



AGENDA

MOLALLA CITY COUNCIL MEETING

April 10, 2019

7:00 PM

**Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038**

Mayor Keith Swigart

***Council President Elizabeth Klein
Councilor Leota Childress
Councilor DeLise Palumbo***

***Councilor Terry Shankle
Councilor Jody Newland
Councilor Open Position***

CALL TO ORDER

Convene Meeting and Roll Call
Pledge of Allegiance

PUBLIC COMMENT/COMMUNICATIONS AND PRESENTATIONS

[1.](#) 2017/2018 Audit Presentation

(Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Council does not generically engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Council.)

ADOPTION OF AGENDA

CONSENT AGENDA

[2.](#) City Council Minutes March 27, 2019
[3.](#) Library Board Minutes January 17, 2019

ORDINANCES, RESOLUTIONS, PROCLAMATIONS

[4.](#) Resolution 2019-04 Setting A Special Events Fee
[5.](#) Resolution 2019-06 Utility Fees
[6.](#) Resolution 2019-07 City Hall Admin Fees
[7.](#) Resolution 2019-08 Police Department Fee Schedule
[8.](#) Resolution 2019-09 Library Fee Schedule
[9.](#) Resolution 2019-10 Adopting the Court Processes and Fee Schedule

NEW BUSINESS

[10.](#) Allocation of Clackamas County Registration Fee
[11.](#) Allocation/Update of System Development Charges
[12.](#) Discussion Item Chapter 2.06 Hearing Bodies and Their Duties

OLD BUSINESS



AGENDA

MOLALLA CITY COUNCIL MEETING

April 10, 2019

7:00 PM

Molalla Adult Center

315 Kennel Ave., Molalla, OR 97038

[13.](#) Discussion Update on Heritage Art Walk

REPORTS AND ANNOUNCEMENTS

EXECUTIVE SESSION

Held pursuant to Oregon Public Record Law, ORS 192.660(2):

- [14.](#) Held pursuant to Oregon Public Record Law, ORS 192.660(2): (a) To consider the employment of a public officer, employee, staff member or individual agent.
(a) To consider the employment of a public officer, employee, staff member or individual agent.

ADJOURN

Agenda posted at City Hall, Senior Center, Library and the City Website at <http://www.cityofmolalla.com/meetings>

This meeting location is wheelchair accessible. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-829-6855

City of Molalla

City Council Meeting



Agenda Category: Presentation

Subject:	2017/2018 Audit Presentation
Recommendation:	Adopt
Date of Meeting to be Presented:	April 10, 2019
Fiscal Impact:	N/A
Submitted By:	Finance Director Seifried
Approved By:	City Manager Dan Huff

Background:
2017-2018 Audit presented by Merina Company, Tonya Moffitt.



**Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, March 27, 2019**

CALL TO ORDER OF THE MOLALLA CITY COUNCIL MEETING; the regular meeting of Wednesday, March 27, 2019 was called to order by Mayor Keith Swigart at 7:00 P.M.

COUNCIL ATTENDANCE:

Mayor Keith Swigart – Present
Councilor Elizabeth Klein – Absent
Councilor Leota Childress – Present
Councilor DeLise Palumbo – Present
Councilor Terry Shankle – Present
Councilor Jody Newland – Present
Councilor Open Position – Open

STAFF IN ATTENDANCE

Dan Huff, City Manager - Present
Gerald Fisher, Public Works Director - Present
Chaunee Seifried, Finance Director – Present
Rod Lucich, Police Chief - Present
Kelly Richardson, City Recorder - Present
Diana Hadley, Library Director - Absent
Chad Jacobs, City Attorney - Absent

Pledge of Allegiance

Following the Pledge of Allegiance, Mayor Swigart moved the discussion for Ordinance 2019-05 to update the towing Ordinance because Chief Lucich had a very early morning the following day. There were no questions or comments from Council. The motions to adopt the changes are below under Ordinance 2019-05.

PUBLIC COMMENT/COMMUNICATIONS AND PRESENTATIONS

1. Application for Budget Committee
Childress many years perfect.

Motion made by Councilor Newland to appoint Glen Boreth to the Budget Committee, Seconded by Councilor Shankle.
Voting Yea: Councilor Childress, Councilor Palumbo, Mayor Swigart, Councilor Newland, Councilor Shankle

(Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Council does not generically engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Council.)

ADOPTION OF AGENDA

Motion made by Councilor Childress to adopt the agenda as amended, Seconded by Councilor Palumbo.
Voting Yea: Councilor Childress, Councilor Palumbo, Mayor Swigart, Councilor Newland, Councilor Shankle



Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, March 27, 2019

CONSENT AGENDA

Motion made by Councilor Childress to approve the consent agenda as presented, Seconded by Councilor Newland.

Voting Yea: Councilor Childress, Councilor Palumbo, Mayor Swigart, Councilor Newland, Councilor Shankle

2. City Council Minutes March 13, 2019
3. 18-15 Clark Park Phase 2 Improvements

ORDINANCES, RESOLUTIONS, PROCLAMATIONS

4. Resolution 2019-05 Declaring Council Seat Vacant/Open

Motion made by Councilor Palumbo to approve as presented, Seconded by Councilor Shankle.

Voting Yea: Councilor Childress, Councilor Palumbo, Mayor Swigart, Councilor Newland, Councilor Shankle

5. 2019-05 Towing Ordinance Amendment presentations spot...

Motion made by Councilor Palumbo to read by title only the first reading of ORD 2019-05, Seconded by Councilor Newland.

Voting Yea: Councilor Childress, Councilor Palumbo, Mayor Swigart, Councilor Newland, Councilor Shankle

Motion made by Councilor Newland to read by title only the second reading of ORD 2019-05, Seconded by Councilor Childress.

Voting Yea: Councilor Childress, Councilor Palumbo, Mayor Swigart, Councilor Newland, Councilor Shankle

Motion made by Councilor Childress to adopt as presented ORD 2019-05, Seconded by Councilor Shankle.

Voting Yea: Councilor Childress, Councilor Palumbo, Mayor Swigart, Councilor Newland, Councilor Shankle

NEW BUSINESS

6. Discussion on Molalla Arts Commission MMC

Mike Simmons, 13258 Vick Road, addressed Council in support of the reformation of the Molalla Arts Commission.

Lynsey Knapp, 687 June Drive, addressed Council and stated she was a very active member of the art community. Knapp stated she was in support of the reformation of the Molalla Arts Commission and felt it was very important endeavor. Knapp also shared her belief that if there were more events like the one held last year, it would be a huge economic boost to our community. Mayor Swigart asked Knapp about how far away she thought people would travel for these types of events. Knapp answered as far away as Portland.

Ken Feters, 13030 S. Freeman Rd, Mulino. Feters explained to Council that he had recently purchased the Old Man's Shop at 104 Main Street. Feters explained his vision for the property as an art gallery/teaching facility for artists of all types. Feters was in support of reforming the Molalla Arts Commission.



**Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, March 27, 2019**

Following the citizens in support of the Molalla Arts Commission, Councilor Palumbo explained to Council her vision and her passion for the reformation of the Molalla Arts Commission. Many items that Palumbo spoke of were as follows:

- Council support
- Seed money from Council projects fund of \$5,000 to get started
- City staff help coordinate
- More community events with emphasis on art

Councilors Childress, Newland, and Shankle were all concerned with the seed money. They all agreed that the money necessary to fund these types of things should not come from tax payers rather in the form of grants. Councilors also stated this was better suited to be as a non-profit and not under the City purview. Councilor Palumbo restated her stance and commitment. Following a brief discussion, staff was directed to bring back a cost and time estimate for staff involvement

Mayor Swigart stated that a meeting downtown woke him up to the fact that cars and motorcycles are art. Swigart suggested Councilor Palumbo form an exploratory Committee and bring back what would be involved in the reformation of the Molalla Arts Commission and the costs involved.

Motion made by Councilor Childress to have Councilor Palumbo put together an exploratory Committee and bring back to Council information on how the Arts Commission if reinstated would function, Seconded by Councilor Shankle.
Voting Yea: Councilor Childress, Councilor Palumbo, Mayor Swigart, Councilor Newland, Councilor Shankle

7. Discussion on MMC Code Chapter 2.06
CM Huff presented the material to City Council. Following a brief discussion with staff, Councilors asked staff to bring back language with the changes as discussed.
- Citizen Advisory Committee
 - Youth component
 - Within City limits verses outside City limits for members of the Planning Commission.

OLD BUSINESS

REPORTS AND ANNOUNCEMENTS

Finance Director Seifried had nothing to report.

Public Works Director Fisher had too many items to list, however Fisher highlighted the following;

- April 10, 2019 meeting Fisher would like the direction on the four proposed items:
 - Adopt SDC's as presented
 - Phase SDC increases over time; or
 - Set SDC's below the calculated amount as allowed by statute; or
 - Do nothing
- Vehicle registration dollars where the dollars should be used.

Councilor Shankle asked PWD Fisher for clarification of what Clark Park phase II included. Fisher stated that it included sidewalk improvements on the east side of Cole and Francis and the ADA ramps along with paved parking at the Buckeroo grounds.



**Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, March 27, 2019**

Mayor Swigart, asked for clarification from PWD Fisher regarding sidewalks and Fisher informed him that the property owners are responsible for the maintenance of sidewalks that abut their property.

CR Richardson had nothing to report.

CM Huff had nothing to report.

Mayor Swigart had nothing to report.

Councilor Childress had nothing regarding Molalla Chamber. Childress did inform Council that another milestone with the Visioning process has been achieved. Currently, various groups are working on action items in support of the Vision statements. Councilor Childress along with the rest of the Council thanked all the Public Works crew members that worked on the path and canoe place in the park by BI-Mart. Childress informed Council that the warming center is now closed as temperatures are on the rise. This last year, the center was open 88 days up from 55 last year and served over 900 meals again up from last year of 260.

Councilor Palumbo thanked Council for the exploratory Committee for the Molalla Arts Committee and invited citizens to contact her if they were interested in serving on the committee.

Councilor Newland Informed Council that the Library Board appointed their officers for their Board meetings. Newland also let everyone know the new swimming lessons schedule is out and the lessons are free for children. The lessons have been well attended. Newland encourages citizens to get involved with the many committees and boards that are looking for new members.

ADJOURN

Motion made by Councilor Childress to adjourn the meeting of March 27, 2019 at 8:10 PM, Seconded by Councilor Palumbo.

Voting Yea: Councilor Childress, Councilor Palumbo, Mayor Swigart, Councilor Newland, Councilor Shankle



**Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, March 27, 2019**

Mayor, Keith Swigart

Date

ATTEST:

Kelly Richardson, CMC
City Recorder

Minutes of the Molalla Public Library Board Regular Meeting
Molalla Public Library
201 E 5th St., Molalla, OR 97038

- 1. CALL TO ORDER OF THE MOLALLA PUBLIC LIBRARY BOARD MEETING;** the regular meeting of January 17, 2019, was called to order by Angela Patton at 7:05 PM.

ATTENDANCE:

Charlotte Bloebaum, Board Member –
Absent, excused
Valerie Coy, Board Member – Present
Cindy Fincher, Board Member – Absent,
excused
Angela Patton, Chair – Present

Steve Rowland, Board Member – Present
Jodie Newland, Council Liaison – Present

STAFF IN ATTENDANCE:

Diana Hadley, Library Director - Present

- 2.** The November 15, 2018, minutes were approved.

3. REPORTS AND ANNOUNCEMENTS

a) Library Director's report:

- a.** Homeschool Huddle; STEAM Club; partnering with DHS

4. NEW BUSINESS:

Elections will be held at the March 21, 2019, meeting


5. OLD BUSINESS:

- a.** Library District Advisory Committee (LDAC) update

- 6. Next meeting will be Thursday, March 21, 2019, at 7:00 PM**

7. ADJOURN

Motion to adjourn made. Motion carried (4-0), all ayes at 7:53 PM




Angela Patton

3/20/19

Date

ATTEST:



Diana Hadley
Library Director



RESOLUTION NUMBER 2019-04

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON
SETTING A SPECIAL EVENTS FEE.**

WHEREAS, The City of Molalla does not have any type of fee associated with coordination and organization of special events; and

WHEREAS, with the increased number and types of special events in the city comes added expenses through supplies, maintenance, wear and tear on City equipment and facilities, and additional City staff hours; and

WHEREAS, The City staff feels a Special Events Fee is warranted to offset these additional costs and to maintain services at the current levels.

Now, Therefore, the City of Molalla Resolves as follows:

Section 1. To set a daily Special Events Fee of \$1,000.00 only for those special events meeting criteria as follows;

Special events expecting 101 attendees or more and/or:

- Serves alcohol in accordance to pre-approved OLCC permitting and Molalla Municipal Code guidelines;
- Requires utilization of City resources (ie: public works, police, administration, etc.) outside of the City resources' normal duties and/or working hours;
- Offers sales of any kind of products and/or services.

Section 2. Effective immediately upon passage.

Adopted this _____ day of _____, 2019

Mayor, Keith Swigart

ATTEST:

Kelly Richardson, CMC, City Recorder



RESOLUTION NUMBER 2019-06

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON,
REPEALING RESOLUTION 2013-17 AND ESTABLISHING APPROPRIATE
UTILITY ADMINISTRATION CHARGES. Amending 2015-12**

WHEREAS, City of Molalla had established a Resolution that incorporated a fee schedule for all departments; and

WHEREAS, The City of Molalla determined the fee schedule is an inaccurate way to track and impose various fees; and

WHEREAS, City staff have now separated the fee schedule per each department to better meet the needs of the City.

Now, Therefore, the City of Molalla Resolves as follows:

Section 1. the following Utility Administrative Fees are as follows;

- ~~Overnight parking~~ ~~\$5.00~~ ~~\$25.00/week~~ ~~\$100.00/mo~~ ~~\$1,000/yr~~
- Service shutoff/reconnect fee \$50.00
- Late Fee \$25.00
- Utility Service Deposits;
 - Residential & Commercial \$100.00
 - Hydrant Customers \$700.00 deposit \$25.00 fee

Section 2. Effective immediately upon passage.

Adopted this _____ day of _____, 2019

Mayor, Keith Swigart

ATTEST:

Kelly Richardson, CMC, City Recorder



RESOLUTION NUMBER 2019-07

A RESOLUTION OF THE CITY OF MOLALLA, OREGON. REPEALING RESOLUTION 2013-17 AND ESTABLISHING APPROPRIATE ADMINISTRATIVE FINANCE CHARGES FOR CITY HALL.

WHEREAS, City of Molalla had established a Resolution that incorporated a fee schedule for all departments; and

WHEREAS, The City of Molalla determined the fee schedule is an inaccurate way to track and impose various fees; and

WHEREAS, City staff have now separated the fee schedule per each department to better meet the needs of the City.

Now, Therefore, the City of Molalla *Resolves* as follows:

Section 1. The Administrative City Hall fees are as follows;

<u>Fee</u>		<u>New Proposed Fee</u>
<u>Annual Budget/Audit Copies</u>	<u>\$25.00</u>	
<u>Building Rental</u>	<u>\$50.00</u> per hour	Remove no buildings to rent
<u>New Business License</u>	<u>\$70.00</u>	<u>\$100.00</u>
<u>Business License</u>	<u>\$70.00</u> Renewal	
<u>Business License Late Fees</u>	<u>\$25.00</u> per month delinquent	
<u>Business License Copy of List</u>	<u>\$20.00</u>	Remove not needed
<u>Canopy Rental</u>	<u>\$250.00</u> per use	Remove don't have a canopy
<u>Certified Copy</u>	<u>\$5.00</u> per page	
<u>Lien Fee</u>	<u>\$100.00</u>	
<u>Lien Search</u>	<u>\$25.00</u>	<u>\$30.00 not been updated since 2013 cost increase.</u>
<u>FAX</u>		
Local	<u>\$1.00</u> per page	
Long Distance	<u>\$3.00</u> per page	
<u>Liquor License--New License</u>	<u>\$100.00</u>	
<u>Liquor License--Renewal (Primary business selling alcohol)</u>	<u>\$35.00</u>	
<u>Liquor License--Renewal (Retail such as grocery store)</u>	<u>\$15.00</u>	<u>\$35.00 make the same its same at the State level</u>
<u>Photocopying</u>	<u>\$0.25</u> per page	<u>.12 B/W .25 color per contract</u>
<u>Public Records Requests (dep. may be required)</u>	<u>\$25.00</u> ±	
<u>Show Licenses (carnival, circus, music fest., etc.)</u>	<u>\$25.00</u> per day	Remove in separate resolution
<u>Tent Rental</u>	<u>\$250.00</u> per use	Pull this fee as we do not currently use except for City

and Chamber events. Cost
for a 4 man crew for 3hrs set
up is over 1,000 set up fee.
So remove fee.
Remove outdated media

<u>Video Tape of Council Meetings</u>				<u>\$20.00</u>
<u>DVD of Council Meetings</u>				<u>\$5.00</u>
Overnight parking	\$5.00 daily	\$25.00 WK	\$100.00 Monthly	

Per City Manager Approval
over 72 Hours rule.

Section 2. Effective immediately upon passage.

Adopted this _____ day of _____, 2019

Mayor, Keith Swigart

ATTEST:

Kelly Richardson, CMC, City Recorder



RESOLUTION NUMBER 2019-08

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON. REPEALING
RESOLUTION 2013-17 AND ESTABLISHING APPROPRIATE ADMINISTRATIVE
POLICE DEPARTMENT CHARGES.**

WHEREAS, City of Molalla had established a Resolution that incorporated a fee schedule for all departments; and

WHEREAS, The City of Molalla determined the fee schedule is an inaccurate way to track and impose various fees; and

WHEREAS, City staff have now separated the fee schedule per each department to better meet the needs of the City.

Now, Therefore, the City of Molalla Resolves as follows:

<u>Police Department</u>		
<u>Fingerprinting</u>	<u>\$20.00</u>	<u>Per card</u>
<u>Vehicle Release Impound Fee</u>	<u>\$100.00</u>	
<u>Alarms - New</u>	<u>\$30.00</u>	REMOVE D
<u>Alarms - Renewal</u>	<u>\$20.00</u>	REMOVED
<u>Alarms - 65 YOA+</u>	<u>\$0.00</u>	REMOVED
<u>Special Events - Officer Rate</u>	<u>\$78.00</u>	Per Hour
<u>Special Events - Sergeant</u>	<u>\$86.00</u>	Per Hour
<u>Crime Reports - Per Case</u>	<u>\$15.00</u>	
<u>Crime Reports - Printed Color Photographs</u>	<u>\$10.00</u>	
<u>Crime Reports - Photographs on CD</u>	<u>\$20.00</u>	
<u>Crime Reports - Copy of Audio/Video</u>		
<u>CassetteUSB/Disk.</u>	<u>\$20.00</u>	
<u>There is an additional hourly research/redaction charge on all reports as needed.</u>	<u>\$30.00</u>	

Formatted Table

Formatted: Left

Formatted: Indent: First line: 0"

Section 2. Effective immediately upon passage.

Adopted this _____ day of _____, 2019

Mayor, Keith Swigart

ATTEST:

Kelly Richardson, CMC, City Recorder



RESOLUTION NUMBER 2019-09

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON,
REPEALING RESOLUTION 2013-17 AND ESTABLISHING APPROPRIATE
LIBRARY FEE/CHARGES.**

WHEREAS, City of Molalla had established a Resolution that incorporated a fee schedule for all departments; and

WHEREAS, The City of Molalla determined the fee schedule is an inaccurate way to track and impose various fees; and

WHEREAS, City staff have now separated the fee schedule per each department to better meet the needs of the City.

Now, Therefore, the City of Molalla *Resolves* as follows:

Section 1. The following fees are updated fee schedule for the City of Molalla Library:

<u>City of Molalla Library Administrative Fees</u>			
<u>Library</u>			
<u>Out of District Library Card</u>		<u>\$95.00</u>	<u>Per year</u>
<u>Overdue Fines - \$3 Cap for children materials/\$5 for Adult materials <i>per item</i></u>		\$50.00 <u>\$0.25</u>	<u>Per day</u>
—Books, Music, Audio Books, Magazines		\$0.25	Per day
—DVD's, Videos, Games		\$0.25	Per day
<u>Replacement Library Cards</u>		<u>\$1.00</u>	
<u>Lost or damaged beyond repair library items</u>		<u>Cost of Replacement</u>	
<u>Missing and/or damaged parts</u>		<u>Cost of Replacement</u>	

Formatted Table

<u>Black & White Copies (from computer and/or copy machine) Per side/page</u> One-sided		<u>\$0.10</u>	Per page
<u>Color Copies (from computer and/or copy machine) Double-sided</u> Per side/page		<u>\$0.25</u>	Per page
<u>Conference Room Refundable Cleaning Deposit</u>		<u>\$50.00</u>	
<u>Book Sale Items</u>			
Hardbacks		<u>\$2.00</u>	
Trade paperbacks (large paperbacks)		<u>\$1.00</u>	
Regular paperbacks		<u>\$0.50</u>	
Audio books		<u>\$2.50</u>	
Videos		<u>\$0.25</u>	
DVD's		<u>\$1.00</u>	
CD Roms		<u>\$1.00</u>	
Magazines		<u>\$0.25</u>	
Music CD's		<u>\$3.00</u>	

Section 2. Effective immediately upon passage.

Adopted this _____ day of _____, 2019

Mayor, Keith Swigart

ATTEST:

Kelly Richardson, CMC, City Recorder



RESOLUTION NUMBER 2019-10

A RESOLUTION OF THE CITY OF MOLALLA, OREGON, ADOPTING AND ESTABLISHING COURT ADMINISTRATIVE PROCEDURES AND FEES AS SET BY STATUE FOR MOLALLA MUNICIPAL COURT REPEALING PRIOR RESOLUTIONS DEALING WITH FEES.

WHEREAS, City of Molalla Municipal Court has been established by City Charter;
and

WHEREAS, Molalla Municipal Court has set rules, presumptive fines, fees and
regulations set by statute; and

WHEREAS, Molalla Municipal Judge has established a Violations Bureau in
September of 2015; and

WHEREAS, Molalla Municipal Judge has set these rules, presumptive fines, fees
and regulations by court order; and

WHEREAS, City of Molalla had established a Resolution that incorporated a fee
schedule for all departments; and

WHEREAS, The City of Molalla determined the fee schedule is an inaccurate way to
track and impose various fees; and

WHEREAS, City staff have now separated the fee schedule per each department to
better meet the needs of the City.

Now, Therefore, the City of Molalla Resolves as follows:

Section 1. To adopt the establishment of the Violations Bureau and set forth and
adopt the procedures and fees.

Section 2. To set forth and adopt the following as established in Exhibits A "*Traffic
School Deferred Sentence*", Exhibit B "*List of Violations as set by ORS in a mechanical
nature*", Exhibit C "*Violations and Presumptive Fine Schedule*", Exhibit D
"Administrative Court fee schedule.

Section 3. Effective immediately upon passage.

Adopted this _____ day of _____, 2019

ATTEST:

Mayor, Keith Swigart

Kelly Richardson, CMC, City Recorder

1
2
3 IN THE MUNICIPAL COURT FOR THE CITY OF MOLALLA
4 COUNTY OF CLACKAMAS, STATE OF OREGON

5 In the Matter of the Establishment of a) **Violations Bureau Order**
6 Violations Bureau, a Violations Bureau) (ORS 153.800)
7 Fine Schedule and Related Matters.) (September 1, 2015)
8

9 For the efficient disposition of the business of this court, and for the convenience of citizens
10 charged with the commission of a violation, a Violations Bureau is established in the Municipal Court
11 of the City of Molalla as provided herein and by Oregon Law.

12 **IT IS HEREBY ORDERED THAT:**

13 **I.**

14 **Violations Bureau Established**

15 There is established within the Molalla Municipal Court a Violations Bureau and the positions
16 of Violations Clerk and Deputy Violations Clerk. As used herein, the terms "Violations Bureau" and
17 "Bureau" mean the Violations Bureau of the Molalla Municipal Court.

18 **II.**

19 **Designation of Bureau Clerks**

20 The Court Administrator is hereby designated as the Violations Clerk. The Violations Clerk
21 may designate one or more members of the court staff as Deputy Violations Clerks for the Bureau. As
22 used herein, the term "Clerk" means the Violations Clerk and Deputy Violations Clerks of the
23 Violations Bureau.

24 ///

1 **III.**

2 **Authority of Clerks**

3 A Clerk may accept written appearances; requests or waivers of trial; pleas of no contest;
4 payments of presumptive fine amounts; and payments of fines, costs or assessments for violations
5 that are subject to the authority of the Clerk. These enumerated powers are not the exclusive powers
6 of the Clerk; a Clerk has all powers necessary or convenient to conduct the business of the Violation
7 Bureau consistent with the terms and purpose of this order.

8 **IV.**

9 **Subject Matter Jurisdiction of the Bureau**

10 Subject to the terms provided herein, a Clerk may exercise authority over any violation,
11 except that a Clerk shall refer to a Judge any violation alleged to involve:

- 12 1) a minor in possession of alcohol;
13 2) the sale of tobacco to a minor;
14 3) driving while suspended violation;
15 4) municipal code ordinance violations;
16 5) speeding violations in excess of the posted speed:
17 a) over 100 miles per hour;
18 b) 30 miles per hour over the posted speed AND prior speeding violations in the last 12
19 months
20 6) a defendant who wishes to plead not guilty but refuses or is unable to post the presumptive
21 fine amount after the original court date has passed; or
22 7) a significant doubt on the part of the Clerk regarding:
23 a) the accuracy or sufficiency of a violation citation;

1 defendant to verify and/or provide a current address and phone number. If the original
2 appearance date has passed, the defendant will have 14 days to post the amount of the
3 presumptive fine to be granted a trial date. The Clerk shall provide a trial date notice to the
4 defendant in person or send the trial date notice to the defendant by mail;

5 **2) Plead No Contest and Pay a Fine.** The Clerk shall view the defendant's driving record
6 and determine the number of moving violations the defendant has been convicted of
7 within the last five years before the date of the alleged offense. Based on this information,
8 the Clerk shall determine the appropriate amount of fine under the Violations Bureau Fine
9 Schedule. The fine amount a defendant would pay pursuant to the Violations Bureau Fine
10 Schedule shall be disclosed to the defendant. If the defendant consents to the violation
11 being processed by the Violations Bureau, the Clerk shall accept the defendant's plea of
12 no contest, enter the conviction and impose the appropriate fine (and any additional fees or
13 assessments). The Clerk shall then accept payment in full of the presumptive fine or have
14 the defendant enter into an installment agreement;

15 **3) See the Judge in Open Court.** The defendant shall be directed to the courtroom on the
16 court date and time specified on the citation. The matter will then be handled by the Judge.

17 If a defendant seeks to plead no contest to a violation, but does not consent to the authority or
18 determination of the Violations Clerk, the defendant shall have only the option of pleading not guilty
19 or seeing the Judge. The Clerk shall inform the defendant of these options. The matter shall proceed
20 pursuant to the defendant's choice.

21 If a defendant does not choose how to proceed on a violation under a Clerk's authority,
22 defendant shall be directed to the courtroom on the court date and time specified on the citation.

23 ///

1 **VIII.**

2 **Receipt of Presumptive Fine Amount; No Offered Mitigation**

3 Upon receipt of the presumptive fine amount set on the citation with no accompanying plea or
4 with a plea of guilty or no contest without any accompanying explanation of circumstances, the Clerk
5 shall enter a conviction and impose a fine equal to the presumptive fine amount.

6 **IX.**

7 **Receipt of Base Fine; Offered Mitigation**

8 Upon receipt of the presumptive fine amount set on the citation with an enclosed letter of
9 explanation from the defendant, the Clerk shall forward the letter of explanation to the Judge for
10 consideration. A letter of explanation may be sent to the court and/or Clerk by regular mail, e-mail or
11 facsimile.

12 **X.**

13 **Seat Belt Deferred Sentence Agreement**

14 Upon a citation for the failure to use a safety belt, and if the defendant has no prior conviction
15 for the failure to use a safety belt in the last 10 years, the Clerk may offer to defer the safety belt
16 violation. The deferred sentence shall be in lieu of further prosecution on the safety belt violation,
17 provided the defendant successfully completes a court-approved seatbelt diversion class. If the
18 defendant attends the class in the pre-determined allotted time, and proof is provided to the court, and
19 has paid all applicable fees or costs, the Clerk shall dismiss the violation. If the defendant elects to
20 participate in the seatbelt program but fails to comply, after receiving a letter from the Clerk, the
21 defendant will pay the full presumptive fine amount within 30 days.

22 ///

23 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

XI.

Traffic School Deferred Sentence Agreement

Upon a citation for a Class A, B, C or D moving traffic violation that does not involve an accident, and if for the five years prior to date of issuance of the citation the defendant has no vehicle-related deferred sentence of any kind and no conviction for either a traffic crime or a moving traffic violation, the Clerk may offer to defer one pending moving traffic violation pursuant to the terms and conditions of the Court's General Order regarding the traffic deferred sentence program, attached hereto as Exhibit A. Provided, however, that the Clerk may not offer deferred sentence agreement to a defendant holding a commercial driver's license and may not offer any defendant deferred sentence of the following offenses:

- Open container of alcohol (ORS 811.170)
- Driving uninsured (ORS 806.010)
- Failure to obey police officer (ORS 811.535)
- Failure to perform duties of a witness to an accident (ORS 811.715)
- Failure to yield right of way to highway worker (ORS 811.233)
- Any state or city parking offense
- Any violation involving mandatory double fines.

If the defendant chooses to participate in the traffic school deferred sentence, the defendant must enter a plea of no contest to the deferred offense. Within 60 days of the court appearance specified on the citation, and at his or her own expense, the defendant must (1) attend a traffic safety course or school designated by the court, (2) cause the court to receive written verification that the defendant has completed the designated course or school, and (3) pay the non-refundable traffic school deferred sentence fee, which is the presumptive fine less the \$50.00 safety course fee.

1 If the defendant successfully completes the requirements of a traffic school deferred sentence,
2 the Clerk shall dismiss the deferred offense. If the defendant does not successfully complete the
3 traffic school deferred sentence, the Clerk shall enter a conviction for the deferred offense, impose the
4 presumptive fine for the deferred offense plus any applicable fees and assessments, apply any traffic
5 school deferred sentence fees collected towards the presumptive fine (if permitted under state law),
6 provide written notice to the defendant of default and fine owing. If the fine is not paid within thirty
7 (30) calendar days, the Clerk will request DMV to suspend defendant's driver's license, and send
8 defendant's citation to collections.

9 XII.

10 Authority to Dismiss Certain Citations

11 A Clerk shall dismiss the following citations and charge an administrative fee in accordance
12 to the List of Violations Approved for Vehicle Compliance (attached hereto as Exhibit B) per
13 violation under the following circumstances:

- 14 1. **Failure to Carry Proof of Liability Insurance and Driving Uninsured.** Upon citation for
15 Failure to Carry Proof of Liability Insurance (ORS 806.012) and/or Driving Uninsured (ORS
16 806.010), the Clerk shall dismiss the citation if the defendant shows the Clerk a letter signed
17 by an authorized insurance producer or insurance company official, on insurance producer or
18 insurance company letterhead, that verifies the defendant actually had valid insurance
19 coverage at the time of the alleged violation;
- 20 2. **All other violations approved for Vehicle Compliance (reference Exhibit B) must first be**
21 **corrected and approved by a Molalla Police Officer.** Upon written verification from a
22 Molalla Police Officer to the court that the violation has been corrected in accordance to

1 applicable law, and the administrative fee collected, the Clerk may then proceed with
2 dismissal of the violation.

3 **XIII.**

4 **Failure to Appear; Suspension of Driver's License**

5 On all traffic violation matters, if a defendant fails to appear on the appearance date and time
6 indicated on the citation, or thereafter fails to appear at any scheduled court proceeding on the
7 citation, the Clerk shall take the appropriate steps to cause the Department of Motor Vehicles to
8 suspend the defendant's driving privileges for failure to appear. The Clerk shall first send a notice of
9 default to the defendant indicating the full presumptive fine has been assessed along with assessments
10 and a failure to appear fine. The defendant is given fourteen (14) business days to respond to the court
11 with either payment in full, entry into an installment agreement, or payment of an amount equal to the
12 presumptive fine to be entered as held bail to obtain a new appearance date. If the defendant fails to
13 respond to the court, the Clerk shall proceed with the process of default, which includes doubling the
14 presumptive fine amount, adding 25% of the presumptive fine as collection fees, suspending the
15 defendant's driver's license and send the defendant's case outstanding balance to collections.

16 **XIV.**

17 **Fine Schedule**

18 The fine amount for a violation cited into this court shall be the presumptive fine amount as
19 established by separate court order. In accordance with the Violations Bureau Fine Schedule attached
20 hereto as Exhibit C and incorporated herein by this reference, the Clerk may reduce the preceding
21 presumptive fine amounts. The Violations Bureau Fine Schedule sets out the fine amounts by class of
22 violation and shows the appropriate fine for the Clerk to impose for the first, second and subsequent

1 violations based on the Department of Motor Vehicles (DMV) Records. If the Clerk is unable to
2 obtain a DMV Record, the Clerk may not reduce the presumptive fine.

3 The Clerk may not reduce the presumptive fine for a parking violation, whether the parking
4 violation is defined and made punishable under state law or the Molalla Municipal Code. In such
5 instances, the defendant or responsible party may request a reduction by letter to the Court for
6 consideration by a Judge.

7 Unless specifically provided otherwise by this order or by city ordinance, the designated class
8 of violation set out in the Oregon Vehicle Code determines the classification of a violation cited into
9 this court.

10 XV.

11 **Failure to Comply; Suspension of Driver's License**

12 On all traffic violation matters (specifically not including parking violation matters), if a
13 defendant either 1) fails to pay a fine or 2) fails to comply with any condition upon which the
14 payment of a fine is suspended, the Clerk shall take the appropriate steps to cause the Department of
15 Motor Vehicles to suspend the defendant's driving privileges for failure to comply. The Clerk shall
16 also cancel the suspended portion of any fine related to the citation the defendant has failed to comply
17 with, thereby obligating defendant to pay the full fine amount. Additionally, the Clerk shall proceed
18 with the process of sending the fine to a collection agency contracted by the court. The presumptive
19 fine is doubled, a collection fee and suspension fee is added to the full fine amount and sent to the
20 collection agency, who, in turn, will take measures to collect the fines from the defendant.

21 A license suspension imposed because of failure to comply shall remain in effect until the
22 defendant pays a minimum of 50% of the total debt due to the collection agency and makes
23 arrangements with the collection agency to pay the outstanding balance in monthly installments. If

1 the defendant defaults on this payment arrangement with the collection agency, their driver's license
2 will be re-suspended by the court due to failure to comply and not reinstated until the balance is paid
3 in full. A defendant may submit a written request to the presiding Judge to request relief from the
4 provisions of this paragraph.

5 ///

6 ///

7 XVI.

8 **Failure to Appear; Entry of Judgment**

9 On all violation matters (specifically including both traffic and parking violation matters),
10 upon the failure of a defendant to make a first appearance on the appearance date and time indicated
11 on the citation, the Clerk shall, unless otherwise required by law, enter a default judgment against the
12 defendant as provided by ORS 153.102(1) and double the presumptive fine.

13 On all violation matters, upon the failure of a defendant to appear at the date time and place
14 set for any trial or other appearance on a violation citation after a first appearance, the Clerk shall,
15 unless otherwise required by law, enter a judgment against the defendant as provided by ORS
16 153.102(2) and double the presumptive fine.

17 Any judgment or default judgment entered pursuant to this section shall impose a sentence to
18 pay the full presumptive fine indicated on the citation for the violation, a default fee, assessments,
19 and, if the defendant enters into an installment plan, a fee for the installment agreement.

20 ///

21 ///

22 ///

23 ///

1 **XVII.**

2 **Effective Date of Order; Effect on Prior Orders**

3 This order shall take effect September 1, 2015, shall supersede all prior Violation Bureau
4 Orders of this court and shall remain in effect indefinitely until amended, superseded or vacated by
5 this court.

6 Dated this 1 day of SEPTEMBER, 2015.

7
8 
9 _____
10 Rodney H. Grafe, Presiding Judge
11 Molalla Municipal Court

EXHIBIT A
MOLALLA MUNICIPAL COURT
TRAFFIC SCHOOL DEFERRED SENTENCE

The traffic school deferred sentence is for defendants who have no moving violation convictions on their driving record in the last five (5) years. If you have elected to participate in the traffic school deferred sentence you do so with the understanding that you will be entering a no contest plea and that the full amount of the fine will be assessed if the program criteria are not met. The court will hold the citation until you have completed the program:

- ❖ You will take the Traffic Level 1 course that will be instructed by the National Traffic Safety Institute (NTSI).
- ❖ The class is available on-line or in person at pre-determined class locations and times.
- ❖ There is a separate fee imposed by the court which will need to be paid by the attendance deadline date on the registration form. The court fee will be \$50.00 less than the presumptive fine.
- ❖ NTSI will charge their own class fee, currently equal to or less than \$50.00. NTSI will instruct you on how to remit the fee to them.

The fees are to be made payable to:
Molalla Municipal Court, PO Box 248, Molalla, Oregon, 97038:

Once the class has been completed and all fees paid, NTSI will send the court verification of completion of your class. Your citation will then be dismissed and your case will be closed.

FAILURE TO COMPLETE ANY PORTION OF THIS PROGRAM within the allotted time frame or attendance deadline will result in the assessment of the presumptive fine, additional administrative fees, a conviction on your driving record, sanctions against your driving privileges and possible assignment of your account to collections with additional collections fees added.

It is your responsibility to set a class date and pay the fees; the court is only responsible for giving you the information to do so. **There Are NO "Reminder Notices" Sent.**

This order is to supersede the existing order dated 09/01/2015.

This order shall remain in effect indefinitely until amended, superseded or vacated by this court.

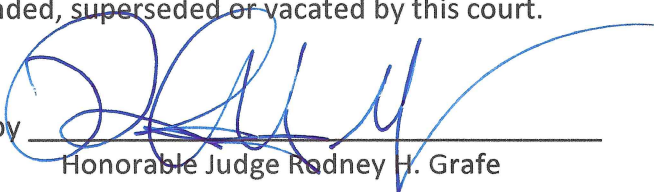
Ordered this 2 day of APRIL 2019, by 
Honorable Judge Rodney H. Grafe

EXHIBIT B

IN THE MUNICIPAL COURT FOR THE CITY OF MOLALLA COUNTY OF CLACKAMAS, STATE OF OREGON

List of Violations Approved for
Verification of Vehicle Compliance

)
)
)

COURT ORDER

ORS	DEFINITION	CLASS OF VIOLATION
803.220	Unlawful Failure to Notify Department of Transportation of a Name or Address Change	D
803.300	Failure to Register Vehicle	D
803.325	Purchase and Use of an Out-of-State Registered Vehicle by Resident	D
803.455	Failure to Renew Vehicle Registration	D
803.505	Failure to Carry a Registration Card	D
803.540	Fail to Display Registration Plates	D
803.560	Improper Display of Validating Stickers	D
806.012	Failure to Carry Proof of Compliance with Financial Responsibility	B
807.420	Failure to Notify the Department of Transportation on Change of Identification Card Holder Name or Address	D
807.560	Failure to Notify Upon Change of Driver Address or Name on License or Driver Permit	D
815.160	Unlawful Use of Metal Objects on Tires	C
815.185	Operation Without Proper Fenders or Mudguards	C
815.200	Violation of Visible Emission Limits	D
815.215	Failure to Have Windshield Wipers	C
815.222	Illegal Window Tinting	B
815.235	Operation Without Rearview Mirror	C
815.250	Operation Without Proper Exhaust System	C
815.280	Violation of Bicycle Equipment Requirements	D
816.330	Operation Without Required Lighting Equipment	C
816.360	Use of Prohibited Lighting Equipment	C

Other violations of a “mechanical” nature may be added to this category at the Officer’s or Judge’s discretion. Upon correction of the violation to the approval of a Molalla Police Officer, the resulting violation will be dismissed given the correction is complete within 48 hours prior to the court date and the administrative fee is paid in full.

The administrative fee for each vehicle compliance correction will be **\$50.00**.

Dated this 2 day of April, 2019.


Rodney H. Graft
Municipal Court Judge

EXHIBIT C
IN THE MUNICIPAL COURT OF THE CITY OF MOLALLA
CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Establishing
a Fine Schedule for the Traffic Violation
Bureau

) **ORDER EFFECTIVE DATE:**
)
) **April 2, 2019**

It is hereby ordered that the Clerk shall, upon receiving a No Contest plea to a traffic offense, accept the minimum fine according to the following schedule:

If the defendant has **NO PRIOR CONVICTIONS IN THE PAST 5 YEARS** and the offense is a:

Class A Violation (\$440.00)	\$396.00
Class B Violation (\$265.00)	\$239.00
Class C Violation (\$165.00)	\$149.00
Class D Violation (\$115.00)	\$104.00

For traffic offenses occurring in a **TRAFFIC SPECIAL ZONE** there is a reduction of up to 10%, depending on the driving record, from the presumptive fine amount written on the citation.

Class A Violation (\$875.00)	\$788.00
Class B Violation (\$525.00)	\$473.00
Class C Violation (\$325.00)	\$288.00
Class D Violation (\$225.00)	\$198.00

Upon conviction, a defendant shall be allowed to enter into a Fine Payment Agreement with the Court. A fee of \$30.00 for the monthly installment plan plus an additional \$10.00 per violation for city assessment will be added to the fine amount.

Any and all conflicts shall be referred to the Court for final disposition. This order is to supersede the existing order dated September 1, 2015.

Dated this 2 day of APRIL, 2019.


Rodney H. Grafe
Molalla Municipal Court Judge


**IN THE MUNICIPAL COURT FOR THE CITY OF MOLALLA
COUNTY OF CLACKAMAS, STATE OF OREGON**

**EFFECTIVE THIS DATE AND UNTIL FURTHER ORDER OF THIS COURT,
MOLALLA MUNICIPAL COURT WILL USE THE FOLLOWING SCHEDULE FOR
COURT COSTS:**

- Collection Fee..... \$100.00 or 25% of the Presumptive Fine, whichever is greater, not to exceed \$250.00 per ORS 137.118
- Failure to Appear/ Default Letter Fee..... \$25.00
- Installment Agreement Fee..... \$30.00
- Seatbelt Diversion Class Fee..... \$60.00
- Order to Show Cause Fee..... \$25.00
- Order to Appear Fee..... \$25.00
- Bench Warrant Fee..... \$50.00
- Suspension Fee \$25.00 per traffic offense
- Set Aside Record of Conviction/Arrest Filing Fee \$265.00
- Discovery Fee (outside counsel) \$50.00
- Fix-it Program Admin Fee per violation..... \$50.00
- NSF Check Fee..... \$50.00
- Traffic School Deferred Sentence Fee..... \$50.00 less than the Presumptive Fine

This order is to supersede the previous order signed and dated March 9, 2006.

By order of this Court, dated this 2 day of APRIL, 2019.



Rodney H. Grafe
Municipal Court Judge

City Of Molalla

City Council Meeting



Agenda Category: New Business

Subject: Clackamas County Vehicle Registration Fee Allocation Discussion

Recommendation: Council Approval

Date of Meeting to be Presented: April 10, 2019

Fiscal Impact: N/A

Background:

On March 13, 2019, Council directed staff to investigate options for allocating funds from the vehicle registration fee (VRF) passed by Clackamas County Commission. The projects staff identified as high priority projects from the Transportation System Plan (TSP) are:

- Pedestrian – Sidewalk infill on N. Molalla Ave (TSP P7) and Toliver Road (TSP P11)
- Bicycle – Bike lane infill on Toliver Road (TSP B12 and B13) and intersection improvements at OR 213/Toliver (TSP B36) and OR 211 (TSP B39)
- Vehicle – Extension of 5th Street (TSP M10). Intersection improvements at OR 213/Toliver Road (TSP M20-1), OR 211/Molalla Ave (TSP M25), Molalla/Heintz (TSP M29), and Molalla/5th (TSP M30)

Sidewalk improvements total \$21M, bicycle improvements total \$3.6M, and vehicle improvements total \$76.4M. OR 213/Toliver and OR 211/Molalla are needed safety improvements. Molalla/Heintz and Molalla/5th may be funded through existing gas tax funding. Staff recommends Council initially allocate 30% of the funds towards Capital Projects and 70% towards pavement maintenance. Capital Project funds will be used for sidewalk infill until funds are needed for intersection improvement. Attached is a copy of the City funded projects provided during the SDC Work Session.

SUBMITTED BY: Gerald Fisher, Public Works Director
APPROVED BY: Dan Huff, City Manager

Transportation Capital Improvement Program

2018 Transportation Capital Improvement Plan												
2018 CIP Project Number	Project Source	Project Name	Project Description	New Priority Year 2019-2023	New Priority Year 2024-2028	New Priority Year 2029-2038	Master Plan Priority	Length	SDC Funding Eligible (Y/N)	SDC Share %	2018 Master Plan Cost Est.	SDC Eligible Cost
Pedestrian Projects												
Arterial Street Improvements												
P7	TSP	N Molalla Avenue	Fill in gaps on both sides of the roadway from the north city limits to Heintz Street with sidewalks of appropriate width. (West Side 590 LF, East Side 970 LF)	2019-2023			High	N/A	Y	31%	\$ 485,000	\$ 150,119
P8	TSP	S Molalla Avenue	Fill in gaps on both sides of the roadway from 5th Street to the south city limits with sidewalks of appropriate width. (West Side 785 LF, East Side 780 LF)		2024-2028		Medium	N/A	Y	59%	\$ 955,000	\$ 561,870
P9	TSP	Molalla Avenue	Evaluate light levels and install new street lighting as necessary. ²			2029-2038	Low	N/A	Y	0%	\$ 450,000	\$ -
Collector Street Improvements												
P10	TSP	Toliver Road	Fill in gaps on both sides of the roadway from the west city limits to OR 213 with sidewalks of appropriate width. (North Side 1,950 LF, South Side 1,145 LF)		2024-2028		Medium	N/A	Y	79%	\$ 575,000	\$ 456,314
P11	TSP	Toliver Road	Fill in gaps on both sides of the roadway from OR 213 to Molalla Avenue with sidewalks of appropriate width. (North Side 5,160 LF, South Side 1,660)	2019-2023			High	N/A	Y	47%	\$ 1,730,000	\$ 818,211
P12	TSP	Shirley Street	Fill in gaps on both sides of the roadway from N Molalla Avenue to OR 211 with sidewalks of appropriate width. (North Side 3,120 LF, South Side 1,810 LF)		2024-2028		Medium	N/A	Y	52%	\$ 1,240,000	\$ 646,899
P13	TSP	Ridings Avenue	Fill in gaps on both sides of the roadway from Toliver Road to OR 211 with sidewalks of appropriate width. (West Side 1,815 LF, East Side 1,625 LF)		2024-2028		Medium	N/A	Y	87%	\$ 795,000	\$ 690,606
P14	TSP	Leroy Avenue	Fill in gaps on the east side of the roadway from Toliver Road to West Lane with sidewalks of appropriate width. (West Side 75 LF, East Side 1,295 LF)		2024-2028		Medium	N/A	Y	35%	\$ 295,000	\$ 102,576
P15	TSP	E 5th Street	Install sidewalks on both sides of the roadway from Stower Road to Mathias Road. (North Side 700 LF, South Side 700 LF)		2024-2028		Medium	N/A	Y	100%	\$ 330,000	\$ 330,000
P16	TSP	Cole Avenue	Fill in gaps on both sides of the roadway from Frances Street to OR 211 with sidewalks of appropriate width. (West Side 0 LF, East Side 1,150 LF)		2024-2028		Medium	N/A	Y	25%	\$ 270,000	\$ 67,795
P17	TSP	Mathias Road	Install sidewalks on both sides of the roadway from OR 211 to the south city limits. (West Side 2,950 LF, East Side 2,785)		2024-2028		Medium	N/A	Y	100%	\$ 1,405,000	\$ 1,405,000
P18	TSP	Francis Street	Fill in gaps on the south side of the roadway from N Molalla Avenue to Christopher Street with sidewalks of appropriate width. (South Side 1,530 LF)		2024-2028		Medium	N/A	Y	100%	\$ 350,000	\$ 350,000
Neighborhood Street Improvements												
P19	TSP	Toliver Drive	Fill in gaps on both sides of the roadway from north of Berwick Court to Toliver Road with sidewalks of appropriate width. (West Side 645 LF, East Side 575 LF)			2029-2038	Low	N/A	Y	100%	\$ 280,000	\$ 280,000
P20	TSP	Kennel Avenue	Fill in gaps on both sides of the roadway from Ross Street to OR 211 with sidewalks of appropriate width. (West Side 310 LF, East Side 295 LF)		2024-2028		Medium	N/A	Y	87%	\$ 130,000	\$ 113,165
P21	TSP	E Heintz Street	Fill in gaps on both sides of the roadway from N Molalla Avenue to Fenton Avenue with sidewalks of appropriate width. (North Side 790 LF, South Side 745 LF)		2024-2028		Medium	N/A	Y	54%	\$ 385,000	\$ 208,090
P22	TSP	Industrial Way	Fill in gaps on the east side of the roadway from Toliver Road to the southern roadway terminus with sidewalks of appropriate width. (East Side 525 LF)		2024-2028		Medium	N/A	Y	60%	\$ 110,000	\$ 66,379
P23	TSP	Industrial Way	Fill in gaps on both sides of the roadway from the northern roadway terminus to OR 211 with sidewalks of appropriate width. (West Side 330 LF, East Side 490 LF)		2024-2028		Medium	N/A	Y	81%	\$ 170,000	\$ 137,041
P24	TSP	Stowers Road	Fill in gaps on both sides of the roadway from OR 211 to E 7th Street with sidewalks of appropriate width.		2024-2028		Medium	N/A	Y	40%	\$ 470,000	\$ 188,443

Transportation Capital Improvement Program

P25	TSP	E 7th Street	Install sidewalks on both sides of the roadway from Stowers Road to Mathias Road. (North Side 705 LF, South Side 705 LF)			2029-2038	Low	N/A	Y	100%	\$ 335,000	\$ 335,000
Intersection Improvements												
P27	TSP	OR 213/Toliver Road ¹	Install an enhanced pedestrian crossing at the OR 213/Toliver Road intersection. ³		2024-2028		Medium	N/A	Y	100%	\$ 150,000	\$ 150,000
P34	TSP	Toliver Road/Industrial Way ¹	Install an enhanced pedestrian crossing at the Toliver Road/Industrial Way intersection. ³		2024-2028		Medium	N/A	Y	100%	\$ 50,000	\$ 50,000
P35	TSP	Toliver Road/Zimmerman Lane	Install an enhanced pedestrian crossing at the Toliver Road/Zimmerman Lane intersection. ³		2029-2038		Low	N/A	Y	100%	\$ 50,000	\$ 50,000
P36	TSP	Toliver Road/Leroy Avenue	Install an enhanced pedestrian crossing at the Toliver Road/Leroy Avenue intersection. ³		2024-2028		Medium	N/A	Y	100%	\$ 50,000	\$ 50,000
P37	TSP	Toliver Road/Ridings Avenue	Install an enhanced pedestrian crossing at the Toliver Road/Ridings Avenue intersection. ³		2024-2028		Medium	N/A	Y	100%	\$ 50,000	\$ 50,000
P38	TSP	Toliver Road/Kennel Avenue	Install an enhanced pedestrian crossing at the Toliver Road/Kennel Avenue intersection. ³		2024-2028		Medium	N/A	Y	100%	\$ 50,000	\$ 50,000
P39	TSP	Leroy Avenue/Heintz Street	Install an enhanced pedestrian crossing at the Leroy Avenue/Heintz Street intersection. ³		2029-2038		Low	N/A	Y	100%	\$ 50,000	\$ 50,000
P40	TSP	E 5th Street/May Street	Install an enhanced pedestrian crossing at the E 5th Street/May Street intersection. ³		2029-2038		Low	N/A	Y	100%	\$ 50,000	\$ 50,000
P41	TSP	E 5th Street/Stowers Road	Install an enhanced pedestrian crossing at the E 5th Street/Stowers Road intersection. ³		2029-2038		Low	N/A	Y	100%	\$ 50,000	\$ 50,000
											Subtotal High Priority Costs	\$ 2,215,000
											Subtotal Medium Priority Costs	\$ 7,830,000
											Subtotal Low Priority Costs	\$ 1,265,000
											Subtotal Program Costs (22 Years)	\$ 11,310,000
											Subtotal SDC Eligible Costs (22 Years)	\$ 7,457,509
1. Project will require coordination with ODOT and approval from the State or Regional Traffic Engineer. 2. Street lighting will require an intergovernmental agreement (IGA) with the City for maintenance. 3. The types of enhanced crossing treatments are to be determined at the design/implementation stage. 4. Project cost included in Motor Vehicle Plan.												
Bicycle Projects												
Arterial Street Improvements												
B8	TSP	N Molalla Avenue	Install bike lanes on both sides of the roadway from the north city limits to Heintz Street. (West Side 2,320 LF, East Side 2,720 LF)			2029-2038	Low	N/A	Y	100%	\$ 855,000	\$ 855,000
B9	TSP	N Molalla Avenue	Install shared-lane pavement marking (sharrows) and signs on both sides of the roadway from Heintz Street to OR 211. (West Side 1,370 LF, East Side 1,370 LF)			2029-2038	Low	N/A	Y	100%	\$ 20,000	\$ 20,000
B10	TSP	S Molalla Avenue	Install shared-lane pavement marking (sharrows) and signs on both sides of the roadway from OR 211 to 5th Street. (West Side 1,340 LF, East Side 1,340 LF)			2029-2038	Low	N/A	Y	100%	\$ 10,000	\$ 10,000
B11	TSP	S Molalla Avenue	Install bike lanes on both sides of the roadway from the 5th Street to the south city limits. (West Side 1,370 LF, East Side 1,370 LF)		2024-2028		Medium	N/A	Y	100%	\$ 520,000	\$ 520,000
Collector Street Improvements												
B12	TSP	Toliver Road	Install bike lanes on both sides of the roadway from the west city limits to OR 213. (North Side 1,960 LF, South Side 1,960 LF)	2019-2023			High	N/A	Y	100%	\$ 815,000	\$ 815,000
B13	TSP	Toliver Road	Install bike lanes on both sides of the roadway from OR 213 to Zimmerman Lane. (North Side 2,260 LF, South Side 2,260 LF)	2019-2023			High	N/A	Y	100%	\$ 930,000	\$ 930,000
B17	TSP	E 5th Street	Install bike lanes on the south side of the roadway from May Street to Eckerd Avenue and on both sides from Stowers Road to Mathias Road (Striping only). (North Side 720 LF, South Side 1,595 LF)		2024-2028		Medium	N/A	Y	100%	\$ 5,000	\$ 5,000
B18	TSP	W 5th Street	Install bike lanes on both sides of the roadway from Hart Street to S Molalla Avenue (Striping only). (North Side 600 LF, South Side 600 LF)		2024-2028		Medium	N/A	Y	100%	\$ 5,000	\$ 5,000
B19	TSP	Ridings Avenue	Install shared-lane pavement markings sharrows) and signs on both sides of the roadway from Toliver Road to OR 211. (West Side 1,985 LF, East Side 1,985 LF)			2029-2038	Low	N/A	Y	100%	\$ 15,000	\$ 15,000

Transportation Capital Improvement Program

B20	TSP	Cole Avenue	Install shared-lane pavement markings (sharrows) and signs on both sides of the roadway from Frances Street to OR 211. (West Side 2,300 LF, East Side 2,300 LF)			2029-2038	Low	N/A	Y	100%	\$ 20,000	\$ 20,000
B21	TSP	Frances Street	Install shared-lane pavement markings (sharrows) and signs on both sides of the roadway from N Molalla Avenue to Cole Avenue. (North Side 2,230 LF, South Side 2,230 LF)			2029-2038	Low	N/A	Y	100%	\$ 15,000	\$ 15,000
Neighborhood Street Improvements												
B22	TSP	Meadow Drive	Install shared lane pavement markings (sharrows) and signs on both sides of the roadway from OR 213 to Meadowlawn Place. (North Side 3,580 LF, South Side 3,580 LF)			2029-2038	Low	N/A	Y	100%	\$ 25,000	\$ 25,000
B23	TSP	Village Drive	Install shared lane pavement markings (sharrows) and signs on both sides of the roadway from OR 213 to Meadowlawn Place. (West Side 775 LF, East Side 775 LF)			2029-2038	Low	N/A	Y	100%	\$ 10,000	\$ 10,000
B24	TSP	Thunderbird Street	Install shared lane pavement markings (sharrows) and signs on both sides of the roadway from N Molalla Avenue to Bronco Avenue. (North Side 505 LF, South Side 505 LF)			2029-2038	Low	N/A	Y	100%	\$ 10,000	\$ 10,000
B25	TSP	Bronco Avenue	Install shared lane pavement markings (sharrows) and signs on both sides of the roadway from Thunderbird Street to Toliver Drive. (West Side 330 LF, East Side 330 LF)			2029-2038	Low	N/A	Y	100%	\$ 5,000	\$ 5,000
B26	TSP	Toliver Drive	Install shared lane pavement markings (sharrows) and sign on both sides of the roadway from Bronco Avenue to Toliver Road. (West Side 1,070 LF, East Side 1,070 LF)			2029-2038	Low	N/A	Y	100%	\$ 10,000	\$ 10,000
B27	TSP	Kennel Avenue	Install shared lane pavement markings (sharrows) and signs on both sides of the roadway from Toliver Road to OR 211. (West Side 2,010 LF, East Side 2,010 LF)			2029-2038	Low	N/A	Y	100%	\$ 15,000	\$ 15,000
B28	TSP	Heintz Street	Install bicycle boulevard treatments, including shared lane pavement markings (sharrows) and signs on both sides of the roadway from N Molalla Avenue to Cole Avenue. (North Side 2,235 LF, South Side 2,235 LF)		2024-2028		Medium	N/A	Y	100%	\$ 15,000	\$ 15,000
B29	TSP	Center Avenue	Install shared lane pavement markings (sharrows) and signs on both sides of the roadway from Heintz Street to OR 211. (West Side 1,330 LF, East Side 1,330 LF)			2029-2038	Low	N/A	Y	100%	\$ 10,000	\$ 10,000
B30	TSP	Industrial Way	Install shared lane pavement markings (sharrows) and signs on both sides of the roadway from Toliver Road to the southern roadway terminus. (West Side 880 LF, East Side 880 LF)			2029-2038	Low	N/A	Y	100%	\$ 5,000	\$ 5,000
B31	TSP	Industrial Way	Install shared lane pavement markings (sharrows) and signs on both sides of the roadway from the northern roadway terminus to OR 211. (West Side 325 LF, East Side 325 LF)			2029-2038	Low	N/A	Y	100%	\$ 5,000	\$ 5,000
B32	TSP	Stowers Road	Install shared lane pavement markings (sharrows) and signs on both sides of the roadway from OR 211 to E 7th Street. (West Side 2,125 LF, East Side 2,125 LF)			2029-2038	Low	N/A	Y	100%	\$ 15,000	\$ 15,000
B33	TSP	E 7th Street	Install shared lane pavement markings (sharrows) and signs on both sides of the roadway from Stowers Road to Mathias Road. (North Side 715 LF, South Side 715 LF)			2029-2038	Low	N/A	Y	100%	\$ 5,000	\$ 5,000
Local Street Improvements												
B34	TSP	Heintz Street	Install bicycle boulevard treatments, including shared lane pavement markings (sharrows) and signs on both sides of the roadway from Leroy Avenue to N Molalla Avenue. (North Side 3,200 LF, South Side 3,200 LF)		2024-2028		Medium	N/A	Y	100%	\$ 25,000	\$ 25,000
Intersection Improvements												
B36	TSP	OR 213/Toliver Road. ¹	Install an enhanced bicycle crossing at the OR 213/Toliver Road intersection. ²	2019-2023			High	N/A	Y	100%	\$ 20,000	\$ 20,000
B39	TSP	OR 211/Leroy Avenue ¹	Install skip striping along OR 211 and consider other enhanced crossing treatments when signalized. ²	2019-2023			High	N/A	Y	100%	\$ 20,000	\$ 20,000
B41	TSP	N Molalla Avenue/Toliver Road	Install an enhanced bicycle crossing at the N Molalla Avenue/Toliver Road intersection – coordinate with project B41. ²		2024-2028		Medium	N/A	Y	100%	\$ 15,000	\$ 15,000
B42	TSP	N Molalla Avenue/Shirley Street	Install an enhanced bicycle crossing at the N Molalla Avenue/Shirley Street intersection – coordinate with project B40. ²		2024-2028		Medium	N/A	Y	100%	\$ 15,000	\$ 15,000

Transportation Capital Improvement Program

B43	TSP	N Molalla Avenue/Heintz Street	Install an enhanced bicycle crossing at the N Molalla Avenue/Heintz Street intersection. ²		2024-2028		Medium	N/A	Y	100%	\$ 15,000	\$ 15,000
B44	TSP	S Molalla Avenue/5th Street	Install an enhanced bicycle crossing at the S Molalla Avenue/5th Street intersection. ²		2024-2028		Medium	N/A	Y	100%	\$ 15,000	\$ 15,000
											Subtotal High Priority Costs	\$ 1,785,000
											Subtotal Medium Priority Costs	\$ 630,000
											Subtotal Low Priority Costs	\$ 1,050,000
											Subtotal Program Costs (22 Years)	\$ 3,465,000
											Subtotal SDC Eligible Costs (22 Years)	\$ 3,465,000
<p>1. Project will require coordination with ODOT and approval from the State or Regional Traffic Engineer.</p> <p>2. The types of enhanced crossing treatments are to be determined at the design/implementation stage.</p> <p>3. Project cost included in Motor Vehicle Plan.</p>												
Motor Vehicle Projects												
Arterial Street Improvements												
M6	TSP	N Molalla Avenue	Widen N Molalla Avenue from Toliver Road to Shirley Street to provide a continuous 3-lane cross section. (300 LF)		2029-2038		Low	N/A	Y	43%	\$ 175,000	\$ 74,716
Collector Street Improvements												
M7	TSP	Leroy Avenue	Widen Leroy Avenue from Toliver Road to OR 211 to provide a continuous 2-lane cross section per City standards. (1,330 LF)		2029-2038		Low	N/A	Y	100%	\$ 580,000	\$ 580,000
M8	TSP	Mathias Road	Widen Mathias Road from OR 211 to the south city limits to provide a continuous 3-lane cross section. (2,850 LF)		2029-2038		Low	N/A	Y	21%	\$ 1,065,000	\$ 220,583
M9	TSP	Shirley Street	Widen Shirley Street from N Molalla Avenue OR 211 to provide a continuous 2-lane cross section per City standards.		2029-2038		Low	N/A	Y	100%	\$ 1,345,000	\$ 1,345,000
M10	TSP	W 5th Street	Construct W 5th Street from Lowe Road terminus to Hart Avenue. (2,400 LF)	2019-2023			High	N/A	Y	100%	\$ 2,845,000	\$ 2,845,000
M11	TSP	E 5th Street	Construct E 5th Street from Mathias Road to Feyrer Park Road. (1,000 LF)		2029-2038		Low	N/A	Y	100%	\$ 1,675,000	\$ 1,675,000
M15	TSP	Leroy Avenue	Construct Leroy Avenue from OR 211 to Lowe Road (east). (790 LF)		2029-2038		Low	N/A	Y	100%	\$ 1,170,000	\$ 1,170,000
M16	TSP	Lowe Road (west)	Reconstruct and widen Lowe Road from OR 213 to Molalla Forest Road to City standards. (2,850 LF)		2029-2038		Low	N/A	Y	100%	\$ 4,170,000	\$ 4,170,000
M17	TSP	Lowe Road (east)	Reconstruct and widen Lowe Road from Molalla Forest Road to roadway terminus. (1,560 LF)		2029-2038		Low	N/A	Y	100%	\$ 3,265,000	\$ 3,265,000
M18	TSP	Molalla Forest Road	Reconstruct and widen Molalla Forest Road as a concrete street from OR 211 to Mathias Road to provide a continuous 3-lane cross section. (9,450 LF)		2029-2038		Low	N/A	Y	100%	\$ 10,740,000	\$ 10,740,000
Neighborhood Street Improvements												
M12	TSP	Affolter Avenue	Construct Affolter Avenue from southern terminus to Frances Street and from Miller Street to north city limits. (425 LF)		2029-2038		Low	N/A	Y	100%	\$ 1,130,000	\$ 1,130,000
M13	TSP	Commercial Way	Construct Commercial Way from the roadway terminus to Lowe Road (west). (680 LF)		2029-2038		Low	N/A	Y	100%	\$ 365,000	\$ 365,000
M14	TSP	Hezzie Lane	Construct Hezzie Lane from the southern roadway terminus to the northern roadway terminus. (1,790 LF)		2029-2038		Low	N/A	Y	100%	\$ 1,180,000	\$ 1,180,000
Intersection Improvements												
M20-1	TSP	OR 213/Toliver Road ¹	Widen OR 213 to provide a separate left-turn lane at the northbound and southbound approaches and install a traffic signal with protected or protected-permitted phasing when warranted – Coordinate with Project M1, the signal should be designed to accommodate potential for separate left-turn lanes along Toliver Road. ²	2019-2023			High	N/A	Y	46%	\$ 3,500,000	\$ 1,597,934
M20-2	TSP	OR 213/Toliver Road ¹	Widen Toliver Road to provide separate left-turn lanes at the eastbound and westbound approaches and modify the traffic signal to provide permitted phasing. ²		2029-2038		Low	N/A	Y	46%	\$ 850,000	\$ 388,070
M23	TSP	OR 211/Leroy Avenue ¹	Widen OR 211 to provide an eastbound left-turn lane and install a traffic signal when warranted – Coordinate with Project M4. ²		2029-2038		Low	N/A	Y	54%	\$ 1,000,000	\$ 542,422

Transportation Capital Improvement Program

M25	TSP	OR 211/Molalla Avenue ¹	Install separate left-turn lanes at the eastbound and westbound approaches and a traffic signal with protected or protected-permitted phasing when warranted. ²	2019-2023			High	N/A	Y	57%	\$ 750,000	\$ 427,266
M27	TSP	N Molalla Avenue/Toliver Road	Widen N Molalla Avenue to provide a center two-way left-turn lane along N Molalla Avenue and install an eastbound right-turn lane when warranted – coordinate with Project M5.		2029-2038		Low	N/A	Y	38%	\$ 150,000	\$ 56,402
M28	TSP	N Molalla Avenue/Shirley Street	Widen N Molalla Avenue to provide a center two-way left-turn lane along N Molalla Avenue and install a westbound right-turn lane when warranted – coordinate with Project M5.		2029-2038		Low	N/A	Y	57%	\$ 150,000	\$ 85,381
M29	TSP	N Molalla Avenue/Heintz Street	Widen N Molalla Avenue to provide a center two-way left-turn lane along N Molalla Avenue and reconfigure the intersection as an all-way stop.	2019-2023			High	N/A	Y	49%	\$ 40,000	\$ 19,751
M30	TSP	S Molalla Avenue/E 5th Street	Widen S Molalla Avenue to provide a center two-way left-turn lane along S Molalla Avenue and reconfigure the intersection as an all-way stop.	2019-2023			High	N/A	Y	100%	\$ 40,000	\$ 40,000
M31	TSP	S Molalla Avenue/Molalla Forest Road	Install a roundabout when warranted.		2029-2038		Low	N/A	Y	100%	\$ 2,500,000	\$ 2,500,000
M32	TSP	Feyrer Park Road/Mathias Road	Install a roundabout when warranted.		2029-2038		Low	N/A	Y	100%	\$ 2,500,000	\$ 2,500,000
											Subtotal High Priority Costs	\$ 7,175,000
											Subtotal Medium Priority Costs	\$ -
											Subtotal Low Priority Costs	\$ 34,010,000
											Subtotal Program Costs (22 Years)	\$ 41,185,000
											Subtotal SDC Eligible Costs (22 Years)	\$ 36,917,524
1. Project will require coordination with ODOT and approval from the State or Regional Traffic Engineer. 2. Future evaluation may be required to determine the appropriate form of traffic control at this location. 3. Project cost included in Motor Vehicle Plan.												
Traffic Safety Projects												
S8	TSP	City-wide ¹	Evaluate bicycle and pedestrian safety along OR 213, OR 211, Toliver Road, Molalla Avenue, and other key corridors to identify appropriate counter measures.		2029-2038		Low	N/A	Y	0%	\$ 50,000	\$ -
											Subtotal High Priority Costs	\$ -
											Subtotal Medium Priority Costs	\$ -
											Subtotal Low Priority Costs	\$ 50,000
											Subtotal Program Costs (22 Years)	\$ 50,000
											Subtotal SDC Eligible Costs (22 Years)	\$ -
1. Project will require coordination with ODOT and approval from the State or Regional Traffic Engineer. 2. Future evaluation may be required to determine the appropriate form of traffic control at this location. 3. Project cost included in Motor Vehicle Plan.												
New Facilities and Master Plan Projects												
F1	Staff	Public Works Shops Facility (\$600K)	Construct new building to house vactor truck, street sweeper, crew shower/locker, crew and supervisor office.	2019-2023			High	N/A	Y	100%	\$ 150,000	\$ 150,000
F2	Staff	Public Works Decant Facility (\$60K)	Construct new building to decant street sweeping and other debris prior to disposal.	2019-2023			High	N/A	Y	100%	\$ 30,000	\$ 30,000
MP1	Staff	Update Transportation System Master Plan	Provide update to existing transportation system master plan		2024-2028		Medium	N/A	Y	100%	\$ 200,000	\$ 200,000
											Subtotal High Priority Costs	\$ 180,000
											Subtotal Medium Priority Costs	\$ 200,000
											Subtotal Low Priority Costs	\$ -
											Subtotal Program Costs (22 Years)	\$ 380,000
											Subtotal SDC Eligible Costs (22 Years)	\$ 380,000
											TOTAL High Priority Costs	\$ 11,355,000
											TOTAL Medium Priority Costs	\$ 8,660,000
											TOTAL Low Priority Costs	\$ 36,375,000
											TOTAL Program Costs (22 Years)	\$ 56,390,000
											TOTAL SDC Eligible Costs (22 Years)	\$ 48,220,033

City Of Molalla

City Council Meeting



Agenda Category: New Business

Subject: Transportation & Sewer System Development Charge Discussion

Recommendation: Council Approval of Option

Date of Meeting to be Presented: April 10, 2019

Fiscal Impact: N/A

Background:

On February 23, 2019, staff and Donovan Enterprises Inc. provided a summary of the SDC's for transportation and sewer during a scheduled Work Session. The update to the transportation and sewer master plans revised the list of capital improvement projects and associated system development charge needs for the 20-year planning period. Council was provided four options to consider in advance of the April 10th meeting.

- Adopt SDC's as presented; or
- Phase SDC increases over time; or
- Set SDC's below the calculated amount as allowed by statute; or
- Do nothing

Staff's recommendation is to implement the full SDC increase based on the Capital Improvement Program; however, because SDC's are a policy decision staff is requesting Council provide policy direction in order to finish the SDC report. Once completed, staff will bring back the final report and updated SDC fee at the April 24th Council meeting. Attached is a copy of the Powerpoint presentation from the February 23rd Work Session for Council's review.

SUBMITTED BY: Gerald Fisher, Public Works Director
APPROVED BY: Dan Huff, City Manager

System Development Charges Update February 27, 2019



Tonight's Agenda



- Policy issues/major point concerning SDCs
- Overview – proposed vs. current SDCs
- Specific details of the analysis
- SDCs in neighboring communities

Policy issues/major point concerning SDCs

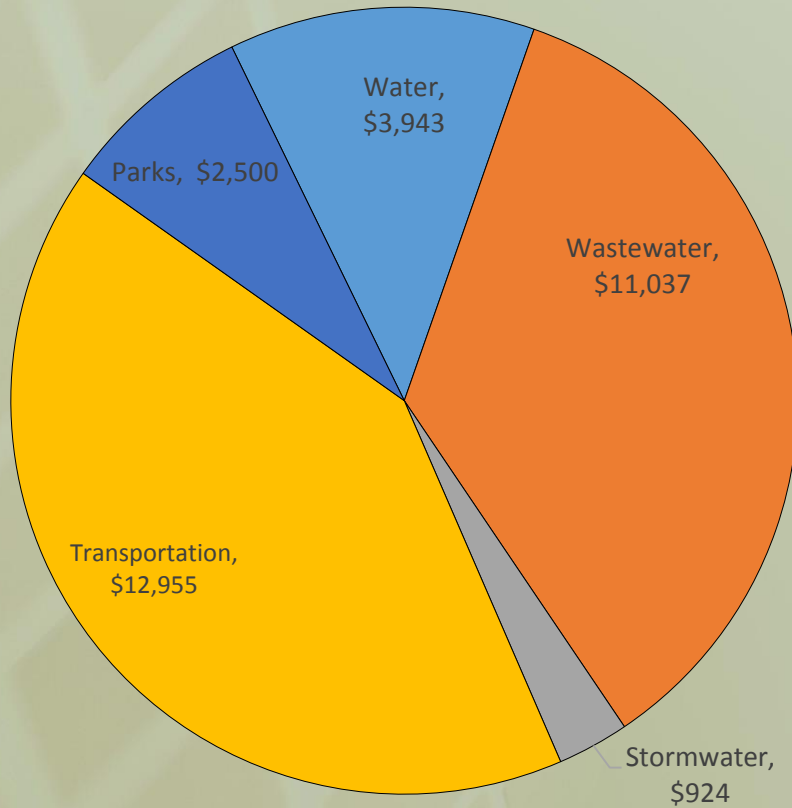


- ❑ SDCs are not charged to rate payers
 - ❖ SDCs are one time fees charged to new development at the time of permit issuance
 - ❖ By statute, SDCs consist of two unique fee components; a reimbursement fee and an improvement fee
- ❑ SDCs do have an impact on infrastructure development and the composition of our future tax base
- ❑ The Council's policy on SDC pricing has to strike a balance between the philosophy of “growth pays for growth” and the goal of attracting smart growth and living wage jobs
- ❑ Transportation SDC revision discussion from staff

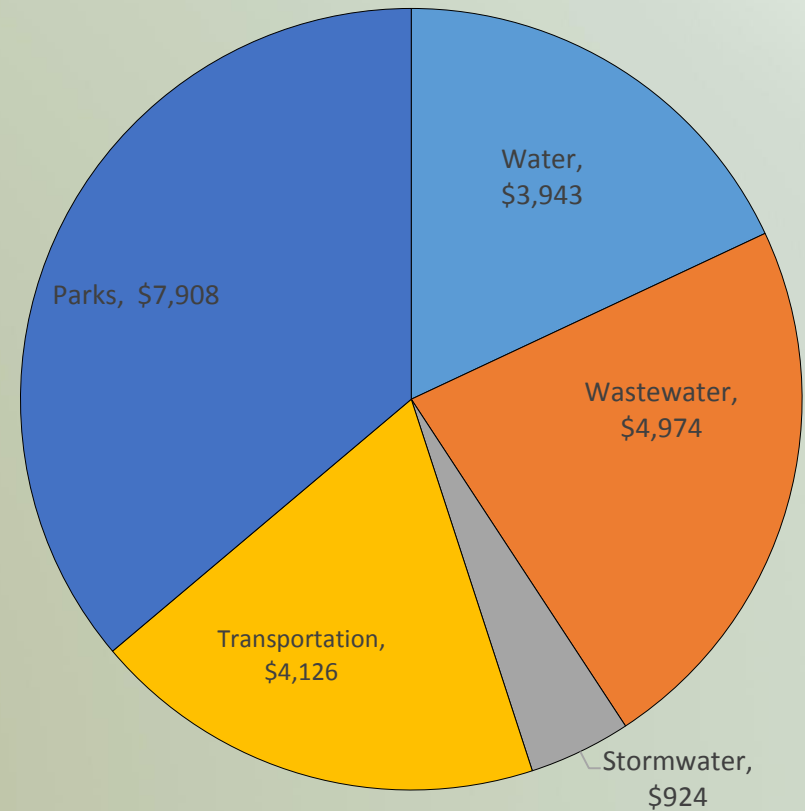
Overview – Proposed vs. Current



Proposed SDCs - \$31,359



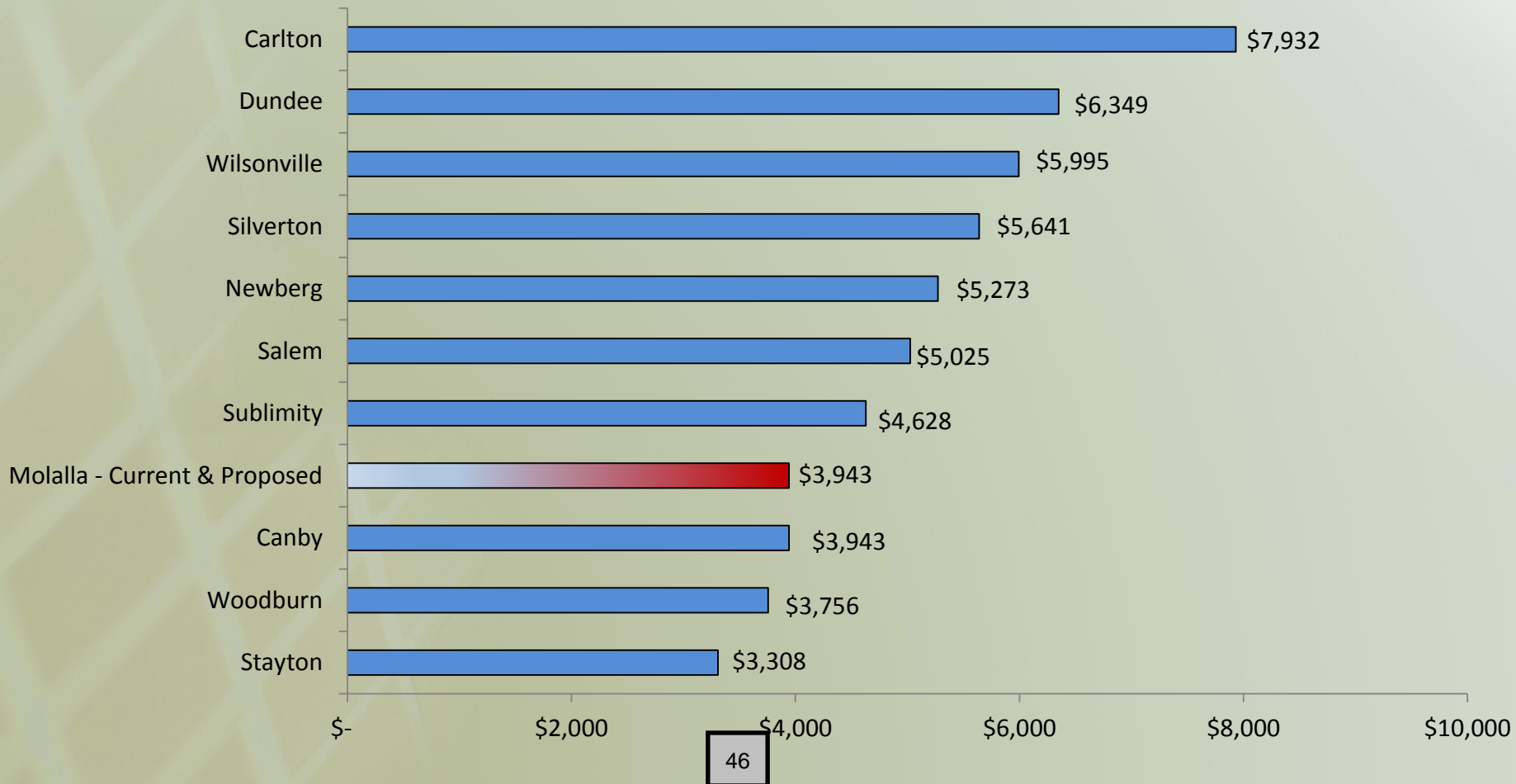
Current SDCs - \$21,875



Water-Specific Details



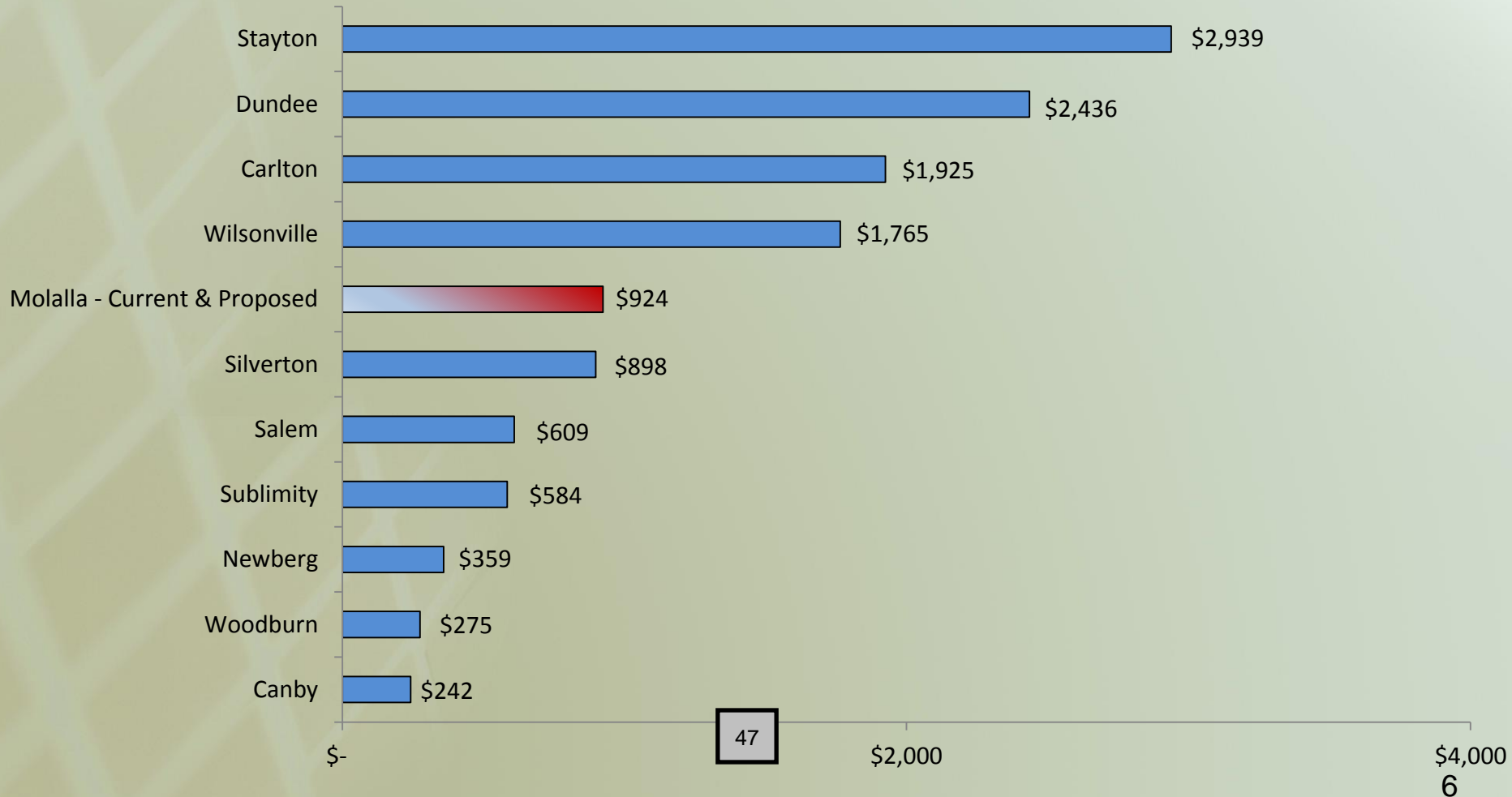
Neighboring Communities' System Development Charges - Water SFR February, 2019



Stormwater-Specific Details



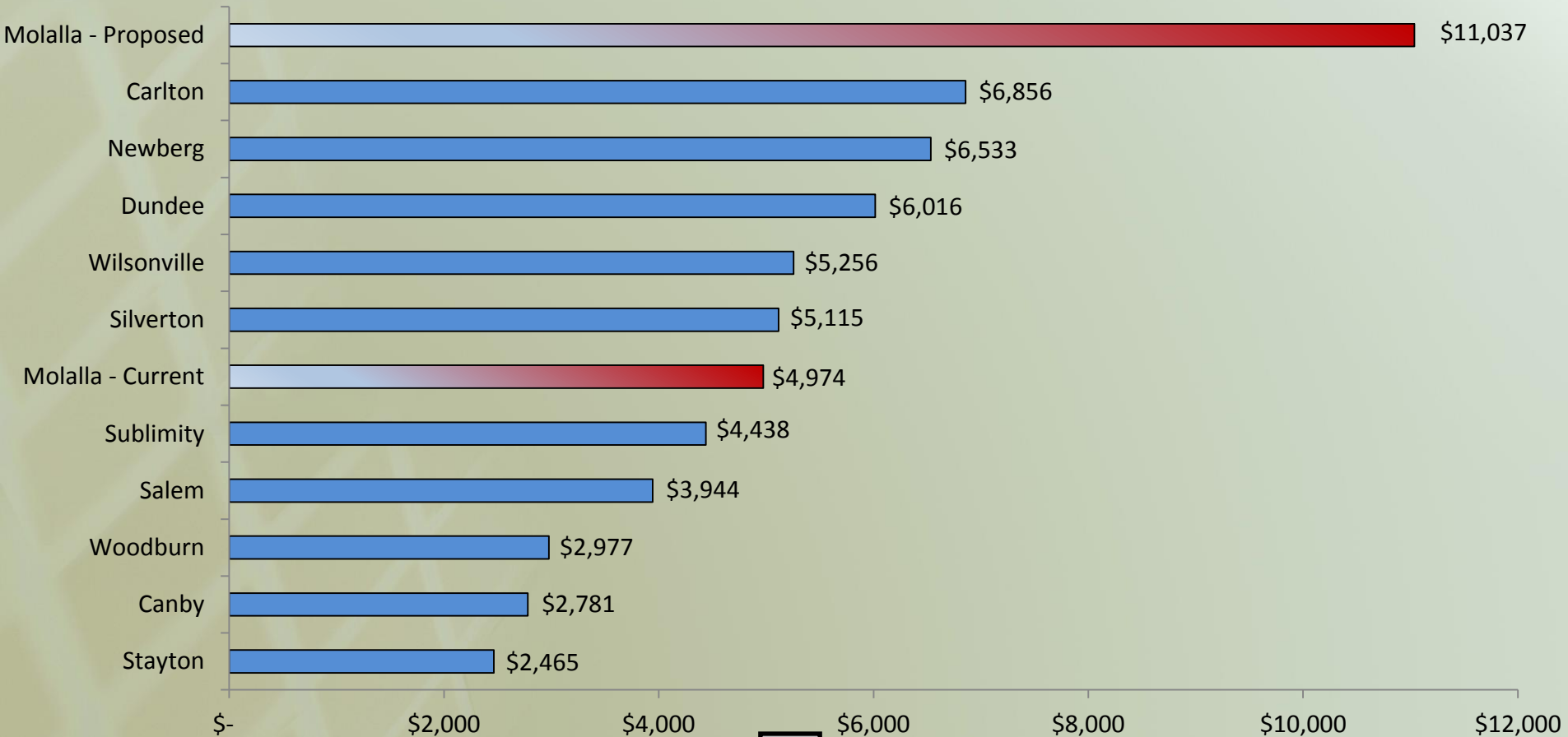
Neighboring Communities' System Development Charges - Stormwater SFR February, 2019



Wastewater-Specific Details



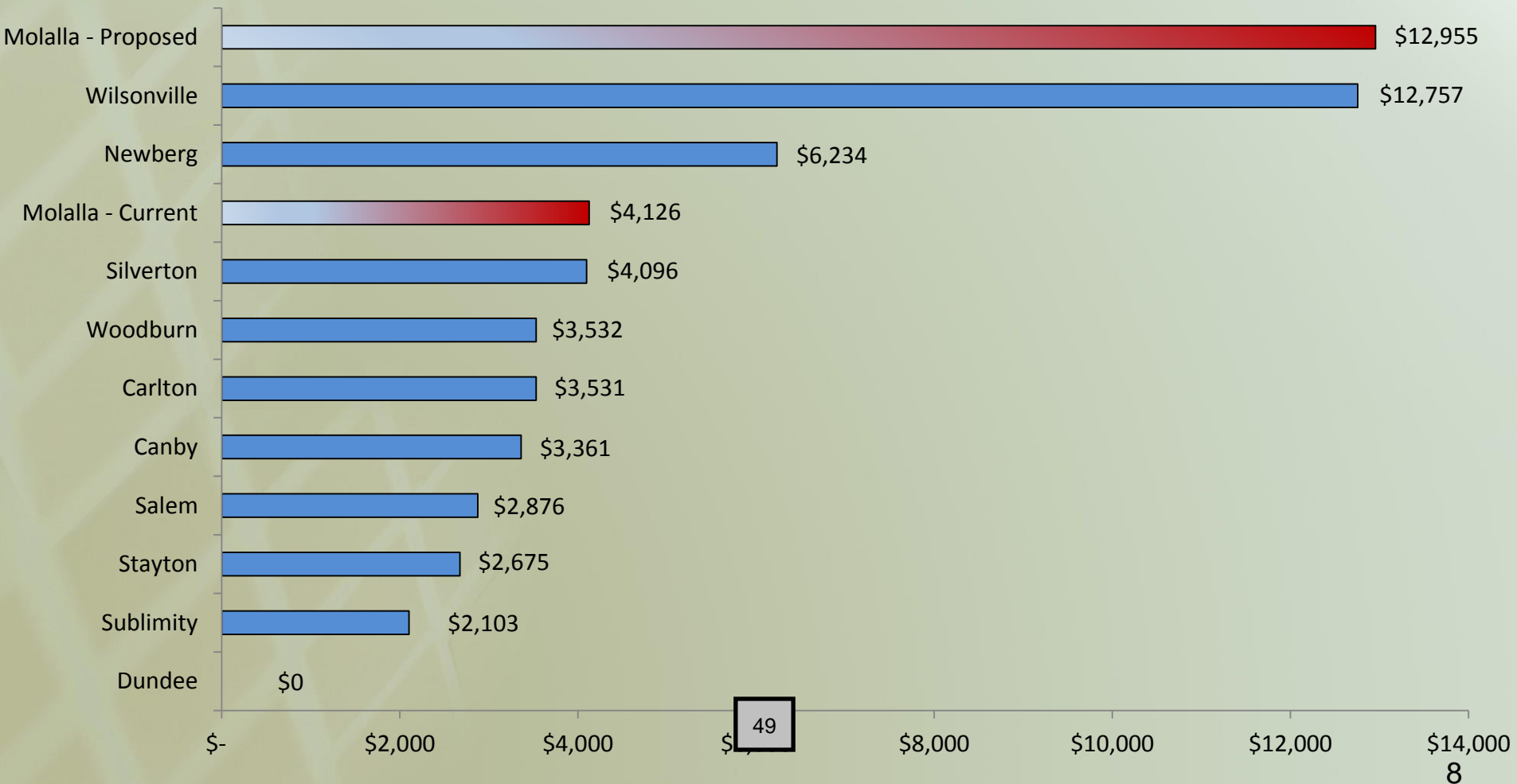
Neighboring Communities' System Development Charges - Wastewater SFR February, 2019



Transportation-Specific Details



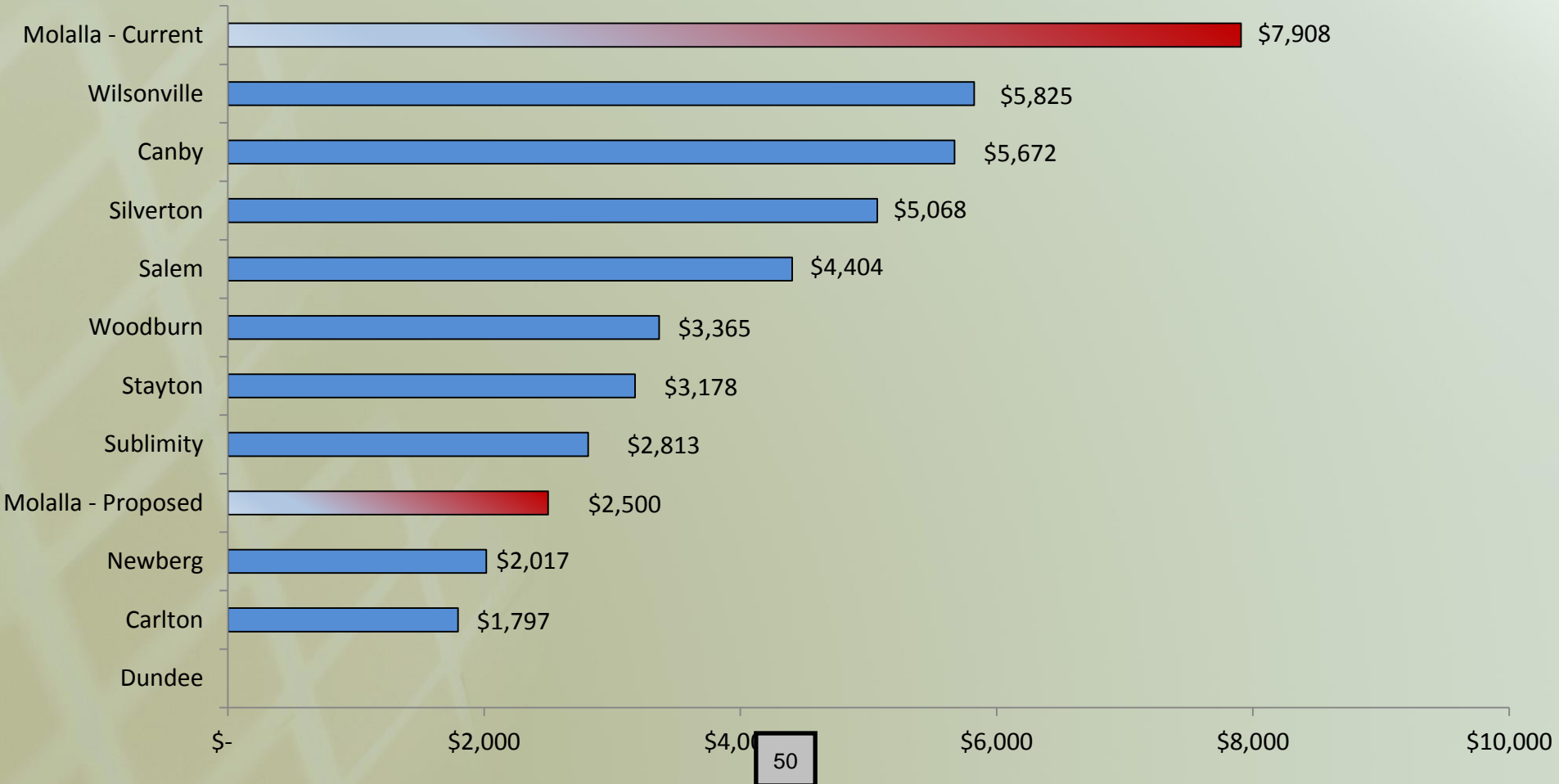
Neighboring Communities' System Development Charges - Transportation SFR February, 2019



Parks-Specific Details



Neighboring Communities' System Development Charges - Parks SFR February, 2019





- Implementation recommendations:
 - ❖ Adopt SDC's as presented
 - ❖ Phasing of SDC increases over time
 - ❖ Set SDCs below their calculated amounts; this is allowed by statute
 - ❖ Do nothing

Questions



Sections:

Article I. Hearings Officer

- 2.06.010 Appointment.
- 2.06.020 Qualification—Compensation.
- 2.06.030 Adoption of rules for conduct of hearings.
- 2.06.040 Rules of evidence at public hearings.
- 2.06.050 Challenge of decision.

~~Article II. Citizens Advisory Committee~~

- ~~2.06.060 Purpose.~~
- ~~2.06.070 Appointment and terms of members.~~
- ~~2.06.080 Meetings—Quorums—Officers.~~

Article III. Planning Commission

- 2.06.090 Purpose.
- 2.06.100 Created—Composition—Compensation.
- 2.06.110 Terms of members.
- 2.06.120 Quorum—Rules of procedure.
- 2.06.130 Meetings—Officers.
- 2.06.140 Record of proceedings.
- 2.06.150 Right of parties to present evidence at hearings.

Article I. Hearings Officer

2.06.010 Appointment.

The City Manager, subject to the approval of the City Council, may appoint a planning and zoning Hearings Officer to serve the City Council. Said Hearings Officer shall conduct hearings, make decisions or recommendations on applications for such matters as approved in this chapter. (Ord. 2018-05 §1)

2.06.020 Qualification—Compensation.

The Hearings Officer shall be a member in good standing of the Oregon State Bar Association and shall be paid such compensation as agreed between such Hearings Officer and the City of Molalla Council. (Ord. 2018-05 §1)

2.06.030 Adoption of rules for conduct of hearings.

The Hearings Officer ~~is authorized to adopt shall follow~~ rules of procedure for the conduct of hearings pursuant to this chapter., provided ~~through ordinances and Development Code, such rules do not conflict with state law, the City Charter and ordinances, or the Comprehensive Plan. A copy of such rules shall be available for review at no cost or purchase for a nominal fee.~~ (Ord. 2018-05 §1)

2.06.040 Rules of evidence at public hearings.

Public hearings before the Hearings Officer shall be subject to the following rules of evidence: All interested persons shall be allowed to testify. A verbatim record of the proceeding shall be made by written, mechanical or electronic means. This record need not be transcribed except upon review of the record.

A. All evidence offered and not objected to may be received, unless excluded by the Hearings Officer on the Hearings Officer's own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs. Evidence may be received in written form at or prior to the hearing.

B. The Hearings Officer may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence. Any erroneous admission of evidence by the Hearings Officer shall not preclude action or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party.

C. All evidence shall be offered and made a part of the record in the case, except for matters stipulated to and except as provided in subsection B of this section, no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies of excerpts or by incorporation by reference.

D. The Hearings Officer may take notice of judicially cognizable facts, and take notice of general, technical or scientific facts within the Hearings Officer's specialized knowledge.

E. Every party is entitled to an opportunity to be heard and present and rebut evidence. (Ord. 2018-05 §1)

2.06.050 Challenge of decision.

A. A party may challenge the Hearings Officer on the grounds of bias, ex-parte contact, or that the Hearings Officer has a legal conflict of interest. A written challenge must be delivered by personal service to the City Recorder and the Planning Department not less than three calendar days preceding the time set for public hearing.

B. A challenge of the Hearings Officer's decision shall be entered in the record of the action. (Ord. 2018-05 §1)

Article II. Citizens Advisory Committee

2.06.060 Purpose.

~~—The purpose of the Citizens Advisory Committee is to assist in determining the community's interest in land use proposals and present such view at public hearings before the Hearings Officer, Planning Commission and City Council. A Citizens Advisory Committee meeting shall be for the purpose of reviewing current land use applications, ordinance and Comprehensive Plan amendments, and preparing written or oral testimony regarding such proposals to be presented at the appropriate public hearing. The Committee is authorized to file appeals from a decision of the city staff or Hearings Officer. The Planning Commission acts as the city's officially recognized Citizen Advisory Committee. (Ord. 2018-05 §1)~~

-

2.06.070 Appointment and terms of members.

~~—The Planning Commission is appointed as the Citizens Advisory Committee. At the discretion of the City Council or on petition by resolution from the Planning Commission, the City Council may establish a separate Citizens Advisory Committee. Terms of members shall run concurrently with their membership on the Planning Commission. If a separate Citizens Advisory Committee is established, the Mayor with the consent of the City Council shall appoint to it at least three but no more than seven voting citizens who reside within the city limits. Such appointments shall be for a term of one year and may be terminated at the pleasure of the Mayor with the consent of the City Council. (Ord. 2018-05 §1)~~

-

2.06.080 Meetings—Quorums—Officers.

~~—The Citizens Advisory Committee shall operate under the same rules and policies as those established for the Planning Commission. (Ord. 2018-05 §1)~~

Article III. Planning Commission

2.06.090 Purpose.

The purpose of the Planning Commission shall be to conduct the review of the Comprehensive Plan, implement ordinances, hold hearings and make decisions and recommendations to the City Council on major plan and ordinance amendment applications as well as other such matters approved in this chapter. (Ord. 2018-05 §1)

2.06.100 Created—Composition—Compensation.

- A. There is created a City Planning Commission for the City of Molalla.
 - 1. The Planning Commission shall consist of the following:
 - a. Voting Members.
 - i. A minimum of three but no more than seven members to be appointed as outlined in Section 2.06.110.
 - ii. No more than two voting members may be non-residents of the city, provided they live within the Urban Growth Boundary. There shall be more residents of the city than non-residents sitting on the board at all times.
 - b. City Involvement Seats on the Planning Commission.
 - i. ~~An additional two non-voting members on the board. Non-voting members will be afforded the privileges and rights given to voting members with the exception of voting privileges. Non-voting members shall be given priority consideration for the positions on the Planning Commission as positions become available given that they meet the criteria as set forth in subsection (A)(1)(a) of this section.~~
 - ~~ii.—Appointment of non-voting members shall occur as outlined in Section 2.06.110.~~
 - c. It is the policy of the City of Molalla that involving youth in the public decision-making process, ~~provides the opportunity to enhance the community's interest in this process for generations to come.~~ Accordingly, the Planning Commission may also have up to two additional non-voting members of high-school age, who must live within the Molalla River School District.
 - ~~i.—A youth applicant must be 16 years of age or older.~~
 - ~~ii.—Meetings may go late into the evening. Students under the age of 18 shall not be allowed to go later than 9:00 p.m. on school nights, or 10:00 p.m. on nights when there is no school the following day. If the staff believes the frequency of Planning Commission meetings will disrupt the student's school work or interfere with the student's school schedule, staff may request the student be absent from certain meetings. Students shall be required to provide proof that their grades are being maintained at a minimum of a "C" average.~~
 - ~~iii.—Students will be expected to participate fully in discussions.~~
 - ~~iv.—Appointment of non-voting youth members shall occur as outlined in Section 2.06.110.~~
 - ~~d.—Individuals interested in serving on the Planning Commission shall meet the following criteria:~~
 - ~~i.—Reside within the City of Molalla, except as otherwise provided in this section.~~
 - ~~ii.—Not more than two members may have the same occupation.~~
 - ~~iii.—Must be a citizen of the United States of America.~~
 - ~~B.—The composition of the Planning Commission shall meet the requirements of ORS 227.030. Commission members shall receive no compensation.~~ (Ord. 2018-05 §1)

2.06.110 Terms of members.

- A. Each member of the Planning Commission shall be appointed as provided in the City Charter to a four-year term. Any vacancies shall be filled by the Mayor for the unexpired portion of the term.
- B. Unexcused absences from three regular meetings may disqualify a member at which time the Planning Commission may request that the Mayor appoint a replacement. Members shall call, mail, or drop-off a letter to staff in order to be excused from regularly scheduled meetings.
- C. All appointments to the Commission may be terminated at the pleasure of the Mayor with the consent of the City Council. (Ord. 2018-05 §1)

2.06.120 Quorum—Rules of procedure.

A. A majority of the voting Commission shall constitute a quorum. The Commission is authorized to adopt rules of procedure for the conduct of its meetings and hearings, provided such rules do not conflict with state law, City Charter, Ordinances, and the Comprehensive Plan. A copy of such rules shall be filed with the City Recorder and made available for inspection to those appearing before the Planning Commission prior to their appearance.

B. When exercising the function of the Hearings Officer, the Planning Commission shall follow the rules of the Hearings Officer in performing said function. A majority vote of the Planning Commission members present shall be sufficient for taking any action authorized by ordinance. (Ord. 2018-05 §1)

2.06.130 Meetings—Officers.

The Planning Commission shall meet on a monthly basis. At the first meeting of each calendar year, the Commission shall select a chair, vice-chair, and a secretary. The chair, or vice-chair in the chair's absence, shall preside over the Planning Commission's meetings and hearings. (Ord. 2018-05 §1)

2.06.140 Record of proceedings.

A record of the proceedings shall be made by electronic recording and subject to retention schedule. A transcript can be made available upon written request within the first year of the proceeding. Summary written minutes will be kept of each meeting of record as a tracking method of the meeting and or hearing of record. (Ord. 2018-05 §1)

2.06.150 Right of parties to present evidence at hearings.

A. At public hearings before the Planning Commission, all interested persons and organizations shall be allowed an opportunity to be heard and to present and rebut evidence.

B. The chair may limit the speaking time allowed for interested parties to five minutes. (Ord. 2018-05 §1)



Administration – City Manager's Office

117 N Molalla Avenue, PO Box 248, Molalla, Oregon 97038

Phone: (503) 829-6855

Fax: (503) 829-3676

DATE: April 10, 2019

TO: Mayor and Council

FROM: City Manager

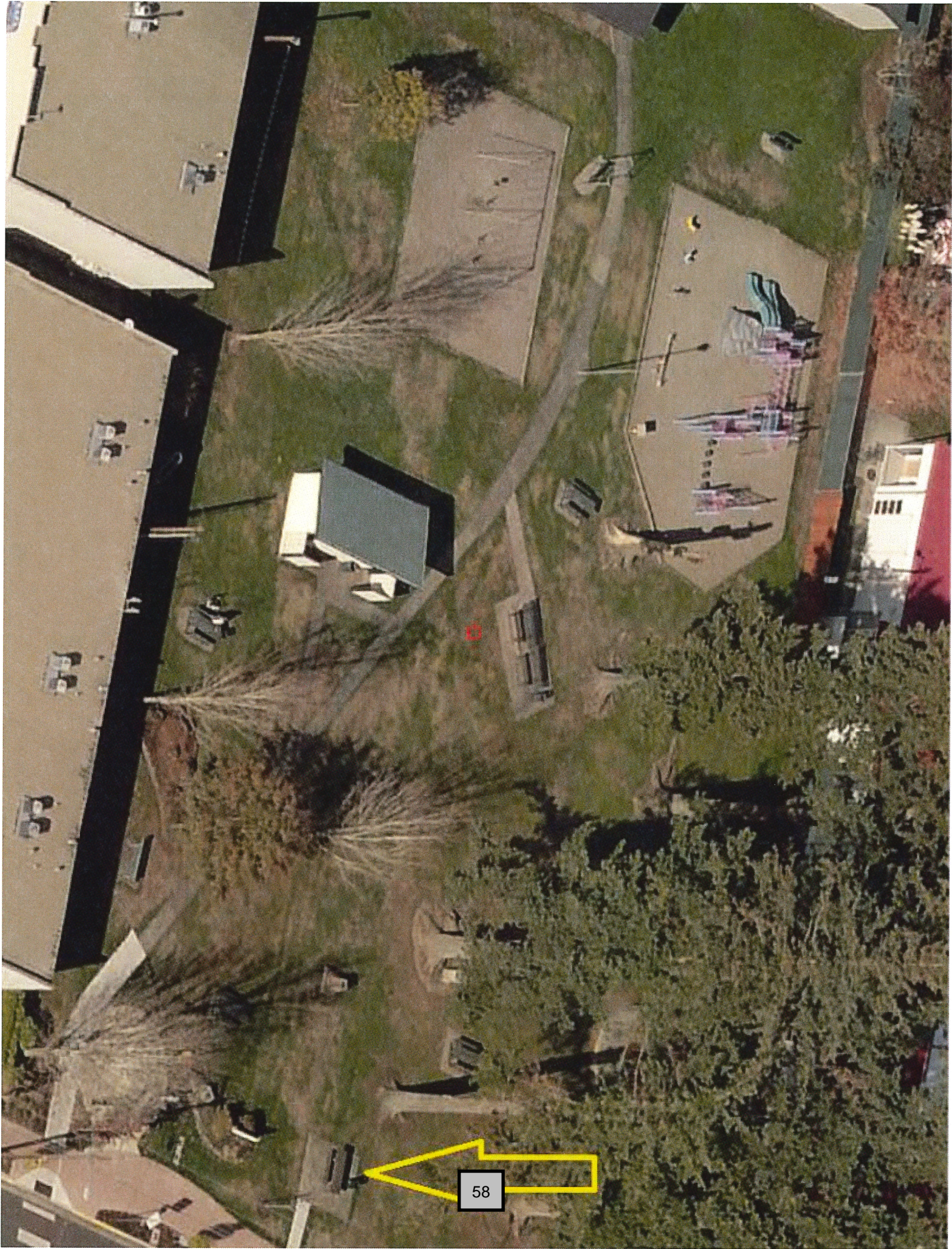
SUBJECT: **Discussion – Heritage Art Walk Update**

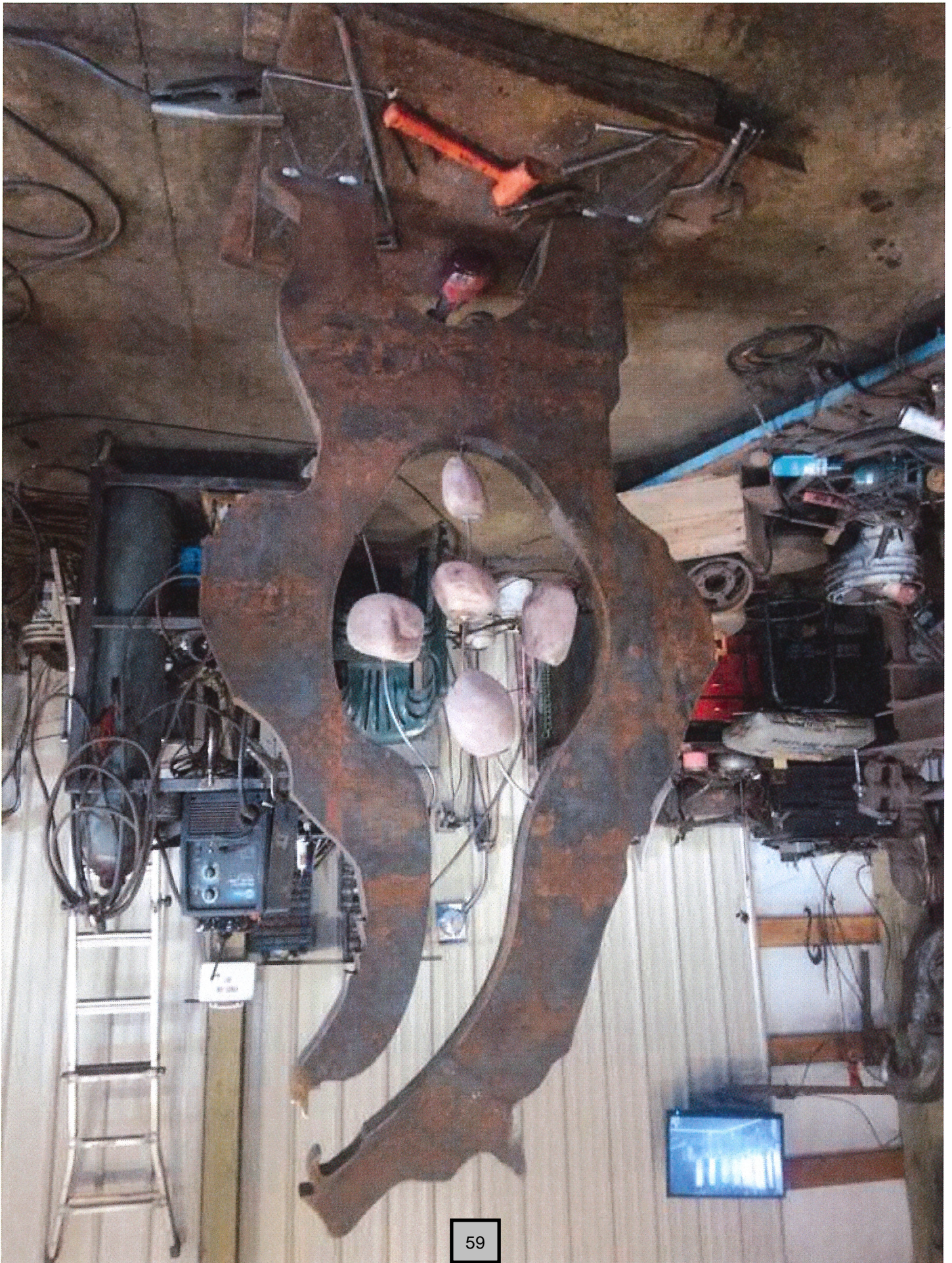
Included with this memo are photos of our main Heritage Art Walk piece, Coyote and Grizzly. We had intended to place these pieces at the Molalla Communications downtown park area, but that opportunity has fallen through. We would ask Council to consider placement of these important pieces at Long Park near Molalla Avenue. The location would be on the existing pad for the picnic table along the front center of the park. We have included an aerial photo of Long Park for reference.

I would like to formally thank MCC for their generous donation to the Art Walk project to make this action feasible.



Dan Huff
City manager







City of Molalla

City Council Meeting



Agenda Category: EXECUTIVE SESSION

Subject:	Held pursuant to Oregon Public Record Law, ORS 192.660(2): (a) To consider the employment of a public officer, employee, staff member or individual agent.
Recommendation:	N/A
Date of Meeting to be Presented:	April 10, 2019
Fiscal Impact:	N/A
Submitted By:	CITY MANAGER HUFF
Approved By:	CM HUFF

Background:
Held pursuant to Oregon Public Record Law, ORS 192.660(2): (a) To consider the employment of a public officer, employee, staff member or individual agent.