



Molalla City Council –Meeting Agenda
Meeting located at: Molalla Adult Center
315 Kennel Ave, Molalla, OR 97038
August 26, 2015

Business meeting will begin at 7:00PM. The Council has adopted Public Participation Rules. Public comment cards are available at the entry desk. Request to speak must be turned into to the Mayor prior to the start of the regular Council meeting.

Executive Session : None

1. CALL TO ORDER – 1,063rd Regular Meeting

- A. Call the meeting to order
- B. Flag Salute and Roll Call

2. COMMUNICATIONS AND PUBLIC COMMENT

- A. Minutes: July 22, 2015

3. AWARDS, RECOGNITIONS & PRESENTATIONS

4. PROCLAMATIONS

5. PUBLIC HEARINGS

6. NEW BUSINESS

- A. Biosolid Removal Bid Award – Scheduled for 09/12/15
- B. Formation of an all purpose technical Advisory Committee – Discussion /Huff
- C. Utility Fee Increases – Discussion/Huff & Cline
- D. Transportation Fee – Discussion/ Huff & Cline

7. CONTINUING BUSINESS

8. RESOLUTION- Pending for 08/26/15 from 07/22/15 -UPDATE

- A. *Updates to the City of Molalla Addendum to the Clackamas County Multi-Jurisdictional Natural Hazards Mitigation Plan – Discussion and Staff Direction*

9. ORDINANCES

- A. 2015-05: An Ordinance Adding Chapter 9.16 To Title Nine Of The Molalla Municipal Code Prohibiting The Establishment Of Marijuana Facilities Within The City And Declaring An Emergency. – ***Update and Council direction for staff per Huff***

10. REPORTS AND ANNOUNCEMENTS

- A. City Manager/Staff Reports – Dan Huff

11. EXECUTIVE SESSIONS

12. ADJOURNMENT

Minutes of the Molalla City Council Regular Meeting
Molalla City Hall
117 N. Molalla Ave., Molalla, OR 97038
Wednesday, July 22, 2015

ATTENDANCE: Mayor Rogge, Present; Councilor Pottle, Present; Councilor Thompson, Present; Councilor Griswold, **Absent**; Councilor Satter, Present; Councilor Riggs, Present. Councilor Clark, Present.

STAFF IN ATTENDANCE: City Manager Dan Huff, Present; City Recorder, Sadie Cramer, Present; Jen Cline, PWD Present; Ashley Boyle, City Attorney Present.

MINUTES

Pottle made the motion to accept the June 24th and July 8th 2015 minutes. Thompson seconded. Motion carried 6-0.

NEW BUSINESS

The Emergency Management Plan and CERT program was added to the agenda by Mayor Rogge with Pottle as a second. Rogge briefly covered the Emergency Management Plan last updated in 2011 has 9 listed responsibilities for the council. Rogge read #2 in the plan – we ensure adequate emergency management program authority, staffing, funding and public education. Rogge proposed to the council to meet the public education piece that the council consider giving \$500-\$1000 to the Molalla Fire District who is doing the CERT program in the community who is providing the community emergency management training to assist with the cost. Rogge said it would be a 1 time request and would come out of the general fund. Thompson and Clark stated that they would like the Finance Director to weigh in on this item at the next available meeting.

Cline addressed the Biosolid Removal proposal. The haul and application of the bio-solids is quoted at \$0.045 per gallon, for a total estimate of \$50,000.00 to remove approximately 1.1Mil gallons.

Two other bids were solicited over the phone. The responses received are as follows:

1. Tribeca Trucking declined due to the small quantities of solids for removal
2. Parker Ag's trucking schedule was full and had no availability for removal.

After brief discussion between staff and council regarding number of gallons and the amount removed in years pass and that the city is incrementally removing bio-solids out annually in order to maintain and keep bio-solids at a good level. Pottle made a motion to approve the bid award. Clark seconded. Motion approved 6-0.

The City Manager contract was not addressed during open session.

Huff addressed the updates to the City of Molalla Addendum to the Clackamas County Multi-Jurisdictional Natural Hazards Mitigation Plan. He briefly reviewed the items in the agenda packet regarding appendix C. He would like to have the county make some updates in this document because they are so outdated. If Council has questions or concerns please let him know. Thompson made the motion to direct staff to work with the county to update and bring back to council for consideration. Clark seconded. Motion carried 6-0.

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Rogge read a written response submitted by Leota Childress of Indian Oak Court in Molalla in regards to the agenda item listed as an ordinance adding chapter 9.16 to title nine of the Molalla municipal code prohibiting the establishment of marijuana facilities within the city and declaring an emergency included below:

From: "Leota Childress" <leotachildress@gmail.com>

To: jsatter@cityofmolalla.com

Sent: Wednesday, July 22, 2015 4:40:01 PM

Leota Childress
150 Indian Oak Court
Unit 3
Molalla

Regarding the proposal to ban marijuana facilities from the City of Molalla. First, let me say that if Molalla is taking the high moral ground on this issue, I can go along with that. I will vote for it if we also ban the sale of alcohol and tobacco, the two biggest killers in our society.

I continue to hear that we don't want marijuana in our town because of the children. The belief is that a retail outlet will make it easier for teens to get it.

Right now, a teen can get marijuana easier than they can get a six-pack in Molalla. That's because beer sales are licensed and controlled. They get pot from their friends or the guy who drives through the school parking lot. It's everywhere. The pot on the black market isn't controlled. No one knows the makeup of what they're buying.

When pot is sold in a retail setting, it is controlled from seed to sale. If a minor finds an adult to buy for them, at least they'll get a safer product.

As for crime: In 1920 the U.S. government prohibited the manufacture, distribution, and sale of alcohol. The crime rate skyrocketed. People were dying from elixirs brewed in somebody's back yard. We all know the story. When prohibition was repealed, crime went down, deaths went down and the boot-leggers were put out of business by honest businessmen.

The state of Colorado saw a reduction in crime after legalizing pot. Hopefully our City will have a similar experience.

Economically: The City can add a 3% city tax to sales so by banning it, we are turning our back on a revenue stream. Having a dispensary will bring more people to our town and they will be likely to shop here. The State is collecting 30% tax and 40% of that is going to support schools in the State.

Legally: If the City doesn't allow a dispensary, we are open for more litigation. I talked to a gentleman who is planning to open a store here. He is in a group of doctors, lawyers, experts, and so on who are ready to file suit against any municipality that doesn't participate. We cannot afford another law suit.

I know the law changed in that medical dispensaries can now sell for recreational use also. I'm sure we'll see many changes to the law as we gain experience.

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I do not think that Molalla should prohibit marijuana facilities. We pride ourselves on meeting the needs of the people. We want to "give the people what they want". There is a section of the population who are medical marijuana users and have to make long trips to get their prescription filled. We should be meeting their need here. There is also a section who use marijuana recreationally. Let them buy it here.

I urge you to vote no on this proposal, to choose to meet the need of a segment of our population, generate a revenue stream, and avoid litigation.

Laura Ferris of Stowers Road in Molalla addressed the council as a citizen. She agrees with Leota but wanted to remind council that during the election the measure did pass to legalize the recreational use of marijuana 48-52% vote, but by precinct, Molalla precinct 111 was also a vote of 48-52% by the Molalla voters.

Rogge opened the floor to council for discussion. Rogge is interested in where it can be sold and was against having it just anywhere and council needs to control how and when it is sold. Council has done that by a restrictive code and wants a 3% tax to assist with potential budgetary needs to offset the enforcement of the law.

Thompson stated we may need to revisit the previous ordinance regarding zoning and agreed with Rogge's comments. He is not opposed to take no action on this ordinance and would be willing to support a measure at the next election for the City of Molalla residents to vote and decide.

Clark and Satter stated that council should look at the code again and make sure that we are not violating state laws. Riggs agreed with Clark and Satter.

City Attorney Boyle stated that the Council will need to pass an ordinance before the next election in order to place it on the ballot for the upcoming election. She clarified that you can pass an ordinance prohibiting it but cannot collect on the tax under senate bill 460. HB 3400 does not expressly ban medical marijuana grow sites is not one of the 6 grow sites listed that can be banned.

Pottle asked how will the 3% tax be collected and disbursed to the city. Boyle stated that HB 3400 addresses how much you can tax up to, how it will be collected is still an open issue. Pottle motioned to table this ordinance 2015-05 adding chapter 9.16 to title nine of the Molalla municipal code prohibiting the establishment of marijuana facilities within the city and declaring an emergency. Clark seconded. Motion carried 6-0.

Clark would like to instructed staff to work with legal counsel to draft an ordinance to allowing the revenue sharing and 3% tax collection of the sales within the city limits with no ban on facilities in addition to more information on if we need to look at the previous ordinance regarding zoning previously passed adding recreational to the zoning ordinance. Thompson seconded. Motion carried 6-0.

STAFF REPORTS

Huff: Tiffany Hicks is the Certified Prevention Specialist for Clackamas County regarding domestic violence awareness month in October and asked if Molalla would participate in the Purple Lights project. Satter volunteered to be the point person and will work with the county on behalf of Molalla.

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Staff is working on an updated Bohlander Field parking agreement with Molalla Rotary and working on a new hire for a Utility Superintendent that will oversee both Wastewater and Water that would be a step below the Public Work Director. This will require us to come back to council with a supplemental budget to accommodate the position. Council had no reservation regarding possible new hire.

Cline: West Heintz Street project is moving along and construction has begun. Currently they are working on moving utilities such as PGE and NW Natural Gas. Installation of new waterlines and excavation will be taking place very soon.

Satter: Attended the Library Board meeting and they would like council to review the job descriptions for the board and will be reviewing their strategic plan. The Bearcreek bridge project is fully funded for the bridge and the pathways will be phase II with a separate funding source.

Riggs: Attended the Molalla Area Seniors meeting and it was announced that funding for the Adult Center roof is secured and replacement will take place soon.

Thompson: He will be doing a free women's self-defense class and invited the public to attend in Long Park from 3pm-4:30pm on August 15th.

Rogge: Pottle and Thompson attended a meeting regarding the pool issues and she will be present. FROMP will be in attendance as well as a joint effort to find some resolutions.

EXECUTIVE SESSIONS

Rogge read the public disclosure that the Molalla City Council will now meet in executive session held pursuant ORS. 192.660 (2)(i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing and ORS 192.660 (2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

After executive discussion Clark motioned to exit out of executive session and enter into regular session. Pottle seconded. Motion passed 6-0. The meeting was opened back into a public forum.

ADJOURNMENT

Clark motioned to adjourn the meeting at 7:25pm. Thompson seconded. Motion carried 6-0.

Sadie Cramer, City Recorder

Mayor Debbie Rogge