



AGENDA

**MOLALLA CITY COUNCIL MEETING
November 9, 2022
7:00 PM
Molalla Civic Center
315 Kennel Ave, Molalla, OR 97038**

Mayor Scott Keyser

*Council President Jody Newland
Councilor Elizabeth Klein
Councilor Terry Shankle*

*Councilor Leota Childress
Councilor Crystal Robles
Councilor Eric Vermillion*

EXECUTIVE SESSION begins at 6:00pm: Not open to Public, according to ORS 192.660(2): d

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

*In accordance with House Bill 2560, the City of Molalla adheres to the following practices:
Live-streaming of the Molalla City Council Meetings are available on Facebook at “Molalla City Council Meetings – LIVE” and “Molalla City Council Meetings” on YouTube.
Citizens can submit Public Comment in the following ways: attend the meeting, email the City Recorder @ recorder@cityofmolalla.com by 4:00pm on the day of the meeting, or drop it off at City Hall, 117 N. Molalla Avenue.*

EXECUTIVE SESSION – 6:00pm: Not open to the Public.

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

(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

1. CALL TO ORDER AND FLAG SALUTE

2. ROLL CALL

3. CONSENT AGENDA

- A. City Council Meeting Minutes – October 12, 2022.....Pg. 3
- B. Work Session Meeting Minutes – October 12, 2022.....Pg. 5
- C. Contract Renewal – City Prosecutor.....Pg. 6

4. EXECUTIVE SESSION ANNOUNCEMENT

- A. Teamster’s Union Labor Contract Ratification(Huff)

5. PRESENTATIONS, PROCLAMATIONS, CEREMONIES

- A. OLCC License Request – Chepitas Mexican Restaurant.....Pg. 10

6. PUBLIC COMMENT & WRITTEN COMMUNICATIONS

(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.)

7. PUBLIC HEARINGS

8. ORDINANCES AND RESOLUTIONS

- A. Resolution No. 2022-20: Public Works Supplemental Budget.....Pg. 20
- B. Resolution No. 2022-21: Enterprise Zone Expansion.....Pg. 22

9. GENERAL BUSINESS

- A. Legislative Proposal Regarding Controlled Substances (Keyser).....Pg. 27

10. STAFF COMMUNICATION

11. COUNCIL COMMUNICATION

12. ADJOURN

Agenda posted at City Hall, 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 Meeting

Molalla Civic Center
315 Kennel Ave., Molalla, OR 97038
October 26, 2022

CALL TO ORDER

The Molalla City Council Meeting was called to order by Mayor Scott Keyser at 7:15pm.

COUNCIL ATTENDANCE

Present: Mayor Scott Keyser, Council President Jody Newland, Councilor Elizabeth Klein, Councilor Leota Childress, Councilor Terry Shankle, Councilor Crystal Robles, and Councilor Eric Vermillion.

STAFF IN ATTENDANCE

Dan Huff, City Manager; Christie Teets, City Recorder; Mac Corthell, Community Development Director.

CONSENT AGENDA

- A. City Council Meeting Minutes – October 12, 2022
- B. Work Session Meeting Minutes – October 12, 2022

A motion was made by Councilor Robles to adopt the Consent Agenda, seconded by Councilor Vermillion. Vote passed 7-0, with all Councilors voting Aye.

PRESENTATIONS, PROCLAMATIONS, CEREMONIES

None.

PUBLIC COMMENT

Hendy Appleton, Molalla resident, addressed the Council on behalf of the Molalla Aquatic Center. The Aquatic Center is holding an Open House on Monday, January 23, 2023 at 7pm. They have a variety of events and classes, and are inviting the community to discover all they offer. A formal invitation will follow.

Ryan Fitzgerald, Molalla resident, spoke to Council regarding a small city-owned green space between a local tavern and barber shop. He suggested gating the area to create a small dog park area for dogs to run off leash. Council referred it to the Parks CPC.

PUBLIC HEARINGS

None.

ORDINANCES AND RESOLUTIONS

None.

GENERAL BUSINESS

- A. OLCC License Application – The Main Shop

Mr. Ryan Fitzgerald, owner of The Main Shop, would like to obtain an OLCC License in order to sell local wine and beer by the bottle. This is an off-premise license.

A motion was made by Councilor Vermillion to approve Mr. Fitzgerald's OLCC License, seconded by Councilor Robles. Vote passed 7-0, with all Councilors voting Aye.

STAFF COMMUNICATION

Meeting Minutes – Molalla City Council Regular Session – October 26, 2022

- City Manager Huff shared a handout from the Oregon Mayor’s Association regarding a Partnership Needed to Solve Statewide Homelessness Emergency. The deadline for consensus is Friday, November 4, 2022.
- City Recorder Teets announced two local events preparing to take place; St. James Veterans Day Program and the Molalla Area Community Center Spaghetti Dinner. Ms. Teets also encouraged people to Vote.
- Community Development Director Corthell presented the monthly Community Development report. He highlighted a few important areas of the report. The WWTP Aeration Bypass is an emergency project, and Mr. Corthell will be bringing a Resolution for a Supplement Budget request at the next meeting. He also highlighted a few projects that have been scheduled for this Fiscal Year. The Beautification & Culture Committee completed a draft Ordinance of a Mural Code. The draft is being presented to the Planning Commission on November 2, 2022.

COUNCIL COMMUNICATION

- Councilor Shankle announced the annual Downtown Trick-or-Treat event on Halloween Night, from 4:30-7:30pm.
- Councilor Vermillion reiterated the Chamber Downtown Trick-or-Treat event. He also announced dates for the MRSB Board and Chamber meeting times.
- Councilor Childress announced that “Christmas Carols at Fox Park” will take place again this year.
- Council President Newland updated Council on the Parks CPC. The group earned another \$380 for bowling pin sales. They have more available, and encourage everyone to place an order.
- Councilor Robles gave an update on the events being held at the Library.
- Councilor Klein had nothing to report. She reminded everyone that she would be unavailable for the November 9th meeting.
- Mayor Keyser encouraged drivers to slow down, as the weather and daylight hours are changing. He also invited the community to Country Christian Church this coming Sunday, where he and his wife will be handing out candy at the Trunk-or-Treat event.

[For the complete video account of the City Council Meeting, please go to YouTube “Molalla City Council Meetings – October 26, 2022”](#)

ADJOURN

Mayor Keyser adjourned the meeting at 7:47pm.

Scott Keyser, Mayor

Date

ATTEST:

Christie Teets, City Recorder



Minutes of the Molalla City Council Work Session

**Molalla Civic Center
315 Kennel Ave., Molalla, OR 97038
October 26, 2022**

CALL TO ORDER

The Molalla City Council Work Session of October 26, 2022 was called to order by Mayor Scott Keyser at 6:03pm.

COUNCIL ATTENDANCE

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

STAFF IN ATTENDANCE

Dan Huff, City Manager; Christie Teets, City Recorder; Mac Corthell, Community Development Director.

DISCUSSION ITEMS

- A. Overnight Parking Permits – MMC Chapter 10.42, Section 10.42.030

The main topic for Overnight Parking was the Purpose of City Owned Parking. Mr. Corthell brought several bullet points to Council to consider. Those are Non-Sworn Staff Parking, Police Vehicle Parking, City Building Customer Parking, Local Business Customer Parking, Local Business Vehicle Storage, Residential Parking and other purposes.

Discussion involved each of the items, along with the benefits and challenges. Councilors had questions related to enforcement, permit use, budgetary impact, parking liability vs. livability, the use of towing, and education of community members.

[For the complete video account of the City Council Meeting, please go to YouTube “Molalla City Council Work Session – October 26, 2022”](#)

ADJOURN

Mayor Keyser adjourned the Work Session at 7:01pm.

Scott Keyser, Mayor

Date

ATTEST:

Christie Teets, City Recorder



CITY OF MOLALLA

117 N. Molalla Avenue
PO Box 248
Molalla, OR 97038

Staff Report

Agenda Category: Consent Agenda

Agenda Date: November 9, 2022

From:

Approved by: Dan Huff, City Manager

SUBJECT: City Prosecutor Intergovernmental Agreement (IGA) between the cities of Molalla and Gladstone for prosecutor services and authorizing the City Manager to sign the agreement.

FISCAL IMPACT: None

RECOMMENDATION/RECOMMEND MOTION: Authorize City Manager to sign Agreement

BACKGROUND:

The City of Molalla and Gladstone use the same city prosecutor. City Prosecutor, Kyndre Lundquist has requested an agreement be approved for both cities she works for to address potential legal concerns. The prosecutor is under the purview of the City Manager, but Ms. Lundquist is under contract with both cities to provide similar prosecutorial services. The Oregon Revised Statutes (ORS) 190.010 allows local government agencies to enter into cooperative agreements with other units of local government on terms and conditions mutually agreeable to the parties.

This IGA has been reviewed by the City Attorney. Beery, Elsner & Hammond, LLP (BEH), who also serves as the City Attorney for both cities, and the City Manager of Molalla and the City Administrator of Gladstone signed a waiver of conflict of interest in this case. Both cities are in general agreement about the need and the terms of the IGA and are interests are aligned, which permitted BEH to advise both cities related to the IGA.

The attached Intergovernmental Agreement between the City of Molalla and the City of Gladstone is provided to Council as a precautionary agreement since Gladstone shares our prosecutor. The agreement calls for no action of either City in favor or detriment of the other. Nor are there any restrictions of prosecutorial use or requirements. This agreement formalizes acknowledgement that we (Molalla and Gladstone) share a prosecutor.

Dan Huff
City Manager

INTERGOVERNMENTAL AGREEMENT FOR PROSECUTOR SERVICES

This INTERGOVERNMENTAL AGREEMENT (“IGA”) for prosecutor services (“Services”) is made and entered into by and between the Cities of Molalla and Gladstone (collectively, the “Parties”).

RECITALS

Whereas, each of the parties to this IGA operates a municipal court and has need for the services of a prosecutor;

Whereas, Kyndre Lundquist, a qualified attorney who works at Lundquist Legal, LLC (“Lundquist”) is qualified to serve as a prosecutor for each of the parties’ municipal courts; and

Whereas, by the authority granted in Oregon Revised Statutes (ORS) 190.010 *et seq.*, and applicable local law, local government agencies may enter into cooperative agreements with other units of local government on terms and conditions mutually agreeable to the contracting parties; and

Whereas, each party agrees to provide prosecutor services to the other cities that are a party to this IGA.

AGREEMENT

1. Term. The term of this IGA shall be effective as to each city as of the date Lundquist first performed prosecutorial services for the respective city and shall remain in effect indefinitely until terminated as described below.
2. Termination. Any party to this IGA may terminate its participation in this IGA at any time by providing notice in writing to the other parties and to Lundquist. If one party terminates its participation in this IGA, it will not affect the rights and obligations of the other parties to this IGA. To the extent Lundquist no longer serves as city prosecutor for any particular party, this IGA automatically terminates as to that party. If the party providing services to the other parties under this IGA terminates its participation, the remaining party that has had Lundquist serving as its municipal prosecutor shall become the party providing services under this IGA and take on all rights and responsibilities of the terminating party.

3. Parties. The initial parties to this IGA are the cities of Gladstone and Molalla. However, any other jurisdiction in the state of Oregon may join this IGA by providing notice to the current parties of their intent to join this IGA and by selecting Lundquist as their municipal prosecutor. The parties, including future participants in this IGA, hereby waive any objection to any new jurisdiction becoming a party to this IGA. The sole remedy should a party object to a new jurisdiction participating in this IGA is for the objecting party to terminate its participation in this IGA, as described in paragraph 2 above. Lundquist shall, at all times, maintain a comprehensive list of all parties to this IGA.
4. Services. Gladstone agrees to provide prosecutor services to the other parties to this IGA on the terms and conditions contained herein. Each party shall remain entirely responsible for running its own municipal court, including, but not limited to, being responsible for court dockets, notices, jury selection and management, maintaining records and entering into separate agreements with Lundquist, any pro tem prosecutors, and any judge or pro tem judge, and any defense attorneys regarding the services to be provided and compensation for those services to that particular party. In accordance with ORS 221.355, all fines, costs, and forfeited security deposits collected shall be paid to the prosecuting party. Except as provided below each party shall be responsible for defending against any and all claims, actions and demands related to the activities of its respective municipal court. To the extent a claim, action or demand is brought against the party providing prosecutor services under this IGA for the acts or omissions of another party's municipal court, including the acts or omissions of Lundquist, the party whose municipal court's acts or omissions are in question shall defend and indemnify the party providing services under this IGA for such claim, action or demand.
5. Relationship and Authority. No representative, agent, employee or contractor of one party shall be deemed to be a representative, agent, employee or contractor of the other party for any purpose, except to the extent specifically provided herein. Nothing herein is intended, nor shall it be construed, to create between the parties any relationship of principal and agent, partnership, joint venture or any similar relationship, and each party hereby specifically disclaims any such relationship.
6. Other agreements. This IGA shall have no effect on any other agreements, written or oral, currently in place.
7. Severability. The invalidity or unenforceability of any provision of this IGA shall not affect the validity or enforceability of any other provision of this IGA, which shall remain in full force and effect until terminated or ended.

8. Entire Agreement; Amendments; Waiver; Counterparts. This IGA contains the entire agreement of the parties on the subjects enumerated herein, and except for other parties joining the IGA pursuant to paragraph 3 above, shall not be altered, modified, supplemented, or amended in any manner whatsoever without the prior written approval of the parties. The failure of any party to enforce any provision of this IGA does not constitute a waiver of it or any other provision. This IGA may be executed in two or more counterparts, which collectively shall represent a single binding agreement.

IN WITNESS WHEREOF, the parties by the signatures of their authorized representatives execute this IGA for services effective as to each city as of the date Lundquist first performed prosecutor services for the respective city.

CITY OF GLADSTONE

CITY OF MOLALLA

By: _____

By: _____

Name: _____

Name: _____

Its: _____

Its: _____

Date: _____

Date: _____

LIQUOR LICENSE APPLICATION

Page 2 of 3

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1: Chepita's Mexican Restaurant, LLC	Name of entity or individual applicant #2:
Name of entity or individual applicant #3:	Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):

Chepita's Mexican Restaurant

Business phone number:
(503) 302-0032

Business email:
[REDACTED]

Premises street address (The physical location of the business and where the liquor license will be posted):

112 Robbins Street

City:
Molalla

Zip Code:
97038

County:
Clackamas

Business mailing address (where we will send any items by mail as described in [OAR 845-004-0065\(1\)](#)):

223 E Heintz Street

City:
Molalla

State:
OR

Zip Code:
97038

Does the business address currently have an OLCC liquor license? Yes No

Does the business address currently have an OLCC marijuana license? Yes No

APPLICATION CONTACT INFORMATION

Contact Name:

Adriana E Mendoza

Phone number:
(503) 302-0034

Email:
[REDACTED]

Mailing address:

223 E Heintz St

City:
Molalla

Zip Code:
97038

County:
Clackamas

Please note: liquor license applications are public records.

OLCC Liquor License Application (Rev. 04.15.22)

LIQUOR LICENSE APPLICATION


Page 3 of 3

ATTESTATIONS

By signing this form, you attest that each of the following statements are true. I understand the Commission may require a licensee to provide proof of any of the below or below referenced documents at any time.

I understand that marijuana is prohibited on the licensed premises. This includes marijuana use, consumption, ingestion, inhalation, samples, give-away, sale, etc. I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application are true and complete.

I affirm that I have read OAR 845-005-0311 and all individuals (sole proprietors) or entities with an ownership interest (other than waivable ownership interest per OAR 845-005-0311(6)) are listed as license applicants in #2 above. I understand that failure to list an individual or entity who has an un-waivable ownership interest in the business may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

Adriana E Mendoza  5-22 Atty. Bar Info (if applicable)

Gerardo Mendoza  7-15-22 Atty. Bar Info (if applicable)

Print name Signature Date Atty. Bar Info (if applicable)

Print name Signature Date Atty. Bar Info (if applicable)



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

PRINT FORM

RESET FORM

1. Name (Print):	Mendoza Sanlos Last	Gerardo First	N/A Middle
2. Other names used (maiden, other):			
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, you must list your SSN: [REDACTED]			
<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 <u>voluntary consent</u> 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>			
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input checked="" type="checkbox"/>			
5. Date of Birth (DOB):	04 (mm)	27 (dd)	1978 (yyyy)
6. Driver License or State ID #: [REDACTED]			7. State OR
8. Contact Phone: (503) 302-0034			
9. E-mail Address: [REDACTED]			
10. Mailing Address:	223 E Heintz Street (Number and Street)	Molalla (City)	OR 97038 (State) (Zip Code)
<p>11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon?</p> <p>No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.</p>			
CCH run 10/14/22 LT			



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, currently hold or have you previously held a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)
No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?
No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?
No Yes Please list applications below Unsure Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, *may not* sign your form.

Affirmation
Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print)	[Redacted]	N/A	Middle
Signature:	[Redacted]	Date:	7-15-22

This box for OLCC use ONLY
Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?
NO



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM

PRINT FORM

RESET FORM

1. Name (Print):		Mendoza Last	Adriana First	E Middle
2. Other names used (maiden, other):				
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, you must list your SSN: [REDACTED]				
<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 <u>voluntary consent</u> 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>				
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input checked="" type="checkbox"/>				
5. Date of Birth (DOB):		06 (mm)	09 (dd)	1979 (yyyy)
6. Driver License or State ID #: [REDACTED]				7. State OR
8. Contact Phone: (503) 302-0034				
9. E-mail Address: [REDACTED]				
10. Mailing Address:		223 E Heintz Street (Number and Street)	Molalla (City)	OR 97038 (State) (Zip Code)
11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.				

CCH run 09/27/22 LT



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: Chepita's Mexican Restaurant, LLC Phone: 503-759-3559
 Trade Name (dba): Chepita's Mexican Restaurant
 Business Location Address: 223 E Heintz Street 112 Robbins St
 City: Molalla ZIP Code: 97038

DAYS AND HOURS OF OPERATION

Business Hours:		Outdoor Area Hours:		The outdoor area is used for:	
Sunday	<u>9 AM</u> to <u>3 PM</u>	Sunday	<u>Closed</u> to <u>Closed</u>	<input checked="" type="checkbox"/> Food service	Hours: <u>9 AM</u> to <u>3 PM</u>
Monday	<u>9 AM</u> to <u>3 PM</u>	Monday	<u>9 AM</u> to <u>3 PM</u>	<input checked="" type="checkbox"/> Alcohol service	Hours: <u>9 AM</u> to <u>8 PM</u>
Tuesday	<u> </u> to <u> </u>	Tuesday	<u> </u> to <u> </u>	<input type="checkbox"/> Enclosed, how	<u> </u>
Wednesday	<u> </u> to <u> </u>	Wednesday	<u> </u> to <u> </u>	The exterior area is adequately viewed and/or supervised by Service Permittees.	
Thursday	<u> </u> to <u> </u>	Thursday	<u> </u> to <u> </u>	Investigator's Initials: <u>LT</u>	
Friday	<u> </u> to <u> </u>	Friday	<u> </u> to <u> </u>		
Saturday	<u> </u> to <u> </u>	Saturday	<u> </u> to <u> </u>		

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check all that apply: N/A

- Live Music
- Recorded Music
- DJ Music
- Dancing
- Nude Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- 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: 16 Outdoor: 15
 Lounge: _____ Other (explain): _____
 Banquet: _____ Total Seating: 31

OLCC USE ONLY
 Investigator Verified Seating: (Y) (N)
 Investigator Initials: LT
 Date: 10/24/22

I understand if my answer is incorrect, I will be liable for any my license application.
 Applicant Signature: _____ Date: 7-15-22

1-800-452-OLCC (6522)
 www.oregon.gov/olcc

(rev. 12/07)



**OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY FORM**

12. Do you, or any entity that you are a part of, currently hold or have you previously held a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)
 No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?
 No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?
 No Yes Please list applications below Unsure Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, may not sign your form.

Affirmation
 Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	Mendoza	Last	Adriana	First	E	Middle
Signature:	[Redacted Signature]				Date:	7-15-22

This box for OLCC use ONLY:
 NO Does the individual currently hold, or has the individual previously held, an OLCC-issued liquor license?

Rev. 1.6.21

Page 3 of 3



OREGON LIQUOR CONTROL COMMISSION

Real Property Attestation

Chepita's Mexican Restaurant, LLC
 Business Trade Name (the name customers see)

112 Robbins Street, Molalla, 97038
 Business Address (street, city, zip code)

Applicant(s) Signature

- Each individual listed as an applicant must sign this form.
- If an applicant is an entity, such as a corporation or LLC, at least one INDIVIDUAL who is authorized to sign for the entity must sign this form.
- An individual with the authority to sign on behalf of the applicant (such as the applicant's attorney or an individual with power of attorney) may sign this form. If an individual other than an applicant signs this form, please provide written proof of signature authority. Attorneys signing on behalf of applicants may list the state of bar licensure and bar number in lieu of written proof of authority from an applicant. *Applicants are still responsible for all information on this form.*

Date 7-15-22

If an attorney

(Print Name) _____ (State of bar licensure) _____ (Bar number) _____

If an applicant

Chepita's Mexican Restaurant, LLC

Applicant #1 (Print Name) _____

X

Applicant #1 (Signature) _____

Adriana E Mendez
Applicant #2 (Print Name)

X

Gerardo Mendez
Applicant #3 (Print Name)

X

Applicant #4 (Print Name) _____

Applicant #4 (Signature) _____



CITY OF MOLALLA

117 N. Molalla Avenue
PO Box 248
Molalla, OR 97038

Staff Report

Agenda Category: Ordinances & Resolutions

Agenda Date: November 9, 2022

Approved by: Dan Huff, City Manager
By: Cindy R. Chauran, Senior Accountant

SUBJECT: Supplemental Budget Resolution 2022-20

FISCAL IMPACT: \$498,702

RECOMMENDATION/RECOMMEND MOTION: To Approve Resolution 2022-20

BACKGROUND:

- 1) Parks General Fund – This is correcting an error made when appropriating the Parks Capital in the General Fund during the budget process.
- 2) Sewer Fund – This accounts for combined Contingency and Transfer to the Capital Projects Fund for the Emergency Aeration Basin Project.
- 3) Capital Projects Fund – Additional funds transferred from Sewer and Parks will assist in funding the emergency referenced project above.



RESOLUTION NO. 2022-20

**A RESOLUTION OF THE CITY OF MOLALLA
ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2022-2023**

WHEREAS, The City adopted a budget and appropriated funds for Fiscal Year 2022-2023, with Resolution No. 2022-11, and amended with Resolution No. 2022-19; and

WHEREAS, Unanticipated capital expenditures, increased Capital Project Funds appropriations; and

WHEREAS, Capital improvement funds for Parks where appropriated to General Fund, should have been appropriated to Capital Projects Fund; and

WHEREAS, ORS 294.471 provides that a city may amend the current year adopted Budget through the supplemental budget process; and

NOW THEREFORE, THE CITY OF MOLALLA RESOLVES AS FOLLOWS:

The City amends the budget for the Fiscal Year beginning July 1, 2022 and ending June 30, 2023 to include unanticipated Capital Expenditures, with appropriations within the following funds:

	Res 2022-19 Current Appropriations	Res 2022-20 Change Appropriations	Amended Appropriations
General Fund			
Parks Department	\$ 288,425.00	\$ (128,700.00)	\$ 159,725.00
Transfer Out	\$ 1,901,597.00	\$ 128,700.00	\$ 2,030,297.00
	<u>\$ 10,281,402.00</u>	<u>\$ -</u>	<u>\$ 10,281,402.00</u>
Capital Projects Fund			
Capital Projects Fund	\$ 14,104,754.00	\$ 348,700.00	\$ 14,453,454.00
Total Appropriations to Capital Funds	<u>\$ 14,104,754.00</u>	<u>\$ 348,700.00</u>	<u>\$ 14,453,454.00</u>
Sewer Fund			
Transfer Out	\$ 2,859,350.00	\$ 220,000.00	\$ 3,079,350.00
Contingency	\$ 1,010,912.00	\$ (69,998.00)	\$ 940,914.00
Total Appropriations to Sewer Fund	<u>\$ 7,083,675.00</u>	<u>\$ 150,002.00</u>	<u>\$ 7,233,677.00</u>
Total Budgeted Appropriations	<u>\$ 51,238,441.00</u>	<u>\$ 498,702.00</u>	<u>\$ 51,737,143.00</u>

Adopted by the Molalla City Council this 9th day of November 2022.

ATTESTED BY:

Scott Keyser, Mayor

Christie Teets, City Recorder



CITY OF MOLALLA

117 N. Molalla Avenue
PO Box 248
Molalla, OR 97038

Staff Report

Agenda Category: Ordinances and Resolutions

Agenda Date: November 9, 2022

From: Mac Corthell, Community Development Director
Approved by: Dan Huff, City Manager

SUBJECT: Resolution No. 2022-21: Modifying the Boundary of the Molalla Enterprise Zone

FISCAL IMPACT: Potential 3-year tax abatement on new equipment and new structures for qualified businesses within the Enterprise Zone Boundary that apply and receive approval.

RECOMMENDATION/RECOMMEND MOTION: Adopt.

BACKGROUND: This resolution provides for boundary change of the Molalla Enterprise Zone as discussed previously with Council and the Public. The original Resolution No. 2022-06 was purposed to expand and re-designate the zone, however re-designation is not allowed at this time so a new resolution is required.

The process for reauthorization and/or expansion of an enterprise zone requires special notice to all taxing districts in the zone, public outreach, and a public hearing to provide those effected with a chance to comment. Staff has completed all notice requirements, and the required public hearing was held on 5/25/2022.

Molalla has had an Enterprise Zone (Ezone) for at least 10 years. The current Ezone does not include several properties that carry substantial public improvement requirements and have not developed. The proposed enterprise zone expansion would bring those properties into the Enterprise Zone and provide a temporary tax incentive to develop those properties and/or improve those that have some development on them presently.

The Enterprise zone provides eligible businesses with 3-years of tax abatement on qualified property, for qualified projects. A 5-year abatement process also exists but is rarely used.

The Molalla Enterprise Zone is administered by Clackamas County Economic Development. Clackamas County, and the Port of Portland must consent to this expansion. The Port of Portland has already completed consent, and the Clackamas County Board of Commissioners expressed support for the expansion at their June 7, 2022 meeting.



RESOLUTION NO. 2022-21

A RESOLUTION OF THE CITY OF MOLALLA, OREGON MODIFYING THE BOUNDARY OF THE MOLALLA ENTERPRISE ZONE

WHEREAS, The Molalla City of Council is sponsoring an Enterprise Zone designation jointly with Clackamas County, and with the consent of the Port of Portland, and have determined to modify its boundary; and

WHEREAS, The City of Molalla has formally advised and received consultation from the Oregon Business Development Department (OBDD) according to ORS 285C.078; and

WHEREAS, The municipal corporations, school districts, special service districts, that receive operating revenue through the levying of ad valorem taxes on real and personal property in any area of this Enterprise Zone were sent notice and invited to a public meeting on May 25, 2022 regarding its designation, in order for the sponsoring governments to effectively consult with these other local taxing districts; and

WHEREAS, This Enterprise Zone, as amended, has a total area of 0.73 square miles; it meets other statutory limitations on size and configuration, and it is depicted here on a drawn-to-scale map Exhibit A, and its boundary is here described Exhibit B; and

WHEREAS, The City of Molalla shall fulfill its duties and implement provisions jointly with Clackamas County, under ORS 285C.105 or elsewhere in ORS Chapter 285C and related parts of Oregon Law, including but not limited to having appointed a local Enterprise Zone manager, and to preparing a list or map of local, publicly owned lands and buildings in this Enterprise Zone for purposes of ORS 285C.110; and

WHEREAS, Modification of this Enterprise Zone does not grant or imply permission to develop land inside it without complying with jurisdictional zoning, regulatory and permitting processes and restrictions; nor does it indicate any intent to alter those processes or restrictions, except as otherwise done in accordance with Comprehensive Plans as acknowledged by the state of Oregon Land Conservation and Development Commission (LCDC); and

WHEREAS, The availability of Enterprise Zone exemptions to businesses that operate hotels, motels or destination resorts would help diversify local economic activity and facilitate the expansion of accommodations for visitors, who in turn will spend time and money in the area for business, recreation or other purposes; and

WHEREAS, The City of Molalla is interested in encouraging new business investment, job creation, higher incomes for local residents, greater diversity of economic activity; and

WHEREAS, The City of Molalla appreciates the impacts that the modified Enterprise Zone would have and the property tax exemptions that eligible business firms might receive therein.

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

Section 1. Under ORS 285C.115, the City of Molalla does hereby change the boundary of the Molalla Enterprise Zone, jointly with Clackamas County, as described in the exhibits A and B.

Section 2. The City Manager is authorized to submit documentation of this Enterprise Zone boundary change to OBDD on behalf of the zone sponsor for purposes of a positive determination in favor under ORS 285C.117.

Section 3. This Enterprise Zone boundary change takes effect on the date this resolution is adopted.

Section 4. The City Manager is appointed as the local zone manager for this enterprise zone.

Section 5. The City as a sponsor of the Enterprise Zone exercises its option herewith under ORS 285C.070 that qualified property of and operated by a qualified business as a hotel, motel or destination resort shall receive the property tax exemption in the Zone, and that such business firms are eligible for purposes of authorization in the Zone.

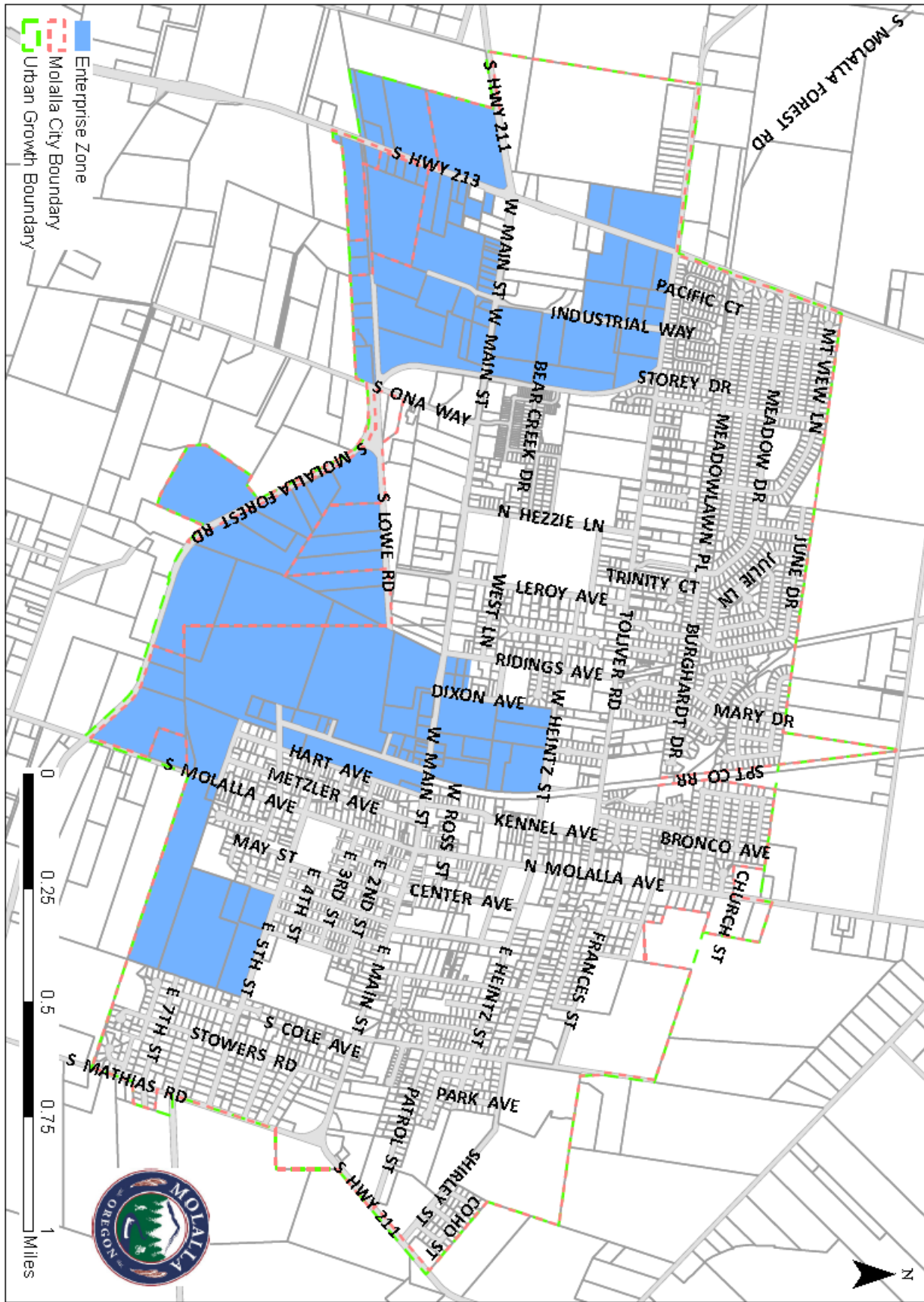
Signed this 9th day of November 2022.

Scott Keyser, Mayor

ATTEST:

Christie Teets, City Recorder

Exhibit A – Molalla E-Zone Map after Boundary Modification



Molalla Enterprise Zone

Request for Legislative Action

As concerned community leaders we are asking Oregon legislators to help address a significant and tragic problem affecting our communities. Too many of our family members and loved ones have their lives ended early through drug overdose. Oregon is drowning in drug overdoses.

Currently, Oregon law is insufficient to effectively hold accountable those drug dealers whose drug sales result in the death of another. Many drug dealers callously know they sell deadly substances, but they continue to do so just to make a selfish dollar. Victim families pay the ultimate price for the dealer's business.

Many other states have a controlled substance homicide statute which allows for the prosecution of drug dealers whose drugs actually kill others. The State of Washington, as well as other jurisdictions, have laws that address this problem. Washington's controlled substance homicide statute was passed in 2003 (*See below.*)

RCW69.50.415

- (1) A person who unlawfully delivers a controlled substance in violation of RCW 69.50.401(2)(a),(b), or (c) which controlled substance is subsequently used by the person to whom it was delivered, resulting in the death of the user, is guilty of controlled substances homicide.
- (2) Controlled substances homicide is a class B felony punishable according to chapter 9A.20RCW.

Unitedly, we are asking asking the Oregon legislature to enact a similar law. We can help families who have lost loved ones at the hands of a drug dealer to obtain justice in the form of a conviction that accurately labels reprehensible behavior of these drug dealers. A clear law such as the one Washington State enacted would improve our community response to such tragedies and provide clear guidance to first responders who confront these tragedies. A law such as this would create a criminal price to the cost of selling poison in our communities.

If you support this effort, please add your name to this request for legislative action.

Doug Marteeny
Linn County District Attorney

Alex Johnson II
Mayor of Albany

Marcia Harnden
Chief, Albany Police Department

Michelle Duncan
Linn County Sheriff

Roger Nyquist
Linn County Commissioner

Will Tucker
Linn County Commissioner

Sherrie Sprenger
Linn County Commissioner

(Name & Title - Please Print)

(Name & Title - Please Print)

(Name & Title - Please Print)

(Name & Title - Please Print)

(Name & Title - Please Print)

