



Molalla City Council –Meeting Agenda
Meeting located at: Molalla Adult Center
315 Kennel Ave, Molalla, OR 97038
May 27, 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 : BEFORE Regular Council Meeting at 6PM

1. **CALL TO ORDER – 1,058th Regular Meeting**
 - A. Call the meeting to order
 - B. Flag Salute and Roll Call

2. **COMMUNICATIONS AND PUBLIC COMMENT**
 - A. Minutes: April 22, 2015
 - B. Minutes: May 8, 2015 – Pending (06/10/15)
 - C. Library Minutes – Information Only

3. **AWARDS, RECOGNITIONS & PRESENTATIONS**
4. **PROCLAMATIONS**
5. **PUBLIC HEARINGS**

6. **NEW BUSINESS**
 - A. Ratification of Teamseter Contract – Huff

7. **CONTINUING BUSINESS**
 - A. Ordinance Examples for Council Review Regarding Cutting Into New Streets – Discussion/Huff

8. **RESOLUTION**

9. **ORDINANCES**
 - A. **2015-04:** An Ordinance Repealing Ordinance 2011-07 Chapter 2.05 Membership by Former City Employees

10. **REPORTS AND ANNOUNCEMENTS**
 - A. City Manager/Staff Reports – Dan Huff

11. **EXECUTIVE SESSIONS: 6:00PM**

ORS 192.660(2)(f) to consider information or records that are exempt from disclosure by law. ORS 192.660 (2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

12. **ADJOURNMENT**

Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, April 22, 2015

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

COMMUNICATIONS

A. Minutes – April 8, 2015 – Councilor Pottle makes a motion to approve minutes as revised, Councilor Thompson seconded. Motion approved (6-0).

AWARDS, RECOGNITIONS & PRESENTATIONS:

A. Introduction to Council by Nina DeConcini of DEQ – She is the Senior Manager for DEQ that oversees all implementation of environmental programs for the northwest corner of the state that includes the Portland area (Clackamas, Multnomah, and Washington counties) and the three north coast counties; Columbia, Clatsop, and Tillamook. Says they are familiar with rural areas as well as urban areas and recognize both have challenges. What she wants to do is make time to regularly visit local electedes as well as civic organizations such as rotaries, fraternal organizations, ie: Kiwanis, so that people can view the DEQ in a different way and be able to ask questions about what they do in addition to any particular concerns they may have within the community. Says she is there tonight to do two things, first to reinforce their commitment to working with the City on the environmental challenges they have and to ensure the City stays in compliance as it is very important. Says DEQ also offers to provide technical assistance when practical. The second reason is to make sure each of the Council knows, as they are volunteers, it is vital that city staff, in particular CM Huff and PWD Cline, need to know they have Council support in terms of planning proactivelyly for the challenges, current and future. Says DEQ’s commitment will be to be fair, open and honest and do their best to be collaborative in conversations and discussions and that they will expect the same in return and that they are just a phone call away. Wants to discuss water quality and the specific need for the city to be looking for and designate areas to beneficially re-use bio solids and recycled water. Says City produces Class A recycled water so that it can be used to irrigate parks and DEQ wants the City to be in a position to respond to changes and have multiple options for that application. DEQ has had some initial conversations with CM Huff and PWD Cline and feels they have been very productive but wants to underscore importance of the planning and proactivity of these processes. Also wants to discuss the waste water permit which expires in 4.5 years. Says although it seems like a long time, it isn’t. Says the new permit will recognize some changes that

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the City will see in its wastewater treatment based on growth of city population and changes to water quality standards. These processes will require additional sampling and monitoring which both come with additional costs and expectations. Currently the City is committed to reducing its current inflow and infiltration in its current collection system and DEQ wants to stress the need for the Council/City Staff to be proactive with the kinds of financial allocations that will need to be made to be in compliance with the DEQ. States they are there to work with the City and wants to stress that they are available as a resource for the City for questions or reappearance at the Council meetings. There are other water quality obligations for storm water run-off, and need to implement measures agreed to as a Designated Management Agency under the Total Maximum Daily Load document and agreement to reduce pollutants such as mercury, bacteria, and pesticides (all things that are not unique to Molalla). All jurisdictions are required to have these plans that are referred to as TMDLs (Total Maximum Daily Loads). Invited Tiffany Yelton-Bram, Water Quality Manager, there for any specific questions about water quality issues. Wants to also discuss contaminated properties such as Avison Mill Number 1 and Floragon Forest products and wants to provide brief update. Says DEQ has been working diligently on both of those properties and while work still continues on the Avison site, the Floragon Forest Products property has reached a critical milestone last year where the northern 88 acres of the property is now ready for redevelopment. She has invited Dan Hafley, part of their Cleanup Program, to attend the meeting in case there may be questions. They have also provided fact sheets that details a more in-depth statuses of those properties. Thanks the Councilors for their service and their time invested in their community. Mayor Rogge asks what the most common source of mercury is in a small rural area. Ms. DeConcini refers to her guest co-workers and says that mercury is mostly found naturally occurring in some parts of the state. Councilor Pottle asks DEQ to specify what pollutants are of concern in Molalla only. DEQ Tiffany Yelton Bram stated that the city is compliance with its wastewater discharge permit at this time. The DEQ team said the three pollutants previously specified (pesticides, bacteria, mercury) are what they are focused on for the Molalla Pudding River TMDL. Mayor Rogge stresses that future wastewater discharge permit changes will happen further down the road with extensive sampling and testing, that will be required by the city to be in compliance with DEQ. CM Huff says this process is all preparation for future requirements that will be implemented. There is no current problem/issue with those pollutants in Molalla, but we want to be in a proactive position to quickly detect any problems that may arise as a new permit is issued and as Molalla grows. Councilor Thompson clarifies that the Class A effluent that Molalla is producing is the highest class possible. He then asks the DEQ to site some sources where Class A effluent can be applied. DEQ Tiffany Yelton Bram says in addition for use in irrigation of parks, in can be used in cemeteries, crops that are not directly eaten, but grasses (eaten by animals) are acceptable. Mayor Rogge discusses the dip tank at the Floragon property that the depth is still an issue and would probably need to be capped. Questioned the sampling at Bear Creek and asks if that has happened already or will happen in the near future. Dan with DEQ says he's been working in Molalla as a Cleanup Manager for over 10 years, all together in the position over 20 years. Says issues with the

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Floragon and Avison properties is that they had dip tanks primarily used for treating wood with various chemicals including dioxins which are toxic. The north side of Avison property that is fenced off has a soil contamination that is temporarily capped and they are waiting for future development where, at that point, they will permanently cap the 25-acre northern parcel. They have pinpointed where the dioxin contamination was prominent which was where the ditches that used to run from the old wood-treating area ran south towards Bear Creek where there are now impacts in dense vegetation in the area and minor impacts to Bear Creek. It was determined there is no short-term risk to human health from creek users. Mayor Rogge asked if there were environmental impacts aside from human impacts, such as fish, wildlife, etc. Dan with DEQ says there are no fish in that area of Bear Creek, but there are ecological receptors of concern. Avison near Bear Creek has a few small sections that levels are higher than desired and have scheduled measures to resolve this. Mayor Rogge asks if the dioxins for that area are stationary until physically moved by machine or otherwise. Dan with DEQ says yes, that is correct, dioxins don't biodegrade or otherwise break down over a period of time and like to adhere to organic material. Other than flooding, the dioxins remain in the same area and do not spread. Says that containment otherwise is not necessary as the contamination hasn't moved since it's been there in 30 years. Says that most of Avison is wetlands and would not likely be re-developed but rather be turned into more of an ecological habitat. Update on Floragon: the 88 acre northern portion is ready for re-development for industrial property and needs no further action taken by the DEQ. The southern part of the property is where the dip tanks were located. Some surrounding soil contamination is present. The property owner is looking for a no further action status on the property where the buildings are located so that the buildings can be reused, about 16 acres of property. Does cross some areas of contamination which will need to be address before the no further action status is granted. Former dip tank area has contamination that need addressed including in the portion of Bear Creek nearby. Levels of dioxins there are higher than recommended, but not enough to affect human health on a short-term basis. Working towards improving the surrounding eco system. The dip tanks have been removed years ago, but still addressing the surrounding areas. Fact sheets were provided to the Council for reference.

PUBLIC COMMENT:

Loydene Brumbaugh, 10376 S. Comer Creek Drive, speaking about dispensaries and children. She and her husband have raised two children in Molalla. States that dispensaries give growers a place to keep their surplus instead of at home where there is a risk of children accessing the marijuana. States that the storefront will be attractive and respectable for the public to look at. Will have inspections performed regularly, as well as adhering to strict state laws. States that the dispensary will keep the marijuana in a safe, secure, regulated place. Safeway does not have space available and has restrictions against leasing to dispensary businesses nationwide. They have already spent a great deal of money arranging for security as well as all the licensing required by the state. Says they are all ready to open, just waiting for moratorium to be over in May. Wants to work with the city, not against it, please give them a chance to prove they will be

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beneficial to everyone. States that two Councilors have already expressed concern over lawsuits that may occur and agrees that they are right. Asks to please work with them.

Jeff Brumbaugh, 10376 S. Comer Creek Drive, wants to address some concerns expressed in past council meetings regarding medical marijuana dispensaries and the safety of children. Points out that they do not issue new licenses to medical marijuana card holders, therefore not creating new business. Only provides product to people who already have access to medical marijuana. Doesn't understand why opening a medical marijuana dispensary is so negative. They will not be blatantly advertising for new business and will be conducting business by all required state laws. Says even though Council has clarified they are not banning dispensaries, they really are by imposing so many restrictions. States that the community will not be negatively impacted by having a medical marijuana dispensary in town.

Stephanie Huff, lives 29354 S. Salo Rd, Mulino but co-owns property at 704 E. Main Street, believes fear and misunderstanding forms many opinions and says that was true for her when it came to marijuana. As a hard-working individual and mom she has strongly opposed drugs her entire life. Recently she has been educated to the medicinal benefits of marijuana, has many friends with different ailments who have benefited from marijuana and have not had to be exposed to the various side-effects of synthetic drugs. She is not personally a smoker or recreational user of marijuana but does possess a medicinal marijuana card and uses the product to relieve the effects of migraine headaches. If a dispensary is opened in Molalla, it will cater to Oregon card holders only. States card holders are not your dead-beat stoners with no regard to laws, families, or work ethics, instead they are our law-abiding friends, families and neighbors who suffer from real ailments and want to pay more for a medical-grade product in a safe environment. States their goal for a dispensary is to provide a clean, professional, ethical environment for patients to purchase clean, state-regulated, quality cannabis. Says black market, un-regulated marijuana is often full of harmful molds and pesticides. Says their security measures exceed state requirements by locking all products in a secure fire-proof gun vault at night, many security cameras, heavy-duty bolted doors, tinted windows with bars, all deterrents to theft. Safety is priority and they intend to work with all around them including law enforcement and local communities to enforce safety protocol for all involved. Standard practice with dispensaries have all patients sign a waiver stating there will be no consumption on premises, and that they understand all state regulations and DUII laws apply towards marijuana consumption. All products are packaged in sealed, child-safe, non-see-through containers and extensive records are kept and available for law enforcement if and when needed. Patient purchase records are flagged if amounts exceed practical amounts. States she cares about her health, family and community.

Ed Huff, 704 E. Main Street, co-owner of the business located there, wants to discuss section 17 that was added at the planning meeting as it will pretty much put them out of business of opening a dispensary there. Council's recent regulations is stopping them instead of helping them. Addresses the mention of placing a dispensary out by Safeway, says Safeway is the largest hub

of families and kids going to the businesses there; Safeway, McDonalds, San Blas, Les Schwab, etc. Says the town is growing out that way, versus the part of town they're currently located is done growing for the most part. Also says out by Safeway that's where the schools are, where the skate parks are, and he wants to take the dispensary business away from all of that. Says the reason he's there is that, while he and his wife are not users, he's owned the building there for 10 years and has had several businesses move in and fail. The last business there was an indoor gardening supply and 95% of their customers were OMPP card holders. Says that most of their customers will remain the same, and wants that to be a place they all go to get the supplies they need. With all the added security and safety measures it would have little to no impact on the community. The business will not be a retail business as a liquor store would; where a bottle of liquor could be purchased, at the liquor store by Safeway, and the liquor could be taken into the parking lot, cracked open and consumed where children and families could witness this. Says their facility ensures this would not happen by having their customers sign the agreement agreeing to not consume the product on or around their premises. Wants to open in Molalla to ensure a Molalla dispensary is one that follows the law as written. Also asks that, if allowed to do business at their location, they are included in all planning discussions in the future to that they can implement any and all regulations to ensure their business is as compliant as possible. Has a map from the state showing all restricted areas. Says now that Renaissance school is renting a building next to the police department, the center of downtown, as stated before as an option for a dispensary location, the whole downtown area would be eliminated as an option. The state has approved them and their location as acceptable to operating while complying with state distance regulations. (The map was then passed around to the Councilors.) They are up-to-date with all state licensing requirements. Says their customers express it is too dangerous, costly, timely to grow their own medicine; would rather purchase locally. Wants to eliminate the product from the black market. States they are not the enemy, they want to work with the City, not against it. Wants to make sure the dispensary business is done right and invites anyone to come visit, to see for themselves that sales are only to licensed patients.

Lucy Allison-Pursley, 701 S. Molalla Avenue, there as citizen rather than Chair of Friends of Molalla Pool, just had an opportunity arise with the Portland YMCA and that they would be willing to consider possibly opening and operating the pool for the summer. She said she wasn't sure what the city would think, what the public would think. They came out and toured the facility. She is impressed with how well the pool has been maintained since it's been closed and said Portland YMCA was raving about how gorgeous the facility was. Says they will come back to the Friends of Molalla Pool with a proposal and hopes it is something that will work out. Acknowledges the City and the school district still have some issues to work out but is asking for them to find a reason to say yes instead of focusing on all the reasons to say no. This would be just for the summer to allow an opportunity for the community to utilize the pool and be excited about something. Asks that when proposal does come from the YMCA, that consideration take place quickly to be able to prep the facility for opening and have people trained. Asks again to please consider a way to make this work, if only just for the summer, to think expansively.

Believes it would be a huge benefit to the community to have the pool re-open. Mayor Rogge says that when Lucy gets the proposal, the Council will have a meeting together with the school board and representatives for the Friends of the Molalla Pool for discussion on the proposal and how they can make things work.

NEW BUSINESS

A. Public Works: Purchase of Water Gun in Excess of \$10,000 – Cline

Tabled for a future date.

B. Annual Audits – Penni

FD Penni says any auditor should always find room for improvement of any finance department in any audit they do, and if they don't, fire them. Did state that, however, the auditors had to dig deep to find areas of improvement in the City Administration and that is a compliment to how things are currently operating and that duties and responsibilities are evenly disbursed. FD Penni stresses that any suggestions of improvement from the auditors are taken seriously and they do everything they can to incorporate those changes in their daily routines. Asks the Councilors if they have any questions or had a chance to review the audit reports recently disbursed. No questions were asked. FD Penni says the formal reports were received almost a year after the initial recommendations were made, and have already implemented the suggested changes in their routines. Says the reports are available at the library and city hall for review, on the City's website as well as the Urban Renewal website.

FD Penni introduced some new business: First Quarter Financials January through December and the warrant register for first quarter 2015 or third quarter in fiscal year 2014/15. Asks that these are reviewed by the next meeting 05/13/2015. Wants to give overview, said discussed (CAFR) Combined Annual Financial Report, at end of third quarter, supplemental budget was implemented, says if they are comparing numbers of quarter end report with quarter end report received in January, some of the numbers will look different due to the supplemental budget changing appropriations. Overall, city is trending within supplemental budget guidelines, still keeping operational costs down by maintaining a conservative approach while still completing some modest capital projects but are striving towards fiscal stability by increasing those reserves. One area of caution FD Penni points out is in the Public Works department sewer fund specifically, that it's giving a false-positive response by telling you that we are ending the fund in a stronger position than we actually are. As of March 31, we had not received the January, February, or March billing for the current lawsuit that we are fighting. The number at the end of March does not reflect where we actually are financially. An updated report will be provided in May reflecting more accurate numbers. Full funding was received for our urban renewal bond, in engineering right now for projects 1 & 2 and is excited for what is coming for the community.

Finances look very well. Mayor Rogge asks what effect the DEQ capital improvement requirements required on the water/sewer systems will have on financials, are we going to increase by a percentage to allow for this. FD Penni says that is a point that will be discussed during review of the new budget coming up on Friday. FD admits there are some big hurdles in being proactive in financing these changes and that there will need to be some future discussions, but that those topics are a high priority. CM Huff says the report being given on Friday will answer many of the questions that Mayor Rogge has on these issues. He says that capital improvement programs have been added to each fund, which will answer a lot of questions that may arise. FD Penni says that Budget documents will be delivered on Friday.

C. Citizen Appointment to Budget Committee

FD Penni is asking for appointments of two individuals interested in the vacant position of City Councilor to the Budget Committee as citizen members as she feels being involved in the Budget Committee is important in their potential future role as City Councilor. Those individuals are Joseph Harrison and Steve Clark. Mayor Rogge asks the Council for all in favor, vote unanimous (6-0).

CONTINUING BUSINESS

A. Draft Council Goals 2015/2016 - Huff – CM Huff states the goals are that were discussed in the meeting on March 11 as they worked through them have already been preliminarily plugged into the budget so hopes they don't change too much. Says the goals that they discussed are in their packets, clearly outlined, and asks that they review them for final adoption. Mayor Rogge confirms with all Councilors that they have had a chance to review the Council Goals as written, no opposition was made, asks if there were any questions, no questions were asked. Councilor Thompson makes a motion to adopt the Council Goals as written; Councilor Pottle seconded. Motion approved (6-0). No discussion.

RESOLUTION

A. 2015-05: A Resolution Of The City Of Molalla City Council Opposing Expansion Of The Firearms Purchase Background Check System And Senate Bill 941.

Mayor Rogge directs Councilor Griswold to discuss why he brought this to Council. Councilor Griswold says that discussions are happening in Salem regarding Senate Bill 941. Says that the bill has to do with background checks that affect many people, including the City of Molalla citizens. It addresses the Second Amendment and the Bill of Rights. Councilor Griswold says that the right to bear arms is in the constitution for three main reasons: self-protection, community protections, and protection from tyranny. Reads the Second Amendment verbatim. Says that there is no specification on when guns may be used and how many guns may be possessed. Quotes that the right to keep and bear arms shall not be infringed. Defines "infringed" as "to limit or to undermine". States he is skeptical to those who use a tragedy to promote an

agenda that culminates limiting or undermining our right to keep and bear arms. Says the so-called gun debate was settled long ago in 1791. Says the purpose of our government is to protect our God-given rights and believes those are the rights of Molalla citizens. Says the background check portion of the proposed Senate Bill is flawed tremendously. Says that Senate Bill 941 will not stop a criminal and wants the Council to speak to state legislatures on behalf of the citizens of Molalla to protect their rights. Mayor Rogge reads Resolution 2015-05 verbatim. Councilor Thompson asks Councilor Griswold where the Bill was at in the approval process. Councilor Griswold says it has passed the senate side and is currently in the judiciary committee and the representative side and was holding a hearing that night. He states that due to the Democratic prominence, the bill seems to be pushing its way through. Councilor Thompson clarifies that the Bill has passed the Senate, is currently at the House and from the House it goes on to the Governor to be signed. He then asks what Councilor Griswold's intention is with the Resolution. Councilor Griswold says Representative Vic Gilliam is currently the vice chair of the Judiciary Committee tonight and his hope and intent upon the passage of the Resolution, is to contact Representative Gilliam personally to get the Resolution to him where he can then share on the floor at the House of Representatives. Councilor Satter says that her understanding of SB 941 is to prevent people with the history of domestic violence access to firearms and if so, she would not be able to support the Resolution. Councilor Thompson says that if convicted of domestic violence, their record would indicate so, and they would not be able to possess the firearm anyway. Councilor Satter says that not all domestic violence convictions are felonies and would not always reflect. She did clarify she has not read SB 941 in its entirety and would like to before making any decisions. Councilor Pottle says they do not have time to discuss in full at the moment, but is sure that there is more to the bill than discussed there at the table. Says it is only the tip of the iceberg and that it will make it extremely difficult for any buy/sell/trade. Councilor Satter clarifies she has nothing against firearms and personally owns several herself, not for hunting. Mayor Rogge says that it is no one's intent to allow a firearm into the wrong hands, but if it is truly the intent of the SB 941 to prevent domestic violence offenders from obtaining firearms, the Bill is flawed and not accomplishing its intended purpose. Says it is one more attempt to control how firearms flow, but does not diminish the behavior of those people who are going to abuse firearms. Councilor Thompson makes the motion to adopt Resolution 2015-05; Councilor Pottle seconded. Mayor Rogge, Aye; Councilor Pottle, Aye; Councilor Thompson, Aye; Councilor Riggs, Nay; Councilor Griswold, Aye; Councilor Satter, Nay. Vote in favor (4-2). Resolution 2015-05 passed.

ORDINANCES

- A. 2015-02: An Ordinance Amending The Molalla Land Use And Development Code To Impose Reasonable Regulations On The Placement Of Medical Marijuana Dispensaries In The City And Declaring An Emergency (*Second Reading and Adoption*) (*1st reading with revisions 04/08/15*) *Note: Development Code Amendment – Medical Marijuana Public Hearing Held on 03/25/2015.***

Correction: First reading and Adoption. Mayor Rogge requests a motion for First Reading. Councilor Pottle motions for the first reading; Councilor Griswold seconded.

Discussion: Councilor Thompson clarifies how the process will move forward. States moratorium lifts May 1st, so, within a matter of days, without passing the ordinance unanimously tonight being a first reading, it has to come back as a second reading at a later meeting. Therefore there would be a small window of time with nothing in place with the exception of the state laws. Clarifies that he believes he has been vocal that he is opposed to the restrictions, not because he's particularly for medical marijuana but because voters said no on legalization, not necessarily on medical marijuana. Researched history of medical marijuana, found that it was legalized in 1998 via Measure 67. States the measure was passed in the state of Oregon by a margin of over 10% in 1998. Since then, not only has the support for medical marijuana grown, but the support for overall legalization has grown as well to the extent that it will be legalized here in Oregon in a matter of months. Further states in 2012 a poll was conducted regarding legalization of marijuana that showed the nation evenly split 48%/48% for/against legalization of marijuana. That same poll discussed legalization of medical marijuana and the vote for legalization was 73%. Even among the majority of voters who voted no for legalization, some of those voters voted for medicinal marijuana within the city of Molalla. Stresses what they are discussing is strictly medical use only. Even among churches, people who attended church at least weekly, 67% of people opposed legalization, however 58% of those people supported medical use. Overall, he's opposed to the restriction around churches, he supports the daycare restriction. As far as residential care facilities, he spoke to his mother who resides in a residential care facility who said that there are medical marijuana card holders within the facility, therefore is against the residential care facility restriction. Mayor Rogge says she has no issues with medical marijuana and the people who are licensed to use it but says that very soon recreational use will be legal and will likely be provided by the medical marijuana dispensaries. Councilor Satter argues this points saying that medical marijuana dispensaries will not be the ones to supply recreational marijuana to the public and that the OLCC is very much against it. Says the OLCC has strict requirements of "seed to sale" system in medical marijuana dispensaries, and recreational use will not allow for that. Also some children have medical marijuana cards and are users of medical marijuana. The OLCC will not support a facility that allows children to go and purchase marijuana. Councilor Pottle asks citizen Jeff Brumbaugh to come back up to the podium for questions. Points out that he appreciates that they have all the state requirements to sell medical marijuana out of their home, has no problems with that, but does have a problem with the 3700 people in this town who call him asking about the laws. Councilor Pottle and Mayor Rogge ask him if he's aware that the local government has their own restrictions on the types of businesses that can be legally licensed. Mr. Brumbaugh says he has been in contact with CR Cramer due to the moratorium but had not requested permission to have that type of business out of his home within Molalla. He has expressed extreme interest in participating in any upcoming committees that deal with the issue of opening up dispensaries. Councilor Pottle asks why Mr. Brumbaugh thought the licensing process in the city of Molalla wouldn't be as strict as the state requirements

and Mr. Brumbaugh countered saying he assumed Molalla would have its own reasonable requirements and assumed that was the point of the moratorium, for local government to develop the requirements Molalla will ask instead of waiting until the last month and declaring an emergency. Mayor Rogge asked Mr. Brumbaugh if he thought being next to the football field would ever be an issue and Mr. Brumbaugh says in communication with the state, they told him that due to there not being actual school classes being held on that property it would be acceptable. Mayor Rogge questioned this saying there are regular sporting events and practices occurring there involving children, how was that not taken into consideration? Mr. Brumbaugh says for that reason he has been very vocal about participating in committees regarding that subject suggesting a reasonable mutual agreement such as restricting the dispensary hours of business on known game nights. Mayor Rogge says having a pot shop next to the field is like an attraction, suggesting it says to the kids that society approves of marijuana use. Says it goes against most family core beliefs on how they raise their families, that they vote and feel strongly against having a pot shop next to the football field and feels it sends the wrong message to their kids. Expressed that there's not much they can do about the bars that are already established in the center of town. Mr. Brumbaugh asked if she felt the same way about a pharmacy, about kids walking in front of a pharmacy who sell opiates, which is the number one addictive drug out there. Mayor Rogge says she is educated in that area, but is simply speaking for the people of Molalla and that she has her own personal feelings on the subject, which she will not make known tonight. States pharmacies and bars have been around for long periods of time and can't speak to those things as they are already established, we have to live with them. Dispensaries are a new issue, are still federally illegal, which still matters to many people. Says she listens to the voices of the people in this town, and the majority of them say they don't want to trip over it every day. She says the exact available locations of the dispensaries don't have to be Safeway, that there are many other options, that they just haven't been exactly mapped out yet. Appreciates that they've put much time and effort into their business and that it is their livelihood, however their position as the Council is to support what the people of Molalla want. Councilor Thompson reiterates that his main concern with this ordinance is the "reasonable regulations" portion and would hate for the city of Molalla to be a test case in arguing that their restrictions are unreasonable. Says anyone challenging this legally will go for the jurisdiction with the shallowest pockets, would hate for Molalla to be a test case. Mayor Rogge asks who is in favor of Ordinance 2015-02 as written; Mayor Rogge, Aye; Councilor Pottle, Aye; Councilor Thompson, Nay; Councilor Riggs, Aye; Councilor Griswold, Aye; Councilor Satter, Nay. Vote (4-2). Passed by first reading, comes back to Council 05/13/2015. CM Huff points out that any business wanting to perform business in the City of Molalla needs to adhere to the City of Molalla's business licensing and development codes already established. To date, none of the medical marijuana dispensary businesses have approached the city requesting to do business, therefore those guidelines have not yet been established. The State of Oregon cannot preclude those requirements from occurring. Also specifies that they need to know that night whether or not Council wants to have a special meeting to pass the Ordinance before the moratorium expires

on May 1st. CR Cramer specifies a decision needs to be made that night. Mayor Rogge does not see a need for a special meeting, believes it is a regular business matter. No special meeting will occur due to majority vote of Council.

B. 2015-03: An Ordinance Approving the Zone Change of 1118 Toliver Road – Second Reading and Adoption (First Reading 04/08/2015)

Councilor Thompson motions to have a Second Reading by title only of Ordinance 2015-03; Councilor Satter seconded. All in favor; vote (6-0). Councilor Thompson motions to Adopt Ordinance 2015-03; Councilor Satter seconded. All in favor; vote (6-0).

REPORTS & ANNOUNCEMENTS

City Manager/ Staff Report – CM Huff, nothing to report, Mayor Rogge thanks him for all the flowers in front of city hall.

CR Cramer says there is a little bit of funding left allowing for a new art project, says it will be sort of watermark on city hall, working with Clackamas County Arts Alliance along with preservation on the logging mural that will be done by June 30. Says that logging mural will be framed in.

Councilor Satter: Says Saturday from 4-7pm the Molalla Buckeroo will have an open house in light of Councilor goals to participate more in Buckeroo events. Also thanked CM Huff for attending a meeting Ford Family Institute cohort to clarify some miscommunications that they had and made the team feel better about working towards getting the Bear Creek project finally done this summer.

Councilor Griswold: announced Molalla High School is beginning their plant sale out at their greenhouse located on Vaughn Road, and asks for the community support.

Councilor Riggs: announced that he attended the Molalla Area Seniors board meeting on Monday and said only thing to report is the funds for repair of the roof for the Adult Center building is at \$3200, waiting on results of some grants they applied for, hoping to be at the \$3800 needed soon.

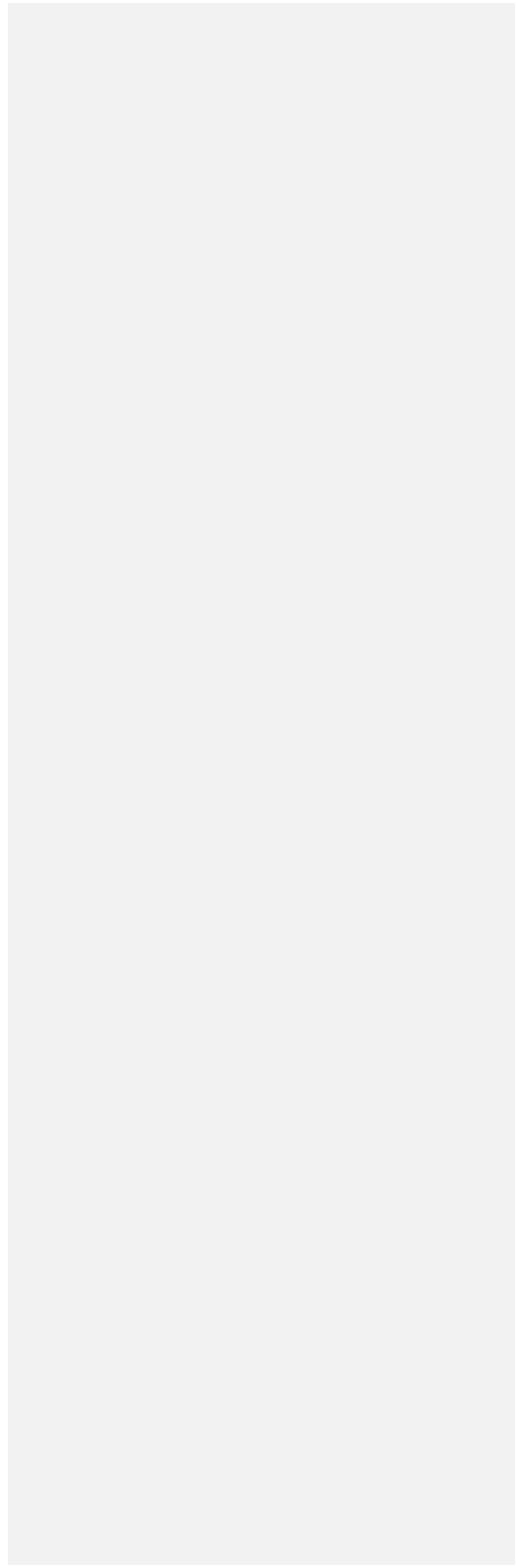
Councilor Thompson: Attending the C4 meeting.

ADJOURNMENT:

Councilor Pottle made a motion to adjourn; Councilor Griswold seconded. Motion approved (6-0) Mayor Rogge, Aye; Councilor Thompson, Aye; Councilor Griswold, Aye; Councilor Pottle, Aye; Councilor Satter, Aye; Councilor Riggs, Aye.

Sadie Cramer, City Recorder

Mayor Debbie Rogge



Molalla Library Advisory Board

Meeting Date: 4-16-2015

Meeting brought to order by Kelly Andrews at 6:30 P.M.

Members Present: Paula Beck, Mary Gilson, Kelly Andrews, Angela Patton

City Council Liaison:

Staff Present:

The minutes from the March meeting were approved as read.

- Director's Report: (See Diana if you didn't receive one.)
- New Business:
 1. Spanish-speaking people should have the ability to borrow Spanish books from other libraries since our collection is limited.
- Old Business:
 1. Are we supposed to be making a decision about a new library versus the remodeling of the present library? We require 5 acres for a new library with adequate parking. We need more guidance from the City Council. We hope our City Liaison, Jennifer, can help us with this. We need to know if we should come up with suggestions for where a new library could be built. Or, if we remain where we are, should we be talking with the School District?

The next meeting will be on Thursday, May 21, at the Molalla Public Library.

The meeting was adjourned at 7:55 P.M.

Submitted by Mary Gilson, Secretary.

201.2.31 Utilities

The following specifies the minimum requirements for utilities:

- a. Franchised utilities shall be located underground, preferably in a public utility easement, outside the paved road and sidewalk if possible, to avoid future cuts in paved roads.
- b. A Public Utility Easement (PUE) shall be required adjacent to right-of-ways on all frontages to public roadways; PUE widths shall be as provided in Section 101.8.14, "Easements," and the detail drawings. PUE's may cross or run parallel to City pipeline easements, but shall not coincide with a City pipeline easement. PUE's shall be graded as per Section 201.2.24, "Curbs and Grading," from back of curb or sidewalk unless otherwise approved by the City's authorized representative. Earthen berms or any other encroachments are not allowed within a PUE.
- c. On all phased (interim) road improvements, the necessary utilities shall be stubbed across the interim improvement to assure that cuts are not necessary when the road is expanded to its full width. A 5-year moratorium will prohibit street cuts on all projects. The moratorium begins when a project is complete and the warranty begins. Check with the City Engineering Division for a current list of streets on the 5-year moratorium.
- d. Except for sanitary sewers, storm drainage and water mains, underground utilities intended to provide direct service to adjacent properties with future connections shall not be located in the full-width paved section of a street to be constructed. If all service connections are installed and extended beyond the full-width section before the street is paved, franchised utilities can be located in the paved section, if approved by the City's authorized representative.
- e. Underground utilities being constructed along existing paved streets shall not be located under the existing pavement, unless approved by the City's authorized representative. Underground utilities that must cross an existing paved street shall not be installed by any method that cuts the pavement, unless approved by the City's authorized representative.
- f. Underground utilities shall be buried a minimum depth of 36 inches, measured from finished grade to top of utility.
- g. Streetlights shall be located as required to provide proper illumination but shall not physically or visually interfere with vehicle or pedestrian traffic. All installation of streetlights shall be done in accordance with Section 201.9.00, "Lighting."

201.2.32 Traffic Signals

Traffic signals shall be designed in accordance with Section 260.2 of the most current Clackamas County Roadway Standards. In addition to these standards, the Project

The travel lane width shall extend to the edge of pavement if it is within four feet from the edge of pavement.

Width of Patch: The patch dimension perpendicular to the roadway.

PAVEMENT RESTORATION REQUIREMENTS

The City of Oregon City hereby establishes a tiered pavement cut standard system based on the date of the last qualifying pavement treatment applied to a pavement. The standard will be in effect for any City roadway from the time a qualifying pavement treatment was applied. The applicable standards are described below and specific replacement requirements are shown in Oregon City Standard Drawing No. 532, 533, and 534.

1. Moratorium Standard: Pavement cuts will only be allowed on an emergency basis. No planned or permitted cuts will be allowed when this standard applies. If pavement cutting is necessary for emergencies, cuts shall be full depth and extend one foot beyond the nominal trench edge longitudinally and transversely. Two inch minimum thickness grind and inlay paving shall extend the full width of an established travel lane and to the curb line or edge of pavement.
2. Full Standard: Pavement cuts shall be full depth and extend one foot beyond the nominal trench edge longitudinally and transversely. Two inch minimum thickness grind and inlay paving shall extend the full width of an established travel lane. There shall be no gaps that are less than four feet from the edge of pavement.
3. Modified Standard: Pavement cuts shall be full depth and extend one foot beyond the nominal trench edge longitudinally and transversely. Two inch minimum thickness grind and inlay paving shall extend beyond the wheel path to the middle of the travel lane. There shall be no gaps that are less than four feet from the edge of pavement.
4. T-Cut Standard: Pavement cuts shall be full depth and extend 1-foot beyond the nominal trench edge longitudinally and transversely.

Applicable standards based on Tier (number of years since last qualifying pavement treatment) and City Street Classification is established in the following table:

TABLE 1- RESTORATION REQUIREMENTS BY CLASSIFICATION AND TIER

Street Classification	Tier 1 (≤ 3 years)	Tier 2 (3-6 years)	Tier 3 (> 6 years)
Arterial Streets	Moratorium Standard	Full Standard	Full Standard
Collector Streets	Moratorium Standard	Full Standard	Modified Standard
Local Streets	Moratorium Standard	Full Standard	T-Cut Standard

Note: Proposals to deviate from the standards described above will require approval in advance by the City Engineer. See exemption process described below. During the permit review process, the City Engineer will determine the applicable standard based on the above table.

PERMITS

1. As part of obtaining a Right-of-Way permit per OCMC 12.04, Permittee shall provide the proposed street cut information as requested by the Public Works department. A street cut form will be provided by the City. The City Engineer will determine the restoration requirements in accordance with this Standard. The Permittee shall provide the City Engineer 24 hours notice prior to completing final restoration to allow for inspection.
2. If the City Engineer determines, in his / her discretion, that previous violations of these Standards exist, future construction work may be disallowed until the Permittee has fulfilled all obligations. Written notification by the City Engineer will be sent prior to this action.
3. The Permittee shall notify the City Engineer of existing problems with the adjacent roadway to a proposed patch. Every effort will be made to leverage both utility and City dollars for street improvements.

RESPONSIBLE PARTY

The Permittee shall be responsible for all construction and warranty requirements of this standard even when the work is done by a Permittee retained contractor.

GENERAL REQUIREMENTS

1. Materials:
 - a. All patching materials and construction requirements not addressed in this document shall conform to the City's Standards.
 - b. Level 2, ½ inch Dense PG 64-22 HMA shall be used for all permanent asphalt restoration.
2. Patching:
 - a. Longitudinal cuts that extend through multiple tier classifications require discussion with the City Engineer to determine the appropriate patching approach. In principle, each road section will be patched according to the applicable standard and tier in which it is ranked; however the City retains the right to require higher level tier at its discretion.
 - b. For all full depth asphalt repairs, the minimum asphalt thickness shall be four inches thick, or match the existing depth of asphalt, whichever is greater.

5-Year Moratorium Street Cut Replacement Guidelines

History

In an effort to better manage pavement degradation from the affects of utility cuts, the City of Portland has recently enacted a 5-year moratorium on all new pavement surfaces. This will include overlays, inlays, reconstruction, and new construction of at least a half street or greater. Sawcuts along an existing frontage will not trigger a 5-year moratorium.

Through research of other municipalities throughout the country and from the City's own trench cut inventory, it is clear that trench cuts significantly alter and degrade pavement surfaces adjacent to the actual trench line. The City of Portland Standard Construction Specifications were recently modified to require all trench cuts to be t-cuts, reducing the negative impacts of the trench cut.

Public interest in the integrity, ride-ability and appearance of new street surfaces is significant. Residents don't appreciate new streets being dug up by utility trenches. However, in the event of an emergency or a new development, it will occasionally be necessary to cut into a street that has been paved within the past five years. These guidelines establish the basis and process for determining the level of repair and replacement for utility cuts for newly paved streets.

Definition

The City of Portland requires that anyone applying to cut open the street for utility connections or installations must have an approved street opening permit. Title 17.24.100 outlines the rules regarding the 5-year moratorium.

17.24.100 Street Pavement Preservation

After any street has been constructed, reconstructed, or paved by City forces, under City contract, or under permit, the pavement surface shall not thereafter be cut or opened for a period of 5 years.

The City Engineer may grant exemptions to this prohibition in order to facilitate development on adjacent properties, provide for emergency repairs to subsurface facilities, provide for underground service connections to adjacent properties or allow the upgrading of underground utility facilities.

When granting exceptions to this regulation, the City Engineer may impose conditions determined appropriate to insure the rapid and complete restoration of the street and the surface paving. Repaving may include surface grinding, base and sub-base repairs, or other related work as needed, and may include up to full-width surface paving of the roadway.

In addition to the street opening permit, any person who is required partially or fully repave a street shall obtain a street improvement permit and be responsible for the full cost of plan review, construction inspection, material testing, bonding, and all other City expenses related to the work.

If the City Engineer determines that final repaving of the street is not appropriate at that particular time for reasons relating to weather or other short term problems, the City Engineer may grant a delay until proper conditions allow for repaving.

This language was adopted by the City Council effective July 1, 2002 (Ordinance No. 176408).

Cutting into a Moratorium Street

When it becomes necessary to cut into a moratorium street, the Office of Transportation will make a concerted effort to protect the integrity of the pavement structure, and to ensure a high quality replacement patch or overlay.

Depending on the particular trench cut size, location, and construction duration, conditions will be placed on the permittee to return the street to a similar integrity as prior to the cut occurring. This may require a larger pavement restoration area on each side of the trench, a full-lane-width pavement replacement, or a full curb-to-curb replacement.

Goals

Each situation will be different and will require thoughtful and reasonable evaluation by the Office of Transportation to determine the optimal limits of work to achieve the following goals:

- Minimize pavement degradation
- Maintain structural integrity of street
- Maintain a smooth riding surface for all modes
- Limit visual impact and perceptions

Parameters

Streets are classified according to the City of Portland's Transportation Element. For the purpose of this guideline, the designation of "arterials" will apply to all streets other than "local Service Streets", hereafter referred to as "local streets." Parameters to consider during the analysis to determine the pavement replacement scope include, but are not limited to:

- Street classification – "local" or "arterial"
- Will the trench cut seam be in a wheel well within a travel lane?
- Will the trench cut seam be within a bus stop area or pullout?
- Where are the seams in relationship to a bike lane, parking lane, etc.?

Trench Cut Requirements

The actual trench cut will follow the new standard t-cut, with a minimum 6" overlap on each side of the trench for base replacement. On moratorium streets additional pavement restoration will extend beyond the limits of the trench and t-cut. The permittee will be required to remove the AC and replace to the dimensions outlined below, or as directed by the City Engineer. In most cases, full-width base replacement should not be necessary.

Lateral Cuts – These are generally used to cut into a pre-existing facility to allow for a single connection. This may include full street-width crossings.

Most lateral cut requests on 5-year moratorium streets can be handled through the standard street opening permit process in Street Systems Management.

Follow the City Standard Construction Specifications using a t-cut, but the pavement replacement will vary:

- Arterials – where the lateral impacts a travel lane, replace a minimum of five feet (5') on each side of the trench.
- Arterials – where the lateral impacts only the parking lane, replace a minimum of (three feet) 3' on each side of the trench.
- Local streets – replace a minimum of three feet (3') on each side of the trench.

Extend the patch to the nearest lane line or street centerline.

Longitudinal Cuts – These cuts generally run lengthwise in the roadway.

Most longitudinal cut request on 5-year moratorium streets will require an expended permit process (outlined below), which will be handled through the Permit Engineering section.

The extent of surface pavement replacement width will depend on the location of the longitudinal run in relationship to parking, bike and travel lanes. Generally:

- A single lane that is impacted will have full pavement restoration for the width of the lane.
- If multiple lanes are impacted, the full width of those lanes may have to be restored. Given the location and the extent of the trench repair, consideration may be giving for restoration only to the center of a lane(s).
- Impacted bike lanes will be restored in their entirety.

Construction Methods

There are two basic systems for applying asphalt as a patch or as paving; application by paving machine and application by drag box with hand raking. For large application, the machine paving provides the best AC mix consistency and best uniform thickness. For large pavement patches (especially longitudinal cuts) the permittee may be required to apply the AC using a paving machine. Site specific characteristics (such as truck and bus routes, traffic volumes, etc.) will determine which application methodology will be allowed or required.

Process for Longitudinal Cuts on Moratorium Streets

1. SSM **Identifies 5-yr street**; puts permittee on notification of larger process:
2. SSM notifies PER about the request, and **begins a project number** to track costs.
3. PER organizes a **pre-design conference**, and invites the following staff:
 - SSM utility coordinator
 - CBD coordinator & traffic engineer
 - Project manager from most recent capital or permit job
 - Permittee
4. Permittee develops a **submittal** that meets the needs identified at the pre-design.
5. Formal **utility notification** to all parties, including statement about 5-yr moratorium and encourages joint trenching opportunity.
6. Staff approves submittal upon complete review by interested parties.
7. PER develops a **permit package**, with specs, erosion control, etc. Include final date for completing pavement work (based on time of year permit is initially released).
8. Permittee pays **fees** to obtain permits:
 - Utility Installation Permit fees paid – SSM
 - Performance and Warranty bonds**, and engineering & inspection (cost recovery fees)
 - 100% of estimate is paid – PER
 - Street lane and parking removal fees – CBD
9. **Permits issued** from SSM, PER, and CBD.
10. **Construction** begins:
 - Parking and lane closures
 - Trench work
 - Pavement restoration
 - If pavement work is to be delayed, a “sunset” date is established to ensure that the work is completed by the permittee (utility company, not initial contractor). A separate CBD parking and lane closure permit will have to be established at the time of actual paving operation.
11. **Punchlist**
12. **Certificate of Completion** is initiated
13. Final **Cost Accounting**; refund or amount due.
14. COC and **performance bond** is returned to permittee upon **receipt of final payment or refund**.
15. Project is formally **closed**.

City of Molalla

ORDINANCE NO. 2015-04

AN ORDINANCE REPEALING CHAPTER 2.05 MEMBERSHIP BY FORMER EMPLOYEES OF THE MOLALLA MUNICIPAL CODE RELATING TO BOARDS AND COMMISSIONS (*ORDINANCE 2011-07*)

FINDINGS:

On May 8, 2015 at a regular public meeting the Molalla City Council instructed staff to repeal Ordinance 2011-07 due to the restrictiveness of the ordinance preventing current boards and commissions to fill vacancies.

The City of Molalla Ordains as Follows:

Section 1. Chapter (Chapter 2.05 Membership by Former City Employees) is repealed from the City's codified Municipal Code as follows:

- 2.05 Membership on Boards and Commissions.
- 2.05.010 No current employee of the City of Molalla may serve on a board or commission established by city ordinance, either as a voting or nonvoting member. The city manager may assign city employees to serve as staff liaisons to boards and commissions.
- 2.05.015 Notwithstanding any other provision of the Molalla Municipal Code relating to boards and commissions, no person formerly employed by the City of Molalla may serve on a board, commission or committee established by city ordinance, either as a voting or nonvoting member, until a minimum of 1 year have elapsed from the person's separation of employment from the City.

Approved:

Debbie Rogge, Mayor

ATTEST this 27th day of May 2015.

Sadie Cramer, City Recorder