



Minutes of the Molalla City Council Meeting

**Molalla Civic Center
315 Kennel Ave., Molalla, OR 97038
October 25, 2023**

CALL TO ORDER

The Molalla City Council Meeting of October 25, 2023 was called to order by Mayor Scott Keyser at 7:00pm.

COUNCIL ATTENDANCE

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

STAFF IN ATTENDANCE

Dan Huff, City Manager; Christie Teets, City Recorder; Mac Corthell, Community Development Director; and Chris Long, Police Chief.

APPROVAL OF AGENDA

Approved as presented.

PRESENTATIONS, PROCLAMATIONS, CEREMONIES

A. Police Officer Swearing-In

Chief Long read the Police Officer Code of Ethics to Officers Justin Brenner and Luke Starr, followed by the swearing in ceremony performed by Mayor Keyser.

CONSENT AGENDA

- A. Work Session Meeting Minutes – October 10, 2023
- B. City Council Meeting Minutes – October 10, 2023
- C. TMDL (Total Maximum Daily Load) Implementation Plan – Update

ACTION:

Councilor Robles moved to approve the Consent Agenda; Councilor Vermillion seconded. Motion passed 7-0.

AYES: Vermillion, Shankle, Childress, Newland, Robles, Botsford, and Keyser.

NAYS: 0

ABSENTIONS: 0

EXECUTIVE SESSION ANNOUNCEMENT

Mayor Keyser made an announcement regarding the need to hold an Executive Session, prior to the regular Council meeting. The meeting was held pursuant to Oregon Public Record Law, 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.

Mayor Keyser asked Assistant City Manager Corthell for the staff report. (See Meeting Minute Attachment #1) Briefly, City staff is asking for Council's approval or denial to allow full Occupancy of the development at 1000 W Main prior to completion of ODOT required improvements on OR 211.

ACTION

Councilor President Newland moved to direct the City Manager to prepare and sign the proposed agreement; Councilor Childress seconded. Motion passed 7-0.

AYES: Vermillion, Shankle, Childress, Newland, Robles, Botsford, and Keyser.

NAYS: 0

ABSENTIONS: 0

PUBLIC COMMENT

- Char Pennie, Molalla resident, spoke in support of Measure 3-602, Supporting a Bond for a new Police Station. (See Meeting Minute Attachment #2)
- David Potts, Molalla resident, spoke in support of Measure 3-602. (See Meeting Minute Attachment #3)
- Ashley Borowczak, Molalla resident, submitted a letter regarding a recent Facebook Live video that Mayor Keyser posted. (See Meeting Minute Attachment #4)
- Lynette Boutelle, Molalla resident, submitted a letter regarding Councilor Childress' ethics violation. (See Meeting Minute Attachment #6)

PUBLIC HEARINGS

None.

ORDINANCES AND RESOLUTIONS

None.

GENERAL BUSINESS

None.

STAFF COMMUNICATION

- Police Chief Long shared that on Saturday October 20, 2023, the Molalla Police Department arrested a twenty-year-old male after receiving information he was possibly selling narcotics to high school students. A search warrant was written on the suspects' vehicle and cocaine, LSD, MDMA, Xanax, codeine, psilocybin mushrooms, marijuana, marijuana vape oil, and a loaded firearm were seized as evidence. The suspect was lodged at the Clackamas County Jail and is being charged with two counts of distribution of a controlled substance, unlawful possession of a controlled substance, unlawful possession of marijuana by a person under 21 years of age, and unlawful possession of a firearm. Chief Long shared that this was a result of someone that saw something and reported it, therefore leading to the investigation and arrest.
- Assistant City Manager Corthell had nothing to report.
- City Recorder Teets had nothing to report.
- City Manager Huff shared a memo with Council from the League of Oregon Cities, seeking volunteers for committees. (See Meeting Minute Attachment #6)

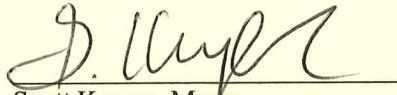
COUNCIL COMMUNICATION

- Councilor Botsford shared that her experience attending the LOC Conference as a new Councilor was a very good one. She feels that Molalla is very well informed about government, codes and ordinances
- Councilor Vermillion was unable to attend the Conference and extended his thanks to ACM Corthell for going in his place. He also announced Molalla Fire Department's upcoming Operation Santa Claus Parade.
- Councilor Robles thanked Chief Long and his officers for the dedication to keeping our community safe. She feels it is a privilege to live in a community that is highly protected by its officers.
- Councilor Shankle announced the upcoming Downtown Trick-or-Treat event that will take place on Halloween, an encouraged families to attend.
- Councilor Childress made the following statement, "During the April 27, 2022, Council meeting, I failed to properly announce an actual conflict of interest concerning Molalla HOPE's request for a lease. I self-reported to the State Ethics Commission. I agreed to the terms of the Stipulated Final Order. In lieu of a civil penalty, I have received a letter of education." She also announced that October is National Domestic Violence Awareness Month and provided the number to the hotline at 800-799-SAFE(7233).
- Council President Newland thanked Councilor Childress for the opportunity to announce that one of the features in the new Police Station that may be built is a safety vestibule for people to escape to if they are in need of a safe room. They can go in and lock the doors behind them and then call the Police from the inside. She also announced that there would not be a Parks CPC meeting in November, that they would reconvene in December.
- Mayor Keyser shared his experience at the LOC Conference, stating that City Councilors attended different classes. A class was provided for City Managers and Mayors to attend together. He very much appreciates the rapport he has with City Manager Huff. He also appreciated the time that Council and staff were able to spend together over dinner, talking and collaborating.

For the complete video account of the City Council Meeting, please go to YouTube
"Molalla City Council Meetings – October 25, 2023"

ADJOURN

Mayor Keyser adjourned the meeting at 7:34pm.



Scott Keyser, Mayor

11/8/23
Date

ATTEST:



Christie Teets, City Recorder

Minute Attachments:

1. Staff Report – Development Agreement for 1000 W. Main (Executive Session discussion)
2. Public Comment, Char Pennie
3. Public Comment, David Potts
4. Public Comment, Ashley Borowczak
5. Public Comment, Lynette Boutelle
6. LOC Policy Committees, Dan Huff



CITY OF MOLALLA

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

Staff Report

Agenda Category: General Business

Date Presented: October 25, 2023

From: Mac Corthell, Assistant City Manager
Approved by: Dan Huff, City Manager

SUBJECT: Development Agreement – 1000 W Main St

FISCAL IMPACT: None.

RECOMMENDATION/RECOMMEND MOTION: None.

BACKGROUND:

City Staff is asking for Council's approval or denial to allow full Occupancy of the development at 1000 W Main prior to completion of ODOT required improvements on OR-211. This is not request that staff would typically consider, much less elevate to the Council, but has chosen to in this case for a number of reasons:

1. The well known, and ongoing difficulties and delays with the ODOT development process;
2. The costs associated with ODOT delays visited upon Molalla developers;
3. The long-term neglect of OR-211 by ODOT, that has only been improved by Molalla developers for some time;
4. The substantial financial guarantees for improvements beyond the scope of those required in the land use process;
5. The desire to provide a fair and reasonable development process to those doing business in Molalla.

If Approved: Prior to occupancy of 1000 W Main, staff will obtain at least 110% bonding for the ODOT improvements required for both 1000 W Main and 105 S Ona Way, and a fairly substantial set of voluntary improvements on OR-211 that the developer has agreed to make (sidewalk along the north side of OR-211 from terminus near Hezzie Ln to halfway between Ona Way and Industrial Way; sidewalk infill in front of church next to Stone Place Apartments; all associated ADA Ramps and stormwater upgrades; and the North intersection of OR-211 and Ona Way).

So, if the developer does not complete the required improvements, or does not move forward with phase 2 at 105 S Ona Way, the developer – through their bond, would still pay for completion of all three sets of improvements along OR-211 (required for 1000 W Main, required for 105 S Ona Way, and voluntary).

If Denied: The developer will experience a \$100,000 per month penalty starting in November.

CHAR PENNIE - 10/25/23

Good evening, Mayor, and City Council Members

I would like to speak out in support of Bond Measure 3-602. For those that are still on the fence about how important this bond is here are some statistics:

There are currently 17 active police officers in Molalla.

The day shift consists of 2 patrol officers, 1 Sergeant & 1 Student Resource Officer

The night shift consists of 2 patrol officers & 1 Sergeant

The police station was built in 1970's when the population of Molalla was 2,000.

Since that time the city has grown to over 10,000.

The national average number of officers per citizen should be 2.4 per 1,000 so technically we should have a total of 24 officers. We are already 7 officers below the national average for our population of 10,000. Our current location is not sufficient for even the average numbers of officers the city needs.

PSU did a 20-year study (in 2022) regarding housing needs for Molalla. The estimated growth projection would see an increase of 5,560 citizens by 2042 making our population growth an average of 755 citizens per year. I personally believe that number is low. Just look at the current construction happening in our city. Who are all those apartment buildings for?

We need this facility to protect our small town feel and keep our streets safe. Once criminals hear that we do not have enough officers to enforce the law you will see an influx of criminal behavior. We know we already have drug houses in Molalla. I understand there have always been drugs in Molalla.

However, for whatever reason it has not affected the safety on your streets. Kids are still able to go outside and play in their yards and ride their bikes through town. If you can imagine a dystopian future of drugs, crime and homeless you would envision Portland, where kids aren't even allowed out in their own front yards.

I have been told on FB that I am fear mongering. Say whatever you wish, I have lived in the *"Belly of The Beast"* known as Portland and I have seen how things can deteriorate in several years when good people stand by and just watch.

Please vote yes on Bond Measure 3-602!



DAVID POTTS– 10/25/23 – CITY TESTIMONY IN SUPPORT OF BOND MEASURE 3-602

Protecting Molalla's quality of life is an inherent value most Molalla residents share. Public safety is prioritized to keep our streets and neighborhoods safe. Providing a safe and adequate police station will promote Molalla as a place that values community safety.

The Molalla Police Department and City Hall have shared the same building since early 1970's when the population of Molalla was approximately 2,000. Today's population is a little over 10,000 people. There is not room in the current building for staff workspace, let alone secure storage for arms and evidence.

Currently, the Molalla Police Department operates without adequate headquarters. The space our police work from now is not appropriate for booking and processing offenders. Police currently have limited, shared desk space to fill out necessary paperwork in the office. Officers do not have adequate lockers, showers or changing facilities. Security needs currently exceed capacity, and there is no room for on-site training or community meetings.

There is no secure temporary holding facility in Molalla, which causes safety concerns when dealing with violent offenders. Molalla is losing officer time and weakening our law enforcement capacity as a result. There is no secure police parking lot or protected garage.

The planned police station would allow us to use our limited police force capacity to maximum effect, increase efficiency and improve our support for the sworn officers who serve our community.

This increased capacity would enable Molalla to have an emergency coordinating center with capacity for wildfire response and other natural disasters.

I urge you to vote yes for Bond Measure 3-602

From: [Christie Teets](#)
To: [Dan Huff](#)
Cc: [Christie Teets](#)
Subject: FW: Facebook live bully session
Date: Wednesday, October 25, 2023 12:17:48 PM

Good Afternoon City Council,

I have received the following Public Comment. I will not be reading any messages received at tonight's meeting, however, all items will be announced and placed in the final packet/meeting minutes.

City Councilors are blind copied as to not create a serial meeting.

Best,

Christie Teets, CMC

City Recorder

Phone: 503.759.0285 | Fax: 503.829.3676

www.cityofmolalla.com



DISCLOSURE NOTICE: This email is official business of the City of Molalla and is subject to Oregon Public Records Law.

From: Ashley Borowczak <ashleyborowczak@yahoo.com>
Sent: Wednesday, October 25, 2023 11:51 AM
To: City Recorder <recorder@cityofmolalla.com>
Subject: Facebook live bully session

Dear City Counsel and whom ever else it concerns,

My name is Ashley Starr (Borowczak), I was born and raised in Molalla and moved back a few years ago to raise my family in the wonderful city and community I was proud to grow up in and loved to call my home.

Mr. Mayors statements during his fact sharing session:

"Get off your keyboard and lets go have a beer"

"Ms. Lefever throws up a bunch of crap"

"You guys want to play games, keep poking the bear. Keep playing games and win stupid prizes, thats my motto and everyone should learn from it"

"I put up with so much of this crap"

"If you guys want to be a business in this community you should learn to get along"

"This shit ain't worth it"

My first question is, What bear is Mr. Mayor talking about poking? and what "stupid" prizes will business owners be getting when they play games? Does the city treat those businesses differently based on who owns the business or does the business have to pay more money when they play those "games"? Im just trying to understand the fee schedule of those "games".

I don't actually care about the issue the mayor chose to do a facebook live session for, I will start off by saying that. What seems odd to me though is that our Mayor decided to go on a facebook live like this, to read the "facts" of the matter and clear up some miss information being stated online, and he states during this live how much of a waste of time this is and how he could be spending time with his family but then proceeds to go on and on about his personal opinions about the issue at hand and creating this hostile and "I'm the boss" bully environment. The quotes above are verbatim what the mayor stated during his rant and not something I would expect the mayor to say to his community members during a facebook live session that, again, states multiple times how much a waste of time all this drama is.

The divide he created (and feeds) instead of stating the facts and making sure the city is informed correctly, is disgusting and not something that we should see from our mayor, being the voice of our beloved city and my home. Mr. Mayor's threatening and bully behavior in this video is something he should be ashamed of and embarrassed. I understand the person/families who he is talking about did not explain the situation very well, unfortunately they do not hold the position he does, of mayor and the behavior against them by our mayor, again is something he should be ashamed of. He didn't create this drama, and it's such a waste of his time but yet he feels the need to make a video of the "shit that ain't worth it" (his words) and then proceed to bash the community members and businesses.

State the facts, that is all he should have done and ended the session if he didn't want the "Drama. I am assuming he received the information on the piece of paper he is holding from the City (if not apologies for assuming) but, I do hope the city counsel does not hold these same opinions and values as the mayor, nor condones his behavior towards his city and its community members. I would get off my keyboard and go to the meeting but my family commitments are preventing me from being there to read this out loud myself.

What he did and said was not right.

Thank you.

Ashley Starr

From: [Christie Teets](#)
To: [Dan Huff](#)
Cc: [Christie Teets](#)
Subject: FW: Public Comment for Today's Council Meeting
Date: Wednesday, October 25, 2023 4:13:48 PM

Good Afternoon City Council,

I have received the following Public Comment. I will not be reading any messages received at tonight's meeting, however, all items will be announced and placed in the final packet/meeting minutes.

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Best,

Christie Teets, CMC

City Recorder

Phone: 503.759.0285 | Fax: 503.829.3676

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DISCLOSURE NOTICE: This email is official business of the City of Molalla and is subject to Oregon Public Records Law.

From: Lynette Boutelle <lynetteboutelle@gmail.com>
Sent: Wednesday, October 25, 2023 2:46 PM
To: City Recorder <recorder@cityofmolalla.com>
Subject: Public Comment for Today's Council Meeting

So sorry I am submitting this post Noon, I just found out I won't be making the meeting in person. I hope this gets in but understand if it does not.

My Public Comment:

My name is Lynette Boutelle, I live in what's considered "Downtown Molalla". My comment is directed to Councilor Childress. You by your own request asked what would constitute an ethics

violation in Advice Number 20-015I. Within 3 years of being advised, you have been found guilty of committing an ethics violation in the Final Order of the Ethics Commission, document 23-09EHM. You have created a lot of distrust, fret, and hostility as well as a deterioration of morale and an increase of Individuals whom we cannot help, within our town for your benefit and so I ask you to step down as City Councilor. Thank you.

--

Lynette Boutelle

On Saturday October 20th the Molalla Police Department arrested a twenty-year-old male after receiving information he was possibly selling narcotics to high school students.

A search warrant was written on the suspects' vehicle and Cocaine, LSD, MDMA, Xanax, Codeine, Psilocybin Mushrooms, Marijuana, Marijuana Vape Oil and a loaded firearm were seized as evidence.

The suspect was lodged at the Clackamas County Jail and is being charged with 2 counts of Distribution of a controlled substance, Unlawful possession of a controlled substance, unlawful possession of Marijuana by a person under 21 years of age, and unlawful possession of a firearm.

From: [Dan Huff](#)
To: [Christie Teets](#)
Subject: FW: LOC Policy Committees - Coming Up Short of Applicants in Region 3 - Particularly Smaller Cities
Date: Tuesday, October 24, 2023 11:57:57 AM

I want to bring this up with Council tomorrow night.

From: Patty Mulvihill <pmulvihill@orcities.org>
Sent: Tuesday, October 24, 2023 10:05 AM
To: Dan Huff <dhuff@cityofmolalla.com>
Subject: LOC Policy Committees - Coming Up Short of Applicants in Region 3 - Particularly Smaller Cities

Dan,

I'm emailing to see if you, any member of your council (perhaps your Mayor), other staff, or even regional colleagues have any interest in serving on one of the seven policy committees? Staff pulled a list of applicants for me today, as the application period closes next Tuesday, and I only have a handful of people from Region 3 (particularly smaller cities in Region 3), who have applied. With the number of issues facing those of in the northern portions of the Valley, particularly those that are almost directly adjacent to the metro region, I'm slightly concerned its voice may not be fully included in the policy committee discussions, which could impact the policies that are pursued by the LOC during the 2025 and 2026 legislative sessions.

I know you personally are incredibly busy with your professional and personal life. But it's important to me that your region have a strong seat at the LOC legislative positioning table, and I wanted to reach out to see if you have any time to spare to serve on one of these committees – or time to encourage others in your region to apply to serve.

The seven policy committees include:

- Broadband, Cybersecurity & Telecommunications Policy Committee.
- Community & Economic Development Policy Committee.
- Energy & Environment Policy Committee.
- Finance & Taxation Policy Committee.
- General Government Policy Committee.
- Transportation Policy Committee.
- Water & Wastewater Policy Committee.

Policy committees will have three to six meetings from March to June of 2024. All meetings are held virtually, and typically last no more than 2 hours.

You can access the application [here](#).

Should you have questions about any of the policy committees, please feel free to contact LOC's Legislative Director Jim McCauley. Jim can be reached at jmccauley@orcities.org or at 971.428.7274.

Thanks,
Patty



Patty Mulvihill, Executive Director

503-588-6550 cell: 971-428-7271

1201 Court St. NE, Suite 200, Salem, OR 97301-4194

www.orcities.org

