferred to Mr. Huff. Mr. Huff explained that there are many processes and procedures that must be in place to do so. The City is falling in line with Clackamas County Library District. The Molalla Library has made many programs available via the website, as well as curbside drop-off and pick-up.

Councilor Shankle shared that planning for the 4th of July Parade are underway. The parade coordinators are hoping for the best and that we will be able to hold the annual parade.

Councilor Robles thanked the City staff and citizens for our work and how the community is coming together to support one another. She feels very fortunate to live in a community that helps each other the way Molalla does.

10. ADJOURN

A motion was made by Councilor Childress to adjourn the meeting at 8:01pm, seconded by Councilor Palumbo.

Keith Swigart, Mayor

Date

ATTEST:

Christie DeSantis, City Recorder

From: [SCOTT KEYSER](#)
To: [Keith Swigart](#); [City Recorder](#)
Subject: Late Fees
Date: Friday, April 17, 2020 9:31:20 PM

4/17/2020

An Open Letter to Molalla City Council

Honorable Mayor Swigart and Council Members:

I hope this finds you all in good health and good spirits in this trying time.

Because of these trying times, I feel compelled to respectfully request you eliminate all late fees and disconnect fees for utilities for the duration of the pandemic, as many utility companies have done already. The last thing we need to do is make a challenging situation more difficult.

In addition, as the City of Molalla has a monopoly on water and sewer service within City limits, I respectfully request you consider permanently decreasing the late fee, and the disconnect fee.

If the average utility bill within the City is approximately \$100, and the late fee is \$15.00, that equates to about 180% interest per annum on a \$100 monthly bill. Even at the old rate of \$5, it is 60% interest per year. That borders on, if not exceeds, usury.

I understand and respect that there are costs associated with late fees, the cost of mailing a notice—2 stamps (if a renter, since one has to go to the property owner as well), paper, ink, someone to stuff the envelope perhaps. If the City mails out 200 notices in a given month, at \$15 each, that is \$3,000. Let's say \$2.50 of that generously is the cost of materials, that leaves \$2500. If you have an employee who's fully loaded labor cost for an activity that takes maybe an hour or two is \$2500, you have a serious problem. At \$5.00, it nets the City \$1000; \$500 in costs; still \$500 for whatever labor is required to stuff the envelopes and/or prepare the notices. \$15 is outrageous and needs to be adjusted accordingly.

In addition, the disconnect fee of \$50, seems excessive as well. I found in some old council minutes following the fiasco around the utilities bills that there were 14 people that month who had services disconnected. That would be a total of \$700. I understand a public works person probably has a higher fully loaded labor cost than an office person, but if it takes them a couple of hours to turn them all off on shut off day, I highly doubt the cost is anywhere near \$350/hour, even if you send them out in a vacuum truck to do the shut offs.

The City is supposed to serve the people, not take advantage of them. I sincerely hope you will consider making these changes as soon as possible.

Respectfully,

Scott Keyser

Please include and read my statement in next City Hall Meeting.

Sent from my Sprint Samsung Galaxy S10+.

Response to Scott Keyser e-mail

Mayor Swigart:

I would like to thank Mr. Keyser for his e-mail that we just read into our record this evening. There are a few items from his e-mail that I would like to address.

The City of Molalla is committed to providing the essential services of water treatment and distribution as well as wastewater collection and treatment. Decisions made during a Pandemic should not be compared to decisions made previously. Molalla makes decisions based on what is best for Molalla, not what the practice is of neighboring cities.

We do not have an issue with non-payment at this point. For those struggling with utility payments we have a utility help program. There is also an opportunity to donate to this program for those who can donate.

Four years ago, on March 23, 2016 the City Council changed the shut-off/turn-on fee for non-payment from \$25 to \$50. This change is more in-line with other communities and has significantly reduced shut offs for non-payment.

Late fees and shut-off/turn-on fees for non-payment have not been established as money makers, as Mr. Keyser's e-mail states. These fees are established as deterrents to late or non-paying customers.

The current \$15 late fee was adopted by City Council on April 19, 2019. We did not begin charging the \$15 late fee until August 2019 in order to provide additional notice of the change to rate payers.

The monthly goal is that utility customers pay their bill on time and keep their accounts current. Our ability to operate and maintain these essential services relies on this process.

Dan Huff:

There is not an issue with non-payment due to COVID-19 at this point. I spoke with Mr. Keyser on April 8th regarding his concerns that he shared on Facebook. I informed him that in order to make better decisions regarding utility payments in this time, we need more data.

However, it is important to note that Mr. Keyser did not obtain his information from the City of Molalla and the data is flawed. Shut offs/turn on and late fee processes cost the City almost \$10,000 per year Not the \$3,000 Mr. Keyser is suggesting. All customers contribute to this cost.

Late fees and Shut Off fees for non-payment are two different issues. As the Mayor stated earlier, we have established a fund to assist customers in need of help with their utility bills. This program also provides an opportunity for people to donate to this fund. Information regarding financial assistance and making a donation is available on our website.



Minutes of the Molalla City Council Work Session

City Hall Conference Room – Virtual Meeting
117 N. Molalla Ave., Molalla, OR 97038
April 30, 2020 5:00-6:00pm

THE MOLALLA CITY COUNCIL WORK SESSION of April 30, 2020 was called to order by Mayor Keith Swigart at 5:00pm.

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

STAFF IN ATTENDANCE

Dan Huff, City Manager - Present
Christie DeSantis, City Recorder - Present

Mayor Swigart called a Work Session of City Councilors to discuss the reopening of the City due to Covid-19 shutdowns. He met with the four rural Mayors yesterday, (Canby, Estacada, Sandy and Molalla) to talk about how their rural communities are being affected by being in Multnomah and Clackamas Counties.

Currently Clackamas County reopening plans include committees being formed. Mayor Swigart explained that in accordance with the guidelines in place, that it could be 18 months to three years before some businesses could open. He feels that the perception in town from the citizens is that the City and Council are doing nothing.

Mayor Swigart would like to begin talking with area business owners to see how they would feel about reopening.

Mr. Huff explained that the County released an article regarding reopening vs. recovery and what that could mean for small businesses. A group of local business owners put together a draft social distancing plan and submitted it to Commissioner Humbertston, explaining what their processes would be.

Meetings are being scheduled by the County to create a plan to submit to the Governor's office. Councilor Klein suggested that we only submit our guideline/plan once it is solid. We must demonstrate to CDC, OHA, and OSHA that we are making wise decisions. Discussion surrounded following the Governor's orders and making sure that Molalla is moving forward in compliance.

Councilors Childress and Klein suggested we have a plan that is separate from a Resolution. All Councilors agreed.

The next step is to begin speaking with business owners for their opinions of how to safely reopen. Concerns are adequate PPE and social distancing measures.

Councilors discussed having another meeting on May 6th if necessary. (Meeting was not held)

Mayor Swigart adjourned the meeting at 6:00pm.

Keith Swigart, Mayor

Date

ATTEST:

Christie DeSantis, City Recorder

DRAFT



Minutes of the Molalla City Council Regular Meeting

City Hall Conference Room – Virtual Meeting
117 N. Molalla Ave., Molalla, OR 97038
May 13, 2020

1. CALL TO ORDER AND FLAG SALUTE

The Molalla City Council Regular Meeting was called to order by Mayor Keith Swigart at 7:03pm.

2. ROLL CALL

COUNCIL ATTENDANCE:

Mayor Keith Swigart – Present
Councilor Elizabeth Klein – Present
Councilor Leota Childress – 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
Darlene Bishop, Executive Admin. Asst. - Present
Steve Major, Dyer Partnership - Present

3. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

A. Proclamation of Molalla Public Library – 120th Birthday

Mayor Swigart read Proclamation 2020-01, in honor of Molalla Public Library's 120th Birthday. Mayor, Council and Staff recognized Library Director, Diana Hadley and her staff for a job well done.

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, citizen of Molalla – Late fee concerns. (see exhibit A included these meeting minutes.)

5. APPROVAL OF THE AGENDA

Mayor Swigart informed Council members that Item 8C was removed from the agenda. This Planning Fee Resolution will be brought forth at a future meeting.

As there were no suggested changes, Mayor Swigart approved the agenda.

6. CONSENT AGENDA

- A. Meeting Minutes – March 11, 2020 Regular Council Meeting
- B. Meeting Minutes – April 22, 2020 Work Session
- C. Meeting Minutes – April 27, 2020 Emergency Meeting
- D. Re-Appointment of Planning Commissioner Chair Botsford

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

7. GENERAL BUSINESS

A. Contract Award – WWTP Upgrade to Dyer Partnership (Fisher)

Mr. Fisher reminded Council that on July 11, 2018, City Council awarded the On-call Professional Engineering Services contract to Dyer Partnership for all City infrastructure projects. Due to the size of this modification to the original contract, staff has provided a copy of the scope of work for design and construction administration services through completion of the WWTP upgrade. Steve Major, PE, Principal of the Dyer Partnership is available to answer any questions the City Council may have regarding the design, construction, and DEQ approval process for the project.

Steve Major addressed Council, informing them that this contract is a time and materials to maximum and that Dyer Partnership has come in lower than projected on last two projects. If Dyer does not spend the time needed, they will not charge the City.

A motion was made by Council President Childress, to authorize the City Manager to execute a Contract Modification for the WWTP Upgrade project and any change orders within the approved budget. Seconded by Councilor Robles. Vote passed 7-0.

8. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- A. Ordinance No. 2020-06:** An Ordinance to Repeal Chapter 21.02 Driveway Width, Chapter 21.04 Sidewalks, and Chapter 21.06 Foundations (Fisher)
- B. Resolution 2020-08:** DEQ CWSRF (Department of Environmental Quality/Clean Water State Revolving Fund) Loan Authorization (Fisher)
- ~~**C. Resolution 2020-09:** Repealing Resolution 2013-17 and Establishing Appropriate Administrative Planning Department Changes (Cannon)~~

This items is a public hearing, Mayor Swigart opened the public hearing on Ordinance 2020-06. Seeing there are no public comments, the public hearing was closed at 7:23pm.

Mayor Swigart called for a motion of the First Reading.

A motion was made by Council President Childress to adopt Ordinance 2020-06, read by Title only. Councilor Robles seconded. Vote passed unanimously with all Councilors voting Yes.

Mayor Swigart called for a Second Reading and adoption of Ordinance 2020-06.

The second reading of the Ordinance was presented by Council President Childress, with a motion to adopt. Seconded by Councilor Robles. Vote passed unanimously with all Councilors voting Yes.

Mr. Fisher presented Resolution 2020-08. As part of the Department of Environmental Quality (DEQ) application for a Clean Water State Revolving Fund (CWSRF) loan for the Wastewater Treatment Plant Upgrade project (#19-10), the City of Molalla is required to submit a Resolution of the City Council for the City Manager to negotiate and enter into the agreement. Once staff receives notification from DEQ that the application has been accepted, the Resolution and other necessary financial documentation will be submitted to DEQ to complete the loan application process.

A motion was made by Councilor Robles to adopt Resolution 2020-08, authorizing the City Manager to negotiate and enter into the agreement, Councilor Shankle seconded. Vote passed 7-0.

9. REPORTS

A. City Manager and Staff

Mr. Huff responded to a question from earlier in the day about businesses opening. He stated that no city in Oregon, nor the City of Molalla has the right to make that decision. These decisions are being made at the State and County levels. There are 36 counties in the State of Oregon, with 33 counties applying to reopen in Phase I. We cannot open Molalla without the consent of Clackamas County.

Ms. DeSantis had nothing to report.

Mr. Fishers reported the following items:

- Biosolids removal has begun.
- WTP is moving along, hoping to have the new filter running soon. It will make 4 million gallons of drinking water per day.
- The City Shops facility is complete
- Water Master Plan is sliding a bit due to lack of public meetings. (Covid rules)
- Molalla Forest Road and Patrol Street projects will be underway in the next couple of months.

B. Mayor

Mayor Swigart requested that the public visit the City website for what the Governor has allowed to open. He referenced day care, and summer camps, along with a few other items.

Mayor Swigart explained that he, along with five other Mayors, have requested that Governor Brown allow them to reopen their cities and not be mandated by the County. Molalla is one of four rural cities in Clackamas County, including Sandy, Canby, and Estacada. Our cities cannot reopen until Clackamas County has approval. The issue is that we are considered part of Metro. The Mayors will continue to represent the rural areas in the best way possible, in hopes of reopening our towns before the July 6th projected date.

C. City Councilors

Councilor Klein had nothing to report.

Councilor Newland had nothing to report.

Councilor Palumbo had nothing to report.

Councilor Shankle informed everyone that Free Lunches are being provided by Molalla River School District to any child up to the age of 18. She encouraged community members to visit the District Website to locate where lunches are being provided around our area.

Councilor Robles had nothing to report.

Council President Childress reported that traditionally this time of year Molalla Sanitary hosts a Spring Clean-Up program that assists the community in collecting large quantities of curbside trash. (Mattresses, etc.) Due to COVID-19, the Spring Clean-Up has been cancelled. Councilor Childress contacted Molalla Sanitary and they have agreed to place two large drop boxes at Bohlander Field. This is a volunteer-based program, that will require community members to sign-up to supervise and work the event. This event is being held Friday, May 22nd from 8am-6pm.

Councilor Childress has signed Molalla Hope up for a Bottle & Can Return through the non-profit organization. The funds created will go to Molalla Hope, to pay for the shower trailer that is coming to the Warming Center once a week during the pandemic.

10. ADJOURN

Keith Swigart, Mayor

Date

ATTEST: _____
Christie DeSantis, City Recorder

DRAFT

From: [SCOTT KEYSER](#)
To: [Christie DeSantis](#)
Subject: City Water Late Fees
Date: Friday, April 24, 2020 1:41:38 PM

April 22, 2020

Re: 4/22/2020 Council Meeting Comments and Late Fees/Disconnect Fees

Dear City Manager Huff, Honorable Mayor Swigart, and Council Members:

Thank you for including my comments in the last meeting. I have some additional comments to add following the discussion.

Per Alice Cannon at the work session on 4/22/2020, the goal of fees is to recover the City's costs. Per the City Manager at the 4/22/2020 meeting, it costs the City about \$10,000 annually to recover late fees and disconnect fees. If the City is recovering in excess of \$7,000 a month, that means the City is exceeding its cost recovery by about \$74,000 a year based on the City Manager's statement.

This issue disproportionately charges those unable to pay their bills on time for services shared by the community, to an even greater extent than was expressed my original letter.

The issue stands, the City is taking advantage of constituents through late fees and disconnect fees and needs to adjust them accordingly. The city should work towards its stated goal as stated by Alice Cannon.

It was stated at the meeting that late fees are supposed to be a deterrent. They are not. They are a revenue source, and actually beneficial to the city even at a lower rate. The funds if collected on time would sit in the Local Government Investment Pool earning interest at about 0.5%.

The 60% interest per annum even a \$5 fee generates on a \$100 monthly bill exceeds the city's return on investment by 59.5%.

I find it very disturbing that during a pandemic the City Council has time to consider and vote on increasing the sewer rates, but no time to thoroughly discuss eliminating late fees and disconnect fees. Perhaps some significant changes are in order so that the government can once again be of the people, by the people, and for the people.

Also at issue, regarding Mayor Swigart's comments about budgeting, there seems to be a misunderstanding that should not exist in the highest elected seat of our local government. Revenues are budgeted as estimates. Estimates are, more often than not, wrong. Revenues come in over and under estimates all the time, and just because it is budgeted doesn't somehow guarantee that they are received at the budgeted levels. That kind of thinking is what kept the city in financial trouble for the ten years preceding 2013.

I applaud Councilor Polumbo for being the lone sane vote for not increasing the fee. Hopefully some of our other elected officials can take a stand with her and get rid of this injustice. The city had time to send out automated calls notifying those late on their bills they would be charged the \$50.00 disconnect fee even with their services not being disconnected, so finding time for such an important discussion should not be difficult.

Respectfully,
Scott Keyser

Sent from my Sprint Samsung Galaxy S10+.

City of Molalla

City Council Meeting



Agenda Category: Consent Agenda

Subject: Planning Commission – Reappointment of Planning Commissioner Jacob Giberson

Recommendation: Reappointment

Date of Meeting to be Presented: May 27, 2020

Fiscal Impact: None

Background:

Planning Commissioner Giberson's term expires June 30, 2020. Mr. Giberson has volunteered to remain on the Planning Commission, fulfilling a second term.

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



RESOLUTION NUMBER 2020-10

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON,
EXTENDING RESOLUTION 2020-06 AND RESOLUTION 2020-07
DECLARING A STATE OF EMERGENCY DUE TO COVID-19**

WHEREAS, Molalla City Council adopted Resolution No. 2020-06 effective March 23, 2020 declaring a state of emergency for the City of Molalla in response to the COVID-19 pandemic; and

WHEREAS, Resolution No. 2020-06 was scheduled to expire on April 28, 2020 unless terminated or extended by Order of the City Council; and

WHEREAS, Resolution No. 2020-07 extending Resolution No. 2020-06 was scheduled to expire on May 30, 2020 unless terminated or extended by Order of the City Council; and

WHEREAS, COVID-19 continues to present a high potential threat to public health and safety, the duration of which is still unknown.

NOW THEREFORE, the City Council of the City of Molalla declares:

1. The declaration of emergency is still needed to address the City's ability to respond and recover from this emergency.
2. Resolution No. 2020-06 is hereby extended and will expire on June 25, 2020, unless terminated or extended by Order of the City Council.

Adopted this 27th day of May 2020.

Keith Swigart, Mayor

ATTEST:

Christie DeSantis, City Recorder

City of Molalla

City Council Meeting



Agenda Category:

Subject: Charitable Relief Fund

Recommendation: Discussion

Date of Meeting to be Presented: May 27, 2020

Fiscal Impact: TBD

Background:

Mayor Swigart has asked that this subject be placed on the Agenda for general discussion. The City of Molalla created a Temporary COVID-19 Utility Assistance Program in response to the pandemic. This fund was set up to accept donations not with the use of current utility funds or general funds. To date one City Councilor and two staff members have donated to this fund and no current customers have requested use of the funds.

SUBMITTED BY: Dan Huff, City Manager

APPROVED BY: Dan Huff, City Manager

City of Molalla

City Council Meeting



Agenda Category:

Subject: Election Process Change due to COVID-19

Recommendation: Discussion

Date of Meeting to be Presented: May 27, 2020

Fiscal Impact: TBD

Background:

Mayor Swigart has asked that we discuss the possibility of altering the signature requirement portion of our local election process. Other cities have made this decision and we will have examples for your review on May 27, 2020. If you direct Staff to move forward, we will bring back an ordinance or resolution at a future meeting for your decision.

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