

**FOREST GROVE CITY COUNCIL REGULAR MEETING  
OCTOBER 14, 2013 – 7:00 P.M.  
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***Minutes are unofficial until approved by Council.  
Council approved minutes as presented October 28, 2013.***

**1. ROLL CALL:**

Mayor Peter Truax called the regular City Council meeting to order at 7:04 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Camille Miller; Ronald Thompson; Elena Uhing; and Mayor Peter Truax. **STAFF PRESENT:** Paul Downey, Administrative Services Director; Rob Foster, Public Works Director; Jon Holan, Community Development Director; Dan Riordan, Senior Planner; George Cress, Light and Power Director; Michael Kinkade, Fire Chief (in the audience); Kevin Ellingsburg, Police Captain (in the audience); and Anna Ruggles, City Recorder. **STAFF ABSENT:** Michael Sykes, City Manager, excused.

**2. CITIZEN COMMUNICATIONS:** None.

**3. CONSENT AGENDA:** Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).

- A. Approve City Council Work Session (B&C Interviews) Meeting Minutes of September 9, 2013.
- B. Approve City Council Work Session (Parking Code Regulations) Meeting Minutes of September 9, 2013. **ITEM REMOVED, REFER BELOW.**
- C. Approve City Council Regular Meeting Minutes of September 9, 2013.
- D. Accept Economic Development Commission Meeting Minutes of September 12, 2013.
- E. Accept Historic Landmarks Board Meeting Minutes of August 27, 2013.
- F. Accept Library Commission Meeting Minutes of July 16, 2013.
- G. Accept Public Arts Commission Meeting Minutes of August 8, 2013.

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- H. Accept Public Safety Advisory Commission Meeting Minutes of July 24, 2013.
- I. Community Development Department Monthly Building Activity Report for September 2013.
- J. Library Department Monthly Circulation Statistics Report for September and October 2013.
- K. Accept Resignation on Historic Landmarks Board (Bryan Corke, Term Expiring December 31, 2014, and Paul Waterstreet, Term Expiring December 31, 2013).
- L. **RESOLUTION NO. 2013-63 MAKING APPOINTMENT TO COMMITTEE FOR CITIZEN INVOLVEMENT (APPOINTING STEPHANIE ROSE, TERM EXPIRING DECEMBER 31, 2013).**
- M. **RESOLUTION NO. 2013-64 MAKING APPOINTMENT TO PUBLIC SAFETY ADVISORY COMMISSION (APPOINTING LAURA HALE, AT-LARGE, TERM EXPIRING DECEMBER 31, 2013).**

**MOTION:** Councilor Kidd moved, seconded by Councilor Miller, to approve the Consent Agenda as amended. **MOTION CARRIED 7-0 by voice vote.**

**3. B. APPROVE CITY COUNCIL WORK SESSION (PARKING CODE REGULATIONS) MEETING MINUTES OF SEPTEMBER 9, 2013**

Kidd removed the above-noted Consent Agenda Item 3. B., noting he was unable to attend the work session and he would like to see Bicycle License and Bicycle Dealers remain in City Code, to which Ruggles advised that Item 3. B. is only the minutes reflecting the discussion of the work session, noting no Council action has occurred. In addition, Downey advised staff is planning to hold another work session with Council to review the proposed Code amendments, noting the City Attorney is currently conducting a legal review. Lowe noted she was unable to attend the work session as well and she has similar concerns.

Hearing no further discussion from the Council, Mayor Truax asked for a motion and vote on Consent Agenda Item 3. B.

**MOTION:** Councilor Kidd moved, seconded by Councilor Lowe, to approve the Consent Agenda Item 3. B. as presented. **MOTION CARRIED 7-0 by voice vote.**

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**4. ADDITIONS/DELETIONS:**

Downey added to the Council Meeting Agenda an Executive Session pursuant to ORS 192.660(2)(E) to deliberate with persons designated by the governing body to negotiate in real property transactions, which was held earlier.

Downey also added Resolution No. 2013-66 to the Council Meeting Agenda, refer below Agenda Item 7. A.

**5. PRESENTATIONS:**

**5. A. 2013 Watershed Timber Harvest Report**

Foster introduced Scott Ferguson, Trout Mountain Forestry, City's Watershed Consultant, who presented a PowerPoint presentation outlining the 2013 Watershed Timber Harvest Report, noting the 2013 timber harvest produced a net revenue of \$681,864.78 and final harvest volume of 1,484,250 mbf. Ferguson reported the 2013 timber harvest included the Homestead Stand, consisting of 42 acres of ground thinning and 7 acres of patch cuts, and 57-Year Old Stand, consisting of 2 acres of thinning and 8 acres of patch cuts. Ferguson explained the various methods that were used to market the 2013 timber harvest, noting Table I below outlines the mix of products, shows the harvest volume, and 2013 timber harvest expenses.

| Revenues - 2013 Timber Harvest |                    |                       |                     |
|--------------------------------|--------------------|-----------------------|---------------------|
| Mill/ Species                  | Volume, Board Feet | Unit Price, per 1,000 | Gross Revenue       |
| Banks Lumber                   | 1,379,230          | \$639                 | \$881,324.80        |
| D. R. Johnson Lumber           | 98,680             | \$650                 | \$64,177.80         |
| McCormick (poles)              | 6,340              | \$785                 | \$4,977.00          |
| <b>Totals:</b>                 | <b>1,484,250</b>   | <b>\$640</b>          | <b>\$950,479.60</b> |

| Expenses - 2013 Timber Harvest |  |  |                     |
|--------------------------------|--|--|---------------------|
| Method/ Item                   |  |  | Expense             |
| Logging/Hauling                |  |  | \$194,816.25        |
| Forester                       |  |  | \$66,533.57         |
| Miscellaneous                  |  |  | \$7,265.00          |
| <b>Total</b>                   |  |  | <b>\$268,614.82</b> |
|                                |  |  |                     |

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|     |            |  |              |
|-----|------------|--|--------------|
| NET | 72 % Gross |  | \$681,864.78 |
|-----|------------|--|--------------|

In addition, Foster distributed a copy of the Timber Harvest History from Fiscal Year 2003-04 through Fiscal Year 2013-14 as requested by Council. In conclusion of the above-noted presentation, Foster and Ferguson addressed various Council inquiries pertaining to the watershed harvests and replanting, noting a public tour of the Watershed is scheduled for October 18, 2013. In response to Council President Johnston's inquiry pertaining to setting aside funds for land acquisition, Foster advised the 2013 Watershed Stewardship Management Plan Update identifies acquisition of land adjacent to the watershed, noting staff could schedule a future work session with Council to discuss land acquisition as well as budgetary implications.

6. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2013-12 ANNEXING A TRACT OF LAND INTO THE CITY LIMIT OF FOREST GROVE AND WITHDRAWING THE TRACT FROM WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCES DISTRICT, AND FOREST GROVE RURAL FIRE PROTECTION DISTRICT. THE TERRITORY TO BE ANNEXED CONSISTS OF ONE PARCEL, TOTALING 5.6 ACRES, LOCATED AT 3351 THATCHER ROAD. WASHINGTON COUNTY TAX LOT NO. 1N4260000400. APPLICANT: BRADFORD AND LINDA TAYLOR, OWNER-INITIATED. FILE NO. ANX-12-01074**

**Staff Report:**

Holan and Riordan presented the above-proposed ordinance requesting to annex into the City one parcel, totaling approximately 5.56 acres, located at 3351 Thatcher Road, noting the annexation request is owner-initiated. Riordan reported the Planning Commission has recommended approval of the annexation and zone change, noting the purpose of the above-noted annexation is to allow future access to municipal services when available and the future issuance of building permits. In addition, Riordan reported the property owner is considering a co-housing development concept that uses land sustainability with on-site treatment of wastewater and sewage, noting annexation into the City provides an opportunity to extend sewer services and water utilities to the site when needed to accommodate future development; however, it is unlikely that sewer and water lines will be extended in the near term given that existing lines are located 1,000 to 1,500 feet south of the site.

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Riordan referenced Attachment A to the staff report, vicinity map of the property site, and referenced Attachment B, Washington County Environmental Health Site Evaluation Report, noting the site evaluation report indicates the property site is adequate for installation of one on-site disposal system in accordance with ORS and applicable County Codes. Riordan also presented a PowerPoint Presentation highlighting an overview of the staff report; decision criteria for owner-initiated annexation, assignment of zoning designation, analysis of decision criteria and findings of fact, noting the Development Code Section 10.1.130(e) prohibits issuance of a building permit unless all applicable and needed services, including vehicular access, power, sewerage, domestic and fire water supply, and storm drainage are available to the site. Holan advised because issuance of building permits is an administrative decision, staff is seeking Council guidance in determining if installation of a new on-site sewerage system is adequate services when City services are not physically available, noting the Development Code requires City Engineer certification of municipal services availability prior to issuance of building permits. Holan noted the Engineering Department is open to concept of interim sanitary treatment solution proposed by the applicant, providing County approval is granted. In conclusion of the above-noted staff report, Holan and Riordan reported upon annexation, the parcel is proposing to be rezoned from FD-10 (County 10-Acre minimum lot size) to R-10 Single-Family Residential (City 10,000 square foot lot size, 24 housing units), to which Riordan advised the rezoning request would be presented for Council consideration after second reading and approval of the above-noted annexation request.

Questions of Staff:

In response to various inquiries, concerns and scenarios Council presented pertaining to applicable code requirements for sewer connection and providing City applicable municipal services, Holan and Riordan explained approval of the annexation does not require the applicant to connect to City services in order to be annexed into the City; however, at the time the building permits are requested, the Code requires the applicant to have all applicable municipal services in place before the building permits can be approved. Holan explained the policy issue is that the existing septic system is not adequate to provide services for the proposed development plans; as a result, the policy question is: Does the “new on-site sewer system” meet the “applicable municipal service requirements” pursuant to the Development Code, for

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issuance of building permits? Riordan advised the lack of municipal services also affects property previously annexed into the City in 2007 adjacent and directly west of the applicant's property.

Council President Johnston advised he would like more time for staff to research the processes the City has taken in handling sanitary sewer system requirements in previously approved annexations and/or obtain a legal opinion of the definition of "applicable municipal service requirements".

In response to the above-noted Council concerns and inquiries pertaining to the proposed development plans, Mayor Truax reminded Council that the proposed ordinance is for the annexation request and advised that Council comment during the Public Hearing process should be staff clarification questions only at this time.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2013-12.

Mayor Truax read Ordinance No. 2013-12 by title for first reading.

**MOTION: Councilor Kidd moved, seconded by Councilor Lowe, to adopt Ordinance No. 2013-12 Annexing a Tract of Land into the City Limit of Forest Grove and Withdrawing the Tract from Washington County Enhanced Sheriff Patrol District, Washington County Urban Roads Maintenances District, and Forest Grove Rural Fire Protection District. The Territory to be Annexed Consists of One Parcel, Totaling 5.6 Acres, Located at 3351 Thatcher Road. Washington County Tax Lot No. 1N4260000400. Applicant: Bradford and Linda Taylor, Owner-Initiated. File No. ANX-12-01074.** The second reading of Ordinance No. 2013-12 by title and final vote is scheduled to occur at the meeting of Monday, October 28, 2013.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing and explained hearing procedures.

**Written Testimony Received Prior to Public Hearing:**

No written testimony was received prior to the published deadline of October 14, 2013, 7:00 p.m.

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**Proponents:**

Bradford and Linda Taylor, 3351 Thatcher Road, applicant, testified in support of their annexation proposal, noting if annexed, they would like to build an eco-friendly co-housing complex for 19 to 24 families. Taylor reported they hope to create a nonprofit sustainable living, noting the plans include community gardens and small solar-powered dwellings of 900 to 1,000 feet with shared common spaces. Taylor addressed sanitary sewer concerns heard, noting they plan to provide sanitary sewer services to the complex with a new on-site sanitary sewer system until such time City services become available. In addition, Taylor clarified they are not a nonprofit; however, their goal is to make the housing affordable and not for profit, noting they believe in the co-housing concept and they would like to make it happen.

No one else testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Council Discussion:**

In response to Kidd's inquiry pertaining to zoning designation, Riordan explained R-10 zoning is a single-family residential designation with a target density is 4.35 dwellings per net acre.

In response to Miller's inquiry pertaining to island annexations, Riordan explained if annexed, the site would not be considered an island pursuant to State law.

Hearing no further discussion from the Council, Mayor Truax recessed the Public Hearing for Ordinance No. 2013-12 as noted below.

**Public Hearing Recessed:**

Mayor Truax recessed the Public Hearing until the next scheduled Council meeting of Monday, October 28, 2013.

**7. PUBLIC HEARING AND RESOLUTION NO. 2013-65 ADOPTING NEW**

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**LIGHT AND POWER ELECTRIC RATE SCHEDULES AND  
DEFINITIONS AND DESCRIPTIONS AND REPEALING RESOLUTION  
NO. 2011-73**

**Staff Report:**

Cress and Downey presented the above-proposed resolution requesting to increase Light and Power (L&P) electric rates by 3.79 percent (3.79%) for all customer classes, effective November 1, 2013. Cress reported the Bonneville Power Administration (BPA) increased its wholesale rate by 7.52 percent (7.52%), effective October 1, 2013, through September 30, 2015. Cress advised the City's budgetary impact to wholesale power costs is 3.79 percent (3.79%), noting the City is able to absorb the difference in the BPA rate increase. In conclusion of the above-noted staff report, Cress referenced Exhibit 1 (attached to resolution) outlining the proposed L&P rate schedules, excluding Green Power Rate, noting an average residential energy bill will increase by approximately \$2.29 per month.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2013-65.

Mayor Truax read Resolution No. 2013-65 by title.

**MOTION: Councilor Miller moved, seconded by Councilor Uhing, to adopt Resolution No. 2013-65 Adopting New Light and Power Electric Rate Schedules and Definitions and Descriptions, Effective November 1, 2013, and Repealing Resolution No. 2011-73.**

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing and explained hearing procedures.

**Written Testimony Received Prior to Public Hearing:**

No written testimony was received prior to the published deadline of October 14, 2013, 7:00 p.m.

**Proponents:**

No one testified and no other written comments were received.

**Opponents:**

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No one testified and no other written comments were received.

**Others:**

No one testified and no other written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

**Council Discussion:**

In response to Kidd's inquiry pertaining to publishing the legal notice, Ruggles affirmed the legal notice was published in the *NewsTimes* on Wednesday, October 9, 2013.

In response to Lowe's inquiry pertaining to 3.79 percent (3.79%) pass-through onto ratepayers, Cress explained electricity purchases represent only approximately 65 percent (65%) of the Light and Power budget, noting there are other revenue streams that help offset the BPA increase.

Council President Johnston added the City's Energy Assistance Program (CAPE) has funds available to help residents struggling to make their utility payments.

Mayor Truax advised the audience though it may seem Council is swiftly passing through the proposed rate increase; it is not something the Council does lightly when fees are raised, noting Forest Grove utility rates still remain one of the lowest in the region.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

**ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.**

**7. A. RESOLUTION NO. 2013-66 ADOPTING SALARY RANGE FOR THE POSITION OF SENIOR MANAGEMENT ANALYST**

**Staff Report:**

Downey presented the above-proposed resolution requesting to adopt

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the new salary range for the newly-established position of Senior Management Analyst, noting the new position will replace the position of Administrative Services Assistant Director held by Susan Cole who recently resigned. Downey reported staff is recommending a non-represented salary range for \$5,178 to \$6,609 per month, noting the reclassification of the position to a lower salary range will initially save the City approximately \$39,000 per year.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2013-66.

Mayor Truax read Resolution No. 2013-66 by title.

**MOTION: Councilor Miller moved, seconded by Councilor Uhing, to adopt Resolution No. 2013-66 Adopting Salary Range for the Position of Senior Management Analyst.**

**Council Discussion:**

In response to Thompson's inquiry pertaining to advertising the position, Downey advised staff would like to publish notice tomorrow, October 15, 2013, if the resolution is adopted, so the position can be filled as soon as possible.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

**ROLL CALL VOTE: AYES: Councilors Johnston, Kidd, Lowe, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.**

**8. CITY MANAGER'S REPORT:**

Downey distributed a copy of the City Manager's Report, dated October 14, 2013, to Council, which outlined various calendar updates, meetings the City Manager attended, and provided updates on various City department-related activities, projects, and upcoming city-wide events.

**9. COUNCIL COMMUNICATIONS:**

Council President Johnston reported on Forest Grove Rural Fire Protection District-related meeting and Washington County Public Safety Coordinating Committee-related meeting. In addition, Johnston reported

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on other matters of interest and upcoming meetings he was planning to attend.

Kidd reported Historic Landmarks Board (HLB) rescheduled their next meeting to October 29, 2013, noting HLB had two resignations recently (refer to Consent Agenda) and having a quorum present may be difficult. Kidd reported on the upcoming Nyuzen Student Delegation Visit, which is scheduled for October 31 through November 4, 2013. Kidd noted he learned a lot at the Council/Department Directors' Training, which was held November 8, 2013. In addition, Kidd reported on other matters of interest and upcoming meetings he was planning to attend.

Lowe reported on Joint Water Commission-related activities; Fernhill Wetlands Annual Birds and Brew event; and reported on her visit as part of the Adult Delegation visit to Nyuzen, Japan. In addition, Lowe reported on other matters of interest and upcoming meetings she was planning to attend.

Miller reported on Public Arts Commission-related activities; gave Kudos to Fire Department personnel for their assistance during the Corn Roast event; and reported on her visit as part of the Adult Delegation visit to Nyuzen, Japan. In addition, Miller reported on other matters of interest and upcoming community-related events and meetings she was planning to attend.

Thompson reported on Community Forestry Commission-related activities; Forest Grove Senior and Community Center (FGSCC)-related activities, noting the Mayor's Ball will be held Saturday, October 19, 2013, 6pm, FGSCC. Thompson also provided an update on the Ride Connection's Community Transit Service. In addition, Thompson reported on other matters of interest and upcoming community-related events and meetings he was planning to attend.

Uhing reported on Economic Development Commission-related meeting; reported attending the Fire Department Open House; and reported attending the Council/Department Directors' Training, which was held November 8, 2013, noting she would like to discuss some of the topics heard at the training perhaps at the next Council Retreat. In addition, Uhing reported on other matters of interest and upcoming meetings she was planning to attend.

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Mayor Truax announced dates of various upcoming activities and meetings as noted in the Council Calendar. Mayor Truax reported on Boards, Committees, and Commissions (B&C)-related matters, advising Council if the Sustainability Commission is established, he would like staff to schedule the interviews as a separate work session. Mayor Truax reported on the Adult Delegation visit to Nyuzen, Japan, and expressed his gratitude and appreciation to Nyuzen for hosting the delegation. In addition, Mayor Truax reported on various local, regional, Metro, and Washington County meetings he attended and upcoming meetings and community-related events he was planning to attend.

**10. ADJOURNMENT:**

Mayor Truax adjourned the meeting at 9:05 p.m.

Respectfully submitted,



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Anna D. Ruggles, CMC, City Recorder