



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

June 22, 2016

Work Session at 6:30pm

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 meeting

1. **CALL TO ORDER – 1,760th Regular Meeting**
 - A. Call the meeting to order
 - B. Flag Salute and Roll Call

2. **COMMUNICATIONS AND PUBLIC COMMENT**
 - A. Minutes: 05/11/16 and 05/25/16 – Motion to approve

3. **AWARDS, RECOGNITIONS & PRESENTATIONS**
4. **PROCLAMATIONS**
5. **PUBLIC HEARINGS**
6. **NEW BUSINESS**
7. **CONTINUING BUSINESS**

8. **RESOLUTIONS**
 - A. Resolution 2016-13: Declaring City Property as Surplus

9. **ORDINANCES**
 - A. 2016-04: An Ordinance Enacting A New Chapter 9.14 To Regulate Offenses Against Public Peace And Decency.

10. **REPORTS AND ANNOUNCEMENTS**
 - A. City Manager/Staff Reports – Dan Huff
 - Construction Updates – 4th of July

11. **EXECUTIVE SESSIONS**

ORS 192.660 (2)(i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing

12. **ADJOURNMENT**

Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave, Molalla, OR 97038
Wednesday – May 11, 2016

ATTENDANCE: Mayor Rogge, Absent; Councilor Pottle, Absent; Council President Thompson, Present; Councilor Griswold, Present; Councilor Riggs, Present. Councilor Clark, Absent; Councilor Childress, Present. Youth Representative Diana Xiong, Present

Council President Thompson opened the meeting at 7PM

STAFF IN ATTENDANCE: City Manager, Dan Huff, Present and Heather Penni, Finance Director Present.

NEW BUSINESS

Financials and Warrant Register – Council reviewed the documents in the agenda. Griswold made the motion to approve and accept the financials and warrant register. Childress seconded. Motion carried 4-0.

Ford Foundation Banner Project – Councilors Childress and Riggs presented the banner project they have been working on and reviewed a slide show of potential banner concepts that would be hung on the PGE poles in the downtown core. They will be working with the Chamber and other civic groups to assist with annual put up and take down as other seasonal banners are put up.

Planning Commission Applications – Council thanked the applicants for applying and after brief discussion about the applicants, Griswold made the motion to recommend the Mayor appoint all 4 applicants. Childress seconded. Motion carried 4-0.

REPORTS AND ANNOUNCEMENTS

City Manager/Staff Reports – Dan Huff reviewed the flyers included in the agenda with Council.

- Construction Update – Huff stated the construction should be cleaned up and a first lift of asphalt will be completed for the 4th of July. Trenching for power will begin next week and have worked with the contractors to improve signage for public safety.
- National Night Out – Flyer
- Noxious Vegetation - Memo
- FOG – A flyer that will hopefully remind the public what not to put down the sink such as cooking grease and other items that can inhibit the wastewater system.
- 4th of July Festivities – See Flyer
- Mexican Rodeo Festivities (05/29, 06/26, 07/31, 08/28 on MBA Flyer)

Youth Representative Diana Xiong congratulated the Molalla High School Concert Choir for being in first place in the state in their division. New storage has been purchased for the singing Christmas Tree. Spring concerts and plays will begin and she encouraged everyone to attend and show support.

Childress stated that the Chamber is considering an alternate route in case construction is delayed. The Relay for Life is having a big kick off with Painting the Town Purple Pub Crawl. Its \$15 per ticket.

Thompson stated the Mayor and Pottle were out of town and the City Manager and City Recorder signed checks. They are authorized signers and he wanted to let the Council know that this is a rare situation. There were no Council concerns or objections due to the situation. He would like to attend the C4

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conference and asked Council if there were any objections with him attending at the Liaison for the Molalla City Council. There were no objections.

ADJOURNMENT

Griswold made the motion to adjourn. Riggs seconded. Motion carried 4-0 at 7:37pm.

Sadie Cramer, City Recorder

Mayor Debbie Rogge

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ATTENDANCE: Mayor Rogge, Present; Councilor Pottle, Present; Councilor Thompson, Present; Councilor Griswold, Present; Councilor Riggs, Present. Councilor Clark, Absent; Councilor Childress, Present via Conference Call; Youth Representative Diana Xiong, Present.

STAFF IN ATTENDANCE: City Manager Dan Huff, Present; City Recorder Sadie Cramer, Present; Public Works Director Jennifer Cline, Present; Gerald Fisher City Engineer, Present.

Minutes of 03/23/16 - Pottle made the motion to approve. Griswold seconded. Motion carried 7-0. Library minutes were information only.

CONTINUING BUSINESS

Banner Project – Discussion and Direction to Staff by Council was requested. After brief discussion regarding costs, process and community involvement the Council consensus was to move forward with the project and have staff work the cohort to implement it.

CIP Plan for Water – During the April 13, 2016 Council Meeting staff presented a proposed water utility rate increase resolution. Council will recall that this was an action discussed in November 2015. We have included all previously provided information for your review. During the April meeting some Councilors expressed concern with regard to the need for an updated water capital improvement plan (CIP). We have completed a more comprehensive CIP for your information.

Council will notice in the CIP that the final line titled ‘annual district system replacement’ totals \$6.4M and is not quantified by project at this point. Staff recommends that Council adopt the full increase in water rates beginning on July 1, 2016, although if Council elects for a lesser increase we would suggest nothing less than 12% and revisit the water rate in November of 2016 when the replacement plans have been developed, when another increase should be considered by Council for January 1 2017.

RESOLUTIONS

Resolution 2016-10: Water Rate Increase – After discussion and review of the water capital improvement plan (CIP). Pottle made the motion to amend and approve 2016-10 with an increase of 15%. Riggs seconded. Motion carried 4-3 (Thompson, Griswold and Clark, Nays).

Pottle made the motion to approve the 2016-10. Riggs seconded. Motion carried 4-3 (Thompson, Griswold and Clark, Nays). Conference call with Childress ended at 7:36pm.

REPORTS AND ANNOUNCEMENTS

City Manager/Staff Reports –

Huff - At 9am June 3rd the Council is invited to tour the sewer treatment plant. The jurisdictional transfer negotiations are still taking place and he will be bringing an update to Council in the near future.

Cline – Molalla Avenue is advancing and there are putting in new storm lines and electricians are installing electrical conduit. The Transportation Advisory Committee has no members at this time and she

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encouraged everyone to help re-fill the seats. The TSP requires TAC in order to outline and process projects.

Riggs asked about additional signage. Riggs made a motion that council and staff look into signage costs. Thompson seconded. Motion carried 6-0.

Griswold discussed fee increase coming up on the ballot from the County and there will be a meeting regarding those tomorrow night at the Muesum of the Oregon Territory in Oregon City. 6pm-9pm. Thompson also said that C4 is going to addressing those issues as well at the retreat.

Clark resigned his position due to moving out of town. He thanks the Council and staff for all the hard work over the years and it was a honor to serve his community.

Pottle and Thompson thanked Clark for his commitment to the community and he will be missed. Thompson will also be attending his daughters upcoming graduation.

Rogge appointed the 4 applicants to the Planning Commission as listed in the May 11, 2016 agenda. She thanked Steve and she was proud to work with him on all that the Council and City has accomplished during his terms.

Motion to adjourn by Riggs. Thompson seconded. Motion carried 6-0.

Sadie Cramer, City Recorder

Mayor Debbie Rogge

RESOLUTION 2016-13

**A RESOLUTION OF THE MOLALLA CITY COUNCIL DECLARING
SURPLUS PROPERTY.**

WHEREAS, the City of Molalla owns a modular building located at the City Shops
and;

WHEREAS, the City has determined that no public purpose would be furthered by retaining
ownership of the above said property, and that the property should be sold, donated to a charity
organization or discarded;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Molalla that the
said property be advertised for sale to the highest bidder, donated to a charity organization or
discarded at the discretion of the City Manager or designee.

Passed and effective this _____ day of _____, 2016.

Debbie Rogge, Mayor

ATTEST:

Sadie Cramer, City Recorder



June 3, 2016

TO: Mayor and Councilors
Dan Huff - City Manager

SUBJ: Staff Report on Ordinance Proposals to Enhance Neighborhood Livability

For some time, our community has been facing some growing challenges relating to neighborhood livability. Many of the issues we face on a regular (near daily) basis are related to a small but often visible transient population. Although most cities, both large and small, throughout the state and across the country struggle with similar issues, one of the disadvantages Molalla has faced is a lack of the necessary legal tools to address the issues.

The city and police department receive regular complaints from citizens asking us to clean up these problems relating to public decency and livability. Some of these issues include public drunkenness, carrying and drinking from open containers of alcoholic beverages while walking down a public street and exposing body parts to urinate or defecate in full view of the public. Unfortunately, the absence of appropriate ordinances to address the issues has left us empty handed and unable to adequately respond. I am sure Council shares my frustration regarding our inability to find a solution up to this point.

Therefore, the Title 9 amendments you see before you are some simple but carefully crafted tools to help us address these challenges. These proposed amendments were crafted out of some of the best practices being used by other local communities to address similar problems and they have found them to be very beneficial.

These ordinances are minimal starting points by design and were crafted to address real and specific issues we face regularly. I urge you to carefully consider implementation of these changes to give us the tools to better serve our community.

Respectfully,

Chief Lucich

AN ORDINANCE ENACTING A NEW CHAPTER 9.14 TO REGULATE OFFENSES AGAINST PUBLIC PEACE AND DECENCY.

WHEREAS, Title 9 of the Molalla Municipal Code regulates issues related to public peace, morals and welfare; and

WHEREAS, neither Title 9 nor state law regulate certain activities that interfere with public peace and decency.

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

Section 1: **Enactment.** A new Chapter 9.14 is hereby added to the Molalla Municipal Code as set forth in Exhibit A.

Section 2: **Effective date.** Because this ordinance is necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect immediately upon enactment.

Adopted this 8th day of June, 2016.

Approved:

Debbie Rogge, Mayor

ATTEST this 8th day of June, 2016.

Sadie Cramer, City Recorder

Exhibit A

CHAPTER 9.14 - OFFENSES AGAINST PUBLIC PEACE AND DECENCY

9.14.010 - Drinking in public places.

It is unlawful to drink or consume any alcoholic beverage or have in one's possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, while in or upon any public street, alley, park or other public grounds, school grounds or municipal buildings; provided that the city council may permit the service and consumption of alcoholic beverages within designated publicly owned or controlled areas on such terms and conditions as the council may provide including but not limited to compliance with applicable Oregon Liquor Control Commission rules and regulations.

9.14.020 – Unlawful Camping.

(1) For purposes of this section, the term “camp” means to set up, or to remain in or at a campsite, for the purpose of establishing or maintaining a temporary place to live. The term “campsite” means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

(2) It is unlawful for a person to camp in or upon private property without the express written permission of the owner or person lawfully in charge of such property.

(3) It is unlawful for any person to camp in or upon any public property or public right of way, unless otherwise specifically authorized by this Code or by declaration by the city manager in emergency circumstances.

(4) No owner or person in charge of private property shall permit camping on such property unless such activity occurs in accordance with all applicable provisions of the City’s development code and the property owner or person in charge has given written permission to the individuals camping on such property. Unless otherwise permitted by Chapter 15.08 of this code, no owner or person in charge of private property may permit another individual to camp on such property for more than 72 hours in any 30 day period. Exceptions may be granted under emergency conditions as declared by the city manager.

9.14.030 – Unlawful Urination and Defecation.

It is unlawful for any person to urinate, defecate, or expose any intimate part with the intent to expel human excrement, on a premises open to the public or in the public view. For the purposes of this section, the term “Intimate part” means uncovered human genitals, pubic areas, or buttocks.

9.14.040 - Offensive littering by an animal.

Any person in control of an animal which defecates upon a premises open to the public or on the property of another without permission of the property owner commits the offense of permitting offensive littering by an animal if said person fails to promptly remove and properly dispose of the animal waste.

9.14.050 –Obstructing Passageways

It is unlawful, except as otherwise allowed by ordinance or special permit, to obstruct, cause to obstruct or assist in obstructing, with the intent to interfere with free passage, pedestrian or vehicular traffic on any public way or premises open to the public.

9.14.060 - Penalties

A violation of any provision of this ordinance is a Class C misdemeanor, punishable upon conviction by a fine, fixed by the court, not exceeding \$1250 and a maximum term of imprisonment of not more than thirty days.

9.14.070 – Severability

The sections, subsections, paragraphs and clauses of this Chapter are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs or clauses.