



**AGENDA**

**MOLALLA CITY COUNCIL MEETING**  
**March 24, 2021**  
**7:00 PM**  
**Molalla Adult Center**  
**315 Kennel Ave, Molalla, OR 97038**

*Mayor Scott Keyser*

*Council President Leota Childress*  
*Councilor Elizabeth Klein*  
*Councilor Terry Shankle*

*Councilor Jody Newland*  
*Councilor Crystal Robles*  
*Councilor Steve Deller*

**WORK SESSION begins at 6:00pm:** Open to the Public, but not open to Public Comment or Testimony

**REGULAR COUNCIL MEETING begins at 7:00pm:** Open to the Public and open to Public Comment or Testimony. Please fill out a comment card and submit it to the City Recorder, prior to the beginning of the meeting.

**EXECUTIVE SESSION begins immediately following Recess of the Regular Meeting:** Not open to Public, according to ORS 192.660(2): e

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*MEETING NOTICE: Due to health concerns of COVID-19, this City Council Meeting will be held in accordance with Governor Brown’s Executive Order 20-25. Council Chambers is limited to 25 people.*

*The On-Demand replay of the Molalla City Council Meetings are available on Facebook at “Molalla City Council Meetings – LIVE” and “Molalla City Council Meetings” on YouTube.*

**1. CALL TO ORDER AND FLAG SALUTE**

**2. ROLL CALL**

**3. PRESENTATIONS, PROCLAMATIONS, CEREMONIES**

- A. Police Officer Swearing-In (Mayor and Chief Schoenfeld)
- B. Budget Committee Member, Rory Cramer -Re-Appointment (Seifried).....Pg. 3
- C. Budget Committee Member Appointments – 3 Vacancies (Mayor)

**4. PUBLIC COMMENT**

*(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 generally 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.)*

**5. APPROVAL OF THE AGENDA**

**6. CONSENT AGENDA**

- A. Meeting Minutes – March 10, 2021.....Pg. 4
- B. Resolution No. 2021-09: Establishing Public Works Administrative Fees as Approved by Molalla Municipal Code Chapters. 12.16, 13.04, 13.08, 13.13, and 21.70.....Pg. 8

**7. PUBLIC HEARINGS**

- A. Ordinance No. 2021-03: Establishing Budget Committee Rules as Governed by Oregon Revised Statute 294.414 – Budget Committee Laws (Huff).....Pg. 12
- B. Ordinance No. 2021-04: Repeal of Chapter 13.16 Advance Financing of Public Improvements in the Molalla Municipal Code and Replace with Revised Chapter 13.15 Advance Financing of Public Improvements(Fisher).....Pg. 16

**8. ORDINANCES AND RESOLUTIONS**

- A. Ordinance No. 2021-03: Establishing Budget Committee Rules as Governed by Oregon Revised Statute 294.414 – Budget Committee Laws (Huff).....**Pg. 12**
- B. Ordinance No. 2021-04: Repeal of Chapter 13.16 Advance Financing of Public Improvements in the Molalla Municipal Code and Replace with Revised Chapter 13.15 Advance Financing of Public Improvements(Fisher).....**Pg. 16**
- C. Resolution No. 2021-10: Establishing a Temporary Transportation System Development Charge Fee for Mobile Food Units (Fisher).....**Pg. 23**

**9. GENERAL BUSINESS**

- A. Request for Proposal – Municipal Court Judge (Huff).....**Pg. 36**

**10. REPORTS**

- A. City Manager and Staff
- B. City Councilors
- C. Mayor

**11. RECESS INTO EXECUTIVE SESSION**

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

(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

**12. RECONVENE REGULAR SESSION**

**13. ADJOURN**

# City of Molalla

## City Council Meeting



### Agenda Category: Presentations

**Subject:** Re-Appointment of Budget Committee Member, Rory Cramer

**Recommendation:** Approve Re-Appointment

**Date of Meeting to be Presented:** March 24, 2021

**Fiscal Impact:** N/A

**Background:**

Budget Committee Member Cramer's term expired December 31, 2020. Budget Committee terms are three years. Mr. Cramer would like to serve another term with the Molalla Budget Committee.

**SUBMITTED BY:** Christie DeSantis, City Recorder  
**APPROVED BY:** Dan Huff, City Manager



## Minutes of the Molalla City Council Meeting

Molalla Adult Community Center  
315 Kennel Ave., Molalla, OR 97038  
March 10, 2021

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### **CALL TO ORDER**

The Molalla City Council Meeting of March 10, 2021 was called to order by Mayor Scott Keyser at 7:00pm

### **COUNCIL ATTENDANCE**

Mayor Scott Keyser, Council President Leota Childress, Councilor Elizabeth Klein, Councilor Terry Shankle, Councilor Jody Newland, Councilor Crystal Robles, Councilor Steve Deller.

### **STAFF IN ATTENDANCE**

Dan Huff, City Manager; Gerald Fisher, Public Works Director; Chaunee Seifried, Finance Director; Mac Corthell, Planning Director; Christie DeSantis, City Recorder.

### **PRESENTATIONS, PROCLAMATIONS, CEREMONIES**

None.

### **PUBLIC COMMENT**

**Todd Gary, Molalla resident.** Mr. Gary addressed the Council regarding SDC's for Food Carts. Mr. Gary acknowledged that Food Carts are something new for cities to create Ordinances and policies for, as carts currently do not have City guidelines. He requested when Council is considering SDC's for Food Carts, that it be considered a stand alone item, and not grouped in with a brick and mortar restaurant or drive-thru restaurant.

### **APPROVAL OF THE AGENDA**

The agenda was approved as presented.

### **CONSENT AGENDA**

*A motion was made by Councilor Newland to approved the Consent Agenda, seconded by Councilor Shankle. Vote passed 7-0 with all Councilors voting Aye.*

### **PUBLIC HEARINGS**

None.

### **ORDINANCES AND RESOLUTIONS**

Finance Director Seifried explained to Council that it is time to update our Worker's Compensation Policy for City volunteers. The Resolution presented takes care of those updates.

*A motion was made by Councilor Newland to adopt Resolution No. 2021-07, Extending Worker's Compensation to City Volunteers, seconded by Councilor Robles. Vote passed 7-0 with all Councilors voting Aye.*

### **GENERAL BUSINESS**

Planning Director Corthell revisited the Mobile Food Unit (MFU) Ordinance that has been under review. Mayor Keyser asked how Council could lower the costs of SDC's for Food Carts. Mr. Corthell explained that the SDC's for Food Carts are separate from the Ordinance itself.

Council President Childress stated that she was not willing to approve the MFU Ordinance while the SDC's were so high. Council Shankle reminded her that SDC's for carts were already in place. After further discussion from Council regarding Mobile Food Units vs. SDC's, Mr. Fisher joined the conversation.

Mr. Fisher explained to Council that there are two separate issues going on. Council is going to talk about Transportation SDC's at the next Work Session (March 24, 2021). That session will highlight what SDC's are going to be kept for current projects, and also discuss which will be removed, as that sets costs for SDC's per trip. He shared that Council has the ability to reduce or eliminate SDC's for certain projects. Mr. Fisher also cautioned Council that if they were to make that decision, they would be asked by others to reduce or eliminate their fees.

Councilor Deller asked what classification the permanent MFU's fall under for SDC's. Mr. Corthell stated that it would fall under Mobile Food Units. This classification is still in process. He also asked who is in charge of the setting the SDC standards. Mr. Fisher answered that it is from the ITE Manual, which is a Transportation Engineering manual. He also stated that it is the National Standard.

Councilor Klein stated that after reviewing how other cities are implementing MFU policies, it appears confusing for everyone. She shared that what may work for Happy Valley may not work for a city like Wilsonville. Councilor Klein wants us to be mindful that the plans we put in place represent Molalla. She also requested that Staff and Council move quickly to fast track this situation. Mr. Fisher stated that he could not provide an SDC ordinance for MFU's until the Transportation SDC portion had been completed, as it sets the dollar amount. Councilor Klein asked if there was a possibility of working on these items simultaneously, in order to come to a conclusion faster. Mr. Fisher said that he will try. He reminded Council that if something has an impact on any of the public systems it gets charged SDC's. He also stated that council has authority to change that if they wish to.

Mr. Huff addressed the Council, asking them to refer to Mr. Corthell's memo regarding the timeline for MFU's. The timeline was to have a discussion at this meeting, a discussion at the March 24<sup>th</sup> meeting, and an Ordinance presented at the April 14<sup>th</sup> meeting. One of the items Mr. Huff felt was obvious by Council discussion is the concern about how much a Mobile Food Unit will be charged in SDC's. SDC's are not a Land Use decision that is made, the Land Use part of it simply states that there will be a charge for an SDC.

Staff recognizes the issue for Council is the amount of the SDC fee proposed for Mobile Food Units. Handling Mobile Food Unit SDC's through Land Use regulations is not appropriate. Staff will rework the timeline and process and bring a revised decision back to Council at a future meeting.

Mr. Huff presented an updated Council Goals spreadsheet from the Council Retreat in January. Council had previously requested that items be grouped together by department. Mr. Huff requested that Council give any updates or revisions to him either after the meeting, or via email once everyone has had a chance to review. The final draft will be brought back for Council approval.

Mr. Huff shared a letter he had written to Clackamas County regarding Molalla's participation in the Diversity, Equity, and Inclusion Racial Research Program. The letter has not been mailed at this time. Mr. Huff stated that in his time as City Manager, the City has fought hard to be represented in Clackamas County, and that it is important to continue to do so.

Council President Childress was in favor of the letter. Councilor Newland asked what prompted the letter. Mr. Huff stated that he drafted the letter after a conversation with the County Administrator. Councilors discussed the option of making a donation at a later date.

Councilor Robles was concerned that Council sent the wrong message to the community by saying we would not participate on a financial level. She thinks it is important to note that there is difference between a language barrier in the community, and a race issue in a community. Councilor Robles acknowledged that there are under-served communities in every city or community. The message that she received from the minority communities is that the City should participate fully, in order to see what opportunities will come from Clackamas County.

## **STAFF REPORTS**

Planning Director Corthell shared a document regarding Mobile Food Units. He also shared that Economic Development Action Teams are beginning to meet. He also invited community members to contact him if they would like to participate.

Finance Director Seifried had nothing to report.

Public Works Director Fisher informed the Council that he is reading through an avalanche of House Bills that are coming through. He is paying special attention to anything that will affect the City of Molalla. He also shared his concern about heavy traffic and kids going back to school. He encouraged drivers to slow down and watch for students. Mr. Fisher reminded the community that if they have a Public Works concern, to please contact the City. People can come to City Hall to fill out a Citizen Concern Form, or they can also fill out the form electronically on the City's website.

Councilor Newland asked Mr. Fisher to explain to the community why Clark Park is still closed. Mr. Fisher explained that there is still a lot of tree debris from the ice storm. An arborist is assessing tree damage, and they are preparing to remove the last of the debris. Public Works has been very busy with clean-up around town, so Clark Park will be closed until they can properly clean it so it is safe for park users.

City Recorder DeSantis reminded community members that Friday, March 19<sup>th</sup> is the final day to submit Budget Committee applications. Applicants are being interviewed by Council on Wednesday, March 24, 2021.

City Manager Huff had nothing to report.

### **MAYOR AND COUNCIL REPORTS**

Councilor Deller relayed a story of a church that had set-up a Relief Fund during the Wildfire event. The church was able to assist 72 families during that time. There was so much money donated, that they were able to create four \$30,000 grants to local Fire Districts with the remaining funds. Recipients are Colton, Molalla, Yoder, and Scotts Mills Fire Departments.

Councilor Robles shared that the Molalla Public Library is holding a soft opening, re-enstating browsing hours.

Councilor Newland announced that a plaque ceremony is being held at the Fire Department on Saturday, March 13, 2021 to honor everyone that helped during the wildfires in September.

Councilor Shankle had nothing to report.

Council President Childress and former Mayor Swigart attended a meeting recently regarding low-income housing options in Molalla. The meeting was based on questioning what Molalla's needs are in regard to homeless housing, Veteran's housing, low-income housing, etc. No decision has been made, but the overall discussion was in favor of low-income housing.

Councilor Klein had nothing to report.

Mayor Keyser reported that the Molalla Aquatic Center is serving as many people as possible each day. He asked that the community be patient while they are reopening. Mayor Keyser also asked about a Parks Fundraiser, in order to get equipment replaced. Mr. Huff replied that there is a public fundraiser line item in the budget for people to donate to, so that would be fine. Molalla Cares held a final Debris Day last Saturday, that Mayor Keyser felt was a big success.

### **RECESS INTO EXECUTIVE SESSION**

Mayor Keyser recessed Regular Session at 8:07pm. Executive Session was held pursuant to Oregon Public Record Law, ORS 192.660(2):

- (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

### **RECONVENE REGULAR SESSION**

Regular Session was reconvened by Mayor Keyser at 8:45pm.

**ADJOURN**

As there was no further business, the City Council meeting was adjourned at 8:45pm.

\_\_\_\_\_  
Scott Keyser, Mayor

\_\_\_\_\_  
Date

ATTEST: \_\_\_\_\_  
Christie DeSantis, City Recorder

DRAFT

# City of Molalla

## City Council Meeting



### Agenda Category: Resolution

**Subject:** Public Works Administration Fee Update

**Recommendation:** Adoption of Resolution No. 2021-09

**Date of Meeting to be Presented:** March 24, 2021

**Fiscal Impact:** Street Fund, Sewer Fund, Water Fund, and Stormwater Fund

**Background:**

City Council adopted a Public Works Administrative Fee resolution and schedule on November 18, 2020. The attached fee schedule adds the Advance Financing Application fee of \$1,500 for application review, report preparation, public notification, and other staff time for the required public hearing.

Recommendation: Adopt Resolution No. 2021-09

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





**RESOLUTION NO. 2021-09**

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON  
ESTABLISHING PUBLIC WORKS ADMINISTRATIVE FEES AS APPROVED  
BY MOLALLA MUNICIPAL CODE  
CHAPTERS 12.16, 13.04, 13.08, 13.13, and 21.70.**

**WHEREAS**, The Molalla Municipal Code Sections 12.16, 13.04, 13.08, 13.13, and 21.70 provides that fees for plan review, permits, and other administrative fees be established by resolution of the City Council; and

**WHEREAS**, the City has prepared a fee schedule to cover costs associated with plan review, the issuance of permits, inspection, administrative fees, and equitable cost recovery methods; and

**WHEREAS**, the City Council desires to implement the equitable cost recovery methods as outlined in the attached fee scheduled.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Molalla as follows:

- Section 1. Resolution No. 2020-23 is repealed upon the effective date of this Resolution.
- Section 2. The Public Works Administrative Fees are established in attached Exhibit "A".
- Section 3. This Resolution is and shall be effective upon adoption and all rates and charges established herein for customers shall go into effect as of such date.

Duly adopted by Molalla City Council the 24<sup>th</sup> day of March 2021.

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Scott Keyser, Mayor

ATTEST:

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Christie DeSantis, City Recorder



**Public Works Department**

117 N Molalla Avenue

PO Box 248

Molalla, Oregon 97038

Phone: (503) 829-6855

Fax: (503) 829-3676

**Public Works Administrative Fees**

**Exhibit "A"**

**Adopted by Resolution 2021-09**

**Water & Sewer Fees**

Water Hook Up Fee \$600.00

Sewer Hook Up Fee \$600.00

Bulk Water Fees (see note below)

Bulk Water Meter Deposit (refundable) \$700.00

Bulk Water Meter Account Setup \$25.00

Bulk Water (1000 gal = 133.681 CF)

Bulk Water Cost Current Water Use Rate per hundred cubic feet (Ccf)

*Note: Bulk water can only be provided to construction contractors performing work within the City limits or contractors performing work outside of City limits for Clackamas County, ODOT, or other public agency as approved by the Public Works Director. Sale of bulk water outside of corporate City limits not identified above is prohibited.*

**Engineering Fees**

Engineering Design Review Fee

1.5% of the total the Engineer's Estimate of the public improvements, but not less than \$300.00

Construction Permit Fee

3.5% of the total the Engineer's Estimate of the public improvements, but not less than \$700.00

**Right-of-Way Permit Fees**

Right-Of-Way Permit Fee (non-franchise) \$125.00

Right-Of-Way Permit Fee (non-franchise) - with Street Cut \$150.00 ea. Cut

Reinspection - Right-Of-Way Permit Fee (non-franchise) \$75.00

Driveway, Sidewalk, and/or Curb & Gutter Const Permit Fee \$95.00

Reinspection - Driveway, Sidewalk, and/or Curb & Gutter \$47.00

**Plotter Fees**

Base Rate Per Request	\$12.50
Page Size	Cost / Sheet
24" x 18" .....	\$0.23
24" x 30" .....	\$0.36
24" x 36" .....	\$0.41
36" x 44" .....	\$0.76

Fee charged will be equal to the Base Rate plus the cost per sheet.

**Public Easement and Right of Way Dedication Fees**

Fees charged will be equal to the cost (staff/vehicle time and recording expense) for City to process and record easement and dedication documents at the Clackamas County Recorder's Office. Applicant will reimburse City prior to occupancy approval and project acceptance.

**Advance Financing of Public Improvement Fees**

Application Fee	\$1,500.00
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# City of Molalla

## City Council Meeting



### Agenda Category: General Business

**Subject:** Budget Committee Ordinance

**Recommendation:** Approve Ordinance 2021-13

**Date of Meeting to be Presented:** March 24, 2021

**Fiscal Impact:** N/A

**Background:**

The Molalla Municipal Code is currently silent in Title 2 regarding the Budget Committee. Although we refer to ORS 294.414 (see attached) for clarification and explanation for the purpose of our local budget committee, not having a reference in our code has been confusing. Oregon Budget Law lays out the rules for establishing a budget committee and this Ordinance Amendment will make it easier for people to access.

**SUBMITTED BY:** Chaunee Seifried, Finance Director  
**APPROVED BY:** Dan Huff, City Manager



**ORDINANCE NUMBER 2021-03**

**AN ORDINANCE OF THE CITY OF MOLALLA, OREGON.  
ESTABLISHING BUDGET COMMITTEE RULES AS GOVERNED BY  
OREGON REVISED STATUTE 294.414 – BUDGET COMMITTEE LAWS**

**WHEREAS,** Molalla Municipal Charter, Chapter VIII Appointive Officers, Section 34. City Manager, letter d, number 9, states “The manager must prepare and administer the annual city budget”, and;

**WHEREAS,** There is currently not a Chapter in the Molalla Municipal Code regarding Budget Committees; and

**WHEREAS,** The City of Molalla desires to implement the use of ORS 294.414 – Budget Committee Laws as a means of conducting annual Budget Committee Meetings, and;

**WHEREAS,** The purpose of a Budget Committee shall be to conduct the review of the annual budget, hold meetings, make decisions and recommendations to the City Council, and;

**WHEREAS,** The following “Exhibit A” are ORS 294.414’s policies and regulations.

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

**Section 1.** The City will follow the guidelines set by ORS 294.414 Budget Committee.

**Section 3. Effective Date.** This Ordinance will take effect thirty (30) days from the date of adoption.

Read the first time on \_\_\_\_\_ and moved to a second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed on this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Scott Keyser, Mayor

ATTEST:

\_\_\_\_\_  
Christie DeSantis, City Recorder

# Ordinance 2021-03

## Exhibit A

### ORS 294.414<sup>1</sup>

### Budget committee

- (1) Except as provided in ORS 294.423 (Governing body of certain municipal corporations to be budget committee), the governing body of each municipal corporation shall establish a budget committee in accordance with the provisions of this section.
- (2) The budget committee shall consist of the members of the governing body and a number, equal to the number of members of the governing body, of electors of the municipal corporation appointed by the governing body; if there are electors fewer than the number required, the governing body and the electors who are willing to serve shall be the budget committee; **and** if there are no electors willing to serve, the governing body shall be the budget committee.
- (3) The members of the budget committee shall receive no compensation for their services as members of such committee.
- (4) Appointive members of the budget committee may not be officers, agents or employees of the municipal corporation.
- (5) Appointive members of a budget committee that prepares an annual budget shall be appointed for terms of three years. The terms shall be staggered so that, as near as practicable, one-third of the terms of the appointive members end each year.
- (6) Appointive members of a budget committee that prepares a biennial budget shall be appointed for terms of four years. The terms shall be staggered so that, as near as practicable, one-fourth of the terms of the appointive members end each year.
- (7) If any appointive member is unable to serve the term for which the member was appointed, or an appointive member resigns prior to completion of the term for which the member was appointed, the governing body of the municipal corporation shall fill the vacancy by appointment for the unexpired term.
- (8) If the number of members of the governing body is reduced or increased by law or charter amendment, the governing body of the municipal corporation shall reduce or increase the number of appointive members of the budget committee so that the number thereof shall be equal to but not greater than the number of members of the governing body. To effect a reduction, the governing body of the municipal corporation may remove such number of appointive members as may be necessary. The removals shall be made so that the number remaining will be divided into three, if the terms of the appointive members are governed by subsection (5) of this section, or four, if the terms of the appointive members are governed by

subsection (6) of this section, equal or approximately equal groups as to terms. In case of an increase, additional appointive members shall be appointed for such terms so that they, together with the members previously appointed, will be divided into three or four, as appropriate under this section, equal or approximately equal groups as to terms.

- (9)** The budget committee shall at its first meeting after its appointment elect a presiding officer from among its members. [Formerly 294.336]

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<sup>1</sup> Legislative Counsel Committee, *CHAPTER 294—County and Municipal Financial Administration*, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors294.html](https://www.oregonlegislature.gov/bills_laws/ors/ors294.html) (2019) (last accessed May 16, 2020).

# City Of Molalla

## City Council Meeting



### Agenda Category: Ordinance

**Subject:** Replacing Chapter 13.16 Advance Financing of Public Improvements

**Recommendation:** Council Approval

**Date of Meeting to be Presented:** March 24, 2021

**Fiscal Impact:** None

**Background:**

City Council held two work sessions on February 10, 2021 and March 10, 2021 to review revisions to Chapter 13.16 Advance Financing of Public Improvements and directed staff to bring back an ordinance with the updated language.

Recommendation: Adopt 1<sup>st</sup> and 2<sup>nd</sup> readings of ORD No. 2021-04 and pass ordinance.

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





**ORDINANCE NUMBER 2021-04**

**AN ORDINANCE OF THE CITY OF MOLALLA, OREGON  
REPEAL OF CHAPTER 13.16 ADVANCE FINANCING OF PUBLIC  
IMPROVEMENTS IN THE MOLALLA MUNICIPAL CODE AND REPLACE  
WITH REVISED CHAPTER 13.16 ADVANCE FINANCING OF PUBLIC  
IMPROVEMENTS**

**WHEREAS**, Staff recommends under Title 13 Public Services that section 13.16 Advance Financing of Public Improvements be repealed in its entirety and a newly revised code section 13.16 Advance Financing of Public Improvements be codified into the Molalla Municipal Code; and

**WHEREAS**, the Molalla City Council reviewed the new code during its Work Session meetings on February 10, 2021 and March 10, 2021 and directed staff to prepare an Ordinance for adoption.

**Now, Therefore, the City of Molalla does ordain as follows:**

Section 1. Chapter 13.16 Advance Financing of Public Improvements be repealed and replaced with Chapter 13.16 Advance Financing of Public Improvements herein attached.

Section 2. Effective date. The effective date of the code revision will take place thirty (30) calendar days after adoption of the Ordinance.

Read the first time on **March 24, 2021** and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on **March 24, 2021**.

Signed by the Mayor on \_\_\_\_\_.

\_\_\_\_\_  
Scott Keyser, Mayor

ATTEST:

\_\_\_\_\_  
Christie DeSantis, City Recorder

## **Chapter 13.16 ADVANCE FINANCING OF PUBLIC IMPROVEMENTS**

### **13.16.010 Purpose.**

The purpose of this chapter is to provide a method of financial reimbursement to developers for a share of costs incurred from installation or construction of public improvements for other non-participating, benefitting property owners.

### **13.16.020 Definitions.**

The following are definitions for the purposes of this chapter and for all the purposes of any advance financing agreement entered into pursuant to this chapter and for any actions taken as authorized pursuant to this chapter or otherwise:

“Advance finance agreement” means an agreement between a developer and the City, as authorized by the City Council, and executed by the City Manager, which agreement provides for the installation of and payment for advance financed public improvements and which agreement contains improvement guarantees, provisions for reimbursement by the benefitting property owners who may eventually utilize such improvement, inspection guarantees, and the like, as determined in the best interest of the public by the City Council.

“Advance financing” means a developer’s payment for the installation of one or more public improvements installed pursuant to this chapter which benefitting property owners may utilize upon reimbursing a proportional share of the cost of such improvement.

“Advance financing resolution” means a resolution passed by the City Council designating a public improvement to be an advance financed public improvement and containing provisions for financial reimbursement by benefitting property owners who eventually utilize the improvement and such other provisions as determined in the best interest of the public by the City Council.

“Benefiting property” means that real property benefitting from an advance financed public improvement.

“City” means the City of Molalla.

“City Council” means the City Council of Molalla.

“Developer” means an individual, a partnership, a joint venture, a corporation, a subdivider, a partitioner of land or any other entity, without limitation, who will bear, under the terms of this chapter, the expense of construction, purchase, installation, or other creation of a public improvement.

“Development” means that real property being developed by the developer and for which property the advance financing resolution is passed.

“Owner” means the fee holder of record of the legal title to the real property in question. Where such real property is being purchased under a recorded land sales contract, then such purchasers shall also be deemed owners.

“Public improvement” means the following:

1. The construction, reconstruction or upgrading of any water, sanitary sewer, or storm sewer system improvements.
2. The grading, graveling, paving or other surfacing of any street, or opening, laying out, widening, extending, altering, or changing the grade for construction of any street.
3. The construction or reconstruction of curb and gutter or sidewalks.

4. Those “capital improvements” as provided in Oregon Revised Statutes 223.299(1) as now written or hereafter amended.

5. Any other public improvement authorized by the City Council.

### **13.16.030 Receipt of application.**

A. A developer or other person seeking reimbursement for the advance financing of a public improvement shall submit an application to the Public Works Director on a form provided by the City.

B. The application shall include the following:

1. A description of the location, type, size, and cost of the public improvement to be advance financed.
2. A map showing benefitting properties, front footage and areas of benefitting properties, the development, and a list of benefitting property owners with current mailing addresses.
3. The estimated reimbursement amount from each benefitting property based on the formula proposed for the reimbursement.
4. The estimated date of the city’s acceptance the public improvement.
5. The estimated cost of the public improvement and other documents satisfactory to the City Engineer.
6. Legal description of the properties within the Developer’s proposed Assessment Reimbursement Area together with the names and addresses of the owners of such property as shown on the records of the Clackamas County Assessor’s Office
7. Colorized or hatched construction drawings depicting the reimbursable public improvements, as required by the Public Works Department.

C. The application must be submitted no less than **90 calendar days** prior to the Public Works Department’s acceptance of construction of the improvements for which reimbursement is being requested. Failure to submit an application on or before the deadline waives Developers right to apply for and receive reimbursement for public improvements.

D. The application shall be accompanied by a fee set by resolution by the City Council. The fee will be applied against the City’s administrative costs for reviewing and processing the application, including but not limited to analysis of the proposed advance financing project, notice to affected property owners, recording costs and other related costs.

### **13.16.040 Utility analysis.**

Upon receipt of the advance financing application, the Public Works Department shall analyze the proposal and submit a report to the City Manager for City Council review and public hearing. Such report shall include a map showing the location and dimensions of the development and all benefitting properties. The report shall also include the City Engineer’s estimate of the total cost of the advance financed public improvement. The report shall also include the City Engineer’s analysis of whether the estimated actual cost of the public improvement is reasonable, the estimated advance financed reimbursement due from each benefitting property owner, and whether the public improvements will or have met city standards.

### **13.16.050 Public hearing.**

Within a reasonable time after the City Manager has completed their review of the Public Works Department's analysis, an informational public hearing shall be held in which all parties and the public shall be given the opportunity to express their views pertaining to the proposed advance financed public improvement. Since advance financed public improvements do not give rise to assessments, the public hearing is for informational purposes only, and is not subject to mandatory termination due to remonstrances. The city council has the sole discretion after the public hearing to decide whether an advance financing resolution shall be adopted.

### **13.16.060 Notification.**

Not less than ten (10) nor more than thirty (30) days prior to any public hearing being held pursuant to this chapter, the developer and all benefitting property owners shall be notified of such hearing and the purpose thereof. Such notification shall be accomplished by mail. Notice shall be made on the date that the letter of notification is posted. Failure of any owner to be so notified shall not invalidate or otherwise affect any advance financing resolution of the City Council's action to approve or not approve the same.

### **13.16.070 Advance financing resolutions and agreements.**

A. After the public hearing is held pursuant to Section 13.16.050, if the City Council decides that the application meets the purposes of this chapter, it may pass an advance financing resolution. The resolution shall designate the proposed public improvement and provide for the payment of an advance financed reimbursement fee by benefitting property owners pursuant to this chapter. The resolution shall indicate the amount of the reimbursement fee for each benefitting property. The resolution also shall instruct the City Manager to enter into a reimbursement agreement with the applicant to include such guarantee or guarantees as the City Manager deems necessary to protect the public interest and benefitting property owner. The agreement also may include such other provisions as the City Council determines necessary and proper to carry out the purposes of this chapter. More than one public improvement may be the subject of a single advance financing agreement or resolution.

B. The city shall notify all benefitting property owners and the developer of the adoption of an advance financing resolution. The notice shall include a copy of the resolution, the date it was adopted and a short explanation of this Chapter.

### **13.16.080 Advance finance reimbursement.**

A. An advance financing reimbursement shall be imposed on all benefitting properties, at such time as such owners apply for connection to advance financed facilities or apply for building permits for projects that use an advance financed public improvement, in an amount established in the advance financing reimbursement resolution and shall be collected as set forth in this section.

B. The amount of the advance financed reimbursement fee allocated to each benefitting property shall be calculated as follows:

1. Square Footage Method. The total actual cost of the advance financed public improvements, plus a percentage that the City Council may set by resolution, multiplied by a percentage of the benefitting property owner's percentage of ownership of the total acreage served by the advance financed public improvement including the development. If inequities are created by the strict implementation of the above formula, the council may modify the formula on a case-by-case basis.

2. Front Footage Method. The total actual cost of the advance financed public improvement, plus a percentage that the City Council may set by resolution, multiplied by a percentage of front footage owned by the intervening or future property owner of the total front footage served by the advance financed public improvement including the development. If inequities are created by the strict implementation of the above formula, the council may modify the formula on a case-by-case basis.

C. The advance financing reimbursement fee is immediately due and payable by a benefitting property owner upon application for connection to the advance financed public improvement or any building or development permit the result of which will be the use of any advance financed public improvement; provided however, that a building permit to add to or remodel an existing structure which does not increase the use of an advance financed street will not cause payment to be due. If connection is made without obtaining the permits required to connect to the public improvement, then the advance financed reimbursement fee is immediately due and payable upon the earliest date that any such permit was required. A permit for connection shall not be issued until the advance-financed reimbursement is paid in full.

D. Notwithstanding the requirement in paragraph 13.16.080 C to pay the reimbursement fee prior to connecting to the public improvement, the City Manager may in his or her sole discretion defer payment of the reimbursement fee to a date prior to the issuance of a certificate of occupancy for a structure located on the benefitting property. If the City Manager elects to defer payment under this section, a certificate of occupancy may not be issued until the reimbursement fee is paid in full.

E. Whenever the full and correct advance financed reimbursement has not been paid and collected for any reason, the City Manager shall report to the City Council the amount of the uncollected reimbursement, the description of the real property to which the reimbursement was due and the name or names of the benefitting property owners. The City Council shall then set a public hearing and shall direct the City Manager to give notice of the hearing to each benefitting property owner, either in person or by certified mail. If the City Council determines the reimbursement fee is due and has not been paid, the City Council may authorize such action as it determines appropriate to collect the unpaid amounts. However, the City may not impose a lien against the benefitting property or other property for the unpaid amounts.

### **13.16.090 Disposition of advance financed reimbursements.**

A. Pursuant to the terms of the reimbursement agreement, the City shall collect reimbursement fees as provided in Section 13.16.080 and forward the amounts to the person responsible for the advance-financed public improvement. The City may retain an amount not less than one percent (1%) for the cost of administering the payments. The reimbursement fees shall be delivered to the developer for a period of not more than 10 years from and after the date the applicable advance financing agreement has been executed. Payments will be forwarded by the City within 90 days of receipt of the advance-financed reimbursement fees. The City shall incur no liability for any failure to remit advance financing reimbursement fees pursuant to the requirements of this section.

B. Notwithstanding the payment formula provided above, no developer shall receive both advance financing reimbursement and a credit against system development charge payments for oversizing of the same facility. An application for advance financing reimbursement shall, if approved, constitute a waiver of such system development charge credits.

**13.16.100 Recording.**

All advance financing resolutions shall be recorded by the City in the deed records of Clackamas County, Oregon. Such resolutions shall identify the legal description of the development and benefiting properties. Failure to make such recording shall not affect the legality of an advance financing resolution or agreement.

**13.16.110 Ownership of public improvements.**

Public improvements installed pursuant to advance financing agreement shall become and remain the sole property of the city pursuant to the advance financing agreement.

**13.16.120 Waiver of claims.**

No developer shall have any claim against the city in the event this chapter is, for any reason, found invalid or unlawful. An application for advance financing shall constitute a waiver of such claims.

**13.16.130 Multiple public improvements.**

More than one public improvement may be the subject of an advance financing agreement or resolution.

# City of Molalla

## City Council Meeting



### Agenda Category: Resolution

**Subject:** Temporary Mobile Food Unit Transportation System Development Charge Fee

**Recommendation:** Adoption of Resolution No. 2021-10

**Date of Meeting to be Presented:** March 24, 2021

**Fiscal Impact:** Street SDC Fund

**Background:**

City Council requested a temporary adjustment to transportation system development charge fees for Mobile Food Units. The attached table provides percentage options for the temporary adjustment.

Recommendation: Adopt Resolution No. 2021-10

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



**Public Works Department**  
117 N Molalla Avenue  
PO Box 248  
Molalla, Oregon 97038  
Phone: (503) 829-6855  
Fax: (503) 829-3676

Resolution #2021-10  
Temporary Transportation SDC Fee Options  
Based on current SDC Fee calculations

100%	\$13,016
90%	\$11,714
80%	\$10,413
70%	\$9,111
60%	\$7,810
50%	\$6,508
40%	\$5,206
30%	\$3,905
20%	\$2,603
10%	\$1,302
0%	\$0





**RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON  
ESTABLISHING A TEMPORARY TRANSPORTATION SYSTEM DEVELOPMENT  
CHARGE FEE FOR MOBILE FOOD UNIT**

WHEREAS, The Molalla City Council wants to set temporary Transportation System Development Charge fees for mobile food unit until work can be completed on final adjustments to the Transportation System Development Charge fees.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla as follows:

Section 1. Mobile Food Units shall be charged 100% percent of the Transportation System Development Charge fee for ITE Code #926 Food Cart Pod.

Section 2. This Resolution is and shall be effective upon adoption.

Duly adopted by Molalla City Council the 24<sup>th</sup> day of March 2021.

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Scott Keyser, Mayor

ATTEST the 24<sup>th</sup> day of March 2021.

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Christie DeSantis, City Recorder



**RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON  
ESTABLISHING A TEMPORARY TRANSPORTATION SYSTEM DEVELOPMENT  
CHARGE FEE FOR MOBILE FOOD UNIT**

WHEREAS, The Molalla City Council wants to set temporary Transportation System Development Charge fees for mobile food unit until work can be completed on final adjustments to the Transportation System Development Charge fees.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla as follows:

Section 1. Mobile Food Units shall be charged 90% percent of the Transportation System Development Charge fee for ITE Code #926 Food Cart Pod.

Section 2. This Resolution is and shall be effective upon adoption.

Duly adopted by Molalla City Council the 24<sup>th</sup> day of March, 2021.

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Scott Keyser, Mayor

ATTEST the 24<sup>th</sup> day of March, 2021.

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Christie DeSantis, City Recorder



**RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON  
ESTABLISHING A TEMPORARY TRANSPORTATION SYSTEM DEVELOPMENT  
CHARGE FEE FOR MOBILE FOOD UNIT**

WHEREAS, The Molalla City Council wants to set temporary Transportation System Development Charge fees for mobile food unit until work can be completed on final adjustments to the Transportation System Development Charge fees.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla as follows:

Section 1. Mobile Food Units shall be charged 80% percent of the Transportation System Development Charge fee for ITE Code #926 Food Cart Pod.

Section 2. This Resolution is and shall be effective upon adoption.

Duly adopted by Molalla City Council the 24<sup>th</sup> day of March, 2021.

---

Scott Keyser, Mayor

ATTEST the 24<sup>th</sup> day of March, 2021.

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Christie DeSantis, City Recorder



**RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON  
ESTABLISHING A TEMPORARY TRANSPORTATION SYSTEM DEVELOPMENT  
CHARGE FEE FOR MOBILE FOOD UNIT**

WHEREAS, The Molalla City Council wants to set temporary Transportation System Development Charge fees for mobile food unit until work can be completed on final adjustments to the Transportation System Development Charge fees.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla as follows:

Section 1. Mobile Food Units shall be charged 70% percent of the Transportation System Development Charge fee for ITE Code #926 Food Cart Pod.

Section 2. This Resolution is and shall be effective upon adoption.

Duly adopted by Molalla City Council the 24<sup>th</sup> day of March, 2021.

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Scott Keyser, Mayor

ATTEST the 24<sup>th</sup> day of March, 2021.

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Christie DeSantis, City Recorder



**RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON  
ESTABLISHING A TEMPORARY TRANSPORTATION SYSTEM DEVELOPMENT  
CHARGE FEE FOR MOBILE FOOD UNIT**

WHEREAS, The Molalla City Council wants to set temporary Transportation System Development Charge fees for mobile food unit until work can be completed on final adjustments to the Transportation System Development Charge fees.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla as follows:

Section 1. Mobile Food Units shall be charged 60% percent of the Transportation System Development Charge fee for ITE Code #926 Food Cart Pod.

Section 2. This Resolution is and shall be effective upon adoption.

Duly adopted by Molalla City Council the 24<sup>th</sup> day of March, 2021.

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Scott Keyser, Mayor

ATTEST the 24<sup>th</sup> day of March, 2021.

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Christie DeSantis, City Recorder



**RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON  
ESTABLISHING A TEMPORARY TRANSPORTATION SYSTEM DEVELOPMENT  
CHARGE FEE FOR MOBILE FOOD UNIT**

WHEREAS, The Molalla City Council wants to set temporary Transportation System Development Charge fees for mobile food unit until work can be completed on final adjustments to the Transportation System Development Charge fees.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla as follows:

Section 1. Mobile Food Units shall be charged 50% percent of the Transportation System Development Charge fee for ITE Code #926 Food Cart Pod.

Section 2. This Resolution is and shall be effective upon adoption.

Duly adopted by Molalla City Council the 24<sup>th</sup> day of March, 2021.

\_\_\_\_\_  
Scott Keyser, Mayor

ATTEST the 24<sup>th</sup> day of March, 2021.

\_\_\_\_\_  
Christie DeSantis, City Recorder



**RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON  
ESTABLISHING A TEMPORARY TRANSPORTATION SYSTEM DEVELOPMENT  
CHARGE FEE FOR MOBILE FOOD UNIT**

WHEREAS, The Molalla City Council wants to set temporary Transportation System Development Charge fees for mobile food unit until work can be completed on final adjustments to the Transportation System Development Charge fees.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla as follows:

Section 1. Mobile Food Units shall be charged 40% percent of the Transportation System Development Charge fee for ITE Code #926 Food Cart Pod.

Section 2. This Resolution is and shall be effective upon adoption.

Duly adopted by Molalla City Council the 24<sup>th</sup> day of March, 2021.

\_\_\_\_\_  
Scott Keyser, Mayor

ATTEST the 24<sup>th</sup> day of March, 2021.

\_\_\_\_\_  
Christie DeSantis, City Recorder



**RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON  
ESTABLISHING A TEMPORARY TRANSPORTATION SYSTEM DEVELOPMENT  
CHARGE FEE FOR MOBILE FOOD UNIT**

WHEREAS, The Molalla City Council wants to set temporary Transportation System Development Charge fees for mobile food unit until work can be completed on final adjustments to the Transportation System Development Charge fees.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla as follows:

Section 1. Mobile Food Units shall be charged 30% percent of the Transportation System Development Charge fee for ITE Code #926 Food Cart Pod.

Section 2. This Resolution is and shall be effective upon adoption.

Duly adopted by Molalla City Council the 24<sup>th</sup> day of March, 2021.

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Scott Keyser, Mayor

ATTEST the 24<sup>th</sup> day of March, 2021.

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Christie DeSantis, City Recorder





**RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON  
ESTABLISHING A TEMPORARY TRANSPORTATION SYSTEM DEVELOPMENT  
CHARGE FEE FOR MOBILE FOOD UNIT**

WHEREAS, The Molalla City Council wants to set temporary Transportation System Development Charge fees for mobile food unit until work can be completed on final adjustments to the Transportation System Development Charge fees.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla as follows:

Section 1. Mobile Food Units shall be charged 20% percent of the Transportation System Development Charge fee for ITE Code #926 Food Cart Pod.

Section 2. This Resolution is and shall be effective upon adoption.

Duly adopted by Molalla City Council the 24<sup>th</sup> day of March, 2021.

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Scott Keyser, Mayor

ATTEST the 24<sup>th</sup> day of March, 2021.

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Christie DeSantis, City Recorder



**RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON  
ESTABLISHING A TEMPORARY TRANSPORTATION SYSTEM DEVELOPMENT  
CHARGE FEE FOR MOBILE FOOD UNIT**

WHEREAS, The Molalla City Council wants to set temporary Transportation System Development Charge fees for mobile food unit until work can be completed on final adjustments to the Transportation System Development Charge fees.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla as follows:

Section 1. Mobile Food Units shall be charged 10% percent of the Transportation System Development Charge fee for ITE Code #926 Food Cart Pod.

Section 2. This Resolution is and shall be effective upon adoption.

Duly adopted by Molalla City Council the 24<sup>th</sup> day of March, 2021.

\_\_\_\_\_  
Scott Keyser, Mayor

ATTEST the 24<sup>th</sup> day of March, 2021.

\_\_\_\_\_  
Christie DeSantis, City Recorder



**RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE CITY OF MOLALLA, OREGON  
ESTABLISHING A TEMPORARY TRANSPORTATION SYSTEM DEVELOPMENT  
CHARGE FEE FOR MOBILE FOOD UNIT**

WHEREAS, The Molalla City Council wants to set temporary Transportation System Development Charge fees for mobile food unit until work can be completed on final adjustments to the Transportation System Development Charge fees.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Molalla as follows:

Section 1. Mobile Food Units shall be charged 0% percent of the Transportation System Development Charge fee for ITE Code #926 Food Cart Pod.

Section 2. This Resolution is and shall be effective upon adoption.

Duly adopted by Molalla City Council the 24<sup>th</sup> day of March, 2021.

\_\_\_\_\_  
Scott Keyser, Mayor

ATTEST the 24<sup>th</sup> day of March, 2021.

\_\_\_\_\_  
Christie DeSantis, City Recorder

# City of Molalla

## City Council Meeting



### Agenda Category:

**Subject:** Municipal Court Judge Request for Proposal

**Recommendation:** Discussion

**Date of Meeting to be Presented:** March 24, 2021

**Fiscal Impact:** Currently \$1,700 per month

**Background:**

Staff has prepared a Request for Proposal (RFP) for Municipal Judge services. Council is the body that contracts for this service and will be making the decision regarding a new Municipal Court Judge. We want to discuss process and timelines with Council moving forward regarding proposal reviews and interviews.

SUBMITTED BY: Dan Huff, City Manager  
APPROVED BY: Dan Huff, City Manager