



AGENDA
MOLALLA CITY COUNCIL MEETING

April 11, 2018
7:00 PM
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038

Mayor Jimmy Thompson

Council President Elizabeth Klein
Councilor Leota Childress
Councilor DeLise Palumbo

Councilor Glen Boreth
Councilor Cindy Dragowsky
Councilor Keith Swigart

1. CALL TO ORDER

- A. Convene Regular Meeting and Roll Call
- B. Pledge of Allegiance

2. PUBLIC COMMENT/COMMUNICATIONS AND PRESENTATIONS

- A.

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

3. ADOPTION OF AGENDA

4. CONSENT AGENDA

- A. City Council Minutes – Council Minutes March 28, 2018
- B. Correspondence –

5. ORDINANCES, RESOLUTIONS, PROCLAMATIONS

- A. Ordinance 2018-03 Amending Chapter 13.04 Water Service to Remove Late Fee.
- B. Ordinance 2018-04 Amending Chapter 5.24 Business License Late Fee Removal.
- C. Ordinance 2018-05 Creating Chapter 2.06 Land Use Hearings Bodies and Duties (previously known as Chapter 16.2)
- D. Resolution 2018-05 A Resolution Setting Business License Late Fee (Currently in Chapter 5.24, no increase or impact).

6. NEW BUSINESS

- A. N/A

7. OLD BUSINESS

- A. Discussion and/or Action/Update Regarding Council Goal Setting and Review of Goals.

8. REPORTS AND ANNOUNCEMENTS

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

9. EXECUTIVE SESSION

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

- (a) To consider the employment of a public officer, employee, staff member or individual agent.
- (b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.
- (c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063 and 441.196 including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.
- (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.
- (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- (f) To consider information or records that are exempt by law from public inspection.
- (g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.
- (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

10. ADJOURN

Agenda posted at City Hall, Senior Center, Library and the City Website at <http://www.cityofmolalla.com/meetings>
This meeting location is wheelchair accessible. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-829-6855

Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, March 28, 2017

- 1. CALL TO ORDER OF THE MOLALLA CITY COUNCIL MEETING;** the regular meeting of March 28, 2018 was called to order by Mayor Jimmy Thompson at 7:01 P.M.

COUNCIL ATTENDANCE:

Mayor Jimmy Thompson - Present
Councilor Elizabeth Klein – Present by Skype
Councilor Leota Childress – Present
Councilor DeLise Palumbo - Present
Councilor Glen Boreth – Absent
Councilor Cindy Dragowsky - Present
Councilor Keith Swigart – Present

STAFF IN ATTENDANCE:

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

2. COMMUNICATIONS, PRESENTATIONS, and PUBLIC COMMENT

- a) Jason Ritter, 1419 Mt. View Lane, Molalla, OR. Mr. Ritter voiced concerns he had regarding our parks and sports fields. Ritter felt the parks and fields needed some maintenance.

Council had no questions and thanked Mr. Ritter for coming in. Council did not give staff any direction regarding this matter.

3. ADOPTION OF THE AGENDA

MOTION by Councilor Childress: To approve the March 28, 2018 agenda as presented. Second by Councilor Swigart. Motion carries all ayes (6-0).

4. CONSENT AGENDA

- a) City Council Minutes – March 14, 2018
b) Library Board Minutes – November 16, 2017
c) Correspondence – N/A

MOTION by Councilor Swigart: To approve the Consent Agenda as presented. Second by Councilor Childress. Motion carries all ayes (6-0).

5. ORDINANCES, RESOLUTION AND PROCLAMATIONS

- a) N/A

6. NEW BUSINESS

Minutes of the Molalla City Council Regular Meeting
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Wednesday, March 28, 2017

a) Discussion and/or Action on Calendar of Upcoming Events/Meetings Schedule.

CM Huff presented the master calendar to Council and informed Council there is a lot going on in the months to come. Council had no questions at this time. Also presented was a memo highlighting non-city events leading up to the Buckeroo festivities. Councilors asked about:

- Budget 101 class schedule
- Scheduling a Town Hall meeting
- Visioning meeting schedule/community input sessions

7. OLD BUSINESS

a) Discussion and/or Action on Visioning Councilor Childress updated Council regarding next steps with Visioning, specific to Ford Family Foundation and a grant process to help with facilitation costs for upcoming meetings.

8. REPORTS AND ANNOUNCEMENTS, Mayor Thompson briefly explained to effectively communicate with the Chamber Board, a liaison position was created.

a) City Manager Huff showed Council what their new name badges will look like and Council gave their feedback. The feedback from Council favored the look presented.

CM Huff informed Council the City is currently advertising for three current vacant positions.

- Public Works
- Police Department
- Utility Billing Clerk

b) Staff

- PWD Fisher had nothing.
- FD Seifried had nothing.
- CR Richardson had nothing.

c) City Councilors

- Councilor Palumbo commented the joint session with the Chamber was a very good meeting.
- Councilor Swigart asked Mr. Ritter if he attended recalled when a vote to bring North Clackamas in to manage those parks/fields. Because this was defeated, the citizens did not think it was a priority.
- Councilor Childress informed Council the line of communication with the Chamber has begun. The first meeting was a success in opening those lines of communication. Childress handed out a guide to better meetings in hope to continue.
- Councilor Klein thanked staff for setting up the Skype session and making the accommodations which allowed her to be a part of the meeting.

Minutes of the Molalla City Council Regular Meeting
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Wednesday, March 28, 2017

- d) **Mayor Thompson** had nothing to report.
- e) **Tracy Cox with Molalla Chamber** Informed Council that the Chamber Board is mostly concerned with the upcoming events related to the Buckeroo and the volunteers that will be needed to make it a success. Councilors asked Cox for a list of areas that will need volunteers. Discussed briefly was the need for barricade volunteers. Councilor Childress commented there will be a need for some subcommittees to ensure all areas of the parade and Buckeroo events are completed successfully.

9. EXECUTIVE SESSION

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

- a) (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- b) (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
 - Council met in executive session to perform the annual review of the City Manager.

10. ADJOURN

MOTION by Councilor Swigart: To adjourn the meeting of March 28, 2018 at 7:30 pm. Second by Councilor Palumbo. Motion carries all ayes (6-0).

Mayor, Jimmy Thompson

Date

ATTEST:

Kelly Richardson, CMC
City Recorder



Administration – City Records Office
117 N Molalla Avenue, PO Box 248, Molalla, Oregon 97038
Phone: (503) 829-6855 Ext. 291 Fax: (503) 829-3676

DATE: April 11, 2018
TO: Mayor and Council
FROM: City Recorder
SUBJECT: Molalla Municipal Code Amendments


Included with this memo are three Municipal Code amendments regarding three separate sections of the Code. As previously discussed with Council, two of the Ordinances remove fee amounts identified within Code language. The final Ordinance is regarding establishing Planning Commission criteria.

Within the Council packet, you will find the three Ordinance amendments as follows:

1. **Water/Violations** - In *Ordinance 2018-03*, Other than removing the Utility Billing late fee, you will notice one change regarding violation of Chapter 13.04. This is to make it consistent with other sections of the code.
2. **Business License** - In *Ordinance 2018-04*, Other than removing the Business License late fee, Staff removed the prorating clause of a new Business License, as it does not consider the review process on all new Business License.
3. **Planning Commission Criteria** – Creating Chapter 2.06. This section of the Code was removed as part of the Development Code update and should be housed in Chapter 2 of the Code with other Commission and Committee Rules.

The first two Ordinances do not raise a fee or add an additional fee. We are only removing the set fee amount from the Municipal Code. Council will notice that there is a Resolution (Resolution 2018-04) on the agenda later in the meeting, which will add the Business License Late Fee to the Fee Schedule.

Staff is currently working on a much more involved Fee Schedule in addition to Municipal Code revisions that should be ready in the near future.


Kelly Richardson, CMC
City Recorder

ORDINANCE 2018-03
**AN ORDINANCE OF THE CITY OF MOLALLA AMENDING
CERTAIN PORTIONS OF CHAPTER 13.04 OF THE MOLALLA
MUNICIPAL CODE, CONCERNING WATER SYSTEM.**

Commented [KRC1]: So Gerald at a later date will have more updates to this but felt we should move forward with this since it is important to get completed.

WHEREAS, Section 13.04.160 of the Molalla Municipal Code establishes rate schedules for water service within the City shall be set by resolution and adjusted from time to time; and

WHEREAS, the City desires to have the Molalla Municipal Code line up with this policy; and

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

Section 1: Section 13.04.240 of the Molalla Municipal Code is hereby amended to read as follows:

13.04.240 Payments for service. A. All charges for water service shall be due and payable monthly on the date of mailing, and become delinquent on the fifteenth day thereafter. A latefee ~~of \$5.00~~ set by resolution shall be assessed on any accounts, which become delinquent. After a customer's bill is delinquent, the director shall mail to customer a notice stating:

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Commented [KRC2]: You have already set this by resolution of \$5.00 so were just removing it from the code.

1. That the water bill is delinquent;
2. The amount necessary to cure the delinquency;
3. That water service to the property will be shut off ~~twenty twenty~~ days after the date of the notice, unless the delinquency is paid in full;
4. The customer's right to a hearing as provided in this section;
5. The amount necessary for restoration of water service after shut off. If notice is mailed as provided in this section, the city may shut off water service to the property twenty days after mailing of the notice unless the total amount due is paid in full, but subject to the city's compliance with the hearing procedure specified in this section.

Commented [KRC3]: No changes here accept for spacing and formatting the date or amount of days is the same.

Section 2: Section 13.04.460 Of the Molalla Municipal Code is hereby amended to read as follows:

13.04.460 Violation-Penalty.

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A. Whenever the city determines that a violation of any of the provisions of this chapter has occurred, the ~~Public Works Director~~ City Manager shall cause a written notice to be

mailed to the customer, the owner of the property, and to such other persons as the ~~Public Works Director~~ City Manager may designate, stating the nature of the violation and a ~~reasonable time~~ 14 day limit ~~within upon~~ which the violation must be corrected. Any person who continues any violation beyond the time limit provided for in Section 13.04.460 shall be guilty of a violation and, on conviction thereof, shall be fined in the amount set by Council resolution or subject to fines established per code 1.04.010. general provisions for each violation. Each day in which any such violation continues shall be deemed a separate offense. Failure to comply with a written directive or timeline of the City Manager made under the authority of this chapter is a punishable offense and may result in a temporary loss of City water and sewer services. ~~The offender shall, within the period of time specified in such notice, permanently cease such violations or risk interruption of service, fines or both as set by resolution by the City Council.~~

Commented [KRC4]: It's easier if we have a specific amount of days here rather than say reasonable. I am used to seeing 14 days. This is for violating this chapter not for lack of payment on the utility billing.

Commented [KRC5]: This is so it lines up with other sections of the code and so there is uniformity.

SECTION 3. Effective date. This ordinance shall be in full force and effect upon the thirtieth (30th) day after its passage by the Council and approval by the Mayor.

ADOPTED by the City Council on this ____ day of _____, by the following votes:

AYES: _____
NAYES: _____
ABSENT: _____
ABSTAIN: _____

APPROVED and signed by the Mayor this ____ day of _____ 2018.

Jimmy Thompson, Mayor

ATTEST: _____
Kelly Richardson, CMC
City Recorder

ORDINANCE ~~2013-07~~2018-04

**AN ORDINANCE AMENDING SECTION 5.24 GENERAL BUSINESS LICENSING IN THE
MOLALLA MUNICIPAL CODE ADOPTING THIS AMENDED VERSION OF SECTION 5.24
GENERAL BUSINESS LICENSING.**

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WHEREAS, City of Molalla revised the Molalla Municipal Code Chapter 5.24 Business Licensing; and

WHEREAS, upon completion of the revision had still left fees in the code; and

WHEREAS, fees should be set by Resolution at Council discretion.

THE CITY OF MOLALLA ORDAINS AS FOLLOWS:

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Section 1. Section 5.24 of the Molalla Municipal Code is hereby amended to read as follows:

NOW, THEREFORE, the City of Molalla ordains as follows:

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Section 1: That this ordinance amending Section 5.24 General Business Licensing in the Molalla
Municipal Code in its entirety and adopting this amended version of section 5.24 general business
licensing as attached in Exhibit A.

SECTION 2: This ordinance is effective 30 days after passage.

Adopted this 11 day of April 2018.

Approved:

Jimmy Thompson, Mayor

ATTEST this _____ day of _____ 2018.

Kelly Richardson, CMC
City Recorder

Chapter 5.24 GENERAL BUSINESS LICENSING

5.24.010 Definitions.

5.24.015 Purpose of business license fee.

5.24.019 ~~Contractors~~ Contractors and subcontractors' responsibility

5.24.020 Business license fee imposed.

5.24.021 Temporary business license

5.24.025 Exemptions.

5.24.030 Amount of business license fee.

5.24.035 Business license certificate.

5.24.040 Misleading statements—Nonpayment.

5.24.045 Additional remedies.

5.24.050 Period of license.

5.24.055 Renewal of licenses.

5.24.060 License—Grounds for revocation or suspension.

5.24.065 Appeal.

5.24.010 Definitions.

As used in this chapter of the Molalla Municipal Code, the following words and phrases mean:

A. "Business" means an activity carried on by a person predominately for economic profit or livelihood in the city including professions, trades, occupations, and shops. Any person who advertises or otherwise represents themselves to the public as engaged in business is presumed to be so engaged.

B. "Garage/yard/estate sale" means a commercial activity, open to the public, conducted at a private residence where personal property is sold, or auctioned to others, provided the number of sale days at a particular residence does not exceed three days, and no more than four occurrences per calendar year.

C. "Home occupation" means a business carried on within a dwelling, and which business is incidental to the use of the dwelling for dwelling purposes.

D. "License" means the permission granted by the city to engage in a business or activity regulated by this chapter.

E. "Licensee" means a person who has a valid license issued pursuant to this chapter.

F. "Peddler" means any person who goes from house to house or from place to place in the city, selling or taking orders for, or offering to sell or take orders for goods, wares, merchandise, or any other article for future delivery, for services to be performed in the future, or the making, manufacturing, or repairing of any article or thing whatsoever for future delivery, excepting interstate commerce.

G. "Person" includes all natural and legal persons, including but not limited to individuals, corporations, associations, partnerships and societies, whether or not engaged in a ~~profit making~~ profit-making endeavor.

H. "Valid license" means a license issued pursuant to this chapter, and which license's effective period has not expired. (Ord. 2010-13 §1; Ord. 2008-03 §1)

5.24.015 Purpose of business license fee.

A. The ordinance codified in this chapter is enacted, except as otherwise specified in this section, to provide revenue for municipal purposes including police protection, marketing, tourism promotion, economic development and to provide revenue to pay for the necessary expenses required to issue the license for and regulate the business licensed.

B. The fee required by this code shall be in addition to general ad valorem taxes now or hereafter levied pursuant to law, and shall be in addition to license fees prescribed in other parts of this code.

C. The levy or collection of a business license fee upon any business shall not be construed to be a license or permit of the City to the person to engage therein in the event such business shall be unlawful, illegal, or prohibited by the laws of the State of Oregon, the United States, or other provisions of this code. (Ord. 2010-13 §1; Ord. 2008-03 §1)

5.24.019 Contractors' and subcontractors' responsibility.

It shall be the responsibility of all general contractors, utility companies and subcontractors working in the city to obtain a business license. It shall further be the responsibility of all general contractors and utility companies working in the city to provide a list of all names and addresses of subcontractors under their direction. Failure of any subcontractor to obtain a license may result in a stop work order on any project within the city's jurisdiction.

5.24.020 Business license fee imposed.

A. A business license fee is hereby imposed upon the business trades, shops, professions, callings, and occupations specified in Section 5.24.010 of this code. No person may transact and carry on any such business in the city without first having obtained a business license therefore for the current calendar year as herein provided or without complying with any and all applicable provisions of this code.

B. The fee for business licenses shall be due and payable on the first day of January of each year for the calendar year following and shall be delinquent on and after the following first day of February.

Any new business which is not in operation on or before the first day of the license year and which desires to conduct business within the city shall make application for the license required by this chapter to the city before starting a business. ~~As a new business, other processes and fees may apply to determine if business is applicable to the zone. If the application is received on or before June 30, the full license fee is required. An application received on or after July 1, will be charged one half the fee.~~

C. Each branch establishment of business or location of a business conducted by any person shall, for the purposes hereof, be a separate business and subject to the license requirements provided in this code; but warehouses used solely incidental in connection with a business licensed pursuant to the provisions of this code and operated by the person conducting such business shall not be separate places of business or branch establishments.

Commented [KRC1]: A new business license no matter what has a review process attached. I believe the full fee for a new business license is required here, in my opinion. Because it takes City Recorder time and City Planner time to review. This is not just a 5 minute review either.

Again not increasing just charging normal \$70.00 which is currently the same as renewal. We can look at new business license fee later in 2019 when we look at all of the other administration fees.

D. The agent or agents of a nonresident proprietor engaged in any business for which a license is required by this code shall be liable for the payment of the fee, and for the penalties for failure to pay the same as provided in Sections 5.24.035 and 5.24.040 of this code, or to otherwise comply with the provisions of this code to the extent and with like effect as if such agent or agents were themselves proprietors. (Ord. 2010-13 §1; Ord. 2008-03 §1)

5.24.021 Temporary business license

Any person conducting a business within the city which is not domiciled nor otherwise permanently located in the city but is conducting business within the city for a period thirty (30) days or less annually shall apply for and receive a temporary business license and shall pay the license fee for such temporary business as may be established by council.

5.24.025 Exemptions.

A. The provisions of this chapter shall not apply to:

1. Any person transacting and carrying on any business within the City which is exempt from taxation or regulation by the City by virtue of the Constitution of the United States, the State of Oregon, or applicable statutes of the United States or the State of Oregon.

2. Any person whose income is based solely on an hourly, daily, weekly, monthly, or annual wage or salary, and it is the intention that all registration, taxes and fees will be borne by the employer.

3. Any business paying a franchise fee under City ordinances.

4. Any business which does not maintain any offices, storage facilities or other facilities, or inventory in the City, and whose sole business involves delivering merchandise or goods to persons or businesses in the City.

5. A person whose primary activity consists of delivering goods inside the city for a business located outside the city.

6. Nonprofit organizations-civic organizations and clubs wishing to canvass for funds or sell door-to-door to raise funds or conduct fundraising, federally tax-exempt organizations and non-profit religious organizations.

7. Persons whose gross receipts from business conducted both within and without the City amount to less than \$2,500.00 per calendar year; provided that any such person provide written notice to the City that they are exempt and upon demand by the City provide proof verifying the amount. This exemption does not supersede the applicability of the exemption for garage sales as defined in this chapter.

8. Any person operating a business, display or sales space at any special event with a duration of three days or less. A "special event," as used in this chapter, is deemed to be a City-endorsed activity for the benefit of the community.

9. Any person engaged in a garage, yard or estate sale as defined in this chapter.

10. Any producer of farm products raised in Oregon, produced by themselves or their immediate families, who sell, vend, or dispose of such projects within the City.

B. Any person not subject to the business license fee as set forth under subsection A who receives a notice of business license renewal or application must contact the City in writing to claim an exemption. If no exemption is claimed, an individual or business will be subject to the late fees as set forth under Section 5.24.040(B). (Ord. 2010-13 §1; Ord. 2010-07 §1; Ord. 2008-03 §1)

5.24.030 Amount of business license fee.

A. The license fee shall be set by the City Council by resolution.

B. All fees are on an annual basis. Each business trade, shop, calling or occupation that has multiple departments may apply for a business license under the classification of “general shopkeeper.”

C. If any person be engaged in operating or carrying on in the city more than one trade, shop, profession, occupation, business or calling then such person shall obtain licenses prescribed in this chapter for as many of the trades, shops, professions, occupations, businesses or callings as are carried on by such person. (Ord. 2010-13 §1; Ord. 2008-03 §1)

5.24.035 Business license certificate.

All licenses issued in accordance with this chapter shall be openly displayed in a place of business or kept on the person or on the vehicle of the person licensed and shall be immediately produced and delivered for inspection to the Chief of Police and their agents or subordinates when requested by the individuals to do so. Failure to carry the license or produce the same on request shall be deemed a violation of this chapter.

A. A business license certificate shall be issued by the City Recorder or designee upon written application therefor.

B. The application for such certificate shall contain the following information:

1. A description of the trade, shop, business, profession, occupation, or calling to be carried on within the city;

2. The name of the applicant, with a statement of all persons having an interest in said business either as proprietors or owners of the business;

3. The location of the place where the business is carried on;

4. Date of application;

5. Amount of money tendered with application;

6. Signature of applicant. (Ord. 2010-13 §1; Ord. 2008-03 §1)

5.24.040 Misleading statements—Nonpayment.

A. No person may willfully make any false or misleading statement to the City Recorder for the purpose of securing a business license certificate; or to fail or refuse to pay before that payment becomes delinquent any business license fee or penalty hereby required to be paid by any such person.

B. In the event any person required to renew a business license fails to pay the license fee, a late fee of \$25.00 ~~as set by resolution per month or any fraction thereof~~ shall be added to the license fee until paid this same late fee will apply to those persons receiving notice of a failure to renew a business license who have not notified the City of any applicable exemptions as listed in Section 5.24.025 above. If after ~~three months~~ ^{March 1st} of non-payment of the business license and/or including late fees (unless a payment arrangement has been made in writing) the business shall be cited into Molalla Municipal Court and prosecuted under the general penalty of Molalla Municipal Code as stated in Chapter 1.04. (Ord. 2010-13 §1; Ord. 2008-03 §1)

Commented [KRC2]: To remove fee from ordinance and be set by resolution. Not changing the amount just removing so it can be set by resolution.

Commented [KRC3]: An actual date leaves nothing to misinterpret.

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5.24.045 Additional remedies.

A. The conviction of any person for violation of any of the provisions of this chapter shall not operate to relieve such person from paying any fee or penalty thereupon for which such person may be liable nor shall the payment of any fee be a bar or prevent any prosecution in the Municipal Court of any complaint for the violation of the provisions of this chapter.

B. Any violation of this chapter shall, in addition to any other remedy prescribed by this chapter, be punishable under the general penalty clause of the Molalla Municipal Code. Each day, which a business is operated in violation of this chapter, shall be deemed a separate offense and may be punishable by a separate fine for each day the license is not paid in an amount to be determined by the City and as authorized under Section 1.04.010(B) of the Molalla Municipal Code. (Ord. 2010-13 §1; Ord. 2008-03 §1)

5.24.050 Period of license.

Business licenses shall be issued on a calendar year basis and shall expire on December 31st of the year in which they are issued. (Ord. 2010-13 §1; Ord. 2008-03 §1; Ord. 1999-15 §2)

5.24.055 Renewal of licenses.

At least 30 days prior to the expiration of any license issue under this section, and upon any change in the ownership of a business licensed under this section, the licensee shall apply for renewal by application containing the same information as required for an initial application, or, in the alternative, a statement of the particulars in which the information furnished with the initial application is changed. On such investigation as the City deems proper, the license shall be renewed. (Ord. 2010-13 §1; Ord. 2008-03 §1)

5.24.060 License—Grounds for revocation or suspension.

A. The City Recorder determines that a licensee is conducting or has conducted an activity, which would provide grounds for denial of an application for a license, and the City Recorder shall notify the licensee in writing that the City is revoking/suspending the license.

B. If the City Recorder determines that a licensee of any activity of the licensee presents an immediate danger to persons or property, the City Recorder may suspend/revoke such license by issuing written notice. (Ord. 2010-13 §1; Ord. 2008-03 §1)

5.24.065 Appeal.

An applicant whose application has been conditioned, denied, suspended or revoked may file a written notice of appeal with the City Administrator. The notice of appeal must be filed within 10 calendar days after the notice of conditioned, denied, suspended or revoked is mailed or delivered, whichever is earlier. The notice of appeal shall include:

- A. The name and address of the appellant, and the business owner if different than the appellant;
- B. The nature of the determination from which an appeal is taken and a copy of the determination;
- C. The reason or reasons why the determination is alleged to be incorrect; and
- D. What the correct determination should be. (Ord. 2010-13 §1; Ord. 2008-03 §1)

When a license has been revoked and the licensee or principal of the licensee reapplies for a license, a bond in the penalty sum deemed necessary under the circumstances, but no to exceed \$10,000, shall be filed with the city recorder. This bond shall be required for the term of the license and shall be forfeited to the city if the licensee is convicted of any violation of federal, state of city laws or ordinance for which such license may be revoked.

~~NOW, THEREFORE, the City of Molalla ordains as follows:~~

~~Section 1: That this ordinance revising Section 5.24 General Business Licensing in the Molalla Municipal Code in its entirety and adopting this revised version of section 5.24 general business licensing.~~

~~SECTION 2: This ordinance is effective 30 days after passage.~~

~~Adopted this 13 day of November, 2013.~~

Approved:

Debbie Rogge, Mayor

ATTEST this ____ day of _____ 2013.

Sadie Cramer, City Recorder

ORDINANCE 2018-05

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AN ORDINANCE OF THE CITY OF MOLALLA CREATING SECTION 2.06 LAND USE HEARINGS BODIES AND THEIR DUTIES. [TO REPLACE SECTION 16.2]

Commented [KRC1]: This was removed from chapter 16.2 because it was a part of the development code and shouldn't be there all of the other boards are in chapter 2 of the code. So were just moving it not changing it. No impact.

WHEREAS, the Molalla City Council had recently done a Development Code update in 2017; and

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WHEREAS, section 16.2 was removed as Council did not believe it should be a part of the Development Code; and

WHEREAS, the City now needs a new section to replace section 16.2 and the City has posted the Ordinance in compliance with Molalla Municipal Code and notification requirements.

Chapter 46.20
NOW, THEREFORE, the City of Molalla ordains as follows:

Section 1: That this ordinance creating Section 2.06 Land use Hearings Bodies and Their Duties in the Molalla Municipal Code and adopting this version of section 2.06 land use hearing bodies and their duties as attached in Exhibit A.

SECTION 2: This ordinance is effective 30 days after passage.
Adopted this 13 day of November, 2018.

Approved:

Jimmy Thompson, Mayor

ATTEST this _____ day of _____ 2018.

Kelly Richardson, CMC
City Recorder

EXHIBIT A OF ORDINANCE 2018-05
HEARINGS BODIES AND THEIR DUTIES

Sections:

Article I. Hearings Officer

- ~~16.202.06.010~~ Appointment.
- ~~16.202.06.020~~ Qualification—Compensation.
- ~~16.202.06.030~~ Adoption of rules for conduct of hearings.
- ~~16.202.06.040~~ Rules of evidence at public hearings.
- ~~16.202.06.050~~ Challenge of decision.

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- ~~16.202.06.060~~ Purpose.
- ~~16.202.06.070~~ Appointment and terms of members.
- ~~16.202.06.080~~ Meetings—Quorums—Officers.

Article III. Planning Commission

- ~~16.202.06.090~~ Purpose.
- ~~16.202.06.100~~ Created—Composition—Compensation.
- ~~16.202.06.110~~ Terms of members.
- ~~16.202.06.120~~ Quorum—Rules of procedure.
- ~~16.202.06.130~~ Meetings—Officers.
- ~~16.202.06.140~~ Record of proceedings.
- ~~16.202.06.150~~ Right of parties to present evidence at hearings.

~~**Article IV. Design Review Board**~~

- ~~16.20.160— Purpose.~~
- ~~16.20.170— Creation.~~
- ~~16.20.180— Time of meetings and officers.~~
- ~~16.20.190— Terms of members.~~
- ~~16.20.200— Quorum— Rules of procedure.~~
- ~~16.20.210— Record of proceedings.~~
- ~~16.20.220— Right of parties to present evidence at hearings.~~

Article I. Hearings Officer

~~16.202.06.010~~ Appointment.

The City Manager, subject to the approval of the City Council, may appoint a planning and zoning Hearings Officer to serve the City Council. Said Hearings Officer shall conduct hearings, make decisions or recommendations on applications for such matters as approved in this chapter. (Ord. 2010-15 §1; Ord. 2010-04 §1)

16.202.06.020 Qualification—Compensation.

The Hearings Officer shall be a member in good standing of the Oregon State Bar Association and shall be paid such compensation as agreed between such Hearings Officer and the City Council. (Ord. 2010-15 §1; Ord. 2010-04 §1)

16.202.06.030 Adoption of rules for conduct of hearings.

The Hearings Officer is authorized to adopt rules of procedure for the conduct of hearings pursuant to this chapter, provided such rules do not conflict with state law, the City Charter and ordinances, or the Comprehensive Plan. A copy of such rules shall be available for review at no cost or purchase for a nominal fee. (Ord. 2010-15 §1; Ord. 2010-04 §1)

16.202.06.040 Rules of evidence at public hearings.

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

- A. All evidence offered and not objected to may be received, unless excluded by the Hearings Officer on the Hearings Officer's own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs. Evidence may be received in written form at or prior to the hearing.
- B. The Hearings Officer may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence. Any erroneous admission of evidence by the Hearings Officer shall not preclude action or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party.
- C. All evidence shall be offered and made a part of the record in the case, except for matters stipulated to and except as provided in subsection B of this section, no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies of excerpts or by incorporation by reference.
- D. The Hearings Officer may take notice of judicially cognizable facts, and take notice of general, technical or scientific facts within the Hearings Officer's specialized knowledge.
- E. Every party is entitled to an opportunity to be heard and present and rebut evidence. (Ord. 2010-15 §1; Ord. 2010-04 §1)

16.202.06.050 Challenge of decision.

- A. A party may challenge the Hearings Officer on the grounds of bias, ex-parte contact, or that the Hearings Officer has a legal conflict of interest. A written challenge must be delivered by personal service to the City Recorder and the Planning Department not less than 3 calendar days preceding the time set for public hearing.
- B. A challenge of the Hearings Officer's decision shall be entered in the record of the action. (Ord. 2010-15 §1; Ord. 2010-04 §1)

Article II. Citizens Advisory Committee

~~16.202.06.060~~ Purpose.

The purpose of the Citizens Advisory Committee is to assist in determining the community's interest in land use proposals and present such view at public hearings before the Hearings Officer, Planning Commission and City Council. A Citizens Advisory Committee meeting shall be for the purpose of reviewing current land use applications, ordinance and Comprehensive Plan amendments, and preparing written or oral testimony regarding such proposals to be presented at the appropriate public hearing. The Committee is authorized to file appeals from a decision of the city staff or Hearings Officer. The Planning Commission acts as the city's officially recognized Citizen Advisory Committee. (Ord. 2010-15 §1; Ord. 2010-04 §1)

~~16.202.06.070~~ Appointment and terms of members.

The Planning Commission is appointed as the Citizens Advisory Committee. At the discretion of the City Council or on petition by resolution from the Planning Commission, the City Council may establish a separate Citizens Advisory Committee. Terms of members shall run concurrently with their membership on the Planning Commission. If a separate Citizens Advisory Committee is established, the Mayor with the consent of the City Council shall appoint to it at least 3 but no more than 7 voting citizens who reside within the city limits. Such appointments shall be for a term of 1 year and may be terminated at the pleasure of the Mayor with the consent of the City Council. (Ord. 2012-03 §7; Ord. 2010-15 §1; Ord. 2010-04 §1)

~~16.202.06.080~~ Meetings—Quorums—Officers.

The Citizens Advisory Committee shall operate under the same rules and policies as those established for the Planning Commission. (Ord. 2010-15 §1; Ord. 2010-04 §1)

Article III. Planning Commission

~~16.202.06.090~~ Purpose.

The purpose of the Planning Commission shall be to conduct the review of the Comprehensive Plan, implement ordinances, hold hearings and make decisions and recommendations to the City Council on major plan and ordinance amendment applications as well as other such matters approved in this chapter. (Ord. 2010-15 §1; Ord. 2010-04 §1)

~~16.202.06.100~~ Created—Composition—Compensation.

- A. There is created a City Planning Commission for the City of Molalla.
1. The Planning Commission shall consist of the following:
 - a. Voting Members.
 - i. A minimum of 3 but no more than 7 members to be appointed as outlined in Section ~~16.202.06.110~~.
 - ii. No more than 2 voting members may be non-residents of the city. There shall be more residents of the city than non-residents sitting on the board at all times.
 - b. City Involvement Seats on the Planning Commission.

- i. An additional 2 non-voting members on the board. Non-voting members will be afforded the privileges and rights given to voting members with the exception of voting privileges. Non-voting members shall be given priority consideration for the positions on the Planning Commission as positions become available given that they meet the criteria as set forth in subsection (A)(1)(a) of this section.
 - ii. Appointment of non-voting members shall occur as outlined in Section ~~16.202.06~~.110.
 - c. It is the policy of the City of Molalla that involving youth in the public decision-making process provides the opportunity to enhance the community's interest in this process for generations to come. Accordingly, the Planning Commission may also have up to 2 additional non-voting members of high-school age, who must live within the Molalla River School District.
 - i. A youth applicant must be 16 years of age or older.
 - ii. Meetings may go late into the evening. Students under the age of 18 shall not be allowed to go later than 9:00 p.m. on school nights, or 10:00 p.m. on nights when there is no school the following day. If the staff believes the frequency of Planning Commission meetings will disrupt the student's school work or interfere with the student's school schedule, staff may request the student be absent from certain meetings. Students shall be required to provide proof that their grades are being maintained at a minimum of a "C" average.
 - iii. Students will be expected to participate fully in discussions.
 - iv. Appointment of non-voting youth members shall occur as outlined in Section ~~16.202.06~~.110.
 - d. Individuals interested in serving on the Planning Commission shall meet the following criteria:
 - i. Reside within the City of Molalla, except as otherwise provided in this section.
 - ii. Not more than 2 members may have the same occupation.
 - iii. Must be a citizen of the United States of America.
- B. The composition of the Planning Commission shall meet the requirements of ORS 227.030. Commission members shall receive no compensation. (Ord. 2012-03 §8; Ord. 2010-15 §1; Ord. 2010-04 §1)

~~16.202.06~~.110 Terms of members.

- A. Each member of the Planning Commission shall be appointed as provided in the City Charter to a 4-year term. Any vacancies shall be filled by the Mayor for the unexpired portion of the term.
- B. Unexcused absences from 3 regular meetings may disqualify a member at which time the Planning Commission may request that the Mayor appoint a replacement. Members shall call, mail, or drop-off a letter to staff in order to be excused from regularly scheduled meetings.
- C. All appointments to the Commission may be terminated at the pleasure of the Mayor with the Consent of the City Council. (Ord. 2012-03 §9; Ord. 2010-15 §1; Ord. 2010-04 §1)

16.202.06.120 Quorum—Rules of procedure.

- A. A majority of the voting Commission shall constitute a quorum. The Commission is authorized to adopt rules of procedure for the conduct of its meetings and hearings, provided such rules do not conflict with state law, City Charter, Ordinances, and the Comprehensive Plan. A copy of such rules shall be filed with the City Recorder and made available for inspection to those appearing before the Planning Commission prior to their appearance.
- B. When exercising the function of the Hearings Officer, the Planning Commission shall follow the rules of the Hearings Officer in performing said function. A majority vote of the Planning Commission members present shall be sufficient for taking any action authorized by ordinance. (Ord. 2010-15 §1; Ord. 2010-04 §1)

16.202.06.130 Meetings—Officers.

The Planning Commission shall meet on a monthly basis. At the first meeting of each calendar year, the Commission shall select a chair, vice-chair, and a secretary. The chair, or vice-chair in the chair's absence, shall preside over the Planning Commission's meetings and hearings. (Ord. 2010-15 §1; Ord. 2010-04 §1)

16.202.06.140 Record of proceedings.

A ~~verbatim~~ record of the proceedings shall be made by ~~written, mechanical or~~ electronic recording and subject to retention schedule. A transcript can be made available upon written request within the first year of the proceeding means, which need not be transcribed, except upon review of the record. Summary written minutes will be kept of each meeting of record as a tracking method of the meeting and or hearing of record . (Ord. 2010-15 §1; Ord. 2010-04 §1)

Commented [KRC2]: I think this brings into the 21st century.

Commented [KRC3]: By law we are required to keep recordings for 12 months after which time a transcript would be impossible.

16.202.06.150 Right of parties to present evidence at hearings.

- A. At public hearings before the Planning Commission, all interested persons and organizations shall be allowed an opportunity to be heard and to present and rebut evidence.
- B. The Chair may limit the speaking time allowed for interested parties to 5 minutes. (Ord. 2010-15 §1; Ord. 2010-04 §1)

Article IV, Design Review Board

Commented [KRC4]: We no longer have a design review board. This is all done through the City Planner and Planning Commission.

16.20.160—Purpose:

~~The purpose of the Design Review Board (DRB) shall be to conduct reviews of design reviews which meet the criteria to be addressed by the DRB. (Ord. 2010-15 §1; Ord. 2010-04 §1)~~

16.20.170—Creation:

- ~~A. The Planning Commission shall act as the City's DRB in the absence of a DRB.~~
- ~~B. The Design Review Board shall consist of 7 voting members which meet the following:
 - ~~1. No more than 2 members may have the same qualification. Members shall be appointed using the following qualifications:
 - ~~a. Attorney;~~
 - ~~b. Architect/engineer;~~~~~~

- e. ~~Planning Director;~~
- d. ~~Developer/builder;~~
- e. ~~Real estate agent;~~
- f. ~~City of Molalla resident; and~~
- g. ~~Business owner. (Ord. 2010-15 §1; Ord. 2010-04 §1)~~

16.20.180 — Time of meetings and officers.

~~Meetings shall be scheduled on an as needed basis. At a minimum, the DRB shall hold at least 1 meeting every 6 months as a training session on the Design Review Code. At the first meeting of each year the DRB shall select a chairperson, vice chairperson, and secretary. (Ord. 2010-15 §1; Ord. 2010-04 §1)~~

16.20.190 — Terms of members.

- A. ~~Each member of the DRB shall be appointed to a 2-year term. Any vacancies shall be filled by a Planning Commissioner for the unexpired portion of the term.~~
- B. ~~Unexcused absences from 2 consecutive regular meetings shall disqualify a member, at which time the City Council shall appoint a replacement. Members shall call, mail, or drop off a letter to staff in order to be excused from regularly scheduled meetings. (Ord. 2010-15 §1; Ord. 2010-04 §1)~~

16.20.200 — Quorum — Rules of procedure.

~~The DRB shall follow the same rules and procedures set forth in Section 16.20.120, Quorum — Rules of procedure. When the Planning Commission serves as the DRB, Planning Commission rules shall apply. (Ord. 2010-15 §1; Ord. 2010-04 §1)~~

16.20.210 — Record of proceedings.

~~A verbatim record of the proceedings shall be made by written, mechanical or electronic means, which need not be transcribed, except upon review of the record. (Ord. 2010-15 §1; Ord. 2010-04 §1)~~

16.20.220 — Right of parties to present evidence at hearings.

- A. ~~At public hearings before the DRB, all interested persons and organizations shall be allowed an opportunity to be heard and to present and rebut evidence.~~
- B. ~~The chair may limit the speaking time allowed for interested parties to 5 minutes. (Ord. 2010-15 §1; Ord. 2010-04 §1)~~

RESOLUTION 2018-04

**A RESOLUTION SETTING THE BUSINESS LICENSE LATE FEE FOR SECTION 5.24
GENERAL BUSINESS LICENSING IN THE MOLALLA MUNICIPAL CODE.**

WHEREAS, City of Molalla revised the Molalla Municipal Code Chapter 5.24 Business Licensing; and

WHEREAS, upon completion of the revision had still left fees in the code; and

WHEREAS, fees should be set by Resolution at Council discretion; and

WHEREAS, the fee for late payments of City business license renewals will be set at \$25.00 a month for each month it is late.

NOW, THEREFORE, the City of Molalla ordains as follows:

Section 1: That this resolution sets the monthly \$25.00 late fee for Molalla Municipal Code section 5.24 General Business Licensing.

SECTION 2: This resolution is effective immediately upon passage.

Adopted this 11 day of April 2018.

Approved:

Jimmy Thompson, Mayor

ATTEST this ____ day of _____ 2018.

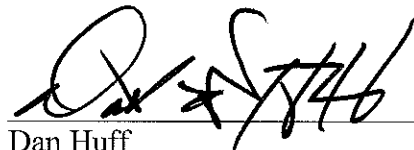
Kelly Richardson, CMC
City Recorder



City of Molalla – Administration Office
117 N Molalla Avenue, PO Box 248, Molalla, Oregon 97038
Phone: (503) 829-6855 Fax: (503) 829-3676

DATE: April 11, 2018
TO: Mayor and Council
FROM: City Manager
SUBJECT: Goal Setting

Attached to this e-mail is your meeting notes from our November 2017 Goal Setting work session and a breakdown of those notes into a manageable goal layout. We are hoping to incorporate your Council Goals into the budget process for the 2018-19 fiscal year. My anticipation is that these goals may be altered following the completion of your visioning process.



Dan Huff
City Manager

GOAL SETTING MEETING – PART II
November 15, 2017

The following are notes that were taken from the follow-up meeting for the Goal Setting Conference that took place in Welches on November 4, 2017.

ECONOMIC DEVELOPMENT:

Goal: Partner with Clackamas County to create an Economic Development Plan for the City of Molalla.

- **Specific:** Plan will provide direction for targeted efforts to increase economic vitality of the city.
- **Measurable:** Plan complete.
- **Achievable:** Yes, through partnerships.
- **Results-focused:** Provide direction for economic growth/prosperity.
- **Time-bound:** Within a year.

Other Notes:

- Create an economic development plan for the City of Molalla within one year that addresses jobs, living wage, preferred industries, tourism & culture, planning and zoning.
- Implement Economic Development Plan within two years.
- Within one year, create revolving loan program through urban renewal.

LIVABILITY:

Goal: Create safe sidewalks, crosswalks, and streets.

- **Specific:** Pedestrian safety, connect ability – achieved by street fees
- **Why?** For safety, drive ability, relieving congestion by using side streets
- **Measure livability** by trip meters – observation – tracking incident records from Police Department.
- **Achievable:** Yes
- **Results-focused:** Pedestrian safety and connectivity more pedestrian usage, safer and more pleasant family experience.
- **Time-bound:** Five years completion of Fenton Avenue, in 2018 continuing on with Public Works plan.

Revised Goal: Achieve PCI of 50% by 2022 to provide safe streets, sidewalks, and crosswalks.

STEWARDSHIP

Goal: Provide transparent, responsible, and accountable stewardship of resources and assets entrusted to the City.

Priorities:

1. Practice Fiscal Responsibility
2. Protect and enhance City's assets

Priority #1: Practice Fiscal Responsibility

Activity	Task	Outcomes
	(Staff Defines)	
Conduct annual audit by an independent outside firm.		Increase public trust.
Conduct annual department audits of policies and procedures.		Improve transparency.
Provide financial reports as requested.		Strategic Growth.

Priority #2: Protect and enhance City's assets

Activity	Task	Outcomes
	(Staff Defines)	
Develop a schedule to assess assets and infrastructure needs.		Improve perceptions.
Develop feasibility study for Police Department		Public safety improves.
Conduct assessment for water and wastewater treatment system options		Strategic Growth
Conduct needs assessment for Library		Strategic Growth

CITY OF MOLALLA
CITY COUNCIL
2018-2019 GOALS, PRIORITIES AND ACCOMPLISHMENTS
Adopted by the City Council on _____

Vision:

Mission:

GOAL 1: Foster an Environment for Successful Economic Development

- Partner with Clackamas County to create an Economic Development Plan
- Examine a revolving loan program through urban renewal
- Continue infrastructure maintenance and upgrades

GOAL 2: Promote Livability and Connection within the Community

- Create safe sidewalks, crosswalks and streets - Connectivity
- Wastewater improvements and programs meeting compliance standards
- Pursue parkland improvements and acquisition
- Complete Visioning process
- Promote opportunities to increase Citizen Participation

GOAL 3: Maintain our Fiscal Responsibility and Long Term Stability

- Increase public awareness regarding infrastructure needs
- Address Critical Facility Needs (*could be a goal by itself*)
- Address discrepancies within the Municipal Code