



**Molalla City Council – Special Meeting Agenda**

**Meeting located at: Molalla Adult Center**

**315 Kennel Ave, Molalla, OR 97038**

**February 11, 2015**

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

**Executive Session** After the meeting

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**1. CALL TO ORDER – 1,052<sup>nd</sup> Regular Meeting**

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

**2. COMMUNICATIONS AND PUBLIC COMMENT**

- A. Minutes: January 28, 2015 - Motion to Approve

**3. AWARDS, RECOGNITIONS & PRESENTATIONS**

**4. PUBLIC HEARINGS**

**5. NEW BUSINESS**

- A. Eagle Elsner Change Order – Huff/Cline

**6. CONTINUING BUSINESS**

- A. Measure 91 Discussion – Dan Huff Process Update

**6. RESOLUTION**

**7. ORDINANCES**

**8. PROCLAMATIONS**

**9. REPORTS AND ANNOUNCEMENTS**

- A. City Manager/Staff Reports – Dan Huff

**10. EXECUTIVE SESSION**

ORS 192.660(2)(f) to consider information or records that are exempt from disclosure by law.

**11. ADJOURNMENT**

Minutes of the Molalla City Council Regular Meeting  
Molalla Adult Center  
315 Kennel Ave., Molalla, OR 97038  
Wednesday January 28, 2015

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

**STAFF IN ATTENDANCE:** City Manager Dan Huff, Present; City Recorder Sadie Cramer, Present; Finance Director Heather Penni, Present; Public Works Director Jennifer Cline, Present.

Legal Counsel Chad Jacobs

**COMMUNICATIONS AND PUBLIC COMMENT:**

**A. Minutes – December 17, 2014 & January 14, 2015**

Councilor Pottle made a motion to approve the minutes from the December 17, 2014 and January 14, 2015 meetings. Councilor Thompson seconded. Motion approved (7-0) Mayor Rogge, Aye; Councilor Thompson, Aye; Councilor Griswold, Aye; Councilor Pottle, Aye; Councilor Cook, Aye; Councilor Satter, Aye; Councilor Riggs, Aye.

**NEW BUSINESS**

**A. 5 Year Enterprise Zone Agreement**

CM Huff stated that this is an agreement with Pacific Fibre Products which extends property tax exemption to five consecutive years.

Councilor Thompson asked if CM Huff had verified the statutes and Oregon administrative rules were correct. Legal counsel Chad Jabobs stated that the document is binding, if an out of date statute of administrative rule is referenced, the statute of administrative rule that followed would be used.

Councilor Thompson made a motion to authorize CM Huff to sign the agreement after the correct references have been entered into the document. Councilor Cook seconded. Motion approved (7-0) Mayor Rogge, Aye; Councilor Thompson, Aye; Councilor Griswold, Aye; Councilor Pottle, Aye; Councilor Cook, Aye; Councilor Satter, Aye; Councilor Riggs, Aye.

## **B. Quarterly Financials**

Finance Director Penni stated that there is a requirement that an annual report be presented to council on SDC's. The only SDC expenditures were on the splash pad in Fox Park. That will change however, as there are 2-3 SDC eligible projects coming up.

The City of Molalla is required to submit the 2013/2014 audit report by December 31, 2014. The Secretary of State has extended that to February 28, 2015 since the City is in the process of completing its first CAFR report.

Councilor Thompson expressed his thanks to FD Penni for taking on the CAFR report.

## **CONTINUING BUSINESS**

### **A. Skate Park Discussion**

CM Huff stated that at the last council meeting it was recommended to put up a permanent fence around the skate park. Some research must be done to verify that there are funds available to put this fence up.

Councilor Pottle spoke with Oregon Growth and they may be willing to help the City with the fencing issue. He asked PD Cline if the PW crew has been going to the skate park and cleaning it up. She advised that the PW crew cleans up the trash on a daily basis.

Councilor Pottle stated that the City should empty the trash cans but they should not have to pick up after the youth.

Councilor Thompson stated that if the skate park is left open until July, budget session, the City can see if it best to fence and close the facility or if effort is shown, another route can be taken.

Councilor Thompson made a motion to hold off on the fence and discuss during budget discussions. Councilor Griswold seconded. Motion approved (7-0) Mayor Rogge, Aye; Councilor Thompson, Aye; Councilor Griswold, Aye; Councilor Pottle, Aye; Councilor Cook, Aye; Councilor Satter, Aye; Councilor Riggs, Aye.

## **B. Measure 91 Discussion**

CM Huff stated that Measure 91 needs to be looked at in two parts, the dispensary component and the land use component.

Chad Jacobs explained that Measure 91 legalized the use of recreational marijuana in Oregon. It will become legal July 1, 2015 but the State won't begin licensing until January, 2016. Jacobs stated that since the moratorium is set to expire May 1, 2015, council needs to decide what they are going to do. If they are going to amend the land use code it must be started now. He stated that some cities are setting regulations, such as operating hour restrictions and other cities are amending their land use codes that limit the areas where the dispensaries can be located.

Mayor Rogge asked what would happen if the council did not designate a specific zone where dispensaries can be, can the dispensaries be allowed in any zone.

Jacobs advised that unless the code specifies where the dispensaries can be located, they can go anywhere, because state law allows it.

Councilor Thompson stated that he likes the simplicity of the example that Roseburg is doing. He asked if the city should remove "medical marijuana dispensaries" from the language and focus on "marijuana dispensaries". Chad Jacobs advised that it is not clear on what legislation will do this year.

Councilor Griswold asked that the council reconsider its decision on the recreational marijuana.

Mayor Rogge asked if the city could ban marijuana dispensaries in the city. Chad Jacobs advised that the citizens through an initiative can place on the ballot a measure to prohibit, growers, processors, wholesalers and retailers in their jurisdiction. This initiative cannot go on the ballot until November, 2016.

Councilor Pottle asked what exactly council is asking our legal counsel to do. Chad Jacobs advised that legal counsel will provide advice on the city's option relating to prohibiting any of the licensing in relation to recreational marijuana within the city.

Councilor Griswold made a motion to seek legal advice and direction on Measure 91. Councilor Thompson seconded. Motion approved (7-0) Mayor Rogge, Aye; Councilor Thompson, Aye; Councilor Griswold, Aye; Councilor Pottle, Aye; Councilor Cook, Aye; Councilor Satter, Aye; Councilor Riggs, Aye.

Councilor Thompson made a motion to instruct staff to prepare an ordinance similar to the Roseburg ordinance for review by the Planning Commission. Councilor Pottle seconded. Motion approved (7-0) Mayor Rogge, Aye; Councilor Thompson, Aye; Councilor Griswold, Aye; Councilor Pottle, Aye; Councilor Cook, Aye; Councilor Satter, Aye; Councilor Riggs, Aye.

## **REPORTS & ANNOUNCEMENT**

### **City Manager's Report**

CM Huff advised that he will send to council the list of goals that were adopted last year along with the progress and process of those goals. The next goal setting session will be held February 25, 2015.

PW Director Cline gave an update on the flow meters. Four meters were installed yesterday and there are three yet to be installed.

Councilor Griswold congratulated the City's Teacher of the Year, Debbie Wolf. He also advised that he attended a Transportation Board meeting.

Councilor Cook advised that he attended a Friends of the Molalla Pool meeting.

Councilor Thompson encouraged council members to attend more school functions.

**ADJOURNMENT:**

Councilor Pottle made a motion to enter into executive session. Councilor Thompson seconded, Motion approved (7-0) Mayor Rogge, Aye; Councilor Thompson, Aye; Councilor Griswold, Aye; Councilor Pottle, Aye; Councilor Cook, Aye; Councilor Satter, Aye; Councilor Riggs, Aye.

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Sadie Cramer, City Recorder

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Mayor Debbie Rogge

# City Of Molalla

## City Council Meeting

### Agenda Category: New Business

**Subject:** *Stowers Avenue Water Main Replacement*

**Recommendation:** *City Council Approval*

**Date of Meeting to be presented:** *February 11, 2015*

**Fiscal Impact:** \$161,134.92

**Background:**

Included with this memo is a change order for the Grange/Stowers/Heintz project regarding the addition of a water main replacement on Stowers Avenue. This main replacement is an addition to the existing project cost and bid previously awarded by Council. Existing records did not indicate that this line needed replacing but once excavation began it became apparent that this action is necessary.

We will be replacing an 8" AC main line with a 10" PVC main line. Once the project is complete Stowers will not have a need for excavation unless there is an emergency. Staff would propose funding the 2" upsizing out of Water SDC's and funding the balance out of Water Capital. Funding for this project is available within the water budget.

SUBMITTED BY: Dan Huff, City Manager

APPROVED BY: Dan Huff, City Manager

**CHANGE ORDER NO. 2**

Dated February 6, 2015

OWNER'S Project No ..... ENGINEER'S Project No 1613 .....

Project Stowers Rd, Heintz St, Grange Ave Roadway Rehabilitation .....

CONTRACTOR Eagle-Elsner, Inc. .....

Contract For: Roadway & Waterline Improvements Contract Date: December 30, 2014 .....

To ..... **Eagle-Elsner, Inc.** .....  
CONTRACTOR

You are directed to make the changes noted below in the subject Contract:

..... **City of Molalla** .....  
OWNER

By .....

Dated .....

Nature of Changes

Stowers Rd waterline replacement (see attached schedule of costs dated January 30, 2015)

**TOTAL CONTRACT COST INCREASE** **\$161,134.92**



These changes result in the following adjustment of Contract Price and Contract Time:

Contract Price Prior to This Change Order ..... \$671,355.91

Net (Increase) ~~(Decrease)~~ Resulting from this Change Order ..... \$161,134.92

Current contract Price Including This Change Order ..... \$832,490.83

Contract Time Prior to This Change Order ..... 60  
(Days or Date)

Net (Increase) ~~(Decrease)~~ Resulting from This Change Order ..... -30-  
(Days)

Current Contract Time Including This Change Order ..... 90  
(Days or Date)

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The Above Changes Are Approved:

**CURRAN-McLEOD, INC.**

ENGINEER

By



Dated

February 6, 2015

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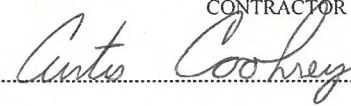
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The Above Changes Are Accepted:

**Eagle-Elsner, Inc.**

CONTRACTOR

By



Dated

2/6/2015

**Contact: CURTIS COOKSEY**

**Phone: 503-628-1137**

**Fax: 503-628-1138**

Quote To: CURRAN - MCLEOD INC  
Address: HASSAN IBRAHIM

Job Name: STOWERS RD. GRANGE AVE.  
COST FOR WATER LINE  
ON STOWERS

Phone: 503-684-3478  
Fax: 503-624-8247

Bid Date: FEBRUARY 5, 2015

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Mobilization	1.00	LS	13,841.00	13,841.00
2	Temporary Protection of Traffic	1.00	LS	7,765.00	7,765.00
	<b>TOTAL</b>				<b>\$21,606.00</b>
	<b>A Water Lines</b>				
A-1	10" PVC C 900 Pipe Complete	1,030.00	LF	60.00	61,800.00
A-2	8" PVC C900 Pipe Complete	55.00	LF	90.00	4,950.00
A-3	6" PVC C 900 Pipe	90.00	LF	75.00	6,750.00
A-4	10" MJ Gate Valve	4.00	EA	1,715.98	6,863.92
A-5	6" MJ Gate Valve	1.00	EA	1,000.00	1,000.00
A-6	6" Flx MJ Gate Valve	4.00	EA	1,000.00	4,000.00
A-7	10" MJ X 6" FL Tee	1.00	EA	1,400.00	1,400.00
A-8	10" FL X 6" FL Cross	1.00	EA	1,000.00	1,000.00
A-9	10" MJ Compression Coupling	3.00	EA	750.00	2,250.00
A-10	8" MJ Compression Coupling	1.00	EA	280.00	280.00
A-11	6" MJ Compression Coupling	3.00	EA	270.00	810.00
A-12	10" MJ X 8" MJ Reducer	3.00	EA	300.00	900.00
A-13	10" - 22 1/2 Deg MJ Bend	2.00	EA	625.00	1,250.00
A-14	8" - 45 Deg MJ Bend	4.00	EA	475.00	1,900.00
A-15	6" - 45 Deg MJ Bend	6.00	EA	425.00	2,550.00
A-16	Remove & Salvage Exist Fire Hydrant to City	2.00	EA	775.00	1,550.00
A-17	6" MJ Fire Hydrant w/5" Storz Adaptor	2.00	EA	4,575.00	9,150.00
A-18	1" Water Service Reconnection Complete	17.00	EA	1,750.00	29,750.00
	<b>TOTAL</b>				<b>\$138,153.92</b>
	<b>Sanitary Sewer</b>				
B-1	Adjust Existing Sanitary Sewer to Grade	1.00	EA	1,375.00	1,375.00
<b>GRAND TOTAL</b>					<b>\$161,134.92</b>

**ORDINANCE NO. XXXX**  
**AN ORDINANCE AMENDING THE MOLALLA LAND USE AND DEVELOPMENT CODE FOR THE**  
**PROVISION OF MEDICAL MARIJUANA DISPENSARIES AND DECLARING AN EFFECTIVE DATE**  
**OF XXXX**

**WHEREAS**, after reviewing the recommendation of the Planning Commission and conducting a Public Hearing on XXXXXXXX , and

**WHEREAS**, Section 19.28.010 states that amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes or to address changes in the law;

**NOW, THEREFORE, THE CITY OF MOLALLA HEREBY ORDAINS AS FOLLOWS:**

SECTION 1: On the basis of the facts contained in the record, the City Council finds there is sufficient justification and need to accept the Planning Commission recommendation and hereby adopts as its own the Findings of Fact of the Planning Commission which are included herein by this reference.

SECTION 2: The Land Use and Development Code is hereby amended to read and provide as set forth in exhibit 1 attached hereto and incorporated herein by this reference as if it were set forth verbatim in full.

SECTION 3: Following Council's adoption and approval by the Mayor, this ordinance shall become effective on XXXX.

ADOPTED BY THE COUNCIL THIS XXXX DAY OF XXXX 2015

APPROVED BY THE MAYOR THIS XXXX DAY OF XXXX 2015

**X**

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Debbie Rogge  
Mayor

ATTEST:

**X**

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Sadie Cramer  
City Recorder

### 16.12.030 Definitions.

[...]

## M

[...]

**MECHANICAL HARDWARE AND EQUIPMENT.** Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

**MINISTERIAL.** A routine administrative action or decision that involves little or no discretion.

**MITIGATION.** To avoid, rectify, repair, or compensate for negative impacts that result from other actions (e.g., improvements to a street may be required to mitigate for transportation impacts resulting from development).

**MIXED-USE.** The combination on a site of residential uses with commercial (e.g., office, retail, or services), civic, or industrial uses.

**MEDICINAL MARIJUANA DISPENSARY:** ANY FACILITY OR OPERATION DESIGNED, INTENDED OR USED FOR PURPOSES OF DELIVERING, DISPENSING, OR TRANSFERRING MARIJUANA TO OREGON MEDICAL MARIJUANA REGISTRY IDENTIFICATION CARD HOLDERS PURSUANT TO ORS 475.300-475.346.

**MOBILE/MODULAR HOME.** A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. For the purposes of this chapter and as used in the MDC, a manufactured home is not a mobile home.

**MOTEL.** A building or group of buildings on the same lot containing guest units with separate entrances and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for overnight or other short-term rental.

[...]

**17.12.020 Land uses and development standards.**

**CBD, CENTRAL BUSINESS DISTRICT**

Development Standards

[...]

J. Permitted Uses

[...]

[28. Medical Marijuana Dispensary](#) <sup>17</sup>

[...]

**C-2, GENERAL COMMERCIAL DISTRICT**

Development Standards

[...]

J. Permitted Uses

[...]

[32. Medical Marijuana Dispensary](#) <sup>17</sup>

[...]

**Table 17.12.1 - Commercial Districts—Allowed Land Uses**

Uses	C-1	C-2
Accessory structures (with a permitted use)	AU	AU
Bars and taverns <sup>11</sup>	CU	CU
Basic utilities	P	P
Bed and breakfast inn	CU	N
Brewery	P	P
Buildings and structures exceeding the height limits in Table 17.12.2	CU	CU
Bus depot but not a bus garage or storage yard	CU	CU
Colleges and schools	CU	CU
Commercial indoor recreation (under 25,000 sq ft)	P	P
Commercial indoor recreation (25,000 sq ft and over)	CU	CU
Commercial outdoor recreation	CU	CU
Commercial parking	CU	CU
Community service	P	P
Condominium developments (commercial)	CU	CU
Daycare (adult or child)	P	P
Drive-in movie theatre	N	CU
Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities) per Section <a href="#">17.12.090</a>	CU	P
Educational services, not a school (e.g., tutoring or similar services)	P	P

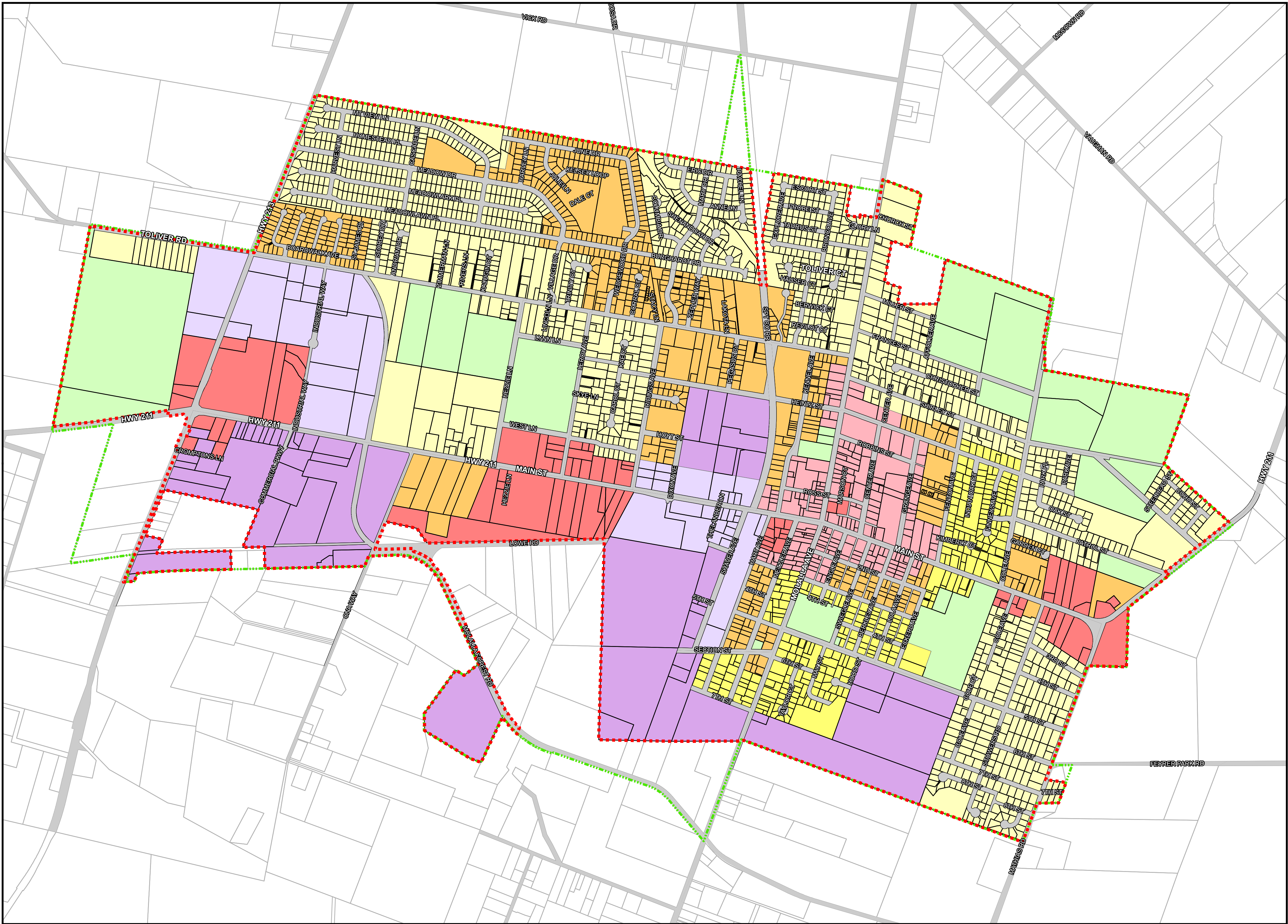
Entertainment, major event	CU	CU
Governmental buildings	P	CU
Hotel or motel	P	P
Indoor recreation facilities	P	P
Laundromat, including dry cleaning on-site	N	CU
Laundromat, not including dry cleaning on-site	P	P
Medical centers	P	P
Medicinal Marijuana Dispensaries	P <sup>17</sup>	P <sup>17</sup>
Mortuary (not crematory)	P	P
Motion picture production studios and allied services	CU	P
Multifamily (4 or more units)	P	N
Offices	P	P
Cafeterias	AU	AU
Health facilities	AU	AU

**Notes:**









[...]



17 Location shall not be within 1000 feet of another medical marijuana dispensary, school or pre-school; 500 feet from any property zoned PSP or 200 feet from any property zoned Residential (R-1, R-2, R-3 & R-5) except when an arterial street lies between a dispensary and Residential or PSP zoned property. In addition, any and all Medical Marijuana Dispensaries must be registered with the Oregon Health Authority under ORD 475.314 and comply with all OHA rules.

# City Of Molalla Zoning Map



## Zoning Districts

- |  |   |
|--|---|
|  General Commercial (C-1) |  Single Family Residential (R-1) |
|  Central Commercial (C-2) |  Two Family Residential (R-2)    |
|  Light Industrial (M-1)   |  Multi-Family Residential (R-3)  |
|  Heavy Industrial (M-2)   |  Public and Semi Public (PSP)    |

-  City Boundary
-  Urban Growth Boundary

Data current to October, 2014  
All data from Clackamas County



1:8,000

