



AGENDA

MOLALLA CITY COUNCIL MEETING
October 28, 2020
7:00 PM
Molalla Adult Center
315 Kennel Ave, Molalla, OR 97038

Mayor Keith Swigart

Council President Leota Childress
Councilor Elizabeth Klein
Councilor DeLise Palumbo

Councilor Terry Shankle
Councilor Jody Newland
Councilor Crystal Robles

MEETING NOTICE: Due to health concerns of COVID-19, this City Council Meeting will be held in accordance with Governor Brown's Executive Order 20-25. Council Chambers is limited to 50 people.

The On-Demand replay of the Molalla City Council Meetings are available on Facebook at "Molalla City Council Meetings – LIVE" and "Molalla City Council Meetings" on Youtube.

1. CALL TO ORDER AND ROLL CALL

2. FLAG SALUTE

3. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

- A. Economic Development CPC (Community Program Committee) Application (Corthell)

4. PUBLIC COMMENT

(Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Council does not generally engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Council.)

- A. Scott Keyser, Molalla Resident – Letter submitted
B. Dan Huff, City Manager – Response to public comment

5. APPROVAL OF THE AGENDA

6. CONSENT AGENDA

- A. Meeting Minutes – October 14, 2020

7. PUBLIC HEARINGS

8. ORDINANCES AND RESOLUTIONS

- A. Resolution No. 2020-22: Adopting Supplemental Budget FY20-21 (Seifried)
B. Resolution No. 2020-23: Establishing Public Works Administrative Fees as Approved by Molalla Municipal Code Chapters 12.16, 13.04, 13.08, 13.13, and 21.70 (Fisher)

9. GENERAL BUSINESS

- A. Oregon Accreditation Alliance – Molalla Police Department (Schoenfeld)
B. Dollar General Transportation SDC – Old Business (Fisher)

10. REPORTS

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

11. ADJOURN

Agenda posted at City Hall, Library, and the City Website at <http://www.cityofmolalla.com/meetings>. This meeting location is wheelchair accessible. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-829-6855.

City of Molalla

City Council Meeting



Agenda Category: Presentations

Subject: Economic Development CPC (Community Program Committee) Appointment

Recommendation: Appoint CPC Member

Date of Meeting to be Presented: October 28, 2020

Fiscal Impact: N/A

Background:

Mr. Brad Berzinski has submitted the following Application for Appointment to a Citizen Committee, to be considered for the Economic Development CPC.

Recommendation: Review and Appoint.

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



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

Date: **10/15/2020**

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

Name: Brad Berzinski

Address: Molalla

State/Province: OR Zip/Postal Code: 97038

Home Phone: _____ Work Phone: _____

*E-Mail: _____

Current or Previous Community Affiliations or Activities:

Career educator as a teacher, coach, and administrator. Current role of Molalla High School. Previous experience with Molalla Area visioning process and similar experience in previous hometown with visioning process and grassroots initiatives.

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

Personal investment in the success of the Molalla community. Building partnerships between the city, school district, and community members.

If applying for re-appointment to this Committee/Board/Commission/Council/Task Force, please indicate what has been the key accomplishment of the group during your service.

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

I believe this is a newly formed committee so I do not have feedback on areas for improvement.

*Signature:

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

REV: 01114n09 Citu11App/Ital/on City Record.r

From: [Christie DeSantis](#)
To: [keyserformayor](#)
Subject: RE: Next Council Meeting.
Date: Thursday, October 22, 2020 10:13:27 AM

Scott,

Your public comment has been received and will be submitted for public comment at the next Council meeting.

Christie DeSantis

City Recorder
117 N Molalla Ave. | PO Box 248 | Molalla, OR 97038
Phone: 503.829.6855 | Direct Line: 503.759.0285
Fax: 503.829.3676



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From: keyserformayor <keyserformayor@gmail.com>
Sent: Wednesday, October 21, 2020 9:00 PM
To: Christie DeSantis <cdesantis@cityofmolalla.com>
Subject: Next Council Meeting.

Could you please read this during council meeting.
Thank you.

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

I write this letter in regards to the last city council meeting, October 14th, 2020. In this meeting, City Manager Huff boasted the City had shut off water to Columbia Hemp Trading Coompany. First of all I find it incredibly unprofessional of the city to announce this. Second, we were told the city had a moratorium on shutting off water service due to Covid. My next issue is with Council President Childress who shared the city manager's boast on her campaign page.

I feel that both City Manager Huff and Council President Childress owe Columbia Hemp Trading Company a formal apology. That information should be kept in confidence, and the buisness should have never had their service shut off, especially right after the evacuations the city went through.

Sincerely,
Scott Keyser
Mayoral Candidate

Sent from my Sprint Samsung Galaxy S10+.



Administration – City Manager

117 N Molalla Avenue

PO Box 248

Molalla, Oregon 97038

Phone: (503) 829-6855

Fax: (503) 829-3676

October 22, 2020

RE: Public Comment Received

Mayor and Council,

Each of you will find the attached e-mail from Mr. Scott Keyser that he asked to be read into the record for Public Comment.

Public Comment states *“Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Council does not generally engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Council.”*

Because this issue was received prior to Council Packet preparation this issue has been referred to the City Manager and I have prepared the following response to Mr. Keyser:

Mr. Keyser states in his letter on October 21, 2020 that I “boasted the City had shut off water to Columbia Hemp Trading Company”. Because I believe this statement to be untrue, my staff and I reviewed the video from the October 14th meeting and find no evidence that I made that statement let alone “boasted” about making that statement.

Public comments were made by a resident to Council regarding noise and odor complaints emanating from CHTC. When asked by Councilor Newland about the status of where we (the City) were with CHTC, I replied with two statements; one regarding CHTC’s delayed municipal court process due to COVID-19, and that DEQ had issued CHTC a violation order for odor emission. Under no circumstances was water service or any other issued raised in reference to CHTC.

Throughout the course of that Council meeting, there was zero conversation between City Staff or Council regarding CHTC’s water service account. Video footage of October 14th City Council meeting is available on the City’s Facebook Page and YouTube.

Mr. Keyser also mentioned a “moratorium on shutting off water service due to Covid”.

The City of Molalla may turn off a water account for several reasons, not just for non-payment. However, none of those reasons are publicly discussed, nor have they been.

Mr. Keyser feels that 'both City Manager Huff and Council President Childress owe Columbia Hemp Trading Company a formal apology'. However, apologizing to someone for something that did not occur is unnecessary.

Conversely, I believe it is important to note that I believe CHTC owes the citizens of Molalla an apology.

At the October 23, 2019 City Council meeting, Mr. Jacob Crabtree introduced himself to Council, as the CEO of Columbia Hemp Trading Company.

At that point, the City had already begun to receive noise and odor complaints regarding the hemp company.

Mr. Crabtree stated to Council that he was aware of complaints and that he had been in constant contact with the City. He stated that he had a team of engineers working on odor concerns, and that the team was completing upgrades to the facility now.

He explained to Council that manufacturing season would take place from August through mid-November, and once they were finished, they would begin commissioning odor controls. CHTC planned to do that by adding covers to the steam stacks in December.

Councilor Klein asked if there would be enough time to make the upgrades before the next season began. Mr. Crabtree stated that from December (2019) through August (2020) was "absolutely" enough time, that he has eight engineers onsite every day. Mr. Crabtree also stated that the primary objective was to place carbon filters on site.

In February, the City hosted a hearing at City Hall due to the ongoing noise and odor complaints coming from CHTC. Over one hundred twenty citizens came to the meeting to speak in opposition of the odor and noise.

Since CHTC began manufacturing in August, the City has received over one hundred ten (110) odor and noise complaints.

It is unclear to me why Mr. Keyser feels that an apology is owed. Again, I will not apologize for something that I did not do and never happened. Especially when my staff and myself are working tirelessly to improve livability conditions for the citizens of Molalla.

Dan Huff
City Manager



Minutes of the Molalla City Council Regular Meeting

Molalla Adult Community Center
315 Kennel Ave., Molalla, OR 97038
October 12, 2020

1. CALL TO ORDER AND FLAG SALUTE

The Molalla City Council Meeting of DATE was called to order by Mayor Keith Swigart at TIME.

2. ROLL CALL

COUNCIL ATTENDANCE:

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

STAFF IN ATTENDANCE

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

3. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

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

Ken Fetters, Culture and Arts CPC Chair made a follow-up presentation to Council regarding paint colors for Long Parks gazebo. Council made a selection and approved the Culture and Arts Committee to move forward with painting. Mr. Fetters acknowledged that the Rotary Club will be assisting with painting. Councilors expressed their appreciation.

4. PUBLIC COMMENT

Michael Carr, Molalla resident, shared his concerns regarding CHTC.

Doris Schnell, Molalla resident, pleading with the City to come up with an immediate solution to working with CHTC to control noise and odor.

Tia Call, Molalla resident, noise and odor concerns as the hemp plant is directly next to a school.

City Manager Huff explained that the City's process with CHTC has slowed due to COVID-19 restrictions. Since that time DEQ has issued a violation order.

City Recorder DeSantis requested that the community visit the City's website to submit an Odor Complaint form. There are two forms available; one for the City, one for DEQ.

5. APPROVAL OF THE AGENDA

Approved as presented.

6. CONSENT AGENDA

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

A motion was made by Councilor Newland to approve the Consent Agenda, seconded by Councilor Klein. Voting Aye: Mayor Swigart, Council President Childress, Councilor Klein, Councilor Shankle, Councilor Newland and Councilor Robles. Voting No: none. Vote passed 6-0.

7. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

8. GENERAL BUSINESS

- A. Economic Development Community Program Committee

Mr. Huff revisited the Economic Development CPC and its function with Council and staff. Mr. Robert Thompson has submitted an application for the committee and would like to be considered. Councilor Newland read his application for the public.

A motion was made by Council President Childress to appoint Mr. Thompson to the Economic Development CPC, seconded by Councilor Newland. Voting Aye: Mayor Swigart, Council President Childress, Councilor Klein, Councilor Shankle, Councilor Newland and Councilor Robles. Voting No: none. Vote passed 6-0.

Mr. Huff stated that a liaison from Council needs to be appointed to this committee, as well.

A motion was made by Councilor Shankle to appoint Councilor Klein to the Economic Development CPC, seconded by Council President Childress. Voting Aye: Mayor Swigart, Council President Childress, Councilor Klein, Councilor Shankle, Councilor Newland and Councilor Robles. Voting No: none. Vote passed 6-0.

- B. Crosswalk Maintenance Agreement

Public Works Director Fisher presented an Intergovernment Agreement with ODOT to Council that will allow the City to provide maintenance to N. Cole Avenue to Kennel Avenue. These streets would normally fall into ODOT's jurisdiction as they are located on Hwy. 211.

A motion was made by Councilor Klein, authorizing the City Manager to enter into an Intergovernmental Agreement with ODOT, for crosswalk maintenance. Seconded by Councilor Shankle. Voting Aye: Mayor Swigart, Council President Childress, Councilor Klein, Councilor Shankle, Councilor Newland and Councilor Robles. Voting No: none. Vote passed 6-0.

- C. Dollar General Transportation SDC

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

After much discussion, Mayor Swigart requested that this issue be brought back to Council on the October 28, 2020 meeting.

9. REPORTS

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

City Recorder DeSantis had nothing to report.

Planning Director Corthell had nothing to report. He plans to start implementing a Planning Director report similar to what the Public Works Director presents.

Finance Director Seifried shared that the last water bill that went to customers reflected an error. The error has been corrected and a letter of explanation is being sent to citizens.

Public Works Director Fisher shared his current project report.

City Manager Huff reminded Council that this week is the League of Oregon Cities conference. The conference is being held virtually this year, due to COVID-19. Mr. Huff also shared that he is participating in a Regional Solutions Team for natural disasters and recovery. This group is a result of the recent wildfires.

Mayor Swigart was pleased to know that the concerns he expressed to Clackamas County regarding the wildfires did not go unnoticed.

President Childress announced that a Trash Day will be held Friday and Saturday, Oct. 16-17.

Councilor Klein is attending the League of Oregon Cities conference. She was interested in the Awards Ceremony that they held, and suggested that our city look into applying next year.

Councilor Shankle announced that Emergency Business Grants will be awarded to twenty local businesses. These funds are from the State of Oregon's COVID Relief Fund.

Councilor Newland had nothing to report.

Councilor Robles had nothing to report.

10. ADJOURN

11. RECESS INTO EXECUTIVE SESSION

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

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

Mayor Swigart recessed the Council into Executive Session at 8:47pm.

12. RECONVENE REGULAR SESSION

Regular Session reconvened at 9:14pm.

13. ADJOURN

A motion was made by Councilor Klein to adjourn, seconded by Councilor Newland. Voting Aye: Mayor Swigart, Council President Childress, Councilor Klein, Councilor Shankle, Councilor Newland and Councilor Robles. Voting No: none. Vote passed 6-0.

Meeting adjourned at 9:14pm.

Keith Swigart, Mayor

Date

ATTEST: _____
Christie DeSantis, City Recorder

DRAFT

DEQ

Chapter 467 - Noise Control

467.100 Local regulation of noise sources; exemption from state enforcement; rules. - this chapter, in order to protect the health, safety and welfare of its citizens, a city or county may adopt and enforce noise ordinances or noise standards otherwise permitted by law. A city or county may also adopt such standards for a class of activity exempted by the commission or noise emission sources not regulated by the commission.

(2) The commission may by rule withdraw from enforcement any or all of its rules or standards adopted pursuant to this chapter within the boundaries of any city or county, if the commission finds such city or county:

(a) Has adopted noise standards that are at least as stringent as and no less protective than those standards adopted by the state; and

(b) Has a program of active enforcement of such standards which, in the commission's view, is at least as protective of the public health, safety and welfare as would be the enforcement provided by the department.

(3) The commission may modify or repeal such a rule as is made in accordance with subsection (2) of this section with regard to any particular city or county if it finds material change in any of the circumstances relied upon by the commission in making such rule. Such rulemaking shall be in conformance with the provisions of ORS chapter 183.

(4) Nothing in this section is intended to preclude contractual arrangements between a city or county and a state agency for services provided for the enforcement of state or local noise emission control standards. [1977 c.511 §4]

Clackamas County

6.05 NOISE CONTROL 6.05.010 Declaration Of Findings And Policy The Board of Commissioners for Clackamas County finds that excessive sound can and does constitute a hazard to the health, safety, welfare, and quality of life of residents of the County. While certain activities essential to the economic, social, political, educational and technical advancements of the citizens of the County necessarily require the production of sounds which may offend, disrupt, intrude or otherwise create hardship among the citizenry, the Board is obliged to impose some limitation and regulation upon the production of excessive sound as will reduce the deleterious effects thereof. Now, therefore, it is the policy of this Board to prevent and regulate excessive sound wherever it is deemed to be harmful to the health, safety, welfare, and quality of life of citizens of Clackamas County. This chapter shall be liberally construed to effectuate that purpose. [Codified by Ord. 05-2000, 7/13/00]

6.05.030 Sound Measurement

A. Measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. For purposes of this chapter, a sound level meter shall contain at least an A weighted scale, and both fast and slow meter response capability.

B. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.

C. Measurements may only be made at, or within, three (3) feet of a window or door of a noise sensitive unit, occupied by a person making a complaint under this chapter.

D. All measurements made pursuant to this chapter shall comply with the provisions of this section.

[Codified by Ord. 05-2000, 7/13/00]

6.05.040 Prohibitions

A. It shall be a violation of this chapter for any person to produce or permit to be produced, from a sound source either owned and operated by them or under their control, sound which, when measured at or within three feet of a window or door of a noise sensitive unit occupied by a person making a complaint under this chapter, exceeds:

1. 50 dBA at any time between 10 p.m. and 7 a.m. the following day; or,
2. 60 dBA at any time between 7 a.m. and 10 p.m. the same day.

6.05.050 Exceptions

F. Sounds caused by industrial, commercial, timber-harvesting, or utility organizations or workers during their normal operations (what are the normal operations of CHTC?)

9.13.010 Declaration of purpose.

The City Council has determined that excessive sound is a serious hazard to the public health, welfare and the quality of life and it shall be the policy of the City of Molalla to prevent excessive sound which may jeopardize the health, welfare and safety to citizens or degrade the quality of life. (Ord. 2003-02 §1)

9.13.020 Scope.

This chapter shall apply to the regulation of all sounds originating within the city limits of the City of Molalla. (Ord. 2003-02 §1)

9.13.030 Definitions.

A. Amplifying Equipment. Public address systems, musical instruments, and other similar devices which are electronically amplified.

B. City. The City of Molalla, Oregon or the area within the territorial city limits of the City of Molalla, Oregon.

C. Construction. Any and all activity necessary or incidental to the erection, demolition, assembling, altering, installing, repair or equipping of buildings, roadways and utilities. It shall include land clearing, grading, excavating and filling before, during or following such activity.

D. Emergency Work. Work made necessary to restore property to a safe condition following severe inclement weather and natural disasters, work required to restore public utilities or work required to protect persons or property from imminent exposure to danger.

E. Noise Sensitive Area. Areas or land uses where excessive or prolonged noise could reasonably be expected to cause annoyance or alarm, including, but not limited to, residential areas, schools, churches, hospitals, offices, care centers and nursing homes.

F. Off-Road Recreational Vehicle. Any self-propelled land vehicle designed for, or capable of traversing over natural terrain, including, but not limited to, racing vehicles, mini bikes, motorcycles, go karts, and dune buggies, when operated off the public right-of-way for non-commercial purposes.

G. Persons. A person, persons, firm, association, co-partnership, joint venture, corporation, or any entity public or private in nature.

H. Plainly Audible. Unambiguously communicated sounds which disturb the comfort, repose or health of the listener. Plainly audible sounds include, but are not limited to, understandable musical rhythms, understandable spoken words, and vocal sounds other than speech which are distinguishable as raised or above normal.

I. Power Tools. Any mechanically powered saw, drill, sander, grinder, lawn or garden tool, or similar device.

J. Powered Model Vehicle. Any self-propelled airborne, waterborne, or landborne plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car, or rocket, except those operated by electric motors.

K. Off-Road Recreational Park. A facility open to the public for the operation of off-road recreation vehicles.

L. Unreasonable Noise. Sound or noise which because of its loudness, frequency or duration could reasonably be expected to cause annoyance or alarm to another person, including, but not limited to, the following:

1. Radios, Phonographs, Tape Players, Television Sets, Stereo Systems. The playing, using or operating of any radio, tape player, television set or stereo system, including those installed in a vehicle, in such a manner so as to be plainly audible at any time between 10:00 p.m. and 7:00 a.m.: (a) within a noise sensitive area which is not the source of the sound, or (b) at a distance of 100 feet or more from the source of the sound.

2. Revving Engines. Operating any motor vehicle engine above idling speed off the public right-of-way so as to create excessive or unnecessary sounds within a noise sensitive area.

3. Compression Braking Devices. Using unmuffled compression brakes, commonly referred to as "jake brakes," on any motor vehicle, except to avoid imminent danger to persons or property.

III Exhausts. Discharging into the open air the exhaust of any internal combustion engine or any mechanical device operated by compressed air or steam without a muffler, or with a sound control device less effective than that provided on the original engine or mechanical device.

5. Idling Engines on Motor Vehicles. Idling more than 15 consecutive minutes between the hours of 10:00 p.m. and 7:00 a.m. any motor vehicle with a Gross Vehicle Weight Rating (GVWR) of 8,000 pounds or greater when audible within a noise sensitive area.

6. Vehicle Tires. Squealing tires by excessive speed or acceleration on or off public right-of-way except when necessary to avoid imminent danger to persons or property.

7. Motorcycles, Go Karts, Dune Buggies. Operating motorcycles, go karts, dune buggies and other off-road recreational vehicles off the public right-of-way on property not designated as an off-road recreational park.

8. Powered Model Vehicles. Operating or permitting the operation of powered model vehicles, with the exception of vehicles, gliders and aircraft propelled by electric motors, in areas not designated by the City Manager or City Council for such use.

9. Explosives. The discharge of illegal fireworks or other explosive devices without any necessary governmental or regulatory permits.

10. Animals. Permitting any animal to cause unreasonable annoyance, alarm or noise disturbance at any time of the day or night by repeated barking, whining, screeching, howling, braying or

other like sounds which may be heard beyond the boundary of the keeper's property, except when the animal is being provoked or protecting property from trespassers.

11. Steam Whistles. Blowing any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work.

12. Homs. The sounding of a horn or signaling device on a vehicle on a street, or public or private place, except as a necessary warning of danger.

13. Compressed Air Devices. The use of a mechanical device operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled.

14. Warning Devices. Audible devices used to protect persons or property from imminent danger, including, but not limited to fire alarms, burglar alarms, civil defense warning systems, and safety alarms required by law. (Ord. 2003-02 § 1)

9.13.040 Prohibited acts.

No person shall cause or permit any unreasonable noise. (Ord. 2003-02 § 1)

9.13.050 Exceptions.

A. Exceptions. The following sounds are exempted from provisions of this ordinance:

1. Sounds caused by the performance of emergency work, emergency vehicles and emergency equipment.

2. Aircraft operations in compliance with applicable federal laws or regulations.

3. Railroad activities as conducted with all applicable rules and regulations, including Subpart A, Part 201 of Title 40, CFR of the Environmental Protection Agency's railroad emission standards.

4. Sounds produced at authorized activities sponsored by Molalla River School District, City of Molalla or at the Molalla Buckeroo Grounds between 7:00 a.m. and 12:00 midnight.

5. Sounds created by a City street sweeping or solid waste franchisee during authorized refuse or recycling pickup operations during the period of time between 5:00 a.m. and 10:00 p.m.

6. Sounds created by power tools during the period of time between 7:00 a.m. to 10:00 p.m., provided such tools and any sound dissipating devices are maintained in good repair, excepting home occupations (refer to Section [17.08.100\(D\)](#)).

7. Commercial/industrial operations located within commercial/industrial zones.

8. Sounds made by warning devices operating continuously for 15 minutes or less.

9. Construction activities during the period of time between 7:00 a.m. and 8:00 p.m., provided equipment is maintained in good repair and any sound dissipating devices are maintained in good working order. (Ord. 2003-02 §1)



Citizens Against Stink

Peaceful: Protest

at t:he CHTC Plan,t

410 Industrial Way, Molalla

Oct. 1.7-10am

We want t:hem to fix their
equipment to avoid the
stink and noise.

Mayor Keith Swigart and City Council and guests:

My name is Robert Thompson. I am out of town so unable to attend tonight's meeting to answer questions about my desire to join the Economic Development Committee of Molalla.

I am a resident of Molalla, active in the City as a member of the Budget committee, founder of Welcome To Molalla, and a participant in local events and conversations. I am also the Editor in Chief and one of three founders of The Bulletin.

I am an 8-year resident of Molalla and a business owner with interests in the city. Most of my interests and local participation have centered around the desire to create and further the following relationships: business-to-business, business-to-resident, and business/city-to-potential visitors and residents.

In my own pursuits, my goal is to create and foster an environment where the residents and businesses work together symbiotically to make Molalla better for both - businesses contributing to the city and the residents learning what local businesses have to offer and taking advantage of this, right here at home.

My second desire is to communicate to the world outside of Molalla that it's a great place to transact business, own business, visit, or reside. I think Molalla intrinsically has a lot to offer to potential industries, businesses, residents, and visitors enjoying our nearby recreation opportunities.

Further, I also believe Molalla, as a rural but not-too-remote city – with its sound finances and strong leadership and management – has, in the wake of Covid, a huge opportunity to benefit from drastic changes that will occur in housing dynamics, big city dynamics, and business dynamics. These will make Molalla that much more viable for the right people and interests.

Molalla offers big and small potential: from a site for industry all the way to a great destination for lunch and exploration. Exploiting this potential with a continued effort to upgrade the city's façade, revitalize the local businesses, and increase the local participation will help Molalla find its new identity going forward.

I would like to be a part of that.

Thank you,

Robert Thompson



Recommended Earthquake Safety Actions

Federal, State, and local emergency management experts and other official preparedness organizations all agree that “**Drop, Cover, and Hold On**” is the appropriate action to reduce injury and death during earthquakes. Great ShakeOut Earthquake Drills (www.ShakeOut.org) are opportunities to practice how to protect ourselves during earthquakes.

You cannot tell from the initial shaking if an earthquake will suddenly become intense...so always Drop, Cover, and Hold On immediately!

In MOST situations, you will reduce your chance of injury if you:

DROP where you are, onto your hands and knees. This position protects you from being knocked down and also allows you to stay low and crawl to shelter if nearby.

COVER your head and neck with one arm and hand

- If a sturdy table or desk is nearby, crawl underneath it for shelter
- If no shelter is nearby, crawl next to an interior wall (away from windows)
- Stay on your knees; bend over to protect vital organs

HOLD ON until the shaking stops.

- Under shelter: hold on to it with one hand; be ready to move with your shelter if it shifts
- No shelter: hold on to your head and neck with both arms and hands.

If there is no table or desk near you, drop to the ground and then if possible move to an inside corner of the room. Be in a crawling position to protect your vital organs and be ready to move if necessary, and cover your head and neck with your hands and arms.

Do not move to another location or outside. Earthquakes occur without any warning and may be so violent that you cannot run or crawl. You are more likely to be injured if you try to move around during strong shaking. Also, you will never know if the initial jolt will turn out to be start of the big one...and that's why you should always Drop, Cover, and Hold On immediately!

These are guidelines for most situations. Read below to learn how to protect yourself in other situations and locations, or visit www.earthquakecountry.org/step5.



Indoors: Drop, Cover, and Hold On. Avoid exterior walls, windows, hanging objects, mirrors, tall furniture, large appliances, and kitchen cabinets with heavy objects or glass. However, do not try to move more than 5-7 feet before getting on the ground. Do not go outside during shaking! The area near the exterior walls of a building is the most dangerous place to be. Windows, facades and architectural details are often the first parts of the building to break away. If seated and unable to drop to the floor: bend forward, Cover your head with your arms, and Hold On to your neck with both hands.

In a wheelchair: Lock your wheels and remain seated until the shaking stops. Always protect your head and neck with your arms, a pillow, a book, or whatever is available. See EarthquakeCountry.org/disability for recommendations for people who use wheelchairs, walkers, or are unable to drop to the ground and get up again without assistance.

In bed: Do not get out of bed. Lie face down to protect vital organs, and Cover your head and neck with a pillow, keeping your arms as close to your head as possible, while you Hold On to your head and neck with both hands until shaking stops. You are less likely to be injured by fallen and broken objects by staying where you are.

In a high-rise: Drop, Cover, and Hold On. Avoid windows and other hazards. Do not use elevators. Do not be surprised if sprinkler systems or fire alarms activate.

In a classroom: Drop, Cover, and Hold On. Laboratories or other settings may require special considerations to ensure safety. Students should also be taught what to do at home or other locations.

In a stadium or theater: Drop to the ground in front of your seat or lean over as much as possible, then Cover your head with your arms (as best as possible), and Hold On to your neck with both hands until shaking stops. Then walk out slowly, watching for anything that could fall during aftershocks.

In a store: Drop, Cover, and Hold On. Getting next to a shopping cart, beneath clothing racks, or within the first level of warehouse racks may provide extra protection.

Outdoors: Move to a clear area if you can safely do so; avoid power lines, trees, signs, buildings, vehicles, and other hazards. Then Drop, Cover, and Hold On. This protects you from any objects that may be thrown from the side, even if nothing is directly above you.

MYTH – Head for the Doorway:

An enduring earthquake image of California is a collapsed adobe home with the doorframe as the only standing part. From this came our belief that a doorway is the safest place to be during an earthquake. We now understand that doorways are no stronger than any other part of the house, and do not provide protection from falling or flying objects. You are safer under a table.

Driving: Pull over to the side of the road, stop, and set the parking brake. Avoid overpasses, bridges, power lines, signs and other hazards. Stay inside the vehicle until the shaking stops, then proceed carefully by avoiding fallen debris, cracked or shifted pavement, and emergency vehicles. If a power line falls on the car, stay inside until a trained person removes the wire.

Near the shore: Follow instructions above for your particular location. Then as soon as shaking reduces such that you are able to stand, walk quickly to high ground or inland as a tsunami may arrive soon. Don't wait for officials to issue a warning. Walk, rather than drive, to avoid traffic, debris, and other hazards.

Below a dam: Follow instructions above for your particular location. Dams can fail during a major earthquake. Catastrophic failure is unlikely, but if you live downstream from a dam, you should know flood-zone information and have prepared an evacuation plan for getting to high ground.

More information:

<http://www.shakeout.org/dropcoverholdon>

[Earthquake Safety Video Series](#) (Great ShakeOut YouTube Channel)



City of Molalla

City Council Meeting



Agenda Category:

Subject: Resolution2020-22 Supplemental Budget

Recommendation: Adopt Res 2020-22

Date of Meeting to be Presented: 10/28/2020

Fiscal Impact: \$23,650

Background:

We adopted Budget Res. 2020-13 for fiscal year 20-21 in June of 20. In September we paid off our Sewer Debt and CWSRF loans so we could refinance them from 4% to 1.49% interest rate. This was about a \$600,000 savings over the life of the loans for the sewer fund. The amount of reserve that we had set aside was less than the full pay off amount needed to refinance. We are doing a supplemental and moving the reserve payment to a debt service line item for budgeting purpose.

SUBMITTED BY: Chaunee Seifried, Finance Director
APPROVED BY: Dan Huff, City Manager



**RESOLUTION 2020-22
CITY OF MOLALLA**

A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2020-2021 AND APPROPRIATING FUNDS.

WHEREAS, the City adopted a budget and appropriated funds for fiscal year 2020-2021, on Resolution 2020-13,

WHEREAS, unanticipated revenues and expenditures are expected to exceed the original adopted budget in some of the City's funds and budgetary changes are necessary within these funds to provide increased appropriations; and, we were able to refinance our Sewer Debt at a lower interest rate and used reserve funds to pay off annual amount.

WHEREAS, ORS 294.480 provides that a city may amend the current year adopted budget through the supplemental budget process; and,

NOW THEREFORE, THE CITY OF MOLALLA RESOLVES AS FOLLOWS:

The City amends the budget for the fiscal year beginning July 1, 2020 and ending June 30, 2021 to include unanticipated expenses and revenues and appropriations within the following funds:

	Res 2020-13 Current Appropriations	Res 2020-22 Change Appropriations	Amended Appropriations
Sewer Fund			
Transfers	1,539,222	23,650	1,562,872
Total Appropriated to Sewer Fund	1,539,222	23,650	1,562,872
Sewer SDC Fund			
Transfers	0	2,760	2,760
Total Appropriated to Sewer Fund	0	2,760	2,760
Sewer Debt Fund			
Debt Service	316,000	315,600	631,600
Reserve	315,600	(315,600)	0
Total Appropriated to Sewer Fund	631,600	0	631,600
CWSRF Fund			
Debt Service	198,614	94,581	293,195
Reserve	183,888	(94,581)	89,307
Total Appropriated to Sewer Fund	382,502	0	382,502
TOTAL ALL REQUIREMENTS	2,553,324	23,650	2,576,974

This resolution shall become effective immediately upon its passage by Council.

Adopted by the City Council of the City of Molalla at a regular meeting thereof this 28th day of October, 2020 by the following vote:

AYES: ___ **NAYS:** ___

APPROVED BY THE MAYOR this 28th day of October, 2020.

Keith Swigart, Mayor

ATTESTED BY:

Christie DeSantis, City Recorder

City of Molalla

City Council Meeting



Agenda Category: Resolution

Subject: Public Works Administration Fee Update

Recommendation: Adoption of Resolution No. 2020-23

Date of Meeting to be Presented: October 28, 2020

Fiscal Impact: Street Fund, Sewer Fund, Water Fund, and Stormwater Fund

Background:

City Council adopted a Public Works Administrative Fee resolution and schedule on November 28, 2018. The attached fee schedule does not change fee amounts from the original schedule approved in 2018, but does revise the following items:

- Fee Schedule Document Format.
- Revision to Bulk Water Meter Fee measurement based on meter units.
- Addition of a Public Easement and Right of Way Dedication Fee

Prior requirements for recording of documents as part of the conditions of development were placed on the developer to complete the recording and return recorded documents to the Public Works Department for filing with the City Recorder. Developers continue to fail to complete the recording requirements and this proposed fee will cover the community's cost to properly process and record the documents on a time and expense basis. This will ensure that the community does not pay for developer responsibilities and ensure that legal documents are recorded and returned to the City Recorder's Office.

SUBMITTED BY: Gerald Fisher, Public Works Director

APPROVED BY: Dan Huff, City Manager



RESOLUTION NUMBER 2020-23

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON
ESTABLISHING PUBLIC WORKS ADMINISTRATIVE FEES AS APPROVED
BY MOLALLA MUNICIPAL CODE CHAPTERS
12.16, 13.04, 13.08, 13.13, and 21.70**

WHEREAS, The Molalla Municipal Code Sections 12.16, 13.04, 13.08, 13.13, and 21.70 provides that fees for plan review, permits, and other administrative fees be established by resolution of the City Council; and

WHEREAS, the City has prepared a fee schedule to cover costs associated with plan review, the issuance of permits, inspection, administrative fees, and equitable cost recovery methods; and

WHEREAS, the City Council desires to implement the equitable cost recovery methods as outlined in the attached fee scheduled.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla as follows:

Section 1. Resolution No. 2018-20 is repealed upon the effective date of this Resolution.

Section 2. The Public Works Administrative Fees are established in attached Exhibit "A"

Section 3. This Resolution is and shall be effective upon adoption and all rates and charges established herein for customers shall go into effect as of such date.

Duly adopted by Molalla City Council the 28th day of October 2020.

Mayor, Keith Swigart

ATTEST the 28th day of October 2020

Christie DeSantis, City Recorder



Public Works Department

117 N Molalla Avenue

PO Box 248

Molalla, Oregon 97038

Phone: (503) 829-6855

Fax: (503) 829-3676

Public Works Administrative Fees

Exhibit "A"

Adopted by Resolution 2020-23

Water & Sewer Fees

Water Hook Up Fee	\$600.00
Sewer Hook Up Fee	\$600.00

Bulk Water Fees (see note below)

Bulk Water Meter Deposit (refundable)	\$700.00
Bulk Water Meter Account Setup	\$25.00

Bulk Water (1000 gal = 133.681 CF)

Bulk Water Cost Current Water Use Rate per hundred cubic feet (Ccf)

Note: Bulk water can only be provided to construction contractors performing work within the City limits or contractors performing work outside of City limits for Clackamas County, ODOT, or other public agency as approved by the Public Works Director. Sale of bulk water outside of corporate City limits not identified above is prohibited.

Engineering Fees

Engineering Design Review Fee

1.5% of the total the Engineer's Estimate of the public improvements, but not less than \$300.00

Construction Permit Fee

3.5% of the total the Engineer's Estimate of the public improvements, but not less than \$700.00

Right-of-Way Permit Fees

Right-Of-Way Permit Fee (non-franchise)	\$125.00
Right-Of-Way Permit Fee (non-franchise) - with Street Cut	\$150.00 ea. Cut
Reinspection - Right-Of-Way Permit Fee (non-franchise)	\$75.00
Driveway, Sidewalk, and/or Curb & Gutter Const Permit Fee	\$95.00
Reinspection - Driveway, Sidewalk, and/or Curb & Gutter	\$47.00

Plotter Fees

Base Rate Per Request	\$12.50
Page Size	Cost / Sheet
24" x 18"	\$0.23
24" x 30"	\$0.36
24" x 36"	\$0.41
36" x 44"	\$0.76

Fee charged will be equal to the Base Rate plus the cost per sheet.

Public Easement and Right of Way Dedication Fees

Fees charged will be equal to the cost (staff/vehicle time and recording expense) for City to process and record easement and dedication documents at the Clackamas County Recorder's Office. Applicant will reimburse City prior to occupancy approval and project acceptance.

City of Molalla

City Council Meeting



Agenda Category: General Business

Subject: Oregon Accreditation Alliance

Recommendation: N/A

Date of Meeting to be Presented: October 28, 2020

Fiscal Impact:

Background:

- ✓ **Background – Getting MOPD Accredited/Process to this point**
- ✓ **Benefits of being an Accredited through OAA**
 - **Controlled Liability Insurance Costs**
 - **Stronger Defense Against Lawsuits and Citizen Complaints**
 - **Greater Accountability Within Agency**
 - **Support from Government Officials**
 - **Increased Community Support**
 - **Alignment with City of Molalla Visioning Goals**
- ✓ **Records Specialist’s Julie Anderson’s role**
- ✓ **Present Accreditation Certification from OAA**

SUBMITTED BY: Frank Schoenfeld, Chief of Police
APPROVED BY: Dan Huff, City Manager



Oregon Accreditation Alliance

10135 NW Coyner Ave
Redmond, Oregon 97756
(503) 881-5566

September 1, 2020

Chief Frank Schoenfeld
Molalla Police Department
117 N Molalla Ave
Molalla, Oregon 97038

Dear Chief Schoenfeld:

Congratulations on successfully completing the process for Oregon State Re-Accreditation. At the September 2020 Board meeting, the Oregon Accreditation Alliance Board reviewed the final report from your agency's recent onsite assessment and unanimously recommended that the Molalla Police Department be granted their initial accredited status.

I also want to recognize the outstanding work of your accreditation manager, Records Supervisor Julie Anderson for her work in preparing your agency for the accreditation review.

Your official re-accreditation period will begin September 2020, with the term of award for three years. An onsite assessment for re-accreditation should be scheduled prior to the expiration of the accredited period on September 31, 2023.

I look forward to the continuing partnership between your agency and the Oregon Accreditation Alliance. Please extend my sincere congratulations to all members of your agency for their efforts in achieving your award of re-accreditation. This is a great achievement and one to be very proud of.

Due to the current pandemic, in person award presentations have been suspended. I apologize for any inconvenience this may have caused.

A handwritten signature in black ink, appearing to read "Scott Hayes". The signature is fluid and cursive, with the first name "Scott" and last name "Hayes" clearly distinguishable.

Respectfully,
Scott Hayes
Executive Director



Oregon Accreditation Alliance

10135 NW Coyner Ave
Redmond, Oregon 97756
scott.hayes@oregonaccreditation.org

January 1, 2020

TO: Oregon Accreditation Alliance Board

FROM: Scott Hayes, OAA Assessor

AGENCY: Molalla Police Department

SUBJECT: Initial accreditation onsite assessment

ONSITE DATE: March 12, 2020

ASSESSOR(S): Scott Hayes
Deputy Chief of Police (Retired)
10135 NW Coyner Ave
Redmond, Oregon 97556

Jeff Staples
Assessor
1374 Grand Ridge Drive NW
Albany, Oregon 97321

INTRODUCTION

The Molalla Police Department joined the Oregon Accreditation Alliance in September 2019. This accreditation evaluation will mark the agencies initial assessment under the leadership of Chief Frank Schoenfeld.

CITY PROFILE

Molalla was named after the Molalla River, which in turn was named for the Molalla, a Native American tribe that inhabited the area. William H. Vaughan took up a donation land claim in the area in 1844. Molalla post office was established in 1850, near the site of Liberal, and was discontinued in 1851. The post office was reestablished in 1868 and it ran until 1874, then was reestablished in 1876, which is when it was probably placed at the present location of Molalla. Since the late 1990s the city has been experiencing a surge in growth and expansion in the residential sector. A number of business franchises have located in Molalla since 2000. In 2002, Molalla installed its first stoplight, at the intersection of Oregon Route 211 and Oregon Route 213, because of the traffic brought by the increased business activity.

Molalla is located in the foothills of the Cascade Range, near the Mount Hood National Forest, 15 miles south of Oregon City and 13 miles from Interstate 5. Molalla is

surrounded by farms and rural residential development. There are many rock quarries, and thousands of acres of private timberlands, that feed natural resource materials into the economy. Several of the tree farms are managed for totally maintained and sustained forest. According to the United States Census Bureau, the city has a total area of 2.26 miles with a population of 9,218 (2017).

CHIEF OF POLICE FRANK SCHOENFELD

Frank Schoenfeld has been a police officer since 1990. Frank joined the Oregon City Police Department in June 1990, where he served as a Patrol Officer until 1996. During his tenure at the Oregon City Police Department, he oversaw the department's firearms program.

Frank joined the Clackamas County Sheriff's Department in June 1996, where he was assigned to Patrol and in 1998 was assigned to the Special Weapons and Tactics (SWAT) team, where he served 8 years both on the entry team and then the sniper teams. As a SWAT team member, Frank was assigned as the team's Head Firearms Instructor. In 1998 Frank was assigned to Sheriff's Office Case Management Team until 1999, when he was assigned to the department's Special Investigations Unit (SIU,) where he served as a Narcotics Investigator until 2003. In 2003, Frank was assigned to the Regional Organized Crime and Narcotics Taskforce where he served as a federal taskforce agent until 2005. Frank returned to the Patrol Division until 2006 when he joined the Canby Police Department.

At the Canby Police Department, Frank served as a Patrol Sergeant from 2006 until 2007, when he was assigned as the Detective Sergeant in charge of Investigations. Frank served as a member of the Clackamas County Major Crimes Team (MCT) as a co-coordinator. In 2010, Frank was assigned as Taskforce Supervisor to the newly formed South Metro Gang Taskforce (SMGTF), a federal gang taskforce formed through the FBI Safe-Streets program to combat gang activity in the South Portland metropolitan area. Frank served as the departments Head Firearms Instructor and Active Shooter Instructor. Frank returned to Detective Supervisor in 2011 and retired from law enforcement late February 2016.

Frank joined the Molalla Police Department in May 2016, where he has served as Patrol Sergeant, Lieutenant and in May 2019, he became Chief of Police.

Frank is a member of the International Association of Chiefs of Police(IACP), the Oregon Association of Chiefs of Police (OACP) and is a graduate of the Los Angeles Police Department West Point Leadership Program. Frank is the recipient of The Distinguished Service award.

AGENCY PROFILE

The Molalla Police Department is a full-service professional organization providing 24/7 emergency services for the City of Molalla. The department is comprised of the Chief of Police, one Lieutenant, three Sergeants, two Detectives and nine full-time sworn offices one of which is a full-time School Resource Officer. There are 2.5 non-sworn professional staff members. The department participates in multi-agency specialty

teams, numerous community-oriented events and works closely with the schools, local businesses and religious organizations.

PRE-ASSESSMENT PLANNING

The Oregon Accreditation Alliance utilizes a two-phase on-site schedule, part of which replaces the need and costs of mock onsite assessments. The first phase identifies those standards for which compliance has satisfactorily been attained and those files are signed and completed at that time. Files which may have insufficient proofs or other issues are reported to the department just as would occur during a mock onsite. The agency has the opportunity to correct those files either during the first phase or prior to the second phase of the onsite. If these files are satisfactorily addressed, the Standard Summary Reports are signed off as complete. If any files still lack adequate proofs or still have deficiencies after the second phase, they are dealt with at that time just as they would during a traditional onsite assessment. Deficiencies are listed in the final report as a file repair, an applied discretion, or non-compliance.

ASSESSMENT SUMMARY

During January 2020, I conducted the electronic file review and completed the Final Report. On March 12, 2020 Assessor Jeff Staples conducted the onsite review of the agency. Based on the tour, interviews, and inspections, Jeff Staples was able to verify the following observable standards:

- 2.2.8 Use of Body Armor
- 2.2.9 Use of occupant safety restraints
- 2.5.1 Appropriate emergency equipment for patrol vehicles
- 2.5.2 Necessary vehicle equipment
- 3.3.5 Appropriate biohazard labeling
- 3.3.6 Secure storage of evidence and property
- 3.3.7 Temporary secure after-hours storage for evidence and property

STANDARDS SUMMARY

Mandatory	<u>94</u>
Not Applicable	<u>10</u>
Non-Compliance	<u>0</u>
Waiver	<u>0</u>
Total	<u>104</u>

ONSITE CHANGES/ADJUSTMENTS

File Maintenance

This section reports on the condition of the agency's files presented to verify proof of compliance with accreditation standards. This includes organizing and marking files for review, clerical issues, the adequacy, correctness, and currency of proofs used for compliance. Generally, this section indicates preparation and understanding of the

accreditation process. This section does not indicate compliance with standards or report on agency practices.

The agency's files were complete and consistent in presentation. Ten files (1.2.5, 1.3.6, 1.6.1, 1.7.1, 1.3.3, 2.1.2, 3.3.1, 3.3.3, 4.1.2, 4.3.2) were returned for additional documentation or information.

Applied Discretion

This section provides specific information on standards found to be in compliance after onsite "adjustments" were made. Adjustments may include modifying agency policies and directives, creating documentation, alteration of the physical plant, deficiencies in performance activities, and "wet ink" issues, where the written directive is newly issued.

The agency had two policies in this category.

1.3.6 – Less-Lethal Weapons and Control Devices

A written directive specifies less-lethal weapons and control devices authorized for possession and use by agency personnel, and should include requirements for training and competency, with such training to occur at least biennially.

Deficiency/Recommendation: Missing from policy is verbiage requiring training to occur at least biennially. Policy currently states, "The Training Coordinator shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary." Recommend modifying Policy to include training occurs annually or at least biennially.

Agency Action/Final Status: The agency modified its Policy 302 to include an annual training element. Policy has been modified to read, "are retrained or recertified annually". The agency is now in compliance with Standard 1.3.6.

2.1.7 - Prisoner Transports

Bullet (h) actions required in event of prisoner escape.

Deficiency/Recommendation:

Policy did not address procedures to be taken in the event of a prisoner escape. Recommend adding to policy verbiage to address action to be taken in the event of a prisoner escape.

Agency Action/Final Status:

Prior to the onsite the agency added a procedure to be followed should an escape occur. "In the event of an escaped prisoner, while in transport the following procedures shall be followed: 1) Immediately notify C-COM, field officers, supervisors, and the Chief of Police; 2) if necessary, request assistance from other agencies; 3) if containment is not possible consider notification of the community, based on the prisoners potential danger to the public. If the suspect is not apprehended, a complete and detailed report should be submitted to the DA's Office for a warrant request". The agency is now in compliance with standard 2.1.7 Prisoner Transport.

Policy Manual : Lexipol Policy Manual

Review Period: 2019

N/A by Function

- 1.5.11 Reserve Officers
- 1.5.12 Police Cadets
- 1.5.13 Volunteers
- 2.1.5 Police Service Dog
- 2.1.6 Special Response Unit
- 2.5.4 Use of Audio/Visual Recorders
- 4.2.1 Administration and Organizational Structure
- 4.2.2 Operational Procedures

PERFORMANCE ACTIVITIES

The agency's activities were measured against all identified time sensitive standards and found to be in compliance with all requirements.

1.2.5 – Bias-Based Policing

The Molalla Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the agencies policy to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group. Training has been completed as required by policy. File documentation substantiated standard compliance.

1.3.3 – Use of Firearms

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally on or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

officers should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. File documentation substantiated standard compliance.

1.3.4 – Firearms Proficiency

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms at least twice a year. Members qualify with off-duty and secondary firearms at least twice a year. All officers who carry a patrol rifle while on duty and shall pass the rifle qualification course at least once per year. Officers may carry a department issued shotgun upon passing the shotgun qualification course at least once per year. Training and qualifications must be on an approved range course. At least annually, all members carrying a firearm should receive practical training

designed to simulate field situations including low-light shooting. All firearms proficiency training and qualification courses are conducted under the supervision of the Rangemaster. File documentation substantiated standard compliance.

1.3.7 – Use of Force Reporting and Review

All incidents where physical force is used that could result in injury must be documented in the appropriate report. Agency policy lists those specific circumstances where reports are mandated. At least annually, the Patrol Lieutenant prepares an analysis report on use of force incidents. The report may include: (a) The identification of any trends in the use of force by members; (b) Training needs recommendations; (c) Equipment needs recommendations; and (d) Policy revision recommendations. File contained annual reports for 2019. File documentation substantiated standard compliance.

1.3.8 – Officer Involved Shootings

A comprehensive policy establishes procedures for response to, and investigation of officer involved shootings. Policy includes an Investigative Responsibility Matrix and specifies the following types of investigation: 1) Criminal investigation of the suspects actions; 2) Criminal investigation of involved officer's actions; 3) Administrative investigation as to policy compliance by involved officers; and 4) Civil investigation to determine potential liability. File documentation substantiated standard compliance.

1.5.3 – Evaluations of Employee

The agency utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards. An evaluation frequency matrix is incorporated into policy that provides for probationary, permanent, sworn, and non-sworn employees. Good file documentation substantiated standard compliance.

1.6.1 – Cash Funds/Accounts

The Police Department does not have a cash fund account. If a person needs to pay by cash or check, the records clerk will take the money to the Finance Department by walking down the common hallway and bring back a receipt and or change if needed. If a person is to pay by credit or debit card, the citizen is directed to the Finance Department. File documentation substantiated compliance with standard requirements.

1.6.2 – Audits

All city finances, including the police department, are audited annually by Merina & Company, LLP. File contained annual audit for 2018. File documentation substantiated compliance with standard requirements.

1.7.1 – Personnel Complaints Procedure

The complaint policy is comprehensive and complies with all standard requirements. The complaint process is classified into three categories, informal, formal and incomplete. Complaints may be filed in person, in writing, or by telephoning the department. Annually, the Lieutenant or his/her designee provides the Chief of Police an annual report of personnel complaints from the preceding year. The report focus on complaint trends as well as training needs and needed policy changes. File contained an annual review for 2019. File documentation substantiated standard compliance.

1.8.1 – Training Policy

The agency seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. The objectives of the Training Program are to: (a) enhance the level of law enforcement service to the public; (b) increase the technical expertise and overall effectiveness of personnel; (c) provide for continued professional development of department personnel; and (d) enhance the safety of deputies and the community. The training plan addresses the following areas: legislative changes and changes in case law, state-mandated training, Prison Rape Elimination Act (PREA) and high-liability issues and training on office policies and procedures. File documentation substantiated standard compliance.

2.1.2 – Vehicle Pursuit Driving

A comprehensive policy establishes procedures for initiating, conducting and terminating pursuits. Officers are authorized to initiate pursuits when it is reasonable to believe the suspect is attempting to evade arrest or detention by fleeing in a vehicle. Factors to consider are clearly listed. Pursuit tactics are clearly defined to include use criteria and necessary training. Primary officers must complete necessary crime/arrest reports. Supervisor complete a Supervisor's Log summarizing the pursuit to his/ her department manager to evaluate the pursuit in terms of Department policy.

During the first calendar quarter of each year, the Patrol Lieutenant completes an annual review of all vehicle pursuit incidents for the previous calendar year. The analysis focuses on the effectiveness and trends in the use of vehicle pursuits that might suggest training or equipment needs, or policy modification. File contained an annual review for 2019. Standard file documentation substantiated standard compliance.

2.1.6 – Special Response Unit

Not applicable by function.

2.1.7 Prisoner Transport

"In the event of an escaped prisoner while in transport the following procedures shall be followed: 1) Immediately notify C-COM, field officers, supervisors, and the Chief of Police; 2) if necessary, request assistance from other agencies; 3) if containment is not possible consider notification of the community, based on the prisoners potential danger to the public. If the suspect is not apprehended, a complete and detailed report should be submitted to the DA's Office for a warrant request".

2.3.1 – Disaster Plan

The agency participates in the City of Molalla Emergency Operations Plan. All employees receive annual refresher training on the details of the Emergency Operations Plan. The Chief of Police or the authorized designee should review the Emergency Operations Plan Manual annually to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS), and appropriately address any needed revisions. File documentation substantiated standard compliance.

2.5.3 – Vehicle Inspections

Officers are responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle is promptly reported to a supervisor and documented as appropriate. All necessary emergency equipment for marked and unmarked vehicles is specified by policy. Policy specifies what equipment and supplies shall be kept in all agency-owned vehicles. File documentation substantiated standard compliance.

3.1.3 – Emergency Power (Communications)

Clackamas County Communications (C-COM) provides all communications services for the agency. C-COM has two diesel 550 watt generators in a secure fenced area that is video monitored. The generators are programmed to auto-test at full load every Tuesday at 0900 hours. The generators receive maintenance twice a year. There is a redundant UPS system in place that includes individual UPS units at each workstation. File documentation standard compliance.

3.3.4 – Administration and Operations (Property Control)

The agency has a well-defined property and evidence function that ensures all property coming into its possession is properly recorded on a Property/Evidence Report with all necessary identifying and processing/disposal information. Policy covers all aspects of the standard from collection, storage and return of property. File documentation substantiated standard compliance.

3.3.10 – Property and Evidence Audits

The agency conducts the following audits/inspections: (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures; (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police; (c) An annual audit of evidence held by the Office shall be conducted by a Lieutenant appointed by the Chief of Police who is not routinely or directly connected with evidence control; (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for. File contained an audit for 2019.

4.1.1 – Temporary Holding Facility

The agency maintains one temporary holding room that complies with Oregon Revised Statute Chapter 169 and the Board of Corrections. An Oregon Department of Corrections inspection was conducted December 10, 2019. File documentation substantiated standard compliance.

4.1.2- Temporary Juvenile Detention

The agency has a comprehensive policy on temporary juvenile detention. The facility is inspected annually for required health and safety compliance. The agency uses the OJJDP custody log and complies with the Juvenile Custody Compliance Review issued by the State of Oregon Youth Development Division. File documentation substantiated standard compliance.

4.3.2 – Emergency Response

Procedures are in place for response to emergencies in the holding facility. Evacuation plans are prominently posted throughout the facility. File contained building safety inspections and testing of sprinkler and alarms. File documentation substantiated standard compliance.

QUALITY OF LAW ENFORCEMENT SERVICES

CHAPTER 1: STANDARDS FOR ORGANIZATION AND MANAGEMENT ROLE

Section 1 Law Enforcement Role and Authority

Policy specifies Oath of Office, Code of Ethics, and statutorily required certifications at all levels. Good file documentation substantiated applicable standards compliance. The agency uses the Lexipol Policy Manual. A computerized version is available on the agency network for employees.

Section 2 Limits of Authority

The agency has a specific policy that requires observance and compliance with every person's rights under United States and Oregon constitutions. The United States Constitution is transcribed in policy.

Search and seizure policies are clear, concise, and adhere to all state requirements and standard requirements. Policy includes clear search protocol when conducting searches. The agency complies with statutory authority for arrests and has an extensive policy on temporary custody of juveniles to include non-secure, secure, protective and delinquent custody.

The agency has a comprehensive policy on Arrest/Detention of Foreign Nationals that covers contacts with foreign nationals and lists appropriate contact points, including a link to the U.S. Department of State. File documentation substantiated compliance with all applicable standards.

Section 3 Use of Force

Agency use of force policies including use of deadly force, comply with all statutory requirements, and factors determining reasonableness of force are clearly outlined. The policy on the use of firearms met the requirements of the standard. Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

Safe handling and maintenance of firearms is clearly covered in policy, to include storage at home. Procedures are also established for flying while armed and/or carrying firearms in another state. Good file documentation substantiated standard compliance.

Policies cover all use and training requirements for approved less-lethal weapons, which currently includes Conducted Electrical Weapons (Taser), batons and OC spray. Use of Tasers requires an annual re-certification course. Appropriate file documentation substantiated standard compliance.

Section 4 Direction

Molalla Police Department policy specifies that the Chief of Police is responsible for administering and managing the agency. Resolution 2007-01 establishes a police department, conferring authority on its Chief of Police. During planned absences of the Chief of Police the Lieutenant is designated as Acting Chief. A line of succession was established for unplanned absences. Supervisory accountability is established through policy. Departmental Directives are issued to modify existing policy or create new policy. Directives are disseminated to employees via email through Lexipol. Staff reviews and approves revisions to the policy manual, which incorporates changes/additions made to departmental directives. Appropriate file documentation substantiated standard compliance.

Section 5 Personnel and Personnel Alternatives

Agencies policy on recruitment and selection incorporates the state minimum standards for law enforcement officers and includes a specific section on standards for employment. Appropriate file documentation substantiated standard compliance. The city maintains agency job descriptions on their web site. The department is responsible to ensuring job descriptions are maintained for each position. File documentation substantiated compliance with standard requirements.

Policy provides for promotions and transfers, to include general requirements, evaluation criteria and selection. Policy covers personnel files that include division files, training files, medical files and internal affairs files. Procedures for review, disclosure and purging are established.

Policies related to conditions of work and health and safety are clear, concise, and cover all standard requirements. Agency policy on reporting and responding to communicable disease exposure, to include follow-up requirements. File documentation substantiated compliance with applicable standards. Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police or the City Manager. The agency does not have Reserve Officers, Cadets or volunteers.

Section 6 Fiscal Management and Agency-Owned Property

Molalla Police Department manages an Investigative Fund. Policies establish procedures for using, managing, accounting, and reconciling the fund. Appropriate file documentation substantiated compliance with all standard requirements. The city Finance Director maintains inventory records on all property valued in excess of \$1,000. The inventory list is reviewed annually by the Finance Director. File documentation substantiated standard compliance.

Section 7 Complaint and Disciplinary Procedures

Complaints are classified in three categories, Informal Complaints, Formal Complaints, and Incomplete Complaints. Informal complaints need not be documented on a complaint form and are of a nature where the complaining party is satisfied with appropriate action by an agency supervisor. Formal complaints must be documented and are those complaints where the complaining party requests further investigation or an agency supervisor determines further investigation is warranted. Incomplete complaints are those complaints where the complaining party refuses to cooperate or becomes unavailable after a diligent follow-up investigation. Complaints can be made in person, in writing, or by phone. Investigative processes are clearly established, with

completed investigations classified as Unfounded, Exonerated, Not Sustained or Sustained. On an annual basis, the department should audit the log and send an audit report to the Chief of Police or the authorized designee. File documentation substantiated standard compliance.

The discipline policy complies with all standard requirements, to include a progressive discipline philosophy. File documentation substantiated standard compliance. Grievance procedures are established in policy for all employees, and in the current bargaining agreement for represented employees.

Section 8 Training and Career Development

The agency seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. The objectives of the Training Program are to: (a) enhance the level of law enforcement service to the public; (b) increase the technical expertise and overall effectiveness of personnel; (c) provide for continued professional development of department personnel; and (d) enhance the safety of deputies and the community. The training plan addresses the following areas: legislative changes and changes in case law, state-mandated training, Prison Rape Elimination Act (PREA) and high-liability issues and training on office policies and procedures. File documentation substantiated standard compliance. FTEP is a 16-week program that is DPSST compliant. Appropriate file documentation substantiated standard compliance.

Section 9 Public Information and Community Relations

The ultimate authority and responsibility for the release of information to the media remains with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Lieutenants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.. The policy governing ride-alongs establishes program requirements regarding application including waiver, officer responsibilities, and control of the ride-along. File documentation substantiated standard compliance.

Section 10 Crime Analysis

The agency follows all LEDS/OUCR collection and submission guidelines for Uniformed Crime Reports. The policy on crime analysis is to provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests.

CHAPTER 2: STANDARDS FOR LAW ENFORCEMENT FUNCTIONS

Section 1 Patrol Operations

Clear criteria for response to emergency and non-emergency calls are established that cites applicable statutory requirements and language. Officers are required to observe all traffic laws on routine calls. The pursuit policy covers all requirements of the standard, with allowable pursuit tactics specified.

Cite and release policy complies with all statutory and standard requirements. The policy on hazardous materials establishes procedures for response to and handling of hazardous materials incidents. The agency does not have a K9 team or Special Response Team. File documentation substantiated compliance with applicable standards.

Section 2 General Operations

Agency policy addresses domestic violence, elder abuse, child abuse, missing persons, mental illness, and hate crimes that comply with all standard and statutory requirements. Specific procedures address response to employee or other agency employee domestic violence incidents. The policy on missing persons complies with all standard and statutory requirements, including new requirements for collection of forensic evidence. File documentation substantiated compliance with all applicable standards.

Agency management of confidential informants are outlined in policy. The Chief of Police is responsible for the maintenance of all confidential informant files. All incident reporting is completed electronically. Agency policy specifies those circumstances when reports must be written.

Section 3 Unusual Occurrences and Special Operations

The agency participates in the City of Molalla Emergency Operations Plan. Lexipol policy provides procedures for response to and handling of bomb and explosive material incidents. File documentation substantiated standard compliance. Molalla does not have an airport.

Section 4 Traffic Operations

Traffic enforcement criteria is covered in policy and comply with standard requirements. Policy on traffic collisions is specific to the basic requirements of the standard and Oregon Revised Statute. A policy is in place regarding investigation of agency or city vehicle involved crashes. Appropriate file documentation substantiated standard compliance. The agency provides American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment

Section 5 Equipment

Patrol vehicles have the appropriate emergency equipment as specified by statute. Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle is promptly reported to a supervisor and documented as appropriate. The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that

are accessible by the person before and after that person is transported. File documentation substantiated standard compliance.

CHAPTER 3: STANDARDS FOR SUPPORT SERVICE FUNCTIONS

Section 1 Communications

Communications services for the agency are provided by the Clackamas County Department of Communications (C-COM), which provides communications services for the majority of agencies in Clackamas County through a trunked 800 MHz radio system. All repeater/antenna sites also have UPS and generator backup systems. System redundancy is established through fiber optics and microwave. The agency has 14 workstations, 10 that are combination phone/radio, and four that are only phone stations, providing dispatching for 16 agencies. Stations are divided between police, fire and training. All dispatchers are EMD certified, and EMD cards are available at each workstation as well as electronic versions. All phone calls, in and out, and primary radio channels are continuously recorded, with instant playback of up to 120 minutes available.

Section 2 Records

Policy establishes procedures for maintenance, retention, dissemination, and purging of police records in accordance with the Oregon Public Records Act. Policy addresses Computerized Criminal History information that establishes procedures for access, distribution, and security of information. All agency employees are LEADS certified. File documentation substantiated standard compliance.

Section 3 Property & Evidence

The property and evidence function for Molalla Police Department is efficient, neat, and well-organized. Key-lock temporary storage lockers are available with an adjacent key drop. A processing area is available for officers next to the slam lockers. Not only are officers trained in scene processing, but the agency can also call on OSP Crime Lab, and participate on the Clackamas County Major Crimes Team and Multi-Agency Accident Investigation Team. If none of these bodies are involved, the Sergeant and evidence officer, who have specialized training, are available for scene processing. Molalla Police Department references the OSP Physical Evidence Manual, issued a Departmental Directive on evidence collection and preservation, and provided officers with an Evidence Collection Guide that contains references from the OSP Manual and the Department Directive.

The storage area is very neat. All guns, money, and drugs are stored in separate, locked cabinets. In addition, there is a separate fire-proof ammunition safe. The storage area is not alarmed. Programmable electronic locks control entry, with access limited to the Evidence Officer and Chief of Police. This system, by Inflection Design, programs allowable access for all locks in the police facility. The system maintains a record of all assigned keys and where they have been used. All visitors must sign in and out of the storage area. When bio-hazard material is placed in the temporary refrigerator in the temporary locker area, the door to this area is locked and can only be opened by the Evidence Officer. The same process is used when items too large for the temporary lockers are placed in this room.

All records are maintained electronically. The majority of property entries are completed electronically as well, through a module of the Justice report writing system. This system provides easy inventory of all property and evidence maintained in the storage area by incident number, assigned property tag number, and location in the property room. All property transfers are tracked. The disposition form needs both the original officer approval and District Attorneys approval prior to release or disposal of any evidence.

CHAPTER 4: CUSTODY STANDARDS

Section 1 Temporary Holding Facility

Policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the agency for processing prior to being released or transferred to a housing or other type of facility. Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy.

Section 2 Lockup Facility

The agency does not maintain a lockup facility. All prisoners are housed at the Clackamas County Jail.

Section 3 General Procedures

Policy covers custodial searches to include custody searches, physical body cavity searches and strip searches. Searches are conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

The Patrol Lieutenant is responsible to ensure necessary supplemental procedures are in place to address ORS 169.078: (a) General security; (b) Key control; (c) Sanitation and maintenance; (d) Emergency medical treatment; (e) Escapes; (f) Evacuation plans; (g) Fire- and life-safety; (h) Disaster plans; and (i) Building and safety code compliance. Protocol is established for the escape of prisoners.

SUMMARY AND RECOMMENDATIONS

Assessor Staples and I have evaluated the Molalla Police Department and concur the agency is in compliance with all applicable standards. It is my recommendation that the agency be favorably nominated for state accreditation to the Board of Directors at their next regularly scheduled meeting.

Respectfully,
Scott Hayes
Assessor

Jeff Staples
Assessor

City of Molalla

City Council Meeting



Agenda Category: Old Business

Subject: Dollar General Transportation System Development Charge (SDC)

Recommendation: None

Date of Meeting to be Presented: October 28, 2020

Fiscal Impact: Transportation SDC

Background:

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

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

Option B: Set Transportation SDC's to \$318,075 based on January 01, 2020 values.

Option C: Set Transportation SDC's to \$479,720 based on July 01, 2020 values.

Motion: Authorize the Public Works Director to set Transportation SDC's for Dollar General consistent with Option ____.

SUBMITTED BY: Gerald Fisher, Public Works Director

APPROVED BY: Dan Huff, City Manager



September 4, 2020

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

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

Dear Council Members,

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

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

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

Thank you for taking the time to consider this request.

Kind regards,

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

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



SIMONCRE SMO, LLC

DATE: SEPTEMBER 1, 2020

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

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

CC:

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

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

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

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

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