



Molalla City Council

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

July 24, 2013

Regular Meeting Agenda

Work session: No Worksession

Business meeting: The meeting will begin at 7 p.m. The Council has adopted Public Participation Rules. Copies of these rules and public comment cards are available at the entry desk. Public comment cards must be turned into to the City Recorder prior to the start of the Council meeting. The City will endeavor to provide a qualified bilingual interpreter, at no cost, if requested at least 48 hours prior to the meeting. To obtain services call the City Recorder at (503) 829-6855.

1. CALL TO ORDER – 1,020th Regular Meeting

A. Flag salute and roll call

2. COMMUNICATIONS AND PUBLIC COMMENT

A. Minutes: July 10, 2013

3. AWARDS & RECOGNITIONS

4. PUBLIC HEARINGS

5. CONTINUING BUSINESS

6. ORDINANCES

A. Ordinance 2013-05: An Ordinance Establishing a Process for Exclusion from City Properties

7. NEW BUSINESS

8. RESOLUTIONS

9. PROCLAMATIONS

10. REPORTS AND ANNOUNCEMENTS

A. City Manager Report – Dan Huff

B. Upcoming Council Agenda Items: As of 07/19/13

1. Updated FY13/14 Fee Schedule – August 2014

2. Council appointment for declared vacant position

11. EXECUTIVE SESSION

12. ADJOURNMENT

Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday July 10, 2013

ATTENDANCE: Mayor Rogge, Present; Councilor Pottle, Present; Councilor Clark, Absent; Councilor Thompson, Present; Councilor Wise, Present; Councilor Griswold, Present.

STAFF IN ATTENDANCE: City Manager Huff, Present; City Recorder Cramer, Present.

COMMUNICATIONS AND PUBLIC COMMENT:

Minutes

Councilor Pottle made a motion to approve the minutes from the June 26, 2013 meeting. Councilor Wise Seconded. Motion approved (5-0) Mayor Rogge, Aye; Councilor Pottle, Aye; Councilor Thompson, Aye; Councilor Wise, Aye; Councilor Griswold, Aye.

Library Board Minutes

Library board minutes were distributed to Council for information only.

NEW BUSINESS

Economic Improvement District

Gary Wise, 16951 Stonehill Drive, Molalla gave public comment. He stated that he is a businessman in Molalla. He stated his concerns for property owners in the City don't have a vote unless they live in the City. He spoke in favor of the EID. He stated that he would like to see Council presence at the EID meetings.

Councilor Thompson stated that his Nay vote on the Economic Improvement District was not to stop the Economic Improvement District, he was asking for some specific changes be made to the plan.

Councilor Pottle stated the Mr. Wise is one of the first property owners to come to a Council meeting to discuss this.

Jim Taylor 2940 S. Holt road, Colton stated that TEAM worked to change the plan to meet council approval, even meeting with Councilmembers. He stated that as a business owner, he would like to make the decision whether or not to have the EID.

Councilor Thompson stated that the changes that have been made to the plan were made after the Council voted nay on the plan. He also stated that TEAM has made significant strides to change the plan. He asked that staff bring to Council a plan for council to review to determine if they want to move forward or not.

Mayor Rogge stated she would like the people that are affected with the EID have the opportunity to vote on it. She stated that if CM Huff decides that the EID is not good for Molalla she will stand behind him on that decision.

Councilor Griswold stated that he would also like to see the business owners have the vote on whether to have the EID.

Councilor Thompson stated that although he does not like the plan he doesn't look at it as being deceptive and the property owners should be able to make the decision.

CM Huff stated that there are still revisions to be made in the plan. He requested Council to allow staff to pursue those changes. He would like to see a CIP incorporated into the plan.

Councilor Pottle asked that staff pursue the revisions in the plan.

Councilor Thompson made a motion to allow staff to prepare a final version of the EID plan to bring to council for consideration with the understanding that any external costs involved will be passed on to TEAM. Councilor Wise seconded. Motion approved (4-1) Mayor Rogge, Aye; Councilor Pottle, Aye; Councilor Thompson, Aye; Councilor Wise, Aye; Councilor Griswold, Nay.

RESOLUTIONS

2013-14 – Declaring Councilor Dennis Wolfe's Position as Vacant

Councilor Pottle made a motion to declare Councilor Dennis Wolfe's position as vacant. Councilor Griswold seconded. Motion approved (5-0) Mayor Rogge, Aye; Councilor Pottle, Aye; Councilor Thompson, Aye; Councilor Wise, Aye; Councilor Griswold, Aye.

2013-10A – Revising Resolution 2013-10, adopting the COM budget for FY 2013/2014; Making Appropriations, categorizing and levying ad valorem taxes

Councilor Thompson made a motion to approve resolution 2013-10A. Councilor Griswold seconded. Motion approved (5-0) Mayor Rogge, Aye; Councilor Pottle, Aye; Councilor Thompson, Aye; Councilor Wise, Aye; Councilor Griswold, Aye.

2013-15 – Authorization to Purchase Vector

Councilor Pottle made a motion to approve resolution 2013-15. Councilor Thompson seconded. Motion approved (5-0) Mayor Rogge, Aye; Councilor Pottle, Aye; Councilor Thompson, Aye; Councilor Wise, Aye; Councilor Griswold, Aye.

REPORTS & ANNOUNCEMENT

City Manager's Report

CM Huff stated that he went to the rodeo and enjoyed himself.

Councilor Wise noted that he attended the Buckeroo and there was a very good crowd. He would like to see the 5k run be held on another day other than the 4th.

Councilor Thompson stated that he went to Salem and competed in a Martial Arts Competition.

Councilor Pottle stated that he enjoyed the 4th of July. The Police Department did a great job.

Mayor Rogge was very proud of our City over the 4th of July celebrations. The Chamber did an awesome job of putting on the Parade.

ADJOURNMENT:

Councilor Pottle made a motion to adjourn, Councilor Wise seconded, Motion approved (5-0) Mayor Debbie Rogge, Aye; Councilor Pottle, Aye; Councilor Thompson, Aye; Councilor Wise, Aye; Councilor Griswold, Aye.

Sadie Cramer, City Recorder

Mayor Debbie Rogge

City Of Molalla

City Council Meeting

Agenda Category: Ordinance

Subject: Ordinance 2013-05 Exclusion Order

Staff Recommendation: Council to Adopt

Date of Meeting to be Presented: July 24, 2013

Fiscal Impact: \$0.00

Background: (Type a brief detailed summary of the item to be presented.)

This exclusion order is brought before Council to address a recent issue that has risen and exposed a missing tool in our ordinances. Up to this point, our only ability to exclude persons who engage in conduct that threatens the safety and livability of our community, has been in our City parks.

This ordinance addresses all City property, including buildings and parks and will allow us to address all circumstances when the conduct of an individual compromises our ability to do our jobs and keep our citizens safe and free from harm.

SUBMITTED BY: Chief Rod Lucich

APPROVED BY: Dan Huff, City Manager

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

City of Molalla

ORDINANCE No. 2013-05

AN ORDINANCE ESTABLISHING A PROCESS FOR EXCLUSION FROM CITY PROPERTY

Whereas: The purpose of this ordinance is to establish an exclusion process from public property.

Whereas: Ordinance 2013-05 establishes a process to regulate conduct in or on public property when the conduct or behavior violates Oregon Law, Local Ordinances, or otherwise becomes an obstruction to normal business operations or meetings, when the conduct becomes disruptive, hazardous or menacing.

Whereas: Ordinance 2013-05 amends Title 9 of the Molalla Municipal Code to create section 14 to establish an exclusion process from public property.

Whereas: It is the desire of the Molalla City Council to be able to provide a safe and constructive environment for our community to recreate and conduct their business. Council also recognizes the need to provide a similar environment for our staff to perform their duties of service.

Now, therefore, the City of Molalla ordains as follows:

Section 1. Chapter 9.14 is hereby added to the Molalla Municipal Code as follows:

9.14.010 Use regulations

The provisions of this subchapter apply to all City property. For the purposes of this Chapter, the term "City property" includes all land owned or leased by the City and buildings under city ownership, control or authority.

9.32.020 Exclusion from City property

A. In addition to any other remedy or penalty provided by law, a peace officer or other person specifically authorized by the City Manager may exclude a person who violates a provision of state or local law from that City property for a period of up to 90 days. Where conduct and circumstances elevate to the level of creating a clear compromise to the safety and well-being of citizens or staff, the City Manager may extend the exclusion from City property to up to 1 year. Such extensions must be done in writing and occur within 10 days of the issuance of the original exclusion order.

B. A person excluded pursuant to MMC 9.14.020(A) may not enter or remain upon that City property during the exclusion period. If the exclusion is from City Hall or other City building and it is necessary for the excluded subject to file documents, pay a debt, or otherwise conduct necessary business, the transaction must be conducted by telephone, mail or e-mail if possible. If the excluded party is required to appear in a municipal court proceeding or must appear in person to conduct business, the excluded party will notify the City Manager at least 24 hours in advance of the pending appearance in municipal court or on City property.

C. A person will be given a warning and an opportunity to comply with the law or rule before an exclusion notice is issued unless the exclusion is based on:

1. Conduct punishable as a felony;
2. Controlled substances or alcoholic beverages;
3. Actions actually or likely to result in personal injury or property damage; or
4. The person having been previously warned or excluded for the same conduct in a separate situation.

D. An exclusion notice will not be issued if the person promptly complies with the warning under HMC 9.14.020(C).

E. An exclusion notice will be written and include:

1. The signature of the issuing party and date of issuance;
2. The effective dates of the exclusion period;
3. The places from which the person is excluded;
4. The provisions of law violated;
5. A brief description of the offending conduct;
6. A statement of the consequences for failure to comply; and
7. The appropriate municipal court procedures.

F. The code does not authorize exclusion of a person lawfully exercising free speech rights or other rights protected by state or federal law.

9.14.030 **Rules of Conduct**

While on or about city property:

- A. No person shall violate any federal, state, or city law.
- B. No person shall enter or remain on any city property for purposes other than to conduct legitimate business with the city or to use that property lawfully under the laws and rules that apply.
- C. No person shall enter or attempt to enter any secure portion of any city property that is not open to members of the general public without authorization from the City Manager or a designee.
- D. No person shall deface, damage, or destroy city property.

E. No person shall engage in conduct that degrades the appearance of city property, including but not limited to depositing trash, defacing property, or spitting.

F. No person shall engage in conduct that disrupts or interferes with operations of the city government, including but not limited to conduct that creates unreasonable noise or consists of loud or boisterous physical behavior that actually disrupts the operations of city government.

G. No person shall refuse to obey any lawful direction of a city employee.

H. No person shall violate any provisions posted on any city parking facility.

9.14.040 Appeal of exclusion

A. A person receiving an exclusion notice may appeal to the municipal court and seek to have the exclusion reversed or the exclusion period shortened.

B. An appeal of an exclusion notice must be filed with the city within 10 calendar days of receipt of the notice, unless extended by the municipal court.

C. An appeal of an exclusion notice automatically stays the exclusion period until a decision on appeal is issued by the municipal court, unless the reason for the exclusion was an immediate exclusion based on public safety risks.

D. The municipal court will decide all appeals within 10 days of their filing unless the hearing date is extended by court order.

Section 2. Section 12.08.025 of the Molalla Municipal Code is hereby repealed.

Section 3. Being necessary for the peace, health, and safety of the people of the City of Molalla, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect upon its passage by the Council.

Adopted this _____ day of July, 2013.

Approved:

Debbie Rogge, Mayor

ATTEST this ____ day of _____ 2013.

Sadie Cramer, City Recorder