



AGENDA

**MOLALLA CITY COUNCIL MEETING
December 9, 2020
7:00 PM
Molalla Adult Center
315 Kennel Ave, Molalla, OR 97038**

Mayor Keith Swigart

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

*Councilor Terry Shankle
Councilor Jody Newland
Councilor Crystal Robles*

MEETING NOTICE: Due to health concerns of COVID-19, this City Council Meeting will be held in accordance with Governor Brown’s Executive Order 20-66. 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. Oregon Accreditation Alliance – Molalla Police Department (Schoenfeld).....**Pg. 3**
- 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 – November 18, 2020.....**Pg. 20**
 - B. Canvass Results Report: Clackamas County November 2020 General Election.....**Pg. 34**
 - C. Liquor License Application: Full On-Premises, Commercial – Molalla River Brewing Company.....**Pg. 38**
 - D. Liquor License Application :Full On-Premises, Commercial - GALA Enterprise, LLC dba Jo’s Saloon**Pg. 46**
 - E. Molalla Public Library: Meeting Minutes - July 16, 2020.....**Pg. 52**
- 7. PUBLIC HEARINGS**
 - A. Ordinance 2020-10: Amending Sections 17-2.3.220 Mobile Food Units, 17-5.1.020 Definitions, and 17-2.2.030 Table of Allowed Uses by Zoning District of the Molalla Municipal Code (Corthell).....**Pg. 53**
- 8. ORDINANCES AND RESOLUTIONS**
 - A. Ordinance 2020-10: Amending Sections 17-2.3.220 Mobile Food Units, 17-5.1.020 Definitions, and 17-2.2.030 Table of Allowed Uses by Zoning District of the Molalla Municipal Code (Corthell)

- B. Resolution 2020-25: Repealing the Existing and Adopting an Updated System Development Charge Rates for the Water, Sanitary Sewer, Stormwater, Transportation and Park System for Each Utility (Fisher).....Pg. 67

9. GENERAL BUSINESS

- A. Molalla Sanitary – Rate Increase (Huff).....Pg. 71
- B. Municipal Court Judge – Request for Proposal (Huff).....Pg. 76
- C. City Council Stipend – Discussion for Process and Procedure (Childress).....Pg. 89

10. REPORTS

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

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: General Business

Subject: Oregon Accreditation Alliance

Recommendation: N/A

Date of Meeting to be Presented: December 9, 2020

Fiscal Impact:

Background:

- ✓ **Background – Getting MOPD Accredited/Process to this point**
- ✓ **Benefits of being an Accredited through OAA**
 - **Controlled Liability Insurance Costs**
 - **Stronger Defense Against Lawsuits and Citizen Complaints**
 - **Greater Accountability Within Agency**
 - **Support from Government Officials**
 - **Increased Community Support**
 - **Alignment with City of Molalla Visioning Goals**
- ✓ **Records Specialist’s Julie Anderson’s role**
- ✓ **Present Accreditation Certification from OAA**

SUBMITTED BY: Frank Schoenfeld, Chief of Police
APPROVED BY: Dan Huff, City Manager



Oregon Accreditation Alliance

10135 NW Coyner Ave
Redmond, Oregon 97756
(503) 881-5566

September 1, 2020

Chief Frank Schoenfeld
Molalla Police Department
117 N Molalla Ave
Molalla, Oregon 97038

Dear Chief Schoenfeld:

Congratulations on successfully completing the process for Oregon State Re-Accreditation. At the September 2020 Board meeting, the Oregon Accreditation Alliance Board reviewed the final report from your agency's recent onsite assessment and unanimously recommended that the Molalla Police Department be granted their initial accredited status.

I also want to recognize the outstanding work of your accreditation manager, Records Supervisor Julie Anderson for her work in preparing your agency for the accreditation review.

Your official re-accreditation period will begin September 2020, with the term of award for three years. An onsite assessment for re-accreditation should be scheduled prior to the expiration of the accredited period on September 31, 2023.

I look forward to the continuing partnership between your agency and the Oregon Accreditation Alliance. Please extend my sincere congratulations to all members of your agency for their efforts in achieving your award of re-accreditation. This is a great achievement and one to be very proud of.

Due to the current pandemic, in person award presentations have been suspended. I apologize for any inconvenience this may have caused.

A handwritten signature in black ink, appearing to read "Scott Hayes". The signature is fluid and cursive, with a large initial "S" and "H".

Respectfully,
Scott Hayes
Executive Director



Oregon Accreditation Alliance

10135 NW Coyner Ave
Redmond, Oregon 97756
scott.hayes@oregonaccreditation.org

January 1, 2020

TO: Oregon Accreditation Alliance Board

FROM: Scott Hayes, OAA Assessor

AGENCY: Molalla Police Department

SUBJECT: Initial accreditation onsite assessment

ONSITE DATE: March 12, 2020

ASSESSOR(S): Scott Hayes
Deputy Chief of Police (Retired)
10135 NW Coyner Ave
Redmond, Oregon 97556

Jeff Staples
Assessor
1374 Grand Ridge Drive NW
Albany, Oregon 97321

INTRODUCTION

The Molalla Police Department joined the Oregon Accreditation Alliance in September 2019. This accreditation evaluation will mark the agencies initial assessment under the leadership of Chief Frank Schoenfeld.

CITY PROFILE

Molalla was named after the Molalla River, which in turn was named for the Molalla, a Native American tribe that inhabited the area. William H. Vaughan took up a donation land claim in the area in 1844. Molalla post office was established in 1850, near the site of Liberal, and was discontinued in 1851. The post office was reestablished in 1868 and it ran until 1874, then was reestablished in 1876, which is when it was probably placed at the present location of Molalla. Since the late 1990s the city has been experiencing a surge in growth and expansion in the residential sector. A number of business franchises have located in Molalla since 2000. In 2002, Molalla installed its first stoplight, at the intersection of Oregon Route 211 and Oregon Route 213, because of the traffic brought by the increased business activity.

Molalla is located in the foothills of the Cascade Range, near the Mount Hood National Forest, 15 miles south of Oregon City and 13 miles from Interstate 5. Molalla is

surrounded by farms and rural residential development. There are many rock quarries, and thousands of acres of private timberlands, that feed natural resource materials into the economy. Several of the tree farms are managed for totally maintained and sustained forest. According to the United States Census Bureau, the city has a total area of 2.26 miles with a population of 9,218 (2017).

CHIEF OF POLICE FRANK SCHOENFELD

Frank Schoenfeld has been a police officer since 1990. Frank joined the Oregon City Police Department in June 1990, where he served as a Patrol Officer until 1996. During his tenure at the Oregon City Police Department, he oversaw the department's firearms program.

Frank joined the Clackamas County Sheriff's Department in June 1996, where he was assigned to Patrol and in 1998 was assigned to the Special Weapons and Tactics (SWAT) team, where he served 8 years both on the entry team and then the sniper teams. As a SWAT team member, Frank was assigned as the team's Head Firearms Instructor. In 1998 Frank was assigned to Sheriff's Office Case Management Team until 1999, when he was assigned to the department's Special Investigations Unit (SIU,) where he served as a Narcotics Investigator until 2003. In 2003, Frank was assigned to the Regional Organized Crime and Narcotics Taskforce where he served as a federal taskforce agent until 2005. Frank returned to the Patrol Division until 2006 when he joined the Canby Police Department.

At the Canby Police Department, Frank served as a Patrol Sergeant from 2006 until 2007, when he was assigned as the Detective Sergeant in charge of Investigations. Frank served as a member of the Clackamas County Major Crimes Team (MCT) as a co-coordinator. In 2010, Frank was assigned as Taskforce Supervisor to the newly formed South Metro Gang Taskforce (SMGTF), a federal gang taskforce formed through the FBI Safe-Streets program to combat gang activity in the South Portland metropolitan area. Frank served as the departments Head Firearms Instructor and Active Shooter Instructor. Frank returned to Detective Supervisor in 2011 and retired from law enforcement late February 2016.

Frank joined the Molalla Police Department in May 2016, where he has served as Patrol Sergeant, Lieutenant and in May 2019, he became Chief of Police.

Frank is a member of the International Association of Chiefs of Police(IACP), the Oregon Association of Chiefs of Police (OACP) and is a graduate of the Los Angeles Police Department West Point Leadership Program. Frank is the recipient of The Distinguished Service award.

AGENCY PROFILE

The Molalla Police Department is a full-service professional organization providing 24/7 emergency services for the City of Molalla. The department is comprised of the Chief of Police, one Lieutenant, three Sergeants, two Detectives and nine full-time sworn offices one of which is a full-time School Resource Officer. There are 2.5 non-sworn professional staff members. The department participates in multi-agency specialty

teams, numerous community-oriented events and works closely with the schools, local businesses and religious organizations.

PRE-ASSESSMENT PLANNING

The Oregon Accreditation Alliance utilizes a two-phase on-site schedule, part of which replaces the need and costs of mock onsite assessments. The first phase identifies those standards for which compliance has satisfactorily been attained and those files are signed and completed at that time. Files which may have insufficient proofs or other issues are reported to the department just as would occur during a mock onsite. The agency has the opportunity to correct those files either during the first phase or prior to the second phase of the onsite. If these files are satisfactorily addressed, the Standard Summary Reports are signed off as complete. If any files still lack adequate proofs or still have deficiencies after the second phase, they are dealt with at that time just as they would during a traditional onsite assessment. Deficiencies are listed in the final report as a file repair, an applied discretion, or non-compliance.

ASSESSMENT SUMMARY

During January 2020, I conducted the electronic file review and completed the Final Report. On March 12, 2020 Assessor Jeff Staples conducted the onsite review of the agency. Based on the tour, interviews, and inspections, Jeff Staples was able to verify the following observable standards:

- 2.2.8 Use of Body Armor
- 2.2.9 Use of occupant safety restraints
- 2.5.1 Appropriate emergency equipment for patrol vehicles
- 2.5.2 Necessary vehicle equipment
- 3.3.5 Appropriate biohazard labeling
- 3.3.6 Secure storage of evidence and property
- 3.3.7 Temporary secure after-hours storage for evidence and property

STANDARDS SUMMARY

Mandatory	<u>94</u>
Not Applicable	<u>10</u>
Non-Compliance	<u>0</u>
Waiver	<u>0</u>
Total	<u>104</u>

ONSITE CHANGES/ADJUSTMENTS

File Maintenance

This section reports on the condition of the agency's files presented to verify proof of compliance with accreditation standards. This includes organizing and marking files for review, clerical issues, the adequacy, correctness, and currency of proofs used for compliance. Generally, this section indicates preparation and understanding of the

accreditation process. This section does not indicate compliance with standards or report on agency practices.

The agency's files were complete and consistent in presentation. Ten files (1.2.5, 1.3.6, 1.6.1, 1.7.1, 1.3.3, 2.1.2, 3.3.1, 3.3.3, 4.1.2, 4.3.2) were returned for additional documentation or information.

Applied Discretion

This section provides specific information on standards found to be in compliance after onsite "adjustments" were made. Adjustments may include modifying agency policies and directives, creating documentation, alteration of the physical plant, deficiencies in performance activities, and "wet ink" issues, where the written directive is newly issued.

The agency had two policies in this category.

1.3.6 – Less-Lethal Weapons and Control Devices

A written directive specifies less-lethal weapons and control devices authorized for possession and use by agency personnel, and should include requirements for training and competency, with such training to occur at least biennially.

Deficiency/Recommendation: Missing from policy is verbiage requiring training to occur at least biennially. Policy currently states, "The Training Coordinator shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary." Recommend modifying Policy to include training occurs annually or at least biennially.

Agency Action/Final Status: The agency modified its Policy 302 to include an annual training element. Policy has been modified to read, "are retrained or recertified annually". The agency is now in compliance with Standard 1.3.6.

2.1.7 - Prisoner Transports

Bullet (h) actions required in event of prisoner escape.

Deficiency/Recommendation:

Policy did not address procedures to be taken in the event of a prisoner escape. Recommend adding to policy verbiage to address action to be taken in the event of a prisoner escape.

Agency Action/Final Status:

Prior to the onsite the agency added a procedure to be followed should an escape occur. "In the event of an escaped prisoner, while in transport the following procedures shall be followed: 1) Immediately notify C-COM, field officers, supervisors, and the Chief of Police; 2) if necessary, request assistance from other agencies; 3) if containment is not possible consider notification of the community, based on the prisoners potential danger to the public. If the suspect is not apprehended, a complete and detailed report should be submitted to the DA's Office for a warrant request". The agency is now in compliance with standard 2.1.7 Prisoner Transport.

Policy Manual : Lexipol Policy Manual

Review Period: 2019

N/A by Function

- 1.5.11 Reserve Officers
- 1.5.12 Police Cadets
- 1.5.13 Volunteers
- 2.1.5 Police Service Dog
- 2.1.6 Special Response Unit
- 2.5.4 Use of Audio/Visual Recorders
- 4.2.1 Administration and Organizational Structure
- 4.2.2 Operational Procedures

PERFORMANCE ACTIVITIES

The agency's activities were measured against all identified time sensitive standards and found to be in compliance with all requirements.

1.2.5 – Bias-Based Policing

The Molalla Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the agencies policy to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group. Training has been completed as required by policy. File documentation substantiated standard compliance.

1.3.3 – Use of Firearms

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally on or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

officers should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. File documentation substantiated standard compliance.

1.3.4 – Firearms Proficiency

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms at least twice a year. Members qualify with off-duty and secondary firearms at least twice a year. All officers who carry a patrol rifle while on duty and shall pass the rifle qualification course at least once per year. Officers may carry a department issued shotgun upon passing the shotgun qualification course at least once per year. Training and qualifications must be on an approved range course. At least annually, all members carrying a firearm should receive practical training

designed to simulate field situations including low-light shooting. All firearms proficiency training and qualification courses are conducted under the supervision of the Rangemaster. File documentation substantiated standard compliance.

1.3.7 – Use of Force Reporting and Review

All incidents where physical force is used that could result in injury must be documented in the appropriate report. Agency policy lists those specific circumstances where reports are mandated. At least annually, the Patrol Lieutenant prepares an analysis report on use of force incidents. The report may include: (a) The identification of any trends in the use of force by members; (b) Training needs recommendations; (c) Equipment needs recommendations; and (d) Policy revision recommendations. File contained annual reports for 2019. File documentation substantiated standard compliance.

1.3.8 – Officer Involved Shootings

A comprehensive policy establishes procedures for response to, and investigation of officer involved shootings. Policy includes an Investigative Responsibility Matrix and specifies the following types of investigation: 1) Criminal investigation of the suspects actions; 2) Criminal investigation of involved officer's actions; 3) Administrative investigation as to policy compliance by involved officers; and 4) Civil investigation to determine potential liability. File documentation substantiated standard compliance.

1.5.3 – Evaluations of Employee

The agency utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards. An evaluation frequency matrix is incorporated into policy that provides for probationary, permanent, sworn, and non-sworn employees. Good file documentation substantiated standard compliance.

1.6.1 – Cash Funds/Accounts

The Police Department does not have a cash fund account. If a person needs to pay by cash or check, the records clerk will take the money to the Finance Department by walking down the common hallway and bring back a receipt and or change if needed. If a person is to pay by credit or debit card, the citizen is directed to the Finance Department. File documentation substantiated compliance with standard requirements.

1.6.2 – Audits

All city finances, including the police department, are audited annually by Merina & Company, LLP. File contained annual audit for 2018. File documentation substantiated compliance with standard requirements.

1.7.1 – Personnel Complaints Procedure

The complaint policy is comprehensive and complies with all standard requirements. The complaint process is classified into three categories, informal, formal and incomplete. Complaints may be filed in person, in writing, or by telephoning the department. Annually, the Lieutenant or his/her designee provides the Chief of Police an annual report of personnel complaints from the preceding year. The report focus on complaint trends as well as training needs and needed policy changes. File contained an annual review for 2019. File documentation substantiated standard compliance.

1.8.1 – Training Policy

The agency seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. The objectives of the Training Program are to: (a) enhance the level of law enforcement service to the public; (b) increase the technical expertise and overall effectiveness of personnel; (c) provide for continued professional development of department personnel; and (d) enhance the safety of deputies and the community. The training plan addresses the following areas: legislative changes and changes in case law, state-mandated training, Prison Rape Elimination Act (PREA) and high-liability issues and training on office policies and procedures. File documentation substantiated standard compliance.

2.1.2 – Vehicle Pursuit Driving

A comprehensive policy establishes procedures for initiating, conducting and terminating pursuits. Officers are authorized to initiate pursuits when it is reasonable to believe the suspect is attempting to evade arrest or detention by fleeing in a vehicle. Factors to consider are clearly listed. Pursuit tactics are clearly defined to include use criteria and necessary training. Primary officers must complete necessary crime/arrest reports. Supervisor complete a Supervisor's Log summarizing the pursuit to his/ her department manager to evaluate the pursuit in terms of Department policy.

During the first calendar quarter of each year, the Patrol Lieutenant completes an annual review of all vehicle pursuit incidents for the previous calendar year. The analysis focuses on the effectiveness and trends in the use of vehicle pursuits that might suggest training or equipment needs, or policy modification. File contained an annual review for 2019. Standard file documentation substantiated standard compliance.

2.1.6 – Special Response Unit

Not applicable by function.

2.1.7 Prisoner Transport

"In the event of an escaped prisoner while in transport the following procedures shall be followed: 1) Immediately notify C-COM, field officers, supervisors, and the Chief of Police; 2) if necessary, request assistance from other agencies; 3) if containment is not possible consider notification of the community, based on the prisoners potential danger to the public. If the suspect is not apprehended, a complete and detailed report should be submitted to the DA's Office for a warrant request".

2.3.1 – Disaster Plan

The agency participates in the City of Molalla Emergency Operations Plan. All employees receive annual refresher training on the details of the Emergency Operations Plan. The Chief of Police or the authorized designee should review the Emergency Operations Plan Manual annually to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS), and appropriately address any needed revisions. File documentation substantiated standard compliance.

2.5.3 – Vehicle Inspections

Officers are responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle is promptly reported to a supervisor and documented as appropriate. All necessary emergency equipment for marked and unmarked vehicles is specified by policy. Policy specifies what equipment and supplies shall be kept in all agency-owned vehicles. File documentation substantiated standard compliance.

3.1.3 – Emergency Power (Communications)

Clackamas County Communications (C-COM) provides all communications services for the agency. C-COM has two diesel 550 watt generators in a secure fenced area that is video monitored. The generators are programmed to auto-test at full load every Tuesday at 0900 hours. The generators receive maintenance twice a year. There is a redundant UPS system in place that includes individual UPS units at each workstation. File documentation standard compliance.

3.3.4 – Administration and Operations (Property Control)

The agency has a well-defined property and evidence function that ensures all property coming into its possession is properly recorded on a Property/Evidence Report with all necessary identifying and processing/disposal information. Policy covers all aspects of the standard from collection, storage and return of property. File documentation substantiated standard compliance.

3.3.10 – Property and Evidence Audits

The agency conducts the following audits/inspections: (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures; (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police; (c) An annual audit of evidence held by the Office shall be conducted by a Lieutenant appointed by the Chief of Police who is not routinely or directly connected with evidence control; (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for. File contained an audit for 2019.

4.1.1 – Temporary Holding Facility

The agency maintains one temporary holding room that complies with Oregon Revised Statute Chapter 169 and the Board of Corrections. An Oregon Department of Corrections inspection was conducted December 10, 2019. File documentation substantiated standard compliance.

4.1.2- Temporary Juvenile Detention

The agency has a comprehensive policy on temporary juvenile detention. The facility is inspected annually for required health and safety compliance. The agency uses the OJJDP custody log and complies with the Juvenile Custody Compliance Review issued by the State of Oregon Youth Development Division. File documentation substantiated standard compliance.

4.3.2 – Emergency Response

Procedures are in place for response to emergencies in the holding facility. Evacuation plans are prominently posted throughout the facility. File contained building safety inspections and testing of sprinkler and alarms. File documentation substantiated standard compliance.

QUALITY OF LAW ENFORCEMENT SERVICES

CHAPTER 1: STANDARDS FOR ORGANIZATION AND MANAGEMENT ROLE

Section 1 Law Enforcement Role and Authority

Policy specifies Oath of Office, Code of Ethics, and statutorily required certifications at all levels. Good file documentation substantiated applicable standards compliance. The agency uses the Lexipol Policy Manual. A computerized version is available on the agency network for employees.

Section 2 Limits of Authority

The agency has a specific policy that requires observance and compliance with every person's rights under United States and Oregon constitutions. The United States Constitution is transcribed in policy.

Search and seizure policies are clear, concise, and adhere to all state requirements and standard requirements. Policy includes clear search protocol when conducting searches. The agency complies with statutory authority for arrests and has an extensive policy on temporary custody of juveniles to include non-secure, secure, protective and delinquent custody.

The agency has a comprehensive policy on Arrest/Detention of Foreign Nationals that covers contacts with foreign nationals and lists appropriate contact points, including a link to the U.S. Department of State. File documentation substantiated compliance with all applicable standards.

Section 3 Use of Force

Agency use of force policies including use of deadly force, comply with all statutory requirements, and factors determining reasonableness of force are clearly outlined. The policy on the use of firearms met the requirements of the standard. Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

Safe handling and maintenance of firearms is clearly covered in policy, to include storage at home. Procedures are also established for flying while armed and/or carrying firearms in another state. Good file documentation substantiated standard compliance.

Policies cover all use and training requirements for approved less-lethal weapons, which currently includes Conducted Electrical Weapons (Taser), batons and OC spray. Use of Tasers requires an annual re-certification course. Appropriate file documentation substantiated standard compliance.

Section 4 Direction

Molalla Police Department policy specifies that the Chief of Police is responsible for administering and managing the agency. Resolution 2007-01 establishes a police department, conferring authority on its Chief of Police. During planned absences of the Chief of Police the Lieutenant is designated as Acting Chief. A line of succession was established for unplanned absences. Supervisory accountability is established through policy. Departmental Directives are issued to modify existing policy or create new policy. Directives are disseminated to employees via email through Lexipol. Staff reviews and approves revisions to the policy manual, which incorporates changes/additions made to departmental directives. Appropriate file documentation substantiated standard compliance.

Section 5 Personnel and Personnel Alternatives

Agencies policy on recruitment and selection incorporates the state minimum standards for law enforcement officers and includes a specific section on standards for employment. Appropriate file documentation substantiated standard compliance. The city maintains agency job descriptions on their web site. The department is responsible to ensuring job descriptions are maintained for each position. File documentation substantiated compliance with standard requirements.

Policy provides for promotions and transfers, to include general requirements, evaluation criteria and selection. Policy covers personnel files that include division files, training files, medical files and internal affairs files. Procedures for review, disclosure and purging are established.

Policies related to conditions of work and health and safety are clear, concise, and cover all standard requirements. Agency policy on reporting and responding to communicable disease exposure, to include follow-up requirements. File documentation substantiated compliance with applicable standards. Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police or the City Manager. The agency does not have Reserve Officers, Cadets or volunteers.

Section 6 Fiscal Management and Agency-Owned Property

Molalla Police Department manages an Investigative Fund. Policies establish procedures for using, managing, accounting, and reconciling the fund. Appropriate file documentation substantiated compliance with all standard requirements. The city Finance Director maintains inventory records on all property valued in excess of \$1,000. The inventory list is reviewed annually by the Finance Director. File documentation substantiated standard compliance.

Section 7 Complaint and Disciplinary Procedures

Complaints are classified in three categories, Informal Complaints, Formal Complaints, and Incomplete Complaints. Informal complaints need not be documented on a complaint form and are of a nature where the complaining party is satisfied with appropriate action by an agency supervisor. Formal complaints must be documented and are those complaints where the complaining party requests further investigation or an agency supervisor determines further investigation is warranted. Incomplete complaints are those complaints where the complaining party refuses to cooperate or becomes unavailable after a diligent follow-up investigation. Complaints can be made in person, in writing, or by phone. Investigative processes are clearly established, with

completed investigations classified as Unfounded, Exonerated, Not Sustained or Sustained. On an annual basis, the department should audit the log and send an audit report to the Chief of Police or the authorized designee. File documentation substantiated standard compliance.

The discipline policy complies with all standard requirements, to include a progressive discipline philosophy. File documentation substantiated standard compliance. Grievance procedures are established in policy for all employees, and in the current bargaining agreement for represented employees.

Section 8 Training and Career Development

The agency seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. The objectives of the Training Program are to: (a) enhance the level of law enforcement service to the public; (b) increase the technical expertise and overall effectiveness of personnel; (c) provide for continued professional development of department personnel; and (d) enhance the safety of deputies and the community. The training plan addresses the following areas: legislative changes and changes in case law, state-mandated training, Prison Rape Elimination Act (PREA) and high-liability issues and training on office policies and procedures. File documentation substantiated standard compliance. FTEP is a 16-week program that is DPSST compliant. Appropriate file documentation substantiated standard compliance.

Section 9 Public Information and Community Relations

The ultimate authority and responsibility for the release of information to the media remains with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Lieutenants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.. The policy governing ride-alongs establishes program requirements regarding application including waiver, officer responsibilities, and control of the ride-along. File documentation substantiated standard compliance.

Section 10 Crime Analysis

The agency follows all LEDS/OUCR collection and submission guidelines for Uniformed Crime Reports. The policy on crime analysis is to provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests.

CHAPTER 2: STANDARDS FOR LAW ENFORCEMENT FUNCTIONS

Section 1 Patrol Operations

Clear criteria for response to emergency and non-emergency calls are established that cites applicable statutory requirements and language. Officers are required to observe all traffic laws on routine calls. The pursuit policy covers all requirements of the standard, with allowable pursuit tactics specified.

Cite and release policy complies with all statutory and standard requirements. The policy on hazardous materials establishes procedures for response to and handling of hazardous materials incidents. The agency does not have a K9 team or Special Response Team. File documentation substantiated compliance with applicable standards.

Section 2 General Operations

Agency policy addresses domestic violence, elder abuse, child abuse, missing persons, mental illness, and hate crimes that comply with all standard and statutory requirements. Specific procedures address response to employee or other agency employee domestic violence incidents. The policy on missing persons complies with all standard and statutory requirements, including new requirements for collection of forensic evidence. File documentation substantiated compliance with all applicable standards.

Agency management of confidential informants are outlined in policy. The Chief of Police is responsible for the maintenance of all confidential informant files. All incident reporting is completed electronically. Agency policy specifies those circumstances when reports must be written.

Section 3 Unusual Occurrences and Special Operations

The agency participates in the City of Molalla Emergency Operations Plan. Lexipol policy provides procedures for response to and handling of bomb and explosive material incidents. File documentation substantiated standard compliance. Molalla does not have an airport.

Section 4 Traffic Operations

Traffic enforcement criteria is covered in policy and comply with standard requirements. Policy on traffic collisions is specific to the basic requirements of the standard and Oregon Revised Statute. A policy is in place regarding investigation of agency or city vehicle involved crashes. Appropriate file documentation substantiated standard compliance. The agency provides American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment

Section 5 Equipment

Patrol vehicles have the appropriate emergency equipment as specified by statute. Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle is promptly reported to a supervisor and documented as appropriate. The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that

are accessible by the person before and after that person is transported. File documentation substantiated standard compliance.

CHAPTER 3: STANDARDS FOR SUPPORT SERVICE FUNCTIONS

Section 1 Communications

Communications services for the agency are provided by the Clackamas County Department of Communications (C-COM), which provides communications services for the majority of agencies in Clackamas County through a trunked 800 MHz radio system. All repeater/antenna sites also have UPS and generator backup systems. System redundancy is established through fiber optics and microwave. The agency has 14 workstations, 10 that are combination phone/radio, and four that are only phone stations, providing dispatching for 16 agencies. Stations are divided between police, fire and training. All dispatchers are EMD certified, and EMD cards are available at each workstation as well as electronic versions. All phone calls, in and out, and primary radio channels are continuously recorded, with instant playback of up to 120 minutes available.

Section 2 Records

Policy establishes procedures for maintenance, retention, dissemination, and purging of police records in accordance with the Oregon Public Records Act. Policy addresses Computerized Criminal History information that establishes procedures for access, distribution, and security of information. All agency employees are LEADS certified. File documentation substantiated standard compliance.

Section 3 Property & Evidence

The property and evidence function for Molalla Police Department is efficient, neat, and well-organized. Key-lock temporary storage lockers are available with an adjacent key drop. A processing area is available for officers next to the slam lockers. Not only are officers trained in scene processing, but the agency can also call on OSP Crime Lab, and participate on the Clackamas County Major Crimes Team and Multi-Agency Accident Investigation Team. If none of these bodies are involved, the Sergeant and evidence officer, who have specialized training, are available for scene processing. Molalla Police Department references the OSP Physical Evidence Manual, issued a Departmental Directive on evidence collection and preservation, and provided officers with an Evidence Collection Guide that contains references from the OSP Manual and the Department Directive.

The storage area is very neat. All guns, money, and drugs are stored in separate, locked cabinets. In addition, there is a separate fire-proof ammunition safe. The storage area is not alarmed. Programmable electronic locks control entry, with access limited to the Evidence Officer and Chief of Police. This system, by Inflection Design, programs allowable access for all locks in the police facility. The system maintains a record of all assigned keys and where they have been used. All visitors must sign in and out of the storage area. When bio-hazard material is placed in the temporary refrigerator in the temporary locker area, the door to this area is locked and can only be opened by the Evidence Officer. The same process is used when items too large for the temporary lockers are placed in this room.

All records are maintained electronically. The majority of property entries are completed electronically as well, through a module of the Justice report writing system. This system provides easy inventory of all property and evidence maintained in the storage area by incident number, assigned property tag number, and location in the property room. All property transfers are tracked. The disposition form needs both the original officer approval and District Attorneys approval prior to release or disposal of any evidence.

CHAPTER 4: CUSTODY STANDARDS

Section 1 Temporary Holding Facility

Policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the agency for processing prior to being released or transferred to a housing or other type of facility. Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy.

Section 2 Lockup Facility

The agency does not maintain a lockup facility. All prisoners are housed at the Clackamas County Jail.

Section 3 General Procedures

Policy covers custodial searches to include custody searches, physical body cavity searches and strip searches. Searches are conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

The Patrol Lieutenant is responsible to ensure necessary supplemental procedures are in place to address ORS 169.078: (a) General security; (b) Key control; (c) Sanitation and maintenance; (d) Emergency medical treatment; (e) Escapes; (f) Evacuation plans; (g) Fire- and life-safety; (h) Disaster plans; and (i) Building and safety code compliance. Protocol is established for the escape of prisoners.

SUMMARY AND RECOMMENDATIONS

Assessor Staples and I have evaluated the Molalla Police Department and concur the agency is in compliance with all applicable standards. It is my recommendation that the agency be favorably nominated for state accreditation to the Board of Directors at their next regularly scheduled meeting.

Respectfully,
Scott Hayes
Assessor

Jeff Staples
Assessor



Minutes of the Molalla City Council Regular Meeting

Molalla Adult Community Center
315 Kennel Ave., Molalla, OR 97038
November 18, 2020

1. CALL TO ORDER AND FLAG SALUTE

The Molalla City Council Meeting was called to order by Mayor Keith Swigart at 7:02pm.

2. ROLL CALL

COUNCIL ATTENDANCE:

Mayor Keith Swigart – Present
Council President Leota Childress – Present
Councilor Elizabeth Klein – Present
Councilor DeLise Palumbo – Present
Councilor Terry Shankle – Present
Councilor Jody Newland - Present
Councilor Crystal Robles – Present

STAFF IN ATTENDANCE

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

3. APPROVAL OF THE AGENDA

City Recorder DeSantis informed Mayor and Council that Item #3A on the agenda, Oregon Accreditation Alliance presentation and the Executive Session have both been removed from this meeting.

4. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

A. Economic Development CPC (Community Program Committee) Applications

Planning Director Corthell presented applicants Pamela Lucht and Brad Berzinski to Council. Both applicants would like to serve on the Economic Development Community Program Committee that Mr. Corthell is organizing.

A motion was made by Councilor Klein to appoint Mr. Berzinski to the Economic Development CPC, seconded by Councilor Childress. Vote passed with all Councilors voting Aye.

A motion was made by Council President Childress to appoint Mrs. Lucht to the Economic Development CPC, seconded by Councilor Shankle. Vote passed with all Councilors voting Aye.

B. Planning Commission Application

Planning Commissioner Corthell shared with Council that there is one remaining position at the Planning Commission. Mr. Richard Deaton has applied for the position.

A motion was made by Council President Childress to appoint Mr. Deaton to Planning Commission, seconded by Councilor Robles. Vote passed with all Councilors voting Aye.

C. November 2020 Election Results

City Recorder DeSantis read the Official Results of the November 2020 General Election.

5. 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.)

Public comment from Mayor-Elect Scott Keyser and City Manager Huff were read into the record.

6. CONSENT AGENDA

A motion was made by Council President Childress to adopt the Consent Agenda, seconded by Councilor Robles. Vote passed with all Councilors voting Aye.

7. PUBLIC HEARINGS

A. Ordinance 2020-12: The Creation of Chapter 10.40 Adopted Truck Routes and Restrictions in the Municipal Code

The Public Hearing for Ordinance No. 2020-12 was opened by Mayor Swigart at 7:24pm. No audience members were present to speak on this Ordinance, therefore Public Hearing was closed at 7:25pm.

8. ORDINANCES AND RESOLUTIONS

A. Ordinance 2020-12: The Creation of Chapter 10.40 Adopted Truck Routes and Restrictions in the Municipal Code

Public Works Director Fisher presented a map of adopted truck routes to the Council. There was a brief discussion followed by the reading of the Ordinance.

A motion was made by Councilor Newland to hold the First Reading of Ordinance 2020-12 by title only, seconded by Councilor Robles. Title was read and approved by a unanimous vote of all Councilors voting Aye.

A motion was made by Councilor Newland to hold a Second Reading of Ordinance 2020-12 by title only, seconded by Councilor Palumbo. Title was read and approved by a unanimous vote of all Councilors voting Aye.

A motion was made by Councilor Robles to adopt Ordinance 2020-12, seconded by Councilor Shankle. The motion passed 7-0. Voting Aye: Mayor Swigart, Council President Childress, Councilor Klein, Councilor Shankle, Councilor Palumbo, Councilor Newland, and Councilor Robles.

B. Resolution No. 2020-22: Adopting Supplemental Budget FY 20-21

Finance Director Seifried explained to Council that a supplemental budget is necessary due to the recent refinancing that took place.

A motion was made by Councilor Klein to adopt Resolution No. 2020-22, seconded by Councilor Robles. Vote passed 7-0.

C. Resolution No. 2020-23: Establishing Public Works Administrative Fees as Approved by Molalla Municipal Code Chapters 12.16, 13.04, 13.08, 13.13, and 21.70

Public Works Director Fisher explained the need for administrative fees to Council. Currently the City Recorder is recording documents for developers that are being paid by the City. Mr. Fisher would like Council to approve the fee schedule for recording fees to be passed onto the developer.

A motion was made by Councilor Newland to approve Resolution No. 2020-23, seconded by Council President Childress. Vote passed 7-0.

9. GENERAL BUSINESS

A. Dollar General Transportation SDC – Old Business (Fisher)

Mr. Fisher presented three options for SCD fees for Dollar General’s Transportations SDC’s.

City Recorder DeSantis explained to Council that several individuals would like to speak on this topic.

Peter Krahenbuhl of SimonCRE, developer for Dollar General presented his statements to Council.

A letter from **Ron Dowhaniuk, Sr. Vice President of Urban Works Real Estate** was read into record by Ms. DeSantis.

A letter from **Mark Grenz of Mt. Engineering** was read into record by Ms. DeSantis.

Mr. Jeffrey Biven, Director of Acquisitions and Development with I & E Construction made a presentation to Council.

Council-Elect, Steve Deller spoke to Council regarding Dollar General’s SDC’s as well as looking at lower SDC’s overall.

Discussion regarding Dollar General’s SDC’s and the need to revisist fees took place by Council. Council agreed that they would like to spend time revisiting the fee schedule.

A motion was made by Councilor Palumbo to approve Option A SDC fees for Dollar General of \$156,430. Seconded by Councilor Klein. Vote passed 5-2. Voting Aye: Mayor Swigart, Council President Childress, Councilor Klein, Councilor Shankle and Councilor Palumbo. Voting Nay: Councilor Newland and Councilor Robles.

B. WAVE Broadband – Rate Increase

City Manager Huff shared a letter with Council from WAVE Broadband, that explains a current rate increase. There is no action required by Council.

C. Food Cart Discussion: Consideration of Amendment to MMC 17-2.2.030 Mobile Food Unit

Planning Director Corthell presented Council with a presentation on Mobile Food Units. After a lengthy discussion, Council instructed staff to bring back an amended Ordinance for the updated language.

10. REPORTS

A. City Manager and Staff

City Recorder DeSantis had nothing to report.

Public Works Director Fisher had nothing to report.

Finance Director Seifried had nothing to report.

Planning Director Corthell presented the Council with a Planning Report. He highlighted the development of a Zoning Checklist, and gave an update of Code Enforcement issues.

City Manager Huff shared a letter with Council regarding the steps City Hall is taking to keep the public, staff, and Council safe during the pandemic.

B. Mayor

Mayor Swigart shared that Tootie Smith was on FOX News recently, stating that she would hold a big Thanksgiving celebration.

C. City Councilors

Councilor Newland shared a statement regarding government, pandemic, and people’s behavior.

Council President Childress congratulated Councilors Newland and Robles on their elections. She also congratulated Council-Elect Steve Deller and welcomed him to Council.

Councilor Klein thanked Mr. Corthell for his work on the Economic Development CPC.

Councilor Shankle announced that the Chamber of Commerce is hosting a Holiday Parade that is similar to the Easter and 4th of July Parades held earlier in the year.

Councilor Robles reminded citizens to shop local over the next two weeks while we are in a shutdown. Retail shops are open at limited capacity and restaurants are open for take-out.

11. ADJOURN

A motion was made by Council President Childress to adjourn the meeting at 9:25pm, seconded by Councilor Klein. Vote passed 7-0.

Keith Swigart, Mayor

Date

ATTEST:

Christie DeSantis, City Recorder



Mac Corthell – Planning Director
117 N Molalla Avenue, PO Box 248, Molalla, Oregon 97038
Phone: (503) 829-7711 Fax: (503) 829-3676

To: Honorable Mayor and City Council

From: Planning Director, Mac Corthell via City Manager, Dan Huff

Date: November 18, 2020

Re: Monthly Planning Report

Dear City Council,

Following is a non-exhaustive list of the Planning Department's activities over the entire month of October and the first half of November:

Department-Wide

1. Planning staff has **organized and centralized department communications** resulting in enhanced citizen access to department programs and better utilization of staff resources and capacity
2. Planning staff has **developed and implemented a digital address file system** to ensure proper retention of documents and ensure accurate analysis of city properties.
3. Planning staff has **developed and implemented a standardized operating procedure for processing business licenses** that will ensure a potential licensee is aware of potential code issues on site and other required permits related to land use and development
4. Planning staff provided **Planning Commission training** on Ex Parte Contacts

Land Use & Development

1. Planning staff has **developed and implemented a "Zoning Checklist"** as a gateway to other land use and development processes as required by the City Code
2. Planning staff has **developed, but not yet implemented a "Land Use Verification Letter,"** to assist prospectors on property in gathering the information they need without being subsidized by the taxpayers of Molalla
3. Planning staff has **developed a "Legislative Land Use Amendment Notice Checklist,"** to simplify an overly complex process and ensure propriety in such amendments
4. Planning staff continues to **work with multiple developers** to bring various residential and commercial opportunities to town

Community Development

1. Planning staff have **identified and recruited 3 (or 5) steering committee members** for the city's economic development initiative
2. Planning staff, in conjunction with the city's economic development consultant, have **facilitated 2 meetings of the steering committee**
3. Planning staff have **engaged with regional travel partners** to enhance Molalla's role in the regional and local tourism conversation, and to give Molalla a footprint on public facing communications

4. Planning staff **developed an internship program and is in cooperation with Molalla High School** to bring students into City Hall for internships next term

City Code Actions

1. Planning staff has created an ongoing **index of code deficiencies** to be prioritized and addressed each month
2. Planning staff has authored **two legislative land use amendments** related to self-storage in the C2 zone, and Mobile Food Units

Code Enforcement

1. Planning staff has been working to **standardize and organize the code enforcement program.**
 - a. Created and implemented a code complaint and case tracking index
 - b. Created and implemented a standardized digital filing and file labeling system
 - c. Worked with Public Works to develop a door hangar and associated process to address minor code issues that prevent public works operations in a cooperative manner
 - d. Created and implemented a standard 1st tier courtesy letter and associated process to help educate citizens and promote cooperative resolution of code related issues while preserving city resources
 - e. Created and implemented a standardized, required, report template for all code enforcement cases
 - f. Overhauled an extremely fractured and disjointed code enforcement master drive
2. Planning staff has worked closely with the City Prosecutor and City Attorney's Office to **bring the operations at 410 Industrial Way into compliance** with the city code
 - a. Created a multiple complaint filing and indexing system
 - b. Drafted two public facing documents to keep concerned citizens informed
 - c. Assisted in drafting substantial court related documents
 - d. Liaison with state agencies
 - e. Guiding citizens to the appropriate avenues to have their complaints heard
3. Planning staff has begun **working through a sizeable backlog** of code enforcement cases
 - a. Closed 38 Code Enforcement cases in the months of October and thus far in November
 - i. 27 Compliance; 6 Referred Out; 3 Court Referral; 2 No Violation
 - ii. Closed 18 of 30 New (non-CHTC related) Complaints in October with 6 more pending closure



NOVEMBER 18, 2020
CITY COUNCIL DISCUSSION

MOBILE FOOD UNITS ORDINANCE 2020-10

DEFINITIONS (MMC 17-5.1.020) & ZONING (MMC 17-2.2.030)

Zoning

- Central Commercial (C-1)
- General Commercial (C-2)
- Light Industrial (M-1)
- Heavy Industrial (M-2)
- Rural Industrial (RI)
- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- Medium-High Density Residential (R-3)

Mobile Food Unit – All encompassing definition of a mobile food unit

- *Any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.*
- Mobile Food Unit, Temporary – Creates a subset of MFU's that must vacate premises at the end of the day
 - Proposed Zoning – General Commercial (C2), Light Industrial (M1), Heavy Industrial (M2)
- Mobile Food Unit, Permanent – Creates a subset of MFU's that may remain on premises indefinitely
 - Proposed Zoning – Central Commercial (C1), General Commercial (C2), Light Industrial (M1)

THREE SETS OF STANDARDS & A PROCESS

- Applies to ALL Mobile Food Units (MFU) – MMC 17-2.3.220(B)
- Applies to Temporary Mobile Food Units (TMFU) Only – MMC 17-2.3.220(C)
- Applies to Permanent Mobile Food Units (PMFU) Only – MMC 17-2.3.220(D)
- Provides the Process to Establish a TMFU, PMFU, and a PMFU site – MMC 17-2.3.220(E)

APPLIES TO ALL MOBILE FOOD UNITS – MMC 17-2.3.220(B)

1. Zoning

- Permitted as an accessory use in all zones in which they are allowed

2. Public Facilities, Self-Containment, Waste, Utilities

- Waste Control in general
- Self-Containment – Required for all TMFU's and PMFU's on a site of 3 or less; option for PMFU's on a site of 4 or more; uniformity requirement
- Solid Waste containment and disposal
- Utility Lines and Tanks – Underground, screened, hidden from view (safety, visual impacts)
- Public Right of Way – No operations in the Public ROW

3. Condition of Unit and Site

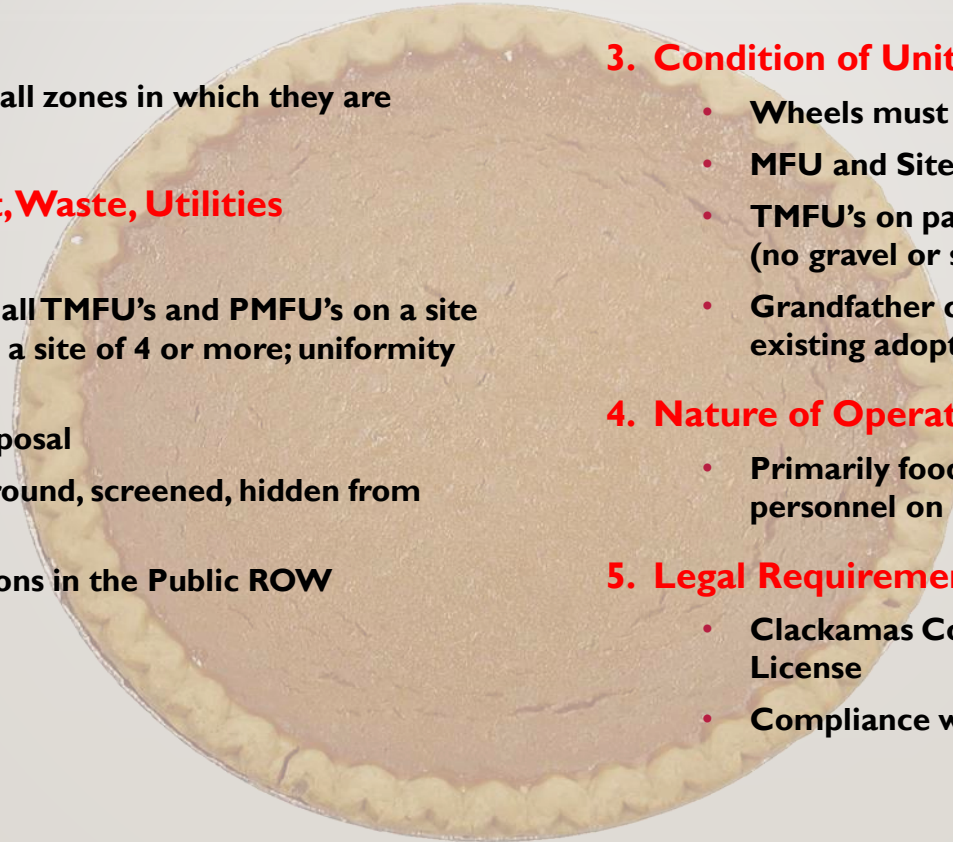
- Wheels must remain attached
- MFU and Site must be kept in state of good repair
- TMFU's on paved parking area only, PMFU's on a hard surface (no gravel or soil surfaces allowed)
- Grandfather clause – Surfacing does not apply to MFU sites pre-existing adoption of the ordinance unless...

4. Nature of Operations and Right to Inspect

- Primarily food, no cannabis, subject to inspection by city personnel on official business

5. Legal Requirements

- Clackamas County Food Handlers, City Business or TMFU License
- Compliance with all laws required



APPLIES ONLY TO TMFU'S & SITES – MMC 17-2.3.220(C)

1. Zoning

- C2, M1, M2 – Special Use Standards

2. Placement

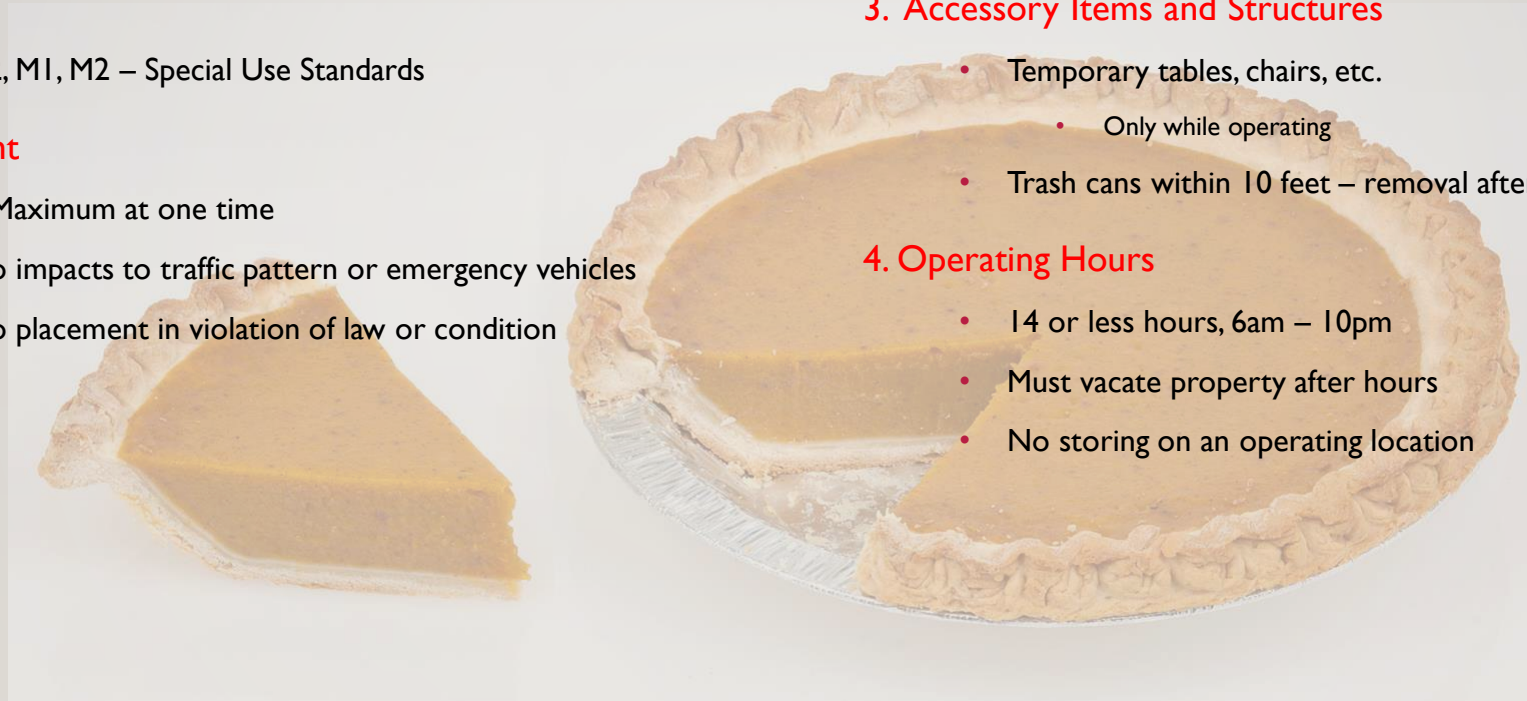
- 3 Maximum at one time
- No impacts to traffic pattern or emergency vehicles
- No placement in violation of law or condition

3. Accessory Items and Structures

- Temporary tables, chairs, etc.
 - Only while operating
- Trash cans within 10 feet – removal after operation

4. Operating Hours

- 14 or less hours, 6am – 10pm
- Must vacate property after hours
- No storing on an operating location



APPLIES ONLY TO PMFU'S & SITES – MMC 17-2.3.220(D)

1. Zoning

- CI, C2, M1
- Licensed PMFU's may operate as TMFU's

2. Development Code

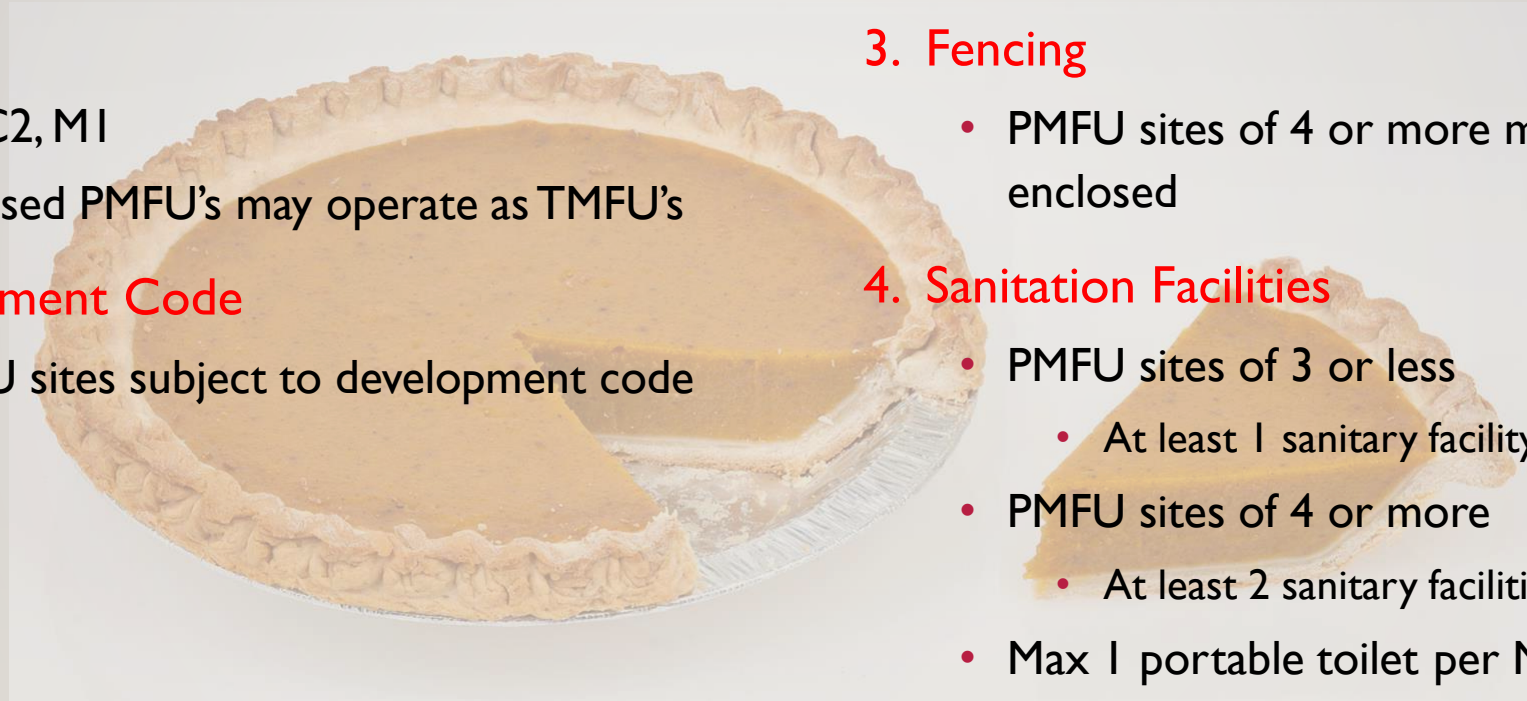
- PMFU sites subject to development code

3. Fencing

- PMFU sites of 4 or more must be fully enclosed

4. Sanitation Facilities

- PMFU sites of 3 or less
 - At least 1 sanitary facility; may be portable
- PMFU sites of 4 or more
 - At least 2 sanitary facilities; may be portable
- Max 1 portable toilet per MFU



PROCESS – MMC 17-2.3.220(E)

- TMFU's
 - TMFU License Required
 - Addresses of operation required
- PMFU's
 - Business License Required
 - Allows operation as TMFU with address list and subject to TMFU rules
 - PMFU sites subject to Zoning Checklist
 - Additional Requirements in accordance with Development Code
- Enforcement & Penalties – MMC 17-2.3.220(F)
 - Development code related violations subject to MMC Title 17 penalty provisions
 - All others subject to general penalty provision in MMC 1.04.010.

Mayor and Council:

Just a few things regarding COVID-19 protocols.

After posting different protocols for tonight's meeting we received comments that we should have been doing this all along.

We are going further than the stated requirements in the Governors order (20-65 and previous) – even today. I would like to remind everyone that local government, judicial functions, etc. are exempt from the governor's freeze.

We are all observing social distancing and we are all 6-feet apart. The view in the video feed distorts the distance into looking closer.

My staff and I are committed to providing service to our public and the best way we know how to do that is to be open and implement protective protocols. It is what is best for the public good – in my opinion.

We could shut our process down even further and fully limit public comment to a phone call, written material, or e-mail. We have not done that, and we have attempted to offer full access to public meetings, Council and Staff.

We have done this following stated protocols all the while keeping Council, Staff and the public safe and in many cases sane.

If you have questions, please let me know and we are happy to discuss further.

Dan Huff
City Manager

City of Molalla

City Council Meeting



Agenda Category: Consent Agenda

Subject: Canvass Results Report

Recommendation: N/A

Date of Meeting to be Presented: December 9, 2020

Fiscal Impact: N/A

Background:

Chapter 2.02 City Elections of the Molalla Municipal Code states that

“E. The Recorder must provide certification of the election result to the Council at the first Council meeting after the results are certified by the county clerk.”

Please see the certified results attached to this Staff Report.

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

Canvass Results Report

Official Ballots

Run Time 2:44 PM
Run Date 11/19/2020

Clackamas County

November 3, 2020 General Election

11/3/2020

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Official Results

Registered Voters
260538 of 308112 = 84.56%

Precincts Reporting
117 of 117 = 100.00%

City of Molalla, Mayor - Vote for one

Precinct	Jimmy Thompson	Leota Childress	Scott Keyser	Miscellaneous Write-in (W)	Cast Votes	Undervotes	Overvotes	Vote by Mail Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
111	1,061	1,266	1,834	73	4,234	726	0	4,960	4,960	6,509	76.20%
Totals	1,061	1,266	1,834	73	4,234	726	0	4,960	4,960	6,509	76.20%



**CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL, COUNTY CLERK**

BY: Sherry Hall

Canvass Results Report

Official Ballots

Run Time 2:44 PM
Run Date 11/19/2020

Clackamas County

November 3, 2020 General Election

11/3/2020

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Official Results

Registered Voters
260538 of 308112 = 84.56%

Precincts Reporting
117 of 117 = 100.00%

City of Molalla, Councilor - Vote for three

Precinct	Josh Tompkins	Crystal Robles	Carmon Carlos	Jody Newland	Steven M Deller	Keith Swigart	Miscellaneous Write-Ins Line 1 (W)	Miscellaneous Write-Ins Line 2 (W)	Miscellaneous Write-Ins Line 3 (W)	Cast Votes	Undervotes	Overvotes	Vote by Mail Ballots Cast
111	1,202	2,180	702	1,897	1,947	1,674	61	49	25	9,737	5,125	6	4,960
Totals	1,202	2,180	702	1,897	1,947	1,674	61	49	25	9,737	5,125	6	4,960

Canvass Results Report

Official Ballots

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Clackamas County

November 3, 2020 General Election

11/3/2020
Page 100

Official Results

Registered Voters
260538 of 308112 = 84.56%
Precincts Reporting
117 of 117 = 100.00%

City of Molalla, Councilor - Vote for three

Precinct	Total Ballots Cast	Registered Voters	Turnout Percentage
111	4,960	6,509	76.20%
Totals	4,960	6,509	76.20%



**CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL, COUNTY CLERK**

BY: Sherry Hall

City of Molalla

City Council Meeting



Agenda Category:

Subject: Liquor License Application – Molalla River Brewing Co.

Recommendation: Approval

Date of Meeting to be Presented: December 9, 2020

Fiscal Impact: N/A

Background:

Molalla River Brewing Company is requesting a Full On-Premise license. This business is formerly known as The Lumber Jack.

This application has been reviewed and approved by Chief Schoenfeld.

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



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

1. Application. Do not include any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	Date application received: <u>11-20-2020</u>
<input type="checkbox"/> Brewery 2 nd Location	Name of City or County: <u>Molalla - Clackama Co.</u>
<input type="checkbox"/> Brewery 3 rd Location	Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied
<input type="checkbox"/> Brewery-Public House 1 st location	By: _____
<input type="checkbox"/> Brewery-Public House 2 nd location	Date: _____
<input type="checkbox"/> Brewery-Public House 3 rd location	
<input type="checkbox"/> Distillery	
<input checked="" type="checkbox"/> Full On-Premises, Commercial	OLCC USE ONLY
<input type="checkbox"/> Full On-Premises, Caterer	Date application received: <u>9-16-2020</u>
<input type="checkbox"/> Full On-Premises, Passenger Carrier	By: <u>LT</u>
<input type="checkbox"/> Full On-Premises, Other Public Location	Date application accepted as initially complete: <u>10/13</u>
<input type="checkbox"/> Full On-Premises, For Profit Private Club	By: <u>SR</u>
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	License Action(s): <u>n/o</u>
<input type="checkbox"/> Grower Sales Privilege 1 st location	
<input type="checkbox"/> Grower Sales Privilege 2 nd location	
<input type="checkbox"/> Grower Sales Privilege 3 rd location	
<input type="checkbox"/> Limited On-Premises	
<input type="checkbox"/> Off-Premises	
<input type="checkbox"/> Off-Premises with Fuel Pumps	
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 st Location	
<input type="checkbox"/> Winery 2 nd Location	
<input type="checkbox"/> Winery 3 rd Location	

2. fc

(A)

CITY (example: corporation or LLC) or INDIVIDUAL(S) applying

Molalla River Brewing Company LLC

Applicant #2)

(Applicant #3)

(Applicant #4)

OLCC USE ONLY	OLCC FINANCIAL SERVICES USE ONLY



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

3. Applicant #1 AL BORROMEO		Applicant #2 Molalla River Brewing Company LLC	
Applicant #3		Applicant #4	
4. Trade Name of the Business (Name Customers Will See) Molalla River Brewing Company			
5. Business Address (Number and Street Address of the Location that will have the liquor license) 170/180 Industrial way,			
City Molalla	County Clatskanie	Zip Code 97038	
6. Does the business address currently have an OLCC liquor license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
7. Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
8. Mailing Address/PO Box. Number. Street. Rural Route (where the OLCC will send your mail)			
City	State OR	Zip Code	
9. Phone Number of the Business Location N/A		Email Contact for this Application	
Contact Person for this Application AL BORROMEO		Phone Number	
Mailing Address	City Molalla	State OR	Zip Code

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is prohibited on the licensed premises.

I attest that all answers on all forms, documents, and information provided to the OLCC are true and complete.

Applicant Signature(s)

- Each individual person listed as an applicant must sign the application.
- If an applicant is an entity, such as a corporation or LLC, at least one person who is authorized to sign for the entity must sign the application.
- A person with the authority to sign on behalf of the applicant (such as the applicant's attorney or a person with person other than an applicant signs the application, please

(Applicant #2)

(Applicant #3)

(Applicant #4)



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

1. Name: (LAST) BORROMEIO	(FIRST) ALFRED	(MIDDLE) MENDEZONA
2. Other Names Used (Maiden, Etc.):		
3. Do you have a Social Security Number (SSN) issued by the U.S. Social Security Administration? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide your SSN: _____		
<p>SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a).</p> <p>Do you voluntarily consent to the OLCC's use of your SSN as just described? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
4. Date of Birth (MM/DD/YYYY):	5. Contact Phone:	
6. Driver License or State ID #:	7. State: OREGON	
8. Residence Address: MOLALLA OR		
9. Mailing Address (if different): 97038		
10. E-Mail (optional):		
11. Do you have a spouse or domestic partner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list his/her full name: CHEMYL BORROMEIO		
12. If yes to #11, will this person be involved in the management of, or have control over the business? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		
13. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of driving a car with a suspended driver license or driving a car with no insurance? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)		
14. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of a FELONY ? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)		
15. Have you ever been in a drug or alcohol diversion program in Oregon or another U.S. state? A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense. <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)		

16. Do you, or any legal entity that you are a part of, **currently hold** or **have previously held** a liquor license or a recreational marijuana license in Oregon or another U.S. state? (Note: alcohol service permits and marijuana worker permits are not liquor licenses).

No Yes (Please include explanation below) Unsure (Please include explanation below)

17. Have you, or any legal entity that you are a part of, **ever** had an application for a license, permit, or certificate **denied or cancelled** by the OLCC or any other governmental agency in the U.S.?

No Yes (Please include explanation below) Unsure (Please include explanation below)

18. Are you applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

No Please skip questions 19 & 20. Go directly to question 21.
 Yes Please answer questions 19, 20, and 21.

19. Do you or will you have any ownership interest in a business that manufactures, wholesales, or distributes alcohol in Oregon or another U.S. state?

No Yes (Please include explanation below) Unsure (Please include explanation below)

20. Does or will an alcohol manufacturer, wholesaler, or distributor in Oregon or another U.S. state have any ownership interest in your business?

No Yes (Please include explanation below) Unsure (Please include explanation below)

21. Do you currently have, or will you have, any ownership interest in any business in Oregon with a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

No Yes (Please include explanation below) Unsure (Please include explanation below)

You must sign your own form. Another person, like your attorney or a person with power of attorney, may not sign your form. I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name: (LAST)

BORROMEO

(FIRST)

AIFRED

(MIDDLE)

MENDEZONA

Signature:

Date:

10/21/2020



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

1. Name: (LAST) <u>Borromeo</u>		(FIRST) <u>A</u>	(MIDDLE) <u>Mendezona</u>
2. Other Names Used (Maiden, Etc.):			
3. Do you have a Social Security Number (SSN) issued by the U.S. Social Security Administration? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide your SSN: _____			
<p>SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).</p> <p>Do you voluntarily consent to the OLCC's use of your SSN as just described? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>			
4. Date of Birth (MM/DD/YYYY):		5. Contact Phone:	
6. Driver License or State ID #:		7. State: <u>OREGON</u>	
8. Residence Address:			
9. Mailing Address (if different):			
10. E-Mail (optional):			
11. Do you have a spouse or domestic partner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list his/her full name: <u>Cheryl Borromeo</u>			
12. If yes to #11, will this person be involved in the management of, or have control over the business? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
13. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of driving a car with a suspended driver license or driving a car with no insurance? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)			
14. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of a FELONY ? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)			
15. Have you ever been in a drug or alcohol diversion program in Oregon or another U.S. state? A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense. <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)			

16. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license or a recreational marijuana license in Oregon or another U.S. state? (Note: alcohol service permits and marijuana worker permits are not liquor licenses). ~~BEAR~~ Lumberjack Bar & grill / ^{premise}

No Yes (Please include explanation below) Unsure (Please include explanation below)

C'est la Vie in Molalla, Oregon a few years ago had a full bar liquor license.

17. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the U.S.?

No Yes (Please include explanation below) Unsure (Please include explanation below)

18. Are you applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

No Please skip questions 19 & 20. Go directly to question 21.
 Yes Please answer questions 19, 20, and 21.

19. Do you or will you have any ownership interest in a business that manufactures, wholesales, or distributes alcohol in Oregon or another U.S. state?

No Yes (Please include explanation below) Unsure (Please include explanation below)

We want to brew beer.

20. Does or will an alcohol manufacturer, wholesaler, or distributor in Oregon or another U.S. state have any ownership interest in your business?

No Yes (Please include explanation below) ~~Unsure (Please include explanation below)~~

~~Have not gotten~~

21. Do you currently have, or will you have, any ownership interest in any business in Oregon with a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

No Yes (Please include explanation below) Unsure (Please include explanation below)

You must sign your own form. Another person, like your attorney or a person with power of attorney, may not sign your form. I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name: (LAST)	(FIRST)	(MIDDLE)
Borromed	AI	MENDEZOWA
Signature:	Date: 6/22/2020	



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Molalla River Brewing Company LLC

Applicant Name: ~~Al Borromeo~~

Phone: 5037934195

Trade Name (dba): Molalla River Brewing Company

Business Location Address: 170-180 Industrial Way

City: Molalla

ZIP Code: 97038

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 7 AM to 2:30 AM
 Monday 7 AM to 2:30 AM
 Tuesday 7 AM to 2:30 AM
 Wednesday 7 AM to 2:30 AM
 Thursday 7 AM to 2:30 AM
 Friday 7 AM to 2:30 AM
 Saturday 7 AM to 2:30 AM

Outdoor Area Hours:

Sunday 7 AM to 2:30 AM
 Monday 7 AM to 2:30 AM
 Tuesday 7 AM to 2:30 AM
 Wednesday 7 AM to 2:30 AM
 Thursday 7 AM to 2:30 AM
 Friday 7 AM to 2:30 AM
 Saturday 7 AM to 2:30 AM

The outdoor area is used for:

Food service Hours: 7 AM to 2:30 AM
 Alcohol service Hours: 7 AM to 2:30 AM
 Enclosed, how white fence

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- Live Music Karaoke
 Recorded Music Coin-operated Games
 DJ Music Video Lottery Machines
 Dancing Social Gaming
 Nude Entertainers Pool Tables
 Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday _____ to _____
 Monday _____ to _____
 Tuesday _____ to _____
 Wednesday _____ to _____
 Thursday _____ to _____
 Friday _____ to _____
 Saturday _____ to _____

SEATING COUNT

Restaurant: _____ Outdoor: _____
 Lounge: _____ Other (explain): _____
 Banquet: _____ Total Seating: _____

OLCC USE ONLY

Investigator Verified Seating: _____ (Y) _____ (N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature _____

te: 9/14/2020

City of Molalla

City Council Meeting



Agenda Category:

Subject: Liquor License Application – GALA Enterprises, LLC.

Recommendation: Approval

Date of Meeting to be Presented: December 9, 2020

Fiscal Impact: N/A

Background:

GALA Enterprises, LLC is requesting a Full On-Premises license at 113 Engle Avenue. This location is formerly known as Jasper’s Saloon.

This application has been reviewed and approved by Chief Schoenfeld.

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



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1st Location	Date application received and/or date stamp: 11-20-2020
<input type="checkbox"/> Brewery 2nd Location	
<input type="checkbox"/> Brewery 3rd Location	Name of City or County: <u>Molalla - Clackamas Co.</u>
<input type="checkbox"/> Brewery-Public House 1st Location	
<input type="checkbox"/> Brewery-Public House 2nd Location	Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied
<input type="checkbox"/> Brewery-Public House 3rd Location	
<input type="checkbox"/> Distillery	By: _____
<input checked="" type="checkbox"/> Full On-Premises, Commercial	Date: _____
<input type="checkbox"/> Full On-Premises, Caterer	OLCC USE ONLY
<input type="checkbox"/> Full On-Premises, Passenger Carrier	
<input type="checkbox"/> Full On-Premises, Other Public Location	Date application received: <u>10-26-2020</u>
<input type="checkbox"/> Full On-Premises, For Profit Private Club	By: <u>LT</u>
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	License Action(s): <u>n/o</u>
<input type="checkbox"/> Grower Sales Privilege 1st Location	
<input type="checkbox"/> Grower Sales Privilege 2nd Location	
<input type="checkbox"/> Grower Sales Privilege 3rd Location	
<input type="checkbox"/> Limited On-Premises	
<input type="checkbox"/> Off-Premises	
<input type="checkbox"/> Off-Premises with Fuel Pumps	
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1st Location	
<input type="checkbox"/> Winery 2nd Location	
<input type="checkbox"/> Winery 3rd Location	
<input type="checkbox"/> Winery 4th Location	
<input type="checkbox"/> Winery 5th Location	

2. Identify the applicant(s) applying for the license(s). ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license(s):

GALA Enterprise, LLC

(Applicant #1)

(Applicant #2)

(Applicant #3)

(Applicant #4)

3. Trade Name of the Business (Name Customers Will See) TBD		
4. Business Address (Number and Street Address of the Location that will have the liquor license) 113 Engle Ave		
City Molalla	County Clackamas	Zip Code 97038



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See) TBD			
6. Does the business address currently have an OLCC liquor license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
7. Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your mail)			
City	State	Zip Code	
	OR		
9. Phone Number of the Business Location TBD		10. Email Contact for this Application	
11. Contact Person for this Application Graig Austin			Phone Number 5
Contact Person's Mailing Address (if different) same	City	State	Zip Code

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is **prohibited** on the licensed premises.

I attest that all answers on all forms, documents, and information provided to the OLCC are true and complete.

Applicant Signature(s)

- Each individual person listed as an applicant must sign the application.
- If an applicant is an entity, such as a corporation or LLC, at least one person who is authorized to sign for the entity must sign the application.
- A person with the authority to sign on behalf of the applicant (such as the applicant's attorney or a person with power of attorney) may sign the application. If a person other than an applicant signs the application, please provide proof of signature authority.

Sign Here

Sign Here

(Applicant#1)

(Applicant#2)

Sign Here

Sign Here

(Applicant#3)

(Applicant#4)



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

1. Name: (LAST) <u>Austin</u>	(FIRST) <u>Greg</u>	(MIDDLE) <u>Earl</u>
2. Other Names Used (Maiden, Etc.):		
3. Do you have a Social Security Number (SSN) issued by the U.S. Social Security Administration? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide your SSN: _____		
<p>SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a).</p> <p>Do you voluntarily consent to the OLCC's use of your SSN as just described? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
4. Date of Birth (MM/DD/YYYY):	5. Contact Phone:	
6. Driver License or State ID #:	7. State: <u>OR</u>	
8. Residence Address:		
9. Mailing Address (if different):		
10. E-Mail (optional):		
11. Do you have a spouse or domestic partner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list his/her full name: <u>Lori Jeanne Austin</u>		
12. If yes to #11, will this person be involved in the management of, or have control over the business? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		
13. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of driving a car with a suspended driver license or driving a car with no insurance? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)		
14. In the past 10 years, have you been convicted ("convicted" includes paying a fine) in Oregon or another U.S. state of a FELONY ? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)		
15. Have you ever been in a drug or alcohol diversion program in Oregon or another U.S. state? A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense. <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Please include explanation below) <input type="checkbox"/> Unsure (Please include explanation below)		

16. Do you, or any legal entity that you are a part of, **currently hold** or **have previously held** a liquor license or a recreational marijuana license in Oregon or another U.S. state? (Note: alcohol service permits and marijuana worker permits are not liquor licenses).

No Yes (Please include explanation below) Unsure (Please include explanation below)

Current license holder for Jo's Saloon, 4400 SE International Way, Milwaukie OR 97222
Full On-Premises

17. Have you, or any legal entity that you are a part of, **ever** had an application for a license, permit, or certificate **denied or cancelled** by the OLCC or any other governmental agency in the U.S.?

No Yes (Please include explanation below) Unsure (Please include explanation below)

18. Are you applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

No Please skip questions 19 & 20. Go directly to question 21.

Yes Please answer questions 19, 20, and 21.

19. Do you or will you have any ownership interest in a business that manufactures, wholesales, or distributes alcohol in Oregon or another U.S. state?

No Yes (Please include explanation below) Unsure (Please include explanation below)

20. Does or will an alcohol manufacturer, wholesaler, or distributor in Oregon or another U.S. state have any ownership interest in your business?


No Yes (Please include explanation below) Unsure (Please include explanation below)

21. Do you currently have, or will you have, any ownership interest in any business in Oregon with a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license?

No Yes (Please include explanation below) Unsure (Please include explanation below)

GALA Enterprise, LLC dba Jo's Saloon
Looking to open a 2nd unit

You must sign your own form. Another person, like your attorney or a person with power of attorney, may not sign your form. I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name: (LAST) Austin	(FIRST) Greg	(MIDDLE) Earl
Signature: 	Date: 10/5/2020	



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: GALA Enterprises, LLC Phone: 503-516-9900 cell

Trade Name (dba): TBD

Business Location Address: 113 Engle Ave, Molalla OR

City: Molalla OR ZIP Code: 97038

DAYS AND HOURS OF OPERATION

Business Hours:	Outdoor Area Hours:	The outdoor area is used for:
Sunday <u>11 am</u> to <u>10 pm</u>	Sunday _____ to _____	<input type="checkbox"/> Food service Hours: _____ to _____
Monday <u>11 am</u> to <u>10 pm</u>	Monday _____ to _____	<input type="checkbox"/> Alcohol service Hours: _____ to _____
Tuesday <u>11 am</u> to <u>10 pm</u>	Tuesday _____ to _____	<input type="checkbox"/> Enclosed, how _____
Wednesday <u>11 am</u> to <u>10 pm</u>	Wednesday _____ to _____	The exterior area is adequately viewed and/or supervised by Service Permittees.
Thursday <u>11 am</u> to <u>10 pm</u>	Thursday _____ to _____	_____ (Investigator's Initials)
Friday <u>11 am</u> to <u>10 pm</u>	Friday _____ to _____	
Saturday <u>11 am</u> to <u>10 pm</u>	Saturday _____ to _____	

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT Check all that apply:

<input type="checkbox"/> Live Music	<input type="checkbox"/> Karaoke
<input checked="" type="checkbox"/> Recorded Music	<input type="checkbox"/> Coin-operated Games
<input type="checkbox"/> DJ Music	<input checked="" type="checkbox"/> Video Lottery Machines
<input type="checkbox"/> Dancing	<input type="checkbox"/> Social Gaming
<input type="checkbox"/> Nude Entertainers	<input type="checkbox"/> Pool Tables
	<input checked="" type="checkbox"/> Other: <u>TV-sports</u>

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	_____ to _____
Monday	_____ to _____
Tuesday	_____ to _____
Wednesday	_____ to _____
Thursday	_____ to _____
Friday	_____ to _____
Saturday	_____ to _____

SEATING COUNT

Restaurant: 32 Outdoor: _____

Lounge: _____ Other (explain): bar-6 VLT-6

Banquet: _____ Total Seating: 44

OLCC USE ONLY

Investigator Verified Seating: ____ (Y) ____ (N)

Investigator Initials: _____

Date: _____

I understand if my answer is false, the OLCC may deny my license application.
Applicant Signature: _____ Date: 10/5/2020

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 video conferencing meeting of July 16, 2020 was called to order by Valerie Coy at 6:00 PM.

ATTENDANCE:

Charlotte Bloebaum, Board Member – Present
Jessica Coy, Board Member – Present
Valerie Coy, Chair – Present
Cindy Fincher, Board Member – Absent

Jodie Newland, Council Liaison – Present

STAFF IN ATTENDANCE:

Diana Hadley, Library Director - Present

- 2. No Public Comment**

3. NEW BUSINESS:

- a. Open board member position
 - i. Interview with applicant Tina Teel
 - ii. Reviewed interview questions answered by email by applicant Dannie Aasted
- b. Nomination of applicant Tina Teel by Valerie Coy; 2nd by Charlotte Bloebaum

4. ANNOUNCEMENTS:

- a. August 15 – support the Romance Genre by purchasing or checking out a romance book
 - i. Molalla Library revamped paperback section; new romance novels available

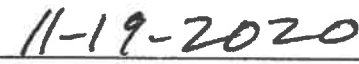
5. DIRECTOR'S REPORT:

- a. Curbside service, courier service from other libraries, hoopla update
- b. Staff working on summer reading program & fall planning
- c. Adopted budget
- d. Public survey results – 100% preferred print materials

- 6. ADJOURNMENT;** Motion by Jessica Coy; 2nd by Valerie Coy. Motion carried (3-0), all ayes at 6:27 PM.



Valerie Coy



Date

ATTEST:



Diana Hadley
Library Director



Planning Department
117 N Molalla Avenue
PO Box 248
Molalla, Oregon 97038
Phone: (503) 759-0205
communityplanner@cityofmolalla.com

Staff Report – DCA04-2020 Ordinance 2020-10

Subject: Consideration of amendment to Molalla Municipal Code (MMC) 17-2.2.030 Uses Allowed by Zoning District, MMC 17-2.3.220 Mobile Food Units (Special Use Standards), and MMC 17-5.1.020 Definitions.

Staff Recommendation: Staff recommends the Planning Commission recommend approval of the proposed code amendment.

Date of Public Hearing: City Council Public Hearing on December 09, 2020

Fiscal Impact: No direct impact.

Background: Staff is requesting the Planning Commission consider 3 amendments in order to provide comprehensive regulation on Mobile Food Unit operations and sites within the City of Molalla.

1. Amend MMC 17-5.1.020 to add 3 new definitions for “Mobile Food Unit,” “Temporary Mobile Food Unit,” and “Permanent Mobile Food Unit.”
2. Amend MMC 17-2.2.030 to allow Temporary Mobile Food Units to operate in the C2, M1, and M2 zones subject to special use standards, and to allow for Permanent Mobile Food Units to operate in the C1 and C2 zones subject to special use standards.
3. Amend MMC 17-2.3.220 to repeal the existing temporary ordinance and add a fully developed set of standards for all Mobile Food Unit operations and associated sites within the City of Molalla.

The proposal will be analyzed for compliance with the criteria in MMC 17-4.6.030(A) – (D):

- A. *If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with statewide planning goals and relevant administrative rules.*
- B. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);
- C. The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or code; and
- D. D. The amendment must conform to Section 17-4.6.050 Transportation Planning Rule Compliance. (Ord. 2017-08 §1)

Recommended Motion: *To read the First and Second Reading by Title only, to adopt on December 9, 2020.*

Exhibit A – Finding of Fact

Summary of Proposed Changes

1. Amend **MCC 17-5.1.020 Definitions** as follows:
 - a. Add definitions for Mobile Food Unit (MFU), Temporary Mobile Food Unit (TMFU), and Permanent Mobile Food Unit (PMFU).
 - b. There were previously no such definitions in the MCC.
2. Amend **MCC Table 17-2.2.030 Uses Allowed by Zoning District** as follows:
 - a. Add TMFU's and PMFU's to the Commercial Uses category.
 - b. Allow for TMFU operations in the C2, M1, and M2 zones, subject to special use standards.
 - c. Allow for PMFU operations in the C1, C2, and M1 zones, subject to special use standards.
 - d. There were previously no such categories in the MCC.
3. Amend **MCC 17-2.3.220 Mobile Food Units** as follows:
 - a. Creating a comprehensive set of regulations applicable to all MFU's operating within the city, another set of regulations specific to operation of TMFU's in the city, and a third set of regulations specific to operation of PMFU's within the city.
 - b. Creating a regulatory structure for the sites upon which TMFU's may operate, and a set of regulations for development of PMFU sites.
 - c. Creating a new "temporary mobile food unit license" to operate in place of a business license and requiring a business license for operation of PMFU's.
 - d. Codifying the processes by which a TMFU may be licensed and by which a PMFU site may be developed.
 - e. Providing the city, a right to inspect all MFU's to ensure compliance.
 - f. A temporary ordinance previously provided some limited guidance on MFU operations. The temporary ordinance is fully repealed by the ordinance at issue here.

Rationale for Proposed Changes

City Staff recommends adopting the proposed amendments to allow and regulate MFU operations in the City of Molalla based on broad community support for the activity and the many opportunities this type of use provides.

Adding MFU's to Molalla's repertoire carries several opportunities: enliven under-utilized spaces, entrepreneurship, Jobs, unique dining experiences, increased diversity in dining options, a business draw for locals and out-of-towners alike. Additionally, the City Council adopted Temporary Standards for MFU operations in July of 2020, which illustrates an intent to adopt a more comprehensive set of standards at sometime in the future.

TMFU's

Staff is proposing to limit the operations of TMFU's to the C2, M1, and M2 zones, and only on an existing, paved parking area. The overarching theme here is that TMFU's would be equivalent to the classic "roach coach" that has something equivalent to a route, pulls into the business parking lot, and offers various food options. However, the extended limit of 14 hours per day also provides opportunity for a full-day operation. TMFU's on one site at a given time are limited to three.

TMFU's are required to be fully self-contained, can operate only between 6am and 10pm, and must vacate the property upon which they operate immediately upon cessation of operations that day. There is no development allowed in conjunction with these operations, but temporary tables and chairs can be provided and must be removed when they cease operating on that site.

Other relevant licensing, waste management, and public safety provisions are contained in the MFU's Generally portion of the ordinance and are applicable to TMFU's. TMFU's are required to submit a list of properties that they will be licensed to operate on and are required to obtain permission of each property owner.

Property owners are jointly and severally liable to ensure TMFU's operating on their property are compliant with these regulations.

PMFU's

The primary differences between the standards for the two types of MFU are: 1) the sites upon which they are permitted to operate, the license they're required to obtain, and the zones in which they are allowed to operate.

Staff is proposing to limit the operations of PMFU's to the C1 and C2 zones. PMFU's can only operate on a site approved for PMFU operations. This requires site design review and compliance with all relevant code provisions. Not only does this ensure that a permanent MFU site is properly developed, it also helps provide a level playing field between MFU's and the city's brick and mortar restaurants.

All aspects of the development code apply to the development of PMFU sites, with additional requirements for fencing, surfacing, and sanitation facilities. PMFU's operating on a site approved for 3 or less PMFU's must be self-contained, those approved for 3 or more may be all self-contained, or all connected to water and/or sewer, subject to public works design approval.

Restroom facilities are required at PMFU sites. If the site is approved for only one PMFU, the facilities may be portable and self-contained, 2 or more requires use of an existing building restroom or development of restroom facilities.

Criteria for Review

Amendments to the Development Code shall be in conformance with the criteria found in MMC 17-4.6.030:

- A. If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules.***

Staff Analysis: There is no change to comprehensive plan.

Finding: This criterion is not applicable.

- B. The proposal must be consistent with the Comprehensive Plan.***

Goal 1: Citizen Involvement Policies (as applicable):

5. The City shall provide for a wide range of public involvement in City planning programs and processes. The City should:

5.1. Provide user-friendly information to assist the public in participating in City planning programs and processes, including available sources of media ranging from television (when available and free), radio (when available and free), Internet, newspapers, mailings, and meetings to provide for the highest involvement from citizens.

5.2. Provide information for public review while it is still in "draft" form, thereby allowing for community involvement before decisions are made. 2014 Molalla Comprehensive Plan

5.3. Provide for early public involvement to address neighborhood or community concerns regarding Comprehensive Plan and Development Code changes.

5.4. Provide data to interested citizens in non-technical and understandable terms.

5.5. Adopt procedures to allow interested parties reasonable access to information on which public bodies will base their land use planning decisions.

5.6. Provide data in a manner that is simple enough to give the public an opportunity to understand the issues. This includes technical data submitted by other parties.

Staff Analysis: The proposed amendment is consistent with the Comprehensive Plan. City staff met with multiple potential MFU developers, as well as some local businesses, and held multiple work sessions with the Planning Commission and City Council in public meetings. The proposed change was noticed to every address in the affected zones, advertised on the city's website, and in the Molalla Pioneer. The ordinance itself, in draft form, was made available at City Hall from the time of the notices on. There have been no public comments received to date with the exception of several citizens mentioning how excited they are for MFU's to come to Molalla.

Goal 2: Land Use Planning Process Goals (as applicable)

- *To participate with other jurisdictions and special districts to ensure appropriate land use and related issues are coordinated.*
- *To implement the community vision through the comprehensive planning process.*

Staff Analysis: The proposed amendment is consistent with the Comprehensive Plan. City staff utilized ordinances from multiple other jurisdictions in crafting the legislation at issue. Additionally, the community vision lists strengthening support of local businesses, craftspeople, and artisans under focus area #3. This ordinance would allow local culinary artisans to operate, and to do so at a cost that is more reasonable than the traditional brick and mortar set-up.

Goal 5: Natural and Historic Resources

- *To conserve open space and protect natural and historic resources.*

Staff Analysis: The proposed amendment is consistent with the Comprehensive Plan. This ordinance will allow further utilization of existing developed lands, thus preserving other resources that might be utilized (e.g. open space, natural and historic resources) in the alternative.

Goal 6: Environmental Quality

- *To maintain and improve the quality of the air, water, and land resources of the state.*

Staff Analysis: The proposed amendment is consistent with the Comprehensive Plan. Great lengths have been taken to ensure this ordinance promotes maintenance of air, water, and land resources. These are primarily seen in the self-containment rules promulgated within.

Goal 7: Natural Hazards

- *To protect life and property from natural disasters and hazards.*

Staff Analysis: The proposed amendment is consistent with the Comprehensive Plan. Due to their mobile nature, MFU's would be far less susceptible to natural hazards than a brick and mortar business.

Goal 9: Economic Development

- ***To expand the economic base to increase the economic independence of the area – through expansion and retention of existing businesses and recruitment of new businesses.***
- ***Actively support redevelopment efforts for under-utilized commercial and industrial sites within Molalla UGB.***
- ***Commercial and service uses in the City's industrial zones should be limited to small-scale uses that cater primarily to local area employees and customers.***
- ***The City shall ensure adequate amounts of suitable lands for the business community to thrive. 2014 Molalla Comprehensive Plan***
- ***The City shall make every effort possible to work with interested businesses to draw them to the community.***

Staff Analysis: The proposed amendment is consistent with the Comprehensive Plan. This ordinance will allow for a brand-new type of economic operation in the City of Molalla, and thus expanded business opportunities, as well as recruitment of new businesses. Underutilized commercial spaces may use this ordinance to expand operations on the space. It also provides for a small-scale commercial use in the industrial zone through provision of TMFU's. The city has been in talks with 3 interested business owners that would like to come to this community and operate MFU's in some capacity.

Finding: This criterion is met.

C. The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or code.

Staff Analysis: The proposed amendment is in the public interest and responds to changes in the community. This ordinance responds to the community's stated desire to have Mobile Food

Units operational within the City of Molalla, as seen through substantial citizen and business engagement, as well as the City Council’s adoption of a temporary ordinance providing standards for such operations. Allowing MFU’s to operate in a temporary and permanent capacity provides for expanded use of existing property and potential development of sites that tend to draw diverse business interests as well as patronage both local and from out-of-town. MFU’s have become part of the landscape of the Willamette Valley and provide great augmentation for existing businesses, as well as development of new.

Finding: This criterion is met.

D. The amendment must conform to Section 17-4.6.050 Transportation Planning Rule Compliance. (Ord. 2017-08 §1)

Staff Analysis: The proposed amendment does not impact Molalla’s statewide transportation facilities.

Finding: This criterion is met.

Adoption

This ordinance was available to the public, in writing, on December 1, 2020 (more than five days before this meeting) and may be adopted at a single meeting by unanimous council approval.

Proposed Motion: I move that the Molalla City Council adopt Ordinance 2020-10 AMENDING MOLALLA MUNICIPAL CODE SECTIONS 17-2.3.220 MOBILE FOOD UNITS, 17-5.1.020 DEFINITIONS, AND 17-2.2.030 TABLE OF ALLOWED USES BY ZONING DISTRICT



ORDINANCE NUMBER 2020-10

**AMENDING MOLALLA MUNICIPAL CODE SECTIONS
17-2.3.220 MOBILE FOOD UNITS, 17-5.1.020 DEFINITIONS,
AND 17-2.2.030 TABLE OF ALLOWED USES BY ZONING DISTRICT**

WHEREAS, Mobile food units provide opportunities to enliven under-utilized spaces, increased draw for consumers, entrepreneurship, increased job opportunities in the community, and a unique dining experience; and

WHEREAS, The City of Molalla adopted temporary mobile food unit legislation in ordinance 2020-08; and

WHEREAS, The need for a comprehensive set of laws regarding mobile food unit operations and licensing remained; and

WHEREAS, City staff has determined that the community supports mobile food units.

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

Section 1. Molalla Municipal Code (MMC) Section 17-2.3.220 *Mobile Food Units Temporary Standards* is replaced in its entirety by Section 17.2.3.220 *Mobile Food Units* in Exhibit "A."

Section 2: MMC Section 17-5.1.020 *Definitions* is amended to include the definitions in Exhibit "A."

Section 3. MMC Table 17-2.2.030 *Uses Allowed by Zoning District* is amended to include the uses outlined in Exhibit "A."

Section 4. Effective Date. The effective date of this amendment will take place thirty (30) calendar days after adoption of the Ordinance.

Signed this 9th day of December, 2020.

Mayor Keith Swigart

ATTEST:

Christie DeSantis, City Recorder

Exhibit A Ordinance 2020-10

MMC 17-5.1.020 Definitions

Mobile Food Unit. Any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.

Mobile Food Unit, Temporary. Any mobile food unit that operates, in any part, on a site that has not been approved as a permanent mobile food unit site.

Mobile Food Unit, Permanent. Any mobile food unit that operates, in any part, on a site that has been approved as a permanent mobile food unit site.

MMC Table 17-2.2.030 Uses Allowed by Zoning District

Uses	Residential Zones				Commercial Zones and Industrial Zones				Public Use	Special Use Standards
	R1	R2	R3	R5	C1	C2	M1	M2		
C. Commercial Uses					C1	C2	M1	M2	PSP	
Temporary Mobile Food Units	N	N	N	N	N	S	S	S	N	Ch. 17-2.3
Permanent Mobile Food Units	N	N	N	N	S	S	S	N	N	Ch. 17-2.3

MMC 17-2.3.220 Mobile Food Units

A. Applicability.

No Mobile Food Unit may operate within the city limits of Molalla except as permitted in this chapter, or as authorized by an event permit issued by the City of Molalla.

Mobile Food Unit owners, mobile food unit licensees, and the owner(s) of property upon which mobile food units operate are jointly and severally liable for non-compliance with this ordinance.

B. Mobile Food Units Generally.

The following standards apply to all mobile food units operating within the City of Molalla whether Temporary or Permanent.

1. Accessory Use. Mobile Food Units shall be permitted as an accessory use in all zones in which they are "Permitted Subject to Special Use Standards (S)," provided they conform to all provisions of this ordinance and all relevant provisions of the Molalla Development Code (MMC Title 17).

2. Public Facilities, Self-Containment, Waste, and Utilities.

- a. Waste in General. Except as permitted by the City of Molalla, a mobile food unit owner and the property owner of the site where the mobile food unit is operating are expressly prohibited from allowing any type of discharge, drainage, leakage, solid waste, or liquid waste associated with a mobile food unit to:
 - i. enter the stormwater or wastewater systems; or
 - ii. be dumped or otherwise spilled on the ground, streets, or sidewalks.
- b. Self-Containment. Notwithstanding MMC 17-3.6.040, all temporary mobile food units, and all mobile food units operating on a site approved for three (3) or less permanent mobile food units shall be totally self-contained and connect to individual wastewater and potable water tanks at all times.
 - i. Mobile food units operating on a site approved for four (4) or more permanent mobile food units may choose between self-containment, connecting to city water, connecting to city sewer, or a combination of self-containment and city water and/or sewer. All city water and sewer connections are subject to MMC 17-3.6.040 and MMC 13.14.
 - ii. All mobile food units on a given site shall be uniform in regard to self-containment or connection to one or more city services (e.g. all connected to water, all connected to sewer).
- c. Solid Waste. All solid wastes associated with the mobile food unit, or its patronage, must be kept at all times fully enclosed in a trash bin or recycling receptacle, as applicable.
 - i. Solid wastes must be disposed of on a schedule at least as often as that offered by the City's solid waste franchise. Disposal must be by lawful means.
- d. Utility Lines and Tanks. All utility lines and tanks shall be placed underground or otherwise screened, covered, or hidden from view from the right-of-way as to minimize visual impacts and prevent unsafe conditions.
 - i. Power may not be connected by overhead wires to the individual mobile food units.
- e. Public Right of Way. No portion of the mobile food unit, equipment, customer service areas, or any other associated object may be located within the public right of way.

3. Condition of Unit and Site.

- a. Mobile food units must be equipped with wheels and the wheels may not be removed.
- b. Mobile food units must be kept in a state of good repair, including but not limited to:
 - i. an exterior that is clean and free from rust, peeling paint, and visibly worn or broken exterior equipment; and
 - ii. any other defect that reasonably detracts from the public's aesthetic appreciation of the unit or the site.
- c. The site area adjacent to the unit must be kept in a state of good repair, including but not limited to:
 - i. free from trash, waste, broken or visibly worn equipment and furnishings;
 - ii. and any other defect that reasonably detracts from the public's aesthetic appreciation of the site.
- d. Site Surfacing.

- i. Temporary mobile food units may only operate on a paved parking area.
 - ii. Permanent mobile food units may only operate on a site with a hard surface sufficient in size to minimize dust and facilitate all mobile food unit operations, and related customer activities such as eating, ingress, and egress.
 - 1. Gravel and soil surfaces are prohibited.
 - iii. The surfacing requirement does not apply to permanent mobile food units that pre-exist the date this ordinance was adopted unless and until the mobile food unit moves from the site for a period of 30 or more days.
 - e. Separation and Setbacks. All mobile food units on a site shall be located a minimum of:
 - i. Five (5) feet from any structure or mobile food unit;
 - ii. Ten (10) feet from any front or street-side lot line;
 - iii. Five (5) feet from any side or rear lot line;
 - iv. Twenty (20) feet from any lot line abutting a residential zone.
4. Nature of Operations and Right to Inspect.
- a. Mobile food units shall primarily sell food items.
 - b. Mobile food units may not sell, offer, provide or in any way transfer cannabis in any form.
 - c. At all times mobile food units are subject to inspection by City of Molalla Code Enforcement, City of Molalla Police Department, and Molalla Fire District personnel on official business.
5. Legal Requirements.
- a. Licensing.
 - i. All mobile food units must possess and display a valid Clackamas County Mobile Food Unit License.
 - ii. Temporary mobile food units must possess and display a valid City of Molalla temporary mobile food unit license.
 - iii. Permanent mobile food units must possess and display a valid City of Molalla business license.
 - b. Compliance with Laws. Mobile food units and the property upon which they operate must maintain continuous compliance with all applicable laws and rules of the federal, state, county, and city, governments.

C. Temporary Mobile Food Units.

The provisions of this section apply to all mobile food units operating in the City of Molalla in any part on a site or sites that have not been approved for placement of a permanent mobile food unit or units, and to the sites upon which temporary mobile food units are allowed to operate.

- 1. Zoning. Temporary mobile food units may only operate in the following zones:
 - a. General Commercial (C-2), Light Industrial (M-1), and Heavy Industrial (M-2) zones.
- 2. Placement.

- a. No more than three (3) temporary mobile food units may be present on one property at any time unless it is for the sole purpose of storing the unit(s). Temporary mobile food units may not be stored upon any property upon which they operate.
 - b. Temporary mobile food units may not be placed in any location that hinders access for emergency vehicles or impacts the traffic pattern on any public roadway.
 - c. Temporary mobile food units must not be placed in a way that results in a violation of federal, state, county, or city laws, or any condition of a land use or permitting action.
3. Accessory Items and Structures.
- a. Development and improvements related to temporary mobile food unit operations are strictly prohibited except that a paved parking lot may be expanded, subject to the provisions of the Molalla City Code, to facilitate such operations.
 - b. Temporary tables, chairs, lighting, and shelter may be provided during temporary mobile food unit operations but must be removed upon cessation of operations at the site each day.
 - c. Trash receptacles for customer use must be provided and maintained within ten (10) feet of the temporary mobile food unit and must be removed upon cessation of operations each day.
4. Operating Hours.
- a. Temporary mobile food units may only operate for 14 or less hours per calendar day, and only between the hours of 6:00am and 10:00pm.
 - b. Temporary mobile food units must vacate all properties upon which they operate immediately upon cessation of operations.

D. Permanent Mobile Food Units.

The provisions of this section apply to all permanent mobile food unit sites and mobile food units that operate thereon in any part.

- 1. Zoning. Permanent mobile food unit sites may only be approved in the following zones:
 - a. Central Commercial (C-1), General Commercial (C-2), and Light Industrial (M-1).
 - b. Licensed permanent mobile food units may operate as a temporary mobile food unit but must first submit and gain approval of a list of addresses upon which they intend to operate as a temporary mobile food unit.
 - i. Licensed permanent mobile food units operating outside the permanent mobile food unit site for which they are licensed must comply with all of the provisions of sections B and C of this ordinance, except that they need not obtain a temporary mobile food unit license.
- 2. Development Code.
 - a. Except as specifically delineated in this ordinance, all permanent mobile food unit sites must comply with the applicable provisions of MMC Title 17 in general and specifically for commercial activities classified as Retail Sales and Commercial Service.

3. Fencing.

- a. Permanent mobile food unit sites with approval for four (4) or more permanent mobile food units shall be fully enclosed by a fence, wall, exterior building wall, or combination thereof.
- b. Notwithstanding MMC section 17-3.4.040, the design and dimensions of fences or walls used to satisfy the requirement of this section are subject to approval by the Planning Official.
 - i. The planning official shall base their approval of a proposed wall or fence on a balance of the Community Design Standards in MMC 17-3.4.040, the location of the parcel and surrounding uses, and the aesthetics of the proposal.
 - ii. Clear vision standards may only be waived by variance.

4. Sanitation Facilities.

- a. A permanent mobile food unit site authorized for three (3) or less mobile food units:
 - i. Shall have at least one (1) toilet and one (1) hand washing facility available to employees and the public at all times of operation.
 1. The toilet and hand washing facilities may be portable, part of an existing building on-site, or constructed in accordance with the Molalla City Code and Oregon Specialty Building Code.
 2. No more than one (1) portable toilet per permanent mobile food unit is allowed.
- b. A permanent mobile food unit site authorized four (4) or more mobile food units:
 - i. Shall have at least two (2) toilets and two (2) hand washing facilities available to employees and the public at all times of operation.
 1. The toilet and hand washing facilities may be portable, part of an existing building on-site, or constructed in accordance with the Molalla City Code and Oregon Specialty Building Code.
 2. No more than one (1) portable toilet per permanent mobile food unit is allowed.

5. Liquid Waste Collection

- a. All permanent mobile food units must provide a liquid waste collection plan outlining:
 - i. How liquid waste will be collected and disposed of;
 - ii. How often liquid waste will be removed from the site and disposed of;
 - iii. What company will collect and dispose of the liquid waste.

E. Process.

1. Temporary Mobile Food Units. Prior to operation, a Temporary Mobile Food Unit owner must submit to city hall a temporary mobile food unit license application including a list of addresses upon which they intend to operate, and the appropriate fee. These licenses expire on December 31st of each year and must be renewed.

- a. Temporary mobile food units may only operate on premises approved on their application, and only with property owner consent.
 - b. Additional addresses may be added by filing an addendum at City Hall, subject to approval by city staff. Approved additional address addendums become part of the approved license and must be kept with the original license approval.
 - c. The temporary mobile food unit license fee will be set from time to time by resolution of the City Council.
 - d. Temporary mobile food unit licenses run with the owner and must be reapplied for upon a change of ownership.
2. Permanent Mobile Food Unit Site. Prior to beginning mobile food unit operations, a property owner must submit a Zoning Checklist in accordance with MMC 17-4.1.020, and comport with all required land use & permitting requirements in MMC Title 17.
 3. Permanent Mobile Food Units. Prior to operation, a Permanent Mobile Food Unit owner must submit to city hall, and receive approval of, a City of Molalla business license application and the associated fee in accordance with the provisions of MMC Title 5.

F. Enforcement and Penalties.

1. Violations of development related provisions of this ordinance shall be subject to the enforcement and penalty provisions of MMC Title 17.
2. All other violations shall be subject to the general penalty in MMC 1.04.010.

G. Severability.

In the event any provisions of this chapter shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision.

City Of Molalla

City Council Meeting



Agenda Category: New Business

Subject: RES 2020-25 System Development Charges Fee Update

Recommendation: Council Approval

Date of Meeting to be Presented: December 9, 2020

Fiscal Impact: Street SDC

Background:

On November 19, 2020, City Council approved a reduction in Transportation SDC's for Dollar General and directed staff to prepare an SDC Resolution for the December 9th meeting reducing Transportation SDC's to September 2019 values until June 30, 2021. Council also will review the Transportation Capital Improvement Plan projects and associated Transportation SDC's and set final Transportation SDC's prior to the June 30, 2020 deadline.

Staff recommends City Council adopt Resolution 2020-25.

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



RESOLUTION NO. 2020-25

A RESOLUTION OF THE CITY OF MOLALLA REPEALING THE EXISTING AND ADOPTING AN UPDATED SYSTEM DEVELOPMENT CHARGE RATES FOR THE WATER, SANITARY SEWER, STORMWATER, TRANSPORTATION AND PARK SYSTEM FOR EACH UTILITY.

WHEREAS, Chapter 223 of the Oregon Revised Statutes authorizes the City of Molalla to establish System Development Charge methodologies and rates for utilization of eligible public utilities; and

WHEREAS, Chapter 13.14 of the Molalla Municipal Code provides for the establishment and revision of System Development Charges by resolution; and

WHEREAS, the City Council met on November 18, 2020 to review the Transportation System Development Charge rates for Dollar General reset those rates to September 2019 values; and

WHEREAS, the City Council wishes to temporarily set all Transportation System Development Charge rates to September 2019 values until June 30, 2021 in order to have the opportunity to review the Transportation Capital Improvement Plan project list and set a new rate; and

WHEREAS, the rate will return to the original values on July 01, 2020 if the City Council decides not to make any adjustments to the Transportation System Development Charge rates.

NOW, THEREFORE, IT IS HEREBY RESOVLED by the City Council of the City of Molalla as follows:

1. The revised Rates established in the System Development Charge (SDC) Methodology attached hereto as Exhibit "A" are hereby adopted.
2. The inflationary index shall be applied yearly to the water, sewer, stormwater and parks rates based on the Engineering News Record (ENR) cost escalation factor Construction Cost Index (CCI) in accordance with the SDC methodology.
3. The inflationary index shall be applied yearly to the transportation SDC's after June 30, 2020 based on the Engineering News Record (ENR) cost escalation factor Construction Cost Index (CCI) in accordance with the SDC methodology.
4. Resolution 2019-18 is hereby repealed upon adoption of this Resolution.

DULY ADOPTED AND EFFECTIVE the 9th day of December 2020.

Mayor Keith Swigart

ATTEST:

Christie DeSantis, City Recorder

EXHIBIT "A"



CITY OF MOLALLA
SYSTEM DEVELOPMENT CHARGES (SDC)

EFFECTIVE DECEMBER 09, 2020

WATER SYSTEM SDC'S RATE SCHEDULE

METER SIZE	EDU FACTOR	IMPROVEMENT SDC	REIMBURSEMENT SDC	ADMIN SDC (2%)	TOTAL SDC
3/4"*	1	\$3,343	\$619	\$80	\$4,042
1"***	1.67	\$5,571	\$1,032	\$133	\$6,736
1 1/2"	3.33	\$11,142	\$2,064	\$265	\$13,471
2"	5.33	\$17,828	\$3,302	\$423	\$21,553
3"	10.67	\$35,655	\$6,603	\$846	\$43,104
4"	16.67	\$55,710	\$10,317	\$1,321	\$67,348
6"	33.33	\$111,420	\$20,634	\$2,642	\$134,696

* Includes 5/8" x 3/4" and 3/4" x 3/4" meters.

** Single family required to have a 1" meter due to fire sprinkler system requirements shall be charged at the 3/4" meter rate.

SEWER SYSTEM SDC'S RATE SCHEDULE

METER SIZE	EDU FACTOR	IMPROVEMENT SDC	REIMBURSEMENT SDC	ADMIN SDC (2%)	TOTAL SDC
3/4"*	1	\$10,623	\$198	\$217	\$11,038
1"	1.67	\$17,705	\$330	\$361	\$18,396
1 1/2"	3.33	\$35,410	\$660	\$722	\$36,792
2"	5.33	\$56,656	\$1,056	\$1,155	\$58,867
3"	10.67	\$113,312	\$2,112	\$2,309	\$117,733
4"	16.67	\$177,050	\$3,300	\$3,607	\$183,957
6"	33.33	\$354,100	\$6,600	\$7,214	\$367,914

* Includes 5/8" x 3/4" and 3/4" x 3/4" meters.

STORM DRAINAGE SYSTEM SDC'S RATE SCHEDULE

LAND USE	UNITS	IMPROVEMENT SDC	REIMBURSEMENT SDC	ADMIN SDC (2%)	TOTAL SDC
All Types	EDU	\$891	\$41	\$18	\$950/EDU

* EDU are total square feet of impervious divided by 2,640 square feet. Single Family homes count as 1 EDU.

EXHIBIT "A"

TRANSPORTATION SYSTEM SDC'S RATE SCHEDULE (EFFECTIVE DECEMBER 09, 2020)

LAND USE	UNITS	IMPROVEMENT SDC	REIMBURSEMENT SDC	ADMIN SDC (2%)	TOTAL SDC
All Types	TOTAL TRIP ENDS	\$3,374	\$769	\$83	\$4,226/PMPH TRIP

* Units are based on ITE trip manual for adjacent street traffic. Trip generation is based on the higher value of AM or PM Peak Hour trips.

TRANSPORTATION SYSTEM SDC'S RATE SCHEDULE (EFFECTIVE JULY 01, 2021)

LAND USE	UNITS	IMPROVEMENT SDC	REIMBURSEMENT SDC	ADMIN SDC (2%)	TOTAL SDC
All Types	TOTAL TRIP ENDS	\$11,932	\$769	\$254	\$12,955/PMPH TRIP

* Units are based on ITE trip manual for adjacent street traffic. Trip generation is based on the higher value of AM or PM Peak Hour trips.

PARKS AND RECREATION SYSTEM SDC'S RATE SCHEDULE

USER TYPE	IMPROVEMENT SDC	REIMBURSEMENT SDC	ADMIN SDC (2%)	TOTAL SDC
Residential/Unit	\$2,500	\$0	\$50	\$2,550

Annual Improvement Fee Adjustments using Engineering News Record (ENR) Published Annual Index Changes as approved by City Council: Resolution 2020-25

Post Office Box 1808
Oregon City, OR 97045
503.829.6183
Fax: 503.656.0320
www.molallasanitaryservice.com



MOLALLA
SANITARY
Services, Inc.

November 23, 2020

Mr. Dan Huff
City Manager
City of Molalla
117 N. Molalla Ave
Molalla, OR 97038

Re: Molalla Sanitary
Rate Adjustment

Dear Dan,

We are honored to be the provider of solid waste services to the City of Molalla for many years and are excited to continue providing services in the years ahead. Our service goal has been, and will continue to be, to provide the highest level and efficient collection service available in the industry. The automated lift collection vehicles are efficient in emptying each cart; have economical disposal sites for the various collection material, and our driver workforce averages over 15 years with us.

Clackamas County reviews the financial results of each franchisee in the County. They contract with an outside consulting group specializing in solid waste financial analysis to perform an analysis of the data submitted. Cost are adjusted to eliminate allowed for tax purposes but not allowed for determining collection fees. The County's policy is to measure the health of the solid waste collection system within a range of 8-12% return on revenues. For 2019 the county collection system was slightly below the range.

At this time we are requesting a rate adjustment. Since our last rate adjustment, solid waste disposal has increased by \$12.83/ton a 19.4% change. Overall the rate adjustment request is 8% with disposal increase representing 6% by itself.

We are providing a comparison of the rate in the surrounding unincorporated County, other cities we service and other County cites outside the Urban Growth Boundary.

Thank you for your consideration of this rate adjustment.

Very Truly Yours,

Molalla Sanitary

Molalla Sanitary
 Current rates
 Effective as of December 1, 2019

Cart Rates

Residential

20gal	Weekly	16.92
35gal	Weekly	22.35
65gal	Weekly	31.04
95gal	Weekly	36.05
35gal	Monthly	13.00
35gal	Will call	9.25
Bag <20gal	Will call	6.00
Extra 35gal equivalent		7.40

Yard Debris extra		3.10
Yard Debris yearly		63.60
Recycling Only	4.50 Fixed monthly rate	

Multi-Family Central billing

20gal	Weekly	15.72
35gal	Weekly	21.15
65gal	Weekly	29.84
95gal	Weekly	34.85

Commercial

35gal	Weekly	22.35
65gal	Weekly	31.04
95gal	Weekly	36.05
Ea .	Additional Cart	(1.60) Weekly Rate

Molalla Sanitary
 Proposed Rates
 Effective as of January 1, 2021

Cart Rates

Residential

20gal	Weekly	18.27
35gal	Weekly	24.14
65gal	Weekly	33.52
95gal	Weekly	38.93
35gal	Monthly	13.85
35gal	Will call	10.00
Bag	Will call	6.45
Extra 35gal equivalent		7.75

Yard Debris extra		3.10
Yard Debris yearly		63.60
Recycling Only	4.50 Fixed monthly rate	

Multi-Family Central billing

20gal	Weekly	16.67
35gal	Weekly	22.54
65gal	Weekly	31.92
95gal	Weekly	37.33

Commercial

35gal	Weekly	24.14
65gal	Weekly	33.52
95gal	Weekly	38.93
Ea .	Additional Cart	(1.60) Weekly Rate

Molalla Sanitary
Current rates
Effective as of December 1, 2019

Molalla Sanitary
Proposed Rates
Effective as of January 1, 2021

Container Rates

Pickup's per week Containers	1	2	3	4	5
1-1/3yd	138.31	261.62	384.93	508.24	631.55
ea add'l	119.60	239.20	358.80	478.40	598.00
Will Call	52.00				
Extra Pick-Up	42.08				
1 1/2yd	151.57	288.14	424.71	561.28	697.85
ea add'l	131.55	263.10	394.65	526.20	657.75
Will Call/temporary	56.00				
Extra Pick-Up	45.39				
2yd	201.41	387.82	574.23	760.64	947.05
ea add'l	176.45	352.90	529.35	705.80	882.25
Will Call/temporary	74.00				
Extra Pick-Up	57.85				
3yd	290.93	566.86	842.79	1,118.72	1,394.65
ea add'l	235.90	471.80	707.70	943.60	1,179.50
Will Call/temporary	110.00				
Extra Pick-Up	80.23				
4yd	380.45	745.90	1,111.35	1,476.80	1,842.25
ea add'l	308.50	617.00	925.50	1,234.00	1,542.50
Will Call/temporary	142.00				
Extra Pick-Up	102.61				
5yd	469.97	924.94	1,379.91	1,834.88	2,289.85
ea add'l	381.05	762.10	1,143.15	1,524.20	1,905.25
Will Call/temporary	175.00				
Extra Pick-Up	124.99				
6yd	559.50	1,104.00	1,648.50	2,193.00	2,737.50
ea add'l	453.65	907.30	1,360.95	1,814.60	2,268.25
Will Call	210.00				
Extra Pick-Up	147.38				
8yd	677.10	1,339.20	2,001.30	2,663.40	3,325.50
ea add'l	549.00	1,098.00	1,647.00	2,196.00	2,745.00
Extra Pick-Up	176.78				

Container Rates

Pickup's per week Container size	1	2	3	4	5
1-1/3yd	149.37	283.75	418.12	552.50	686.87
ea add'l	129.96	259.91	389.87	519.82	649.78
Will Call	65.89				
Extra Pick-Up	44.84				
1 1/2yd	163.70	312.39	461.09	609.78	758.48
ea add'l	142.42	284.83	427.25	569.66	712.08
Will Call/temporary	70.62				
Extra Pick-Up	48.42				
2yd	217.52	420.05	622.57	825.09	1,027.61
ea add'l	189.24	378.49	567.73	756.98	946.22
Will Call/temporary	88.38				
Extra Pick-Up	61.88				
3yd	314.20	613.41	912.61	1,211.82	1,511.02
ea add'l	273.36	546.72	820.07	1,093.43	1,366.79
Will Call/temporary	120.29				
Extra Pick-Up	86.05				
4yd	410.89	806.77	1,202.66	1,598.54	1,994.43
ea add'l	357.47	714.94	1,072.41	1,429.88	1,787.35
Will Call/temporary	152.19				
Extra Pick-Up	110.22				
5yd	507.57	1,000.14	1,492.70	1,985.27	2,477.84
ea add'l	441.58	883.17	1,324.75	1,766.34	2,207.92
Will Call/temporary	184.10				
Extra Pick-Up	134.39				
6yd	604.26	1,193.52	1,782.78	2,372.04	2,961.30
ea add'l	525.71	1,051.41	1,577.12	2,102.82	2,628.53
Will Call	216.01				
Extra Pick-Up	158.57				
8yd	731.27	1,447.54	2,163.80	2,880.07	3,596.34
ea add'l	636.20	1,272.41	1,908.61	2,544.81	3,181.02
Extra Pick-Up	257.92				

Molalla Sanitary
 Current rates
 Effective as of December 1, 2019

Molalla Sanitary
 Proposed Rates
 Effective as of January 1, 2021

Recycling Container	IF no Solid Waste container service	3.25	per YARD per Weekly yards
Open Drop Box Fees		Haul	Disposal
	Scheduled Service		
10yd		112.00	Plus Disposal rate with 14% surcharge
20yd		112.00	Plus Disposal rate with 14% surcharge
30yd		132.00	Plus Disposal rate with 14% surcharge
40yd		152.00	Plus Disposal rate with 14% surcharge
	<4 Haul/site		
10yd		142.00	Plus Disposal rate with 14% surcharge
20yd		142.00	Plus Disposal rate with 14% surcharge
30yd		162.00	Plus Disposal rate with 14% surcharge
40yd		182.00	Plus Disposal rate with 14% surcharge
Compacted Drop Box Haul Fee			
Under 25yd		135.00	Plus Disposal rate with 14% surcharge
30yd		155.00	Plus Disposal rate with 14% surcharge
40yd		175.00	Plus Disposal rate with 14% surcharge
Contaminated Boxes		400.00	Customer pays Hillsboro Landfill direct

Recycling Container	IF no Solid Waste container service	3.25	per YARD per Weekly yards
Open Drop Box Fees		Haul	Disposal
	Scheduled Service		
10yd		122.00	Plus Disposal rate with 14% surcharge
20yd		122.00	Plus Disposal rate with 14% surcharge
30yd		142.00	Plus Disposal rate with 14% surcharge
40yd		162.00	Plus Disposal rate with 14% surcharge
	<4 Haul/box		
10yd		152.00	Plus Disposal rate with 14% surcharge
20yd		152.00	Plus Disposal rate with 14% surcharge
30yd		182.00	Plus Disposal rate with 14% surcharge
40yd		212.00	Plus Disposal rate with 14% surcharge
Compacted Drop Box Haul Fee			
Under 25yd		145.00	Plus Disposal rate with 14% surcharge
30yd		165.00	Plus Disposal rate with 14% surcharge
40yd		185.00	Plus Disposal rate with 14% surcharge
Contaminated Boxes		425.00	Customer pays Hillsboro Landfill direct

SUMMARY OF COMPARATIVE RATES

As of November 1, 2020

Residential Weekly Pickup Service	Oregon City	Gladstone	Current Molalla	Proposed Molalla	Clackamas County	Canby	Canby 3/1/21
20 Gal. Cart	23.03	23.35	16.92	18.27	30.85	22.74	24.85
35 Gal. Cart	28.33	28.80	22.35	24.14	35.10	27.08	29.56
65 Gal. Cart	38.15	39.15	31.04	33.52	45.60	43.35	47.32
95 Gal. Cart	41.25	42.35	36.05	38.93	51.45	48.07	52.46



**MOLALLA
SANITARY
SERVICE, INC.**

Uniform Drop Box Service Fees:

Rental Fee:

Occasional: \$6.80 per day after 2 working days at one site or \$68.00 per month whichever is less and only if less than one load per week is hauled.

Industrial/Commercial/Multifamily: \$55.00 per month each box

Lid Fee:

Occasional \$5.00 per week billed on 1st day of delivery for boxes with an attached lid.

Industrial/Commercial/Multifamily: \$20.00 per month

Delivery Fee \$30.00

Incidental Service Fees: \$18.00 per 5 minute increment

Standby Time: Charged when waiting for the box to be cleared, cars to be moved, etc.

Leveling Load: If a driver has to spend time getting the load level to haul it safely.

Wash Out: \$45.00 Assessed when the customer requests the service. Also assessed when drop box is contaminated and requires cleaning before delivering to a new site.

Compactor Turn-around: \$25.00 for compactor requiring repositioning on truck to enable collection and tip.

Dry Run: \$40.00 assessed when the scheduled collection is prevented because the box is blocked or the customer is not ready.

Disposal Site Rejected load returned to customer: \$65.00

Deadhead Round Trip: \$40.00 to be used for specialized boxes that cannot be exchanged.

Miscellaneous Services

Reinstatement Fee: \$10.00 When service is reinstated after it has been stopped for non-payment of if customer stops and starts more than twice in a calendar year.

Cart Redelivery: \$15.00 If cart picked up then service restarted within 12 months for non-payment.

Extra Bags: 1st Small Bag \$5.00 - \$2.00 per additional bag

Extra Cart (non Bag): 20 Gal \$3.50
35 Gal \$7.75

Trash in Yard Debris Cart: \$9.90

Trash in Recycling Cart: \$11.15



MOLALLA
SANITARY
SERVICES, INC.

Bulky Items		
APPLIANCES (Washer, Dryer, Stove, etc.)	\$	20.00
FRIDGE, FREEZER, AC	\$	40.00
Dense Foam Mattress Queen or King	\$	17.50
Box Springs	\$	7.50
Interspring or light foam Mattress	\$	10.00
COUCH	\$	10-\$15
CHAIR (OC)	\$	7.50-\$12
CHAIR (M, G)	\$	5.45-\$10
TIRE OFF RIM	\$	5.00
TIRE ON RIM	\$	10.00
BATTERY	\$	10.00
FILE CABINET	\$	5.00
TREADMILL	\$	20.00
TOILET	\$	5.00
Inside pickup per flight of stairs per trip	\$	9.00
INSIDE PICKUP	\$	5.00

ORDINANCE NO. 2007-01
MOLALLA, OREGON

AN ORDINANCE REPEALING CHAPTER 8.08 AND REPLACING IT WITH A NEW CHAPTER 8.08 TO REGULATE AND FRANCHISE SOLID WASTE COLLECTION IN THE CITY OF MOLALLA; GRANTING A SOLID WASTE FRANCHISE TO MOLALLA SANITARY SERVICE.

WHEREAS, under ORS 459A.085, the City of Molalla has been given the authority to enact regulations providing for the local franchising of solid waste haulers;

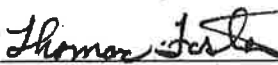
WHEREAS, the Molalla City Council believes it appropriate to exercise that authority; and

WHEREAS, the City of Molalla's current solid waste regulations which were adopted in 1980 are in need of updating to meet the requirements imposed by state law for the exercise of franchising authority.

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

SECTION 1. Chapter 8.80 of the Molalla Municipal Code is hereby repealed and replaced with a new Chapter 8.80 which is to read as set out in Exhibit "A" attached hereto.

THIS ORDINANCE ADOPTED BY THE MOLALLA CITY COUNCIL AND APPROVED BY THE MAYOR THIS 14th DAY OF ~~FEBRUARY~~ march, 2007.



Thomas Foster, Mayor

ATTEST this 14th day of march 2007



Melanie Maben, City Recorder

EXHIBIT "A"

- 8.08.010 Purpose.
- 8.08.020 Definitions.
- 8.08.030 Franchise authority.
- 8.08.040 Franchise Exceptions.
- 8.08.050 Franchise--Term.
- 8.08.060 Franchisee's Obligations.
- 8.08.070 Supervision by City Manager.
- 8.08.080 Franchise--Suspension, modification or revocation.
- 8.08.090 Interruption of service.
- 8.08.100 Termination of service.
- 8.08.110 Subcontracts.
- 8.08.120 Rates.
- 8.08.130 Public responsibility.
- 8.08.140 Construction.
- 8.08.150 Prohibited actions.
- 8.08.160 Enforcement.

8.08.010 Purpose.

It is declared to be the public policy of the City of Molalla to regulate solid waste management and thereby to:

- A. Protect the public health, safety and welfare.
- B. Provide comprehensive solid waste service with rates that are reasonable, but adequate to provide necessary public service, and to prohibit rate preferences and other discriminatory practices.
- C. Provide for resource recovery through Franchisee and permit Franchisee to cooperate in a county-wide program or any other area-wide program with others franchised by Clackamas County, other cities in the County or by other governmental entities in the Portland metropolitan area to provide solid waste service.

8.08.020 Definitions.

For the purposes of this Chapter:

- A. "City" means the City of Molalla, Oregon.
- B. "Council" means the Molalla City Council.
- C. "Compensation" means and includes:
 - 1. Any type of consideration paid for service, including, but not limited to, rent, and proceeds from resource recovery or recycling and any direct or indirect provision for payment of money, goods, services or benefits by tenants, lessees, occupants or similar persons;
 - 2. The exchange of services between persons, including the hauling of solid waste;
 - 3. The flow of consideration from the person owning or possessing the solid waste to the person providing service.
- D. "Franchisee" means Molalla Sanitary Service, Inc.
- E. "Person" includes, without limitation an individual, partnership, association (incorporated or otherwise), corporation, trust, firm, estate or other legal entity.

- F. "Recycling" which means any process by which solid waste materials are transformed into new products in such manner that the original products may lose their identity. The process includes collection, transportation, storage and transfer of solid waste and placing the solid waste in the stream of commerce for resource recovery.
- G. "Resource recovery" means the process of obtaining useful material or energy resources from solid waste. Except as limited by state law this includes:
1. "Energy recovery" which means recovery in which all or a part of the solid waste materials are processed to utilize the heat content, or other forms of energy, of or from the material.
 2. "Material recovery" which means any process of obtaining from solid waste, by pre-segregation or otherwise, materials which still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purpose.
- H. "Reuse" which means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity. Nothing in this definition shall authorize a use not in conformity with the comprehensive plan zoning ordinance or development regulations of the City.
- I. "Service" means the collection, transportation, storage, transfer, disposal of or resource recovery of solid waste, including solid waste management.
- J. "Solid waste" means:
1. All useless and discarded putrescible and nonputrescible wastes, as defined by ORS 459.005(24) (2005), including, but not limited to, garbage, rubbish, refuse, ashes, waste paper, cardboard, grass clippings, compost, scrap metal, glass, storage pallets, equipment and furniture, demolition and construction debris, inoperative vehicles, vehicle parts, except (as excluded below) inoperative home or industrial appliances or machinery (or parts thereof) manure, vegetable or animal solid and semisolid wastes or infectious wastes as defined in ORS 459.386(4) (2005), but the term does not include:
 - i. hazardous wastes as defined in ORS 466.005(7)(2005);
 - ii. Sewer sludge and septic tank and cesspool pumping, chemical toilet waste and other sludge;
 - iii. Beverage containers defined in ORS 459A.700(2) (2005);
 - iv. Material used for fertilizer or for other productive agricultural operations in growing or harvesting crops and the raising of fowls or animals;
 - v. Lead-acid batteries, as defined and regulated by ORS 459.420 through 459.437 (2005);
 - vi. Waste tires, as defined and regulated by ORS 459.705 through 459.790 (2005);
 - vii. Articles kept in a storage area maintained so as to not constitute a safety, health, or fire hazard and screened from public view by means of a solid fence, trees, shrubbery or other appropriate means;
 - viii. Vehicles kept on the premises of a business lawfully engaged in wrecking and junking of vehicles.
 2. The fact that materials (that would otherwise come within the definition of "solid waste") may (from time to time) have value and thus be used or usable does not preclude such materials from this definition.
- K. "Solid waste management" means the prevention or reduction of solid waste; management of the storage, transfer, collection, transportation, treatment, utilization, processing and final

disposal of solid waste; resource recovery from solid waste; and facilities used for those activities.

- L. "Source separation" means the separation or setting aside of waste, by the source generator or producer of the waste, for recycling or reuse.
- M. "Total source separation" means the complete separation by the source generator or producer of the waste by type or kind of waste from all other types or kinds of waste. Total source separation requires each type or kind of recyclable material (such as newsprint, computer paper, cardboard, glass, ferrous cans and aluminum cans) to be distinctly separated into a separate package, container or stack in preparation for collection. For example, newspaper, cardboard, glass, ferrous cans and waste wood are each placed in a separate container and no two or more recyclables are mixed in the same container.
- N. "Waste" means material that is no longer wanted or usable by the source, the source generator or producer of the material and the material is to be disposed of or resource-recovered by another person and includes both source-separated material and non-source-separated materials.

8.08.030 Franchise authority.

- A. Pursuant to ORS 459A.085 (2005), the City hereby exercises its franchise authority over the provision of service and solid waste management within its boundaries. The franchise shall be the exclusive right, privilege and franchise to provide service (as that term is defined above) within the City. For purposes of the franchise, Franchisee shall have the exclusive right to use the public rights-of-way of the City. Except as otherwise provided elsewhere in this Chapter, no other person shall provide, offer to provide, or advertise for the performance of service for any person on any property in the City.
- B. The exclusive right, privilege and franchise to provide service within the city limits of the City is granted to Molalla Sanitary Service, Inc., the terms and conditions of which are set out in this Chapter.
- C. Except as provided in section .040, no person other than franchisee shall:
 - 1. collect, reload, process, compact, sort or transport solid waste generated within the City;
 - 2. take, process, sort, transfer, compact or remove (whether for recycling, reuse or otherwise) waste or solid waste materials place out for collection;
 - 3. enter or interfere with any solid waste container or remove any such container or its contents from the location where the same has been placed by the person producing the contents of container.

8.08.040 Franchise Exceptions.

The exclusive right, privilege, and franchise for service granted under Section .030 is subject to the following exceptions:

- A. A person may engage in the collection of source-separated materials for recycling or resource recovery but only for the purpose of raising funds for a charitable, civic or benevolent activity under the following conditions:
 - 1. Such activity shall be conducted in accordance with the terms and under the conditions contained in this chapter, regulations adopted hereunder, and with notice submitted to the City as required.
 - 2. Prior written notice of such activity shall be prepared and signed by the person intending to engage in such activity (or an authorized representative) and delivered to the City Manager (with a copy to the Franchisee) which notice shall specify the geographic areas and times in which such activities are intended to take place.
 - 3. Regulations may be adopted to administer these provisions.

- B. A person may transport solid waste, which such person produces, directly to an authorized disposal site or recycling or resource recovery facility. However, the solid waste produced by a tenant, licensee, occupant or person other than the owner of the leased, occupied or licensed premises shall be considered produced by the tenant, licensee, occupant or person and not produced by the landlord or property owner. Therefore, except as provided in this chapter, no person shall provide service for compensation to any tenant, lessee or occupant of any property of such person, and the landlord or property owner shall provide service through the Franchisee.
- C. A person may contract with the state or a federal agency to provide service to such agency under a written contract with such agency.
- D. A person may engage in the practice of towing or otherwise removing damaged, discarded or abandoned vehicles or parts thereof, so long as such activity is conducted in compliance with applicable state and local laws.
- E. A person may engage in the practice of pumping, transporting, and disposal of septic tank and cesspool pumpings or other sludge, provided such activity is conducted in compliance with applicable state law.
- F. A person who engages in an occupation (such as gardener, landscaper, groundskeeper or construction contractor) for a property owner or tenant in the City and who thereby produces as a result of such work small volumes of solid waste may transport such solid waste in such person's own equipment where the solid waste produced is incidental to the particular job the person is performing.
- G. A person may collect and dispose of tires if that person has been issued a waste tire carrier permit by DEQ pursuant to ORS 459.705 through 459.790, disposes of tires at a licensed repository as set forth in ORS 459.710(2) and otherwise complies with all legal requirements relating to collection and disposal of tires, DEQ regulations and City and county ordinances.

8.08.050 Franchise--Term.

- A. Unless grounds exist for suspension, modification or revocation of the solid waste collection franchise under Section .090, the Franchisee shall be considered as a continuing ten-year term. Beginning January 1st of each year, the franchise will be considered renewed for an additional ten-year term unless at least thirty days prior to January 1st of any year, the City notifies Franchisee of its intent to terminate the continuing franchise system. Upon the giving of such notice by the City, the Franchisee will have a franchise which will be deemed to terminate on the January 1st which is ten years from the date of the last renewal prior to the notice of termination, unless otherwise mutually agreed upon in writing by Franchisee and the City.
- B. Notwithstanding the foregoing, the City may initiate proceeding for suspension, modification, or revocation of the franchise under Section .080 at any time.

8.08.060 Franchisee's Obligations.

- A. Franchisee shall:
 1. provide service throughout the City. All disposal of solid waste shall be at a site in compliance with ORS Chapters 459 and 459A (2005) together with any regulations promulgated thereunder. Franchisee shall observe and comply with all applicable federal, state, county and City laws.
 2. Maintain commercial general and automobile liability insurance policy for protection of Franchisee, the City, its councilors, employees and agents insuring said parties against liability for damages because of injury or death of any person or damage to property (including loss of use thereof) in any way related to Franchisee's operations,

- provision of service or this franchise with insurance of not less than \$1,000,000 combined single limit, per occurrence, for injury or death to any person or damage to property.
- i. Insurance coverage shall (either by provision in the policy or by special endorsement) insure the City, its councilors, employees and agents as additional named insured. Such policies shall contain an agreement waiving the right of such insurers to subrogation against the City, its councilors, officers employees and agents.
 - ii. Franchisee shall, on or before the first day of the term hereof, furnish the City such policy or policies of insurance (or certificates) evidencing the insurance coverage required herein. Said policies or certificates shall provide that coverage may not be canceled, reduced or terminated without at least thirty (30) days prior written notice to City and shall not be invalidated or abrogated by any act, or neglect or breach of contract by Franchisee.
 3. Provide the City Manager (upon request) with details concerning the day of the week and approximate hour of service to the various areas of the City.
 4. Provide sufficient collection vehicles, containers, facilities, personnel and finances to provide all types of necessary service and solid waste management service or subcontract with others to provide such service pursuant to Section .120.
 5. Provide that all vehicles used in the collection or transportation of solid waste be equipped with a leak-proof body of the compactor type. If Franchisee uses a specially designed, motorized local collection vehicle for transporting solid waste over short distances from residential or commercial stops to waiting trucks, the container portion of such vehicle shall be equipped with a cover, adequate to prevent scattering of any load. If any pickup truck or open-bed truck is used by the Franchisee, the load shall be covered with an adequate cover to prevent scattering of the load. All vehicles shall be operated in conformity with all state and local laws (including licensure and registration) and be equipped in compliance with the motor vehicle laws of the state.
 6. Provide reasonable and timely response to any written complaint about service.
 7. Provide the "opportunity to recycle" as said term is defined by ORS 459A.005 (2005).
 8. comply with any and all rules and regulations adopted by the Department of Environmental Quality relating to recycling.
 9. Provide that all substances which may be putrid, spoiled or in a decayed or decaying condition or which emit an odor deleterious to the health or the sense of smell shall be transferred into covered containers;
 10. Provide that Franchisee and its employees shall not engage in any unnecessary trespassing, and that due care shall be exercised to prevent damage to private property, including flowers, shrubs and other plantings by using the regular walks as nearly as practicable while on private property. Care shall also be taken to prevent damage to containers of customers;
 11. Provide service to the City (at the request of the City Manager) to assist the City in the abatement of any accumulated solid waste nuisances.
 - i. Franchisee shall act as an agent of the City for this purpose and follow the City's specific instructions as to the location, nature, extent, and procedure for abating nuisance.
 - ii. The City shall, to the extent permitted by law, indemnify and hold Franchisee harmless from any claim or liability (other than liability arising

from Franchisee's fault) arising from Franchisee's actions under this subsection while following City's specific instructions. Franchisee shall be paid its established rate for providing any service hereunder.

B. Franchisee shall not:

1. Insofar as possible, give any rate preference to any person, locality or type of solid waste stored, collected, transported, disposed of or resource-recovered. Franchisee may have various classes of rates based upon length of haul, type or quantity of solid waste handled, equipment and manpower necessary to perform the service and location of customers provided the rates are reasonably comparable.
2. Transfer this franchise or any portion thereof to other persons without the prior written authorization (in the form of a resolution) of the Council. Such authorization shall not be unreasonably withheld.

8.08.070 Supervision by City Manager.

Service provided under this franchise shall be under the supervision of the City Manager. Franchisee shall, at reasonable time, permit inspection of its equipment, facilities, personnel and records as they relate to solid waste management service to the City Manager or his designate.

8.08.080 Franchise--Suspension, modification or revocation.

- A. If the Franchisee refuses to provide adequate service or otherwise comply with the provisions of this Chapter (after written notification and a reasonable opportunity to cure is provided by the City) the franchise granted herein may be suspended, modified or revoked by the City consistent with the provisions of subsection (B) below.
- B. After written notice from the Council specifying the nature and details of the grounds believed to form the basis for the suspension, modification or revocation, Franchisee shall have not less than sixty (60) days from the date of the notice to bring about such change as the Council directs or to show cause why the Council's belief about the inadequacy of the service is misplaced. If the latter, Franchisee may request, in writing, a public hearing before the Council or such other body or person which the Council believes will provide a full and fair hearing and is delegated in writing authority to hold the hearing. At such hearing, the Franchisee and other interested persons shall have opportunity to present oral, written or documentary evidence. The Council (or other body or person conducting the hearing) shall have the hearing's proceedings recorded and any decision as to the modification, suspension or revocation of the franchise shall be based upon the evidence and record presented at the hearing. The decision of the Council (or other body or person conducting the hearing) shall be subject to review solely as provided by ORS 34.010 to 34.100 (2005) and not otherwise.

8.08.090 Interruption of service.

In the event Council determines that a failure of service or threatened failure of service by Franchisee results in an immediate and serious health hazard and/or threat to the public's health, safety and welfare, the Council may, after a minimum of twenty-four (24) hours prior written notice to Franchisee and a public hearing (if Franchisee so requests) in front of the Council, authorize another person to temporarily provide service as necessary for compensation or to use and operate the land, facilities or equipment of the Franchisee. The Council shall return any seized property and business upon abatement of the actual or threatened interruption of service.

8.08.100 Termination of service.

Franchisee shall not terminate service to all or a portion of its customers, except:

- A. When temporary weather conditions render providing service unduly hazardous to Franchisee's employees providing service or when termination is due to accidents or casualties caused by an act of God or a public enemy;
- B. When street or road access is blocked and there is no readily available alternate route to serve all or a portion of its customers;
- C. When a customer has not paid for service provided after a regular billing and after a minimum of seven (7) days' written notice to pay;
- D. After thirty days' written notice is given to the Council and to affected customers and approval is obtained from the Council; or
- E. Upon expiration of the franchise granted Franchisee.

8.08.110 Subcontracts.

Franchisee may subcontract with others to provide a portion of the services when the Franchisee does not have the necessary equipment for such service. Such subcontract shall not relieve Franchisee of responsibility for providing and maintaining service or from otherwise complying with this Chapter.

8.08.120 Rates.

- A. The rates for service under the franchise shall be the rates currently in effect upon adoption of the ordinance codified in this Chapter. The rates shall remain in effect until a change in rates is approved by resolution of Council.
- B. The Council has the authority to and shall establish and change rates for service as considered necessary from time to time or as may be requested by Franchisee. The change of rate(s) shall be done by resolution.
- C. In determining the appropriate rate(s) to be charged by the Franchisee for service, the Council shall consider all relevant factors, including the following:
 - 1. the cost of providing service by Franchisee;
 - 2. the anticipated increase in the cost of providing service;
 - 3. the need for equipment replacement or the need for additional equipment to meet service needs;
 - 4. to effect compliance with federal, state or local law;
 - 5. to respond to technological change;
 - 6. the investment of Franchisee (including the value of the business and the necessity that Franchisee have a reasonable rate of return);
 - 7. the rates charged in other cities of the county or metropolitan area for similar service;
 - 8. the public interest in assuring reasonable rates to enable Franchisee's provision of efficient and beneficial service to residents and other users of the service;
 - 9. local wage scales, cost of management facilities and disposal fees or charges; and
 - 10. profit or cost savings resulting from recycling, and any additional costs resulting from recycling.

8.08.130 Public responsibility.

- A. The following requirements shall pertain to service under this Chapter:
 - 1. Garbage, yard debris and recycling receptacles shall be of standard industry design, convenient for use by the customers and shall comply with applicable federal and state occupational health, safety and other requirements. Sunken refuse cans or containers are prohibited.
 - 2. Cans shall be rigid and composed of materials that resist splitting or cracking from changes in weather conditions.

3. Customers shall provide safe access to the pickup point to not jeopardize persons or equipment supplying service or the motoring public.
- B. Residential customers shall place any container to be emptied at curbside (including recycling containers and yard debris containers) within five feet from the location designated by Franchisee at the edge of the street, alleyway or other roadway used by Franchisee to collect solid waste.
- C. Notwithstanding the foregoing, Franchisee shall collect solid waste from a side or back yard (to which Franchisee has been given unobstructed and safe access) of those residential customers who qualify as elderly, disabled or handicapped as designated by City or whom agree to pay a higher rate for non-curbside collection.
- D. Stationary compactors for handling solid waste shall comply with applicable federal and state safety regulations. No such compactor shall be loaded so as to exceed the safe loading design limit or operation limit of the collection vehicles used by Franchisee. A person who wishes services for a compactor shall inquire of Franchisee as to compatibility with Franchisee's equipment or equipment which the Franchisee is willing to acquire prior to acquisition of any compactor.
- E. Putrescible solid waste shall be removed from a customer's premises at regular intervals consistent with OAR 340-093-210 (2007).
- F. Except as otherwise expressly provided herein, any person who receives service shall be responsible for payment of such service. The property owner of a leased premises shall be responsible for payment of such service if the tenant receiving the service does not or fails to pay for the service. In its discretion, Franchisee shall be entitled to adopt a uniform and reasonable policy to require a cash deposit or advance payment for any service to property occupied by non-owners.
- G. In the event of termination for nonpayment, the Franchisee may require advance payment in the future before beginning service to that customer.

8.08.140 Construction.

Any finding by any court of competent jurisdiction that any portion of this chapter is unconstitutional or invalid shall not invalidate any other provision of this chapter.

8.08.150 Prohibited actions.

No person shall:

- A. Place or dump or unreasonably accumulate solid waste or waste on private property or upon any of the streets, alleys or public property belonging to the City.
- B. Unless otherwise provided by this Chapter no person other than Franchisee shall:
 1. do business in the collection, reloading, processing, compacting, sorting or transport of solid waste generated within the city;
 2. take, process, sort, transfer, compact or remove (whether for recycling, reuse or otherwise) waste or solid waste materials place out for collection; or
 3. enter or interfere with any solid waste container or remove any such container or its contents from the location where the same has been placed by the person producing the contents of container, without first obtaining written consent from Franchisee.
- C. Remove any recyclable material from a container, box, collection vehicle, depot or other receptacle for the accumulation or storage of recyclable materials without permission of the owner of the receptacle and Franchisee.
- D. Mix source-separated recyclable material with solid waste in any vehicle, box, container, or receptacle used in solid waste collection or disposal, except as permitted by the City or the Franchisee or in accordance with federal law.

8.08.160 Enforcement.

- A. The City may enforce the provisions of this chapter by administrative or civil action as it may deem necessary to obtain compliance with this Chapter.
- B. Franchisee shall (in addition to all other legal rights and remedies it may otherwise possess) have a cause of action for violations of this franchise in any court of competent jurisdiction, including injunctive relief.
- C. The prevailing party in an action brought under this section shall be entitled to recover their costs, (including attorney fees and expert witness fees) at trial and on appeal.

City of Molalla

City Council Meeting



Agenda Category:

Subject: Municipal Court Judge – Request for Proposal

Recommendation: Discussion/Direction

Date of Meeting to be Presented: December 9, 2020

Fiscal Impact: Current Budgeted Item

Background:

During our last annual Audit, our auditor recommended that we obtain an up to date Municipal Court Judge contract. Molalla's Charter Chapter VIII, Section 36 provides language describing City Council authority regarding the Municipal Court Judge.

Since we currently do not have a valid contract with our Municipal Court Judge, we believe that conducting a Request for Proposal or Request for Qualifications is necessary to clear-up our Court program. Since the Judge is under City Council purview, direction for Staff to move forward in this instance is necessary.

Once the process is complete, Council will be presented with decision options for the Municipal Court Judge position.

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

City of Molalla

City Council Meeting



Agenda Category:

Subject: City Council Stipend

Recommendation: Discussion

Date of Meeting to be Presented: December 9, 2020

Fiscal Impact: Monthly Cost

Background:

This item was placed on the agenda for discussion during the last Council meeting by Council President Leota Childress. Staff has included language from Molalla Municipal Code Section 1.02.210 and the League of Oregon Cities stipend comparison.

Council stipends are a Council policy issue. Staff is available for questions, as needed.

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

Molalla Municipal Code

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1.02.210 Council expenses.

Reimbursement. The Council shall receive a monthly reimbursement for expenses, the amount to be set appropriately by the Mayor and Council. (Ord. 2007-05 §1)

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