

**FOREST GROVE CITY COUNCIL REGULAR MEETING
AUGUST 11, 2014 – 7:00 P.M.
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***Minutes are unofficial until approved by Council.
Council approved minutes as presented September 8, 2014.***

1. ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:02 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Camille Miller; Ronald Thompson; and Mayor Peter Truax. **COUNCIL ABSENT:** Elena Uhing, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; George Cress, Light and Power Director; Jon Holan, Community Development Director; Michael Kinkade, Fire Chief; Mike Herb, Police Captain; Dave Nemeyer, Fire Marshal/Division Chief; Dan Riordan, Senior Planner; and Anna Ruggles, City Recorder.

1. A. PROCLAMATION:

Mayor Truax publicly read the Proclamation declaring Friday, August 22, 2014, as Fill-The-Boot Day in Forest Grove. Fire Chief Kinkade accepted the proclamation on behalf of the Fire Department, noting the Forest Grove firefighters and paramedics raised nearly \$4,000 in 2013.

2. CITIZEN COMMUNICATIONS:

Dale Feik, Lavina Drive, Forest Grove, addressed Council pertaining to health concerns caused by toxic air emissions.

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 (Backyard Burning) Meeting Minutes of June 23, 2014.
- B. Approve City Council Work Session (Fire Services Partnership Study) Meeting Minutes of June 23, 2014.
- C. Approve City Council Regular Meeting Minutes of June 23, 2014.
- D. Accept Community Forestry Commission Meeting Minutes

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of May 21, 2014.

- E. Accept Economic Development Commission Meeting Minutes of March 6, April 3, and May 1, 2014.
- F. Accept Historic Landmarks Board Meeting Minutes of May 27 and June 24, 2014.
- G. Accept Library Commission Meeting Minutes of July 14, 2014.
- H. Accept Parks and Recreation Commission Meeting Minutes of June 18, 2014.
- I. Accept Public Arts Commission Meeting Minutes of April 10, May 8 and June 12, 2014.
- J. Accept Planning Commission Meeting Minutes of June 2, 2014.
- K. Public Safety Advisory Commission Updates: Fire Chief's Report for May 24 – June 20, 2014, and Police Chief's Report for June 2014.
- L. Community Development Department Monthly Building Activity Informational Report for June 2014.
- M. Library Department Monthly Circulation Statistics Report for June and July 2014.
- N. **RESOLUTION NO. 2014-64 MAKING APPOINTMENT TO SUSTAINABILITY ADVISORY COMMISSION (Appointing Diane Taniguchi-Dennis, Primary, and Mark Poling, Alternate, Voting Member, Representing Clean Water Services, Term Expiring December 31, 2015).**
- O. Endorse New Liquor License Application (Limited On-Premises Sales) for Dickey's BBQ, 2036 Main Street, Suite B (Applicant: George Womack).

MOTION: Councilor Kidd moved, seconded by Councilor Lowe, to approve the Consent Agenda as presented. Absent: Councilor Uhing. MOTION CARRIED 6-0 by voice vote.

4. **ADDITIONS/DELETIONS:** None.

5. **PRESENTATIONS:**

Metro Quarterly Exchange Update:

Kathryn Harrington, Metro Councilor District 4, presented a PowerPoint presentation highlighting District 4 Quarterly Exchange Report.

Harrington reported on Metro's natural areas restoration; land use and transportation; Climate Smart Communities; solid waste and recycling;

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visitor venue updates; and distributed various handouts titled: Our Big Backyard; 2014 Urban Growth Report Draft; Nature in Neighborhoods Capital Grants 2014; Advancing Equity at Metro; Let's Talk Trash; and Metro's Venues and Parks. In conclusion of the above-noted presentation, Harrington addressed Council comments pertaining to Climate Smart Communities, solid waste and plasma burning.

5. B. Water Treatment Plant Filter Repair Update

Foster presented a PowerPoint presentation highlighting filter repair work occurring at the City's Water Treatment Plant (WTP), noting the east filter at the plant is leaking and has steadily become worse requiring the City to investigate the source of the leak and make necessary repairs. Foster reported the estimated repair work will range from \$60,000 to \$300,000 depending on the location of the leak and amount of excavation and necessary work to gain access. Foster advised the City has budgeted \$100,000 in Fiscal Year 2014-15 for the WTP repair project, noting it may be necessary to utilize contingency funds in order to complete the project. In conclusion of the above-noted presentation, Foster addressed Council comments, noting staff will keep Council informed of the status of the project as it proceeds forward.

6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2014-08 AMENDING FOREST GROVE CODE CHAPTER 5, PUBLIC PROTECTION OFFENSES, BY ADDING NEW CODE SECTION 5.655, TITLED "OPEN BURNING", AND ADDING NEW CODE SECTION 5.660, TITLED "VIOLATIONS AND PENALTIES"

Staff Report:

Fire Chief Kinkade and Division Chief Nemeyer presented the above-noted ordinance (Attachment A) for first reading requesting to amend City Code by adding new Code Section 5.655, titled Open Burning, and adding new Code Section 5.660, titled Violations and Penalties (Exhibit 1), noting based on Council work sessions that began in 2010, staff is proposing a modified burn ban, eliminating the fall open burn season, between October 1 and December 15, and maintaining the spring open burn season, between March 1 and June 15. Kinkade reported the proposed code would allow residents to burn yard debris and natural vegetation during the spring season in compliance with the Oregon Department of Environmental Quality (DEQ) and would not apply to recreational, ceremonial and cooking fires, as well as permitted agricultural fires. In conclusion of the above-noted staff report, Kinkade

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reported the proposed code also grants enforcement authority to the City, setting a minimum fine of \$100 and a maximum fine of \$250 per violation.

Questions of Staff:

In response to Kidd's inquiry pertaining to spring versus fall burning, Kinkade explained there are more burn days in the spring than in the fall and spring burning allows greater dispersion of smoke, noting more backyard debris is also generated and accumulated during winter months. Sykes added spring season also seemed be the greatest need for the community, because there is an abundance of fruit trees. Kinkade added the proposed code would provide better communication to the community by having one burn season instead of citizens having to call into the station asking if it is a burn day. Kinkade also pointed out a correctly monitored backyard burn does not present a high security danger, noting burning practices have a minimal effect as far as a fire safety concern.

Council President Johnston indicated he has heard much discussion on the proposed code, noting the Public Safety Advisory Commission reviewed the proposal at its meetings as well. Johnston spoke about the need to improve air quality and sustainability, noting the City needs to look at adding other incentive programs in addition to the leaf pickup program.

Lowe stressed it is imperative the City implement laws to improve air quality and air pollution discharges, noting the City needs to work toward getting rid of waste in a sustainable way, i.e., setting up recycling areas and reusable use of woody debris for trails. Lowe indicated though she respects staff's work; all the discussion Council has had; and all programs the City has done to move towards sustainability, she can only vote for Option 1, an outright ban on all burning within the City limits, pointing out a total burn ban is also the easiest for the City to enforce.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2014-08.

Sykes read Ordinance No. 2014-08 by title for first reading.

MOTION: Councilor Kidd moved, seconded by Councilor Miller, to adopt Ordinance No. 2014-08 Amending Forest Grove Code Chapter

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5, Public Protection Offenses, by Adding New Code Section 5.655, Titled “Open Burning”, and Adding New Code Section 5.660, Titled “Violations And Penalties”.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

No written testimony was received prior to the published deadline of August 11, 2014, 7:00 p.m.

Proponents:

No one testified and no written comments were received.

Opponents:

David Cobbley, Hoodview Drive, Forest Grove, testified in opposition of banning the fall burning season, urging Council to take into consideration residents who have large properties or who live in rural areas in the city or on the edges of the city limits. Cobbley stated the City is taking away the only tool he has to dispose of significantly large amounts of yard waste that his 3-acre property accumulates from trees, noting it is not practical or affordable to pay to disposal of large amounts of yard debris.

John Hayes, 15th Avenue, Forest Grove, submitted written testimony and testified in opposition, urging Council to consider enacting a complete ban on backyard burning and protecting human health. Hayes stated burning yard debris and trash spread noxious chemicals that have adverse effects on citizens.

Dale Feik, Lavina Drive, Forest Grove, testified in opposition, urging Council to consider enacting a complete ban on backyard burning and protecting human health. Feik also urged Council to consider requiring air toxic permits for all new business.

Ray Venghaus, A Street, Forest Grove, signed-in as an opponent and stated he has a large back yard and currently has piles of yard debris to burn, noting unless other cities in Washington County have similar ordinances, it makes sense for Forest Grove to join, but if not, Forest Grove’s ordinance will only cause a lot of confusion and mixed messages due to different regulations.

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No one else testified and no written comments were received.

Others:

Ron Thompson, C Street, Forest Grove, addressed Council, urging Council to consider extending the effective date of the proposed code ordinance to begin next spring, noting he is not opposed to the burn ban, but he needs sufficient time as he has a large property and many trees and already has significant accumulation.

Rex Brown, Cedar Street, Forest Grove, addressed Council, suggesting Council consider providing free vouchers for residents for yard debris recycling, noting spring and summer is when recycling bins are most often used.

No one else testified and no written comments were received.

Council Discussion:

In response to Thompson's inquiry pertaining to adjacent jurisdiction's regulations, Nemeyer advised Cornelius complies with DEQ regulations and DEQ has a burn ban that begins east of Aloha to Milwaukie. In response to Thompson's inquiry pertaining to considering a permit process for larger parcels, Kinkade explained the ordinance as written does not allow for a permit process; however, Council could make a motion to amend the proposed ordinance.

In response to Council President Johnston's inquiry pertaining to specific code regulation, Kinkade indicated the proposed code regulation applies to yard debris from the property where burning is occurring, noting yard debris cannot be brought onto the property and be burned, i.e., from a landscaping business.

Miller responded to testimony heard and recommended Council consider extending the effective date if the ordinance is adopted, noting 30 days does not give citizens a lot of prep time.

Mayor Truax indicated this decision is not the easiest, nor the most difficult that Council has had to make, but it will require a great deal of discussion.

Public Hearing Recessed:

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Mayor Truax recessed the Public Hearing until the next Council meeting of Monday, September 8, 2014.

7. RESOLUTION NO. 2014-65 AMENDING THE FOREST GROVE COMMITTEE FOR CITIZEN INVOLVEMENT (CCI) BYLAWS AND TERMS OF OFFICE; AMENDING RESOLUTION NO. 1993-07 AND RESOLUTION NO. 2002-56

Staff Report:

Holan presented the above-proposed resolution for Council consideration, noting the proposed resolution is requesting to amend the Committee for Citizen Involvement's (CCI) Bylaws. Holan reported the proposal was initiated by CCI, who voted at two consecutive meetings as required by CCI's Bylaws, to amend its Bylaws to allow officers to be elected in January of each year, instead of July, and to allow appointment of members to expire on January 31st, instead of December 31st. In conclusion of the above-noted report, Holan recommended approving the proposed resolution to allow CCI to appoint its officers and terms of office to end after the Annual Town Meeting, noting the ATM is normally held the last weekend in January of each year.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-65.

Sykes read Resolution No. 2014-65 by title.

MOTION: Councilor Kidd moved, seconded by Councilor Miller, to adopt Resolution No. 2014-65 Amending the Forest Grove Committee for Citizen Involvement (CCI) Bylaws and Terms of Office; Amending Resolution No. 1993-07 and Resolution No. 2002-56.

Council Discussion:

Hearing no 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, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

8. RESOLUTION NO. 2014-66 AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT

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**(IGA) BETWEEN THE CITY OF FOREST GROVE AND URBAN RENEWAL
AGENCY FOR THE PROVISION OF ADMINISTRATIVE AND
DEVELOPMENT SERVICES**

Staff Report:

Holan and Riordan presented the above-proposed resolution for Council consideration, noting the proposed resolution is requesting to authorize the Mayor and City Manager to execute a 10-year Intergovernmental Agreement (IGA), between the City and the Urban Renewal Agency (URA), for the provisions of administrative and development services to administer costs related to the Urban Renewal Plan. In conclusion of the above-noted staff report, Holan recommended approving the proposed resolution, noting the URA board met earlier this evening and approved the IGA.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-66.

Sykes read Resolution No. 2014-66 by title.

MOTION: Councilor Kidd moved, seconded by Councilor Miller, to adopted Resolution No. 2014-66 Authorizing the Mayor and City Manager to Execute an Intergovernmental Agreement (IGA) between the City of Forest Grove and Urban Renewal Agency for the Provision of Administrative and Development Services.

Council Discussion:

Hearing no 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, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing. MOTION CARRIED 6-0.

**9. RESOLUTION NO. 2014-67 OF THE CITY OF FOREST GROVE, OREGON,
DECLARING ITS INTENTION TO REIMBURSE EXPENDITURES FROM
PROCEEDS OF TAX EXEMPT OBLIGATIONS**

Staff Report:

Downey and Cress presented the above-proposed resolution for Council consideration, noting the City's bond counsel prepared the proposed

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resolution, with a maximum principal amount of obligations of \$3,500,000, for declaring the City's intent before actual debt could be issued. Downey reported the City is replacing two substation transformers at Forest Grove substation and one substation transformer at Thatcher substation, noting the City is anticipating having to issue debt to complete the projects but has yet to determine an amount or date of financing. Downey advised the projects would cost approximately \$3.5 million, excluding costs of issuing debt, noting the City plans to use accumulated reserves before issuing any debt. In addition, Downey reported staff is working with consultants on a light and power cost-of-service study that is designed to review the costs of operating the electric system, allocate those costs by customer class, and review the rates charged to customers, noting part of the study is also reviewing the department's ability to cash flow the project to determine how much, if any, of the project should be paid out using reserves, and how much, if any, should be financed. In conclusion of the above-noted report, Downey recommended approving the proposed resolution to allow the City to include prior authorized expenses in a future debt issuance, noting staff will present the results of the cost study to Council in work session on September 22, 2014.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2014-67.

Sykes read Resolution No. 2014-67 by title.

MOTION: Councilor Lowe moved, seconded by Councilor Thompson, to approve Resolution No. 2014-67 of the City of Forest Grove, Oregon, Declaring its Intention to Reimburse Expenditures from Proceeds of Tax Exempt Obligations.

Council Discussion:

In response to Kidd's concern pertaining to legal counsel, Downey reaffirmed the City's bond counsel prepared the resolution on the City's behalf.

Hearing 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, and Mayor Truax. NOES: None. ABSENT: Councilor

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Uhing. MOTION CARRIED 6-0.

Cress introduced Nyssa Rivera, Hatfield scholar intern, who is interning as an assistant for Light and Power Department and economic development.

10. CITY MANAGER'S REPORT:

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and community-wide events as noted in the City Manager's Report. Sykes commended Police Chief Schutz for her leadership, noting the Police Department personnel held a very successful event for National Night Out. Police Captain Herb showed a video highlighting the activities of National Night Out. Sykes commended Fire Chief Kinkade for his leadership, noting the Fire Department sent crews, as part of the Governor's Conflagration Act, to a fire incident near Rowena. In addition, Sykes distributed a copy of his written report, which outlined various meetings he attended and provided updates on various City department-related activities, projects, and upcoming city-wide events.

11. COUNCIL COMMUNICATIONS:

Council President Johnston reported on Public Safety Advisory Commission (PSAC)-related activities. In addition, Johnston reported on other matters of interest and upcoming meetings he was planning to attend.

Kidd reported on Historic Landmarks Board (HLB)-related activities, noting HLB updated its website and published a newsletter. In addition, Kidd reported on other matters of interest and upcoming meetings he was planning to attend.

Lowe reported the Aquatic Center would be closed for maintenance from August 25 through September 14, 2014. In addition, Lowe reported on other matters of interest and upcoming meetings she was planning to attend.

Miller commended Parks and Recreation crews for making the City look great. Miller reported on Public Arts Commission (PAC)-related activities, noting the PAC will be hosting a Meet The Artist Dinner on September 13, 2014, at her home. In addition, Miller reported on matters of community interest and upcoming meetings she was planning to attend.

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Thompson reported on Ride Connection and Forest Grove Senior and Community Center-related activities. In addition, Thompson reported on other matters of interest and upcoming meetings he was planning to attend.

Uhing was absent.

Mayor Truax announced dates of various upcoming activities and meetings as noted in the Council Calendar. Mayor Truax congratulated Raean Johnston, noting Johnston was hired as the new Forest Grove Senior and Community Center Executive Director. Mayor Truax distributed a copy of the League of Oregon Cities' 2015 legislative priorities: 1) transportation; 2) right-of-way management; 3) medical marijuana dispensaries; 4) property tax reform; and 5) mental health services, noting the City is hosting City Hall Week on September 11, 2014, 6pm, Community Auditorium. In addition, Mayor Truax reported on other various local, regional, Metro, and Washington County meetings he attended and community-related events he was planning to attend.

12. ADJOURNMENT:

Mayor Truax adjourned the meeting at 9:35 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder