



Molalla City Council

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

September 26, 2012

Regular Meeting Agenda

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

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

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

1,003rd Regular Meeting

1. CALL TO ORDER

- A. Flag Salute.
- B. Roll Call.
- C. Approval of Minutes: July 11, 2012; July 25, 2012; August 22, 2012; September 12, 2012

2. COMMUNICATIONS

- A. 09/10/12 MAC Minutes

3. AWARDS & RECOGNITIONS

4. PUBLIC HEARINGS

- A. Land Use Application for a Plan/Zone Change from Public Semi-public to Multi-family Residential at 370 Metzler Avenue

5. CONTINUING BUSINESS

6. NEW BUSINESS

- A. Liquor License Approval for C'est La Vie Coffee
- B. Discussion with Molalla Fire District about Fire Siren
- C. Molalla Arts Commission Appointment
- D. Discussion about Disposal of Kennel Avenue Reconstruction Project Spoils
- E. Request for a Town Hall Meeting Addressing Senior Services and the Adult Center

7. ORDINANCES

- A. Ordinance 2012-12: An Ordinance Extending the Franchise Granted to Portland General Electric Company

8. RESOLUTIONS

9. PROCLAMATIONS

10. REPORTS AND ANNOUNCEMENTS

- A. City Manager Report
- B. Upcoming Council Agenda Items
 - a. Stone Place Reimbursement Agreement
 - b. SDC Correction Plan
 - c. PGE Franchise Renewal
 - d. Natural Hazard Mitigation Plan Update
 - e. Credit Card Use Policy
 - f. Telecommunication Franchise Ordinance
 - g. GIS Mapping Tech/Planner Position
 - h. City Grants Policy
 - i. Council Goals – Revisit
 - j. Accessibility of Vulnerable Populations to Safeway

11. EXECUTIVE SESSION

12. ADJOURNMENT

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

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

WRITTEN COMMUNICATIONS

Two informational items were provided in the agenda:

1. Transportation Advisory Committee Minutes for May 29, 2012
2. Engagement Letter with Auditors for Fiscal Year Ending June 30, 2012

VERBAL COMMUNICATIONS

Tony Mann, Superintendant for the Molalla River School District (MRSD) introduced himself to the Council and community. This will be his first year with MRSD and he looks forward serving the community.

NEW BUSINESS

BUSINESS 101 RETREAT DATES

Jim Taylor spoke on behalf of TEAM. TEAM would like to schedule a four hour Business 101 retreat for Molalla. Invited to the retreat will be the Mayor and City Council, TEAM, the Molalla Chamber of Commerce, the Molalla River School District Superintendent, representatives from key Molalla businesses and County, state and federal representatives. The purpose of the retreat is to learn more about business development activities in the area and resources available for Molalla. The retreat also provides an opportunity for the organizations to discuss how they can work together to attract and retain business in Molalla.

After brief discussion between council and staff regarding tentative dates it was decided to allow TEAM recommend a couple of dates and times that work for the presenters for Council to consider. Tentative dates were set for August 14th and 15th with the time frame to be determined by the county.

LEAUGE OF OREGON CITIES POLICY

Each year the League of Oregon Cities (LOC) asks cities to help them identify legislative priorities for the upcoming year. For the 2013 legislative session, LOC has identified 19 legislative objectives, which are identified in the materials provided. From the 19, they would

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like each Oregon municipality to identify their top four. This information is used to focus the League's legislative agenda. Council asked if this can be discussed during the Town Hall meeting and then reported to LOC. Barnes stated yes.

TOWN HALL MEETING

The City Council set a priority to host quarterly Town Hall meetings to hear what citizens have to say on a variety of topics important to our community. With the recent series of budget meetings, it became difficult to schedule a time for a Town Hall meeting in June and provide adequate time to promote the event.

After brief discussion between staff and Council regarding time allotted for public input and the amount of time allotted for upcoming city business items. Needham prefers that 2 separate meeting dates be schedule to separate the 2 events so more time can be given to public; he doesn't want to minimize time to address city business or shorten public participation.

Thompson made the motion to hold the Town Hall meeting on August 8th just after the regular council session. Clark seconded. Motion carried 5-1. Needham, Nay.

CITY OWNED PROPERTY SCHEDULE

During the April 4, 2012 City Council workshop, Council requested listing of all City-owned properties. A description of all City-owned properties compiled by the Public Works Director and included in the agenda as information.

Council briefly discussed and asked if the Public Works Director can do a presentation. Barnes stated staff will add that to the last agenda in August.

CERTIFICATE OF DEPOSIT ACCOUNT

On Thursday, July 5, 2012 the City was made aware of a certificate of deposit (CD) the City has at West Coast Bank. This particular CD, issued in February 2001 in the amount of \$3,262 and now valued at \$4,084 (including interest), was unknown to the City and has not been included in any of the City's financials. It is not accounted for in City audits.

The purpose of the CD is unknown at this time. City staff is reaching the matter. We believe it is associated with donations for the K-9 program.

With an approaching maturity date (July 14, 2012), the Mayor and City Manager agreed to close the CD and move the funds into the General Fund instead of allowing the CD to renew. The account holding funds for the General Fund earns more interest than the CD; so, it is in the

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City's financial interest to close the CD. Funds will be moved to the appropriate city fund when/if the purpose of the CD can be identified. Barnes stated she will report more to the Council as they research this item.

WARRANT REGISTER FOR JUNE 2012

During the January 4, 2012 City Council meeting staff recommended and Council approved implementing a process for Council to review and approve the City's warrant register each month. Barnes stated that she will confirm with the auditor of when we can expect a finalized auditing report. The auditors will be in next week. Thompson moved to approve the warrant register. Rogge seconded. Motion carried 6-0.

REVIEW MONTH END FINACIALS - JUNE YEAR END (FY 2011/2012)

This is a review of the City's FY2011-12 financial activity through June 2012 for each fund in the budget. These financials also represent year end for FY 2011/2012. These are unaudited numbers and may change if year-end audit adjustments are required.

NEW BUSINESS

Needham asked that a resolution for Council consideration be drafted allowing City Manager, Ellen Barnes to enter into a higher level of auditing investigation based on the recent information regarding the city's SDC's and other previous concerns expressed by the forensic auditor. No second was received. Item will not be added to a future agenda.

REPORTS AND ANNOUNCEMENTS

CITY MANAGER REPORT

City Manager Ellen Barnes stated she will be attending the LUBA hearing for the appeal of the Hart Street Project tomorrow and a small claims trial on Friday. She will report back to the Council on any findings.

Barnes asked Council how the decision was made to contract out planning services to the county. She's had an inquiry from the Wall Street Journal. Thompson stated that Council was provided several scenarios and chose the option that was most cost effective at that time.

Barnes is concerned about IT services and the upgrades that need to take place in order to get staff onto the same platform and one network. The city desperately needs an email server to

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streamline and assist with conforming to public records law. She is asking Council approval to move forward on this item. No opposition from Council, Barnes will proceed.

The Dibble House water service has been revisited by the Historical Society. The Dibble House can't and doesn't have the means to pay the monthly water bill. She would like to explore the idea of the city taking over the green space as a public park which would not create a lot of excess work to current Public Works staff. The city would oversee the maintenance while elevating the water bill burden on the non-profit organization. The city would need to explore entering into a lease agreement with the Dibble House which will also take legal review. Council instructed Barnes to explore the option and report back to council with recommendations.

Barnes stated that she and the Council have asked staff not to take any pay increases or incentives in the next fiscal year. Barnes stated that she needs to lead by example and declined the Council's authorization for a 3% increase in her salary in the next fiscal year.

UPCOMING AGENDA ITEMS

- A. Upcoming Council Agenda Items
 - a. GIS Mapping Tech/Planner Position
 - b. Stone Place Reimbursement Agreement
 - c. Annexation of Properties Into City Limits
 - d. Council Goals – Revisit
 - e. PGE Franchise Renewal
 - f. Accessibility of Vulnerable Populations to Safeway
 - g. Telecommunication Franchise Ordinance

Cramer announced that elections and the candidate filing deadlines are quickly approaching. Anyone interested in serving as a Mayor or Councilor can find the filing information at www.CityofMolalla.com or at Molalla City Hall.

Cramer stated there are vacant positions on the Molalla Art Commission and the Planning Commission. The Planning Commission is vital to have in place to allow the city to move forward on land use items and she encouraged anyone living inside the city limits who is interested in serving on any board to apply.

Pottle encouraged the public to be extra aware of pedestrian and children at play while driving around the community during the busy summer months.

Needham stated the Transportation Advisory Committee addressed the needs for our area as requested by Rogge for C4 consideration in May. The needs will also be factored into future discussions. Rogge asked if Molalla will need to decline the invitation to present those needs at

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the August 4th C4 meeting with the county. Needham stated that the next Transportaion Advisory Committee is scheduled for the end of August. Rogge stated she would contact Needham directly for additional information on this item.

ADJOURNMENT

Rogge moved to adjourn the regular session. Pottle seconded. Motion carried 6-0. Meeting adjourned at 7:59pm.

City Recorder, Sadie Cramer

Mayor, Mike Clarke

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

STAFF IN-ATTENDANCE: City Manager, Ellen Barnes; Public Works Director, Marc Howatt; City Recorder, Sadie Cramer.

MINUTES

Rogge made the motion to approve the minutes of June 27, 2012 Council meeting. Pottle seconded. Motion carried 6-0.

WRITTEN COMMUNICATIONS

Informational items only. Transportation Advisory Committee Minutes for June 26, 2012, Molalla Arts Commission Minutes for June 11, 2012 and Molalla Arts Commission Minutes for July 9, 2012.

VERBAL COMMUNICATIONS

Mary Lynn Jacobs of Toliver Drive in Molalla announced that the Centennial Committee is working on the Centennial Kick-Off event at the Molalla Buckeroo grounds on the weekend of August 18th. There will be all kinds of community activity that people can participate in ranging from a watermelon eating contest to dunking local celebrities including some of the Council members who have committed. She invited and encouraged everyone to attend.

AWARDS AND RECGONITIONS

Mayor Clake and the Council congratulated City Recorder, Sadie Cramer for obtaining her Master Municipal Clerk designation which is internationally recognized.

CONTINUING BUSINESS

DISCUSSION ABOUT CITY-OWNED PROPERTIES

During the April 4, 2012 City Council workshop, Council requested listing of all City-owned properties. The Public Works Director generated a detailed list identifying all city-owned properties with estimated valuations. That list was presented to the City Council at the July 11, 2012 Council meeting. During that meeting, Council requested the Public Works Director create a map showing all city-owned properties and lead them in a discussion about the properties.

Howatt presented the materials in the packet to the Council in detail. Brief discussion between staff and Council regarding selling property that is considered “buffer zones” around the sewer

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ponds and other small parcels that could be sold in the future if Council decided to the presentation precluded.

NEW BUSINESS

EAGLE SCOUT PROJECT AT IVOR DAVIES PARK

Pake Benthin, a junior at Molalla High School and a Life Scout with Boy Scout Troop #220 in Oregon City has proposed a Boy Scout Eagle Project at Ivor Davies Park. He would like to build a bark dust walking/jogging trail to make a loop attached to the existing path in the park. Also, he would like to add signs along the trails to mark distances travelled and a sign at the trail head showing the trails and distances. Pake is working with the City's Public Works Director on the logistics of such a project. Thus far, the concept involves applying bark chips and forms to create a small footpath around .25 miles. The Scouts are in touch with BLM, as the trail project skirts close to their lands. The Scouts are seeking donations for the materials to complete the project.

Anyone who would like to make a donation for the barkdust trail project to contact Molalla City Hall. Rogge made the motion to approve the project. Pottle seconded. Motion carried 6-0.

DISCUSSION OF DRAFT MANAGEMENT LETTER FROM CITY AUDITORS

Oster Professional Group, the firm hired by the City for auditing services, conducted their preliminary site visit July 16 – July 19. On July 19, the auditing firm presented the City with a draft management letter regarding internal controls. The draft letter and supporting documentation is attached for review. This is an informational item only and Barnes went through each item list in the letter included in the agenda. This item only addresses internal controls and any follow up on the items will be included in the final audit.

DISCUSSION OF WORK RELATED TO THE FORRISTALL DEDICATION AGREEMENT

In November of 2006, the City executed a dedication agreement with Forristall Family Investments, LLC whereby Forristall Family Investments, LLC dedicated an approximately 25-foot portion of their property along what is now Commercial Parkway in exchange for various improvements on the property. In section 6 of the agreement, the City committed to funding all costs for surface water drainage system improvements. Forristall Family Investments, LLC is in the process of developing their property adjacent to the portion dedicated to the City and is requesting the City install the surface water improvements as required by the dedication agreement.

After discussion between staff and the council regarding who executed the agreement, verification of signatures on the agreement and suggestion of how the city could pay for this item; it was decided by council consensus to have staff follow up with Forristall to find out a

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total cost to satisfy this agreement in full with no other conditions or expectations instead of piecing the item out over time and have that reported back to Council.

DISCUSSION OF REQUIRING BACKGROUND CHECKS FOR MAYOR AND COUNCIL CANDIDATES

In previous years, the City of Molalla required candidates for an elected office to complete a preliminary background check. This was done in the belief that it was required by Charter. No ordinance authorizing or requiring background checks of candidates for elected positions has been adopted. However, neither the 1993 Charter nor the recently adopted 2010 Charter list lack of convictions as a qualification for running as a candidate for office. Conviction of a public offense punishable by loss of liberty is a reason for removal of an incumbent elected official.

The prior Charter listed conviction of a felony or any crime of moral turpitude as a reason for removing an elected official from office. However, these later two provisions apply to incumbent officials who commit a crime while in office, not to candidates running for office. Under home rule provisions, the City can enact an ordinance that requires applicants for an elected position to complete a background check. The city then can release this information to the public for citizens to use in election decisions. The City also can modify its qualifications for public office to prohibit individuals who have been convicted of a public offense punishable by loss of liberty. This type of modification requires a Charter amendment that is adopted by public vote.

Pottle stated that this ordinance is not intended to step on liberties but to bring a great clarity so the public so they can make an educated choice on those running for a public office.

Needham questioned if it is the responsibility of the city to do background checks and release that information to the public. Thompson stated he feels as long as the city is not taking a position on the information then it is the city's responsibility. Needham feels that if the city is disclosing negative information that they are taking position. Thompson disagreed.

Pottle made the motion to move forward on drafting an ordinance pertaining to background checks for public officials. Thompson seconded.

Discussion between staff and Council regarding the amount of information being disclosed, time frames, violation of constitutional rights and how they would like the information disseminated to the public staff will move forward on drafting an ordinance to be presented to Council.

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REPORTS AND ANNOUNCEMENTS

CITY MANAGER REPORT

City Manager Ellen Barnes stated that the Kennel Avenue paving project is moving along well and reported a fire at Ivor Davies Park.

Cramer stated elections are quickly approaching and reminded everyone about the deadline for filing with her office is August 20th noon.

Needham asked about the discussion of having a youth as part of the Council. Mayor Clarke stated the item has been discussed and we are currently waiting on school to start again in order to find a candidate for a youth representative.

Pottle thanked Benthin for his presentation of the Eagle Scout project.

Rogge provided a report on the status of the pavilion. The concrete has been sealed, landscaping options are being explored and the rock work will be started in the next couple weeks.

Barnes announced that there will be a Town Hall meeting on August 8th and she encouraged the community to attend. Barnes also asked the Council to e-mail her with feedback regarding the Molalla Communication signage for the pavilion when they had an opportunity.

UPCOMING AGENDA ITEMS

- a. Credit Card Use Policy
- b. Telecommunicaiton Franchise Ordinance
- c. Stone Place Apartments West Annexation Ballot Measure
- d. GIS Mapping Tech/Planner Position
- e. City Grants Policy
- f. Stone Place Reimbursement Agreement
- g. Council Goals – Revisit
- h. PGE Franchise Renewal
- i. Accessibility of Vulnerable Populations to Safeway

ADJOURNMENT

Rogge made the motion to adjourn 8:33pm. Pottle seconded. Motion carried 6-0.

City Recorder, Sadie Cramer

Mayor, Mike Clarke

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ATTENDANCE 1,001ST REGULAR MEETING: Mayor Mike Clarke, Present; Councilor Stephen Clark, Present; Councilor George Pottle, Present; Councilor Jimmy Thompson, Present; Councilor Dennis Wolfe, Absent; Councilor Jim Needham, Present; Council President Debbie Rogge, Present.

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

MINUTES

Rogge made the motion to approve the minutes of the August 8, 2012 Council Meeting and August 8, 2012 Town Hall Meeting summary notes with minor spelling corrections as noted. Thompson seconded. Motion carried 7-0.

COMMUNICATIONS

WRITTEN – INFORMATIONAL ONLY

- Transportation Advisory Committee Minutes: July 24, 2012
- Library Advisory Board Minutes and Staff Reports: May 17, 2012; June 21, 2012
- Library Video Challenged

VERBAL

Chip Dickinson of James Place in Molalla asked for community support for Josh Casten, a 16 year old local youth who has been diagnosed with an inoperable pontine glioma brain tumor who has 3-6 months to live. Fundraising efforts are being done on behalf of the family to help offset medical expenses. Bracelets can be purchased and donations made at www.gofundme.com

Mary Lynn Jacob, Chair of the Molalla Arts Commission invited and gave information for their upcoming “Annual Call to Artists Event” on September 9, 2012 at Out of the Garden Nursery near Molalla. MAC is inviting artist of all levels and expertise to take advantage of this networking opportunity to support local arts.

Mary Lynn Jacob, representative for the Molalla Centennial Committee thanked Mayor Clarke, Councilor Needham, Councilor Rogge and City Manager, Ellen Barnes for helping to raise funds by volunteering to be a dunker for the dunk tank.

AWARDS & RECOGNITIONS

SWEARING IN OF NEW POLICE RESERVES

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Mayor Mike Clarke swore in 6 new police reserves. Chief Lucich thanked the families and community for coming out and supporting new recruits Garret Edmunds, Bryce Hingson, Melissa Georgesen, Bogdan Laza, Casey Newton and Matt Jett.

NEW BUSINESS

REVIEW COUNCIL ROLES

Mayor Clarke reminded the Council members of their duties, roles, responsibilities and interactions with staff. Staff is very busy due to staffing reductions and asked that councilors don't seek out vendors or contractors.

Needham asked for clarification of the roles and would like to see written clarification. He asked if councilors are allowed to speak to vendors at the annual League of Oregon Cities conferences and why the discussion tonight is taking place.

M. Clarke stated that he stated talking to vendors at a conference to find out more about their services and then provide that information to the City Manager and Council is fine to do. The concern comes in when individual councilors take it upon themselves to obtain quotes or services on behalf of the city.

Clark stated that he would hope that the council as a whole would be supportive of finding alternative energy options however for a single councilor to act on behalf of the city or the city council to obtain quotes and schedule appointments is unwarranted; hinging on the coercion clause within the code or council rules regarding administrative action or contracts. He asked that Needham not overstep that boundary again.

Needham asked if this item was being addressed due to his actions. M. Clark stated that the item was placed on the agenda as a reminder and due to Needham's actions that were taken when he scheduled an appointment for a contractor to tour a city facility without council consent on the city's behalf as reported by staff.

Needham stated Clarke was making false statements regarding his roles of the if he has violated any rules, ordinances or the charter that the city proceed in filing official charges against him otherwise he feels this is a form of harassment.

Pottle called a point of order. Mayor Clarke reiterated that again the concern comes in when individual councilors take it upon themselves to obtain quotes or services on behalf of the city. Pottle asked to move on the discussion that is starting to take place is counterproductive.

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Needham stated that he would like the email document to be entered into the public record that lead to this item being placed on the agenda. The email will be forwarded to the City Recorder. Cramer stated the item will be entered into the record as Exhibit "A".

Thompson asked how much staff time was lost due to the incident. Barnes stated collectively with all staff that was involved a considerable amount of time was lost that day. She needs direction from the Council as a body so she can direct staff. There is a process that needs to be followed and needs to be addressed in this forum so she can allocate resources and direct staff of the projects that need to be addressed. We also have contracting laws that have to be followed by state statute.

After discussion between Needham, Rogge and Barnes regarding the importance of energy savings, strategic planning and clarification of the importance of following appropriate processes for prioritizing items of this nature by way of a Council quorum the discussion ended.

PURSUING ALTERNATIVE ENERGY SOURCES FOR CITY FACILITIES

A councilor has expressed a strong interest in exploring use of alternative energy resources for city facilities. Barnes is asking for council direction as a body if this item is a priority.

Pottle made the motion to table this item until the city is more financially stable to do so. Wolfe seconded. Motion carried 6-1. Needham, Nay.

REVIEW WARRANT REGISTER FOR JULY

During the January 4, 2012 City Council meeting, Council agreed to staff recommendation of implementing a process for Council to review and approve the City's warrant register each month. Thompson motioned to approve the warrant register. Rogge seconded. Motion carried 7-0.

REVIEW FINANCIAL STATEMENTS FOR JULY

This is a review of the City's FY2012-13 financial activity through July 2012 for each fund in the budget. Beginning fund balances are unaudited at this time. These amounts may change with year-end audit adjusting entries.

Needham asked for clarification on the following items:

- The 422% Increase for the Police Departments beginning fund balance. Penni stated that the auditors requested that restricted revenue funds for the police

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vehicle sales and scholarship funds be accounted for as their own line item within the PD funds showing an increase in percentage.

- Planning service amounts listed with an increase in funds. Penni clarified that the amounts listed are for unemployment benefit costs. 3 staff members were eligible for that benefit and the benefit period will be expiring which will eliminate that expenditure.
- Increase in PERS amounts. Penni explained that the auditors went back and identified that the payroll records weren't allocating the appropriate amounts in 2011/2012. This caused 2 issues:
 - It caused a large unexpected \$61,000 expense for 3 funds that included Public Works, Police and the Aquatic Center.
 - The numbers that were used for the FY 2012/2013 budgeting numbers will be skewed. We are now using the corrected actual data to do our projects from now that percentage of allocations has been corrected.

Penni gave a brief explanation of the transfers shown in the document and stated they were done as recommended by our auditors.

ORDINANCES

ORDINANCE 2012-11: AN ORDINANCE AMENDING CHAPTER 2.02 OF THE MOLALLA MUNICIPAL CODE RELATING TO CITY ELECTIONS, INITIATIVES AND REFERENDUMS AND PROVIDING FOR CRIMINAL BACKGROUND CHECKS FOR CANDIDATES FOR ELECTED OFFICE (SECOND READING)

In previous years, the City of Molalla required candidates for an elected office to complete a preliminary background check. This was done in the belief that it was required by Charter. No ordinance authorizing or requiring background checks of candidates for elected positions has been adopted. However, neither the 1993 Charter nor the recently adopted 2010 Charter list lack of convictions as a qualification for running as a candidate for office.

Conviction of a public offense punishable by loss of liberty is a reason for removal of an incumbent elected official. The prior Charter listed conviction of a felony or any crime of moral turpitude as a reason for removing an elected official from office. However, these later two provisions apply to incumbent officials who commit a crime while in office, not to candidates running for office. Under home rule provisions, the City can enact an ordinance that requires applicants for an elected position to complete a background check.

The city then can release this information to the public for citizens to use in election decisions. The City also can modify its qualifications for public office to prohibit individuals who have been convicted of a public offense punishable by loss of liberty.

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This type of modification requires a Charter amendment that is adopted by public vote. At the July 25, 2012 Council meeting, Council directed staff to draft an ordinance for their consideration. The vote for a first reading was 4-2, requiring the ordinance be brought back for a second reading.

Thompson made the motion to have a second reading by title only of ordinance 2012-11. Wolfe seconded.

Rogge stated that this ordinance puts staff at risk based on discussion with the city attorney and she is struggling with this item based on civil liberties and civil rights.

Needham stated that he would support this ordinance because legal counsel for the city stated it was not laborious.

M. Clarke called the vote. Motion carried 6-1. Rogge, Nay. The ordinance was read by title only by Clarke.

Thompson made the motion to adopt ordinance 2012-11. Wolfe seconded. Motion carried 6-1. Rogge, Nay.

RESOLUTIONS

RESOLUTION 2012-38: A RESOLUTION APPROVING AN AMENDMENT TO THE FORRISTALL DEDICATION AGREEMENT AND AUTHORIZING AN EXPENDITURE IN EXCESS OF \$10,000

Needham asked for clarification for the amounts that are within the agenda item. Barnes stated that this item will need to be moved to a future council meeting so staff can address recent concerns that have been brought to her attention regarding the item. Item moved to a future meeting.

RESOLUTION 2012-39: A RESOLUTION CALLING FOR AN ELECTION AND APPROVING A BALLOT TITLE FOR AN ELECTION ON THE ANNEXATION OF 4.640 ACRES DESCRIBED AS TAX LOTS 1100 AND 1200 OF TAX MAP 52E08C FRONTING THE SOUTH SIDE OF HWY 211 WEST OF ONA WAY AND EAST OF S HEZZIE LANE

Karl Ivanov of Stone Place West has filed an application for annexation in to the city limits of Molalla. The charter per the Molalla Municipal Code has to be referred to the voters of Molalla. In order for staff to do so, a resolution must be passed approving the annexation to be put onto the ballot. Rogge made the motion to approve resolution 2012-39. Clark seconded. Motion carried 7-0.

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RESOLUTION 2012-40: A RESOLUTION AUTHORIZING AN ADVANCE FINANCING AGREEMENT AND SPREADING REIMBURSEMENT COSTS FOR A PUBLIC IMPROVEMENT

Resolution 2012-40 moved to a future council meeting.

RESOLUTION 2012-41: A RESOLUTION ACCEPTING GRANT FROM MOLALLA COMMUNICATIONS

Rogge made the motion to adopt resolution 2012-41. Pottle seconded. Motion carried 7-0.

REPORTS AND ANNOUNCEMENTS

Cramer announced the candidates for the upcoming elections as:

Name	Position
Debbie Rogge	Mayor
Jim Needham	Mayor
Jimmy Thompson	Councilor
Chris Cook	Councilor
Dennis Wise	Councilor
Glen Boreth	Councilor
Jason Griswold	Councilor
Shane Potter	Councilor

CITY MANAGER REPORT – ELLEN BARNES

Written/verbal noise complaints have been received regarding the Ross Coleman and La Fortuna events that were recently held. This might be a topic of council discussion on a future agenda.

She attended the LGPI trainings with Chief Lucich regarding labor laws and union negotiation.

Barnes stated she is have IT issues and is asking Council to be patient because currently her old data is not yet transferred.

COUNCILORS

Needham attended the Centennial Kick-off and commended the groups efforts. He congratulate the new Police Reserves and invited the public to attend the Livability Summit on October 11, 2012 from 5PM-9PM at the Nazarene Church. The purpose of the summit is to bring the

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community together to figure out ways to address needs within the community relating to health care, homelessness and any other concerns/needs that may need to be addressed.

Pottle stated he is willing to assist with fundraising for Josh Casten and hopes the community comes together to help support the young man and his family in their time of need.

Rogge stated the Molalla Centennial Group will be meeting to discuss events that will take place over the next year to celebrate Molalla's 100th birthday.

MAYOR

Clarke stated he attended the Clackamas County Fair during their opening ceremonies and handed out icecream to the senior citizens. He announced that fall sports are in full swing and encouraged the public to attend.

UPCOMING COUNCIL AGENDA ITEMS

- Credit Card Use Policy
- Revised Natural Hazard Mitigation Plan
- Telecommunicaiton Franchise Ordinance
- GIS Mapping Tech/Planner Position
- City Grants Policy
- Council Goals – Revisit
- PGE Franchise Renewal
- Accessibility of Vulnerable Populations to Safeway

Rogge made the motion to exit out of regular session and enter into executive session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt from disclosure by law, including written advice from the city attorney. Thompson seconded. Motion carried 7-0. Clarke read the public executive session disclosure.

EXECUTIVE SESSION

The Molalla City Council will enter into executive session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt from disclosure by law, including written advice from the city attorney. Executive session opened at 8:10PM.

After executive discussion the council exited executive session and enter back into regular session after going back into the public meeting area. (Approx. 57mins)

Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Avenue, Molalla Oregon 97038
Wednesday, August 22, 2012 7:00PM

ADJOURNMENT

Needham made the motion to adjourn at 9:05pm. Rogge seconded. Motion carried 7-0.

City Recorder, Sadie Cramer

Mayor, Mike Clarke

Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Avenue, Molalla Oregon 97038
Wednesday, September 12, 2012 7:00PM

ATTENDANCE 1,002ST REGULAR MEETING: Mayor Mike Clarke, Present; Councilor Stephen Clark, Present; Councilor George Pottle, Present; Councilor Jimmy Thompson, Present; Councilor Dennis Wolfe, Absent; Councilor Jim Needham, Present; Council President Debbie Rogge, Present.

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

MINUTES

Approval of Minutes: Budget Meeting 05/22/12; Budget Meeting 05/29/12; Council 05/23/12; Council 06/13/12; Council 06/20/12.

Thompson made the motion to approve all minutes presented with minor spelling corrections. Clark seconded. Motion carried 7-0.

COMMUNICATIONS

WRITTEN – INFORMATIONAL ONLY

- Transportation Advisory Committee - TAC Meeting 07/24/12
- TAC Agenda and Packet 08/28/12

Clark asked Needham for clarification on the Transportation Advisory Committee minutes and who would be submitted the grant on the City's behalf. Needham proposed TAC.

CONTINUING BUSINESS

NOISE COMPLAINTS AND DISCUSSION OF CITY NOISE ORDINANCE

In response to complaints of over-amplified sound coming from concerts at the Buckeroo Grounds this summer, the City Council, in the fall of 2011, directed staff to review the noise ordinance and to suggest possible revisions. Staff presented suggested revisions to Council along with supplementary documentation. Council elected to give the Buckeroo Association an opportunity voluntarily to control over-amplified sound from concerts next season.

One year later, the City is again receiving complaints regarding over-amplified sound coming from Buckeroo events. At the request of Council, discussion of the city's noise ordinance has been added to the agenda.

Grant Sharp of Feyer Park Road near Molalla stated that they are working closely with event holders to reduce noise complaints and are doing their best to fine tune the processes, set up of

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the stage and a variety of other variables that can affect the projection of sound. He asked that the complaints be tracked for accuracy. CM Barnes stated that 1 complaint was for the Ross Coleman and the others were for the recent La Fortuna event.

Mitch Magenheimer of Mulino Road near Molalla and President of the Molalla Rotary addressed the Council regarding the complaints received from the events and the negative effects that could take place if the current ordinance was more restrictive. He attends and works the parking lot during the festivities and he is unaware of any laws or ordinances that the group may have broken and they have met all requirements to the best of their knowledge. Making the current ordinance more restrictive will prevent events from coming to Molalla and these larger venues attract thousands of people that generate local revenue for businesses, non-profits and the City of Molalla. Pottle stated the complaints are not about the money coming in; it's about the noise levels.

Michelle Mills of Finney's Landing in Molalla and President of the (MBA) Molalla Buckeroo Association spoke and gave written testimony (Exhibit A) to the Council to consider. She has been at every event and each time the event holders have met the ordinance requirements and received no complaints. She also concurred with Magenheimer on his statements regarding any ordinance changes, possible loss of revenues and events should the council change or create a more prohibited noise ordinance.

The MBA has considered the use of baffles but the option is not cost effective due to the metal roof over the grand stands. She hopes that the groups can work together to address the issues and asked Council to note that no complainants were at this meeting to voice their views or opposition of the noise, but there were several supporters there for the events.

Wolfe asked if the event holders are responsible for picking up after the events and reported an increase amount of garbage being left behind. Sharp and Mills stated that La Fortuna has a clean-up crew go through the nearby neighborhoods to pick up garbage after the events. Sharp stated that he will note Wolfe's concern and address his street with the coordinators of La Fortuna.

Clarke agreed with Wolfe and would like increase securities to help prevent off-site drinking or drug use in the parking lots.

Thompson asked Mills how it would affect the outcome of the events if the Council were to adjust the hours and days of the noise ordinance by 1 hour on weekends and 2 hours on the weekdays (including Sunday) to be more accommodating to those who have to work on Monday and making considerations when an event falls on a holiday weekend.

Mills stated that it would affect the event attendance negatively especially the La Fortuna events. Attendees of the Mexican Festivals tend to work 5-6 days a week and consider Sunday as their only "family" day off. If the event times were restricted there would be a decrease in attendance that would also affect revenues greatly.

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Needham asked Mills if she was against the ordinance or wants to disregard the complaints. Mills stated she's not against addressing or dismissing the complaints but she thinks that the city also has a commitment to the established groups and event holders. Only a few complaints were received for the last couple events out of the 19 that were held this year and we have more than 8,000 people in this town. She again stated that there wasn't a single complainant at this meeting opposing the events.

Cathy Long of Mt. View Lane in Molalla stated she was opposed to any changes to the noise ordinance and believes it would hinder or force events that generate revenue for the city to find another venue. How does the Council justify those lost dollars that help local businesses and the community to remain active based on a few complaints received.

Rogge stated that she has lived in other cities with large events and they were able to find a happy median and she is confident that it can also happen here. The benefits that come from the events that take place in our community far out the cons.

After brief discussion between staff and council took place on options of how to proceed on this item, the council consensus was to allow Barnes to have a post event meeting with all major stakeholders and provide a report to the Council by the end of November so they can make appropriate considerations for events being planned in 2013.

Clarke feels that we have a commitment to the citizens to protect their health and welfare but not the businesses. He feels by doing this we are doing a disservice to the community.

Needham made the motion to direct staff to debrief with the stakeholders and provide a report to Council regarding that debriefing by the 2nd meeting in November 2012. Thompson seconded. Motion carried 6-1. Clark, Nay.

NEW BUSINESS

LIQUOR LICENSE APPLICATION FOR CINDY'S CAFÉ

ORS 471.166(1) requires that recommendations for a liquor licenses must be approved by City Council. Rogge made the motion to ratify the OLCC application. Wolfe seconded. Motion carried 7-0.

DISCUSSION OF PLANNING COMMISSION REQUEST TO REVIEW AND REVISE THE CITY'S DEVELOPMENT CODE

At the conclusion of the Molalla Planning Commission meeting held Tuesday, August 28, 2012, planning commission members expressed a strong desire to revise the city's development code. They are interested in correcting errors and inconsistencies, effecting changes required by

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Molalla Adult Center
315 Kennel Avenue, Molalla Oregon 97038
Wednesday, September 12, 2012 7:00PM

changes in state statutes and administrative rules, and amending requirements to be more in line with Molalla's needs.

Grant Sharp a member of the Planning Commission stated he has reviewed and prepared some recommendation for the code and would like permission from the Council to move forward on formally providing and allow the Planning Commission to work on this item. Needham made the motion that Council allow the Planning Commission to move forward on revisions to the comp plan to be presented to Council at a later date for consideration. Wolfe seconded. Motion carried 7-0.

DISCUSSION OF RFP FOR NETWORK AND COMPUTER SUPPORT SERVICES

The City currently contracts for IT support services. However, the extent of services provided is limited to network security and monitoring. The city pays additionally for other technical support services. Through this RFP process, the city seeks to improve tech. support it receives, network all city facilities, standardize computer platforms and software, and migrate to a mail server system.

Barnes stated that staff has experienced several IT issues over the last few months from e-mail issue to computer and server components crashing. We are getting to a critical point on an IT level and she would like permission to go out for RFP's. Rogge made the motion to instruct staff to move forward on a RFP process. Wolfe seconded. Motion carried 7-0.

REVIEW AUGUST FINANCIAL REPORT

This is a review of the City's FY2012-13 financial activity through August 2012 for each fund in the budget. Beginning fund balances are unaudited at this time. These amounts may change with year-end audit adjusting entries. Rogge made the motion to approve the financial reports. Pottle seconded. Motion carried 7-0.

REVIEW WARRANT REGISTER FOR AUGUST

During the January 4, 2012 City Council meeting staff recommended and Council approved implementing a process for Council to review and approve the City's warrant register each month. Thompson made the motion to approve the August warrant register. Rogge seconded. Motion carried 7-0.

NEW ITEMS FOR NEXT AGENDA

Clark would like to discuss the current disposal of "spoils" (dirt from a construction project) that are being stored in a field near the Buckeroo Grounds. Wolfe seconded. Item will be added to the next agenda.

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REPORTS AND ANNOUNCEMENTS

CITY MANAGER REPORT – ELLEN BARNES

Barnes reported that her time has been occupied by HR matters. One is pertaining to claims of sexual harassment. The rest of her time has been spent on Forristall negotiations and attending various Clackamas County meetings relating to power needs and PGE.

MAYOR/COUNCILORS

Needham invited the public to attend the upcoming Livability Summit on October 17th at the Nazarene Church from 5PM to 9PM.

Rogge attended a meeting at the Fire Hall regarding a visionary process and attended Patriot's Day on September 11th in memory of the events that occurred that tragic day 2001.

Clarke stated that the community is busy with great events and fall sports. He encouraged the public to attend and support activities in their community.

UPCOMING COUNCIL AGENDA ITEMS

- Stone Place Reimbursement Agreement
- Natural Hazard Mitigation Plan Updates
- SDCs
- Credit Card Use Policy
- Telecommunication Franchise Ordinance
- GIS Mapping Tech/Planner Position
- City Grants Policy
- Council Goals – Revisit
- PGE Franchise Renewal
- Accessibility of Vulnerable Populations to Safeway

ADJOURNMENT

Needham made the motion to adjourn at 9:05pm. Rogge seconded. Motion carried 7-0.

City Recorder, Sadie Cramer

Mayor, Mike Clarke

Molalla Arts Commission

Meeting Agenda

September 10, 2012 5:30 pm Molalla City Hall

Call to Order: Mary Lynn Jacob

Roll Call:

Commissioners

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

Liaisons

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

Guests

NAME	TITLE
Darla Lynn	Artist
Elizabeth Klein	CCA

1 Roll Call – Dave Jackson

Call to order 7:35 pm. Roll call as noted.

2 Approval of Minutes

No minutes. Deferred to next meeting.

3 Financial Report – Karla Koch-Johnston

None. Not present.

4 Continuing Business

a. Logging Mural – Jude Strader/Elizabeth Klein

The balance in the Mural Fund is \$774. There is still work remaining to be done on the project, such as the plaque and lighting. Additional funds will need to be raised. We do not know the status of a security grant, supposedly given by MCC. Sadie would have that information and she was not present. The Mural Committee will be consulted for naming suggestions for the murals.

Elizabeth Klein with Clackamas County Arts Alliance, who managed the mural project, had hoped to submit an article for a national publication based on the Molalla Timber Mural, but was too late for their issue on “Places”. She wants to include information about the mural because it is unique in that it was funded totally by contributions and not a percent for art, as in most communities. Too late to get article into national “Places” blurb. Need to prepare for next bi-annual pub date. Naming the mural is proposed. Committee to discuss.

b. Lake Oswego Arts – Karla Koch-Johnston

No report.

c. Made in Molalla Store – Dave Jackson

Little response from artist social. Still cannot account for critical mass. Will have to regroup with Team Molalla.

d. Dr. Walker – Dave Jackson

Proposal of talking points discussed. Now, need to formalize and present to Molalla Vision. Issues are funding, ideas, and potential contributors.

e. Artists’ Reception – Mary Lynn Jacob

Generally successful. Would have liked to see more people participate. The location was fantastic and weather good. Food and drink offerings were top notch. There were several new artists that attended the reception that can be added to the MAC artist data base for inclusion in future shows. Thanks to Out in the Garden Nursery owners Carol and Dale Westergreen for use of their display gardens as the beautiful location for the event. Guests were entertained and fed in a relaxed atmosphere.

f. Student MAC Member – Alicia Cook

New guidelines to be discussed at retreat.

g. Grants/Future Project Ideas – Alicia Cook

No defined project for an October submission. There may still be time to prepare a grant submission to the Clackamas Cultural Coalition before the October deadline, if a suitable project can be determined..

- h. Call to Artists Promo – Jon Deshler

Good job! Lots of hard effort made to get the word out. Beautiful flyers made. Thanks, Jon!

- i. MAC Banner – Mary Lynn Jacob

Thanks to Dennis and Son for getting the banner down.

5 New Business

- j. Clackamas Arts Alliance Field Trip – Jude

Set for our October 8th at the Timber Mural. Expect about 12 people max.

- k. MAC Commissioner Application – All

An application for MAC Commissioner was submitted by Darla Lynn. After reviewing the application and acknowledging Darla's participation in MAC, a motion was made by Vice Chair Cook to recommend Darla to City Council for appointment. Commissioner Deshler seconded. All voted in favor. Commission Chair Jacob will submit the application to City Council for Darla's appointment as a commissioner prior to their September 26th meeting.

- l. Web site:

Need a dedicated URL that points to our city site. All voted in favor of spending the money to obtaining a dedicated URL. Choice: <http://MolallaARTS.com>

- m. MAC Retreat – All

Set for September 30th at Secretary Dave Jackson's Charlie Horse Ranch. 10 am to 4 pm.

6 Member Sharing

Artist Joan Pottle donated a stained glass piece to be used as a fund raising project for MAC. No decision was made about the type of fund raiser. Thanks to Mrs. Pottle for this beautiful artwork.

7 Adjournment

Adjourned 7:04 pm.

8 **Next meeting:**

September 24, 2012, 5:30 pm, Location to be discussed

October 8, 2012, 5:30 pm, Molalla City Hall

City Of Molalla

City Council Meeting

Agenda Category: Public Hearing

Subject: Land Use Application for a Plan/Zone Change from Public Semi-public to Multi-family Residential at 370 Metzler Avenue

Recommendation: The Planning Commission recommends approval

Date of Meeting to be Presented: September 26, 2012

Fiscal Impact: \$4,300 in planning fees

Background:

See attached staff summary to Council

SUBMITTED BY: Ellen Barnes, City Manager

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

Agenda Item

4.A

City Recorder Use Only

Land Use Hearing Item Staff Summary to City Council

File Number: CP2012-1/Z2012-1

Staff Contact: Clay Glasgow

Proposal: applicant requests to change Plan/Zone designation of the subject property from PSP/Public Semi-public to Multi-family Residential/R-3. The site is located at 370 Metzler Avenue, at Section Street and is approximately 0.30 acre in size.

Planning Commission action: This is a plan/zone change request and as such the role of the Planning Commission (PC) is to consider testimony and other evidence, then arrive at a recommendation to forward to the Council, which is the final City decision making authority for this type of application. The PC held a public hearing on August 28, 2012 to consider the proposal. The staff report was presented and discussed. Applicant provided brief testimony. No other testimony was received (no others present.) The PC discussed the proposal, including reasoning behind the original PSP plan and zone designations for the site (school district and other public type uses.) The Planning Commission recommends Council approve the requested Plan and Zone change, from PSP, Public Semi-public to Multi-family Residential, R-3.

Significant Issues: The current plan/zone designations are the result of past uses of the property. Those uses are no longer in place, and the PSP designation is not necessary. Changing designation to that of the surrounding area will correct an inconsistency in the Plan and Zoning maps of the city.

Staff Recommendation: staff suggests Council follow the recommendation of the Planning Commission and approve this plan and zone change request.

STAFF REPORT/RECOMMENDATION TO
PLANNING COMMISSION AND CITY COUNCIL

File: CP 2012-1, Z 2012-1

Date: August 20, 2012

Hearing(s): August 28, 2012 (PC), September 26, 2012 (Council)

I. GENERAL INFORMATION

- A. Proposal: Applicant proposes to change the Plan/Zone designation of the subject property from PSP/Public Semi-Public to Multi-Family Residential/R-3.
- B. Legal Description: T5, R2E, Section 08DD, Tax Lot 2200
- C. Location: 370 Metzler Avenue, at Section Street.
- D. Current Zoning: Public/Semi-public
- E. Current Comprehensive Plan designation: PSP
- F. Site Description: The subject property is approximately 0.30 acres in size, located at the intersection of Metzler Avenue and Section Street. The site is vacant, essentially level, with no notable natural features.
- G. Surrounding Conditions: Land use in the area is generally residential, both single- and multi-family.

II. FINDINGS

This request is subject to Chapter V of the Molalla Comprehensive Plan - Plan Review and Revision; Chapter 19.28 of the Molalla Development Code - Land Use District Map

and Text Amendments; and with other applicable provisions of Title 19 of the Molalla Municipal Code.

Chapter 19.28 establishes approval criteria for a land use district map change. Section 19.28.030 states that, the Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment. The City Council shall decide such applications; and, the Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications. Chapter V of the Comprehensive Plan establishes standards for a Plan Map amendment. This is processed as a Type III procedure as outlined in Chapter 19.04 of the Molalla Development Code.

The applicant has submitted information relative to the above referenced criteria. Based on this information, along with other available information staff makes the following findings and conclusions:

A. Comprehensive Plan Amendment and Zone Change

1. Chapter 19.28 establishes the approval criteria for a zone change. Section 19.28.030 states that the Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment. The City Council shall decide such applications; and, the Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications. This is processed as a Type III procedure as outlined in Chapter 19.4 of the Molalla Development Code. Chapter V of the Comprehensive Plan and Chapter 19.4 of the Development Code are inextricably linked. Thus, Chapter 19.4 of the MDC applies to the Comprehensive Plan amendment as well as the zone change. Section 19.28.030(B) requires the applicant to successfully address the following:

19.28.030(B1) Approval of the request is consistent with the Statewide Planning Goals.

- a. Goal 1 - "Citizen Involvement" - The purpose of this goal is to provide citizens the opportunity to be involved in the planning process. Notice of this proposal was mailed to the owners of properties within 500 feet of the subject property. The Planning Commission will hold at least one (1) public hearing to consider the matter and take public testimony, then the City Council will also hold at least one (1) public hearing on the matter. Goal 1 is satisfied.
- b. Goal 2 - "Land Use Planning" – Goal 2 requires local jurisdictions to adopt comprehensive plans and ordinances to implement those plans. This process for Comprehensive Plan amendment is consistent with the Molalla Comprehensive Plan and Development Code, thereby satisfying Goal 2.

- c. Goal 3 - Agricultural Lands – Molalla has no designated agricultural lands. This goal is inapplicable.
- d. Goal 4 – Forest Lands – Molalla has no designated forest lands. This goal is inapplicable.
- e. Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources – Goal 5 requires local jurisdictions to inventory many types of natural and cultural resources, such as wetlands and wildlife habitat; determine which sites are significant; and undertake an evaluation to determine which sites will be protected and to what extent. The subject property does not include any inventoried Goal 5 Resources. This goal is inapplicable.
- f. Goal 6 – Air, Water and Land Resources Quality – This Goal requires the Comprehensive Plan and implementing ordinances to be consistent with state and federal pollution standards. The proposed Plan amendment is consistent with this Goal because it does not seek to change the city’s pollution standards.
- g. Goal 7 – Areas Subject to Natural Disasters and Hazards – This Goal deals with development in areas subject to natural disasters and hazards, such as floods or landslides. The proposed Plan amendment will have no impact on the city’s regulations pertaining to natural disasters and hazards. The subject property has not been identified as being at risk for a natural disaster or hazard that would be a basis for preventing the development allowed by the new Plan designation.
- h. Goal 8 – Recreational Needs – This Goal requires the city to plan for recreation needs. Through its Comprehensive Plan, specifically those policies relating to recreation the City has and will continue to provide for recreation needs. This proposal will not change those policies. This Goal is met.
- i. Goal 9 – Economy of the State – Goal 9 requires the city to plan and zone for an adequate supply of commercial and industrial land. This proposal will have no impact on supply of commercial and industrial land. This Goal is satisfied.
- j. Goal 10 – Housing – Goal 10 requires local jurisdictions to inventory residential lands and to accommodate an adequate supply of a variety of housing types. The proposed zone change would increase the city’s supply of residential land by providing additional land in the R-3 Zone. This Goal is met.
- k. Goal 11 – Public Facilities and Services – This Goal requires local jurisdictions to plan for such public facilities and services as water, sewer

and fire protection. Public Facilities and Services are available to serve this property. This Goal is met.

- l. Goal 12 – Transportation – Goal 12 requires the city to adopt a transportation system plan (TSP) that provides for a variety of types of transportation facilities. Molalla has adopted a TSP. At approximately 0.30 acres, changing the plan/zone designation to Multi-family/R-3 would not have a significant impact on the adopted TSP. This Goal is met.
- m. Goal 13 – Energy Conservation – This Goal requires land use to maximize energy conservation. The proposed zone change will have no impact on the city's plan policies or implementing regulations regarding energy conservation. This Goal is inapplicable.
- n. Goal 14 – Urbanization – This Goal requires the establishment of urban growth boundaries and planning for sufficient land to meet urban needs. Molalla has an established Urban Growth Boundary. The subject property and all surrounding properties are within the UGB.
- o. Goal 15 – Willamette Greenway – This Goal establishes procedures for administering the greenway that protects the Willamette River. The subject property is not within the Greenway. This Goal is inapplicable.
- p. Goals 16 through 19 pertain to coastal jurisdictions only and are inapplicable to Molalla.

As discussed above, **this criterion is met.**

19.28.030(B2) Approval of the request is consistent with the Comprehensive Plan.

This is discussed in further detail in Number 2, below. **This criterion is met,** as discussed.

19.28.030(B3) The primary and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period.

Water, sanitary sewer and storm water facilities exist and are adequate to serve the proposal. Transportation system is in place and adequate. **This criterion is met.**

19.28.030(B4) The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application.

Properties surrounding the subject are planned and zoned for residential use, either multi- or single-family. The site is in the PSP plan/zone designation as a result of past use. That use is no longer in place. Changing the plan and zone designation to multi-family will make allow uses on the subject property to be consistent with the surrounding area. **This criterion is satisfied.**

19.28.030(B5) The amendment conforms to applicable administrative rules of the Oregon Land Conservation and Development Commission, including the transportation planning rules.

The proposal conforms to applicable administrative rules of the LCDC, including the transportation planning rule in that it will allow use on the property to be consistent with that in the area. **This criterion is satisfied.**

2. Chapter V of the Comprehensive Plan requires the City Council make findings of fact and adopt, adopt with changes or deny the proposed amendment. The proponent of the proposed amendment must show:

a. There is a public need for the amendment, and the amendment best meets the public interest;

The applicant points out that by changing the current designation, the property would be comparable to the neighborhood. Staff agrees, and further notes that in so doing the public interest will be met. Public need is satisfied in that the proposed change would protect existing area uses from possible conflicting uses. **This criterion is met.**

b. In the case of a change in designation, that the need will be best served by changing the designation of the property in question as compared with other available property.

The need will be best served by changing designation to that of the surrounding area, as requested by the applicant. **This criterion is met.**

III. CONCLUSIONS

Based on the above discussion, staff is able to find the requested plan and zone change is in compliance with applicable regulations, and meets applicable criteria for approval. Staff suggests the Planning Commission arrive at a recommendation of approval of the requested plan and zone change.

City Of Molalla

City Council Meeting

Agenda Category: New Business

Subject: Approve Liquor License for C'est La Vie Coffee

Staff Recommendation: Discussion and motion to approve the license

Date of Meeting to be Presented: September 26, 2012

Fiscal Impact: \$135 in liquor license fees

Background:

ORS 471.166(1) requires that recommendations for a liquor licenses must be approved by City Council.

SUBMITTED BY: Ellen Barnes, City Manager

ADMIN USE ONLY

Agenda Item

6.A.

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



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

090712 No CCA LOCATED
Chengon / HOPD RECORDS

Application is being made for:

LICENSE TYPES

- ☒ Full On-Premises Sales (\$402.60/yr)
☒ Commercial Establishment
☐ Caterer
☐ Passenger Carrier
☐ Other Public Location
☐ Private Club
☐ Limited On-Premises Sales (\$202.60/yr)
☐ Off-Premises Sales (\$100/yr)
☐ with Fuel Pumps
☐ Brewery Public House (\$252.60)
☐ Winery (\$250/yr)
☐ Other:

ACTIONS

- ☐ Change Ownership
☒ New Outlet
☐ Greater Privilege
☐ Additional Privilege
☐ Other

CITY AND COUNTY USE ONLY

Date application received: 9-7-12

The City Council or County Commission:

Molalla
(name of city or county)

recommends that this license be:

☐ Granted ☐ Denied

By: (signature) (date)

Name:

Title:

OLCC USE ONLY

Application Rec'd by: P

Date: 9-7-12

90-day authority: ☐ Yes ☐ No

90-DAY AUTHORITY

☐ Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- ☐ Limited Partnership ☐ Corporation ☒ Limited Liability Company ☐ Individuals

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① C'est La Vie Coffee LLC

② Cheryl B. Borromeo

2. Trade Name (dba): C'est La Vie Coffee

3. Business Location: 180 Industrial Way Molalla, OR 97038
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 180 Industrial Way Molalla, OR 97038
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: (503) 793-1434
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: Type of License:

8. Former Business Name:

9. Will you have a manager? ☒ Yes ☐ No Name: Cheryl B. Borromeo
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? City of Molalla
(name of city or county)

11. Contact person for this application: Andy Garner 503 232 5000
(name) (phone number(s))
180 Industry Way Molalla, OR 97038
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Cheryl B. Borromeo Date 9-6-12

② Date

City Of Molalla

City Council Meeting

Agenda Category: New Business

Subject: Discussion with Molalla Fire District about Fire Siren

Staff Recommendation: Discussion

Date of Meeting to be Presented: September 26, 2012

Fiscal Impact: NA

Background:

City staff and Councilors have received complaints from citizens about use of the fire siren. Council during the September 12, 2012 council workshop directed staff to add this topic as an agenda item and invite representatives from Molalla Fire District to discuss the matter.

SUBMITTED BY: Ellen Barnes, City Manager

ADMIN USE ONLY

Agenda Item

6.B.

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

City Of Molalla

City Council Meeting

Agenda Category: New Business

Subject: Molalla Arts Commission Appointment

Staff Recommendation: Appoint Citizen to MAC

Date of Meeting to be Presented: September 26, 2012

Fiscal Impact: NA

Background:

According to City Charter the authority to appoint members of boards, commissions and committees is vested with the Mayor, with consent of council.

Chapter 2.17 of the Molalla Municipal Code establishes and describes the Molalla Arts Commission. The Molalla Arts Commission consists of nine members. New members serve terms of three years.

Ms. Lynn has expressed interest in being a member of the Commission. Her appointment is supported by the Molalla Arts Commission members.

SUBMITTED BY: Sadie Cramer, City Recorder
APPROVED BY: Ellen Barnes, City Manager

ADMIN USE ONLY

Agenda Item

6.C

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



117 N. Molalla Avenue
Molalla, OR 97038

September 13, 2012

Mary Lynn Jacob
Chairman
Alicia Cook
Vice Chairman
Dave Jackson
Secretary
Jon Deshler
Dennis Stafford
Jude Strader
Sadie Cramer
City Liaison
Deborah Rogge
Council Liaison

Mayor Mike Clarke
City Councilors

Dear Mr. Mayor and Councilors:

The Molalla Arts Commission is recommending Darla Lynn for your appointment to the Molalla Arts Commission.

Darla is a resident of Molalla and has been attending MAC meetings, as well as being involved in our Artists' Social last weekend. She entered the winning entry into our Centennial Art Contest, which she donated to the Molalla Historical Society. This mosaic piece hangs in the Dibble House Museum Complex.

Darla's Application for Appointment to Citizen Committee is attached. We highly recommend your consideration of Darla Lynn for appointment to the Commission.

Sincerely,

Mary Lynn Jacob, Chairman
Molalla Arts Commission

City of Molalla
Application for Appointment to Citizen Committee



Date: 8-29-2012

Board/Committee of Interest:

Molalla Arts Commission

Name:

Darla Lynn

Address:

907 Meadow Dr

State

Molalla OR

Zip

97038

Home Phone:

503-709-1757

Work Phone:

*E-Mail

darla.lynn@treasuremosaics.com

Years of Residence Inside City

7.5 years

Years of Residence in Community

Same

Current or Previous

Community Affiliations or Activities:

Awarded 1st place for Molalla Centennial Art Contest. Donated the piece which now hangs in the Molalla Historical Society/Museum.

Please explain why you would like to serve on this committee and give any other background you might have in this area.

I am a local artist and very interested in helping to advance and increase the arts in Molalla. I believe it can all benefit from art, arts and culture increase awareness, promote with businesses, and increase property values by growing the arts in this area.

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

N/A

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

Public art that includes community involvement! Art created by the public. More opportunities for artists, which means more work in Molalla and increases to businesses and our local economy. Would like to see more draw for tourism.

*Signature or type name:

Darla Lynn

To submit electronically:

After completing the form, save it to your hard drive.

Email the completed form as an attachment to:
cityrecorder@molalla.net

Or print the completed form and mail to:

City Recorder
City of Molalla
PO Box 248
Molalla, OR 97038

Or FAX it to: 503-829-3676

City Of Molalla

City Council Meeting

Agenda Category: New Business

Subject: Discussion about Disposal of Kennel Avenue Reconstruction Project Spoils

Staff Recommendation: Discussion

Date of Meeting to be Presented: September 26, 2012

Fiscal Impact: Negligible. Approximately \$300 to \$500 increase in project costs.

Background:

To efficiently manage project waste and as an act of community good will, the City of Molalla agreed to give the Molalla Buckeroo Association the spoils (dirt and debris) removed from the Kennel Avenue reconstruction project. The spoils are being used by the Buckeroo to construct berms on Buckeroo property to help address issues of noise generated from Buckeroo events. The City was storing the spoils on city property adjacent to the Buckeroo to facilitate access to the material. There was never any intent on the part of the City for this to be long-term or permanent spoils storage. The City has ceased delivering spoils to this location. The contractor now hauls the spoils to another site, where the City is charged a per load fee. The Buckeroo has received permits from the County to construct the berms and is ready to proceed with moving the material to their property.

SUBMITTED BY: Ellen Barnes, City Manager

ADMIN USE ONLY

Agenda Item

6.B.

City Of Molalla

City Council Meeting

Agenda Category: New Business

Subject: Request for a Town Hall Meeting Addressing Delivery of Senior Services and the Adult Center

Staff Recommendation: Discussion

Date of Meeting to be Presented: September 26, 2012

Fiscal Impact: NA

Background:

City staff is beginning to analyze the delivery of services to Molalla's senior population. Not only can we not financially sustain the senior program as is, we also are concerned that we may not be meeting the needs of Molalla seniors. To explore this topic further, we believe it is necessary to engage in a larger community dialog to share the data we see, gather additional information, hear citizen ideas and discuss suggestions and thoughts for meeting community needs.

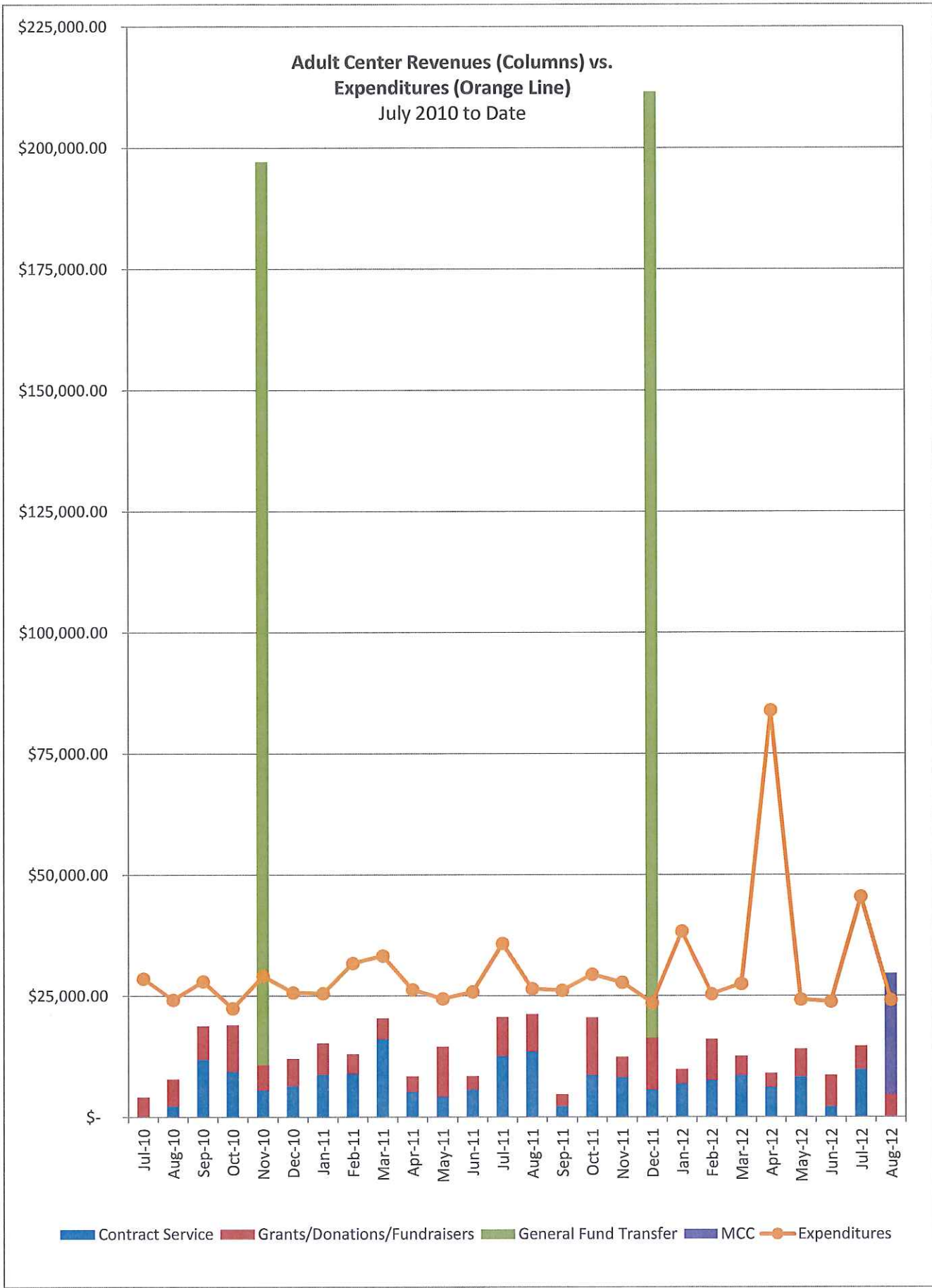
SUBMITTED BY: Ellen Barnes, City Manager

ADMIN USE ONLY

Agenda Item

6.E.

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.



Adult Center Numbers

	August-11	August-12	
Rides			
TRP Rides	171	156	
Center van Rides	621	456	
Unduplicated Van Riders	46	39	
Other			
Exercise (duplicated)	47	55 (3-6 a session)	
Tai Chi	outside in August, probably gets 3-5 people 2 days a week		
Line Dancing		15	
Quilting, Knit/Crochet, Beading, Pinochle	Groups get between 2-8 people meet once a week		
Volunteer Hours	645	540	
Volunteers	82	89	
Client Services- Contacts			
I&A	102	101	
Case Management	13	4	
Reassurance (new category-Short CM)		10	
Nutrition- Meals Served			
Congregate Over 60	594	487	60% in town, 40% out of town
Congregate Under 60	41	72	
HDM Over 60	1083	1147	about 50% in town
HDM Under 60	173	113	
2012 avg. meals served each day	MOW-67, Cong- 36		
Foot Clinic	10 clients, 2 sessions a month		
Energy Assistance	50		
Membership	200 (has decreased about 100, but many were overdue on dues)		
Blood Pressure, Attorney, Massage-	3-10 people depending		
Lunch Out	Van has about 8-15 people on each trip, 4-6 a month?		

It is probably the same 100-150 people who come to most things or use most services.
 The rest come for particular events or services, from about once a month to once a year.

From: Penny Weide [seniorcenter2@molalla.net]
Sent: Friday, September 21, 2012 3:06 PM
To: 'Heather Penni'
Subject: Finance needs
Attachments: Adult Center Numbers.xls; Nutrition Numbers.xls

Heather,

Here is what I could quickly come up with given the information you requested, please let me know if there is anything else you need.

The adult center numbers are a comparison of August 2011 and August 2012. The numbers are down slightly, but note we had much more staff a year ago. Also if you look at the nutrition number spreadsheets I made in February, there is a slight up and down in the meal numbers, but generally trending up.

Below are answers to some of the questions you had.

Penny

**Are we a food based need center or a transportation coordination need center or referral need center?
What REALLY do the seniors need and are we meeting those needs?**

I would say that we are all three. We want to do whatever we can to keep our people safe and independent in their own homes. They need rides to the doctor, they need a way to get to safeway to get some food. To them, these are urgent and important needs. I think times are hard for everyone and people don't have the resources they used to. I can not tell you how much they worry about it and how relieving it is to them to know they have these things. There are many people who I don't think could live on their own without it. Especially rural clients. Many have homes that they cannot sell for a price they could live on anywhere else and don't get enough social security to pay any more. I have especially seen a lot of people who are homeless and near homeless. The seniors really need more than we can give them, and I think as a staff we are going above and beyond what is in our jobs. I think that people really want more from the center and want to get involved, but have been discouraged. I also think that many of our people are getting older and many of the people who were strongly involved when the center started can do less now. I want to see younger seniors and they have different needs. They want more classes and activities; they want to be involved more by volunteering. I think the center could be important to them if we have more things they need. I really think there are a lot of people we are not reaching either because they don't know or because they are looking for different things we don't have. I think there is a great need out there and a great need of our center to serve a variety of people we haven't reached.

What kind of service need calls are we getting?

A lot of my time is spent with TRP rides, calls for rides, calling drivers, cancellations, changes. A lot of these people ask me questions along with it about community resources. I have a lot of walk ins recently who are homeless or almost homeless and looking for housing, need help moving ect. I also get a lot of people looking for caregivers or day programs or more information about different living options. I also make a lot of referrals for low cost legal services and help choosing their Medicaid plan. Many people also need transportation and either getting rides for them through our service or finding other ways for them to get where they need to go. I frequently give out info about food banks. I also get questions about utility assistance. There are a few people who have issues that need longer term assistance and follow up, but this isn't as common. I get mostly phone calls, but with new people they often walk in and the regulars who are here for lunch walk in.

What services are they getting and how often? Do they come in for the service or is it brought to them?

People come in for services, and done over the phone as well. The in center services are the nutrition program, and people asking for resources, and for some of the activities listed in the Adult Center number spreadsheet. The Meals on Wheels clients, and TRP (volunteer drivers using their own vehicles taking people to medical and other appointments) get services from their home. There are a few people who get TRP rides every week but

most get 1-2 rides a month and a few people who only use it occasionally. With Meals on Wheels, most people get meals every day, but some get only 1-2 days a week. A home visit or call to HDM clients every 6 months is required to see how they are and if there are any resources I can help them with.

City Of Molalla

City Council Meeting

Agenda Category: Ordinances

Subject: An ordinance extending the franchise granted to Portland General Electric Company (PGE).

Recommendation: Approve Ordinance

Date of Meeting to be Presented: September 26, 2012

Fiscal Impact: NA

Background:

The City is negotiating with PGE to renew the franchise agreement. The franchise agreement with PGE was scheduled to expire on June 1, 2012. To prevent any disruption in service in Molalla and enable the parties to continue negotiations, PGE and the City agreed to extend the existing franchise agreement through September 30, 2012. An initial extension was adopted at the May 23, 2012 via Ordinance 2012-09. PGE and the City agree to a second franchise extension to enable time to come to agreement.

SUBMITTED BY: Ellen Barnes, City Manager

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

Agenda Item

7.A

City Recorder Use Only

City of Molalla

ORDINANCE No. 2012-12

**AN ORDINANCE EXTENDING THE FRANCHISE GRANTED TO
PORTLAND GENERAL ELECTRIC COMPANY**

- WHEREAS:** the City Council approved Ordinance No. 1992-03 on June 1, 1992, granting a non-exclusive electric franchise to Portland General Electric Company ("PGE"), effective June 1, 1992; and
- WHEREAS:** the franchise is granted for a period of twenty years from and after the effective date of the ordinance; and
- WHEREAS:** the City and PGE have been negotiating a new franchise agreement, but have not yet reached agreement on its terms; and
- WHEREAS:** the City and PGE agreed to extend the current franchise through September 30, 2012 to provide additional time to finalize a new franchise; and
- WHEREAS:** the City and PGE require additional time to come to agreement on terms of the franchise renewal; and
- WHEREAS:** the City and PGE agree to extend the current franchise for an additional period so that utility service will not be interrupted; and
- WHEREAS:** the City Council finds it is in the public interest to further extend the term of the PGE franchise.

NOW, THEREFORE, the City of Molalla ordains as follows:

Section 1. The expiration date of the franchise granted by Ordinance No. 1992-03 is hereby extended to November 30, 2012 unless earlier terminated pursuant to its terms or a new franchise agreement takes effect. The extension will be effective as of September 30, 2012.

Section 2. It is necessary for the peace, health and safety of the people of the City that an extension be granted immediately, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect upon its passage by the Council, provided that PGE provides the City written acceptance of this Ordinance prior to the effective date. If PGE fails to provide timely written acceptance, this Ordinance shall be null and void.

Adopted this ____ day of _____, 2012.

Approved:

Mike Clarke, Mayor

ATTEST this ____ day of _____ 2012.

Sadie Cramer, City Recorder