

City of Molalla

Minutes of April 9, 2008 City Council Meeting
Meeting held at Molalla Adult Center, 315 Kennel Ave., Molalla, OR.

ATTENDANCE: Mayor Foster, P; Councilor Jacober, P; Councilor Mackie, P; Councilor Boreth, P; Councilor Leighton, P; Councilor Needham, P; Councilor Clark, P.

STAFF ATTENDANCE: City Manager John Atkins, P; Finance Director Peggy Johnson, P; City Planner Shane Potter, P

MINUTES: Mayor Foster noted that in “Adjournment” it noted him voting when he was absent. It should have noted Councilor Clark. The word Energy was misspelled on page 3

Councilor Mackie moved to approve the minutes of the March 26, 2008 regular meeting with changes as noted. Councilor Leighton seconded. Motion carried (7-0) (Mayor Foster, aye; Councilor Boreth, aye; Councilor Jacober, aye; Councilor Mackie, aye; Councilor Needham, aye; Councilor Leighton, aye; Councilor Clark, aye).

COMMUNICATIONS

WRITTEN

None.

VERBAL

Mike Clarke, 538 West Lane. Discussed the Molalla Buckeroo Board meeting that five councilors attended which represented a quorum. He stated that if the councilors had questions as to requirements and responsibilities they should consult with the City Manager.

Sha Spady, 1755 Aldon St., Oregon City. Thanked the council for moving ahead with Resolution 2008-11.

Susan Hansen, PO Box 50, Molalla. Thanked the council for listening to the community and supporting Resolution 2008-11

Jason Burroughs, Village Drive, Molalla, stated that he would like to see the council unified. He also stated that the council works for the citizens of Molalla.

Michael Burke, Asst. Project Manager for Palomar Transmission Project, stated his opposition for Resolution 2008-11. There is a need for additional natural gas supplies in Oregon, he said.

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AWARDS AND RECOGNITIONS

Robert Bailey, Clarkes Methodist Church Youth Leader and members of the youth club presented a check in the amount of \$230.00 to the Molalla Service Center. The money was raised by serving soup on Superbowl Sunday. Kathy Lamb from the Molalla Service Center stated that this donation will allow them to purchase food at \$.02 per pound to help people in the area.

PUBLIC HEARINGS

None.

CONTINUED BUSINESS

None.

PUBLIC INPUT

None.

NEW BUSINESS

Mr. Atkins reported that Arnie Kirkham and Bob Trexler have agreed to be reappointed to the budget committee. Councilor Mackie made a motion to re-appoint Mr. Kirkham and Mr. Trexler. Motion carried (7-0) (Mayor Foster, aye; Councilor Boreth, aye; Councilor Jacober, aye; Councilor Mackie, aye; Councilor Needham, aye; Councilor Leighton, aye; Councilor Clark, aye).

ORDINANCES

ORDINANCE 2008-02 – 2nd READING RELATING TO ELECTIONS, INITIATIVES & REFERENDUMS

At the March 26, 2008 meeting the council approved this ordinance on the second reading with amendments, removing all reference of filing of candidacy for city council by written declaration and eliminating the \$25 filing fee. This is coming before council for the final reading. Councilor Clark moved to approve Ordinance 2008-02. Councilor Leighton seconded. Motion carried (7-0) (Mayor Foster, aye; Councilor Boreth, aye; Councilor Jacober, aye; Councilor Mackie, aye; Councilor Needham, aye; Councilor Leighton, aye; Councilor Clark, aye).

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ORDINANCE 2008-04

AMEND COUNCIL RULES

City Manager Atkins advised that this would strike some language relating to executive session.

Councilor Leighton made a motion to adopt this Ordinance. Councilor Mackie seconded.

Councilor Needham asked for a discussion. He stated that when the original ordinance was passed there was a provision for redress and the revised rules will not allow that so he will not support this.

Councilor Jacober stated that there were no means for recourse and she would also not support this.

Councilor Needham made a motion to table. Councilor Jacober seconded. Motion carried (5-2) (Mayor Foster, aye; Councilor Boreth, aye; Councilor Jacober, aye; Councilor Mackie, aye; Councilor Needham, aye; Councilor Leighton, nay; Councilor Clark, nay).

Councilor Needham made a motion to instruct staff to return to the council with revisions that would afford more opportunities for councilors to defend themselves against motions to censure. Councilor Boreth seconded. Motion carried (4-3) (Mayor Foster, aye; Councilor Boreth, aye; Councilor Jacober, aye; Councilor Mackie, nay; Councilor Needham, aye; Councilor Leighton, nay; Councilor Clark, nay).

ORDINANCE 2008-05 PROHIBITING CERTAIN TYPES OF POP-UP STORAGE SHEDS

City Manager Atkins advised that this is an excerpt from the proposed development code. This ordinance would limit the number of structures around residential dwellings. This would be for new structures, not existing ones.

Councilor Needham asked if there could be a reading of the proposed amendment.

City Planner Potter read Exhibit A which defines each category.

Councilor Leighton asked if this would be for structures in the front and back yards. City Planner Potter advised that it was for front and back yards.

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Councilor Leighton stated that she didn't feel that the councilors should have the right to tell citizens what they can put on their property.

City Manager Atkins stated that this would not prohibit garden sheds that people have in their back yards.

Councilor Clark made a motion to table. Councilor Leighton seconded. Motion carried (7-0) (Mayor Foster, aye; Councilor Boreth, aye; Councilor Jacober, aye; Councilor Mackie, aye; Councilor Needham, aye; Councilor Leighton, aye; Councilor Clark, aye).

RESOLUTIONS

RESOLUTION 2008-10

Councilor Needham made a motion to adopt resolution 2008-10. Repealing Ordinance 208-08. Councilor Jacober seconded. Motion carried (7-0) (Mayor Foster, aye; Councilor Boreth, aye; Councilor Jacober, aye; Councilor Mackie, aye; Councilor Needham, aye; Councilor Leighton, aye; Councilor Clark, aye).

RESOLUTION 2008-11

OPPOSING TERMINALS & TRANSMISSION LINES

Mayor Foster read the resolution in its entirety.

Councilor Leighton made a motion to adopt Resolution 2008-11. Councilor Mackie seconded. Motion carried (5-2) (Mayor Foster, nay; Councilor Boreth, aye; Councilor Jacober, nay; Councilor Mackie, aye; Councilor Needham, aye; Councilor Leighton, aye; Councilor Clark, aye).

Back to New Business

JANITORIAL SERVICES BID OPENING

City Manager Atkins stated that the low bidder did not supply a return address or references. He recommended that the bid go to the second bidder, Rodney Keech Cleaning Service. He also stated the Mr. Keech would be required to get a city business license and liability insurance; he would also need to pass a background check. Councilor Clark made a motion to accept Rodney Keech Cleaning Service's bid. Councilor Leighton seconded. Motion carried (7-0) (Mayor Foster, aye; Councilor

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Boreth, aye; Councilor Jacober, aye; Councilor Mackie, aye; Councilor Needham, aye; Councilor Leighton, aye; Councilor Clark, aye).

Mayor Foster read a statement that was prepared by City Manager Atkins. The statement said that 5 members of the City Council attended a meeting with the Molalla Buckeroo Assoc. the previous week. Since this was a quorum it is contrary to the Oregon open meetings law. This oversight was unintentional. Notes were taken and are available upon request.

Councilor Boreth stated that City Council members were asked to attend this meeting. No decisions were made and each Council member spoke on their own, not as a Council. He stated that he went there to listen and wanted to apologize to the citizens of Molalla.

Councilor Needham said that he went to the meeting to get clarification on a number of issues that were on the agenda. Nothing was discussed to violate open meetings law.

Councilor Mackie apologized and stated that she wanted to hear their concerns.

Councilor Clark said that he went with the proper intentions, to engage the community.

Councilor Leighton stated that she did not feel this meeting was in violation. She attended to see what they had to say and no decisions were made.

Councilor Jacober stated that she did not attend due to a prior engagement. She noted that this issue was brought up in a recent executive session and the instructions were given to the Councilors on what to do and not to do.

Mayor Foster has discussed this with City Manager Atkins who contacted legal counsel. Council members did override what they were told by legal counsel.

City Manager Atkins reminded everyone that notes were taken and were available upon request.

PROCLAMATIONS

None.

REPORTS AND ANNOUNCEMENTS

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Finance Director Johnson said that the 2008-2009 proposed budget is nearing completion. She also reminded the citizens that the annual spring cleanup is scheduled for the 17 & 18 and 24 & 25 of April.

City Planner Potter stated that there two meetings coming up in April to discuss Urban Reserve and Bohlander Field.

Councilor Clark thanked the Clarkes Church for their donation to the Molalla Service Center.

Councilor Leighton invited community to the Library's book sale. She also thanked the youth group for their donation.

Councilor Needham congratulated the Molalla FFA team for their performance in Salem. He stated that the Kiwanis are having their fishing derby and a car seat clinic. He also commended the youth group for their donation.

Councilor Boreth again apologized for attending the Buckeroo meeting where a quorum of the Council was present.

City Manager Atkins reminded Councilors that it is easy to violate open meetings law. He stated that he will look into issuing monthly public notices to advise the public of meetings where there might be a Council quorum present.

Councilor Jacober thanked everyone who spoke reminding who the Council works for. She encouraged citizens to make Council accountable for its actions.

Councilor Mackie stated that it is important to hear other groups. She reminded citizens to get their plots at the community garden.

Mayor Foster commended the Council for attending community meetings. He thanked the youth group for their donation.

ADJOURNMENT

Councilor Needham moved to adjourn the meeting. Councilor Boreth seconded. Motion carried (7-0) (Mayor Foster, aye; Councilor Boreth, aye; Councilor Jacober, aye; Councilor Mackie, aye; Councilor Needham, aye; Councilor Leighton, aye; Councilor Clark, aye).

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EXECUTIVE SESSION- 8:50 p.m.

Present: Mayor Foster, Councilors Boreth, Clark, Jacober, Mackie, Leighton and Needham; City Manager Atkins, Finance Director Johnson, City Attorney Matt Michel, legal counsel Kirk Mylander; Molalla Pioneer Editor Joe Wilson.

Kirk Mylander from CIS (City/County Insurance) provided guidance to the Council regarding current liability issues and potential exposure to litigation.

There was discussion about a proposed land swap with the Buckeroo Association. Guidance was given to the City Manager as to how to proceed.

AJOURNMENT 11:05 pm

Councilor Boreth moved to adjourn executive session. Councilor Jacober seconded. Motion carried (7-0) (Mayor Foster, aye; Councilor Boreth, aye; Councilor Jacober, aye; Councilor Mackie, aye; Councilor Needham, aye; Councilor Leighton, aye; Councilor Clark, aye).

Peggy Johnson, Finance Director

Council President Mary Jo Mackie