



# Molalla City Council

Meeting located at:  
Molalla Adult Community Center  
315 Kennel Avenue  
Molalla, OR 97038

**April 25, 2012**

## **Regular Meeting Agenda**

**Work session:** 6:30 p.m. The Council will review and discuss agenda items for the business meeting.

**Business meeting:** The meeting will begin at 7 p.m. The Council has adopted Public Participation Rules. Copies of these rules and public comment cards are available at the entry desk. Public comment cards must be turned into to the City Recorder prior to the start of the Council meeting.

The City will endeavor to provide a qualified bilingual interpreter, at no cost, if requested at least 48 hours prior to the meeting. To obtain services call the City Recorder at (503) 829-6855.

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### ***993<sup>rd</sup> Regular Meeting***

#### **1. CALL TO ORDER**

- A. Flag Salute.
- B. Roll Call.
- C. Approval of Minutes: February 22, 2012; April 10, 2012

#### **2. COMMUNICATIONS**

- A. MAC Minutes April 9, 2012
- B. Parks and Recreation Board Minutes March 21, 2012
- C. Keeping the Senior Center – Patricia Torsen Letter

#### **3. AWARDS & RECOGNITIONS**

4. **PUBLIC HEARINGS**

5. **CONTINUING BUSINESS**

6. **NEW BUSINESS**

- A. Adopt Standards and Criteria for Six-month Evaluation of the City Manager

7. **ORDINANCES**

8. **RESOLUTIONS**

- A. Resolution 2012-22: A Resolution Establishing August 23<sup>rd</sup> 1913 as the Date of Incorporation of the City of Molalla and Repealing Resolution 2011-02
- B. Resolution 2012-23: A Resolution Recognizing Molalla Centennial 2013 As the Representative for the City in Connection with the 2013 Centennial
- C. Resolutoin 2012-24: A Resolution Adopting a Fee in Lieu of Parks Rate and Ratifying Previous Fee in Lieu of Parks Assessments

9. **PROCLAMATIONS**

10. **REPORTS AND ANNOUNCEMENTS**

- A. City Manager Report
- B. Upcoming Council Agenda Items
  - a. Formation of Stone Place Reimbursement District
  - b. Annexation of Properties Into City Limits

11. **EXECUTIVE SESSION**

- A. ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

12. **ADJOURNMENT**

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**ATTENDANCE:** Mayor Mike Clarke, Absent; Councilor Stephen Clark, Present; Councilor George Pottle, Present; Councilor Jimmy Thompson, Present; Councilor Dennis Wolfe, Present; Councilor Jim Needham, Present; Council President Debbie Rogge, Present.

**STAFF IN-ATTENDANCE:** City Manager, Ellen Barnes; Finance Director, Heather Penni; City Attorney, Chad Jacobs; City Recorder, Sadie Cramer.

After the adjournment of the Molalla Urban Renewal Agency at 7:14pm. Councilor Needham motioned to enter into the Councils regular session. Clark seconded. Motion carried 6-0 and the Council meeting began at 7:15pm.

**MINUTES**

None. They are pending.

**COMMUNICATIONS**

**PARKS AND RECREATION BOARD PRESENTATION**

Scott Clarke, Chair of the Parks and Recreation Board did a presentation of their annual achievements and updates to the Council. Items reported included:

- Negotiation of parking fees with Rotary and Buckeroo generating approx. \$12,000.
- Created a brochure of what is happening in the city parks for citizen awareness.
- Met with interested parties to discuss the development of a dog park.
- Met with BMX group regarding BMX events and communication.
- Submitted applications for funding opportunities for public parks.
- Created the Open Gym Nights. The event averages 16 people and donations are being accepted to keep the program viable.
- Assisted with the design and funding of the Fox Park Pavilion.
- Assisted with the design and implementation of the Frisbee Golf Course at Fox Park.
- Discussing the clean up of the old railroad lines to be used as walking and running trails.
- Board members are working on grants and donations for new tennis courts.
- The board is working on plans for a new park that will be given to the city by Los Robles on Toliver Road.
- The board is exploring options for Outdoor Workout Stations being installed in the City parks.
- Assistance was given to the Boy Scouts for the shelter project at Ivor Davies Park.

Rogge asked Scott Clarke about the contract renewal date with the Buckeroo and Rotary for the parking fees and if a meeting has been set. Clarke stated that it's a 5 year contract and there is an annual review with the parties involved to discuss what can be improved in an effort to keep

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open communication between the groups. They are waiting for Rotary to get back to them to set that annual meeting meeting date and time. The meeting results will be reported back to Council once the meeting takes place Clarke stated.

Needham asked Scott Clarke if the parking fees were contingent of the completion of the Comprehensive Plan, who is tracking the fees and accounting for them. Clarke stated that it was agreed that Rotary would collect the fees and the Parks and Rec Board are tracking the fees; which are currently set aside in an account by Rotary. Rotary will release the funds to the City once the Master Park and Recreations element is completed in the Comprehensive Plan.

Needham asked if the the Park and Recreation Board has a budget? Clarke stated, No. Once we meet with Rotary we will know how much was collected as far as the fees go.

Councilor Clark asked if the money for the parking fees would be deposited into the general fund. Barnes stated there is an issue with the agreement and technically there is no contract in place. The contract may not be fully executed at this time due to the changes requested by the groups in the section of the Park and Rec Master Plan in the Comprehensive Plan are approved and adopted by Council. Barnes stated the funds will not go into the general fund it will be assigned its own line item in the budget. The Park and Rec Board is a board of the City of Molalla and the Council will need to designate and assign the funds to an account.

Needham asked about the financial statement provided to Council and it stated the Park Capital Fund was closed during the fiscal year. Barnes stated it was combined with the Streets Department and Park SDC's which are accounted for separately.

System Development Charge (SDC) funds are very clearly defined by Oregon State Statute for how cities can spend those SDC funds. SDC's have to be spent on enhancements to current facilities or show added capacities in order to use those funds.

Needham asked about the National Guard project regarding the baseball fields at Clark Park. Scott Clarke stated the city had the opportunity to redo Bolander Field and \$10,000 was requested to be allocated for engineering work. Due to the controversy around that proposed project within the community the National Guard decided not to do the project and its currently not a project scheduled to be done.

### **CONTINUING BUSINESS**

#### **PLANNING COMMISSION COMPOSITION AND MEMBERSHIP**

The City has experienced difficulty convening a quorum of the Planning Commission members for meetings. This has stalled progress of adopting a new Comprehensive Plan and the Parks and Recreation Master Plan. An inactive Planning Commission will prevent new development from occurring, thereby inhibiting economic activity and recovery. Many of the current Planning

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Commission members mentioned improper meeting notification being the largest reason for their inability to convene a quorum. The City also has had difficulties recruiting citizens to fill vacant positions. Council directed staff to research options for moving forward with planning projects, including determining whether Council members could fill vacant positions. Council members can't fill the vacancies due to conflict plus the city's own ordinance disallows that.

Barnes informed the Council that the Planning Commission is not recognized in the City Charter. The Council has control over the Planning Commission composition and if one should exist for the city. There is no law that states a city has to have one unless it is stated so in the Charter. The Council can chose to dislove the Planning Commission but by doing so, land use actions would be heard directly by the Council. There is no appeal process and appeals would go directly to LUBA causing the city to incur legal fees by anyone who appealed a decision of the Council.

The Council can modify the current ordinance amending composition of the Planning Commission. She has contacted Planning Commission Members and believes the commission can be revived. Currently, we need a resident inside the city limits to serve on the Planning Commission so we can move forward. We have interest from citizens who live outside the city limits and those applicants can serve as non-voting members.

Clark asked if Jason Burroughs would serve as a Planning Commission member if he agrees to do so this evening. Jake Burroughs was in the audience and stated that he would serve on the Planning Commission. Clark motioned to appoint Jake Burroughs as a voting member of the Planning Commission. Thompson seconded. Motion carried 6-0.

**APPOINT MEMBER TO THE PLANNING COMMISSION**

Grant Sharp is a long-time Molalla resident who is active in many aspects of the community. Sharp also has considerable knowledge and experience with contracting, building and land development.

Clark motioned to appoint Grant Sharp as a non-voting member on the Planning Commission. Wolfe seconded. Motion carried 6-0.

**TOPIC ADDITION TO TONIGHTS AGENDA BY COUNCIL TO NEW BUSINESS:  
COUNCIL/TOWN HALL FACEBOOK MEETINGS**

Rogge asked to have this topic added to the agenda. Wolfe seconded. Rogge stated this item has been a topic of discussion and asked advisment from the City Attorney, Chad Jacobs who was already present at the meeting.

Jacobs address the Council and re-stated their question if Oregon State Law prohibits the Council from holding a meeting on Facebook. He stated, the law is unclear and informed the Council that there is current case law out of Lane County that the statute itself procludes the Council to

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deliberate in a quorum of the City Council from communication, deliberating towards or making a decision with out public notification. If the Council wanted to do a meeting of this kind, the meeting would need to be publicly noticed by the City of Molalla.

Since the question is if this is legal to do, that is an open question in Oregon. In California the Attorney General stated that it would violate California Open Public Meetings Law because not everyone has access to the internet or has a Facebook account. In addition, not everyone has a access to a computer. Nothing in the law prohibits less then a quorum; such as 1 or 2 Councilors holding a meeting or discussion online.

Needham stated that he contacted his attorney after the last Council meeting when it was suggested to him by Council that the city shouldn't expend money on the City Attorney for this item. He posed the question to his attorney if having a electronic townhall or council meeting via Facebook with newspaper notification of a possible Council quorum was illegal. Needham's attorney advised him that it was not illegal and does not trigger the Public Meetings Law unless they are deliberating towards a or making a decision as a Council quorum.

Jacobs stated that is consistant with what he just advised. If there is a illegal meeting held and you as individual Councilor engage in the meeting, you can be personally held liable if a suit is filed for violating that law and for legal fees incurred from holding that meeting. There was a current case out of Lane County for a similar situation where those Councilors were liable for substantial legal fees because of a illegal meeting that was held.

Rogge stated her issue with the Facebook meeting was because her name was used as a group participant without her permission. Due to liabilty she denied her interest in that meeting and it looked as if she was not interested in citizen input, which is not true. She welcomes input from citizens almost 24/7. She said Councilors were not asked prior to this meeting if names could be used or included.

Thompson asked if we would need to do a public notice if the media was notified. Jacobs said that the city would need to notice the meeting, make the agenda available to the public just as they would at tonight's Council meeting to meet Public Meetings Law.

### **NEW BUSINESS**

#### **TOWNHALL MEETING REQUEST**

Clark asked that a TownHall meeting take place so various topics can be discussed and public concerns can be expressed to Council. Rogge seconded. The meeting was set for Feburary 29, 2012 at 7:00pm at the Molalla Adult Center by Council consensus.

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NEW BUSINESS: ITEMS FOR NEXT AGENDA

Thompson asked the topic of Communities That Care be placed on the next agenda for discussion. Needham seconded.

Needham announced that the Transportation Advisory Committee will be holding a meeting on Tuesday, April 4, 2012 at the Molalla Urgent Care facility at this time.

APPOINT MEMBER TO THE CENTENNIAL COMMISSION

Discussion regarding this commission and if it should be a city commission at this time to place between Council. Currently, there are no funds allocated by the city to assist with funding for this event.

Clark stated considering there are no funds he would like to see this committee stay as a citizen driven commission and not a city commission.

Needham stated that if it's a city sponsored event then the city should sponsor it.

Rogge stated she would like the Citizen's to move forward with planning the event and if there are funds available at a later date for a grant then the city can possible assist with funding at that time.

Wolfe agreed with Rogge. Rogge stated that there are several groups willing to step up to assist with the Centennial.

Needham asked if there was grant funding from tourism. Rogge stated no funding opportunities are available at this time.

Clark proposed the Council leave it at a non-city affiliated group due to public meetings law, minutes which can weigh down participation. If funding comes available perhaps we can assist at that time.

Pottle motioned to table the Centennial item until the next meeting so this topic can be discussed at next week's Townhall meeting. Wolfe seconded. Motion carried 6-0.

APPROVE COST ALLOCATION PLAN

Many cities use cost allocation as a method to identify and distribute indirect (administrative) costs incurred by the various funds that are not assignable to a specific task, program, project or activity. This is cost accounting whereby costs are recognized and accounted for where they occur. The proposed cost allocation plan uses FTE as the basis of distributing costs. Using a cost

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allocation plan, each operations fund contributes a portion to administrative, finance, and governing costs. This item had 2 public comment requests.

Sandy Nelson of Wilhoit Road of Molalla, expressed her concerns about the proposed cost allocation plan. Her first concern is maintaining the integrity of the Library since the voters agreed to creating the permanent funding for it. Those funds should only be used for library services.

She understands the cost allocation plan and she would like to see a activity based allocation plan be put in place for future budgeting practices and in doing so it would:

- Provide 10-12 months of historical data supporting the charges charged to the Library for Administrative staff.
- Show the city is wanting to comply with the (LDAC) Library District Advisory Committee and the (IGA) Intergovernmental Agreement with the Library District.
- The City of Molalla can avoid the possibility of being scrutinized. Currently 2 other cities are being accused of using library funds to supplement their general funds.
- The library shouldn't be penalized because it has a good operating budget with carry over and a conservative Director.
- The library will need all of the money in order to maintain and operate the library. There is a responsibility to the patrons and the tax payers that the money allocated to the library are

Marylin Bloch of Berkley Aveue in Molalla stated she agreed with Sandy Nelson's statements.

Glenda Triebwasser, Molalla Library Director addressed the Council and concurred with Sandy Nelson's summation. In addition, she read from the Intergovernmental Agreement that the City of Molalla entered into. She referenced under Section 2, Sub-head 2.2 titled Library Management. She stated that district funds can't be used to support general overhead or administrative cost of cities except if the services are directly related to the provisions of library services and/or for the operation of a public library.

Triebwasser has no issue with paying for Administrative costs as long as the costs are itemized so the Library charged double for services such as janitorial. The proposed allocation plan amount would prevent her from purchasing as many books or adding to the databases. Also, there is an unbudgeted expense that needs to be accounted for in the next budget. The item is accrued vacation by current employees that could be potentially paid out in the amount of \$81,704.39. This item will need to be budgeted for in the next fiscal cycle.

Discussion between staff and Council regarding what the possible impairments would be if the proposed cost allocation plan on the Library's current year and future budgets if implemented as a temporary or permanent. Triebwasser stated it would not impair the current budget but next year there is potential because the funds the Library receives are based on taxes collected by Clackamas County. Council had no further questions.



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Melissa Georgesen, Aquatic Center Director addressed Council with her concerns of the proposed cost allocation plan. She stated that the cost allocation plan would effect current pool operations if the fund transfer of approximately \$97,000 took place. After considering the unappropriated ending fund balance of \$27,000 for the pool, it would reduce the overall transfer amount to approximately \$70,000. After reviewing the plan and assessing current operations the transfer would effect operations and she will have to cut hours of operation to offset this transfer expense. The remaining amount after the cut in hours of operations would be taken out of line items that are in excess at the current time. The pool staff is aware of the budget situation and are willing to help where they can.

Clark made the motion to approve the proposed FTE Cost Allocation plan as presented by staff. Thompson seconded. After brief discussion between staff and Council that this is a temporary short term solution and using the FTE (Full-time Employee) Allocation method would only be used this current year with another allocation method being recommended for the next fiscal cycle, the motion carried 5-1. Councilor Needham voted, nay.

EXPENSES EXCEEDING \$10,000

Finance Director, Penni stated that a payment of \$261,225 for the General Obligation Bond for the Sewer Revenue needs to be paid. Thompson made the motion to approve the expenditure for the stated amount and purpose. Wolfe seconded. Motion carried 6-0.

DISCUSS CONTRACTING LAW ENFORCEMENT SERVICES WITH CLACKAMAS COUNTY

In looking at ways to reduce city expenses without eliminating services, Council requested staff research and report on possible costs and a scope of services to contract out law enforcement services with Clackamas County Sheriff's Office.

- Possible cost reductions of approximately \$601,031 with a reduced staffing model
- Possible increase of approximately \$82,033 with the models presented by the Sheriff's Office.

These items were included in the agenda packet and the calculations do not include impacts to city insurance premiums.

Peggy Smith of Section Street in Molalla expressed her opposition of contracting out for police services. She said that the City of Estacada, Oregon contracted out police services and there was a negative impact on that community as a whole. She encouraged the Council to retain the current police services that are in place that are highly valued by the community.

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Beth Faulhaber of Tolvier Road in Molalla strongly encouraged the Council to look at all options before dissolving the police department and how costly it would be to re-implement the agency in the future. Consideration should also be given that additional cost may be incurred during the months of transition and for allocated vacation payouts to the effected employees. Disbanding the department may inflict more financial strain. The council should look at the overall community value that our Police Department provides. The Officers investment in the community both professionally and personally which shouldn't be overlooked.

Bill Jones of Hauser Court in Molalla expressed he is against contracting with the county for police services. After being in law enforcement for 28 years the Council needs to consider Officer safety. Happy Valley has about 14,000 people but few officers on staff and they too are contracted out to the county. They have officers all around that city because they are centrally located which Molalla is not. The Molalla agency has several Officers with dedication shown by their actions and longevity. He is concerned the Council dissolves the department the community would also lose our Reserve Officers. He again expressed to Council it would be a terrible disservice to the community to lose the agency and the current Police Chief on staff.

Denise Everhart of N. Molalla Avenue in Molalla, addressed the Council as a citizen, a Volunteer for the Molalla Fire Department and as a parent. The Fire Department relies on the police to partner for emergency resources, training and disaster preparedness which is integral to the safety of this community.

She is also a resident and expressed to the Council that her family feels safe in the community because of our Police Department. There has been drug issues within the community and that has decreased due to proactiveness of the agency. As a parent she values the safety that is provided to the children and her direct contact with the officers when an incident takes place. She asked the Council not to disband the Molalla Police Department.

Rory Cramer, of W. Main Street stated that he was appalled that this option was even being considered based on the statements of other citizens tonight that he agreed with. He noted that there hasn't been any supporters to disband the department and when he is talking with people today in the community, they were upset about the idea that this service might be contracted out. Having a quick response is vital and it would be a disservice to the community to disband it.

Glen Boreth, of S. Molalla Avenue stated that the costs would be slightly higher if we contracted out the services based on the current staff in place now. He also agrees with the other citizens that the Police Department is an important and concurs with their statements not to disband the department. He informed the Council that Molalla is on a natural fault line. In the event we have another natural disaster we would have the emergency responders needed to adequately deal with that type of situation. He encouraged the Council to keep the Police Department in place.

Tim Anderson, Vice-President of the Molalla Buckeroo Association spoke on behalf of the MBA. He stated that it would be a big injustice to the community to dissolve the department and

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would create a problematic hindrance for large events that are held during the year that bring commerce, including the Buckeroo events. These events would be impossible to hold if the Police services were contracted out. He urged the Council not to contract out for services.

Rogge stated that as a Council it's not that we want to contract out for services, it's because the Council has to show due diligence that they are reviewing options due to the current financial deficits the city is facing.

Thompson stated that he has serious concerns about the disbandment and the Council needs to take into consideration the incredible value of having a local agency serving the community. He would like the Police Department to make every effort to cut expenses like the other departments have in order to keep the current department in place.

Pottle asked Chief Lucich to speak regarding this matter. Chief Lucich address the Council regarding their efforts of cutting back on unnecessary spending and harnessing over-time expenses in an effort to assist the budget deficit during his tenure. The Officers are stepping up in an effort to help decrease the deficit and not increase it Chief Lucich reported.

Chief Lucich stated that the department needs direction from the Council of how to move forward. Rogge stated that the community would rather see cut backs on spending and citizens are willing to step up to do volunteer work if necessary. She would like to see this happen.

Chief Lucich informed Council of some stats he received from (C-COM) Clackamas County Department of Communications comparing Molalla's "Priority 1" call rates to other surrounding cities. Classification of a "Priority 1" call are calls that are critical in nature (Assaults; Burglary; Domestic Disputes, etc) that Officers respond to first on the call logs. The following statistics were stated and all the cities except the City of Sandy have contracted Police Services:

<b>City</b>	<b># of Priority 1 Calls</b>	<b>Response Times (M: Sec)</b>
Molalla	167	3:13
Sandy	104	4:14
Wilsonville	104	5:05
Happy Valley	108	6:05
Estacada	89	10:59
Damascus	98	11:53

Chief Lucich stated that there are real reasons why you don't want to cut Police services and we are willing to make the cuts needed to retain the department. The lowest bid given by the Sheriff's Department only has one Officer on at a given time and that can decrease Officer and community safety for not much of a cost savings.

Clark asked if the Cheif could create a cost package similar to the breakdowns of the models included in the agenda this evening. Chief Lucich stated he can and the second model included in

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the agenda is close to that cost he is asking for and the county on has a quarter time Chief figured into that amount.

Pottle stated this item has been addressed 3 times and he thinks based on this evenings information that it should satisfy any inquiries or concerns of the Council about contracting the service out.

Barnes asked for staff direction regarding this item. Rogge stated that this item will be brought to the townhall meeting as a topic of discussion. The Council can proceed on the item if needed at the next regular Council meeting after Citizen input has been given at the townhall meeting.

**VOTE TO DISCONTINUE PAYMENT FOR ELECTRONIC CITATION EQUIPMENT**

The City received funding through ODOT to acquire electronic citation writing equipment. The City entered into a 60 month lease agreement with LCA Bank Corporation for the equipment. The electronic citation equipment does not integrate with our software systems. Current calculations indicate it is costing the city approximately \$28 per citation for using this equipment. LCA has agreed to release the City from the lease agreement, if Council votes to not appropriate funds for this lease.

Thompson made the motion not to appropriate funds for the purpose of the Electronic Citation Equipment. Clark seconded. Motion carried 6-0.

**ORDINANCES**

**ORDINANCE 2012-05: AN ORDINANCE AMENDING PARK HOURS**

MMC 12.08.010 establishes hours that the public parks are available for public use. The current ordinance sets those hours from 6 am to 10 pm. During winter hours, it becomes dark much earlier than 10 pm (around 4:30). Unwanted behaviors increase with darkness. The darkness makes enforcement more difficult. Dawn to dusk hours eliminates this problem and still enables citizen's maximum use of the park in the summer, when park activities are at a maximum.

Clark made the motion to approve ordinance 2012-05 amending park hours. Wolfe seconded. Motion carried 6-0.

**ORDINANCE 2012-06: AN ORDINANCE AMENDING THE PENALTY FOR VIOLATION OF SECTIONS 10.52.010 AND 10.52.020 OF THE MOLALLA MUNICIPAL CODE REGARDING PARKING TIME LIMITATIONS**

On May 25, 2011, the Molalla City Council adopted Resolution 2011-03 establishing the Molalla Transportation Advisory Commission. During the February 8, 2012 meeting, Council requested staff amend membership of the Transportation Advisory Commission to allow for additional

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representation from property and business owners who live outside the city limits. The proposed amendment does not change the total number of Transportation Advisory Commission members.

Dion Seals owner of Little Sweet Peas stated she was the one who asked the city to enforce the parking code. Currently they are still unable enforce the parking due to the code and no man power to enforce it. Parking down town has and continued to be a big issue for citizens and down town business owners, causing a lot of animosity down town.

Clark asked if the new fee will cover the over head cost of enforcing the ordinance. Chief Lucich stated he reviewed the ordinance and found that the \$2.00 fee is out of alignment with the code and cheaper than a monthly parking pass in Portland on a daily basis. \$20.00 seems to be the industry standard and based on the economy this is a reasonable fee and a person is more inclined to detour violators in the future. The fee can be adjusted by Council at anytime.

Clark made the motion to approve ordinance 2012-06. Pottle seconded. Motion carried 6-0.

ORDINANCE 2012-07: AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO WAVEDIVISION VII, LLC TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE CITY OF MOLALLA AND DECLARING AN EMERGENCY

On April 12, 2006, the City entered into a cable franchise agreement with WaveDivision IIV, LLC, pursuant to which, the City granted a cable television franchise to Wave to construct, maintain and operate a cable television system throughout the City. That franchise fee was 5% of the total gross revenues derived from operation of the cable system. This agreement expired on December 11, 2011. Subsequently, the City and Wave entered into two agreement extensions to enable the parties to come to agreement on terms for a franchise renewal. This renewal is for a term of 12 years with the fee remaining at 5%. Cable access also is being provided to the Adult Center and the Aquatic Center. Instead of listing all the public facilities receiving service, Wave requests a side letter agreement.

City Attorney Jacobs stated there are 2 updates.

1. There is a letter included in the packet this evening.
2. There was a negotiation change in the agreement after it was submitted to the Council. The change is on page 5, Seciton 6, Sub-Section 1 at the 3<sup>rd</sup> line where it's noted as (500). The recommended deletion by legal is because the action is already being done and is recommending to Council to approve the agreement with the following deletion as follows : "*At the time of the initial completion of the uprate and commencement of service*"

At approximently 9:20PM Council took a brief recess to allow the videographer to change our DVD's. At 9:26PM the regular meeting resumed. After brief discussion about existing

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connections, any additional fees, suggested revisions and standard fees between Jacobs and Council; Thompson made the motion to approve Ordinance 2012-07 an agreement with WaveBroadband as amended. Rogge seconded. Motion carried 6-0.

**RESOLUTIONS**

RESOLUTION 2012-09: A RESOLUTION AMENDING THE MOLALLA PARK SYSTEM DEVELOPMENT CHARGES (SDC) PROJECT LIST TO INCLUDE THE SALLY FOX PARK PAVILLION.

The pavilion in Sally Fox Park is a Ford Family Foundation leadership institute project. The City agreed to pay \$20,000 toward the pavilion. \$5,000 was committed from the Sally Fox Fund and \$15,000 was committed from SDC/park in lieu. The project is being constructed with \$5,000 of seed funding from the Ford Family Foundation, cash and in-kind donations in addition to the City's contribution.

SDC funding is restricted to portions of capital projects attributable to growth. To receive SDC funding, projects must be included in the SDC project list. ORS 223.309 permits local governments to modify their project lists.

The cost for construction and installation of the pavilion in Sally Fox Park is estimated to be \$40,150. SDC funds can only be used for that portion of a capital project attributable to growth. The City methodology for calculating growth capacity of a project is 29%; meaning a maximum of 29% of a project is eligible for SDC. This calculates to \$11,643.50. There is approximately \$4,000 still due for this project and the burden may fall back on the group to do fundraising or changes to the pavilion plan to offset that amount.

After brief discussion between staff and Council regarding the use of paying for the commitment with System Development Charge funds, Clark made the motion to approve Ordinance 2012-09. Thompson seconded and motion carried 6-0.

**REPORTS AND ANNOUNCEMENTS**

**CITY MANAGER REPORT**

City Manager Barnes informed the Council of the following items:

- A annexation item will be brought to the Council due to a failing septic system. This is a city initiation annexation because of the failure of the existing septic system that can cause health risks and will not need to be voted on by the Council.
- She also stated that she will be working on a new PGE franchise agreement.

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**UPCOMING COUNCIL AGENDA ITEMS**

- Needham requested an update on the Molalla Forest Road Grant.
- Thompson asked about refresher of Council Goals that were set in 2011 by Council.
- Barnes stated that she will be providing the Council with an annual SDC's Report which should be done annually.

Barnes informed the Molalla Kiwanis Club holds a annual Easter Egg Event each year at Clark Park. They have requested waiver of the \$1, 000 park deposit and waiver of the tent rental fee. She asked if Council had any objections. Hearing none, she will move forward on the waiver of the 2 stated items.

Thompson invited the public to meet the 3 Superintendent finalist for the Molalla River School District position on February 23, 2012 from 5:15pm to 6:15pm at the Molalla Library.

No other announcements were made.

Councilor Pottle made the motion to close the regular and enter into the executive session. Councilor Rogge seconded. No opposition was heard and Rogge read the executive session disclosure and announcement.

**EXECUTIVE SESSION**

The Molalla City Council will enter into executive session pursuant to ORS 192.660(2)(h) to consult with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Councilor Needham motioned to close the executive session and enter back into the regular session at 10:03PM. Rogge seconded. Motion carried 6-0. Executive session was taped and archived with agenda.

**ADJOURNMENT**

Council reconvened in the public meeting area with no discussions or decisions. Needham motioned to adjourn the regular session. Rogge seconded. Motion carried 6-0. Meeting adjourned at 10:06PM.

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City Recorder, Sadie Cramer

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Mayor Mike Clarke

Molalla City Council Work Session Summary Minutes  
Molalla City Hall  
117 N. Molalla Ave. Molalla Oregon 97038  
Tuesday, April 10, 2012 6:30PM

**ATTENDANCE:** Mayor Mike Clarke, Present; Councilor Stephen Clark, Present; Councilor George Pottle, Present; Councilor Jimmy Thompson, Present; Councilor Dennis Wolfe, Absent; Councilor Jim Needham, Present; Council President Debbie Rogge, Present.

**STAFF IN-ATTENDANCE:** City Manager, Ellen Barnes; City Recorder, Sadie Cramer.

The Council reviewed the 2011/2012 goals that were included in the agenda and came up with the following goal lists in 4 categories that will be prioritized by the Council at a regular meeting.

### **COMMUNICATIONS**

- Quarterly Town Hall Meetings
- Partner with other entities to achieve economies of scale and eliminate redundancies and duplications. (Item #4)
- More Council involvement in community activities (Item#2)
- Business Summit – To assist “For Profit”
- Community Summits – Focused Topics
- Improve bond with Molalla River Schools district; utilizing Middle School facilities for Parks and Recreation (Item #13 on the goal list)

### **CONTINUING BUSINESS**

- Update and complete all Master Plans and Comprehensive Plan
- Update System Development Charge methodology
- Create a “Strategic Plan” to include plans for 1,3,5 & 10 years

### **INFRASTRUCTURE**

- Assess values of current Infrastructures in place
- Road improvements – Minor road repairs, pot-holes, etc
- Partner with State and County agencies to road improvement opportunities
- Create a depreciation schedule with values of current infrastructure with maps/detail of sewer and water lines in order to anticipate future replacement costs.
- Future of the Aquatic Center
- Future of the Senior Center
- Discussion with the Buckeroo Association about selling City property to the MBA.
- Acquire right of way or land acquisition of the Union Pacific Railroad lines in Molalla that are not in use for possible trail system
- Plan and consolidate growth infill in City of Molalla (Annex county "islands")



Molalla City Council Work Session Summary Minutes  
Molalla City Hall  
117 N. Molalla Ave. Molalla Oregon 97038  
Tuesday, April 10, 2012 6:30PM

**ECONOMY**

- Maintain debt service ratios
- Maintain adequate service levels
- Strive for a balanced budget while reducing dependency of debt funding for operations
- Partner with businesses to improve economic development and business growth
- Strategic Budgeting
- Inventory of City Assets that can be monitored or tracked (level of detail to be decided)

The work session ended at 7:53PM.

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City Recorder, Sadie Cramer

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Mayor Mike Clarke



## MAC Regular Meeting Minutes

**Molalla Arts Commission**

Regular Meeting Minutes for March 12, 2012 @ City Hall

## Commissioners

NAME	TITLE	ATTENDANCE
Mary Lynn Jacob	Chair, Commissioner	<input checked="" type="checkbox"/>
Alicia Cook	Vice Chair, Commissioner	<input checked="" type="checkbox"/>
Dave Jackson	Secretary, Commissioner	<input checked="" type="checkbox"/>
Karla Koch-Johnston	Treasurer, Commissioner	<input checked="" type="checkbox"/>
Jon Deshler	Commissioner	<input type="checkbox"/> excused
Jude Strader	Commissioner	<input checked="" type="checkbox"/>
Dennis Stafford	Commissioner, Alternate	<input checked="" type="checkbox"/>

## Liaisons

NAME	TITLE	ATTENDANCE
Sadie Cramer	City of Molalla	<input checked="" type="checkbox"/>
Debbie Rogge	Molalla City Council	<input checked="" type="checkbox"/>

## Guests

NAME	TITLE
-	-

- 
- 1. Call to Order – Chair Mary Lynn Jacob – 5:37**
  - 2. Roll Call – Alicia Cook – 5:38**
  - 3. Approval of Minutes - Chair Mary Lynn Jacob – 5:40**

March 12<sup>th</sup> Regular Meeting – DJ/DS – All approvedMarch 26<sup>th</sup> Informal Meeting – KJ/AC – All approved

- 4. Financial Report – Treasurer Karla Koch-Johnston – 5:41**



## MAC Regular Meeting Minutes

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New reports, new challenges figuring out all the entries. Treasurer Karla Koch-Johnston to meet with Heather on reconciling the records. Reports handed out.

Concern expressed about getting some fund raising going. Eventually, the MAC will run out of money.

**5. Public Comments – 5:50**  
written or verbal (3 minute limit per person/group)

No guests today.

**6. Continuing Business – 5:50**  
**a. Logging Mural Project**

Commissioner Strader reports: Project on schedule. Committee to meet and focus on final funding efforts. Permits and licenses investigated. Parts department gives approval. Potential to get power from the nearby pavilion.

**b. Lake Oswego Arts**

Nothing new.

**c. Spring Fling - May**

Commissioner Stafford reports: Schools contacted and want to be involved. Dennis to draft an email with all the details. Teachers to limit submissions to the top 10 from their groups.

**d. Web/Communications**

Secretary Dave Jackson reports: Artist webmail extracted! Trying to get names and addresses next. DJ will be keeper of the list. Send to entries to Dave.

Action DJ: add to calendar 1<sup>st</sup> of each month to submit info to Newsletter.

Action DJ: add to calendar Dennis show at library April 17<sup>th</sup>, 6:30 pm.

**e. Rural Dell**

Commissioner Stafford reporting: Dennis has volunteered.

**f. Air Force Band – April 19th**

Commissioner Strader reports: Set for April 19<sup>th</sup> in the new Mt Angle pavilion. Posters and tickets for distribution now available. MAC volunteers to get there early and help get things rolling. Looks like we'll be doing the soda pop concession stand. Potential to make some money for MAC. Might need ice and chests, and seed money for the till.

Action: Dave to get MS Publisher poster from Jude and get onto web media sites.



## MAC Regular Meeting Minutes

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### **g. Centennial Art Show**

Chair Mary Lynn Jacob reports: The Centennial 2013 Committee needs to coordinate with MAC an art show and contest for the theme art. The Chamber of Commerce has agreed to put on their next cover. Target date is in August 2012.

### **h. Bags**

Chair Mary Lynn Jacob reports: We've got lots and lots of wine bottle bags: Pink and Nectarine. Vice Chair Cook to look into getting a bunch of labels to put on them with the MAC logo. We discussing having kids draw on them for an art contest.

### **7. New Business – 6:55**

Not noted.

### **8. Member Sharing – 6:55**

Not noted.

### **9. Adjournment – 7:00**

Next Meeting: 4/23/12 5:30 El Charrito  
(The Little Cowboy)

Formal Meeting: 5/14/12 5:30 City Hall

MINUTES

Meeting of March 21, 2012

**7:05PM Meeting called to order**

Attendance: Scott Clarke, Chair  
Shane Potter  
Amy Cain  
Lynn Blatter  
Julie Harris

Staff: Marc Howatt, Public Works Director

Audience: 2 members of the Molalla Arts Commission

Absent: Melissa Georgesen, Staff Liaison & Aquatic Director  
Alice Flintjer  
Betty Martin

**Flag Salute**

**Review and Approval of Minutes**

Approval needed for January and February minutes. Alice wasn't present to give board the minutes for January and February.

**Public Comment Period**

No comments were made at this time by audience members.

**Old Business**

Open Gym in Pioneer- Scott asked if the Open Gym announcement was ever placed in the Pioneer under *What's happening* section. If it wasn't in the Pioneer a request to Mark was placed to get it into the Pioneer.

Noise Ordinance at Buckeroo- The board was in agreement that it was tabled indefinitely.

Meeting Minutes- The board was in agreement that the minutes needed to be completed on time. Also agreed upon a two week time frame for completion and sent to Scott.

Vote for New Secretary- Previously voted and decided that the new secretary is Alice.

Key Club- Scott was in touch with the key club and told them he was available on Mondays. Scott is still waiting for a reply.

**New Business**

Logging Mural- 2 members of the Molalla Arts Commission were in the audience. They brought in handout of the Logging Mural that is to be placed in the NW corner of Fox Park. This mural will be by the Pavilion facing the street. The mural will be lighted with the possibility of solar lighting. The Molalla Arts Commission was seeking approval from the board to place the 8x 20 ft. mural in designated area. Shane made recommendation for approval with written approval from School District. Amy second the motion.

Marketing Plan- Shane presented his pamphlet about the city parks. This could be sent out in the water bill to residents. Shane was going to email pamphlet out to board members to look it over and make changes to it. Shane will present final draft next meeting, so it could be out in the May water bill. Shane asked Marc to find out the fee for stuffing the envelopes with pamphlet. Mark will find out the fees for next month's meeting.

Also Shane had an idea to create a quarterly newsletter to be sent out in water bills. Also idea was brought up to create a map to also be placed in water bill. Board raised questions about the expense of creating a map of local parks.

Parks Master Plan- Board believes changes need to be made to Parks Master Plan and update it. Previously a wordage problem needed to be changed. The Parks Master Plan needed verbiage from Rotary. Scott requested reports. Scott brought up the concern about the safety of parking the cars in practice fields. The metal stakes were left in the ground after event. His concern is that someone will get hurt by these stakes left in the ground. Scott asked to find out who is responsible for parking. He would also like an update meeting with the Rotary. Board needs to take recommendations to Planning Commission.

List of Projects- Shane asked for the list of projects to be formerly typed and placed in order of importance.

*Open to Board:*

Pavilion- Lynn discussed updates about the pavilion. The cameras are being donated by MCC. Lynn asked Marc about the locator line, and Marc said it has been fixed. Lynn inquired about the SDCs that Melissa said Ellen was looking at in February. Questions about SDCs (29% of building costs meaning around \$11,000 could be used in SDCs meaning that the city makes up the difference of \$4,000) Lynn voiced the concern brought up to her by Brian Wakefield of the 6 month insurance running out. There will be added fees because of having to place the building of the pavilion on hold. Scott added that City Council approved funds from Sally Fox. Scott also brought up the Ford Family Grant money running out of time. Lynn stated this wouldn't be an issue.

SDCs- Scott asked for an explanation of methodology of SDCs for the city. Shane asked for clarification on if when adding a project that city has to give homeowners a 90 days notification.

Dog Park- Board would like an update on Dog Park and sub-committee.

Pool Closures- Scott requested update from Melissa on pool closures due to budget cuts. Board would also like to see an updated schedule.

Sheets Field- Scott inquired about the drainage problem. Marc stated that it had been fixed and drains nicely.

Time Change in Parks- Scott brought up discussion about the time change in local parks was passed during city council meeting stating that local parks will be closed from dusk until dawn. Board brought up concerns about events happening in local parks after dusk such as pancake feed, downtown Molalla monthly events, and even carnival rides during the fourth of July. Scott wanted to know why this proposal wasn't brought in front of board before the council passed it. Marc stated that this proposal was due to crimes in local parks. The problem parks were the Skate Park, Ivor Davies, and Fox Park. Marc stated that since the time change has gone into effect, there has been a decrease in vandalism.

**Adjournment:** 8:50pm.



Name: Patricia Torsen  
Address: 31615 S. Hezzie Lane  
Molalla, Oregon 97038

I am here tonight to "Help Save" Our Senior Center!

The people who get out of their homes and come to quilt, or have other activities they do, the Seniors who come to eat, so they don't have to eat their meals alone. The traveling they do, with each other, and the camaraderie they get from each other. It gives them a place to meet and talk to someone their own age that knows what they are going through. Families grow away from the older ones, children have "Their" children to take care of and their families, they forget the elderly. Very few are blessed with children that care enough to take them shopping each week or take them out to dinner, or even visit with them..... The Senior Center gives them a life of their own where they can do all these things.

I have known of instances where seniors were locked in closets, food and medicines taken away, until they died. Then the family member called in someone else to check on them.... I have seen seniors black and blue from family members hitting them until they were dead, because they didn't want to be bothered with them. I have had a friend locked in her room daily until the family was ready to see her, until she was taken to the hospital with malnutrition. These were cases where children wanted the parents home or money, or didn't want to be bothered with them any more. But, they didn't have friends or anyone else to check up on them. The senior center has this protection. The bus drivers that pick up the seniors all the time.... If there is an irregularity, they will notice and check it out, or other friends will have it checked out. If someone doesn't show up for quilting, the others will find out why. Checks and balances. The seniors are accounted for and helped when needed. Services are provided for them if they need and community members try to help when they can. Other Towns Have Senior Centers that are great, What is the matter with ours? We need a Senior Center Here In Molalla!!!

## The Senior Center Issue:

It's 9:00 pm, and I am just making myself write this letter, because I am so angry... I told many of you I would do something, well, this is a start... I had a phone call last Sunday night that awakened me to an issue with the Senior Center. It seems that since the last "City Council" meeting on Wednesday night, they have decided to shut the Senior Center down. .... I couldn't believe it, since I was assured by Mayor Clark and another person that the center was not closing. Well, when I went to City Hall on Monday, I was told it was discussed "Friday" at a meeting, and that it seems that was what was decided on!!!! I said if they would let more Volunteers help down there, and less paid people, the Senior Center would be alright, the lady said, "That's not the issue."???? What is the issue? The whole town knows that the City Manager had fund shifting going around. Even "The Oregonian" printed an article. We're big news!!! Well, I have spent my life watching after "Seniors", and now that I am one, I'm not stopping. The Senior Center cannot shut down. The property was donated for "Public Use." The Senior Center was approved, and for all these years that I have been here, Many, Many, of my friends have used and enjoyed friends, and companionship, and yes meals, at the Senior Center. Many who ate alone at home, (or sometimes not) started coming to the Senior Center for company, and so they wouldn't have to eat alone. How many of my friends have been playing Pinnacle at the center. I remember when my baby sitter Anntonette Krupika, was going to the center and playing piano during meals, when she ate and visited. She asked me to leave my daughter there with her. The ladies had a ball, and so did my daughter Michele. She learned some Piano music, singing, and how to play some card game she showed me called, "Kings Corner" or something like that. Many of the ladies have made beautiful quilts at the center, raised money by quilting for people, and raffling them off for fundraisers at the center. Classes have been held by people in the community to teach different things people want to know or do from, aerobics to genealogy, knitting, etc. The last year it has gone cold down there, it's not the same since our last director left, but it can be the same again. We need volunteers back, instead of \$50,000. a year paid people to direct the center. And what about the other \$32,000. and \$36,000. people working there, Part Time. People, let's get real.... This is not a rich community, it never has been... It's a farming and timber community. A community where people have worked hard all there life, and want to have a place to enjoy in their old age with their families. I looked forward to when I can retire and go their and play Pinnacle with the other Seniors, and I love to visit with all of you, as you know. And you should see me work puzzles, Love It! I can even play pool, although I haven't for years.

Well I'm sorry! The Senior Center Can't Go, I was able to cut the budget by \$100,000. in one night. So I'm sure the City can do the same, they are smarter than I am, they're paid more. Everyone show up at the next City Council meeting, and show up to support our "Senior Center." Write letters to City Hall, Contact Channel 2 or 12, or whatever. Let's Save Our Center!!!!

Every town needs a Senior Center, this one is no exception. You notice I call it "Senior Center," We are Seniors and are Proud of It. We have be adults a long time. But We Earn A Special Degree When We Are A Senior!!! We raised children, grandchildren, great-grandchildren, and yes some even great-great- grandchildren.

## Our Senior Center:

This article has taken longer to write than any of my others. I know I have promised it for quite awhile. I wanted to do more research, and get the feel of what was happening, as much as listening to everyone. I think I finally am realizing what's happening....

I went to a Senior Center in another town, it was bustling. Two ladies were standing talking when we walked in, they greeted us and showed us around. They were very proud of their center. Two fellows were playing cribbage on the right, and visiting. A couple of ladies were working puzzles off to the left and visiting, and some ladies were sitting on a couch and visiting, and looking at magazines. Other seniors were coming and going, this was just in the front part of the building, I never got any farther. We were from out of town and everyone wanted to say hi! They were all so happy. No one there was under 55 I'm sure. Average 60 to 70 I'm guessing. But they were all having a good time.

I have walked into our Senior Center, and it seems cold. No one comes in unless they have something specific to do. Eat, Quilt, A Class, or meeting? The puzzle table is in the back room. Lights are off unless someone is in there. Who wants to go by themselves? Books, small table for cards or something. Ladies visit as they come and go, but they seem to have specific errands.

Food is sent in, from food companies, even though we have a kitchen. Needless to say the complaints I have heard are many. The building is cool, even though most seniors need more warmth. They have quilting one day a week, which brings in the quilting ladies to their little room. They have an exercise class that brings those ladies in each week Pinnacle is played once a week on large tables, they usually play 5 or six, because they don't get enough people to play several 4 people tables. They have city meetings and others that the center is used for, that brings people in, but they are not connected to the seniors or the center. And they have offices for senior assistance programs, and three people to provide this for the few seniors that go in.

They pay a Center Director, A Nutrition Manager, A Client Services Coordinator, A Finance Director, Van Drivers, Operations and Maintenance, and of course Food that is brought in. This is costing the center, with utilities and other insurances etc. almost \$30,000. a month. There is no way the fund raisers etc. can pay for this. Grants have to be coming in from the city, state, and federal governments to pay for this. Why is their so much cost in running this center?

What happened to all the volunteers, the churches, and organizations that used to help out and be a part of the center. I remember when it was lively down here, it was lit up and warm. I remember Antonett Krupicka playing the piano at lunch time with my daughter, and laughing and the songs. I remember when the ladies were excited about a new card game they had learned. People visiting in the kitchen area while they were serving up food, the bustling of activity. The young people coming in to help serve food to the seniors, volunteering for their community projects. Fellows working outside on projects to improve the center, or to add beauty or something special to "their center." Well "No

one smiles much any more down there. I went in to ask for information on getting newsletters sent to me, and I was told "I have to Pay," and the lady walked away. I was later told that was the director. I knew I would have to pay, I wanted to join the center and start participating when I could. After that I wasn't sure I wanted to?

What's wrong with "Our Senior Center?" It's not "Ours!" .....Let The Seniors Manage it and take over again with volunteers, and have the grants etc. to operate it. Make it a happy warm place again.....

Patricia Torsen  
829-7444

**Adult Center**

	7/1/2011		4/4/2012		4/4/2012
Expenditures & Requirements	<b>Adopted</b>		<b>Supplemental</b>		<b>Revised</b>

Adult center Personnel Services

Pers	\$20,334.00				\$14,000.00
SAIF	\$7,638.00				\$4,500.00
FICA	\$10,978.00				\$6,000.00
Insurance/Bonds	\$47,840.00				\$47,840.00
Center Director &	\$82,172.00				\$35,000.00
Grant & Client Services					
Nutrition Manager, Part Time	\$36,652.00				\$20,000.00
Administrative Support &	\$18,348.00				\$15,000.00
Finance Director					
Van Drivers?	\$13,000.00				\$10,000.00
Extra Help	\$12,500.00				\$300.00
<b>Total Personnel Serv.</b>	<b>\$249,462.00</b>				<b>\$152,640.00</b>

Custodial Supplies & Custodian                      \$10,000.00

\$0.00  
Volunteers

# City Of Molalla

## City Council Meeting

### Agenda Category: New Business

**Subject:** Adopt Standards and Criteria for Six-month Evaluation of the City Manager

**Staff Recommendation:** Adopt standards and criteria

**Date of Meeting to be Presented:** April 25, 2012

**Fiscal Impact:** The six-month evaluation of the City Manager triggers severance provisions in the employment agreement. No other fiscal impacts anticipated.

**Background:**

MMC 1.02.200 requires Council to adopt standard, criteria and policy directives for evaluating the City Manager. The general process for evaluating the City Manager also is outlined in that section of municipal code. The municipal code does not speak specifically to a six-month evaluation. Evaluation forms provided by the City Recorder only address annual evaluation criteria and standards. The employment contract with the current City Manager requires a six-month evaluation be completed. The proposed City Manager evaluation instrument is a modified version of the annual City Manager evaluation form used previously by the Molalla City Council.

SUBMITTED BY: Ellen Barnes, City Manager

ADMIN USE ONLY

**Agenda Item**

**6.A.**

ALL AGENDA ITEMS MUST BE SUBMITTED BY NOON THE WEDNESDAY BEFORE THE SCHEDULED COUNCIL MEETING. ALL ITEMS MUST BE SUBMITTED TO THE CITY MANAGER FOR CONSIDERATION.

# CITY OF MOLALLA



## City Manager Evaluation Six-Month Evaluation

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Standards and criteria adopted April 25, 2012

City of Molalla  
**City Manager Evaluation**  
Six-Month Evaluation

**I. Policy**

The Molalla City Council shall conduct a six-month and annual evaluations of the City Manager's performance. The results of such evaluations shall commend areas of good performance and point out areas for improvement. It also shall be the basis for changes in the employee contract and compensation decisions.

The evaluations process shall consist of an assessment of: 1) the City Manager's achievements in implementing specified Council goals during the evaluation period (Performance Objectives) and 2) how the City Manager performed the job (Performance Standards).

**II. Process**

Section 1.02.200 of the Molalla Municipal Code defines the process for evaluating the City Manager. Pursuant to that section:

1. The criteria, standards and policy directives for evaluating the City Manager are to be established in a public process prior to evaluation.
2. Evaluation forms are distributed to all Council members and City Manager.
3. The City Manager prepares a memorandum to the Council including his/her self-evaluation in a narrative format.
4. Each Councilor completes the form, signs, dates and returns to the Mayor.
5. The Mayor and Council president tabulate the results of the evaluation forms. The Mayor and Council president will summarize the results of the evaluation forms as submitted to the City Recorder for final compilation and scoring.
6. A composite evaluation form and the City Manager's self-evaluation are distributed to the Council prior to the executive session evaluation meeting.
7. The Council meets with the City Manager in executive session to review the evaluation, unless the City Manager requests an open hearing.

**Instructions**

Review the City Manager's work performance for the entire period; try to refrain from basing judgment on recent events or isolated incidents only. Disregard your general impression of the City Manager and concentrate on one factor at a time. Evaluate the City Manager on the basis of standards you expect to be met for the job to which assigned considering the length of time in the job. Check the number,



which most accurately reflects the level of performance for the factor appraised using the rating scale described below. If you did not have an opportunity to observe a factor during this evaluation period, please indicate so in the "N/O" column next to the factor.

The sole purpose of this document is to provide a vehicle to stimulate the communication necessary between the City Manager and the Council so the performance of both can be enhanced. All information contained in this document is confidential due to the nature of the content. This information is NOT to be shared with anyone outside of City Council and the City Recorder's Office.

**City Manager  
Performance Evaluation  
Six-month Evaluation**

DATE: \_\_\_\_\_

**RATING SCALE DEFINITIONS (1-5)**

Unsatisfactory	(1)	The employee's work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level cannot be allowed to continue.
Improvement Needed	(2)	The employee's work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.
Meets Job Standards	(3)	The employee's work performance consistently meets the standards of the position.
Exceeds Job Standards	(4)	The employee's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance.
Outstanding	(5)	The employee's work performance is consistently excellent when compared to the standards of the job.
N/O		No Opinion.

**I. PERFORMANCE OBJECTIVE(City Goal Achievement)**

**1. Support and progress toward achievement of Council goals**

- A. Systemic and significant progress toward achievement of the Council's specified goals      1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- B. Documentation and reporting on such to the Council      1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- C. Progress is consistent with the goals      1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_

Comments:

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## II. PERFORMANCE STANDARDS

### 1. City Council Relationships

- D. Effectively implements policies and programs approved by the City Council 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- E. Reporting to the City Council is timely, clear, concise and thorough 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- F. Accepts direction/instructions in a positive manner 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- G. Effectively aids the City Council in establishing goals 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- H. Is accessible to contact by Council members 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- I. Keeps the City Council informed of current plans and activities of administration and new developments in legislation, governmental practices and regulations, etc. 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- J. Provides the City Council with clear reports of anticipated issues that could come before the City Council 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_

Comments:

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### 2. Planning, Organizing & Executing Work

- A. Develops effective, efficient plans and strategies for implementation of policy and Council goals 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- B. Implements and coordinates plans and daily operations 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- C. Establishes appropriate administrative and operational priorities 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- D. Implements efficiencies in city operations 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_

Comments:

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**3. Fiscal Management**

- A. Prepares a balanced, realistic annual budget 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- B. Controls expenditures in accordance with approved budget and revenues received 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- C. Keeps City Council informed about revenues and expenditures, actual and projected 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- D. Ensures that the budget addresses the City Council's goals and objectives 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_

Comments:

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**4. Intergovernmental Affairs**

- A. Maintains effective communication with local, regional, state and federal government agencies 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- B. Maintains effective intergovernmental partnerships 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- C. Pursues financial and other resources from other agencies 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- D. Contributes to good government through regular participation in local, regional and state committees and organizations 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_

Comments:

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**5. Public Relations**

- A. Project a positive public image 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- B. Is courteous to the public at all times 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- C. Is accessible to the public 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- D. Makes continuous effort to educate the public of problems, programs and operations 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- E. Maintains effective relations with media representatives 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- F. Appropriately handles inquiries from the news media 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_

Comments:

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**6. Effective Leadership of Staff**

- A. Delegates appropriate responsibilities 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- B. Holds staff accountable for performance 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- C. Encourages staff growth and development 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- D. Accessible and receptive to staff suggestions, ideas, concerns 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_

Comments:

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**7. Decision Making**

- A. Advises Council about important problems, needs and opportunities 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- B. Accepts responsibility for making and implementing key administrative decisions 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- C. Identifies, analyzes and describes important current problems and issues 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_

- D. Develops and evaluates alternative solutions 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- E. Receptive to suggestions 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- F. Creative and innovative where appropriate 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_

Comments:

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**8. Personal and Professional Development**

- A. Knowledgeable about City operations, responsibilities, and legal requirements 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- B. Keeps informed of latest development, legislation, and technology available 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- C. Seeks professional growth and development opportunities 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- D. Adheres to high professional ethical standards 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_

Comments:

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**9. Management Qualities/Skills**

- A. Demonstrates honesty 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- B. Maintains confidences 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- C. Shows consistency in positions taken on issues 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_
- D. Fair and impartial 1\_\_ 2\_\_ 3\_\_ 4\_\_ 5\_\_ N/O\_\_

Comments:

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Is he/she always on the lookout for ways to improve the City?

Comments:

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Is he/she creative and assertive in seeking new solutions to old problems?

Comments:

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Does he/she demonstrate capacity, confidence, competence and enthusiasm to inspire and motivate others to achieve their best and fulfill the objectives of this organization?

Comments:

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**ACHIEVEMENTS RELATIVE TO OBJECTIVES FOR THIS EVALUATION PERIOD:**

Comments:

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**SUMMARY RATING**

Overall Performance Rating – Considering the results obtained against established performance standards as well as overall job performance, the following rating is provided:

Unsatisfactory\_\_ Improvement Needed\_\_ Meets Job Standards\_\_ Exceeds Job Standards\_\_ Outstanding\_\_

Comments:

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**FUTURE GOALS AND OBJECTIVES**

Specific goals and objectives to be achieved in the next evaluation period:

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This evaluation was reviewed and discussed between the City Council and the City Manager on: \_\_\_\_\_  
date

**City Council**

**Concurrence**

\_\_\_\_\_  
Mike Clarke, Mayor

Yes/No

\_\_\_\_\_  
Debbie Rogge, Council President

Yes/No

\_\_\_\_\_  
Stephen Clark, Councilor

Yes/No

\_\_\_\_\_  
James Needham, Councilor

Yes/No

\_\_\_\_\_

Yes/No



George Pottle, Councilor

\_\_\_\_\_  
Jimmy Thompson, Councilor

Yes/No

\_\_\_\_\_  
Dennis Wolfe, Councilor

Yes/No

**City Manager**

\_\_\_\_\_  
Ellen R. Barnes

\_\_\_\_\_  
Next Evaluation Date

B. If a Councilor has ex parte contact prior to a hearing, the member must reveal the contact at the meeting and before the hearing. The Councilor must describe the substance of the contact and the Mayor will announce the right of interested persons to rebut the substance of the communication. The Councilors also will state whether such contact affects their impartiality or ability to vote in the matter. The Councilor must state whether the member will participate or abstain.

C. For quasi-judicial hearings, a Councilor who was absent during the presentation of evidence may not participate in any deliberations or decision regarding the matter, unless the Councilor reviews all the evidence and testimony received. (Ord. 2007-05 §1)

**1.02.180 Oregon Ethics Commission requirements and reporting.**

A. Councilors must review and observe the requirements of the State Ethics Law (ORS 244.010 to ORS 244.390) dealing with use of public office for private financial gain.

B. Councilors must give public notice of any conflict of interest or potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Councilors will maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council.

C. In accordance with ORS 244.195, it is each Councilor's responsibility to file statements of economic interest with the Government Standards and Practices Commission. (Ord. 2007-05 §1)

**1.02.190 Legal advice.**

A. Requests to the City Attorney for legal advice may not be made by a Councilor without the concurrence of a majority of the Council or the Mayor.

B. Before requesting research or other action by the City Attorney, Councilors are en-

couraged to consult with the City Manager to determine if the request or action can be accomplished more cost-effectively.

C. Outside a Council meeting, a Councilor should direct requests of the City Attorney through the City Manager or the Mayor.

D. Exceptions to this are issues related to the performance of the City Manager and unique/sensitive personal, yet City business-related, requests. These requests must be made through the Mayor. (Ord. 2007-05 §1)

**1.02.200 Manager evaluation.**

A. Criteria. The standards, criteria, and policy directives used in the evaluation of the City Manager will be adopted at a regular Council meeting in accordance with state law.

B. Process.

1. Councilors will make written comments in response to the evaluation.

2. Evaluation sessions will be scheduled in accordance with the employee's decision on whether to hold the evaluation in open or executive session.

3. At evaluation sessions, Council summary comments and individual Councilor comments will be made. The City Manager will have an opportunity to respond to all comments. The effect of the evaluation on the City Manager's employment contract will be discussed. Sufficient time will be allotted for the evaluation discussion with the City Manager.

4. Councilors will then complete their individual evaluations and convene to discuss overall evaluation of the City Manager and reach a consensus.

5. Council will then reconvene with the City Manager to review final performance evaluation and discuss compensation.

C. Contract. The City Attorney will prepare any employment contract amendments to the City Manager's contract. Contracts normally will be approved as a consent agenda item at the next regular Council meeting. (Ord. 2007-05 §1)

## EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT is made and entered into this 19<sup>th</sup> day of September, 2011 by and between the CITY OF MOLALLA, OREGON ("CITY") and ELLEN BARNES ("EMPLOYEE").

### RECITALS

1. CITY and EMPLOYEE desire a written agreement creating a professional and businesslike relationship serving as the basis for effective communication and to avoid misunderstanding; and
2. CITY and EMPLOYEE, in consideration of mutual covenants herein contained and for consideration herein specified, mutually agree as follows:

### SECTION 1. EMPLOYMENT, DUTIES AND AUTHORITY.

- A. CITY has agreed to employ Ellen Barnes as City Administrator. In performing the role of City Administrator, EMPLOYEE'S job title shall be City Manager. EMPLOYEE agrees to accept said employment.
- B. CITY agrees to employ Ellen Barnes as City Administrator to perform the functions and duties specified in the Molalla City Charter, ordinances, and resolutions of the City of Molalla and required by state and federal law, as well as to perform other legally permissible and proper duties and functions as City shall, from time to time, assign. Duties of the City Administrator shall include, but not be limited to, the following:
  - supervise and direct the overall management, administration and direction of City operations;
  - the hiring, disciplining and firing of all City employees/agents except Municipal Judge and City Attorney;
  - the negotiation, execution and administration of City contracts within budget appropriations pursuant to City policy and ordinance;
  - providing policy advice to elected officials;
  - maintaining open communications with the community to foster both responsive and courteous public services;
  - work toward achieving goals set by the City Council; and
  - such other duties as the City Council may, from time to time, assign.
- C. The Mayor and other members of the City Council agree to the principle of non-interference in the administration and management of the City's affairs (as described above in the bulleted points as being within EMPLOYEE's purview as Administrator) as being necessary to the orderly and efficient implementation of Council policy and City operations. The Mayor and other members of the City Council agree to direct their individual or collective concerns, communications and inquiries as to the administration

and management of the City's affairs to EMPLOYEE and EMPLOYEE agrees to respond within a reasonable time to such concerns, communications and inquiries (whether made individually or collectively) either with an answer or an estimated time of response with such response to be reasonably expeditious.

## SECTION II. TERM.

- A. This Agreement begins on October 17, 2011 and, unless terminated consistent with the terms hereof, continues until October 31, 2013. This Agreement may be renewed by the parties for such additional periods as may be agreed upon in writing and approved by resolution.
- B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of EMPLOYEE at any time, subject only to the provisions set forth in this Agreement.
- C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from her position with CITY, subject only to the provisions set forth in this Agreement.
- D. EMPLOYEE agrees to remain in the exclusive employ of CITY during the term of this Agreement.

## SECTION III. TERMINATION AND SEVERANCE.

- A. Termination Without Cause. This Agreement may be terminated by either CITY or EMPLOYEE for any reason whatsoever upon giving thirty (30) calendar days' written notice to the other party.
- B. Termination With Cause. EMPLOYEE'S employment with CITY may be terminated immediately at the sole discretion of the City Council upon the occurrence of any of the following:
  - 1. EMPLOYEE fails or refuses to comply with the written policies, standards and regulations of CITY that are now in existence or are from time to time established;
  - 2. CITY has reasonable cause to believe EMPLOYEE has committed fraud, misappropriated City funds, goods or services to either her own or some other private third party's benefit and/or other acts of misconduct which the City Council believes, in its sole discretion, is detrimental to the City and/or its interests; or
  - 3. EMPLOYEE fails to perform faithfully or diligently her duties as City Administrator.
- C. Severance Relative to Performance Evaluation in April, 2012. In the event EMPLOYEE's employment with CITY is terminated for any reason identified by the Mayor and Council prior to or within seven business days after EMPLOYEE's performance evaluation described in Section VII(A), CITY is neither required to nor will it make any severance

payment to EMPLOYEE.

- D. Severance After Performance Evaluation. In the event EMPLOYEE is involuntarily terminated for reasons other than those set out in subsection III(B) after the seven business day period following her performance evaluation described in Section VII(A) but before October 31, 2013, then in that event CITY agrees to and will pay EMPLOYEE a severance payment equal to the monetary value of three (3) months of EMPLOYEE'S then current salary. Payment of the severance shall be made monthly, each payment being the value of one month's salary. In addition, EMPLOYEE shall be entitled to compensation for all earned but unused vacation. CITY also shall pay the cost to continue health insurance benefits as provided under this Agreement for three months following EMPLOYEE termination. The right to said payment shall cease if, during the period of the scheduled payments, EMPLOYEE accepts employment with another employer (including self-employment). EMPLOYEE has an affirmative obligation to notify the CITY upon acceptance of other employment.
- E. If EMPLOYEE resigns at the request of the City Council for reasons other than those set out in subsection III(B) after the seven business day period following her performance evaluation described in Section VII(A), then EMPLOYEE may deem this Agreement to be involuntarily terminated without cause and shall be entitled to a severance payment consistent with subsection (D) of this section.
- F. If EMPLOYEE voluntarily resigns her position with CITY before the expiration of this Agreement, then EMPLOYEE shall give CITY at least thirty (30) calendar days' written notice in advance (excluding accrued vacation) and EMPLOYEE shall be available to serve during this period. The City Council, however, shall have the discretion to decide whether EMPLOYEE shall continue in her position during the notice period.

#### SECTION IV. COMPENSATION, HOURS OF WORK, VACATION AND SICK LEAVE.

- A. Salary. Commencing October 17, 2011, and for the remainder of the two-year term of this Agreement, CITY agrees to pay EMPLOYEE Eighty Four Thousand Dollars and 00/100 (\$84,000.00) as a yearly salary to be paid in installments at the same interval as CITY pays its other employees.
- B. Cell Phone Reimbursement. As part of EMPLOYEE's taxable compensation, CITY agrees to pay EMPLOYEE the sum of \$30.00 per month for use of her personal cell phone in the discharge of her duties.
- C. Hours of Work. It is recognized that the proper performance of the EMPLOYEE's duties require her to observe normal business hours and will also often require her to perform necessary services outside of normal business hours. EMPLOYEE will devote such additional time as is necessary for the full and proper performance of her duties. The compensation this Agreement provides to EMPLOYEE includes compensation for all such necessary services.

- D. Vacation. Upon hiring, EMPLOYEE shall be credited with two (2) weeks' vacation. Thereafter, EMPLOYEE shall accrue the same vacation benefits as other management/professional employees employed at the City.
- E. Holiday Benefits. EMPLOYEE shall receive the same holiday benefits established for management/professional employees consistent with the provisions of the City's most current personnel policies.
- F. Sick leave. EMPLOYEE shall be entitled to the same sick leave benefits as other management/professional employees. No payment will be made by CITY to EMPLOYEE for any sick leave upon termination of employment.
- G. Moving Expenses. Upon hiring, CITY will reimburse EMPLOYEE for her expenses incurred in moving to Molalla, up to a maximum of Five Thousand Dollars (\$5,000.00). EMPLOYEE's moving expenses do not include the cost of temporary or permanent housing upon her arrival in Molalla.

SECTION V. RETIREMENT BENEFITS; HEALTH AND DENTAL INSURANCE.

- A. Retirement. CITY agrees to contribute into the Oregon Public Employees Retirement System on EMPLOYEE's behalf, an amount at least equal to that same percentage of salary contributed for the City's other management/professional employees. CITY will pay EMPLOYEE'S contribution to PERS.
- B. CITY agrees to provide coverage and make required premium payments for EMPLOYEE and her spouse and dependents for comprehensive medical and dental plans as provided in the City Personnel Policies.

SECTION VI. CIVIC MEMBERSHIP, PROFESSIONAL DEVELOPMENT AND EXPENSE.

- A. CITY recognizes the desirability of representation in and before local civic and other organizations, and the EMPLOYEE is authorized to become a member of local civic organizations, for which CITY shall pay membership expenses including the cost of meals. EMPLOYEE shall determine which civic organizations that she shall become a member of based on the benefits to the City and her duties. She will report her decision to the City for approval.
- B. To the extent funds are available and budgeted by the Council, CITY agrees to pay the professional dues and subscriptions of the EMPLOYEE appropriate for her continuation and full participation in national, regional, state and local associations and organizations necessary and desirable for her continued professional development, growth, and advancement, and to improve her performance in her duties as City Administrator of the City of Molalla.
- C. To the extent funds are available and budgeted by the Council, CITY agrees to pay the registration, travel, and subsistence expense of the EMPLOYEE for professional and

official travel, meetings, and occasions deemed necessary or desirable to continue the professional development of the EMPLOYEE and to adequately pursue necessary official functions of the City. Major expenses such as out of town attendance at meetings requiring lodging and meals shall be reviewed and be approved in advance by the Council.

- D. CITY recognizes that certain expenses are incurred by EMPLOYEE on behalf of the CITY and agrees to reimburse or pay reasonably necessary expenses upon receipt of appropriate documentation. An annual budget for expected expenses shall be set by the Council each year after consultation with EMPLOYEE and any expenses in excess of the budget or extraordinary expenses must be approved in advance by the City Council.

SECTION VII. INITIAL PERFORMANCE EVALUATION, ANNUAL GOAL-SETTING AND ANNUAL PERFORMANCE EVALUATION.

- A. The Mayor and City Council will evaluate the performance of the EMPLOYEE not later than April 17, 2012. If, as a result of this performance evaluation the Mayor and other members of the City Council determine EMPLOYEE's performance is unsatisfactory, the CITY shall have the right (but not the obligation) to terminate EMPLOYEE's employment and CITY will not, should EMPLOYEE's employment be terminated, then pay severance to EMPLOYEE.
- B. The Mayor and the City Council shall periodically identify concerns to EMPLOYEE either by informal discussions with EMPLOYEE or more formally. The City Council shall meet with EMPLOYEE at least once annually prior to April 17 for the purpose of setting City Council goals and priorities.
- C. After the initial performance evaluation described in subsection has been completed, the City Council and EMPLOYEE shall meet at least annually (and not later than February 15<sup>th</sup>) to evaluate and assess EMPLOYEE performance in meeting or progressing towards the goals formally adopted by the City Council and EMPLOYEE as well as the exercise of authority granted in Section I of this Agreement. These annual evaluations shall be in closed Executive Sessions, provided they are conducted consistent with Oregon's Public Meetings Law.
- D. In the event CITY determines that the performance of EMPLOYEE is unsatisfactory in any respect or needs significant improvement in any area, the Mayor and City Council shall describe these concerns in writing and in reasonable detail or with specific examples so as to be objective in nature.

SECTION VIII. GENERAL PROVISIONS.

- A. Professional Liability. CITY agrees to defend, hold harmless and indemnify EMPLOYEE from any and all demands, claims, suits, actions and legal proceedings brought against EMPLOYEE by a third party in her individual capacity, or in her official capacity as agent and employee of CITY, consistent with the terms of the Oregon Tort Claims Act (ORS 30.260 to 30.300).

- B. Nothing shall restrict the ability of CITY and EMPLOYEE to amend or adjust the terms of this Agreement. However, no amendment or adjustment shall be valid unless in writing and signed by both CITY and EMPLOYEE. EMPLOYEE reserves the right to discuss the terms of this Agreement with the City Council as a whole in either closed Executive Session or open Regular Session as state law allows and as EMPLOYEE deems appropriate.
- C. Severability. If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable and shall not be affected, and shall remain in full force and effect.
- D. Mediation. Should any dispute arise between the parties regarding the terms of this Agreement, the employment relationship created thereby or the terms of any Exhibit or work or services covered thereby, it is agreed that such dispute will be submitted to a mediator prior to arbitration. The parties shall exercise good faith efforts to select a mediator who shall be compensated equally by both parties. Mediation will be conducted in Portland, Oregon unless both parties agree otherwise. Both parties agree to exercise good faith efforts to resolve disputes covered by this section through this mediation process. If a party requests mediation and the other party fails to respond within ten days, or if the parties fail to agree on a mediator within ten days, a mediator shall be appointed by the presiding judge of the Clackamas County Circuit Court upon request of either party.
- E. Arbitration. In the event the parties have a dispute concerning the terms of this Agreement, the terms and conditions of the employment relationship or the violation of any federal, state or local law relating to the employment relationship (and they have not otherwise resolved the matter through the mediation process set out in subsection (D) above) then the dispute shall be resolved by arbitration in accordance with the then effective arbitration rules of (and by filing a claim with) the Arbitration Service of Portland, Inc., and judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof. Each party shall bear equally the expense of the arbitrator and all other expenses of conducting the arbitration. Each party shall bear its own expenses for witnesses, depositions and attorneys.
- F. No Third-Party Beneficiaries. This Agreement confers no benefits or imposes any duties on anyone other than CITY and EMPLOYEE.
- G. Integration. This Agreement contains the entire Agreement between the parties and supersedes all prior written or oral discussions or agreements regarding the same subject.
- H. Headings. The headings used in this Agreement are solely for convenience of reference, are not part of this Agreement, and are not to be considered in construing or interpreting this Agreement



SECTION IX. NOTICES

- A. Any notice or other communication required or permitted to be given under this agreement shall be in writing and shall be mailed by Certified Mail, Return Receipt Requested, postage prepaid, addressed to the parties as follows:

CITY Mayor  
City of Molalla  
117 N. Molalla Avenue  
Molalla, Oregon 97038

EMPLOYEE Ellen Barnes  
34518 Mutts Way  
Gold Beach, Oregon 97444


Either party may change such addresses from time to time by providing written notice to the other in the manner set forth above.

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice or alternative method where actual notice is shown. Notice shall be deemed given as of the date of personal service or as of the date of deposit of written notice with the United States Postal Service.

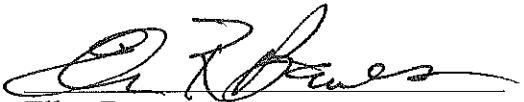
***[SIGNATURES ON FOLLOWING PAGE]***

IN WITNESS WHEREOF, the CITY OF MOLALLA, OREGON has caused this Agreement to be signed and executed by its Mayor and ELLEN BARNES has signed and executed this Agreement, both in duplicate, the day and year first written above.

For CITY:

  
\_\_\_\_\_  
Mike Clarke  
Mayor, City of Molalla

For EMPLOYEE:

  
\_\_\_\_\_  
Ellen Barnes  
Employee

# City Of Molalla

## City Council Meeting

### Agenda Category: Resolutions

**Subject:** Resolution 2012-22: A Resolution Establishing August 23<sup>rd</sup> 1913 as the Date of Incorporation of the City of Molalla and Repealing Resolution 2011-02

**Staff Recommendation:** Adopt the resolution.

**Date of Meeting to be Presented:** April 25, 2012

**Fiscal Impact:** N/A

**Background:**

On January 26, 2011, the Molalla City Council adopted Resolution 2011-02: A resolution establishing August 23<sup>rd</sup> 1913 as Molalla's birthday and establishing a centennial observance committee. Due to financial hardship, the City is unable to coordinate centennial celebrations. Molalla citizens have formed an association to take on the responsibility of planning, promoting and coordinating 2013 centennial celebrations for the City. Council has requested to repeal the resolution establishing the City-formed committee and wishes to recognize the citizen committee.

SUBMITTED BY: Ellen Barnes, City Manager

ADMIN USE ONLY

**Agenda Item**

**8.A**

ALL AGENDA ITEMS MUST BE SUBMITTED BY NOON THE WEDNESDAY BEFORE THE SCHEDULED COUNCIL MEETING. ALL ITEMS MUST BE SUBMITTED TO THE CITY MANAGER FOR CONSIDERATION.

**RESOLUTION NO. 2012 - 22**

**A RESOLUTION ESTABLISHING AUGUST 23<sup>RD</sup> 1913 AS THE DATE OF  
INCORPORATION OF THE CITY OF MOLALLA AND REPEALING RESOLUTION  
2011-02**

**WHEREAS:** It has been established from historical records that pursuant to a special election held on August 15, 1913, the people of Molalla voted 77 to 20 in favor of a proposal to incorporate Molalla as a city; and

**WHEREAS:** It has been further established that the County Court of Clackamas County, meeting on August 23, 1913, acknowledged the results of the special election and officially proclaimed the settlement of Molalla to be an incorporated city under the laws of the state of Oregon; and

**WHEREAS:** On January 26, 2011, the Molalla City Council adopted Resolution 2011-02 establishing August 23<sup>rd</sup>, 1913 as Molalla's birthday and establishing a centennial observance committee; and

**WHEREAS:** Due to recent financial hardship, the City of Molalla is unable to facilitate a centennial observance committee; and

**WHEREAS:** Molalla citizens have formed an association to organize, promote, and facilitate activities and events in recognition of Molalla's centennial anniversary.

**NOW, THEREFORE, THE CITY OF MOLALLA RESOLVES:** as follows:

1. That August 23, 1913 is hereby recognized as the date of incorporation of the City of Molalla.
2. That Resolution 2011-02 is hereby repealed.

Adopted by the City Council this \_\_\_\_ day of April, 2012.

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Mike Clarke  
Mayor

ATTEST:

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Sadie Cramer  
City Recorder

City of Molalla

RESOLUTION 2011-02

A RESOLUTION ESTABLISHING AUGUST 23<sup>RD</sup>, 1913 AS MOLALLA'S BIRTHDAY  
AND ESTABLISHING A CENTENNIAL OBSERVANCE COMMITTEE

WHEREAS, it has been established from historical records that pursuant to a special election held on Aug. 15, 1913, the people of Molalla voted 77 to 20 in favor of a proposal to incorporate Molalla as a city, and

WHEREAS, it has been further established that the County Court of Clackamas County, meeting on Aug. 23, 1913, acknowledged the results of the special election and officially proclaimed the settlement of Molalla to be an incorporated city under the laws of Oregon,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla that

1. Aug. 23, 1913 is hereby recognized as the date of incorporation of the City of Molalla.
2. A Centennial Observance Committee shall be organized under the direction of the mayor, whose members shall be recruited from the community at large, for the purpose of planning, raising funds and implementing a celebration on, but not limited to, Aug. 23, 2013, commemorating Molalla's 100<sup>th</sup> birthday as an incorporated city.
3. The City of Molalla shall provide financial support for the Centennial Observance in an amount to be approved by the Budget Committee and adopted by the City Council.
4. This resolution shall take effect upon adoption.

Approved by the City Council and the City of Molalla on this 26<sup>th</sup> day of January 2011.

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Mike Clarke, Mayor

ATTEST

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Sadie Cramer, City Recorder

# City Of Molalla

## City Council Meeting

### Agenda Category: Resolutions

**Subject:** Resolution 2012-23: A Resolution Recognizing Molalla Centennial 2013 As the Representative for the City in Connection with the 2013 Centennial

**Staff Recommendation:** Adopt the resolution.

**Date of Meeting to be Presented:** April 25, 2012

**Fiscal Impact:** None

**Background:**

During the March 28, 2012 Council meeting, Council heard a presentation from Molalla Centennial 2013, an unincorporated association, about the upcoming Molalla centennial celebration. The association prepared a resolution for council to consider. The resolution was modified slightly with suggestions from the city attorney. The association presented the modified resolution to Council. Council directed staff to add the resolution to the next council agenda for formal action.

SUBMITTED BY: Molalla Centennial 2013

APPROVED BY: Ellen Barnes, City Manager

ADMIN USE ONLY

**Agenda Item**

**8.B**

ALL AGENDA ITEMS MUST BE SUBMITTED BY NOON THE WEDNESDAY BEFORE THE SCHEDULED COUNCIL MEETING. ALL ITEMS MUST BE SUBMITTED TO THE CITY MANAGER FOR CONSIDERATION.

**RESOLUTION NO. 2012 - 23**

**A RESOLUTION RECOGNIZING MOLALLA CENTENNIAL 2013 AS THE REPRESENTATIVE FOR THE CITY IN CONNECTION WITH THE 2013 CENTENNIAL**

**WHEREAS:** The year 2013 marks the 100<sup>th</sup> anniversary of the incorporation of Molalla as a city, the arrival of the first steam train, and the first Wild West show (predecessor of the Molalla Buckeroo); and

**WHEREAS:** The City Council considers the anniversary year to be an appropriate time to celebrate the history and traditions of Molalla and to promote the City's cultural, recreational and commercial opportunities; and

**WHEREAS:** The City Council deems it appropriate to recognize a single organization to represent the City in coordinating various events in connection with the anniversary, including the creation of an appropriate trademark or logo with the exclusive rights to market items bearing that trademark or logo.

**NOW, THEREFORE, THE CITY OF MOLALLA RESOLVES:** as follows:

1. That the Molalla Centennial, an unincorporated association, of which Connie Farrens, Chairman; Dennis Stafford, Vice Chair; Mary Lynn Jacob, Secretary; and Debbie Rogge, Treasurer, is hereby recognized as the exclusive representative for the City in connection with the celebration of the Anniversary and is hereby authorized to adopt a trademark or logo for these purposes, which trademark or logo shall be recognized by the City as the official trademark or logo of the Anniversary celebration.
2. That Molalla Centennial 2013 is encouraged to market items bearing the trademark or logo, provided that all proceeds shall be used solely in connection with the Anniversary Celebration and that any funds remaining after October 1, 2013, shall be divided equally between and donated to the Molalla Historical Society and the Molalla Buckeroo (exclusively for restoration of its stagecoach).
3. That all organizations, schools, churches, service clubs, businesses and other entities wishing to participate in the Anniversary celebration and further the purposes listed above are urged to coordinate their activities with Molalla Centennial 2013 and to lend it their full support it commemorating this unique occasion.

Adopted by the City Council this \_\_\_\_ day of April, 2012.

---

Mike Clarke  
Mayor

ATTEST:

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Sadie Cramer  
City Recorder

# City Of Molalla

## City Council Meeting

### Agenda Category: Resolutions

**Subject:** Resolution 2012-24: A Resolution Adopting a Fee in Lieu of Parks Rate and Ratifying Previous Fee in Lieu of Parks Assessments

**Staff Recommendation:** Adopt the resolution.

**Date of Meeting to be Presented:** April 25, 2012

**Fiscal Impact:** Specific fiscal impact unknown. The rate will provide resources for the city to expand park space.

**Background:**

Section 18.16.090(2) of the Molalla Municipal Code establishes a fee in lieu of parks that may be charged to a development when no park space is identified to be required per the Parks and Recreation Master Plan. The amount of that fee must be set by Council via resolution.

SUBMITTED BY: Ellen Barnes, City Manager

ADMIN USE ONLY

**Agenda Item**

**8.C**

ALL AGENDA ITEMS MUST BE SUBMITTED BY NOON THE WEDNESDAY BEFORE THE SCHEDULED COUNCIL MEETING. ALL ITEMS MUST BE SUBMITTED TO THE CITY MANAGER FOR CONSIDERATION.



**RESOLUTION NO. 2012 - 24**

**A RESOLUTION ADOPTING A FEE IN LIEU OF PARKS RATE  
AND RATIFYING PREVIOUS FEE IN LIEU OF PARKS ASSESSMENTS**

**WHEREAS:** Section 18.16.090 of the Molalla Municipal Code requires new development to provide space for parks; and

**WHEREAS:** Section 18.16.090(2) of the Molalla Municipal Code authorizes charging a fee in lieu of parks charge when park space when no park space is identified to be required per the Parks and Recreation Master Plan; and

**WHEREAS:** Section 18.16.090(2) of the Molalla Municipal Code requires that the rate for the fee be set by City Council by resolution.

**NOW, THEREFORE, THE CITY OF MOLALLA RESOLVES:** as follows:

1. The fee in lieu of parks rate will be two (2) times the amount of the Parks System Development Charge (SDC) rate in effect at the time final plat is approved multiplied by the number of dwelling units in the development.
2. To ratify previous fee in lieu of parks fee assessments.

Adopted by the City Council this \_\_\_\_ day of April, 2012.

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Mike Clarke  
Mayor

ATTEST:

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Sadie Cramer  
City Recorder

- a. The builder shall provide required park space in locations required by the hearings body. The hearings body shall choose park locations that match up with existing or future park areas where possible. When extra land is available outside of the minimum lot requirements such land shall be made available for the City to purchase first if it would meet the park requirements of the Parks and Recreation Master Plan.
- b. When an adjacent property has developed or could develop where a park is required, park dedication will be required on property abutting the proposed area regardless of the development size.
- c. Where a path, designated by the Molalla Parks and Recreation Master Plan, is shown to go through a parcel and does not lie in a wetland then park space requirements shall be reduced by the amount of trail provided.

Where park space is used up entirely on a path area and no more park space is required for that parcel then the dedication of the remainder of the path space shall be dedicated to the City.

**2. Fee in Lieu of Parks.**

- a. The hearings body may require a fee in lieu of a park for the entire amount or a portion not provided in a development of required park space when no park space is identified to be required (per the Parks and Recreation Master Plan). If no park space is indicated in the Parks and Recreation Master Plan, the hearings body, shall determine whether park space or a fee in lieu of is required for a particular development.
  - b. Such fee shall be paid for any undeveloped portion of required park spaced dedication.
  - c. Such fee shall be set by City Council resolution.
  - d. The fee in lieu of shall be paid as follows:
    - i. One-third of the park fee is to be paid prior to signing off on the final plat.
    - ii. The remainder of the park fee is to be paid at time of building permit issuance.
  - e. The hearings body may choose to require work in lieu of payment at another park space with approval from the City Council. The work in lieu of shall be based on the cost of the park in lieu of fee.
- B. If improvements to a pre-existing park within the area identified for park improvements in the Parks and Recreation Master Plan for the development, then such improvements shall be required in lieu of a in lieu of fee or park dedication.
- C. Wetland and other open space shall only count for 20% of the park needs as calculated in subsection (A)(1).
- D. Gazebos shall be placed in parks where feasible. Electricity shall be supplied where feasible. (Ord. 2010-15 §1; Ord. 2010-04 §1)

**18.16.100 Sanitary sewer and water service improvements.**

- A. **Sewers and Water Mains Required.** Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Sanitary Sewer Master Plan, Water System Master Plan, and the applicable construction specifications.